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CONGRESSIONAL RECORD.

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

FORTY-THIRD CONGRESS, FIRST SESSION.

IN SIX PARTS, WITH AN INDEX.

VOLUME II.

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CONGRESSIONAL RECORD AND APPENDIX.

FORTY-THIRD CONGRESS, FIRST SESSION.

PART IV.

CONGRESSIONAL RECORD.

[From April 11, 1874, to May 19, 1874.]

INTERNATIONAL LAND AND IMMIGRATION COMPANY.

Mr. HERNDON, by unanimous consent, reported from the Committee on the Public Lands a bill (H. R. No. 2888) to incorporate the International Land and Immigration Company; which was read a first and second time, ordered to be printed, and recommitted not to be brought back on a motion to reconsider.

INDIAN DEPREDATIONS IN TEXAS.

Mr. GIDDINGS, by unanimous consent, from the Committee on Indian Affairs, reported a bill (H. R. No. 2889) to provide for ascertaining the amount of damages sustained by citizens of Texas from marauding bands of Indians and Mexicans upon the frontiers of Texas; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and ordered to be printed.

L'ANSE AND VIEUX DE SERT BANDS OF INDIANS.

Mr. RICHMOND, by unanimous consent, reported back with amendments, from the Committee on Indian Affairs, a bill (H. R. No. 1698) for the relief of the L'Anse and Vieux de Sert bands of Chippewa Indians, in the State of Michigan; which, with an accompanying report, was ordered to be printed, and recommitted, not to be brought back on a motion to reconsider.

IRRIGATION OF SAN JOACHIM AND SACRAMENTO VALLEYS.

Mr. PAGE, by unanimous consent, submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That there be printed for the use of the House of Representatives five thousand copies of the report of the commissioners on irrigation, appointed under the act of Congress entitled "An act to provide for a board of commissioners to report a system of irrigation for the San Joachim and Sacramento Valleys, California," approved March 3, 1873.

ALIENS AS ENGINEERS AND PILOTS.

Mr. CONGER. I ask unanimous consent to report with an amendment, from the Committee on Commerce, the bill (S. No. 580) to authorize the employment of certain aliens as engineers and pilots. There is necessity for prompt action upon the subject.

The bill was read. It provides that any alien who in the manner provided for by law has declared his intention to become a citizen of the United States may be licensed, as if already naturalized, to serve as an engineer or pilot upon any steam-vessel, subject to inspection under the provisions of the act entitled "An act to provide for the better security of life on board of vessels propelled in whole or in part by steam, and for other purposes," approved February 28, 1871.

The amendment recommended by the committee was read, as follows:

At the end of the second line of the bill insert, after the words "become a citizen of the United States," the words "and who shall have been a permanent resident of the United States for at least six months immediately prior to the granting of such license."

Mr. MERRIAM. Does this bill interfere with the pilotage laws of the State of New York as they now exist?

Mr. CONGER. It does not interfere with the pilotage laws of any State. It is an amendment of a law which expressly excepts the pilotage laws of that State from its operation.

Mr. MERRIAM. Then I do not object.

Mr. COX. Has this bill been approved by a majority of the committee?

Mr. CONGER. I think it was passed unanimously by the committee, though there may have been one or two members dissenting.

Mr. COX. At whose suggestion is the measure brought forward?

Mr. CONGER. I cannot tell.

Mr. BROMBERG. I do not object to the bill, but I wish to record my objection to the amendment.

Mr. CONGER. I wish to say that all the vessels on the frontier are now being fitted out with their pilots. Unless this bill be passed as now presented citizens of Western States will, under a construction of the Secretary of the Treasury, be deprived——

Mr. BUTLER, of Massachusetts. If this is to be debated I call for the regular order.

Mr. COX. I think there can be no objection to the bill. It appears to be a perfectly safe measure.

The amendment reported by the committee was agreed to.

The bill, as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. CONGER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BUTLER, of Massachusetts. I call for the regular order.

The SPEAKER. The regular order being called for, the morning hour now begins at seventeen minutes past twelve o'clock. The committees will be called for reports of a private nature.

KENTUCKY ELECTION CASE.

Mr. CROSSLAND. I rise to a question of privilege. I call up the report of the Committee on Elections on the case of Mr. JOHN D. YOUNG.

The resolution reported by the committee was read as follows:

Resolved, That JOHN D. YOUNG, sitting member, was duly elected a Representative in the Forty-third Congress from the tenth congressional district of Kentucky, and is entitled to his seat.

The resolution was adopted.

Mr. CROSSLAND moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed, without amendment, the bill (H. R. No. 1600) directing the Secretary of the Treasury to issue an American register to the English-built brig Hattie Eaton.

MRS. ANNE M. ENGLISH.

Mr. HAZELTON, of Wisconsin, from the Committee on War Claims, reported back adversely the memorial of Mrs. Anne M. English; and the same was laid on the table, and the accompanying report ordered to be printed.

WILLIAM J. BLACKISTONE.

Mr. BURROWS, from the Committee on Claims, reported back, with the recommendation that it do pass, the bill (H. R. No. 554) for the relief of William J. Blackistone, of Saint Mary's County, Maryland; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

DABNEY WALKER.

Mr. HOWE, from the Committee on Claims, reported a bill (H. R. No. 2890) for the relief of Dabney Walker; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

A. G. COLLINS.

Mr. HOWE also, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 1272) for the relief of A. G. Collins; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

MRS. LOUISA ELLIS.

Mr. KELLOGG, from the Committee on War Claims, reported a bill (H. R. No. 2891) for the relief of Mrs. Louisa Ellis, of Sandusky, Ohio; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

SILOMA DECK.

Mr. AVERILL, from the Committee on Indian Affairs, reported back, with the recommendation that it do pass, the bill (S. No. 192) for the relief of Siloma Deck.

The bill authorizes the Secretary of the Treasury to audit and settle losses sustained by Mrs. Siloma Deck in the year 1862, by depredations committed by the Sioux Indians in Minnesota, and to pay from any money in the Treasury not otherwise appropriated the sum of $1,095.37, which settlement shall be in full for all claims arising from such depredations.

Mr. SPEER. Will the gentleman give the House an explanation of this bill?

Mr. AVERILL. The bill provides for the payment for losses of a claimant in Minnesota; losses which took place in 1862, during the Indian outbreak. It will be remembered that in 1863 Congress authorized the appointment of a commission to go to Minnesota and to examine all claims arising from Indian depredations. This claimant, a poor but most worthy German woman, whose husband had been killed, went from Minnesota immediately after her misfortunes, being poor, having nothing left. The Indians had destroyed the entire amount of her property. She went to New York, and being unable to speak the English language, did not know of the law that was passed by Congress authorizing the adjustment of these claims. Hence she was shut out entirely.

I desire to say, Mr. Speaker, that this bill does not in any manner commit the House on the subject of Indian depredations. It is simply to remove the bar of limitations of the statutes that this woman may avail herself of the same rights that were granted to others under similar circumstances.

Mr. SPEER. That is what I wanted to know.

Mr. HAWLEY, of Illinois. I should like a further explanation of the effect of this bill if passed. As I understand it, a general law was passed applying to a large number of persons, and this claimant was shut out by reason of the statute of limitations.

Mr. AVERILL. The gentleman will remember the great Indian outbreak of 1862. I presume it is needless for me to enter into details in regard to that.

Mr. HAWLEY, of Illinois. That the gentleman may apprehend my point, let me ask a further question. Does he state that a general law was passed for the relief of a great many persons and that this claimant was deprived of her right simply in consequence of her absence from the State? Is that all there is of it?

Mr. AVERILL. That is all.

Mr. GARFIELD. She would have got relief, as I understand the gentleman, under the general law, if she had been in Minnesota.

Mr. AVERILL. Yes, sir; without doubt.

Mr. GARFIELD. And it is now simply a question of removing the bar of the statute of limitations.

Mr. AVERILL. Certainly.

Mr. GARFIELD. And this does not commit us to reopen these claims except so far as this person is concerned.

Mr. AVERILL. It does not. And it may not be improper to add, in regard to that general law, that Congress authorized an appropriation of something like $1,100,000 to be paid out of any moneys due to these Indians by the Government, which had been confiscated—one sum of about $3,000,000 of moneys received for lands sold by the Indians to the Government, and another sum of $3,000,000 of annuities on which they were receiving interest. This amount was all deducted from their annuities and moneys funded; so that it did not, in fact, take any money from the Treasury of the United States.

Mr. SPEER. I understand that this lady failed to avail herself of the benefits of the general law through ignorance of its provisions.

Mr. AVERILL. Through ignorance, and because it was impossible, she being in New York at the time. I will add further, for the information of the House, that there is not, to the extent of my knowledge, another case of this kind in the State of Minnesota.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. AVERILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORTS FROM THE COMMITTEE ON MILITARY AFFAIRS.

Mr COBURN, from the Committee on Military Affairs, reported a bill (H. R. No. 2892) for the relief of Thomas Simms, late a lieutenant in the Seventy-sixth New York Volunteers; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. COBURN, from the same committee, reported back, with an amendment in the nature of a substitute, the bill (S. No. 347) granting a portion of the United States military reservation at Salt Lake City for cemetery purposes.

The substitute was read, as follows:

That the Secretary of War be, and he is hereby, authorized to set apart a tract of land, not exceeding twenty acres in extent, in the United States military reservation of Camp Douglas, near Salt Lake City, in the Territory of Utah, to be used as a public cemetery, under such rules and regulations as he shall establish for the protection, care, and management of such cemetery. And he shall cause the same to be laid off and platted in convenient and suitable lots, which shall be forever devoted for the purpose of the burial of the dead. And he may set apart forever to each of the religious denominations organized in Salt Lake City which shall file with him proof of their organization a lot not to exceed one acre in size, and of convenient shape, which such denominations may inclose and ornament as they see fit, to be used for the purposes of burial; and two acres shall be reserved as a potter's field, or common burying-ground, which may be inclosed and ornamented by the authority of the said city.

Mr. SPEER. Is not that a public bill?

The SPEAKER. It is not.

Mr. PELHAM. I raise the point of order that that bill makes an appropriation of public property, and must have its first consideration in Committee of the Whole. If the cremation process, of which we hear so much, shall be adopted, it will render it unnecessary to make any appropriation for cemetery purposes.

The SPEAKER. The gentleman from Alabama raises the point of order that the bill appropriates public property, and must have its first consideration in Committee of the Whole. The Chair sustains the point made by the gentleman, and the bill is referred to the Committee of the Whole on the Private Calendar.

Mr. YOUNG, of Georgia, from the same committee, reported adversely on the petition or William Carl, musician Fourth Regiment Michigan Infantry Volunteers, for correction of his record; and the same was laid upon the table, and the report ordered to be printed.

Mr. DONNAN, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 2412) for the relief of Sheridan O. Bremmer, late a private of Company E, Eighteenth Regiment Wisconsin Volunteers; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

Mr. DONNAN also, from the same committee, reported a bill (H. R. No. 2893) for the relief of F. O. Wyse; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. MACDOUGALL, from the same committee, reported a bill (H. R. No. 2894) for therelief of Amanda M. Smyth, widow of the late Brevet Major-General Thomas A. Smyth; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

NATHAN COLE.

Mr. ALBRIGHT. I am instructed by the Committee on Military Affairs to report back the bill (S. No. 379) for the relief of Nathan Cole, late captain Twenty-third Regiment Veteran Reserve Corps, and to ask its consideration now.

The bill was read for information. It proposes to authorize the proper accounting officers of the Treasury to credit Nathan Cole, late captain and brevet major of the Twenty-third Regiment Veteran Reserve Corps, in the settlement of his accounts with the United States, with the sum of $120.80, the said sum having been collected by him while acting as agent of the Bureau of Refugees, Freedmen, and Abandoned Lands at Lewisville, Arkansas, in 1867, and lost in transmission to the proper receiving and disbursing officer at Little Rock.

Mr. SPEER. I do not wish to raise the point of order on that bill, but I request the gentleman who has charge of it to make an explanation to the House.

Mr. HOLMAN. I think it better that bills of this character should go to the Committee of the Whole at once.

The SPEAKER. The Chair, as the gentleman from Indiana will observe, instead of waiting for the point of order to be made on private bills, now thinks that the laboring oar should be on the other shoulder, and asks unanimous consent to have them considered in the House, so that the rule will be that a private bill shall go to the Committee of the Whole, and unanimous consent to have it considered in the House must be distinctly given. That, the Chair thinks, is the fair way of dealing with the matter.

The bill was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

PRIVATE LAND CLAIMS IN MISSOURI.

Mr. BUCKNER. I am directed by the Committee on Private Land Claims to report a bill obviating the necessity for issuing patents for certain private land claims in the State of Missouri, and for other purposes.

Mr. WILLARD, of Vermont. Is that a private bill?

Mr. BUCKNER. The object of the bill is merely to confirm rights already granted by the United States to public lands; it does not affect the rights of the Government in any way.

The SPEAKER. The point of order is not that the bill makes an appropriation of property, but that it is not a private bill.

Mr. BUCKNER. It affects private parties alone.

The SPEAKER. But it affects a whole class of private parties, all who live in the State of Missouri of this character.

Mr. BUCKNER. That is true.

The SPEAKER. Under the rules it is not a private bill, and not in order under this call.

Mr. WILLARD, of Vermont. I am willing that the bill shall go to the Committee of the Whole.

The SPEAKER. It could not go the Committee of the Whole on the Private Calendar.

Mr. WILLARD, of Vermont. Let it go on the other calendar.

The SPEAKER. Under the point of order the bill will be returned to the gentleman from Missouri, [Mr. BUCKNER,] and it can be reported in order under the public call.

Mr. BUCKNER. I ask that the bill and accompanying report be printed and recommitted.

The SPEAKER. That can be done by unanimous consent, not to be brought back upon a motion to reconsider.

No objection was made; and the bill (H. R. No. 2895) was accordingly received, read a first and second time, and, with the accompanying report, ordered to be printed, and recommitted to the Committee on Private Land Claims.

ROBERT PLATT.

Mr. SCUDDER, of New York, from the Committee on Naval Affairs, reported a bill (H. R. No. 2896) to authorize the President to appoint Acting Master Robert Platt an acting lieutenant in the Navy of the United States; which was read a first and second time.

Mr. SCUDDER, of New York. I ask that this bill may be considered now.

Mr. HOLMAN. I think it should go to the Committee of the Whole on the Private Calendar.

The SPEAKER. It will be so referred.

GEORGE HENRY PREBLE.

Mr. GOOCH, from the Committee on Naval Affairs, reported a bill (H. R. No. 2897) authorizing the President to appoint George Henry Preble, now a captain on the active list of the Navy, to be a commodore; which was read a first and second time.

The bill authorizes the President to nominate, and by and with the advice and consent of the Senate to appoint, George Henry Preble, now a captain on the active list of the Navy, to be a commodore on the active list of the Navy, next below Commodore Edward Donaldson, being the same relative position on the Navy Register occupied by him for thirty-one years until the promotion, in 1866.

Mr. GOOCH. I ask unanimous consent that this bill may be considered now in the House.

Mr. HOLMAN. I think it would be unjust to make any discriminations; all these bills should first be considered in Committee of the Whole.

The SPEAKER. Objection being made, the bill will be referred to the Committee of the Whole on the Private Calendar.

HENRY C. CAREY.

Mr. ORTH, from the Committee on Foreign Affairs, reported back, with a recommendation that the same do pass, the bill (S. No. 259) to authorize the proper accounting officers of the Treasury to settle with Henry C. Carey; which was referred to the Committee of the Whole on the Private Calendar.

WILLIAM B. WEST.

Mr. WARD, of New Jersey, from the same committee, reported adversely upon the bill (H. No 401) for the relief of William B. West, late

United States consul at Dublin; which was laid upon the table, and the report accompanying the same ordered to be printed.

J. & W. R. WING.

Mr. WARD, of New Jersey, from the same committee, also reported a bill (H. R. No. 2898) for the relief of J. & W. R. Wing, of New Bedford, Massachusetts; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and ordered to be printed.

HARRIETTE A. WOODRUFF.

Mr. RUSK, from the Committee on Invalid Pensions, reported a bill (H. R. No. 2899) granting a pension to Harriette A. Woodruff, mother of Eugene A. Woodruff, late lieutenant in the Corps of Engineers; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the report accompanying the same, ordered to be printed.

JOSEPHINE D. THOMAS.

Mr. RUSK also, from the same committee, reported a bill (H. R. No. 2900) granting a pension to Josephine D. Thomas; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the report accompanying the same, ordered to be printed.

WILLIAM ROOD.

Mr. RUSK also, from the same committee, reported back the bill (S. No. 245) for the relief of William Rood, late private Thirty-sixth Regiment Wisconsin Volunteers, and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Military Affairs.

The motion was agreed to.

MARY E. NAYLOR.

Mr. MARTIN, from the same committee, reported back, with a recommendation that the same do pass, the bill (S. No. 567) granting a pension to Mary E. Naylor, widow of Osborn Naylor, late a private in Company C, Second Kansas Volunteers; which was referred to the Committee of the Whole on the Private Calendar.

EUGENE SMITH.

Mr. SMART, from the same committee, reported back, with a recommendation that the same do pass, the bill (S. No. 539) granting a pension to Eugene Smith; which was referred to the Committee of the Whole on the Private Calendar.

JOHN HENDRIE.

Mr. THOMAS, of Virginia, from the same committee, reported a bill (H. R. No. 2901) granting a pension to John Hendrie, late a private in Company B, Seventeenth United States Infantry; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and with the accompanying report ordered to be printed.

ENROLLMENT AND LICENSE OF VESSELS.

Mr. CONGER. I ask unanimous consent to report back from the Committee on Commerce the bill (S. No. 191) to amend the act entitled "An act relating to the enrollment and license of certain vessels."

The bill was read. It provides that the provisions of the act relating to the enrollment and license of vessels navigating the western rivers and the waters on the northern, northeastern, and northwestern frontiers of the United States, otherwise than by sea, approved February 28, 1865, be extended to include all vessels of the United States navigating the waters of the United States.

Mr. CONGER. The provisions of the act to which this bill refers——

Mr. HOLMAN. This is a public bill, I believe?

Mr. CONGER. If the gentleman will hear my explanation, I think he will not object to the consideration of the bill now. The provisions of the act to which this bill refers simply authorize the enrollment of vessels wherever they may be when their enrollment runs out, though they be in other districts than those in which they are owned. The law now makes that provision with reference to vessels on our western rivers and on the lakes; but a vessel upon the sea-coast after wintering in a particular portion of the waters of the United States must, when requiring a new enrollment in the spring, return to the district in which it is owned. This sometimes causes great delay and expense. Without an enrollment, a vessel is liable to a fine, if engaged in navigation. The Committee on Commerce recommend the passage of this bill.

Mr. MAYNARD. I ask that the act referred to in the bill be read.

Mr. CONGER. I send the act to the desk. It is very short.

The SPEAKER. The right to object will be suspended until the act is read.

Mr. HOLMAN. I submit that this is a public bill, and should be reported upon the call of the committees for public business.

The SPEAKER. The committees have been called through to-day for private business; and the gentleman from Michigan [Mr. CONGER] asks ——

Mr. CONGER. My friend from Indiana [Mr. HOLMAN] was not present in the committee when this bill was acted on. Our only reason for asking its consideration now is that many vessels which have wintered away from the district in which they were enrolled and licensed must, under the existing law, to obtain a renewal, return to the district in which they were originally enrolled. This bill proposes to extend the existing law to vessels on our lakes and rivers, so that such vessels may be enrolled in the district where they may be at the time their enrollment runs out. It is in the interest of vessels on our Atlantic coast and in the Gulf. It is immaterial to me locally whether the House passes this bill or not; but if the act which it is proposed to extend be read, I think there will be no objection to the bill.

Mr. HALE, of Maine. I think that the gentleman had better let this bill go over, because it is an important matter and needs to be investigated.

Mr. CONGER. It is a very unimportant matter indeed, except to the owners of vessels which, under the existing law, are obliged to return to the district in which they are owned in order to obtain a new enrollment.

Mr. HALE, of Maine. At any rate the bill is a very decided innovation; and my experience here is that legislation affecting our navigation interests is apt to pass through without sufficient scrutiny, thus causing complaints afterward. I do not know that this bill is liable to objection; but for one, representing a district largely interested in matters of this kind, I would like time to examine the bill.

Mr. CONGER. I only desire to say that the movement in favor of this bill comes from the gentleman's own State; and if he feels disposed to defeat the bill——

Mr. HALE, of Maine. I do not feel disposed to defeat the bill, but to examine it.

Mr. MAYNARD. I ask that the act to which the bill refers may be read so as to go in the RECORD, that we may understand this whole matter when the bill comes up again.

The SPEAKER. If there be no objection the act will be read.

The Clerk read as follows:

Be it enacted, &c., That whenever it shall become necessary for the owner or owners of any vessel of the United States navigating the western rivers and the waters on the northern, northeastern, and northwestern frontiers of the United States otherwise than by sea, and being in a district other than that to which such vessel shall belong, to procure her enrollment and license, or license, or renewal thereof, the same proceedings may be had in the district in which the vessel then shall be, as are now or shall then be required by law on application for such enrollment and license, or license, or renewal thereof, as the case may be, in the district to which such vessel may belong, excepting the giving of bond and the enrollment and issuance of license; and the officer before whom such proceeding shall be had shall certify the same to the collector of the district to which such vessel shall belong, who shall thereupon, on the said owner or owners giving bond as required in other cases, duly enroll the said vessel and issue license in the same form as if the application had originally been made in his office; and either deliver the said license to said owner or owners or forward it by mail to the officer who certified to him the preliminary proceedings; and who shall, in such case, deliver the said license to the owner or owners or master of the vessel: *Provided*, That this act shall not be construed so as in any respect to change existing laws, excepting in so far as it enables such owners to procure enrollment or license, or removal thereof, without returning their vessels to their home ports or districts.

Approved February 28, 1865.

The SPEAKER. The Chair having concluded the call of committees for reports of a private nature, reports from committees of a public nature are in order during the remainder of the morning hour.

Mr. CONGER. Does the Chair understand that the objection to the consideration of the bill reported from the Committee on Commerce is still insisted on?

The SPEAKER. The Chair does not understand the gentleman from Indiana [Mr. HOLMAN] to have withdrawn his objection.

Mr. HOLMAN. I have not.

The SPEAKER. And the Chair desires to say that when a gentleman asks unanimous consent and another gentleman distinctly objects, the Chair should not be requested to ask again if there are objections, because the presumption is that if the gentleman who has made the objection desires to withdraw it he will rise and do so, while by inadvertence he might not observe the second call of the Chair and might complain that the Chair had not given effect to his objection. The Chair does not apply this remark to the gentleman from Michigan, [Mr. CONGER,] but it is a very common habit to ask the Chair to repeat the request for objections.

Mr. CONGER. The gentleman from Indiana being a member of the Committee on Commerce, I did not know but he might be satisfied with the explanations I had given.

Mr. HOLMAN. In objecting I simply exercised my right as a member of the House.

CHANGE OF REFERENCE.

Mr. PACKER. I was absent when the Committee on the Post-Office and Post-Roads was called. I ask that I may be allowed to make some reports from that committee.

There was no objection.

Mr. PACKER, from the Committee on the Post-Office and Post-Roads, reported back the following bills and petitions; and the committee was discharged from the further consideration of the same, and they were severally referred to the Committee on Claims:

The bill (H. R. No. 1361) for the relief of Charles W. Hatch;

The bill (H. R. No. 615) for the benefit of Philip N. Fox, of Mount Washington, Kentucky;

The bill (H. R. No. 2165) for the relief of Henry D. O'Brien, late postmaster at Saint Anthony's Falls, Minnesota;

The memorial of E. S. Zeveley;

The bill (H. R. No. 1860) for the relief of Samuel Grove, postmaster at Mexico, Missouri:

The petition of Buckman & Fogg, of New York City, contractors for carrying United States mails on route No. 6435, asking for increased allowance for such service;

The bill (H. R. No. 1278) for the relief of Mrs. Nancy Johnson, administratrix of Abraham Tipton, deceased, late postmaster at Elizabethton, Carter County, Tennessee;

The petition of Edward Hubbard, for the payment of claim for carrying United States mail;

The bill (H. R. No. 1455) for the relief J. C. Hannum, late postmaster of Delphi, Indiana;

The bill (H. R. No. 1362) for the relief of the sureties of Charles W. Hatch, late postmaster at Greensborough, Alabama; and

The bill (H. R. No. 1808) providing for the payment of the State of Georgia for carrying the United States mail in 1861.

Mr. RANDALL moved to reconsider the votes by which the above bills and petitions were severally referred to the Committee on Claims; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

POSTMASTERS' SALARIES, ETC.

Mr. PACKER also, from the Committee on the Post-Office and Post-Roads, presented a communication from the Post-Office Department, transmitting statistics in reference to postmasters' salaries, clerks, &c., at various post-offices in the United States; and moved that the same be recommitted to the same committee, and ordered to be printed.

The motion was agreed to.

JAMES R. YOUNG.

Mr. EATON, from the Committee on Claims, reported back, with the recommendation that it do pass, the bill (S. No. 470) for the relief of James R. Young; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The morning hour having nearly expired, it will be considered as ended now if there be no objection, instead of proceeding with the call of committees for public reports.

Mr. MAYNARD. I suggest that the House might take up at this point the special order and go on and finish it.

The SPEAKER. The gentleman from Tennessee [Mr. MAYNARD] asks that the special order, which comes up at half-past one o'clock, the currency bill, may be considered as before the House now.

Mr. HOOPER. I object. Some gentlemen who expected the special order to come up at half-past one o'clock are not in the House.

The SPEAKER. The gentleman from Massachusetts objects, and the reason he has given seems to the Chair a sufficient one.

CLERICAL FORCE IN THE WAR DEPARTMENT.

Mr. KELLOGG, by unanimous consent, introduced a bill (H. R. No. 2902) to limit and regulate the clerical force in the War Department; which was read a first and second time, referred to the Select Committee on Reform in the Civil Service, and ordered to be printed.

He also, by unanimous consent, introduced a bill (H. R. No. 2903) to limit and regulate the clerical force in the War Department; which was read a first and second time, referred to the Select Committee on Reform in the Civil Service, and ordered to be printed.

YELLOWSTONE PUBLIC PARK.

Mr. DUNNELL. I ask unanimous consent to report back from the Committee on the Public Lands, for present consideration, the bill (H. R. No. 2781) entitled "A bill amendatory of and supplemental to the act entitled 'An act to set apart a certain tract of land lying near the headwaters of the Yellowstone River as a public park,' approved March 1, 1872."

Mr. DAWES. I object.

CURRENCY.

Mr. COX. I ask unanimous consent to present concurrent resolutions of the Legislature of the State of New York and the message of Governor Dix in relation to the currency. I ask to have the message of Governor Dix read, and, with the concurrent resolutions, referred to the Committee on Banking and Currency, and ordered to be printed.

Several members objected to the reading of the message.

The message and the concurrent resolutions were referred to the Committee on Banking and Currency, and ordered to be printed.

AMANDA M. SMYTH.

Mr. O'BRIEN. The bill (H. R. No. 2894) for the relief of Amanda M. Smyth, widow of the late Brevet Major-General Thomas A. Smyth, was reported this morning from the Committee on Military Affairs and referred to the Committee of the Whole on the Private Calendar. I ask that the report of the Adjutant-General, which accompanies the report of the committee, be printed.

There was no objection, and it was so ordered.

ENROLLMENT AND LICENSE OF VESSELS.

Mr. BUTLER, of Massachusetts. I rise to make a privileged motion.

Mr. HOLMAN. I think there will be no objection to the Senate bill No. 191 to amend the act in relation to the enrollment and license of vessels, if the House thinks proper to consider it at this time. The gentleman from Michigan, [Mr. CONGER,] from the Committee on Commerce, desires to have it passed.

Mr. BUTLER, of Massachusetts. Very well, sir; I waive my motion.

Mr. CONGER. I ask leave to report from the Committee on Commerce for consideration the bill (S. No. 191) to amend the act entitled "An act relating to the enrollment and license of certain vessels."

The bill was again read.

Mr. HAWLEY, of Illinois. I hope the gentleman from Michigan will give some explanation of the necessity of this bill.

Mr. CONGER. I explained it just now, but the gentleman did not listen to me. The law, the provision of which is proposed to be extended, provides that on the western waters and on the lakes the owners of vessels which may be away from the place where they are owned at the time their annual enrollment expires may go before the collector of the district in which they are and get their enrollment papers for the coming year, having them sent back to the districts where they belong. That is all the provision of that law, and this bill extends it to other waters of the United States, the sea-coast, and the Gulf.

Mr. HALE, of Maine. I desire to ask the gentleman one question. It is provided in another law in relation to navigation that the mortgages upon vessels shall be recorded wherever the vessel is enrolled. Now, under this law is there any question as to the place of enrollment being at the home port; because there ought not to be any doubt about the mortgages being recorded at the home port, and there alone?

Mr. CONGER. I will answer the gentleman in a word. The law which I had read just now provides that when the enrollment is made in a foreign district it shall be sent at once for record to the district in which the vessel is owned, the same as if it had been executed there.

Mr. HALE, of Maine. I have no doubt about that; but is there any possibility that the port where the act of enrollment is done may also be deemed the port of enrollment?

Mr. CONGER. The law provides that the act shall not affect any other provision of any other law except the matter of enrollment in the district where the vessel is.

Mr. BUTLER, of Massachusetts. This bill will take up too much time, and I must insist upon my motion.

Mr. MAYNARD. I desire to ask the gentleman from Michigan a question.

CURRENCY.

Mr. BUTLER, of Massachusetts. I rise to a privileged motion. I move that the House proceed to business on the Speaker's table for the purpose of taking up Senate bill No. 617, in relation to currency, so that it can be considered at the proper time.

Mr. MAYNARD. I attempted to get the ear of the Chair to ask a question of the gentleman from Michigan, [Mr. CONGER.]

The SPEAKER. The gentleman from Massachusetts [Mr. BUTLER] was insisting on his motion, which is privileged.

The question was taken on the motion of Mr. BUTLER, of Massachusetts; and on a division there were—ayes 53, noes 89; no quorum voting.

Tellers were ordered; and Mr. BUTLER, of Massachusetts, and Mr. MAYNARD, were appointed.

The House divided; and the tellers reported ayes 35, noes not counted.

So the motion was not agreed to.

ENROLLMENT AND LICENSE OF VESSELS.

The SPEAKER. The House resumes the consideration of the bill relating to the enrollment and license of vessels. Did the Chair understand the gentleman from Tennessee as objecting to its consideration?

Mr. CONGER. I understood not.

Mr. MAYNARD. No, sir; but I wished to ask the gentleman a question. It seemed to me that the gentleman from Maine [Mr. HALE] had made a point that we ought to consider. Suppose a vessel that is owned and has been registered, we will say at Portland, Maine, should be registered in Galveston, Texas; could any loss occur to anybody on a mortgage on that vessel before notice could be conveyed from Galveston to Portland of the enrollment at the former place? Will the gentleman explain it?

Mr. CONGER. No, sir; not at all. The provisions which this bill proposes to extend provide expressly that the enrollment shall be recorded as if it were executed in the district where the vessel is owned.

Mr. HALE, of Maine. That is undoubtedly true.

Mr. CONGER. Let me say, further, that since 1865 this law has been applicable to our western rivers and lakes, and no one has ever thought of giving any such construction to it.

Mr. MAYNARD. I have never heard of any inconvenience, but it occurred to me that when a vessel goes three or four thousand miles from the place where its enrollment is recorded, it might give dishonest persons an opportunity to do wrong.

Mr. HALE, of Maine. Take the case suggested by the gentleman from Tennessee, [Mr. MAYNARD,] of a vessel owned in Maine which goes to Galveston and is there enrolled. The gentleman from Michigan [Mr. CONGER] says that the law provides that the papers shall be sent to Maine and be there recorded. What will be actually done in Galveston? Will not the papers be recorded there also?

Mr. CONGER. Not at all. The law merely provides that the papers shall be executed before a certain officer.

Mr. HALE, of Maine. The gentleman is satisfied of that?

Mr. CONGER. Certainly.

Mr. HALE, of Maine. I do not want that there shall be a double enrollment. The gentleman is as much interested as I am in protecting the rights of owners of vessels. I ask him to guard the bill carefully and see that there is no possibility of wrong. Undoubtedly the enrollment will be at the home port; let the gentleman see that it cannot be anywhere else besides.

Mr. CONGER. Those who framed the law, in order to guard against any possibility of misconstruction, added a proviso so that it should not effect any other purpose except to enable the owner of the vessel to get his enrollment executed in another district.

Mr. MAYNARD. One question more. I am not personally acquainted with the technical operation of these laws at all, but, as I understand it, the vessel will not be enrolled at Portland for instance, but the enrollment will be made out before officers at Galveston, and recorded in Portland.

Mr. CONGER. I think there can be no question about that. I now call for a vote on the passage of the bill.

Mr. MAYNARD. I think we had better have a division on that vote.

Mr. CONGER. I tell the gentleman that I will not be the butt of any one merely for the purpose of killing time. I apprehend the gentleman can kill time in some other way.

Mr. MAYNARD. I withdraw my call for a division on the question.

The bill was then read the third time, and passed.

Mr. CONGER moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

IRON-SHIP-BUILDING YARDS OF GREAT BRITAIN.

Mr. ARCHER, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Secretary of the Navy be instructed to transmit to this House a copy of the report of Chief Engineer William H. Shock, of the United States Navy, relative to iron-ship-building yards of Great Britain.

DIPLOMATIC AND CONSULAR SYSTEMS.

Mr. ORTH, by unanimous consent, reported from the Committee on Foreign Affairs a bill (H. R. No. 2904) to amend an act entitled "An act to regulate the diplomatic and consular systems of the United States," approved August 18, 1856, and for other purposes; which was read a first and second time, ordered to be printed and recommitted to the Committee on Foreign Affairs, not to be brought back on a motion to reconsider.

ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 911) to relinquish title of the United States in certain real estate near Columbia, Tennessee, to Rose Hill Cemetery;

An act (H. R. No. 912) to provide for the inspection of the disbursements of appropriations made by officers of the Army; and

An act (H. R. No. 2124) authorizing the changing of the name of the steamer Fannie Lehr.

LEAVES OF ABSENCE.

Mr. SMITH, of North Carolina, was granted leave of absence until the 22d instant.

Mr. ASHE was granted leave of absence for two weeks.

POSTAL RAILWAY SERVICE.

Mr. PACKARD asked unanimous consent to have printed for the use of the House the testimony taken by the Senate Committee on Transportation relating to railway postal service, that committee having in an informal manner communicated the testimony to the House Committee on the Post-Office and Post-Roads.

No objection being made, it was so ordered.

COMMITTEE ON INDIAN AFFAIRS.

Mr. AVERILL asked that leave be granted to the Committee on Indian Affairs to sit during the sessions of the House for the purpose of prosecuting certain investigations ordered by the House.

No objection was made; and leave was accordingly granted.

GEORGE A. ARMES.

Mr. MOREY. I ask unanimous consent to have taken from the Speaker's table and referred to the Committee on Military Affairs Senate bill No. 249, authorizing and directing the Secretary of War to give to George A. Armes, late captain Tenth United States Cavalry, an honorable discharge to date June 7, 1870.

No objection was made; and the bill was accordingly taken from the Speaker's table, read a first and second time, and referred to the Committee on Military Affairs.

LIGHT-SHIP IN DETROIT RIVER.

Mr. BASS, by unanimous consent, submitted the following preamble and resolution; which were read, considered, and adopted:

Whereas navigation upon the great lakes is endangered by submerged bowlders near the mouth of the Detroit River in Lake Erie, and serious losses of property have occurred at that point: Therefore,

Resolved, That the Committee on Commerce is hereby instructed to inquire into the expediency of maintaining a light-ship at or near the mouth of said river.

OSAGE INDIAN LANDS IN KANSAS.

Mr. LOWE. I ask unanimous consent to report from the Committee on Indian Affairs, for consideration now, a bill to extend the time for completing entries of Osage Indian lands in Kansas.

The bill was read. It provides that all actual settlers upon the Osage Indian trust and diminished reserve lands in the State of Kansas shall be allowed one year from the passage of the act in which to make proof and payment; provided that all purchasers who avail themselves of the provisions of the act shall pay the interest on the purchase price of their lands at the rate of 5 per cent. from the date when payment was required by previous laws to the date of actual payment.

Mr. LOWE. This bill merely grants an extension of time to one year. It is the unanimous report of the committee.

Mr. SPEER. Does the bill affect the rights of adverse claimants?

Mr. LOWE. Not at all; it does not interfere with anybody's rights; it merely grants an extension of time.

Mr. PARKER, of Missouri. I wish to ask the gentleman what effect the passage of this bill will have upon the interest that is due the Osage Indians for these lands?

Mr. LOWE. The bill provides that the interest shall be paid. The measure is approved by the Commissioner of Indian Affairs and is unanimously reported by the committee. It makes no deduction from the funds of the Indians, but provides for the payment of their interest in the same way as other funds.

Mr. HOLMAN. I object to the bill.

PUBLIC BUILDINGS.

Mr. PLATT, of Virginia. I give notice that on Monday next, if I can obtain the floor, I shall ask the House to take from the Calendar of the Committee of the Whole and act in the House upon the bill reported from the Committee on Public Buildings and Grounds in regard to the prosecution of work on public buildings.

CURRENCY—FREE BANKING.

Mr. MAYNARD. I call for the regular order.

The SPEAKER. The regular order being called for, the House resumes the consideration of the bill (H. R. No. 1572) to amend the several acts providing for a national currency and to establish free banking, and for other purposes.

Mr. MAYNARD. Mr. Speaker, yesterday evening when I moved the previous question upon this bill, several gentlemen had requested that they might offer amendments. I, however, desired to test the sense of the House upon the bill as it now stands. I trust, however, there will be no objection to allowing these several propositions to appear in the RECORD.

Mr. BECK. I wish to make a parliamentary inquiry. Has the gentleman from Tennessee the right to indicate that certain gentlemen may offer amendments and that others, including myself, shall not do so?

The SPEAKER. He has no such right.

Mr. HOLMAN. I hope the gentleman from Tennessee will allow a proposition to be submitted to the House to determine whether the increase of currency demanded by the country shall be in the form of United States notes—greenbacks. The gentleman certainly should permit the House to vote upon that question. For one, while I favor an increase of currency, I insist that this increase of currency should be in United States notes, the lawful money of the country, and not in the form of national-bank currency for the benefit of the banks.

Mr. KASSON. I request the gentleman from Tennessee to allow me to ask a question.

Mr. MAYNARD. That is in the nature of debate; I cannot yield. It seems to me we have had sufficient debate upon this question. If I yield to one gentleman to ask one question, I must yield to somebody else to ask another question. Without wishing to do anything ungenerous or unkind, I renew my demand for the previous question.

Mr. HUNTER. I trust the gentleman will permit me to say that, as a member of the Committee on Banking and Currency, I am perfectly satisfied with the bill of the committee so far as it goes, but on the 27th of last month, when I had the honor of addressing the House, I gave notice that when this bill came up I should offer certain amendments. I had an agreement with the chairman of the committee that I should offer those amendments; but he now declines to permit any further amendments. I therefore desire that those amendments may be published in the RECORD.

Several MEMBERS. No objection.

Mr. HUNTER. My amendment is in two sections. One designed to prevent usury by national banks, and the other to allow greenbacks and national-bank notes to be taxed in the States and Territories in the same way as money.

[Mr. HUNTER's amendment, being subsequently offered and voted upon, will be found in its appropriate place.]

Mr. MAYNARD. I have no objection to the printing in the RECORD of any amendments that gentlemen may desire to publish.

The SPEAKER. It will be understood that all amendments which members may send to the reporters' desk will be published in the RECORD.

In pursuance of this arrangement the following amendments are published:

By Mr. BUCKNER:

Add to section 2 the following:

Provided, That no interest shall be paid by the Secretary of the Treasury, after the passage of this act, on the bonds which have been or shall be deposited in the Treasury to secure the circulation of any banking association, except on the excess of the market value of such bonds, over the average circulation of such association during the current year, while such bonds shall remain on deposit in the Treasury to secure such circulation.

Add the following as new sections:

SEC. —. That it shall be the duty of the Secretary of the Treasury, from and after the passage of this act, whenever any notes issued to any national bank, in virtue and by authority of the provisions of the national-currency act, approved June 3, 1864, or by any act amendatory thereof, shall be paid into the Treasury for taxes, excises, public lands, or other dues to the United States, or on any other account or for any other purpose whatever, and the said notes so coming into the Treasury shall be so defaced, torn, mutilated, worn, or ragged, as to be unfit for circulation, instead of returning them to the national bank by which they were issued, to return to said national-bank notes of an equal amount in value, issued by the United States and known as legal-tender notes.

SEC. —. That whenever the sum of legal-tender notes so issued in lieu of said defaced, torn, mutilated, worn, or ragged notes of any national bank shall amount to 90 per cent. of the face value of any bond of the United States deposited with the Secretary of the Treasury as security for the circulation issued by said bank, the Secretary of the Treasury shall surrender and deliver up to said national bank one of said bonds, and so on until the whole of the notes authorized by the national-currency act aforesaid shall be withdrawn from circulation.

SEC. — That the Secretary of the Treasury is hereby authorized to issue fifty millions of legal-tenders, of the same denominations as now authorized by law, which shall be used for the purposes of said substitution and for no other purpose whatsoever.

By Mr. COTTON:

Amend section 3, line 31, by striking out the words "four hundred" and inserting "three hundred and eighty-two;" so that the last proviso of the section will read as follows:

And provided further, That the entire amount of United States notes outstanding and in circulation at any one time shall not exceed the sum of $382,000,000, now authorized by existing law.

By Mr. FIELD:

Strike out all after the enacting clause and insert:

That the Secretary of the Treasury is hereby authorized and directed to issue, from time to time, on demand, in exchange at par for legal-tender notes, the bonds of the United States in denominations of fifty dollars, or any multiple thereof, said bonds to bear interest at the rate of 3.65 per cent. per annum, and principal and interest payable on demand in legal-tender notes of the United States.

SEC. 2. That the Secretary of the Treasury is hereby authorized and directed to redeem said bonds on demand at the United States Treasury, at the offices of the assistant treasurers of the United States, and at such other convenient places within the United States as the Secretary of the Treasury may designate for the purpose, and under such regulations as he may prescribe; and whenever said bonds shall be presented for payment, and paid as aforesaid, the same shall be immediately canceled, and stamped with the date of payment and the word "paid" on the face thereof, and the same shall be forwarded to the Treasurer of the United States. And the Secretary of the Treasury shall monthly cause the bonds so paid to be destroyed in the presence of the Treasurer of the United States and the Register of the Treasury, of which destruction a memorandum or record shall be made, showing the date, denomination, number, and date of payment of each bond, in a book to be provided for that purpose, and signed by the officers aforesaid.

SEC. 3. That the Secretary of the Treasury is hereby authorized and directed to issue, in exchange for Government bonds or in payment of demands on the Treasury, any part of the $44,000,000 of United States legal-tender notes called greenbacks, and commonly designated "the reserve," and such further sum of said legal-tender notes as may be required to carry into effect the provisions of this act, of such amounts as he may deem expedient, not less than one dollar each; which legal-tender notes, as well as all legal-tender notes heretofore issued, shall be receivable in payment of all taxes, duties, excises, debts, and demands of every kind due to the United States, and for all claims and demands against the United States of every kind whatever, except where the law creating such claim or demand requires that the same shall be paid in coin, and shall be lawful money and legal tender in payment of all public and private debts, except as aforesaid, within the United States, and shall be receivable in payment of all loans made to the United States. Said notes shall be in the similitude of the legal-tender greenback currency notes heretofore issued, except that they shall bear on their face the denomination or value for which they are money, and the words "convertible at the option of the holder to United States bonds bearing interest at the rate of 3.65 per cent. per annum," together with appropriate vignettes to prevent counterfeiting, and such signatures, checks, and numbers, or other references as may be best to prevent overissue or forgeries, and on the back thereof shall be printed the provisions of law under which they are issued.

SEC. 4. That the Secretary of the Treasury is authorized and directed to apply the amount of the legal-tender notes received in exchange for the bonds authorized by the first section of this act, to the extent that may be required for the purpose, in the redemption of such of the said three sixty-five convertible bonds as may be presented for payment, and the residue of said legal-tender notes, received in exchange for bonds as aforesaid, in the redemption or purchase weekly of the 6 per cent. bonds of the United States known as five-twenty bonds, each and every week after the passage of this act, until the entire issue of said 6 per cent. bonds shall have been redeemed and paid.

SEC. 5. That after the 30th day of June, 1874, the national banking associations shall cease to be banks of issue; and that all taxes on their circulation shall thereafter cease. And the Comptroller of the Currency shall, from the date aforesaid, charge to each national bank interest semi-annually, at the rate of 6 per cent. per annum, in coin, on the amount of their bills outstanding and unredeemed; and he shall deduct the amount thereof from the amount of the interest payable by the United States to such bank on the United States registered bonds lodged to secure the redemption of its circulating notes; and the Comptroller shall continue half-yearly to charge and collect interest as aforesaid until such national bank shall deposit with the Treasurer of the United States lawful money of the United States sufficient to redeem all its outstanding circulation; and thereafter the notes of such national bank shall be redeemed at the Treasury of the United States as by law provided.

SEC. 6. That section 5 of the act entitled "An act to authorize the issue of United States notes, and for the redemption or funding thereof, and for funding the floating debt of the United States," approved February 25, 1862, and section 6 of the act entitled "An act to authorize the refunding of the national debt," approved July 14, 1870, be, and the same are hereby, repealed.

SEC. 7. That the act entitled "An act to strengthen the public credit," approved March 18, 1869, be, and the same is hereby, repealed.

By Mr. HOLMAN:

Strike out all after the enacting clause and insert the following:

That it shall be the duty of the Secretary of the Treasury to prescribe rules and regulations requiring the several national banking associations and their redeeming agencies to forward to the Treasury of the United States for cancellation all worn and mutilated bank-notes; and the Secretary of the Treasury shall cause the same to be canceled and destroyed. And it shall be the duty of the Secretary of the Treasury to cause to be canceled and destroyed all such notes of the national banking associations as may come into the Treasury; and he shall, from time to time, in lieu of such notes so canceled, issue United States notes of like denominations with the notes so canceled, which United States notes shall be of like tenor and effect, and in like manner lawful money and legal tender, with the United States notes now authorized by law; and such United States notes shall be covered into the Treasury, and applied, with other moneys in the Treasury, toward the liquidation of the national debt.

SEC. 2. That it shall be the duty of the Secretary of the Treasury from time to time to deliver to each of said national banking associations an amount of the bonds deposited in the Treasury to secure the circulation of such banking association equal to the par value of the notes canceled and destroyed under the provisions of this act. And all laws or parts of laws requiring such banking associations to keep on deposit a reserve of United States notes are hereby repealed.

SEC. 3. An annual tax of 3 per cent. is hereby assessed on all bonds which have been or shall be deposited in the Treasury by banking associations to secure their circulation, which shall be deducted from the interest annually accruing on such bonds.

SEC. 4. All laws and parts of laws exempting United States notes from State and other local taxation are hereby repealed, and such notes shall be subject to the same taxation as other money is or shall be by virtue of the laws of the several States.

By Mr. PENDLETON:

At the end of section 2 add the following:

Provided, That the Secretary of the Treasury is hereby authorized and directed to fund United States notes, known as legal-tenders, into 5 per cent. bonds to an amount equal to three-fourths of the amount of the increase of the national-bank circulation, and shall cancel and destroy said United States notes.

By Mr. VANCE:

At the end of section 3 add the following:

Provided, That associations now organized, or that may be organized, under said act shall not be allowed to pay interest on deposits, and a violation of this provision shall work a forfeiture of the charter of such associations.

By Mr. WHITTHORNE:

Strike out all after the enacting clause of the bill and insert the following:

That it shall be the duty of the Secretary of the Treasury to withdraw from circulation and cancel, under proper regulations, all national-bank notes which may be received by the Treasury for dues and taxes or which may be tendered for exchange into Treasury notes, as hereinafter provided.

SEC. 2. That it shall be the duty of the Secretary of the Treasury to have duly prepared Treasury notes, payable on demand to bearer, for like amounts with the national notes which may be withdrawn and canceled as directed by the first section of this act, and which he shall issue, pay out, and exchange in lieu of and for said national-bank notes.

SEC. 3. That all Treasury notes issued heretofore, and under authority of this act, may and shall be receivable in payment of customs dues to the extent of 50 per cent. of such dues as the same are payable.

SEC. 4. That all existing laws which require a reserve to be kept by the national banks be, and the same are hereby, repealed.]

Mr. BECK. I wish to ask the gentleman from Tennessee a question of fact, which will determine my vote.

Mr. MAYNARD. That is a matter of debate, and I cannot yield.

The SPEAKER. The question is on seconding the demand for the previous question. On this question the Chair orders tellers; and appoints the gentleman from Tennessee, Mr. MAYNARD, and the gentleman from Kentucky, Mr. BECK.

The House divided; and the tellers reported—ayes 105, noes 69.

So the previous question was seconded.

The question recurred on ordering the main question.

Mr. RANDALL. On that question I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 113, nays 120, not voting 57; as follows:

YEAS—Messrs. Adams, Albright, Ashe, Averill, Barrere, Begole, Biery, Bradley, Bundy, Burrows, Roderick R. Butler, Cain, Cannon, Cason, Cessna, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Crounse, Crutchfield, Curtis, Darrall, Dobbins, Donnan, Dunnell, Farwell, Fort, Freeman, Gunckel, Hagans, Harmer, Harrison, Havens, John B. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hodges, Houghton, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kasson, Killinger, Lamport, Lansing, Lewis, Lofland, Loughridge, Lowe, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, McLean, McNulta, Merriam, Monroe, Myers, Nunn, Orr, Orth, Packard, Packer, Isaac C. Parker, Pelham, Phillips, Pratt, Purman, Rainey, Rapier, Ray, Richmond, Robbins, Ross, Rusk, Sawyer, Isaac W. Scudder, Sener, Sessions, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, A. Herr Smith, J. Ambler Smith, Snyder, Sprague, Stanard, St. John, Stowell, Strawbridge, Christopher Y. Thomas, Tyner, Vance, Wallace, Walls, Jasper D. Ward, Wells, White, Whiteley, Charles G. Williams, William Williams, Wilshire, James Wilson, Jeremiah M. Wilson, and Woodworth—113.

NAYS—Messrs. Albert, Archer, Atkins, Banning, Barber, Barnum, Bass, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Brown, Buckner, Buffinton, Burchard, Burleigh, Benjamin F. Butler, Caldwell, John B. Clark, jr., Clymer, Comingo, Cook, Cotton, Cox, Creamer, Crittenden, Crooke, Danford, Davis, Dawes, DeWitt, Durham, Eames, Eden, Foster, Frye, Garfield, Giddings, Gooch, Eugene Hale, Robert S. Hale, Hamilton, Hancock, Benjamin W. Harris, Henry R. Harris, John T. Harris, Hatcher, Hathorn, Joseph R. Hawley, Hendee, Herndon, E. Rockwood Hoar, George F. Hoar, Holman, Hooper, Hoskins, Howe, Kellogg, Kendall, Knapp, Lamar, Lawson, Lowndes, Luttrell, Marshall, MacDougall, Mellish, Milliken, Mills, Moore, Neal, Niblack, O'Brien, O'Neill, Page, Hosea W. Parker, Parsons, Pendleton, Perry, Phelps, Pierce, Pike, Thomas C. Platt, Poland, Potter, Randall, Read, Rice, Ellis H. Roberts, James W. Robinson, Milton Sayler, Sloss, Small, Smart, H. Boardman Smith, John Q. Smith, Southard, Speer, Standiford, Starkweather, Stone, Swann, Tremain, Waddell, Waldron, Marcus L. Ward, Wheeler, Whitehead, Whitehouse, Whitthorne, Wilber, Charles W. Willard, George Willard, John M. S. Williams, Willie, Wood, John D. Young, and Pierce M. B. Young—120.

NOT VOTING—Messrs. Arthur, Barry, Bromberg, Amos Clark, jr., Freeman Clarke, Clayton, Clinton L. Cobb, Crocker, Crossland, Duell, Eldredge, Elliott, Field, Glover, Hereford, Hersey, Hunton, Jewett, Kelley, Lamison, Lawrence, Leach, Lynch, Magee, McJunkin, McKee, Mitchell, Morey, Morrison, Negley, Nesmith, Niles, James H. Platt, jr., Ransier, William R. Roberts, James C. Robinson, Henry B. Sayler, John G. Schumaker, Scofield, Henry J. Scudder,

Sloan, Small, George L. Smith, William A. Smith, Stephens, Storm, Strait, Sypher, Taylor, Charles R. Thomas, Thornburgh, Todd, Townsend, William B. Williams, Ephraim K. Wilson, Wolfe, and Woodford—57.

So the House refused to order the main question.

During the roll-call the following announcements were made:

Mr. CALDWELL. My colleague, Mr. BROMBERG, has been temporarily called from the House. If he were present he would vote "ay."

Mr. COBURN. My colleague, Mr. SAYLER, is paired with Mr. TOWNSEND, of Pennsylvania. If he were here he would vote "ay," and Mr. TOWNSEND would vote "no."

Mr. MITCHELL. I am paired with my colleague, Mr. ELDREDGE. If he were here he would vote "ay," and I would vote "no."

Mr. O'BRIEN. My colleague, Mr. WILSON, is detained from the House by sickness in his family. If he were here he would vote "no."

Mr. KNAPP. Mr. NEGLEY, of Pennsylvania, and Mr. LAMISON, of Ohio, are paired. If present Mr. NEGLEY would vote "ay," and Mr. LAMISON "no."

Mr. CLYMER. My colleague, Mr. MAGEE, is still absent. If he were here he would vote "no."

Mr. HALE, of Maine. My colleague, Mr. HERSEY, is still detained from the House by ill health. If he were here he would vote "no."

Mr. BURCHARD. I desire to announce that Mr. CROCKER, of Massachusetts, is paired with Mr. SMITH, of North Carolina. If here Mr. CROCKER would vote "no," and Mr. SMITH would vote "ay."

Mr. DUNNELL. My colleague, Mr. STRAIT, is absent on account of sickness. If he were present he would vote "ay."

Mr. LAWSON. My colleague, Mr. WOODFORD, is absent on account of sickness in his family. If he were present he would vote "no."

Mr. BRADLEY. My colleague, Mr. WILLIAMS, has been unexpectedly called away. If he were present he would vote "no."

Mr. LYNCH. I am paired with Mr. ELLIOTT, of South Carolina. If he were present he would vote against the bill and I would vote for it.

Mr. PIKE. My colleague, Mr. SMALL, is still at home. If he were present he would vote "no."

The result of the vote was then announced as above recorded.

Mr. BECK. I move to amend the bill by striking out all after the enacting clause and inserting in lieu thereof what I send to the desk. It is House bill No. 2740.

Mr. BUTLER, of Massachusetts. Has it been printed?

The SPEAKER. Yes; it is printer's No. 2774. There is a written section at the end which is not in the printed bill, numbered section 13. The Chair understands the gentleman from Kentucky [Mr. BECK] to include that in his amendment.

Mr. BECK. I do. It makes half the duties on imports payable in United States notes.

The Clerk read the proposed amendment, as follows:

Strike out all after the enacting clause, and insert as follows:

That the Secretary of the Treasury be, and he is hereby, authorized to issue, in manner as hereinafter prescribed, on the faith and credit of the Government, $400,000,000 of Treasury notes, payable on demand in United States legal-tender notes, at the Treasury and at such United States depositories as the Secretary of the Treasury may designate. Said notes shall be similar in form and appearance to the said legal-tender notes, and may be of denominations not less than one dollar nor more than $10,000, and shall be receivable in payment of all taxes, claims, and demands due to the United States and of all claims and demands against the United States, to the same extent that national-bank notes are receivable and no further.

SEC. 2. That the Treasury notes authorized herein to be issued shall only be issued to the extent that national-bank notes shall be returned by national banks for cancellation and destruction, as provided in section 9 of this act, and shall only be used in the purchase of the United States bonds commonly called five-twenties.

SEC. 3. That the Secretary of the Treasury is hereby authorized and directed to issue from time to time, on demand, in exchange at par for legal-tender notes of the United States, the bonds of the United States in denominations of fifty dollars or any multiple thereof; said bonds to be called United States convertible bonds, to bear interest at the rate 3.65 per cent. per annum, and principal and interest payable on demand in legal-tender notes of the United States.

SEC. 4. That the Secretary of the Treasury is hereby authorized and directed to redeem said bonds on demand at the Treasury of the United States, at the offices of the assistant treasurers of the United States, and at such other convenient places within the United States as he may designate for that purpose, and under such regulations as the Secretary of the Treasury may prescribe; and whenever said bonds are presented and paid as aforesaid, the same shall be immediately canceled and stamped with the word "paid" on the face thereof, and the same shall be forwarded to the Treasurer of the United States. The Secretary of the Treasury shall, monthly, cause the bonds so paid to be destroyed in the presence of the Treasurer of the United States and Register of the Treasury, of which destruction a record shall be made showing the date, denomination, number, and date of payment of each bond, in a book to be provided for that purpose, and signed by the officers aforesaid.

SEC. 5. That the $50,000,000 of legal-tender United States notes, authorized by existing laws to be issued in addition to the $400,000,000 contemplated for permanent circulation, shall be prepared and held as a reserve for the redemption and payment of the Treasury notes authorized to be issued by section 1 and of the convertible bonds authorized to be issued by section 3 of this act.

SEC. 6. That the money received in exchange for convertible bonds shall only be used in the purchase of the bonds of the United States called five-twenties, and in keeping a reserve for the payment of the principal and interest of the convertible bonds when demanded, which reserve shall be of such an amount as, in addition to the $50,000,000 mentioned in section 5 of this act, shall be sufficient, in the opinion of the Secretary, to insure their prompt redemption. Whenever any portion of said $50,000,000 shall have been used in the redemption of Treasury notes or convertible bonds, the Secretary of the Treasury is hereby authorized and directed to sell to the highest bidder, for United States legal-tender notes, any of the bonds now authorized by law to be issued for funding the public debt, to an amount sufficient to restore to the Treasury all of said $50,000,000 that shall have been used as aforesaid. Such sale of bonds shall be made upon due notice by advertisement and upon biddings made by sealed proposals.

SEC. 7. That all further issue of national-bank notes to national banks by the Comptroller of the Currency, whether for the renewal of defaced and torn bank-notes or for any other purpose, is hereby prohibited.

SEC. 8. That in lieu of the tax of 1 per cent. per annum now imposed by law on the outstanding circulation of national banks, a tax of 3 per cent. per annum, payable semi-annually in gold, shall be collected upon the circulation which has been issued to each national bank which has not been returned for cancellation. This tax shall be collected by withholding one-half of said tax semi-annually from the semi-annual interest upon the registered bonds deposited by said banks as security for their circulation; and if the interest of said registered bonds is payable in currency, there shall be retained of said currency the equivalent of said tax at the market premium on gold, which premium shall be fixed by the Secretary of the Treasury.

SEC. 9. That each national bank may withdraw any part of its United States registered bonds deposited as security for the redemption of its circulation by paying into the proper department of the Treasury $900 of its circulation for each $1,000 of bonds so withdrawn, and may withdraw all of said registered bonds by paying a sum equal to its whole circulation, in its own bank-notes, and United States legal-tender notes, or wholly in either of them; and thereupon the United States shall be bound to redeem, on demand, the whole of such circulation of said bank which shall be outstanding. When such circulation is redeemed or paid into the Treasury as provided herein, it shall be destroyed in the manner now provided by law.

SEC. 10. That the United States legal-tender notes paid into the Treasury under the provisions of section 9 shall only be used, first, for redeeming the circulation for which it was paid into the Treasury, for doing which promptly a sufficient reserve shall be kept in aid of the fund provided in section 5; and, secondly, in purchasing United States five-twenty bonds.

SEC. 11. That whenever the Secretary of the Treasury may think it expedient, he may use any coin in the Treasury not required for the payment of demands against the United States payable in coin, in redeeming any United States five-twenty bonds that have become payable at the pleasure of the Government, the market value of which coin, as fixed by said Secretary, shall be substituted by Treasury notes issued by authority of this act, or by legal-tender notes received under the authority of this act, which shall thereupon become subject to be used in the Treasury for the payment of all claims and demands against the United States.

SEC. 12. That no purchases of United States five-twenty bonds shall be made under the provisions of section 2 or sections 6 and 10 of this act when the price demanded shall be at a greater rate of premium upon the bonds than 10 per cent. above their par value of principal and accrued interest; nor shall any redemption of said bonds be made in pursuance of section 11 while the premium on gold is above 10 per cent. in lawful money.

SEC. 13. That hereafter one-half of all duties on imports may be paid in legal-tender notes of the United States, or in any other currency authorized to be issued by the Congress of the United States, instead of in gold, as now required by law.

Mr. COBURN. I desire to amend the text of the original bill. It is an amendment to the third section, and I send it to the desk to be read.

The Clerk read as follows:

Strike out in lines 29 and 30 of section 3 the words "outstanding and in circulation at any one time," and insert the words "which shall be issued permanently;" and also insert after the word "law," in the thirty-second line, the words "and for the purposes of a reserve;" so that the proviso shall read as follows:

That the entire amount of United States notes which shall be permanently issued shall not exceed the sum of $400,000,000 now authorized by existing law; and, for the purposes of a reserve, that the Secretary of the Treasury be, and he is hereby, authorized to issue the sum of $50,000,000 of United States notes, in excess of the sum of $400,000,000 hereinbefore authorized to be issued, in any of the denominations now authorized by law, which he shall hold, to be exchanged on demand of the holder for an equivalent amount at their par value of United States bonds, which bonds shall be by said Secretary placed in the Treasury of the United States, to be delivered to the person so exchanging them at any time within twelve months from that date; and, after the expiration of that time, to be delivered to any citizen of the United States presenting an equivalent amount of said United States notes; and thereafter the said notes shall be held for like exchange upon demand and the deposit of like bonds as hereinbefore provided. And it shall be the duty of the Secretary of the Treasury to retain the interest which may accrue upon said bonds while on deposit as aforesaid in the Treasury before delivering them in exchange for United States notes.

Mr. HUNTER. I offer what I send to the Clerk's desk as two additional sections to the original bill.

Mr. SPEER. I ask to have the twenty-ninth rule of the House read before the voting begins.

The Clerk read the rule, as follows:

No member shall vote on any question in the event of which he is immediately and particularly interested, or in any case where he was not within the bar of the House when the question was put.

The SPEAKER. The gentleman from Indiana [Mr. HUNTER] offers an amendment in the nature of two additional sections to the original bill.

Mr. BURCHARD. I desire to raise the point of order on the amendment presented by the gentleman from Kentucky, [Mr. BECK,] that it proposes to change the customs laws and should receive its first consideration in Committee of the Whole.

The SPEAKER. The Clerk will first read the amendment of the gentleman from Indiana, [Mr. HUNTER.]

Mr. COX. I rise to almost a personal point. My friend from Pennsylvania [Mr. SPEER] has had read the rule in reference to the right to vote of those who are interested, and I desire to raise the point of order distinctly. I hope to offer an amendment to that of the gentleman from Kentucky, amending his bill so as to leave the eighth section taxing the banks——

Mr. COBURN. I object to debate.

The SPEAKER. Is the gentleman from New York speaking to the point he raises?

Mr. COX. I propose to tax the banks, and I own bank-stock. I am therefore interested. How can I vote under that rule? I propose to vote to tax myself.

The SPEAKER. If the gentleman has any conscientious scruples on the subject the House will not force him to vote.

Mr. FORT. Let the gentleman assign his bank-stock to me and I will not vote.

The SPEAKER. The Chair has ruled on this point heretofore.

Mr. COX. The Chair cannot make a joke of it, because the point comes down to this: members are interested on both sides. I choose to vote against my own interests.

Mr. RANDALL. There is no objection to that.

The SPEAKER. The Chair has not ruled on this point. The gentleman from New York knows very well that the Chair does not rule on abstract questions. The gentleman from Pennsylvania had the rule read which says that no member shall vote on any question in the event of which he is interested.

Mr. SPEER. I did not ask a ruling of the Chair.

The SPEAKER. The Chair did not so understand. The gentleman from New York will observe that when a point of that kind is made it cannot be raised generally. Some specific member must be named who has an interest in the question to be decided. The gentleman has named himself, and the Chair declines to rule upon the point, but leaves it wholly to the conscience of the gentleman.

Mr. COX. But, Mr. Speaker, this is entirely too important a matter to be made a pleasantry.

The SPEAKER. But the gentleman from New York [Mr. COX] well knows, or ought to know, that in the last Congress, when the occasion was one of great public importance, the Chair distinctly gave his opinion upon this question. The Chair does not think the point of order is well taken.

Mr. HOLMAN. I rise to a parliamentary inquiry. Is there any point of order before the House at this time?

The SPEAKER. The Chair thinks not; but the gentleman from New York seems to insist upon having it before the House.

Mr. COX. The gentleman from Pennsylvania [Mr. SPEER] raised the point of order.

The SPEAKER. The gentleman from Pennsylvania distinctly denied raising any point of order.

Mr. COX. He read the rule to us.

The SPEAKER. The gentleman had the rule read, which he or any other member had a right to have read at any time. But a point of order cannot be raised against 292 members. The Chair declines to rule, unless the point of order is raised upon some member specified by name. If, at the time when the point of order can be raised, the gentleman from New York [Mr. COX] will raise it and specify himself, the Chair will rule upon it.

Mr. RANDALL. I recollect the decision of the Chair made in the last Congress in relation to bank stock, and members holding that stock. I also recollect a decision which was made subsequently by the Chair in relation to Pacific Railroad stock, and the right of the gentleman from Massachusetts [Mr. HOOPER] to vote upon a question affecting that stock.

The SPEAKER. The Chair made this distinction at the time, based upon a decision made by Mr. Speaker Winthrop in the house of representatives in the State of Massachusetts, in which decision the doctrine is somewhat fully set forth, and which the Chair does nothing more than concur in. The point was made in the Legislature of Massachusetts, about 1833 or 1834, if the Chair remembers correctly, that a member who owned some manufacturing stock in that State could not vote upon a question of general law regulating manufactures in that State. The point of order was overruled upon the ground that that was a general interest permeating the whole people of the State, and was not a distinct and personal interest separate and distinct from the public weal. Now in the case of a specific single corporation by name, coming in here and having legislation to affect its rights, and a member representing in his own person the interest of that corporation, the Chair presumes that that member would be regarded as very differently situated from one owning shares of national-bank stock, that stock being diffused throughout the whole country, interlaced with all the business of the country, and upon which the currency and business of the country are based. That is not a distinct, personal, peculiar, private interest separate and apart from public interest. The Chair thinks the distinction is perfectly obvious, and it is one upon which he will stand.

Mr. MAYNARD. I call for the regular order of business.

Mr. BUTLER, of Massachusetts. I desire to make a parliamentary inquiry.

Mr. MAYNARD. I insist upon the regular order.

Mr. BUTLER, of Massachusetts. A parliamentary inquiry is always in order.

Mr. HOLMAN. The decision of the Chair can be appealed from when made at the proper time?

The SPEAKER. The Chair will not allow an appeal to be made from a decision of a general conversational nature. But if the point of order is raised on some particular individual member, the Chair will rule upon it, and that decision can be appealed from.

Mr. SPEER. Can the point of order be made during the roll-call?

The SPEAKER. It had better be made in advance of the roll-call.

Mr. BUTLER, of Massachusetts. Then I now raise the point of order against the gentleman from New York, [Mr. COX,] and I do so in all kindness, for the purpose of having it tested.

The SPEAKER. The Chair would be very glad to have his decision appealed from, and determined by the House.

Mr. SPEER. I do not see how we can have a point of order ruled upon in advance of knowing how the gentleman would vote.

Mr. BUTLER, of Massachusetts. My point of order is that the gentleman from New York has no right to vote upon the question either way.

Mr. COX. I propose to vote to tax the bank in which I am interested; and I am the one to make the point upon myself.

Mr. HOLMAN. I call for the regular order of business.

The SPEAKER. The regular order is the reading of the amendment proposed to the original bill by the gentleman from Indiana, [Mr. HUNTER.]

Mr. BUTLER, of Massachusetts. When will the Speaker entertain the point of order against the gentleman from New York?

The SPEAKER. The Chair will entertain the point of order when the yeas and nays have been ordered to be called upon a particular amendment involving the point raised by the gentleman from Massachusetts.

Mr. COX. If I propose to vote against my own interest, will the Chair rule that I have no right to vote?

The SPEAKER. The Chair cannot tell what would be the gentleman's interest. It might introduce into the House the question of bulling and bearing of stocks.

Mr. COBURN. I rise to a parliamentary inquiry. I have offered an amendment to the text of the original bill. Is any amendment in order except to the amendment I have offered?

The SPEAKER. The amendment of the gentleman's colleague [Mr. HUNTER] is in the nature of an amendment to an amendment. It is admitted on that ground, although it applies to a different portion of the bill. But two amendments can be entertained and be pending at the same time.

Mr. BUCKNER. Will it be in order to move to recommit this bill with instructions?

The SPEAKER. That would depend on whether the gentleman in charge of the bill or any one of the gentlemen who have offered amendments shall demand the previous question. They would have the prior right to the floor. If the previous question were not demanded, the motion indicated by the gentleman would be in order and would be entertained by the Chair.

Mr. BURCHARD. I understand the point of order is not waived, but will be ruled upon by the Speaker.

The SPEAKER. The gentleman is correct.

Mr. BECK. I call the previous question on the amendments now pending.

The SPEAKER. As soon as the amendment of the gentleman from Indiana [Mr. HUNTER] is read the Chair will recognize the gentleman from Kentucky for that motion.

The Clerk read the amendment offered by Mr. HUNTER, as follows:

Add to the bill of the committee the following, as new sections:

SEC. —. That no national bank shall hereafter take, receive, reserve, or charge, on any loan or discount made, or upon any note, bill of exchange, or other evidence of debt, a greater interest than the rate allowed by the laws of the State or Territory where the bank is located, which shall in no case exceed 10 per cent. per annum; and every contract knowingly made by any officer or officers of a national bank, where the amount received by or to be paid to said bank, or for its use or benefit, either directly or indirectly in the shape of interest, discount, premium, profit, or remuneration of any kind, for the use of its money, where such sum so received or to be paid shall be greater than the amount of interest or discount allowed to betaken by such bank upon any loan or discount made by it, such contract shall be deemed usurious and shall be absolutely null and void, and all money paid thereon shall be recoverable back by the party or parties who paid the same, or by his, her, or their heirs or legal representatives in case of his, her, or their death by suit at law, in any court having competent jurisdiction, providing the suit shall be brought within six years from such payment, and the officer or officers of such bank who made, or advised to be made, such contract shall be guilty of a misdemeanor, and upon conviction thereof in any court of the United States, within the State or Territory where said bank shall be situated having jurisdiction of such cases, shall be fined in any sum not less than $100, to which may be added imprisonment in the penitentiary for any period of time not exceeding one year, within the discretion of the court or jury trying the case; and every direct or indirect means used by any bank or its officers to evade the provisions of this section by using the money of the bank in any other manner than in *bona fide* loans or discounts by the bank, as provided in this section, shall be *prima facie* evidence of usury, and the officer or officers so committing usury shall be guilty of a misdemeanor, and shall be punished as provided in this section for punishing misdemeanors. The words "*bona fide* loans or discounts," as used in this section, shall be construed to mean only such loans or discounts in which the bank parts with its entire interest in the money so used by it or its officers in making such loan or discount, without any understanding, hope, or expectation of receiving any benefit therefrom, directly or indirectly, except the note, draft, bill of exchange, or thing of value received in exchange by the bank for such loan or discount. And it is hereby made the special duty of the Comptroller of the Currency to see that every officer of any such banks who shall be guilty of a violation of any of the provisions of this section shall be prosecuted and punished as above provided; and if such Comptroller shall fail to have prosecuted all officers of banks whose violations of the provisions of this section shall come to his knowledge within a reasonable time thereafter, he shall himself be subject to like punishment with the officer or officers so offending as an accessory after the fact; and upon the failure of such Comptroller to promptly put into full force the provisions of this section against all bank officers who shall violate the same, in addition to the punishment above provided for him, he shall be dismissed from office by the President of the United States, but such dismissal from office shall in no-wise prevent or extenuate his punishment as above provided.

SEC. —. That hereafter all United States notes commonly called greenbacks, and all national-bank notes, shall be taxable within the States and Territories the same as money is therein, and not otherwise.

Mr. PACKER. I move to amend the amendment of the gentleman from Kentucky by striking out all after the enacting clause and inserting what I send to the desk.

Mr. BECK. Was not I recognized to call the previous question? I rose as soon as the Clerk concluded the reading of the amendment of the gentleman from Indiana. The Chair had told me that he would recognize me to call the previous question after the amendment of the gentleman from Indiana had been read.

Mr. BUTLER, of Massachusetts. I propose to amend by offering as a substitute the Senate bill.

Mr. BECK. We have the Senate bill now in another and better form. I want to hold that in reserve.

Mr. PACKER. The gentleman from Kentucky yielded to have an amendment read. I then offered my amendment, which is in the second degree, and is, I submit, in order.

The SPEAKER. The Chair is somewhat in doubt whether the gentleman from Pennsylvania [Mr. PACKER] should be recognized. The gentleman from Kentucky had indicated his intention publicly on the floor to call the previous question after the amendment of the gentleman from Indiana [Mr. HUNTER] had been read.

Mr. BECK. On the amendments then pending.

Mr. PACKER. That may be true; but still the gentleman has no right by saying that he intends to call the previous question to prevent other members from exercising their parliamentary rights.

Mr. COX. That is the very thing the gentleman from Kentucky has complained of in regard to the gentleman from Tennessee. I wish to offer an amendment to the gentleman's substitute.

The SPEAKER. The Chair thinks the gentleman from Pennsylvania [Mr. PACKER] claimed the floor and offered his amendment at a time when no other gentleman was seeking it. The attention of the gentleman from Kentucky seemed to be diverted in another direction.

Mr. BECK. I was simply waiting for the Clerk to conclude the reading of the amendment of the gentleman from Indiana, [Mr. HUNTER,] the Chair having told me that I would then be recognized.

The SPEAKER. The Chair was looking toward the gentleman from Kentucky when the gentleman from Pennsylvania rose. The gentleman from Pennsylvania wishes to offer a substitute for the substitute of the gentleman from Kentucky. To entertain the proposition will not deprive the gentleman from Kentucky of any rights, but only accord a privilege to the gentleman from Pennsylvania. Therefore the Chair will consider the proposition as pending.

The Clerk read the amendment of Mr. PACKER, offered as a substitute for the amendment of Mr. BECK, as follows:

That so much of the twenty-second section of the act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 3, 1864, and of the several acts supplementary thereto and amendatory thereof, and such of the provisions of the act entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates and for an increase of national-bank notes," approved July 12, 1870, and so much of such parts of any other act or acts of Congress as limit, or as may be construed to limit or restrict, the entire amount of notes for circulation to be issued under said act of June 3, 1864, and the several supplements thereto, be, and the same are hereby, repealed; and that hereafter all associations organized, or that may be organized, for carrying on the business of banking under the provisions of said act shall be free to establish and organize national banks with circulation at any place within the several States and Territories of the United States upon the terms and conditions, and subject to all the limitations and restrictions, now provided by law, except the limitation upon the entire amount of circulation, which is hereby repealed.

SEC. 2. That after notes for circulation shall have been issued, under the provisions of the preceding section and of the several acts of Congress therein referred to, to national banking associations to the aggregate amount or sum of $400,000,000, the Comptroller of the Currency shall report to the Secretary of the Treasury, at the end of each month thereafter, the amount of notes for circulation issued to national banking associations, in addition to said sum of $400,000,000, during the said month, and thereupon the Secretary of the Treasury shall cause to be redeemed, retired, and canceled, an amount of United States legal-tender notes equal to said additional amount of notes for circulation so issued to such national banking associations as aforesaid, until the whole amount or volume of United States legal-tender notes shall be reduced to the sum of $250,000,000.

Mr. BECK. I now demand the previous question upon the pending amendments.

Mr. MAYNARD. I wish to make a parliamentary inquiry. If the previous question should be refused on the motion of the gentleman from Kentucky, [Mr. BECK,] would it be in order then to move the previous question upon the bill and pending amendments?

The SPEAKER. On the bill and pending amendments?

Mr. MAYNARD. Yes, sir.

The SPEAKER. It would be.

Mr. MAYNARD. I will say, then, to the House that if they refuse to second the demand for the previous question, as made by the gentleman from Kentucky, on the amendments, I will then move the previous question on the bill and amendments.

The SPEAKER. It is, of course, a matter for the House to decide.

Mr. COX. I would like to ask the gentleman from Kentucky whether he would allow me to move to amend his substitute by striking out all but the eighth section, taxing the banks, and the thirteenth section?

The SPEAKER. That would require unanimous consent.

Mr. COX. Could not the gentleman from Kentucky consent to it?

Mr. BECK. I would not object to the gentleman offering that amendment.

Mr. KELLOGG. I desire to make a parliamentary inquiry. Is it the proper time now to make a point of order against the amendment of the gentleman from Kentucky?

The SPEAKER. The point of order is pending, and would be ruled upon when the House reaches a vote upon the amendment.

Mr. KELLOGG. I desire to make a point of order also on the eighth section, which raises taxes, and should have its first consideration in Committee of the Whole.

Mr. RICE. I desire to ask the Chair if it is not in order to make a motion to postpone this matter?

The SPEAKER. It would be if the gentleman had the floor for that purpose.

Mr. RICE. Then I wish I had it.

Mr. G. F. HOAR. I desire to suggest to the Chair whether the point of order should not be ruled upon now; because the House might vote differently on ordering the previous question on the amendments if they supposed that of the gentleman from Kentucky was in order.

The SPEAKER. The Chair conceives that the gentleman from Massachusetts states the very reason why the Chair should not announce the point of order. The Chair should not announce points of order to influence votes in advance of the time when they can properly be made.

Mr. G. F. HOAR. But the Chair has ruled that all the amendments that could properly be proposed to the bill now have been made. We cannot offer another now. And how can the Chair keep out other amendments without determining whether this first amendment is subject to the point of order?

Mr. PACKER. I desire to ask a parliamentary question. Immediately on the finishing of the reading of my amendment I called the previous question on the amendments and the bill. Is not that the first question to be voted on?

The SPEAKER. The Chair thinks, under the circumstances, it is rather his duty to recognize the gentleman from Kentucky; but the point made by the gentleman from Pennsylvania [Mr. PACKER] is all comprehended in the motion of the gentleman from Tennessee, [Mr. MAYNARD.] It is for the House to decide between the two. Had the Chair recognized the motion of the gentleman from Pennsylvania, the gentleman from Kentucky could have asked that the previous question should be simply on the amendment, and then it would have been for the majority to decide, just as it now is. If the House refuses to second the demand for the previous question on the amendments, then the question comes up, will it second the demand for the previous question on the bill and amendments; so that it is all within the power of the majority.

Mr. PACKER. How can I have the advantage of the previous question on my amendment?

The SPEAKER. It operates directly on the gentleman's amendment.

Mr. PACKER. I understand the gentleman from Kentucky merely wants the previous question on his amendment.

The SPEAKER. Not at all. He calls the previous question on all the amendments, including that of the gentleman from Pennsylvania.

Mr. RICE. If the previous question is not sustained, will I have an opportunity to move the postponement?

The SPEAKER. If the previous question is not sustained, the Chair will recognize the gentleman who has charge of the bill. If his motion does not prevail, the Chair will then recognize the gentleman from Illinois, [Mr. RICE.]

Mr. PACKER. Would not the effect of that be that my amendment would be dropped?

The SPEAKER. Not at all; it cannot be. The previous question will operate on the gentleman's amendment.

Mr. PACKER. Yes; but if the demand for the previous question is not sustained on the motion of the gentleman from Kentucky, what then?

The SPEAKER. The only difference is this: the gentleman from Kentucky asks the previous question on the amendments.

Mr. PACKER. On his amendment?

The SPEAKER. On all four, including that of the gentleman from Pennsylvania. The operation of the previous question would be exhausted when the amendments were disposed of, leaving the bill open to further amendments. To that the gentleman from Tennessee [Mr. MAYNARD] objects and desires the previous question to be on the bill and amendments, the difference being that after the amendments were disposed of the House would proceed to dispose of the bill without its being open to further amendments. But nothing can prevent the House from voting on the amendment of the gentleman from Pennsylvania, [Mr. PACKER.]

Mr. MELLISH. I desire to make a parliamentary inquiry. Is it not the right of the House to know whether the amendment is in order before voting on it?

The SPEAKER. The Chair recognizes the force of what was urged by the gentleman from Massachusetts, [Mr. G. F. HOAR.] The point of order made by the gentleman from Illinois [Mr. BURCHARD] was that the thirteenth section of the amendment moved by the gentleman from Kentucky [Mr. BECK] changes the customs law on every imported article.

Mr. BURCHARD. I refer particularly to Rules 110 and 111.

The SPEAKER. The Chair would not decide the question on that ground. The Chair would decide it on the ground that it is not germane. This is a bill in relation to fixing the currency, and the Chair thinks that the point of order is well taken as against the thirteenth section as not being germane.

Mr. BECK. Is not the point of order made too late after amendments have been offered to the amendment?

Mr. DAWES. It was raised when the amendment was first offered.

The SPEAKER. The Chair will recognize the gentleman from Kentucky, if he desires to offer his substitute without that section in it.

Mr. BECK. Very well; I will strike out section 13.

The SPEAKER. The point of order which the gentleman from Connecticut [Mr. KELLOGG] made against that portion of the substitute of the gentleman from Kentucky, taxing bank stock, the Chair does not think well taken.

Mr. KELLOGG. Has not the ruling always been that a tax or an increase of taxation must always be considered in Committee of the Whole, and when such a bill comes from the Committee of the Whole, can there be an increase of tax in the House without the bill going back to the Committee of the Whole? Must not an increase of taxation be first considered in Committee of the Whole?

The SPEAKER. But the House agreed to consider this bill in the House as if in Committee of the Whole.

Mr. KELLOGG. Ah! but that was a bill in relation to the currency, and not for raising revenue by either customs or internal revenue.

The SPEAKER. The Chair thinks that an amendment regulating the taxation of the very currency that the bill is creating is a very different thing from one affecting the tariff laws on every article imported. The section of the amendment to which the gentleman from Illinois [Mr. BURCHARD] excepted would have changed the import duties on every article imported into the country, and therefore was not germane to this bill. The Chair did not rule it out on the ground that it was a tax; but that it was not germane to a bill regulating the currency. But the Chair does not think that an amendment proposing to vary the tax on currency, currency being the very thing and the only thing under consideration, is on the same ground, and therefore he will not rule out this section.

Mr. KELLOGG. Allow me to say one thing. This amendment not only taxes the currency raised by this bill, but the currency established for ten years past.

The SPEAKER. Precisely.

Mr. KELLOGG. It taxes at 1½ per cent. the interest on the bonds.

The SPEAKER. Undoubtedly.

Mr. KELLOGG. Now I submit that no ruling of the House has ever gone beyond this point, that a bill taxing the national-bank circulation simply for the purpose of meeting the expenses of issuing that circulation does not come within the objection. That is as far as the ruling of the Chair has ever gone.

The SPEAKER. The gentleman does not take the force of the fact that this bill was originally in Committee of the Whole, but by a suspension of the rules was brought before the House for consideration as in Committee of the Whole. Does the gentleman recognize that fact?

Mr. KELLOGG. Certainly; but that was a bill in reference to currency, not a bill raising taxes.

The SPEAKER. The gentleman will please hear the Chair. The bill was in Committee of the Whole. Now, if the bill had remained in Committee of the Whole, there is no doubt whatever that this amendment would have been germane and in order. The House, however, agreed to consider this bill in the House under precisely the same limitations and restrictions that it would have in Committee of the Whole, and therefore the Chair rules, as he thinks, on logic that is irresistible, that whatever would be in order as an amendment to the bill in Committee of the Whole is in order here. If the Chair had been presiding as chairman of the Committee of the Whole he would have ruled that the thirteenth section in Committee of the Whole was not germane; but he would not have ruled it out on the ground that it imposed a tax. Any amendment to the bill that could be entertained in Committee of the Whole was transferred to the House when the House agreed to consider the bill in the House as in Committee of the Whole.

Mr. KELLOGG. I submit, with all deference of course, to the ruling of the Chair; we are powerless here; but I desire to say one word. Was not the bill in Committee of the Whole simply a bill to regulate the volume of the currency?

The SPEAKER. If the gentleman is asking questions the Chair begs leave to ask questions in turn. Would the gentleman hold in Committee of the Whole that this amendment was not in order?

Mr. KELLOGG. Not an amendment raising the tax.

The SPEAKER. Would not the amendment be in order if the bill were in Committee of the Whole?

Mr. KELLOGG. Was not the action of the House——

The SPEAKER. The Chair desires the gentleman to answer the question.

Mr. KELLOGG. Well, I will answer that it would not have been in order.

The SPEAKER. There is where the gentleman and the Chair differ. We differ as to its being in order in Committee of the Whole, and if in order in Committee of the Whole, it must necessarily be in order here, because the House in transferring the bill to the House for consideration, did not take off any of the power that would have been in Committee of the Whole; none whatever.

Mr. COX. What was the ruling of the Chair in relation to the thirteenth section?

The SPEAKER. The Chair begs to call the attention of the gentleman from Connecticut [Mr. KELLOGG] to this: That the bill is a bill "to amend the several acts providing for a national currency and to establish free banking, and for other purposes;" the bill being therefore an amendment to the several acts for the organization of national banks, all the provisions that were embraced in those acts, including the provision for taxation, are fairly open to amendment in the House. It brings up every one of the preceding acts, and makes any amendment that would be germane to any provision of those acts in order as an amendment to this bill.

Mr. KELLOGG. The point of order I made was that there was no provision in the original bill imposing a tax on banks.

The SPEAKER. But the House, if it chooses to do so, may adopt a provision increasing the tax on banks.

Mr. COX. The Chair has ruled out the thirteenth section of the amendment of the gentleman from Kentucky, [Mr. BECK,] as I understand.

The SPEAKER. Certainly.

Mr. COX. On the same ground that the Chair ruled in the eighth section?

The SPEAKER. On an entirely different ground. The Chair ruled out the thirteenth section on the ground that this is not a bill regulating duties on imports, and therefore the thirteenth section is not germane.

Mr. COX. Then I would ask the Chair why it is that, during the last four or five years, every bill introduced in this House in reference to the payment of customs dues partly in greenbacks has always been referred to the Committee on Banking and Currency and not to the Committee on Ways and Means?

The SPEAKER. That is not a point upon which the Chair has to rule. The point now is between the two motions of the gentleman from Kentucky [Mr. BECK] and the gentleman from Tennessee, [Mr. MAYNARD.] The gentleman from Kentucky moves the previous question upon the pending amendments to this bill. The gentleman from Tennessee moves the previous question upon the bill and the amendments. The Chair will direct those two gentlemen to act as tellers; the first question being upon the motion of the gentleman from Kentucky for the previous question upon the pending amendments.

Mr. BURCHARD. I made my point of order upon the whole bill of the gentleman from Kentucky. The Chair has directed the thirteenth section to be stricken out upon the point of order. I think the same point of order lies against sections 11 and 12, which propose to change the laws in regard to the coin in the Treasury. There is nothing in the original bill to which either section 11 or 12 would be germane.

Mr. BUTLER, of Massachusetts. Are there any provisions in the acts of which this original bill is amendatory relating to that subject?

Mr. BURCHARD. I wish to say also that the bill of the gentleman from Kentucky proposes to change the existing laws in regard to the sale or disposition of United States five-twenty bonds, forbidding the sale of these bonds unless——

The SPEAKER. The Chair does not think the point well taken.

Mr. G. F. HOAR. I desire to call the attention of the Chair to the forty-second rule, and to ask whether, when the two motions for the previous question are made, the motion for the previous question upon the whole bill and pending amendments must not necessarily be first put? My point is, that as the motion for the previous question takes precedence of the motion to amend, necessarily a motion for the previous question upon the bill must take precedence of the motion for the previous question upon an amendment to the bill.

The SPEAKER. The Chair thinks not. The Clerk will read the rule to which the gentleman refers.

The Clerk read as follows:

> When a question is under debate, no motion shall be received but to adjourn, to lie on the table, for the previous question, to postpone to a day certain, to commit or amend, to postpone indefinitely; which several motions shall have precedence in the order in which they are arranged; and no motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall be again allowed on the same day, and at the same stage of the bill or proposition.

The SPEAKER. The Chair thinks that if there is any deduction to be made from that rule it would be contrary to that made by the gentleman from Massachusetts, because the rules of the House should always be considered in the interest of offering amendments, that being the very essence of legislative power. Therefore the House should have the preference of the previous question first upon the amendment. But the Chair gives no preference in this case, except in the order in which the several amendments were submitted.

Mr. G. F. HOAR. I suppose the object of giving precedence to the previous question was to limit free legislation.

The SPEAKER. To limit it in a particular instance. But the Chair will direct the question to be taken upon the motions in the order in which they were submitted.

Mr. MAYNARD. While the ruling asked for by the gentleman from Massachusetts [Mr. G. F. HOAR] would be favorable to the motion which I have made, I must still say that I think it would be in utter derogation of the rules of the House.

The SPEAKER. The Chair would not sustain the point; but it would make no possible difference, because the motions follow each other.

Mr. BUCKNER. I rise to a privileged motion, and move that this bill be recommitted with instructions.

The SPEAKER. That is not a privileged motion, the pending question being upon seconding the previous question. The question will now be taken upon seconding the previous question upon pending amendments, not upon the bill; and the tellers will take their places.

The House divided; and the tellers reported that there were—ayes 94, noes 78.

So the previous question was seconded, and the main question was then ordered.

The first question was upon the amendment moved by Mr. COBURN to the bill of the committee; and being taken, it was not agreed to—ayes 21, noes not counted.

The question was next taken upon the amendment moved by Mr. HUNTER; and it was not agreed to.

The next question was upon the substitute moved by Mr. PACKER for the substitute proposed by Mr. BECK for the bill of the committee.

The question was taken; and upon a division there were—ayes 83, noes 48; no quorum voting.

Mr. HOLMAN. I call for the yeas and nays on that amendment.

The yeas and nays were ordered.

The question was taken; and there were—yeas 76, nays 151, not voting 63; as follows:

YEAS—Messrs. Albert, Albright, Barber, Bass, Biery, Bradley, Buffinton, Burchard, Burleigh, Burrows, Roderick R. Butler, Cessna, Clements, Stephen A. Cobb, Conger, Cook, Cotton, Creamer, Crooke, Crutchfield, Danford, Darrall, Donnan, Dunnell, Farwell, Foster, Frye, Eugene Hale, Robert S. Hale, Hamilton, Harmer, Benjamin W. Harris, Gerry W. Hazelton, John W. Hazelton, Hendee, Hodges, Houghton, Hubbell, Hurlbut, Kasson, Kendall, Killinger, Lamport, Lansing, Lawson, Lowe, Martin, Maynard, McCrary, James W. McDill, McJunkin, Myers, Orr, Packard, Packer, Pratt, Rainey, Ray, Richmond, Ross, Sawyer, Isaac W. Scudder, Sessions, Shanks, Lazarus D. Shoemaker, Sprague, Stowell, Strawbridge, Tremain, Waldron, Wallace, Jasper D. Ward, Wilber, Charles G. Williams, John M. S. Williams, and William Williams—76.

NAYS—Messrs. Adams, Archer, Ashe, Atkins, Averill, Banning, Barnum, Barrere, Beck, Begole, Bell, Berry, Bland, Blount, Bowen, Bright, Brown, Buckner, Bundy, Benjamin F. Butler, Caldwell, Cannon, Cason, John B. Clark, jr., Clayton, Clymer, Coburn, Comingo, Corwin, Cox, Crittenden, Crossland, Davis, Dawes, DeWitt, Dobbins, Durham, Eames, Eden, Field, Fort, Freeman, Garfield, Giddings, Gooch, Gunckel, Hagans, Hancock, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Herndon, E. Rockwood Hoar, George F. Hoar, Holman, Hooper, Hoskins, Hunter, Hyde, Hynes, Kellogg, Knapp, Lamar, Leach, Loughridge, Lowndes, Marshall, Alexander S. McDill, MacDougall, McKee, McLean, McNulta, Mellish, Merriam, Milliken, Mills, Mitchell, Monroe, Moore, Morey, Neal, Niblack, Niles, Nunn, O'Brien, O'Neill, Orth, Page, Hosea W. Parker, Isaac C. Parker, Parsons, Pelham, Pendleton, Perry, Phelps, Pierce, Pike, Thomas C. Platt, Poland, Potter, Randall, Rapier, Read, Rice, Robbins, Ellis H. Roberts, James W. Robinson, Rusk, Milton Sayler, Henry J. Scudder, Sener, Sheats, Sherwood, Smart, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Snyder, Southard, Speer, Stanard, Standiford, Starkweather, Stone, Swann, Christopher Y. Thomas, Tyner, Vance, Waddell, Walls, Marcus L. Ward, Wells, Wheeler, White, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, George Willard, Willie, Wilshire, James Wilson, Jeremiah M. Wilson, Wood, and John D. Young—151.

NOT VOTING—Messrs. Arthur, Barry, Bromberg, Cain, Amos Clark, jr., Freeman Clarke, Clinton L. Cobb, Crocker, Crounse, Curtis, Duell, Eldredge, Elliott, Glover, Hays, Hereford, Hersey, Howe, Hunton, Jewett, Kelley, Lamison, Lawrence, Lewis, Lofland, Luttrell, Lynch, Magee, Morrison, Negley, Nesmith, Phillips, James H. Platt, jr., Purman, Ransier, William R. Roberts, James C. Robinson, Henry B. Sayler, John G. Schumaker, Scofield, Sheldon, Sloan, Sloss, Small, George L. Smith, William A. Smith, Stephens, St. John, Storm, Strait, Sypher, Taylor, Charles R. Thomas, Thornburgh, Todd, Townsend, Whiteley, William B. Williams, Ephraim K. Wilson, Wolfe, Woodford, Woodworth, and Pierce M. B. Young—63.

So the amendment of Mr. PACKER was not agreed to.

During the roll-call the following announcements were made:

Mr. CALDWELL. My colleague, Mr. SLOSS, who has been called away from the House, would, if present, vote "no."

Mr. LYNCH. On this question I am paired with the gentleman from South Carolina, Mr. ELLIOTT. If he were present he would vote "ay," and I should vote "no."

Mr. BURCHARD. I wish to announce that on all the different branches of this question the gentleman from Massachusetts, Mr. CROCKER, who is detained from the House by illness, is paired with the gentleman from North Carolina, Mr. SMITH.

Mr. YOUNG, of Georgia. On this question I am paired with the gentleman from New York, Mr. WOODFORD, who, if present, would vote in the affirmative, while I should vote in the negative.

Mr. MARSHALL. My colleague, Mr. ROBINSON, of Illinois, is now necessarily absent, and has not been able to be present to vote on any of these currency questions. If here he would vote in the negative on the pending question, and I may add, would oppose any measure tending to extend or perpetuate the national-banking system, or to confer additional privileges upon those engaged in the business of banking.

The result of the vote was announced as above stated.

The SPEAKER. The question now recurs on the amendment offered by the gentleman from Kentucky [Mr. BECK] as a substitute for the original bill.

Mr. HOLMAN. On that question I call for the yeas and nays.

The yeas and nays were ordered.

The Clerk proceeded to call the roll, but was interrupted by

The SPEAKER, who said: The Chair apprehends that members may not understand the question on which they are voting. It is on substituting the proposition of the gentleman from Kentucky [Mr. BECK] for the original bill. If adopted this substitute will stand in the place of the bill.

Mr. BECK. And will be subject to amendment, of course?

The SPEAKER. It will be subject to further amendment, but not to strike out any part of the text.

Mr. SPEER. Did I understand the Chair to say that the point of order in regard to the right of certain members to vote should be made before the roll-call is commenced, or at its conclusion?

The SPEAKER. The Chair will not draw any fine points upon this matter. He will allow the question to be made at any time.

Mr. BUTLER, of Massachusetts. I then make the point of order——

The SPEAKER. The roll-call had better proceed.

The question was taken; and there were—yeas 68, nays 163, not voting 59; as follows:

YEAS—Messrs. Adams, Ashe, Atkins, Banning, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Brown, Buckner, Benjamin F. Butler, Caldwell, Cessna, John B. Clarke, jr., Clymer, Comingo, Cook, Crittenden, Crossland, Davis, Durham, Eden, Field, Fort, Giddings, Robert S. Hale, Hancock, Henry R. Harris, John T. Harris, Hatcher, Havens, Herndon, Holman, Knapp, Lamar, Leach, Marshall, McLean, Mellish, Milliken, Mills, Neal, Niblack, O'Brien, Orth, Isaac C. Parker, Pelham, Randall, Robbins, Milton Sayler, Sener, Sheats, Southard, Speer, Stone, Vance, Waddell, Wells, White, Whitehead, Whitthorne, Willie, Woodworth, John D. Young, and Pierce M. B. Young—68.

NAYS—Messrs. Albert, Albright, Archer, Averill, Barber, Barnum, Barrere, Begole, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Roderick R. Butler, Cain, Cannon, Cason, Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Cox, Creamer, Crooke, Crounse, Crutchfield, Curtis, Danford, Darrall, Dawes, DeWitt, Dobbins, Donnan, Dunnell, Eames, Farwell, Foster, Freeman, Frye, Garfield, Gooch, Gunckel, Hagans, Eugene Hale, Hamilton, Harmer, Benjamin W. Harris, Harrison, Hathorn, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, Hendee, E. Rockwood Hoar, George F. Hoar, Hodges, Hoskins, Houghton, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kasson, Kellogg, Kendall, Killinger, Lamport, Lansing, Lawson, Lewis, Lofland, Loughridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McJunkin, McKee, McNulta, Merriam, Monroe, Myers, Niles, Nunn, O'Neill, Orr, Packard, Packer, Page, Hosea W. Parker, Parsons, Pendleton, Perry, Phelps, Pierce, Pike, Thomas C. Platt, Poland, Potter, Pratt, Rapier, Ray, Read, Rice, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Sawyer, Henry J. Scudder, Isaac W. Scudder, Sessions, Shanks, Sheldon, Sherwood, Lazarus D. Shoemaker, Smart, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Snyder, Sprague, Stanard, Standiford, Starkweather, St. John, Stowell, Strawbridge, Swann, Christopher Y. Thomas, Townsend, Tremain, Tyner, Waldron, Walls, Jasper D. Ward, Marcus L. Ward, Wheeler, Whitehouse, Whiteley, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, Wilshire, James Wilson, Jeremiah M. Wilson, and Woodford—163.

NOT VOTING—Messrs. Arthur, Barry, Bass, Bromberg, Amos Clark, jr., Freeman Clarke, Clinton L. Cobb, Crocker, Duell, Eldredge, Elliott, Glover, Hays, Hereford, Hersey, Hooper, Howe, Hunton, Jewett, Kelley, Lamison, Lawrence, Luttrell, Magee, Mitchell, Moore, Morey, Morrison, Negley, Nesmith, Phillips, James H. Platt, jr., Purman, Rainey, Ransier, William R. Roberts, James C. Robinson, Rusk, Henry B. Sayler, John G. Schumaker, Scofield, Sloan, Sloss, Small, George L. Smith, William A. Smith, Stephens, Storm, Strait, Sypher, Taylor, Charles R. Thomas, Thornburgh, Todd, Wallace, William B. Williams, Ephraim K. Wilson, Wolfe, and Wood—59.

So the amendment was not agreed to.

During the roll-call,

Mr. COBURN, of Indiana, said: My colleague, Mr. SAYLER, is absent. If he were here he would vote "no."

Before the result of the vote was announced,

Mr. SPEER said: Mr. Speaker, I hold in my hand the report of the Comptroller of the Currency, which shows that the gentleman from Vermont, [Mr. POLAND,] who has voted in the negative, is the president of a national bank. It further shows that the gentleman from New Jersey, [Mr. HAMILTON,] on this side of the House, who has also voted in the negative, is the president of a national bank. I hold in my hand the Congressional Directory, which shows that Mr. PHELPS, of New Jersey, is the director of several national banks. These gentlemen have all voted in the negative. The bill or amendment on which they have voted provides in the eighth section—

That in lieu of the tax of 1 per cent. per annum now imposed by law on the outstanding circulation of national banks, a tax of 3 per cent. per annum, payable semi-annually in gold, shall be collected upon the circulation which has been issued to each national bank which has not been returned for cancellation.

I raise the point of order that these gentlemen, belonging to both political parties—Mr. POLAND, of Vermont; Mr. HAMILTON, of New Jersey; and Mr. PHELPS, of New Jersey—have not the right to vote, being personally interested; and upon that point I ask the ruling of the Chair.

Mr. COX. I desire to make a statement to the House on this subject, and I wish to be frank and explicit about it. I suppose that the gentleman from Pennsylvania, when he had the rule read, did not know that I had bank stock, and meant nothing personal. But the matter has been before the House formerly. The gentleman from Missouri some time since offered a resolution here asking for a list of bank stockholders and officers. I voted for it. I have uniformly, as a member of the Banking and Currency Committee, and as a member of this House, voted to tax the stock of banks, and always at the maximum, and on every occasion, and irrespective of interest, I have voted always to tax the banks for the manufacture of their notes. We have had several contests on that. I wanted to-day to vote for this extra tax of 3 per cent. in the bill of my friend from Kentucky—the 3 per cent. in the eighth section. But how can I vote for this bill with that in it, unless I am more or less to be reproached for voting for other parts of the bill I do not agree to? I may be in favor of the bill of the gentleman from Kentucky, and yet may want to oppose the eighth section, or *vice versa*. And am I to be reproached in this House or elsewhere for the vote I may give on that bill? My very cautious care is my enemy. The Chair ruled a short time ago that with this general interest I might vote; but it is not yet ruled that one in interest may vote against that interest. Of the eighty-odd bank men in this House I am one of a very few who vote, as is believed, in the general and not in the particular interest. I do not profess to be specially disinterested; but I do not care to sit here without challenging a settlement of the question.

Mr. CREAMER. I rise to a question of order. The Chair has already ruled on this question.

The SPEAKER. The Chair has not really ruled on it. The Chair may have foreshadowed his opinion, but did not rule.

Mr. ALBRIGHT. I object to debate.

The SPEAKER. The point of order may be briefly discussed.

Mr. SPEER. I desire to state in justice to the gentlemen whose names I have taken the liberty to use that I have selected them not from any personal hostility, but as representatives of a class. I believe there are eighty or a hundred gentlemen in this House who are similarly situated. I have selected these gentlemen because there is authentic evidence here of their interest.

Mr. BUTLER, of Massachusetts. I desire to say a single word. It seems to me that this is a point which it is of a good deal of consequence should be decided once for all. Therefore I desire to make a single observation.

Mr. ALBRIGHT. I object to debate.

The SPEAKER. This is in order. The Chair has the right to hear discussion upon a point of order, and on one of this magnitude the Chair has no desire to abridge discussion.

Mr. BUTLER, of Massachusetts. The point of order raises a question which ought to be decided, and decided finally by the House, if anybody doubts the ruling of the Chair. In the case of any one of these gentlemen who have been named it is not a reproach to him that he owns bank stock. The question is this, does this holding of bank stock come within the ruling of the House, and the vote on this particular bill raises the question sharply.

This amendment of the gentleman from Kentucky proposes to tax this individual property of the member 3 per cent. on the circulation of the bank, and raises the tax upon that distinct from any other property in the United States. This brings up the question whether there can be a class of property in the United States, which is not possessed by all the people of the United States, such that a member owning it can be said, within the rule, not to be interested more than the general public. Without indicating any opinion on that subject, I desire to call the attention of the House to the fact that it comes directly to that; and if the rule is not operative there, where is it to be operative? Is it only to be operative when there is only one member of the House, or two members of the House, or three members of the House interested in a particular question? Does the extent of the number interested operate to take the individual out of the rule?

Mr. E. R. HOAR. I would like to ask how this differs from the tax on gold watches and silver plate?

Mr. DAWES. Is this the line of distinction, that when a member of the House belongs to a class of the community that may be affected one way or the other by the legislation, he is permitted to vote; but if he be an individual, to whom, as an individual, the question of interest applies, aside from a class, then he will be within the rule? The holder of bank stock would be no more interested in this measure than the holder of stock in a manufacturing company in the United States, upon the question whether you will impose a duty upon foreign manufactures. It is a class of the community. There can be no legislation had that does not affect, directly or indirectly, every member of the community, as a member of the community itself, or as a member of a class of the community.

The SPEAKER. The Chair will say that the question in fact lies somewhat back of the rules of the House, and while the Chair is going to give his opinion upon the rule and construe it, he begs to make a remark that goes somewhat deeper than the rule.

When a very distinguished predecessor in this chair, Mr. Macon, of North Carolina, occupied it, as is familiar to the House, a question arose upon the amendment to the Constitution changing the mode of counting the votes for the election of President and Vice-President. The rule at that time was peremptory that the Speaker should not vote, except in the case of a tie. It has been since changed. The vote, if the Chair remembers correctly, as handed up to Mr. Macon, was 83 in favor of the amendment and 42 opposed to it. The amendment did not have the necessary two-thirds, and the rule absolutely forbade the Speaker to vote, and yet he did vote, and the amendment became ingrafted in the Constitution of the United States upon that vote; and he voted upon the distinct declaration that the House had no right to adopt any rule abridging the right of a member to vote; that he voted upon his responsibility to his conscience, and to his constituents; that, although that rule was positive and peremptory, it did not have any effect upon his right. He voted, and, if the Chair remembers correctly, it was attempted to contest afterward, by some judicial process, whether the amendment was legally adopted. But the movement proved abortive, and the amendment is now a part of the Constitution. Now the question comes back, whether or not the House has a right to say to any member that he shall not vote upon any question, and especially if the House has a right to say, that if 147 members come here, each owning one share of national-bank stock, (which there is no law to prohibit them from holding,) they shall by reason of that very fact be incapacitated from legislating on this whole question. If there is a majority of one in the House that hold each a single share of bank stock, and it incapacitates the members from voting, then, of course, the House cannot approach that legislation; it stops right there.

Mr. POTTER. Let me ask at this point, if a member is incapacitated to vote in his own interest, is he equally incapacitated to vote against his interest?

The SPEAKER. O, of course; that makes no difference. The point raised by the gentleman from New York, [Mr. COX,] as to voting against his interests, the Chair thinks does not change the question at all.

Mr. COX. I thought so myself.

The SPEAKER. It does not make the slightest difference on the question. Now it has always been held that where legislation affected a class as distinct from individuals a member might vote. Of course every one will see the impropriety of the sitting member in the case of a contest voting on his own case. That is so palpably an individual personal interest that there can be no question about it. It comes right down to that single man; there is no class in the matter at all. But where a man does not stand in any way distinct from a class, the uniform rulings of the American House of Representatives and of the British Parliament, from which we derive our rulings, have been one way. In the year 1871—the Chair is indebted for the suggestion to the gentleman from Massachusetts, [Mr. G. F. HOAR,] but he remembers the case himself—when a bill was pending in the British House of Commons to abolish the right to sell commissions in the army, which officers had always theretofore enjoyed and to give a specific sum of money to each army officer in lieu thereof, there were many officers of the army members of the British House of Commons, as there always are, and the point was made that those members could not vote on that bill because they had immediate and direct pecuniary interest in it. The House of Commons did not sustain the point, because the officers referred to only had that interest which was in common with the entire class of army officers outside of the House, many thousands in number. Since I have had the honor of being a member of this House, on the floor and in the chair, many bills giving bounty to soldiers have been voted on here. We have the honor of the presence on this floor of many gentlemen distinguished in the military service who had the benefit of those bounties directly and indirectly. It never could be made a point that they were incapacitated from voting on those bills. They did not enjoy the benefit arising from the legislation distinct and separate from thousands of men in the country who had held similar positions. It was not an interest distinct from the public interest in any way.

Mr. GARFIELD. And the same with pensions.

The SPEAKER. And the same with pensions, as the gentleman from Ohio suggests. And further, as the gentleman from Massachusetts, the chairman of the Committee on Ways and Means, [Mr. DAWES,] has well said, if it should be decided to-day that a member who holds a share of national-bank stock shall not vote on a question relating to national banks, then the question might come up whether a member interested in the manufacture of cotton shall have the right to vote upon the tariff on cotton goods; or whether a member representing a cotton State shall vote upon the question of whether cotton shall be taxed, for that interest is largely represented here by gentlemen engaged in the planting of cotton. And so you can go through the whole round of business and find upon this floor gentlemen who, in common with many citizens outside of this House, have an interest in questions before the House. But they do not have that interest separate and distinct from a class, and, within the meaning of the rule, distinct from the public interest. The Chair, therefore, has no hesitation in saying that he does not sustain the point of order presented by the gentleman from Pennsylvania, [Mr. SPEER.]

Mr. SPEER. Allow me a moment.

Many MEMBERS. Regular order! Regular order!

Mr. SPEER. Will the Chair cut me off by the regular order?

The SPEAKER. If the gentleman from Pennsylvania will be a little patient——

Mr. SPEER. Ordinarily a court hears the argument before it decides.

The SPEAKER. The Chair did not decide until argument was presented.

Mr. SPEER. The Chair has ruled upon the point of order.

The SPEAKER. The Chair will hear the gentleman if he desires to make a statement.

Mr. SPEER. I do not desire to argue with the Chair after he has decided the question. It would have been at least courteous to have heard me before he decided it.

Mr. MAYNARD. Is it proposed to appeal from the decision of the Chair?

Mr. SPEER. Certainly, it is.

Mr. HOLMAN. I appeal from the decision of the Chair.

Mr. RANDALL. The Speaker has made a very interesting statement of what he termed a principle involved "back of the rule." How does the Chair reconcile what he has now stated with his decision in reference to the right of the gentleman from Massachusetts [Mr. HOOPER] to vote upon the Pacific Railroad bill?

The SPEAKER. The Chair thinks that was a single corporation, holding a different relation from the general system of banking throughout the United States.

Mr. RANDALL. But that gentleman was here, and had his conscience and his duty to his constituents which he must consider.

The SPEAKER. The Chair is not put here to say what the rules should be, but to construe what they are.

Mr. RANDALL. The Chair stated that the member was responsible to his own conscience and the constituency which he represented.

The SPEAKER. The Chair did not say that; the Chair stated that Mr. Macon so stated, which is a higher authority than that of the present occupant of the chair.

Mr. RANDALL. I do not know that it is any better.

The SPEAKER. An appeal has been taken from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of this House?

Mr. PARSONS. I move to lay the appeal on the table.

Mr. SPEER. And on that motion I call for the yeas and nays.

The yeas and nays were not ordered; there being only 13 in the affirmative.

The SPEAKER. The Chair desires that this vote shall be taken by tellers, so that it may go upon the record. The gentleman from Indiana, Mr. HOLMAN, who appealed from the decision of the Chair, and the gentleman from Ohio, Mr. PARSONS, who moved to lay that appeal on the table, will act as tellers.

The House divided; and the tellers reported that there were—ayes 193, noes 9.

So the appeal from the decision of the Chair was laid upon the table.

Mr. GARFIELD. Before leaving this question, and for the purpose of elucidating more fully the principle involved, I desire to inquire whether, if there be members of this House who are private bankers, it might not be for their interest to blot out the national banks and thus help themselves. And why cannot the point of order be made upon them as well as upon the others?

Mr. RANDALL. Expose them as the others have been exposed.

Mr. SPEER. To whom does the gentleman address the inquiry?

Mr. GARFIELD. To the Chair.

The SPEAKER. The rule would be just the same.

Mr. SPEER. I believe the Chair cannot rule upon a question until it is raised.

The SPEAKER. The Chair will now announce the result of the vote upon the substitute moved by the gentleman from Kentucky [Mr. BECK] for the original bill of the Committee on Banking and Currency. The names of the members whose votes were challenged will remain on the roll. The result of the vote by yeas and nays is—yeas 68, nays 163; and the substitute is rejected.

Mr. E. R. HOAR. I desire to move to amend the original bill by adding that which I send to the Clerk's desk.

Mr. BUTLER, of Massachusetts. And I desire to move as a substitute for the bill the text of the Senate bill.

Mr. G. F. HOAR. I rise to a question of order.

Mr. MAYNARD. I rose and addressed the Chair, but I understood the Chair to recognize the gentleman from Massachusetts on my left, [Mr. E. R. HOAR.] I did not understand that the Chair recognized me as entitled to the floor.

The SPEAKER. There were a great many members standing around the gentleman from Tennessee, [Mr. MAYNARD.] The first voice that attracted the attention of the Chair was that of the gentleman from Massachusetts in front of the Chair, [Mr. E. R. HOAR.]

Mr. MAYNARD. I understood the fact to be as the Chair has announced; but gentlemen around me seemed to think differently.

Mr. E. R. HOAR. I spoke the instant the Chair stopped speaking.

Mr. BUTLER, of Massachusetts. I spoke as near that time as I could.

The SPEAKER. The Clerk will report the amendment proposed by the gentleman from Massachusetts in front of the Chair.

The Clerk read the amendment moved by Mr. E. R. HOAR, as follows:

That from and after the 1st day of September, in the year 1874, nothing but gold and silver coin of the United States shall be a legal tender for the payment of any debt thereafter contracted.

That from and after the 1st day of September, in the year 1874, every holder of United States notes shall have the right to exchange them at the Treasury of the United States, in sums of $100 or any multiple thereof, for bonds of the United States, coupon or registered, bearing interest at the rate of 4½ per cent. a year, payable semi-annually, which bonds shall be redeemable after ten years from their date, at the pleasure of the United States, and payable at thirty years from their date, payable principal and interest in gold; and the notes so exchanged shall be canceled and destroyed, and not reissued; and no new notes shall be issued in lieu thereof.

Mr. MAYNARD. I have been importuned very much to allow further amendments. I will allow the gentleman from Indiana [Mr. WILSON] to offer one as a substitute for the amendment of the gentleman from Massachusetts, [Mr. BUTLER,] and then——

Mr. G. F. HOAR. I make the point of order that the amendment offered by my colleague on my right [Mr. BUTLER, of Massachusetts] is not in order under the forty-eighth rule of the House.

The SPEAKER. The Clerk will read the rule referred to.

The Clerk read as follows:

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment. No bill or resolution shall at any time be amended by annexing thereto or incorporating therewith any other bill or resolution pending before the House.

Mr. G. F. HOAR. I understand the Senate bill is now pending in this House.

The SPEAKER. The Chair does not so understand.

Mr. BUTLER, of Massachusetts. I wish it were.

The SPEAKER. Bills on the Speaker's table are not pending; their contents are not even presumed to be known to the House until the bills are taken up.

Mr. G. F. HOAR. Are they not announced to the House by message from the Senate?

The SPEAKER. They are announced by their titles merely, and are recorded by their titles. They are not before the House for any motion, and are not in any parliamentary sense pending. If the House had heretofore taken up the Senate bill and referred it to the Committee on Banking and Currency, the point of the gentleman from Massachusetts would be good.

Mr. KELLOGG. One word on that point. I submit to the Chair and to the House whether the gentleman from Massachusetts [Mr. BUTLER] has not several times stated that his amendment was the Senate bill, and whether the Chair has not so announced?

The SPEAKER. Precisely. It is known as a matter of public notoriety that the amendment of the gentleman from Massachusetts is the exact language of the Senate bill; but the rule is not administered on that basis.

Mr. BUTLER, of Massachusetts. My amendment is not precisely the same as the Senate bill; I have left out two or three commas.

Several members called for the regular order.

Mr. G. F. HOAR. I wish to inquire whether the Senate bill has not been introduced as a House bill and referred to a committee?

The SPEAKER. The Chair is not so advised.

Mr. MYERS. Even if a bill identical in form with that of the Senate were introduced and referred here, it would not be the Senate bill. Congress frequently adjourns with bills on the table which are never reached.

The SPEAKER. But a point of order would be good against this amendment if it were identical with a bill already referred in the House.

Mr. MYERS. But no such bill has been referred.

The SPEAKER. The gentleman from Massachusetts will observe——

Mr. G. F. HOAR. I do not wish particularly to press the point.

The SPEAKER. The Chair does not hold the point good; but even where it does obtain, the rule can be evaded by a very slight variation in the text of the proposition sought to be offered. By striking out or changing a word, the effect of the rule can be obviated. It is not a rule of any very binding force even where it applies.

Mr. MAYNARD. I now demand the previous question upon the bill and pending amendments.

Mr. NIBLACK. I move that the House now adjourn.

Mr. MAYNARD. As I understand, Mr. Speaker, the gentleman from Massachusetts [Mr. E. R. HOAR] offered an amendment to the original bill. His colleague [Mr. BUTLER, of Massachusetts] offered an amendment in the nature of a substitute. The gentleman from Indiana [Mr. WILSON] indicated a wish to offer a substitute for the amendment of the gentleman from Massachusetts, [Mr. BUTLER,] and the gentleman from Ohio [Mr. FOSTER] proposed to offer an amendment to the original bill.

The SPEAKER. Those amendments are in order.

Mr. MAYNARD. And they, as I understand, are all the amendments admissible under the rules.

The SPEAKER. With these amendments pending, the power of amendment is exhausted.

Mr. MAYNARD. And that being the state of the bill, I demanded the previous question on the bill and pending amendments.

The SPEAKER. The amendment sent to the desk by the gentleman from Ohio [Mr. FOSTER] will be read.

The Clerk read as follows:

Add to the bill the following:

SEC. —. That in case any increase of national-bank circulation beyond the present authorized limit of $354,000,000 shall take place, the Secretary of the Treasury is hereby authorized and directed to retire and cancel legal-tender notes to the extent of 25 per cent. of such increase, until the outstanding and unpaid legal-tender notes shall be reduced to $300,000,000.

SEC. —. That so much of the fifth section of an act entitled "An act to authorize the issue of United States notes and for the redemption or funding thereof, and for funding the floating debt of the United States," approved February 25, 1862, as relates to the purchase or payment of 1 per cent. of the entire debt of the United States annually, and the setting the same apart as a sinking fund, be so amended that said purchase of 1 per cent. as therein prescribed shall apply to the extent of the legal-tender notes retired and canceled under the preceding section of this act.

The SPEAKER. The gentleman from Indiana [Mr. WILSON] offers an amendment in the nature of a substitute for that offered by the gentleman from Massachusetts, [Mr. BUTLER.] The Clerk will read it.

Mr. BUCKNER. Is it in order now to move to recommit the bill?

The SPEAKER. It is not. The Chair will state when it is in order. When the amendment of the gentleman from Indiana [Mr. WILSON] shall have been read it is the intention of the chairman of the Committee on Banking and Currency to demand the previous question on the bill and amendments. If that motion does not prevail the Chair will recognize the gentleman from Missouri [Mr. BUCKNER] to move to recommit the bill. The Clerk will read the amendment of the gentleman from Indiana.

The Clerk read as follows:

That so much of section 22 of the act entitled "An act to provide a national currency secured by a pledge of United States bonds and to provide for the circulation and redemption thereof," approved June 3, 1864, and all other acts or parts of

acts, in so far as the amount of notes for circulation is limited thereby, be, and the same are hereby, repealed.

SEC. 2. That so much of section 31 of said act as requires such associations, organized pursuant thereto, to have on hand in lawful money of the United States any amount on account of circulation be, and the same is hereby, repealed.

SEC. 3. That no association heretofore, or that may be hereafter, organized pursuant to said act shall pay to any other association or bank any interest on deposits; nor shall any association heretofore organized, or that may hereafter be organized, under said act receive any interest from any other such association or bank of discount or discount and deposit.

SEC. 4. That the person appointed to make examinations pursuant to section 54 of said act shall, in addition to the other duties prescribed in said section, ascertain whether any bonds or stocks of any corporation, association, or joint-stock company have been taken as security, in whole or in part, for any loan or discount, directly or indirectly, by such association, and shall report in writing to the Comptroller of the Currency the amount of loans or discounts since his last report upon the security, in whole or in part, of bonds and stocks, or either, and the amount and kinds of bonds and stocks taken by such association as security. He shall also ascertain and report what, if any, bonds or stocks have been, since his last report, purchased by such association, and what disposition has been made of the same. Said examiner shall publish said report in two successive issues of a daily newspaper of general circulation, printed and published in the county or parish in which such association is situate, or, if there is no daily, then in some weekly newspaper of general circulation printed and published in such county or parish, and if there is no weekly, then in the weekly printed and published nearest thereto; and such association shall pay the expense of such publication.

SEC. 5. That if any association shall do any act herein prohibited, or shall conceal, or attempt to conceal, from such examiner any receipt of stock or bonds as security for any loan or loans, discount or discounts, or any purchase of bonds or stocks, it shall be the duty of the Comptroller of the Currency to appoint a receiver, who shall take charge of the assets of such association, and proceed to dispose of the same in all things as is provided by said act in case of default in redeeming circulating notes of such association.

Mr. MAYNARD. I now move the previous question on the bill and amendments.

Mr. NIBLACK. I move that the House do now adjourn.

Mr. BUTLER, of Massachusetts. O, no.

The question being taken on the motion to adjourn, there were—ayes 78, noes 73.

Mr. CLEMENTS. I ask for the yeas and nays.

On the question of ordering the yeas and nays there were ayes 14.

Mr. FORT. I call for tellers on the yeas and nays.

On the question of ordering tellers there were ayes, 42; more than one-fifth of a quorum.

So tellers were ordered; and the Speaker appointed Mr. FORT and Mr. WILLIE.

The House again divided; and the tellers reported ayes 42.

So (the affirmative being more than one-fifth of those present) the yeas and nays were ordered.

The SPEAKER. The Chair desires to make a personal statement. The Chair will carefully revise the notes of the reporters, as he always does where an appeal is made on a point of order; and he intends to incorporate into his remarks one single thing which escaped him as an illustration. And that is, that on the question of repealing the income tax every member of the House would have been incapacitated from voting.

Mr. SPEER. I suppose the Chair will not strike out anything that is in the reporters' notes.

The SPEAKER. The Chair has no desire to do so. What does the gentleman from Pennsylvania mean by that intimation?

Mr. SPEER. I have observed frequently in reading the CONGRESSIONAL RECORD in the morning that I have not found personal debates of this character reported as to my recollection they occurred in this House.

The SPEAKER. Where the Chair was concerned?

Mr. SPEER. Yes.

The SPEAKER. Frequently?

Mr. SPEER. And where I understood the notes were revised by the Chair.

The SPEAKER. Will the gentleman state a case?

Mr. SPEER. I instance the case with reference to the power which was sought for the Committee on Expenditures in the Department of Justice.

The SPEAKER. Will the gentleman state another case?

Mr. SPEER. The Chair asked me to give one case.

The SPEAKER. The gentleman stated "frequently." Will he state another case?

Mr. SPEER. Does the Chair deny it with reference to that case?

The SPEAKER. The Chair desires the gentleman from Pennsylvania to state what warrant he has for saying that the Chair frequently revises the reporters' notes.

Mr. SPEER. I recollect another case—the controversy with the gentleman from Massachusetts, [Mr. G. F. HOAR.]

The SPEAKER. That is the same case. The Chair does not desire that there shall be the slightest exhibition of temper in this matter. The Chair, in the case which has been referred to, made a hasty remark which he thought ought not to appear in the RECORD, because it was wounding to the feelings of the gentleman from Virginia, [Mr. SENER,] and the gentleman from Massachusetts [Mr. G. F. HOAR] had made a remark indicating that such was the effect of it. On consultation with the gentleman from Massachusetts, he having the entire control of his remarks and the Chair of his, it was thought better that that should not appear in the RECORD. It was done entirely out of good-nature and without the knowledge of the gentleman from Virginia, [Mr. SENER.] It was done in order that nothing in the slightest degree undignified or ruffling to the temper of any member should go on the record as coming from the Chair.

Mr. SPEER. I am not questioning the motives of the Chair.

The SPEAKER. But the gentleman used the term "frequently." The Chair would be apt on that point to have a recollection somewhat superior to that of the gentleman from Pennsylvania, and the Chair states that he has not been sufficiently in the habit of revising his notes, as the reporters know, and he does not recollect a single instance, except that which has been referred to, in which he has altered them.

Mr. BUTLER, of Massachusetts. So far as I know, since I have been in the House, whenever there has been a personal debate on the floor, and the two members who were parties to it chose to strike out the remarks on one side and the other, it has always been done.

The SPEAKER. It was done wholly in the interest of good nature, entirely so; and the Chair thought that in revising the notes upon this decision, which is an important one, he would use the illustration he has referred to; and out of abundant caution, lest any gentleman might suppose that he had interjected something, he gave notice that he would put it in.

Mr. KELLOGG. Allow me one question. My friend from Pennsylvania [Mr. SPEER] seemed to take offense because the Chair did not allow debate. The question I wish to put is, whether the gentleman from Pennsylvania when he made the point of order should not have debated it then?

Mr. SPEER. The Chair recognized the gentleman from Massachusetts, [Mr. BUTLER.]

Many MEMBERS. Regular order.

The question was taken on Mr. NIBLACK's motion; and there were—yeas 121, nays 110, not voting 59; as follows:

YEAS—Messrs. Adams, Albert, Archer, Arthur, Ashe, Atkins, Barber, Barnum, Bass, Beck, Begole, Bell, Berry, Bland, Blount, Bowen, Bright, Brown, Buckner, Buffinton, Burchard, Burleigh, Caldwell, Clymer, Comingo, Cook, Cox, Creamer, Crittenden, Crossland, Danford, Dawes, DeWitt, Dobbins, Durham, Eames, Frye, Garfield, Giddings, Gooch, Eugene Hale, Robert S. Hale, Hamilton, Hancock, Harmer, Benjamin W. Harris, Henry R. Harris, John T. Harris, Hatcher, Joseph R. Hawley, Herndon, E. Rockwood Hoar, George F. Hoar, Hooper, Hoskins, Houghton, Kellogg, Kendall, Knapp, Lamar, Lamport, Lawson, Lowndes, Luttrell, Marshall, MacDougall, McLean, Mellish, Milliken, Mitchell, Moore, Neal, Niblack, O'Brien, Page, Hosea W. Parker, Pendleton, Perry, Phelps, Pierce, Pike, Poland, Potter, Randall, Read, Rice, Robbins, Ellis H. Roberts, Milton Sayler, Henry J. Scudder, Isaac W. Scudder, Sessions, Smart, H. Boardman Smith, John Q. Smith, Southard, Speer, Standiford, Stone, Strawbridge, Swann, Christopher Y. Thomas, Townsend, Tremain, Vance, Waddell, Waldron, Marcus L. Ward, Wells, Wheeler, Whitehead, Whitehouse, Whitthorne, Wilber, Charles W. Willard, George Willard, Willie, Wood, Woodford, John D. Young, and Pierce M. B. Young—121.

NAYS—Messrs. Albright, Averill, Banning, Barrere, Biery, Bradley, Bundy, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Cason, Cessna, John B. Clark, jr., Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crooke, Crutchfield, Darrall, Davis, Donnan, Dunnell, Farwell, Fort, Foster, Freeman, Gunckel, Hagans, Harrison, Hathorn, Havens, John B. Hawley, Gerry W. Hazelton, John W. Hazelton, Hodges, Holman, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kasson, Lansing, Lewis, Lofland, Loughridge, Lowe, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, McJunkin, McKee, McNulta, Merriam, Monroe, Myers, Niles, Nunn, O'Neill, Orr, Packard, Packer, Isaac C. Parker, Parsons, Pelham, Thomas C. Platt, Pratt, Purman, Rainey, Rapier, Ray, Richmond, James W. Robinson, Ross, Rusk, Sawyer, Sener, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, A. Herr Smith, J. Ambler Smith, Snyder, Sprague, Stanard, Starkweather, Stowell, Tyner, Wallace, Walls, Jasper D. Ward, Charles G. Williams, John M. S. Williams, William Williams, Wilshire, James Wilson, Jeremiah M. Wilson, and Woodworth—110.

NOT VOTING—Messrs. Barry, Bromberg, Amos Clark, jr., Freeman Clarke, Clinton L. Cobb, Crocker, Crounse, Curtis, Duell, Eden, Eldredge, Elliott, Field, Glover, Hays, Hendee, Hereford, Hersey, Hunton, Jewett, Kelley, Killinger, Lamison, Lawrence, Leach, Magee, Mills, Morey, Morrison, Negley, Nesmith, Orth, Phillips, James H. Platt, jr., Ransier, William R. Roberts, James C. Robinson, Henry B. Sayler, John G. Schumaker, Sceficld, Sloan, Sloss, Small, George L. Smith, William A. Smith, Stephens, St. John, Storm, Strait, Sypher, Taylor, Charles R. Thomas, Thornburgh, Todd, White, Whiteley, William B. Williams, Ephraim K. Wilson, and Wolfe—59.

Before the result of the vote was announced, the following proceedings took place:

The SPEAKER. The request is made that the pending amendments to the currency bill may be printed, and printed in the RECORD. The Chair hears no objection, and the order will be made.

Mr. MAYNARD. I ask that the bill as amended may also be printed, and be printed in the RECORD.

There was no objection, and it was so ordered.

The bill and amendments are as follows:

A bill to amend the several acts providing a national currency, and to establish free banking, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 31 of the act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved on the 3d day of June, in the year 1864, be so amended that the several associations therein provided for shall not hereafter be required to keep on hand any amount of money whatever by reason of the amount of their respective circulations; but the money required by said section to be kept at all times on hand shall be determined by the amount of deposits, in all respects as provided for in the said section.

SEC. 2. That section 22 of the said act, and the several amendments thereto, so far as they restrict the amount of notes for circulation under said act, be, and the same are hereby, repealed; and that section 1 of the act entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates, and for an increase of national-bank notes," approved July 12, 1870, be amended by repealing the second proviso in said section contained. And the act entitled "An act to amend an act entitled 'An act to provide a national currency secured by pledge of United States bonds, and to provide for the circulation and redemption thereof,'" approved on the 3d of March, 1865, be, and the same is hereby, repealed; and section 21 of the original act to which the act last aforesaid is an amendment, be, and the same is hereby, re-enacted.

SEC. 3. That every association organized, or to be organized, under the provisions of the said act and of the several acts in amendment thereof, shall at all times keep and have on deposit in the Treasury of the United States, in lawful money of the United States, a sum equal to 5 per cent. of its circulation, to be held and used only for the redemption of such circulation; and when the circulating notes of any such association or associations shall be presented, assorted or unassorted, for redemption, in sums of $1,000, or any multiple thereof, to the Treasurer or to any assistant treasurer of the United States, the same shall be redeemed in United States notes. All notes so redeemed shall be charged by the Comptroller of the currency to the respective associations issuing the same, and he shall notify them severally, on the first day of each month, or oftener, at his discretion, of the amount of such redemptions; whereupon each association so notified shall forthwith deposit with the Treasurer of the United States a sum in United States notes equal to the amount of its circulating notes so redeemed. And when such redemptions have been so reimbursed, the circulating notes so redeemed, or, if worn, mutilated or defaced, new notes instead shall be forwarded to the respective associations: *Provided*, That each of said associations shall reimburse to the Treasury the costs of redemption and of supplying new notes in place of those redeemed. And the associations hereafter organized shall also severally reimburse to the Treasury the costs of engraving and printing their circulating notes: *And provided further*, That the entire amount of United States notes outstanding and in circulation at any one time shall not exceed the sum of $400,000,000, now authorized by existing law.

SEC. 4. That any association organized under this act, or any of the acts of which this is an amendment, desiring to withdraw its circulating notes, in whole or in part, may, upon deposit of lawful money within the meaning of said acts, in sums of not less than $10,000, with the Treasurer of the United States, withdraw a proportionate amount of bonds deposited in pledge for such circulation; and he shall redeem, cancel, and destroy an amount of the circulating notes of such association equal to the amount issued upon such bonds.

SEC. 5. That sections 31 and 32 of the said act be amended by requiring that each of the said associations shall keep its lawful-money reserves within its own vaults at the place where its operations of discount and deposit are carried on. And all the provisions of the said sections requiring or permitting any of the said associations to keep any portion of its lawful-money reserves elsewhere than in its own vaults, or requiring or permitting the redemption of its circulating notes elsewhere than at its own counter, except as provided for in this act, are hereby repealed.

SEC. 6. That upon all circulating notes hereafter issued, or hereafter to be issued, whenever the same shall come into the Treasury in payment or deposit, for redemption or otherwise, there shall be printed, under such rules and regulations as the Secretary of the Treasury may prescribe, the charter numbers of the associations by which they are severally issued.

Amendment in the nature of a substitute submitted by Mr. BUTLER, of Massachusetts:

A bill to fix the amount of United States notes and the circulation of national banks, and for other purposes.

Be it enacted, &c., That the maximum amount of United States notes is hereby fixed at $400,000,000.

SEC. 2. That forty-six millions in notes for circulation in addition to such circulation now allowed by law shall be issued to national banking associations now organized and which may be organized hereafter, and such increased circulation shall be distributed among the several States as provided in section 1 of the act entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates and for an increase of national-bank notes," approved July 12, 1870. And each national banking association, now organized or hereafter to be organized, shall keep and maintain, as a part of its reserve required by law, one-fourth part of the coin received by it as interest on bonds of the United States deposited as security for circulating notes or Government deposits; and that hereafter only one-fourth of the reserve now prescribed by law for national banking associations shall consist of balances due to an association available for the redemption of its circulating notes from associations in cities of redemption, and upon which balances no interest shall be paid.

Amendment submitted by Mr. WILSON, of Indiana:

Add to the end of the amendment of Mr. BUTLER, of Massachusetts, the following:

That so much of section 22 of the act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 3, 1864, and all other acts or parts of acts, in so far as the amount of notes for circulation is limited thereby, be, and the same are hereby, repealed.

SEC. 2. That so much of section 31 of said act as requires such associations organized pursuant thereto to have on hand, in lawful money of the United States, any amount on account of circulation be, and the same is hereby, repealed.

SEC. 3. That no association, heretofore or that may be hereafter organized pursuant to said act, shall pay to any other association or bank any interest on deposits; nor shall any association heretofore organized, or that may hereafter be organized under said act, receive any interest from any other such association or bank of discount, or discount and deposit.

SEC. 4. That the person appointed to make examinations pursuant to section 54 of said act shall, in addition to the other duties prescribed in said section, ascertain whether any bonds or stocks of any corporation, association, or joint-stock company have been taken as security, in whole or in part, for any loan or discount, directly or indirectly, by such association, and shall report in writing to the Comptroller of the Currency the amount of loans or discounts since his last report upon the security, in whole or in part, of bonds and stocks, or either, and the amount and kinds of bonds and stocks taken by such association as security. He shall also ascertain and report what, if any, bonds or stocks have been, since his last report, purchased by such association, and what disposition has been made of the same. Said examiner shall publish said report in two successive issues of a daily newspaper of general circulation, printed and published in the county or parish in which such association is situate, or, if there is no daily, then in some weekly newspaper of general circulation printed and published in such county or parish, and if there is no weekly, then in the weekly printed and published nearest thereto; and such association shall pay the expense of such publication.

SEC. 5. That if any association shall do any act herein prohibited, or shall conceal, or shall attempt to conceal, from such examiner any receipt of stock or bonds as security for any loan or loans, discount or discounts, or any purchase of bonds or stocks, it shall be the duty of the Comptroller of the Currency to appoint a receiver, who shall take charge of the assets of such association, and proceed to dispose of the same in all things as is provided by said act in case of default in redeeming circulating notes of such association.

Amendment submitted by Mr. FOSTER:

SEC. —. That in case any increase of national-bank note circulation beyond the present authorized limit of $354,000,000 shall take place, the Secretary of the Treasury is hereby authorized and directed to retire and cancel legal-tender notes to the extent of 25 per cent. of such increase until the outstanding and unpaid legal-tender notes shall be reduced to $300,000,000.

SEC. —. That so much of the fifth section of the act entitled "An act to authorize the issue of United States notes, and for the redemption and funding thereof, and for funding the floating debt of the United States," approved February 25, 1862, as relates to the purchase or payment of 1 per cent. of the entire debt of the United States annually, and the setting the same apart as a sinking fund, be so amended that said purchase of 1 per cent. as therein prescribed shall apply to the extent of the legal-tender notes retired and canceled under the preceding section of this act.

Amendment submitted by Mr. E. R. HOAR:

SEC. —. That from and after the 1st day of September, in the year 1874, nothing but gold and silver coin of the United States shall be a legal tender for the payment of any debts thereafter contracted.

SEC. —. That from and after the 1st day of September, in the year 1874, every holder of United States notes shall have the right to exchange them at the Treasury of the United States in sums of $100, or any multiple thereof, for bonds of the United States, coupon or registered, bearing interest at the rate of 4½ per cent. a year, payable semi-annually, which bonds shall be redeemable after ten years from their date, at the pleasure of the United States, and payable at thirty years from their date, payable principal and interest in gold; and the notes so exchanged shall be canceled and destroyed and not reissued, and no new notes shall be reissued in lieu thereof.

Mr. SHANKS. I have an amendment which I propose to offer, and I ask that it may be printed in the RECORD.

There was no objection, and it was so ordered.

The amendment was as follows:

Amend section 2 of the original bill so that it will read:

That forty-six millions in notes for circulation, in addition to such circulation now allowed by law, shall be issued to national banking associations now organized and which may be organized hereafter; and such increased circulation shall be distributed among the several States as provided in section 1 of the act entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates and for an increase of national-bank notes," approved July 12, 1870; and that section 1 of the act entitled "An act to provide for the redemption of the 3 per cent. temporary loan certificates and for an increase of national-bank notes," approved July 12, 1870, be amended by repealing the second proviso in said section contained.

ENROLLED BILL SIGNED.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. No. 2549) to amend an act entitled "An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same," passed February 18, 1793.

The result of the vote was then announced as above recorded; and accordingly (at five o'clock and thirty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. ALBRIGHT: The petition of Lieutenant Julius Sprandel, of the District of Columbia, for relief, to the Committee on Military Affairs.

By Mr. BUTLER, of Tennessee: The petition of Mary Ann Hale, for arrears of pension, to the Committee on Invalid Pensions.

By Mr. O'BRIEN: The petition of Francis Dandelat, of Baltimore, Maryland, to be reimbursed taxes alleged to have been unjustly and illegally collected from him, to the Committee on Claims.

By Mr. WILLIE: Resolutions of the Legislature of Texas, asking an appropriation by Congress to improve the navigation of Soda Lake and Cypress Bayous, to the Committee on Commerce.

IN SENATE.

MONDAY, *April* 13, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of the proceedings of Friday last was read and approved.

PETITIONS AND MEMORIALS.

Mr. CONKLING. Mr. President, I present the memorial of the New York Cheap Transportation Association and also of merchants, manufacturers, and citizens of New York, touching the removal of obstructions at Hell Gate in the East River. This petition is signed by a great number of business men and citizens of New York, and sets forth the urgent needs of intervention by the Government there to clear that channel. I move the reference of the memorial to the Committee on Commerce.

The motion was agreed to.

Mr. CONKLING. I present also joint resolutions of the senate and assembly of the State of New York, with a message of the governor appended as part of the resolutions, touching the national finances. In each house of the New York Legislature both political parties are fully represented, and these resolutions were adopted in the larger house unanimously and in the senate with but three dissenting voices. I ask that they be read.

Mr. FENTON. As might be supposed, I have also a copy of these joint resolutions of the New York Legislature and of the message of the governor upon the demoralizing and dangerous tendency of the apprehended national legislation in regard to the currency. I wish to supplement what my colleague has said.

The PRESIDENT *pro tempore*. The Chair will remind the Senator that debate is out of order beyond a brief statement of the contents of the paper to be presented.

Mr. FENTON. That is what I wish now to do. I wish to supplement what my colleague has said with the remark that these resolutions express in clear and forcible language the alarm felt by the people of our State at the prospect of an increase of the volume of our vitiated paper money and the violated pledge of the Government of the United States to return at the earlist practicable period to specie payment.

These expressions, Mr. President, are not more remarkable——

The PRESIDENT *pro tempore*. The Chair thinks that is debate and out of order.

Mr. FENTON. Then I will only say that I unite with my colleague in the request that the resolutions may be read.

The PRESIDENT *pro tempore*. The resolutions will be read if there be no objection.

The Chief Clerk read as follows:

STATE OF NEW YORK,
In Senate, Albany, April 7, 1874.

Whereas his excellency the governor of the State of New York has this day transmitted to the Legislature a special message relating to the inflation of the currency by the General Government, calling attention to the disastrous effect of such action upon the welfare and prosperity of the country: Therefore,

Be it resolved, (if the assembly concur,) That we fully approve and heartily indorse the sentiments expressed in such message; and in view thereof, and of the act of Congress approved March, 1869, which affirmed that the faith of the United States was solemnly pledged to the payment in coin of all the obligations of the United States not bearing interest, (known as United States notes,) and that the United States also solemnly pledged its faith to make provision at the earliest practicable period for the redemption of the United States notes in coin; and as this pledge has been repeatedly given, it is the judgment of the Legislature of the State of New York that it is the duty of the Administration of the General Government at Washington and of Congress to stay the pernicious and ruinous policy of increasing the volume of irredeemable paper currency.

And be it further resolved, (if the assembly concur,) That our Senators and Representatives in Congress be, and they are hereby, requested to resist, by all efforts in their power, any inflation of the currency through the further issue of circulating notes by the Government or by national banks, and that they be, and are also hereby, requested respectively to promote by all proper measures an early return to specie payments.

And be it further resolved, (if the assembly concur,) That his excellency the governor be requested to transmit these resolutions, with a copy of his message appended, to the President of the United States and to each of our Senators and Representatives in Congress.

By order:

HENRY A. GLIDDEN, *Clerk.*

IN ASSEMBLY, *April 8, 1874.*

The foregoing resolutions were duly passed.

By order:

JOHN O'DONNELL, *Clerk.*

The PRESIDENT *pro tempore*. The resolutions will be referred to the Committee on Finance.

Mr. CONKLING. The message is part of the resolutions and should be read.

The PRESIDENT *pro tempore*. The message will be read.

The Chief Clerk read as follows:

STATE OF NEW YORK,
Executive Chamber, Albany, April 7, 1874.

To the Legislature:

I deem it due to the interest and honor of the State to call upon you, as its chosen representatives, to take into consideration the proposition before Congress in regard to the currency. Though yet immature and requiring the concurrent action of both Houses to give them the validity of law, they have, nevertheless, received in each such partial sanction as to excite serious alarm as to the result. In my annual message in January last I expressed the earnest hope that the paper circulation issued by the Government would be curtailed, and that early steps would be taken to resume specie payments.

I did not anticipate that so extraordinary a proposition as that of inflating the currency by adding to outstanding legal-tender notes, or by authorizing further issue of national-bank paper, would be seriously made. In view of the purpose which has been indicated to enlarge the volume of paper of both descriptions, and to repudiate all attempts to re-establish the standard of specie—a policy, as I sincerely believe, fraught with wide-spread ruin to the industry of the country and with imminent danger to its credit—I invoke your interposition to contribute all in your power to prevent its adoption. Your opinion, representing as you do more largely than the Legislature of any other State the financial and commercial interests of the Union, should carry with it great weight.

The flagrant injustice of the proposed measure will be the more apparent when you consider that, if adopted without repealing the legal-tender act, the results will be not only to depreciate the paper currency still further, but to compel its acceptance in payment of debt, thus openly violating the solemnly proclaimed pledges of the Government five years ago to redeem its notes in specie at the earliest practicable period, impairing the obligation of contracts, and consummating what the Constitution prohibits to the States as an act of moral and political turpitude. To degrade the currency, and at the same time to compel the people to receive it as equivalent to specie, would be the most tyrannical exercise and abuse of financial power of which civilized government has ever been guilty in time of peace. It differs in no essential respect either under its moral or its practical effects from a degradation of the standard of specie by an adulteration of the national coin.

Five years ago the sense of rectitude would have revolted at the suggestion of such an act of perfidy; but a persistence in wrong and injustice rarely fails to reconcile further wrong to the thought first and to the purpose afterward. If, spurning away all the teachings of history and trampling under foot all the maxims of political justice, we adopt a policy as fraudulent as it is demoralizing, our successors will look back on our conduct with humiliation and shame. The millions of depreciated and irredeemable paper, if issued as proposed, will, by a law of distribution which no human power can control, be poured into the city of New York to uphold and stimulate stock-gambling; to glut the channels of industry, embarrass all honest transactions of business; to cause reactions in the various departments of labor by which the working classes are thrown out of employment, and to shake to its foundations the fabric of the public credit. Against the introduction of such an instrument of dishonor and calumny we should enter our solemn protest as we would against any other flood of contamination. I speak with a clear understanding of the force of my words. I believe and trust you will concur with me in the opinion that the emergency demands the plainest and most emphatic language. I therefore recommend such an expression on your part as may comport with the dignity of the Legislature and as you may deem due to the interest of your constituents. I am not without hope that a timely declaration of your views to be presented to Congress through the Senators and Representatives from this State may arrest the torrent of disgrace and disaster with which the country is threatened from this source. If your protests and warnings are unheeded, you will have the consolation of reflecting when the evil comes upon us that no effort on your part has been spared to avert it.

JOHN A. DIX.

The resolutions and message were referred to the Committee on Finance.

Mr. RAMSEY. I present a petition of certain citizens of Minnesota which I will read:

To the Senate and House of Representatives of the United States:

The undersigned would most respectfully represent:

That Anson Northup, of the State of Minnesota, was appointed wagon-master to the First Minnesota Regiment of Volunteers on the 29th of April, 1861, and served in such capacity until September, 1861, when he was appointed to the same position to the brigade commanded by General W. A. Gorman; and in March, 1862, he was appointed to the same place in the division of General Sedgwick; and in June, 1862, he was appointed and put in charge of the train of Sumner's Corps, and remained with the Army of the Potomac until August, 1862.

Said Northup then came to Minnesota to aid the people in suppressing the Indian outbreak in this State.

On the next day after his arrival at Minneapolis, Minnesota, he commenced to raise a company of cavalry for said service, and filled it with ninety-six men the same day, and started that night and traveled twenty-five miles; and in three days he landed at daylight at Fort Ridgely with one hundred and forty men, partly recruited on the way. He then scoured the country, and rendered great service to the public and humanity.

In this service he had a captain's commission from his excellency Governor ALEXANDER RAMSEY, for which service on the said Indian expedition he has not received a cent of pay of any kind. In April, 1865, he was appointed by General Sully, at Fort Snelling, wagon-master to his expedition up the Missouri River, to and across the Yellowstone, and back to Sioux City, Iowa, in November, 1865. He was also with General Sully, in the same capacity, in said Sully's first expedition up the Missouri and back to Fort Snelling, from the spring of 1864 to November, 1864. During part of Sully's second expedition up the Missouri said Northup acted as guide to said expedition, without any extra pay whatever for said extra perilous service. In consideration of said long, perilous, and valuable service, not yet compensated, save a wagon-master's pay, we ask the Government of the United States to allow him six hundred and forty acres of land, to enable him to settle his children thereon, or in such way as it may seem just and equitable.

J. R. IRVINE.
H. M. DODGE.
ORLANDO SIMONS.
NORMAN W. KITTSON.
J. H. STEWART.
GEORGE L. BECKER.
HENRY M. RICE.
H. F. MASTERSON.
GEORGE CULVER.
CHARLES E. FLANDREAU,
Colonel in Minnesota Indian War.
D. W. HAND.
STEPHEN MILLER,
Lieutenant Colonel First Minnesota Volunteers.

I have known this gentleman long and well. I know that all that is said therein of him is true. I move that the petition, with the evidence accompanying it, be referred to the Commitee on Public Lands, and hope that the committee may regard the prayer of the petition favorably.

The motion was agreed to.

Mr. PRATT presented the petition of John S. Long, late sergeant Company D, First Battalion Twelfth Regiment United States Infantry, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. DORSEY presented the memorial of the mayor and common council of Fort Smith, Arkansas, asking that certain improvements be made to facilitate the navigation of the Arkansas River; which was referred to the Committee on Commerce.

Mr. INGALLS. I present additional testimony in the case of Jules L. Williams, who had previously asked for a pension; and in this connection I ask that an order be made withdrawing those papers and his petition from the files of the Senate, and that it be referred, with this additional testimony, to the Committee on Pensions.

The motion was agreed to.

Mr. MORTON. I present a memorial signed by several hundred citizens of Texas, touching the alleged expulsion of Governor Davis from office before the expiration of his term. It is the same in substance as I presented the other day. I move that it be referred to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. BOREMAN presented certain papers to accompany the bill (S. No. 653) for the relief of E. Boyd Pendleton, late collector of internal revenue fifth district of Virginia; which were referred to the Committee on Finance.

COMMITTEE SERVICE.

Mr. CHANDLER. I ask to be excused from further service upon the Committee on Mines and Mining.

There being no objection, Mr. CHANDLER was excused; and the President *pro tempore*, by unanimous consent, was authorized to fill the vacancy.

Mr. JONES was appointed to fill the vacancy.

REPORTS OF COMMITTEES.

Mr. SCOTT. The Committee on Claims, to whom were referred the petition and papers of the Mercantile Insurance Company of New York, praying the reissue to them of legal-tender notes to the amount of $8,000 in place of notes to that amount insured by them and alleged

to be lost at sea, have instructed me to report it back with a recommendation that its prayer ought not to be allowed. I move that the report be printed and adopted.

The motion was agreed to.

Mr. SCOTT, from the same committee, to whom was referred the bill (S. No. 228) for the relief of Bigler, Young & Co., reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. HAMILTON, of Texas, from the Committee on Pensions, to whom was referred the petition of Thomas Smith, a disabled soldier of the First Regiment of Michigan Light Artillery, praying for a pension, submitted a report accompanied by a bill (S. No. 690) granting a pension to Thomas Smith, late a private in Company C, First Regiment Michigan Light Artillery.

The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. DORSEY, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 265) to establish the Corcoran Park and Zoological Garden near the Capital, in the District of Columbia, and to incorporate a society to maintain the same and a company to construct a street railroad thereto, reported it without amendment.

BILLS INTRODUCED.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 691) to authorize the Secretary of War to credit the several States and Territories with the sums charged for arms and munitions issued under the act of April 23, 1808; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. BUCKINGHAM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 692) to make uniform the pensions of widows of staff officers of the Navy; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CARPENTER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 693) to change the time for holding the circuit and district courts of the United States for the eastern district of Wisconsin at Oshkosh; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. STEVENSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 694) to compensate Colonel D. R. Haggard for six months' service as colonel of the Fifth Kentucky United States Cavalry Volunteers; which was read twice by its title, and referred to the Committee on Military Affairs.

SCHOONER ADA A. ANDREWS.

Mr. ANTHONY. I am instructed by the Committee on Naval Affairs, to whom was referred the memorial of Charles F. Sampson and others, principal owners of the schooner Ada A. Andrews, praying to be indemnified for losses sustained by them in consequence of the sinking of their schooner by the United States steamer Ticonderoga, on the 1st day of May, 1871, to report it back with a bill ordering it to be referred to the Court of Claims. This is a reference to the Court of Claims of a matter which it is impossible for any committee of the Senate to investigate with justice either to the claimants or to the Government, and if there be no objection I should like to have the bill passed.

The bill (S. No. 688) referring the claim of the owners of the schooner Ada A. Andrews to the Court of Claims was read and passed to the second reading.

Mr. SHERMAN. That may amount to a large sum. I think it had better take the usual course. I ask the Senator whether under the jurisdiction of the Court of Claims such a suit may not be brought now?

Mr. ANTHONY. No. This was referred to the Committee on Claims, and on their motion was referred to the Committee on Naval Affairs. It is a matter in which the parties ought to have an investigation. It is utterly impossible to have such an investigation before a committee of Congress. It would take a week.

Mr. SHERMAN. Is it a case of collision by a Government vessel riding down a private vessel?

Mr. CONKLING. Where did that occur?

Mr. ANTHONY. Somewhere off the coast of Massachusetts.

The PRESIDENT *pro tempore*. The Senator from Ohio objects to the present consideration of the bill.

Mr. SHERMAN. Let it go on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

HAYDEN'S CRETACEOUS FLORA OF THE WEST.

Mr. ANTHONY. I am instructed by the Committee on Printing to move that the report of Professor Hayden on the Cretaceous Flora of the West be printed. All the expensive part of this document is already done from the original appropriation, the plates are engraved, and this is merely for the letter-press to go with it, which will cost $600 for printing and binding.

Mr. MORRILL, of Maine. This is to complete a work?

Mr. ANTHONY. Yes, sir. I move simply that the report be printed.

The motion was agreed to.

Mr. ANTHONY. Now from the same committee I report back a concurrent resolution of the House of Representatives, ordering certain copies of that work to be printed for the use of the Department, and ask its present consideration.

The resolution was read, as follows:

Resolved by the House of Representatives, (the Senate concurring.) That there be printed and bound twenty-five hundred copies in quarto (uniform with the series) of Professor Hayden's report on the Cretaceous Flora of the West—one thousand copies for the Department of the Interior, one thousand copies for the Smithsonian Institution, and five hundred copies for the office of the United States geological survey of the Territories.

Mr. MORRILL, of Maine. Let it go over.

The PRESIDENT *pro tempore*. The Senator from Maine objects to the present consideration of the resolution.

Mr. ANTHONY. I think the Senator will not object if he understands it. This is not for popular distribution; it is for distribution in the way the Senator himself indicated that such documents should be distributed by the Departments. It is absurd to have these expensive surveys, to have the plates printed, and to have all the work done except just printing the letter-press, and then suppress that. You might as well build a house and not put a roof on it.

Mr. MORRILL, of Maine. There is a consideration, after all——

The PRESIDENT *pro tempore*. Does the Chair understand the Senator to object to the present consideration of the resolution?

Mr. MORRILL, of Maine. I do; but I wish to say one word in explanation.

The PRESIDENT *pro tempore*. Debate is out of order if the Senator objects.

Mr. ANTHONY. I think there will be unanimous consent to allow the Senator to make his statement.

Mr. MORRILL, of Maine. I was simply saying that I do not rise absolutely to object, because I conceive that in a general way this comes within the rule which I dare say we shall all agree to as to publishing these works for the Departments for the use of the Government independent of the question of distribution; but then there is a question in regard to how these works shall be published by the Departments, and under what direction; and that question is under consideration at the present time. I will talk to the Senate about it, but I would like to have this resolution lie on the table for the present

Mr. ANTHONY. Very well.

The PRESIDENT *pro tempore*. The resolution will go on the Calendar.

THE GOVERNMENT PRINTING OFFICE.

Mr. ANTHONY. The Committee on Printing, to whom was referred a memorial of certain employing printers of this city, have instructed me to make a report in writing; and as the allegations of this memorial affect the Congressional Printer, who is an officer in the Senate, and as he is charged with malfeasance which he could not have committed except in complicity with the judges of the Supreme Court and Court of Claims and Senators and Representatives, I think it proper, with your permission, for me to briefly state the conclusions to which the Senate committee have arrived on those points.

The PRESIDENT *pro tempore*. The Senator will be allowed to make that statement if there be no objection. The Chair hears none.

Mr. ANTHONY. The allegations of these memorialists are four in number. The first is that the Congressional Printer prints the records of the Supreme Court and the Court of Claims where the United States is not a party, for which the memorialists say there is "no warrant of law," and that the Congressional Printer "has neither law nor justice" in proceeding to execute the work required. The law on this point is explicit. Repeated statutes require that all the executive, legislative, and judicial printing shall be executed at the Government Printing Office, and the appropriation bills contain items for printing for the Court of Claims and the Supreme Court. Of course the appropriation is administered by the judges themselves. The printer has no right to inquire into the propriety of the order of the court. I believe, although there has been some complaint made of the decisions of the court, there has been no appeal yet provided for from the Supreme Court to the Congressional Printer. And so far from violating the law in what he has done, he would have violated the law if he had done otherwise. Whether it is proper that the records in these cases should be printed at the public expense is a matter which he has no right to inquire into. This is discussed somewhat in the report and provided for in a bill.

The second allegation is that the work for the custom-houses and post-offices throughout the country is executed at the Government Printing Office at 25 to 30 per cent. beyond the price that it could be done for at private contract. What the work could be done for at private contract I do not know. I presume that the work could be done by private contract, where the daily hours of labor are ten, instead of eight, cheaper than at the Government Printing Office; but it has not been done by private contract at anything like the present cost of the work. Some years ago the Committee on Printing had an investigation of this matter, which resulted in ordering all the binding for all the Departments and all the executive offices of the Government to be executed at the Government Printing Office, which ran up the cost of binding to more than three times the old amount. Every blank-book—the custom-houses, post-offices, internal-revenue offices—is done at the Government Printing Office. There is appended to this report a letter from the chief clerk of the Treasury Department to the Congressional Printer, in which he says that the work

is 50 per cent. better and 25 to 30 per cent. cheaper than it was when it was done under contract.

The third allegation is that the printing of the Patent Office can be executed by contract at 30 per cent. below the cost at the Government Printing Office. The printing of the Patent Office was transferred from contractors to the Government Printing Office after a very thorough investigation by the Committee on Printing of both Houses. We found great irregularities and extravagance, and it resulted in changing the whole system and abolishing the very expensive work which we had been printing, and that cost something like $200,000 a year, I think $240,000, and it would have been at least $350,000 by this time. An Official Gazette has been substituted, which is printed weekly, and which brings the information down almost to the very day of publication; whereas the old system only gave it from about twelve months to a year and a half after the patents had been granted; and this is issued in large part by subscription, not, as the memorialists say, at a dollar a year, but at five dollars a year, or when only a single copy is taken at one post-office at six dollars a year. The idea of this Gazette was suggested by the present Commissioner of Patents, whom I regard as a very valuable and efficient officer, and it has made the Patent Office publications more accessible, more valuable, and a good deal cheaper.

The fourth allegation is that the Congressional Printer, contrary to law, prints the speeches of members of Congress. That is not contrary to law, but it is an express compliance with law. The memorialists evidently suppose that these speeches which are printed for members of Congress are printed at the public cost. I need not inform you, sir, that the very creditable punctuality with which the bills come in to us for those speeches, if they are any evidence of the way in which the Government Printer does his other work, shows that he looks out sharply for the public interest. The memorialists evidently suppose that these speeches are printed at the public expense to be distributed for our convenience. As every Senator knows, we pay for them ourselves at cost, and 10 per cent. in addition, as provided by law.

The memorialists have also brought to the attention of the committee two other matters. They say that the eight-hour law has had a damaging effect upon the printing business in this city. They also say that the prices of the Government printing are practically controlled by the men who perform the work; that there is in this city a typographical society composed entirely of the employés, who, without consulting the employers, fix the prices of printing as they see fit, and have fixed them, as the memorialists allege, at from 30 to 50 per cent. higher than anywhere else.

The law of Congress did once require the Congressional Printer to pay the same prices that were paid in private establishments in the city. That law has been repealed; but the memorialists allege, and the Congressional Printer in a reply to their letter admits, that the force of the society is so strong that, although the law compelling him to adopt the prices that are paid by private establishments here is repealed, yet he has been obliged to do it. The memorialists say that more than half the members of this society belong to the Government Printing Office, so that when the society meets and the proposition is made to increase the rate of wages, although those who are employed in private establishments may not want to do it, they can be voted down by those who are employed at the Government establishments, they being the majority of all the printers here. They therefore fix the rate. That rate being fixed, the private establishments are obliged to submit to it, or else their printers all leave them; and the private establishments having submitted to it, then the Government Printer must pay the same rate.

These are the allegations which the memorialists make. The cost of type-setting since I have been connected with this committee has increased I think from about twenty-six cents an hour to fifty cents an hour, and the amount of work has been increased by putting upon the Government Office all the printing of the blanks and all the blank-books of the Treasury and all the other Executive Departments. The committee report a bill which I ask to have printed with the report.

The bill (S. No. 689) to further regulate the public printing was read and passed to the second reading; and the report was ordered to be printed.

Mr. HAMLIN. Let the bill be read at length.

The Chief Clerk read as follows:

Be it enacted, &c., That it shall be the duty of the Congressional Printer to cause all work in the Government Printing Office to be executed in the best and most economical manner for the interests of the Government, and it shall not be lawful for him to pay higher prices for labor than the average of the prices that are paid in the cities of New York, Philadelphia, and Baltimore for similar labor.

SEC. 2. That the Congressional Printer, under the direction of the Joint Committee on Printing, shall have authority to cause any printing and binding that he is lawfully directed to execute, to be done by private contract wherever he shall find it for the interest and convenience of the Government so to do. The Congressional Printer shall state in his annual report all contracts so entered into during the preceding year, the names of the parties thereto, the prices paid, the manner in which the work has been performed, and the advantage or disadvantage to the Government.

SEC. 3. That the Congressional Printer shall, on the second Monday of December of each year, submit to the Joint Committee on Printing a detailed list of prices for the printing and binding for the Executive Departments and the judiciary during the coming year, which list of prices, when approved by the Joint Committee on Printing, shall be used in charging the work done for the Executive Departments and the judiciary during the ensuing year.

SEC. 4. That from and after the close of the present fiscal year the Congressional Printer shall print no records of cases pending in the Court of Claims or the Supreme Court unless the United States shall be appellant or plaintiff in error therein; but in cases wherein the United States is not appellant or plaintiff in error the record shall be printed under the direction of the court at the cost of the parties bringing such record into court, which costs in the Supreme Court shall be taxed as any other costs in the case.

ARMS FOR SETTLERS IN NEBRASKA.

The PRESIDENT *pro tempore*. If there be no further morning business the Secretary will report the first bill on the Calendar.

The first bill on the Calendar was the bill (S. No. 499) to authorize the issue of a supply of arms to the authorities of the State of Nebraska; the consideration of which was resumed as in Committee of the Whole.

Mr. INGALLS. I think the question pending is on the amendment submitted by myself to that bill.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The Senator is right. The amendment will be read.

The CHIEF CLERK. The pending amendment is after the word "Nebraska," in line 7, to insert "and the same number of muskets and cartridges to be forwarded to and placed at the disposal of the governor of the State of Kansas;" and in lines 8 and 9 to change the word "State" to "States."

Mr. LOGAN. If there is no objection by the Senate I will accept that amendment.

The PRESIDING OFFICER. If there be no objection the amendment will be considered as agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. CONKLING. I see the Senator from Maine [Mr. MORRILL] is absent for a moment from the Chamber, and I think he has an amendment or some suggestion to make.

Mr. BUCKINGHAM. I move that the bill lie over for a moment.

The PRESIDING OFFICER. The bill will be laid aside by general consent if there be no objection.

Mr. INGALLS. Not losing its place on the Calendar.

Mr. LOGAN. I have no objection, if the bill does not lose its place.

The PRESIDING OFFICER. If it be laid aside by unanimous consent it will not lose its place. Such will be the understanding.

LORD ELLIOT'S MISSION TO SPAIN IN 1835.

Mr. CARPENTER. Mr. President, I have been requested to present for the Senate library some unpublished documents affording a suggestive precedent. These are the official papers of Lord Elliot's (since Earl St. Germans) mission to Spain in the spring of 1835, at the beginning of the Carlist war in the Basque provinces, where, history repeating itself now, more than an average generation afterward, another Carlist war is raging.

The facts are briefly these: Before the death of King Ferdinand II, of Spain, he had married in his old age a sister of the King of Naples, nicknamed King Bomba, from his bombarding his own capital, who was finally expelled by Garibaldi. This was Queen Christina, the mother of Queen Isabella. The law of succession in Spain was the salic law, by which females were excluded from the throne. Queen Christina caused the King to convene the Cortes; and through the inducement of giving to Spain a constitutional government obtained the formal abrogation of that law, the declaration that her daughter, on the King's demise, should succeed to the throne under the title of Isabella II, and that she, during her daughter's minority, should be Regent.

King Ferdinand had a brother, Don Carlos, the grandfather of the Don Carlos now contending for his claims and in his right. The claim was that the abrogation of the salic law could have no retroactive effect, whatever it might in the future, and hence could not affect his right to the throne. He made a formal protest, and retired to Portugal. Ferdinand died soon after. Isabella was proclaimed queen, and Queen Christina regent. About the middle of 1834 the inhabitants of the Basque provinces rose under the famous Zumal-acarregui, and Don Carlos joined them, assuming the title of Charles V. In the war that ensued no quarter was given on either side, each party treating the other as rebels, until Lord Elliot went out on his mission of mercy, and succeeded in inducing both parties to sign a convention, by which all captives taken in arms were in future to be treated as prisoners of war. This was in April, 1835, the war having then lasted about nine months, the prisoners shot in cold blood numbering at least two thousand.

The war terminated on the 31st August, 1839, or four and a half years afterward. After the Elliot convention no prisoners of war were shot, and we may assume that from ten to twelve thousand lives were saved by this humane intervention, from the fact that the war lasted six times as long after the convention as it had existed before it. And considering that the war spread over a much larger extent of country and greater numbers were engaged, it is probable that from thirty to fifty thousand lives were thus saved.

Few diplomatists can console themselves in the decline of life on such humanitarian success having crowned their efforts, and it is only justice to add that, though then a young man, the skill and discretion with which he executed his seemingly hopeless mission entitle him to the gratitude of the civilized world.

The British Government was then under treaty obligations never to recognize Don Carlos, nor permit the intervention of other powers in his favor, and to do all they could to prevent any military or material aid from reaching him.

By a change in the cabinet, the Duke of Wellington having succeeded Lord Palmerston, the former commissioned Lord Elliot to mediate between the contending parties, to urge on them the necessity of making some arrangement which should put an end to the mode of warfare which had excited "the most painful sensations through Europe." Lord Elliot was at the same time instructed frankly to inform Don Carlos and his generals that the British cabinet was bound by the treaty before mentioned, and that they must entertain no hope of a change in the policy of the Government.

The papers relating to this negotiation have never been published, but were sent by Earl St. Germans to General C. F. Henningsen, of Washington, whom he had known as an officer in the Carlist army, on the condition that they should not be published, because some of them, though the least important, he considered to be the property of the British government; but with permission to place one copy in the library of General Albert Pike, and one copy to be presented to the Senate of the United States for its library by any Senator whom Messrs. Pike and Henningsen might request to do so. At their request I make this presentation. The copy in General Pike's library, which I have examined, is authenticated by an autograph letter from Earl St. Germans. I offer the following resolution:

Resolved, That the Senate accept the unpublished papers presented by Earl St. Germans relating to his mission of mercy to the kingdom of Spain during the Carlist war in 1835, and that the same be deposited in the library of the Senate for inspection, but not for publication.

Mr. HOWE. Will it not be equally satisfactory to my colleague to have these papers deposited in the Library of Congress?

Mr. CARPENTER. I have simply complied with the request made to me by asking that they be deposited in the Senate library. I suppose, however, there is no objection to depositing them in the Congressional Library.

Mr. HOWE. I understand publication is refused.

Mr. CARPENTER. Yes, sir. I move, then, to amend the resolution by inserting "Library of Congress" instead of "the library of the Senate."

The PRESIDING OFFICER. The resolution will be so amended.

The resolution, as amended, was agreed to.

ALBERT ROSS.

Mr. SCOTT. I ask the Senate to take up House bill No. 1942, a private bill, which I am requested to bring before the Senate owing to the fact that the officer concerned in it I believe expects to be ordered away by the 10th of May next, and there is necessity for action upon it.

The PRESIDING OFFICER. The Senator from Pennsylvania moves to postpone the Calendar and proceed to the consideration of the bill indicated by him.

Mr. INGALLS. Under the understanding which was had a moment ago, as the Senator from Maine is now in his seat, the bill that was laid aside for him to speak upon I suppose will now be taken up.

The PRESIDING OFFICER. It requires no vote. It comes up of itself, having been laid aside informally.

Mr. SCOTT. If this gives rise to the slightest debate, I will not ask that it be considered. I have no doubt that it will pass without objection.

Mr. INGALLS. I am willing the bill of the Senator from Pennsylvania shall be acted upon if it gives rise to no debate.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 1942) authorizing the President of the United States to appoint Albert Ross to the active list of the Navy.

The Committee on Naval Affairs reported an amendment, to strike out all after the enacting clause of the bill, and in lieu thereof to insert the following:

That the Secretary of the Navy be authorized to order Master Albert Ross, now on the retired list, to duty on board of a cruising vessel of war, and to have duty pay and allowances; and if, at the expiration of one year's sea service, he is reported upon as physically qualified for promotion, to order him before the usual examining board for promotion, and, if he is found qualified, the President of the United States is authorized, by and with the advice and consent of the Senate, to appoint him a lieutenant on the active list, next below Lieutenant Edwin S. Jacob: *Provided*, That he shall not receive any extra pay for the time he was on the retired list, and not on active duty, prior to his restoration under this act.

The amendment was agreed to.

The bill was reported to the Senate as amended; and the amendment was concurred in.

It was ordered that the amendment be engrossed and the bill read a third time.

The bill was read the third time, and passed.

The title was amended so as to read:

A bill authorizing the Secretary of the Navy to employ a retired officer at sea, and, if physically and professionally qualified to perform his duties, the President is authorized to restore him to the active list.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. E. BABCOCK, his Secretary, announced that the President had, on the 11th instant, approved and signed the following acts:

An act (S. No. 204) for the relief of Robert Bent and Jack Smith;

An act (S. No. 316) granting a pension to Elizabeth F. Thompson;

An act (S. No. 217) for the relief of Julia A. Smith, of Indianapolis, Indiana;

An act (S. No. 361) granting a pension to Sciotha Brashears, late of the Seventeenth Regiment Kentucky Cavalry;

An act (S. No. 387) granting a pension to Captain Benjamin Farley, Company C, Fifth Indiana Cavalry;

An act (S. No. 518) granting a pension to Benjamin C. Skinner;

An act (S. No. 548) granting a pension to Christiana Bailey; and

An act (S. No. 566) granting a pension to Lucinda Schrum, widow of Jacob Schrum, late of Company A, Forty-ninth Regiment Missouri Volunteers.

The message also announced that the President had this day approved and signed the act (S. No. 310) for the relief of W. W. Elliott.

ARMS FOR SETTLERS IN NEBRASKA.

The PRESIDING OFFICER. The bill (S. No. 499) to authorize the issue of a supply of arms to the authorities of the State of Nebraska, which was laid aside informally, will now be resumed by the Senate.

Mr. BUCKINGHAM. I offer the following amendment to the bill to come in at the close of line 8, after the word "raids:"

And for distribution among Indians who are exposed to intrusion and encroachment by white settlers.

This bill proposes to distribute arms among settlers on our borders that they may use them for home defense against Indians. It appears to me that the Indians are as much exposed to intrusion and to injury as the whites, and that there is as great a necessity for their having means of self-defense as for any other class of men on our border; and I do not know of any reason why we should place arms in the hands of settlers for self-defense any more than we should place them in the hands of men upon whom they would intrude.

Mr. MORRILL, of Maine. This bill strikes me as being of rather a novel character; and though the object of the bill may be well enough, that is to say, it may be well that there should be protection against Indian raids on the border, still the distribution of arms to private citizens is certainly an anomaly in the history of defense. In the history of police regulations or in the history of the art of defense, I think the Senate will agree that the distribution of arms by the Government of the United States to the governors of the States to be delivered to individuals for general defense would be extremely exceptional and questionable. This proposition is to instruct the Secretary of War to deliver two thousand rifles of approved character to the governor of Nebraska, and as many more to the governor of Kansas. For what purpose? "For distribution among the settlers of the exposed localities in said States for home defense against Indian raids." On what principle is that justified at all? These arms are to be handed over to the governors of the States to be delivered to settlers in exposed localities to defend themselves and their homes against Indian raids. In what relation does the Government of the United States place itself to the citizens of Nebraska and Kansas by such an act as that? How does the Government of the United States show its authority in the protection of individuals or of States? Does the Government of the United States ever distribute arms to private individuals to be used according to their discretion either for assault or defense? Why, Mr. President, the Government of the United States, when it acts at all, acts by authorized authority. When it undertakes to exercise military authority, either as a military power or as a police force, it does it by organized authority.

Mr. CARPENTER. Will my friend allow me to make a suggestion to him?

Mr. MORRILL, of Maine. Certainly.

Mr. CARPENTER. The other day the Committee on Appropriations reduced the Army, I understand, down to twenty-five thousand, leaving as I believe an entirely inadequate force to protect the frontier. I suppose that having been done as a matter of economy, this is the supplement to it. I take it the Senator himself, who is the father of that measure, certainly ought not to object to this volunteer warfare if we are not to have the Army to protect the frontiers.

Mr. MORRILL, of Maine. That may be a very good criticism on what we did the other day, but I do not think it is a very suggestive answer to what I am arguing, certainly not a very striking answer considering the logic of my friend and his eminence in the law.

Mr. CARPENTER. If we are to economize by reducing the Army or abolishing the Army, we must have some means of protecting the frontier. Whether this is the cheaper or better way, I doubt; but I think the chairman of the Committee on Appropriations has driven us to this necessity. He will not give us the Army, and he says we shall not defend ourselves.

Mr. WEST. We did not reduce the Army.

Mr. CARPENTER. Then I want to know how my friend from Louisiana got all the glory he claimed for saving so many millions by not appropriating to put the Army up to the standard fixed by law?

Mr. MORRILL, of Maine. I may make the same reply to my honorable friend from Wisconsin: his suggestion does not touch the point, nor was that the object. It was to create a diversion. The fact is we did not reduce the Army. The fact is that we authorized the keeping of the Army at twenty-five thousand, and it has not been above that point for the last two years. That is the fact. The Army, therefore, to-day is just as efficient as it has been for the last two years. It may be, so far as anything we have done is concerned, just as efficient for the next year as it was the last year, because it has not nu-

merically exceeded twenty-five thousand men for the last two years, and we say now, and only say, that it shall not exceed that, rank and file, for the next fiscal year.

Mr. CARPENTER. My friend knows very well that an army never was and never can be kept up to the number fixed by law. It will always be between four and five thousand below that. Therefore when you reduce the standard from thirty thousand down to twenty-five thousand, or from twenty-five thousand down to twenty thousand, you know that you are in fact making the force three or four thousand below the maximum.

Mr. MORRILL, of Maine. Does not my honorable friend know that we did not do any such thing as that?

Mr. CARPENTER. I know you claimed great credit for having reduced the appropriation which would keep the Army up to the standard.

Mr. MORRILL, of Maine. My honorable friend does not know any such thing in regard to the Committee on Appropriations; and we did not do any such thing, and my honorable friend, who presides over the Senate and puts the questions, does not know that fact; and yet he undertakes to criticise the chairman of the Committee on Appropriations for what he did not do or attempt to do.

Mr. LOGAN. Will the Senator allow me to make a suggestion?

Mr. MORRILL, of Maine. Certainly.

Mr. LOGAN. I will say that the maximum number was thirty thousand soldiers; and now under the law as the Appropriation Committee have had it passed it is limited to twenty-five thousand. That is the only difference.

Mr. MORRILL, of Maine. No, sir.

Mr. LOGAN. It cannot exceed by recruiting twenty-five thousand according to your bill now.

Mr. MORRILL, of Maine. Precisely. That provision is simply this, that recruiting shall not go on so that the rank and file shall exceed twenty-five thousand.

Mr. CARPENTER. Before that it was thirty thousand.

Mr. MORRILL, of Maine. Before that the extreme limit of the Army was twenty-five thousand.

Mr. CARPENTER. My friend will pardon a single suggestion. If the Army is to be got up from twenty-five thousand to thirty thousand, as it cannot be done by enlistments, it must be by births. [Laughter.]

Mr. MORRILL, of Maine. Enlistment goes on precisely as before; but it cannot go on beyond twenty-five thousand men. That is the real effect of it. What I was observing was that here is an attempt for the distribution of arms by the Government of the United States to individuals. We do not do such a thing as that, nor is it safe to do such a thing. Why the necessity for this? Why does the governor of Kansas or why do the Senators from Nebraska or from Kansas find it necessary to ask the Government of the United States to distribute arms to individuals, to settlers on the frontier? I can conceive of no reason in the world except that they have not an organized militia; and I am told that is the fact. I understood the chairman of the Committee on Military Affairs to say that neither of these States has an organized militia. That may be. The absence of a militia may create a necessity for this extraordinary proposition; but I do not think the Congress of the United States can afford to do that. I do not believe that there is a condition of things on the borders, in Kansas or in Nebraska, which would make it a prudent thing either for the Government of the United States or for the government of either of those States to put into the hands of settlers on the extreme borders arms for the express purpose of defending their homes or defending themselves against Indian raids. You inevitably invite a collision, and in a certain sense you authorize these people to defend themselves, they themselves being judges of the necessity of the case. I submit if the Government of the United States undertakes to do that thing and a collision does come, we are responsible for arming those people and giving them the discretion of judging of the necessities under which they may use the arms. You certainly to that extent authorize the use of these arms. There ought to be no occasion——

The PRESIDING OFFICER. The morning hour having expired, it becomes the duty of the Chair to call up the special order, which is the unfinished business—the territorial railroad bill.

Mr. CARPENTER. Mr. President——

Mr. STEWART. We have about got through with the discussion on the railroad bill, I think, and I should like to have a vote on it. I do not think it will occupy more than a few minutes.

Mr. CARPENTER. I designed to move that the Senate proceed to the consideration of the bill for a new election in Louisiana; but if the Senator from Nevada desires to finish this railroad bill, I will wait until that is done and then I will make the motion.

Mr. TIPTON. Does the bill as to arms remain before the Senate?

The PRESIDING OFFICER. No. The morning hour has expired.

Mr. LOGAN. The bill just under discussion comes up in the morning hour to-morrow, I suppose.

The PRESIDING OFFICER. If the Calendar should be called. It stands at the head of the Calendar, and when the Calendar is called it comes up, but not necessarily as unfinished business.

STATE OF LOUISIANA.

Mr. BAYARD. I ask leave to offer an amendment which I propose hereafter to offer as a substitute for the bill (S. No. 446) to restore the rights of the State of Louisiana. I move that it be printed.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. No. 192) for the relief of Siloma Deck.

The message also announced that the House had passed the bill (S. No. 580) to authorize the employment of certain aliens as engineers and pilots, with an amendment in which the concurrence of the Senate was requested.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*.

A bill (H. R. No. 2124) authorizing the changing of the name of the steamer Fannie Lehr.

A bill (H. R. No. 912) to provide for the inspection of the disbursements of appropriations made by officers of the Army.

A bill (H. R. No. 911) to relinquish the title of the United States in certain real estate near Columbia, Tennessee, to Rose Hill Cemetery; and

A bill (H. R. No. 2549) to amend the act entitled "An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same," passed February 18, 1793.

RAILROADS IN THE TERRITORIES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 378) to provide for the incorporation and regulation of railroad companies in the Territories of the United States.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The question is on the modification which the Senator from New Hampshire [Mr. WADLEIGH] asked unanimous consent to make to the amendment already adopted on his motion. The modification will be reported.

The CHIEF CLERK. When the bill was last under consideration the following amendment was made to the twentieth section of the amendment of the Committee on Railroads:

Strike out the words, "Congress may at any time, having due regard for the rights of such corporations, add to, alter, amend, or repeal this act," and in lieu thereof insert the following:

Congress may at any time, when in their opinion the public good requires it, add to, alter, amend, or repeal this act; and whenever the Territories, or any part thereof, in which the said railroad is located, shall be admitted into the Union as States, the Legislatures of said States may at any time add to, alter, amend, or repeal this act so far as relates to such railroad, or any part thereof, which shall be within the territory of said State.

It was proposed to modify that so as to make it read:

That Congress may at any time, when in their opinion the public good requires it, add to, alter, amend, or repeal this act; and whenever any Territory, or part thereof, in which the said railroad is located, shall be admitted into the Union as a State, the Legislature of any such State may at any time add to, alter, amend, or repeal this act so far as relates to such railroad, or any part thereof, which shall be within the territory of said State.

Mr. CONKLING. I ask for the yeas and nays on the adoption of that amendment.

The PRESIDING OFFICER. The amendment has been adopted, and the Senator from New Hampshire [Mr. WADLEIGH] asks unanimous consent to substitute the modification which has just been read for the original amendment adopted. Is there objection to that?

Mr. CONKLING. I should like to challenge the statement of the Chair that the amendment was adopted. If adopted at all, it was adopted by a practice which I do not think prevails in the Senate. The Chair announced that if there was no objection the amendment would be agreed to. I rose immediately and addressed the Chair in regard to it, calling attention to it; and, although in that technical sense it was adopted, I did not understand at the time that I was precluded, because I rose instantly on the announcement of the Chair, no vote having been taken, but it having been said that the amendment would be adopted if there was no objection. But if it be so, I move to reconsider in order to have the Senate decide upon the question.

The PRESIDING OFFICER. The Journal records the adoption of the original amendment. The motion of the Senator from New York to reconsider, therefore, is the only way to accomplish his object.

Mr. CONKLING. Then I move to reconsider.

The PRESIDING OFFICER. It is moved that the vote by which the amendment was adopted be reconsidered.

The motion was agreed to.

The PRESIDING OFFICER. The question recurs on the original amendment of the Senator from New Hampshire, to which he offers the amendment just read as a substitute.

Mr. CONKLING. Now he has a right to modify his amendment.

The PRESIDING OFFICER. That is true. The question is on the amendment of the Senator from New Hampshire as modified.

Mr. CLAYTON. I ask that the amendment, as modified, be read.

The Chief Clerk read as follows:

Congress may at any time, when in their opinion the public good requires it, add to, alter, amend, or repeal this act; and whenever any Territory, or part thereof, in which the said railroad is located, shall be admitted into the Union as a State, the

Legislature of any such State may at any time add to, alter, amend, or repeal this act so far as relates to such railroad, or any part thereof, which shall be within the territory of said State.

Mr. CONKLING. I ask for the yeas and nays on that amendment.

The yeas and nays were ordered.

Mr. CLAYTON. I merely desire to call the attention of the Senate to the particular language of the amendment which authorizes a Legislature to repeal an act of Congress. It seems to me that that cannot be done. I want to call the attention of the Senator from New Hampshire to that particular clause of his amendment which if adopted would authorize the Legislature of a State to repeal or amend an act of Congress. I should like to know whether it would not have that effect.

Mr. WADLEIGH. I do not understand that this amendment would have any such effect as the Senator from Arkansas anticipates. I do understand that all States in which railroads are located, where those railroads do not go out of the State, where they are within the limits of the State, should be under the control of the State when the State comes into the Union. They should be under the control of the State for purposes of taxation and for other purposes. Corporations are merely creatures of law. They are not natural, but artificial persons; and they are created for the public good; and the Legislature of that State in which they are located, when it is convinced that the public good requires the amendment, alteration, or repeal of the charter of any railroad company, should have the power to so amend, alter, or repeal it as to promote the public good. Now, unless this power is given them by this amendment, it will be impossible for them to so amend, alter, or repeal the charter of a company incorporated under this act.

Furthermore, Mr. President, I consider this amendment to be necessary so that Congress may have power to alter, amend, or repeal this charter when the public good requires it. In my judgment that provision in the tenth line of the twentieth section, beginning "Congress may at any time, having due regard for the rights of such corporations, alter or amend," will prevent Congress from making any amendment of this charter so as to affect the rights of those claiming under it, no matter how much it may be for the public good to amend the charter. This clause in the twentieth section takes away all power of Congress which shall affect the rights of those who hold the charter, the rights of the corporation.

Mr. STEWART. Will the Senator allow me to suggest that I believe there is no objection to his amendment so far as it relates to the power of Congress. The question is then whether, if parties construct a railroad through a Territory that becomes a State, that future State will have the right to repeal the act?

Mr. WADLEIGH. The State should have the right to repeal the act in some cases. Suppose, for instance, that a railroad is built in one of the Territories from one county to another in that Territory. That Territory is admitted into the Union as a State. Should not the Legislature of that State have the right and the power to change, alter, and amend that charter when the public good of the people of that State requires it to be done?

Mr. STEWART. There is no objection to that language.

Mr. WADLEIGH. Why should they come to Congress to ask for that? Why should Congress have any power over a railroad in a State, except so far as the running of that railroad and its existence may affect the rights of people in other States and the matter of internal commerce between the States? It should not. And, Mr. President, this amendment of mine does not take away from Congress its constitutional right to legislate regarding railroads chartered under this act whenever the interests of the people of other States require it and whenever Congress can act under the provisions of the Constitution in respect to railroads running through two or more States. That is all the right that Congress should retain after the States are admitted into the Union, and all the right that it is necessary for Congress to retain, and that right Congress will not be deprived of by the amendment which I propose.

Mr. STEWART. I do not propose to prolong the discussion on any point; but I simply suggest that this is not exactly in harmony with the bill which has passed the House of Representatives, providing that Congress shall exercise authority by law over railroads in the States. I do not care about that; but I am afraid the people of the Territories will be unable to build railroads with this clause in the bill that the future State may repeal the act. I do not think the power would ever be exercised; but putting that in the charter I am afraid would prevent men from getting money to build a road. However, I do not care about discussing it; I would rather have the vote taken.

Mr. SHERMAN. It seems to me that there is one practical difficulty that the Senator from New Hampshire might avoid by a simple amendment. Suppose a railroad has been chartered and built by money furnished by non-residents in a Territory of the United States under an act of Congress, and subsequently a State government should be formed over this Territory. It is manifest that the property of this railroad ought not to be subject to hostile legislation, unless it be legislation in harmony with the general laws of the State applicable to all railroads. If a railroad is in existence when a State is formed, it ought not to be singled out for hostile legislation in favor of new lines of railroad organized, or to be organized, by the State. If a railroad were in existence in a State, the State Legislature would have no right to change the charter, to change the law of its organization, or to repeal the charter so as to affect the contract, unless that right were reserved in the act incorporating the company.

It seems to me, therefore, that the amendment of the Senator from New Hampshire is entirely too broad, that any prudent man would be deterred from investing in a railroad company when he is not only subject to the power of Congress, but is also subject to the power of the State government formed after his rights were fixed. He would not be willing to risk his property to be subject to hostile legislation by a State government formed after his rights had accrued, unless that legislation was by general law applicable to all railroads in that State. Now I should be very willing to vote for the amendment of the Senator from New Hampshire if he would modify it so that it should read in this way:

The Legislature of any State may, by general legislation applicable to all railroad companies in said State, at any time alter, amend, or repeal this act.

Mr. CARPENTER. That will do.

Mr. SHERMAN. I should have no objection to it then, so that any amendment made to this particular law or act of incorporation granted by Congress should also be applicable to all railroads in the State, and that one particular railroad should not be singled out for hostile legislation.

Mr. WADLEIGH. I have no objection to that, and will accept the amendment of the Senator from Ohio.

Mr. SHERMAN. I will put it in form and send it to the desk.

The PRESIDING OFFICER, (Mr. ANTHONY.) The Senator from Ohio offers a modification which the Senator from New Hampshire accepts. It will be reported.

The CHIEF CLERK. The amendment, if amended as proposed, will read:

Congress may at any time, when in their opinion the public good requires it, add to, alter, amend, or repeal this act; and whenever any Territory, or any part thereof, in which the said railroad is located, shall be admitted into the Union as a State, the Legislature of any such State may, by general legislation applicable to all railroad companies in said State, at any time, add to, alter, amend, or repeal this act, so far as relates to such railroad, or any part thereof, which shall be within the territory of said State.

Mr. CLAYTON. Mr. President, I suppose if this amendment has any force at all, in case it becomes a law, if, for instance, the Territory of Colorado should be admitted into the Union and become a State, then under the provision of this amendment the Legislature of that State can amend, alter, or repeal this act of Congress.

Mr. SHERMAN. By general law applicable to all the railroad companies in the State. There is no practical danger; but there is great danger in singling out a company for special legislation.

Mr. CLAYTON. Do you not give the power to the Legislature of a State that has no existence now, but may exist hereafter, to repeal the act of Congress?

Mr. SHERMAN. This provision is part of the contract; there is no difficulty in that.

Mr. CLAYTON. If the Senator thinks there is no difficulty, I shall not object to it.

Mr. BAYARD. Unless I misunderstood the Senator from Ohio, it is not simply the power of amending this charter by general law, but it is the power of amending any charter by a special law, which is reserved to the Legislature.

Mr. STEWART. That is reserved to Congress.

Mr. BAYARD. It is a general clause giving the sovereignty of the State that control over these incorporations which the policy of almost every State in the Union reserves to itself at the present time, simply enabling the States, which hereafter are to be carved out of this vast territory and become members of the Union, to have the same control over the corporations within their midst as is now given by the policy of the States to corporations in the existing States. That is the object of this amendment, which is that the States hereafter to be created in this Union shall not have less power over these incorporations than if they had been created by the laws of existing States.

Mr. SHERMAN. I can only say that this amendment is in harmony with the laws of a great many States, and I think a majority of the States. The constitution of Ohio forbids the passage of any special acts, and acts relating to railroads and all other subjects must be of a general character. This amendment simply authorizes the States by general laws to regulate this particular railroad, together with all other railroads of the State, but denies the power to single out a particular railroad for hostile legislation. That is in harmony with the laws of the States.

Mr. BAYARD. One railroad may have forfeited its charter, it may have perverted the objects of granting the franchise, so that you desire to punish it and recall the franchise. That would apply to a delinquent company, and not to those who had not sinned. The power will be a general power, but it is to be exercised by special law. The power is the broad power of revoking a charter for cause. It is that power we wish to maintain in new States when they shall come into existence.

Mr. SHERMAN. I can state to the Senator from Delaware that that power would be retained if the law was general. If any railroad should do a certain act amounting to a forfeiture, it might be condemned by judicial or other proceedings, and there is no difficulty in

dealing with a case of that kind by a general law, but this habit of special legislation is a vicious one, and ought never to be tolerated, it seems to me, in any case.

Mr. BAYARD. Does the Senator mean the general power of revocation?

Mr. SHERMAN. The power of revocation as to a particular corporation. The laws ought to be general, so that all corporations and all persons may stand on the same footing precisely. The law ought to apply to all, and no State ought to have the power to revoke a railroad or any other charter except for cause specified by general law, and if the court should then decide that that particular railroad has come within the provisions of that law, as a matter of course the judiciary ought to enforce the general law; but I would not give to any Legislature in the country, especially the Legislature of a State, the power to single out a particular corporation or a particular individual and make laws applicable to that individual alone.

Mr. BAYARD. The difference between the honorable Senator and myself is that I would give no corporation the power to live in a State except at the pleasure of the Legislature of that State. The power of revocation is one that ought to be retained in the sovereignty of the people, the contract to be maintained so long as it is kept in good faith and for public uses. The original grant of this franchise is for public benefit, and whenever public benefit dictates its revocation that revocation should take place. It is not a question of hardship at all; there would be always good faith, there would always be the question of contract; but the State must be the sovereign, it must be the judge, and its own judge, as to whether the public policy of that State demands the continuance of a corporation or its cessation.

That is why, in dealing with these embryo States, I think we should be particularly careful not to place beyond the power of future Legislatures a condition of things which they cannot grapple with and control for their own benefit. We are not creating railroads for the benefit of railroad companies; we are creating railroads for the benefit of the public. The State grants a portion of its power, for its own uses, in trust to certain individuals, not to benefit those individuals, but to benefit the public. That is the underlying theory by which all grants of public powers are to be justified; and if it does not exist, then there is no right to grant public property for private use, whether it takes the shape of a railroad company or whether it takes the shape of being for my individual benefit.

Mr. PRATT. I will inquire whether the amendment is not divisible; whether it does not contain two propositions, and if so whether we are not entitled to a separate vote on each proposition? The first proposition is that Congress shall have the power of repealing or amending the charter at its pleasure, and the second is that the States to be formed out of the Territories traversed by the railroads may exercise the same power. If the question be divisible I should like to have it divided, so that the sense of the Senate may be taken on each proposition.

The PRESIDING OFFICER. The amendment is a motion to strike out and insert. That being the state of the case it is not divisible.

Mr. CLAYTON. Was the amendment suggested by the Senator from Ohio accepted by the Senator from New Hampshire?

The PRESIDING OFFICER. It was.

Mr. CLAYTON. Will it be in order now to move to strike out that portion of the amendment which gives the States the power in the future to amend or repeal this act?

The PRESIDING OFFICER. That would be in order?

Mr. CLAYTON. I make that motion.

The PRESIDING OFFICER. The Senator from Arkansas moves to strike out a portion of the amendment, which will be read.

The Chief Clerk read as follows:

The Legislature of any such State may, by general legislation applicable to all railroad companies in said State, add to, alter, amend, or repeal this act, so far as relates to such railroad, or any part thereof, which shall be within the territory of said State.

Mr. CLAYTON. How will the amendment then read?

The CHIEF CLERK. It will read, if thus amended:

Congress may at any time, when in their opinion the public good requires it, add to, alter, amend, or repeal this act.

The PRESIDING OFFICER. The question is on the motion of the Senator from Arkansas to strike out a part of the words proposed to be inserted by the amendment of the Senator from New Hampshire.

The motion to strike out was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment as amended, to strike out certain words and insert other words.

Mr. CONKLING. Let us hear it.

The PRESIDING OFFICER. It will be read.

The CHIEF CLERK. It is proposed to strike out the following words:

Congress may at any time, having due regard for the rights of such corporations, add to, alter, amend, or repeal this act.

And in lieu thereof to insert:

Congress may at any time, when in their opinion the public good requires it, add to, alter, amend, or repeal this act.

Mr. CONKLING. That strikes out everything touching the rights of the States.

The PRESIDING OFFICER. On this question the yeas and nays have been ordered.

Mr. CONKLING. The whole substance of the original amendment having been stricken out, I feel no further interest in having the yeas and nays; and if there be no objection I will withdraw the demand for them.

Mr. MORTON. I do not see any difference between the substitute and the original section. I think they are the same thing now. We might as well let the original language stand.

The PRESIDING OFFICER. The order for the yeas and nays will be rescinded if there be no objection. The Chair hears none. The question is on the amendment as amended.

The amendment as amended was agreed to.

Mr. PRATT. I wish to offer an amendment, provided there is no similar provision in the bill already. I have not a copy of the bill before me. I will inquire of the chairman who reported it whether there is any provision in the bill making stockholders personally responsible for labor done in the construction of the railroad after the assets of the corporation have been exhausted.

Mr. STEWART. There is nothing in the bill on that subject.

Mr. PRATT. Then I offer the following amendment as a new section:

The stockholders shall be individually liable for all labor done in the construction of said road after the assets of the corporation are exhausted.

Mr. STEWART. I do not think that is necessary. It will simply be an embarrassment to those who want to build a road. Nobody will be able to build if you keep piling on these embarrassments. There is no danger of the labor not being paid for; you cannot proceed far with a railroad without paying the laborers; you will prevent the building of all railroads by piling so many things on the charter. I have nothing further to say.

Mr. PRATT. The amendment is just, and ought to vindicate itself without a single word from me. What is the proposition? It is simply that men who do the work in building the road shall under all circumstances be paid for their work, and if the assets of the corporation are not sufficient to pay them, if the assets of the corporation are exhausted otherwise, that the corporators and stockholders shall be personally responsible. That is the whole of it.

Mr. STOCKTON. Mr. President, I think the amendment of the Senator from Indiana is just, and hope it will be adopted; and perhaps it may be useful in this connection to glance at some features of the bill. This bill already permits any five persons, no matter whether they are citizens of the United States or not as the bill was originally introduced—but it is now amended so that they must be citizens of the United States—to exercise the right of eminent domain and destroy the title to his property of any citizen in any of the Territories of the United States except the Indian Territory.

My friend, the Senator from Ohio, [Mr. SHERMAN,] is very much opposed to special legislation; he likes general legislation. This is general legislation, we are told. The work done in making the highways and by-roads through the Kingdom of England by the overseers of the highway is looked to by the humblest county authorities, so that the matter is brought home close to the people. When a road is to be made, because it takes the use of private land over which to put it, the application is made to the county court, the local court; the fellow-citizens of him whose property is taken must apply for the road and must prove, if that be necessary, before a jury, that it will be useful. That power here is to be taken from the people and given to the Congress of the United States, and then the law by which it is done must be general; that is, every citizen of this land can exercise this power. Mr. President, there never was such a delusion as has been passed over the minds of the people of this country and from which they will soon awaken, than when they are told that because you call such acts general laws they make things freer. They are in derogation of common right. They are a violation of the free tenures of this land which we derive from our forefathers. There is no tenure, however base, that is not preferable to a tenure that a citizen of the Territories holds his lands by under such a system as this. They cannot hold land in *allodium;* they cannot hold it in free or common socage. Let them hold it by base service, but let it be a service that is certain. Let it be a tenure under which they cannot be deprived of it by any power in this country except due process of law. Better the worst form of tyranny that ever existed in any country than the tyranny that a man's title to his property, for the protection of which laws were created, for the protection of which governments were made, should be subject to any other man who chooses to blackmail him.

Under this bill any five men in the city of New York, without any capital whatever, can go into any Territory of the United States and prospect a line of road across a man's land and blackmail him to the extent of ruining him, perhaps. Then these persons may be induced by large payments of money to leave their projected route, and any other five men may follow in their footsteps; and the fact that a man has once permitted himself to buy off the first party invites others until his land becomes to him burdensome. And now objection is made by the promoters of this bill to requiring the men who do this even to be responsible in their own pockets for the exercise of the great governmental power of eminent domain. Mr. President, when you pass a law that is in derogation of common right; when you deprive any individual in this country from exercising any trade in the community, from killing beef, from making shoes, from vending any article, you are then guilty of special legislation; what has so wisely been held odious in all time, what has been called monopoly. It is in

derogation of common right, because what is free and common to all and ought to be so by the general laws and principle of a free government, you make special to certain individuals. That is what is odious; that is what the people dislike. But here we are dealing with the power to take private property for public use upon just compensation—a power so carefully guarded by the Constitution of your country—and now you take that power and commit it to the whole world at large, without knowing who your trustees are, without reposing that special trust and confidence (which is the theory of every railroad charter that ever has been granted by a State) in the individuals to whom the power is granted; and you make agents, for the exercise of the sovereign power that the people have committed to you, of Tom, Dick, and Harry, or any persons who choose to combine together and tell those persons and tell the people whose land they are going to take that they need have no pecuniary responsibility at all, that this creature that the Congress of the United States is creating is to protect and cover them up. It is not a natural person; it is an artificial person, with no responsibility whatever; and you grant them land through the public domain free, you send them all through your own land, and then you cover them up and clothe them with the sovereign power to take, under the plea that it is for a public purpose, from the individual citizen the property which he may have bought or you may heretofore have granted him for money yourself.

Mr. STEWART. Will the Senator allow me to ask him a question?

Mr. STOCKTON. Certainly.

Mr. STEWART. Does he think the people in the Territories should have the right to build railroads at all?

Mr. STOCKTON. I will come to that in a moment.

Mr. STEWART. I should like to ask one or two more questions. Does he think that they have a right to build railroads at all in the Territories?

Mr. STOCKTON. I will answer that in a moment.

Mr. STEWART. Will not the Senator have a little conversation with me now? Perhaps I may obviate his objections.

Mr. STOCKTON. I tried to have a conversation with the Senator on a previous occasion, but it seemed to annoy him so much that I had to desist.

Mr. STEWART. When the Senator answers that question I will ask him two or three more.

Mr. STOCKTON. I do think the Congress of the United States has the power to authorize the people of a Territory to make railroads. I think, and I was just going to say, that the wiser and the better plan is to let them make those roads themselves, because that is bringing the power closer to the people, who know their own necessities, know their own wants, and is in conformity with the universal practice in England and this country in reference to making highways and roads.

Mr. STEWART. Then the Senator would authorize the territorial Legislatures to grant these charters?

Mr. STOCKTON. Certainly.

Mr. MORTON. They have that power now, given by express act of Congress.

Mr. STOCKTON. If they have the power now, it is not necessary for us to authorize them to exercise it.

Mr. MORTON. The act of 1872 authorizes them to pass general laws of incorporation for railroads. The Senator from Nevada was mistaken in his remark on Friday on that subject. I have the act here. In 1872 we re-enacted the law which was repealed by the act to which he referred.

Mr. STEWART. I was not aware of that fact. It is a dangerous thing, however.

Mr. STOCKTON. I presume the object of the Senator from Nevada is to get the bill through as quick as he can. I have a few words to say, and if he will let me finish them I will not interfere with the passage of the bill any further than by my vote.

Mr. STEWART. All right.

Mr. STOCKTON. If the Senator interrupts me he might lead me into a long discussion. I had nearly concluded; I had just arrived at the point of saying what I would do. As all the States in this country have exercised this privilege within their own borders, as Congress has never yet asserted the right to make railroads within the States without their consent, and as these Territories propose hereafter to come in as States, and as it has been shown by the amendments offered by the Senator from Arkansas and the Senator from Delaware that this question is forced upon you as to the rights of the future States to be formed in these Territories, and as in the debate already the Indian question has been presented, and as all the technicalities in reference to the arrangement of this bill have arisen, I think it has been shown distinctly that this is one of those local powers which are safer and better with the people themselves. There is no reason why it should not be left to the people locally interested in the subject-matter.

There is an additional reason why I suggest this should not be done by a general act of Congress. This is a general committal of the whole power of the Government of the United States to exercise its right of eminent domain in a Territory, providing in a certain way as to the effect it shall have when that Territory becomes a State, and committing that to any five men, without knowing who they are; it is general legislation by those removed from the people concerned, in derogation of common right, and really is, in my humble judgment, an improper use of the trust the people have committed to us. Every time a railroad charter is granted and the power of eminent domain is delegated, you have taken something from the body of the people, you have taken some of their liberty. You have no right to lay a road, whether made of one material or another, except by taking away for the common good individual rights. Government was made to establish those rights. Government was made to protect personal liberty and private property. That was the foundation of all government; and the principles laid down in our Constitution have no object in the world but to protect them against fanaticism, against folly or the nonsense of the hour. There is no necessity for it exercising the power here when so safely exercised, and has been exercised so wholesomely, by the States, our system of internal improvement having been so well developed by private individuals, acting under State charters granted to persons whom they know and in reference to whom they took occasion, having them in their minds when the bill was passed, to see whether they intended faithfully to carry out the objects they had in view. Now, to change the whole of that policy, without any reason at all, I think is a great mistake; and it is a misapplication of terms to call this general, as opposed to special, legislation. It is general legislation in reference to a special power, in derogation of common right, which you are granting to any number of unknown individuals. You might as well say it was special legislation to grant the right of way in one-half of the Territories of the United States to all the railroad companies of the United States or to all the people of the United States. When you come to apply it you must discriminate in reference to what is the thing you are granting. Here you are granting a power which can only be granted on the theory that it is for the public good, that it is a necessary incident to communities to have roads; and any individual, when his property is taken under such a bill, has a right to ask a jury to say whether it is for a public purpose; for you must not lose sight of the principle on which you start.

But I shall not detain the Senator from Nevada from pushing his bill through. I had intended ever since this debate came up to express these views. My main object in rising was to do what I could in the Senate to call the attention of the lawyers of the body to how far we are departing from sound principles under this mistaken delusion, this popular delusion, that because you call a bill a general railroad law you are making railroads freer or cheaper or better, or that you are making them more in accordance with the growing freedom of personal independence It is the reverse.

Mr. STEWART. I rise simply to make one remark. The Senator from New Jersey would allow the Territories to exercise this power when there are only a few people there, thus binding up a Territory and involving it, of which the Territory of Colorado is a good illustration. By means of their legislation there they have involved the counties of that Territory, sparsely settled as they are, over $2,000,000 already. The Territories are the common property of the whole country and it is the duty of Congress to see that they do not get into any such situation. In the Territories where this power has been exercised the legislation is of such a character that it has been a matter of complaint; and the mode of condemning private property is such as is complained of generally. So I might go through the different Territories. Thus legislation in this regard has been most unfortunate. The mere fact that a new Territory should have some of its counties involved to the extent of $2,000,000 for railroad purposes shows the importance of a general law prohibiting them involving themselves in debt at all. This bill prohibits it.

Then if we do not allow the Territories to provide for railroads, somebody must do it. Congress must do it. If Congress does it by particular legislation, special laws, those who can afford to come and lobby bills through, because it takes a good deal of time to get a bill through, will have charters for sale over every important route; they will get special privileges which you will not guard in a special law. A general law is the only fair way to do it.

I have no interest in the bill further than that it is obvious to me that they should have the right to build railroads and have the right to build them in such a way that they do not destroy the Territories by involving them in debt, and that nobody has the right to levy blackmail on *bona fide* persons who really desire to build railroads. This bill creates no monopoly. The corporators do not acquire lines of railroad unless they build them. There are no exclusive privileges in it. Any party may lay down a track by the side of them. It cannot hurt anybody. The only thing they can do is to build a road with their own money, and I believe it will not be denied that railroads are useful and necessary in that country.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Indiana, [Mr. PRATT.]

Mr. SCOTT. I wish to call the attention of my friend from Indiana to the very benevolent provision which he is inserting in this general railroad law. According to the phraseology which he has used, it gives the laborer a remedy against the individual stockholder to recover only for the labor which he shall do after the assets of the corporation shall be exhausted! I ask to have the amendment read again to see if I am not correct.

The Chief Clerk read the amendment, as follows:

The stockholders shall be individually liable for all labor done in the construction of said road after the assets of the corporation are exhausted.

[Laughter.]

Mr. SCOTT. If that be his benevolent intention, I have no objection.

Mr. PRATT. I do not think it bears any such construction as my friend from Pennsylvania thinks it does. I am willing to take it in its present form.

The amendment to the amendment was rejected—ayes 10, noes not counted.

Mr. CLAYTON. I move to amend in section 13, line 7, by inserting after the word "the" the words "charter, franchise;" so as to read:

To secure the payment thereof by mortgage or pledge of the charter, franchise, property, and income of such corporation.

Mr. STEWART. I have no objection to that.

The amendment to the amendment was agreed to.

Mr. BAYARD. I offer the following as an additional section to the bill:

That any charter herein granted shall be revocable by the Legislature of any State which may hereafter be formed out of any Territory or Territories of the United States, and organized and admitted into the Union as a State, within whose limits any such railroad shall, in whole or in part, be found to exist, and shall in all respects be subject to the laws of such State.

Mr. STEWART. I hope that will not be adopted, and I call for the yeas and nays. Let us see whether the Senate will organize a railroad company and then invite the State to repeal the charter.

The yeas and nays were ordered.

Mr. BAYARD. The Senate will observe that this amendment is simply giving to these new States powers which are reserved in the constitutions of almost every existing State which has undertaken to deal by general or special law with the subject of incorporation. The present constitution of the State of Pennsylvania, made so acceptable to the people, carried so overwhelmingly by the popular sentiment of that State, received its especial emphasis peculiarly from the features it contained restrictive of corporate powers. It was to curb such powers mainly that the convention which framed the present constitution of that State came together, and all over the constitution as adopted those restrictive provisions, those express reservations of power, are found abundantly. It is the case with almost every other State, certainly with many others which I could enumerate; and I only ask that these new States, with whose destinies we are now dealing in so light and off-hand a manner, may have at least the protection afforded them which the older States have insisted upon for themselves. I am not sorry that the yeas and nays have been called for upon this amendment. It is a just and proper amendment, and I trust the Senate will adopt it.

Mr. MORTON. I am not favorable to this bill; but I want to make just one remark, that if the bill is right in principle, the amendment offered by the Senator from Delaware is radically wrong. If it is right for Congress to give five persons the power to create a corporation to build a railroad to run across three or four Territories, it is not right to give to a State after it is organized out of one of these Territories the power to repeal the charter and cut that road in two in the middle and leave the parties who built the road with the two ends and the middle out. That is absurd. If it is right to give the State that power, the bill is wrong. If the bill is right, the amendment is wrong.

Mr. BAYARD. I will state to the Senator my opinion on this subject, and that is that the principle of the bill is wrong and the principle of the amendment is right.

Mr. STEWART. I would have no objection to that part of the amendment of the Senator from New Hampshire that was stricken out, allowing this to be provided for in the States hereafter formed by general legislation. I would prefer that to having one road singled out to have its charter revoked. If that portion of the amendment of the Senator from New Hampshire which was stricken out should be substituted for this, I should have no objection.

Mr. WADLEIGH. I did not hear all that the Senator from Indiana [Mr. MORTON] said just now on this amendment, but I understood him to object to its adoption, because the amendment would allow a State when admitted into the Union to repeal an act of Congress.

Mr. President, it seems to me that there are some cases, and that this is one of those cases, in which that power should be granted to the State. As I said before, a corporation is a mere creature of law. That is particularly the case with a railroad corporation, which is allowed to stand in the place of the Government, and exercise itself and for its own interests the right of eminent domain, the right to take the land of the person without his consent. These corporations are the creatures of law, and created for the public good. The right to take the property of others is granted to them solely because they are public corporations, created for the public good. Now, whenever the public good requires that powers granted expressly or by implication in the charter of any corporation should be withdrawn, some legislative authority should be at hand to do that, to withdraw the rights granted which are against the public interest. My friend, the Senator from Indiana, says that Congress alone should have that right in this case, but after these Territories have been admitted into the Union as States why should not the Legislatures of these States have a right to do with corporations which are solely within their own limits what the public good of those States requires? Can they not judge better than Congress can what the necessities of the public are, what the public good and the public convenience require? Why should Congress reserve the right in the case of new States which in all the old States is exercised by the Legislatures of those States? It strikes me that if, whenever the public good requires an alteration of these charters and a limitation of the powers granted, the people who seek to bring that about must come here to Congress to ask for our legislation, it will lead to a great deal of inconvenience, to a great deal of trouble, and it will be asking and obliging Congress to inform itself in regard to subjects concerning which it will be difficult for members to inform themselves, and upon which the people of the respective States could act through their Legislatures to much better purpose, and with much better knowledge as to what should be done.

I believe that the power to alter these charters, which should be exercised only for the public good of the people wherever the corporation is located, can be judged of much better by that people than it can be by this Congress.

Mr. HAGER. I desire to say a few words upon this measure, inasmuch as it has a bearing upon all the legislation of this character which may be introduced in Congress at this time or at a future period, and it has some bearing upon past legislation.

I have introduced a bill, as I stated the other day, to get the right of way through a portion of the public domain in order to build a railroad from a certain uninhabited portion of California to strike the Central Pacific Road. That is a case of special legislation; and it seems to me that the only question which ought to be considered here is whether it is better to legislate by general law or by special law on a matter of this kind. This bill is a proposed general law to meet all cases of the character to which I have alluded. Special laws are very common. A party wishes to obtain a franchise for a railroad, and he must apply here specially if it affects the public domain. This is intended as a general law to cover all those cases, and is substantially to do away with special legislation; and that is really the question that is presented before the Senate, whether it is more advisable to legislate on matters of this kind by general or by special law. That is the case, as I understand it, before the Senate. In California we are so accustomed to general legislation that there is nothing novel about it to me. There is an inhibition in our constitution against special legislation for any purpose so far as to create a corporation, unless it be for municipal purposes. In that State railroads and all other kinds of corporations are formed under general laws. That was thought so advisable that it was incorporated in the constitution, as it has been in several of the other States.

Now, whether it is advisable to adopt that principle here in congressional legislation is a matter for the Senate. It is proposed now to allow a certain control over this class of legislation by the States hereafter to be formed from these Territories. Has Congress now the power to legislate upon this matter? Unquestionably. To what extent does Congress wish to recognize the right of a limitation in the future by the States? That is the question that comes up on this amendment. Should the States have authority to interfere with that legislation which we may now do and over which we now have the entire control? As I understand it, that is the proposition in the amendment. If that be so, it must necessarily involve the same question whether the legislation be general or special, and it should have arisen heretofore in any legislation that you may have had wherein you have granted privileges or franchises of this kind to railroads. Now, how does it stand in regard to the Union Pacific Railroad? Was there any limitation or restriction in that charter? I have not examined it; I do not know how it is; but if it is not there, why should it be here? If it is necessary that it should be here as a protection to future legislation in the States to protect the rights of citizens there, it ought to have been in that and in any other law heretofore passed by Congress granting railroad franchises or railroad subsidies.

I allude to these matters to show that the same rule which has been applied heretofore should be applied now. I am inclined to think that the States should have the control after they are admitted into the Union, but I would go no further now than to provide that when a State is admitted into the Union in which a railroad may be incorporated under this territorial provision, it shall be subject to the same rules and regulations as if that corporation had been organized in the State after it was admitted as a State. That would be fair and that would be right according to my notions about it.

I merely desired to say that this question is first in regard to the advantages of general legislation over special legislation, and next the same rule that we apply to this general legislation should be applied to the special legislation.

Mr. CLAYTON. I believe, Mr. President, the principle of a general incorporation law is correct, and the suggestion made by the Senator from California carries with it to a certain extent the convictions of my mind that it is correct. Special incorporation laws are obtained by persons coming here to Congress, and hanging around Congress, who are classed as lobbyists. When these special laws are brought before Congress, very little attention is paid to them.

Now, what is the reason that this provision which is offered by the Senator from Delaware was not made to apply to the Union Pacific Railroad? That was a special incorporation chartered to run a railroad through several of the Territories of this Government. Since that company was incorporated States have sprung up on the line of that road—the State of Nebraska, and perhaps the State of Nevada. If it is necessary now to have this provision in this general law to protect all future States, why was it not necessary to have the same provision in the special law incorporating the Union Pacific Rail-

road? It only goes to show that when you come here with special propositions they do not receive the same attention that a general law of this character does.

It seems to me that the idea of throwing open to organized capital the privilege of applying itself to the construction of railroads throughout the Territories of this Government with the least obstacle that possibly can be thrown in the way ought to be adopted by the Government. I think this country is behind England and Germany and France on this question. England some time since adopted a general railroad law, and I think it has adopted a general law for all joint-stock corporations. France has done the same thing, and Germany has done the same thing. I believe in this doctrine, and I believe the time will come when the principle will be applied to the States as well as to the Territories. There may be, of course, constitutional questions in the way as to applying it to the States; but if those constitutional obstacles cannot be overcome, if they are such as to prevent legislation of this character as to the States, I believe the time will come when the Constitution itself will be so amended as to permit this principle. I believe the principle is correct. I believe that this bill has gone sufficiently into details. I do not think there have been sufficient guards thrown around the stockholders, but the whole question of the abuses of corporations, of the abuses of joint-stock companies, is one that is bound to be thrust upon the attention of Congress, and is one that we shall necessarily be occupied with in the future. I believe it is a great question which we shall have to deal with hereafter.

I would go one step further if my voice would prevail; I would not only vote for a general law for the incorporation of railroads in the Territories, but of all joint-stock companies.

Mr. TIPTON. I do not see the force of the argument that this amendment is to be considered objectionable here because it may not appear in the charter of the Union Pacific Railroad. The General Government to that road made her appropriation of land, and in that road she put her Government bonds. It was right and proper therefore, I suppose, that she should hold a power over that not only in the present, but in the future. But this is simply an act of incorporation for the purpose of establishing a road in the Territories where the Government has the power to pass the act and enforce it, but in which she may have no pecuniary interest at all, either in the territorial condition or in the State.

Mr. FLANAGAN. Mr. President, it seems very clear, as contemplated in this bill, that we are legislating for posterity. That being the fact, it is necessary that we should be very cautious that all the guards that can be legitimately invoked should be brought to bear for the protection of those that are to be interested in the action of this bill for a century perhaps to come, nay longer for aught I know. Then, in connection with that view, it occurs to me that the amendment offered by the distinguished Senator from Delaware is legitimate, and one that ought to have favorable consideration in the Senate.

It is objected here that the passage of this bill, which is termed a general bill, will prevent in all future time the annoyance of lobbyists. That is far-fetched in my opinion. The Constitution of the United States guarantees that privilege. A, B, and C, from any of the States of this broad Union, at any time, have a right to come here and through their Senators ask for such and such action on the part of the Congress of the United States. We cannot perfect everything that is desired in guarding against that obtrusion, if it be one. It is like everything else; it is abused; and it is not to be expected that it can be otherwise. Perfection will not be reached at a very early day.

To say the least, in my opinion this bill is premature. I do not think it is necessary at this day that it should be passed. If my distinguished friend, the chairman of the Committee on Railroads, should present a bill here, I would not oppose it even if I saw errors in it, except they were very great and very flagrant, indeed. I have the very highest opinion of the committee that he presides over for their ability, purity, &c. They know more about these matters than I do. Therefore I am slow to raise an issue with them. But it might be again said that the amendment was very objectionable; that it would directly prevent the building of roads. Very good; take that view of the question, and I am still satisfied to meet and accept that. Then there is no injury done; and if any associations do organize and go into this experiment at this early period in the Territories they will know what the law is; they will understand what they have to do, and they will thereby be more circumspect, and we may expect that they would act precisely according to the requirements of the law, because if they did not the consequences would be upon them, and they would not be very pleasant ones.

Now, sir, we are told that this is a general bill. In what is it general? It pertains to the public domain of this mighty nation—the Territories of the United States. It is excluded, however, from the States. It does not prevail over the entire Union. It does not prevail over the States that are organized; and therefore it is not general. It is a general special bill, just such a one as is not necessary for the present day. Sufficient it is whenever it is necessary. From any of the public domain—from any one of the Territories, organized or otherwise—if any gentleman or gentlemen make their appearance here, lobbyists or otherwise, and it is ascertained to be a legitimate application, the response will be favorable, and no trouble in the world; and those parties who are interested can always do so. I think it is entirely gratuitous upon the part of the Senate to anticipate their wishes, thereby showing that we are better enabled to know what their interests are than they themselves can possibly be. I think that is going rather rabid; and upon the whole I think it inexpedient. I merely drop these ideas. The amendment I shall vote for.

Mr. HAGER. I propose the following amendment as a substitute for the amendment of the Senator from Delaware:

That when a Territory is admitted as a State, such State shall have the same power of control, by legislation and otherwise, over corporations under this act as over corporations in such State.

STATE OF LOUISIANA.

Mr. CARPENTER. Mr. President, at the suggestion of one or two Senators who are interested in the question, the Senator from New Jersey [Mr. FRELINGHUYSEN] being entitled to the floor on the bill to which I referred this morning, I ask unanimous consent that it may be considered the special order for to-morrow at one o'clock. I speak of course of the bill (S. No. 446) to restore the rights of the State of Louisiana.

Mr. SHERMAN. I desire to give notice that I should like to have the sense of the Senate on the question of taking up that bill; because I desire myself to resist the taking up of the Louisiana case. At the same time I am perfectly willing to give way as a matter of courtesy to any Senator who desires to speak upon the subject. I therefore would prefer that the Senator should, in the morning when it is convenient, move to take it up, and let the Senate by a full vote decide whether they will proceed to its consideration or not.

Mr. CARPENTER. I do not see how we are any of us to make much of a speech on the subject unless the subject be before the Senate.

Mr. SHERMAN. If any Senator desires to make a speech on the general subject, I have no objection to his doing so. I do not wish to interpose against that; but I desire the sense of the Senate to be taken, whenever it is proposed to take up the bill to be acted upon, as to whether we shall consider the Louisiana case this session or not.

Mr. CARPENTER. I presume the bill cannot pass until the Senate has a chance to settle that question. At the same time, it cannot be debated, as I understand, unless the Senate take it up.

Mr. SHERMAN. The question of taking it up will give the Senate an opportunity of limited debate; but I will state frankly that I am opposed to taking up the Louisiana bill, and I desire to test the sense of the Senate as to whether they wish to consume time in debating the question. Undoubtedly if the bill is taken up, four or five days will be spent upon it, and I think we ought to devote our time to other matters that probably will result in some active legislation.

Mr. CARPENTER. Well, Mr. President, the Senator from New Jersey is entitled to the floor upon the bill, and is, I understand, prepared to deliver a speech on the subject. I take it for granted the Senate is willing to proceed to the consideration of the bill, after which it can be laid aside of course, if that be the pleasure of the Senate. My own opinion of the question is that if a majority of this Senate are determined to stand by the Kellogg government, right or wrong, elected or not elected, it is very bad policy to have any debate, because I do not think debate would strengthen that view of the case; and as a matter of policy, if that is to be done, I think it should be done in sullen silence; but I submit to my honorable friend from Ohio, that on a subject of such importance it would be remarkable if the Senate should refuse to have it debated and disposed of on its merits. For the Senate to say in advance that they will decide upon this subject without hearing it, that they will dispose of the bill without its being debated, has but one precedent. I recollect in a mock session of the Legislature in the State of Vermont, a great many years ago, held the evening before the adjournment, some wag introduced a resolution to this effect:

Whereas much of the valuable time of this body is taken up in useless debate: Therefore,

Be it resolved, That no subject shall hereafter be debated until the evening after it has passed.

[Laughter.]

Probably the Senator from Ohio has in mind that precedent; there shall be no debate until the Senate disposes of the question on the motion to take it up. The Senator has come here this session with several financial conundrums, and the Senate has spent three or four months in debating them. I think he would have been astonished if the enemies of his plan had proposed to vote him down without a hearing. I think any Senator would be astonished when he produced in good faith a bill upon an important subject, to have another Senator contend that the Senate ought to dispose of the question on the motion to proceed to its consideration. That is to decide it without a hearing.

Mr. SHERMAN. We have a thousand bills upon our Calendar, and the question whether we shall take up particular bills or not is always a question to be decided by the Senate. I need not reply to the observations made by my honorable friend. He has already debated for two or three days this identical question and has expressed his views to the Senate. Now, if he has not been able to convince the Senate that it is important for us to lay aside all the practical legislation of Congress in order to take up this question—that can result, according to my judgment, in no practical good even to the people of Louisiana, in no good even to a section or faction in Louisiana, but in any event

in any form in which it may pass will be an injury to the people of Louisiana—certainly we ought to have the right to say whether we will consider it, especially as the Senator cannot get the bill before the Senate except by the will of a majority of the Senate. We ought to say whether or not we will take up the time of the Senate in considering this particular subject rather than in considering other matters of legislation which must have action.

I will not make this point against any Senator who desires to express his views upon the question; but when the subject is taken up for formal action, then I must insist that there are other matters which ought to be acted upon rather than the Louisiana bill, and then the Senate will decide whether we shall proceed with it or not.

Mr. CARPENTER. Will my friend allow me but one word? I understand him to say that he has no objection whatever to debate on this bill, but he does not want the vote taken on it.

Mr. SHERMAN. That is not it precisely. I say I will never deny the courtesy to any Senator who desires to make a speech on any subject on anything from the origin of man to the last revolution.

Mr. EDMUNDS. To the origin of the last Louisiana government.

Mr. SHERMAN. Yes, sir; if any Senator desires to make a speech I would give him that privilege by common courtesy on whatever subject, whether it was pending before us in the form of a bill or whether it was a question of ancient history. I would give a Senator the right to make a speech at any time.

Mr. CARPENTER. Then my friend is not standing on the point of time that will be consumed in considering this bill, if we can consider the bill in a debate to take it up as well as by discussion in its regular consideration.

Mr. SHERMAN. My point is: whenever theSenate have determined by a vote that we will not take action on the Louisiana matter, speeches will not be very abundant.

Mr. CARPENTER. Is not that denying the very courtesy the Senator says he is always willing to grant?

Mr. SHERMAN. I think not.

Mr. CARPENTER. In other words, the Senator says he will invite Senators to enjoy his courtsey in debating a bill which he gives notice in advance will never be voted on.

Mr. SHERMAN. I will never debate a question when it is determined that there shall be no action upon it. There is a kind of mutuality in this courtesy. If a Senator would determine to discuss a question that the Senate had said they would not discuss further, although he might be overruled in that discussion, it would not be courtesy to the party to deny him the right.

Mr. CARPENTER. Then it is as I understood it, and therefore I understand that the Senator's courtesy is merely saying to a Senator, "If you have a mind to outrage propriety we will let you." For that courtesy no one will feel very grateful and probably no one will care to enjoy the privilege on those conditions. But I want to say to my honorable friend from Ohio, that being upon a subject as important as this must be conceded to be, where a State government has been usurped, is held to-day by men who have no pretense of an election, is held by a government organized by the absolute usurpation of a Federal court, I should think it somewhat remarkable if the Senate should refuse to even consider the matter.

Mr. President, I cannot conceal my astonishment at the indifference manifested by Senators on this subject. It may be that I am insane about it; it may be that I have dwelt so long on this subject that I have come to be entirely unsound. I know how a man may become so interested in any one thing that he may be so; but I do not see how any Senator can sit here indifferent upon this subject, because if we are to say in this case that we can grant no relief we shall thereby say that whenever in the future, near or remote, any State government shall be seized by usurpers, seized through force or fraud, Congress will not interfere in the matter; for if the republican party now refuse to interfere in a case where their friends hold the State by the throat, we cannot interfere to release any State from a similar grasp by the democrats. It seems to me that we are now to make and can avoid making the most important precedent that was ever made in this country, so far as regards the institutions of our country in the future. We are placed where not to act is just as much of a precedent as to act; and if we say now with the facts as they appear, or as they are claimed to exist, that Congress can grant no relief, we do in effect say that Congress can grant no relief in any case of usurpation, however flagrant. We say to the lawlessness of the country, "Seize upon State governments where you will and Congress is powerless in the premises."

Mr. President, if this matter can be taken up, discussed, and considered fully; if the Senate shall be of opinion that the usurpations do not exist, as the testimony taken before the committee tends to show; if the Senate shall be convinced that there is no authority in the Government to relieve a State held by usurpers, or for any other reason that this bill ought not to pass, the country will be satisfied. But I do not think the people will be satisfied with less than this.

I was in New Orleans in May last, soon after the Grant Parish massacre, when there was great excitement there and when the President issued his proclamation. In a public speech I was invited to make in New Orleans by people of both political parties, I pledged myself to them that if they would stop violence and submit to the government of Kellogg until Congress met I would do what I could to present their case fully to the consideration of the Senate and to pass a bill for their relief. They have kept their part of the contract. No violence has been committed that I am aware of since that time. I certainly shall keep my word, and although the Senate may vote the bill down, I will perform my agreement by putting it in an attitude which will call for a vote from the Senate upon the merits.

Mr. SHERMAN. Every Senator in the whole body will admit that the Senator from Wisconsin has redeemed his pledge faithfully, eloquently, and ably. No one will gainsay that; but I think it is equally clear, if any one will read not only the newspapers but the indications that we have from persons from Louisiana—and I have also been on the ground in Louisiana and heard from both sides—that a large majority of the people of Louisiana have acquiesced in the existing condition of affairs. It is as plain, as palpable to me as the light of day, that it is wise that they have so acquiesced. They will have an opportunity at the next election in November to redeem their State government if it has fallen into the hands of usurpers. The power will be again restored to them, and I think it is the wisest thing in the world to pass in silence all that has occurred in Louisiana, with the certainty that the people themselves will correct any evils that have been done there.

I sympathize with my friend from Wisconsin, but at the same time I do not believe he is pursuing the course best for the people of the United States or for the people of Louisiana. I believe Congress had better attend to their ordinary legitimate business, leaving matters in Louisiana to right themselves, and they are now being rapidly righted, and at the next election we may probably have a Legislature elected by the consent of the governed, ready to pass laws to suit their wishes without difficulty. The very election law now pending has been passed, perhaps by the general consent of all, and is declared to be a fair law. There is no practical difficulty in the Louisiana matter. If we will let things alone in Louisiana, the popular will as expressed in a legal election will undoubtedly prevail. The only result of this movement now to overthrow the government of Louisiana will be to derange and disorder the condition of affairs there and turn out of office two or three State officers whose terms happen to extend beyond next fall.

Therefore I shall oppose taking up the Louisiana case. At the same time I do not want to prevent anybody from making a speech or to deny any courtesy to any Senator; but when the time comes I hope we shall have the sense of the Senate on the general historical facts known to all, whether it is wise to consume the time of the Senate in a prolonged debate. The question has already been ably presented by both sides, and we are now to determine whether we should not go on with our ordinary business and let all the evils of the past in Louisiana find their remedy in the acquiescence of the people and the remedies that the people themselves shall propose.

Mr. CARPENTER. When the Senator talks about the acquiescence of the people of Louisiana, I am somewhat surprised. What is that acquiescence? The governor of the State, the State authorities, are supposed to have certified to the President that they could not maintain themselves in that State in consequence of the disaffection of the people, and the President has issued his proclamation and stands behind that government to-day. The acquiescence of the people of Louisiana under that government is its submission to the authority of the United States, and that continues to this hour, and troops are now upon the ground, where, if any attempt was made on the part of the people of that State to overthrow that government, those troops would be put instantly into action.

One word as to the election which the Senator from Ohio refers to. We all know how the condition of things was produced in Louisiana. The law was so devised as to authorize the governor to make all the appointments which would control the election. It was therefore in the power of the governor to carry the State either way, just as he pleased. Governor Warmoth having invented the scheme—I suppose he invented it, at all events having profited by it—and got the State completely into his hands, had the grace to repeal it; he had sufficient sense of shame to repeal it by the act of November 20, 1872. This usurping government, which came into power by collusion with a Federal judge, is no sooner established than it re-enacts that law which Warmoth was ashamed of and repealed, and to-morrow, if an election should take place under the State law, Mr. Kellogg could carry that State by twenty or fifty thousand votes, just as he might determine to do.

Mr. MORTON. I will ask the Senator from Wisconsin if he is not aware that the last Legislature repealed the act of last winter and that law of 1872, and that that power which was in Governor Warmoth's hands, and which was exercised so injuriously, has been taken out of the hands of the governor entirely?

Mr. CARPENTER. I am not aware of it.

Mr. WEST. You are not aware of many things down there, it seems.

Mr. CARPENTER. I have not been in Louisiana recently, and it is possible such a bill may recently have passed.

Mr. MORTON. I will say to my friend that the act was passed the day before the last one of the session; and I have Governor Kellogg's dispatch now saying that he has signed the act and it is the law of the State.

Mr. CARPENTER. I am very glad of it; that is so much that is decent; but, at the same time, it does not relieve us from our duty in the premises; it does not take away from us the constitutional duty to see to it that that State has a government elected by the people. For

two years yet, unless Congress shall interfere, that usurping government will hold that State. This question will be mingled with the difficult questions which may be involved in the next canvass of votes for President and Vice-President.

I will not take more time and do not care to say another word upon the merits of the subject; but it does seem to me that it is little short of madness on the part of Congress to postpone this question and mix it up with the difficulties which may arise on the count of the votes for President. We can settle it now to the satisfaction of all mankind, settle it honestly; have an election there that every man will know and feel is an honest election, and then the matter will be removed from the next presidential contest. I do not speak of the political contest, but I speak of the canvass of the votes in the Hall of Representatives. The vote of Louisiana at the last election was thrown out because this very election from which Mr. Kellogg claims to have derived his rights was void. The casting away of that vote did not change the result, and therefore no one cared about it; but if the result had depended upon counting or not counting the vote of Louisiana, we should have had trouble such as no man can estimate. And it is now proposed to let things drift and to adjourn the question which we might settle now when we are under no temptation to do anything wrong; to adjourn it all and see what will turn up in the next count of votes for President.

Mr. STEWART. I hope we shall go on with the bill which is the regular order. I understand the Senator from Wisconsin has given notice that he will move to take up his bill to-morrow morning.

The PRESIDING OFFICER. This debate proceeds by unanimous consent.

Mr. MORTON. A moment further——

Mr. STEWART. Very well.

Mr. MORTON. I would say to the Senator from Wisconsin that the danger through which the nation has passed or may pass in regard to counting the votes of Louisiana or other States is not one that Congress can remove by any action. That grows out of a defect in the Constitution of the United States which I hope will some time be removed.

But, Mr. President, the chief disturbing element now in the State of Louisiana is the presence of this bill pending in the Senate. I shall not resist the taking up of the bill; but I do hope that it will be disposed of. As was stated by the Senator from Ohio, I believe that the great body of the people of all parties, I am sure the republican party of Louisiana as a body, and they are conceded to be in the majority in that State, are acquiescing fully in the Kellogg government. I believe I state what will hardly be disputed when I say that the best part of the democratic party, that portion of it which represents wealth, industry, and order in Louisiana, are opposed to any action being taken by Congress to set that government aside. The government of Lonisiana is going on well; and if this bill is taken up for discussion, I shall avail myself of the opportunity to show what has been done by the last Legislature of that State in the way of reforms, and to show that it has been a beneficent Legislature and that Louisiana in her industries, in the value of her property, in her enterprise, is rapidly reviving under the influence of the Kellogg government.

Mr. CARPENTER. Will my friend allow me a question?

Mr. MORTON. Certainly.

Mr. CARPENTER. Does he in speaking of the beneficent character of their legislation refer to their attempt to repudiate the State debt?

Mr. MORTON. I was not referring to what is called the funding bill. If the question comes up, the Legislature, the governor, the Chamber of Commerce, and the people down there will be ready to speak for themselves in regard to their debt; but aside from that question they have instituted great reforms in the State of Louisiana, and I believe that the action of Congress would be reprobated by the great body of the people of all parties. I think no greater disaster could happen to Louisiana and no more fatal precedent could be set for the future peace of this nation than for Congress now to intervene and in time of profound peace set aside a State government and order a new election, violate the constitution of the State of Louisiana, and impose upon Louisiana State officers and a Legislature elected in defiance of her own constitution and laws, for that is what this bill proposes to do. If it may be done in Louisiana, it may be done in New York, in Wisconsin, in Indiana, anywhere else, and from that time forward State governments become things of sufferance, mere convenience, and expedience, to be set aside according to the passions of the hour or the interests of parties.

Mr. SAULSBURY. Mr. President, I do not know that I shall vote for the bill of the Senator from Wisconsin when it comes before the Senate; but I think it is right that he should have the privilege of bringing that question before the Senate whenever he sees proper to do so. I concur with him that no more important question can be presented at the present session to Congress than the question involved in the condition of affairs in Louisiana. I am surprised at the enunciations of Senators on this floor that there has been a general acquiescence on the part of the people of Louisiana in the present condition of affairs in that State. Why, sir, it is known to every Senator on this floor that if the Federal power was withdrawn, if the troops of the United States were removed from Louisiana and a proclamation made that the people of Louisiana should settle this matter for themselves, the Kellogg government would vanish out of existence in less than one month. The people of Louisiana have protested against such proceedings in every way that it was possible for them to resort to. They have been before the Committee on Privileges and Elections at the present session protesting; they have appealed to the President of the United States, but have been turned away; and now are they to be turned away from this Hall of Congress? Are we to spurn their appeals for relief simply on the ground that because they do not resist the Federal authority they are supposed to acquiesce in the present condition of affairs?

I hope the bill will come up, and I say to the Senator from Ohio that while he may consider that members of this Senate will be under obligation to keep silence because the Senate refuses to take this question up, there are Senators here who are not willing that this matter shall sleep, but who are determined that the iniquity of this thing shall be exposed even if it may be presumed to violate the courtesies of the Senate. I know that there are gentlemen prepared to speak on this question. For myself, I have not expected or desired to discuss it; but when an attempt is made to prevent the question coming up so that discussion can be had, I feel for one that the iniquity of this Louisiana affair is so great that if we were to keep silence the very stones would cry out. I do not know that I shall vote for the bill of the Senator from Wisconsin when it comes before the Senate; but I hope he may have the privilege of bringing it here, that discussion may be had, that some measure for the relief of that downtrodden people may be brought about.

Mr. STEWART. I think I must call for the regular order.

Mr. WEST. I ask the Senator to allow me a word.

Mr. STEWART. If one speaks another will.

Mr. WEST. I have no desire at the present time to intrude a debate on the Louisiana question upon the Senate; but there have been some remarks indulged in by one or two Senators to-day which require at my hands some replication.

The Senator from Wisconsin retorted upon the Senator from Indiana by asking him whether he thought the repudiation of the debt of Louisiana was a beneficent measure? I reply to him that the reduction, the scaling, the compromising of the debt of Louisiana has been made at the request and suggestion of prominent members of the democratic party of that State; and I say to him, and I give the holders of these bonds notice too, that whenever you remit Louisiana to the care of the democratic party, you may put your bonds in your waste-baskets.

Now I will say one other word to those gentlemen who are crying about the people of Louisiana, who are here beseeching Congress to come to their relief. Who are they? The disappointed office-holders, the disappointed expectants of office; and the men who have countenanced assassination and murder in my State. Sir, the opportunity will come to reply to these men. I do not shirk it. I shall not move to lay the Louisiana bill on the table, but I shall stand here and I shall show to this Senate, if I have the power, that the rightful government of the State is now exercised there.

Sir, it is a fallacy to suppose that Mr. Kellogg cannot maintain himself. Where are the United States troops in Louisiana to-day, and how many have you got? Less than five hundred men there, and less than you have had there for the last ten years—five hundred men distributed all throughout that State to preserve tranquillity there, in a State where lawlessness has predominated to the extent that we all know of, and where lives almost innumerable have been sacrificed by the men who are now here seeking to get another chance to have possession of that government.

I only desired to say that much to the men who claim that the people of Louisiana are here asking for relief. The people of Louisiana are quietly pursuing their industrial avocations, and the government of their choice exercises the functions that they have conferred upon it. The Senate and Congress is in possession of no information that will at all warrant action. But let the question come up and let it be debated whenever the Senate is ready.

Mr. STEWART. I call for the regular order.

Mr. TIPTON. Mr. President——

Mr. STEWART. We cannot discuss this all afternoon. One speech will bring up another.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The Chair recognizes the Senator from Nebraska.

Mr. TIPTON. I have only a word to say.

Mr. STEWART. I will not object to a word; but I shall object to further discussion.

Mr. TIPTON. I have certainly up to this time taken no part in this discussion; and the corporation act for the Territories of the Senator from Nevada has occupied three or four days. I shall therefore be as brief as possible.

Mr. STEWART. That is the very reason why I withdrew my objection in the Senator's behalf, because he had not occupied any time, and I did not want to be discourteous.

Mr. TIPTON. Mr. President, I am not specially concerned about the people of Louisiana; I am concerned about the people of Nebraska. I regard the right of the people to organize government, the right of the people to establish constitutions, the right of the people to vote according to their State laws and to administer their individual affairs, as more sacred and important to them than any question of finance or of revenue or of national dominion that can be presented to the Senate of the United States. I want to know whether hereafter a faction in the State of Nebraska may with an established

government constitutionally in existence charge that that government anticipates or contemplates fraud upon that minority; and I want to know under those circumstances whether they shall appeal away from the constitution of Nebraska, away from the laws of Nebraska, away from the ballot-box of Nebraska, and while the governor of Nebraska has control of the militia of the State and his party friends occupy all the positions of power in the State, and whether a handful of men, one in the custom-house of New Orleans in Nebraska, one at Shreveport in Nebraska, a Senator from Nebraska, a marshal of the United States in Nebraska, and a United States district attorney from Nebraska, without an army, without a ballot-box, without any authority whatever, can appeal to a future President of the United States and promise him a government sustaining him in his power if he will give them the privilege of using the Army of the United States in regard to decrees and mandates which they think they can manufacture out of a corrupt United States court. It is for Nebraska and my constituents that I feel on this question; and when this subject comes up for discussion, as their representative, the representative of their sacred rights, I shall ask the privilege of a part at least of one day, if not of two days, in the discussion; a discussion which I trust shall come into the Senate and in which all the people's representatives shall have an opportunity of participating.

The PRESIDING OFFICER. The Senator from Wisconsin asks unanimous consent to make the Louisiana bill a special order for to-morrow after the morning hour. Does the Senator from Nevada object?

Mr. STEWART. I do not object to unanimous consent being given. I object to any more discussion.

Mr. SHERMAN. I have objected already. I said I had no objection to the matter being called up to-morrow subject to a vote of the Senate, but I object to its being made a special order.

Mr. CARPENTER. Well, I give notice that at the expiration of the morning hour to-morrow I will move to proceed to the consideration of this bill.

Mr. FRELINGHUYSEN. Cannot the vote be taken now as to whether we will take it up to-morrow or not?

The PRESIDING OFFICER. Only by unanimous consent.

Mr. FRELINGHUYSEN. There is no objection to voting now on that point, I suppose.

Mr. SHERMAN. The seats are empty and it requires a two-thirds vote; but I will state to the Senator from New Jersey that I have no objection to taking the vote without debate, and let every Senator be free to say whether he desires to take up the question.

Mr. CARPENTER. Let it be made the standing rule, then, that all questions shall be decided without debate!

RAILROADS IN THE TERRITORIES.

The PRESIDING OFFICER. The bill (S. No. 378) to provide for the incorporation and regulation of railroad companies in the Territories of the United States is before the Senate as in Committee of the Whole, the pending question being on the amendment of the Senator from California [Mr. HAGER] to the amendment of the Senator from Delaware, [Mr. BAYARD.]

The Chief Clerk read the amendment of Mr. HAGER, which was to strike out all after the first word of Mr. BAYARD'S amendment and insert:

> When a Territory is admitted as a State, such State shall have the same power of control, by legislation or otherwise, over corporations under this act as over corporations of such State.

Mr. BAYARD. I suggest to the Senator from California that from hearing his amendment read I do not know that I comprehend its effect; but it occurs to me that it falls short of the effect which I desire to reach by my amendment. I presume the intention is the same as was intended by my amendment. That was that these States coming into the Union should not come in shorn of those necessary powers over corporations in their midst which are at present reserved under existing State constitutions over the corporations of existing States. That is the principle which I desire to insist upon by the amendment I offered. I cannot see that the amendment to the amendment which has been offered by the Senator from California so well reaches the same object. If we both intend that the reserved powers of these new States over these incorporated grantees of the public franchises within their limits shall be the same as those of the older and existing States, then it seems to me that my amendment is more preferably worded to effect that object; and I see no advantage in the language used by the Senator from California, although upon that subject I am no stickler. I care but little for the frame-work of the amendment, provided it reach the object which I had in view; and I confess, from my hearing of his amendment as read, my own frame-work of words seems to me to be preferable.

Mr. MORTON. I wish to ask the Senator a question in reference to the States already admitted into the Union. I ask what power they have had to abolish or to modify acts of incorporation passed before their admission by the territorial Legislatures acting under the general law organizing the Territories?

Mr. BAYARD. I do not think there has been any system that would enable me to answer the Senator's question without qualification.

Mr. MORTON. May I ask a further question? An act of incorporation is a contract that a State is expressly prohibited from violating the obligation of, is it not?

Mr. BAYARD. I may say this to the Senator from Indiana: We have never been called upon to meet such a question before. No general law of incorporation permitting Tom, Dick, and Harry to take enormous grants of public franchises, without any special consideration of the precise enterprise they had in view, has ever been brought before the Congress of the United States, and therefore the Senator will see that it is a case of new impression to attempt to apply a broad principle of this kind to pre-existing facts. All the charters heretofore granted to railroads through Territories have been special charters; and they have been guarded by provisions of their own, and the Congress of the United States were aware of the length of the road, and the termini of the road, and the objects of the road, and the location of the road; but here is a bill that presents none of these essentials to us. The whole thing is *in nubibus*. Where the railroads will be, how many in number, how long, between what points, whether needed or not as public improvements, whether based upon selfish speculations, whether with the idea simply of destroying individual rights of property, we know nothing at all about. This bill is a plunge in the dark in a direction that the Government of the United States have not chosen heretofore to legislate; and therefore I do not think that we meet objections to the present bill and the scope of the bill by showing individual instances of legislation in regard to special acts creating railway corporations.

As I said before, the object of my amendment is very plain, and I think it is very proper. I do not think the amendment offered by my friend from California reaches the same end as well as the language which I have proposed. I care nothing for the frame of words, provided the idea, the intent, is accomplished. My present impression is in favor of my amendment, and I shall stand by it as against the amendment proposed by the Senator from California.

Mr. MORRILL, of Maine. I have not taken much interest in this bill, but I have a general impression about its character which will not enable me to vote for it in any contingency; and I will say a few words in regard to the general nature and effect of the bill, not detaining the Senate more than ten minutes in any event.

Any one who has noticed the character of the amendment will see how great a subject we are dealing with, and how difficult a subject it is for the Congress of the United States to legislate upon. We are legislating for what is an empire in its dimensions, so sparsely populated that it numbers not more than one individual to eight or ten square miles, and legislating a magnificent power into the hands of a limited portion of citizens outside, so as to commit future generations through the action of the Congress of this day. When you think of this, you will begin to comprehend how large the subject is with which you are dealing.

I think this whole measure is entirely inexpedient, and it grows out of two or three prominent facts. The first is that we are legislating, or proposing to legislate, in advance of population over nearly one-half of the territory of the United States. That of itself is a gigantic proposition. We are sitting here to-day attempting to mature a bill the comprehension and scope of which is to authorize a limited number of persons to indicate the track of railways over nearly one-half of the territory of the United States, and that for all time, and that, too, in advance of population, and that, too, in a country exceptional in its characteristics, exceptional in its physical geography, exceptional in its climate, in its soil, and in its productions. Now, can anybody say that under such circumstances it is wise for us to undertake to exercise such an authority as that? To my mind it ignores the very first principles which underlie civilization in this country. What is the genius of our institutions? Local self-government, is it not? What becomes of local self-government here if, by authority of Congress, you put it into the power of five men to monopolize for all coming time the railways over so large a section of country as this in advance of population?

Mr. STEWART. Shall I interrupt the Senator by asking him a question?

Mr. MORRILL, of Maine. I have not many words to say.

The PRESIDING OFFICER. The Senator from Maine declines to yield.

Mr. MORRILL, of Maine. No; I do not decline.

Mr. STEWART. What ought to be done? Does the Senator think in the first place it is important that railways should be built at all there?

Mr. MORRILL, of Maine. I will answer that in the general——

Mr. STEWART. I want the Senator to answer two or three questions categorically.

Mr. MORRILL, of Maine. I think we can wait a little until there is time to see what is necessary to be done. Does not my friend know what we have done? Have we not provided for four transcontinental railways through this very country, and cannot we wait a little? Have we not expended out of the public Treasury enough, so that we can afford to wait a little?

Mr. STEWART. Let me call attention right there. The Senator says we have provided for four transcontinental railroads. That is not what we are after. There were one hundred and fifty different bills before the last Congress for special grants to build railroads, most of them leading to mining camps and the like. A man living

in Maine can very well wait for these roads; but a man living out there, whose all is invested in business across the desert, cannot.

Mr. MORRILL, of Maine. Allow me to go on. I mean to be very brief and general. I am not going to pitch into the bill in detail; I only intend to speak of the general principles that induce me to vote against any such proposition.

The Senator says Maine can wait. Did we not wait two hundred years there before we saw the glimpse of a railway or anything of the kind? The difficulty is that we are legislating in regard to the far West, the new far West, the great far West, which is a problem, an enigma in its characteristics in all respects. In the great characteristics that characterize and distinguish a community, it is a severe contrast with all we know on this side of the great far West. That is the country we are legislating about, and into that country we have poured our treasure; across that we have built or are contemplating the building of four gigantic highways, and we have endowed them with empires, each of them, in land. Can we not wait?

Mr. STEWART. No.

Mr. MORRILL, of Maine. What is the hurry? Can we not wait for that wagon a little? Must we forestall settlements in that country? Must we forestall and direct the settlements in that country? Why, Mr. President, the great evil which we are putting on foot is that we are forestalling all that region of country. There is nothing going on there that is at all the normal condition of things. How have settlements made their progress in this country? Slow in the beginning, but they laid the foundation of things; the beginnings were all small. Now we are doing everything in that far-off country by dint of corporations. Here is a grand scheme for covering that whole country over in the cheapest and most easy method by paper corporations. I think the whole thing is wrong.

Let us look a little at that country that my friend thinks cannot afford to wait. I have already said what its dimensions are in a territorial point of view. It is nearly one-half the Union, including the five States west of the Missouri River and the nine Territories. What do they represent to-day? By way of illustrating what I am attempting, let us compare them with a little territory of about eight thousand, or less than eight thousand, square miles. Here you have about a million and a half of people embraced in the five States and nine Territories. Now compare that with little Massachusetts with eight thousand square miles, and let us see whether these people cannot afford to wait a little with what is being done, wait for the ordinary progress of events. Why, Mr. President, Massachusetts has to-day a population just about equal to these five States and nine Territories. The valuation of that little State is equal to the valuation of these five States and these nine Territories, and yet we are told that there is such a demand for railroads that we must enact a bill here which authorizes a few persons to cover that whole country with paper charters. I think it is a most extraordinary exercise of authority on the part of Congress; and the difficulty comes exactly at this point. We do not hesitate to say that so far as Congress is concerned it shall have the right to alter, amend, or repeal these charters. My honorable friend from Arkansas thinks it is a very extraordinary power to allow the States to do the same thing. So it is; but it is only the exercise of the same power that we claim for ourselves; and it illustrates the extraordinary character of what we are doing. We claim the right to alter, amend, or repeal any act which we may impose on a Territory; but when we come to say, looking into the future, that we will devolve the same right upon the future States to exist there, gentlemen hesitate. Why should you hesitate? Why should not the State have the same right to control the corporation which we fasten upon them that we have when we fasten it upon that Territory? Of course they should; and gentlemen who are willing to go the logic of this, gentlemen who are willing to authorize paper charters in all directions over one-half the territory of this country in advance of population, should not hesitate to say that the power which we exercise may be exercised by the coming governments in that territory; and therefore I shall vote for this amendment. I shall vote for it because, if we intend to do such an extraordinary thing as that, we must allow the coming generations, who will at some time or other assume the rights of self-government which belong to us all under our theory of government, to occupy the same position they would have provided these Territories be made into States precisely as they have been on this side of the Pacific.

Mr. President, railways are not a necessity of a Territory in advance of population. Railways, as other ways, are made to accommodate the people; and I lay this down as a fundamental proposition: if they go in advance of that, they are necessarily speculative in their character; they are not to accommodate the people. It may have been a good thing, it undoubtedly was a good thing that over that country we should stretch railways; and I believe I have favored three of them certainly, the Central and Union Pacific, the Northern Pacific, and one other, because it seemed to me that on general principles, considering the character of that country, it was well to cross it. But when you come to delegate a power which touches the people in their intimate and domestic relations and which belongs to the people themselves, or at least which the people themselves should have a voice in, I hesitate to confer so large a power.

Mr. President, for these general reasons I shall not be able to vote for this bill. I shall vote for this amendment to it, because whatever power we choose to confer upon any people to build railroads in that Territory it seems to me we ought to confer upon the people who succeed these territorial governments by State governments in the future.

Mr. STEWART. I did not think I would say another word; but the idea is now presented you will deny to the Territories the naked privilege of building railroads, and they are told to wait when the Western States have all had their land grants and their aid from Congress in every way. Here all that is asked is the simple right to build railroads without any exclusive privileges, upon their own money, under such restrictions as may be proposed in this bill. When that simple right is asked we are told to wait! Sir, there is no propriety in waiting. We want to have these mountains opened, and we want to enrich Maine and Massachusetts; we want to help them. We want Montana and Utah and Colorado and New Mexico and Arizona to help as Nevada is now helping. We want thirty or forty millions a year from each of them, which we can have, and the people will get it if you will just let them alone and let them build their own roads. They do not want one exclusive privilege from you. Limit the corporation as you please. But after all the liberal, and as is generally contended extravagant, legislation for the rest of the country, to say that the people who have been so unfortunate as to locate in the Territories shall not have the poor privilege of building their own roads, seems cruel.

It is suggested that this should be left to the territorial Legislatures. We know that that is unwise from the experience of Utah and Colorado and every other Territory where they have had that privilege. We do not want a few men to get ahead and get exclusive privileges and involve the Territories in debt; but we want to give the real people who own the property there and develop the mines the privilege of building railroads to them.

You say it is not needed; it is in advance of the demand. At the last session of Congress there were one hundred and fifty bills here all asking special privileges to build railroads in Territories. There is a very large number of these bills now pending. Some of them have gone through with such privileges as no one would think of granting on careful consideration. Here we can limit them so that there will be a free competition in building railroads. But the idea is suggested that this will spread that country with paper corporations. They cannot spread it beyond the railroads made, and another person can build a railroad right beside them under the same general law. Should they not have the right to spread a corporation to the length of the road that is built in good faith? They can develop that country and enrich the nation; for by these Territories this nation must be redeemed from debt if it ever is redeemed. The region between the foot of the Rocky Mountains and the western slope of the Sierra Nevadas must relieve this nation from debt; must bring you back to specie payments if it is ever done. And I say God speed to the men who will build railroads there with their own money, as this bill proposes, and enrich the nation. Put any limitations upon it you please. Give them such legislation that men who have money will know they will be protected, and stop special legislation that gives A, B, or C the chance to come here and get a law to sell out. Stop a few adventurers in a Territory from getting special legislation there that shall involve them in debt. Give a general law, under which any citizen of the United States, whether he be from Maine or Massachusetts, may invest his money and develop that great country. Railroads have now become a necessity of the age; and while there is great complaint against the mode of their use, against monopolies under them, there is no objection to any man building a road. The people understand the distinction.

The PRESIDING OFFICER. The question is on the amendment of the Senator from California.

Mr. HAGER. I will explain to the Senator from Delaware the difference between his proposed amendment and the modification of it which I have suggested. His amendment goes further than I am willing to go myself. It is in these words:

> Any charter herein granted shall be revocable by the Legislature of any State which may hereafter be formed out of any Territory or Territories of the United States organized and admitted into the Union as a State within whose limits any such railroad shall, in whole or in part, be found to exist.

The remaining portion is substantially to the effect of that I have drawn, although not quite so broad. This portion of the amendment I am opposed to, and for this reason: No corporation with that provision in the law would ever be formed in a Territory. People would at once say, "We may be deprived of all our franchises at any time by a hostile Legislature in the State." There is not a sufficient guarantee, in other words, to encourage the investment of money in this kind of enterprise when this limitation is attached to it by which the franchises of the corporation and its existence may be obliterated by the Legislature. For this reason I think the law would be inoperative. It would be a useless law upon our statute-books with that provision in it. No man would invest his money in a railroad enterprise when the object of the law under which he claimed to be incorporated could be changed in the manner proposed.

Mr. BAYARD. May I ask the Senator from California, when you have the same provisions, almost in the same words, reserving powers in the constitutions of the various States, why is there more fear of their oppressive operation in the new States than in the old ones?

Mr. HAGER. I do not know where they are in the constitutions.

Mr. BAYARD. I have cited one case, the State of Pennsylvania, whose statute-book contains a general law for the incorporation of

railways quite carefully guarded, limiting the corporators to citizens of their own State, and very definitely fixing the operation of the law; and the constitution of Pennsylvania expressly contains the very language used by me in the amendment I have drawn.

The constitution of the State in which I live has for the last seventy years contained that same power of revocation in every case; and yet I am not aware, except once or twice in the case of bank charters which were attempted to be used for fraudulent purposes, that the power of revocation was ever exercised. There is really no more reason why the new State sovereignty is not to be trusted with such a power than an old one. I simply desire when the States come in as members of the Union, that they shall come in unshorn of any of those powers which are now reposed in their elder sisters.

Mr. HAGER. That principle would apply to every act that Congress might see fit to pass in regard to the Territories. In all our legislation in regard to Territories, the laws may be restrictive in a certain sense, and the States will come in shorn of their powers to the extent that Congress has the constitutional power to legislate for the Territories. So the principle would apply to every statute that might be passed by Congress for the Territories. I presume the Senator will admit that.

Now, so far as wholesome legislation is concerned, it is all right enough. The constitution of my State contains a provision that the charters of corporations may be changed and limited. I do not recollect whether it goes so far as to say that they may be revoked. The proposition here is to give to the States the power to revoke the legislation of Congress. If such a principle should be recognized here to control us in this particular legislation, why should it not be recognized to control us in all kinds of legislation? If it is so harsh as to destroy the particular purpose that we have in view, to authorize a right of way through the public domain, it renders the legislation inoperative.

As I stated when I was up before, this is a proposition to allow railroads the right of way over public domain by a general law instead of a special law. If there is any reason in the proposition advanced by the Senator from Delaware as applicable to this proposed bill, it would be applicable if it was a case of special legislation granting a particular franchise or right of way to a particular corporation, and I do not know that any such legislation has ever heretofore transpired. I do not know that any limitation of that kind has heretofore been required in the legislation, so far as it has been special, in authorizing a right of way over the public domain.

The main question, as I said before, and I will repeat it, so far as it applies to the argument of the Senator from Maine, is a question between a general law to accomplish this purpose or a special law. In our State we have discovered that special laws are more objectionable than general laws. Where a law is required to be general it is applicable to all corporations formed under it. Where it is special it is applicable to the particular corporation, and a pressure may be brought upon the Legislature in favor of a special law when it would not be brought in regard to a general law. In that respect I think perhaps legislation by general laws has the advantage over legislation by special laws. Certainly no such franchises, no such subsidies would ever have been granted by a general law as were granted by Congress to the Central Pacific and the Union Pacific and other railroads. If the laws had been general under which those franchises were conceded, they never would have been passed in the world in the shape they were; and I think there would be much less apprehension, so far as the principle of legislation is involved, by making a general law to cover these cases than a special law.

The amendment that I have proposed as a substitute for that of the Senator from Delaware merely provides that the corporations formed under this law shall be governed by the States afterward in the same way as they control by legislation their own corporations.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from California, offered as a substitute for the amendment of the Senator from Delaware.

Mr. CLAYTON. Let it be reported.

The PRESIDENT *pro tempore*. It will be read.

The Chief Clerk read as follows:

That when a Territory is admitted as a State, such State shall have the same power and control, by legislation and otherwise, over corporations under this act as over corporations of such State.

The amendment to the amendment was agreed to.

Mr. WADLEIGH. I desire to say a word on the amendment offered by the Senator from California. It seems to me that what he seeks to accomplish is right. It strikes me, however, that there may be some ambiguity in the amendment offered by him which will subject it to two interpretations. The amendment provides that the Legislature of a State may exercise the same right to amend charters procured under this act, and may legislate in reference to corporations created under this act, as they can in reference to corporations created by themselves. Now, Mr. President, the rule of law is that a Legislature cannot amend a charter, and cannot legislate with reference to the rights of a corporation created by itself unless the charter of that corporation contains a provision that the Legislature may so act. In this case, this act when it passes will contain no provision that the Legislature of the State can act in reference to corporations except so far as relates to corporations created by themselves. A part of the corporations created by the Legislature may contain in the charters a provision giving the Legislature the right to amend the charters; a part may be created without any such provision. Consequently a part of those corporations can be legislated upon by the Legislature, and a part cannot be legislated upon by the Legislature; and what will be the right of the Legislature in reference to the corporations created under this act when that right is to be governed by its power over other corporations, over a part of which it has power and over a part not?

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Delaware as amended, upon which the yeas and nays have been ordered.

Mr. ANTHONY. This is now the amendment of the Senator from California.

The PRESIDENT *pro tempore*. The amendment of the Senator from California struck out all the original amendment of the Senator from Delaware.

Mr. STEWART. Let the call for the yeas and nays be withdrawn. I have no objection to it now.

The PRESIDENT *pro tempore*. Is there objection to withdrawing the call for the yeas and nays?

Mr. CONKLING. I object to withdrawing the call for the yeas and nays.

Mr. HAMLIN. I would be very much obliged if the Chair would let the precise amendment be reported.

The PRESIDENT *pro tempore*. The amendment will be reported.

The CHIEF CLERK. The amendment as amended now reads:

That when a Territory is admitted as a State, such State shall have the same power and control, by legislation and otherwise, over corporations under this act as over corporations of such State.

The question being taken by yeas and nays, resulted—yeas 32, nays 6; as follows:

YEAS—Messrs. Allison, Anthony, Bayard, Boreman, Buckingham, Carpenter, Chandler, Conkling, Conover, Cragin, Ferry of Michigan, Flanagan, Frelinghuysen, Goldthwaite, Hager, Hamlin, Howe, Ingalls, Johnston, Jones, Kelly, McCreery, Mitchell, Morrill of Vermont, Saulsbury, Scott, Spencer, Stevenson, Stewart, Stockton, Tipton, and Wadleigh—32.

NAYS—Messrs. Bogy, Clayton, Hitchcock, Pratt, Ramsey, and Sprague—6.

ABSENT—Messrs. Alcorn, Boutwell, Brownlow, Cameron, Cooper, Davis, Dennis, Dorsey, Edmunds, Fenton, Ferry of Connecticut, Gilbert, Gordon, Hamilton of Maryland, Hamilton of Texas, Harvey, Lewis, Logan, Merrimon, Morrill of Maine, Morton, Norwood, Oglesby, Patterson, Pease, Ransom, Robertson, Sargent, Schurz, Sherman, Thurman, West, Windom, and Wright—34.

So the amendment was agreed to.

Mr. PRATT. Some Senators seem to think there was an ambiguity about the former amendment I submitted, and I presume it failed because of that idea. I now offer the following as an additional section:

That the stockholders of any corporation to be formed under this act shall be individually liable for all labor done in the construction of the road.

Mr. CLAYTON. I move to amend the amendment by saying "to the extent of their stock" after the word "liable."

Mr. ANTHONY. Does the Senator mean an amount equal to their stock in addition to their stock?

Mr. CLAYTON. An amount equal to their individual stock, of course.

Mr. STEWART. Would this be before the property of the corporation was exhausted? The property of the corporation ought first to be liable, because the directors might refuse to pay the laborers and send them after the stockholders, which would make it very awkward.

Mr. PRATT. I will explain to the Senator why I struck out that feature. It would impose a very great hardship on the laborers if they were compelled to go into the courts and institute a suit and exhaust all the assets of the corporation before they could come on the stockholders. That was the reason why I struck that feature out of the amendment. Under the amendment which I now offer the claims will be but small, they will belong to laborers; and the stockholders ought in equity to be responsible for the labor expended in the construction of a road.

Mr. STEWART. But the stockholder ought to have some protection. They may not go to the company in the first instance, but may come to him first.

Mr. PRATT. The answer to that is that the stockholders elect a board of directors, and if the directors are so negligent or so recreant to their duty that they misapply the funds of the corporation and let the laborers who have built the road go unpaid, the stockholders ought to be personally and individually liable.

Mr. CLAYTON. I will withdraw the amendment which I suggested, and offer the following in lieu of it: Insert, after the word "liable" the words "for the debts of the corporation to any amount equal to the stock held by them." Let them be liable for all the debts.

The PRESIDENT *pro tempore*. The Senator from Arkansas moves to amend the amendment of the Senator from Indiana so as to make the clause read:

The stockholders of any corporation to be formed under this act shall be individually liable for all debts against the corporation to an amount equal to the stock held by them.

Mr. CLAYTON. Of course that would be over and above the other liabilities of the company.

Mr. STEWART. I call for the yeas and nays on that.

The yeas and nays were ordered.

Mr. PRATT. I do not understand how the amendment of my friend from Arkansas accomplishes what he desires to accomplish. The stockholders by the terms of their subscription are already liable for the amount of the stock subscribed by them of course. Now his amendment does not increase that liability. It renders the amendment offered by me wholly frivolous.

Mr. CLAYTON. I think the stockholders are liable to pay to the corporation the money subscribed by them to the stock. Of course they are liable to pay for their stock; but I propose to make them liable individually for the debts of the corporation.

Mr. PRATT. Beyond the amount which they have paid for their stock?

Mr. CLAYTON. Equal to the amount of their stock. That is like a provision that is in the general law of my own State, but that makes them liable to double the amount of their stock. I propose to make them liable to an amount equal to their stock.

Mr. ANTHONY. The same provision that is in the national-bank act?

Mr. CLAYTON. Yes, sir. Unless that is put in this act, individual liability cannot be placed upon them. Of course they are liable to pay for the stock they subscribe; but they are not liable individually for the debts of the company, and I propose to make them liable to an amount equal to the stock held by them.

Mr. PRATT. If the Senator's amendment accomplished that, I should accept it, but I am afraid from its phraseology that it does not.

Mr. CLAYTON. If its phraseology does not, I should like to have it changed so that it shall accomplish that.

Mr. BUCKINGHAM. The Senator from Arkansas, I understand, says that the stockholders are liable for the amount of their stock. Suppose installments are not called for, then are they liable? Can there be a suit brought against the subscribers to secure the full payment? Is that provision in the bill?

Mr. CLAYTON. I presume they are not liable to the company to pay for their stock unless it is called for, but this is an additional liability of an individual nature, under which they will be liable for the debts of the corporation to an amount equal to the stock subscribed by them.

Mr. BUCKINGHAM. My difficulty precedes that. In looking over this bill I see that the stockholders are required to pay in 10 per cent. at the time of subscription, and they are required to pay in installments of 10 per cent. at such times as it may be called for not oftener than once in ninety days. Now my inquiry is whether, in case the directors do not call for a further installment and they go on and employ workmen to grade the road and lay the track, the workmen will have any way by which they can be paid for their labor if the directors do not call for further installments?

Mr. HAGER. The amendment proposed, as I understand, is to make the stockholders liable for the debts of the company to an amount equal to their stock. I presume it should be "in amounts proportioned to their stock." The usual phraseology in such cases is that each stockholder shall be held liable in proportion to his stock for, the debts of the company; that is to say, he shall pay a proportion of the debts just as he stands in relation to the capital stock of the company. If he owns one-tenth he pays one-tenth of the debt; if he owns two-tenths he pays two-tenths, and so on. It should be that he should be held liable in proportion to his stock.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Arkansas to the amendment of the Senator from Indiana.

The question being put, there were, on a division—ayes 20, noes 5; no quorum voting.

Mr. STEWART. Let it be read again.

The PRESIDENT *pro tempore*. The amendment will be again stated.

The CHIEF CLERK. The amendment as proposed to be amended reads:

The stockholders of any corporation to be formed under this act shall be individually liable, to an amount equal to the stocks subscribed by them, for all debts of such corporation.

Mr. STEWART. "Contracted during the time they held their stock." I would suggest that modification.

Mr. HAMLIN. "And in one year thereafter."

Mr. CLAYTON. It does not say "the owner of stock," but the "stockholder."

Mr. SAULSBURY. I suppose that amendment cannot now be entertained; but I should like to have "stockholders or their assignees" inserted. I would follow the original holder of the stock and his assignee.

The PRESIDENT *pro tempore*. No further amendment is now in order. The question is on the amendment of the Senator from Arkansas to the amendment of the Senator from Indiana, on which the Senator from Nevada calls for the yeas and nays.

Mr. STEWART. I suggest a further amendment that the stock of the individual shall not be liable longer than he holds the stock.

The PRESIDENT *pro tempore*. A further amendment is not in order. The yeas and nays are called for.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. LOGAN, (when his name was called.) On this bill I am paired with the Senator from Missouri, [Mr. SCHURZ.] I do not know how he would vote on this amendment, and therefore I shall not vote. We consider ourselves paired on the whole thing.

The call of the roll having been concluded,

Mr. HAGER. I am not in favor of the amendment, and therefore vote against it; but if it were amended as I proposed, I would vote for it.

Mr. LOGAN. I am told that my vote is necessary to make a quorum. Not knowing how the Senator from Missouri would vote, as it will not affect the result, I shall vote for this amendment to make a quorum.

The result was announced—yeas 28, nays 10; as follows:

YEAS—Messrs. Anthony, Bayard, Buckingham, Carpenter, Clayton, Conkling, Conover, Cragin, Fenton, Ferry of Michigan, Flanagan, Frelinghuysen, Hamlin, Hitchcock, Ingalls, Johnston, Logan, McCreery, Morrill of Maine, Morrill of Vermont, Morton, Patterson, Pratt, Saulsbury, Stevenson, Stockton, Tipton, and Wadleigh—28.

NAYS—Messrs. Bogy, Boreman, Chandler, Hager, Hamilton of Texas, Jones, Mitchell, Ramsey, Scott, and Stewart—10.

ABSENT—Messrs. Alcorn, Allison, Boutwell, Brownlow, Cameron, Cooper, Davis, Dennis, Dorsey, Edmunds, Ferry of Connecticut, Gilbert, Goldthwaite, Gordon, Hamilton of Maryland, Harvey, Howe, Kelly, Lewis, Merrimon, Norwood, Ogleaby, Pease, Ransom, Robertson, Sargent, Schurz, Sherman, Spencer, Sprague, Thurman, West, Windom, and Wright—34.

So the amendment to the amendment was agreed to.

Mr. RAMSEY. Bills of this character have heretofore passed with a clause which has been omitted in this, and I suggest an amendment, to come in on the twenty-ninth page, after the word "road," in the third line of section 19.

The PRESIDENT *pro tempore*. The question now is on the amendment of the Senator from Indiana, as amended by the vote just taken.

Mr. RAMSEY. I will wait until that is disposed of.

The amendment as amended was agreed to.

Mr. RAMSEY. I propose to insert after the word "road," in the third line of the nineteenth section, the following words:

And shall at all times transmit dispatches over said telegraph lines and transport the mails, troops, and munitions of war of the United States upon said railroad at a compensation not to exceed the amount paid by private parties for the same kind of service.

Mr. STEWART. I have no objection to that.

The amendment was agreed to.

Mr. SAULSBURY. I offer an amendment in addition to the amendment of the Senator from Arkansas [Mr. CLAYTON] just now adopted. The amendment of the Senator from Arkansas makes the subscribers to stock individually liable for the debts of the company to the amount of stock which they subscribe. It is known that stock frequently passes from the hands of the original subscribers to assignees, and my amendment is to follow the assignee and make him liable.

The PRESIDENT *pro tempore*. The amendment of the Senator from Delaware will be read.

The CHIEF CLERK. The amendment is to insert at the end of the section in relation to the liability of stockholders the following:

And the assignee of any such stock shall be liable to the same extent.

Mr. STEWART. I do not think that changes the meaning of the section.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question now is on the amendment reported by the Committee on Railroads as it has been amended, being a substitute for the original bill.

The amendment as amended was agreed to.

Mr. WADLEIGH. I move, in the thirty-eighth and thirty-ninth lines of section 9, to strike out the word "party" and insert in place thereof "corporation," so that the individual whose land is taken by the road shall not be required to give bond on an appeal from the award of the commissioners.

The amendment was agreed to.

Mr. HAGER. I should like to hear the amendment reported which has been adopted in regard to the liability of stockholders.

The PRESIDENT *pro tempore*. That section will be read.

The Chief Clerk read as follows:

That the stockholders of any corporation to be formed under this act shall be individually liable to an amount equal to the stock subscribed by them for all debts of such corporation, and the assignee of any such stock shall be liable to the same extent.

Mr. HAGER. I should like to move an amendment to that, to strike out the words immediately following "liable" and insert "in proportion to their stock."

The PRESIDENT *pro tempore*. That motion is not in order at present.

Mr. STEWART. It will be in order when the bill is reported to the Senate.

Mr. HAGER. Then I have another amendment. On page 22, line 42, section 9, I move to strike out "the whole cost incurred by both parties" and insert "costs of appeal."

The PRESIDENT *pro tempore*. Line 42 has been stricken out already.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made as in Committee of the Whole, which is a substitute for the original bill.

Mr. MORRILL, of Vermont. I propose to add some words to the amendment offered by the Senator from Delaware, [Mr. SAULSBURY.] He saw fit to propose an amendment that the assignees shall be held responsible where the party owning stock shall sell out. Now, I think that is a very nice way for any party who holds stock and wants to get rid of it, to be allowed by the charter to assign it to some irresponsible person. I move to amend by providing that no sale to any assignee shall be valid unless the assignee is responsible. [Laughter.]

The PRESIDENT *pro tempore*. The amendment of the Senator from Vermont will be reported.

Mr. MORRILL, of Vermont. I presume the Senator from Delaware will accept the amendment.

The PRESIDENT *pro tempore*. It is too late for him to accept it.

Mr. SAULSBURY. So far as my amendment is concerned, I will say that while persons sometimes with fraudulent intent make assignments, yet gentlemen who hold stock in which they put their money in a railroad company are very careful how they make fraudulent assignments of it,

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont.

Mr. MORRILL, of Vermont. I withdraw the amendment.

Mr. CONKLING. Let us hear the words read which the Senator from Delaware moved to insert.

The Chief Clerk read as follows:

And the assignee of any such stock shall be liable to the same extent.

Mr. CONKLING. I suggest to the Senator from Delaware that he probably has released the prior owner from the liability. If he would by his amendment say that the assignee shall be liable for all future charges upon the stock, thus implying or permitting at least the supposition that the assignor was to continue liable for all liability prior to the time of the transfer, that would do. I should like to hear the prior words read as they stand. Let the whole section be read together.

The Chief Clerk read as follows:

The stockholders of any corporation to be formed under this act shall be individually liable, to an amount equal to the stock subscribed by them, for all debts of such corporation; and the assignee of any such stock shall be liable to the same extent.

Mr. CONKLING. I suggest to the Senator from Delaware to amend his amendment so that it will read "and the assignee shall in like manner be liable for all debts incurred after the transfer to him."

The PRESIDENT *pro tempore*. Does the Senator from New York move an amendment?

Mr. CONKLING. No; I do not move to amend it in that way. I merely make the suggestion in order to say that as it seems to me, if the Senator will leave the bill as he finds it, it will answer his purpose. The stockholder will be liable, the original stockholder up to the time that he transfers his stock, and the moment he does transfer his stock the assignee becomes the holder of that stock, and then the liability attaches to him; whereas if he provides as he has now provided, it seems to me that it would at least leave room to doubt whether he would not exonerate the stockholder from the liability which attached and ought to attach to the stock prior to the time that he transferred it to his assignee. I think the section is better without the latter words. I suggest that to the Senator.

Mr. SAULSBURY. I have very great confidence in the legal acumen of the honorable Senator from New York; but I do not think he has put exactly the proper construction on that amendment. Under the amendment offered by the Senator from Arkansas the stockholder was made liable. It occurred to me that the stockholder might reside remote from these Territories; or he might make an assignment of the stock; he might leave the Territory, and some other person become the holder of the stock to which he had subscribed; and it would be proper, therefore, that the liability should attach in the hands of the holder after the stock had been assigned. That was the object which I had in view. I am not certain but that, instead of releasing the original subscriber, both he and his assignee will be liable under my amendment; but I am willing to hear any suggestion.

Mr. CONKLING. There seems to be an idea with some Senators that a distinction exists legally between one who originally subscribed for stock and one who buys from him who did originally subscribe for stock. I submit there is no such distinction known to the law. A stockholder is the holder and owner of the share or scrip which represents his interest. Whether his interest accrued from a subscription made anterior to the inception of the corporation, if you please, or originally made, or whether it accrued because he purchased the whole right of one who did so originally subscribe, is of no consequence whatever. If I am right in that, let me see the force of the amendment as it stood prior to the suggestion of the Senator from Delaware: "The stockholders"—not the original subscribers—"the stockholders of any corporation to be formed under this act shall be individually liable to an amount equal to the stock held by them." What does that mean?

Mr. SAULSBURY. I understood the amendment of the Senator from Arkansas to say "to the amount of stock originally subscribed."

Mr. CLAYTON. The amendment is imperfect in that respect. I think it ought to be amended so as to read "subscribed or held by him," and I was going to suggest that.

Mr. CONKLING. Let us examine that one moment and let us see whether it can be tested so as to get up a possible doubt. A subscribed for $10,000 of the stock. Subsequently he sold $5,000 of the stock to B. What is the liability? A is liable for the whole $10,000 as long as he holds it. When he parts with $5,000 he transmits its liability to him who becomes the holder *pro tanto* of the stock, that is of $5,000.

Mr. CLAYTON. He is the subscriber then.

Mr. CONKLING. There is no such thing in the amendment, as I read it.

Mr. CLAYTON. Read it again and you will see.

Mr. CONKLING. I read the ink which I suppose represents the amendment; but there is so much interlined in pencil that I can hardly tell which is the right text:

The stockholders of any corporation to be formed under this act shall be individually liable to an amount equal to the stock held by them.

Now there are in pencil words which I will read, which I supposed, brackets being around them, were not part of it, but perhaps they are, "to an amount equal to the stock subscribed by them"——

Mr. CLAYTON. That was the amendment.

Mr. CONKLING. What became of the subsequent words, "to the amount of the stock held by them." They cannot both have been adopted.

Mr. CLAYTON. The amendment as adopted was, I think, "subscribed."

Mr. CONKLING. Then I beg to suggest to the Senator that this is the solution of the whole matter. Let the amendment read as I supposed it to read: "The stockholders of any corporation to be formed under this act shall be individually liable to the amount of the stock held by them." I would suggest, however, as a better phraseology, "equal to the amount of the stock of which they shall be the holders." "Held" is in a past tense, and there might be a possible cavil about that; but surely it would be plain if you say, and I will put it in the singular: "Each stockholder in any corporation to be formed under this act shall be liable to the amount of stock of which he shall be the holder." What does that mean?

Mr. CLAYTON. Would that apply to stock only partially paid up?

Mr. CONKLING. It would apply to stock partially paid up if this does. I do not know what the provisions of the bill in that respect are. The provisions of most of the general railway acts of the States are such that there must be 10 per cent. paid in in order to fasten and fix the rights of parties. Is that so in this bill?

Mr. STEWART. It is.

Mr. CONKLING. Very well, then, every man who subscribes and pays 10 per cent. becomes a stockholder, and everybody to whom he sells becomes a stockholder; and if you say that every holder of stock in this corporation shall be liable to the amount of the stock of which he is the holder, it is an ever-speaking, never-silent declaration applying to every day and visiting every owner of stock with a liability as great as the total stock he holds. Therefore, if I have consent, I will suggest, if the Clerk will take my words, the amendment in this form:

Every stockholder in any corporation to be formed under this act shall be liable to an amount equal to the stock of which he is the holder.

And I would suggest to the Senator from Nevada to say, "at its par value;" otherwise there may be some doubt as to what that means, "of which he is the holder, at the par value thereof."

Mr. CLAYTON. That will do.

The PRESIDENT *pro tempore*. Does the Senator from New York move that amendment?

Mr. CONKLING. I move it as an amendment in lieu of this section. I believe it is satisfactory all around.

Mr. MORTON. Let it be reported.

The Chief Clerk read the amendment proposed, as follows:

Any stockholder in any corporation to be formed under this act shall be liable to the amount of the stock of which he is the holder, at the par value thereof.

Mr. HAMLIN. If I have comprehended the object sought by the Senator from Delaware, it seems to me it should be accomplished by adding to this amendment, as it now stands, the words, "for one year after the transfer of said stock." A is a stockholder in a company to-day. It becomes embarrassed; he knows it is embarrassed; and he transfers his stock to B, who is an irresponsible man, and thus avoids the whole obligation of the clause as it now stands. The liability of the stockholder at all times ought to exist for one year after the transfer of his stock, within which time those who may be creditors of the corporation may have a chance to enforce their claims.

Mr. CONKLING. May I then suggest to my friend to move as an addition the words, "which liability shall continue for one year after any transfer of said stock?"

Mr. HAMLIN. That will answer.

Mr. SAULSBURY. I suggest to the Senator from Maine that it ought to be restricted to apply only to debts created before the transfer of stock.

Mr. HAMLIN. That would be so, of course.

Mr. WADLEIGH. Mr. President——

Mr. CONKLING. If my friend will pardon me a moment, I will repeat the suggestion: "which liability shall continue as to debts existing at the time of transfer, one year after said transfer."

Mr. WADLEIGH. I would suggest to my friend from New York whether it would be just to make a stockholder liable for debts created while he was not a stockholder, and whether the liability should not be confined to debts of the corporation created while he was a stockholder.

Mr. CONKLING. The Senator will pardon me. I think the suggestion of the Senator from Maine was like his, and the amendment is intended to effectuate that suggestion. If it does not, the Senator can change it. I understand it to mean this: that every stockholder shall be liable to the amount of his stock, and that liability as to debts contracted before he transferred his stock shall run for a year after the transfer is made. The Senator from Illinois [Mr. LOGAN] suggests that this might attach to debts which had been created before he became a holder of the stock. Not at all. If I perceive the force of the language, he is liable for the amount of his stock at par for the debts existing at the time, and he continues liable a year after he transfers his stock. Now, the assignor of the person in question would be liable for antecedent debts. The corporation would be liable primarily for all the debts; then the stockholders would be liable, each one for the debts contracted in his time, and he would continue liable for a year.

Mr. MORTON. It occurs to me now that this amendment is in a position where it is liable to do great injustice on the one hand or to amount to nothing at all on the other. If by saying that the stockholders shall be liable for one year after the transfer it is meant that he shall be liable for new debts that may be created by the corporation for one year after the transfer, that would be obviously unjust and prevent the sale of stock. If his liability upon his stock is to terminate at the end of one year after it has been transferred, then the liability becomes illusive entirely and of little value practically to the creditors of the company, because you cannot tell when the stock is transferred. These certificates ordinarily are assigned in blank, and sometimes in New York they will pass through a hundred hands, and you cannot tell how long a man has had it or who has had it.

Mr. CONKLING. Is there no provision in the bill for transfers on the books?

Mr. MORTON. There is a provision in the bill for the transfer of stock on the books; but practically the man who holds the certificate is equitably and legally the owner, and has the right to fill up the blank at any time. That is the way stock is dealt in. This liability, to amount to anything, ought to continue, so that the creditor will have somebody that he can fix upon. He should be able to go back to the original stockholders, the men who started the thing, the men who induced him to become a creditor. But if their liability shall terminate at the end of a year, whom has he to fix it upon?

Mr. CONKLING. I will say in answer to that question that the remedy for the Senator's suggestion would be to provide, if it is not so provided, that no transfer shall be valid or shall take effect for any purpose unless the same is made on the books of the corporation. Then everybody resorts to these books just as much as everybody resorts to the record of a deed to see how the title to the land stands.

Mr. FRELINGHUYSEN. That would embarrass business. I should prefer the words "transfer on the books."

Mr. CONKLING. That will accomplish the same result; "for one year after the transfer on the books of the company."

Mr. MORTON. I think the remedy becomes worthless in a case of that kind. The creditor does not know who to resort to, the stock changing hands and the stockholder being liable only for a year after his transfer. The way the thing is usually done, according to my recollection—I have not had much to do with corporations lately—is that where there is an additional liability upon the part of the holders of the stock, that liability continues so that the creditor can always fix definitely upon a party who is liable to him, and then if it is transferred to B the liability of B is added to that of A, and then if B transfers it to C the liability of C is added to that of B and A, and so it goes on, so that every additional transfer adds to the security of the creditor. That I think has been the usual practice.

Mr. CONKLING. I beg to modify the amendment by changing a word or two, so as to read thus:

Every stockholder in any corporation to be formed under this act shall be liable, to an amount equal to the stock of which he is the holder at the par value thereof, which liability shall continue as to debts existing at the time of transfer for one year after the transfer thereof on the books of the corporation.

Mr. FRELINGHUYSEN. We can shape this provision in any way we please. It seems to me that the amendment of the Senator from Maine may be a very proper one, but I think it weakens the liability instead of strengthening it. I think as it stood without that amendment, if debts were contracted and became fixed debts of the company, so that the liability of the stockholder was fixed, he would be liable if he transferred his stock; but now that provision limits his liability to a year after the transfer.

Mr. MORTON. It shifts the liability at the end of the year.

Mr. FRELINGHUYSEN. It is a statute of limitation.

Mr. MORTON. It is a statute of limitation for one year. That is the effect of it precisely.

Mr. FRELINGHUYSEN. Perhaps it is fair enough, because then the assignee becomes the stockholder, and he being liable, perhaps it is right that the stockholders who have control of the company should be the stockholders who are liable.

The PRESIDENT *pro tempore*. The question is on the amendment offered by the Senator from New York.

Mr. CONKLING. I will make one other suggestion. Will it not meet the idea of the Senator from Maine, the Senator from New Jersey, and others if the amendment were so changed as to charge liability upon every holder of stock for debts contracted during the time when he was such stockholder?

Mr. STEWART. That is the California law.

Mr. CONKLING. Is not that definite? And does not that change this from a statute of limitations into a broader liability in the direction which the Senator from Maine suggested?

Mr. MORTON. That diminishes the liability.

Mr. STEWART and others. Let it go as it is.

Mr. CONKLING. Senators say, "Let it go as it is." This latter branch having originated with the Senator from Maine, it seems to me that now it operates as a statute of limitations merely and fixes the limitation at a year. If, on the other hand, you change it so as to visit liability upon every stockholder up to the amount of his stock for all debts contracted in his time, there it is; and if the debt be of such a nature that it extends for twenty years, like a specialty under seal, so be it. If it is a parol contract which, under the statutes of most of the States, would run for six years, so be it. If it is in the nature of a penalty, something for which a *qui tam* action is given, which ordinarily has but two or three years to run, by the codes of the States, so be it. You would leave it there. My own belief is that that would be better.

Mr. MORTON. That would be better than it is now.

Mr. STEWART. Suppose you put it at two years. That would be a reasonable statute of limitations. Suppose subsequently men came in and squandered the capital without paying the debts.

Mr. LOGAN. A year is long enough. Why should a man be liable for debts contracted before he became a stockholder? Although the liability attaches to the stockholder for a year, yet the liability attaches to the man to whom stock is assigned commencing at the time it is assigned for debts commencing at that time, not behind that. Each man should be liable only for the debts contracted while he held the stock. I think that is the right way.

Mr. CONKLING. What does the Senator from Nevada say to this:

Every stockholder in any corporation to be formed under this act shall be liable for all debts of said corporation contracted while he holds stock, to an amount equal to the stock of which he is holder, at the par value of the——

Mr. MORTON. I suggest that making the stockholder liable to the par value of the stock is an unnecessary embarrassment, because the stock may not be worth ten cents or twenty-five cents on the dollar. Therefore a man takes a liability usually far greater than what he gets for it.

Mr. CONKLING. Does the Senator want to confine the liability to the actual value of the stock, so that if the corporation fails and the stock is worth nothing there will be no liability? If he does, the true way is to vote against everything of the sort and offer an absolute immunity. The Senator will see that if stockholders are to be liable only for the actual value of the stock, you have exonerated them in the only event when a liability is good for anything. What is that event? The event of a failure of the corporation, so that the corporate assets are *non sunt*. Then it is an object to have personal liability. But if you say there shall be no personal liability beyond the value of the paper on which the scrip is printed, the whole thing is of no use.

Now I venture to still further modify my amendment so that it will read:

Every stockholder in any corporation to be formed under this act shall be liable for all debts of said corporation contracted while he holds the same, to an amount equal to the stock of which he is the holder, at the par value thereof.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from New York as a substitute for the liability section in the amendment reported by the Committee of the Whole.

The amendment to the amendment was agreed to.

Mr. CLAYTON. I should like to renew the amendment I offered in Committee of the Whole in relation to cumulative voting. In line 19 of section 7 I move to strike out—

Each share shall entitle the owner to one vote, and a majority of votes cast shall be necessary for a choice;

And to insert in lieu thereof:

In all elections for directors of any corporation organized under the provisions of this act each shareholder shall be entitled to cast for each director to be elected one vote for each share of stock held by him, or may, at his option, cast the whole number of his votes for one candidate, or distribute them upon two or more candidates, as he may prefer; and the candidates corresponding in number to the directors to be elected receiving the highest number of votes shall be declared elected.

The question being put, there were on a division—ayes 14, noes 19; no quorum voting.

Mr. CLAYTON. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 15, nays 23; as follows:

YEAS—Messrs. Bayard, Clayton, Ferry of Michigan, Flanagan, Goldthwaite, Gordon, Hitchcock, McCreery, Morton, Pratt, Saulsbury, Stevenson, Stockton, Tipton, and Wadleigh—15.

NAYS—Messrs. Allison, Boreman, Buckingham, Carpenter, Chandler, Conover Cragin, Fenton, Frelinghuysen, Hamilton of Texas, Hamlin, Harvey, Howe, Jones, Kelly, Mitchell, Patterson, Ramsey, Scott, Sherman, Spencer, Stewart, and West—23.

ABSENT—Messrs. Alcorn, Anthony, Bogy, Boutwell, Brownlow, Cameron, Conk-

ling, Cooper, Davis, Dennis, Dorsey, Edmunds, Ferry of Connecticut, Gilbert, Hager, Hamilton of Maryland, Ingalls, Johnston, Lewis, Logan, Merrimon, Morrill of Maine, Morrill of Vermont, Norwood, Oglesby, Pease, Ransom, Robertson, Sargent, Schurz, Sprague, Thurman, Windom, and Wright—34.

So the amendment to the amendment was rejected.

Mr. WADLEIGH. I should like to hear the Senator from Nevada explain the object of the eighteenth section. It provides:

That any railroad corporation heretofore organized under the acts of the Legislature of any Territory shall, upon filing with the Secretary of the Interior its original articles of incorporation, or a certified copy thereof, and its acceptance of this act, be recognized from and after the date of such acceptance for all the objects and purposes of this act, and shall be entitled to all the privileges and benefits, and shall be subject to all the restrictions herein granted or imposed.

Heretofore some railroad corporation may have been chartered in some Territory and received its charter upon certain conditions. There may have been something in the nature of a contract between some corporation in some Territory and the Legislature thereof. There may have been some law passed by which certain duties have been imposed upon them which they have accepted, some limitations. Now, if the object of this section is to relieve them from duties which have been imposed on them and which they have accepted, to change their status, I should not be in favor of passing the bill with that section in it.

Mr. STEWART. It is restrictive on them. They can come under this bill with restrictions, but it does not add to their power. It confines them to the provisions of this act as they are.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made as in Committee of the Whole as amended.

The amendment was concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. STOCKTON. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

Mr. KELLY. On this question I am paired with the Senator from Maine, [Mr. MORRILL.] If he were present he would vote against the bill, and I should vote for it.

Mr. LOGAN. On this question I am paired with the Senator from Missouri, [Mr. SCHURZ.] If he were here he would vote against the bill, and I should vote for it.

Mr. PATTERSON. On this question I am paired with the Senator from Rhode Island, [Mr. SPRAGUE.] If he were present he would vote "nay," and I should vote "yea."

The question being taken by yeas and nays, resulted—yeas 20, nays 18; as follows:

YEAS—Messrs. Buckingham, Carpenter, Chandler, Cragin, Ferry of Michigan, Frelinghuysen, Hamilton of Texas, Hamlin, Howe, Jones, Mitchell, Pratt, Ramsey, Scott, Sherman, Spencer, Stewart, Tipton, Wadleigh, and West—20.

NAYS—Messrs. Bayard, Bogy, Boreman, Clayton, Conover, Fenton, Flanagan, Goldthwaite, Hager, Harvey, Hitchcock, Ingalls, McCreery, Morton, Norwood, Saulsbury, Stevenson, and Stockton—18.

ABSENT—Messrs. Alcorn, Allison, Anthony, Boutwell, Brownlow, Cameron, Conkling, Cooper, Davis, Dennis, Dorsey, Edmunds, Ferry of Connecticut, Gilbert, Gordon, Hamilton of Maryland, Johnston, Kelly, Lewis, Logan, Merrimon, Morrill of Maine, Morrill of Vermont, Oglesby, Patterson, Pease, Ransom, Robertson, Sargent, Schurz, Sprague, Thurman, Windom, and Wright—34.

So the bill was passed.

The title was amended to read:

A bill to provide for the incorporation and regulation of railroad companies in the Territories of the United States, and granting to railroads the right of way through the public lands.

ALIENS AS ENGINEERS AND PILOTS.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. No. 580) to authorize the employment of certain aliens as engineers and pilots.

The amendment of the House of Representatives was at the end of the second line of the bill to insert after the words "become a citizen of the United States," the words "and who shall have been a permanent resident of the United States for at least six months immediately prior to the granting of such license."

Mr. CHANDLER. I hope that will be concurred in.

The amendment was concurred in.

EXECUTIVE SESSION.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at four o'clock and fifty-six minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *April* 13, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev J. G. BUTLER, D. D.

The Journal of Saturday last was read and approved.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the first business in order is the call of the States and Territories, beginning with the State of Maine, for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back on motions to reconsider. Under this call memorials and resolutions of State and territorial Legislatures may be presented for reference and printing. The morning hour begins at thirteen minutes after twelve o'clock.

FRANCIS ARMSTRONG.

Mr. POLAND introduced a bill (H. R. No. 2905) granting a pension to Francis Armstrong; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PATENT SUITS.

Mr. HENDEE introduced a bill (H. R. No. 2906) to prevent vexatious and interminable litigation or a multiplicity of suits, and to define the rights of certain parties; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

SOLDIERS' MONUMENT, CONCORD, MASSACHUSETTS.

Mr. E. R. HOAR introduced a bill (H. R. No. 2907) authorizing the Secretary of War to deliver certain condemned ordnance to the municipal authorities of Concord, Massachusetts, for monumental purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

THE CURRENCY.

Mr. MACDOUGALL presented resolutions of the senate and assembly of the State of New York, protesting against any increase of the currency; which were read, referred to the Committee on Banking and Currency, and ordered to be printed.

COLLECTION OF CUSTOMS, ETC.

Mr. WOOD introduced a bill (H. R. No. 2908) to regulate the service in the collection of customs at the various ports of entry in the United States, and the disposition of fines, penalties, and forfeitures incurred under the laws relating to customs, and for other purposes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

BRIDGE ACROSS THE NIAGARA RIVER.

Mr. BASS introduced a bill (H. R. No. 2909) to declare the bridge across the Niagara River authorized by the act approved June 30, 1870, a post-route; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

JOHN H. BELL.

Mr. LAWSON introduced a bill (H. R. No. 2910) granting a pension to John H. Bell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COSTS, FEES, ETC., IN FEDERAL COURTS.

Mr. SCUDDER, of New York, introduced a bill (H. R. No. 2911) to adjust costs, fees, and allowances in the Federal courts; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JOHN D. BERRY.

Mr. PLATT, of New York, introduced a bill (H. R. No. 2912) for the relief of John D. Berry, of New York; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ASA O. GALLOP.

Mr. LANSING introduced a bill (H. R. No. 2913) for the relief of the heirs of Asa O. Gallop; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LAND CLAIMS IN COLORADO.

Mr. SMITH, of New York, introduced a bill (H. R. No. 2914) for the relief of derivative claimants under the Cornelio Vigil and Ceram Saint Vrain land grants, in the Territory of Colorado; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

COURT OF CLAIMS.

Mr. DUELL introduced a bill (H. R. No. 2915) for the repeal of the act of July 4, 1864, restricting the jurisdiction of the Court of Claims; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

DAVID E. CARPENTER.

Mr. WOODFORD introduced a bill (H. R. No. 2916) granting a pension to David E. Carpenter, late a second lieutenant First New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE A. SCHREINER.

Mr. SCUDDER, of New Jersey, introduced a bill (H. R. No. 2917) for the relief of George A. Schreiner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NOTES AND BILLS AS CURRENCY.

Mr. HAMILTON introduced a bill (H. R. No. 2918) to prohibit the issue of notes and bills as currency in certain cases; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

MANUFACTURED MUSTARD.

Mr. TOWNSEND introduced a bill (H. R. No. 2919) to equalize the duty on manufactured mustard; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MARY A. HOUGH.

Mr. McJUNKIN introduced a bill (H. R. No. 2920) granting a pension to Mary A. Hough; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES COULTER.

Mr. McJUNKIN also introduced a bill (H. R. No. 2921) granting a pension to Charles Coulter, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

WILLIAM H. HARDING.

Mr. McJUNKIN also introduced a bill (H. R. No. 2922) granting a pension to William H. Harding, private in Company A, Seventy-sixth Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES W. DEVEN.

Mr. MOORE introduced a bill (H. R. No. 2923) granting a pension to Colonel Charles W. Deven, late of the Two hundredth Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BENJAMIN JUNKIN.

Mr. MOORE also introduced a bill (H. R. No. 2924) granting a pension to Benjamin Junkin, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

DORATHY IRONS.

Mr. MOORE also introduced a bill (H. R. No. 2925) granting a pension to Dorathy Irons, mother of Lieutenant Joseph F. Irons; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

He also introduced a bill (H. R. No. 2926) for the relief of Dorathy Irons, mother of Lieutenant Joseph F. Irons, late of the United States First Artillery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL D. FALLS.

Mr. MOORE also introduced a bill (H. R. No. 2927) granting a pension to Samuel D. Falls, of New Castle, Pennsylvania; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DUTIES, TAXES, ETC.

Mr. MYERS introduced a bill (H. R. No. 2928) to amend an act entitled "An act to reduce duties on imports and to reduce internal taxes, and for other purposes," approved June 6, 1872; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MARK D. SUNSTROM.

Mr. ARCHER introduced a bill (H. R. No. 2929) to authorize the appointment of Mark D. Sunstrom as second assistant engineer in the United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

WILLIAM AND MARY COLLEGE.

Mr. PLATT, of Virginia, presented a joint resolution of the Legislature of Virginia, in relation to William and Mary College; which was read, as follows:

Resolved, &c., That the Senators and Representatives of this State in the Congress of the United States be requested to urge upon their respective bodies the passage of an act (such as passed the House of Representatives at the last session of Congress) making an appropriation to the College of William and Mary on the ground set forth in the petition submitted to Congress by the authorities of said college and in the report of the committee of the House of Representatives.

Resolved, That the governor be requested to transmit a copy of the foregoing resolution to the Senators and Representatives of this State in the Congress of the United States.

The resolution was referred to the Committee on Education and Labor, and ordered to be printed.

DANIEL MALONEY.

Mr. PLATT, of Virginia, also introduced a bill (H. R. No. 2930) for the relief of Daniel Maloney, a citizen of Norfolk, Virginia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

THOMAS L. SANBORN.

Mr. HUNTON introduced a bill (H. R. No. 2931) for the relief of Thomas L. Sanborn; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CHARLES ANNA.

Mr. RAINEY introduced a bill (H. R. No. 2932) granting a pension to Charles Anna; which was read a first and second time, referred to the Committtee on Invalid Pensions, and ordered to be printed.

JOHN H. WISDOM.

Mr. CALDWELL introduced a bill (H. R. No. 2933) to compensate John H. Wisdom for carrying United States mails in Alabama during the early part of 1861; which was read a first and second time.

Mr. CALDWELL. I ask the reference of this bill to the Committee on Appropriations.

The SPEAKER. The Committee on Claims would be the appropriate committee.

Mr. CALDWELL. My reason for asking its reference to the Committee on Appropriations is that that committee is now considering this question.

Mr. HAYS. It seems to me the bill ought to go to the Committee on Claims.

The SPEAKER. The Chair does not think the Committee on Appropriations ever consider an individual claim of this kind. They may be considering an appropriation out of which this claim, if good, would be paid; but the Committee on Appropriations cannot properly take up the case of an individual claimant.

Mr. CALDWELL. I understand that several bills of this character have already been referred to that committee.

The SPEAKER. Of course the Chair has no objection to the reference indicated by the gentleman.

Mr. HAYS. I object. The bill ought to go to the Committee on Claims.

The SPEAKER. The Chair thinks the appropriate reference is clearly the Committee on Claims; and it would not forward the matter to send it to the Committee on Appropriations, for a bill of this kind would inevitably be reported back by that committee for reference to the Committee on Claims.

The bill was referred to the Committee on Claims, and ordered to be printed.

SUE BRADLEY JOHNSON.

Mr. SHEATS introduced a bill (H. R. No. 2934) granting a pension to Sue Bradley Johnson, widow of General G. L. Johnson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN MILLER.

Mr. DARRALL introduced a bill (H. R. No. 2935) for the relief of John Miller, of Saint Landry Parish, Louisiana; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PATRICK GLACKIN.

Mr. BUNDY introduced a bill (H. R. No. 2936) granting a pension to Patrick Glackin, late of Company G, Seventh Ohio Volunteer Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HUGH M'CULLOUGH.

Mr. BANNING introduced a bill (H. R. No. 2937) granting a pension to Hugh McCullough, of Cincinnati, Ohio; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES M. SEEDS.

Mr. BANNING also introduced a bill (H. R. No. 2938) for the relief of James M. Seeds, of Cincinnati, Ohio; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

COLONEL D. R. HAGGARD.

Mr. MILLIKEN introduced a bill (H. R. No. 2939) to compensate Colonel D. R. Haggard for six months' service as colonel of the Fifth Kentucky United States Cavalry Volunteers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE W. HUNTSMAN.

Mr. BUTLER, of Tennessee, introduced a bill (H. R. No. 2940) granting a pension to George W. Huntsman, of Tennessee; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY G. RHOADS.

Mr. BRIGHT introduced a bill (H. R. No. 2943) granting a pension to Mary G. Rhoads; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

A. E. LUNSFORD.

Mr. NUNN introduced a bill (H. R. No. 2942) for the relief of A. E. Lunsford, of Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CATHERINE CARNEY.

Mr. CASON introduced a bill (H. R. No. 2941) granting a pension to Catherine Carney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREE BANKING, ETC.

Mr. HURLBUT introduced a bill (H. R. No. 2944) to establish free banking, to fix the maximum of United States notes, and to provide for the redemption thereof; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

RATES OF FREIGHT ON PACIFIC RAILROAD.

Mr. FORT presented concurrent resolutions of the Legislature of the State of Illinois, relative to rates of freight and passage on the Union Pacific Railroad and branches; which were referred to the Committee on the Pacific Railroad, and ordered to be printed.

DAVID T. BOWEN.

Mr. FORT also introduced a bill (H. R. No. 2945) granting a pension to David T. Bowen, now of Clifton, Illinois, late a private soldier Company G, Sixteenth Regiment United States Infantry, war with Mexico; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INSANE SOLDIERS AND SAILORS.

Mr. FORT also introduced a bill (H. R. No. 2946) granting a pension to soldiers and sailors who became insane while in the United States service and for their honorable discharge; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRAUDULENT ENTRIES.

Mr. BURCHARD introduced a bill (H. R. No. 2947) to regulate the entry and appraisal of foreign merchandise and to prescribe penalties for fraudulent entries; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JONATHAN WHITE, SR.

Mr. BURCHARD also introduced a bill (H. R. No. 2948) for the relief of Jonathan White, sr.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES R. BORELAND.

Mr. HAWLEY, of Illinois, introduced a bill (H. R. No. 2949) for the relief of James R. Boreland; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PRIVATE LAND CLAIMS.

Mr. BARRERE introduced a bill (H. R. No. 2950) to authorize the issue of patents to lands in cases of private land claims; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

SOLDIERS' MONUMENT AT MOUND CITY, ILLINOIS.

Mr. CLEMENTS introduced a bill (H. R. No. 2951) for an appropriation to the soldiers' monument at Mound City, Illinois; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

EMMA WILSON.

Mr. RAY introduced a bill (H. R. No. 2952) granting a pension to Emma Wilson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RETIRING NATIONAL-BANK CURRENCY.

Mr. COMINGO introduced a bill (H. R. No. 2953) providing for the retiring of the national-bank currency by the substitution of Treasury notes therefor, and for the issuing of convertible bonds, and for other purposes; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

E. W. HATCH.

Mr. BLAND introduced a bill (H. R. No. 2954) for the relief of E. W. Hatch, of Phelps County, Missouri; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

UNION PACIFIC RAILROAD.

Mr. WELLS introduced a bill (H. R. No. 2955) in reference to the carrying of freight and passengers on the Union Pacific Railroad and its branches; which was read a first and second time, referred to the Committee on the Pacific Railroad, and ordered to be printed.

CLAIMS OF LOYAL CITIZENS.

Mr. WILSHIRE introduced a bill (H. R. No. 2956) to facilitate the adjustment and settlement of claims of loyal citizens for stores and supplies taken or furnished during the rebellion for the use of the Army of the United States, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

RILEY KINMAN.

Mr. WILSHIRE also introduced a bill (H. R. No. 2957) for the relief of Riley Kinman; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ISAAC W. INGERSOLL AND JOSEPH GRANGER.

Mr. FIELD introduced a bill (H. R. No. 2958) referring the claim of Isaac W. Ingersoll and Joseph Granger for damages under a contract for building a marine hospital at Detroit, Michigan, to the Court of Claims; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARY PETRIE.

Mr. BURROWS introduced a bill (H. R. No. 2959) for the relief of Mary Petrie, widow of George C. Petrie, late a private of the Seventeenth Michigan Infantry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SATANTA AND BIG TREE.

Mr. MILLS introduced a bill (H. R. No. 2960) directing the Secretary of the Interior to have Satanta and Big Tree arrested and returned to the governor of Texas; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

IOWA DISTRICT COURT.

Mr. McCRARY introduced a bill (H. R. No. 2961) to confer on the district court of the United States in and for the district of Iowa additional jurisdiction; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JOHN J. WILLIAMSON.

Mr. WILSON, of Iowa, introduced a bill (H. R. No. 2962) granting a pension to John J. Williamson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN S. CORLETT.

Mr. ORR introduced a bill (H. R. No. 2963) granting a pension to John S. Corlett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SHIP-CANAL FROM THE MISSISSIPPI TO THE GULF OF MEXICO.

Mr. RUSK introduced a bill (H. R. No. 2964) to provide for the construction of a ship-canal from the Mississippi River to the Gulf of Mexico; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

CHICAGO AND NORTHWESTERN RAILROAD COMPANY.

Mr. SAWYER introduced a bill (H. R. No. 2965) to reimburse the Chicago and Northwestern Railroad Company for moneys advanced to the surveyor-general of Dakota Territory for surveying lands therein, the same having been done under existing law; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

WILLIAM R. GLOVER AND THOMAS W. MATHER.

Mr. ELDREDGE introduced a bill (H. R. No. 2966) to restore the case of William R. Glover and Thomas W. Mather against the United States in the Court of Claims, to the docket for trial; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

OAKLAND HARBOR, CALIFORNIA.

Mr. PAGE presented joint resolutions of the Legislature of the State of California, in reference to the improvement of Oakland Harbor, California; which were referred to the Committee on Commerce, and ordered to be printed.

NICHOLAS MARQUEZ.

Mr. LUTTRELL introduced a bill (H. R. No. 2967) for the relief of Nicholas Marquez; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CHARGES FOR TELEGRAPHIC MESSAGES.

Mr. LUTTRELL also presented concurrent resolutions of the Legislature of the State of California, requesting Congress to regulate and reduce charges for the transmission of messages by telegraph; which were referred to the Committee on Appropriations, and ordered to be printed.

WILLIAM THOMAS.

Mr. DUNNELL introduced a bill (H. R. No. 2968) granting a pension to William Thomas; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DELAWARE INDIANS IN KANSAS.

Mr. COBB, of Kansas, introduced a bill (H. R. No. 2969) for the relief of the children of certain Delaware Indians of Kansas, who have become citizens; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

TRANSPORTATION OF ARMY SUPPLIES.

Mr. COBB, of Kansas, also introduced a bill (H. R. No. 2970) to govern transportation of supplies for the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SOLDIERS OF THE INDIAN HOME GUARDS.

Mr. PHILLIPS introduced a bill (H. R. No. 2971) for the relief of certain soldiers of the Indian Home Guard Regiment; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

REPORT ON SEAL ISLANDS.

Mr. HALE, of New York, by unanimous consent, submitted the following resolution; which was read, and referred under the law to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring.) That there be printed of Henry W. Elliott's report on the seal islands of Alaska, and submitted to the Secretary of the Treasury 1st of November, 1873, three thousand copies, of

which one thousand copies shall be for the use of and distribution by the Smithsonian Institution, five hundred for the use of the Senate, and fifteen hundred for the use of the House of Representatives.

CLAIM FOR USE OF PATENT.

Mr. GARFIELD introduced a bill (H R. No. 2972) referring to the Court of Claims for adjudication and determination a claim for the use of an invention and letters-patent thereon, now in general use in the postal service of the United States; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

CHANGE OF NAME OF PROPELLER.

Mr. MELLISH introduced a bill (H. R. No. 2973) to change the name of the steam-propeller Charles B. Stone; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

IMPROVEMENT OF THE MISSISSIPPI RIVER.

Mr. BUTLER, of Massachusetts, introduced a bill (H. R. No. 2794) to provide for improving the navigation at the mouth of the Mississippi River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

Mr. BUTLER, of Massachusetts. I also present a memorial of shipowners, ship-masters, and others, of New Orleans, asking relief for the embargoed condition of the commerce of the Mississippi River, and I ask that it be referred to the Committee on Commerce, and printed in the RECORD.

There was no objection, and it was so ordered.

The memorial is as follows:

NEW ORLEANS, *April* 2, 1874.

SIR: We, the undersigned, masters and part owners of ships engaged in the general freighting between New Orleans and Europe, would solicit your aid in obtaining for us some relief for the embargoed commerce of this city and river. We ask neither for jettees nor canals; for we believe the most effectual remedy that could be applied would be rendered by the General Government assuming military control over the passes, and giving Major Howell, or some other efficient officer, the ordering of the movement of ships, so that none should take the bar except by his approval. The obstructions to trade are not caused generally because of the lack of water, but by the selfishness of some few owners and managers of English and German steamships, whose vessels are of great length and draught of water, being entirely unsuited for this trade. We would ask further that they may be compelled to take their turn on the bar with sailing-vessels, and not permitted to monopolize it as at present.

We think you will see the justice of our request when we state that over forty large vessels are detained at the passes, thereby causing the owners great expense and likewise detaining many valuable cargoes, to the injury of the owners and detriment of the commerce of this city. Had it not been for the blocking of the bars by the aforesaid steamships, nearly all those now detained would have been well on their way to the ports to which they were bound.

We are, as masters of sailing-vessels, subject entirely to the movements of the said steamships, their facilities for moving being so much superior to ours that immediately on one floating off another takes her place, thus constituting a perpetual blockade of said ships.

Hoping you will give us your assistance and your usual energy in obtaining the relief we ask for, or some other as effectual, we submit to your kind care and consideration.

Enoch Chase, master of Jonathan Chase, New York; S. N. Greenleaf, master of Union, Damariscotta; B. Cousins, master of Nunyuam Dormio, New York; William Kelley, master of Wild Hunter, Boston; W. P. Lincoln, master of El Capitan, Bath; J. G. Baker, master of Stirling, Bath; O. Linnekin, master of L. L. Sturges, New York; William K. Spear, master of George Skolfield, Brunswick; P. H. Taylor, master of ship Tabor, Bath; F. E. Otis, master of bark Rome, Bath; J. H. Stetson, master of Carondelet, Damariscotta; O. Strickland, master of General Strickland, Bath; George Crocker, master of Ship Expounder, Boston; Joshua Freeman, master of ship Gold Hunter, Boston; W. M. Baker, master of ship Wyoming, Philadelphia; G. W. Clark, master of ship George Peabody, Boston; J. K. Spinner, master of William Woodbury, Boston; J. F. Grozier, master of Western Empire, New York; I. H. Brooks, master of ship Exporter, Newburyport; John F. Stone, master of schooner Kate M. Hilton, Dennis; L. B. Rich, master of Mathilde Kane, Provincetown; F. B. Foster, master of Kentuckian, Boston; F. W. Brown, master of ship C. H. Southard, Richmond; I. H. Woodworth, master of ship Ellen Southard, Richmond; David H. Hall, master of ship Golden Rule, Boston; J. C. Blanchard, master of ship Helen Clinton, Providence; M. Chase, master of ship Maria C. Day, New York; F. A. Hosmer, master of ship Great Eagle, Rockland; John Urquart, master of ship F. P. Sage, New York.

Hon. BENJAMIN F. BUTLER,
Washington, D. C.

UNION PACIFIC RAILROAD.

Mr. WARD, of Illinois, presented concurrent resolutions of the Legislature of the State of Illinois, against discriminations practiced by the Union Pacific Railroad Company; which were referred to the Committee on the Pacific Railroad, and ordered to be printed.

TWO PER CENT. LAND FUND.

Mr. WARD, of Illinois, also presented the memorial of the governors of Ohio, Indiana, and Illinois, asking for the payment of the 2 per cent. land fund; which was referred to the Committee on the Judiciary, and ordered to be printed.

DR. WILLIAM M. PAGE.

Mr. SMITH, of Virginia, introduced a bill (H. R. No. 2975) for the relief of Dr. William M. Page, of Richmond, Virginia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SAINT MARY'S RIVER.

Mr. BUTLER, of Massachusetts. I ask unanimous consent to offer the following preamble and resolution:

Whereas the Southern Maryland Railroad Company is now engaged in constructing a railroad from Washington to Saint Mary's River and Point Lookout, at the confluence of the Potomac River with the Chesapeake Bay; and whereas said Railroad when completed will bring the city of Washington within two and a half hours of the Chesapeake Bay at the deep water of the harbor of Saint Mary's River, which will enable the Government to avail itself of the benefits of said harbor thus rendered accessible to the seat of Government at all times of the year: Therefore,

Be it resolved, that the Secretary of the Navy be, and he is hereby, directed to obtain from the War Department the report and survey made of the Saint Mary's River and adjacent waters by the Topographical Bureau of the War Department, made about the year 1824, and to appoint a board of naval officers to whom the same shall be submitted, to inquire and report as to the expediency of establishing at said harbor a naval coaling station and to report the results of their investigation to the Secretary of the Navy, who shall forward the same with his recommendations thereon to this House at the next session of Congress.

Mr. HOLMAN. I think that resolution ought to go to the Committee on Commerce.

Mr. BUTLER, of Massachusetts. If referred at all it ought to go to the Committee on Naval Affairs. But it is merely a resolution calling for information.

Mr. HOLMAN. It certainly relates to a matter that belongs to the Committee on Commerce.

Mr. BUTLER, of Massachusetts. It is in relation to the establishment of a naval coaling station.

Mr. HOLMAN. Very well; I will not object.

There being no objection, the preamble and resolution were considered, and agreed to.

Mr. BUTLER, of Massachusetts, moved to reconsider the vote by which the preamble and resolution were adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DEATH OF AN EMPLOYÉ OF THE HOUSE.

Mr. HOSKINS. I ask unanimous consent to offer the following resolution:

Resolved, That there be paid out of the contingent fund of the House, for the widow of James S. Sandford, late an employé of the House, a sum equal to his salary for three months; also, his proper funeral expenses; and that the Doorkeeper be authorized to send a messenger to accompany the remains to his late residence.

I desire to say a single word in relation to that resolution, and but a word. This Mr. Sandford, who was an employé of the House, died last night. He leaves a widow and family of small children, who are entirely without means. This resolution, I believe, is in accordance with the precedents of the House; and I also desire to say that I have submitted it to every member of the Committee on Accounts, and that it meets with their entire approval.

There being no objection, the resolution was considered and agreed to.

Mr. HOSKINS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FREE EXCHANGE OF NEWSPAPERS.

Mr. PACKER. I move to suspend the rules so as to enable me to report from the Committee on the Post-Office and Post-Roads and have passed the bill (H. R. No. 2425) to provide for the free exchange of newspapers between publishers, and for the free transmission of newspapers by mail within the county where published.

The bill provides that from and after the passage of this act the following mail matter shall be allowed to pass free in the mail: First, newspapers, periodicals, and magazines, reciprocally interchanged between publishers, and not exceeding sixteen ounces in weight, to be confined to a single copy of each publication; secondly, newspapers, one copy to each actual subscriber residing or receiving the same within the county where the same is published; but carriers shall not be required to distribute such papers unless postage is paid upon them at the usual rates.

On the question of seconding the motion to suspend the rules, tellers were ordered; and Mr. BUTLER, of Massachusetts, and Mr. PACKER were appointed.

The House divided; and the tellers reported that there were—ayes 98, noes 66.

So the motion was seconded.

The question was upon suspending the rules and passing the bill.

Mr. MAYNARD. We had better have the yeas and nays on that question.

The yeas and nays were ordered.

The question was taken; and there were—yeas 178, nays 40, not voting 72; as follows:

YEAS—Messrs. Adams, Albright, Archer, Arthur, Atkins, Averill, Barber, Barrere, Beck, Begole, Bell, Biery, Bland, Blount, Bowen, Bradley, Bright, Brown, Bundy, Burchard, Burleigh, Burrows, Roderick R. Butler, Caldwell, Cannon, Cason, Cessna, Amos Clark, jr., John B. Clark, jr., Clements, Clymer, Stephen A. Cobb, Coburn, Comingo, Conger, Cook, Corwin, Cotton, Crittenden, Crossland, Crounse, Danford, Darrall, Davis, DeWitt, Dobbins, Donnan, Duell, Dunnell, Durham, Eames, Eldredge, Farwell, Field, Fort, Foster, Freeman, Frye, Garfield, Gunckel, Hagans, Eugene Hale, Robert S. Hale, Hamilton, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Havens, John B. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, Herndon, E. Rockwood Hoar, George F. Hoar, Holman, Hoskins, Howe, Hubbell, Hunter, Hunton, Hurlbut, Hyde, Kasson, Kelley, Kendall, Killinger, Knapp, Lamport, Lansing, Leach, Lowe, Lowndes, Marshall, Martin, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McJunkin, McNulta, Merriam, Milliken, Mills, Mitchell, Monroe, Moore, Morey, Myers, Neal, Nesmith, Niblack, Nunn, Orr, Packard, Packer, Hosea W. Parker, Isaac C. Parker, Pelham, Pendleton, Perry, Pike, Thomas C. Platt, Pratt, Ransier, Rapier, Ray, Read, Richmond, Robbins, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Scofield, Henry J. Scudder, Sessions, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloss, Smart, A. Herr Smith, H. Boardman Smith, John Q. Smith,

Southard, Speer, Sprague, Stanard, Standiford, Starkweather, Stowell, Strawbridge, Swann, Townsend, Tremain, Tyner, Vance, Waldron, Wheeler, Whitehead, Whiteley, Whitthorne, Willard, Charles G. Williams, John M. S. Williams, Willie, James Wilson, Jeremiah M. Wilson, Wood, Woodford, Woodworth, John D. Young, and Pierce M. B. Young—178.

NAYS—Messrs. Bass, Bromberg, Buckner, Buffinton, Clayton, Clinton L. Cobb, Cox, Creamer, Crooke, Crutchfield, Dawes, Giddings, Hancock, Joseph R. Hawley, Hodge- Houghton, Lamison, Lawson, Lofland, Lynch, Mellish, Niles, O'Neill, Orth, Phelps, Pierce, James H. Platt, jr., Rainey, Rice, Ellis H. Roberts, Milton Sayler, Shanks, Sheats, J. Ambler Smith, Stone, Wallace, Walls, Charles W. Willard, William Williams, and Wilshire—40.

NOT VOTING—Messrs. Albert, Ashe, Banning, Barnum, Barry, Berry, Benjamin F. Butler, Cain, Freeman Clarke, Crocker, Curtis, Eden, Elliott, Glover, Gooch, Harmer, Benjamin W. Harris, Hereford, Hersey, Hooper, Hynes, Jewett, Kellogg, Lamar, Lawrence, Lewis, Loughridge, Luttrell, Magee, Maynard, McKee, McLean, Morrison, Negley, O'Brien, Page, Parsons, Phillips, Poland, Potter, Purman, Randall, William R. Roberts, James C. Robinson, John G. Schumaker, Isaac W. Scudder, Sener, Sloan, Small, George L. Smith, William A. Smith, Snyder, Stephens, St. John, Storm, Strait, Sypher, Taylor, Charles R. Thomas, Chrisopher Y. Thomas, Thornburgh, Todd, Waddell, Jasper D. Ward, Marcus L. Ward, Wells, White, Whitehouse, Wilber, William B. Williams, Ephraim K. Wilson, and Wolfe—72.

So, two-thirds voting in the affirmative, the rules were suspended, and the bill passed.

During the roll-call the following announcements were made:

Mr. DUNNELL. I desire to state that my colleague, Mr. STRAIT, is absent on account of sickness; if present he would vote "ay."

Mr. CONGER. My colleague, Mr. WILLIAMS, is absent on leave; if present he would vote "ay."

Mr. BUTLER, of Massachusetts, (having voted in the negative.) I desire to withdraw my vote. I am paired with Mr. CURTIS, of Pennsylvania; if present he would vote "ay." I have voted in the negative, but withdraw my vote.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. BABCOCK, one of his secretaries, announced that the President returned with his objections the bill (H. R. No. 1224) for the relief of William H. Denniston, late acting second lieutenant Seventieth New York Volunteers.

The message also announced that the President had approved and signed bills of the following titles:

An act (H. R. No. 1762) concerning the practice in territorial courts and appeals therefrom; and

An act (H. R. No. 2213) granting a pension to Mrs. Cynthia McPherson, mother of the late General James B. McPherson.

SEEDS, CUTTINGS, ETC., FREE OF POSTAGE.

Mr. HAYS. I am directed by the Committee on Agriculture to report a bill for the transmission of seeds, cuttings, and plants through the mails free of postage, and to move that the rules be suspended and the bill passed.

The bill provides that all seeds, cuttings, and plants, sent by the Commissioner of Agriculture to any person or persons in the United States, shall be transmitted through the mails free.

Upon seconding the motion to suspend the rules tellers were ordered, and Mr. HAYS and Mr. STONE were appointed.

The House divided; and the tellers reported that there were—ayes 96, noes 53.

So the motion was seconded.

The question was upon suspending the rules and passing the bill.

Mr. YOUNG, of Georgia. I ask the gentleman from Alabama [Mr. HAYS] to modify his bill so as to allow members of Congress also to send seeds and cuttings free of postage.

Mr. HAYS. I prefer to have the bill voted upon in the form in which the committee instructed me to report it.

Mr. BECK. Under this bill the Commissioner of Agriculture will give all the seeds and cuttings to his friends and we will get none.

Mr. CROOK. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 146, nays 84, not voting 60; as follows:

YEAS—Messrs. Adams, Albright, Arthur, Averill, Barrere, Begole, Bell, Biery, Blount, Bowen, Bradley, Bright, Bromberg, Brown, Buckner, Bundy, Burchard, Burleigh, Burrows, Roderick R. Butler, Cain, Caldwell, Cannon, Cessna, Clymer, Stephen A. Cobb, Coburn, Conger, Cook, Corwin, Cotton, Crittenden, Crossland, Crutchfield, Danford, Darrall, Davis, DeWitt, Dobbins, Donnan, Dunnell, Eldredge, Farwell, Field, Fort, Freeman, Giddings, Hagans, Robert S. Hale Hancock, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Havens, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, Herndon, George F. Hoar, Hodges, Howe, Hunter, Hunton, Hyde, Hynes, Kellogg, Kendall, Killinger, Knapp, Lamar, Lamport, Lansing, Leach, Lofland, Loughridge, Lowe, Marshall, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, McJunkin, McKee, McNulta, Merriam, Milliken, Mills, Moore, Morey, Myers, Nesmith, Niblack, Nunn, Orr, Packard, Packer, Hosea W. Parker, Isaac C. Parker, Pelham, Perry, Pike, James H. Platt, jr., Thomas C. Platt, Purman, Randall, Rapier, Ray, Read, Rice, Richmond, Robbins, James W. Robinson, Ross, Henry B. Sayler, Sener, Sessions, Shanks, Sheats, Sheldon, Lazarus D. Shoemaker, Sloss, J. Ambler Smith, Snyder, Speer, Standiford, Strawbridge, Swann, Christopher Y. Thomas, Townsend, Vance, Walls, White, Whitehead, Whiteley, Whitthorne, Charles G. Williams, John M. S. Williams, James Wilson, Jeremiah M. Wilson, Woodworth, John D. Young, and Pierce M. B. Young—146.

NAYS—Messrs. Banning, Barnum, Bass, Beck, Bland, Buffinton, Benjamin F. Butler, Cason, Amos Clark, jr., John B. Clark, jr., Clayton, Clements, Clinton L. Cobb, Comingo, Cox, Creamer, Crooke, Crounse, Dawes, Duell, Durham, Eames, Foster, Frye, Garfield, Gooch, Gunckel, Eugene Hale, Hamilton, John B. Hawley, Joseph R. Hawley, E. Rockwood Hoar, Holman, Hooper, Jewett, Kasson, Lamison, Lawson, Lowndes, Luttrell, Lynch, MacDougall, Mellish, Neal, O'Neill, Orth, Page, Pendleton, Phelps, Pierce, Potter, Pratt, Rainey, Ransier, Ellis H. Roberts, Sawyer, Milton Sayler, John G. Schumaker, Scofield, Henry J. Scudder, Sherwood, Smart, A. Herr Smith, H. Boardman Smith, John Q. Smith, Southard, Sprague, Stanard, Starkweather, Stone, Tremain, Tyner, Waddell, Waldron, Wallace, Marcus L. Ward, Wells, Wheeler, Wilber, Charles W. Willard, Willie, Wilshire, Wood, and Woodford—84.

NOT VOTING—Messrs. Albert, Archer, Ashe, Atkins, Barber, Barry, Berry, Freeman Clarke, Crocker, Curtis, Eden, Elliott, Glover, Harmer, Benjamin W. Harris, Hereford, Hersey, Hoskins, Houghton, Hubbell, Hurlbut, Kelley, Lawrence, Lewis, Magee, McLean, Mitchell, Monroe, Morrison, Negley, Niles, O'Brien, Parsons, Phillips, Poland, William R. Roberts, James C. Robinson, Rusk, Isaac W. Scudder, Sloan, Small, George L. Smith, William A. Smith, Stephens, St. John, Storm, Stowell, Strait, Sypher, Taylor, Charles R. Thomas, Thornburgh, Todd, Jasper D. Ward, Whitehouse, George Willard, William Williams, William B. Williams, Ephraim K. Wilson, and Wolfe—60.

So (two-thirds not voting in favor thereof) the rules were not suspended.

When the roll-call had been concluded, and before the announcement of the result,

Mr. MONROE said: Mr. Speaker, I stepped out of the House a few moments with a friend, and, returning as soon as possible, I found that the roll-call had just been completed. Have I a right to vote?

The SPEAKER. The rule is that a member who is within the bar at any time during the roll-call may vote.

Mr. MONROE. I was not.

The SPEAKER. Then the rule prohibits the gentleman from voting.

Mr. GARFIELD. I desire to make a point of order; and I do it in view of what may occur at some time hereafter. I hold that my colleague [Mr. MONROE] has a right under the Constitution to vote. Many gentlemen here have voted since he returned to the Hall; and now, before the announcement of the vote, while the measure is still pending, my colleague rises in his place to vote. Other members standing by his side may vote, but he may not. I know there is a rule forbidding him to vote under such circumstances, and the Speaker administers the rule according to its terms, but I believe that rule is in violation of the Constitution.

The SPEAKER. In what respect?

Mr. GARFIELD. I hold that until the announcement of the vote is made each member of the House has the right under the Constitution, as a representative of his constituency, to vote on the pending question.

Mr. ELDREDGE. It is not only his right but his duty to vote.

Mr. DAWES. Whether interested or not?

Mr. GARFIELD. I do not refer at all to the question of interest; but I mean to say that while a question is yet pending, the result unannounced, I do not believe the House can properly make a rule which denies the right of a member, as the representative of his people, to vote. I raise this question simply for the consideration of the Speaker and the House.

Mr. BUTLER, of Massachusetts. I wish to put an inquiry to the gentleman. He says that this right exists so long as the result is not announced. Now, does not the Constitution give the right broadly if at all?

Mr. GARFIELD. I would say this: that after the announcement of a vote has been made by the Speaker, everybody having offered to vote who was present before the announcement, that announcement becomes, reasonably enough, a legal end of the matter, unless a reconsideration be moved. My attention was called to this point while the Speaker was delivering his very interesting ruling on Saturday——

Mr. MAYNARD. My associate on the Committee on the Rules has raised a point on which I would like to make a suggestion.

Mr. GARFIELD. I hope the gentleman will allow me to finish my statement.

The SPEAKER. The gentleman from Ohio [Mr. GARFIELD] does not submit a point on which the Chair can with propriety rule.

Mr. GARFIELD. I make the point that my colleague be allowed to vote, and appeal to an authority higher than the rule.

Mr. ATKINS. Mr. Speaker, I was without the bar when the last name on the roll was called; but I was under the impression——

The SPEAKER. Was the gentleman within the bar at any time during the roll-call?

Mr. ATKINS. No, sir; I was not. But I was under the impression that I could vote at any time before the announcement of the result, and I did vote.

The SPEAKER. The rule is very distinct. It has been changed a great deal within recent years. Ten years ago the rule was that a member must be within the bar of the House when his own name was called.

Mr. GARFIELD. Or before the name following his was called.

The SPEAKER. Yes, sir. That gave a great advantage to gentlemen whose names were latest on the alphabet. The W's, Y's, and Z's, for instance, had a great advantage over the A's, B's, and C's. The rule was changed—the Chair thinks about eight years ago—so as to put all members on a level.

Mr. GARFIELD. I do not make any point against the Speaker's ruling, but I call attention to this matter for the purpose of referring a resolution on the subject to the Committee on the Rules, who, I hope, will make a report upon the question, so that we may have a discussion of the subject in the House at some convenient time. I was about to say, when interrupted, that the very interesting ruling of the Speaker on Saturday last, upon a kindred point, namely, the example of Speaker Macon, (who insisted upon his constitutional right to vote, notwithstanding a rule of the House which declared that the

Speaker should not vote except in case of tie,) raised this question in my mind: If the House, by the enactment of a rule, had no power to deprive the Speaker of his right to vote, is it not a violation of the constitutional right of a member for the House to prevent him from voting because he happens not to be in the Hall before the last name on the regular roll is called, though he may be in before a dozen other members have actually recorded their votes?

Mr. DAWES. The gentleman from Ohio [Mr. GARFIELD] overlooks another provision of the Constitution, and that is that this House may adopt rules for its government.

Mr. HARRIS, of Virginia. I rise to a question of order. What is the question before the House?

The SPEAKER. A question has been raised as to the right of the gentleman from Ohio [Mr. MONROE] to vote.

Mr. DAWES. Mr. Speaker, the gentleman from Ohio entirely overlooks another provision of the Constitution, which authorizes this House to make rules and to enforce those rules. And those rules must necessarily regulate the mode and manner of members voting.

The SPEAKER. The Clerk will read that clause of the Constitution.

The Clerk read as follows:

Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

Mr. DAWES. The House must judge what are its proper rules. It must judge whether it is necessary for its government that its members shall vote in any particular way; and having so determined, it can impose any penalty it pleases in enforcing these rules under the Constitution. The Constitution authorizes the House so to do, and any rule which is reasonable and fair, and which cannot be treated as a perversion of the Constitution, it is certainly within the power of the House to pass.

Mr. GARFIELD. I insist we have a rule here which is not reasonable. I recognize the power of the House to make rules, but those rules must not be inconsistent with the rights of members under the Constitution.

Mr. NIBLACK. If the House cannot by rule prevent the Speaker from voting, how, by parity of reasoning, can it prevent any other member of the House from voting?

Mr. DAWES. It would be competent for the House to say that if the Speaker of the House votes he shall vote at a particular time and in a particular way.

The SPEAKER. Gentlemen will observe this distinction, and there is no necessity for delay on this subject. The point presented by the gentleman from Ohio [Mr. GARFIELD] in regard to his colleague [Mr. MONROE] is one involving the constitutional exercise by the House of its power to make rules. That, of course, the Chair could not rule upon; and the gentleman from Ohio [Mr. GARFIELD] mistook the decision of the Chair on Saturday if he understood the Chair as assuming to rule on the constitutionality or propriety of any rule. He said that merely as introductory, *en passant*, in making his decision, which was based upon the language of existing rule. Whether a rule is absolutely right or not is not for the Chair to determine. It is the duty of the Chair to enforce the rule as he finds it. That is sufficient. It is the duty of the House to determine whether the rule is properly made.

At the same time, as the question is up, the Chair does not think this rule violates the constitutional right of any member; and the difference between the rule the gentleman points out in respect to the Speaker and this rule is this: This rule operates equally and impartially upon every member. There is no selection of one member and placing a disability upon him. The roll-call must cease at some time, and the House has determined it shall cease at a particular point. But if the House should say by a rule that the Representative of the third district of Maine should not vote, or the Representative of any other district, who happened to be a member of the House and elected Speaker, that presents a different case, because that attempts to disfranchise a single member from a right enjoyed by all other members, and therefore operates without equal and exact justice. This does not, in the opinion of the Chair, present that point, and therefore the Chair does not think (inasmuch as the question has been raised) the rule in the slightest degree affects the constitutional rights of any member.

Mr. GARFIELD. I ask unanimous consent of the House to refer to the Committee on Rules a resolution on this subject, as follows:

Resolved, That the Committee on Rules be instructed to inquire into the expediency of so amending the rules of the House that on a call of the ayes and noes members may vote at any time before the announcement of the result of the vote by the Speaker.

The SPEAKER. Of course there will be no objection to granting the gentleman that privilege.

Mr. GARFIELD. I ask it now.

The SPEAKER. The resolution will be referred to the Committee on the Rules.

Mr. G. F. HOAR. Is not the present rule an enlargement of the old parliamentary practice in reference to the right of members to vote?

The SPEAKER. It is an enlargement upon the old practice, as the gentleman from Massachusetts suggests.

Mr. G. F. HOAR. The Chair has said that the old parliamentary rule required a member to be present when the question was put to the House, and that I believe is the rule of the House of Commons to-day.

Mr. RANDALL. I wish to know what is the ruling in favor of permission to the Speaker to exercise his representative capacity when his vote is necessary to make a two-thirds vote except he has only the same right given to every other member of the House. The ruling is that he has the right to vote when it is necessary to make up a two-thirds vote, and he does that merely as a member of the House having the same right with every other member.

The SPEAKER. The Chair thinks that the right of the Speaker to vote on any question has never been questioned since the decision of Mr. Macon. He has just the same rights as any other member. And it is a mere matter of courtesy, in order to preserve the impartiality of the Chair, that keeps him from voting on every question that comes up.

Mr. RANDALL. I remember a case in which the immediate predecessor of the present occupant of the chair came down from the chair and voted, although his vote did not change the result.

Mr. MONROE. May I make a single remark?

The SPEAKER. Certainly.

Mr. MONROE. I had no wish to be the occasion of this question being pressed on the attention of the Speaker or of the House. I was detained a moment longer than I expected by a constituent. If I had been present I should have voted "no."

The SPEAKER. The Chair desires to make one single additional remark before the question is left. The question presented rests on two constitutional points. The yeas and nays are to be called on the demand of one-fifth of the members present, and the House has the right to determine the rule under which they shall be called. If the House should decide that the roll shall be called through, and when called through that the vote shall be announced and the absentees on the roll-call should not have the right to vote, the Chair thinks it would be an entire compliance with the Constitution in every respect.

Mr. MYERS. It has been suggested from time to time that a rule should be adopted for telegraphing our votes. This would carry out the idea of the Speaker; for as the name was called the vote would be telegraphed and the name would be read off afterward.

The result of the vote was then announced as above recorded.

Mr. PLATT, of Virginia, rose to move a suspension of the rules, but yielded to Mr. SHELDON.

IMPROVEMENT OF THE MOUTH OF THE MISSISSIPPI.

Mr. SHELDON, by unanimous consent, submitted an amendment, in the nature of a substitute, to be considered as pending to the special order, the bill (H. R. No. 2342) in reference to the improvement of the mouth of the Mississippi; and the same was ordered to be printed.

Mr. SHELDON. I ask that by unanimous consent the amendment may be printed in the CONGRESSIONAL RECORD.

There was no objection.

It is as follows:

A bill for the construction of a canal from the Mississippi River, in the State of Louisiana, to the Gulf of Mexico.

Be it enacted, &c., That the Secretary of War shall cause to be made, in the most expeditious manner, a thorough, detailed, and final survey and location of a canal from the Mississippi River, at some point below Fort Saint Philip, in the State of Louisiana, on the left bank, and terminating at some point most eligible in the deep waters of the Breton Harbor or Pass. The survey and report of the engineers assigned to this duty shall exhibit complete plans and specifications of the work in the construction of such canal, and the estimates of the cost of each portion of the work shall accompany and form part of the report of such survey; and the sum of $20,000, or so much thereof as may be necessary, is hereby appropriated, out of any funds in the Treasury not otherwise appropriated, to defray the expenses of such survey.

SEC. 2. That the Secretary of War shall, on the receipt of such report, and without unnecessary delay, advertise for bids to construct said canal as a whole, for such time, and in such newspapers as he may think sufficient; and he shall award the contract to the lowest and best responsible bidder or bidders, who shall give bond, with sureties to the satisfaction of said Secretary, that the work shall be done according to the stipulations of such contract: *Provided*, That no bid shall be received except the same is accompanied with a deposit with the said Secretary of the sum of $25,000, which sum shall be forfeited to the United States and paid into the Treasury thereof in case such bidder fails for a period of thirty days, after notice that his bid has been accepted, to make a contract in accordance with the terms of his bid and give security as required by this act: *Provided further*, That the contractor or contractors shall perform their work according to the plans and specifications of the Engineer Department, and under the directions thereof: *And provided further*, That said canal shall be fully completed for use within a period of three years from the day of contract, and that the entire cost of such canal shall not exceed the sum of $10,000,000.

SEC. 3. That the said canal shall not be less than two hundred feet wide on the bottom, and not less than twenty-seven feet deep, and shall have the proper locks, gates, waste-weirs, and other appurtenances necessary to facilitate the passage of ships to and from the said river and the deep waters of the Gulf of Mexico; and it shall be so constructed in all respects as will make it a permanent channel; and the contractor or contractors shall be paid quarterly in 5 per cent. bonds, (gold interest, payable semi-annually,) which bonds are to run for forty years, 90 per cent. of the value of the work done and materials delivered, which shall be estimated and certified to by the officer of engineers in charge of the work upon actual and careful examination; and upon completion of contract the percentage reserved shall be paid to the contractor in like bonds, bearing date of the several estimates.

SEC. 4. That all the dredge-boats, implements, tools, machinery, and materials procured by any contractor for the construction of said canal, or any part thereof, shall be forfeited to the United States in case of failure of such contractor to comply with his contract; and the Secretary of War is required to take possession of and use the same in the construction of said canal whenever in his judgment any contractor has failed to comply with his contract; and no suit or proceeding by such contractor shall be entertained by any court that shall deprive the Secretary aforesaid of the use of such dredge-boats, implements, tools, machinery, and materials; and

whenever any contractor shall fail as aforesaid, the said Secretary shall cause the work to be done by the Engineer Department, or let the same to other contractors in accordance with the provisions of this act.

SEC. 5. That if said Secretary of War shall be unable to make contracts for the construction of said canal for a period of six months after receiving the report of the survey required by the first section of this act, he shall cause the Engineer Department to commence the construction of said canal without delay; and the same to be completed in the shortest period possible.

SEC. 6. That the Secretary of the Treasury shall execute bonds of the United States for such an amount as is necessary to defray the expenses of constructing said canal, in sums of $1,000 each, payable forty years from date, with interest at the rate of 5 per cent. payable semi-annually, in gold coin, which bonds shall be delivered from time to time as is required by the provisions of this act: *Provided*, The entire sum shall not exceed $10,000,000; and in case the United States shall construct said canal in whole or in part, said bonds may be sold by said Secretary of the Treasury from time to time for not less than par, and the proceeds applied in defraying the expenses of such work.

SEC. 7. That when completed, the said canal and appurtenances shall be the property of the United States, and a free channel of commerce; and shall be under the control and management of the Secretary of War until otherwise provided by law.

SEC. 8. That if hereafter Congress shall make an appropriation of money to defray the expense of constructing said canal, the Secretary of War shall pay in money to the extent of such appropriation in lieu of bonds, and any bonds not delivered in consequence of such appropriation shall be canceled and destroyed by the Secretary of the Treasury.

SEC. 9. That the said Eads and his associates may have the right to use any materials on the public lands of the United States in the vicinity of the mouth of the Mississippi River that may be needed in the construction of said works: *Provided*, That said right may be limited or withheld by the President of the United States, if he deems it contrary to the public interest.

AMENDMENTS TO INDIAN APPROPRIATION BILL.

Mr. LOUGHRIDGE, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That pending the consideration of the bill making appropriations for the current and contingent expenses of the Indian Department for the year ending June 30, 1875, and for other purposes, in Committee of the Whole, it shall be in order to offer for consideration the following amendments:

No agent or employé of the United States Government, or of any of the Departments thereof, while in the service of the Government, shall have any interest, directly or indirectly, contingent or absolute, present or remote, in any contract made, or under negotiation, with the Government, or with the Indians, for the purchase or transportation or delivery of goods or supplies for the Indians, or for the removal of Indians; nor shall any such agent or employé collude with any person who may attempt to obtain any such contract for the purpose of enabling such person to obtain the same: *Provided*, This shall not be construed to prevent the making of such contracts by officers and agents of the Government duly and legally authorized to make such contracts. The violation of any of the provisions of this section shall be a misdemeanor, and shall be punished by a fine of not less than $500 nor more than $5,000, and by removal from office; and in addition thereto the court shall in its discretion have the power to punish by imprisonment of not more than six months.

The offices of the following superintendents of Indian affairs are hereby abolished: The superintendents for Oregon, Washington Territory, New Mexico, California, Arizona, and Montana.

The following portion of section 8 of said bill:

Provided, That the amount set apart from the funds of each tribe shall be expended for the benefit of said tribe. But this proviso shall not be construed to prevent the conjunction of the funds of neighboring tribes, if necessary, in support of a school or schools, which shall be common to said tribes. And in case of vacancies in any Indian schools the children of tribes that have no annuities shall be entitled to privileges in said schools.

MONEYS PAID TO LAND-GRANT RAILROADS.

Mr. HOLMAN. I ask unanimous consent to offer the following resolution, which is moved with a view to the convenience of the Treasury Department:

Resolved, That the Secretary of the Treasury, in response to the resolution heretofore adopted by this House, requiring him to report the sums of money paid to certain land-grant railroads for the transportation of troops and property of the United States, transported since the 1st of January, 1866, be authorized and directed to make such report thereon as the convenience of his Department may justify during the present session, and that he be authorized to postpone making a full report thereon until the next session of this Congress.

There was no objection, and the resolution was agreed to.

LEGAL DAY'S WORK.

Mr. HAZELTON, of Wisconsin, by unanimous consent, introduced a bill (H. R. No. 2976) to define a legal day's work in certain cases, and to fix a minimum rate of compensation therefor; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CUSTOMS DUTIES ON FRUITS.

Mr. RANDALL. I ask unanimous consent to offer the following resolution:

Resolved, That the Secretary of the Treasury be requested to furnish to the House all correspondence between the Treasury Department and C. A. Arthur, collector of the port of New York, and George Bliss, jr., district attorney of said district of New York, relating to the refunding of customs duties on fruits, and copies of all orders given by the Treasury Department relating thereto.

Mr. BUTLER, of Massachusetts. I object.

ARMY ORDER NO. 32.

Mr. NESMITH, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Judiciary Committee be required to examine and report an opinion as to the authority under which General Order No. 32, War Department, Adjutant-General's Office, Washington, March 15, 1873, was issued, and whether such order abridges the right of officers of the Army in freedom of speech and the right to petition Congress as citizens of the United States under the Constitution; and further, as to the authority of the Secretary of War over officers of the Army wholly retired from active service and unassignable under existing laws to any kind of military duty; and also to report whether the said order is in contravention of the exclusive right of Congress, under paragraph 13, section 8, article 7 of the Constitution, "to make rules for the government and regulation of the land and naval forces."

WORK ON PUBLIC BUILDINGS.

Mr. PLATT, of Virginia. I now move that the rules be suspended and the Committee of the Whole on the state of the Union be discharged from the further consideration of the bill (H. R. No. 2653) to authorize the Secretary of the Treasury to suspend work upon the public buildings, and that the same be passed.

The bill directs the Secretary of the Treasury to defer operations on any public buildings that are authorized by existing laws but not actually commenced, or to proceed with the same, as may, in his opinion, be for the best interests of the public service, and provides that all moneys heretofore appropriated for the construction of public buildings and now remaining to the credit of the same on the books of the Treasury Department, or which may hereafter be appropriated for such buildings, shall remain available until the completion of the work for which they are, or may be, appropriated; and that upon the final completion of each or any of said buildings, and the payment of all outstanding liabilities therefor, the balance or balances remaining shall be immediately covered into the Treasury.

Mr. BUTLER, of Massachusetts. Is it proposed to bring the bill before the House for consideration or to pass it?

The SPEAKER. To pass it.

The question being upon seconding the motion to suspend the rules, tellers were ordered; and Mr. GARFIELD, and Mr. PLATT of Virginia, were appointed.

The House divided; and the tellers reported—ayes 91, noes 75.

So the motion was seconded.

The question recurred upon the motion to suspend the rules and pass the bill.

Mr. WILLARD, of Vermont. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. PLATT, of Virginia. I have no objection at all to a discussion of this matter, and with the consent of the House I will modify my motion so as to bring the bill before the House for consideration.

The SPEAKER. That can be done only by unanimous consent.

Mr. PLATT, of Virginia. Then I ask unanimous consent to bring the bill before the House for consideration, the debate to be limited to half an hour.

Mr. WILLARD, of Vermont. I object.

Mr. YOUNG, of Georgia. I desire to ask a question. If this bill is defeated, will the appropriations still exist?

The SPEAKER. That is not a parliamentary question, and the Chair does not know anything about it.

The question was taken on the motion of Mr. PLATT, of Virginia; and there were—yeas 130, nays 93, not voting 67; as follows:

YEAS—Messrs. Albright, Archer, Arthur, Atkins, Averill, Banning, Barnum, Bass, Begole, Berry, Biery, Blount, Bright, Brown, Buckner, Buffinton, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Caldwell, Amos Clark, jr., John B. Clark, jr., Clayton, Clinton L. Cobb, Comingo, Conger, Creamer, Crittenden, Crooke, Crounse, Crutchfield, Curtis, Darrall, Davis, Dobbins, Duell, Dunnell, Farwell, Field, Freeman, Gooch, Hagans, Eugene Hale, Robert S. Hale, Hamilton, Hancock, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Havens, Hays, John W. Hazelton, Hodges, Hooper, Houghton, Hunton, Hynes, Kendall, Knapp, Lamport, Lansing, Leach, Lofland, Lowndes, Lynch, Maynard, MacDougall, McJunkin, Milliken, Moore, Morey, Myers, Neal, Niblack, Nunn, O'Neill, Page, Parsons, Perry, Pierce, James H. Platt, jr., Thomas C. Platt, Potter, Purman, Rainey, Ransier, Rapier, Read, Rice, Richmond, Robbins, Ellis H. Roberts, Sawyer, Milton Sayler, Henry J. Scudder, Isaac W. Scudder, Sessions, Sheats, Sheldon, Sloss, Snyder, Stanard, Standiford, Stone, Stowell, Swann, Townsend, Tremain, Vance, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wells, Wheeler, White, Whitehead, Whiteley, Whitthorne, John M. S. Williams, William Williams, Willie, Wilshire, Wood, Woodford, John D. Young, and Pierce M. B. Young—130.

NAYS—Messrs. Adams, Barber, Barrere, Beck, Bland, Bowen, Bradley, Bromberg, Bundy, Burleigh, Cannon, Cason, Cessna, Clements, Clymer, Stephen A. Cobb, Coburn, Cook, Corwin, Cotton, Cox, Crossland, Danford, Dawes, DeWitt, Donnan, Durham, Eames, Eldredge, Fort, Foster, Frye, Garfield, Giddings, Gunckel, John B. Hawley, Joseph R. Hawley, Hendee, E. Rockwood Hoar, Holman, Hoskins, Howe, Hunter, Hurlbut, Hyde, Jewett, Kasson, Lamar, Lawson, Loughridge, Marshall, Martin, McCrary, McKee, McLean, McNulta, Mellish, Merriam, Mitchell, Monroe, Niles, Orth, Packard, Packer, Hosea W. Parker, Pendleton, Phelps, Pike, Pratt, Randall, Ray, James W. Robinson, Ross, Henry B. Sayler, Scofield, Sener, Sherwood, Lazarus D. Shoemaker, Smart, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Southard, Speer, Starkweather, Tyner, Waddell, Charles W. Willard, George Willard, James Wilson, Jeremiah M. Wilson, and Woodworth—93.

NOT VOTING—Messrs. Albert, Ashe, Barry, Bell, Burchard, Freeman Clarke, Crocker, Eden, Elliott, Glover, Harmer, Benjamin W. Harris, Gerry W. Hazelton, Hereford, Herndon, Hersey, George F. Hoar, Hubbell, Kelley, Kellogg, Killinger, Lamison, Lawrence, Lewis, Lowe, Luttrell, Magee, Alexander S. McDill, James W. McDill, Mills, Morrison, Negley, Nesmith, O'Brien, Orr, Isaac C. Parker, Pelham, Phillips, Poland, William R. Roberts, James C. Robinson, Rusk, John G. Schumaker, Shanks, Sloan, Small, George L. Smith, William A. Smith, Sprague, Stephens, St. John, Storm, Strait, Strawbridge, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thornburgh, Todd, Waldron, Whitehouse, Wilber, Charles G. Williams, William B. Williams, Ephraim K. Wilson, and Wolfe—67.

So (two-thirds not voting in favor thereof) the rules were not suspended.

POLICE COURT OF THE DISTRICT OF COLUMBIA.

Mr. WILSON, of Indiana. I ask unanimous consent to submit the following resolution:

Resolved, That the Committee on the Judiciary be, and is hereby, instructed to inquire whether the police court of the District of Columbia has, under authority of the act entitled "An act to establish a police court for the District of Columbia, and for other purposes," approved June 17, 1870, the power to try prosecutions for libel and misdemeanor without a jury, and whether any portion of said act is in contravention of the Constitution of the United States; and said committee shall

report such a bill as may be necessary to secure the right of trial by jury in said court in such cases, and shall have leave to report at any time.

Mr. BUTLER, of Massachusetts. I object.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed, with amendments in which the concurrence of the House was requested, a bill of the following title:

A bill (H. R. No. 1942) authorizing the President of the United States to appoint Albert Ross to the active list of the Navy.

MAIL CONTRACTS.

Mr. STONE. I move that the rules be suspended and the preamble and resolution adopted which I send to the Clerk's desk.

The Clerk read as follows:

Whereas it will be found that gross abuses and irregularities in the matter of mail contracts existing in the Post-Office Department of the United States, a portion of which will more fully appear by reference to Executive Document No. 322, Forty-second Congress, second session, of date May 17, 1872, and an examination of the bids for mail service from July 1, 1871, to June 30, 1873, and from July 1, 1871, to June 30, 1875, on mail-routes 7587, 7590, 7592, 7647, 8553, 8536, 8537, 8538, 8539, 8540, 8549, 8550, 8557, 8571, 8572, 8575, 8577, 8590, 8603, 8619, 8620, 8642, and 8646; that the aggregate bids for these mail-routes amounts to $48,490 per annum; that the lowest bidders failed to execute contracts, and that contracts were made with one F. P. Sawyer, of Washington, District of Columbia, amounting in the aggregate to the sum of $439,469; that upon mail-routes 7524, 7612, and 7613 the bids amount to $2,350.01, and contracts were made with one Chidester for the sum of $14,522; that upon mail-routes 8006, 8007, 8010, 8013, and 8014 the bids amount to $25,700, and contracts were made with one Peterson aggregating the sum of $101,500; that upon mail-routes Nos. 7603, 7604, and 7605 the bids amount to $3,892, and contracts were made with one Vaile for the sum of $14,100; that upon mail-routes 8082 and 8083 the bids amount to $1,995, and contracts were made with one Davis for $16,050; that the bids upon mail-routes 7596, 7595, 7523, 7524, 7506, 6631, and 14846 aggregate the sum of $26,395, and that contracts were made with sundry persons named therein amounting to $102,549; that the bids for service on these several routes amount in the aggregate to $108,822.01 and that contracts were made for this service amounting to the sum of $688,190, in violation, as is alleged, of the Postal Laws and Regulations of the Post-Office Department; and whereas it will be found upon examination of the manuscript in possession of the Committee on the Post-Office and Post-Roads that there has been paid to mail contractors $1,150,086.09 for services rendered for the quarter ending December 31, 1873, reported by the Auditor of the Treasury for the Post-Office Department, and paid by the Postmaster-General, between December 30, 1873, and January 10, 1874, as is alleged, in violation of section 264, page 195, of the Postal Laws and Regulations, and section 508, page 244, of the Postal Laws and Regulations; and whereas it will be found from examination of the manuscript abstract No. 4, in possession of the Committee on the Post-Office and Post-Roads, that the mail-routes established or ordered during the fiscal year ending June 30, 1873, other than those let to contractors at the annual lettings, that the aggregate of the bids for mail service on routes Nos. 8642, 8646, 7590, 7592, and 10843 amounts to $8,597.74, and that contracts were made with one Sawyer for $40,381.50; that the bids for mail service on routes 7521, 7612, 7613, 7517, 7521, 7612, 7613, 7624, 7636, 7645, and 7598 amount to $9,544.75, and contracts were awarded to one Chidester for the sum of $42,998; and that bids for mail service on mail-routes Nos. 14935, 6061, 6781, 6648, 8082, 8526, 7603, 7648, 7524, 7522, 7525, 7594, 7596, 10843, and 14905 amount to $22,298 and that contracts were awarded to sundry persons for the sum of $93,651; that the aggregate bids for the mail service on the foregoing routes amounts to $40,440.49, and that contracts were made for this service for the sum of $177,030.50, as is alleged, in violation of the Postal Laws and Regulations of the Post-Office Department; and whereas it will be found upon examination of manuscript Report No. 5, in possession of the Committee on the Post-Office and Post-Roads, that service on mail-route No. 8031 was for twice a week, at an annual sum of $3,900; that the service was expedited to six miles an hour and one additional trip per week, for which the contract price was increased $12,918.13; that the service on mail-route No. 8067 was for twice a week, at an annual sum of $5,980; that the service was expedited to five miles an hour, for which an additional sum of $7,840.45 is paid: Therefore,

Be it resolved, That the Committee on the Post-Office and Post-Roads be, and are hereby, instructed to make a thorough examination into the operations of the Post-Office Department, and to make to this House at the earliest possible moment a full report of their investigation, together with the testimony taken by them; and to that end the said committee shall have power to send for persons and papers, and, if deemed necessary by them, to employ an additional clerk and short-hand reporter; and that the said investigation shall be held publicly.

During the reading of the preamble

Mr. G. F. HOAR said: I rise to a question of order. How are this preamble and resolution before the House?

The SPEAKER. They were introduced by the gentleman from Missouri, [Mr. STONE,] by consent of the gentleman from Texas, [Mr. GIDDINGS,] who yielded to him for that purpose.

Mr. G. F. HOAR. I might as well move "to suspend the rules and make the following speech," and then go on and give the speech.

Mr. STONE. Gentlemen have sent up bills to the Clerk's desk that have taken fifteen or twenty minutes to read. I can read this in five minutes, and yet gentlemen object to a resolution of inquiry.

Mr. TYNER. It is something more than a resolution of inquiry.

Mr. PACKER. The gentleman who offers this has had ample opportunity to make charges of this kind before the Committee on the Post-Office and Post-Roads. The matter is undergoing investigation, and is now being considered by that committee.

Mr. STONE. I object to debate.

Mr. HALE, of Maine. I object to the further reading of statements and argumentation in this preamble, because it is in the nature of debate, giving reasons why members should vote so and so upon the subject-matter.

Mr. RANDALL. It is immaterial if not true, and very material if true.

The SPEAKER. The Chair will not stop the reading on the point of order, although he will not say it is not well taken. The House will observe that this winds up with a resolution instructing the committee to investigate facts which the mover alleges to be true. The Chair cannot admit that the paper is in the ordinary form; it is in very extraordinary form.

Mr. RANDALL. It is a very extraordinary case.

The SPEAKER. That is a matter which the gentleman desires to have investigated. He sets out in the preamble with a statement that the facts are so and so, and then asks that an investigation be had.

Mr. STONE. I will change it from "it will be found" to "it is alleged," if that will make any difference.

The SPEAKER. That makes a great difference.

Mr. STONE. The facts are the same, and will be found so on an investigation. I did not choose to come before the House with a resolution instructing the committee unless I had something to direct the committee to act upon.

Mr. BUTLER, of Massachusetts. I move that the rules be so suspended that it may be read by its title.

The SPEAKER. The shortest way will be to read it through.

The reading was then concluded.

Tellers were ordered on seconding the motion to suspend the rules; and Mr. PACKER and Mr. STONE were appointed.

The House divided; and the tellers reported that there were—yeas 72, noes 87.

So the motion was not seconded.

Mr. STOWELL. I desire to state that the Post-Office Committee have given the gentleman from Missouri [Mr. STONE] an opportunity to appear before them to-morrow.

Mr. BECK. I hope the Clerk will record the fact that every democratic vote was given in favor of this inquiry and every republican vote against it. Thank God for that!

Mr. STONE. I now ask that the preamble and resolution be referred to the Committee on the Post-Office and Post-Roads.

Mr. LUTTRELL. And I ask that they be printed.

Mr. PAGE and others objected.

Mr. PACKER. I desire to say that if the gentleman from Missouri [Mr. STONE] will strike out the preamble which contains these charges there will be no objection at all to the adoption of the resolution.

The SPEAKER. The gentleman from Pennsylvania, [Mr. PACKER,] chairman of the Committee on the Post-Office and Post-Roads, suggests that the resolution directing the investigation (without the preamble assuming the charges to be true) may be adopted. Is there objection?

Several MEMBERS. None.

The SPEAKER. If there be no objection, the resolution will be adopted without the preamble, which assumes the charge to be true.

Mr. BECK. The preamble does not so assume.

Mr. LUTTRELL. I insist on having the preamble and resolution printed.

Several members objected.

Mr. SPEER. I ask that the resolution be read, so that we may see whether, apart from the preamble, it refers anything to the committee.

The Clerk read as follows:

Resolved, That the Committee on the Post-Office and Post-Roads be, and are hereby, instructed to make a thorough examination into the operations of the Post-Office Department, and to make to this House at the earliest possible moment a full report of their investigation, together with the testimony taken by them; and to that end the said committee shall have power to send for persons and papers, and, if deemed necessary by them, to employ an additional clerk and short-hand reporter; and that the said investigation shall be held publicly.

Mr. LUTTRELL. Now, I ask that the preamble and resolution may be printed.

The SPEAKER. The gentleman's colleague [Mr. PAGE] objects.

Mr. LUTTRELL. What gentleman from California objects?

Mr. PAGE. I object.

Mr. DURHAM. I wish to make a parliamentary inquiry. Were not the preamble and resolution read by consent of the House, and do they not, by virtue of that fact, go into the RECORD?

The SPEAKER. They do; and also into the Journal.

Several MEMBERS. That is all that is necessary.

The SPEAKER. The Chair declined, upon the point of order made by the gentleman from Maine, [Mr. HALE,] to prohibit the reading of the preamble, but he said he would not have it understood that it might not be ruled out. The Chair sees no such connection between the preamble and the resolution as would have enabled the preamble, on strict construction of the rules, to be introduced; because the resolution does not recite the preamble; it stands as a distinct substantive proposition, having no connection with the preamble. But the Chair did not desire to have it ruled out on the point of order, although his opinion is that it was not properly a part of the resolution.

Mr. DURHAM. I make the point of order that there was no objection——

The SPEAKER. There is no point of order for the gentleman to make. The preamble and resolution will appear in the RECORD and the Journal. The Chair simply desired to place himself right. He did not rule out the preamble, although, according to strict parliamentary law, he ought to have done so.

Mr. PAGE. I desire to say that information, emanating as I understand from my colleague, [Mr. LUTTRELL,] has reached my own State through the associated press of the country, that an investiga

tion has been going on for the last two weeks before the Committee on the Post-Office and Post-Roads in reference to this very subject.

Mr. LUTTRELL. I desire to say that I know nothing about any such dispatch; and the gentleman has no authority for his assertion. He is very sensitive on these questions.

The SPEAKER. The Chair desires to say that to make a preamble in order, it must connect itself directly and necessarily with the resolution; and gentlemen will have observed, from the reading of this resolution, that it is a substantive, independent proposition, not reciting the preamble, nor referring to it in any way.

Mr. PAGE. I wish to make an explanation to this House. I think it is the duty of the House to listen to it; and I think that this explanation should be made now.

Over two weeks ago my colleague [Mr. LUTTRELL] came before the Committee on the Post-Office and Post-Roads preferring certain charges. He was requested by the committee to submit his charges in writing and sign them.

Mr. LUTTRELL. Did I not do so?

Mr. PAGE. My colleague must excuse me. He came there at different times when the committee was not in session—when no quorum was present. Immediately telegrams were sent out to California stating that Mr. LUTTRELL was endeavoring to get an investigation before the Committee on the Post-Office and Post-Roads, and that he could not obtain a hearing; which was false.

Mr. LUTTRELL. That is untrue.

Mr. PAGE. About a week ago he was requested to submit those charges to the Committee on the Post-Office and Post-Roads, which he has done. It was then agreed that on Tuesday, that is to-morrow morning, my colleague [Mr. LUTTRELL] with the gentleman from Missouri [Mr. STONE] should appear before that committee and make and substantiate the charges contained in their written statements. They have appeared here to-day to ask the House to take cognizance of what the Committee on the Post-Office and Post-Roads are prepared to go on with.

Mr. LUTTRELL. I wish to say this to the House: The gentleman is very sensitive on all these questions. I stated to him and to the committee that serious charges had been preferred to me about certain post-office transactions. I was not disposed to, and I did not, implicate the Postmaster-General. I believe he was innocent; but I do believe that a post-office ring has been formed which has defrauded the Government of the United States of thousands and thousands of dollars during the last year. I stated that it was the common talk all around the House.

Now, Mr. Speaker, I went before the Committee on the Post-Office and Post-Roads as I had agreed to, but the gentlemen of the committee did not put in an appearance and there was no quorum. One member of the committee, the gentleman from Pennsylvania, [Mr. RANDALL,] told me to come back on another occasion, and I have acted strictly in accordance with his request.

Mr. PAGE. I ask the gentleman from Missouri [Mr. STONE] whether we did not send for him? [Cries of "Order."]

The SPEAKER. The gentleman must not be interrupted.

Mr. LUTTRELL. I acted strictly in accordance with the request of the gentleman from Pennsylvania, [Mr. RANDALL,] and appeared before the committee and filed my charges. The gentleman from Missouri [Mr. STONE] has filed similar charges to-day; and we make these charges, Mr. Speaker, from the post-office books. We have the books to produce. And let me say here that I make these charges on the authority of the very best men in my State. I make them on the authority of the very best republicans in my State—republicans, too, Mr. Speaker, who would be ashamed of the action of my colleague here to-day. I make them in behalf of republicans of California who stand firm to their party—republicans, sir, who are honest in heart and sentiment, who have stood by the country in days gone by and who intend to stand by it in the future.

Mr. PAGE. That is something more than was ever done by my colleague.

Mr. LUTTRELL. That is the class of men I am representing. I have stated to the gentleman who they were.

Mr. PAGE. Which political party does my colleague represent on this floor?

Mr. LUTTRELL. I represent the workingmen of California, not the railroad "ring." I am against all the "rings." I represent the honest, hard-working people of California.

Mr. PAGE. I should like to ask my colleague what political party he represents on this floor?

Mr. LUTTRELL. I represent the democratic party—Newton Booth and the toiling, the hard-working men of California, which my colleague dare not say he does. I do not come here with the Leland Sanford and the Pacific Railroad collar around my neck labeled with the badge of monopolies. I come here a workingman and as the representative of workingmen irrespective of party. I tell my colleague and I tell the House that if the republican party here means to put down corruption, then I am for the republican party; but if it does not mean to put down corruption and fraud on the Government, but on the contrary to uphold these "rings," then I am against it.

Mr. PAGE. I desire to be heard. [Cries of "Order!"]

Mr. McNULTA. Hear him.

Mr. ATKINS. I call for the regular order of business. Each side has had its chance to be heard.

Mr. SENER. Hear both sides.

Mr. PAGE. I ask to be heard.

Mr. McNULTA. Hear him.

Mr. ATKINS. Both sides have been heard.

Mr. BUTLER, of Massachusetts. I rise to what I believe to be a privileged motion. I move that the preamble be not printed in the RECORD, and I move to suspend the rules if necessary for that purpose.

The SPEAKER. The Chair cannot entertain the motion, as he has already recognized the gentleman from Texas, [Mr. GIDDINGS,] who has the floor on a motion to suspend the rules. The Chair understood the resolution to be unanimously agreed to, the preamble having been withdrawn.

Mr. BUTLER, of Massachusetts. Was the resolution withdrawn from the RECORD?

The SPEAKER. Not from the RECORD, but from action.

Mr. BUTLER, of Massachusetts. It should be withdrawn from the RECORD.

Mr. G. F. HOAR. I understood the Chair to state that the resolution was agreed to unanimously, but that was not my understanding.

The SPEAKER. The gentleman from Massachusetts states it was not his understanding that the resolution was agreed to unanimously. It will be again read.

Mr. PAGE. I desire to be heard for a few minutes.

Mr. COX. I have no objection to the gentleman's going on if opportunity be given for reply.

Mr. PAGE. I will endeavor to make it a reply to the gentleman.

Mr. COX. I do not object if the gentleman's colleague has an opportunity to reply to his speech.

Mr. PAGE. Mr. Speaker——

Mr. GIDDINGS. I do not yield further.

Mr. PAGE. I desire to send to the Clerk's desk to be read a telegram published in one of the California papers.

Mr. GIDDINGS. I object.

Mr. POTTER. I desire to say that the gentleman from Missouri [Mr. STONE,] did not withdraw the preamble to the resolution, as the Chair stated.

The SPEAKER. The gentleman will observe that neither the preamble nor the resolution is before the House, because the House refused to second the motion for the suspension of the rules. Then the chairman of the Committee on the Post-Office and Post-Roads suggested that the resolution, which was the only thing that proposed action, should be agreed to. And to that the Chair heard no objection.

Mr. DAWES. The resolution was offered by the gentleman from Pennsylvania, [Mr. PACKER.]

The SPEAKER. The gentleman from Pennsylvania [Mr. PACKER] proposed the resolution himself. The preamble and resolution, so far as the gentleman from Missouri [Mr. STONE] had offered them, were not before the House, because the House refused to second the motion for suspending the rules.

Mr. POTTER. That is as I understand it. But it is nevertheless true that the gentleman from Missouri did not withdraw the preamble to his resolution, and he desires to have it so understood.

The SPEAKER. But the Chair is not mistaken as to the fact that the gentleman from Missouri indicated his assent to the proposition of the chairman of the Committee on the Post-Office and Post-Roads.

Mr. STONE. My proposition was to refer the whole matter to the Committee on the Post-Office and Post-Roads, and I heard no objection to that; but I did not agree to the withdrawal of the preamble.

The SPEAKER. Did the gentleman object to the resolution being passed without the preamble?

Mr. STONE. I did not.

The SPEAKER. And the Chair furthermore understood the gentleman by a nod of the head to assent to the proposition of the gentleman from Pennsylvania, the chairman of the Committee on the Post-Office and Post-Roads, that the resolution should be agreed to.

Mr. STONE. I did.

The SPEAKER. Then of course the gentleman did as the Chair has stated.

Mr. STONE. I do not see it in that light.

Mr. RANDALL. The committee can take cognizance of the preamble as it will be published in the CONGRESSIONAL RECORD.

Mr. G. F. HOAR. I make no objection to the resolution if it can be limited to the State of California, or such territory as the gentleman may specify. But I should think no gentleman in the House would assent to a resolution so broad as I understand this to be. I ask that it be again read.

The Clerk read as follows:

Resolved, That the Committee on the Post-Office and Post-Roads be, and they are hereby, instructed to make a thorough examination into the operations of the Post-Office Department and to make to this House at the earliest moment a full report of their investigation, together with the testimony taken by them; and to that end the said committee shall have power to send for persons and papers and, if deemed necessary by them, to employ an additional clerk and short-hand reporter, and that the said investigation shall be held publicly.

Mr. PACKER. The resolution ought to be limited to the mail letting.

Mr. MAYNARD. I suggest that both the resolution and preamble be referred to the Committee on the Post-Office and Post-Roads, that they may report on them.

Mr. GARFIELD. Let it be referred, striking out the portion in regard to an additional clerk and short-hand reporter.

Mr. ELDREDGE. I rise to a question of order. The Chair announced that the resolution, without the preamble, had been passed by unanimous consent. A debate arose; and I submit that it is now too late for the gentleman to object.

The SPEAKER. Not at all. If the Chair in the confusion did not hear the gentleman object, and the gentleman states that he did object, it is not too late.

Mr. MAYNARD. If I am recognized for the purpose, I would move that the rules be suspended and that the resolution and preamble be referred to the Committee on the Post-Office and Post-Roads.

Mr. RANDALL. I desire to say a word in justice to the committee.

Mr. PAGE. I object. I desire to make a remark in answer to my colleague from California, [Mr. LUTTRELL,] and it is objected to on that side of the House.

Mr. TYNER. I appeal to the gentleman from California to allow the gentleman from Pennsylvania [Mr. RANDALL] to make a statement, for the reason that the gentleman from Pennsylvania was a member of the committee of the last Congress which had the same question under consideration.

Mr. PAGE. I withdraw my objection.

Mr. TYNER. I wish the House to consent that I may be heard for not over two minutes after the gentleman from Pennsylvania shall have been heard.

Mr. RANDALL. I wish to say but one word in connection with this. I, of course, do not know whether these charges are true or false. It is stated that the proof of them is to be found in official documents. But I do wish to say one word in justice to the committee. I believe there is no man on that committee who is not willing to give this subject a full, fair, and thorough investigation. I was a member also of the Committee on the Post-Office and Post-Roads during the last Congress. There was at that time an investigation touching some of these matters, and the committee were divided six to three. Six—the majority of the committee; that is, the republican side of it—rather sustained the Postmaster-General, and proposed certain legislation, which was subsequently adopted by Congress. But the three democrats, the minority of the committee, dissented from the conclusion and from the exoneration of the Post-Office Department in that particular.

Mr. BECK. Was the testimony ever printed?

Mr. RANDALL. The testimony was not printed, but the two reports will be found in a public document of last Congress, No. 38.

Mr. TYNER. I desire the attention of the House for but a moment. I also was a member of the Committee on the Post-Office and Post-Roads of the last Congress, and was present during the entire investigation to which the gentleman from Pennsylvania [Mr. RANDALL] has alluded. The charges came from a former member of this House, a gentleman, I believe, of the name of McKibben. A very thorough and searching investigation into nearly all the matters that were stated in the preamble to this resolution was made by that committee. I state, as my recollection of the facts, that the investigation was itself abandoned by the complainant, and that all the gentlemen of the committee agreed to the fact that while there might have been some rascalities and frauds committed upon the Treasury of the United States, yet there was no stain whatever upon the Post-Office Department.

Mr. RANDALL. Suppose you read the minority report, and see if there are no reflections on the Post-Office Department.

Mr. TYNER. I have the report here, and I will refer to it in a moment. I only stated my recollection, and of course I may be mistaken. But I am satisfied that the investigation did develop the fact that there was a ring, which you may call "the post-office ring," and which did not embrace within it any person connected with the Post-Office Department, who had been committing frauds on the Treasury through the medium and instrumentality of what are known as straw bids. Gross frauds evidently were committed, but I think the gentleman from Pennsylvania will agree with me in saying that the proof before the committee did not show that any gentleman in the Post-Office Department was connected with those frauds.

Mr. RANDALL. I do not wish to be understood as charging that the Postmaster-General was in any manner implicated in corruption; but I do say that the minority report, and I think justly, reflected on his management of the Post-Office Department, and that the whole committee thought that legislation was necessary so as to place it beyond the power of any Postmaster-General in the future to permit such things to be done.

Mr. TYNER. Yes, Mr. Speaker, that investigation satisfied the committee of the necessity of changing the law in relation to the acceptance of bids, and the result was a passage of a law by the last Congress which has to a very considerable extent cut off what is known as straw bidding.

Now, sir, when the preamble to the resolution was first presented to the House I suggested that it was something more than a resolution of inquiry, and objected to its consideration; and I voted with the majority in refusing to have it considered by the House; not because I did not want an investigation, but simply because I knew that the statements made in the preamble to the resolution were not warranted by the facts. But was willing that the whole subject should be referred to the Committee on the Post-Office and Post-Roads. I approved of that action, and hope that that committee will thoroughly investigate the facts that may come before it.

One word more. I have here the report that was made during the last Congress upon this subject, and if the House will bear with me I will read it myself. It has reference to the whole subject which is embraced in what is known as the temporary service. Gentlemen suggest that I should send it to the Clerk's desk to be read, and I will do so and ask the Clerk to read the passage which I have marked.

The Clerk read as follows:

It is not disputed that the Postmaster-General made the best terms for the Government for this temporary service which were obtainable. This service is generally being performed by the last regular contractors, who, having the lines or routes already stocked and organized, possess great advantages over other parties in proposals for brief or uncertain periods of service. And the complaint against the Postmaster-General seems to be that he "ought to have taken the responsibility of contracting with the lowest bidder who would take the contract and perform the service for the term," after the lowest or "straw" bidder had failed, and that "he should not have sought the opinion of the Attorney-General, nor observed it when obtained," &c.

The committee failed to arrive at that conclusion, and though it seems pretty certain that the Postmaster-General might have contracted with somebody, in most cases, for the term, at less rates than he contracted for the temporary service, the committee believe that no officer of the Government could be justified in a violation of the law at his own option, because, in his opinion, he might thereby save money to the Government. Such a rule of duty once established for officers of the Government, the license of discretion once substituted for the rule of law, and there would be no such thing as accountability by the public servants.

The committee are therefore of opinion that the course pursued by the Postmaster-General was not only justified by the circumstances and law, but was eminently wise and prudent.

The Attorney-General of the United States is the law expositor and organ of the Government, and until his opinions are overthrown or reversed by the courts, they are regarded as authority by the different Departments of the Government.

The committee have, as the practical result of their labors in this investigation, reported a bill which passed the House of Representatives by a unanimous vote, and which they believe, if enacted into a law, will in great measure, if not entirely, remedy the evil which is the subject of this report.

J. F. FARNSWORTH, *Chairman.*
JOHN HILL.
JAS. N. TYNER.
S. O. HOUGHTON.
GINERY TWICHELL.
CHARLES H. PORTER.

Mr. RANDALL. I ask now that the minority report may be read.

Mr. TYNER. One word more and then I will yield the floor.

Mr. BECK. I want to ask the gentleman a single question, and it is, why was not the testimony taken by the committee of the last Congress printed?

Mr. TYNER. I will answer that by saying to the gentleman that my recollection is that none of the committee thought it worth while to print the testimony. The complaint was abandoned.

Mr. RANDALL. I call for the reading of the minority report.

Mr. TYNER. A single word more. My recollection is that the only point of difference between the majority and the minority of the committee was simply this: that the minority of the committee did not believe that the Postmaster-General had violated the law in the acceptance of bids; but that he ought to have taken the responsibility of preventing the letting of certain routes.

Mr. RANDALL. He ought to have stopped the plundering of the Treasury which these straw bids have been the cause of.

Mr. TYNER. The gentleman may use that language if he is disposed to do so.

Mr. CONGER. I object to this political quarrel going on any further.

Mr. RANDALL. It is not a political quarrel.

Mr. STONE. I desire to put myself right. The gentleman from Indiana [Mr. TYNER] has asserted that what was in the preamble to the resolution was untrue. I hurl back that charge, and say that it is true, and I hold in my hand a document which will prove every word of it.

Mr. TYNER. The gentleman is mistaken. The gentleman from Indiana did not make such a statement, or if he did it was a slip of the tongue.

Mr. STONE. You made that assertion.

Mr. TYNER. The gentleman from Indiana said that he opposed the resolution because he knew that the facts stated in the preamble were not established by the investigation during the last Congress.

Mr. RANDALL. I ask, as an act of justice to the minority of the committee, that their conclusion be also read; it is very short.

The Clerk read as follows:

In conclusion, the minority of the committee, in presenting this report to Congress, are compelled to state from the evidence that the system of fraudulent or straw bidding has grown to its full volume under this Administration. They believe that it is the direct result of excessive and unreasonable contracts given out by the Post-Office Department. They consider the refutation of the statement of Mr. Creswell, that he acted under the opinion of the Attorney-General, as complete, and they believe that opinion was obtained after the Postmaster-General had determined to change the practice of the Department, and now offered as an excuse and apparent justification therefor. They believe his action without justification in refusing to entertain the bids of reasonable contractors, which he could do under the established usage of the Department. They believe his violation of the law in the Oroville and Portland letting is proven beyond any doubt. They believe unreasonable expenditure in the land routes to be fully established, and unnecessary and expensive service to have been established betwen New Orleans and Shreveport. They consider that, if the laws and regulations can be violated to save the money of the Government, the Postmaster-General is estopped from pleading them to justify extravagance in other cases; and while they are necessarily restricted in presenting the evidence, they believe that they have adduced sufficient to satisfy Congress that the Postmaster-General has so administered the affairs of the Post-Office Department as to at least merit their censure.

P. VAN TRUMP.
SAM'L J. RANDALL.
JOHN M. CARROLL.

Mr. PACKER. I desire to say, on behalf of the Committee on the Post-Office and Post-Roads of the present House, that they have furnished every facility to the gentlemen preferring these charges to substantiate them by evidence. The committee have shut out nothing which those gentlemen asked to present, and they have given them an attentive hearing every time they appeared before them.

Mr. RANDALL. I wish to corroborate that statement.

Mr. LUTTRELL. That is so; no one finds fault with the committee in that respect.

Mr. PAGE. I hold in my hand a telegraphic dispatch, sent at the instance of my colleague, [Mr. LUTTRELL,] in which it is stated that those gentlemen had consulted with the Postmaster-General in reference to these matters; that he acknowledged that the Department had committed a wrong, and at their request he would do no such wrong any more.

Mr. LUTTRELL. You have no right to make the statement that that dispatch was sent at my instance.

Mr. PAGE. That dispatch was sent out before my colleague submitted his charges at all.

Mr. STOWELL. And when he submitted his charges and we asked him to sign them he refused to do so.

Mr. PAGE. (to Mr. LUTTRELL.) Do you vouch for these charges?

Mr. LUTTRELL. Are you not a contractor, and so recorded here?

Mr. PAGE. Yes, sir.

Mr. LUTTRELL. That accounts for the milk in the cocoa-nut.

Mr. PAGE. And I have a right to be.

Mr. LUTTRELL. No, sir; you have no right to be.

Mr. PAGE. Whenever the gentleman wants to discuss my right to be so, he can do so before the House. I ask that this dispatch be read.

Mr. BECK. I object.

The SPEAKER. If there be no objection the preamble and resolution will be referred to the Committee on the Post-Office and Post-Roads without being adopted.

No objection was made.

PROTECTION OF THE TEXAS FRONTIER.

Mr. GIDDINGS. I move that the rules be so suspended as to discharge the Committee of the Whole from the further consideration of House bill No. 1590, to provide for the better protection of the frontier settlements of Texas against Indian and Mexican depredations, and that the same be passed.

The SPEAKER. The bill will be read.

Mr. ALBRIGHT. I move that the House now adjourn.

The SPEAKER. Does the gentleman object to the bill being read?

Mr. ALBRIGHT. I do.

Mr. GIDDINGS. I have not yielded the floor for a motion to adjourn.

The SPEAKER. The gentleman has submitted his motion for a suspension of the rules, and the rule provides that pending that motion one motion to adjourn shall be in order.

The question was taken on the motion to adjourn; and upon a division there were—ayes 122, noes 74.

Before the result of the vote was announced,

Mr. MCNULTA called for tellers.

Tellers were not ordered; there being only 22 in the affirmative, not one-fifth of a quorum.

Mr. RANDALL. I ask leave to submit a resolution, to be referred to the Committee on Ways and Means.

Mr. LOUGHRIDGE. I object.

The vote on the motion of Mr. ALBRIGHT was then announced; and accordingly (at four o'clock and fifteen minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. ARCHER: The petition of Mark T. Sunstrom, late second assistant engineer, United States Navy, for relief, to the Committee on Naval Affairs.

By Mr. ARMSTRONG: The petition of citizens of Dakota Territory, for a post-route from Dell Rapids, Dakota, via Valley Springs, to Rock Rapids, Iowa, to the Committee on the Post-Office and Post-Roads.

By Mr. BARBER: Petitions from the senate of Wisconsin, from the La Crosse Board of Trade, and from citizens of many towns in Wisconsin, numbering 1,958 petitioners, for appropriations to improve the Fox and Wisconsin Rivers, to the Committee on Commerce.

By Mr. BLAND: The petition of Andrew Malcolm, of Rolla, Phelps County, Missouri, for relief, to the Committee on War Claims.

By Mr. BUCKNER: A paper relating to the establishment of a post-route from Danville to Readsville, in Missouri, to the Committee on the Post-Office and Post-Roads.

By Mr. BURCHARD: The petition of Messrs. Hibbard & Spencer and other hardware merchants of Chicago, asking for specific duties on tin-plate, to the Committee on Ways and Means.

Also, petition of 10,000 citizens of the State of Illinois, praying that the *ad valorem* duty on tin-plate may be changed to a specific duty, to the same committee.

By Mr. BURROWS: The petition of citizens of Kalamazoo, Michigan, for a pension to Mrs. Mary Petrie, widow of George C. Petrie, late private Seventeenth Michigan Volunteers, to the Committee on Invalid Pensions.

By Mr. BUTLER, of Tennessee: The petition of George W. Huntsman, of Hawkins County, Tennessee, for relief, to the Committee on Invalid Pensions.

By Mr. CHAFFEE: The remonstrance of miners of Colorado, against further extension of time to make improvements on mines under the provisions of the law of May 10, 1872, to the Committee on Mines and Mining.

Also, the petition of citizens of Colorado, for an additional land district in Southwestern Colorado, to the Committee on the Public Lands.

By Mr. CROOKE: The petition of citizens of Brooklyn, New York, for the removal of obstructions at Hell Gate, to the Committee on Commerce.

By Mr. DONNAN: Petitions of Thomas A. Killen and 181 others, of Monona, Clayton County, Iowa; of 52 citizens of McGregor, Iowa; of 50 citizens of Buena Vista, Iowa; of 56 citizens of Luana, Iowa; of 59 citizens of Wagner, Iowa; of 48 citizens of Village Creek, Iowa; and of 113 citizens of Allamakee County, Iowa, for appropriations to complete the improvement of the Fox and Wisconsin Rivers, to the same committee.

By Mr. DUNNELL: The petition of George H. Ruth and 406 others, citizens of Minnesota, of similar import, to the same committee.

By Mr. FARWELL: Resolutions of the Board of Trade of Chicago, protesting against further inflation and debasement of the currency, to the Committee on Banking and Currency.

Also, the remonstrance of the Chicago Clearing-House, of similar import, to the same committee.

By Mr. FORT: The petition of citizens of Livingston County, Illinois, for the substitution of legal-tender Treasury notes interconvertible with Government bonds for the circulating notes of the national banks, to the Committee on Banking and Currency.

By Mr. GARFIELD: The memorial of 100 coal-dealers of the city of New York, expressing approbation of, and concurrence in, the views of A. B. Mullett, Supervising Architect, relative to the eight-hour law, to the Committee on Public Buildings and Grounds.

By Mr. HARRIS, of Georgia: The memorial of the Medical Association of Georgia, in relation to the Army Medical Corps, to the Committee on Military Affairs.

By Mr. HARRIS, of Virginia: The petition of 54 citizens of Louisa County, Virginia, protesting against the imposition of a duty on tea and coffee and any increase in the internal taxes, and asking the repeal of the second section of the act of June 6, 1872, which reduced by 10 per cent. certain duties, to the Committee on Ways and Means.

Also, the petition of 44 citizens of Augusta County, Virginia, of similar import, to the same committee.

By Mr. HAWLEY, of Connecticut: The petition of Henry C. Higgins and others, of Cheshire, Connecticut, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

Also, the petition of L. S. Mason and others, of New Hartford, Connecticut, of similar import, to the same committee.

By Mr. HYDE: The petition of the Home Guards of Putnam County, Missouri, to be granted discharges and pensions, to the Committee on Military Affairs.

By Mr. LAMAR: The petition of citizens of Hinds and Rankin Counties, Mississippi, members of Capitol Grange, Patrons of Husbandry, that the cotton tax for 1865, 1866, 1867, and 1868 be refunded, to the Committee on Ways and Means.

By Mr. MCKEE: The petition of citizens of Hinds and Rankin Counties, Mississippi, members of Capitol Grange, Patrons of Husbandry, for the refunding of the cotton tax, to the Committee on Ways and Means.

Also, the petition of 1,240 citizens of Mississippi, of similar import, to the same committee.

By Mr. MELLISH: The petition of Charles Pratt & Co., of New York City, that the name of the steam-propeller Charles R. Stone be changed to Astral, to the Committee on Commerce.

Also, the petition of Charles Kress and 72 others, of New York City, in favor of the passage of a bill establishing increased rate of invalid pensions after July 1, 1874, to the Committee on Invalid Pensions.

By Mr. MOORE: Several petitions of citizens of Lawrence County, Pennsylvania, that a pension be granted to Colonel Charles W. Deven, to the Committee on Invalid Pensions.

Also, a letter of Dr. William Clendenin, in relation to the claim for pension of Samuel D. Falls, of New Castle, Pennsylvania, to the same committee.

Also, the petition of Finley Patterson, to be compensated for the erection of the capitol buildings in the Territory of Kansas, to the Committee on Claims.

By Mr. MOREY: The petition of James B. Sullivan, of Louisiana, to be compensated for cotton taken for military purposes on Red River, to the Committee on War Claims.

By Mr. PARSONS: The petition of the widow and heirs of Joseph W. Briggs, deceased, late special agent of the Post-Office Department, for relief, to the Committee on Claims.

By Mr. PLATT, of Virginia: The petition of W. A. Gordon, of

Norfolk, Virginia, for the payment of the French spoliation claims, to the Committee on Foreign Affairs.

Also, the memorial of the College of William and Mary, in Virginia, for aid in restoration of its losses in 1776 and during the late civil war, to the Committee on Education and Labor.

Also, the petition of Daniel Maloney, of Norfolk, Virginia, for relief, to the Committee on Claims.

By Mr. RAINEY: The petition of Charles Anna, for a pension, to the Committee on Invalid Pensions.

By Mr. RAPIER: A paper relating to the establishment of a post-route in Alabama, to the Committee on the Post-Office and Post-Roads.

By Mr. RICHMOND: The petition of L. S. Beers and others, of Wheatland, Pennsylvania, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. ROBBINS: The petition of citizens of North Carolina, for a post-route from Statesville to Eupeptic Springs, with a post-office at the latter place, to the Committee on the Post-Office and Post-Roads.

By Mr. SAYLER, of Ohio: The petition of William R. Brown, of Metropolis, Illinois, for relief, to the Committee on Claims.

By Mr. WHEELER: Numerous petitions of citizens of the State of New York, for the substitution of specific for *ad valorem* duties on tin plates, to the Committee on Ways and Means.

By Mr. WHITELEY: The petition of Alvin D. Gale, of Georgia, to be compensated for three thousand pounds of sugar taken for the use of the United States Army, to the Committee on War Claims.

Also, the memorial of the Medical Association of Georgia, in relation to the Army Medical Corps, to the Committee on Military Affairs.

By Mr. WILSON, of Indiana: The petition of citizens of Indiana, in relation to the prepayment of postage on newspapers, periodicals, &c., to the Committee on the Post-Office and Post-Roads.

Also, the petition of citizens of New York, Boston, and elsewhere, for the substitution of specific for *ad valorem* duties on tin plates, to the Committee on Ways and Means.

By Mr. WOODFORD: The petition of David E. Carpenter, late lieutenant Company D, First New York Volunteers, to be placed on the pension-rolls, to the Committee on Invalid Pensions.

Also, the petition of F. W. Millhouse, and 36 others, for the passage of the bill (H. R. No. 1179) granting increased pension to disabled soldiers, to the same committee.

IN SENATE.

TUESDAY, *April* 14, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. FENTON. I present the memorial of the Union League Club of the city of New York in the form of resolutions, in which they disapprove of the further inflation of the currency as a violation of all the rules of finance and as contrary to the pledges of Congress to the people of the nation. I move its reference to the Committee on Finance.

The motion was agreed to.

Mr. FLANAGAN presented the petition of C. D. Anderson, of Texas, praying for the removal of his political disabilities; which was referred to the Committee on the Judiciary.

Mr. STEVENSON presented the petition and accompanying documents of David R. Haggart, late colonel Fifth Kentucky Infantry, in support of his claim for pay as an officer of the Army during the late rebellion from the 1st of October, 1861, to March 31, 1862; which were referred to the Committee on Military Affairs.

Mr. PEASE. I present a petition of a large number of citizens of Mississippi, asking the Congress of the United States to refund the tax collected on cotton by the Federal Government during the years 1865, 1866, 1867, and 1868. I desire that the petition be read, and that it be referred to the Committee on Claims.

The PRESIDENT *pro tempore*. The rule requires that a Senator shall make a brief statement of the contents of a petition presented by him. It will be referred to the Committee on Claims, as a matter of course.

Mr. PEASE. I suppose I have sufficiently stated the object of the claim. I ask its reference to the Committee on Claims.

The PRESIDENT *pro tempore*. The petition will be so referred.

Mr. FRELINGHUYSEN presented a petition of citizens of Nebraska, praying for the repeal of the law authorizing grants of public lands for city and town sites; which was referred to the Committee on Public Lands.

WITHDRAWAL OF PAPERS.

Mr. FERRY, of Michigan. I ask for an order for the withdrawal of the papers in the case of Isaac W. Ingersoll and Joseph Granger. There has been an adverse report.

The PRESIDENT *pro tempore*. Is it for the purpose of reference to another committee?

Mr. FERRY, of Michigan. To be referred in the other House.

The PRESIDENT *pro tempore*. The order will be entered, copies being retained.

REPORTS OF COMMITTEES.

Mr. FERRY, of Michigan, from the Committee on Finance, to whom was referred the bill (H. R. No. 2090) for the relief of Jacob Harding, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. MORRILL, of Vermont, from the Committee on Finance, to whom was referred the bill (S. No. 312) to establish an assay office at Helena, in the Territory of Montana, reported it with an amendment.

Mr. HITCHCOCK, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 575) giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad, and to regulate its construction and operation, reported it without amendment.

Mr. SCOTT. The Committee on Finance instruct me to report back the bill (S. No. 393) to amend an act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 3, 1864, with an amendment in the nature of a substitute. The title of this bill does not give an accurate index of its purpose. It is to provide for proceedings against insolvent banks and banks that have gone into liquidation.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. SCOTT. I am instructed by the same committee to report back the amendment of the House of Representatives to the bill (S. No. 350) providing for the payment of the bonds of the Louisville and Portland Canal Company, and to recommend concurrence in the substitute adopted by the House, with several amendments. It is accompanied with a written report, which I ask to have printed.

The PRESIDENT *pro tempore*. The report will be printed, and the bill go upon the Calendar.

Mr. KELLY, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 2416) to authorize the Secretary of War to ascertain the amount of expenses incurred by the States of Oregon and California in the suppression of Indian hostilities in the years 1872 and 1873, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 2698) for the relief of Joseph C. Breckinridge, for services in the Army of the United States, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 481) for the relief of Thomas Weeks, of Plymouth, Wisconsin, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 1771) for the relief of Rice M. Brown, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred a memorial of the Legislative Assembly of Montana Territory, asking protection to the citizens of Deer Lodge and Missoula Counties against the depredations of roving bands of Indians, asked to be discharged from its further consideration, and that it be referred to the Secretary of War for his consideration; which was agreed to.

Mr. FRELINGHUYSEN. I am instructed by the Committee on the Judiciary, to whom was referred the bill (S. No. 1) supplementary to an act entitled "An act to protect all citizens of the United States in their civil rights and to furnish the means for their vindication," passed April 9, 1866, to report it with an amendment, with a recommendation from the majority of the committee that the bill pass.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

JAMES B. BETTS.

Mr. BAYARD. The Committee on Finance, to whom was referred the bill (S. No. 326) for the delivery to James B. Betts, receiver, of certain bonds now in the Treasury of the United States of America, have instructed me to report it back with an amendment; and I ask for its present consideration if there be no objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It instructs the Secretary of the Treasury to deliver up to James B. Betts, receiver of the president, directors, and company of the State Bank of Charleston, South Carolina, the following coupon bonds now in the Treasury of the United States: Bonds numbered 812, 821, 836, and 837, each for the sum of $1,000, issued by the State of South Carolina in aid of the Blue Ridge Railroad Company, signed by R. F. W. Allston, governor, and T. I. Pickens, comptroller-general, under an act of the General Assembly of that State, ratified on the 21st day of December, 1854, which were the property of the president, directors, and company of the State Bank, to be administered by Betts as he may be directed by the proper court in South Carolina, under which he holds the appointment of receiver.

The amendment of the Committee on Finance was to insert as an additional section the following:

And the Secretary of the Treasury is hereby directed, out of any money in the Treasury not otherwise appropriated, to pay unto the said James B. Betts, receiver of the State Bank of Charleston, South Carolina, the sum of $479, that being the amount heretofore collected by the Secretary of the Treasury from the said State upon coupons attached to said bonds.

The amendment was agreed to.

The bill was reported to the Senate as amended; and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM ROOD.

Mr. KELLY. I am instructed by the Committee on Military Affairs, to whom was referred the bill (H. R. No. 1220) for the relief of William Rood, late private of the Thirty-sixth Regiment of Wisconsin Volunteers, to report the same back without amendment; and I ask for the present consideration of the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which is a direction to the Adjutant-General of the Army to remove the charge of desertion from the name of William Rood, late private Company E, Thirty-sixth Regiment of Wisconsin Volunteers, in view of his death while in service; and a provision that the father of William Rood shall be allowed and paid the pay and benefits and advantages due him, in the same manner and to the same extent as if the charge of desertion had never been made, and application therefor had been filed before the 30th of January, 1873.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. SPENCER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 695) granting a pension to Sue Bradley Johnson, widow of General G. L. Johnson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SPENCER (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 696) referring to the Court of Claims for adjudication and determination a claim for the past and future use of an invention and letters-patent thereon now in general use by the Post-Office Department in the postal service of the United States; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. DORSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 697) to incorporate the Washington City and Atlantic Coast Railroad Company; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 698) to establish a national railroad bureau and for the general government of railroads; which was read twice by its title, referred to the Select Committee on Transportation Routes to the Sea-board, and ordered to be printed.

Mr. INGALLS. The Secretary of the Interior has transmitted to the Committee on Indian Affairs a bill to regulate bids for goods, supplies, and transportation on account of the Indian service. I ask leave to introduce this bill, and that it may be read, and, with the accompanying communication, referred to the Committee on Indian Affairs.

By unanimous consent leave was granted to introduce a bill (S. No. 699) to regulate bids for goods, supplies, and transportation on account of the Indian service; which was read twice by its title, and, with the accompanying communication, referred to the Committee on Indian Affairs.

Mr. FRELINGHUYSEN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 700) for the relief of Robert Love; which was read twice by its title, and referred to the Committee on Pensions.

MENNONITE SETTLERS ON PUBLIC LANDS.

Mr. WINDOM. I ask consent to call up the bill (S. No. 655) to enable the Mennonites from Russia to effect permanent settlement on the public lands of the United States.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, the question being on the amendment reported by the Committee on Public Lands to strike out all after the enacting clause, and in lieu thereof insert:

That whenever a body of such persons, being heads of families or single persons over twenty-one years of age, shall, through a duly constituted and accredited agent, file with the Secretary of the Interior an application for permission to locate a portion of the public lands of the United States, accompanying such application with a list of the persons composing such body and the quantity desired by each, the Secretary may authorize such location to be made in any land district of the United States by giving such agent the proper certificate in writing, under seal of his office, stating that such application has been filed, and reciting the number of persons so applying and the number of acres which they may include in their claim, and location to be made as hereinafter provided.

SEC. 2. That upon presentation of the certificate aforesaid to the register of any land district such agent as aforesaid shall be permitted to locate in a compact body any tract of unappropriated public land not mineral, and not exceeding the amount of one hundred and sixty acres, held at the minimum price, or eighty acres held at the double-minimum price, for each person composing such body of individuals named in the said petition and application: *Provided*, That no prior right of any person under existing laws shall be prejudiced by this act.

SEC. 3. That such location shall be made by filing with the register a declaratory statement, describing the lands by sectional subdivision, township, and range, and the payment to the receiver of fees at the rate of one dollar, each, to the register and receiver for each one hundred and sixty acres embraced in the application, to be accounted for as other fees and allowances, and subject to the restrictions under existing laws as to maximum compensation of those officers. And upon receipt of such fees, the receiver shall issue his receipt therefor, setting forth the fact of such declaratory statement having been filed, giving the number of the same, and the description of the land, and acknowledging the said payment of the fees as aforesaid; which receipt shall be delivered to such agent, and shall be his voucher for the filing of the declaratory statement and payment of the fees aforesaid.

SEC. 4. That the register shall forward to the General Land Office, as a portion of his monthly returns, a duly certified abstract of the declaratory statement, in the same manner as similar returns are rendered in pre-emption cases, to be entered upon the books of the General Land Office.

SEC. 5. That any person named in the application and petition on file with the Secretary of the Interior, or, if he be dead, his legal representatives, shall have the exclusive right of entry for the period of two years from the date of filing as aforesaid, under the laws of the United States existing at the date of entry, of a tract of land embraced in said declaratory statement, not exceeding the quantity named in the original application and petition, as the amount desired by such person, and in no case exceeding one hundred and sixty acres of minimum or eighty acres of double-minimum lands.

SEC. 6. That all questions of priority arising between actual settlers shall be adjusted under existing rules.

SEC. 7. That at the expiration of the period of two years, as aforesaid, all lands not entered by the parties entitled under the foregoing provisions shall be subject to the entry of any other person under the laws applicable to the same as other public lands of the United States.

SEC. 8. That the aggregate of lands held under declaratory statements, as aforesaid, shall not, at any one time, exceed five hundred thousand acres, nor shall any one filing embrace more than one hundred thousand acres.

SEC. 9. That the Commissioner of the General Land Office shall have power to make all needful rules and regulations to carry into effect the provisions of this act.

Mr. WINDOM. I will make a very brief statement in reference to this bill. It has received the unanimous indorsement of the Committee on Public Lands, who have given to it careful consideration. Its object is to enable some forty or fifty thousand people, known as Mennonites, and who now reside in Southern Russia, in the neighborhood of the Black Sea and the Sea of Azof, to take possession of certain public lands for settlement. Those people are farmers; industrious, intelligent, and in every respect the class of people most desired in this country. They were originally Germans who went to Russia at the instance of Catherine II, who offered to them certain inducements to settle upon and improve the lands of that country.

The reason why it is necessary to pass some such bill as this is that those people are unable to sell their lands at once on account of a provision made by the government of Russia which at the time was supposed to be for their benefit, namely, that their lands should never be sold to any one but members of their own sect. It operated very advantageously while they desired to stay, as Russians could not settle among them, and their community was entirely separate from that in which they then resided. But now that they desire to remove to this country, it operates very disadvantageously. Of course, if the whole amount of their land is thrown into the market at once, it will be impossible for them to realize its value. Their purpose is to come here in small bodies as fast as they can make sales of portions of their lands, and the desire is to send over agents representing these bodies who will appear before the Secretary of the Interior, state the number and names of the persons who will compose the body about to emigrate, and receive from the Secretary a certificate that an application has been made for public lands for a given number of persons. That certificate, when taken to the local land office, will enable them to make selections of not more than one hundred thousand acres of land in a body at any one time, to be reserved for them two years in order to enable them to make their arrangements to come and take possession of it.

I think it is utterly impossible for us to procure this valuable accession to our population unless we make some such provision as this. The Canadian government is extremely anxious to obtain these settlers, and has offered them very great advantages if they will take lands in the western part of the Dominion, in Manitoba. I will read, if the Senate please, the offer made by the Canadian government:

DEPARTMENT OF AGRICULTURE, OTTAWA, *July* 23, 1873.

GENTLEMEN: I have the honor, under instruction of the minister of agriculture, to state to you, in reply to your letter of this day's date, the following facts relating to advantages offered to settlers, and to the immunities afforded to Mennonites, which are established by the statute law of Canada and by order of his excellency the governor general, in council, for the information of German Mennonites having intention to emigrate to Canada via Hamburg.

First. An entire exemption from military service is by law and order in council granted to the denonination of Christians called Mennonites.

Second. An order in council was passed on the 3d of March last to reserve eight townships in the province of Manitoba for free grants, on the condition of settlement, as provided in the Dominion land act, that is to say:

"Any person who is the head of a family, or has attained the age of twenty-one years, shall be entitled to be entered for one-quarter section or a less quantity of unappropriated Dominion lands, for the purpose of securing a homestead right in respect thereof."

Third. The said reserve of eight townships is for the exclusive use of the Mennonites, and the said free grants of one-quarter of a section, to consist of one hundred and sixty acres each, as fixed by the act.

Fourth. Should the Mennonite settlement extend beyond the eight townships set aside by the order in council of March 3 last, other townships will be in the same way reserved to meet the full requirements of the Mennonite emigration.

Fifth. If next spring the Mennonite settlers, in viewing the eight townships set aside for their use, should prefer to exchange them for any other unoccupied townships, such exchange will be allowed.

Sixth. In addition to the free grant of a quarter-section of land, or one hundred and sixty acres, to every person over twenty-one years of age, on the condition of settlement, the right to purchase the remaining three-quarters of the section at one dollar per acre is granted by law, so as to complete the whole section of six hundred and forty acres, which is the largest quantity of land the government will grant a patent for to one person.

Seventh. The settler will receive a patent for a free grant after three years' residence, in accordance with the terms of the Dominion land act.

Eighth. In the event of the death of the settler the lawful heirs can claim the patent for the free grant, upon proof that settlement duties for three years have been performed.

Ninth. From the moment of occupation the settlement acquires a "homestead right" in the land.

Tenth. The fullest privilege of exercising their religious principles is by law afforded to the Mennonites without any kind of molestation or restriction whatever, and the same privilege extends to the education of their children in schools.

Eleventh. The privilege of "affirming," instead of making "affidavits," is afforded by law.

Twelfth. The government of Canada will undertake to furnish the passenger warrants from Hamburg to Fort Garry for Mennonite families of good character.

for the sum of thirty dollars per adult person over the age of eight years; for persons under eight years, half price, or fifteen dollars, and for infants under one year, three dollars.

Thirteenth. The minister specially authorizes me to state that this arrangement as to price shall not be changed for the seasons 1874, 1875, and 1876.

Fourteenth. I am further to state that if it is changed thereafter the price shall not, up to the year 1882, exceed forty dollars for adults, and children in proportion, subject to the approval of Parliament.

Fifteenth. The immigrants will be provided with provisions on the portion of the journey between Liverpool and Collingwood, but during other portions of the journey they are to find their own provisions.

I have the honor to be, gentlemen, your obedient servant,

J. N. LOWE,
Secretary of Department of Agriculture.

The Senate will have observed by the reading of this that the inducements offered by Canada are very much greater than these people ask to be offered by this country. They may take six hundred and forty acres in Canada at the rate of one dollar per acre for three-fourths of it and take as a homestead the other one-fourth. All they ask of this country is that they may have the opportunity of making the selection of lands; that they may be withheld for them for two years in order that they may send over their agents to build their houses and prepare the farms, so that when the bulk of the body arrive they may find their homes all ready for their occupation. They prefer our country, and unless we choose to drive away forty thousand of the very best farmers of Russia who are now competing with us in the markets of the world with some ten million bushels of their wheat, if we choose to say that Russia shall raise that wheat or that Canada shall provide it instead of our own country, we can simply reject the proffer of these people, and they probably will not become our citizens. I deem it of the utmost importance that this bill should pass.

I will say one word more, Mr. President. It is not the intention of these people to come in one body and take possession of large tracts of land, as has been supposed. They pursue different avocations at home. Some of them are farmers; some of them are wool-growers; others are engaged in manufactures and the various pursuits which make a rich and prosperous community. It is possible that the farmers will go to the Northwest; that the wheat-raisers will find in Minnesota or Dakota or Nebraska, or that region of country, the best place for their pursuits, while the wool-growers will probably go farther South, and so throughout the country they will be distributed in small bodies in what I deem an entirely unobjectionable manner.

I will not take up the time of the Senate further in this connection.

Mr. EDMUNDS. Mr. President, this is certainly a very important bill. I do not think that American history has furnished a precedent for a bill of this character. I do not believe that it ever occurred to the founders of this Government, or to those who have administered it heretofore, that the highest public policy—by which I mean the best progress of the Republic—would tolerate a species of legislation of this character, either for Mormon or Shaker or Baptist or Episcopalian, or any religious or political sect or band of people whatever. To me it is a question entirely independent of what these people may think, or what any other community of people may think, upon any religious or political or social topic. It is the question which, as I believe, is fundamental to successful republicanism, that of a homogeneous unity of the whole body of the citizens of a State divided into political parties, divided into sects, divided into social grades, if you please, but all in the body of the community living as friends and neighbors among each other, and not separated by any territorial or other distinctions from each other; so that when you look at the party in his character as a citizen and as a resident, you are not to look in Vermont for the Congregationalist, and in New York for the Episcopalian, and in Indiana for the Baptist, and in Oregon for another sect; you are not to look in New England for the republican in the political and the party sense, and in the West and in the South for the democrat in the political and the party sense; but if you are to have a prosperous republic you must look everywhere in the whole boundaries of the nation to find everywhere every shade of political and religious opinion which citizens may entertain, which shall not interfere with the places where they reside or the standing or position they are to have in the communities among whom they may be located.

I believe, sir, that human experience demonstrates that it is impossible that a republican Government shall be successful, that it shall live, if it be based upon any other principle than that I have named. Why, sir, what kind of a country should we be if distinctions prevailed such as this bill proposes to set up, of locating men of special religious or special political or social ideas exclusively in one place and another exclusively in another, and so on? Suppose it were by States, then you would have a representation here which would be absolutely fatal, in my humble opinion, to that successful administration and legislation respecting affairs which shall look to the common interests of all citizens, and which, because they are commingled in every respect, are common to all, and only because so, rather than looking to the exclusive and single interests of one State to do one thing and another State to do another, and so on.

Suppose, Mr. President, that all the blacksmiths were located in New England; of course I am not speaking of the physical inconvenience of having them all there; but I will not carry on the illustration of the blacksmiths because, of course, that is absurd, as anybody would see. Suppose, however, all the manufacturers of woolen cloths were to be by law allowed and required in effect, or from their own notion they had banded together so firmly that they all wanted to be and we were willing they should be in one part of the country, and all the manufacturers of steel and iron were located in another State, and so on all around. Would you, Mr. President, have a republic of a combination of separate elements in that way that could legislate to the just interests of them all? It is obvious that you could not; it would be totally impossible. The only way in which you can separate people under any circumstances that I know of, and have a republican government go on properly, is to separate them according to the individual inclination and wish of each man. Let him cast his lot among citizens under equal laws giving equal rights everywhere, not only to locations in the public lands, but every other right that belongs to the citizen in his character as such. In that way, and in that way only, in my judgment, can you have that homogeneous unity which is made up, it is true, of individual diversities in society, but which when looked at largely is a compact whole, not of one sect, not of one politics, not of one calling, not of one industry, but of every sect, every calling, every industry, every shade of political opinion, where being intermingled in that way they learn to respect the opinions of others, and harmonize their own with them, and to be, as we know in our own happy country it is generally, a compact and personally independent state of society where everything goes on smoothly.

My friend from Minnesota, I have no doubt, believes that this is a wise bill. I have no doubt that he believes this step, in derogation of what I believe to be the first principle of republican government, is so small a one, is so incidental, so merely, as he would call it, a drop in the bucket of political prosperity, that it is not worth while to make any fuss about it; but I feel that, with his philosophic and historical attainments and with his sound patriotism, he would say that if this were a precedent to be followed, to become general, so that we were bound by this precedent to give to others of any sect of religion, of any calling in life, of any character of politics, a separate right to compact themselves as an exclusive community in a Territory or on the public lands in a State—he would say at once, "No; it is fundamentally wrong that there should be allowed by law the right of any sect or body of people to separate themselves from the rest of the community and to have the exclusive privilege to build up within the State and within the Union a state of society which excludes in effect, and excludes by law so far as the right of the citizen to settle there goes, every other citizen of the Republic from intermingling in their society." It is too much like the Indian reservations, which are exceptional, however, for the reason that they are savages and are not capable, as is supposed, of immediate civilization. But if we were to civilize the Indians, if we were to set up, as has been proposed, an Indian territorial government in one part of the country, who would think of declaring that the Indians alone should have the exclusive right of populating and cultivating and developing the territory which should be assigned to them; and that they should continue to grow on and spread in the Republic as a separate people by themselves, at the same time taking part in the government which is to operate upon every citizen, East, West, North, and South alike?

No, Mr. President; in my judgment it is a fatal step, a fatal step to the prosperity of any republic that is founded upon the theory that ours is, to take this first instance of opening a vast body of public lands to the exclusive proprietorship of any sect of Christians, or of any political party, or of any people of a particular social standing, or of any race, or of any other condition except that broad and open one which holds out the lands of the Government to every citizen alike upon his making the entry, conforming to the law, and paying the price. In that way you build up States and republics in the unsettled parts of the Union that when built up contain all the elements not only of true social progress and true brotherhood with their neighbors, but also all the elements that will make forever more, if they are lived up to, a stable and prosperous republic. Otherwise you cannot do it.

However tempting, therefore, Mr. President, this opportunity to get fifty thousand workers and wheat-raisers and wool-growers, who may reside in Russia now, to come to this country, however great the bargain may be in the amount of products they would raise for us and sell—although I do not greatly see the force of that—yet I say we should not be tempted by any temporary or pecuniary advantage to depart from what I believe to be, as I have said, a fundamental principle in the progress and in the security of our republican government. Let us have no exclusions; let us know no boundaries; let us be a nation and a people where every man everywhere stands on an equality with his fellow-man, where there are no boundaries like Chinese walls to separate one sect or one opinion of politics or one calling from another; but an equal citizenship and an equal freedom.

For these reasons, Mr. President, it appears to me that we ought not to pass this bill. It ought to be said also in connection with the bill itself that I cannot perceive that there is any limitation upon the quantity of land in the aggregate which is to be given to these people. There is no limitation or obligation in respect to their occupying and improving these lands after they are entered. For aught I can see, although I know it is not so intended, these people having entered these lands and become the proprietors of them, might hold them fifty years for speculation if they liked, to sell them out afterward. Of course that can be corrected if it be so; but I think that is the present condition of the bill. I may be mistaken——

Mr. WINDOM. On that point I think the Senator is mistaken, because the bill provides that they shall take them under the existing

land laws of the United States, which would require them either to pay for them or take them as homesteads after five years' settlement.

Mr. EDMUNDS. I understand that perfectly well. The seventh section makes the provision that they may enter them. They do so, paying for them at a certain price named. Very well. Suppose I, forming a grand land company, should go into a Western State and buy ten million acres of land in one compact body, presuming now that the law would allow me to do it, and I, and my heirs, and my and their associates hold it in order to speculate; what is to become of the State where we should make such a location? Would not every citizen curse us, and justly? It would just stop the prosperity of the State. Now, if these people are to be authorized by this act to make the entry and pay for the lands at $1.25 an acre, or whatever the price may be, and are not then required within any reasonable time to occupy, settle upon, and improve the lands, but are authorized still to live in Russia and to hold these lands as an investment, then I say that is a wrong policy. But as I stated, I did not rise to consider the details of the bill, but only to enter my humble protest, as one Senator responsible for the security of this Republic, against the principle upon which the bill is founded.

Mr. CLAYTON. If I understand the provisions of this bill, it provides for setting aside an amount of public lands equal to five hundred thousand acres; I believe that is the extreme limit.

Mr. EDMUNDS. I do not see any limit.

Mr. CLAYTON. The worst feature of the bill, according to my opinion, is that I see no assurance that these fifty thousand people who are allowed to settle in one compact body will ever become citizens of the United States. If I am correct in that, we open by this bill the way to the establishment of a vast colony of fifty thousand people who may owe allegiance as long as they occupy these lands to some foreign potentate. If that is so, it seems to me it would not be in harmony with the general principles of our Government. If I understand those general principles, our theory requires all the States in this Union to be acting under one particular form of government, republican, and harmonizing with each other. It seems to me it would be a very bad thing indeed to establish a colony so large as this of people who might owe allegiance to some other government than their own.

Mr. PRATT. Will my friend from Arkansas allow me to interrupt him?

Mr. CLAYTON. Yes, sir.

Mr. PRATT. There is no such feature in the bill as the Senator supposes. These persons are to enter the lands in conformity with the existing laws of the United States. They must declare their intention to become citizens of the United States before they are allowed to enter a foot of the public lands.

Mr. CLAYTON. But I understand these lands are to be set aside for them, without their making their appearance even upon the territory of the United States.

Mr. WINDOM. Only for two years.

Mr. CLAYTON. Are they then to be under the provisions of the general homestead law and the pre-emption laws of the Government?

Mr. WINDOM. When they take possession of them they may enter them under the existing land laws of the United States. They may pre-empt them if the pre-emption law be in existence, or take them as homesteads after five years' settlement, or they may enter them and pay $1.25 an acre for them; but the reservation is only for two years, and unless they are taken within two years from the time of the notice they are subject to settlement by any other person.

Mr. CLAYTON. Do I understand from the Senator from Minnesota, then, that this bill is not subject to the criticism I have raised?

Mr. WINDOM. I think it is not.

Mr. CLAYTON The Senator thinks these persons must become citizens of the United States in order to enter and occupy these lands?

Mr. WINDOM. The bill provides that they "shall have the exclusive right of entry for the period of two years from the date of filing as aforesaid, under the laws of the United States existing at the date of entry;" and no one can enter or enjoy the benefit of the homestead and pre-emption laws, without becoming a citizen of the United States.

Mr. CLAYTON. If that is so, it seems to me that under our system of Government we ought not to depart from the general rule which we make applicable to all people. We have certain advantages here of our own. We are not selfish in those advantages. We are willing that persons from abroad may come here, and by becoming citizens of this country share with us in those advantages. That applies to Germans and to men of all other nationalities. It does not seem to me that we ought in this particular case to depart from that general rule. I am as glad as any one can be to see this country settled by immigrants who come here attracted by our peculiar institutions and our peculiar advantages; but I think it would be a bad precedent to establish to offer to these people before they come here advantages that are not offered to others. I may be mistaken; but from the hasty investigation I have given to this bill it appears to me to be subject to that objection.

Mr. HAMLIN. Mr. President, I have a very kindly feeling toward the object sought to be accomplished by this bill, and should be very glad to vote for it, and hope I may be able to do so; but I think it requires some amendment. I think it ought to be amended in some particulars. If I am right in my construction of the second section of the bill I think it ought to be amended. It says:

That upon presentation of the certificate aforesaid to the register of any land district, such agent as aforesaid shall be permitted to locate, in a compact body, any tract of unappropriated public land not mineral and not exceeding the amount of one hundred and sixty acres held at the minimum price, or eighty acres held at the double-minimum price, for each person composing such body of individuals named in the said petition and application.

That applies to males and females, to the youth and to the adult. Does the Senator from Minnesota mean so to include them?

Mr. WINDOM. If the Senator will read the first section, I think he will find that his construction is wrong. The first section provides:

That whenever a body of such persons, being heads of families or single persons over twenty-one years of age, shall, through a duly constituted and accredited agent, file with the Secretary of the Interior an application for permission to locate a portion of the public lands of the United States, accompanying such application with a list of the persons composing such body and the quantity desired by each.

As I understand it—and it was drawn at the Land Office with a view to conform to our land laws—the second section refers to the persons mentioned in the first.

Mr. CONKLING. Undoubtedly.

Mr. HAMLIN. Then I ask the Senator from Minnesota if this body of individuals shall locate their lands and shall not become citizens of the United States, what is the provision of existing law which prevents their holding them without being naturalized?

Mr. WINDOM. They are to take them, as I have said once before, under the laws of the United States existing at the date of entry.

Mr. HAMLIN. I understand that.

Mr. WINDOM. And those laws require a declaration of intention to become citizens.

Mr. HAMLIN. It requires no more than a simple declaration.

Mr. WINDOM. We require of them precisely what we do of every other foreigner.

Mr. HAMLIN. This bill allows them to set aside large quantities of territory and permits a large body of a particular sect to hold land with no provision that they shall at any time become citizens of the United States; is not that its effect?

Mr. WINDOM. I have no objection to an amendment that shall require them to become citizens before perfecting title, though I do not think it is necessary.

Mr. HAMLIN. I prefer that the Senator should amend his own bill. I call his attention to that defect, as I think it is, and I am sure it ought to be so guarded that they shall at some time be required to become citizens of the United States if you allow them to settle in a compact body and cover a large extent of country.

Mr. WINDOM. I wish to make a single remark in answer to the impression which seems to have been made by the Senator from Vermont [Mr. EDMUNDS] and to have been followed somewhat by the Senator from Maine, [Mr. HAMLIN,] to the effect that we propose to introduce very large bodies of foreigners into some portions of our States in compact settlements, and that we propose to give them some special privileges, religious or political, and that the bill contemplates some sort of exemption from duties which are incumbent upon every American citizen. There is no such thing in the bill. In the first place its provisions are "that the aggregate of lands held under declaratory statements, as aforesaid, shall not, at any one time, exceed five hundred thousand acres, nor shall any one filing embrace more than one hundred thousand acres." That is the eighth section. The body of men provided for in the first section cannot file for more than one hundred thousand acres in any one place. I appeal to the Senate if that is a very dangerous body of men to introduce into this great Republic? One hundred thousand acres of land will accommodate sixty-two families, and that is all that can be taken in any one compact body. I do think that this nation is strong enough to resist successfully any evils that may be introduced into our community by the settlement of sixty-two families of Mennonites in our midst.

Mr. CARPENTER, (Mr. ANTHONY in the chair.) I wish to ask the Senator if there is anything in this bill after one body of men have selected five hundred thousand acres to prevent another body of men selecting another five hundred thousand acres as near the first as they can find the land? In other words, may not a dozen of these associations be formed in one county under the bill if the Secretary of the Interior chooses to allow it?

Mr. WINDOM. There never can be more than five hundred thousand acres at any one time in the whole country.

The aggregate of lands held under declaratory statements as aforesaid shall not at any one time exceed five hundred thousand acres.

Mr. CARPENTER. Would not that be to one body of men?

Mr. WINDOM. No; the declaratory statement of one body of men cannot exceed one hundred thousand, the aggregate five hundred thousand.

Mr. EDMUNDS. At any one time.

Mr. WINDOM. I wish to say to the Senator that the whole body of these people, as we understood their numbers, will occupy eventually about five million acres of public lands, but at no one time can more than five hundred thousand acres be held, and if the whole five hundred thousand shall be applied for and all the families that can occupy it shall come and settle upon it, there will be three hundred and ten families who have no special privileges, no exemptions from

military duty, or any other exemptions from the duties of an American citizen.

I cannot conceive that there is any danger in this. There is absolutely nothing in this bill except authority for these people to come and make selections of land in order to enable them to send over their sons or members of their families before the main body comes, in order to take possession of those lands, build houses upon their quarter-sections, and prepare for the bulk of the body when they can get rid of their lands at home and be able to come here and take possession. When they come they are under all the laws that govern American citizens, and subject to every duty, as I have two or three times said, that belongs to an American citizen.

Mr. FERRY, of Connecticut. I rise to ask the Senator from Minnesota a question. I ask him whether a foreigner who has only declared his intention to become a citizen of the United States, in case of our country being engaged in war, can be drafted into the military service of the United States; whether he is not still, notwithstanding such declaration of intention, a subject of the foreign power, and entitled to call for its protection if we endeavor to make him the subject of a draft?

Mr. WINDOM. I must say to the Senator from Connecticut that I am unable to answer that question. Perhaps some other Senator can answer it.

Mr. FERRY, of Connecticut. My own opinion is that a foreigner in that condition is not the subject of draft; that he is still entitled to the protection of the power from whose country he has emigrated to this country.

Mr. CAMERON. If the Senator will allow me, I think I can answer his question in this way: These people will owe allegiance to no country. They have been directed by the Emperor of Russia to leave his country in a certain number of years unless they think proper to remain there and give up their own nationality. If they become Russianized, learn the Russian language, adopt the Russian Church, they can remain there and occupy their property.

Mr. FERRY, of Connecticut. Mr. President, the real point in this bill has not been touched. The Mennonites' difficulty with the Russian government consists simply in this: They, in their religious tenets, are opposed to war, and refuse to enter the military service of a great military power. They desire to emigrate somewhere where they will be free from the obligation of defending by physical force the nationality of which they are members, and this bill is so drawn that the Mennonites who come to this country under it may take up these lands and hold them indefinitely, without ever becoming citizens of the United States, and therefore without ever becoming liable to compulsory military service if the Government of the United States should be compelled to call upon them in time of war, as I understand the bill.

Mr. CONKLING. Will the Senator allow me to ask him one question there? Is it not true that one of the stipulations made by Catherine with these Germans originally, was an exemption from military duty, so that they have, without regard to their religious tenets, a much more substantial objection than the one the Senator has assigned to complying with the military requisitions of Russia?

Mr. FERRY, of Connecticut. The information which I have on the subject is simply derived from the public press and from encyclopedical statements regarding the Mennonites; and that information has led me to believe, and has been to the effect, that at the present time the Russian government demands of them military service.

Mr. CONKLING. So I understand.

Mr. FERRY, of Connecticut. And on account of that demand they desire to leave the Russian territory and find a country where they will not be required to perform military service.

Mr. CONKLING. The Senator's information is exactly like mine as far as he has gone; but my information, taking the narration up at that point, is that they ground their refusal to perform military service for Russia upon the allegation that one of the stipulations precedent upon which they left their own countries and settled upon the shores of the Black Sea was exemption from military service along with a stipulation that they would never part with their lands except to each other or their successors.

Mr. FERRY, of Connecticut. Very likely the stipulation may have been in the original arrangement by which they immigrated to the shores of the Black Sea; but the fact to-day remains that they desire to leave Russian territory because the Russian government calls upon them to perform military service.

When this matter first came before the Senate I objected to the mode in which it was then sought to be disposed of because of this information which had reached me, and I am of opinion that we never ought to establish the precedent of admitting colonies from abroad within our territory with a direct or indirect provision in the law admitting them by which they should be exempted from the defense of our common country. And as this bill is so drawn that they may take up these lands, may hold them and own them, and still remain in law the subjects of a foreign power and not liable to be drawn into the military service of the United States in time of war, I cannot vote for this bill until in that respect it be amended; and if it is amended in that respect, and if the Senator from Minnesota inserts a provision in it that before their title to these lands shall become perfect they shall become naturalized citizens of the United States, no Mennonite will come to our shores.

Mr. STEWART. I should like to do something for these Mennonites, and I think it may be done in a much less objectionable form than the amendment reported by the committee. The first section is very well, to have a small quantity of land withdrawn for the purpose of allowing them or almost any other settlers to locate upon it for a limited period of time; but the second, third, and fourth sections, and most of the fifth section, and the sixth section, and a part of the seventh and eighth sections are unnecessary, with a little proviso that I propose to add. I propose to substitute for the whole amendment, and I call the attention of the friends of the bill to my proposition and I think they will see that this covers all they desire, what I will read:

That whenever a body of such persons, being heads of families or single persons over twenty-one years of age, shall, through a duly constituted and accredited agent, file with the Secretary of the Interior an application for permission to locate a portion of the public lands of the United States, accompanying such application with a list of the person or persons composing such body, and the quantity desired by each, the Secretary may authorize such location to be made in any land district of the United States, by giving such agent the proper certificate in writing, under seal of his office, stating that such application has been filed, and reciting the number of persons so applying and the number of acres which they may include in their claim.

I would strike out the rest of the first section and all down to the fifth section and go on—

That any person named in the application and petition on file with the Secretary of the Interior shall have the exclusive right of entry for the period of two years from the date of filing, as aforesaid, on complying with the laws of the United States existing at the date of entry.

I would strike out the rest of that section and the sixth section, and then go to the seventh:

That at the expiration of the period of two years, as aforesaid, all lands not entered by the parties entitled under the foregoing provisions shall be subject to the entry of any other person under the laws applicable to the same as other public lands of the United States.

Then the eighth section:

That no one filing shall embrace more than one township of thirty-six sections.

Thirty-six sections would be one hundred and forty-four quarter-sections; that would provide for one hundred and forty-four families in a township of six miles square.

Nor shall a new filing be made until the lands of the former filing shall be exhausted. And the Commissioner of the General Land Office shall have the power to make all needful rules and regulations to carry into effect the provisions of this act.

That would reduce the bill to this proposition: if a community of these people desired to come here, an agent might precede them and select a township of land, which would make room for one hundred and forty-four families, and that would be held for them for the period of two years, during which they might come and apply. That would be a sufficiently large community; and when they got that township they could take another, and so on. I see no harm in their taking as many townships as they could occupy in that way. I would not let them take another township until they had settled one township. I believe that would relieve the bill of a great many of its objectionable features. Of course to get the land they have to enter as in other cases. The only effect would be to enable an agent to come before them and have a township of land set apart. When they settled up that township they might take another, and so on.

Then I would allow any men, whether Mennonites, Irish, Germans, or others, if they had a number of settlers sufficient to fill a township, to name their people and have a year to settle the township. I do not think that would be a hardship.

There is no use in making a limit of five hundred thousand acres, because if they should want more than five hundred thousand acres to settle on in that way, I would not object. If they only have a township together, they will not be so exclusive but that they will have the influences of the American people around them.

Mr. CAMERON. I think, Mr. President, if Senators knew these people as I do, in place of making objections to their coming here, they would give them all the facilities they could possibly desire. We have a very large number of these people in Pennsylvania. They are among the best of our citizens. They are nearly all farmers. Their farms are the most highly cultivated of all our lands in Pennsylvania, and I think our lands are as well cultivated as any that I have seen in any part of the world. These people came to Pennsylvania about 1724 or 1725, and the proprietor, one of the Penns, authorized them to select lands just where they pleased, in any quantities they thought proper, and he charged them one shilling an acre and no more. They have increased and multiplied. They went to Lancaster County first, and now a number of them are in almost every county of the State, especially where there is good land. They have a fancy for the limestone valleys, and wherever there is a fine limestone country, there have the descendants of the early Mennonites gone. They are among our best citizens. They never interfere with anybody; they pay their debts; and they take care of their own poor. In time of war, whenever they are called upon, they pay such taxes as the Government asks of them; they go into the hospitals and become nurses; and during the rebellion a great many of the young people went out and bore arms for the country. Not one refused to send a substitute, or if the Government preferred taking a thousand dollars to getting a substitute, frequently they paid a thousand dollars for that purpose. They made no complaint; they were all loyal and faithful to the Government. So entirely are they believed to be

honest that they can borrow money anywhere without any security. They are a thrifty, laborious, saving people. Now they are cultivating a school system. There is not a township in the counties in which they reside but has got a large number of school-houses of the best kind, with all the advantages which science has furnished to those who now build school-houses. They are hospitable. You cannot go to their houses without receiving a portion of what they have, and they never charge anybody for the entertainment which they furnish. I do not believe there is a better class of people in the world than are the German Mennonites.

In the early settlement of our country the settlements were made everywhere by colonies. In the lower part of Northampton County, Pennsylvania, the Scotch-Irish Presbyterians settled; in Chester County the Quakers went; and in Lancaster County the Mennonites. On the other side of the Susquehanna River the whole country was settled by Scotch and Irish. Everywhere the early settlers came in colonies, and everywhere they were well received. It is natural that these Mennonites should desire to come with their own people. They do not care about any particular form of this law. What they want principally is that they may have two years to select their lands in, and they desire that because the gentlemen who have come here desire to go home and tell their people what they have seen, to relate to them the advantages of our country, and induce them to leave the location where they are.

The Emperor of Russia, as it is said, regrets very much that he is compelled to part with them. He does so because his nobles are not willing that any set of people should be in the country who are not willing to become Russianized. They desire them to adopt the Russian tongue and become members of the Greek Church. I do not think, if the Emperor Alexander were at liberty to use his own individual judgment, he would permit them to go at all. He would certainly find great advantage in keeping them where they are settled now. There are seven or eight colonies in the neighborhood of the Black Sea, or perhaps nearer to the Sea of Azof. They cultivate, some of them, wheat; many of them are herdsmen; some are shepherds; and all of them thrifty and prosperous. About forty thousand now are willing to come. The number there is much larger than that. They do not intend all to settle in the same place. A large number of them have already purchased land, or made arrangements for purchasing land, in Minnesota, some in Dakota, and others desire to go to Iowa, Nebraska, Kansas, and the Indian country. I am sure that wherever they go they will be a blessing to the neighborhoods in which they think proper to settle.

Mr. STEWART. I will offer my amendment now as a substitute for the amendment of the Committee on Public Lands.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The amendment will be read.

The CHIEF CLERK. The amendment is to strike out all after the word "that," in the first line of the reported amendment, and to insert the following:

That whenever a body of such persons, being heads of families or single persons over twenty-one years of age, shall, through a duly constituted and accredited agent, file with the Secretary of the Interior an application for permission to locate a portion of the public lands of the United States, accompanying such application with a list of the persons composing such body and the quantity desired by each, the Secretary may authorize such location to be made in any land district of the United States, by giving such agent the proper certificate in writing, under seal of his office, stating that such application has been filed, and reciting the number of persons so applying and the number of acres which they may include in their claim.

SEC. 2. That any person named in the application and petition on file with the Secretary of the Interior shall have the exclusive right of entry for the period of two years from the date of filing, as aforesaid, on complying with the laws of the United States at the date of entry.

SEC. 3. That at the expiration of the period of two years, as aforesaid, all lands not entered by the parties entitled under the foregoing provisions shall be subject to the entry of any other person under the laws applicable to the same as other public lands of the United States.

SEC. 4. That no one filing shall embrace more than one township of thirty-six sections; nor shall a new filing be made until the lands of the former filing shall be exhausted.

SEC. 5. That the Commissioner of the General Land Office shall have power to make all needful rules and regulations to carry into effect the provisions of this act.

Mr. SCOTT. Mr. President, I have not examined the details of this bill for the purpose of ascertaining whether there is anything in it in conflict with our general public policy relating to the public lands; but I deem it due to the class of persons intended to be benefited by its passage to add my concurrence in what my colleague has said as to their general character.

Under the various names of Mennonites, Tunkers, and "Ahmische," there are many of them living in that portion of Pennsylvania in which I reside; and I can with truth say that for thrift, industry, economy, integrity, and good morals, they are not exceeded by any other class of the population in that or any other State of this Union. They are not either, as is sometimes asserted, a laggard people in substantial improvement, for within recent years many of them have exhibited a spirit of enterprise and a desire for the intellectual advancement of their people as great as that of almost any other religious denomination. I have in my mind's eye now two representative men among the Mennonites in Pennsylvania, whom I do not deem it any impropriety to name, one of them Shem Zook, of Mifflin County, a man of very considerable literary culture, who has written a history of that branch of the denomination to which he belongs; another, Isaac Kaufman, of Somerset County, a man of great wealth, who has given his time, his influence, and his money to the advancement of the building of railroads and other public improvements in the portion of the State in which he lives. There are many such men among them. They are encouraging newspapers, and establishing institutions of learning.

If there be any class of people, Mr. President, whom we should encourage to come to our shores by any legislation in consonance with our general policy in reference to the public lands, it cannot be extended in any direction with more advantage to our public interests than by encouraging the Mennonites to settle among us, and a properly guarded bill for that purpose shall have my cordial support.

Mr. CARPENTER. The morning hour having expired, and it being evident that this bill cannot be passed without further debate, I move to postpone its further consideration, and that the Senate proceed to thec onsideration of the bill providing for an election in the State of Louisiana.

Mr. STEWART. Before that is done, I should like to have an order made to print the amendment which I offered.

The PRESIDING OFFICER. The order to print will be made.

Mr. WINDOM. I hope we shall act upon this bill to-day. We are as well prepared to vote now as we ever shall be. Let a decision one way or the other be made. It seems to me the Louisiana case, having waited for four months, can wait for an hour longer.

Mr. CARPENTER. In reply to the suggestion of my friend from Minnesota, I will say to him that I think, strictly speaking, his bill fell with the morning hour, but it has gone twenty minutes over the morning hour without interruption. I gave notice yesterday that I should make this motion to-day. The Senator from New Jersey has the floor upon the Louisiana bill, and I understand is prepared to address the Senate, and I hope the Senate will take up the bill.

Mr. WINDOM. I am willing to submit the question of taking it up to a vote of the Senate.

Mr. CAMERON. I wish just to say a word more. The gentlemen who are agents for these people are here now. They desire to go home soon and make preparations for bringing out some of their people this year. I saw their bishop the other day, Mr. Johnson, a remarkably intelligent man. He desired above all things that we should act promptly upon the matter, for he wanted to give notice to some of their people who think of going to Manitoba. I think we can dispose of it in a very few minutes. I am sure they do not care about the machinery of the bill; they will take almost any sort of a bill which allows them two years' time to close out their present land; that is all they care about. I do not wish to say anything more.

The PRESIDING OFFICER. The question is, Shall the pending and all prior orders be postponed to proceed to the consideration of the bill indicated by the Senator from Wisconsin?

The question being put, a division was called for, which resulted—ayes 31, noes 12.

Mr. WINDOM. I give notice that I will try to call up this bill again to-morrow morning, if it goes over now.

Mr. SHERMAN. I should like to have the yeas and nays. I do not wish to prevent any Senator making a speech on the Louisiana case if he desires to do so. If the simple object is to take up the bill to enable Senators to speak upon it, I have no objection; but if the desire is to take up this bill for final action, I should like to have a vote by yeas and nays.

The PRESIDING OFFICER. The Chair understood the Senator from Wisconsin to ask to have it taken up to enable the Senator from New Jersey to address the Senate upon it.

Mr. EDMUNDS. It is entirely within the control of the Senate to lay it on the table at any moment.

Mr. CARPENTER. As far as I have any will about the matter, it is to proceed with this bill as any other business bill until it be disposed of in a proper way. If Senators choose to refer it to a committee, so be it; if they choose to vote for it without reference, let that be so; but I want it distinctly understood that I am not interjecting this bill here as a mere foot-ball in the Senate, as a mere opportunity for debate as in a lyceum. This bill is business, so far as I am concerned.

Mr. SHERMAN. I will withdraw the call for the yeas and nays and let the debate go on, giving notice that at the proper time I will move to lay it on the table.

The PRESIDING OFFICER. The call for the yeas and nays is withdrawn, and the Louisiana bill is before the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 994) to establish the Bismarck land district in the Territory of Dakota;

A bill (H. R. No. 1215) to revise and consolidate the statutes of the United States in force on the 1st day of December, A. D. 1873;

A bill (H. R. No. 2425) to provide for the free exchange of newspapers between publishers, and for the free transmission of newspapers by mail within the county where published;

A bill (H. R. No. 2899) revising and embodying all the laws authorizing post-roads in force on the 1st day of December, 1873; and

A bill (H. R. No. 2979) abolishing the office of appraiser of im-

ported merchandise, appointed under the act of July 14, 1870, and acts amendatory thereof, at certain places.

The message also announced that the House had passed the bill (S. No. 191) to amend the act entitled "An act relating to the enrollment and license of certain vessels."

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. E. BABCOCK, his Secretary, announced that the President had this day approved and signed the following acts:

An act (S. No. 42) granting a pension to Caleb A. Lamb, late a musician in Company E, Forty-sixth Regiment Indiana Volunteers; and

An act (S. No. 449) granting a pension to Mrs. Amy A. Hough.

STATE OF LOUISIANA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 446) to restore the rights of the State of Louisiana.

Mr. FRELINGHUYSEN. Mr. President, having rather incidentally than by deliberate purpose taken some subordinate part in the discussion of this question when it was before the Senate on a former occasion, I propose now to submit concisely my views on two propositions: First, that the President of the United States was authorized by the Constitution, standing alone, and that he was also authorized by the statutes of the country, to send armed protection to Louisiana; and second, that Congress is not authorized to order a new election in that State.

And I may here say that while I cannot agree with the conclusions of the Senator from Wisconsin, [Mr. CARPENTER,] I trust I do not violate delicacy in stating that I admire the marked ability with which he has presented his views. He has so presented the case that he may properly demand and not petition for it a serious and careful consideration. It is to the labors of that Senator and of the Senator from Indiana [Mr. MORTON] that we and the country are indebted for an understanding of this somewhat complicated subject.

I submit that the President was authorized by the Constitution, standing alone and not enforced by any statute, to send the protection he did to Louisiana. Mr. Kellogg was the governor *de facto* of that State. The President told us that he had so recognized him, and that he would continue so to do unless Congress directed to the contrary, and we purposely did nothing. Kellogg was therefore governor *de facto*, recognized by the President and by the silent acquiescence of Congress; and on the 13th of May, 1873, he sent the President this communication:

SIR: Domestic violence existing in several parishes of this State which the State authorities are unable to suppress without great expense and danger of bloodshed, and the Legislature not being in session, and it being impossible to convene the Legislature in time to meet the emergency, I respectfully make application, under the fourth section of article 4 of the Constitution of the United States, for a sufficient military force of the United States Government to enable the State authorities to suppress insurrection and domestic violence.

Very respectfully, your obedient servant,

WILLIAM P. KELLOGG,
Governor of Louisiana.

To his Excellency U. S. GRANT,
President of the United States.

If the President was satisfied that domestic violence existed, on being called upon by the governor for a force to suppress it he was bound under the provisions of the Constitution to do so whether there was or was not any statute imposing that duty upon him. That disorder existed in that State cannot be questioned, because the preamble of the bill introduced for a new election truly declares in these words:

Whereas the public peace in said State is at present preserved and can only be preserved during the existing state of things in said State at the expense of the United States and by retaining a part of the army in said State.

That the demand upon the President was made according to the constitutional requirements (whether in compliance with the statutes or not) cannot be questioned, after reading the foregoing application.

Sir, the Constitution carefully distributes the powers of government into three branches, the legislative, judicial, and executive. Article 1, section 8, declares the powers of Congress in eighteen different clauses. Article 3, section 1, declares that the judicial power shall be vested in one Supreme Court and in such inferior courts as Congress may ordain and establish; and article 2, section 1, declares that the executive power shall be vested in the President of the United States. This distribution of power is essential to republican liberty. The aggrandizement of all power in one body, whether it consists of many individuals or of a unit, is despotism. The question is, to which of these three divisions of government the duty under the Constitution attaches to protect a State from domestic violence? The Constitution says that it is "the United States" that is to give this protection. We are here told that saying the "United States" shall give the protection is equivalent to saying that Congress shall give it. To that I cannot agree. If the Constitution had intended that Congress, as contradistinguished from the executive or judiciary, should give this protection, it would have enumerated this power among those conferred upon Congress in the eighth section of the first article. In that enumeration of the powers of Congress it is provided that Congress may suppress insurrection and repel invasion; but a general insurrection is a very different thing from domestic violence in a State. That term includes insurrection, but it comprehends much more that does not amount to insurrection. Neither can it be claimed that this power is given to Congress by the last clause of the eighth section of the first article, which says Congress shall have power "to make all laws necessary and proper to carry into execution the foregoing powers," because this protection against domestic violence is not a foregoing power, not being mentioned until we come to the fourth section of the sixth article, while this provision as to making all laws, &c., is found in the eighth section of the first article; and besides, where the question is whether the President's power is restricted to the execution of a statute, rather than to the execution of the Constitution, it does not settle anything to say that Congress may make laws when necessary and proper. That is the very question. When not necessary they need not, and when not proper they may not, pass the law. I say that Congress need not pass a law to give authority to the President to afford this protection; not that they may not.

The term "United States" includes all three of the divisions of the Government, and that division of the Government is to act to which the duty appropriately belongs. If a State should pass a law tending to create an aristocracy, as that a State judgeship should be hereditary, then it would be the province of the judiciary to fulfill the guarantee and to declare such law void. In that case the judicial power is "the United States." If all law and all form of government in a State has been destroyed by a rebellion, so that it is necessary to have a new organization of government, then it is the legislative power that must fulfill this guarantee by setting up new governments, and then Congress is the United States. And here is where Andrew Johnson violated his duty and departed from his proper and legitimate powers, by undertaking as the Executive to exercise legislative functions. If there exist domestic violence, disorder, and obstruction to the laws, then it is the province of the Executive on being called upon to fulfill the guarantee of the Constitution and the Executive is "the United States."

Mr. President, this provision of the Constitution contemplates a sudden emergency, when violence has subjected and trampled down the law, and when, without waiting for the Legislature, the governor is to call upon the President for protection. Every other year Congress is for nine months not in session, and when in session the introduction of a bill, its reference to a committee, its report upon it, its being three times read and thus passing each House, and then to be subjected to the approval of the President, is a process inconsistent with the demands of the emergency as contemplated by the Constitution. I know Congress may delegate some of its powers; but when the duty is such that Congress cannot perform and that the Executive must, and the power is omitted in enumeration of the powers of Congress, and the power is carefully stated to belong not to Congress but to the United States, then we are to infer that the Constitution intended to confer the power on the Executive, and not that the duty was to be performed either by the President, or by any one else, by virtue of a delegation of power from Congress.

Again, the President of the United States is by the Constitution invested with all the power necessary to perform this duty. He is, by article 2, section 2, made the Commander-in-Chief of the Army and Navy; and then the Constitution, having given him this power, expressly declares "that the President shall take care that the laws be faithfully executed," and requires him to swear "that he will faithfully execute the office of President." There has never been any act passed requiring him to perform this constitutional duty. The Constitution need not be enacted into law to be enforced. It is itself the highest law. There might or there might not be an act of Congress authorizing the President to repel invasion; that is merely accidental. His duty is the same. If a fleet should come up the Potomac, is the President to stand like a cowardly dotard, with the Army and Navy at his control, until the White House is in ashes and the Capitol in ruins, waiting for a declaration of war by Congress, or authority to act from them? The Constitution has made him the custodian of the nation, the protector of its laws; it has given him the means to execute his high office, and he must perform it.

We claimed that the Rio Grande was the western boundary of Texas. Mexico disputed it; and President Polk sent General Taylor there in 1845 to protect our interests, and war existed for months before it was declared by Congress.

We obtained possession of Louisiana in 1803; of Florida in 1819; and there were frequent occasions when the President sent our fleet to guard the disputed territory between the Mississippi River and the Perdido.

It is true that it is the laws of the United States, and not of the States, that the President, under the Constitution, is to see are faithfully executed; but under our system of government the laws of the United States and the laws of the States are in their execution so inseparably interwoven and interlaced that it is impossible that the former can be executed and enforced in a State where anarchy exists; and consequently, under the provision that the President is to see the laws of the United States faithfully executed, he must see to it that anarchy does not exist in the State.

I do not see that we have on this question anything to do with the propriety of Durell's decisions. The President is intrusted with the Army, not to enforce any man's views or opinions; he is intrusted with the duty of enforcing the laws; he enforces the writ which speaks in the name of the United States, and is tested by the Chief Justice and must be obeyed. To hold the President responsible for unjust decisions because he insists that the process of the United

States shall be respected, would be to hold that he must sit in judgment to approve or disapprove the findings of the Federal courts, and would be a commingling of the executive with the judicial functions of greater absurdity, perhaps, than the merging of the powers of Congress with those of the Chief Magistrate as insisted on in this case.

I then submit, Mr. President, that protection from "domestic violence" under the fourth section of the fourth article appeals to the arm, the force, of the nation in an emergency, and is an appeal to the President, because the executive power is vested in him and it is executive power that is required; and because he is Commander-in-Chief of the Army and Navy, he is bound to see the laws faithfully executed; and because it is the United States and not "Congress" that guarantees against "domestic violence." Congress cannot take that power from the President. It is his. Congress may regulate it, may say he shall or shall not use the militia, he shall or shall not use the Army or the Navy; it may take from him all means of performing his constitutional duty, but when he has the means he must perform it.

I do not dispute that Congress may also execute this guarantee. There is, under the Constitution, a mixture as well as a division of powers. The President acts legislatively when he approves or vetoes a bill; the Senate acts judicially in impeachments; the House of Representatives acts as an inquest in its presentation of an impeachment; and the Senate shares the executive power in the matter of appointments and treaties; but the President in his sphere is as independent of Congress as Congress is of him. He may nominate, and with the advice of the Senate appoint, to office; he may convene Congress, and under certain circumstances may adjourn it; he may receive public ministers; he may make treaties, subject to ratification by the Senate; he must see to it that the laws are executed, and he must fulfill the guarantees of the Constitution when that duty appropriately belongs to him.

These powers cannot be taken from him.

Congress has sometimes attempted to encroach upon these powers. It tried to limit the pardoning power, but the Supreme Court sustained the President. In the case known as *Ex parte* Garland, found in 4 Wallace, 380, the court says:

> Congress can neither limit the effect of *his* pardon, nor exclude from its exercise any class of offenders. The benign prerogative of mercy cannot be fettered by any legislative restriction.

And again in 13 Wallace, 128, in a case arising under what is known as Drake's amendment, the court hold a similar doctrine. The House of Representatives, in 1796, attempted to limit the President's power to make treaties, and by a resolution declared that where a treaty depended for the execution of any of its stipulations on an act of Congress, it was the right of the House to deliberate on the expediency or inexpediency of carrying such treaty into effect. The case in question was a treaty with Great Britain.

Washington, in a message of March 30, 1796, denies such power; and Kent (volume 1, page 286) says: "The House of Representatives is not above the law, and has no dispensing power. The argument in favor of the conclusive efficacy of every treaty made by the President and Senate is so clear and palpable as to carry conviction throughout the community." We must be careful, if we intend to preserve this government, how the legislative branch, which is by far the most powerful, encroaches on the executive or on the judiciary.

Governor Kellogg was right in making his application for aid to rest on the Constitution rather than upon any statute.

But I submit that it is perfectly clear that the President was by statute also authorized to afford this protection. The statute of 1795 authorizes the President to use the militia in case of an insurrection in any State against the government thereof on the application of the governor or Legislature.

The act of 1807 substitutes the Army for the militia, and goes further than the act of 1795, and authorizes the President to use the Army not only in cases of "insurrection," but in cases of "obstruction of the laws either of the United States or of any individual State." This certainly was a case of obstruction of the laws of an individual State. I have that confidence in the legal judgment of the Senator from Wisconsin, that I am induced to believe that he will agree with me that the statute of 1807 applies directly to this case. My friend interrupts me, and truly says that the statute of 1807 contains a provision that the President is to use the Army where the militia could be used.

Mr. CARPENTER. Under the then existing law.

Mr. FRELINGHUYSEN. On the construction of the statute of 1807 we join issue; and as that issue is determined the President, so far as he acted under the statutes, was right or was wrong. My friend would strike out of the statute of 1807 the words "in case of obstruction of the laws of the United States or of any individual State." He would limit and nullify those words, because the act further says that he was to use the Army where it was lawful for him to call forth the militia to suppress an insurrection.

In construing a law we must, if we can, give effect to every part of it. I submit that those words, "where it is lawful for the President of the United States to call forth the militia," do not in any way limit or restrict the power given to the President to prevent the obstruction of the laws of a State, but have an entirely different office. They mean this: The statute of 1795 had declared that the President might use the militia where he was called upon by the Legislature or the governor of a State to suppress an insurrection. The statute of 1807 provides that he may use the Army to suppress an insurrection or to prevent the obstruction to the laws of the United States or of any State where he could have used the militia, which is where he is called upon to prevent such obstruction to the laws by the Legislature or by the governor of a State. There is in the act of 1807 no provision excepting this reference back to the act of 1795 requiring the using of the Army to prevent an obstruction to the laws to depend on the President being called upon by the governor or Legislature for the aid of the Army. Let me read the two acts, and I do not see that there can be any difference between us as to their construction. The first act is in these words:

> *In case of an insurrection* in any State against the government thereof it shall be lawful for the President of the United States *(on application of the Legislature* of such State, *or of the executive*, when the Legislature cannot be convened) to call forth such number of the militia of any other State or States as may be applied for as he may judge sufficient to suppress such *insurrection*.

The act of 1807 is as follows:

> In all cases of insurrection or obstruction to the laws, *either* of the United States or of any individual State or Territory, *where* it is lawful for the President of the United States to call forth the militia for the purpose of suppressing such insurrection or of causing the *laws to be duly executed*, it shall be lawful for him to employ, for the same purposes, such part of the land or naval force of the United States as shall be judged necessary, having first observed all the prerequisites of the law in that respect.

Mr. CARPENTER. Will my friend allow me to put a question at that point?

Mr. FRELINGHUYSEN. Certainly.

Mr. CARPENTER. We entirely agree that under the act of 1807 the President cannot use the Army or Navy except in cases where by the former law he could use the militia. I understand that to be the Senator's view.

Mr. FRELINGHUYSEN. Not at all.

Mr. CARPENTER. I am speaking simply of the statute, not of the Constitution, now.

Mr. FRELINGHUYSEN. Not by the statute. I hold that under the act of 1807 the President may use the Army and Navy in a case of insurrection, and——

Mr. CARPENTER. Where he could not have used the militia before?

Mr. FRELINGHUYSEN. No.

Mr. CARPENTER. Then I understand the Senator, as I did before, to concede that under the act of 1807 the President is only authorized to use the Army and Navy in that class of cases where by the statute of 1795 he might have used the militia.

Mr. FRELINGHUYSEN. No; we differ again. My position is that he can only use the Army and Navy where under the act of 1795 he could use the militia to suppress an insurrection, but under the act of 1807 he may use the Army and Navy in other cases than to suppress insurrection; he may use them where there is an obstruction to the laws of an individual State.

Mr. CARPENTER. I now understand the Senator's position. That was all I wanted to do.

Mr. FRELINGHUYSEN. I think it would be contrary to all rules of construction to hold that you are to strike out those words "in case of obstruction to the laws of the United States or any individual State," and give them no significance.

Mr. CARPENTER. Does not my friend do the same thing with the words "in cases where by law he is authorized to use the militia?" I take that to be a description of the case in which the President is authorized to use the Army and Navy. It must be a case where prior to the act of 1807 he could have used the militia. Then under the act of 1807 he may have used the Army and Navy instead of the militia. Then go back to the former law to see where he may use the militia in a State; and it must be a case of insurrection in a State against the government thereof.

Mr. FRELINGHUYSEN. No, Mr. President; the significance of those words "where he could use the militia" is this: where he is called upon by the governor or the Legislature, as is provided in the act of 1795 in reference to the militia. It will be observed that there is in the act of 1807 no other provision requiring the use of the Army and Navy to depend upon the call to be made by the governor or Legislature. We thus give effect and force to every word of the act of 1807. By giving the construction to the statute of 1807 which my friend insists on, we strike out the words "in cases of obstruction to the laws of the United States or of any individual State," and also leave the act without any provision whatever making a call by the governor or the Legislature a necessary precedent to the use of the Army and Navy. The President was authorized by the Constitution standing alone, and was authorized by the statutes, to give the protection he did to Louisiana.

Now let me consider the second proposition, namely, that the United States is not authorized to order a new election in Louisiana. The Constitution provides that the United States shall guarantee to each State government peace, tranquillity, freedom from anarchy, and disorder; second, its guarantee is that each State shall have a government in form republican; that it shall not be in its frame-work an aristocracy, where authority is vested in a privileged order; that it shall not be a democracy, where the people in person exercise the sovereign power; the government shall not be a despotism, where the

absolute power is exercised by a man or men without constitutional restraint; but that the government shall be in form republican, where the supreme power is intrusted to representatives elected by the people.

The Constitution says—and whether right or wrong we are controlled by it, and it is beyond all argument—that we are only to guarantee a republican form of government with order and tranquillity; and when we insist that full and accurate significance shall be given to the word "form" as it occurs in this provision of the Constitution we are not sticking in the bark, we are not superficial, but we are going to the very root of the matter. We are claiming that the Federal Government only has to do with the form, leaving the substance, the administration of the form of government, to the people of the States. Those who would ignore this word "form" from the restricted grant of power given by the States under the constitutional compact to the Federal Government would usurp the very substance to the Federal Government, and leave only the "form" or shell of republican government to the States.

The Senator from Wisconsin submitted this well-considered sentence to the Senate:

If I am right in saying that it is the vital element of republican government that its rulers are chosen by the people, it follows that the present government of Louisiana, lacking this, is not a republican government.

I do not object to his definition. Republican government is one the vital element of which is that rulers are elected by the people. Ten years ago a majority of the people of Louisiana had no voice in electing the rulers. Was it a republican government? I do not say that it was. It certainly was not, under the definition stated. But as Congress had no right except over the form of government, it was never claimed that under the guarantee clause of the Constitution Congress could give the right to vote to the disfranchised majority of the people of that State. It required an amendment to the Constitution before that could be effected.

This word "form" is not a matter of chance as it occurs in this Constitution. The people of the Southern States, when they entered into this compact, knowing that large portions of their populations were disfranchised, and not intending that they should have a voice in the election of rulers, would never have agreed to insert in the Constitution that the Federal Government should see to it that their State governments should not only be republican in form, but also should see to it that the rulers were elected by the people. They stipulated that all the people should be considered and counted in the apportionment of representation, but not so in the election of rulers. If we turn to the history of this word "form" in the Constitution we find that it was carefully selected. I read from volume 2 of the Madison Papers. On the 29th of May, 1787, this resolution was introduced by Edmund Randolph as part of the plan for the Constitution, page 734:

Resolved, That a republican government—

Using the words the Senator from Wisconsin insists on—

ought to be guaranteed by the United States to each State.

That resolution came up again on the 18th of July, when this change took place, (page 1139:)

Resolved, That a republican constitution—

A very different thing; now it is being changed to a matter of governmental frame-work—

Resolved, That a republican constitution ought to be guaranteed to each State by the United States.

On the same day Mr. Randolph (on page 1140) caught the idea and changed his proposition in this wise:

Resolved, That no State be at liberty to form any other than a republican government.

This is a guarantee against despotism, against aristocracy, against democracy. That was considered awhile, and eventually Mr. Wilson moved that which was finally adopted, no one dissenting:

Resolved, That a republican form of government shall be guaranteed to each State

It is the very substance of republican government that we give them order, tranquillity, peace, government; and we see to it that it is republican in form, and that we leave it to them to regulate their own affairs.

My friend may ask whether I am content that the people of Louisiana shall be the victims of fraud, and that their rulers shall be elected by chicanery. No, Mr. President; I am not content. I am not content that republican government does not exist in Turkey or in Russia; but we have no power to give those nations republican governments. We have more power, it is true, over the States than we have over those kingdoms, but we have no more power over the States than is granted to us in the Constitution, which is to give them government, and that republican in form. We regret to see men waste their estates and destroy their health in dissipation; but the value of individual freedom prevents such legislative restraints as might prevent the evils. Better have individual freedom with the evils than destroy it by chafing restraints. So better let the State election be free with the evils than impose restraints and supervisions that impair the freedom of the State.

Mr. CARPENTER. I want not to answer the Senator, but simply to ask him a question, as he did me the other day, so that I may distinctly understand him. Does he maintain that in case the three branches of government in Louisiana to-day, that is the men holding those three branches of government, shall collude together, the court to decide all questions in favor of the other two, the other departments to administer everything in their common interest, to keep themselves in power under the present existing republican constitution of that State during their natural lives, and they should do so for fifteen years, would Congress have any power to interfere, the form—that is the constitution—being conceded to be republican?

Mr. FRELINGHUYSEN. That is not a case before us.

Mr. CARPENTER. It is two years before us.

Mr. FRELINGHUYSEN. I think I will show the case supposed is not before us at any time. It is difficult to solve questions put in this manner out of the order of debate; but my answer is: That if after repeated trials in a State, where we have performed our duty of giving them order and government, and of seeing to it that it is republican in form, it should turn out that the people were so depraved, ignorant, and degraded, so unfit for the blessings of republican government, that they abused all their privileges, I suppose it would then be incumbent upon us to fulfill that guarantee of the Constitution *pro tanto*, to fulfill it just as far as we could, and to give them government, even if it was under a military commission. But, sir, we will never be called upon to resort to that extreme measure, unless the extreme case which my friend has supposed, of the executive, legislative, judicial branches of government, and the people themselves, all combining in one dire conspiracy to destroy themselves.

Mr. CARPENTER. Let me correct my friend as to the effect of my question. My question meant this: Where the judges of the supreme court, the members of the Legislature and the executive department, the governor and the other officers, should combine among themselves to hold the people under their government, and the people should be of course resisting that, and the government should apply to the President to sustain it, and the President should interfere, and then the question should be presented to us whether, after that thing had continued for ten years, and they had avowed their purpose of continuing for life, we should have any power whatever to interfere? The particular case is only put to test the Senator's argument of the distinction between our guaranteeing a republican government and what he calls a republican form of government.

Mr. FRELINGHUYSEN. I think I have answered that question. I say that we are bound to carry out the guarantee of the Constitution. If the people are so entirely unfit for a republican government, we must still give them government, even if it is a military commission. But no such state of things will exist. You can suppose a condition of things which will prove that any government is inefficient and unfit for the purposes for which it is inaugurated.

Mr. President, if the Federal Government can, in the exercise of its arbitrary discretion—a discretion from which there is no appeal, and to which there is no review, not even by the people, for we are not responsible to the people of Louisiana for the votes given here—if the Federal Government can, in the exercise of this arbitrary power, set aside the election of governors and Legislatures of the States, then there is an end of the independent government of the States. I submit that the procedure here contemplated is without precedent in the General Government, and without analogy in any of the State governments.

As a matter of necessity, deliberative assemblies must be the judges of the qualifications of their own members. We judge of the qualifications of Senators, and the House of those of Representatives. But further than this necessity extends was it ever heard of that an election of a State officer, a governor, a State treasurer, a comptroller, was set aside by a political body? An election is never set aside even by the judiciary. It is submitted to a dispassionate and impartial tribunal of justice, not to set aside an election, but to determine whether the claimant was ever elected.

Order a new election in Louisiana, and you have established a precedent that must impair elective government. Excited parties enter upon a strongly contested election; the one party is in harmony with the dominant party in Congress, (perhaps a Senator is to be elected by the Legislature;) that party seeks by violence and fraud to obtain success, and when it fails comes to Congress and makes that very fraud and violence the pretense for covering their defeat and for having the election set aside, and for having a second trial with the adverse party who were successful damaged and disgraced by having their victory set aside. No, sir; better far let the States suffer for their own misdeeds, even the innocent with the guilty; their suffering will lead them to cure the evil. Admonished by the evil results of a vicious election, in the calm periods that intervene between elections all parties will unite in devising and adopting safeguards to secure honest elections. Registry laws, poll-lists, proper places for the polls, police regulations, and severely penal statutes will be adopted as the means of preventing the repetition of the evil. We had better adhere to the Constitution and do what it says, which is that we shall guarantee to the several States government; which we did with Louisiana when we sent our troops there preserving order and tranquillity; and that we shall guarantee to them a republican form of government; which we did when we approved the constitution of Louisiana under which form that government is now carried on.

If there are frauds in elections or usurpations in office, let the remedy be found in the courts of the States or by means of impeachment,

or by the frequently recurring popular elections. But let us adopt the theory that we are under the guarantee clause of the Constitution to interfere with States further than to secure to them order and tranquillity and a republican form of government, and that we are to see to it that the proper persons are in power, still I insist that Congress is not to order a new election in Louisiana. If Congress is to interfere, and there is one whom we know has been duly elected, and who under the constitution of Louisiana is entitled to the office of governor, Congress surely is not to interfere by ordering a new election, but by placing the one entitled to the office by election and by the Louisiana constitution in power.

This election contest between Kellogg and McEnery was on November 4, 1872. On that day Warmoth was unquestionably the duly elected governor of Louisiana. We are called upon to order an election because no one has since been declared duly elected. But that is just the case which the constitution of Louisiana, as approved by us, provides for when in the fifteenth article, on the twenty-second page of this case, it says that the—

Governor shall continue in office until the Monday next succeeding the day his successor shall be declared duly elected.

If any one has in the sense of the Louisiana constitution been duly declared elected since the 4th of November, 1872, there is no pretense for our ordering a new election. If no one has been so duly declared elected, then Warmoth is governor until the Monday after such declaration, and our business is to reinstate Warmoth and not to order a new election. Can it be insisted that when the constitution provides that one elected by the people shall continue in office until a successor is elected we may interfere and deprive him of his office? If we interfere, it must be to place him in power.

Mr. CARPENTER. Will my friend allow me at that point a question? Taking that view of the case, suppose Governor Warmoth had continued to break up every election from 1872 on, and had been there four or five years as governor under that provision, would not Congress then have a right to interfere and order an election for the purpose of establishing a republican government in that State?

Mr. FRELINGHUYSEN. I do not see that what Warmoth might have done or might not have done alters the constitution of Louisiana. By that we are to be regulated and not by the vagaries of Mr. Warmoth. That constitution declares that Warmoth shall be governor until the Monday next after his successor is duly declared elected. Do not understand me to be in favor of reinstating Warmoth. I am not. I use the argument to show that we had better live up to the Constitution of the United States, guarantee to each State order and a republican form of government, and let the States determine for themselves whether they will have a Warmoth or a McEnery or a Kellogg as governor.

But again, Mr. President, if Congress should not reinstate Warmoth, still it should not order a new election; for the author of the bill we are considering tells us that McEnery had a majority of 9,606 votes over Kellogg. The returns themselves have been brought by subpœna from Louisiana and were before the committee; and the Senator from Wisconsin says that—

Ray McMillen and Pinchback were before the committee conducting their respective sides of the case, and they all agreed that those were the returns, and agreed that those returns showed the result that had been arrived at by the De Feriet board that McEnery had 9,606 majority. There was no contest about it.

Some question in debate was made about there being forgeries in these returns, and the Senator from Wisconsin adds a note to his very able speech showing that that does not change the result. I may show what those returns are presently. They are paper; if true, valuable; if false, worthless; but I am looking at the case from my friend's stand-point. If we are to interfere it should be to install McEnery, not to destroy his election, for it is certainly as essential to a republican government that one elected to office should fill the office as that one not elected should not fill it. But the Senator from Wisconsin does not favor installing McEnery for this reason: He says "although of the ballots actually cast McEnery had a majority, yet in consequence of the frauds committed previous to the election that result utterly reverses what was the wish and intention of that people." That is no reason why McEnery should not be installed. If he had 9,606 majority of the votes cast he was *prima facie* governor, entitled to his seat, subject to being subsequently removed by judicial proceedings.

Mr. CARPENTER. Notwithstanding he obtained them by fraud?

Mr. FRELINGHUYSEN. Notwithstanding he obtained them by fraud.

Mr. CARPENTER. I cannot see now where would be the republican government.

Mr. FRELINGHUYSEN. In the State of Wisconsin Barstow was elected governor. (I refer to the case of Bashford *vs.* Barstow, fourth Wisconsin Reports, page 398.) He was not the true governor, he was not fairly elected, but he was inaugurated, sent his message to the Legislature, and acted as governor I think some sixty days, when an information was filed in the court of Wisconsin averring that Barstow was not elected but that Bashford was, and the result was that Barstow was ousted and Bashford inaugurated; and although, as I have understood, the incumbent had stacked the State-house with arms, the noiseless, silent power of the law ousted him and placed the true governor in power. So it would be no novelty that McEnery with his 9,606 majority should be placed in office and afterward removed therefrom when the fraud should be proven. Do not let me be understood as favoring the idea that McEnery should be made governor, for I do not. I insist that it would be more logical than to order a new election. I make the suggestion to show that we better stand by the Constitution of the country, and secure to every State order and a government republican in form.

But, Mr. President, again, it is not only more logical to install Warmoth or McEnery than to order a new election, but it is more logical to leave Kellogg in power than to order a new election. Kellogg since 1872 has in fact been governor of Louisiana, and is now. Laws have been enacted with his approval, contracts have been made, rights have vested, the people of Louisiana have order, and government republican in form. That is not all. He is governor in accordance with the will of the people of Louisiana if the conclusions of the Senator from Wisconsin are correct, and he has given this subject much attention. In his recent speech he says:

So I believe, from this testimony and from the whole history of the case, that although of the ballots actually cast McEnery had a majority, yet in consequence of the frauds committed previous to the election, that result utterly reverses what was the wish and intention of that people.

* * * * * * * * *

My belief is, that if any judicial court to-day had jurisdiction of the question in Louisiana, the result of that election, as held, that is to say the result of the ballots actually cast, would be shown to be that McEnery was elected; but I am equally well persuaded that the result misrepresents the will and the intention of the people of that State on that election day, and that it was in consequence of these frauds and obstacles in the way of registration, and the fraudulent location of voting places, that Warmoth was able to carry that State by from six to nine thousand majority in favor of McEnery.

And in his speech of the 4th of March:

I do not think that McEnery was in fact elected, although the returns show that he was.

Mr. President, shall Congress in its interference disregard the claims of Warmoth under the constitution of Louisiana, disregard the claims of McEnery, who had nine or ten thousand majority, and turn out of office one who is now quietly discharging the duties there and has been since 1872, when we are told by the very mover of this measure that he is governor in accordance with the wish and intention of that people? I cannot come to that conclusion.

The Senator from Wisconsin, in speaking of the election in New York in 1868, says:

Griswold was elected, but Hoffman was canvassed in as governor of that State.

And he says that we should not interfere in that case, "not because Congress did not possess the power, but because such a case would not justify the exercise of it. Indeed each case must be judged of by its own circumstances and surroundings; and while Congress ought not to exercise this power on slight occasions, or to correct mere irregularity not productive of important consequences, yet in a case like this it would seem that if Congress possessed the power it ought to be exercised."

And in this case one of the circumstances to be considered is that Kellogg is and since 1872 has been exercising the duties of his office; that he is in office in accordance with the wish and intention of the people, to use the language of the Senator. It is strange that my friend should conclude that the Federal Government should not interfere in a case like that of Hoffman when, according to his hypothesis, "Griswold was elected and Hoffman canvassed into office," and interfere in Kellogg's case. We ought not to interfere when one is in office against the will of the people, but we should interfere where the incumbent, he assures us, is in office in accordance with the wish and intention of the people. Is not the case of Hoffman much stronger than that of Kellogg; Hoffman misrepresenting and Kellogg representing the will of the people? If we were to adopt my friend's new theory in either case, we should have commenced in the case of New York and not in that of Louisiana.

Mr. CARPENTER. Will my friend allow me to interrupt him at that point?

Mr. FRELINGHUYSEN. Certainly.

Mr. CARPENTER. The vast difference between the two cases cannot fail to strike the Senator. In New York the governor alone was questioned, the Legislature was not questioned. The governor was not the law-making power. In Louisiana the whole law-making power of the State was in the same condition, and that bogus government may pass laws, may levy taxes, may repudiate the State debt; and all those things may be done by men not elected. In New York they could not do it. That is the difference in the magnitude of the two cases. I do not say there is any difference in the power, but as to the expediency of exercising it in one case, the evils to be feared from it are totally different from what they are in the other.

Mr. FRELINGHUYSEN. My friend cannot have failed to observe that I have said nothing about the Legislature of Louisiana. For all that I have said, he does not know but that I am in favor of his bill, so far as the Legislature is concerned. I have only treated of the governor's election, and his remarks referring to the Legislature of Louisiana are entirely foreign to the subject we are discussing.

Mr. CARPENTER. If that be so, there can be no difference in the case where one man holds a seat in a Legislature without an election, and a case where the whole Legislature hold without election.

Mr. FRELINGHUYSEN. If there is no difference between a governor and one member of the Legislature, the remark is pertinent; but inasmuch as the governor is but one branch of government, it is not pertinent.

Mr. CARPENTER. He is not the whole law-making power.

Mr. FRELINGHUYSEN. No; he is not.

Mr. MORTON. I suggest to the Senator, if he will permit me, that if Kellogg does represent the majority of the people of Louisiana, as seems to be conceded, it is equally certain that the Legislature represents the majority of the people of Louisiana.

Mr. FRELINGHUYSEN. And the singularity further about my friend's plan is that he would turn Kellogg out, although he represents the wish and intention of the people, because he has not a majority of the votes, but would not turn McEnery in, who has 10,000 majority; so that it seems this 10,000 majority is good as against Kellogg, but worthless in favor of McEnery.

But, Mr. President, passing by the question as to the constitutional power of Congress to do more than to preserve order and to secure a republican form of government, passing by the question of Warmoth, McEnery, and Kellogg, let us see whether a case is made in which we should order a new election.

The first thing to be established is that no one was elected governor, for if any one was, our duty, if we interfere in any way, clearly is to install the person so elected. On the 4th of November, 1872, an election took place. It had all the forms of an election, registration, polls, poll-lists, ballots, returns, registers, supervisors, &c. There were but two candidates, McEnery and Kellogg. One of those two men in fact had a majority of the legal votes cast unless there was a tie, and then we have nothing to do with the case, as the constitution of Louisiana provides that in that event the Legislature elects. One of the two must have had a majority of the legal votes; so the case cannot exist for a new election based on the fact that no one was elected. If we are to interfere it must be to find out who was elected governor and to place him in office.

To ascertain who by a majority of legal votes cast is entitled to an office, I had supposed was a matter over which the State courts had jurisdiction. If for any reasons the State courts have not jurisdiction, or if so corrupt that they cannot be trusted, then if we are to interfere we must address ourselves to the question, Who was elected? It cannot be advocated that, where it is a mathematical certainty that one of two candidates was elected, Congress shall order a new election, and thus set a premium on fraud. But we must find out who was elected.

The question as to who was elected governor does not seem to have attracted the attention of the Committee on Privileges and Elections. There were two things referred to that committee: first, whether there was any government in Louisiana, and second, whether the Legislature which elected McMillen, or that which elected Ray, was the true Legislature; and the attention of the committee was directed to finding out which was the true board of canvassers, so as to determine which was the true Legislature, and thus to decide whether McMillen or Ray was *prima facie* entitled to the seat in the Senate which expired on the 4th of March last, and there is but little evidence as to who was elected governor. I am sorry there is not more; but the burden of proof is with those who seek the removal of one who has for two years acted as and claimed to be governor.

I submit that the moral evidence that McEnery had not a majority of the legal votes cast, and that consequently Kellogg had, is to my mind irresistible. Warmoth had the purpose, the intent, to carry that election by fraud. This is apparent, and is conceded. It is notorious that he, elected a republican, was to give the State to the democracy, and as a return was to grace the United States Senate. His legislature I understand, attempted to elect him, but this project was abandoned because it was thought it would interfere with the recognition of the State government by the General Government. He appointed a man named Blanchard to be register. That man has made an affidavit. If the affidavit be true his character is such that no one can approve; if it be untrue, comment is unnecessary. Blanchard appointed the supervisors in each parish or county, and the supervisor in each parish appointed three commissioners. To these were added three freeholders, who, with the commissioners, assisted the supervisors of the parish in counting the votes of the precincts. And we see at a glance that Warmoth could cheat Kellogg, but that Kellogg could not cheat Warmoth or McEnery. One could cheat. The organization of the election throughout the whole State originated with and was controlled by Warmoth. It is not denied that Warmoth meant fraud, and that he had the power to effect it. There was one circumstance which afforded great facility in carrying out this fraud. Almost every republican that came to the polls to be registered had a mark on him which said "I belong to the republican party;" he was a colored man. There were exceptions. There were some white republicans, but they were not so numerous that they were not known, so that it was an easy thing to make it difficult to get registration, or to secure the requisite identification between the voter and his registration papers.

It appears, then, that the McEnery party had the purpose to cheat, and had the organized machinery to effect their end. It looks as if, after all, the republican majority was too great for them. Warmoth knew that it was of the first importance that he should satisfy the public that McEnery had a majority, and how easily he could have done so. Instead of maneuvering to get a facile board of canvassers, instead of resorting to a legislative bill, which he as governor had carried for six months in his pocket and signing it so as to create a member of the canvassing board that suited him, all he need to have done was to call in twenty honest men in the State of Louisiana, republicans and democrats, take them to the State-house and there say, "Here are the returns; add them up in the presence of these interested parties." It was only a matter of addition. They could have publicly added them up, showed the result, and if any one standing by said "Those returns are false," all he need have done was to send to the supervisor of the parish whom he had appointed, and request him to bring the ballot-box and say, "There are the ballots; the returns are not false;" and if any one charged that the ballot-box had been stuffed or that there had been votes abstracted, all he need have done was to send for the poll-lists and say, "There are the poll-lists; they correspond with the ballots;" and if any one charged that the poll-lists were false in a given precinct of such a parish, all he need have done was to send a justice of the peace to that parish; every man who had there voted had indorsed on his registration papers the fact that he had voted, and if a living man he could swear how he had voted.

Now, Mr. President, when one bent on fraud has it in his power to prove to a demonstration that his candidate is elected and shirks the investigation, it is moral evidence, irresistible, that the investigation would have proven that his candidate was defeated.

Mr. CARPENTER. Will my friend allow me a word at that point?

Mr. FRELINGHUYSEN. Yes, sir.

Mr. CARPENTER. The Senator does not claim, of course, that there is any law authorizing any such investigation, or that anybody would have been indictable for perjury who should have come before that town meeting which he imagines, and sworn falsely?

Mr. FRELINGHUYSEN. That is the best answer which can be made. But it is a matter perfectly immaterial whether the twenty honest men, ten democrats and ten republicans, whom he might have selected, were officials or not; the effect of their determination would have been the same on the public. There is in the case nothing that requires any oath; it is a matter of adding up the returns, and a matter of occular demonstration whether the ballots correspond with the returns, and whether the poll-lists conform with the ballots in the box; and the only situation in which an affidavit could be required is that of a charge being made that in some precinct the poll-list was false, and you would seek the voter with his registration paper with him, to ask him how he voted. Some one could have been found under their laws to take such affidavit.

Mr. President, did not Warmoth know that investigation would prove his candidate not elected? At all events, is there affirmative proof that McEnery was elected on which we can remove Kellogg? But instead of doing all this, Mr. Warmoth comes to Congress, not to ask that his candidate may be installed in office; but he comes to ask that he may not be installed in office. That would lead to investigation. He asks that we will order a new election. And the wonder is that in the Senate, among those who thought it unconstitutional to set aside the State Government when in the hands of those who had sworn hostility to the United States Government, among those who thought it unconstitutional to set aside those mockeries of government that Andrew Johnson had erected, now hold it to be constitutional at the instance of Mr. Warmoth to go into Louisiana and to regulate the domestic elections of that State!

Mr. President, views similar in some respects to those which I have expressed are set forth in the report of my friend from Wisconsin; for he agrees with me as to the vicious character of this election:

> A careful consideration of the testimony convinces us that, had the election of November last been fairly conducted and returned, Kellogg and his associates, and a Legislature composed of the same political party, would have been elected. The colored population of that State outnumbers the white, and in the last election the colored voters were almost unanimous in their support of the republican ticket. Governor Warmoth, who was elected by the republicans of the State in 1868, had passed into opposition, and held in his hands the entire machinery of the election. He appointed the supervisors of registration, and they appointed the commissioners of election. The testimony shows a systematic purpose on the part of those conducting the election to throw every possible difficulty in the way of the colored voters in the matter of registration. The polling places are not fixed by law, and at the last election they were purposely established by those conducting the election at places inconvenient of access in those parishes which were known to be largely republican; so that, in some instances, voters had to travel over twenty miles to reach the polls. The election was generally conducted in quiet, and was perhaps unusually free from disturbance or riot. Governor Warmoth, who was the master-spirit in the whole proceeding, seems to have relied upon craft rather than violence to carry the State for McEnery. In the canvass of votes, which determined the McEnery government to be elected, the votes of several republican parishes were rejected.

Mr. President, I further submit that, as might be expected from the circumstances referred to, we have nothing amounting to evidence that McEnery had any majority, and for these five reasons: First, the question has at best been only incidentally examined by the committee; second——

Mr. CARPENTER. The Senator overlooks the fact that we had two inquiries before the committee: one, whether there was a State government in Louisiana. It is therefore not incidentally before us, but directly.

Mr. FRELINGHUYSEN. I will come to that. My second reason for saying that we have nothing amounting to evidence of McEnery's election is that from six out of fifty-eight parishes we have no returns; third, from several of the parishes the returns are forgeries; fourth, from one at least it is in proof by an eye-witness that the returns were manufactured and sworn to in blank before they were made.

Mr. CARPENTER. What case is that?

Mr. FRELINGHUYSEN. I will give it to you presently. Fifth, the preponderance of evidence is that Kellogg and not McEnery had a majority of the votes cast. Now I will say a word or two on each of these points.

That the committee did not give their attention to the question whether Kellogg or McEnery had the majority, no matter what the resolution says, is manifest from an examination of the case. Their attention was given to the question which was the true canvassing board so as to determine which was the true Legislature, in order that they might determine whether Ray or McMillen was *prima facie* entitled to be Senator; and if you want proof that this phase of the subject has not been examined, you have only to look to the report. On the last page of the book is this testimony; one witness, Mr. Ray, says:

I desire to call the attention of the committee to a statement. At a suggestion made by one member of the committee yesterday, I examined and found, and if the committee will act as experts they will find, that the commissioners of elections in several cases in the parishes have their names forged to the affidavits.

Mr. CARPENTER. In the parishes named, naming four parishes.

Mr. FRELINGHUYSEN. I do not think that is the meaning; but I will read it just as it is:

If the committee will act as experts they will find, that the commissioners of elections in several cases in the parishes have their names forged to the affidavits. For instance, there is one from Madison Parish, [exhibiting the papers,] and so in the parish of Grant also, and in the parish of Point Coupée and the parish of East Baton Rouge, which, if the committee will examine as experts, they will find it very evident in some cases that they were forged.

The CHAIRMAN. We will now consider the evidence in the Louisiana investigation closed, as I am advised by both sides that they have laid all the testimony before the committee that they desire to present.

Mr. CARPENTER. The returns being before the committee.

Mr. FRELINGHUYSEN. Mr. President, we are called upon to determine that Kellogg is not governor, when it was in proof before the committee that in several cases the returns were forged, the witness instancing four cases, and not a question was asked or any testimony taken in reference to the matter. Why, you might as well throw up figures on cards to see how they will land in order to solve a mathematical demonstration as to establish a majority by such testimony.

Mr. CARPENTER. Will my friend allow me a word? These returns were before the committee. Mr. Ray, the witness called there, did not pretend to have any knowledge about it except what arose from looking at the papers.

Mr. FRELINGHUYSEN. That is all.

Mr. CARPENTER. He and Mr. McMillen, both being Senators as they claimed, and therefore perfectly competent to settle this question for themselves, attached no importance to that from the fact that it did not change the result if it was so; and the returns were left with the committee after that time.

Mr. FRELINGHUYSEN. I will pay attention to those returns before I close, and in a few minutes. It is clear that the committee did not attempt to find out what returns were forged and what were not, for on the presentation of this controlling fact the whole testimony was closed and the report is based on the testimony as it then stood.

Again, from six out of fifty-eight parishes we have no returns—Iberia, Iberville, Saint James, Saint Martin, Saint Tammany, Terrebonne—as appears by the certificate of the Forman board found on page 81 of the report. It is said that three of these six parishes were rejected because of violence. Forman says so in his testimony on the seventy-sixth page. They have given no evidence of the violence excepting in one case, and that is spread out from the six hundred and fifth to the six hundred and forty-first page—thirty-five pages of evidence relating the alleged violence in the parish of Iberville. This was a republican parish, having a strong preponderance of colored votes. There were from seven to eight hundred white votes and three thousand colored votes registered. The white vote was made up, as we know, of the democrats, and in that parish of democratic planters. To their credit be it said that there seems to have been no man in the parish who suited Mr. Warmoth as supervisor, and a Mr. Tharp was brought from New Orleans and was made supervisor. The commissioners took the ballot-boxes with the poll-lists to Plaquemines. The colored men were orderly, but when voting was over they armed and followed the ballot-boxes to Plaquemines. They claimed the right to go into the State-house. The sheriff prohibited them. They had a right to go in. We would have gone in. They, intent and earnest, watched that ballot-box. When one party would grow weary others would relieve them, and they stood at the windows watching the boxes.

In all the testimony of thirty-five pages there is no evidence of one act of violence; and that is one of the three parishes the returns of which were rejected because of violence. What the violence was in the other two parishes they have not had the grace to give us one word of testimony to inform us. There was no violence. There was no reason that the ballots should not have been counted and the returns made up, excepting that it was a strong republican parish. I will show presently the effect of the exclusion of these parishes.

The returns from several of the parishes are forged, but they all go in to make up McEnery's majority, as we shall see presently. The Senator from Wisconsin very fairly, in a calculation with which I, having gone over the figures, entirely agree, makes a deduction for those parishes. From one of the parishes the returns were manufactured; and there my friend asks me for the evidence, and I will trouble the Clerk to read from pages 909 and 910 of the testimony—that which I have marked.

The Chief Clerk read as follows:

STATE OF LOUISIANA, *Parish of Orleans, City of New Orleans:*

Personally came and appeared before me, Robert H. Shannon, United States commissioner in and for the district of Louisiana, John P. Montamat, of the city and State aforesaid, who, being duly sworn, doth depose and say that during the month of November, 1872, and for four years before, he was a justice of the peace for this parish of Orleans; that in the month aforesaid, after the election held in this parish for governor and other State and parochial officers, "what date I cannot recollect, but it was while they were counting the votes at the State-house, at the Mechanics' Institute, situated on Dryades street," one Jack Wharton, also of this city and parish aforsaid, came to my office, situated No. 33 Exchange alley, near Custom-house street, in this city and parish aforesaid, and requested that I should go with him in a certain place in this city of New Orleans, in order to administer the oath to one of the supervisors of election in and for the parish of Madison. At said request I went with Jack Wharton, who took me in a house situated on Gravier street, somewhere near Barronne street; the entry-doors were closed, and at the signal given by Jack Wharton, (three consecutive and hard raps,) the doors were opened. In the said room I saw one Cahoon, whose first name I do not know, but whom I had seen before in this city; he, the said Cahoon, then and there informed me that he was the supervisor of election for the parish of Madison, appointed by Henry C. Warmoth, then governor of Louisiana, and that he wished me to swear him as to the returns of the late election. I saw there several persons whom I did not know; they were making up tally-lists of the returns of the election for the parish of Madison. The lists were signed in blank by the commissioners of election. I inquired from Cahoon, the supervisor, how it was that he had not prepared the lists and returns in the parish where he came from. He told me that he could not count the votes there; it was a republican parish, and that he had to run away because he wanted to count the votes, and admit no one except a few, and he would have it his own way, and would here in New Orleans return such persons as he thought proper. I swore him to several tally-lists and returns. I believe, to the best of my knowledge, that the greater part of the tally-lists were yet in blank when I swore him.

JOHN P. MONTAMAT.

Subscribed and sworn to before me this 3d day of February, 1873.

[SEAL.] R. H. SHANNON,
United States Commissioner, District of Louisiana.

Mr. FRELINGHUYSEN. There was a secret place entered by arranged signals where officers were engaged in making up returns, a number of which were sworn to in blank and filled up afterward. Now read, if you please, the rest of that marked.

The Chief Clerk read as follows:

Question. Taking your estimate of the votes in these parishes where these frauds are charged, if the vote had been fairly counted, what would have been the result as compared with the vote in the parishes where no frauds are charged?

Answer. I do not understand your question.

By Mr. HILL:

Q. What would have been the effect on the general election?

By Mr. LOGAN:

Q. What would have been the result of the election?

A. O, if there had been no frauds in these parishes, and they had returned the vote as they did in some of the parishes, fairly, they would have given the republican ticket a very large majority, according to their own returns.

Q. In the State?

A. Yes, sir; in the State.

Q. Do you speak of the votes actually cast, or the voters in the district?

A. I refer to the voters; but the votes actually cast, in my judgment, if properly returned, would have given the republican party a majority in the State. I have no doubt of that.

Q. That is, the votes as they were actually cast?

A. Yes, sir; as actually put in the boxes.

Mr. MORTON. I ask what parish that was?

Mr. FRELINGHUYSEN. A parish some two hundred miles away.

Mr. WEST. The parish of Madison.

Mr. MORTON. How far away?

Mr. WEST. It is three hundred miles from New Orleans.

Mr. FRELINGHUYSEN. Mr. President, let us look at the effect of the facts I have called attention to upon McEnery's majority. They claim for McEnery a majority of 9,606. The four parishes where there were forgeries and the six parishes from which there are no returns, according to the Lynch board, give Kellogg a majority of 7,295.

Mr. CARPENTER. It is not pretended that all the returns in those parishes were forged, but only one or two of them.

Mr. FRELINGHUYSEN. It probably is much worse than those four parishes. They are mere illustrations. The returns from those the witness holds up and says, for instance, these are forged. He says there were forgeries in several parishes, and instances these four. Now take the 7,295 majority in six parishes not returned and in four in which the returns were forged from the 9,606, and it leaves McEnery's majority, as the Senator from Wisconsin agrees, 2,611. Now let us see what becomes of that 2,611 majority. Let anybody who wants to examine this read the three hundred and sixth page of the testimony which was sent here with the President's message. There is Caddo Parish. The white registration was 1,549 and McEnery's vote 1,837—nearly 300 more than the white registration. The colored registration was 3,139, and Kellogg's vote 1,576, or 1,563 less than the colored registration. This shows fraud not before but after the election. It points to a falsification of returns, for frauds in keeping men back from the polls probably would not give McEnery 300 more votes than there were white votes registered.

Mr. CARPENTER. How can you tell whether a ballot was cast by a black man or a white man?

Mr. FRELINGHUYSEN. No; but my friend's report states that the colored men were republicans as a general rule, and the whites democrats. Take Rapides Parish. The white registry was 1,011; McEnery's vote was 1,960, or 949 more than the white registration. In Natchitoches the white registration was 1,486, and McEnery's vote

1,230; the colored registration was 1,875, and Kellogg's vote only 55. In Bossier Parish the white registration was 578; McEnery's vote 953, or 375 more than the white registration; the colored registration 1,795, and the vote for Kellogg 555. It is perfectly apparent that the fraud was in the returns as well as in the manner in which the election was conducted.

But again, take another view of these returns. There are fifty-eight parishes in Louisiana. In twenty-four—Ascension, Bienville, Calcasieu, Caldwell, Cameron, Carroll, Claiborne, Concordia, East Feliciana, Franklin, Jackson, Jefferson, Lafayette, Livingston, Ouachita, Pointe Coupée, Red River, Sabine, Saint Bernard, Saint Charles, Saint John Baptist, Tangipahoa, Tensas, and Orleans—which are those where there is not much difference between the two boards of canvassers in the result, in those twenty-four parishes by the Forman board there is an aggregate of 36,679 democratic votes and 36,203 republican votes, giving a democratic majority of 476. According to the Lynch board the republican vote was 35,590 and the democratic vote 33,817, giving a republican majority of 1,673. The Forman board gives a democratic majority of 476 and the Lynch board a republican majority of 1,673, no very great difference for such an election; average it, and call it a majority of 1,000 for Kellogg. The vote was close and the registration was correspondingly so. The white registration was 52,979 and the colored registration was 51,469. The democratic vote and the white registration, the republican vote and the colored registration correspond.

Now look to the remaining thirty-four parishes. By the Forman board the democratic vote is in the aggregate 27,788; the republican vote 20,170, giving a democratic majority of 7,618. This is manifestly a fraud, and is thus shown. In those thirty-four parishes the registration of whites was 34,786, and that registration gives a democratic vote of 27,788. The registration of the colored people was 42,879, and that gives a republican vote of only 20,170. If the same ratio of republican votes was given for the 42,000 colored registered voters as of democratic votes given by 34,000 white registered votes, which was 27,788, the republican vote would be 35,000 instead of 20,170.

Now let us see what becomes of McEnery's majority. The difference between 35,000, the true vote by all the analogies of this case and according to the Lynch board, and the 20,170 that the Forman returns give for these thirty-four parishes is 14,830. Take from that McEnery's majority of 9,606, and it leaves Kellogg's majority 4,924. Add to the 4,924 the majority which Kellogg had in the twenty-four parishes, and it makes Kellogg's majority 5,924.

You may turn this subject any way you please, and you will find that Kellogg was not only the representative of the will and intention of the people, as the Senator from Wisconsin says, but that he had a majority of the legal votes cast. At all events there is no affirmative proof on which to displace him.

Shall we turn Kellogg out of office, when all admit that he represents the will of the people and when the preponderance of evidence is that he had a majority of votes cast, for the sake of giving effect to the fraud which was most infamously perpetrated in that Louisiana election?

A word more, Mr. President, and I have done. There is another view of this case conclusive against a new election. We are considering this case as a Legislature and not as a court; we are exercising political, not judicial powers. A court is confined to the record, must decide upon the issue, must be controlled by rigid and fixed rules. If a case is brought before it it must decide it. A Legislature has a broad discretion; it has an arbitrary discretion, except so far as it is controlled by the constitution of the country and by good conscience. The Senator from Wisconsin, not in reference to this case particularly, but in stating the principle of the bill, holds that Congress has the right, without any application coming from a State, where the State courts have declared an election to be valid, to set aside the election and to order a new one. I cannot agree with him, and am glad that there is one relief to this prodigious power. The Senator from Wisconsin states the relief while stating the power. He says:

> The question is in its nature political, not judicial; and no court, State or national, can settle it so as to preclude Congress from inquiring into it and settling the question for itself.

It is a relief to know that we need not exercise the power, its exercise being left to our political discretion. What propriety is there in ordering a new election in Louisiana? It would be a sheer volunteer act. No one asks our interference. The governor is in office; the General Government acquiesces; laws are enacted; contracts made, and rights vested. All agree that Kellogg represents the wishes of the people, and it seems as if the preponderance of evidence is that Kellogg had a majority of the votes cast. And here let me say that I do not agree with the Senator from Wisconsin that Congress is making a precedent even if it does not order a new election. We are no more doing so in the exercise of a political discretion on this subject than we are whenever we refuse to pass a bill. Our discretion is arbitrarily controlled only by the Constitution and by good conscience.

In reference to the Legislature I have nothing to say. It would be very unwise to order an election for members of the Legislature, for an election under the laws of the State will take place as soon as could be had under a law of Congress. The bill, I think, should not pass.

Mr. WEST. Mr. President——

Mr. MORTON. I presume the Senator from Louisiana hardly desires to go on this evening. If he does not, I will move that the Senate go into executive session.

Mr. WEST. As there seems to be quite a number of Senators absent from the Chamber, I will yield to that motion.

EXECUTIVE SESSION.

Mr. MORTON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at three o'clock and twenty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April* 14, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

MISPRINT OF BILL.

Mr. SHELDON. On yesterday, it will be remembered, I introduced a substitute for a bill for the construction of a canal from the Mississippi River to the Gulf of Mexico, and obtained from the House an order that it be printed in the RECORD, and also printed in bill form for the use of the House. I find upon examination that in preparing the bill for the printer the tenth section of the Eads bill has been made the ninth section of my bill. I ask that the bill be reprinted, both in bill form and in the RECORD, in a correct form, leaving out the ninth section.

No objection was made, and it was so ordered.

The bill was as follows:

A bill for the construction of a canal from the Mississippi River, in the State of Louisiana, to the Gulf of Mexico.

Be it enacted, &c., That the Secretary of War shall cause to be made, in the most expeditious manner, a thorough, detailed, and final survey and location of a canal from the Mississippi River, at some point below Fort Saint Philip, in the State of Louisiana, on the left bank, and terminating at some point most eligible in the deep waters of the Breton Harbor or Pass. The survey and report of the engineers assigned to this duty shall exhibit complete plans and specifications of the work in the construction of such canal, and the estimates of the cost of each portion of the work shall accompany and form part of the report of such survey; and the sum of $20,000, or so much thereof as may be necessary, is hereby appropriated, out of any funds in the Treasury not otherwise appropriated, to defray the expenses of such survey.

SEC. 2. That the Secretary of War shall, on the receipt of such report, and without unnecessary delay, advertise for bids to construct said canal as a whole, for such time and in such newspapers as he may think sufficient; and he shall award the contract to the lowest and best responsible bidder or bidders, who shall give bond, with sureties, to the satisfaction of said Secretary, that the work shall be done according to the stipulations of such contract: *Provided*, That no bid shall be received except the same is accompanied with a deposit with the said Secretary of the sum of $25,000, which sum shall be forfeited to the United States and paid into the Treasury thereof in case such bidder fails for a period of thirty days, after notice that his bid has been accepted, to make a contract in accordance with the terms of his bid and give security as required by this act: *Provided further*, That the contractor or contractors shall perform their work according to the plans and specifications of the Engineer Department, and under the directions thereof: *And provided further*, That said canal shall be fully completed for use within a period of three years from the day of contract, and that the entire cost of such canal shall not exceed the sum of $10,000,000.

SEC. 3. That the said canal shall not be less than two hundred feet wide on the bottom, and not less than twenty-seven feet deep, and shall have the proper locks, gates, waste-weirs, and other appurtenances necessary to facilitate the passage of ships to and from the said river and the deep waters of the Gulf of Mexico; and it shall be so constructed in all respects as will make it a permanent channel; and the contractor or contractors shall be paid quarterly in 5 per cent. bonds, (gold interest, payable semi-annually,) which bonds are to run for forty years, 90 per cent. of the value of the work done and materials delivered, which shall be estimated and certified to by the officer of engineers in charge of the work upon actual and careful examination; and upon completion of contract the percentage reserved shall be paid to the contractor in like bonds, bearing date of the several estimates.

SEC. 4. That all the dredge-boats, implements, tools, machinery, and materials procured by any contractor for the construction of said canal, or any part thereof, shall be forfeited to the United States in case of failure of such contractor to comply with his contract; and the Secretary of War is required to take possession of and use the same in the construction of said canal whenever in his judgment any contractor has failed to comply with his contract; and no suit or proceeding by such contractor shall be entertained by any court that shall deprive the Secretary aforesaid of the use of such dredge-boats, implements, tools, machinery, and materials; and whenever any contractor shall fail as aforesaid, the said Secretary shall cause the work to be done by the Engineer Department, or let the same to other contractors in accordance with the provisions of this act.

SEC. 5. That if said Secretary of War shall be unable to make contracts for the construction of said canal for a period of six months after receiving the report of the survey required by the first section of this act, he shall cause the Engineer Department to commence the construction of said canal without delay; and the same to be completed in the shortest period possible.

SEC. 6. That the Secretary of the Treasury shall execute bonds of the United States for such an amount as is necessary to defray the expenses of constructing said canal, in sums of $1,000 each, payable forty years from date, with interest at the rate of 5 per cent. payable semi-annually, in gold coin, which bonds shall be delivered from time to time as is required by the provisions of this act: *Provided*, The entire sum shall not exceed $10,000,000; and in case the United States shall construct said canal in whole or in part, said bonds may be sold by said Secretary of the Treasury from time to time for not less than par, and the proceeds applied in defraying the expenses of such work.

SEC. 7. That when completed, the said canal and appurtenances shall be the property of the United States, and a free channel of commerce; and shall be under the control and management of the Secretary of War until otherwise provided by law.

SEC. 8. That if hereafter Congress shall make an appropriation of money to defray the expense of constructing said canal, the Secretary of War shall pay in money to the extent of such appropriation in lieu of bonds, and any bonds not delivered in consequence of such appropriation shall be canceled and destroyed by the Secretary of the Treasury.

NATIONAL MILITARY AND NAVAL HOME.

Mr. HUNTER, by unanimous consent, introduced a joint resolution (H. R. No. 85) authorizing the appointment of a manager to fill a vacancy in the board of managers of the National Military and Naval Home for the relief of totally disabled officers and men of the volunteer forces of the United States; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

IMPROVEMENT OF HUDSON RIVER.

Mr. SCUDDER, of New Jersey, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of War be requested to cause an examination or survey to be made of a bank of mud which has been found in Hudson River, opposite Jersey City, extending from near Pavonia Ferry down said river, and below the wharves in Jersey City, with a view to dredging and removing said bank of mud, so as to afford greater protection to commerce; and that he be requested to report upon the feasibility of making such improvement, and the probable cost thereof, to the House of Representatives.

SURVEY OF NORTHERN BOUNDARY.

Mr. GARFIELD. I ask unanimous consent to report from the Committee on Appropriations, for passage now, a bill which it seems to be necessary to have acted upon at once. It is a bill making an appropriation to complete the survey of the northern boundary of the United States adjoining the British possessions.

The bill was read. It provides that for the purpose of completing during the fiscal year ending June 30, 1875, the work of surveying and marking the boundary between the territory of the United States and the possessions of Great Britain from the Lake of the Woods to the summit of the Rocky Mountains $150,000 be appropriated, to be available from the date of the passage of the act, and to be expended under the direction of the Secretary of State, with the approval of the President.

Mr. GARFIELD. I desire to say that this appropriation would properly come in the regular miscellaneous appropriation bill; but letters from the Secretary of State, which I hold in my hand, show it to be important that the commission should begin their work immediately, while the season is good.

Mr. WILLARD, of Vermont. There was an appropriation made for this purpose in the regular appropriation bill of last year. Has that appropriation been all expended?

Mr. GARFIELD. It has. There is no deficiency asked.

Mr. WILLARD, of Vermont. This makes a deficiency.

Mr. SCOFIELD. When it was first proposed to remark this boundary, it was stated by the committee that $100,000 would do the whole work.

Mr. GARFIELD. O, the gentleman is mistaken. The estimate of the engineer——

Mr. SCOFIELD. Made when?

Mr. GARFIELD. Year before last.

Mr. SCOFIELD. It was before that that this work began; and every year we have gone on appropriating the same amount. But now we are asked to appropriate more than heretofore—$150,000. I would like the chairman of the Committee on Appropriations to tell us now when he is going to get done asking for appropriations to run this line.

Mr. GARFIELD. I will tell the gentleman. There have been two appropriations——

Mr. W. R. ROBERTS. I object to the bill.

JAMES RIVER AND KANAWHA CANAL.

Mr. SENER, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, requested to transmit to this House the report of the Chief of the United States Engineer Department on the practicability of a water line of transportation between the Ohio River and the sea-board via the James River and Kanawha Canal route.

PERSONAL EXPLANATION.

Mr. PAGE. I rise to a personal explanation. During the debate yesterday I was asked by my colleague [Mr. LUTTRELL] whether I was not a mail contractor, and whether my name did not appear on the books as such. I answered in the affirmative. That statement requires a qualification, which I desire now to make. In 1870 I was the accepted bidder on three or four mail-routes in the State of California. I entered upon the contract on the 1st day of July, 1870. My contract would expire on June 30 of the present year. After my election to Congress, I wrote to my predecessor, now in the Senate, Mr. SARGENT, asking him to request the Department to annul my contract and relieve me from it. The Postmaster-General replied to Mr. SARGENT that he could not do so, quoting the opinion of the Attorney-General that a contract for carrying the mails could not be annulled on account of the subsequent election of the contractor as a member of Congress. The law also prevented me from assigning the contract, as will appear from section 271 of the law on this subject, which section reads as follows:

That no contractor for transporting the mails within or between the United States and any foreign country shall assign or transfer his contract; and all such assignments or transfers shall be null and void.

I desire further to say that I have not made any contract since 1870; and, except to the extent I have stated, I have no interest directly or indirectly in any mail contract or any other contract with the Government. I ask the Clerk to read an extract from the opinion of the Attorney-General in regard to contractors who, subsequent to taking their contracts, are elected to Congress.

The Clerk read as follows:

The statute applies to contracts entered into with persons who are at the time members of Congress. This appears from a comprehensive view of the first section, and is confirmed by the fourth, which imposes a penalty on any officer of the United States who shall enter into any contract "with any member of Congress." If obtaining a seat in Congress subsequent to the contract would annul it, any person who had made what he considered a bad bargain might, if he had influence enough to procure his election, relieve himself from the burden. My opinion, therefore, is, that the contract is not destroyed; that both parties are bound to fulfill their respective engagements; and that the penalties of the act of Congress do not attach in the case.

Mr. RANDALL. I wish to direct the attention of the House to one fact bearing on this question, of one who is elected a member of Congress and is a mail contractor at the same time. If my memory serves me right, Senator CORBETT, of Oregon, was a mail contractor when he came here, and the Congress of the United States passed an act relieving him from the obligations of his mail contract in consequence of his assumption of his seat in the Senate. I think the gentleman from California, [Mr. PAGE,] so far as I can learn the facts, has done everything within his power to place himself in a proper position before the Congress of the United States in that particular.

BISMARCK LAND DISTRICT.

Mr. DUNNELL. I ask unanimous consent to report back from the Committee on the Public Lands a bill (H. R. No. 994) to establish the Bismarck land district in the Territory of Dakota, with the recommendation that it do pass. It is an important bill, and is in the interest of the actual settlers along the line of the Northern Pacific Railroad. I ask it be read.

The bill was read. The first section provides that all that portion of Dakota Territory lying north of the seventh standard parallel and west of the ninth guide meridian be, and the same is hereby, created into a separate land district, to be known as the Bismarck district; and the land office for said district shall be located at the town of Bismarck, where the North Pacific Railroad intersects the Missouri River. The second section provides that a register and a receiver shall be appointed for said district land office, who shall be governed by the same laws and receive the same compensation as prescribed for similar officers in the other land districts of said Territory.

Mr. HALE, of Maine. I wish to say a word——

The SPEAKER. Is there objection?

Mr. DUNNELL. I hope there will be no objection.

Mr. HALE, of Maine. I ask the gentleman from Minnesota to change the name of this land district to that of "the Northern Dakota land district."

Mr. DUNNELL. It is to be located at Bismarck, on the line of the Northern Pacific Railroad. It is two hundred miles from any existing land office. It is required in the interest of the settlers along the line of the Northern Pacific Railroad. Bismarck is an important town on the line of that road.

Mr. HALE, of Maine. In my judgment it should not have any such name.

Mr. DUNNELL. It is to be located where the Northern Pacific Railroad line crosses the Missouri River. I hope there will be no objection to it. The Commissioner of the General Land Office recommends the passage of the bill. He says it is necessary at the present time. There are thousands of settlers along the line of that road who are now two hundred miles from any land office. If any gentleman objects I hope he will give us some good reason for objecting. This is four hundred miles from the Yankton land office, three hundred miles from the Sioux land office, and two hundred miles from Pembina. There are thousands of settlers there at this time. There are thousands of settlers waiting to make entries at the land office, and I trust the gentleman from Maine will not object.

Mr. HALE, of Maine. My objection of course is only as a matter of taste. I acknowledge it does not suit me, in creating one of our new land districts in one of our Territories, to borrow a name entirely alien to us, and I therefore object to calling this the Bismarck land district. It is a great deal better, it seems to me, as a matter of taste, that we should call it the Northern Dakota land district. If we now call this the Bismarck land district, some one else will come here and want to call a new land district "the Louis Napoleon land district," and others will want other names of a like alien character.

Mr. DUNNELL. This is the important point on the line of the Northern Pacific Railroad.

Mr. AVERILL. Does the gentleman from Maine desire to antagonize the taste of thousands of settlers who have recently gone there and established an enterprising town which they have called Bismarck? Does he propose to antagonize the taste of these settlers?

Mr. HALE, of Maine. I suppose the settlers reap as much benefit from us as we do from them. As a matter of taste I do think, however, when they come here, they should not bring with them their old European names.

Mr. AVERILL. Is it not a matter of necessity to give it this name?

Mr. HALE, of Maine. I cannot understand any German republican (and I believe only German republicans come here to make settlement

upon our lands) would be in favor of having our land districts designated by any such names.

Mr. AVERILL. What is the objection to it?

Mr. HALE, of Maine. I prefer for one that it should be called the Northern Dakota instead of the Bismarck land district.

Mr. AVERILL. Does the gentleman propose that the name of the town of Bismarck should be changed?

Mr. HALE, of Maine. I do not ask that; but here it is proposed that we shall establish a new land district, and I prefer it should be called the Northern Dakota land district.

Mr. AVERILL. I ask the gentleman to answer my question. As a matter of necessity must not a land office bear the same name as the town at which it is located?

Mr. HALE, of Maine. If I thought so I should not make objection. This land district is to be established not alone for the town of Bismarck, but for Northern Dakota, and it should be called the Northern Dakota land district.

Mr. DUNNELL. There must be some locality designated at which the land office is to be established.

Mr. HALE, of Maine. The land district is to be for Northern Dakota, and it will have its headquarters at this town. I do not ask that the name of the town should be changed; no one objects to that. But I do object to subdividing a Territory or a State of the United States and giving to one of the subdivisions a foreign name as a land district. I would not be in favor of creating a new custom-house district in Maine and naming it after an English admiral or a French admiral. It would not be in good taste, according to my notions.

Mr. DUNNELL. I do not understand that the gentleman really objects.

Mr. HALE, of Maine. I object to the name. The gentleman can easily change the name to "Northern Dakota."

Mr. AVERILL. That is impossible, because it would antagonize the law, which requires that the land office shall bear the name of the town where it is situated.

Mr. HOLMAN. This proposed land office is to be located on the Missouri River, on the Northern Pacific Railroad. I wish to ask to what extent lands have been surveyed in that portion of the Territory of Dakota?

Mr. DUNNELL. Lands have been surveyed all along the line within the railroad limits.

Mr. HOLMAN. Confined within the railroad limits?

Mr. DUNNELL. Not wholly confined to them. But the Delegate from Dakota may be able to answer the question more accurately than myself. Vast quantities of land in that locality have been surveyed.

Mr. HALE, of Maine. While this discussion is progressing I reserve my right of objection.

Mr. HOLMAN. Where is the nearest land office now?

Mr. DUNNELL. The nearest is distant two hundred miles, and my colleague says it is four hundred miles to Pembina. If this land office is not established the settlers are to be subjected to the great trouble of going that distance without any gain at all to the Government. It is a great burden to these settlers.

Mr. HOLMAN. Perhaps the gentleman will allow me one other question. There is never a session of Congress in which we do not establish some new land office; but so far as I am aware we never receive any reports from the Committee on the Public Lands in favor of abolishing any of these offices. At all these offices there are officers to be kept up year after year, and new officers are appointed year after year. All the time the business of the public lands is going westward, rendering the offices behind quite useless, and yet they are not abolished.

Mr. DUNNELL. I beg to inform the gentleman from Indiana that land offices are abolished year after year. There is but one now remaining in Michigan. There are none remaining in Iowa. There are one or two which it is expected will be abolished within a year or two in my own State. I think it ought to be a matter of congratulation that we need new offices in the Territories, but I entirely agree with the gentleman from Indiana that offices which have become unnecessary should be abolished.

Mr. KELLOGG. I shall be obliged to call the regular order.

Mr. DUNNELL. I understand there is no objection to the passage of this bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DUNNELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The regular order having been called, the morning hour begins at twenty-five minutes past twelve o'clock, and reports are still in order from the Committee on Reform in the Civil Service.

CUSTOMS REVENUE SERVICE.

Mr. WOODFORD, from the Committee on Reform in the Civil Service, reported a bill (H. R. No. 2977) to provide for a commission for the reorganization of the customs revenue service of the United States; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

REORGANIZATION OF THE TREASURY DEPARTMENT.

Mr. KELLOGG, from the Committee on Reform in the Civil Service, reported a bill (H. R. No. 2978) to provide for the reorganization of the Treasury Department of the United States, and for other purposes; which was read a first and second time, and ordered to be printed.

Mr. KELLOGG. I move that the bill be made a special order in Committee of the Whole House for Tuesday, April 28, at half-past one o'clock, to the exclusion of all other orders except appropriation bills.

Mr. DAWES. I ask the gentleman also to except reports from the Committee on Ways and Means.

Mr. KELLOGG. I am willing to except reports from the Committee on Ways and Means and the Committee on Appropriations, and I will also except private-bill days.

Mr. DAWES. The exception will apply to reports yet to be made?

The SPEAKER. Of course. But to accomplish his purpose it will be necessary for the gentleman from Connecticut [Mr. KELLOGG] to ask that a further arrangement be made; because he will find, at least on Tuesday, sundry special orders in Committee of the Whole ahead of this on the Calendar. The gentleman had better include in his motion, that with the exceptions he has indicated the House may by a majority vote reach this order on going into Committee of the Whole House.

Mr. KELLOGG. I do not wish to antagonize any important business of the House. But it has gone out, especially from the gentleman from Massachusetts, [Mr. DAWES,] in the speech which we all remember, that we ought to reform the Treasury Department, and this bill is for that purpose.

Mr. SHELDON. Will one objection prevent the proposed arrangement being made? If so, I object. I do it in all kindness to the gentleman from Connecticut, for there is a special order now pending of so much consequence to the South and West that I cannot agree to anything which will cause its postponement.

The SPEAKER. What is it?

Mr. SHELDON. It is the bill for the improvement of the mouth of the Mississippi River.

The SPEAKER. That is the special order for a week after, and the two cannot come in conflict, because this bill will be in Committee of the Whole.

Mr. SHELDON. Then I withdraw my objection.

Mr. ALBRIGHT. There is a special order for the consideration of the Army bill.

The SPEAKER. The two cannot come in conflict.

There being no objection, the motion of Mr. KELLOGG was agreed to.

Mr. KELLOGG. I desire to move that five hundred extra copies of the bill be printed.

The SPEAKER. The House cannot order the printing of extra copies. A resolution to that effect will have to be referred to the Committee on Printing.

Mr. KELLOGG. Very well; I will prepare a resolution.

APPRAISERS OF IMPORTED MERCHANDISE.

Mr. KELLOGG from the Committee on Reform in the Civil Service, reported (as a substitute for the bill H. R. No. 1959) a bill (H. R. No. 2979) abolishing the office of appraiser of imported merchandise, appointed under the act of July 14, 1870, and the acts amendatory thereof, at certain places; which was read a first and second time.

The bill proposes to repeal so much of the thirty-fifth and thirty-sixth sections of the act entitled "An act to reduce internal taxes and for other purposes," approved July 14, 1870, and the acts amendatory thereof, as provides for the appointment of appraisers of imported merchandise at the following-named places: Providence, Rhode Island; Portland, Oregon; Cleveland, Ohio; Milwaukee, Wisconsin; Memphis, Tennessee; Evansville, Indiana; Louisville, Kentucky; Norfolk, Virginia; Mobile, Alabama; Toledo, Ohio, and Pittsburgh, Pennsylvania; and provides that from and after the passage of the act there shall be but one appraiser of imported merchandise at each of the following-named places: Philadelphia, Pennsylvania; Baltimore, Maryland; Charleston, South Carolina, and Savannah, Georgia.

Mr. KELLOGG. I ask action on this bill now, entering a motion to recommit; but I shall yield to several gentlemen for amendments.

Mr. DAWES. While I do not object to the gentleman from Connecticut taking away from the Committee on Ways and Means the entire business of that committee, I ask him to let us have a little notice of it, so that, perhaps, we might modify our own work a little. We have been employed now for three or four weeks on this matter.

Mr. KELLOGG. How long time does the gentleman want?

Mr. DAWES. Only a few minutes.

Mr. KELLOGG. I will yield to the gentleman five minutes.

Mr. DAWES. Five minutes will be enough for me to suggest to the gentleman that, while I do not object to the Committee on Reform in the Civil Service taking the entire customs matter right out of the hands of the Committee on Ways and Means, I will not say a word if he will let us know in season, because we have considerable work of that kind, and have spent a good deal of time on it, and have our bills prepared and are only waiting to be called to report

them. It is really unkind in the Committee on Reform in the Civil Service that they should let us go on in this way working upon those bills and hearing parties and getting information and co-operation from the Treasury Department, which is perfecting our bills in this particular; they ought to let us have notice of their action.

Now, I suggest to the gentleman in all kindness, not because I want to take this matter out of his hands, that he should just postpone action on this bill for a day or two and we will eliminate out of the work of the Committee on Ways and Means everything pertaining to the customs service and turn it over to them and there shall be no conflict between us. We will not antagonize this ambitious young committee who are doing a grand work, and I want to help them all I can; only my committee do not want to do the same work over at the same time, because we know we shall not do it so well; we know that it will show how imperfect our own work is.

I therefore suggest to my friend, in the five minutes that he has kindly yielded to the Committee on Ways and Means to express their views upon the great subject of remodeling the customs service of the United States, that he allow his bill to be postponed. I thank him for yielding even that, and will say no more.

Mr. KELLOGG. Whatever action the Committee on Reform in the Civil Service has taken in this matter has been done under an order of the House, made on the motion of the gentleman from Vermont [Mr. WILLARD] in December last, and the gentleman from Massachusetts did not object. We have not sought to take anything from the honorable Committee on Ways and Means; for we know we are so overshadowed by it that we can hardly do more than creep about under their huge legs, asking permission to stay on the floor of the House. But when we were ordered by a vote of the House, without objection on the part of the gentleman from Massachusetts, to see what reform we could make in the civil service of the Government, and we found a few useless officers, we thought it the duty of our committee to act, and to strike them off; and we did not by any means take our cue from the gentleman's speech made in February last. In January the attention of the committee was called to this matter; a letter was written to the Treasury Department, and we received a reply in the latter part of January saying that certain officers were appointed under this law of July 14, 1870, and I had an intimation that some of them might be dispensed with.

The committee afterward sought information from the Treasury Department for the purpose of determining which of these officers should be dispensed with; and they received the list which I have embraced in the bill now presented to the House. We did not seek to interfere with the work of the Committee on Ways and Means, and we do not do it by this bill. We simply abolish some thirteen or fourteen useless offices, saving to the Treasury some $40,000 annually, which the gentleman from Massachusetts made such a point about in his speech; and which, in all courtesy to him, I submit deserved some action on his part, either in the last Congress or the Congress before, when he was at the head of the committee that should have made this reform. If any committee acts upon the subject now, a censure should not come from his lips; it should not come from him to say that we should wait for the Committee on Ways and Means to report a bill of this kind. We reported a bill a little while ago, which was passed by the House, abolishing the office of deputy collector of internal revenue. Another such officer is also abolished by our action in committee, and is embraced in the bill reported this morning for the reorganization of the Treasury Department.

Now, finding a list of appraisers at these ports who had nothing to do, as the gentleman stated in his speech—and members will recollect that he read a feeling letter from some decapitated officer when he made his speech—I thought it the duty of the Civil Service Reform Committee to abolish some of these useless offices, and we have done so. We do not know but we shall get in a scrape by it, as my friend from Massachusetts [Mr. DAWES] says he always does when he undertakes some particular reform. And that fact, by the way, may account for his course heretofore upon the subject; he has always been loud-spoken in favor of general reform, but never makes any special effort to accomplish any particular reform. And that is what we are seeking to do, by the action of our ambitious young committee, as the gentleman from Massachusetts [Mr. DAWES] styles us.

Mr. SCOFIELD. I notice that this bill provides that there shall be but one appraiser at Philadelphia.

Mr. KELLOGG. There is but one there now. There is a law providing for two appraisers at Philadelphia, but there is a vacancy there now, as the gentleman will find by turning to the Finance Report. There is one appraiser there now, and he has two assistants. This bill does not interfere with the assistants at all, but it provides for only one head, which is thought by us to be best for the interests of the service——

Mr. SCOFIELD. They have one appraiser-general and one appraiser at Philadelphia. I apprehend that if we pass this bill it will abolish the office of appraiser-general.

Mr. KELLOGG. Not at all. This bill provides that there shall be one appraiser at Philadelphia; the law now provides for two, but there is only one now appointed. It is another law that provides for a general appraiser.

Mr. SCOFIELD. The law gives one appraiser and one appraiser-general, if I understand it. The appraiser-general has nothing to do with the appraisal of goods in the first instance.

Mr. KELLOGG. Then I will modify the bill so as to provide for one appraiser-general at Philadelphia, if I find it necessary to prevent his removal.

Mr. DAWES. I make the point of order on the gentleman that he is under two disabilities in regard to moving amendments; one is that he has entered a motion to recommit so that nobody can move an amendment, and the other is that he represents the committee and has no right to change what they have directed him to report.

Mr. KELLOGG. I have not yielded to the gentleman from Massachusetts [Mr. DAWES] again; if he asks me I will do it, for I always yield to him.

Mr. DAWES. I have raised a point of order upon the gentleman.

Mr. KELLOGG. Then I will not modify the bill, but will leave the question to the House.

Mr. SCOFIELD. Concurring with the gentleman from Connecticut [Mr. KELLOGG] in his motives, I will say that I was afraid this bill would abolish the office of appraiser-general. It is now occupied by a gentleman known to a great many persons in this House, Mr. Lorin Blodgett, a man of great ability.

Mr. KELLOGG. It does not interfere with him at all, and certainly was not designed to touch his case.

Mr. SCOFIELD. Some time ago a movement was made in the Treasury Department, as we supposed, to get rid of Mr. Blodgett because—well, I will not say why, for it might do great injustice to some one. But when the gentleman said that this bill came from the Treasury Department, I did not know but the jealousy of Mr. Blodgett might have crept in, and obtained the sanction of the Secretary of the Treasury without his knowing it.

Mr. KELLOGG. I think not; but the gentleman misunderstood me, if he thought I said this bill came from the Treasury Department; for it did not. I sought information in certain places there, and proposed the bill in consequence of that information.

Mr. MYERS. That officer has probably rendered more efficient service than any other single officer of the Government.

Mr. KELLOGG. It does not interfere with him at all. I do not question his services.

Mr. SCOFIELD. By referring to the Blue Book I find among the officers at Philadelphia, "general appraiser, Lorin Blodgett; appraiser, E. B. Moore;" that is all there is, one general appraiser and one appraiser. There are two assistant appraisers; and if the gentleman wants to abolish them I have no objection.

Mr. MYERS. I have very great objections, because they are needed.

Mr. KELLOGG. We do not propose to abolish the general appraiser or the assistant appraisers. There is but one local appraiser appointed at Philadelphia, as I understand, and there is a vacancy under the law, which we think need not be filled, and that that office should be abolished.

Mr. SCOFIELD. Mr. Blodgett is the general appraiser.

Mr. KELLOGG. I ask that the bill be read again, so that gentlemen may see what we do provide in it.

Mr. SCOFIELD. If the gentleman will allow me, I will move to strike out the words "Philadelphia, Pennsylvania."

Mr. KELLOGG. I will withdraw the motion to recommit for that purpose.

Mr. SHERWOOD. I desire to make a point of order on the bill, that as it proposes to abolish offices now provided for by law it must be first considered in Committee of the Whole.

The SPEAKER. That point of order would have been good if made in time; but this bill has been some fifteen minutes before the House, and the point of order is too late.

Mr. KELLOGG. If the gentleman from Pennsylvania wishes to move an amendment to strike out Philadelphia, I will withdraw the motion to recommit and yield for that purpose.

Mr. SCOFIELD. I move to strike out "Philadelphia, Pennsylvania."

Mr. DAWES. I make the point of order that no amendment can be offered while the motion to recommit is pending.

Mr. SCOFIELD. As I understand, the gentleman from Connecticut [Mr. KELLOGG] withdraws the motion to recommit for the purpose of allowing me to move this amendment.

Mr. KELLOGG. Yes, sir; I withdrew the motion to recommit for that purpose.

The SPEAKER. The motion to recommit being withdrawn, the gentleman from Pennsylvania moves the amendment he has indicated.

Mr. CONGER. Mr. Speaker——

Mr. KELLOGG. I cannot yield to the gentleman now. I will when I get through.

Mr. CONGER. I wish to ask the gentleman a question.

Mr. KELLOGG. I will yield for that purpose only.

Mr. CONGER. Does not this bill abolish the office of appraiser at interior ports of entry where there is no other officer to attend to the duties?

Mr. KELLOGG. It does not. There are several other officers who can do the work, or the duties of an appraiser can be imposed upon them by law.

Mr. CONGER. For instance, at Evansville, Indiana——

Mr. KELLOGG. There are other officers there to do the work. The salaries now cost more than the collections amount to. There are two or three other officers there.

Mr. CONGER. I wish to say to the gentleman that the appraiser at Evansville does not hold his place under the old law, but by virtue of a more recent law creating interior ports of entry; and as my friend from Massachusetts, [Mr. DAWES,] the chairman of the Committee on Ways and Means, is aware, for an interior port of entry the appraiser is the only officer. There is no appraiser connected with Evansville as a port of delivery; but there is an appraiser there under the law of 1870 or 1871, making it an interior port of entry; and that appraiser is the only officer recognized at that port.

Mr. HOLMAN. The effect of this bill is to abolish the port of entry at Evansville; and that I think very proper if other ports of the same character are abolished.

Mr. KELLOGG. I will answer the gentleman from Michigan, [Mr. CONGER,] if he will allow me.

Mr. CONGER. I wish to say a word further. At each of the lake ports mentioned in the bill there is no appraiser in the regular list of officers connected with it as a port of entry under the general laws of the United States. But under the laws establishing interior ports of entry, such as Evansville, Saint Louis, Cincinnati, and Milwaukee, there is one officer appointed at each place to make them interior ports of entry. The gentleman now proposes to abolish these ports of entry by abolishing the only officer there. I ask the gentleman whether he knew that there was such a distinction between appraisers at the interior ports of entry and appraisers on the sea-coast?

Mr. KELLOGG. I am aware of the distinction. If the gentleman will turn to the finance report and look at the list of officers at each one of these places he will be convinced that there is ample force to do the work without the appraisers, and the work can be put upon them by law.

Mr. CONGER. I supposed the gentleman might not be familiar with the law constituting interior ports of entry with an appraiser as the only officer. He may be familiar with that fact, but I cannot see the indication of it in this bill.

Mr. KELLOGG. I do. The bill is based upon the law of July 14, 1870, that the gentleman refers to. We do not interfere in this bill with the gentleman's port in Michigan, though we would have put it in if we had had a recommendation to that effect, or any proof that it was a needless office, as in these other cases.

Mr. CONGER. I wish to say to the gentleman that the port to which he refers, Port Huron, is the largest port of importation on the lakes. Most if not all of the trade that comes into the United States by the Saint Lawrence enters at that port.

A MEMBER. It has more business than New Haven, Connecticut.

Mr. CONGER. Yes, sir; the importations at that port are larger than at New Haven; and it has no appraiser at all. My modesty prevented me from ever asking for one there.

Mr. KELLOGG. Detroit, Michigan, already has an appraiser, and that was the port I referred to; and when the gentleman says that the collections at Port Huron are more than at New Haven, Connecticut, he is mistaken by nearly $200,000, as the finance tables will show. The collections at Port Huron last year were only $73,077.12; at New Haven, Connecticut, they were $343,308.20. If the House should refuse to pass the bill I shall be obliged to ask for an appraiser at New Haven, and also one at Hartford, Connecticut, where such an officer is needed much more than at many of the places named in the bill, and perhaps as much as Port Huron.

Mr. CONGER. The appraiser at Detroit was appointed under a special act of Congress passed at the last session. The last Congress, on a full hearing, determined that such an officer was necessary there. Now, if the gentleman will yield one moment——

Mr. KELLOGG. I cannot yield longer now.

Mr. CONGER. Then I desire to say to the House that a manuscript bill which has never been printed, which comes before the House now for the first time, is to be forced through as a measure of civil-service reform without any opportunity for debate or examination. Is that the "civil-service reform" the gentleman from Connecticut would impose upon us? I commend him to the tender mercies of the House, which will decide whether a bill of this kind, unprinted and undiscussed, is to be put through in this manner.

Mr. KELLOGG. One word in reply to the gentleman from Michigan. I am not fearful of the "tender mercies of the House" on this question or any other, even if the gentleman from Michigan shall lead the onslaught.

I simply sought to do my duty in this matter. The bill referred to the committee was printed and has been before the House for three months. I gave notice in a speech I made March 11—more than a month ago—that we had agreed to report a bill to abolish these appraisers. The bill as reported simply leaves in some who were formerly embraced in the bill as referred and printed. We report a substitute abolishing appraisers at some ports, retaining only one at other ports. That is the whole of it. We retain some in the substitute reported that the original bill abolished.

Mr. KASSON. I wish to ask the gentleman from Connecticut a question directly on the bill itself. Does he suppose that, abolishing the office of appraiser, the duties of appraiser will devolve on some other officer without some new provision of law?

Mr. KELLOGG. They certainly do devolve on the deputy collector or collector wherever there is one, as there is at most of these places——

Mr. KASSON. Without any new provision of law.

Mr. KELLOGG. Without any new provision of law whatever. They will devolve on the collector or deputy collector if there be a deputy collector, and if not on the collector. There is a deputy collector at all these ports, with the exception of two or three in the interior.

Mr. DAWES. Let me ask the gentleman a question, (for I desire to get whatever information I can on this point.) What collector has charge of the port of Evansville?

Mr. KELLOGG. The gentleman ought to know; for he made that a part of his speech, that it was useless to have any officer there, which attracted so much attention. There is a surveyor and other officers there.

The SPEAKER. The Chair would like to hear this debate, but he cannot do it in consequence of the great confusion in the House.

Mr. KELLOGG. I am determined to have action on this bill if I can to-day, for I do not want to take another morning hour. I will yield to gentlemen to ask whatever reasonable questions they may have to put.

Mr. DAWES. I inquire in good faith, Mr. Speaker. The gentleman proposes to abolish several offices, as I understand it, and to provide that the duties hitherto discharged at these places by the present officers, who are to be abolished, shall be discharged by others. I do not know but my friend from Connecticut, like myself, represents a district where we do not have any of these offices. But I believe he wishes to convince the House that unless they abolish these offices he will be obliged to ask for the establishment of similar offices at Hartford and at New Haven.

Mr. BUTLER, of Massachusetts. And one at Salem, Massachusetts.

Mr. DAWES. And one at Salem, Massachusetts, for my friend, who is also on the Committee on Reform in the Civil Service. I do not know how many there are in that position who are to have appraisers appointed unless this bill is passed. But I am going for the bill.

Mr. SENER. You are "going for" it; but how?

Mr. DAWES. I give notice rather than have new appraisers appointed at Hartford and at Salem and at Marblehead and at Lynn I shall go for abolishing these offices, whatever be the consequences or upon whomsoever shall fall afterward the discharge of these duties.

I am not against abolishing these offices. I rose merely to suggest to the gentleman that this was double work on the part of two committees. To be sure the Committee on Ways and Means have properly under the rules control of this question, but I do not desire to interpose one single obstacle in the way of the passage of this bill. I have no doubt it has received proper consideration by this committee. From the nature of their service, perhaps the Ways and Means Committee are best able to judge of the matter. The Committee on Civil Service brought in a bill yesterday (which went to the Committee of the Whole) to codify the whole customs service of the United States. I felt greatly relieved, and I said to the Committee on Ways and Means that the Committee on Reform in the Civil Service had relieved us of a great work which had been of some trouble to us for two or three months; that the Committee on Reform in the Civil Service had taken this off our hands. I give my friend from Connecticut therefore my hearty support in this bill, but I wish him to do himself and my colleague justice before the country and not have it said that the only condition upon which the people of the country can be saved from useless offices at Hartford, New Haven, Lynn, Marblehead, and Salem is to pass this bill.

Mr. KELLOGG. Now, Mr. Speaker, I do not yield any longer to the gentleman from Massachusetts. I will say to my friend from Massachusetts, in reply, that an appraiser at New Haven or Hartford is needed much more than at the places in this bill where we propose to abolish them; but that if I should stand up to what I have said about this, in the same way in which he did in his former speech, I should strike out from the RECORD what I have said, as he did what he said in regard to his wishes to have such an officer in his district. For when commenting on the port of Evansville he uttered a feeling prayer, in that familiar style of his, that he wished he had a port of entry or delivery among the hills of Berkshire, Massachusetts, but when we came to read his speech in the RECORD, we found that he had struck out all that he had said on that subject.

Now I wish to say in regard to the action of the Committee on Ways and Means that we do not wish to antagonize with them at all. They would have done a good deal for the reorganization of the civil service if they had abolished many of the customs districts, as they ought to have done, under the lead of the distinguished gentleman from Massachusetts two years ago, instead of waiting until the special report came from the Treasury Department early during this session recommending the consolidation of customs districts. The gentleman then took up that report, and taking some eight or ten columns of figures out of the financial report, and from the Bureau of Statistics, he poured them over the heads of members here on this floor in that February speech of his. If the Committee on Ways and Means mean to get a bill through before the end of the session, we do not think there will be any suffering in any one of these places if we abolish these offices of appraisers now. Let them report a bill—and they have a right to report a bill at any time—and there will be no obstruction to it on the part of the Committee on Civil Service Reform, from which the gentleman from Massachusetts, the chairman of the Committee on Ways Means, seeks on all occasions to pluck the few feathers it has. But it will do no sort of harm if we abolish those appraisers

now, and then let the gentleman's committee give us a complete bill for the reform of the custom-house service.

I now yield to the gentleman from Pennsylvania [Mr. SCOFIELD] if he wishes to move the amendment he has indicated.

Mr. SCOFIELD. The amendment is now pending.

Mr. PARSONS. I desire to offer an amendment.

Mr. KELLOGG. I do not yield to the gentleman for that purpose now, but will in due time do so.

The question being taken on Mr. SCOFIELD's amendment to strike out "Philadelphia, Pennsylvania," from the bill, the House divided; and the Chair announced as the result of the vote that the noes had it.

Mr. MYERS. I must call for tellers. I do not think the question was understood. I do not think it is understood that this, perhaps unintentionally, would strike down one of the best officers of this Government; one who, during this session, has rendered great service, as my friend from Vermont, [Mr. POLAND,] the chairman of the Committee on Revision of the Laws, will testify.

Tellers were ordered.

Mr. MYERS. I will withdraw the request for tellers on the assurance of the gentleman from Connecticut, as I understand him, that no such proposition as I have stated is made. But I am afraid that would be the construction of it.

Mr. KELLOGG. If the gentleman is right and I am wrong I will help him to put it right hereafter.

Mr. MYERS. It would be better to have it right now.

Mr. KELLOGG. I now yield to the gentleman from Rhode Island to offer an amendment.

Mr. EAMES. I move to amend the bill by striking out the word "Providence."

Mr. KELLOGG. I yield five minutes to the gentleman from Rhode Island, [Mr. EAMES.]

Mr. EAMES. The bill before the House was suggested, beyond question, by a letter that was read by the distinguished gentleman from Massachusetts, [Mr. DAWES,] the chairman of the Committee on Ways and Means, in the speech which he made early in February on the public expenditures. From that letter it appeared that a person who had once occupied the office of appraiser in some part of the country, not designated in the letter itself, had found that the only duties of his office were simply to receive and to receipt for the salary, which was fixed by law at the rate of $3,000.

When that letter was read, which also embraced the statement that there were about a dozen of these useless offices, the gentleman from Connecticut, [Mr. KELLOGG,] the chairman of the Committee on Reform in the Civil Service, immediately corrected the statement by saying that there were sixteen of them. Now, I am unwilling on this floor or anywhere else to antagonize any reform that is proposed in regard to the civil service of the country. I should be unwilling if a place were pointed out where it appeared there was an officer who was drawing pay from the Treasury of the United States, and was not rendering an equivalent in service, to say a word in favor of maintaining such a useless office. But when the committee, in the consideration they have given to this question, come to the conclusion to include in this list the port of Providence, I cannot help feeling that they have acted upon information which is not correct.

Why, sir, there are in this bill some eleven ports that are designated, including the port of Providence. But outside of the ports named in this bill there are four ports which I can name at which these offices are established, not one of which returns to the Treasury of the United States from duties on imports anything like the amount that is returned to the Treasury of the United States from the custom-house at the port of Providence. I will name them: Detroit, in the State of Michigan; Charleston, South Carolina; Cincinnati, Ohio; and Savannah, Georgia.

Now, sir, so far as the port of Providence is concerned, I desire to make some statements in relation to it, which may justify the action I take in moving the amendment I have offered to exempt it from the provisions of this bill. The city of Providence, in an area of about three square miles, has by recent additions to its territory a population of about one hundred thousand. It is situated at the head of the navigation of Narragansett Bay, built beautifully on either side of the Providence River, and has within it almost every industry that you can name. During the past year there has been imported directly to this port, under the provisions of the act of July 14, 1870, at least $1,500,000 worth of merchandise subject to duties under the laws of the United States.

Now, Mr. Speaker, I desire to call the attention of the House, in relation to the necessity of an appraiser at the port of Providence, to some facts and statistics which I have gathered, and which have been furnished me since the first intimation was given to me that it was proposed to abolish the appraisership at that place. The port of Providence is the third of the New England ports as to the amount of revenue paid to the Government of the United States. It stands thirteenth on the list of all the ports of the country. The merchandise which has been imported directly by vessels into that port during the year ending June 30, 1873, consisting of coal, dye-woods, chemicals, iron and manufactures of iron, lumber, and other articles——

[Here the hammer fell.]

Mr. EAMES. I ask the gentleman from Connecticut to yield to me long enough to enable me to have read at the Clerk's desk a letter which I have just received from the Secretary of the Treasury.

Mr. KELLOGG. I yield long enough to have the letter read.

The Clerk read as follows:

TREASURY DEPARTMENT,
Washington, D. C., April 14, 1874.

SIR: In reply to your letter of the 11th instant, requesting information as to the extent of business at the custom-house at the port of Providence, State of Rhode Island, and to the propriety of discontinuing the services of the appraiser appointed under the act of July 14, 1870, I have to say that upon reference to the records in the office of the Commissioner of Customs it is ascertained that the duties on imports during the three years ending June 30, 1871, were $593,853.91, and that during the two years ending June 30, 1873, they amounted to $883,749.66.

Under these circumstances I do not feel warranted in recommending the discontinuance of the services of the appraiser until further trial.

I am, very respectfully,

WM. A. RICHARDSON,
Secretary.

Hon. B. T. EAMES,
House of Representatives, Washington, D. C.

Mr. KELLOGG. I will submit the question to the House on the gentleman's speech and that letter whether they will accept the amendment or not, without further reply.

Mr. EAMES. It is hardly fair to take a member off the floor before he has stated the facts upon which he relies, and then submit the question to the House as if the statement had been made. But the House has heard the letter from the Secretary of the Treasury in relation to this port, and I have here the facts and figures which show that the port of Providence ought to be excepted from the provisions of this bill.

The value of the merchandise imported directly to this port during the year ending June 30, 1873, was $787,438. The value of merchandise rewarehoused for the same period was $218,736. The number of vessels entering the port from foreign countries during that year was 202, and the whole number of vessels from foreign and domestic ports was 7,126.

The value of merchandise imported under the act of July 14, 1870, from May 1, 1871, to April 30, 1872, was $75,776, on which the duties were $26,916; from May 1, 1872, to April 30, 1873, $154,138, on which the duties amounted to $47,249; from May 1, 1873, to December 31, 1873, a period of eight months, $121,018, and the duties $42,381, an increase over the corresponding months of 1872 of $34,572 in value and $12,882 in the amount of duties. The letter of the Secretary of the Treasury shows that the duties on imports during the three years ending June 30, 1871, were $593,853.91, and that during the two years ending June 30, 1873, they amounted to $883,749.66. These facts indicate the amount of business and its rapid increase since the provisions of the act of July, 1870, were extended to the port of Providence. The amount of duties on imports in 1869 was $205,651.18, and in 1872, $530,129.70.

There are sixty merchants engaged in Providence in the importation of about one hundred and twenty five different kinds of merchandise.

The revenue derived from the port of Providence is very much larger than that received from the other ports at which the office of appraiser is proposed by the bill to be discontinued, and larger than that received from either of the four ports to which I have referred at which the office of appraiser is continued; and the number of persons employed and the cost of collection is less at Providence than at either of the last-named ports. The number of persons employed at Detroit is 59, and the cost of collection 19.27 per cent.; at Charleston, 41 persons, at a cost of 30.63 per cent.; at Savannah, 68 persons, at a cost of 42.25 per cent.; at *Providence, 25 persons, at a cost of 8.52 per cent.* Upon this statement, by what rule of equity is Providence deprived of an appraiser while an appraiser is retained at Detroit, Cincinnati, Charleston, and Savannah? I do not say that appraisers are not necessary at these ports, but if so, it is manifest that an appraiser ought to be retained at Providence. That such office is required at the port of Providence is evident from the letter of the Secretary of the Treasury and from the facts herein stated of the amount of its business as indicated by its revenue from imports.

The question was taken on Mr. EAMES's amendment; and it was not agreed to.

Mr. KELLOGG. I now yield to the gentleman from Virginia [Mr. PLATT] to offer an amendment.

Mr. PLATT, of Virginia. I move to strike out "Norfolk, Virginia." I desire to call the attention of the members of this House to some facts which I want to present in reference to the proposition to take away this officer from the port of Norfolk.

Mr. KELLOGG. I yield to the gentleman five minutes.

Mr. PLATT, of Virginia. I do not wish to antagonize a desire on the part of Congress to carry out a true and judicious system of economy; but I do not want the members of this House to vote without reason, without knowing what they are doing and without understanding the question before them. I do not want them to abolish an office when that abolition will be a detriment to the Government of the United States.

Mr. Speaker, I send to the Clerk's desk and ask to have read a letter which I have received from one of the most experienced officers of the Government.

The Clerk read as follows:

CUSTOM-HOUSE, NORFOLK, VIRGINIA.
Collector's Office, February 23, 1874.

DEAR SIR: Relative to the bill before Congress abolishing the position of ap-

praiser at this and several other ports, I beg leave very respectfully to state that after careful reflection I am fully convinced that the abolishment of the appraiser's position at this port will be very detrimental to the public interest.

Should the act take effect, the duties now performed by the appraiser would revert to this office. Already with the increased trade of this port, and also in view of the fact that the Alexandria, Manassas and Orange Railroad will be shortly bonded under the act of July 14, 1870, through to Memphis, it will be a hard matter to keep up the work of this office without an increase of the force.

It is absolutely requisite that the duties of appraiser should be performed by some one separate and distinct from the collector's office, because in cases of appeals, the importer would have to await the decision of the general appraiser at Baltimore. Several days would elapse before that decision could be received. These delays would not only be annoying, but highly detrimental pecuniarily.

If it is contemplated to abolish the office as an economical measure, I think it will be a failure, because I am satisfied that a vigilant appraiser at this port can save for Government during the year fully twice the amount of his salary. In this connection I allude to the undervaluation of invoices.

I will also state that the "Allen line of steamers," from Liverpool, arrive at this port twice a month; they bring cargoes, not only for Richmond, Petersburgh, and Norfolk, but on several occasions for Memphis and Cincinnati by way of the Chesapeake and Ohio Railroad. You will notice that these steamers alone furnish considerable work for the appraiser, and I have known, on a number of occasions, that the appraiser was kept so busy appraising goods that before he had completed the work of one steamer, another one arrived.

I earnestly hope, through your endeavors and influence, that the appraiser's position at this port will at least be retained.

I am, very respectfully, your obedient servant,

CHARLES E. GETTSLICH.
Deputy Collector.

Hon. JAMES H. PLATT, Jr.,
House of Representatives, Washington, D. C.

Mr. PLATT, of Virginia. Now, Mr. Speaker, I beg the members of the House, before voting on this bill and on my amendment, to give me their attention for one moment. I desire to remind the House that the port of Norfolk is a sea-board port, and I believe the only one of that character which has been placed in this bill. Is is a port of entry for foreign goods and merchandise, not only for the city of Norfolk, but for the extensive system of navigable waters of which it is the central and entrance port. All the business done at the custom-houses at Petersburgh and Richmond is entered at Norfolk, and the returns for the last year show that the duties paid at those offices in gold amounted to $284,666.77 after all drawbacks had been settled by the Department.

Mr. KELLOGG. I believe the gentleman's time has expired.

Mr. PLATT, of Virginia. No, it has not. Now, Mr. Speaker, the Government might well afford to pay two or three times the amount of salary paid to this officer at this port. We are to have a weekly line of steamers connecting Norfolk with Europe, and there will be arrivals of foreign steamers every week. A grand trunk line of railroad is now completed from Norfolk to Bristol, Tennessee, which will carry more freight than any other line in the South, and which is about to become a bonded railroad. The Secretary of the Treasury and the very competent head of the custom-house department——

Mr. KELLOGG. I call the gentleman to order; his time has expired.

Mr. PLATT, of Virginia. I want to know who keeps the time on this floor; the Speaker, or the gentleman from Connecticut?

Mr. KELLOGG. I yielded only five minutes to the gentleman.

Mr. PLATT, of Virginia. And I wish to know if the five minutes have expired?

The SPEAKER. Not quite.

Mr. KELLOGG. I yielded to the gentleman five minutes, and it took three-fourths of his time to read that letter.

Mr. PLATT, of Virginia. I was about saying that the Secretary of the Treasury and the head of the customs department, and everybody else excepting this Committee on Civil Service Reform, all unite in saying that the abolition of this office and the removal of this officer would be a detriment to the best interests of the Government of the United States. I ask the House not to strike this officer down and not to pass this bill without careful consideration and understanding the facts of the case.

Mr. KELLOGG. I would simply say in reply to the gentleman from Virginia [Mr. PLATT] that there were about $29,000 collected, which cost over $33,000 to collect, or 119 per cent.; and they had twenty-nine employés to do it. I think they ought to be satisfied with officers enough to take all the customs they collect and more also. I now call for a vote.

Mr. PARSONS. Will the gentleman allow me to move an amendment?

Mr. KELLOGG. The gentleman from Ohio [Mr. PARSONS] wants to move to strike out "Cleveland." I allow that amendment to be offered, and I now call the previous question on the bill and amendments.

The question was taken on seconding the previous question; and there were—ayes 103, noes 19; no quorum voting.

Tellers were ordered; and Mr. KELLOGG, and Mr. PLATT of Virginia, were appointed.

The House again divided; and the tellers reported that there were—ayes 124, noes 24.

So the previous question was seconded, and the main question was then ordered.

The first question was upon the amendment to strike out "Norfolk, Virginia;" and being taken, it was not agreed to upon a division, ayes 31, noes not counted.

The next question was upon striking out "Cleveland, Ohio;" and being taken, it was not agreed to.

Mr. PARSONS. I move that the bill be laid on the table.

The question was taken; and there were ayes 13, noes not counted.

Mr. PARSONS. I call for tellers.

Tellers were not ordered; there being only 4 in the affirmative.

So the motion to lay on the table was not agreed to.

Mr. CONGER. Is it in order to move to recommit this bill with the letters from the Secretary of the Treasury?

The SPEAKER. That is not now in order, the previous question being partly executed.

Mr. PLATT, of Virginia. I rise to make a parliamentary inquiry.

Mr. KELLOGG. I object to parliamentary inquiries at this time, or any other inquiries.

Mr. PLATT, of Virginia. Have I a right to make a parliamentary inquiry?

The SPEAKER. If it be a parliamentary inquiry.

Mr. PLATT, of Virginia. What became of the motion to recommit this bill?

Mr. KELLOGG. It was withdrawn, and I called the previous question.

Mr. PLATT, of Virginia. When was it withdrawn? I call for the record.

The SPEAKER. The motion to recommit must have been withdrawn before any amendment could be offered.

Mr. KELLOGG. The gentleman knows that I withdrew it, for he moved an amendment himself; and I withdrew it out of courtesy to him and other members who desired to offer amendments.

Mr. PARSONS. The gentleman from Connecticut [Mr. KELLOGG] promised that I should make a speech on the necessities of an appraiser at Cleveland, and he has not given me that privilege.

Mr. KELLOGG. I call for a vote. There was no time for a speech left in the hour.

The bill, as amended, was then ordered to be engrossed and read a third time.

Mr. CONGER. I call for the reading of the engrossed copy.

Mr. WILLARD, of Vermont. Then I will move to reconsider the last vote, and on that call the yeas and nays; so that the bill may be engrossed while the roll is being called.

Mr. CONGER. I will withdraw my call for the reading of the engrossed copy. I made it merely that the committee might have until to-morrow, when they would have another morning hour, to review this bill and make some corrections in it, which I am certain they would desire to make before passing it. That was my only object, and I withdraw my call.

The bill was then read the third time, and passed.

Mr. KELLOGG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. MAYNARD. I call for the regular order.

The SPEAKER. The regular order is the currency bill.

ELECTION OF SENATORS BY THE PEOPLE.

Mr. CREAMER, by unanimous consent, introduced a joint resolution (H. R. No. 86) proposing an amendment to the Constitution of the United States, providing for the election of Senators of the United States by the people of the respective States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CONDEMNED ORDNANCE FOR MONUMENTAL PURPOSES.

Mr. WOODWORTH, by unanimous consent, introduced a bill (H. R. No. 2980) to authorize the Secretary of War to deliver to the Alliance Soldiers' Monument Association, of Alliance, Ohio, condemned ordnance for monumental purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

UNITED STATES LANDS IN VIRGINIA.

Mr. SENER. On Thursday last I introduced a bill releasing the claims of the United States to certain lands in the counties of Accomac and Northampton, in the State of Virginia, owned by the United States, which was referred to the Committee on Revision of the Laws. I find that the whole subject is in the hands of the Committee on Ways and Means, and I ask that the reference of the bill be changed accordingly.

No objection was made, and it was so ordered.

MARY J. COATES.

Mr. CLAYTON, by unanimous consent, introduced a bill (H. R. No. 2981) granting a pension to Mary J. Coates; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PAY OF COMMITTEE CLERK.

Mr. CRITTENDEN, by unanimous consent, submitted the following resolution; which was referred to the Committee on Accounts:

Resolved, That the compensation of the clerk of the Committee on Invalid Pensions shall hereafter be the same as that paid the clerk of the Committee on Claims.

DEED-OF-TRUST SALES IN DISTRICT OF COLUMBIA.

Mr. CHIPMAN, by unanimous consent, introduced a bill (H. R. No. 2982) relating to sales under deeds of trust in the District of Colum-

bia; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

NATIONAL CURRENCY—FREE BANKING.

The SPEAKER. The House resumes the consideration of the special order, being the bill (H. R. No. 1572) to amend the several acts providing a national currency and to establish free banking, and for other purposes. The Chair will state the position of this bill. The first amendment pending is that of the gentleman from Massachusetts, [Mr. E. R. HOAR,] which is an amendment to the original bill of the committee. The next amendment is that offered by the gentleman from Ohio, [Mr. FOSTER.] There is also pending a substitute offered by the gentleman from Massachusetts [Mr. BUTLER] for the bill of the committee; and the gentlemen from Indiana [Mr. WILSON] has offered a substitute for that amendment.

Mr. BUTLER, of Massachusetts. Upon the assurance of the chairman of the Committee on Banking and Currency [Mr. MAYNARD] that after the bill of the committee shall have been voted upon he will go with the friends of the Senate bill to take it up, I withdraw my substitute; and I am also instructed to say that the gentleman from Indiana [Mr. WILSON] withdraws his amendment.

The SPEAKER. That would necessarily be withdrawn by the withdrawal of the proposition to which it is an amendment.

Mr. E. R. HOAR. With the consent of the gentleman from Tennessee I desire to modify the amendment I introduced the other day.

The SPEAKER. The gentleman has a right to modify it, as the previous question is not yet operating.

Mr. MAYNARD. Before the gentleman from Massachusetts [Mr. E. R. HOAR] modifies his amendment, I beg to repeat what I said on a former day, that when the present bill shall have been disposed of by the House, it is my intention either myself to move to go to the Speaker's table, or to sustain such a movement on the part of any one else; and when the Senate bill shall be reached, should I obtain the floor, I shall move to put that bill on its passage, without amendment, and on the motion shall ask the previous question, so that the sense of the House may be promptly tested on that proposition.

I will say, further, that two gentlemen who have amendments pending, the gentleman from Massachusetts [Mr. E. R. HOAR] and the gentleman from Ohio, [Mr. FOSTER,] have intimated to me that they desire to modify their amendments before the House acts upon them. I think it fair and proper that those gentlemen should have that opportunity; I feel no disposition to deprive them of it. The gentleman from Minnesota [Mr. DUNNELL] tells me that his colleague, Mr. STRAIT, who has been absent by reason of sickness, has sent to him an amendment, which, out of regard for an absent colleague who is sick, he desires to have read at the desk.

Mr. DUNNELL. I send to the Clerk the amendment which my colleague would have offered if he had been present and had obtained the opportunity.

The Clerk read as follows:

Add to the bill as new sections the following:

SEC. —. That if the amount of national-bank currency issued under this act shall exceed the sum of $400,000,000, the Secretary of the Treasury is hereby authorized and directed to retire and cancel outstanding legal-tender notes to the amount of 50 per cent. of such excess until the amount of outstanding legal-tenders shall be reduced to $300,000,000; and if the amount of national bank-currency issued as aforesaid shall exceed $600,000,000, the Secretary of the Treasury is authorized to retire and cancel legal-tenders to the full amount of such excess until the amount of outstanding legal-tenders shall be reduced to $200,000,000.

SEC. —. That so much of the fifth section of an act entitled "An act to authorize the issue of United States notes and for the redemption and funding thereof, and for funding the floating debt of the United States," approved February 25, 1862, as relates to the purchase or payment of 1 per cent. of the entire debt of the United States annually and the setting the same apart as a sinking fund, be so amended that said purchase of 1 per cent., as therein prescribed, shall apply to the extent of the legal-tender notes retired and canceled under the preceding section of this act.

Mr. MAYNARD. It will be seen that the principle of that proposed amendment is identical with that of the amendment already offered by the gentleman from Ohio, [Mr. FOSTER,] and therefore I would decline to admit it.

Mr. HOLMAN. I wish to say one word to the gentleman from Tennessee. No opportunity has yet been given to vote upon a proposition to retire the national-bank paper and substitute in its stead United States notes, and also to release the banks from the obligation of holding a reserve in United States notes. I trust the gentleman will allow to be offered as a substitute for the bill a proposition which will accomplish that purpose.

Mr. MAYNARD. We voted on that question the other day.

Mr. HOLMAN. We have had no vote in the House upon that distinct question; it has always been coupled with other propositions.

Mr. E. R. HOAR. I modify my amendment by striking out "September 1, 1874," in both places where that date is found, and inserting "July 4, 1876." I wish merely to say that, while I should prefer the earlier date, I have consented to this modification on the assurance of numerous members of the House that in this form the amendment will be more satisfactory to them.

Mr. FOSTER. I send to the Clerk my amendment in the form in which I have modified it.

The Clerk read as follows:

SEC. —. That whenever the national-bank note circulation shall exceed the aggregate of $400,000,000, the Secretary of the Treasury is hereby authorized and directed, so far as the fund hereinafter provided will permit, to retire, redeem, and cancel legal-tender notes of the United States to the extent of 25 per cent. of such excess until the outstanding and unpaid legal-tender notes of the United States shall be reduced to the amount of $300,000,000.

SEC. —. That to enable the Secretary of the Treasury to perform the duty imposed by the preceding section, so much of the fifth section of the act entitled "An act to authorize the issue of United States notes, and for the funding and redemption thereof, and for funding the floating debt of the United States," approved February 25, 1862, as relates to the purchase or payment of 1 per cent. of the entire debt of the United States annually, and the setting the same apart as a sinking fund, be so amended that said purchase of 1 per cent. therein prescribed shall apply to the extent of the legal-tender notes of the United States directed to be retired, redeemed, and canceled under the preceding section of this act.

Mr. MAYNARD. Upon the bill and the two amendments now pending I move the previous question.

Mr. HOLMAN. I wish to make a parliamentary inquiry. If the previous question be not sustained, will it be in order to offer a substitute proposing to retire the national-bank paper and substitute United States notes?

The SPEAKER. Of course it would be.

Mr. HOLMAN. I trust that the gentleman from Tennessee, who has allowed all other forms of amendment to be presented, will allow such a substitute to be offered.

Mr. MAYNARD. That was the substance of a proposition which we voted on the other day.

Mr. HOLMAN. It was coupled with other matter.

On seconding the previous question the Speaker ordered tellers; and appointed Mr. MAYNARD and Mr. HOLMAN.

The House divided; and the tellers reported—ayes 114, noes 83.

So the previous question was seconded.

The main question was ordered.

The SPEAKER. The first question is upon the amendment of the gentleman from Massachusetts, [Mr. E. R. HOAR,] which will be read as modified.

The Clerk read as follows:

SEC. —. That from and after the 4th day of July, in the year 1876, nothing but gold and silver coin of the United States shall be a legal tender for the payment of any debts thereafter contracted.

SEC. —. That from and after the 4th day of July, in the year 1876, every holder of United States notes shall have the right to exchange them at the Treasury of the United States in sums of $100, or any multiple thereof, for bonds of the United States, coupon or registered, bearing interest at the rate of 4½ per cent. a year, payable semi-annually; which bonds shall be redeemable after ten years from their date at the pleasure of the United States, and payable at thirty years from their date, payable, principal and interest, in gold; and the notes so exchanged shall be canceled and destroyed and not reissued, and no new notes shall be reissued in lieu thereof.

Mr. HOLMAN. On this amendment I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 70, nays 171, not voting 49; as follows:

YEAS—Messrs. Albert, Arthur, Barnum, Bass, Bromberg, Buffinton, Clayton, Clymer, Cox, Crooke, Curtis, Dawes, De Witt, Eames, Frye, Garfield, Gooch, Eugene Hale, Hamilton, Hancock, Benjamin W. Harris, Joseph R. Hawley, Herndon, E. Rockwood Hoar, George F. Hoar, Hooper, Hynes, Kellogg, Kendall, Lawson, Lowndes, Luttrell, Magee, MacDougall, Mitchell, Moore, Nesmith, Niles, Page, Hosea W. Parker, Pendleton, Perry, Phelps, Pierce, Pike, James H. Platt, jr., Poland, Potter, Randall, Rice, Ellis H. Roberts, Sawyer, John G. Schumaker, Scofield, Small, Smart, John Q. Smith, Speer, Starkweather, Tremain, Waldron, Wheeler, Whitehouse, Charles W. Willard, George Willard, John M. S. Williams, Willie, Ephraim K. Wilson, Wood, and Woodford—70.

NAYS—Messrs. Adams, Albright, Atkins, Averill, Barber, Barrere, Barry, Beck, Begole, Bell, Biery, Bland, Blount, Bowen, Bradley, Bright, Brown, Buckner, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Caldwell, Cannon, Cason, Cessna, Amos Clark, jr., John B. Clark, jr., Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Comingo, Conger, Cook, Corwin, Cotton, Creamer, Crittenden, Crounse, Crutchfield, Danford, Darrall, Davis, Dobbins, Donnan, Duell, Dunnell, Durham, Eden, Eldredge, Farwell, Field, Fort, Foster, Freeman, Gunckel, Hagans, Harmer, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Havens, John B. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hereford, Hodges, Holman, Houghton, Hubbell, Hunter, Hunton, Hurlbut, Hyde, Jewett, Kasson, Kelley, Killinger, Knapp, Lamison, Lamport, Lansing, Lewis, Lofland, Loughridge, Lowe, Marshall, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, McJunkin, McKee, McLean, McNulta, Mellish, Merriam, Milliken, Mills, Monroe, Morey, Myers, Neal, Niblack, Nunn, O'Neill, Orr, Orth, Packard, Packer, Isaac C. Parker, Pelham, Phillips, Thomas C. Platt, Pratt, Rainey, Rapier, Ray, Richmond, Robbins, William R. Roberts, Ross, Milton Sayler, Isaac W. Scudder, Sener, Sessions, Shanks, Shents, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloss, A. Herr Smith, George L. Smith, H. Boardman Smith, Snyder, Southard, Sprague, Stanard, St. John, Stone, Stowell, Christopher Y. Thomas, Tyner, Vance, Waddell, Wallace, Jasper D. Ward, Marcus L. Ward, Wells, White, Whitehead, Whiteley, Whitthorne, Wilber, Charles G. Williams, William Williams, James Wilson, Jeremiah M. Wilson, Woodworth, John D. Young, and Pierce M. B. Young—171.

NOT VOTING—Messrs. Archer, Ashe, Banning, Berry, Freeman Clarke, Crocker, Crossland, Elliott, Giddings, Glover, Robert S. Hale, Hendee, Hersey, Hoskins, Howe, Lamar, Lawrence, Leach, Lynch, Morrison, Negley, O'Brien, Parsons, Purman, Ransier, Read, James C. Robinson, James W. Robinson, Rusk, Henry B. Sayler, Henry J. Scudder, Sloan, J. Ambler Smith, William A. Smith, Standiford, Stephens, Storm, Strait, Strawbridge, Swann, Sypher, Taylor, Charles R. Thomas, Thornburgh, Todd, Townsend, Walls, William B. Williams, Wilshire, and Wolfe—49.

So the amendment was rejected.

During the vote,

Mr. GIDDINGS stated that he was paired with Mr. SMITH, of Virginia, who, if present, would vote in the negative, while he would vote in the affirmative.

Mr. SCUDDER, of New York, stated that he was paired on this and all kindred subjects with Mr. THORNBURGH, who would vote in the negative, while he would vote in the affirmative.

Mr. SAYLER, of Indiana, stated that he was paired with Mr. TOWNSEND, of Pennsylvania, who would, if present, vote in the affirmative, while he would vote in the negative.

Mr. BRADLEY stated that his colleague, Mr. WILLIAMS, was necessarily absent; but he could not state how he would vote, if present, on this question.

Mr. RAINEY stated that Mr. RANSIER, who was absent on account of illness, would, if present, vote in the negative.

Mr. LYNCH stated that he was paired with Mr. ELLIOTT, who would vote in the affirmative, while he would vote in the negative.

Mr. POLAND stated that his colleague, Mr. HENDEE, who was necessarily absent, would, if present, vote in the affirmative.

The vote was then announced as above recorded.

The question next recurred on the amendment of Mr. FOSTER, as modified.

Mr. FOSTER demanded the yeas and nays.

The yeas and nays were ordered.

The question was then taken; and it was decided in the negative—yeas 103, nays 133, not voting 54; as follows:

YEAS—Messrs. Albert, Albright, Barber, Barnum, Bradley, Bromberg, Buffinton, Burchard, Burleigh, Burrows, Cannon, Amos Clark, jr., Clements, Cotton, Cox, Creamer, Crooke, Darrall, Dawes, DeWitt, Donnan, Duell, Eames, Farwell, Foster, Frye, Garfield, Gooch, Gunckel, Robert S. Hale, Hamilton, Hancock, Benjamin W. Harris, John B. Hawley, Joseph R. Hawley, John W. Hazelton, E. Rockwood Hoar, George F. Hoar, Hooper, Hoskins, Howe, Hubbell, Hurlbut, Kasson, Kellogg, Kendall, Lansing, Lawson, Lewis, Lowndes, Martin, McCrary, Alexander S. McDill, James W. McDill, MacDougall, Merriam, Mitchell, Moore, Niles, Orr, Packard, Packer, Page, Hosea W. Parker, Parsons, Pendleton, Perry, Phelps, Pierce, Pike, Thomas C. Platt, Poland, Potter, Pratt, Ray, Rice, Ellis H. Roberts, Sawyer, Scofield, Isaac W. Scudder, Sessions, Lazarus D. Shoemaker, Small, Smart, A. Herr Smith, John Q. Smith, Sprague, Starkweather, Stowell, Strawbridge, Tremain, Waldron, Jasper D. Ward, Marcus L. Ward, Wheeler, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, Ephraim K. Wilson, James Wilson, and Wood—103.

NAYS—Messrs. Adams, Arthur, Atkins, Averill, Barrere, Barry, Bass, Beck, Begole, Bell, Biery, Bland, Blount, Bowen, Bright, Brown, Buckner, Bundy, Benjamin F. Butler, Roderick R. Butler, Cain, Caldwell, Cason, Cessna, John B. Clark, jr., Clymer, Clinton L. Cobb, Stephen A. Cobb, Coburn, Comingo, Conger, Cook, Corwin, Crittenden, Crounse, Crutchfield, Curtis, Danford, Davis, Dobbins, Dunnell, Durham, Eden, Eldredge, Field, Fort, Freeman, Giddings, Hagans, Harmer, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Havens, Hays, Gerry W. Hazelton, Hereford, Herndon, Hodges, Holman, Houghton, Hunter, Hunton, Hyde, Hynes, Jewett, Kelley, Killinger, Knapp, Lamar, Lamison, Lamport, Lofland, Loughridge, Lowe, Magee, Marshall, Maynard, McLean, McNulta, Mellish, Milliken, Mills, Monroe, Myers, Neal, Niblack, Nunn, O'Neill, Orth, Isaac C. Parker, Pelham, Phillips, Rainey, Randall, Rapier, Richmond, Robbins, William R. Roberts, James W. Robinson, John G. Schumaker, Sener, Shanks, Sheats, Sheldon, Sherwood, H. Boardman Smith, Southard, Speer, Stanard, Standiford, St. John, Stone, Swann, Christopher Y. Thomas, Tyner, Vance, Waddell, Wells, White, Whitehead, Whitehouse, Whiteley, Whitthorne, William Williams, Willie, Wilshire, Jeremiah M. Wilson, Woodworth, John D. Young, and Pierce M. B. Young—133.

NOT VOTING—Messrs. Archer, Ashe, Banning, Berry, Freeman Clarke, Clayton, Crocker, Crossland, Elliott, Glover, Eugene Hale, Hendee, Hersey, Lawrence, Leach, Luttrell, Lynch, McJunkin, McKee, Morey, Morrison, Negley, Nesmith, O'Brien, James H. Platt, jr., Purman, Ransier, Read, James C. Robinson, Ross, Rusk, Henry B. Sayler, Milton Sayler, Henry J. Scudder, Sloan, Sloss, George L. Smith, J. Ambler Smith, William A. Smith, Snyder, Stephens, Storm, Strait, Sypher, Taylor, Charles R. Thomas, Thornburgh, Todd, Townsend, Wallace, Walls, William B. Williams, Wolfe, and Woodford—54.

So the amendment was rejected.

During the vote,

Mr. LYNCH stated that he was paired with Mr. ELLIOTT, who would if present vote in the affirmative, while he would vote in the negative.

Mr. SAYLER, of Indiana, stated that he was paired with Mr. TOWNSEND, who would if present vote in the affirmative, while he would vote in the negative.

Mr. BRADLEY stated that his colleague, Mr. WILLIAMS, who was necessarily absent would, if present, vote in the affirmative.

The vote was then announced as above recorded.

The bill was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. HALE, of New York. I demand the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

Mr. HOSKINS. May I inquire if this is the bill of the committee, with the seventh and eighth sections stricken out?

The SPEAKER. It is.

Mr. MAYNARD. I desire to make a parliamentary inquiry. Has the previous question exhausted itself?

The SPEAKER. It has. If there be no objection the Chair will consider the previous question seconded and the main question ordered on the passage of the bill.

Mr. MAYNARD. I yield to the gentleman from New York, [Mr. POTTER.]

Mr. POTTER. I ask unanimous consent to have an amendment read.

Several members objected.

Mr. MAYNARD. I hope there will be no objection to its being printed in the CONGRESSIONAL RECORD.

There was no objection.

Mr. POTTER's proposed amendment is as follows:

As an additional section at the end of the bill:
That the Secretary of the Treasury is hereby directed to resume the payment of the legal-tender Treasury notes of the Government in coin on the 1st day of January, 1876.

Mr. JEWETT. I also ask unanimous consent to have an amendment printed in the CONGRESSIONAL RECORD.

There was no objection.

Mr. JEWETT's proposed amendment is as follows:

Insert at the end of section 4:
Provided, That for the circulating notes so withdrawn and canceled an equal and like amount of United States notes shall be issued and used by the Secretary of the Treasury in the purchase of United States bonds, which bonds, when so purchased, shall be retired and canceled.

The question was taken on the passage of the bill; and there were—yeas 129, nays 116, not voting 45; as follows:

YEAS—Messrs. Adams, Albright, Averill, Barrere, Barry, Begole, Bell, Biery, Bowen, Bradley, Bundy, Burchard, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Cason, Cessna, John B. Clark, jr., Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Corwin, Crittenden, Crounse, Crutchfield, Curtis, Darrall, Dobbins, Donnan, Dunnell, Farwell, Field, Fort, Foster, Freeman, Gunckel, Hagans, Harmer, Henry R. Harris, John T. Harris, Harrison, Hatcher, Havens, John B. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hodges, Houghton, Howe, Hubbell, Hunter, Hunton, Hurlbut, Hyde, Hynes, Kasson, Killinger, Lamport, Lansing, Lewis, Lofland, Loughridge, Lowe, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, McKee, McNulta, Merriam, Monroe, Morey, Myers, Nunn, Orr, Orth, Packard, Packer, Isaac C. Parker, Pelham, Phillips, James H. Platt, jr., Pratt, Rainey, Rapier, Ray, Richmond, Robbins, James W. Robinson, Ross, Rusk, Sawyer, Isaac W. Scudder, Sener, Sessions, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloss, A. Herr Smith, George L. Smith, Snyder, Sprague, Stanard, St. John, Stowell, Strawbridge, Tyner, Vance, Wallace, Jasper D. Ward, Wells, White, Whitehead, Whiteley, Charles G. Williams, William Wilshire, James Wilson, Jeremiah M. Wilson, and Woodworth—129.

NAYS—Messrs. Albert, Arthur, Atkins, Banning, Barnum Bass, Beck, Bland, Blount, Bright, Bromberg, Brown, Buckner, Buffinton, Burleigh, Caldwell, Amos Clark, jr., Clayton, Clymer, Comingo, Cotton, Cox, Creamer, Crooke, Danford, Davis, Dawes, DeWitt, Durham, Eames, Eden, Eldredge, Frye, Garfield, Gooch, Eugene Hale, Robert S. Hale, Hamilton, Hancock, Benjamin W. Harris, Hathorn, Joseph R. Hawley, Hereford, Herndon, E. Rockwood Hoar, George F. Hoar, Holman, Hooper, Hoskins, Kelley, Kellogg, Kendall, Knapp, Lawson, Lowndes, Luttrell, Magee, Marshall, MacDougall, McLean, Mellish, Milliken, Mills, Mitchell, Moore, Neal, Nesmith, Niblack, Niles, O'Neill, Page, Hosea W. Parker, Parsons, Pendleton, Perry, Phelps, Pierce, Pike, Thomas C. Platt, Poland, Potter, Randall, Read, Rice, Ellis H. Roberts, William R. Roberts, Milton Sayler, John G. Schumaker, Scofield, Small, Smart, H. Boardman Smith, John Q. Smith, Southard, Speer, Standiford, Starkweather, Stone, Swann, Christopher Y. Thomas, Tremain, Waldron, Marcus L. Ward, Wheeler, Whitehouse, Whitthorne, Wilber, Charles W. Willard, George Willard, John M. S. Williams, Willie, Ephraim K. Wilson, Wood, Woodford, John D. Young, and Pierce M. B. Young—116.

NOT VOTING—Messrs. Archer, Ashe, Barber, Berry, Freeman Clarke, Cook, Crocker, Crossland, Duell, Elliott, Giddings, Glover, Hendee, Hersey, Jewett, Lamar, Lamison, Lawrence, Leach, Lynch, McJunkin, Morrison, Negley, O'Brien, Purman, Ransier, James C. Robinson, Henry B. Sayler, Henry J. Scudder, Sloan, J. Ambler Smith, William A. Smith, Stephens, Storm, Strait, Sypher, Taylor, Charles R. Thomas, Thornburgh, Todd, Townsend, Waddell, Walls, William B. Williams, and Wolfe—45.

So the bill was passed.

During the roll-call, the following announcements were made:

Mr. GIDDINGS. I am paired with Mr. SMITH, of Virginia. If he were here he would vote "ay," and I would vote "no."

Mr. SCUDDER, of New York. I am paired with Mr. THORNBURGH, of Tennessee. If he were here he would vote "ay," and I would vote "no."

Mr. SAYLER, of Indiana. I am paired with Mr. TOWNSEND, of Pennsylvania. If present he would vote "no," and I would vote "ay."

Mr. RAINEY. My colleague, Mr. RANSIER, is confined to his room by sickness. If present he would vote "ay."

Mr. LYNCH. I am paired with Mr. ELLIOTT, of South Carolina. If he were here he would vote in the negative, and I would vote in the affirmative.

Mr. BRADLEY. My colleague, Mr. WILLIAMS, is absent. If he were here he would vote "no."

Mr. LAMISON. I voted inadvertently and desire to withdraw my vote. I am paired with Mr. NEGLEY, of Pennsylvania. If present he would vote "ay," and I would vote "no."

Mr. LAMAR. I was out of the House on committee business and did not get back in time to give my vote. If here I should have voted "no."

The SPEAKER. Has the committee had leave to sit during the sessions of the House?

Mr. LAMAR. No, sir.

Mr. COX. I desire to state on behalf of Mr. STORM, of Pennsylvania, that he and Mr. YOUNG, of Kentucky, had paired in case they differed. Mr. YOUNG having voted "no," and Mr. STORM being of the same opinion on this question, I desire to state on his behalf that if he had been here he would have voted "no."

Mr. BUTLER, of Massachusetts. I desire to say that my colleague, Mr. CROCKER, who is detained by sickness, is paired with Mr. SMITH, of North Carolina. Mr. CROCKER would, if here, have voted "no," and Mr. SMITH "ay."

Mr. MARSHALL. My colleague, Mr. ROBINSON, is necessarily absent. If here he would vote in the negative.

The result of the vote was then announced as above recorded.

Mr. MAYNARD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. MAYNARD. I also move that the title of the bill do stand.

The motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had agreed to the amendment of the House to the bill (S. No. 580) to authorize the employment of certain aliens as engineers and pilots.

The message also announced that the Senate had passed without

amendment the bill (H. R. No. 1220) for the relief of William Rood, late private of the Thirty-sixth Regiment of Wisconsin Volunteers.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. No. 378) to provide for the incorporation and regulation of certain railroad companies in the Territories of the United States, and granting to railroads the right of way through the public lands; and

A bill (S. No. 326) for the delivery to James B. Betts, receiver, of certain bonds now in the Treasury of the United States of America.

BUSINESS ON THE SPEAKER'S TABLE.

Mr. BUTLER, of Massachusetts. I now move that the House proceed to consider business on the Speaker's table. I make that motion for the purpose of reaching the Senate bill in relation to currency and free banking.

The question being taken, there were—ayes 144, noes 42.

Mr. ELLIS H. ROBERTS. I call for the yeas and nays.

On the question of ordering the yeas and nays there were ayes 27, not a sufficient number.

Mr. HAWLEY, of Connecticut, called for tellers on the yeas and nays.

On the question of ordering tellers on the yeas and nays there were ayes 22, not one-fifth of a quorum.

The SPEAKER. Tellers are refused, the yeas and nays are refused, the motion is agreed to, and the House proceeds to consider business on the Speaker's table.

VETO MESSAGE—WILLIAM H. DENNISTON.

The first business on the Speaker's table was the following veto message from the President of the United States:

To the House of Representatives:

I have the honor to herewith return to you, without my approval, House bill No. 1224, entitled "An act for the relief of William H. Denniston, late an acting second lieutenant, Seventieth New York Volunteers," for reasons set forth in the accompanying letter of the Secretary of War.

U. S. GRANT.

EXECUTIVE MANSION,
Washington, April 10, 1874.

Mr. HOLMAN. I hope the letter of the Secretary of War will be read.

Mr. RANDALL. I suppose it would be in order to move to refer the message with the accompanying letter to the Committee on Military Affairs.

Mr. HOLMAN. I call for the reading of the letter.

The SPEAKER. The real principle of the veto is contained in the letter, and it would be proper to have it read.

The Clerk read the letter of the Secretary of War, as follows:

WAR DEPARTMENT,
Washington City, April 8, 1874.

SIR: I have the honor to return House bill No. 1224, "for the relief of William H. Denniston, late an acting second lieutenant Seventieth New York Volunteers," with the remark that the name of William H. Denniston as an officer or private is not borne on any rolls of the Seventieth New York Volunteers on file in the Department. Of this fact the Committee on Military Affairs of the House of Representatives was informed by letter from the Adjutant-General's Office, dated December 19, 1873.

No vacancy existed in Company D (the company claimed) of this regiment for a second lieutenant during the period claimed, Second Lieutenant J. B. Ziegler having filled that position to May 2, 1862, and Second Lieutenant James Stevenson from that date to June 25, 1862. On regimental return for July, 1862, Edward Shields is reported promoted second lieutenant June 15, 1862.

There is no evidence in the Department that he actually served as a second lieutenant for the time covered by the bill herewith, and it is therefore respectfully recommended that the bill be returned to the House of Representatives without approval.

When the records of the War Department, prepared under laws and regulations having in view the establishment and preservation of data necessary to the protection of the public interests as well as that of the claimants, fail to show service, it is a subject of importance to legalize a claim wherein the Military Department of the Government has not seen the order under which the alleged service may have been claimed. A precedent of the kind is, beyond doubt, an injury to the public interest, and will tend to other special acts of relief under which thousands of muster-rolls certified at the date, under the Articles of War, as exhibiting the true state of the command will be invalidated, and large appropriations of money will be required to settle claims, the justness of which cannot always be determined at a date so remote from their origin.

Very respectfully, your obedient servant,

WM. W. BELKNAP,
Secretary of War.

The PRESIDENT.

Mr. COBURN. I move that the message and accompanying letter be referred to the Committee on Military Affairs, and printed.

The motion was agreed to.

CLAIMS FOR INDIAN DEPREDATIONS.

The SPEAKER, as the next business on the Speaker's table, laid before the House communications from the Acting Secretary of the Interior, transmitting, in compliance with the act of May 29, 1872, claims for Indian depredations of the following parties: John J. North, Purcell & Echelberger, Sarah L. Mills, L. Valdez and F. P. Abren, C. R. Roberts, Aretus Whitcomb, H. A. Bateman, William Hewett, William F. Sutton, Thomas Callahan, and Thomas Lannon.

The communications were severally referred to the Committee on Indian Affairs.

APPROPRIATIONS FOR MILITARY SERVICE.

The next business on the Speaker's table was a letter from the Secretary of War, transmitting, in compliance with the act of May 1, 1820, a statement showing the appropriations for the military service for the preceding year, &c.; which was referred to the Committee on Appropriations, and ordered to be printed.

MRS. J. K. POLK.

The next business on the Speaker's table was a letter from the commissioner of claims, transmitting, in compliance with the request of the House, papers and proof in the case of Mrs. J. K. Polk, widow of the late President of the United States; which was referred to the Committee on War Claims, and ordered to be printed.

MILITIA FORCES OF THE UNITED STATES.

The next business on the Speaker's table was a letter from the Secretary of War, transmitting, in compliance with the act of March 2, 1803, an abstract of the militia forces of the United States, according to the late returns; which was referred to the Committee on the Militia, and ordered to be printed.

TREATY WITH CHOCTAWS AND CHICKASAWS.

The next business on the Speaker's table was a letter from the Acting Secretary of the Interior, in relation to a treaty made with the Choctaw and Chickasaw Indians, April 28, 1866; which was referred to the Committee on Indian Affairs, and ordered to be printed.

PRIVATE LAND CLAIM.

The next business on the Speaker's table was a letter from the Acting Secretary of the Interior, transmitting, in compliance with the act of July 22, 1854, the report of the surveyor-general of New Mexico on the land grant to Juan de Vestas, a private land claim reported as No. 80; which was referred to the Committee on Private Land Claims, and ordered to be printed.

REFUNDING NATIONAL DEBT.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, in answer to a resolution of the House of April 3, 1874, transmitting statements in relation to refunding the national debt; which was referred to the Committee on Ways and Means, and ordered to be printed.

CHESAPEAKE AND OHIO CANAL.

The SPEAKER also laid before the House a letter from the Secretary of War, in answer to a resolution of the House of March 20, 1874, transmitting, in compliance with the act of March 3, 1873, a report upon an examination of the waters for the extension of the Chesapeake and Ohio Canal to the Ohio River; which was referred to the Committee on Railways and Canals, and ordered to be printed.

REFUNDING OF MONEY BY THE TREASURY.

The SPEAKER also laid before the House the following communication from the Secretary of the Treasury:

TREASURY DEPARTMENT,
Washington, D. C., April 8, 1874.

SIR: In compliance with the direction contained in the resolution of the House of Representatives adopted on the 8th of January last, I have the honor to transmit herewith a statement of the amount of money refunded from the 4th of March, 1873, to the date of said resolution, on account of customs duty and internal taxes previously paid into the Treasury, the names of the persons to whom paid, and the amount to each respectively, and upon what articles the said refunds were made, together with a recital of the reasons for said payments, and the laws under which the same were made.

The total sum thus refunded on account of customs duty is $4,461,720.39, payments of which were made as follows:

Refunded directly from the Department on certified statements, for principal, interest, and costs	$1,822,740 75
From the port of New York, on account of excess of deposits and under the decisions of the Department	1,871,785 72
Of which amount there was refunded pursuant to the decisions of the Department $968,019.05; and on account of excess of deposits for unascertained duties $903,769.67.	
From the port of Boston	187,873 38

In the statement from Boston it will be observed that no reasons are given for the refunds; but I understand that almost the entire amount thus refunded was excess of deposits found due on liquidation of entries.

From the port of Chicago	$114,463 10
From the port of New Orleans	64,553 04
From the port of Portland, Maine	2,582 28
From the port of Baltimore	42,777 53
From the port of Philadelphia	190,120 59
From the port of San Francisco	150,828 10

The Department has not yet received a detailed statement from the port of San Francisco, but does not deem it proper to further delay a compliance with said resolution in order to await its receipt. It will be duly forwarded as soon as received.

From the other ports, the details of which are presented in the accompanying statement	$13,995 90

It will be observed that the return from the port of Cincinnati fails to show the articles upon which refund was made.

In addition to these payments on account of customs duties there were refunded on account of internal taxes during said time	$282,271 62

The amount refunded during the fiscal year ending June 30, 1873, was $3,120,192.90, which covers a portion of the time embraced by this resolution. As the amount refunded since the 4th of March, 1873, is largely in excess of that refunded for the corresponding period of the preceding year, I deem it proper to say that during the period covered by this resolution large refunds have been made in consequence of the decisions of the courts made before and since said 4th of March upon cases which arose long prior to my advent into office, some of the suits dating back twenty years.

As a general rule the cases in which customs duties were refunded by this Department pursuant to the decisions referred to were covered by protests, appeals, and suits in the manner required by the fourteenth section of the act of Congress approved June 30, 1864; the sixteenth section of which act provides that "whenever it

shall be shown to the satisfaction of the Secretary of the Treasury that in any case of unascertained duties, or duties or other moneys paid under protest and appeal, as hereinbefore provided, more money has been paid to the collector or person acting as such than the law requires should have been paid, it shall be the duty of the Secretary of the Treasury to draw his warrant upon the Treasury in favor of the person or persons entitled to the overpayment, directing the said Treasurer to refund the same out of any money in the Treasury not otherwise appropriated."

The reasons for the repayments will be found set forth at length in the several exhibits accompanying these documents, together with copies of the correspondence relative thereto and the opinions of the law officers of the Government upon the questions involved, where such opinions were given.

I am, very respectfully,

WM. A. RICHARDSON,
Secretary of the Treasury.

Hon. JAMES G. BLAINE,
Speaker House of Representatives.

The letter, with the accompanying papers, was referred to the Committee on Ways and Means, and ordered to be printed.

PERUVIAN STEAMSHIP RAYO.

The next business on the Speaker's table was the Senate amendment to the bill (H. R. No. 2186) granting an American registry to the American-built Peruvian steamship Rayo, now rebuilt in the United States and converted into a sailing-vessel.

The Senate amendment was to strike out the words at the end of the bill, "or other proper name;" so as to provide that the vessel should be registered by the name of The Star of the West.

Mr. HARRIS, of Massachusetts. I move that the amendment be concurred in.

The amendment was concurred in.

WHITE EARTH INDIAN RESERVATION.

The next business on the Speaker's table were Senate amendments to the bill (H. R. No. 1930) to secure to the Episcopal Board of Missions the land of the White Earth Indian reservation in Minnesota.

The amendments of the Senate were to change the name "Episcopal Board of Missions" to "Domestic and Foreign Missionary Society of the Protestant Episcopal Church of the United States," and to amend the bill and title to correspond thereto.

Mr. AVERILL. I move that the amendments of the Senate be concurred in.

The amendments were concurred in.

Mr. AVERILL moved to reconsider the vote by which the amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN RZIHA.

The next business on the Speaker's table was the Senate amendment to the bill (H. R. No. 1003) to authorize and direct the Secretary of War to change the name of John Rziha, captain in the Fourth Regiment of Infantry of the Army of the United States, in the register, rolls, and records of the Army, to John Laube de Laubenfels.

The amendment of the Senate was to strike out the preamble.

Mr. COBURN. I move the amendment be concurred in.

The amendment was concurred in.

ALBERT ROSS.

The next business on the Speaker's table were amendments of the Senate to the bill (H. R. No. 1942) authorizing the President of the United States to appoint Albert Ross to the active list of the Navy.

The amendments of the Senate were as follows:

Strike out all after the enacting clause, and insert in lieu thereof the following: That the Secretary of the Navy be authorized to order Master Albert Ross, now on the retired list, to duty on board of a cruising vessel of war, and to have duty pay and allowances; and if, at the expiration of one year's sea service, he is reported upon as physically qualified for promotion, to order him before the usual examining board for promotion, and, if he is found qualified, the President of the United States is authorized, by and with the advice and consent of the Senate, to appoint him a lieutenant on the active list, next below Lieutenant Edwin S. Jacob: *Provided*, That he shall not receive any extra pay for the time he was on the retired list, and not on active duty, prior to his restoration under this act.

Also amend the title so that it will read:

A bill authorizing the Secretary of the Navy to employ a retired officer at sea, and, if physically and professionally qualified to perform his duties, the President is authorized to restore him to the active list.

Mr. BURLEIGH. I move that the amendments of the Senate be concurred in.

The motion was agreed to.

SMITHSONIAN REPORT.

The next business on the Speaker's table was the following concurrent resolution; which was read, and, under the law, referred to the Committee on Printing:

Resolved, (*the House of Representatives concurring*,) That seventy-five hundred additional copies of the report of the Smithsonian Institution for the year 1873 be printed for the use of the institution: *Provided*, That the aggregate number of pages of said report shall not exceed four hundred and fifty, and that there shall be no illustrations except those furnished by the Smithsonian Institution.

CURRENCY.

The next business on the Speaker's table was the bill (S. No. 617) to fix the amount of United States notes and the circulation of national banks, and for other purposes.

Mr. MAYNARD. I shall move to put that bill on its passage. In the first place, I ask that it be read.

Mr. GARFIELD. I desire to reserve all points of order upon the bill until it shall have been read.

The SPEAKER. Points of order are always good until the bill is read.

The bill was read, as follows:

Be it enacted, &c., That the maximum amount of United States notes is hereby fixed at $400,000,000.

SEC. 2. That forty-six millions in notes for circulation in addition to such circulation now allowed by law shall be issued to national banking associations now organized and which may be organized hereafter, and such increased circulation shall be distributed among the several States as provided in section 1 of the act entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates and for an increase of national-bank notes," approved July 12, 1870. And each national banking association, now organized or hereafter to be organized, shall keep and maintain, as a part of its reserve required by law, one-fourth part of the coin received by it as interest on bonds of the United States deposited as security for circulating notes or Government deposits; and that hereafter only one-fourth of the reserve now prescribed by law for national banking associations shall consist of balances due to an association available for the redemption of its circulating notes from associations in cities of redemption, and upon which balances no interest shall be paid.

Mr. G. F. HOAR and Mr. GARFIELD rose.

Mr. MAYNARD. I move that this bill be put on its passage, and on that motion I demand the previous question.

Mr. COX. Would it be in order to move that the House adjourn? It is not desirable that we should act on this bill hastily.

The SPEAKER. The gentleman from Massachusetts [Mr. G. F. HOAR] and the gentleman from Ohio [Mr. GARFIELD] are both claiming the floor, as the Chair understands, upon points of order, which must be settled before the bill goes to a second and third reading.

Mr. G. F. HOAR. I make the point of order that this bill must have its first consideration in the Committee of the Whole under four different principles which have been settled by this House and are declared in the rules. In the first place, it is a bill to increase the public debt; and the Chair early in the session held that the rules of the House require such a bill to receive its first consideration in the Committee of the Whole. Next, it is a bill which requires an appropriation of money, and comes within the rule on that subject as amended at the present session. Third, it is a bill amending several previous acts upon the same subject; and under the statement made by the Chair last Thursday in regard to the amendment of the gentleman from Kentucky, [Mr. BECK,] all the provisions in the acts to which this bill is an addition would themselves be germane amendments to this bill; and many of those provisions require appropriations of money and expressly make them. Fourth, the bill requires a tax upon the people. If the Chair will permit me to make a very short statement——

The SPEAKER. The Chair will hear the gentleman fully.

Mr. G. F. HOAR. I will not abuse the patience of the House or of the Chair.

The SPEAKER. The Chair will gladly hear the gentleman.

Mr. G. F. HOAR. The first section of this bill fixes the maximum amount of United States notes at $400,000,000. Now, it is true that it is claimed by some very respectable authorities that this is the amount authorized by existing law, while others claim that the existing law limits the amount to $356,000,000 or $382,000,000. But it is immaterial which of those claims is correct. By the vigor of this enactment, if the bill should become a law, what before was doubtful and unsettled will be settled, and the amount of this kind of indebtedness will be fixed at $400,000,000 by the force of a new law. More than that, it would clearly be a germane amendment to this section to strike out $400,000,000 and insert $500,000,000. In the second section, the bill requires distinctly an appropriation of money—not a large one it is true, but sufficient to bring it within the principle of the rule; for an expenditure of even $100 must first be considered in the Committee of the Whole. These $46,000,000 of notes for circulation are to be issued to national banking associations and paid for from the United States Treasury; and the money for this expenditure, if the bill takes effect, is required to be appropriated. It is true that under the previous law the United States Treasury will some time be reimbursed for this expenditure by a tax on the circulation of these banks; but it would be perfectly competent for the House, by an amendment, to strike out that provision for reimbursement. The Chair has several times during the present session held, and the House has agreed, that a proposition for a sale of land, although it is to be sold for its full cash value, is a proposition to appropriate property of the United States. A proposition therefore to advance from the Treasury of the United States the cost of supplying these banks with notes is liable to the point of order, although it may be provided that the United States shall be reimbursed by a tax on a certain species of property, if the latter provision should not be struck out by an amendment, as it may be. In the next place, the fact that this second section requires a tax upon the people brings it within the express provision of the one hundred and tenth rule of the House; and for this reason also it must go to the Committee of the Whole.

But further, Mr. Speaker, this bill, although not entitled an amendment to the original statute of 1862 and the various subsequent statutes on the subject, refers to one of them in its second section for its construction and enforcement; and manifestly every sentence of it requires a reference to those previous acts in order to explain its meaning and to supply the mechanism by which it is to go into effect. Each one of those acts contains an express appropriation of money from the Treasury of the United States for the purpose of enabling the act to be carried into effect. Now certainly it would be competent to move to this bill an amendment providing that the $46,000,000

of notes to be provided by the United States should be paid for from the Treasury in some different way or by a tax on some different class of property, or should be paid for from the Treasury without reimbursement. For all these reasons it seems to me that this bill is liable to the point of order. Nothing is to be gained by repeating my statements if I have made my points understood by the Chair.

The SPEAKER. The Chair appreciates the gentleman's points.

Mr. GARFIELD. Most of what I desired to say has been said by the gentleman from Massachusetts, [Mr. G. F. HOAR;] but I wish to call special attention to a point which I believe he has not mentioned.

Mr. CONGER. I wish to know whether this point of order is subject to debate and illustration?

The SPEAKER. The rules permit a brief explanation of a point of order. The gentleman will doubtless keep within proper limits.

Mr. GARFIELD. I call attention to the language of the rule, on page 70 of the Digest:

> No motion or proposition for a tax or charge upon the people shall be discussed the day on which it is made or offered; and every such proposition shall receive its first discussion in the Committee of the Whole.

It was ruled the other day by the Chair, concerning this very bill, it was not pending and would not be pending until it was reached on the Speaker's table. Therefore this bill, this measure, is now offered to the House for the first time.

I claim, therefore, under that provision of the rule, it cannot be considered to-day That is the first point I make. In the second place I claim that it is a charge upon the people. It provides for issuing a class of obligations, to pay every one of which obligations by its very term is a charge upon the people.

Mr. BUTLER, of Massachusetts. Does the gentleman refer to the first section?

Mr. GARFIELD. I do. And that charge is in the nature of taxation, no matter whether it be in the form of a promise to pay with or without interest; for I could, without any impropriety, move so to amend the first section that they should be interest-bearing Treasury notes. Certainly the Speaker could not rule such an amendment out of order as not being germane. I might move as a substitute that interest-bearing notes should be issued instead of the ordinary legal-tender notes. Nobody could then doubt that in such a form it would be a charge upon the people.

It seems to me, therefore, Mr. Speaker, this is in fact and in reality a charge upon the people, and comes under the very wise arrangement of the rules that all such charges upon the people must have a day to wait after they are offered. On that ground it cannot be offered to-day. In the next place, it must go to the Committee of the Whole, where the whole subject of a money bill must be considered under the rules governing that committee. I have no doubt an amendment providing for paying these notes hereafter would be entirely germane.

I make these points, Mr. Speaker, not because of any desire to delay or antagonize the consideration of this bill, but because I am desirous the House shall keep itself within the old safe usage of careful rulings in relation to money bills.

The SPEAKER. It is quite possible that the point made by the gentleman from Massachusetts [Mr. G. F. HOAR] and by the gentleman from Ohio [Mr. GARFIELD] against this bill would be good if it were a House bill, regularly reported from a House committee. If it lays "a tax or charge upon the people" in any form, or proposes in any way to raise revenue, it must, as a House bill, have its first discussion in Committee of the Whole. But the gentleman from Massachusetts and the gentleman from Ohio will both observe that the bill comes to us from the Senate, and if it be open to the objection urged, the Senate could not have constitutionally originated it.

Mr. GARFIELD. Then let us make that point.

The SPEAKER. That point, the gentleman from Ohio will observe, is one which the Chair has never ruled upon, because it is not for the Chair to say what the Senate of the United States may or may not properly do. On all points where the House has disagreed from the Senate on matters affecting its privilege and prerogative it has been by vote of the House. If the House therefore agrees that the Senate of the United States sends this bill here properly, then all the points made by the gentleman from Ohio and the gentleman from Massachusetts must necessarily fall, because the House cannot concede that the Senate originated this bill properly and sent it here properly, and then ask the Chair to rule that it is a tax bill and must go to the Committee of the Whole for its first discussion. A tax bill or any bill for raising revenue must originate in the House, and it would be a singular presumption on the part of the Chair to declare that the Senate had transcended its power in any given case.

Mr. GARFIELD. At this point let me suggest that the House may waive its right in that particular.

The SPEAKER. The House cannot with propriety waive on the grave question of prerogative as between the two branches and then ask the Speaker to enforce a subordinate technical rule as to the mere mode of discussing a bill. This would certainly be a most serious disregard of the weightier matters of the law.

Mr. GARFIELD. Of course we must raise that, but if we do not——

The SPEAKER. If they do not raise it the Chair is bound to presume—he cannot have any other presumption—that the House regards the bill as properly here.

Mr. GARFIELD. Then I raise the question.

The SPEAKER. That it is not properly here?

Mr. GARFIELD. I do raise the question that this bill is not properly here.

The SPEAKER. The gentleman from Ohio raises the question that this bill is not properly here, and that question must be disposed of at once.

Mr. RANDALL. What becomes of the other points raised by the gentleman?

The SPEAKER. If the bill is not properly here the other points are not before the House for the Chair to rule upon. The gentleman from Ohio now raises the point that this bill be returned to the Senate of the United States because it is not properly here, the Senate having no power under the Constitution to originate any such bill. The Chair will put that question to the House.

The House divided; and there were—ayes 64, noes 145.

Mr. GARFIELD. I demand the yeas and nays.

While the question on ordering the yeas and nays was being put,

Mr. GARFIELD said: I desire to say a word——

Mr. RANDALL. I object.

Mr. GARFIELD. Is this question not debatable?

The SPEAKER. The House is now dividing, and the Chair thinks that in consenting to a division the gentleman waived the right of discussion.

The question being taken on ordering the yeas and nays, there were—ayes 36, noes 139.

So (the affirmative being more than one-fifth of the whole vote) the yeas and nays were ordered.

Mr. GARFIELD. I now desire to say a word.

Mr. RANDALL. Is debate in order?

The SPEAKER. The Chair thinks that except by unanimous consent debate is not in order.

Several members objected, and demanded the regular order.

Mr. GARFIELD. There can hardly be a higher question debated in this House.

Several members objected to debate.

The SPEAKER. The Chair does not desire to limit discussion; but he will remark that the gentleman from Ohio made his point and submitted the question, and by his consent a vote was taken upon it. That was a yielding of the floor for the decision of the House; and it is not competent for the Chair, except by consent, to interrupt the giving of that decision.

Mr. GARFIELD. The previous question has not been ordered.

Mr. RANDALL. I call for the regular order.

Mr. O'NEILL. I ask for a division by tellers.

Mr. GARFIELD. As the previous question has not been ordered, I do not see how debate is shut off.

The SPEAKER. The gentleman from Ohio will not contend that, during a division of the House, he can debate the question. The House is now engaged in perfecting the process of that division. The gentleman from Ohio made his point, debated it, and took his seat. The Chair put the question, and the House not being satisfied with the *viva voce* vote, the division was called for. Now a further process of certification of the division, by calling the yeas and nays, has been ordered. All these steps are certifications of the vote, and there is no point between them where the gentleman can stop the process and initiate debate. The result is the same as if the previous question had been ordered.

Mr. GARFIELD. If gentlemen are not willing to debate so grave a question as this——

Mr. WARD, of Illinois. I object to debate.

Mr. GARFIELD. I move to reconsider the vote by which the yeas and nays were ordered; and I desire to say a word on that.

The SPEAKER. That is not debatable, of course.

Mr. GARFIELD. I withdraw that motion, then, if gentlemen are unwilling to debate the question.

Mr. HAZELTON, of Wisconsin. I renew it.

The question being taken on the motion to reconsider the vote whereby the yeas and nays were ordered, there were ayes 27, noes not counted.

So the House refused to reconsider the vote.

Mr. BUTLER, of Massachusetts. Will the Chair again state the question?

The SPEAKER. The question is this: The motion of the gentleman from Ohio [Mr. GARFIELD] is that this bill did not properly originate in the Senate, being a bill levying a tax and charge upon the people and that the House shall so declare, and instruct the Clerk to return it to the Senate with that message. Those in favor of so declaring and so instructing the Clerk of the House will say "ay," and those of the contrary opinion will say "no."

Mr. SMITH, of Ohio. Did I understand the Chair aright, as saying that if this bill had originated in the House——

The SPEAKER. The Chair cannot go into that. The Chair is merely stating what the House is to vote on.

Mr. SPEER. I understand that tellers had been asked.

The SPEAKER. Objection was made.

Mr. COBB, of Kansas. Would a motion to lay this business on the table be now in order?

The SPEAKER. The Chair thinks not, on a question of this kind.

The question was taken; and there were—yeas 56, nays 179, not voting 55; as follows:

YEAS—Messrs. Albert, Barnum, Bromberg, Buffinton, Burleigh, Clayton, Clymer, Cox, Creamer, Crooke, Dawes, DeWitt, Eames, Eldredge, Frye, Garfield, Giddings, Gooch, Eugene Hale, Robert S. Hale, Hamilton, Hancock, Benjamin W. Harris, Joseph R. Hawley, Herndon, E. Rockwood Hoar, George F. Hoar, Hoskins, Kellogg, Lowndes, Magee, MacDougall, Mellish, Mitchell, Niblack, Page, Perry, Phelps, Pierce, Poland, Potter, Read, Ellis H. Roberts, Small, Smart, John Q. Smith, Starkweather, Stone, Swann, Tremain, Wheeler, Whitehouse, Charles W. Willard, George Willard, Willie, and Woodford—56.

NAYS—Messrs. Adams, Albright, Arthur, Atkins, Averill, Banning, Barber, Barrere, Bass, Beck, Begole, Bell, Biery, Bland, Blount, Bowen, Bradley, Bright, Brown, Buckner, Bundy, Burrows, Benjamin F. Butler, Roderick R. Butler, Caldwell, Cannon, Cason, Cessna, Amos Clark, jr., John B. Clark, jr. Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Comingo, Conger, Cook, Corwin, Cotton, Crittenden, Crossland, Crounse, Crutchfield, Curtis, Danford, Darrall, Davis, Dobbins, Donnan, Duell, Dunnell, Durham, Eden, Farwell, Field, Fort, Foster, Gunckel, Hagans, Harmer, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Havens, John B. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hereford, Hodges, Holman, Houghton, Howe, Hubbell, Hunter, Hunton, Hurlbutt, Hyde, Hynes, Jewett, Kasson, Kendall, Killinger, Knapp, Lamar, Lamison, Lamport, Lewis, Lofland, Loughridge, Lowe, Lynch, Marshall, Martin, McCrary, Alexander S. McDill, James W. McDill, McJunkin, McKee, McLean, McNulta, Merriam, Milliken, Mills, Monroe, Morey, Myers, Neal, Nunn, O'Neill, Orr, Orth, Packard, Packer, Hosea W. Parker, Isaac C. Parker, Phillips, Pike, James H. Platt, jr., Thomas C. Platt, Pratt, Randall, Rapier, Ray, Rice, Richmond, Robbins, William R. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Milton Sayler, John G. Schumaker, Scofield, Isaac W. Scudder, Sener, Sessions, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloss, A. Herr Smith, George L. Smith, H. Boardman Smith, Snyder, Southard, Speer, Stanard, Standiford, St. John, Stowell, Christopher Y. Thomas, Tyner, Vance, Waldron, Jasper D. Ward, Marcus L. Ward, Wells, White, Whitehead, Whiteley, Whitthorne, Wilber, John M. S. Williams, William Williams, Wilshire, Ephraim K. Wilson, James Wilson, Jeremiah M. Wilson, Wood, Woodworth, John D. Young, and Pierce M. B. Young—179.

NOT VOTING—Messrs. Archer, Ashe, Barry, Berry, Burchard, Cain, Freeman Clarke, Crocker, Elliott, Freeman, Glover, Hendee, Hersey, Hooper, Kelley, Lansing, Lawrence, Lawson, Leach, Luttrell, Maynard, Moore, Morrison, Negley, Nesmith, Niles, O'Brien, Parsons, Pelham, Pendleton, Purman, Rainey, Ransier, James C. Robinson, Henry J. Scudder, Sloan, J. Ambler Smith, William A. Smith, Sprague, Stephens, Storm, Strait, Strawbridge, Sypher, Taylor, Charles R. Thomas, Thornburgh, Todd, Townsend, Waddell, Wallace, Walls, Charles G. Williams, William B. Williams, and Wolfe—55.

So the House refused to declare that the bill did not properly originate in the Senate.

Mr. G. F. HOAR. I desire to insist on the point of order made by me, that this bill requires an appropriation.

The SPEAKER. Under the ruling of the House, of course, the Chair cannot sustain the point of order that the bill is a revenue bill, and therefore overrules it. The gentleman from Massachusetts makes the further point of order that the bill contains an appropriation of money.

Mr. G. F. HOAR. Requires an appropriation of money.

The SPEAKER. The Clerk will read the bill, and the Chair begs the attention of the House to it.

The Clerk read as follows:

Be it enacted, &c., That the maximum amount of United States notes is hereby fixed at $400,000,000.

SEC. 2. That forty-six millions in notes for circulation in addition to such circulation now allowed by law shall be issued to national banking associations now organized and which may be organized hereafter, and such increased circulation shall be distributed among the several States as provided in section 1 of the act entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates and for an increase of national-bank notes," approved July 12, 1870. And each national banking association, now organized or hereafter to be organized, shall keep and maintain, as a part of its reserve required by law, one-fourth part of the coin received by it as interest on bonds of the United States deposited as security for circulating notes or Government deposits; and that hereafter only one-fourth of the reserve now prescribed by law for national banking associations shall consist of balances due to an association available for the redemption of its circulating notes from associations in cities of redemption, and upon which balances no interest shall be paid.

The SPEAKER. The appropriation to which the gentleman from Massachusetts refers is the expenditure which the Treasury Department may be called upon to make in order to furnish the dies, stamps, and notes for the circulation authorized by this bill. The Chair, as bearing upon that point, directs the Clerk to read a part of the forty-first section of the original banking act, which is still in force.

The Clerk read as follows:

That the plates and special dies to be procured by the Comptroller of the Currency for printing such circulating notes shall remain under his control and direction, and the expenses necessarily incurred in executing the provisions of this act respecting the procuring of such notes, and all other expenses of the Bureau, shall be paid out of the taxes or duties now or hereafter to be assessed on the circulation and collected from the associations organized under this act.

The SPEAKER. The working of this bill would be that under the law it would impose a tax upon the circulation guaranteed of $460,000, nearly a half million of dollars, 1 per cent. upon the circulation, and a small proportion of that amount, not exceeding one-tenth of it, would have to be paid out to supply the dies and stamps and notes. The Chair ruled in the case of the Utah bill, which created some observation in the House, that if the officers authorized by that bill were paid by fees, if the operation of the law, in other words, paid for itself and did not call upon the Treasury of the United States for any expenditure, it would not be liable to the point of order.

The Chair has further ruled that an appropriation of money given to an assay office to purchase bullion for coinage, by which an old dollar might be exchanged for a new one, was not liable to the point of order; that within the fair meaning of the rule it did not involve an appropriation of money; that it did not in any way, direct or indirect, remote or immediate, call for an expenditure of public money in any proper sense of that word.

Now in this case the Chair thinks that most obviously no expenditure is called for. The Chair apprehends the point made by the gentleman from Massachusetts, and understands the line of his argument, but it seems to the Chair that it would be a very extreme construction of the rule to maintain that a bill which by the one hand supplied to the Treasury $460,000 annually, and by the other required a possible expenditure in the very first year of forty or fifty thousand dollars, is amenable to the point of order that it must have its first consideration in the Committee of the Whole in order that the people's money may be protected by a free discussion on bills of appropriation. This, it seems to the Chair, would be a very extreme construction of the rule, and one that might justly bring the rule itself, valuable as it is, into odium.

Mr. G. F. HOAR. Will the Chair allow me to inquire whether a bill establishing an assessor, and simply providing that he shall receive a salary of $3,000 a year, even if it requires him to assess $100,000,000, would not be liable to the point of order as an original expenditure by the Government? Could we not by a germane amendment strike out the provision for reimbursing the United States for this expense by a tax on the circulation?

The SPEAKER. That might change the tax bill.

Mr. G. F. HOAR. No; I mean in this bill.

The SPEAKER. By an amendment you might change the effect of the tax, but that would not come under this point of order; it would apply to the point of order already settled by the House.

Mr. G. F. HOAR. That is not my point. The point that the Chair is discussing is, that the bill requires the United States to pay out in the first instance the cost of printing forty-six millions of national-bank notes, for which it is true the United States is to be afterward, as the law now stands, reimbursed by a tax on the bank circulation; but that tax may be stricken out of the bill by a germane amendment leaving the requisition for an appropriation of money from the Treasury, and making no provision for subsequent reimbursement.

The SPEAKER. On the same principle, the bill in regard to the assay office might have been amended by saying that they should pay an old dollar for a new half-dollar.

Mr. G. F. HOAR. That is merely changing the form. The Chair has held that a bill authorizing lands to be sold at auction is a bill appropriating money of the United States.

The SPEAKER. O, certainly, certainly; but the Chair does not see the analogy to this case, and he cannot sustain the point of order.

Mr. COX. Will the Chair allow me to ask whether it would be germane to this bill to move to so amend it as to change the banking law, and place the tax for the whole manufacture of these bank-notes upon the people, and not upon the banks? Would it be in order to move such an amendment to this bill?

The SPEAKER. The Chair would want to look at the bill before he would consider such an amendment in order.

Mr. COX. If such an amendment could be made——

The SPEAKER. The Chair thinks it could not be made to this bill, because this bill does not connect itself with the preceding bank acts in that sense, while the bill reported from the Committee on Banking and Currency distinctly states in its title that it is a bill supplemental to, and amendatory of, the preceding acts, and thus brought those acts within the purview of the House.

Mr. MAYNARD. I call the previous question upon the bill.

Mr. WOODFORD. I rise to a parliamentary inquiry. I desire to know whether an amendment to this bill, appropriating $50,000 for the expense of issuing the additional United States notes provided by the first section of this bill, would be in order?

The SPEAKER. The Chair thinks not.

Mr. WOODFORD. I desire to remind the Chair that every one of the original six bills providing for the United States currency contained within them direct and specific sections providing in direct terms money to pay the expense of the issue of the notes.

Mr. BUTLER, of Massachusetts. I am sorry to object, but that is debate, and not a parliamentary inquiry.

The SPEAKER. The Chair does not see the relevancy of the inquiry.

Mr. WOODFORD. Is not this first section amendatory of the entire line of laws which have provided for the issue of United States notes?

The SPEAKER. The Chair does not think so. The gentleman from New York [Mr. WOODFORD] is confounding the bill of the Committee on Banking and Currency with the Senate bill.

Mr. WOODFORD. The Senate bill embraces both subjects, United States Treasury notes and bank currency; the one in the first section of the bill, and the other in the second section.

Mr. KASSON. I rise to a point of order. I would have made it before, except that I thought we were getting to an end of this matter. My point of order is that all possible amendments which may be offered hereafter do not constitute subjects of parliamentary inquiry pending the call for the previous question.

The SPEAKER. So the Chair thinks.

Mr. KASSON. It is putting conundrums to the Chair, to which I object.

The SPEAKER. The Chair cannot be called upon to rule upon an amendment until it is offered. If an amendment is offered the Chair

will rule upon it. But the possibility of an amendment is not a strict subject for ruling; and the Chair has frequently requested that he shall not be called upon to make hypothetical rulings.

The question was then taken upon seconding the previous question; and upon a division there were—ayes 121, noes 59.

So the previous question was seconded.

The question was, Shall the main question be now put?

Mr. ELLIS H. ROBERTS. On that question I call for the yeas and nays.

Mr. MAYNARD. I hope not; let the yeas and nays be taken upon the passage of the bill.

The yeas and nays were not ordered, there being only 19 in the affirmative; not one-fifth of the last vote.

The main question was then ordered; and under the operation thereof the bill was ordered to a third reading, and read the third time.

The question was upon the passage of the bill.

Mr. HAWLEY, of Connecticut, and others called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 140, nays 102, not voting 48; as follows:

YEAS—Messrs. Albright, Arthur, Atkins, Averill, Barber, Barrere, Begole, Bell, Biery, Bland, Blount, Bowen, Bradley, Bright, Brown, Buckner, Bundy, Burchard, Burrows, Benjamin F. Butler, Roderick R Butler, Caldwell, Cannon, Cason, Cessna, Amos Clark, jr., John B. Clark, jr., Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Comingo, Conger, Cook, Corwin, Crittenden, Crossland, Crounse, Crutchfield, Curtis, Darrall, Davis, Dobbins, Donnan, Dunnell, Durham, Farwell, Field, Fort, Foster, Hagans, Harmer, Henry R Harris, John T. Harris, Harrison, Hatcher, Havens, John B. Hawley, Hays, Gerry W. Hazelton, Hereford, Hodges, Houghton, Howe, Hubbell, Hunter, Hunton, Hurlbut, Hyde, Hynes, Jewett, Kasson, Killinger, Knapp, Lamison, Lewis, Loughridge, Lowe, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, McJunkin, McKee, McNulta, Milliken, Monroe, Morey, Myers, Neal, Nunn, Orr, Orth, Packard, Packer, Isaac C. Parker, Pelham, Phillips, Pratt, Purman, Rapier, Ray, Richmond, Robbins, James W. Robinson, Ross, Rusk, Sawyer, Milton Sayler, Sener, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, A. Herr Smith, George L. Smith, Snyder, Southard, Sprague, Stanard, Standiford, Stowell, Christopher Y. Thomas, Tyner, Vance, Wallace, Jasper D. Ward, Wells, White, Whitehead, Whiteley, Charles G. Williams, William Williams, Wilshire, James Wilson, Jeremiah M. Wilson, Woodworth, and Pierce M. B. Young—140.

NAYS—Messrs. Adams, Albert, Banning, Barnum, Bass, Beck, Bromberg, Buffinton, Burleigh, Clayton, Clymer, Cotton, Cox, Creamer, Crooke, Danford, Dawes, De Witt, Eames, Eden, Eldredge, Frye, Garfield, Gooch, Gunckel, Eugene Hale, Robert S. Hale, Hamilton, Hancock, Benjamin W. Harris, Hathorn, Joseph R. Hawley, Herndon, E. Rockwood Hoar, George F. Hoar, Holman, Hooper, Hoskins, Kelley, Kellogg, Kendall, Lamar, Lawson, Lofland, Lowndes, Magee, Marshall, MacDougall, McLean, Mellish, Merriam, Mills, Mitchell, Moore, Niblack, Niles, O'Neill, Page, Hosea W. Parker, Parsons, Pendleton, Perry, Phelps, Pierce, Pike, James H. Platt, jr., Thomas C. Platt, Poland, Potter, Rainey, Randall, Read, Rice, Ellis H. Roberts, William R. Roberts, John G. Schumaker, Scofield, Isaac W. Scudder, Sessions, Small, Smart, H. Boardman Smith, John Q. Smith, Speer, Starkweather, St. John, Stone, Strawbridge, Swann, Tremain, Waldron, Wheeler, Whitehouse, Whitthorne, Wilber, Charles W. Willard, George Willard, John M. S. Williams, Willie, Ephraim K. Wilson, Wood, and Woodford—102.

NOT VOTING—Messrs. Archer, Ashe, Barry, Berry, Cain, Freeman Clarke, Crocker, Duell, Elliott, Freeman, Giddings, Glover, John W. Hazelton, Hendee, Hersey, Lamport, Lansing, Lawrence, Leach, Luttrell, Lynch, Morrison, Negley, Nesmith, O'Brien, Ransier, James C. Robinson, Henry B. Sayler, Henry J. Scudder, Sloan, Sloss, J. Ambler Smith, William A. Smith, Stephens, Storm, Strait, Sypher, Taylor, Charles R. Thomas, Thornburgh, Todd, Townsend, Waddell, Walls, Marcus L. Ward, William B. Williams, Wolfe, and John D. Young—48.

So the bill was passed.

During the call of the roll the following announcements were made:

Mr. LUTTRELL. I am paired with Mr. BARRY, of Mississippi. If present he would vote "ay," and I should vote "no."

Mr. GIDDINGS. I am paired with Mr. J. AMBLER SMITH, who if present would vote "ay," and I "no."

Mr. YOUNG, of Kentucky. I am paired with Mr. STORM, of Pennsylvania. If present he would vote "no," and I would vote "ay."

Mr. E. R. HOAR. My colleague, Mr. CROCKER, is detained from the House by sickness; if here he would vote "no."

Mr. AVERILL. My colleague, Mr. STRAIT, is absent on account of sickness; if here he would vote "ay."

Mr. SCUDDER, of New York. I am paired with Mr. THORNBURGH, of Tennessee. If present he would vote "ay," and I "no."

Mr. SAYLER, of Indiana. On this question I am paired with the gentleman from Pennsylvania, Mr. TOWNSEND, who if present would vote in the negative, while I should vote in the affirmative.

Mr. HAZELTON, of New Jersey. I am paired on this question with my colleague from New Jersey, Mr. WARD. If he were here he would vote "no," and I would vote "ay."

Mr. LYNCH. I wish to announce that I am paired upon this bill with the gentleman from South Carolina, Mr. ELLIOTT, who if present would vote in the negative, while I should vote in the affirmative.

Mr. PURMAN. My colleague, Mr. WALLS, is absent on account of sickness. If here he would vote "ay."

Mr. BURCHARD. On this bill the gentleman from North Carolina, Mr. SMITH, is paired with the gentleman from Massachusetts, Mr. CROCKER, who if present would vote "no," while Mr. SMITH would vote "ay."

Mr. HALE, of Maine. My colleague, Mr. HERSEY, is absent on account of illness. If he were present he would vote "no."

The result of the vote was announced as above stated.

Mr. MAYNARD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MRS. EMILY MILLER.

Mr. HAWLEY, of Illinois. I ask unanimous consent that the Committee on Claims be discharged from the further consideration of the petition of Mrs. Emily Miller, and that the same be referred to the Committee on War Claims.

There being no objection, it was so ordered.

LEGISLATIVE APPROPRIATION BILL.

Mr. GARFIELD. I give notice that to-morrow, at the close of the morning hour, I shall call up the legislative appropriation bill.

RETIRED ARMY OFFICERS.

Mr. MACDOUGALL, by unanimous consent, introduced a bill (H. R. No. 2983) to put retired officers of the Army on duty; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PRINTING OF A BILL.

Mr. KELLOGG, by unanimous consent, submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That five hundred extra copies of House bill No. 2978, entitled "A bill for the reorganization of the Treasury Department, and for other purposes," be printed for the use of the House.

ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 580) to authorize the employment of certain aliens as engineers and pilots;

An act (S. No. 191) to amend the act entitled "An act relating to the enrollment and license of certain vessels; and

An act (S. No. 192) for the relief of Siloma Deck.

Mr. HAZELTON, of Wisconsin. I move that the House adjourn.

The motion was agreed to; and accordingly (at five o'clock and ten minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rules, and referred as stated:

By Mr. BANNING: The petition of Hugh McCullough, of Cincinnati, Ohio, for a dependent father's pension, to the Committee on Invalid Pensions.

By Mr. BROWN: The petition of citizens of Ohio County, Kentucky, for a post-route from Hartford, Ohio County, to Whitesville, in Daviess County, Kentucky, to the Committee on the Post-Office and Post-Roads.

By Mr. BLOUNT: The memorial of the Medical Association of Georgia, in relation to the Army Medical Corps, to the Committee on Military Affairs.

By Mr. CURTIS: The petition of 91 citizens of Erie, Pennsylvania, in opposition to a duty on tea and coffee, and any increase in internal taxes, and in favor of the repeal of the second section of the act of June 6, 1872, which reduced by 10 per cent. the duties on certain imports, to the Committee on Ways and Means.

By Mr. FOSTER: The petition of John H. Hodge, late private Company A, Twenty-first Ohio Volunteers, for correction of his military record, to the Committee on Military Affairs.

By Mr. LAMAR: The petition of members of the American Metrological Society and others, for the enactment of laws which shall make practicable as well as legal the use of the metric system of weights and measures in the estimation and computation of customs duties, in assessment of postages, and in Federal reports and statistical and other documents involving statements of quantities and dimensions, to the Committee on Coinage, Weights, and Measures.

Also, the petition of the Metrological Society of the United States and others, for the passage of an act supplementary to the coinage act of 1873, adjusting the weight of gold coins of the United States so as to make them expressible in metric denominations, to the Committee on Coinage, Weights, and Measures.

By Mr. LAWSON: The petition of James Johnson and 252 others, for the passage of the bill (H. R. No. 1179) granting increased pensions to disabled soldiers, to the Committee on Invalid Pensions.

By Mr. MERRIAM: The petition of Randall & Thompson, of Little Falls, New York, and many hundred others, for the substitution of specific for *ad valorem* duties on tin plates, to the Committee on Ways and Means.

By Mr. NESMITH: The petition of G. W. Hume, of Astoria, Oregon, for an American register to the French brig Sidi, and that her name be changed to Sea Waif, to the Committee on Commerce.

By Mr. PHELPS: The petition of 43 citizens of Franklin Furnace, New Jersey, protesting against a duty on tea and coffee, and any increase in internal taxes, and asking the repeal of the second section of the act of June 6, 1872, which reduced by 10 per cent. the duties on certain imports, to the Committee on Ways and Means.

By Mr. SAYLER, of Indiana: The petition of 13 citizens of Stark County, Indiana, for the passage of a law authorizing the manufacture of patent-right articles by others than the owners of patent-rights upon the payment of a reasonable royalty thereon, to the Committee on Patents.

Also, the petition of 15 citizens of Montgomery County, Indiana, of similar import, to the same committee.

Also, the petition of 36 citizens of Livingston County, Missouri, of similar import, to the same committee.

Also, the petition of 11 citizens of Chester County, Pennsylvania, of similar import, to the same committee.

Also, the petition of 15 citizens of Clay County, Dakota, of similar import, to the same committee.

Also, the petition of 22 citizens of Benton County, Indiana, of similar import, to the same committee.

Also, the petition of 16 citizens of Marshall County, Indiana, of similar import, to the same committee.

Also, the petition of 13 citizens of Bradford County, Pennsylvania, of similar import, to the same committee.

Also, the petition of 65 citizens of Champaign County, Illinois, of similar import, to the same committee.

Also, the petition of 24 citizens of Shelby County, Kentucky, of similar import, to the same committee.

Also, the petition of 20 citizens of Barnwell County, South Carolina, of similar import, to the same committee.

Also, the petition of 23 citizens of Bibb County, Alabama, of similar import, to the same committee.

Also, the petition of 29 citizens of Johnson County, Indiana, of similar import, to the same committee.

Also, the petition of 101 citizens of Ottawa County, Michigan, of similar import, to the same committee.

Also, the petition of 49 citizens of Hall County, Nebraska, of similar import, to the same committee.

Also, the petition of 42 citizens of LaPorte County, Indiana, of similar import, to the same committee.

Also, the petition of 13 citizens of Gibson County, Indiana, of similar import, to the same committee.

Also, the petition of 26 citizens of Clarke County, Kentucky, of similar import, to the same committee.

Also, the petition of 15 citizens of Trigg County, Kentucky, of similar import, to the same committee.

Also, the petition of 28 citizens of Pettis County, Missouri, of similar import, to the same committee.

Also, the petition of 24 citizens of Androscoggin County, Maine, of similar import, to the same committee.

Also, the petition of 18 citizens of Marshall County, Kansas, of similar import, to the same committee.

Also, the petition of 19 citizens of Dearborn County, Indiana, of similar import, to the same committee.

Also, the petition of 24 citizens of Allen County, Indiana, of similar import, to the same committee.

Also, the petition of 60 citizens of Atlantic County, New Jersey, of similar import, to the same committee.

Also, the petition of 12 citizens of Jefferson County, Wisconsin, of similar import, to the same committee.

Also, the petition of 24 citizens of Perry County, Indiana, of similar import, to the same committee.

Also, the petition of 29 citizens of Neosho County, Kansas, of similar import, to the same committee.

Also, the petition of 62 citizens of Shiawassee County, Michigan, of similar import, to the same committee.

Also, the petition of 22 citizens of Leavenworth County, Kansas, of similar import, to the same committee.

Also, the petition of 12 citizens of Wabash County, Indiana, of similar import, to the same committee.

Also, the petition of 22 citizens of Lyon County, Kansas, of similar import, to the same committee.

Also, the petition of 20 citizens of Larimer County, Colorado, of similar import, to the same committee.

Also, the petition of 21 citizens of Wayne County, Ohio, of similar import, to the same committee.

Also, the petition of 24 citizens of Johnson County, Missouri, of similar import, to the same committee.

Also, the petition of 27 citizens of Hardin County, Ohio, of similar import, to the same committee.

Also, the petition of 27 citizens of Montour County, Pennsylvania, of similar import, to the same committee.

Also, the petition of 27 citizens of Houston County, Georgia, of similar import, to the same committee.

Also, the petition of 18 citizens of Washington County, Missouri, of similar import, to the same committee.

Also, the petition of 12 citizens of Stark County, Ohio, of similar import, to the same committee.

Also, the petition of 21 citizens of Owen County, Kentucky, of similar import, to the same committee.

Also, the petition of 23 citizens of Freeborn County, Minnesota, of similar import, to the same committee.

Also, the petition of 37 citizens of Saint Helena Parish, Louisiana, of similar import, to the same committee.

Also, the petition of 15 citizens of Gage County, Nebraska, of similar import, to the same committee.

Also, the petition of 17 citizens of Caswell County, North Carolina, of similar import, to the same committee.

Also, the petition of 11 citizens of Delaware County, Iowa, of similar import, to the same committee.

Also, the petition of 16 citizens of Nash County, North Carolina, of similar import, to the same committee.

Also, the petition of 18 citizens of Grant County, Iowa, of similar import, to the same committee.

Also, the petition of 23 citizens of Oakland County, Michigan, of similar import, to the same committee.

Also, the petition of 82 citizens of Madison County, Iowa, of similar import, to the same committee.

Also, the petition of 12 citizens of Hillsdale County, Michigan, of similar import, to the same committee.

Also, the petition of 12 citizens of Logan County, Ohio, of similar import, to the same committee.

Also, the petition of 15 citizens of Wayne County, North Carolina, of similar import, to the same committee.

Also, the petition of 11 citizens of Hamilton County, Ohio, of similar import, to the same committee.

Also, the petition of 25 citizens of Webster County, Kentucky, of similar import, to the same committee.

Also, the petition of 21 citizens of Washington County, Tennessee, of similar import, to the same committee.

Also, the petition of 18 citizens of Montgomery County, Kansas, of similar import, to the same committee.

Also, the petition of 18 citizens of Chase County, Kansas, of similar import, to the same committee.

Also, the petition of 10 citizens of Berrien County, Michigan, of similar import, to the same committee.

Also, the petition of 18 citizens of Boone County, Iowa, of similar import, to the same committee.

Also, the petition of 44 citizens of Livingston County, Illinois, of similar import, to the same committee.

Also, the petition of 40 citizens of Greene County, Tennessee, of similar import, to the same committee.

Also, the petition of 21 citizens of Fountain County, Iowa, of similar import, to the same committee.

Also, the petition of 25 citizens of Randolph County, Iowa, of similar import, to the same committee.

Also, the petition of 28 citizens of Rush County, Iowa, of similar import, to the same committee.

Also, the petition of 23 citizens of Campbell County, Georgia, of similar import, to the same committee.

Also, the petition of 21 citizens of Blackford County, Iowa, of similar import, to the same committee.

Also, the petition of 15 citizens of Boyle County, Kentucky, of similar import, to the same committee.

Also, the petition of 9 citizens of Jefferson County, Kansas, of similar import, to the same committee.

Also, the petition of 26 citizens of Cowley County, Kansas, of similar import, to the same committee.

Also, the petition of 48 citizens of Dodge County, Wisconsin, of similar import, to the same committee.

Also, the petition of 22 citizens of Kalamazoo County, Michigan, of similar import, to the same committee.

Also, the petition of 17 citizens of Vernon County, Missouri, of similar import, to the same committee.

Also, the petition of 34 citizens of Chester County, South Carolina, of similar import, to the same committee.

Also, the petition of 16 citizens of Shelby County, Iowa, of similar import, to the same committee.

Also, the petition of 27 citizens of Hempstead County, Arkansas, of similar import, to the same committee.

Also, the petition of 15 citizens of Lebanon County, Pennsylvania, of similar import, to the same committee.

Also, the petition of 14 citizens of Gibson County, Iowa, of similar import, to the same committee.

Also, the petition of 29 citizens of Campbell County, Kentucky, of similar import, to the same committee.

Also, the petition of 24 citizens of Platte County, Missouri, of similar import, to the same committee.

Also, the petition of 25 citizens of Wayne County, Iowa, of similar import, to the same committee.

Also, the petition of 23 citizens of Racine County, Wisconsin, of similar import, to the same committee.

Also, the petition of 42 citizens of Jasper County, Iowa, of similar import, to the same committee.

Also, the petition of 72 citizens of Boone County, Iowa, of similar import, to the same committee.

Also, the petition of 17 citizens of Pottawatomie County, Kansas, of similar import, to the same committee.

Also, the petition of 11 citizens of Osage County, Kansas, of similar import, to the same committee.

Also, the petition of 20 citizens of Jefferson County, West Virginia, of similar import, to the same committee.

Also, the petition of 25 citizens of Washtenaw County, Michigan, of similar import, to the same committee.

Also, the petition of 28 citizens of Keokuk County, Iowa, of similar import, to the same committee.

Also, the petition of 13 citizens of Mercer County, Ohio, of similar import, to the same committee.

Also, the petition of 21 citizens of Hancock County, Kentucky, of similar import, to the same committee.

Also, the petition of 9 citizens of Jefferson County, Iowa, of similar import, to the same committee.

By Mr. SCUDDER, of New York: The petition of engineers in the United States revenue service, that assistant engineers be duly commissioned as such, to the Committee on Commerce.

By Mr. SMART: The petition of J. M. Warren, Thomas Coleman, and others, of Troy, New York, against further inflation of the currency and for a resumption of specie payment, to the Committee on Banking and Currency.

By Mr. SMITH, of Ohio: The memorial of citizens of Hamilton, Ohio, in relation to legalizing the reissue of the legal-tender reserve, to the Committee on Banking and Currency.

By Mr. WOODFORD: The petition of Henry Wolfert and 30 others, for the passage of the bill (H. R. No. 1179) granting increased pensions to disabled soldiers, to the Committee on Invalid Pensions.

By Mr. YOUNG, of Georgia: The memorial of the Medical Association of Georgia, in relation to the Army Medical Corps, to the Committee on Military Affairs.

By Mr. ———: Resolutions of the Legislature of New York, in relation to inflation of the currency through the further issue of circulating notes by the Government or by national banks, and transmitting a copy of the message of the governor of the State of New York to both houses of the Legislature on the subject, to the Committee on Banking and Currency.

IN SENATE.

WEDNESDAY, *April* 15, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 1572) to amend the several acts providing a national currency, and to establish free banking, and for other purposes; in which the concurrence of the Senate was requested.

The message also announced that the House had concurred in the amendments of the Senate to the following bills:

A bill (H. R. No. 1003) to authorize and direct the Secretary of War to change the name of John Rziha, captain of the Fourth Regiment of Infantry of the Army of the United States, in the register, rolls, and records of the Army, to John Laube de Laubenfels;

A bill (H. R. No. 1930) to secure to the Episcopal Board of Missions the land of the White Earth Indian reservation in Minnesota;

A bill (H. R. No. 1942) authorizing the President of the United States to appoint Albert Ross to the active list of the Navy; and

A bill (H. R. No. 2186) granting an American registry to the American-built Peruvian steamship Rayo, now rebuilt in the United States and converted into a sailing-vessel.

The message further announced that the House had passed the bill (S. No. 617) to fix the amount of United States notes and the circulation of national banks, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. No. 580) to authorize the employment of certain aliens as engineers and pilots;

A bill (S. No. 191) to amend the act entitled "An act relating to the enrollment and license of certain vessels;" and

A bill (S. No. 192) for the relief of Siloma Deck.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred as indicated below:

The bill (H. R. No. 1215) to revise and consolidate the statutes of the United States in force on the 1st day of December, A. D. 1873—to the Committee on the Revision of the Laws of the United States.

The bill (H. R. No. 2425) to provide for the free exchange of newspapers between publishers, and for the free transmission of newspapers by mail within the county where published—to the Committee on Post-Offices and Post-Roads.

The bill (H. R. No. 2899) revising and embodying all the laws authorizing post-roads in force on the 1st day of December, 1873—to the Committee on the Revision of the Laws of the United States.

The bill (H. R. No. 2979) abolishing the office of appraiser of imported merchandise, appointed under the act of July 14, 1870, and acts amendatory thereof, at certain places—to the Committee on Finance.

The bill (H. R. No. 994) to establish the Bismarck land district in the Territory of Dakota was read twice by its title.

The PRESIDENT *pro tempore*. This bill will be referred to the Committee on Public Lands.

Mr. RAMSEY. The Committee on Public Lands have reported a bill identically like that; and if the Senate would consent, I should like to have it considered and passed now.

Mr. EDMUNDS. Let the House bill be laid aside until we get through with the morning business.

Mr. RAMSEY. Very well.

PETITIONS AND MEMORIALS.

Mr. LOGAN presented the petition of William R. Brown, of Metropolis, Massac County, Illinois, praying the payment of the proceeds of certain cotton, amounting to $38,000; which was referred to the Committee on Claims.

Mr. SCOTT presented the petition of the Zoological Society of Philadelphia, praying that importations of animals for that society, which are to be used solely for recreative and scientific purposes and not in anywise for pecuniary profit, may be exempt from the payment of duties; which was referred to the Committee on Finance.

Mr. HAMILTON, of Texas, presented the petition of Arthur Connell, of Houston, Texas, with accompanying papers, praying relief in the matter of rents received by the United States from his property in the city of Memphis, Tennessee, and appropriated for public use; which was referred to the Committee on Claims.

Mr. SCHURZ presented additional papers pertaining to the application of Sarah E. Ballantine, of Boonville, Missouri, praying compensation for property destroyed by order of General Lyon; which were referred to the Committee on Claims.

Mr. CONKLING presented a memorial of the Buffalo Board of Trade, in favor of the removal of the obstructions in the Saginaw River, at Carrolton bar; which was referred to the Committee on Commerce.

He also presented the petition of Mary Jane Loonie, widow of James A. Loonie, late of the Eighty-eighth New York Volunteers, praying a modification of the pension laws so as to allow her to contract and pay such fees as she thinks proper; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. PRATT. The Committee on Claims, to whom was referred the memorial of Jesse Warren and Joseph A. Moore, asking compensation for a building taken for the use of the Army, near Nashville, Tennessee, have instructed me to report a bill for their relief. We adopt in this case a report made at a previous session, which has been printed. I do not therefore ask for the printing of the report.

The bill (S. No. 701) for the relief of Warren & Moore, Nashville, Tennessee, was read and passed to the second reading.

Mr. SCOTT. The Committee on Claims instructed me to report back the petition of G. A. Henderson, praying payment of his salary as a clerk in the Treasury Department while suspended by order of the Secretary from January 28, 1864, to May 18, 1865, with the recommendation that it ought not to be allowed. I move the adoption of the report, and that it be printed.

The motion was agreed to.

Mr. SCOTT, from the Committee on Claims, to whom was referred the memorial of Frederic A. Holden, praying for remuneration for property destroyed in Ceredo, Wayne County, West Virginia, by United States soldiers during the late rebellion, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the memorial.

Mr. MERRIMON, from the Committee on Claims, to whom was referred the memorial of Ellen Call Long, praying for payment of the claim of the heirs of Richard K. Call in accordance with a judgment of the United States court of Florida, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the memorial.

Mr. GOLDTHWAITE, from the Committee on Claims, to whom was referred the bill (S. No. 113) for relief of the trustees of Wildey Lodge, Independent Order of Odd-Fellows, reported adversely thereon; and the bill was postponed indefinitely.

BILLS INTRODUCED.

Mr. WEST asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 702) for the relief of Marie P. Evans, executrix and legatee of S. Duncan Linton, deceased, and to refer her claim to the Court of Claims; which was read twice by its title, and referred to the Committee on Claims.

Mr. GOLDTHWAITE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 703) authorizing the proper accounting officers of the Treasury to revise and adjust the accounts of James C. Pickett as chargé d'affaires to Peru; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. KELLY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 704) for the relief of the officers and men of the United States Army who were sufferers by the wreck of the bark Forrest; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FENTON (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 705) to extend letters-patent to Henry G. Bulkley; which was read twice by its title, and referred to the Committee on Patents.

Mr. CRAGIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 706) to amend an act approved July 17, 1862, entitled "An act for the better government of the Navy of the United States;" which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. BOREMAN asked, and by unanimous consent obtained, leave

to introduce a bill (S. No. 707) to reimburse the State of West Virginia for moneys expended for the United States in enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting militia forces to aid in suppressing the rebellion; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

PRIVATE LAND CLAIMS IN MISSOURI.

Mr. BOGY. I move that Senate bill No. 32 be taken up. It is a very important bill, I will state to the Senate.

Mr. PRATT. I object. I am very desirous of having the Calendar called. The morning hour was taken up yesterday in the consideration of a special bill.

The PRESIDENT *pro tempore*. The Senator from Missouri makes his motion; and the bill will be read for information, after which the question will be submitted to the Senate.

The Chief Clerk read the amendment proposed by the Committee on Private Land Claims as a substitute for the bill (S. No. 32) obviating the necessity of issuing patents for certain private land claims in the State of Missouri, and for other purposes.

Mr. EDMUNDS. What committee reported that?

The PRESIDENT *pro tempore*. The Committee on Private Land Claims.

Mr. EDMUNDS. When?

The PRESIDENT *pro tempore*. On the 3d of March.

Mr. BOGY. I will state for the information of the Senate that this bill was reported by the Committee on Private Land Claims unanimously, and has also received the approbation of the Commissioner of the General Land Office; and it involves no appropriation or donation of land. The only object is to do away with the necessity of issuing patents; and the necessity for it grows out of a decision of the Supreme Court, made recently, to the effect that our statute of limitations does not begin to run until the patent issues. That decision is not in accordance with the legal opinion of the bar of my State for the last forty years; and patents in very few cases have been issued, we deeming that the confirmation was sufficient and had passed the entire title of the United States. Under the decision of the Supreme Court, as long as the nominal legal title remains in the Government, the limitation provided by the law of the State does not begin to run. The consequence is that a very wide field of litigation is thereby opened. The object of this bill is to close that field of litigation. It involves no appropriation, or donation, or grant of land.

Mr. EDMUNDS. I wish the Senator from Missouri would let this bill go over until to-morrow. I think it ought to lie over. I think Senators ought to investigate it. I am bound to say for one, if it is of any advantage to the Supreme Court that I should say so, that I think they decided the question to which the Senator refers correctly, because it is a well-understood principle of jurisprudence that the statute of limitations does not run against the Government, and until the patent issues the title is in the Government, and therefore no adverse occupation could oust that title.

But now this bill seems to provide—of course we cannot at present discuss its merits, and it may be that I misunderstand its provisions, having just heard them read for the first time—that any occupant adverse to the United States shall have the benefit of the effect of the statute of limitations as between private persons, and we release to him any equity that would have been his had our title been a private one in every case in which any officer of the Government under a statute, whether in conformity with it or not, has taken a step which seemed to indicate that the man had or was about to have a title.

It may be that I misunderstand its provisions. It needs careful examination. I hardly suppose that the honorable Senator desires to go that far, because if he does it would in effect be declaring that every adverse occupant who claimed against the United States under a color of title, however defective and unfounded it might be in point of law or in point of merit, should have the statute of limitations operate in his favor against the United States, to the great injury of the public revenues it may be. But it may be that it does not bear that construction. Of course I cannot discuss it on this motion. I want to say to the honorable Senator that I wish it might go over until to-morrow that I may have an opportunity to look at it.

Mr. BOGY. The Senator from Vermont misunderstands the purport of the bill.

Mr. PRATT. I rise to a question of order.

The PRESIDENT *pro tempore*. The Senator from Indiana will state his point of order.

Mr. PRATT. The point of order is that when the Senator from Missouri asked that the bill might be taken up in the morning hour I objected; and the Chair ruled that the bill should be read for the information of the Senate. It has been read. I now renew my objection. I dare say the bill is all right; I make no opposition to it; but it is a bill on the Calendar, and there are a great many like bills on the Calendar that deserve consideration just as much as the one now presented.

The PRESIDENT *pro tempore*. The Senator from Missouri made a motion that the Senate proceed to the consideration of this bill and therefore a single objection did not defeat it. The Chair ordered the bill to be read for information, and said to the Senator from Indiana that the Chair would then submit the question to the Senate. Thereupon the Senator from Missouri made a certain statement as to the nature of the bill and the Senator from Vermont asked a certain question. The pending question now is, Will the Senate proceed to the consideration of this bill? which is subject to debate, limited by the rule that the merits shall not be discussed.

Mr. BOGY. I will relieve the Senator from Indiana of any trouble on that subject. The Senator from Vermont desires to examine the bill, and I have no objection to giving him time to do so. I shall call up the bill to-morrow morning. I withdraw the motion now.

DISTRICT PUBLIC-SCHOOL TEACHERS.

Mr. SPENCER. I move that the Senate proceed to the consideration of the bill (H. R. No. 2550) making appropriation for the payment of teachers in the public schools in the District of Columbia, and providing for the levy of a tax to reimburse the same.

The bill was read.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. PRATT. I object.

The PRESIDENT *pro tempore*. Then the question is on the motion of the Senator from Alabama to proceed to the consideration of the bill.

Mr. BOREMAN. The Senator from South Carolina [Mr. ROBERTSON] has gone home for a few days, and before going he wished me to say that he desired to speak to this bill and would be glad that it should be laid over until his return. He will be back in three or four days, I presume. I make this statement at his request.

Mr. SPENCER. I desire to state that there is a pressing necessity for the passage of this bill. There is great destitution among the teachers. The taxes which were intended for their payment have been appropriated for other purposes, and many of them are in a starving condition. The Senator from South Carolina objected to the bill in committee, but I do not think he would press his objection on more full consideration.

Mr. MORRILL, of Vermont. I really think something ought to be done with this bill. It ought not to be delayed. I do not know that it is in precisely the shape in which it ought to pass; but at all events it seems to me that we ought not to shirk the consideration of the question. I trust we will take it up and consider it this morning.

Mr. BOREMAN. I do not wish to be understood as objecting to the bill myself. I am yielding to the request of my friend who has gone home. I have discharged that duty.

Mr. CONKLING. How long will he be gone.

Mr. BOREMAN. A short time.

Mr. CONKLING. Two or three weeks?

Mr. BOREMAN. I think not. I think he will be back in a few days.

Mr. CONKLING. I hear a Senator on my left say that the absent Senator is likely to be gone two or three weeks. If that be so, or anything like it, I think the Senator from West Virginia cannot base his interposition upon the ground of courtesy. The Senator from Vermont has said what I should have said if he had not spoken. It seems to me, without speaking of the particular form or effect of the present bill, as to which I am not advised, that it is manifestly our duty to dispose of this question in some way or other and not to allow it to stand for two or three weeks unless for some very special reason such as I think has not been assigned. There is a great injustice, a great hardship, and a great dereliction of duty somewhere involved in the existing state of facts as they are given to me. If this bill is not the proper measure, let us dispose of it and vote it down and have some measure that is, and if it shall turn out that there is no action incumbent upon us when we consider it, we shall stand acquitted of our duty; but I submit that we ought, and ought now as the motion is made, to take up this subject and consider it and dispose of it one way or the other.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Alabama to proceed to the consideration of the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 2550) making appropriation for the payment of teachers in the public schools in the District of Columbia, and providing for the levy of a tax to reimburse the same.

The bill appropriates $97,740.50, out of any moneys in the Treasury not otherwise appropriated, for the payment of teachers in the public schools in the District of Columbia from the 1st day of September, 1873, to the 1st day of March, 1874; and authorizes and directs the government of the District of Columbia to levy and collect a tax to an amount equal to the amount appropriated in the act, upon personal property, including banks and other corporations in the District, and pay the same into the Treasury of the United States. The money hereby appropriated is to be disbursed under the supervision of the Commissioner of Education.

Mr. THURMAN. These teachers have been unpaid from the 1st of last September, if my memory is correct. Under the law as it now stands, the real-estate owners of the District of Columbia defray the entire expenses of the public schools, although a large portion of the children who attend those schools are children of the employés of the Government who own no property whatsoever in this city.

This bill proposes to advance out of the Treasury of the United States a sufficient sum to pay those teachers, the Treasury to be re-

imbursed by a tax on the personal property within the District. My own judgment is that when this matter shall come to be properly investigated, it will be no more than just that the General Government, which has never contributed anything in lands or money for purposes of common-school education in the District, should bear some portion of the burdens of those schools. This bill, however, does not provide for the Government of the United States bearing any such portion of the burden, but simply to advance a certain amount of money to be reimbursed to the United States to relieve the present necessity. It is a very weak measure indeed; I would go for a stronger measure.

Mr. SHERMAN. Strike out that portion of the bill which provides for levying a tax.

Mr. THURMAN. No, I think it is best not to amend the bill. I have only to say that it does not go as far as I am willing to go in favor of common schools in the District. I can vote for the bill, however, although I do not think it goes far enough.

Mr. MORRILL, of Vermont. I do not rise to oppose the bill. I am in favor of making the appropriation; but there is a difficulty in reference to the practical operation of the bill. Heretofore, as I am informed, there has never been any system by which personal property has been assessed and taxed in this District. This bill proposes, therefore, to start an entirely new system of taxation by which this $97,000 shall be raised. I do not know whether there are any data upon which the District government can act to carry this bill into practical effect. I know of no assessment that has been made of personal property that can be reached practically. I merely suggest this point without offering anything by way of amendment.

Mr. SPENCER. I will say to the Senator from Vermont that the Committee on the District of Columbia have referred that matter to a sub-committee, and they are preparing a bill in reference to a future taxation for school purposes which will obviate the necessity of such a bill as this coming before Congress again.

Mr. THURMAN. There is the trouble suggested by the Senator from Vermont. Since the present government of this District has been inaugurated an assessment of personal property has been made with a view to taxation. It cost I think, according to the testimony that has been given before the investigating committee, something like $40,000 to take that assessment. No tax has ever been levied under it; but the taxes of this District are levied wholly upon real estate, according to the idea of some political economists that nothing but real estate ought to be taxed and that personal property ought to be wholly exempt from taxation. This District is the only place in the United States that I know of in which that theory of political economy prevails.

Mr. MORRILL, of Vermont. The theory prevails, I will inform the Senator from Ohio, in New York. They have a gentleman there who has promulgated the theory and enforces it, and with the idea that it is to become the universal practice of civilized nations. I refer to David A. Wells.

Mr. THURMAN. I do not propose to discuss that question. It is a very great question. I think, however, it will be found that in New York there is some taxation of personalty; but I am not sure how that is, and I do not want to go into it.

Mr. CONKLING. I wish to decline the honor which the Senator from Vermont is disposed to confer on New York. The gentleman he refers to is a Connecticut man, a man of great learning, but I did not know that he had enforced his views in New York. He has published them to the world; and as everybody in New York reads everything, of course his views have been read in that State.

Mr. THURMAN. Well, Mr. President——

Mr. MORTON. Let me suggest to the Senator that we have been informed very often on this floor that political economy was an exact science, a thing about which there could be no mistake.

Mr. THURMAN. I did not say so, and so the Senator had no occasion to interrupt me with such a smart remark. I desire that when my friend from Indiana wants to air his logic or have a tilt with any one he throw down his gauntlet to the man who had given the challenge, not to me. I think we have had sufficient evidence in the Senate, where there have been so many political economists, that all sorts of theories of political economy can obtain even in the Senate of the United States, and some of them very strange notions too.

Mr. MORTON. Yes; I have heard a good many myself.

Mr. THURMAN. But, sir, that is not the thing. There is the difficulty that the Senator from Vermont speaks of. An assessment of personal property will become necessary in order to execute this law; but the money that this bill advances can be paid, and, as is suggested by the Senator from Alabama, a law can then be passed to provide for executing the other part of the bill, which will create the machinery.

Mr. STOCKTON. I voted to take this bill up for the reasons given by the Senator from New York. I am entirely in favor of Congress advancing the money at present to pay the teachers of the District schools, but there is a provision in the bill which the committee who reported the bill have not explained. I am told—not being upon the committee, of course I do not know it to be true—that a tax has been levied for this purpose on the real estate of the District. And now the proposition is made that the Government of the United States shall advance this money out of the Treasury, and a clause is put in the bill that the Government is to be reimbursed through a tax on personal property in the District. That involves another question besides that which has been raised, as to whether we should tax personal property or not. If you have taxed an owner of real property for this purpose and that tax has not been collected, then to ask the Government of the United States to advance this money and in the same bill order that the tax be levied on personal property, when the other tax has not been collected which was to cover this sum, may be a very bungling way of doing it. I do not know whether the statement I have made is correct, but I am told it is; and I submit that while I am in favor of this bill so far as the appropriation by Congress is concerned, and while I may be in favor of the suggestion made by the Senator from Ohio that Congress itself should do something toward the schools in this District, yet at the same time it ought to be made clear by some written report or by some direct and positive statement from this committee what is the meaning of the clause relative to an assessment on personal property. I should like to have the question answered whether a tax for this purpose has been heretofore levied on the real estate of the District and whether it ever has been collected.

Mr. SPENCER. In answer to the Senator from New Jersey I desire to state that this bill originated in the House of Representatives in order to relieve the pressing necessities of the teachers of the public schools of the District of Columbia. Our committee concluded not to amend this bill; but we referred the subject of taxation to a subcommittee, and they are now preparing a bill to obviate the objections the Senator has suggested. A tax was levied for this purpose, and I suppose collected, but owing to the laxity of the law the money has been misappropriated. These school-teachers are in a suffering condition.

Mr. STOCKTON. The Senator need not enlarge upon that. I presume that fact is known to every Senator; I have heard no Senator deny it. Therefore it is not necessary to enlarge on the condition of the school-teachers; nor do I think it is necessary to enlarge on the fact that we ought to go forward and grant this money. But I think that the better way to carry the object of this bill speedily into effect is to strike out that portion of the bill authorizing a tax to be levied, when it is admitted that a tax for this purpose has been already levied and perhaps collected. Some provision might be made leaving it in our power to direct a tax to be levied on personal or real property hereafter to reimburse this advance or to take such other course as we may think best hereafter. But to pass a bill levying a certain tax on personal property now is unequal and unfair; for you will see that, when the owner of real and personal property has had this tax already levied upon him on his real property, if now you tax that owner on his personal property alone you tax him a second time. It is inconsiderate to levy this tax without some explanation or understanding of what its effect is to be. It is no doubt creditable to the committee that they desire to get through this bill to relieve these suffering people, and they no doubt thought it would secure them relief more speedily to pass the bill just as it came from the House; but I think that is not wise. I think if we amend the bill properly the amendment will receive the prompt concurrence of the House, and secure relief as quickly as if we put the bill through in its present shape.

Mr. SHERMAN. The answer to the Senator from New Jersey is that this bill does not levy a tax.

Mr. STOCKTON. It directs it to be levied.

Mr. SHERMAN. As a matter of course until another law is passed there will be no tax levied on personal property. I look on that portion of the bill as simply nugatory. This is a little bill for the relief of school-teachers suffering for want of pay, and I think we ought to pass it. Whether that clause is in the bill or not does not matter one particle, for as a matter of course in order to levy a tax on personal property there must be the consent of Congress or the action of the local Legislature. That is a subsequent thing. The money will be paid out of the Treasury of the United States as soon as the bill passes, and then whether a tax is levied or not will depend on the future action of Congress.

Mr. STOCKTON. If the Senator from Ohio is right in that proposition, then these words are mere surplusage. I do not think he is. I should like to have the bill read again, and I ask that Senator himself to listen to it. I understood it, hearing it read only once, to be a direction to levy this tax on personal property, and when the money was levied to pay it into the United States Treasury.

Mr. SHERMAN. It is a simple direction that a tax on personal property shall be levied to reimburse this money. That is all of it; and Congress may do as it pleases about that hereafter. After all, it amounts simply to an appropriation of money to relieve an immediate necessity, to which probably some one in the House has added this provision in order to facilitate its passage.

Mr. CONKLING. If the Senator from Ohio is right, it is an entire relief from the objection made by the Senator from New Jersey. I wish the Senator from Ohio was right; but I think if he listens to the language of the bill he will be a little shaken in his impression. Let me read the words:

> And that the government of the District of Columbia is hereby authorized and directed to levy and collect a tax to an amount equal to the amount appropriated in this act upon personal property, including banks and other corporations in the said District, and pay the same into the Treasury of the United States. The money hereby appropriated shall be disbursed under the supervision of the Commissioner of Education.

I understood the Senator from Ohio to say that this is a mere shadowing forth that Congress in the future will levy and collect a tax.

If that be the whole purpose of the words, it seems to me they are unfortunately strong. I can hardly see how a more specific direction could be laid upon the government of the District than is found in the words declaring "that the government of the District of Columbia is hereby authorized and directed."

Mr. SHERMAN. I will ask my honorable friend has Congress the power to direct a legislative body what law to pass? We have absolute jurisdiction over the District. We can pass a law to levy this tax; but we cannot pass a law to direct the Legislature to do it. They must be governed by their own discretion as to what is just. It seems to me that while we, having power on the subject, may pass a law that will accomplish the intent declared by the House in this bill, yet we cannot tell the District Legislature that they shall levy a particular form of tax or pass a certain kind of tax bill. The members of the Legislature may say "we will vote as we feel on that bill," and they might refuse to pass the very bill that you require them to pass. Then Congress, as a matter of course, would have power to step in and pass such a law itself.

Mr. CONKLING. The Senator from Ohio may be speaking now with particular reference to the provisions in the organic act setting up the District government, and that act may be such in its nature as to warrant all he says; and if it be so I yield to his suggestion. Congress has power to make all needful rules and regulations for the Territories. In practice, a territorial government is created; the Legislature, which is a part of that government, has the power to pass statutes, subject to the approval or disapproval of Congress reserved in the organic act. In such a case as that, it seems to me, the Senator from Ohio would be warranted in the suggestion he makes. If it be true that the organic act here commits *in toto* to the District Legislature all legislative power, reserving nothing except the right of Congress to disapprove what that Legislature may do, then I think the Senator is right in saying that there would be grave doubt at least whether a provision like this would so modify or change the law as it stands as to operate itself imperatively and necessarily in effecting the levying and collecting of a tax. I still think, however, that in the presence of this statute, unless you assume that the District government first have the right, and second that they would be contumacious in exercising the right to refuse to do what good faith required they should do—I think these words import very much of that which the Senator from New Jersey attributes to them.

Now, Mr. President, I leave this subject with one remark, which I beg to make especially to my friend from Ohio. This is an advance made by Congress to the District government. It savors, therefore, of a contract in its nature; the District allowing Congress to advance the money accepts it, or the debtors of the District with the privity of the District government accept it; and the act which makes the advance contemplates, presupposes, and as far as we have the power requires, that they shall lay this tax. Could anybody say that the District government could with good faith hereafter fall upon that independence which the Senator from Ohio speaks of as possessed by a Legislature and say, each man for himself, "I vote on my own conscience and my own oath; I refuse to vote any tax here, I do not care what Congress says about it?" Would not the District government thus put itself very much in the attitude of a man who accepted from another money, and money in trust and upon an agreement, and having received the money should turn around and say, "Friend, you are tiresome; I do not regard this agreement; I have taken your money, but I decline to do anything which is incumbent upon me to secure its return?"

Mr. STEWART. I might let this provision pass unchallenged; I do not like to obstruct any benevolent effort that may be made to pay these teachers; but this requirement that "the government of the District of Columbia is hereby authorized and directed to levy and collect a tax to an amount equal to the amount appropriated in this act, upon personal property, including banks and other corporations in the said District, and pay the same into the Treasury of the United States," would, if carried out, cost more than $100,000, or $200,000 probably. To provide a system for levying and collecting this tax on personal property in this District would cost a great deal more than the amount appropriated in the bill. It would involve a large sum to officers, and further complicate the affairs of the District of Columbia. It is certainly very vicious legislation. If personal property is to be assessed and taxes collected on it, we must have a system under which it can be done. Somebody must provide a system, either Congress or the District government.

Now, I hope that that clause will be stricken out from the bill. In reply to the point of the Senator from Ohio, that the Legislature of this District might or might not obey it, I will say that I think the suggestion is not well founded. I move to strike out the provision requiring the District government to levy a tax.

The PRESIDENT *pro tempore*. The Senator from Nevada moves to amend the bill by striking out all after "1874" in line nine.

Mr. STEWART. I doubt whether the Legislature of the District of Columbia has independent jurisdiction, as has been suggested. In fact I doubt whether it has any jurisdiction at all, or whether Congress has the power to grant it any jurisdiction, or whether there is any such thing as a Legislature in the District of Columbia with any vitality under the Constitution of the United States. Congress is clothed by the Constitution with power—

> To exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of Government of the United States.

The power of Congress is "to exercise exclusive legislation." That is as strong as language could make it. If it was only that, there might, perhaps, be an argument; but it seems to me that the last clause of that section of the Constitution interprets the first so that its meaning cannot be misunderstood. The last clause of this section is:

> And to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings.

Now, would it be competent for Congress in a fort to organize a Legislative Assembly to govern the fort? If it would, then it would be competent for it to organize a Legislative Assembly to govern the District of Columbia, for it is "like authority." Exclusive legislative authority was conferred upon Congress over this District, the power being "to exercise exclusive legislative authority." Some question has been raised when legislative authority existed by the constitutions of several States in the Legislature whether it could be delegated to councils, &c.; but I apprehend that where the exclusive power of legislation is granted to Congress, Congress itself must exercise that power and cannot delegate it at all.

Mr. MORTON. Your argument then is, that the whole District government is unconstitutional?

Mr. STEWART. So far as it delegates the power of legislation, I have come to that conclusion. I have been investigating that subject and have come to that conclusion; and before that question is examined, I would not call on this Legislature to do any other act; certainly I would not call on the Legislature to devise a system of taxation upon the personal property of the District for the purpose of raising $100,000 and set all that machinery at work, expensive as it must be. It is perfectly competent for Congress, having appropriated this $100,000, to provide that it shall be reimbursed by taxation of the District. We have the power to do it and can provide the means; but in advance of any machinery, to put a law on the statute-book requiring the District government to inaugurate this system, which must be wasteful, cumbersome, and further involve the District in uncertainty, I think would be most unwise.

Mr. STEVENSON. May I ask the Senator a question?

Mr. STEWART. Certainly.

Mr. STEVENSON. I am informed there are $275,000 already assessed upon real estate of the District for this purpose. Why cannot this be paid out of that fund?

Mr. STEWART. It will be perfectly competent if this amendment prevails for Congress to reimburse itself by its exclusive power of legislation, having entire control of the matter hereafter. Whether they will ever do it or not is another matter; but it is better never to do it than to make the appropriation in this way and inaugurate a system that is going to cost three or four times the appropriation to get it into effect.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Nevada.

Mr. SPENCER. I ask the Senator from Nevada to withdraw his amendment to let the Senator from New Jersey offer one.

Mr. STEWART. Let me hear it.

Mr. STOCKTON. I rose a moment ago for the purpose of interrupting the Senator from Nevada to make this suggestion: if we go on discussing the relations between the District of Columbia and Congress we shall keep this bill from passing, which I presume we all want to see passed in a proper shape. I have an amendment which several gentlemen around me approve of. I simply want it read; and if any gentleman has a better one I shall feel perfectly willing to go for it.

The PRESIDENT *pro tempore*. The amendment suggested by the Senator from New Jersey will be reported.

The CHIEF CLERK. It is proposed to strike out in line 11 the words "levy and" and the words "a tax to," and to strike out in lines 12 and 13 the words "upon personal property, including banks and other corporations, in the said District," and insert:

> Out of the tax now assessed for school purposes on the real estate in said District, and which remains as yet uncollected.

So as to read:

> And that the government of the District of Columbia is hereby authorized and directed to collect an amount equal to the amount appropriated in this act out of the tax now assessed for school purposes on the real estate in said District, and which remains as yet uncollected, and pay the same into the Treasury of the United States.

Mr. STEWART. I would prefer a suggestion of the Senator from Maine, [Mr. MORRILL,] who has an amendment. Let him send his amendment to the Chair, and I will modify mine to that extent.

Mr. MORRILL, of Maine. I propose to strike out the clause indicated and insert:

> And this sum shall be charged against the District, to be deducted from any sum hereafter appropriated to its account.

Mr. STEWART. I accept that in lieu of my motion to strike out.

Mr. MORRILL, of Maine. There is a large claim here against the Government which undoubtedly we shall consider, and if we find anything due we can make this deduction from it.

Mr. THURMAN. I am apprehensive that the amendment of my friend from New Jersey will not meet the case. I am not quite sure,

although I could tell by sending for certain books, that there are unpaid school taxes sufficient to meet this sum.

Mr. JOHNSTON. There are unpaid school taxes to the amount of $200,000.

Mr. THURMAN. If that is the case, that objection does not lie. I was not aware exactly how that matter was.

Mr. MORRILL, of Vermont. Although, as it has been seen, the clause that was proposed to be stricken out and is now proposed to be amended appears to be extremely crude, it seems to me that the exigency of these suffering teachers is so great that it would be better to pass the bill precisely as it came from the House. We shall have ample time before this bill can be executed to make further legislation such as may seem proper. Of course, a tax cannot be levied without the machinery for levying that tax. It will take a considerable time and it will be expensive. Unquestionably a considerable part of this sum of money would be absorbed by the very machinery that would be absolutely necessary to carry it into effect. There are various questions to come up in relation to this matter. We have provided in the organic act that the taxation of this District shall not exceed 2 per cent.; and yet it is proposed by this bill to levy an additional tax upon personal property. The question will come up whether that is not in conflict with the organic act. If we send this bill back to the House with the amendment proposed by the Senator from Maine, it raises a new question as to any further sums that may be appropriated by Congress for the improvements of the District that have already been made.

All these matters are dilatory, and will postpone the final action of Congress on this bill for an indefinite period. Therefore it would seem to me better that we pass the bill as recommended by the Committee on the District of Columbia, precisely as it came from the House, although it may not meet with our approval in all its parts.

Mr. MORTON. I quite agree with the Senator from Vermont. I have received letters from some of these teachers and have been called upon by some of them, who have told me that they are in a suffering condition, that their wages have not been paid for five months, and only yesterday I saw two of them, who told me they had not the means of buying bread for their little families. I should be glad to see this bill pass this morning without any amendment.

The effect of the latter part of the bill is simply to charge the $97,000 up to the District and make it a debt against the District, because that part of it which directs the District Legislature to levy a tax on personal property and pay the amount back into the Treasury is a mere nullity. We all understand that. We can levy a tax on the District; we can direct a ministerial officer to levy that tax and collect it and pay it over; but when it comes to directing a Legislature to do it, that is a nullity. I think the bill had better be passed just as it is, because that part of it in regard to the levy of a tax is a mere nullity anyhow, and can do no possible harm.

Mr. THURMAN. I will state this further fact, that more than eight-tenths, I think nearer nine-tenths, of the teachers in this District are females dependent upon their labors for their support. I would greatly prefer that this bill should be in the shape suggested by the Senator from New Jersey, or the Senator from Maine; but I do not know that we can do much better than to pass it at once.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The morning hour has expired, and the Louisiana bill is before the Senate, upon which the Senator from Louisiana [Mr. WEST] is entitled to the floor.

Mr. MORTON. Let us pass this bill; it will not take two minutes.

Mr. SPENCER. I ask the Senator from Louisiana to give way for a few minutes.

Mr. WEST. I will certainly do so. I am willing that the Louisiana matter be laid aside informally with this understanding, that if this teachers' bill leads to further protracted debate I shall call for the regular order.

The PRESIDING OFFICER. The Louisiana bill will be laid aside informally if there be no objection. The Chair hears none.

Mr. STOCKTON. I rise to make a suggestion: The amendment I offered, I think, is better than that of the Senator from Maine, and several gentlemen here think so; but, as far as I am concerned, I am willing to withdraw it and let us vote immediately, without debate, on the amendment of the Senator from Maine, which will test the question whether the Senate desires to pass the bill without amendment or not.

Mr. MORRILL, of Maine. I am willing to withdraw my amendment.

Mr. STOCKTON. I then suggest that the vote be taken on my amendment first, and then if that should fail, upon the amendment of the Senator from Maine; and after that let the vote be taken on the bill. It will not occupy over ten minutes.

Mr. MORRILL, of Maine. I withdraw my amendment.

The PRESIDING OFFICER. The Senator from Maine withdraws his amendment, and the amendment of the Senator from New Jersey is pending.

Mr. CONKLING. I do not object to a vote being taken without debate after I make a single remark, which I beg to submit. The honorable Senator from Indiana was pleased to say that the second provision of this bill was a mere nullity and that everybody so understands. With great deference to him, I beg to say that I do not for one understand any such thing. On the contrary, I dissent from the law as I understood the Senator from Indiana to lay it down. If he were right, Indiana, New York, New Jersey, any other State, would have no power by an act of its Legislature to compel a board of supervisors to levy a tax. A board of supervisors is the local legislature of a county and is clothed in this respect with every attribute that I know of belonging to the Legislature of this District. Is it to be contended that a State cannot make mandatory a provision that a board of supervisors shall levy and collect a tax? Are not the books filled with instances in which the courts have said that a *mandamus* will lie to compel the execution of such an act? And if so, how can any Senator say that everybody knows that this is a mere nullity? On the contrary, Mr. President, it is, I submit, a substantial provision; and although I want this bill to be passed, unless we mean to enforce that branch of it, I respectfully submit that we had better strike it out and put something in its place, because I cannot believe that the House of Representatives, having passed this bill, will refuse to concur in an amendment designed merely to limit the embarrassment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New Jersey, [Mr. STOCKTON.]

Mr. BAYARD. Let it be reported.

The CHIEF CLERK. The amendment of the Senator from New Jersey is to amend the bill so that, commencing in line 9, the latter clause will read:

> And that the government of the District of Columbia is hereby authorized and directed forthwith to collect an amount equal to the amount appropriated in this act out of the tax now assessed for school purposes on the real estate in said District, but which remains as yet uncollected, and pay the same into the Treasury of the United States.

Mr. BAYARD. Mr. President, I understand, so far as one can understand anything from the very loose management of affairs in this District, that there are $270,000 of taxes which have been assessed and levied expressly as school taxes upon the real estate in this city but which are not collected. Why this has not been collected, why the collection officers of the District have not fulfilled their duty, I cannot imagine.

Mr. THURMAN. Will my friend allow me to interrupt him one moment to state what the fact is?

Mr. BAYARD. Certainly.

Mr. THURMAN. These taxes are not due until the 1st of July next. They have a singular system of taxation in this District. They levy a certain amount of taxes payable at the end of the fiscal year; that is to say, the 30th of June; and they allow a discount if the tax-payers will pay in advance—a discount of so much a month—but no tax-payer becomes delinquent until the end of the fiscal year. Those who have plenty of money and cannot make as good use of it as this discount affords pay their taxes in advance and get the discount. Those who have not the money, or who can make more interest than the discount would be, keep the money which would pay their taxes and employ it until they become due at the end of the fiscal year.

Mr. BAYARD. Then, Mr. President, the amendment of the Senator from New Jersey is eminently proper. It provides in substance that there shall be an advance from the Treasury of the United States of enough to pay this very deserving class of people, the school-teachers of the District, moneys which are due upon the faith and by the pledge of the taxes assessed and levied, but not collectible until the first day of the ensuing fiscal year, so that the amendment is, I think, eminently proper, if that be the design of Congress. But what a commentary it all is upon the condition of affairs in the government of the District that these people should be unpaid at this great lapse of time, when it is admitted that the school fund, the fund of school taxes which should be sacredly segregated for their use, has been misapplied and cannot now be found to satisfy their just claims!

I hold, Mr. President, in the anomalous condition of the people of this District, that the Congress of the United States is almost entirely responsible for the shortcomings, not to say something worse, of the people whom we set in power over them. The people of this District, as we all know, have but little voice in their own government; the board of public works, and their governor, and their secretary, and the chief machinery of their District being created by the voice of the President and confirmed by the action of this body. Therefore I say we are responsible for the mismanagement of our agents, and there is an equitable claim upon us that we should, so far as we may in justice to the rest of the people of this country, see that this deserving class of public employés should be fairly and fully paid. But I say it is a commentary, and a very sad commentary—I am sorry the commentary should be so just—that this fund, admitted to have been collected, should be so misapplied that these people have been kept out of their hard-earned money ever since last September. With the faith that this money will be repaid to the Treasury of the United States out of the school fund arising from taxes duly levied, and which shall be collectible in the course of the next few months, I shall vote for this measure as a measure of relief for these school-teachers. At the same time I trust that there will be such measures matured by the appropriate committees of this and the other House that such a condition of affairs will not be allowed to occur again. Here is nearly a hundred thousand dollars due to these people which has been raised by taxation and not one cent appropriated to the purpose for which it was designed. Where, in what community, would any party, any class, have strength to stand with mismanagement of this kind constantly brought home to them?

Mr. HAMLIN. I should prefer to have this bill amended as my colleague has suggested if there were no surrounding circumstances which I thought controlled me. This is a measure of relief, and as such I believe it is wise to pass the bill precisely as it came from the House. It is not in the nature of a contract; it incurs no obligation; it provides for no rights that Congress may not at a subsequent day change as it shall see fit. To amend the bill and send it back to the House and let it go upon the Speaker's table and be reached when no man can tell, is virtually to deny the great obligations we are under, or the great reasons which induce us to vote for the bill. Hence, while I am in favor of my colleague's amendment and would prefer to see the bill in that shape, I shall vote against that amendment and vote for the bill as it is for the reasons that I have stated. We can correct it hereafter.

Mr. CARPENTER. Without taking any time upon this bill, I desire to say that I shall vote for it as it is, precisely upon the ground the Senator from Maine [Mr. HAMLIN] indicates. I want, however, in that connection to put in a *caveat* not to be bound to the opinion which has been expressed that there is no validity in that clause of this bill which commands the District government to levy a tax. As to the validity of the District government very grave doubts must exist, I think, in the mind of every lawyer; but conceding that government to have any validity whatever—in other words, conceding that Congress may create the government, then it is our instrumentality as much as a board of supervisors is the instrumentality of a State government, and it is as much under our control; and when we pass a law saying they are hereby required to do a certain thing, they can be compelled by *mandamus* to do that thing. They are not an independent State; they are not a State of the Union; they are a mere corporation created by Congress for governmental purposes, and this District government can only be vindicated upon the same ground that you would vindicate a mere city government in the District of Columbia, a municipal corporation. Upon any other ground it is wholly unconstitutional. The Constitution provides that Congress shall have exclusive power of legislation over this District; and there was great wisdom in that, this being the seat of the Government, where are our public buildings and our public records, in which the whole nation is interested. This being so, the whole nation is the legislative power for this District. Now, then, the only ground upon which we can justify the act erecting the District government is that it is a mere municipal government under the control of Congress, as the city government of New York is under the State government of New York; and a law which provides that the common council of New York shall do a certain thing, levy a certain tax, or that the board of supervisors of a certain county shall do it, is valid beyond all question; and so a law passed here commanding this District government, our municipality, our agent for legislative purposes, to do a certain thing in the line of legislative duty, is binding upon them, if there is any validity in anything.

Mr. STEWART. There is no doubt they can do something according to the theory of the Senator from Wisconsin, on which theory I am willing to vote for this bill with the understanding that there shall be some legislation which shall provide for it; but if this clause were carried into effect as it stands it would cost more than one hundred thousand dollars.

Mr. STEVENSON. Mr. President, I shall not vote for this bill without the amendment, and I think this is the time to settle all these doubts. I agree with the Senator from New York and the Senator from Wisconsin that if the present District government has any legal existence this clause of the bill will be active and potential upon it. Nothing is more frequent than for the States to designate and authorize a county or township to levy a tax for a special purpose, and it has been and is constantly being enforced by *mandamus;* and why may not Congress do the same thing with a local government in this District where it has so exclusive control? We can do that; but I am unwilling with three hundred and seventy thousand and odd dollars of taxation assessed and not collected, as I am informed, to put it in the power of the District to levy this additional taxation without having the whole subject thoroughly scrutinized and settled upon an equitable basis. I think now is the time to strike out this clause, and give this proposed relief with the amendment of the Senator from New Jersey, which is a proper one. Accept that, and there will be no objection whatever to this bill. Unless that amendment be adopted, I cannot vote for the bill.

Mr. MORTON. It is not very important to this discussion, but I beg leave to dissent from the doctrine of the Senator from New York and the Senator from Wisconsin entirely. There is in my judgment no analogy at all between this case and that put by them. A corporation makes a contract, if you please, and issues a bond upon it. Where a judgment has been obtained upon the bond, it has been held that the courts having proper jurisdiction could issue a *mandamus* against a board of county commissioners or against a board of supervisors or those whose duty it was to levy the tax, to levy that tax, to carry out and execute a contract. It is entirely different from a duty imposed on a legislative body by an act of Congress where there is no contract at all. How can Congress compel a legislative body to make an appropriation or levy a tax? There is no way of compelling them. A court may compel a board of county commissioners under certain circumstances to do that; but does that bear any analogy to this case? Certainly not. I hope the bill will pass as it is.

Mr. STEWART. My point is that beyond the mere ministerial duties, so to speak, that are conferred on boards of supervisors to carry out the laws of States, or on any board here to carry out the laws of Congress, any legislative authority conferred upon any legislative body in this District is a nullity. But the levying of a tax under a law passed by Congress would be in pursuance of the power of Congress to cause that tax to be levied. That is direct and clear. We might direct that the Legislature should do it. We might direct that A B do it. It is in pursuance of the exclusive legislative authority of Congress. But in the organic act the legislative powers conferred on this District government, which are quite extensive, I think are a nullity; and beyond the duties that are ordinarily conferred upon boards of supervisors in counties, I think the powers conferred on this Legislature are all void and their acts outside of that line of duties are void. In other words, I do not believe that Congress can delegate its legislative power, when by the express terms of the Constitution that legislative power is exclusive in Congress.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from New Jersey, [Mr. STOCKTON.]

The question being put, the Chair declared that the ayes appeared to prevail.

Mr. SPENCER. I call for a division.

Mr. HAMILTON, of Maryland. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. THURMAN. I hope we shall not have the yeas and nays on this amendment. This practice of taking the yeas and nays on every question is one which consumes a great deal of time. I have no fear of the record.

Mr. HAMILTON, of Maryland. Allow me to ask the Senator from Alabama to withdraw the call for a division. If he does that, the amendment will be adopted and the bill can go to the House and it be concurred in.

Mr. SPENCER. I want these teachers paid; I want them to have their money.

Mr. HAMILTON, of Maryland. The amendment has been declared to be carried. Withdraw the call for a division.

Mr. RAMSEY. Let the amendment be reported.

The Chief Clerk read the amendment proposed by Mr. STOCKTON.

Mr. MORRILL, of Vermont. May I ask the Senator from New Jersey if he can inform us whether the District authorities will not be in the same trouble when the time comes around for the payment of these taxes, and will not be just as far in arrear as they now are?

Mr. BAYARD. With the consent of my friend from New Jersey, I will say to the Senator from Vermont that there is this amount already assessed and levied, $270,000 upon the real estate.

Mr. JOHNSTON. Two hundred and four thousand dollars.

Mr. BAYARD. Well, $204,000. That is double the amount now appropriated by this bill.

Mr. MORRILL, of Vermont. But my question is, whether that sum will not be then wanted to pay the accruing liabilities of the District to the school-teachers?

Mr. BAYARD. I have no doubt it will be wanted, and perhaps more will be wanted; but this $97,000 will be primarily deducted from it. If there will then be a deficiency, it must be remedied by some other legislation.

The object of this amendment is simply to grant a measure for present relief; that is all; and not to attempt to look into what seems to have been a palpable delinquency and misapplication of the public-school fund of the District. We can relieve these deserving people now and without adding to the taxation of the District by this bill. That is all the amendment proposes to do. We pay the $97,000 now, and are to have it repaid out of the fund which is collectible at the order of Congress which has already been assessed and levied. Should there be a deficiency hereafter, it will be time enough to meet that by proper legislation after proper examination.

Mr. STOCKTON. I simply wish to say, in reply to the Senator from Vermont, that the most important object of my amendment is this: While it assists to do the work for which the bill was intended—to pay these poor people immediately who need the money—it gets rid of the immense cost of a new assessment. It seems to me strange that when we have an assessment and a levy which has cost, as some one said, near as much as $97,000, we shall go to work and direct them to make a new assessment on new property. We save by this amendment almost the amount of the appropriation, while we meet the urgent necessity.

I desire to say before sitting down that I do not wish myself to be understood as agreeing with the Senator from Delaware in saying that this money has been misapplied, because it seems to me that that is inconsistent with the statement made by the Senator from Ohio [Mr. THURMAN] that the money had not been collected, and was not collectible by law.

Mr. BAYARD. Ninety-seven thousand dollars has been collected, and has been misapplied.

Mr. STOCKTON. I did not understand it so from the Senator from Ohio. He will put the matter correctly. I understood the Senator from Ohio to say that the reason this money had not been collected was that it was not collectible by law, and he gave a history of the

law of this District in reference to such matters; at least I so understood; and therefore the amendment seemed to me to apply simply to relieve the government from a want of this money temporarily until the tax is collected, and the tax will be collected regularly under the law, supposing that the government of the District does its duty. The Senator from Ohio does not correct my statement. I thought I was not mistaken in what the Senator said.

Mr. SPENCER. I desire to state for the information of the Senate that this bill passed in the House after quite a protracted and heated debate. The adoption here of the amendment proposed by the Senator from New Jersey, while I am in favor of it myself, would, I think, kill the bill in the House. The clause he moves to strike out was put upon the bill in the House by a vote by yeas and nays. This is a case of charity. The bill is for the purpose of relieving the necessities of a very deserving class of people, and I hope no amendment will be put on the bill.

Mr. JOHNSTON. I wish to suggest to the Senator from New Jersey to change his amendment. The amendment, as I understand it, provides that the tax shall be collected forthwith, and by the law as it now stands these taxes are not due until the 1st of July. This amendment would have the effect of making taxes which are not collectible by the present law until the 1st of July collectible forthwith.

Mr. STOCKTON. I accept that suggestion and move to strike out the word "forthwith," and then the tax will be collected of course according to the law as it exists now.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New Jersey as modified, upon which the yeas and nays have been ordered. Unanimous consent has been asked to rescind the order for the yeas and nays. Is there objection? The Chair hears none.

Mr. BAYARD. The call for the yeas and nays was withdrawn on the suggestion of the Senator from Maryland to the Senator from Alabama that he should withdraw his demand for a division.

The PRESIDING OFFICER. The Chair did not so understand. Is the demand for a division withdrawn?

Mr. SPENCER. No; I do not withdraw it.

Mr. BAYARD. Then the demand for the yeas and nays is not withdrawn.

Mr. HAMILTON, of Maryland. No; it is not withdrawn.

The PRESIDING OFFICER. The call for the yeas and nays has been withdrawn; but they can be ordered again. The yeas and nays are called for.

The yeas and nays were ordered.

Mr. CHANDLER. Let the amendment be reported again.

The PRESIDING OFFICER. It will be read as modified.

The CHIEF CLERK. That portion of the bill affected by the amendment will read, if the amendment prevails, as follows:

And the government of the District of Columbia is hereby authorized and directed to collect an amount equal to the amount appropriated in this act out of the tax now assessed for school purposes on the real estate in said District, but which remains as yet uncollected.

The question being taken by yeas and nays, resulted—yeas 20, nays 27; as follows:

YEAS—Messrs. Bayard, Bogy, Conkling, Davis, Dennis, Fenton, Flanagan, Goldthwaite, Hamilton of Maryland, Harvey, Kelly, McCreery, Merrimon, Norwood, Oglesby, Ransom, Saulsbury, Schurz, Stevenson, and Stockton—20.

NAYS—Messrs. Allison, Boreman, Buckingham, Carpenter, Conover, Cragin, Dorsey, Ferry of Michigan, Frelinghuysen, Hamilton of Texas, Hamlin, Hitchcock, Howe, Ingalls, Johnston, Logan, Morrill of Vermont, Morton, Patterson, Pease, Pratt, Ramsey, Scott, Sherman, Spencer, Tipton, and West—27.

ABSENT—Messrs. Alcorn, Anthony, Boutwell, Brownlow, Cameron, Chandler, Clayton, Cooper, Edmunds, Ferry of Connecticut, Gilbert, Gordon, Hager, Jones, Lewis, Mitchell, Morrill of Maine, Robertson, Sargent, Sprague, Stewart, Thurman, Wadleigh, Windom, and Wright—25.

So the amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 1243) to abolish the system of mileage, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. No. 1220) for the relief of William Rood, late private of the Thirty-sixth Regiment of Wisconsin Volunteers;

A bill (S. No. 617) to fix the amount of United States notes and the circulation of national banks, and for other purposes;

A bill (H. R. No. 1003) to authorize and direct the Secretary of War to change the name of John Rziha, captain in the Fourth Regiment of Infantry of the Army of the United States, on the register, rolls, and records of the Army, to John Laube de Laubenfels;

A bill (H. R. No. 1930) to secure to the Domestic and Foreign Missionary Society of the Protestant Episcopal Church in the United States the land in the White Earth Indian reservation;

A bill (H. R. No. 1942) authorizing the Secretary of the Navy to employ a retired officer at sea, and, if physically and professionally qualified to perform his duties, the President is authorized to restore him to the active list;

A bill (H. R. No. 2186) granting an American registry to the American-built Peruvian steamship Rayo, now rebuilt in the United States and converted into a sailing-vessel; and

A bill (H. R. No. 1600) directing the Secretary of the Treasury to issue an American register to the English-built brig Hattie Eaton.

HOUSE BILLS REFERRED.

The bill (H. R. No. 1572) to amend the several acts providing a national currency, and to establish free banking, and for other purposes, was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. No. 1243) to abolish the system of mileage was read twice by its title, and referred to the Committee on Civil Service and Retrenchment.

STATE OF LOUISIANA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 446) to restore the rights of the State of Louisiana.

Mr. WEST. Mr. President, what is termed the Louisiana question has been a prolific source of agitation before Congress and before the country ever since the presidential election of 1872. It may be expected that a renewal of the discussion of this question by the only representative in this body that that State is permitted to have will be undertaken with a view either to denounce the opponents of the cause which he maintains and extol the merits of those who act with him in its support, or with the other purpose of replying *seriatim* to all the arguments that have been adduced in favor of setting aside the government now existing in that State.

Until I am compelled to do so, I shall speak in no unkind terms of the men who have engaged in the outrages that have been perpetrated of late years in Louisiana. Others may feel warranted in denouncing them in terms that are not only painful to me to listen to, but would be more painful to me to proclaim. I shall therefore not seek to vindicate one class of the citizens of Louisiana at the expense of the shame and exposure of the other. I shall deal to some extent with a class of politicians who come up here and represent to the Congress of the United States that they are "the people of Louisiana." I will discuss their claims to be considered our people.

I am honored by a representative position of both classes here. I shall speak, therefore, in no unnecessary unkindness of the class to whom I am politically opposed; nor shall I claim anything more for the party friends now controling the government in my State than the credit to which they are entitled for the efforts made by them since their incoming to power to retrieve past errors and alleviate the burdens which distress her people.

In replying to the arguments so far made in favor of congressional interference, I shall confine myself to one proposition to-day, and that is, that all the information of which the Senate is in possession goes to the form of the election held in November, 1872, and does not relate to the fact. Until yesterday, by the Senator from New Jersey, [Mr. FRELINGHUYSEN,] the issue had never been made in this Chamber and in Congress upon the rights of the voters, on the broad and popular ground of choice by the people; and although he has anticipated me in many of the points I shall make, they contain facts that cannot be repeated too often.

By the report of the Committee on Elections and Privileges of last session we are confined to the consideration of a mass of testimony taken, I submit, not to establish who was elected governor of Louisiana, but both produced and taken altogether to establish the right of one or the other of two contestants for a seat in this body. The instructions of the Senate to that committee were:

That the Committee on Privileges and Elections be instructed to inquire and report to the Senate whether there is any existing State government in Louisiana, &c.

To that same committee were also referred the credentials of John Ray and William L. McMillen, each claiming to be elected to the seat made vacant by the resignation of William Pitt Kellogg as Senator from the State of Louisiana. Now, in order to view the estimation in which that very committee considered the points submitted to them, look at the typographical execution of the report. They emphasize one question and almost totally ignore the other. After saying that they had devoted weeks to the investigation of the subject referred to them, they say:

The Senate must, therefore, determine whether either McMillen or Ray, and if either, which, is entitled to said seat.

No one can doubt in reading the testimony that the object contended for by Ray and McMillen respectively was a seat in this body, and hence each one of them sought only to establish the legality of the organization of the Legislature whence he derived his credentials. Could either of them have established that their credentials were in legal form, they would have been admitted into this body upon a *prima facie* case; and therefore the whole gravamen of their labors was directed to establishing that fact. The term was about to expire; there were but a few short weeks of it still enduring; and if either one of them could have made out a *prima facie* case, he would have been admitted to the Senate, and the Senate never would have gone into the merits of the case at all.

In examining into this contest the committee comparatively lost sight of the other and more important branch of the subject, or at least entered into it in a manner so imperfect as in no degree to warrant Congress in assuming to exercise, for the first time since the

reconstruction of the South, the power to order an election for State officers under Federal legislation and control.

McMillen on one side and Ray on the other each conducted *his* case, not the case of Louisiana. Louisiana's case has never been heard here, and until it is heard I shall rest with perfect confidence upon the good sense of this body, knowing that it will not overturn a government until it knows that it was established in defiance of the wish and the intention of the people of the State.

The Senator from Wisconsin, [Mr. CARPENTER,] in his last appeal to the Senate on the Louisiana question, has asserted that both sides agree upon sundry propositions connected therewith. In furtherance of this assertion, however, he assumes one position as mutually agreed upon that is by no means assented to by myself, and I do not believe that he will find another believer of his assertion in this body.

He says in his speech delivered on the 4th of March last, and printed in the RECORD of March 10:

> I ask the attention of the Senate to the fact that at this election electors of President and Vice-President ought to have been elected, because I claim that the decision of both Houses of Congress rejecting the vote of the electors of that State, and denying Louisiana any voice whatever in the election of President and Vice-President, is an adjudication by Congress that no result was accomplished by the pretended election of November 4, 1872. If anything was accomplished at that election, then presidential electors, a governor, and other State officers, and a Legislature were elected. But if no presidential electors were elected, then no election of governor and other State officers and members of the Legislature was effected. Congress having decided that the election was void as to presidential electors, it follows that the election of State officers and members of the Legislature held at the same time, and subject to the same objections, must be void also.

The Senator broadly and unwarrantably assumes a fact that the record totally contradicts him in. I cannot recall at the present moment, but I think it was on the 12th of February, 1873, that the two Houses met to act upon the votes cast by the different States. On the 10th of February the Committee on Privileges and Elections of this body, who had been directed to inquire and report as to the presidential election in Louisiana, Arkansas, and other States, reported in regard to Louisiana as follows:

> We find that the official returns of the election of electors from the various parishes of Louisiana have never been counted by anybody having authority to count them.

They never said that that election was void; nor did Congress come to any such conclusion, because although Congress determined that question, respectively each House for itself, the record shows what was the conclusion in each House as to the result of that election. The Senate resolved as follows:

> That all the objections having been considered, no electoral vote purporting to be that of the State of Louisiana be counted.

And the House resolved:

> That in the judgment of the House, none of the returns reported by the tellers as electoral votes of the State of Louisiana should be counted.

The only conclusion that Congress has come to in regard to the vote of Louisiana is the conclusion that I want to hold you to to-day, that you do not know how the election has gone in Louisiana, and until you do know you have no right to interfere with it.

We are told that the Kellogg government is a gross usurpation, and that dire consequences are to result to the dominant party in Congress and in the country, and that we as Senators will be grossly derelict of our duty unless we apply a remedy which it is alleged exists under the instruction of the Constitution that the United States *shall* guarantee to every State in this Union a republican form of government.

This proposition has so far mainly been urged upon us by the Senator from Wisconsin. In the bill which he has introduced to restore the rights of the State of Louisiana he has assumed an existing state of facts in regard to affairs there from which I totally dissent, and which assumption I contend and shall endeavor to show to the Senate is not at all warranted by the information in its possession.

In the first place, let me ask what is our right of interference? That right must be based upon two general grounds; first, whether it is conferred upon us by the Constitution upon any given state of facts; and second, whether that state of facts exists.

I shall leave the argument on the first of these propositions to the more experienced members of this body, whose views will interest, instruct, and enlighten the Senate to a degree that I should be entirely without expectation of equaling, and I shall confine myself altogether to the proposition that the Senate has not been informed, nor attempted to inform itself, as to whether a state of facts exists growing out of the election of 1872 in Louisiana that either requires or even justifies Congress in interfering. I assert and maintain that the Senate does not know that William P. Kellogg was not elected governor at that time; that the information laid before the Committee on Privileges and Elections of the Forty-second Congress related entirely to what was done by certain returning boards, to what occurred through an order issued by a judge of a Federal court, and that the examination held by that committee scarcely touched upon what, if we are to exercise our right of interference, is the true subject of inquiry: *How did the people of Louisiana vote on the 4th of November*, 1872; for which person of the two then seeking their suffrages for the office of governor on that day did they actually vote? With the exception of myself, and I do not know that I ought even to except myself, nobody has given greater attention to this matter than the Senator from Wisconsin. He, after spending these weeks elaborating his report and studying that testimony, admits in the Senate that he does not believe Mr. McEnery was elected. Now, we know perfectly well that there were two men voted for on that day. The Senator from Wisconsin says:

> I do not think that Mr. McEnery was in fact elected.

Now, can there be an election without a result? If he does not think that in fact Mr. McEnery was elected on that day, he must think in fact the other man was. That is the question for Congress to determine, it seems to me, before it is called upon to determine whether it has the right constitutionally to interfere.

In a case somewhat analogous, the New Jersey case of 1840, known most generally as the Broad Seal case, and to which I shall have occasion to refer as I proceed, Congress took a direct and thorough method of ascertaining the facts connected therewith, as my friend from California [Mr. HAGER] very well knows, for he was counsel in the case. It may with some truth be contended that neither the acts of a returning board nor the order of a Federal judge can impose a government upon the people of a State, and that a government established by either of such means is no more republican in form than were it established by force of arms, however it might subsequently rigidly comply with the written form of a republican constitution.

It is the voice of the people alone that constitutes a government under our institutions. That "governments derive their just powers from the consent of the governed" is an axiom too familiar to be forgotten, and I contend that Congress has not in its possession any evidence worthy of regard that Mr. Kellogg is governor in violation of the consent of the governed; and until it is so informed, it can do no greater wrong, can in no manner more widely depart from its obligation as one of the co-ordinate branches of the Government of the United States to *guarantee* to Louisiana a republican form of government, than unjustifiably to set aside the present government in that State and impose upon her people the necessity of making another choice through the bill of the Senator from Wisconsin.

William P. Kellogg is to-day governor of the State of Louisiana. He is recognized as such by your Chief Executive, by your co-ordinate branch of Congress who have admitted to seats upon their floor members properly certified by him to have been elected. He is recognized as such also by the supreme court of that State, and Congress ought to be satisfied, before it undertakes to overthrow him as the governor of one of the sovereign States of the Union, that he holds the office contrary to the desires, contrary to the expressed wish and intention of the people governed. They should know that, and they should know what the people of Louisiana willed in 1872 and what their wish is to-day before they undertake to interfere with him. There is not a particle of evidence of that kind here. If he holds the office by the wish and according to the intention of the people governed, then his government is republican in form under the constitution of that State, and as all the evidence goes to show that he does so hold it, those who would oust him from his position are compelled to show proof to the contrary.

Now let me call the attention of the Senate for a few moments to the political antecedents of that State. Then also let me ask your attention to the conclusion that the Senator from Wisconsin himself admits, that the State on the day of that election was largely republican and cast a majority of republican votes. In April, 1868, the republican vote of the State of Louisiana was 64,901, and the democratic vote was 38,000, giving a republican majority of twenty-six thousand and some hundreds. Under the necessity, as it seems, of the democratic party in the year 1868 to carry that State at all hazards, they instigated such scenes of violence throughout the State that on the day of the election for Grant and Seymour in 1868 the colored people refrained from going to the polls. In the parish of Orleans alone, which only five months before polled 14,000 republican votes, we had to content ourselves with 240—two hundred and forty white men who had courage enough to go up and cast their votes. And so throughout the State; parishes that had cast from 500 to 1,000 votes for the republican candidate only a few short months before were found without a vote, and in some instances casting one, or two, or three votes. Is it any wonder under such circumstances that a democratic majority of forty-odd thousand should be rolled up and that the republican vote had fallen off some 50 per cent.? The democratic vote had increased 100 per cent. and the republican vote had fallen off 50 per cent., so that that election was a farce.

Then when we come to the election of 1870, when peace and tranquillity prevailed once more in the State and there was not that intense political excitement, we find that the republican State candidate received 65,500 votes and the democratic vote relapsed to its former number of 41,000, giving a republican majority on that occasion of 24,000 again. Now, I assert, and I can prove both by the testimony taken before the committee and by the conclusion admitted by the Senator from Wisconsin himself, that the colored people of Louisiana who were largely in the majority voted almost *en masse* in 1872 for the republican candidate. I do not think any Senator here will refute my assertion that as a class the colored men of the South are a unit as republicans. In some comments of Senator Trumbull, formerly a Senator from Illinois, on the report of the majority, he commented upon the division of the races in Louisiana and quoted the census to show that there were a hundred and odd more white males in Louisiana than there were blacks. He quoted the census correctly; there is no doubt about that; there are that num-

ber. The relative division is eighty-seven thousand and odd whites, and 86,913 blacks, males twenty-one years old and upward; but the Senator did not quote far enough. He should have examined the column of citizenship, and he would have discovered that the black citizens were 15,000 majority over the whites.

Mr. CARPENTER. Will you give me the page?

Mr. WEST. Page 619. We have an aggregate of 173,979 males, black and white, but we only have an aggregate of 159,001 citizens, black and white, and I ask you where are you to look for your unnaturalized people? Not among the blacks; we all know how they became naturalized. Now turn to page 629 of the first part of the census and you will find the same result derived there in a classification particularly of the State, and you will find also that in one single parish, the parish of Orleans, there are 9,000 unnaturalized foreigners.

Now, I will admit that if we were to go by the census or were we to go by such presumptions, you have no authority to establish a government in that State or in any State; but when a State government is in existence the knowledge of the choice that its people did very probably make should make us pause before we assume that they did not make that choice, and we should so assume arbitrarily if without proper knowledge of the facts we order that people to choose again.

It is necessary that the Senate should be asked once more to take a retrospective view of the political events that preceded the election in Louisiana in 1872. There were factions in both parties, or rather both parties embraced individuals and partial organizations inclining to a third, the liberal party. Several months before the presidential election the main parties in rivalry compacted their organizations and entered the field respectively as units. The republicans fell back upon their own lines and presented an unbroken front. The few remaining liberal republicans were gradually dissolved in the democratic organization. They first dropped the name of republican and finally surrendered and became part of the democratic party, which, to signalize the event, took unto itself a new name and was known thereafter in the canvass by the title which we also ascribe to it here, the fusion party; so that parties relapsed into their own normal elements, black and white.

Assuming that we have no white republicans there, and referring to the testimony of the parties particularly interested to prove that the black men voted the democratic ticket, we find it is the reverse. I will quote now from the testimony of Mr. McMillen. Mr. McMillen, who appeared here as a candidate for a seat in this body and consequently desired to make as favorable a showing for his side of the question as he conscientiously and honorably could, when asked as to that election "How many thousand votes were there in the colored vote that voted for Greeley?" he replied:

My impression always has been that there have been about as many colored people who voted in opposition to the republican ticket from one cause and another as there were of white people who voted the republican ticket, and that four or five thousand would cover the entire number throughout the State.

There was the admission which probably forced the conclusion upon the Senator from Wisconsin that the colored population of the State, outnumbering the white, in the last election were almost unanimous in their support of the republican ticket. Now what testimony did they bring forward to rebut that? and this is the only rebutting testimony in the whole book; all the other testimony pointing to the conclusion that the Senator admits. They brought forward a colored democrat; they did get *one*. They had a man by the name of Armstead, a colored man, nominated as secretary of state on the democratic ticket for the purpose of catching probably some votes of that race; and he admits that about two thousand up in Northern Louisiana voted the whole ticket from his information. He was cross-questioned by this very contestant, Mr. McMillen, who also wanted to establish the fact, if he could, that the colored men voted the democratic ticket, and Mr. McMillen on that same day, being asked by the Senator from Wisconsin whether the testimony of Mr. Armstead had occasioned him to form any different conclusion, admitted under oath that it did not. After Mr. Armstead's testimony was closed, the Senator from Wisconsin asked Mr. McMillen "if the same questions were put to you would you answer them now the same as you have answered them?" after hearing this witness' testimony that so many black men voted the democratic ticket in that State, Mr. McMillen says, "as they are down in the record," it does not change my mind; there were scarcely over five thousand under any circumstances.

Now we will see about this alliance, this fusion party, this unholy alliance that was styled by the men who subsequently engaged in it "as an alliance with infamy worse than infamy itself." That was the alliance that the Senator from Wisconsin himself said "was entered into for the purpose of establishing a government based upon fraud, in defiance of the wishes and intention of the voters of that State." It is almost incredible that any party organization could so demean itself as to renounce all its self-respect and the respect of the world in an eager grasp for place and power; and yet so stands the chronicle of the time. Among the many gentlemen who have been here claiming to represent the people of Louisiana in this effort to overthrow the government of that State was the candidate for the office of attorney-general on the fusion ticket, Mr. Ogden. As an illustration of what he at one time thought of the fellowship with which he eventually allied himself I give his remarks as reported to have been made in the democratic State convention.

This is the report:

Referring to the statement that we could not succeed without the co-operation of "some power without regard to the character of that power," the speaker spoke in deprecating terms of the proposition. He thought that a good ticket of honest men would succeed. The reform movement had utterly confused the politics of the State and prevented the coalition with a certain individual. You might call it sickly sentimentality, he said, but he utterly rejected the proposition of a coalition with Warmoth. [Applause.] It is not sickly sentimentality to uphold one's principles. Honesty is the best policy. * * * * * * *

It was true, he added, that those who would form this coalition thought that success could only be obtained by a fraudulent registration. * * *

He again warned the people from coalescing with Warmoth, who was a paralytic and a beggar before the people.

And yet in two months thereafter this gentleman spoke at the same stand with Governor Warmoth in support of the fusion ticket, and clasped hands across the infamous, not the bloody, chasm. What was the basis of this alliance? What was the service proffered on one hand and the reward promised on the other? Recourse must be had now once more to the report of the Senator from Wisconsin; and I will ask the Clerk to read what is marked on page 44 of the report.

The Chief Clerk read as follows:

The testimony shows that leading and sagacious politicians of the State, who were acting with Warmoth, entertained the opinion before the election that Warmoth's control of the election machinery was equivalent to 20,000 votes; and we are satisfied, by the testimony, that this opinion was well founded.

Mr. WEST. Now I will ask the Clerk to be kind enough to turn to page 871, and read the testimony given by J. Q. A. Fellows.

The Chief Clerk read as follows:

Question. In your conversation with leading democrats in New Orleans during the last canvass or two, at the time the fusion was made by Governor Warmoth, state what their calculation was that his accession to the party would be worth to them.

Answer. I will premise by stating that for several years I have held myself somewhat neutral in politics, waiting for an opportunity to arise when I could unite with one party or another for the best interests of the State; and last spring and summer, when the canvass was approaching and being carried on, there was an effort made by some moderate democrats and reformers, and a large number of other people in Louisiana, especially in New Orleans, that stood in the same position with myself, to make a union with the best portion of the republican party, and secure the government of the State in all proper things. A fusion was continually thought of by the democrats with the governor. I was solicited time and again, probably by thirty, I think, to join in the movement to make the fusion. During that time say for two or three months, the whole matter was canvassed over and over again. They said that, with the assistance of the governor, or fusion with the governor, they could certainly carry the State against the republican party, or the custom-house party, or the negro party, as they called it. I thought it could not be done; that he had not votes enough at his command to do it. I understood that he had not over 1,000 voters that were his followers. They admitted that there were no more than 2,000; but they said this: that his power, with the assistance of the registration and election laws, was good for 20,000 votes by his appointing his men, or men who would work in his interest, as registrars, and the manipulation of the registration, and the appointment of commissioners of election and in placing the election polls, and they thought his influence was good for 20,000 votes. This was the repeated calculation of every one I talked with that finally went into the fusion party. Others refused to go in who were called "last-ditch" democrats, or "straight-out" democrats; many of them refused to go in the fusion, and many of them voted for Grant and Kellogg who were within my acquaintance. They made the same calculation; there was the calculation of one or two thousand followers, enough to make fifteen or twenty thousand altogether.

Mr. WEST. The reading by the Clerk just at this moment says that that was the common talk of the politicians in Louisiana as he understood it at that time. Now, that it was not only the common talk of the politicians, but that it was the sentiment of the democratic party at large of that State, I have evidence here. The Picayune of December 24, 1872, in discussing some questions connected with the election, shamelessly admits that this alliance was entered into for that very purpose. Here is its language:

All who went into the Greeley and Brown fusion movement were necessarily thrown into political relations with Warmoth, who was in the same line of policy, and as he had control of the ballot-boxes under the infamous registration and election laws of the State, it was thought to be neither necessary nor expedient to throw him off, since he was in a position to insure a fair election and perhaps *keep some negroes from going to the polls.*

There is the admission. These infamous registration and election laws that the democratic party had been crying out against for two whole years they then hugged to their bosoms and used them for their own base purposes. I will quote again from the same paper, of a different date, to show how far the respectable leaders of the democratic party in that State admitted that they had gone into this unholy alliance, how far they admitted that they were going to practice upon the ballot-box, and that although we might have a peaceable and a fair election, as they called it, when the votes came up to be taken out of the box they tumbled up Jack. That was the reason we had a peaceable election in Louisiana, because we did not believe that such infamy could be engaged in. We did not believe that whole ballot-boxes could be taken and returned with the number of 500 votes, and without the name of a single republican in a precinct strongly republican. Now, we have here the proceedings of the ratification of the fusion ticket, the shaking hands across the bloody chasm, in which the democratic candidate for governor, John McEnery, says:

It is known to many of you, my countrymen, that when the democratic convention in June assembled in your city I was the firm, decided, outspoken advocate, in that convention and out of it, for union and coalition of the conservative elements upon a just basis in opposition to the power of the military despot who sits enthroned at Washington; the man who in the exercise of despotic power has robbed us of our rights sitting enthroned at Washington. In this fusion, in this compact—if I may so term it—is recognized as binding upon the whole of the people of Louisiana, all the obligation which it imposes, you must accept this compact, this coalition, as an absolute entirety. There is to be no renunciation of a part and the acceptance of a part of it.

It is very plain what the fusion candidate for governor thought were to be the benefits to his prospects by the compact that he admitted bound him and his followers. What the party of the second part to this compact, Governor Warmoth, thought of it, is shown by his speech on the same occasion. He says:

A great deal has been said of me because of my course in relation to certain legislation in this State. It is known to all of you that I recommended in no uncertain language to the Legislature the repeal of a certain law. The Legislature did after a fashion modify these laws. Those bills have passed the Legislature, and are before me for signature. Now I propose to tell the people of this city, and through the press represented here the people of the State, the simple, plain reason that I do not sign these laws. In the first place they make no material modification of the old election and registration laws. In the second place, it was intended, when the repeal of these laws was forced through the Legislature, that instead of them General Grant should use his election law upon the people of this State; and then, besides that, the great mass of the people who have so long demanded the modification or repeal of these laws have changed their minds.

The great mass of the people who had denounced these laws as outrageous changed their minds and were willing to take all the false advantages under which they could be used for their benefit.

Now let me digress here a moment with reference to our election law. The Senator from Wisconsin the other day charged that Governor Warmoth had as a matter of decency repealed that election law. He did it under a necessity to perfect his own schemes. The Legislature elected at the same time with Governor Kellogg re-enacted one provision of it and only for a particular purpose. There were a number of vacancies in the Legislature, and the new election law which was approved by Governor Warmoth November 20, 1872, provided that those members should be returned to the Legislature through the instrumentality of police juries; and inasmuch as no police juries had been elected or were recognized in the various parishes throughout the State, the Legislature re-enacted that clause and enabled the governor for that particular time and occasion to appoint those police juries so that the machinery of election might be perfected to return members of the Legislature. He re-enacted so much of that iniquity as answered the purpose for the moment of returning a few men for the Legislature when we had already a majority there, and as soon as we got a full Legislature we repealed the law, and all the iniquity under which the people of Louisiana have complained that they have labored for years is now obsolete, and the next election in that State can with proper protection be held in peace and give a fair result.

Mr. HAMILTON, of Maryland. I wish to ask the Senator a question, if he will allow me to do so. Has not that Legislature passed a law repealing the one alluded to, and is it not now in possession of the governor or to be held by him until after this Congress shall have adjourned?

Mr. WEST. The Legislature has passed a law repealing that act and the governor has signed it.

Mr. HAMILTON, of Maryland. Have they not passed another repealing that act and reviving and confirming the first act?

Mr. WEST. No, sir; not that I know of. At all events we know nothing about the laws of Louisiana until they are promulgated. After having urged in two successive annual messages to the Legislature the repeal of these very election laws, after succeeding in getting such repeal effected by the Legislature up to the point of his approval of the law, that act was put in his pocket and Warmoth audaciously avowed that the old law was good enough for his purpose just then. Is it not plain enough that it was his intention to defraud the voters of the State in the manner referred to in the testimony which the Clerk has read?

Follow up the proceedings in furtherance of this design, follow them step by step as illustrated in the testimony and by the documents transmitted to us by the President in his message of January 13, 1873. Among other evidence we find the confidential circular of the State registrar of voters.

Mr. CARPENTER. Will my friend allow me to say a word on the question of the repeal of that election law? I understand that the law which was passed by Kellogg's legislature about a year ago, and which has been published, was repealed three or four days ago or within a very few days, about the time this bill was introduced here, and repealed because the friends of Kellogg's government thought it would be a bad point to show in Congress. I am informed and have seen a telegram from New Orleans saying that although Kellogg did have that law repealed so as to have it have its effect here in the Senate, on the last day of the session they passed another law in substance reinstating it, which Kellogg is keeping in his pocket until after the adjournment of Congress, and then is to approve and take the power back. If the Senator has any knowledge on that subject, I should like to know whether that is so or not.

Mr. WEST. I am not so familiar with the laws that governors of Louisiana carry in their pockets, it seems, as the Senator from Wisconsin. He gave us the evidence of that a year or two ago as to how adroitly these things could be manipulated. I do not know the fact.

Mr. CONKLING. Did you ever hear of it?

Mr. WEST. No, I never heard of it. We know nothing about the laws of Louisiana until they are promulgated; and I do not think the Senator need be apprehensive——

Mr. MORTON. I never heard of that before.

Mr. CARPENTER. I saw a dispatch yesterday to that effect, and from the source it came I believe it to be true, though I have no personal knowledge.

Mr. MORTON. I have Kellogg's dispatch the morning of the last day of the Legislature announcing the passage of the other act.

Mr. WEST. Mr. President, I ask the Senate's pardon for my apparent tediousness; but I am telling the true story of Louisiana; I am telling the story that we can take before our constituencies in the coming fall campaign and lay the true facts before them and let them judge between right and wrong in my State. Here is the confidential circular of the State registrar of voters under date of October 24, 1872, to the supervisors of registration, appointed not by the governor of the State, but throughout the State by the democratic State central committee with the proxies of the governor in blank in their hands; not a single republican was allowed to witness that election held that day in Louisiana behind the ballot-box; and what were the instructions to these convenient tools?

STATE OF LOUISIANA,
OFFICE OF STATE REGISTER OF VOTERS,
New Orleans, October 24, 1872.

SIR: In addition to the instructions contained in Circular No. 8, from this office, you are instructed—

First. In counting the ballots after election, count first the votes cast for presidential electors and members of Congress, keeping separate tally-lists on the Form No. 1, provided for that purpose, and making up and completing the statement of votes for each poll, upon Form No. 1. Then close the box, reseal it, and proceed in a similar manner, until all the national votes have been counted.

The republican party in the counting of the national votes was allowed to be represented under the law of Congress by the supervisors appointed by the district or circuit judge, but as soon as the counting of the national votes was done with they excluded those men and practiced their frauds in secret:

Then proceed with the counting of the State and parish votes, bearing in mind the fact that the United States supervisors of election and deputy marshals have no right whatever to scrutinize, inspect, or be present at the counting of the State and parish votes.

Then on November 2, 1872, the same State registrar of voters, in reply to the request of the chairman of the republican central committee that republican judges or commissioners should be allowed at the polls in the State of Louisiana, flatly denied the republican party a single representative.

STATE OF LOUISIANA,
OFFICE OF STATE REGISTRATION OF VOTERS,
New Orleans, November 2, 1872.

SIR: In reply to your communication of date, I must respectfully decline compliance with your request to appoint one commissioner of election at each polling place, from the republican party, at the general election to be held November 4, 1872.

In regard to your second request, I have the honor to inform you that the list of polling places in this parish will be published in the official journal and other papers to-morrow, 3d instant.

Very respectfully,

B. P. BLANCHARD,
State Register of Voters and Supervisor of Registration, Parish of Orleans.

Hon. S. B. PACKARD,
President State Republican Committee.

Now, sir, will any Senator on this floor rise in his place and say that he countenances such proceedings as that? Will he rise in his place here and say that he believes a fair election could be held under such circumstances, or that the returns show anything like the choice of the people when that choice had to be submitted to such an ordeal as that? Where is the Senator who will say that he considers that justice was done then to the people of Louisiana?

Sir, it was with such preliminaries for a fair election as I have stated here, that severe exclusion which the fusion party desired to have of republican witnesses at the polls, that the sun of Austerlitz, as my friend from Kentucky [Mr. MCCREERY] said, illumined the glorious field on that morning the fusion party rallied around the banner of equal rights—equal rights, when a white man had a chance to vote and a black man could not! To follow out my friend's illustration the chief was surrounded by his marshals. He only had to give them the instructions to carry out his ideas, and the republican party was routed as the Austrians were on that memorable day. True, he had no Murat; there was no Lannes, or Bertrand, or Bernadotte; but there were convenient tools at hand who stood ready to carry out his instructions. "Go to those parishes and cheat the negroes, or let me never see your face again." That was his order; that was the glorious sun of Austerlitz that illumined the field—a field which I as a Louisianian blush to say was illumined in that way.

The curious in the valorous exploits of those creatures in the political combat can gratify their desire for information by referring to their deeds recorded in this testimony. The achievements of one of them were so unparalleled and extraordinary that I can scarcely avoid giving him the notoriety of personal mention. Mr. Cahoon, who went to Madison Parish as supervisor of registration and election, signalized his devotion to his mission by reporting a registration of 1,718 white voters in that parish, whereas the census of 1870 gives only 936 total white population. But his courage seems to have failed him, and after taking flight to New Orleans, where he secured all the facilities for making up his returns to order, he only returned 838 democratic voters—something less than 50 per cent. of his registration, but liberal enough, however, in comparison with the census and the democratic vote of 1870, which latter only reached 37. As a sample of how these returns were made up by that individual the Senator from New Jersey yesteday had quotations made from the testimony going to show that a justice of the peace went to the room where this man was making up these returns and swore him to them in blank.

Now let us have a little more summing up of the legerdemain—for there is no other name for it—that was practiced there upon ballot-boxes. In the election of 1870 the democrats carried sixteen parishes in the State of Louisiana by an aggregate majority of seventy-three hundred and odd. These same sixteen parishes were reported by the fusion board as giving an aggregate democratic majority of only 7,101 in 1872. Upon their own showing the democratic loss on their own ground was 262 votes. In the parishes exclusively democratic on this occasion the democratic vote fell back 262 votes in a majority of 7,000. In the remaining thirty-six parishes of the State, which were all carried by the republicans in 1870 by a majority of 32,616, the fusion board in 1872 returned an aggregate democratic majority of 1,556.

At an election which showed large republican gains in every other State of the Union, an astonishing gain of 34,171 in the opposite direction is claimed in the exclusively republican parishes of Louisiana by a board which admitted a republican gain in the exclusively democratic parishes of the State. Where they could manipulate the election machinery, and wanted to do it in republican localities, they totally reversed the vote, and in their own parishes, where they did not use it, their own vote fell off.

Now, sir, with respect to four parishes which the Senator from Wisconsin seems to think ought scarcely to have been admitted, because the testimony showed that the returns were forged, they only showed two hundred and thirty-odd majority for Mr. Kellogg. Let us throw them out and that only loses Mr. Kellogg 230 votes! They were forged for the purpose of depriving Mr. Kellogg of his legitimate majority in those parishes of nearly 5,000 votes, as shown by the previous elections. It would therefore suit very well to show that they were forged, and throw them out, because that takes away so many majority for Mr. Kellogg.

Doubtless the Senate has long ago wearied of this story of fraud. It is a sickening and disgusting history, one which I would fain avoid recounting; but it is necessary to the line of my argument, and after an allusion to one more glaring instance I will pass to other points. The report of the State registrar of voters shows that the vote of the parish of Orleans by the census, not including unnaturalized persons, should be 29,435. The fusion party registered 55,385 voters and counted the votes of 36,359; whether they actually voted or not is another question.

Such are only a few instances of the frauds shown by the testimony in the report. The whole book is filled with them. They were all perpetrated by and in the interest of the fusion party, for no members of the republican party were allowed as officers of the election. And it is upon such returns as were made through these instruments of fraud that the Senator from Wisconsin asks us to say that William P. Kellogg was not elected governor of Louisiana in 1872.

Let us from the record we have follow these returns, and judge of how much value they possess as giving an authentic account of the votes cast at the election. They first make their appearance in Governor Warmoth's testimony on pages 140, 141, 142. The governor says there that they came into his possession about the 14th of November; that he laid them before a certain board; that he took occasion to count some of them for the purpose of seeing who were elected presidential electors, and so certified himself. He also testifies that he counted them for the purpose of ascertaining who was elected a judge to a certain court wherein he wished a friend of his to be installed; and he goes on to testify that he kept possession of those returns until the 4th day of December; and yet in a subsequent part of the testimony he says that these returns were out of his hands on the 14th day of November and went into the hands of a returning board!

By following up Governor Warmoth's testimony upon page 494, it is evident that he maintained only a nominal custody of these returns. On page 1079 he says they were compiled by twenty-five or thirty clerks. On page 864 he says that he himself, unaided by any one, either clerks or members of a returning board, counted the whole vote for judges in the parish of Orleans.

The precise time when these returns, which are anything else than true returns of the election in Louisiana, were transferred from the Wharton board to the De Feriet board does not appear, and reference to their having been so transferred is only necessary to show that they were manipulated by still other parties before they finally found their way into the hands of the Forman board; from the governor to one board—then counted solely by himself—then through the compilation of thirty clerks to another board, the Forman board. The chief of this board testifies, on page 75, that his board was elected on the 11th December by the senate; not before noon of that day, it is presumed; and yet before midnight of that same date, within twelve hours of his becoming a member of the board, he and *some* of his associates compiled, counted, and returned under oath a mass of returns in manuscript that require sixty pages of this closely printed book to contain them. How much scrutiny did Mr. Forman and his associates give or have the opportunity of giving to these returns? Is it not evident that the thirty clerks, many of them the dirty instruments used behind the ballot-boxes on the day of the election, had compiled the returns to suit, and the Forman board, eager to declare their party successful, compounded with their consciences and made oath to facts of which they had no knowledge? Moreover, these returns profess to be signed by two men, Senators Todd and Hunsaker, and I hold their affidavits that they never did sign them. Their names are forged.

Some of the adventures of these returns were ludicrous enough. It having become necessary to remove them from the governor's office to prevent them from falling into the hands of the officers of the law, trusty henchmen were called into service, and during three nights and days the authentic (?) returns of the famous election in Louisiana were transferred by them to a place of hiding. In their pockets, in their pantaloons legs, in their boots, their hats, the reliable evidences of the expressed will of the people were sacredly transported. As one of the party tells me, "We went into the governor's office thin and came out fat!" They went in skeletons and came out Falstaffs. Their clothes were wadded with these authentic returns of the election in Louisiana. And then what did they do with them? They took them for safe-keeping to the quarters or the residence of a prominent candidate on the State ticket and left them in his charge a week for safe-keeping! They must of course have been very sacredly kept. Of course when they are brought here the parties that are interested in establishing them can with a deal of complacency appeal to these as the returns of how the people in Louisiana voted on that day. Why, sir, they were pointed out to one of these gentlemen in the room of the Committee on Privileges and Elections; and the committee asked him if he knew those returns. Yes, he said, he did know them; he knew them exactly like a gambler knows his cards, by the backs. He knew they were put there, and without opening the box he said he knew those were the returns. Why? Because he came there prepared to say that he knew they were the returns.

And it is upon such vagrant testimony as this that the Senator from Wisconsin gravely asks us under our obligations as Senators to declare that William P. Kellogg was not elected governor of Louisiana He has woven such a mesh of legal technicalities around the subject, made such a conglomerate of returns, legal decisions, parallel cases, precedents and orders of Federal judges, that men of ordinary reason are almost diverted from contemplation of the one great, important fact—the fact paramount to all others—whom did the people of Louisiana elect governor?

Sir, I am sick of returns; one set is all a fraud, the other is all guess-work. I claim nothing by returns; but by the voice of the sovereign people of Louisiana, as expressed at the ballot-box, I maintain that the republican State ticket was elected, and no Senator here has, nor has the Senate itself, any evidence worthy of estimation to the contrary.

Two men were voted for as governor. All the proof that John McEnery was elected is shown to have been an organized fraud. If McEnery was not elected, his opponent was, and I repeat again that Congress cannot say to the contrary.

In the New Jersey case to which I have alluded, and which will be found reported in Reports of Committees, first session Twenty-sixth Congress, and in the eighth volume of the Congressional Globe, there were five rival candidates on each side claiming seats in the House of Representatives, and upon the admission of one or the other side depended the election of a Speaker. There were one hundred and sixteen democrats and one hundred and sixteen whigs returned to that Congress irrespective of the vote of New Jersey, which was at that time entitled to five members in the House. Both of the contesting parties from New Jersey bore certificates based upon returns made according to the laws of New Jersey. Congress assembled on the 2d of December, 1839, and the question as to the rights of the New Jersey members was not decided until the 8th day of July following; and that question was not decided upon any return made by election officers, but commissioners were sent into New Jersey who patiently examined the voters themselves, and that examination determined who was and who was not elected. Returns went for nothing in the case; it was decided by an examination of the voters themselves. The inquiry went to the fact as to how ballots were cast, and was not satisfied with returns.

Mr. President, it is a principle of the law of evidence "that the affirmative of the issue must be proved; and he who makes an assertion is the person who is expected to support it, before he calls on his opponent for an answer."

I submit that the Senator from Wisconsin has not supported the facts alleged in the preamble of his bill. Congress *dare* not with the evidence before it overturn the government of a sovereign State. The right to interfere is not warranted by the facts that alone can make that right. Will you do any less for Louisiana than convince yourselves what was the choice of her people?

The Senator from Wisconsin has pictured some dire events that might arise from the failure of Congress to interfere in this matter. Let me picture another dire event that might have arisen. Suppose in the returns of the electoral vote for President in 1872, 179 votes had been returned for General Grant and 179 votes for his opponent, be it Greeley or Gratz Brown, and suppose then that the presidential election had depended upon the eight votes of Louisiana, would you have admitted the presidential electors by the returns sent here by the fusion board? Would you have ordered a new election? No, sir; but you would have held this Government by the point of the bayonet until you ascertained how every man in that State voted, and I claim that you shall do Louisiana the same justice here that you would have done the national Government in ascertaining what was the choice of its people. You would not have permitted for one moment a determination upon returns so loaded with fraud as I have illustrated here, but the whole power of your Government would have been exerted to

maintain itself until you could know what was the wish of the people of Louisiana; and I ask you to do the same for us.

Mr. President, the conclusions to which my mind is drawn by a consideration of the facts before the Senate are as follows:

The bill of the Senator from Wisconsin is predicated upon the assumption that there is no *valid* executive in Louisiana, and her laws do not permit one to be chosen until 1876; that there is no valid Legislature, but an *invalid* one *now* enacting laws.

But the Legislature is no longer enacting laws, and the laws of Louisiana will compel the election of a new one quite as soon as we could provide one.

We have no shadow of excuse, therefore, for interfering with *more*, than the executive.

We have no shadow of excuse for ordering a new election for the executive, merely because the wrong man is holding.

If we have power to dispossess the wrong man, we have power to possess the right one.

Before we can order a new election, we must find, not merely that Kellogg was *not* elected, but that no one was elected in 1872.

We know that an election was held on the day appointed by law.

We know that but two candidates were voted for. We are morally certain that one or the other had the greatest number of votes.

If it be conceded that the State has no Legislature, we must presume they will have one in November next.

And we morally know that Kellogg or McEnery *was* elected, and *if* we have any duty in the premises, it is the duty of finding *which* was elected.

That question has not been tried as yet. The Committee on Privileges and Elections tried the question whether McMillen or Ray was Senator. Another question was referred to the committee, but it was not investigated. Such testimony was taken as McMillen offered upon one side, and Ray upon the other.

The bill now sought to be referred to the committee is neither warranted by the facts, nor applicable to the political condition of affairs in Louisiana.

The opponents of the present administration in Louisiana, led here by the Senator from Wisconsin, are not insisting upon what they should claim as their rights, if they have any rights at all. Balked in the fraudulent scheme whereby they sought to capture the control of a State, they implore Congress now to afford them another opportunity.

Sir, if they believe that they are in the majority in Louisiana they know they will have an opportunity ere long to prove it. If they believe that McEnery was elected they should demand, and be satisfied with nothing less than that he should be possessed of the executive chair.

I am convinced that Mr. Kellogg was elected, and my efforts shall be continued to maintain him where he is. Did I think otherwise I would not hesitate a moment to bring forward measures looking to the installation of the rightful governor; but a new election ordered by Congress is no remedy for the evils which are complained of by those who favor it.

Now, Mr. President, I will pass from the politics of Louisiana and refer somewhat to her material and social interests. It has been the common charge rung throughout this country that the republicans of the South were responsible for the decay and the detriment and the disaster that prevail through many of those States. True, we are to a certain extent responsible. Let us understand what that extent is, and let us be judged by the facts that each Senator representing a State can present for consideration here.

The oppressed condition of the industrial and agricultural interests of Louisiana and the prostration of the commercial business of New Orleans are referred to as the results of republican misrule. Even these adverse circumstances are much exaggerated, and it is a gross error to attribute them as mainly due to political causes. We all know that whenever material prosperity lags, all people, and more particularly our people, address their first complaints against the administration of their government. This is the necessary consequence of our institutions. Dissatisfaction takes shape instantly, as opposed to the governing power, and the first thought of relief creates an expectation that a change of political control will insure it.

There is a maxim applicable here, and one which we will do well to consider in its application to the distress prevailing throughout the land, the spirit of which is likely to control in a great degree the political events of the next few years. It is said—

> Murder a man's family and he will brook it,
> But keep your hands out of his breeches pocket.

When the people of this country are distressed they will call us to account because their pockets suffer; and it is well for us to consider that maxim in its application to the country at large. That is a maxim which is influencing Louisiana in the complaints that the political management of that State has brought all its distress upon it. And yet the people of Louisiana should consider what are the causes of the distress prevailing there, and by the record decree to whom political evils are attributable.

I shall only speak now of the financial affairs of the State. That agriculture has not of late yielded adequate remuneration to those engaged in it is due to failures of crops and other causes, and it has been in no way affected by late political events. The misadjustment of the relations of labor and capital also for a time has been prejudicial, and will continue to work injury until better regulated.

But in looking at the immediate condition of the finances of Louisiana, in considering the extent of the debt of the State, it is well to inquire whether it is due to the republican party, and whether its exclusion from power would bring about a change for the better.

There has been a good deal of confusion as to the debt of the State of Louisiana. I present here the net debt of the State, without any reference to contingencies, many of them having become obsolete by the lapse of the legislation that made them, and I shall call the attention of the Senate and of the country to the fact that when the State of Louisiana was relieved from military control and remitted to the control of the Legislature called into being under the policy of Andrew Johnson, the debt of that State was $5,018,635.14.

Under Mr. Johnson's policy we had a democratic Legislature. It commenced its existence on the 1st of January, 1866, and it held one session in that year, and held another in 1867, so that the total existence of the Andrew Johnson policy in the government of Louisiana was of eighteen months' duration, for it was suspended by the act of reconstruction of July 19, 1867. In eighteen months the democratic party of Louisiana, it being exclusively democratic, added $9,000,000 in round numbers to our debt, or, to give the exact figures, $8,997,300. A republican administration extending from April, 1868, to the present time has increased the debt of Louisiana $10,077,471.86. The "Andrew Johnson policy" Legislature increased our debt, $8,997,300, as I said. The first republican Legislature appropriated $8,911,488, but did not increase the debt that much. The second republican Legislature appropriated $9,607,282, and the last republican Legislature during its existence, this Legislature that you are told is squandering the substance of the people of Louisiana, got along with one-half of the amount required by either of its predecessors, namely, $4,875,269, during the two years of its existence. Senators must bear in mind that the expenditures of the State of Louisiana are something enormous, attributable to the topographical formation of the State, and the necessity of protection against overflows that are now, as I speak, inflicted on those people, rendering necessary an expenditure for levees alone annually almost of as much money as would run an ordinary Commonwealth in this vicinity.

The administration there has been criticised for what is called a repudiation of the debt. With a debt of $24,000,000 in that State, quite half of which is due to the democratic party, a great portion of it due also to the unfortunately dilapidated condition in which our levees were left at the conclusion of hostilities in that direction, and to the necessity that devolved on us to repair them—with such a debt oppressing us what was to be done? We had the alternative to pay, to repudiate, or to compromise. The property-holders of that State, who are in the main the democratic party, took counsel together. Some of them recommended repudiation; some of them recommended the scaling of the debt; and they finally, through the instigation and by the suggestion of the chamber of commerce, submitted a bill to be acted upon by the Legislature scaling the debt down to sixty cents, so that, although this somewhat questionable expedient has been entered into and adopted by a republican Legislature, it was done at the request of and in the interest of the democrats, and they must not take exception to it.

Mr. CONKLING. How is it with people out of the State, creditors; are they to take exception to it?

Mr. WEST. No; they had better take sixty cents, because if the democrats get into power they will not get a cent. [Laughter.] How that action was viewed by the chamber of commerce, a democratic institution, I will show.

> Mr. Sandidge offered a resolution of thanks to the Legislature, commending them for passing the funding bill and the evident intention shown toward measures in the interest of reform.
>
> Mr. Oglesby said such a resolution ought to pass. The chamber had advocated the measure, and it was due to the Legislature to thank them for their action. * * *
>
> The Legislature had acted more favorably toward the bondholders than toward us. If they had made it 50 per cent. it would have been an even thing; as it was they gave them 10 per cent. the advantage. The Chattanooga bondholders were the only ones who complained.

So the chamber of commerce wanted the debt of the State cut down to fifty cents on the dollar, and the republican Legislature said "no; we think we can pay sixty, and we will make it sixty." Now, sir, I know what the sentiment of the people of that State is in regard to that measure. I know that it meets almost universal approval there, and where it is disapproved it is by those who, if they had the power, would relieve themselves of what they consider a terrible and unjust incubus, and would repudiate every dollar of it.

Mr. President I want now to speak of the condition of business affairs in New Orleans. I want to give my convictions that the interruption to business in Louisiana, and especially in New Orleans, is not mainly due to political causes. I can remember the time when every pound of goods almost that was consumed west of the Alleghanies, and the exception was so rare that the remark is justifiable—"every pound" was transmitted to that region by way of New Orleans. The first time that ever I raised my hand to earn my own living I did it on the Delaware River, in loading five hundred barrels of flour to go by the way of New Orleans to the city of Saint Louis in 1838. Whole ship-loads would go to that city of goods bought in New York and Philadelphia and Baltimore and Boston, for Saint Louis,

Louisville, Memphis, and Cincinnati, and whole steamboat-loads would come down with produce that is now transmitted by railroad, by the transcontinental lines of communication; so that in the mere matter of forwarding in New Orleans the great supplies to the West and the great products of the West sent back to us we had a large and industrious community engaged.

Furthermore, we had a market there for western merchants. They used to resort there. We had our palatial dry-goods stores, our extensive hardware stores, our extensive boot and shoe trade, now gone to a great extent. But why gone? From political causes? Not altogether. At the outbreak of the war, or shortly before it, the railroad lines were just about perfecting a communication across the continent, and that means of communication, the direct resort of merchants to New York and the large cities of the East, competed materially first with our lines of transportation, and next with our resources of supply. New Orleans was already beginning to feel that the Mississippi had more mouths than one, and that she did not sit the queen of empire at the mouth of the great river. So it was. The war came on, closing up the mouth of the Mississippi River, closing up the dry-goods trade, the grocery trade, the boot and shoe trade, and the hardware trade, paralyzing the South and electrifying the North; and when business was resumed there, at the close of the war, we found that our customers had all gone North. Our lines of communication were broken up. And we did more than that, Mr. President; we discouraged northern capital from coming among us by refusing to consort socially with any man who differed politically with the majority of the white people there. These are some of the causes to which the decay of business in New Orleans is attributable. I feel them and I know them.

I saw that city years ago when it was a mart busy with all the energies of commerce, now to a degree paralyzed and its property lying vacant and seeking for tenants through the bigotry, in a great measure, and the prejudices of her people.

Again, the debt of the city we are taxed with as a great abuse; that is radical or republican dereliction again. Sir, we never had a republican administration in that city that did not diminish the debt, and when we have had democratic administrations there the people have almost besought the republicans to take the government out of their hands that they might even save the very paving-stones from being sold out of the streets.

I have shown that the evils under which Louisiana suffers are not altogether due to political causes, and for all political mismanagement the opponents of the republican party in that State are quite as much responsible as that party itself; and I have shown that if Congress has any duty to perform in the premises it is the duty of ascertaining who is the legal governor of Lonisiana; and before I conclude let me just say a few words in reply to the braggart boast that were it not for the Army of the United States the government of Mr. Kellogg could not be sustained a moment in that State.

Sir, I do not with any zest want to recall to the Senate the outrages that have been perpetrated there; but I ask the Senate and I ask the country, in view of the innumerable lives that have been sacrificed there since 1866, whether four hundred and seventy-six troops are any too many to preserve tranquillity and to repress outrage and crime in that State? Are they any too many to execute the laws—the mere revenue laws of the United States? And suppose they are kept there for the purpose of preserving tranquillity, suppose that if they were taken away the Kellogg government would not stand, why would it not stand? Sir, the Kellogg government will stand. It will stand forever, or republican government will stand as long as the people in that State are of their present mode of thinking; until you invite a war of races and arm the negro there. I tell Senators that 90 per cent. of the republican party in my State are colored people. Can we arm them to defend themselves against the minority, the whites? And a Senator on this floor brings in a bill to remit Louisiana to a state of civil war! No, sir; the people there are your wards. You have made them so by your enactments; and it is due to them that you should protect them. But if the men who oppose the government of Mr. Kellogg will meet us on the result of a fair election, we will meet them on that issue, but some of us—and they know it—are debarred from taking arms in our hands.

Now, Mr. President, does the bill of the Senator from Wisconsin meet this case at all? Is there any ground for it? Can Congress interfere? And would not every man who should give his dispassionate judgment and reflection to this case be satisfied, as I am, that Mr. Kellogg is the legitimate choice of the people, and should be left there to exercise the powers conferred by the people?

I am obliged to the Senate for their attention.

The bill was reported to the Senate without amendment.

Mr. HAMILTON, of Maryland. Mr. President——

Mr. WEST. Will the Senator allow me to read a telegram on a matter that was controverted here in the course of the remarks which I made? It is from Governor Kellogg, governor of Louisiana:

I am informed that some parties have telegraphed Senator CARPENTER and others that I have a bill before me, intending to sign and promulgate the same hereafter, which repeals the new election law. This is false. We can have a fair election under the present law. This is all republicans ask, and it is what the democracy hate.

Mr. HAMILTON, of Maryland. Under what present law, I would ask the Senator from Louisiana—the one passed when?

Mr. WEST. The law passed at the last session, and which has been promulgated within a few days.

Mr. STEVENSON. Do I understand Governor Kellogg to deny as a matter of fact that such a repealing act has been passed? I have received from a very respectable gentleman in Louisiana a dispatch telling me that Governor Kellogg holds in his pocket a bill repealing the election law referred to by the Senator from Louisiana. Now, I desire to ask the Senator from Louisiana whether the Legislature of Louisiana did not repeal the bill to which he referred?

Mr. WEST. I reply to the Senator from Kentucky——

Mr. STEVENSON. I am not asking about Kellogg; I want to know the fact whether the Legislature have not passed an act repealing that act to which the Senator from Louisiana referred.

Mr. WEST. And I reply to the Senator that if such is the case it is a matter of which I have no knowledge whatever, and I have the governor's telegram here, which I will put in my speech, saying that it is not so.

Mr. HAMILTON, of Maryland. Please read the telegram again.

Mr. WEST. I will send it to the desk to be read.

The Chief Clerk read as follows:

I am informed that some of the "last-ditchers" have telegraphed Senator CARPENTER and others that I have a bill before me, intending to sign and promulgate hereafter, which repeals the new election law. This is false. We can have a fair election under the present law. This is all republicans ask, and it is what the democracy hate.

W. P. KELLOGG.

Mr. HAMILTON, of Maryland. If I understand that telegraphic dispatch, he says he has no such bill before him. But has such a bill been passed? He may not have it before him; and yet it may have been passed.

Mr. MORTON. I think that is a pretty square denial. The statement was made here to-day that on the last day of the session of the Legislature a bill had been passed which he had put into his pocket and had not signed, intending to hold it until after the controversy was over. I never heard of that until to-day, and I should be greatly astonished if it was true, and should regret it. I think that telegram is intended to meet that statement. He says that he holds no such bill.

Mr. HAMILTON, of Maryland. The statement may have been stronger probably than was intended by the Senator from Indiana about his having it in his pocket. There has been a pamphlet just laid on our tables, and I will take occasion to read from it so as to show what a gentleman by the name of F. C. Zacharie says on the subject; whether true or not, of course I cannot undertake to say:

True, the usurping legislature passed an act repealing the act of 1873, and placing the power of appointing officers of registration and election in the hands of police juries of parishes and councils of cities. This was done in order to produce the impression on the mind of Congress that a fair election could be held under the regular State laws, and to convince them that no further relief was needed. But with unblushing effrontery the usurping legislature passed another act repealing the repealing act, and placing the power back in Kellogg's hands, and these two acts now await his signature, which he can affix constitutionally any time before the next meeting of the Legislature, so that he has it in his power to reinvest himself with the full control of that election. Besides this, the regular constitutional election in November will leave all the usurping senators, and all State officers *not elected* in the fall of 1872, in power, and Congress can no more recognize this rump with consistency than it can now recognize it attached to the holding-over senators.

The information is derived from that source and from others. I heard of it yesterday. Whether it is true or not, I do not know.

Mr. STEVENSON. Will the Senator from Maryland allow me to read an extract from a letter which I have from Mr. Zacharie himself? He says:

The Legislature passed an act repealing the election law of 1873, putting the appointment of supervisors of registration and election back in the hands of the police juries and the common council where it was placed by the act of 1872. This was done in order to furnish an argument at Washington that there would be a fair election under the State law in 1874. Subsequently the Legislature passed another law repealing that act which they had just passed, so that if Congress fails to act, all that Governor Kellogg has to do is to take the last act from his pocket at any time before November 5, 1874, and sign it, and all the power will be again where it was under the obnoxious act which was repealed.

This letter is from F. C. Zacharie, who signs his name to it and pledges himself to the truth of the statement. I know nothing more about it.

Mr. WEST. The only authority that we have that such is the case comes from the other side of the Chamber. Our side do not agree with it. But suppose it is so; I say that that side is estopped from complaining against the election laws of Louisiana because they have used them to their advantage.

Mr. HAMILTON, of Maryland. That is coming to the point——

Mr. WEST. I know nothing about the fact, but the complaint against it does not come with very good grace from the parties that adopted the law.

Mr. HAMILTON, of Maryland. That is another matter. I have nothing to do with Mr. Warmoth. He is not my man, I want the honorable Senator to understand. The relations of Governor Warmoth a few years ago were probably entirely different from what they are now. However, I have nothing to do with that, and I do not want anything to do with it. Kellogg says simply, as I understand his dispatch, there is no such act before him.

Mr. BAYARD. It is a clear evasion.

Mr. STEVENSON. Does the Senator from Louisiana say that they have passed no such law?

Mr. BAYARD. If we can gather any meaning from the remarks of the Senator from Louisiana, it is an admission that these two acts have been passed, one act professing to repeal the old election law and one repealing the repealing act; so that they can be produced from the pocket of this so-called governor on the eve of the election, and all this machinery which makes fraud in elections not only possible, but highly probable, will then be re-enacted should Mr. Kellogg be permitted to occupy the place he now does.

Mr. WEST. The Senator from Louisiana does not admit anything of the kind.

Mr. BAYARD. No, sir, he does not admit it; he has not the candor to state the fact. He merely says that he does not know as to the facts. He, professing to speak with special knowledge of the truth of facts in Louisiana, says here to-day in the presence of the Senate that in regard to this most important fact he has no knowledge whatever.

Mr. WEST. And he says the truth; he has no knowledge of it. He does not qualify it in any way. He never heard of it. It is new to him. That is what the Senator from Louisiana means without equivocation or reservation in any way.

Mr. BAYARD. It is a confession, then, of ignorance in regard to important facts which he certainly should have knowledge of before he undertakes to speak in regard to them.

Mr. HAMILTON, of Maryland, addressed the Senate. Having spoken for an hour,

Mr. SPRAGUE. If the Senator from Maryland will give way, I desire to move for an executive session.

Mr. HAMILTON, of Maryland. I yield for that purpose.

The PRESIDENT *pro tempore*. The Senator from Rhode Island moves that the Senate proceed to the consideration of executive business.

The motion was agreed to.

[The speech of Mr. HAMILTON, of Maryland, in full, will be found in the Appendix.]

PRINTING OF A REPORT.

On motion of Mr. ANTHONY, it was

Ordered, That one hundred copies of the report of the Committee on Printing on the memorial of the employing printers of Washington City be printed for the use of that committee.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. After six minutes spent in executive session the doors were reopened, and (at four o'clock and twenty-six minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April* 15, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 1003) to authorize and direct the Secretary of War to change the name of John Rziha, captain in the Fourth Regiment of Infantry of the Army of the United States, on the register, rolls, and records of the Army, to John Laube de Laubenfels;

And act (H. R. No. 1220) for the relief of William Rood, late private of the Thirty-sixth Regiment of Wisconsin Volunteers;

An act (H. R. No. 1600) directing the Secretary of the Treasury to issue an American register to the English-built brig Hattie Eaton;

An act (H. R. No. 1930) to secure to the Domestic and Foreign Missionary Society of the Protestant Episcopal Church in the United States the land in the White Earth Indian reservation, in Minnesota, on which is situated their church and other buildings;

An act (H. R. No. 1942) authorizing the Secretary of the Navy to employ a retired officer at sea, and, if physically and professionally qualified to perform his duties, the President is authorized to restore him to the active list; and

An act (H. R. No. 2186) granting an American register to the American-built Peruvian steamship Rayo, now rebuilt in the United States and converted into a sailing-vessel.

CLERICAL FORCE OF WAR DEPARTMENT.

The SPEAKER, by unanimous consent, laid before the House a communication from the chief clerk of the War Department, in relation to the reduction of the clerical force in that Department; which was referred to the Committee on Reform in the Civil Service, and ordered to be printed.

DEPUTY SURVEYORS OF PUBLIC LANDS.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of the Interior, transmitting a petition of deputy surveyors of public lands asking for an appropriation; which was referred to the Committee on Appropriations, and ordered to be printed.

ESTATE OF MAJOR WILLIAM B. SCOTT.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of War, in relation to an appropriation to pay the claim of the estate of Major William B. Scott; which was referred to the Committee on Military Affairs, and ordered to be printed.

BLACK BOB SHAWNEE INDIAN LANDS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Acting Secretary of the Interior, in relation to the bill (H. R. No. 1725) providing for the sale of lands of the Black Bob Shawnee Indians of Kansas; which was referred to the Committee on Indian Affairs.

MISSION INDIANS, CALIFORNIA.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Acting Secretary of the Interior, in relation to an appropriation for the relief of the Mission Indians in California; which was referred to the Committee on Indian Affairs.

MEMPHIS AND VICKSBURGH RAILROAD COMPANY.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, in relation to the bill (H. R. No. 103) granting to the Memphis and Vicksburgh Railroad Company the right of way along the river bank at the national cemetery at Vicksburgh; which was referred to the Committee on Military Affairs.

PAYMENT OF TROOPS BY CHECKS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War inclosing a letter from the Paymaster-General, stating in full the objections to the scheme of making payments to troops by checks as provided for in House bill No. 546; which were referred to the Committee on Military Affairs, and ordered to be printed.

SURVEY OF THE MOUTH OF THE COQUILLE RIVER.

The SPEAKER also, by unanimous consent, laid before the House a letter from the chief clerk of the War Department, in relation to the survey of the mouth of the Coquille River, Oregon; which was referred to the Committee on Commerce, and ordered to be printed.

PERSONAL EXPLANATION.

Mr. BERRY. I rise to a question of privilege. Having been unavoidably absent yesterday, I wish to state that if I had been present I would have voted "no" on the passage of both the currency bills.

MORNING HOUR.

Mr. GARFIELD. I demand the regular order.

The SPEAKER. The regular order of business is the call of committees, and the morning hour begins at fifteen minutes past twelve. Reports are first in order from the Committee on Mileage.

ABOLITION OF MILEAGE SYSTEM.

Mr. BUNDY, from the Committee on Mileage, reported back a bill (H. R. No. 1243) to abolish the system of mileage, with the recommendation that it do pass.

The bill was read. The first section provides that after the passage of the act all allowance for mileage to Senators, Representatives, and Delegates shall be thereby abolished. The second section provides that in lieu thereof each Senator, Representative, and Delegate shall be entitled to receive his actual traveling expenses to and from Washington once each way for each session of Congress.

Mr. BUNDY. I demand the previous question on the engrossment and third reading of the bill.

Mr. HALE, of Maine. Is not the bill subject to a point of order?

The SPEAKER. What point of order does the gentleman make?

Mr. HOLMAN. It keeps money in the Treasury.

Mr. CLEMENTS. The point is that it does not make an appropriation, if there be any point against it at all.

Mr. HALE, of Maine. My point is that it takes money from the Treasury. Gentlemen say it does not. Of course it may or may not, but it is not for us to settle that question at this time.

Mr. HOLMAN. This bill does not increase the pay, but on the contrary reduces it. It has been suggested by the gentleman from Maine that the Chair cannot state whether this bill makes an appropriation or not, or whether it increases the expenses of the Government or not. Now, I submit there are some things the Chair will take notice of just as a court must take notice judicially of certain things, and the Chair knows that instead of this taking money from the Treasury it on the contrary retains money in the Treasury.

Mr. HALE, of Maine. That may be or may not be.

Mr. CLYMER. But it does.

Mr. HOLMAN. It does retain money in the Treasury, as the Chair knows.

The SPEAKER. The Chair thinks the bill may be considered now in the House.

Mr. BUNDY. I demand the previous question on the engrossment and third reading of the bill.

The SPEAKER. The ayes have it by the sound.

Mr. COBB, of Kansas. I ask for a further count.

The SPEAKER appointed Mr. BUNDY, and Mr. HALE of Maine, tellers.

The House again divided; and the tellers reported—ayes 67, noes 81.

So the House refused to second the demand for the previous question.

Mr. MAYNARD. I move to recommit the bill.

Mr. RANDALL. I move to lay the bill upon the table, as a test vote.

Mr. HOLMAN. I trust the gentleman from Pennsylvania will not make that motion, because the motion to recommit will serve as a test just as well as the motion to lay upon the table; and on that motion I demand the yeas and nays.

Mr. RANDALL. I withdraw the motion to lay upon the table; but I wish to call the attention of the House to the fact that the opposition to this bill comes from a most remarkable quarter, the gentleman from Maine, [Mr. HALE,] who has been instrumental in reducing our salaries.

The SPEAKER. The opposition comes from the gentleman from Tennessee on a motion to recommit. The gentleman from Indiana demands the yeas and nays on that motion.

Mr. HOLMAN. As a test vote.

The yeas and nays were ordered.

Mr. YOUNG, of Georgia. I move to lay the bill on the table.

Mr. GUNCKEL. I ask for the yeas and nays on that motion.

The yeas and nays were ordered.

The question was taken on laying the bill on the table; and there were—yeas 63, nays 170, not voting 57; as follows:

YEAS—Messrs. Averill, Barber, Bell, Bradley, Buckner, Burchard, John B. Clark, jr., Stephen A. Cobb, Corwin, Crounse, Crutchfield, Darrall, Donnan, Eldredge, Farwell, Garfield, Giddings, Hagans, Eugene Hale, Robert S. Hale, Hancock, John B. Hawley, Hays, Gerry W. Hazelton, Herndon, E. Rockwood Hoar, George F. Hoar, Hodges, Houghton, Hubbell, Hunter, Hurlbut, Kendall, Knapp, Lamar, Lynch, Marshall, Martin, Alexander S. McDill, McKee, Morey, Nesmith, Orth, Packard, Parsons, Pelham, Purman, Rainey, Rusk, Sawyer, Isaac W. Scudder, Shanks, Sheats, Sheldon, Sloss, George L. Smith, Strait, Sypher, Walls, John M. S. Williams, William Williams, Willie, and Pierce M. B. Young—63.

NAYS—Messrs. Adams, Albert, Albright, Archer, Arthur, Atkins, Banning, Barnum, Barrere, Bass, Beck, Begole, Berry, Biery, Bland, Blount, Bowen, Bromberg, Brown, Buffinton, Bundy, Burleigh, Burrows, Roderick R. Butler, Caldwell, Cannon, Cason, Cessna, Clayton, Clements, Clymer, Clinton L. Cobb, Coburn, Comingo, Conger, Cook, Cotton, Cox, Crittenden, Crooke, Crossland, Curtis, Danford, Davis, Dawes, DeWitt, Duell, Dunnell, Durham, Eames, Eden, Fort, Foster, Freeman, Frye, Gunckel, Hamilton, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Joseph R. Hawley, John W. Hazelton, Hereford, Holman, Hooper, Hoskins, Howe, Hunton, Hyde, Jewett, Kasson, Kelley, Kellogg, Lamison, Lamport, Lansing, Lawson, Lofland, Lowe, Luttrell, Magee, Maynard, McCrary, James W. McDill, MacDougall, McJunkin, McNulta, Mellish, Merriam, Milliken, Mills, Mitchell, Monroe, Myers, Neal, Niblack, Nunn, O'Neill, Orr, Packer, Page, Hosea W. Parker, Isaac C. Parker, Pendleton, Perry, Phelps, Pierce, Pike, James H. Platt, jr., Thomas C. Platt, Poland, Randall, Rapier, Ray, Read, Rice, Richmond, Robbins, Ellis H. Roberts, William R. Roberts, James W. Robinson, Ross, Henry B. Sayler, Milton Sayler, John G. Schumaker, Scofield, Henry J. Scudder, Sener, Sessions, Sherwood, Lazarus D. Shoemaker, Smart, A. Herr Smith, H. Boardman Smith, John Q. Smith, Southard, Speer, Sprague, Stanard, Starkweather, St. John, Stone, Storm, Charles R. Thomas, Townsend, Tremain, Tyner, Vance, Waddell, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, Wells, Wheeler, Whitehead, Whitehouse, Whiteley, Whitthorne, Wilber, Charles W. Willard, George Willard, Charles G. Williams, James Wilson, Wood, Woodford, Woodworth, and John D. Young—170.

NOT VOTING—Messrs. Ashe, Barry, Bright, Benjamin F. Butler, Cain, Amos Clark, jr., Freeman Clarke, Creamer, Crocker, Dobbins, Elliott, Field, Glover, Gooch, Harmer, Hathorn, Havens, Hendee, Hersey, Hynes, Killinger, Lawrence, Leach, Lewis, Loughridge, Lowndes, McLean, Moore, Morrison, Negley, Niles, O'Brien, Phillips, Potter, Pratt, Ransier, James C. Robinson, Sloan, Small, J. Ambler Smith, William A. Smith, Snyder, Standiford, Stephens, Stowell, Strawbridge, Swann, Taylor, Christopher Y. Thomas, Thornburgh, Todd, White, William B. Williams, Wilshire, Ephraim K. Wilson, Jeremiah M. Wilson, and Wolfe—57.

So the House refused to lay the bill on the table.

Mr. HAZELTON, of Wisconsin. Would it be in order now to move an amendment?

The SPEAKER. It would not. The gentleman from Ohio [Mr. BUNDY] has the floor to demand the previous question.

Mr. BUNDY. I demand the previous question on the motion to recommit.

Mr. MAYNARD. I rise to make a parliamentary inquiry. The previous question is called, as I understand, on the motion of recommittal only.

The SPEAKER. That cannot be done. If the previous question shall be seconded the first vote will be on the motion to recommit; and if the House should negative that motion the previous question goes on operating until the engrossment and third reading of the bill.

Mr. MAYNARD. So that it will be impossible to submit any amendments, or have any discussion of the bill?

The SPEAKER. If the House shall second the demand for the previous question, it will.

Mr. RANDALL. Why, it has been discussed for fifty years.

A MEMBER. And has been defeated for fifty years.

The question being taken on seconding the demand for the previous question, there were—ayes 86, noes 56; no quorum voting.

Mr. MAYNARD. I call for tellers, and, pending that, I desire to make a parliamentary inquiry of the Chair. Suppose the previous question should not be seconded, what would be the first vote?

The SPEAKER. The first vote must, in any event, be on the motion to recommit.

Mr. MAYNARD. Very well; suppose we take that vote without having the previous question ordered and the motion to recommit should not prevail, would that leave the bill open to be amended, if any gentleman desired to amend it?

The SPEAKER. But the gentleman from Tennessee will observe that it is impossible to take the vote on the motion to recommit, without the previous question, except by unanimous consent. For, unless the previous question is operating, the motion to recommit is a debatable motion; and if the previous question were not seconded, the Chair would have to assign the floor so long as any gentleman claimed it.

Mr. MAYNARD. I do not understand that anybody wants to debate the bill.

The SPEAKER. Of course gentlemen would be entitled to debate the bill if the House should not second the demand for the previous question.

Mr. PAGE. I desire to make a motion to strike out the second section of the bill.

The SPEAKER. That cannot be done now.

Mr. HOLMAN. Was not the call for tellers too late?

The SPEAKER. No quorum voted. The Chair appoints as tellers Mr. BUNDY and Mr. MAYNARD.

The House divided; and the tellers reported—ayes 92, noes 61.

So the previous question was seconded.

The SPEAKER. The Chair will direct the reading of the rule in regard to the previous question.

The Clerk read as follows:

The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present; and its effect shall be to put an end to all debate, (except that the member reporting the measure under consideration may close the debate, and the every-day practice since,) and to bring the House to a direct vote upon a motion to commit, if such motion shall have been made.

The SPEAKER. That is the case now. The effect is to bring the House to a direct vote on the motion to commit, which is now pending. The Clerk will continue the reading.

The Clerk read as follows:

And if this motion does not prevail, then upon amendments reported by a committee, if any; then upon pending amendments, and then upon the main question. But its only effect, if a motion to postpone is pending, shall be to bring the House to a vote upon such motion.

Mr. HALE, of Maine. I rise to make a parliamentary inquiry. If the yeas and nays should be called on the motion to recommit, and that motion should be carried and the morning hour expire during the call, will anything be gained as to time? Will not the committee be able to report the bill again to-morrow morning so that the question will come up again on the bill?

The SPEAKER. Of course.

Mr. HALE, of Maine. I only asked the question because, if that is so, we may as well settle the matter here.

Mr. RANDALL. It has to be settled.

Mr. HALE, of Maine. I am opposed to the bill because the House have already settled all this matter of salary and mileage once, and I doubt whether it is desirable to reopen the question.

Mr. PARKER, of New Hampshire. I object to debate.

The main question was ordered, being upon recommitting the bill.

Mr. HOLMAN. I desire to withdraw the call for the yeas and nays.

The SPEAKER. The yeas and nays have been ordered; but if there be no objection the call will be withdrawn.

No objection was made.

The question was taken on the motion to recommit the bill; and it was not agreed to.

The bill was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question recurred upon the passage of the bill.

Mr. HOLMAN, and Mr. BUTLER of Tennessee, called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 187, nays 49, not voting 54; as follows:

YEAS—Messrs. Adams, Albert, Albright, Archer, Arthur, Atkins, Banning, Barber, Barnum, Barrere, Bass, Beck, Begole, Bell, Berry, Biery, Bland, Blount, Bowen, Bright, Brown, Buffinton, Bundy, Burleigh, Burrows, Roderick R. Butler, Caldwell, Cannon, Cason, Cessna, Amos Clark, jr., John B. Clark, jr., Clements, Clymer, Clinton L. Cobb, Coburn, Comingo, Conger, Cook, Cotton, Cox, Crittenden, Crooke, Crossland, Crounse, Crutchfield, Curtis, Danford, Davis, DeWitt, Dobbins, Duell, Dunnell, Durham, Eames, Eden, Farwell, Field, Fort, Foster, Freeman, Frye, Garfield, Gunckell, Hagans, Hamilton, Harmer, Henry R. Harris, John T. Harris, Harrison, Hatcher, Havens, Joseph R. Hawley, John W. Hazelton, Hereford, Hodges, Holman, Hoskins, Hunter, Hunton, Hyde, Jewett, Kasson, Kelley, Kellogg, Lamison, Lamport, Lansing, Lawson, Lofland, Lowe, Luttrell, Magee, Martin, McCrary, James W. McDill, MacDougall, McJunkin, McNulta, Melliah, Merriam, Milliken, Mills, Mitchell, Monroe, Myers, Neal, Niblack, Nunn, O'Neill, Orr, Orth, Packer, Page, Hosea W. Parker, Isaac C. Parker, Parsons, Pelham, Pendleton, Perry, Phelps, Pierce, Pike, James H. Platt, jr., Thomas C. Platt, Poland, Potter, Pratt, Randall, Rapier, Ray, Rice, Richmond, Robbins, Ellis H. Roberts, William R. Roberts, James W. Robinson, Ross, Henry B. Sayler, Milton Sayler, John G. Schumaker, Scofield, Henry J. Scudder, Sener, Sessions, Sherwood, Lazarus D. Shoemaker, Smart, A. Herr Smith, H. Boardman Smith, John Q. Smith, Southard, Speer, Sprague, Stanard, Standiford, Starkweather, St. John, Stone, Storm, Swann, Charles R. Thomas, Christopher Y. Thomas, Townsend, Tremain, Tyner, Vance, Waddell, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, Wells, Wheeler, Whitehead, Whitehouse, Whiteley, Whitthorne, Wilber, Charles W. Willard, George Willard, Charles G. Williams, James Wilson, Jeremiah M. Wilson, Wood, Woodford, Woodworth, John D. Young, and Pierce M. B. Young—189.

NAYS—Messrs. Averill, Barry, Bradley, Bromberg, Burchard, Clayton, Stephen A. Cobb, Corwin, Darrall, Donnan, Eldredge, Giddings, Gooch, Eugene Hale, Robert S. Hale, Hancock, Benjamin W. Harris, John B. Hawley, Hays, Gerry W.

Hazelton, Herndon, E. Rockwood Hoar, George F. Hoar, Hooper, Houghton, Howe, Hubbell, Hurlbut, Kendall, Knapp, Lynch, Marshall, Alexander S. McDill, McKee, Morey, Nesmith, Packard, Purman, Read, Rusk, Sawyer, Shanks, Sloss, Strait, Walls, John M. S. Williams, William Williams, and Willie—48.

NOT VOTING—Messrs. Ashe, Buckner, Benjamin F. Butler, Cain, Freeman Clarke, Creamer, Crocker, Dawes, Elliott, Glover, Hathorn, Hendee, Hersey, Hynes, Killinger, Lamar, Lawrence, Leach, Lewis, Loughridge, Lowndes, Maynard, McLean, Moore, Morrison, Negley, Niles, O'Brien, Phillips, Rainey, Ransier, James C. Robinson, Isaac W. Scudder, Sheats, Sheldon, Sloan, Small, George L. Smith, J. Ambler Smith, William A. Smith, Snyder, Stephens, Stowell, Strawbridge, Sypher, Taylor, Thornburgh, Todd, White, William B. Williams, Wilshire, Ephraim K. Wilson, and Wolfe—53.

So the bill was passed.

Mr. BUNDY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. GARFIELD. I rise for the purpose of moving to go into Committee of the Whole on the state of the Union on the appropriation bill; but before doing so I will yield to several gentlemen who have matters to present which will not give rise to debate.

THE CURRENCY.

Mr. MELLISH, by unanimous consent, presented resolutions of the Union League Club of the City of New York, in reference to the currency; which were referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD.

The resolutions are as follows:

Resolved, That the Union League Club of the City of New York disapproves of any action of Congress which will tend to inflate the currency of the United States, as unjustifiable by exigencies of commerce, as a violation of all the rules of finance and as contrary to the express pledges to the people of this nation.

Resolved, That we cordially approve the action of the governor of this State in promptly and clearly presenting to the Legislature and to the people the great perils involved in the proposed inflation of the currency, and we cordially indorse and sustain the sentiments expressed in his message.

Resolved, That copies of these resolutions be forwarded without delay to the members of both Houses of Congress.

GEOGRAPHICAL AND GEOLOGICAL SURVEYS.

Mr. SHOEMAKER, of Pennsylvania, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Be it resolved, That the President of the United States be requested to inform the House what geographical and geological surveys under different Departments and branches of the Government are operating in the same and contiguous areas of territory west of the Mississippi River, and whether it be not practicable to consolidate them under one Department or to define the geographical limits to be embraced by each.

TIDE-FLATS IN D'WAMISH BAY.

Mr. ORR, by unanimous consent, from the Committee on the Public Lands, reported a bill (H. R. No. 2984) to relinquish the tide-flats in D'Wamish Bay to the city of Seattle, in the Territory of Washington; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

LOCATION OF THE CAPITAL.

Mr. BLAND. I ask unanimous consent to offer for consideration at this time the following concurrent resolution:

Resolved by the House of Representatives, (the Senate concurring,) That the system of mileage for Senators and Representatives in Congress be abolished, and that the capital be moved to a place most central for all parts of the Union, to be hereafter selected and agreed upon.

Mr. POTTER. Could not that be put upon its passage now?

The SPEAKER. It can be by general consent..

Mr. RICE. I ask that Chicago be inserted as the place where the capital shall be located.

Mr. CROOKE. I would name Cheyenne City as the most central point.

Mr. BLAND. If mileage is to be abolished, we want the capital at the most central point.

Mr. COX. I object.

Mr. BLAND. I give notice that I will introduce this resolution on Monday next, if I can get the opportunity.

NEW STATE DEPARTMENT BUILDING.

Mr COX. I ask unanimons consent to submit the following preamble and resolution:

Whereas $3,400,000 have already been appropriated by Congress for the new State Department now in course of construction in this city under the direction of the Supervising Architect of the Treasury; and whereas the said Supervising Architect now asks Congress to appropriate $1,500,000 more, though the south wing walls, or one-sixth of the whole building, are not yet completed; and whereas it is evident that a very large amount of money is being spent in frivolous or questionable ornamentation; and whereas it is the opinion of competent judges that, estimating on the manner in which the work has been carried on, at least twelve years' time and $30,000,000 will be required to finish the whole building; and whereas it is also the opinion of competent judges that the plan adopted by the Supervising Architect has very serious defects in it, and that the building if completed on that plan will not only be a failure but a reproach to our architects: Therefore,

Resolved, That the Secretary of State be, and is hereby, authorized to appoint a board of three well-known and competent architects, not in Government employ, residents of Philadelphia, New York, and Boston, respectively, whose duty it shall be to examine and report what means are necessary to insure a more economical method of doing the work, and also a plan for improving the external appearance of as well as the internal arrangement of the building.

Mr. GARFIELD. Let that preamble and resolution be referred to some committee.

Mr. COX. All I ask is that it be referred to the Committee on Public Buildings and Grounds.

Mr. PLATT, of Virginia. While I have no objection to the reference or to the final passage of this resolution, I wish to say that the statements in the preamble cannot have been made by competent judges; on the contrary, they must have been made by perfectly imbecile fools, who do not know what they talk about.

Mr. COX. I do not know what an imbecile fool is.

Mr. PLATT, of Virginia. I suppose the gentleman from New York [Mr. COX] offers the resolution as it was handed to him.

Mr. COX. The gentleman can make his report upon the subject when he is prepared to do so.

No objection was made, and the preamble and resolution were accordingly referred.

JAMES ATKINS.

Mr. DAWES, by unanimous consent, reported back from the Committee on Ways and Means a bill (H. R. No. 2814) for the relief of James Atkins, late collector of internal revenue for the fourth district of Georgia; and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Claims.

The motion was agreed to.

JOHN FRITZ.

Mr. BIERY, by unanimous consent, introduced a bill (H. R. No. 2985) authorizing the Commissioner of Patents to consider the application of John Fritz for extension of patent for rolling iron; which was read a first and second time, ordered to be printed, and, with the accompanying papers, referred to the Committee on Patents.

INTRODUCTION OF BILLS.

The SPEAKER. The Chair does not make a personal application to any gentleman, but he desires to say that the morning hour of Monday is provided by the rules for the introduction and reference of bills. That morning hour ought to be abolished and thrown into the ordinary morning hour, for if gentlemen insist upon introducing bills for reference every day and thus obstructing business, it is no saving to the business of the House at all to have a morning hour on Monday for the reference of bills. The regular business of the House ought not to be interfered with by the introduction and reference of bills except during the morning hour of Monday, when the largest possible latitude is given for that purpose, unless some particular reason or equity can be shown why the ordinary business of the House shall be interrupted for that purpose. The Chair has endeavored to enforce the rule confining the introduction of bills to the Monday morning hour, but when a gentleman rises and ask unanimous consent for that purpose the Chair cannot very well object. But the Chair would take the responsibility of saying that one sturdy objector in this House would be of very great advantage to the business of the House.

Mr. BIERY. I desire to say that the bill I have just introduced was not in my possession on Monday last; that is the reason I introduce it now.

ENROLLED BILLS SIGNED.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (S. No. 617) to fix the amount of United States notes and the circulation of national banks, and for other purposes.

ORDER OF BUSINESS.

Mr. GARFIELD. I now call for the regular order.

Mr. COBURN. I desire to say that some time since the 7th of April was fixed for the consideration of the bill for the reduction of the Army. That time has passed, the business of the Committee on Banking and Currency having occupied the attention of the House until now. I will not now insist that the House shall proceed to consider the special order, but I desire to give notice that immediately upon the disposition of the legislative appropriation bill I will ask the House to proceed to the consideration of the bill for the reduction of the Army.

Mr. DAWES. What is the order to which the Chair refers?

The SPEAKER. The bill for the reduction of the Army was on the 11th of March made a special order for April 7, at half-past one o'clock, to the exclusion of all other orders.

Mr. DAWES. And from day to day until disposed of?

The SPEAKER. From day to day until disposed of, to the exclusion of all other orders, except appropriation bills.

Mr. DAWES. Was it made a special order in the House or in the Committee of the Whole?

The SPEAKER. In the House.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The question being taken on the motion of Mr. GARFIELD, that the House resolve itself into the Committee of the Whole on the legislative, executive, and judicial appropriation bill, the motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole, (Mr. WOODFORD in the chair,) and resumed the consideration of the bill (H. R. No. 2064) making appropriations for the legislative,

executive, and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes.

The CHAIRMAN. When this bill was last under consideration in the Committee of the Whole the paragraph beginning on page 5, making appropriations for compensation of officers and employés of the House of Representatives, had been read so far as the word "dollars," on line 111. The Clerk will resume the reading of the bill at that point.

The Clerk read as follows:

Officer charged with disbursing of contingent fund, $556; Chief Clerk and Journal clerk, $3,000 each.

Mr. KELLOGG. I move to amend by inserting after the words "Chief Clerk and Journal clerk" the words "and two reading clerks;" so as to make the salaries of these officers $3,000 each. If this amendment be agreed to I shall, when we reach line 116, move to strike out "ten" before the words "assistant clerks," and insert "eight," as that is the clause in which these two reading clerks are now included.

My reason for moving to make the salaries of these officers $3,000 is that I think their labors in this House entitle them to have precisely the same pay that we agreed in the last Congress they should have. In connection with the reduction of our own salaries we have cut down these officers; but I think the very hard kind of work that they have to perform entitles them to the pay which in the last Congress we agreed to give them. I hope there will be no objection on the part of the Committee on Appropriations or any other members of the House to this amendment.

Mr. RANDALL. I think the amendment is eminently proper and just. There are no more faithful officers here, none performing more constant duty, than these reading clerks. I hope the amendment will prevail.

Mr. GARFIELD. Mr. Chairman, no man in this House can have a higher appreciation of the merits of our reading clerks than I have, and I should be exceedingly glad if it had been possible to let them pass by in the work of reducing salaries. The Committee on Appropriations, however, feel it their duty to remind the House that we have now reached in this bill the point where the increase of salaries began last year. It was with the officers in charge of our affairs in this House that the little beginning of the whole salary increase arose last year.

Now there is, as to the clause now under consideration, a real question in the mind of the Committee on Appropriations which we desire to raise, and which would have been raised on the moment. But in regard to the two officers embraced in the amendment, Congress plainly and unequivocally repealed the increase of salary as to them as well as to ourselves. The question is now merely whether we shall begin to reincrease salaries which, by the act of January 20 last, the House cut down. I hope we shall not have a long debate, but I desire the House to understand that this is the beginning of the work of reincreasing salaries.

Mr. KELLOGG. Notwithstanding our own salaries are cut down, I am perfectly willing to pay men according to their work; and I hold that these reading clerks are entitled to receive $3,000, instead of the salary to which we have reduced them.

The question being taken on the amendment of Mr. KELLOGG, it was agreed to; there being ayes 104, noes not counted.

Mr. ALBRIGHT. I move to amend by inserting after the words "Chief Clerk and Journal clerk" the words "while such positions are held by the present incumbents, and no longer, $3,600."

Mr. HOLMAN. I raise the question of order whether this paragraph is open to amendment before it has been read through.

The CHAIRMAN. The point stated by the gentleman from Indiana [Mr. HOLMAN] seems to be correct. The Clerk will read the paragraph through, and then the gentleman from Pennsylvania [Mr. ALBRIGHT] will be recognized.

Mr. GARFIELD. For convenience in considering the paragraph, I ask that we may treat each clause as a separate paragraph. I think this course will facilitate business; and it can be done if there be no objection.

Mr. HOLMAN. I shall not object as to this particular paragraph.

Mr. GARFIELD. I apply the request to this paragraph only.

The CHAIRMAN. The Chair hears no objection, and the various clauses of the pending paragraph will be read and considered separately.

Mr. ALBRIGHT. My reason for offering this amendment is that the compensation of the Chief Clerk of the Senate is in this bill retained as it was last year, this clause being added: "while the present incumbent shall hold the office, and no longer." Another reason for the amendment is that the salary which it names is that which was fixed last year by this House for these officers, and surely their labors are no less now than they were formerly. The compensation they are now receiving is in fact less in some respects than it was before the action of the House last year. I presume this is well understood by members of the House, and that no further debate is necessary.

Mr. GARFIELD. The subject referred to in the amendment of the gentleman from Pennsylvania [Mr. ALBRIGHT] was before the Committee on Appropriations, and I am directed to say that the committee was divided in opinion as to the effect of the repealing law. I will state the question, and ask the House to determine it. The law of March 3, 1873, named the Chief Clerk and the Journal clerk, and gave them an increase of $600 so long as the present incumbents should hold the positions. The question was raised whether that increase was not a *peculium* to those officers, not an increase of salary belonging to the position, and whether the repealing act of January 20 swept away a peculiar grant like this to those peculiar officials.

We were inclined to think it had swept them away, and we left out the increase from the text of the bill. The proposition of the gentleman from Pennsylvania is to restore them. The committee were divided as to what the effect was, and without recommendation have submitted the question to the House.

The committee divided; and there were—ayes 47, noes 39; no quorum voting.

Mr. ALBRIGHT demanded tellers.

Tellers were ordered; and Mr. ALBRIGHT and Mr. GARFIELD were appointed.

Mr. KELLOGG. If I understand the amendment, it does not affect the amendment we have already adopted.

Mr. GARFIELD. It does not.

The CHAIRMAN. The amendment as offered does not affect the amendment already offered to the bill by the committee.

Mr. ALBRIGHT. What I propose is to do what we have already done regarding the Chief Clerk of the Senate. We do not propose to do any more for these clerks than has been done for the Senate clerks.

The CHAIRMAN. It is to put them back to the place they occupied before the repeal of the salary bill.

The committee again divided; and the tellers reported—ayes 65, noes 25.

So the amendment was agreed to.

Mr. WADDELL. I move to amend the same paragraph, after the amendment just adopted, by inserting after "reading clerks" the following: "assistant Journal clerk and tally clerk."

Mr. HOLMAN. I wish to ascertain what will be the effect of that amendment.

Mr. WADDELL. It is to give these clerks the same compensation as is given to the other clerks in the same paragraph. They are faithful and competent officers.

Mr. HOLMAN. That is increasing their salaries to $3,600 a year.

Mr. RANDALL. No; it only raises them to $3,000 each.

Mr. HOLMAN. The question is whether, after repealing these salaries at the demand of public sentiment, we shall go back and in the very same session of Congress restore them again.

Mr. RANDALL. That meant our salaries.

Mr. HOLMAN. If it were right to repeal the salary bill of the last session, a year ago, then it is not right we should restore all these increased salaries at this session.

Mr. WADDELL. The great difficulty about the increase of salaries was about its application to ourselves and not to the employés of the House. I hope the House will adopt the amendment I have offered.

Mr. GARFIELD. Mr. Chairman, I desire to say to the House, once for all, what I hoped I would not be compelled to say. There are no officers in the House who do not know that I am friendly to their getting whatever it is right they should have; but they are better paid than the majority of the clerks in this city who are employed all the time. Take the men in the Treasury Department, and in the various other Departments, men at the head of divisions, men who have done long years of patient service, who serve the year through, and who get only twelve hundred, fourteen hundred, sixteen hundred, or eighteen hundred dollars a year. There is not a man of them who would not be delighted to get the duty these clerks here have with a long vacation and the pay of most of the clerks in the employ of this House and the Senate. But because they are our friends, because we see them every day and stand before them when we vote, it is an ungracious thing for gentlemen to oppose them. If, however, we are now to begin one by one and restore all the salaries which have been reduced, we merely make a mock of ourselves in the face of the nation. All together have suffered a heavy reduction in salaries, because we believed justice and public sentiment required it at our hands, and now it is proposed to begin the business of restoring them one by one from the top to the bottom of the list. There is no logic in it unless we go through the whole of them and repeal the act of January 20, 1874. I shall demand a quorum of the committee on every vote, and shall carry them through to the yeas and nays of the House if necessary.

MESSAGE FROM THE SENATE.

The Committee informally rose, and a message was received from the Senate, by Mr. SYMPSON, one of its clerks, notifying the House that that body had passed, without amendment, a bill (H. R. No. 2550) making appropriations for the payment of the teachers in the public schools in the District of Columbia, and providing for the levy of a tax to reimburse the same.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Committee resumed its session.

Mr. RANDALL. I have always here in this House been in favor of paying adequate salaries. I think it is an entire mistake not to pay a sufficient sum so as to allow an officer to live here with his family. Now, these very clerks of whom we are speaking are required to be as intelligent, and, if it may not be considered a reflection, I might

say more intelligent than a member of Congress. Whenever you want to know anything in regard to past legislation, or in connection with the business of the House, where do we first go? To the clerks. If they were not men of character and integrity and intelligence we should not go to them, and they would not be equal to their places. In this instance I consider they are equal to their situations, and I consider the discrepancy between a member's salary of $5,000 and a clerk's of $3,000, as proposed in this amendment, is not too great. It is too great, perhaps, now, and I think the margin ought to be narrowed. I hope, therefore, the amendment will be adopted.

The chairman of the Committee on Appropriations proposes to save at the spigot. I will join with him when we shall reach those large items, those hundreds of thousands of dollars of contingent expenses, $20,000 here and $50,000 there. I shall join with him in cutting down this overgrowth of contingent appropriations. But let us not be afraid of doing justice to our clerks who are entitled to this compensation. If you expect them to be men of integrity you must pay them sufficiently, and, for one, I wish to give them such salaries that they will not attempt to go into the lobby or be interested in the legislation of this House in any particular.

Mr. SPEER. My theory of reform is, that you must save, not at the bung only, but at the spigot also. But while I would do that and pay a strict regard to little things in this House, it seems to me there is reason in this motion of the gentleman from North Carolina [Mr. WADDELL] for an increase to these two officers. These assistant clerks have increased duties in this Congress which they never had before. The number of members in this House is forty or fifty greater than it ever was before. And with that increased number of members comes increased business; and I venture to say that when the Journal of this first session of the Forty-third Congress shall have been published it will be found that it is one-third larger than the Journal of any session of equal length in the history of the Congress of this nation.

Therefore, while I stand by the principle that we should guard strictly and carefully every appropriation, whether it be a dollar or whether it be a hundred thousand dollars, the question still lies back of that, is the compensation enough, or is the proposed increase in itself right? Now, there are many officers of this House who have no additional labors with the increase of the number of members. The reason that applies here would not apply in their case. I propose, therefore, to treat every one of these officers simply upon his own individual merits, and if there is reason for any proposed increase, as I believe there is in this case, I shall not oppose it.

The question being taken on Mr. WADDELL's amendment, there were—ayes 77, noes 59; no quorum voting.

Mr. HOLMAN. I insist that there shall be a quorum on this vote.

The CHAIRMAN. No quorum having voted, the Chair will order tellers; and appoints the gentleman from North Carolina, Mr. WADDELL, and the chairman of the Committee on Appropriations, Mr. GARFIELD.

The committee again divided; and the tellers reported—ayes 101, noes 46.

So the amendment was agreed to.

The Clerk read the following paragraph:

Six assistant clerks, (including assistant Journal clerk,) at $2,592 each.

Mr. KELLOGG. In consequence of the amendment just adopted, I move to amend the paragraph by striking out the words "including assistant Journal clerk."

The amendment was agreed to.

Mr. GARFIELD. The word "six" will have to be changed to "four." I move that that amendment be made.

The amendment was agreed to.

The Clerk read the following paragraph:

Ten assistant clerks, including librarian and assistant librarian, at $2,160 each.

Mr. KELLOGG. The word "ten" should be changed to "eight," in consequence of the amendment adopted in regard to the reading clerks. I move that the paragraph be so amended.

The amendment was agreed to.

The Clerk read the following paragraph:

Four assistant clerks, at $1,800 each.

Mr. PACKER. I move to amend the paragraph by striking out "$1,800" and inserting in lieu thereof "$2,000." As the other clerks have been restored to their original pay, I think it right that these assistant clerks shall also be restored to theirs.

Mr. GARFIELD. I hope the amendment will not be adopted. The same class of duties is done——

The CHAIRMAN. The gentleman from Illinois [Mr. HAWLEY] has been recognized by the Chair.

Mr. HAWLEY, of Illinois. I have looked on with a great deal of surprise while the Committee has been increasing the salaries of these officers. It has been stated by different gentlemen that these clerks are all good men, and that they faithfully discharge their duties. No one questions that. But, as has been stated by the gentleman from Ohio, [Mr. GARFIELD,] we began last year just at this point. And why? Because it was supposed it would be less difficult to raise the salaries of those who were officers of the House, personally known to the members of the House. And experience shows that it is much easier to raise the salary of an officer who is well known to the various members of the House than of one who does not occupy that position. These gentlemen are associated with us every day. We see them daily, know them, are personally acquainted with them. We admire them for their good qualities. But, Mr. Chairman, that does not furnish a reason why we should raise their salaries to the exclusion of all others.

I am surprised that the chairman of the Committee on Reform in the Civil Service should be the man to champion this movement. I have sat in my seat here, except when the vote has been taken, while the salaries have been raised of three or four different classes of clerks. I have voted against the increase, and it is the gentleman from Connecticut, [Mr. KELLOGG,] the chairman of the Committee on Civil Service Reform, who proposes to raise the pay of these officers.

Now, sir, I was here last year when this whole question was voted on, and I voted against the raising of all these salaries. I believed then, and experience has proved the wisdom of my action and of that of those who acted with me, that the people would not sanction the raising of these salaries; and if ever the people have pronounced on any question in a manner which Congress could hear and ought to heed, it has been upon this question.

Now, sir, what has Congress done this session? It has repealed all the laws which have been passed raising the salaries of the different officers of the Government. It began at the top and has repealed them all. And now, as soon as we reach these officers again in this bill, it is proposed at the very first of them to raise the salaries to what they were before, because, it is said, these men discharge their duties. Sir, I believe that the officers of the Government everywhere discharge their duties. I believe there are very few exceptions to that rule, and I see no reason why the salaries of these officers of the Government should be raised any more than the salaries of others.

The gentleman from Pennsylvania [Mr. PACKER] who offers this amendment, does it upon the ground that we have just raised the salaries of the reading clerks and others, and that therefore we should raise the salaries of those to whom this amendment refers. Sir, when we reach another class of clerks there will be a proposition to raise their salaries, too, and the argument will be that you must raise the salaries of that class of clerks because you have raised the salaries of these, and the argument will become stronger, if there is any force in it at all, every time you raise the salary of an officer, because it may be said that the discrimination is still more unjust if, after raising so many, we should omit to raise the salary of a few.

Now, I hope this thing will stop right here. I hope we shall not go on repealing what was done earlier in the session, but shall stand by our action then.

Mr. KELLOGG. I move to strike out the last word in order that I may say a word or two in reply to the gentleman from Illinois. I simply wish to say that I agree with the gentleman from Illinois in regard to this amendment, and when he says that I stand here to champion the raising of all these salaries he speaks what he does not know. If he had watched my votes he would have seen that I have voted for only a single increase.

Mr. HAWLEY, of Illinois. I did not say that the gentleman championed all these propositions to raise salaries. I said that he was the first to propose an increase.

Mr. KELLOGG. And I am willing that gentlemen of the House shall hold me responsible for the motion to increase the salaries of these reading clerks to what it was agreed they should have during the last Congress. I say, Mr. Chairman, they earn their money, and when men earn their money as these reading clerks have to do I am not to be frightened from increasing their pay, whether I am chairman of the Civil Service Reform Committee or any other. I will vote to increase the pay of every officer either here or in any of the Departments where I am satisfied that their work and ability and the interests of the service demand it. But I do not consider it a reason because I vote for the increase of salary to one clerk that I must vote for the increase of the salaries of others. I am with the gentleman from Illinois against increasing the salaries of these other clerks, and that is all I have to say. I withdraw the amendment to the amendment.

The question was taken on Mr. PACKER's amendment, and it was not agreed to.

The Clerk read as follows:

One engineer, $1,800.

Mr. BROMBERG. I move to strike out "$1,800" and to insert "$2,160."

Mr. Chairman, I do not think the House intends to do injustice, but the House has already voted for the salary of the engineer of the Senate $2,160. Now the engineer of the House has, if anything, more duties to perform than the engineer of the Senate. He not only has more boilers to attend to, but he also has the superintendence of the entire lighting apparatus of the dome and also of the heating apparatus away down to the Senate wing. He has a great deal more responsibility, and he certainly ought to have the same salary as the engineer of the Senate has.

Mr. GARFIELD. We already pay this engineer more than the engineer of the whole Treasury building gets, and if the engineer of the Senate gets too much that is no reason why we should raise the salary of our own engineer.

Mr. BROMBERG. But, Mr. Chairman——

Mr. GARFIELD. Debate is exhausted on the amendment.

Mr. BROMBERG. I move to strike out the last word.

The CHAIRMAN. The Chair is compelled to rule that debate is exhausted on the amendment.

Mr. CONGER. I move to strike out the last word.

Mr. BROMBERG. I have already made that motion.

Mr. KELLOGG. The gentleman from Alabama [Mr. BROMBERG] can oppose the motion of the gentleman from Michigan.

Mr. BROMBERG. I made the motion first.

The CHAIRMAN. The Chair recognized the gentleman from Michigan, [Mr. CONGER.] The Chair may make mistakes, but he intends to be impartial.

Mr. CONGER. I have moved to strike out the last word, and I yield my time to the gentleman from Alabama, [Mr. BROMBERG.]

Mr. BROMBERG. The gentleman from Ohio [Mr. GARFIELD] says that if this House has put the salary of the engineer of the Senate too high, that is no reason why we should put the salary of the engineer of the House at the same figure. I take it for granted that this House considered carefully what it was doing when it fixed the salary of the Senate engineer at $2,160; and I do not think this House stands ready to-day to vote that it passed upon that salary carelessly or heedlessly. I know that I for one did not, and I do not believe any other member of this House will admit that he did. I think it is but simple justice that we should fix the salary of our engineer, he having much more onerous duties to perform and greater responsibility, at at least the same amount which we have agreed to give the engineer of the Senate.

Mr. CONGER. I withdraw the amendment to the amendment.

The question was taken upon the amendment moved by Mr. BROMBERG; and it was not agreed to upon a division, ayes 25, noes not counted.

The Clerk resumed the reading of the bill, and read as follows:

Clerk to Committee on Appropriations, $2,592; messenger to Committee on Appropriations, $1,314.

Mr. KELLOGG. I have an amendment to offer which would have been offered by the gentleman from Wisconsin [Mr. HAZELTON] had he been here. It is to insert after the portion of the bill just read the following:

Clerk to Committee on War Claims, $2,484.

That is in accordance with a resolution which was passed by this House last January, and until that resolution is rescinded or repealed the action of the House in this bill should correspond to it. The Committee on Appropriations seems to have left out the clerk of the Committee on War Claims entirely.

Mr. GARFIELD. There is no objection to that amendment on the part of the Committee on Appropriations, and it ought to be made. But I ask the gentleman to insert it after the provision relating to the Committee on Claims, as the Committee on Claims is the older committee.

Mr. KELLOGG. I have no objection to that,

Mr. HALE, of New York. In what form has this House determined the salary of the clerk of the Committee on War Claims? The gentleman from Connecticut [Mr. KELLOGG] says that he proposes this amendment in pursuance of a resolution of the House fixing the compensation of this clerk. What was that resolution?

Mr. KELLOGG. It was passed in January last, and this is the amount then fixed, as the law stood at that time.

Mr. HALE, of New York. I think the gentleman is in error. That is why I ask him to refer to the resolution.

Mr. KELLOGG. I have the resolution here. It is as follows:

Resolved, That the compensation of the clerk of the Committee on War Claims shall hereafter be the same as now paid to the clerk of the Committee on Claims.

Mr. HALE, of New York. The salary proposed by the gentleman from Connecticut does not correspond with the salary of the clerk of the Committee on Claims, which may be found in the very next clause of this bill.

Mr. KELLOGG. At the time this resolution was passed the salary of the clerk of the Committee on Claims was precisely what I have named in this amendment. The action of Congress since that time has changed the compensation of the clerk of the Committee on Claims and of some of the other committee clerks; but it has not changed in any manner whatever the compensation of the clerk of the Committee on War Claims

Mr. HALE, of New York. I move to amend the amendment so as to make the sum $2,160, the compensation provided by this bill for the clerk of the Committee on Claims.

Mr. GARFIELD. That is right.

Mr. HALE, of New York. I wish to take this occasion simply to repeat a protest that I have before made upon the floor of this House against precisely the kind of legislation which was initiated by the resolution introduced by the Senator from Connecticut. I think more mischief in this matter of salaries grows out of precisely that kind of delusive resolution, fixing somebody's salary at the same which somebody else gets, instead of naming the precise amount—more mischief grows out of that than out of anything else connected with the forms of legislation. And for one I give notice that in all cases hereafter whenever such a proposition comes to my ears I shall object to and oppose any resolution in that form. I do not believe this House has proposed, or now proposes, to pay the clerk of the Committee on War Claims a greater compensation than they pay to the clerk of the Committee on Claims.

Mr. KELLOGG. I rise to oppose the amendment to the amendment. The gentleman from New York, [Mr. HALE,] in alluding to the "Senator from Connecticut," of course could not mean me. When the gentleman says there was anything designed to be delusive about the resolution which I offered last January, or that there was any trick in it, I tell him he is entirely mistaken. I was simply a representative of the Committee on War Claims on this floor. I was instructed to report that resolution, and I reported it in that form, and it was adopted by the House. The amendment which I have now sent up to the Clerk's desk merely carries out that resolution, as the law stood at that time.

I wish to say but one word more, for I shall submit to whatever may be the action of the House in this matter. I think the duties of the clerk of the Committee on War Claims are equal to those of the clerk of the Committee on Appropriations or of any other committee of this House. The chairman of that committee [Mr. LAWRENCE] is not now in his seat. But I will say this: from the hour that committee was organized during this session there has not been a day or night but what, upon the requisition of the chairman or some member of the committee, the clerk whom we have employed has been called upon to perform work for the committee. Though the committee may have accomplished very little at this session thus far, there has been a report drawn that kept the clerk constantly at work, day and night, in the early part of the session. I regret that the report has not been formally presented, but it has been printed and members know what it is. I say that the immense mass of claims before the committee, the peculiar character of those claims, and the work required of this clerk, entitle him to as high compensation as that received by either the clerk of the Committee on Appropriations or the clerk of the Committee on Ways and Means. I think the amendment I have sent to the desk proposes no higher compensation than this clerk is entitled to. I shall of course submit to whatever action the House may take.

The amendment to the amendment was agreed to; and the amendment as amended was adopted.

The Clerk read as follows:

Sergeant-at-Arms, $4,320.

Mr. PIKE. I move to amend the clause just read by striking out $4,320 and inserting $5,000. I understand that heretofore the salary of the Sergeant-at-Arms has been $5,000, and possibly more. The reduction has been made I believe in consequence of the understanding that this officer had the use of a horse; but it has been decided that he should not have one. Therefore I think the pay ought to stand as it was before.

The amendment was not agreed to.

The Clerk read as follows:

Door-keeper, $2,592.

Mr. HOSKINS. I move to amend the clause just read by making the salary $3,000. Every gentleman on this floor is entirely conversant with the duties of the Door-keeper of this House. His attendance is required here constantly, not only during the sessions of the House, but before and after the sessions. I am authorized to say that during the last year the Door-keeper has been absent from his post of duty but seven days in the whole year, except by order of the House. For a gentleman who is competent to perform the duty required of the Door-keeper, and whose attendance is required here constantly, who is obliged to reside here the year round with his family, I submit that $3,000 is a small salary.

Besides, Mr. Chairman, this amendment will simply give this officer precisely the same salary he has been receiving under the action of the last Congress. I do not propose to raise his salary one dollar, but simply to continue the compensation he is now receiving. In my judgment $3,000 is a very small compensation in view of the duties imposed upon this officer and the competent manner in which he discharges them. If any member of Congress during the vacation requires information in relation to books or documents he writes to the Door-keeper, who is obliged to go around and search up those documents and papers. I hope that the amendment will be adopted unanimously.

Mr. GARFIELD. I rise to oppose the amendment, and ask for a vote.

The amendment was not agreed to; there being ayes 32, noes not counted.

The Clerk read as follows:

First assistant postmaster, $2,088; fourteen messengers, seven at $1,728 each; and seven at $1,080 each.

Mr. GARFIELD. I am instructed by the Committee on Appropriations to offer a series of amendments which I will submit together. I move to insert as the salary of the first assistant postmaster $1,800 instead of $2,088; to insert $1,500 instead of $1,728 as the compensation of each of the fourteen messengers; and $1,200 instead of $1,080 as the compensation of the seven other messengers.

Mr. STORM. Is not that an increase?

Mr. GARFIELD. It increases the pay of the lowest class, and decreases the pay of the other two classes.

Mr. STORM. What is the effect on the average?

Mr. GARFIELD. The average is a decrease of several hundred

dollars on the whole. The committee thought as to the pay of these officers that the upper grades should be reduced, while some increase should be made in the lower grades. The effect of the amendment is to make a considerable total reduction.

Mr. SPEER. I offer an amendment to the amendment. I move an amendment to the amendment, in line 153, by striking out "seven," where it occurs twice in that line, and inserting "four" after the last "seven," at the end of the line.

The CHAIRMAN. The first relates to the number of messengers.

Mr. SPEER. Yes; I wish to strike that out. I move in line 154 to strike out "twenty-eight" and insert "four," so it will read "fourteen messengers at $1,404 each."

I do this for this reason. I have been informed these fourteen messengers perform precisely the same work, precisely the same service from day to day, and Congress has been paying seven of them $1,700 each, and the other seven $700 less. Now I propose simply to equalize the pay of the fourteen messengers. It does not increase and does not diminish the compensation.

If my information is correct in reference to the messengers about the post-office I can see no sense and no justice in making a distinction of $700 in their compensation. The amendment submitted by the chairman of the Committee on Appropriations is in the direction of my amendment, but does not go far enough, still recognizing a distinction of $300.

Mr. GARFIELD. If the gentleman will allow me in his time, I will say that the Committee on Appropriations found from the last year the name of these two classes of officers was the same, but hitherto seven were known as mail-boys and the others as mail-messengers. The distinction was this: one class of them have charge of the handling and the distribution of the mails in the office, and have to come at an early hour in the morning to sort and distribute the mails; the others are the mail-carriers, who take the packages already done up in bundles and drive around in the mail-wagon to deliver them at the houses of members. For years past there have been two classes of duties, one requiring as we thought a higher class of experience and intelligence than the other. It is true now and then a mail-boy does the work of the other, but their duties are distinct. We thought on the whole it would be better to bring the upper class down a little and the lower up a little, and the adjustment will reduce the total expense considerably.

Mr. SPEER. Let me say a word. If the information upon which I have made my amendment is incorrect, I will, of course, withdraw the amendment. If, as the gentleman from Ohio suggests, there is a difference in the labor performed, then, of course, my amendment should not be adopted; but I am credibly informed there is not any such difference in the duties—that the duties are interchangeable.

Mr. RICE. When I first departed from the recommendation of the chairman of the committee in increasing the salaries of the Chief Clerk and Journal clerk, I did it on the ground that it required an aptitude and a peculiar facility in doing that work, and that the experience of these gentlemen had entitled them to a larger sum. And when I voted to increase the salary of the assistant Journal clerk, I did it for the same reason, although I was loth to depart from the recommendation of the chairman of the committee. Now, I hold the amount of labor is not so much the question before the House as the amount of ability to perform a certain amount of labor. We all concede that superior abilities should receive higher pay. In this case, as the gentleman from Pennsylvania has just remarked, if the distinction exists which has been stated, then he is wrong in moving his amendment. If of these men engaged in the post-office of the House some are required to do more labor than others, and to sort and prepare the mails for delivery, I think then those who do prepare the mails for delivery are entitled to higher pay.

Mr. SPEER'S amendment to the amendment was rejected.

Mr. GARFIELD'S amendment was agreed to.

Mr. GARFIELD. I move in line 156 after the word "stenographers" to insert the words "for committees;" so that it will read, "to stenographers for committees, $4,380 each." These are reporters for committees of the House, and it is necessary to distinguish them from the Official Reporters of the debates.

The amendment was agreed to.

Mr. HOLMAN. Is this sum, $4,380, the same compensation now fixed for the Official Reporters of the debates?

Mr. GARFIELD. It is the same fixed for these reporters of committees. We have not felt authorized to change that sum. If any gentleman of the House thinks it ought to be changed by making it any other sum, we have no objection to offer.

Mr. HOLMAN. I think the salaries of these stenographers for committees certainly should not be higher than we give to the reporters of debates.

Mr. RANDALL. I think the five Official Reporters of debates should have their salaries increased.

Mr. HOLMAN. What is the salary fixed for the regular reporters?

Mr. GARFIELD. Forty-two hundred dollars a year each.

Mr. HOLMAN. I move that amendment; to strike out $4,380 and insert $4,200.

Mr. SPEER. These stenographers for committees are paid by the year, and I wish to ask the chairman of the committee whether there are not some sessions of Congress when there is but little work for these stenographers to do; whether it does not depend on special investigations and special committees ordered by the House outside of the regular business of the House?

Mr. GARFIELD. Theoretically that time may come, but practically we have not seen it during the past two years. There are now more investigations going on than the stenographers can overtake.

The amendment was agreed to.

The Clerk read as follows:

Superintendent of the folding-room, $2,160; superintendent and assistant superintendent of the document-room, at $2,160 each; document file clerk, $1,800; five messengers, at $1,800, and six, at $1,440 each.

Mr. McKEE. I move to amend by striking out the words "and six at $1,440 each."

I endeavored to get through a resolution to ascertain the number of these employés, and the chairman of the committee told me I could find out easily enough how it was; but I believe as matters now stand that it is impossible to find out anything about it. The record, however, I understand shows that there are now more employés in the folding-room than we had before we did away with the franking privilege. A great deal of the work has been laid aside. There remains very little to do, and yet in place of retrenchment we find more messengers put on than there were before. As it now stands there are for this service five messengers at $1,800 each, and five at $1,440 each. The committee proposes that the number shall be five at $1,800 and six at $1,440. I see no use for this.

The fact is that the Door-keeper's department has grown and grown until now I believe he has one hundred and twenty-nine or one hundred and thirty employés about the Capitol under his control. I think that is altogether too much, and I trust the House will think so too. I therefore move to strike out the words I have mentioned.

Mr. DANFORD. I move to amend the amendment by striking out in line 162 "$1,800" and inserting "$1,400."

The CHAIRMAN. The amendment is not germane. It has reference to another clause. The gentleman from Ohio can offer his amendment after this has been disposed of.

Mr. GARFIELD. I desire to say a word. The Committee on Appropriations called the Door-keeper before them, and also had the advantage of the assistance of the chairman of the Committee on Accounts in regard to various classes of employés about the House. The chairman of the Committee on Accounts informed us, as did also the Door-keeper, that the entire number of the force had been reduced to the amount, I think, of 25 per cent. since the beginning of the present session, and that unless the franking privilege should be restored possibly a further reduction could be made; but if the franking privilege was restored a large increase would be required, especially in the folding department. The committee have reported such an amount of force as it seemed to them under the circumstances, after hearing both from the Door-keeper and from the chairman of the Committee on Accounts, was just and reasonable.

Mr. McKEE. How many has the Door-keeper in his department now?

Mr. GARFIELD. I do not know exactly how many.

Mr. McKEE. The chairman of the Committee on Appropriations informs me that he does not know how many employés there are in the Door-keeper's department. It appears to me that he ought to know that fact.

Mr. GARFIELD. I do not know the numerical strength of the whole force. I did not know that it was of special importance that the committee should take a census of the entire force.

Mr. McKEE. Is it necessary that the Door-keeper should have one hundred and thirty employés under his direction?

Mr. GARFIELD. In reply to the gentleman I will state in the first place, in general terms, what employés the Door-keeper has in his department. He has first a class of messengers or door-keepers who attend the doors, although they are called messengers. There is no one door leading into this Hall, or into the galleries in the Hall, where it is not thought important to have at least one messenger; at the main doors there are two, for it is necessary there to have more than one on account of the number of messages constantly sent in to members of the House and as a protection of the lobbies of the House from invasion from without. In the next place, the Door-keeper has under his charge the document-room. It ought not to be; it ought to be a separate thing; but he has that under his charge, and he furnishes a considerable number of employés in the document-room, who are on his roll and paid by him, and who have charge of our vast body of documents.

In the next place, all the pages that we have here, and their number is considerable, are under the control of the Door-keeper and in his employment. In the next place, all persons employed in the folding of documents and speeches and everything that is printed by the authority of Congress, except documents that the Clerk sends out annually, are under the control of the Door-keeper; and finally, the Door-keeper has charge of the laborers employed in the care of this building throughout the entire wing of the Capitol which the House occupies.

Mr. McKEE. Has he more in his employment now than he had before?

Mr. GARFIELD. There has been a reduction of twenty-four since the session began.

The question being taken on Mr. McKEE'S amendment, it was disagreed to.

Mr. DANFORD. I move to amend the paragraph, as follows:

In line 162 strike out "$1,800" and insert "$1,400," so that it will read "five messengers at $1,400;" and in line 163 strike out "$1,440" and insert "$1,240;" so that it will read "six at $1,240 each."

I am aware that it is rather an ungracious thing to stand here and prevent the increase of salaries of the employés of this House who serve us so attentively, so faithfully, and so efficiently. But, Mr. Chairman, we should not pay these employés more than their services are reasonably worth; and I submit to any gentleman upon this floor whether such a service as that required of this class of employés cannot be obtained in any district in this country for little more than one-half the amount in the committee's bill; and whether we are justified, Mr. Chairman, in paying for this class of service more than we can reasonably provide it for. While we have a Treasury with millions and hundreds of millions of dollars in it, I think we should take into account the fact that those who labor in this country, who produce its wealth either in the field or in the workshop, are not receiving for their work, for that kind of work that produces the wealth of this country, anything like $1,400 or $1,800 per annum. The average American laborer, the average clerk in this country, receives no such compensation as we give to the employés of this House, and we should take into account, sir, those who stand behind this Treasury, the farmers, the workmen, and the clerks who contribute their dollars and their dimes to the payment of the employés of this House. I take it that we can safely cut down the employés of this House one-half, and that we can have just as good and as efficient service as we have now.

Gentlemen say that we should pay the employés of the House here a sufficient amount of money to enable them to bring their families here and reside at the capital. I take it that we should do no such thing. There are many members of Congress upon this floor who can afford to do no such thing; and I think that our true rule should be to pay for this service what it is reasonably worth; and I take it that what it is reasonably worth is that which it can be obtained for in the country.

The question was taken on Mr. DANFORD'S amendment; and on a division there were—ayes 37, noes 38; no quorum voting.

Tellers were ordered; and Mr. HOLMAN and Mr. GARFIELD were appointed.

The committee divided; and there were—ayes 47, noes 100.

So the amendment was not agreed to.

The Clerk read as follows:

Twelve messengers during the session, (estimated at five months,) at the rate of $1,440 each per annum, $7,200.

Mr. WILLARD, of Vermont. I move to amend that clause by striking out "twelve" and inserting "eleven," for the purpose of asking the chairman of the Committee on Appropriations a question. I desire to inquire how much the force in the Door-keeper's department has been reduced by this bill from what it was in January last?

Mr. GARFIELD. The committee understood from the chairman of the Committee on Accounts that the entire force had been reduced 20 per cent., the reduction being twenty-two or twenty-three persons in all. That is what was represented to the committee, and I have here the notes which I took at the time.

Mr. WILLARD, of Vermont. Does that decrease appear in the number of officers named in the bill, or was it in the folding-room?

Mr. GARFIELD. A portion of the appropriation for this branch of the service is in a lump for the folding-room, and the reduction is there. We have not cut out any of the officers who are specially appropriated for. The reduction is in the folding-room and the amount appropriated for that purpose is reduced to the extent I have intimated.

Mr. WILLARD, of Vermont. I desire to ask the gentleman a further question. I understand that the force in the folding-room was reduced in January last and that a certain number of persons were either discharged or suspended; but I understand also that instead of stopping the pay of the persons suspended those actually retained had to divide their pay with them, so that the pay of those retained was reduced by the amount paid to persons nominally discharged. Has the chairman any knowledge on that point?

Mr. GARFIELD. No, I have not; but I suppose the chairman of the Committee on Accounts could inform the gentleman.

Mr. WILLARD, of Vermont. I withdraw my amendment.

Mr. HOSKINS. I desire to renew my amendment in line 148, and I propose now to make the salary of the Door-keeper $2,892, instead of $3,000 as I proposed before.

Mr. GARFIELD. I make the point of order that the amendment proposes to go back, and is not in order.

Mr. HOSKINS. The amendment I now offer proposes to increase the salary of the Door-keeper $200 only, so as to make it $2,892 a year.

Mr. GARFIELD. I insist on the point of order that we cannot go back.

Mr. RANDALL. This is not going back; the amendment relates to a part of the pharagraph which is under consideration.

Mr. GARFIELD. It was agreed that each of these clauses relating to an officer or class of officers should be considered as a paragraph.

Mr. HOSKINS. The whole paragraph relates to the salaries of different officers of the House, and I submit that amendments to it are in order as long as that subject is before the committee.

Mr. GARFIELD. It was agreed for convenience that each of these clauses should be considered as a separate paragraph. That was agreed to by unanimous consent, and that agreement controls us.

Mr. STORM. I understood the Chair to state that each clause relating to an officer would be considered as a paragraph.

Mr. GARFIELD. It was so agreed, and that arrangement only relates to the paragraph now under consideration down to the appropriations for the public printing.

I made the proposition distinctly, that for the sake of convenience and dispatch of business each one of these separate clauses should be considered as a paragraph.

The CHAIRMAN. The Chair trusts that, as there seems to be a difference of opinion, the point of order will be withdrawn. If the point of order be insisted upon, the Chair will be compelled to rule that, having submitted to the Committee of the Whole the proposition that each clause be treated as a paragraph, and no objection being made, the proposed amendment is not in order.

Mr. GARFIELD. At the request of the Chair I withdraw my point of order; but I give notice that I will insist upon it if another amendment of the kind is offered.

Mr. FORT. I renew the point of order.

The CHAIRMAN. The point of order being insisted upon, the Chair rules that the amendment is out of order.

Mr. McKEE. I move to amend, by inserting after the clause just read the following:

All employés of the Door-keeper's department shall be employed and discharged by the Committee on Accounts.

Mr. GARFIELD. I make the point of order that this is new legislation, and therefore not in order.

Mr. McKEE. This is just the place to put it in, by the rule.

Mr. GARFIELD. It changes existing laws and empowers a committee to regulate the employment of persons, that committee being now authorized only to settle the accounts. This amendment proposes to make the committee the appointing power, taking that power from the Door-keeper, where it is now lodged.

The CHAIRMAN. Is it lodged with the Door-keeper by virtue of any clause of an appropriation bill or any other legislation?

Mr. GARFIELD. I do not know how that is. But this amendment proposes to change the law as it now stands.

Mr. McKEE. Where is that law?

Mr. GARFIELD. It is incumbent upon the gentleman to show that he does not propose to change the law. It is well known by everybody here that the Door-keeper now appoints the force under him.

Mr. FORT. By what law?

Mr. GARFIELD. Even if only by consent it is now the law of custom. It is proposed to make a law which does not now exist, and to clothe a committee of this House with appointing power. Nobody claims that that has ever been done, or that there is now any authority of law for doing it. We are now asked to confer upon a committee of this House an authority which it is not pretended they have, and certainly that is new legislation.

Mr. McKEE. It is a thing eminently proper to do, and it should have been done long ago.

Mr. GARFIELD. That is a question of the merits of the amendment. I am making a point of order, not discussing the merits of the amendment.

Mr. McKEE. I cannot find any law authorizing the Door-keeper to make these appointments.

The CHAIRMAN. The Chair rules that the point of order is well taken.

Mr. McKEE. Because it changes existing law, when there is no law to be changed?

The CHAIRMAN. The Chair has ruled upon the point. The gentleman from Mississippi [Mr. McKEE] suggests reasons for the ruling of the Chair; they are the reasons of the gentleman from Mississippi.

The Clerk resumed the reading of the bill, and read the following:

For clerks of committees, $15,000.

Mr. BROMBERG. I move to amend the clause just read by striking out $15,000 and inserting $25,000. I find by reference to a letter of the Secretary of the Senate, Miscellaneous Document No. 5, that the clerks of the committees of the Senate, except those to whom regular salaries are given, receive $7.20 per day each, while the clerks of the House receive only $4.80. Certainly the amount of work which a clerk of a House committee is called upon to perform is at least equal to that performed by the clerk of a Senate committee. I always try to act reasonably and justly. I should like to know some reason why the clerk of a House committee should not be paid the same salary as the clerk of a Senate committee, as he does at least the same amount of work.

Mr. PLATT, of Virginia. I rise to support the amendment.

The CHAIRMAN. The gentleman is not in order, one speech upon that side having been made.

Mr. MYERS. I desire, Mr. Chairman——

Mr. BROMBERG. I have not occupied all of my five minutes, and I yield the remainder of my time to the gentleman from Virginia.

Mr. PLATT, of Virginia. I will decline to avail myself of the kindness of the gentleman from Alabama, [Mr. BROMBERG,] but will take the floor in my own right after a speech in opposition to this amendment has been made.

Mr. MYERS. I move to amend the amendment so as to make it $20,000 instead of $25,000. As the gentleman from Alabama [Mr. BROMBERG] has already said, I find that the amount allowed to clerks of Senate committees is $25,000, and the amount proposed here to the clerks of committees of the House is $15,000. I should like to know from the chairman of the Committee on Appropriations [Mr. GARFIELD] why there should be this discrepancy. There are almost as many clerks of committees in the House as in the Senate.

Several MEMBERS. There are more of them.

Mr. MYERS. No; there are not more, but there are nearly as many. Some clerks of the House are paid by fixed salaries. I should like to have some explanation by the chairman of the committee why $10,000 more should be appropriated for the Senate clerks than for the House clerks.

My friend from Massachusetts, [Mr. DAWES,] the chairman of the Committee on Ways and Means, suggests that it takes more to pay them. I believe we have only a few less clerks here than in the Senate; and I offer the amendment because I want to allow more to the clerks of the House. There is no reason whatever for the discrepancy. Our clerks do as much labor as those in the Senate; they do as faithful service, working frequently when the Senate adjourns over. I desire some explanation which may guide my vote.

Mr. GARFIELD. A few words in answer to the gentleman from Pennsylvania, [Mr. MYERS.] It has been the custom for many years to allow questions as to committee clerks and other matters relating to the special service of each branch to be determined by the branch itself. This year, however, as on one or two previous occasions, the Committee on Appropriations objected to the inequality of the salaries paid in the two Houses; and in this matter of committee clerks I have been instructed by the Committee on Appropriations, whenever the Committee of the Whole will permit me to go back, to offer an amendment to the clause relating to committee clerks of the Senate, so as to provide that no higher amount shall be paid to the clerks provided for in the contingent fund than the rate allowed in the House. This will settle the whole question. We have cut down very largely the amount asked for in the appropriation for Senate clerks. The Senate asked for contingent expenses, including clerks of committees, $65,000. We cut down the appropriation to $31,000; and we have reduced the amount for the House from over $20,000 to $15,000. If the committee will now allow the amendment which I have been instructed to offer, to be inserted in connection with the appropriation for clerks of Senate committees, I will present it.

Mr. MYERS. I object.

Mr. GARFIELD. If the gentleman who is so anxious to have the pay of committee clerks in the two branches equalized objects, then I cannot present the amendment.

Mr. MYERS. I am anxious to increase the pay of our own clerks.

Mr. PLATT, of Virginia. I hope the amendment offered by the gentleman from Pennsylvania [Mr. MYERS] will prevail rather than that of the gentleman from Alabama, [Mr. BROMBERG,] because I desire merely that enough money shall be appropriated to equalize the pay of the clerks of the House and those of the Senate. As to the amendment which the chairman of the Committee on Appropriations [Mr. GARFIELD] informs us he will offer, I wish to say that such an amendment was offered when the paragraph was under consideration by the Committee of the Whole; that an amendment cutting down the amount appropriated as compensation for clerks of the Senate committees was rejected.

Mr. GARFIELD. The gentleman is mistaken.

Mr. PLATT, of Virginia. Now, sir, there are thirty-one of these clerks in the Senate and twenty-seven in the House. Although we have many more committees than the Senate, yet we have a smaller number of clerks. I assert without fear of contradiction that the committee clerks of the House do as much and more work than the committee clerks of the Senate, with very few exceptions. I see no reason for this discrimination against the committee clerks of this House; for I desire to call attention to the fact that in this entire appropriation bill this is, I believe, the only case of equality in the pay of employés of the two Houses.

The question being taken on Mr. MYERS's amendment to the amendment of Mr. BROMBERG, it was not agreed to; there being—ayes 17, noes not counted.

The question recurring on the amendment of Mr. BROMBERG, it was not agreed to.

The Clerk read as follows:

For folding documents, including pay of folders in the folding-rooms and materials, $50,000.

Mr. WILLARD, of Vermont. I move to amend the clause just read by striking out "50" and inserting "30," so as to make the amount of the appropriation $30,000. I am not sufficiently advised to know whether the latter sum may not be too large. I understand, however, that we have substantially two folding-rooms. In one of these, under the charge of the Clerk of the House, the documents that are bound for the use of members are folded and taken care of, to be delivered to the members. Then there is the folding-room below stairs where the documents that have hitherto been folded for distribution are taken in charge. The appropriation last year for the folding-room was $100,000, which included, I suppose, the appropriation for material and for labor. The superintendent, the assistant superintendent, and some other officers and employés of this room are provided for in another part of the bill, so that this appropriation of $50,000 as here proposed, or $30,000 as I move to make it, covers only the labor and material.

Formerly it was the practice, I believe, that persons designated in this bill as messengers, who are really assistant door-keepers, were at work in the folding-room during the recess of Congress, or some portion of it; but latterly that practice has been abandoned, I am told, and these messengers, or assistant door-keepers, are now not kept here during the summer months. Some are paid only during the session, and some are paid by the year; but whether paid by the session or by the year they go away during the recess, and the work done in the folding-room is done by laborers employed for that purpose.

No special political campaign will be pending the coming fall, no presidential campaign; and so there is no necessity for a large force in the folding-room to fold documents for distribution for political purposes. Besides, the franking privilege has been abolished; and the House, after deliberate consideration, has decided that it shall not be revived except so far as the country newspapers are concerned, and those are not folded here. No documents have yet been ordered to be printed by both Houses of Congress at this session. Early in the session the House adopted a resolution for printing the Agricultural Report for two years; but the Senate (if I may be allowed to refer to that august body without violating parliamentary rule) has not yet agreed to that proposition; and I trust it will not do so. In this view of the case it seems to me that $30,000 is an abundantly large appropriation for this purpose, and that the Committee on Accounts, or whatever committee may have this matter in charge, should have some direction from the House as to the force that shall be kept here during the recess to work in the folding-room.

Mr. SOUTHARD. Since the abolition of the franking privilege, and the failure to authorize the publication of these public documents hitherto distributed, what necessity is there for even the appropriation of these $30,000?

Mr. WILLARD, of Vermont. I must confess, Mr. Chairman, I am quite ignorant on this point. I do not know there is any necessity for that appropriation, but I understand it takes about $15,000 for the purpose of attending to and folding the documents printed as a matter of course. We order printed every document that comes to Congress, and when we order them printed, some sixteen hundred copies of each are printed as a matter of course. Therefore a certain number of these documents, one for each member, is folded under the direction of the Clerk of the House, and the expense of that is included in this appropriation. I understand it has been customary to appropriate for the House about $15,000 for that purpose. Then there will be about $15,000 left for the other purpose. I confess, as I have already said, I did not understand why we should make an appropriation of $15,000, but perhaps the chairman of the Committee on Appropriations will be able to tell us.

Mr. SOUTHARD. I understand this is intended to cover certain documents printed as a matter of course. The appropriation was $100,000 last year. Is it understood, then, as a matter of fact, one-third has been done this year of the work which was done last year, when an enormous number of speeches and documents was circulated through the mails under the franking privilege?

Mr. RANDALL. I move an amendment to the amendment of the gentleman from Vermont so as to make it $25,000. I have examined this subject carefully, and I am convinced that is enough.

As a member of the Post-Office Committee I think I can say there is no probability whatever, even if this House should reinaugurate the franking privilege, that it can by no possibility pass the Senate during this session of Congress. That then brings us down to the expenditure of this money during a period of three months next year, that is to say from the first Monday in December, when the second session of this Congress assembles, to the 4th of March following. It seems to me, therefore, $25,000 is entirely sufficient.

It has been the habit heretofore of employing boys to fold speeches and documents. I am now informed (and if I am incorrect in my statement I am open to correction) that the duty which has been heretofore performed by these boys is now being done by those who are upon the roll of the Door-keeper, and who really have no other duty to perform. Not having any other duty to perform, they have been assigned, some of them, to this duty. We have provided for the payment of these persons, therefore, who have taken the place heretofore held by the boys of the folding-room. There is really no occasion therefore, in my judgment, to make this appropriation larger than $25,000.

Mr. GARFIELD. Mr. Chairman, I should say it would be a wise thing to have only one folding-room for the House. I believe the gentleman from Maine [Mr. HALE] has drawn an amendment which when in order I hope may be offered, as it proposes to consolidate these folding-rooms into one.

Mr. RANDALL. I agree to withdraw my amendment for the present in order that the gentleman may have an opportunity to offer that amendment.

Mr. GARFIELD. I wish to say a word in regard to the amount of these appropriations. Out of the sum here appropriated is paid the salary of those persons who are in the folding-room of the Clerk as well as in the folding-room of the Door-keeper. They have had hitherto, and for a series of years, $100,000, which sometimes even has been found insufficient. The committee after careful consideration thought they could reduce it, in view of the abolition of the franking privi-

lege, to $50,000. I doubt whether a lower reduction would be safe in view of the fact that the Clerk of the House is required by law to send off the complete sets of statutes and documents which make really quite a large library every year. He is required not only to send them to every member of Congress, sending to each member's home address, but to the governors of States and to the governors of Territories. In all they make a large bulk of documents. He attends to folding, sending off, and purchasing the material for folding, and must keep up a room for that purpose. If we consolidate the two in accordance with the amendment of my colleague on the Committee on Appropriations, it will probably be as wise a thing as we can do.

Mr. WILLARD, of Vermont. I hold in my hand an appropriation bill for 1866; and that was when the franking privilege was in existence, when documents were folded indiscriminately, as they were recently; and the appropriation for that year was $30,000.

The CHAIRMAN. Debate is exhausted on this amendment.

Mr. RANDALL. I wish to say to the gentleman from Vermont that during the existence of the franking privilege I have sent off fifteen thousand speeches and documents a year, but since the abolition of the franking privilege I have not been able to send off more than a tithe of that number. It is not reasonable, therefore, the appropriation should be kept up at the former figures. I now withdraw my amendment, so as to enable the gentleman from Maine to offer his amendment.

Mr. HALE, of Maine. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 177, after the word "dollars," add the following:
Provided, That after the 30th of June, 1874, all the folding of the House shall be done through the Clerk of the House, and the two folding-rooms now existing shall be united under that officer.

Mr. HALE, of Maine. That is not strictly an amendment to the amendment of the gentleman from Vermont, [Mr. WILLARD,] and I ask him to withdraw his amendment for the time being and allow a vote to be taken on this, after which he can renew his amendment.

Mr. WILLARD, of Vermont. I have no objection to that.

The CHAIRMAN. If there be no objection the gentleman from Vermont [Mr. WILLARD] will be permitted to withdraw his amendment for the present in order that the gentleman from Maine [Mr. HALE] may offer the amendment which has been read.

There was no objection.

The CHAIRMAN. The gentleman from Maine [Mr. HALE] is entitled to the floor.

Mr. DUNNELL. I wish to ask the gentleman from Maine a question.

Mr. BURCHARD. I have risen to make a point of order on the amendment.

Mr. McKEE. I rose also for the same purpose. I make the point of order that this amendment is new legislation.

Mr. HALE, of Maine. If I am permitted I will make a statement in regard to what the law now is, which I think will dispose of the point of order.

The CHAIRMAN. The gentleman from Mississippi [Mr. McKEE] raises the point of order that this is new legislation. The Chair will state that the gentleman from Maine [Mr. HALE] asked the gentleman from Vermont [Mr. WILLARD] to withdraw his amendment so that he, the gentleman from Maine, might offer an amendment. That amendment had been read and was known to the committee. The Chair asked the committee if consent was given. The committee gave consent. At that moment and before such consent the point should have been raised. The amendment of the gentleman from Maine is, in the judgment of the Chair, properly before the committee.

Mr. BURCHARD. The proposition of the gentleman from Maine was to present his amendment as a substitute for the amendment of the gentleman from Vermont then before the committee. It was only when that was done and the amendment of the gentleman from Maine came before the committee that the point of order would apply, if at all. It would have been premature to have submitted the point of order before the Chair stated that the substitution had been made; and it was at that time that the gentleman from Mississippi as well as myself rose to make the point of order.

The CHAIRMAN. The Chair regrets that neither of the gentlemen succeeded in getting the point of order made at the time they desired.

Mr. McKEE. I submit that the amendment has not been debated. The gentleman from Maine who offers it is the only one who could have discussed it. That gentleman has not said a word about the amendment. I submit that we could not have made the point of order more quickly than it has been made.

Mr. BURCHARD. I desire to state that when the Chair stated that the amendment of the gentleman from Vermont was withdrawn, and that the amendment of the gentleman from Maine was before the committee, I at once rose. The gentleman from Minnesota [Mr. DUNNELL] rose at the same time to address a question to the gentleman from Maine. I interrupted the gentleman from Minnesota, and he yielded the floor to me to make the point of order, and the gentleman from Mississippi also rose for the same purpose. Hence I think the point of order was made in time.

The CHAIRMAN. The Chair has admitted the amendment. The gentleman from Maine is entitled to the floor.

Mr. McKEE. What has become of the point of order?

The CHAIRMAN. The gentleman from Maine has offered an amendment which the Chair has ruled to be in order.

Mr. HALE. I desire to speak five minutes to the amendment.

Mr. BURCHARD rose.

The CHAIRMAN. The gentleman from Illinois [Mr. BURCHARD] has raised a point of order, and the Chair will yield the floor to the gentleman if he desires further to discuss his point or to appeal from the decision of the Chair.

Mr. BURCHARD. I have not yet presented my point of order. I wish to know if I am in time to make the point of order.

Mr. WARD, of Illinois. I submit that a point of order cannot be debated until it is presented.

Mr. BURCHARD. The point of order I make is not in regard to the substitution of one amendment for the other. My point of order is on the amendment itself, that it proposes new legislation and changes existing law.

The CHAIRMAN. The Chair has ruled that the amendment is properly before the committee and the gentleman from Maine is entitled to the floor.

Mr. McKEE. Does the Chair overrule the point of order?

The CHAIRMAN. The gentleman from Maine is entitled to the floor.

Mr. McKEE. Mr. Chairman, I have a right to ask if the Chair has overruled the point of order.

The CHAIRMAN. For the fourth time the Chair will endeavor to state that he has overruled the point of order.

Mr. McKEE. But I understood the Chair to refuse to hear it, because it was not made in time.

The CHAIRMAN. The Chair regrets the misunderstanding.

Mr. GARFIELD. I raise the point of order that it is not in order to discuss what has been decided by the Chair.

The CHAIRMAN. The gentleman from Maine is entitled to the floor, unless the gentleman from Mississippi appeals from the decision of the Chair. [After a pause.] The gentleman from Mississippi does not appeal, and the gentleman from Maine will proceed.

Mr. HALE, of Maine. I do not know why there should be so much antagonism to this proposition. It is offered in good faith, and if adopted I am satisfied that the business of the House in regard to the folding of documents will be more satisfactorily performed than now. There is nothing gained in having two folding-rooms. And so far from this being any change in legislation, let me state to gentlemen that there is no law so far as I understand it for the present division of this labor. It has grown up and become sanctioned to some extent by usage, but there is certainly no good reason why there should be two folding-rooms.

The Clerk of the House seems to me, without casting any reflection on any officer, to be the proper officer to have charge of this duty. And by this amendment he will have the entire charge of the folding of the documents which the House orders to be printed. This will be concentrated under one officer.

If there be any question of patronage that troubles gentlemen, any question of getting men into these places, according as one officer or another shall have the control, that is not a question that troubles me. I have not anybody in the folding-room, I do not expect to have anybody, and I do not want to have anybody there. But let it be under the control of one man. If the question of patronage is to come in, and if employés are to be taken from the various sections of the country in such a way that all shall be fairly represented, one man will do it better than two. But primarily the work will be better done under the charge of one man than it is done now.

Now as to the amount. The committee looked into it carefully, and made a large reduction from last year. I am, for one, by no means certain but that $25,000 or even $20,000 might suffice; but there is nothing gained by putting in an appropriation so small that next year a deficiency will have to be provided for. Gentlemen have made that point; the gentleman from Kentucky, [Mr. BECK,] now in my eye, has repeatedly made it upon this bill and other bills. Where there is danger of its resulting in that way that is a good point. I believe $30,000 at any rate to be ample; and if the work be placed under the control of one man, that sum will go further than what we have before appropriated for the larger work.

Mr. DUNNELL. I rise to oppose the amendment. I cannot myself see how it will cost any more to fold these documents as they are now folded than it will if we have it done under the direction of one man. The same rooms will have to be occupied, the same number of men employed, the same amount of material purchased. I fail to see where the saving can come in. The folding that is done under the supervision of the Clerk is of a different class altogether from the folding that is done under the direction of the Door-keeper, and under the supervision of the Clerk the same rooms will be occupied, the same amount of force required, and the same amount of materials used. The gentleman from Maine has failed to satisfy me that there will be a single dollar saved. If the argument of the gentleman is good that one man should have this matter wholly in charge, then, I think, we should strike out the word "Clerk," and insert "Door-keeper." I think it is entirely out of place to take this work away from the Door-keeper and give it to the Clerk. There are members upon this floor, members of the Committee on Appropriations, who know that this change ought not to take place. I am unwilling to augment the

power of the Clerk of this House. This power is better lodged where it is, and I hope the amendment of the gentleman from Maine will not prevail. I am sure nothing will be saved by it, and I move to amend his amendment by striking out the word "Clerk" and inserting "Door-keeper."

Mr. McKEE. I rise to support the amendment of the gentleman from Maine, although I do not believe it is at all in order, and I will briefly state the reasons why I support it. The gentleman from Minnesota says that this power of patronage is rightly lodged in the Door-keeper. That, sir, I do not believe. I have sought here time and again to get information as to the Door-keeper's patronage here, and it has always been refused. I believe there are one hundred and thirty men employed in the Door-keeper's department, and there is a kind of ring here by which that patronage is dispensed at the commencement of each Congress. I am satisfied that we have more folders than we need. I believe we do not need half of them. There are surplus places there where they put men in for certain purposes. I am not particularly interested in this matter. We of the South have no patronage here; it is all given to New York and Pennsylvania We get no share of the patronage, and so are disinterested parties. I believe in dividing up the patronage. I believe that a committee of this House should appoint these men; but the Chair has ruled that an amendment of that nature would not be in order, because it would be new legislation, although he holds that it is not new legislation to provide that the Clerk shall have the control of this matter.

Now, sir, I wish to see these matters thoroughly investigated. If there is to be any such thing as fair dealing all around the House all its departments should be investigated, and the patronage ought to be cut down. It has grown to its present dimensions simply for the purpose of making places for men, and not because of any public necessity for it. The patronage of the Door-keeper's department has grown until it includes one hundred and thirty employés. I do not know how many the Clerk of the House has; but I will warrant you there are two or three times too many for the work required to be done. I hope the amendment of the gentleman from Maine will prevail; first, because it looks to economy; and, in the second place, because it looks to a division of the spoils.

Mr. BECK. I rise only to say a word. I am in the same happy condition, and so are all gentlemen on this side of the House, as the gentleman from Mississippi, [Mr. McKEE.] We have no interest in this patronage.

Mr. BUTLER, of Tennessee. You have not had a man turned out.

Mr. BECK. Not a man. I do not believe that Kentucky has a man employed around this Capitol, or in any of the Departments in Washington; if she has I do not know it.

Mr. McKEE. We will divide what we have with you, and give you half.

Mr. BECK. I rose to ask a question of the gentleman from Maine. Last year we appropriated $100,000 for the folding-room. The franking privilege expired on the 1st of July, and therefore we have the full benefit this year of whatever saving we may obtain in the public printing. We have this session ordered no Agricultural Reports to be printed, and they caused the great bulk of the expense of printing. Certainly fewer speeches have been circulated than usual since we have had to pay postage on them ourselves. I desire to know if the Committee on Appropriations are able to present to the House an account of the expenditures of the folding-room for the current fiscal year, and tell us whether the $100,000 has all been used, and, if so, how it has been used?

The CHAIRMAN. The Chair thinks debate is exhausted on the pending amendment.

Mr. BECK. The question I have asked might be answered; I have only spoken two minutes, and I was entitled to five. I yield to the gentleman from Maine [Mr. HALE] to answer my question.

Mr. HALE, of Maine. If the Chair will allow me, I will say, in reply to the gentleman from Kentucky, [Mr. BECK,] that the Committee on Appropriations was exercised on this very question. Believing that there ought to be a surplus, we had an examination made; and I will say here, what I did not say before, not being impelled by a direct question, that I for one believe, in view of the fact that the franking privilege has been abolished, that during the last months of the last vacation and during the months of December and January, many more men were kept in the folding-room than were needed. But we found it almost impossible to get these men discharged; and that is one reason why I believe in changing the conduct of the matter here. I cannot tell the exact figures, for I do not have them here; but my recollection is that the showing is that the fund was absorbed, though I do not make that as an accurate statement. But we do believe that there were too many men kept in the folding-room.

Mr. BECK. What was the difficulty in discharging them?

Mr. HALE, of Maine. I cannot tell.

Mr. BUTLER, of Tennessee. I will tell the gentleman from Kentucky [Mr. BECK] that they were kept there because of representations made by members to the Door-keeper that they should be retained. And the State of Maine has as many men there as any other State has.

Mr. BECK. Does the gentleman from Maine [Mr. HALE] think that $30,000 will be enough for next year?

Mr. HALE, of Maine. I do.

Mr. BUFFINTON. The gentleman from Kentucky [Mr. BECK] must be aware that the Forty-second Congress closed its session on the 4th of March of last year. From the 4th day of March, 1873, to the day of the meeting of the Forty-third Congress there was no one who had any control of the employés in the folding-room but the Door-keeper of the House of Representatives. There was no Committee on Accounts, no committee of any kind; for the House was not organized.

The CHAIRMAN. Debate upon the pending amendment is exhausted. The first question is upon the amendment of the gentleman from Minnesota, [Mr. DUNNELL,] to substitute "Door-keeper" for "Clerk" in the amendment of the gentleman from Maine, [Mr. HALE.]

Mr. DUNNELL. I will withdraw my amendment to the amendment if the gentleman from Illinois, [Mr. BURCHARD,] who desires to speak, will renew it.

The CHAIRMAN. That requires unanimous consent.

No objection was made, and the amendment to the amendment was withdrawn.

Mr. BURCHARD. I renew the amendment to the amendment. If this proposition is presented by the Committee on Appropriations in the interest of economy, I do not wish to antagonize it so far as the reduction of the amount is concerned. But the argument that has been made in favor of it does not appeal to me as a sufficient reason for supporting it.

In this very appropriation bill there is a recommendation that we appropriate $240,000 for the Department of Agriculture; I believe that is the amount. We propose, therefore, to keep up that Department. As has been stated, by the order of the House the usual number, or sixteen hundred copies of the Agricultural Report, will be printed for the use of members and of a few other privileged persons. I for one believe that instead of printing that number of copies of that document at an expense of $100 each, if we are to keep up the Agricultural Department we should print a proper number; and if we cannot send them free through he mails, if the Government is not willing that they should be so sent, then there should be some provision of law or appropriation made by which they can be sent to the people. Hence I believe it is necessary that that document should be printed, and that there should be a proper and necessary appropriation for the folding of that and other documents.

Now, if the Committee on Appropriations will say that they think that work can be done for less than $50,000, I am willing to vote for a less sum. But I will not vote for $30,000, or for even $15,000, merely to enable the Clerk to take charge of these documents, and fold them for the benefit of members and a few other privileged persons. As to the question of who should have charge of this work, it having been from time immemorial in the charge of the Door-keeper of the House, he having charge of the folding-room and documents, I see no reason for changing it, and therefore I shall vote against that proposition.

Mr. RAINEY. I desire to make a correction for the information of the gentleman from Kentucky, [Mr. BECK.] He says that there is no one employed in or around this Capitol from the State of Kentucky. I desire to assure him that there is a man from the State of Kentucky in the employment of the Government here as a policeman. I give him that piece of information so that he may know that Kentucky is represented among the employés about this Capitol.

One other word. I am opposed to the amendment of the gentleman from Maine, [Mr. HALE,] and do not think it ought to be adopted. We elected and re-elected the present Door-keeper of the House because we had confidence in him and believed he would discharge the duties pertaining to his office faithfully and satisfactorily. I do not think we would now, in any factious spirit of opposition to him, by adopting any amendment, take out of his hands the duties we have hitherto confided to him and give them to any other officer of the House. I believe in dealing fairly with every officer of this House. I have no special favor to ask of the Door-keeper; and I do not know that he has ever conferred any special favor on me as a Representative; but I think it is due to him that he should be recognized in the capacity in which we have elected him, and should be allowed to continue the control of the officers now under his charge; that the control of these should not be transferred to the Clerk of the House. I object, therefore, to the amendment of the gentleman from Maine. I simply wanted to give this little piece of information to the gentleman from Kentucky.

Mr. BURCHARD. I withdraw the amendment to the amendment.

Mr. MYERS. I renew it. I believe it is generally known that the Clerk of the House hails from the State of Pennsylvania. I do not think he asks this additional burden, and no Pennsylvanian, so far as I know, asks it on his behalf. I wish to say further that although I have been here a good many years, there is no one at present in the employ of the Door-keeper upon my recommendation, though at one time I had one lad in his employ. Therefore, in advocating that this service may still be rendered under the direction of the Door-keeper of the House, I can have no object in the shape of patronage.

Now we should legislate here with some object in view. What is the object of this amendment? It is certainly not in the interest of economy, because the cost is the same one way or the other. But the amendment is to be followed up, (and that is the only reason I now address the committee,) it is to be followed up, as intimated by the gentleman from Maine [Mr. HALE] and the gentleman from Vermont, [Mr. WILLARD,] by an amendment reducing this appropria-

tion from $50,000 to $30,000. Now, what have the Committee on Appropriations been doing all these months? They have heard evidence on the various matters connected with this bill, and they come here expecting us to follow them. In the interest of economy, because we are not printing so many books as formerly and do not need so large a force in the folding-room, the Committee on Appropriations has reduced this appropriation from $100,000 to $50,000. Do they mean that or do they not? The gentleman from Maine, [Mr. HALE,] a member of the committee, who comes in here with a different view from that expressed by the committee in their bill, and faintly advocated by the chairman, [Mr. GARFIELD,] is willing to reduce the appropriation to $30,000. Now, the committee must have reported this provision for $50,000 either upon some state of facts or upon none. I take it the committee has sufficiently reduced the amount; that if gentlemen wish to vote in the interest of economy, they go far enough in that direction by voting for this reduction of $50,000.

And let me say that though we appropriate $50,000, it is not necessary that that amount shall be expended. If we shall order books printed, as I know we shall, as we are contemplating in this very bill, we shall need these folders; and we want men to be paid for what they do. If we do not order books printed, there may be no necessity for expending this whole appropriation of $50,000. I say, therefore, that if the Committee on Appropriations have examined this subject and come to the conclusion expressed in the bill, they should stand by their bill if they expect members of the House to stand by it.

Mr. RANDALL. I rise to oppose the amendment *pro forma*. So far as I can understand, this amendment comes in here with the approval of the Committee on Appropriations, and without any protest whatever, so far as I have been able to learn, from the Committee on Accounts. It is in the direction of economy. The gentleman from Maine tells us that if his amendment be adopted we can then well afford to reduce the appropriation from $50,000 to $30,000. I hope, therefore, the House will sustain the Committee on Appropriations in the direction of economy.

Mr. WARD, of Illinois. I ask the gentleman from Pennsylvania [Mr. MYERS] to withdraw his amendment, that I may renew it.

Mr. MYERS. I withdraw the amendment.

Mr. WARD, of Illinois. I renew it. I desire to say a word or two in reference to this whole legislation. To my mind it is the most unsatisfactory legislation in which I ever had any part. The confusion grows "worse confounded" every moment. The astonishing statement was made a moment ago by a member of the Committee on Appropriations that a large percentage of employés about this Capitol were kept here unemployed during the last recess. We are now asked by the committee to make an appropriation of $50,000, upon which the committee itself does not seem to be united. Statements have been made repeatedly by men who ought to know that the appropriation is much greater than it ought to be. Under such circumstances, Mr. Chairman, how can innocent gentlemen like myself, who are trying to do right, decide how to vote?

Charges are made (and I begin to think there is some basis for them) that there has been improper management in reference to the employés about this House. I look into this bill and I find that the salaries paid to employés about this Capitol are higher than the compensation for like services anywhere else on this broad continent; and there seem to be more of these employés than there can be any necessity for. Questions and appeals are addressed to the committee that reported the bill, and they are divided. In such a division, where, O where shall those go who desire to do exactly right on this question? Whom shall they follow? If that were a "parliamentary inquiry" I would put it to you, Mr. Chairman, and I know you would help me. I cannot understand the reasoning adopted upon these matters here. To the mind of an ordinary man it is incomprehensible how even $10,000 can be necessary for folding the few documents that we expect to send off during the next year. Gentlemen tell us that for the use of the House sixteen hundred of all our documents are printed; but there are not fifty documents like the Agricultural Report; and how much apiece would it cost to fold them if we make the appropriation here proposed?

Now, this Committee on Appropriations, before it gets the vote of a single man upon this floor for any of these appropriations—and it will certainly not get mine until I have ample information, and I am making these observations now for the purpose of eliciting that information—I say that this committee ought not to get a single vote for any one of these propositions, and will not get mine, until they show the existing necessity for each one of them, and that they have reduced the number of employés and the amount of appropriation to the lowest point and reduced the salaries to the lowest figure. I voted like a man to take $800 off my salary in voting for the bill abolishing the mileage system which was passed by the House this morning, and I am patriotic enough to apply the same kind of treatment to those who do not happen to be, as I am, a member on this floor. I am willing to say, in reference to every employé about the House connected with legislation, that I will deal fairly by all; but gentlemen who are the leaders of this House, skilled in the history of parliamentary matters, and who have gone through in detail with all the arguments of this bill, should be able to tell me plainly and distinctly, "We need so many men in that office; we need so many men in that room; and we ought to pay them so much." Until they do give us that information they will not get my vote, as I have already stated, although I do not know that will make much difference, because I was not long in discovering while we make most tremendous professions here in the way of economy we do not perform worth a cent.

The CHAIRMAN. The gentleman's time has expired.

Several MEMBERS. Go on.

Mr. WARD, of Illinois. This morning I insisted on a division, and I pressed it even at the risk of being considered a little foolish, perhaps; but I did desire to see whether the men who are employed in service here would be declared to be worth infinitely more than men anywhere else in the country. I can go into my city and find just as good men as are employed in clerkships here—just as good as are employed in any place about this House of Representatives, and get them for 50 per cent. less than you pay them here. But you cannot go to my city and get a man to take a similar position there at the salary I am now coming here for. We have to work for no honor and get no pay.

Mr. LAMPORT. Let me ask the gentleman from Illinois whether the men in his city to whom he refers are the men who cried out for "bread or blood?"

Mr. WARD, of Illinois. I do not see the point of the gentleman's question. My constituents are willing to work, the people where I live are willing to work, for less pay than these men who are employed about this Capitol. I protest, I protest in the name of the very men he speaks of here as crying for "bread or blood" in my city. But of course there was no such cry; that is all in my eye.

Mr. LAMPORT. It was so reported in the papers.

Mr. WARD, of Illinois. I say I protest in their name against this discrimination here. There is no discrimination in our favor. The members on this floor do not get any pay above the average of men employed in the cities and towns from which they come. I protest against the discrimination in favor of the employés of this House and against those employed in important services elsewhere. I protest against being asked to vote for a bill making appropriations in reference to which charges have been made by my political opponents that there are embraced in them things which are all wrong; and until the chairman and the members of the Committee on Appropriations agree among themselves to point out the existing necessity for these appropriations, and as to the number of these employés and the amount to be paid, I shall vote against them.

Mr. GARFIELD. I sympathize deeply with my friends in the West, but I do not know there is balm in any Gilead for them. The Committee on Appropriations have had no divisions on this point, nor have I seen any sign of any division on the general question. That committee brought in the bill, and as far as we have gone have reduced appropriations. The appropriation for the employés of our own House has been cut down. We have taken from our own salaries $750,000. That has been already passed. To-day by an overwhelming vote we have cut off, if the bill should become a law, $130,000 in the way of mileage. In addition we have just now on the whole subject of the employés of this House, other than the members, made a reduction of $47,170 less than the same officers received last year, and less by $183,193 than the estimate for this year. Still the gentleman is not happy; still the gentleman thinks there is trouble in the camp and difficulty in the Committee on Appropriations.

On the very subject now before the committee on which the House and the Senate have appropriated $100,000 a year for the last three years the Committee on Appropriations have gone over it carefully and cut it down to $50,000 instead of $100,000 and have recommended no other sum, except one member of the committee who thought it possible we might not need all that. We thought it was wiser to appropriate enough against uncertain contingencies and as to what amount of printing would be ordered, rather than be compelled to bring in a deficiency bill hereafter.

That is all there is about the merits of the vote. The question of consolidating the two organizations of folding-rooms into one is a very plain business proposition. The committee, as a committee, did not make it, for the simple reason that it would have been ruled out of order if the point of order was made on it. But we saw that the spirit of the Committee of the Whole was in favor of something like that, and my colleague on the committee, the gentleman from Maine, very properly offered a proposition to consolidate. We do not care whether the consolidation is under the Door-keeper or under the Clerk. But to have it under one head instead of two is wise and economical. I hope we shall have a vote in favor of the consolidation.

Mr. WARD, of Illinois. In saying "we have reduced our own salaries and cut off the mileage," does the gentleman mean to say "we," the Committee on Appropriations, in this bill?

Mr. GARFIELD. I was speaking of a wider "we;" I mean we, this Congress.

The CHAIRMAN. Debate is exhausted on the pending amendments. The Clerk will again report the amendment offered by the gentleman from Maine, [Mr. HALE.]

The Clerk read as follows:

In line 177, after the word "dollars" add the following:
Provided, That after the 30th of June, 1874, all the folding of the House shall be done through the Clerk of the House, and the two folding-rooms now existing shall be united under that officer.

The CHAIRMAN. The gentleman from Illinois [Mr. WARD] renews the amendment of the gentleman from Minnesota, [Mr. DUNNELL,] to amend the amendment of the gentleman from Maine by striking

out the word "Clerk" and inserting in lieu thereof the word "Door-keeper." The question will be first on the amendment of the gentleman from Illinois.

Mr. COBB, of Kansas. I desire to ask a question. Would the amendment to the amendment make the law exactly as it now is by placing these services under the charge of the Door-keeper?

Mr. GARFIELD. No; it consolidates under one officer services which are now under the control of two officers.

Mr. MYERS. As I understand it, these rooms are now under the charge of the Door-keeper and one under the charge of the Clerk. The proposition of the gentleman from Illinois would put both under the Door-keeper, while that of the gentleman from Maine would put both under the Clerk.

The CHAIRMAN. The gentleman from Pennsylvania has stated correctly the effect of the amendments.

The question being taken on the amendment to the amendment, there were—ayes 70, noes 51; no quorum voting.

Mr. COBB, of Kansas, called for tellers.

The Chair ordered tellers; and appointed Mr. WARD of Illinois and Mr. HALE of Maine.

The committee again divided; and the tellers reported—ayes 75, noes 73.

So the amendment to the amendment was agreed to.

The CHAIRMAN. The question recurs on the amendment of the gentleman from Maine [Mr. HALE] as amended by the amendment of the gentleman from Illinois, [Mr. WARD.]

The question being taken, there were—ayes 32, noes 83; no quorum voting.

The Chair ordered tellers; and appointed Mr. HOLMAN and Mr. HALE of Maine.

Mr. HAZELTON, of Wisconsin. I desire to make a parliamentary inquiry. If this amendment is lost does it leave the law precisely as it is at present?

The CHAIRMAN. It does.

Mr. HALE, of Maine. I do not myself call for a further count.

Mr. HOLMAN. I insist on a further count. And I ask that the amendment as amended be again read.

The amendment as amended was again read.

Mr. POTTER. I desire to call the attention of the Chair to the fact that since the amendment of the gentleman from Maine [Mr. HALE] has been amended, the gentleman from Maine has become opposed to his own amendment, or else the tellers are both on the same side.

The committee again divided; and the tellers reported—ayes 51, noes 75.

Mr. HOLMAN. I do not insist on a further count.

So the amendment as amended was not agreed to.

Mr. WILLARD, of Vermont. I now renew my amendment to strike out "$50,000" and insert "$30,000;" so it will read, "for folding documents, including pay of folders in the folding-rooms and materials, $30,000."

Mr. RANDALL. I move to amend the amendment of the gentleman from Vermont by making the amount $25,000.

Mr. WILLARD, of Vermont. I desire just to say in one word that the appropriation for this service in 1860 was $30,000, and that in 1866 it was $30,000. I have selected these two years, one being before and the other after the war.

Mr. RANDALL. The gentleman should remember that that was under the franking privilege, and now we have none.

Mr. SOUTHARD. I move to amend by making the amount $15,000.

The CHAIRMAN. Only one amendment to the amendment can be received.

Mr. RANDALL. I accept the amendment of the gentleman from Ohio, [Mr. SOUTHARD.]

The question being taken on Mr. RANDALL'S amendment as modified, making the amount $15,000, it was not agreed to.

Mr. RANDALL. I now renew my amendment to the amendment to make the amount $25,000.

The question being taken on Mr. RANDALL'S amendment to the amendment, there were—ayes 59, noes 61; no quorum voting.

The Chair ordered tellers; and appointed Mr. MYERS and Mr. RANDALL.

Mr. COBB, of Kansas. I make the point of order, that the Chair has announced the number of members who have voted on either side, and that one-fifth of a quorum of this House has not asked for tellers.

Mr. RANDALL. No quorum has voted.

The CHAIRMAN. Does the gentleman from Kansas desire further reply than has been given by the gentleman from Pennsylvania?

The committee again divided; and the tellers reported—ayes 69, noes 47.

Mr. MYERS. I do not insist on a further count.

So Mr. RANDALL'S amendment was agreed to.

The CHAIRMAN. The question recurs on the amendment of the gentleman from Vermont as amended, the amount of $25,000 having been inserted.

The question being taken; there were—ayes 81, noes 45.

So the amendment, as amended, was adopted.

Mr. WADDELL. I move that the committee do now rise.

Mr. GARFIELD. O, no; let us go on a little longer, and then I will move that the committee rise.

Mr. WADDELL. I withdraw my motion.

Mr. MCKEE. I move to insert after the paragraph ending on line 177, providing for the folding of documents, including pay of folders, &c., the following proviso:

Provided, That no part of this appropriation shall be used in paying over twenty folders.

Mr. HOSKINS. I rise to a point of order; I submit that that amendment is liable to the objection that it changes existing laws.

The CHAIRMAN. The amendment, as offered by the gentleman from Mississippi, is in the nature of a limitation upon the appropriation. The Chair thinks that it is in order, and overrules the point of order raised by the gentleman from New York, [Mr. HOSKINS.]

Mr. MCKEE. I desire to state in a few words the reason why I offer this amendment. We cannot be economical, neither can the Door-keeper be economical, so long as everybody wants to put John Jones, or Tom Smith, or Dick Somebody, into the folding-room. The trouble with the folding-room is that it has been made a refuge for men who want places and have not been able to get them elsewhere. When a member cannot get a man a consulship he sends him into the folding-room; when he cannot get a man appointed minister to Mexico, he sets him to work folding documents here.

Now, sir, I am opposed to this thing of providing places here for men who are desirous of serving Uncle Sam, and I think we had better restrict the number of folders to twenty.

Mr. WARD, of Illinois. Does the gentleman know how many are now employed?

Mr. MCKEE. There are now employed under the name of folders—I do not know how many are employed under other names—fifty-six persons. Now that is about one folder to every three or four Congressmen. We must keep them very busy. I do not know what they are doing down there; but I tell you that it is not necessary that we should have so many. Gentlemen near me say that if I will sit down they will carry my amendment, so I will say no more.

The question was taken on Mr. MCKEE'S amendment; and on a division there were ayes 82, noes not counted.

So the amendment was agreed to.

Mr. BUTLER, of Tennessee. I move to amend by adding to the amendment just adopted the following:

That the twenty folders shall be from Maine and Mississippi.

Mr. SPEER. I make the point of order that that changes existing law.

Mr. MCKEE. I move to amend the amendment by striking out "Maine."

Mr. PARKER, of Missouri. What existing law does the amendment of the gentleman from Tennessee change?

Mr. SPEER. There is no existing law requiring them to be appointed from those two States, although the fact may be that they are.

The CHAIRMAN. The point of order raised by the gentleman from Pennsylvania is not well taken.

Mr. HOSKINS. I move as an amendment to the amendment to strike out "Maine and Mississippi," and insert in lieu thereof "the district represented by the gentleman from Mississippi, [Mr. MCKEE."]

Mr. SENER. There is already an amendment to the amendment pending.

Mr. MCKEE. I will accept the amendment of the gentleman from New York.

Mr. STARKWEATHER. I hope these frivolous proceedings will go no further. Let us get on with the bill.

The CHAIRMAN. Does the gentleman from New York [Mr. HOSKINS] insist on his amendment to the amendment?

Mr. HOSKINS. No, sir.

Mr. BUTLER, of Tennessee. I withdraw my amendment.

The Clerk proceeded with the reading of the bill, and read as follows:

For packing-boxes, $3,020.

Mr. COBB, of Kansas. I move to strike out that clause. We have started this morning for purposes of economy. We have repealed the law providing for mileage for members. Now, I am told—as a new member I know nothing at all about it—that when the session closes we all have little boxes made down-stairs here, and this appropriation of $3,020 is to pay for them.

A MEMBER. Each member has three boxes.

Mr. COBB, of Kansas. So far as I am concerned, I did not come here for the purpose of being put in a box; I do not desire to go home in a box; in fact, if possible, I want to go home about the same way I came, and I should like very well to draw mileage if it were possible. But, inasmuch as we are economical, and have to-day been voting for the purpose of cutting down the pay of the one-armed soldiers around this Capitol, and have for the most part in fact cut down the pay of the employés of this House, let us now go right to the root of the matter and cut down our own compensation where we have an opportunity to do it.

So far as I am concerned, as a member of this House I want the people to know distinctly every dollar of money that I draw as a member; and I do not propose to have boxes charged against me by the

people of my district as a part of the perquisites I have received as a member of Congress. I hope the House will strike out this appropriation, for the same reason that we have voted to cut off mileage this morning and that we voted to reduce our salaries, for the reason that every Congressman is receiving a great deal more money than he ought to have.

Mr. CRITTENDEN. I would ask the gentleman if he has yet got his boxes?

Mr. COBB, of Kansas. No; and I do not want any boxes.

The question was taken on the amendment offered by Mr. COBB, of Kansas; and there were—ayes 47, noes 73; no quorum voting.

The CHAIRMAN put the question on ordering tellers; and only 8 members voted therefor.

The CHAIRMAN. The gentleman from Kansas raised the point of order that tellers could not be ordered unless one-fifth of a quorum voted therefor. Tellers, therefore, are not ordered; and the amendment is disagreed to.

Mr. COBB, of Kansas. I rise to a question of order.

The CHAIRMAN. The Clerk will continue the reading of the bill.

Mr. COBB, of Kansas. I rise to a question of order.

The CHAIRMAN. The gentleman will please state his point of order.

Mr. COBB, of Kansas. It is that a quorum did not vote.

The CHAIRMAN. The point of order, if made in time, would have been well taken. The Clerk will continue the reading.

Mr. COBB, of Kansas, (standing in the middle aisle in front of the Clerk's desk.) I raise the point of order——

Mr. PLATT, of Virginia. I make the point of order that the gentleman from Kansas [Mr. COBB] must address the Chair from his own seat.

The CHAIRMAN. The point of order of the gentleman from Virginia [Mr. PLATT] is well taken. The gentleman from Kansas [Mr. COBB] will please resume his seat.

Mr. COBB, of Kansas. I raise the point of order——

The CHAIRMAN. The gentleman will please resume his place.

Mr. COBB, of Kansas, returned to his seat.

Mr. RICE. I move that the committee rise.

Mr. HALE, of New York. I make the point of order that the gentleman from Kansas [Mr. COBB] has a right to speak in front of the Clerk's desk.

The CHAIRMAN. That point of order is well taken; but the gentleman from Kansas was in the middle aisle, some fifteen feet from the Clerk's desk.

Mr. WARD, of Illinois. I desire to say with reference to the gentleman from Kansas——

Mr. COBB, of Kansas, (from his seat.) I ask consent of the committee——

Mr. MYERS. I think the gentleman from Kansas should be allowed an opportunity to be heard.

Mr. WARD, of Illinois. And he will get it.

The CHAIRMAN. The gentleman from Kansas asks consent to be heard.

Mr. COBB, of Kansas. It is a question of but little importance to me as an individual; but it is of some importance to this House. I desired to raise the point of order that a quorum did not vote upon my amendment, and that the Chair, by his hasty way of refusing tellers, gave me no opportunity to call for them. I now desire to call for tellers upon my amendment, for the purpose of vindicating my right and that of every other member of this committee to be heard, and to have any amendment he may submit fairly tested.

The CHAIRMAN. The committee will bear witness that the Chair has taken exceeding pains to be not only courteous but impartial toward every member of this committee. Before the point of order was raised the count had been announced by the Chair, the Clerk had been directed to proceed with the reading, a gentleman had risen to move an amendment to the succeeding paragraph, and had been recognized by the Chair. With entire courtesy toward the gentleman from Kansas [Mr. COBB] and toward all the committee the Chair has simply desired to expedite the business of this committee, as seemed to be the wish of members. The Clerk will continue the reading.

Mr. GARFIELD. I move that the committee now rise.

Mr. HALE, of New York. I rise to a question of order. My question of order is that at the moment the Chair announced the result of the vote the gentleman from Kansas was on his feet, manifestly seeking to call for tellers.

Mr. McNULTA. That is clearly so.

Mr. HOLMAN. It seems to me that the gentleman from Kansas should certainly have the benefit of the ordinary rules of the House in testing the sense of the committee upon his amendment.

The CHAIRMAN. The Chair had not, and could not have, the slightest inclination to prevent any count that might be desired. If the members of the committee desire to have a count by tellers——

Mr. GARFIELD. I ask that the count be taken by tellers, and then I will move that the committee rise.

Mr. HALE, of New York. I rise to another question of order. It is that, according to the vote as announced by the Chair, there was no quorum voting. It was, therefore, the duty of the Chair, under the rule and without any requirement on the part of the committee, to appoint tellers and order the vote to be taken by them.

The CHAIRMAN. The Chair will refer to the record and ascertain whether a quorum voted or not. The fact is that so much noise was made at the time that it was impossible for the Chair to tell whether a quorum voted or not. The Clerk will refer to the record and inform the Chair whether there was or not a quorum voting.

Mr. GARFIELD. The question turns upon whether a further count is asked; not upon whether a quorum voted or not.

The CHAIRMAN. The clerk who has the record of the vote has left the Hall. The Chair, however, is willing to accept the statement of gentlemen that a quorum did not vote, and will take the sense of of the committee upon ordering tellers.

Mr. HALE, of New York. I raise the point of order that it is not competent for the Chair to take the sense of the committee upon ordering tellers, but it is the duty of the Chair under the rule to order tellers.

Mr. KELLOGG. I rise to a question of order.

Mr. HALE, of New York. Can a second question of order be entertained until the one I have raised has been disposed of?

The CHAIRMAN. The Chair does not know whether a quorum voted or not.

Mr. HALE, of New York. I understood the Chair to state that he would accept the statement of any gentleman to that effect. I make the statement that a quorum did not vote.

The CHAIRMAN. The Chair accepts the statement of the gentleman, and will order tellers. The gentleman from Kansas, Mr. COBB, and the gentleman from New York, Mr. HALE, will act as tellers. [After a pause.] The record has been brought to the attention of the Chair, showing that a quorum did not vote on the amendment of the gentleman from Kansas. It is therefore the duty of the Chair to order tellers, which he has done, and they will take their places.

The committee proceeded to vote; and the tellers reported that there were—ayes 62, noes 71; no quorum voting.

Mr. COBB, of Kansas, (one of the tellers.) I do not ask for a further count.

The CHAIRMAN. The committee has seemed to be desirous of taking the vote by tellers, and the Chair will insist upon the vote being so taken. If no quorum shall vote the Chair will direct the roll to be called, and report the absentees to the House.

The count was completed; and the tellers reported that there were—ayes 71, noes 81.

So the amendment was not adopted.

Mr. GARFIELD. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WOODFORD reported that, pursuant to the order of the House, the Committee of the Whole on the state of the Union had had under consideration the state of the Union generally, and particularly the bill (H. R. No. 2064) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes, and had come to no resolution thereon.

DWIGHT J. M'CANN.

Mr. BUTLER, of Tennessee, from the Committee on Indian Affairs, by unanimous consent, reported back the bill (H. R. No. 2039) for the relief of Dwight J. McCann; which was referred to the Committee of the Whole on the Private Calendar, and the report accompanying the same ordered to be printed.

Mr. GARFIELD. I move that the House now adjourn.

The motion was agreed to; and accordingly (at five o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. ARCHER: The memorial of the Yearly Meeting of the Society of Friends, held at Lombard street, Baltimore, asking that the death penalty for crime may be changed to imprisonment at labor for a term of years, or for life, to the Committee on the Judiciary.

Also, the petition of the Forest Farmers' Club of Maryland, in relation to intoxicating liquors, to the Committee on the Judiciary.

By Mr. CHAFFEE: The petition of Chambers C. Davis and 44 others, of Denver, Colorado, for the repeal of the second section of the act of June 6, 1872, which reduced certain duties 10 per cent., to the Committee on Ways and Means.

By Mr. CROOKE: The petition of J. D. Hanning and 409 others, for the passage of the bill (H. R. No. 1179) granting increased pensions to disabled soldiers, to the Committee on Invalid Pensions.

By Mr. DUELL: The petition of T. J. Chaffee and 77 others, of similar import, to the same committee.

By Mr. FIELD: The petition of Alfred Chesebrough and Rufus W. Gillett of Detroit, Michigan, that the name of the schooner China may be changed to Canton, to the Committee on Commerce.

By Mr. HYDE: A paper for a post-route from Trenton to Wintersville, Missouri, to the Committee on the Post-Office and Post-Roads.

By Mr. KASSON: The memorial of Charles Francis Adams, James T. Fields, and other citizens of Massachusetts, relative to reforms in the system of weights and measures, to the Committee on Coinage, Weights, and Measures.

Also, the memorial of President Barnard and other scientific citizens, of similar import, to the same committee.

Also, the memorial of Robert C. Winthrop and others, of similar import, to the same committee.

Also, the memorial of Professor Eggleston and other scientists, of New York, of similar import, to the same committee.

Also, the memorial of President Jackson, of Trinity College, Connecticut, and others, of similar import, to the same committee.

Also, the memorial of professors of Trinity College, of similar import, to the same committee.

By Mr. KELLEY: The petition of the Zoological Society of Philadelphia, that collections of animals, &c., for said society may be imported free of duty, to the Committee on Ways and Means.

By Mr. McCRARY: The petition of Daniel Carter, for a pension, to the Committee on Invalid Pensions.

By Mr. SAYLER, of Indiana: The petition of 68 citizens of Franklin County, Missouri, for the passage of a law authorizing the manufacture of patent-right articles by others than the owners of patent-rights upon the payment of a reasonable royalty thereon, to the Committee on Patents.

Also, the petition of 29 citizens of Vigo County, Indiana, of similar import, to the same committee.

Also, the petition of 26 citizens of Howard County, Indiana, of similar import, to the same committee.

Also, the petition of 29 citizens of Vermilion County, Illinois, of similar import, to the same committee.

Also, the petition of 14 citizens of Lancaster County, Nebraska, of similar import, to the same committee.

Also, the petition of 15 citizens of Montgomery County, Maryland, of similar import, to the same committee.

Also, the petition of 10 citizens of Monroe County, Pennsylvania, of similar import, to the same committee.

Also, the petition of 30 citizens of Woodford County, Kentucky, of similar import, to the same committee.

Also, the petition of 18 citizens of Mercer County, New Jersey, of similar import, to the same committee.

Also, the petition of 22 citizens of Racine County, Wisconsin, of similar import, to the same committee.

Also, the petition of 22 citizens of Marshall County, Illinois, of similar import, to the same committee.

Also, the petition of 27 citizens of Gage County, Nebraska, of similar import, to the same committee.

Also, the petition of 18 citizens of Medina County, Ohio, of similar import, to the same committee.

Also, the petition of 19 citizens of Benton County, Iowa, of similar import, to the same committee.

Also, the petition of 20 citizens of Granville County, North Carolina, of similar import, to the same committee.

Also, the petition of 18 citizens of Saline County, Kansas, of similar import, to the same committee.

Also, the petition of 15 citizens of Atchison County, Kansas, of similar import, to the same committee.

Also, the petition of 22 citizens of Mitchell County, Kansas, of similar import, to the same committee.

Also, the petition of 11 citizens of Coffey County, Kansas, of similar import, to the same committee.

Also, the petition of 9 citizens of Cass County, Illinois, of similar import, to the same committee.

Also, the petition of 23 citizens of Spencer County, Illinois, of similar import, to the same committee.

Also, the petition of 16 citizens of Hancock County, Indiana, of similar import, to the same committee.

Also, the petition of 31 citizens of Wayne County, New York, of similar import, to the same committee.

Also, the petition of 9 citizens of Hillsborough County, New Hampshire, of similar import, to the same committee.

Also, the petition of 13 citizens of Warrick County, Indiana, of similar import, to the same committee.

Also, the petition of 23 citizens of Warren County, Ohio, of similar import, to the same committee.

Also, the petition of 18 citizens of Bourbon County, Kansas, of similar import, to the same committee.

Also, the petition of 130 citizens of Boone County, Missouri, of similar import, to the same committee.

Also, the petition of 43 citizens of Will County, Illinois, of similar import, to the same committee.

Also, the petition of 27 citizens of Clayton County, Georgia, of similar import, to the same committee.

Also, the petition of 22 citizens of Howard County, Maryland, of similar import, to the same committee.

Also, the petition of 20 citizens of Hickman County, Kentucky, of similar import, to the same committee.

Also, the petition of 22 citizens of Jefferson County, Tennessee, of similar import, to the same committee.

Also, the petition of 14 citizens of McDougal County, Illinois, of similar import, to the same committee.

Also, the petition of 67 citizens of Knox County, Illinois, of similar import, to the same committee.

Also, the petition of 26 citizens of Jefferson County, Kansas, of similar import, to the same committee.

Also, the petition of 14 citizens of Shelby County, Ohio, of similar import, to the same committee.

Also, the petition of 20 citizens of Frederick County, Virginia, of similar import, to the same committee.

Also, the petition of 13 citizens of Cocke County, Tennessee, of similar import, to the same committee.

Also, the petition of 16 citizens of Orleans County, New York, of similar import, to the same committee.

Also, the petition of 25 citizens of Pike County, Mississippi, of similar import, to the same committee.

Also, the petition of 7 citizens of Randolph County, North Carolina, of similar import, to the same committee.

Also, the petition of 42 citizens of Grant County, Kentucky, of similar import, to the same committee.

Also, the petition of 23 citizens of Saint Joseph County, Iowa, of similar import, to the same committee.

Also, the petition of 28 citizens of Pickens County, Alabama, of similar import, to the same committee.

Also, the petition of 17 citizens of Huntington County, Iowa, of similar import, to the same committee.

Also, the petition of 23 citizens of Saint Joseph County, Michigan, of similar import, to the same committee.

Also, the petition of 24 citizens of Mercer County, Kentucky, of similar import, to the same committee.

Also, the petition of 25 citizens of Darke County, Ohio, of similar import, to the same committee.

Also, the petition of 24 citizens of Lee County, Mississippi, of similar import, to the same committee.

Also, the petition of 19 citizens of Buchanan County, Iowa, of similar import, to the same committee.

Also, the petition of 14 citizens of Randolph County, Indiana, of similar import, to the same committee.

Also, the petition of 16 citizens of Cass County, Indiana, of similar import, to the same committee.

Also, the petition of 27 citizens of Hillsdale County, Michigan, of similar import, to the same committee.

Also, the petition of 14 citizens of Logan County, Ohio, of similar import, to the same committee.

Also, the petition of 28 citizens of Lawrence County, Indiana, of similar import, to the same committee.

Also, the petition of 22 citizens of Woodson County, Kansas, of similar import, to the same committee.

Also, the petition of 19 citizens of El Dorado County, California, of similar import, to the same committee.

Also, the petition of 23 citizens of Shelby County, Kentucky, of similar import, to the same committee.

Also, the petition of 20 citizens of Bourbon County, Kentucky, of similar import, to the same committee.

Also, the petition of 19 citizens of Reno County, Kansas, of similar import, to the same committee.

Also, the petition of 23 citizens of Branch County, Michigan, of similar import, to the same committee.

Also, the petition of 18 citizens of Franklin County, Iowa, of similar import, to the same committee.

Also, the petition of 17 citizens of Piatt County, Illinois, of similar import, to the same committee.

Also, the petition of 25 citizens of Prince George's County, Maryland, of similar import, to the same committee.

By Mr. STRAIT: The petition of citizens of Minnesota, for a post-route from Marshall, Minnesota, to Lake Kampeska, Dakota, to the Committee on the Post-Office and Post-Roads.

By Mr. WALLACE: The memorial of Robert K. Scott, of South Carolina, in relation to charges made against him, to the Committee on the Judiciary.

By Mr. ———: The petition of citizens of Alta City and Salt Lake County, Utah, for grant of right of way for a toll-road in Little Cottonwood County, Utah, to the Committee on the Public Lands.

IN SENATE.

THURSDAY, *April* 16, 1874.

Prayer by the Rev. THOMAS GALLAUDET, D. D., of New York.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore*. The Chair presents resolutions from the industrial congress of the United States, in the form of a memorial, signed by its president and secretary. As the paper is short, the Chair will read it:

The following resolutions were unanimously passed by the industrial congress of the United States:

Resolved, That the industrial congress of the United States, representing the interests of the producing classes, hereby enters its protest against the extension of the currency issued by or through the influence of the national banking system, believing it to be the robber of labor and the sum of all villainies.

Resolved, That we demand the issue of a circulating medium issued directly by the Government to the people, the same to be a legal tender for debts public and

private, based on the faith and resources of the country, without the intervention of the so-called national banks.

ROBERT SCHILLING,
President.

BYRON POPE, *Secretary.*

The resolutions were referred to the Committee on Finance.

Mr. LOGAN presented the petition of Lyman Guinnip, praying payment of expenses incurred on account of imprisonment through false charges of rebels during the late war; which was referred to the Committee on Claims.

Mr. MORTON presented the petition of Jesse D. Carmichael, of Indianapolis, Indiana, praying the passage of an act declaring the true intent of section 4 of the act of 1806, which provides that suits on marshal's bonds shall be commenced within six years after the right of action shall have accrued and not afterward, and praying that the limitations prescribed by that section shall apply to and include the Government; which was referred to the Committee on the Judiciary.

He also presented the petition of citizens of Zanesville, Ohio, in favor of an extension of the currency; which was ordered to lie on the table.

Mr. PATTERSON presented the memorial of Hon. R. K. Scott, of South Carolina, in vindication of his administration as governor of South Carolina; which was referred to the Committee on the Judiciary.

Mr. RAMSEY presented a communication of the Postmaster-General, addressed to Hon. J. G. CANNON, chairman sub-Committee on the Post-Office and Post-Roads of the House of Representatives, transmitting additional information relative to the prepayment of postage on newspapers and other matter of the second class, &c.; and it was ordered to be printed for the use of the Committee on Post-Offices and Post-Roads of the Senate.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. STEVENSON, it was

Ordered, That the petition and papers of Martha C. Vaughan and Louisa Jackman be taken from the files and referred to the Committee on Military Affairs.

CIVIL RIGHTS.

Mr. FRELINGHUYSEN. I give notice that on Tuesday next I shall call up the bill (S. No. 1) supplementary to an act entitled "An act to protect all citizens of the United States in their civil rights and to furnish the means for their vindication," passed April 9, 1866, and ask the Senate to proceed with its consideration.

REPORTS OF COMMITTEES.

Mr. SHERMAN, from the Committee on Finance, to whom was referred the petition of James T. Barclay, praying for the adoption by the mint of the United States of his improvements to prevent the abrasion or counterfeiting of coin, reported adversely thereon, and the committee was discharged from the further consideration of the petition.

He also, from the same committee, to whom were referred the bill (H. R. No. 2878) to amend the twenty-fifth section of the coinage act of 1873, and the bill (H. R. No. 2876) to amend the coinage act of 1873, reported adversely thereon, and the bills were postponed indefinitely.

Mr. JOHNSTON, from the Committee on Patents, to whom was referred the petition of James C. Cook, of Bridgeport, Connecticut, praying for the extension of his patent improvement in the manufacture of webbing, submitted an adverse report thereon; which was adopted, and the committee was discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of Samuel Wethered, of Maryland, praying for the extension of his patent for an improvement in carding, submitted an adverse report thereon; which was adopted, and the committee was discharged from the further consideration of the petition.

Mr. MORRILL, of Maine, from the Committee on Appropriations, to whom was referred the bill (H. R. No. 2787) to provide for the sale of the present United States marine hospital and site and the purchase of a new site and erection thereon of a new marine hospital, in the city of Pittsburgh, Pennsylvania, asked to be discharged from its further consideration, and that it be referred to the Committee on Commerce; which was agreed to.

Mr. RAMSEY, from the Committee on Post-Offices and Post-Roads, to whom was referred a resolution of the Legislature of Missouri requesting the establishment of a daily mail each way over the Cairo, Arkansas and Texas Railroad, between Cairo, Illinois, and Poplar Bluff, Missouri, asked to be discharged from its further consideration, and that it be transmitted to the Postmaster-General; which was agreed to.

Mr. CHANDLER, from the Committee on Commerce, to whom was referred the bill (H. R. No. 2667) to enable the Secretary of the Treasury to gather authentic information as to the condition and importance of the fur trade in the Territory of Alaska, reported it without amendment.

Mr. PRATT, from the Committee on Pensions, to whom was referred the bill (H. R. No. 1719) granting a pension to Ezra H. Foster, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 2791) granting a pension to Franklin Stoner, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 1439) granting a pension to John Folger, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the Committee on Claims, to whom was referred the petition of G. M. Grund, John Heller, and others, members of the German Evangelical church of Martinsburgh, West Virginia, praying compensation for the destruction of their church during the late war by fire while occupied and used by the United States troops as their quarters, submitted a report accompanied by a bill (S. No. 709) for the relief of the trustees of the German Evangelical church at Martinsburgh, West Virginia.

The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. INGALLS, from the Committee on Pensions, to whom was referred the bill (H. R. No. 1866) granting a pension to Dennis McCarthy, a soldier of the Mexican war, reported it without amendment.

Mr. INGALLS. The same committee, to whom was referred the bill (H. R. No. 599) for the relief of Ada H. McDonald, of Nashville, Tennessee, have directed me to report that it appears upon investigation that on March 3, 1873, by special act, the petitioner was placed on the pension-roll, and therefore to ask that the bill be indefinitely postponed.

The bill was postponed indefinitely.

Mr. HAMILTON, of Texas, from the Committee on Pensions, to whom was referred the bill (H. R. No. 1835) granting a pension to Mary A. Lowe, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 2679) granting a pension to George Dayspring, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 2217) granting a pension to Henry Bruckner, late a private of Company F, Fifty-eighth Regiment Illinois Volunteers, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. CONOVER, from the Committee on Naval Affairs, to whom was referred the petition of Elijah Laws, chief engineer of the United States Navy, praying compensation as such, of which he was deprived by the act of July 25, 1866, which changed first assistant engineers from warrant to commissioned officers, submitted a report thereon accompanied by a bill (S. No. 710) for the relief of E. Laws, chief engineer United States Navy.

The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. STOCKTON, from the Committee on Public Buildings and Grounds, who were directed by a resolution of the Senate to inquire as to the expediency of erecting in the city of Washington the naval monument now in process of construction by Franklin Simmons, reported a bill (S. No. 711) providing for the completion and location of the naval monument; which was read, and passed to a second reading.

Mr. DENNIS, from the Committee on Commerce, to whom was referred the bill (S. No. 482) to authorize the construction of a bridge across the Willamette River at Salem, in the State of Oregon, reported it without amendment.

BOARD OF INDIAN COMMISSIONERS.

Mr. MORRILL, of Maine. The Committee on Appropriations, to whom was referred the bill (H. R. No. 2867) to authorize the use of certain unexpended balance for payment of expenses of board of Indian commissioners, have instructed me to report it back with a recommendation that the Senate concur in the action of the House. I ask for the present consideration of the bill, as there is a pressing necessity for it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which authorizes the Secretary of the Interior to use, for the payment of the expenses of the board of Indian commissioners, for the year ending June 30, 1874, the unexpended balance of the appropriation made for that purpose by the act of May 29, 1872; that unexpended balance being $8,061.71.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SCHOONER CHINA.

Mr. CHANDLER. I am directed by the Committee on Commerce, to whom was referred the petition of the owners of the schooner China asking for the change of its name, to report a bill and recommend its passage. I ask unanimous consent for its passage now. It is very brief.

By unanimous consent, the bill (S. No. 708) to change the name of the schooner China was read three times, and passed. The bill grants authority to the owners of the schooner China, built at Trenton, Michigan, in 1873, and registered at Detroit, to change its name to Canton.

LOUISVILLE AND PORTLAND CANAL.

Mr. SCOTT. If there are no more reports of committees, I ask that the Senate proceed to the consideration of the amendment of the

House of Representatives to the bill (S. No. 350) in relation to the Louisville and Portland Canal Company.

The PRESIDENT *pro tempore*. The amendment of the House of Representatives is a substitute for the Senate bill and the Committee on Finance report amendments to the House amendment.

The Chief Clerk proceeded to read the amendment of the House of Representatives.

Mr. CHANDLER. What is the motion before the Senate?

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Committee on Finance to the amendment of the House of Representatives.

Mr. CHANDLER. Has the motion to postpone been put? The bill was read for information, as I understand.

The PRESIDENT *pro tempore*. It has been read for information. The Senator from Pennsylvania asks the unanimous consent of the Senate to proceed to its present consideration.

Mr. CHANDLER. I object to that. I should like to have that printed. If I understand it—I have never seen it—the proposition is to pay some million or two of dollars for a lawsuit.

The PRESIDENT *pro tempore*. If the Senator objects the Chair will put the question.

Mr. SCOTT. I inquired of the Chair if there were any other reports of committees, and I then moved to proceed to the consideration of this bill.

The PRESIDENT *pro tempore*. The morning-hour business has not yet been concluded. Bills and resolutions have not been called for. Therefore, a single objection will put this matter over at present.

Mr. SCOTT. Will not the Senator consent that it be taken up subject to the morning business?

Mr. CHANDLER. I desire to resist its being taken up when the time comes.

The PRESIDENT *pro tempore*. The Senator from Michigan objects.

Mr. STEVENSON. I move to pass by the morning business and take this bill up.

The PRESIDENT *pro tempore*. The motion is out of order until the morning business is disposed of.

Mr. SCOTT. As soon as the morning business is disposed of I will move to proceed to its consideration.

BILLS INTRODUCED.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 712) to enable disabled soldiers to receive money commutations upon orders for artificial limbs that are dated before June 16, 1870; which was read twice by its title, and referred to the Committee on Pensions.

Mr. INGALLS (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 713) making additions to the fifteenth section of the act approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862;" which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. WINDOM (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 714) to authorize the Attorney-General of the United States to inquire into the condition and title to the lands of the ex-mission of San Buenaventura, in the State of California; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. CARPENTER, (Mr. ANTHONY in the chair.) I ask leave to introduce a joint resolution for the purpose of reference, which I ask to have read at length and referred to the Committee on Foreign Relations.

By unanimous consent, leave was granted to introduce a joint resolution (S. R. No. 8) recognizing the independence of Cuba; and it was read twice, and is as follows:

Whereas it is the clear and undoubted right of any American colony to sever its connection with the mother country and establish itself as an independent nation whenever the good of its people requires it; and whereas the people of Cuba have declared themselves free and independent of the government of Spain, have established a government for themselves, and abolished negro slavery, and for more than five years have successfully resisted all the efforts of Spain to reduce them to submission and re-establish the condition of negro slavery in that island; and whereas the war between Spain and Cuba has been, and is now being, conducted with a degree of barbarity shocking to all Christendom, and there is no reasonable prospect that Spain will ever be able to re-establish dominion over the people of Cuba; and whereas in consequence of the proximity of the seat of war to the United States, the war has been and is injurious to the people of the United States, and it is evident that a prolongation of the contest will result only in great suffering and bloodshed, to be followed by the ultimate recognition of the independence of Cuba by Spain herself: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it has become the duty of the United States to recognize Cuba as one of the independent nations of the earth.

And be it further resolved, That the United States will observe strict neutrality between the contending parties during the further prosecution of the war; and will accord to each of them belligerent rights and equal privileges and advantages in all ports and places within the United States.

The resolution was referred to the Committee on Foreign Relations, and ordered to be printed.

LOUISVILLE AND PORTLAND CANAL.

The PRESIDENT *pro tempore*. The morning business seems to be concluded.

Mr. SCOTT and Mr. WINDOM addressed the Chair.

The PRESIDENT *pro tempore*. The Senator from Minnesota.

Mr. WINDOM. I ask unanimous consent to take up the bill (S. No. 655) to enable the Mennonites from Russia to effect permanent settlement on the public lands of the United States.

The PRESIDENT *pro tempore*. The Chair would have recognized the Senator from Pennsylvania who first rose to his feet but for the fact that he supposed the Senator from Minnesota rose with morning business. The Chair will therefore recognize the Senator from Pennsylvania.

Mr. WINDOM. My notice antedates that of the Senator from Pennsylvania, because I gave notice two days ago.

The PRESIDENT *pro tempore*. The Chair cannot act on the notice of the Senator, as the Senator from Pennsylvania rose to obtain the floor.

Mr. SCOTT. I now move to proceed to the consideration of the amendment of the House of Representatives to the bill (S. No. 350) providing for the payment of the bonds of the Louisville and Portland Canal Company.

Mr. CONKLING. I am not going to be the sole objector to taking up this bill. I am not going to object on my own behalf at all. I rise, however, to suggest to the Senator from Pennsylvania that it is a little premature to ask us to take up this matter now in the morning hour. The report was made yesterday, or rather it was printed yesterday. I have read it myself, having been able this morning to read it in a street-car, as one can read a somewhat long report in such a place; and but for that I should not have been able to look into it. I imagine that not one in ten of the Senators present has either read or had the opportunity to read the report. It is an important matter; and I suggest to my friend that if at an early time, to-morrow, or next day, or whenever he pleases, he moves to take up the bill, it will afford a little better opportunity than has been given now for understanding it. Certainly there can be no choice of days between to-day and to-morrow or next day, so that I suggest to him, not by way of making an objection, that it would be well to invite the attention of the Senate to it for at least twenty-four hours before its consideration is moved, particularly as this motion is made in the morning hour with the curtailment of discussion which is necessitated by that time.

Mr. SCOTT. I have no other desire in relation to this bill than to discharge the duty imposed upon me by the Finance Committee, and it was the unanimous opinion of that committee that early action should be had upon this bill. It has already elicited some discussion in the Senate, and does present the question of whether the public interest should longer be delayed for want of action upon the bill. It is true the report was made on Tuesday and the printed report laid upon the desks of members yesterday. As to the suggestion of the Senator from New York that probably not ten members have read it, I may answer that if they do not read it when it is laid on their desks, the probability is that not more than ten will read it until it is called up for action. That is our usual practice, that unless we read a report when it is put on our tables, we never read it until it comes up; and if we are to wait until everybody reads it, the probability is that that would be the most effectual way of defeating action on the bill.

I have discharged the duty imposed on me, having made the report of moving to take up the question in the Senate. Its nature and importance are sufficiently understood to have the Senate vote intelligently on whether they will proceed to consider it or not. I think it is highly important that it should have early consideration and early action.

Mr. CONKLING. I learn something from the Senator from Pennsylvania almost always when he rises to his feet. I have done it this morning. I learn that unless we take up the file of reports, which this morning is unusually small, consisting perhaps of not more than ten or twelve reports, and read them as they are laid on our desks, we are not likely afterward to resort to them at all.

Mr. SHERMAN and Mr. SCOTT. Until the measure is called up.

Mr. CONKLING. "Until it is called up," the Senator from Ohio and the Senator from Pennsylvania add. Had I not heard that, I should have supposed that, particularly in respect of an important bill, if a Senator gave notice twenty-four or forty-eight hours in advance that he intended to move to take it up and invited the attention of Senators to the subject, at least ten Senators would be likely to cast their eye upon it. While the Senator from Pennsylvania was expressing himself, my friend on my right, [Mr. HOWE,] whose diligence in reading everything we might all imitate, inquired of me whether there was any report in this case except the bill. It is only then at this moment that that Senator has learned for the first time that there is a printed report here; and yet the Senator from Pennsylvania thinks the Senate is just as ready—I understand him to say in effect—to proceed with this measure now as it will be to-morrow morning or the next day.

Mr. MORRILL, of Maine. I ought to apologize myself for not having seen this measure at all, but my attention has not been called to it until this bill has been talked about. I certainly have no prejudice to influence my judgment. The only reason I should desire a little opportunity to examine it is that I am not well enough informed on the subject to vote upon the question. The difficulties attending the measure as it came from the House and the report which accompanied it rendered it sufficiently doubtful in the estimation of the

Senate as to what ought to be done to induce the Senate to send the matter back to a committee for more thorough investigation and report precisely as to what we should do. I hardly think that the Senate feels itself in a condition at the present moment to take this up in the morning hour without having had a better opportunity to examine the facts of the case. I only speak for myself; but I should be very glad indeed if the Senator who has charge of the bill might feel that it was consistent with his duty and the importance of the subject to allow it to go over to another day; fix to-morrow, if you choose, or any day outside of the regular business before the Senate when this measure can be fully considered. I hope the friends of this measure will not feel constrained to press it, as they very properly do; may accord so much to those who really desire to know what this is as to vote understandingly and fairly about it; and I am not in that condition, I confess.

Mr. STEVENSON. I respect the conscientious scruples of the Senator from Maine, and I can assure him that the friends of this bill do not desire that it should be pressed without a full discussion. But it is a very important and vital measure, in which the people of the entire Ohio Valley are deeply interested. For thirty years the commerce of the Ohio River has been subjected to the imposition of an onerous tax, under which the people of some six or seven States like Pennsylvania, West Virginia, Ohio, Kentucky, Indiana, Illinois, Tennessee, and others are becoming restless and impatient. Congress and the Legislatures of Kentucky and Indiana have been actively trying for not less than fifteen or twenty years to get rid of this burden——

The PRESIDENT *pro tempore*. The Chair will state that debate on the merits is not in order.

Mr. STEVENSON. I am not going to debate the merits. I say I hope the question will now be taken up, when the Senator from Maine and every other Senator will hear the reasons for prompt action on this bill and will have an opportunity to examine its provisions and then vote upon it. We can take up the report this morning, and if we are not able to dispose of it we can continue its consideration until it is disposed of. This is the continued usage of the Senate. You remember, sir, that the bill from this same committee in regard to the examination of the alcoholic liquor traffic was discussed during the morning for several days. Now prompt action is exceedingly important. Let us, then, take this report up and make progress. If there are any objections to the details of the bill when they shall have been explained by the Senator from Pennsylvania, who has charge of it, those objections can readily be removed. If we do not get through with it to-day, let us continue it every morning until the subject shall be fully discussed and disposed of. The commerce of the Ohio River will be then relieved from a taxation which has been demonstrated to have been absolutely so oppressive for twenty years past, and in the repeal and removal of which so many States are directly interested.

Mr. MORRILL, of Maine. Allow me to ask my honorable friend if he thinks it is quite fair to take up so important a bill as this in the morning hour at the expense of the Calendar, on which some progress can be made? If the morning hour is used up in this way, we shall never reach a great many private bills on the Calendar.

Mr. STEVENSON. I have a very ready answer to the Senator from Maine. I will urge the disposal of this bill now, and I will come here next Saturday, or any other Saturday, and take up the Calendar and go through it; but as the precedent has been set in regard to other bills, which I propose to extend to the Louisville and Portland Canal, I hope it will be considered.

Mr. HOWE. I did not know that this bill had been reported back to the Senate.

Mr. SCOTT. If the Senator from Wisconsin will permit me, in view of the statement made by the Senator from Maine and others that they have not looked into the report that has been made on this subject, I feel disposed to yield this morning, with notice that I will endeavor to-morrow, or if it be not opportune then at the first practicable moment, to call up the bill for action.

The PRESIDENT *pro tempore*. The motion is withdrawn.

Mr. HOWE. I wanted to say a word myself, and I thought I had the floor.

Mr. SCOTT. I shall not deprive the Senator of the opportunity of saying it.

The PRESIDENT *pro tempore*. The Chair understood the Senator from Wisconsin to yield to the Senator from Pennsylvania who withdrew his motion.

Mr. HOWE. The Chair had some right to understand me as yielding; but I really was not asked to yield and I did not say I would yield; but the first thing I knew the Senator from Pennsylvania was speaking and I was not. [Laughter.]

The PRESIDENT *pro tempore*. That is equivalent, as the Chair understands, to yielding.

Mr. HOWE. I think under the practice of the Senate it is equivalent to yielding.

Mr. WINDOM. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Minnesota——

Mr. HOWE. I propose to go on speaking, and under the rule I think the Senator from Minnesota will consider that he has yielded to me.

The PRESIDENT *pro tempore*. The Senator from Minnesota is not entitled to debate anything at present, there being nothing before the Senate. The Senator from Minnesota can make his motion.

Mr. HOWE. I understand the Senator from Pennsylvania not to withdraw his motion at present.

Mr. SCOTT. The Chair misunderstood me. I said I felt, in view of what had been said, disposed to yield; but I only wished an explanation to be made as evincing my desire, my intention, after the Senator from Wisconsin should have yielded the floor, to do so.

The PRESIDENT *pro tempore*. The Chair was mistaken. The Senator from Wisconsin will proceed.

Mr. HOWE. Now we are all right. [Laughter.] Mr. President, I want to say for myself that according to the view I had—a darkened view, I have no doubt—of the merits of the bill to which the Senator from Pennsylvania asked the attention of the Senate, there is no chore to which I think the Senate ought to pay so early and so undivided attention as this very one, until it is disposed of, because as I understand it it asks for nothing in the world except that the Secretary of War shall be directed to take possession of a work in which the United States have invested several million dollars and which is paying a revenue of about a quarter of a million a year and paying it into the pockets of five men that you do not know a thing about and who have invested in the aggregate $500 in the work.

Mr. SCOTT. Three hundred and fifty thousand dollars a year is the revenue.

Mr. HOWE. About a thousand dollars a day. That is all we are asked to do. We have paid the money freely year after year to the amount of millions, and nobody has been scared; but now when we are called upon to take possession of the work into which we have put so much, we are all frightened. Mr. President, for myself I would prefer to see the Secretary of War instructed this morning early, before one o'clock, to take possession of it, and made to take possession of it within twenty-four hours from this time. Then, if you should ascertain afterward that you did not want to keep the work, I would give it up after I had considered that question; but you can consider that question just as well while you have possession of the work as you can while these five men have possession of the work. That is all I wanted to say.

Mr. SCOTT. Mr. President, if I were of the opinion that before one o'clock we could direct the Secretary of War to take possession of this work, I certainly would not do what I am about to do; but so well satisfied am I of the merits of the application which we now make to pass this bill, that, acting upon the principle upon which a lawyer acts when he takes time to shorten his speech, I am satisfied that by giving those who have not looked into this measure until to-morrow to look at the report we shall get action much earlier than by consuming the morning hour in discussing the question whether we will take it up or not. Therefore, with the notice that I will come in to-morrow and seek to have action on the bill, I yield to the suggestion made by those who I know are not unfriendly to it, to let it go over until to-morrow morning. I therefore withdraw my motion.

MENNONITE SETTLERS ON PUBLIC LANDS.

Mr. WINDOM. I now move that the Senate proceed to the consideration of the bill (S. No. 655) to enable the Mennonites of Russia to effect permanent settlement on the public lands of the United States.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. WINDOM. As the morning hour has nearly expired and this bill has been discussed somewhat before, and I regard a vote as more important than any speech I can make, I will, after making a single remark in reference to some objections made the other day, yield the floor to any other Senator who desires to say anything.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Nevada [Mr. STEWART] to the amendment of the Committee on Public Lands.

Mr. WINDOM. I have no objection to the vote being taken now.

Mr. CONKLING. Let the amendment be read.

The PRESIDENT *pro tempore*. It will be read.

The Chief Clerk read the amendment proposed by Mr. STEWART, which was to strike out all after the word "that" in the first line of the amendment reported from the Committee on Public Lands, and insert the following:

Whenever a body of such persons, being heads of families or single persons over twenty-one years of age, shall, through a duly constituted and accredited agent, file with the Secretary of the Interior an application for permission to locate a portion of the public lands of the United States, accompanying such application with a list of the persons composing such body, and the quantity desired by each, the Secretary may authorize such location to be made in any land district of the United States, by giving such agent the proper certificate in writing, under seal of his office, stating that such application has been filed, and reciting the number of persons so applying and the number of acres which they may include in their claim.

SEC. 2. That any person named in the application and petition on file with the Secretary of the Interior shall have the exclusive right of entry for the period of two years from the date of filing as aforesaid upon complying with the laws of the United States existing at the date of entry.

SEC. 3. That at the expiration of the period of two years as aforesaid, all lands not entered by the parties entitled under the foregoing provisions shall be subject to the entry of any other person under the laws applicable to the same as other public lands of the United States.

SEC. 4. That no one filing shall embrace more than one township of thirty-six sections, nor shall a new filing be made until the lands of the former filing shall be exhausted.

SEC. 5. That the Commissioner of the General Land Office shall have power to make all needful rules and regulations to carry into effect the provisions of this act.

Mr. WINDOM. For two reasons I hope the amendment of the

Senator from Nevada will be rejected. In the first place, it is substantially the same in the first section and down to the eighth section as the bill reported by the Committee on Public Lands. The only changes are to strike out certain provisions prepared by the Commissioner of the General Land Office, or under his direction, to conform this bill to the existing land laws and the regulations of the Department.

The other reason is that section 4 of the amendment really defeats the object of the bill and is more objectionable on various grounds mentioned the other day than the bill itself. The bill itself provides that only one hundred thousand acres shall be withdrawn for settlement by these parties under any one application. The amendment provides that a whole township shall be withdrawn. Under the bill of the committee but thirty-two families could settle in any one place under a single withdrawal. The amendment would set aside an entire section and force one hundred and forty-four families together in a body. But the chief objection to it is that under the amendment proposed by the Senator from Nevada no other application or reservation can be made until the entire township is taken. So we shall provide that at least one hundred and forty-four families must make application and then for two years no other application can be made. The bill provides for thirty-two families or one hundred thousand acres. The amendment is more objectionable than the bill, and will defeat the object intended. I hope the amendment will be voted down.

Mr. CONKLING. Mr. President, the small remainder of the morning hour deters me from saying some things about this bill which I would say; I am not willing, however, to allow to pass unchallenged—thus far no reply has been made to them—the remarks made the other day by the honorable Senator from Connecticut not now in his seat, [Mr. FERRY.] He made objection to the bill upon a single ground. He said that allowing Mennonites, whom he seemed to think were non-combatants, to come here as proposed, would be the introduction of a body of men, who, unless they subsequently became citizens of the United States, would be forever exempt from military duty. The Senator thus affirmed, if I understood him, that a man who comes from a foreign country to this country, not as a visitor, not *animo revertendi* in the language of the law, but to remain, and declares his intention to become a citizen, does not thereby come to owe allegiance or military service to the government of his adoption. I wish to record my dissent from that doctrine. Time does not permit me to discuss the question; I will, however, refer to a declaration of Congress, and to declarations of Senators in past years.

In 1863 a prominent and absorbing question before the country involved the inquiry discussed by the Senator from Connecticut. Congress in that year adopted an enrollment act involving the last exercise of authority by the Government in exacting military duty, to wit, a draft; and not by accident or in haste, but upon mature consideration, the Senate framed and both Houses adopted this provision:

All able-bodied male citizens of the United States, and persons of foreign birth who shall have declared on oath their intention to become citizens under and in pursuance of the laws thereof, between the ages of twenty and forty-five years, except as hereinafter excepted, are hereby declared to constitute the national forces, and shall be liable to perform military duty in the service of the United States when called out by the President for that purpose.

The competency and warrant of such a provision were topics of much discussion in the Senate. The debate is before me. I will not recite it, but I call attention to the declaration of two or three Senators. Mr. Howard, then a Senator from Michigan, doubted this right, and one or two other Senators doubted it. Mr. Doolittle, of Wisconsin, then a Senator here, expressed strongly his view that persons who had declared their intention to become citizens were, as much as citizens, subject to military duty. Mr. McDougall, then a Senator from California, for whose professional and other attainments all who knew him had much regard, in strong and unqualified language asserted the right of the Government. So did Mr. Trumbull, then a Senator from Illinois; and I find that the Senator from Wisconsin usually sitting on my right [Mr. HOWE] made this observation:

With regard to the first part of the amendment—

It was that which related to the class of persons in question.

I will say, now that I am up, that I really hope it will be adopted. I cannot conceive that there is any rational doubt of the authority of the Government to require the assistance of this class of persons, since they come here, and under the sanction of our laws claim all the privileges of citizens.

Passing over much that was said to the same effect I call the attention of the Senate to the vote upon the amendment, which was to the point I am discussing:

YEAS—Messrs. Anthony, Arnold, Chandler, Collamer, Cowan, Doolittle, Fessenden, Foot, Foster, Grimes, Harding, Harlan, Harris, Henderson, Hicks, Lane of Indiana, Lane of Kansas, Latham, McDougall, Morrill, Nesmith, Pomeroy, Rice, Sherman, Trumbull, Wade, and Wilkinson.

The nays were but nine. In that vote I understand the Senate to have asserted the doctrine which I will endeavor briefly to state. When a subject of a foreign government comes here to remain, the first question likely to arise in his case touches the right of expatriation. Whoever makes choice of a new government as his own, acts on his right to dissolve his allegiance to his native land. On this question the attitude of our Government has long been unqualified. This is shown by the position we held in the case of Martin Koszta, who, although not a citizen, an Austrian who had only declared his intention, was treated in his right to protection by the United States as if he were a citizen; and Captain Ingraham went to the verge of force in asserting his immunity from the authority of Austria.

The treaty-making powers, nearly all of them, Russia I believe being an exception still, have recently by formal treaty relinquished all claim to dispute the option of one who renouncing his first allegiance, seeks another country as the land of his adoption. So far the country whence he comes is a party in interest the next stage excludes the foreign country, and relates to us and to the new-comer. In respect to the relations between the new-comer and his adopted government this may be said: Having declared his intention to become a citizen, having waived whatever rights he had otherwise, having entitled himself to the protection of the newly adopted government, the equivalent stated by all the publicists in respect of military allegiance has been rendered. The reason why you, Mr. President, owe military allegiance to your government is that it is the return you are bound to pay for the protection you receive. So with every man who comes here declaring his intention, as much the day before as the day after his citizenship becomes consummate.

So, Mr. President, I cannot agree with the Senator from Connecticut that the persons referred to in the pending bill or any other persons coming from a foreign country and declaring, as the bill requires them to declare, as condition precedent to enjoying it, their intention to become citizens of the United States, would be or could be exempt from the duty to perform military service.

Before taking my seat I will refer to another matter mentioned by the Senator from Connecticut.

I think it is true of those to whom the bill applies that beyond the reason assigned by the Senator from Connecticut, namely, their indisposition to war, their convictions of conscience making them non-combatants, they contend that they settled upon the shores of the Black Sea on condition that they should never be called upon by the Russian government to bear arms in its behalf. The Senator who reports the bill will know more certainly than I whether I am right in this respect; but I understand they contend that the requisition made by Russia for military service violates the condition on which they hold their lands and on which they became domiciled within the Empire of Russia.

Mr. WINDOM. Right at that point, if the Senator will allow me, I will make a statement which occurred to me the other day.

Russia has not yet made that requisition, but has given these people notice that in 1881 they will be required to perform all the duties of Russian citizens, which include military service. They are not required to perform it now, but if they remain till that time they will be.

Mr. CONKLING. My friend from Pennsylvania [Mr. SCOTT] has been kind enough to call my attention to an act of Congress passed the 27th of July, 1868, which again asserts the American doctrine of expatriation:

Therefore be it enacted, &c.—

After making a recital touching the right of expatriation—

That any declaration, instruction, opinion, order, or decision of any officers of this Government which denies, restricts, impairs, or questions the right of expatriation is hereby declared inconsistent with the fundamental principles of this Government.

I think we must be held committed legislatively and politically to the doctrine that the Mennonites and all other persons coming here and declaring their intention to become citizens thereby come to owe to us the same allegiance which they will owe when their citizenship shall become consummate.

Mr. SPRAGUE. Mr. President, I desire to state, in response to the Senator from New York, a fact that appeared before the committee. I was not in committee at the time they decided to report the bill before the Senate; but I know what the grievance of these people is. They were invited to the Black Sea predicated on their being released forever from military service. Their grievance is that now they are called upon to perform military service under the laws of the empire. The empire is giving them until 1881 in which either to assent to the laws of the empire or remove to some other country.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The morning hour having expired, it becomes the duty of the Chair to call up the unfinished business of yesterday, which is the bill (S. No. 446) to restore the rights of the State of Louisiana, on which the Senator from Maryland [Mr. HAMILTON] is entitled to the floor.

Mr. WINDOM. I ask that the pending order be laid aside informally, that the Senate may complete the bill which was pending during the morning hour.

The PRESIDING OFFICER. Is there objection to that course? The Chair hears none; and the bill (S. No. 655) to enable the Mennonites from Russia to effect permanent settlement on the public lands of the United States is before the Senate as in Committee of the Whole.

Mr. STEWART. I do not think that the original bill is well designed for the purpose intended. I think there is more of it than there is any necessity for, and that it involves principles which are very objectionable. I think we can accomplish the real purpose in view much more directly and without so far departing from our land system as that bill does.

The first section provides for the application to the Secretary of the Interior and the furnishing of parties with a certificate to be filed in

a local land office for the purpose of obtaining a withdrawal of the lands. The second section provides—

That upon presentation of the certificate aforesaid to the register of any land district, such agent as aforesaid shall be permitted to locate in a compact body any tract of unappropriated public land not mineral, and not exceeding the amount of one hundred and sixty acres, held at the minimum price, or eighty acres held at the double minimum price, for each person composing such body of individuals named in the said petition and application.

He locates for each individual; it is a very bad principle to allow public land to be located by an agent.

Provided, That no prior right of any person under existing laws shall be prejudiced by this act.

There is no necessity for this second section. If the lands are held open in a body, these Mennonites can go to them and select them themselves and do it in their own names when they get here. It involves complications which will be inconsistent with the section which follows for throwing them open to settlement in case they are not taken. It is unnecessary machinery. There is a good deal of clerical work and expense connected with these locations, whereas there need not be a cent of expense in executing the law if they simply file a certificate setting aside for a limited period of time a quantity of land for them to settle upon and then let them settle upon it just as other settlers do. There is no necessity for getting up a large account with each person and locating his land by an agent before he gets here. He may never come. If you hold it open, all the purpose will be accomplished.

SEC. 3. That such location shall be made by filing with the register a declaratory statement, describing the lands by sectional subdivision, township, and range, and the payment to the receiver of fees at the rate of one dollar, each, to the register and receiver for each one hundred and sixty acres embraced in the application, to be accounted for as other fees and allowances, and subject to the restrictions under existing laws as to maximum compensation of those officers.

There is no necessity for all that. Let the parties come and locate and pay the same fees as others when they come.

And upon receipt of such fees, the receiver shall issue his receipt therefor, setting forth the fact of such declaratory statement having been filed, giving the number of the same, and the description of the land, and acknowledging the said payment of the fees as aforesaid; which receipt shall be delivered to such agent, and shall be his voucher for the filing of the declaratory statement and payment of the fees aforesaid.

That is all unnecessary. Then:

SEC. 4. That the register shall forward to the General Land Office, as a portion of his monthly returns, a duly certified abstract of the declaratory statement, in the same manner as similar returns are rendered in pre-emption cases, to be entered upon the books of the General Land Office.

That is all unnecessary. A party may never come having all that done by an agent, when the party himself when he does come may enter it under the general law.

SEC. 5. That any person named in the application and petition on file with the Secretary of the Interior, or, if he be dead, his legal representatives, shall have the exclusive right of entry for the period of two years from the date of filing as aforesaid, under the laws of the United States existing at the date of entry, of a tract of land embraced in said declaratory statement, not exceeding the quantity named in the original application and petition, as the amount desired by such person, and in no case exceeding one hundred and sixty acres of minimum or eighty acres of double minimum lands.

I do not see any propriety in allowing this declaratory statement to be filed by an agent. Suppose a party for whose benefit it is designed should die before coming to this country, is it to be open for his heirs? If he dies and never comes to this country, there is no propriety in having any land entered for him. That only complicates it, and adds to the difficulty. Then the sixth section is—

SEC. 6. That all questions of priority arising between actual settlers shall be adjusted under existing rules.

Of course that would be so. There is no use in making such a provision, because they will have to come in as other actual settlers. The seventh section is very well:

SEC. 7. That at the expiration of the period of two years, as aforesaid, all lands not entered by the parties entitled under the foregoing provisions shall be subject to the entry of any other person under the laws applicable to the same as other public lands of the United States.

That section is right enough. It ought to be so. I desire now to modify my amendment by adding to it. I think the Senator from Minnesota will recognize the propriety of it if he will think about it a little more. I take the first section of the bill down to "and location to be made as hereinafter provided," and say "that upon the filing of the certificate in the local land office;" that is to say, he goes to the Secretary of the Interior, makes his application, and he gives him a certificate to go and locate; he knows where the land is that he wants—"upon the filing of his certificate in the local land office designated therein, shall be reserved for the purposes of this act."

That is all; a mere reservation simply for the purposes of this act. Then there is no need of entering the lands until the parties come here to enter. Then I say—

That any person named in the application and petition on file with the Secretary of the Interior shall have the exclusive right of entry for the period of two years from the date of filing as aforesaid upon complying with the laws of the United States existing at the date of entry.

Then their rights are all reserved by the original application which names them; the land in a body is withdrawn for them and they have for two years the exclusive right to come and enter. There is no necessity for having land entered for them until they come here; but the exclusive right is reserved for them. It will be just as satisfactory to them; it will be just as high evidence that they have a right to come and take land and will at the same time avoid the expense of having it entered by an agent and complicating it with a system of laws, which is a great innovation on the pre-emption system.

Mr. WINDOM. If the Senator will allow me, as I do not desire to make any speech in reply, I will say that I took the precaution under the instructions of the committee to go to the General Land Office and consult them in reference to the machinery of this bill, and the bill as it stands reported was prepared at the Land Office. It is possible that they do not understand what their present machinery is as well as we do without investigation; but I thought it the better way to trust to their judgment so that the bill should conform to their existing machinery. I do not see any special objection to what the Senator says, nor do I see that he makes any point against the bill.

Mr. STEWART. I say this is adding to the present machinery. I do not believe in passing laws for the administration of that office which shall add one additional item to the present machinery where it is not necessary, where the law is plain to all the world and well understood. The seventh section of this bill provides for these lands being public lands if not appropriated. Then the fourth section of my amendment, which accomplishes the purpose, is:

SEC. 4. That no one filing shall embrace more than one township of thirty-six sections, nor shall a new filing be made until the lands of the former filing shall be exhausted.

That may be changed to "two townships," if you wish.

Mr. WINDOM. I think the Senator's suggestion tends to drive these people all in a body; they must go to one township in one place or one township in another. I prefer that they should not take more than one thousand acres of land or half a dozen quarter sections in a place, and hence I allow them to locate themselves wherever they please, without confining them to a single township as the Senator proposes.

Mr. STEWART. I have no objection to changing the amount. The point of my amendment is that there shall be no machinery about this business. If it is thought they should locate a township or half a township in a place or in a dozen different places, I have no objection to that. The simple point is that I do not want to have the lands located by an agent until the parties themselves get here. It is unnecessary machinery, and it is all an innovation on the present system.

Mr. WINDOM. The very object of locating in the way indicated by the bill is to enable them to know where their lands are and send members of their families over to improve them before the main body come, so that they may be ready for them.

Mr. STEWART. They would know exactly where their lands were without this. The lands are withdrawn for them; they are named.

Mr. CARPENTER. It is manifest that this bill has got to be considerably debated before it can pass, and I call for the regular order.

Mr. WINDOM. I move then to postpone the regular order, in order to complete the bill.

Mr. SAULSBURY. I hope the regular order will not be postponed.

The PRESIDING OFFICER. The Senator from Minnesota moves to postpone the pending order and proceed to the consideration of the bill which has been before the Senate during the morning hour.

Mr. SAULSBURY. The Senator, who commenced his speech yesterday, ought not to be postponed until the heel of the evening; he ought to have the privilege of going on now and completing his speech. I hope, therefore, the special order will not be postponed, at least not until after that speech has been delivered.

Mr. WINDOM. I did not understand, when I made this motion, that any Senator had commenced a speech on the pending bill. I do not wish to interfere with the desire of any Senator to speak. I will call up the bill in my charge to-morrow morning, if the Senate will permit.

Mr. STEWART. Perhaps that will do better, and we may agree in the mean time.

Mr. WINDOM. I will not insist on my motion to postpone the regular order.

The PRESIDING OFFICER. The motion is withdrawn.

STATE OF LOUISIANA.

The Senate resumed the consideration of the bill (S. No. 446) to restore the rights of the State of Louisiana.

The PRESIDING OFFICER. The Senator from Maryland is entitled to the floor.

Mr. WEST. I ask the Senator from Maryland to yield to me a moment to make an explanation to which I will ask the attention of the Senate.

During the debate yesterday, and in the course of the remarks that I addressed to the Senate, which I have not the opportunity of referring to this morning, as they are not published in the RECORD, I was questioned as to my knowledge of the passage of certain election laws in the State of Louisiana. I was asked whether I knew that there was more than one law passed, and I was also asked with reference to the provisions of a second law that it was alleged had been passed. The only knowledge that I had of the passage of election laws by the late Legislature was the general knowledge that some law had been passed. That knowledge was communicated to me not directly, but through a letter from the governor of the State, dated the 10th of April, 1874, which I will read:

I inclose proof copy of election law as promulgated. This, together with act 98,

approved November, 1872, constitutes the election laws of the State. The law providing for entire new registration passed by last Legislature is very full and fair in all respects. The election and registration laws are as fair, I think, on the whole, as those of any State, and are satisfactory to the people.

This is signed "W. P. Kellogg."

The only conclusion that I could form was that that was the only law which the Legislature had passed, and that it was the only possible law which could be put into effect in regard to the elections in that State. I was corroborated in that idea by the tone of the public press. The latest newspapers that I have from New Orleans are of the 11th and 12th of this month, last Saturday and Sunday. The New Orleans Times, a newspaper published in opposition to the present administration in Louisiana, which I had read, commented upon this election law that is referred to by the governor. Speaking of the acts which the governor announces have been passed and which he has promulgated, it says:

That act leaves Louisiana with an election law which is generally regarded as a fair one by the people of this State; and the event may be regarded as a further concession on the part of the present administration to justice, equity, and good government.

That statement is also corroborated by the Picayune of the succeeding day, the 12th, and no knowledge appears to have reached any of these newspapers, and I reiterate again it had not reached me, nor could I find a single Louisianian in the city yesterday who had any knowledge of the second law. It appears that there was a second law, and that our friends on the other side of the Chamber were informed of it. So, after being questioned somewhat categorically on that subject and denying any knowledge of it, just after the heat of the debate, a dispatch reached me from the governor which I had read at the desk yesterday, and it occurred to me that it was a virtual and an absolute denial of the fact that any such law had passed. I find now in examining the terms of that dispatch that it is a denial of the fact that he intended to approve it, and not a denial of the fact that the law had passed. When he said it was "false," I took that to be a denial of the fact that any such law had passed; but in order to set myself right in the matter I telegraphed to him immediately, and here is a copy of my dispatch; I will read that and also his answer:

To Governor KELLOGG:

You are charged here on the floor of the Senate with holding back an election law. Was there more than one law passed, and have you signed all?

J. R. WEST.

His reply, which reached me at ten o'clock last night, I will read.

NEW ORLEANS, *April* 15, 1874.

There were two election acts passed. One election act amended the act 19 of session of 1873. The other election act repealed act 19 and amended act 98 of 1872. The latter was approved March 28, and has been promulgated. The former is loose and informal, and in no contingency whatever will it be approved or promulgated. This leaves the law so that police juries, except in the parish of Orleans, appoint the commissioners of election and designate the polls. No one questions fairness of this law.

W. P. KELLOGG.

Hon. J. R. WEST.

My statement, then, amounts to this: that all the testimony I was in possession of was to the effect that but one law was passed, and I got the information of the second law subsequent to my having denied the fact that any such law to my knowledge had passed. I deemed it due to myself that I should make this statement, for I do not wish to rest under the imputation of suppressing from the Senate any information that comes into my possession whether in the interest of the side I advocate or not.

Mr. STEVENSON. Mr. President, I understand now from the statement of the Senator [Mr. WEST] that the information I gave to the Senate yesterday as to certain legislation in Louisiana is admitted by Governor Kellogg to be true. That information was that, although the Senator from Indiana [Mr. MORTON] had relied upon the passage of an act repealing the obnoxious one of 1873 placing the power of appointing officers of registration and election in the hands of police juries of parishes and councils of cities, yet that the Legislature passed a subsequent law repealing that to which the Senator from Indiana referred. This last act Governor Kellogg holds in his breeches pocket, and can continue to hold until the Legislature of Louisiana meets, which I believe is in January, 1875. If Congress refuses to act, why then Governor Kellogg will take this repealing act out of his pocket and approve it, restoring the act which confers upon him the same objectionable power of appointment exercised by Warmoth, and which would necessarily render any election in Louisiana next fall a shameless mockery.

When I read in support of this statement a telegram from Mr. F. C. Zacharie, of New Orleans, to Governor McEnery, the Senator from Louisiana, by way of rejoinder read to the Senate, with an air of triumph, a telegram from Governor Kellogg, as follows:

I am informed that some parties have telegraphed Senator CARPENTER and others that I have a bill before me, intending to sign and promulgate the same hereafter, which repeals the new election law. *This is false.* We can have a fair election under the present law. This is all republicans ask, and it is what the democracy hate.

I then pressed the Senator [Mr. WEST] to know whether such a repealing act as that cited by Mr. Zacharie had not been passed by the Legislature of Louisiana, and which was still unacted upon by Governor Kellogg, repealing the act cited by the Senator from Indiana, [Mr. MORTON.] The Senator from Louisiana replied that if such was the case he had no knowledge of it whatever, and "I have the governor's telegram here, which I will put in my speech, saying that it is not so."

I then read a portion of a letter of Mr. Zacharie to Governor McEnery, charging that the Legislature of Louisiana had passed such an act, which was held by Governor Kellogg, and which he could approve at any time before the meeting of the Legislature in 1875.

The Senator from Louisiana replied, the only authority we have that such is the case comes from the other side of the Chamber.

The issue was then distinctly made that such a repealing act had been passed by the Louisiana Legislature, and by a statement made by me on the authority of Zacharie that such was the fact and as distinctly denied by Governor Kellogg in his telegram. The Senator from Indiana [Mr. MORTON] stated that Kellogg's telegram was "a square denial" of the fact that the Legislature had passed such a repealing act on the last day of the session which he had pocketed and not signed, intending to hold it up.

Now, the Senator from Louisiana read this morning to the Senate a telegram from Governor Kellogg, received last night, which admits the passage of the repealing act as charged by me on the authority of Mr. Zacharie, and bearing on its face the implication of falsehood, fraud, and deception—not of the Senator from Louisiana, because I must suppose that his statement of his ignorance of this act was sincere, but that he had been deceived by Governor Kellogg. What are we to think of a governor who would willingly practice such deception upon his own Senator and his party friends in the United States Senate as the telegrams of Governor Kellogg convict him of? What will the country think of a government in Louisiana which requires for its support such fraudulent devices? What Senator after such an exposure would be willing or could rely upon any statement of what the future action of such an executive would be? How does the Senator from Louisiana justify the conduct of the governor to himself as reflected by his two telegrams?

I submit, Mr. President, to the Senate and to the country the unenviable position in which Governor Kellogg places himself, as disclosed by his two telegrams of last evening and this morning. It is a practical commentary upon the desperate expedients which are required to uphold him and his cause of wrong and usurpation.

Mr. CARPENTER. As my name was mentioned in connection with this matter, and I made a statement myself on the subject, I desire to say a word.

In the course of the remarks I submitted the other day, the Senator from Indiana [Mr. MORTON] interrupted me and asked me if I was not aware of the repeal of the election law which had been passed by Kellogg's government, and which gave to Kellogg all the monstrous powers that Warmoth formerly possessed, and with which he controlled the State, and with which Kellogg can control the State for all time to come. The Senator wanted to know if I was not aware that that law was repealed. I told him I was not; and thereupon the Senator from Louisiana [Mr. WEST] rather tauntingly said to me that I did not seem to be aware of a good many things relating to this subject.

I recall this circumstance. A few days ago a friend of Governor Kellogg came to my office to remonstrate with me against trying to pass this bill, and insisted that the matter should be laid over until after the November election. I said to him, "That is a mere insult; Mr. Kellogg, you know, has the power to carry that State by 20,000 or 50,000; and to hold up a government of that kind without any pretense of right itself, and then let it manufacture the laws by which it can control the State forever, is an insult to common sense." "Why," said he, "what do you mean?" I told him that Mr. Kellogg's government had re-enacted the law which Warmoth had had the grace to repeal after he had used it sufficiently. He said that could not be so. I took down the volume of laws and read it to him. He said he was not aware of it, and condemned it roundly.

I am informed that he left my office and went straight to the telegraph office and telegraphed Kellogg to repeal that law at once. It is not necessary to communicate with the Legislature of that State if you want a law passed or repealed; it is simply necessary to consult the governor.

The governor does repeal it at once, and at the same time repeals the repealing act. He approves the act repealing the vicious law, and enables his friend from Indiana and his Senator—I mean the Senator from his State—to announce here that that law has been repealed, that this honest administration of Mr. Kellogg has wiped out the disgrace and restored the State once more to the people. But the fact turns out, that although the law was repealed, the governor procured the passage of an act which he may approve after the adjournment of Congress nullifying the repealing act, and restoring the old law.

Mr. President, I most willingly acquit the honorable Senator from Louisiana of any complicity in this matter. I knew at the time he made the statement that he was deceived, because his manner indicated that he thought he was stating the fact; indicated that when he read the telegram from Mr. Kellogg yesterday he was acting in good faith. Now the truth is admitted; and the Senate can see how safe it is to trust that State any longer to such parties and subject to such manipulations as this admission brings to light.

Mr. BAYARD. Mr. President, it may seem very little worth while to slay the slain, or to say anything on the subject of Mr. Kellogg, of Louisiana, after the exhibition of the past two days on this sub-

ject. His telegram of yesterday as read to the Senate and his telegram of to-day as read to the Senate picture his character truly; and it is not worth while to say anything more on the subject of such a man to the Senate of the United States or to the American people. But let it also be remembered as a fact that under the constitution of Louisiana the power of veto is, as I understand, reposed in the governor, so that when these two bills, one following rapidly upon the heels of the other, almost simultaneous in their passage, came to him, if he had intended that one should be a law and the other should not be a law, it was simply accomplished by giving his signature to the one and placing his veto upon the other.

Mr. WEST. The Senator I think would not wish to misstate the fact. Both laws went to him after the Legislature had adjourned. He cannot veto the other law until the Legislature assembles. He could approve the one which he has approved.

Mr. BAYARD. I thought the Senator from Louisiana had no knowledge of the existence of the second law. How, then, does he now speak of their both going to him subsequently to the adjournment of the Legislature? The telegrams of Mr. Kellogg have not disclosed that fact.

Mr. WEST. I resent somewhat the manner of the gentleman in intentionally setting me in the wrong; but I will state the fact. Both these laws, as it appears now, were passed within a day or two and the journals of the Legislature have not been published yet, and the press of New Orleans in the interest of the party the gentleman speaks for have not found it out. Both those laws were passed—I did not know it until I got the dispatch which I read this morning, but I know it now—within two days of the adjournment, and the laws do not go to the governor of the State under our constitution until subsequent to the adjournment.

Mr. BAYARD. All of them?

Mr. WEST. All laws passed within five days prior to the adjournment of the Legislature do not go to the governor of the State until subsequent to the adjournment, and then having those laws in his possession, he has from that time until the next session of the Legislature the opportunity either to approve or veto them. If he approves, he can approve during the recess; if he vetoes, he can only veto on the reassembling of the Legislature.

Mr. BAYARD. Well, Mr. President, the statement of facts made by the Senator on his own knowledge, either acquired to-day or yesterday, is before the Senate. A fact stated by a Senator of his own knowledge I do not impugn, because I do not propose to raise issues of veracity on this floor with any member. The facts, however, do appear in print as of yesterday and to-day, and the Senate must judge of their effect.

I was not aware of all the peculiar and very dangerous powers given to the governor of Louisiana by the constitution and laws of that State; but it seems now that these laws were passed, according to the statement of the Senator from Louisiana—he now knows them to have been passed—within two days before the adjournment, and not having been passed more than five days before the adjournment, I understand that the power of veto would not exist in the executive; that they would not be sent to him until after the adjournment, and that he may sign a bill when he pleases, or he may keep it until the next session of the Legislature and sign it at any time in the *interim* that he pleases. What is the effect of this statement now made to us upon what I stated to the Senate yesterday, when I said:

> If we can gather any meaning from the remarks of the Senator from Louisiana, it is an admission that these two acts have been passed, one act professing to repeal the old election law and one repealing the repealing act; so that they can be produced from the pocket of this so-called governor on the eve of the election and all this machinery which makes fraud in elections not only possible, but highly probable, will then be re-enacted should Mr. Kellogg be permitted to occupy the place he now does.

It seems now, Mr. President, that my language of yesterday is borne out precisely by the facts to-day certified, if he may certify any fact to the Senate or the country, by Mr. Kellogg himself.

Mr. MORTON. Mr. President, this matter came up a few days ago; but I had no knowledge until yesterday that there had been a second act passed by the Louisiana Legislature. I had been advised that on the day before the last day of the session of the Legislature an act was passed repealing what was called act No. 19, which had been passed in 1873, a year ago last winter. It was news to me, therefore, that on the last day of the session, the next day, another act had been passed. It is said here that that act repealed the act of the day before. Whether that is so or not, I believe nobody is able to state this morning on the floor of the Senate. There is no dispatch here that gives any information upon that point. But there was a second law passed. I simply make the statement here for the purpose of doing justice to Governor Kellogg. It is not so clear as the Senator from Wisconsin states that Governor Kellogg has been guilty of falsehood or misrepresentation by any means. The dispatch which the Senator from Louisiana read yesterday was in these words:

> I am informed that some parties have telegraphed Senator CARPENTER and others that I have a bill before me, intending to sign and promulgate the same hereafter, which repeals the new election law. This is false.

It is not clear, and nobody has a right to say that Governor Kellogg knew that we were uninformed of the passage of the second law. The passage of a law is a thing not to be concealed, as I understand, unless it is done in executive session.

Mr. CARPENTER. That is the way they do.

Mr. MORTON. My friend from Wisconsin says that is the way their laws are generally passed. I presume my friend is not correct about that. If this law was passed in open session, as I presume it was, Governor Kellogg would have no reason to suppose that the fact would be concealed. Although the journal may not have been formally published, I presume the proceedings of the Legislature were published from day to day.

Mr. CARPENTER. That is just the mistake. They were not, as I understand. They are not published yet, as I am informed.

Mr. MORTON. The proceedings may not be published officially; but that the newspapers ordinarily would report the proceedings, especially would report a fact of that kind, is clear.

Mr. SHERMAN. The newspapers do not seem to have got hold of it.

Mr. CARPENTER. It was kept secret.

Mr. MORTON. There is only one republican newspaper in New Orleans the friend of Governor Kellogg, and three papers opposed to him.

Mr. CARPENTER. Those papers were not permitted to know of this little game. Publication would have frustrated the whole design. I understand that when the governor wants a law in that State he gets two or three men from each house together and tells them so, and the law passes.

I understand that on the last day of the session, at this very session, there was a general row and knock-down, and nobody could tell for several days after what bills had passed or been rejected, and that is not determined even yet. They are still, or until very lately were, making up the journal and passing bills or rejecting them as the governor pleased. I am so informed; and this circumstance certainly corroborates that theory. Here was a law passed and another passed repealing it, a manifest trick, kept from the press in New Orleans, kept from friends and foes. The democratic press would have raised a clamor if they had known it, and that would have defeated the whole purpose, because Congress would have learned it; and the telegram that he sent here, and the fact that his own Senator on this floor was deceived about it, and that his friend from Indiana was deceived about it, show they did not intend to publish it.

Mr. MORTON. I submit that the statements of my friend from Wisconsin are entirely too uncertain upon which to fasten a charge of falsehood upon Governor Kellogg, for that is what it amounts to. The dispatch of Governor Kellogg refers to the statement that he had a law before him that he intended to sign. He says that is false, and he states to the Senator from Louisiana in the last dispatch that he did not intend to sign and never intended to approve it. It may be fair to presume, if we are to do Governor Kellogg justice, that he supposed the existence of the second law was known, and the thing he was denying was the charge that he intended after a while to sign it. That is the thing he was denying.

Mr. CARPENTER. Will not my friend——

Mr. MORTON. Allow me to go on one moment further; but I will hear the Senator.

Mr. CARPENTER. My friend's ingenuity never fails him; and on his theory of this subject I want him to give us the reason why that second law was passed. I am not talking about why it was concealed, *but why was it passed;* why on one day was a law passed to repeal a statute and the next day one passed to repeal the repealing statute, and both acts put in the hands of the governor at once?

Mr. MORTON. That is shifting the point a little just now. The question now is not what is the object of the second statute, but we are discussing the question as to the truthfulness of Governor Kellogg in this matter and the charge of trickery in sending these two dispatches. That is the point. The Legislature might have passed the second law without any improper design, and so far as we know they did. The Senator has no right to say to the contrary without any information, without any suggestion of it on the part of Governor Kellogg. If my friend says that Governor Kellogg procured the Legislature the next day to pass that second act, he may think so, but he has no evidence of it in the world; and I submit that he has no right to say so. The Legislature may have done that upon their own motion. It is not to be presumed that they were under the strict control of one man; and I say this now in justice to Governor Kellogg.

But now I come back to the point—the concealment of the passage of the second act. If that act was passed, unless it was done with closed doors, it was a fact that could not be concealed. If the press of New Orleans have the ordinary enterprise of newspapers, the Legislature being in session in the same town, they would have reporters there to take notes of what was going on, and the passage of such an important act as that could not be concealed. Governor Kellogg could not presume that it was concealed.

Mr. CARPENTER. The fact exists that it was concealed.

Mr. MORTON. And he would have been very foolish to have presumed that it was. How did Mr. Zacharie find it out to put it into a pamphlet some time ago and send here, and how could he write to the Senator from Kentucky if it was concealed? How did the Senator find out it was concealed? It was very poorly concealed.

Mr. CARPENTER. That is the security that honest people have, that frauds of this kind cannot be effectively concealed.

Mr. MORTON. In the nature of things it could not be concealed; and it is only fair, when Governor Kellogg says that the charge that he was intending to sign that bill was false, to regard it as false.

Now I come to the point made by the Senator from Louisiana. This bill was passed, as we are informed by the Senator, on the last day of the session. It did not go into the hands of the governor until after the Legislature adjourned.

Mr. WEST. I only suppose so, because otherwise he could have transmitted it to the Legislature again during the session.

Mr. MORTON. He has five days to do that. I am going to read the constitution on that point. We are dealing now with the fact. Charges have been made upon the governor here, and all I am disposed to do is to see that no personal injustice is done to him.

Mr. GORDON. Will the Senator from Indiana allow me to interrupt him a moment?

Mr. MORTON. Yes, sir.

Mr. GORDON. I call the Senator's attention to the fact that yesterday he labored under the impression that Governor Kellogg's telegram denied the existence of such a law, and not that his telegram was not intended to deny the fact that he meant to sign the bill hereafter. The Senator used this language yesterday:

I think that is a pretty square denial. The statement was made here to-day that on the last day of the session of the Legislature a bill had been passed which he had put into his pocket and had not signed, intending to hold it until after the controversy was over. I never heard of that until to-day, and I should be greatly astonished it it was true, and should regret it. I think that telegram is intended to meet that statement. He says that he holds no such bill.

Now, in connection with the impression made on the Senator's mind, I call attention to the wording of the telegram itself. What is that telegram? It says:

I am informed that some of the "last-ditchers" have telegraphed Senator CARPENTER and others that I have a bill before me, intending to sign and promulgate hereafter, which repeals the new election law.

Now the Senator from Louisiana and the Senator from Indiana say that the denial of this last telegram is to the fact that he intended to sign the bill; but hear what Governor Kellogg says further in this original telegram:

This is false. We can have a fair election under the present law.

Under what law, pray? Under the original law which this last law repeals? Not at all. "Under the present law," the law which he had then in his pocket.

Mr. WEST. No; no.

Mr. GORDON. What else can it mean? I submit to every candid man on the floor of the Senate that no other construction can be put on this language.

Mr. BAYARD. The last law is the present law.

Mr. GORDON. The last law is the present law, and if he intended to deny——

Mr. WEST. The Senator does not mean to say that a law is a law until the governor signs it?

Mr. GORDON. I mean to say that what he calls "the present law" was the law he held in his pocket.

Mr. WEST. He did not mean any such thing.

Mr. GORDON. He had not signed either. What does he mean by the present law? He had not signed the original law; therefore that was no present law. What could he have referred to? If neither was signed, which was the more present; the last one repealing the original law, or the original law which had been repealed? Neither had been signed, and both stood, so far as the signature of the governor was concerned, upon precisely the same footing, and one law repealed the other law. Now, I ask in all candor which the governor could have referred to? There can be no question that the Senator from Indiana construed that telegram rightly, that the governor meant squarely and flatly to deny to this Senate that he held any such law in his pocket and to deceive his friends. There is no question about it; there cannot be. The telegram then says:

This is all republicans ask, and it is what the democracy hate.

Showing conclusively that he means that "the present law," the law which he had not signed, was all that they wanted.

Mr. MORTON. When the Senator from Louisiana yesterday read the dispatch, I thought it went to the point of the existence of the law. The dispatch was read here; I did not at the time weigh the language particularly; but now I have the dispatch and I submit it to my friend upon his own candor and his own breadth of mind if it necessarily fixes the charge upon Governor Kellogg that is now imputed to him? I say I would submit it to the breadth and candor of my friend from Georgia himself upon the reading of the dispatch. The dispatch is consistent with the supposition that Governor Kellogg thought we knew of the existence of a law that had been publicly passed.

Mr. GORDON. It seems to have produced a different impression.

Mr. MORTON. The dispatch reads:

I am informed that some parties have telegraphed Senator CARPENTER and others that I have a bill before me, intending to sign and promulgate hereafter, which repeals the new election law.

For anything that the Senate knows or that I know, the denial goes to his intention to sign and to promulgate that law. The fact that the law was passed by the Legislature, unless it was done with closed doors—a circumstance that must have attracted the attention of the whole country—Governor Kellogg must have supposed to be a public one.

Now I am going to come to the point that was made by the Senator from Louisiana. I read from the constitution of Louisiana the concluding part of article 66:

If any bill shall not be returned by the governor within five days after it shall have been presented to him, it shall be a law in like manner as if he had signed it; unless the General Assembly, by adjournment, prevent its return; in which case the said bill shall be returned on the first day of the meeting of the General Assembly after the expiration of said five days, or be a law.

If that act was passed on the last day of the session and came to the governor too late for his action, he has no power to veto it before the first day of the next session. That is the time when he must act upon it by returning it with his objections, and any veto that he may make before that time amounts to nothing. He may approve the law, I understand, in the mean time, according to the construction that has been given to that constitution ever since its adoption; but he cannot veto the bill except by returning it to the Legislature, with his objections, on the first day of the next session.

Mr. HOWE. Do I understand the Senator from Indiana to say that in his judgment such a bill can be approved before the next meeting of the Legislature?

Mr. MORTON. I did not say that; but I say that that construction seems to have been given to the constitution of Louisiana, that the governor can approve a bill after the Legislature has adjourned and before the next session, but that he cannot veto it until he returns it to the next session. The act of 1872, the very election law that is being contended for, was approved by Governor Warmoth, the Senator will remember, in vacation.

Mr. CARPENTER. Six months after the adjournment of the Legislature.

Mr. MORTON. Yes, six months afterward. The question came up whether the approval was valid, and I understand the supreme court of Louisiana in some one of these cases—am I right about it?

Mr. CARPENTER. I think so.

Mr. MORTON. The supreme court have affirmed the approval as being valid. I give no reason for it, but I simply speak of what has been the construction of the constitution as stated to me by others.

Mr. HOWE. Does the Senator know of any other case in which that construction has been placed upon the law in Louisiana practically?

Mr. MORTON. Approving a bill in vacation?

Mr. HOWE. Yes; does the Senator know of any other bill which has been approved in the recess of the Legislature?

Mr. WEST. Innumerable ones have been thus approved.

Mr. MORTON. I was told last winter when this matter was before the committee that it had happened in many cases.

Mr. CARPENTER. That was conceded before the committee to be the acknowledged practice in Louisiana.

Mr. MORTON. It was conceded that so far as the approval is concerned it might be done in vacation; but of course by the terms of the constitution a bill could not be vetoed before the first day of the next session.

Mr. HOWE. I believe the Senator from Maryland [Mr. HAMILTON] has the floor.

Mr. HAMILTON, of Maryland. Yes, sir.

Mr. HOWE. I only want to say one or two words, and that right upon this point.

Mr. HAMILTON, of Maryland. Go on, sir.

Mr. HOWE. I knew of the single case to which the Senator from Indiana has alluded, where that construction was put upon the constitution, but I did not know there was any other case of the kind in the history of Louisiana. I had hoped there was no other case of the kind. I now understand from the Senator from Louisiana who sits by my side [Mr. WEST] that there had been a great many other cases where the same practice has been followed. I do not believe myself that practice is warranted by the language of the constitution.

Mr. MORTON. I should say so too. I thought so from the reading of the constitution.

Mr. HOWE. It is said now that Pennsylvania has the same clause in her constitution and in practice puts the same construction upon it. The two States are very likely to be correct in their construction. But after all I have more confidence in my own judgment than I have in any such practice, no matter how general it has been, if it be not sanctioned by judicial authority. I do not believe that is the true construction of the constitution; and if it be I cannot help but think it is a piece of intrinsic rascality in the constitution, no matter whether it is found in Louisiana, or Pennsylvania, or elsewhere.

That, however, is aside from the question, and it occurred to me that the question which has been debated with so much animation this morning was a little aside from any question which ought to be considered in the Senate. I supposed the great question under consideration here was whether Mr. Kellogg was governor of Louisiana. If the question be whether Mr. Kellogg is a rascal or not, we may require another reference and a little more testimony than we have on the point. Perhaps we shall need more testimony upon the other question before we get through with it. I think, however, if I can be indulged in a single suggestion, we had better lay aside this last question as to the personal character of Mr. Kellogg. If he be the most unmitigated whelp that ever filled office, where you find the biggest kind of whelps, you know, that does not go to settle the question whether he was elected governor of Louisiana in 1872. So I think that question had better be laid aside.

But I want to say right here, in the face of the Senate, and I should like to say it in the face of the forty millions who occupy this country, that if the Legislature of Louisiana did the thing which Senators seem to believe they did, to wit, pass one law on the subject of elections repealing an obnoxious law, which the governor approved, and then pass another law repealing the former with the intent that the governor should approve the last law prior to the next election, it was a piece of political—I want to strike out that word, or I want to supplement it with the word "moral"—a piece, then, of political and moral knavery which can find no justification with me, and I hope it will not fail to elicit the most unqualified condemnation of everybody who ever hears of it or who has any occasion to speak of it. Of course we have no evidence that such a transaction did take place in the Legislature of Louisiana.

Mr. EDMUNDS. Is it disputed by those who do profess to know?

Mr. HOWE. I do not understand that there is any dispute about it here, but it would be a little difficult to prove all that from the terms employed in the dispatch read here by the Senator from Louisiana, because we cannot to-day say what were the terms of the law which the governor approved, nor can we say definitely what were the terms of the law which that Legislature passed and which the governor has not approved. I raise no question, however, of fact about this; I only say upon the hypothesis that the Legislature did this thing, then it deserves unqualified condemnation.

I beg the Senate, inasmuch as they value their own character for justice and fair dealing, not to jump at the conclusion that Mr. Kellogg dictated this legislation, even if it took place. I ask them to refrain from doing that for two reasons: first, that it would not have the slightest effect upon the grave question under consideration; it would not affect the question whether Kellogg was governor of Louisiana at all, but it might affect the question whether we are competent and fit to pass upon any question connected with the Legislature, as it would be an act of injustice on our part. If he was implicated in this legislation it will be made known at some time in all human probability, and then it will be time enough to visit upon his head the condemnation all such conduct deserves.

Mr. SCOTT. Will the Senator from Maryland, before he proceeds, permit me to correct a statement made by the Senator from Wisconsin? Owing to the very strong terms in which that Senator has characterized a provision of the constitution of Pennsylvania, which his remarks would lead us to believe are still in force, I wish to make a correction. The former constitution of Pennsylvania was held to authorize the governor to sign a bill in his hands at the adjournment of the Legislature at any time before the next session of the Legislature; but the present constitution contains the following provision:

If any bill shall not be returned by the governor within ten days after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the General Assembly, by their adjournment, prevent its return, in which case it shall be a law, unless he shall file the same, with his objections, in the office of the secretary of the Commonwealth, and give notice thereof by public proclamation within thirty days after such adjournment.

I simply wished to correct the statement going out with that characterization by the Senator from Wisconsin as to the constitution of Pennsylvania.

Mr. WEST. There seems to be no question now on this floor but what a second election law has advanced to that stage of completion that it only requires the governor's signature to make it a statute of Louisiana; but I think the Senate, before coming to any conclusion as to whether the Legislature of that State should be condemned for the passage of that law ought to know what its features are. It might have been desirable in the interest of certain sections of that country—and I can illustrate why it should be desirable—that another law, subsequent to the one which the governor has recently approved, remedying certain evils in certain sections of that State, ought to have been passed. I have been so informed by a gentleman on this floor this morning who has recently arrived from the northern part of that State, and who tells we what was the object of this second law. It was not to remit the election machinery of Louisiana back to the old abuses that have been so much condemned, but it was to prevent frauds in certain portions of that State; and it restored the old machinery simply to this extent, that it devolved upon the governor the appointment of the officers of election instead of devolving it upon the police juries in those sections.

Mr. EDMUNDS. Was not that the very point of the old law?

Mr. WEST. Not altogether; and it stipulated and provided that the governor should not have the opportunity of taking a non-resident of those parishes and sending him into the parishes to supervise the election, but that he should take supervisors from the parishes themselves, and that the votes should be counted at the polls. That is what I understand to be the distinction. It has been charged here that the Legislature of Louisiana practiced a trick. I think we ought to know what that trick was; I think we ought to know what the character of that legislation was.

Mr. DAVIS. Will the Senator from Louisiana allow me to ask him a question?

Mr. WEST. Yes, sir.

Mr. DAVIS. We are informed that two recent acts have been passed by that Legislature in regard to elections. I understand now from the Senator's remarks that one of them has been signed and the other has not. Is that the case?

Mr. WEST. Yes, sir.

Mr. DAVIS. Why could not both have been signed if one could be signed? I understood from the Senator from Louisiana a few moments ago that the governor could not sign or return a bill to the Legislature that had been passed within five days of its adjournment; but if one of these acts could be signed, why not both?

In addition, Mr. President, if neither of them is signed, what is the result? The result is the old Warmoth law remains in force, so that in either case it appears to me that it is just as the governor of Louisiana wishes it.

Mr. MORTON. I will state to my friend that the dispatch read here shows that the first act was approved and promulgated on the 28th of March, and the very point referred to is that by the constitution the governor cannot veto a bill until the first day of the next session where it comes to him after the expiration of the Legislature, but that according to practice down there he may approve a bill in the vacation. Whether that practice is correct or not I am not saying; but that has been the practice, and it seems to have been affirmed by the supreme court in regard to the act of 1872.

Mr. DAVIS. That may be true; but it does not change the facts in the case.

Mr. WEST. Well, I will answer the question. The Senator asks me why one act should be signed and another should not be. For the reason simply that the governor desired to sign one act and did not desire to sign the other. Since I have stood here comes this dispatch:

The journal shows that two bills relating to elections and one registration bill passed last five days of the session. Registration law unobjectionable.

That is, during the five days prior to the adjournment of that Legislature two election laws were passed by the Legislature. Those two election laws are submitted to the governor. He takes them. He says "under the constitution, under the usage, I can sign one, and I do so because I approve of it. I cannot sign, I cannot veto the other until the next Legislature meets."

Mr. DAVIS. Did the governor say that?

Mr. WEST. The law says it.

Mr. DAVIS. But I understood the Senator to be repeating what the governor had said.

Mr. WEST. No, sir; the Senator asked me why both laws could not be signed. I tell him the reason is because the governor approves one and declines to approve the other. Is not that an answer to his proposition?

Mr. DAVIS. It may be satisfactory to the Senator.

Mr. WEST. I cannot satisfy the Senator any further.

Mr. DAVIS. When did the Legislature adjourn?

Mr. WEST. The Legislature adjourned on the 5th of March.

Mr. DAVIS. When were the acts passed?

Mr. WEST. The dispatch says:

Two bills relating to election passed within last five days of session.

But they do not go to the governor, under the practice there, until after the Legislature adjourns, and then he has during all the time from that adjournment until the reassembling of the body or the successor of the body the opportunity to either approve or veto, but the approval can be promulgated and the veto cannot.

Mr. DAVIS. Now I should like to ask the Senator how he knows that one of these bills was approved and the other not?

Mr. WEST. Simply because I have the official journal here showing that it is approved.

Mr. DAVIS. Yesterday and this morning inquiry was to know the fact and nobody knew it. My friend yesterday did not know that such acts had passed. His first knowledge was yesterday evening, I understand.

Mr. WEST. I yielded to the Senator to ask me a question. I will answer any question he may ask; but I submit that he must not——

Mr. DAVIS. I will ask my friend, then, whether he had the official record yesterday?

Mr. WEST. Of what?

Mr. DAVIS. Of the two acts having been passed.

Mr. WEST. No, sir; I have stated that. I had the official record yesterday that one act was passed and signed, and I knew nothing whatever of the other act. That is what I stated.

Mr. DAVIS. When did the official record come?

Mr. WEST. By this morning's mail; here it is on my desk, dated last Sunday.

Mr. DAVIS. Then I understand that the governor now holds an act ready to be signed whenever it may suit his convenience, at any time between now and the next Legislature, which renews what is known as the Warmoth law.

Mr. WEST. No, sir; there is where I differ with the Senator. As I am informed it does not do so; it qualifies between the two; it enables the governor to appoint supervisors in the parishes but not to send aliens there, if I can so express it; and that was the great objection, that convenient tools were picked out from political cess-pools and sent up there to distort the expression of the will of the people. That is not even admitted in the new law.

Mr. DAVIS. That information came this morning, did it not? The information just given about the changes of the law, as I understand the Senator, came this morning to him.

Mr. WEST. No, sir; I say the official notification, the first intimation that any of us had here that that law passed was in the letter that I read a short time ago from the governor himself, dated the 10th of April.

Mr. DAVIS. But the provisions of the last law now held by the governor are what I refer to.

Mr. WEST. I never knew anything about that law until I got that dispatch last night.

Mr. DAVIS. That dispatch, as I understand, did not state anything about the provisions of that law?

Mr. WEST. No.

Mr. DAVIS. Yet the Senator gives us the provisions of the law.

Mr. WEST. Because I got them here from a member of Congress from the State of Louisiana on this floor this morning—a man that I hunted for last night and could not find. What is the intention in trying to put me in a false position here continuously?

Mr. DAVIS. We want information. Yesterday we asked information as regards——

Mr. WEST. You do not propose to get information by putting words into my mouth.

Mr. DAVIS. If I put words there, I cannot put the kind that will come out. [Laughter.] I am certain to get some other.

Mr. HAMILTON, of Maryland. Mr. President, I have listened very patiently to the discussion of the character of Governor Kellogg. I think that man has had about as much now as he is able to bear for the present. I know that gentleman from reputation and from history and from our examinations in this body and elsewhere; and to excoriate him here again before this body, I think, is rather cruel; but I may be pardoned for one moment in dwelling on what has been discussed here this morning, so that we may not be taken to be ignorant about what was going on yetserday.

I was about in as bad condition as the Senator from Indiana yesterday. When I heard that dispatch read, I certainly understood that it referred to the bill Mr. Kellogg had then in his possession. The Senator from Indiana so understood it, and I so understood, and we all so understood. What is most remarkable about his dispatch is this: he pronounces that statement false. False in what respect? False as to the law or false as to the fact that he intended to sign it? The whole question depends upon that in regard to this point. His dispatch was evasive and equivocal, as I thought then. When we see the one presented this morning, we see that both are evasive and equivocal. Who can understand that dispatch which he sent here last night and we have heard this morning? If the honorable Senator from Louisiana continues much longer the controversy on this preliminary question, we shall have the whole laws of Louisiana here before us. That honorable Senator from Louisiana has now probably gone to see some Representative from that State, and we may have, before we get through this discussion, at all events by intendment or by imagination, the whole laws of that State, because it is now seriously disputed whether any law of the kind has passed at all, and the honorable Senator in his concluding remarks has undertaken to give us an entirely different impression about what has been passed by that Legislature, and I am sure the dispatch of Governor Kellogg throws no light on the subject at all. He refers to section 19 and says it repeals a certain law passed in 1872, and another one passed in 1873, and in this cursory discussion we have not time to examine those laws and determine what their provisions are. However, one thing was distinctly stated yesterday, and Governor Kellogg knows it as well as any gentleman on this floor, that there was a repealing act of the act that was passed at the late session. Governor Kellogg knows that just as well as he knows the fact that Durell had no jurisdiction over this matter when he went before him for the purpose of filing his bill and getting possession of the State government. It is all a farce from beginning to end, and it shows up the character of this whole case. This little personal explanation made by the Senator from Louisiana this morning exhibits the whole character of this case, and it shows that it is one of the most extraordinary cases ever presented for our consideration.

But I do not care to consider Mr. Kellogg in his individuality. As was very properly said by the Senator from Louisiana, and the Senator from Indiana, and the Senator from Wisconsin, we have nothing to do with the individuality of Mr. Kellogg. I have nothing to do with his name. I do not know or care whether he is Mr. Kellogg or anybody else. The question is the official position that he holds in the State of Louisiana that he should give us all of this great trouble. We were engaged during the last session of Congress, we are to-day engaged, in discussing the character of Mr. Kellogg—not Kellogg in his individuality, but in the official position that he may occupy, and occupying that has given so much trouble to the people of this country, and especially of the State of Louisiana. But now I will proceed, Mr. President, with the line of remarks I was making yesterday in the regular discussion of the question I had in contemplation.

[Mr. HAMILTON resumed and concluded the argument commenced by him yesterday. His remarks will appear in full in the Appendix.]

[Mr. MORTON addressed the Senate. His remarks will appear in the Appendix.]

Mr. TIPTON obtained the floor.

Mr. MERRIMON. Will the gentleman yield to me for a moment? I wish to propound a question to the Senator from Indiana.

Mr. TIPTON. I will yield for a moment.

Mr. MERRIMON. In no spirit of captiousness, I desire to ask the Senator from Indiana a question, with a view to see exactly the whole scope of the ground that he occupies. Suppose that the State of New York should for any cause be without a governor, without a Legislature, and without any State officers whatsoever, do I understand the Senator from Indiana to say that Congress in that case could not take such action as would enable the people of New York to elect officers to fill such vacant offices?

Mr. MORTON. That makes the case pretty nearly the condition of the Southern States at the end of the war. They were without governments of any kind. It was necessary therefore, in the very nature of our Government, that they should be reconstructed, and upon republican principles. That presented a case where the Government of the United States had a right to interfere and reconstruct those States.

Now my friend from North Carolina puts the case of the State of New York, where the governor is gone, the State officers are all gone, and the Legislature is gone. Now if there is any government left there I hardly know what it is. It presents a case where there is no government; and it would be hard to guarantee a republican form of government in the total absence of government. But suppose there is a governor wanting; the governor is dead, and the laws of New York provide no way for supplying his place. I think that would hardly destroy the State government of New York. While there is enough left to form a State government, or where the laws of a State provide for supplying the vacancies of the officers that are dead or have fled the State, there is no occasion for the interposition of Congress. But that is not this case. Here is a case of a State government in full and complete operation in every department going on successfully and well, a State government sanctioned by the courts and by all those tribunals which the constitution and laws of the State have prescribed. The question is whether because of an alleged fraud (which for the sake of the argument I am admitting) it is competent for Congress to come in and set aside that government, and order a new election under Federal authority and force officers thus elected upon the State of Louisiana in contravention of her constitution and laws? I say no. If that power exists, then there are no State governments except as tenants at will under the authority and by the consent of the Government of the United States.

Mr. CARPENTER. My friend will allow me to ask him a question for information?

Mr. MORTON. Yes, sir.

Mr. CARPENTER. I understand his point to be that if a State be found without any government whatever Congress may interfere, but if the State have a government which is held by usurpation throughout, then Congress is powerless in the premises. Is that the position?

Mr. MORTON. The Senator can state it.

Mr. CARPENTER. That is the way I understand it, and silence gives consent.

Mr. MORTON. What I have said was that the State of Louisiana is amenable to the people of Louisiana, and that government must be the accepted government of the State that is recognized by those tribunals in the State which are specially created and authorized to determine such questions; that if, as the Senator says, we had a right to interfere in New York because it was alleged that the governor was elected by fraud, we have a right to interfere where the Legislature is elected by fraud. In other words, that the Congress of the United States is the general canvassing board for all State officers and State Legislatures, and can turn them out at its sovereign will and pleasure. I say there is a broad distinction between such a case as that and the case contemplated by the Constitution of the United States.

Mr. TIPTON. Mr. President——

Mr. HAMLIN. If the Senator from Nebraska will yield to me a few minutes——

Mr. TIPTON. Certainly.

Mr. HAMLIN. It is now past four o'clock, late in the day, and I apprehend the Senator would hardly be able to conclude this evening; and if it be agreeable to the Senator I will move that we proceed to the consideration of executive business.

Mr. TIPTON. I give way.

Mr. HAMLIN. I submit that motion.

The motion was agreed to.

Mr. EDMUNDS. I move that the Senate adjourn.

The motion was not agreed to.

BISMARCK LAND DISTRICT.

Mr. RAMSEY. I ask that the bill (H. R. No. 994) to establish the Bismarck land district in the Territory of Dakota be taken from the table and considered now.

There being no objection, the Senate, as in Committee of the Whole, proceeded to the consideration of the bill.

It creates all that portion of Dakota Territory lying north of the seventh standard parallel and west of the ninth guide meridian into a separate land district, to be known as the Bismarck district; the land office to be located at the town of Bismarck, where the North Pacific Railroad intersects the Missouri River.

Mr. EDMUNDS. Has that been reported from a committee?

Mr. RAMSEY. A bill in the same words has been reported from the Committee on Public Lands here.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. After four minutes spent in executive session the doors were reopened, and (at four o'clock and twenty-two minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April* 16, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. GARFIELD. I demand the regular order of business; and I desire to inquire of the committee next on call in the morning hour whether they have any objection to allowing the legislative appropriation bill to be taken up now? If there is any committee that desires particularly to go on in the morning hour to-day, I will not antagonize it; but I have thought probably it might be arranged to let the House proceed with this bill immediately.

Mr. MOREY. The Committee on the Mississippi Levees will very soon be called in the morning hour—probably this morning. We have an important subject before us, and we wish to ask that a future day be fixed for its consideration. We shall probably not occupy more than ten minutes of the morning hour.

The SPEAKER. The gentleman from Ohio [Mr. GARFIELD] is aware that this is a question which the majority of the House can settle.

Mr. GARFIELD. I am aware of that. My proposition will not interfere at all with fixing a day for the measure which may be reported from the Committee on the Mississippi Levees. To test the sense of the House, I move that the House now resolve itself into the Committee of the Whole on the special order.

Mr. SPEER. There is hardly a quorum in the Hall, I think.

Mr. MOREY. The Committee on the Mississippi Levees——

Mr. GARFIELD. I will yield to allow the gentleman from Louisiana [Mr. MOREY] to make his request.

Mr. CLYMER. A number of gentlemen who I know are interested in matters embraced in the legislative appropriation bill are now out of their places, and they would be taken unawares by the action of the House in going into Committee of the Whole at this time. I think it would hardly be fair to them.

Mr. MOREY. If there be no objection, I ask permission to report at this time from the Committee on the Mississippi Levees a substitute for a House resolution which was referred to us.

Mr. GARFIELD. The gentleman can ask to have it printed and recommitted; and then when his committee is regularly called, the matter will be in an advanced state.

Mr. MOREY. I ask the House to let us have one day after the morning hour, to the exclusion of everything else except appropriation bills, for the consideration of this subject.

The SPEAKER. The House must either do one thing or the other; it must either decide to go into the Committee of the Whole or to proceed with the regular order.

REPORT ON MOIETIES, TREASURY CONTRACTS, ETC.

Mr. DAWES. Before the question is put on the motion of the gentleman from Ohio, [Mr. GARFIELD,] I ask unanimous consent to report from the Committee on Ways and Means a resolution to which I presume there will be no objection, and which we desire to have adopted.

The resolution was read, as follows:

Resolved, That the Committee on Ways and Means be, and is hereby, authorized to report in print at any time to the House on the matter of moieties, and on the contracts under the act of March 8, 1872, known as the "Sanborn contracts."

There being no objection, the resolution was considered as agreed to.

Mr. DAWES moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. KELLEY. Has the morning hour been dispensed with?

The SPEAKER. It has not been. It will be dispensed with if the motion of the gentleman from Ohio [Mr. GARFIELD] should prevail.

Mr. KELLEY. As I have a report to make from a committee that is very near being called, I would ask leave before the morning hour is dispensed with to report a bill and have it referred to the Committee of the Whole on the state of the Union.

The SPEAKER. The morning hour can only be dispensed with by a majority vote; and as the House now stands there will be no necessity of submitting the motion if there be no objection, as there is evidently not a quorum present.

Mr. KELLEY. I do not wish to antagonize the appropriation bill, but I hope the morning hour will not be dispensed with.

The question being taken on the motion of Mr. GARFIELD, there were—ayes 68, noes 17; no quorum voting.

Mr. KELLEY. No further count will be insisted on, I think.

Tellers were ordered; and Mr. GARFIELD and Mr. CLYMER were appointed.

The House divided; and the tellers reported ayes 86, noes not counted.

So the motion was agreed to.

CENTENNIAL CELEBRATION.

Mr. KELLEY, by unanimous consent, reported from the Select Committee on the Centennial Celebration and the Proposed National Census of 1875 a bill (H. R. No. 2986) to appropriate $3,000,000 in dia of the centennial celebration and international exhibition of 1876; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. HALE, of Maine. I reserve all points of order on that bill.

The SPEAKER. The Chair does not understand what points of order can be reserved.

Mr. HALE, of Maine. Nor do I understand; but I wish to reserve any points of order that can possibly be taken. This is an appropriation bill, I understand.

The SPEAKER. On the regular appropriation bills the reservation of points of order has some relevancy, because frequently independent legislation is put upon those bills. But the only point of this bill is that it appropriates $3,000,000, to which, as the Chair understands, the gentleman designs to object.

Mr. HALE, of Maine. I enter the reservation, whatever it may be worth.

The SPEAKER. The Chair does not think the point has any pertinency or relevancy.

Mr. HALE, of Maine. If it has no pertinency, it does no harm.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The House accordingly resolved itself into the Committee of the Whole (Mr. WOODFORD in the chair) and resumed the consideration of the bill (H. R. No. 2064) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes.

The Clerk read as follows:

For miscellaneous items, $28,000.

Mr. DUNNELL. I move in line 184 to strike out "28" and insert "10;" so it will read:

For miscellaneous items, $10,000.

Mr. GARFIELD. I wish to say to the gentleman from Minnesota that I am having prepared a careful statement giving in detail the items making up this appropriation, and I ask him to withhold his amendment until that statement is prepared. I also ask for the present that this paragraph be passed over by unanimous consent.

Mr. HEREFORD. I do not desire to object; but I also have an amendment to offer to this paragraph.

Mr. GARFIELD. The gentleman's amendment will be in order when it comes up again.

The CHAIRMAN. The Chair hears no objection, and this paragraph for the present is passed over. When it is again called up the Chair will recognize the gentleman from Minnesota [Mr. DUNNELL] and the gentleman from Virginia [Mr. HEREFORD] to offer their amendments.

Mr. WARD, of Illinois. I do not know that yesterday we passed the paragraph for cartage, $2,000, in line 183, so that the point of order would lie against my now calling attention to it, but there was no action taken on that paragraph in committee.

The CHAIRMAN. The committee ceased action with the amendment offered by the gentleman from Kansas [Mr. COBB] to line 182, and the Chair will therefore recognize the gentleman from Illinois to move an amendment to line 183.

Mr. WARD, of Illinois. I call the attention of the chairman of the Committee on Appropriations to this paragraph of cartage, $2,000, and ask him to request that also be passed over by unanimous consent, and that he may have prepared a specific statement of the items going to make up this appropriation.

Mr. GARFIELD. I will say in regard to cartage that not only last year but this year also the Committee on Appropriations carefully examined this whole subject. In this paragraph of cartage is included a class of expenditures such as carrying off ashes and doing similar work required to be done about the Capitol. It was formerly done at so much per load. The committee went carefully over it to prevent any constructive charges, and finding there was a chance of constructive cartage reduced the appropriation to the lowest amount possible. We have reported the same amount as last year, and the committee believe it is the lowest amount.

The CHAIRMAN. Does the gentleman from Illinois offer the amendment?

Mr. WARD, of Illinois. I withdraw my objection on the statement made by the chairman of the Committee on Appropriations.

The CHAIRMAN. Line 184 is passed over for the present and permission is given to return to it again at another time.

The Clerk read as follows:

For newspapers and stationery, including $6,000 for stationery for the use of the committees and officers of the House, $43,750.

Mr. BECK. I rise, Mr. Chairman, for the purpose of asking why so large an item as $43,750 is provided here for newspapers and stationery, including $6,000 for stationery for the use of the committees and officers of the House for the next fiscal year?

Mr. GARFIELD. The gentleman is aware, according to the law of last year, $125 is allowed for newspapers and stationery to each of the three hundred and odd Members and Delegates of the House, and that is what makes the increase in the total amount. There is here, however, a reduction. Last year the appropriation for stationery for committees was $10,000; we have reduced it now to $6,000. The increase of the other item is because of the increase in the number of members.

Mr. PARKER, of Missouri. I move to strike out the paragraph, and insert in lieu thereof the following:

For stationery for the use of committees and officers of the House, $6,000.

I desire, Mr. Chairman, briefly to explain that amendment. The paragraph of the bill reported from the committee appropriates the sum of $43,750 for the purpose of furnishing newspapers and stationery to the committees and officers of the House of Representatives, $6,000 being for stationery for the use of the committees and officers of the House, and the balance being for the purpose of paying $125 to each Member and Delegate of the House of Representatives for the purpose of furnishing him with newspapers and stationery. I want it distinctly understood that I have never seen anything especially improper in this, but as we have commenced in the line of economy here—as we have already abolished all mileage; as we have "wiped out" all perquisites upon the ground they could not be justified, after the House by the passage of the salary bill agreed that should be a finality on this question, and then came in here yesterday and violated that agreement—I say after these things I think we should follow out the line of economy to its legitimate conclusions and wipe out each and every one of these perquisites. Here we have $125 allowed to each member for newspapers and stationery. I do not know whether we all use it or not, but I hold if we desire to practice economy we should be consistent in so doing and take the same action in regard to all these perquisites.

The House declared to the country that the man who comes from the Pacific coast, with his family, ought not to be paid anything for traveling from that country; that he ought to receive the same as a member living in sight of this Capitol, who can go home two or three times a week and draw his pay all the time and attend to his business in the courts, visit his family, and do anything else he may desire. Let us equalize the thing. Let every member be placed on the same equality, and let the equality be fixed at $5,000 a year. By so doing we can save this amount of $38,000. The people seem to demand that we shall save every farthing at this time. Let us do it. Let us pay this out of our own pockets.

I did not believe the people made this demand when I came to Congress; but judging from our votes, and from the fact that our votes reflect the will of our constituents, I have come to the conclusion that they do now demand it. And if we cannot maintain before the country the proposition of mileage, we cannot maintain the proposition that gives the members pocket-knives and gold toothpicks and everything of that character. I insist on my amendment.

Mr. FRYE. Will the gentleman allow me to ask him a question?

Mr. PARKER, of Missouri. Certainly.

Mr. FRYE. I understand that the gentleman claims that certain amendments have been made in the spirit of demagogism, and that now he does not propose to be outdemagogued. Is that it?

Mr. PARKER, of Missouri. I would prefer the privilege, as long as I am a member of this House, of expressing my own sentiments, rather than have the gentleman from Maine [Mr. FRYE] or anybody else expressing them for me. I have not said any such thing as he has indicated. I think, and I assert, in the face of the agreement made by the committee on the salary question, and adopted by this House, that the spirit which prompted us yesterday to violate that agreement was not exactly consistent. I voted for that proposition because from this on I am, as I have ever been, in the line of economy with the most extreme in the House. I have expressed no such sentiment as the gentleman attributes to me.

Mr. DAWES. Will the gentleman say exactly what the agreement was to which he has referred?

Mr. PARKER, of Missouri. The agreement impliedly was, that when the special committee on the salary bill made a report to this House, and when the House adopted that report, that should be a finality on this question for this Congress.

Mr. DAWES. I did not for one, as the gentleman knows, exactly agree with the committee.

Mr. PARKER, of Missouri. The agreement was sanctioned by a majority of the members of the House.

Mr. GARFIELD. I ask for a vote.

The question being taken on the amendment of Mr. PARKER, of Missouri, there were—ayes 62, noes 109.

Mr. PARKER, of Missouri, called for tellers.

The CHAIRMAN. The Chair appoints as tellers——

Mr. SENER. I make the point of order that a quorum has voted, and that it is for the committee, and not the Chair, to order tellers.

The CHAIRMAN. The point of order raised by the gentleman from Virginia [Mr. SENER] is well taken.

The question being taken on ordering tellers, there were—ayes 39; more than one-fifth of a quorum.

So tellers were ordered; and the Chair appointed Mr. PARKER, of Missouri, and Mr. GARFIELD.

The committee again divided; and the tellers reported—ayes 46, noes 92; no quorum voting.

Mr. PARKER, of Missouri. I do not insist on a further count; but I desire to give notice that I will offer this as an amendment to the bill when it is reported back to the House.

The CHAIRMAN. The gentleman from Missouri [Mr. PARKER] gives notice that he will offer as an amendment to the bill, when it is reported back to the House, what has just been voted on.

Mr. McKEE. Do I understand that this can be offered as an amendment when the bill is reported back?

The CHAIRMAN. The gentleman from Missouri has given notice that he will offer this as an amendment to the bill when it is reported back to the House for final action.

Mr. McKEE. Will the gentleman have an opportunity of having the yeas and nays on the question, when the bill is reported to the House?

The CHAIRMAN. That will depend upon whether the House orders the previous question on the bill as a whole.

Mr. McKEE. How can the gentleman obtain the yeas and nays on his amendment unless we now put the amendment into the bill?

Mr. GARFIELD. "Sufficient unto the day is the evil thereof."

Mr. HALE, of New York. I demand the regular order.

Mr. McKEE. I offer the following amendment:

Add to the paragraph the following:

Provided, That no part of this appropriation shall be used in payment of stationery for Senators, Members, or Delegates.

My reason for offering this amendment is simply this: I wish this amendment to be adopted in order that we may have the yeas and nays on this question in the House. Our eastern friends, and those living near the capital, are very anxious to retrench and economize, provided it does not come out of their pockets. I want to see how they will vote when it comes to the question of taking this trifling sum out of their pockets.

This amendment will take some money out of the pocket of every member here. It does not take it from the pockets of the members from afar off only. You have seen by the vote just taken how much genuine economy there is in this House. Members are very willing to economize out of the pockets of somebody else, and that is how the bill abolishing mileage was passed here when reported from a committee without debate and rushed through under the previous question. All I seek is to show how much genuine economy there is in this House, and therefore I ask that my amendment be voted on and put in the bill, and then we can have the yeas and nays on it in the House.

Mr. GARFIELD. I rise to oppose the amendment, and call for a vote.

Mr. BIERY. I move to amend the amendment by striking out the last word. It seems to me that there is a disposition sometimes to run to extremes. It seems to me that the proposition which the House passed yesterday with reference to mileage has seized hold upon a great many minds here, and there is now a disposition to cavil at small matters. I believe, sir, that it is for the good of the legislation of this country that we should maintain some balance of mind in our action here.

This amendment, as I understand it, is to strike out a little trifling item, and might perhaps take a fraction of a penny out of my pocket and a fraction of a penny out of the pocket of the gentleman from Mississippi.

Mr. McKEE. It will take $125.

Mr. BIERY. Very well; supposing that is so. It proposes then that the members here shall buy the stationery upon which they are to write every matter that relates to the public business with their own money. This matter of stationery is not one that pertains to men's individual business. It is not right or just that members should be called upon to expend their money for the stationery upon which we write what amendments we have to offer, what bills we may have to draw up, and matters of that kind.

Mr. McKEE. Do you use $125 worth of stationery for that purpose?

Mr. BIERY. I do not know. The gentleman from Mississippi may be able to inform the House on that point better than I can; but I say that whatever amount of stationery is required here for the purpose of doing the public business ought to be furnished by the Government. I therefore oppose the amendment of the gentleman from Mississippi. I withdraw the amendment to the amendment.

The question was taken upon Mr. McKEE's amendment; and it was not agreed to—ayes 35, noes not counted.

Mr. PARKER, of Missouri. It is suggested that I did not give the proper notice a while ago in reference to the amendment which I propose to offer in the House. I give notice that I shall call the yeas and nays on that amendment when it comes into the House.

Mr. RICE. The gentleman gave that notice once before.

Mr. SHELDON. I was absent from the House yesterday when the provision of this bill was passed over that I intended to call the attention of the committee to, and I now ask unanimous consent to go back to it that I may move to strike out lines 103, 104, and 105, which I ask the Clerk to read.

The Clerk read as follows:

For compensation of Members of the House of Representatives and Delegates from Territories, $1,535,000.

Mr. GARFIELD. Out of particular regard for my friend from Louisiana, I object to going back. I think he will be obliged to me for objecting.

The Clerk read as follows:

Public printing:

For compensation of the Congressional Printer, and the clerks and messenger in his office, $13,917.

Mr. HALE, of New York. I move to insert after the clause just read the following:

Provided, That so much of the act entitled "An act providing for the election of a Congressional Printer," approved 22d February, 1867, as provides for the election of such officer by the Senate and provides that such officer shall be deemed an officer of the Senate, be, and the same hereby is, repealed; that the title of said officer shall hereafter be "the Public Printer," and he shall be deemed an officer of the United States; and whenever a vacancy in said office shall hereafter occur, the same shall be filled by appointment by the President of the United States, by and with the advice and consent of the Senate.

Mr. GARFIELD. I ask if that amendment has been made in order to this bill?

Mr. HALE, of New York. The House, by a suspension of the rules some four weeks ago, permitted it to be offered.

The CHAIRMAN. The amendment is in order.

Mr. HALE, of New York. I beg the attention of the committee for only two or three minutes while I state the object and effect of this amendment. Prior to the year 1867 the officer in charge of the public printing was denominated "Superintendent of Public Printing." He was an officer of the United States, appointed in constitutional form by the President by and with the advice and consent of the Senate. In the year 1867 Congress, moved undoubtedly by proper motives, doubtless having some reference to the relations then existing between the then President of the United States and the majority of the two Houses of Congress, passed an act which made this officer no longer an officer of the United States, declared him to be an officer of the Senate, and authorized his election by the Senate as such officer, changing the name of the officer from "Superintendent of Public Printing" to "Congressional Printer," though evidently "Senatorial Printer" would have been more in consonance with the provisions of the bill. That law has remained in force ever since. I think all the House can see that there is every probability that it will always remain a law unless it shall be repealed by a provision embodied in an appropriation bill. Legislative bodies are not accustomed to surrender any power once conferred upon them, unless it be an enforced surrender. Of course I make this as a general remark, not to have any application to any particular legislative body.

It seems to me that, in view of the duties of this officer, it would be just as proper to declare the General-in-Chief of the Army of the United States, or the head of the Customs Department, or the collector of the port of New York, or elsewhere, an officer of the Senate, as it is to declare this printer an officer of the Senate. In no sense is he or can he be an officer of the Senate, except as the statute says he shall be. And by the same rule any other public officer might be made an officer of the Senate or an officer of this House. In idea, in scheme, this is an absurdity, and one that certainly this House ought not to tolerate the existence of for one day longer than it can prevent. The Public Printer is not a printer merely for the two Houses of Congress even. He is a printer for the Government, for every department of the Government, not only for the legislative, but the executive and judicial departments. He is an officer of the United States, and should be appointed in constitutional form as such officer.

I hope, therefore, that this committee, and the House following the committee, will adopt this amendment, and will adhere to it under all circumstances, and make it a part of this bill without any change in substance.

Mr. BASS. I do not understand why this amendment should be offered at this time. The gentleman who advocates it seems to concede that it is not strictly in order as an amendment to this bill, and if it is to be adopted in this way upon an appropriation bill, it is because there is no probability that it will become enacted in the proper and legitimate way of enactment.

Mr. HALE, of New York. Allow me to correct the gentleman. Instead of admitting that the amendment was not strictly in order, I have endeavored to satisfy the committee that it is in order, and so made by a two-thirds vote of the House, and that this is the only way in which the remedy can be had.

Mr. BASS. I understood the gentleman sought to satisfy the committee that this ought to be in order, and I understood from him also at the same time that there was no probability of this amendment ever becoming a law unless it was tacked on an appropriation bill, and allowed to be carried through in that way, and not left to stand upon its own merits.

Every gentleman in this House knows that divers resolutions have been presented and passed requiring an investigation into the affairs of the office of Congressional Printer. Desiring to treat the Congressional Printer with that fairness to which any one is entitled who holds a place under the Government of the United States, it seems to me that the House of Representatives, by coming to the conclusion at once that the tenure of his office should be changed, will thereby impute some wrong or error in the administration of that office which I believe nothing already made known can justify.

Mr. HALE, of New York. There is not a syllable in my amendment that imputes anything wrong to the Congressional Printer.

Mr. BASS. I desire to ask the gentleman if the insinuation that goes with the proposed change is not that there is something in the affairs of that office that requires the tenure of the office to be changed in order that it may be corrected? The affairs of that office are now being investigated by the Committee on Printing of this House, I understand, but they have not yet made their report. I take it for granted that we are not willing to make intimations of this kind against the Congressional Printer, such as may be drawn from this amendment, until there shall be some report to justify it.

The gentleman says further, as I infer from his statement, that from the fact that the Congressional Printer holds his place by a vote of the Senate he is therefore to be deemed a senatorial officer, an officer of the Senate, and not of the Government. I would like to inquire what there is in the fact that a particular officer is selected for his place by the Senate that makes him an officer of the Senate more than an officer of the Government of the United States? By a statute on our statute-books the Congressional Printer has certain duties to perform, and he must discharge those duties according to laws enacted by Congress and approved by the President of the United States. The fact that he holds his place by a vote of the Senate makes him no less an officer of the Government of the United States than if he was nominated by the President and confirmed by the Senate. Why is it necessary to take the appointing power away from the Senate and give it to the President? If the power was so transferred and the nomination made by the President and confirmed by the Senate, what is it that the gentleman desires to correct by that means? The power is now lodged in the Senate to select this officer, as power is lodged in the Senate to select divers other officers in the administration of the affairs of the Government, as this House now has the power to select certain officers who discharge public duties. I do not see the necessity of this change; and unless some grievance exists, unless it is believed that the officer now selected cannot or does not properly discharge the duties of the office, and that there will be a correction of the evil if the selection is transferred to some other tribunal, it seems to me that this change should not be made.

Mr. DONNAN. I move to strike out the last word, for the purpose of saying to the committee that this proposed amendment comes with full authority from the Committee on Printing. I think it is misunderstood by my excellent friend from New York, [Mr. BASS.] It is not designed in any manner or form as an attack on the present Public Printer, nor does it propose to change the tenure of his office; it does not propose to legislate him out of office. It simply provides that when a vacancy shall hereafter occur in this office, the officer shall be appointed by the President and confirmed by the Senate, as was always the case in the past since we have had a Public Printer, until 1867. Congress would have the same justification, by all parity of reasoning, in saying that the Senate should appoint all the postmasters of the country as to say that it has the authority and the right to select the Public Printer for this Government. In my judgment the appointing power should be returned, as I believe this House will vote to return it, to where it has been heretofore until a comparatively recent period.

The amendment ought not to be construed as casting any insinuation upon the Public Printer. It is not so intended; and I want the House to so understand. Let the question as to the administration of the present incumbent stand upon its own merits, under investigation, where it ought to stand. The question now presented is simply whether this officer, like all other officers of the same character, shall be appointed by the President and confirmed by the Senate. That is the whole substance of the amendment; and I believe the House is prepared to act on it. I withdraw my *pro forma* amendment.

Mr. HALE, of New York. I renew the amendment to strike out the last word. The very extraordinary speech of my colleague from the Buffalo district [Mr. BASS] requires a word of response. It has demonstrated a most singular misapprehension on his part not only of the amendment which I have offered, but of the Constitution of the United States, with which he ought to be somewhat familiar.

As it has been stated by my colleague on the Printing Committee, [Mr. DONNAN,] this amendment carefully guards against any interference with the present incumbent of the office of Congressional Printer. It so happens that the incumbent is a constituent of my colleague, whose zeal outruns his discretion when he fancies that this amendment is an attack on the present Public Printer. It is purely an attempt to vindicate the principles of sound government.

But my colleague makes the statement—a remarkable one for a lawyer to make—that there is no objection to an officer of the United States being elected by the Senate or by this House; that the thing is often done. I beg to refer my colleague, for his information, to the second section of the first article of the Constitution of the United States, which provides that the President shall appoint all "officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of Departments."

Mr. NIBLACK. I wish to ask the gentleman a question. The act of 1867, by which the Congressional Printer was made elective by the Senate, was passed under an emergency, as I understand the gentleman to state.

Mr. HALE, of New York. I really wish my friend from Indiana would not interrupt me.

Mr. NIBLACK. I wish to inquire whether that emergency has now passed.

Mr. HALE, of New York. I prefer to make my own speech. I know the gentleman from Indiana can make it better than I can; but I wish to make it myself. All there is in this matter is that the

act of 1867 undertook to circumvent the Constitution of the United States by declaring a man who was a public officer to all intents and purposes to be nominally an officer of the Senate. I think we have submitted to that quite as long as is consistent with the dignity and decency of this House.

A single point more. Within the last year we have imposed upon this printer the duty of publishing the debates. Now I ask every member of this House whether there is any consistency or propriety or decency in having the publication of the debates in this House under the control and charge of an officer of the Senate?

Mr. NIBLACK. I rise to oppose the amendment *pro forma*. I happened to be in Congress in 1867, when this law in regard to the Congressional Printer, which the gentleman from New York now desires to modify by this amendment, was passed, and I understood it was passed because Congress thought then that the patronage of the President of the United States was too large; that it was not only dangerous to extend that patronage, but desirable to circumscribe it as much as possible, to take it away wherever that could be done safely; and this was regarded as a case in which the President might properly be deprived of the patronage he had before exercised. So we passed a law providing that the Senate of the United States should elect this Public Printer. Now I want to know from the gentleman from New York [Mr. HALE] whether the emergency which was supposed to require the enactment of that law has passed, or whether on further consideration it has been deemed better to trust the President with the appointment of this officer—to reconfer upon the President the patronage involved in the appointment of the officer who discharges the duties of Public Printer under the order of Congress. I would like to know why it is that, though it was considered bad policy in 1867 to allow the President to appoint this officer, it is deemed good policy in 1874 to confer again upon the President the power to nominate and appoint the Public Printer to do the congressional printing.

Mr. HALE, of New York. As the gentleman from Indiana [Mr. NIBLACK] has appealed to me, I am very happy to reply to his question. I cannot answer for the motives which induced the Thirty-ninth Congress to pass the enactment referred to; but if I am at liberty to imagine the reason, I am free to say that I think the emergency which called for the passage of that enactment has passed, the relations between the President and Congress having been changed.

In that connection I will add, having been, as well as my friend from Indiana, a member of the Congress which passed this act, I fully concurred with him at the time in opposition to it, deeming it an unwise and improper measure. I have never changed my mind on that subject.

Mr. NIBLACK. I thought the gentleman did change his mind, but I remember now that he was suspected somewhat of being a Johnson republican—only in a mild form, however.

Mr. HAZELTON, of Wisconsin. I ask the gentleman from New York to withdraw his amendment to the amendment and I will renew it.

Mr. HALE, of New York. I will do so.

Mr. HAZELTON, of Wisconsin. I renew the amendment to the amendment.

Mr. Chairman, I hope this amendment will prevail; I think it ought to. If it were a proposition to place the Capitol, including the folding-room of this House and the public grounds connected with this Capitol, under a superintendent to be appointed or elected by the Senate, it seems to me no gentleman on this floor could assent to such a proposition for a moment. Yet this existing law which authorizes a Public Printer, an officer of the Government connected as much with this branch of Congress as the other, to be elected or chosen by the Senate and placed in the position he holds by the Senate is an utterly indefensible proposition, as much so as in the case I put as an illustration.

Now, sir, I know as a matter of fact, and I presume other gentlemen on this floor know it, that when we have been to the present occupant of this position to solicit a place for a constituent we have been met by the statement that that office is an office conferred by the Senate; that he is an officer of the Senate and under peculiar relations to the Senate. It seems to me it is time we should come back to the true principle of electing this officer, or that the power of making an appointment, if the present system is to be continued, shall be lodged where by the Constitution it is lodged. We should insist on this amendment with the view of coming back to that position which the Constitution indicates.

Mr. STORM. The gentleman withdraws the amendment to the amendment, and I renew it.

The gentleman from Iowa [Mr. DONNAN] and the gentleman from New York, [Mr. HALE,] both members of the Joint Committee on Printing, have been careful to say they do not wish to bring any question relating to the conduct of the Public Printer into the discussion of this case. I sympathize with them in that regard, and do not propose now myself to refer to any charges which have been made, except to say that it is well known by the country that serious and grave charges have been made against the management of the Public Printing Office by a very respectable and influential journal in this city, and that in view of these charges I presented to the House a resolution and had it referred to that committee. I understand, in pursuance of the duties under that resolution, this committee could not get the Public Printer before them, simply because he claimed that he was an officer of the Senate, and a committee of this House could not call him to account. Although serious charges were made against the management of that office, yet no committee of this House could call that printer before them and examine him as to the management of that office, because he was an officer of the Senate, appointed by the Senate, and responsible alone to the Senate.

I say I only refer to this fact to show the importance of this amendment, in order that the Public Printer may be made an officer of this House as well as of the Senate, so that when serious charges are made against an officer of this Government this House, which has an interest in the management of that office, may call him before it and question him and investigate his conduct.

Mr. BASS. I understand my colleague to say that by introducing the amendment he has on this occasion he does not design to make any imputation against the Congressional Printer or anticipate that the effect of his amendment will be to make a vacancy in the office. I so understand him. If that be so, then in order to settle the question I desire to move this amendment:

Provided further, That the repeal of the said act of February 22, 1867, shall not operate to remove the present Congressional Printer.

Mr. NIBLACK. I make a point of order on that amendment.

Mr. BASS. Permit me to make one suggestion.

Mr. NIBLACK. The point of order that I make is this, that the amendment of the gentleman from New York [Mr. HALE] was only received because it was made in order by a vote of the House under a suspension of the rules, and this not having been provided for by a suspension of the rules is not therefore in order.

The CHAIRMAN. The Chair rules that, as the amendment offered by the gentleman from New York [Mr. BASS] is germane to the amendment which the House by a suspension of the rules allowed to be offered in Committee of the Whole, it is one which the Chair will entertain.

Mr. TREMAIN. If my colleague will allow me I desire to ask him a question for information. What does the gentleman understand to be the tenure of the office of the Congressional Printer under existing law?

Mr. BASS. He holds his office at the pleasure of the Senate.

Mr. DAWES. Does the gentleman then propose by his amendment that we shall legislate for the Senate?

Mr. BASS. I am surprised at the question of the gentleman from Massachusetts. He could not have heard the amendment read. The amendment simply proposes that the adoption of the amendment moved by my colleague [Mr. HALE] shall not of itself operate to remove the present Congressional Printer. He will be subject to the same causes of removal that would be applicable under existing law.

Mr. DAWES. Does the gentleman then mean to provide that the amendment of his colleague shall have no effect whatever?

Mr. BASS. I mean that this amendment of itself shall not operate to remove the Congressional Printer.

Mr. DAWES. I would suggest to the gentleman that he modify his amendment so that it shall be plain to us all by making it read "provided this shall have no effect whatever unless the Senate are willing."

Mr. BASS. Instead of the gentleman asking me whether I desire to legislate for the Senate, I think I may ask him whether he designs to legislate for the Senate.

It is known to all of us that the Congressional Printer has more intimate official relations with members of Congress than with any other branch of the Government. In the publication of the proceedings of this House and of the Senate his relations with Congress are of the most intimate character. Now permit me to suggest that the officer who publishes the debates of this House and of the Senate ought to be a congressional officer and not an officer elected by the Senate. But, at any rate, an officer of Congress, whose duty it is to publish the debates of Congress, should be elected by Congress, either by the one branch or the other or by both branches together. I would be in favor of a proposition, if it can be put into proper shape, that the Congressional Printer should be elected by the joint action of the two Houses of Congress. It is with Congress that his relations are most intimate. We are required to appeal to him for justice on various occasions in connection with the publication of the debates. His proofs come to your rooms for revision. It seems to me, therefore, that it is better that he should be selected by the Senate of the United States than that he should be selected by the President of the United States and confirmed by the Senate. If he could be selected by the House I would be very glad that that should be done, but probably the Senate would not permit that as the law now stands. And if he could be elected by the joint action of the two Houses, that, it seems to me, would be still better and would meet the general view of the members of Congress. But as between his being appointed by the Senate of the United States or being appointed by the President, I think gentlemen on this floor should see to it that the tenure of the office should remain as it is rather than that the appointment should be transferred to the President of the United States.

Mr. GARFIELD. I now ask for a vote.

Mr. G. F. HOAR. There is a point in regard to this matter to which I desire to call the attention of the House in a single word.

It seems to me that we are bound, in order to support the Consti-

tution, to repeal the existing law. The Congressional Printer is not made an officer of the Senate merely by calling him so. If that were the case, every officer throughout the United States might be made an officer of the Senate. Whether he is an officer of the Senate in fact depends on his duty.

Now the Congressional Printer not only does the printing of the Senate and of the House, but he also does the printing of all the Departments; he does the printing of all the public documents. He is therefore a public officer, and not an officer of one branch of the Government. Now the constitution expressly limits the power of appointing public officers to the President with the advice and consent of the Senate, except that—

Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of Departments.

Congress, therefore, is prohibited by limitation of the Constitution from creating any public officer who shall be elected either by the Senate or by the House, or by both jointly. It is true that the power is given to the Senate to elect its own officers, and the power is given to the House to elect its own officers; but whether the person so elected is an officer of either branch of the government is a question not of language but of law. It will not be contended that this officer is in fact and in substance an officer of the Senate alone. The Senate, therefore, under the peculiar condition of things which grew up under the administration of President Johnson, has had vested in it the power of electing a public officer, and is exercising that power in derogation not only of the dignity and rights of this House, but in derogation of the express language of the Constitution.

Mr. BASS. I took the ground when I addressed the committee a few moments ago that the Congressional Printer was a public officer of the United States, and that his election by the Senate did not make him a Senate officer; but that the Senate was vested with the power of determining who should be the Congressional Printer, and that the object of the amendment is simply to transfer the selection from the Senate to the President of the United States.

But the character of the officer and the tenure of the office was in no degree changed by it except as to the person or body making the designation; that was transferred from the President to the Senate.

Mr. G. F. HOAR. Does the gentleman agree with me that this officer cannot constitutionally be elected by the Senate?

Mr. BASS. I do not; for I cannot suppose the House of Representatives and the Senate in 1867 would have passed an unconstitutional law.

Mr. G. F. HOAR. If gentlemen will look at the clause of the Constitution, on the eighteenth page of the Manual, for themselves, all doubt on this matter will be removed.

Mr. DAWES. After the colloquy between myself and the gentleman from New York [Mr. BASS] I desire to say a word. The present incumbent of the office is, so far as I know, above reproach, and certainly is entirely satisfactory to me, and in my support of this amendment I have no desire to reflect upon him. I was opposed to the passage of a law which surrendered to the Senate a power which belonged either to both Houses of Congress, or to the President by and with the advice and consent of the Senate, and I think the latter was very clearly the proper mode of appointment.

Formerly each House had its own Congressional Printer. There was a House Printer, elected by the House, and a Senate Printer, elected by the Senate. Since then it has been deemed wise to consolidate the offices in one. It is impracticable to have a concurrent election, even if it were authorized by the Constitution. The election must either be, practically, by this branch or the other branch, or by the President by and with the advice and consent of the Senate. The two branches would very likely be at loggerheads over the appointment, and would be without any officer. When the two offices were consolidated it became necessary, in the nature of the case, that the officer should be appointed by the President by and with the advice and consent of the Senate. The law which this amendment proposes to repeal was passed because there was a condition of things here at the time which led some members of Congress to think that it was safer to surrender the prerogatives of this House, one after the other, to the Senate, holding a perpetual session, than it was to run other risks which seemed to them great, without stopping to think that when they were once surrendered they could never be regained. I hope this amendment will prevail, and that this state of things from time to time will be corrected. It must be done, if done at all, in an appropriation bill.

Mr. GARFIELD. I ask unanimous consent that debate may cease upon this paragraph of the bill; if not I shall move that the committee rise for the purpose of closing debate.

Mr. FORT. I do not wish to continue the debate, but I desire to have read an extract from the opinion of ex-Attorney-General Akerman, which is very short.

Mr. GARFIELD. I will yield for that purpose if it is understood by unanimous consent that the vote shall be taken after it is read.

No objection was made.

The Clerk read as follows:

Viewing the appointing power conferred in the Constitution as a substantial, and not merely a nominal, function, I cannot but believe that the judgment and will of the constitutional depositary of that power should be exercised in every appointment. The power was lodged where it is because the makers of the Constitution, after careful consideration, thought that in no other depositaries of it could the judgment and the will to make proper appointments so certainly be found. They assigned it to functionaries who were expected to have an adequate knowledge of men and of affairs, to have capacity for public business, and to feel responsible to conscience, and to the opinion of good citizens. As a further security, they placed the power in the hands of those who would have a particular interest in using it well. If a legislative body is ill-officered, the members cannot do their work with ease or advantage; therefore, each branch of Congress chooses its officers. Without efficient servitors, a court of law is impotent; therefore, Congress may vest appointments in courts. The first need of the head of a Department is a body of capable and trusty assistants; therefore Congress may vest appointments in the heads of Departments. In all cases not thus provided for the appointment is with the President, whose success in his weighty charge essentially depends on the competency of the appointees. Thus the reasons for the constitutional provision all forbid that any judgment and will but those of the constitutional appointing power should have legal operation in the matter of the appointment.

The most important civil appointments are made by the President, with the advice and consent of the Senate. If Congress can compel the President to nominate a person selected by others, it can compel the Senate to advise and consent to that nomination.

The question was taken upon the amendment to the amendment offered by Mr. BASS; and it was not agreed to—ayes 41, noes not counted.

The question was then taken upon the amendment offered by Mr. HALE, of New York; and it was agreed to—ayes 103, noes not counted.

Mr. STARKWEATHER. I ask unanimous consent that this paragraph be passed over for the present, in view of the fact that matters in relation to the public printing are being investigated; and I think it is the purpose of some of the members of the Committee on Appropriations to prepare an amendment which will be more satisfactory than the bill as it now stands.

Mr. STORM. I object.

Mr. GARFIELD. I now call up the miscellaneous item which was passed over, and that will conclude all our back work.

The Clerk read the item, as follows:

For miscellaneous items, $28,000.

Mr. GARFIELD. We agreed last night to go back to this item when some statistics were obtained. I now have those statistics. The expenditure out of the miscellaneous appropriation for the last year was $66,385.78. That miscellaneous item included contested-election cases, for which we paid $28,187.10 during the last year; but in the appropriation bill of last year a proviso was inserted that hereafter contested-election cases should not be paid out of the contingent fund. It is for that reason that we were enabled to reduce the amount considerably. The estimate was made for $50,000. The committee thought we could safely reduce it to $28,000. I am in doubt whether we may not have cut too deep; but I do not think that $28,000 is a larger sum than will be absolutely needed. There are other items that are now left in the miscellaneous fund. In the first place the cost of the investigations ordered by the House—of course a joint investigation would not come under this appropriation—but all the expenses of House investigating committees are paid out of the miscellaneous fund; those expenses include the cost of witnesses, the cost of subpœnaing witnesses and paying their mileage. This item also includes the item of funeral expenses of members and officers of the House; the articles furnished for the committee-rooms and the store-rooms, and which are not specially provided for under the head of furniture; any special demand for a police force on the occasion of a funeral, an inauguration, or other public ceremony. In general, all these miscellaneous expenses that cannot be specifically anticipated and provided for are paid out of this fund. For many years the miscellaneous expenses have never been so low as it is now proposed to make them, $28,000. I call the attention of the committee to the following statement from the Clerk's office of how this miscellaneous fund was expended during the past year:

Amounts paid out of miscellaneous item of the contingent fund, House of Representatives, for fiscal year ending June 30, 1873.

To members on account of contested-election cases, under resolutions of the House	$28,187 10	
On account of investigations ordered by the House, including expenses of members of committees, mileage, *per diem* of witnesses, cost of subpœnaing	13,000 60	
Amounts paid under resolution to defray burial expenses, &c., of members and employés	5,956 15	
Articles furnished for store-room, committee-rooms, &c	4,762 05	
Messengers and others not properly paid from any other fund	2,959 52	
Capitol policemen stationed at garden	2,376 00	
Copyright of Barclay's Digest	2,000 00	
Ice	773 44	
Washing towels, curtains, &c., for bath-rooms, committee-rooms, and offices	728 09	
	60,741 35	
Miscellaneous, such as winding clocks, strap for bills, postage, calls of the House, repairs, &c	5,644 43	
Total	66,385 78	

Mr. DONNAN. I withdraw the amendment which I offered on yesterday to this portion of the bill.

Mr. GARFIELD. I now ask unanimous consent to recur to line 180 of this bill as printed, for the purpose of moving to insert after the word "mails" the words "and for one saddle-horse for messenger." That will make the provision for the House correspond with the provision already adopted with regard to the Senate. We have cut off the supply of horses, but it is important that one horse should be allowed for what we call our riding-page service for the House, as has already been done for the Senate.

The CHAIRMAN. The gentleman from Ohio [Mr. GARFIELD] asks unanimous consent to recur to line 180 for the purpose stated by him.

Mr. CONGER. Before objecting I wish to make a remark. I understand from decisions of our Speaker that the object of considering a bill in Committee of the Whole is to give an opportunity for all amendments to be offered that any member may desire to propose. I deny the right of this committee to make any determination by any rule or order inside of the committee which shall prevent any member of the committee from moving an amendment to any portion of this bill. The House may make that determination, but the committee cannot do it.

I rose on yesterday to propose an amendment to this bill, and the gentleman from Ohio [Mr. GARFIELD] objected to going back, because the committee had made a determination in regard to it which I say the committee had no power to make. I do not object to going back in this case; but I take the first opportunity I have had to be recognized by the Chair to protest against any decision of the Chair which prevents any member of this committee from moving, in accordance with the decisions of our Speaker, any amendment to any portion of this bill before it is reported to the House. I deny that this committee can establish any rule which will prevent any member doing that. Any order of this committee by unanimous consent declaring that a clause shall be treated as a paragraph, that it shall not be in order to go back to a paragraph after it has been passed, is in violation of the rules of the House, and in distinct violation of the decisions by our Speaker, which decisions I think are correct. I do not object now to the gentleman from Ohio going back, although yesterday he arose in his place and objected to any other member of this committee going back to move an amendment. It is his example to which I now object, and not the amendment which he proposes.

The CHAIRMAN. The Clerk will read the rule on the subject.

The Clerk read as follows:

Where a bill is being considered by clauses or sections, and the committee has passed from the consideration of a particular clause or section, it is not in order to recur thereto.

The CHAIRMAN. If the gentleman from Michigan [Mr. CONGER] raises the point of order, the Chair will be compelled to decide that it is not in order to recur to a portion of the bill which has been passed.

Mr. CONGER. I do not raise the point. I say there is no power in this committee under the rules to direct a bill to be reported back to the House until every member of the committee has had an opportunity to offer amendments to any portion of the bill.

The amendment of Mr. GARFIELD was agreed to.

The Clerk resumed the reading of the bill, and read the following:

Library of Congress:

For compensation of the Librarian, $4,000; and for fourteen assistant librarians, three at $2,500 each, two at $1,800 each, one at $1,600, two at $1,440 each, three at $1,200 each, two at $1,000 each, and one at $960 per annum; in all, $26,140.

Mr. ALBRIGHT. I desire to inquire if there is any reduction of the number of employés in the Librarian's department?

Mr. GARFIELD. There is a reduction of the appropriation, which last year was $30,061, and this year it is $26,140.

Mr. ALBRIGHT. I do not see that the compensation of any of the employés has been reduced.

Mr. GARFIELD. That is so.

No amendment being offered, the Clerk read the following:

For purchase of books for the Library, $8,000; for purchase of law books for the Library, $2,000; for purchase of files of periodicals and newspapers, $1,500; for expenses of exchanging public documents for the publications of foreign governments, $1,500.

Mr. G. F. HOAR. I move to amend the paragraph just read by inserting after the clause for the purchase of law-books the following:

For completing the collection of British local history, $2,000.

Mr. HOLMAN. Is that in order?

Mr. G. F. HOAR. It is clearly in order, for it is in continuation of an appropriation made last year on the same subject.

The CHAIRMAN. The Chair regards the amendment as in order.

Mr. G. F. HOAR. Last year Congress appropriated the sum of $5,000 to enable the Librarian to purchase a complete collection of English local history. These local histories, country and town histories, are becoming rare in England. They are of immense importance to the students of American history. The origin of all our town and municipal governments, so far as they are derived from England, all matters of family history, and the history of our institutions so far as they are local, are to be found in these local histories of England. Mr. Spofford has exhausted the sum of $5,000 appropriated last year, and there is still necessary for the completion of his collection this further small sum which I have proposed. This proposition had the unanimous consent of the Committee of the Whole last year, and I hope it will meet with no objection now.

Mr. HOLMAN. Mr. Chairman, it appears that this was a matter of appropriation in the last Congress; and I then indulged in a prediction that the sum appropriated would not be the last we should hear of the subject. I understand that every valuable fact embraced in these documents has long since been obtained by private enterprise; that the Astor Library of New York contains the record of every fact that will be furnished through the agency of this appropriation, and it was so stated, I think, in the Committee of the Whole at the last session.

Mr. G. F. HOAR. There was then no debate on the proposition at all. The Committee of the Whole assented to it, and it went through without any discussion.

Mr. HOLMAN. Then I am confounding this matter with a proposition to obtain certain French archives.

Mr. G. F. HOAR. The gentleman from Indiana is thinking of those French documents.

Mr. HOLMAN. I had reference to some investigation made into matters in the French archives, to ascertain certain facts bearing on our history. This, however, seems to be a different matter; but it is clearly suited for purely private enterprise. I do not see any good reason why Congress should enter upon a work which, in the nature of things, belongs to the private enterprise of the country. I do not think public money should be spent for such purposes. An appropriation of $5,000 having been passed at the last session without objection, the allowance must now be increased. The trouble is that we can never know the limits of such an appropriation. If this were a matter pertaining to the Government, and one which private enterprise could not carry out, I should not object; but I do object to the Government going into business, year after year, in connection with the publication of books, belonging legitimately to private enterprise and calculated to benefit a comparatively shall portion of the people.

Mr. G. F. HOAR. I move to amend the amendment by striking out the last word. This appropriation is not for the purchase of documents to be published by the Government. It is to complete the most important historical department of the Congressional Library by adding to it a set of those English histories from which all our institutions are so largely derived. I cannot conceive that anybody who thinks we should have a public library at all can hesitate to admit that the library should be complete, so far as possible, in this particular direction. The $5,000 appropriated last year is exhausted. M. Spofford, the Librarian, thinks that a small additional appropriation of $2,000 will complete the collection.

Mr. HOLMAN. I rise to oppose the amendment to the amendment. Inasmuch as this enterprise has been entered upon, I have no objection that the sum necessary for the purpose should be expended out of the appropriation provided for in this clause.

Mr. GARFIELD. If the gentleman from Indiana will allow me, I would suggest to my friend from Massachusetts [Mr. G. F. HOAR] that he can accomplish the purpose he desires by inserting after the word "dollars" in line 210 these words: "not more than $2,000 of which shall be used for the purchase of English local histories."

Mr. HOLMAN. In that form, I would have no objection to the amendment.

Mr. G. F. HOAR. It seems to me that this being an appropriation for a special purpose, it should be in addition to the regular appropriation.

Mr. GARFIELD. We have restricted the appropriation in this bill to what we give annually for the growth of the Library; and as a large share of these county histories has already been obtained, I think that less than $2,000 will complete the collection.

Mr. G. F. HOAR. If the chairman of the committee will consent as a compromise to make the aggregate $9,000 and then to insert the amendment he has indicated, I will withdraw my amendment.

Mr. GARFIELD. Personally I have no objection to that.

Mr. G. F. HOAR. I suggest that the clause be amended so as to appropriate $9,000, of which not more than $2,000 shall be applied to the completion of the collection of British local histories.

Mr. HOLMAN. I trust the gentleman from Massachusetts will not insist upon any appropriation beyond the $8,000 contained in the bill. We are making now very heavy appropriations for keeping up the Library. We all feel a pride in the work; but it is a very grave element of expense. We should not expend more in this direction than is absolutely necessary. According to the suggestion of the chairman of the Committee on Appropriations, [Mr. GARFIELD,] I move to amend the amendment so as to insert after the appropriation of $8,000 contained in the bill the words "not more than $2,000 of which shall be expended for completing the collection of British local histories."

Mr. G. F. HOAR. I withdraw my amendment and accept that of the gentleman from Indiana, [Mr. HOLMAN.] I do not want to get into a contest over this matter.

The amendment of Mr. HOLMAN was adopted.

The Clerk read as follows:

For compensation of the President of the United States, $50,000.

Mr. DAWES. I move *pro forma* to amend the clause just read by striking out the last word. A day or two since my colleague, [Mr. G. F. HOAR,] who is not now in his seat, called attention to a remark which I made when the salary bill was before the House, that the perquisites of the President, in addition to his salary, amounted to $50,000. I have had occasion to notice that some remarks which I then made without premeditation or previous preparation have been misconstrued into a charge that the President himself was in the personal receipt of $50,000 more or less in the nature of perquisites in addition to his salary. What I said upon that occasion in reference to the present incumbent of the office (and which I do not care to repeat) was, as I then thought and still think, sufficient to absolve me, as I know it has been so held, from any disposition to reflect upon the course of the present incumbent. But I desire to be put exactly right in relation to the office. On looking back to what I then said,

I find that I did use in the first part of my remarks the word "perquisites;" and I do not think that it was the proper word for me to use or that it conveyed my idea. I spoke of the presidential office, though I saw before I got through that I was understood to mean perquisites of the President himself.

I went on further to state that I referred to the expenses of the President's household and house. What I really meant to say and what I was discussing would have been more properly expressed as the incidental expenses of the presidential establishment, some of which of course are personal to himself but many of which appertain to his office. I used words at that time which I supposed would leave it to be understood my reference was to the expenses of the whole executive establishment. Some of them were the expenses of the President himself and some were exclusively those of the President's establishment. I think they all ought to be fixed by law. The President's salary itself should embrace everything which the Congress of the United States may deem should be payment to the President for his own services, and what belongs to the executive office should be fixed independently of the President's salary. I desire now simply to move this *pro forma* amendment so as to make perfectly clear what my meaning was, so that hereafter whatever I said then may not be construed as any intimation on my part that the present incumbent was himself in receipt personally of the sum which I said at that time, which, speaking simply from my memory, amounted to very nearly the sum of $50,000.

Since my colleague the other day called the attention of the House to the fact, I have taken the pains to look up the appropriations which are properly termed incidental expenses of the executive establishment itself, and I wish to read them. There were appropriated last year under this head, as follows:

Furnace-keeper	$720
Two policemen	2,640
One night watchman	900
Usher	1,200
Two door-keepers	2,400
Steward	2,000
Messenger	1,200
Secretary and clerk	10,600
Contingent expenses	6,000
Annual repairs of White House	15,000
Refurnishing White House	10,000
Fuel	5,000
	57,660

There are one or two items which it is impossible for me to include in this. One is the gas for the Executive Mansion, which is included in the aggregate for public buildings including the Presidential Mansion; another is for the care of the greenhouse belonging to the Presidential Mansion. That is included in the appropriation for permanent improvements of the greenhouse, together with the care of it, $10,000. I did not put them in. Every member of the House can see many of these are exclusively for the executive establishment. Ten thousand dollars for annual repair of the White House, may be more or may be less for different years, and so for refurnishing the White House, $10,000. If you compare the President to any other public officer, he would of course have to keep his own private house in repair and keep it furnished at his own expense. Still, whatever construction is put upon the remarks I made, which would include his own personal receipt of expenditures properly belonging to the executive office, is a construction of my remarks which I did not intend to have put upon them, and which I did not put upon them myself. I therefore take this opportunity to make the matter plain, so that hereafter there may be no misconstruction of what I really did not mean to say. I adhere to what I said in reference to the presidential salary on that occasion and to what I intended to say in regard to the incidental expenses of the presidential establishment, and simply rise on this occasion to make clear the use of words which I should not perhaps have indulged in if I had studied and prepared beforehand the remarks I made. I now withdraw my *pro forma* amendment.

The CHAIRMAN. The gentleman from Indiana [Mr. HOLMAN] yielded the floor to the gentleman from Massachusetts, [Mr. DAWES,] and he is now entitled to the floor if he claims it.

Mr. HOLMAN. I do not desire to be heard on this formal motion, but I do desire the floor to submit an amendment.

Mr. G. F. HOAR. I wish to reply to my colleague before the amendment is withdrawn.

The CHAIRMAN. The amendment has been withdrawn.

Mr. G. F. HOAR. I renew it. I am quite sure, Mr. Chairman, the statement which has been made by my colleague is exactly correct. I was myself misled by what he said, and I think if he will cast his eye upon the question I put to him at that time he will see it is quite natural I should be misled, because I supposed I called his attention to the point he now makes.

I am one of those persons who never have been able to see any answer to the argument which has been made by my colleague from the Essex district in favor of raising the President's salary from $25,000 to $50,000. He said very truly that the $25,000 which was established in the beginning of the Government is not as much as $100,000 now; while at the beginning of the Government the demands upon the President's hospitality were infinitely less, and the appropriations made for contingent expenses were very much greater. But it seems to me that raising the salary to $50,000 should not be accompanied by a feeling in the public mind that the President is getting, in the way of services in his family of persons who are paid for out of the public Treasury or in the way of the use of public property, for any private purposes whatever, a very much larger sum than the salary which is fixed by law. It seemed to me that the statement of my colleague, who I understood investigated the matter, was that such a condition of things existed. And when he addressed the House at that time I rose and, with his leave, called his attention to the fact that his words could not fail to have great importance attached to them by the country. I therefore addressed the question to him in regard to the matter, and, as he says, I was misled by his reply.

But the substance of this thing is this: It is a very small matter in itself whether the President of the United States or any other public officer gets the use of a carriage which is not his, or the use of the service of a man that is not his; but it is a very grave matter whether the people of the United States believe that there are vague and large and indefinite expenditures made here for the improper and unlawful and unaccounted-for use of public property. Now the way to avoid that evil, which is a great one, is to have whatever is appropriated for this purpose distinctly expressed. We should have the President's salary distinctly expressed and fixed at a liberal sum in conformity with the dignity of the office. Then for the White House, for its furnishing, for its warming, for its ornamentation, for everything which is necessary to keep the state toward the representatives of foreign countries and toward the American people, which is imposed by our customs on that office, we should pay; but in paying for those purposes it should be done by distinct and easily understood appropriations.

The people of the United States like and expect when they come to Washington to find a magnificent Capitol, in which their representatives meet, and they do not grudge the expenses. They like and expect to find a room where the President receives the American people which gratifies their taste, which is something not merely of comfort, but of splendor. When President Grant receives the crowd of citizens in the rooms at the White House, he gets as little of personal comfort or pleasure out of that evening's work as the humblest citizen, of whatever race, of whatever color, of whatever employment, to whom its doors are open.

My colleague [Mr. DAWES] I am glad agrees with me that we should not impute expenditures for this purpose to the salary of the President. They are expenditures for the gratification of the American people in visiting their official chief. I have introduced an amendment which will be in order at the close of this bill, which provides not for any appropriation for this purpose, but which provides that every civil officer, from the President down, shall use only such public property and the services of such public officers as are expressly appropriated to his use by law. And then I do not think that if that is done my distinguished colleague himself will fail to see that there are very grave public reasons for leaving the salary of the President of the United States at a larger sum than $25,000 if the other object can be accomplished.

Mr. DAWES. I merely wish to add, Mr. Chairman, that I have not sought the floor to modify in any respect the views I have heretofore expressed in regard to the President's salary.

The CHAIRMAN. Does the gentleman from Indiana [Mr. HOLMAN] yield further to the gentleman from Massachusetts, [Mr. DAWES?]

Mr. HOLMAN. I do not wish to lose the floor.

Mr. DAWES. I desire just one moment to say that I do not desire to revive that debate. The reasons I have for adhering to those views in reference to the President's salary grew out of the condition of things in the country and the necessity of keeping down salaries.

Mr. FORT. I desire to ask the gentleman whether these appropriations for the executive establishment are any larger than they have uniformly been during his long continued term of service in this House?

The CHAIRMAN. Does the gentleman from Indiana yield further?

Mr. HOLMAN. I yield to the gentleman from Massachusetts to answer the question which has been put to him.

Mr. DAWES. I do not remember any that have been increased lately. The appropriations for repairs and for furniture of course vary; they are sometimes more and sometimes less. The others are just what they have been year after year for the last fifteen or twenty years.

Mr. FORT. Do not all these appropriations go to the clerks, the secretaries, the persons for whom they are made, and not to the President himself, at all?

Mr. DAWES. There is not one of them which goes directly into the pocket of the President. Some of them—any one can see by looking at the language—go to pay men whom he would otherwise be obliged to pay.

Mr. HOLMAN. I desire to offer an amendment raising a constitutional question that has never had a hearing in this House up to this time.

I offer the following amendment:

Strike out "$50,000," and insert "$25,000;" so it will read: "For compensation of the President of the United States, $25,000."

I offer the amendment for the sole purpose of raising the question as to the constitutionality of the law of the 3d of March, 1873, by which the salary of the Chief Executive was increased.

It is clear, Mr. Chairman, that in the bill of the 3d of March, 1873, increasing salaries, as to all salaries except two, that of the Chief Executive and the judicial salaries, the power of Congress over the subject-matter was complete, and that power has always been exercised. It is clear that Congress does not possess the power to reduce the salaries of the judiciary for a very manifest and wise reason. But the question I desire to present is whether Congress possessed the power during, not the term, but the period of the tenure of the presidential office, either to increase or to diminish the salary? I hold that by the terms of the Constitution the act passed on the 3d of March, 1873, was in conflict with that provision which prohibits Congress from either increasing or diminishing the presidential salary during the period for which the office shall be held by any given citizen. The language of the Constitution is not ambiguous. I read from page 17 of the Digest:

The President shall, at stated times, receive for his services a compensation which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Mark the word "period." My friend says four years. I answer that is the "*term*" of the presidential office. The Constitution here carefully uses a different word, not the word "term" which is used everywhere else in the instrument, but the word "period," which has a wider signification. The object of the Constitution manifestly was this, that the President of the United States, while holding the office, should not upon the one hand be influenced by the action of Congress through a fear of the reduction of his salary, nor upon the other hand should his conduct be at all affected by what might be the action of Congress in increasing his salary. The object was to make the President absolutely independent of Congress so far as the question of his salary was concerned. And, sir, I submit that on the 3d day of March, 1873, when the incumbent of the executive office was closing one term and entering upon another term, the whole eight years together constituting the "period" within the meaning of this clause of the Constitution, the purpose of the Constitution was operating in full force to prevent Congress from exercising a power over the President so far as it might be affected by reducing his salary or increasing it.

Now while it has been impossible heretofore to arrest the attention of Congress to this subject, it is, it seems to me, a question which has been very carefully considered by the country. If the Constitution meant, as I assume it did, that during the period of the presidential office the power should not be exercised by Congress either to increase or diminish his salary, then it is very clear that Congress did an unconstitutional act in making this increase, and should retrace its steps.

[Here the hammer fell.]

Mr. HALE, of Maine. I do not propose to discuss the constitutional question raised by the gentleman from Indiana, because while I do not agree with him, I believe that this is a place where that discussion is futile. I only want to say in a few words as to these expenditures that gather about the Presidential Mansion, and to state the line that has been pursued by the Committee on Appropriations in recommending the appropriation of these sums of money. Several gentlemen have asked me whether there is anything in these appropriations relating to the President's office and the Executive Mansion that goes to cover what should be individual or family expenses, and my answer to that is clear and distinct that there is nothing of that kind. The committee has pursued this line: We assume, and I hear of nobody that objects, that a presidential mansion is to be provided for the Chief Magistrate of the Republic. It has been so from the earliest days of our history. There are articles of property in that Presidential Mansion belonging to the Government, the furniture and other things, that when one President moves out are left there and remain for the use of his successor.

Now the Government having that matter in its charge, owning the property and putting the President into the house, furnishes certain officials with reference to that property. For instance, during the day when business is going on and members of Congress and others are doing business there, it furnishes, as it does at all the Departments, men at the doors, men who wait upon and attend upon gentlemen who there do business. All of these relate to the business of the executive department, and are only such as other Government officials have.

Now, sir, we come to the inside of the house; and the only officer in any way brought in relation to the family of the President that is paid for by the Government is the steward, and he is an officer of the Government; not an employé of the President, but one who is under bonds. It is a bonded office. He gives bonds securing the Government for the charge and custody of the property there. He is an officer, and I hold that he should be an officer. He is accountable to us; he gives bonds to us; he should be paid by us.

Beyond that I may state here, and I have good authority for what I state, and I state it distinctly and clearly, because I know that some gentlemen have been told that all through the household and domestic affairs of the White House we are paying the bills, I state that there is no person aside from those that come within the rule I have stated whose compensation is paid by the Government. That is as it should be, and that is as it is.

Now as to the furniture and as to rooms; we furnish the house such as it is, with furniture such as it is. We furnish the Capitol building, the Treasury building, the State Department, and all other Government buildings. If there is any gentleman who has been to the White House and believes that the President and his family have superior accommodations, superior furniture, better, larger, and superior rooms than scores and hundreds of private gentlemen throughout the country have, then he looks upon it with different eyes from what I do. If there is any extravagance in any Department of the Government, here or elsewhere, I am sure it is not found at the White House in its management. There are no extensive rooms there. The original design of the building has been perverted. We furnish no office outside of the building for business to be done by the Executive; and that which was meant as the home of the President and his family has been taken, more than the half of it, for the public convenience, and the President and his family have been huddled into the other part. I know that with reference to these officials the line I have indicated has been followed, and the Government has paid for nothing in the way of personal perquisites of the President.

[Here the hammer fell.]

Mr. BUTLER, of Massachusetts. I do not intend by any means to enter into any defense of the economy of the White House or of its occupants. But I do desire to call careful attention to what fell from my colleague [Mr. DAWES] some time ago, and to how it has struck the country. I know he did not intend it should be so, but it has been so.

The statement was made here by him that the presidential office yields to its incumbent $400,000 during a term. That was the statement as it has gone to the country. To support that assertion my colleague has put forward the items which go to make up the odd $50,000 a year besides the salary. The first item is for a furnace-keeper, $720. He keeps the furnace which warms the whole building used for an executive office.

Mr. GARFIELD. And we have one here.

Mr. BUTLER, of Massachusetts. We have three here in the Capitol, and there is one in each of the Department buildings. The second item is for two policemen. Now I suppose the President does not want two policemen to watch him. I do not think that if he had his choice he would keep a private policeman. They are to watch the grounds; and besides that we put an extra watchman in the square opposite his house to keep people from depredating upon it. The next item is one night watchman. What is he for? To keep the house, which is the house of the people, from burning up. No private gentleman would keep a night watchman. Another item is an usher. Who is he? He is the man that shows the East Room. Counting for three months, four hundred men, women, and children per day go in and out of that room, and I think that would keep him reasonably busy. I do not think the President gets much out of him.

Mr. HALE, of Maine. A gentleman on my left asks in reference to a night usher. Will the gentleman from Massachusetts [Mr. BUTLER] explain that, and relieve me from the necessity of making the explanation?

Mr. BUTLER, of Massachusetts. I will allow the gentleman to explain. But the night usher is not here in this list. There are two door-keepers. What are they for? They are to let the people in and out and to see that improper people do not get in there. And by improper people I mean crazy people, for it is one species of insanity, the idea that some crazy men have, that they must force their way into the President's House. There have been a great many people who have come to Washington for the very purpose of going into the President's House and seeing the President. That is an insane delusion.

And there are other improper people. Why, sir, there has to be a watchman in the East Room to prevent some people who go in there from cutting mementoes from the curtains. That has been done over and over again. Pieces have been cut out of the damask curtains with scissors to be carried off and made into pin-cushions as mementoes of the White House. Therefore a watchman is required there, not for the benefit of the President, but for the benefit of the people whose property that is and of the Treasury that must provide for that house.

Then there is a steward. What is the use of a steward? There did not use to be any steward. But it was found that when one President went out of the House and another came in, every man that had access to the White House between times carried off the furniture and ornaments and various things of value, and scandal arose. It was said that the President carried off those things, because they were not found there when the succeeding President came in.

[Here the hammer fell.]

Several MEMBERS. Go on.

Mr. KELLOGG obtained the floor and said: I yield to the gentleman from Massachusetts, [Mr. BUTLER.]

Mr. BUTLER, of Massachusetts. A great scandal arose because sometimes furniture was missing, and it was said the outgoing President had carried it off. Therefore the steward, who is a bonded officer and who gives receipts for every article in the house, and is made responsible in the matter, has been provided by law in order to save this furniture.

Next is the messenger. He is the messenger of the public office of the Executive. Next come the secretary and clerks. The President has one secretary and two clerks. Why, sir, you give to every head of a Department an Assistant-Secretary and three or four clerks.

Mr. STARKWEATHER. The Ways and Means Committee have two.

Mr. BUTLER, of Massachusetts. My friend from Connecticut [Mr. STARKWEATHER] reminds me that the Ways and Means Committee have a clerk, a secretary, and two messengers. Now I never think of charging those to my colleague, [Mr. DAWES,] the chairman of the committee, as his private perquisites.

Then come contingent expenses, $6,000. What are they? Postage, stationery, and every other contingent expense of that very large establishment; and no dollar of that goes through the President's hands. It is disbursed through the bonded officer whose business it is to see that it is properly expended. The next item is "annual repairs of the White House, $15,000." Now, sir, there are no annual repairs of the White House to the amount of $15,000. When the East Room was found to be breaking down, the floor and other timbers rotting away, the whole thing was remodeled and repaired at an expense of $15,000.

Mr. GARFIELD. A ton of plastering fell in that room at one time last year, and would have killed a great many people if there had been a reception at the time.

Mr. BUTLER, of Massachusetts. Yes, sir; the whole plastering of that immense room fell down, and serious loss of life would have happened if persons had been in the room at the time. That room was remodeled and repaired.

Now, sir, the White House is not only the Executive Mansion; it contains the executive offices, furnished for the use of the President, as they have been from the beginning of the Government. Is it fair to charge the repairs of that building as a perquisite of the President?

The next item is, "refurnishing the White House." Is that a perquisite of the President any more than the furnishing of this Hall, which is done every year more or less, is a perquisite of ours? Are these desks our perquisites? Is this carpet our perquisite? The President cannot take away one dollar's worth of the furniture of the White House. He has nothing to do with it except to use it and turn it over to his successor; and he uses such as is given to him.

The last item is, "fuel, $5,000." Do you suppose it takes $5,000 to warm the President? What is done with that fuel? Why sir, the greenhouse, which is established by act of Congress, which the President does not see half as often as do visitors coming to Washington, which hundreds frequent to look at the flowers and to get slips—where every society in this city, whenever there is any benevolent undertaking on foot, obtains all the flowers it wants—this greenhouse is heated out of the $5,000; all the executive offices are heated out of it, and that immense East Room is heated out of it. Is it fair to charge the expenditures for these purposes as a perquisite of the President? By no means; and my colleague said he did not mean to be so understood.

The reason I have gone over this matter so carefully is, that these items have gone out to the country as perquisites of the executive office, and without the explanation would not be understood. I may say that many of these items tend rather to the discomfort of the President than his advantage. Some of these appropriations have been made heretofore in far larger amounts than now. There has been substantially no increase for a great many years. As I have said heretofore, the Government formerly furnished very many more things to the President than is done now. Horses, carriages, wagons, harness, saddles, bridles, holsters, pistols—various things which are not furnished now—were furnished in the olden time. All the items substantially to which I have referred have passed through this House this morning in the reading of this bill, and nobody objected; and I only desire to say here, so that it may go on record, that these items have nothing to do with the expenses of the President.

Mr. MAYNARD. Has the gentleman ever taken the trouble to make an estimate of the cost (if I may so say) of the Presidency now, as compared with the expenses in General Washington's time, including the salary and the payment of the various attachments to the office, without taking into account the difference in the value of money?

Mr. BUTLER, of Massachusetts. I have made such an examination. In Washington's time—in the first year, I think, of his administration—there was allowed $10,000 to furnish the President's house, a house which was hired for the purpose. The actual allowances for the use of the President in Washington's time were almost double what they are now, and at a time, too, when fifty cents was the daily wages of a skilled workman of the same grade that now receives four dollars or five dollars a day. This is what was done in those days by a great nation for its Chief Magistrate.

Why, sir, I hear every day the claim that we ought to return to the "simplicity of our fathers." I happen to have here a statement of the "simplicity of our fathers." There was a "Jenkins" in those days as there is now. Let me begin with one of our "mothers:"

Miss Peggy Harding appeared, lovely and radiant as a cloud touched with soft sunset-light, in a white mantua silk fringed with gold," a petticoat of pale blue brocade, blue satin shoes with court heels, and white silk hose clocked with gold. This sumptuous lady's handkerchief was also wrought with gold, and is said to have cost not less than thirty dollars—

Considering that the pay of a skilled workman was then fifty cents a day, thirty dollars then would be equivalent to about $600 now—

head-dress of ostrich plumes, blue, white, and pale yellow; hair profusely powdered; gloves of white kid, buttoned to the elbow and wrought with gold; fan of curious Chinese workmanship, prodigiously admired.

Who were the distinguished gentlemen present? I ask the attention of my democratic friends:

Of the distinguished gentlemen present the most conspicuous was perhaps Mr. Thomas Jefferson, in a long-waisted white cloth coat, the height of the *ton*, scarlet vest, black satin breeches, highly polished painted shoes, with silver buckles and white silk hose. As he entered the court of Terpsichore he removed from a slightly powdered wig a peaked cocked hat of the latest fashion. Fastened to the lapel of the coat was a nosegay of sweet-smelling posies.

I now commend to my colleague John Hancock, of Massachusetts, the gentleman who made such an immense signature on the Declaration of Independence:

Mr. John Hancock also attracted much admiration, especially from the fair sex. He wore a coat of fine scarlet cloth, blue satin breeches, with white silk hose, a full-powdered wig—*à la Louis Seize*—with frizzled side-locks, and a cocked hat with a black cockade. His ruffles were of the finest French lace, and his shoe-buckles of brilliant paste.

I imagine our colleague and friend from the Quaker City dressed up like this, for this is in Philadelphia and is a Quaker performance.

Mr. GARFIELD. That is when they drew it "mild."

Mr. BUTLER, of Massachusetts. I read further:

Our respected fellow-citizen James Harrison wore an entire suit of drab cloth, richly trimmed with silk lace.

I think they followed the fashion of that time, and we ought to now follow the fashion of ours—of comfort and convenience—and give an outfit worthy of the President of a nation rich and powerful enough to maintain its place among the nations of the earth.

Mr. COX rose.

Mr. DAWES. I wish to say a word.

Mr. COX. I will not occupy the floor for more than a few minutes. I do not wish to interfere between the two distinguished gentlemen from Massachusetts. I move to strike out the last word only to say this——

The CHAIRMAN. The gentleman withdraws his amendment to the amendment.

Mr. COX. Then I renew it. I supposed, Mr. Chairman, the difference which existed between my friend from Massachusetts and the other over yonder had been harmonized by some little local issues pending in that State. I was surprised, therefore, to find this little divergence of views. I am surprised my friend on my right yonder should have taken back so many wise and good things he has said heretofore on economy.

I do not propose now to discuss the constitutional question referred to by my friend from Indiana, [Mr. HOLMAN,] but I do propose to say here all that was read by the honorable gentleman from Massachusetts about the prodigality and luxury of that early day, about George Washington and John Hancock and the other federalists, does not affect the frugality, the honesty, and the incorruptibility of the honest men who served the public then on small salaries. It does not affect the men who are now serving the public on small salaries. If they are dressed thus and so, I say I do not care how men are dressed. I do not care for sumptuary laws. I would not care if my friend from Massachusetts [Mr. BUTLER] should come in here in a sky-blue pair of pantaloons and address the House. It would add to the attraction. I am indifferent about the dressing.

But, Mr. Chairman, I do say this, that at this time when we are aggrandizing power at this Federal center, when we have given to the Federal Government the post-office power, the banking power, the insurance power, the railroad power, and dozens of Bureaus, until we are a central bureaucracy, we ought to guard carefully against adding any more power or luxury to the present Federal power at Washington.

It was said by a distinguished editor of New York, who was here the other day and made a lecture on his return to New York, that it seems everybody in the States desires to come here and perform some Federal function. The governors of the States only become local magistrates in order to become United States Senators. All our architecture, all the grandeur of this city, tends to detract from the old democratic idea of frugal, simple, and honest government which the people are demanding. And I am the more surprised, therefore, my simple-hearted, honest, and frugal friend from Massachusetts [Mr. DAWES] yonder should have been more or less disinclined in the present emergency to take back something he said on this subject, and said so well. I will read what I saw in a paper the other day to account for this extraordinary proceeding here to day:

Some one remarked to BUTLER the other day that DAWES's speech had been printed in pamphlet form by the democratic executive committee of Connecticut, and scattered broadcast throughout the State. "What is its effect?" he asked. "Bad for the republican party, General." BUTLER studied awhile, and made answer: "Let me tell you one thing; when an old brindled steer like DAWES gets into the habit of breaking out of the pound every night when it is dark or drizzly, there is no cornfield in the country safe.

Now, Mr. Chairman, I do not want "laughter" put in here, for that is against the order of the House as made by the Speaker on the suggestion of the gentleman from Massachusetts, [Mr. G. F. HOAR.] But what was the reply?

He knows too many of our secrets, sir, and by—

I know the profanity is not that of the gentleman named—

he must have a bell hung about his neck.

Who is the man to bell the gentleman from Massachusetts? Let him step forth and do it. Nobody but himself, and he has done it to-day.

Mr. DAWES rose.

Mr. GARFIELD. I give notice that when the gentleman from Massachusetts [Mr. DAWES] gets through I shall call for a vote.

Mr. DAWES. I have a word to say in the first place to my colleague on my right, [Mr. BUTLER.] He is never so distinguished in debate as when he makes his own issue and makes his own unvarnished statement of facts. One who came in here and listened to the statement of my colleague just now would have supposed that he was arraigning me for an attack on the character of appropriations for the Presidential Mansion. No word, at any time, has fallen from my lips in reference to the character or reasonableness of a single appropriation for the Presidential Mansion. With the ability which my colleague possesses, I have always been in the habit, in debate with him, to let him deliver his own issues to his heart's content. But I venture to call him back now to what I have said this morning in reference to remarks which I made upon the salary bill. They were simply that when I spoke of the perquisites of the presidential office I had no reference to the personal perquisites of the President himself in the ordinary acceptation of the term; that I had reference to appropriations for the Presidential Mansion, the executive establishment, and I recited those for two purposes: one to show that I was correct in saying that they ranged from nearly $50,000, the other for the very purpose of bringing them to the attention of the House to show their character, that they were reasonable and fair; not for the purpose of taking back one word I said in reference to them, but for the purpose of explaining and showing that the public had put a wrong construction upon those words. If the public had read, or anybody had read through all I had said, they would have found that when my colleague on my left [Mr. G. F. HOAR] called my attention to it I used these words:

I have shown these facts.

I said in reply to my colleague:

I have taken from the appropriation bill what has been appropriated for the President's household and house just what would be expended by any official who hires his own house; not the cost of the house, but the yearly appropriations for carrying it on——

Mr. BUTLER, of Massachusetts. Mr. Chairman——

Mr. DAWES. Wait till I get through:

and keeping it in order and repair.

My object to-day—and that was the only legitimate reply to me which my colleague could make—my object to-day was to show that I ought to have been a little more explicit in these words, and to have made a distinction between what was personal to the President and what went to the carrying on of the executive establishment. That was all. Yet my colleague launched out, making his own issue, into an arraignment of me for saying that these appropriations for the executive establishment were unreasonable, and entering into an argument interspersed with arraignments of me, and trying to show that I to-day held up to the country these appropriations as unreasonable. And holding his issue as he saw fit, before he got through, my colleague found himself discussing the beauties of some Jenkins's descriptions of a ball a hundred years ago. So much for my colleague.

Allow me now to say a word to the distinguished gentleman from New York, [Mr. COX.] He regrets I have taken back to-day what I have said on former occasions about economy. Will the gentleman from New York tell the word I have taken back? The gentleman from New York has found it more convenient to intimate that I took back what I say than to meet what I do say. On a former occasion, some four or five years ago, I had to say in this House something in reference to economy that cost me a great many hard kicks around about the country. And I had occasion to go to New Hampshire to make a speech about six weeks after I had made that speech on this floor. The gentleman from New York, three or four days, or very shortly after I came back, announced in this House that I had taken back in New Hampshire what I had said here on this floor. The speech I made in New Hampshire was reported word for word, without any correction in that particular, just as I uttered it. It is at the service of the gentleman from New York, or of any other gentleman who says I took back one single word of what I said here upon this floor. I took back no word of it. I reasserted in the hall in Nashua, New Hampshire, in one hour after I reached that city, just exactly what I said here, and it is reported in the papers of New Hampshire just as I here uttered it; and there is just as much foundation for saying that I took that back as for saying that I have here to-day taken back one word I have uttered upon the subject of economy.

Mr. COX. Did the gentleman not say in New Hampshire that the republicans had stolen more in one year than Buchanan's whole administration cost?

Mr. DAWES. No, sir; and does the gentleman mean to say because I did not repeat in one evening in New Hampshire everything I ever said in this House on the subject of economy that I therefore took it back?

Mr. COX. No, sir; I did not argue in that way.

Mr. DAWES. I did not say that. This is what hurt the gentleman's feelings that I did say in New Hampshire. After having said in New Hampshire that I reasserted in that hall what I had said upon this floor, I added then that I bore from the President of the United States to the people of New Hampshire this message, that wherever it could be pointed out that a dollar could be saved to the Treasury of the United States that dollar should be saved to it. That is what I added to what I had said on this floor, but I changed nothing, and I change nothing here to-day of what I said in the speech which the gentleman says has been circulated in Connecticut or anywhere else. I do not take back anything except what is pointed out to me to be a mistake, and that I cheerfully correct anywhere and at all times.

MESSAGE FROM THE SENATE.

Here the committee rose informally; and Mr. BUFFINTON having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed without amendment the bill (H. R. No. 2867) to authorize the use of certain unexpended balances for the payment of the expenses of the board of Indian commissioners.

The message also announced that the Senate had passed a bill (S. No. 708) to change the name of the schooner China.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Committee of the Whole on the state of the Union then resumed its session.

Mr. GARFIELD. I now yield four minutes of my time to the gentleman from Massachusetts [Mr. BUTLER] and then I shall ask for a vote.

Mr. BUTLER, of Massachusetts. I want to call my colleague's attention to what he said. Here it is:

Along with the $200,000 here, which, unless the law be changed, the President is hereafter to receive during his term as salary, there come perquisites that vary every year from $50,000, so that under existing law the salary and perquisites of the presidential office for a single term will amount to $400,000.

Then my colleague, Mr. G. F. HOAR, asked this question:

I wish to ask him if, in making up that sum, he has not done the same as if in stating what it costs to run this Capitol he added the interest of the money which the Capitol originally cost; and if that be so, whether his calculation is a correct or fair one?

Mr. DAWES. I have shown these facts; I have taken from the appropriation bills what has been appropriated for the President's household and his house, just what would be expended by any other official who hired his own house—not the cost of that house, but the yearly appropriations for carrying it on and keeping it in repair.

After another interrogation by Mr. HOAR, Mr. DAWES said:

That is an expenditure which, if he were put on the footing of other officials, he would, of course, be obliged to pay.

Now, then, I did not mean to arraign my colleague at all, and I am sorry he misunderstood me; I only arraigned the interpretation put upon his words.

Mr. DAWES. I had corrected that.

Mr. BUTLER, of Massachusetts. Pardon me; but it has been corrected in so gingerly a manner that I was afraid the people would not understand it. The explanation has so many "ifs" and "buts" and "ands" and "therefores," that I wanted to put it before the country expressly that these are no more personal perquisites of the President than this desk is a personal perquisite of my friend from New York [Mr. CROOKE] who sits opposite me, or than the Speaker's parlor, which is so filled with people every hour that he cannot get into it, is his personal perquisite. It would be quite as unjust to the Speaker if you should say that in addition to his salary he has a fine furnished parlor for his own personal use, as it is to say that the President in addition to his salary has a fine house furnished for his own personal use. It is the worst house that any private man ever lived in. He can have no privacy there. Two-thirds of the best part of it are taken for public offices and public show-rooms, which he neither has the use of nor can have any comfort in. I hope to see the day when we shall have an Executive Mansion and also an executive office.

Mr. GARFIELD. I now yield half a minute to the gentleman from New York, [Mr. COX,] and then I hope this very important matter will be disposed of.

Mr. COX. I wish to call attention in the half-minute allowed me to one fact. The sketch which the gentleman from Massachusetts [Mr. BUTLER] read about the early days and in which he made a point on the democratic party for their lack of simplicity in those early days is a fancy sketch.

Mr. BUTLER, of Massachusetts. I am glad to hear it.

Mr. COX. It was written by Grace Greenwood the other day, and published in the Washington Chronicle of April 11, 1874.

Mr. BUTLER, of Massachusetts. I am glad to hear it.

Mr. COX. Then the gentleman put before the House for fact what was merely a fancy sketch.

Mr. BUTLER, of Massachusetts. Pardon me; whenever I put before the House any supposed conversation from a newspaper so dirty, miserable, and vile as that which the gentleman used before the House, I will stand corrected; but not by the gentleman from New York.

Mr. COX. What the gentleman read was a mere fancy sketch. The gentleman is a good man, I know; but he is not smart to-day.

Mr. BUTLER, of Massachusetts. Pardon me; you are neither good nor smart.

Mr. GARFIELD. I yield half a minute to the gentleman from Pennsylvania, [Mr. KELLEY.]

Mr. KELLEY. I desire to ask the gentleman from New York a single question.

Mr. COX. Well, sir.

Mr. KELLEY. I want to know whether he can tell me if there are as many gold spoons in the Presidential Mansion now as "Spooney Ogle" found there when Van Buren was President?

Mr. COX. Why do not you address that question to your own side of the House; it does not belong to this side?

Mr. KELLEY. You are on a hunt for gold spoons now.

Mr. COX. I never make that sort of personal remark here, and I never will toward any member of this House.

Mr. GARFIELD. I now ask unanimous consent that debate be closed on the pending paragraph.

Mr. WILLARD, of Vermont. I do not understand that that can be done in committee. But we can proceed to vote on the amendment.

Mr. GARFIELD. Well; let the vote be taken.

The CHAIRMAN. The first question is upon the amendment to the amendment.

Mr. BUTLER, of Massachusetts. I withdraw the amendment to the amendment. I renewed it merely for the purpose of getting an opportunity to say a few words.

The CHAIRMAN. The question is then on the amendment of the gentleman from Indiana, [Mr. HOLMAN,] to reduce the appropriation for salary of the President from $50,000 to $25,000.

Mr. HOLMAN. I move to strike out the last word for the purpose of saying——

Mr. GARFIELD. Debate upon the pending paragraph has been closed by agreement.

Mr. HOLMAN. I understood the gentleman from Vermont [Mr. WILLARD] to object to closing the debate on this paragraph.

The CHAIRMAN. The Chair understood that the objection was withdrawn.

Mr. HOLMAN. If it was withdrawn it was not so understood here.

Mr. WILLARD, of Vermont. I did not withdraw it.

Mr. GARFIELD. Then I move that the committee rise for the purpose of closing debate.

Mr. HOLMAN. Nearly all the debate has been outside of this paragraph.

Mr. GARFIELD. If the committee will agree that after the remarks of the gentleman from Indiana [Mr. HOLMAN] the vote shall be taken I will not press my motion.

Mr. KELLOGG. I object.

Mr. GARFIELD. Then I insist upon my motion that the committee now rise, for the purpose of obtaining an order from the House to close debate upon the pending paragraph.

The question was taken; and upon a division there were—ayes 74, noes 55.

Before the result of the vote was announced,

Mr. HOLMAN called for tellers.

The CHAIRMAN. No quorum having voted on the motion that the committee rise, the Chair will under the rule appoint tellers.

Mr. HOLMAN. In order to save time I would suggest, then, ten minutes further time for debate be allowed on this paragraph.

Mr. GARFIELD. I will not object to that.

The motion that the committee rise was withdrawn.

Mr. HOLMAN. The pleasantries which have grown out of the consideration of the appropriations for the Executive Mansion, outside of the salary of the President, have entirely obscured the real question before the committee. In that connection I would like to call attention to this fact: that during the first year of President Johnson's administration, not supposed to be a very economical one, the contingent appropriation was limited to $4,000; while the appropriation for contingencies made by this bill is the very large amount of $60,000, or an increase in the item of contingent expenses alone of $56,000 since the first year of Johnson's administration.

A single word in reference to the question which I sought to raise: the power of Congress to increase the salary of the President during the period for which a citizen may have been or shall be elected to the presidential office. Gentlemen will observe that by the Constitution the term of the President is limited to four years. If the Constitution had provided that there should be no change in the salary of the President during the "term" for which the President shall have been elected there would seem to be no controversy, for then it would be quite clear that it referred to the period of four years. But instead of using the word "term," it uses the word "period" and the words "shall have been elected." "During the period for which he shall have been elected."

Now, can any lawyer say that the present Chief Executive had not been elected to the presidential office for the present term of four years when his salary was increased by the last Congress? And is it not also true that the present term of four years together with the last term of four years constitute the "period" during which the citizen now in office holds the presidential office? My proposition is this, as a proposition of law: that on the 3d of March, 1873, there was no more power in Congress to increase or diminish the salary of the President than there is to-day in Congress to increase or diminish the salary of the present President.

Mr. KASSON. I wish the attention of the committee for a moment or two, because I intend to vote as I presume a majority of this committee will not vote. When the question of salary was before the committee of which I was a member, the dissenting minority did not make the point which is now made. Since that time I have attempted to examine conscientiously the constitutional question involved in the raising of the President's salary, and from that examination I have been of opinion that if the question were raised here directly upon voting this $50,000, because it is required by an act of Congress, it would be necessary for me to vote against the recognition of its constitutionality.

With almost the brevity of a syllogism I can state all I wish to say upon that subject.

Abandoning the mere question of difference between the word "period" and the word "term," I call the attention of the committee to the fact that the Constitution provides that the salary of the President shall not be increased nor diminished "during the period *for which he shall have been* elected." What were the facts connected with this question? The President had been re-elected in November. The votes were canvassed subsequently in the following session of Congress and prior to the passage of the act. The certificate had been duly authenticated that General Grant had been elected President of the United States. The time had arrived within about twelve hours at which he was to be sworn in as that President. Every preliminary act had been accomplished. What had been uncertain was made absolutely certain. The President was notified of that fact; and without sleeping one night after signing that act he was sworn into office.

Now, sir, did not the Constitution intend to provide that the question of the approval or veto of a measure of that kind should belong to a disinterested President? Was not the officer who was elected, whose certificate was made out, who knew he was to be sworn in in twelve hours—was not he within the whole intent of this clause of the Constitution the President elected? When you come to the language of the Constitution providing that the salary of the President shall not be increased nor diminished during the period for which he shall have been elected, I ask gentlemen here, acting upon that conscience which weighs with them, I know, as much as it does with me, whether the President who signed this act had not been elected when he signed it, and whether it was not an increase for the period and during the period for which he had been elected, both elections having taken place before the signature to the act?

It is this point, and this point only, on which I wish to go upon record; and for that reason I have spoken. It is the first time in the history of this Government that this clause of the Constitution has received a practical construction by an act of Congress. This is the first time I have had an opportunity to vote upon it; and for the reasons I have stated, that it was an act signed by the President after he had been elected to that office, and made an increase of salary during the period for which he had been elected, and that it was an act affecting his own interest, against the evident purpose of the Constitution, I feel compelled to vote on the only occasion giving me the opportunity for keeping the salary where the Constitution and the former law left it.

Mr. HALE, of New York. I move to amend by striking out the last word. A single remark in relation to what has just fallen from the gentleman from Iowa, [Mr. KASSON.] The gentleman bases his constitutional argument not upon what the Constitution says, but upon what in his judgment it intended to say, arguing that the mischief is as great by permitting legislation increasing the salary in the present form as if it came within the words of the Constitution.

Mr. KASSON. Does it not come within the words of the Constitution?

Mr. HALE, of New York. It plainly does not come within the words, for the reason that the act raising the President's salary was not during the period for which the President had been elected. That period commenced on the 4th of March. But by way of illustration of the inconsequential character of the argument of the gentleman, I beg to refer to section 6, relating to members of Congress. There is a provision that—

> No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time.

The intent of this, it might be argued, was to prevent Congress from creating offices or increasing emoluments of office to be enjoyed by its members; yet it has been settled by practice as old as the Government itself that Congress may, on the 3d day of March, create any number of offices, and on the next day, the 4th day of March, every man who was a member of the Congress just terminated is eligible to fill those offices. Such is the practice, and the rule is precisely the same in the construction of the clause relating to the President. The argument as to the mischief can only be sustained by showing that the act is prohibited by the terms of the Constitution. It is no more prohibited in the case of the President than it is prohibited in the case of members of Congress in relation to offices created by them, and to which they may enter immediately upon the expiration of their term.

Mr. POLAND. I must confess, Mr. Chairman, that I am exceedingly astonished at this constitutional question that has been raised by the gentleman from Indiana, [Mr. HOLMAN,] and more astonished still at the view that the gentleman from Iowa [Mr. KASSON] says that, upon deliberate consideration, he has formed upon this subject. It seems to me that if anything is so perfectly plain that there can be no possible doubt in relation to it, it is that the gentleman's view is entirely unfounded and wrong.

Now, what is the period for which we elect a President? We elect a President of the United States for a period of four years. The

Constitution says that his compensation shall neither be increased nor diminished during the period for which he shall have been elected. Now, President Grant was elected for a period of four years, which expired in March, 1873. Did the act of March 3, 1873, increase his compensation, or profess to increase it, during the period for which he was first elected? Not at all. It provided that that increased compensation should commence on the 4th day of last March. President Grant was elected for a second period of four years succeeding the 4th day of March, 1873. Was there any act of Congress during that period of time which has increased his compensation for this second period? Gentlemen say there was. There is no possible difference, in my judgment, Mr. Chairman, between the case of a President who is elected for a second period and of one who had served a term of four years and another man had been elected for the succeeding period.

I do not know the gentleman from Iowa intends to claim there would be any distinction in this case from what it would be if some other gentleman had occupied the presidential chair for the last presidential term. I understand his argument to be that this comes within the reason upon which this constitutional provision was founded, that the action of Congress might in some degree be warped by executive influence, and therefore this prohibition upon Congress of increasing or diminishing his compensation during the period of his presidential office was made.

Mr. KASSON. If the gentleman from Vermont will allow me, I will say I think the Constitution intended to prohibit an increase or diminution from partisan motives, and required it to be made before the election had taken place and before they knew the man who was to be President.

Mr. POLAND. If that was the intention of the framers of the Constitution they were very singularly infelicitous in using the language to express that intention. What was the period for which President Grant was elected for the present term? He was elected for a period of four years, the beginning of which was on the 4th of March, 1873. On the 3d day of March, the day before the commencement of the period for which he had been elected, this act of Congress was passed. Now, can the gentleman say by any torture of language the framers of the Constitution meant the 3d day of March was within the period for which the President was elected, when by law his term did not commence until the next day?

It seems to me, Mr. Chairman, my friend had better reflect over again on this subject before he comes to so positive a constitutional conclusion.

Mr. TREMAIN. It appears to me very plain, Mr. Chairman, the objection that is taken by the gentleman from Indiana [Mr. HOLMAN] has no foundation either in the letter or in the spirit of the Constitution. I understand the objection to be that as soon as the election was closed the present incumbent of the presidential office is to be deemed to have been elected within the meaning of the Constitution. Now it seems, if we look back to the very first section of article 2, which contains the provision referred to, we will find a complete and systematic scheme leaving no room to doubt as to what is intended by the words "during the period for which he shall have been elected." The first section of article 2 provides that the President shall hold his office during the term of four years. If, then, the period for which he was elected commenced on the close of the election in November, what escape is there from the conclusion that the period extends over a period of four years and a half? He certainly continued in office until the 4th of March, 1873, but, according to this argument, if the period for which he had been elected had already commenced in the preceding November, instead of holding his term for four years he would hold his term for four years and a half.

Again, the Constitution requires before he can hold his office he has to take an oath in a particularly prescribed form. According to the argument of the gentleman, the President's term of office had already commenced, and he was President of the United States, although he had taken no oath of office, because that oath could only be taken and become operative when the term commenced, as prescribed by the Constitution. You will find similar language employed in the sixth section of article 1 of the Constitution, relating to the eligibility of a Senator or Representative to office where the emoluments of the office had been increased during his term.

This provision was considerably discussed at the time the nomination for the office of Chief Justice was made, or was contemplated, and the provision of that section is this:

> No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time.

Now, we have in our minds the case of several Senators whose names were mentioned in connection with the office of Chief Justice who occupied this position. During the last senatorial term which the Senator had held he had voted to increase the pay of the Chief Justice of the United States. But the term of office he then held as Senator had expired and he had been re-elected by the Legislature of the State for a new term. He was holding office under the new term.

Mr. HAZELTON, of Wisconsin. He had previously been re-elected.

Mr. TREMAIN. He had already been re-elected. Now, was there anybody who doubted he was eligible to the office of Chief Justice of the United States under the provisions of this section? Did anybody suppose that his case came within this language, that he was then, his term having expired, within the prohibition of this section where the increase had been made under the circumstances to which I have referred? And yet, according to the interpretation that is claimed by the gentlemen on the other side, he would have been plainly ineligible.

The provision of the Constitution is plain. It is according to common sense. There is no sophistry and no argument that can ever throw a doubt over it, and the effect of it is that when General Grant was elected, in November, he was holding under the old term and his new term did not commence until the 4th of March. He was then, at the time of the passage of the law, in the receipt of a compensation which was neither to be increased nor diminished during that period. He was not holding office during the term for which his compensation could be increased or diminished.

Mr. GARFIELD. I ask for a vote.

The CHAIRMAN. The question is first on the amendment of the gentleman from New York, [Mr. TREMAIN.] Is that amendment withdrawn?

Mr. TREMAIN. It is.

The CHAIRMAN. The question recurs on the amendment of the gentleman from Indiana, [Mr. HOLMAN,] which the Clerk will again report.

The Clerk read as follows:

> Strike out "$50,000" and insert "$25,000;" so that it will read: "For compensation of the President of the United States, $25,000."

The question being taken on agreeing to the amendment, there were—ayes 27, noes 73; no quorum voting.

Mr. W. R. ROBERTS. I call for tellers.

The CHAIRMAN. No quorum having voted, the Chair orders tellers, and appoints Mr. HOLMAN and Mr. GARFIELD.

The committee again divided; and the tellers reported—ayes 28, noes 86; no quorum voting.

Mr. HOLMAN. I did not call for the count, and I do not insist on it.

The CHAIRMAN. Further count not being insisted on, the amendment is declared lost.

The Clerk read as follows:

> For contingent expenses of the executive office, including stationery therefor, $6,000.

Mr. WILLARD, of Vermont, and Mr. HOLMAN rose.

Mr. HOLMAN. I desire to move to strike out the paragraph which has just been read.

Mr. WILLARD, of Vermont. Before that is done I move, *pro forma*, to strike out the last word, for the purpose of making a few observations. While I dislike to bring back the discussion in regard to the appropriations for the executive office, I think an additional word may serve to set some parts of that question in a somewhat clearer light.

It has been said by the gentleman from Massachusetts, [Mr. DAWES,] in regard to the charge that these appropriations are perquisites, that they are in no sense perquisites, and to that I agree. It has been said on the other side, by the other gentleman from Massachusetts, [Mr. BUTLER,] that they are not expenditures for the household of the President. I disagree with that. I understand that all expenditures for the White House for repairs, for refurnishing, for the china, the glass, the plate, and all expenses of that class, are paid out of these public appropriations; that the grounds are taken care of at the public expense; that the house is warmed and lighted at the public charge; in other words, what we ordinarily speak of as the expenses attending any private establishment, which a member of this House might own and occupy, are in the case of the Executive, all paid out of the public appropriations, and what is left for the President to pay out of his salary or out of his personal income are the personal expenses of himself, of his family, and of his table. Many of the servants, as has been stated here, or persons whom other people would be obliged to employ as servants, are paid out of the public purse.

Now I am not arraying these facts for the purpose of saying that our appropriations for these expenditures are too large or too small. I desire simply to have the facts appear just as they are. We appropriate $50,000 for the salary of the President. I do not say now whether that is too much or too little. I voted against the proposition to increase this salary at all its stages. Then we appropriate outside of that for a great many expenses connected with the White House, which any member of Congress is obliged to incur who occupies a house in Washington. Any gentleman living in that way in this city is obliged in the first place to hire or to buy his house. In the next place, if he buys it he has to pay taxes on it. In the next place, he has to furnish it and keep it in repair. Then he has to pay for his door-keepers and ushers, for heating it, for lighting it, &c. Now all of these expenses for the executive establishment are provided for in our appropriation bills, and I think they ought to be so paid, independent of the salary of the Executive. Yet it has been said here, and it was said when the matter was before the last Congress, that we must pay the President this large sum because he was obliged to keep up a great establishment. Now that is not true. The Secretary of State is obliged by the usage attending his office to pay five dollars out of his private purse for expenses that are in no sense private for every dollar that the President of the United States is called upon to pay in a similar way. All the receptions at the White House are at the public charge, so far as they are a charge to any-

body; while the receptions of the Secretaries, of the Senators, and of the Members are at their own charge; and besides, these officials must support such establishments as they choose to maintain out of their own pockets.

Mr. ALBRIGHT. I desire to ask the gentleman a question. If the Secretary of State is not compensated as he ought to be, should there not be provision made for giving him adequate compensation?

Mr. WILLARD, of Vermont. I am not saying whether his salary is adequate or not; I am not discussing that.

We have cut down at this session the salary of the Secretary of State, and I think the gentleman from Pennsylvania [Mr. ALBRIGHT] voted to reduce it from $10,000 to $8,000, and we have reduced the salaries of the other Cabinet officers. I do not believe there is in this country any divinity that doth hedge about a President, and I cannot understand why other salaries can be properly criticised while the presidential compensation is considered too sacred to be assailed. I am ready to vote a liberal salary to the President, as I am ready to vote a liberal salary to anybody who holds high official position; but if you are hunting for arguments in favor of an increase of salary growing out of the necessary expenditures attending official positions you can find ten arguments in favor of the increase of the salaries of members of this House, of members of the Senate, and of the members of the Cabinet, where you can find one for increasing the salary of the President of the United States from the old pay of $25,000 a year.

Mr. HALE, of Maine. I move to strike out the word "six" and to insert "four" in the clause providing for contingent expenses; so that it will read:

For contingent expenses of the executive office, including stationery therefor, $4,000.

That is a mistake in printing. It should have been $4,000 instead of $6,000. This matter of contingent expenses has not been left to uncertainty, so that any gentleman might believe that under that vague name there may be improper and extravagant expenditures. It is made up of items which I will give.

First, telegrams. Everybody understands with reference to that that there are constantly, every day, dispatches upon public business received by the President, received in his office by his secretaries and clerks; and there is no reason why that expense should be paid from his salary. It is a kind of expense that is allowed for from the public funds in the case of every head of a Bureau or Department.

Another item is stationery. The same is true with reference to that, and the stationery in the executive department covers stationery of an expensive character, such as is used for commissions and for all the various duties involving the use of it.

Then there is the item of furniture. From time to time a renewal of furniture is necessary, not in the rooms occupied by the President's family, not in the rooms occupied by him in his domestic and private relations, but in the rooms occupied as offices by him in doing the business of the country as Chief Magistrate. Furniture is needed in these rooms, in the shape of curtains, carpets, desks, and one thing or another of that sort.

Another item is newspapers. That item is also allowed to the other heads of Departments. There is not in all Washington the head of a Bureau, or even the head of a division or sub-division of a Bureau, in which newspapers are not allowed. Then, too, there are periodicals for the library of the Presidential Mansion. That library is from time to time added to in a small proportion, in a small ratio, and a small sum has to be paid for periodicals and books for the library. There are a number of other small items, and that is how this sum is made up. But it was agreed by the committee that the amount of this appropriation should be $4,000 and not $6,000, and my motion is to amend the bill so as to conform to that recommendation of the committee. I presume there will be no objection to it.

Mr. WILLARD, of Vermont. I withdraw my amendment to the amendment.

Mr. HALE, of Maine. I will state that this amendment is made after consultation with General Babcock, who has charge of all these matters. He himself made up the figures, and the committee has carefully scrutinized and examined them.

Mr. HOLMAN. I move to strike out the last word. I discover on a more careful examination that when I was last upon the floor I made a mistake as to the amount of the contingent appropriation made by this bill in excess of that made in 1866, which I shall be very glad to correct. But it is said that there is not a material increase in the appropriation proposed by this bill over and above the appropriations for the year to which I refer. The appropriations last year for this purpose were $13,800, and $4,000 added to that would make $17,800, as against $27,804 appropriated by this bill. I believe I have got the figures correctly. That is to say, while we increase the presidential salary to $50,000, we at the same time increase the contingent appropriations in various forms to some $27,800, even if the appropriation in this item is put at $4,000 instead of $6,000 as it stands in the bill. While it is evidently the purpose of this House that the salary of the President shall stand as it is, I insist that the appropriations which enter into the presidential salary not indirectly, but directly, shall be taken into account in connection with the increase of the presidential salary.

I see no reason why this $4,000 should be appropriated. As for the stationery used in the office of the President, that is but a small item, and I have no objection to an appropriation for that purpose. But I do object to any appropriation for any other purpose in this connection. Therefore I adhere to my motion to strike out this entire paragraph.

The first question was upon the motion of Mr. HALE, of Maine, to strike out $6,000 and insert $4,000; which was agreed to.

The next question was upon the motion of Mr. HOLMAN to strike out the paragraph as amended; and being taken, it was not agreed to—ayes 19, noes not counted.

The Clerk resumed the reading of the bill, and read the following:

Department of State:

For compensation of the Secretary of State, $8,000; two Assistant Secretaries of State, at $3,500 each; for chief clerk, $2,500; ten clerks of class four, additional compensation to one clerk of class four as disbursing clerk; nine clerks of class three; three clerks of class two; eight clerks of class one; one messenger; one assistant messenger; nine laborers, and four watchmen; in all, $74,820.

Mr. E. R. HOAR. I move to amend the paragraph just read by striking out $3,500 and inserting $6,000 as the salaries of the Assistant Secretaries of State. The amendment which I propose is to restore the salaries of the Assistant Secretaries of State to the sum at which they were placed by the act of last session. The sum paid to these two officers has been totally out of proportion to the sum paid to other Assistant Secretaries, considering the responsible character of their duties and the character of the men who should be selected to fill those offices.

We have there now one gentleman who has been for forty years in the service of the Government; without whom it seems hardly possible that the State Department could be carried on; who has the whole treasures of diplomatic history at his command. We have another gentleman there who was eminent in his profession as a lawyer; who has edited most excellently the decisions of the courts relating to the diplomatic service and the treaties of the United States; who was our agent at the Geneva arbitration, and prepared that masterly presentation of the American case. We have there gentlemen whose services, faithfully and laboriously rendered, are worth a great deal more than the compensation which has long been fixed as their salaries. Last winter we placed their salaries at the proper sum. Because that general act was swept away by the popular indignation, for the reason that it was understood to have been procured by bribery, I do not believe that this House or the American people wish to do any particular act of shabbiness that can be shown to be such. In comparison with the pay of our door-keepers and our clerks we do not pay these Assistant Secretaries anything like a fair compensation for their services, rendered throughout the year, and of such a responsible and valuable character.

Mr. MAYNARD. Will the gentleman tell us how he voted on the proposition to reduce the salaries of these same officers some weeks ago?

Mr. E. R. HOAR. I have voted on no such proposition. I voted in favor of the bill repealing the increase of salaries, in which these were included, supposing that the principal object to be reached was in regard to the salaries of members of Congress, and that at the proper time we would do justice to these public servants of the Government. I voted steadily against every proposition to include anything but the salaries of members of Congress in that act. I thought it would have been more consonant with the dignity of the House if we had refused to put into the repealing act anything relating to the compensation of subordinate officers of the Government. I thought that the members of this House, when they dealt with their own salaries, were acting upon honor; that they stood in the position of those to whom the public gave the purse and said "Take what you think fit out of it;" that the question of proper compensation of subordinate officers was one with which the House should have dealt separately and upon their individual merits.

Mr. DUNNELL. The gentleman from Massachusetts said——

Mr. MAYNARD. I desire to ask the gentleman——

Mr. E. R. HOAR. The gentleman from Minnesota [Mr. DUNNELL] desires to ask me a question.

Mr. DUNNELL. The gentleman said that the salary increase he understood was carried by bribery.

Mr. E. R. HOAR. I said that the country so understood it.

Mr. DUNNELL. By bribery; that was the word.

Mr. E. R. HOAR. Yes, sir; that was the precise word. I thought the gentleman wanted to ask me a question.

Mr. DUNNELL. I only wanted to know if I correctly understood the gentleman

Mr. E. R. HOAR. I said that the country supposed that that act was carried by giving to outgoing members additional compensation to induce them to vote for it, when otherwise they would not have done so.

Mr. DUNNELL. If that be true, will the gentleman say that it was an act of bribery?

Mr. E. R. HOAR. I said that it was considered by the country as an act of bribery.

Mr. MAYNARD. Does not the gentleman think it would be wiser, as a piece of practical legislation, instead of attempting to amend this bill in the manner he has indicated, to frame a general bill which will cover the salaries of all these several departmental officers, and adjust them upon some common principle of fairness which will apply to them all?

Mr. E. R. HOAR. That would have been very desirable. But the

session is passing on, and that business has not been attended to. It seems to me that great injustice has been done to these meritorious officers; and I dare say that there are many others in the same category. I certainly should be very glad to have this subject of salaries considered fairly and equitably.

Mr. KELLOGG. I move to amend the amendment by striking out $6,000 and inserting $5,500. I will state my reasons for offering this amendment. A bill has been prepared and agreed to unanimously by the Committee on Civil Service Reform, allowing to all the Assistant Secretaries in the various Departments a salary of $5,500. The action of the committee was taken upon a bill referred to us by the chairman of the Committee on Ways and Means, [Mr. DAWES,] which I think fixed the salaries at $6,000; but in going through the list of salaries we fixed that of the Assistant Secretary of State, the Assistant Secretary of the Treasury, and the Assistant Secretary of the Interior all at $5,500, as corresponding with the salaries of the Secretaries themselves, $8,000.

Mr. DAWES. The gentleman has referred to a bill introduced by me.

Mr. KELLOGG. The bill was introduced and referred by the gentleman.

Mr. DAWES. Will the gentleman be kind enough to state that when I introduced that bill I said that I did so at the request of my colleague from the Essex district, [Mr. BUTLER,] without any regard to the merits of the bill?

Mr. KELLOGG. That did not appear upon the indorsement of the bill, and I was not in the House when it was introduced. I took the bill as I found it. If it was introduced at the instance of the gentleman's colleague, I accept the explanation.

Mr. DAWES rose.

Mr. KELLOGG. I hope the gentleman will not interrupt me further in my five minutes. The committee were satisfied that these Assistant Secretaries ought to have their salaries raised; but when the salary was fixed at $6,000, that of the Secretaries themselves was fixed at $10,000; and the question in the committee was whether we should fix the salary of the Assistant Secretaries at $5,000 or $5,500. The committee have unanimously agreed upon a bill fixing $5,500 as the salary; and only the expiration of the morning hour prevented us from reporting that bill on last Tuesday. It will be reported early next week, and, with the permission of the House, referred to the Committee of the Whole, where I hope it will receive prompt consideration, so that justice may be done to these men; for as chairman of the Committee on Civil Service Reform I am not going to take the ground that because we have reduced our own salaries (compelled as we thought we were by public sentiment) we ought to cut down the salaries of these Assistant Secretaries below what we pay at home to the teller or cashier of a bank. I certainly think these salaries ought to be raised.

Mr. E. R. HOAR. I accept the amendment of the gentleman from Connecticut, [Mr. KELLOGG.]

Mr. DAWES. I wish to occupy but a moment. Of course the gentleman from Connecticut was not aware of what I have stated.

Mr. KELLOGG. I was not.

Mr. DAWES. While I am not going to be drawn into this debate about salaries, I want to put on record for the last time the fact that several months ago I introduced half a dozen bills at the request of my colleague, [Mr. BUTLER,] without knowing their contents; and every single bill that I thus introduced in entire unconsciousness of its provisions I have been called to account for in one way or another. I do not know whether my colleague from the Essex district had any design on me in that operation, but it is just like him. I desire to state here that I hold myself absolved from any responsibility for this bill increasing the salaries of these Assistant Secretaries and for the various other bills that I presented for my colleague. One of them proposed to extend a patent, though I never was in favor of extending any patent. During the eighteen years I have been in this House I have opposed every proposition for the extension of a patent; yet my colleague got me to introduce a bill to extend a patent. Another of those bills was to shut up a port in his district where he had some trouble with the collector; and I had all the inhabitants of the town down on me for that. Another of the bills was for the relief of somebody—a private bill; and the Committee on Claims insisted that I should take care of my bill before that committee. I only speak of these as some of my trials for putting so much confidence in some of my colleagues.

Mr. KELLOGG. I wish to say only a single word in reply to the gentleman from Massachusetts, [Mr. DAWES.] I did not know that this bill was one of the batch of bills which he presented for his colleague, or out of kindness to my friend I might not have alluded to it. The indorsement of the bill did not show that he presented it for his colleague; and I supposed that every gentleman on this floor when he introduced a public bill knew what he was doing. My friend has been here so long that, though in recognition of the right of petition he may present any petition that his constituents send to him, I did not suppose that in his simplicity he would allow himself to be made a tool of to introduce a bill and send it with the indorsement of his honored name, backed by nearly twenty years' service on this floor, to our humble Committee on Civil Service Reform, lending the weight of his name in carrying that bill into effect. However, I think we should have taken the same action if his name had not been on the bill.

I cheerfully give him the benefit of his correction to-day. He has said that he is in favor of putting these salaries where they ought to be.

Mr. DAWES. We are all the victims sometimes of misplaced confidence.

Mr. GARFIELD. I suggest to the gentleman from Massachusetts who offered the amendment that last year, in the general increase of salaries, there were included Assistant Secretaries and heads of Departments in one group and were passed in that way. Whatever we do in regard to the Assistant Secretaries of State manifestly ought to be done for the Assistant Secretaries of the Treasury and for the First, Second and Third Assistant Postmasters-General and for other corresponding offices, and I hope, therefore, whatever is to be done will be done in a group so that all will be acted on together. But as we have so recently cut down these salaries, I hope we will not begin by insisting upon getting one in, for if we get in one it means all the others will follow. I admit, however, with the gentleman from Massachusetts, that $3,500 a year is an entirely inadequate salary for a man holding the position of an Assistant Secretary of State; but I do not believe we ought now, in the immediate face of what we have just adopted, to enter upon this before we are ready to go more elaborately into it and provide a general salary bill. Do not let us do by piecemeal on this bill what we ought to do all together when we do it.

Mr. HOLMAN. If the amendment is withdrawn I will renew it, and I wish to call the attention of the House while the subject of salaries is up to this fact: I find the appropriation eight years ago for the same purposes of this paragraph and the following one was $72,020. The appropriation for these salaries eight years ago for this same State Department was $72,020. The appropriation made here for a like purpose has run up to $89,220, being an increase of $17,220 in eight years.

I wish to say to the gentleman from Connecticut [Mr. KELLOGG] that while most of us understood the purpose of the Committee on Civil Service Reform, yet we did not believe that committee would develop its character in the form in which it now seems to display itself during the present session of Congress.

I trust whatever it is going to do it will do during the present session of Congress, and that the increase of salaries contemplated by that Committee on Reform in the Civil Service will be brought forward at once, so the judgment of the people may be pronounced upon the proposition.

Here is a Department where in eight years there has been an increase of $17,220, and we are told the salaries are too low. We are told by a committee which was supposed to be in the direction of reform—a Committee on Civil Service Reform—that these salaries are beggarly salaries, unworthy of a Government like ours, and that they must be increased. Now, sir, I trust the gentleman from Connecticut, if he proposes this work of increasing the salaries after the public voice has demanded their reduction, will not allow his bill to go over until after the people have pronounced their judgment upon the action of this Congress. The country is demanding two things with unequivocal voice, low salaries, such as befit a plain and economical administration of Government, and a heavy reduction of the expenditures of the Government. The people cry out for low salaries and low taxation, and the country will take nothing else. So I hope we will not have simply the intimation that certain salaries, deemed sufficient during the long years of the war and of inflation of our currency, shall be increased, but that the gentleman will bring forward his bill and let us see whether, if this Congress thinks proper to give it vitality by their votes, the country will sustain an extravagance which they have in the most signal manner so recently denounced.

This same evil occurred before on this very same bill. It commenced with raising the salary of our own clerks, and it is an evil of which the people of the country have justly complained. If this Congress proposes to regard public sentiment at all, it will emphatically say that there shall not be a dollar of increase of salary allowed during the present session of Congress.

Mr. RICE. I propose to say at this point that the people of the United States expect and are willing to pay fair salaries for duties faithfully performed. That is the only question they ask, and that is what they propose to do.

Mr. KELLOGG. I hope the gentleman will yield to me two minutes of his five. I do not wish to prolong this debate, but merely to say in reply to my friend from Indiana that I consider it is good civil-service reform to pay the Assistant Secretary of State a salary sufficient to keep a good man there; I consider that as good civil-service reform as any other branch of the subject. Neither he nor anybody else will frighten me or that committee from putting the salary of any man in a responsible position, when the subject-matter is referred to our committee, so far at least as I am concerned, at such a sum as we think he ought to have.

Now, in the bill which was reported by our committee and went to the Committee of the Whole yesterday, we have endeavored to reorganize the Treasury Department. We found the salary of every Auditor $3,000, the same as it was fixed in the days of James Madison and James Monroe, more than fifty years ago, and we raised them all to $4,000, because we thought their positions entitled them to that

salary. And we say that men who are fit to discharge the responsible duties of Assistant Secretaries of State or Auditors should have greater salaries than were considered sufficient fifty years ago.

I care not that we have cut down our own salaries. If we find the salary of any office too low for retaining the services of a good man in it let us pay him an adequate salary and not be too niggardly. Gentlemen have already spoken of the increased public business during the last few years. Every one knows that there is vastly more to do in the Government to-day than there was twenty-five, or thirty, or forty years ago. And when the gentleman from Indiana talks about appealing to the people, and says they will not consent to official salaries being raised, I beg to tell him once for all that the people have more sense than gentlemen here sometimes give them credit for, and that they will not be blinded by statements of that sort on this floor.

Mr. SENER. I move as an amendment to the amendment, to make the sum "$5,000." I agree that this House and the country are willing to pay an adequate compensation to these public officers; but it occurs to me that an increase of 40 per cent., to wit, an increase from $3,500 to $5,000 will answer all the reasonable requirements of these servants of ours for the next fiscal year, looking to the prostrate condition of the business of the country.

Mr. NIBLACK. I am opposed to that amendment, because it still rates the salary too high. I am not here on this occasion to vote to increase any salary unless there be some special urgency on account of which it should be increased.

I agree, however, with some things that the gentleman from Connecticut [Mr. KELLOGG] has said. I agree with him that the pay of some of the officers of the Government, everything considered, is too low. But I think this is a most unfortunate time to talk about increasing it.

But what I wish to call the attention of the House to particularly is the great disparity, the astounding disparity, which exists between the pay of the President of the United States and the heads of the Departments and their principal assistants and Bureau officers. It is not for me to attempt to correct this discrepancy or to bring about a different condition of things, not being in the confidence of the Administration and not being in a position to obtain a majority in this House to sustain me in any proposition of this sort. But I desire to emphasize here, what I have said elsewhere and what I think ought to be kept constantly in view when we are considering the question of salaries, that we have raised the salary of the President of the United States to $50,000, furnished him an executive office and a residence and nearly all the expenses to which he is subjected, except those of his table and of perhaps a few family servants. Yet, at the same time, we are paying $8,000 to the members of the Cabinet, who are required to furnish their own houses, and to bear all the expenses to which their residence in this city subjects them in the discharge of their duties. And we pay them nothing whatever beyond their salaries. Now I have thought common justice, common consistency, everything that properly appeals to the minds of fair-minded and practical legislators, would suggest that we ought either to reducce in some way, if not directly, yet possibly indirectly, the pay of the President of the United States, or else we ought to give these Department and Bureau officers more compensation. There is gross injustice somewhere. Either the President's salary is an injustice to the people, or else what we pay to the other executive officers next to him is an injustice to them. I appeal to the gentleman from Connecticut, [Mr. KELLOGG,] the chairman of the Committee on Civil Service Reform—I appeal to him, as a just man, to say whether this great discrepancy is not a reproach to us as a legislative body?

Mr. KELLOGG. I beg to say to the gentleman from Indiana that we have not had the President's salary before us in the Committee on Civil Service Reform by any reference whatever. We did not suppose that we had the subject before us.

Mr. NIBLACK. I wish only to say further that if we cannot reduce the President's salary during the present term, let us reduce it prospectively. Let us do something to show that we recognize this great disparity which exists.

Mr. KELLOGG. And let me say further in regard to what is proposed by the Committee on Civil Service Reform, that while we have proposed to raise some salaries we make a permanent reduction of almost $400,000 by the bill from the expenses of the Treasury Department of last year.

Mr. NIBLACK. Allow me one word further. I complain more of this disposition to increase officers and multiply offices than I do of what we pay them.

Mr. GARFIELD. I wish to say in a word that I hope before this Congress adjourns in its present session a commission will be appointed, or a joint committee of the two Houses, to sit during the recess and report a salary bill reorganizing and recasting the civil-service salaries of the United States.

Mr. SENER. That is but a hope of the gentleman.

Mr. GARFIELD. Such a thing is very important, but we cannot hope to do it piecemeal in an appropriation bill like this. I call for a vote.

The question was taken upon Mr. SENER's amendment to the amendment; and it was not agreed to—ayes 37, noes not counted.

The question recurred upon the amendment offered by Mr. KELLOGG; and being taken, the amendment was not agreed to—ayes 45, noes not counted.

Mr. GARFIELD. I am instructed by the Committee on Appropriations to offer an amendment to come in on line 292, to strike out the words "additional compensation to one clerk of class 4, or disbursing clerk."

That has been found to be unnecessary, because in the reorganization of the Department a disbursing clerk is already provided for elsewhere.

The amendment was agreed to.

Mr. SENER. I move to amend in lines 291 and 292 by striking out "$2,500" and inserting "$3,000;" so that it will read:

For chief clerk, $3,000.

My object is this: It will be found by referring to lines 328, 329, 330, and 331, that the chief clerk of the Treasury Department and the chief clerks of the several divisions in that Department receive an annual compensation of $3,000 each. The State Department, from the organization of the Government, has been recognized as the first Department in point of importance in this Government, and the officer who occupied the position of chief clerk prior to the present incumbent was the lamented Mr. Chew, with whom I was well acquainted. He was a citizen of my town, and was forty years in the service of the State Department, serving with sixteen Secretaries of State, under twelve Presidents, and dying as he had lived, a most honest, faithful, and capable public servant, enjoying under all administrations the confidence of his superiors and the respect and esteem of all with whom he was brought into intercourse. This faithful chief clerk, after forty years of public service, was stinted with the poor pittance of $2,500 as his annual compensation—a sum much less than he would have received as the chief clerk of any first-class private business enterprise in the country.

This late faithful public servant assured me during his life-time that the duties of this position of chief clerk required him to be present in the office generally from eight o'clock in the morning until four in the evening, and during the sessions of Congress almost continuously at night. I do not know who his successor is except by name; but this I know, that whoever is chief clerk of the State Department, having in charge the most important matters connected with our home affairs, and the most important of all our foreign relations, ought to be a man of high character and ability; and I have every confidence that this gentleman, appointed by the present Secretary of State, is such a man; for however much there may be intimations and insinuations in the public prints and otherwise against the integrity of other Departments of this Government—and most, if not all, of these I believe to be not well founded—there is no such insinuation or intimation against this Department or the honored Secretary who presides over it. This is the only Department in this Government which, as I understand it, is self-sustaining. The excess of consular fees that are paid in yearly really makes the State Department self-sustaining.

Mr. GARFIELD. Why, the Treasury Department is more than self-sustaining.

Mr. SENER. How so?

Mr. GARFIELD. It has $250,000,000 of revenue a year.

Mr. SENER. How does it receive that? From taxes, direct and indirect, drawn from the people through all the Departments of the Government; while the excess of fees received through the consuls and consular agencies are really drawn from abroad.

I say, therefore, that the House ought to ask itself this question: Is this a proper compensation for the chief clerk of the State Department? And it ought to weigh that question with this other one: Is not the State Department one of equal dignity and importance with the Treasury Department? If we are prepared to give, as we have voted year after year, $3,000 to the chief clerk of the Treasury Department, upon what principle or upon what reasoning will this House tie itself down to an appropriation of $2,500 to the chief clerk of the State Department? There ought to be this principle guiding and governing individual action, as well as State action or national legislative action, to wit, to pay a public servant an adequate compensation to keep him from stealing and starving. The cry through this land to-day is, that our public servants are unfaithful and not trustworthy. I say, pay them adequate compensation. Members of Congress complain here that $5,000 is an inadequate compensation for their services a part of each year. Surely, any man who has character enough and integrity enough to be chief clerk of the Department of State of a great Government of forty millions of people, stretching from ocean to ocean, and having its representatives in every clime throughout the civilized world, ought to receive a salary equal in importance to the duties he is called upon to perform, and equal to the salary of the chief clerks of any other Department of the Government.

I have said this much, Mr. Chairman, out of regard to a just economy, and because I believe this officer will not be adequately paid by the compensation which the Committee on Appropriations recommend; and therefore I trust my amendment will prevail.

Mr. GARFIELD. Now let us have a vote.

The question was taken on Mr. SENER's amendment; and it was not agreed to, ayes 34, noes not counted.

Mr. COX. I move that the committee rise.

Mr. GARFIELD. I hope the gentleman will let us work awhile longer; we are just running now.

Mr. COX. I must insist on my motion.

Mr. GARFIELD. I ask the committee to stand by the Committee on Appropriations, and not rise upon everybody's motion.

The question was taken on Mr. COX's motion; and it was not agreed to.

The Clerk read as follows:

For publishing the laws of the first session of the Forty-third Congress in pamphlet form and in newspapers, $60,000: *Provided*, That after the 4th day of March, 1875, the publication of the laws in newspapers shall cease.

Mr. PURMAN. I move to amend that paragraph by striking out the proviso. While this proviso is already the law, having been enacted in the appropriation bill of 1872, I beg to take this occasion for an expression of my sentiments upon some other not irrelevant questions.

This proviso repeals a law enacted by the forefathers of the Government, for the publication of United States laws in several designated newspapers in each State, for the purpose of presenting them to the public for their guidance as quickly as possible after their passage by Congress. What the purpose of the forefathers was in the first inauguration of this system of publication which this proviso seeks to repeal, I can only conjecture. It was either to give the earliest possible notification of the enactment of a law to the people, that every public and private interest affected might receive the immediate safeguard of such law, or else the purpose was to confer subsidies to aid the establishment of newspapers throughout the then infant country. There was wisdom and statesmanship in either or both of these purposes.

I protest against this repeal of $60,000, for every party and administration should give all possible lawful support and subsidy to its own newspapers. Of course I speak for encouragement to the republican press of the country, and especially in the South.

If the publication of the laws in newspapers is a benefit to the people, it may be in the same connection an aid or subsidy to such papers, and any party should discriminate in favor of its own press; for the power and continued success of any political party lie in the strength, ability, and reliability of its own partisan newspapers. Encourage, then, these powerful agencies which spread intelligence and enlightenment throughout the country as the orb of day spreads the light and sunshine over the earth. Our press needs this encouragement in the South. We struggle against every description of prejudice and opposition, and as the press is our vanguard, carrying enlightenment and persuasion on its banners, it must be supported in one form or another, or our political supremacy as a party will not, cannot be lasting.

I admire a thoroughly republican or democratic paper; but for any class of journals styling itself "independent in politics and religion" I ask for no encouragement, for they are neither "fish, fowl, nor flesh." There is no place in the universe where a republican newspaper is so urgently needed as in the city of Savannah; and yet there are not sufficient republican readers there to support such an establishment. Because the children of a State cannot support a system of public education is no good reason why they should not receive an education.

Where the gospel is most needed it is generally the least supported.

One word more; and, with the indulgence of the committee, I will take this opportunity to express my protest against the repeal of the franking privilege. I characterize the stopping of the free distribution of public documents, seeds, and the free exchange of newspapers, as an act of glaring injustice to the people. I am aware that Boston, New York, Philadelphia, and your large cities feel no concern whatever in our Agricultural Reports, and in the various garden and flower-seeds which our agricultural constituents so highly prize, but the bounties of this Government are first due to those who build and feed cities rather than those who inhabit them.

I have supplied large quantities of various valuable and rare seeds to my constituents, and without waiting for their application, believing that it is my duty, as it certainly is my pleasure, to aid our people in Florida to build up their waste places, to introduce and stimulate new productions and open new industries, to help to cover up the unsightly devastations of the war with the luxuriance of a new growth that may promise more than their former prosperity, and to do all in my humble power to make their new homes blossom as the rose. Yes; among the more substantial I send also flower-seeds, that the rose from Washington City may bloom in that sunny clime, as the beautiful emblem of the peace and love which animate the sentiment and care of this paternal Government.

[Here the hammer fell.]

Mr. DUNNELL. I ask the gentleman from Florida [Mr. PURMAN] to withdraw his amendment, and I will renew it.

Mr. SPEER. I wish to be heard in opposition to the amendment.

Mr. DUNNELL. Then I will move to strike out the last word. When the gentleman from Florida was recognized by the Chair I had in my hand an amendment to strike out the proviso of this paragraph. I think it is very easy to show that that amendment ought to be made. I do not advocate the continuance of this provision for publishing the laws in the newspapers because it may be a subsidy. I do not ask for it at all because it is an aid to newspapers in any section of the country or because they need that aid. But I look upon it as necessary for a rapid, immediate, and early dissemination among the people of a knowledge of the laws that have been passed by Congress.

If we refuse this provision for such publication there will be no means for the people to become acquainted with the laws passed here until weeks and months after Congress has adjourned, until those laws have been published in pamphlet form; and the pamphlet edition of the laws, as is well known, never reaches the people. I insist that there should be published everywhere throughout the Republic, in every State of the Union, immediately after its passage, every important law, in order that the people may know of it and may know how to regulate themselves in reference to it. I insist that the small amount of money thus expended in the publication of the laws comes back to the people in a thousand different ways and in a thousandfold.

I have no sympathy with what seems to be the idea of keeping from the people this intelligence. I have always voted steadily in favor of the dissemination of the intelligence that comes from the capital of the country. I hold that the public documents should be printed and sent out to the people; that the laws should be made known to the people immediately upon their passage. I think an appropriation for the purpose of giving this information to the people is an appropriation of the highest importance. I hope this provision about which we had a struggle a year ago will be stricken from this bill.

Mr. PARKER, of Missouri. Does not the proviso in this paragraph already exist as a law?

Mr. DUNNELL. It is the law now.

Mr. PARKER, of Missouri. Then the gentleman will not reach his desired object by striking out this proviso. I agree with the gentleman perfectly in what he seeks to attain; but striking out this proviso will leave the law standing upon the subject.

Mr. SPEER. Mr. Chairman, if I correctly understand the law as it is, the amendment of the gentleman from Florida, [Mr. PURMAN,] if adopted, will be fruitless; it would not accomplish the object at which he aims. But if it would accomplish that object, to wit, the re-enactment of the law requiring the acts of Congress to be published in two newspapers in each State, that fact would be the very best reason why the House should not adopt it. An appropriation was made in 1866 for this publication for the purpose, I believe, of supporting republican journals in the Southern States. It is safe to say that a journal that cannot live without Government aid is not a good advertising medium and deserves to die. If it meets a public want the people will support it; if it does not and the people do not read it, it is difficult to understand why the country should be taxed to pay it for publishing what no one sees or reads.

Mr. SENER. The law applies to all the States.

Mr. SPEER. Certainly.

Mr. PURMAN. According to the gentleman's argument, because a minister of the gospel cannot live from the "honest support" of the heathens, therefore we should not send a missionary among them.

Mr. SPEER. If the gentleman's remark has any pertinency it is that the republicans in the Southern States are "heathen," and that the people of the whole country should pay the expense of enlightening them.

Mr. PURMAN. Not at all.

Mr. SPEER. If they cannot read, I do not see what benefit they will derive from the publication of the laws.

Mr. MOREY. Will the gentleman from Pennsylvania [Mr. SPEER] allow me a single moment?

Mr. SPEER. I cannot refuse, although I have but five minutes.

Mr. MOREY. I wish to say that the law authorizing the publication of acts of Congress is a law dating back to the foundation of this Government, and was not enacted for the purpose of publishing laws in southern newspapers or for the benefit of republican journals.

Mr. SPEER. Be that as it may, it is well known that all through the South the laws have been published in papers that had little circulation and that were kept alive by this subsidy. I would approve of any fair means by which Congress could place before the *people*, not before a fragment of one *party*, what is done here.

But what is the practical operation of this law? I take my own State—Pennsylvania—with a population of nearly four millions, as an illustration. Under the law the Clerk of this House designates two papers in each State in which the laws shall be published. In Pennsylvania it happened that he designated, at the request of the Senators from that State I have no doubt, a paper published in my own town, the home of one of the Senators, and a paper in a county adjoining the county in which the other Senator resides. The papers are the Huntingdon Journal and the Lebanon Courier.

Mr. SENER. I make the point of order that it is not proper in debate in the House to allude to members of the other branch of Congress.

Mr. SPEER. What is the ruling of the Chair on that point?

The CHAIRMAN. The gentleman from Pennsylvania [Mr. SPEER] will proceed.

Mr. SPEER. My friend from Virginia is entirely too sensitive. I am not alluding to the action of the Senate, but to the practical operation of a law administered under the direction of Senators. The gentleman should have observed the distinction, and then I would have been spared the interruption caused by his point of order.

To return: these two papers selected in my own State are county

journals, with a united circulation perhaps of less than three thousand. I take it that they are neither better nor worse than the papers selected in the other States. They are selected not on account of their circulation, not because they are the best avenues of information, but often because they are weak and sickly and it is the interest of the Member or Senator to continue their publication. He seeks under the cover of a public law to support a personal organ. Perhaps not more than one in a thousand of the people of Pennsylvania has ever seen either of the papers in which the laws are there published. The act of last Congress provided that this publication should cease in 1875; and will this House now say that this subsidy, as the gentleman from Florida properly terms it, shall be longer continued? If it be necessary in the judgment of the majority here to aid republican newspapers, let a direct appropriation be made to the papers by name, and then the country will know what we are doing, and our action will have the merit of directness and courage at least. But let us not under the pretext of communicating intelligence to the people appropriate the public money to the support of one hundred political papers of local circulation almost unknown beyond the limits of the county where published.

In the last Congress I sought by a resolution which was adopted in this House to get from the Secretary of State a correct statement in detail of the amounts paid to each of these newspapers. I failed in the object of that resolution. The Secretary of State answered the House that he was not then able to say how much it had cost. But in the Blue Book for 1873 we have the cost to the Government of this publication. I find by the Blue Book, which I hold in my hand, that there was paid to the Courier, published at Lebanon, in the county of my colleague, [Mr. KILLINGER,] the sum of $776; and to the Journal, published in my own county, the same amount.

Mr. HEREFORD. For one session?

Mr. SPEER. Yes, for the second session of the last Congress, and each paper received $424 for publishing the laws of the third session, making $1,200 to each for the two sessions. I have not the amount paid to them for the first session. It cost the Government upward of $90,000 for the publication of the laws of the second and the third session of the Forty-second Congress. Shall this abuse be continued? I am surprised that any gentleman should attempt either by direct or indirect means to continue it. I think the Committee on Appropriations in the last Congress did a service to the country in reporting the provision for the discontinuance of this publication, and I trust they will have the support of the House in their opposition to the repeal of the existing law.

Mr. O'BRIEN obtained the floor, and said: I yield my time to the gentleman from Florida, [Mr. PURMAN.]

Mr. PURMAN. Mr. Chairman, in the five-minute allotment of time before I could not make all the statements which pressed themselves on my attention, and I am profoundly grateful to the gentleman from Maryland for this courtesy.

It is not my desire to reflect in any manner upon those who advocated the repeal of the franking privilege as a measure of reform, and I certainly take pleasure in expressing my admiration of the present Postmaster-General, Mr. Creswell, who had the intellect and persistency to achieve so grand a result for the benefit of his own Department; but while the Department won a gigantic victory, the people lost the enjoyment of one of their dearest rights or privileges, namely, to receive without price, and in comparative abundance, public documents, and seeds, cuttings, and plants of many descriptions. The remedy rests in this Congress, as I will intimate before my five minutes expire.

I can well understand why the Postmaster-General labored and finally achieved the abolition of the free distribution of all mail matter. It was to increase the revenue of his vast Department, to decrease its annual deficiencies which must always be supplied by appropriations out of the general Treasury.

To abolish the franking privilege, it was satisfactorily estimated that the sum of $2,543,327 would be obtained as additional revenue to the Department; and, to substantiate this estimate, the sale of official postage-stamps alone to the different Departments of the Government in Washington City during the first quarter, from July 1 to September 30 of last year, amounted to $896,213.70.

With the constant extension of the postal facilities throughout the country the increase of expenditures kept pace, and as a wise and able head of this branch of the Government—and no abler Postmaster-General has filled this office since its first inauguration by Benjamin Franklin—he sought out new avenues in which to achieve reform and increase the public revenues. I feel constrained to commend the Postmaster-General for his herculean triumphs in the interests of his own Department; but who can commend this Congress for its repeated refusals to devise some other manner by and through which the people shall enjoy their ancient privilege?

I find that each member has a certain number of public books, reports, &c., allotted to him for distribution among his constituents.

Among the list of books I find Smithsonian Reports, a valuable scientific document; Mineral Resources, Coast Surveys, and Educational Reports, works of rare merit and most valuable information for every intelligent citizen; Finance Reports, Reports of the Secretaries of State and of War, Reports of the Postmaster-General and of the Attorney-General; Reports of New England Sea Fisheries and Agricultural Reports, documents in which every enterprising man cannot help but feel a deep interest; Reports on Darien Ship-canal, pamphlet copies of laws of the United States, Directories of Congress, and other valuable works and reports which I cannot enumerate here. The people do feel an interest in these publications, and if they were not published for the benefit of those who contributed the money by taxation for their publication, for whom then were these documents prepared and printed?

I am officially informed that to pay the postage on documents for the Forty-second Congress would require the amount of $1,785.14, to say nothing about the postage on seeds, plants, &c.

I know that my constituents do not ask me to put my hands into my own pocket and pay out of our inadequate salary this amount of postage on the public documents which by ancient right and custom belong to them; but they do ask that Congress shall pass some appropriation and provide for its expenditure under some system that will continue to them, freely and without price, this time-honored source of knowledge, satisfaction, and real benefit. This is the remedy I would propose. They do demand economy, but in the right direction. It is not true economy in a family to curtail the expenses in the education of the children, or in the quantity or quality of the food, or in the texture and sufficiency of raiment. Cut down the luxuries, the superfluities, but not the necessities.

It was not wise or even reasonable economy in the Forty-second Congress to appropriate $6,650,000 for only five public buildings in a few large cities, and yet consider the free distribution of public documents too expensive for this great Government. It was a spurious, mocking economy for that same Congress to appropriate $1,225,000 as mail steamship subsidies, and at the same time consider it too expensive to continue the free distribution of a few important varieties of garden seeds among the farmers and poor people of this great country.

A few days ago the chairman of the Committee on Agriculture reported a resolution, which was unanimously agreed to by that committee, providing for the free distribution of all seeds, plants, &c., by the Agricultural Department; yet what was the fate of this movement on the part of the committee in the right direction? It was defeated by the vote of this House, and yet I predict that in the infatuation of this unwise economy this House will, before the adjournment of this session, vote millions of dollars for magnificent structures of granite in cities; yes, a million alone for the post-office building in New York City, which will cost not less than $8,000,000 when completed. Magnificent expenditures of money in the cities, while the agricultural people of the country are asking in vain for a few seeds, is the policy of this modern economical statesmanship. This strange and unnatural policy cannot last more than a short season. The people do not approve it. It is false in its teachings—teaches that the country is retrograding instead of progressing; that our prosperity is less than in the days of our fathers; that this Government is poorer than it was fifty years ago.

The people cannot be hoodwinked; they will see through all sorts of demagogism, whether practiced in high or low places, and a reaction will set in as surely as the eternal law that makes all extremes to rebound.

I beg leave of the committee to withdraw the amendment, as it is well understood that it can be of no avail in this connection, as it cannot change or affect the existing law.

Mr. BUTLER, of Tennessee. Mr. Chairman, this proposition to withhold the printing of the publishing of the laws from the newspapers in the country is familiar to us. It is an old effort made here every session of Congress in the appropriation bill to prevent the papers of the country from publishing the laws. We have succeeded so far in defeating the committee in that proposition, and I trust we will again.

Now it is no argument to me that the laws ought not to be printed in the newspapers because the people of the district represented by the gentleman from Pennsylvania do not read them. If his people have no taste for reading newspapers and learning the laws of the country, that is no argument to the American Congress that the laws ought not to be published for the benefit of the constituency who do read them. It is no argument to me against the publication that the republican newspapers of the country publish these laws. Whenever the democracy comes into power (which I hope to God they never will) they will give the printing to their papers, if we are to judge of the future by the past. When in power the democratic party always gave this printing to their democratic newspapers, and because the republicans do not give them to the democratic papers, and democrats do not or cannot read them, that is no argument why we should not publish the laws.

Something has been said about a crusade. I do not know whether my friend from Florida alludes to the whisky crusade or not; that is the most popular crusade now I believe that is extant; but it is a crusade against the public and against the rural districts not to publish those laws in the newspapers. The laws that are enacted here are not published in the CONGRESSIONAL RECORD, and they are not published in pamphlet form or in book form until three or four months after Congress has risen. And where are we to get them meanwhile? Suppose a lawyer wants them, how is he to get them? If he lived in Pennsylvania and wanted a copy of the laws, I would write to the editor of the county newspaper in the district of the gentleman from Pennsylvania [Mr. SPEER] and direct him to send

me a paper. No doubt the gentleman's own people do not want them. I would expect that there would be a surplus in that locality.

The Committee on Appropriations is a liberal committee, and I always like to follow their lead heartily. But every time this appropriation is brought forward, this old ghost is raised and it is urged that you should take away this printing from the little country newspapers.

I beg to tell the gentleman from Pennsylvania [Mr. SPEER] that this law was not enacted for the benefit of the Southern States. This was a law before he or I was born, that the laws of the country should be published in this way. There can be no good objection to it. But I suppose that the Committee on Appropriations desire to cut down the expenditures, and our democratic friends wish that the republican newspapers shall not have the benefit of this. They think that if this appropriation is kept from them they cannot exist.

Mr. GARFIELD. This appropriation has elicited a good deal of wit whenever it has come before the House, for three sessions at least. It was not necessary to put it in this bill except as a matter of fair dealing, that the House might be informed that this is the law and that this is the last time the appropriation will appear here if the House will stand by the Committee on Appropriations. The plain fact is that Congress two winters ago undertook to cut off by the roots a manifest, undefended, and indefensible abuse.

Now, no man can say that this publication of the laws in the newspapers has disseminated the laws among the people. If it did really give the laws to the people that would be an argument that could not be answered. What does this law do? It selects two newspapers—and no daily in the country will publish them; no daily can afford it at the rate we pay—selects two newspapers in a State; two in the State of Pennsylvania; two in Ohio, &c. And what are they? They are papers whose circulation does not average a thousand, probably does not average five hundred; and some seventy-four newspapers in the United States with an average circulation of less than a thousand are paid $70,000 for printing these laws weeks and months after their passage.

Mr. BUTLER, of Tennessee. I desire to ask the gentleman whether that is the fault of the law or of the Representatives who designate that class of papers?

Mr. GARFIELD. It is because none but the small country newspapers would publish them.

Mr. HEREFORD. It is the Clerk of the House who designates them under the law.

Mr. GARFIELD. And the Clerk, I have no doubt, does the best he can. I know a large State, as large nearly as the State of Pennsylvania, where at the present moment the laws are published in two newspapers fifty miles apart; and that is called distributing broadcast the laws of the United States. And I remind gentlemen of another fact, that two or three years ago when this thing came up here we found that away up in the State of Nevada a country editor had sent down here and gathered up from generous members of Congress a thousand of the unbound, unstitched copies of the laws. He got the job of printing the laws, and sent to each of his subscribers one of the copies he had got from members of Congress as an extra of his paper, and got the whole paid for under the cover that he had printed a title page. That was one circumstance which induced us to wipe out this abuse.

We propose to circulate more of these pamphlet copies of the laws. We can send them through the Clerk's office, as we now do. We appropriate for sending these out, and can appropriate more if necessary. But let us not, on the pretext and the pretense that we are giving the laws to the people, appropriate $70,000 to these newspapers.

My friend from Florida [Mr. PURMAN] told the House that this was a little newspaper subsidy. That was a frank statement of the case, and it is all there is of it. It is a subsidy merely to two newspapers in each State. It is one of those abuses which Congress has thought it fit should be wiped out. We could not two years ago wipe it out instantly, and we agreed that it should cease in 1875. We have got nearly to the end of it, and I hope gentlemen will consent now to its death.

Mr. BUTLER, of Tennessee. The gentleman states that no daily would take the printing of these laws. I hold in my hand the Baltimore Daily American, which has published the laws for six years. Is that an obscure newspaper?

Mr. SENER. The Richmond Daily State Journal publishes them also.

Mr. HAWLEY, of Connecticut, obtained the floor.

Mr. PURMAN. Will the gentleman allow me a moment for a personal explanation?

Mr. HAWLEY, of Connecticut. I will try to stop soon enough to allow the gentleman one minute out of my five. I may perhaps be able to aid some gentlemen in understanding this matter, for I have had some personal experience in regard to it. I have the pleasure of being one of the proprietors of a newspaper which—for I do not know how long, but perhaps ever since this law in relation to the publication of the laws in newspapers was in force—perhaps for seventy-five years has published these laws. So far as pecuniary profit to the newspapers is concerned the publication of the laws is worth nothing to them; it pays a little more than the cost of composition; and I do not know of any newspapers of large circulation doing a respectably profitable business that care anything about it for pecuniary profit. They like well enough to be named as the official papers and publish the laws from day to day, putting apprentices to work upon them and others at odd times; but the printing of them is considered rather a load.

There is, however, this to be said upon the subject: The pamphlet edition of the laws does not get out and into circulation for several months after Congress adjourns, and then only a few copies are scattered through a State. Now I know that time and again lawyers practicing in the United States courts have had occasion to send to the newspaper office in a hurry to get their printed copy of the laws, which was the only form in which they could get access to them.

Now if, instead of distributing this patronage among the newspapers throughout the country, the committee will provide for one newspaper printed in Washington which shall publish all the laws as soon as they are signed by the President, then all lawyers practicing in the United States courts, and all persons interested in patents and in internal improvements and in the various other matters which go to make up our legislation, would subscribe for that paper and so get an early copy of the laws. It would be better that we should have an official gazette, which should from day to day or from week to week publish the laws as soon as they are signed by the President.

Mr. DUNNELL. How much would that cost?

Mr. HAWLEY, of Connecticut. It would be a great deal cheaper than the present system, because all the lawyers and other persons interested would subscribe for that paper, and moreover they would be enabled to get this information quickly.

If you do what the chairman of the Committee on Appropriations proposes the people will be practically without access to the laws that may be passed for months after their passage. The system we have now is better than the one that he proposes, but the one I suggest is better than either. I yield now to the gentleman from Florida, [Mr. PURMAN.]

Mr. PURMAN. I desire just one moment to reply to the statement made by the gentleman from Ohio, [Mr. GARFIELD.]

I know not which the controlling purpose was in the minds of the originators of this law; whether to spread the laws before the people for their guidance in advance of their publication in book or pamphlet form, or as a subsidy to aid in the support of newspapers; both, I think. The fathers that first instituted this law certainly gave the people the opportunity of reading the laws conveniently and in time, and did not intend that, like the edicts of Caligula, the people should not be able to read them and yet be subject to their penalties in case of any unknown infraction of them. I am only responsible for the utterances I make, not for the misunderstandings of the gentleman.

Mr. KELLOGG and Mr. EAMES rose.

Mr. KELLOGG. My colleague [Mr. HAWLEY] yields me his remaining minute.

The CHAIRMAN. The Chair recognizes the gentleman from Rhode Island, [Mr. EAMES.]

Mr. KELLOGG. My colleague did not yield to him, but I will.

Mr. EAMES. I desire to propose an amendment that will enable the committee, I think, to vote on the proposition which has been discussed for the last fifteen or twenty minutes, and in this amendment I shall have said all I have to say on the question. I move to strike out the words "provided that," in line 303, and to insert in lieu thereof the word "and;" also to strike out in line 305 the word "cease," and insert instead thereof the word "continue;" so that it will read:

For publishing the laws of the first session of the Forty-third Congress in pamphlet form and in newspapers, $86,000; and after the 4th day of March, 1875, the publication of the laws in newspapers shall continue.

Mr. GARFIELD. I make the point of order that that amendment proposes to change the existing law; it proposes to enact a law about the publication of the laws in the newspapers, which does not now exist.

Mr. EAMES. It seems to me that the amendment is entirely germane to the proposition reported by the Committee on Appropriations.

Mr. GARFIELD. Not at all.

Mr. EAMES. The amendment I have proposed is entirely in point and in order, inasmuch as it is germane to the proposition which is reported by the committee in the bill. That proposition is that the law shall cease; I propose simply that it shall continue.

Mr. GARFIELD. I insist on the point of order.

The CHAIRMAN. The Chair regards the amendment as germane to the pending clause of the bill.

Mr. GARFIELD. I did not make the point that it was not germane The point I made was that it changed existing law.

Mr. EAMES. I raise the point of order on the gentleman that he is not in order in discussing the point unless he appeals from the decision of the Chair.

Mr. GARFIELD. The Chair has not ruled on the point I raised I said nothing about germane. The amendment is germane, of course, but it changes the existing law. What is reported here in this bill is merely a repetition of what is now the law. The law now provides that the publication of the laws in newspapers shall cease. The proposed amendment is to make a law that such publication shall continue, and that is an absolute change of existing law.

Mr. BUTLER, of Massachusetts. I suppose that if an appropriation bill undertakes to enact or re-enact a law, and brings that law before the House for re-enactment, it is not only germane but in order

to amend that law which the Committee on Appropriations by their bill have brought before the House.

Mr. GARFIELD. Not at all.

Mr. BUTLER, of Massachusetts. Clearly it is. If not, then we are in this condition: the Committee on Appropriations can bring a proposition before the House which we cannot amend. What is the use of being in Committee of the Whole at all?

Mr. HALE, of Maine. Will the gentleman allow me to put a case by way of illustration?

Mr. BUTLER, of Massachusetts. I will.

Mr. HALE, of Maine. Suppose that in the last Congress certain judgeships had been abolished by clear and undisputed provisions of law. Now suppose that by mistake the Committee on Appropriations should put in an appropriation bill an appropriation for the salaries of those judges as if they still existed. Would the gentleman hold that because that appropriation was in the bill by mistake an amendment would be in order reviving those old abolished judgeships?

Mr. BUTLER, of Massachusetts. That is not this case. You report us in this bill a proviso and ask us to vote for it. We do not like that proviso, and propose to amend it if we can. I think such an amendment is entirely in order, and I hope the Committee of the Whole will sustain the Chair in his ruling.

Mr. STORM. The Chair has not ruled that the amendment is in order.

Mr. BUTLER, of Massachusetts. That it is germane.

Mr. STORM. The point is that the amendment is not in order, as proposing to change existing laws.

Mr. BUTLER, of Massachusetts. Then I hope the Chair will rule that it is in order, and that the committee will hold in accordance with the clear right. Now let me say one word upon the general subject before the House.

The CHAIRMAN. The Chair has not ruled upon the point of order. The gentleman from Massachusetts [Mr. BUTLER] will proceed, and the Chair will reserve his decision upon the point until the rule upon the subject can be found.

Mr. HAWLEY, of Illinois. I would like to inquire of the gentleman from Ohio, [Mr. GARFIELD,] having this bill in charge, when the publication of the laws in the newspapers will cease as the law now stands?

Mr. GARFIELD. I ask the Clerk to read the law as it now is.

The CHAIRMAN. The law and the rule will be read, if deemed necessary, after the gentleman from Massachusetts has concluded his remarks.

Mr. BUTLER, of Massachusetts. I want to give an item of my experience in regard to the publication of the laws in newspapers. Some years ago the widow of a soldier came to me and said, "Can I not obtain a pension? Is there not such a law, under which I can get it?" I replied that I was not aware that there was any such law. She put her hand in her pocket, pulled out a newspaper, and pointing to a law printed in it said to me, "Is not that a law passed by Congress at its last session?" It turned out that while I was here and ought to have known what laws had been passed, she had found out from a newspaper what the law was, while I did not know it. I sent in her application and she obtained her pension. That shows that people do look at the newspapers.

Now, I think there should be either what the gentleman from Connecticut [Mr. HAWLEY] has suggested, an official gazette for the immediate publication of the laws, or they should be published in the newspapers. I am not much in favor of newspapers. But I am surprised that my friend from Ohio [Mr. GARFIELD] who spoke so eloquently for the country newspapers some days ago, when we had before us the question of sending their exchanges free through the mails—involving eight times as much as it would cost to publish the laws in the newspapers—I am surprised that he should go back on those papers now.

Mr. GARFIELD. Not at all. But I do not propose to select two newspapers in a State and neglect all the rest.

Mr. BUTLER, of Massachusetts. Then rotate.

Mr. GARFIELD. It would not rotate once in eight years.

Mr. BUTLER, of Massachusetts. At least we can let some of the newspapers have it.

Mr. GARFIELD. I like the idea better of an official bulletin, which we can provide for next year.

Mr. BUTLER, of Massachusetts. Precisely; and in the mean time let this publication continue in the newspapers until the Committee on Appropriations report in favor of that manner of publication.

Mr. GARFIELD. The publication in the newspapers will go on this year.

Mr. BUTLER, of Massachusetts. But you cannot report for the bulletin this year.

The CHAIRMAN. The Chair will now rule upon the point of order. The proviso reported by the Committee on Appropriations simply reenacts the existing law, which seems to be in conflict with Rule 120. But as that discrepancy has not been observed until now, when it is reached in Committee of the Whole, the Chair regards it as too late to raise the point of order, which should have been reserved in the House before the bill was committed to the Committee of the Whole.

Mr. GARFIELD. It is the amendment just offered upon which I raised my point of order.

The CHAIRMAN. Were all points of order on this bill reserved in the House?

Mr. GARFIELD. Certainly they were.

The CHAIRMAN. Then the Chair rules that the point of order raised by the gentleman was well taken.

Mr. EAMES. As the Chair bases his ruling upon the idea that this amendment changes existing law, I wish to call his attention to the fact that the act directing that the publication of the laws in newspapers should cease does not take effect until March 4, 1875.

The CHAIRMAN. By consent the gentleman from Rhode Island [Mr. EAMES] has been permitted to proceed with his remarks. The Chair sustains the point of order raised by the gentleman from Ohio, [Mr. GARFIELD,] and rules out the amendment of the gentleman from Rhode Island.

Mr. SPEER. I desire to say that the cost of publishing the laws in this form for the second and third sessions of the last Congress was $88,800. This does not include the first session.

Mr. MOREY. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. WHEELER having taken the chair as Speaker *pro tempore*, Mr. WOODFORD reported that the Committee of the Whole on the state of the Union having, according to order, had under consideration the state of the Union generally, and particularly the bill (H. R. No. 2064) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes, had come to no resolution thereon.

DISTRIBUTION OF GENEVA AWARD.

Mr. BUTLER, of Massachusetts, by unanimous consent, reported from the Committee on the Judiciary a bill (H. R. No. 2987) to provide for the just and equitable distribution of the award made to the United States by the commissioners at Geneva under the treaty of Washington; which was read a first and second time, ordered to be printed, and recommitted, not to be brought back on a motion to reconsider.

Mr. GARFIELD. I move that the House adjourn.

The motion was agreed to; and accordingly (at five o'clock and five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as follows:

By Mr. ARCHER: The petition of Samuel C. Lowman, William Beaumont, Catharine Lammy, Laney M. Simppers, and Margaret Rutter, praying for pensions, severally to the Committee on Invalid Pensions.

By Mr. FIELDS: The remonstrance of 115 pilots, engineers, &c., of Detroit, Michigan, against any modification of the law requiring officers of vessels to be American citizens, to the Committee on Commerce.

By Mr. GUNCKEL: The petition of John Mills, W. S. Schenck, and C. C. Bliss, praying for relief, to the Committee on War Claims.

By Mr. HAWLEY, of Illinois: The petition of 530 citizens of Lee County, Illinois, praying Congress to construct the canal from Hennepin to Rock Island, Illinois, to the Committee on Railways and Canals.

By Mr. O'BRIEN: The memorial of John B. Braun, surviving partner of H. Wilkins & Co., Baltimore, Maryland, praying for redress on account of illegal seizure and confiscation of their property in 1863, to the Committee on Claims.

By Mr. PIERCE: The petition of Silas C. Tarbell, praying for a pension, to the Committee on Invalid Pensions.

By Mr. SAYLER, of Indiana: The petition of 100 citizens of Kenosha County, Wisconsin, for an act authorizing the manufacture of patent-right articles by others than the owners of patent rights on the payment of a reasonable royalty thereon, to the Committee on Patents.

Also, the petition of 23 citizens of Scotland County, Missouri, of similar import, to the same committee.

Also, the petition of 24 citizens of Richland County, Wisconsin, of similar import, to the same committee.

Also, the petition 21 citizens of Grundy County, Missouri, of similar import, to the same committee.

Also, the petition of 18 citizens of Crawford County, Illinois, of similar import, to the same committee.

Also, the petition of 13 citizens of Jasper County, Indiana, of similar import, to the same committee.

Also, the petition 23 citizens of Calhoun County, Michigan, of similar import, to the same committee.

Also, the petition of 23 citizens of Cass County, Michigan, of similar import, to the same committee.

Also, the petition of 13 citizens of Montgomery County, Ohio, of similar import, to the same committee.

Also, the petition of 13 citizens of Center County, Pennsylvania, of similar import, to the same committee.

Also, the petition of 26 citizens of Winneshiek County, Iowa, of similar import, to the same committee.

Also, the petition of 28 citizens of Sullivan County, Indiana, of similar import, to the same committee.
Also, the petition of 22 citizens of Jefferson County, New York, of similar import, to the same committee.
Also, the petition of 22 citizens of Shelby County, Indiana, of similar import, to the same committee.
Also, the petition of 24 citizens of Fulton County, Indiana, of similar import, to the same committee.
Also, the petition of 30 citizens of Sullivan County, Indiana, of similar import, to the same committee.
Also, the petition of 11 citizens of White County, Indiana, of similar import, to the same committee.
Also, the petition of 60 members of Jasper Grange, of Jasper County, Illinois, of similar import, to the same committee.
Also, the petition of 24 citizens of Crockett County, Tennessee, of similar import, to the same committee.
Also, the petition of 17 citizens of Parke County, Indiana, of similar import, to the same committee.
Also, the petition of 38 citizens of Madison County, Indiana, of similar import, to the same committee.
Also, the petition of 19 citizens of Morgan County, Ohio, of similar import, to the same committee.
Also, the petition of 19 citizens of Pepin County, Wisconsin, of similar import, to the same committee.
Also, the petition of 43 citizens of Brown County, Indiana, of similar import, to the same committee.
Also, the petition of 15 citizens of Ellis County, Texas, of similar import, to the same committee.
Also, the petition of 14 citizens of La Grange County, Indiana, of simlar import, to the same committee.
Also, the petition of 19 citizens of Jefferson County, New York, of similar import, to the same committee.
Also, the petition of 13 citizens of Bradford County, Pennsylvania, of similar import, to the same committee.
Also, the petition of 28 citizens of Orangeburgh County, South Carolina, of similar import, to the same committee.
Also, the petition of 31 citizens of Indiana, of similar import, to the same committee.
Also, the petition of 14 citizens of Miami County, Indiana, of similar import, to the same committee.
Also, the petition of 36 citizens of Ogle County, Illinois, of similar import, to the same committee.
Also, the petition of 13 citizens of Moultrie County, Illinois, of similar import, to the same committee.
Also, the petition of 24 citizens of Muscatine County, Iowa, of similar import, to the same committee.
Also, the petition of 14 citizens of Dodge County, Nebraska, of similar import, to the same committee.
Also, the petition of 27 citizens of Saint Genevieve County, Missouri, of similar import, to the same committee.
Also, the petition of citizens of the United States, of similar import, to the same committee.
Also, the petition of 15 citizens of Barren County, Kentucky, of similar import, to the same committee.
Also, the petition of 17 citizens of Hawkins County, Tennessee, of similar import, to the same committee.
Also, the petition of 25 citizens of Boone County, Kentucky, of similar import, to the same committee.
Also, the petition of 12 citizens of Fulton County, Indiana, of similar import, to the same committee.
Also, the petition of 24 citizens of Boone County, Indiana, of similar import, to the same committee.
Also, the petition of 14 citizens of Hancock County, Ohio, of similar import, to the same committee.
Also, the petition of citizens of the United States, of similar import, to the same committee.
Also, the petition of 22 citizens of Saint Charles County, Missouri, of similar import, to the same committee.
Also, the petition of 25 citizens of Missouri, of similar import, to the same committee.
Also, the petition of 25 citizens of Knox County, Tennessee, of similar import, to the same committee.
Also, the petition of 8 citizens of Huntington County, Indiana, of similar import, to the same committee.
Also, the petition of 22 citizens of Scott County, Iowa, of similar import, to the same committee.
Also, the petition of 15 citizens of Newton County, Mississippi, of similar import, to the same committee.
Also, the petition of 15 citizens of Washington County, Tennessee, of similar import, to the same committee.
Also, the petition of 18 citizens of Lee County, Mississippi, of similar import, to the same committee.
Also, the petition of 22 citizens of Houston County, Georgia, of similar import, to the same committee.
Also, the petition of 16 citizens of Steuben County, Indiana, of similar import, to the same committee.
Also, the petition of 17 citizens of Pike County, Missouri, of similar import, to the same committee.
Also, the petition of 14 citizens of Owen County, Kentucky, of similar import, to the same committee.

Also, the petition of 12 citizens of Edwards County, Illinois, of similar import, to the same committee.
Also, the petition of 28 citizens of Butler County, Iowa, of similar import, to the same committee.
Also, the petition of 15 citizens of Marshall County, Mississippi, of similar import, to the same committee.
Also, the petition of 24 citizens of Peoria County, Illinois, of similar import, to the same committee.
Also, the petition of 8 citizens of Franklin County, North Carolina, of similar import, to the same committee.
Also, the petition of 25 citizens of Banks County, Georgia, of similar import, to the same committee.
Also, the petition of 19 citizens of Montgomery County, Tennessee, of similar import, to the same committee.
Also, the petition of 20 citizens of Clarke County, Indiana, of similar import, to the same committee.
Also, the petition of 22 citizens of Pike County, Indiana, of similar import, to the same committee.
Also, the petition of 9 citizens of Hardin County, Iowa, of similar import, to the same committee.
Also, the petition of 17 citizens of Otoe County, Nebraska, of similar import, to the same committee.
Also, the petition of 18 citizens of Oswego County, New York, of similar import, to the same committee.
Also, the petition of 26 citizens of Calhoun County, Iowa, of similar import, to the same committee.
By Mr. SCUDDER, of New York: The memorial of citizens of New York, asking that international difficulties be settled by arbitration, to the Committee on Foreign Affairs.
By Mr. SWANN: Memorial relative to the application of Captain Henry L. Hall, of steamship James A. Gary, for relief, to the Committee on Commerce.
By Mr. WILSHIRE: The petition of citizens of Arkansas, asking the passage of House bill No. 2428 to grant land to aid the Saint Louis, Springfield and Little Rock Railroad, to the Committee on the Public Lands.

IN SENATE.

FRIDAY, *April* 17, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.
The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. SCOTT. I present the memorial of a large number of citizens of Philadelphia, Pennsylvania, deprecating the restoration of the duty on tea and coffee, or an increase or revival of internal taxes, and praying that the second section of the act of June 6, 1872, making a reduction of 10 per cent. upon certain duties, may be repealed. This memorial is forwarded to me by a gentleman who requested that I should state in presenting it that the names upon it represent $100,000,000 of capital. I move its reference to the Committee on Finance.
The motion was agreed to.
Mr. DAVIS presented the petition of Mrs. Mary W. Jones, widow of the late Commodore Thomas C. Jones, praying for an increase of pension; which was referred to the Committee on Pensions.
Mr. SHERMAN. I am requested to present a preamble and resolution adopted at a large meeting of citizens held in the city of Cincinnati the other evening, at the Opera House, protesting against any increase of irredeemable paper currency as dangerous to our material interests, destructive of our national credit, and demoralizing to the community. They set forth at length the grounds of belief why such a measure would be injurious. I move the reference of this resolution to the Committee on Finance.
The motion was agreed to.
Mr. MORRILL, of Maine. At a meeting of the Board of Trade of the city of Portland, Maine, sundry resolutions deprecating an increase of paper money were adopted, concluding with this resolution:

> That the members of Congress from this State be, and they are hereby, requested to oppose the passage of any act tending to the expansion of the paper currency; and to use their influence to promote a return to specie payments at the earliest possible day.

The resolutions were referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. PRATT, from the Committee on Pensions, to whom was referred the bill (H. R. No. 1616) granting a pension to John G. Parr, of Kittaning, Pennsylvania, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.
Mr. SPENCER, from the Committee on Commerce, to whom was referred a resolution of the Legislature of California, remonstrating against the granting of an additional subsidy to the Pacific Mail Steamship Company, submitted a report thereon, accompanied by a bill (S. No. 715) to repeal sections 3 and 6 of the act making appropriations for the service of the Post-Office Department for the year ending June 30, 1873, approved June 1, 1872.
The bill was read and passed to a second reading; and the report was ordered to be printed.

BILLS INTRODUCED.

Mr. CRAGIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 716) for the better government of the Navy of the United States; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

LOUISVILLE AND PORTLAND CANAL.

Mr. SCOTT. If there be no further morning business, in pursuance of the notice given yesterday morning, I now move to proceed to the consideration of Senate bill No. 350, providing for the payment of the bonds of the Louisville and Portland Canal Company.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none.

The Senate proceeded to consider the amendment of the House of Representatives to the bill (S. No. 350) providing for the payment of the bonds of the Louisville and Portland Canal Company, which had been reported from the Committee on Finance with amendments.

The first amendment reported by the Committee on Finance to the amendment of the House of Representatives was to strike out the following proviso in section 1:

Provided further, That said Secretary shall pay no money under any of the provisions of this act, nor shall the Secretary of War take possession of said canal as authorized by the next section, until the State of Kentucky shall cede to the United States jurisdiction over the said canal, with all its property, hereditaments, and appurtenances, and relinquish to the United States the right to tax or in any way to assess said canal, its property, hereditaments, and appurtenances, or the property of the United States that may be thereon during the time that the United States shall remain the owner thereof.

The amendment to the amendment was agreed to.

The next amendment of the committee to the amendment of the House of Representatives was to strike out in section 2, commencing in line 44, the following words:

And no money shall be paid under the provisions of this act until all claims for said taxes shall have been released.

The amendment to the amendment was agreed to.

The next amendment of the Committee on Finance to the amendment of the House of Representatives was to insert as section 4, at the end of the House amendment, the following:

SEC. 4. That if at any time it becomes necessary to enforce the lien of the mortgage upon said canal property for the benefit of the bondholders, it shall be lawful for the trustees named in said mortgage, or any other trustees who may be appointed in pursuance of the laws of Kentucky, to commence proceedings therein in any court having jurisdiction thereof, with notice to the United States as *terre* tenant *pro forma*, and serve process upon any officer of the United States who shall have the superintendence of said canal, whose duty it shall be to notify the Attorney-General of the United States of such service; whereupon said Attorney-General shall enter an appearance in said case and take all necessary steps to represent and defend the interests of the United States in such proceedings, so that the same may be conducted in the same manner and with the like effect as if the said Louisville and Portland Canal Company were still in existence as a corporation.

Mr. HOWE. I should like to hear the reason for that amendment. I believe the proposition is to insert those words.

Mr. SCOTT. I will state to the Senator from Wisconsin the reason why that section is inserted. In the appropriation act of 1872, which appropriated either two or three hundred thousand dollars—I do not now remember the exact amount—for the completion of the enlargement of this canal, a condition was inserted reducing the tolls to five cents per ton. The directors of the canal, when officers of the United States undertook to complete the enlargement and expend that money, resisted their right to do so upon the ground that if they permitted that work to be done by that appropriation it would be an acceptance of the limitation of five cents per ton of tolls, and that the acceptance of that limitation endangered the security of the bondholders who were secured by this mortgage. Upon their so resisting, the United States officers made application to Mr. Justice Miller, of the Supreme Court of the United States, for an injunction to restrain the directors from interfering with the United States officers. The circuit and district judge and the justice of the United States Supreme Court assigned to that circuit all being absent at the time, Justice Miller for that reason entertained jurisdiction and issued the injunction, and in doing so he delivered an opinion stating that the corporation was still in existence, and that it was the duty of these directors to see that no act was done which would impair the security of the bondholders; and while the court held that the appropriation was not dependent upon the condition, and enjoined the directors from interfering with the United States officers, the opinion still does hold that until the United States shall take possession of the work the corporation does exist and the bondholders have the right to insist upon this security.

It is only for the purpose of not interfering with the rights of these bondholders under the mortgage and providing for them a remedy in case this appropriation should fail, keeping ourselves within the strict line of that opinion and not impairing private rights, that this section is added.

Mr. HOWE. It may be advisable to put that in, but for one I think I have detected here an effort to be too anxious about private rights. The first section of this bill appropriates a sum of money to pay for these bonds and to extinguish the lien upon the work. The last section provides a method of allowing the bondholders to foreclose. I should think either of these remedies would be sufficient. Both of them strike me to be quite too much. Under the last section dishonest officers, in spite of your payment of the bonds, can enable the bondholders to regain possession of this canal which has been out of the hands of the United States a great many years. I do not know of any two acts in the history of government more problematical than seem to me the two acts of allowing these directors to keep possession of this work after the work had been all paid for except $500, and the other act very much like it of allowing them to put a mortgage upon it. But that is all past; that is in the history.

I really hope this amendment will not be incorporated in the bill. It looks too much like the legislation that we have had heretofore on the subject. Of course, if the bonds are paid, I do not see myself that the bondholders could get any remedy under this last section; but there is just as much reason for providing for a writ of ejectment and half a dozen other remedies as the two. The first one seems to me to be sufficient.

Mr. SCOTT. I appreciate in full the remarks which have been made by the Senator from Wisconsin; and if it shall be necessary to enter into a general discussion of this question, shall join with him in characterizing this as the most extraordinary proceeding that has, I think, illustrated American history.

But let me call his attention to the fact that this provision is in the very line of accomplishing what he desires to see accomplished. These five directors have once sought to interpose their authority for the purpose of preventing the United States from doing what they wished to do with this canal. Under this opinion of Justice Miller the corporation still exists. We now make an appropriation for the purpose of paying the bonds, which will not be due the first of them for three years, the others running to nine, ten, and perhaps thirteen years. The mortgage exists; and under that opinion the bondholders have the right to have their interests taken care of by these directors. Now, then, if the appropriation is applied to the purpose for which it is made, they can have no further use for that mortgage; it will be extinguished by the payment of the bonds; and it is only out of extreme caution, so that these directors shall have no pretext whatever upon recurrence to that decision for maintaining their possession of this canal, that this provision is inserted giving the bondholders a remedy in case it should ever become necessary. I agree with my friend that the strong probability is that it will never be called into requisition, it will be useless; that the money will be paid; but the desire of the committee was, looking to this decision, to give no excuse to any one by which the prompt possession of this canal by the Government could hereafter be interfered with.

Mr. HOWE. But do I understand the Senator from Pennsylvania to say that the court decided that this board of directors was bound to keep possession of this work to protect the bondholders?

Mr. STEVENSON. I will read what the court said.

Mr. HOWE. I should be glad to hear what they said in that direction.

Mr. STEVENSON. Mr. Justice Miller, who granted the injunction, used this language:

But while these considerations prove the continued existence of the corporation, the validity of the contract by which they pledged the canal and its revenues for the money borrowed for its extension, and its duty to secure and protect this revenue, and to do all that may lawfully be done to prevent its destruction or diversion from that purpose, it is still true that the directors of this corporation occupy a very peculiar position, and one widely different from the directors of railroads, insurance companies, and other corporations for private gain. The United States is the only stockholder of this corporation. The directors have really no personal interest in the corporation or its property. They are, to all purposes, what equity calls trustees without an interest, the depositaries of a naked trust. For whom do they hold this trust, and for whose benefit must they exercise it? This inquiry, though lying at the foundation of the question to be solved here, is fortunately not a difficult one. There are three parties interested deeply in this trust, and in the manner in which its duties shall be discharged, which I name in the order of the superiority of their claims rather than their importance: 1. The holders of the bonds, secured by the mortgage authorized and placed under a twofold legislative sanction, by the Legislature of Kentucky and the Congress of the United States; 2. The United States, the holder of all the stock in the corporation, expending $1,000,000 besides for the benefit of the canal; and 3. The public, the community, to whose use, free of all charges but those necessary to keep it in operation, it has been solemnly dedicated by the Legislature of Kentucky, by the Congress of the United States, and by the action of the corporation itself, as well as by all the acts of all those parties from 1842 to the present time, so soon as the enlargement is completed and the debt thereby created discharged.

Mr. HOWE. I do not think there is anything in that opinion, as I understand it, which calls for any such legislation as this section.

Mr. SCOTT. If the Senator will allow me, I will read further. The Senator from Kentucky has quoted from the report of the committee, I believe.

Mr. STEVENSON. I read a paragraph of the decision from the committee's report.

Mr. SCOTT. Proceeding further the court say:

As regards the first of these—

That is, the bondholders:

As regards the first of these I have no hesitation in expressing my entire conviction that the bondholders have a lien upon the revenue of the canal, and a right to insist that the corporation shall protect those revenues to the extent necessary to make entirely safe the payment of their debt and its accruing interest; and that, until that debt is paid, or the mortgage satisfied or otherwise discharged, with the consent of these bondholders, this right of theirs remains, with the corresponding duty of the directors of the corporation. But the right of these creditors is limited to this, and, so long as their security is unimpaired, it is the duty of the directors to advance the other interests I have mentioned, for which they are trustees.

Mr. HOWE. The court hit the law there, or missed it, one of the two. If the court hit the law, that does not call for the fourth section, but it will prohibit another section here in which you undertake to reduce the tolls. What I understand Justice Miller to have said

there was that it is the business of the directors to take care of the revenues so that the bondholders shall get their money. If that is their duty, (which I do not believe, let me say, in passing,) then you must not reduce the tolls.

But can we be mistaken about the law of this matter? If I mortgage my house to my friend from Pennsylvania and sell the equity of redemption to my friend from New York, am I therefore, after that sale, going to keep him out of possession upon any pretense that I must keep possession of the fee in order to see that the mortgagee will not lose his lien and be cheated out of his interest?

Mr. SHERMAN. I should like to ask the Senator to look at this point: Here the Government takes possession, and the Government cannot be sued; and this provision was not put in to reserve the lien, for another section does that, but this section was intended to give the bondholders a remedy in the remote and uncertain and improbable condition of the company not complying with the law. It is to avoid a complaint of a possible injustice. I do not think myself it is a matter of much practical moment, because I have no doubt the Government of the United States will do what is required to be done; but this will give the bondholders a remedy, and take away all excuse for interfering with the operation of the law.

Mr. HOWE. I really do not believe myself that except under some administration of the Government like that which has prevailed in reference to this work heretofore, the bondholders can get the money due on their bonds and get the work both; but if they do that, they will only be just as lucky as the directors have been, for they have got the money and they have had the work for ten or fifteen years.

Mr. SCOTT. Permit me to put this case to my friend: This is a corporate mortgage; the only tenure by which that corporation holds its existence is the retention of their stock by five stockholders. When these five stockholders shall have been paid under the operation of this law, then there can no longer any corporate existence be maintained.

Mr. HOWE. And should not be.

Mr. SCOTT. And should not be. We extinguish by virtue of that operation the State corporation. Now if by any accident whatever this appropriation becomes unavailing and the rights asserted to exist in these bondholders is to be enforced, upon whom could service be made, or how could these bondholders enforce their remedy upon that mortgage, the corporation being out of existence and the United States being the owner and in possession? While I do not feel like standing upon this section if the friends of the bill deem that it is unnecessary and objectionable, still I do wish to keep within such limits as that these five directors can no longer have a pretext to stand upon in resisting the possession to be taken by the Government.

Mr. THURMAN. I wish to say one word to my friend from Wisconsin. His disposition to do what is considered to be right in this matter is highly appreciated by those who feel an immediate interest in the bill. It does seem to me that it would be wise to insert this last section in the bill. It is true that a former section provides that these bonds shall be paid and makes an appropriation for that payment, or rather continues an appropriation heretofore made. But it is barely possible that there may be a difference of opinion between the Secretary of the Treasury and a bondholder as to what is the amount due on his bond. Such a case is supposable; and therefore that it may not be said that we have taken away from any of the bondholders or the trustees representing them a right of action to which they are now entitled, or to which they would be entitled if this legislation did not pass, I think it would be well to have this clause in. We have seen what obstacles will be thrown in the way, how injunctions will be asked for, and I do not want any such ground for an injunction alleged as that we have deprived these parties of any right of action that otherwise but for this legislation they would be entitled to. My own impression is that nothing will ever be done under it; I am sure nothing will ever be done under the section, for the bonds will be paid by the Secretary of the Treasury; he is directed to pay them and money is appropriated to pay them; and that will be the end of the business. The section, therefore, can do no possible harm, but it may reconcile persons who have some objections to the bill or some scruples about it, and it may obviate any question as to whether we have deprived parties of a right of action. I hope the bill as reported by the Finance Committee of the Senate will now be passed.

Mr. STEVENSON. I want to add a single observation to what has been so well said by my brother Senator from Ohio, [Mr. THURMAN.] I will say to the Senator from Wisconsin [Mr. HOWE] that under this mortgage there were originally in the mortgage two trustees, the late James Guthrie and Mr. Isaac Caldwell. Mr. Isaac Caldwell is now the sole surviving trustee, and under that mortgage he has a right to appropriate the annual revenues of the canal to the interest on the bonds. That is a contract protected by the Constitution of the United States, as held by Mr. Justice Miller. While I agree that there would be no necessity for this section, yet if that trustee shall attempt to interpose, as he might deem it his duty to do, not to let anybody come into possession over whom he will have no control to appropriate the annual tolls, the section is inserted for greater protection. I hope the honorable Senator from Wisconsin will see that while it can do no harm, it will remove all temporary objections to the early passage of this remedial measure, and then we shall be done with the business.

The PRESIDENT *pro tempore*. The question is on the amendment to the House amendment.

Mr. HOWE. I shall not call for the yeas and nays on this proposition. I confess my surprise to find the Committee on Finance, and distinguished lawyers like those from Ohio and Kentucky, insisting on this double remedy; but inasmuch as they do insist upon it, I am to suppose that they are right and that I am wrong. I, however, am utterly opposed to any such legislation. I think it is as faulty as, and more faulty than, any legislation I have ever known here. I do not see any justification for it in the world.

Mr. EDMUNDS. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 33, nays 8; as follows:

YEAS—Messrs. Allison, Bayard, Bogy, Boreman, Buckingham, Cragin, Davis, Ferry of Michigan, Flanagan, Hamilton of Maryland, Johnston, Kelly, Logan, McCreery, Merrimon, Morrill of Vermont, Morton, Norwood, Oglesby, Pease, Pratt, Ramsey, Ransom, Saulsbury, Schurz, Scott, Sherman, Stevenson, Stewart, Stockton, Thurman, West, and Windom—33.

NAYS—Messrs. Carpenter, Conkling, Edmunds, Frelinghuysen, Hamilton of Texas, Howe, Ingalls, and Spencer—8.

ABSENT—Messrs. Alcorn, Anthony, Boutwell, Brownlow, Cameron, Chandler, Clayton, Conover, Cooper, Dennis, Dorsey, Fenton, Ferry of Connecticut, Gilbert, Goldthwaite, Gordon, Hager, Hamlin, Harvey, Hitchcock, Jones, Lewis, Mitchell, Morrill of Maine, Patterson, Robertson, Sargent, Sprague, Tipton, Wadleigh, and Wright—31.

So the amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the House of Representatives as amended.

Mr. EDMUNDS. I should be glad to have the gentleman in charge of this bill or those who are in favor of it inform the Senate under what provision of the Constitution it is that the United States have the authority to become the proprietors of the stock in this private corporation of the State of Kentucky, and to enter into this agreement with the State of Kentucky or with the corporation to get possession of this piece of property and hold it for the United States. It seems a little puzzling to me. Undoubtedly anybody who lives on the Ohio River knows all about it; but I should be glad to have a little information on that topic.

Mr. SCOTT. It has never been my fortune to live in any place where people take knowledge by intuition because they live on the banks of the Ohio River; but the question which the Senator from Vermont puts is one which would have been very pertinent as far back as 1828 or 1829. It was then, in those early days, that the United States was authorized to take stock in the Louisville and Portland Canal, and by virtue of two successive acts of Congress, I believe, stock was taken in the Louisville and Portland Canal until the United States became the owner of twenty hundred and ninety-two shares. I can only suppose that the authority that was invoked at the time, for I have not looked at the history of the legislation, was that if the United States had the power to regulate commerce and for that purpose to improve the Ohio River, the argument was that they had as good a right to take stock for the purpose of making a canal as they had to dig the canal through the falls. The purpose was to make the Ohio River navigable at that point; and these falls (a bed of rocks extending, according to my recollection, some four or five feet in height clear across the channel of the Ohio River at that point and damming back the water some eleven or twelve miles) constituted such an obstruction as that the commerce of the river had to get around it in some way. The United States did become the owner of that much stock; and by operation of the agreement entered into under the acts of 1842 and 1844 of the Kentucky Legislature, the United States became the owner of all of the stock in the canal except five shares. The improvement virtually is the property of the Government of the United States, unless some one can find such vice in the legislation by virtue of which it has become the owner as to defeat its title, and I do not know whether that is the purpose of the Senator from Vermont in making the inquiry or not.

Mr. EDMUNDS. Partly that; but I also wanted to know about the Constitution; for, although it is a very old instrument, I still have some respect for it. I should like to know also, if the Senator can inform me, what has become of this original corporation? Is that still in existence—the Louisville and Portland Canal Company?

Mr. SCOTT. If the Senator had been in his seat a few moments ago and heard what I stated to the Senator from Wisconsin he would have understood the condition of the corporation. In 1855, in pursuance of the act of Kentucky, the United States had become the owner of all the shares in the corporation but five; the directors proffered possession of the property and a transfer of those five shares, which. I take it, if it had then been accepted and the formal transfer made, would have dissolved the State corporation; but the Secretary of the Treasury requested those five gentlemen to hold those five shares of stock so that the form of corporate existence might be maintained. They did consent to hold it, and have ever since, by numerous communications with the Treasury Department, and as late as 1867, in a letter of their president, acknowledged the fiduciary relation which they held toward this work; that they are simply trustees, and that the Government is the beneficiary and entitled to the property. It may be that the formal and corporate existence of the corporation has been kept up by their retaining these five shares and continuing to act as directors; but I think the Senator from Vermont and I would not disagree in this, that if the five shares were now transferred to the United States or purchased, that would be *ipso facto* a dissolution of that State corporation, for there would be no longer any person eligible to the offices which are requisite to keep it in corporate existence.

Mr. EDMUNDS. Would it be a dissolution of the corporation until the term of the existing directors expired?

Mr. SCOTT. They cannot hold unless they are stockholders; and if the whole stock is extinguished and becomes the property of the United States, no one would be eligible as a director.

Mr. EDMUNDS. But let me suggest to my friend from Pennsylvania that the fact that a single person owns all the stock in a corporation does not make that person the owner of the property of the corporation. They are two distinct personalities. He does not own the property because he owns all the stock. He is a member of the corporation, but the corporation owns the property, and the corporation is the creature of the State. Now suppose the corporation, being the creature of the State, be dissolved by having committed suicide, if you please, then rather a serious question arises, what becomes of the franchise, the right to levy tolls, the property of the corporation, and all the functions which had been breathed into its existence solely by the act of the Legislature of the State of Kentucky?

I had the impression that when a corporation expired, dissolved for a violation of its charter in not keeping up its organization, the sovereignty that granted that life resumed it, and that every faculty and function that belonged to the corporation would immediately escheat, so to speak, would immediately lapse into the sovereignty of the State that created the corporation; and I have yet to be informed of any decision of any court or any principle of law otherwise than that. How it would be in respect to the mere physical property that existed and of which the corporation were owners, as horses, or cattle, or lands, if you please, on the dissolution of the corporation, might be another question. If the charter were forfeited, as it would be forfeited in the strict sense by the omission to comply with its requirements as to keeping up the board of directors in a proper way, then on a forfeiture a very grave question would exist whether the property itself would not be forfeited to the State.

Mr. THURMAN. The State has agreed.

Mr. EDMUNDS. My friend from Ohio says "the State has agreed." He will pardon me for saying that I think he may possibly take a somewhat prejudiced view of the subject without knowing it, on account of the deep interest his people feel in this question. I submit to my friend from Ohio that the question is whether the State of Kentucky has agreed in a manner that binds her now that she will renounce to the United States, or has renounced conditionally to the United States on the happening of the event of the United States owning all the stock, all the faculties and franchises over that property that she had imparted to the corporation. I do not so read those two acts that are quoted in the report. I have not given them a very careful examination, because they have not been called to my attention until now; but, as I understood them on a hasty reading, they do not come up to the point of saying or meaning, construed as they must be at last in a court of justice, that the State of Kentucky on the happening of this event does *in præsenti*, or does by a promise which is binding upon her, or which is co-extensive with that idea, binding or not, declare that all the faculties that that corporation is possessed of now, the franchises, as they are called, of levying tolls, of regulating passage, exercising dominion which otherwise the sovereignty of the State might exercise, shall go over into the jurisdiction of the United States. The question therefore would arise, supposing this corporation to be dissolved and the United States to come to be the private owner, where the United States is to get the authority to levy tolls upon the citizens of that State within her own jurisdiction for passing through this public river? It may be that it would be answered that the United States has inherent authority to levy tolls upon everybody that passes through a particular public river in a particular State and not upon every other; but whether that would be laying imposts, taxes, &c., equally would be a question that I think could be pretty easily answered.

So then, Mr. President, I do not say it in any spirit of opposition to this bill, but only in the spirit of inquiry and suggestion. It appears to me that before we take any step which shall dissolve this corporation, we ought to be perfectly sure that by the broad and present and full grant of the State of Kentucky the franchises of this corporation, the perpetual right to levy tolls upon the citizens of Kentucky going up and down that public river and through these locks, shall be carried over to the United States, as well as the exclusive territorial jurisdiction over the land and the necessary surroundings of these falls, as well as the agreement and renunciation of any right to impose any conditions or other things upon the property. It may be that it can be proved beyond doubt that all this has been done; but I have a sort of presentiment, looking at these two statutes, that by and by, and under different conditions of things, when different feelings prevail from what now prevail, there will be found to be not only serious but insuperable difficulty in maintaining the rights of the United States for which we have paid so much money. I hope I am wrong.

Mr. THURMAN. I do not want to occupy time, for I hope there will be a vote on this bill this morning. I cannot, however, help observing that this is the most extraordinary thing I have ever witnessed. Here is the United States owning all this property but five shares, and the owners of those five shares have filed their written agreement to transfer them to the United States upon receiving par with interest from 1864, and hold them on that condition, and we are ready to pay the money to them and they are ready to receive it. That is the condition of the United States.

On the other hand, the State of Kentucky has said by two acts of the Legislature to the United States, "Take this property upon condition that you shall not charge any more tolls than are necessary to keep the canal in repair;" and here is the State of Kentucky, under whose authority, or with whose license at least, we have done what we have done, saying to us, "Take your property, and all we ask of you is that you shall charge no more toll than is necessary to keep the canal in repair, and upon that condition you shall have it when you become the whole owner," that is when we get these five shares which are ready for our purchase, and the written agreement to sell them to us is on file. When we get them, then says the State of Kentucky to the United States, "You shall have complete sovereignty over this canal." And now there is a question about whether or not some old corporation will be dissolved. Dissolved how? We have no power to dissolve it by an act of Congress, and if the Legislature of Kentucky has not undertaken to dissolve it in express terms, if it is dissolved it must be simply because of the fact that one party, the United States, will have become the entire holder of the stock so that the machinery provided for in the charter can no longer be used. Suppose that to be so, will the property then lapse to the State of Kentucky? No, sir; under her legislation it is impossible to question the title of the United States to hold the property. Then we shall be in possession of our property, an artificial water-way constructed mainly by the money of the United States, and owned by the United States; and who doubts the power of levying a sufficient tax to keep that property in repair?

I do not wish to argue any longer. I hope we may come to a vote.

Mr. CONKLING. Mr. President, the other day when the House amendments came here they seemed to challenge the wisdom of our action in two respects, and to these two points special attention was called in the discussion which at once ensued. After some debate touching the committee to be selected, the whole matter was referred to the Committee on Finance, in order that upon the two points to which I shall refer the Senate might be enlightened and instructed. I beg to call the attention of the Senate again to these two points and to the treatment they have received at the hands of the committee.

It was said in the first place, as the Senator from Vermont has said this morning, that doubt, in spite of argument, must exist unless provision was made to allay it, whether the transfer of this property from Kentucky to the United States would, without something more than the Senate had done, become complete and perfect. It was said that the action of this Government, some of it by the President under the administration of Mr. Pierce, some of it departmental under the action of Departments, and some of it congressional, following the acts of 1842 and 1844 of the Kentucky Legislature, had not effected, and would not under the Senate bill effect, a complete, clear, and final transfer to the United States. Bearing on this question we had before us among other things an act of the General Assembly of Kentucky, which, as it is brief, I will read—an act passed in 1872 after everything had occurred which has yet occurred tending to assist our title. In 1872 the Legislature of the State of Kentucky thus enacted, and I ask the attention of the Senator from Vermont, he having been absent when it was read the other day:

That the president and directors of the Louisville and Portland Canal Company are hereby authorized and directed to surrender the said canal, and all the property connected therewith, to the Government of the United States, upon the following terms and conditions.

Mr. EDMUNDS. Where is that?

Mr. CONKLING. Nowhere—before us in our proceedings. I read it for the purpose of observing that the treatment which has been given it by the committee is to ignore it altogether. It nowhere appears, I think, in the printed report, nor is any allusion made to it, doubtless upon the theory——

Mr. SCOTT. The Senator will find that he is mistaken if he will read the report again.

Mr. CONKLING. Will my honorable friend show it to me in the report? Perhaps I use too broad an expression when I say it is not referred to at all. As I said yesterday I read the report in a street-car, that being the only opportunity I have had to read it.

Mr. SCOTT. I will call the Senator's attention to this clause in the report of the committee:

All her acts of legislation, instead of asserting such a right, have looked to the end of making this commerce free from all tolls, except such as are necessary to keep up this canal. Even her act of 1872 repeats this purpose, acknowledges the ownership of the United States, and among the conditions sought to be imposed, &c.

Mr. CONKLING. I beg pardon of the Senator for overlooking this. I beg now to read——

Mr. SCOTT. Will the Senator permit me to state that in order to avoid repetition the report of the House was merely referred to, but we did not wish to reprint it. If he will refer to the House report, I think he will find the act of 1872 in full.

Mr. CONKLING. I wish to be very brief, and will first read the residue of this act of Kentucky of 1872:

Upon the following terms and conditions:

1. That the Government of the United States shall not levy tolls on said canal, except such as shall be necessary to keep the same in repair, pay all necessary superintendence, custody, and expenses, and make all necessary improvements.

2. That the city of Louisville shall have the right to throw bridges over the canal at such points as said city may deem proper: *Provided always*, That said bridges shall be so located as not to interfere with the use of the canal, and so constructed as not to interfere with its navigation.

3. That the title and possession of the United States of said canal shall not interfere with the right of the State to serve criminal and civil processes, or with the State's general police power over the territory covered by the said canal and its appendages.

4. And further, that the city of Louisville shall at all times have the right of drainage into said canal: *Provided*, That the connections between the drains and the canal shall be made upon the plan to keep out mud and garbage.

5. That the use of the water-power of the canal shall be guaranteed forever to the actual owners of the property contiguous to said canal, its branches and dams, subject to such restrictions and regulations as may be made by the Secretary of the Department of the United States Government which may have charge of the said canal.

6. That the Government of the United States shall, before such surrender, discharge all the debts due by said canal company, and purchase the stock of said directors.

Such is the act of the State of Kentucky passed in 1872. Correcting my statement that the committee make no reference to it, I read now the words of the report:

All her acts of legislation—

Says the committee—

instead of asserting such a right, have looked to the end of making this commerce free from all tolls, except such as are necessary to keep up this canal. Even her act of 1872 repeats this purpose, acknowledges the ownership of the United States, and among the conditions sought to be imposed for the local advantage of Louisville, no attempt is made to include the acknowledgment of the right to tax for either State or municipal purposes.

That is the only observation, as I understand my friend, the committee has deemed it necessary to bestow upon the statute.

Mr. FRELINGHUYSEN. I should like to ask my friend a question, whether we have any right to comply with that stipulation of Kentucky? Is not that an express stipulation that the United States will surrender its sovereign right to tax all the commerce that goes down the Ohio River forever, and limit it to what is necessary for the purposes of that canal? Can this Congress make a stipulation with a State to surrender its right or to limit its right to tax commerce?

Mr. THURMAN. Does the Senator from New Jersey assert that Congress has the right to levy a tax on the commerce passing down the Ohio and Mississippi Rivers in the natural channel?

Mr. FRELINGHUYSEN. I assert that the United States has the right to tax the commerce that passes down that canal.

Mr. THURMAN. Ah!

Mr. FRELINGHUYSEN. And all the commerce that passes down the Ohio River passes down that canal, and I assert that we have not the right to surrender that sovereign power.

Mr. CONKLING. The question of the Senator from New Jersey, like the omission of the report, suggests to my mind the idea that my honorable friend from Pennsylvania, who drew the report, felt warranted in ignoring altogether the act of 1872. He and the committee cannot have given it force, it seems to me, looking at the amendments they have reported and looking at the remarks they make.

Mr. SHERMAN. I wish to call the attention of the Senator from New York to the fact that the House report, which is in terms made a part of the report of our committee, as it was not necessary to print it over again, contains every one of these acts, and among them the very act he has read. I can furnish him with a copy if he desires. The report made by the House committee was in favor of this bill. The House report contains not only that, but all the acts except the two recited in this report. I do not know of a single act of either Congress or the Legislature of Kentucky that is not either recited or pretty fully stated in the House report.

Mr. CONKLING. My honorable friend misapprehends me if he supposes that I mean to intimate that the committee tried to keep this act away from us or not to inform us of it. The point of my observation is that this act, being the foundation of one objection made to the Senate bill and of one argument in favor of the House bill, being one chief point referred to the committee, the committee come back with no observation whatever regarding it except the one read, and which had escaped me, and I have begged pardon for not observing it. The committee has virtually ignored it altogether. It appears, we are told in the House report, and I have a right to say because that argument lies on our table, that the House in the presence of that act, and with that act cited in its report, has adopted an amendment the very purpose of which was to guard us against the effect of that act, so that we have not only the House report—if we can find it, I have not seen it—but we have the action of the House vindicating the propriety of citing and regarding that act, because the gravamen of the action of the House is to guard against the effect which might come from it.

Mr. President, I do not wish to consume time and I pass on.

The PRESIDENT *pro tempore*. The morning hour having expired it becomes the duty of the Chair to call up the unfinished business, which is the Louisiana bill.

Mr. SCOTT. I trust the Senator from Nebraska, who I believe has the floor, will permit the bill under consideration to go over informally that the Senator from New York may conclude his remarks, and I hope that we may be able to finish this bill.

The PRESIDENT *pro tempore*. Is there objection?

Mr. TIPTON. I will yield for fifteen minutes.

The PRESIDENT *pro tempore*. The Senator from New York will proceed.

Mr. CONKLING. I will endeavor to occupy but a brief space. I leave the point which I have suggested, with the observation that the act of Kentucky of 1872 is either null and void, or its effects are those which I can hardly suppose the Senator would accept as a condition upon which we are to acquire property. I will not dilate upon it, because I promised to occupy but little time.

I come to the only remaining topic to which I ask attention. It was said by the House bill—I will not refer to the proceedings in the House—that except we adopted additional safeguards, whatever law had sustained Kentucky in laying taxes upon this corporation and whatever warrant the United States had for taxing it as the property of a Kentucky corporation would continue, and I think I may say this was another question, or suggested another question, referred to the Committee on Finance. Now I ask the attention of the Senate to the treatment which the committee has given that subject. The report says:

If efforts have been made to impose taxes by the city government of Louisville, it must have been on the ground that, so long as the form of corporate existence is maintained, the canal is the property of the State corporation, within the jurisdiction of the State and city.

I ask the attention of Senators now to this language in the report:

We are not informed that the State has at any time imposed taxes upon it, and the claim asserted by the city of Louisville has been withdrawn.

That is the conclusion and observation of the committee.

Mr. HOWE. Will my friend allow me to ask him a question?

Mr. CONKLING. Certainly.

Mr. HOWE. My question is this: suppose the committee had told us that the city of Louisville insisted upon the power to tax, and the State of Kentucky had instructed this corporation not to surrender the work but to resist the right of the United States to take possession of it—suppose, I say, the committee had reported that instead of what they have reported, what would the Senator say, in view of all the money we have paid, was the right and the power and the remedy of the United States in reference to it?

Mr. CONKLING. I should say, Mr. President, then, that the remedy would be found in the best judgment the Senate could form on the facts, and by parity of reason I say that the best remedy is not the best judgment to be formed by the Senate in the absence of the facts, or with the facts misstated, however unintentionally. I mean this to be a frank answer to my honorable friend from Wisconsin. Now I will conclude my statement.

The point of the committee's assertion is that they are not informed that the State of Kentucky has at any time imposed taxes upon the canal. I read now from the report of the canal company for 1846, not having the report before me, but having the CONGRESSIONAL RECORD in which the report is cited. The report of the canal company says:

It will be noticed, by an item in this account, that the State of Kentucky has taxed the entire property and franchises of the canal: consequently no stockholder can be holden to give in the amount of his stock for taxation, and thus be subjected to a double tax.

Without venturing to criticise the committee—my remarks are not in that spirit at all—I must say that I cannot understand how the Committee on Finance can report to the Senate that they are not informed that the State has at any time imposed taxes upon this canal when the report of the corporation, made I think under the requirement of law, informs us that the State of Kentucky has asserted the right to lay taxes, that it has taxed it year in and year out; and not only so, but that the United States, year after year, has also taxed the corporation as if it were a private corporation liable, like any other corporation existing in the State of Kentucky, to pay taxes. I say again, as I said the other day, that it is quite unnecessary to remind any lawyer of the absurdity, in view of the understanding prevailing in some parts of this Chamber now, as to the ownership of this property, which ownership has been fixed at least since 1855, as was argued the other day, of the United States taxing property and a structure of its own; but the answer of the committee is that they are not informed that any such thing has been done by Kentucky, although here are the reports made by the corporation showing not only taxation by the State of Kentucky, but taxation by the United States.

As part of the same matter, the committee observe that the claim asserted by the city of Louisville has been withdrawn. Withdrawn? I am not sure that I know the length and breadth of that word, but if it be the word to employ here it is because of the proceeding. I will read in a moment.

The city of Louisville has been maintaining a suit for $114,000 of unpaid taxes due by the canal company.

The other day—and on a day only just before the action in the House, and on a day subsequent to these objections being made public—the common council of the city of Louisville passed this resolution:

Be it resolved by the general council of the city of Louisville, That the city attorney be, and he is hereby, directed to suspend action in the suit now pending against the Louisville and Portland Canal Company for taxes; and in the event that said canal property should pass into the hands of the General Government, the city of Louisville hereby relinquishes all right, title, and interest whatever she may have in any claim for taxes against it.

I should say that a definition of the word "withdrawn" which would be satisfied by that resolution is a mild definition. Louisville directs

her attorney of record to suspend proceedings now in that suit, and she says that in the event of a certain fact being accomplished, to wit, the consummation of the transfer and making over of this entire property, franchises, and ownership to the United States she relinquishes her claim for delinquent taxes. I repeat if that means "withdrawn" in the past tense, the word is mildly defined.

Mr. President, I have done with this subject, I hope; and I say, before resuming my seat that although interesting to the States adjacent and interesting to the Senators from those States, I do not accept the idea that the subject is in its nature local, or that it is far-fetched for Senators from other States to discuss it, or that their, doing so verges toward intrusion.

Mr. THURMAN. Who has said so?

Mr. CONKLING. My honorable friend from Ohio has some reason for asking that question. He has not said it in so many words——

Mr. THURMAN. The question is so far from being local that it is addressed to half the Mississippi Valley.

Mr. CONKLING. If my friend will allow me I will say that he did not make the suggestion in so many words, but with that aptitude of language and that wealth of adaptation which belongs to him, it pleased the honorable Senator the other day to call attention to the fact and in connection with it to express his surprise that Senators from Kentucky did not rise to make any objection, and he intimated that it is remarkable that Senators from remote States should be those to start doubts touching the right to tax and touching the rights Kentucky would have and touching the results of this legislation. I do not borrow his phrases, but I render their meaning, and I think my honorable friend was the originator of the idea, as he is very likely to be the originator of the most valuable ideas which come to the Senate.

Mr. President, I have only to say that it falls to the lot of the State of New York to pay about one-fifth or one-sixth of the taxes gathered in the Union. It sometimes falls to the lot of that State to pay one-third of the entire tax, as it did when the income tax prevailed. Having in her borders one-eleventh of the population of the Republic, she paid one-third of that tax; and therefore I think any of her representatives in Congress, the humblest of them, need not apologize for raising his voice upon a question involving an alternative of paying two or three million dollars for something or for nothing, to buy a lawsuit or an assortment of lawsuits, or to buy a canal, as the case may be. And by as much as New York is interested in the question of devoting the money to this use, by so much is she interested also in freeing a great channel of commerce from tolls, emancipating it, and setting it free in all its activities and all its opportunities; and my friend from Kentucky may rely upon it that no representative from New York will be found so ignorant or so recreant as to attempt to interpose against any legislation wholesome in character the design and effect of which will be to nourish the commerce of the country, be it on the Ohio River or on any other stream which flows on a line of latitude or a line of longitude anywhere in all our borders.

Mr. STEVENSON. Will the Senator from New York allow me to ask him a question?

Mr. CONKLING. Yes, sir.

Mr. STEVENSON. I know how vigilant the Senators from New York are in everything appertaining to the appropriation of the public money, and how faithful they are in the execution of every other duty within the scope of their senatorial trusts; but I desire to ask the honorable Senator from New York [Mr. CONKLING] if the United States has not already appropriated over $1,400,000 to this work, and what objection of a public nature can there be to the immediate possession of this property by the United States, in order that this canal may be free? Let the Senate notice that this is not a contest between Kentucky and the United States. By no means. That Commonwealth desires the passage of this bill. Kentucky has pledged her faith, unsullied and spotless from the hour she became a State in this Confederacy until now, that she surrenders the jurisdiction over this canal to the United States, and all her legislation has been in fulfillment of that pledge.

The opposition to this bill is most surprising. The bill involves the simple possession of a work of which the United States have already become the exclusive owner, subject to an outstanding mortgage debt not yet due, and which the Government of the United States has assumed and directed the Secretary of the Treasury to pay as it matures, with the annual interest thereon. Whence this opposition? Kentucky interposes no objection. The bondholders who retain their mortgage lien, and who acquire an additional assumpsit of the United States for principal and interest of their debt, do not object. The people of the Ohio and Mississippi Valley, whose commerce is crippled and burdened by an onerous tax of five cents per ton on every boat, upon its registered tonnage or capacity to carry freight irrespective of its being loaded or empty, which it is the object of this bill to remove, demand prompt passage.

Five directors of this canal in Louisville, men of high character and credit I admit, alone antagonize with this measure. They seem to desire its defeat. These gentlemen have really no interest in the corporation or its property. They are dry trustees. They hold by request of the Secretary of the Treasury one share of stock each, which they have agreed to surrender when the United States takes possession and makes the canal free. These gentlemen receive from annual tolls something like $350,000 a year. They make no annual report of their actings and doings, being expressly exempted by law from this requisition of their charter. High as I admit the character of these five directors to be, I insist their private interests must yield to the public good. I protest against the continuance of this onerous tax upon the commerce of the Ohio Valley. I deny the right of these directors to oppose the prompt possession by the United States of a work owned by the Government, and in which they have no interest. I tell the honorable Senator from New York he need have no fear from any asserted jurisdiction by Kentucky over the canal. That Commonwealth desires it to be as far free as possible.

The Senator reads to us extracts from the reports of the directors of this corporation to show that the State of Kentucky has constantly taxed this canal. That may have been so in the past; I did not think it was so now. It will not and cannot be so when the United States becomes possessed of it and dedicates it as part and parcel of a great commercial highway. The Senator also alludes to a claim of the city of Louisville for a large amount of money for taxes in arrears for past years, which he admits has been for the present discontinued. The solicitor for the city of Louisville has given a written legal opinion, as I am informed, that the municipal authorities of Louisville have no corporate power to tax this canal. I think the Senator may rest secure from all claim on that score. Were there anything in the several specious objections cited by the honorable Senator from New York save that of jurisdiction—which has been ceded already—their existence would not militate against the possession of this canal by the United States; but that very possession would become a complete bar to their successful maintenance. I sincerely trust it may be the pleasure of the Senate to pass this bill at once.

Mr. CONKLING. Mr. President——

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The Chair will remind the Senator from New York that the fifteen minutes yielded by the Senator from Nebraska have expired. Does the Senator from Nebraska resume the floor or yield further to the Senator from New York?

Mr. CONKLING. I have no care about proceeding. I only want to occupy two or three minutes more in reply to the Senator from Kentucky.

Mr. TIPTON. Very well.

Mr. CONKLING. Mr. President, disclaiming all wish or willingness to pluck one laurel from the brow of Kentucky, I wish to ask her distinguished Senator whether his eulogium, doubtless deserved, upon the spotless faith and legislative integrity of Kentucky, applies to the act of 1872 as well as to other acts?

Mr. STEVENSON. I take it that when Kentucky surrendered her sovereignty by the act of 1842 all acts *in pari materia* are to be construed together.

Mr. CONKLING. If I could get the honorable Senator to answer my question precisely, I should be even more obliged to him than I am. My wish was to get his view in reference to the act of 1872 and to know whether he deems that act effectual and a part of the legislation to which he refers when he says that Kentucky is anxious to put out of her hands and into the hands of the United States the Louisville and Portland Canal.

Mr. STEVENSON. Does the Senator from New York say that the act of 1872 is a repeal of the act of 1842?

Mr. CONKLING. I never suggested that.

Mr. STEVENSON. What does the Senator desire me to say then? I say I include all the acts of Kentucky. I said that when I was up before. I say that this act of 1872 is but confirmatory of the act by which Kentucky did surrender all her sovereignty when the United States should become sole owner.

Mr. CONKLING. Then I think I shall be right in saying that my honorable friend is of opinion that that transaction which we are now consummating is to leave or may leave forever imposed upon the United States six conditions, one of which is a denial of the right of the Government to charge tolls upon this canal, or to allow it to lapse, or to leave it unimproved or unrepaired; another of which preserves forever the water rights of owners; another of which forever permits the city of Louisville to empty her sewers into the canal, and another to bridge it, and two others to which I do not stop to refer.

Mr. President, I believe that Kentucky intends to be and wishes to be fair, frank, and truthful, and I believe, looking at the act of 1872 and at the previous acts, that there is one way and only one in which this matter can be made exactly and clearly right, and that is for the Legislature of Kentucky to do that which upon all these statutes I cannot affirm that she has done, namely, to bring about a state of things which Senators on all sides profess to have in view.

It is said that the Legislature of Kentucky meets but once in two years; it is said that it would be some trouble for the Legislature to come together at Frankfort even for a single day and wash its hands of this whole matter, and give the United States an out and out title without any conditions or servitudes or easements of sewerage, bridges, water rights, or any other rights inconsistent with the ownership we seek. It is said that would be some trouble. It would be. Taking the good faith of that honored Commonwealth, however, as her Senators say it is, and as I do not doubt, into account, I submit it would be a small matter for her Legislature to convene at the summons of the governor, and in one day put an end to all controversy:

and I submit that would be much more provident in us than to buy a lawsuit, as I fear we are to do, and perhaps an assortment of lawsuits, and an invitation as I think to one having been put in the bill by the amendment of the committee. That is my belief, Mr. President, and I declare it with just as earnest a purpose to reach the result sought as the most ardent Senator who advocates this bill.

Mr. HOWE. Understanding that the Senator has that earnest purpose to do what everybody else wants to do here, I will ask him what advice he would give us in this case: Suppose Kentucky will not do one of the things which he thinks she ought to do, what rights shall we have then?

Mr. CONKLING. My friend from Wisconsin is I think unusually fertile this morning in hypothetical cases. He asked me once before what I would advise upon a different state of facts. I answer generally, "Sufficient unto the day is the evil thereof;" and for men as sparingly endowed as I am, it is hard enough to say what they will do upon the facts before them, what they will do when the case presents itself; and when my honorable friend asks me what I would do in case Kentucky should undertake that of which I know she is incapable, namely, to get some unfair advantage of the United States or to play some trick upon us, I answer him that in that case I would do the best I could, and I would act upon the facts as they were at the time.

Mr. TIPTON. Mr. President——

The PRESIDING OFFICER. The Senator from Nebraska resumes the floor.

Mr. SHERMAN. I should like to ask the Senator from New York a question, but I do not wish to interfere with the Senator from Nebraska. I will give way to him.

Mr. SCOTT. Will the Senator from Nebraska permit me to say that, as it is by his courtesy the floor was yielded, I do not wish to trespass further upon him; but if no other Senator desires to speak upon the Louisiana question at the close of the remarks of the Senator from Nebraska, as it is now evident that this is a subject of importance which ought to be disposed of, I shall ask the Senate to resume the consideration of this bill.

Mr. EDMUNDS. Not until to-morrow, because it may be late before the Senator from Nebraska concludes. I want to say something myself.

Mr. SCOTT. I only give notice. It will be for the Senate to act as it deems proper.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. E. BABCOCK, his Secretary, announced that the President had, on the 15th instant, approved and signed the following acts:

An act (S. No. 241) to confirm the title to certain lands on the Fort Kearney military reservation, in Fremont County, Iowa; and

An act (S. No. 254) to donate the military reservation at Fort Steilacoom to the Territory of Washington for the use of the insane asylum.

ADJOURNMENT TO MONDAY.

On motion of Mr. HAMILTON, of Maryland, it was

Ordered, That when the Senate adjourn to-day it be to meet on Monday next.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. No. 193) for the benefit of Uriah Porter.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. No. 2550) making appropriation for the payment of teachers in the public schools in the District of Columbia, and providing for the levy of a tax to reimburse the same; and

A bill (H. R. No. 2867) to authorize the use of certain unexpended balances for payment of expenses of board of Indian commissioners.

STATE OF LOUISIANA.

The Senate resumed the consideration of the bill (S. No. 446) to restore the rights of the State of Louisiana.

Mr. TIPTON. Mr. President, it is a matter of delicacy on the part of a Senator to arise in the discussion of this question which has been so amply presented to the Senate by those who have been intimately connected with it; and consequently I feel that embarrassment at the present time. I apprehend that our minds are generally made up, and we will vote to-morrow about as we have settled the question up to the present time. It is evident to the Senate that there are so many adverse views as that it will be difficult to concentrate a majority of the Senate upon any one proposition.

I rise to address the Senate on this question at a time when the capitol of one of the States of this Union is besieged by State troops, while one citizen, fortified in the State-house with cannon planted around it, is besieged by another citizen who claims that he is the rightful governor of the State of Arkansas. Mr. President, it is a serious question for us to consider whether in saving the Union we have not lost the States. The eyes of the people seem to be turned to the Federal capital as though all power was concentrated in the Federal Government. But a short time since a man claiming to be governor of the State of Texas was calling upon the President of the United States for military aid and protection. Parties in the State of Arkansas are doing the same to-day.

A SAD CHAPTER.

In the investigation of a committee one year ago in the case of Louisiana, at the third session of the Forty-second Congress, a report was presented, signed by Messrs. CARPENTER, ANTHONY, LOGAN, and ALCORN, from which I read the following sentence:

> We now come to the saddest chapter in this melancholy business—the interference of Federal authority with the affairs of the State of Louisiana.

Mr. President, these gentlemen composing that senatorial committee were not hostile to the national Federal authorities. The honorable Senator from Wisconsin, the honorable Senator from Illinois, the honorable Senator from Rhode Island, at the time they presented that report were sensitive in regard to the honor of the "great republican" party of the nation; and when they penned such a sentence as that, when they presented that as a deliberate conclusion of theirs, the deduction of long days of careful research by witnesses under oath, they reluctantly made the report in which they declared it was the saddest chapter in a melancholy history. If such men so interested in the welfare of the dominant party were compelled to present that for our consideration, it becomes us to be careful in regard to the disposition which we make of this subject. But, Mr. President, to me it is a sadder consideration that it was not the first time in the history of this Administration that complaints came up to us from the State of Louisiana. The governor of Louisiana, in 1872, said in a message which he delivered to the Legislature of that State:

> I recite briefly the facts that are undenied as to this monstrous outrage on the peace and dignity of the State. In a time of profound peace, without any competent authority or the least necessity, and without consultation with or the consent of the State authorities, the United States officials here, in violation of law, convoked a political convention in the custom-house in New Orleans, and this against the wishes and in the face of the solemn protest of a large majority of the convention. The doors of the custom-house were locked and barred for a day, and the whole business public who had interests there were excluded. United States deputy marshals, selected in many instances from rough and lawless characters, were especially deputized for the occasion, armed with loaded revolvers, and stationed within the building and around the United States court-room, designed for the convention. The United States marshal previously declared that they should be stationed within the convention itself. Their instructions had been such that these deputies were insolent and violent in language and manner toward the delegates, even to such an extent as to excite serious disturbance, and going so far on the part of some of them as the offering of personal violence to the delegates.
>
> United States troops were drawn up in the custom-house. Their very presence was an alarming attack upon the right of public assemblage, and upon every tradition and principle of American liberty. They interrupted the deliberations of the delegates. This interference of Federal officers, armed with Federal authority and Federal guns and pistols, in the affairs of a peaceable political meeting of the people of a State, is a very serious encroachment upon the peace and dignity of the State, and upon the individual liberties of its citizens.

CHARACTER OF THE ELECTION.

Notwithstanding Federal officials had used Government bayonets before in furtherance of their designs, it seems unaccountable that they should have dared the experiment again, in the face of all the facts as set forth by their political organ, the New Orleans Republican, testified to and recorded in the book of testimony in this case, on page 274. I read from the Republican of New Orleans, dated the 19th of November, 1872, just at the termination of the election which has been a matter of so much discussion in the United States, and I wish every Senator was present to hear this. Although all have heard so much on the subject, and have heard it in the testimony, I should like an opportunity to call their attention to it once more before a final vote is taken on any bill that is before the Senate.

The editor says:

> In our testimony we have so recently reviewed the positions of the parties contending for the control of the public affairs of the State, that it is unnecessary to comment further at this time. But as it is rumored that the President is preparing his message with the most kindly sentiments toward the southern people, we deem it a duty to add the testimony of the Republican as impressing those sentiments more strongly upon him. *This testimony cannot but from our stand-point be accepted as impartial.* The Republican then assures the President—

The editor of that paper was addressing the President in person; he intended these remarks to be read by the President, and he says:

> *The Republican then assures the President that no people* were ever more orderly and obedient to law than the people of New Orleans and Louisiana in the State and Federal elections recently held; that the relations between the races are kindly and cordial, the colored people voting by the side of the whites openly without military protection, State or Federal, and free from any insult or molestation whatever.

The editor made that declaration, he says, for the President, because the President was getting up a message with kindly feeling toward the people of the South. He said that "no people were ever more orderly and obedient to law than the people of New Orleans and Louisiana in the State and Federal elections recently held." Had there ever been an election in Massachusetts? No more order had been displayed there than had been in Louisiana. Did he know anything of elections in the State of New York? He excepted nothing, but declared that there never were more orderly elections than that election of which we have heard so much in regard to its overshadowing corruption! Further:

> Difficulties which have arisen since the elections are simply official, and are not alleged to have sprung from *force or fraud* of the people. *The controversy now pending has not arisen from the casting of the vote, but from the counting of the vote.* This indication of order and harmony is not only proper for Executive consideration—

He draws the attention of the President again to it—

> but to counteract, so far as may be, the slander that New Orleans is under control

of lawless mobs. This slander has not only prejudiced the mind of Congress, but has impeded immigration and excluded capital. *Whatever*, then, may be the result of *legal or political questions* growing out of the Louisiana elections, the Republican deems it a duty to assure all whose opinion may have a bearing upon the political or commercial condition of New Orleans or Louisiana *that the people, without regard to race, color, or previous condition, have demeaned themselves well and deserve well of the country for their conduct in the recent State and Federal elections.*

It must be concluded that this article was specially brought to the attention of the President, for the writer says he publishes it to "*impress those sentiments more strongly upon him.*" He deemed it as available as to write him a letter. This statement has stood as a republican rebuke in the way of any one who undertakes to say that there were unusual frauds in the election to which it refers. And yet while this was written on the 19th of November, 1872, the anxious candidate for governor of Louisiana only eight days later parades accounts of terrible frauds in order to influence the Administration to grant military aid, disregarding the editor's "impartial statement that the people, without regard to race, color, or previous condition, have demeaned themselves well and deserved well of the country for their conduct in the recent State and Federal elections." And when I refer to "the anxious candidate for governor" I refer to the present Governor Kellogg who, in playing his old role of conspiracy against the people of Louisiana, unwittingly drew his friends on this floor into such entanglement and trouble yesterday.

After that paper, the organ of Mr. Kellogg, gave that account of the condition of things in Louisiana, eight days thereafter Mr. Kellogg, then a Senator and against the constitution of Louisiana a candidate for governor of that State, writes a long, elaborate letter to the President of the United States, and that (I shall give in a short time the document in which we have it) is transmitted to us by the President of the United States. He addresses the President through Attorney-General Williams. One remark before I commence the reading of the document.

CONSPIRATORS.

I think it will appear from the further discussion of the subject that while the election returns were in the hands of a return board, of which the liberal republican governor was a member; and while that officer had at his command the militia of the State, and all official power of the State government; and while the laws provided for inducting defrauded candidates into office, and the Legislature was the judge of the qualifications of its members, no set of disappointed candidates would have dared to array themselves against the power of the State, unless promised Federal aid, through the intercession of Federal officials.

The honorable Senator from New Jersey, [Mr. FRELINGHUYSEN,] in his speech of the 14th, said:

It appears, then, that the McEnery party had the purpose to cheat, and had the organized machinery to effect their end.

I propose now to strike out the word "McEnery" and substitute "Kellogg." I propose to show to the Senate "that the Kellogg party had the purpose to cheat and had the organized machinery to effect their end." When this handful of men commenced to get up their conspiracy, what power had they? Who were they? When they commenced the work of overthrowing the State government they had no election returns. In the State of Louisiana in olden times, before these days of degeneracy, it was supposed important to have some election returns before you counted and swore officers in the official positions of the State, and I think it was so in former days in all the States of the Union; but these gentlemen, these unadulterated and pure patriots, had no election returns, and it cannot be said of them that "still they were not happy." They were happy. What were election returns worth to them, for they had conceived the idea of manufacturing returns to suit themselves? Election returns, forsooth, in Louisiana! They had no governor to call upon either the powers of earth or the powers of perdition to send them aid, but they had enough of the latter without calling for it. [Laughter.] They had no Legislature; they were mere political lazzaroni. They had no State officer to correspond with the President of the United States; they had one Senator, formerly a district judge in the State of Nebraska, and then an emigrant to the State of Louisiana; they had one collector of customs; they had one marshal. The Senator was still occupying a position as Senator of the United States; the collector was a devoted friend of the Administration and a brother-in-law of the President, and, as the President has but one brother-in-law, every man understands that this man was Collector Casey. The marshal was ever ready to pay for his position by abject submission to the commands of his political masters.

These were the few lonely men who stood forth for the purpose of engineering the stealing of a State. Never were a set of men more happily endowed for the mission on which they went out, for what they could not appropriate is not worth being sought for, [laughter,] as a State is the very smallest that they are willing to receive.

Now, Mr. President, I shall have to deal in a little dry detail in regard to some testimony that I think has been presented once or twice in the Senate, and I regret that it becomes my unpleasant duty to inflict this testimony again on the Senator from Indiana, for he has heard of it twice; and I am happy to believe that the honorable Senator from Wisconsin has betaken himself to parts unknown to me so that he, as my friend, will not have to suffer under the infliction of this testimony at this hour. I have come to the conclusion, whether properly or not, that there is a difference of opinion on this question between the honorable Senator from Indiana and the honorable Senator from Wisconsin. I have inferred as much from what they have said to each other on this floor.

CONSPIRACY.

But enough of that, Mr. President. Now, if any gentleman is at a loss to know what use I propose to make of this testimony, I will say that I do not propose to make much use of it. I propose to let it exercise and produce its legitimate results itself. It is enough for me to state it. I believe there was a conspiracy about the custom-house; I believe custom-house officials were in it; I believe that citizens of Louisiana, of course politicians, were in it; I believe they were sustained and backed up by the Administration at Washington. I do not merely believe it; I know it; and will prove it before the Senate. They were one and the same; they were indivisible.

Speaking of men about the custom-house at New Orleans, a witness before the Senate committee said:

Previous to the election they said it made no difference how the State went; that they would get up affidavits after the election to carry the State.

He says again:

I suppose I heard twenty or thirty say it.

That testimony is found on page 530. Of the character of the elections in the State, a witness said, on page 712:

They have been pretty rough; we have been *constantly urged from Washington* to carry the State *republican*, and may have been misled into some little exertions that would not have taken place otherwise.

Now, as politicians, we will throw the mantle of charity over those gentlemen. No doubt they did perform some little exertions that would not otherwise have been made because they were "urged from Washington to carry the State republican." The 28th page of the Carpenter report says:

It was testified before your committee by Mr. Bovee himself, who participated in the canvass by the Lynch board, that they were determined to have a republican Legislature, and made their canvass to that end.

Senators, that is all there is in the question. It is all there is in the Louisiana difficulty. They were urged from Washington to do it, and therefore exerted themselves a little differently from what they would have done if they had been let alone; and then having resolved and sworn and intended to carry the State republican, if there was war, it was war to carry the State republican; if a State was overthrown, it was for the purpose of a republican triumph. Ordinarily we should think that a State would go down in this country on account of an invasion; we should suppose that a State would be in danger on account of a special insurrection; but here is a movement sworn to and declared to be for the purpose of carrying a State government. Well, who co-operated in this plot? "Prominent gentlemen from Washington," says a witness; but they did not wait for their affidavits until after the election.

PERJURY AND FORGERY.

Question. Were those affidavits printed before the election was held?
Answer. Yes, sir.

Mr. WEST. If I do not interrupt the Senator, I beg to ask where is the testimony he is quoting now. I have been able to follow him so far; but what is he reading from now?

Mr. TIPTON. I presume I am quoting from the testimony of Jaques. I have a reference to it in my notes, and I will give it on a short time. I think this is the testimony of Jaques.

Q. Were those affidavits printed before the election was held?
A. Yes, sir.
Q. Reciting that these men had not been permitted to vote?
A. Yes, sir. Ten or fifteen days before the election I took over 1,000 to the parish of Plaquemines myself; about 2,000 on the 30th of October.

Being thus prepared to overthrow the election by affidavits, they sent out an agent to fill up these blanks, (T. Jaques.)

Q. Do you swear that you signed the names of 1,000 men to 1,000 affidavits?
A. Yes, sir. I put 1,000 names to 1,000 affidavits.
Q. Without any authority from the men?
A. Yes, sir. For many of the men were men of straw.
Q. You think you signed the names of 150 actually existing living men to affidavits without any permission from these men?
A. Yes, sir. General SYPHER got the boat that took me out, and said it was all right; and he wanted at least 1,200.

Did any of you gentlemen with a knowledge of politics find a man in that position before, where he needed 1,200 votes to put him in a certain place and he goes to a party and says, "I will get a steamboat, I will pay the bill, if you will go, and try to make, if possible, 1,200 votes?"

He asked me how many names were on the registration books. I said there were 4,000. He said: "Can't you make 3,500 on that? The books ought to bear that. Make me as many as 1,200, and as many more as you can."

Why, Mr. President, did you ever hear such language as that applied to politics before? They had a system down there; they knew what percentage of rascality ought to be perpetrated on a certain basis of voting named. "Can't you forge me 3,500." No; he did not say "forge;" he put it in better terms. "Can't you make 3,500 on that? The books ought to bear it. Make me as many as 1,200, and as many more as you can." Then the witness is asked further:

By Mr. WARMOTH:

Q. How many voters are there in Plaquemines?
A. Between 2,000 and 2,200.

Q. How many votes were polled at the polls?
A. Fifteen hundred, about.

By Mr. CARPENTER:

Q. You say the whole vote is between 2,000 and what?
A. Between 2,000 and 2,200.
Q. And 1,500 were cast?
A. Yes, sir.
Q. And you made out 1,400 affidavits of men in the parish, showing they had not voted?
A. Yes, sir; 1,314.

They had all voted but about 600, and out of those 600 he manufactured 1,314 votes!

The registration books show about 4,000 names of the people in the parish, but people come and go, and that was in 1868. In 1868 and 1870, by the registration, there were three sets of registrars, and a good many were put on to increase the vote. That congressional district is democratic, and that was to be overcome.

Mr. President, I had better repeat that; I apprehend some Senators have not heard it. The witness swears that this congressional district was democratic and that had to be overcome, and therefore making 1,314 votes out of 600 would help a little to overcome it!

Q. In what year were they put on?
A. In 1868.
Q. Were you registrar then?
A. There were three sets of registrars, and they were put on by different parties.
Q. Did you put any names on the registration that you knew were not honestly there?
A. Yes, sir; many.
Q. How many?
A. I don't know.
Q. How many do you think?
A. I don't know; I put on over 50.
Q. Not over 50 of men who you knew had no business on the list?
A. Yes, sir.

By Mr. WARMOTH:

Q. You say it was a democratic district?
A. Yes, sir.
Q. Why did you put those names there?
A. To elect General SYPHER to Congress.

Mr. President, speaking of a letter from a brother of General SYPHER, he gave the following account of it: He had been sent out for the purpose of manufacturing votes; then they got anxious, he did not return, and they were afraid he had burdened himself down with more votes than he was able to carry, and they were anxious to get so many of them as would answer their purposes. A brother of General SYPHER therefore wrote him a note when they were about to count, and he says:

Fetch down all the affidavits you get by seven o'clock, as the general is 400 short. (Page 527.)

Q. How many did you take?
A. Thirteen hundred and fourteen.
Q. Did you hand these affidavits to the board?
A. Yes, sir.
Q. To what member of the board?
A. I think Mr. Bovee or Mr. Lynch.
Q. What did Mr. Bovee say to you when you handed him these affidavits?
A. "Jaques, you are *a hell of a fellow.*"
Q. What did you reply?
A. "George, if you want a few more, I can get you some by ten o'clock in the morning."

This witness said: "I am a republican, have been, and am in principle." You see some little inkling in regard to his "principle." [Laughter.] I deny in behalf of the republican party, the majority of it, that this man swore the truth when he said he was a republican in principle. I cannot come to that conclusion, that I was so long associated with such a brotherhood denominated by us all "the great republican party," and yet this man was one "in principle." He only represents the minority of the republican party, and how far the majority outnumbers the minority I know not; but I will aver that it is by one or two in the majority.

Q. What induced you to make a false report?
A. Nothing, sir, but the general sympathy I had for the party. (Page 565.)

That was all. A question being asked him as to the facts about the following attestation:

Sworn to before me by said —— and by him subscribed in my presence this —— day of ——, A. D. 1872.

WILLIAM M. PRESCOTT.

The witness answered that he took about 2,000 affidavits signed by the judge in blank.

Q. Signed in your house in New Orleans?
A. Yes, sir.
Q. Twenty miles from Plaquemines?
A. Yes, sir.
Q. All signed in one night?
A. No, sir; he was there two or three days signing.
Q. How many did Judge Prescott give you that he signed in blank?
A. About 2,000.

About 2,000 affidavits manufactured in the garret or some other appropriate place in this man's house by a judge, signed as though the witnesses had been there, signed in blank; 2,000 of them carried out to find names to be inserted in them.

Q. Then you filled them up without having seen anybody?
A. Nobody, except the 301 I told you about.
Q. You filled up the 1,314.
A. Yes, sir. (Page 536.)

Now, Mr. President, in the process and the line of this conspiracy there is the manner in which some of the votes, and affidavits counted as votes, were manufactured. Of other portions of the testimony the committee's report will testify. Having by such means manufactured a large portion of their material for a republican count, the next thing was to get clear of the Warmoth board, which was charged by law with counting and publishing the result of the election. This was attempted by procuring a restraining injunction from a United States court, which had no shadow of authority in the premises, and of which order even the Senator from Indiana [Mr. MORTON] has said "it had no foundation in law or logic."

But in the logic of infamy the application to that tribunal had a peculiar significance, since its presiding genius owed his political and official existence to him of the White House.

But on the 3d of December the Warmoth return board proclaimed the result of the election, and the governor ordered the Legislature to convene in six days thereafter—on the 9th of December, 1872.

APPEAL TO PRESIDENT.

In this hour of their consternation the Federal officials in Louisiana send greeting to the Government officials in Washington, and could not have expressed themselves more truthfully and persuasively had they adopted such a preamble and resolution as follows: "Whereas we have been constantly urged from Washington to carry the State republican, and to that end are ready to redeem our pledges that we would get up affidavits to carry the State; and whereas up to the present we have been circumvented by the obstinacy of Governor Warmoth; and whereas we have no military to protect us, and no Legislature to make a demand upon Congress or the President until we manufacture one out of affidavits, newspaper reports, and verbal statements, and even had we the Legislature we are at the present destitute of a state of invasion or domestic violence on which to predicate the demand; therefore resolved, that the President be importuned in behalf of republican ascendency, in order that Mr. Kellogg may become governor, Antoine lieutenant-governor, Bovee police juror, Clinton auditor, and Pinchback United States Senator, to direct the marshal for Louisiana to enforce the decrees and mandates of the United States court, we, the custom-house officers, agreeing to work out the balance of the political problem."

KELLOGG LETTER.

From a voluminous correspondence between Louisiana Federal officials and the President direct, and through his Attorney-General, it will more fully appear what arguments were potent in procuring the order to the United States marshal to enforce political orders and mandates not yet issued, and securing a recognition of the bogus legislature, the offspring of these political mandates.

Inasmuch as this correspondence has been furnished Congress by a call upon the President for access to his source of information and the testimony being the result of a thorough congressional investigation, no one need be in doubt as to facts and legitimate deductions.

It seems to have been a vitally important matter in the estimation of Kellogg that the President should understand how much backing he would have from the courts in this political war, and accordingly he says:

I ought to mention that the supreme court will next Monday pass upon the case of Bovee, ejected over a year ago from the office of secretary of state by Governor Warmoth, without any legal right or showing. *They will reinstate him.*

He then shows how through two "republicans" they will get possession of the Legislature; and then adds:

You will at once appreciate the full effect of this point.

Here is positive evidence that the conspirators were in collusion with the courts, and publishing their findings before the day of trial. I fortify myself in that assertion by quoting from the recently delivered speech of the honorable Senator from Wisconsin. On the thirty-seventh page he says:

I understand that the supreme court of the State is in collusion with Kellogg, has already corruptly decided many cases in his favor, and will continue in the same course.

In the same letter, and for the same purpose and intent, in order to encourage the President to promise military aid to enforce Durell's mandates before they were issued, the charge is made that Governor Warmoth had called an extra session of the Legislature for the purpose of favoring the "democratic party;" and on that he based a call for arms—arms to protect himself because Warmoth is going to favor the democrats. The people of the States of this Government had not arrived at this knowledge before that if the governor by any kind of political legerdemain undertakes to favor a certain party, therefore the President ought to furnish his friends with troops for the purpose of resistance. He says also:

And to take measures to stamp out the last vestige of republicanism in the State.

This allusion was made for the purpose of appealing to the President's partisan instincts, and causing him to become deeply interested in the cause of the custom-house officials.

Instead of pointing out the day on which Durell would "*decide against him*" (Warmoth) and issue his "*mandates*," and on which their board would "*show the republican State ticket elected*" and a "republican majority in the Legislature," he was only able to refer to these coming facts by way of supposition, for they were not to happen till after a promise of military aid. They were all consummated, however, within nine days from the date of his letter. Hear him:

Should the United States circuit court, in passing upon the question of contempt

of its orders by Governor Warmoth, which is carried along with the main case, *decide against him*, and *should* it further issue its *mandates* in aid of what we believe to be the right in the controversy, the following may result: Our returning board being held as the legal return board may make the returns required by law, *which will show the republican State ticket elected and a republican majority in the Legislature.*

Suppose they do that, what then? Then Kellogg tells the President that which warped the mind of the President. Then Kellogg says they will make a return "which will show a republican State ticket elected"—how did he know?—"and a republican majority in the Legislature." How did he know? And then, "when the Legislature convened by Governor Warmoth meets in extra session a conflict may ensue." I put it to any republican Senator on this floor to tell me what was the mental condition of Ulysses S. Grant, President of the United States, after he had presented to him through the Attorney-General that language, "If Durell should happen to decide in our favor; if he should happen to decide against Warmoth; if our returning board, being then recognized, should make returns, quietly, in confidence, let me whisper, it will show something good for you and me, you for President and me for governor of Louisiana"—a good thing; he would have said "a big thing on ice," only it does not freeze very often down in New Orleans. [Laughter.] "It will show a republican State ticket elected, and I, Kellogg, will be a part of that republican State ticket, and it will show a republican legislature;" and then allow me to interpolate; when I, as governor, have left the seat I occupied in the Senate, another man worthy of the honors of Louisiana—although I am not certain that Pinchback represents a genuine article of jewelry—then may Senator Pinchback stand where Senator Kellogg fell. That was the political coming result foreshadowed in that document to the President of the United States before the issuing of the Durell order. What does he say? If that thing happens "a conflict may ensue." He was not positive about it; and then he writes further: "It is impossible to state at this time to what extent there may be danger of collision."

They might have a little fight; he thought they would want the Army of the United States there, because he said they were going to get up a republican ticket and a republican legislature, and there might be a little trouble; and then he says, President, it is impossible to state at this time to what extent the thing will rage, although there may be a conflict. But on such a showing as this the President, through the Attorney-General, issues the following order:

DEPARTMENT OF JUSTICE, *December* 3, 1872.

S. B. PACKARD, Esq.,
United States Marshal, New Orleans, Louisiana:

You are to enforce the decrees and mandates of the United States courts—

They had not any then; they had some in anticipation—

no matter by whom resisted, and General Emory will furnish you with all necessary troops for that purpose.

GEO. H. WILLIAMS,
Attorney-General.

WHY GENERAL EMORY WAS WANTED.

It had been previously shown to the Administration at Washington that General Emory was likely to be a very efficient ally of the custom-house conspirators.

In the letter dated the 27th of November, 1872, and presented to the House of Representatives and recorded in the document which I hold in my hand, and which we all have, Governor Kellogg said to the President, addressing him through Attorney-General Williams:

I respectfully suggest that General Emory, who I think appreciates the necessity *and sympathizes with the republican party here*, be instructed to comply with any requisition that the United States courts may make upon him in support of *its mandates* and to preserve the peace.

It was not therefore a general who enforced law regardless of politics that the conspirators wanted, but one who was so identified with them as to make the Army of the United States an aid to the republican party of Louisiana.

I put it to any Senator and to every Senator that, if these men felt that their State was about to be invaded and they under the Constitution were entitled to protection from the Federal Government, they would have called upon the President for military protection, "Send us the Army." They never would have thought of the general who should command it. Any true officer of the United States Government will answer; any man, whether he be democrat, liberal republican, or radical republican, will answer if ever he exposed his life on the tented field, if ever he led the charge in the deadly onset. We are not here in Louisiana to ask of his politics. The Army; the Army—

"A horse! a horse! My kingdom for a horse!"

No, no; but they remember that they wanted a peculiar commander, and this man says to the President, "Emory sympathizes with the republican party here. Send him to us!" Do you say it was not a political contest, and the President was not arrayed upon the side of a party in the State of Louisiana? O, no; simply it was enough for him to know that God in his mercy and kindness had vouchsafed to the country a judge denominated Durell, and if it ever came to his knowledge officially that that immaculate personification of all judicial wisdom had delivered a legal utterance, it was his duty as the servant of the people and of the country, reluctantly, perhaps, but nevertheless his duty, to enforce the Durell mandate; and such is the opinion of the honorable Senator from New Jersey who addressed you the other day. He said it was a duty; he did not need to know anything about Durell. Now they let him into everything; they gave him the necessary information by Kellogg's correspondence, but he did not need to know anything about it. Kellogg told the President, He is all right; he sympathizes with us; give him an army to come down here and protect his brethren.

DELICACY.

Now, if Kellogg had one particle of public decency in his composition, if he was the descendant of some man or some men that hundreds of years ago had been men of honor, if he had descended from such a stock as that, he ought to have had some compunctions about what he was doing. He had some feeling on the subject. It is evident that the Senator felt the audacity of the demand, for in this connection we have the following:

I can readily understand the delicacy of the President's position in this matter.

Ah! There it is the worst of all. As much as to say, "Attorney-General Williams, I can speak freely with you in regard to this matter between the State of Louisiana and the President of the United States. I want an army very badly; I want an army, and I have suggested that Emory would be a proper man to lead the army. I feel a little humiliation that I am compelled to press this thing on the President, for I know the delicacy of the President's position in this matter." I say if the President of the United States had nothing to do, if the President of the United States was doing nothing but sustaining the Constitution and the laws, it was no matter of delicacy with him at all. An honorable, high-minded President delicate in doing his duty to save the integrity of a State! Not so much as formerly. But he says, "There is some reason why there is a delicacy in the President doing that which I want him to do." What did he mean? I do not know exactly what he did mean. Perhaps it might look as though the President was very anxious about the condition of Louisiana because Louisiana might elect electors that might give the casting vote and say who should be the next President. Perhaps it might be indelicate for the President to help to manufacture a Legislature that was to return a partisan friend to the Senate. Perhaps that was what he meant. He meant something that was founded in wisdom. He never trifles with his friends when he sends dispatches. He is a man of great prudence and wonderful discretion, of an unbounded devotion to truth, honor, and political justice! He understood there was something between him and the White House! But here comes the saving clause:

But it must not be forgotten that there is a systematic and organized attempt to destroy the republican party in this State.

Now we have got it. Now we will read all this in connection; we will read it as amended:

"I can readily understand the delicacy of the President's position in this matter; but it must not be forgotten that this is a systematic and organized attempt to destroy the republican party in this State."

Ay, ay, Mr. President; while you will feel delicacy in granting our request under the political circumstances that surround it, remember that above all, towering high above the interests of the State, above the rights of the State, above the Constitution and all, remember there is an effort down here to destroy the republican party, and then, where will you and I be?

That Kellogg letter is an interesting document. If it were not so near the end of the week, it might afford you food for reflection for three days; but Sunday intervening, of course the Capital will require you to divest yourselves of these political thoughts, and you have but one day now to meditate upon it (Saturday) until we get a vote, I trust, on Monday. It is good reading, though, and I am not quite done with it yet.

ARMY TO SAVE REPUBLICAN PARTY.

Some extravagant gentleman will suppose that I, because he is extravagant, have been extravagant myself, and he will feel that I have been misrepresenting the intentions and actions of these men; but that I have not, I read *verbatim et literatim* the conclusion of this remarkable letter of Kellogg to the President of the United States:

In conclusion let me say—

Mind you, when Kellogg wrote this letter and wrote that conclusion he was not a governor of any State; the votes had not been counted out, and then he never had a vote counted for him anyhow that anybody ever cast, for his board never had any ballots to count. He wrote this as a private citizen, and being a Senator he hoped for something different and something better. I have no doubt he had become utterly tired of the Senate of the United States and he wanted to get into an association higher, purer, holier!

In conclusion, let me say that should the United States courts hold with us, and if I can count—

I! Who? Citizen Kellogg—

If I can count upon the co-operation and sympathy of the Federal Government—

Who are you that you are entitled to the support of the Federal Government?

If I can count upon the co-operation and sympathy of the Federal Government—

How far? Must he have two armies? Will one answer? "I will be specific." How far?

If I can count upon the co-operation and sympathy of the Federal Government, *as far as it can be consistently given in aid of its firm and devoted friends in this*

State, who have done all they could to carry the State, and have really carried it by a large majority against organized fraud, the State may be saved to the republican party for the future; and I believe that under its auspices the State will become peaceful and prosperous, and no longer be a standing disgrace to the party and the people at large.

That is the conclusion of that document. The Administration was thoroughly warned that there was such a necessity for an army. How much? Kellogg says there would be just this much, as much "as can be consistently given in aid of its firm and devoted friends in this State, who have done all they could to carry the State"—republican. And now with great respect to the genius and ability of my friend from Rhode Island before me, [Mr. SPRAGUE,] I should like to see him upon a problem working out a solution of the question, How far under the Constitution of the United States can the President lend the power of the Army to his deserving friends who have done all they could to carry a State and think probably they have carried a State, and could have carried two just as well as one if they only had two men sent out to manufacture affidavits?

Mr. President, this being the last elaborate appeal to the Administration before the issuing of the order to Marshal Packard to enforce "decrees and mandates," and basing the claim for co-operation and sympathy on such purely political and partisan grounds, no man can doubt for a moment why the Attorney-General issued the order. It will at once be discovered that this order to Marshal Packard was well adapted to the purposes of a base conspiracy. This order was to give them military protection in case a conflict arose on account of a "decree or mandate" of a United States court, and in its results it was to be equal to such "co-operation and sympathy of the Federal Government, as far as it can be consistently given in aid of its firm and devoted friends in this State, who have done all they could to carry the State" in order that "the State may be saved to the republican party for the future."

The Attorney-General should have replied thus: "While we do sympathize with you as our devoted friends and would willingly contribute money to aid you politically, and would send members of the Cabinet to stump your State, as we have done in other cases, (as in North Carolina we sent the Secretary of the Treasury and of the Interior,) to the end that 'the State may be saved to the republican party for the future,' yet the Constitution and laws do not provide for such cases, nor do the people support an Army at millions of annual expense for the use of an Administration's friends, even after they have 'done all they could to carry a State.'" They should have answered: "We must judge of the necessity and propriety of the case after we see the anticipated 'mandate,' for unless the 'jurisdiction' is unquestioned, we dare not violate all the usages of the Government from the days of Washington to the present time." That ought to have been the modest and delicate answer of the Attorney-General after all that correspondence between him and the contemplated governor of Louisiana.

TOO LATE.

Just at this juncture of affairs, I could wish that the honorable Senator from Indiana [Mr. MORTON] had been present to meet the conspirators with the language of his report in the Louisiana case. He said in that report:

Where, by the constitution and laws of a State, legal remedies are provided for the redress of all wrongs that may take place in regard to elections, it would be inconsistent with the independence and integrity of the State governments for the United States to interfere and assume jurisdiction upon the ground that the State tribunals have acted wrongfully and fraudulently, or will so act. The Government of the United States is not a Don Quixote, going forth to hunt up and redress all the wrongs that may be inflicted upon the people in any part of the country; but is a government limited and restrained in its jurisdiction by the charter of its creation, and that charter distinctly recognizes the existence of State governments to be constituted legally by the States themselves, subject only to the provision of the higher law that they shall be republican in form.

I subscribe to that doctrine heartily; but unfortunately this State-right gun was spiked, till Federal bayonets had placed the conspirators in power, and then was turned against the prostrate government of Louisiana. If the honorable Senator from Indiana had been where he could have had the ears of these men when they were calling for this aid, he ought to have resisted them in their attempt. I could wish that the honorable Senator had met the President when he might have given him some gloriously good advice about that time. If he had met him with the "deliberate judgment" of his report before the commission of a Don Quixote was delivered to the Government of the United States, he might have saved the national disgrace and the State's destruction. Hear him:

It is my deliberate judgment that it *is better for them to bear the ills they have and seek reformation and relief under their own laws* and tribunals than to invoke the national Government to the assertion of a power under which State governments would exist hereafter only by sufferance.

But, unfortunately its fire was drawn from the conspirators and turned upon the subjugated State. In the first hour of complaint on the part of the conspirators they should have been answered by the President in the clear and conclusive declaration of the honorable Senator:

Every offense complained of on either side in this case was against the constitution and laws of Louisiana, and the question now presented broadly is whether the Congress of the United States shall interfere to correct violations of the laws of the State, and to redress wrongs for which redress is provided by the State tribunals.

Yielding to such wholesome doctrines, the President should have left the whole case with the "State tribunals." Now, however, since the State has been *counted in* republican, it suits them to leave the matter with the counted-in "State tribunal."

The honorable Senator from New Jersey also becomes very careful of State rights after a faction has borrowed an army and stolen a State. Hear him:

No, sir; better far let the States suffer for their own misdeeds, even the innocent with the guilty; their suffering will lead them to cure the evil. Admonished by the evil results of a vicious election, in the calm periods that intervene between elections all parties will unite in devising and adopting safeguards to secure honest elections. Registry laws, poll-lists, proper places for the polls, police regulations, and severely penal statutes will be adopted as the means of preventing the repetition of the evil. *If there are frauds in elections or usurpations in office, let the remedy be found in the courts of the States or by means of impeachment*, or by the frequently recurring popular elections.

So we told these conspirators that if they were deceived, if they were outraged in their rights, go to the courts of your State, go to the Legislature of your State. If there is a tie between your candidates for governor, your Legislature may settle it; but never approach the power of the United States Government for such a purpose.

WORKS OF DARKNESS.

On the 16th of November, 1872, the usurping board of the defeated candidates and Federal office-holders obtained from the eighth district court a restraining order against the legal board, and on the 7th of December declared their result.

The way had been prepared for them by the Federal troops. R. H. Jackson, a captain in the First Artillery, United States Army, testified that he went to New Orleans on the night of December 5 with two batteries of his regiment and eighty-six men.

The same night, December 5, *between nine and eleven o'clock*, Judge Durell, at his private lodgings, issued his order, which, for want of jurisdiction, was void, and entitled to no respect from anybody, directing the United States marshal forthwith to take possession of the State-house, *to hold the same until the further order of the court*, and prevent all unlawful assemblage of persons therein, having reference to the persons returned as elected to the Legislature according to the official returns. Captain Jackson testifies that he took possession of the State-house at about two o'clock on the morning of the 6th, with instructions to take and hold it under the direction of the United States marshal, and to act in obedience to his orders. He further testified that he was not stationed in the *State-house to prevent riots*, but to hold the building, *and that if a riot had occurred in front of the building he would not have interfered.* He posted two soldiers at the entrance door, who guarded it with crossed bayonets, and suffered no one to enter the building except by permission of the United States marshal, one of whose deputies was at all times present. These troops continued to occupy the State-house for more than six weeks, until January 21, and it is manifest, from the whole testimony, that they were not there to preserve the peace, but to carry out the illegal orders of Judge Durell, and prevent the legally elected members of the Legislature from assembling and organizing.

These Durell orders were never intended to be mere legal decisions, or mere expositions of constitutional law, but were to be individual contributions to a general political corruption fund for party purposes only.

Stripped of all judicial dignity, and revealed in their true character, they show a partnership in the work of conspiracy. Let the honorable Senator from Wisconsin [Mr. CARPENTER] bear testimony:

I have had this injunction read so that the Senate may see that it justifies all I have said about it. It was a double-faced document; it was an injunction against the democrats, it was a *mandamus* in favor of the republicans; to the democrats a sword, to the republicans a shield. All that a republican partisan could decently have asked, even from such a judge, in organizing that Legislature, was that he should enjoin the democrats from going in, and leave the republicans at liberty to go in or stay out as they pleased. But having his hand in, he was determined to do thorough work, and by his injunction he kept the democrats out, and by his *mandamus* he put the republicans in.

CHARACTER OF THEIR RETURN BOARD.

After having got the orders of Judge Durell, the next thing was to get a returning board that would be corrupt enough to count according to their manufactured returns. They must have a republican board, not an honorable republican board, but it must be a subservient republican board; it must be a republican board of mere politicians, every man of whom ought to be an expectant for an office, men who would work for them for work again; political lazzaroni were what they needed and they got them. First for the political character of their board:

Question. What was the political complexion of that board? What were General Longstreet's politics in your political division there?
Answer. I believe General Longstreet is a republican.
Q. What was Mr. Hawkins?
A. A republican.
Q. Mr. Bovee?
A. A republican.
Q. What were you?
A. A republican.
Q. You were all republicans?
A. Yes, sir.
Q. What has been General Longstreet's position since that? Does he hold any office or was he a candidate at that time?
A. He was not a candidate at that time. I believe he holds a State office now.
Q. What is that office?
A. I believe he holds the office of levee commissioner, as it is called.
Q. Who appointed him?
A. The governor of the State.
Q. What governor?
A. My impression is that Governor Pinchback did; either Pinchback or Kellogg.
Q. Is Judge Hawkins holding any office?
A. Yes, sir.
Q. What office?
A. Judge.
Q. Who appointed him?
A. I think Governor Pinchback.
Q. And Bovee, you think, holds a parish office of some kind?

A. I do not know. I think he was a candidate for a parish office.
Q. Does he hold no office now?
A. Not unless it be that office.

By the CHAIRMAN:

Q. Was he elected or not?
A. I think he was elected.
Q. Have you been appointed to any office?
A. No, sir.

By Mr. CARPENTER:

Q. Not that you know of?
A. I am no officer.

By Mr. TRUMBULL:

Q. Has your son been appointed to an office since you acted?
A. My son was appointed, but declined it.
Q. Who appointed him?
A. Governor Pinchback.
Q. Did you demand possession of an office for your son?
A. A deputy appointed by my son did.
Q. Did you demand it?
A. No, sir.
Q. Was it done by your direction?
A. No, sir; I recommended the deputy for appointment.
Q. He demanded the office for your son.
A. Yes, sir.
Q. Who appointed your son?
A. Governor Pinchback.
Q. Then General Longstreet, and Mr. Hawkins, and your son have all been appointed to office by Governor Pinchback since the meeting of that board?
A. Yes, sir.
Q. Has General Herron been appointed, too?
A. Yes, sir; I understand he has.
Q. To what office?
A. I understand he is register or recorder of mortgages.
Q. Who appointed him?
A. I do not know.
Q. Do you know when he was appointed?
A. No, sir; it was either Pinchback or Kellogg.
Q. Do you not know he was appointed before Kellogg came in?
A. I believe so.
Q. Then that entire board, with the exception of yourself, are now in office?
A. I suppose they are.

Since then I believe the honorable Senator from Wisconsin in his speech gave us the salary which each one of these gentlemen is drawing, or an approximation to it. This immaculate board that counted in Kellogg and his Legislature consisted of Longstreet, whose salary is supposed to be $5,000; Hawkins, $5,000; the office held by the son of Lynch, $12,000; Herron, ten to twenty-five thousand dollars. That is the manner in which after these gentlemen counted their candidates in they counted dollars into their own pockets and those of their friends. Who was Clinton that has been counted in as auditor of Louisiana? He was the sub-treasurer of the United States in New Orleans. Who was Antoine? Lieutenant-governor counted in; he was the collector at Shreveport. Who was Kellogg who has been counted in governor? He was a Senator of the United States. Who was Pinchback? He had been a candidate for Congress at large, and unless he could get into the acting governor's chair of Louisiana he could not issue pay and appointments to his friends who had counted him in. By his political ingenuity he got at the head of the senate of the State, acting lieutenant-governor, and was thus able to pay off the men who counted in the State officers of the present State government of Louisiana. Am I extravagant in this matter? I will tone down and read from the Carpenter report on page 28. What does that report say about these men and their canvass? It says:

1. The board has been abolished by the act of November 20.

2. The board was under valid and existing injunctions restraining it from acting at all, and an injunction in the Armstead case restraining it from making any canvass not based upon the official returns of the election.

3. Conceding the board was in existence, and had full authority to canvass the returns, it had no returns to canvass.

The returns from the parishes had been made, under the law of 1870, to the governor, and not one of them was before the Lynch board. * * *

The testimony abundantly establishes the fraudulent character of their canvass. In some cases they had what were supposed to be copies of the original returns, in other cases they had nothing but newspaper statements, and in other cases, where they had nothing whatever to act upon, they made an estimate based upon their knowledge of the political complexion of the parish, of what the vote ought to have been. They also counted a large number of affidavits purporting to be sworn to by voters who had been wrongfully denied registration or the right to vote, many of which affidavits they must have known to be forgeries. It was testified by one witness that he forged over a thousand affidavits, and delivered them to the Lynch board, while it was in session. It is quite unnecessary to waste time in considering this part of the case; for no person can examine the testimony ever so cursorily without seeing that this pretended canvass had no semblance of integrity.

In coming to this conclusion the committee had such testimony before it as the following testimony from Mr. Lynch:

We took all the evidence we had before us, and our knowledge of the parishes and their political complexion, and we then decided.

By Mr. CARPENTER:

Question. You estimated it, then, upon the basis of what you thought the *vote ought to have been?*

Answer. Yes, sir; that was just the fact, and I think on the whole we were pretty correct.

THE TRUE ISSUE.

The Administration at Washington were perfectly aware, all the time, of the true question at issue in Louisiana. This is clear from Casey's dispatch to the President on the 6th day of December. Mr. Casey then sent a dispatch to the President in this language:

Marshal Packard took possession of State-house this morning, at an early hour, with military posse, in obedience to a mandate of circuit court, to prevent illegal assemblage of persons under guise of authority of Warmoth's returning board, in violation of injunction of circuit court. Decree of court just rendered declares Warmoth's returning-board illegal, and orders the returns of the election to be forthwith placed before the legal board. *This board will probably soon declare the result of the election of officers* of State and Legislature, which will meet in State-house with protection of court. The decree was sweeping in its provisions, and if enforced will save *the republican majority.*

Now, right at this point, the President understands what Durell has done with his decision, and the President is told that it is sweeping in its character—

And if enforced will *save the republican majority, and give Louisiana a republican legislature and State government, and check Warmoth in his usurpations.* Warmoth's *democratic supporters are* becoming disgusted with him, and charging that his usurpations are ruining their cause.

Observe now, that having received military aid through Marshal Packard to enforced "decrees and mandates," and having informed the President through Brother-in-law Casey that the decree was "*sweeping in its provisions, and if enforced would save the republican majority and give Louisiana a republican Legislature and State government,*" they again call upon the President on December 9, 1873, by Legislature just counted in, and by Governor Pinchback just counted in, for more military aid under the Constitution of the United States.

Now, I want Senators to recollect just the extent of the case at the point where I am. They had got military protection for Durell's order. By that order they did take possession of the State-house; by the military order they held the State-house; by the protection of the military under that order they drove in their political cattle, they counted in their political Legislature. They had them now corraled, and they intended that they should grind out a constitutional demand for more military from the Government of the United States, and they told the President that the Durell order was a good thing of its kind; that it was sweeping in its influence, if it was maintained; and then in the next breath they ask for a little more of the Army. I say therefore to the Senate that when General Grant afterward gave that additional power of the Army, he knew what it was for, that it was for securing and making fast and permanent all that was gained by the first military grant to the sustaining of Durell's orders. If he knew anything he knew that. They asked military aid through the Legislature; they thought that would be more powerful. I want this demand of the Legislature to go on the record. And I will first read the demand of the Legislature, and then read the letter of Governor Pinchback in transmitting that demand to the President of the United States. It is as follows:

QUIET VIOLENCE.

NEW ORLEANS, *December* 9, 1872.

We have the honor to transmit to your excellency the following concurrent resolution of both houses of the General Assembly and to request an early reply:

"Whereas the General Assembly is now convened, in compliance with the call of the governor, and certain evil-disposed persons are reported to be forming combinations to disturb the public peace, defy the lawful authority, and the State is threatened with violence: Therefore,

"*Be it resolved by the senate and house of representatives of the State of Louisiana in General Assembly convened,* That the President of the United States be requested to afford the protection guaranteed each State by the Constitution of the United States when threatened with domestic violence, and that the presiding officers of the General Assembly transmit this resolution immediately, by telegraph or otherwise, to the President of the United States.

"Adopted in General Assembly convened this 9th day of December, A. D. 1872."

"P. B. S. PINCHBACK,
"*Lieutenant-Governor, and President of the Senate.*
"CHAS. W. LOWELL,
"*Speaker of the House of Representatives.*"

Which Pinchback accompanies with the following telegram:

NEW ORLEANS, *December* 9, 1872.

President GRANT:

Having taken the oath of office and being in possession of the gubernatorial office, it devolves upon me to urge the necessity of a favorable consideration of the request of the General Assembly as conveyed in the concurrent resolution of this day telegraphed to you requesting the protection of the United States Government. Be pleased to send the necessary orders to General Emory. This seems to me a necessary measure of precaution, although all is quiet here.

P. B. S. PINCHBACK,
Lieutenant-Governor, Acting Governor of Louisiana.

It is here discovered that Pinchback, as president of the senate of Louisiana, certifies the above preamble and resolution asserting that "certain evil-disposed persons are reported" as having hostile intentions toward the State of Louisiana, and then as acting governor, on the same day, he sends those resolutions to the President of the United States, and says "all is quiet here." How does that look for honesty and fairness in legislative dealing with the Executive? He asks the President of the United States for the Army, and, when he transmits that demand to the President, says "all is quiet here." On that same 9th day of December Marshal Packard also sent a dispatch to the Attorney-General, and after calling upon the President for military aid Packard also closes up by saying "all is quiet here." It would be a reasonable presumption that the President would need a great pressure upon him before he would enter a State while the governor declared "*all quiet.*" He would want to know about *combinations too powerful for local law,* and about *invasions and domestic violence generally.* So it is not astonishing that the demand of the Legislature was not answered for the long space of two days. The resolution was dated December 9, and on the 11th telegrams were showered upon the President all day long urging prompt action. I want to know whether those telegrams told the President anything that could justify him in sending the Army again to Louisiana? It is only necessary to examine a few of these

appeals in order to fully appreciate the motives from which the demand was finally conceded.

THE MEMORIABLE 11TH OF DECEMBER.

The first telegram was received, I fancy, on the morning of December 11, for it was sent on that day:

NEW ORLEANS, *December* 11, 1872.

President GRANT:

Parties interested in the success of *the democratic party*, particularly the New Orleans Times, are making desperate efforts *to array the people against us*. Old citizens are dragooned into an opposition they do not feel, and pressure is hourly growing; our members are poor and adversaries are rich, and *offers are made* that are *difficult for them* to withstand. There is danger that *they will break our quorum*. The delay in placing troops at disposal of Governor Pinchback, in accordance with joint resolution of Monday, is disheartening our friends and cheering our enemies. If requisition of Legislature is complied with all difficulty will be dissipated, *the party saved*, and everything go on smoothly. *If this is done, the tide will be turned at once in our favor.* The real *underlying sentiment is with us*, if it can but be encouraged; Governor Pinchback acting with great discretion, as is the Legislature, and they will so continue.

JAS. F. CASEY,
Collector.

This is, to say the least of it, a very precious political document. First, there is an urgent appeal for the Army, because of a "desperate effort to array the people against us." By "*us*" does he mean the President and himself? He signs the dispatch as "Casey, collector." He addresses the President officially and he signs himself officially, as though this was really an official matter; and I rather think he was right according to the practice of this Administration, that any political epistle for the purpose of carrying a State election is an official document. If *we* refers to *themselves*, then he wants the Army to protect *them* from democratic partisans. Does "*us*" refer to office-seekers? Then the United States officials are so identified with the revolutionists that they are one and the same, and all want protection against the people. "But there is danger that they will break our quorum." That means that our legislators are liable to bribery, and the Army is necessary to protect their purity. But the final argument is not forgotten. He says in that dispatch "the party will be saved." This dispatch on which we have been commenting was probably transmitted in the early part of the day, and subsequently on the same 11th of December Collector Casey sends another, as follows:

President GRANT:

Democratic members of Legislature taking their seats. Most, if not all, will do so in next few days. Important that you *immediately* recognize Governor Pinchback's legislature *in some manner*, either by instructing General Emory to comply with any requisition by Governor Pinchback, under joint resolution of Legislature of Monday, *or otherwise*. This would quiet matters much. I earnestly urge this and ask a reply.

JAMES F. CASEY.

Though the democracy of the morning were acting so badly, "attempting to array the people against us," before night they were being seated in the Legislature, which should have precluded the necessity of sending troops; but no; "immediately recognize Governor *Pinchback's legislature*," was the importunate demand. So, then, Governor Pinchback had a legislature, which had been so accustomed to being bought and sold, that it needed the protection of General Emory for fear it would yield to "the temptation of bribery and they would lose their quorum."

And strange as it may appear, on that same 11th day of December, 1872, Governor Pinchback sent a message calling for troops "for the protection of the Legislature and the gubernatorial office," and said that he thought "the moral effect would be great." What an exponent of morality, what a writer upon ethics, engaged in such a conspiracy as that, and telling the President he thought that the moral result would be immense!

Again, on that same 11th day of December, Governor Kellogg—the prudent Governor Kellogg—sends a message to the President. What does he say?

NEW ORLEANS, 11*th*, 1872.

Hon. GEORGE H. WILLIAMS:

If President *in some way indicate* recognition, Governor Pinchback and Legislature would settle everything. Our friends here *acting discreetly*.

W. P. KELLOGG.

That was very important. Trouble in Louisiana; men wanting to hold offices that some other gentlemen thought they never were elected to fill; some of them acting discreetly; all things quiet there, according to their dispatches; military aid very necessary, according to the demand of Kellogg!

Beckwith, the United States attorney, on the same day sent a dispatch to the Attorney-General. I thought this question had been political for some time, but now Beckwith utters the important piece of information to the President that the thing "is now political;" Army quick, forward, the occasion is now political. But these gentlemen are becoming very accommodating. How easily satisfied they are when great revolutions are abroad, when States are being rocked to their foundation by invasions, when great upheavals are taking place! When a vast government is threatened to topple over in one indiscriminate destruction men ask for armies, Federal arms, rifles, muskets, cannon! These gentlemen say, "Recognize us in some way;" but in Kellogg's letter of 27th of November he had it as far as it can be consistently given in aid of its firm and devoted friends who had done all they could to "carry the State." Casey says "in some manner," and then again says "in some manner, according to the Legislature or otherwise." Anything, Mr. President—the Army, in some manner, recognize us in some way or otherwise. I wish for the honor of the country the President had recognized them otherwise. It was all they ought to have had, an otherwise recognition. The President thought different; he sent the Army. Had they felt entitled to military aid they would have spoken in one set formulary; but here we have an indication of a desire, a wish for something—an army in some way or otherwise. Give us a recognition. We thought it was well enough to pass a resolution according to the Constitution and ask it through the Legislature, but we would be thankful for small favors—anything, Mr. President, or the democrats or liberal republicans will get the victory over us in Louisiana.

Now it is evident that the President did not believe their Legislature entitled to such aid under the Constitution, for he sent them a dispatch on this 11th day of December. Mark it, Casey sends in his first dispatch, his second dispatch; then the marshal sends a dispatch, then the district attorney sends a dispatch, and Governor Kellogg sends a dispatch, and then the President had to reply. What did he say? Here is what he told them on that day when the air was full of dispatches:

DEPARTMENT OF JUSTICE, *December* 11, 1872.

P. S. PINCHBACK—

O, no; the most of the alphabet—

P. B. S. PINCHBACK—

And the balance of the alphabet in parentheses—

Acting Governor of Louisiana:

Requisition of Legislature transmitted by you is received. Whenever it *becomes necessary* in the judgment of the President, *the State* will be protected from domestic violence.

G. H. WILLIAMS,
Attorney-General.

On the evening of that 11th day of December, with all these demands, the President did not believe they had any business with an army on the showing they had made, and told them so. He says:

Whenever it becomes necessary in the judgment of the President, the State will be protected from domestic violence.

Mr. President, it is inferable after that day's labor with the dispatches that the President retired to rest about twelve o'clock, if Presidents ever retire as common citizens do. It may be an interesting investigation to enter into a calculation as to what his normal mental condition was at twelve o'clock on the 11th day of December, 1872, after having been belabored with these messages for political aid. Suffice it to say he enjoyed his wonted degree of repose. It is inferred that he rose on the morning of the 12th as was his custom, and while the President was contemplating the subject in the light of the dispatches of the 11th, on the 12th he received a dispatch from Casey which I desire to read. This is the final dispatch—the last grain that broke the back of the Federal camel:

NEW ORLEANS, *December* 12, 1872.

President GRANT:

The condition of affairs is this: *The United States circuit court has decided which is the legal board of canvassers. Upon the basis of that decision a Legislature has been organized* in strict conformity with the laws of the State, Warmoth impeached, and thus Pinchback, as provided by the constitution, became acting governor. The chief justice of the supreme court organized the senate into a court of impeachment, and Associate Justice Talliaferro administered oath to Governor Pinchback. The Legislature, fully organized, has proceeded in regular routine of business since Monday. Notwithstanding this, Warmoth has organized a pretended legislature, and it is proceeding with pretended legislation. A conflict between these two organizations may at any time occur. *A conflict may occur at any hour*, and in my opinion there is no safety for the legal government without the Federal troops are given in compliance with the requisition of the Legislature. *The supreme court is known to be in sympathy with the republican State government. If a decided recognition of Governor Pinchback and the legal Legislature were made, in my judgment it would settle the whole matter.* General Longstreet has been appointed by Governor Pinchback as adjutant-general of State militia.

JAMES F. CASEY.

This document comes then to the President on the morning of the 12th, after he becomes somewhat refreshed, and therefore it is an important document. From this the President discovered that the very thing had happened which was promised by Mr. Kellogg when he said: "Should the United States circuit court decide against Warmoth" the return board "will show the republican State ticket elected, and a republican majority in the Legislature," and that conveyed to him the gratifying intelligence that all was well, politically, so far as the result of the first aid that he gave them was concerned. Here, then, was the result of granting military aid to enforce the mandates of that court in advance. By this the President discovered that he had *set up a legislature* by military power. And now for two days he had been contemplating the demands of *his legislature* for further military aid, while the officer of the Legislature transmitting the call for the Army had kindly told him that all was quiet there. It was the safest place in the world to send an army where all was quiet. If he now grants the use of the Army further for the protection of a usurping governor and legislature, he does so with the distinct understanding that he has lent the power of the Government of the United States to enable a set of Government officials and their confederates, in Louisiana, to advance to positions under the State of Louisiana which could only be reached by mandates and military support.

But this dispatch of Casey of the 12th does not throw any new light upon the *necessity* of protecting *the State.*

True, it says "a conflict may ensue," but three days before this that

same thing had been told him by two of his officials, who also conveyed the *sad intelligence* that "*all is quiet here.*" So he had a right to infer that it was one of those *quiet conflicts* in which his brother-in-law and the *truly courageous Kellogg* were so eminently qualified to figure.

True, it said their Legislature *was not safe* without Federal bayonets, but to announce that was a work of supererogation; for the President must have known the constitution of Louisiana (article 59) made Governor Warmoth "commander-in-chief of the militia of the State," and article 65 said, "he shall take care that the laws be faithfully executed," and *of course* they were not safe. And if the President will only call away his troops, the legally elected governor of Louisiana will show the whole country that the Legislature is not safe; and yet it would only be a "quiet conflict," for they would follow the Federal Army, unless indeed their quorum had not previously been broken by bribery.

True, it said, "the supreme court is known to be in sympathy with the State government;" but had not Kellogg been sufficiently explicit when he said of that court before, "on next Monday they will reinstate Bovee?" So that was nothing new. The President knew that they could rely upon that State court.

Under these fast-accumulating dispatches the President seems to have forgotten the stand taken in his telegram of the day before, that *he* would be the judge of the "*necessity;*" and accordingly, before that telegram was twenty-four hours in New Orleans, in reply to these appeals for help, the Attorney-General answered, as follows:

DEPARTMENT OF JUSTICE, *December* 12, 1872.

Acting Governor PINCHBACK, *New Orleans, Louisiana:*

Let it be understood that you are recognized by the President as the lawful executive of Louisiana, and that the body assembled at Mechanics' Institute is the lawful Legislature of the State; and it is suggested that you make proclamation to that effect, and also that all necessary assistance will be given to you and the Legislature herein recognized to protect the State from disorder and violence.

GEO. H. WILLIAMS,
Attorney-General.

But this was unavoidable if the conspiracy was to be perpetuated and consummated.

Order No. 1 sustained Durell's United States mandates, and gave them a State-house and Legislature; but "still they were not happy;" and while much exercised about *reports* of *evil-disposed persons*—for all communities have such people—the President, to quiet their fears, invoked the aid of that *invisible* article of the Constitution, which he must have construed as follows:

"In the absence of invasion and domestic violence the President may grant such co-operation and sympathy of the Federal Government, as far as it can be consistently given, in aid of its firm and devoted friends who have done all they could to carry a State."

Thus order No. 2 became the natural complement of No. 1, drawing after them certain proclamations, messages, and apologies, all of which failed to whitewash this iniquity or commend it to the liberty-loving people of this country.

How appropriate just here for me to quote the language of our acting Vice-President, [Mr. CARPENTER,] from his great speech of January 30:

I say the State of Louisiana has been trodden beneath the foot of a Federal judge.

INSULT ADDED TO INJURY.

From the moment this second fatal order was issued the heart of the President became set as flint against the imploring people of Louisiana. Having refused the appeal of Governor Warmoth on the 11th of December, for on that day, when all these voluminous documents were as dispatches investigated by him, Warmoth telegraphed him thus:

A full statement of the facts will be laid before you and the Congress in a few days.

So he refused the mild and liberal request of McEnery, governor-elect, that *neither party be recognized* till the people's committee could reach Washington; while in the same intolerant spirit he insulted the committee of one hundred with the following dispatch:

DEPARTMENT OF JUSTICE, *December* 13, 1872.

Hon. JOHN MCENERY, *New Orleans, Louisiana:*

Your visit with a hundred citizens will be unavailing so far as the President is concerned. *His decision is made and will not be changed*, and the sooner it is acquiesced in the sooner good order and peace will be restored.

GEO. H. WILLIAMS,
Attorney-General.

It is a constitutional *right* of the people to petition Congress for redress of grievance; but here they are repulsed from the Executive presence, "*his decision*" being "made."

Having called the attention of Congress to Louisiana affairs and told his party friends that he would persist in recognizing the Pinchback government unless prevented by legislation, and they refusing to allow any relief, his faithful marshal, Packard, having caught the party spirit and felt the party pulse at Washington while the question was being agitated here last winter, sent this telegram to his New Orleans deputy:

WASHINGTON, *February* 26, 1873.

T. W. DEKLYNE, *Deputy United States Marshal:*

Tell Kellogg to keep his shirt on. His talk of a compromise only irritates authorities. The only compromise is for members elected to go in and take their seats in the Legislature, and that excludes all contest. The McEnery government *must be broken up as soon as Congress adjourns.*

S. B. PACKARD.

I want to call the attention of Senators to this document in one single direction:

His talk of a compromise only irritates authorities.

I thought the authorities at Washington were in favor of a compromise, in order that the people of Louisiana might have settled this question according to their own desire; but this man here among the authorities, and amenable to the authorities, says that this talk about a compromise irritates the authorities. The authorities were so well satisfied with having the State of Louisiana under their feet and with the bayonets of the Government at their throats, that they did not want any compromise at all. Therefore, he says, "Tell Kellogg to keep his shirt on. His talk of a compromise only irritates authorities." It seems that Kellogg then was thinking of a compromise.

How far the marshal's threat was carried out let the Senator from Wisconsin answer; and I quote him as being the only authority that I have on the subject:

Congress adjourned on the 4th of March. It had been telegraphed from Washington that the McEnery government must be broken up as soon as Congress should adjourn. Kellogg sent his metropolitan police—a military brigade, armed with Winchester rifles and led by Brigadier-General Badger—backed by United States troops within call, and the McEnery legislature was dispersed by force. Members of the senate and members of the house were arrested. McEnery escaped through a back window. That was what was done by Kellogg in obedience to this command from Packard to break up the McEnery government as soon as Congress adjourned.

May 23, 1873, the President issued a proclamation in aid of Kellogg's government, of which the Senator from Wisconsin [Mr. CARPENTER] has published the following:

I say it was issued without any authority of law. There was no case made before the President which authorized him to interfere. Nothing was shown to him establishing the fact that there was an insurrection in that State against the government of the State. The case made is "*domestic violence.*" The President does not know anything about domestic violence. That is not a call that brings him to his feet. That might bring Congress into action; there might simply be a riot there, or other disturbance, not directed against the State government, and under the power which the Constitution confers upon us perhaps we could order the Army there to suppress it. I do not say whether we could or could not, but I do say that the President could not. He must have a case not of domestic violence, but a case of insurrection in a State against the government thereof; and I say no such case was shown. Therefore I say there was no authority for issuing that proclamation.

The manner of calling for aid on the 13th of May, 1873, shows the loose and crude ideas of Governor Kellogg in regard to constitutional rights, and the fact that it was granted shows the willing compliance with a mere political demand.

Was there invasion or such domestic violence as endangers the supremacy of a State? No, sir. Kellogg says:

STATE OF LOUISIANA, EXECUTIVE DEPARTMENT,
New Orleans, May 13, 1873.

SIR: Domestic violence existing in several parishes of this State which the State authorities are unable to *suppress without great expense and danger of bloodshed*, and the Legislature not being in session, and it being impossible to convene the Legislature in time to meet the emergency, I respectfully make application, under the fourth section of article 4 of the Constitution of the United States, for a sufficient military force of the United States Government to enable the State authorities to suppress insurrection and domestic violence.

Very respectfully, your obedient servant,

WILLIAM P. KELLOGG,
Governor of Louisiana.

His Excellency U. S. GRANT,
President United States.

So then the Federal Army is brought forward for the purpose of saving States from great expense and bloodshed. This construction wipes out the States and concentrates everything in the General Government. I had supposed the States were to pay the expense and furnish the militia, and when overpowered a call was to be upon the Army of the Union. But here the Union Army is to lead the charge, and when defeated receive the aid of the State militia if it can be given without "great expense and bloodshed." According to the honorable Senator from New Jersey the case was never made; for he says:

This provision of the Constitution contemplates a sudden emergency when violence has subjected and trampled down the law.

THE REMEDY.

From this showing, then, I protest against seating as a Senator any man coming here with credentials from the Kellogg and Pinchback legislature, and I earnestly protest against the passage of any bill which, while it strikes down the fraudulent Kellogg government, also supersedes the government of McEnery and his associates. My remedy is this: Remove "the foot of the Federal judge," which has trodden down the State of Louisiana, and that government which has been held in abeyance by Federal troops will arise and assume its legitimate functions. To effect this I desire, first, to vote for the amendment of the honorable Senator from Delaware, [Mr. BAYARD,] and in case of its failure I shall consider the bill of the Senator from Wisconsin with relation to relief for the people of Louisiana.

A PRECEDENT FATAL TO LIBERTY.

If this procedure is to be sustained by the Congress of the United States or is to pass unchallenged, then, becoming a precedent, my own constituents may become victims of a similar conspiracy whenever political audacity demands and a partisan Executive orders.

After an election in Nebraska it shall only be necessary for such candidates as suspect they are beaten to resolve that the returns which are in the possession of the governor and legal return board shall not be counted or successful candidates commissioned. Having

no government behind them or army to sustain them, they shall look away from the courts of Nebraska and invoke the special aid of the "decrees and mandates," of United States courts and the protection of the Federal Army. The moment the aid is procured, then the question is settled against the people and State government, unless the State could levy successful war, overthrow the Army of the United States, and hurl the pestilent usurpers from place and power.

If one State has fallen in this manner another may, and by the general application of the precedent the ability to supplant every State government would depend entirely upon the amount of the United States troops, the facility with which they could be handled, and the limit set to the usurping spirit of a President.

Mr. BOGY obtained the floor.

Mr. BOREMAN. I suppose the Senator does not wish to speak at this hour; and if he will give way, I will move that the Senate proceed to the consideration of executive business.

Mr. BOGY. I yield the floor for that purpose.

EXECUTIVE SESSION.

Mr. BOREMAN. I submit the motion.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and five minutes spent in executive session the doors were reopened, and (at four o'clock and fifty-two minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April* 17, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

CLERK AND STATIONERY FOR TERRITORIAL DELEGATES.

Mr. CHAFFEE, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the territorial Delegates as a committee be allowed the usual amount of stationery, and also a clerk, whose pay shall commence from the date of entering upon such service.

Mr. CHAFFEE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REDEMPTION OF ALLUVIAL LANDS ON THE MISSISSIPPI.

Mr. MOREY, by unanimous consent, reported from the Select Committee on the Mississippi Levees a bill (H. R. No. 2988) to provide for the appointment of a commission of engineers to investigate and report a permanent plan for the redemption of the alluvial basin of the Mississippi River subject to inundation; which was read a first and second time, ordered to be printed, and recommitted.

RELIEF OF SUFFERING IN THE SOUTH.

Mr. MOREY also, by unanimous consent, introduced a joint resolution (H. R. No. 87) authorizing the President of the United States to cause to be issued Army rations, forage, and disused Army clothing to the suffering people in danger of starvation in the inundated region of the Mississippi River and its tributaries; which was read a first and second time.

Mr. MOREY. I desire the reference of this resolution to the Committee on Education and Labor, and I ask that the committee may be authorized to report it back at any time. In connection with this matter I would like to make a statement of less than five minutes.

The SPEAKER. The request for leave to report at any time will be submitted after the gentleman's remarks. The Chair hears no objection to the gentleman proceeding.

Mr. MOREY. Mr. Speaker, within the last twenty-four hours I have received several letters and telegrams, portraying in vivid language the great sufferings of the people of Louisiana, Mississippi, Lower Arkansas, and Tennessee, where the Mississippi River and its tributaries have swept over their farms and plantations and where many of them to-day have for their only refuge the levees, which are now a few feet above water. This distress is confined to no class of people. The colored laborer and the tenderly nurtured southern lady are alike suffering. Some of these people have taken refuge on barges moored to the levees. In this connection I ask the Clerk to read a letter from a correspondent of the New York World:

The Clerk read as follows:

At each flooded village along the river shore we heard some sad story of irreparable losses caused by the disastrous flood. Above Laconia, Arkansas, the river had risen an inch in twenty-four hours outside the levees, and two feet inside or behind these dikes. People at farm-houses along the banks were busy constructing boats and making bridges from house to house. Hogs, cattle, horses, sheep, goats, chickens, a yellow dog, and three little negroes were all peaceful occupants of the portico and galleries of a planter's peaceful domicile. Along the river, cows, hogs, and deer stood upon the levees and looked idly and curiously at the passing steamer. Domestic and wild animals alike are starving. Deer are killed in great numbers, but are emaciated and valueless. At Napoleon, at the mouth of the Arkansas, where a great Government hospital, undermined by the Mississippi, disappeared, there was only one narrow spot of dry land visible. The people gained access to it by means of canoes.

If the flood does not subside within a brief period, or if the annual rise of June, produced by melting snows in western mountains, be as great as in many former years, suffering in the lowlands will be wholly unprecedented. Merchants in villages along the river shore have closed their doors. The people have no money, and the flood which may render the production of a crop impossible destroys credit. Already negroes recognize the pangs of hunger, and hogs and cattle are stolen and destroyed. Want drives the people to kill famished deer that wander up and down the levees, and we may witness even here, on the shores of another Ganges, as terrible suffering as that which British philanthropy seeks to relieve in India.

Mr. MOREY. While Congress was not in session the President of the United States considered himself authorized to order the issue of rations to the suffering people of Chicago when that city was devastated by fire. He also considered himself authorized to order an issue of rations to the suffering people of Shreveport and Memphis during the prevalence of the yellow fever. But now that Congress is in session, he does not like to take the responsibility of ordering a similar issue to the suffering people of the South. The present inundation is more severe than any that has happened since the war. It has been equaled by none since 1847; and the people were never more destitute, never in a condition to need aid more than they do now. Unless there be some objection, I ask that the resolution be considered now.

Mr. WILLARD, of Vermont. I must object to that. Let it be referred.

Mr. MOREY. Then I ask unanimous consent that the resolution be referred to the Committee on Education and Labor, with permission to report at any time.

Mr. G. F. HOAR. I wish the gentleman would state as nearly as he can the number of persons affected by the existing distress.

Mr. MOREY. I cannot state definitely; but from the best information I have, the number of suffering people is ten or fifteen thousand.

The SPEAKER. The gentleman from Louisiana [Mr. MOREY] asks that the bill be printed and referred to the Committee on Education and Labor, with leave to report at any time.

Mr. GARFIELD. I must object to giving the committee authority to report at any time.

Mr. HOLMAN. It seems to me that this subject ought to be referred in the regular way to a committee.

Mr. MOREY. I ask that it be referred, and that the committee have leave to report at any time.

The SPEAKER. Does the gentleman from Indiana [Mr. HOLMAN] object?

Mr. HOLMAN. It seems to me it ought to be referred to the Committee on Military Affairs.

Mr. COX. I think this bill is a little outside of the scope of our legislation. Why do we not assist the forty thousand suffering and starving poor in the city of New York?

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] and the gentleman from New York [Mr. COX] object.

Mr. HOLMAN. I do not object to the reference of the resolution to the Committee on Education and Labor, but I do not think they ought to be authorized to report at any time.

The SPEAKER. The Chair did not understand the gentleman as objecting to the reference.

Mr. STORM. I suggest to the gentleman from Louisiana to refer it to the Military Committee. It seems to me that is the proper committee.

Mr. MOREY. I consent to that reference if there is no further objection, with the same authority given to the committee to report at any time.

The SPEAKER. Is there any objection to referring the joint resolution to the Committee on Military Affairs, with the right to report back at any time?

There was no objection, and it was ordered accordingly.

Mr. MOREY. I move to reconsider the vote by which the joint resolution was referred, and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRIVATE BILLS.

Mr. GARFIELD. I demand the regular order of business.

The SPEAKER. The regular order of business being called for, the morning hour begins at fifteen minutes past twelve o'clock.

Mr. GARFIELD. I ask the gentleman from Illinois, (Mr. HAWLEY,) who is in charge of private bills, whether he is not willing to let them go over to-day so we may go on with the legislative appropriation bill?

Mr. HOLMAN. I hope that will be done.

Mr. GARFIELD. It is exceedingly important we should get some appropriation bill before the Senate in order to give them something to do.

Mr. HAWLEY, of Illinois. It is not my intention to press the consideration of private business in Committee of the Whole to-day or to-morrow, but we should have the morning hour to allow the committees to submit reports of private bills, so they may be referred and placed upon the Calendar, and the bills and reports ordered to be printed.

Mr. GARFIELD. I ask unanimous consent that we may go into Committee of the Whole on the state of the Union immediately after the presentation of bills for reference.

Mr. HOLMAN. I hope the gentleman from Illinois will consider the fact——

The SPEAKER. That is in fact calling for the morning hour. The gentleman from Ohio must insist on his motion to go into Committee of the Whole on the state of the Union or withdraw it.

Mr. HOLMAN. I hope the gentleman from Illinois will consider the fact that up to this period of the session there has been an extraordinary amount of time devoted to the consideration of private business. I must say the passage of that kind of bills has been unprecedented in our legislation, and I do not think we ought to take up so much time, some of which ought to be devoted to the consideration of public bills.

Mr. HAWLEY, of Illinois. I wish to say that there has been less attention to the Private Calendar at this session than during any session since I have been here.

Mr. HOLMAN. The record is as I have stated it.

Mr. HAWLEY, of Illinois. It has been usual to give Fridays and Saturdays to the Private Calendar. I am not asking to go to the Private Calendar to-day, but simply asking that the morning hour shall be devoted to the reception of reports of a private nature from the committees, so they may be referred and placed upon the Private Calendar. I hope that will be conceded by the gentleman from Ohio.

The SPEAKER. The Chair must correct the gentleman from Illinois on that point. In the ten years he has been in Congress he has never seen so much attention given to the Private Calendar as at this session.

Mr. HAWLEY, of Illinois. Does the Chair mean to state that more attention has been paid to the Private Calendar at this session than at any preceding one?

The SPEAKER. The Chair means distinctly to say that; more time, more hours, and more private bills. And the Chair means also to call attention, as he is chairman of the Committee on Rules, to the fact that as the rules now stand, if the House sits six days in the week, they compel us to give one-third of the time to private bills. Monday is a *dies non* in legislation; Tuesday, Wednesday, and Thursday are for public business, and Friday and Saturday for private bills. It is the judgment of the Chair, as chairman of the Committee on Rules, that the rules ought to be changed in this respect, as they give entirely too much time for private bills.

Mr. HOLMAN. I hope that matter will be referred to the Committee on Rules.

The SPEAKER. It is already before the committee and they have it under consideration. The gentleman from Indiana will observe that the call of the Private Calendar in the Committee of the Whole on the first and fourth Friday of each month, known as objection days, has given a greater opportunity for the passage of private bills of an unobjectionable nature than has occurred for the last dozen or fifteen years. In the judgment of the Chair the first and fourth Friday rigidly adhered to and given to private bills is as much as ought to be taken.

Mr. HAWLEY, of Illinois. Does the Chair announce to the House we have had nothing but private bills on objection days for the last four or five weeks? Does the Chair think we should have no other time devoted to the consideration of private bills except objection days?

The SPEAKER. The Chair thinks the first and fourth Friday would be sufficient.

Mr. HAWLEY, of Illinois. Is the Chair of the opinion that we ought to have private bills considered only on days known as objection days when a single objection would prevent any bill passing? Now, it is well known that on objection days, one objection can prevent any bill being considered.

The SPEAKER. The gentleman will observe that one objection is only fatal on the first call; and after that first call is through the first and fourth days of the month may be devoted to the consideration of bills which have been passed over.

Mr. HAWLEY, of Illinois. Yes; but after that five members objecting may prevent a bill passing.

The SPEAKER. Not at all.

Mr. HAWLEY, of Illinois. Then I do not understand the rules.

The SPEAKER. The gentleman does not understand the rules if he thinks that is the way in which they operate.

As this is Friday, the Chair will detain the House a moment in order to make this plain. When the Calendar is called over the first time, and a bill is reached, one objection will lay it aside. Many gentlemen are under the impression that the rule was passed in order that a mere factious objection might obtain and prevent the passage of private bills. The object of the rule was just the reverse. It was to facilitate the passage of all bills that are unobjectionable. For instance, here is the Calendar with a hundred bills on it. The first four or five may be sharply debated, while the great bulk of the bills on the Calendar may be meritorious and unobjectionable. The object of the rule is simply that a bill, which may be debated at length, shall not stand in the way of a hearing of those bills to which there is no objection. When one objection is made the bill is laid aside, and in that way you get every bill passed to which nobody objects. On the second call, if five gentlemen object to a bill, it will be laid aside. But after the one objection, and after the five objections, the bills are then all subject to a majority vote, and must come to a majority vote, as well on objection days as on other days if the committee reaches them.

Mr. MAYNARD. If the Chair will permit me, I desire to say a word. The Chair is undoubtedly right, supposing that on objection day we could, in point of fact, get through the Calendar; but I have never known that to be done so long as I have been in the House, since the Calender has been made up under the operation of the present rule. It would seem, therefore, that it would be right to give some time for the discussion of the class of private claims which involve, not the facts of the particular claim, but the principle on which it rests. There are various such claims, and especially those known as the southern claims, which ought to be discussed and settled on a state of facts about which there is not much controversy.

Mr. DAWES. I desire to submit a modification of the suggestion of the Chair, which, it seems to me, would greatly facilitate business. Instead of adopting the suggestion of the Chair, suppose we pass this order, which can be reconsidered at any time:

Resolved, That, until otherwise ordered, Saturday only shall be devoted to private bills.

Then we will have four consecutive days for general business. Assigning Saturday exclusively to private business will secure work on that day, and we will be able to dispose of private bills. Let this be only until otherwise ordered. Whenever the business of the House is such that either public business requires Saturday, or private business requires Friday also, we can pass another resolution. It seems to me that four consecutive days would contribute very largely to the discharge of the public business, and I suggest to the House to try that experiment for a little while.

Mr. GARFIELD. Let the gentleman's proposition be referred to the Committee on Rules.

Mr. DAWES. I do not suggest that it be made a standing rule, but that it may be tried as an experiment until otherwise ordered.

Mr. RANDALL. I would amend the gentleman's proposition by substituting Friday for Saturday.

Mr. HOLMAN. I call for the regular order.

Mr. DAWES. Allow me to say, in reply to the suggestion of the gentleman from Pennsylvania, [Mr. RANDALL,] that if you take Friday and then turn Saturday over to public business, you break up the public business by one day intervening. It strikes me, from some little experience, that for the present we could try that experiment for promoting the public business. I will therefore move——

The SPEAKER. That could only be done by unanimous consent.

Mr. RANDALL. I object, unless it goes to the Committee on Rules.

Mr. GARFIELD. I insist on my motion.

The SPEAKER. Before the subject is left the Chair desires to make one remark. The rule specifically provides that the House may on any day go into Committee of the Whole on the Private Calendar; only Friday and Saturday must be devoted to private business in preference to any other.

Mr. RANDALL. The rule excludes anything else.

The SPEAKER. Decidedly so, unless otherwise determined by a majority of the House. But the rule says:

Such bills may also be considered in their order on other days, notwithstanding their precedence on Friday and Saturday.

Mr. MAYNARD. Does not that have reference to precedence in the morning hour?

The SPEAKER. Not at all. The House may go into Committee of the Whole on the Private Calendar.

Mr. HAWLEY, of Illinois. I have stated to the chairman of the Committee on Appropriations that I have no objection to the House going into Committee of the Whole on the legislative appropriation bill to-day or to-morrow; but I wish to remind the House that for two weeks we have not had a day devoted to private business; and if private business is thrown over till next Friday it will be three weeks. I do think that we ought to have a morning hour at least once in two or three weeks, in order to have the bills printed with the reports and placed on the Private Calendar.

Mr. GARFIELD. I insist on my motion.

Mr. HAWLEY, of Illinois. I submit that I ought to be recognized, or some other gentleman, on private-bill day for a motion to go into Committee of the Whole on the Private Calendar.

The SPEAKER. If the gentleman makes that motion it takes precedence.

Mr. HAWLEY, of Illinois. I make that motion.

Mr. CONGER. If the motion of the gentleman from Ohio be agreed to, will that deprive us of the morning hour?

The SPEAKER. Certainly it will.

Mr. HAWLEY, of Illinois. I do not wish the House to go into Committee of the Whole on the Private Calendar; I want the morning hour.

The SPEAKER. Well; but the gentleman insisted on his motion taking precedence of the motion of the gentleman from Ohio. If he does not make the motion to go into Committee of the Whole on the Private Calendar, then the motion of the gentleman from Ohio is in order, and he has a right to test the sense of the House upon it.

The question was taken on the motion of Mr. HAWLEY, of Illinois; and it was not agreed to.

Mr. HAWLEY, of Illinois. I rise to a parliamentary inquiry. If the House refuses to go into Committee of the Whole on the state of the Union, on the appropriation bill, then will we have the morning hour?

The SPEAKER. Of course, naturally.

The question was taken on Mr. GARFIELD'S motion; and it was not agreed to—ayes 44, noes not counted.

The SPEAKER. The morning hour commences at twenty-six minutes past twelve o'clock, and the committees will be called for reports of a private nature.

MASSACHUSETTS MUSEUM OF FINE ARTS.

Mr. DAWES, from the Committee on Ways and Means, reported, a bill (H. R. No. 2989) to authorize the trustees of the Massachusetts Museum of Fine Arts to import and retain for two years certain works of art free of duty.

The bill was read.

Mr. STARKWEATHER. I make a point of order on that bill.

Mr. HOLMAN. I submit that it must go to the Committee of the Whole on the state of the Union; it is a public bill.

The SPEAKER. What point of order does the gentleman from Connecticut make?

Mr. STARKWEATHER. That the bill changes the customs laws.

Mr. HOLMAN. I make the point of order that it is a revenue measure, and must go to the Committee of the Whole on the state of the Union.

Mr. DAWES. It is a private bill. I do not know but that it must go to the Committee of the Whole; but it would be to the Committee of the Whole on the Private Calendar, for it is a bill for the benefit of a single institution.

Mr. STARKWEATHER. I insist on my point of order.

The SPEAKER. It is a private bill; but at the same time the point of order that it changes the revenue laws is a good point, and the bill is referred to the Committee of the Whole on the Private Calendar.

REMISSION OF DUTIES.

Mr. DAWES. I have another bill to report from the Committee on Ways and Means, but I am not certain whether it is a private bill or not. It is a bill to remit the duties on certain goods destroyed by fire at the late conflagration in the city of Boston.

The bill was read.

Mr. HOLMAN. Is not that a public bill; a revenue measure?

Mr. CONGER. It is certainly not a private bill.

The SPEAKER. The Chair thinks it is a public bill, and that it must go to the Committee of the Whole on the state of the Union.

Mr. DAWES. I am content that it shall go there if I may be permitted to report it now. I knew that it would have to go to the Committee of the Whole.

The SPEAKER. The Chair supposes that there will be no objection to its reference to the Committee of the Whole on the state of the Union.

Mr. FIELD. I object to its being reported on this call. This is private bill day.

Mr. DAWES. I hope the gentleman from Michigan will allow the bill to be referred to the Committee of the Whole on the state of the Union.

Mr. WHITEHOUSE. I object.

The SPEAKER. The bill will be returned to the gentleman from Massachusetts; he can report it after the morning hour for reference.

URIAH PORTER.

Mr. BECK, from the Committee on Ways and Means, reported back, with the recommendation that it do pass, the bill (S. No. 193) for the benefit of Uriah Porter.

The bill was read. It authorizes Uriah Porter, of Allen County, Kentucky, to operate his distillery in the county and State aforesaid, without being required to procure the written consent of John H. Page, who holds a lien on the land and distillery of said Porter, provided that said Porter, prior to distilling, shall execute a bond to the United States, such as is prescribed by section 8 of the internal-revenue act, approved July 20, 1868, as amended, to be taken in lieu of the written consent of the owner of the fee. But nothing in the bill is to be construed as dispensing with any of the requirements of the law in this case, but that of the procuring of the consent aforesaid.

Mr. BECK. The only object of this bill is to allow a man, who cannot obtain the consent of the person who holds a lien upon the land, to give bonds as though he had built the distillery prior to the passage of the law of 1868.

Mr. HOLMAN. I desire to ask the gentleman a question on this subject. A number of bills of this character have been brought before the House. Why do not the Committee on Ways and Means provide for some general legislation upon the subject, so that we may dispense with this legislation?

Mr. BECK. We have made the law pretty general, but we thought it was better to require the distiller in every case where it is possible to have an absolute title; and only where this is impossible do we make any exception.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. BECK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

J. F. MOORE AND C. W. LEWIS.

Mr. WALDRON, from the Committee on Ways and Means, reported a bill (H. R. No. 2990) for the relief of Jesse F. Moore and Charles W. Lewis, of North Carolina; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the report accompanying the same, ordered to be printed.

REPORTS FROM THE COMMITTEE ON CLAIMS.

Mr. HAWLEY, of Illinois, from the Committee on Claims, reported back the following; which were referred to the Committee on War Claims:

A bill (H. R. No. 2593) for the relief of Henry S. French, of Tennessee;

The petition of Gideon J. Pillow, for payment for mules taken in 1862;

The memorial of James and William White, of Hawkins County, Tennessee, asking Congress to pay them for cotton illegally withheld by the General Government;

The petition of Linton A. Andrews, of Harper's Ferry, West Virginia, for payment of rents for use of his property in said town for hospital; and

Petitions of freedmen employed at Natchez, Mississippi, in the hospital, praying for compensation.

Mr. HAWLEY, of Illinois, also, from the same committee, reported adversely upon the bill (H. R. No. 63) for the relief of J. G. Fell and others, trustees of Walnut Grove Mining Company; and the same was laid on the table and the report accompanying the same ordered to be printed.

Mr. SMITH, of Ohio, from the same committee, reported back, with a recommendation that the same do pass, the following bills; which were referred to the Committee of the Whole on the Private Calendar, and the reports accompanying the same ordered to be printed:

A bill (H. R. No. 977) for the relief of C. M. Felton, late assistant Treasurer of the United States at San Francisco, California; and

A bill (S. No. 207) for the relief of C. E. Rogers.

Mr. BURROWS, from the same committee, reported adversely upon the following petitions; which were laid on the table, and the accompanying reports ordered to be printed:

The petition of James Atkins, collector of internal revenue for the fourth district of Georgia; and

The memorial of Mortimer H. Brown, son and only heir at law of Moses Brown, for payment of amount found due for vessel lost in the service of the United States.

Mr. HAMILTON, from the same committee, reported a bill (H. R. No. 2991) to reimburse Richard Dillon for subsistence while in the discharge of his official duties in the service of the United States; which was referred to the Committee of the Whole on the Private Calendar, and the report accompanying the same ordered to be printed.

Mr. EDEN, from the same committee, reported back favorably a bill (H. R. No. 1206) for the relief of Charles J. Sands, of Brooklyn, New York; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

REPORTS FROM THE COMMITTEE ON WAR CLAIMS.

Mr. HAZELTON, of Wisconsin, from the Committee on War Claims, reported adversely on the petition of M. W. Benning; which was laid upon the table, and the accompanying report ordered to be printed.

He also reported back favorably the bill (H. R. No. 1627) for the relief of Daniel T. Dulaney; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

Mr. KELLOGG, from the same committee, reported a bill (H. R. No. 2992) for the relief of George Cowles, of New Haven, Connecticut; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

Mr. KELLOGG. I have been instructed by the Committee on War Claims to report two bills; but they are in the committee-room, and I cannot report them at this time. I ask unanimous consent to report them at the close of the morning hour.

No objection was made, and leave was granted accordingly.

Mr. MELLISH, from the same committee, reported the following bills; which were read a first and second time, referred to the Committee of the Whole on the Private Calendar, and the accompanying reports ordered to be printed:

A bill (H. R. No. 2994) for the relief of Michael Mulholland, of Vicksburgh, Mississippi; and

A bill (H. R. No. 2995) for the relief of Mrs. Emma A. Porch, of Missouri.

Mr. HAZELTON, of Wisconsin, from the same committee, reported a bill (H. R. No. 2996) for the relief of Daniel Wormer, of Albany, New York; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. SCUDDER, of New Jersey, from the same committee, reported a bill (H. R. No. 2997) for the relief of George H. Schreiner; which

was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. COBB, of North Carolina, from the same committee, reported a bill (H. R. No. 2998) for the relief of the estate of Thomas Niles, deceased; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

He also, from the same committee, reported adversely upon the petition of Sarah Hutchins, asking compensation; which was laid upon the table, and the accompanying report ordered to be printed.

Mr. HARRIS, of Virginia, from the same committee, reported back favorably the bill (H. R. No. 2704,) for the relief of Selden Connor; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

He also, from the same committee, reported adversely upon the petition for the relief of Daniel Brown and James Robinson; which was laid upon the table, and the accompanying report ordered to be printed.

ASIATIC COMMERCIAL COMPANY.

Mr. CONGER. I am instructed by the Committee on Commerce to report a bill to incorporate the Asiatic Commercial Company.

Mr. WILLARD, of Vermont. Is that a private bill?

Mr. CONGER. It is for the incorporation of a company. I do not remember distinctly what has been the ruling of the Chair on that point.

The SPEAKER. It is a public bill, and therefore not in order under this call, and will be returned to the gentleman.

J. FRANK M'DOWELL.

Mr. COBB, of Kansas, from the Committee on the Post-Office and Post-Roads, reported back the bill (H. R. No. 1499) for the relief of J. Frank McDowell, late postmaster at Columbus, Kansas, moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Claims.

The motion was agreed to.

INVESTIGATION OF INDIAN CONTRACTS.

Mr. AVERILL, from the Committee on Indian Affairs, reported back the following resolution, with a recommendation that it be adopted:

Resolved, That the resolution passed by this House on the 10th day of March last, directing the Committee on Indian Affairs to investigate the matter of contracts for Indian supplies and transportation for the fiscal years ending June 30, 1873, and June 30, 1874, be so amended and enlarged as to require said committee to make a thorough investigation into all frauds, unfairness, or irregularity, if any, connected with the administration of Indian Affairs for the years named, and that said committee make report thereon as required by the resolution aforesaid.

Mr. GUNCKEL. I raise the question of order whether this resolution is private business.

The SPEAKER. It is not. Does the gentleman object to its being reported?

Mr. GUNCKEL. I do.

REPORTS FROM COMMITTEE ON INDIAN AFFAIRS.

Mr. HARRIS, of Massachusetts, from the Committee on Indian Affairs, reported a bill (H. R. No. 2999) for the relief of Henry A. Webster, V. B. McCollum, and A. Colby, of Washington Territory, preemptioners on the Makah Indian reservation; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. BUTLER, of Tennessee, from the same committee, reported back, with a favorable recommendation, a bill (H. R. No. 2139) for the relief of the eastern band of the North Carolina Cherokee Indians; which was referred to the Committee of the Whole on the Private Calendar, and ordered to be printed.

He also, from the same committee, reported a bill (H. R. No. (3000 for the reliefof Samuel W. Davidson, Henry Smith, John Gray Bynum, and others; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and ordered to be printed.

REPORTS FROM COMMITTEE ON MILITARY AFFAIRS.

Mr. COBURN, from the Committee on Military Affairs, reported a bill (H. R. No. 3001) for the relief of Peter J. Knapp; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. DONNAN, from the same committee, reported back bills of the following titles; which were referred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 958) for the relief of Robert Sutherland; and

A bill (H. R. No. 1108) for the relief of Alfred Fry.

Mr. MACDOUGALL, from the same committee, reported a bill (H. R. No. 3002) for the relief of Isaac Riseden, late a first lieutenant of the Eleventh Tennessee Cavalry; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

He also, from the same committee, reported back adversely the following; which were laid on the table:

The petition of Charles B. Madden, for officer's traveling pay;

The petition of Daniel W. Nelson, of Knox County, Tennessee, for compensation for extra services as provost marshal in the war between the United States and Mexico; and

Memorial of John Gault, jr., asking pay for services as major in the volunteer service.

He also, from the same committee, reported back the petition of H. W. Hicks, in the matter of the application of A. W. Hicks for compensation for meritorious service; moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Invalid Pensions.

The motion was agreed to.

Mr. GUNCKEL, from the same committee, reported back, with a favorable recommendation, the bill (S. No. 249) authorizing and directing the Secretary of War to give to George A. Armes, late captain Tenth United States Cavalry, an honorable discharge, to date the 7th day of June, 1870; which was referred to the Committee of the Whole on the Private Calendar.

Mr. HAWLEY, of Illinois, from the same committee, reported back adversely papers in the case of Walter D. Plowden, asking pay for services rendered as a spy during the late war; which were laid on the table, and the report ordered to be printed.

He also, from the same committee, reported a bill (H. R. No. 3003) for the relief of George A. Bacon; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. ALBRIGHT, from the same committee, reported back adversely the petition of Henry Kirby, asking pay for services rendered in the Army for which he received no compensation; which was laid on the table.

He also, from the same committee, reported back the memorial of Joel D. Mosgrove, late of the Thirty-first Ohio Infantry, praying for relief on account of services rendered and injuries received during the late war; and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on War Claims.

The motion was agreed to.

Mr. YOUNG, of Georgia, from the same committee, reported a bill (H. R. No. 3004) for the relief of John C. Griffin, late second lieutenant Third Regiment East Tennessee Volunteers; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

DAVID BARNES.

Mr. FREEMAN, from the Committee on Private Land Claims, reported back adversely a bill (H. R. No. 2018) for the relief of David Barnes; which was laid on the table, and the accompanying report ordered to be printed.

HEIRS OF MARY B. BELFIELD.

Mr. VANCE, from the Committee on Revolutionory Pensions and War of 1812, reported a bill (H. R. No. 3005) for the relief of the heirs of Mary B. Belfield; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

IRA FOSTER.

Mr. VANCE also, from the same committee, reported back a bill (H. R. No. 2532) granting a pension to Ira Foster, a private in the War of 1812, with the recommendation that it do pass; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

Mr. VANCE also, from the same committee, reported back the following cases; which were referred to the Committee on Invalid Pensions:

The petition of Samuel Crapin for a pension; and

The petition of Terrence Kirby, for an increase of pension.

HOLMES WIKOFF.

Mr. GOOCH, from the Committee on Naval Affairs, reported a bill (H. R. No. 3006) authorizing the President to nominate Holmes Wikoff an assistant surgeon in the Navy; which was read a first and second time.

Mr. GOOCH. I ask that the bill be put now upon its passage.

The bill was read. It authorizes the President to nominate, and with the advice and consent of the Senate to appoint, Holmes Wikoff an assistant surgeon in the Navy, waiving his disqualification by age, but subject in all other respects to existing law and regulations.

Mr. HOLMAN. I suggest that bill should be considered in the Committee of the Whole House on the Private Calendar, and I therefore object.

The bill was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ROBERT HARDIE.

Mr. BLAND, from the Committee on Revolutionary Pensions and War of 1812, reported back adversely the case of Robert Hardie; which was laid on the table, and the accompanying report ordered to be printed.

HEIRS OF JACOB CRAMER.

Mr. BLAND also, from the same committee, reported back the memorial of the heirs of Jacob Cramer, a soldier of the Revolution; and the same was referred to the Committee on War Claims.

WILLIAM R. AND JASPER A. STRUNK.

Mr. RUSK, from the Committee on Invalid Pensions, reported back adversely the bill (H. R. No. 1711) granting a pension to William R. Strunk and Jasper A. Strunk, minor children of Daniel Strunk, a deceased soldier; which was laid on the table, and the accompanying report ordered to be printed.

CORDELIA WILKINS.

Mr. RUSK also, from the same committee, reported a bill (H. R. No. 3007) granting a pension to Cordelia Wilkins; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN J. BOTTGAR.

Mr. WALLACE, from the same committee, reported a bill (H. R. No. 3008) granting a pension to John J. Bottgar; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

FANNY NEWCOMB.

Mr. BARRY, from the same committee, reported back a bill (S. No. 540) granting a pension to Fanny Newcomb, mother of Irenus Newcomb, late of Company H, Sixth Regiment Vermont Volunteers, with the recommendation that it do pass; which was referred to the Committee of the Whole on the Private Calendar.

MICHAEL BANNON.

Mr. BARRY also, from the same committee, reported a bill (H. R. No. 3009) for the relief of Michael Bannon, of Dayton, Ohio; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN F. SMITH.

Mr. BARRY also, from the same committee, reported back adversely a bill (H. R. No. 2429) granting a pension to John F. Smith, late a second lieutenant in the Sixteenth United States Infantry; which was laid on the table, and the accompanying report ordered to be printed.

JOHN DOWNEY.

Mr. BARRY also, from the same committee, reported a bill (H. R. No. 3010) for the relief of John Downey, of Dayton, Ohio; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOSEPH LALOND.

Mr. SMART, from the same committee, reported back, with the recommendation that it do not pass, the bill (H. R. No. 533) granting a pension to Joseph Lalond, private Company A, Eleventh Regiment New Hampshire Volunteers; and the same was laid on the table, and the accompanying report ordered to be printed.

JEMIMA MAXWELL.

Mr. SMART also, from the same committee, reported back, with the recommendation that it do pass, the bill (S. No. 477) granting a pension to Jemima Maxwell; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

MRS. LETITIA CARR.

Mr. McJUNKIN from the same committee, reported back, as a substitute for House bill No. 2066 a bill (H. R. No. 3011) granting a pension to Mrs. Letitia Carr; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN HEDDINGER.

Mr. McJUNKIN also, from the same committee, reported a bill (H. R. No. 3012) granting a pension to John Heddinger; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

SAMUEL P. KEMP.

Mr. McJUNKIN also, from the same committee, reported as a substitute for House bill No. 2715 a bill (H. R. No. 3013) granting a pension to Samuel P. Kemp; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. CAROLINE DUNCAN.

Mr. McJUNKIN also, from the same committee, reported as a substitute for House bill No. 1421 a bill (H. R. No. 3014) to place the name of Mrs. Caroline Duncan on the pension-rolls; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARGARET A. CHANTRY.

Mr. McJUNKIN also, from the same committee, reported a bill (H. R. No. 3015) granting a pension to Margaret A. Chantry, widow of Alfred W. Chantry, late colonel of the Sixty-sixth Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

SARAH BURNS.

Mr. McJUNKIN also, from the same committee, made an adverse report on the petition of Sarah Burns for a pension; and the same was laid on the table, and the accompanying report ordered to be printed.

HUGH. P. LYTLE.

Mr. McJUNKIN also, from the same committee, reported back, with the recommendation that it do pass, the bill (S. No. 568) granting a pension to Hugh P. Lytle, late a private in Company H, Thirty-second Regiment Ohio Volunteers; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

IRA DOUTHARD.

Mr. MARTIN, from the same committee, reported a bill (H. R. No. 3016) granting a pension to Ira Douthard; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

JACOB GROSCH.

Mr. MARTIN also, from the same committee, reported, as a substitute for House bill No. 1842 a bill (H. R. No. 3017) granting a pension to Jacob Grosch, Company B, Eighth Illinois Volunteers; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

JACOB PARROTT.

Mr. CRITTENDEN, from the same committee, reported a bill (H. R. No. 3018) granting an increase of pension to Jacob Parrott, Company K, Thirty-third Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

GEORGE H. REYNOLDS.

Mr. CRITTENDEN also, from the same committee, reported a bill (H. R. No. 3019) granting a pension to George H. Reynolds; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

GEORGE POMEROY.

Mr. CRITTENDEN also, from the same committee, reported as a substitute for House bill No. 2271 a bill (H. R. No. 3020) granting a pension to George Pomeroy; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

PENSIONS TO WIDOWS, ETC., OF MURDERED SOLDIERS.

Mr. CRITTENDEN also, from the same committee, reported a bill (H. R. No. 3021) granting pensions to widows, children, dependent mothers and fathers, or orphan brothers and sisters, of those soldiers who were murdered by guerrillas at Centralia, Missouri, in 1864.

Mr. CRITTENDEN. This is a private bill. There were about twenty-seven of these soldiers killed in 1864 by guerrillas. The committee report back the bill favorably.

The bill was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

SARAH A. TIMMINS.

Mr. THOMAS, of Virginia, from the Committee on Invalid Pensions, reported a bill (H. R. No. 3022) granting a pension to Sarah A. Timmins; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANDREW MASON.

Mr. HOOPER, from the Committee on Coinage, Weights, and Measures, reported a bill (H. R. No. 3023) for the relief of Andrew Mason; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN YOUNG---ADVERSE REPORT.

Mr. PARKER, of New Hampshire, from the Committee on Patents, reported adversely on the petition of John Young for the extension of his patent for a washing and wringing machine; which was laid on the table, and the accompanying report ordered to be printed.

WILLIAM H. WARD.

Mr. PARKER, of New Hampshire, also, from the Committee on Patents, reported a bill (H. R. No. 3024) to enable William H. Ward, of Auburn, in the State of New York, to make application to the Commissioner of Patents for an extension of letters-patent for a shell-molding machine; which was read a first and second time.

The bill was read, as follows:

A bill to enable William H. Ward, of Auburn, in the State of New York, to make application to the Commissioner of Patents for the extension of letters-patent for a shell-molding machine.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That William H. Ward, of Auburn, in the State of New York, have leave to make application to the Commissioner of Patents for an extension of the letters-patent granted to him on the 1st day of December, A. D. 1857, for a machine for molding shells, for the term of seven years, from and after the expiration of the original term of fourteen years for which said letters-patent were granted, such application to be made in the same manner and to have the same effect as if the same had been filed not less than ninety days before the expiration of the aforesaid original term of said patent. And upon such application so filed the Commissioner of Patents shall be authorized to consider and determine the same in the same manner, upon giving the same notice, and with the same effect as if the application had been duly filed within the time prescribed by law, and as if the original term of said patent had not expired: *Provided*, That no person shall be held liable for the infringement of said patent, if extended, for making use of said invention since the expiration of the original term of said patent, and prior to the date of its extension.

Mr. RANDALL. Is there a report accompanying this bill?

Mr. PARKER, of New Hampshire. There is; and I ask that it be read.

The Clerk proceeded to read the report.

Mr. GARFIELD. Has the morning hour expired?

The SPEAKER. It has.

Mr. GARFIELD. Then I desire to move that the House resolve itself into Committee of the Whole on the state of the Union on the appropriation bill.

Mr. CONGER. I hope the House will dispose of the pending bill.

The SPEAKER. The reading of the report had better be finished.

Mr. RANDALL. I suggest that the report be printed. We want time to examine the case. I think that the bill ought to go to the Committee of the Whole on the state of the Union anyhow; it is a public bill.

Mr. PARKER, of New Hampshire. O, no; it is a private bill.

The SPEAKER. It is not a public bill, nor does it involve an appropriation of money.

Mr. BUTLER, of Massachusetts. I would suggest that the report be printed in the RECORD, and that the bill go over until to-morrow.

There was no objection, and it was so ordered.

The report is as follows:

The Committee on Patents, to whom was referred the petition of William H. Ward, of Auburn, in the State of New York, for extension of letters-patent for a machine for molding shells, makes the following report:

Letters-patent were granted to the said William H. Ward, December 1, 1857, for the term of fourteen years, and expired December 1, 1871, for a machine for molding shells. Previous to this invention all the molding for the manufacturing of explosive shells was done by hand, without the use of machinery. This was therefore a foundation patent. Mr. Ward commenced experimenting upon this machine as early as 1841, and came to Washington that year and had a trial of his shells before the authorities, which received favorable notice from them, and was approved by Hon. John C. Spencer, then Secretary of War, as is shown by the records at the Ordnance Department.

The advantages of shells made with this machine over those manufactured by hand are great, as they are so made as to be exactly alike, and artillerymen are thereby enabled to send them more accurately, as experiments conclusively show. The evidence shows that during the Crimean war Mr. Ward had extensive practice with this description of shell and the machine for producing them, in Europe, where he then was. At the close of the Crimean war Mr. Ward returned to this country, and came to Washington and was informed by Captain Ingraham, Chief of the Bureau of Ordnance, that if he would manufacture a machine for molding shells that would produce shells equal to their hand-molding he would take it. On the 29th day of October, 1856, Mr. Ward agreed with the Chief of the Bureau to construct one of his machines for him, at a cost not to exceed $7,500 for the first one. Mr. Ward went immediately to the Patent Office and filed a caveat therefor.

The machine and one flask was ready for use some time in December following, and shells were manufactured. Captain Ingraham being informed that the machine was ready, went to Alexandria to inspect it; and after doing so, expressed himself as perfectly satisfied with the utility of the machine. The machine was finally removed to the navy-yard in Washington, and Captain Ingraham issued an official order for its trial, and it resulted in a favorable report by Captain Ingraham. By using this machine a mold can be prepared and the core adjusted in six minutes, while the old process required several men some hours in doing the same work.

Mr. Ward has repeatedly tried to settle with the Government for this machine, but without success. Although he has received repeated assurances from Government officials that he should be remunerated. The Government made use of this invention during the war, and received great benefit from the same.

The following letter from the Navy Department shows how this invention is there regarded at the present time:

NAVY DEPARTMENT,
Washington, February 14, 1874.

SIR: I have the honor to reply to your letter of the 5th instant, in reference to the machine furnished by Mr. W. H. Ward, of Auburn, New York, that the machine was furnished to the Department and used for the service of the Government; that it is of present use and value to the service, and that no payment has been made Mr. Ward for the same.

Very respectfully,

GEO. M. ROBESON,
Secretary of the Navy.

Hon. C. D. MACDOUGALL,
House of Representatives.

From the nature of this invention the only consumer or party that could make use of the same was the General Government, as the public could in no way require this machine for any purpose whatever. Mr. Ward, in good faith, placed it in the possession of the Government, relying upon the assurances of officials that he should be suitably rewarded. For this reason Mr. Ward made no application to the Commissioner of Patents under the law to have the same extended, as he could and would have done had he not relied upon the Government to pay him what they honestly owed him. The evidence shows that Mr. Ward has expended a great amount of time in perfecting and bringing into use this invention, as well as $20,171.86 in money, including principal and interest. In return he has only received $300 which the Government advanced to him several years ago, when he required the same absolutely for the necessaries of life.

The committee are of the opinion that Mr. Ward ought not to lose the control of his said invention in this manner, and therefore recommend the accompanying bill.

ORDER OF BUSINESS.

Mr. KELLOGG. I ask unanimous consent to make a few reports from the Committee on War Claims for reference only.

No objection was made.

Mr. CONGER. I wish to know what has become of the bill reported from the Committee on Patents. I object to the gentleman from Connecticut reporting.

The SPEAKER. The bill to which the gentleman from Michigan refers went over under the rule at the expiration of the morning hour. The leave granted to the gentleman from Connecticut by the House does not interfere in the slightest degree with the bill to which the gentleman from Michigan refers. That bill was in the morning hour; the morning hour expired during the reading of the report. The bill is still in the morning hour, and is the first thing there; and no other report of a private nature can be made during the Forty-third Congress until that bill is disposed of. If the gentleman could get the bill in a position where it would have any greater advantage than that, the Chair does not see how it could be done.

Mr. CONGER. The Chair has made himself perfectly intelligible to me.

CORA A. SLOCUMB, ET AL.

Mr. KELLOGG, from the Committee on War Claims, reported a bill (H. R. No. 2993) for the relief of Cora A. Slocumb, and others; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

NORMAN WIARD.

Mr. KELLOGG also, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 609) for the relief of Norman Wiard; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. BUTLER, of Massachusetts. I desire to call up a special order, which I think will not take much time to dispose of.

The SPEAKER. At two o'clock the Committee on the District of Columbia is entitled to the floor. The Chair is advised by that committee that they have but a single bill to report to-day, and one that in their judgment will not give rise to much discussion.

Mr. GARFIELD. Then I will ask unanimous consent that the Committee on the District of Columbia be allowed to proceed with their business now.

The SPEAKER. That is what the Chair was about to suggest. If there be no objection that course will be pursued.

No objection was made.

WASHINGTON CITY AND POINT LOOKOUT RAILROAD.

Mr. RICE, from the Committee on the District of Columbia, reported a bill (H. R. No. 3025) supplementary to the act entitled "An act to authorize the Washington City and Point Lookout Railroad Company to extend a railroad into and within the District of Columbia," approved January 22, 1873.

The question was upon ordering the bill to be engrossed and read a third time.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Washington City and Point Lookout Railroad Company may enter the city of Georgetown with their railroad, and may construct the same within the limits of said city on and by the following route: Beginning at a point on the northeastern boundary line of the District of Columbia; thence to the mouth of Piney Branch of Rock Creek by a route north of the Soldiers' Home, and avoiding any property of the United States; thence by way of Rock Creek to a point near its mouth; thence by way of Water street, in Georgetown, to a point near the northeastern terminus of the Aqueduct bridge in said city; thence along the Potomac River to the northwestern boundary of the District of Columbia, so as to connect with the Washington and Ohio Railroad, with authority to construct a bridge across the Potomac River above navigation, upon plans and specifications to be first approved in writing by the Secretary of War; and also to construct a branch railroad outside of the limits of the city of Washington to connect its road with the Washington branch of the Baltimore and Ohio Railroad: *Provided*, That the location of said route herein defined shall be subject to the approval of the engineer in charge of public buildings and grounds: *And provided further*, That nothing in this act shall be so construed as to permit or authorize the Washington City and Point Lookout Railroad Company to enter upon or use any property owned or controlled or in any manner to interfere with any right or privilege heretofore granted to the Chesapeake and Ohio Canal Company by their charters or amendments thereto, without the consent of said Chesapeake and Ohio Canal Company and its lessees is first had and obtained: *And provided further*, That said Washington City and Point Lookout Railroad Company shall establish a depot at some point in Georgetown, on Water street, between Rock Creek and the Aqueduct bridge.

SEC. 2. That the Baltimore and Ohio Railroad Company shall have the right to use the tracks of said Washington City and Point Lookout Railroad Company to be laid under the provisions of this act, from the intersection of the same with the Metropolitan branch of the Baltimore and Ohio Railroad Company to the city of Georgetown upon such reasonable terms as may be agreed upon or Congress prescribe.

SEC. 3. This act may be altered, amended, or repealed at any time, and all rights and privileges herein conveyed to said company shall cease and determine unless the said company complete its road hereby authorized to Georgetown with at least one track within three years from the passage of this act.

Mr. RICE. I desire to say that this is a substitute for a bill introduced and referred to the committee a month ago. The Washington City and Point Lookout Railroad Company, that is now building its road in the State of Maryland, was very desirous to have the right of way through the District along the south front of this city up to Georgetown. That bill was presented to the House and, after discus-

sion, that request was refused. The company is very anxious to have the matter settled where and how they can get into Georgetown, as it makes a very great difference to them in obtaining money for building the road. They have consented to this bill which I have just reported, which is very much more expensive to them, but still it will answer their purpose. The committee think the House will offer no objection to it. I am ready to explain anything that is not understood about it, so far as I can do so.

Mr. DAWES. Does this bill continue the road partially finished through and around the asylum grounds?

Mr. RICE. That has not entered in any way whatever into the discussion before the committee. What the company now ask is, instead of crossing the Eastern Branch as before proposed, to cross the flats above the head of the Eastern Branch. They start from Brandywine, nine miles from Washington, and proceed northerly until they get to Bladensburgh, six miles north of Washington; then from Bladensburgh to a point called Piney Branch, six miles from Washington, a little northwest of the city; then they go up Piney Branch to the valley of Rock Creek, which, as gentlemen are very well aware, divides Washington from Georgetown; then down the valley of Rock Creek to Aqueduct bridge on the Potomac River, where they hope to be permitted to erect a depot; then they go up the Potomac River above the head of navigation, and ask permission to build a bridge across the river to enable them to unite with the Baltimore and Ohio Railroad, which is to run to the coal-fields of Virginia. When that is done this Washington City and Point Lookout Railroad, with the aid of the Baltimore and Ohio Railroad, will extend from the coal-fields of Virginia to the mouth of the Potomac River, and will have a depot at Georgetown, which is very desirable.

The committee have examined this bill thoroughly and believe that it is a proper bill to be passed. We see no objection to it, and if any gentleman has any, I should be very glad to hear it, in order that I may try and remove it.

Mr. DAWES. My inquiry arose out of the peculiar location of this road in connection with the public property of the United States. When this road obtained its charter there was inserted in it some phraseology to which I will call attention. It was in substance this: that it should in no way interfere with any of the property of the United States "in the city of Washington." I give the substance of it; I have not the bill before me. Now, that valuable property of the United States, the Insane Asylum, is just outside of the city of Washington, but in the District of Columbia. Without any knowledge of its affecting their rights at all, and nothing in the bill indicating that there was the slightest intention on the part of this company to interfere with their rights, they have run their road right around that property and between it and the water's edge, cutting it off entirely from water communication, and compelling them to ask Congress to make such an appropriation as will enable them to build a high wall so as to keep the inmates of the asylum from going down on the railroad track.

Mr. RICE. Allow me to interrupt the gentleman one moment, and it may save some time. The road contemplated by this bill has nothing whatever to do with that portion which runs by the asylum.

Mr. DAWES. I am aware of that; but I was in hopes that this change of location would reach a little farther down and strike the road on the other side of the asylum premises. That was the reason I made the inquiry. It seems to me that the Congress of the United States improvidently, by the uncertain provision put into that bill—I do not suppose it was put in designedly; it is sufficient for me to say that it was done accidentally—confining this road to the injunction not to interfere with the property of the United States within the city of Washington, left it so that it could be located in such a manner as greatly to impair the usefulness of one of the best institutions of the kind in the country.

As I am reminded by my colleague, [Mr. G. F. HOAR,] the location of this institution was selected twenty years ago because it had an approach by water, so that provisions, coal, &c., could reach it in that way, rather than be carried as freight over the Anacostia and four miles, or some such distance, to the institution.

Mr. ALBRIGHT. Is that an objection to the proposed road or the road already constructed?

Mr. DAWES. One objection was that there might be bathing establishments for the inmates of the institution, numbering six hundred and more, many of them the unfortunate insane of the Army and Navy. By this road the interests of that institution—which is most remarkable for the prudence of its management and the great care manifested for the comfort of the inmates—are most seriously interfered with. And I learn that it is proposed to have that road continued as a freight road, so as to have the advantage of that water's edge, whatever that advantage may be, at the expense of the United States.

The first knowledge that the Government of the United States had of the intention to lay the road there was when the engineers came there to set the stakes. Application was then made to the Secretary of the Interior, having the custody of the property connected with that institution, to know what those preparations meant. The Secretary expressed as much surprise as anybody; but on looking into the phraseology of the law to which I have called attention he came to the conclusion that he was powerless in the matter. Under that construction of the law, since we adjourned last March that road has been constructed. Now, when that company comes in and asks for the privilege of going around Washington on the other side, it seems to me not unreasonable to require them to put their whole track on the other side of this institution and to touch the Potomac for the first time farther down.

I am not familiar enough with this subject to enter into the discussion to any great extent. But my attention has been called to the trouble resulting from the location of the road upon the water-front of that institution; and I have witnessed the efforts of the superintendent of the institution to protect the inmates from the perils which must attend the running of trains of cars right by the side of the asylum. In this way the interests of the institution, located as was supposed away from any such dangers, have been impaired.

Mr. G. F. HOAR. I have investigated very carefully the question to which my colleague [Mr. DAWES] has alluded; and it seems to me demonstrable that this railroad is an entire trespass where the track has been constructed along the grounds of the Insane Asylum. The question of law is a very simple one, as I think the House will see in a moment.

The law is very well settled that when a railroad company is authorized to build its track from point A to point B, those points being at a considerable distance from each other, (the distance in this case being some miles,) no authority is given to the corporation to enter upon property already appropriated to another public use, unless it is practically impossible (I use the word "impossible" as generally used in such matters) to build the road without doing so.

Now, Congress last year authorized this corporation to build its track from a particular point to another specified point; and it was perfectly practicable to get an advantageous location between those points without entering upon the property of the national asylum—property which the United States had appropriated to this public purpose.

Mr. RICE. The superintendent of the asylum assented to the location.

Mr. G. F. HOAR. He had no authority to assent to it; and I do not understand that he has done so. It is true there was in the bill an additional provision that the road should in no case enter upon any property of the United States in the city of Washington; but that was not intended to give the company authority to enter upon such property outside of the city where it was not absolutely necessary; it was simply designed to provide that in no case, on no pretense of necessity, should the company undertake to enter upon property of the United States in the city. This company had just as much right, under the general provision of the law, to build its track within a few feet of this Capitol as to build it along the water-front of the National Insane Asylum. This location, as has been suggested by my colleague, [Mr. DAWES,] was selected twenty years ago by Miss Dix because of the advantages to result in the education, care, and discipline of the patients from having the property upon a river, where patients that could be trusted so to do, might sit upon the river-bank, bathe, fish, use boats, and where the institution could receive its supplies of coal, provisions, &c., by water. This company has laid its track on piles upon the water-front, close to the shore, rendering it necessary for the proper discipline and care of patients that a high fence should be erected cutting them off entirely from access to the river.

I think, sir, that now, when this Congress has this company before it asking additional privileges, it is our duty to see that its encroachment upon property of the United States devoted to a philanthropic purpose shall be put an end to. I therefore move the following amendment:

That the Attorney-General be directed to take measures to protect the rights of the United States in the property occupied by the National Insane Asylum, and the water of the river adjoining thereto, and cause the track of said railroad to be removed therefrom.

Mr. RICE. The road contemplated in the bill now before the House has nothing whatever to do with that location; it does not approach it; and on what authority should an officer of the United States be called upon to take this action when the House is discussing the permission to build another road?

Mr. G. F. HOAR. It is the same corporation.

Mr. RICE. It makes no difference about the corporation. The road to which the gentleman has referred has nothing to do with this bill; and I object to this amendment because the opposition on this matter is factious. What the railroad company has done in regard to the insane asylum I know not. The bill now presented to the House contemplates a road which will not come near to nor approach the insane asylum; and any opposition on that ground is for the purpose of defeating this bill, unjustly as I believe. I believe so, sir.

Mr. DAWES. Just one word. I have not the slightest objection to the passage of this bill provided there shall be put upon it the condition that this road shall take up so much of its track running along the insane asylum on the other side of the river. I have not the slightest desire to interfere with it at all.

Mr. RICE. We have no right to interfere with a road which has nothing at all to do with this bill. This road does not go near the insane asylum.

Mr. G. F. HOAR. I wish, Mr. Speaker, to say a word to the gentleman from Illinois. About three weeks ago, Miss Dix, a philanthropic lady, called upon me here, asking an introduction, for the purpose of

saying that twenty years ago, under the administration of President Fillmore, she selected the site of this hospital because of these river advantages, and asking my attention to this invasion of its territory by this railroad company. She said, as my colleague has said, that the Secretary of the Interior was of the opinion this road had a legal right to go there. Such legal experience as I have had has made me familiar with these cases. I argued a case last year in regard to this point of law which I have stated, and it seems to me the Secretary is wrong.

Mr. RICE. There is a bill in reference to that matter before the Senate.

Mr. G. F. HOAR. I have no other knowledge of this railroad. It does seem to me now, when this same corporation comes in here and asks another favor of Congress in regard to getting into Washington, it is proper to fix a condition to the grant of that favor that proper steps shall be taken to test the legal rights of the United States Government in regard to a portion of the same road. But I do not think it is quite fair for the gentleman from Illinois—and he will excuse me for saying so, and I do it with entire respect for him—I say I do not think it is quite fair, on that state of facts, to impute the desire to save that philanthropic institution from invasion of its rights by this very road a factious opposition to this bill.

Mr. DAWES. Let me read the original statute to show the phraseology.

Mr. CONGER. The gentleman from Illinois [Mr. RICE] has yielded to me a moment, and the gentleman from Massachusetts can get the floor so easy and I cannot.

Mr. DAWES. I yield the floor to the gentleman.

Mr. CONGER. Mr. Speaker, the bill before the House proposes—and I should like to have the attention of the House for one moment while I say what I have to say—an entirely different and new route from the one which was before us a few weeks ago and to which so many gentlemen objected, and to which I objected then. This proposes to connect with a railroad some four or five miles northeast of here, in the neighborhood of what is called Fort Slocum, by the way of Fort Stevens, on the Seventh street road, near where the battle-ground was in the last war, and beyond Fort Stevens to pass down the valley of a little brook called the Piney Branch across Fourteenth street, a mile and a half beyond the boundary of the city, down in that hollow and through grounds heretofore surveyed for a national park, to Rocky Run. It is entirely removed from any connection with the business or roads of the city, and, so far as I know, might pass under the thoroughfares and bridges leading up Seventh and Fourteenth streets so as to be no obstruction to the passage of carriages—passing through, as it does, what is almost a wilderness. There could be no point chosen of approach to Georgetown which would run through improved property with less danger to all interests than the route here selected.

Let me say to the gentleman about the road on the other side of the river around the lunatic asylum. They lay great stress upon the fact that there has been built down upon the edge of the water at the foot of the high bluff upon which the lunatic asylum has been built a railroad track. I know in some States and cities they will not locate a lunatic asylum unless they can have a railroad in close access to it. I do not know whether it is important here or not; but I know as well as the gentlemen who make these objections that the top of the bluff is some two hundred feet above this railroad, and that all around the ground is the high fence they speak off, a stone wall, I believe, to keep the patients in. I know, as every gentleman here knows who has visited that asylum, that the sides of this bluff are rough, rocky, and wooded. They are not cleared up for pleasure grounds or for passage at all. My friend from Massachusetts could not climb up them, and I venture to say that with all his agility he could not slide down them. He could not get from the top himself, nor could his family or his friends in viewing the beautiful muddy Potomac get down the precipice with ease. It would take a lunatic to get from the top of the ridge down through the woods to the water. The æsthetic view he presents of wandering on the banks of such a woody, rough precipice as this to see the scenery sounds well; but there is nothing like it; it is all in the gentleman's eye.

Mr. GARFIELD. That is clearly where it ought to be.

Mr. CONGER. Yes; that is where it ought to be. Now the grounds are beautifully situated. They are lofty, overlooking the city. But no lunatic that is now confined in that asylum wants to get down those banks to the river, and no lunatic that is not confined in the asylum ought to want the privilege of getting down that woody precipice to the river. The gentleman has not observed the ground. There is through Uniontown an approach to the river which they can always use; but there is no other access up or down those banks, as far as I have observed, and I cannot see for the life of me why, for an institution which has from three-quarters of a mile to a mile and a half—I do not remember the exact distance—of river front at the only portion of the river where the water is deep enough for vessels to approach the shore, there should not be an access the denial of which can be of any earthly practical benefit to the officers or inmates of the asylum or the Government.

I know nothing of this railroad, and care nothing about it; but I have had my attention called to the subject of what constituted proper grounds for asylums and their uses, and with the knowledge I have acquired in examining such institutions in my own and other States with reference to their location, I see no reason in the world why that water-front along the only deep channel there is in the Potomac River should not be used for commercial or railroad purposes if the necessities of commerce require it, if it can be done without interfering in any manner with the uses to which it has been applied by the Government.

Mr. HAWLEY, of Illinois. I desire to say one word in connection with this subject. I think my colleague [Mr. RICE] misapprehends the power of Congress over this matter. If I understand him correctly, he interrupted the gentleman from Massachusetts to say that Congress has now nothing to do with the question of the present location of the road; that it is beyond the power of Congress.

Now, it is to this point that I wish to call the attention of the House for a moment. This railroad company comes here now asking for enlarged privileges, asking for the privilege of extending its road a considerable distance through the District. It has no power to extend its road further without the authority of Congress given for that purpose. Now, certainly, it is clearly within the power of Congress to provide that this railroad company shall not extend its road any further or exercise any other right beyond that it now exercises unless it shall surrender certain rights which it now has. That, it seems to me, is a clear proposition. If this road is now located where it ought not to be located, and if it should be conceded that it had ample power to locate there under previous laws, we yet have the power to say to the company, "That is an authority which ought not to have been given, and before we give you any further rights in this District, or anywhere else where we have exclusive jurisdiction, you shall take up that track." We can say, "You take from us any further power or right on the condition that it is with that proviso." Now, I am not sufficiently familiar with the location to be able to say myself whether this road can be built around the rear of the asylum or not.

Mr. DAWES. They propose to do that.

Mr. HAWLEY, of Illinois. Do they propose to do that also?

Mr. DAWES. Yes, sir; they propose to build on the other side of the asylum.

Mr. RICE. Nothing of the kind.

Mr. DAWES. That is my understanding.

Mr. HAWLEY, of Illinois. I have not so understood it. But at all events it is claimed by many on the floor who are familiar with the subject that the road can be built without any difficulty at all to the rear of the asylum. If that can be done it should be done.

Mr. STARKWEATHER. The company has that power now.

Mr. HAWLEY, of Illinois. But what I rose for was simply to call the attention of my colleague to this fact, that it is within the power of Congress to do this if it is thought best to do it.

Mr. RICE. It is within the power of Congress. There is no denial of that. This Congress gave the right to this company to build a railroad where they have built it; and now because somebody objects it is contended in this House that Congress has the power to compel them to take up their road, to compel them to destroy their property by such a suicidal act. We do not deny the power except that we deny the justice of exercising that power, and that ought to be a denial of the power in this House. I yield now to the gentleman from Massachusetts, [Mr. DAWES,] who desires to read a provision of the law.

Mr. DAWES. I spoke from memory in reference to the act under which this company have located their track on the asylum grounds. I will read the law:

> That nothing herein contained shall be so construed as to authorize the said company to enter upon any lot or square or part thereof owned by the United States, within the limits of the cities of Washington and Georgetown, for the purpose of locating or constructing their said railroad.

The District of Columbia is spoken of instead of the cities of Washington and Georgetown in every other part of the bill, and I suppose this was entirely accidental. But the consequences have been very serious as to this lot belonging to the United States, and I do not see why, if it was necessary to warn them off from every foot of land owned by the United States within the cities of Washington and Georgetown, it would not have been proper to have warned them also off this valuable property, just outside of the city of Washington.

Now I wish to call attention to the last clause in the act:

> *Provided*, That Congress shall have power to alter, amend, or repeal this act.

This very bill before us now is of that character. It is a bill supplementary to that act. Now, we propose simply to say to the railroad company, "If you desire this authority to go through the cities of Washington and Georgetown and take your railroad there, it is but just and fair that you should take up this track on this ground of the United States, which we have improvidently let you lay there."

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed, without amendment, the bill (H. R. No. 994) to establish the Bismarck land district in the Territory of Dakota.

WASHINGTON CITY AND POINT LOOKOUT RAILROAD COMPANY.

Mr. RICE. I yield now to the gentleman from New York, [Mr. HALE.]

Mr. HALE, of New York. I wish to ask the gentleman from Illinois whether any remonstrance or memorial or intimation of any

kind, from any source whatever, in regard to the injurious effect of the road already built upon the property of the asylum, has come to the Committee on the District of Columbia?

Mr. RICE. None, at any time whatever, so far as I know.

Mr. HALE, of New York. There is no question, Mr. Speaker, as to the entire power of Congress over this railroad. Congress has power to take away the franchise utterly. That power was reserved by the original act; but I submit to the House whether there is any propriety or justice in legislating to take away property or rights from a corporation which were conferred by a former bill until at least the subject has been examined by this House, through the proper channel, the committee to whom it is referred.

Mr. G. F. HOAR. Will the gentleman allow me to ask him a question?

Mr. HALE, of New York. I hope the gentleman will wait until I get through.

Mr. G. F. HOAR. I only desire to ask the gentleman one thing.

Mr. HALE, of New York. I must decline to yield to the gentleman. I do not misstate the facts. The gentleman is simply interrupting the line of my argument. I say this, and I beg the attention of the gentleman from Massachusetts to it, if he will listen; I do not think there is any propriety in this House assuming to act on the naked statement of any member of this House, however eminent or distinguished, be it the gentleman from Massachusetts on the right side of the aisle, [Mr. DAWES,] or the gentleman from Massachusetts on the left side of the aisle, [Mr. G. F. HOAR.] If it is true that the grants heretofore made to this corporation have been grants that are mischievous in their working and that ought to be repealed, it is a matter that should be inquired into by some appropriate committee of this House, and the House ought not to act on the mere statement of one or the other of these gentlemen.

I say, therefore, that if the amendment proposed to this bill is to be insisted on, the bill ought to be referred back to the Committee on the District of Columbia, which is the appropriate committee for the consideration of the question, that they may examine the subject and be able to report the facts to the House.

Mr. WARD, of Illinois. There seems to be enough in this matter anyhow to put Congress on its guard with reference to any legislation which may take place in regard to extending the franchises of this corporation. I know nothing about it except from what has been stated here in the House during the debate on this bill, but I am satisfied that at the other time when it was pending I was fooled, and voted for a bill which on further consideration I would not have voted for, and for which I understand now this bill is reported as a substitute by the committee. It is charged, and it seems to me with some degree of reason, that the location of the track of this company between the insane asylum and the Potomac River was a wrong done to the institution and to the Government and a violation of the spirit of the law. I am not willing to leave the matter, as the gentleman from Massachusetts is, in the hands of the Attorney-General to determine whether the law was properly construed or not. I propose in granting further franchises to this railroad company to insist on their compliance with what, as I believe, was the real meaning of the law. The power of Congress is complete to do it. In conferring further franchises it may impose conditions which will make the company do what Congress thinks they ought to do with reference to the franchises heretofore granted. I therefore desire to offer the following amendment to section 1, which the gentleman can accept or not, as he sees fit:

That all the rights conferred by this act are to be exercised and enjoyed by said company only upon condition that said company shall first remove all the work it has done toward building its track between the insane asylum and the Potomac River, and on the further condition that it shall never locate or operate said road or any part thereof between the said asylum and the Potomac River.

Mr. G. F. HOAR. I like that amendment better than mine, but I like the one of the gentleman from New York [Mr. HALE] better than either

Mr. RICE. I now yield to the gentleman from Connecticut, [Mr. STARKWEATHER.]

Mr. STARKWEATHER. I desire to treat this matter seriously, because it is a matter of importance. A year or two since I became somewhat familiar with the subject. I think this company have gone on in good faith. I say now that I have never been an advocate of the Baltimore and Ohio Railroad. I never received any consideration at their hands, and I have fought one or two battles against them; but in this matter I think we cannot go back on what we have done without committing a breach of good faith toward them. They have located their road at this point by the authority of Congress; they have gone on with their works for two years.

What is there now against them? A bill was brought in here the other day which did not give this road any more rights than we have given some other roads. I thought then, and I still think, that they can go along the route which they proposed without any disadvantage to anybody. But they were voted down, and I helped to do it. Although we were giving them but little more than we have given to other railroad companies, I thought there was some objection to their bill.

The Committee on the District of Columbia have now come in with a bill which, it seems to me, is entirely unobjectionable. It proposes a route entirely outside of the traffic of the city, outside of the streets and wharves, and public institutions; except that, not by any legislation now proposed but by former legislation, it goes across the rear of these asylum grounds.

Mr. GARFIELD. It goes across the front.

Mr. STARKWEATHER. It goes across the grounds, whether in front or the rear; it goes next to the river. The gentleman says that is in front. Then the front of that building is on the back side of it, as is the case with most of the public buildings in Washington. Now what have we here in evidence against them? The only thing presented, to justify our voting down a committee of eleven, is the statement of some lady who I venture to say was never down to the river, and could never get there at the point where this railroad goes. The gentleman from Michigan [Mr. CONGER] has told us that he knows from personal observation that the agile gentleman from Massachusetts [Mr. DAWES] cannot himself get down the bank at the place where it is said these men and women, the inmates of the asylum, are to go down to the river and bathe. We have the statement of this very fanciful lady, a very good woman, and a very benevolent woman. I want to know if we are to follow the fancy of a lady, a benevolent lady if you please, who has never investigated the subject except at a distance and in a newspaper, and vote down the report of a committee of eleven men who have examined this subject.

Here is the report of the committee, in which it is stated that this road does not interfere with that asylum. Although this matter has been under consideration for a month, no human being has appeared before that committee to remonstrate against this proposition. The gentleman from Massachusetts [Mr. DAWES] says that he wants this institution to have the privilege of lifting up the coal they use from the river bank at that point. They would have to have very high tackle and elevators to get the coal up from the river to the top of the hill at the point the gentleman suggests.

Mr. DAWES. The gentleman has never been there, and the gentleman from Michigan [Mr. CONGER] has misled him. He says that I do not know anything about it. Perhaps I do not, but eighteen years ago, co-operating with Senators and Members——

Mr. STARKWEATHER. The gentleman need not take my time now.

Mr. DAWES. I want to tell the gentleman——

Mr. STARKWEATHER. I know more than the gentleman does about it.

Mr. DAWES. You do?

Mr. STARKWEATHER. I think I do.

Mr. DAWES. Then I will say no more about it.

Mr. STARKWEATHER. I do not think the gentleman ever went down to the river at that point.

Mr. DAWES. The gentleman ought to know that there has been a wharf there for eighteen years, at which all of the provisions for this institution have been landed from lighters.

Mr. STARKWEATHER. That is true, and that shows just how little the gentleman knows about the matter. The road does not go near the wharf at the point the gentleman suggests. You can stand on the top of the hill, where this road runs along, and see all of Washington and Georgetown and the Potomac, and nearly all of Virginia. This road does not cut off any prospect at all. It goes along a point where no human being can get down without endangering his life. It does not interfere with the wharf privileges in any way.

I ask this House to treat this committee with the same consideration that it treats other committees of the House. No human being has appeared before the committee to remonstrate against this bill. You have already said that this road shall not run along the wharves of this city. Where can they go? If this road has been illegally constructed along by the asylum, then anybody can order it to be taken up. All that is to be done is to get the question in court. It is not for us to assume that it is illegally there, for we have given them the authority to go there, and no human being has appeared before the committee to claim that they have acted illegally. That question is raised here now for the first time, on the suggestion of some benevolent lady who has never herself fully investigated the matter.

I submit, Mr. Speaker, that we have given the company this right, and the company has accepted it in good faith. The present bill does not propose to build a road there. If the road already constructed is illegal it can be removed; but I say, and the evidence coming before the committee shows the fact, that nobody is complaining except some one on a mere fancy; that the wharf can be as well used after this road is completed as it is used to-day; and there is no other location that the company can select. They must either go between the river and the asylum or they must go miles away, around the mountain, which would require a circuit almost impracticable for them to make.

I have no interest in this railroad company, no interest in any railroad company; but I want to see these corporations treated fairly. It is for the interest of the people of Washington and of the country that railroad facilities connecting with this city should be extended; that there should be depots at proper locations; and although we may be prejudiced against the Baltimore and Ohio Railroad Company, we are bound to treat these companies fairly, as we would treat private individuals. This company is only asking its just rights. The present bill does not give this corporation any rights so far as the asylum grounds are concerned beyond what it already has; and

I believe that the asylum grounds are not interfered with by this road. It does not interfere with the wharfage or the view; it interferes with the view of nobody except some visionary who has not investigated the matter.

Mr. RICE. I yield to the gentleman from Iowa, [Mr. COTTON.]

Mr. COTTON. Mr. Speaker, we have here a bill which all concede to be right; there is no objection to its provisions; the only point made in opposition to it is that in a former law passed in 1872 an error was committed in respect to the asylum grounds. Now I think we should pass this bill as it stands, and if the former law needs to be corrected we can do that at another time. That law reserves to Congress the right to alter, amend, or repeal the act at any time; and I will say that as one member of the Committee on the District of Columbia I invariably insist on having that provision inserted in every bill recommended by the committee affecting any street railroad or any steam railroad, so that Congress may have absolute control over these corporations. That right being reserved in the former law in regard to this company, I think we should not stop now to adopt these amendments proposed here hastily, which are suggested to remedy what is claimed to be an existing evil under the old law. In fact, however, we have no official information that there is anything wrong in the old law. We have not had before our committee a single officer of that institution making a complaint against the provisions of that act.

Mr. G. F. HOAR. Here is a letter from the superintendent of the asylum setting forth all the facts on the subject.

Mr. COTTON. I have never seen it; it has never been before our committee. The superintendent never appeared before us to make objection. I understand, however, that the Senate (if I may be permitted to refer to that body) is maturing, under the direction of Dr. Nichols, the officer in charge of that institution, a bill to define the location of the track under the old law, placing it on piles a little outside of the present location, which will remedy the entire difficulty. Now I think we should leave the matter to be corrected by that bill or some other; that the present bill, which has been matured after much thought, should now be passed without amendment. No objection is urged by any one against it. It contains a provision that all property of the United States shall be avoided in the location of the road now contemplated. Thus this bill avoids any such question as is now raised in regard to the former act. This track goes away outside of the city limits, and it enters Georgetown by way of Rock Creek. I think it due to the committee that this bill, which has been well considered, should be passed, and not embarrassed by any inconsiderate and hasty legislation proposed by gentlemen who say themselves that they know nothing about the matter they seek to remedy. If there is any evil in the former act, let it be remedied in another bill under the authority reserved to Congress to repeal or alter the former law. I am certainly ready to join in correcting any error of that kind, if there is any.

Mr. RICE. I am obliged to call the previous question in order to save time.

The previous question was seconded, and the main question ordered; which was first upon the following amendment of Mr. WARD, of Illinois:

Add to the first section the following:
That all the rights conferred by this act are to be exercised and enjoyed by said company only upon the condition that said company shall first remove all the work it has done toward locating its track between the insane asylum and the Potomac River, and on the further condition that it shall never locate or operate said road or any part thereof between said asylum and the Potomac River.

The question being taken on the amendment, there were—ayes 54, noes 41; no quorum voting.

Tellers were ordered; and Mr. WARD, of Illinois, and Mr. RICE were appointed.

The House divided; and the tellers reported ayes 74, noes not counted.

So the amendment was agreed to.

The SPEAKER. The next question is on the amendment of the gentleman from Massachusetts, [Mr. G. F. HOAR.]

Mr. G. F. HOAR. I withdraw my amendment, as its object is accomplished by that of the gentleman from Illinois [Mr. WARD] just adopted.

Mr. PACKER. The gentleman from Illinois [Mr. RICE] yields to allow an additional amendment at the end of the first section.

The SPEAKER. That will require unanimous consent, as the previous question is operating.

Mr. PACKER. There will be no objection, I believe.

The SPEAKER. The amendment will be read.

The Clerk read as follows:

Provided further, That no other railroad shall be crossed by any railroad or branch railroad to be constructed under the provisions of this act, at grade, except by and with the consent and agreement of the railroad company owning or operating such other railroad.

Mr. STARKWEATHER. I object to the amendment.

The bill, as amended, was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. RICE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MISSISSIPPI RIVER AND GULF OF MEXICO SHIP-CANAL.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, in relation to the ship-canal to connect the Mississippi River with the Gulf of Mexico; which was referred to the Committee on Railways and Canals, and ordered to be printed.

JAMES RIVER AND KANAWHA CANAL.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, in answer to a resolution of the House of April 14, 1874, transmitting a report on the James River and Kanawha Canal; which was referred to the Committee on Railways and Canals, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted to Mr. PLATT, of Virginia, for three days; to Mr. WALLACE for two weeks from to-day; to Mr. PLATT, of New York, for one week; to Mr. BUTLER, of Massachusetts, for ten days; to Mr. ROSS for five days; to Mr. SHERWOOD indefinitely, on account of sickness in his family; to Mr. LEACH for one week; to Mr. CORWIN for ten days; and to Mr. HODGES for twenty days.

BENJAMIN MOORE.

On motion of Mr. HAGANS, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of the heirs of Benjamin Moore, no adverse report having been made in the case.

STATE TAXATION OF RAILROAD GRANTS.

Mr. HERNDON, by unanimous consent, from the Committee on the Public Lands, reported a bill (H. R. No. 3026) declaring lands hitherto granted to railroad companies subject to State taxation; which was read a first and second time, ordered to be printed, and recommitted.

REMOVAL OF DISABILITIES.

Mr. HUNTON, by unanimous consent, introduced a bill (H. R. No. 3027) to remove the legal and political disabilities of Van Ronsilear Morgan, Thomas M. Jones, and Charles H. Fauntleroy, of Virginia, and A. S. Taylor, of Maryland; which was read a first and second time.

The bill, which was read, provides (two-thirds of each House concurring therein) that all the legal and political disabilities imposed by the fourteenth amendment to the Constitution of the United States on Van Ronsilear Morgan, Thomas M. Jones, and Charles H. Fauntleroy, citizens of the State of Virginia, and A. S. Taylor, a citizen of the State of Maryland, be removed.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third tim e, and passed, two-thirds voting in favor thereof.

Mr. HUNTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MALADMINISTRATION.

Mr. BUTLER, of Massachusetts. I wish to call up for action at this time the special order, the bill relating to maladministration in the civil service of the United States. I am about to leave the city for an absence of ten days.

Mr. MOREY. I object.

Mr. BUTLER, of Massachusetts. It is a special order.

The SPEAKER. But subject to going into the Committee of the Whole on the Private Calendar or the appropriation bill.

Mr. BUTLER, of Massachusetts. I ask my friend from Ohio, chairman of the Committee on Appropriations, not to press his motion, as this bill will take but a few minutes.

Mr. GARFIELD. I do not object if an agreement can be had to call a vote upon it at once.

Mr. BUTLER, of Massachusetts. I will call for a vote early. If the House does not want discussion, I do not.

Mr. GARFIELD. I should rather try the sense of the House on going into the Committee of the Whole on the state of the Union on the appropriation bill.

Mr. MYERS. I wish to ask the gentleman from Ohio a question.

Mr. BUTLER, of Massachusetts. I object.

Mr. MYERS. I move that the House resolve itself into the Committee of the Whole on the Private Calendar.

The House divided; and there were—ayes 30, noes 56; no quorum voting.

The SPEAKER appointed Mr. GARFIELD and Mr. MYERS tellers.

The House again divided; and there were—ayes 55, noes 65.

Mr. BUTLER, of Massachusetts. No quorum has voted.

The SPEAKER. Does the gentleman demand a further count?

Mr. BUTLER, of Massachusetts. I do.

Mr. MYERS. I do not demand a further count. I withdraw my motion.

Mr. BUTLER, of Massachusetts. I renew it. This is private-bill day, and we ought to go into the Committee of the Whole on the Private Calendar, and take it up for consideration.

The question was taken; and there were—ayes 49, noes 59; no quorum voting.

Mr. GARFIELD called for the yeas and nays.

The question being taken on ordering the yeas and nays, there were—ayes 21, noes 62.

So (the affirmative being more than one-fifth of the whole vote) the yeas and nays were ordered.

The question was taken; and there were—yeas 72, nays 122, not voting 96; as follows:

YEAS—Messrs. Adams, Albright, Berry, Bright, Bromberg, Brown, Benjamin F. Butler, Roderick R. Butler, Caldwell, John B. Clark, jr., Clinton L. Cobb, Stephen A. Cobb, Cook, Cox, Crittenden, Crutchfield, Dunnell, Durham, Field, Fort, Giddings, Gooch, Hagans, John T. Harris, Harrison, Herndon, Houghton, Hunton, Lamar, Lamison, Lamport, Lewis, Lofland, Lynch, Magee, Maynard, MacDougall, McLean, Mellish, Milliken, Myers, Niblack, Nunn, Pelham, Pike, Poland, Randall, Read, Richmond, Robbins, James W. Robinson, Isaac W. Scudder, Sener, Sessions, Sheats, George L. Smith, Stone, Storm, Strait, Strawbridge, Sypher, Thornburgh, Vance, Wallace, Wells, Whitehouse, Whitthorne, William Williams, Wilshire, Woodworth, John D. Young, and Pierce M. B. Young—72.

NAYS—Messrs. Albert, Archer, Arthur, Banning, Beck, Begole, Bell, Biery, Bland, Bowen, Bradley, Buffinton, Burchard, Burleigh, Burrows, Cannon, Cason, Cessna, Clymer, Coburn, Conger, Cotton, Crooke, Danford, Darrall, Dawes, Dobbins, Duell, Eames, Farwell, Foster, Freeman, Garfield, Gunckel, Eugene Hale, Robert S. Hale, Harmer, Benjamin W. Harris, Henry R. Harris, Hatcher, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hereford, E. Rockwood Hoar, George F. Hoar, Holman, Hooper, Hubbell, Hunter, Kasson, Kelley, Kellogg, Kendall, Lansing, Lawson, Loughridge, McCrary, Alexander S. McDill, James W. McDill, McJunkin, McKee, McNulta, Merriam, Mills, Mitchell, Monroe, Morey, Neal, O'Brien, Orr, Packard, Packer, Page, Hosea W. Parker, Isaac C. Parker, Parsons, Perry, Phelps, Pierce, Pratt, Rainey, Ransier, Rapier, Ray, Rice, Ellis H. Roberts, Rusk, Henry B. Sayler, Milton Sayler, Sheldon, Lazarus D. Shoemaker, Smart, A. Herr Smith, H. Boardman Smith, John Q. Smith, Southard, Sprague, Stanard, Standiford, Starkweather, Stowell, Swann, Christopher Y. Thomas, Tremain, Tyner, Waldron, Walls, Jasper D. Ward, Wheeler, Whitehead, Whiteley, Wilber, Charles W. Willard, George Willard, Charles G. Williams, Willie, and James Wilson—122.

NOT VOTING—Messrs. Ashe, Atkins, Averill, Barber, Barnum, Barrere, Barry, Bass, Blount, Buckner, Bundy, Cain, Amos Clark, jr., Freeman Clarke, Clayton, Clements, Comingo, Corwin, Creamer, Crocker, Crossland, Crounse, Curtis, Davis, DeWitt, Donnan, Eden, Eldredge, Elliott, Frye, Glover, Hamilton, Hancock, Hendee, Hersey, Hodges, Hoskins, Howe, Hurlbut, Hyde, Hynes, Jewett, Killinger, Knapp, Lawrence, Leach, Lowe, Lowndes, Luttrell, Marshall, Martin, Moore, Morrison, Negley, Nesmith, Niles, O'Neill, Orth, Pendleton, Phillips, James H. Platt, jr., Thomas C. Platt, Potter, Purman, William R. Roberts, James C. Robinson, Ross, Sawyer, John G. Schumaker, Scofield, Henry J. Scudder, Shanks, Sherwood, Sloan, Sloss, Small, J. Ambler Smith, William A. Smith, Snyder, Speer, Stephens, St. John, Taylor, Charles R. Thomas, Todd, Townsend, Waddell, Marcus L. Ward, White, John M. S. Williams, William B. Williams, Jeremiah M. Wilson, Wolfe, Wood, and Woodford—96.

So the motion was not agreed to.

The SPEAKER. The question recurs on the motion of the gentleman from Ohio [Mr. GARFIELD] that the House shall now resolve itself into Committee of the Whole for the consideration of the legislative appropriation bill.

Mr. GARFIELD. And pending that I move that when the House shall go into Committee of the Whole all debate on the pending paragraph shall be closed in one minute.

Mr. MYERS. I desire to ask the gentleman, on behalf of myself and many other gentlemen who have charge of bills on the Private Calendar, whether he proposes to insist to-morrow also on the House going into Committee of the Whole on the legislative appropriation bill? If that is his intention, we ought to know it.

Mr. GARFIELD. I will ask the House to-morrow to go into Committee of the Whole on the legislative appropriation bill, and I hope the House will agree to do so.

The SPEAKER. The question is on the motion of the gentleman from Ohio, that when the Committee of the Whole shall resume the consideration of the legislative appropriation bill all debate on the pending paragraph shall be closed in one minute.

Mr. HOLMAN. What is that paragraph?

The SPEAKER. The Clerk will read it.

The Clerk read as follows;

For publishing the laws of the first session of the Forty-third Congress in pamphlet form and in newspapers, $86,000: *Provided*, That after the 4th day of March, 1875, the publication of the laws in newspapers shall cease.

The question being taken, there were ayes 110, noes not counted.

So the motion to close debate was agreed to.

The question being taken on the motion that the House resolve itself into Committee of the Whole to resume the consideration of the legislative appropriation bill, it was agreed to.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The House accordingly resolved itself into the Committee of the Whole (Mr. WOODFORD in the chair) and resumed the consideration of the bill (H. R. No. 2064) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes.

Mr. GARFIELD. I yield the remaining minute to the gentleman from Massachusetts, [Mr. BUTLER.]

Mr. BUTLER, of Massachusetts. In reference to the point of order which was discussed last night, I desire to call the attention of the chairman of the Committee of the Whole to this proposition: The effect of this proviso, if we pass it, is to enact a new law. It is put in an appropriation bill, and if it stands by a vote of the House and of the Senate it becomes a new law limiting the appropriation for the publication of the laws in newspapers. Therefore it must be in order to amend it; because suppose we repeal hereafter the present law, then here would be a new law which controls this matter, and we would have a new law passed under a ruling that we cannot amend that new law. It is a provision of the law directly affecting a certain state and condition of public business. It is offered here for our votes. But when we desire to vote to amend it before we vote for it we are told by those who go for it that we cannot.

The rule, as I understand it, is that no amendment can be offered to an appropriation bill to change existing law. But when the appropriation bill itself contains a section to change the existing law, I respectfully submit that the rule does not apply and that we may amend that section. There ought not to be any section in an appropriation bill changing, extending, or in any other way interfering with the law. If the committee put in such a provision, then that provision should be subject to amendment. And I respectfully submit to the Chair and the committee that this rule, that no amendment changing the existing law shall be made to an appropriation bill, does not apply to a case where the provision of the bill is of itself a change of existing law.

Mr. GARFIELD. I ask for a vote. The time for debate has expired.

The CHAIRMAN. The question would be on an amendment offered originally by the gentleman from Florida [Mr. PURMAN] and then withdrawn, if it were still pending. But the Chair does not find in the RECORD that it has been renewed by any gentleman.

Mr. GARFIELD. I thought it had been renewed.

Mr. BUTLER, of Massachusetts. The gentleman from Rhode Island [Mr. EAMES] offered an amendment.

Mr. GARFIELD. That was ruled out of order.

Mr. BUTLER, of Massachusetts. I renew the amendment of the gentleman from Rhode Island.

Mr. STORM. I raise the point of order that that amendment was ruled out yesterday, and that no appeal was taken from the decision of the Chair.

The CHAIRMAN. The amendment originally offered by the gentleman from Rhode Island [Mr. EAMES] and now renewed by the gentleman from Massachusetts [Mr. BUTLER] is ruled out upon the ground that it changes existing law.

Mr. BUTLER, of Massachusetts. To that decision I desire the attention of the committee, and I shall respectfully appeal from it.

Mr. STORM. Is the point of order debatable?

The CHAIRMAN. It is not.

Mr. BUTLER, of Massachusetts. I will modify my amendment and move to insert in line 305, before the word "cease," the word "not;" so that it will read:

Provided, That after the 4th day of March, 1875, the publication of the laws in the newspapers shall not cease.

Mr. GARFIELD. I renew the point of order upon the amendment as modified.

The CHAIRMAN. The amendment is ruled out.

Mr. BUTLER, of Massachusetts. From that ruling I have the honor to appeal.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

Mr. HALE, of New York. Is that question debatable?

The CHAIRMAN. It is not.

Mr. HALE, of New York. I wish to suggest a single point.

Mr. GARFIELD. I object to debate.

Mr. HALE, of New York. I understand that it is debatable.

The CHAIRMAN. The House before going into committee made an order that debate should cease upon the pending paragraph in one minute. The point of order being made, the Chair thinks that no debate is in order which would continue beyond that one minute to which the House restricted it.

Mr. HALE, of New York. I ask unanimous consent to speak for half a minute.

Mr. HAZELTON, of Wisconsin. Give him twenty-five seconds.

Mr. GARFIELD. I object.

Mr. EAMES. I desire to make an inquiry.

The CHAIRMAN. An objection being made, the Chair is compelled to enforce the order of the House.

Mr. HALE, of New York. Does the Chair decide that the point of order is not debatable?

The CHAIRMAN. The Chair decides that the point of order is not debatable.

Mr. HALE, of New York. From that decision I appeal.

Mr. GARFIELD. The gentleman cannot take an appeal upon an appeal. There is one appeal pending now.

The CHAIRMAN. The Chair respectfully rules that when an appeal is pending, no other appeal can be taken until that is decided.

Mr. WARD, of Illinois. I appeal from that decision.

The CHAIRMAN. The question is upon the appeal taken by the gentleman from Massachusetts from the decision of the Chair.

The question was put, "Shall the decision of the Chair stand as the judgment of the committee?" and on a division the Chair announced that there were—ayes 136, noes 11.

Mr. BUTLER, of Massachusetts. I submit that no quorum voted.

The CHAIRMAN. One hundred and forty-six members are a constitutional quorum.

Mr. BUTLER, of Massachusetts. How many voted?

The CHAIRMAN. Precisely that number voted; 135 in the affirmative, and 11 in the negative.

Mr. HALE, of New York. I make the point of order that that is not a quorum; it makes only 146, which is not a majority of the House.

The CHAIRMAN. The statement of the gentleman from New York is correct, and the announcement of the vote by the Chair was incor-

rect. There were 136 in the affirmative and 11 in the negative, making a quorum.

Mr. GARFIELD. And the Chair counts one.

Mr. BUTLER, of Massachusetts, and Mr. HALE, of New York, called for tellers.

Tellers were not ordered, only 21 members voting therefor.

The Clerk resumed the reading of the bill, and read as follows:

For contingent expenses, namely: For rent, $15,750; for fuel, $2,500; for lights, $1,200; for repairs, $4,000; for care and subsistence of horses, and repairs of carriages, $2,000; and for miscellaneous items, not included in the foregoing, $6,250; in all, $31,700.

Mr. RANDALL. I rise to make an inquiry. I find an appropriation here for rent, $15,750, and then I find an appropriation for repairs, $4,000. Now, I understand that when we rent buildings the parties owning them are required by their contracts to keep them in repair.

Mr. GARFIELD. Those changes that the Department needs to have made in the buildings it rents for its own convenience—and it has had to make a good many— it makes at its own expense, according to the contracts. It is that class of repairs to which this appropriation relates.

Mr. RANDALL. Was this item put in the bill in answer to a requirement from the Department?

Mr. GARFIELD. The committee requested the Department to itemize, as they did not do last year, all the elements of the contingent fund, and they are thus itemized, and if any one of the items is not needed it will not be used. Gentlemen will see that we have left but $6,250 as a real contingent fund, for elements not expressed and itemized.

Mr. RANDALL. Four thousand dollars seems to be a large sum of money taken in connection with the amount paid for rent.

Mr. GARFIELD. We have very considerably reduced the amount.

The Clerk read as follows:

For purchase of official postage-stamps, $50,000.

Mr. DUNNELL. I move to insert after that clause the words "to be credited to the Post-Office Department."

Mr. GARFIELD. I suggest that that amendment ought not to be adopted. We made no such arrangement in any of the Departments. We simply appropriate the money, and the head of the Department purchases of the only Department from which he can purchase, namely, the Post-Office Department, the stamps which that Department only is authorized to furnish. Of course the amount could not be credited to any Department except the one for which it is appropriated. They must pay the sum over to the Department from which they buy the stamps. The gentleman will see that his amendment is not a proper one.

Mr. RANDALL. I would ask whether this appropriation is based upon the actual cost for this item during the present fiscal year?

Mr. GARFIELD. I will say that last year we appropriated $83,000. As was said in the House at the time, the Department could not tell with any great accuracy how much would be needed, and they estimated roughly by weighing the mails for a week that it would require about $83,000. The experience of the year has shown the State Department that $50,000 will be sufficient instead of $83,000.

Mr. BUTLER, of Massachusetts. Allow me a single question.

Mr. GARFIELD. Certainly.

Mr. BUTLER, of Massachusetts. That is, why should we pay anything more than it costs to print the stamps which the Department requires? I do not understand why we should appropriate the sum of $50,000 to pay for official stamps when all they cost the Government is fifteen cents a thousand. Probably three or four hundred dollars would pay, and more too, all that it costs to print the necessary amount of stamps for this Department. But here we are loading our appropriation bills with large sums, making it appear as though we were expending a large amount of money, when we merely take the money out of one pocket and put it into the other. That is called republican extravagance, and I am opposed to it.

Mr. GARFIELD. The suggestion of the gentleman is a good one with this exception: last year, in obedience to the act of Congress repealing the franking privilege, we made an appropriation which apparently swelled the expenses of the Government by $1,865,000. And to cut down the appropriation here would leave the expenditures of last year relatively very much greater than they really were. And there is another thing: this only amounts to charging each Department with its own expenses in this respect, instead of requiring the Post-Office Department to furnish the other Departments with official stamps at their mere cost, while the people are compelled to purchase the stamps that they use at their face value. We simply say that each Department shall pay the face value of the stamps it may use, as the people are obliged to do.

Mr. BUTLER, of Massachusetts. Let the Departments pay what the stamps actually cost the Government.

Mr. RANDALL. We may as well meet this question right here. The effect of this item of appropriation is to make a false showing against every Department but the Post-Office Department, and it gives the Post-Office Department an entirely undue credit. Therefore I think the gentleman from Massachusetts [Mr. BUTLER] is right, if he can arrive at the point, that each Department ought to pay only the actual cost of preparing these stamps, and compel the Post-Office Department to furnish them.

Mr. BUTLER, of Massachusetts. I move to strike out "$50,000" and to insert in lieu "$500."

Mr. RANDALL. That would be hardly enough.

Mr. GARFIELD. There is an amendment pending; let us dispose of that.

Mr. DUNNELL. I will withdraw my amendment.

Mr. BUTLER, of Massachusetts. I will modify my amendment so as to make the sum "$1,000," so as to have enough to pay for making these stamps.

Mr. RANDALL. That will do better.

Mr. BUTLER, of Massachusetts. I also move to substitute "furnishing" instead of "purchase."

Mr. WARD, of Illinois. I move to substitute for the entire paragraph these words:

The official documents and correspondence of this Department shall pass free through the mails under such regulations as may be made by the Postmaster-General.

Mr. GARFIELD. I think that amendment is liable to a point of order; but I will reserve it until the gentleman has made his remarks on his amendment.

Mr. WARD, of Illinois. It does not seem to me that it is really necessary for me to say a word, and I desire to say but a few words upon this subject. I have sustained and will continue to sustain the legislation repealing the franking privilege; but I will not sustain the other extreme to which we have gone. Every business man, and every one not a business man, can comprehend in an instant that all this matter of putting stamps on the documents and official correspondence of the different Departments in order to carry them through the mails is a foolish and useless expenditure to the Government. We could save even the $500 suggested by the gentleman from Massachusetts, [Mr. BUTLER,] or whatever may be necessary to print these official stamps. The Postmaster-General can establish regulations so that this business can be done better and cheaper than it is now.

I know that my amendment is objectionable to the point of order suggested by the gentleman from Ohio, [Mr. GARFIELD,] but I take it that it is no more objectionable in that respect than a provision of this bill just passed in reference to printing the laws in the newspapers in the various States. I hope the committee will consider and adopt my amendment, and save eight, ten, fifteen, twenty, or twenty-five thousand dollars per annum, whatever the sum may be, by abolishing this foolishness and nonsense of requiring one Department to purchase the stamps it needs of another Department.

Mr. GARFIELD. A single word in response to the gentleman. Of course, if the object of gentlemen is to restore the franking privilege, it will be cheaper than to purchase stamps. It is cheaper for a man to write his name on a public document than it is to go to the expense of even fifteen cents per thousand for printing stamps to put on them.

But we have abolished the franking privilege, and the House has refused to restore it. Now, if we put in here merely an appropriation to pay for preparing the stamps that may be used, that will be but another form of the franking privilege. I admit that it will make no difference in the long run, except in this: if you cut out this appropriation and the corresponding items for furnishing stamps to the other Departments, then you must swell by exactly that amount the total appropriation for carrying on the Post-Office Department.

Mr. BUTLER, of Massachusetts. By no means.

Mr. GARFIELD. Certainly. This sum of $50,000 will go to the Post-Office Department. You appropriate this sum for the State Department to pay over to the Post-Office Department, or so much thereof as may be necessary, for the stamps it needs; and the Treasury Department pays three or four hundred thousand dollars of its appropriations to the Post-Office Department for that purpose, and it is received by the Post-Office Department as a part of the revenue of that Department for carrying on the public service. If now you cut all these down, you compel the Post-Office Department to furnish stamps to all the other Departments at the mere cost; and Congress will thereby be obliged to appropriate for the Post-Office Department about $1,250,000 additional in the deficiency bill.

Mr. WILLARD, of Vermont. The aggregate appropriation would not be enlarged.

Mr. GARFIELD. The present system is to make each Department responsible for its specific amount of stamps. I do not know exactly how many hundred dollars will be required to buy stamps for the State Department according to the actual cost of printing them; nor does the gentleman from Massachusetts. I know that the stamps cost about fifteen cents a thousand, without regard to their denomination. A thousand three-cent stamps or a thousand fifty-cent stamps cost no more than a thousand one-cent stamps. Therefore if we appropriate $1,000 to the State Department to pay for printing the stamps that Department may require, we do not know what amount of stamps that Department will get for its use. But when we provide that the State Department shall have stamps to the face value of $50,000 and no more, we limit that Department in the use of stamps. If we do not limit it in that way, we have no control over the amount that shall be used in official stamps. The method upon which we are now proceeding is manifestly the best way to guard against any abuse by the Department in regard to official stamps. I hope the change proposed will not be made.

Mr. ALBRIGHT. If the amendment is open to a point of order, I insist upon having the ruling of the Chair upon it.

The CHAIRMAN. The point of order was reserved by the gentleman from Ohio, [Mr. GARFIELD.]

Mr. GARFIELD. I made my point not against the amendment of the gentleman from Massachusetts, but that of the gentleman from Illinois, [Mr. WARD.]

Mr. WARD, of Illinois. I do not want to press this amendment in any unseemly manner; but in my belief it reflects the judgment of the majority on this floor, and I ask leave to present it in the House.

Mr. GARFIELD. I cannot consent to that.

The CHAIRMAN. The gentleman from Ohio [Mr. GARFIELD] raises the point of order that the amendment of the gentleman from Illinois [Mr. WARD] involves new legislation.

Mr. KELLOGG. I rise to a parliamentary inquiry. The gentleman from Ohio reserved his point of order until the gentleman from Illinois [Mr. WARD] had spoken. But he then debated the question himself, and I submit whether it is not now too late for him to insist on the point of order?

Mr. GARFIELD. I did not debate the question presented by that amendment. I answered the gentleman from Massachusetts, [Mr. BUTLER;] but in doing so, I did not waive the point I had reserved.

Mr. KELLOGG. I think the gentleman should have asked the ruling of the Chair on the point before he made his reply.

The CHAIRMAN. The Chair rules that the point of order is well taken, and the amendment is not in order.

Mr. WARD, of Illinois. Then I desire to give notice that I shall renew the proposition whenever I may have an opportunity.

A MEMBER. You cannot do it.

Mr. WARD, of Illinois. I can by the consent of the House. This body controls its own legislation.

Mr. BUTLER, of Massachusetts. It has been said by the gentleman from Ohio [Mr. GARFIELD] that we shall have no control over the amount of postage-stamps used by the State Department if we give that Department merely an allowance to pay the actual cost of printing the stamps; but that if we give $50,000 in money to be spent for stamps, we have such control. The gentleman puts his argument upon the ground that the $50,000 is a limit. Well, he knows that it is an outside limit. The matter is left to the discretion of the head of that Department. Now, when the Secretary of State has the discretion to involve his Government in war, to carry on all our foreign relations, I think it is a rather small business for us to say that he cannot be intrusted to pay the postage of his Department; that there is danger he may run away with postage-stamps, and that the House should solemnly, upon the recommendation of the Committee on Appropriations, appropriate $50,000 lest the Secretary of State, if we make a mere appropriation of $1,000 for the cost of postage-stamps, may run away with some stamps. After all, this is a matter of administration, for which the Secretary of State must be responsible.

Here is the difficulty; and I want the House to understand it. The Postmaster-General insists that all the business of his Department shall go free through the mails; and he so orders. I call upon gentlemen of the Post-Office Committee to say whether I am not right?

Mr. COBB, of Kansas. Yes, sir.

Mr. BUTLER, of Massachusetts. That being so, I do not want to make "fish of one and flesh of another."

Mr. STARKWEATHER. The gentleman is mistaken in supposing that the Postmaster-General sends everything for his own Department free.

Mr. BUTLER, of Massachusetts. I have understood it to be the fact.

Mr. PACKER. The Post-Office Department pays its postage just as the other Departments do.

Mr. BUTLER, of Massachusetts. Pardon me; the gentleman will find that it passes through the mails free a portion of its business.

Mr. PACKER. Nothing except such articles as are included in the term "supplies." But for the correspondence of the Post-Office Department it uses postage-stamps, just as the other Departments do.

Mr. BUTLER, of Massachusetts. Now what are "supplies?" Everything that is sent out. Every bill of lading, every way-bill, everything sent out by the Post-Office Department goes free. Now what goes through the Department of the Secretary of State? All the supplies of our consuls abroad have to be stamped. Why should supplies of the Postmaster go free, and the supplies of the Secretary of State and his subordinates be taxed for postage? I do not believe in this appropriating money and being charged $1,800,000 in money in our appropriation bills, as evidence of our great expense in carrying on this Government, when we know there in no such expense, although we cannot always get the people of the country to think so.

Mr. DAWES. I ask my colleague whether he does not know cart-loads of postal-cards go out from Springfield, Massachusetts, to all parts of the country free through the mails?

Mr. BUTLER, of Massachusetts. They should go free through the mails. It is high treason if a Congressman or any Department should send even a package of newspapers through the mails free, but it is exactly right that the newspapers and the Post-Office Department, which first got up the cry for the abolition of the franking privilege, should have their papers and all their supplies go free through the mails.

Now, Mr. Chairman, I am opposed to it. We should say we will pay the Post-Office Department what it costs for stamps. Let the people know, first, what it costs to run the Government; and, secondly, exactly what each Department spends in money. If it is the Post-Office Department which spends least, let them have the credit of it. If it is the State Department, let them have the credit of it. This is a matter of so much importance I have ventured to trespass upon the time of the House, because it applies to every other Department.

Mr. MELLISH. Will the gentleman allow me to ask him a question?

Mr. BUTLER, of Massachusetts. Certainly.

Mr. MELLISH. Is there any good reason why, on principle, the Executive Departments should have the franking privilege to an unlimited extent, when it is totally denied to the legislative department of the Government?

Mr. BUTLER, of Massachusetts. There is no reason why. It is only because when we do our business here—and we ought do it as other people do it—we are afraid to do it. That is the reason, and there is no principle in it. With great respect to the gentlemen who hold the other way, it is cowardice on our part. It is because we are afraid of the howl of somebody who has got a few worn-out type, and dingy paper, and muddy ink. That is the reason; that is the principle, and that is the only principle about it. All the business of the country ought to go free through the mails.

[Here the hammer fell.]

Mr. WILLARD, of Vermont. I have an amendment to offer, which I understand the gentleman from Massachusetts will accept as a modification of his.

Mr. BUTLER, of Massachusetts. I accept the gentleman's amendment as a modification of my own.

Mr. WILLARD, of Vermont. I move to strike out lines 323 and 324, and insert in lieu thereof the following:

For furnishing official postage-stamps to an amount not exceeding $50,000 face value, $1,000.

Mr. Chairman, I cannot see, as other gentlemen have been able to see, any propriety in attempting to make it appear the Post-Office Department is any more nearly self-sustaining than it is. The Post-Office Department is only one Department of the Government. Whatever one branch of the Government pays to another is only a matter of book-keeping. It is a matter of no consequence beyond that. The only value I can see of allowing this appropriation to stand is to enable the Postmaster-General, when he makes his annual report to Congress, to say that he has received $50,000 from the State Department for official postage-stamps; to report that the Post-Office Department has received from all the Departments one million and a quarter, but the Government is no richer and no poorer by reason of that. It is only a trick of book-keeping, and that is all there is of it. The proposition I have sent to the Clerk's desk is simply this: it obviates one objection stated by the gentleman from Ohio. It limits the number of stamps that are to be supplied to $50,000, as they are limited in the bill. But it limits the actual appropriation for the expense of providing these stamps to $1,000. It provides for furnishing these official postage-stamps to the State Department to an amount not exceeding $50,000 face value, and makes an appropriation of $1,000 for that purpose.

Mr. RANDALL. I suggest to the gentleman to authorize the Postmaster-General to furnish those stamps.

Mr. WILLARD, of Vermont. My amendment says nothing about who shall furnish them any more than the bill does.

Mr. GARFIELD. Mr. Chairman, I wish to call the attention of the House to the new phase of the proposition before us. I hope the House will not be deluded into any side issues either directly or indirectly leading to the franking privilege unless they mean it. If they want the franking privilege restored, then let us restore it squarely. Let us say the heads of Departments shall write their names and we shall write our names and all our correspondence as formerly shall pass through the mails free. If, however, we do not mean that, then let us take the other side of the question, which is that the Post-Office Department shall sell these postage-stamps at their face value.

Now, the gentleman from Massachusetts says it does not cost any more than the printing of these stamps. I deny it. Does it cost no more to carry the mails of the Departments from here to Massachusetts?

Mr. BUTLER, of Massachusetts. No.

Mr. GARFIELD. Does it cost no more to carry the mails of the Departments to California?

Mr. BUTLER, of Massachusetts. No.

Mr. GARFIELD. Does it cost nothing to print the stamps?

Mr. WILLARD, of Vermont. The Post-Office Department is only one Department of the Government.

Mr. GARFIELD. I know that; but the gentleman is now asking us to say that the Post-Office Department shall not be credited for any carrying it does over all this country for any of the other Departments of the Government.

Now, the Treasury Department has to bear its own burden. The Treasury Department keeps its own books and makes its own showings, and we are here holding the Treasury to its work, requiring it to show what are its outgoings and its receipts. And we do the same thing with the Interior and the other Departments. The law as it now stands in regard to the Post-Office Department is that all its receipts shall be treated as revenues and all its outgoings shall be

charged as such, and that we shall appropriate for the deficit here in the deficiency bill.

It was one of the great reasons why the franking privilege ought to be abolished that it burdened one of the Departments of the Government, and charged to that Department expenditures that really should have been charged to the Treasury and other Departments. If you provide that the Treasury shall carry its own mails, or that it shall send by express and not by mail, if you provide the same thing for all the other Departments, then you will treat the various Departments of the Government justly. But now you propose that the State Department shall only be charged with $1,000 expenses, while it uses a face value of $50,000, and that that much money shall go into the revenues of the Post-Office Department. Now, it is only distributively and relatively just that you do precisely the same thing by the Post-Office Department as with all the other Departments of the Government.

Mr. BUTLER, of Massachusetts. Will the gentleman allow me a question?

Mr. GARFIELD. Certainly.

Mr. BUTLER, of Massachusetts. Has not the Post-Office Department made all these contracts for carrying the mails over the railroads, and does it cost for transportation, suppose, of one ton more anything like the face of the postage? He will not say it does anything of the kind.

Mr. COBB, of Kansas. I wish to ask the chairman of the Committee on Appropriations a question. I wish to ask if the chairman of the Committee on Appropriations does not know it to be a fact that this entire system of legislating for the Departments, instead of for the Government generally, is a system vicious in its nature, so that the head of any Bureau or Department cares not what he saves to the general Treasury, provided he can make a good showing for the Department or Bureau to which he belongs, and that this entire system promotes that? Take the Quartermaster's Department; it does not care what it saves to the War Department, provided the Quartermaster can make a good showing of the disbursements assigned to him. So with the Commissary Department. So with every other Bureau of the War Department.

Mr. GARFIELD. That is very true, and that is the reason why I want each Department to be compelled to stand on its own merits. The gentleman cannot consolidate departments into a government. We have a government consisting of departments, and the expenses of the Government are the aggregate expenses of the Departments.

Mr. RANDALL. It seems to me that the chairman of the Committee on Appropriations raises a false and improper issue. There is no analogy at all between the franking privilege and what is proposed here. On the contrary, my judgment is that every Department of the Government shall be allowed to pass public matter pertaining to that Department free through the mails, for, if this is not done, the Government is charged unnecessarily with the expense of printing the stamps. It is merely robbing Peter to pay Paul. And, in addition to that, I find an appropriation under this head for the State Department of $50,000, and find no appropriation for the same purpose for the Post-Office Department itself in this very bill. Why is that? If each Department is to go upon its own showing, why is there not embraced in this bill a clause making a similar appropriation for stamps for the Post-Office Department?

Mr. GARFIELD. We have put these appropriations into separate bills. We have put an appropriation for the War Department in the Army bill. We have put an appropriation for the Navy Department in the Navy bill. We have made appropriations in those bills for stamps for those two Departments. We make the appropriation for this purpose for the Post-Office Department in the post-office bill; and now, after passing three of our bills——

Mr. RANDALL. You have not passed the post-office appropriation bill.

Mr. GARFIELD. But that appropriation is in the bill which is now being prepared for the purpose of being passed; and in regard to the two other Departments I have named, those appropriations are made in the bills which have been already passed. And I hope gentlemen will not now, after those appropriations have been made, insist on changing the policy in regard to this Department.

The question being taken on the amendment of Mr. WILLARD, of Vermont, there were—ayes 89, noes 47; no quorum voting.

The CHAIRMAN. Is further count insisted on?

Mr. GARFIELD. I insist on further count.

The CHAIRMAN. Further count being insisted on, it is the duty of the Chair to order tellers. The gentleman from Ohio, Mr. GARFIELD, and the gentleman from Vermont, Mr. WILLARD, will act as tellers.

The committee divided; and the tellers reported ayes 89, noes not counted.

So the amendment was agreed to.

The Clerk read as follows:

TREASURY DEPARTMENT.

Secretary's Office:

For compensation of the Secretary of the Treasury, $8,000; two Assistant Secretaries of the Treasury, at $3,500 each; chief clerk and *ex officio* superintendent of the Treasury building, $3,000; seven clerks, namely, of Appointments, of Warrants and Appropriations, of Revenue Marine, of Customs, of Navigation, of Internal Revenue, and of the Independent Treasury, at $3,000 each; seven principal clerks, at $2,400 each; twenty-five clerks of class four; two disbursing clerks, at $2,500 each; twenty-six clerks of class three; twenty-one clerks of class two; eighteen clerks of class one; thirty-one female clerks, at $900 each; eleven messengers; and eleven laborers; one clerk of class four and one clerk of class one, to assist the chief clerk in superintending the building; one captain of the watch, $1,400; one engineer, $1,600; one machinist and gas fitter, $1,200; one storekeeper, $1,400; sixty watchmen, at $720 each, and, additional to two of said watchmen, acting as lieutenants of watchmen, $280 each, in addition; twenty-five laborers, at $720 each; one assistant engineer, $1,000; nine firemen, at $720 each; ninety charwomen, at $180 each; in all, $339,500.

Mr. RANDALL. I want to call the attention of the chairman of the Committee on Appropriations to what seems to be an improper discrimination. The Assistant Secretaries of the Treasury are given $3,500 each, while the Supervising Architect, further on in the bill, is given $4,000. I think the salaries of the Assistant Secretaries ought to be raised to $4,000.

Mr. GARFIELD. I desire in the first place to offer certain amendments which I am instructed by the Committee on Appropriations to move.

Mr. BECK. I rise to a point of order. I make the point of order upon the paragraph which has been read that it embraces new legislation.

Mr. GARFIELD. It is not new legislation.

Mr. BECK. I claim that there is no law for the appointment of all these heads of Bureaus in the Treasury Department.

Mr. RANDALL. There is no law for them.

Mr. BECK. I make that point of order.

Mr. GARFIELD. There is no new legislation in the paragraph, and if there were, there was permission given to make whatever new legislation was required to change the entire system of paying out the national-loan fund; and part of the clause relates to that.

Mr. BECK. I know it does.

Mr. GARFIELD. There is no change here such as the gentleman suggests in the way of creating offices.

Mr. BECK. I have in my hand a report made by the gentleman from Ohio, No. 139, and on page 54 of that report he gives the laws authorizing bureau officers, and I do not find more than half in that report that are included in this clause. There are very many provided for here which are not mentioned there.

Mr. GARFIELD. But there is no bureau mentioned in the paragraph which has been read.

Mr. RANDALL. O yes, there is; at least it provides for what are bureau officers.

Mr. BECK. They are called clerks.

Mr. GARFIELD. If any point of order is to be made, let the gentleman from Kentucky please reserve the right to make it, and allow me first to offer the amendments which I am instructed by the Committee on Appropriations to offer to this paragraph.

Mr. BECK. I have no objection to that.

The CHAIRMAN. The right to raise the point of order is reserved by unanimous consent.

Mr. GARFIELD. I am instructed by the Committee on Appropriations to offer to this paragraph three amendments; one is merely verbal. It is on line 336, to change the word "clerk" to "clerks;" so that it will read:

Two disbursing clerks, at $2,500 each.

That amendment is merely verbal, and I suppose no one will object to it. The next amendment is in line 330, to strike out "$3,000" and insert "2,500;" so that it will read:

Chief clerk and *ex-officio* superintendent of the Treasury building, $2,500.

The other amendment is in line 333, to strike out "$3,000" and insert "$2,500;" so that it will read:

Seven clerks, namely, of Appointments, of Warrants and Appropriations, of Revenue Marine, of Customs, of Navigation, of Internal Revenue, and of the Independent Treasury, at $2,500 each.

These amendments I am instructed to offer by the Committee on Appropriations. I desire to state for the information of the Committee of the Whole the difficulties with which the Committee on Appropriations were confronted when they came to the Treasury Department, and I will confine the remarks I shall make and the statistics I shall present to this paragraph alone which has been read.

At the present moment there are employed in the office of the Secretary of the Treasury—I do not mean in the Department generally, but I mean in the Secretary's office proper, the office for which we are now appropriating—two classes of employés: first, persons appropriated for in the annual appropriation bills, as in the bill before us; and second, persons who are designated to serve in his office by the Secretary himself under the provisions of an act to appropriate 1 per cent. for the expenses of the national loan and for carrying on that Department of the Government. Under the first head there are now serving in the Treasury Department three hundred and fifty-one persons, and under the second head one hundred and sixty-seven persons; in other words, we have more than five hundred, very nearly six hundred clerks, messengers, laborers, watchmen, and other employés in the office of the Secretary of the Treasury, one hundred and sixty-seven of whom are employed under this fund for the support of the national loan. As with similar numbers in other offices of the Treasury Department, we have determined to sweep these away; not that we can make a reduction of that amount, but that we can put them in the regular appropriation bills. We have separated the two classes in this bill, and on the sixty-sixth page gentlemen will find the appropriation for the branch of service in the Secretary of the Treasury's office now provided for under this general fund appropriated, so that

the paragraph now under consideration and the paragraph found on the sixty-sixth page, taken together, provide for the different sets of persons now authorized under this bill, if it becomes a law, in the office of the Secretary of the Treasury. As the matter now stands, in the current fiscal year there are paid out of our appropriations made here annually and out of the loan fund for the force in the Secretary's office sums which, taken together, amount to $634,568. That is the amount now being paid for the force employed in the Secretary's office.

This is a large sum, and the committee have believed that it ought to be very largely reduced. They have proposed to reduce the number of clerks of various classes, so as to reduce the amount required to $468,733.50, or a reduction of $165,834.50 in the cost of maintaining the force in the office of the Secretary. We have cut it down both in numbers and in rates: in some cases we have cut down the rates largely, in others to but a little degree; but on the whole we have made no increase.

Mr. STARKWEATHER. How much less is appropriated for the chief clerks of these Bureaus, as they are called?

Mr. GARFIELD. We have arrived at the most important part of this bill, the part on which the Committee on Appropriations spent certainly not less than twenty days' work to accomplish what they believed to be a great and needed reform. We found that there had been growing up in this office of the Secretary of the Treasury a group of so-called bureaus not known to the law, but a group which the Secretary of the Treasury had a right to make so far as the mere grouping together of a number of clerks was concerned; that is, assigning to one set of clerks one particular duty, to another set of clerks another duty, and giving the different sets separate rooms under these several heads. It seemed to the committee that there was a larger number of these groups than ought to have been made. There were some twelve of them known by special names, such as Warrant, Appointment, Stationery, Revenue Marine, Customs, Navigation, Internal Revenue, Independent Treasury, Mail, Records and Files, and one or two more which I do not now remember. In that way there are grouped a large number of clerks. And under the power given to the Secretary to pay out of the national-loan fund he was not limited as to the amount of salaries to be paid to them.

If gentlemen will turn to a book known as the Treasury Register, a book not in general circulation, they will find that in the office of the Appointment Bureau, as it is called, there are twenty-two clerks. The head of that Bureau receives $3,000, his assistant receives $2,400, and the other clerks receive $1,800, $1,600, $1,400, and $1,200, according as they are graded, and the messengers receive lower figures. This includes the extra compensation given from what is known as the distributive fund, which has been voted for several years by Congress; the $22,500 which has appeared in our appropriation bills for several years, to enable the Secretary of the Treasury to pay additional salary to such important clerks as he thought should receive it.

There is then a Warrant Division or Bureau, in which are twenty clerks. The officer at the head of that Bureau receives $3,000 and his assistant $2,000. Here is the Bureau of the Independent Treasury, the head of which gets $3,000, and his assistant $2,400; and there are nineteen clerks in that Bureau. In the Customs Bureau there are seventeen clerks, and the head of the Bureau and his assistant receive the same compensation as in the Bureau of the Independent Treasury. The Revenue Marine has nine clerks, and two principal clerks, receiving the same pay as in the other Bureaus. The Bureau of Navigation has eight clerks, the chief and his assistant receiving the same pay as other chiefs and assistants. Here is the Internal Revenue Bureau with ten clerks, the Stationery Bureau with seventeen clerks, the Bureau of Captured and Abandoned Property with six clerks, the Bureau of Mails with thirteen clerks, the head of which receives $3,000. Then there is the Bureau of Record and Files with forty-one clerks, the head of which receives $3,000.

If it were not for two things in the law none of these clerks would receive more than the extreme limit allowed to the other clerks, that is $1,800 a year. But under the two provisions of law to which I have referred they have been for several years receiving the rate of compensation I have named.

[Here the hammer fell.]

Mr. KELLOGG. I rise to oppose the amendment.

Mr. BECK. If I am recognized by the Chair on my point of order, I will yield to the gentleman from Ohio [Mr. GARFIELD] to finish his statement.

Mr. KELLOGG. I submit a question of order.

The CHAIRMAN. Except by unanimous consent the gentleman from Ohio cannot have more than five minutes. The rule distinctly provides that each amendment shall be open to debate five minutes for and five minutes against.

Mr. RANDALL. I hope the gentleman will be allowed to proceed.

The CHAIRMAN. If there be no objection the gentleman can proceed.

Mr. KELLOGG. I want to say one word. I do not object to the gentleman from Ohio continuing, if I can be recognized for five minutes to oppose the amendment.

Mr. BECK. I object to any bargain of that sort being made.

Mr. KELLOGG. Then I raise the question of order, that no gentleman on this floor can raise a point of order and obtain the floor upon it, and yield the five minutes which belong to the opponents of the pending amendment to a gentleman who has been advocating it. I am willing that the gentleman from Kentucky [Mr. BECK] and the gentleman from Ohio [Mr. GARFIELD] shall have an opportunity to be heard, and they usually do have it; but I insist upon my right to be heard also.

Mr. DAWES. I rise to a point of order. Did the Chair recognize the gentleman from Kentucky as entitled to the floor?

The CHAIRMAN. The Chair did.

Mr. DAWES. Then under the rules cannot the gentleman yield to whom he pleases?

Mr. KELLOGG. Can he under a point of order obtain the floor and yield to another gentleman to support an amendment?

Mr. DAWES. The rule says that any gentleman obtaining the floor can yield to whom he pleases for the purpose of explaining the pending measure.

Mr. O'BRIEN. Is the point of order debatable?

The CHAIRMAN. It is not. The gentleman from Kentucky [Mr. BECK] was recognized, and has yielded his five minutes to the gentleman from Ohio, [Mr. GARFIELD.]

Mr. RANDALL. I understood that unanimous consent was given to the gentleman from Ohio to go on.

Mr. GARFIELD. Objection was made by the gentleman from Connecticut, [Mr. KELLOGG.]

Mr. KELLOGG. I did not object. I wish the gentleman would correct that statement.

Mr. GARFIELD. Now, Mr. Chairman, not in the spirit of debate, but to give the Committee of the Whole the information which the Committee on Appropriations have tried to gain, I wish to say that all I have been describing here had grown up under two provisions of law. One was in the annual appropriation bills granting sums for distribution by the Secretary of the Treasury. That custom began away back soon after the close of the war, in the days of Secretary McCulloch. We at one time appropriated over $300,000 to be distributed by Secretary McCulloch as additional salary to such valuable clerks as he considered deserving of an extra allowance. The object was to prevent the necessity of raising generally the salaries in the Treasury Department. By degrees, as the expenses of the war passed away, we decreased that appropriation, and for the last four or five years we have granted only two sums—$22,500 to be distributed by the Secretary of the Treasury to persons in his office, and $8,500 to be distributed by General Spinner to the clerks in his office. From this source there have been these increases of salary. Now there has been one other source of such allowances. By the act of May, 1872, and previous acts of the same character, the entire expense of the national loan, including the printing of notes, bonds, fractional currency—all that is done in the Bureau of Engraving and Printing and all that is done in handling the bonds and notes and keeping the record of them—is appropriated for by a permanent appropriation to the extent of 1 per cent. of the whole amount of issues in any one year. This puts a fund somewhere in the neighborhood of $5,000,000 at the discretion of the Secretary of the Treasury. In the administration of that fund he has employed such force as he deemed necessary. That force is first in the Bureau of Engraving and Printing, where there are at the present time twelve hundred people employed.

Mr. LAMISON. Will the gentleman permit a question?

Mr. GARFIELD. Certainly.

Mr. LAMISON. Are there any vouchers for the expenditure by the Secretary of the Treasury of this fund, which the gentleman says is left to the Secretary's discretion?

Mr. GARFIELD. O, yes.

Mr. LAMISON. Do they show the names of the parties to whom the money has been paid?

Mr. GARFIELD. Certainly. The accounts go through the hands of the regular accounting officers of the Treasury like all their accounts.

Mr. LAMISON. Is a record kept of the names of the beneficiaries?

Mr. GARFIELD. The names are on record and in print. There is no attack on any one in this matter; I simply state what our laws are. Now in addition to what goes to the Bureau of Engraving and Printing, there are also employed at the present time in the Secretary's office, under the direction of the Secretary of the Treasury, one hundred and sixty-seven persons, who are paid out of the expenses of the national loan. If gentlemen will turn to page 24 of the report designated to accompany this bill—Report 139—they will find a list of all the clerks and employés in the several offices who are paid out of this fund. They will see that there are one hundred and sixty-seven persons in the Secretary's office who receive in the aggregate $175,425 a year. There are two hundred and forty persons employed in the office of the Treasurer, General Spinner, receiving in the aggregate $238,768 annually. There are employed in the Register's office one hundred and seventy-three persons, who receive $186,100 a year; and there are sixteen persons in the First Auditor's office, receiving in all $24,440 a year.

In the sections now under consideration we have made the ordinary appropriation, except that we have left out the $22,500 for the Secretary's office, and $8,500 for the Treasurer's office. And hoping that some day or other the expenses of the national loan can be dropped altogether—regarding this as a sort of temporary addition to our expenses—we have on page 66, instead of making a permanent

appropriation, inserted a section repealing all permanent appropriations for the expenses of the national loan, making a specific appropriation for the Bureau of Engraving and Printing, and a specific appropriation for the additional force in the Secretary's office, the Treasurer's office, the Register's office, and the office of the First Auditor. This provision is a substitute for the general, sweeping, permanent appropriation of about $5,000,000 a year now made by law, and now governed wholly by the discretion of the Secretary of the Treasury.

Now in the main the Secretary has used his discretion, I should say, wisely; but he has paid out of this fund some large sums. He has paid to a large number of officers $3,000 a year. For instance, one person at the head of what is called the "loan division" (this expenditure coming under the head of expenses of national loan) has been paid for several years $3,000 annually.

Out of the $22,500 distributive fund which we have allowed for several years he has paid a gratuity to those in his own office whom he considers as especially important as clerks, and you will see the list on page 31. He gave some $1,200, some $1,000, some $800, and some $600 additional. There is on that page a table called "Appendix D," which shows just the officers to whom this $22,500 has been distributed.

We authorized that ourselves; and when we came to look into the large number of important divisions or bureaus established in the office of the Secretary of the Treasury, we thought at first we would strike them all out; but then, again, we thought we might cripple the machinery of the office, and therefore selected seven which we deemed to be the most important, and provided they should be retained.

Mr. STARKWEATHER. The first question to be considered is in reference to the salary of the chief clerk of the Treasury Department, which we propose to fix at $2,500. I think we can get along a great deal faster if we take up and comment and act on these matters one at a time.

Mr. GARFIELD. It was perhaps necessary to make beforehand this general explanation of the whole matter.

Mr. STARKWEATHER. It is proposed to make the salary of the chief clerk of the Treasury the same as that voted the chief clerk of the Secretary of State yesterday.

Mr. GARFIELD. We propose the chief clerk of the Treasury Department instead of receiving $3,000, as he does now, shall receive hereafter $2,500, and also that the clerks at the head of divisions of Appointments, Warrants, and Appropriations, Revenue Marine, Customs, Navigation, Internal Revenue, and Independent Treasury, shall have $2,500 a year.

[Here the hammer fell.]

Mr. KELLOGG. Mr. Chairman, I rise to oppose the amendment the gentleman offers. If I understand it rightly, it is confined now to this chief clerk. I will say at the outset I agree entirely with the Committee on Appropriations that it was a matter of economy and good judgment on their part to consolidate all these offices into one bill, and dispense with what has been received out of what is called the "slush-fund." I think we ought to settle by law what these salaries should be, and provide there shall be no such "slush-fund" out of which $1,200, or $1,000, or $800, or $600 can be added to the salary of each one of these clerks,

But, Mr. Chairman, when the gentleman goes beyond that and says he is authorized by the Committee on Appropriations to strike down the sum fixed in this bill for the chief clerk and *ex officio* superintendents of the Treasury Department from $3,000 to $2,500, I as one member here do not believe it is either good economy or good judgment on the part either of that committee or this House. I do not believe that an officer so important as this one is should have his salary reduced below $3,000. The bill as it stands, without being amended, is precisely what that officer has had for years past. We have had this "slush-fund" since 1866. It is the fund which my friend from Indiana [Mr. HOLMAN] and my friend from Kentucky [Mr. BECK] talk so much about, although during Andrew Johnson's administration that "slush-fund" was five or six times larger than it ever has been since. It was divided among these officers to increase their salaries. Beside that we then passed a law adding 20 per cent. to all these salaries. During this administration there has been only $22,500 divided among these officers, and if this bill passes, $3,000 for this chief clerk and for those at the head of the other Bureaus is precisely what they have been getting for years and precisely what in my judgment they ought to have. It is as little as they ought to have, and for any less salary I do not think proper men could be induced to remain there.

Now take the Bureau of Warrants and Appropriations. Why, sir, every warrant for the payment of money has to go through that Bureau. When the committee framed this bill and gave these men the same sum they had received from these two sources I thought it had done a wise thing. I therefore now submit it is not justice, it is not good economy to provide for paying these men a less sum than they can get by going into any country bank and acting as teller or cashier. I mentioned an instance the other day of the cashier of the Treasury who receives only $2,800 a year and who went to a bank in Omaha where he got $3,800 a year. Out of this "slush-fund" they gave him, however, an additional $1,000 and got him back again, and he is now serving in the Treasury, I believe, although he can command five or six thousand a year in any of twenty-five national banks in the country.

Now I do not believe in any general increase of salaries. I say keep the great body of your clerks at their present salaries. Give them $1,800 or $1,600 or $1,400 or $1,200 a year as now. But, sir, you must have a few men in important positions where millions of bonds and currency go through their hands every year, and you ought to keep men in these positions of sufficient capacity to command a salary of over $3,000 a year, and the sum ought to be sufficient so as to make it an inducement for subordinates to aspire to fill the higher positions when they become properly qualified.

I may say once for all that in my judgment so far as regards the men who fill the important places in the Department, who require to be men of high honor and of high ability, you ought to put them beyond the reach of temptation; you ought to give them salaries which will support them from year to year and enable them to support their families with no temptation to anything in the shape of pilfering or dishonesty. It is not good economy, it is not good civil service reform to cut down the salaries of the men filling these important positions.

Mr. BURCHARD. I desire to ask the chairman of the Committee on Appropriations a question in regard to the text of the bill, whether the appropriations made in the bill for the seven clerks of appointments, &c., at $3,000 each, of seven principal clerks at $2,400 each, of two disbursing clerks at $2,500 each, are the sums that have been paid under the national loan act heretofore to those clerks?

Mr. GARFIELD. These men are getting the precise sums put down here. I am not sure but we are going too far in cutting these amounts down as is now proposed. It was the opinion of the majority of the Committee on Appropriations that we should do it, and I am faithful to them in reporting their decision.

Mr. BECK. I move to amend by striking out "$339,500," at the end of the paragraph, and make the amount "$300,000."

I wish to say that if the committee will pay attention, as the chairman of the Committee on Appropriations asks them to do, to this portion of the bill, they will see that it involves a more radical change, a change more important than any other made or suggested in the whole bill. Yet I doubt whether ten members of the House know or care anything about it. We have been allowing $22,500 annually to the Secretary of the Treasury, to be disposed of as the Secretary saw fit, for additional service or additional compensation to meritorious officers in his Department, assuming, of course, that the Auditors, Comptrollers, and their clerks would be the recipients of it in proper proportions; but we have been mistaken in our assumption. Not one dollar of it has ever got outside of the Secretary's office. The Comptrollers, the Auditors, and their chief clerks, men who are doing three times the amount of work that the bureau officers inside the Secretary's office are doing, have never received a dollar of increased pay. All has gone to the favorites hanging around the office of the Secretary himself, acting as his chiefs of staff, without warrant of law; and now, even in this bill of the committee, it is proposed to pay the chief clerks and their assistants in the little fancy bureaus established there in violation of law, $2,500 and $3,000 a year, when the chief clerks in the offices of the different Auditors and Comptrollers, having some of them ten times as many men under their control, twice as much to do and ten times the responsibility, are to be paid only $2,000 a year. I am opposed to all such legislation, and to the encouragement of a swarm of useless retainers to give pomp and mock dignity to the office of Secretary, while the real workers in the Comptrollers' and Auditors' offices are overworked and badly paid. The blunder is in keeping up a useless force. I do not object to paying good salaries to officers we really need, whose places are provided for by law and whose duties are legally defined.

There has been a system of favoritism and corruption in these things about which this Congress has never known enough. The bill of the committee is in the right direction. I approve its design as far as it goes, but it does not approach doing what ought to be done and what the House ought, if we have the time to consider and understand it, require to be done. It does, however, cut off this floating fund, which has been simply applied to pay favorites and pets of the Secretary.

The gentleman from Connecticut [Mr. KELLOGG] called me to task some weeks ago when I said that in the office of the Secretary of the Treasury they were organizing bureaus and paying extra salaries to an extent unknown before. He rose in his place to say that in 1869 they were doing worse than they are now. I said that might be true. The gentleman's party were responsible for all the legislation then as much as now. But I have taken pains to have the matter investigated since then by a gentleman who is generally accurate, and I hold in my hand what I believe is an accurate statement of the amounts paid to officers in the office of the Secretary of the Treasury. In 1869 it amounted to $63,300. And for the same set of officials in that office in 1873–'74 we are paying $146,400, an excess of $83,100 over what was paid then. I desire to have the statement in full incorporated with my remarks. It is as follows:

1869.

Chief clerk of Treasury	$2,700
Disbursing clerk	2,500
10 heads of division, at $2,800 each	28,000
1 assistant treasurer	2,800
1 cashier	2,800
1 assistant cashier	2,500
5 chiefs of division, at $2,000 each	10,000

3 chiefs of loan branch, at $2,500 each	$7,500
1 chief of loan branch	2,000
1 chief of statistics	2,500
1 assistant of statistics	2,000
	63,300

1874.

Chief clerk	4,000
Disbursing clerk	2,800
14 heads of division, at $3,000 each	42,000
12 assistant heads of division, at $2,400 each	28,800
1 chief of division of statistics	2,500
1 assistant of division of statistics	2,500
1 chief of mint division	4,500
1 chief clerk	2,000
1 assistant treasurer	3,800
1 cashier	3,800
1 assistant cashier	2,500
1 chief clerk to Treasurer	2,700
1 paying-teller	2,700
1 receiving-teller	2,600
1 assistant paying-teller	2,300
1 assistant receiving-teller	2,300
5 chiefs of division, at $2,700 each	13,500
6 chiefs of division, at $2,500 each	15,000
2 principal book-keepers division, at $2,550 each	5,100
	146,400

My only object in setting forth this statement in detail is that its accuracy may be tested. I had it made up, as I said, by a man who knows pretty well what he is about. Turn to the report of the gentleman from Ohio [Mr. GARFIELD] accompanying this bill, and gentlemen will see what is done with the $22,500 which is put in the Secretary's hands to reward meritorious officers. You will find that every dollar of that $22,500 goes into the hands of a few men whom he has around him.

His statement of it is as follows:

Statement showing the number and grades of persons in the office of the Secretary of the Treasury who received additional compensation during the year ending June 30, 1873, and the amount paid each.

Chief clerk	$1,000 00
Chief of Appointment Bureau	1,200 00
Chief of Warrant Bureau	1,200 00
Chief of Independent Treasury Bureau	1,200 00
Chief of Customs Bureau	1,200 00
Chief of Navigation Bureau	1,200 00
Chief of Revenue Marine Bureau	1,200 00
Chief of Internal Revenue Bureau	1,200 00
Chief of Stationery Bureau	1,200 00
Chief of Records and Files Bureau	1,200 00
Disbursing clerk	800 00
Disbursing clerk	800 00
Chief clerk Supervising Architect's office	800 00
Chief clerk Bureau Statistics	500 00
Assistant chief of Appointment Bureau	128 82
Assistant chief of Appointment Bureau	471 18
Assistant chief of Customs Bureau	600 00
Assistant chief of Navigation Bureau	600 00
Assistant chief of Internal Revenue Bureau	600 00
Assistant chief of Stationery Bureau	600 00
Chief of Mail Bureau	600 00
Assistant chief of Warrant Bureau	600 00
Assistant chief of Revenue Marine Bureau	600 00
Assistant chief of Independent Treasury Bureau	600 00
Clerk to Secretary	600 00
Law clerk with Assistant Secretary	600 00
Assistant to chief clerk in charge of captured and abandoned property	600 00
Assistant to chief clerk in Superintendent's branch	300 72
Assistant to Special Agent's branch	99 99
Assistant to chief of Stationery and Printing Bureau	38 59
Disbursing clerk	160 70
Total	22,500 00

Now, turn to your Blue-Book for this year, and instead of the ten Bureaus which the gentleman from Connecticut [Mr. KELLOGG] told us were now in existence in the Secretary's office, what do we find? We find Chief of Appointments, one; chief clerk in Warrant Bureau, two; Independent Treasury, three; Customs, four; Revenue Marine, five; Navigation, six; Internal Revenue—they keep a little machine of that kind there it seems; Sanborn I suppose heads it—seven; Stationery and Printing, eight; Captured and Abandoned Property, nine; Special Agent Madge's Bureau, ten; Supervising Architect, eleven; Marine Hospital, twelve; Inspection of Steamboats, thirteen; Statistics, fourteen; Mint, fifteen; Mail, sixteen; Records and Files, seventeen; Loans, eighteen; Miscellaneous Duty, nineteen; Currency, twenty; Engraving and Printing, twenty-one; Light House, twenty-two; with several others. I confess there are more than I suspected.

I will quit counting. Little wonder the gentleman from Ohio [Mr. GARFIELD] has to admit that $160,000 a year can be lopped off from this office alone, and still pay them all more than any other officers get.

Mr. KELLOGG. I desire to say one word. Only twelve of them are in the Secretary's office. I have the list here; the others are outside, and the gentleman ought to know it; they are not in the Secretary's office at all.

Mr. BECK. They are put down in the Blue-Book as *the Bureaus* of the Secretary's office. The gentleman has the Blue-Book before him and can see it.

Mr. KELLOGG. I understand all that; there are twelve now where there were twenty-three under Johnson's administration.

Mr. BECK. Here is the Secretary's own book, and in it are all these things put down as part and parcel of the Secretary's office. The statements made in that official record are true, or this is another fraud and deception. The gentleman from Connecticut must have been greatly misled, or have been deceiving us, when he said that more money was expended in 1869 in the Secretary's office than now.

Mr. KELLOGG. Does the gentleman charge me with fraud?

Mr. BECK. O no, my dear sir. If I said anything of that kind it was a slip of the tongue.

Mr. KELLOGG. I say that there are twelve Bureaus now, instead of twenty-three as under Johnson's administration, and that does not include the Light-house Board.

Mr. BECK. Look at the Blue-Book; it shows all the facts. The portion of it I read from runs from page 28 to page 41. It is the book just published, and furnished by the Secretary himself. Can nothing be believed which comes from official sources?

I want to say another thing. The gentleman from Ohio said just now that 1 per cent. retained out of the national loan amounted to $2,800,000 this year, and, as I understood him, he says that that money was in part used to pay these officials in the Secretary's office and in part to pay those employed in the Loan division.

[Here the hammer fell.]

Mr. BECK. I desire to say one word more. I find in the gentleman's report that the expenses of the national loan are put down at $2,000,000, all paid to outside parties, if I am not mistaken. I would like some explanation of that. On page 26 of his report the expenses are given as follows:

3.—*Expenses national loan for the fiscal year ending June 30, 1873.*

To B. Birch		$640,000 00
To T. J. Hobbs, Bureau of Engraving and Printing		1,365,000 00
To American Bank-Note Company		301,484 29
To Adams Express Company		253,834 64
To Baltimore and Ohio Railroad Company		886 09
To George Bruce's Son & Company		3,755 86
To Colorado National Bank		24 50
To City National Bank, Denver		6 50
To Colorado National Bank-Note Company		2 25
To Central Pacific Railroad Company		1,762 00
To George W. Casilear		1,500 00
To George Eyster	$600 00	
Deduct repayment	68 60	
		531 40
To T. Hillhouse		2,650 00
To F. Haven, jr		94 10
To Kansas and Pacific Railroad Company		332 00
To National Bank-Note Company		259,364 37
To First National Bank, Helena, Montana		169 50
To New York Democrat		25 50
To First National Bank, Galveston		16 00
To Pittsburgh, Cincinnati and Saint Louis Railroad Company		188 40
To E. H. Rollins		1,032 00
To San Antonio National Bank		900 00
To Texas Express Company		25 00
To Union Pacific Railroad Company		2,064 00
To Wells, Fargo & Co.'s Express Company		54 85
		2,835,703 25
To Treasury Department	$2,667 73	
By Treasury Department	19,016 57	
Excess of repayment	16,348 84	
By Bureau Engraving and Printing	11,198 82	
By T. W. Dimon	128 00	
By C. P. Huntington	1,032 00	
By W. A. Richardson	18 20	
By F. E. Spinner	113 45	
		28,839 31
Total net expenditures		2,806,863 94

Mr. GARFIELD. Mr. Hobbs is the disbursing clerk; he keeps the pay-rolls.

Mr. BECK. There is an item to the Baltimore and Ohio Railroad Company, and another to the Central Pacific Railroad Company, others to express and bank-note companies, and another to B. Birch, $640,000.

Mr. GARFIELD. Birch and Hobbs are the two disbursing clerks who pay the force employed in the Bureau of Engraving and Printing.

Mr. BECK. There is an item of $301,484.29 to the American Bank-Note Company, and an item of over $250,000 to the National Bank-Note Company.

Mr. GARFIELD. The bank-note companies do the printing of the notes in New York, and of course they are paid.

[Here the hammer fell.]

Mr. WARD, of Illinois. Before offering an amendment I desire to make an inquiry of the Chair as to the existing state of the amendments pending.

The CHAIRMAN. There are three amendments pending, offered by the gentleman from Ohio, [Mr. GARFIELD,] being one more amendment than the rules permit.

Mr. HOLMAN. The gentleman from Ohio submitted those amendments as one; they are substantially one amendment.

Mr. GARFIELD. They are really a part of the same thing, and I offered them as the same amendment.

The CHAIRMAN. Then they will be treated as one amendment.

Mr. WARD, of Illinois. I then offer an amendment to the amendment to insert after the word "each," in line 339, the following:

Provided, That no money appropriated by this bill shall be used to pay male employés more than is paid to female employés for like services.

Mr. GARFIELD. I make the point of order on that amendment that it changes the existing law.

Mr. WARD, of Illinois. No; it does not.

Mr. GARFIELD. I withdraw the point of order. It is a restriction on the appropriation made in this bill and does not change the general law.

Mr. WARD, of Illinois. If the amendment is understood by the committee I do not desire to say a word in support of it. It possesses the elements of equity, justice, and fair dealing, and especially when it appeals to the stronger of the human family, it seems to me that it need not be argued at all. It merely proposes that like services shall be paid for at like rates.

Mr. GARFIELD. I would like to know if the gentleman means by his amendment to say that the five or six hundred ladies now employed in the Treasury Department shall all have their pay raised?

Mr. WARD, of Illinois. If the proposition meets with the approval of the House it can be perfected. I am not sufficiently versed in all the legislation concerning clerks to be able to frame it as it perhaps ought to be; but the idea contained in the proposition I think everybody comprehends, and it is simply that like services shall be paid for at like rates whether performed by males or females.

Mr. KELLOGG. I agree with the gentleman in that, and the Committee on Reform in the Civil Service have inserted such a provision in their bill reorganizing the Department.

Mr. NIBLACK. I agree with the gentleman from Illinois who offers this amendment, that much of the discrimination made in the rates of compensation paid to male and female labor in the Departments is unjust, and that some remedy ought to be applied, but I do not think the House is prepared to make the change which the gentleman suggests by his amendment, and therefore I oppose it *pro forma*. I do believe, and I call the attention of the gentleman from Connecticut [Mr. KELLOGG] and also of the gentleman from Ohio [Mr. GARFIELD] to this view of the case, that there ought to be classes of female clerks the same as there are of male clerks. I think the greatest injustice is done by placing the pay of all the female clerks on the same dead level of $900. I think there ought to be promotions among them. I think there ought to be grades according to the difference in the capacity of the clerks and the character of the work they perform, just as there are among the male clerks. If a proposition of that sort should be brought before the House I should support it very cordially, believing that the present arrangement operates unjustly to the female clerks.

But what I have sought the floor for more especially at this time is to call the attention of the gentleman from Vermont [Mr. POLAND] for a moment to this subject. It was stated to me a short time ago, by a gentleman who seemed to be well informed, that the Committee on Revision of the Laws, in seeking to revise the laws for the organization of the Treasury Department, could not ascertain the authority for the employment by that Department of more than four hundred clerks, and that all the rest there employed were so employed upon some construction of the law or outside of any real existing law. I want to know whether in that matter the facts have been correctly reported or not. If so, then I would call the attention of the gentleman from Connecticut, [Mr. KELLOGG,] the gentleman from Ohio, [Mr. GARFIELD,] and the chairmen of all the committees that have anything to do with this matter to this very remarkable condition of things.

Mr. POLAND. In endeavoring to revise the laws in relation to the persons employed in the Department, our business was to find what provision there was by permanent law establishing the clerkships in the Department. We were not able to find any statutes of a permanent character that provided for more than three or four hundred clerks in the Treasury Department, while there were twenty-five hundred or more employed there. But they were all employed by virtue of annual appropriations made by Congress. They were not employed without authority of law, but by virtue of these temporary appropriations that are made from year to year. So far as we have been able to discover, none of the employés of the Department are employed without authority of law.

Mr. NIBLACK. But without any system whatever.

Mr. POLAND. That is, any system provided by law.

Mr. STARKWEATHER. I wish to make a single suggestion. The gentleman from Ohio [Mr. GARFIELD] has proposed three amendments. The first is one reducing the salary of the chief clerk. He is now receiving $5,300 a year. This bill as reported gives him $3,000, and the amendment is to reduce the sum to $2,500, the same as we give the chief clerk of the State Department. I understand that there is no objection to that. We have these three amendments proposed by the chairman of the Committee on Appropriations; and I believe that courtesy generally requires that amendments from the committee shall be first voted upon. An amendment has also been proposed by another gentleman referring to the compensation of female clerks. We cannot vote on four different amendments at the same time. But as there is no objection to the first amendment proposed by the gentleman from Ohio in relation to the salary of the chief clerk, I will suggest that we dispose of that at once.

The CHAIRMAN. In order to facilitate the dispatch of business, the Chair will regard the amendments of the gentleman from Ohio as separate amendments. As the rule does not permit more than two amendments to be pending at the same time, one of those amendments must therefore be withdrawn. The first question will be upon the proposition to reduce the salary of the chief clerk.

Mr. RANDALL. As this subject of the employment in the Treasury Department of clerks without authority of law has been alluded to, I want to call the attention of the chairman of the Committee on Appropriations, [Mr. GARFIELD,] and also of the members of the Committee on Reform in the Civil Service to the fact that by this bill it is proposed to pay for the employment of eight hundred and sixty-six clerks in the Treasury Department without authority of law. I will show how I reach that conclusion. I take the report of the chairman of the Committee on Appropriations, No. 139, on page 68, of which will be found a recapitulation. I take his own statement for my authority as to the number of clerks allowed by law to be employed in the Treasury Department. Then I take the number provided for in this appropriation bill, and, as I said before, I find that there are eight hundred and sixty-six clerks provided for in this bill without any authority of law.

Mr. KELLOGG. That is just what we are trying to remedy by the bill reported from our committee.

Mr. RANDALL. I want to show the enormity of thus acting without authority of law in these various appropriation bills. I could not restrain myself from taking this opportunity of calling attention to this fact when attention has been called to this subject. And the same thing will be found as we go from one Department to another. It is so with the Interior Department, in which it is proposed to employ five hundred and eleven clerks without authority of law.

Now, this may have been excusable, and perhaps necessary and commendable in time of war, when everything was heels over head, when we were in the hours of trial. But there is no excuse for continuing it now. I hope, therefore, that the gentleman from Connecticut [Mr. KELLOGG] will at an early day report to this House some remedy for this thing.

Mr. GARFIELD. Now let us have a vote on the amendment in relation to the chief clerk.

Mr. HOLMAN. A single word before that is done. The proposition of the gentleman from Ohio [Mr. GARFIELD] is to put the salary of the chief clerk at the same it is now by law, that is, $2,200 as clerk and $300 additional for superintending the Treasury building.

Mr. KELLOGG. It is now $3,500.

Mr. HOLMAN. By law it is now $2,200 with $300 added for acting as superintendent of the Treasury building. That is his salary as now fixed by law. Up to 1870 the salary of this chief clerk was $2,200. Now, if the only expense of superintending the Treasury building was to be the additional $300, I should not be inclined to complain of it; but the gentleman from Ohio has incorporated a new feature in this bill. I ask the Clerk to read lines 340 and 341 of the pending bill.

The Clerk read as follows:

One clerk of class four and one clerk of class one, to assist the chief clerk in superintending the building.

Mr. HOLMAN. Here are provided two clerks, with salaries amounting to $3,000, to be added to the salaries already paid in connection with superintending the Treasury building. That is to say, in 1870 the salary was $2,200; in 1872 it was increased by the addition of $300 as compensatson to the superintendent of the Treasury building; and now by this bill we propose to appropriate for two additional clerks, one at a salary of $1,800 and another at $1,200, to assist this chief clerk in performing this duty. I must insist that if these two additional officers are to be created, to be under the charge of the superintendent of the Treasury building, then the salary of this clerk should be reduced to what it was in 1870—$2,200.

One word more. In looking over the bill I find that four most important chief clerks in that Department, employed respectively in the offices of the Second Auditor, the Third Auditor, the First Comptroller, and the Second Comptroller, are left by this bill at $2,000. Now, will the gentleman from Ohio [Mr. GARFIELD] say that the responsibility and duties of the chief clerk in the Secretary's office begin to compare in importance to the country with the chief clerkship in either of the Bureaus I have named? Yet we propose to fix the salary of the chief clerk in the Secretary's office, a position far less important, involving far less necessity for integrity, at $2,500, and to appropriate $3,000 for two additional clerks not allowed heretofore, to aid him in the performance of his duty. I object to this steady growth in the number of official employés and the amount of official salaries.

Mr. STARKWEATHER. This chief clerk has been receiving $2,500.

Mr. HOLMAN. But that was a mere fraud upon Congress and the Government. The appropriation was not designed for any such purpose. It was always understood in Congress to be for additional clerks, temporary clerks. It was brought to our knowledge only a short time ago that the appropriation of $22,500 was being used for the benefit of favorites.

[Here the hammer fell.]

Mr. KELLOGG. I want the committee to understand that these chief clerks have for years received $3,500. This bill cuts them down to $3,000; and now it is proposed by the amendment to cut them down to $2,500.

Mr. HOLMAN. I move to amend the amendment by making the amount $2,200. I make this motion for the purpose of reading a

single paragraph; and I wish the gentleman from Ohio [Mr. GARFIELD] to tell me whether the statement it makes is correct:

The above—

Referring to these favorites of the Secretary of the Treasury—

are the Treasury ring, the men who have received and are still receiving extra pay. The first man named—

That is the chief clerk—

is traveling in Europe with his family at Government expense.

The modest citizen who sends this paper declines to put his name to it. I wish to know whether it is true that this chief clerk whose pay is to be increased, besides $3,000 added for the employment of two clerks to assist him, is traveling in Europe at the public expense?

Mr. GARFIELD. I am sorry that my friend from Indiana [Mr. HOLMAN] brings anonymous letters here and puts questions to gentlemen concerning them. Let us have a vote.

Mr. HOLMAN. The gentleman has not answered my question.

Mr. GARFIELD. I do not propose to answer anonymous letters.

Mr. RANDALL. It makes a very material difference whether the charge is true or not.

The CHAIRMAN. Does the gentleman from Indiana [Mr. HOLMAN] desire a vote on the amendment last offered?

Mr. HOLMAN. No, sir; I withdraw it.

The Chairman was proceeding to take the vote, when

Mr. GARFIELD said: I hope the Chair will state the pending amendment.

The CHAIRMAN. The question is upon the amendment of the gentleman from Ohio [Mr. GARFIELD] to strike out "$3,000" in line 330, and insert "$2,500;" so that the clause will read:

Chief clerk and *ex officio* superintendent of the Treasury building, $2,500.

Mr. O'BRIEN. Mr. Chairman, is it in order now to reoffer the amendment just withdrawn by the gentleman from Indiana?

The CHAIRMAN. It is not, as the vote is being taken on the amendment of the gentleman from Ohio.

Mr. O'BRIEN. I desire merely to ask——

The CHAIRMAN. The Chair cannot recognize the gentleman now.

The question being taken on the amendment of Mr. GARFIELD, there were—ayes 117, noes 32.

So the amendment was agreed to.

Mr. COBURN. I move that the committee rise.

Mr. GARFIELD. I hope we shall be allowed to go on till five o'clock.

The CHAIRMAN. Does the gentleman from Indiana [Mr. COBURN] insist on his motion?

Mr. COBURN. Yes, sir; I do.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WOODFORD reported that the Committee of the Whole on the state of the Union having, according to order, had under consideration the state of the Union generally, and particularly the bill (H. R. No. 2064) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes, had come to no resolution thereon.

Mr. RANDALL. I would like to understand whether this bill will come up again to-morrow.

The SPEAKER. The Chair understands it is the intention of the chairman of the Committee on Appropriations [Mr. GARFIELD] to ask the House to-morrow to go into Committee of the Whole on this bill.

ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 2550) making appropriation for the payment of teachers in the public schools in the District of Columbia, and providing for the levy of a tax to reimburse the same; and

An act (H. R. No. 2867) to authorize the issue of certain unexpended balance for payment of expenses of board of Indian commissioners.

Mr. WILLARD, of Vermont. I move that the House now adjourn.

The motion was agreed to; and accordingly (at five o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as follows:

By Mr. BRADLEY: A joint resolution of the Legislature of Michigan, in relation to homestead settlers upon railroad lands, to the Committee on the Public Lands.

By Mr. COX: The memorial of Mary Jane Loonie, as to employment of counsel for pension, to the Committee on Pensions.

By Mr. CRUTCHFIELD: The petition of the druggists of Chattanooga, Tennessee, praying for a change of the revenue laws relative to the tax on drugs, to the Committee on Ways and Means.

By Mr. HARMER: The petition of Professor Joseph Henry, Judge Advocate-General Holt, General Albert J. Myer, and 100 other citizens of Washington, praying that Congress will make an appropriation to aid in the centennial celebration in Philadelphia on the 4th of July, 1876, to the Select Committee on the Centennial Celebration and the Proposed National Census of 1875.

By Mr. MAYNARD: The petition of 80 citizens of Bedford County, Virginia, urging Congress to pass a bill to establish and maintain a national savings depository as a branch of the Post-Office Department, to the Committee on Banking and Currency.

Also, the memorial of Anna Ella Carroll, asking compensation for military and other services in connection with the civil war, to the Committee on War Claims.

By Mr. ELLIS H. ROBERTS: The petition of Henry J. Wood, for relief, to the Committee on Claims.

By Mr. SAYLER, of Indiana: The petition of 73 citizens of Cooper County, Missouri, for the passage of a law authorizing the manufacture of patent-right articles by others than the owners of patent-rights upon the payment of a reasonable royalty thereon, to the Committee on Patents.

Also, the petition of 17 citizens of Lawrence County, Missouri, of similar import, to the same committee.

Also, the petition of 24 citizens of Saint Charles County, Missouri, of similar import, to the same committee.

Also, the petition of 25 citizens of Holt County, Missouri, of similar import, to the same committee.

Also, the petition of 31 citizens of Ray County, Missouri, of similar import, to the same committee.

Also, the petition of 21 citizens of Cape Girardeau County, Missouri, of similar import, to the same committee.

Also, the petition of 23 citizens of Lewis County, Missouri, of similar import, to the same committee.

Also, the petition of 22 citizens of Monroe County, Missouri, of similar import, to the same committee.

Also, the petition of 27 citizens of Barry County, Missouri, of similar import, to the same committee.

Also, the petition of 85 citizens of Appanoose County, Iowa, of similar import, to the same committee.

Also, the petition of 18 citizens of Mitchell County, Iowa, of similar import, to the same committee.

Also, the petition of 13 citizens of Adams County, Iowa, of similar import, to the same committee.

Also, the petition of 11 citizens of Sioux County, Iowa, of similar import, to the same committee.

Also, the petition of 9 citizens of Boone County, Iowa, of similar import, to the same committee.

Also, the petition of 19 citizens of Poweshiek County, Iowa, of similar import, to the same committee.

Also, the petition of 10 citizens of Hancock County, Kentucky, of similar import, to the same committee.

Also, the petition of 27 citizens of Daviess County, Kentucky, of similar import, to the same committee.

Also, the petition of 19 citizens of Shelby County, Kentucky, of similar import, to the same committee.

Also, the petition of 16 citizens of McLean County, Kentucky, of similar import, to the same committee.

Also, the petition of 42 citizens of Graves County, Kentucky, of similar import, to the same committee.

Also, the petition of 52 citizens of Grant County, Kentucky, of similar import, to the same committee.

Also, the petition of 11 citizens of Spencer County, Kentucky, of similar import, to the same committee.

Also, the petition of 15 citizens of Hopkins County, Kentucky, of similar import, to the same committee.

Also, the petition of 11 citizens of Allen County, Indiana, of similar import, to the same committee.

Also, the petition of 29 citizens of Randolph County, Indiana, of similar import, to the same committee.

Also, the petition of 21 citizens of Delaware County, Indiana, of similar import, to the same committee.

Also, the petition of 18 citizens of Madison County, Indiana, of similar import, to the same committee.

Also, the petition of 30 citizens of Jackson County, Indiana, of similar import, to the same committee.

Also, the petition of 12 citizens of Lawrence County, Indiana, of similar import, to the same committee.

Also, the petition of 24 citizens of Steuben County, Indiana, of similar import, to the same committee.

Also, the petition of 11 citizens of Newton County, Indiana, of similar import, to the same committee.

Also, the petition of 23 citizens of Clarke County, Indiana, of similar import, to the same committee.

Also, the petition of 18 citizens of Saint Joseph County, Indiana, of similar import, to the same committee.

Also, the petition of 29 citizens of DeKalb County, Indiana, of similar import, to the same committee.

Also, the petition of 26 citizens of Pike County, Indiana, of similar import, to the same committee.

Also, the petition of 16 citizens of Saint Joseph County, Indiana, of similar import, to the same committee.

Also, the petition of 25 citizens of Wabash County, Indiana, of similar import, to the same committee.

Also, the petition of 19 citizens of Wyandotte County, Kansas, of similar import, to the same committee.

Also, the petition of 32 citizens of Marion County, Kansas, of similar import, to the same committee.

Also, the petition of 15 citizens of Jackson County, Kansas, of similar import, to the same committee.

Also, the petition of 22 citizens of Jefferson County, Kansas, of similar import, to the same committee.

Also, the petition of 23 citizens of Crawford County, Illinois, of similar import, to the same committee.

Also, the petition of 14 citizens of Clark County, Illinois, of similar import, to the same committee.

Also, the petition of 19 citizens of Crawford County, Illinois, of similar import, to the same committee.

Also, the petition of 12 citizens of Sangamon County, Illinois, of similar import, to the same committee.

Also, the petition of 11 citizens of Peoria County, Illinois, of similar import, to the same committee.

Also, the petition of 28 citizens of Henry County, Illinois, of similar import, to the same committee.

Also, the petition of 32 citizens of Champaign County, Illinois, of similar import, to the same committee.

Also, the petition of 17 citizens of Kent County, Michigan, of similar import, to the same committee.

Also, the petition of 23 citizens of Branch County, Michigan, of similar import, to the same committee.

Also, the petition of 11 citizens of Pike County, Ohio, of similar import, to the same committee.

Also, the petition of 22 citizens of Mercer County, Ohio, of similar import, to the same committee.

Also, the petition of 13 citizens of Lucas County, Ohio, of similar import, to the same committee.

Also, the petition of 19 citizens of Ashtabula County, Ohio, of similar import, to the same committee.

Also, the petition of 22 citizens of Clermont County, Ohio, of similar import, to the same committee.

Also, the petition of 26 citizens of Clark County, Ohio, of similar import, to the same committee.

Also, the petition of 16 citizens of Greene County, Ohio, of similar import, to the same committee.

Also, the petition of 19 citizens of Morgan County, Ohio, of similar import, to the same committee.

Also, the petition of 28 citizens of Gallia County, Ohio, of similar import, to the same committee.

Also, the petition of 25 citizens of Halifax County, Virginia, of similar import, to the same committee.

Also, the petition of 17 citizens of Stafford County, Virginia, of similar import, to the same committee.

Also, the petition of 19 citizens of —— County, Nebraska, of similar import, to the same committee.

Also, the petition of 13 citizens of Fillmore County, Nebraska, of similar import, to the same committee.

Also, the petition of 18 citizens of —— County, Nebraska, of similar import, to the same committee.

Also, the petition of 18 citizens of Seward County, Nebraska, of similar import, to the same committee.

Also, the petition of 25 citizens of Outagamie County, Wisconsin, of similar import, to the same committee.

Also, the petition of 15 citizens of Gentry County, Wisconsin, of similar import, to the same committee.

Also, the petition of 14 citizens of Dane County, Wisconsin, of similar import, to the same committee.

Also, the petition of 16 citizens of Saint Croix County, Wisconsin, of similar import, to the same committee.

Also, the petition of 19 citizens of Saint Croix County, Wisconsin, of similar import, to the same committee.

Also, the petition of 16 citizens of Iowa County, Wisconsin, of similar import, to the same committee.

Also, the petition of 40 citizens of Clark County, Mississippi, of similar import, to the same committee.

Also, the petition of 26 citizens of Clark County, Mississippi, of similar import, to the same committee.

Also, the petition of 15 citizens of Wake County, North Carolina, of similar import, to the same committee.

Also, the petition of 15 citizens of Granville County, North Carolina, of similar import, to the same committee.

Also, the petition of 13 citizens of Gaston County, North Carolina, of similar import, to the same committee.

Also, the petition of 19 citizens of Warren County, North Carolina, of similar import, to the same committee.

Also, the petition of 24 citizens of Iredell County, North Carolina, of similar import, to the same committee.

Also, the petition of 24 citizens of Sherburne County, Minnesota, of similar import, to the same committee.

Also, the petition of 26 citizens of Freeborn County, Minnesota, of similar import, to the same committee.

Also, the petition of 18 citizens of Nicollet County, Minnesota, of similar import, to the same committee.

Also, the petition of 57 citizens of Freeborn County, Minnesota, of similar import, to the same committee.

Also, the petition of 23 citizens of Pike County, Georgia, of similar import, to the same committee.

Also, the petition of 23 citizens of Berkeley County, West Virginia, of similar import, to the same committee.

Also, the petition of 28 citizens of Grayson County, Texas, of similar import, to the same committee.

Also, the petition of 26 citizens of Crawford County, Arkansas, of similar import, to the same committee.

Also, the petition of 28 citizens of Butler County, Alabama, of similar import, to the same committee.

Also, the petition of 21 citizens of Saint Tammany Parish, Louisiana, of similar import, to the same committee.

Also, the petition of 21 citizens of Montgomery County, Tennessee, of similar import, to the same committee.

Also, the petition of 19 citizens of Gloucester County, New Jersey, of similar import, to the same committee.

By Mr. SMITH, of Ohio: The memorial of Henry Bittenger, asking for relief, to the Committee on Claims.

By Mr. STANDIFORD: The petition of Nathan Coons, late of Company E, Fifty-fourth Kentucky Infantry, for a special act of Congress for arrears of pension, to the Committee on Invalid Pensions.

Also, the petition of Amelia Hood, mother of Polk Griffith, late a private in Company A, One hundred and twenty-fifth United States Colored Troops, for the same purpose, to the same committee.

Also, the petition of James Walker, late sergeant in Company B, One hundred and twenty-second United States Colored Troops, for the same purpose, to the same committee.

Also, the petition of Dianna Quinn, widow of Jerry Quinn, for the same purpose, to the same committee.

By Mr. THOMAS, of Virginia: The petition of citizens of Franklin County, Virginia, for increased mail facilities, to the Committee on the Post-Office and Post-Roads.

By Mr. WALLACE: The petition of certain citizens of South Carolina, for a partial restoration of the franking privilege, to the Committee on the Post-Office and Post-Roads.

By Mr. WHEELER: The memorial of Anne Eliza Brown, widow of Major-General Harvey Brown, praying for a pension, to the Committee on Invalid Pensions.

By Mr. WHITTHORNE: The memorial of James Henderson, of Columbia, Tennessee, for compensation for services rendered United States Army at said place, to the Committee on War Claims.

By Mr. WILBER: The petition of hop-growers in Otsego County, New York, to increase the duty on foreign hops imported into this country five cents per pound, to the Committee on Ways and Means.

Also, the petition of hop-growers in Delaware County, New York, for the same purpose, to the same committee.

By Mr. WOODFORD: The petition of John J. Kennedy and 7 others, for passage of House bill No. 1179, granting increased pensions to disabled soldiers, to the Committee on Invalid Pensions.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April* 18, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

WESHENA IMPROVEMENT COMPANY.

Mr. AVERILL. I ask unanimous consent to report from the Committee on Indian Affairs a bill (H. R. No. 3028) giving the assent of Congress for the improvement of the Wolf River across the Menomonee Indian reservation, in the State of Wisconsin.

The SPEAKER. The bill will be read.

The bill was read. It provides that the assent of Congress shall be given to the Weshena Improvement Company, a corporation organized under the laws of the State of Wisconsin, to improve the Wolf River so as to run saw-logs down said river, across the Menomonee Indian reservation, in accordance with the laws of said State; provided that any damages which may be caused on account of such improvement shall be awarded as in all other cases under the laws of the State of Wisconsin, and the amount paid to the Indian agent for the benefit of said Indians; and said Indians and all other persons shall be permitted to use said river for the purpose of running logs as is contemplated by the act, and the charge for said privilege shall be regulated by the Legislature of the State of Wisconsin; provided that the privileges under the act may be altered or revoked by Congress.

Mr. AVERILL. That bill has received the unanimous approval of the Committee on Indian Affairs, and there can be no earthly objection to it.

Mr. HOLMAN. Let it be again read.

The bill was again read.

There being no objection, the bill was read a first and second time, ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. AVERILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INVESTIGATION OF INDIAN CONTRACTS.

Mr. AVERILL, by unanimous consent, from the Committee on

Indian Affairs, reported back the following resolution; which was read, considered, and agreed to:

Resolved, That the resolution passed by this House on the 10th day of March last, directing the Committee on Indian Affairs to investigate the matter of contracts for Indian supplies and transportation for the fiscal years ending June 30, 1873, and June 30, 1874, be so amended and enlarged as to require said committee to make a thorough investigation into all frauds, unfairness, or irregularity, if any, connected with the administration of Indian affairs for the years named, and that said committee make report thereon as required by the resolution aforesaid.

AFFAIRS IN ARKANSAS.

Mr. HYNES. I rise to a question of privilege, and submit the following preamble and resolution:

Whereas the assistant sergeant-at-arms sent to Arkansas by order of the House to summon witnesses to testify in certain investigations pending before the Judiciary Committee and the Committee on Expenditures in the Department of Justice, and now in Little Rock, Arkansas, for that purpose, has sent the following dispatch to the Sergeant-at-Arms of this House:

LITTLE ROCK, ARKANSAS, *April* 16, 1874.

Sergeant-at-Arms, House of Representatives United States:

Everything in a tumult here. Telegraph office seized. Had to fight, nearly, to send this.

AARON BRADSHAW.

And whereas the assistant sergeant-at-arms is now denied the use of the telegraph wires, no messages having been received from him since the above on the day before yesterday; and whereas certain unauthorized parties by force have seized the telegraph office at Little Rock, Arkansas, and are exercising an espionage and censorship over the secret communications of this House with its officers:

Be it therefore resolved, That the Judiciary Committee be instructed to report to the House what measures may be necessary to protect the right of the House of Representatives to free communications with its officers and to enable the Sergeant-at-Arms to enforce its orders.

Mr. RANDALL. It is time enough to proceed in this matter when we have full information.

Mr. HYNES. I ask the reference of the preamble and resolution to the Judiciary Committee.

Mr. RANDALL. We ought not to receive that resolution until it comes accompanied with full information.

The SPEAKER. The gentleman presents it as a question of privilege. The Chair does not recognize it as constituting a question of privilege.

Mr. RANDALL. If it were a question upon which we had full information I would not object.

Mr. WOOD. I object.

The SPEAKER. If it were a question of privilege, of course unanimous consent would not be asked.

Mr. HYNES. I understand that the secrets of this House are always a matter of privilege.

Mr. GARFIELD. I demand the regular order of business.

The SPEAKER. The Chair will hear the gentleman from Arkansas.

Mr. HYNES. If gentlemen will permit me to proceed they can have the regular order as soon as the House disposes of this.

The SPEAKER. The Chair will hear the gentleman. It is always customary in such cases to allow a brief explanation.

Mr. HYNES. I understand the secrets of the House to be always matter of privilege. The dispatches between the assistant sergeant-at-arms and the committees of the House which sent him out under the authority of the House are the secrets of the House. And if any parties at Little Rock or elsewhere are exercising a censorship over those dispatches, it seems to me a matter of the highest privilege that the House should protect its secrets.

The SPEAKER. The gentleman will see that this lacks the necessary elements of a question of privilege, because, if the Sergeant-at-Arms, who is the recognized officer of the House, and whose functions are very important, found himself obstructed in any way in the exercise of his functions, it is his duty at once to communicate that fact to the House through the Speaker by a very formal and very definite communication. If the mere fact that some tumult may arise when a deputy constable may be employed by the Sergeant-at-Arms in some remote town, and that that is brought in here as a matter of rumor is to be treated as a question of privilege, the House could do no business at all.

Mr. HYNES. I hope the gentleman will not object to the reference of the resolution.

The SPEAKER. On the question of unanimous consent the Chair understands the gentleman from New York [Mr. WOOD] and the gentleman from Pennsylvania [Mr. RANDALL] to object; and the Chair rules it out as a matter of privilege.

DELIVERY OF CONDEMNED ORDNANCE FOR MONUMENTAL PURPOSES.

Mr. DONNAN. I ask unanimous consent to report back from the Committee on Military Affairs, for present consideration, the bill (H. R. No. 2907) authorizing the Secretary of War to deliver certain condemned ordnance to the municipal authorities of Concord, Massachusetts, for monumental purposes.

The bill authorizes the Secretary of War to deliver to the municipal authorities of Concord, Massachusetts, ten pieces of condemned brass cannon, to be used in the erection of a monument at the Old North Bridge, to commemorate the first repulse of the troops of Great Britain, in the war of the Revolution, on the 19th day of April, 1775.

Mr. DONNAN. If the House will hear me for one minute in explanation, I think they will consent to pass this bill. To-morrow is the ninety-ninth anniversary of the first repulse of the British by American troops at this point, the Old North Bridge. The citizens of Concord desire to erect a centennial monument in commemoration of that event; and this bill proposes that Congress shall direct the Secretary of War to deliver to that city ten pieces of condemned ordnance for that purpose. The committee have unanimously instructed me to report the bill with a favorable recommendation. I hope the House will agree to consider it now, as to-morrow is the anniversary of that event.

Mr. STORM. I object. I would make no objection to an appropriation of money, but I do not agree to the giving of condemned cannon for this purpose.

Some time subsequently,

Mr. STORM said: Under the circumstances, I withdraw my objection to the bill reported by the gentleman from Iowa, [Mr. DONNAN.]

There being no further objection, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DONNAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RELIEF OF SUFFERING IN THE SOUTH.

Mr. COBURN. I rise to make a privileged report. I am instructed by the Committee on Military Affairs, which was authorized to report on this subject at any time, to report a bill (H. R. No. 3029) to provide for the relief of the persons suffering from the overflow of the Lower Mississippi River.

The bill was read a first and second time.

The bill authorizes and empowers the President of the United States to direct the issue temporarily of supplies of food sufficient to prevent starvation and extreme want to any and all classes of destitute and helpless persons living on or near the Lower Mississippi River, who have been rendered so by reason of the present overflow of the Mississippi River.

Mr. COBURN. I ask that the dispatches of the governor of Louisiana, which I send to the desk, may be read by the Clerk.

The Clerk read as follows:

EXECUTIVE DEPARTMENT, STATE OF LOUISIANA,
New Orleans, Louisiana, April 17, 1874.

President U. S. GRANT:

The unprecedented rise in the Mississippi, aided by violent local storms, has caused a most disastrous overflow. Six or seven of the largest parishes of the State are already in great part under water, and thousands of people, white and black, are without food or shelter, and in danger of starvation. The emergency is so great that I feel constrained to appeal to you directly, asking the General Government, if possible, to extend to these poor people the same relief that was given to the sufferers by the scarcely more disastrous calamity at Chicago.

WM. P. KELLOGG,
Governor of Louisiana.

NEW ORLEANS, *April* 17, 1874.

Hon. J. R. WEST, *United States Senate; and*
Hon. FRANK MOREY, *Louisiana Delegation:*

Caldwell, Catahoula, Richland, and Ouachita Parishes and the La Fourche district almost entirely under water, and the flood increasing; cattle and poultry all drowned, and hundreds of families on the verge of starvation without prospect of immediate relief. Cannot the President direct General Emory to issue rations for present emergency? The State authorities are doing all possible to mitigate the distress.

WM. P. KELLOGG.

Mr. COBURN. Mr. Speaker, I hold in my hand the answer of the President of the United States to the dispatch of the governor of Louisiana requesting aid, in which the President says that Congress being in session, he does not feel authorized to make now the issue of provisions and clothing, such as was made at the time of the Chicago fire or at the time of the suffering from yellow fever at Shreveport last year. The case is peculiarly one of very great hardship, and without parallel in the history of the country. Thousands of people are suddenly deprived of all that they have, and of the means of living, by reason of this overflow. It is really a national calamity in its importance. And in view of that fact, and of the sudden emergency which has befallen these people, it seems to me perfectly proper that this relief should be granted.

Ordinarily I think—and I believe that is the sentiment of the country—that the practice of the Government should be not to interfere, but to leave to the local authorities, to the public charities and the provision that comes from the general sympathies of the people, these charges. But this calamity was so sudden and so general and so great that nothing except the immediate application of the power of the General Government would meet the emergency. I yield for a moment to the gentleman from Louisiana, [Mr. MOREY.]

Mr. MOREY. I trust that there may be no objection to the passage of this bill. The condition of these suffering people is very peculiar. It is not, as the gentleman from New York [Mr. COX] said yesterday, a condition anything similar to that of the poor in New York City, who are there with a splendidly organized system of charities to relieve them, and with the ordinary means of occupation. Here is a people surrounded by water; their homes have been swept from under them; in many cases they have been compelled to leave their homes and get on the little ridges of the levee and there wait for the first steamer to take them off. Many of them are without the means to obtain a single meal and with no prospect of employment. They have to go on steamers to New Orleans, where they have already their own poor. The condition of the State of Louisiana and of the

city of New Orleans is, as we all know, impoverished. This bill calls merely for the distribution, in the discretion of the President, of Army rations and of some Army clothing of disused patterns. I would appeal to the gentleman from New York [Mr. COX] to sustain us in this measure, because if we distribute some of this old clothing we will have no longer to prevent its being eaten by moths, and, as the gentleman told us, moths are very costly insects to maintain, a very costly luxury, I might say. This will dispose of that question so far as a great deal of this Army clothing of patterns not now used or issued to troops is concerned. The amount of the expense, so far as dollars and cents are concerned, will be very little, while the amount of good that will be accomplished will be very great.

I think this is an exceptional case calling for exceptional action, such as was taken in the case of Chicago when that great calamity, fire, swept over that city; and also in the case of Memphis when that city suffered from the ravages of the yellow fever. I trust there will be no objection to the passage of the bill.

Mr. GUNCKEL. I call the attention of the gentleman from Louisiana to the fact that this bill does not provide for clothing, but simply for supplies of food. I think it ought probably to include clothing.

Mr. MOREY. I hope the chairman of the Committee on Military Affairs will accept an amendment which was in the original resolution so as to include clothing of disused Army patterns.

Mr. COBURN. I will yield to the gentleman to offer an amendment to that effect.

Mr. MOREY. I move, then, an amendment to insert after the word "food" the words "and Army clothing of disused patterns not now issued to the troops."

The SPEAKER. Where does the gentleman wish those words to come in?

Mr. MOREY. After the word "food."

The SPEAKER. Then it would read "food and Army clothing to prevent starvation."

Mr. MOREY. I move that it be so amended as to read "supplies of food and disused Army clothing sufficient to prevent starvation and suffering and extreme want."

The amendment was agreed to.

Mr. WOOD. I would like to hear the bill read as amended.

The Clerk read as follows:

That the President of the United States be, and he hereby is, authorized and empowered to direct the issue temporarily of supplies of food and disused Army clothing sufficient to prevent starvation and suffering and extreme want to any and all classes of destitute or helpless persons living on or near the Lower Mississippi River, who have been rendered so by reason of the present overflow of the Mississippi River.

Mr. WOOD. I hope the House will pass the bill. I think it is in the line of precedents and is one worthy of our consideration and action. I think, sir, the people of Louisiana have suffered enough already from the usurpations of the Kellogg government to entitle them to this consideration at our hands. I think we should extend to them this aid in the moment of their need and peril. I think if we should extend it to them, we should do something at least to alleviate their sufferings and distress.

Mr. ALBRIGHT. I am very glad that there is something that moves the bowels of compassion of the gentleman from New York.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. COBURN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FINANCE.

Mr. BURLEIGH, by unanimous consent, presented resolutions of the Board of Trade of the city of Portland, Maine, upon the subject of finance; which were referred to the Committee on Banking and Currency, and ordered to be printed.

THANKS OF CONGRESS TO SIR LAMBTON LORRAINE.

Mr. COX. I ask unanimous consent to introduce a joint resolution tendering the thanks of Congress to Sir Lambton Lorraine, of the British navy.

The joint resolution declares that the thanks of Congress are eminently due and are thereby tendered to Sir Lambton Lorraine, commander of the British frigate Niobe, for his humane and generous interposition at Santiago de Cuba in protecting the lives of the survivors of the Virginius expedition, and that the American people recognize with admiration and gratitude his prompt and emphatic admonition which aided to arrest the progress of butchery, and that so long as heroism in defense of humanity is deemed worthy of honor the name of that gallant officer should be cherished.

Mr. COX. I ask to have read a letter from Mr. Thurlow Weed on this subject; and then I move that the joint resolution be referred to the Committee on Foreign Affairs.

The letter was read, as follows:

NEW YORK, *April*, 15, 1874.

MY DEAR SIR: I have been anxiously looking for and expecting some recognition by Congress of the humane and generous interposition of Sir Lambton Lorraine, the commander of the British frigate Niobe, at Santiago de Cuba. His prompt and emphatic admonition arrested the progress of butchery, and saved the lives of the majority of the crew of the Virginius, all of whom, but for such interposition, would have shared the fate of their captain and comrades. Surely the least Congress can do is to adopt a resolution of thanks. I have been for several weeks intending to write you on the subject, but delayed from time to time, hoping that its fitness would occur to some of you. Such a resolution would come most appropriately from a Representative of our largest commercial city, by whose constituents it would be warmly responded to.

Yours, very truly,

THURLOW WEED.

Hon. S. S. COX.

The joint resolution (H. R. No. 88) was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

DES MOINES RIVER GRANT, IOWA.

Mr. ORR, from the Committee on the Public Lands, reported back, with a recommendation that the same do pass, the bill (H. R. No. 1142) to authorize the Secretary of the Interior to indemnify the holders of pre-emption and homestead certificates, and certificates of entry and patents, upon lands in Iowa within the so-called Des Moines River grant, on account of failure of titles, and to procure the relinquishment of the paramount title of the United States; which was referred to the Committee of the Whole on the state of the Union.

ELECTION OF POSTMASTERS.

Mr. MONROE. I ask unanimous consent to submit for adoption at the present time the following resolution:

Resolved, That the Committee on Reform in the Civil Service are hereby instructed to inquire into the expediency of providing by law for the election of postmasters by the people, and to report by bill or otherwise.

Mr. KELLOGG. We have that subject already before us in the form of a bill.

Mr. MONROE. Then you can have no objection to this resolution.

The resolution was adopted.

REMOVAL OF DISABILITIES.

Mr. BROMBERG. I ask unanimous consent to introduce for consideration at this time a bill to relieve Raphael Semmes and Sardine G. Stone, citizens of Alabama, of legal and political disabilities.

The SPEAKER. Does the gentleman present a petition from these parties?

Mr. BROMBERG. I had one, but have sent it over to the Senate.

Mr. CLAYTON. I object.

The SPEAKER. A bill of this character should be accompanied by a petition.

NATIONAL FREEDMEN'S SAVINGS AND TRUST COMPANY.

Mr. BROMBERG, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to furnish to this House copies of reports of the National Freedmen's Savings and Trust Company and of its branches, now on file, or which may hereafter be filed, in the office of the Comptroller of the Currency.

PACIFIC MAIL STEAMSHIP COMPANY.

Mr. COBB, of Kansas. I ask an order of the House to print the testimony taken before the Committee on the Post-Office and Post-Roads relative to the Pacific Mail Steamship subsidy, for the use of the Committee on Appropriations and the Committee on the Post-Office and Post-Roads.

Mr. RANDALL. I would like to have that testimony made complete. There was one meeting of the committee, at which the testimony was not taken down in short-hand. I do not think there is anything which greatly needs publication.

Mr. COBB, of Kansas. The Committee on Appropriations, having in charge the Post-Office appropriation bill, have expressed a desire that the Committee on the Post-Office and Post-Roads should reach a conclusion on this subject at the earliest day practicable.

Mr. RANDALL. We have reached a conclusion, and so has the Senate, by declaring that the contract is null and void, and that this company is not entitled to a dollar. I object to the printing of the testimony.

ORDER OF BUSINESS.

Mr. HUNTON. I ask unanimous consent to have a bill considered at this time.

Mr. GARFIELD. I object, and move that the House now resolve itself into Committee of the Whole on the legislative, executive, and judicial appropriation bill. And pending that motion I move that all debate upon the pending paragraph be limited to twenty minutes.

Mr. BECK. I object to that. The pending paragraph embraces the whole reorganization of the Treasury Department.

Mr. GARFIELD. How much time would the gentleman suggest?

Mr. BECK. Let the committee decide that after they have heard the discussion.

Mr. GARFIELD. Then I will try the sense of the House on limiting debate to half an hour.

The question was taken upon the motion to limit debate; and upon a division there were—ayes 70, noes 64; no quorum voting.

Tellers were ordered; and Mr. GARFIELD and Mr. BECK were appointed.

The House again divided; and the tellers reported that there were—ayes 80, noes 68.

Before the result of the vote was announced,

Mr. HOLMAN called for the yeas and nays.

Mr. GARFIELD. I desire to give notice that I will divide this time equally among gentlemen.

Mr. BECK. Give us an hour, and we will not call the yeas and nays.

Mr. GARFIELD. Rather than have the yeas and nays called, if gentlemen will agree to it, I will say three-quarters of an hour.

The SPEAKER. It will take half an hour to call the yeas and nays.

Mr. GARFIELD. Let the limit be one hour or as much less as members are willing to use.

The SPEAKER. It will be understood that debate on this paragraph be limited to one hour.

DEFICIENCY APPROPRIATION BILL.

Mr. GARFIELD, from the Committee on Appropriations, reported a bill (H. R. No. 3030) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal years ending June 30, 1873, and June 30, 1874, and for other purposes; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, ordered to be printed, and made a special order for Wednesday next.

Mr. HOLMAN. I reserve all points of order on this bill.

DELAWARE INDIANS IN KANSAS.

Mr. GARFIELD, by unanimous consent, reported back from the Committee on Appropriations a bill (H. R. No. 2969) for the relief of certain Delaware Indians in Kansas who have become citizens, moved that the Committee on Appropriations be discharged from the further consideration of the bill, and that it be referred to the Committee on Indian Affairs.

The motion was agreed to.

LEGISLATIVE, ETC., APPROPRIATION BILL.

This question being taken on the motion of Mr. GARFIELD that the House resolve itself into Committee of the Whole upon the legislative, executive, and judicial appropriation bill. The motion was agreed to.

The SPEAKER. In the absence of the gentleman from New York, [Mr. WOODFORD,] the regular chairman in Committee of the Whole upon this bill, the gentleman from Pennsylvania, Mr. SCOFIELD, will please take the chair.

The House accordingly resolved itself into the Committee of the Whole, (Mr. SCOFIELD in the chair,) and resumed the consideration of the bill (H. R. No. 2064) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes.

The pending paragraph was that making appropriations for the Secretary's office, Treasury Department.

The CHAIRMAN. The pending amendment is one offered yesterday by the gentleman from Ohio, [Mr. GARFIELD,] which will be read.

The Clerk read as follows:

In line 333, after the word "Treasury," strike out $3,000 and insert $2,500; so that the clause will read:

Seven clerks, namely, of Appointments, of Warrants and Appropriations, of Revenue Marine, of Customs, of Navigation, of Internal Revenue, and of the Independent Treasury, at $2,500 each.

Mr. HOLMAN. I move to amend the amendment by striking out $2,500 and inserting $1,800. I am confident that all that is requisite to secure the reduction of these salaries from the amount named in the bill to $1,800 a year is that the House shall fully understand the nature of the changes sought to be made by the bill. Up to the present time forty-nine clerks, of which these seven are a part, have been allowed to this office, at a salary of $1,800 each. It is now proposed to divide those forty-nine clerks in the following manner: seven at a salary of $3,000 each; seven at a salary of $2,400 each; and twenty-five of class four at $1,800 each.

Mr. NIBLACK. I raise the point of order that there is great confusion in the Hall, and it is almost impossible to hear the gentleman from Indiana.

The CHAIRMAN. The committee will come to order.

Mr. HOLMAN. Mr. Chairman, from the spirit manifested in this House at the present time I should almost imagine myself back in the Forty-Second Congress on the 3d of March, 1873. Just such a spirit of indifference to public affairs as we now witness betrayed this House into extravagance as to salaries, which resulted in so strong a manifestation of public indignation that Congress found it necessary at this session to retrace its steps.

I was remarking that of forty-nine clerks who have heretofore received salaries of $1,800 each—salaries left at that figure even by the act of March 3, 1873—seven of these clerks, performing the same duty as heretofore, are now by this bill to be raised to $3,000; seven more to $2,400; while the remaining twenty-five are continued at $1,800. In other words, we are proposing to almost double the salaries of seven of these clerks of class four, and to increase the salaries of seven others from $1,800 to $2,400. I think I state the exact effect of this provision. It is simply a heavy increase of salaries; and what is more to be condemned, it is an increase of the salaries of the least important clerks connected with the Treasury Department; for no gentleman of the Committee on Appropriations will say that the clerkships thus proposed to be advanced in pay are in public importance, in the ability and integrity required for the performance of the duties, equal either to the clerkships in the six Auditors' offices or those in the Comptrollers' offices. As a matter of mere favoritism, it is proposed to single out these fourteen clerks, now receiving $1,800 each, and allow to half of them $3,000 a year and to the other half $2,400.

My amendment proposes merely to put all these clerks as to salary exactly where you left them under the salary increase of 1873. Even at that time, when you were increasing by millions the expenses of the Government in the form of salaries, you did not think proper to advance the salaries of these clerks of the fourth class in the Treasury Department. The increase is now proposed for the first time; and it is confined, singularly enough, to the officers of least importance to the Government, so far as concerns the high qualities of capability and integrity; for however they may stand on the rolls of the Treasury Department, these positions are not nearly so important in the requirement of capacity and integrity as the clerkships in the Comptrollers' offices and the six Auditors' offices. As every gentleman on this floor well knows, this extra allowance is a mere matter of favoritism, justified by no public consideration. I stand here to protest against this increase of salaries. The country has condemned it. Integrity in public affairs demands that there shall be no increase of salaries. There is no salary paid by this Government that is not above the average of compensation paid in the private pursuits of life for services demanding equal capability and integrity.

Mr. KELLOGG. After this paragraph is disposed of I do not propose to say a single word about the salaries in this bill, with perhaps a single exception. The Committee on Civil Service Reform, in a general bill, have proposed an increase of salary in certain cases, where we thought it important, not only in the Secretary's office, but also in the Comptrollers' and Auditors' offices; and we propose to ask the action of the House on that bill; not to make the contest upon an appropriation bill. But when the gentleman from Indiania [Mr. HOLMAN] says that these seven heads of divisions in the Secretary's office are much less important than the chief clerks of the Auditors' offices, I submit that he knows very little about the Treasury Department, or he never would make such a statement. The chief clerks in the Auditors' and Comptrollers' Bureaus, especially in the Auditors' Bureaus, are chiefly accounting officers; they verify the accounts; they do not have the responsibility with regard to expenditure of appropriations; while in the Secretary's office most of these heads of divisions are responsible for the appropriations expended under the direction of the Secretary of the Treasury. But the Committee on Reform in the Civil Service have in their bill made an increase of salary of the chief clerks and chiefs of divisions in the Comptrollers' and Auditors' Bureaus, for the purpose of doing justice to them as well as to like officers in the Secretary's office.

Take for instance the clerk of Warrants, Estimates, and Appropriations. The chairman of the Committee on Appropriations knows very well how the work of this officer has been done during the last two or three years; better than it was ever done before in the history of the Government. There are twenty-five hundred different appropriation accounts upon the books of that officer, and he is responsible for the correctness of every one of them. During the year ending June 30, 1873, 45,853 warrants were issued in this office, involving $1,151,499,308.98. Yet the gentleman from Indiana, [Mr. HOLMAN,] claiming to know something about the Treasury Department, talks about this being an unimportant office, though this man has the control of the accounts and warrants of all the appropriations of your Government and the estimates, and this is only a part of his duties. And you want for that office a man who is not a cheap man—a man to whom you can easily afford to pay $3,000. This work has much of it to be done outside of office hours. All appropriation accounts authorized by acts of Congress for the service of the Government originate in his division. A man competent for that place, and the present incumbent (Mr. Conant) is eminently so, will command a much higher salary than he now gets in any part of the country.

Secretary BOUTWELL said of this officer in one of his annual reports the following words, which I commend to the committee to read:

It is not an exaggeration to say that the head of a division in charge of the loans, of the warrants, or of the sub-treasury accounts, occupies a position in which the country and the world are more concerned than in that of the collector of customs of New York; yet the latter officer receives more than $50,000 a year, while it is with difficulty that the former is able to secure the inadequate sum of $2,800.

And so of many of the other divisions. Why, sir, one of these clerks whom you propose to cut down from $3,000 to $2,500 goes out of office on the 1st of July to take a position at a salary of $5,000. Another of them has a standing offer of a more remunerative position in unofficial life. If you want to put at the head of your important Bureaus in the Treasury Department cheap men, men whose services are not worth more than $1,800, according to the policy advocated by the gentleman from Indiana, you are taking the worst step in the direction of economy that ever this House took, I do believe, and I think the sober sense of the members of this committee and the House will so say in the future, if they do not now, that you ought to have men of character and ability for these responsible positions, where they should be paid for their services, and avoid the great temptation to make money outside of their duties. So, too, with all these other divisions. Take the revenue marine, expending nearly $1,000,000 of appropriations annually, for every dollar of which the officer in charge is responsible. He, like the others, has done his duty well, and

the expenses of the revenue-marine service have been reduced materially the last four years. Here is a statement of the annual expenses since 1864:

For fiscal year ended—	
June 30, 1865	$1,229,434 04
June 30, 1866	1,177,230 70
June 30, 1867	1,167,125 41
June 30, 1868	1,293,661 67
June 30, 1869	1,185,702 26
June 30, 1870	1,133,670 15
June 30, 1871	1,121,026 43
June 30, 1872	930,249 81
June 30, 1873	995,308 88

Previous to 1864 the cost of maintaining the revenue-cutter service cannot well be ascertained, accounts of the same not having been kept separate from the general expenses of collecting the revenue.

The clerks in these several divisions are not mere auditing officers like the clerks in the Auditor's Bureau, who, according to the statement of my friend from Indiana, occupy much more important positions. I hope the Committee of the Whole will stand by this bill; that the salaries now under consideration will not be reduced below $3,000; because I think such a reduction would be false economy, for which I believe the House would be sorry in the future. I believe also there should be a just allowance to the Auditors and the responsible heads of divisions in their Bureaus.

[Here the hammer fell.]

Mr. DAWES. Mr. Chairman——

The CHAIRMAN. Debate is exhausted.

Mr. HOLMAN. I will withdraw my amendment if the gentleman from Massachusetts [Mr. DAWES] will renew it.

Mr. DAWES. I renew the amendment merely for the purpose of saying that, if I understand the gentleman from Connecticut, [Mr. KELLOGG,] his panacea for all the shortcomings of official administration is the increase of salaries.

Mr. KELLOGG. Not at all. I propose to give these officers the same salary they have now.

Mr. DAWES. Well, I have heard no other remedy proposed by the gentleman. He dwelt with considerable emphasis and force upon the necessity of a different kind of administration of affairs; but he brings forward no suggestion in the way of reform, except that we do not pay our officers enough. Now, as I understand, the secret of efficiency does not lie in that direction at all. I do not think by any means that in proportion as we increase official compensation we secure the proper talent and the proper measure of fidelity to the public service. If there is any fault anywhere, it is not because we have not paid these men enough; for the pay is the same that they have had for the last twenty-five years. If any need of reform has suddenly arisen in the administration of either the Treasury Department or any other, it does not arise from the fact that these positions are filled by men who are not sufficiently paid. The salaries of these positions have been fixed for years; they were the salaries when the incumbents took the positions. These men were selected with reference to the position and the salary. Unless you inspire the official heads with something of the same kind of business sagacity which governs successful business operations throughout the country, you cannot make up the deficiency by adding to the salaries of those under them. There is a sort of instinct in this matter. He who is not able to select the proper man for an official place, and keep him there just so long as he demonstrates fitness for the position, cannot have the deficiency made up by any increase of salary either to himself or his subordinates. We cannot, I think, meet the demands of this hour by attempting to make the people of this country believe that the defect lies in a deficiency of compensation.

I shall vote, sir, against the raising of any one of these salaries. I shall do it because in all time past they have proved sufficient. When expenses of living have been greater than they are now, when the difference between currency and gold has been greater than it is now, when the duties incumbent upon these different officers have been more complex and varied and exacting than they are now, they were able at their salaries to discharge these duties and to discharge them well. It is only within a short time, within a few years, that these parties have been coming here to Congress and importuning us to add to their compensation. I trust this House will raise no salary whatever, but will apply the remedy to any defect in the administration in another direction and upon another principle.

Mr. KASSON. Mr. Chairman, I fear, sir, that the committee is not aware that this demand for increased salaries arises from an unauthorized introduction of a new element into the organization of the Treasury Department. You will find in the Blue-Book a heading, "Bureaus of the Secretary's office." This is something that no law of which I am aware has ever authorized. It is the application of that term with a view to increase the dignity of the officers; and when the gentleman from Connecticut [Mr. KELLOGG] claims that the importance attached to these offices arises from their particular responsibilities, he forgets that there are Bureaus authorized by law in charge of the several functions to which he refers, and that these clerks are intermediaries between those regular Bureaus and the Secretary for some reason of which we are not made fully aware, so far at least as the claim to this enhanced pay is concerned.

Now this bill provides for the higher pay to certain of these clerks, who in the Blue-Book are called chiefs of Bureaus in the Secretary's office, and have left others out that they may fall back to their original pay. And I venture to say that the selection has been made of certain of these so-called Bureaus while others have been left out, possibly because of their supposed importance, but certainly not with reference to any legal functions which they exercise as Bureaus.

Mr. MCDILL, of Iowa. Is not provision made for the others in the remaining portion of the paragraph?

Mr. KASSON. Here they have not the same grade or the same pay, while in the Blue-Book they all stand as chiefs. There is among them, for example, the supervising surgeon of the marine hospital, who gets a salary of $2,000. I ask why should we be called upon to recognize the artificial grade and the artificial rate of pay fixed by the Secretary himself, and not by warrant of Congress, and make it permanent in our law?

Mr. Chairman, I take this opportunity to say that I do not believe a good organization and effective *personnel* in the Treasury Department can be accomplished by your legislation unaided by the Secretary; and especially it cannot be accomplished by recognizing the increased rates of pay established by the Secretary himself. Without a real head of the Department, an intellect powerful enough to master it and to understand the papers which he signs and the mass of business that is done, you could not produce effectiveness in that Department though you raised the rate of clerks' pay to $10,000 per annum.

I protest in common with my friend from Massachusetts [Mr. DAWES] and my friend from Indiana [Mr. HOLMAN] against recognizing this artificial establishment of grades under the name of Bureaus in the Secretary's office, either by name or by the increase of pay that is proposed. The law leaves the salaries of the Assistant Secretaries themselves at $3,500, and now you propose to establish these intermediate clerks at $3,000 and make that grade permanent, when their pay should not be more than one-half of a fair rate of pay for an Assistant Secretary. The pay of Assistant Secretary is in my opinion too small. But the rate of pay proposed here for clerks is unquestionably too great, when you fix it at $3,000. That is all that the Auditors of the Treasury themselves receive. I am opposed to it; and I hope if it shall not be put at $1,800, as the gentleman from Indiana proposes, it will be fixed at an amount not greater than $2,200; and if this amendment fails I will make that proposition.

Mr. BECK. If the gentleman from Massachusetts [Mr. DAWES] will withdraw the amendment, I will renew it.

Mr. DAWES. I withdraw the amendment.

Mr. BECK. I renew it. My only object in asking for an hour's debate on this paragraph was that this was the most important part of this bill, because it is undertaking, in an appropriation bill, without any previous law, to reorganize the office of the Secretary of the Treasury. That office has been allowed to run on so long that it has become, as the gentleman from Ohio [Mr. GARFIELD] had to admit yesterday, an almost incurable sore. The gentleman from Ohio assured us that he could strike off $146,000 from what is now paid in this single office, and still give enough for all legitimate purposes. That admission, of itself, shows that they have been spending in that office at least $146,000 a year more than was necessary. The gentleman from Ohio further stated, and stated properly, that between the 1 per cent. fund and the other funds which were given or taken there were $5,000,000 absolutely in the hands of the Secretary of the Treasury to do as he pleases with; yet when we furnish him with extra money to reward officers who are overworked, every dollar of it, as the record shows, goes into the hands of a few favorites inside the office of the Secretary. This system ought to be revised. Bills ought to be passed, and they should come from the committee of the gentleman from Connecticut, [Mr. KELLOGG,] establishing by law whatever Bureaus are necessary; and it is evident that the number of employés in that office ought to be reduced at least one-half, and the useless Bureau machinery abolished. There has been more abuse of power there, and more useless extravagance, than in any other branch of the Treasury Department that I know anything about. But an appropriation bill is not the place to do it. It is impossible in this way to legalize these illegal acts.

But, Mr. Chairman, what I complain of more even than the salaries of clerks and Bureau officers—for I believe in fair salaries—is the increase of employés. I have gone through the Blue-Book for 1861, the Blue-Book for 1869, and the Blue-Book for 1873, and I have taken pains this morning to count up the number of employés in the Secretary's office during those several years. I find that in 1861 there were forty persons all told; in 1869, which was said by the gentleman from Connecticut [Mr. KELLOGG] to be worse than at present, there were four hundred and thirty persons employed, as the Blue-Book shows, and now there are six hundred and ninety-two. You will observe by the Blue-Book that in 1869 the pay of the appointment clerk, for instance, was $2,800 a year; now you propose to pay him $3,000, and give him an assistant at $2,400 a year, with more clerks than he had then, and so it is with all the other improvised Bureaus.

Mr. GARFIELD. The gentleman will remember that there is an amendment pending, offered by the Committee on Appropriations, to make the salary of that officer $2,500 a year. We do not propose to pay him $3,000. That amendment has been pending ever since yesterday, and was debated yesterday. It relates to all these seven

heads of divisions. We have already reduced the salary of the chief clerk to $2,500, and there is an amendment pending to reduce the salaries of the seven chiefs of divisions named in the bill to $2,500.

Mr. BECK. I am glad to hear it.

Mr. GARFIELD. That amendment is now pending.

Mr. BECK. I am glad that the committee are willing to make some reduction.

Mr. GARFIELD. That amendment has been pending ever since yesterday morning.

Mr. BECK. Why do you call these men chief clerks when they are called in the Blue-Book and by the Secretary himself heads of Bureaus? What is the meaning of that?

Mr. GARFIELD. Because we do not want to recognize them as Bureaus.

Mr. BECK. Exactly. Let me ask again why appoint seven assistant clerks to men who are themselves clerks. Why do you give these seven assistant clerks to aid other clerks $2,400 a year each, if it is not an indirect way of legalizing the outrage heretofore perpetrated? What necessity is there for giving these new assistants? The gentleman from Connecticut [Mr. KELLOGG] says that large sums of money pass through their hands. I do not so understand it. The money furnished by appropriation from Congress goes into the hands of the Treasurer of the United States and is drawn out by the heads of the different Departments, to whom it is assigned by Congress. These men only keep the accounts. What, for example, does the man whom you make chief of the Bureau of Internal Revenue in the Secretary's office do? You have a Commissioner of Internal Revenue and you have all the machinery of an Internal Revenue Bureau outside of the Secretary's office, and there is a little Bureau of Internal Revenue organized inside of the Secretary's office for no other purpose that I can see or ever heard of, unless it is to run Sanborn and his gang or others of that stripe. Perhaps it may be valuable in that regard.

Mr. KELLOGG. I will say to the gentleman that I am going to move to strike that out.

Mr. BECK. I am glad to hear it. I am glad to find that under discussion gentlemen are commencing to move to strike out from time to time. It shows the importance of this debate.

Again, you are giving $3,000 a year and $2,400 a year to these clerks when, as I said before, the chief clerks in the Auditors' offices and the Comptrollers' offices, the men who have the real decision of all matters that comes legitimately before the Department, are only allowed $2,000 a year. Why did not the Committee on Appropriations put them at the same rate? Why did not the Committee on Appropriations put the Secretary's attachés at the same rate of compensation that the clerks in the Auditors' and Comptrollers' offices and in other important offices of the Department were placed at, unless it was to give some little additional dignity and perquisites to the illegal chiefs of staff that are there as personal retainers around the Secretary?

I can see no other reason. Sir, if you are going to reorganize the Department at all, if you give these men $2,400, how can you refuse to make the salaries of all the chief clerks in the Auditors' and Comptrollers' offices $2,400? It cannot be done; and therefore, until you are prepared to raise them all up to that point, you are obliged in common justice to keep them all down where the law now fixes the officials in the other Bureaus of the Treasury Department.

[Here the hammer fell.]

Mr. WOOD. Mr. Chairman, I regret that the only opportunity we ever have in this House to discuss any question with reference to the administration of the Treasury Department or any other Department is in Committee of the Whole on an appropriation bill, where we are restrained within five minutes and confined within the rules, which forbid us to do anything except to vote for or against the appropriations of money which the bill proposes to make.

Now the chairman of the Committee on Appropriations and almost every member of this House knows, and has known for years, that the whole organization of the Treasury Department is absolutely a disgrace and scandal to this country; that there is no Bureau, no Auditorship, no part or parcel of the Treasury Department, that is not susceptible of very radical changes and very great reforms. The gentlemen who have the power—the committee that have the power—propose no general bill for the reorganization of the Treasury Department. They allow us to get up here and criticise the items in the appropriation bill, without giving us any opportunity to vote for a general reorganization of the administration of this Government.

I do not myself personally attach as much importance as do my friends from Indiana [Mr. HOLMAN] and Kentucky [Mr. BECK] to the mere question of salary for a clerk. I am willing to pay a liberal compensation for the duties which any officer or any clerk of this Government may render. If you confine them strictly to their duties and pay them liberally for their labor I am sure the people would be content; but the practice is to give them additional compensation. The salary which we fix here is not all that these men receive; they have facilities for money-making, and exercise those facilities under the lax administration, especially of the Treasury Department, to an extent which would astound this House if they were in possession of the facts which are in the possession of a committee of this House. Sanborn was a special agent of the Treasury Department for nearly one year after he had a contract with that Department for collecting arrearages of taxes. And there are other men in that Department who hold two and three and four places under the Government, and derive income therefrom.

Why do not these gentlemen bring forward some general scheme? Why do not they report a bill to this House which will comprehend the necessary changes for the purpose of giving us integrity, economy, and efficiency? We hear a great deal about it, but we see nothing of it, and we know nothing of it. And, my word for it, it will never come so long as the dominant party now in Congress maintains its ill-gotten power.

Mr. GARFIELD. What persons in the employ of the Government now hold two and three offices?

Mr. WOOD. It is not for me to mention names; but I will mention Sanborn as one. It is in evidence before a committee of this House that he was a special agent of the Treasury Department down to May 31, 1873, that he received a contract from the Secretary of the Treasury in 1872, and that he discharged the duties of both offices.

Mr. GARFIELD. Is that an office?

Mr. WOOD. He derived income from both; he took money out of the Treasury, out of the pockets of the people, wrongfully, and shamefully, and dishonestly.

Mr. GARFIELD. Does the gentleman call that holding two offices?

Mr. WOOD. Yes, sir; worse than holding two offices; not only holding two offices under the Government, but by special favoritism, backed by special powers, and made two or three hundred thousand dollars a year.

[Here the hammer fell.]

Mr. STARKWEATHER. I desire to call the attention of the committee to one or two statements made by the chairman of the Committee on Ways and Means, [Mr. DAWES.] I wish to state this as a fact, that by one item in this paragraph we have reduced the compensation of a clerk who has heretofore received $3,500 to $2,500. The gentleman from Massachusetts [Mr. DAWES] and the gentleman from Kentucky, [Mr. BECK,] while they were members of the Committee on Appropriations made a provision of law establishing a fund out of which this clerk could be paid and was paid $3,500 a year. We do not complain of that, but we simply say that when by their appropriation bill he was paid $3,500 a year, we propose to prevent that by taking away entirely what was called the extra fund from which he was paid.

Mr. DAWES. I hope my friend does not think I was finding fault with that.

Mr. STARKWEATHER. Not at all.

Mr. DAWES. I was calling the attention of his colleague, [Mr. KELLOGG,] the chairman of the Committee on Civil Service Reform, to the panacea he had for all evils—raising salaries.

Mr. STARKWEATHER. I do not think that anybody claims that raising salaries will of itself cure evils; at any rate, the Committee on Appropriations have not taken that view, because we have not provided in this bill, so far as I know, for the raising of a single salary. Every officer under this bill gets less or no more than before. Take these clerks; they are called Bureau officers, if you please. We have struck off that name because we think it was a misnomer. They have been receiving $3,000 a year under an appropriation bill perfected by the gentleman from Kentucky [Mr. BECK] and the gentleman from Massachutetts [Mr. DAWES] when they were on the Committee on Appropriations.

Mr. BECK. We never gave it to them.

Mr. STARKWEATHER. Let me tell the gentleman how they gave it to them. They provided that these clerks should receive a salary of $1,800 a year. Then they gave to the Secretary of the Treasury a fund out of which he could pay and did pay year after year other sums to these clerks, making their compensation $3,000 a year, and with their concurrence.

Mr. BECK. That last statement, "with their concurrence," is not true.

Mr. STARKWEATHER. The gentlemen knew that they were paid that the year before; they knew they were to have that fund at their disposal, and they knew as a matter of fact that from year to year they were so paid. Yet they continued to give the Secretary this fund out of which he paid these clerks this extra compensation. They may call it concurrence, for otherwise they could not have been paid. Where was that $22,000 to go except to those men? It had gone on the year before. It went on the year they provided for it when they were on the Committee on Appropriations.

I am finding no fault with the gentleman from Massachusetts [Mr. DAWES] or the gentleman from Kentucky, [Mr. BECK,] but I say when they provided the fund out of which these clerks were paid $3,000 and we reduce them to $2,500 or to $2,000, they have no right to complain. Every one of these Bureau officers has been reduced from the salary he has been receiving of $3,000 to $2,500, as reported in the bill or in the amendment by the chairman on the recommendation of the Committee on Appropriations.

I say these officers are competent and faithful men. Take Mr. Conant, chief of the division of Warrants and Appropriations. The chairman of the committee knows he is no new man there. Whatever sins the Secretary of the Treasury has, the sin of putting a new man in Mr. Conant's place is not one of them. He is an old officer, and that man to-day is worth $5,000 a year. We cannot pay him what he is worth to be sure, for he is in ability (and I say it without deroga-

tion to the members of this House) equal to any member upon this floor. He is equal in capacity to almost any officer of the Government. Millions upon millions of dollars pass through his hands year after year, and there has not been a mistake of one cent.

Notwithstanding this man's capacity, faithfulness, and efficiency we cut his salary down from $3,000 to $2,500. I am sorry that we cannot make it more, because he is a most useful officer and deserves more. We have, however, put his salary down from $3,000 to $2,500. They seek now to reduce it to $1,800. I say there is not a man in the House who knows him will say that Mr. Conant is not worth more than that. I ask the gentleman from Massachusetts, and, too, the gentleman from Kentucky, whether they do not believe Mr. Conant is worth what we have fixed his pay? He is not a new man; he is an able and a deserving officer. He has ability enough to fill any place under the Government.

Mr. BECK. If the gentleman will yield to me to answer his question at this time, I will say that I think he is the ablest man the Secretary has got in his office.

Mr. STARKWEATHER. He is an able man, and every one of them are able men; and they deserve, in my opinion, $2,500 a year at least, and that is a reduction of $500 upon what they have been receiving. If you put it down to $1,800 you will have to get new men who have not the experience of these men. I appeal to the Committee to treat these officers fairly. We cut them down $500 from what they have been receiving, and I ask in reference to these men, who earn their money, we will not, upon the mere clamor of somebody outside, act unwisely by reducing their salaries so low that we will have inexperienced men in their places, involving us in serious mistakes, and making trouble without end in the future. I say this salary is small enough, and in the case of——

[Here the hammer fell.]

Mr. O'BRIEN. Mr. Chairman, I think he would be a wise man, if not a member of the Committee on Appropriations in this House, even if his experience were more years than mine counts months, to say that he thoroughly understands the labyrinths of this legislative, executive, and judicial appropriation bill. I may say that I have attempted by comparison between it and the other bills which have been presented here year by year for the past four years to understand why changes are made from year to year, not only in relation to salaries, but in regard to the character of the service that is expected to be performed by these officers and the names by which they are designated. From the examination I have given the subject, I am convinced that the changes attempted to be made by this bill cannot add anything to the public service or require that the performance of labors on the part of these officers shall be more skillfully done.

Now, I do not care, so far as I am concerned, about the amount of the salaries paid to these men, for I think if they are honest, capable, and diligent in the performance of the duties imposed upon them, there is not one of them who is not entitled to the highest salary named in this bill. I think the effort in behalf of economy which is properly taken by gentlemen on this and the other side of the House in regard to fixing proper salaries for these officers should also be carried in another direction, and doubtless with more profit to the Government. Here we find the gentleman [Mr. KELLOGG] who is chairman of the Committee on Civil Service Reform in the Government, when a bill comes up in the House, as a day or two ago, which would make the officers, whether in the Treasury or any other Department, responsible for their depredations upon the public funds, only too anxious to kill the bill by recommitting it to some committee, so that perhaps it will never again see the light.

Mr. KELLOGG. What bill does the gentleman from Maryland refer to?

Mr. O'BRIEN. I refer to the bill reported to the House the other day, and which was, on your motion or at your suggestion, referred to the Committee on Ways and Means.

Mr. KELLOGG. Does the gentleman refer to any bill reported from our Committee on Reform in the Civil Service?

Mr. O'BRIEN. I do not refer to any bill reported by the gentleman himself. I think it was a bill reported by the gentleman from New York, [Mr. WOODFORD.]

Mr. KELLOGG. That was a bill reported from our committee, and it was referred to the Committee on Ways and Means because that committee had that subject under investigation.

Mr. O'BRIEN. What guarantee have we that that bill will ever be brought back again from the Committee on Ways and Means? When it was here there was a fair opportunity to settle the question upon a proper basis.

I wish to call the attention of the gentleman to another fact. His committee was careful on that occasion to allow no member to rise in his place on this side of the House and give his opinion in regard to the merits or demerits of that bill.

Mr. KELLOGG. I had not charge of the bill.

Mr. O'BRIEN. I am not charging that upon the gentleman from Connecticut; but I only say that it seems to be the effort, if not the deliberate purpose, of the republican party to prevent a fair investigation into these matters, so that the public Treasury may be saved thousands and even millions of dollars.

I do not think, Mr. Chairman, that the salaries contemplated in this bill would be too large if it were perfectly understood that only the proper number of officers was employed. When that is rendered certain give them fair salaries, require strict performance of duty, and if they appropriate the public money to private use or expend the funds of the Government to which they are not entitled, then punish them as other criminals are punished under the law.

[Here the hammer fell.]

Mr. GARFIELD. Mr. Chairman, I desire to call the attention of the Committee of the Whole to the scope of the paragraph under debate. I regret we are debating so long on the pending amendment, because there are some other amendments to be offered which ought to be acted on before the hour allotted to debate is exhausted.

I wish, Mr. Chairman, to call the attention of the House to what the committee propose to do in the law as it now stands. In the law of last year, which I hold in my hand, we appropriated for the Treasury Department, that is for the force in the Secretary's office, $388,600.

Mr. HOLMAN. Three hundred and sixty-six thousand dollars.

Mr. GARFIELD. Twenty-two thousand five hundred dollars of the distributive fund added to that makes $388,600. That sum is now enabling the Treasury Department to employ two hundred and ninety-eight persons in the Secretary's office. The bill now before the House proposes to reduce them to two hundred and eleven. This is a reduction of eighty-seven persons; thirty-six of these are clerks, and a large portion of them clerks of the fourth class. I will state to the gentleman how that cutting down is distributed. They have fifty clerks of the fourth class. We cut them down to twenty-six, but we give fourteen of the class above to correspond with what they now have under the distributive fund. They have now thirty-six third-class clerks. We make it twenty-six. They have twenty clerks of class two. We make the number twenty-one. They have twenty-eight of class one, and we give them nineteen; thus making a reduction of thirty-six clerkships, and we reduce the number of laborers to twenty-five.

Mr. RANDALL. We raised the female clerks.

Mr. GARFIELD. We reduced them one. There are thirty-two clerks now and we reduce them to thirty-one. There are twelve messengers and we reduce them to eleven. There are forty laborers and we reduce the number to twenty-five. So that in the single paragraph now pending before the committee we have reduced thirty-six clerks, and the messengers and laborers added to the clerks make a total reduction of eighty-seven. On the 1st day of July next, if this paragraph should pass, eighty-seven persons will go out of office from the Secretary's office alone, and a reduction will be made of $50,000 in our annual expenditure in this office.

Now, Mr. Chairman, I do not think we can safely make a further reduction in the Secretary's office than is made here.

As to the seven clerks about whose pay the amendment is now pending, namely, of Appointments, of Warrants and Appropriations, of Revenue Marine, of Customs, of Navigation, of Internal Revenue, and of the Independent Treasury, I do not know, for my part, how the Secretary of the Treasury could get along without most if not all of those clerks. He asks more. He asks us to give him not less than ten. The committee decided to recommend seven instead of ten. If the Committee of the Whole should think that two of those could be spared, perhaps the Independent Treasury and Internal Revenue clerks might be struck out. I do not believe in the policy of centering in the Secretary's office work which is otherwise provided for by law. We have an Internal Revenue Department, and we have a committee of it; and if all the business of internal revenue that has been done in the past two years had been sent to the Internal Revenue office, instead of being done in the Secretary's office, perhaps the Sanborn business would never have been known.

I hope we will not cut down these salaries lower than $2,500; and I trust there may now be a vote on the pending amendment.

Mr. RANDALL. There has been one hour allowed for debate.

Mr. GARFIELD. Let us not exhaust the whole hour on this amendment,

Mr. HOLMAN. I desire to withdraw the amendment I have offered and to substitute for it that which I now send to the desk.

The Clerk read as follows:

Strike out the following:

Seven clerks, namely, of Appointments, of Warrants and Appropriations, of Revenue Marine, of Customs, of Navigation, of Internal Revenue, and of the Independent Treasury, at $3,000 each; seven principal clerks at $2,400 each; twenty-five clerks of class four; two disbursing clerks at $2,500 each.

And insert in lieu thereof as follows:

Thirty-nine clerks, class four, at $1,800 each; and one disbursing clerk, with additional compensation of $200, as disbursing clerk.

The CHAIRMAN. The Chair is of opinion that that is not an amendment to the pending amendment. The pending amendment is to strike out "$3,000" and insert "$2,500."

Mr. GARFIELD. Let there be a vote on my amendment first, and then the motion of the gentleman from Indiana [Mr. HOLMAN] to strike out can be entertained.

Mr. HOLMAN. I withdraw the substitute I have just now offered and renew my amendment to the amendment of the gentleman from Ohio, to strike out "$2,500" and insert "$1,800."

The question being taken on Mr. HOLMAN's amendment, it was disagreed to.

Mr. CLYMER. If what has just been stated by the chairman on Appropriations be true, it is but corroborative of the opinion long entertained on this side of the Chamber that the number of offices and the pay attached thereto under the existing Administration are too

great. More than once this has been asserted and shown. So far as I can remember we have received but one answer, which consists of denunciations of administrations prior to the year 1860; the design being to conceal existing abuses and extravagance. And no one has done so more persistently than my colleague, Judge KELLEY, who, when this bill was under consideration on a former occasion, took occasion to assert concerning the administration of James Buchanan that "there never had been such a season of profligacy as those same four years."

Sir, during those four years purity in private and integrity in public life were the rule and not the exception. During those years elections were free and not controlled by military authority; the freedom of speech and of the press were not abridged; the right of the people to be secure in their persons and effects was not prohibited; the right of trial by jury was not denied; no cruel or unnecessary punishments were inflicted; innocent men were not arrested by the "tinkling of a bell" and left to languish in the fortresses of the United States during the pleasure of a President or Secretary, and innocent women were not hanged.

Then, sir, there was neither unbridled taking of gifts, nor wholesale appointing of relatives to office. There were no "Black Fridays" to be inquired into; no corners in gold or in stocks to be accounted for, and no "Leet and Stocking" jobs and contracts to be execrated. Collectors of customs were not forced to resign by outraged merchants, nor were presidential letters needed as "bills of health" for exposed and deposed officials. Innumerable and unnecessary offices were not created to support in uselessness and idleness the "barnacles" clinging to the party craft, and the presence of the Federal tax-gatherer never darkened the door of either the rich or the poor.

Then, sir, presidential or other salaries were not increased, neither was the Treasury depleted by the use of contingent funds for the ease, luxury, and splendor of high officials. Our ships of war were not used as pleasure-boats, nor were the soldiers of the Republic employed as menials in the streets and houses of this capital.

During those four years a Vice-President of the United States was not in complication with infamous practices, and sent to his home in shame and dishonor. Then, sir, no man questioned the integrity of the Congress of the United States, nor was it compelled to purge itself of those who had steeped themselves in infamy by their connection with fraudulent schemes, such as were exposed by the "Credit Mobilier" investigations of the Forty-second Congress.

In those years sovereign States were not reduced to a condition of v ssalage, their substance eaten up, their treasure squandered and stolen, and their pleasant places made everywhere desolate by the hand of the despoiler. The very dregs of northern vagabondism were not forced into their highest executive and legislative positions by fraud and violence, and kept there by the decrees of a corrupt judiciary, sustained by Federal bayonets in defiance of right and justice and in contempt of the will of the people.

Then, sir, from under the very shadow of the Capitol there came no despairing cry from the people to be relieved of and protected from the burdens and exactions of the task-masters set over them by Federal authority, whom they accused of malfeasance and corruption by which their property was being confiscated, their means exhausted, and their prosperity destroyed.

In that "season of profligacy," as it is stigmatized by my colleague, the body-politic was not diseased to its core, so that it might be touched nowhere that vile corruption and festering rottenness would not ooze forth. In those days spies, informers, and moiety-grabbers were not hired and sent forth to prey upon merchant, citizen, and corporation, so that favorites might fatten on dues belonging to the Federal Treasury. Then defaulters were not screened in their peculations, or pardoned, if by accident convicted, and their bondsmen left unmolested by reason of their social and personal relations with those in authority.

Then, sir, no wild railroad schemes were fostered by the Government, by which layman and priest, widow and orphan, were plundered and ruined. Millions and tens of millions of acres of the public domain were not given away to lawless corporations without price and for no consideration, and by them used for the enrichment of "inside rings" of gamblers and speculators, who have brought shame and dishonor upon our national name and credit.

Then manufactures, trade, commerce, and business generally were not stricken as if by the hand of paralysis, and starving men and women did not march through the streets of our cities crying for work or bread, but receiving neither. Honest industry received its just reward, and bloated fortunes coined out of the necessities of the people were unknown; and in that day there were no privileged classes of bankers and bondholders, whose coffers were filled to overflowing by immunities granted at the expense of the people.

Then, sir, there was republican simplicity in official life and manners, and there was no aping of regal magnificence in establishment, intercourse, or equipage.

These, sir, are some of the things which did not exist, did not occur, and were not done, during the administration of James Buchanan, that "season of profligacy" referred to by my colleague. Did time permit many others might be enumerated and held forth for general detestation and execration. But, sir, if these things do exist, have occurred, and are done in *this* "season of profligacy," which has been of fourteen dreary years' duration, it is not difficult to determine the responsibility.

And, sir, of all these high crimes and misdemeanors, of all these sins of omission and commission, of all these invasions of the rights and liberties of the people, of all these outrages and wrongs, and of all these violations of the Constitution and the law, I here and now arraign the party to which my colleague belongs before the bar of the American people.

[Here the hammer fell.]

Mr. RANDALL, Mr. RICE, and Mr. KELLEY rose, and the Chairman recognized the latter.

Mr. RICE. Allow me to say one word.

Mr. KELLEY. I will make my own reply to the assault upon me.

Mr. RANDALL. I desire the floor for a minute or two.

Mr. KELLEY. I believe I have the floor.

Mr. CLYMER. I should like about two minutes more.

Cries of "Go on!" "Go on!"

Mr. RANDALL. I hope that my colleague will be allowed two minutes more.

Mr. KELLEY. I have no objection if my time be also extended.

The CHAIRMAN. The committee have no power to extend the time.

Mr. RANDALL. We will give my colleague [Mr. KELLEY] the same time to reply.

The CHAIRMAN. The gentleman from Pennsylvania on the left, [Mr. KELLEY,] will proceed. The committee has no power, even by unanimous consent, to extend the time allowed to gentlemen for debate.

Mr. ALBRIGHT. There is no objection to it on the part of any one.

Mr. CLYMER. I have but a word or two more to say. On the same occasion, sir, my colleague spoke in boastful terms of the material progress of these last ten years. Had I the time I could demonstrate how much in error are his assumptions and how unfounded are his conclusions. But admitting all he claims, I assert that this material progress is not the result of, but in spite of, the misgovernment and misrule of my colleague and the party with which he acts. And, sir, I beg to remind him and them, and to say to all men, that no mere material progress and seeming prosperity, however great, will compensate for the loss of virtue, public and private.

When the state becomes enervated and corrupt; when the services of spies and informers are needed and resorted to; when those in authority are regardless of the Constitution and the law, and are sustained therein by reason of the general debasement and demoralization of the people, then, sir, are we surely approaching that fearful condition when to escape worse civil evils we shall yield ourselves to the guidance of some despotic hand, which in the future, as in the past, will be found willing and ready to fix the yoke upon our necks and keep it there by absolutism and Cæsarism. Being no longer worthy of self-government, having abandoned our allegiance to the Constitution, having lost our regard for virtue and for law, our greed for gain having destroyed our love of liberty, we shall justly deserve that fate.

But, sir, I have not lost faith in the people. I believe their hearts to be sound. A season of adversity has sobered and chastened them. By sad and bitter experience they have been taught the delusion and folly of abandoning the virtues, the principles, the constitutional practices and teachings of those who founded this Government. Everywhere in the West, the East, the North, the South, and in the "imperial center" of the land they have been marshaling their forces, and the late results of their detached conflicts unerringly indicate how well they understand the momentous issues. When the general and final judgment is rendered they will surely end this "season of profligacy," and compel rulers and representatives to return to and practice those virtues and principles which abounded in our adversity when the nation was born, which sustained us in our struggling infancy, which ennobled us in our strengthening manhood, and by the abandonment of which suffering and distress, disgrace and shame, have been fastened upon us as a people.

Mr. KELLEY. Mr. Chairman, as I entered the Hall I heard my colleague mention my name, and allude to some remarks I made three or four weeks ago touching the corruption of the democratic party during the administration of James Buchanan, the purity of Mr. Buchanan's administration having just then been lauded by one of my colleague's party associates. It is a pity that my colleague is so juvenile. Had he lived in the days of James Buchanan—I mean had he lived maturely; of course as a boy he was then playing in his native county—but had he been old enough to participate in politics, he would have known that he was challenging proof of every fact he was denying. Women were not hung then, said he, alluding to one case—the execution of a woman under the administration of Andrew Johnson after trial; but he failed to allude to the executions of women by armed democrats sustained by James Buchanan in Kansas. They who opposed the extension of slavery into Kansas, though women, were subject to rape and murder by the armed supporters of James Buchanan's administration; and what is more, sir, the republican party had been compelled to allow the use of the Army to defend rapine and murder in that Territory. There was no political or official corruption then, said my colleague. Had my colleague then been in full manhood he would have remembered my old associate, A. H. Reeder, of Northampton, Pennsylvania, who was sent into that Territory as democratic governor, and like Robert J. Walker fled from the

place, unwilling to be the propagandist of slavery and the protector of rapine and murder.

The Army was not then used for the oppression of citizens! Would to God that that page of our military history could be blotted out; would to God that it could be withdrawn from our memories that the republican party in vain fought out the session in order to prevent any part of the money about to be appropriated for the support of the Army being applied to the suppression of freedom in Kansas. They fought out the session and were brought back in extra session, and constrained to give the administration money with which to protect rapine and murder on the broad fields of the West.

No Credit Mobiliers in that day, said my colleague.

[Here the hammer fell.]

The CHAIRMAN. The hour limited by the House for debate upon the pending paragraph has expired.

Many MEMBERS. Go on. Go on.

The CHAIRMAN. The gentleman can proceed by unanimous consent.

No objection was made.

Mr. KELLEY. If the gentleman were familiar with the story of the material progress of our country he would know that the system of corruption in land grants which culminated in the Credit Mobilier had been inaugurated under democratic auspices in the incorporation of the Illinois Central Railroad with its enormous franchise.

Mr. COX. That is not true.

Mr. KELLEY. Not true?

Mr. COX. Not the Credit Mobilier.

Mr. KELLEY. I say that the system which culminated in the Credit Mobilier was initiated by the democratic party, and I think the gentleman who proposes to obtrude his head into this conflict was in Congress when it was done.

Mr. COX. No, sir; I was not.

Mr. KELLEY. I am speaking in the extension of time granted me by the courtesy of the committee, and I decline to yield to the gentleman.

Mr. COX. I did not vote for that bill, and you know it.

Mr. KELLEY. I say that you were here in Congress when the democratic party inaugurated the whole system of land grants. No corruption, says my colleague! What did Jacob Thompson or his confidential subordinate do with the Indian bonds?

Mr. CLYMER. What was the report of the committee?

Mr. KELLEY. No Vice-President fled to his home in disgrace! No, sir; but one fled to the confederate lines, and took the office of brigadier-general in the confederate army.

Mr. CLYMER. If you prefer a thief to a rebel I do not.

Mr. KELLEY. What did John B. Floyd do in that virtuous era? Now my young friend, when he read the democratic history of that period, should at least have read something that had been written on the other side, to test the correctness of the statements he was about to ventilate upon this floor. What became of the Navy of the United States during that time? Why, sir, it was stolen; it was sent by a democratic Secretary of the Navy to the most distant parts of the world, so that when Abraham Lincoln became President of the United States he had but two or three small craft carrying very few light guns—I forget the number, though I once had it glibly upon my tongue. I think it was less than thirty.

What became of the munitions of war that had been stored in northern arsenals? Where, I would ask my young colleague, were they when the war broke out? They were all down South, except a few big guns which the patriotic people of Pittsburgh seized on their way, and refused to yield, although the Secretary of War had ordered them to a fort the outlines of which had not yet been surveyed. Why, sir, there was nothing that belonged to the Government that could be transported that was not stolen. The Army was stolen; it was sent under a democratic general to Brownsville and into the interior of Texas, and was not let out of confederate territory until every man was put under the pledge of a parole. There was nothing left to the Government or the people that could be stolen.

So much were the people oppressed, that, as I had occasion to state in the remarks to which my young colleague has replied, the revenues of the Government in six years, the four years of Buchanan and the last two years of Pierce's administration, ran down from $64,000,000 to $39,000,000 a year. And during these six years seven loans were made to meet the current expenses of the Government. And so low had the credit of the Government fallen under their corrupt and iniquitous administrations that our Treasury notes were hawked about at 1 per cent. a month and rejected; and two of the loans provided that they should be taken by the best bidder be the terms what they might.

I say again that there never has been in the history of the American people an era of such profligacy, of such corruption, of such dishonesty, and such oppression of the people by the force of the Army, as during the two last democratic administrations, those of Pierce and Buchanan. The gentleman says that there was no Army then and no use of soldiers as menials. Sir, since then there has been an army of a million of men; in all nearly three millions were mustered into the United States service. And there has also been an army as gallant and as self-sacrificing drawn from the South to fight them, and the usages of the camp have crept into private life. And why was it? It was because we had not Andrew Jackson but had James Buchanan in the presidential chair. When the revolution had been threatened before, we had Andrew Jackson, and when the leaders approached him he swore by the Eternal that the Union should be preserved. He sent Scott into South Carolina and our Navy to the southern coast, and the threatened revolution passed away.

But with Mr. Buchanan in the presidential chair it was otherwise. When we of the North, to whom he had pledged fair play in Kansas, went to remind him of his pledges he would yield and say that all his pledges should be redeemed. Then southern men would go to him and bluster. Then should have came the "By the Eternal!" but it did not. He cried whole bucketfuls of tears; handkerchiefs were unavailing to absorb the flow from the fountains of his emotion. His exclamation was, "Don't press me; don't do this till I am out; there is no power to coerce you; and yet I cannot let the Union go. Do postpone the war till my successor comes into office." I do not profess to give his words; but I fairly paraphrase them and give the substance. This was the weakness and imbecility exhibited at the opening of a war such as the world never before saw; a war which proves again the truth that when Greek meets Greek—when Yankee meets Yankee—comes the tug of war; a war that desolated half our country, that filled the villages and towns of North and South with mourning, woe, and desolation, with widowhood and orphanage, but which in the long future, when these private sufferings shall have been forgotten, will make, perhaps, the most brilliant page of our history, when time shall have obliterated distinctions between North and South, when courage, self-sacrifice, devotion to an idea, will be honored by the whole people, under whichever flag they may have been shown, will be remembered by all with equal pride.

Mr. Chairman, had I taken three weeks to prepare a reply to my young colleague, as he has done to reply to me, I should probably have covered all his points in detail more fully than I have done; but speaking impromptu, I think I have shown the House that he vindicates an era marked, as I repeat, by imbecility, corruption, dishonesty, and profligacy beyond any other in the history of our country.

Mr. CLYMER. I claim a few minutes' indulgence.

Mr. GARFIELD. I hope the gentleman will name a limit.

Mr. CLYMER. Not over three minutes.

Mr. GARFIELD. Let the gentleman have three minutes, and then I will call for a vote.

Mr. WOOD. I hope the gentleman from Pennsylvania [Mr. CLYMER] will be allowed whatever time he may require.

Mr. CLYMER. I beg to be indulged for three minutes.

The CHAIRMAN, (Mr. WOODFORD.) The Chair, if compelled to rule, will be obliged to close the debate; but if no one should raise objection the Chair will permit the debate to continue.

Mr. WARD, of Illinois. I believe this has gone about far enough. I object.

The CHAIRMAN. Objection being made, it is the duty of the Chair to enforce the order of the House.

Mr. WARD, of Illinois. At the request of the chairman of the Committee on Appropriations, [Mr. GARFIELD,] I withdraw my objection.

Mr. CLYMER. As my colleague [Mr. KELLEY] designates me his "youthful colleague," I suppose I am in duty bound to speak of him as my "venerable colleague;" and, sir, I do so the more cheerfully because I think the speech he has just made entitles him to the appellation. It is the same venerable speech, the same recital of woes, the same charges of grave malfeasance, not one of which, I assert, has any foundation. The chief of the charges which my venerable colleague makes against the administration of James Buchanan is with reference to the conduct of Jacob Thompson, then Secretary of the Interior, in connection with certain Indian bonds. In reply I say to my colleague, what he knows and should not have attempted to conceal, that of all complicity with wrong in that matter Jacob Thompson was acquitted by a committee raised by the Senate of the United States, composed of a majority of his political opponents.

Mr. KELLEY. Were the bonds confided to his care ever found?

Mr. CLYMER. To make an insinuation of that kind against a man who is at least the gentleman's peer on the score of integrity, honesty, and high moral worth, is unworthy and ungenerous on the part of my venerable colleague. I venture to suggest that if he ever should rise to an equality with that gentleman in honesty, honor, and probity, he will (to borrow an expression from that distinguished jurist, Judge Black, applied to another unfortunate who assailed the character of Jacob Thompson) for the first time in his life be able to take a *horizontal view* of his character.

Regarding the charge of malfeasance respecting the management of the Navy by Secretary Toucey, I will silence my colleague now and forever by referring him and the country to a speech made during the Forty-second Congress by Mr. CRAGIN, of New Hampshire, then the chairman of the committee in the Senate of the United States on Naval Affairs. [Mr. BECK here handed a book to Mr. CLYMER.]

Mr. KELLEY. Who is making this speech?

Mr. CLYMER. I propose to read from the speech I have referred to, the RECORD having been kindly furnished me by my friend from Kentucky:

It has frequently been stated, and I have myself repeated the remark, that Secretary Toucey, at the breaking out of the rebellion, sent the ships of the United States into foreign seas, in order that they might not be used against the rebellion. I have stated that myself, fully believing it was true; but the investigation I have made during the consideration of this bill has convinced me that I was wrong in

that statement. I find no evidence whatever to justify it. I find that Secretary Toucey was a faithful Secretary of the Navy so far as caring for the interest of that service was concerned, and at the breaking out of the rebellion there were probably as many naval vessels of war in the ports of the United States as there are to-day, and if we should to-day be called upon to furnish vessels of war, as we were in 1861, I apprehend that we should be even in a worse condition than we were then.

Mr. DAWES. Will the gentleman allow me one moment?

Mr. CLYMER. I have but five minutes.

Mr. DAWES. I want to tell the gentleman where he can get some information on this subject. If he will turn to a report made to that Congress he will find a statement from Mr. Toucey himself, showing where every ship was at that time. That report will interest the gentleman from Pennsylvania; and he will see that my friend, Senator CRAGIN, was mistaken as to where the ships were. What was the purpose of Mr. Toucey is a matter for every one to debate, but that report gives his own statement, showing where every ship belonging to the United States was at that time.

Mr. CLYMER. I do not yield.

The CHAIRMAN. The gentleman from Pennsylvania has the floor.

Mr. CLYMER. The gentleman from Pennsylvania [Mr. KELLEY] was permitted to go on with his tirade of abuse for half an hour.

Mr. KELLEY. It was not a tirade of abuse; nor did it last half an hour.

The CHAIRMAN. By consent of the committee the gentleman from Pennsylvania [Mr. CLYMER] has the floor.

Mr. CLYMER. Mr. Chairman, the main and indeed the only *specific* charges of my colleague against the administration of James Buchanan are with reference to those Indian bonds and the management of the Navy by Secretary Toucey. These have been refuted fully and completely by the evidence of those who were in bitter hostility to that administration, and who were compelled in simple justice to acquit it of all charges touching these matters.

The vague and general allegations of wrong made by my honorable colleague are unsustained by fact or proof of any kind. Even had I the time, it would be uselessly spent in referring to them. Time has demonstrated their falsity, and after-generations will condemn the partisan malignity which originated them.

But, sir, it is with pleasure I record the fact that even the distorted imagination and vindictive partisanship of my honorable colleague could invent no charge of personal discredit or dishonor on the part of James Buchanan. I am not here as his personal advocate, nor did I design in the remarks I first made to defend his administration. He and it have both passed into history. Whatever may have been his errors or its deficiency, no man may justly charge him or it with profligacy or corruption. Pure and stainless in private, just and upright in public life, he was, sir, that noblest work of God, an honest man.

One moment more, Mr. Chairman, and I have done. I have made deliberate, specific, and certain charges against the party which has been in power for the past fourteen years. I have made them with deliberation, and I repeat them with emphasis, and here and elsewhere and everywhere I shall maintain them, and in maintaining them I feel and believe I will be supported by a vast majority of the American people. To that tribunal I appeal with unshaken faith, and with that judgment, when fairly and honestly rendered, I shall rest content.

Mr. BECK. Mr. Chairman, I wish to say a word by way of explanation.

Mr. GARFIELD. I insist on the regular order.

The CHAIRMAN. The regular order is demanded. The House has ordered all debate shall be closed upon this paragraph.

Mr. BECK. It is in reference to a personal matter altogether.

Mr. GARFIELD. I must insist.

Mr. BECK. All I have to say, then, is that I will reply to the flings of the gentleman from Pennsylvania when I get the floor.

The CHAIRMAN. The pending amendment is on the motion to strike out "$3,000" and insert "$2,500."

Mr. KASSON. I move to make it "$2,200."

Mr. COX. Can I speak to the amendment?

The CHAIRMAN. Debate has been closed by order of the House.

Mr. RANDALL. Does the Chair mean to say that debate has been closed on this whole paragraph? I understood that it was only closed on the pending amendment.

Mr. GARFIELD. It was the distinct understanding that debate was closed on the whole paragraph.

The committee divided; and there were—ayes 57, noes 97.

So Mr. KASSON's amendment to the amendment was disagreed to.

Mr. RANDALL. I rise to a question of order. Does the pending amendment apply to these seven clerks of Appointments, of Warrants and Appropriation, of Revenue Marine, of Customs, of Navigation, of Internal Revenue, and of the Independent Treasury, and is the proposition to cut them down from $3,500 to $2,500?

Mr. GARFIELD. It applies to the whole seven.

Mr. RANDALL. But that does not debar us from moving an amendment in reference to any one of them?

The CHAIRMAN. Of course not.

Mr. HOLMAN. I have submitted a substitute which is now pending.

The CHAIRMAN. The gentleman's substitute is pending; but it is first in order to amend what he proposes to strike out.

Mr. HOLMAN. Of course. I only want to know that it was pending.

The question recurred on the pending amendment to strike out "$3,000" and insert "$2,500."

The committee divided; and there were—ayes 89, noes 30.

So the amendment was agreed to.

The CHAIRMAN. The question now recurs on the following substitute.

The Clerk read as follows:

Strike out seven clerks, namely: "of Appointments, of Warrants and Appropriations, of Revenue Marine, of Customs, of Navigation, of Internal Revenue, and of the Independent Treasury, at $2,500 each; seven principal clerks, at $2,400 each; twenty-five clerks of class four; two disbursing clerks, at $2,500 each;" and in lieu thereof insert "thirty-nine clerks of class four, at $1,800 each, and one disbursing clerk of class four with additional compensation of $200 as disbursing clerk."

The substitute was rejected.

Mr. KELLOGG. I move in lines 332 and 333 to strike out "Internal Revenue Bureau" and insert "Stationery and Printing." I ask the Clerk to read a single paragraph from the report——

Mr. GARFIELD. Debate is not in order.

Mr. RANDALL. Is not the amendment divisible as it proposes to strike out and insert?

The CHAIRMAN. The gentleman from Connecticut moves to strike out certain words and insert others, and the amendment is divisible. Division having been asked for by the gentleman from Pennsylvania, the vote will be taken first on striking out.

Mr. KELLOGG. I make the point of order that a proposition to strike out one Bureau and insert another is not divisible.

Mr. RANDALL. I might be in favor of striking out the Bureau of Internal Revenue, but not in favor of putting in another Bureau not embraced in the section at all. I think, therefore, the question should be treated as divisible.

Mr. KELLOGG. It is precisely as if I should move to strike out "$400" and insert "$200." You could not divide that proposition, and so I contend that this proposition to strike out the name of one Bureau and insert another is not divisible.

Mr. RANDALL. I would also suggest to the Chair that to insert what is proposed is new legislation.

Mr. KELLOGG. I call the attention of the Chair to Rule 46, on page 214 of the Manual, which shows that the motion is indivisible.

The CHAIRMAN. The rule to which the gentleman from Connecticut has called the attention of the Chair distinctly states that a motion to strike out and insert shall be deemed indivisible.

Mr. RANDALL. Then I move, as an amendment to the amendment of the gentlemen from Connecticut, to strike out the words "of Internal Revenue."

Mr. KELLOGG. That amendment, I submit, cannot be entertained. It proposes to do in another way what the rule says cannot be done.

The CHAIRMAN. The rule also provides, when a motion to strike out and insert shall have been put and lost, that then members shall not be precluded from offering other amendments to reach the desired purpose. The question is on the amendment of the gentleman from Connecticut, which the Clerk will again report.

The Clerk read as follows:

Strike out in lines 332 and 333 the words "Internal Revenue," and insert in lieu thereof the words "Stationery and Printing."

The question being taken on Mr. KELLOGG'S motion, it was not agreed to.

Mr. RANDALL. I now offer the following amendment:

In lines 332 and 333 strike out the words "of Internal Revenue."

The question being taken on Mr. RANDALL'S amendment, there were—ayes 31, noes 30; no quorum voting.

The CHAIRMAN. A quorum not having voted, the Chair will order tellers if further count be insisted on.

Mr. GARFIELD. Let it go.

So the amendment was agreed to.

Mr. MERRIAM. I offer the following amendment:

In line 333 strike out the words "of the Independent Treasury."

The amendment was agreed to.

Mr. GARFIELD. I now move, so as to make the paragraph correspond with the action taken by the committee, to strike out the word "seven" and insert the word "five;" so that it will read "seven clerks," &c.

The amendment was agreed to.

Mr. GARFIELD. I also offer the following amendment, to correspond with the action of the committee:

In line 334 strike out "$2,400" and insert "$2,000;" so it will read, "seven principal clerks, at $2,000 each."

Mr. BECK. Is it necessary to have more than five principal clerks?

Mr. GARFIELD. I also move to change the word "seven" to "five;" so it will read, "five principal clerks, at $2,000 each."

The amendment, as thus modified, was agreed to.

Mr. GARFIELD. I also offer the following amendment, in order that the clause may correspond with the action of the committee:

In line 336 strike out "$2,500" and insert "$2,200," so that it will read, "two disbursing clerks, at $2,200 each."

Mr. RANDALL. That is the old salary under the law?

Mr. GARFIELD. That is the old salary for disbursing clerks.

The amendment was agreed to.

Mr. WARD, of Illinois. I offer the following amendment:

After the words "thirty-one female clerks, at $900 each," add the words, "*Provided*, No money appropriated by this bill shall be used to pay male employés more than is paid to female employés for like services."

The question being taken on the amendment, there were—ayes 31, noes 52; no quorum voting.

The CHAIRMAN. Is further count insisted on?

Mr. WARD, of Illinois. Respectfully, it is.

The CHAIRMAN. Further count being insisted on, the Chair appoints as tellers the gentleman from Ohio, Mr. GARFIELD, and the gentleman from Illinois, Mr. WARD.

The committee again divided; and the tellers reported—ayes 72, noes 51.

The CHAIRMAN. A quorum has not yet voted. Is further count insisted on?

Mr. GARFIELD. If the gentleman from Illinois [Mr. WARD] will fix this so that it can be administered, I will have no objection to his amendment. And to save time, on the understanding that we may have it arranged in the House in some way, I withdraw the demand for further count.

The CHAIRMAN. Is further count insisted on?

Mr. RANDALL. Yes, sir.

The CHAIRMAN. Further count is insisted on, and the tellers will resume their places.

Mr. HOSKINS. I wish to ask whether this is intended to apply exclusively to the employés of the Treasury Department?

The CHAIRMAN. It is not the duty of the Chair to explain the construction of a law or of an amendment which may be offered.

Mr. HOSKINS. I make the inquiry of the mover of the amendment.

Mr. PARKER, of Missouri. I desire to say that I am paired with the gentleman from Massachusetts, Mr. BUTLER, on this whole question.

The CHAIRMAN. If a quorum does not vote it will be the duty of the Chair to direct the roll to be called, that the names of the absentees may be reported to the House.

Mr. GARFIELD. In the mean time I ask gentlemen who are opposed to the language of this amendment to agree with me to withdraw the call for further count on the understanding that the matter may be arranged in the House.

Mr. RANDALL. I agree to no such thing. I think there ought to be a quorum when money is appropriated.

The tellers resumed their places, and having completed their count, reported—ayes 85, noes 64.

So the amendment was agreed to.

Mr. HOLMAN. I move to strike out lines 340 and 341 which are as follows:

One clerk of class four and one clerk of class one to assist the chief clerk in superintending the building.

Mr. RANDALL. That is right. Those clerks are entirely supernumerary.

Mr. HOLMAN. The offices held by those clerks are mere sinecures.

The question being taken on Mr. HOLMAN's amendment, there were—ayes 49, noes 57; no quorum voting.

Tellers were ordered; and the Chair appointed Mr. HOLMAN and Mr. GARFIELD.

The committee again divided; and the tellers reported—ayes 42, noes 90; no quorum voting.

Further count was not insisted on.

The CHAIRMAN. The amendment is not agreed to.

Mr. RANDALL. I offer the following amendment:

In line 339 strike out "eleven" and insert "six;" so that it will read, "six messengers."

I am advised that six messengers are sufficient.

The question being taken on the amendment, it was not agreed to.

The Clerk read the following paragraph:

Supervising Architect:

In the construction-branch of the Treasury: For Supervising Architect, $4,000; chief clerk, $3,000; book-keeper, $2,000; photographer, $2,500; assistant photographer, $1,600; four clerks of class four; additional to two clerks of class four, one at $600 and one at $200; four clerks of class three; two clerks of class one; two copyists; and one messenger; in all, $32,045.

Mr. RANDALL. The Clerk had commenced the reading of a new paragraph before I was aware of it. I desire to go back to the previous paragraph to move to amend line 346 by inserting "thirty watchmen" instead of "sixty watchmen."

Mr. GARFIELD. We have left that paragraph.

The CHAIRMAN. The Chair thinks it is too late, under the rule, to go back to that paragraph.

Mr. GARFIELD. I offer the following amendment to the paragraph which has just been read:

In line 357 strike out "$3,000" and insert "$2,500;" so that it will read, "chief clerk, $2,500."

The object of the amendment is to make this correspond with what we have done in the previous paragraph.

Mr. HOLMAN. I wish to call the attention of the Committee to the fact that while the bill proposes that the salary of the chief clerk of the Supervising Architect shall be $3,000, and the gentleman from Ohio now proposes to make it $2,500, the salaries of the chief clerks of the First Comptroller of the Treasury and of the Second Comptroller of the Treasury are put at $2,000. These men have very responsible duties, and I wish to ask whether the gentleman from Ohio thinks that the chief clerk of the Supervising Architect has duties so responsible to discharge that his salary ought to be higher than those of the chief clerk of the First Comptroller and the chief clerk of the Second Comptroller, who have, I beg to say, more responsibility in the administration of the finances than any other two clerks in the Treasury Department?

Mr. GARFIELD. The gentleman will observe that we propose to cut down the salary of the chief clerk of the Supervising Architect $500. The committee were earnestly pressed to keep it at $3,000. It was stated that the chief clerk of the Supervising Architect was a most valuable business man, a lawyer, and possessed the knowledge of an expert in the business of an architect and as a draughtsman. On the score of his having such expert knowledge the Supervising Architect insisted that he ought to have the whole amount of $3,000. The committee thought that we could cut him down to $2,500 and still retain his services.

Mr. HOLMAN. But does the gentleman think that the responsibilities of this clerk are as great or his qualities of business capacity so important as are the responsibilities and business capacities of those who hold the chief clerkships in the offices of the two Comptrollers of the Treasury, through whose hands pass finally all the expenditures of the Government?

Mr. GARFIELD. I have not undertaken, and will not undertake, to defend the relative rates of pay in our civil service; but I will say that the chief clerk of the Supervising Architect has been for years receiving $3,000; and what we propose is to strike off the $500 he has been receiving out of the distributive fund, which will leave him where the law leaves him.

Mr. HOLMAN. I think the law leaves him at $2,000.

Mr. RANDALL. His salary ought to be at least $2,500; I am satisfied of that.

Mr. HALE, of Maine. I want to say one word here about considerations that have come to my mind in the investigation into these Departments as to force and salaries, considerations that have great weight with me, and seem to me to be matters of importance for all to consider here. The committee, after investigating into the Treasury Department and all the other Departments, have reported a bill that largely reduces expenditures. That was the direction aimed at, because it was believed that it could be done. Now, the bill as reported originally, as it first came to the House, embraced this feature particularly; it did not propose to reduce salaries. My observation led me to believe that the thing that needed to be cured in these Departments was not to take a poor clerk here and there—I mean poor in the sense of worldly goods and money, not in the way of performing his duties—and reduce his pay and thus cut off two or three or four hundred dollars here and there, but that these Departments were all overburdened, they had too much force, and that reform was legitimate in the direction of cutting down the force. The Secretary's office was too large; the Bureaus were too large; the subdivisions were all too large, and the committee put in the knife and pruned down this superfluous force.

Now, I believe that reform in that direction is good and legitimate, and that the least harm with the most benefit would come to the revenue and to the public service by such a reform. But, sir, we are clearly in danger here, it seems to me this morning, of going too far when we set about reforming and cutting down expenditures. It is an easy thing to move that here and there $500 be taken from the salary of a poor man, because a corresponding salary in another place is as low. The trouble with that is, that while we go to one place for a comparison, and find a man getting a lower salary, you may go to another place and find that a third man is getting a higher salary. I do not believe that if in this appropriation bill, or in any appropriation bill, we shall undertake to regulate the salaries of these officers that have run on for years at a fixed rate, we will be doing fair, even-handed justice. But it is a question for fair consideration whether the Treasury Department or the Interior Department or any other Department of the Government has too large a force, whether or not it has kept up its force only to the point where the law fixed it, or whether it has extended it beyond that.

I do not mean that these remarks apply especially to the case that is now before the committee, but I think there is danger, and I hope the committee will bear it in mind, that we may do injustice to some exceedingly good men by reducing their salaries. Now, my experience from looking into these Departments quite extensively within the last two months is this, that the men who do the best of the work in all the Departments are the wheel-horses of those Departments, and that their salaries ought not to be cut down. There are in almost every corner more men than are needed, and more women than are needed; these unnecessary employés can be pruned off. They may be dropped, and thousands and hundreds of thousands of dollars can be saved in this way: but when you come to the wheel-horses in each Department, my observation is that there is not a man of them who is overpaid. They work beyond departmental hours; they go early in the morning and they stay late at night; they work faithfully and steadily; they perform duties that require men of ability, men of experience, and they earn their money.

Let me say another thing. It is a cruel thing, where a man has set his house in order in accordance with a fixed salary for years and has been getting that and no more, to cut him down $100 or $200 or $300. That amount is the difference between a hard-working clerk's living in some degree of comfort and being pinched all the time, and I believe that it is pinching in the wrong direction.

Mr. HOLMAN. Mr. Chairman, I wish to say a word in reply to the gentleman from Maine, of whose general remarks I greatly approve, and it is this: the salary has heretofore been $2,000. The gentleman is aware that the clerk to the Supervising Architect was left at $2,000 a year, even in our extravagant legislation of last March. Nobody is proposing now to reduce his salary.

Mr. GARFIELD. The gentleman will allow me to correct him. We had last year an assistant supervising architect at a salary of $2,500, and at the request of the Department we dropped that office out altogether from this bill and left only a chief clerk. It is proposed to consolidate the two offices; and let me say that the chief clerk received $800 last year and before that $1,000 a year out of the distributive fund, so that what is now proposed reduces his pay lower than what it has been during the last four years.

Mr. HOLMAN. That enables me to say what I desire to say. The salary of this officer, as fixed by law, was $2,000 a year. I do not refer to the distributive fund, which, as we all know, has been used for mere favoritism. But I want to submit to the gentleman from Ohio [Mr. GARFIELD] that every increase of salary for years has been brought about by singling out some particular case and giving an increase, and that was used as a leverage to increase other salaries. Now when you take into account the fact that the chief clerks of the First and Second Comptrollers' offices have held their places for several years without any extra compensation, is it not an invidious discrimination to take a clerk of less responsibility and raise his salary to $2,500, leaving two of the most competent officers in your employment at $2,000 a year? Does not the gentleman think this discrimination between the employés of the Government very unjust to begin with? And, secondly, is it not laying the foundation for a general increase of salaries at the next session of Congress, and will it not occur?

Does not the gentleman know that during the present session of Congress you have increased more salaries than you have ever before done in any first session of a Congress? The increase of a salary is generally made at the second or last session of a Congress. Now for the first time the increase is made during the first session. What will the country expect at the next session?

Mr. HALE, of Maine. The gentleman is mistaken in stating that this bill provides for increased salaries. This bill in the aggregate reduces them $5,000,000.

Mr. HOLMAN. That reduction is only by reducing the number of employés, not by decreasing their salaries.

Mr. HALE, of Maine. There is not in this bill a single case where there is provision for paying any official more than he has been receiving for years. Let me tell the gentleman how all this matter of increase of salaries came about. It has come about by the sanction of Congress. There have been funds provided, out of which the Secretary of the Treasury or other officer has added something to the regular fixed salary of some of these officers; not surreptitiously, not in a secret manner, but open to everybody who chose to investigate the matter.

Now, so far as the matter of discrimination goes, it probably resulted in this way: the Secretary, or the Treasurer, or whoever had the fund in charge, ascertained who was working the hardest, giving the most time and the most labor to his duty, and then added so much to his compensation, and that was sanctioned by Congress after Congress. I do not pretend to the gentleman from Indiana [Mr. HOLMAN] that I believe all the meritorious officers were so reached. No doubt there are in the Comptroller's office men of ability, whose duties are important, whose compensation has not been brought up to the exact point it should be. But before we strike men down, let us see whether they are actually getting more than they are earning, and not do it blindly.

[Here the hammer fell.]

Mr. KELLOGG. Allow me one moment.

Mr. GARFIELD. The debate upon the pending amendment has been exhausted.

Mr. KELLOGG. Then I move to strike out the last word.

Mr. DUNNELL. I move that the committee now rise.

The motion that the committe rise was not agreed to.

Mr. KELLOGG. I might have raised the point of order that the motion that the committee rise was not in order while I was on the floor. If the chairman of the Committee on Appropriations [Mr. GARFIELD] will give me his attention for one moment I promise him not to say anything more to-day.

I have no desire to delay the action of the Committee of the Whole on this appropriation bill or to say anything more in regard to the manner in which I think the Committee on Appropriations are treating some of these salaries. I think, and I believe a great many who do not vote with me think, that by cutting down the compensation of these important officers to such a low figure you cannot keep good men there; that you will disorganize the Treasury Department and inaugurate the poorest measure of economy you could devise, I have nothing more to say on that point.

I want to say simply this, in regard to the very paragraph now before the committee, that within three weeks past the chief clerk, with a salary of $3,000 a year, has gone out of office because he can get a great deal better pay elsewhere, as the chairman of the Committee on Appropriations is perhaps aware. Another person to take his place has been secured with great difficulty. But I assure the gentleman from Ohio [Mr. GARFIELD] and the members of this committee that if you cut down his pay below $3,000, below what has been attached to that office for years past, he will not stay there a month longer. I know he cannot afford to stay there. This House may cut down his salary, as the chairman of the Committee on Appropriations proposes, to $2,500, and put a cheap man in there; but we shall see how the work will be done.

My friend from Indiana [Mr. HOLMAN] has spoken of injustice being done to the chief clerks in the Comptrollers' and the Auditors' offices. I will admit that such is the fact. There has been a distinction that should not be continued. Some clerks have been paid more than others who ought to have been recognized as entitled to the same pay. In the bill prepared by the Committee on Civil Service Reform we have put the chief clerks or deputies of the Comptrollers and the Auditors upon the same basis precisely with the corresponding officers in the Treasurer's office. We propose to treat them all alike. I have risen merely to call attention to the fact that one of these chief clerks has gone out within three weeks because in unofficial life he can get much better pay; and the man now in there will go out if, as is now proposed, his salary be cut down to $2,500.

I withdraw my *pro forma* amendment.

Mr. HOLMAN. I withdraw my amendment for the purpose of getting a vote on the amendment of the gentleman from Ohio, [Mr. GARFIELD.]

The question being taken, there were—ayes 61, noes 38; no quorum voting.

No further count being called for, the amendment was agreed to.

The Clerk read as follows:

First Comptroller of the Treasury:

For First Comptroller of the Treasury, $5,000; chief clerk, $2,000; nine clerks of class four; ten clerks of class three; ten clerks of class two; five clerks of class one; six copyists, at $900 each; one messenger; one assistant messenger; and two laborers; in all, $67,600.

Mr. RANDALL. I move to amend by striking out "$2,000" after the words "chief clerk" and inserting "$2,500." I shall move the same amendment with reference to the chief clerk in the office of the Second Comptroller.

Mr. HOLMAN. I raise the point that the amendment is not in order, because the law fixes the salary of this clerk.

Mr. RANDALL. The same remark applies to the other salaries.

Mr. HOLMAN. I submit that the amendment involves a change of existing law.

Mr. RANDALL. The point of order ought then to apply when it is proposed to reduce salaries below the amount fixed by law. No two officers of the Government hold positions of more responsibility than the chief clerks in the offices of the First and the Second Comptroller. On examination, I find that the Committee on Appropriations have made in these two Bureaus a reduction of thirty-five clerks, involving a saving of $46,600 annually. Now, in view of the fact that we have raised the salaries of the other chief clerks to $2,500——

Mr. GARFIELD. We have cut them all down.

Mr. RANDALL. Well, sir, in all these cases the law—and I have it here—has fixed the salary at $2,200; yet in this bill we appropriate $2,500 for other chief clerks. I now propose by this amendment to do an act of justice, especially as there is so much saving in these Bureaus by the reduction of force to which I have referred. My amendment will involve an increase of only $1,000 for the two officers, and will do an act of justice which has been too long delayed. I hope the chairman of the Committee on Appropriations will not object. I feel sure that if he expresses his own judgment he will say the proposition is just.

Mr. GARFIELD. I have no doubt that most of what the gentleman from Pennsylvania [Mr. RANDALL] has said about these clerks is just; but for many years their pay, according to law, has been what we propose to appropriate in this bill.

Mr. RANDALL. Then if we have been doing them injustice for so long, there is the greater reason why at this late day we should do them justice. I understand that one, and perhaps both of these officers have held their positions for twenty-five years.

Mr. HOLMAN. I wish to ask the gentleman from Pennsylvania whether the main object of fixing salaries is not that we may secure the services of competent men? Is there any different rule prevailing under the Government from what prevails everywhere else?

Mr. RANDALL. In answer to the gentleman's question, I will say that my rule when engaged in business pursuits was to pay men adequate salaries and thereby command their entire and cheerful service. I found that policy much the cheapest in the end.

The CHAIRMAN. The gentleman from Indiana [Mr. HOLMAN] has raised the point of order that the amendment offered by the gentleman from Pennsylvania [Mr. RANDALL,] is in violation of the rules, as proposing a change in the existing law. The Chair overrules the point of order, and directs that the Clerk read the rule.

The Clerk read as follows:

It has been decided that under this rule it is not in order to propose an amend-

ment to a general appropriation bill which changes an existing law; but it was also decided that the latter branch of the rule not only permitted amendments increasing salaries, but was framed for that very purpose.

Mr. HOLMAN. There is one peculiarity about our rules; everything is out of order that saves money to the Treasury.

Mr. RANDALL. I will be responsible for this as a party man.

Mr. HOLMAN. Everything is in order according to our rules if——

Mr. GARFIELD. I submit that it is not in order to debate the point of order.

Mr. HOLMAN. The ruling of the Chair is entirely in harmony with the decisions heretofore made. Everything is in order that depletes the Treasury.

The CHAIRMAN. The point of order has been ruled upon. The gentleman from Indiana [Mr. HOLMAN] has the floor to continue his remarks in order.

Mr. HOLMAN. I am not discussing the point of order, because I concede it has been correctly decided under the rule.

The CHAIRMAN. The gentleman must confine his remarks to the pending amendment.

Mr. HOLMAN. I am doing so with great severity. I suggest to the gentleman from Ohio [Mr. GARFIELD] that it is now as it has been heretofore, because we increase one salary that furnishes the excuse for increasing every other salary. The gentleman from Ohio brought forward a proposition a year ago and he provided, because some clerk at the other end of the Capitol was getting more pay than one of the clerks at the desk here, the pay of the clerk here should be equal to that of the clerk at the other end of the Capitol; and that, sir, was the foundation of the whole monstrous system of increase of salaries adopted a year ago, which justly excited so much indignation throughout the country.

Mr. GARFIELD. Will my severe friend from Indiana allow himself to be severe in telling the truth? I opposed that increase of salaries from the beginning to the close of that measure. I have therefore been all the more particular to prevent the beginning of this increase of salary at this place.

Mr. HOLMAN. The gentleman is mistaken. He will discover, if he will look over the Congressional Globe for last February and March, that the whole of that increase sprang out of some salary at the other end of the Capitol and the proposition here to make the salary of one of the clerks here at the desk equal to it.

Mr. GARFIELD. Not by me, but against my opposition.

Mr. HOLMAN. The gentleman from Ohio, if he did not advocate it, at least apologized for it.

Mr. GARFIELD. My friend is mistaken. I opposed it and fought against it by voice and by vote, but was overruled.

Mr. RANDALL. I suggest that this is not any pertinent debate on my amendment.

Mr. HOLMAN. I hope my friend from Pennsylvania will allow me to proceed. My recollection is that my friend from Ohio, if he did not actually support the proposition which was the initiative of all the increase of salaries which followed afterward, at least apologized for it upon the ground that there had been a similar increase of somebody's salary at the other end of the Capitol.

Now, Mr. Chairman, all these salaries are increased in the same way. We find a meritorious case, where there is an efficient and faithful officer, and a proposition is made to run up his salary, and when his salary is increased then the increase of every other salary follows, it seems, as a matter of course. In reference to the chief clerk of the First Comptroller's office and the chief clerk of the Second Comptroller's office, I am free to say they are two of the best officers in the Government. They have held their positions as chief clerks at the present salary without complaint for fifteen or twenty years. They perform their duties well and would do so still without a word of complaint were it not for the fact that you have increased the salaries of all the others. They ask as you have increased the salaries of others holding offices not so responsible, and not requiring business qualifications of so high an order, that you will also increase their salaries. That is the ground of complaint on the part of these chief clerks. Therefore, in order to give no ground for any such discontent, I trust this committee will not increase the salary of any of these officers. You have secured heretofore the valuable services of these officers at the present salary, and I cannot see any good reason why we should not do so hereafter.

There is nothing which can be said in favor of the ability, integrity, and capacity of the chief clerks of the First and Second Comptrollers' offices which I do not indorse fully.

Mr. O'BRIEN. I think this amendment is in the right direction. I am informed that the reduction in the First and Second Comptrollers' offices by this bill will run up to nearly $50,000. As I indicated a few moments ago in some remarks which fell from me, I am in favor where it is necessary to reward faithful public servants by paying them a sufficient salary for the services they render the Government. In such cases indeed I am in favor of advancing rather than decreasing the salary. I think my friend from Indiana cuts right and left sometimes without proper consideration of the effect his amendments will have, and although I generally believe he is right and support him in nearly all of his amendments, still, at the same time, I am satisfied he is not right in his opposition to the amendment moved by the gentleman from Pennsylvania in regard to these two officers. I think the amendment would really be a saving to the Government, and there can be no doubt that justice demands at our hands the salaries of the chief clerks of these two Comptrollers should be increased by the small amount that is proposed.

I wish to do the Committee on Appropriations justice. They have reduced the salaries in these two offices to the extent of some $46,000. Now I only want to lessen that reduction by $1,000.

The committee divided; and there were—ayes 31, noes 79; no quorum voting.

Mr. RANDALL demanded tellers.

Tellers were ordered; and Mr. RANDALL and Mr. GARFIELD were appointed.

The committee again divided; and the tellers reported—ayes 26, noes 66; no quorum voting.

Mr. GARFIELD. I ask the gentleman from Pennsylvania not to insist on a further count.

Mr. RANDALL. I mean to have justice done; or if injustice is to be done, I demand at least there shall be a quorum present.

The CHAIRMAN. There having been some misunderstanding in reference to the last vote, it will be taken over again.

The committee again divided; and the tellers reported—ayes 39, noes 86; no quorum voting.

The roll was then called, and the following members failed to answer to their names:

Messrs. Adams, Albert, Albright, Archer, Ashe, Banning, Barnum, Barry, Bass, Beck, Berry, Blount, Bradley, Buckner, Roderick R. Butler, Cain, Caldwell, Cessna, Amos Clark, jr., Freeman Clarke, Clinton L. Cobb, Comingo, Cook, Corwin, Crocker, Crounse, Curtis, Darrall, Davis, De Witt, Dobbins, Eden, Elliott, Farwell, Hamilton, Harmer, John T. Harris, Havens, Hersey, Hodges, Hooper, Hoskins, Houghton, Hunton, Hurlbut, Hynes, Kellogg, Kendall, Knapp, Lansing, Lawrence, Leach, Lewis, Loughridge, Lowndes, Luttrell, Marshall, McLean, McNulta, Mellish, Mitchell, Morrison, Myers, Negley, Nesmith, Niles, O'Neill, Pendleton, Phelps, Phillips, James H. Platt, jr., Thomas C. Platt, Potter, Purman, Rapier, Reid, Richmond, William R. Roberts, James C. Robinson, Milton Sayler, John G. Schumaker, Henry J. Scudder, Isaac W. Scudder, Sessions, Shanks, Sherwood, Sloan, Sloss, Small, H. Boardman Smith, J. Ambler Smith, William A. Smith, Snyder, Speer, Stanard, Stephens, St. John, Stone, Strait, Swann, Taylor, Charles R. Thomas, Thornburgh, Todd, Townsend, Waddell, Wallace, Walls, Marcus L. Ward, Wells, Whitehouse, Whiteley, John M. S. Williams, William B. Williams, Ephraim K. Wilson, Jeremiah M. Wilson, Wolfe, Wood, Woodworth, and Pierce M. B. Young.

During the call of the roll,

Mr. HARRIS, of Georgia, stated that his colleague, Mr. BLOUNT, was absent on account of sickness.

The committee rose; and the Speaker having resumed the chair,

Mr. WOODFORD said: The House being in the Committee of the Whole on the legislative, executive, and judicial appropriation bill, found itself on a division without a quorum, whereupon the Chair directed the Clerk to call the roll, and I now report the names of the absentees to the House.

The SPEAKER. The roll-call shows the presence of one hundred and sixty-seven members, which is a quorum of the House. The House will return into Committee of the Whole, and the gentleman from New York [Mr. WOODFORD] will resume the chair.

The House accordingly again resolved itself into Committee of the Whole, and resumed the consideration of the legislative, &c., appropriation bill.

Mr. RANDALL. As it has been ascertained that a quorum is present to witness this injustice, I will not insist on further count.

The CHAIRMAN. The request for further count is withdrawn, and the amendment offered by the gentleman from Pennsylvania is declared lost.

Mr. WARD, of Illinois. I move that the committee rise.

Mr. GARFIELD. I ask for a division.

Mr. WARD, of Illinois. I withdraw the motion.

Mr. BRIGHT. I renew it.

The question being taken on the motion that the committee rise, there were—ayes 61, noes 90.

Mr. RANDALL called for tellers.

Tellers were ordered; and Mr. GARFIELD and Mr. BRIGHT were appointed.

The committee again divided; and the tellers reported—ayes 66, noes 85.

So the motion was not agreed to.

The Clerk read the following paragraph:

Second Comptroller of the Treasury:

For Second Comptroller of the Treasury, $5,000; chief clerk, $2,000; eleven clerks of class four; eighteen clerks of class three; eighteen clerks of class two; seven clerks of class one; ten copyists, at $900 each; one messenger, one assistant messenger, and two laborers; in all, $101,200.

Mr. DUELL. I offer the amendment which I send to the desk to be read.

The Clerk read as follows:

Strike out all after the words "chief clerk, $2,000," and insert in lieu thereof the following:

Twelve clerks of class four; twenty clerks of class three; twenty-eight clerks of class two; eight clerks of class one; twelve copyists, at $900 each; one messenger and three laborers; in all, $123,200.

Mr. DUELL. I hold in my hand the laws passed at the last session of Congress, and I find that ninety-four clerks were given to the office of the Second Comptroller of the Treasury. The committee in this bill reduced the number to sixty-five. The amendment which I have offered makes the number eighty-one, being a reduction of thirteen from the number authorized by the appropriation bill of last year.

I need not say, Mr. Chairman, that the Second Comptroller of the Treasury is charged with high and responsible duties. I hold in my hand a letter written by the Second Comptroller, in which he states to the House that with the force which is allowed by the present bill it will be impossible for him to dispose of the business which is brought before his office. I send the letter to the desk to be read.

The Clerk read as follows:

TREASURY DEPARTMENT,
Second Comptroller's Office, February 28, 1874.

This office is charged by law with the final revision of, and decision upon, all accounts pertaining to the War and Navy Departments, Indians, and Pensions.

The above-named accounts are audited in the offices of the Second, Third, and Fourth Auditors.

The pending legislative, executive, and judicial appropriation bill (H. R. No. 2064) makes provision for 173 clerks in the office of the Second, 185 in the office of the Third, and 46 in the office of the Fourth Auditor; total in the three offices, 404.

This office asks for 81 clerks, including copyists or one in the revising office to five in the auditing offices. Experience has demonstrated the fact that the labor of revision cannot be properly performed with a less proportionate force.

It may, however, be said that the force of this office is now less than the ratio of one to five. While this appears to be the case, judging from the whole number of clerks at present employed in the several offices, it is not true in fact, as a large number of clerks in the auditing offices have been diverted from current work, and are engaged in fixing up the accounts and records of said offices.

It is my desire, and has been my endeavor, to bring the business of the office up to current work, particularly the accounts of disbursing officers. Experience has shown that delay in the settlement of these accounts is very expensive to the Government. If these accounts could have been kept up during the late war, and disbursing officers promptly notified of wrong, or overpayments, so that they could have made the proper corrections in their subsequent payments, while the men were yet in service and within reach, millions of dollars would have been saved to the Treasury. These accounts should by all means, and may now, be kept up, but it will be impossible to do so with the force proposed by the Committee on Appropriations. Every head of a Bureau is naturally desirous to obtain for his office a reputation for efficiency and economy by doing the largest amount of work with the least number of clerks that he can. I am by no means insensible to that motive, and have decreased my force as fast as business would permit, and have personally worked much longer than the required hours. But the public interest should be the first object, and that will certainly be jeopardied by the proposed reduction.

J. M. BRODHEAD,
Second Comptroller.

Mr. MAYNARD. I would suggest to the gentleman to modify his amendment by inserting the word "female," so that it will read "female copyists."

Mr. DUELL. I agree to that, and modify my amendment in accordance with the gentleman's suggestion.

I trust this amendment will commend itself to the judgment and good sense of the House. I do not propose by it to raise existing salaries, but simply to place under the Second Comptroller of the Treasury the force which is absolutely necessary for the proper discharge of the duties of that Bureau. I also hold in my hand a statement from the chief clerk of the Second Comptroller's office, showing the amount of business, the accounts audited and adjusted by the Second Comptroller's office during the past year. The total amount is $182,592,213.15.

The committee cannot fail to see the importance of this Bureau, and consequently the importance of giving it a sufficient force to discharge the duties that are devolved upon it. I trust that the chairman of the Committee on Appropriations will admit the amendment and allow it to be adopted.

Mr. GARFIELD. I desire to say that the questions in regard to the staff of clerks in the offices of the various Auditors and Comptrollers were passed under close review by the Committee on Appropriations. Some of them we found were employed on a class of work which we thought did not admit of much reduction in their number. As regarded those that were doing the current business of the country that was not specially affected by the war we found that the number ought not to be decreased, but in some instances rather increased; while the number of those that were doing work, the bulk of which arose from the events of the war, and who would necessarily and naturally be getting through with the great work put upon them, ought to be decreased.

Take, for example, the office of the Second Auditor of the Treasury, in whose Bureau were placed, I think in the year 1866, twenty-two cubic cords of papers about the back pay of soldiers. The amount of work was so immense that we had to increase by four hundred the number of clerks to look through these claims with a view to their settlement. But we found that the number of these claims passed upon in the year just closed was only about 50 per cent. of the number in the previous year, and that the number of new claims received was far less than the number of new claims received in the previous year. We said that in a case like that there ought to be a reduction of the clerical force to correspond in some degree with the reduction of business.

Applying that rule to the offices of the various Comptrollers and Auditors, the committee have proposed such reductions as they thought could fairly be made. In some cases we may have cut too deep. Perhaps we had as little reason to cut down in the First Comptroller's office as anywhere, for he must necessarily pass upon all the leading warrants that go through the Treasury Department. We made but a small reduction in his office, and although he thinks it too much, the Committee of the Whole have passed it without change, and we believe they have done right.

Mr. MAYNARD. How many did you reduce it?

Mr. GARFIELD. I can tell the committee the number of clerks and also the amount of money. Last year, $77,320 worth of clerical force was given him, and this year we gave him $67,600 worth; in other words, we have cut down the force $10,000 worth a year. In regard to the Second Comptroller's office, he had last year $138,800 worth of force. We cut it down so as to give him $102,000 worth; in other words, we reduced it $36,800. We reduced his force more than we did that of the First Comptroller, because he had a larger force from which to reduce and because the Second Comptroller is the officer under whom the Army and Navy accounts are settled rather than the First Comptroller. Not only the current accounts of the Army that we now have, but the old outstanding unsettled claims of the war pass there, and we were satisfied that he could stand a greater per centage of reduction than the First Comptroller could.

Now I know of no better way for us to do than to try how we can get along with that reduction, and if we find that we have done too much in that direction it is a thing that can be remedied before any great injury is done by action next winter. I do not believe we have gone further in that direction than we ought to have gone. We could not get any help in the matter of reduction from these Bureaus themselves. I say it without any disposition to be unkind to them, but we had every Auditor and Comptroller before us, and only in two or three instances did any of the persons whom we had before us admit that there could be any reduction at all. There is a kind of grip like that of grim death in the hand of a man who has a company of clerks under his control. They are all good fellows, all intelligent, all valuable, and he does not like to spare any of them, and unless we ourselves somewhat arbitrarily struck down the number we could not do it at all. But this is a large subject; and now, thanking the Committee of the Whole for their kindness, I move that the committee rise.

Mr. CONGER. I hope the gentleman will allow me to say a few words before he presses that motion.

Mr. GARFIELD. Certainly; I withdraw my motion.

Mr. CONGER. I move to strike out the last word. I had occasion during the last Congress as a member of the Committee on Reform in the Civil Service—I am not there now, unfortunately for the country—to examine very carefully and at great length the question of the relative amount of work and of clerical service in every Bureau of the Treasury and to prepare a bill to reorganize that service. I spent upon it, in connection with some other members of the committee, a great deal of time, and I examined the question thoroughly. I examined the Secretary of the Treasury, the Auditors, the Comptrollers, the chief clerks and heads of Bureaus, and individual clerks, from time to time, so as to arrive as nearly as I could at the necessities of each Bureau. I found on that examination that the business of the Second Comptroller's office was much larger than that of the First Comptroller in proportion to the expenditure and to the number of employés in it. I found that the amount of work and the number of accounts and of cases investigated in the Second Comptroller's office was much larger in proportion to the expenditure for that office and in proportion to the number of clerks than in the First Comptroller's, and I then recommended, and have for each year for the last three years moved, whenever this subject has been up in the House, for a corresponding increase in the clerical force in the Second Comptroller's office, because I knew from an actual examination, as careful as I could make it each year for the last three years, that there was an insufficient force in that Bureau. I know that it is so now, and I know that there should not be this arbitrary reduction in the Second Comptroller's office. The public service suffers by it.

Gentlemen perhaps do not realize that these two Bureaus, the First and Second Comptrollers' offices, are the last safeguards for the Treasury. Upon their warrant all moneys pass out of the Treasury. In the Auditors' offices the accounts are stated; in the Comptrollers' offices they are revised, the law applicable to the cases is examined, and the final fiat of those offices passes money from the Treasury. It is important, therefore, for the public service, in the interest of economy and safety, that there should be always a sufficient clerical force to give due and careful examination to every account that passes those offices. I may say here, and it is within the personal knowledge of gentlemen who have examined this matter, that for the last four years, year by year, the very best clerks in the Second Comptroller's office and in the First Comptroller's office have been compelled to leave those offices and to go into other business because the salary was insufficient for their services; I think to the detriment of the public service and to the injury of all the interests of the people and of the Government, we failed to keep those experienced business officers in the Bureaus which guard best the Treasury of the United States, and it is for that reason that I agree with the gentleman from New York [Mr. DUELL] in wishing that this force should be restored at least to the extent which his amendment proposes.

Mr. GARFIELD. In opposing the amendment to the amendment offered by the gentleman from Michigan I will take occasion to finish what I intended to say in reply to my friend from New York, [Mr. DUELL.] We have reduced the force in this office to the number of nineteen clerks, and there has been given to the Committee on Appropriations no sufficient reason to satisfy them that they have made a mistake in this.

Mr. DUELL. The reduction is twenty-nine from last year.

Mr. GARFIELD. We have increased in some offices.

Mr. DUELL. You have reduced the entire force twenty-nine.

Mr. CONGER. I would ask the gentleman if there was not a greater proportional decrease in this Bureau last year than in any other Bureau, and also this year?

Mr. GARFIELD. I think not. The decrease made in the Second Auditor's office is proportionately more than twice that made in this office.

Mr. CONGER. Well, that is a Bureau where the business is falling away.

Mr. GARFIELD. Now I wish to say, Mr. Chairman, that the statements made by the gentleman from New York, [Mr. DUELL,] which have evidently been prepared with care, will be in print before we go into committee again upon this bill.

I ask gentlemen of the committee to read what shall be in the RECORD on that subject on both sides of this question, and be prepared to act according to their judgment in view of all the facts in the case. If we are to go through this bill with anything like individual preferences; if we have any pet officers whom we want to save, we shall never get through with anything like equity and justice in regard to them all.

If we have cut any too deep in the office of the First Comptroller, I do not think we have cut deep in the Second Comptroller's office. I have more doubt whether we have not cut too deep in the first than that we have cut too deep here; about this I have no serious doubt. We have given the Second Comptroller an increase of copyists. There are two classes of persons in his office. One class consists of accountants, of persons who are almost lawyers, who can state claims and report upon them. The other class comprises mere copyists, and we thought it wise to increase the number of that class. If gentlemen think it necessary we can increase still further the number of copyists, so that the work done by the accountants when completed can be copied in a fair hand by the nine-hundred dollar copyists. That will be economical. But to have a twelve, fourteen, or sixteen hundred dollar clerk to do the business of copying is neither wise nor economical.

Now I think if you want to increase the force of the Second Comptroller, give him in the upper ranks of his force good and thorough accountants and a large number of copyists. We believe that we can save $36,000 in this office. If you think we ought not to try to save so much say so. Now, in view of the importance of this subject, if gentlemen have anything which they wish to have printed let them have it done now.

Mr. DUELL. I ask to have printed in the RECORD a further statement of the chief clerk of this office.

No objection was made.

The statement is as follows:

TREASURY DEPARTMENT,
Second Comptroller's Office, February 28, 1874.

SIR: the following is a list of the divisions of this office as at present constituted, with the amount of actual disbursements embraced in the accounts, revised by each, during the fiscal year ending June 30, 1873, namely:

Divisions.	Number of clerks.	Amount.
Paymaster's division	14	$43,568,853 25
Quartermaster's division	15	47,343,125 62
Navy and Marine Corps division	10	24,054,935 35
Army Pension division	19	27,476,730 61
State and Miscellaneous Claims division	2	2,035,246 62
Engineer's division	2	10,243,321 63
Subsistence division	4	5,936,243 78
Indian division	2	15,587,459 32
Ordnance and Medical division	1	2,500,881 95
Book-keeper's (recruiting, contingent, signal service, freedmen and refugees, and miscellaneous) division	5	3,845,415 02
Copying and miscellaneous work	7	
Total	81	182,592,213 15

Of which amount $6,495,551.51 were for claims which arose during the late war.
This is an average of more than $10,000 per day for each clerk actually engaged in the work of revision for each working day of the year.

Very respectfully,

E. B. CURTIS,
Chief Clerk.

Hon. J. M. BRODHEAD,
Second Comptroller.

Mr. GARFIELD. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WOODFORD reported that, pursuant to the order of the House, the Committee of the Whole on the state of the Union had had under consideration the state of the Union generally, and particularly the bill (H. R. No. 2064) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes, and had come to no resolution thereon.

ENROLLED BILL SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 994) to establish the Bismarck land district in the Territory of Dakota.

Mr. WILLARD, of Vermont. I move that the House now adjourn.

The motion was agreed to; and accordingly (at four o'clock and twenty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as follows:

By Mr. BANNING: Resolutions of a citizens' meeting of Cleveland, Ohio, in opposition to an increase of the currency, to the Committee on Ways and Means.

By Mr. BUTLER, of Massachusetts: The petition of citizens of Cattlettsburgh, Kentucky, asking for the establishment of a district court near that point, to the Committee on the Judiciary.

By Mr. COBURN: The petition of the board of education of Indiana, to have the arsenal of the United States at Indianapolis granted to the State for a polytechnic school, to the Committee on Military Affairs.

By Mr. CROUNSE: The remonstrance of certain citizens of Nebraska, against extension of letters-patent for the Haines harvester, to the Committee on Patents.

By Mr. DUELL: The petition of Colonel Frank Place and 57 others, for passage of House bill No. 1179, granting increased pensions to disabled soldiers, to the Committee on Invalid Pensions.

By Mr. FIELD: Papers relating to the claim of Isaac W. Ingersoll and Joseph Granger, of Detroit, Michigan, for damages under a contract for building a marine hospital, to the Committee on Claims.

By Mr. GARFIELD: The petition of citizens living on the Seventh street road, in the District of Columbia, asking for a more equitable mode of taxing property for city improvements, to the Committee on the District of Columbia.

By Mr. GLOVER: The petition of many citizens of Lewis County, Missouri, asking relief for James Hill, of Lewis County, Missouri, late a private of Company F, Twenty-first Infantry Missouri Volunteers, to the Committee on Military Affairs.

By Mr. NIBLACK: The memorial of the board of education of the State of Indiana, remonstrating against the sale of the arsenal grounds in the city of Indianapolis, to the Committee on Military Affairs.

By Mr. SAYLER, of Indiana: The petition of 18 citizens of Marshall County, West Virginia, for an act authorizing the manufacture of patent-right articles by other than the owners of patent-rights on the payment of a reasonable royalty thereon, to the Committee on Patents.

By Mr. SENER: The petition of James C. Weaver, superintendent of public schools, and others, of Accomack County, Virginia, for compensation for a public school building used by the Army of the United States during the years 1861 and 1862, and destroyed while in such use, to the Committee on War Claims.

Also, the petition of G. A. Hulfish, postmaster, and other citizens of Haymarket, Virginia, for the establishment of a post-route from Haymarket, via Buckland, to New Baltimore, to the Committee on the Post-Office and Post-Roads.

By Mr. WALDRON: Certain papers to accompany House bill No. 1383, to the Committee on Indian Affairs.

By Mr. WOODFORD: The petition of Joseph Howland and 91 others, for the passage of House bill No. 1179, granting increased pensions to disabled soldiers, to the Committee on Invalid Pensions.

IN SENATE.

MONDAY, *April* 20, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of the proceedings of Friday last was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills; in which the concurrence of the Senate was requested:

A bill (H. R. No. 3025) supplementary to the act entitled "An act to authorize the Washington City and Point Lookout Railroad Company to extend a railroad into and within the District of Columbia," approved January 22, 1873;

A bill (H. R. No 3027) to remove the legal and political disabilities of Van Ranselear Morgan, Thomas M. Jones, and Charles H. Fauntleroy, of Virginia, and A. S. Taylor, of Maryland;

A bill (H. R. No. 3028) giving the assent of Congress for the improvement of the Wolf River, across the Menomonee Indian reservation, in the State of Wisconsin;

A bill (H. R. No. 2907) authorizing the Secretary of War to deliver certain condemned ordnance to the municipal authorities of Concord, Massachusetts, for monumental purposes; and

A bill (H. R. No. 3029) to provide for the relief of the persons suffering from the overflow of the Lower Mississippi River.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had

signed the enrolled bill (H. R. No. 994) to establish the Bismarck land district in the Territory of Dakota; and it was thereupon signed by the President *pro tempore*.

HOUSE BILLS REFERRED.

Mr. WEST. I ask unanimous consent of the Senate to take up a bill that has just been received from the House of Representatives for the purpose of reference.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate sundry bills from the House of Representatives.

The following bills from the House of Representatives were severally read twice by their titles, and referred as indicated below:

The bill (H. R. No. 3029) to provide for the relief of the persons suffering from the overflow of the Lower Mississippi River—to the Committee on Military Affairs.

The bill (H. R. No. 3028) giving the assent of Congress for the improvement of the Wolf River across the Menomonee Indian reservation, in the State of Wisconsin—to the Committee on Commerce.

The bill (H. R. No. 3025) supplementary to the act entitled "An act to authorize the Washington City and Point Lookout Railroad Company to extend a railroad into and within the District of Columbia," approved January 22, 1873—to the Committee on the District of Columbia.

The bill (H. R. No. 3027) to remove the legal and political disabilities of Van Ranselear Morgan, Thomas M. Jones, and Charles H. Fauntleroy, of Virginia, and A. S. Taylor, of Maryland—to the Committee on the Judiciary.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter of the Secretary of the Interior, transmitting, in answer to Senate resolution of the 19th ultimo, information relative to the Indian agencies in Nevada; which was ordered to lie on the table, and be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a joint resolution of the Legislature of Wisconsin, in favor of an appropriation to complete the canal around the Lower Rapids of the Mississippi River; which was referred to the Committee on Commerce.

He also presented a memorial of the Legislature of Wisconsin, in favor of the erection of a custom-house and post-office at Green Bay, in that State; which was referred to the Committee on Public Buildings and Grounds.

He also presented a memorial of the Legislature of Wisconsin, in favor of an appropriation sufficient for dredging and rendering navigable a channel between the harbor piers at Ahnepee, Wisconsin; which was referred to the Committee on Commerce.

He also presented a memorial of citizens of Oregon, in favor of the passage of the Portland, Dalles and Salt Lake Railroad bill; which was referred to the Committee on Railroads.

He also presented resolutions of the Legislature of Wisconsin, requesting the return of the rebel battle-flags captured by Wisconsin soldiers; which were referred to the Committee on Military Affairs.

He also presented the memorial of B. W. Baird and others, citizens of the United States, protesting against extending letters-patent for the Haines Harvester; which was referred to the Committee on Patents.

Mr. HAMLIN. I have a petition, numerously signed by merchants, ship-owners, and ship-masters of Portland, Maine; another of a like character, signed by merchants, ship-owners, and ship-masters of Bucksport, Maine, asking for the abolition of compulsory pilotage. I move their reference to the Committee on Commerce.

The motion was agreed to.

Mr. INGALLS presented a resolution of the board of county commissioners of Morris County, Kansas, praying for an amendment to a bill pending before the Senate for the sale and disposal of the Kansas Indian lands in that county, and providing for the distribution of the proceeds of that sale; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. HAMILTON, of Maryland, presented a memorial of the Yearly Meeting of the Society of Friends, held at Lombard street, in the city of Baltimore, asking that the death penalty for crime may be changed to imprisonment at labor for a term of years, or for life; which was referred to the Committee on the Judiciary.

He also presented the petition of the Forest Farmers' Club, of Harford County, Maryland, asking the abatement of the evil of intoxicating drinks in the rural districts of that State; which was referred to the Committee on Finance.

Mr. TIPTON presented the petition of P. W. Woodlief and accompanying papers, asking remuneration for property taken in the late war; which was referred to the Committee on Claims.

Mr. PRATT presented the petition of Andrew J. Lasley, late a private in Company K, Second United States Infantry, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. PRATT. I also present the memorial of the board of education of the State of Indiana and others, praying that the arsenal grounds situated in the city of Indianapolis and belonging to the United States may be granted to the State of Indiana for a polytechnic school, and remonstrating against the sale of the same to private parties. I find that this memorial is signed by the superintendent of public instruction and president of the State board of education of Indiana, by the governor of the State, Thomas A. Hendricks, who is *ex officio* a member of that board; by the president of the State normal school at Terre Haute; by the superintendent of the Evansville public schools; by the president of the State University at Bloomington; by the superintendent of the Fort Wayne public schools; and by the superintendent of the Indianapolis public schools.

If I may be pardoned a moment I will refer to some of the recitals and the prayer of this memorial. The memorial recites that information has been received that Congress will discontinue the use of the arsenal located in the city of Indianapolis, and dispose of the property by public sale; and further, that this property has been appropriated and used for public purposes, and the people of the State would be much disappointed at its sale for private uses. It further recites that there is no polytechnic institution in that State, and as the grounds are admirably adapted to the uses of such an institution, therefore the board and the other parties that I have named earnestly remonstrate against the sale of the property, and pray Congress to grant the same to the State of Indiana for public uses for the purpose suggested. I move that the memorial be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. FENTON presented the memorial of the Board of Trade of the city of Oswego, New York, touching the importance of the improvement of the port of Oswego, owing to the severe injury which has been done to the old pier on the west side of the mouth of the harbor; which was referred to the Committee on Commerce.

Mr. CONKLING presented the petition of Henry J. Wood, praying compensation for the use of his property taken possession of, as alleged, by the Government for public purposes; which was referred to the Committee on Claims.

Mr. STEVENSON presented a memorial of merchants, manufacturers, and importers of the city of Louisville, Kentucky, praying for the rejection of the House bill which passed on the 14th of April abolishing the office of appraiser of imported merchandise at that port as injurious to the general interests of the United States; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. EDMUNDS. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. No. 343) for the relief of purchasers of lands sold for direct taxes in the insurrectionary States, to report the same, with the opinion that it ought not to pass. The honorable Senator from Arkansas [Mr. CLAYTON] is interested in the bill. There is a written report. If the Senator desires it, the bill may be placed on the Calendar for consideration.

Mr. CLAYTON. I prefer that it should go on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar, and the report will be printed.

Mr. EDMUNDS. I am directed by the same committee, to whom was referred the bill (S. No. 153) for the relief of Silas I. Field and the heirs of the late Samuel F. Dalley, of the city of Little Rock, and State of Arkansas, to report the same with the opinion that it ought not to pass, with a written report. If the Senator from Arkansas desires this to go upon the Calendar, of course there is no objection.

Mr. CLAYTON. No.

The PRESIDENT *pro tempore*. The bill will be postponed indefinitely, and the report ordered to be printed.

Mr. CLAYTON. Upon reflection, I will ask that the bill go upon the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. SARGENT. I am directed by the Committee on Mines and Mining to request of the Senate that a letter addressed to the chairman of the committee by the Commissioner of the General Land Office, which I now present, be printed and referred to the Committee on Mines and Mining.

The PRESIDENT *pro tempore*. That order will be made, if there be no objection.

Mr. WEST, from the Committee on Railroads, to whom was referred the bill (S. No. 666) granting to the Nevada County Narrow-gauge Railroad Company a right of way through the public lands for a railroad, reported it with amendments.

Mr. FRELINGHUYSEN, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 1171) for the relief of George P. Fisher, reported adversely thereon, and the bill was postponed indefinitely.

Mr. CLAYTON, from the Committee on Military Affairs, to whom were referred sundry petitions and memorials of citizens of the United States who served as soldiers in the late war of the rebellion, praying for the equalization of soldiers' bounties, submitted a report, accompanied by a bill (S. No. 717) to equalize bounties of soldiers who served in the late war for the Union.

The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. CLAYTON, from the same committee, to whom was referred the memorial of the Legislature of Wisconsin, asking for removal of the charge of desertion from George Schwartz, submitted a report, accompanied by a bill (S. No. 718) for the relief of the legal representatives of George Schwartz, deceased, late private Company F Fifth Regiment Wisconsin Volunteer Infantry.

The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. DAVIS, from the Committee on Claims, to whom was referred the petition of James P. Gillespie, of Ohio, praying that he be paid the sum of $26,545.33, claimed by him as informer in revenue cases, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

Mr. CARPENTER, (Mr. FERRY, of Michigan, in the chair.) I am directed by the Committee on Privilges and Elections, to whom was referred the memorial of Francis W. Sykes, claiming a seat as Senator from Alabama, to report the same back adversely to the memorialist and ask to be discharged from its further consideration. There is a written report, which, together with the views of the minority, I ask may be printed.

Mr. SAULSBURY. I present the views of the minority of the Committee on Privileges and Elections on this subject, and ask that they may be printed.

The report was ordered to be printed, with the views of the minority.

ELIZABETH J. KING.

Mr. PRATT. The Committee on Pensions, to whom was referred the bill (H. R. No. 2675) granting a pension to Mrs. Elizabeth J. King, have had the same under consideration and have directed me to report it back without amendment and recommend its passage. The case being one of peculiar hardship and which will commend itself readily to the justice and to the sympathies of the Senate, I ask for the present consideration of the bill. We adopt the House report, which is very brief, and as the facts are striking I ask that the report be read and the case presently considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

It proposes to place on the pension-roll, subject to the provisions and limitations of the pension-laws, the name of Mrs. Elizabeth J. King, widow of Herbert King, late captain of Company F, Third Regiment Kentucky Infantry Volunteers.

Mr. PRATT. Now let the report be read.

The Chief Clerk read the following report submitted by Mr. JOHN D. YOUNG in the House of Representatives on the 27th of March:

The Committee on Invalid Pensions, to whom was referred the petition of Elizabeth J. King, submit the following report:

Captain Herbert King, the husband of the applicant, was captain of Company F, Third Kentucky Infantry; entered the Union Army in the fall of 1862; was at the battle of Shiloh, and from exposure took sick and was for some time unable to do duty, and was permitted to go home. Not getting any better, in the fall of 1862 he tendered his resignation, but before its acceptance, and while on his way back to the Union Army with fifteen men whom he had enlisted, including two of his sons, he was set upon by the rebels under Morgan, his house burned, his property destroyed, and himself and men taken prisoners. They were taken to Danville, and from there to Camp Dick Robinson, and kept there until after the battle of Perryville. The rebels, on being forced to retreat, chained him to a wagon, and, with the others, including his two sons, took him to Cumberland Gap, where they were all hung, and because they knew him to be a Union soldier. The acceptance of his resignation did not arrive until May, a week after his murder. The Department could not grant a pension, on account of his resignation. The case is an extremely hard one, leaving the widow destitute and in want.

The committee think it a meritorious case, if ever there was one requiring a special act. The committee report favorably, and ask the passage of the bill, giving her a pension according to his rank.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 719) in regard to the condemnation of lands for public use in the Territories of the United States; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. WEST asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 720) conferring the right to construct a tunnel through the White Pine Mountain, State of Nevada, and to purchase public lands contiguous thereto; which was read twice by its title, and referred to the Committee on Mines and Mining.

Mr. EDMUNDS. I ask that that bill may be printed.

The PRESIDENT *pro tempore*. The order to print will be made.

Mr. HITCHCOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 721) for the restoration of the lands in Fort Sedgwick reservation, in Colorado and Nebraska, to settlement and entry; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. MERRIMON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 722) to alter and establish the limits of the district courts in the eastern district of North Carolina; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. JOHNSTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 723) to repeal a part of an act making appropriations for the payment of teachers in the public schools in the District of Columbia, and providing for the levy of a tax to reimburse the same, approved April 18, 1874; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. EDMUNDS. I ask that that bill may be printed. It is a very important bill.

The PRESIDENT *pro tempore*. The order to print will be made.

Mr. ALLISON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 724) amendatory of and supplemental to the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, and for other purposes; which was read twice by its title, referred to the Committee on Railroads, and ordered to be printed.

Mr. CARPENTER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 725) for the relief of William Hodson; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

CANNON FOR MONUMENTAL PURPOSES.

Mr. BOUTWELL. I ask for the present consideration of a House bill which is on the table granting ordnance to the town of Concord.

There being no objection, the bill (H. R. No. 2907) authorizing the Secretary of War to deliver certain condemned ordnance to the municipal authorities of Concord, Massachusetts, for monumental purposes, was read three times and passed. It authorizes the Secretary of War to deliver to the municipal authorities of Concord, Massachusetts, ten pieces of condemned brass cannon, to be used in the erection of a monument at the Old North bridge, to commemorate the first repulse of the troops of Great Britain in the war of the Revolution, on the 19th day of April, 1775.

SUMNER MEMORIAL ADDRESSES.

Mr. BOUTWELL. Mr. President, I desire to take this opportunity to give notice to the Senate that on Monday next, after the reading of the Journal, I shall present for the consideration of the Senate resolutions upon the life and character and public services of our late associate, Senator Sumner.

ALASKA FUR TRADE.

Mr. SPENCER. I ask unanimous consent to proceed to the consideration of the bill (H. R. No. 2667) to enable the Secretary of the Treasury to gather authentic information as to the condition and importance of the fur trade in the Territory of Alaska. I wish to say that there is a necessity for the early passage of this bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

By the bill the Secretary of the Treasury is authorized to appoint some person qualified by experience and education a special agent for the purpose of visiting the various trading stations and Indian villages in the Territory of Alaska, the Seal islands, and the large islands to the north of them in Behring Sea, for the purpose of collecting and reporting to him all possible authentic information upon the present condition of the seal fisheries of Alaska, the haunts and habits of the seal, and the preservation and extension of the fisheries as a source of revenue to the United States, together with like information respecting the fur-bearing animals of Alaska generally, the statistics of the fur trade, and the condition of the people or natives, especially those upon whom the successful prosecution of the fisheries and fur trade is dependent; such agent to receive as compensation eight dollars per day while actually thus employed, with all actual and necessary traveling expenses incurred therein. The appointment thus made is not to continue longer than two years. The Secretary of the Navy is also authorized to detail an officer of the Navy to go in connection with the person above-mentioned, who shall be charged with the same duties, and shall make a like report upon all subjects therein named; and shall also inquire and report whether the contracts as to the seal-fisheries have been complied with by the persons or company now in possession, and whether those contracts can be safely extended.

The bill was reported to the Senate without amendment.

Mr. THURMAN. I should like to have some explanation of that bill. Is it reported from a committee?

Mr. SPENCER. It passed the House of Representatives and has been reported from the Committee on Commerce, and is recommended by the Treasury Department. It provides for the appointment of a special agent for the Treasury Department, and for a person to be appointed by the Secretary of the Navy, to examine into the condition of the fur trade in Alaska. If the bill is to become a law, it is necessary that it should be passed immediately.

Mr. SAULSBURY. I think it wholly unnecessary that this new office should be created. I think all the information that any agent who may be appointed could obtain is accessible to the Treasury without employing a man at eight dollars a day for the space of two years, besides the expenses which he will incur to gather that information. There ought to be some limit to the multiplication of offices, especially when there is no apparent necessity for them.

Mr. BUCKINGHAM. I do not know whether it is worth while to appoint another officer for the purpose or not, and yet my impression is that it is important. Here is a fishery from which the Government receives $262,000 direct. In addition to that, the skins which are taken on the islands are sent to London, there cured, and imported here, the duties on which amount to over $200,000 more. It appears to me that it is well worth while for the Government to have a proper watch and care over that fishery; and therefore I see no reason why we should not appoint an officer for that purpose.

Mr. THURMAN. What the Senator from Connecticut says as to the importance of this matter is undoubtedly correct, and it may be that some watch is necessary; but we have a military post on those islands; we have military officers there. Why cannot this duty be devolved upon them? If the committee are satisfied that this is the most economical and efficient way to have this investigation made, of course I shall not interpose; but I supposed we had military officers up there who have quite little enough to do, and who might well enough make the investigation and report contemplated by this bill.

Mr. SARGENT. There are several advantages in sending some intelligent person to report upon these fisheries. The contract with the parties who hold them is that one hundred thousand shall be taken each year, one-half on the island of Saint Paul and one-half on the island of Saint George. It is believed by the Treasury Department, with such information as they can get, that too large a number is taken from Saint George and not enough from Saint Paul; that it is possible to perhaps indefinitely increase the amount taken from Saint Paul. If this can be done judiciously year by year, by authorizing the taking of ten thousand additional next year, ten thousand additional to that the following year, the income of the Government will be very largely increased. While that attempt is being made, it must also be determined that by this increased taking of seals the sealing-grounds are not caused to be deserted by the seals, not driven away elsewhere.

Another element, also important to be ascertained, is whether there are other islands in the Alaskan group on the Russian coast which the seals can resort to and desert our islands and thus destroy the revenue of the Government and this business entirely. This duty can be performed by the officer named in this bill. Certainly the pay fixed is a very moderate compensation. It is quite possible, I believe myself it is certain, that if there is an intelligent report on this matter showing all the facts the Government will be enabled in the course of a few years by gradual accretion to double the amount of revenue which it receives without injury to the trade.

The bill was ordered to a third reading, and was read the third time.

Mr. SHERMAN. I have not been satisfied yet that we have not officers of the Army and Navy, skilled officers, who could do this duty as well as any civilians who might be picked out for the purpose. I should much prefer that an officer of the Army and an officer of the Navy should be selected for this duty. An officer of the Navy would be prepared by his education, by his observation in that region of country, as a skilled person.

Mr. SPENCER. I will state to the Senator that by the bill one naval officer is to be detailed by the Secretary of the Navy.

Mr. SHERMAN. I see no reason why an Army officer should not be substituted for the civilian. The Senator from California says this is very small compensation. It will amount to something like fifteen or twenty thousand dollars. That is not a very large sum perhaps, but two years' compensation at eight dollars per day, together with the expenses of travel, the employment of boats, &c., will doubtless make a large sum.

Mr. SARGENT. If we can increase the killing of seals by ten thousand in one year, which is confidently believed and which we may do if we have a report showing that it is safe, the very first year will pay all the expense.

Mr. SHERMAN. But we have special agents of the Treasury Department; we have officers of the Army and Navy, many of them without employment; we have persons engaged in all branches of the service. We have officers of the Army stationed in Alaska. There is a company of troops there. Supernumerary officers are now to be found in San Francisco and various places on the Pacific coast who could be detailed to make this report without any special authority of law for that purpose. Both the War and Navy Departments have at their command skilled, educated officers, who could be sent without the formality of law to perform this duty. Their salary will have to be paid them anyhow, and a great saving would be made in that way. It seems to me that my friend from California, who is generally very careful and prudent in regard to expenditures, and a member of the Committee on Appropriations, might see a way here of saving a small sum of money by detailing accomplished officers of the Army and Navy to perform this duty.

Mr. MORTON. I have learned something about the object of this bill, and am of opinion that it ought to pass, and that it is somewhat important it should pass soon. A question has been raised as to the number of seals that may be taken annually on these two islands without diminishing the supply, and it has been thought important to send out a scientific man, a professor of natural history; and I understand the gentleman has been selected by the Smithsonian Institution as a man of learning in that kind of science for the purpose of investigating and reporting upon the habits and number of the seals and the number that can be killed annually without diminishing the supply, and that that is the primary object of this commission. If that is so, an officer of the Army or Navy, although he might be a scientific and well-informed man in his profession, cannot properly perform the duties that are to be assigned to this officer. The expense will be trifling compared with the importance of the commission. I think the bill ought to pass, and ought to pass at once.

The bill was passed.

ARMS TO NEBRASKA.

The PRESIDENT *pro tempore*. The Secretary will report the bills on the Calendar in their order.

The first bill on the Calendar was the bill (S. No. 499) to authorize the issue of a supply of arms to the authorities of the State of Nebraska, the consideration of which was resumed as in Committee of the Whole, the pending question being on the amendment of the Senator from Connecticut, [Mr. BUCKINGHAM,] after the word "raids," in line 8, to insert—

And for distribution among Indians who are exposed to intrusion and encroachment by white settlers.

Mr. INGALLS. I presume the Senator from Connecticut does not seriously intend to insist on his amendment.

Mr. BUCKINGHAM. I do not like the bill; I do not think it ought to pass in its present shape; and yet I do not see any reason why if one class of men on the borders should have arms to defend themselves another class should not. The proposition is to put arms in the hands of settlers on the border that they may defend themselves from Indian raids. There is certainly abundant evidence that the rights of the Indians have been encroached upon by the whites; and it appears to me that if they have arms put in their hands they may defend those rights, and it would be just as proper as it would be for the whites to defend their rights.

Mr. TIPTON. I will state the object to be accomplished by the bill, as I understand it. We have advanced settlements near the western line of Nebraska. Indians when hunting the buffalo, if even outside of the lines of the State, sometimes leave the body of their force, straggle into the settlements, steal the property of the settler, and if he resists them take his life. If it is known that the settlers have arms they are not likely to be troubled. Many of the settlers are poor, very poor, and have come there without even teams, for the purpose of trying to make themselves homes by slow personal labor. It is not for the purpose of arming them that they may go out and depredate upon Indians at all. There is no such thought; but the State is not able to furnish them arms in case they are attacked in their homes. If you talk about a State militia, a State militia could not be on the ground when a little community is suddenly surprised by an Indian raid, whether it is two, three, or a dozen Indians; but you give confidence to the frontier settler when you allow arms to be distributed by the authority of the Government, arms that he is not able to procure for his own defense; and he is not so likely to be called upon to use any arms if it is known that he is in possession of them, but it is not to enable him to go out and make war upon anybody; nothing of the kind.

Mr. BUCKINGHAM. I do not see why the argument which the Senator from Nebraska uses is not also applicable to the Indians. It is not proposed to furnish arms to the whites that they may go out and assault the Indians in their wigwams, in their camps; nor does the amendment propose that if you shall place arms in the hands of the Indians they shall with them go and intrude upon the settlements of the whites, if those whites are not on the reservations of the Indians.

But, as I said before, I am opposed to the bill, not for this reason only, but because I do not think we have any right to put arms in the hands of private citizens. That argument was presented very clearly a few days ago by the honorable Senator from Maine, [Mr. MORRILL,] and I think it is a perfectly sound argument, and a reason why the bill should be defeated whether this amendment is adopted or not. I will withdraw, by the permission of the Senate, the amendment which I proposed, and offer the following, to come in at the close of the bill.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The Senator from Connecticut asks leave to withdraw his amendment. The Chair hears no objection, and the amendment is withdrawn. The amendment he now proposes will be read.

The CHIEF CLERK. The amendment is to add the following:

And shall furnish the General Government with good and sufficient bonds to prevent the use of such arms and ammunition for any other purpose than that named herein.

Mr. INGALLS. I confess that I am at a loss to perceive exactly the purpose of the Senator from Connecticut in the amendments that he proposes to the pending bill. Whether his customary and characteristic gravity has deserted him and he intends to be facetious, or whether he seriously desires to invite a war of extermination between the races, or whether he merely wishes to emphasize his belief that in all the wrongs upon the border the white man is uniformly the aggressor, he leaves entirely to conjecture. But if he had been familiar, as I have been for the past fifteen years, with the bloody annals of the frontier he would withdraw his amendment and withhold his opposition to the bill.

It is not necessary at this time to enter into a discussion of what is popularly known as the Indian policy of the Government. I shall take some future opportunity to express to the Senate the views that I entertain on that subject, and to endeavor to enforce the apparently forgotten dogma that upon the frontier the white man has some rights that even an Indian is bound to respect. But irrespective of that question, irrespective of the question of the value of the Indian policy or of the respective rights or wrongs of the Indian and the

white man, whether of aggression or retaliation, no one can deny that the first duty, the least obligation, that the Government owes to the settler who goes to the outposts and the skirmish-line of civilization is protection. He is not, as the Senator from Connecticut and the Senator from Maine would seem to intimate, an outlaw; neither is he a trespasser nor a tenant at sufferance on the public domain. The Government surveys the land; it establishes land districts; it appoints officers and invites purchase and settlement; and the remotest homesteader or pre-emptor is as much entitled to security for his life and property as though he stood upon the floor of this Capitol. He endures enough of hardship, enough of danger in his unequal contest with the stubborn forces of nature, without being exposed to the added horrors of pillage and massacre.

I know, sir, that it is fashionable with a certain class of sentimentalists on this floor and elsewhere to deplore what are commonly called the wrongs of the Indian, and to affect to believe that in all the border outrages the white man is always the aggressor. Acting upon this theory the Government has assumed the guardianship of the Indian; it has made him its ward; it has placed him upon reservations upon which no white man has the right to enter even to recover his property that has been stolen or to recapture his wife and children who may have been seized and carried within those sacred precincts. Here the Indians are fed, nurtured, and propagated at an annual expense of millions of dollars to the public Treasury.

With regard to the wisdom of this policy I have serious doubts, for I believe it would be as wise to treat with and place upon a reservation the rattlesnake and cayote as the Apache and the Cheyenne; but the treaties have been made and they must be respected. A great nation cannot afford to break its faith even with irresponsible criminals. But, sir, if the Indian made war upon the rules and tactics of Turenne, McClellan, and the other great captains, there might be some ground for the objection urged by the Senator from Connecticut and the Senator from Maine. Unfortunately Indian warfare is not scientific. While the settler is at work in his field Red Cloud or Spotted Tail, with their band of bronze devils, crawl through the grass and in an hour the cabin is a heap of ruins, the mother and children are captured, and the Indians have fled to their reservations beyond the reach of pursuit.

The Federal Government has assumed the exclusive control of the Indians; the State has no right to punish an Indian or to pursue an offender; the civil law is powerless, because the settlers themselves are often in exposed localities in unorganized districts, unable to associate for protection.

The Senator from Maine the other day, when this bill was before the Senate, expressed a regret that these arms were not to be placed in the hands of the militia or some regularly organized military force for the protection of the exposed localities. I fully sympathize with this sentiment. I should be glad to have these arms placed in the hands of the militia or of some organized force; but that is not the policy of the Government. I go further than the Senator and say that I anticipate with pleasure and satisfaction the day when the military authorities shall have the entire control of the Indian Department, with full power to make all contracts, expend and disburse all appropriations, and punish all infractions of law by whosoever committed. The profession of arms is the profession of honor, and when the administration of this branch of the service is confided to the hands of the Army, the American people will have the satisfaction of knowing that it is in the hands of men who do not know how to lie and who have never learned to steal. But until this consummation is reached, the only method of protecting the settlers within reach of hostile Indians is in the manner proposed by this bill.

The idea of relying upon the militia, the law, the State, or the civil authorities for protection is wholly untenable and shows an entire want of appreciation of the nature of the danger to be apprehended. It would be as sensible to talk of relying upon these agencies to guard against the pestilence that walketh in darkness, the destruction that wasteth at noon-day, or any other destructive and unreasoning force governed by the operation of natural laws.

There is but one humane and just course to pursue. Since the Government refuses protection and the authorities are without the power to defend, give to these brave men who are laying the foundations of social order and permanent institutions in the wilderness the means of defending themselves and their families from death, or from captivity and outrage that are worse than the most cruel death.

Mr. BUCKINGHAM. It is very evident from the speech we have just heard that the friendless need friends. I sympathize in some respects with the Senator from Kansas. I feel that the settler ought to be defended. I think also the Indian, who is but a step beyond him, should have equal means of defense, he having equal rights to defend himself.

Mr. INGALLS. Does not the Government assume to protect the Indians?

Mr. BUCKINGHAM. The Government assumes to protect the Indians; and this is one way in which I want the Indians to be protected by the Government. If the Government assumes their protection and authorizes men on their borders to use arms and places arms in their hands that they may defend themselves against the wrongs which the Indians are likely to commit, I ask that the Government will place arms in the hands of the Indians that they may defend themselves from wrongs which the whites may commit against them.

Now, the Senator from Kansas says, and very truly, in substance that the wrongs are not all with the white men. I admit they are not; and I say also that trespassing is not all with the Indians. The Senator knows that lands set apart in the State which he represents have been crowded upon by white men in defiance of right and in defiance of law, and when they have occupied these lands, lands set apart for the Indians, which belonged to the Indians by treaty, they have gone on there with such strength and such power as to deprive the Indian of their rights and drive them to another Territory.

Mr. INGALLS. I wish the Senator would favor me with an instance of the wrong which he speaks of. I am unaware of any such case.

Mr. BUCKINGHAM. I believe it is well understood that the white settlers trespassed on the Kaw lands to such an extent that it was admitted in this Chamber by a Senator from that State that there were twenty thousand of them on the lands of the Kaw Indians and they could not be driven away. I do not state the precise words, but I do the substance. I will not, however, remark further upon that point.

The Senator spoke of the policy of the Government in regard to militia. If I understand the policy of the Government, it is that every State shall have an organized militia and that the Government shall distribute to the governors of the several States arms in certain quantities according to the representation of the different States in Congress, that those arms under the direction of the governor shall be placed in the hands of the militia. Now, if the governor of Kansas or the governor of Nebraska has arms, as I think he is entitled to them, he has the means to organize the militia, to place arms in their hands for their defense. Such I understand to be the practice and the policy of this Government. But the bill asks that the parties to whom these arms may be distributed may give "good and sufficient security for the return of said arms to the United States after the necessity for their use has ceased." What will be the condition of the arms when they shall have been distributed and been in the hands of the settlers one, two, or three, or four years? For what purpose will they have been used? What will become of the ammunition placed in their hands under this bill, provided there shall be no Indian raids? What I ask by the amendment is that the governor of the State shall take bond not only for the return of the arms, but that they shall not be used improperly. Let them be used for the very purposes designed by this bill; and if they shall be so used and that shall be the pleasure of Congress, very well; but hold them from an improper use by which the value of the arms may be destroyed.

Mr. LOGAN. I was a little surprised the other day when it was said there was no precedent for this bill. Why, sir, this bill is a copy of a law found in the seventeenth volume of the United States Statutes at Large, page 138:

An act to authorize the issue of a supply of arms to the authorities of the Territory of Montana.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, instructed, without delay, to cause one thousand effective breech-loading rifled muskets and two hundred thousand cartridges to be forwarded to and placed at the disposal of the governor of the Territory of Montana, delivered at Virginia City, in said Territory, for distribution among the settlers of the Gallatin Valley and other exposed localities in said Territory, for home defense against Indian raids; and the governor of said Territory, in making said distribution, shall take from the parties to whom they may be distributed good and sufficient security for the return of said arms to the United States after the necessity for their use has ceased.

Approved May 21, 1872.

Under this statute arms were distributed to the Territory of Montana. On the application of the governor of Nebraska in person, verbally made to me as chairman of the Military Committee, this bill was before the committee after being introduced by the Senator from that State, and agreed to and an amendment accepted incorporating the State of Kansas in connection with the State of Nebraska. I have given you the precedent for it, and the necessity that exists for this legislation has been stated. If the requirement of law that there shall be a military organization in the different States had been complied with and the law of distribution of arms to the militia of the different States was carried out so that it was applicable to these States, there would be no necessity for an enactment of this kind; but inasmuch as there is no militia in either of these border States there can be no compliance there with the law of distribution of arms to the militia of the different States. Therefore the necessity for a law of this kind.

I do not think from the examination I have made that the number of arms asked for by either of these States is too many for the necessities of the people on the border; and so far as ammunition is concerned, if the Senator from Connecticut will make a calculation, he will see that four hundred thousand cartridges are none too many, if there should be a necessity at all for using the arms. It is just the complement that ought to be issued with the arms. So far as his argument about a return of cartridges is concerned, I do not want to say that that is absurd; I will not use such language; but there is no expectation when cartridges are distributed to soldiers or to anybody else for use that the cartridges themselves are to be returned with the guns. That is all I desire to say about that.

But I wish to make a remark in reply to the Senator from Connecticut in reference to the arming of the savages on the border. Knowing him as well as I do, and believing him and knowing him to be an honest, upright Christian gentleman, I was very much surprised at the savage barbarity that exhibited itself in the amendment that he

offered to this bill. For a man in this age of Christian civilization, with all the Christian impulses that surround us, to ask that guns be distributed among savages that they might prey on civilized man, is something that I never expected to come from that Senator.

Mr. BUCKINGHAM. I believe it is not designed that these arms shall be placed in the hands of men to prey on anybody, but merely to defend themselves. My proposition was that the Indians might have arms to defend themselves, also.

Mr. LOGAN. I know that is the proposition.

Mr. BUCKINGHAM. Another thing. I have yet to learn something new in regard to the principles of Christianity if they deprive a man of the right of self-defense. On the contrary, it appears to me that lies at the very foundation of Christianity.

Mr. LOGAN. Self-defense, Mr. President!

Mr. CLAYTON. Will the Senator from Illinois allow me to ask one question in relation to this matter of arms? I should like to ask for information whether under the treaty policy of the Government arms have not from time to time been issued to the Indians?

Mr. LOGAN. Certainly they have been.

Mr. CLAYTON. Then it seems to me this bill would be only placing the white men on an equality with them.

Mr. LOGAN. I want merely to say in reply to the Senator from Connecticut about the right of self-defense that that is a God-given right that belongs to all animal creation, and one that it is not necessary to argue at all; but it must be self-defense, it must not be an aggressive act. The distinction between civilized man and the savage man is very marked; the nomadic race roams and travels about seeking out civilization as the wild animal of the bush its prey. They are to be armed for what purpose? We know the characteristic of barbarity in savage life is to prey upon his fellow-man. Just the contrary is the characteristic of civilization. Why, sir, you might as well ask that scalping-knives be placed in the hands of the dre savage of the plains, that he might take the top from the child and scalp it before its mother, as has been done on many an occasion, as to ask to put arms in their hands to prey on civilized man. Let the Senator from Connecticut read the savage barbarity enacted by the Indians in Minnesota where the children were scalped and their brains dashed out in the presence of their mothers against the walls of the houses. And yet he asks that arms be put into the hands of savages that they may prey on civilized man!

Mr. BUCKINGHAM. That amendment is withdrawn.

Mr. LOGAN. It is withdrawn, but your remarks are not withdrawn.

The PRESIDENT *pro tempore*. The morning hour having expired the Senate resumes the consideration of the unfinished business of Friday last, which is the bill (S. No. 446) to restore the rights of the State of Louisiana, on which the Senator from Missouri [Mr. BOGY] is entitled to the floor.

Mr. INGALLS. If the Senator from Missouri does not desire to proceed, I ask that the pending order be informally laid aside and the present bill concluded.

The PRESIDENT *pro tempore*. The Senator from Kansas asks that by unanimous consent the pending order be laid aside informally for the purpose of proceeding with the consideration of the bill under discussion at the close of the morning hour.

Mr. INGALLS. I make that suggestion, understanding that the Senator from Missouri does not desire now to proceed.

Mr. MORRILL, of Maine. This may lead to a little consideration. I have no objection that it shall be considered now.

Mr. BOGY rose.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The Chair does not understand the Senator from Missouri.

Mr. BOGY. I wish to proceed.

The PRESIDING OFFICER. The Senator from Missouri prefers to go on.

Mr. LOGAN. This bill, I suppose, will come up as the unfinished business to-morrow morning in the morning hour. Inasmuch as the morning hour expired while I was on the floor, I shall ask the floor again to finish my remarks on this bill.

The PRESIDING OFFICER. The Senator will be entitled to the floor on the bill, and it being the first bill on the Calendar will come up of course when the Calendar is reached.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. E. BABCOCK, his Secretary, announced that the President had on the 17th instant approved and signed the following acts:

An act (S. No. 580) to authorize the employment of certain aliens as engineers and pilots; and

An act (S. No. 191) to amend the act entitled "An act relating to the enrollment and license of certain vessels."

NAME OF A VESSEL.

Mr. CONKLING. I ask unanimous consent for the consideration of the bill (H. R. No. 2350) authorizing the Secretary of the Treasury to issue certificates of registry and enrollment to the schooner Almina, and changing the name to Minnie Davis. There is no objection whatever to it, and there are urgent reasons why it should be acted upon. Therefore I ask that it be taken up.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which authorizes the Secretary of the Treasury to issue certificates of registry, or enrollment and license, to the schooner Almina, owned by Bruce M. Davis, of Alexandria Bay, New York, and to change the name Almina to that of Minnie Davis.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills; in which the concurrence of the Senate was requested:

A bill (H. R. No. 1590) to provide for the better protection of the frontier settlements of Texas against Indian and Mexican depredations; and

A bill (H. R. No. 3086) to remove the political disabilities of George E. Pickett, of Virginia.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. No. 193) for the benefit of Uriah Porter; and

A bill (H. R. No. 2907) authorizing the Secretary of War to deliver certain condemned ordnance to the municipal authorities of Concord, Massachusetts, for monumental purposes.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter of the Secretary of the Interior, transmitting in obedience to law a copy of a report of the surveyor-general of New Mexico on private land claim reported as No. 85 and known as the Doña Aña Bend colony; which was referred to the Committee on Private Land Claims, and ordered to be printed.

HOUSE BILLS REFERRED.

The bill (H. R. No. 1590) to provide for the better protection of the frontier settlements of Texas against Indian and Mexican depredations was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. No. 3086) to remove the political disabilities of George E. Pickett, of Virginia, was read twice by its title, and referred to the Committee on the Judiciary.

STATE OF LOUISIANA.

The Senate resumed the consideration of the bill (S. No. 446) to restore the rights of the State of Louisiana.

Mr. BAYARD. With the leave of the Senator from Missouri who is entitled to the floor I offer an amendment to the bill now before the Senate. I ask that it be reported.

The Chief Clerk read the amendment of Mr. BAYARD, as follows:

Strike out the preamble and the bill, and in lieu thereof insert:

At an election held in the State of Louisiana on the 4th of November, 1872, in accordance with the constitution and laws of that State, John McEnery was elected governor, Davidson B. Penn lieutenant-governor, and sundry other persons comprising what was known as the "fusion ticket" were also elected, being a majority of the candidates for the General Assembly and the several State offices constituting the "government" of the State of Louisiana, as shown by the actual count and official returns of all the votes cast at said election; and whereas the persons aforesaid, so as aforesaid elected, duly assembled and organized in their respective capacities and departments as the "government" of the State of Louisiana, and severally entered upon and continued in the discharge of their respective official duties, until they were unlawfully compelled, by armed forces acting under the authority of the President of the United States, to desist from the performance of their said duties and to disperse; and whereas William Pitt Kellogg, who was a defeated candidate for governor, and Caius Cæsar Antoine, who was a defeated candidate for lieutenant-governor, and many other persons who were defeated candidates for the several State offices, and for the General Assembly, did, by the unauthorized and illegal action and interference of the Federal authorities, civil and military, obtain and hold armed possession of the State-house, and dispossessed and excluded therefrom the legally elected officers aforesaid, who constituted the only lawful executive and legislative officers of said State; and whereas the said Kellogg and his said associates, by aid of Federal armed power, have usurped and are now exercising, without legal warrant or authority and in defiance of the will of the people of the State of Louisiana, as expressed at the election aforesaid, and in violation of the letter and spirit of the constitution and laws of the said State and of the United States, the powers and functions which belong only to the legal government of the State of Louisiana; and whereas it is the duty of the Congress of the United States to repair, so far as possible, the wrong and injustice done as aforesaid to the people of Louisiana, and to protect the people of said State against usurpation, and to support and maintain them in the enjoyment of the government chosen and elected by them: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States shall, within ten days after the passage of this act, by proclamation duly made, notify the people of Louisiana that all hinderance, obstacle, or impediment on the part of the Government of the United States, or any officer, soldier, or servant thereof, to the peaceable and legal assumption of the functions, powers, and duties of his said office of governor of the State of Louisiana by the said John McEnery, and of lieutenant-governor by the said Davidson B. Penn, and by the persons who were severally elected as aforesaid to the General Assembly of said State, and of the persons who were severally, as aforesaid, duly elected to the other State offices respectively, be, and the same is hereby, withdrawn, so that they may, without let or hinderance, proceed to fill the offices to which they have been as aforesaid duly elected, and to exercise all powers lawfully connected therewith.

Mr. BOGY. Mr. President, the bill offered a few days ago by the Senator from Wisconsin, [Mr. CARPENTER,] providing for an election in the State of Louisiana, to be held under the supervision of an agent appointed by the General Government of the United States, presents to this body, in my opinion, the most important subject that has claimed its attention for a very long time. It involves not only a fundamental,

but the fundamental, life-giving, and life-preserving principle of our whole system of government. Nor can I conceive of any question that may arise in the future more vitally connected with the interests of this great nation than the one before us to-day. However much we may differ as to the powers of the Federal Government under the present Constitution—whether those powers are enumerated and specific, or general and derivative in their nature—or as to the powers delegated to the General Government and those retained by the States, we all agree upon this one great fact, that all the powers, functions, and offices of the Federal Government were originally derived from the States. The States were the source and fountain of all political power, and they granted to the confederated Republic in which they united all the power and authority which we possess to-day. In the free consent of the different States this Government had its birth; by their sufferance and support we "live, and move, and have our being;" and when that support is withdrawn, or the central power gains the mastery over those that first conferred authority, then this great political edifice must turn to dust or despotism.

Hence I say that the question presented in the bill of the distinguished Senator from Wisconsin involves the life-giving and life-preserving principle, the very foundation on which this Government rests, and the only principle that can save it from revolution and ruin.

But while all agree in the general fact that the whole power and authority contained in the Federal Constitution were derived from the separate States, yet there has always been different opinions among our greatest statesmen as to the amount of power thus delegated. On this subject there have always been two schools of statesmen and publicists in this country, differing somewhat widely upon this point. One school might be denominated the latitudinarians and the other the strict constructionists. Alexander Hamilton and Thomas Jefferson, two of the greatest men and ablest statesmen this country has ever produced, may be regarded as true types of these two classes. Mr. Hamilton believed it would be better for the whole nation to have more power concentrated in the central government, and his interpretations of the Constitution, as found in the Federalist and other writings of this distinguished statesman and patriot, plainly indicate his tendencies in this direction. Mr. Jefferson, who was his peer in all statesman-like qualities, and whose mind was ever on the watch to prevent all encroachments upon popular freedom, strongly inclined to the doctrine that all power should be reserved to the States, except such as might be absolutely necessary to discharge the functions of the General Government. Both these great men agreed as to the common origin of all our political power in this Government of the United States, but differed as to the amount that should be delegated and retained by the States conferring the power and composing the Government.

In those days each State was sovereign, containing within itself all the elements, power, and prerequisites for independent self-government. To secure a greater good each State, still preserving its sovereignty, conceded so much of its original power as would give sufficient authority to a union of separate republics to enable that union or confederation to perform such governmental acts as were adapted to benefit the whole fraternity of States, but which could not remain the prerogative of any one State. Such power or right as that of declaring war, coining money, regulating commerce, conducting postal arrangements, &c., was of this character.

But sovereign as the States were in those earlier days of the Republic, it is doubtful now what is the condition of some of them. At the time the Government was formed, all the States were republican not only in form but in fact. The people of that day were republicans in the highest and best sense of that much-abused word. They were not wild fanatics, communists, or agrarians; they were not demagogues, thieves, or public plunderers, but a race of God-fearing and liberty-loving people—people who had sought America as the true home of liberty, and who were willing to do all and dare all to preserve the liberty once secured. Our anterevolutionist fathers were republicans of the right stripe. They fought eight years, not so much against oppression as for an idea, and that idea was republicanism, the eternal and indefeasible right of self-government.

The republican Colonies, with their liberties gained, became republican States, and the people of those States, in solemn convention assembled, formed the Constitution under which we live. In declaring that all power came to us directly from the States and the people of the States, do not understand me to intimate that these separate republics retained the right to enter and leave this solemn compact at their own pleasure. When they entered into a partnership and conceded certain powers and privileges, they could not recall the deed. On this subject my political faith and practice have always agreed, and have always been true to the Union. I have always believed and taught that it was not competent for the States to withdraw from the compact they had formed. They were no longer the proper judges upon this subject. However hard it might seem to some of them, it was a question the decision of which had passed to another tribunal.

The bill before us to-day proposes to regulate the internal affairs of the State of Louisiana. Now, we have the power to do this or we have not. It is a troublesome question to answer, and unless we act the State may drift into hopeless anarchy. Interference in this matter by Congress may be extraconstitutional without being directly unconstitutional, and certainly the legislative department of the Government is the proper one to manage and control affairs of this kind, if it has to be done at all.

One thing is certain; we must make up our minds to meet more than one case of this kind. Louisiana comes before us to-day, but to-morrow it will be Arkansas, Texas, South Carolina, or some other unreconstructed and unregenerate Commonwealth, will come up here with too many governors and too many rogues and rascals, and pray to us for help. Hitherto these prayers and petitions have mostly gone to the White House. Only last week South Carolina, through some of her best citizens, made an earnest appeal to the President, and although they were not exactly spurned from our republican court, as our fathers were from the throne of George III, rumor says they were received none too graciously.

But what is it that has brought about this bad state of things throughout the South, that beautiful and fruitful region that should be all Eden instead of half wilderness? Has it been desolated by pestilence and famine? No; but war, that other curse, has swept back and forth across this land like a tempest of fire; and when the war ended, then came a still greater curse. The millions that inhabited those States in a condition of servitude were all set free. I have no objection to that. But these millions of slaves, intensely ignorant, and utterly unqualified for so great a change, were at once elevated to the position of voters. A large majority of them at once became the tools of unprincipled demagogues, who sought that country for no better purpose than to prey upon the misfortunes of the people. A mighty army of pot-house politicians, knaves, rogues, and rascals gathered there from all parts of the country, guided by an instinct as fierce and as foul as that which leads vultures to a battle-field.

It is the existence of this ignorant and lately servile race in the South that has caused all this trouble, and made interference on the part of the General Government a necessity. In those States where this class of population is largely in the majority, ambitious and unprincipled demagogues have seized this opportunity to impose upon their ignorance and use their votes to secure for themselves political power. And where is this thing to end? Do you not see that in your haste to enfranchise one race you have subjugated and disfranchised another? Do you not see that you have inaugurated a cruel war of races, and that all the evil spirits of the country, men of desperate fortunes and more desperate sentiments, have flocked thither to seize, plunder, and destroy—to rob the country and ruin what they cannot steal? I have asked where this thing is to end. For myself, I can see no end to it. The future is gloomy enough, and it only remains for us to do what we can to lessen or avoid the present and coming evils.

One thing deserves notice right here. When our forefathers incorporated in the Constitution that the General Government should guarantee to every State a republican form of government, they did not intend that we should guarantee license to a wild mob. The spirit of radicalism and utopianism which so rules the world at present had made but little show then. What they most feared was that States might be converted into petty kingdoms or principalities, but they never dreamed of the wild fanaticism that was to throttle and choke out the spirit of rational liberty. In those old days of innocence and ignorance they actually thought that both intelligence and virtue were necessary to maintain a republican government. Hence they restricted the franchise to those who could understand the nature of free government and had some interest in maintaining order and promoting good morals. In those days almost if not quite every State in the Union had a restriction upon the franchise of the people. Since that time the tendency has been to remove, one after another, all restrictions upon suffrage. Having conferred this precious boon upon all of our own race, we cast about for others. Beginning with the ignorant and lately enslaved African, we are still extending the broad ægis of our Constitution, so that it may defend and protect still others in the enjoyment of this sacred privilege. John Chinaman will soon be claiming this high prerogative of a freeman, and Mr. Lo, that elegant gentleman without a hat, will walk up to the polls with a ballot in one hand and a fresh scalp in the other. These are the tendencies of the age, and it is hard to conjecture to what lower depths we are still bound.

Bear in mind, if you please, that at the time of adopting the Federal Constitution, and up to within a few years, the whole power of regulating franchise was left with the States. Each Commonwealth enacted such laws and established such restrictions and limitations on this subject as seemed proper to its Legislature. The General Government wisely considered that what was good enough for a single State was good enough for the whole Republic. Those who were allowed to vote for members of the popular branch of a State Legislature were qualified to vote for President. In this way each State was allowed to regulate its domestic affairs in its own way, restricting or enlarging the privilege of voting as seemed best suited to its peculiar circumstances. But we have come to other times in the history of this nation, and all these little matters are regulated now in this Capitol or at the White House.

I have already intimated that the great changes effected in our governmental system were produced by the existence of civil war. Allow me just here to draw a distinction between the leading minds that controlled this Government eighty or one hundred years ago, and those that hold the reins of power at the present time. I do this, not to impugn the motives or the patriotism of any one, but to ex-

press my estimation of those who really governed the country then and now.

In the days of Washington, Jefferson, Adams, Hamilton, and scores of others of the same type, our leading men, both patriots and statesmen, were of the highest order. They were men of broad and comprehensive views; not men of a single idea, or absorbed in the study or advocacy of some utopian scheme. In addition to their thorough knowledge of the great principles of law as adapted to the government of communities they were emphatically men of common sense, which is, after all, the best philosophy in the world. They were men who fully comprehended the peculiar situation of the times, and were equal to the task of providing for every demand of that critical period. These were men who dealt more with hard facts than alluring fancies, and although they may have had their ideals of what a popular government should be, they worked hard to make it what it could be under the circumstances.

Coming down three-quarters of a century, we find another race of men. A new class of minds hold control of the Government and mold the destinies of the nation. These men are not lacking in intellect or moral power, but their political principles have run into radical theories—utopian, fanatical, impracticable, and destructive. I do not challenge their patriotism or philanthropy, but their common sense, their statesmanship. What should be statesmanship of the highest order dwindles into a sickly sentimentalism, or, becoming more eccentric, runs off into a wild, unbridled fanaticism. I know the world moves as well as they do, and I hail with delight every true advance made in the science of government, as well as in all the arts and industries of life; but I deprecate just as earnestly every species of blind fanaticism that would sacrifice good order, good government, the peace and happiness of whole communities, to the gratification of some idle dream or fancy.

If I may be permitted to speak in this Hall of the distinguished gentleman who was here with us but a few days ago, I would say that the fault I found with Mr. Sumner, pre-eminent as he was, doubtless meaning well, devoted entirely to his country, and with the strongest love for his kind, was the fact that he appeared to be led too much by sentiment and too little by wise statesmanship; too much by the idea of universal equality; and hence, in the advocacy of a bill which is left as a legacy to us in the Senate, he showed in my estimation but little statesmanship and a vast amount of sentiment, philanthropic sentiment—a kind of sentimentalism which is only one degree from fanaticism. Mere sentimentalists are mild-mannered fanatics—fanatics that would accomplish their ends by gentle speech and manners rather than by war and bloodshed; but they spring from the same great characteristic of the human organization; they are men of one idea, and they nurse that until it assumes colossal proportions and overshadows every other thought and consideration.

These sentimentalists, fanatics, utopians, one-idea men, or what you choose to call them, have done more harm to free government, and have made greater opposition to the progress of rational liberty than any other class of men. They destroyed the first French republic, and made Napoleon a necessity. Assuming the name of communists in 1870, they turned Paris into a habitation for furies. It is a great mistake that these communists were all ignorant men, with bloody and brutish instincts. On the contrary, there was much intelligence among them; and their leaders were patriots, or rather patriotic fanatics; men who were good at pulling down, but never built anything up. Rochefort, Victor Hugo, and men of that type stood at the head of this great class of social revolutionists, who will keep governments and communities in a broil wherever they go.

Robespierre was another example of this style of patriots. No man ever doubted his probity, or his honest desire to establish republicanism in France; but in carrying out his one idea of "*Liberté, egalité, fraternité,*" he turned the streets of Paris into sluices for blood, and filled the world with horror at sight of the crimes committed in the sacred name of Liberty. He felt concentrated in his person the wrongs of France for a thousand years, and he saw no way to avenge these wrongs except to butcher the descendants of those who had inflicted them in previous generations. Hence the guillotine, hence the days of blood and terror, hence the death of the republic and the rise of Napoleon.

Thus history repeats itself again and again. We learn from its teachings that men of mere fancy and feeling—mere dreamers and fanatics—never make statesmen. They can tear a government to pieces with the purpose of reconstructing from its scattered fragments the beautiful ideal which they have nursed and almost worshiped in their own minds; but such men have no practical ideas, no power of construction or administration; and the creations of their fancy are as evanescent as the dreams in which they originated. Washington, Adams, Hamilton, Jefferson, and others of that noble company of patriots and statesmen were not dreamers, but practical workers; their statesmanship was of that high order that embraced correct theories of government, with all the details founded upon the teachings of practical common sense. Hence these workers wrought to some purpose, and their thoughts united and acts produced this Government—the most symmetrical, grand, and beautiful edifice in the history of past ages. For nearly a hundred years it was proof against foreign foes or domestic strife. It has lately come out of the most terrible civil war in the history of the world. We are trying to heal the wounds of that bloody war; but unless our legislation is wise and statesmanlike, our bungling surgery will kill the patient, and leave nothing but a multitude of fanatics to rejoice at the destruction of popular freedom in America.

Mr. President, we all understand how this Government originated, how it was framed by the people of the United States, the people of each State freely consenting to the delegation of so much power to the General Government as would enable it to conduct all such matters as properly belonged to it. There can be no dispute on that subject; but our present inquiry is in regard to the proper means of preserving the life of the separate States. What can be done to prevent them from drifting into anarchy? It cannot be that their case is utterly hopeless. Each State must be able in some way to preserve its autonomy, its power of self-government. It must either have this power inherent in itself, must gain it by combination with its neighbors, or receive it in aid from the General Government. As the two first conditions have failed, the last is the only hope remaining. The General Government must go to the aid of the suffering States. We gave them, or rather we did not take from them, at the outset, a self-sustaining power, by allowing each State to regulate the elective franchise within its own borders. This was one of the reserved rights retained by the separate States, but the fifteenth amendment to the national Constitution has swept away this right, and left a number of the States utterly helpless, and at the mercy of scheming demagogues and ignorant barbarians. By giving suffrage to the whole negro race without requiring any prerequisite in the shape of intelligence or the lowest order of education, numbers of the Southern States are completely under the control of ignorant, vicious, bad men. The thieves and scoundrels, native and imported, impose upon the ignorant negroes and make use of them to compass their vile purposes. The thieves are enriched with spoil, the State is impoverished, bankrupt, ruined, and cries out in agony to be saved from herself.

By the fifteenth amendment we have taken from the States the original and indefeasible right of self-preservation and self-defense. This is a right belonging alike to nations, communities, and individuals, and the destruction of this right can only be accomplished by act of oppression or tyranny. By our act we have at once elevated a servile race into the condition of a sovereign people, giving to them the right of suffrage, and thus endowing them with the power to revolutionize the government of any State where they happen to be in the majority. I look upon this act as a crime against God and humanity. It was a crime against the very people it proposed to benefit. By elevating them at once, and without the least preparation, to the condition of voters, they naturally became the dupes and victims of a set of scheming, bold, bad men, who used them only for their own aggrandizement, and then abandoned them to become the dupes and tools of other political harpies. By this course the African race in America, instead of being elevated, will be annihilated—the very act of their emancipation turned to a bitter curse.

When, by the means alluded to, a State has lost its autonomy, its power to govern itself, and has fallen under the rule of a mob, then this Government is appealed to for help. As our act has produced the wild anarchy that reigns in some of these Commonwealths, it would seem to be only right that we should restore order, and guarantee, according to the provisions of the Constitution, a form of republican government. But if we give nothing but the form, it may prove only a delusion and a snare. Napoleon I, the conqueror and despot of modern Europe, had coins struck with the "Emperor Napoleon" on one side and the "Republic of France" on the other. But this did not make the government of that country any less a despotism. We have quite a number of nominal republics in this nation at the present time, but the poor people are ground down under a despotism as cruel as the grave. We have States that, fifteen years ago, were the pride of the world, inhabited by wealthy, happy, and prosperous communities, and now if the whole property of one of these States was put up at auction, nay, if it was sold at a liberal appraisement, it would not bring enough to pay the public and private debt. This may be asserted of several of our reconstructed Commonwealths in the South, and notably of the great and beautiful but ruined State that is the immediate subject of our discussion to-day.

Mr. President, let us be done with this miserable farce that promises republicanism and gives anarchy; let us not give stones when they cry to us for bread; let us not hold the word of promise to the ear and break it to their hope, but seek if possible to bring order out of confusion, and restore peace and prosperity to these wronged, distressed, and distracted communities.

We do not lack for nominal republics in the South. Louisiana has a republican form of government. Mr. Kellogg is not called a king, prince, or consul; but simply a governor, which is a republican title. Louisiana has a Legislature, too, and a full corps of State officers. All the machinery is there; all the officers are there, but still it is a miserable cheat and delusion. It has no order, no sense, no soul. How shall we put a soul under these ribs of death, and make Louisiana what she was fifteen years ago? The task is herculean but we must do all we can.

Louisiana cannot help herself, and even if she could, she is not permitted to do it. The Executive of the United States assumes authority in these cases, but where he gets the power I do not understand, and should be obliged to any Senator who will enlighten me on this subject. Where does the President get power to send troops to New Orleans to protect this governor or that governor? Yet this power

has been exercised so long that those southern governors come to the President, as a matter of course, in all cases of domestic difficulty. Under the beautiful reconstruction process, those southern republics have fallen into a chronic habit of having two or three governors at a time. This breeds family feuds, the people take sides, and when there is prospect of a fight the President is appealed to for a regiment of peace-makers. This gunpowder medicine may do for the moment, but it is sure to kill more than it cures.

Whence comes, I ask again, this power of the President to interfere in those cases? It is not given in any part of the Constitution, and even the law of reconstruction is quite silent upon this subject. I cannot call it anything but a usurpation of power, which, if it belongs anywhere at all, is in Congress. This process of Executive interference in State matters, if persevered in, must result in the destruction of the States, and of the whole Government of which they form a part. And if this magnificent structure, this great Government shall fall, where is he that shall rebuild it? What human hand can reconstruct the glorious fabric which is now the pride of civilization and the hope of the oppressed in all nations? Miracles are not wrought every day. It took the world some thousands of years to produce a Washington, and even he could not restore the fair fabric broken to fragments by the wild excesses of his children. If the States are destroyed, the foundation-stone, nay, the foundation itself of the whole political edifice must go down in a pile of ruins never again to be reconstructed. It will remain prostrated and ruined like the temple of Solomon destroyed by Titus. It never will be rebuilt, and like that temple will remain as a sad warning of the terrible results of party strife, party ambition, and party hatred, which have led to this fearful state of things in the South. Animosities, hatred born of party, have led to this terrible condition of things in the Southern States, and if this influence is not soon arrested by a wise and conservative public sentiment, the days of this Government are ended, and the end will not be far off.

You might retain, and doubtless would, a grand consolidated government. We see signs of it every day. Coming events cast their shadows before. Gentlemen in this Chamber of acknowledged experience and great influence are advocating measures here by which all power is to be concentrated in the Federal Government. The financial question which has occupied our attention for months past, while whole sections of the country have suffered the loss of millions for the want of means to transact ordinary business, should be relegated back to the States where it properly belongs. But the General Government has taken fast hold of this subject, and power once gained is not likely to be voluntarily surrendered. Under the plea of regulating commerce between the States, there is a disposition in Congress to assume control of all the railroads of the country; others wish to manage the telegraph; and so we go from step to step toward the achievement of a grand centralized government at Washington, around which the States may revolve as humble satellites, thankful for any little gift of light or power that may emanate from the great central orb. We first take from the States the power to regulate their internal affairs, change their laws of suffrage, and render them as helpless as possible. Then we step in and regulate their banks, their railroads, their telegraphs, their schools, &c. After all this, what is left of the States? Nothing but a shadow. They are gone, and will be worse off than the provinces of the Roman Empire, because it should be remembered that the Romans, pagans though they were, could not compete with our modern rogues and rascals. If a Roman general conquered a new country and made it a Roman province, he did not create new judges to justify his acts and declare him proconsul. Even Catiline would not have dared to act the part of some of our modern governors. Some of our Southern States have fallen into the hands of common thieves, liars, scoundrels, miserable knaves, and cut-throats, so low in the scale of humanity that you cannot describe them. They are the miserable scum that boiled over from the pot of our domestic revolution, and they poison the earth and the air wherever found.

Mr. President, I have given much attention to this bill. The principles involved in it underlie the very foundation-stones of our political system. The gravity of the subject can scarcely be overestimated. One thing is certain, it must be examined from a higher stand-point than that of mere party. It involves the welfare not only of a single State, but of the whole nation. It rises far above party questions and party principles, and in that higher light I have studied the question and intend to vote upon it. If it was simply one State I might say let it go; but the fate of Louisiana must be the fate of other great Commonwealths which have within themselves all these elements of destruction.

And then the question recurs, What shall we do? Is there no balm in Gilead to heal these terrible wounds already inflicted upon the body-politic? Our Government is much like the human system with its wonderful apparatus and agencies for maintaining life and health. If one of our limbs is wounded or broken the whole system is deranged—"the whole head is sick, the whole heart is faint"—and unless good surgery comes to the aid of the wounded limb the gangrene will form and spread till the whole system is poisoned and the patient dies.

The States of the Republic are its limbs, and as these extremities become wounded or diseased the signs of the disorder extend from one point to another until the whole Government and all its people and all their interests are directly affected by the presence and action of this political poison. If we would save the life of the patient we must act, and act at once. This horrid gangrene that commences in Louisiana will not stop there. Even amputation cannot save us. The wound must be cauterized. If we could catch and hang a hundred scalawags and scoundrels the ugly wound would heal and the country would be safe.

Let not the States of the North lay the flattering unction to their souls that in this matter they are safe, whatever may happen to the South. They may be rich, they may be powerful, they may have accumulated vast treasures, they may have ships on every sea, and commerce with every country on the globe; they may have thousands of schools, colleges, libraries, and learned professors; they may have all the requirements of the highest order of civilization; but all these will not give them back liberty. The North, too, will perish; and let the men of the North understand this fact. If a single State of this grand Confederacy is suffered to die, the whole Republic must perish with it. Liberty and Union may long dwell together in peace and safety. The blow that crushes one will destroy the other, and both will sink into a bloody and dishonored grave. Continue to grind the very life and soul out of these southern people, as you have done and are still doing to-day; destroy and lay waste one State after another; and the terrible consequences will come home to you in curses that shall desolate all the land.

What are the dangers attending the adoption of this measure? The exercise of a power of this kind by the General Government means this, that the majority in both branches of Congress, with a President of the same political views, could crush any State and destroy all its character as an independent Commonwealth. But is that power likely to be abused? Granting a majority in both Houses of Congress and a President of the same way of thinking, are they likely to exercise such a power for selfish and ambitious ends? I think, I trust, I believe, not.

Then come up the wisdom and policy of exercising this power at the present time. On one side is the exercise of a prerogative dangerous in itself, and verging at least upon interference with the rights of sovereign States; and on the other side we have States reduced to the condition of political chaos and social pandemonium, inviting all the hell-born spirits of the earth to gather for pelf and plunder. It is a simple choice of concentration of power on one hand, or of pandemonium on the other. This is why I speak of the immense importance and lasting influence of this great question which comes to us to-day for solution.

Mr. Madison, in the forty-second number of the Federalist, commenting upon the very clause of the Constitution to which I have referred, that it shall be the duty of the United States to guarantee to every State in the Union a republican form of government, says:

> In a confederacy founded on republican principles and composed of republican members, the superintending government ought clearly to possess authority to defend the system against aristocratic or monarchical innovations.

At the time this was written the States of this Confederacy, one and all, were republican in fact as well as form, in spirit as well as letter. The men of that day—the great statesmen of nearly a hundred years ago, who formed the Government under which we now live—were all republicans. They did not anticipate what is happening now every day. They could not imagine that such a government as that of Kellogg, in Louisiana, would exist under any circumstances. They only feared that a republic might drift into a monarchy or oligarchy, but did not dream of the danger of that wild anarchy that grows out of too much liberty—liberty that has run into unbridled license. With his eye upon the danger of despotism from which the Colonies had just escaped Mr. Madison naturally wrote:

> The superintending government ought clearly to possess authority to defend the system against aristocratic or monarchical innovations.

If that be so, ought not the superintending government clearly to possess the power to defend the system against ruffians and demagogues, who have ruthlessly seized the power of a State and deprived it of its character as a free Commonwealth? If there is authority for one thing there must be for the other.

Again, is it not better that Congress should exercise this power than that it should be left to the discretion of one man, and that man the President? Has it come to this, that Congress, the popular and legislative department of the Government, cannot exercise a power of this kind, and it is still legitimate for the President to do it? If we cannot legislate upon the subject because it is unconstitutional, how can the President act upon it? Congress is nearer the people than the President, and is supposed to be more directly in sympathy with their interests; and this is the body, if any, to exercise this most important prerogative. As a matter of prudence, then, in support of the principles of republican government, it is better that the legislative department should exercise this power, doubtful though it may be, than that it should be left in the hands of the Executive. It will be very little consolation to any of us to say the President is doing wrong, he is acting in violation of the Federal Constitution, he is becoming a despot and a tyrant. This might be so, but only made so by our unwillingness to act in the premises. Senators should remember that somebody must act, or this grand political structure, which has become the pride of its people and the hope of the world, will come tumbling about our ears. If Congress does nothing, the President is bound to act, and he will act. I care not whether

he is republican or democrat, he cannot stand still and see great commonwealths sink into political chaos, and be the victims of ruthless ruffians and unprincipled demagogues, without stretching out a hand to save them. There is something conservative in power, despotic though it may be. Anarchy never grows out of the exercise of executive power; it is always order. It may be that order which "reigned in Warsaw," or that peace which followed in the track of Roman armies; it may be the tranquillity of political death caused by the exercise of despotic power; but it will be order, and not anarchy.

It is better for the General Government in its legislative capacity to take hold of this subject, to examine it thoroughly and profoundly in the light and spirit of true statesmanship, and then to take wise action in the premises. I honor the course of the Senator from Wisconsin who introduced the measure now under consideration. He showed himself capable of rising far above the level of party into the higher region of patriotic statesmanship. Questions of this grave character can never be solved by narrow-minded party politicians, who think more of their party than they do of their country. They must be examined, discussed, and acted upon by men whose patriotism is stronger than party affiliations; by men who love their country more than they do the honors and emoluments of office; men who would "rather be right than be President."

Louisiana, left to itself, goes down into political chaos, degradation, and ruin. I say let us interfere by some wholesome act of legislation to save the State and prevent the consummation of this great crime against free government. The bill of the Senator from Wisconsin may not cover the case so well and so fully as he might desire under other circumstances; but it asserts the power, and after examining the subject with long and patient thought, after considering all the objections that occurred to me, or have been suggested by others, I have come to the conclusion that there is no solution for the Southern States except in the exercise of this conservative power by the Congress of the United States. After a full consideration of all the facts and circumstances in the case, I see no remedy but in the exercise of that prerogative named in the Constitution and commented upon by Mr. Madison, the power and the duty to guarantee to every State a republican form of government. If it is competent for the Federal Government to exercise its power to guarantee and maintain a republican form of government in every State, then certainly it may interfere to save a State from falling into absolute anarchy, from becoming a lawless community filled with the worst spirits in the country, and gradually drifting back in a condition of hopeless barbarism.

Thus, Mr. President, I have tried to examine this subject carefully, patiently, dispassionately, in its different bearings and ramifications, and while my investigation may not have been exhaustive, it has at least been candid, and I can only regret my inability to do greater justice to so grave a subject. As I said at the outset, it is a subject that for the time overshadows all others, and its importance grows with every additional hour bestowed upon its consideration. If we exercise a doubtful power, we feel authorized to do it by the great and pressing exigency presented to us. Like the wise surgeon who ventures upon a very critical operation to save the life of a patient: the man may die under the operation, he is bound to die without it; under these circumstances he applies the scalpel and saves a life. We must do the same thing, and hope for a favorable result.

Allow me to suggest in this connection one other consideration that should have interest, if not influence, in this matter. Louisiana was acquired from France by the treaty of 1803, and that treaty contained the following provision in the third article:

> The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States.

That is a treaty stipulation. The faith of this nation was solemnly pledged to the republic of France that the inhabitants of that territory should for all time to come, at least during the existence of this Government, enjoy the rights, advantages, and immunities of citizens of the United States. Are we redeeming this treaty stipulation at the present time?

Have the citizens of Louisiana the same rights which they possessed at the time of solemnizing this treaty? By no means. They then had the power to regulate their own domestic affairs in such way as best suited their interests. Do they have that power still? Far from it. The original white inhabitants, in whose favor this treaty stipulation was made, have been completely overpowered by a servile race, and the former proprietors are now virtually the slaves.

I cannot forget the historic fact that the Louisiana thus acquired by treaty embraced a vast territory, stretching from the Rio Grande in the south to the forty-ninth parallel in the north, and from the Mississippi on the east far away through the Territories of Montana, Idaho, Wyoming, Washington, and the State of Oregon. It constitutes now the grandest industrial empire in America, and in my humble opinion will soon become the dominating power in the civilized world. Its climate ranges from the semi-arctic winters of the extreme north to the eternal spring and summer on the shores of the tropical Gulf. Its rivers are inland seas; its fruitful plains can fill the granaries of the world; its mountains are bulwarks of defense and treasure-houses filled with gold and silver. In fact, the sixteen great States and Territories that have been carved from the Louisiana for which we paid a bagatelle of fifteen millions of dollars have within their borders wealth enough to purchase whole kingdoms and principalities in Europe.

The State I have the honor in part to represent on this floor is a portion of that vast territory. I am a native of that State. I belong to the same race of people who were guaranteed certain rights by the treaty of 1803. The same blood courses through our veins. Therefore, a common origin as well as the same blood moves me to a warmer sympathy in this question than can be felt by other Senators. I feel for the people of Louisiana as one who mourns over the grave of his dead brother. I have witnessed their adversity when I had not the heart in public to make a speech in their behalf. I met there last spring the distinguished Senator from Wisconsin, and heard him make a speech to these oppressed and subjugated people. My heart was full. I saw that gallant race—a race as true to the great principles of free government as any on the earth, as honorable and elevated as ever existed—I saw them in a state of abject degradation, forced upon them by that sum of all tyrannies, the great law of reconstruction and the fourteenth and fifteenth amendments to the Constitution.

Hence, viewing this subject in all its aspects and bearings, seeing the present condition and future prospects of the South under the laws that have been enacted by Congress, and knowing of no other remedy for the great and manifold evils now prevailing throughout the Southern States, I will without hesitation give my voice and vote in favor of the bill now under consideration.

Mr. BAYARD. Mr. President, in rising to discuss so grave and important a question as the one now before the Senate, I must confess myself oppressed by the scene the Senate Chamber now presents. We have just heard a most sincere, a most feeling and able speech by a member of this body, (Mr. Bogy, of Missouri,) upon a subject which he has truly declared to be second in importance to none which could be brought before the Senate. He has trulysaid it not only involves the present and the prospective welfare and happiness of a large body of our own fellow-citizens, but the questions involved in the consideration of their case enter into and affect the existence of our federal form of government; and yet we have seen upon the Administration side of the Chamber scarce as many Senators as there are fingers upon a single hand, and even upon this side of the Chamber but few interested auditors. Nevertheless it is not the part of a true man to hesitate for want of success. Duty and duty alone should he consider, and leave the consequences to that Higher Power who in His own good time will cause the right to prevail.

Mr. President, in the amendment which I have offered to the bill introduced by the Senator from Wisconsin [Mr. CARPENTER] I have recited a series of facts relating to that community which we term the State of Louisiana. To recapitulate these facts—not to take the time of the Senate by having the amendment read again, as it is fresh in our memory—I will merely state them, as follows: First, that an election was held in the State of Louisiana on the 4th of November, 1872, in accordance with the constitution and laws of that State, whereby certain named persons, comprising what was known as the fusion or McEnery ticket, were elected to the offices which constitute the government of the State of Louisiana according to the actual count and the official returns of all the votes cast at that election; second, that the persons so elected did organize in their respective official capacities and did assume the functions of office so devolved upon them according to the constitution and laws of Louisiana and the election held thereunder; third, that the defeated candidates at this election did, by the unauthorized and illegal interference of the Federal authorities, civil and military, obtain and hold armed possession of the State-house of the State of Louisiana and dispossess and exclude the rightful officers therefrom; fourth, that this usurpation by force of Federal power continues in defiance of the will of the people of Louisiana, as expressed at their election, and in violation of the constitution and laws of the State of Louisiana and of the United States. And the deduction from these recitals is that it is the duty of the Congress of the United States to repair, so far as is possible, the wrong and injustice done aforesaid to the people of Louisiana and protect that people against this usurpation and to maintain them in the enjoyment of their chosen government.

These are the recitals of facts which I will simply say are thoroughly sustained by the reports of the committee to whom this question was submitted, and who by a voluminous report accompanied by more than a thousand pages of testimony have stated to the Senate the result of the investigation, elaborate and thorough, of the proceedings in that election. I do not propose to reiterate, prove anew, these allegations. I simply content myself by saying they are reported to the Senate by indubitable authority. But one member of the committee has been found in his report to deny the existence of these facts, and even he—I refer to the honorable Senator from Indiana, [Mr. MORTON]—admits that the action of the United States court under which the government of Kellogg was placed in possession of the offices of Louisiana was an act of flagrant usurpation. So far even he goes. But the rest of the committee, the four Senators who signed the majority report, the Senator who drew that report, whose able and thorough demonstrations of the facts on which that report was based, is so fresh in our memories, the able statesman who unfortunately is no longer a

Senator, Mr. Trumbull, of Illinois, and the then Senator from Georgia, [Mr. Hill,] all concurred in stating as true the facts which I have alleged in the preamble to this amendment.

I do not desire to weary the Senate by recapitulating their proof, but simply aver that they are all sustained by the debates, by the report, by the testimony taken. The Senate is spared any further necessity of examining into these facts. We have had as careful an inquiry into them, as full a report upon them, as any one could desire for the elicitation of truth. The speech we had from the Senator from Kentucky [Mr. MCCREERY] was memorable for its ability, for that mingling of logic, wit, and truth which marked his utterances. The speech of the Senator from Wisconsin [Mr. CARPENTER] and that of the Senator from Maryland, [Mr. HAMILTON,] within a few days, all have gone to substantiate these facts as recited in the amendment, and to render it a work of supererogation for me to introduce new authority further to sustain these recitals of fact.

Mr. President, the issue before the Senate of the United States is no mere question of party triumph. We are not sitting here as a court to hear and try the contested election of Kellogg or of McEnery. In my opinion, we have and can have no such jurisdiction, and our decision, even if backed by the military force of the United States, would be void in law and without authority in morals. The issue before the people of the United States in this case of Louisiana is nothing less than the preservation of our form of government, whether it now is or whether it is to be a Federal Union of equal States or a consolidated power of unlimited rule by a central government over outlying provinces.

This question is all-important to Louisiana to-day. It may be equally important to New York to-morrow, or to Massachusetts or to Indiana. Let no man suppose that the violation of a great constitutional principle of government can be committed, can become a precedent, without its evils reaching those who set it on foot. This is no claim simply for the right to hold and enjoy the powers and emoluments of an office. It is the cry of a sister State for relief from a foul usurpation set on foot and maintained by unlawful exercise of power by Federal authorities, civil and military. Let the people of Louisiana speak for themselves, they who are before the Senate for relief, whose petitions are signed by thousands, whose language is entirely respectful, nay, in my opinion, almost too humble for American citizens to use in addressing their public representatives. The people of Louisiana in whose behalf the measure which I have proposed is offered are not office-holders. They are not interested in the emoluments of office under the government of Louisiana. They truly describe themselves as follows:

> They take the liberty to say that they have had no connection with these suits as parties or attorneys—

That is to say, the suits in the courts of Louisiana, or the Federal courts, for possession of the various offices in the State of Louisiana—

> neither do they claim any of the offices in dispute. They have not heretofore been concerned in the controversies among the political classes which have endangered the peace of, and brought scandal upon, the State. They affirm that, during the last four years, there has not been good government in Louisiana. There have been extravagance, prodigality, dishonesty, and waste in the public expenditures. The public debt has been enormously increased, with but little corresponding benefit. The credit of the State has been given to speculating corporations, for personal aims. The taxes on property have assumed such proportions that they might appropriately be called rents paid by the proprietors to the State for its occupation and use. The taxes upon business oppress the commercial and laboring classes. The laws to control elections, corporations, and public institutions stimulate these excesses of office-holders, and the consequence is universal depression and discontent. The State needs an honest, faithful, and responsible government, conducted to attain public objects, and not to enrich its members or to perpetuate their power. There was an earnest effort to obtain such a government at the last election, but a political conspiracy has unfortunately defeated it.

That is why they are here. Nay, further, a report—and I prefer to let these people speak by their own voice—the report of a committee of two hundred citizens of the resident population of New Orleans made in March, 1873, states—

> That the people of the United States are divided among States, and the humiliation and degradation of a State of the Union to the level of a province, deprived of the rights of self-government, can only be the harbinger of similar woes to themselves.
>
> We have asked nothing of the American people, of their President, Congress, or judges, in any intemperate, immodest, or minatory form of address. We have not asked them to execute any vengeance upon any person or party in our behalf. We have submitted to them whether it is not proper for them to uphold their own Constitution, to require fidelity and honor from their own officers in performance of duties they have imposed upon them, and whether it does not behoove them to maintain the covenants of union among the States, and to maintain the stability of State governments and the privileges of local self-government, so that tranquillity, justice, and liberty be maintained.

These, Mr. President, are the demands of our fellow-citizens of Louisiana, not a low squabble for official emolument or power, but a demand for the exercise of those principles upon which our Government was founded and upon the existence and perpetuation of which we alone can expect its honest and happy continuance.

I do not propose that, so far as I can prevent it, either the people of the United States or the Senate should be misled by the specious statements of the Senator from Indiana who has inveighed against the measure proposed by the Senator from Wisconsin on the ground that it would invade the rights of a State. Sir, the Senator from Wisconsin well said that when we heard the Senator from Indiana pleading for the rights of the State of Louisiana it was difficult to listen to him with a grave countenance. What, sir, after this State has been trodden to the earth by the foot of Federal power; after the Senator is willing, nay, anxious, that foot should be kept there; after this State has been throttled on the highway by Federal power aiding and backing up the foot-pads who are called the present government of Louisiana, and it is proposed that relief should be given, the Senator from Indiana assures us that it would be invasion of the rights of a State! Sir, he is no fit guardian of the rights of a State. I lately saw a picture of a wolf who had killed the shepherd, had possessed himself of his garments, his hat, cloak, and crook, and was employed in watching the unwary lambs who soon were to become his prey; and when I have heard the Senator from Indiana, turning to those of us in this Chamber who do profess to regard the rights of the States and who follow our profession by practice, warn us against interference in this case lest the rights of a State might be endangered, then, sir, again does that picture rise before my mind's eye, and I recognize what manner of shepherd the Senator from Indiana is where State-rights are concerned.

Mr. President, the issue for the people of the United States to consider is, shall this conspiracy, as the people of Louisiana have justly termed it, this conspiracy to overthrow a State, be successfully accomplished? Can an Attorney-General of the United States concoct and carry into effect a scheme with his party confederates to invade a State, ride rough-shod over her constitution and laws, prearrange with a corrupt and reckless judge of a district court of the United States for a violation of law, an unwarranted usurpation, an assumption of jurisdiction which was known to the Attorney-General and known to the judge and known to all men to be unwarranted in law and to be a usurpation, and to use this dishonestly assumed power as a pretext for the use of the armed forces of the United States Government to thrust down and keep down the lawful government of a State?

Sir, this is a case beyond mere technical pleadings and mere forms. Law is silent before arms. Law disappears and the Constitution of the State and of the United States disappear before the breath of the Attorney-General and his associates in this business. The pretense of law by Kellogg is a mockery; it is a bold, shameless, unmitigated fraud from beginning to end. The whole history of the means whereby even the forms of government were followed in Louisiana—the installation of Pinchback, the instant abolition of the courts of the State, the supply of the bench with new men and interested candidates to whom sole jurisdiction of these very questions was by special statutes given—all these things are such a tangled web of fraud that pretense of law or fair dealing nowhere can be found among them.

It is not necessary for me to repeat, for the Senate have heard it stated much more ably by the Senator from Wisconsin, the broad facts of this shocking history of what he terms "this comedy of errors and fraud," or, as I would say, "this tragedy of errors and fraud," in the State of Louisiana. There is not in that State government, as at present constituted, one place upon which an honest man's foot can rest with safety and security.

An attempt has been made to connect the movement of these citizens in search of their indubitable rights with the character and conduct of the individual who was the governor of that State at the time this election took place. The champions of the Kellogg government declare now that Warmoth was a man of stained character, that he was corrupt, that his intentions and his conduct in regard to the election were corrupt, and because he was not honest all those who in any degree sided with him in this fusion movement are to be affected and stained by his want of personal character. On this subject let the people of Louisiana say something for themselves:

> The parties engaged in these proceedings—

That is, the parties engaged in the overthrow of the State government of Louisiana—

> The parties engaged in these proceedings, aware that if the facts were properly understood they would admit of no defense, now seek to belittle and conceal the question at issue, and to treat a conspiracy to overthrow the government of the State as a mere struggle for political ascendency between Governor Warmoth and Mr. Kellogg. They allege that the former was endeavoring by some trickery or legerdemain to cheat the latter out of his election, and that the object of their proceedings was simply to frustrate this attempt. They have sedulously sought to produce the impression upon the public mind that this committee was composed of mere allies and agents of Governor Warmoth. We repel this insinuation as utterly false and unwarranted. We are not the representatives of any personal or party interest whatever. Governor Warmoth was not a candidate for any office whatsoever at the recent election, nor have we, directly or indirectly, any connection or affiliation with him. So far as his past career is concerned there are few if any members of this committee who have not been among his most pronounced opponents; while in those measures of his administration for which he has been most loudly denounced he had for his advisers, associates, and coadjutors the very men who now assail him, including especially Pinchback, Antoine, Herron, and numerous others whose names figure most conspicuously in these proceedings.

There you have in clear, distinct, emphatic terms the disavowal of any connection, directly or indirectly, with Warmoth with which the honest case of these petitioners is sought to be burdened down and to be discredited before the Congress of the United States and before the American people. Mr. President, it lies but illy in the mouths of those who stand assailing this man Warmoth here to-day, who so lately were the warmest admirers of his virtues—God save the mark!—and his personal character. I have no doubt, sir, in 1868, or in 1870, or in 1872, that this man was but a political adventurer; that he floated down to the State of Louisiana poor, and that he there soon made him-

self by mysterious ways rich; and I do not doubt that as wealth came to him a certain amount of that conservatism that generally accompanies wealth came with it; that having gotten wealth, he proposed to keep it if he could, and like all the men who have sense and money, he sought the association and protection of character and honesty in order to enjoy his acquisitions.

But, Mr. President, among those who have been so fluent in assailing him and his methods of election, none I believe have been more emphatic at a late date than the Senator from Louisiana, [Mr. WEST;] who has assailed this election of 1872 and has engineered the cause of Kellogg and his associates on the floor of the Senate more especially than any other person. I remember well in 1871, shortly after that Senator came to this body, an associate of ours, Mr. Blair, of Missouri, commented unfavorably upon the character of Warmoth. The Senator from Louisiana on the night following, in a carefully written speech, proceeded to give his testimony as to the character of Warmoth; and as Warmoth is now assailed to-day by him, I propose the Senate should know what that Senator thought of him in 1871. He said:

Louisiana to-day, by her redemption, under republican rule, from anarchy, bloodshed, and riot, presents an unimpeachable refutation of the charge so commonly made by the democratic party that reconstruction is a failure; and the governor, to whose wise sagacity, firmness, and pluck much of this success is due, is no mean foe in the ranks of the opposition to that party who are looking to the South for a restoration to power which the North has so pointedly denied them.

He then proceeds to notice the charge of the Senator from Missouri, that Warmoth signed no bills except for a consideration, and also his assault upon the election law:

Under it—

This election law, the same under which the election was held in 1872—

Under it our last election was conducted in an orderly and a peaceful manner, and the fact that such election was held without the necessity of the use of any military force is a triumphant vindication of its wisdom and justice. Not one single bayonet, either State or Federal, glinted upon the field of political strife on the day we last met the combined host of the enemy, retrieved our State from a democratic majority of forty-seven thousand in 1868, and achieved a victory of twenty-five thousand majority for the cause of republicanism.

This was the law whose possibilities for fraud have been made the ground-work for the charges of the Senators who desire to set aside the election of McEnery, although the official returns under it proclaim a majority of nearly 10,000 votes in his favor. Now let us come back to the Senator's comments on Warmoth:

Governor Warmoth has vetoed bills granting subsidies and giving away the State's money without number. He has stood, and he stands to-day, the bulwark against legislative schemes, and the acknowledged defender, by the democratic party of Louisiana as well as by his own republican friends of the State treasury against illegitimate and plundering schemes. If the Senate will bear with me I will read a short extract from his message.

He proceeds to read an extract from Warmoth's message. A little further on:

By his statesmanship he has evolved order out of chaos; by his determination he has subdued the spirit of misrule; by his conciliation and magnanimity he has disarmed political enmity of much of its rancor; and by his fidelity to the high duties of his office he has set a noble example to the chief magistrates of other States which it would be well for the peace and welfare of our country should be followed. He is himself the impersonation of the success of the reconstruction measures of Congress and republican principles when faithfully and ably administered.

Such, Mr. President, is the picture of Governor Warmoth of Louisiana, drawn by his then political friend and associate when the action of Governor Warmoth under these very election laws was before him for his approval. Warmoth was the governor elected in 1868 for the term of four years and until his successor should be sworn in office. He was elected by the republican party, and he became, as many others did in 1872, what was known as a liberal republican, and therefore he was brought into fusion with the property-owners and tax-payers of that State in the attempt to save their property from plunder and misgovernment. I let his former associates and friends speak for him, and I have said precisely what the people of Louisiana themselves have said when they seek to disconnect themselves from the responsibility for his former acts. It is unfair, it is unjust, it is intended to deceive, when the shortcomings of Warmoth's character are sought to affect the late election in Louisiana and deprive the people of that State of their constitutional rights.

I have said there was a conspiracy. I turn for proof of that to the documents transmitted with the message of the President of the United States on the 13th of January, 1873, and to be found in a document of the House of Representatives. The beginning of this correspondence was by Mr. Kellogg, the defeated candidate for governor.

Mr. HOWE. From what document does the Senator read?

Mr. BAYARD. House Executive Document No. 91, third session Forty-second Congress. Mr. Kellogg writes to the Attorney-General on the 27th of November, 1872:

DEAR SIR: In view of the fact that complications may arise at no remote period when you may be called upon to advise the President regarding matters here, I have thought it best to make a brief statement of the condition of affairs.

He proceeds to give his statement of his side of the election. He then incloses him a copy of his bill in the United States circuit court, marked E, and he is "*of opinion*" that the court will maintain its jurisdiction. Therefore the Attorney-General of the United States had knowledge at that time of the nature of the application, and a copy of the bill setting forth the grounds was sent him; and here I mean to say it was not the case of the Attorney-General or the President acting without knowledge of the circumstances under which the jurisdiction of the United States court had been invoked and was asserting jurisdiction, but it was the full information in advance as much as Durell had it himself. The law officer of the President's Cabinet had it before him for his deliberate examination; and there is not a lawyer in this body who has spoken upon this subject, not one; there is not a lawyer anywhere that I have heard comment upon this subject but who, when he read this bill of Kellogg, would have known that the court had no jurisdiction whatever. But Kellogg was correctly of opinion that the court would maintain its jurisdiction. Good reason had he for it. And he goes on further to say that—

I should not be surprised to see the supreme court of the State, which is known to sympathize with us, and which has incidentally passed upon the legality of our returning board and the illegality of the action of Warmoth in issuing commissions before the result of the election is declared according to law, ejected from their seats by force, notwithstanding that the constitution provides they can only be removed by impeachment.

He therefore anticipated with confidence the opinion of Durell, and he had secret intimation that the supreme court of the State was known also "to sympathize with us" in regard to this matter.

In the mean time—

He says—

Governor Warmoth has called an extra session of the Legislature, and it is believed by many for the purpose of having the result of the recent election declared in favor of the democratic party, the supreme judges impeached, (unless previously forcibly removed,) and measures taken to stamp out the last vestige of republicanism in the State. * * * * * * * *

I have thought it best to make a statement of the facts, so that you may be advised in any contingency likely to arise.

I ought to mention that the supreme court will next Monday pass upon the case of Bovee, ejected over a year ago from the office of secretary of state by Governor Warmoth, without any legal right or showing. They will reinstate him in the office to which he was elected by the people, and from which he was illegally displaced by Governor Warmoth.

Here is a third tribunal whose decision in advance was confidently proclaimed by Mr. Kellogg, and he says to the Attorney-General:

You will at once appreciate the full effect of this point.

Because the replacing of Bovee in his office would have given a majority of the canvassing board to the republicans. He then further remarks:

But it must not be forgotten that this is a systematic and organized attempt to destroy the republican party in this State. * * * * * * * *

I therefore respectfully suggest that General Emory, who I think appreciates the necessity and sympathizes with the republican party here, be instructed to comply with any requisition that the United States courts may make upon him in support of its mandates and to preserve the peace.

That he understood the officer in charge of the United States troops sympathized with one of the political parties in Louisiana, and should be instructed to comply—*carte blanche*—with *any* requisition that the United States courts may make upon him. He then recommends consultation with Mr. William E. Chandler, of Washington, or members of the House of Representatives, and adds:

In conclusion, let me say that, should the United States courts hold with us, and if I can count upon the co-operation and sympathy of the Federal Government as far as it can be consistently given in aid of its firm and devoted friends in this State, who have done all they could to carry the State and have really carried it by a large majority against organized fraud, the State may be saved to the republican party for the future.

This is the beginning of this correspondence, in which for avowed party purposes, and party purposes alone, Mr. Kellogg shows the grounds upon which this whole proceeding is expected to succeed. The opinions of the courts he knew in advance; the personal sympathies of the officer in command of the troops he had also acquainted himself with; and knowing this, he asks that military force may be directed to uphold these prearranged, preannounced opinions of the judicial branch. Now what was the answer to that? The Senator from Maryland on Wednesday last read this telegram from the Department of Justice, dated the 3d of December, 1872:

S. B. PACKARD, Esq.,
United States Marshal, New Orleans, Louisiana:

You are to enforce the decrees and mandates of the United States courts, no matter by whom resisted, and General Emory will furnish you with all necessary troops for that purpose.

GEORGE H. WILLIAMS,
Attorney-General.

My friend from Maryland thinks that dispatch was responsive to Kellogg's letter. Perhaps it was, but it seems then the dispatch should have been to Kellogg. If I can read the history of these dispatches aright there is a link wanting; there had been some other communication from Packard on this subject; because this is in response to him. Therefore Kellogg and Packard were acting together in New Orleans, and it leaves upon my mind the indelible impression that there has been a suppression of something that passed, either written or verbal, on the subject of this scheme prearranged to overthrow the constitution and laws of Louisiana and install in office candidates who were not the choice of the people of that State.

The whole scheme, Mr. President, as exhibited by these dispatches is a purely political scheme. There is no word of law or of justice. The invocation to President Grant, the invocation to George H. Williams, his Attorney-General, are all in the name and behalf of the republican party of the State of Louisiana. When they thank him for this lawless act after Judge Durell by prearrangement had issued his

nocturnal order, and in the shade of night secretly, almost feloniously, almost burglariously, the State capitol of Louisiana is taken possession of by orders of Judge Durell by United States troops, they who write to thank him for this thank him not in the name of justice, not in the name of law, not in the name of the people of Louisiana, but "in the name of the republican party" of that State.

When Casey, the collector of the port, on the 6th of December, describes to the President (his brother-in-law) the seizure of the State-house by the military and Marshal Packard, and recites to him the decree, as he terms it, of Durell, in the circuit court of the United States, he declares that the decree was "sweeping, and if enforced will save the republican majority and give Louisiana a republican Legislature and a republican State government." From first to last, throughout all these numerous dispatches, which fill some twenty pages of this report, there is the history written throughout that it was a party victory that was sought for; it was party success that was obtained; it was in the name of party, for the sake alone of party, that the people of Louisiana were to be deprived of their rights as a State, and their constitution was to be stripped of everything like force in accomplishing the ends of that State government.

Why, sir, this was entirely a conspiracy of Federal officials. It is a mere handful of the people of Louisiana who are white that are acting with this republican party. The people who are acting with it are dealing to-day with the votes, the franchises, of the colored men of that State just as fifteen years ago they would have dealt with their bodies, and sold them on the block like cattle. To show how entirely this Kellogg administration is made up of Federal officials, that the people of the United States may comprehend what an official conspiracy this was, let me read from page 85 of the House document:

By the decree, or, rather, the interlocutory order of a United States district judge, it is attempted, in spite of the overwhelming expression of the will of the people of the State, to establish over the State of Louisiana a government consisting of a United States Senator for governor, the collector of a port as the lieutenant-governor, the United States treasurer for State auditor, a surveyor of the port for president of the senate, the postmaster of New Orleans for speaker of the house, a deputy collector for chairman of the finance committee of the Legislature, and a Legislature composed principally of defeated candidates, most of whom are in the employ and pay of the Federal Government.

Mr. President, look at these facts, and then think of the outcry that was made the other day in the State of Massachusetts, when a gubernatorial nomination was pending, when a member of the other House was a candidate for the nomination, and it was supposed the Federal Administration was using its influence through the office-holders of Massachusetts to secure his nomination. What was there? Instantly a rallying-cry among the people of that State denouncing the attempt at Federal interference; not Federal interference and influence to possess and control all State offices, but to interfere in the choice of their nominees by the people of that State. They did rally; they broke down overwhelmingly the attempt upon the part of the Federal officials to control their nominations. And just so do I believe that if this question can be brought home to their minds they will be honest enough and consistent enough to denounce, yes, and by their opinion and public sentiment to influence protection to a State against this monstrous conspiracy to govern it by Federal officials who actually take possession of the offices themselves.

Among the other mockeries and farces of this proceeding, we have found throughout these dispatches of those who were conducting the affairs of Louisiana the names of these leading Federal officials. We have Casey, the collector; Packard, the marshal; Kellogg, the United States Senator; and these are the people who alone conduct the correspondence, give all the information, and represent affairs in Louisiana to the Federal Administration at Washington. And we are told by the Senator from Indiana that there has been a "recognition" of Kellogg as the governor. He went so far as to say that we could not deny the existence of Kellogg as governor, but must take his signature to the certificate of election of his friend, Pinchback, because he called himself the governor, and the President had recognized him as such, and that the Senate of the United States, under the provisions of the Constitution constituting them the sole judges of elections, qualifications, and returns of members of their own body, were estopped to deny, and could look no further into the election of Kellogg who called himself governor, because the President of the United States had so "recognized" him. Mr. President, Louis XIV, in his full-blown pride, declared, "The State—it is I." The Senator from Indiana, pointing to the President of the United States, says, "The State—it is he." Those who like Cæsarism, those who look hopefully forward to the period when it shall take the country in charge, and relieve us of the troubles of legislation, will find great comfort from this most advanced position of the Senator from Indiana.

But he speaks not only of the President's recognition of Kellogg, but he speaks of these other authorities in Louisiana each recognizing Kellogg. Pinchback recognized Kellogg, and Kellogg recognized Pinchback, and Casey recognized them both, and they recognized the Legislature, and the Legislature recognized them; and there is a mutual system of recognition and admiration going around the group. At page 48 of these dispatches you will find all their sweet voices in the same chorus, all in the same key of general and mutual recognition. Pinchback telegraphs on the 11th of December to the Attorney-General, suggesting that troops be furnished for his ends. He says:

I beg you to believe that I will act in all things *with discretion*.

P. B. S. PINCHBACK,
Lieutenant-Governor, Acting Governor.

On the same day Mr. Casey, the collector, telegraphed to the President that—

If requisition of Legislature is complied with all difficulty will be dissipated, the party saved, and everything will go on smoothly. * * * *
Governor Pinchback is acting with *great discretion*, as is the Legislature, and they will so continue.

And in the same key sings Mr. Kellogg:

If President in some way indicate recognition, Governor Pinchback and Legislature would settle everything. Our friends here acting *discreetly*.

Yes, Mr. President, very "discreetly." And among this band of lawless, characterless men, gambling with the happiness and welfare of the people of Louisiana, they term this "recognition." It is such recognition as a band of burglars would probably give each other when they hobnob at night in some gentleman's pantry over the plate which they have abstracted from his sideboard.

Then we are told further that there is no necessity for moving in this matter because there has been acquiescence. McEnery has acquiesced; the people of the State of Louisiana have acquiesced; they want no change, and they would rather be left in the happy quietude in which they now exist. Let us see what is the truth. From the time he was elected governor McEnery has sought in every way, lawfully, peaceably, and dignifiedly, to assume the functions of his office; and the people of the State have never ceased their protest, despite their forcible dispossession, despite the presence of the United States armed forces, that alone prohibited them from ousting this Kellogg government. In the month of December last this large mass of petitions were sent up here [exhibiting several large bundles of papers] signed by thousands of the people of Louisiana, and I will ask the Clerk to read a portion of what they then said to see how much acquiescence there was.

The Chief Clerk read as follows:

Your memorialists, citizens and voters of the State of Louisiana, respectfully represent: That at an election held in due form and according to law on the 4th day of November, 1872, John McEnery, D. B. Penn, and others [naming the State officers and members of the Legislature] were elected representatives of the General Assembly.

The proofs of these elections are the returns thereof made by the commissioners of election and the supervisors of registration of the several parishes, who held and conducted the election, received and counted the votes, and made the returns in form and manner provided by law. These returns being the sole legal evidence of the results of elections were forwarded to the governor, by him opened in the presence of, and canvassed and compiled by, the returning officers of the State, as provided by law.

The result of such compilation and canvass was duly promulgated by said returning officers, a copy of which promulgation is herewith submitted.

On the 16th day of November, 1872, W. P. Kellogg, the contesting candidate for governor, before the returning officers had made canvass of the returns, instituted a suit in the circuit court of the United States, before Judge E. H. Durell, against H. C. Warmoth, governor.

The petition of said Kellogg claimed that he had been duly elected governor, that he had been defrauded of his election by the rejection of votes on account of race, color, and previous condition, and asked the United States court to take jurisdiction of and try and determine his right to the office of governor. He claimed his right to bring this suit before the United States circuit court under the provisions of the act of Congress of May 31, 1870, and the acts supplementary thereto.

This act provides that suits contesting a State office upon certain specified grounds may be brought before the United States circuit court, but only after the result of the election has been ascertained and declared. This suit was brought before any official promulgation of the election, and the United States circuit court had no jurisdiction thereof. Nevertheless, Judge Durell assumed jurisdiction and entertained the action.

Said Kellogg upon this original action thus illegally entertained instituted a supplementary proceeding in chancery, in the same court, wherein he asked for an injunction against Henry C. Warmoth, Jack Wharton, Frank H. Hatch, Durant Da Ponte, John McEnery, and the New Orleans Republican Printing Company, restraining them from canvassing and compiling the returns of the election, or from making promulgation thereof, and from doing any of the duties of their offices with regard to the election; and he also asked the court to try and determine who were the legal returning officers of the State, he, Kellogg, maintaining that John Lynch, Jacob Hawkins, James Longstreet, and George E. Bovee were the legal returning officers, while the governor of the State recognized Frank H. Hatch, Jack Wharton, and Durant Da Ponte, as such officers.

The right of the returning officers recognized by the governor had not been questioned in any State court. Judge Durell granted the injunction asked, and did assume to try and determine the right of office between the two sets of returning officers, all without lawful jurisdiction thereof, against the laws and constitution of the State and of the United States. He adjudged that John Lynch, Jacob Hawkins, James Longstreet, and George Bovee were the lawful returning officers of the State.

These persons, without the official returns before them, pretended to canvass and compile said returns and make promulgation of the election. Thus five persons unrecognized by any official authority of the State, thus constituted State officers by an interlocutory decree of a United States court, in a proceeding auxiliary to an original action in neither of which said persons (nor the lawful returning officers) were parties litigant, proceeded to declare the results of an election for a whole State, including the executive, legislative, and judicial officers for the State, and for every parish in the State, without a return before them, to set aside the election shown by the returns, and create an entirely different government throughout. In other words, these five persons *elect* by their own arbitrary will officers for a whole State, from the governor and Legislature down to the constables.

This monstrous and glaring usurpation being still insufficient to overthrow the legally elected government, the same judge, by a midnight order issued at his own house, without the seal of the court, at the instance of Judge Durell himself, and without notice to opposing parties, directed the United States marshal to seize and occupy the State-house. United States troops were furnished to the marshal to execute the order, and at midnight the United States troops marched into and garrisoned the State-house, and ejected the officials placed there by the State authorities. United States marshals guarded the doors, refusing and permitting ingress and egress to suit as they chose. This garrison continued in military occupancy o the State-house not only to the day of the assembling of the Legislature, but for the space of six weeks afterward. On that day the troops and marshals prevented the legal Legislature from meeting in the State-house, and admitted the legislature elected by Lynch, Hawkins, Longstreet, Herron, and Bovee.

This legislature declared Kellogg elected as governor, and pretended to inaugurate him as such. The President issued orders to the Army to sustain the Durell government.

The legal Legislature assembled at Lyceum Hall and organized, and at its regular session in January counted the votes for governor and lieutenant-governor, and declared John McEnery and D. B. Penn duly elected and did inaugurate them.

Wherefore, the premises being duly considered, your memorialists humbly pray that your honorable bodies, moved by the justice of the cause of your memorialists, will recognize as the true and legal government of Louisiana that government shown to have been elected on the 4th of November, 1872, by the official returns of said election, or such other relief be granted as the nature of the case may require. And your memorialists, as in duty bound, will ever pray.

Mr. BAYARD. That is but one petition. Here they are signed by the names of thousands, in the month of December, 1873. That is one illustration to the Senate and to the country of the nature of acquiescence in this great wrong which has been done to the people of that State. In November, 1873, on two days, November 24th and 25th, a convention was held in the city of New Orleans by the people of the State of Louisiana, protesting against this usurpation and the outrage to which they were subjected. They sent delegates here, and I have in my hand their strong, spirited, manly protest against the continuance of this monstrous usurpation which, so far from acquiescing in, they hate with all the hatred that true men should bear toward oppression:

The pretended State government at present existing in Louisiana is arbitrary and despotic, and therefore not republican in form; it represents no one but a small clique of political adventurers, who mold the colored element to their selfish purposes, and find their greatest profit in engendering and keeping alive an unnatural spirit of hostility between the two races; it stands as an impassable barrier to that reconciliation between the white and colored people which would inevitably follow from a community of interests; it oppresses the citizens of the State by the imposition and exaction of onerous taxes, collected at the point of the bayonet; it is a hideous mockery of the republican and representative government which was promised to the State of Louisiana upon its admission into the Union. Yet, notwithstanding all this, the people of that State would long since have quietly submitted to the outrages daily inflicted upon them by that government if it had been installed over them by even a faint semblance of observance of established and constitutional forms. But your honorable bodies know full well that in the origin and subsequent existence of that government every form and principle of constitutional law has been openly defied and violated; that it owes its life to a midnight order of a Federal judge; that it is propped up by Federal bayonets, and continues only by Federal sufferance; and that its existence is a standing menace to the perpetuity of republican institutions.

Is this the language of acquiescence by these people, a convention assembling in thousands to protest against the continuance of this usurpation? and yet the Senator from Indiana talks about the acquiescence of that people! Nay, sir; Governor McEnery, representing the lawful majority as returned by the votes cast in 1872, on the 25th day of December, 1873, from the executive office of the State of Louisiana addresses General William H. Emory, of the United States Army, commanding the department, as follows:

STATE OF LOUISIANA, EXECUTIVE OFFICE,
New Orleans, December 25, 1873.

GENERAL: As I have in contemplation the issuance of a proclamation advising the assembling of what I claim to be the legal Legislature of this State on the 5th of January, 1874, as provided for by the constitution of the State, and as I desire not to place the government I in part have the honor to represent in any conceivable manner in opposition to the Government or the troops of the United States, I would be pleased if you would communicate answers to the following inquiries:

First. If I should issue such a proclamation and the Legislature assembled, would the troops of your department interfere to disperse such an assemblage?

Second. Would the force under your command be used in supporting the metropolitan police or Kellogg's militia in case either or both of these corps be called out to disperse said Legislature?

Third. In case opposition were offered, such as the dispersal of this Legislative Assembly by armed forces under control of Mr. Kellogg, would the United States troops interfere to assist them?

My anxiety to prevent by every precautionary means any conflict between this government and the executive forces of the United States leads me to urge as speedy a reply as possible at your hands.

I have the honor, general, to remain, very respectfully, your obedient servant,

JOHN MCENERY,
Governor.

Brigadier General W. H. EMORY, U. S. A.,
Commanding Department of the Gulf.

The reply is as follows:

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, December 26, 1873.

To the Hon. JOHN MCENERY:

In reply to your communication, received last night, I have the honor to state that there is no change in my instructions communicated to you in my letter dated March 6, 1873; and as the situation contemplated in your letter is the same, my action will be the same as then.

Those instructions do not contemplate, and there will be no interference with any peaceable assembly of citizens at any time or for any purpose whatever, or any interference with any assembly claiming to be a legislative body.

But I am directed to recognize the present State government represented by Governor Kellogg, to prevent any collision of armed bodies of men and to keep the peace; therefore, if the condition of things happens contemplated in your third proposition—that is, an armed conflict between the forces of the State government recognized by the United States and the assembly convened under your proclamation—the United States forces would, if necessary, interfere to prevent bloodshed, and would support the State government represented by Governor Kellogg; but as the proposition is a grave one, I shall submit the purport of your letter and my answer by telegraph.

Appreciating highly your desire to prevent by precautionary measures any conflict with the executive forces of the United States, I have the honor to remain your obedient servant,

W. H. EMORY,
Brevet Major-General, U. S. A. Commanding.

Mr. SHERMAN. If my friend will allow me, I desire to present one matter to him. The point upon which he is now speaking, the acquiescence of the people and the McEnery legislature in the present government of Louisiana, is one which has controlled my opinion and will control my action in this matter, and I desire to submit to him some information which I have, upon which I have relied in the course I have pursued and intend to pursue in regard to Louisiana. I have here a statement furnished me from the governor of the State, Governor Kellogg, and I wish to see whether it is contested. This statement certifies to me that eighteen members of the house of representatives of the Legislature elected on the McEnery ticket, acting in the origin of this controversy with the McEnery party, admitted to be elected by both sides, have since the original controversy taken their seats in the present Kellogg legislature and acted with the Kellogg legislature and contributed to the passage of laws, and have by their acts expressed their acquiescence not only as citizens but as representatives duly elected by the people of Louisiana in the Kellogg legislature. The names are given. I have also a list of six who are said to have been thus elected legally and who have refused to acquiesce, and only six. I am informed that there are but six of those admitted to be elected to the house of the McEnery legislature that have not participated in the laws passed last winter by the Kellogg legislature. The names are given to me here with the districts they represent. I have also the names of senators elected on the McEnery ticket, certified to be elected and returned by the McEnery party, and who have participated in the legislation of the last session, and the names of two or three now contesting for seats in the Kellogg legislature who were elected on the McEnery ticket.

I frankly say to the Senator from Delaware that I believe there has been gross irregularity, gross fraud, gross wrong in Louisiana on both sides; but I desire to submit to his judgment the legal effect of this acquiescence, not merely by citizens who have the right to do as they please and whose action only affects themselves, but by the chosen representatives of the McEnery party who have participated and shared in the legislation of last winter and have acquiesced in the legality of the Kellogg government. That with me is a controlling fact. If this statement I have made is disputed, I should like to know the basis upon which this information is disputed. If this information is not correct, given to me as it is, I should like to have the proof.

Mr. BAYARD. Mr. President, I will frankly say to the Senator from Ohio that, welcoming as I do any fact, I feel very doubtful about accepting as a fact anything that is certified by Mr. Kellogg of Louisiana. It is seldom that a man is willing to gibbet himself before the public as that person did the other day by his telegraphic dispatches to different members of this body. If they were to be read in the Senate—and I do not propose to fatigue the Senate by reading them—it would be found that in his telegram to the honorable Senator from Indiana he was guilty of the suppression of the truth. He telegraphed to that Senator that there had been a repeal of a law that not only made fraud possible but probable at the hands of the governor in controlling the elections of the State. The next day the Senator from Louisiana read another telegram from the same person, still more specious in that it not only suppressed the truth but it suggested an untruth—both forms of falsehood in the same dispatch. And then when the truth no longer could be concealed, he telegraphs a third time to the Senator from Louisiana and admits then, and for the first time, that a *second* law of repeal, the existence of which he had denied both expressly and by implication, had been passed, but said he would not avail himself of it. Sir, it is amazing how dishonest men can lose their senses, and what a fortunate thing it is for mankind that honesty of intention and discretion are apt to accompany each other, and that when men's moral sense falters their intellect falters with it, and they are led to a disclosure of their own nefarious conduct. If this thing depended alone upon the statement of Mr. Kellogg, I would say, *falsus in uno, falsus in omnibus;* I would not accept the statement; but I am not prepared to say that these eighteen individuals have not finally bent under a burden the weight of which they no longer could endure; but does their acquiescence, their yielding hopelessly to force and taking the seats which have been given them for the purpose of their own ignominy, change the broad truth or touch the great principle which I have been here endeavoring to assert on behalf of that State? Does that wipe out the guilt of the Administration? Does it wipe out the guilt of Williams? Does it wipe out the guilt of Durell? Does it change any truth that is stated before the American people unanimously by this committee to whom the subject has been committed? No, Mr. President. If there has been an acquiescence by these eighteen men, it is their individual act, and against their acquiescence I produce the voice of thousands to show it is not the temper, it is not the will of the people of Louisiana to say that is right which in their souls they know to be wrong, and that is just which they know is the very quintessence of injustice and wrong. Nor can I undertake, for I do not know the names of those individuals; nor in the course of a discussion such as mine is, embracing a vast body of facts, necessarily passing over them somewhat cursorily, can I do more than take the main features of this case and submit them to my fellow-countrymen, more out of this Chamber than I do to those within.

Mr. SHERMAN. If the Senator will indulge me for a moment, I will when the Senator is through simply place upon the record this statement to me, together with the names given to me, and the information that I have; and I invite controversy, because if these are facts they ought to be known.

Mr. BAYARD. The Senator misunderstands me. I have the most implicit confidence in his own good faith in offering the paper; nor have I any desire to exclude it from the record. On the contrary, let

us have the truth. Whatever it may be, I should be ashamed to support an argument that could not bear the light of day.

Mr. SHERMAN. This statement was forwarded to me, addressed however to the Senator from Louisiana. It is signed not by Governor Kellogg, but by Mr. Clarke who seems to be a private secretary—I suppose the private secretary of the governor.

Mr. WEST. Yes.

Mr. SHERMAN. And he certifies the names and the residences not only of eighteen members of the house, but of some senators and also of some contesting senators. I ask the reporter to attach this to the end of the speech, so that it will not interrupt the Senator's remarks, and I invite any controversy or contest there may be about the facts.

Mr. BAYARD. I would rather the document be printed to come in at the end of my speech.

Mr. SHERMAN. Certainly.

Mr. BAYARD. I have shown what has been the amount of acquiescence by the people of Louisiana. I could read still further from the most touching and most eloquent reports of their leading men on this subject, even as late as the fall of 1873. I have produced you a mass of petitions; I have shown you the proceedings of their convention. Look now to the action of their agent, of Governor McEnery, as late as the 25th of December, 1873, in that moderate, manly, dignified, and proper tone which it seems to me has characterized his course from first to last. To me he is personally almost an entire stranger. Of his antecedents I have no knowledge whatever; but I believe they are in all ways respectable and worthy. Certainly he had nothing to do with this election beyond being a candidate. He has been enabled to commit no act which has had force in Louisiana, except to assert his own rights and the rights of the people who elected him to be their governor. He has been temperate and steady and strictly lawful. There has been no bluster, no violence, no call by him for Federal intervention. He felt that he was strong in the hearts of the people who elected him, and he looked at home, where the facts were best known and felt. There he had his support, and he asked for it from no outside quarter. Sir, does not every man know, who knows anything of this subject, that were the Federal Army to-morrow withdrawn from the State of Louisiana the opposition to the righteous government of McEnery would slink away as the mists disappear before the sunbeams of the morning? Sir, he has made a calm, temperate demand for justice. He has asked of the power that has interfered between him and his just rights simply for an opportunity to exhibit and exercise his just and lawful authority of office. I have read his last communication to the government of his State, which is the military officer in charge; that is all. Under the thin veil of a pretended republican form of government, the real government of Louisiana to-day is military force. It is a sham to call it anything else. You lift the gown of the judge, and you find the saber of the dragoon; you enter the executive chamber, and the power there is the power of the sword and not of the law. The government of Louisiana to-day is nothing but military power, protecting dishonest men who wear the sham robes of State office.

Now let me read his first communication. I should have allowed it to precede the communication which he last made on the 25th of December to General Emory. Let me read his first and only application to the President of the United States:

NEW ORLEANS, 12*th December*, 1872.

His Excellency U. S. GRANT, *President United States:*

Claiming to be governor-elect of this State, I beg you, in the name of all justice, to suspend recognition of either of the dual governments now in operation here until there can be laid before you all facts and both sides touching legitimacy of either government. The people, denying the legitimacy of Pinchback government and its legislature, simply ask to be heard, through committee of many of our best citizens on eve of departure for Washington, before you recognize the one or the other of said governments. I do not believe we will be condemned before we are fully heard.

JNO. McENERY.

Alas, sir, would not the American people have echoed the belief did not sad experience teach them how futile to entertain it! What was the answer? On the 13th of December, 1872, not from the President of the United States who had been so respectfully, properly, almost touchingly addressed by this representative of his own and his people's liberties, but from the Attorney-General comes the following response:

DEPARTMENT OF JUSTICE, *December* 13, 1872.

Hon. JOHN MCENERY, *New Orleans, Louisiana:*

Your visit with a hundred citizens will be unavailing so far as the President is concerned. *His decision is made and will not be changed*, and the sooner it is acquiesced in the sooner good order and peace will be restored.

GEO. H. WILLIAMS,
Attorney-General.

Mr. President, is there parallel for such an application and such an answer in the history of civilized government? I put it to the gentlemen of the country, I put it to that common sense of manly courtesy that belongs to every American, is there not in this reply a brutality that is simply disgusting and outrageous? Is it not mortifying to see that an American citizen cannot modestly, humbly almost, creep to the footstool of power without being repulsed in a manner that would disgrace some Muscovite general dealing with a captive Pole? Sir, as I read these things my blood boils as an American that such things should be tolerated by my country. If Mr. McEnery had been rude, if he had been imperious, if he had asked for something wrong, then we might have had this curt, unkind response; but when we read what he did say, and then read the answer, am I not justified in saying that there is a brutality almost equal to the lawlessness of the Federal authorities in the entire affair?

So, Mr. President, I end my comment upon the facts attending this election and the overthrow of the expressed will of the people of Louisiana. As I said before, it is unnecessary to read again from the reports to justify the recitals of this amendment. They are all sustained almost on every side. Few have been so reckless even in degree to deny them. Then comes the question as to remedy. It is simple and plain. The wrong which has been done you partly may undo. No one can question that there has here been the invasion of a State by the armed forces of the Federal Government. Withdraw your troops! "Call off your dogs." Set the State free to speak her own mind and live under her own laws. That is all. We are not to be driven from this plain path of duty by the threats of violence that may occur there.

Sir, if collision should ensue; nay, if blood should flow, it is better for a people to lose many of those they value most than to submit to such a wrong as that under which Louisiana groans to-day. If it shall be that the President of the United States, mindful of his oath, mindful of justice, mindful of duty, shall recall his armed force and leave McEnery and his associates free to assume the functions of their proper offices, and if in doing that men shall die in defense of their constitutional rights, their fate is rather to be envied than those who shall survive them to live as slaves and not as freemen.

Mr. President, a man of long and varied experience as a warrior and statesman, who had passed through a career that has become historical and knew as much practically of government, of war, and of the transactions of mankind as almost any man of his day was Arthur, Duke of Wellington. Late in his life, in referring to his Indian campaigns, he asked, "What brought me through so many difficulties in the war and negotiations for peace?" "It was *good faith, and nothing else.* Better lose ten provinces than sacrifice our reputation for scrupulous good faith."

The best underlying security for the performance of every obligation, political, moral, or pecuniary, is scrupulous good faith. Instill this into the minds and character of a people, and you will have permanence and stability, and the foul word "repudiation" will never be heard; and good faith applies to every transaction, and those in authority must never forget its exercise. It is as guilty and as dishonorable and dishonest for a government to repudiate its guarantees of civil and constitutional liberty to any portion of its citizens as to repudiate any portion of its pecuniary obligations. The one is no more sacred than the other. The effect of the repudiation of either is the same, and must eventually and necessarily lead to the same results.

By a refusal of the General Government to act in good faith with the people of a State, by thrusting upon them a government hateful to their feelings and ruinous to their property, their affections are destroyed and their means of payment of their share of the public burdens is taken away. I ask in candor how can the people of the other States of the Union expect a willing maintenance of the burdens of the General Government, payment of its taxes, and a hearty support of its financial honor from a community whom they have suffered to be trampled down by fraud and force, and over whom they have set a sham government, which exists only to plunder property instead of protecting it? I wish I could engrave this sentence where every man of the rich and populous North could read it: "JUSTICE TO THE SOUTH IS SELF-PROTECTION TO THE NORTH." Ours is a voluntary government; it is framed and based upon the idea that the people can and will govern themselves. If the will of the people be wanting, the form of government will soon fade away. If the Government is to be strong and continue to exist, it will be because the hearts of the American people strongly desire it; and if they lose their love for it or lose their faith in it, it must soon go to pieces.

Sir, I am tempted to these reflections at this time because there has been alarm created throughout the creditor portion of the Union lest late financial measures of Congress should affect the public credit and dishonor the promises of the Government to pay its debts. There has been exhibited a very natural and lively sensibility on this subject. Merchants, bankers, men famous for wealth, for enterprise, for intelligence and character, have hurried hither, either in person or by letter, to impress upon Congress and the Executive the necessity of scrupulous good faith in its financial transactions. I merely mean to say that one is part of the other; that the good faith of the country cannot be reserved for one purpose alone, and that it must exist like the honor of an honorable man, in every transaction in which he may be placed, whether with friend or with foe.

Mr. President, in my opinion the most fatal virus that can enter the viens of a people is a disbelief in the worth and permanence of their form of government. It is a perpetual lever in the hands of the unscrupulous by which to raise doubt and distrust, and produce a sense of insecurity paralyzing all enterprise and checking every scheme of advancement because of the insecurity which haunts every undertaking which depends upon the stable existence of a government for its protection. Property is the creation of labor under the protection of law. Without law no man could retain more of the fruits of his labor than mere manual possession and his physical force would secure him. If the people lose their faith in the permanence of their government, they will be unsettled in all their relations and indiffer-

ent to every act tending to revolution, and demoralization will infuse itself in every department of affairs. The public credit will be first to suffer, and the influence of demagogues and jacobins will be instantly and fearfully increased. Men will not trust a government whose permanence is so doubtful, and whose dissolution would leave every public creditor without a responsible source of payment. To be of value, all laws, especially those touching property, should be stable and certain. Unless these two elements are admitted to exist, all obligations, whether of individuals and more especially those of the Government itself, are most insecure and consequently discredited.

I make these suggestions because they exhibit in some degree the importance to citizens of every section of the country of insisting so far as public sentiment may—and what may not public sentiment in this country insist upon and produce?—upon such a course of action by their official representatives as shall tend to establish the confidence of the people in the permanence of their Government, and shall promptly rebuke every manifestation of an attempt at repudiation, not merely of pecuniary obligations but of the obligations of good faith, of justice, of constitutional right and duty between the States, and between the General Government and the several States. Every act that deprives a man of his legal rights and constitutional privileges disables him from the performance of his duties as a citizen, diminishes his ability and certainly his disposition to assume and perform those duties.

Believing the cure for present evils and disorders to rest in a revival of the proper public sentiment, and especially in the dominant section, in the populous and wealthy States of the North, I beg them to consider the effect upon themselves and upon their own prosperity of thus permitting the lingering spirit of hostility engendered by a civil war to control their action or tinge their legislation in respect of that portion of the country with whom they were some years ago at strife.

There are many good men who hate fraud and dishonesty, and yet who tolerate their rule in the Southern States because there linger in their minds the idea and the feeling that the South has deserved some punishment for her political offenses. From my heart I warn my countrymen against such sentiments. President Lincoln once said, and the sequel bore him out, that this country could not exist with half of its territory slave and half free as to labor. How much more forcibly and truly can it be said, this country cannot exist with the States of the South handed over to the rule of rapacity, ignorance, venality, and crime? Sir, as truly as that a gangrened limb will soon poison and destroy the entire human body, so will the moral, political, financial poison of an Africanized State spread throughout every member of the Union of States, and sap and destroy the political health and existence of all. And be it here noted, the Senator from New Jersey who spoke but a few days ago, [Mr. FRELINGHUYSEN,] and the Senator from Louisiana, who followed him, [Mr. WEST,] both in demonstrating the political condition of the State of Louisiana declared that the parties there were white or black simply. The Senator from New Jersey, illustrating the political condition of a parish where there were seven hundred whites and two thousand blacks, the parish of Iberville, declared that "of course the whites were democrats," and of course the blacks were republicans! The Senator from Louisiana, following the same idea, declared that "as a unit the blacks of the South were republicans." Then what is the issue raised? One of *race*. They make it; they proclaim it; their Administration sustains it. Now, sir, I want the northern people to look at the effect. It is not simply whether these two races shall permit their mutual interests to control them to let peace, harmony, and law make property and life secure in their midst, but whether the flames of dissension, being fanned by the base adventurers who flock to that part of the country to traffic in the votes of these deluded and ignorant people, shall Africanize the State by first making the issue between the races, and then exerting the powers of the Federal Government to give the preponderance to the black race. It is a crime to bring war into a land, it is a crime to sow discord, and yet that has been the business of these adventurers; and not satisfied with making that issue, the issue of race, the white man against the black man, intellect against ignorance, superiority of race against inferiority of race, but they call in the strong arm of the Federal Government, and, as lawlessly, as shamelessly was done by Durell and Williams in the case of Louisiana, they insist that the preponderance shall be against the white men of those States. That is the issue for the North to contemplate.

I believe that all that is asked by the people of the North is justice and law and peace in the southern country; and to whom must you leave it? You must leave it to those who can effect it—to the intelligence, to the virtue and character of the citizens of these States. It is to them the sympathy, the favor, the countenance of the other States must be given. Why, sir, what would be thought of the proposition that the poor black man of the South should be denied the services of the skillful white physician in case of the illness of himself or his family? What would be thought if when his life was in danger under a false charge in some court of justice the ablest white lawyer should not be allowed to step forward to his aid? And yet these are two of the ordinary tasks of law and medicine—the care of the body and the safety of the person from assault—which after all do not require half the powers, half the skill needed for the establishment of a good government and good laws. The most difficult task assigned to mankind is for man to govern his fellows wisely and with proper restraints; and that is to be denied to these people; they are to recruit their government either from corruption or from ignorance; and this is to be done, God save the mark, in the name of philanthropy!

Sir, it is not my disposition ever to deny the existence of things as they are. I meet the truth, however unpalatable, face to face; and he, I think, in a representative government serves the people best who tells them the truth, and endeavors to point out to them the just issues that must ensue from its consideration.

I said the principle involved goes far beyond the community of Louisiana. It is her case to-day; it may be the case of any other State to-morrow, and we may well consider our conduct in this regard. Let every man who stands take heed lest he fall, and let no man suppose that his feet are so securely planted that he may not fall, or any State suppose it; because when this example is once established, and this principle once admitted, who shall tell what future political majorities may do? Who shall tell how they may be composed? Who shall tell how perfectly reckless and wild may be their action? You have seen that one of your own creatures, this man Warmoth, can, almost single-handed say your committee, give a State over to your political opponents. Take from that your lesson. Such men as he, such men as his associates, are edged tools, and those who play with them play a most dangerous game. The safety of this country is in the good character of its people. It is in that scrupulous good faith which none but honest men can understand, and none but honest men are willing to apply under all and every circumstance.

[The communication referred to by Mr. SHERMAN, during the course of Mr. BAYARD'S speech, is as follows:

STATE OF LOUISIANA, EXECUTIVE DEPARTMENT,
New Orleans, February 5, 1874.

DEAR GENERAL: The inclosed gives a more detailed account of the status of our "fusion" members than the list telegraphed to-day.

Yours, H. CONQUEST CLARKE,
Pr. Secretary.

Hon. J. R. WEST,
United States Senator, Washington.

The following is the inclosure referred to:

The fusionists hitherto acting with McEnery, who have taken seats in our house are the following: W. S. Cockerham, Bienville Parish; E. D. Estelle, Saint Landry; T. Fontelieu, Vermilion; T. J. Humbel, Caldwell; J. P. Harris, Point Coupee; Paul Jones, Cameron; W. K. Johnson, Avoyelles; A. C. Bickam, Washington; W. H. Kirkman, Calcasieu; V. O. King, Orleans; Isaac F. Little, Saint Landry; W. F. Moreland, Claiborne; T. W. Norris, Franklin; T. Price, Claiborne; L. D. Prescot, Saint Landry; J. F. Smith, Sabine; J. R. Smart, Vernon; L. Trahan, Lafayette.

The fusionists entitled to seats in our house who have not taken their seats are as follows: J. B. Eustis, fourth district, New Orleans; J. Garadel, Sixth ward, New Orleans; E. H. McCaleb, Third ward, New Orleans; J. A. Shakespeare, Second ward, New Orleans; W. A. Strong, parish of Winn; H. F. Vickers, parish of Richland.

There are also five or six persons returned by fusion board not returned by legal board, who are now contesting the seats of those returned by legal board, thus acknowledging the legality of the Legislature. This applies to both house and senate.

In the Senate: S. M. Thomas, F. Daigle, old senators who went over to McEnery and have now returned; not taken oath of office, and entitled to his seat, B. F. Jonas.

The fusion contestants (senate) are as follows: J. F. Kelly, E. M. Graham, C. I. C. Puckette, J. W. McDonald.

Fusionists unseated: E. Booth, A. Voorhies.]

Mr. MORTON. Mr. President, I desire to reply very briefly to the remarks of the Senator from Delaware [Mr. BAYARD] as connected with the amendment which he has offered to the bill presented by the Senator from Wisconsin. That amendment is not that a new election shall be ordered in Louisiana, but that the President shall proclaim all authority withdrawn from Kellogg and his government; in other words, that the President shall recognize what is known as the McEnery government.

The Senator began by a eulogy upon the report made by the majority of the Committee on Privileges and Elections at the last session, carefully referring to my minority report, and indorsing and relying upon the report of the majority. The Senator from Wisconsin must be good authority so far as the facts of this case are concerned to all who are upon the other side. The most of the argument that has been made has been but an amplification of what the Senator from Wisconsin has said. That report, which the Senator from Delaware indorses, corroborated and sustained by the speeches of the Senator from Wisconsin on several occasions while this question has been before the Senate, pronounces the McEnery government in its length and breadth a monstrous fraud, nothing more and nothing less; and when the Senator asks the President of the United States to recognize McEnery, he is asking the President to recognize a fraud the most monstrous known to any election in this country.

Now, to show how the report which the Senator indorses establishes this pretended McEnery government as a fraud, as an imposture, as an utter wickedness, I would ask the Secretary to read from the report of the majority of the committee the part that I have marked.

The Chief Clerk read as follows:

First. A careful consideration of the testimony convinces us that had the election of November last been fairly conducted and returned Kellogg and his associates and a Legislature composed of the same political party would have been elected. The colored population of that State outnumbers the white, and in the last election the colored voters were almost unanimous in their support of the republican ticket. Governor Warmoth, who was elected by the republicans of the State in 1868, had passed into opposition, and held in his hands the entire machinery of the election. He appointed the supervisors of registration, and they appointed the commissioners of

election. The testimony shows a systematic purpose on the part of those conducting the election to throw every possible difficulty in the way of the colored voters in the matter of registration. The polling places are not fixed by law, and at the last election they were purposely established by those conducting the election at places inconvenient of access in those parishes which were known to be largely republican, so that in some instances voters had to travel over twenty miles to reach the polls. The election was generally conducted in quiet, and was, perhaps, unusually free from disturbance or riot. Governor Warmoth, who was the master-spirit in the whole proceeding, seems to have relied upon craft rather than violence to carry the State for McEnery. In the canvass of votes which determined the McEnery government to be elected the votes of several republican parishes were rejected.

The testimony shows that leading and sagacious politicians of the State, who were acting with Warmoth, entertained the opinion before the election that Warmoth's control of the election machinery was equivalent to 20,000 votes; and we are satisfied, by the testimony, that this opinion was well founded. We believe that had registration been accessible to all, and polling places been properly established, the result of the election would have been entirely different. And although we cannot approve of such a canvass as that made by the Lynch board, who seem to have acted upon the principle of "fighting the devil with fire," and circumventing fraud by fraud, and cannot say that Kellogg's government was elected, nevertheless we believe that Kellogg's government was defeated, and the popular voice reversed, by the fraudulent manipulation of the election.

If the Senate should be inclined not to go behind the official returns of the election, then the McEnery government and Legislature must be recognized as the lawful government of the State, and McMillen, if regularly elected by that Legislature, should be seated in the Senate in place of Kellogg. But your committee believe that this would be recognizing a government based upon fraud, in defiance of the wishes and intention of the voters of that State.

Mr. MORTON. There, Mr. President, is the character given to this celebrated McEnery government by the report which the Senator indorses. The report says that to recognize the McEnery government would be recognizing a government based upon fraud; and now if the McEnery government is a fraud, and the Kellogg government is a fraud, the United States Government will not interfere at all but will leave the parties just as it finds them. A court of equity never interferes in behalf of a party whose hands are not clean, who has himself been connected with a fraud or with a wrong.

Mr. CARPENTER. The question is, whether they will not in this case interfere on behalf of the people and relieve them of the fraud committed by both parties.

Mr. MORTON. My friend from Wisconsin now comes in to the support of his friend from Delaware, although his friend from Delaware is insisting on a recognition of what the Senator from Wisconsin says is a fraud. My two friends had better settle this among themselves. If the McEnery government is such a fraud as described by this committee, I ask with what show, I ask with what purpose, can the Congress of the United States be asked to interfere and to pass a bill calling upon the President of the United States to recognize that fraud?

Sir, the republican party of Louisiana had a majority of from ten to twenty thousand; it was notoriously in the majority. This report shows it. It is not denied; it will not be denied. And it was not a small majority, but a large majority, and that majority was overcome by fraud, an enormous, systematic, organized fraud; and now it is proposed to utilize the fraud, to garner up the fruit of the fraud, and put the fraud into office, and to invest it with the powers of the State.

Suppose, Mr. President, that the governor of the State of Kentucky should desert his party, that party having a majority of twenty-five or thirty thousand in the State. Suppose under the laws of Kentucky he had the machinery of election in his own hands, and going over to the republican party, notoriously in the minority, he should by the manipulation of that machinery give to the republican party a majority and put that party in power, and then I should come into the Senate of the United States and insist that Congress should enforce that fraud, should carry it out—a fraud by which the minority was to be placed in power over a notorious majority—then that would be the case of Louisiana reversed. If McEnery had a majority of the votes actually polled, it was through the fraud practiced in that election; so says the report; so says the Senator from Wisconsin. McEnery is the creation of Warmoth. They were united in the election, and they cannot be separated in the Senate. The fruit cannot be cut off from the tree and carried off and all knowledge of the tree lost sight of. They were united in the election by a Siamese ligament which cannot be severed without death to both.

When the Senator from Wisconsin says that the election was null and void for fraud, we can understand what that is; but when the pretense is made in the Senate that there has been a great wrong in Louisiana, that the wrong has triumphed and the right has been suppressed, and then it is asked to take up a notorious wrong, a palpable fraud, a confessed fraud, and put that fraud into office, and that Congress shall become the instrument of putting into power what the committee has reported to be a monstrous fraud, I cannot conceal my amazement.

My friend from Wisconsin asked me a while ago if Congress should not interfere to protect the people of Louisiana against fraud. What people? Who are the people of Louisiana? Are they the minority or the majority? I suppose when you speak of "the people" you speak of the mass of the people. It is certainly as proper to call the majority the people as the minority, although the minority may have a more popular color, the most of them, than the majority have. Why, sir, the majority were overslaughed in that election, confessedly by the report of my friend from Wisconsin. There it is in black and white over his own signature, that the majority of the people were overslaughed by a fraud, and that but for that fraud the result of the election would have been entirely different. Yet my friend talks about protecting the rights of the people! In other words, the minority who succeeded nominally in an election by a gross fraud shall be put into power over the majority, overslaughed and trampled down by a confessed and declared fraud!

Mr. President, if we are to go to the substance of things, let us do so, and put away the forms and shadows; and how does the matter stand this day? Confessedly a majority of the people of Louisiana are of the politics and sentiments of Governor Kellogg, and a minority only of the sentiments and politics of Mr. McEnery. Not only so, that minority is largely diminished by the unwillingness of the great mass of that minority, as I believe, to have an interference in the election on the part of Congress in any manner or form. While the democratic party of Louisiana did not vote for Mr. Kellogg and would not vote for him if he were a candidate to-morrow, yet I have reason to believe, and I do believe, that the great body of that party are utterly opposed to any congressional intervention. They want peace and they want order. The government of that State is going on well, whatever may be said to the contrary. And when we talk about protecting the rights of the people of Louisiana, it simply means protecting the rights of a small minority secured by fraud over the majority.

Sir, it is not a partisan question; it is not a southern question; it is a national question. Whether the majority were republicans or democrats can make no difference and ought not to make any difference in the settlement of the question. It rises far above all party considerations. But when we hear so much said about the wickedness of Kellogg and the wickedness of the leaders of the republican party down there, and the wickedness of the Government and the crime of the Attorney-General, I must refer to the fact that we find it of record by this committee whose report is relied upon as the foundation of this whole proceeding that this pretended McEnery government is a monstrous fraud, begotten in fraud and born in iniquity.

I did not intend, Mr. President, to say anything more about this question; but the inconsistency is too monstrous. Senators cannot take that report and use a portion of it to make out a case and reject another part, and when they present to us the McEnery government we point them to the report where it is duly certified and borne out by the evidence, overwhelmingly borne out by the evidence, that the McEnery government is a fraud from beginning to end and nothing but a fraud; and when it is proposed to put that government in power it is a simple proposition to utilize the fraud, to make the fraud bear fruit and to reap the benefit of it.

Mr. CONOVER. I move that the Senate proceed to the consideration of executive business.

Mr. SCOTT. Before that motion is made, if no other Senator desires to take the floor on the Louisiana question, I should like to have the bill in relation to the Louisville and Portland Canal taken up so that it may be proceeded with to-morrow.

Mr. CARPENTER, (Mr. STEVENSON in the chair.) I hope that will not be done. I hope this bill will be disposed of before any other business is taken up. It is time now perhaps to go to the consideration of executive business to-day; but if no other Senator desires to speak, let us conclude this matter to-morrow. I do not want to take up any time in debate that is not necessary and proper, but I want the bill treated like a business bill.

Mr. SCOTT. I will withhold my motion until to-morrow and the Senator from Florida may renew his motion.

Mr. STOCKTON. I beg leave to request the Senator from Florida to withdraw his motion for a single moment. I simply wish to take the floor on the Louisiana bill.

Mr. CONOVER. I withdraw the motion for the Senator from New Jersey.

Mr. STOCKTON. Mr. President——

Mr. CONOVER. I now renew my motion.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-four minutes spent in executive session the doors were reopened, and (at five o'clock and ten minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *April* 20, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of Saturday last was read and approved.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the first business in order is the call of the States and Territories, beginning with the State of Maine, for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back on motions to reconsider. Under this call memorials and resolutions of State and territorial Legislatures may be presented for reference and printing. The morning hour begins at eight minutes after twelve o'clock.

CATHARINE A. WINSLOW.

Mr. PIERCE introduced a bill (H. R. No. 3031) granting a pension

to Catharine A. Winslow, widow of the late Rear-Admiral John A. Winslow; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

UNITED STATES COURTS IN NEW YORK.

Mr. DUELL introduced a bill (H. R. No. 3032) to change the time for holding the terms of the district and circuit courts of the United States for the northern district of New York; which was read a first and second time, referred to the Committee on Revision of the Laws of the United States, and ordered to be printed.

ABOLITION OF GRADE OF COMMODORE.

Mr. O'BRIEN introduced a bill (H. R. No. 3033) to abolish the grade and rank of commodore in the Navy of the United States; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

INDIANS IN UNITED STATES COURTS.

Mr. O'BRIEN also introduced a bill (H. R. No. 3034) to authorize nations and tribes of Indians in their corporate capacity, and individual members and citizens thereof, to sue and be sued in the courts of the United States of America; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JOHN G. WATTS.

Mr. COBB, of North Carolina, introduced a bill (H. R. No. 3035) for the relief of John G. Watts, late postmaster at Williamston, North Carolina; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DAVENPORT FEMALE COLLEGE, NORTH CAROLINA.

Mr. VANCE introduced a bill (H. R. No. 3036) for the relief of the trustees of Davenport Female College, in the State of North Carolina; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM HEDGEPETH.

Mr. BELL introduced a bill (H. R. No. 3037) for the relief of William Hedgepeth, of Cobb County, Georgia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN W. TUGGLE.

Mr. BELL also introduced a bill (H. R. No. 3038) for the relief of John W. Tuggle, of Hall County, Georgia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JONES & FULLER.

Mr. BELL also introduced a bill (H. R. No. 3039) for the relief of Jones & Fuller, of Habersham County, Georgia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ANNE ELIZA BROWN.

Mr. BROMBERG (by request) introduced a bill (H. R. No. 3040) granting a pension to Anne Eliza Brown, widow of Colonel Harvey Brown, United States Army; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALABAMA CIRCUIT COURT.

Mr. WHITE introduced a bill (H. R. No. 3041) to change the time of holding the spring term of the circuit court of the United States for the southern district of Alabama; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

COMPENSATION OF THE PRESIDENT.

Mr. SOUTHARD introduced a bill (H. R. No. 3042) to amend an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1874, and for other purposes," approved March 3, 1873, and to fix the compensation of the President of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

NANCY CURRY.

Mr. DURHAM introduced a bill (H. R. No. 3043) granting a pension to Nancy Curry, widow of O. P. Curry, who was a member of Company L, Thirteenth Regiment Kentucky Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REFUND OF TAXES.

Mr. ATKINS introduced a bill (H. R No. 3044) to refund to H. Johnson and certain other citizens of Tennessee taxes illegally collected from them; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SURVEY FOR SHIP-CANAL.

Mr. ATKINS also introduced a joint resolution (H. R. No. 89) directing a survey for a canal from New Orleans through Barataria Bay to the Gulf of Mexico; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MARTHA C. CAPPS.

Mr. CRUTCHFIELD introduced a bill (H. R. No. 3045) granting a pension to Martha C. Capps, widow of William F. Capps, late a private of Company F, Twelfth Tennessee Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STERLING A. MARTIN.

Mr. HOLMAN introduced a bill (H. R. No. 3046) for the relief of Sterling A. Martin, late a private in Company I, Thirty-seventh Regiment of Indiana Volunteers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EDWIN R. FOSTER.

Mr. CLEMENTS introduced a bill (H. R. No. 3047) for the relief of Edwin R. Foster, late lieutenant Company G, Eightieth Illinois Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES ARNOLD.

Mr. FORT introduced a bill (H. R. No. 3048) to grant a pension to James Arnold, of the Kentucky Militia in the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

HOMESTEAD LAW.

Mr. WARD, of Illinois, introduced a bill (H. R. No. 3049) amendatory of the homestead law; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

RIGHT OF SUFFRAGE.

Mr. HYDE introduced a bill (H. R. No. 3050) to amend an act entitled "An act to enforce the rights of citizens to vote in the several States of this Union and authorizing judges of the United States circuit courts to establish election precincts in certain cases for the election of Representatives and Delegates in Congress;" which was read a first and second time, referred to the Committee on Elections, and ordered to be printed.

LITTLE COTTONWOOD CAÑON TOLL-ROAD.

Mr. BRADLEY introduced a bill (H. R. No. 3051) granting the right of way over the public lands for a toll-road in Little Cottonwood Cañon, in Salt Lake County, Utah Territory; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

JAMES C. NELSON.

Mr. RUSK introduced a bill (H. R. No. 3052) granting a pension to James C. Nelson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WISCONSIN BATTLE-FLAGS.

Mr. ELDREDGE presented a joint resolution of the Legislature of the State of Wisconsin, asking for the return of the battle-flags and other trophies captured by Wisconsin soldiers during the war, the same to be placed in the historical rooms of the capitol at Madison, in said State; which was referred to the Committee on Military Affairs, and ordered to be printed.

HENRY A. NAGLEE.

Mr. HOUGHTON introduced a bill (H. R. No. 3053) for the relief of Henry A. Naglee; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES M. LEE.

Mr. DUNNELL introduced a bill (H. R. No. 3054) for the relief of James M. Lee; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

TAX ON SALE OF STOCKS, BONDS, ETC.

Mr. STARKWEATHER introduced a bill (H. R. No. 3055) levying a tax on the sale of stocks, bonds, gold and silver bullion, coin, promissory notes, and other securities in certain cases, and for other purposes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

EASTERN BAND OF CHEROKEE INDIANS.

Mr. BUTLER, of Tennessee, introduced a bill (H. R. No. 3056) for the relief of the Eastern band of Cherokee Indians; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JAMES BRITT.

Mr. BUTLER, of Tennessee, also introduced a bill (H. R. No. 3057) for the relief of James Britt, late a private Company H, Thirteenth Tennessee Cavalry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ADELBERT C. FASSETT.

Mr. WILBER introduced a bill (H. R. No. 3058) for the relief of Adelbert C. Fassett, late second lieutenant Sixteenth Independent Battery of Artillery New York Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

TAX ON NATIONAL-BANK CIRCULATION.

Mr. BECK introduced a bill (H. R. No. 3059) to amend the internal-

revenue laws and increase the tax on the circulation of national banks from one-twelfth to one-quarter of 1 per cent. per month; which was read a first and second time.

The SPEAKER. The bill will be referred to the Committee on Banking and Currency, and ordered to be printed.

Mr. BECK. It should go to the Committee on Ways and Means.

Mr. MAYNARD. In my judgment it ought to go to the Committee on Banking and Currency.

Mr. BECK. I think not. It is now in the internal-revenue laws, and the bill proposes to amend the provision of law in that respect. The taxing of bank circulation has nothing to do with the duties of the Committee on Banking and Currency.

Mr. MERRIAM. This is intended to wipe national banks out of existence.

Mr. BECK. The bill provides for an amendment to the internal-revenue laws, which subject is under the charge of the Committee on Ways and Means.

Mr. MAYNARD. A tax upon the national banks is not a matter belonging to the internal-revenue law, but to the law in reference to banking and currency, and should go to the Committee on Banking and Currency. I ask that the rule be read.

The SPEAKER. The gentleman from Tennessee [Mr. MAYNARD] asks that the rule in regard to the Committee on Banking and Currency may be read. The Clerk will read it.

The Clerk read as follows:

This committee, to consist of eleven members, is directed to be appointed at the commencement of each Congress. Its duty shall be to take into consideration all propositions relative to banking and the currency as shall be presented or shall come in question and be referred to them by the House, and to report thereon by bill or otherwise.

Mr. DAWES. I should like now to have the rule in regard to the Committee on Ways and Means read.

The SPEAKER. The rule will be read.

The Clerk read as follows:

There shall be appointed, at the commencement of each Congress, a Committee on Ways and Means, to consist of eleven members. It shall be the duty of the Committee on Ways and Means to take into consideration all reports of the Treasury Department, and such other propositions relating to raising revenue and providing ways and means for the support of the Government as shall be presented or shall come in question and be referred to them by the House.

Mr. DAWES. It is very evident, Mr. Speaker, that there is a concurrent jurisdiction here. The bill raises revenue, and it also pertains to banks and banking. It has always been the usage that all these tax questions shall go before the Committee on Ways and Means. This tax was originated there and entered into the internal-revenue law, and it seems to me that the Committee on Ways and Means is the place where the bill should go.

The SPEAKER. It is a question for the House and not for the Chair to decide.

Mr. COX. I wrote that rule myself, and the object of it was that all bills that raised revenue should go to the Committee on Ways and Means, all questions as to the kind of money to the Committee on Banking and Currency, and all matters of paying it out to the Committee on Appropriations. It was not intended that there should be any concurrent jurisdiction between the various committees. Every matter of taxation naturally goes to the Committee on Ways and Means.

Mr. RANDALL. If I understand it rightly, the whole of the revenue derived by the Government from the banks is under the general banking act, and is paid directly into the Treasury of the United States.

Mr. BECK. No, sir; it is under the internal-revenue law.

The SPEAKER. The gentleman from Kentucky [Mr. BECK] presents a bill which he moves shall be referred to the Committee on Ways and Means. The gentleman from Tennessee moves so to amend the motion as to refer it to the Committee on Banking and Currency. The question is on the amendment of the gentleman from Tennessee.

Mr. HAWLEY, of Illinois. I ask that the bill may be read.

Mr. MAYNARD. The effect of the bill is to tax the national banks out of existence.

Mr. BECK. It is no such thing. I contradict that.

Mr. MAYNARD. It is not a revenue measure; it is a banking and currency measure.

The SPEAKER. The Clerk will read the title of the bill.

The Clerk read as follows:

A bill so to amend the internal-revenue laws as to increase the tax on the circulation of national banks from one-twelfth to one-quarter of 1 per cent. per month.

Mr. MAYNARD. The internal-revenue law does not impose any tax on national banks. The tax is imposed by the law creating the banks, the act of 1864. The tax is not collected by the internal-revenue officers. It is paid in through the Comptroller of the Currency, and goes directly into the Treasury of the United States without the intervention in any way or form of the Internal-Revenue Office.

Mr. BECK. The tax is part of the internal-revenue law, and is so put in all the compilations of the laws.

Mr. HAWLEY, of Illinois. I wish to inquire of the Chair if at the time the banking law was passed there was a Committee on Banking and Currency?

The SPEAKER. There was not. The banking law was passed in 1864, in the Thirty-eighth Congress.

Mr. HAWLEY, of Illinois. From what committee would it have naturally come?

The SPEAKER. At that time the Committee on Ways and Means comprehended all the duties now devolving on that committee, the Committee on Appropriations, and the Committee on Banking and Currency.

Mr. HAWLEY, of Illinois. As I understand the proposition, it is to tax the banks. I ask that the bill be read.

The SPEAKER. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, &c., That from and after the 1st day of July, 1874, there shall be levied, collected, and paid a tax of one-fourth of 1 per cent. per each month upon the average amount of circulation issued by any banking association, corporation, company, or person, including as circulation all certified checks and all notes and other obligations calculated or intended to circulate or be used as money; and all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Mr. RANDALL. That changes the whole character of the general banking law.

Mr. BECK. It is precisely word for word as it is now in the internal-revenue law, except that one-quarter of 1 per cent. is substituted for one-twelfth of 1 per cent.

Mr. MAYNARD. The internal-revenue law taxes all private banks, banking associations, &c., but not national banks. The object of this is to strike at the national banks.

The SPEAKER. The question is on the motion of the gentleman from Tennessee to amend the motion of the gentleman from Kentucky to refer the bill to the Committee on Ways and Means, by striking out "Ways and Means" and inserting "Banking and Currency."

The question being taken, there were—ayes 61, noes 52.

Mr. BECK. I call for the yeas and nays.

Mr. DAWES. I hope the gentleman from Tennessee will not consume the time by insisting on this bill going to his committee.

Mr. MAYNARD. It is not consuming time.

Mr. DAWES. The gentleman is undertaking to take the taxing power away from the Committee on Ways and Means.

The yeas and nays were ordered.

The question was taken; and there were—yeas 111, nays 102, not voting 77; as follows:

YEAS—Messrs. Albert, Albright, Averill, Barrere, Barry, Bass, Biery, Bradley, Burleigh, Roderick R. Butler, Cannon, Cason, Clinton L. Cobb, Conger, Cook, Cotton, Creamer, Crooke, Crounse, Crutchfield, Darrall, Donnan, Duell, Dunnell, Durham, Elliott, Farwell, Fort, Frye, Gunckel, Hagans, Hamilton, Harmer, Harrison, Hathorn, Havens, Joseph R. Hawley, Hays, John W. Hazelton, Hendee, Hooper, Hoskins, Houghton, Howe, Hubbell, Hunter, Hynes, Kellogg, Lamport, Lansing, Lawrence, Lawson, Lewis, Lofland, Lynch, Martin, Maynard, James W. McDill, MacDougall, McJunkin, Merriam, Monroe, Moore, Morey, Negley, Nunn, O'Neill, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Pelham, Phelps, Phillips, Poland, Pratt, Rainey, Randall, Rapier, Ray, Rice, Richmond, Rusk, Sawyer, Henry B. Sayler, Sessions, Sheats, Lazarus D. Shoemaker, Smart, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, Snyder, Sprague, Starkweather, Strait, Thornburgh, Tremain, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Wilber, George Willard, John M. S. Williams, William Williams, Wilshire, James Wilson, and Woodworth—111.

NAYS—Messrs. Adams, Archer, Arthur, Atkins, Banning, Barber, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buffinton, Burchard, John B. Clark, jr., Clayton, Clements, Clymer, Comingo, Cox, Crittenden, Crossland, Curtis, Danford, Davis, Dawes, DeWitt, Eldredge, Field, Foster, Garfield, Giddings, Glover, Gooch, Eugene Hale, Robert S. Hale, Benjamin W. Harris, Henry R. Harris, Hatcher, John B. Hawley, Gerry W. Hazelton, Hereford, Herndon, George F. Hoar, Holman, Hyde, Jewett, Kasson, Kelley, Kendall, Killinger, Knapp, Lamar, Lamison, Leach, Loughridge, Lowndes, Luttrell, Magee, McCrary, Alexander S. McDill, McLean, Mellish, Milliken, Mills, Myers, Neal, Niblack, O'Brien, Hosea W. Parker, Pierce, Read, Robbins, Ellis H. Roberts, James W. Robinson, Milton Sayler, Sener, Sheldon, Sloss, John Q. Smith, Southard, Standiford, Stone, Storm, Sypher, Christopher Y. Thomas, Vance, Waldron, Walls, Wells, Whitehead, Whitthorne, Charles W. Willard, William B. Williams, Willie, Jeremiah M. Wilson, Wolfe, Wood, and Pierce M. B. Young—102.

NOT VOTING—Messrs. Ashe, Barnum, Begole, Buckner, Bundy, Burrows, Benjamin F. Butler, Cain, Caldwell, Cessna, Amos Clark, jr., Freeman Clarke, Stephen A. Cobb, Coburn, Corwin, Crocker, Dobbins, Eames, Eden, Freeman, Hancock, John T. Harris, Hersey, E. Rockwood Hoar, Hodges, Hunton, Hurlbut, Lowe, Marshall, McKee, McNulta, Mitchell, Morrison, Nesmith, Niles, Parsons, Pendleton, Perry, Pike, James H. Platt, jr., Thomas C. Platt, Potter, Purman, Ransier, William R. Roberts, James C. Robinson, Ross, John G. Schumaker, Scofield, Henry J. Scudder, Isaac W. Scudder, Shanks, Sherwood, Sloan, Small, George L. Smith, William A. Smith, Speer, Stanard, Stephens, St. John, Stowell, Strawbridge, Swann, Taylor, Charles R. Thomas, Todd, Townsend, Tyner, Waddell, Wallace, Wheeler, Whitehouse, Charles G. Williams, Ephraim K. Wilson, Woodford, and John D. Young—77.

So the amendment was agreed to.

During the roll-call,

Mr. CALDWELL said: I was not within the bar when my name was called; if I had been, I should have voted "no."

The result of the vote having been announced as above recorded, the question recurred upon the motion, as amended, to refer the bill to the Committee on Banking and Currency.

Mr. BECK. Have I the right to withdraw the bill now?

The SPEAKER. The Chair thinks not.

Mr. BECK. I do not care about the bill being sent to a committee to be smothered.

Mr. RANDALL. It will not be smothered. I deny that.

Mr. BECK. Very well; I will not withdraw it.

The motion, as amended, was agreed to.

So the bill was referred to the Committee on Banking and Currency.

PROPRIETORS OF BONDED WAREHOUSES.

Mr. MERRIAM introduced a bill (H. R. No. 3060) to regulate the responsibility of Government and bonded-warehouse proprietors for

merchandise while in their custody; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

TITLE TO PUBLIC LANDS.

Mr. PHILLIPS introduced a bill (H. R. No. 3061) providing for appeals in cases involving titles to public lands; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CLAIMS TO PUBLIC LANDS.

Mr. PHILLIPS also introduced a bill (H. R. No. 3062) to provide for appeals in cases involving claims to public lands; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

KANSAS PACIFIC RAILROAD COMPANY.

Mr. FOSTER (by request) introduced a bill (H. R. No. 3063) for the collection of money and recovery of lands wrongfully withheld by the Kansas Pacific Railway Company from the United States; which was read a first and second time, referred to the Committee on the Pacific Railroad, and ordered to be printed.

EDWIN EBERT.

Mr. HAVENS introduced a bill (H. R. No. 3064) for the relief of Edwin Ebert; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN FISHER.

Mr. BASS introduced a bill (H. R. No. 3065) to remove the charge of desertion from private John Fisher, Company E, Second Regiment New York Mounted Rifle Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

INDEPENDENCE OF CUBA.

Mr. POLAND introduced a joint resolution (H. R. No. 90) for the recognition of the independence of Cuba; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

LUCINDA MAGUIRE.

Mr. CROSSLAND introduced a bill (H. R. No. 3066) for the benefit of Lucinda Maguire; which was read a first and second time, referred to the Committee on War Claims, and, with the accompanying memorial, ordered to be printed.

HENRY BATTY.

Mr. BARRY introduced a bill (H. R. No. 3067) for the relief of Henry Batty; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN H. RABUN.

Mr. BARRY also introduced a bill (H. R. No. 3068) for the relief of John H. Rabun, of Choctaw County, Mississippi; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM A. MUSGROVE.

Mr. HUNTON, (on behalf of Mr. HARRIS, of Virginia,) introduced a bill (H. R. No. 3069) for the relief of William A. Musgrove; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ALEXANDER DERCOURT.

Mr. LAMPORT introduced a bill (H. R. No. 3070) for the relief of Alexander Dercourt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PROTECTION OF TELEGRAPH LINES.

Mr. McCORMICK introduced a bill (H. R. No. 3071) to protect lines of telegraph constructed or used by the United States from malicious injury and obstruction; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARY WOOLEY.

Mr. BANNING introduced a bill (H. R. No. 3072) granting a pension to Mary Wooley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DIPLOMATIC SYSTEM.

Mr. BANNING also introduced a bill (H. R. No. 3073) to amend section 19 of the act approved August, 1856, entitled "An act to regulate the diplomatic and consular systems of the United States;" which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

ADRIAN S. LEE.

Mr. HENDEE introduced a bill (H. R. No. 3074) granting a pension to Adrian S. Lee, of Jericho, Vermont: which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

H. G. BOARDMAN.

Mr. HENDEE also introduced a bill (H. R. No. 3075) for the relief of H. G. Boardman, postmaster at Milton, Vermont; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

INDIAN DEPREDATIONS IN NEW MEXICO.

Mr. ELKINS introduced a bill (H. R. No. 3076) authorizing payment to certain citizens of New Mexico for Indian depredations; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ISAAC ANDREWS.

Mr. BUNDY introduced a bill (H. R. No. 3077) granting a pension to Isaac Andrews, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

FORT ABERCROMBIE MILITARY RESERVATION.

Mr. AVERILL introduced a bill (H. R. No. 3078) for the relief of the settlers upon that portion of the old reservation of Fort Abercrombie subject to rule under the act to provide for the disposition of useless military reservations, approved February 24, 1871; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

FREDERICK HEIDELMAN.

Mr. HAWLEY, of Illinois, introduced a bill (H. R. No. 3079) for the relief of Frederick Heidelman, late a private of Company F, Forty-fifth Regiment New York Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

NEW YORK SENECA INDIANS.

Mr. HARRIS, of Massachusetts, by unanimous consent, reported from the Committee on Indian Affairs a bill (H. R. No. 3080) to authorize the Seneca Nation of New York Indians to lease lands within the Cataraugus and Alleghany reservations and to confirm existing leases; which was read a first and second time, ordered to be printed, and recommitted to the Committee on Indian Affairs.

MONDAY MORNING BUSINESS.

The SPEAKER. The morning hour has just now expired. The Chair desires to call the attention of the House to the operation of the rule every Monday morning. The Clerk will read the rule as given in Barclay's Digest and also the rule as given in the Rules of the House. There is a typographical error which has crept into the Digest, and which has misled many gentlemen.

The Clerk read as follows:

Except during the last ten days of the session the Speaker shall not entertain a motion to suspend the rules of the House at any time, except on Monday of every week, at the expiration of one hour after the Journal is read, unless the call of States and Territories for bills on leave has been earlier concluded, when the Speaker may entertain a motion to suspend the rules.

The SPEAKER. The Chair was misled by this rule himself some two or three weeks ago and entertained a motion to suspend the rules at the close of the call for bills and joint resolutions on leave. The Clerk will read that portion of Rule 145 which relates to this subject.

The Clerk read as follows:

Nor shall the Speaker entertain a motion to suspend the rules, except during the last ten days of the session, and on Monday of every week at the expiration of one hour after the Journal is read [April 26, 1828] unless the call of States and Territories for bills on leave and resolutions has been earlier concluded, when the Speaker may entertain a motion to suspend the rules.

The SPEAKER. That involves the second call of the States, which members of former Congresses are familiar with. There has not been a second call of the States for resolutions during this Congress. In order to avoid that call every Monday morning, and to avoid the precipitating of legislation upon the House under the previous question, the practice has been by some means or other to delay the conclusion of the call for bills and joint resolutions for reference, so that nothing is done in reference to that second call except the wasting of thirty or forty minutes every Monday morning. Gentlemen are aware that this second call, even when reached, has rarely gone beyond the New England States. The rules provide that it shall begin with the State of Maine, and after once going through the States proceed back in the reverse order, but the Chair has hardly ever known the call to reach as far as the Middle States.

Mr. WOOD. In connection with this subject, may I be permitted to ask whether the Speaker still holds that under the call for resolutions, as provided in the old rule, a member may present a bill and ask to have it put on its passage?

The SPEAKER. Undoubtedly, if previous notice has been given. While that is the rule, however, the Chair does not think it a wise rule. Its operation is that, to avoid the presentation of bills for action, members, whenever there is a likelihood of reaching the second call, consume the time by asking for the reading of bills or by calling the yeas and nays, as was done this morning upon the question raised between the gentleman from Tennessee [Mr. MAYNARD] and the gentleman from Kentucky, [Mr. BECK.] If this portion of the rules were made to conform to the manner in which it reads in the Digest the second call would be dispensed with; and as soon as the first call for the introduction of bills and joint resolutions had been concluded, the House could proceed to other business.

Mr. WOOD. If the Chair will permit, I would suggest to the Speaker, as the chairman of the Committee on Rules, that inasmuch as this second call, under the rule or under the construction of it, commences with the State of Maine, that State may occupy the morn-

ing hour of Monday during the whole session, without any other State being reached.

The SPEAKER. The gentleman is aware that during the last Congress the civil-rights bill, introduced by a gentleman from Maine on the second call, remained in the morning hour for seventeen consecutive weeks, and was the occasion during that time of dilatory motions to the absolute destruction of the morning hour of Monday so far as all other business was concerned.

Mr. WOOD. I am aware of that.

The SPEAKER. The Chair gives notice that the Committee on Rules (though he does not know what they will do) may possibly ask the House to act upon this subject.

ORDER OF BUSINESS.

Mr. GARFIELD. I desire to give notice that as soon as the Chair has done entertaining requests for unanimous consent I shall ask the House to go into Committee of the Whole on the legislative appropriation bill.

Mr. POLAND. I wish to make a motion to suspend the rules.

NELSON AINSLIE.

Mr. HUBBELL, by unanimous consent, introduced a bill (H. R. No. 3081) granting a pension to Nelson Ainslie; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BRIDGE ACROSS THE POTOMAC.

Mr. CHIPMAN, by unanimous consent, introduced a bill (H. R. No. 3082) authorizing the construction of a substantial bridge across the Eastern Branch of the Potomac, at or near the present navy-yard bridge; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

CORPORATIONS IN DISTRICT OF COLUMBIA.

Mr. CHIPMAN also, by unanimous consent, introduced a bill (H. R. No. 3083) to amend an act entitled "An act to provide for the creation of corporations by general law," approved May 5, 1870; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

JAMES H. CROSS.

Mr. CHIPMAN also, by unanimous consent, introduced a bill (H. R. No. 3084) for the relief of James H. Cross; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

UNIFORM RATE OF INTEREST.

Mr. KILLINGER, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Banking and Currency be instructed to inquire into the expediency of establishing by law a uniform rate of interest throughout the United States and Territories, and to report by bill or otherwise.

PROTECTION OF TEXAS FRONTIER.

The SPEAKER. At the adjournment of the House on last Monday there was pending a motion of the gentleman from Texas [Mr. GIDDINGS] to suspend the rules and pass the bill (H. R. No. 1590) to provide for the better protection of the frontier settlements of Texas against Indian and Mexican depredations. The bill will be read.

The bill was read. It authorizes the Secretary of War to construct and operate a line of telegraph, beginning at or near the city of Denison, in Grayson County, Texas; thence by the nearest practicable route to Fort Sill, Indian Territory; thence to Fort Richardson, Texas; thence along the northern frontier-line of settlements to Forts Griffin and Concho; thence to the Pecos River, at or near the mouth of Toyah Creek; thence to Fort Clarke, on Las Moras Creek; thence to Fort Duncan, on the Rio Grande; thence down the Rio Grande, via Fort McIntosh and Ringgold's Barracks, to Brownsville, so as to connect the military posts which are now, or may hereafter be, established on said line with the military headquarters of said district; and the sum of $200,000, or so much thereof as may be necessary, is appropriated out of any money in the Treasury of the United States not otherwise appropriated.

Mr. GIDDINGS. This bill has the unanimous approval of the Committee on Indian Affairs, and has been recommended by every military official in command of that frontier during the last seven or eight years. It is recommended and urged upon Congress by the Secretary of War and by Generals Sheridan and Sherman. It has also the recommendation of the Secretary of the Interior. The object of the bill appears clearly from the reading of its provisions. It is designed to connect the military posts of that frontier, situated from one hundred to two hundred and fifty miles apart, and extending over a distance of about fifteen hundred miles. By means of this telegraph-line troops can be concentrated.

Mr. GUNCKEL. Let me ask the gentleman whether he intends to permit debate on the other side?

Mr. GIDDINGS. I have no objection.

The SPEAKER. Debate is not in order except by unanimous consent.

Mr. NIBLACK. I suggest that by general consent a certain limit of time be assigned to each side.

Mr. GUNCKEL. On behalf of the Committee on Military Affairs I desire a few minutes to reply to the gentleman from Texas.

Mr. WILLARD, of Vermont. Is this bill reported from any committee?

Mr. NIBLACK. I suggest that a time be fixed for debate upon this bill.

Mr. GIDDINGS. This frontier on the northern border is subject to Indian depredations for a distance of six hundred miles, and on the western border to the depredations of Mexicans for a distance of about eight hundred miles. The military posts situated on this frontier are from one hundred to two hundred and fifty miles apart, and bands of Indians and Mexicans can pass down between them into the settlements and commit depredations and be gone before the military know anything about it. By means of this telegraph line the troops can be concentrated and the citizens upon this frontier settlement can receive timely notice of the approach of Indians or Mexicans and be prepared to defend themselves.

General Reynolds in a communication to the Secretary of War, urging the establishment of this line, says that the cost will be less than for the support of a cavalry company for one year. He urges its construction in the strongest language upon the Secretary of War, and the Secretary of War in turn urges it upon Congress.

At the last session of Congress this bill, or one substantially like it, was before the Committee on Military Affairs, and I understand they were unanimously in favor of it. At this session it was brought to the attention of the Committee on Indian Affairs, and that committee, in view of the importance and the necessities of the frontier settlers and that the amount of protection which would be afforded by the establishment of this line would be greater than could be afforded in any other way by the small amount of money which is here proposed to be appropriated, are unanimous in recommending its passage. The Secretary of War, too, is anxious that the bill should be passed at once, inasmuch as it contemplates the employment of enlisted men in the construction of the proposed telegraph line, and the work should be completed before the weather becomes excessively hot upon the plains.

I think any one, Mr. Speaker, who will take the pains to read the recommendations of the military officers in command upon the frontier, as shown in their reports and the recommendations of the Secretary of War and of the Secretary of the Interior as to the importance and necessity of this line will certainly not refuse to do this act of justice to these frontier settlers.

Mr. GUNCKEL. This is a proposition to build a line of military telegraph in Texas, and it is somewhat singular, Mr. Speaker, it should have been referred to the Committee on Indian Affairs and not to the Committee on Military Affairs, where the subject has been already under consideration.

Mr. POLAND. Is this debate in order?

The SPEAKER. It seemed to be the general understanding that the gentleman from Ohio [Mr. GUNCKEL] should have a few moments to reply to the gentleman from Texas.

Mr. GUNCKEL. As I have said, this matter has been investigated by the Committee on Military Affairs and the testimony of military officers taken in relation thereto. I think the telegraph line proposed ought to be built, but I am satisfied from our investigation that it can be built for one-third of the sum named in the pending bill, which is $200,000. General J. J. Reynolds, for several years in command in Texas, said in his testimony before the Committee on Military Affairs that all that was desired of the Government was that it should purchase the wire and the officers and soldiers would themselves construct the line. This makes an appropriation without any provision for the work being done by the men of the Army, leaving the whole thing open to contract and to be controlled by rings, who may make it a job to the great injury as well as disgrace of the Government. I think, as I said before, the line ought to be built for military and other reasons, but at one-third of the sum named in this bill. I trust, therefore, the bill will not pass in this way, but be referred to the Committee on Military Affairs, a committee which has already had the whole subject under consideration, and by which all the friends of the measure desire will be accomplished and yet a saving of over $100,000 be made to the Government.

The question recurred on seconding the motion for a suspension of the rules.

The House divided; and there were—ayes 64, noes 23; no quorum voting.

The SPEAKER appointed Mr. GIDDINGS and Mr. GUNCKEL tellers.

Mr. HAWLEY, of Connecticut. I ask the gentleman having charge of the bill to reduce the appropriation to $50,000 or $75,000, and then some members here will vote for it, who now propose to vote against it. I believe General Reynolds says he can build it for $50,000. I do not like to vote against it.

Mr. GIDDINGS. I should like to have a few minutes to explain.

The SPEAKER. The gentleman from Vermont objects to debate, and the tellers will take their places.

The House again; divided and the tellers reported—ayes 115, noes 34.

So there was a second to the motion for a suspension of the rules.

The question next recurred on the motion to suspend the rules and pass the bill.

The House divided; and there were—ayes 35, noes 38.

Mr. GUNCKEL demanded the yeas and nays.

The yeas and nays were ordered.

At the request of Mr. STARKWEATHER, the bill was again read.

Mr. KELLOGG. I hope the gentleman from Texas will reduce the appropriation from $200,000 to $50,000.

Mr. GIDDINGS. The only objection I understand to the bill is in respect to the amount proposed to be appropriated. By unanimous consent I will strike out $200,000 and insert $100,000.

Mr. GARFIELD. Say $50,000.

Mr. GUNCKEL. I beg the House to understand that the line ought to be built, and that my only objection is that the amount here named is too large. Competent military officers say the soldiers will build it themselves, and that all they want from the Government is the wire. I am willing to vote for $100,000, but no more.

Mr. GIDDINGS. The line recommended by General Reynolds was only about one-half the length of the line proposed in this bill.

Mr. GUNCKEL. About one-half, but they proposed to do it for $30,000. I do not think it ought to cost more than $60,000, but I am willing to vote for $100,000, so as to cover all it ought to cost, if constructed by the soldiers themselves, and with reasonable economy. I am willing to compromise on that amount.

The SPEAKER. The gentleman from Texas [Mr. GIDDINGS] desires to be allowed to amend the bill by inserting "$100,000" instead of "$200,000." Is there objection?

Objection was made.

The SPEAKER. Objection being made, the only way by which the gentleman from Texas can reach his object is to have the vote reconsidered by which the motion to suspend the rules was seconded.

Mr. GARFIELD. I make that motion.

The motion was agreed to.

Mr. GIDDINGS. I now move to amend the bill by striking out "$200,000" and inserting "$100,000."

The amendment was agreed to.

The rules were then suspended, (two-thirds voting therefor,) and the bill, as amended, was passed.

CENTENNIAL CELEBRATION.

Mr. KELLEY. I ask that by unanimous consent the bill (H. R. No. 2986) to appropriate $3,000,000 in aid of the centennial celebration and international exhibition in 1876 be made a special order for consideration in Committee of the Whole, to the exclusion of all other orders except appropriation bills, on Tuesday, 5th May, and from day to day thereafter until disposed of.

Mr. HALE, of Maine. Let the bill be read, that we may see what it is.

The bill was read.

Mr. HALE, of Maine. I object to the order being made.

Mr. RANDALL. This is merely asking a day in court.

Mr. MYERS. It only gives a hearing, and I hope no one will object to that.

Mr. KELLEY. I move that the rules be suspended, and that the order I have indicated be made.

The SPEAKER. The gentleman from Pennsylvania [Mr. KELLEY] asks that this bill may be considered on Tuesday, the 5th of May, and on ensuing days, if not then concluded, in Committee of the Whole, to the exclusion of all other orders except appropriation bills, and moves that the rules be suspended that that order may be made.

Mr. DAWES. I ask the gentleman to except also reports from the Committee on Ways and Means.

Mr. HAZELTON, of Wisconsin. Will the bill, if this order be made, be open to amendment?

Mr. SMITH, of Ohio. I desire to know what will be the position of this bill if this motion is not agreed to?

The SPEAKER. The bill is in Committee of the Whole on the general Calendar.

Mr. KELLEY. There are no previous orders ahead of it. I have been asked whether the bill under this order will be subject to amendments. It will come up for general consideration in Committee of the Whole.

The SPEAKER. And will be open to unlimited debate and amendments.

Mr. HAWLEY, of Connecticut. I wish the House to allow me to say a word on this matter.

Mr. HALE, of Maine. I object to debate, unless the other side, those who are seriously and honestly opposed to this measure, can be heard.

Mr. HAWLEY, of Connecticut. I am not going to debate the general question at all. I wish merely to be heard on the question of making this order.

Mr. HALE, of Maine. And I ask to be heard on the same point.

Mr. HAWLEY, of Connecticut. I desire to say a word, not on the merits of the question, but merely on the question of this special assignment of a particular day for the consideration of this bill. I beg the House to reflect that there is here a commission of gentlemen, selected from every State and Territory in the Union, who have been empowered by an act of Congress to take charge of this celebration. They have published this thing to the world. They have got ten governments to agree to come there through their representatives. They have got $4,000,000 promised. And now we want the House to hear us for an hour, or two hours, and then tell us plainly whether this thing is to be a failure, to our great shame and mortification, or whether it is to go on in a way that will reflect honor to this country. We want the House, as a tribunal, to hear the whole case and decide on it. I suppose that a two or there hours' presentation of the case would enable the House to come to a decision.

Mr. HALE, of Maine. Let me say in reply to the gentleman that as regards a measure of this kind, involving so large an amount of money, I do not think the House is prepared, at this stage of the session, to set apart a time for the consideration of this bill, which comes here without having been submitted to the scrutiny, as all other appropriation bills have to be, of the Committee on Appropriations.

Mr. KELLEY. I object to this discussion.

Mr. HALE, of Maine. I am only answering the point of the gentleman from Connecticut, [Mr. HAWLEY.] I shall not go into the merits as much as that gentleman did. I hope, as the bill is not properly here like other appropriation bills, that the House will not allow it to come in in this way.

Mr. KELLEY. It comes from the committee to whom the President's message on the subject was referred.

Mr. HALE, of Maine. I have never known before a committee of this kind to report and ask the House to put through in this way an appropriation bill involving $3,000,000.

Mr. KELLEY. I am merely asking that a day be named for the consideration of the bill.

Mr. HOLMAN. I demand the regular order.

Mr. HALE, of Maine. If the order be made it will consume a great deal of time.

Mr. MYERS. I object to further discussion.

Mr. KELLEY. I have no doubt the bill will be disposed of in one day.

Mr. PARKER, of New Hampshire. Then let the gentleman limit his motion to one day.

Mr. SMITH, of Ohio. The gentleman from Maine [Mr. HALE] was mistaken in saying that this bill is reported to the House and its passage recommended. There is no recommendation from the Committee.

Mr. HALE, of Maine. Does not the way in which it is brought before the House have the effect of a recommendation?

Mr. KELLEY. The bill was originally reported from the committee on the Centennial Celebration.

The SPEAKER. The question is, Will the House so suspend the rules as to make the order requested by the gentleman from Pennsylvania, [Mr. KELLEY,] that this bill may be considered in Committee of the Whole House, to the exclusion of all other orders, except appropriation bills, on Tuesday, May 5, and on ensuing days, if not then disposed of. The Chair appoints as tellers on the question of seconding the motion for the suspension of the rules the gentleman from Indiana, Mr. HOLMAN, and the gentleman from Pennsylvania, Mr. KELLEY.

The House divided; and the tellers reported—ayes 112, noes 37.

So the motion to suspend the rules was seconded.

The SPEAKER. The question recurs, Will the House suspend the rules and make the order requested by the gentleman from Pennsylvania?

Mr. HOLMAN. I call for the yeas and nays.

On the question of ordering the yeas and nays there were ayes 38.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

Mr. KELLEY. I ask permission of the House to state that the committee recommended this bill for consideration; they did not recommend it for adoption. As I understand that gentlemen misunderstood me; I may have made a mistake myself.

The question was taken on the motion to suspend the rules; and there were—yeas 154, nays 65, not voting 71; as follows:

YEAS—Messrs. Albert, Albright, Archer, Averill, Banning, Barry, Begole, Biery, Bright, Bromberg, Burleigh, Roderick R. Butler, Caldwell, Cason, Clayton, Clymer, Clinton L. Cobb, Comingo, Conger, Cotton, Cox, Creamer, Crooke, Crounse, Crutchfield, Curtis, Danford, Darrall, Davis, DeWitt, Duell, Dunnell, Eames, Elliott, Farwell, Field, Fort, Freeman, Frye, Glover, Gooch, Hagans, Robert S. Hale, Hancock, Harmer, Benjamin W. Harris, John T. Harris, Harrison, Hathorn, Havens, Joseph R. Hawley, Hays, John W. Hazelton, Hendee, Herndon, E. Rockwood Hoar, George F. Hoar, Hooper, Hoskins, Howe, Hubbell, Hunter, Hunton, Hurlbut, Jewett, Kelley, Kellogg, Kendall, Killinger, Lamar, Lamison, Lamport, Lawson, Leach, Lewis, Lofland, Lowndes, Luttrell, Lynch, Magee, Maynard, Alexander S. McDill, James W. McDill, MacDougall, McJunkin, McKee, Moore, Myers, Negley, Nunn, O'Brien, O'Neill, Orr, Orth, Packard, Packer, Page, Hosea W. Parker, Isaac C. Parker, Pelham, Perry, Phelps, Pierce, Pike, Poland, Purman, Ralney, Randall, Ransier, Rapier, Ray, Rice, Richmond, Ellis H. Roberts, Rusk, Sawyer, Henry B. Sayler, Sener, Sessions, Sheldon, Lazarus D. Shoemaker, Sloss, Smart, A. Herr Smith, J. Ambler Smith, Snyder, Sprague, Stanard, Starkweather, Stone, Storm, Strawbridge, Swann, Sypher, Christopher Y. Thomas, Thornburgh, Tremain, Vance, Walls, Jasper D. Ward, Marcus L. Ward, White, Whitehead, Whiteley, Whitthorne, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, Wilshire, Jeremiah M. Wilson, Wood, and Woodford—154

NAYS—Messrs. Arthur, Atkins, Barber, Barrere, Bass, Beck, Berry, Blount, Bowen, Brown, Buffinton, Burchard, Burrows, Cain, Cannon, John B. Clark, jr., Clements, Stephen A. Cobb, Cook, Crittenden, Crossland, Dawes, Donnan, Durham, Eldredge, Foster, Giddings, Gunckel, Eugene Hale, Hamilton, Henry R. Harris, Hatcher, John B. Hawley, Gerry W. Hazelton, Hereford, Holman, Hyde, Knapp, Loughridge, Lowe, McCrary, McLean, McNulta, Merriam, Milliken, Mills, Monroe, Neal, Niblack, Pratt, Read, Robbins, James W. Robinson, John G. Schumaker, Sheats, John Q. Smith, Southard, Standiford, Strait, Waldron, Charles W. Willard, James Wilson, Wolfe, John D. Young, and Pierce M. B. Young—65.

NOT VOTING—Messrs. Adams, Ashe, Barnum, Bell, Bland, Bradley, Buckner, Bundy, Benjamin F. Butler, Cessna, Amos Clark, jr., Freeman Clarke, Coburn, Corwin, Crocker, Dobbins, Eden, Garfield, Hersey, Hodges, Houghton, Hynes, Kasson, Lansing, Lawrence, Marshall, Martin, Mellish, Mitchell, Morey, Morrison, Nesmith, Niles, Parsons, Pendleton, Phillips, James H. Platt, jr., Thomas C. Platt, Potter, William R. Roberts, James C. Robinson, Ross, Milton Sayler, Scofield,

Henry J. Scudder, Isaac W. Scudder, Shanks, Sherwood, Sloan, Small, George L. Smith, H. Boardman Smith, William A. Smith, Speer, Stephens, St. John, Stowell, Taylor, Charles R. Thomas, Todd, Townsend, Tyner, Waddell, Wallace, Wells, Wheeler, Whitehouse, Wilber, Willie, Ephraim K. Wilson, and Woodworth—71.

So (two-thirds voting in favor thereof) the rules were suspended, and the motion of Mr. KELLEY was agreed to.

During the roll-call the following announcements were made:

Mr. FOSTER. I desire to announce that my colleague, Mr. SHERWOOD, is absent on account of sickness in his family.

Mr. HUNTER. My colleagues, Mr. COBURN and Mr. SHANKS, are both confined to their homes by sickness.

Mr. RANDALL. My colleague, Mr. SPEER, is absent. If here he would vote "ay."

The result of the vote was then announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed without amendment bills of the House of the following titles, namely:

A bill (H. R. No. 2667) to enable the Secretary of the Treasury to gather authentic information as to the condition and importance of the fur-seal trade in the Territory of Alaska;

A bill (H. R. No. 2675) granting a pension to Mrs. Elizabeth J. King; and

A bill (H. R. No. 2907) authorizing the Secretary of War to deliver certain condemned ordnance to the municipal authorities of Concord, Massachusetts, for monumental purposes.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was presented to the House, by Mr. BABCOCK, one of his secretaries, who also announced that the President had approved and signed bills of the following titles:

An act (H. R. No. 519) to grant an American register to the Canadian tug Noah P. Sprague;

An act (H. R. No. 971) to forfeit to the United States certain lands granted to the Placerville and Sacramento Valley Railroad Company to aid in constructing a railroad from the town of Folsom to the town of Placerville, in the State of California;

An act (H. R. No. 1923) authorizing the payment of annuities into the treasury of the Seminole tribe of Indians;

An act (H. R. No. 1922) to establish a reservation for certain Indians in the Territory of Montana;

An act (H. R. No. 676) for the relief of Joseph R. Blackwell, postmaster at Litchfield, Illinois;

An act (H. R. No. 517) for the relief of Sarah F. Lincoln, postmaster at Spencerport, Monroe County, New York;

An act (H. R. No 1222) for the relief of George W. Keyes;

An act (H. R. No. 1574) for the relief of Richard H. Dutton, postmaster at Cavendish, Vermont;

An act (H. R. No. 1892) authorizing the Passaic County National Bank of Paterson to change its name;

An act (H. R. No. 1932) for the relief of Frank M. Kelley;

An act (H. R. No. 1942) authorizing the Secretary of War to employ a retired officer at sea, and if physically and professionally qualified to perform his duties, the President is authorized to restore him to the active list;

An act (H. R. No. 2550) making appropriation for the payment of teachers in the public schools of the District of Columbia, and providing for the levy of a tax to reimburse the same;

An act (H. R. No. 2867) to authorize the use of certain unexpended balance for payment of expenses of board of Indian commissioners;

An act (H. R. No. 1930) to secure to the Domestic and Foreign Missionary Society of the Protestant Episcopal Church in the United States the land on the White Earth Indian reservation, in Minnesota, on which is situated their church and other buildings;

An act (H. R. No. 2124) authorizing the changing of the name of the steamer Fanny Lehr;

An act (H. R. No. 2549) to amend the act entitled "An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same," passed February 18, 1793;

An act (H. R. No. 1600) directing the Secretary of the Treasury to issue an American register to the English-built brig Hattie Eaton;

An act (H. R. No. 2186) granting an American registry to the American-built Peruvian steamship Rayo, now rebuilt in the United States and converted into a sailing-vessel; and

An act (H. R. No. 912) to provide for the inspection of the disbursement of appropriations made by officers of the Army.

COURTS IN UTAH.

Mr. POLAND moved that the rules be suspended, and the following preamble and resolution adopted:

Whereas, by reason of conflict of authority and jurisdiction between the courts and officers appointed under the Government of the United States and the courts and officers appointed by the territorial Legislature of Utah, the laws of the United States cannot be enforced in said Territory, and proceedings in the courts have for a considerable time been delayed and obstructed to the great detriment of suitors therein and of the Government of the United States: Therefore,

Resolved, That the Committee on the Judiciary of this House be directed to prepare and report a bill for the regulation of the legal jurisdiction of the courts and officers in the Territory of Utah, and for that purpose said committee be authorized to report such bill at any time.

The motion was seconded; and (two-thirds voting in favor thereof) the rules were suspended, and the preamble and resolution adopted.

GEORGE E. PICKETT.

Mr. SMITH, of Virginia, introduced a bill (H. R. No. 3085) to remove the political disabilities of General George E. Pickett, of Virginia; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

Mr. KILLINGER. I move to strike out the word "general;" that should not be in the bill.

The SPEAKER. That is correct; it should be stricken out.

Mr. SMITH, of Virginia. I have no objection.

The motion to strike out was agreed to; and the bill, as amended, was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and (two-thirds voting in favor thereof) the bill was passed.

TRIAL OF CAPTAIN HURTT.

Mr. SAYLER, of Ohio, by unanimous consent, introduced a bill (H. R. No. 3086) to authorize the Secretary of War to furnish copies of certain papers called for by resolution of the House of Representatives; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill authorizes the Secretary of War to employ such number of temporary clerks as may be necessary to speedily copy and furnish to this House papers heretofore called for in the matter of the trial of Captain Hurtt, by resolution of March 10, 1874, and appropriates $250, or so much thereof as may be necessary, to defray the expenses thereof.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

TRIAL OF UNITED STATES AGENTS.

Mr. WILSON, of Indiana, from the Committee on the Judiciary, submitted a motion to suspend the rules and pass a bill to protect persons acting in the interests of the United States.

The bill provides that when any person has been or may be prosecuted, either at law or in equity, in any court, by any party, for any act done or omitted to be done, to any captured or abandoned property or property claimed to belong to the United States, or because of any act concerning such property or injury thereto, if it shall be made to appear to the Secretary of the Treasury that the acts done or omitted to be done, by the person so prosecuted, were done or omitted to be done by him in good faith in order to deliver up or preserve the property for the use of the United States, the Secretary of the Treasury may direct the district attorney of the proper district to defend such suit in behalf of the United States; and if said suit shall have been brought in any State court, the district attorney shall file a petition in that court to have the same removed to the circuit court for the district in which such suit is pending, setting forth the order or direction of the Secretary of the Treasury and that the district attorney believes, and has reasonable cause to believe, that the subject-matter of said suit is for or concerning property hereinbefore described; and thereupon all further proceedings in said State court in said suit shall cease, and the process and all papers in or concerning the same shall be transferred to the circuit court, and the same shall have day and hearing therein the same as if brought in said circuit court, with like effect to the defendant as is provided in the case of suits against an officer appointed or acting under or by any revenue law of the United States, or a person acting under the authority of such officer.

Mr. BECK. That is a bill to destroy all the State courts at the suggestion of the Secretary of the Treasury or any clerk in his office.

Mr. WILSON, of Indiana. Not at all. The bill is very specific in its terms and explains itself. It refers only to the cases of captured or abandoned property and of parties seeking to preserve it to the United States, where they have done some act or omitted to do some act for which they are sued. In a case of that sort the Secretary of the Treasury, upon being satisfied that the party acted in good faith, may cause the suit to be determined in the name of the United States and be transferred to the United States court of the district.

Mr. WOOD. It leaves the Secretary of the Treasury to determine this whole question.

Mr. WILSON, of Indiana. Rather than have a controversy about the bill I will withdraw it.

Mr. BUTLER, of Tennessee. I hope not; let us pass it.

The SPEAKER. The bill is withdrawn.

ORDER OF BUSINESS.

Mr. GARFIELD. I move that the rules be suspended and the House resolve itself into Committee of the Whole on the legislative, executive, and judicial appropriation bill.

Mr. RANDALL. Does not that require a two-thirds vote?

The SPEAKER. The Chair will state the rule in that regard. The Chair does not feel justified in excluding the gentleman from Ohio [Mr. GARFIELD] from making the motion; but at the same time, as Monday is given for suspensions of the rules by a two-thirds vote, the Chair would hardly think it fair and liberal to have all those motions cut off by one which may be decided by a majority vote only.

Mr. GARFIELD. I never knew it to require more than a majority vote.

The SPEAKER. Of course it is the duty of the Chair to administer the rule. But the gentleman ought not by a motion to be decided by a majority vote seek to exclude from consideration propositions to be submitted by gentlemen who may think they can obtain a two-thirds vote. A few more motions may probably relieve the business of the House, so that the motion to go into Committee of the Whole will not be seriously contested.

Mr. GARFIELD. My proposition of course is to go into Committee of the Whole on the appropriation bill.

The SPEAKER. If the Chair recognizes the gentleman of course the motion would be decided by a majority vote.

SCHOOL LANDS IN MISSOURI.

Mr. ORR. I am instructed by the Committee on the Public Lands to move that the rules be suspended so as to discharge the Committee of the Whole from the further consideration of House bill No. 1764, and pass it now. I think there will be no objection to the bill. It is a bill to appropriate lands for the support of schools in certain fractional townships in the State of Missouri.

The bill was read. It provides that for all fractional townships in the State of Missouri which are entitled to public lands for the support of schools, according to the provisions of the act of Congress approved March 20, 1826, entitled "An act to appropriate lands for the support of schools in certain townships and fractional townships not before provided for," and for which no selections have heretofore been made, there shall be reserved and appropriated out of the public lands, for each of said fractional townships, the amount of land to which they were respectively entitled according to the provisions of said act.

The second section provides that the land to which said fractional townships are entitled as aforesaid shall be selected by the Commissioner of the General Land Office out of any unappropriated public land within the State of Missouri. The Commissioner, in making such selection, shall select such land as shall be designated to him for that purpose by the county courts of the counties in which such fractional townships are situated; and, when so selected, said lands shall be held by the same tenure, and upon the same terms, for the support of schools in such fractional townships, as sections numbered 16 are, or may be, held in the State of Missouri.

Mr. HOLMAN. I wish to inquire whether this bill is limited to the State of Missouri, and also where these lands are to be selected?

Mr. ORR. I will make a statement which will satisfy the gentleman. This bill gives the fractional townships no more lands than they are now entitled to by law. The northern line of Missouri was so long in dispute that these fractional townships never received the land to which they are legally entitled. Under the law of 1826, which is now in force, they can select that land only in the land districts where the townships are situated. The bill does nothing more than remove this restriction, so that the lands may be selected anywhere in the State of Missouri.

The motion of Mr. ORR to suspend the rules and pass the bill was seconded, and was then agreed to, two-thirds voting in favor thereof.

So the bill was passed.

GUBERNATORIAL CONTEST IN ARKANSAS.

Mr. WILSHIRE, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the President of the United States be requested to communicate to the House, if not incompatible with the public interest, all correspondence by telegraph or otherwise between himself and the person claiming to be governor of Arkansas relating to the troubles in this State, together with copies of any orders or directions given by him or under his direction to the military officer in charge of the garrison or in command of the United States troops at Little Rock.

PERSONAL EXPLANATION.

Mr. HINES. I ask consent to make a personal explanation. I am made to state in the Morning Chronicle that my colleague [Mr. WILSHIRE] holds his seat here as the "gift of Baxter." I simply wish to disclaim responsibility for that statement and to deny its authenticity. I recollect no such interview or conversation with the reporter of the Chronicle as I see published this morning; and I deem it my duty to say that as the contested election from the third district of Arkansas seems to me a question for the determination of this House in a judicial capacity, under the influence of only such considerations as should operate upon the minds of judges on the bench in the determination of a like issue, I therefore desire that I shall not be regarded as responsible, or taken as authority, for any statement that could possibly prejudice that contest before it is reported to the House. Besides this, which is due to courtesy, my colleague, and myself, I take this opportunity to deny the authorship of what I am made to say in that reported interview, kindly intended as it evidently is. Indeed I had no knowledge of the interview itself until I read it in the paper this morning.

CHEAP WATER TRANSPORTATION.

Mr. YOUNG, of Georgia, moved to suspend the rules and adopt the following resolution:

Whereas the great need of this country is some well-devised and sure system of cheap transportation by water, which will give not only outlets from the interior of the country to the sea, but the means of a free interchange of products between the States, a system which is needed by the whole country, and has been demanded by the people of all sections: Therefore,

Be it resolved, That the Committee on Railways and Canals be instructed to prepare and report a bill for the opening up and improvement of the great natural water highways of the country and their connection by such artificial channels as will give to our people the cheap transportation which they demand; and that the 14th day of May be set apart for the consideration of this subject, to the exclusion of all other business and orders, and each day thereafter until it be disposed of.

Mr. GARFIELD. I hope we shall not make any more special orders.

The question being taken on seconding the motion of Mr. YOUNG, of Georgia, there were—ayes 42, noes not counted.

The SPEAKER ordered tellers; and appointed Mr. YOUNG, of Georgia, and Mr. GARFIELD.

Mr. GARFIELD. I hope the gentleman from Georgia will withdraw that part of his resolution which proposes to make this subject a special order. It is that alone to which I object.

Mr. YOUNG, of Georgia. This is a question that has already received the consideration of the House, but no vote has ever been reached upon it.

The House divided on seconding the motion to suspend the rules; and the tellers reported—ayes 97, noes 52.

So the motion was seconded.

Mr. McCRARY. Is it in order to move the reference of this subject to a committee?

The SPEAKER. Not while the motion to suspend the rules is pending.

Mr. DAWES. Will the Chair please state the proposed order?

The SPEAKER. It is to make a bill in relation to cheap routes of water transportation a special order for May 14, to the exclusion of other orders, and for succeeding days until disposed of.

Mr. YOUNG, of Georgia. I am willing to except appropriation bills.

Mr. McCRARY. If the House is willing to authorize an expenditure of $500,000,000 for the purpose contemplated, then it had better adopt the resolution.

Mr. YOUNG, of Georgia. I am willing to except all previous orders.

The SPEAKER. Previous orders would necessarily be excepted.

Mr. DAWES. The House gave the Committee on Ways and Means authority to report at any time upon moieties and the Sanborn contracts.

Mr. YOUNG, of Georgia. I am willing to except that subject.

The SPEAKER. The gentleman from Georgia proposes to except from this order reports of the Committee on Ways and Means and of the Committee on Appropriations.

Mr. WILLARD, of Vermont. I believe the resolution instructs a committee to report a bill.

Mr. YOUNG, of Georgia. Yes, sir.

Mr. WILLARD, of Vermont. Then I desire the yeas and nays on the proposition.

Mr. DAWES. What kind of bill does it instruct them to report?

Mr. YOUNG, of Georgia. Any bill they may come to a conclusion on; they have half a dozen to select from.

Mr. DAWES. They can report any bill they please.

Mr. YOUNG, of Georgia. It gives them the right to report a bill.

Mr. DAWES. I ask the proposition to be read as modified.

The proposition was read.

Mr. SMITH, of New York. I ask the gentleman from Georgia to also except reports from the Committee on Elections.

Mr. YOUNG, of Georgia. I am willing to agree to that.

Mr. CONGER. I ask the gentleman to change the committee, as the committee which should have charge of this subject is the Committee on Commerce.

Mr. YOUNG, of Georgia. I cannot change that, Mr. Speaker; I must adhere to the resolution. I wish I could, but I understand the Committee on Railways and Canals was created for this special purpose.

Mr. KELLOGG. Does the Chair state that previous special orders will be excepted necessarily?

The SPEAKER. Special orders of prior date will of course take precedence.

Mr. CONGER. Unless the gentleman changes the resolution to refer to the proper committee I must object.

Mr. YOUNG, of Georgia. The Committee on Railways and Canals is the proper committee, and I leave the question to the Chair to decide.

Mr. CONGER. Under the rules this subject could not be sent to the Committee on Railways and Canals. The improvement of the rivers and harbors of the United States is a subject which under the rules and the practice of the House has always been sent to the Committee on Commerce.

Mr. McCRARY. The Committee on Railways and Canals have this general subject now under consideration.

The question recurred on the motion to suspend the rules and pass the resolution.

The SPEAKER appointed Mr. WILLARD, of Vermont, and Mr. YOUNG, of Georgia, as tellers.

The House divided; and the tellers reported—ayes 61, noes 33, no quorum voting.

Mr. KILLINGER demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 130, nays 74, not voting 86; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Averill, Barrere, Begole, Bell, Berry, Bland, Blount, Bowen, Bradley, Bromberg, Brown, Burrows, Roderick R. Butler, Caldwell, Cannon, Cason, John B. Clark, jr., Clements, Clymer, Stephen A. Cobb,

Comingo, Conger, Cook, Cotton, Creamer, Crittenden, Crossland, Crounse, Crutchfield, Donnan, Dunnell, Durham, Eldredge, Farwell, Field, Fort, Freeman, Giddings, Glover, Hagans, Hancock, Henry R. Harris, John T. Harris, Harrison, Hatcher, Havens, John B. Hawley, Hays, Hendee, Hereford, Herndon, Howe, Hunton, Hyde, Hynes, Knapp, Lamison, Lamport, Leach, Lewis, Loughridge, Lowndes, Luttrell, Martin, Maynard, James W. McDill, MacDougall, McJunkin, McKee McLean, McNulta, Milliken, Mills, Moore, Morey, Myers, Neal, Negley, Niblack, Orth, Packard, Page, Isaac C. Parker, Perry, Phillips, Pratt, Purman, Ransier, Ray, Read, Robbins, Henry B. Sayler, Milton Sayler, Sener, Sheats, Sloss, George L. Smith, J. Ambler Smith, Southard, Stanard, Standiford, Stone, Storm, Strait, Sypher, Christopher Y. Thomas, Thornburgh, Vance, Walls, Jasper D. Ward, Wells, White, Whitehead, Whiteley, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, Willie, James Wilson, Wolfe, Wood, Woodford, John D. Young, and Pierce M. B. Young—130.

NAYS—Messrs. Albert, Albright, Barber, Biery, Buffinton, Burchard, Burleigh, Cain, Clayton, Cox, Crooke, Curtis, Danford, Darrall, DeWitt, Duell, Eames, Elliott, Frye, Garfield, Gooch, Gunckel, Eugene Hale, Robert S. Hale, Harmer, Benjamin W. Harris, Hathorn, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, George F. Hoar, Holman, Houghton, Hunter, Kasson, Kellogg, Killinger, Lansing, Lawrence, Lawson, Lynch, McCrary, Alexander S. McDill, Merriam, Monroe, O'Brien, Orr, Packer, Hosea W. Parker, Phelps, Pierce, Poland, Rainey, Rapier, Rice, Ellis H. Roberts, James W. Robinson, Rusk, Sawyer, Sessions, Lazarus D. Shoemaker, Smart, A. Herr Smith, H. Boardman Smith, John Q. Smith, Sprague, Starkweather, Tremain, Waldron, Marcus L. Ward, Wheeler, Whitthorne, and Charles W. Willard—74.

NOT VOTING—Messrs. Ashe, Atkins, Banning, Barnum, Barry, Bass, Beck, Bright, Buckner, Bundy, Benjamin F. Butler, Cessna, Amos Clark, jr., Freeman Clarke, Clinton L. Cobb, Coburn, Corwin, Crocker, Davis, Dawes, Dobbins, Eden, Foster, Hamilton, Hersey, Hodges, Hooper, Hoskins, Hubbell, Hurlbut, Jewett, Kelley, Kendall, Lamar, Lofland, Lowe, Magee, Marshall, Mellish, Mitchell, Morrison, Nesmith, Niles, Nunn, O'Neill, Parsons, Pelham, Pendleton, Pike, James H. Platt, jr., Thomas C. Platt, Potter, Randall, Richmond, William R. Roberts, James C. Robinson, Ross, John G. Schumaker, Scofield, Henry J. Scudder, Isaac W. Scudder, Shanks, Sheldon, Sherwood, Sloan, Small, William A. Smith, Snyder, Speer, Stephens, St. John, Stowell, Strawbridge, Swann, Taylor, Charles R. Thomas, Todd, Townsend, Tyner, Waddell, Wallace, Whitehouse, Wilber, Wilshire, Ephraim K. Wilson, Jeremiah M. Wilson, and Woodworth—86.

So (two-thirds not voting in favor thereof) the rules were not suspended.

ORDER OF BUSINESS.

Mr. GARFIELD. I move to suspend the rules for the purpose of going into Committee of the Whole on the state of the Union to resume the consideration of the executive, legislative, and judicial appropriation bill, and if necessary will do so by a two-thirds vote.

Mr. RANDALL. I have a motion to submit pending that.

The SPEAKER. The Chair will have to submit that motion.

Mr. GARFIELD. If we are to save any time to-day for the work in committee, I must insist on my motion now.

The House divided; and there were—ayes 90, noes 61.

Mr. RANDALL. That is not two-thirds.

The SPEAKER. The Chair thinks upon a full review of the case it is competent for the majority to decide this motion. The new rule requiring a second for the suspension of the rules reads thus:

> All motions to suspend the rules except to go into Committee of the Whole shall, before being submitted to the House, be seconded by a majority as in the case of the previous question.

Mr. RANDALL. I desire to draw the attention of the Chair to one fact. The Chair stated heretofore in regard to his recognition of one gentleman in preference to others that he was guided by the business they had to submit.

The SPEAKER. The gentleman from Pennsylvania will observe that the Chair could not feel justified in standing against the majority of the House if they desired to proceed to public business. The gentleman will see that the Chair could not place himself between the wishes of the majority and the public business by recognizing gentlemen on matters that concerned merely their own local constituencies. It must be, not the Chair, but the majority of the House who should decide.

Mr. RANDALL. There may be other matters of public concern to be brought up under a motion to suspend the rules.

Mr. STORM. Do I understand the Chair to rule that a majority may decide to go into Committee of the Whole because the rule so requires, or merely because a majority of the House wish to do so?

The SPEAKER. Of course the rule justifies the decision of the Chair. If a majority desire to go into Committee of the Whole it is not for the Chair to thwart that by recognizing gentlemen to move a suspension of the rules on other questions.

Mr. RANDALL. If I should have a matter of public importance to bring up I understood the effect of the previous ruling of the Chair to be that he would recognize me in preference to any other gentleman.

The SPEAKER. That is what the Chair is doing. But for an entire Monday, while a very strong majority of the House, or even two-thirds of it, might be desirous of proceeding to the consideration of an appropriation bill, the Chair by recognizing gentlemen on demands for seconding a motion to suspend the rules, to entitle them to the yeas and nays, might be defeating the wishes of the House all day. Now, the purpose of the rule is to promote the public business as the majority shall determine; and the Chair cannot himself feel justified in withholding the motion to go into Committee of the Whole.

Mr. RANDALL. The spirit of the rule in regard to Monday is to allow gentlemen to offer matters and ask for their passage or consideration under the two-thirds rule.

The SPEAKER. But the rule does not of course exclude this; because in this very rule amending the previous rule the exception is made, "except to go into Committee of the Whole."

Mr. RANDALL. The Chair will observe that in the printed order of business on Mondays there are "motions for a suspension of the rules."

The SPEAKER. So is this a motion for a suspension of the rules.

Mr. RANDALL. But lacking the two-thirds.

The SPEAKER. It lacks the two-thirds; but the rules give that precedence to the public business that for the promotion of the public business a majority may suspend the rules, but for other business it shall take two-thirds.

Mr. RANDALL. Will the Chair permit me to suggest that I think his ruling should be in favor of Monday being devoted to motions for a suspension of the rules by a two-thirds vote, when the five days of the week can be had for other business.

The SPEAKER. The Chair thinks just the reverse. The Chair thinks that, under the operation of the rules, far too little time is now given to the public business. There are but three days of the week which can be devoted now to the public business. The Chair does not desire of course to rule upon the relative merits of business beyond allowing the House to decide for itself.

Mr. RANDALL. I understood the Chair to say that the importance of the business would regulate his recognition of the member asking for a suspension of the rules.

Mr. BECK. My recollection is that the Chair said that he would not recognize any person on Monday who had not told him beforehand what he desired to present.

The SPEAKER. The Chair did not decide that.

Mr. BECK. I beg pardon of the Chair; but I understood the Chair to say that he would require a gentleman to show him beforehand what he desired to submit.

The SPEAKER. The Chair never so decided.

Mr. BECK. Then the House must have misunderstood the Chair, but I think the RECORD will show it to have been as I have stated.

The SPEAKER. The Chair decided simply this: that if a gentleman had a matter of consequence, and could not get the floor to submit it, he could not hold the Chair accountable for not recognizing him on that matter of consequence if the gentleman had not told him what it was.

Mr. BECK. I understood the Chair to say what I have stated; but the RECORD will show what it was.

The SPEAKER. The Chair was very far from saying anything of the kind. The question came up in the case of the gentleman from Indiana, [Mr. WILSON,] who desired to move an investigation into the affairs of the District of Columbia, the Chair not recognizing that gentleman but recognizing other gentlemen, and afterward there was some complaint that the Chair had not recognized him.

Mr. BECK. There is certainly a very general misunderstanding on the subject.

The SPEAKER. The Chair always desires to recognize a gentleman when he has a matter of consequence to submit. But the Chair desires that when a gentleman has a matter which he considers of consequence and does not communicate it to the Chair he should not afterward go to the reporters and say that the Chair refused to recognize him when the Chair did not know what he wanted.

Mr. BECK. The Chair will do me the justice to say that I have made no such statement to the reporters.

The SPEAKER. The Chair did not mean the gentleman from Kentucky; not at all; but the Chair does say that in that case it was telegraphed all over the United States that the Speaker had refused to recognize the gentleman from Indiana, [Mr. WILSON,] when the Speaker was really innocent of any knowledge of what the gentleman from Indiana desired to offer. The Chair then stated that if gentlemen desired recognition by the Chair they had better communicate to the Chair if they had matters of importance.

Now, the gentleman from Kentucky will agree with the Chair that four-fifths of what the House is called upon to vote on on Mondays is not of public importance.

Mr. BECK. I do agree with the Chair in that.

Mr. GARFIELD. That being so, I demand the regular order.

The SPEAKER. The Chair desires that point to be distinctly understood, that he never asked a gentleman in his life, except in a friendly way, what he wished to introduce, and does not desire any gentleman to consider himself under the remotest obligation to tell the Chair what he is going to move a suspension of the rules for. He only desires a gentleman to know that if he chooses not to communicate it to the Chair, he must not complain afterward that the Chair refused to recognize him on that matter.

Mr. LAMAR. I believe I understand that the Chair does not object to being informed beforehand what gentlemen desire to introduce?

The SPEAKER. Not at all. The Chair thinks that a gentleman promotes his object in giving the Chair notice, because it is the object of the Chair to give, so far as he can, the utmost latitude to legislation, and the utmost liberty to every member to bring before the House anything he desires to bring before it.

Mr. ROBBINS. I ask for the yeas and nays upon the motion of the gentleman from Ohio, [Mr. GARFIELD.]

Mr. RANDALL. And pending that, I ask consent to offer what I send to the Clerk's desk.

The SPEAKER. It can be offered if there is no objection; it would require unanimous consent.

Mr. RANDALL. Then I will not ask it.

The SPEAKER. The House is dividing on the motion of the gentleman from Ohio to go into Committee of the Whole on the state of Union, and the ayes were 90 and the noes 51. The gentleman from North Carolina asks for the yeas and nays.

The question was put on ordering the yeas and nays; and on a division there were—ayes 22, noes 98; not one-fifth voting therefor.

Mr. ROBBINS. I call for tellers on the yeas and nays.

Tellers were not ordered; only 25 members voting therefor.

So the yeas and nays were not ordered.

Mr. BECK. I move that the House adjourn, if we cannot have the yeas and nays.

The SPEAKER. That motion is not in order. The Chair will order tellers, although not a sufficient number rose to require tellers; and the gentleman from Ohio, Mr. GARFIELD, and the gentleman from Kentucky, Mr. BECK, will act as tellers.

Mr. GARFIELD. Why, I thought that tellers were refused.

The SPEAKER. Tellers were not ordered by the House; but the gentleman from Kentucky [Mr. BECK] intimated that the Chair did not count well, and therefore the Chair orders tellers.

Mr. BECK. What is that remark of the Chair?

The SPEAKER. The Chair understood the gentleman from Kentucky to intimate that the Chair did not count accurately.

Mr. BECK. I never said any such thing, and never intended anything of the sort; and the Chair has no right to say that I did.

The SPEAKER. The Chair thought that was the gentleman's meaning, but if not, then the Chair will not order tellers. Tellers are refused, the yeas and nays are not ordered, and the motion of the gentleman from Ohio is agreed to.

ENROLLED BILLS SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. No. 193) for the benefit of Uriah Porter; and

A bill (H. R. No. 2907) authorizing the Secretary of War to deliver certain condemned ordnance to the municipal authorities of Concord, Massachusetts, for monumental purposes.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The House then resolved itself into the Committee of the Whole on the state of the Union, (Mr. WOODFORD in the chair,) and resumed the consideration of the bill (H. R. No. 2064) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes.

The pending paragraph was that making appropriations for the Second Comptroller's office, Treasury Department.

The CHAIRMAN. The pending question when the committee rose on Saturday was upon the amendment offered by the gentleman from New York, [Mr. DUELL,] which the Clerk will read.

The Clerk read as follows:

Strike out all after the words "chief clerk, $2,000," and insert in lieu thereof the following:

Twelve clerks of class four; twenty clerks of class three; twenty-eight clerks of class two; eight clerks of class one; twelve copyists, at $900 each; one messenger, and three laborers; in all, $123,200.

Mr. CONGER. Before the committee rose on Saturday, I had moved *pro forma* to amend the amendment by striking out the last word. I now withdraw that motion.

Mr. McCRARY. I renew the motion of the gentleman from Michigan *pro forma*. I have supported the Committee on Appropriations in all their propositions to cut down expenses, and I desire to do so wherever I can consistently, but feeling that the Bureau of the Second Comptroller of the Treasury was perhaps the most important one in any Department of the Government, I have taken the trouble to look into the question, and I am satisfied the motion of the gentleman from New York [Mr. DUELL] to amend the bill of the committee ought to be adopted.

The committee will observe that the whole number of the clerks allowed in that office under existing law is ninety-two. The Committee on Appropriations propose to cut the number down to sixty-four, being a reduction of twenty-eight. The Second Comptroller has thoroughly examined the business in his office and reports that he can get along with the number proposed by the gentleman from New York, [Mr. DUELL,] which, I believe, is eighty. That of itself is a reduction of twelve from the number now allowed by law.

If the committee will consider the fact that about 66 per cent. of all the money that is appropriated to carry on the Government, aside from that which goes to the payment of the interest on the public debt, is under the control of the Second Comptroller, it will be seen that there is no Bureau which compares with this in importance.

Every member knows the high character of the gentleman who holds that office; and I think the committee ought to accept his statement, that the number proposed by the amendment now pending is the very lowest number that he can get along with. It is well known to gentlemen who have investigated this question that this is one of the most faithful and efficient of our public officials, and that large sums of money have been saved by his administration of the affairs of that office. This is one of the Bureaus that have discretionary powers in the allowance or disallowance of very large claims. I think it is not good economy to reduce the force in that Bureau below a number sufficient for the proper discharge of the important duties that devolve upon it. I hope, therefore, that the amendment of the gentleman from New York [Mr. DUELL] will be adopted by this committee.

Mr. KELLOGG. I rise to oppose the amendment to the amendment, and I shall take but a moment of the time of the Committee of the Whole to say what I desire to say. I agree entirely with what was said on Saturday by the gentleman from New York [Mr. DUELL] and the gentleman from Michigan [Mr. CONGER] and what has been said to-day by the gentleman from Iowa, [Mr. McCRARY.] I think this office is altogether too important to have its force cut down in the manner which this bill proposes to do. The bill really cuts down the force by twenty-nine clerks. The Second Comptroller agrees that ten clerks may be taken off; but the Committee on Appropriations go further, and propose to take off nineteen more. I do not believe it would be economy to the Government or that it would be well for us to follow the recommendation of the committee. And if the House shall pass the bill as it comes from the Committee on Appropriations I have no doubt that the committee of conference, be the members who they may, will say that it was all wrong, and put the force back again.

In the bill reorganizing the Treasury Department we have made the force in this office eighty-two. But we were satisfied that in that case as well as in others we had put the force too low for a year to come, and therefore we put in an additional section providing for temporary clerks for a year. I hope the amendment of the gentleman from New York [Mr. DUELL] will prevail.

Mr. GARFIELD. I desire to call the attention of the Committee of the Whole for a moment to the facts of this case. The Committee on Appropriations think they have made a mistake in one place in this office, and only one. We did not at the time observe that the Book of Estimates called for a smaller number of clerks than was allowed by the law of last year. Either by accident or design there was in the Book of Estimates a reduction of ten clerks in the grade of first class below the number allowed by the law of last year. Overlooking that fact, or not observing it until the bill got into print, the committee reduced from the number in the Book of Estimates rather than from the number allowed in the bill of last year, and therefore the reduction from last year was twenty-nine instead of nineteen, as we intended. We propose to correct the error in that place; and that correction being made, I think the Committee of the Whole will agree with the Committee on Appropriations.

Let me state briefly how this Bureau of the Treasury Department has grown up. Taking into consideration only the clerks of the three classes and the copyists, not counting the chief clerks and laborers and messengers, there were in this Bureau in 1861 fourteen clerks and in 1862 fourteen clerks. In 1863 the number had been increased to fifty-two, in 1864 to sixty-five, and in 1865 to sixty-nine. In 1867 there were one hundred and seventeen; they reached the top in that year, when the vast accounts of the war had come in. In 1868 they had one hundred and thirteen; in 1869, ninety-four; in 1872, ninety-two; and last year they had eighty-nine, though I believe under the law they were entitled to ninety-three. We examined the Second Comptroller upon this subject, and I have here the notes which were taken at the time. He said that during the last year nine clerks had been lent by his office to the Second Auditor, not used in the Comptroller's office at all. We did not think that the Second Comptroller was in great distress if he could lend nine clerks for the entire year. Furthermore he said that if his force was to be reduced he would have the reduction made in the first and second classes, and admitted that there should be some reduction. Especially considering the fact that nine clerks had been lent for a year, we thought it but fair to cut off that number.

Another fact. There came to the Second Comptroller's office from the Second Auditor, in settling up old Army accounts, accounts to the amount of $176,000,000 in 1872. Last year the accounts amounted to $63,000,000 only, being a falling off of $113,000,000 in the accounts that are passed through that office from the Second Auditor's office. The committee believed that with such a falling off in the amount of work, growing out of a settlement of the old Army accounts, we were justified in making the reduction which we have made, with the correction to which I have referred.

The Committee on Appropriations are willing to consent to an increase of one in the clerks of class four and of seven in the clerks of class one. This will be an increase of eight. As a substitute for the pending amendment of the gentleman from New York, [Mr. DUELL,] I move to make these modifications in the pending paragraph: "that of the clerks of class four there shall be twelve instead of eleven, and of the clerks of class one fourteen instead of seven."

The CHAIRMAN. Does the gentleman from Iowa [Mr. McCRARY] withdraw his formal amendment?

Mr. McCRARY. Yes, sir. I wish to ask the gentleman from Ohio [Mr. GARFIELD] what difference his amendment will make as compared with the motion of the gentleman from New York?

Mr. GARFIELD. It will simply allow eight clerks more than the bill as it now stands would authorize. It will make a reduction of twenty-one instead of twenty-nine. The amendment of the gentleman from New York would allow a force of eighty; my amendment will make it seventy-two—a difference of eight.

Mr. CONGER. The proposition of the chairman of the Committee on Appropriations is simply to increase the number of copyists in the bill.

Mr. GARFIELD. No, sir; first-class clerks.

Mr. CONGER. Well, the first-class are the lowest grade of clerks.

Mr. GARFIELD. There are now twenty-one first-class clerks, and my amendment proposes to make the number fourteen.

Mr. CONGER. But the gentleman proposes to reduce the number of those whose final determination goes to the Comptroller for his signature.

Mr. GARFIELD. No, sir; I restore the number of the fourth-class clerks to twelve.

Mr. CONGER. How many were appropriated for last year?

Mr. GARFIELD. Twelve.

Mr. CONGER. If that is the result of the motion, I do not oppose it. I was going to oppose a reduction of the fourth-class clerks, those who perform the highest grade of clerical duty.

Mr. GARFIELD. The bill reduces the number of those, but my amendment makes no reduction.

Mr. GARFIELD's substitute for the amendment of Mr. DUELL was agreed to; and the amendment, as thus amended, was adopted.

The Clerk read as follows:

Fourth Auditor:

For the Fourth Auditor, $3,000; chief clerk, $2,000; five clerks of class four; seventeen clerks of class three; ten clerks of class three; ten clerks of class one; six female clerks, at $900 each; one messenger; one assistant messenger; and two laborers; in all, $73,200.

Mr. DONNAN. I move to amend the paragraph just read as follows:

Strike out "seventeen" and insert "eighteen," so as to provide for eighteen clerks of class three; strike out "ten" and insert "twelve," so as to provide for twelve clerks of class two; strike out "eight" and insert "eleven," so as to provide for eleven clerks of class one; strike out "two" and insert "three," so as to provide for three laborers.

This amendment will leave the clerical force in the Fourth Auditor's office precisely what it has been since 1870. At the close of the war the clerical force in that Bureau was double what it is now under existing law. The amount of business accruing in that office on account of the war caused an increase in the force; but as that business was gradually disposed of, the force was reduced in 1868 to seventy-seven, and in 1870 to fifty-two. The Fourth Auditor states that this is absolutely the minimum force with which he can perform the duties of the office. Owing to several recent acts of Congress granting relief and indemnity, the current work of the office has been materially increased within the last two or three years. The Auditor states that he really needs four additional clerks for the proper transaction of the current business; but owing to the present feeling and the financial pressure upon the Treasury, he is disposed to ask for no additional force, but will attempt to get along with the present force, although it may require additional hours of labor. But he does ask that the present force be not diminished.

I believe this is one of the few cases in which the Committee on Appropriations have, as was suggested by its chairman the other day, cut too deep. I ask the House that the clerical force of this office be left where it has been for the last three years. It has been shown by the statement made to the Committee on Appropriations by the Fourth Auditor, who we all know is a worthy and trusted officer, that the current work of his office is now increased over what it has been within the last two or three years. I believe that the Committee on Appropriations will not seriously oppose this amendment, and I trust that it may be adopted.

Mr. GARFIELD. The duties of the Fourth Auditor's office are grouped into seven divisions. One has charge of questions relating to prize-money; another of claims; another of paymasters' accounts; another of book-keepers' accounts; another of pensions; another of accounts of Navy agents; and another is known as the record division. Gentlemen will see by this statement that the business of this office is very considerably related to the war, including both the Army and the Navy.

The Fourth Auditor's office when the war began was a modest division with a force of only fourteen persons. Of course, during and immediately after the war the force was very much greater. It is still forty-nine, being more than three times as many as the office had when the war began. It seemed to us that several of these divisions—and we heard the Fourth Auditor's statement——

Mr. STARKWEATHER. In the prize-money division, for instance, not one-fourth the business is done now that was done four years ago.

Mr. GARFIELD. That is true. The business in several of these divisions, as gentlemen will see, must necessarily have fallen off as the result of settling up the accounts of the war. We only propose to cut that office down by taking away six clerks and one laborer. At the same time we increase by one the number of copyists; so that a net reduction of five clerks and one laborer is all that we propose.

There is one other thing to which I wish to refer in this connection. We have inserted in this bill a section which, should it be adopted, will, we think, fully make up for any reduction of force which we have made in this office. We propose to require that there shall be seven hours' work done daily in the several Departments. It is a notorious fact that all over the country business men employ their clerks, book-keepers, and laborers for more time, almost double the time, that we employ ours in the several Executive Departments; and the Committee on Appropriations believe it is high time we tried to put these Departments on a business basis. During the war the clerks worked seven or eight hours, but when the war was over and business began to slacken they have run down in the time of their daily service. Clerks now go to the Departments at nine o'clock in the morning and come away at three, and during the summer weather three o'clock is but a little past the middle of the day. They can carry on a profession outside while they are acting as clerks in the Departments. If we increase the hours of labor it will be just, and at the same time we will get quite as much work done with a reduction of the force as we propose as with the force now employed at the present hours of labor.

Mr. DONNAN. Let me make a suggestion to the gentleman from Ohio. By recent law Congress required that all disbursing officers shall render their accounts every three months instead of every three years, and that has largely increased the labor of the clerks in that Bureau.

Mr. GARFIELD. Their labors have been increased; but it has been running on in the same way for three years.

Mr. KELLOGG. The number of clerks and copyists provided for in this appropriation bill is forty-seven, which is a reduction from the present number, fifty-three; and that is precisely the number we have fixed in the bill reorganizing the Treasury Department; but we at the same time added a section to our bill authorizing the employment of one hundred clerks for one year to give an opportunity to finish up the old business.

And I will say in regard to the Fourth Auditor's office one word more. I think a large sum has been saved by changing the old rule requiring the paymasters of the Navy to make settlements only every three years, or at the end of a three years' cruise, to the present one requiring them to send in monthly statements, and to make a settlement at the end of every three months. That makes twelve settlements where formerly they had but one, and necessarily calls for more clerical labor.

The following statement will show that the number of clerks in the office has been reduced from one hundred and four in 1865 to fifty-three in 1873. I think if we should continue the present force for one year to come they will then be able to get along with a smaller force.

Statement showing the number of clerks employed in the office of the Fourth Auditor in each year from 1865 to 1873, inclusive.

Year.	Clerks.	Copyists.	Total.
1865	90	14	104
1866	76	13	89
1867	69	12	81
1868	67	10	77
1869	60	8	68
1870	46	8	54
1871	46	8	54
1872	46	7	53
1873	46	6	52

The present force is as follows:

One chief clerk, at $2,000 per annum; five fourth-class clerks, at $1,800 per annum; eighteen third-class clerks, at $1,600 per annum; twelve second-class clerks, at $1,400 per annum; eleven first-class clerks, at $1,200 per annum; six copyists, at $900.

Whole number, including chief clerk, 53.

The amendment was disagreed to.

The Clerk read as follows:

Auditor of the Treasury for the Post-Office Department:

For compensation of the Auditor of the Treasury for the Post-Office Department, $3,000; chief clerk, $2,000; nine clerks of class four, and, additional to one clerk of class four as disbursing clerk, $200; fifty-seven clerks of class three, sixty-nine clerks of class two, thirty-seven clerks of class one, one messenger, one assistant messenger, and eighteen laborers; also, fifteen female assorters of money-orders, at $900 each; in all, $281,620.

For ten assorters of money-orders, $10,000.

Mr. RANDALL. I see a provision there for ten assorters of money-orders, $10,000. No such persons were provided for in the last appropriation bill, and I should like to have some explanation of this paragraph.

Mr. GARFIELD. Here is an increase, Mr. Chairman, in this section, and I will state to the committee the reason for it. The office of the Auditor of the Treasury for the Post-Office Department is one which was not affected by the war otherwise than to be reduced. And indeed it is curious to observe the effect of the war upon the different Departments of the Government. Nearly all the offices of the Treasury were vastly increased in their duties as a result of the war. But in the case of the Post-Office Department eleven States were cut off, and the returns of business from them ceased to have any relation to the Post-Office Department, and of course accounts and adjustments relating to that Department were all correspondingly decreased. After the war, however, the South began to come back—even yet we have not fully restored the South to all its postal relations to the Union—but ever since the war there has been a steady increase in the accounts and business of the Post-Office Department.

Aside from the effect of the war upon it perhaps no one fact has worked so important a revolution in the business of the Post-Office Department as the introduction of the money-order system. That system has been increasing with great rapidity, and has more than doubled within the last two years. Among the other duties connected with it is the necessity of having every money-order as it comes back

to the central Post-Office examined, recorded, and assorted by States and filed away, so as to have a perfect body of accounts and vouchers and everything relating to the money-order business; and the Postmaster-General has requested a very considerable increase of the force.

In the Sixth Auditor's office, which is called an office of the Treasury, but is nevertheless in the position of doing wholly Post-Office business, the committee were satisfied there should be an increase of clerical force; but we did not give so much of an increase as the Postmaster-General asked. We gave him in fact about one-half the increase which he asked. We found that a certain class of the work, the assorting of these money-orders, could be as well performed by ladies as by gentlemen, and we therefore took this lower class of pay, such as is assigned to the copyists. We do not wish, however, to call them copyists, as that would be a misnomer. The business is not to copy but to assort the returned orders, classify them, and have them in a shape for preservation. We follow, therefore, the recommendation of the Postmaster-General and call them assorters of money-orders, and we have given him fifteen instead of the twenty-five he asked for.

Mr. HOLMAN. I desire to call the attention of the chairman of the Committee on Appropriations to the fact that within the last three years, by this paragraph of the appropriation bill, the salaries in the Sixth Auditor's office are increased $52,740.

Mr. GARFIELD. If the gentleman will allow me, I wish to say that I forgot to add that the estimate for the Sixth Auditor's office for this year was $311,000, and we give $281,000.

Mr. HOLMAN. I find that in 1871 the appropriation was $228,880. In this bill it is $281,620; so that there is an increase in these three years of $52,740.

Mr. STARKWEATHER. I desire to say in regard to this money-order business that the first year it amounted to only two or three thousand orders daily. Now the number of money-orders examined every day is fifteen thousand; and the class of labor here provided is required for that work. The Post-Office Department say that in the course of a year the number will go up to twenty or twenty-five thousand daily. This money-order business has created some expense in the way of additional clerks, &c.; but it more than pays for itself. There has been a very great increase in the business, and it is a very great accommodation to the people. While this reform makes an increase in the expenses of the Post-Office Department, it more than pays all the expense after all. I yield the balance of my time to my colleague on the committee, the gentleman from Indiana, [Mr. TYNER.]

Mr. TYNER. If the Committee of the Whole has any doubt as to the propriety of making a slight increase of the clerical force in the Sixth Auditor's office, I think I can relieve that doubt by a very brief statement. The only increase in the pending paragraph of the appropriation bill over last year is for the employment of fifteen assorters. There is no other increase over the appropriation of last year, and only a slight increase over the appropriation of the year before.

I have before me a tabular statement of appropriations for the clerical force in the Sixth Auditor's office for several years past to which I desire to call the attention of my colleague, [Mr. HOLMAN,] who seems to have raised that question. For the year ending June 30, 1873, the appropriation amounted to $266,660. For the next year, the year ending June 30, 1874, that is the current fiscal year, it amounted to $281,620. We propose in this bill the same appropriation as for the fiscal year that we are now concluding.

I have said already that the additional appropriation asked for was for the employment of these assorters. My colleague on the Committee on Appropriations has stated the reason why it was necessary to employ these additional persons. There are now, sir, in existence over twenty-eight hundred money-order offices. These money-order offices submit daily accounts of their business, and the result is that there are between fifteen and eighteen thousand money-orders that have to be assorted and checked every day by the clerks in the Sixth Auditor's office. And when I tell the committee, without taking up any more of its time, that every one of these money-orders has to be assorted and checked three different times, which is equivalent to assorting and checking forty-five thousand orders every day, they will see the necessity for the appointment of this additional force.

All this money-order business has sprung up, we may say, within the last eight or nine years; and when I say to the committee that the net revenue derived from the money-order business for the last fiscal year was $68,584 over and above all the expenses of transacting the business, the committee will at once see that it is a business which pays for itself and that we ought not to be stingy in employing persons to perform it.

Mr. RANDALL. I desire to call the attention of the chairman of the Committee on Appropriations to the fact that they have increased also the number of clerks in class three from forty-nine to fifty-seven.

Mr. GARFIELD. Yes; I should have mentioned that. The increase in both cases is for the same reason; both these classes are employed in managing the money-order business. My attention was more especially called to the other. I think it is very proper that when there is an increase in the business, there should be some corresponding increase in the persons who take charge of it.

Mr. KELLOGG. I wish to say that after a thorough investigation of the Sixth Auditor's office, I do not think the committee have increased the force in the office so much as they ought to have increased it. I have tables here which I will not occupy the time of the committee in reading, but which show that while in ten years the clerical force has been increased four and a fraction per cent., the business has been increased 16 per cent. in the Sixth Auditor's office, where all the money-order business and business of a like nature are taken charge of. The bill we propose gives two hundred and twenty-eight clerks to the Sixth Auditor's office, while the present bill gives two hundred and nineteen, the number last year being two hundred and nine. I think they need this force to get along.

Mr. O'BRIEN. I desire to ask the chairman of the committee why a discrimination is made between the pay of male and female assorters who all perform the same service?

Mr. GARFIELD. They are not of the same class. It was found necessary to have ten persons as assorters who are able to lift very heavy books, and they have to be men; the lady clerks could not perform that work.

The Clerk read as follows:

Treasurer:

For compensation of the Treasurer of the United States, $6,500; assistant treasurer, $3,800; cashier, $3,800; assistant cashier, $3,500; five chiefs of division, at $2,700 each; two principal book-keepers, one at $2,600 and one at $2,500; two tellers, one at $2,700 and one at $2,600; one chief clerk, $2,700; two assistant tellers, at $2,350 each; thirteen clerks of class four; thirteen clerks of class three; nine clerks of class two; eight clerks of class one; sixty female clerks, at $900 each; seven messengers; five male laborers, at $720 each, and seven female laborers, at $240 each; in all, $180,460.

Mr. RANDALL. I desire to direct the attention of the chairman of the Committee on Appropriations to the salary of the assistant treasurer, which, I believe, is increased by this bill $1,000.

Mr. GARFIELD. The gentleman will remember that for the last six years Congress has given $8,500 to the Secretary of the Treasury to enable him to give such increased salaries to the more important officers in the Treasurer's office—General Spinner's office—and it has been considered as much the law that they should receive that addition as though we had ourselves distributed it. The committee simply followed the distribution that was made last year and had regularly been made for several years past. If the House thinks that that distribution is unwise and ought to be made differently, let us make it differently; but we have followed simply what has been known to be the distribution during that time.

Mr. RANDALL. I would like to ask the gentleman what this officer did receive last year; first under the law and second by favoritism, out of the "slush-fund?"

Mr. GARFIELD. I will tell the gentleman. On the thirty-first page of the report accompanying this bill he will find the statement that the assistant treasurer received $1,000 out of the distributive fund.

Mr. RANDALL. What is his salary by law?

Mr. PARKER, of Missouri. Twenty-five hundred dollars.

Mr. GARFIELD. I believe it is $2,500.

Mr. RANDALL. And he received $1,000 in addition to that?

Mr. GARFIELD. Yes.

Mr. RANDALL. And now you have raised the salary to $3,800?

Mr. GARFIELD. No; we have not raised it above what he actually got last year.

Mr. RANDALL. My question is whether you have not raised it over both the amounts he received last year?

Mr. GARFIELD. No; we have not. The assistant treasurer received $3,800 last year; $2,800 by law and $1,000 out of the distributive fund.

Mr. RANDALL. I observe that the salary of the cashier is increased in the same way $1,000.

Mr. GARFIELD. The cashier received $1,000 from the distributive fund, and the assistant cashier received $1,000, and several of the chiefs of divisions received $500 each. Those divisions are recognized in a special act. They are not Bureaus created by the Secretary.

Mr. RANDALL. I do not object to that part of it; but the principal book-keepers received $2,200 last year, and this year they receive $2,600.

Mr. GARFIELD. The principal book-keepers, and the tellers and assistant tellers, and the chief clerk, received additional amounts out of the distributive fund last year, and all we have done is just to add the $8,500 to what is given to these officers by the law according to the distribution which has been made for some years past.

Mr. RANDALL. Then in repealing the act which allowed this $8,500 to the Secretary as a distributive fund we have not in fact saved anything; we have only placed the salaries of these officers on a more legitimate footing.

Mr. GARFIELD. In repealing the $22,500 allowed as a distributive fund in the Secretary's office we saved more than half, but here it seemed to the committee that this was a reasonable distribution. The special duties of the divisions of General Spinner's office are so very important and so very large an amount of money is handled by the officers, that it is of the utmost importance that men of sufficient character and of sufficient ability that they can be trusted should be in those places, and we did not wish to take the responsibility of doing what the chief of that Bureau himself says would cripple the efficiency of his force, and we therefore made this distribution.

Mr. MERRIAM. I would ask the gentleman if the assistant treasurers everywhere else do not receive $5,000 a year, excepting in New York, where the salary is $8,500?

Mr. GARFIELD. I believe the gentleman from New York is right. But the assistant treasurer, for instance, in New Orleans, or in Philadelphia, or in any one of these cities, must, of course, be the head of the establishment there. The assistant treasurer here is a subordinate to his chief, and of course it does not need so high a grade of quality to be lieutenant to a chief here as it does to be head of a separate establishment in another city.

Mr. MERRIAM. He acts as chief when his chief is absent.

Mr. GARFIELD. Yes; but his chief, excepting for a little time this spring, has hardly ever been absent in his life.

Mr. KELLOGG. I desire to ask the gentleman one question. I would ask if he has not divided up the fund of $8,500 so as to give the officers precisely what they had during the last three or four years?

Mr. GARFIELD. Certainly.

Mr. KELLOGG. Is not that right?

Mr. GARFIELD. We think so.

Mr. KELLOGG. I think so, too. Now, I ask the gentleman if the committee did not in regard to the divisions in the Secretary of the Treasury's office adopt the same rule in the bill as first reported, and if they did not afterward cut down the salaries?

Mr. GARFIELD. No; we cut them down in the bill as reported.

Mr. KELLOGG. I admit that; but you know you put in $3,000 first, just as they had been getting. I stand by the committee now, and I wish the committee had stood by itself in the first part of this bill.

Mr. GARFIELD. You have had your election; now let us vote.

Mr. MERRIAM. I know this assistant treasurer has been offered $5,000 a year to take a position elsewhere.

Mr. RANDALL. He had better take it, then.

No amendment being offered, the Clerk resumed the reading of the bill, and read the following:

Commissioner of Internal Revenue:

For Commissioner of Internal Revenue, $6,000; deputy commissioner, $3,500; seven heads of divisions, at $2,500 each; thirty clerks of class four; forty-three clerks of class three; forty-two clerks of class two; fifteen clerks of class one; seventy-five copyists, at $900 each; five messengers; two assistant messengers; and twelve laborers; in all, $308,380.

Mr. GARFIELD. By a mistake, either in the committee or in the printing office, one deputy commissioner has been left out. I move, therefore, to amend the bill so as to provide for two deputy commissioners, at $3,500 each. There are now three deputies; the committee desire to reduce the number one, but by some accident the number is reduced in this bill by two.

The amendment was agreed to.

Mr. RANDALL. I move to substitute for the pending paragraph, as amended, that which I send to the Clerk's desk.

The Clerk read as follows:

For Commissioner of Internal Revenue, $4,000; two deputy commissioners, $2,500 each; three heads of divisions, $2,000 each; twenty-three clerks of class four; thirty-nine clerks of class three; forty-two clerks of class two; fifteen clerks of class one; fifty copyists, at $900 each; three messengers, at $840 each; two assistant messengers and ten laborers, at $720 each; in all, $248,760.

Mr. GARFIELD. I raise the point of order that the amendment proposes a change in the law.

Mr. RANDALL. It does propose a change in the salary of the Commissioner, and this is the only time in my life that I have been in favor of nullifying the law. The law now gives the commissioner $6,000.

Mr. GARFIELD. The salary, as fixed by law, cannot be reduced.

The CHAIRMAN. The Chair will be compelled to rule the substitute out of order.

Mr. RANDALL. Then I will change my amendment so as to make the salary of the Commissioner $6,000.

Mr. HOLMAN. Does the Chair rule that salaries cannot be reduced in an appropriation bill?

The CHAIRMAN. The salary of the Commissioner of Internal Revenue is fixed by law at $6,000 a year.

Mr. HOLMAN. Is it not in order to appropriate a less sum than that?

The CHAIRMAN. To pay him less than $6,000?

Mr. HOLMAN. Is it not in order to appropriate a less sum?

The CHAIRMAN. The Chair thinks not.

Mr. HOLMAN. The ruling has always been to the contrary; we can refuse to appropriate at all for a given officer.

The CHAIRMAN. This debate is not pertinent, because the gentleman from Pennsylvania [Mr. RANDALL] has modified his amendment so as to make it conform with the law.

Mr. RANDALL. I have changed it so as to make it in order beyond dispute. The first three officers who held the position of Commissioner of Internal Revenue were Mr. BOUTWELL, Mr. Lewis, and Mr. Orton, and they received but $3,500 a year. If I recollect aright the salary was changed to $6,000 a year during Mr. Rollins's term of office. My amendment provides for the exact force in this Bureau which was employed in December, 1866. During that fiscal year there was collected of internal revenue the sum of $311,000,000. The operations of the office reached every business, every pursuit, every article of consumption. Last year there was derived from internal revenue, I think, but $110,000,000, and the estimates of the Department for the coming fiscal year is but $100,000,000.

I maintain, and I do not think my assertion can be successfully contradicted, that the force which was sufficient in 1866 to collect over $300,000,000 should be able to collect not only the amount of the present fiscal year, but the estimated receipts, according to the showing of the Department, for the next fiscal year of only $100,000,000. I think that statement too plain for contradiction, and therefore it is that I have offered this amendment.

In addition I will say that the number of reports in 1866 were vastly greater than the number of reports at the present time from various sources. This I showed in some remarks that I made about a month ago, which, by the by, remain uncontradicted in any particular. I maintain that this Internal-Revenue Department has not only not decreased in proportion to the decrease of revenue collected by the Government, which is now but one dollar where it was three in 1866, but the absolute expenses of this Bureau have been greatly augmented and the number of clerks greatly added to, with a reduced amount of revenue received. I should like to hear some explanation of this if it is possible, or else I would like to have the committee adopt my amendment, which proposes a saving of $60,000 a year, no public interest being injured thereby.

The question was upon the amendment moved by Mr. RANDALL; and upon a division there were—ayes 44, noes 75.

Mr. RANDALL. That is not a quorum I must insist upon tellers.

Tellers were ordered; and Mr. RANDALL and Mr. GARFIELD were appointed.

The committee again divided; and the tellers reported—ayes 52, noes 95.

So the amendment was not agreed to.

Mr. RANDALL. I move to amend by striking out "two deputies" and inserting "one deputy." There are now so many officers in that Bureau that they stand in each other's way.

Mr. GARFIELD. We have just adopted an amendment to provide for two deputies instead of one; and it is not in order to strike out what has been inserted by a vote of the committee.

Mr. RANDALL. Then I move to amend by striking out "seven" and inserting "three," so as to provide for "three heads of division," as it 1867, instead of seven.

Mr. GARFIELD. If the committee will allow me to say a word——

The CHAIRMAN. The gentleman from Pennsylvania [Mr. RANDALL] is entitled to the floor.

Mr. RANDALL. I yield to the gentleman.

Mr. GARFIELD. Yes; he is a genial enemy on this occasion.

Mr. RANDALL. No, sir; I am not genial, but very stubborn when I am doing right.

Mr. GARFIELD. The Committee on Appropriations propose in this bill a very considerable reduction in the force of the Internal Revenue Bureau—a greater reduction than the Committee on Ways and Means, whom we consulted, recommended us to make. I was desirous, and so were the Committee on Appropriations, that we should in nowise cripple so important a Bureau as that, which has charge of collecting the whole of our internal revenue—an organization that collects in the neighborhood of $125,000,000 a year from so many interior sources. I am well aware that the business of this Bureau has been vastly cut down by the repeal of internal taxes; but everybody knows that it takes more force proportionally to collect a few small taxes than it does to collect great taxes. That is a perfectly plain proposition. The number of accounts that must pass through the hands of the internal-revenue officers is relatively much greater in proportion to the $125,000,000 or $150,000,000 we now collect than when $300,000,000 or $400,000,000 were collected. The force in that Bureau cannot be gauged by the amount of revenue collected. If it could be there might be a greater reduction.

I will, however, state the reduction which we propose. One deputy commissioner has been recently abolished by law. Instead of thirty-four clerks of class four we propose to allow thirty; a reduction of four. Instead of forty-eight clerks of class three we allow forty-three; a reduction of five. Instead of twenty clerks of class one we allow fifteen; instead of seven messengers, five; instead of three assistant messengers, two; instead of fifteen laborers, twelve. The number of copyists we do not disturb. By these reductions we diminish the expense for salaries in the Internal-Revenue Bureau from $354,140 to $308,380—a reduction of $46,000. I think this is all the reduction we can safely make. It is a considerably greater reduction than the Committee on Ways and Means, with whom we consulted, were willing to recommend. But in view of the fact that we propose an increase of the hours of labor we thought we might make a reduction to this extent. I shall be pleased to hear from gentlemen of the Committee on Ways and Means on this subject.

Mr. BECK. I rise to oppose the amendment. I had hoped it would not be necessary for me to take any part in this debate; but as reference has been made to the Committee on Ways and Means, of which I am a member, and as that committee intrusted the examination of the Internal-Revenue Bureau to the gentleman from Ohio [Mr. FOSTER] and myself, and as we have looked into the subject with a great deal of care, I feel bound to state why we made the report that we did.

As the gentleman from Pennsylvania [Mr. RANDALL] is aware, (for I have shown him the paper,) I have here a comparative statement of the number of persons employed by the Internal Revenue Bureau December 1, 1866, and December 1, 1873. I submit that statement

as showing the reduction which has been made in the force of that Bureau:

Comparative statement of number of persons employed by the Internal-Revenue Bureau December 1, 1866, and December 1, 1873.

	December 1, 1866.	December 1, 1873.
Collectors	241	225
Deputy collectors	1,850	882
Assessors	241	.....
Assistant assessors, at $5 per diem	3,318	None.
Tobacco inspectors, paid by fees	748	19
Revenue inspectors, at $4 per diem	178	None.
Inspectors of coal-oil, paid by fees	106	None.
Inspectors of distilled spirits, paid by fees	1,309	None.
General inspectors of distilleries, paid by fees	393	None.
Special agents	10	None.
Revenue agents	12	25
Store-keepers, from $4 to $5 per diem	.....	942
Gangers, fees	.....	987
Surveyors of distilleries	.....	150
Supervisors	.....	10
Commissioner, $6,000 per annum	1	1
Deputy commissioners	2	3
Solicitor, $4,000	1	None.
Heads of divisions, at $2,500 per annum	3	7
Fourth class clerks, at $1,800	23	33
Third-class clerks, at $1,600	39	47
Second-class clerks, at $1,400	42	45
First-class clerks, at $1,200	15	35
Copyists, at $900	51	84
Messengers, at $1,000	4	1
Messengers, at $840	3	8
Laborers, at $720	9	27
Laborers, at $300	.....	2
Grand total	8,599	3,533

Another reason why a greater reduction of force could not be made in the office of the Commissioner at Washington is that last year we abolished the offices of assessors and assistant assessors of internal revenue, the assessors numbering something more than two hundred and twenty, all of whom received large salaries. At the same time we abolished more than two hundred and twenty clerks and eleven hundred and fifty assistant assessors. I have here, and submit in connection with these remarks, a statement by districts, being a close approximation of the saving that was made to the Government by dispensing with the assessors, assistant assessors, their clerks, &c.

Statement by districts of approximate saving made by dispensing with assessors, assistant assessors, their clerks, &c.

Districts.	Cost of assessing and collecting under the old system, 1873. Assessing.	Collecting.	Total.	Cost of collecting, new system, 1874.	Collections, 1873.
Alabama, 1st	$15,317 68	$9,750 00	$25,067 68	$8,700	$81,836 63
2d	16,883 86	9,950 00	26,833 86	9,200	40,369 94
3d	5,222 00	6,300 00	11,522 00	6,600	30,286 78
Arizona	3,588 34	3,680 00	7,268 34	4,100	13,562 73
Arkansas, 1st	6,234 26	4,150 00	10,384 26	5,750	23,252 19
2d	7,494 16	6,920 00	14,414 16	5,910	37,482 57
3d	6,685 98	4,300 00	10,985 98	5,300	28,126 26
California, 1st	34,281 34	25,200 00	77,971 14	42,700	1,990,602 83
	10,329 80	8,160 00			113,445 41
4th	13,099 82	8,900 00	21,999 82	13,130	174,218 97
5th	8,230 16	7,900 00	16,130 16	9,480	89,643 86
Colorado	7,714 88	8,000 00	15,714 88	8,850	75,749 64
Connecticut, 1st	5,518 64	5,198 32	28,778 90	11,670	498,758 69
	9,957 24	8,104 70			51,390 01
2d	8,000 24	5,708 26	27,678 88	10,850	194,806 04
	8,856 42	5,113 96			129,030 25
Dakota	3,926 18	2,200 00	6,126 18	3,800	7,597 34
Delaware	9,782 92	3,250 00	13,032 92	8,900	429,392 88
District of Columbia	9,458 16	4,225 26	13,683 42	7,930	133,424 58
Florida	10,811 68	7,700 00	18,511 68	9,740	158,142 21
Georgia, 1st	15,651 96	6,400 00	22,051 96	7,750	90,492 97
2d	12,746 68	7,300 00	20,046 68	11,150	57,361 33
3d	15,405 40	6,800 00	22,205 40	11,150	117,647 87
4th	13,791 08	7,350 00	21,141 08	11,690	212,457 73
Idaho	7,563 88	4,000 00	11,563 88	6,080	
Illinois, 1st	32,601 38	15,564 40	48,165 78	24,650	6,798,288 11
2d	4,638 46	3,987 92	8,626 38	5,400	60,209 18
3d	11,101 36	7,365 68	18,470 04	8,450	550,937 78
4th	11,315 44	7,657 64	18,973 08	10,650	1,203,453 25
5th	23,625 18	11,857 96	35,493 14	14,250	4,766,975 11
6th	7,411 58	6,500 00	13,911 58	6,400	354,950 98
7th	5,823 44	5,234 80	11,058 24	5,925	170,921 89
8th	13,047 28	16,400 00	29,447 28	13,400	1,866,513 65
9th	4,417 26	5,750 00	10,167 26	6,000	135,419 32
10th	5,397 20	3,688 76	9,085 96	6,950	53,687 14
11th	2,117 16	2,318 76	4,435 92	4,400	29,236 40
12th	7,706 00	7,531 44	15,237 44	7,000	457,274 96
13th	6,097 04	2,801 90	8,898 94	5,150	45,301 57
Indiana, 1st	12,435 58	7,330 48	19,766 06	10,350	952,972 93
2d	4,943 28	3,818 12	8,761 40	6,000	96,651 70
3d	5,383 50	8,894 40	14,277 90	6,238	582,858 35
4th	9,685 82	10,808 76	20,494 58	9,925	2,407,099 98
5th	3,672 64	2,755 76	6,428 40	3,625	36,512 98

Statement by districts, &c.—Continued.

Districts.	Cost of assessing and collecting under the old system, 1873. Assessing.	Collecting.	Total.	Cost of collecting, new system, 1874.	Collections, 1873.
Indiana, 6th	$7,613 18	$6,895 84	$14,509 02	$6,300	$467,826 35
7th	6,492 96	6,061 64	12,491 60	7,750	562,012 78
8th	5,194 06	4,950 72	10,144 78	4,925	252,993 97
9th	4,746 00	5,171 84	9,917 84	5,490	122,828 20
10th	4,112 72	3,696 56	7,809 28	5,100	66,820 97
11th	3,105 12	4,750 00	7,855 12	5,625	29,654 30
Iowa, 1st	5,927 20	5,495 08	11,422 28	6,070	175,697 96
2d	6,361 26	5,897 92	12,259 18	6,050	262,438 55
3d	6,817 96	7,664 00	14,481 96	7,500	412,006 68
4th	2,157 79	5,318 12	7,475 91	6,175	53,106 82
5th	3,868 78	4,000 40	7,868 78	6,000	55,485 34
6th	4,384 78	3,420 00	7,804 78	5,320	54,261 94
Kansas	12,242 26	7,495 00	19,737 26	10,400	161,469 76
Kentucky, 1st	8,611 20	6,000 00	14,611 20	6,925	191,598 40
2d	9,069 36	5,664 32	14,733 68	7,650	253,464 40
3d	7,754 60	4,686 62	12,441 22	5,032	118,641 50
4th	10,249 36	6,744 66	16,994 02	8,750	329,211 58
5th	17,336 08	10,024 36	27,360 44	13,100	1,832,197 50
6th	16,409 92	11,413 16	27,823 08	14,698	1,615,782 40
7th	14,667 52	11,830 38	26,497 90	12,475	872,323 96
8th	9,626 36	4,983 82	14,610 18	7,550	141,330 52
9th	6,818 38	5,500 00	12,318 38	7,350	102,078 21
Louisiana, 1st	23,493 72	13,370 00	36,863 72	18,820	1,261,368 61
2d	10,181 14	7,960 00	18,141 14	8,810	42,947 66
3d	9,454 26	7,000 00	16,454 26	9,150	32,291 03
Maine, 1st	4,553 18	4,879 60	9,432 78	4,350	124,363 19
2d	4,416 55	2,328 78	6,745 10	4,240	27,868 53
3d	3,249 32	2,513 72	5,763 56	3,325	19,108 03
4th	3,990 72	2,407 24	6,397 96	3,500	25,864 49
5th	3,328 06	2,175 60	5,503 66	3,400	17,492 02
Maryland, 1st	16,189 60	7,623 68	23,813 28	12,500	740,755 74
3d	27,719 90	11,858 72	39,578 62	21,000	1,570,819 21
4th	7,464 76	4,667 60	12,132 36	6,400	92,965 49
5th	9,161 04	7,539 84	16,700 88	8,600	249,261 39
Massachusetts, 1st	6,475 20	4,659 84	11,135 04	5,150	132,328 98
2d	5,313 56	3,351 60	8,665 16	5,450	51,984 18
3d	21,419 10	10,030 08	31,449 18	14,580	1,488,143 26
4th	18,499 68	9,099 00	27,598 68	13,000	552,823 85
5th	10,953 38	6,368 84	17,322 22	7,500	319,630 49
6th	9,537 16	9,736 52	19,273 68	9,750	631,677 91
7th	7,000 68	3,937 32	10,938 00	7,500	89,167 25
8th	7,034 06	2,760 94	9,795 00	5,300	55,300 99
9th	9,066 56	3,777 34	12,843 90	7,400	62,862 94
10th	10,333 44	6,816 92	17,150 36	8,500	377,065 10
Michigan, 1st	13,480 30	7,700 00	21,180 30	11,325	1,673,968 46
2d	4,805 64	4,701 88	9,507 52	5,305	57,741 26
3d	7,114 70	3,903 20	11,017 90	6,850	103,442 62
4th	5,445 92	4,097 12	9,543 04	5,850	94,569 34
5th	2,833 22	3,132 56	5,965 78	4,700	48,489 90
6th	8,540 04	6,590 84	14,130 88	7,750	227,509 14
Minnesota, 1st	6,153 74	4,350 00	10,503 74	7,700	69,351 50
2d	10,132 10	6,500 00	16,632 10	8,750	162,053 44
Mississippi, 1st	10,416 24	4,650 00	15,066 24	5,750	32,102 34
2d	10,606 46	8,900 00	19,506 46	8,850	49,865 07
3d	10,113 24	7,375 00	17,488 24	6,750	46,111 90
Missouri, 1st	24,428 44	17,010 00	41,438 44	23,850	3,323,795 53
2d	8,524 00	7,880 00	16,404 00	8,130	100,750 96
3d	6,177 94	4,861 12	11,039 06	5,750	119,562 51
4th	5,059 14	5,193 48	10,252 62	6,750	208,442 06
5th	11,712 36	5,158 68	16,871 04	8,230	112,208 33
6th	12,949 06	10,900 00	23,849 06	11,200	394,559 76
Montana	9,675 44	8,275 00	17,950 44	8,700	24,018 11
Nebraska	5,988 18	6,500 00	12,488 18	11,740	242,962 38
Nevada	6,992 00	9,210 00	16,202 00	10,120	72,305 32
New Hampshire, 1st	5,057 18	5,407 24	10,464 42	4,850	200,387 70
2d	4,564 08	5,693 72	10,257 80	4,575	104,918 85
3d	3,556 82	2,485 16	6,041 98	3,700	20,148 81
New Jersey, 1st	5,003 90	4,996 00	9,999 90	6,200	139,553 31
2d	8,714 90	5,261 76	13,976 66	8,850	273,948 36
3d	15,853 28	7,888 40	23,741 68	10,945	526,359 72
4th	12,960 90	6,092 76	19,053 66	7,900	341,587 24
5th	18,117 62	11,250 00	29,367 62	18,750	1,285,903 74
New Mexico	7,525 36	5,487 00	13,012 36	6,950	23,237 51
New York, 1st	71,058 02	20,650 00	91,708 02	34,600	4,029,458 55
2d	38,121 18	20,950 00	59,071 18	28,650	2,433,782 46
3d	38,168 06	10,850 00	49,018 06	31,800	1,961,195 36
8th	21,536 82	12,400 00	33,936 82	15,100	802,156 96
9th	24,976 14	11,135 00	36,111 14	17,514	1,007,992 39
10th	13,077 98	8,918 96	21,996 94	11,350	529,219 27
11th	10,147 38	5,352 98	15,500 36	7,200	156,637 68
12th	9,620 18	6,511 88	16,132 06	6,800	260,785 63
13th	5,018 42	5,126 90	10,145 32	5,060	119,638 13
14th	12,546 28	7,762 00	20,308 28	10,050	1,242,623 17
15th	10,637 78	5,650 16	16,287 94	6,550	226,780 20
16th	3,689 38	2,847 84	6,537 22	4,130	30,924 33
17th	3,622 68	2,380 96	6,003 64	4,250	30,515 32
18th	6,754 54	5,152 64	11,907 18	5,140	119,447 73
19th	4,113 60	3,155 84	7,269 44	3,630	44,244 36
20th	3,943 86	2,846 78	6,790 64	4,150	54,590 22
21st	8,608 64	5,862 52	14,471 16	6,230	294,446 82
22d	7,869 90	3,985 20	11,855 10	4,450	103,207 28
23d	10,663 94	7,323 56	17,987 50	7,950	412,925 26
24th	8,976 94	7,022 76	15,999 70	8,150	483,655 08
25th	5,065 56	3,416 02	8,481 58	4,100	114,755 69
26th	4,734 72	5,070 92	9,805 64	5,750	173,785 96
27th	5,028 68	6,371 50	11,400 18	7,450	157,384 42
28th	11,456 46	7,742 18	19,198 64	7,344	576,558 71
29th	6,553 24	3,847 32	10,400 56	5,840	80,609 08
30th	23,875 68	9,215 00	33,090 68	16,725	1,541,746 87
32d	36,355 82	21,050 00	57,405 82	27,250	2,230,437 59
North Carolina, 1st	11,484 16	4,050 00	15,534 16	6,675	38,892 73

Statement by districts, &c.—Continued.

Districts.	Cost of assessing and collecting under the old system, 1873.			Cost of collecting, new system, 1874.	Collections, 1873.
	Assessing.	Collecting.	Total.		
North Carolina, 2d	$9,217 52	$5,460 00	$14,677 52	$7,930	$57,244 85
3d	10,295 80	5,800 00	16,095 80	8,700	33,868 86
4th	19,470 28	9,000 00	28,470 28	15,100	449,684 85
5th	16,735 28	9,500 00	26,235 28	13,350	543,251 86
6th	14,214 14	8,300 00	22,514 14	13,250	252,126 40
7th	9,420 16	5,615 00	15,035 16	8,350	33,252 17
Ohio, 1st	39,131 88	17,717 40	56,849 28	24,670	7,161,277 20
2d*					
3d	16,462 50	10,191 40	26,653 90	15,400	1,495,458 80
4th	7,840 86	6,902 68	14,743 54	6,620	699,070 56
5th	3,926 06	3,500 62	7,426 68	4,345	64,737 83
6th	6,985 26	7,286 88	14,272 14	7,120	625,625 11
7th	9,409 66	7,963 70	17,373 36	7,455	495,343 53
8th	3,740 60	3,270 56	7,011 16	3,900	31,435 30
9th	9,057 14	7,351 00	16,408 14	7,800	749,461 97
10th	10,750 66	8,571 04	19,321 70	9,900	1,091,836 75
11th	8,314 12	6,866 88	15,181 00	7,050	575,446 58
12th	7,456 14	6,029 16	13,485 30	6,600	580,975 06
13th	5,137 06	3,685 88	8,822 94	5,410	69,988 15
14th	4,021 30	3,087 20	7,108 50	4,475	56,144 42
15th	3,558 88	4,500 00	8,058 88	5,125	93,001 34
16th	5,050 18	5,687 41	10,737 59	5,675	72,540 14
17th	5,129 34	5,660 72	10,790 06	5,155	204,827 07
18th	15,484 60	8,850 00	24,334 60	12,465	720,189 71
19th	3,500 00	3,511 68	7,011 68	5,850	63,949 93
Oregon	8,038 12	6,500 00	14,538 12	8,280	73,544 48
Pennsylvania, 1st	36,099 08	9,714 54	45,813 62	23,700	1,383,508 05
2d	39,298 54	12,021 62	51,320 16	21,420	1,739,755 19
5th	12,281 84	5,022 52	17,304 36	10,900	354,693 33
6th	12,297 38	5,563 68	17,861 06	11,400	359,983 79
7th	5,582 48	3,563 90	9,146 38	4,200	53,028 11
8th	7,712 22	5,472 10	13,184 32	8,090	253,967 27
9th	10,750 36	6,073 44	16,823 80	10,150	284,512 19
10th	8,251 62	5,077 62	13,329 24	7,670	170,248 31
11th	7,848 60	6,124 52	13,973 12	7,090	146,672 30
12th	7,300 26	5,630 06	12,930 32	7,300	200,123 70
13th	4,775 52	2,367 10	7,142 62	4,300	36,156 39
14th	7,761 20	4,164 52	11,925 72	7,025	108,956 93
15th	13,012 64	6,480 14	19,492 78	11,450	290,961 51
16th	7,188 94	4,683 52	11,872 46	7,200	117,956 97
17th	5,048 58	3,190 70	8,239 28	4,625	53,409 31
18th	3,342 27	2,702 42	6,044 69	4,650	63,572 77
19th	8,160 30	5,600 00	13,760 30	7,479	114,402 95
20th	6,495 44	4,866 20	11,361 64	6,800	96,728 66
21st	11,668 08	8,985 46	20,653 54	8,350	542,160 26
23d	16,669 12	9,149 42	25,818 54	12,350	860,651 81
23d	9,640 74	7,600 00	17,240 74	9,250	469,996 94
24th	7,859 06	4,779 84	12,638 90	7,100	124,828 95
Rhode Island	12,900 00	6,174 64	19,074 64	8,700	{267,159 81 37,392 36
South Carolina, 1st	7,506 98	5,500 00	13,006 98	5,650	32,166 76
2d	13,095 80	6,150 00	19,245 80	8,400	63,487 36
3d	8,045 88	5,500 00	13,545 88	6,100	71,559 46
Tennessee, 1st	4,320 66	4,260 00	8,580 66	5,150	28,073 27
2d	4,315 16	5,710 00	10,025 16	6,470	51,937 18
3d	7,497 14	6,650 00	14,147 14	5,320	54,482 65
4th	7,198 82	5,650 00	12,848 82	6,575	81,708 59
5th	12,510 00	8,195 00	20,705 00	11,725	259,234 25
6th	7,221 12	5,800 00	13,021 12	6,550	36,835 68
7th	6,176 74	4,675 00	10,851 74	5,375	28,415 28
8th	5,029 47	6,600 00	11,629 47	8,600	103,793 86
Texas, 1st	17,021 80	8,550 00	25,571 80	10,550	63,972 53
2d	10,929 78	6,735 00	17,664 78	9,135	46,874 63
3d	7,418 86	6,650 00	14,068 86	9,350	65,481 21
4th	9,770 29	8,081 00	17,851 29	9,600	95,997 40
Utah	9,006 22	5,050 00	14,056 22	6,200	40,786 23
Vermont, 2d	2,681 18	1,208 61	3,889 79	3,380	34,410 60
3d	1,683 38	1,099 42	2,782 80	3,400	{19,037 46 22,412 34
Virginia, 1st	6,029 88	4,015 00	10,044 88	6,700	19,439 26
2d	14,636 12	8,098 08	22,734 20	14,760	998,889 96
3d	12,681 76	13,143 32	25,825 08	18,000	3,706,225 58
4th	13,054 30	5,410 00	18,464 30	9,390	63,204 09
5th	15,359 50	11,732 84	27,092 34	20,050	2,246,279 28
6th	11,914 96	7,750 00	19,664 96	11,100	177,117 49
7th	6,852 48	4,252 72	11,105 20	7,100	89,924 02
8th	4,216 36	2,132 36	6,348 72	6,800	42,719 61
Washington	5,359 64	5,600 00	10,959 64	6,500	15,698 64
West Virginia, 1st	7,270 00	6,481 96	13,751 96	7,650	294,343 01
2d	6,239 08	3,480 32	9,719 40	6,775	127,321 51
3d	3,667 64	2,465 56	6,133 20	4,875	27,997 07
Wisconsin, 1st	15,435 66	7,830 70	23,266 36	11,800	1,476,800 80
2d	9,473 90	4,792 24	14,266 14	8,200	165,515 94
3d	12,316 40	5,159 92	17,476 32	9,906	164,673 18
6th	7,128 14	4,359 50	11,667 64	6,900	74,830 99
Wyoming	3,278 88	2,500 00	5,778 88	3,450	10,652 94
Total			3,825,488 66	1,998,061	106,255,537 51

* First and second districts are consolidated.

The foregoing approximate statement, which forms the basis of special allowances for the fiscal year ending June 30, 1874, is taken from adjustments made for six months and the amount multiplied by two in order to give the probable aggregate expense of assessing and collecting for the year 1873. The reason for this was that at the time of making the allowances the accounts had not been adjusted by the accounting officers for a longer period. Many of the accounts have not yet been finally adjusted, so that the exact difference cannot now be stated. The final adjustment of the assessors' accounts will be for the period ending on the 19th of May, 1873, one month and twelve days less than one year; the estimate of the assessing expenses in this statement is made for a full year, inasmuch as the new system is charged with a full year's expense.

J. W. DOUGLASS,
Commissioner.

JANUARY 23, 1874.

It will thus be seen that before this reduction of force was made it cost the Government to collect about the same revenue we are collecting now $3,825,488.66, while it now costs $1,998,061; a saving to the Government, as certified by the Commissioner, of $1,827,427.66, and a reduction of nearly two thousand in the number of persons employed.

Mr. DUNNELL. How do the amounts collected compare?

Mr. BECK. The amount collected is now within $5,000,000 annually of what it was when the collection cost nearly $4,000,000. The adoption of a uniform tax of twenty cents on tobacco, instead of the two rates of thirty-two and sixteen cents, while causing a slight falling off in the revenue (not so much as was expected) did not diminish at all the labor of collection.

Mr. RANDALL. Does the gentleman mean to say that the difference between the amount of revenue collected in 1866 and that collected now is only $5,000,000?

Mr. BECK. I do not.

Mr. RANDALL. It is $211,000,000.

Mr. BECK. And five thousand and thirty fewer people to collect it. The territory has not diminished; the country to be watched is just as great.

Mr. RANDALL. Not at all.

Mr. BECK. I beg the gentleman's pardon. But I was answering the gentleman from Minnesota, [Mr. DUNNELL.] When this reduction of $1,820,000 of expenses was effected there was only a falling off of five or six million dollars. The cry is now raised that we must cut down the number of officers in the Bureau of the Commissioner of Internal Revenue, notwithstanding all the work of the assessors is transferred to headquarters here. When we had concluded our examination we found the fact to be that when the reorganization of the internal-revenue system in the country took place, all of the reports of collectors and deputy collectors had to come directly to this office instead of going to the assessors, so that all of the business of the assessors and assistant assessors with the collectors and deputy collectors has to be done here. We now require a large amount of money to be paid by stamps which was not paid by stamps before that adds largely to the work of the office here. I have lying on my table samples of all the stamp books which have to be kept at the office. Every coupon on each of them has to be counted and a list made so as to keep an accurate account of the number used by every collector in the United States, instead of being kept as they were formerly by the assessors in the various districts. It was necessary, of course, also, when the books of two hundred and odd assessors and all the assistant assessors were sent here, that their papers, which came in great boxes, had to be assorted and put into shape that was no small work. Now all orders have to go out to all the collectors from the office here, and all these stamps have to be counted and every coupon numbered and proved to see that every account is kept fairly. Of course all this required some increase of the service here to answer the additional demands made upon the Bureau.

I want also to send to the Clerk's desk to have printed in the RECORD, so gentlemen can see it to-morrow morning, a letter from the Commissioner of Internal Revenue to the Committee on Appropriations, (which was submitted to the sub-committee of the Committee on Ways and Means,) showing every fact necessary to enable the Committee of the Whole in the morning when they meet, if they do not pass this paragraph to-night, to understand perfectly what the Commissioner of Internal Revenue is doing. The letter is as follows:

TREASURY DEPARTMENT,
OFFICE OF COMMISSIONER OF INTERNAL REVENUE,
Washington, February 25, 1874.

SIR: I have the honor to call your attention to a few suggestions in connection with that portion of the appropriation bill lately introduced by you which proposes a reduction in the clerical and other force of this Bureau. In doing this I am impelled solely by an earnest regard for the public interests, as affected through that branch of the public business committed to my care. Allow me to premise further by the remark that whatever the wisdom of Congress may determine in this regard shall be faithfully and zealously enforced; and this is the feeling of those associated with me in the duties of this office.

You will remember, when in December, 1872, I recommended the abolition of the offices of assessor and assistant assessor of internal revenue, that I said to your committee, as I did to the Ways and Means of the House and the Finance Committee of the Senate, that to insure a proper dispatch of the greatly increased business that would inevitably be thrown upon this office twenty-five more clerks might be asked for, but that the effort would be made to do the work with the present (then) force and avoid an increase, if possible. The great reduction (in numbers over twelve hundred and in per annum expenses over $1,500,000) effected by the act of December 24, 1872, was recommended under the supposition that the working force of this office would not be reduced. I should not have dared, in view of the large and varied public and private interests to be influenced, to recommend the present system, except under the presumption stated.

Your attention is respectfully invited to Executive Document No. 99, which shows in detail the increased labor thrown upon this office by the acts of July 20, 1868, and December 24, 1872. The tendency of legislation and the object of the consequent regulations thereunder since 1868 have been to increase the direct supervision by this office of the collection of taxes, and with increasing favorable results. To this principle largely, in connection with the stamp system, is due, for instance, the striking contrast in the amount of tax collected on spirits at fifty and seventy cents, as compared with the amounts collected at two dollars per gallon; the lower rate giving the higher tax result.

The immense reduction in the force of internal-revenue officers generally is also

shown in detail in the document referred to, amounting, between December 1, 1866, and December 1, 1873, to over five thousand persons—an army in numbers.

To perform the additional labor in this office the clerical and other force was increased by law between 1866 and 1873 less than eighty; while the preparation and distribution of the new stamps, under the acts of July 20, 1868, and December 24, 1872, alone require one-half of that number.

The number of letters written and sent out during the seven months subsequent to July 1, 1873, was three thousand five hundred and twenty-two greater than the number sent out for the seven months immediately before that date. These were letters of which press copies were taken, not embracing written or printed circular letters.

The twenty-two clerks, &c., discharged on the last day of January, 1874, was an extra force that had to be employed on and after May 20, 1873, the date when the assessors and their assistants went out of office, to take care of the great number of papers and records that came into this office after that date and to assist at the additional current work under the new system.

When that extra force was discharged, the number left was in my judgment the minimum to which reduction could be safely carried.

It is said that the reduction proposed in the clerical force is but the equivalent mathematically of the hour of labor proposed to be added to the Departments generally. While the maxim that figures will not equivocate is generally accepted as true when aptly applied, I would respectfully suggest that, aside from copying and counting stamps, clerical and professional labor involve so many conditions of a mental, moral, and physical nature as to lie in a region mostly outside of pure mathematics.

A mathematical standard would seem to be as inapt for such measurements as would be the rules of rhetoric or the laws of metaphysics to determine the size or weight of a block of granite.

Permit me to refer now to two general considerations of much wider importance to the revenue of the Government and to the interests of the tax-payers.

Prior to the 20th of May last the monthly assessments of all taxes unpaid by stamps were gathered, considered, and arranged by the assessors and their assistants in the different districts of the country. The force thus occupied numbered, as above stated, over twelve hundred. Their work consisted in assessing the taxes on banks, all taxes due under unrepealed laws upon excess of material or capacity by distillers, on tobacco or cigars sold without being stamped, on special taxes, (licenses,) and penalties, and the reception of reports from store-keepers, gaugers, &c.

The total aggregated a large labor and many papers. These monthly lists are now made up in this office for every district (two hundred and twenty-four) in the United States.

The collectors and their deputies gather the data and transmit it to this office for consideration and action, the result being a list of taxation for each district. It will be readily understood that these determinations involve a great variety of questions of law and fact, to be settled in this office without delay, and to be followed by prompt action. The execution of a national law that finds its jurisdiction over persons and property in every town and county of our vast country involves frequent conflict, of course, with State, county, and municipal laws. In all such cases, and they are numerous, the first decision is made by this office, and its decision enforced by summary process, if necessary, upon the property of the tax-payer.

This power, almost arbitrary, should be exercised with the greatest caution and upon the fullest deliberation. To afford this just treatment much time and labor are required. But the time allowed for the perfection of any one list after its data have arrived in this office is twenty-four hours, on an average, for each of the districts. It is plain, at once, that the only possible equivalent of time in this matter is in the number of persons engaged in the work.

Each and every item of the many on these lists is made by law a lien on the property of the person indebted. This lien takes effect from the date of the receipt of the list by the collector from this office, as he then issues his notices to the persons therein assessed. An hour's delay here may, by missing one mail, make a day's delay in the attachment of the lien.

Every lawyer and business man will appreciate the disastrous effect of such mischances upon the intended precedence of the Government lien. Local liens under State laws in favor of judgment creditors, mortgagees, mechanics, and "materialmen," State, county, and city taxes, are going on record by the thousands daily in every section, involving contests for precedence or *pro rata* allowance.

Time is emphatically potential in all such contests. In comparison with an interest so large in amount or so extensive in territorial scope, the employment of twenty or thirty clerks is strikingly inconsiderable. To avoid as far as possible these dangers to the Government the clerks employed in the assessment division are frequently at their desks in the evening hurrying forward the lists.

In addition to these new and important duties all the old work of this office is continued as heretofore, and includes the consideration of all cases of fraud, seizures, suits, arising under the internal-revenue laws, and all matters pertaining to special taxes, stamp taxes, taxes on incomes, legacies and successions, and on dividends, &c.; claims for abatement and refunding; extension of time on distraints; lands purchased for the United States on distraint; taxes on tobacco, snuff, and cigars not in bond, and on medicines and preparations under Schedule C. Also the examination and reference of the revenue and disbursing accounts and estimates of collectors, and their applications for special allowances, and of all matters relative to advertising and the purchase of blank-books, newspapers, and stationery for revenue officers; the examination and reference of the monthly bills of supervisors, revenue agents, gaugers and distillery surveyors, and of miscellaneous claims, and the preparation of estimates; the records of statistics; direct taxes, copying &c., of press copies, and recording of all letters received and sent; the supervision of all matters pertaining to distillers, distilled spirits, fermented liquors, wines, rectification, bonded warehouses, gaugers' fees and instruments, and the assignment of store-keepers; the preparation, safe-keeping, issue, and redemption of stamps for distilled spirits, tobacco, and cigars, fermented liquors, special taxes, and stamps issued under Schedules B and C, and the keeping of all accounts pertaining thereto; supervision of all business with the Adams Express Company; the preparation, custody and issue of steel dies for canceling stamps; also the custody of official postage-stamps, and the stamping and dispatch of the mails; correspondence, appointments, commissions, leaves of absence, office discipline, assorting and disposition of the mail, custody of the office files, and all matters relating to messengers, laborers, office stationery, printing, advertising, and the preparation of blanks and blank-books for the Bureau.

My report for the fiscal year ending June 30, 1873, showed 7,949 registered distilleries of all kinds, grain and fruit. Since the acts of 1866 and 1872 distilleries are individually dealt with by this office. Formerly the detail was managed exclusively by the assessors and collectors, general reports from each class being sent to the Commissioner at the end of the month. Under the present system all the reports of gaugers and store-keepers are received (daily and monthly) at this office, and the examinations and calculations necessary to determine the liability of all distilleries in operation constantly being made here.

To do this involves the receipt, classification, recording, and scrutinizing by items of the daily reports of, on an average, six hundred store-keepers and seven hundred and fifty gaugers in active service. Store-keepers make two daily and one monthly report, while gaugers make one daily and one monthly report each.

Your attention is respectfully called to exhibits A and B, and herewith inclosed, which show in detail the various matters that have to be considered and determined by this office and its subordinates *before a distillery can be started.* These questions of law and fact are often intricate and always important, both to the Government and the tax-payer, and are being multiplied daily by changes in ownership and distillery capacity.

When the distiller has laid in his stock of grain, purchased his cattle—a large incidental feature at many grain distilleries—and hired his operatives, he should not be delayed one moment, if possible, in commencing work. While the Government must and does require a scrupulous regard by the distiller of every law and regulation, she should be equally careful and prompt on her part. Unless the preliminary supervision and control which this office takes of distilleries preceding distillation is immediately exercisable, the citizen is being virtually oppressed. There are many distilleries in the country that would pay in less than one week all the salaries (some $45,000) involved in the proposed reduction of clerks in this office. An average delay of one day in starting the distilleries operating in any one year would insure a loss of revenue to the Government vastly greater than the proposed saving in salaries.

I have above given some of the reasons which occur to me as bearing with some weight upon and against the proposed reduction in this office. They are honestly held and stated, and from no other motive than a desire to be able to perform with dispatch the duties required by law and with the minimum amount of loss and inconvenience to the tax-payers.

Respectfully submitted.

J. W. DOUGLASS,
Commissioner.

Hon. JAMES A. GARFIELD,
Chairman of the Appropriations Committee, House of Representatives.

EXHIBIT A.

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, February 24, 1874.

SIR: In compliance with your request, I have the honor to submit the following statement relative to the starting and running of distilleries, the duties of the distiller and of officers of internal revenue. The law and regulations require every person having in his possession, &c., a still or distilling apparatus, to register the same with the deputy collector of the division in which said still, &c., shall be, and prescribes a penalty for a failure so to do; they require the party or parties intending to engage in the business of distilling, &c., to give notice of such intention in writing on Form 27 *a*, stating the place and building giving the number and kind of stills to be made, and the cubic contents of each; the mode of boiling, number and kind of boilers; number of mash tubs, and cubic contents of each; mode of mashing, number of fermenting tubs, and cubic contents of each tub, designated by serial number; mode of fermenting; number of receiving cisterns, and cubic contents of each; kind of material to be used; number of hours in which each tub or mash of beer will be fermented; estimated quantity of distilled spirits capable of being produced every twenty-four hours; estimated mashing and fermenting capacity per day of twenty-four hours, in bushels or gallons; particular description of the lot or tract of land on which the distillery and warehouse are situated; description of distillery warehouse; size and description of all other buildings on the distillery premises, and material of which constructed; statement of present condition of title; distance of distillery from nearest place or premises authorized to be used for rectifying or refining distilled spirits; name of every person interested or to be interested in the business, and nature of interest, with residence, (if in a city, designated by street and number.)

An accurate plan, &c., of the distillery must accompany the foregoing notice, and said notice having been received by the collector he shall proceed with his designated assistant to make a survey of such distillery, &c.

Every distiller is required to provide, at his own expense, a warehouse, to be situated on and constitute a part of his distillery premises, &c.

A plan of said warehouse, with an application for the approval thereof, and the assignment of a store-keeper thereto, is forwarded by the collector to this office, and if upon examination it appears that the papers heretofore mentioned are correct and that the law and regulations have been fully complied with, then the warehouse is approved and a store-keeper assigned thereto.

The collector is then notified of the action of this office, and he then approves the distiller's bond and permits him to commence the business of distilling; but until all the aforementioned acts are performed and approved by this office a distiller cannot operate his distillery without subjecting himself to the penalties imposed by law.

Having commenced operations, the distiller may give notice of suspension, Form 124; notice of resumption, Form 125; and notice of change in capacity, Form 126.

Grain distillers forward to this office monthly account on Form 14, showing the quantity and kind of material used by them for the production of spirits, and the quantity of spirits distilled and placed in warehouse by them during the month. This report is subscribed and sworn to by the distiller. Store-keepers forward to this office daily report, Form 86, showing the entries into and withdrawals from warehouse; the serial number of each package; number of wine and proof gallons; the serial number of warehouse stamps, and on withdrawal the serial numbers of tax-paid stamps and the amount of tax. They forward monthly report Form 87, which is a consolidation of Form 86.

Forms 88 and 88½ are reports made monthly by store-keepers, the former showing the kind and quality of material used for the production of spirits, number of fermenting tubs used, the quantity of mash or beer, the quantity of spirits produced, and the quantity entered into warehouse, and upon what date; the quantity and kind of material on hand at first of month, the quantity received on the distillery premises during the month, the quantity used for the production of spirits during the month, and the quantity on hand at last of month, with totals of each. The latter shows the time of filling and emptying fermenting tubs, giving the number of tubs, and the day and hour when filled and emptied.

The reports referred to in the forgeing statement furnish the data for all assessment, either for deficiency in quantity of spirits produced or for excess of material used.

Very respectfully,

A. H. HOLT,
In Charge of Section of Distilled Spirits.

Hon. J. W. DOUGLASS,
Commissioner of Internal Revenue.

EXHIBIT B.

TREASURY DEPARTMENT,
OFFICE OF COMMISSIONER OF INTERNAL REVENUE,
Washington, February 24, 1874.

SIR: In response to your verbal request through Colonel Holt, I have the honor to report that it is the duty of gaugers to inspect, mark, brand, and stamp all packages of spirits produced at distilleries, and make report of the same in triplicate, one copy of which report is forwarded to this office, and shows for whom the spirits were gauged; serial number of package; wine gallons capacity of the package; wantage; correction to volume; indication, temperature; wine proof and taxable gallons; serial number and kind of stamps; and the amount of tax due. It is the duty of the gauger to gauge all spirits before being placed in the bonded warehouse, and attach the warehouse stamp, and when the spirit is withdrawn from

warehouse it is his duty to again gauge such spirit and attach the tax-paid stamp, and make a similar report to this office and the collector. Gaugers on duty at rectifying establishments are required to gauge and mark every package drawn from the rectifying tubs, and attach thereto the rectifier's stamp, making report of such gauging to the collector.

Every package filled for shipment or sale on the premises of a wholesale liquor dealer must be gauged and stamped, and if containing more than ten gallons, must also be marked and branded as required by section 47, act of July 20, 1868, making report of such gauging to the collector.

Reports of gauging at the houses of wholesale liquor dealers and rectifiers show all that is in the reports of gauging done at distilleries, except the amount of tax due.

Having been informed that you wished this report as brief as possible, I have made it so, and will merely say, in conclusion, that I consider the duties of the gauger more responsible and onerous than any other revenue officer.

Very respectfully,

E. S. HOLMES.

Hon. J. W. DOUGLASS,
Commissioner.

Mr. Chairman, we were in earnest in our efforts to reduce the force here if it could be done with safety to the public interest, and we found we could in one regard if we could be content with only press-copies of letters sent out from the Bureau of Internal Revenue, but on examination of these press-copies we did not think the work of the Government ought to be intrusted to them, and therefore we were not prepared to advise economy in that direction. A number of copyists are required as a matter of course, as most of these letters which have to be copied are letters which represent large amounts of money. They contain often orders from the Department to the collectors and are records of the Government and are necessary to understand the accounts. As they are necessary to the accurate keeping of the accounts of the Government we did not think it prudent for a great Government like ours to trust only to press-copies. Hence we agreed that all these letters ought to be kept in a permanent form.

Mr. GARFIELD. I should like to suggest to the gentleman from Kentucky in this connection that it has been found most of the letters in the various Executive Departments taken by press-copies are fading out so as to be valueless.

Mr. BECK. These press-copies were submitted to us and many of them, made five years ago, we could not read. And when the gentleman from Ohio [Mr. FOSTER] and myself looked at them carefully, although the Commissioner of Internal Revenue was willing if we thought proper to reduce the force and to make press-copies as perfect as he could, we thought it was not safe for the Government to allow that to be done, because of the consequent insecurity of these records of the Government, representing as they do many millions of dollars.

I will say here, Mr. Chairman, in behalf of the Commissioner of Internal Revenue that in all our interviews with him we saw no sort of desire on his part to keep a supernumerary. He may have some; of course we could not tell; but he satisfied us that he was willing to do all he could to make every proper reduction of the force and expense of his Bureau. He showed us from his book of correspondence that over thirty-four hundred more letters had been written from his office in the last six months than in the six months before when there was a large force of assessors and assistant assessors to do the work. He said to us that if each gentleman would look in his own district into the force of deputies and clerks employed there and see how far they could be reduced, that he should like to do whatever was proper in that regard by every means in his power in order to reduce the expenses of the Internal-Revenue Bureau still further. He said to us also that if we wished to cut down the gaugers from seven dollars a day, which they now get, to five dollars—that being the amount paid to the store-keepers—we could save $125,000; but he made no recommendation in that regard. The sub-committee acted in that direction and recommended it should be done.

That sub-committee, of which I was a member, after spending several nights with the Commissioner of Internal Revenue, after examining his books and looking into his papers, and hearing all his statements, were satisfied, and so reported to the Committee on Ways and Means, that he was by every means in his power, as an efficient officer, doing all he could to save money to the Government while collecting its revenues faithfully and well. That is my opinion of him.

Mr. DAWES. After the very full and fair statement made by the gentleman from Kentucky [Mr. BECK] of the manner in which he and his associate of the sub-Committee on Ways and Means have discharged their duties, and the conclusions to which they have come, I do not think it is necessary to add anything further. I have a desire at all times to co-operate with the gentleman from Pennsylvania [Mr. RANDALL] in the efforts he has made year after year to cut down the force in the Internal Revenue office. From the nature of the duties of that office it is constantly coming in contact with the Committee on Ways and Means, and if the committee do their duty they ought to know what is going on there.

It has been the unanimous opinion of the Committee on Ways and Means, I believe, for several years that the manner in which business has been transacted in the Internal-Revenue office is an assurance of the efforts of the head of that Bureau to reduce its expenditures to the lowest point consistent with efficiency of service. I do think there is no Bureau of the Treasury Department so entitled to the confidence of the Congress of the United States as that. It is refreshing to me that there is a head of one Bureau at least who seems to be as earnest as any gentleman in this House to study out methods of reducing the expenditures of his office on one hand, and on the other of bringing it to a condition of greater efficiency and fidelity in the public service. You cannot point out to that officer any matter in which you may think there may be any improvement, that he will not be ready at once to examine and weigh without any pride of opinion and adopt what you can satisfy his judgment will bring either of those elements into the administration of his Department to a greater degree than they are now.

You know, Mr. Chairman, that little more than a year ago we passed a law which brought great scandal on the Bureaus in the Treasury Department, which was carried through and is attempted to be justified and maintained now upon the ground that there is not force enough in the Internal-Revenue Bureau to collect the old taxes that are not yet paid. While on the other hand the Commissioner of that Bureau believes himself and his force capable of collecting all the old taxes as well as the current taxes of the Government, yet whatever ground there is for sustaining these unusual proceedings under that law rests solely upon the idea that he has not now force enough to collect the old outstanding taxes, and that all of the force, and more than all of the force in his Department, is necessary to collect the current taxes of the country. And I think that any one who goes beyond the endeavor of the present head of that Bureau in curtailing his force will do well to look to it and see whether he does not at the same time cripple the efficiency of the force itself.

Mr. RANDALL. Mr. Chairman, in answer to what has been said by the gentleman from Kentucky, I wish to direct the attention of the House to the fact that there are now twenty-one hundred and fifty-nine less reports made by this Department than there were in 1866. Now, I am quite aware it is not a pleasant task to find fault or to expose what you deem to be wrong or extravagant, more especially when I do not find much encouragement from quarters whence I may have a right to expect it. But gentlemen must take my figures unless they can show them to be wrong.

Let us look at the management of this office in 1866, as regards the contingent fund. I find that the contingent expenses of that office in 1866 were $40,000; and I find that in the fiscal year ending June 30, 1873, they had grown to the enormous sum of $187,000; while in the former year over $300,000,000 were collected, and in the latter year but $114,000,000 were collected. I would like to have some explanation of these facts. In 1866 the amount collected was about $311,000,000, of which $20,000,000 were from stamps; while in 1873, of $114,000,000, $110,000,000 were from stamps. And everybody knows that in 1866 the internal taxation entered every household and every business man's office, that it permeated everywhere; while at this time the internal revenues are in fact collected mainly from two sources: spirituous and fermented liquors, and tobacco.

I maintain that the force provided in my amendment is sufficient; and moreover I believe there are members of the Committee on Appropriations who have since examined this subject who agree that there can be a reduction of at least twenty clerks in this Bureau, and a saving of about $30,000. When we reach the proper point I shall further propose to amend, and I hope the committee will give me a more willing ear and be more disposed than they showed themselves a few minutes since to make these reductions. I have said that it was an ungracious thing to put these people out of their positions, but I have a duty to perform, and I mean to perform it as far as I am able.

Mr. KELLOGG rose.

Mr. HALE, of New York. I move that the committee rise.

The CHAIRMAN. The gentleman from Connecticut [Mr. KELLOGG] was recognized and given the floor before the Chair heard the motion that the committee rise.

Mr. KELLOGG. I shall not stop now to discuss with my friend from Massachusetts [Mr. DAWES] the Sanborn contracts, but shall wait till the gentleman's committee make their report. That, I think, will be the proper time to discuss those contracts, and I shall go with the gentleman then probably as far as he wishes me to go. But I am very glad to find him, for once, in favor of giving more force to a Bureau than our ambitious Committee on Civil Service Reform, as he called it the other day, were disposed to do. We have investigated this matter as we thought, and I am very happy to state that in one place the Committee on Appropriations have got thirty more employés in this Bureau than we had in our bill. We may have made a mistake, and if we find we have we shall cheerfully amend our bill so as to give more force.

Mr. STARKWEATHER. I would like to ask my colleague how much his bill reduces the force?

Mr. KELLOGG. My colleague must wait until I get through. Now I want to ask the gentleman from Kentucky [Mr. BECK] whether in the number of employés which he gave he included the two thousand and forty-one store-keepers and gaugers that appear in the Blue-Book for the first time this year?

Mr. BECK. We did not go over the number of store-keepers and gaugers.

Mr. KELLOGG. I supposed not. Now I want to say right here, for the information of the committee, that we are paying from the United States Treasury two thousand and forty-one of these gaugers and store-keepers, when formerly the distillers themselves paid them. There are places all over the country where the gaugers' fees cost actually more than all the revenue received from their work.

Mr. DAWES. Does not the gentleman know that we put an addi-

tional tax on distilled spirits in order to pay those fees? Has not the Committee on Reform in the Civil Service discovered that fact?

Mr. KELLOGG. Yes; we discovered it; but I will say to the gentleman that he can make a further improvement if he will take advice from our ambitious young committee. There are places all over the country where we can make a saving if we will stop having these gaugers at seven dollars a day where they do not gauge enough, taking one year with another, to pay the expense.

One word more. In the Blue-Book this year there are two thousand and forty-one store-keepers and gaugers and other officers, making over thirty-four hundred, which were never included in any Blue-Book before, but which the gentleman from New York [Mr. WOOD] included in the table he presented, and which the gentleman from Kentucky [Mr. BECK] indorsed. I want that to appear upon record, that there are over thirty-four hundred of these officers for the first time in the Blue-Book as connected with the Treasury Department.

Mr. BURCHARD obtained the floor.

Mr. BECK. Will the gentleman allow me to say one word?

Mr. BURCHARD. I will yield a moment.

Mr. BECK. The remark was made by the gentleman from Pennsylvania [Mr. RANDALL] that he was not supported in the motion he made just now in quarters where he supposed he would be. I presume he alluded to me.

Mr. RANDALL. I was alluding to you, of course.

Mr. BECK. I want to say to him in answer to that, that when I was put upon a committee to look into this business and to report exactly the facts and I found that we had made a reduction of the force from eighty-five hundred to thirty-five hundred, I thought that was doing very well.

Mr. RANDALL. But it seems you overlooked the thirty-four hundred gangers.

Mr. BECK. I cannot yield now. I want to say this to the gentleman from Connecticut: that a year or two ago, when the same contest was made as to the Internal-Revenue Bureau that is being made now, and when gentlemen on my own side of the House and others insisted there was no reduction, I took occasion then to show them what the House and the country know, that up to the year before last the distillers paid their own store-keepers and gaugers and now we pay them. That is an expense charged upon the Internal-Revenue Bureau that was not charged then, because it was paid by the distillers. I showed that on the floor of the House two years ago; but we put a tax of five cents a gallon on distilled spirits, because we paid these expenses ourselves, and that tax of five cents amounts to $2,250,000 a year, so that we make a profit of $750,000 over and above what we pay the store-keepers and gaugers, and over and above what we made before. The five-cent tax per gallon yields $2,250,000, or as some gentlemen say $2,500,000, when you pay to the gaugers and store-keepers only $1,600,000.

That is the reason why the expenses appear greater. Let the distillers pay the store-keepers and gaugers as they did before, and the expenses would appear $1,500,000 less than they are now, and but for this five-cent tax a gallon we would be $750,000 a year worse off than we are now. That is the explanation of it.

Mr. BURCHARD. I wish to say a few words only.

Mr. ALBRIGHT. I would ask if debate is not exhausted on the amendment; if it is, I call for the regular order.

The CHAIRMAN. Debate is exhausted on the amendment.

Mr. BURCHARD. I rise to oppose the amendment to the amendment if there is one pending.

The CHAIRMAN. There is not.

Mr. BURCHARD. Then I move to strike out the last word. I wish to say but a word to the committee in reply to the remarks made by the gentleman from Pennsylvania [Mr. RANDALL] in regard to the force employed in the Internal-Revenue Bureau. There is now a greater amount of work required to be performed in that Bureau under the present law than there was prior to the passage of the law of April 24, 1872. The gentleman from Kentucky, perhaps, has alluded to that. Prior to the passage of that law the assistant assessors retained duplicate returns. Now the collectors or deputy collectors are required to forward their reports to the Internal-Revenue Bureau, there to be examined, there to be adjusted, there to be assessed, to be returned to the collectors for collection. That work which was performed by the assistant assessors is now performed in the office of the Commissioner of Internal Revenue.

Again, there are some other taxes that are required by that act to be directly assessed in that office, such as the tax upon national banks, and others which I have not time to enumerate.

Mr. HOSKINS. All the taxes upon banks of deposit and the individual banks are also assessed directly here.

Mr. BURCHARD. That is true. Now, I believe the Committee on Ways and Means will give the Commissioner of Internal Revenue the credit of inaugurating and suggesting the reduction that was made in the force in the country. My impression is that he prepared the bill, or perhaps not the bill that passed, but a bill revising the service, which saved nearly $2,000,000, as was stated by the gentleman from Kentucky, reducing the force in his employ throughout the country to the extent of nearly three hundred assessors and some eleven hundred assistant assessors. He is entitled to credit; and I believe if the Committee on Ways and Means, or the Committee on Appropriations, or any other committee should point out to him wherein a saving could be made to the Government in his office by reducing his force, he would concur in their recommendation, and follow out any economical reduction that could properly be made. Therefore I am ready to vote in favor of this bill as it stands, and in support of the recommendation made by the sub-committee of the Committee on Ways and Means.

Mr. BUTLER, of Tennessee. I trust that the amendment will not prevail. It is very evident that if the Committee of the Whole understood it they would vote it down. There is no reason why a gauger should not have more pay than a store-keeper.

Mr. ELLIS H. ROBERTS. We have not reached the gaugers yet.

Mr. BUTLER, of Tennessee. Because the one travels over the country and the other remains in one place. Take my own district, for instance; the gauger frequently travels a hundred miles and pays his own expenses, and the difference between five and two dollars a day is not too much.

Mr. RANDALL. The provision about gaugers is further along in the bill.

The CHAIRMAN. Debate in regard to gaugers is evidently not in order at this time.

Mr. GARFIELD. I move that the committee now rise.

Mr. FORT. Let us vote on this amendment.

Mr. RANDALL. I have another amendment to offer.

Mr. GARFIELD. I call for a vote on the pending amendment.

The amendment was not agreed to.

Mr. GARFIELD. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WOODFORD reported that, pursuant to the order of the House, the Committee of the Whole on the state of the Union had had under consideration the state of the Union generally, and particularly the bill (H. R. No. 2064) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes, and had come to no resolution thereon.

Mr. MAGINNIS obtained the floor to move a suspension of the rules, but yielded to Mr. MAYNARD.

WIDOW OF JUDGE SAMUEL MILLIGAN.

Mr. MAYNARD, by unanimous consent, introduced a bill (H. R. No. 3087) for the relief of the widow of the late Judge Samuel Milligan; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill provides that the salary of the late Samuel Milligan, judge of the Court of Claims, for the remainder of the present fiscal year, shall be paid to his widow.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MAYNARD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RECUSANT WITNESS DISCHARGED.

Mr. ELDREDGE, from the Committee on the Judiciary, submitted the following resolution; which was adopted:

Resolved, That George H. Patrick, a witness in proceedings for the impeachment of Richard Busteed, United States district judge of the district of Alabama, and against whom the attachment of the House issued as for contempt, having appeared and testified before the sub-Committee on the Judiciary, and his explanation of his previous non-attendance being satisfactory to the House, be, and he is hereby, discharged from arrest.

BUSINESS ON MONDAYS.

Mr. BECK. I desire to have the Clerk read the remarks of the Speaker, as published in the RECORD of February 3, relative to the order of business on Mondays. And the Speaker will do me the justice to say that during the seven years past I have never charged any improper conduct on the part of the Speaker, and I do not now.

The Clerk read as follows:

The SPEAKER. In connection with what the gentleman from Indiana has just said, the Chair desires to make one general observation, and that is that gentlemen seeking the floor for a suspension of the rules on Monday greatly facilitate their ends by notifying the Speaker of the object they have in view. There is, every Monday, a much larger number seeking the floor than can be accommodated in a single day, and the Chair must necessarily exercise discretion in assigning the floor, having regard primarily to the relative public importance of the questions presented by different members. The Chair thinks that in his five years' service no member from either side of the House, having a question of public importance to submit, has ever failed to get the floor when the Chair was advised of the object. Had the Chair known what motion the gentleman from Indiana intended to submit on Monday last, it would have been his duty as well as his pleasure to recognize him.

The rules provide that the member first addressing the Chair shall be recognized; but where fifteen or twenty address him at the same moment, some other mode of assigning the floor must, of necessity, be resorted to; and there is none so fair as to award precedence according to the relative importance of the motions; and this decision can be made only by the Speaker knowing what subject a member seeking the floor proposes to submit to the House.

The SPEAKER. The Chair reiterates every word of that, and does not see that he there says that before a gentleman obtains the floor he must notify the Chair of what he has to offer.

Mr. BECK. The record will show; that is all I want.

The SPEAKER. The Chair begs to say, however, lest the House

may not understand him, that he reiterates every word of what he there said from beginning to end. That has been the practice, and is entirely consistent with what the Chair said to-day.

CIVIL SERVICE.

The SPEAKER laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

Herewith I transmit the report of the civil service commission authorized by the act of Congress of March 3, 1871, and invite your special attention thereto.

If sustained by Congress, I have no doubt the rules can, after the experience gained, be so improved and enforced as to still more materially benefit the public service and relieve the Executive, members of Congress, and the heads of Departments from influences prejudicial to good administration.

The rules, as they have heretofore been enforced, have resulted beneficially, as is shown by the opinions of the members of the Cabinet and their subordinates in the Departments, and in that opinion I concur; but rules applicable to officers who are to be appointed by and with the advice and consent of the Senate are in great measure impracticable, except in so far as they may be sustained by the action of that body. This must necessarily remain so unless the direct sanction of the Senate is given to the rules.

I advise for the present only such appropriation as may be adequate to continue the work in its present form, and would leave to the future to determine whether the direct sanction of Congress should be given to rules that may perhaps be devised for regulating the method of selection of appointees, or a portion of them, who need to be confirmed by the Senate.

The same amount appropriated last year would be adequate for the coming year, but I think the public interest would be promoted by authority in the Executive for allowing a small compensation for special service performed beyond usual office hours under the act of 1871, to persons already in the service of the Government.

U. S. GRANT.

EXECUTIVE MANSION,
Washington, April 18, 1874.

The message, with the accompanying papers, was referred to the Committee on Reform in the Civil Service, and ordered to be printed.

ORDER TO PRINT.

Mr. GARFIELD. I move that two tabular statements relative to the legislative appropriation bill be printed for the information of the House.

The motion was agreed to.

ASSAY OFFICE AT HELENA, MONTANA.

Mr. MAGINNIS. I move that the rules be suspended to pass a bill to establish an assay office at Helena, in the Territory of Montana.

The bill was read. It authorizes and requires the Secretary of the Treasury to establish an assay office at Helena, Montana, to be conducted under the provisions of the act approved February 12, 1873, entitled "An act revising and amending the laws relative to the mints, assay offices, and coinage of the United States."

The second section authorizes and directs the Secretary of the Treasury to cause to be constructed a suitable building at Helena, Montana, for said assay office, and provide the same with the necessary fixtures and apparatus at a cost not exceeding $50,000, which sum the bill appropriates.

Mr. DAWES. Has this bill been before any committee?

The SPEAKER. The Chair has no knowledge on that point.

Mr. MAGINNIS. It is recommended by the Committee on Coinage, Weights, and Measures.

The SPEAKER. The Chair remembers now that the proposition was brought before the House by the gentleman from Massachusetts, [Mr. HOOPER,] the chairman of that committee.

Mr. DAWES. What necessity is there for this bill being passed under a suspension of the rules?

The SPEAKER. The Chair has no further knowledge in reference to the matter.

Mr. RANDALL. I would suggest to the Delegate from Montana [Mr. MAGINNIS] that he merely asks for the consideration of this bill. That motion, if adopted, will put the bill in such a shape that it will come up in the morning, when the gentleman can explain it fully. There will be no objection, I think, to that motion.

Mr. WILLARD, of Vermont. This motion, I think, can go over for one week just as well as not. I move that the House adjourn.

Mr. MAGINNIS. This bill has been twice passed unanimously by this House, having been reported by the gentleman from Massachusetts [Mr. HOOPER] from the Committee on Coinage, Weights, and Measures. A similar bill has also been passed twice by the Senate.

Mr. BURCHARD. Is there any urgency for having the bill acted on to-night?

Mr. MAGINNIS. It is a bill which I explained to the House in a speech made some time ago.

Mr. RANDALL. I think this bill is right; and in the remark I just made I did not mean to object to it, but only to suggest a method by which it could be brought before the House.

The SPEAKER. If the House adjourns now, the motion of the gentleman from Montana [Mr. MAGINNIS] will be the first business at the close of the morning hour next Monday.

Mr. HOLMAN. I would like the House to pass at this time a bill for the benefit of a few soldiers' widows and their children. It is a measure to which I think there will be no objection.

The question being taken on the motion of Mr. WILLARD, of Vermont, that the House adjourn, it was agreed to; there being—ayes 59, noes 35.

The House accordingly (at five o'clock and fifteen minutes p. m.) adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. ARCHER: The petition of the officers and crew of the United States steamer Champion, for relief, to the Committee on Naval Affairs.

By Mr. AVERILL: Papers relating to the Fort Abercrombie military reservation, to the Committee on the Public Lands.

By Mr. BANNING: The petition of Mary Wooley, of Cincinnati, Ohio, for a pension, with accompanying papers, to the Committee on Invalid Pensions.

By Mr. BARRERE: The petition of B. G. Milner and others, of Illinois, for the issue of $10,000,000 additional Treasury notes a month for four years, and for the retirement of national-bank notes and reduction of interest on bonded debt, to the Committee on Banking and Currency.

By Mr. BARRY: Papers relating to the claim of John H. Rabun, to be compensated for services as special United States deputy marshal of Mississippi, to the Committee on Claims.

By Mr. BURLEIGH: The petition of Joseph Titcomb and others, of Kennebunk, Kennebunkport and vicinity, Maine, for an appropriation to remove obstructions from Kennebunk River, to the Committee on Commerce.

By Mr. BUTLER, of Tennessee: The petition of George Kenney, of Washington County, Tennessee, to be compensated for losses sustained during the rebellion, to the Committee on War Claims.

Also, a paper relating to the establishment of a post-route in Tennessee, to the Committee on the Post-Office and Post-Roads.

By Mr. CLEMENTS: The petition of Leroy J. Perry, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Edwin R. Foster, for relief, to the Committee on Military Affairs.

By Mr. COX: The petition of Frank M. Clark and 105 others, for the passage of the bill (H. R. No. 1179) granting increased pensions to disabled soldiers, to the Committee on Invalid Pensions.

Also, the memorial of Seth Driggs, for relief, to the Committee on the Judiciary.

By Mr. CROSSLAND: The petition of Lucinda Maguire, for relief, to the Committee on War Claims.

By Mr. CRUTCHFIELD: The petition of Martha C. Capps, for a pension, to the Committee on Invalid Pensions.

By Mr. CROUNSE: The remonstrance of citizens of Nebraska, against the extension of the Haines harvester patent, to the Committee on Patents.

By Mr. DURHAM: The petition of Nancy Curry, for a pension, to the Committee on Invalid Pensions.

By Mr. GIDDINGS: A paper for the establishment of certain post-routes in Texas, to the Committee on the Post-Office and Post-Roads.

By Mr. HENDEE: The petition of Ebenezer Whitney, of Milton, Vermont, to be reimbursed for stolen postage-stamps, to the Committee on Claims.

By Mr. HOLMAN: Papers relating to the claim of Sterling A. Martin, to the Committee on War Claims.

By Mr. HOUGHTON: The petition of Henry M. Naglee, of San José, California, to be reimbursed for United States internal-revenue stamps destroyed by fire, to the Committee on Claims.

By Mr. HUBBELL: The petition of Nelson Ainslie, late private Fourteenth Michigan Volunteers, for a pension, to the Committee on Invalid Pensions.

By Mr. LAMAR: The petition of citizens of Mississippi, for the payment of the claim of the Southern Methodist publishing house at Nashville, Tennessee, to the Committee on War Claims.

By Mr. LANSING: Resolutions of the Board of Trade of Oswego, New York, in relation to the necessity for immediate and prompt repairs of the pier and light-house at Oswego, to the Committee on Commerce.

By Mr. LAWSON: The petition of Paul Frank, late colonel of the Fifty-second New York Volunteers, for increase of pension, to the Committee on Invalid Pensions.

By Mr. LEWIS: The petition of James G. Williams, of Memphis, Tennessee, for relief, to the Committee on War Claims.

Also, the petition of Thomas Stewart, to be compensated for damages sustained by washing away his plantation by reason of change of channel of the Mississippi River, caused by dredging, &c., by United States authorities, to the Committee on Claims.

Also, the petition of the Masonic lodge of Collierville, Tennessee, to be paid for property taken by United States troops, to the Committee on War Claims.

Also, the petition of William B. Worsham, of Marianna, Phillips County, Arkansas, to be compensated for property destroyed as a military necessity, to the Committee on War Claims.

Also, the petition of certain druggists and others, for an amendment of the law for the suppression of obscene literature, to the Committee on the Judiciary.

Also, a paper for a post-route from Colliersville to Wythe Depot, Tennessee, to the Committee on the Post-Office and Post-Roads.

By Mr. LOFLAND: The petition of Thomas S. Biddle, for a pension, to the Committee on Invalid Pensions.

By Mr. LOWNDES: The petition of Charles E. H. Holmes, for relief, to the Committee on Military Affairs.

By Mr. LUTTRELL: The petition of citizens of Mendocino County, California, for a post-route from Little Lake to Mendocino, to the Committee on the Post-Office and Post-Roads.

By Mr. MOORE: The petition of Thompson M. Johnson, of Beaver, Pennsylvania, for a pension, to the Committee on Invalid Pensions.

By Mr. ORTH: The petition of the Indiana board of education, for the donation to the State of Indiana of the arsenal grounds at Indianapolis for a polytechnic institute, to the Committee on Military Affairs.

By Mr. READ: The petition of John W. Walls, for relief, to the Committee on Military Affairs.

By Mr. RUSK: The petition of numerous citizens of Wisconsin, for a pension to James C. Nelson, to the Committee on Invalid Pensions.

By Mr. SAYLER, of Indiana: The petition of 60 citizens of Shelby County, Missouri, for the passage of a law authorizing the manufacture of patent-right articles by others than the owners of patent rights upon payment of a reasonable royalty thereon, to the Committee on Patents.

Also, the petition of 18 citizens of Christian County, Illinois, of similar import, to the same committee.

Also, the petition of 22 citizens of Boone County, Indiana, of similar import, to the same committee.

Also, the petition of 28 citizens of Gales County, Illinois, of similar import, to the same committee.

Also, the petition of 12 citizens of Gallia County, Ohio, of similar import, to the same committee.

Also, the petition of 19 citizens of Tuscaloosa County, Alabama, of similar import, to the same committee.

Also, the petition of 28 citizens of Benton County, Arkansas, of similar import, to the same committee.

Also, the petition of 14 citizens of Knox County, Tennessee, of similar import, to the same committee.

Also, the petition of 15 citizens of Hendricks County, Indiana, of similar import, to the same committee.

Also, the petition of 15 citizens of Lee County, Iowa, of similar import, to the same committee.

Also, the petition of 18 citizens of Randolph County, Illinois, of similar import, to the same committee.

Also, the petition of 13 citizens of Pawnee County, Nebraska, of similar import, to the same committee.

Also, the petition of 15 citizens of Washington County, Indiana, of similar import, to the same committee.

Also, the petition of 33 citizens of Blue Earth County, Minnesota, of similar import, to the same committee.

Also, the petition of 10 citizens of Greene County, Ohio, of similar import, to the same committee.

Also, the petition of 12 citizens of Anglaize County, Ohio, of similar import, to the same committee.

Also, the petition of 22 citizens of Steuben County, Indiana, of similar import, to the same committee.

Also, the petition of 16 citizens of Bracken County, Kentucky, of similar import, to the same committee.

Also, the petition of 10 citizens of Johnson County, Kansas, of similar import, to the same committee.

Also, the petition of 20 citizens of Wyandotte County, Ohio, of similar import, to the same committee.

Also, the petition of 27 citizens of Henry County, Kentucky, of similar import, to the same committee.

Also, the petition of 12 citizens of Andrew County, Missouri, of similar import, to the same committee.

Also, the petition of 8 citizens of Carroll County, Missouri, of similar import, to the same committee.

Also, the petition of 10 citizens of Calhoun County, Alabama, of similar import, to the same committee.

Also, the petition of 20 citizens of Dale County, Alabama, of similar import, to the same committee.

Also, the petition of 32 citizens of Cooper County, Missouri, of similar import, to the same committee.

Also, the petition of 22 citizens of Warrick County, Indiana, of similar import, to the same committee.

Also, the petition of 17 citizens of Shawnee County, Kansas, of similar import, to the same committee.

Also, the petition of 20 citizens of Keokuk County, Iowa, of similar import, to the same committee.

Also, the petition of 10 citizens of Montgomery County, Indiana, of similar import, to the same committee.

Also, the petition of 22 citizens of Washington County, Arkansas, of similar import, to the same committee.

Also, the petition of 19 citizens of Dakota County, Nebraska, of similar import, to the same committee.

Also, the petition of 36 citizens of Scotland County, Missouri, of similar import, to the same committee.

Also, the petition of 23 citizens of Montgomery County, Ohio, of similar import, to the same committee.

Also, the petition of 44 citizens of Greenwood County, Kansas, of similar import, to the same committee.

Also, the petition of 12 citizens of Orleans County, New York, of similar import, to the same committee.

Also, the petition of 15 citizens of Hopkins County, Kentucky, of similar import, to the same committee.

Also, the petition of 14 citizens of Otter Tail County, Minnesota, of similar import, to the same committee.

Also, the petition of 13 citizens of Clay County, Dakota, of similar import, to the same committee.

Also, the petition of 38 citizens of Chisago County, Minnesota, of similar import, to the same committee.

Also, the petition of 17 citizens of Oakland County, Michigan, of similar import, to the same committee.

Also, the petition of 24 citizens of Gibson County, Indiana, of similar import, to the same committee.

Also, the petition of 18 citizens of Union County, Indiana, of similar import, to the same committee.

Also, the petition of 23 citizens of Hickman County, Kentucky, of similar import, to the same committee.

Also, the petition of 11 citizens of Orange County, Virginia, of similar import, to the same committee.

Also, the petition of 39 citizens of Boone County, Kentucky, of similar import, to the same committee.

Also, the petition of 13 citizens of Meigs County, Ohio, of similar import, to the same committee.

Also, the petition of 10 citizens of Berrien County, Michigan, of similar import, to the same committee.

Also, the petition of 31 citizens of Gentry County, Missouri, of similar import, to the same committee.

Also, the petition of 28 citizens of Fayette County, Illinois, of similar import, to the same committee.

Also, the petition of 22 citizens of Bullock County, Alabama, of similar import, to the same committee.

Also, the petition of 15 citizens of Hancock County, Kentucky, of similar import, to the same committee.

Also, the petition of 20 citizens of Owen County, Indiana, of similar import, to the same committee.

Also, the petition of 10 citizens of Clermont County, Ohio, of similar import, to the same committee.

Also, the petition of 32 citizens of Callaway County, Kentucky, of similar import, to the same committee.

Also, the petition of 31 citizens of Crawford County, Kansas, of similar import, to the same committee.

Also, the petition of 25 citizens of Crenshaw County, Alabama, of similar import, to the same committee.

Also, the petition of 23 citizens of Lake County, Tennessee, of similar import, to the same committee.

Also, the petition of 23 citizens of Marshall County, Kansas, of similar import, to the same committee.

Also, the petition of 12 citizens of Robertson County, Texas, of similar import, to the same committee.

Also, the petition of 30 citizens of Johnson County, Nebraska, of similar import, to the same committee

Also, the petition of 24 citizens of Gage County, Nebraska, of similar import, to the same committee.

Also, the petition of 11 citizens of Lyon County, Kansas, of similar import, to the same committee.

Also, the petition of 17 citizens of Gentry County, Missouri, of similar import, to the same committee.

Also, the petition of 24 citizens of Grundy County, Missouri, of similar import, to the same committee.

Also, the petition of 11 citizens of Pulaski County, Indiana, of similar import, to the same committee.

Also, the petition of 23 citizens of Warren County, Iowa, of similar import, to the same committee.

Also, the petition of 19 citizens of Van Buren County, Iowa, of similar import, to the same committee.

Also, the petition of 13 citizens of Washington County, Ohio, of similar import, to the same committee.

Also, the petition of 22 citizens of McPherson County, Kansas, of similar import, to the same committee.

Also, the petition of 29 citizens of Park County, Ohio, of similar import, to the same committee.

Also, the petition of 21 citizens of Ouachita County, Texas, of similar import, to the same committee.

Also, the petition of 14 citizens of Adair County, Missouri, of similar import, to the same committee.

Also, the petition of 20 citizens of Gloucester County, New Jersey, of similar import, to the same committee.

Also, the petition of 20 citizens of Jackson County, Missouri, of similar import, to the same committee.

Also, the petition of 16 citizens of Crenshaw County, Alabama, of similar import, to the same committee.

Also, the petition of 22 citizens of Riley County, Kansas, of similar import, to the same committee.

Also, the petition of 26 citizens of Pawnee County, Nebraska, of similar import, to the same committee.

Also, the petition of 10 citizens of Warren County, Indiana, of similar import, to the same committee.

Also, the petition of 18 citizens of Hardin County, Iowa, of similar import, to the same committee.

Also, the petition of 16 citizens of Cayuga County, New York, of similar import, to the same committee.

Also, the petition of 27 citizens of Clark County, Indiana, of similar import, to the same committee.

Also, the petition of 30 citizens of Lawrence County, Indiana, of similar import, to the same committee.

Also, the petition of 11 citizens of Jennings County, Indiana, of similar import, to the same committee.

Also, the petition of 24 citizens of Mercer County, Illinois, of similar import, to the same committee.

Also, the petition of 10 citizens of Wyandotte County, Kansas, of similar import, to the same committee.

Also, the petition of 24 citizens of Vernon County, Wisconsin, of similar import, to the same committee.

Also, the petition of 40 citizens of Boone County, Kentucky, of similar import, to the same committee.

Also, the petition of 24 citizens of Nicholas County, Kentucky, of similar import, to the same committee.

Also, the petition of 15 citizens of Pulaski County, Indiana, of similar import, to the same committee.

Also, the petition of 12 citizens of Montgomery County, Missouri, of similar import, to the same committee.

Also, the petition of 15 citizens of Scott County, Illinois, of similar import, to the same committee.

Also, the petition of 21 citizens of Montgomery County, Arkansas, of similar import, to the same committee.

Also, the petition of 22 citizens of Wells County, Indiana, of similar import, to the same committee.

Also, the petition of 9 citizens of Sangamon County, Illinois, of similar import, to the same committee.

Also, the petition of 14 citizens of Stokes County, North Carolina, of similar import, to the same committee.

Also, the petition of 27 citizens of Cass County, Indiana, of similar import, to the same committee.

Also, the petition of 25 citizens of Waushara County, Wisconsin, of similar import, to the same committee.

Also, the petition of 27 citizens of Ray County, Missouri, of similar import, to the same committee.

Also, the petition of 34 citizens of Lee County, Iowa, of similar import, to the same committee.

Also, the petition of 14 citizens of Crawford County, Kansas, of similar import, to the same committee.

Also, the petition of 14 citizens of Champaign County, Ohio, of similar import, to the same committee.

Also, the petition of 16 citizens of Fond du Lac County, Wisconsin, of similar import, to the same committee.

Also, the petition of 21 citizens of Van Buren County, Iowa, of similar import, to the same committee.

Also, the petition of 23 citizens of Tarrant County, Texas, of similar import, to the same committee.

Also, the petition of 11 citizens of Ida County, Iowa, of similar import, to the same committee.

Also, the petition of 20 citizens of Wayne County, Michigan, of similar import, to the same committee.

Also, the petition of 44 citizens of Pawnee County, Nebraska, of similar import, to the same committee.

Also, the petition of 20 citizens of Marshall County, Kentucky, of similar import, to the same committee.

Also, the petition of 21 citizens of Bradford County, Pennsylvania, of similar import, to the same committee.

Also, the petition of 31 citizens of Caldwell County, Kentucky, of similar import, to the same committee.

Also, the petition of 24 citizens of Hillsdale County, Michigan, of similar import, to the same committee.

Also, the petition of 22 citizens of Ray County, Indiana, of similar import, to the same committee.

Also, the petition of 14 citizens of Tama County, Iowa, of similar import, to the same committee.

Also, the petition of 20 citizens of Gentry County, Missouri, of similar import, to the same committee.

Also, the petition of 25 citizens of Carroll County, Georgia, of similar import, to the same committee.

Also, the petition of 21 citizens of Trigg County, Kentucky, of similar import, to the same committee.

Also, the petition of 22 citizens of Dane County, Wisconsin, of similar import, to the same committee.

Also, the petition of 9 citizens of Mercer County, Illinois, of similar import, to the same committee.

Also, the petition of 19 citizens of Harrison County, Kentucky, of similar import, to the same committee.

Also, the petition of 28 citizens of Harrison County, Indiana, of similar import, to the same committee.

Also, the petition of 20 citizens of Parke County, Indiana, of similar import, to the same committee.

Also, the petition of 28 citizens of Marion County, Kansas, of similar import, to the same committee.

Also, the petition of 21 citizens of Chippewa County, Wisconsin, of similar import, to the same committee.

Also, the petition of 17 citizens of Clay County, Kansas, of similar import, to the same committee.

Also, the petition of 14 citizens of Orleans County, New York, of similar import, to the same committee.

Also, the petition of 17 citizens of Barnwell County, South Carolina, of similar import, to the same committee.

Also, the petition of 23 citizens of Wood County, Ohio, of similar import, to the same committee.

Also, the petition of 23 citizens of Wood County, Ohio, of similar import, to the same committee.

Also, the petition of 22 citizens of Vermillion County, Indiana, of similar import, to the same committee.

Also, the petition of 26 citizens of Winston County, Mississippi, of similar import, to the same committee.

Also, the petition of 36 citizens of Faribault County, Minnesota, of similar import, to the same committee.

Also, the petition of 22 citizens of Saline County, Nebraska, of similar import, to the same committee.

Also, the petition of 19 citizens of Washington County, Tennessee, of similar import, to the same committee.

Also, the petition of 13 citizens of Sanford County, Alabama, of similar import, to the same committee.

Also, the petition of 28 citizens of Barnwell County, South Carolina, of similar import, to the same committee.

Also, the petition of 19 citizens of Montgomery County, Tennessee, of similar import, to the same committee.

Also, the petition of 8 citizens of Guilford County, North Carolina, of similar import, to the same committee.

Also, the petition of 11 citizens of Robertson County, Kentucky, of similar import, to the same committee.

Also, the petition of 21 citizens of Dodge County, Nebraska, of similar import, to the same committee.

Also, the petition of 30 citizens of Logan County, Ohio, of similar import, to the same committee.

Also, the petition of 46 citizens of Pueblo County, Colorado, of similar import, to the same committee.

Also, the petition of 32 citizens of Howard County, Indiana, of similar import, to the same committee.

Also, the petition of 14 citizens of Watonwan County, Minnesota, of similar import, to the same committee.

Also, the petition of 20 citizens of Scotland County, Missouri, of similar import, to the same committee.

Also, the petition of 21 citizens of Brown County, Ohio, of similar import, to the same committee.

Also, the petition of 32 citizens of Grant County, Kentucky, of similar import, to the same committee.

Also, the petition of 20 citizens of Jefferson County, Indiana, of similar import, to the same committee.

Also, the petition of 19 citizens of Upson County, Georgia, of similar import, to the same committee.

Also, the petition of 26 citizens of Dane County, Wisconsin, of similar import, to the same committee.

Also, the petition of 15 citizens of Cass County, Iowa, of similar import, to the same committee.

Also, the petition of 13 citizens of Jay County, Indiana, of similar import, to the same committee.

Also, the petition of 46 citizens of Van Buren County, Iowa, of similar import, to the same committee.

Also, the petition of 15 citizens of Frederick County, Maryland, of similar import, to the same committee.

Also, the petition of 60 citizens of Brown County, Missouri, of similar import, to the same committee.

Also, the petition of 27 citizens of Edgar County, Illinois, of similar import, to the same committee.

Also, the petition of 30 citizens of Peoria County, Illinois, of similar import, to the same committee.

Also, the petition of 29 citizens of Orleans County, Vermont, of similar import, to the same committee.

Also, the petition of 23 citizens of Richland County, Wisconsin, of similar import, to the same committee.

Also, the petition of 15 citizens of Carroll County, Missouri, of similar import, to the same committee.

Also, the petition of 30 citizens of Limestone County, Texas, of similar import, to the same committee.

Also, the petition of 24 citizens, of Allen County, Kansas, of similar import, to the same committee.

Also, the petition of 20 citizens of Calumet County, Wisconsin, of similar import, to the same committee.

Also, the petition of 24 citizens of Greene County, Indiana, of similar import, to the same committee.

Also, the petition of 9 citizens of Trempeleau County, Wisconsin, of similar import, to the same committee.

Also, the petition of 14 citizens of Union County, Dakota, of similar import, to the same committee.

Also, the petition of 21 citizens of Scotland County, Missouri, of similar import, to the same committee.

Also, the petition of 19 citizens of Decatur County, Indiana, of similar import, to the same committee.

Also, the petition of 15 citizens of Jackson County, Indiana, of similar import, to the same committee.

Also, the petition of 12 citizens of Sciota County, Ohio, of similar import, to the same committee.

Also, the petition of 12 citizens of Vigo County, Indiana, of similar import, to the same committee.

Also, the petition of 11 citizens of Fairfield County, Ohio, of similar import, to the same committee.

Also, the petition of 24 citizens of Clark County, Illinois, of similar import, to the same committee.

Also, the petition of 25 citizens of Shelby County, Ohio, of similar import, to the same committee.

Also, the petition of 21 citizens of Callaway County, Missouri, of similar import, to the same committee.

Also, the petition of 80 citizens of Green County, Wisconsin, of similar import, to the same committee.

By Mr. SPRAGUE: The petition of Wilson Bell, late of Company B, Thirty-ninth Ohio Volunteers, for a pension, to the Committee on Invalid Pensions.

By Mr. STANDIFORD: The petition of Joseph F. Hawley, of Kentucky, for relief for loss of vouchers and other papers destroyed by fire July 3, 1862, at Lebanon, Kentucky, to the Committee on War Claims.

Also, the petition of Jennie King, for a pension, to the Committee on Invalid Pensions.

By Mr. VANCE: The petition of the trustees of the Davenport Female College, of North Carolina, for payment for damages sustained from Federal troops in 1865, to the Committee on War Claims.

By Mr. WHITTHORNE: The petition of William B. Ball and 70 others, of Dickson County, Tennessee, for amendments to the pension law of February 14, 1871, to the Committee on Invalid Pensions.

By Mr. WILBER: The petition of A. C. Fassett, of Otsego County, New York, for relief, to the Committee on Military Affairs.

By Mr. WOODFORD: The petition of Thomas F. Geary and 685 others, for the passage of the bill (H. R. No. 1179) granting increased pensions to disabled soldiers, to the Committee on Invalid Pensions.

IN SENATE.

TUESDAY, *April* 21, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

PERSONAL EXPLANATION.

Mr. BOGY. Mr. President, I rise for a short explanation.

The PRESIDENT *pro tempore*. The Senator from Missouri asks unanimous consent to make a short personal explanation. Is there objection? The Chair hears none.

Mr. BOGY. I find in this morning's National Republican, a paper published in the city of Washington, a synopsis of the speech I made yesterday. The synopsis does me great injustice and places me in a position which I do not choose to occupy toward the Senate of the United States. I am reported as having said:

> By the fifteenth amendment the right of each State to regulate the elective franchise had not been taken away—

I said it had been taken away—

> Such things were worse than the despotism of the Roman empire, for the Roman pagans were not such infernal rascals as the men who rule the Senate to-day.

I said no such thing. I said, "as some of the men who ruled in the South to-day." I think it due to the Senate that this explanation should be made.

PETITIONS AND MEMORIALS.

Mr. HITCHCOCK presented the memorial of Isaac A. King and others, citizens of Nebraska, protesting against extending letters-patent for the Haines harvester; which was referred to the Committee on Patents.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. PRATT, it was

Ordered, That the papers in the case of Emma M. Porch, who claims compensation for services as a scout in the State of Missouri during the war, be taken from the files and referred to the Committee on Claims.

On motion of Mr. GOLDTHWAITE, it was

Ordered, That G. F. Werborn have leave to withdraw his petition and papers from the files of the Senate.

REPORTS OF COMMITTEES.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 2131) to authorize a promotion in the Inspector-General's Department of the Army of the United States, reported it without amendment.

Mr. SPENCER, from the Committee on Military Affairs, to whom was referred the petition of William McCarrick, praying to be paid arrears of bounty, reported adversely thereon; and the committee was discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill (H. R. No. 1840) for the relief of Lieutenant Sidney Tinker, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 324) for the relief of M. Von Entress Fuersteneck, late second lieutenant of the Sixty-eighth New York Volunteers, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 323) for the relief of Charles W. Biese late second lieutenant of the Eighty-second Regiment Illinois Volunteers, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. KELLY, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 1219) for the relief of Charles W. Berry, late private of the Thirty-sixth Wisconsin Volunteers, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 1582) for the relief of C. C. Spaids, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 1770) for the relief of Jonathan L. Mann, late a chaplain in the volunteer service of the Army, reported it without amendment.

Mr. MORRILL, of Maine, from the Committee on Appropriations, to whom was referred the bill (H. R. No. 2868) to render available an unexpended balance of appropriation for collection and payment of bounty, &c., for colored soldiers and sailors, reported it without amendment.

PAY OF DISTRICT JUDGES.

Mr. PRATT submitted the following resolution; which was considered by unanimous consent, and agreed to:

> *Resolved*, That the Committee on the Judiciary be instructed to inquire as to the propriety of so amending the act of March 3, 1871, as to allow the district judge his traveling expenses and a per diem compensation, whenever under the direction of the circuit judge he shall hold a circuit or district court outside of his district.

SUFFERERS FROM OVERFLOW OF THE MISSISSIPPI.

Mr. WADLEIGH. The Committee on Military Affairs, to whom was referred the bill (H. R. No. 3029) to provide for the relief of the persons suffering from the overflow of the Mississippi River, have had the same under consideration and have instructed me to report it back without amendment and recommend its passage, and to ask for its present consideration.

Mr. EDMUNDS. Before I object to the present consideration of this bill, to which I do not wish to object, I desire to suggest to my friend from New Hampshire that there is no limitation in the bill of time when the act shall expire, and authority might be exercised under it a year hence for aught I can see, although the word "temporarily" is used. That is entirely indifferent. If the bill, however, is amended so as to say that it shall expire on the 1st of September, 1874, or whatever time is preferred, I will make no objection.

Mr. WADLEIGH. I am willing to accept that.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which empowers the President of the United States to direct the issue, temporarily, of supplies of food and disused Army clothing, sufficient to prevent starvation and suffering and extreme want to any and all classes of destitute or helpless persons living on or near the Lower Mississippi River, who have been rendered so by reason of the present overflow of the Mississippi River.

Mr. EDMUNDS. I move to add as an additional sentence the following:

> This act shall expire on the 1st day of September, 1874.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

It was ordered that the amendment be engrossed and the bill read a third time.

The bill was read the third time, and passed.

REMOVAL OF DISABILITIES.

Mr. STEVENSON. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. No. 2885) to remove the disabilities of David A. Telfair, of North Carolina, and Charles H. McBlair, of Maryland, to report the same back with an amendment striking out the name of David A. Telfair and recommending then the passage of the bill. The reason why Mr. Telfair's name is stricken out is that the committee have been unable to find out that he has ever applied in person for the removal of his disabilities. I ask for the present consideration of the bill.

Mr. MERRIMON. I wish to ask the Senator from Kentucky whether there is any special reason the committee can assign to the Senate for recommending that the name of Mr. Telfair be stricken from the bill?

Mr. STEVENSON. I stated that the reason was that Mr. Telfair had never asked for the removal of his disabilities, and the committee have laid down as a rule that unless the applicant does request in writing the removal of his disabilities they will not recommend it.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. MERRIMON. This is a House bill, I believe?

The PRESIDENT *pro tempore*. It is.

Mr. MERRIMON. I think it very likely the application is on file in the House.

Mr. STEVENSON. I will state to the Senator that I made every inquiry, not only from every member of the North Carolina delegation that was here but also from the clerks, and no such application has been found.

Mr. HAMILTON, of Maryland. And I made an effort myself to find it.

Mr. EDMUNDS. I do not object to the bill if there is no objection to striking out the name for the reason stated; but if there is to be

an effort to pass this bill as it is, in spite of that gentleman not having expressed a desire to have it passed, then of course the bill will go over.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT *pro tempore*. Is there objection to the amendment of the Committee on the Judiciary to strike out the name of David A. Telfair, of North Carolina? The Chair hears none, and the amendment is agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed by a two-thirds vote.

The title was amended so as to read: "A bill to remove the disabilities of Charles H. McBlair, of Maryland."

ORDER OF BUSINESS.

Mr. RAMSEY. I ask the consent of the Sentate to proceed to the consideration of the bill (S. No. 486) to revive and continue certain grants of land heretofore made to the Territory and State of Minnesota to aid in the construction of the several lines of the Saint Paul and Pacific Railroad Company.

Mr. EDMUNDS. I should like to hear that bill read at length in the first place, reserving the right to object.

Mr. SCOTT. As it is evident that that is a bill which will give rise to a great deal of inquiry if not of discussion, in pursuance of the notice that I gave the other day of my intention to call up the Louisville and Portland Canal bill, I trust the Senator from Minnesota will withdraw his motion.

Mr. RAMSEY. I cannot conceive of any time that it need occupy. I imagine there will be no objection.

Mr. SCOTT. The very title of the bill suggests inquiry, especially in the morning hour.

Mr. RAMSEY. As it is suggested that the friends of the Louisville and Portland Canal are very desirous of getting it up, I will waive this motion for the present.

The PRESIDENT *pro tempore*. The motion is withdrawn.

LOUISVILLE AND PORTLAND CANAL.

The PRESIDENT *pro tempore*. If there be no further morning business the Calendar is in order.

Mr. SCOTT. I move that the Senate now proceed to the consideration of the amendment of the House of Representatives to the bill (S. No. 350) providing for the payment of the bonds of the Louisville and Portland Canal Company.

The motion was agreed to; and the Senate resumed the consideration of the amendment of the House of Representatives, the pending question being on agreeing to that amendment as heretofore amended by the Senate.

Mr. SCOTT. Mr. President, in view of remarks made when this bill was last under consideration, I deem it my duty to ask the attention of the Senate to the prominent facts bearing upon the questions which are to be solved by the passage of this bill.

The Senator from New York [Mr. CONKLING] in closing the remarks made by him at that time expressed his unwillingness—I do not use his exact words but the substance of them—that the Government should buy a lawsuit or an assortment of lawsuits by the passage of this bill. The fact that a Senator so well informed upon all subjects makes use of an expression which would lead the Senate to suppose we would acquire any other lawsuits than those in which the Government interests are already involved induces me to ask the indulgence of the Senate while I state the true position the Government holds toward this canal company and the financial relations of the company to the Government.

The Louisville and Portland Canal Company was incorporated by an act of the Legislature of Kentucky, approved January 12, 1825, for an unlimited time. It was authorized to hold real estate for the canal, for roads, buildings, docks, basins, and the proper application or use of the water-power; and to show that some use which has recently been made of the money realized by its tolls was intended to be prohibited by the Legislature of Kentucky, I note the fact that by one provision of that charter the company was not to have or exercise the privilege of loaning money. The stock was fixed at $600,000, in shares of $100, which was afterward by successive acts increased, until in 1831 it was provided that they might issue stock to the amount necessary to complete the work. Four directors and a president were to be elected on the first Monday in January of each year, "who shall be shareholders, citizens of the United States, and who shall hold their offices one year and until others shall be elected in their places."

I refer to these provisions so that we may see how this corporation is to be governed in the future if it is permitted to remain in charge of a work belonging to the United States. I need not go further into the legislation creating and extending its powers.

In 1826, to show that this was not intended to be merely a State work but was to have national significance, Congress authorized a subscription to its stock; and on the 2d of March, 1829, by another act authorized a further subscription; and in pursuance of these acts stock was taken. In 1825, 1,000 shares were subscribed; in 1829, 1,335 shares were subscribed, and in 1831 and 1833, by an adjustment of the interest accounts of the corporation, 567 shares were added to those already belonging to the United States; so that at that time the United States owned 2,902 shares of stock, representing $290,200. From that time on, from 1831 and 1833, petitions came to Congress asking that all the stock might be purchased and the navigation made free. If any Senator is desirous of seeing the pertinacity with which the public pressed this subject upon Congress, a reference to a report made and printed as Miscellaneous Document No. 83, of the Fortieth Congress, second session, beginning on page 5 and running over several pages, will exhibit to him the numerous petitions which came from all quarters of the country asking that this work should be taken charge of by the Government, and that it should be released from tolls.

Numerous projects were introduced into Congress for the purpose of effecting this without receiving final action. In 1842 the Legislature of Kentucky, acceding to what was manifestly the public wish, provided a means whereby the United States might take control of this work, and an act was passed, which may be found printed at length in the report made by the Finance Committee of the Senate. In 1844 another act was passed which is also printed in that report. The substance of these two acts amounts to this, that the directors of the company were permitted to inaugurate a system by which all the stock of individual stockholders should be purchased in trust for the United States; and that when all such stock should be thus purchased the property should be transferred and jurisdiction be ceded to the Government of the United States, and that from that time forth no reports should be required to be made to the Legislature of Kentucky, showing that it was the intention that this canal should be made free to the commerce of the region which the Ohio River drains, and that it was to become a national work under the control of the United States.

The stockholders in the canal company, on the 4th of July, 1842, after the passage of this first act, met and adopted a system by which this stock was to be purchased for the benefit of the United States. There were alternative provisions, by which if the United States had not been a party to this arrangement the canal might otherwise have been made free. Those alternative provisions were that this stock might be purchased for the benefit of the State of Kentucky or for the city of Louisville, and held in trust for them; but at that time neither the State of Kentucky nor the city of Louisville held stock in this company, or if they did no provision was made by the directors by which stock was to be purchased for the benefit of either the State or the city.

The stockholders passed a resolution by which they directed the revenues of the canal to be used in the extinguishment of the stock of individuals; and in pursuance of the terms of the act they advanced stock which was then worth $100 at its par value to $150. The shares of individuals at that time were but about seven thousand; and by the operation of this resolution of the board their shares were in reality increased by about thirty-five hundred more. In other words, their stock, for which they could not have paid more than $100 a share and which was not worth more than $100 par value, was made worth $150; and their resolution provided that the directors should purchase that stock by paying for it $150 per share, adding each year the interest upon the $150. In pursuance of this arrangement all the stock in the corporation was purchased in. I have already stated that there were about seven thousand shares; to be exact there were seven thousand and ninety-eight, worth in 1841 $709,800. In successive years the stock was purchased, and the amounts in which it was purchased will all be found on page 26 of the document to which I have referred, showing that by the year 1854 there remained but two hundred shares to be purchased, and that in 1855 all these shares were purchased but five, for which the Government paid $1,709,262.

Now let it not be forgotten that stock, which in 1842 when this act was passed was worth to the stockholders $709,800, was purchased from them by the tolls paid by the people on their commerce on the Ohio River, and they were paid for it $1,709,262. In other words, these stockholders got from 1842 to 1855 just $1,000,000 in round numbers more than their stock was worth in 1842.

The Senator from Maine asked me what document I read from. It is Miscellaneous Document No. 83, second session Fortieth Congress, a report made by Mr. Gallagher, special agent of the Treasury Department at that time. In 1855, then, all the stock in the corporation belonged to the Government but five shares. The Government owned at that time 9,995 shares out of 10,000; 2,902 shares absolutely, and there were in the hands of the directors 7,093 shares held in trust for the Government.

And now mark the peculiarity of this arrangement. The act of 1842 provided that when these shares should thus be transferred in trust for the Government, the persons to whom they are transferred, the directors, are to vote those shares for the purpose of carrying out the end of that act of the Legislature of Kentucky, that of making the commerce free, thus putting in the hands of the trustees their five shares only at that time and 7,093 shares belonging to the Government of the United States, while the Government held the legal title to only 2,902 shares.

I make this statement because the suggestion has been made that we might delay taking possession of this property and transfer a few shares to individuals and elect them, so that the corporation might be controlled in the interest of the United States instead of in the interest of these five shareholders; but by the terms of the act of

the Legislature of Kentucky, even if that were done, the five directors who hold the shares in trust for the Government can outvote the Government upon its 2,900 shares, and keep the management in their owif hands in spite of anything that the Government can do until it takes possession under the terms of the act by paying the balance due on these five shares. Thus, although the Government owns 9,995 shares out of 10,000, the management of the corporation until those five shares are extinguished is absolutely and entirely in the control of the five shareholders.

I trust that I shall be pardoned for showing at some length the true position of these five shares, because it is necessary to a full understanding of the case. I have assumed that Senators have looked at these acts of the Kentucky Legislature, or followed me far enough to understand that under these acts the United States have acquired the right to this whole property except five shares. Having thus done so, I want to show what this board themselves say in 1855, and I read from the document already referred to on page 20:

The president of the company concludes his report with the following important statements:

These reduced rates will yield a sufficient revenue to meet the ordinary expenses of the canal, and to make some repairs that are necessary. The canal is now ready to be transferred to the custody of the General Government so soon as the Department may be prepared to receive it. The board of president and directors beg leave to say that they will cheerfully continue to direct the affairs of the work as heretofore so long as the Department may wish the same intrusted to their care.

There is a distinct recognition that the property belongs to the Government.

The canal is now ready to be transferred to the custody of the General Government so soon as the Department may be prepared to receive it.

I ask attention now to what the Secretary of the Treasury answered to that. On page 14 of the same document he says:

Under the process of purchase the individual stock was all acquired; and in January, 1855, the company tendered the same to the Government through the Secretary of the Treasury, on the conditions of its amended charter, as above recited. The president of the company reports that the Secretary (Mr. Guthrie) in his answer to this proffer, said that there had been no legislation by Congress authorizing its acceptance, but requested the president and directors each to retain one share, (for eligibility,) and to manage it under the charter until authority might by law be conferred upon the Department to receive it. The board of directors then reduced the tolls 50 per cent., believing that they would then give sufficint income for repairs and improvements; and since that time its income has been so expended. In April, 1855, the Secretary of the Treasury, under the direction of the President of the United States, (Mr. Pierce,) instructed the board of directors to make certain improvements, which are now (May 28, 1858) nearly, possibly quite, completed.

Mark these three things: The directors say the canal is ready to be transferred to the Government; the Secretary of the Treasury says, "Hold five shares for eligibility;" the directors say, "We will do so, and cheerfully manage it for the Government;" and then in April following the President of the United States instructed the board of directors to make certain improvements "which are now nearly, possibly quite, completed."

Mr. CONKLING. What report is that?

Mr. SCOTT. This report is made in May, 1858. The Government assumes all the ownership by directing improvements to be made. But to proceed——

Mr. CARPENTER, (Mr. ANTHONY in the chair.) Will my friend allow me? I do not wish to interrupt his argument, but I do wish to ask him one or two questions as to constitutional and legal points.

Mr. SCOTT. As I am endeavoring to get the financial relations of this Government to the work before the Senate, I would prefer that any such question should be deferred until I finish that subject.

I proceed now to page 12 of this same report. On that page the directors of the company then acting are named:

John Hulme, Charles H. Lewis, Charles W. Short, James Marshall, and J. H. Rhorer, own each one share of the stock of the Louisville and Portland Canal Company, making five shares, [estimated at the time to be worth $267 per share;] the remaining 9,995 shares are in the name of the United States. The individuals above named, [he continues,] making the board of president and directors, as provided by the charter and by-laws, will cheerfully continue to manage the work as long as it may remain unaccepted by the Government.

And this in 1855 is in a report from the president of the canal company. But again, further on, the following statement is made:

On the 25th November, 1857, in response to a communication of the 4th of same month from the Secretary of the Treasury, (Mr. Cobb,) calling for a report "embracing such facts and information as may be useful and interesting to the public," the president of the canal wrote at considerable length. He sets forth the fact that, acting under the charter of the company, as amended by the Legislature of Kentucky in February, 1842, the board had from year to year appropriated the net income of the canal to the purchase of the individual stock, until, on the 31st January, 1855, the amount then on hand being sufficient to extinguish all that remained, he announced to the Department the readiness of the board to tender the custody of the canal to the United States upon the conditions prescribed by the amended charter. "The Department," he says, "replied that there had been no legislation authorizing the acceptance of the canal, and requested that the president and directors should each retain one share of stock" for eligibility as a managing board, and continue the management until there should be legislation upon the subject by Congress, which they consented to do, and their management of the canal, he says, was "with strict reference to the requirements of its charter."

That was in 1857. In 1858 the Secretary of the Treasury writes as follows to the officers of the canal:

Referring to the report made by you on the 25th November last, upon the condition and prospects of the Louisville and Portland Canal Company, I have to say that you will take no further steps for the construction of a branch canal and make no expenditures of the company's revenues in reference thereto. You will incur no expenses beyond keeping the canal in repair, as already instructed by this Department. You will also refrain from using the credit of the company in any way for a like purpose, but leave the whole matter in abeyance until you are further advised by this Department, as all the facts in the case will be reported to Congress for its action.

From 1855 to 1858 the ownership of the Government had been acknowledged, the Government had directed the work, and in 1857 had consented to the construction of this branch canal; in 1858 Mr. Cobb, assuming still to act for the Government, directs them to proceed no further with it; and then for the first time comes the denial by the directors of the right of the Secretary of the Treasury to exercise a controlling voice in the direction of the course and affairs of the company. They contend that it is still a corporation of the State of Kentucky; and while they do not deny the right of the Government to the stock, they claim that the corporators residing in the State of Kentucky have the exclusive management of the canal. This issue is fairly made on pages 24 and 25 of the document from which I read, but I will not take up time any further in quoting from it on this point.

In 1867, without reciting what had occurred in the intermediate time, appears a remarkable phase in the history of the Louisville and Portland Canal; and that it may appear how remarkable it is I wish to recall to the mind of the Senate the fact that the person who requested that five shares should be retained by the directors to make them eligible was James Guthrie, the Secretary of the Treasury, and that the person who wrote the letter in 1867 from which I will read was also James Guthrie, who in the mean time had become, I suppose, the owner of one of these five shares of stock, for he signs himself the president of the canal company when he writes this letter.

On page 20, to which I have already referred, Mr. Guthrie, as Secretary of the Treasury, made use of this language:

The canal, with the exception of the five shares, is now the property of the United States, and may, as Congress shall direct, be enlarged to suit the trade of the Ohio, as suggested by Mr. Hulme.

"Is now the property of the United States." That was in 1855, when he was Secretary of the Treasury. In 1867 he writes this letter, found on page 47 of the report to which I have referred, in which he makes use of this language:

The fact of this company being to-day, as it has been from the beginning, the creature of Kentucky laws, and subject only to those laws, is either not known or is disregarded by those who affect to consider the United States as the owner of the canal, or as possessing such property therein as to be enabled at once to put the canal under the regulations of the Secretary of the Treasury. The United States have, as at present the subject stands, not a third of the stock of the company, and would possess no right to control the company by congressional law touching the canal, unless, indeed, that law should be an act to accept the canal from the president and directors upon the conditions prescribed by the amendment to the company's charter passed by the Kentucky Legislature in the winter of 1842, and subsequently formally accepted by a vote of the company.

Mr. Guthrie having as Secretary of the Treasury in 1855 stated that this canal was the property of the Government, and having as president of this canal company in 1867 made this statement, there will naturally be some curiosity to understand why this change of position had occurred. That it may not escape the mind of the Senate let me repeat his language, and add to it what I omitted in the first quotation:

The canal, with the exception of the five shares, is now the property of the United States, and may, as Congress shall direct, be enlarged to suit the trade of the Ohio, as suggested by Mr. Hulme [in an accompanying letter] from the tolls, or by surrendering the canal to the Commonwealth of Kentucky on such terms as will secure the same object and make it free.

Could two more explicit assertions of the right of property in that canal be made? The one is that the canal with the exception of five shares is now the property of the United States; and the other is the assumption that the Government so far owns the canal that it can surrender it to the State of Kentucky.

Mr. MORRILL, of Maine. Was Mr. Guthrie at that time the owner of one share?

Mr. SCOTT. Whether he was or was not the owner of one share in 1855, at the time this language was used, I am not informed. He may have been an owner of shares at that time; but in 1867, subsequently, he could not have been the president of the company unless he was the owner of at least one share, and there was but one share for him to be the owner of at that time. Whether it was an original share which he continued to hold, or whether he had acquired it in the mean time, I am not informed; but that makes no difference for the purposes of this argument.

The Government of the United States permitted the tolls to the amount of $1,700,000 to be paid over in the acquisition of this stock, the people of the United States having down to this time paid in tolls to that canal company and in appropriations almost $6,000,000. The Government being the owner of all these shares, the question comes up, why have we not been in possession of it since 1855? There ought certainly to be some good reason for it; and now I wish to bring to the attention of the Senate what I think, acting on our knowledge of average human nature, will be a very good explanation of why these five directors wish to hold control of this canal.

I find on page 20 of this document this significant statement, which led me to look into this question, for I confess that when the report from the Finance Committee was made there were things connected with the canal of which I was not aware—there is an item which attracted attention. In 1854, just prior to the time it was supposed this work was going to pass from the control of the corporation into the hands of the Government, this item is mentioned:

Among the expenses noted as "incidental" is mentioned an item of $7,500 extra compensation voted by the stockholders at their annual meeting in January, 1854, to be paid to the officers.

This led naturally to the inquiry what compensation these officers received, and upon going to the Treasury Department I find there, in a letter on file, that the president of the company receives $1,500 a year; the secretary receives $1,500 a year; the treasurer receives $1,000, and these officers are all directors; the vice-president receives $1,000; the counsel receives $500, making $5,500 a year in salaries. They employ a superintendent, at $3,000 a year; an assistant, at $2,500; a collector, at $1,800. All the other employés are put at $31,212, and contingencies at $22,000. I mention all these to show that $66,000, salaries and all, is the amount which they consider necessary to keep up the canal and all this work—a two-mile canal upon which the tolls for 1873 are estimated by General Weitzell at $350,000.

In addition to that, that I may do no injustice to anybody, I wish to state further who the directors are, and what I find in a letter, a copy of which I have before me, on file in the Treasury Department. The directors now are Joshua T. Speed, Jonas H. Rhorer, James W. Henning, Enos Lochhart, and John Caperton, and in this letter on file in the Treasury Department this statement is made that these five gentlemen who are the directors in the canal company are also directors in a savings-bank in Louisville where the tolls received by this canal are deposited, and the letter shows by reference to the report made by Mr. Gallagher in 1867 that the cash balances that have been in the treasury of that company beginning in 1841 were then $54,440, and in 1867 were $239,853, making an average of over $90,000 in the years intervening between 1854 and 1867, and as the tolls are being increased every year the natural supposition is that the balance that they have to use in their savings-bank is over $200,000 of the Government money.

Mr. President, is it not barely possible that salaries amounting to $5,500 a year for managing a canal two miles in length, with deposits amounting to $200,000 a year to be used for profit in a savings-bank, may present some reasons to those five gentlemen why the commerce of the Ohio River should be taxed, and why this canal should not be handed over to the control of the Government of the United States. But is it a good reason why the Government should not assume control of its property, property for which it has paid, property to complete and enlarge which it has paid $1,278,000 since 1858; property for which it is liable for a mortgage put upon it by the joint authority of the State of Kentucky and the United States for about $1,100,000 more? Unless there are some controlling reasons why the Government should not enter upon and control this property, it is amazing that it has been permitted to lie so long.

And, Mr. President, it may also be said in this connection—and I ask the attention of those who live in States adjoining this great thoroughfare of commerce to it, and whose people have been paying toll upon that canal at rates fixed by these five gentlemen—is it not reasonable to suppose that they are also interested in preventing a reduction of the tolls, because as the tolls come down, the deposits in the savings-bank diminish also? Fifty cents a ton on the commerce of the Ohio River will make a better fund to bank on than twenty-five cents a ton; and twenty-five cents a ton will make a better fund to bank on than ten cents a ton, to which the tax might now be reduced and pay expenses.

Mr. President, I have thought it due to the people who inhabit the seven States on the Ohio River and the fourteen States that are interested in this commerce on the Ohio and the Mississippi that this interesting management of the property of the Government which has been for so long in the hands of these five gentlemen and their predecessors should be brought before the Senate, and that we should inquire whether there are good reasons why they should be permitted longer to control this canal and to tax commerce for their own profit.

What reasons are urged? In the first place, we directed the Secretary of the Treasury last year to take possession of the canal. It is now found that the five shares are not ours yet; that we owe a little on them. Well, I wish to call attention to that, for another fact has come to my knowledge in looking this thing up; and it is this: It has been argued that as long as these five shares remain in the hands of these five directors, the corporation exists; and that we must buy them for the purpose of extinguishing that corporation. Now, mark it, their shares were worth $258 in 1855. You have noticed that in all these reports they acknowledge that there is only $100 due to them. Now how did that come about? It came about in this way: In 1864, long after 1855, long after this mortgage was put upon the property, just before Mr. Guthrie wrote that remarkable letter, each one of these five share-holders took out of the money that was passing through his hands $242 on his share and left $100 due him from the United States; and it was a pretty good operation. We all know that our Kentucky friends have a great deal of credit for sharp business capacity; and here was a stock which had been watered to the extent of 50 per cent. in 1842, on which they had been getting interest at the rate of 6 per cent. on the increased value from 1842 to 1855, and then they take out $242, more than double the original par value, leaving a part of the interest only unpaid, and then they compound interest on that up to the present time.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The morning hour having expired, it becomes the duty of the Chair to call up the unfinished business of yesterday.

Mr. STEVENSON. I hope this subject will be continued, now that we are upon it.

The PRESIDING OFFICER. The unfinished business is the bill (S. No. 446) to restore the rights of the State of Louisiana, on which the pending question is the amendment of the Senator from Delaware,[Mr. BAYARD,] and the Senator from New Jersey [Mr. STOCKTON] is entitled to the floor. The Senator from Kentucky asks unanimous consent that the bill be informally laid aside to continue the consideration of the matter pending at the close of the morning hour.

Mr. SCOTT. The Senator from New Jersey is not in his seat.

Mr. THURMAN. The Senator from New Jersey told me he had no objection whatsoever to our going on with this bill.

The PRESIDING OFFICER. If there be no objection the unfinished business will be laid aside informally, subject to be called up by any Senator. The Chair hears no objection; and the amendment of the House of Representatives to the bill (S. No. 350) providing for the payment of the bonds of the Louisville and Portland Canal Company is still before the Senate.

Mr. SCOTT. Mr. President, I have shown—and I have refrained from going into many particulars in reference to it—that the stock of the company has been purchased so that the original stockholders have been paid not only their own investment but 50 per cent. more, with interest on it, too, until they were paid. I have shown that these five stockholders were willing to transfer their property to the Government, and that they only refrained from doing so at the request of the then Secretary of the Treasury. I have shown that from that time down to the present these gentlemen, if the statement on file in the Treasury Department be correct—and I have no reason to doubt it—have been paid by the United States salaries amounting to $5,500 a year for banking upon the money of the Government.

I now ask why should this state of things continue? As I have already said, in 1873 we directed the Secretary of the Treasury to take possession of the work. The first objection that has been made, as I have stated, is that there are five stockholders and that we must extinguish their stock. I was making the statement, when interrupted by the expiration of the morning hour, that so far from being stockholders, they are really creditors to the amount of $100 each. They have accepted $242 from the United States on the share of stock held by each, and it does not lie in their mouths any longer to say that that stock does not belong to the Government of the United States. We have performed the condition, and they have been paid in part for each share and cannot refuse the balance. Does it lie in their mouths to say to us, "you cannot now assume control of this work; we are the stockholders, we breathe the breath of life into this corporation created by the State of Kentucky; and the Government of the United States must stand off and permit us to control the commerce of the Ohio River by virtue of our position as directors?"

But there were other reasons given, and I propose to consider them very briefly to see whether there is enough in them to justify us in not taking possession of this canal. I do not wish to rush into any unadvised proceeding. I do not wish to put the Government in a position in which we shall encounter any greater risks than the benefits which we shall derive from this proceeding. I wish to give the commerce of the Ohio River the benefit of free navigation, but I will not do it if I am satisfied that in doing so we encounter risks which are of greater injury to the Government than this remedy will be of benefit to the people; but I wish to consider these questions fairly, and to show, if I can, that, even if this bill requires amendment to prevent any difficulty that may be suggested, there ought not to be one hour of delay that can be avoided in assuming the control of this canal.

What, then, are the reasons that are given as to why we should not take the control of the canal? The Secretary of the Treasury states that a lawsuit was instituted, and that was the reason why he did not execute the act of 1873. Perhaps it is as well that he did not. The act of 1873 directs the possession to be taken of this work under the terms of an act of the Legislature of Kentucky passed in 1872, to which I will briefly refer. But before coming to that legislation I wish to say a word or two about this lawsuit. It is very fully considered in the report made by the House committee at this session, and there are two answers given to the pendency of that lawsuit in that report. One is that the title which is now set up in the suit was passed upon by the Supreme Court of the United States, and the title of the party from whom the canal company derived its title was decided to be a good title in fee-simple. The second answer is that that decision having been made in 1835 and the canal company having been in adverse possession ever since and the statutes of Kentucky prohibiting cumulative disabilities from preventing the running of the statute of limitations for more than thirty years, the title would be good by the statute of limitations under the laws of Kentucky and the decision of its supreme court even if it had been originally defective.

I submit there is still another answer. I do not know whether I am right or not; I have not been able to lay my hands on the statutes of Kentucky to see whether they have enacted the law usual in most of the States, that where a specific mode of redress is pointed out by statute the party injured must take the statutory and not the common-law remedy. Upon looking at the act of incorporation the eighth section of it provides for entering upon lands, taking them for public use by virtue of the power of eminent domain granted for that purpose by the Commonwealth of Kentucky to this corporation, and then provides a mode in which the damages are to be assessed

for the taking of such land. I have already said that I am not sufficiently familiar with the laws of Kentucky to say that this is certainly a defense, but it strikes me that this power having been exercised under the act of incorporation as far back as 1825, if there be a remedy for claimants of this land it is not an action of ejectment to recover the land itself upon which the canal is constructed, but it would be a proceeding under that act for the purpose of assessing the damages that they would have been entitled to at that time if they had title.

Mr. EDMUNDS. That would depend on the regularity of the original proceeding, would it not? If the entry was illegal and not in conformity to the charter, the right of the owner would not be divested, of course.

Mr. SCOTT. Under the powers of the act of incorporation, if the purchase from the party claiming title at that time was not a good one, if he had not title and the corporation entered on this land and appropriated it, let the owner be who he may, his remedy at this time would be not an action of ejectment, but a proceeding under the eighth section, for the purpose of having the damages assessed, as they were at the time of the appropriation. I merely suggest that; but I do not think it is worth while to take up time in discussing whether it is right or wrong, because the statutes of limitation and the decision of the supreme court of Kentucky would be a complete answer, even if the ruling of the court upon the question of whether a fee-simple passed by the will of John Campbell and the subsequent conveyance were reversed.

Mr. CARPENTER. Now will my friend allow me to ask him a question? As I understand the case here, there was a corporation created by the State of Kentucky in which the United States claimed to be a stockholder, together with various private persons. Now my first doubt is whether the United States can be a stockholder in a State corporation. The United States for the purpose of regulating commerce may undoubtedly build canals; it may create a corporation for the purpose of building them; but must it not be its own corporation? For instance the Bank of the United States, in which the United States was a stockholder, was an instrumentality of this Government through and by which this Government exercised one of its functions. Now, can the United States become a stockholder in a mere State corporation? Could the United States hold stock in a State bank created and chartered entirely by a State?

Now I understand that all the stock is to be extinguished and the United States is to become the equitable owner of this canal. If the United States can be the equitable owner of the stock, then of course the corporation is abolished; and I understand the theory of the friends of this bill is that what has taken place and will take place must amount to extinguishing the corporation. Then what becomes of the property of the corporation? The State of Kentucky cedes to us, as I understand, the sovereignty and jurisdiction over the *locus;* but the property is held, if held at all, in virtue of the stock. Now, when all the stock is transferred to the United States, if the United States can be the owner of that stock, any right which pertains to that stock comes to the United States only in right of that stock and is a right which it cannot enforce.

I put this question for information, because I have not had time to examine the matter, but it strikes me that unless the proposition can be maintained that the United States may be a stockholder in a State corporation (which I should resist unless very strong arguments can be produced on that point) our whole title would fail. We are to get nothing because the State of Kentucky has nothing to convey to us except the mere sovereignty and jurisdiction. She does not own the acres on which this canal is located; she cedes us the sovereignty and general jurisdiction; but after the corporation is extinguished and the franchises of that corporation expire, what is to prevent the original owner of that land from reclaiming it in a proper proceeding?

Mr. SCOTT. Mr. President, I am very sorry my friend was not here about fifty years ago for the purpose of preventing the Government getting into this disagreeable difficulty, and I hope he will remain here fifty years hence to prevent it getting in any more.

Mr. CARPENTER. I am very glad I was not here fifty years ago.

Mr. SCOTT. But the position in which we find ourselves now is that the Government of the United States under acts of Congress did become the owner of certain shares of stock; it has subscribed for them and paid for them. By the acts of the Legislature of Kentucky, assent was given to the United States either becoming the owner of or extinguishing, for the purpose of making the commerce of the Ohio River free of toll, all the remaining shares of stock.

Mr. CARPENTER. Did the State profess to give us any power?

Mr. SCOTT. I simply wish to get before the Senator my view of the question which he has presented. I do not assert at all that the original question was not surrounded by difficulties, nor that by virtue of the exercise of this power we are free from difficulties yet. But the State of Kentucky, which did create this corporation and which had jurisdiction over it and over the property it had acquired until it saw proper to cede that jurisdiction, did acquiesce in the Government of the United States becoming the owner of the stock to the extent of extinguishing the whole of it, and did consent that the Government of the United States when the whole of it was extinguished should take the property which represented the stock and should have jurisdiction over it. Now, having done all this, if we do take the property which is the representative of the corporate stock, who is to contest the ownership with us? We do not abandon the canal for the purpose for which it was appropriated under the corporate powers granted by the State of Kentucky. We propose to take possession of the property and to keep possession of it for the purpose of making the commerce of the Ohio River free; and I submit that the State of Kentucky cannot contest it with us. The persons who originally owned the title have conveyed it by deed, and the Supreme Court having decided that that deed vested a fee-simple in the company, they cannot contest it with us.

Mr. CARPENTER. No; but if the company has become extinguished or shall be dissolved, then of course the company does not any longer own the property. It goes somewhere.

Mr. SCOTT. It goes to the United States.

Mr. CARPENTER. Now the question is whether it escheats to the State of Kentucky or whether it reverts to the original owner. My impression is that where property is taken in this way for a specific public use, when the public use ceases the property reverts to the original owner. Now suppose the owner here brings his action of ejectment for this land. We cannot reply that we have taken it for public use by the right of our eminent domain, for we have not got it. Our reply is that we became a stockholder in the corporation which owned it. The answer to that would be, "You cannot become a stockholder in such a corporation; the United States has no constitutional power to embark in any such enterprise." So it only shifts the difficulty for the moment, but ultimately it must come back to the same point and rest there.

Mr. SCOTT. Do I understand the Senator as taking the position that if the original act was unconstitutional authorizing the Government of the United States to take stock, and all that has been done under it since by the United States for the purpose of acquiring the canal itself, an improvement he agrees Congress has the power to make has been of so little validity, either under the authority of the acts of Congress or by virtue of conveyances made by the owners in fee-simple of the property, that the United States now cannot hold that property?

Mr. CARPENTER. I have always been educated to suppose that what was done under an unconstitutional act was void. If the United States has obtained a conveyance from these individuals to the United States, of course that ends the question.

Mr. SCOTT. I am stating that the canal company obtained the conveyance of the owner of the property.

Mr. CARPENTER. Now the question is how do we derive title from the company? By virtue of being a stockholder. If we could not be a stockholder we could not derive title in that way.

Mr. SCOTT. Suppose, then, that proceedings had been instituted the moment all the stock was considered as vested in the United States, for the purpose of escheating the property to the State of Kentucky, could the State of Kentucky, having herself given authority to the United States to take the stock and having herself by her own act ceded jurisdiction over the property represented by the stock—could the State of Kentucky come in and claim it as against the United States? And if there be two sovereignties claiming against each other in that manner, I presume the United States would be about as well able to take care of its rights as the State of Kentucky.

Mr. STEVENSON. I should like to ask the Senator from Wisconsin another question. If he assumes that this power was unconstitutional, I ask him whether the United States would not have a lien on all the money spent?

Mr. CARPENTER. I do not think the United States acquires any lien by paying out money under an unconstitutional law.

Mr. THURMAN. Will the Senator from Pennsylvania allow me to read on this question whether the United States could own that stock two sentences from the opinion of Justice Miller in the case that was brought in respect to this very property before him. He says:

> A brief reference to the history of this canal and its relation to the Government of the United States is essential to an understanding of the matter presented now for consideration.
>
> By an act of the Kentucky Legislature of January 12, 1825, a corporation was chartered by the name of the Louisville and Portland Canal Company, to construct a canal around the Falls of the Ohio River, with a capital stock of $600,000, divided into shares of $100 each, with the right to levy tolls on vessels passing through the canal. By subsequent statutes the capital was increased to ten thousand shares, and the United States under acts of Congress became the owner of twenty-nine hundred and ten of said shares.

Mr. CARPENTER. Was the question raised as to the constitutional power?

Mr. THURMAN. No, because nobody ever supposed it was unconstitutional.

Mr. CARPENTER. The Senator is lawyer enough as well as Senator enough to know that no decision is authority upon a point that was not suggested or discussed, and that, as my friend suggests, was not raised.

Mr. THURMAN. But there is a decision expressly here that these men are mere trustees for the United States.

Mr. CONKLING. That is a mere historical recital of facts.

Mr. THURMAN. The case was decided exactly upon the ground that they were mere trustees for the United States, the owner of the stock.

Mr. SCOTT. Let me call the attention of the Senator from Wis-

consin to the language of the act of Kentucky of 1844 as bearing upon the point which I was making at the time the Senator from Ohio made his suggestion. I will read the whole section of the act of 1844:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That in the event of the United States becoming the sole owner of the Louisville and Portland Canal, the jurisdiction of this Commonwealth over said canal shall be yielded up to the Government of the United States; and no annual report, as mentioned in the charter of the Louisville and Portland Canal Company, shall be required to be made by the United States, or the agents and superintendents of said canal, to the General Assembly of this Commonwealth.

Now, if the original owners of the title of the soil upon which this canal was constructed, pronounced to be good, conveyed to the Louisville and Portland Canal Company, certainly neither those owners nor the canal company as such can claim it against the United States.

Mr. CARPENTER. That is the very question, and that depends upon this further question——

Mr. SCOTT Then further, if neither the original owners nor the Louisville and Portland Canal Company as a corporation can claim it as against the United States, then the State of Kentucky having agreed that the United States should become the sole owner of it could certainly never institute proceedings to recover that canal.

Mr. CARPENTER. The question is, what becomes of this property—I mean the soil on which the canal is laid—when the corporation to which it was conveyed by deed becomes dissolved? If it escheats to the State of Kentucky, that is one thing, and these acts may be sufficient. If, however, as I incline to suppose, the title would revert to the original owner when the corporation which held it ceased, then that private owner or his heirs and assigns would not be estopped by anything the State of Kentucky had done or anything that Congress had done.

I want to say on this subject that I am just as much in favor of accomplishing the purpose the Senator is after as he is, to stop the excessive tax on that commerce, but I want to do it so that it will stay down when we do it.

Mr. SCOTT. Then, Mr. President, let us take possession of this canal. We have paid for it. It is ours by acknowledgment of the officers of the company, by acknowledgment of the State of Kentucky, and having taken possession of it, if there be any claimant to go into any court and demand it from us, then will be the time for us to consider the answer we will make to such demand.

Mr. EDMUNDS. But your bill provides for accepting certain grants and powers from the State of Kentucky on certain terms imposed by that State.

Mr. SCOTT. I will come to that in a moment. I supposed I would be through with all that before this, but the question propounded by the Senator from Wisconsin has detained me from explaining that.

Mr. STEVENSON. Before the Senator from Wisconsin leaves the Chamber I desire, with the permission of the Senator from Pennsylvania, to relieve his mind upon the constitutional difficulty he seems to labor under upon this subject.

The land covered by the Louisville and Portland Canal was conveyed I believe by John Rowan, in 1825, or thereabouts, to this corporation and constituted part of its capital stock. That property and its franchises were represented by the shares of stock issued by the company under its charter from the State of Kentucky. The United States became a subscriber to a large amount of this stock under the authority of acts of Congress and of the Legislature of Kentucky. The constitutional power of the United States to make the purchase or the validity of the congressional enactments under which that power was exercised seems not to have been challenged or questioned in this body at that day. Upon the contrary, the United States continued to make additional purchases of stock in the company, so that when this canal was finished in 1830 by the company, the United States owned at that time 2,335 shares and individuals 3,665. As early as 1826 the necessity of making this canal a free channel of commerce was urged upon Congress by memorials and petitions from many of the States, urging the purchase of all this stock by the United States with the avowed object of making it free and dedicating it perpetually as a national highway. These memorials and petitions were referred to committees both in the House and in the Senate, where they were considered and reported upon. Mr. Webster, Mr. Clay, Mr. Calhoun, Mr. Benton, and many others of the wisest and most gifted statesmen that ever graced this Chamber held at that time seats on this floor. Yet we find at that early period congressional enactments authorizing and directing subscription on the part of this Government for 1,000 shares of the capital stock of the Louisville and Portland Canal. At a subsequent period Congress, by an act approved March 2, 1829, authorized the purchase, on the part of the United States, of not exceeding 1,350 shares of the forfeited stock of that company. Still later, upon the 11th of January, 1833, the chairman of the Committee on Commerce in the Senate of the United States, to which had been referred other petitions and memorials praying the United States to purchase the entire private stock held by individuals in the Louisville and Portland Canal, in order that the Government of the United States might promptly make that canal free, save but a small tax necessary to operate the work and keep it in repair, reported the actual cost of such purchase, and recommended and reported a bill authorizing the Secretary of the Treasury to effect such purchase. I take it for granted if there had been at that time any question of the want of power on the part of the United States to purchase and hold this property under the commercial power conferred on Congress by the Constitution, with the legal ability which then existed in that body, the objection now urged by the Senator from Wisconsin [Mr. CARPENTER] would scarcely have escaped them, especially would it seem so as this report was debated and adopted.

Again, in a subsequent report, hear the committee in regard to this same proposition:

The committee have diligently investigated the nature and merits of the numerous memorials and petitions referred to them, and have determined that the views of the petitioners are reasonable and just. * * * In adopting the views of the memoralists the committee do not consider that they are promoting the interests and wishes of any limited or peculiar section in opposition to the general welfare, but that they are advocating a measure of universal convenience and national utility. They deem the object—

To wit, the exclusive ownership of the United States in this canal for the purposes of commerce—

They deem the object *national*, not sectional. * * * An object of such national concernment, it seems to the committee, is entitled to the most respectful and liberal consideration of the Government. The great and increasing commerce and trade of a vast portion of the country is subjected to unjust and distressing exactions, and it is the province as it is the duty of the Government to relieve it of the burden. The munificence of the Government has been often extended to the Atlantic States, in expenditures on the sea-board and elsewhere, and now every sentiment of justice and impulse of patriotism plead for the exercise of the same liberality toward those who inhabit the valley of the Mississippi.

So, too, in the House of Representatives on the 15th January, 1838, we find another favorable report on the same subject, and on the 8th March following Mr. Graves, a Representative in Congress from the Louisville district in Kentucky, from the same committee, reported "A bill to authorize the purchase of the stock held by individuals in the Louisville and Portland Canal, and to make the navigation thereof free."

In 1840 the exclusive ownership of this canal was again pressed in the House of Representatives, and the Committee on Roads and Canals, having still before them the memorials and petitions of numerous citizens of several States praying Congress to purchase up the stock held by individuals in the Louisville and Portland Canal and to make the navigation thereof free, referred to them two years before, on motion, February 10, Mr. Graves's report and bill of 8th March, 1838, were ordered to be reprinted. No additional facts or arguments were presented and no legislation was had.

On the 10th of February, 1844, the House of Representatives, by resolution, called upon the Secretary of the Treasury for certain information relative to the Louisville and Portland Canal; the condition of the work, the amount of tolls collected, the effect of such tolls upon the commerce of the river, whether the canal was of sufficient capacity to accommodate that commerce, and as to the desirability of enlargement. The Secretary of the Treasury (Mr. Spencer) immediately communicated these resolutions to the surveyors of customs at Cincinnati, Louisville, and Saint Louis, and the president of the canal company, at Louisville, calling for the information desired; and on the 22d of February he communicated to the Speaker of the House the several replies of those officers, which were on the 26th read and referred to the Committee on Commerce.

By an act of the Legislature of Kentucky approved February 21, 1842, the president and directors of the canal company were authorized, whenever so directed by the stockholders thereof, to sell the shares of stock owned by individuals in said canal, or owned by the State of Kentucky or by the city of Louisville, for the purpose of making the canal free of tolls, and we accordingly find that from that time to the year 1855 the United States continued to purchase up annually the stock in the Louisville and Portland Canal, until in that year it became the sole owner of the entire stock in said company.

With such continued legislation on the part of Congress and the Legislature of Kentucky for a period of fifty years, looking to the national object of making this canal free—with such acquiescence by Congress and Kentucky in the achievement of such a result—is it not rather late, I submit to my friend from Wisconsin, to question the power of Congress to make this purchase and hold this canal with the object of making it free?

Mr. CARPENTER. I do not question, if the Senator will permit me, that it is a national object. I do not question that the United States might exercise that power.

Mr. STEVENSON. That is the exact point which I understand the Senator to deny: the want of constitutional power to make the purchase. Hence I insisted that beginning with the subscriptions to the stock of this company by the United States in 1826 under the laws of Congress and of Kentucky; with its regular and continued purchases of stock from that period, under the same authority, to 1855 when the United States by a purchase of the whole amount of stock became the exclusive owner; looking to the subsequent appropriations of money made by Congress for the enlargement of that canal, is it not too late now to doubt the constitutional power especially after the lucid and clear opinion of one of the judges of the Supreme Court of the United States (Mr. Justice Miller) upon it? Mr. Madison once vetoed the Bank of the United States, but upon its recharter by Congress, and the universal acclamation and acquiescence of popular opinion, that patriotic and enlightened statesman yielded his own convictions of constitutional power and signed the bill. Tested by such a standard, if the constitutionality of any question could be regarded as settled, the power of the United States to purchase and make this canal free, this must be one.

Mr. CARPENTER. It is the highest authority undoubtedly, except the Constitution itself.

Mr. STEVENSON. But time and acquiescence settle the true construction of that instrument.

Mr. SCOTT. Mr. President, I had proceeded so far as to notice two objections to taking possession of the canal—one was the existence of five shares of stock, and the other the pendency of a suit by the heirs of Campbell—when the question was put by the Senator from Wisconsin which has caused this digression.

Now there are certain questions arising under the legislation of Kentucky which I propose to refer to briefly, simply enough to bring them before the Senate. The act of 1842 imposed a condition on the transfer of the property. It was that tolls were to be levied only sufficient to keep the canal in repair.

It also contained the following provision and reservation:

And further to protect and guard the interests of commerce, the superintendents or agents in charge of said canal shall ever hereafter, on the 1st Monday in January annually, report to the General Assembly of Kentucky the amount of tolls levied and received, and of the charges and expenses incurred on the same—the General Assembly reserving the right of directing the amount annually to be collected, if found too much for the purposes contemplated by this amended act.

The first condition imposed in reference to the tolls being made only equal to the expenses is in accord with the professed object of the act to make the commerce of the river free. The second is equally so. When the act of 1844 was passed, a release in effect from this condition; and the reservation, as I construe the act, is contained in it, for it cedes jurisdiction and it releases the agents of the United States from making these reports, the reports being required only for the purpose of enabling the Legislature of Kentucky to reduce the tolls if too much was put on. And the Legislature having released the United States from making those reports, I submit that they have abandoned the whole purpose of the reservation in the act of 1842; and that even if the cession of jurisdiction did not carry with it all power over the whole work, there is in the language of the act of 1844 a relinquishment of that right to reduce the tolls.

Take both these acts together, and they propose, first, to make the canal free of tolls; second, that the shares purchased are to be held in trust for that purpose, and that when they are all purchased they are to be transferred to the United States on the condition; third, that only sufficient tolls be levied to keep up the canal; fourth, the condition to which I have already referred is inserted; and, fifth, to the same end there is a provision that the original tolls are never to be increased.

I have already referred to the act of 1844 and what was done under these acts, bringing the history of the work down to 1855. From that point another question arises. It is alleged that prior to this Kentucky had taxed this canal, and the Senator from New York [Mr. CONKLING] read from the debate in the House of Representatives, showing that in the year 1846, according to the report of the canal company, Kentucky had taxed its property. Suppose she had. While I only make this comment on it——

Mr. CONKLING. In following years also.

Mr. SCOTT. So it is stated, but not for what years. While I make only this comment on it, that the information the Senator from New York read, contained in a speech made in the House, was given from reports of the canal company, that when inquiry was made from whence these reports came, the gentleman—I deem it no impropriety to say—who gave that information declined to inform the House from whence that information did come, and the inference I make is that he was furnished with these reports from the directors, who wish to continue possession of the canal.

In what year were taxes imposed by Kentucky? I have inquired of the Senators from Kentucky, and they inform me they have no knowledge of any having been imposed. But suppose taxes were imposed in 1846. Could anybody doubt the right of Kentucky to tax it in 1846? It was a State corporation then; it was within the limits of Kentucky. The time had not arrived when it was to be transferred, and hence the corporate property and the real estate were subject to the taxing power of Kentucky; and until 1855, when the United States became the whole owner of the property, the question did not arise; and I submit there is no information before us that the taxing power of Kentucky has been exercised since 1846, at least that is the date given in the extract read by the Senator from New York.

But in 1857 Kentucky passed an act authorizing a mortgage to be executed upon this canal. In 1860 Congress passed an act authorizing that mortgage to be executed. Why did they come to Congress? Why had Congress anything to do with it if the United States had not acquired control over the canal? That mortgage was executed in 1860; the money was obtained, and the process of enlarging the canal commenced.

Now, that I may not misstate the position of this canal company, having already quoted from the reports of the presidents and secretaries down to 1867, I wish to send to the desk and have read a letter put upon the minutes of this company on the 16th of December, 1867, showing what they considered their duty at that time. I ask the Clerk to read the part that I have marked.

The Chief Clerk read as follows:

DEAR SIR: In reply to your letter of the 13th instant, the president and directors of the Louisville and Portland Canal Company have to say that they consider themselves trustees of the stockholders of the company, the objects of the trust being to cause said canal to be so enlarged and improved as to make it sufficient for the requirements of the commerce of the Ohio River, and finally to make it a free canal; and that, having no personal objects to subserve, they would willingly surrender to the Government of the United States all the rights, titles, privileges, assets, &c., of the company, provided the Government shall purchase the five shares of stock which they hold, and assume the indebtedness of the company incurred in the prosecution of the canal enlargement, and also assume the duties of the trust, which they hold to be the completion of said work of enlargement as contemplated.

Mr. SCOTT. That was the position of the canal company in 1867 after the mortgage was executed, after the money was borrowed, acknowledging that they still held that trust and that the Government of the United States was entitled to the control of the property.

Now after that time what else has been done? Beginning in 1868 appropriations have been made each year until $1,278,000 has been appropriated and expended in enlarging the canal; and then begins difficulty. In 1872, whether apprehending that the United States was about to exercise the power of taking possession or not I do not know, but by some means an act of the Legislature of Kentucky was passed which undertook to impose conditions upon this canal when transferred to the United States, and from that time we find obstacles multiplying to our taking possession. In 1873 in an appropriation bill we directed the Secretary of the Treasury to take possession under that act of 1872. I think perhaps we made a mistake in acknowledging even by implication that the Legislature of Kentucky had the right to impose the terms of the act of 1872, and if any Senator here thinks that out of abundant caution we should disclaim the authority of Kentucky to impose those conditions, I have no objection to its being done.

At the time that act was passed the Government of the United States had the right under the acts of 1842 and 1844, by virtue of what had been done under them, and by virtue of the subsequent appropriations made out of their own Treasury, to the complete and unlimited control of that work; and Kentucky had no right whatever to impose the conditions contained in the act; but in the anxiety to take possession of the work the Secretary of the Treasury was directed to take possession in conformity with that act of 1872. This bill proposes to take possession under the acts of 1842 and 1844, and I shall not object to a protest against the validity of the act of 1872. I say here I do not recognize the validity of those conditions.

But, sir, the moment the Secretary of the Treasury was authorized to take the control, what do we find? It was not until after that possession was directed to be taken that the heirs of John Campbell were fished up from oblivion and the ejectment instituted in the chancery court of Louisville. Who has revived the long-lost kindred of John Campbell? By reference to the letters on file in the Treasury Department it will be found that the city of Louisville undertook to tax this corporation some years ago, and that had been sleeping the sleep of death, too; but there is a letter on file from Mr. Speed, not the president of the company, but from James Speed, dated after the passage of that act, saying that this, too, has again loomed up, and that he is now retained as corporation counsel for the purpose of defending that claim. And when that claim was examined, it was found that in 1838 the Legislature of Kentucky passed an amendment to the charter of Louisville in which they prohibited that municipality from imposing a tax upon the Louisville and Portland Canal, when they found that the councils directed their attorney to suspend the proceeding and declare by ordinance that when the United States shall become the owner of the property the claim for taxes shall be abandoned.

Mr. BAYARD. Will my friend permit me to ask him would it make any difference in result to the United States as to the validity or invalidity of the claim whether we take the canal into our hands, or whether it stays as it is, we being the beneficiaries of the stock?

Mr. SCOTT. None in the least. I have already argued that when the Senator from Delaware was not in his seat. I have never yet learned that a party claiming real estate is in a worse position in possession than out of it. There is a common maxim among the people that "possession is nine points of the law," and perhaps it will be no worse for the Government than for an individual.

But, sir, if Kentucky has parted with jurisdiction over this property, I ask where is the power in a subordinate municipal corporation in Kentucky to tax it? Parting with jurisdiction is parting with right on the part of the State to tax. If the State cannot tax, what is the use of setting up a scarecrow for us to fight about a subordinate municipal corporation in a State taxing this canal?

Mr. BAYARD. And there has been a clear cession of jurisdiction by the State.

Mr. SCOTT. I have already adverted to the financial affairs of this canal, showing the large interest which the five gentlemen in control of it have to keep it in their hands. I have already referred to the immense interests that are affected by the tolls on this canal, to the immense number of people who are affected by it; all upon the Ohio, all upon the Mississippi. Every ton of coke and coal that goes down through that canal is taxed; every ton of iron ore that leaves the wharf at Carondelet for the Upper Ohio must pay this tax; every pound of sugar, every gallon of molasses, that comes from New Orleans through that canal is taxed; the empty boats are taxed. And here is the anomaly: the corporation consists of five people, who are only creditors, who have got all their money for their stock but $100 on one share each, and they insist upon retaining their control in a property in which the Government has invested near $3,000,000, upon which the people have paid tolls to the amount of near $6,000,000, and taxing that commerce in despite of the petitions poured into Con-

gress since 1833, demanding that this commerce shall be made free. I ask, will the Congress of the United States permit these five stockholders to take salaries of $5,500 a year for banking upon the tolls paid by these people, that they may exercise the prerogative of continuing to tax them so long as the scarecrow of an objection can be set up in Congress against taking possession? I trust not. I had hoped, when I rose, to be able in half an hour to present this case to the Senate, and would have succeeded in doing it much sooner but for the interruptions.

But I trust now that the time has come when whatever conditions may be proper to affix to this act, so that we can get into no further trouble, may be affixed by those who think them necessary, and that the one thing needful may be done, that is, displace these five directors, and put the Government of the United States in control of this property.

Mr. EDMUNDS. Mr. President, may I ask the Senator from Pennsylvania if he has the charter of this corporation in his possession?

Mr. SCOTT. I have the act of the Legislature of Kentucky.

Mr. EDMUNDS. What I mean is the act that created this corporation and conferred its powers upon it.

Mr. SCOTT. I have it here and will hand it to the Senator.

Mr. EDMUNDS. Nobody, Mr. President, that I know of, disagrees to the idea that the United States ought to control this work so as to have the tolls reduced to the minimum; and therefore the eloquent peroration of my friend from Pennsylvania, so far as it was designed to affect our desires in rectifying this evil, was unnecessary, and so far as it relates to what are the legal difficulties which surround the affair of course it was inapplicable. No amount of eloquence ought to lead us to take a step which, when once, taken is irrevocable and which will put us, in the end, in a worse position than we are now. Everybody will admit that.

Now, then, if the United States can get into possession of this property without running the risk of restoring the title of this real estate to the descendants or grantees of the original proprietors, and without running the risk of committing itself to the dominion of the State of Kentucky to regulate what the United States shall do with this property on this public navigable river, then of course everybody is desirous of doing it; but we certainly ought to hesitate before we take any step that is to open to us fresh difficulties and fresh complications, and put us in a worse condition than we are now.

It has occurred to me, and I suggest it to the Senator from Pennsylvania, that until we can make suitable terms with the State of Kentucky, if we can get possession of this property in our own right as the stockholder and owner of this property, represented by a corporation as it is, it will be much wiser than it will be to get possession of it under any implied assent to any conditions that the State of Kentucky has imposed, or run the risk which might follow the dissolution of this corporation by our having it dissolved by omitting to have any directors, or letting it run out in any other way. That is what I submit to the candid consideration of the Senators who are interested in this question chiefly as from those places which are directly concerned in this commerce. I know that when I made this suggestion once before it produced a smile upon the faces of some Senators at the extreme innocence or want of understanding which characterized my remarks, I do not know which.

Mr. SCOTT. The Senator from Vermont was not in his seat when I referred to that suggestion.

Mr. EDMUNDS. I am not alluding to my friend from Pennsylvania as smiling at it.

Mr. SCOTT. I never smile at anything as innocent coming from the Senator from Vermont. But in answer to that suggestion I will say that I have looked very carefully at the act of 1842, and it will be found that under its terms these five directors hold 7,000 shares which they are authorized to vote until we get the control of the whole work; and therefore, although the Government of the United States were to transfer its whole 2,900 shares to anybody for the purpose of getting actual possession of the work, those five directors, so long as one share is unextinguished, can outvote the United States with its own stock and keep possession in spite of us.

Mr. EDMUNDS. If that were stated in a court of equity I do not know but that I should join my friend from Ohio, who seems to be in a smiling mood about this business, in smiling at that proposition, although as coming from my friend from Pennsylvania I should be extremely careful before I began to smile, because I should be pretty sure there was some reason why he was right.

Mr. SCOTT. It is in the act.

Mr. EDMUNDS. I know it is in the act; I see it in the act; but let me suggest to the Senator from Pennsylvania, and it only needs the suggestion, that inasmuch as the United States has become the legal and the equitable proprietor by buying all these shares of the whole body of this stock, as well that which is held by these five men in their own names as that which they hold as the directors of the corporation, it has in a court of equity and in a court of conscience and in a court of law the right to compel those directors to vote that stock according to the wish of the majority, the rest of the stockholders. If I were the equitable owner of these 7,000 shares and the United States of the 3,000, I should be glad to be informed upon what principle of law or equity it is that I cannot compel my trustee to vote on those shares according to my interests, so long as I ask him to vote in the election of directors or any other vote which does not interfere with the existence of the corporation or violate any law under which the corporation is created? Of course there can be but one answer to that, I submit to my friend from Pennsylvania.

Mr. SCOTT. Does the Senator wish an answer?

Mr. EDMUNDS. Yes.

Mr. SCOTT. If the Senator will read the letter of Mr. Guthrie in 1857, and the answer of the corporation made in 1858, he will find that that very position is taken by these gentlemen; that they are trustees having control, and that the United States cannot direct them how to proceed. I submit to my friend, while I agree with him as to the equities of the case, that we should have a right to go into court to compel these gentlemen to do the very thing he is saying they ought to do; we may just as well meet them in court as defendants as complainants, and compel them to do what he says they ought to do.

Mr. EDMUNDS. I am glad that the Senator from Pennsylvania and myself agree as to what the rights in legal equity of the United States are, standing in its attitude as the proprietor of this stock, of part of it the legal proprietor, and of part of it the equitable proprietor; and that is, that we have it in our legal power to coerce these directors into representing the wish of the owner of the stock in regulating the tolls at a proper limit on this canal, or in the election of a fresh board of directors. Now my friend says it is better for us to——

Mr. THURMAN. Will the Senator allow me?

Mr. EDMUNDS. Not at this moment, until I reply to the suggestion of the Senator from Pennsylvania.

Mr. THURMAN. I wanted to tell the Senator a fact.

Mr. EDMUNDS. After I reply to the Senator from Pennsylvania I will hear what my friend from Ohio has to say. The Senator from Pennsylvania says it is better for us to go into a court of equity as defendant than as complainant.

Mr. SCOTT. Not a court of equity. I say it is better for us to be in court as defendant where we are now with this ejectment.

Mr. EDMUNDS. To be in as defendant where we are in this ejectment does not touch this question at all. The ejectment, I take it, is against the corporation, or against somebody who is in possession of the land and standing on the title of the corporation. There is no ejectment suit, I take it, in favor of this corporation against anybody. Then the plaintiff in the ejectment suit is claiming under title adverse to that of the corporation. Now the question we have to consider is the domestic question as to the interior concerns of the corporation; and my honorable friend says it is better for the United States to stand as a defendant than it is to stand as plaintiff; it is better for us to take possession and get possession and compel these directors to sue us than it is for us to sue them. Let us see. That would depend something upon the right of the two causes. If we are right in asking these directors to do a particular thing which they refuse, and which we have a legal right to ask them to do, we then go into a court of equity or a court of law as complainant, standing on the solid foundation of the law in our favor, and then we get an injunction or such other temporary relief as gives us immediately the effect that we desire, and ultimately the complete result that we desire, without being compromised with the State of Kentucky or with any adverse title or by a dissolution of the corporation. I submit that to my friend.

Now suppose we take his point of view and say, "let us go in now anyhow and let them sue us." Suppose without the aid of a court of equity we by force direct the Secretary of War to dispossess the five directors, or whatever the number is, in possession of this property; how long does my honorable friend, if their sentiments are such as he imputes to them, think it would be before they would apply to a court of the State of Kentucky to restrain the Secretary of War or any of his agents from taking possession of that property, when it is the property of a corporation chartered by the State of Kentucky, and when the agents of that corporation, its directors, are the people who are entitled to the possession and the stockholders are not? In a suit instituted in that way we should stand in the wrong, and we could not, in my humble judgment—I say it with all deference to the opinions of the Finance Committee and of the Senators from Ohio—resist an injunction based upon a complaint of that kind, because although morally we might be the owner, yet in a legal and in a legal equitable sense the law has said that our ownership must be exercised through the medium of a board of directors, and until that board of directors is displaced by some other board the stockholder or *cestui que trust* has no right to oust the corporation and take possession himself at large. The court would have to say that; and thus you see what the consequence would be, in my opinion, if in spite of the wishes of these directors, although they are our trustees, we should undertake to turn the trustees out of possession and take possession ourselves because we say they have not correctly performed the trust or for any other reason, unless you say the trust has expired and terminated and the corporation dissolved, for it is not a trust created, let the Senator remember, by any personal grant from one person to another; it is not a trust declared or created by ourselves; but it is only that *quasi* public trust which the State of Kentucky has created in this corporation and in respect of which it has pointed out the agents through whom that trust shall be executed.

What, then, are we to do? We have the power, as my friend from Pennsylvania and I agree, to coerce these directors or any others who may succeed them into performing the just objects of the corporation

in keeping the canal in repair and in not charging excessive tolls, because we are the persons interested in the tolls, and we as the owners of the stock therefore have a right to call on these directors or any who shall succeed them to say what the tolls shall be within proper and suitable limits, and they have no right to resist it. I do not know that they would have any disposition to resist it; but suppose they did, then we have the remedy. Suppose we find them so intractable that it is better to change, certainly the charter provides that these directors may be changed from time to time. I do not know how that is, but certainly the charter does not provide that these men shall hold forever.

Mr. SCOTT. It requires an annual election.

Mr. EDMUNDS. The charter provides, I see, "that the president and directors first chosen shall hold their offices until the first Monday of January, 1826, or until others shall be chosen in their places. On the first Monday of January of each year the stockholders of said company shall meet and proceed to elect." That is, there is an annual election, and the directors hold over until others are chosen. That is the substance of it. Now we come to an election of directors which this charter provides for. These directors undertake to say that either individually or as the directors of the corporation they are going to vote on this stock against the wishes of the party who owns it; that is, the United States. Is any Senator willing to rise in his place and tell me that a trustee who holds stock for the benefit of another person who is the real owner, and in respect to which stock that real ownership in equity has ripened into a perfect title—I do not mean a perfect legal title, but a perfect equitable title—has a right to vote on that stock at a meeting of the corporation, against the wishes of his beneficiary? By no manner of means; and if there were any fear that these directors would undertake to perpetuate themselves in office by voting upon this stock against the will of the United States, I am sure the justice of a State court or a United States court on either bank of the Ohio would prevent that in advance of the meeting. In fact, as little acquainted as I am with law, I should be willing to undertake the job—though I must beg pardon of the Senate for using such a term as "job" in a hall of Congress, which was never heard of before—of preventing any such abuse as that, for a very small compensation.

Mr. SHERMAN. I will state to the Senator—perhaps he is not aware of it—that Congress has twice undertaken to lower the rates of toll on the canal and has been met by these very trustees, who are simply naked trustees, by proceedings in the nature of an injunction.

Mr. EDMUNDS. Certainly; and it has been because Congress has been doing, as the Senator says, in a wrong way what I believe it is trying to do now in a way that will prove just as fruitless a thing, which in my judgment it is open for it to do in a way which would be free from any tenable objection. I do not expect, from what has been stated here, that you can take any step of any kind which will not be met by the opposition of these gentlemen; but I think it better to take a step which relieves us from the greatest number of perils and embarrassments rather than opens fresh ones to us.

Mr. MORTON. How long does the Senator propose that this canal shall be left in the control of these men? When is their possession to be terminated, according to his theory?

Mr. SHERMAN. They have held it now fifteen years.

Mr. MORTON. I want to know what the remedy of the Senator from Vermont is.

Mr. EDMUNDS. I have stated what my first remedy is. Considering the state of legislation in Kentucky—under no one of whose acts can I consent that the United States shall take possession, because it binds us to the performance of duties which are onerous and unjust and which may prove a great embarrassment and expense to us hereafter—my proposition is that the United States shall take possession of this canal through directors to be chosen upon its stock, and it being the equitable owner of all the stock, upon all its stock. And I propose in advance to prevent the directors, when a meeting is to come, from voting against the will of the United States on any of the stock which stands in their name, because we are the equitable owners of it and have a right to dictate who shall be elected. That is my first step.

Then having got that, having got the corporation into hands that are congenial to the wishes of the United States, and to those of the State of Kentucky as I will assume, then the next step is to lower the tolls immediately to the proper pitch, so that practically navigation is not unjustly burdened. That does that for the moment. Then for the future what is the next step? The next step, in my judgment, is to ascertain whether that corporation can be dissolved and put out of existence without any danger of a reversion of the real estate to the original owners or their descendants.

Mr. MORTON. How will you have that ascertained?

Mr. EDMUNDS. By a careful examination through the law officers of the Government to see exactly how the titles stand and what has been their history. That is the way we do in the eastern country before we take a step, find out what the state of the title is. If it be found that in point of law this private ownership in the fee is such that you cannot dissolve the corporation without a reversion, then I should safely say that it is for the interest of the United States to keep up the form of the corporation, let the Secretary of the Treasury and the Secretary of War and five of their clerks be the directors, and keep up the shadow in order to preserve the substance. But if the corporation can be dissolved with the assent of the State of Kentucky, without any danger of a reversion of the title, then I would say to the State of Kentucky, "give us that consent and we will make such arrangement as to riparian rights, if any deserve to be protected, which we do not care to know now, as will do justice to all parties." That is my idea.

But, on the contrary, this bill proposes that we shall plunge as if with the sword into the possession of this property merely from the fact that we are the equitable owners of the stock, and set all the world at defiance. The consequence of that, I think, would be that before we got in we should be met by another injunction, which would be based, as I understand it, upon a perfectly defensible and incontrovertible foundation, that the functions over that canal could only be exercised under the law of the State of Kentucky which created the corporation, according to the methods pointed out in the corporation law, and therefore that the directors of the corporation were entitled to stand in possession, although they were liable in possession to obey the wishes of the stockholders. There would be the difficulty, which would be just like the case of a bank here in which I own all the stock. There are five directors. I want those directors to do something which they do not do. I have a right to compel them to do it in the regular charter way; but instead of doing that, I get a policeman and go down and kick the directors out of doors and take possession myself. Does any Senator suppose I could hold such a possession? By no means, or if I threatened it I should be enjoined, and all I should get then would be a fruitless litigation. That is the way it seems to me here.

I beg Senators to understand that these difficulties which occur to me are not difficulties in respect to the ultimate object they have in view, which I share in as much as they do; and that is to get this property disentangled, and in the best way, so that the Government can exercise over it the same care and protection and charge the same tolls that they would where public necessity required it for any other public improvement. I do not want to take up time about it. The committee perhaps understand it much better than I do. My only object is to contribute the suggestions that occur to me as to the difficulties that we are to plunge ourselves into by this method of legislation.

Mr. THURMAN. Mr. President, I dislike very much to prolong this discussion. I hoped we should have come to a vote on this bill before now, but I am bound to suppose, and do really suppose, that Senators who make these objections to the passage of this bill actually see in them something of value, otherwise they would not make them; and the respect I have for them requires me to say something in answer to those objections. Now let us see what they are.

The Senator from Vermont [Mr. EDMUNDS] says that we ought to take possession of this property if we are quite sure that by taking possession we shall not produce an escheat or a reversion of the property to the original owners of the soil, and also if we are quite sure that by taking possession of it we shall not be subjecting ourselves to the whims or caprices of the State of Kentucky. He has not shown yet, nor has any one else shown, how our taking possession of this property would produce an escheat, would produce a reversion, or would subject us to any whim or caprice of the State of Kentucky, unless it be that the suggestion made by the Senator from Wisconsin [Mr. CARPENTER] had some foundation in fact. But I do not propose to discuss that question at much length. I think I can satisfy my friend from Wisconsin himself that there is nothing in his point.

To say nothing about the fact that it had been passed upon by such lawyers as were named by the Senator from Kentucky, that the proposition that the United States should become a stockholder in this corporation was first met by the report of a committee on which Mr. Webster, of Massachusetts, was a member; to say nothing of the decision of Mr. Justice Miller on this same subject and the uniform action of Congress and the payment of sums of money for this purpose and the settlement of this question almost fifty years ago—to say nothing of all this, if we are to argue it as a *res nova* let me dispose of it in as few words as I can.

The doubt suggested is whether the United States can become a holder of stock in a State corporation? Certainly the United States cannot become the holder of stock in a State corporation if the charter prohibits the taking of stock by the United States; but there is nothing of that kind in this case. Certainly, too, the United States cannot become a shareholder in a State corporation unless it is necessary to do so or proper for it to do so in the execution of some power delegated by the Constitution to the Government of the United States. In this case I have said there is not a word of prohibition in the charter of the company against the United States becoming a stockholder. On the contrary, it was at the instance of Kentucky herself more than of anybody else that the United States did become a large shareholder, and ultimately the great shareholder, in the company.

Next, is there any power possessed by Congress in the execution of which it might be appropriate for the United States to hold stock in this corporation? Does anybody doubt, does even the most stringent interpreter of the Constitution of the United States doubt, that it would have been proper for Congress to make this canal? Nobody doubts that. Under whatever power Congress derives that right, whether under the commercial power or whether under the war power, or under whatsoever power it be, no one doubts that the United States

might have made this work of improvement itself. It is admitted that what the United States may do directly, it may do through the agency of a corporation created by itself; and nobody can doubt that, for it is precisely on that principle that any State corporation for internal improvement is endowed with power to exercise the right of eminent domain; that is, on the theory that the State is doing the thing through the agency of a corporation. Then where is the objection? The United States could do it through the agency of a corporation of its own. Why can it not do it by giving aid to a State corporation if the charter of such State corporation does not prohibit such aid, does not prohibit the United States from becoming a stockholder? There is nothing in the Constitution of the United States, either in its letter or its spirit, that prohibits the United States from becoming a shareholder in a State corporation with the assent of that State, any more than there is to its becoming the owner of real estate in a State with the assent of the State; and therefore if it would be competent for the United States by a corporation of its own to make this great improvement, it is equally competent for it by subscribing to the stock of a State corporation with the assent of the State. That is all that it seems to me necessary to say on that head.

In the next place in regard to the idea that this property might escheat, it is only necessary to read the statutes to see that it could not escheat to the State of Kentucky, for the State of Kentucky has consented that the United States may become the owner of all this stock; and therefore, as was well said by the Senator from Pennsylvania, it could never claim an escheat.

Then, thirdly, as to the question whether the property would revert to the original owners of the soil, that idea must have arisen in the minds of Senators who have wholly overlooked the law in respect to corporations that prevails in this country now, and I believe in every single State in the United States. How was it at common law? By the old common law, when a corporation was dissolved the whole of its property escheated to the king, although that left its creditors, if it had any, without a dollar for their payment; for when the corporation was dissolved it had no stockholders, and it left those who had been stockholders without one single dollar of the property which they had owned. That was the rigid rule of the common law; and it went upon this simple, narrow, technical, and I was going to say rascally principle, that when the charter was forfeited and the corporation was dissolved, there was no longer any debtor in existence, and therefore there was nobody to pay the creditor. The debtor has dissolved; there is an end of him; there is nobody to pay, and so there is no stockholder or shareholder in the corporation, for the thing is dead, and therefore the case is precisely, it was said, like the death of a man leaving no heirs or legal representatives and his property must, *ex necessitate*, escheat to the king.

Nothing was more narrow, and technical and unjust, than any such rule as that; and it was long ago corrected, first by the court of equity in England, which said that where there were creditors they should be paid; they had a right in equity to be paid, and it was only the remainder that should escheat to the king; next by act of Parliament, which provides that there shall be no escheat and that the property shall first be liable to the payment of the debts, and the residue be divided among the shareholders. But now how is it in the United States? I do not believe there is one State in this Union in which it has not been, either by judicial decision or by statute, provided that in case of the dissolution of a corporation, its assets shall go, first, to the payment of its debts, and the remainder, if any, to distribution among its shareholders. I do not believe there is a single State in the Union in which that has not been established as the rule. That being the case, there is no reversion here; there could be no reversion. If this corporation were dissolved the only effect would be that its assets would first be applicable to the payment of its debts, and the residue to the shareholders; and who is the shareholder? The United States of America.

Mr. EDMUNDS. You say it is the directors.

Mr. THURMAN. The idea that it would revert to the original owners of the soil has not one particle of foundation in American jurisprudence or in American law. There never was a clearer proposition in the world. I repeat it is now, American law, from Maine to Mexico, that upon the dissolution of a corporation its property is liable, first, for the payment of its debts, and the residue of that property, if any, to distribution among its shareholders; and in this case, if this corporation were actually dissolved, the only effect would be just precisely what this bill provides, that the creditors should first be paid and the residue of the property remain to the United States. We provide for paying the creditors by the bill. Congress has provided for it long ago. The bill does not add one single dollar of appropriation to what has been heretofore made; and therefore providing for the payment of the debt, if the dissolution of the corporation followed from our taking possession of it and the transfer of the whole stock to us, it would leave us the owners of this property under the law as administered in every State in this Union.

But, sir, more than that, it would give us under the act of the Kentucky Legislature the complete jurisdiction over that property; so that, Mr. President, in my humble judgment, and without disrespect to those who support those ideas, they are mere scarecrows; there is nothing of substance in them at all. The idea that the State of Kentucky could claim an escheat, the idea that the people whose property was paid for forty-nine years ago, whose property was obtained for the making of this canal and paid for, could come here after receiving that payment and after this corporation has held the property for forty-nine years, and the United States has doubled it and enlarged it and expended upon it $3,000,000 and paid its debts—that they could come and claim that it reverted to them because of the dissolution of the corporation, is really nothing but a scarecrow, in my humble opinion.

But there is not even that. Let us see why it is not at all clear that our taking possession dissolves this corporation. How does the taking possession dissolve it, I should like to know? By the charter of this company unquestionably there were to be as many as five shareholders; for it required a board of five directors, and they must be the owners of stock. I presume there was such a provision that they were to be the owners of stock. That required a corporation with at least five shareholders, but it was competent at any time for the Legislature of Kentucky to agree that that corporation might be reduced to one shareholder. It would have been perfectly competent for the Legislature of Kentucky to say that corporations that require five shareholders might thereafter require but one shareholder, and it has said in substance that very thing by its act of 1842, and its act of 1844; for it has authorized the sale and transfer of the entire stock of this corporation to the United States of America. What has it said, then? That when the stock has thus all been transferred to the United States the corporate powers of the company shall cease, that the corporation shall be dissolved? Has it said that? It has not said it in so many words, and if it has said it at all in effect it is because of a provision in the act that henceforth the complete and exclusive jurisdiction of that canal shall be vested in the United States, so that there could not be exercised therein any quality not derived from the United States. But so far as the State of Kentucky is concerned there is not one word in the act that absolutely requires the dissolution of the corporation upon the transfer of the stock to the United States; nothing that would prohibit the United States from immediately transferring five shares to five persons, and then proceeding to elect those five persons directors of the corporation.

But, Mr. President, I do not think the United States ought to be bothered with any corporation about it. I quite dissent from the view of the Senator from Vermont, who thinks that this corporation ought to be perpetuated. There it no necessity for perpetuating the corporation. And now, pray, what is his remedy? Here we are in the month of April, 1874. There may be an election of directors next January. The Senator says that our proper course is, because he admits that these five men will not remain always, to file a bill in chancery to compel these men to vote for the persons as directors whom we see fit to designate; and he thinks it is perfectly clear that a court of equity would entertain such a bill and render such a decree. Now, in the first place, I have to say that that would be such a bill as I never heard of before, and I do not think it is at all clear that a court of equity would entertain any such bill or render any such decree. Certainly we do not propose to submit to a chancellor to decide who shall be the directors and let him choose the persons. If such a bill would be entertained, it must be that the United States has the right to name the persons, and then file a bill praying that these directors may be compelled to vote for those persons.

Did you ever hear of such a bill as that? Pray, under what kind of law does it come? It does not come under the execution of a contract, does it? What kind of a bill is a bill to compel these directors to vote for certain persons? Suppose they do not do it. Suppose the election comes off and they re-elect themselves, or do not hold any election at all and therefore hold over, what are you going to do? Then they are in contempt of court, and we are at the end of a long proceeding, that is a long chancery suit which might not be decided for five years, and, in the next place, at the end of a proceeding for contempt, we are to find out whether we can compel those men to vote as we want them to vote for directors of that company. But that is not all; we must do something more. Suppose that next January they are called upon to vote, for whom can they vote? They cannot vote for anybody but themselves, for they are the only individual stockholders there. Can we tell them to vote for five persons who are not members of the corporation when the charter forbids the election of such persons as directors? So that this bill which the Senator from Vermont would have would be a bill to compel these persons to vote for whom? To vote for themselves, for they can vote for nobody else; there are no other individual corporators, and the whole thing, therefore, is simply nugatory. They are as a close corporation; they are the only persons who can be elected. What is the use of talking about directing them to vote when we have nobody else there to be voted for?

But it might be suggested that we can transfer some of the original stock which we hold, and make five persons eligible. Where are we going to get the men? Who are the men to have this transfer of stock and to be elected, and is this Government compelled to go along in this way and give away five shares of the stock of that canal to five persons, and then go into a court of equity to compel the five persons now in and who hold the stock as trustees to vote for these other five persons?

Mr. SHERMAN. They might start another bank.

Mr. THURMAN. I do not know but that they might start another bank, too, and use the receipts of the canal for banking purposes.

It is unnecessary to argue this. I might say that there would be

some very grave questions whether or no we could sustain any bill upon the very terms of this trusteeship. This trusteeship of these five men is a trusteeship created not by the United States, not by any instrument executed by the United States, but it is a trusteeship created by the Legislature of Kentucky; and the purpose is not simply to hold the stock for the benefit of the United States, but to hold the stock for the purposes of the act which creates the trusteeship; and I should think there is plenty of ground there for them to litigate with us until the suit would be almost as great an inheritance to the child of the lawyer who should first be employed in it as a celebrated suit in England which was left by the father to the son, and as it had been a good support for the father, he trusted it would be an equally good one for his child.

No, Mr. President; that course is not necessary. The measure before the Senate does not ask you to appropriate one dollar in addition to what you have heretofore appropriated. It does not ask you to do one thing except to take possession of your own property. It does not ask you to violate the vested right of any man whatsoever. It asks you to pay these five men for their stock what their filed agreement binds them to receive, and then it asks that you shall enter upon this property pursuant to the provisions of the acts of Congress and the acts of the Legislature of Kentucky, and that you shall administer it according to the spirit and letter of those acts so far as they are binding upon us, and thus relieve this commerce from what is the most extraordinary burden that has ever been seen in the world. Perhaps I ought to make an exception. There was a time when a set of corsairs at the little town of Tarifa, on the southern side of the Straits of Gibraltar, levied their tax upon every vessel that passed those straits, and from that came the name of "tariff." But here we have five corsairs who levy their tax for their own private advantage upon all the commerce that passes down one of the great streams of the world. I think it is time to abolish the immunities and privileges and profits of these corsairs, and let commerce have fair play.

Mr. MORTON. Mr. President, I have listened to this discussion for several days with an anxious desire to find some tangible point in the opposition to this bill. The Senator from Vermont [Mr. EDMUNDS] came nearer stating it to-day than I think it has been done before, and what is it? That when this corporation is dissolved and the United States takes possession of this work the original title to the real estate will revert to its former proprietors.

Mr. President, when the Legislature of Kentucky authorized in 1842, and affirmed it afterward on several occasions, the United States to become the proprietor and owner of all the stock, leaving not one share in any individual, the substance and meaning of that legislation was that the United States should thereby become the proprietor and the owner of the property represented by that stock. If that is not the effect of that law of the Legislature of Kentucky, it was in itself a fraud. If the Legislature authorizes me to become the proprietor of the stock of a corporation entirely so that not one share shall be left in anybody else, the effect and substance of that law is to authorize me to become the owner of all the property that stock represents. That is the good sense of it; that is what the Government always understood, and upon the faith of that understanding the Government has since expended between one and two million dollars in the improvement of the canal.

The State of Kentucky wants us to take possession of the canal. She is represented here by two distinguished Senators who are urging the Government to take possession; who are disclaiming any title in Kentucky—any title in anybody in Kentucky, insisting that the rights of Kentucky will not be infringed in any way. Why, then, are these objections made? The original act of 1842 authorized the United States to become the owner of all this stock—the owner of the canal; and the Government has had the canal offered in possession absolutely time and time again; but the Secretary of the Treasury in 1855, for a certain purpose, thought it better to keep the corporation alive a little while, and he requested five persons to hold each one share of stock, for the purpose of keeping the corporation alive. It was at the request of the Government; it was not in hostility to the Government, but for the interest of the Government that this corporation was to be kept alive. Now this corporation sets up an adverse interest; it is arrayed against the Government; instead of serving the purpose of the Government, it comes in hostility to it.

We are told that Kentucky has a lien for taxes. Suppose she has; does the transfer of the possession of the property to the United States oust that lien? Does it prevent her from enforcing it? If she has a lien, what of it? Should we fail to take possession of the property because Kentucky has a lien for taxes? Suppose it is a good lien, all we have to do is to pay it. If the lien is not a good one, certainly we should not hesitate to take possession on that account.

But it is said that Louisville claims the right to bridge the canal. Suppose she does. If she has got that right we do not deprive her of it by taking possession of the canal; we hold it subject to that right. We do not deprive her of any right by taking the canal out of the hands of these five men. She has the same right to bridge the canal in our hands that she has in the hands of these five directors. Why, then, should we hesitate because Louisville claims the right to bridge the canal? Certainly not.

But it is said that Louisville claims the right to empty her sewers into the canal. If she has the right, that is not taken away by the transfer of the possession, but she will hold the right against the United States as she now does against the corporation. If she has the right, we take the canal subject to that right. And so why hesitate to take possession a moment because Louisville claims the right? It is absurd. It can make no possible difference in any point of view whether these rights are valid or invalid. We have the right to the possession against the corporation, subject to any and all liabilities that may exist in point of law.

Ah, but it is said a suit is brought for the title by the heirs of John Campbell. Well, Mr. President, what difference does that make? If they have got a good title, we take possession subject to that title; that is all there is of that. If they can oust the corporation, they could perhaps oust the United States. Do we fight that title at a disadvantage by taking possession of the work? Certainly not. If those heirs have a title which can be enforced in a court of law, that title is just as good against the United States and the work in our hands as it is against the corporation. That cannot make a straw's difference. That is a mere obstacle thrown in here without any purpose or effect whatever. Take all these objections and put them together, and they do not make one. If there are liens on this property for bonds or anything else, we take the property subject to those liens; and that is all there is of it.

Now there is a mortgage on this canal created by consent of the United States by this corporation, created at the instance of the United States. When we take this property, we take it subject to that mortgage. If we do not pay the bonds, the mortgage can be foreclosed as well in our hands as in the hands of the corporation. It cannot make the slightest difference. The bondholders want us to take it; they know the Government will pay these bonds, and the Government would pay them now but it cannot get them; the holders of bonds will not bring them forward for payment.

And here comes now "the little arrangement" in this case. The Kentucky act of 1872 is in clear violation of the contract that Kentucky made with this Government. Kentucky agreed that we should become the owner of this stock, the whole of it, and thereby the owner of all the property.

Mr. SHERMAN. My friend will allow me to suggest that these trustees themselves went to the Legislature of Kentucky to get that act passed. The purpose I leave every one to infer.

Mr. MORTON. Kentucky can impose no new condition. It is a contract. Kentucky says in 1842 "You shall have the right to buy all this stock, and when you buy it the property is yours." Can Kentucky come in thirty years afterward and put on a new condition? The common sense of everybody says no. But after this was done, after we had become the owner of all the stock but the five shares, as a matter of convenience the Government of the United States by a law authorized these five directors to go on and make a lien for the purpose of getting money by mortgage in order to extend and enlarge the canal. It was not to place the canal back in the hands of the directors or that the Government could not take possession of it; but now mark the last provision in the Kentucky act of 1872, which is:

> That the Government of the United States shall, before such surrender, discharge all the debts due by said canal company, and purchase the stock of said directors.

"Discharge all the debts." What are the debts? Eleven hundred and seventy-two bonds of $1,000 each, secured by a mortgage; and the last of those bonds does not fall due until 1886, twelve years hence. The Government cannot buy up the bonds now; the holders will not part with them. Therefore the effect of that is that these gentlemen shall hold the work until 1886. The Government is not to receive the surrender of this work, cannot take possession under this last act of the Legislature of Kentucky, until all the debts are paid, and the debts are not due until 1886.

Mr. SCOTT. Will my friend permit me to call his attention to the fact that the language is that the Government shall pay the debts due—"the debts due;" not require the payment now of bonds which do not mature until 1886.

Mr. MORTON. I should not construe the language in that way; but I think it is not very material. I take it that it was intended that the Government should not take the canal until the debts that the corporation owes should have been paid. That is the natural meaning, I think, and therefore I say clearly it is a violation of the contract.

Mr. SCOTT. Whatever may have been the intention, I only call attention to the fact that that provision cannot be made an obstacle in the way of our taking possession. If we provide now for the payment of such bonds as are due and for the payment of the others as they become due, it will be within the meaning of the act.

Mr. MORTON. Perhaps on strict construction the Senator is right, using the word "due" in the sense of "being already payable," instead of in the sense of "owing." I used the word "due" in the sense of "owing."

Mr. SHERMAN. If the Senator from Indiana will allow me, I should like to state now a fact that was brought to my knowledge as a member of the Committee on Transportation, the Senator from New York also being present. When we were in Louisville, examining into this obstruction of the Ohio River in the discharge of our public duty, without any reference to the bill now before the Senate, we examined Mr. Speed, the attorney of this corporation, and he stated to us—whether on oath or not I have forgotten—that he went to Frankfort himself and procured the passage of this law of 1872 while

he was acting as attorney of the company under pay, really as the attorney of the United States, the sole purpose and object of which—because there could have been none other—was to defeat the possession of the United States under the old laws of 1842 and 1844. His testimony at considerable length is contained in the book I have before me, it being a part of the report of the Committee on Transportation, which has not yet been submitted to the Senate; but it is clear that the purpose and the object of the promoters of the passage of the act of the Kentucky Legislature of 1872 was to prevent and obstruct the taking possession of this work by the Government of the United States. That is my deliberate conviction; I have no doubt of it.

Mr. MORTON. Whether I am right in the construction of that clause or whether the Senator from Pennsylvania is makes no sort of difference for the present purpose. It is a new condition imposed, thirty years after the original contract was made with the United States by the State of Kentucky, clearly a violation of that contract, clearly an imposition. The original contract was that the United States might become the owner of all that stock and thereby the owner of all that property, and take possession of it; and for Kentucky to come in thirty years after that time and impose new conditions is utterly absurd.

Mr. President, the commerce of the Ohio and Mississippi Rivers from Pittsburgh to New Orleans and from New Orleans to Saint Paul is crying aloud to be relieved from the impositions upon this canal. It is a matter of importance to all the people engaged in that commerce and to the States bordering on those rivers and their tributaries that the Government should take possession of this canal at once. And what are the objections? What are the technicalities which are brought in here? All of them put in and bound up together do not make one appreciable sheet. Conceding everything gentlemen say, still that is no reason why the Government should not take possession of this work.

The heirs of Campbell have a lawsuit. What of it? If Louisville claims certain rights, what of it? Can they not all be settled as well in our hands as while the property is in the hands of these trustees? What difference does that make? Suppose that the heirs of John Campbell have a good title to this property at law, is it expected that we shall give it up, and that they will get possession of the property with all the improvements? Certainly not. If any court should hold that they have a title, what does the United States do? Simply condemns this property under the right of eminent domain. Why, Mr. President, there is a great broad principle that covers all this claim, originally under the corporation created by Kentucky. What is that? That the Government of the United States, under the power "to regulate commerce," has the power to improve the rivers, and that power embraces the authority to take all the property along each side of a river necessary for its improvement. Would it be denied for one moment that if the United States had originally undertaken the improvement of these falls, without the consent of Kentucky, without saying one word to Kentucky, the Government could go upon the land and take it, and all Mr. Campbell and his heirs could do would be to require fair compensation for it? If we take possession of it and the title from the corporation proves to be defective, what of it? All we have to do is to keep possession of it and have it condemned and the property appraised, and pay them for it. So it does not make a straw's difference about that lawsuit and about the title of those people. Under no circumstances can they get possession of the property. Therefore, as the Senator from Ohio remarked, it is a mere scarecrow, and a very thin and shadowy one at that.

Mr. PRATT. I should like to ask my colleague a question. I ask where he finds in the Constitution the power of eminent domain, where he finds the authority for the United States to enter the State of Kentucky and appropriate a strip of ground for the purpose of building this canal, and where he finds now any authority for the United States to hold the ground upon which this canal is built without showing a cession or a purchase with the consent of the State of Kentucky?

Mr. MORTON. I ask my colleague, and I would be glad to be informed, whether the Government of the United States in the improvement of rivers and harbors has first asked for and received a cession of the property necessary to be used in the improvement of any river or harbor? I have never heard of such a case.

Mr. PRATT. I do not know what has been the practice in such cases, but I find this clause in the Constitution under the first article of section 8. The power is given to Congress—

> To exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the Government of he United States, and to exercise like authority—

That is, like legislation—

> over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings.

Now, I inquire, besides this clause in the Constitution, where do you find the power for the United States to acquire real estate or any interest therein by purchase without the consent of the State in which that real estate is situated?

Mr. MORTON. I will try to answer my colleague's question. In the first place, I put the existence of this power upon what I believe is the general practice of the Government in regard to all internal improvements. I call the attention of my colleague to the fact that there is a distinction between taking private property for public use as a railroad company takes it or as the Government takes it in this case to improve the Falls of the Ohio, and the acquiring of exclusive jurisdiction in point of law over a piece of ground for the purpose of an arsenal or a dock-yard. There the jurisdiction of the State is suspended civilly and criminally. But the Government may acquire the title to property and leave the jurisdiction of the State perfect in regard to all civil and criminal matters. It was thought proper and necessary that the Government should acquire this jurisdiction in point of law, ousting the jurisdiction of the States over property obtained for arsenals, dock-yards, and many public works and improvements; but that is not the case in regard to the ordinary improvement of the rivers and harbors of the United States.

Mr. THURMAN. We become owners of real estate every time we rent a house for a post-office.

Mr. MORTON. I call the attention of my friend to the provision of the fifth article of amendments to the Constitution of the United States:

> Nor shall private property be taken for public use without just compensation.

I believe that has been held from the time that amendment was adopted as recognizing the right of eminent domain, and I am very sure that the Government has practiced upon it continually. I think I know of one case, a very recent case, where the Government has entered upon private property in connection with the construction of the canal around the rapids at Des Moines, on the Mississippi River. There are hundreds of cases.

Mr. THURMAN. Let me call the attention of my friend from Indiana to the fact that the Government has condemned property for the new post-office and custom-house in Cincinnati under the right of eminent domain within the last twelve months.

Mr. CONKLING. Under what law was that done?

Mr. THURMAN. They proceeded under what the judge of the district court held was sufficient authority for him to entertain that jurisdiction.

Mr. PRATT. Has any act of Congress ever been passed authorizing such condemnation of private property for public uses by the United States?

Mr. THURMAN. If the Senator recalls the debate on the Cincinnati bill he will remember what was said on that subject at that time. But really I do not want to argue that. There are enough instances of this case already; and what in the world this question has to do with it, I must confess I am wholly unable to see. The State of Kentucky has said that we may have the jurisdiction over this canal. I suppose it is not a work of which we could acquire exclusive jurisdiction, because it is not one of those enumerated works mentioned in the clause of the Constitution read by the Senator from Indiana, [Mr. PRATT,] and the only effect of that would be that the civil and criminal jurisdiction of Kentucky would continue over these two miles; and my opinion is that that is exactly the best thing that could be. So far as the property rights are concerned and the tolls are concerned, we have all we can want.

Mr. CARPENTER, (Mr. INGALLS in the chair.) This question of the right of eminent domain, in my judgment, is a very important one; and as the Senator from Indiana [Mr. PRATT] has raised the question, I desire to say a few words upon it.

In the first place, as I understand it, the right of eminent domain is one of the attributes of sovereignty. Wherever you find a sovereignty, there you will find this attribute with it, which extends over the same field that is covered by the sovereign. If it be State sovereignty, then the power of eminent domain exists and extends to all objects within the jurisdiction of the State; if it be the sovereignty of the United States, then the power of eminent domain is coextensive with its jurisdiction and extends to all the objects within its jurisdiction. It is a familiar principle that every government may perform in some way the things which its constitution says it shall be empowered to perform. The Constitution of the United States says Congress may establish post-offices. There is no doubt, therefore, of the power of Congress to establish a post-office. It may do any and all things necessary to the completed and accomplished result which the Constitution intends; that is, a post-office building, which must stand upon the ground in the nature of things; and it is indispensable that the Government should have the right to get that ground. Now it wants to establish a post-office in the city of Boston. Massachusetts happens for the time to be not friendly disposed to the United States and will not give its consent, or the Legislature refuses to its citizens the right to sell any property there. Must the United States stand still and ask the consent of Massachusetts to establish a post-office in Boston? No, sir; it may condemn the land, take it under the provision of the Constitution by making compensation for it, and devote it to this public use of a post-office.

The fifth amendment we all understand was intended to be a limitation upon the powers which the Constitution had conferred upon the General Government; and where you find the provision in the Constitution regulating the exercise of a power, you need not certainly be in doubt as to the existence of the power. Here this provision of the Constitution does regulate the exercise of this inherent attribute of sovereignty. The United States Government is unques-

tionably a sovereign government for certain purposes; and for the purpose of performing its duties in its field of jurisdiction it has this power of eminent domain. The Constitution, in the fifth amendment, regulates its exercise by saying that private property shall not be taken for public use without just compensation made therefor.

Mr. PRATT. Will my friend allow me to interrupt him?

Mr. CARPENTER. Certainly.

Mr. PRATT. When the Constitution provides a particular mode for the acquisition of a piece of ground upon which to erect a post-office, or an arsenal, or a dock-yard, does not that necessarily exclude all other modes of acquiring the title?

And then again, as to the fifth article of the amendment, is not that applicable to the States? Is it not an inhibition against the States taking private property for public uses without just compensation?

Mr. CARPENTER. It is apparent from the comparison of these two sections that they refer to totally different things, have different ends in view. The fifth amendment, that private property shall not be taken for public use without just compensation, is to regulate the right of eminent domain, and is necessary in order to build a railroad, to build a post-office, or to build any other internal improvement. Now that may be exercised under the Constitution and in the manner pointed out by law, in every instance where the United States find it necessary and proper to exercise it in order to exercise a power or perform a duty which the Constitution has devolved on Congress. For instance, if it be to build a railroad or establish a post-office, Congress must have the power to condemn the land; otherwise it would not have the power to build the road without the consent of the land-owners over whose land the road must be built. But here is a totally different subject regulated by the seventeenth clause of the eighth section of the first article. The provision is—

To exercise—

Not the right of eminent domain, not proprietorship; not hold title; but—

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority—

That is, exculsive power of legislation—

over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings.

Undoubtedly, while the United States may condemn land under its right of eminent domain for a post-office, it does not acquire the exclusive power of legislation over that post-office unless it be granted by the State so as to come under this provision. But that is not at all necessary. Take the case, for instance, of the post-office in Milwaukee to-day. There the jurisdiction has been ceded. If a man should commit murder on the open street in front of the post-office, he would be sent to the penitentiary. If he should commit murder on the sidewalk of the post-office, he would be hung under the laws of Congress because in that instance Congress has exclusive power of legislation over that building, and the crime of murder committed in that building or on the sidewalk of the post-office is under the act of Congress punishable by hanging.

Mr. MORTON. Allow me to make a suggestion there. I suggest to my colleague that in the case pointed out the jurisdiction is to be acquired from the legislation of the State, and the Legislature does not own the land; the title to the land is still to be obtained in some other way, and that is to come by purchase or in the exercise of the right of eminent domain.

Mr. PRATT. I understand that; but can the United States purchase real estate for any other purposes than those which are specified in the Constitution—for the purpose of erecting those needful public buildings which are enumerated, arsenals, post-offices, custom-houses, canals like this at Louisville?

Mr. CARPENTER. A canal like this at Louisville does not come within that section. That is not a needful public building, is it?

Mr. PRATT. Certainly.

Mr. CARPENTER. Does the Senator really think that comes under the phrase of that section, "forts, magazines, arsenals, dock-yards, and other needful buildings?" Is a railroad a building in the meaning of this section? The Senator will not press that, certainly.

Mr. PRATT. I think, that this canal built of very solid materials, is as much a public building as a dock-yard is.

Mr. CARPENTER. Is the improvement of the Ohio River a public building?

Mr. PRATT. No.

Mr. CARPENTER. Would the Atlantic Ocean, after all its harbors were cleaned out, be a public building within the meaning of the Constitution?

Mr. PRATT. No.

Mr. CARPENTER. Clearly not. The two things are totally distinct. The exercise of eminent domain may be in regard to the foundation for a dock-yard; it may be for a post-office; it may be for a public building, and you may exercise that right of eminent domain without the consent of the State; but what do you get? You get nothing but the public use, the right to use that land for the public purpose; you do not get the power of exclusive legislation. If you want that in addition to what you get under the exercise of eminent domain, then you must have the consent of the State for it under the section of the Constitution which has been read. If you do not need it upon a railroad or in a post-office, what is the necessity for any such thing? Not the slightest. What reason is there or excuse is there in punishing the crime of murder in one way inside of the building and in another way outside of the building? None. We have the law of Congress as to distributing the mail and performing all the duties of postmaster over-riding all State laws and silencing them, and there is no earthly necessity for the power or right of exclusive legislation over the ordinary public buildings. But take a fort in which you are to keep troops; there it is a different thing. You want to exercise martial law there, and there it is important to have this power of legislation; but for the ordinary public uses of a post-office, of a railroad, of a canal, the power of exclusive legislation to us is utterly worthless. You cannot acquire it, I concede, under this section, without the consent of the State; but your right to use land for the public purpose you can acquire without the consent of the State by the exercise of the power of eminent domain, subject only to the regulations imposed upon it by this amendment of the Constitution that you shall make compensation for the private property you take.

Mr. PRATT. Now will my friend allow me to interrupt him right there?

Mr. CARPENTER. Yes, sir.

Mr. PRATT. The Constitution is full of provisions by which the States are prohibited from exercising certain power. Take section 10 for example, commencing "No State shall enter into any treaty, alliance, or confederation;" and further, "No State shall without the consent of Congress lay any imposts;" and again, "No State shall without consent of Congress lay any duty of tonnage, keep troops," &c. I supposed that this article 5 of the amendments applied to the States, and was intended as an inhibition against the States passing any law for taking private property for public use without just compensation.

Mr. CARPENTER. Allow me to say to my friend that the Supreme Court of the United States has at least three times decided exactly the reverse, that it does not apply nor do any of the limitations contained in the first eleven amendments of the Constitution apply to the States at all; but they are the Bill of Rights of the Constitution of the United States; they are limitations upon the power of the General Government and not upon the States. That has been expressly decided over and over again by the Supreme Court.

Mr. MORTON. I referred to this right of eminent domain for the simple purpose of showing that if it should possibly turn out that the Campbells had the title to this property, it would still make no difference; the Government would never surrender the possession of it, but simply condemn it under the supreme and sovereign right of domain. So that all the objections which have been brought forward, one after the other, to the Government taking possession of its own property, which it has paid for, which is now being used as a burden on the commerce which it was intended to relieve, have melted away and nothing is left. I hope, Mr. President, this bill will pass.

Mr. STEVENSON. I beg, Mr. President, to say a single word to the Senator from Indiana farthest from me, [Mr. PRATT.] He voted for an act of Congress to which I desire to call his attention. It is the appropriation bill of 1872, entitled "An act making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes." That act contained this item:

For continuing the work on the canal at the Falls of the Ohio River, $300,000. And the Secretary of War is hereby directed to report to Congress, at its next session, or sooner if practicable, the condition of said canal, and the provisions necessary to relieve the same from incumbrance, with a view to such legislation as will render the same free to commerce at the earliest practicable period, subject only to such tolls as may be necessary for the superintendence and repair thereof, which shall not, after the passage of this act, exceed five cents per ton.

It was under that and under prior acts that Congress became, in the language of Mr. Justice Miller, the sole owner of this canal, subject only to the mortgage lien so often cited and referred to in this debate. If Congress is the sole owner of this canal, in view of the great public interest to commerce which demands it, why should Congress longer postpone the high and paramount duty of taking immediate possession of this work? It should have done so long ago. The Secretary of the Treasury, had he performed his duty under the last act of Congress, would have removed this burden upon commerce by taking possession of and making this canal free. Every hour's postponement is an outrage and a wrong upon the people of the Ohio and the Mississippi Valleys. James Guthrie, once an eminent Secretary of the Treasury, and a Senator and statesman well known to the whole country, was the founder and for many long years the president of this canal company. Had his advice been followed we should have now had this national highway free. I read to the Senate what he said when president of the company as to the necessity of speedy action by the Government in taking possession of this work. This letter is dated "Office of the Louisville and Portland Canal Company, Louisville, October 19, 1867:"

It is to be lamented that Congress has not heretofore taken the canal under the conditions stated in the act of 1842, and every day that Congress has failed to do so cumulates the responsibility resting upon those who, having the power to acquire the work, leave the interests of a vast and fertile region and of an immense and growing population in this important work to be provided for through the efforts of "five gentlemen" operating with the revenues and credit of a private corporation, instead of being cared for, adopted, and accomplished through the boundless revenues of the whole nation.

If Congress had followed his advice and then taken possession under the act of the Kentucky Legislature approved February 22, 1844, which declares—

That in the event of the United States becoming the sole owner of the Louisville and Portland Canal, the jurisdiction of this Commonwealth over said canal shall be yielded up to the Government of the United States; and no annual report, as mentioned in the charter of the Louisville and Portland Canal Company, shall be required to be made by the United States, or the agents and superintendents of said canal, to the General Assembly of this Commonwealth—

we should have had none of the objections and delays which are now urged. The longer Congress delays its duty the stronger the temptation of private interests to interpose new technicalities and offer new objections against their surrender of this public work. The Senator from Ohio [Mr. SHERMAN] has told the Senate, what I did not know before, that it was at the instance of one of the five gentlemen that now manage and control this canal and collect $350,000 annually of its revenues, that the Legislature of Kentucky incorporated into the act of 1872 the conditions which are now interposed on this floor against the passage of the pending bill. There is nothing in those conditions that should for one moment delay the prompt action of Congress in taking immediate possession of this property.

So long as Congress delays, just so long will the oppressive tax now levied upon the commerce of the Ohio River be continued, and thus the great primary object both of Kentucky and of the United States to make this canal a free highway be postponed and defeated. How can Senators agree to allow a tonnage tax of fifty cents instead of five longer to be levied on the boats of the Ohio passing through this canal, now exclusively owned by the United States, and which Congress has declared shall be free? Are the commercial interests of the people of seven or eight of the largest States to be disregarded by the private interest of five directors of this company?

A single word more and I have done. What single objection has been urged against the passage of this bill during this debate that cannot be as fully tested with the United States in possession of this canal as its five agents or directors? These gentlemen have no interest whatever in this property, as judicially decided by Mr. Justice Miller. They are not ordinary directors as in railroads or banks, but are only trustees without any interest, and but mere agents of the United States. The United States has assumed the payment of the mortgage debt upon this canal, which will not mature for some years to come, with all the interest thereon. What public interest can be subserved by any delay in the discharge of the duty of this Government to declare this canal free? I cannot understand or comprehend the opposition to a measure so earnestly demanded, as it seems to me, by the highest considerations of public policy.

Mr. BAYARD. Mr. President, for upward of forty years the Government of the United States has been the owner of a portion of the capital stock of this canal company. It gradually has absorbed the entire ownership. The company was chartered for the creation of an artificial water-course around the Falls of the Ohio River; so that in point of fact, beyond all dispute, this water-course has become the channel and the river for commerce at that point, and is, in my opinion, justly and irremediably in the possession and under the control of the United States Government. I joined in the report of this committee recommending Congress to take immediate possession and sole control of the work. I do not propose to argue the rightfulness of that report, which has already been most ably and sensibly placed before the Senate by the Senator from Pennsylvania, [Mr. SCOTT.] But in the course of this debate propositions have been started by one or two friends of the bill against which I propose to enter a short protest.

I deny that any power of eminent domain over the territory of a State is vested in the Congress of the United States or the Government of the United States. I do admit that the Government of the United States can become by private purchase the owner of lands or buildings for certain given public purposes within the domain of a State; but that they have the right *in invitum* to take and condemn for public use the soil of a State I do deny. That they may accept it by private bargain and that the State may cede its jurisdiction over it, is undoubtedly true and is provided for by the Constitution; but I simply here desire shortly to enter my protest against the idea that it is within the power of the Government of the United States, without the consent of a State or the consent of its citizens to enter that State and take land for public purposes *in invitum*. I believe no such power exists; and when it shall become necessary further to contest it, I shall to the best of my poor ability do so; but I do not think that question is affected by the facts of the case now before the Senate.

Mr. CONKLING. Mr. President, I ask the Secretary to read the first section of the original bill.

The PRESIDENT *pro tempore*. The first section of the bill will be reported.

The Chief Clerk read the first section of the bill as originally passed by the Senate, as follows:

That the appropriations made by the act approved March 3, 1873, entitled "An act making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes," for the payment of the debts of the Louisville and Portland Canal Company, are hereby continued in full force, and are made permanently applicable to the payments of the debts of the said Louisville and Portland Canal Company; and so much as may be necessary shall be applied to the payment of the interest as it accrues, and the principal of the outstanding bonds of said company as they mature: *Provided, however*, That the Secretary of the Treasury may purchase and pay for any of said bonds, at their market price, not above par, whenever he deems it for the interest of the United States.

Mr. CONKLING. Now, as I understand the effect of the committee's amendment, the section which has been read will become the first section in the bill.

Mr. SHERMAN. The substitute covers the whole of the bill. I do not remember that in that particular there is any difference. The House have put their amendments in the form of a substitute; but, to the extent that has been read, I think the words are identical, though I would not say so without comparing them. I will read the corresponding clause of the House substitute if the Senator desires.

Mr. CONKLING. It is the same thing. If, then, the Senate should concur with the committee and strike out the House amendment making the operation of the first section contingent on what may be done hereafter, there will be permanence given to the act of 1873 for whatever that act may mean. We have heard from the Senator from Indiana [Mr. MORTON] an explanation, too clear not to be understood and too satisfactory to be criticised, of the incompetency, the futility of the act of the State of Kentucky by which in 1872 she undertook to impose new and different conditions which we are told would violate and vitiate a long-standing contract. In that way the Senator from Indiana dispenses with the act of Kentucky in 1872, and going back to the acts of 1842 and of 1844 he stands upon them and argues the case accordingly.

That we may see how this legislation will look in the retrospect, I now call the attention of the Senate to the act of Congress which it is the purpose of this legislation to petrify and make permanent. It is an act of 1873, the date of the approval of which I need not turn to, but the Senate will observe that it followed, and followed soon after, the act of Kentucky of 1872. These are the words:

For completing the Louisville and Portland Canal, $100,000; and the Secretary of the Treasury is authorized and directed to assume, on behalf of the United States, the control and management of the said canal in conformity with the terms of the joint resolution of the Legislature of the State of Kentucky, approved March 28, 1872, at such time and in such manner as in his judgment the interests of the United States, and the commerce thereof, may require; and the sum of money necessary to enable the Secretary of the Treasury to carry this provision into effect is hereby appropriated; *Provided*, That after the United States shall assume control of said canal the tolls thereon on vessels propelled by steam shall be reduced to twenty-five cents per ton, and on all other vessels in proportion.

Thus the Senate will see that the pending bill is to create a perpetuation and extension of this act, to make it permanent, and it is in its very language ingrafted upon it. I read it not to argue, but to ask the Senate to consider whether after that act and after we shall have made it the foundation of this act, so that we stand upon this declaration that we are to accept the property in question upon the terms imposed by the act of Kentucky of 1872, we shall be in condition, as some Senators find themselves to-day, to say that the act of 1872 is of no consequence and we go back to 1844. Now let me call attention to the act of 1872 upon the terms and conditions of which we are now legislating to take this property.

Whereas all the stock in the Louisville and Portland Canal belongs to the United States Government except five shares owned by the directors of the Louisville and Portland Canal Company, and said directors, under the authority of the legislation of Kentucky and the United States, executed a mortgage to Isaac Caldwell and Dean Richmond to secure bonds named in said mortgage, some of which are out and unpaid, and said canal company may owe other debts; and whereas it is right and proper that the Government of the United States should assume the control and management of said canal: Therefore,

Be it resolved by the General Assembly of Kentucky, That the president and directors of the Louisville and Portland Canal Company are hereby authorized and directed to surrender the said canal, and all the property connected therewith, to the Government of the United States, upon the following terms and conditions—

They being the ones adopted by the act of Congress of 1873, which act we are to now reaffirm and make the basis of the position we assume at this time—

1. That the Government of the United States shall not levy tolls on said canal, except such as shall be necessary to keep the same in repair, pay all necessary superintendence, custody, and expenses, and make all necessary improvements.

Without arguing, again I stop to ask Senators to consider the effect of that upon the power to tax which we are to retain:

2. That the city of Louisville shall have the right to throw bridges over the canal at such points as said city may deem proper: *Provided always*, That said bridges shall be so located as not to interfere with the use of the canal, and so constructed as not to interfere with its navigation.

3. That the title and possession of the United States of said canal shall not interfere with the right of the State to serve criminal and civil processes, or with the State's general police power over the territory covered by the said canal and its appendages.

4. And further, that the city of Louisville shall at all times have the right of drainage into said canal: *Provided*, That the connections between the drains and the canal shall be made upon the plan to keep out mud and garbage.

And I call especial attention to this:

5. That the use of the water-power of the canal shall be guaranteed forever to the actual owners of the property contiguous to said canal, its branches, and dams, subject to such restrictions and regulations as may be made by the Secretary of the Department of the United States Government which may have charge of the said canal.

6. That the Government of the United States shall, before such surrender, discharge all the debts due by said canal company, and purchase the stock of said directors.

The Senator from Indiana reads the latter clause as if it were "owing," and he says the effect will be to postpone taking possession until 1886.

Mr. MORTON. What construction does the Senator put on that?

Mr. CONKLING. The same construction that was given by the Senator from Pennsylvania, and not by the Senator from Indiana. I understand the distinction between the word "due" and the word "owing" to be very broad.

Mr. MORTON. Let me call attention to the fact that the Secretary of the Treasury gave it the other construction. From his report of last year I read——

Mr. CONKLING. I did not mean to discuss that point at all; it is immaterial to the few observations I am going to make. If the construction given it by the Senator from Indiana is the true construction, then there would be some added force to the suggestions I rose to make.

Mr. MORTON. I have the extract from the report of the Secretary of the Treasury showing that he gave my construction, and very clearly showing that it is a violation of the contract.

Mr. CONKLING. Then what I am saying obtains, as the Senator will see, added force. My purpose at this moment is merely to bring to the attention of the Senate the fact, if it be a fact, that this legislation in form and substance is to stand upon the act of Congress of 1873, and that that act expressly recognizes and adopts and ratifies this legislation by Kentucky, whether it means only as much as I think it means, or whether it means all the Senator from Indiana attributes to it. That is the point.

I do not know but that as a part of the general declamation about commerce, as a part of the method of treating this subject as if every man who rises to make a suggestion in favor of some safeguard to render what we are doing more certain must be an enemy of the commerce of the Ohio River or of something or somebody, Senators will be enabled to say, "Notwithstanding this, notwithstanding we adopt the act of 1872, notwithstanding we are planting ourselves upon it, it is to be of no consequence and we will go back of it and say that the act of 1872 of Kentucky was void, and although we have ratified it and although we are acting upon it now, on the whole we will skip that and go back to the old acts of 1842 and 1844 and derive our rights from them." It seems to me, however, that our conduct in adopting this measure is entirely inconsistent with the prevailing argument by which the bill is to be sustained; and I put this suggestion upon record, my attention having been called to this act of Congress by the Senator from Vermont to whom it did not occur when upon his feet and he did not allude to it.

As I am not going to detain the Senate or to discuss this question, I call attention to only one other matter. The Senator from Pennsylvania, as I understood him, said, "What if Kentucky in 1846 did tax this corporation?" Was not that the year?

Mr. SCOTT. Eighteen hundred and forty-six was the year referred to in the quotation you made.

Mr. CONKLING. I thought my friend was under that impression. "What if Kentucky taxed this corporation in 1846; why should she not? It was a private corporation. The rights of the United States had not inured at that time. Why should not Kentucky tax it in 1846?" I suggested to my friend that Kentucky had taxed it year after year, afterward as much as then, but not observing that he referred to some statement which mentioned the year 1846, and then he said that in the House, where this statement was made, the maker of it, as I understood, declined to tell from whom he received the reports. I did not suppose it was a matter of much consequence from whom I receive a document, or that there could be much value if it turned out that I received it from one rather than another; but now I have the reports of the canal company in my hands, and I will tell the Senator that I received this book from the owner of it; and here it is to speak for itself. If I supposed that I could add anything to its value by stating to the Senator to whose politeness I am indebted for its loan, I would state that; but as I think the book may speak for itself, I will read from it.

Mr. SCOTT. Does it come from the office of the company?

Mr. CONKLING. My honorable friend is now curious to know whether it has come from the office of the company. If I knew I would tell him privately with all my heart, but really I do not know; and what that has to do with the value of this book, whether this is the copy that belongs to the company or whether it is a copy that belongs to somebody else, whether I am indebted for it to a Senator or to somebody not a Senator, is one of those odd suggestions coming from a lawyer so acute and exact as my friend from Pennsylvania that I cannot understand it. I do not know what he is driving at.

Mr. SCOTT. The Senator, who is just as acute and accurate as any lawyer can be, should understand that it would give it great authenticity if he informed us that it was an official document from the office of the company. In view of the many obstructions which have been thrown in the way of taking possession of that canal, including the Kentucky act of 1872, it would be additional evidence to the Senate if these officers were furnishing additional obstructions.

Mr. CONKLING. These must be a very bad set of people if we are to believe half we hear of them. One Senator calls them "corsairs," which I understand, freely translated, to mean pirates, and I suppose they scour this "raging canal" with their crafts. Another Senator talks about them as if they were capable not only of going to a Legislature and getting a law to act as a trick and an unfair advantage, but he even intimates now that when they put forth reports there may be some doubt whether they are not forgeries.

Mr. SCOTT. O, Mr. President, I made no such intimation.

Mr. CONKLING. What is the intimation then? Here are reports which come here bound up, the annual reports in print of this canal company, signed by their officers, and tabulated formally; and my honorable friend is ravished by a curiosity to know whether it comes from the office of the company, because he says if he knows that, then he would know whether it contains the reports or not. They are genuine reports or they are fraudulent.

Mr. SCOTT. As the Senator asks what it is that I intimate, I will simply say to him what I do intimate. When this bill was under discussion in the House of Representatives the person who had charge of the bill made a speech, from which the Senator from New York read the quotation which has given rise to this discussion. Naturally those who were interested in having this bill pass wished to know from whence the information came about the taxation. It was new information in the House. I said the gentleman who made that speech refused to inform the House from whence the information came, and that I may not do him injustice, if the Senator will permit me, I will here read the remark which I now have before me:

> Mr. HOLMAN. What document is the gentleman reading from, and where did it come from?
>
> Mr. WHEELER. It is a volume containing the reports of the company.
>
> Mr. HOLMAN. Who furnished it?
>
> Mr. WHEELER. I beg to say to the gentleman that I have the right to fortify myself in this debate with such facts and arguments as are within my reach. I am responsible to the House for the truth of my allegations.

Then he went on. Now the intimation which I made is this: We have facts enough in this record to show that the five directors—I have made no other intimations against them than those which the facts make—have been active in throwing obstacles in the way of the Government taking possession of this canal; and one of the reasons now urged is that Kentucky claims the right to tax it, and the evidence produced here is the reports of the company stating that that taxation has been made; and when we ask have these gentlemen been active enough to furnish this information, the response was such in the House as not to give the information as to whom it comes from. I do not doubt that the Senator from New York has obtained this in such manner as to satisfy him of its authenticity. I do not doubt that the reports which are in his possession state what he says they do state. How far the taxes have been laid, how long Kentucky continued to lay them after 1846, I do not know. But the only matter of consequence to the whole discussion, so far as this report is concerned, is this: Do the directors wish to throw this here as another obstacle in the way of our taking possession? If they do not, the fact that the taxation has been laid may as readily be derived from the reports as from any other source.

Mr. CONKLING. I understand now, then, that the purpose of my friend is to ascertain whether somebody who had the custody of this book has felt interest enough in the subject to send it here, and whether his object is to interpose another obstacle?

Mr. EDMUNDS. I do not understand him to say whether he believes this to be genuine or not.

Mr. CONKLING. I will come to that in a moment; but as part of that the honorable Senator brings in here—I make no objection to that—a portion of the debate in the House of Representatives, and reads from remarks made by a very able and respectable member of the House, a colleague of mine. Although it is not very important, the Senator entirely misconceives apparently what there took place. There was rather a testy debate in the House, and although I will not read it, I may state that one gentleman demanded to know of my colleague whether he had laid this information before the committee or not. He replied that he had not, and for the reason that he did not receive it, it did not come to his knowledge or possession, until after the report had been made by the committee. Pursuing him with various questions, finally this turned out, which the Senator has apparently overlooked. The same gentleman who put the other question said:

> I hope the gentleman will explain how these directors came to furnish him with this information. They have not so favored his committee.

To which my colleague responded:

> Mr. WHEELER. I will with pleasure. I wrote to the city of Louisville to obtain it. When I speak upon this floor I mean to speak understandingly and to know what I am talking about.

So now if my honorable friend will read all together what took place there, it turns out that Mr. WHEELER wrote to somebody in Louisville, who was an officer of this company or had access to their records, and obtained the volume of reports from which he read; and if that satisfies the curiosity of the Senator as to whether the people in Louisville were active or inactive, and, could he ascertain that, it would shed any light on the question, doubtless it will reflect so much upon the path of his duty; it does not either obscure or illuminate my path at all. I take it the Senator does not mean seriously to dispute that this bound volume of annual reports contains the reports of the Louisville and Portland Canal Company. Here it is with all the badge and *indicia* of genuineness, and there is no more doubt about it than there would be about the genuineness of one of the reports from which my honorable friend has read, coming though it may have done from a Department or a committee. I find in the report made on the 30th of December, 1848, this:

> It will be noticed, by an item in the above account, that the State of Kentucky

has taxed the entire property and franchises of the canal; consequently no stockholder can be holden to give in the amount of his stock for taxation, and thus be subjected to a double tax.

That is the report of 1848, alluding to that period of time to which the Senator had more especial reference in the remarks he made. Now I turn over to a much later date, to show the Senator how mistaken he is if he supposes that an exertion of the power of taxation was confined to the year 1846 or to a period so early as that, or that it came to be abandoned at any time in consequence of later incidents. Here is the report of the 31st of December, 1866, twelve years after the period to which the Senator referred, and from which I read these words:

During both years—

And both years referred to are, as I understand, 1865 and 1866—

an unusual amount was required for repairs of the craft used by the company. The taxes paid in these two years were also unusually heavy, amounting in the former to $11,698, of which $7,676 went to the United States, and in the latter year to $10,430, of which $6,430 went to the United States.

I think, Mr. President, in the presence of this information, it will hardly do for the committee or the Senate to stand upon the statement made in the report that they have no information that Kentucky has asserted her right to lay taxes upon this property; nor do I think they can stand upon my friend turning about and inquiring of one or both the Senators from Kentucky if they know of any such thing, and receiving from them a statement that they do not. I presume he could find a great many men in Kentucky who are not even Senators who do not know anything about it. But in the face of this information it will hardly do for us to say that we will assume that the position of Kentucky has been that she had no such right.

I said, Mr. President, that I did not rise to argue this case. I did not, my purpose being to call attention to these two points. If I supposed it were necessary for me to answer a good deal of the rather declamatory putting forth that there has been here in reference to the commercial question, and the wrong which has been done; if I thought there was any serious danger that any Senator would be able, by accident or design, to make anybody outside of an insane asylum believe that I am trying or that other Senators are trying to defeat the ends of commerce, to inflict a wound upon the prosperity of the country or any section of it, I would say something about that; but I think everything of that sort is too preposterous and too unworthy of this occasion to make it worth while to say anything about it. My purpose in paying the money which we are about pay, and which is to amount at least to $1,140,000, is to buy for it a canal. I do not want to pay it for a lawsuit; and when Senators say that it can do no harm to enter into possession of the canal, although that is true as far as it goes, it does not go very far. Should we go on and pay more than $1,000,000, and in doing it lose the opportunity to have this made right once for all, that would be a blunder; and it might nevertheless be true as an abstract proposition that for a man to take possession of property that he claims would not do him any harm. The point is that a way can readily be found, if we choose to travel in it, to put up the bars against these contingencies. I think there is no difficulty in suggesting several ways. The House of Representatives suggested one and sent us an amendment which asserts it, and the utmost possible disadvantage of which would be that the Legislature of Kentucky would be compelled to convene for a day to do that which would satisfy the amendment. Other modes can be suggested. The committee might understand much better than I what they are. It is not my purpose to attempt to perfect the bill or to suggest to them. Inasmuch as the House has suggested an amendment with which the committee has taken issue, I am going, and perhaps I had better do it at this moment, to move to reconsider the vote by which, without a division, as I understand, and quite early in the morning, before some of us came into the Senate, the Senate agreed to the committee's first amendment, my purpose being merely to allow Senators to record themselves upon this question without voting against the bill eventually, and to allow it to appear upon the record that the sense of the Senate was taken upon the amendments, and especially upon that providing that the money should not be paid and other steps taken until steps are taken in addition to those which have occurred now by the State of Kentucky. Therefore I move to reconsider that vote. As the yeas and nays will be taken now, I suggest to the Senator having the bill in charge that they had better be taken on that amendment rather than taken on the whole bill, because I assume that we are all in favor of the object at which the bill aims. The only question is how to get at it. Time, perhaps, will show whether the truest friends of free commerce on the Ohio River were those in favor of rushing headlong and pell-mell, by force of mere assertion, to an end, or those who thought it was worth while to take the trouble to do in the best way the thing they were doing. I am quite willing to commit that question to the future. I would rather have the Senate divide upon the particular question on which it is divided than to put us to vote upon the bill as a whole, as we should do unless this motion to reconsider were taken.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The Senator from New York moves to reconsider the vote by which the Senate agreed to the amendment of the Committee on Finance to the first section of the amendment of the House of Representatives.

Mr. SHERMAN. I think the Senator from New York ought to have the right to record his vote on what is called the Wheeler amendment without any form.

Mr. CONKLING. Let us take the vote over again by consent, by yeas and nays, without a reconsideration.

Mr. SHERMAN. Very well. I did not intend this morning to say one word about this matter, because in debate heretofore I have shown my own feeling in regard to the oppressive tax levied upon the people of the West by the Louisville and Portland Canal Company; and I only rise now for the purpose of answering some objections made by the Senator from New York as to the act of the Kentucky Legislature of 1872. That act was brought about by the interested intervention of the officers of this canal company; but by a careful analysis of that act it is found that there is no clause in it which really creates any serious difficulty on the part of the United States. I will now invite the attention of Senators to the different clauses of that act and to the statement made by General Weitzel in regard to it.

The act was passed, as it appears from the testimony of Mr. James Speed, the attorney of this company, at his solicitation. He says himself that he went to Frankfort, Kentucky, to get this act passed in addition to the original acts, so as to protect certain rights and interests in the city of Louisville. I think the act was an interference to some extent with the rights already acquired by the Government of the United States, because the United States at the time this act was passed had obtained all the ownership of this canal that it was possible to obtain under the act of 1842; it had extinguished the rights of all the stockholders, including those of the five directors, leaving only an interest of $100 to each of their five shares. At that time the United States was the full and absolute owner, in equity at least, of this whole property, when Mr. Speed went and procured the passage of the act of 1872. If this act formed any real obstruction to our taking possession of this canal it would be only another evidence of the interested zeal with which these men hang on to a property that now yields them personally not less than $12,000 a year on an investment of $500. But let us look at the terms of the act.

It first recites that all the stock in the Louisville and Portland Canal had become the property of the United States under previous legislation, and directs the trustees to surrender possession to the United States on certain conditions. It does not recall the previous cession of jurisdiction; but what are the conditions?

1. That the Government of the United States shall not levy tolls on said canal, except such as shall be necessary to keep the same in repair, pay all necessary superintendence, custody, and expenses, and make all necessary improvements.

That is perfectly consistent with the previous acts. It does not impose any burden on the Government of the United States; on the contrary, it declares exactly the purpose for which this canal is taken possession of. It is a clause in the interest of the United States. It is true it undertakes to limit the power of the United States to levy tolls for certain purposes, but the United States never designed, does not purpose, does not claim, does not desire to levy tolls more than are necessary to pay the expenses, so that this is no expense. The second clause is:

2. That the city of Louisville shall have the right to throw bridges over the canal at such points as said city may deem proper: *Provided always*, That said bridges shall be so located as not to interfere with the use of the canal, and so constructed as not to interfere with its navigation.

Any gentleman who is familiar with the location of this canal knows that this right to bridge the canal is indispensably necessary. It would be a right freely yielded by the Government of the United States if there was no question about the title to the property. This canal lies along the whole front of the city of Louisville, extending about two miles in length. It is now bridged, and has been bridged for years, in such a way that the bridges form no obstruction whatever to navigation. They do not impede or interfere in the slightest degree with the navigation. This clause simply retains to the city of Louisville the right to construct bridges, subject, however, to such regulations as shall be prescribed by the officers of the United States and so as not to hinder or delay navigation. That, therefore, is not an unreasonable condition. The third is:

3. That the title and possession of the United States of said canal shall not interfere with the right of the State to serve criminal and civil processes, or with the State's general police power over the territory covered by the said canal and its appendages.

This clause is similar to what is provided in cessions of property to the United States in other cases. In nearly every case of the cession of property in a State for public buildings, this police power is reserved, and Kentucky here simply does what is usually done in the grant of lands to the United States for public buildings. The reservation of this police jurisdiction is just as necessary to the Government of the United States as it is to the city of Louisville or the State of Kentucky. The power of Kentucky to punish the crime of murder committed on a boat passing through the Louisville and Portland Canal is just as necessary to be reserved for the benefit of the United States as for the benefit of the State of Kentucky. This exercise of police power, this right to serve civil or criminal process, on property or persons on the canal, is certainly in the interest of the United States. The United States would not desire to prevent the State of Kentucky from punishing a crime committed on the Louisville and Portland Canal. Indeed, from the very nature of the property, it is a property where crime might be committed, where interference with rights might occur, where murder might be committed, where robbery,

assault and battery, and a thousand offenses might be committed; and surely the United States can have no interest in preventing the Commonwealth of Kentucky from punishing crimes committed there as in other parts of the State of Kentucky. The fourth condition is:

And further, that the city of Louisville shall at all times have the right of drainage into said canal: *Provided*, That the connections between the drains and the canal shall be made upon the plan to keep out mud and garbage.

This right to drain into the canal has been exercised by the city of Louisville from the very beginning of the work. It is an indispensable necessity for the com.ort, health, and safety of the people of Louisville. This canal, remember, covers the whole city front. They cannot drain into the Ohio River, the natural course of drainage; they must drain into the canal. They cannot, as a matter of course, either drain across the canal or under the canal; therefore they must drain into the canal. That this has never been an impediment is shown by the statement of General Weitzel, who says that the drainage of Louisville into the canal has never obstructed the canal, has never been an inconvenience; but once or twice a year it is necessary to use a boat there for the purpose of dredging and cleaning out the canal, and the right to drain into the canal, on account of the strong current passing through the canal, has never been an embarrassment, and it is not likely to be in the future any impediment. That is stated by General Weitzel, the engineer officer in charge, and no objection is made to it. Indeed it is an absolute necessity for the health of the people of Louisville that the drainage should be into this canal, because it covers the whole river frontage and cuts off all possibility of draining into the river, the only other natural source of drainage. The next clause is:

5. That the use of the water-power of the canal shall be guaranteed forever to the actual owners of the property contiguous to said canal, its branches and dams, subject to such restrictions and regulations as may be made by the Secretary of the Department of the United States Government which may have charge of the said canal.

This also is clearly a proper provision. There are mills and various works erected by private persons on the side of this canal, and they use the water-power to some extent. Their rights ought to be preserved. The United States would not undertake to impair those rights, and never has done it; and instead of being an inconvenience they are an actual benefit to the property of the United States. It simply preserves the rights of private property now acquired, and subjects it to the regulation of the Government of the United States and declares that their right even to the use of the water-power possessed by them shall be subject to regulation by authority of the United States.

Thus far there is no practical objection to the conditions imposed by the State of Kentucky in 1872. They do not interfere with the free enjoyment by the United States of this canal in as absolute and complete a degree as it has been exercised before and as the United States will exercise it hereafter. Then comes in a clause which I think was put in improperly and with a view to prevent the Government of the United States from enjoying or taking possession of this canal, and that is the clause which gave rise to the necessity of passing this bill. The sixth clause is:

6. That the Government of the United States shall, before such surrender, discharge all the debts due by said canal company, and purchase the stock of said directors.

So far as the directors' stock is concerned, that has already been purchased in 1864, and there is a written stipulation on file in the Treasury Department by these directors, each of them signing it, that they have received the value of their stock with the exception of $100, and that that is retained simply in trust for the United States. The only difficulty, then, is that under the sixth clause of this act, if strictly construed, as the Senator from Indiana construes it and as the Secretary of the Treasury construes it, it would prevent the United States taking possession of this canal until 1886, when the bonds will mature. If the construction put upon it by the Senator from Indiana is correct, by the strict meaning of this sixth clause we could not take possession of the canal for thirteen years, and that was the purpose of it undoubtedly. I have no doubt that the very agent, the very trustee of the United States, who had charge of this property, put in this clause for the purpose of causing delays and preventing us taking possession of our property for thirteen years. In the mean time it would be in the possession of gentlemen who are enjoying an annuity of $12,000 a year for doing nothing; that is, they get $5,000 in the way of two salaries and they get $6,000 at 6 per cent. on the deposits of the canal earnings in a bank owned and controlled by them. It is shown here by an official document presented by the Senator from Pennsylvania that they receive all the tolls, now amounting to $340,000 a year; they pay the expenses according to the rules they make themselves. They do not report to the Government of the United States; and the only information we have as to the condition and assets of the canal is by a special agent sent there to inquire into and ascertain the facts in the best way he can. They enjoy this property in that way, withholding from the people of the United States the possession of it and levying upon commerce a tax of fifty cents a ton. Why, sir, upon an ordinary steamboat passing through the canal back and forward the toll is $1,000. Upon a barge of coal passing down the Ohio River there is a somewhat less graduated tax, but the amount is very large. The result is that the people in Pittsburgh starting their tows of coal will wait until the rise of the river is so high that they can float over the natural obstacles, thus delaying commerce; and sometimes a coal famine is caused by the delay occasioned by the high charges imposed on this canal. A case occurred this winter where a new boat built in the city of Cincinnati for the Mississippi trade, without a single pound of cargo on board, on its way to be delivered to the owners, had to pay over $600 to get the empty boat through to be delivered to its owners on the Mississippi River.

They hold this property of the United States and levy this tax, the money received from which goes into their coffers, to be paid out by them without responsibility to any one, adding to the private property to the amount of ten or twelve thousand dollars a year of these directors, they having only a property interest of $100 each in the property; and we are prevented year after year and year after year from taking possession of our own.

On the request of the Secretary of the Treasury when he communicated to us officially the difficulties he had in taking possession of this canal and complying with the sixth clause of this act, I drew this bill and introduced it here, and it was passed by the Senate. The only trouble in the way was the sixth clause. I do not think myself the Secretary gave a correct construction of it. I think the words "that the Government of the United States shall, before such surrender, discharge all the debts due by said canal company" mean that all the debts now due should be paid by the Government of the United States. There is no trouble about that. The whole amount of debts is ten or twelve thousand dollars, and we had a schedule of them; the Secretary was perfectly ready to pay them; but it was insisted by these very directors, as is shown by the testimony taken by the Transportation Committee last fall, that this language meant that we must pay the bonds, every dollar of them. I put the question to Mr. Speed, "Suppose that a single bondholder should refuse to take par in gold for his bond, could we discharge the obligation of this loan?" and he said he supposed not; we must pay the debts first.

Now, sir, are we to be thwarted in a matter which involves the public interest by any technicalities like this? It seems to me there ought to be no difficulty about the passage of this bill. The Government of the United States ought to take possession of the canal, and the provisions of this bill were only intended to provide a way by which we might take possession of this property, subject to the mortgage. That is the whole of it. There is not any other provision in the bill that is worth a cent. It is simply that the Government of the United States shall take possession of this property and hold it subject to the mortgage lien. That lien we respect, and we have in this bill carefully inserted provisions which declare that the possession of the Government of the United States shall not be considered as inconsistent with the full rights of these mortgagees. We have appropriated the money to pay the bonds permanently. We have provided the means by which the bonds when they mature shall be paid, every dollar of them, in exact accordance with the terms and conditions of the bonds; and as a further safeguard, lest it might be said that we deprived them of a remedy by taking possession by the United States and the United States could not be sued, the Senator from Pennsylvania with great precaution has inserted an additional section which authorizes any of the bondholders to sue the United States and points out the mode and manner of a remedy.

I say, then, that the only object of this bill is to remove a difficulty which in my judgment was improperly put, not according to the intention of the Legislature of Kentucky, but in violation of their purpose to carry out in good faith the stipulation that this canal was to be made free for the commerce of the country as far as it could be; and this bill is intended simply to remove one of the obstructions interposed by these trustees against the United States. Sir, I hope this is the last of it, and that when the Government of the United States take possession of this property, these men having no longer the money of the United States to contest with us for the possession of our property, will abandon this attempt to frighten people by lawsuits. Why, sir, the lawsuit that has been commenced, as I have reason to believe, was by these trustees, or through their agency. That lawsuit was decided thirty or forty years ago by the Supreme Court of the United States against them; and this last attempt, by inserting this sixth clause in the act of 1872, to thwart the United States in taking possession of this canal is not approved by the sentiment of the people of Kentucky or the people of Louisville. I am frank to say that the people of Kentucky have throughout the whole of this controversy been ready and willing to pass all needful legislation to enable the Government of the United States to take possession of this canal and hold it for the public use; and, sir, there can be no doubt that if at any time the act of 1872 should obstruct the United States in the full and free enjoyment of this property, the Legislature of Kentucky will promptly and quickly pass any law necessary to remove that difficulty.

As for the power to tax, that is a mere bugaboo. Kentucky does not claim the power to tax. She has ceded to the United States jurisdiction of the work. She has no more power to tax it than she has to tax the custom-house in Louisville. But suppose she asserted that power, ought we not to take possession of it and try the question? Shall we refuse to take possession of a property that has cost us now nearly $3,000,000, because, forsooth, somebody claims the power to tax it? I am willing to take all the property of the State of Kentucky subject to taxation if they will give it to me. The ques-

tion is whether we shall take possession. There is no danger of her taxing it.

The Senator from New York moves to reconsider the vote on what is known as the Wheeler amendment. That amendment compels the people of Kentucky, who have done all we have ever asked them to do, to convene their Legislature in extra session to get rid of Speed and his associates, or else if we await the due course of events we have to wait two years longer before that Legislature can comply with the terms and conditions of that proviso; and for those two years longer the people of the western country will be compelled to submit to a tax of $350,000 a year for the benefit of these trustees. That is the whole of this case.

I do trust that without longer delay the Senate will give us a vote on this proposition, that now the Government of the United States will take possession of this canal; and then if Kentucky claims the right to tax it, or if these parties want to get up any more law suits, as a matter of course the Government of the United States will defend its own. If it has no title to this property, as a matter of course the courts will so decide. It seems that having expended $3,000,000 on a public improvement of the most vital importance, we ought to be willing to take possession of it.

A law of this same kind was passed—and if I am not mistaken my friend from New York very largely contributed to it, and I have no doubt I joined him—under which the Government of the United States only a year or two ago took possession of a canal in Wisconsin. There the work was commenced by private parties. It was, I think, the case of the Fox and Wisconsin Rivers improvement. There was an improvement that had been carried on by private parties. Perhaps the Government of the United States had contributed to it, I suppose by a grant of land. Finally a law was passed here that the Government of the United States should take possession of it; and from this time forward I expect to vote the necessary appropriations to enable that improvement of the Fox and Wisconsin Rivers, a very important element of navigation in the Northwest, to be completed as the property of the United States and free from all toll except enough to keep it in repair. That is a similar case to this, and I think my friend from New York took a prominent part in the passage of that law, or at any rate it was passed by general consent. Why should a discrimination be made against this particular improvement? Sir, from its beginning, in the time of Andrew Jackson when the Government of the United States refused to appropriate money to build directly this internal improvement on account of the ideas that then prevailed, from that time to this the people engaged in the commerce of that great river have been ever interrupted, bothered—I may say bedeviled—with this enormous tax, being compelled to pay their money over to what they regarded as a private corporation. Now we hope to have this difficulty removed, and I appeal to the Senate to let us have a vote upon it one way or the other.

Mr. STEVENSON. I rise only to state a fact in connection with the conditions in the act of 1872. I am sure neither the city of Louisville nor the State of Kentucky desires by these conditions to embarrass the United States in prompt possession of this canal. Some of those conditions were proper both for public and private interest. This canal is two miles long. South of it there is already a large population of the city of Louisville; north of it there are some two hundred acres of land between the canal and the river. In the last-mentioned territory, (north of the canal,) and which the canal separates from the city, there are now several large manufacturing establishments, and will ultimately have a large population and become a great entrepot for mills and other manufacturing establishments. There are now, as I am informed, but two bridges across the canal during the whole length of the canal, the one about a half-mile below the head of the canal and the other a short distance above its mouth. It was therefore eminently proper to put a reservation of the right to construct bridges in that act of 1872. These bridges will be and have been so constructed as not in any way to interfere with navigation. If they did they would be promptly and legally removed under Federal authority. There can be no objection, therefore, to the reservation as to the bridges. The property-holders, the heirs and devisees of the late John Rowan, who own most of the two hundred acres of land, of course would be greatly injured by the depreciated value of this property, if in the event of a large population they could not have egress by bridges across the canal to connect with the city of Louisville. As it could not in any way interfere with the interest of the United States or the free use of the canal, I do not perceive any objection that can be urged against such a reserved right. None such was urged when we made the last appropriation under this act.

In regard to the reservation in this act as to drainage, I think nobody can justly complain of that; this right of drainage for sewerage purposes already exists. It is as important to the public as to the private interests, to that of the United States as well as to that of the municipality. Already several city sewers discharge in the canal without any serious, bad, or inconvenient results. If this right of drainage were denied them, large and expensive sewers would have to be erected parallel to the canal, which might interfere with it. As no bad results now flow from this drainage, it would be proper to continue it. But this reservation cannot afford any ground for opposition to the possession by the United States of this work. Let the Government take possession, and all the questions of drainage and bridges will be easily settled. I should be very glad if the United States would yield police power to the city, because in that two hundred acres of ground there must be in time a large population, and consequently a great many petty offenses committed which could be more easily and safely intrusted for correction to local police powers than they could be to the Federal tribunals.

But in every aspect of the case, as stated by the Senator from Ohio, [Mr. SHERMAN,] it does seem wonderful that for the last fifteen or twenty years, when both the State and Mr. Guthrie, who represented the company and did more to build up this canal than any human being, urged the United States to take possession of this work, that it should be still delayed and this burden upon commerce and the public interest still continued.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from New York to reconsider the vote of the Senate by which the amendment of the Finance Committee to the first section of the House amendment was adopted.

Mr. CONKLING. I understood there would be no objection to taking the vote by consent again without the motion to reconsider.

Mr. SHERMAN. Certainly.

The PRESIDENT *pro tempore*. By unanimous consent the question will be submitted to the Senate in this form: Will the Senate agree to the amendment proposing to strike out the proviso at the end of the first section of the amendment of the House of Representatives, a reconsideration of the previous vote being had by general consent?

Mr. CONKLING. Upon that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CONKLING. I should like to know now the words upon which the vote is to be taken.

The PRESIDENT *pro tempore*. The amendment is to strike out the words which will be read.

The Chief Clerk read the following words:

Provided further, That said Secretary shall pay no money under any of the provisions of this act, nor shall the Secretary of War take possession of said canal as authorized by the next section, until the State of Kentucky shall cede to the United States jurisdiction over the said canal, with all its property, hereditaments, and appurtenances, and relinquish to the United States the right to tax or in any way to assess said canal, its property, hereditaments, and appurtenances, or the property of the United States that may be thereon, during the time that the United States shall remain the owner thereof.

Mr. CONKLING. The amendment is to strike out these words.

The PRESIDENT *pro tempore*. That is the amendment.

Mr. THURMAN. I only wish to say, so that we may understand the question exactly, that this is the same amendment upon which we voted before and which was carried by the friends of the bill; and consequently the vote of the friends of the bill is "yea."

Mr. CONKLING. As I understand it, this is an amendment which, with all the other amendments, was agreed to without there being any division.

Mr. THURMAN. There was a majority for it or it would not have been carried.

Mr. CONKLING. Very likely there was an apparent majority; there was no objection to it or rather no division, as I understand.

Mr. THURMAN. The Senate understands that if these words remain in the bill they kill the bill. That is all. Therefore those who are in favor of the object of this bill should vote for the amendment to strike them out.

The PRESIDENT *pro tempore*. Those who are in favor of the amendment should vote yea, and those opposed to it should vote nay.

Mr. CONKLING. The Senator from Ohio makes some of us very uncomfortable by his remarks, all of us who do not understand so much about this matter as he does. If he had only told us how this would kill the bill he would gratify the curiosity which he has thus painfully aroused. I do not understand any such thing, and I wish to enter my protest against any such remark. So far from killing the bill, it will have the effect to obtain from the State of Kentucky a relinquishment of those rights which stand in our way, and it will complete and effectuate the thing that we are doing; and therefore I trust the Senator from Ohio will not insist upon our voting in the hot breath of his remark that those who vote for this amendment vote to kill the bill.

Mr. STEVENSON. The State of Kentucky would have surrendered her sovereignty in any words the Senator from New York would have penned; but this application did not come until the Legislature of Kentucky had adjourned. The Legislature of Kentucky had not any idea that any such objection would be interposed. It adjourned recently. Its sessions are biennial; it does not meet again for nearly two years. Therefore if this proviso put in by the House stays in the bill, it keeps a revenue of $350,000 of the United States in the hands of these five trustees. That is the simple question.

Mr. HOWE. As this subject seems to be brand-new in the Senate, [laughter,] I wish to say one word on this particular proposition. I have heard that courts of equity sometimes sequester property for the purpose of enforcing some duty, but they usually I believe sequester the property of the party upon whom they want to enforce the duty. It is proposed here, as I understand the Senator from New York, in order to compel Kentucky to relinquish something, to sequester several millions of our property and to give the benefit of it to five individuals who live in Kentucky. If I could understand precisely how soon that process would compel Kentucky to surrender I should know better how to vote.

Mr. MORTON. Allow me to suggest that the words proposed to be stricken out have the effect to surrender the canal and give it up. First, we must wait two years for the Legislature of Kentucky to meet; and then unless they will pass the kind of act prescribed here, it is a proposition to abandon the canal entirely and leave it in the hands of the directors.

Mr. EDMUNDS. I suppose nobody has a right to have any doubt about this business and still be in favor of the free navigation of the Ohio. That is a privilege which is not accorded to Senators. Nevertheless the right of saying something is still left to us. Now the Senator from Indiana has no right to say that the effect of this proviso is to give up this canal to Kentucky or to these people if Kentucky does not accept the condition we have made.

Mr. MORTON. If it does not mean that, it does not mean anything.

Mr. EDMUNDS. The Senator thinks so, I have no doubt; but it is possible that others may think otherwise, and inasmuch as this is a land of equal rights, everybody has a right to his opinion. I very humbly and respectfully differ from the Senator. I think that if the State of Kentucky does not agree to this condition we shall stand exactly in the attitude we do now as it respects our rights. I do not find anywhere in the bill that we engage to surrender to Kentucky if she will not surrender to us any right she possesses. If the Senator finds any such provision he ought to be good enough to read it, so that other people can have the illumination he has.

Mr. MORTON. I will read it:

Provided further, That said Secretary shall pay no money under any of the provisions of this act, nor shall the Secretary of War take possession of said canal as authorized by the next section, until the State of Kentucky shall cede to the United States jurisdiction over the said canal, with all its property, hereditaments, and appurtenances, and relinquish to the United States the right to tax or in any way to assess said canal, its property, hereditaments, and appurtenances, or the property of the United States that may be thereon, during the time that the United States shall remain the owner thereof.

Now if the Legislature of Kentucky declines to pass the act we are not to take possession, but we expressly provide that we will in that event leave it just where it is. That will bear out the statement.

Mr. EDMUNDS. We do leave it where it is; but that, as it happens, was not the Senator's statement. He said that the effect of agreeing to this amendment, if Kentucky did not conform to our terms, was to give up the canal to the State of Kentucky and these gentlemen. It is very easy when you get into a corner to jump over the fence and be on the other side and still say you are just where you were before; but I do not think that is a very tenable method of argument.

I was endeavoring to reply to the objection of the Senator from Indiana that the effect of this bill was to yield up something to the State of Kentucky to which she was not now entitled, if she did not accede to the proposition made to her in this amendment. About that we differ; and as the Senator now states that the effect is, if not carried out by the agreement of Kentucky, to leave it as it stands now, he is perfectly right. It does leave it where it stands now with the right of the United States as stockholder in that corporation in three weeks to put herself or her agents in possession of the corporation and to regulate the tolls in her own way, and keep it in repair if she chooses.

But I did not rise to delay the vote on this amendment; I only wish now to reply to what the Senator from Ohio said, that the friends of the objects of this bill were to vote against this amendment, and that the enemies of the objects of this bill were to vote for it. I decline to be placed in the category of the enemies of the objects of this bill. I have as much interest, and so have the people whom I especially represent, in the navigation of the river Ohio as the Senator's own constituents have, because I believe in the nationality of commerce in this country, and that every part of the body-politic is affected by anything that is injurious to one part of it in the way of commerce; and I have no doubt that is the sentiment of the Senator from Ohio. Therefore, desiring to make this river free, I wish to take the steps that appear to me—I do not ask other people to believe in my opinion—best designed to accomplish that end; and not to plunge ourselves still further into this Serbonian bog of legal difficulties with the State of Kentucky and with the present directors of the corporation who can be turned out in three months in my opinion, and less; and then to be told hereafter that we have been devoting ourselves to totally inadequate and fallacious legislation. That is my position.

Mr. FRELINGHUYSEN. On this question the Senator from Missouri [Mr. SCHURZ] is paired with the President of the Senate. The Senator from Missouri would vote "yea" and the Senator from Wisconsin would vote "nay."

The question being taken by yeas and nays, resulted—yeas 40, nays 4; as follows:

YEAS—Messrs. Bayard, Bogy, Buckingham, Cameron, Cragin, Davis, Dennis, Fenton, Ferry of Connecticut, Ferry of Michigan, Flanagan, Gilbert, Hager, Hamlin, Harvey, Howe, Ingalls, Johnston, Kelly, Lewis, Logan, McCreery, Merrimon, Mitchell, Morrill of Maine, Morton, Norwood, Pease, Pratt, Ramsey, Ransom, Saulsbury, Scott, Sherman, Stevenson, Stockton, Thurman, Tipton, West, and Windom—40.

NAYS—Messrs. Conkling, Edmunds, Frelinghuysen, and Hamilton of Texas—4.

ABSENT—Messrs. Alcorn, Allison, Anthony, Boreman, Boutwell, Brownlow, Carpenter, Chandler, Clayton, Conover, Cooper, Dorsey, Goldthwaite, Gordon, Hamilton of Maryland, Hitchcock, Jones, Morrill of Vermont, Oglesby, Patterson, Robertson, Sargent, Schurz, Spencer, Sprague, Stewart, Wadleigh, and Wright—28.

So the amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the House of Representatives as amended.

The amendment as amended was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills; in which the concurrence of the Senate was requested:

A bill (H. R. No. 3085) to authorize the Secretary of War to furnish copies of certain papers called for by resolution of the House;

A bill (H. R. No. 1764) to appropriate lands for the support of schools in certain fractional townships in the State of Missouri; and

A bill (H. R. No. 3087) for the relief of the widow of the late Judge Samuel Milligan.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 2575) granting a pension to Mrs. Elizabeth J. King; and

A bill (H. R. No. 2667) to enable the Secretary of the Treasury to gather authentic information as to the condition and importance of the fur trade in the Territory of Alaska.

THANKS TO OFFICERS AND CREW OF THE ATLANTIC.

Mr. CAMERON. I ask permission at this time to make a report from a committee. The Committee on Foreign Relations, to whom was referred the joint resolution (H. R. No. 45) tendering the thanks of Congress to Captain Benjamin Gleadell, officers, and crew of the steamship Atlantic, of the White Star line, for saving the brigantine Scotland in mid-ocean, have instructed me to report the same back without amendment, and as it will take but a moment and is a measure from the House of a peculiar nature, I ask for its immediate passage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It presents the thanks of Congress to Captain Benjamin Gleadell and the officers and crew of the steamer Atlantic, of the White Star line, for saving the captain and crew of the brigantine Scotland, of Portland, Maine, wrecked in a tempestuous sea in mid-ocean.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred as indicated below:

The bill (H. R. No. 1764) to appropriate lands for the support of schools in certain fractional townships in the State of Missouri—to the Committee on Public Lands.

The bill (H. R. No. 3085) to authorize the Secretary of War to furnish copies of certain papers called for by resolution of the House—to the Committee on Military Affairs.

The bill (H. R. No. 3087) for the relief of the widow of the late Judge Samuel Milligan—to the Committee on the Judiciary.

BILL INTRODUCED.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 726) to correct the date of commission of certain officers of the Army; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

STATE OF LOUISIANA.

Mr. MERRIMON. I call for the regular order.

The PRESIDENT *pro tempore*. The Senator from North Carolina demands the regular order, which is Senate bill No. 446, to restore the rights of the State of Louisiana.

Mr. FRELINGHUYSEN. A day or two since I gave notice that to-day I should call up the civil-rights bill, Senate bill No. 1. I now give notice that as soon as the pending measure is disposed of I shall insist upon taking up that bill.

Mr. STOCKTON. Mr. President——

Mr. CONKLING. I suppose the Senator does not care to speak at this hour; and we have some executive business to do.

Mr. STOCKTON. I will yield for that purpose.

EXECUTIVE SESSION.

Mr. CONKLING. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at four clock and thirty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April* 21, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

DISTRICT REFORM SCHOOL.

Mr. CLARK, of Missouri, by unanimous consent, submitted the following resolution:

Resolved, That the Committee on Public Expenditures be, and they are hereby, instructed to inquire into and report to this House, as early as practicable, what sum or sums of money, if any, have been drawn from the Treasury of the United States under the provisions of section 7 of the act of Congress approved May 15, 1872, entitled "An act relating to the Reform School of the District of Columbia;" which section is as follows:

"That the Secretary of the Interior be authorized to purchase a new site for said school, to be selected by himself and the board of trustees, on which buildings for the accommodation of three hundred boys shall be erected, under the supervision of the said Secretary, the board of trustees, and the architect of the Capitol; and for these purposes the sum of $100,000 is hereby appropriated: *Provided*, That before any part of this appropriation shall be drawn plans and specifications of the building to be erected shall be made by the architect of the Capitol and approved by the Secretary of the Interior; and the amount expended for the purchase of said site and the erection of said building shall not exceed the sum hereby appropriated."

The committee shall report by whom and when said money was drawn, if any has been, and what has been done with it; if said section of said law has been violated they will report how and by whom; and for the purpose of ascertaining all the facts they shall have power to send for persons and papers, and summon and examine witnesses.

Mr. MAYNARD. What committee is it proposed this resolution shall go to?

The SPEAKER. The Committee on Public Expenditures.

Mr. MAYNARD. It ought to go to the Committee on Expenditures in the Department of the Interior.

Mr. CLARK, of Missouri. Very well. I modify the resolution in that way.

The resolution, as modified, was adopted.

RAILWAY FROM THE ATLANTIC TO THE MISSOURI RIVER.

Mr. HURLBUT, by unanimous consent, presented, from the Committee on Railways and Canals, a report to accompany the bill (H. R. No. 1194) chartering a double-track freight-railway company from tide-water on the Atlantic to the Missouri River, and to limit the rates of freight thereon; which was ordered to be printed and recommitted.

SUSPENSION OF DISTRICT LEGISLATURE.

Mr. RANDALL, by unanimous consent, introduced a joint resolution (H. R. No. 91) directing the temporary suspension of the Legislature of the District of Columbia; which was read a first and second time, referred to the Joint Select Committee to Inquire into the Affairs of the District of Columbia, and ordered to be printed.

OSAGE INDIAN LANDS, KANSAS.

Mr. LOWE, by unanimous consent, from the Committee on Indian Affairs, reported a bill (H. R. No. 3088) to extend the time for completing entries on Osage Indian lands in Kansas; which was read a first and second time.

The bill was read. It provides that all actual settlers on the Osage trust and diminished reserve lands in the State of Kansas shall be allowed one year from the passage of this act to make proof and payments; provided all purchasers who avail themselves of the provisions of this act shall pay interest on the purchase price of their lands at the rate of 5 per cent. from the date when payment was required by previous laws to the date of actual payment.

Mr. LOWE. I ask that the bill be now passed by unanimous consent, as it is a unanimous report from the Committee on Indian Affairs.

Mr. HOLMAN. Is this the same percentage paid by the Government?

Mr. LOWE. It is the same the Government would pay, and is a saving to the Government to this extent.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. LOWE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FORT RANDALL MILITARY RESERVATION.

Mr. HAWLEY, of Illinois. I ask unanimous consent to report back from the Committee on Military Affairs, with the unanimous recommendation of the committee that it be passed, a bill (S. No. 149) for the relief of certain settlers on the Fort Randall military reservation.

The bill was read.

The first section provides that the Secretary of War be, and he is thereby, authorized to transfer to the custody of the Department of the Interior such portions of the military reservation of Fort Randall, in Dakota, as were actually occupied by settlers prior to the promulgation of the order of the President of June 14, 1860, setting apart the reservation for military purposes, and, further, such portions of the said reservation as were released from military occupation and control between the years 1867 and 1870, and were during that time settled upon in good faith and in the belief that the lands were open to settlement.

The second section provides that the Secretary of the Interior be authorized to confirm, in accordance with existing laws, the titles of such settlers upon the military reservation of Fort Randall as may be reported by the Secretary of War for that purpose, and to cause patents to be issued for such lands as the aforesaid settlers may be entitled to under existing laws and the provisions of this act.

The third section provides that the Secretary of the Treasury be, and he is thereby, authorized to pay to each of the aforesaid settlers the respective amounts that were appraised as the value of their respective improvements, by a military board of survey convened for that purpose at Fort Randall, under instructions from the War Department, dated March 3, 1871; provided that in case any improvements, or portion thereof, shall have been restored or delivered to any settler, after the appraisement of the same by the said military board of survey, such settler shall not be entitled to payment under this act for the improvements, or portion thereof, so restored or delivered to him.

Mr. HAWLEY, of Illinois. Mr. Speaker, I desire to say this bill has been recommended by the Secretary of War, and I hope there will be no objection to putting it on its passage at this time.

Mr. HOLMAN. I must insist on the point of order applying to this bill, inasmuch as it covers a great deal of ground.

Mr. HAWLEY, of Illinois. I will state the purpose of the bill in one word. It appears from the report of this board of Army officers that the amount to be paid to these settlers is about $18,000.

Mr. HOLMAN. I hope the amount, then, which the bill proposes to appropriate will be specified upon the face of the bill itself.

Mr. HAWLEY, of Illinois. It is a Senate bill, and I dislike to make an amendment, for that will send it back to the Senate again. It is recommended by the Secretary of War and is unanimously reported from the Committee on Military Affairs.

Mr. HOLMAN. I ask that the gentleman from Illinois be allowed to report the bill back at any time, so that the committee may move an amendment fixing the sum which it is proposed to appropriate.

Mr. HAWLEY, of Illinois. I do not know what effect that will have. I suppose a single objection will prevent the passage of the bill at this time.

The SPEAKER. There being no objection to it, the Committee on Military Affairs is allowed to report the bill at any time.

WIDOW OF JUDGE SAMUEL MILLIGAN.

Mr. MAYNARD. I ask unanimous consent to supply an omission in a bill passed yesterday. It is a bill (H. R. No. 3087) for the relief of the widow of the late Judge Samuel Milligan.

The SPEAKER. The bill will be read.

The bill was read. It provides that the salary of the late Samuel Milligan, judge of the Court of Claims, for the remainder of the present fiscal year shall be paid to his widow.

The SPEAKER. The gentleman from Tennessee moves to amend, by providing that a sum of money equal to the salary of a judge of the Court of Claims for the remainder of the present fiscal year shall be paid to the widow of the late Judge Samuel Milligan. It will confuse the salary of the successor of Judge Milligan unless put in that way.

Mr. HOLMAN. How is it proposed to make the bill read?

The SPEAKER. That a sum of money equal to the salary of a judge of the Court of Claims for the remainder of the present fiscal year shall be paid to the widow of the late Judge Samuel Milligan. Unless the language of the bill is so changed there will be nothing to pay his successor with.

There was no objection, and the bill was amended accordingly, and again passed.

ADDITIONAL BOUNTY.

Mr. HOLMAN. I ask unanimous consent to introduce a bill to extend the time for filing claims for additional bounty under the act of July 28, 1866, and putting it on its passage at this time.

The bill, which was read, provides that the time for filing claims for additional bounty under the act of July 28, 1866, which expired by limitation on the 30th day of January, 1874, shall be revived and extended until the 30th day of January, 1875; and that all claims for such bounties filed in the proper Department after the 30th of January, 1874, and before the passage of this act, shall be deemed to have been filed in due time, and shall be considered and decided without further filing.

Mr. ALBRIGHT. I would suggest that the bill ought to go to the Committee on Military Affairs.

Mr. HOLMAN. I desire to make a remark in explanation of the bill; just a single word. In 1872 we extended the time for filing these claims for one year. This proposes simply to extend the time for one year longer, from the 30th day of January last to the 30th day of January, 1875.

And now one word as to the effect of the bill. It only affects a few widows and orphan children, who have not filed their claims under the act of 1866. My friend from Pennsylvania [Mr. ALBRIGHT] will remember that there is no reason why there should be a limitation at all imposed on the filing of these claims for bounty, for the reason that it is a matter of record. If the soldier was entitled to it, or his widow or orphan children, it appears on the records under the control of the Second Auditor; so that on the one hand no possible injustice can be done to the Government, while on the other hand the persons who ought to have the benefit of this bounty will obtain it. I trust no gentleman will object to the passage of the bill, and especially on the ground that it has not been before a committee, because it is simply the re-enactment of the law reported by the Military Committee of last Congress.

Mr. ALBRIGHT. I do not object to this bill particularly on account of the principle involved in it, but there are bills of this kind before the Committee on Military Affairs now, and the committee expect to report a bill which will cover this and other cases. We have been considering it for some time.

Mr. HOLMAN. I hope the record will show that it is the gentleman from Pennsylvania who makes the objection. I withdraw the bill.

ADDITIONAL MAIL SERVICE TO CHINA AND JAPAN.

Mr. COBB, of Kansas, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on the Post-office and Post-Roads be authorized to print the testimony taken before the Committee on Appropriations and the said committee on the question of additional mail service to China and Japan.

FORT BRIDGER MILITARY RESERVATION.

Mr. HUNTON. I ask unanimous consent to report back from the Committee on Military Affairs, for present consideration, the bill (H. R. No. 1002) for the relief of certain settlers upon the military reservation at Fort Bridger, Wyoming Territory.

The SPEAKER. The bill will be read; after which objections, if any, will be in order.

The bill was read.

Mr. WILLARD, of Vermont. I object, and call the regular order.

ORDER FOR PRINTING.

Mr. DONNAN. I desire to make a privileged report. I am instructed by the Committee on Printing to report back with an amendment the following resolution:

The Clerk read as follows:

Resolved, That five hundred extra copies of House bill No. 2978, entitled "A bill for the reorganization of the Treasury Department, and for other purposes," be printed for the use of the House.

The amendment was as follows:

Strike out "five hundred" and insert "one thousand" in lieu thereof.

Mr. DONNAN. The gentleman from Connecticut, [Mr. KELLOGG,] who introduced this resolution, deemed five hundred copies insufficient, owing to the large demand for the bill. The committee agree with him, and recommend the larger number.

The amendment was agreed to, and the resolution, as amended, was adopted.

ORDER OF BUSINESS.

The SPEAKER. The regular order having been called, the morning hour begins at twenty-eight minutes past twelve o'clock, and reports from committees are in order, beginning with the Committee on Accounts.

COMMITTEE CLERK.

Mr. HOSKINS. I am directed to report back the following resolution, authorizing the appointment of a clerk to several committees without making any special recommendation. If the House desires the investigations contemplated by the rules to proceed, this clerk will be necessary. If they do not desire those investigations to go on, the clerk will not be necessary.

The Clerk read as follows:

Resolved, That the Committee on Expenditures in the Post-Office Department, the Committee on Expenditures in the War Department, the Committee on Expenditures in the State Department, and the Committee on Expenditures on Public Buildings, have leave jointly to employ a clerk during the present session of Congress, at the usual rate of compensation.

The resolution was agreed to.

Mr. HOSKINS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SOUTHERN DISTRICT OF GEORGIA.

Mr. SENER. I am instructed by the Committee on Expenditures in the Department of Justice to report back a resolution referred to the committee, accompanied by a report in writing.

The Clerk read the report, as follows:

To the House of Representatives:

The Committee on Expenditures in the Department of Justice, to whom was referred the resolution of Mr. COOK, of Georgia, adopted by the House on the 17th of March, respectfully submit the following report:

The resolution is in the following words:

"Whereas the Attorney-General having called the attention of Congress to the continued violation of section 3 of the act of 1853 requiring the district attorneys, clerks of the district and circuit courts, and marshals to make returns in writing embracing all the fees and emoluments of their respective offices of every name and character on the part of said officers for the southern district of Georgia: Therefore,

"*Resolved*, That the Committee on Expenditures in the Department of Justice be instructed to inquire specially into said charge, and into the expenditure of the public funds in said Department, and to send for persons and papers."

At the request of the committee Mr. COOK appeared before them, and being interrogated stated that he had no knowledge or information whatever in regard to the subject-matter of the resolution outside of the report of the Attorney-General for the year 1873, (see page 7,) an extract from which is recited in the preamble to the resolution.

Thereupon a summons was directed to be issued for James McPherson, clerk of the United States courts for the southern district of Georgia, to appear before the committee and produce the books showing the receipts of his office.

On the 7th of April, Hon. ANDREW SLOAN, a Representative from the State of Georgia, on behalf of Mr. McPherson, laid before the committee a telegram from the Attorney-General, addressed to him, stating that since his annual report to Congress the clerk had sent in all his returns, and a telegram from the Secretary of the Treasury, stating that the First Auditor reports the accounts and returns of James McPherson (the clerk aforesaid) all right.

Letters to the committee to the same effect are filed herewith from the Attorney-General and Acting First Comptroller of the Treasury, and made a part of this report, marked A and B.

There being no allegations concerning the disbursements of public funds in the said district, it appeared to the committee that all the purposes contemplated by the resolution of the House have been accomplished, and they accordingly ask to be discharged from the further consideration of the said resolution.

DEPARTMENT OF JUSTICE,
Washington, April 16, 1874.

SIR: I have the honor to acknowledge the receipt of the letter written by direction of your committee, asking to know whether there is any occasion for the investigation ordered by the House into the violation of the act of 1853 by the clerk of the United States courts for the southern district of Georgia, in failing to render his semi-annual reports to this Department.

In reply, I have to inform you that since my last annual report the clerk has rendered said returns, which, after examination, were found correct and referred to the accounting officers of the Treasury for adjustment. This clerk was not delinquent in any other respect, and there are now no charges of delinquency in this Department against him.

Very respectfully,

GEO. H. WILLIAMS,
Attorney-General.

Hon. JAMES B. SENER,
Chairman Committee on Expenditures, House of Representatives.

TREASURY DEPARTMENT, FIRST COMPTROLLER'S OFFICE,
Washington, D. C., April 18, 1874.

SIR: In answer to the request made by the Committee on Expenditures in the Department of Justice, per letter of E. C. Rowe, esq., clerk to the committee, addressed to you under date of 15th instant, and referred to this office for report, I have to state that I do not know of anything in the accounts and returns of James McPherson, clerk of the United States courts at Savannah, Georgia, that now requires investigation under the resolution of the House of Representatives referred to by Mr. Rowe.

The Attorney-General, in his report of 29th November last to Congress, directed attention to the fact that Mr. McPherson had disregarded the law which requires all clerks of United States courts to make semi-annual returns of the fees and emoluments of their respective offices, and I understand that the resolution mentioned above had reference to that report.

But in December, subsequent to the date of the report, the clerk made up and forwarded to the Department of Justice complete returns to the close of the year 1873, and those returns are now on file in this office.

Mr. Rowe's letter is returned herewith.

Very respectfully, your obedient servant,

WM. HEMPHILL JONES,
Acting Comptroller.

Hon. WILLIAM A. RICHARDSON,
Secretary of the Treasury.

Mr. SENER. I move that the committee be discharged from the further consideration of the resolution, and that the report be printed.

The motion was agreed to.

Mr. SENER moved to reconsider the vote by which the motion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed without amendment a bill of the House of the following title:

A bill (H. R. No. 2350) authorizing the Secretary of the Treasury to issue certificate of registry and enrollment to the schooner Almina and changing the name to Minnie Davies.

The message further announced that the Senate had passed with amendments, in which the concurrence of the House was requested, the following bills:

A bill (H. R. No. 2885) to remove the disabilities of David A. Telfair, of North Carolina, and Charles H. McBlair, of Maryland; and

A bill (H. R. No. 3029) to provide for the relief of persons suffering from the overflow of the Lower Mississippi River.

THE MISSISSIPPI LEVEES.

Mr. MOREY. I am instructed by the Select Committee on the Levees of the Mississippi River to report back with a favorable recommendation the bill (H. R. No. 2988) to provide for the appointment of a commission of engineers to investigate and report a permanent plan for the reclamation of the alluvial basin of the Mississippi River subject to inundation.

I ask that the following order may be made in relation to it by unanimous consent:

That it shall be in order to consider House bill No. 2988 in the House during the morning hour, when reported from the Committee on the Mississippi Levees, without reference to the Committee of the Whole on the state of the Union.

Mr. WILLARD, of Vermont. I see no reason why this bill should not take the ordinary course, and therefore I object.

Mr. MOREY. I think if the gentleman will withhold his objection until I can make a brief statement he will not insist on it.

Mr. WILLARD, of Vermont. I have no objection to an early day being fixed for the consideration of the bill in Committee of the Whole; but it should take the ordinary course of bills calling for appropriations.

Mr. MOREY. Then I ask that this bill may be made a special order for consideration in Committee of the Whole on the 6th day of May next, to the exclusion of all other orders except the regular appropriation bills, and from day to day until disposed of.

Mr. RANDALL. I would not make any exception at all. The point of order is made only because of an appropriation of $10,000. The subject is of huge importance.

The SPEAKER. The request of the gentleman from Louisiana requires unanimous consent, and objection is made.

Mr. RANDALL. I understood the gentleman from Vermont to withdraw his objection to a special assignment for the consideration of this bill.

The SPEAKER. The Chair did not hear the gentleman withdraw it.

Mr. RANDALL. He himself suggested that a special day should be assigned.

The SPEAKER. The gentleman from Vermont withheld his objection long enough for the gentleman from Louisiana to make a brief explanation; but he has not withdrawn it.

Mr. MOREY. I will state that so far as the question of economy of time is concerned, it will take probably less time to consider the bill in the morning hour than at any other time.

Mr. WILLARD, of Vermont. I make no objection to a day being fixed for the consideration of the bill in Committee of the Whole on the state of the Union. I only object to its consideration in the House.

Mr. DAWES. If the bill is to be made a special order in Committee of the Whole the gentleman should except reports from the Committees on Ways and Means and Appropriations. If he will make that exception I will not object.

Mr. RANDALL. The bill contains only a very small appropriation.

Mr. DAWES. I know that, but those two exceptions ought to be made.

Mr. MOREY. The committee is now called and probably the bill can be disposed of during the morning hour. It is only subject to the point of order because there is a small appropriation in it, which, however, can be as well disposed of in the House during the morning hour as at any other time, and it would take less time to consider the bill in the morning hour than it would to consider it in Committee of the Whole. I hope liberty will be given to the committee to have it considered during the morning hour.

Mr. STANARD. Why may not the bill be considered now? Is the gentleman from Louisiana ready to proceed with its consideration?

Mr. MOREY. I am, if the gentleman from Vermont [Mr. WILLARD] will withdraw his objection.

Mr. WILLARD, of Vermont. The resolution offered by the gentleman asked that the bill when reported might be considered in the House. I do not understand that any bill has been reported.

The SPEAKER. The gentleman from Louisiana reported back the bill. The Chair will direct the reading of the bill, and then the objection can be insisted on or withdrawn.

The bill was read. The preamble is as follows:

Whereas the alluvial basin of the Mississippi, liable to inundation by its floods, extends from Cape Girardeau in Missouri to the Gulf of Mexico, and has a length of six hundred miles in latitude by an average width of sixty-three miles in longitude, and contains an area of 38,607 square miles of the most fertile and productive land on earth; and whereas this large extent of territory was, prior to the erection of levees, frequently a single delta sea of great depth, every acre submerged; and whereas under the fragmentary levees built by individuals, neighborhoods, counties, and ultimately States, during a period covering a century and a half of struggle, one-tenth of this area was reclaimed, and another tenth made available for further reclamation; and whereas the interruption of labor and vigilance upon the said levees, and their destruction, in part, as a military necessity during the war of secession, has greatly diminished the amount of the reclamation, submerged and depopulated large areas formerly inhabited and cultivated; and whereas, as shown by statistics, the struggles of an impoverished people, with an expenditure in a single State (Louisiana) of more than $13,000,000 since the said war in attempts to restore the levees have proved abortive, their fields and homes being now ravaged by floods and crevasses; and whereas the caving of the river-banks back to low land has made it necessary to build higher levees year after year; and whereas the States of Arkansas and Missouri have made but little attempt since said war to effect a levee system, and the efforts of Louisiana and Mississippi in that direction have proved almost fruitless, and the great work is now beyond their control; and whereas the Mississippi River is national in its character, is fed by over fifteen hundred streams, and drains the water-sheds of a whole continent, reaching, through its tributaries, twenty States and Territories; and whereas all improvements looking to the reclamation of the delta of such a river must conduce to the general welfare of the whole Union, and should be undertaken and accomplished by the General Government; and whereas all systems for the redemption and protection of the alluvial lands of the Mississippi should be general and uniform in their character, and embrace the whole valley of the river; and whereas no such system has ever been adopted.

The first section of the bill authorizes and directs the President to assign two officers of the Corps of Engineers, United States Army, and to appoint three civil engineers eminent in their profession and who are acquainted with the alluvial basin of the Mississippi River, to serve as a board of commissioners; the president of said board to be designated by the President of the United States; and makes it the duty of said commission to make a full report to the President of the best system for the permanent reclamation and redemption of said alluvial basin from inundation, which report the President shall transmit to Congress at its next session with such recommendations as he shall think proper.

The second section provides that the members of the commission who may be appointed from civil life shall receive compensation at the rate of $5,000 per annum; that the commission may employ a secretary at a rate of compensation not exceeding $200 per month for the time he is employed, and that the necessary traveling expenses of the members of said commission not officers of the Army, and of the secretary, shall be paid upon the approval of bills for the same by the Secretary of War.

The third section appropriates the sum of $10,000, or so much thereof as may be necessary to carry into effect the foregoing provisions, subject to disbursement by the Secretary of War.

Mr. WILLARD, of Vermont. If the gentleman will strike out the preamble to his bill entirely and allow the bill itself to be discussed, I have no objection to its present consideration.

Mr. MOREY. I have no objection to that.

The SPEAKER. If there be no further objection the bill will be considered in the House. The Chair hears none.

Mr. KASSON. I ask that the bill may now be read by sections for amendment.

Mr. HOLMAN. I suggest that it be considered in the House as in Committee of the Whole, and subject to amendment.

Mr. MOREY. As the bill is to be considered in the House, I do not feel authorized to yield anything more in the way of giving up control of the bill than is usually yielded in the consideration of bills before the House.

Mr. HOLMAN. All I ask is that the bill shall be subject to amendment.

Mr. MOREY. I have no objection to that if there be no objection from others.

The SPEAKER. The Chair hears none.

Mr. MOREY. I have no apology to offer the House for thrusting on its attention this resolution at this moment. The daily recital by the press of the scenes of deluge, destruction, and desolation that are rapidly transpiring through the whole Lower Mississippi Valley plead more earnestly and eloquently than any words of mine can for the impoverished and stricken people of that region of our common country.

THE DELTA OF THE MISSISSIPPI RIVER.

We are accustomed, Mr. Speaker, to contemplate a delta analogous to that which gives rise to the name. The alluvial lands, lying below a river dividing out toward the sea in Egypt, gave the name in the long ago, when the Greeks conquered the Pharaohs and sat down upon the Nile. From Rosetta down to the Mediterranean, some twenty miles, that river divides and empties by two branches, embracing an area that has a resemblance to the Greek letter △, (*delta,*) an equilateral triangle. How vast the difference! Look upon this map. The definition has gradually grown until we now apply the name "delta" to all the continuous alluvion of a river embraced between its first extravasated floods that may never return down to the border of the sea. Instead, then, of a few hundred square miles of a delta from Rosetta to the Mediterranean, we have this enormous expanse of country of about sixty miles in average breadth and about six hundred miles in length. We have an area of about 38,607 square miles for the delta of the Mississippi River. Contemplate its expanse upon the map of North America, sweeping the fronts of seven great States of the American Union, embracing nearly as large an area as either of the seven, and capable of sustaining a larger population than the uplands of any three of them, grand and fertile as they are.

In the language of a writer whose life has been devoted to its study and reclamation:

Sweeping across eight and a half degrees of latitude, it extends from the semi-tropical lands of the orange and the lemon, the cotton and the cane, to the middle of the cereal and farming region of the temperate zone, and to the border of the ice-floes, that in rigorous winters engorge and choke the navigation of the great river.

It is everywhere threaded and thwarted by interlocking channels of rivers and bayous and navigable channels, placing every cultivable acre within ready reach of steamboat navigation. In this particular it has no rival or parallel known to civilized man.

Its fertility is exhaustless and all-pervading. The timbers and vines that grow upon it have an exuberance that render it in the wild condition nearly impenetrable; and yet a single season's labor of the enterprising forester has replaced the wild productions by crops that were nearly as exuberant. The cypress and the oak rise upon it to an altitude and with a profusion incredible to those who have not explored it, thus furnishing it with a wealth of timber of the highest value that is nearly exhaustless. Its crops, whenever rescued from the waters, do so readily respond to the hand of cultivation that the drift of population toward it had, prior to the late unfortunate war, lined nearly all its streams with inhabitants, where the chances of escape from overflooding were regarded as good during three years out of four. And yet this realm of fertility is subject to yearly inundation from the very waters that have created it—the floods of the Mississippi River.

The whole delta is an enormous basin, with every acre of its bottom lying deep below the level of the river's extreme floods. From Cape Girardeau, in Missouri, to the border of the Gulf of Mexico, it might be regarded, in the greatest flood seasons, as one vast delta sea.

HISTORY OF THE CONFLICT OF LEVEES WITH FLOODS.

And yet the boldness of the man of the South—listen to the story of his sublime undertaking—resolved to conquer this mediterranean, and restrain its waters within the channel of the great river, and guide them down to the Gulf without invading the great basin.

You will join me in rendering him ample honors for the grandest of human enterprises when I show you that up to the year 1861 he had reduced the average level of the twelve-foot inundation by about four feet all over the basin, by running his feeble earthen barriers

along the border of the river, the rim of the delta sea, and had lined all its interior channels with a hardy and most adventurous population. His levees were two thousand miles in length. They had grown—he could scarcely tell you why or how—through one hundred and fifty years of struggle, of alternate success and inundation. No one, for a century, ever dreamed of exterminating the foe. Like the removal of the American savage from the continent, it was a work always progressing but never declared complete, or contemplated as a whole. But at last the moment came, and the resolution was taken to reserve and reclaim the whole delta. The man still lives, and is within the sound of my voice, hale and vigorous, with the hope of seeing its completion, who first wrote the proposal, in 1840, to manacle the river with chains of levees as long as the delta, and to reserve the entire alluvion for the uses of men.

And all this labor, these millions of treasure, and these five generations of men have been consumed in the struggle without the aid of the strong arm of the Government. Front proprietors first built their own levees, and on this condition held the titles to these lands during the first century of this conflict.

When the work grew beyond their capacity, and the unoccupied links of the chain had to be constructed, counties and parishes and districts, then States, one after the other, embarked in this enterprise; and the Government of the United States, having sold its millions upon millions of acres thus rescued by local effort, at last granted the unsalable swamp lands yet to be reclaimed to the States that would undertake to rescue them; a grant much like the privilege to have all the fish they could catch from the navigable waters. Still the grant had its effect, and the States utilized for levee purposes all the lands they could still render salable, after the best lands they had reserved had all been selected and bought from the United States; and but for the sad war that ensued we would have triumphed in a complete rescue of the delta sea from the dominion of the floods. Abandonment and destruction followed the clash of arms; and to this day the flood has been regaining his dominion. The river had gathered force from his long restraint. His voracity had gnawed away the banks till the dikes of resistance had been driven back to the lower grounds and had to be replaced by more powerful and costly barriers, only practicable to a prosperous people.

When the cloud of war had cleared away the people who survived the conflict of arms returned to find hundreds of miles of their barriers swept away or broken and unavailing. From Cape Girardeau to the Arkansas River the right bank was abandoned, except at special localities, and the States of Arkansas and Missouri have made no systematic effort to replace their levees; and for one hundred and twenty miles below the Arkansas River on the right bank the struggle to reclaim can scarcely be called systematic, and the result has been failure and abandonment. Thus one-third of the great basin on the right is now open to the ravages of the flood and the consequence is desolation and deluge. The daily papers and the telegraphic accounts tell us of the distress, calling aloud for relief, of a suffering people.

Below latitude thirty-three on the right, and below thirty-five on the left bank, the States of Louisiana and Mississippi returned to the great conflict with the floods. Mississippi with four hundred miles to guard, and Louisiana with seven hundred and fifty miles of the great river's front, rallied to repair and rebuild their levees. The former has spent some three or four millions and the latter no less than thirteen millions of dollars to replace the levees destroyed by military necessity and by abandonment during the war; and yet, Mr. Speaker, the daily reports of crevasses, inundations, and disasters will tell you how utterly inadequate these life-struggles have been. The cry for help from a suffering people is just now utterly appalling.

We come, Mr. Speaker, to lay down at the feet of Congress our arms of resistance to those floods, to confess our inability, like the gallant but misguided soldiers of the confederacy, to struggle longer against a power so exhaustless and nearly omnipotent. Throw the mantle of the panoply of your greater power around us, *for we can build the levee-defenses no longer.*

We lay before you in figures, more effective than those of rhetoric, the details of reasons why we regard this work as

A WORK OF NATIONAL CHARACTER,

traversing as the delta does the fronts of seven great States, and incalculably valuable as it is to the future wealth of the nation and the prosperity and civilization of the great West and the continent. The question of reclaiming and protecting this vast empire from the periodical depredations of the Mississippi River has long engaged the consideration of this Government; for now over twenty years past in its national aspect it has commanded the attention of Congress and the country. And permit me to add, that in my judgment no matter connected with all the problem of American progress and development deserves a more thoughtful and deliberate attention from our statesmen than this great problem of how to redeem from the periodical dominion of destructive freshets this fairest and most fertile portion of the great American continent.

We find in the general appropriation act of September 30, 1850, that Congress directed the application of $50,000 to "a topographical and hydrographical survey of the delta of the Mississippi, with such investigations as may lead to determine the most practicable plan for securing it from inundation," &c. Fifty thousand dollars additional were applied under the law of August 31, 1852, for a continuance of that survey of "the Mississippi bottom and such investigations as may lead to determine the most practicable plan for securing it from inundation." The surveys thus ordered were carried on during several years by a distinguished officer of our military engineers, and are embodied in a report made in August, 1861, to the Secretary of War.

This valuable report is now a part of the literary treasure of the country, and is a contribution to physical science on the philosophy of rivers similar in its great research and vast information to Lieutenant Maury's reports on the philosophy of the sea.

In every form in which it could commit itself Congress has assumed the responsibility of this great work.

The Senate committees to which measures in connection with this subject have been referred have invariably reported in their favor. Senator Clarke reports July 2, 1866, that his select committee "is satisfied the people of those States"—those concerned directly in the levees—"are unable without aid from the Government to undertake and complete the necessary repairs." Senator Henderson, from the Committee on Finance, reports on March 27, 1867, that his committee is satisfied of "the constitutional power and the expediency and *good policy*" of granting Federal aid to the construction of the levees. A committee on the levees of the Mississippi was created in each branch of Congress by the respective branches of the Forty-second Congress as well as of the Forty-third Congress; and thus for a period of twenty years have the executive and the legislative departments of the Government, assuming that the Mississippi River (receiving as it does the soil and minerals of over twenty States and Territories) is an "inland sea," practically declared it to be the fixed policy of the nation to assume its guardianship and protect the people of the lower valley from its destructive ravages.

And here, Mr. Speaker, I will say, that but for a desire on our part that the Government should not embark in this great enterprise until the last doubt of its entire practicability shall be dispelled, I would again press the bill I had the honor last year to offer, on the immediate attention of Congress. Hence we have agreed to submit this resolution, in the belief that by the next session we can have all the data and information of every description required for prompt and intelligent action on this great subject.

The object sought to be attained in reclaiming and protecting the Lower Mississippi Valley is closely allied with all the great questions affecting the material progress and physical development of America. The national finances; the augmentation of our export values; our monopoly of the cotton supply, now seriously impaired and endangered; the resumption of specie payments; and the redemption of the national debt, are all indissolubly bound up in this great work of insuring the safe cultivation of this vast and fertile territory.

A few years ago Congress, at great expense, built a railroad to the gold-fields of the Pacific. Though the enterprise was costly, there is nobody who would have the money returned with the condition of no road to California. Ten times the cost would not purchase this condition from the American people.

The enterprise of protecting the alluvion of the Mississippi Valley from the periodical ravages of the great river is equal in all its aspects to the great scheme of transcontinental connections and merits as much, if not more, the fostering care of our great Government.

One of the great subjects which has engaged the attention of Congress this winter has been that of the currency. There has been no one so far unwilling to admit that if we could safely resume specie payments it would be vastly to the interests of the whole people. No one has raised the question of its desirability. The whole argument has been addressed to its impracticability. With a little over $160,000,000 specie in sight in the entire country, with the balance of trade against us, with bonds abroad to the amount of hundreds, yea, thousands of millions of dollars, on which gold or exchange has to annually leave the country to discharge the interest; ourselves purchasers of commodities and fabrics which we should grow and manufacture; the whole suggestion of immediate resumption is utopian, and all the measures looking to it have been destructive to the business interests of the country, and culminated in the crisis of last fall. Before we can return to specie payments it is necessary to do something else than contract the paper circulation of the country. We have to accumulate gold and silver in the country by increasing our exports and diminishing our imports. This is the key to financial health and specie resumption.

From 1816 to 1866 Great Britain added to her then already large accumulation of specie currency an average of $18,000,000 a year. From 1793 to 1866 France increased her supply of the precious metals at a yearly average of very little less than the same amount. The United States, unlike these old countries, beginning with but little, began to increase her scanty store of metallic currency in 1792, and has averaged for the same period about $11,000,000 annually. And it is a noteworthy fact that after the Napoleonic war England returned to specie payments with great caution; and notwithstanding she increased her great hoard, the accumulation continuing at the rate of $8,000,000 annually, she did not resume the specie standard of value till her exports equaled her imports; meanwhile funding her vast debt at home, in which she set us an example we could have followed with profit. The coin used for circulation is estimated at about $400,000,000; that of France at about $650,000,000; our own accumulation in sight does not equal quite $160,000,000.

From 1861 to 1869, inclusive, the California production by gold is estimated at $514,600,000. Adopting the calculation fixed by high commercial authority of $60,000,000 as the product from all other sources, we have the aggregate production of gold and silver for this period of nine years at $574,600,000. The imports of treasure for this time is set down at $148,000,000, making an aggregate of $723,400,000. During this period our exports of treasure amounted to $520,200,000. This difference between our production and imports of treasure and our exports of it amounts to $203,200,000. The official statements of the deposits of this gold and silver account for not quite $160,000,000 remaining in the country. The impression is the discrepancy of treasure, amounting to over $43,000,000, has taken some other shape than coin.

I have given these statistics to show the scarcity of the precious metals with us in comparison with the older countries of the world, and to show the vast importance, in a financial point of view, of increasing our supply of metallic treasure; which is only to be done, I repeat, by lessening our imports and increasing our exports. General Humphreys, in his able report on the Mississippi levees, shows than an efficient system of protection would bring into safe cultivation 2,500,000 acres of sugar land and 7,000,000 acres of cotton land. This sugar belt in 1860 made 449,000 hogsheads, or nearly 225,000 tons of sugar. In 1865 the sugar consumed in this country is thus given: foreign sugar, 345,809 tons; the home crops of cane sugar, 5,000 tons; maple sugar, at 3,000 tons; and sugar from molasses at refineries, 22,300 tons. We may safely assume that the sugar imported amounts to 350,000 tons. This, including duty, would sell at present prices for nearly $60,000,000 gold value; while the molasses imported would amount to about $11,000,000, gold.

The State of Louisiana before the war produced, I repeat, nearly five hundred thousand hogsheads, or 225,000 tons. Estimating the total annual consumption of the United States as stated, it would appear that the sugar region of Louisiana is capable of producing about 40 per cent. of the sugars consumed in the country on the basis of its production in 1860, thus saving annually to the nation at least $24,000,000 of gold a year. Of the 2,500,000 acres of sugar lands not more than 20 per cent. have ever been put in cultivation, leaving an undeveloped territory capable, when brought into cultivation, of producing all the sugar needed for the consumption of the country, saving over $60,000,000 of gold annually.

In regard to cotton the case is still stronger. General Humphreys estimates that 7,000,000 acres of the best cotton soil in the world would be brought into safe cultivation by an efficient system of production. This land without manure is capable of producing from one to two bales of cotton to the acre. To give some idea of the productive capacity of this rich alluvion, I would give a few statistics from the census of 1860. In that year in the Yazoo delta there were in cultivation about 428,000 acres of the 5,000,000 that compose it, which produced 313,000 bales of cotton and 2,600,000 bushels of corn, besides a great variety of other products and stock of all sorts. The four front parishes of Louisiana, Carroll, Concordia, Madison, and Tensas, situated opposite the Yazoo basin, made the same year over 212,000 bales of cotton; and corn for the extravagant consumption of their people.

These two facts from the census will give you, Mr. Speaker, some idea of the boundless productive capacity and possibilities of this splendid region which it is proposed to reclaim and make useful for other purposes than the sport of the reptile and the alligator.

Ever since the war, and the famine prices which the failure of the American supply of cotton produced, British energy and enterprise have been directed to opening new fields of cotton production. As early as 1862 we find the Cotton Supply Association, of Manchester, sending a deputation to the world's fair to meet the commissioners of thirty different localities in the world who had brought with them specimens of raw cotton to the exhibition. In 1861 Lord Dalhousie inaugurated the railway system of India, costing over $450,000,000, the object being to reach new climates and cotton-fields in India. In every way in their power the nations of the Old World are stimulating cotton production with a view of relieving their dependence on the American-grown staple.

Shall we do nothing to preserve what they are striving to wrest from us, namely,

PRACTICAL MONOPOLY OF THE COTTON-PLANT?

We quote from the speech of Senator ALCORN, of Mississippi, delivered in the Forty-second Congress in 1872:

A great combination has been operating for ten years against our supremacy in raw cotton. The governments of Europe are all parties to that combination, and, under the promptings of the Manchester Cotton Supply Association, have made the diffusion of cotton industry a subject of diplomatic action and of domestic policy. France has sought to stimulate the culture of cotton in Algeria by bonuses; Austria has made the attempt in her Adriatic provinces by a system of premiums; Turkey has stimulated the production by offers of liberal land tenures to European planters; Italy has surveyed, mapped, intersected with roads, several millions of acres of her southern territory, with the view of bringing back her culture of the staple, under the encouragement of liberal grants of land; and England, in order to stimulate the production in Central India, has, in addition to the distribution to the Hindoo farmers of seed, tools, and information on the subject, given the cotton-fields of India access to the sea-board by railroads at a cost of $450,000,000.

Thirty-six states were represented at a convention of cotton-growers held in London in 1862, under the auspices of the Manchester Cotton Supply Association. The ground taken in that conspiracy against our industry rested on the proposition that we could never again produce cotton as cheaply as before; and that so long as the United States failed to grow it at a price less than twelve cents per pound, so long could the states represented in the conspiracy go on successfully in their attempt to drive us from the market! The nation may rest assured that unless our cotton fibers can be produced at some such rates as those by which they had reached their control of the market, they can never enjoy that control again. And a production so variable in its yield can never be maintained in healthy vigor anywhere under other conditions than those by which it had been maintained here—such a control of the market as shall cover any shortcoming in the crop by regulating its price.

The war waged upon our cotton culture by the governments and peoples of Europe cannot be met successfully save on the basis of our cotton triumph of the past—the basis of prices. If the uplands of the South are to be the scene of the conflict, their yield of from one-fourth to one-half of a bale to the acre brings us to trial so feeble that we must go down before the combination into which England and her allies have entered for our defeat. But the seven million acres to be brought into the uses of our cotton culture by the construction of the levees of the Mississippi present a battle-field on which that great combination for the ruin of the grandest triumph of American industry may be brought to a close in the victorious assertion once more of our supremacy in the cotton market. "The best cotton land in the world, capable of producing a bale to the acre," as those alluviums are very truly said to be by General Humphreys, so prolific is their production of the fabric—with the same amount of capital and the same amount of labor—that the exclusion of all rival producers from the market, and the destruction of all the capital invested in their production, will follow the establishment of our cotton industry in the unapproachable strength of the seven million acres which will be given for that national purpose by the construction of a complete system of levees on the Mississippi River.

Our cotton uplands are being denuded of their labor. The higher productiveness of our Mississippi lowlands giving higher remuneration, their conversion having therefore at its command abundant supplies of labor, may be expected to go forward with extraordinary rapidity, after the levees shall have thrown them open by reclamation to the uses of agriculture. And seven million bales whitening, before many years, the splendid territory now lying waste on either side of the Mississippi, would, at ten cents per pound, not only enable us to crush all rivalry in cotton production under our heels, but would at the same time add to the credit side of our international balance-sheet hundreds of millions per annum in gold.

Cheapness is a necessity of not only the maintenance of our cotton agriculture, but of also our cotton manufacture; for freight and handling, though sometimes like constant quantities, constitute, in reference to variations of price, varying percentages. As a tariff in favor of home production, they are greater in their operative power when the fabric is ten cents per pound than they are when it is twenty cents. Their effective force as an incidental protection of our cotton manufactures becomes greatest when the price of cotton is the least. Under this point of view there can be no doubt that the high prices of raw cotton bear injuriously on our exports of cotton fabrics. And in corroboration of this deduction, the fact may be cited that, while our exports of manufactured cotton amounted in 1860 to about eleven million dollars, they fell off in 1864 to less than one million and a half. In 1871 they had not rallied to over three millions and a half—one-third of their value in 1860.

Our cotton manufactures have lost under high prices of raw cotton an income from exports to the extent of seven millions a year. The proof which that loss points gives it an aspect still more serious to the interests involved directly in the production of cotton fabrics. It represents them in an attitude, not of expansion into the healthy life which can strike out into competition with the world, but of the sickliness that shrinks from that struggle, under the withering influence of high prices, into the dangerous condition of industrial existence which holds its vitality by the uncertain tenure of "protection." And the cotton manufacturers of the country have, therefore, lost not only seven millions of their income from exports under the operation of high prices of raw cotton, but they have entered under that operation on a footing that places their whole capital, so long as those high prices of the raw material hold, more or less at the mercy of oscillations in our political thought

Wheat, flour, and Indian corn entered into our exports of 1860 to the amount of $22,000,000. The consumption of those northern commodities in the cotton region having been arrested by the war, their export ran up from twenty-two millions in 1860 to seventy millions in 1861, to eighty millions in 1862. The wheat, flour, and Indian corn of the Western States, which were consumed in the cotton region in 1860, may therefore be set down, in general, at between fifty and sixty million dollars. The pork, the beef, the manufactures of wood, iron, &c., that were sold by the States of the West to the cotton producers of 1860, may be estimated at a very great amount when the consumption of western grain by these producers is seen in such strong evidence to have amounted to fifty or sixty million dollars. And thus, in addition to the general interest of giving out enormous amounts to our credit in our international account, does the reclamation of seven million acres of the "richest cotton lands in the world," by the construction of the Mississippi levees, promise to give the Western States that best of all markets, a home market, for their breadstuffs and their manufactures to an amount that may be held to sum up $150,000,000 per annum.

Water-power, though cheaper in first cost, is inferior for the uses of manufacture to steam Cotton, being the lighter of the two materials, must go at the bidding of economy to that producer of steam—coal. And in seeking the coal best suited for its conversion it will determine in favor, all things else being equal, of the coal nearest, easiest of access. Now, the reclamation of our immense areas of cotton land on the banks of the Mississippi is under this point of view, the initial step in an inevitable result—American supremacy in the production of cotton fabrics. With the raw material in unbounded supplies in one part of the river system of the Mississippi basin, and in an adjoining part of that system abundance of coal, abundance of breadstuffs, abundance of labor, all the conditions of economical production concur in declaring the throne of a future empire in the manufacture of cotton fabrics to be seated on the coal-fields of the West. The wonderful developments of civic population and industrial wealth in Great Britain have taken place on her coal-measures under the drawbacks of supplies and markets thousands of miles away, and there can be no doubt developments still more wonderful in the concentration of population and the increase of riches will follow on the coal-measures of Ohio, Indiana, Illinois, Missouri, &c., when, with the consumption of a continent at the doors of their cotton-mills, the raw material can be brought to them at the low cost of transportation over five or six hundred miles of inland navigation, in the abundance of supply whitening seven million acres behind the levees of the Mississippi.

The nation cannot consent to palter with her duties.

I now submit some further reasons, Mr. Speaker, in support of the proposition of the committee, taken from the report of the committee which I had the honor to make to this House on the 17th instant:

NEW SERVITUDE FROM STEAMBOAT WAVES.

The claim of the inhabitants of the delta for national aid rests upon much stronger grounds than mere prospective revenues and productions. These claims come in the form of reclamation. They are based upon the perpetual and ever-increasing attack upon the banks of the river and the levees by the passing commerce of no less than twenty-one States and five Territories, the most productive of the Union, that send their untold commerce down the river, and receive their imports in return. The steamers that transport this commerce send their resistless waves against banks and levees, lashing and abrading them almost without cessation. Our lower river hardly ever rests. One set of waves succeed another, and each finds its rest in the equivalent of its forces transferred to the banks and channel of the river. These

lashings and abradings, independent of the other causes, render the task of levee construction more and more oppressive yearly, until they have become intolerable. That this burden should be borne in part by those whose commerce attacks and batters them down is an axiom of equity.

MEASURE OF WAVE FORCES ON BANKS.

Let it first be observed that the forces started by a steamer plowing the waters are chiefly lateral. The bow of the vessel and the paddle-wheels throw up waves that cannot find movement except along the surface; and even when the paddle strikes downward, the displacement is lateral except at very short distances beneath the dip of the wheel. The force is felt downward only at the wheels or propeller, and these immediately react and run along the surface to the distant shores. And since the waters are indefinitely mobile among their particles, repose for displacement or violence can only be found against the walls of the channel. The total force exerted against the bank must be the same, whether diffuse or concentrated, though the abrasions will be materially different. Forces are never lost, though their facility of transmission is greatest in water and least in solids, such the as river bank. And since these banks are composed of material brought and laid down where they lie by these very waters, moving at a velocity of three feet per second, whenever the new forces brought to bear by greater velocity of wave or current attack these particles, they displace them and carry them down to lower lands.

Let us take an example. The steamer James Howard, of side-wheel construction and with 1,500 tons freight, passed up the river at near mean high-water gauge, at Carrollton, 12.5 feet, 3 feet below maximum. Her rate was about ten miles per hour against a current of four miles per hour, making a movement of her waves ten and four miles, equal to fourteen miles. The waves of practical value were oblique, 23° to her course on each side, and could be distinctly counted to about the fifteenth wave, and I added five for the confused, irregular waves that followed. Ten of these waves were nearly of the same height, and were measured by their rise on a rod and a drift-log that did not break them.

These waves averaged about 16 inches of height at 300 feet behind the vessel, and the remaining ten waves averaged less than half that height, say six inches. They were all delivered against the banks with the velocity of the steamer, plus the rate of the current, say fourteen miles per hour or 20 feet per second.

Without attempting to weigh this force by computing its dynamics from these data, we assume the tonnage of the steamer multiplied by her velocity gives the just practical result.

It is probable that the Howard's own tonnage is more than half her load, and that 2,300 tons would be the weight of boat and cargo. We have, then, 4,600,000 pounds delivered against the banks of the river at the rate of ten miles per hour, equal to 14.6 feet per second.

Now this force is repeated every length the vessel travels; and taking her length at 300 feet or 100 yards, the force is repeated 17.60 times in every mile. Thus the violence done to the banks and levees by one trip of the James Howard is measured by 4,600,000 pounds × 14.6 seconds × 17.60 for each mile of her travel. The aggregate force, then, that is abnormal, applied by this steamer, amounts in foot-pounds to 118,201,600 pounds=60,000 tons.

These quantities are so enormous as to be unappreciable to the mind unless illustrated by some familiar example.

A levee of 9 feet in height, by the recent formula of Humphreys and Abbot, with slopes of 2 and 3 to 1, contains 1,200 cubic yards in every hundred feet, and 3,000 pounds to the cubic yard. The 300 feet of levee, equal to the length of the James Howard, would weigh 10,800,000 pounds; *the force thrown against the levee or bank each trip* by the passing boat would be 68,160,000÷2=34,080,000 pounds; *more than three times the weight of the whole levee!*

Owing to the tenacity of the soil and materials of the banks of the river, these banks *do* stand these forces, repeated fifty times a day under many modified forms; and still they stand almost miraculously this fearful servitude.

But this is wholly abnormal, and chargeable to the commerce of the Mississippi Valley.

COMMERCE OF THE MISSISSIPPI RIVER.

It follows, from the conclusions of the last pages, that the entire tonnage of the river must be aggregated, in order to make up the account of the levees against the western country's commerce.

We are indebted to Judge W. M. Burwell, secretary of the New Orleans Chamber of Commerce, for the items relating to this commerce woven into this report.

TABLE I.

Arrived and cleared at New Orleans, 1871.

River crafts.	Trips.	Approximate tonnage.
Steamboats	6,344	160,000
Barges		10,000
Coastwise and foreign sail-ships	1,041	150,000
Steamships	1,094	60,000
Mississippi barge line, eight tugs and forty barges		32,000
Other barges on Mississippi and Ohio, exclusive of coal		32,000
Tonnage of vessels		444,000

TABLE II.

Products received.

	Tons.
Cotton, say 1,500,000 bales	375,000
Corn, say 4,000,000 bushels	121,000
Flour, 1,571,281 barrels	186,000
Tobacco, 25,000 hogsheads	28,000
Sugar, (home crop,) 140,000 hogsheads	154,000
Western provisions other than corn	50,000
Coal, (5,000,000 tons per flat-boats—make no waves, float on the current)	------
Other commodities—furniture, lumber, staves, laths, hardware, iron, &c	86,000
	1,000,000
Imports, $20,000,000, estimated at one-fourth other receipts	250,000
Total freights	1,250,000
Total vessels	444,000
Total movement	1,694,000

Thus the tonnage transported on the Mississippi in 1871, by *vessels producing waves*, amounts in the aggregate to 1,694,000. Every ton and every pound of this freight sent its corresponding ton of wave against our banks at an average velocity which, after some reflection, we have placed at six miles per hour = 8.8 feet per second.

To appreciate the effect of this prodigious force, we can but multiply the 1,694,000 tons by 8.8 feet per second, and it impels a force of 15,787,000 tons, running *currently* the entire line of our banks and levees of 2,000 miles, *every consecutive point receiving this force!*

It is incredible, thus, that in addition to the burdens the levees originally assumed of current lapse and occasional wind waves, the levees and banks of the Mississippi River should bear this servitude, and that the people who live along these river fronts should be able to bear the burden of rebuilding and repairing them forever.

Certainly a portion of this burden should be now assumed by those whose commerce forever attacks and batters them down.

No power but that of the General Government can reach a case so ramified and touching the interests of people in so many States.

A PERFECT LEVEE SYSTEM WILL IMPROVE THE NAVIGATION OF THE RIVER.

There is another view in which this subject commends itself to national consideration. Receiving the streams of twenty States and daily freighted with their rich argosies, the Mississippi River is essentially a national avenue of commerce, and everything tending to its safe navigation is a matter of extreme interest to the Government. There is no doubt that if we had an efficient system of levees from Cairo to the Gulf these dangers to navigation that now environ various points on it would cease to exist; and there is no practical engineer familiar with that river who would not agree that the best mode to make a safely navigable river would be to confine the water within embankments, and thus let it scour out its channel.

THE RELATIONS OF THE SOUTHERN RAILROAD SYSTEM TO THE RECLAMATION OF THE MISSISSIPPI VALLEY FROM INUNDATION.

The necessity of easy and safe transit across the Mississippi below the mouth of the Ohio is as great in the long future as above that point. Such is the dependence of the country in its new phase of material progress that it cannot dispense with or forego the utilities of railway connections everywhere. But with the annual inundations of the delta, railroads are impracticable. While there are some seventeen crossings above the delta, there are only three routes completed across the alluvium below in all the one thousand and eighty miles of the river's windings or the six hundred miles of length of the delta. And all these three have been in operation for a series of years, and have demonstrated the peril and disasters of railways beneath the level of the flood-waters. None of these are in original hands, having been whelmed in ruin by the floods. Railways are impossible on this basin unless the levees are kept up. Individuals and the State have done their utmost to keep them secure. No power but that of the General Government is capable of doing this. The Arkansas Central, the Memphis and Little Rock, and the Mississippi, Ouachita and Red River Railroads in Arkansas, and the North Louisiana and Texas Railroad in Louisiana, the latter the direct prolongation eastward of the Texas and Southern Pacific Railroad, are flooded annually by water that escapes from the Mississippi River in Arkansas. Louisiana could not if she would give the latter road protection from overflow even if her own levees were maintained. Thus the entire system of railroad connection between the Southern States east and those west of the Mississippi River is destroyed by the lack of jurisdiction and lack of a levee system of sufficient strength and continuity to restrain the river floods.

These considerations, these commercial statistics, these reasonings of science, of physical geography and of inexorable experience, are submitted with confidence; their logic is unanswerable and irresistible. We submit with these considerations to you, Mr. Speaker, and to you, legislators of a great nation, the plain and practical, the momentous question, Shall man or shall the floods possess the Mississippi delta? Will this great nation in its aggregate capacity, the very symbol of enterprise and almost sublime mastery over the physical obstacles to the dominion of industry on this continent; can you, in view of your past traditions, your green laurels of triumph earned by scaling mountains with the iron horse, and your flash of intelligence over mountains and under the seas, giving omnipresence to news and to thought; can you, I say, suffer the great delta of your central river, the most fertile area on earth, the very Eden of production, to be remitted to the dominion of the floods and set apart for the home of alligators? No; a thousand times no.

The cry for help comes up from a line of more than fifteen hundred miles of river-front levees, and from

MORE THAN FIVE HUNDRED ADDITIONAL MILES

are required; from the millions who cultivate in their rear or stand ready to enter the fertile fields; from the six great States of Louisiana, Mississippi, Arkansas, Missouri, Tennessee, and Kentucky.

The cause is eminently national, and to this great nation we appeal with confident expectation that its powerful arm, now released from all duties but those of peace, good will, enlightenment, and civilization, will at once be extended to the rescue of the noblest area of fertility ever redeemed for the habitation of man.

Mr. FORT. I desire to move an amendment.

Mr. MOREY. I will yield to hear it read.

Mr. WILLARD, of Vermont. I understood that this bill was open to amendment as a matter of course, and it was upon that understanding that I withdraw my objection to its consideration in the House.

Mr. FORT. I move to amend by striking out the second section of the bill, and by amending the first section so that it will read as follows:

That the President be, and he is hereby, authorized and directed to assign two officers of the Corps of Engineers, United States Army, to serve as a board of commissioners. It shall be the duty of said commissioners to make a full report to the President of the best system for the permanent reclamation and redemption of said alluvial basin from inundation, which report the President shall transmit to Congress at its next session with such recommendations as he shall think proper.

That strikes out all relating to the appointment of civilians upon this proposed commission.

Mr. KASSON. I hope the gentleman will leave one civil engineer to be appointed on this commission. I think there should be one.

Mr. FORT. Very well; I will accept that suggestion, and will move to amend the bill so as to authorize the President to appoint one civil engineer instead of three, as now proposed by this bill.

Mr. RANDALL. I would suggest that you make a commission to consist of three Army officers and two civilians.

Mr. FORT. That is too many.

Mr. RANDALL. I do not think five men can more than do this work in the time allotted by this bill.

Mr. FORT. There is hardly an Army officer, I suppose there is none who has been educated at West Point, who is not a good engineer. Many of them are unemployed and can be engaged in this way as well as otherwise.

Mr. MOREY. I desire to say this in opposition to the amendment: I agree to the suggestion made by the gentleman from Pennsylvania, [Mr. RANDALL,] a member of the committee, that the United States Army engineers shall constitute a majority of the commission; that is, that there shall be three United States engineers and two civilians. The gentleman from Illinois [Mr. FORT] is certainly mistaken when he says that there are engineers now in the Army without employment. On the contrary, the fact is that all of the United States engineers are employed, and the Engineer Department is now employing civilian engineers to do the duty of engineers of the Army, because their force is not sufficient.

Now, an objection to limiting the number of civil engineers to one. I will concede that all engineers, as soon as they graduate from West Point, have a theoretical knowledge of engineering; in other words, they are ready to commence to learn something, and that is all. But it has taken years of study and devotion to business by eminent engineers of this country to become at all acquainted with the engineering difficulties that are presented in the reclamation of the alluvial lands of the Mississippi River. General Humphreys and General Abbot gave the best part of several years of study to this question before they thought that they apprehended it at all.

We have in the country some very eminent engineers who have made the subject of the reclamation of this valley a life-long study. I think it would be in the interest of the Government, in the interest of economy, in the interest of a thorough presentation of this subject to Congress at its next session, that we should avail ourselves of the knowledge and experience of those civil engineers. While it may be proper that the engineers of the Army should be in the majority on this commission, I think we should have at least two out of the five appointed from civil life.

Mr. RANDALL. I move to amend the amendment so as to provide that the commission shall consist of three Army and two civil engineers.

Mr. WILLARD, of Vermont. I think the attention of the House should be called to this measure, for while it is but a small appropriation of money now, it is certain to inaugurate a new policy in respect to the levees of the Mississippi River. So far as the General Government is concerned it evidently looks toward an appropriation of money, and perhaps in the end a large appropriation of money, of many millions of dollars, out of the Treasury of the United States for the levees of the Mississippi River. So far as I am acquainted with the history of the Government that is an entirely new policy, one which has no kindred in any previous legislation.

The Mississippi River is a great natural highway of commerce, and the power given the General Government over commerce between the States undoubtedly gives to the General Government the right to control the Mississippi River, so far as it is necessary, to the end that it may be a good highway for that commerce. But this bill does not contemplate any improvement of the river for the benefit of commerce; it only contemplates a Government superintendence and expenditure for these levees for the benefit of the agricultural portion of the Lower Mississippi Valley. The language of the bill is that "it shall be the duty of said commission to make a full report to the President of the best system for the permanent reclamation and redemption of said alluvial basin from inundation," looking thus wholly toward an improvement of the alluvial basin of the river by restraining the flood that periodically overflows the banks. I am wholly unable to see under what provision of the Constitution any power is given to Congress to appropriate money for such a purpose as this; and I confess that I have been somewhat amazed during this session to see how little consideration seems to be given to propositions calling for large amounts of money for these new, untried, and strange methods of expenditures.

Now, sir, the remarks which I make are not rested at all upon any doubt as to whether the alluvial basin of the Mississippi River may not be improved by a better system of levees than the present. I have no doubt it may be. But our Government has been in operation between eighty and ninety years, and the Mississippi River has been pouring its flood to the Gulf during all that time; it has annually been overflowing its banks and enriching all this basin, as the flood of the Nile enriches the alluvial basin of that river; and it has made that basin the richest probably as an agricultural region of any part of the United States. Yet I am not aware that up to this time the proposition has been seriously considered here of the power or the right or the duty of the Government to take charge of this work at the expense of the tax-payers of the whole United States.

I had supposed that there was some limit to the purposes for which money could be appropriated rightfully out of the Treasury of the United States. I am aware that some statesmen have urged that the provision of the Constitution known as the "general-welfare" clause is broad enough to authorize Congress to appropriate any money which in the judgment of Congress had better be appropriated. I know further, Mr. Speaker, that there is now growing a political doctrine which is finding many converts in the democratic party as well as in the republican party, which not only advocates "nationalizing," as the expression is, the United States, but centralizing power in the General Government of the United States, and favors appropriating money out of the Treasury of the United States for all sorts of purposes; in other words, doing everything for everybody at the expense of the tax-payers of the United States.

Only yesterday I had the honor to call the yeas and nays on a proposition looking to water communication by canals, and an expenditure of money that very likely might reach $500,000,000, if all the projects that are even pending before this Congress could be fairly measured in money; and when that call was made, I found, very much to my surprise, the great body of the democratic party in this House voting for the proposition, while the larger portion of the nays came from the republican side, who it seems to me are now more especially and emphatically believers in the old notion that the States of this Government have some obligations resting upon them, and that the General Government is a Government of limited powers.

But, sir, we find this spirit cropping out not only in such a measure as this, but also in the matter of the currency, the idea being that the General Government must furnish money for all the people of the United States; that it must not only print it, but, by agencies like those this bill contemplates, must look forward to its general distribution among all the citizens of the Union. It must build levees on the Mississippi River; and the tax-payers of New England must contribute toward paying the charges for those levees. It must build canals along the Gulf to connect the Mississippi with the Atlantic, in order, as is said here, to furnish cheap transportation; and sections of the country that receive no benefit whatever from such appropriations of money are to pay their share of the expenditure. We have projects here for building railroads which must be local in the benefits they confer; yet it is said they ought to be a public charge in the interest of cheap transportation. Thus we have day after day a multiplication of these projects which must ultimately be a heavy charge to the public Treasury, but which can only in any event benefit individuals or localities.

As I have already said, I am totally unable to see any constitutional warrant for appropriating money for any such purpose as this. And behind that, if there were power in Congress, under the Constitution, to make such an appropriation, I confess it seems to me unequal and unjust that a section of country which, while not public property at all, is to be reclaimed by means of this expenditure, should receive such benefit at the public cost, paying only its own small contribution toward the outlay.

Mr. KASSON rose.

Mr. WILLARD, of Vermont. I ask the gentleman to allow me to go on at present without interruption.

Now, Mr. Speaker, we started out at this session with a determination on all hands that we would cut down expenditures, not merely the expenditures for $900 clerks in the Departments, not merely the expenditures in the various Bureaus, not merely by putting a stop to the practices by which money is fraudulently and corruptly taken out of the Treasury of the United States, but that we would lessen the whole expenditures of the Government which the people are called upon to bear in the way of taxation. Yet while we started this session with such a determination, it seems to me we have gone on discovering new methods of expenditures which look hereafter to larger appropriations and to greater drains upon the public purse than any the country has been called upon to bear in its former history. We have projects pressed here day after day upon the attention of Congress which are calling for money to be appropriated by hundreds of millions; and I am not surprised, Mr. Speaker, when we find this general desire to pay everybody's expenses out of the Treasury of the United States, there should accompany it a determination that it is idle to talk about getting back to specie payments; for when that good time comes when every one is to have what he wants and the United States are to foot the bills, we cannot get the money into the Treasury to pay our expenses by any system of taxation, and they must therefore be paid, if at all, by forced loans which are imposed upon the people by the issue of an irredeemable paper currency.

I will yield now to the gentleman from Iowa to make his statement as to where he gets his constitutional power for this legislation.

Mr. KASSON. I wish to say to the gentleman, who has wandered from the particular question to his usual speech, and it is a very good one, on economy, and who has now got down to the question of currency, that I propose to call back his attention to one point which is certainly a proper one for his consideration, and that is, in what way this proposition can be connected with the power given under the Constitution. If he had traveled the length of the Mississippi River or would investigate for himself the relations of this western coun tr——

Mr. WILLARD, of Vermont. I have done so.

Mr. KASSON. But the gentleman must have slept most of the way. I wish to say that we have been appropriating money within the last three days in consequence of the inundation of the Mississippi River by breaks in the levees which it is now proposed to inquire about. That is only by the way, however; for the real question is that a system of levees, to be perfect, must be made in several different States, and must be made either by the several States in co-operation, or by the General Government, or by the States separately.

I do not propose to commit myself or to commit others in supporting this bill to the doctrine that the United States is to carry out this work, No State, according to the Constitution, and I will read the exact words: "No State shall, without the consent of Congress, enter into any agreement or contract with any other State." Now, to make a complete system of levees you have either to have it done by the United States, or by an agreement between the different States which are affected, or by each State building its own levees. This is simply to inquire and report upon the best method of making such a complete system of levees. Upon such report being made the States can base their agreements with each other and obtain the sanction of Congress. For that reason, if for no other, I should urge upon the House the adoption of the provisions of this bill, that the States may have a basis upon which to come to Congress and ask for its sanction for the agreement entered into between them.

Mr. WILLARD, of Vermont. I only yielded for what I supposed to be a question, and it has grown into a speech; I have not said all that I have to say on this question. I will give way to the gentleman from Ohio [Mr. GARFIELD] to move to go into Committee of the Whole on the appropriation bill.

Mr. RANDALL. I have an amendment pending providing for a commission of three Army officers and two civil engineers.

The SPEAKER. The bill goes over until the morning hour tomorrow.

COURTS OF UTAH.

Mr. POLAND, by unanimous consent, from the Committee on the Judiciary, reported a bill (H. R. No. 3089) in relation to courts and judical officers in the Territory of Utah; which was read a first and second time, ordered to be printed, and recommitted.

DUPLICATE LAND SCRIP.

Mr. TOWNSEND, by unanimous consent, from the Committee on the Public Lands, reported a bill (H. R. No. 3090) to authorize the issue of duplicate agricultural land scrip where the original has been lost or destroyed; which was read a first and second time.

The bill was read. It provides that the provisions of the act of Congress of the 23d of June, 1860, relating to reissue of land warrants in certain cases, shall be extended so as to include the reissue of agricultural land scrip lost, canceled, or destroyed without the fault of the owner thereof, under such rules and regulations as the Secretary of the Interior may prescribe.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. TOWNSEND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REMOVAL OF DISABILITIES.

Mr. ARCHER. The bill (H. R. No. 2885) to remove the disabilities of David Telfair, of North Carolina, and Charles H. McBlair, of Maryland, comes back from the Senate with an amendment striking out the name of Mr. Telfair. As it stands now it simply relieves Mr. McBlair. I ask that the amendment of the Senate be concurred in.

The amendment of the Senate was concurred in.

The title of the bill was also amended by the Senate so as to read, "An act to remove the disabilities of Charles H. McBlair, of Maryland."

The amendment was concurred in.

IMPROVEMENT OF MOUTH OF MISSISSIPPI RIVER.

Mr. McCRARY. The Chair will remember that by order of the House the bill (H. R. No. 2342) in relation to the improvement of the mouth of the Mississippi River was made a special order for this day at this hour, half-past one o'clock. Since that bill was reported the House has made an order allowing the gentleman from Louisiana [Mr. SHELDON] to offer a substitute for it. Only this morning the Secretary of War has sent a communication to the House in relation to this subject, accompanied by a report of the Chief of Engineers. It is the desire of the Committee on Railways and Canals to have the general subject, including both the propositions, further considered by the committee, and I therefore ask the House that the bill and the substitute be recommitted to the Committee on Railways and Canals, with leave to report at any time, but not so as to exclude reports of the Committee on Appropriations. Our desire is simply that it shall retain the status it now has before the House.

The SPEAKER. The Chair would suggest to the gentleman that he will most readily accomplish his object by entering a motion to reconsider the motion to recommit.

Mr. McCRARY. I wish to move that the committee have leave to report back the bill at any time.

The SPEAKER. If the gentleman enters a motion to reconsider, the bill can be brought up at any time.

Mr. McCRARY. Then I enter that motion.

The bill and substitute were accordingly recommitted to the Committee on Railways and Canals with the motion to reconsider pending.

RELIEF OF SUFFERING IN THE SOUTH.

Mr. ALBRIGHT. The bill that was passed by the House a few days since (H. R. No. 3029) to provide for the relief of the persons suffering from the overflow of the Lower Mississippi River comes back from the Senate with an amendment. The amendment of the Senate simply limits the operation of the act to the 1st of September, 1874. I ask that by unanimous consent the bill may now be taken from the Speaker's table and the amendment of the Senate concurred in.

There being no objection, the bill was taken from the Speaker's table; and the amendment of the Senate was read, as follows:

At the end of the bill add the following: "This act shall expire on the 1st day of September, 1874."

The amendment of the Senate was concurred in.

NAVAL ACADEMY.

Mr. GOOCH, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the present organization, course of study, and discipline at the Naval Academy at Annapolis, and to report what changes, if any, are necessary to promote greater efficiency in the management of the same; and for this purpose the committee is hereby authorized and instructed to visit the Naval Academy, and confer with the Superintendent and present corps of instructors.

Mr. GOOCH moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 2675) granting a pension to Mrs. Elizabeth J. King; and

An act (H. R. No. 2667) to enable the Secretary of the Treasury to gather authentic information as to the condition and importance of the fur trade in the Territory of Alaska.

RAILROADS IN THE TERRITORIES.

Mr. STEELE. I ask unanimous consent to take from the Speaker's table the bill (S. No. 378) for the regulation and incorporation of railroad companies in the Territories of the United States, that it may be referred to the Committee on the Public Lands and printed.

Mr. McCRARY. I ask the gentleman to allow it to be referred to the Committee on Railways and Canals.

Mr. STEELE. The subject is now before the Committee on the Public Lands, and I presume that they will claim the right to consider it, as the bill grants the right of way over the public lands of the United States.

Mr. DUNNELL. All bills of this kind go to the Committee on the Public Lands.

Mr. McCRARY. The mere granting of the right of way through the public lands is the smallest part of the bill. It is a general incorporation act for railroad companies in all the Territories.

Mr. DUNNELL. This matter has already been before the Committee on the Public Lands.

Mr. GARFIELD. I cannot yield further if the bill is to give rise to debate.

The SPEAKER. Objection being made, the bill remains on the Speaker's table.

PRESERVATION OF TIMBER.

Mr. DUNNELL. I ask unanimous consent to report back from the Committee on the Public Lands, for present consideration, the bill (H. R. No. 2540) for the appointment of a commission for inquiry into the destruction of forests and into the measures necessary for the preservation of timber.

Mr. KILLINGER. I object.

ORDER OF BUSINESS.

Mr. GARFIELD. I now move that the House resolve itself into Committee of the Whole, to resume the consideration of the legislative, executive, and judicial appropriation bill; and pending that motion I move that all debate on the pending paragraph shall be closed in ten minutes.

The motion to close debate in ten minutes was agreed to.

The motion that the House resolve itself into Committee of the Whole was also agreed to.

BAR OF THE SABINE PASS.

The SPEAKER laid before the House a letter from the Secretary of War, in relation to deepening the bar of the Sabine Pass, in the State of Texas; which was referred to the Committee on Commerce, and ordered to be printed.

CLAIM FOR SERVICES TO THE GOVERNMENT.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to the claim of the persons named in House

bill No. 1566, for compensation on account of services alleged to have been rendered to the Government; which was referred to the Committee on Claims, and ordered to be printed.

CAPTAIN PATRICK H. BRESLIN.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to the dismissal of Captain Patrick H. Breslin, Eighteenth Infantry, and now first lieutenant Fourth Infantry; which was referred to the Committee on Military Affairs.

MRS. MARY E. TWIFORD.

The SPEAKER also laid before the House a letter from the Secretary of War in relation to the claim of Mrs. Mary E. Twiford, of Ocean View, near Norfolk, Virginia; which was referred to the Committee on War Claims, and ordered to be printed.

DEFECTIVE ACTS OF CONGRESS.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to defects in the acts of June 14, 1866, and July 8, 1870, and to secure the punishment of any one who shall aid and abet, &c.; which was referred to the Committee on Military Affairs, and ordered to be printed.

EDUCATION AT WEST POINT.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to a communication from the President of the Argentine Republic, expressing a desire to have educated at the Military Academy at West Point, at its expense, four or six young men graduates of the military school established by the Argentine Republic; which was referred to the Committee on Military Affairs, and ordered to be printed.

CLAIM OF F. LEE AND C. T. DUNBAR.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting the memorial of Franklin Lee and Charles T. Dunbar, for payment of $24,009.50 for blasting and removing rocks from Ashtabula Harbor, Ohio; which was referred to the Committee on Claims, and ordered to be printed.

PROTECTION OF TEXAS FRONTIER.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to House bill No. 1590, to provide for the better protection of the frontier settlements in Texas against Indian and Mexican depredations; which was referred to the Committee on Military Affairs, and ordered to be printed.

PRIVATE LAND CLAIM.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting, in compliance with the act of July 22, 1854, the report of the surveyor-general of New Mexico on the land grant to Doña Aña colony, being private land claim No. 85, for the tract known as "Doña Aña Bend," in New Mexico; which was referred to the Committee on Private Land Claims.

ARMY ANNUITY SOCIETY.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to the formation of an Army mutual survivorship annuity society; which was referred to the Committee on Military Affairs.

HIRAM PRATHER.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to Senate bill No. 1591, for the relief of Hiram Prather, late lieutenant-colonel Sixth Regiment Indiana Volunteer Infantry; which was referred to the Committee on Military Affairs.

CLAIMS FOR INDIAN DEPREDATIONS.

The SPEAKER also laid before the House communications from the Secretary of the Interior, transmitting, in compliance with the act of May 29, 1872, claims of the following parties for Indian depredations:

Isaiah Buchanan, Richard F. Piatt, Harry T. Sadones, and James Bryden, Evans, Nichols & Co., Duncan Blair, Thomas S. Brooks & Co., and James Baker.

The communications were severally referred to the Committee on Indian Affairs.

JOB SPENCER AND JAMES R. MEAD.

The SPEAKER also laid before the House a letter from the Secretary of the Interior in relation to the bill (H. R. No. 1331) for the relief of Job Spencer and James R. Mead, for supplies furnished the Kansas tribe of Indians; which was referred to the Committee on Indian Affairs.

THE DELAWARE INDIANS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, in relation to an appropriation to pay the Delaware tribe of Indians the value of twenty-three sections of land given them by the treaty of July 4, 1865; which was referred to the Committee on Indian Affairs.

LEAVE OF ABSENCE.

On motion of Mr. BELL, by unanimous consent, indefinite leave of absence was granted to Mr. STEPHENS.

Leave of absence was granted to Mr. LOFLAND for ten days.

WITHDRAWAL OF PAPERS.

On motion of Mr. CHIPMAN, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Mary S. Holmead, no adverse report having been made thereon.

On motion of Mr. COX, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Glover & Mather, for the purpose of reference in the Senate.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The House then resolved itself into the Committee of the Whole on the state of the Union, (Mr. WOODFORD in the chair,) and resumed the consideration of the bill (H. R. No. 2064) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes.

The pending paragraph was that making appropriations for the Commissioner of Internal Revenue, Treasury Department.

The CHAIRMAN. By order of the House all debate on the pending paragraph is limited to ten minutes.

Mr. RANDALL. I move to amend the paragraph by striking out in line 476 the word "forty," and inserting in lieu thereof the word "thirty;" and by striking out in line 477 the word "forty," and inserting in lieu thereof the word "thirty;" so that it will read:

Thirty-three clerks of class three; thirty-two clerks of class two.

That provides for a reduction in these two classes of clerks of twenty. The force employed in this office in 1866, as is shown by the statement inserted in the RECORD of this morning at the instance of the gentleman from Kentucky, [Mr. BECK,] was one hundred and ninety-three, including the Commissioner. Now, sir, the last fiscal year, ending June 30, 1873, showed an increase of one hundred; they had a force of two hundred and ninety-three, or an increase between the two years of 33 per cent.

Now admitting the force of all that was stated here yesterday—from part of which I dissent—by the gentleman from Kentucky, [Mr. BECK,] and all the commendations upon this officer by the gentleman from Massachusetts [Mr. DAWES] and the gentleman from Ohio, [Mr. GARFIELD,] I say that eighty clerks ought to be a sufficient increase over the number of clerks employed in 1866, and ought to answer all purposes.

And now my amendment proposes simply to reduce the number twenty—from one hundred to eighty. And I am advised that this number of clerks can be readily dispensed with at a saving of $30,000 a year to the Government.

The question was taken upon the amendment moved by Mr. RANDALL; and upon a division there were—ayes 29, noes 81; no quorum voting.

Tellers were ordered; and Mr. GARFIELD and Mr. RANDALL were appointed.

The committee again divided; and the tellers reported that there were—ayes 28, noes 121.

So the amendment was not agreed to.

Mr. GARFIELD. The Committee of the Whole on yesterday restored a deputy commissioner. There should have been two deputy commissioners provided for in the bill, and but one was in the printed copy, and I asked the Committee of the Whole to add another. I find upon reference to the law that there were two classes of deputy commissioners, one receiving $3,500 a year and the other $3,000. On yesterday the Committee of the Whole added one at $3,500. I ask consent to modify the paragraph so as to provide for one deputy commissioner at $3,500 and one at $3,000 a year.

Mr. HOLMAN. Are those the salaries as they stood in 1872?

Mr. GARFIELD. Precisely the same. We made a mistake on yesterday in putting both deputies at $3,500.

The amendment was agreed to.

Mr. DUNNELL. I move to strike out $3,500 and insert $2,500 as the salary of the deputy commissioner. I understand that the salary is not now fixed by law, simply by the appropriation bill.

Mr. GARFIELD. The gentleman is mistaken; it is here in the law.

Mr. DUNNELL. I wish to make a single remark.

The CHAIRMAN. Debate on this paragraph has been exhausted.

Mr. DUNNELL. Then I withdraw the amendment.

The Clerk resumed the reading of the bill, and read as follows:

For dies, paper, and stamps, $400,000.

Mr. RANDALL. I wish to have a little explanation about this. I find by reference to the law that we appropriated this amount last year for this purpose. I find in the Fifth Auditor's report that the amount expended was $640,000 and more. I should like to have that discrepancy explained.

Mr. GARFIELD. If the gentleman desires an explanation——

Mr. RANDALL. I do, undoubtedly. The expenditure of last year was $200,000 and more in excess of the appropriations.

Mr. GARFIELD. The increase was caused by the change of the law providing that internal-revenue taxes should be nearly all paid by stamps. That required a large appropriation to supply the necessary amount of stamps. The old dies were very much worn, and new dies had to be made for nearly all the stamps.

Mr. RANDALL. Where did the money come from which was spent in excess of the appropriation?

Mr. GARFIELD. I do not know that I heard the gentleman's statement entirely, there is so much noise about me.

Mr. RANDALL. I stated that there was $400,000 appropriated last year, and according to the Fifth Auditor's report there were $640,000 expended.

Mr. GARFIELD. I suppose it came over from the year before.

Mr. RANDALL. I think this subject deserves a candid explanation.

Mr. GARFIELD. Certainly. The Commissioner was before the Committee on Appropriations and explained that he had a large amount of stamps on hand, and that he found it unsafe not to have a supply of stamps for four or five months ahead. Therefore he inaugurated that plan so as not to be at a loss for a sufficient amount of stamps. It does not follow that because an amount appears in one year's statement that the expenditure was made in that year.

Mr. RANDALL. This Fifth Auditor's report says that the amount paid in that year was so much.

Mr. GARFIELD. Certainly; but not necessarily for work done in that year.

Mr. RANDALL. It seems to me that such an enormous discrepancy as that might be more satisfactorily explained.

Mr. GARFIELD. There may have been a deficiency. I do not recollect about that now.

No amendment being offered, the Clerk resumed the reading of the bill, and read the following:

For salaries and expenses of collectors, $1,990,542.

Mr. RANDALL. According to the Auditor's report the amount appropriated last year was $1,990,542; the amount expended was only $1,585,476.28. Now here is a proposed increase over the expenditures of last year of $405,065.72. I would like to know why this enormous increase is proposed.

Mr. GARFIELD. The gentleman will remember that last year we made the appropriation in a lump, not in separate items. We appropriated $4,600,000 for salaries of assessors, collectors, &c. This year we have tried to itemize a little, and have divided the amount into two sums—the one $1,590,542, and the other $2,600,000.

Mr. RANDALL. I will show you in a moment that both are in excess of last year.

Mr. GARFIELD. We propose to appropriate about $10,000 less this year than we appropriated last year.

Mr. RANDALL. The increase in the next paragraph is $900,000; the two together make $1,300,000.

Mr. GARFIELD. But the two together are $10,000 less than the whole sum appropriated for both purposes last year.

Mr. RANDALL. Not according to the Fifth Auditor's report.

Mr. GARFIELD. I go by the appropriation law.

Mr. RANDALL. So do I; and I come into direct collision with the gentleman.

Mr. GARFIELD. I cannot help what the Fifth Auditor says. I hold in my hand the appropriation law of last year, and I read from the tenth page:

For salaries and expenses of collectors, officers and agents, surveyors of distilleries, gangers, and store-keepers, together with the expense of carrying into effect the various provisions of the several acts providing internal revenue, excepting items otherwise estimated for, $4,600,000.

Mr. RANDALL. I want to say to the gentleman that it is impossible for the Fifth Auditor to be mistaken. Here is the column which embraces every expenditure—"compensation," "stationery," blank-books," "express and dep. money," "advertising"—giving the total expense first in each State and Territory, and then the aggregate of all the States and Territories; and the total is $1,585,476.28. Then I find this paragraph in the bill appropriating $1,990,500—an excess of $405,000.

Mr. GARFIELD. How much do the two items make in the Fifth Auditor's report?

Mr. RANDALL. Those two paragraphs make $1,300,000 of excess asked for in this bill over what was expended last year.

Mr. GARFIELD. Now the gentleman knows very well that at the time the Fifth Auditor makes his report, it is not to be presumed that he has received all the accounts from all parts of the country. The last quarter's accounts could not have come in at that time. I am comparing appropriation bill with appropriation bill. The question is, how much are we giving this year in comparison with what we gave last year? I say we are giving $10,000 less in the two items. I do not care whether the Fifth Auditor had received one-half or three-fourths of his accounts. The only question is the relative appropriation. Of course no Fifth Auditor can be supposed to have received all his accounts from all the districts of the country, in complete order, by the month of October.

Mr. RANDALL. But, as a general proposition, the expenditure of one year overlaps as much as that of another.

Mr. GARFIELD. That rule does not work. The Auditor made his report for the year as far as it had gone.

Mr. RANDALL. But we are making appropriations for the year; and I have shown that for the last year the expense was only one million and a half of dollars, while we now propose to appropriate for the same purpose $1,900,000.

Mr. GARFIELD. In the report to which the gentleman refers, has he taken anything except the cost of collecting?

Mr. RANDALL. I have not, of course, because the next paragraph embraces everything else.

Mr. GARFIELD. But does not the gentleman remember that the cost of assessing is also to be considered?

Mr. RANDALL. That only argues against the gentleman's own case; for the assessors have been abolished, and therefore the reduction should be greater.

Mr. GARFIELD. But the cost of assessing is kept in a separate account.

Mr. RANDALL. Everything embraced in this item of the bill I embrace in my statement. I cannot be mistaken.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. RANDALL] offer an amendment?

Mr. RANDALL. Yes, sir. I move to strike out $1,990,542 and insert $1,600,000.

Mr. WILLARD, of Vermont. Without entering into this controversy I wish to ask the chairman of the Committee on Appropriations whether it is understood that the consolidation of districts which has been provided for by law is going on or whether it is suspended?

Mr. GARFIELD. We understand it has been made so far as is proposed at the present time. It will be remembered that we reduced the cost of this branch of the service by one million and a half of dollars last year in consequence of the arrangement for consolidating the districts.

Mr. RANDALL. And yet you want more money?

Mr. GARFIELD. We do not want more money; we ask for less.

Mr. RANDALL. I say you are asking for more than has been expended the last year for this item.

Mr. GARFIELD. I find it is no use to talk to the gentleman.

Mr. RANDALL. The gentleman cannot answer my point.

Mr. GARFIELD. Is it any of my business or the business of this House if all the accounts had not been brought in to the Auditor?

Mr. RANDALL. It is your business, as chairman of the Committee on Appropriations, when I show a discrepancy of this sort to explain it.

Mr. GARFIELD. I have not only explained it, but more than explained it. I say to the gentleman that this Committee of the Whole is to consider the appropriations asked for this year as compared with the appropriations of last year; and when the gentleman brings up the report of an Auditor who made his report long before all the accounts had come in, and not including the cost of assessing, is this committee to be told that the appropriations proposed in the bill are excessive because they exceed the unfinished and incomplete accounts of that officer?

Mr. RANDALL. I gave the figures for the year ending June 30, 1873, which are the only official figures I can reach. The gentleman knows that the present fiscal year has not yet expired. We therefore cannot get at the figures with accuracy as to the current year, or to the same extent we get them for the last fiscal year. I show, then, by the figures for the last fiscal year, before the abolishment of the assessors, which of right ought to have reduced the amount, that during that period there absolutely was expended $400,000 less than you now ask for. Therefore it is I propose to reduce this amount some four hundred thousand dollars, so as to reach the same point for the next fiscal year.

Mr. BECK. I desire to say a word or two, if I may be allowed to do so.

The CHAIRMAN. The gentleman from Vermont is entitled to the floor.

Mr. WILLARD, of Vermont. I wish only to put two or three questions for the purpose of getting some information on this subject. In the first place I believe it was understood there was to be a consolidation of these collection districts. I am told some half a dozen or more have been consolidated. Perhaps the number is very much greater, and if the gentleman has any information on that point I should like to have it. I should like to know further whether there is to be any reduction by law in respect to the payment of expenses for collection of the revenue. This seems to be a great deal in the way of allowances for the expenses of collection to be left discretionary with the Commissioner of Internal Revenue. Now does the gentleman understand, or is it the purpose of the Ways and Means Committee, that there is to be any additional legislation affecting this matter which would be likely to reduce these salaries and expenses?

Mr. GARFIELD. The gentleman will remember that in the bill which was passed last year it was provided that the total compensation of the collectors of internal revenue should thereafter in no case exceed $4,500 per annum. That law is in operation now, and has been the means of reducing this expense to a large amount. I understand there are twenty-five less collection districts since the consolidation took place.

Mr. WILLARD, of Vermont. Is it left discretionary with the Commissioner of Internal Revenue as to whether this amount shall be expended in the way of expenses for the collection of the revenue?

Mr. BECK. Mr. Chairman, I believe there can be a reduction in this item, but how much I do not know. The cost of collection last year was, as stated by the Commissioner in the table which I had inserted in the RECORD this morning, $1,998,000.

Mr. HOLMAN. For the current year?

Mr. BECK. I mean for the current year.

Mr. RANDALL. A part, then, is only an estimate.

Mr. BECK. Of course it is an approximation, but it is as near as we can come to it. It will be $1,989,000. I have no doubt, although

I do not know the fact; the Auditor's report according to its own language as I understand it—I may be mistaken, not having examined it carefully—shows payments made for assessments only, not for collections, giving payment by that office for the year ending June 30, 1873. The tabular statements read must have applied to warrants drawn on that office up to the day the statement was made.

But the trouble is this: in every collection district in this country there is a very large force of clerks, deputy and assistant collectors, and other machinery which is very expensive. A good many of these subordinates the Commissioner thought could be dispensed with and he so stated, as he told the sub-committee of the Committee on Ways and Means, to many members of Congress and submitted their respective districts to their supervision, asking them if it could not be done. He applied to his supervisors to know how far they could further reduce expenses. In that regard I believe, with one or two exceptions, every gentleman insisted in his own particular district that the officials were reduced down as low as they could be. It appeared to us in the examination we made that in very many districts there were supernumerary clerks kept in office in spite of the Commissioner by members of Congress insisting they should be kept; and while every one was willing to cut his neighbor's district down, no man was willing to cut down the expenses of his own. There is the trouble in the matter. If you can, by cutting down the appropriation, force or make these collectors cut down the number of their supernumeraries in the districts generally, we will be able to cut down the total of expenses. I believe from the examination we made that can be done, and if gentlemen in this House would not be so urgent in their demands on the Commissioner to keep men in position in their respective districts who are their political friends, it could be cut down largely and the business conducted just as well as it is now. Until you do cut it down, or force it to be done by withholding appropriations, it will be impossible for the Commissioner to reduce the expenses of collection much, if any, below the sum proposed.

Mr. BURCHARD. Mr. Chairman, I am unable to say to the committee what should be the exact amount appropriated under this head. As the chairman of the Committee on Appropriations said, a year ago we appropriated the same amount as proposed in this bill. The gentleman from Pennsylvania [Mr. RANDALL] insists that is too much, because, on examination of the Fifth Auditor's report, he finds there was not paid for the fiscal year 1872–'73, ending June 30, 1873, as much as is proposed in this item for the internal revenue. Now, it will be remembered by the committee that during a portion of that fiscal year we were acting under the old law, and that during the latter part, from the spring of 1873 until June, we were acting under the present law. The law to which I refer legislated out of office all the assessors and assistant assessors and transferred a portion of their duties to the collector and his deputies.

Prior to the passage of that law the collector had a salary of $1,500 and a certain percentage. Since the passage of that law he is paid the same salary of $1,500 and a portion of the percentage allowed to the assessors, with the limitation that in no case shall his salary exceed $4,000. Now this imposes on the collector and his deputies additional duties that were heretofore performed by assistant assessors, and consequently a larger amount is required to be paid to those officers and their deputies than there was paid prior to the passage of that law. But notwithstanding that, we have saved the amount mentioned by the gentleman from Kentucky, nearly $2,000,000.

Formerly the revenue collectors in some counties would collect for a merely nominal sum of two or three hundred dollars. That would be a sufficient compensation for the performance of the duty. Now those same officers, who have to perform also the duties of assessor, looking after the collection of special taxes, &c., have necessarily to be paid a larger sum, and for that reason the amount would be larger—if it is all included here, which I do not know it is—than it would be prior to the passage of that law. But, so far as the appropriation is concerned, there is not necessarily involved the expenditure of the whole amount if it is not needed. I believe the Committee on Appropriations have examined the question—I have not—in detail.

Mr. RANDALL. I have; they have not.

Mr. BURCHARD. I am referred by the chairman of the Committee on Appropriations to the Book of Estimates for the details which are contained there. I know this, that the Commissioner of Internal Revenue sent out to every district to the officers and required them to report to him whether there could not be reductions made when this law went into effect. He asked them to make the lowest estimates of the force that could be employed. They went over the offices of supervisors, &c., and those officers reported such reductions as could be made, and they were largely made.

Mr. RANDALL. I desire to modify my amendment so as to make the amount $1,700,000.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

Strike out "$1,990,542" and insert in lieu thereof "$1,700,000."

Mr. RANDALL. That gives a margin of $100,000 over the year ending June 30, 1873.

The question being taken on Mr. RANDALL's amendment, there were—ayes 27, noes 47; no quorum voting.

The CHAIRMAN, under the rule, ordered tellers; and appointed Mr. GARFIELD and Mr. RANDALL.

The committee again divided; and the tellers reported—ayes 46, noes 100.

So the amendment was not agreed to.

The Clerk read as follows:

For salaries, expenses, and fees of supervisors, store-keepers, agents, surveyors, gaugers, and miscellaneous expenses, $2,600,000; and hereafter no gauger shall receive a greater compensation than $5 per day.

Mr. BANNING. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out these words: "And hereafter no gauger shall receive a greater compensation than $5 per day."

Mr. BANNING. I know, Mr. Chairman, the member who at this time places himself between the officer and a reduction of the officer's salary places himself in an unenviable position, because there is a loud demand from the people for a reduction of expenses. We have reduced our own salaries, and there are many others which should be reduced. They are not, however, the salaries of the poorly paid clerks, many of whom, I am told, are compelled to discount their pay-rolls at ruinous rates before they are due to raise money for the support of their families; nor are they the salaries of the subordinate revenue officers.

The chairman of the Committee on Ways and Means, in his able speech a few days since, gave us a list of Government officers upon whose expenditures and salaries we might practice the art of reduction to the amount of many thousands of dollars and leave them well paid; among these he gives us a list of the pension agencies, as follows:

Statement showing yearly increase in the expense of the Pension Bureau at the principal pension agencies.

Agency.	1869–'70.	1870–'71.	1871–'72.	1872–'73.
Indianapolis	$4,000 00	$13,094 80	$15,204 60	$16,978 25
Boston	3,277 78	17,176 60	18,411 40	18,124 80
Detroit	4,000 00	12,331 60	13,550 20	13,824 70
Albany	4,000 00	14,907 50	17,710 60	18,129 45
Canandaigua	4,000 00	15,471 70	17,059 90	17,325 10
Columbus	4,000 00	10,366 00	11,586 90	11,935 00
Cincinnati	4,000 00	13,231 70	14,646 90	14,844 40
Philadelphia	8,000 00	28,436 50	30,791 60	31,915 70
Pittsburgh	4,000 00	10,224 00	11,374 10	11,765 40
Trenton	4,000 00	8,567 80	10,378 10	9,492 90
Cleveland	4,000 00	9,618 70	10,571 20	10,816 60
New York	8,000 00	15,899 60	14,482 61	12,684 27
Chicago	4,000 00	10,296 71	11,123 49	11,194 30
Hartford	4,000 00	7,780 38	8,235 70	8,362 70
Washington, District Columbia	4,000 00	6,834 10	7,900 50	9,576 30
Madison	3,750 00	6,984 40	7,784 13	7,825 00
Fort Wayne	4,000 00	7,273 60	7,847 60	7,866 80
Springfield, Illinois	4,000 00	8,028 40	8,875 30	9,107 23
Salem	4,000 00	9,725 30	10,604 20	9,186 80
Louisville	4,000 00	7,121 30	8,134 60	8,554 70
Portland, Maine	4,000 00	7,912 60	8,444 80	8,662 60

Showing that the expense of twenty-one pension agencies in 1872 was $269,073, an average of nearly $13,000 each.

This is a good field for reduction and retrenchment, and there are many others of the same kind. The revenue gauger is not, however, an overpaid officer. Taking into consideration the importance of his office and the labor he performs, his pay is, perhaps, smaller than any other Government officer. The gauger holds one of the most important positions in the gift of the Government. The accurate collection of revenues from distilled spirits amounting to more than forty millions annually is entirely dependent upon faithful and competent revenue officers. Under the old law the compensation of gaugers was ten dollars a day, or not to exceed $250 in any one month. Now his compensation is regulated by the Commissioner, who, under the law of 1872, has made various rates. First, he reduced the pay to nine dollars a day, then to six, and finally to seven dollars, where it now stands; seven dollars being the highest amount of fees the gauger can receive for a day's work. Unlike a clerk who gets a regular salary, the revenue gauger only gets fees for gauging spirits. If the gauger is sick his salary stops; if he is absent from work he gets no pay; if the distillery stops for repairs or for any purpose, his salary stops. He is required to give bond for the faithful performance of his duty; and for any incompetency or carelessness he is held responsible to the owner of packages seized.

In my own district, at Cincinnati, Ohio, which pays more revenue than any district in the country, having paid over seven millions last year, during the last nine months the amount of salary received by the revenue gaugers was $32,825.57. The number of gaugers employed was twenty-two. The average amount received by each gauger was $1,492.20 for nine months, which is at a rate of $1,539.60 a year. In the State of Ohio there are one hundred and eleven gaugers, who received from August 1, 1872, to July 1, 1873, $132,302.57, being an average of $1,191.91 for each officer, or $108.35 per month, which is $4.16 a day.

In the State of Kentucky there were ninety gaugers employed last year, who were paid $102,860.94, being $1,194 each, equivalent to $103.90 per month, or $3.90 per day.

The following table shows the average pay of gaugers in the States named:

State.	Number gaugers.	Amount paid.	Paid each.	Each, per month.	Each, per day.
Indiana	53	$52,608 51	$992 61	$90 23	$3 47
Illinois	93	96,094 04	1,033 27	93 93	3 61
New York	112	113,189 13	1,010 61	91 87	3 53
Pennsylvania	99	91,495 59	924 20	84 01	3 25
Tennessee	42	38,120 25	907 62	82 51	3 17

I ask is this salary too large? Do members of this House believe that honest, capable, qualified men should be asked to perform the duties of this office for less than $1,239.60 a year? It is $500 less than we are now paying the captain of the Capitol police, less than we pay the clerks of the committees of this House, and less than the pay of the policemen of this building.

In my opinion, in fixing salaries we should make them a fair and reasonable compensation, sufficient to support the officer, not in extravagance, but comfortably; he should not be encouraged by a promise of moieties, nor discouraged by a salary too small for him to live upon. The extravagance of the one is as dangerous as the necessities of the other, and we should be prompted not only in the interest of the officer, but in the welfare of the Government to avoid either extreme. Members may say the number of gaugers should be reduced; this would be impracticable in the Cincinnati district, as there are one hundred and fifty establishments in that district which require gaugers' services.

In answer to a letter upon this subject, the collector of the district says:

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, FIRST DISTRICT OHIO,
March 23, 1874.

SIR: In reply to yours of this date, I would state that the number of distilleries in this district is ten, and the number of rectifiers and wholesale liquor dealers one hundred and forty, that require gaugers' services.

Respectfully,

LEWIS WEITZEL,
Collector.

H. G. KENNETT, Esq.,
President Gaugers' Association, Cincinnati, Ohio.

And the following memorial of the revenue gaugers of Cincinnati shows the amount of their salaries to be as I have before stated:

The United States internal-revenue gaugers of the first district of Ohio, having learned that the Committee on Ways and Means in Congress have under consideration the propriety of another reduction of the compensation of internal-revenue gaugers, and believing that the present compensation is not only not extravagant but extremely low for the services rendered and the responsibilities devolving on us by law and the regulations, beg leave to present the following facts:

During the nine months ending January 31, 1874, in the first district of Ohio, there was gauged, inspected, and stamped with warehouse, tax-paid, rectifiers, and wholesale liquor dealers' stamps 20,525,003 proof-gallons of spirits, by a monthly average of twenty-two gaugers, who received $32,828.57, or an average of $6.55 per day. The following are the figures from official sources for the nine months referred to:

Average number of gaugers	22
Total number of days worked	5,012
Number of proof-gallons gauged and stamped	20,525,003
Proof-gallons of distilled spirits entered and withdrawn	12,077,784
Amount of tax paid	$4,228,224 10
Proof-gallons rectified	7,852,915
Gauged for wholesale liquor-dealers	594,304
Total number of packages gauged and stamped	437,834
Total number of gallons gauged and stamped	20,525,003
Estimated value of same	$16,825,867 00
Amount of compensation as per proof-gallons, per bill	$35,516 10
Amount of pay received by limit of per diem	$32,828 57

In series 6, No. 11, (revised,) page 10, will be found the following: "Any discrepancy in the gauge or proof of spirits shipped from the place of original gauge which cannot be satisfactorily accounted for, is taken as evidence of fraud, and the packages are seized; and when this is occasioned by the incompetency or carelessness of the gauger he will be held responsible to the owner of the property he has thus put in jeopardy."

There are no other officers in the service of the Government who are thus held responsible for oversights or omissions to such an extent, who receive so small a compensation for the time actually employed. No compensation is received for sickness or lost time from any cause whatever. The accurate collection of the revenue from distilled spirits is entirely dependent on faithful and competent gaugers, and if the compensation by law be so reduced as to place them on the same rate of pay as mere laborers, (where no responsibility is attached,) the best men will seek employment where their positions are more permanent, with the hope of accumulating something for the future, and honest, faithful industry encouraged and rewarded.

Adopted, Cincinnati, March 11, 1874.

H. G. KENNETT, *President.*

W. H. THURSTON, *Secretary.*

I trust, sir, the House will take these facts all into consideration and let the law fixing the salary of the gaugers alone. The change sought to be made by this bill is, to my mind, a most unjust and unfair one. While I am for reduction and retrenchment and for every reasonable economy, I am opposed to that application of the rule which saves for the Government by reducing the salaries of faithful officers who are now only receiving decent and reasonable compensation.

In fixing the amount of officers' salaries we should not be governed by what is the smallest amount we can get the work performed for so much as by what is a fair and reasonable compensation for performing the work. If offices are to be farmed out to the lowest bidder, then there are many wealthy men who would perform the duties of some of the offices of the Government for the honor that attaches, and many rascals who would take them without compensation for the opportunities they afford to speculate and steal.

In fixing the amount of officers' salaries we should be less extravagant to superior officers and more just to the smaller or inferior ones, never forgetting the important fact that the men who fill the subordinate or smaller offices are men without means, who depend upon their salaries for their own support and the support of their families.

Now, Mr. Chairman, let me say in conclusion the Commissioner of Internal Revenue above all other persons has opportunities of knowing and determining what is a fair, reasonable, and just compensation for the revenue gaugers.

Yesterday the gentleman from Kentucky, [Mr. BECK,] the gentleman from Massachusetts, [Mr. DAWES,] and others took occasion to express their confidence in the good management, capacity, and integrity of the commissioners. In that good opinion I must heartily join.

Ask these gentlemen if they do not think it would be entirely safe to leave the matter of fixing the amount of the gaugers' fees in the hands of the Commissioner, where it now is, being left to his discretion by the law of 1872?

What will be the practical result if the bill as reported becomes a law? In my opinion it will increase the number of gaugers or officers of the Government, and in place of being a saving of $125,000 annually will increase the expenses of the Revenue Department. The statement that it will be a saving of $125,000 sounds well. Will it, however, be a saving of that amount, or of any amount whatever? The average pay of the gauger is now less than four dollars a day, while the only gaugers whose average daily fees for the month are seven dollars a day are the gaugers at large distilleries and rectifying establishments.

These gaugers work very hard and employ an assistant whom they pay out of their own salary. This assistant does the manual labor; he carries the gauging-rod, numbers and marks the packages, each one of which requires more than fifty figures cut upon it.

Pass this bill and the gauger will not work over-hours in making out his reports, of which he is required to make five copies each day, nor will he be at the expense of employing an assistant. Having gauged a sufficient number of packages to make his monthly average equal to the fees allowed, he will put in the balance of his time making out his reports, and performing the manual labor now performed by his assistant. This will create the necessity of more gaugers at large establishments, and result in a loss of money in place of a saving to the Government. I do not believe the father of this economy will be proud of his child, if he succeeds in having it safely delivered, when he reads the report of the Commissioner for the next fiscal year.

Mr. STANDIFORD. Mr. Chairman, I am in favor of this amendment, not because I am opposed to retrenchment in the expenses of the Government, but because I do not consider this the proper place to apply the pruning-knife of economy.

The office of gauger is one of the most important in the internal-revenue service, and requires to be filled by men of no ordinary business capacity, because it is from the result of the gauger's work that we calculate the tax upon distilled spirits. I consider it an office requiring more general knowledge than the office of collector.

The gauger is required to give a bond in the sum of $10,000 for the faithful performance of the duties of his office, and he is held responsible for the correct measurement of all spirits leaving his charge, and compelled to pay for any errors or mistakes which he may make in his calculations. His work is very laborious, both manual and clerical, and most gaugers are compelled to hire assistance, for which they must pay out of their own pockets.

Then, again, he must be familiar with all the revenue laws and posted as to all decisions. He must be a man of tact, and ready to meet any emergency that may occur.

He is now permitted to earn seven dollars a day and not to exceed that sum; this, if he made full wages for twenty-six working days, would amount to $182 a month. But he seldom makes full time, and hardly ever more than three-fourths. In addition, he has to purchase his own stationery, furnish office-rooms, fire, and gas at his own expense, and pay for whatever assistance he is required to have. All these expenses materially reduce the salary which he receives from the Government.

Mr. Chairman, we cannot afford to reduce the pay of the gaugers. This Congress is expected to do great things in the way of retrenchment of expenses and reform in all branches of the Government. We are expected to return to the economic principles of the fathers, but I am very much mistaken if members can deceive their constituents when they go home and tell them how they have reduced the pay of a few door-keepers, watchmen, and the laboring men of the public buildings, and cut off the fees of some gaugers, and so reduced the expenses of the Government.

General Sherman, in his testimony before the Military Committee, said that if you are going to reform it is better to commence at the head than at the foot, and I cordially agree with him.

If we wish to reform the internal-revenue service let us begin at the head and institute a rigid system of investigation into its affairs with the object of getting the money paid by the people as taxes into the Treasury of the United States instead of into the pockets of dishonest officials. And let us dispose of those officers not absolutely required, and then as we go down we can retrench in an intelligent manner. But this cutting and slashing at the lower branches of the

civil service will never, in my judgment, be of any benefit to the Treasury or the people.

There are great leaks in the Treasury of the United States, rat-holes through which official vermin enter and consume our substance; but a penurious policy of cutting down well-earned salaries neither closes the one nor shuts out the other.

A system such as I have hinted at, commencing at the higher officers, inspecting and examining into their affairs and conduct, would, if I mistake not, develop such an amount of rottenness and corruption as would make us wonder how our Government has existed under it all.

If it can be demonstrated that the office of gauger is not necessary to protect the interests of the Government I shall cheerfully vote to do away with it, but as long as it is considered necessary to have gaugers I am in favor of paying them salaries upon which they can live, and their salaries are small enough already. I hope this amendment will be carried.

Mr. FOSTER. I desire to say a word and to give the reasons why the sub-committee of the Committee on Ways and Means made this recommendation to the Committee on Appropriations. Under the law as it now stands gaugers and store-keepers are paid on a scale of fees, the law limiting the maximum amount of pay to a store-keeper to five dollars a day and the maximum pay of a gauger to nine dollars a day. The Commissioner of Internal Revenue, in the exercise of his discretion, undertook to fix the pay of gaugers at six dollars a day as the maximum. In this he failed. Why did he fail? Because every one of us members of Congress, and especially the republican members, wrote him at the instigation of our gaugers and said to him that it was too low a rate of pay. I believe I am one of the gentlemen who did write him such a letter. The pressure was so great that he finally raised the rate to seven dollars a day as the maximum, and that is the limit now fixed.

Now how are the gaugers affected by this? As the law now stands two-thirds of the gaugers of the country are not affected by it at all because they do not now earn five dollars a day, nor will they earn five dollars a day after this regulation is fixed.

Mr. GUNCKEL. Does not my colleague know that while gaugers occasionally earn seven dollars per day they more frequently earn but three or four dollars per day, or nothing at all, because they have no work to do?

Mr. NEGLEY. Are gaugers paid their expenses?

Mr. FOSTER. Yes, they are paid their expenses.

Mr. PLATT, of Virginia. I beg the gentleman's pardon. Gaugers are not paid their expenses. They have to pay all their own expenses.

Mr. FOSTER. The gentleman is mistaken; they are paid all their expenses in Ohio.

Mr. PLATT, of Virginia. They are not in my district.

Mr. FOSTER. The Commissioner says they are.

Mr. GUNCKEL. Has not the Commissioner of Internal Revenue power to limit the per diem of gaugers? Has he not tried a similar reduction and found it unsafe and impracticable?

Mr. FOSTER. Whenever he undertakes to cut the pay down my colleague and myself and all the other republican members on this floor go to him and make him raise it.

Mr. NEGLEY. I would like to know what right the gentleman has to accuse members upon this floor of doing what is not right.

Mr. FOSTER. I do not say that they have done anything but what was right; I did the same thing myself; but they do it at the instigation of the gaugers.

Mr. FORT. I hope the gentleman before he gets through will tell us who those members are.

Mr. FOSTER. Did not you do it?

Mr. FORT. No, sir.

Mr. FOSTER. Very well; then you are not hit. I hope gentlemen will allow me to proceed. Five dollars a day is, for this class of service, in my judgment, sufficient. The sub-committee of the Committee on Ways and Means, consisting of the gentleman from Kentucky [Mr. BECK] and myself, gave this subject careful attention, and that is our opinion. I know that so far as my own district is concerned, the gaugers there earn in this way twice what they could get in any other service, and I will agree to-day to furnish these gentlemen, who are so solicitous about this matter, with good, honest gaugers who will fill all their places at five dollars a day. It is a very easy matter to cut down the pay of some clerk here, or some of the Capitol police, or some one of that kind, but when we strike our people at home it is a very different thing.

[Here the hammer fell.]

Mr. SYPHER. Mr. Chairman, I have listened with considerable interest to this discussion on the subject of reducing the salaries of the gaugers. As I happen to have the honor of representing a few distilleries, perhaps it will be proper for me to say a word. We have listened to the gentleman from Kentucky, [Mr. STANDIFORD,] who represents the great Bourbon whisky district; we have listened also to the gentleman from Ohio, who represents the northern Ohio whisky district, and to the eloquent gentleman from Cincinnati, who says there are something over one hundred establishments of this kind in his district, if I understood him correctly.

Mr. BANNING. One hundred and fifty establishments requiring the services of gaugers.

Mr. SYPHER. One hundred and fifty distilleries over which these gaugers are to exercise their authority. Sir, I think they all need gaugers, and I think that their eulogistic addresses upon the Commissioner of Internal Revenue on yesterday and to-day are also in place, inasmuch as within the last two weeks the Department has sent detectives to my city and shut up all our distilleries in order to get the market which they could not control in any other way. At midnight they pounce upon the New Orleans distilleries without having any evidence against them whatever, and shut them up in order that they might have that market for their own whisky. I think they all need gaugers. I think perhaps they had better get an amendment adopted against Dio Lewis and the women crusaders who have destroyed their whisky market at the West instead of making raids upon us in New Orleans and stopping our legitimate business.

Mr. FOSTER. Legitimate?

Mr. SYPHER. Yes, sir, legitimate; and as the gentleman calls in question the legitimacy of it I want to say a word to him on that subject. Every year the Internal-Revenue Department has sent agents to New Orleans to examine into the conduct of our distillers, and for the last five years those agents have been compelled to report that there was nothing against our distillers and that there had been no infractions of law. And this year, after this crusade was made in the West and their whisky business was destroyed there, they then set up a job on our distillers, sent their men down to New Orleans, and at midnight, with United States soldiers, pounced upon our establishments and closed every one of them without having one scintilla of evidence against them.

One thing further, as the gentleman has called into question the legitimacy of our transactions. Last year General Buell, one of the most efficient officers of the revenue service, was sent to New Orleans to examine our distilleries. When he came back he reported that there was not a single infraction of law in our city. And to the complaint of the gentleman's constituents in Cincinnati, who said that the New Orleans distilleries were controlling the Cincinnati market, that the gaugers and other officers were not performing their duties, he reported that the gaugers and other officers were performing their duties under the law, and that it was owing to climatic influences and the quality of their grain that they were enabled to make their whisky cheaper than could be done in Cincinnati, and therefore they had a legitimate right to control the market.

Mr. RICE. I am very sorry that this discussion has gone to such a length. I fear it may be damaging to the best interests of these gaugers, who I think should be protected. There has been a great deal of speech-making about a very small matter, and for my part I do not see any advantage to result from all that speech-making.

The Committee on Appropriations, in accordance with what they deem to be the desire of this House, seek to reduce the expenditures as far as may be possible. In looking through this bill, that portion of it relating to the Internal-Revenue Bureau, they found that it was impossible to reduce the expenditures; that they had already got it as low as it should be put, and almost in despair they were about to quit, when they discovered at the bottom these unfortunate gaugers. They said to themselves, These men are paid by fees, there is no fixed salary for them, and there can be nothing said about that; and although if they are lucky they may earn seven dollars a day, yet, living in great big cities and maintaining their families there, we can all judge how far seven dollars will go. But the committee thought they would make it a general matter and strike them all down two dollars, and the gaugers having no friends would have to stand it. They therefore fixed the compensation of the gaugers at five dollars a day, not giving them five dollars a day, but providing that they should not receive more than that. Notwithstanding all that they require capable, industrious men, men whom they can rely upon, and a great many of whom live in expensive places.

I did hope that when this matter was reached there would be a simple motion made to strike out a few lines or a few words; that the Committee of the Whole would approve that motion and let these gaugers go at their present compensation. It does not amount to much, and I ask that we shall not spend this whole day talking about whether gaugers shall have a fair price for their services which under the law now cannot exceed seven dollars a day, or whether, because we cannot reduce anywhere else, we will strike them down to five dollars. I have no doubt that a majority of the House will think that my proposition is right. But we have been somewhat hard set on reduction; we have determined that we will reduce, and as we have not been able to reduce anywhere else, why we must reduce these gaugers. I hope we will strike out this portion of the bill limiting their compensation at not more than five dollars a day.

Mr. MYERS. I desire to call the attention of the committee to a phase of this matter not yet noticed, and I do so in behalf of the Government. After the reduction of taxes which we made to relieve the people our sources of internal revenue became very few. We received last year in all from internal taxes about $106,000,000, $24,500,000 from tobacco and $52,000,000 from distilled spirits. The gentleman from Ohio at my right, [Mr. FOSTER,] rather sneered at whisky-making, as though it were not a legitimate business. It is a legitimate business from which we draw a large portion of our revenue to pay the expenses of the Government.

A year or two ago, in order to place the gaugers and store-keepers as far as possible above temptation, they being then paid by the distillers, we provided that the Government should pay them; and in order to meet that expense we imposed an additional tax of five cents

per gallon on distilled spirits. This additional tax brought last year to the Government, after allowing for other reductions, more than $2,500,000, and gave from three-quarters to one million dollars in excess of the whole expense for gaugers and store-keepers. The very direction that men should be paid by the Government showed that we thought their position a very responsible one. Their duties are, in fact, so responsible in their character that they are required to give security for their faithful performance in the sum of $10,000, while the skill and competence called for certainly should place them above the level of ordinary employments. Compensation, to be just, should have regard to the character of the labor which is imposed and the confidence and trust belonging to the position.

Let me refer to some of the services they must perform:

It is the duty of gaugers *to inspect, mark, brand, and stamp all packages of spirits produced at distilleries, and make report of the same in triplicate*, one copy of which report is forwarded to this office, and shows for whom the spirits were gauged; serial number of package; wine gallons capacity of the package; wantage; correction to volume; indication, temperature; wine proof and taxable gallons; serial number and kind of stamps; and the amount of tax due. It is the duty of the gauger to gauge all spirits before being *placed in the bonded warehouse, and* attach the warehouse stamp, and when the spirit is withdrawn from warehouse it is his duty *to again gauge such spirit and attach* the tax-paid stamp, and make a similar report to this office and the collector. Gaugers on duty at rectifying establishments are required to gauge and mark *every package drawn* from the rectifying tubs, and attach thereto the rectifier's stamp, making report of such gauging to the collector.

Every package filled for shipment or sale on the premises of a wholesale liquor dealer must be *gauged and stamped*, and if containing more than ten gallons must also be marked and branded as required by section 47, act of July 20, 1868, making report of such gauging to the collector.

We depend upon the integrity as well as ability of these men for the largest portion of our revenue. As stated by my friend from Illinois, [Mr. RICE,] they are not to be paid five dollars a day during the year, as at first glance it might appear by the provision of the bill. Far from it. Two-thirds of the gaugers of the United States, it is admitted by the gentleman from Ohio, [Mr. FOSTER,] will not receive that much at any time; while the others, whose fidelity aids to obtain this large revenue for the Government, can receive the highest pay only for the days when they are upon duty, and often much less. There should be, therefore, a higher sum named as the maximum to be paid them. The Commissioner of Internal Revenue fixed seven dollars a day as the limit, which, as will be understood by the committee, is not to apply to every day in the year. If the gaugers were paid five dollars for every day in the year they would not receive any too much; for the service they render is of far greater consequence than that performed by thousands of men to whom we pay fully that much.

Mr. FORT. Does not this bill propose to limit them to five dollars?

Mr. MYERS. It does. But I ask that this barrier be taken away, and that these men who do so much toward the collection of $52,000,000 in revenue shall not be limited to less than seven dollars per day, to be fixed by Congress and not left discretionary with any officer either to lower or raise it. I speak in the interest of the Government as well as its employés when I contend that a responsibility and service like that in question should be rewarded by a liberal compensation.

[Here the hammer fell.]

Mr. BECK obtained the floor.

Mr. MYERS. I hope my friend from Kentucky [Mr. BECK] will allow me to read a single paragraph from the regulations issued by the Commissioner of Internal Revenue:

Any discrepancy in the gauge or proof of spirits shipped from the place of original gauge, which cannot be satisfactorily accounted for, is taken as evidence of fraud, and the packages are seized; and when this is occasioned by the incompetency or carelessness of the gauger he will be held responsible to the owner of the property he has thus put in jeopardy.

I read this to show what is exacted of the gaugers, and the heavy responsibility imposed on them.

Mr. BECK. As I stated yesterday, the sub-committee of the Committee on Ways and Means, in looking over this matter, found on consultation with the Commissioner of Internal Revenue that if Congress was determined to reduce the expenditures of the Internal-Revenue Bureau, this would be perhaps a proper place to do it. The Commissioner himself had fixed six dollars per day as the pay of the gaugers, when there came upon him a clamor such as no official could resist, from a large number of the republican members of this House, demanding that the rate of pay should be increased, as he had the power to increase it, to nine dollars per day. He was compelled to fix it at seven dollars. From this time forward he does not want any discretion left with him in this matter. He wants the rate fixed by law at some rate; for although his own judgment was that six dollars was a proper rate, he was compelled to make it seven dollars, because the pressure upon him from members of this House was more than any man could resist. I do not believe he cares much what we fix it at so we fix it by law.

Why should there be such a pressure made in behalf of this class of officers? They are active partisans, no doubt. But the store-keepers who are employed all the time cannot by possibility get more than five dollars a day; three-fourths of them do not get more than four dollars. If you fix the pay of these gaugers at five dollars a day, according to the estimate, you save about $100,000 a year, while the work will still be well done, according to the opinion of all who have looked into the subject.

No such great skill is required for this duty as some gentlemen here seem to suppose. These men are furnished with a gauging-rod, and the moment it is put into the barrel they can tell the exact quantity by this means, and by means of a book of calculation furnished by the Department. It requires neither science nor skill to do this work. It requires only the honesty to report the result faithfully. It was for this reason that the sub-committee, of which I was one, said to the Committee on Appropriations that if they saw fit they could make a saving in this way. We did not pretend to dictate to them or seek to control their action. We reported the facts. They have accepted five dollars, and they must assume the responsibility for their own action.

Let me say that in my judgment one blunder which we have made (and it is a serious one) in our legislation heretofore is in paying gaugers who are doing work for the wholesale and retail liquor dealers for whom three-fourths of the work is done. We ought to pay for the gauging of the liquor at the distilleries. The consumer of the distilled liquor or the distiller pays the five-cent tax we imposed to pay the work of gauging, &c. The wholesale liquor dealer and the retail liquor dealer pay nothing on that account. We have reduced the cost of their stamps and their licenses, and we ought not to pay for the gauging done for them. In my judgment the law ought to be so amended as to limit the payments by the Government to the gauging of the whisky as it leaves the still, because by its serial numbers we can trace it to the hands of the wholesale and retail liquor dealer, and these gentlemen ought to pay for whatever gauging is done for them.

Mr. KELLOGG. Does not the gentleman think the law ought to be amended so that the whole tax collected on spirits may be collected at the distillery in the first instance?

Mr. BECK. I was of that opinion when the law was changed, and am still; but it seems that that system cannot be brought into successful operation, and it is a bad time to make a change of any sort now. But let me say one word to the gentleman from Connecticut, [Mr. KELLOGG,] as he referred yesterday to the number of gaugers found in the Blue-Book. A very large number of men have been commissioned gaugers; but not more than seven hundred and fifty have at any time been in the employ of the Government. They are commissioned in order that they may be ready whenever a necessity arises to act for the Government. If they do not act they get no pay. Therefore the number in commission does not indicate the number in actual service or the number drawing pay.

Mr. KELLOGG. I agree with the gentleman entirely. My only reason for making the point was that all who are in commission are included in the Blue-Book, and were embraced in the statement of the gentleman from New York [Mr. WOOD] some weeks ago, which the gentleman from Kentucky [Mr. BECK] indorsed.

[Here the hammer fell.]

Mr. O'BRIEN. Mr. Chairman, it is an ungracious task to antagonize the gentleman from Kentucky [Mr. BECK] when he is on his favorite theme, economy; but in relation to the pending amendment I desire the ear of the committee merely for the purpose of expressing an opinion which I have in relation to it and to state the reason why I am in favor of the amendment. If the bill reported by the committee, which states gaugers are not entitled to receive in the future more than five dollars per day, limited or placed their salary at that amount, as I have no doubt many of the members of the committee may think it does from the terms of the bill, I would not be only abundantly satisfied with the report of the committee but so would the gaugers of the country. But the fact is the terms of the bill will reduce the salary of the gaugers by more than two-fifths of the amount they now receive. In the discretion given to the Commissioner of Internal Revenue they are entitled to receive but seven dollars a day, and they are paid monthly. I understand the regulations governing their salary are such that if for some months they receive fully seven dollars a day for other months they do not receive more than two or three dollars a day.

When I was first applied to to give an opinion in this matter, having but little information of my own, I wrote to the Commissioner in reference to the salary paid to the gaugers of the State of Maryland; and I find, while they are acknowledged to be able, careful, and diligent in their employment in the public service, while they measurably, as far as their service requires, guard the revenue of the country, they are paid the pitiful sum of not quite four dollars a day. I have before me the letter of the Commissioner of Internal Revenue showing the amount paid to the twenty-six gaugers of Maryland to be $31,000, averaging $1,134 for each one of these gaugers. Out of that pitiful sum paid to these men for skilled labor they are required to pay their own expenses, to furnish their own instruments, to give a bond of $20,000, and to be responsible for any mistakes made, which are chargeable to them as fraud. They are not only responsible to the Government, but to the private parties in whose service they may be for the time. The following is the letter of the Commissioner of Internal Revenue, with the accompanying report:

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, April 11, 1874.

SIR: In reply to the request made in your letter of the 8th instant, I herewith inclose a report of the number of gaugers in the State of Maryland, and the amount paid by the Government to each, during the fiscal year ending June 30, 1873. They were paid by the distillers during July, 1872.

Respectfully,

J. W. DOUGLASS, *Commissioner.*

Hon. W. J. O'BRIEN, *House of Representatives, Washington, D. C.*

Report of the number of gaugers in the State of Maryland and the amount paid to each during the fiscal year ending June 30, 1873.

FIRST DISTRICT.	
S. M. Dukehart	$857 38
V. C. S. Eckert	2,111 41
S. H. Hayman	11 56
E. A. Alexander	882 46
J. Connelly	487 28
THIRD DISTRICT.	
James T. Caulk	2,012 13
J. W. Digges	1,746 52
F. T. Darling	2,059 02
R. V. Wallis	1,942 54
T. Waters	1,806 26
R. H. Edwards	1,937 15
J. Thomas Hall	1,670 86
F. E. Meredith	1,920 29
J. D. Thomson	1,976 15
C. W. Stackett	1,696 61
E. A. Alexander	882 46
T. H. Gladman	1,251 67
S. E. Prime	289 74
FOURTH DISTRICT.	
J. H. Young	1,072 24
L. H. Dill	1,176 89
J. C. Morrison	778 59
G. E. Wamples	277 05
E. M. Mobley	94 54
FIFTH DISTRICT.	
B. O'Harra	309 31
J. S. Heckrote	1,597 64
R. A. Hurly	205 38
Total payments	31,053 13
Average, each	1,134 35
NUMBER OF GAUGERS EMPLOYED.	
District No. 1	5
District No. 3	13
District No. 4	5
District No. 5	3
Total	26

Again, Mr. Chairman, those officers, although paid by the Government, receive their compensation out of the five-cent tax on distilled spirits imposed for that purpose. This tax yields a revenue of nearly $3,000,000 annually to the Treasury, and after paying the gaugers and all expenses connected therewith that are by law imposed on the Government, it is profitable to the Treasury to the amount of $2,000,000.

I am always in favor of the payment of fair salaries, and I do not consider that the proposed amendment will be a single dollar of additional cost to the Government; therefore I favor it.

Mr. WARD, of Illinois. Mr. Chairman, I apprehend to some extent there is a false impression in regard to the duties of these men. I have here a compilation of the amount of revenue paid in three districts in this country. It has already appeared from the statement of the gentleman from Pennsylvania that some fifty-two millions of the revenues of the country are gathered from distilled spirits. I desire, as showing the proportionate amount from different sections, to send up to the reporters a statement of the amount collected for the first five or six months of the present fiscal year from three of the leading districts in the country.

CHICAGO, FIRST DISTRICT, ILLINOIS.	
July	$409,262 00
August	388,251 29
September	492,077 00
October	392,630 43
November	339,980 05
December	320,575 60
Total first five months of fiscal year	1,932,200 77
Total six months	2,252,776 37
CINCINNATI, FIRST DISTRICT, OHIO.	
July	489,609 73
August	536,020 75
September	454,618 82
October	347,677 30
November	443,055 45
December	561,520 27
Total	2,832,502 32
PEORIA, FIFTH DISTRICT, ILLINOIS.	
July	331,053 64
August	561,698 80
September	458,896 10
October	486,369 60
November	357,017 06
Total	2,175,035 20

The first I have mentioned is the Chicago district, where more than $2,252,000 had been collected up to the 1st of December last during this fiscal year. In Cincinnati over $2,800,000 were collected from distilled spirits, and in Peoria over $2,175,000. I call the attention of the chairman of this committee to the importance of the work these men have to do. At that rate in a year you get nearly or quite $15,000,000 from these three districts alone of the great revenue which the Government receives from whisky.

Now, Mr. Chairman, I ask you, and I ask the chairman of the committee, whether to discriminate in this way against men who have such important duties as that to perform is fair? You pay men about this Capitol, as has been already stated, and in various avocations not half as important, not requiring half the skill, not requiring a tithe of the integrity required here, more pay than these men get even if they were to get the utmost under the limit now fixed by law. I am in favor of a reduction of salaries, but I ask whether it is reasonable or honest civil-service reform to strike down the salaries of these men upon whom you have to depend more than upon any others for the faithful collection of your revenues? And you cannot, it seems to me, for this sum have the capacity and integrity combined which are required to insure the proper collection of your revenues. It only affects really two or three districts, the one in which I live, one in Cincinnati, one in Peoria, and one perhaps in two or three others. And although I believe in reducing the expenditures of the Government, I say you cannot get competent men, honest men, men fitted for those duties, on a pay of but five dollars a day. They do not get their pay continuously. When a distillery stops for any reason their wages stop. When there is an accident to the machinery their wages stop. I think seven dollars a day is not too much for the duties they have to perform.

I therefore move to amend the clause which it is proposed to strike out by inserting seven dollars instead of five. If this is done, members of Congress, republicans or democrats, will not be asking, as the gentleman from Ohio [Mr. FOSTER] has suggested, for an increase in the salaries of these gaugers. Leave it there and many of them will never reach it. But in those cases in great cities, where many of them work, to my knowledge, eighteen hours a day, they will earn and ought to earn that amount.

I desire to say one thing more. The assertion, so far as the gaugers in my region are concerned, that they have their expenses paid them, is not correct. That is a thing unknown, I believe. I do not believe they get anything except what they get under the law—their fees and salary. I know they pay for their own assistance, their own carriage-hire, &c.

Mr. GARFIELD. I move that the committee rise for the purpose of closing debate on the pending paragraph.

Mr. RANDALL. I hope not.

Mr. WARD, of Illinois. At the request of the friends of the proposition I withdraw my amendment.

The CHAIRMAN. The gentleman from Ohio moves that the committee rise for the purpose of obtaining an order from the House to close debate on the pending paragraph.

Mr. RANDALL. Not on the pending paragraph, on the pending amendment.

Mr. GARFIELD. If we can, by unanimous consent, at the end of five minutes come to a vote on this amendment, I will not insist on my motion.

There was no objection.

Mr. GARFIELD. I have three minutes left of my time. I yield two minutes to the gentleman from Pennsylvania, [Mr. NEGLEY.]

Mr. NEGLEY. I agree with all that has been said in favor of paying these gaugers remunerative wages. They have a very responsible position, and one that occupies their entire time, imposing upon them a continuous labor, and a responsibility that may cost them at any time their situations even for a moment's neglect. I deem it inexpedient to strike down the salaries of the men who are engaged in providing for the revenues of the Government. I am glad to hear the gentleman from Ohio state that the present salary has been retained on the application of the republican members of this House, because as a republican I am in favor of giving men remunerative wages, and I desire no more favorable commentary on the action of the republican members of this House before the country than that they advocated remunerative wages to the employés of the Government.

Mr. GARFIELD. I yield one minute to the gentleman from Connecticut, [Mr. KELLOGG.]

Mr. KELLOGG. I simply wish to say this, that I believe in paying the men who occupy these positions, as well as others, sufficient to prevent them from being liable to be bribed by distillers or any other parties. When you come to this article of whisky, I admit that it is beyond the jurisdiction of the Civil Service Reform Committee, and I do not propose to say much about it. But I wish to say to the Committee on Ways and Means that the trouble about this immense expense of $2,600,000 is this: that you require the gaugers to measure the whisky time after time; when it is manufactured, when it is sold in bulk, when it is resold, &c.; whereas the whole of this tax should be paid at the distillery in the first instance. The Committee on Ways and Means should bring in a bill directing the collection of the tax there.

Mr. STARKWEATHER. I would not occupy a minute of the time of the committee now if it were not to notice a statement or two made on the other side. The Committee on Ways and Means appointed a sub-committee, a very able committee, composed of the gentleman from Ohio [Mr. FOSTER] and the gentleman from Kentucky, [Mr. BECK,] men who understood this subject, because in their districts they have whisky all around them. They are surrounded by this interesting class of gaugers. They have been born and brought up in the midst of that element. These men have their sympathy and co-operation. And, at any rate, they know as much on this subject as any gentleman in this House does. The leading committee in

this House, the Committee on Ways and Means, have appointed this intelligent sub-committee, and they have reported to the House on a full examination and a conference with the Commissioner of Internal Revenue.

Mr. NEGLEY. The Commissioner does not indorse the action of the committee.

Mr. FOSTER. How does the gentleman know that?

Mr. GUNCKEL. I have a letter from the Commissioner in which he says he does not.

Mr. STARKWEATHER. I believe I have the floor. I say, Mr. Chairman, that the Committee on Ways and Means have appointed a sub-committee, and they say they have conferred with the Commissioner of Internal Revenue and report this proposition.

I am surprised to see any gentleman on the other side making an issue that this is a republican question, or that the Commissioner of Internal Revenue has been coerced into this measure. I deny it for one. I say the republican members of this House have not coerced the Commissioner into a larger sum than he thinks ought to be paid. For one I never spoke to him on the subject. And all the gentlemen around me said when the statement was made that they never had been to the Commissioner on that subject. Now I say that a sub-committee of the leading committee of the House have reported five dollars a day. I think that is ample compensation. It is more than we pay many other men occupying similar positions. Five dollars a day amounts to $1,500 or $2,000 a year.

Mr. CROOKE. They do not get five dollars a day.

Mr. O'BRIEN. They do not get three dollars a day.

Mr. STARKWEATHER. Let gentlemen be quiet. I am not yet quite done. I am surprised to see these gaugers have so many friends. It is true, however, that they have been here, or appointed a committee to come here, so that I am not surprised at their having friends. I withdraw the statement. But it is singular that these poor men, who get so small a salary, should have means enough to come here and lobby on this bill.

I trust the committee will sustain the report of the Committee on Ways and Means and the report of the Committee on Appropriations. Economy is now in order. Let us begin here, where we can begin so well on the recommendation of these two leading committees.

Mr. GUNCKEL. Mr. Chairman——

The CHAIRMAN. Debate on the pending amendment is closed by order of the committee.

Mr. FORT. I ask unanimous consent that time be allowed to the gentleman from Ohio [Mr. GUNCKEL] to have the letter of the Commissioner of Internal Revenue read.

Objection was made.

The CHAIRMAN. The question is on the amendment of the gentleman from Ohio, [Mr. BANNING,] which the Clerk will again report.

The Clerk read as follows:

Strike out these words:
And hereafter no gauger shall receive a greater compensation than five dollars per day.

The question being taken, there were—ayes 69, noes 47; no quorum voting.

Tellers were ordered; and Mr. BANNING and Mr. FOSTER were appointed.

Mr. PLATT, of Virginia. I desire to make a parliamentary inquiry. Will not the effect of this amendment be to leave the law precisely as it is now?

Mr. BERRY. I desire to ask the Chair what change will be made in the existing law, if any, by the adoption of this amendment?

The CHAIRMAN. The Chair begs to inform the gentleman that it is not the duty of the Chair to construe statutes.

The committee again divided; and the tellers reported—ayes 71, noes 79.

So the amendment was not agreed to.

Mr. WARD, of Illinois. I move to amend by striking out "five dollars" and inserting "seven dollars."

Mr. Chairman, I do not desire to detain the committee a moment in reference to this amendment. It contains the same proposition substantially which has already been voted upon, except that it provides a law which will prevent the Commissioner, at the solicitation of members of Congress, from increasing the compensation paid to gaugers. I desire to state once more, so that the House can understand it or that I may make myself understood, that this provision proposed by the committee changing the compensation of gaugers to five dollars per day affects only two or three districts in the country. I mentioned this before in my former remarks, but I desire to impress it again upon members here, that they may understand precisely what is being done by concurring in the recommendation of the committee. Very few gaugers in the country receive or ever will receive seven dollars a day. It is only in those large places where they run large distilleries, and run them on a large scale, that a gauger can get that amount of pay. I have already adverted to the importance of having, as I know we do have in the district from which I come, honest and intelligent men to take care of these great interests of the country.

It is said that this expense should all be paid by the distillers. Very well, sir; for one, representing that interest to a considerable extent, I am willing that an additional tax shall be put upon whisky for that purpose. But I do insist that fair dealing and proper management demand that you shall give to these men, to whom is committed the important trust of gauging those liquors upon which such vast revenues are collected, a just and reasonable compensation, so that you may command the services of men of capacity and integrity. Sir, we have in my district men of high character in these offices. It has been stated here that I have been in favor of reducing the pay of one-armed soldiers. Sir, we have soldiers engaged in this work in my district and men who have distinguished themselves in other vocations, men of character and ability, and you cannot get them in my city for such a rate of compensation as this. You cannot expect to get the services you now require of them and receive from them.

Mr. AVERILL. I desire to ask the gentleman one question. I understand him to say that this provision in the bill will affect only two or three large districts in the country. I think he is in error in that.

Mr. WARD, of Illinois. I think I am not in error.

Mr. AVERILL. It provides that a man who is a gauger shall not receive above five dollars a day. Now to-day, by extra effort and work, he may earn ten dollars, and the way he earns it is by working all day and then at night making his computations, and for this he gets but five dollars. To-morrow he may earn only three dollars, and he cannot equalize the pay on those two days, and that may occur in every district in the country.

Mr. WARD, of Illinois. That is true. I did not mean to be understood as saying that it only affected two or three districts.

[Here the hammer fell.]

Mr. BECK. I do not desire to make a speech, and I will yield in a moment to my friend from Ohio, [Mr. SAYLER.] I wish only to say that perhaps I did wrong in alluding to what the Commissioner told us about the pressure put upon him. But it does not apply to this Congress, because, if I am correct—and if not the gentleman from Ohio [Mr. FOSTER] will correct me—it was done before the members of the present Congress came here, so that what the Commissioner said in relation to the pressure upon him does not apply to the members of the present Congress.

Mr. RANDALL. It applies to members of this Congress who were members of the last.

Mr. SAYLER, of Ohio. I think it is very evident that the sense of the committee has been taken on the question of fixing the compensation at seven dollars a day. I desired very much that that limit should have been fixed; but I am satisfied that it is not the temper of the committee to do it, and although I believe that that amendment ought to be made, yet in consideration of the feeling manifested by this committee I move to amend the amendment proposed by the gentleman from Illinois [Mr. WARD] by striking out "seven dollars" and inserting "six dollars;" so that it will read:

And hereafter no gauger shall receive a greater compensation than six dollars per day.

Mr. GARFIELD. Now let us have a vote; we have spent an hour and a half upon this paragraph.

Mr. SAYLER, of Ohio. There seems to be a very general desire to have another vote upon seven dollars, and I will therefore withdraw for the present my amendment to the amendment.

Mr. COBB, of Kansas. I renew the amendment to the amendment.

The amendment to the amendment was not agreed to—ayes 19, noes not counted.

The question recurred upon the amendment offered by Mr. WARD, of Illinois; and on a division there were 86 in the affirmative.

Mr. GARFIELD. Let the amendment be considered as adopted.

Mr. BECK. Does the gentleman propose that with a view of having the yeas and nays in the House?

Mr. GARFIELD. Yes, sir.

Mr. FOSTER. We will have the yeas and nays in the House.

So the amendment was agreed to.

Mr. RANDALL. I move to amend the paragraph in line 489 by striking out the words "six hundred thousand," so that it will read:

For salaries, expenses, and fees of supervisors, store-keepers, agents, surveyors, gaugers, and miscellaneous expenses, $2,000,000.

Now, sir, the Fifth Auditor in his annual report makes the following exhibit for the year ending June 20, 1873:

Supervisors' salaries, (page 42)	$33,351 65	
Expenses	57,490 11	
		$90,841 76
Agents and detectives' salaries, (page 43)	48,884 00	
Expenses	30,091 94	
		78,975 94
Surveyors' salaries, (page 43)	23,589 26	
Expenses	17,318 00	
		40,907 26
Other expenses of surveyors, (page 28)		4,376 36
Store-keepers, (page 28)		564,856 18
Gaugers, (page 43)		727,319 00
Miscellaneous, (page 43)		187,360 66
Actual expenses		1,694,637 70
Proposed appropriation for like purposes only for the coming fiscal year, ending June 30, 1875		2,600,000 00
Increase the coming fiscal year over the expenses of the fiscal year 1873		905,362 30

I call attention to these figures so that the committee may act understandingly. Among the increases is that for contingent expenses. In 1873 the contingent expenses amounted to $187,000, while in 1866 they amounted to but $40,000.

Mr. HOLMAN. I oppose the amendment *pro forma* in order to say that when the legislative, &c., appropriation bill was before the last Congress the gentleman from Ohio [Mr. GARFIELD] stated that the saving to the Government by the abolition of the assessors' offices would be $1,000,000. Now, instead of the saving being $1,000,000, I cannot make out a saving of more than $110,000. The appropriation made for this purpose for the fiscal year 1872 and 1873 was $4,700,000; I mean for the purpose embraced in this paragraph, and the one we have just passed over, both of them being embodied in one in the former appropriation bill. This bill appropriates for the same purpose $4,590,000, making a difference of but $110,000.

There is something exceedingly deceptive in the tables which have been submitted here. My friend from Kentucky [Mr. BECK] shows by a statement which he submitted that the expense for the last fiscal year for collecting the revenue, was $3,825,488.66; that the estimated expense for collecting for the present fiscal year is $1,998,066, making a difference of $827,427.66. Now, the gentleman will perceive that he is mistaken when I call his attention to the act of 1872 and 1873, which appropriated only the sum of $4,700,000 while this bill proposes to appropriate for the same purpose $4,590,000. With such an extraordinary discrepancy as this, it seems to me that some explanation should be made. The gentleman from Ohio [Mr. GARFIELD] said last year that the expenses would be reduced $1,000,000. Even if we adopt the amendment proposed by the gentleman from Pennsylvania, [Mr. RANDALL,] there will not be so much of a reduction as was stated by the chairman of the Committee on Appropriations when the last bill was passed.

Mr. BECK. I will make the explanation, if the gentleman will allow me.

Mr. HOLMAN. Certainly.

Mr. BECK. I expected this question would be asked, and therefore I had the accounts examined, and the following will show what appropriations were made for internal revenue for the year ending June 30, 1873, the appropriations for the same purpose made for the year ending June 30, 1874, the estimates for the year ending June 30, 1875, and the appropriations proposed for that year in the bill now being considered. I regret that through the kindness of the chairman of the Committee on Ways and Means I was placed on a sub-committee which requires me to say so much on this subject:

Appropriations made for internal-revenue purposes for the fiscal year ending June 30, 1873. (Statutes, volume 17, pages 68 and 532.)

Office of Commissioner, (salaries)	$363,740
Dies, paper, and stamps	400,000
Assessing and collecting, (page 68)	4,700,000
Gaugers and store-keepers, (page 532)	1,500,000
Detecting fraud in revenue	80,000
	7,043,740
Deficiency appropriation asked for and now pending for increased expenditure, occasioned by act of June 6, 1872, changing rates of tax on spirits and tobacco, and of December 24, 1872, providing for payment of special taxes by stamps, requiring new stamps	250,000
Total, including deficiency	7,293,740

Appropriations made for internal-revenue purposes for fiscal year ending June 30, 1874. (Statutes, volume 17, page 494.)

Office of Commissioner, (salaries)	$354,140
For dies, paper, and for stamps	400,000
For assessing and collecting, including salaries of gaugers and store-keepers	4,600,000
Detecting frauds on the revenue	100,000
	5,454,140

No deficiency appropriation expected or asked to be made.

DIFFERENCE.

Internal-revenue appropriations, 1873	7,043,740
Deficiency stamps, appropriation asked	250,000
	7,293,740
Internal-revenue appropriations, 1874	5,454,140
Difference	1,839,600

Estimates made for internal-revenue purposes for the fiscal year ending June 30, 1875. (See Book of Estimates 1874–'75, pages 18, 19, 29, and 30.)

Office of Commissioner, (salaries)	$354,140
Dies, paper, and for stamps	500,000
Assessing and collecting, including $1,500,000 for gauging and store-keeping	4,590,542
Detecting frauds on revenue	100,000
	5,544,682

Proposed appropriations. (See bill reported about February 16, 1874.)

Office of Commissioner, (salaries)	$308,380
Dies, paper, and for stamps	400,000
Collectors	1,990,542
Supervisors, agents, gaugers, store-keepers, miscellaneous	2,600,000
Detecting frauds on revenue	100,000
	5,398,922

That shows a difference of $1,839,600. The gentleman from Indiana [Mr. HOLMAN] confuses the matter by putting the pay of collectors and assessors alone against the pay of assessors, collectors, gaugers, and store-keepers, which are now aggregated in one item.

Mr. HOLMAN. It is very true that in the former appropriations the pay of the gaugers and store-keepers was not embraced, because then their fees were paid by distillers. But the gentleman must see that the appropriation of $4,700,000 in the act of 1872 and 1873 covers the same items, except for gaugers and store-keepers, as is covered by the pending bill; and the pending bill appropriates as much money within $110,000 as was appropriated in the former bill. It is evident that the confusion by this bill renders it very difficult to get at the facts, but I am very confident that the gentleman from Kentucky on a careful examination will discover that the truth is the reduction instead of being one million as promised is barely $110,000.

Mr. GARFIELD. I hope that we will now have a vote.

Mr. RANDALL. No, sir; I want to corroborate my figures. The act of March 3, 1873, shows that for the office of Commissioner of Internal Revenue, for collectors and assessors, for the enforcement of revenue laws, for dies, paper, and stamps, the aggregate appropriation is $5,454,140. The amount proposed to be appropriated by this bill for the same purpose is $5,398,922, an actual reduction of only $55,218 as against the million promised by the chairman last year. These are the facts, and all the commissioners in the land cannot subvert them.

Mr. GARFIELD. Now let us have a vote; everybody is corroborated, I believe.

Mr. BECK. Yes, all are corroborated. The difference between the appropriations for the year ending June 30, 1873, and for the current fiscal year is $1,830,000.

Mr. RANDALL. I am speaking of the act passed March 3, 1873.

Mr. BECK. For the current fiscal year.

Mr. RANDALL. That is right; and I am showing that the actual reduction was only $55,000.

Mr. BECK. That also is true; but the gentleman from Indiana [Mr. HOLMAN]——

Mr. HOLMAN. I had taken the year before.

Mr. RANDALL. I take the last year.

Mr. BECK. The gentleman from Indiana took the year ending June 30, 1873.

Mr. HOLMAN. That is true.

Mr. BECK. Therefore I show correctly that there was a saving of $1,800,000 over that year; and the estimates for the next year are $1,830,000 less than the appropriation for the year ending June 30, 1873. The gentleman from Pennsylvania [Mr. RANDALL] is right when he confines his remarks to the current year and compares the estimates for the next year with the appropriations for the current year.

Mr. GARFIELD. Now that these gentlemen are all set right, let us vote.

Mr. BECK. One word more, to show where the gentleman from Pennsylvania was mistaken. At the time he made his remarks I did not know how to correct him. But I find that in taking the figures from the report of the Fifth Auditor he took only the cost of assessment.

Mr. RANDALL. No, sir.

Mr. BECK. I beg the gentleman's pardon. I have the report in my hand now.

Mr. RANDALL. Well, go on.

Mr. BECK. For the year ending June 30, 1873, the cost of assessment was $1,275,000.

Mr. RANDALL. I gave the total expense of collecting during the last year as $1,585,476.

Mr. BECK. Precisely; and the cost of assessing was separate, as the report shows, making in addition the sum of $1,275,000 in round numbers, the aggregate for assessing and collecting being $3,825,000. (See page 254 for cost of assessing, and page 265 for cost of collecting.) I will show the gentleman the Auditor's report. First comes the cost of assessment; then the cost of collecting; and together they make $3,800,000, as against $1,998,000.

Mr. RANDALL. Well, sir, I have the recapitulation; and I embraced everything.

Mr. BECK. I beg the gentleman's pardon. The book will show that he is mistaken. He gave the cost of assessing only. Add cost of collection, as given on page 265, and it increases the amount to nearly $4,000,000. There is no mistake about it.

Mr. HOLMAN. I move to amend the amendment by striking out the last word.

Mr. GARFIELD. The gentleman having already made four or five speeches, I hope he will not prolong the debate.

Mr. HOLMAN. The gentleman ought to be truthful in this matter. I have made but one little speech on this subject. The gentleman falls into error in the same way he did last Saturday when he requested me to be "severely truthful" with reference to his having moved amendments in the last Congress increasing salaries. He thought, as was implied by his remark, that I was making an incorrect statement; yet if he will look over the records he will find that the second amendment to increase salaries in the last Congress, the beginning of the movement out of which grew the monstrous structure we have at this session attempted to tear down, was moved by himself.

Mr. GARFIELD. I know the gentleman must be mistaken on the general proposition, because I have republished in pamphlet form my remarks on that subject; so I am quite familiar with the matter. It may be that I said some one particular salary deserved to be raised. I do not deny that I may have said that.

Mr. HOLMAN. The gentleman said it all the way through.

Mr. GARFIELD. At a suitable time, when it will not delay the business of the House, I shall be glad to discuss the question with the gentleman.

Mr. HOLMAN. On questions of this kind I am not in the habit of speaking except by the record, which the other day I had not at hand. Yet the gentleman undertook to talk to me about "severe truthfulness" on a public question which was fresh in the memory of all.

Mr. GARFIELD. My friend cannot complain because I spoke of him as "severely truthful."

Mr. HOLMAN. The gentleman desired that I should be "severely truthful."

I find in the Congressional Globe of last session, page 392, where the gentleman from Ohio moved an amendment for the purpose of "equalizing" (just as I suggested) one salary with another. In the first place the salary of the Capitol police had been put up; and then it was found that the pay of the police at the President's House was a little lower. Then of course the proposition of the gentleman from Ohio was to "equalize" by an increase. When the paragraph was read appropriating "for two policemen at the President's House, $2,640," the gentleman from Ohio said:

I move to amend by striking out $2,640, and inserting in lieu thereof, $3,168. This equalizes the pay with the policemen employed about the Capitol.

This entirely supports the statement I made, and which my friend from Ohio thought proper to criticise so severely.

[Here the hammer fell.]

I withdraw my amendment.

Mr. KELLEY. I renew the amendment for the purpose of suggesting to my friend from Indiana [Mr. HOLMAN] who closed by referring to the fact that we had doubled the pay of the Capitol police——

Mr. HOLMAN. I did not say anything about doubling any salary.

Mr. KELLEY. I wish to call the gentleman's attention to the fact that we appropriated $31,000 for the police at this end of the Capitol, and the Senate inserted an appropriation of $31,000 for the police at the other end; so that the difference between the pay to which he referred and the present pay is as between $62,000 and the present sum, instead of between $31,000 and the present; and we then left to the Metropolitan police a large portion of the Capitol grounds which are now cared for by the Capitol police. The total result is a considerable reduction in the expenditure. I withdraw my amendment.

The question being taken on the amendment of Mr. RANDALL, it was not agreed to.

Mr. DANFORD. I move to amend the pending paragraph by striking out "supervisors." Mr. Chairman, I am not disposed to complain of the work of the Committee on Appropriations. I believe that they have done a good work in the preparation of this bill, which proposes to appropriate in the aggregate $4,000,000 less than was appropriated last year. But there are some classes of officers under this Government who it seems to me might be dispensed with. These supervisors of internal revenue, some nine or ten of them I believe, whose duty it is to look after violations of the revenue laws throughout the country, have duties to perform precisely similar to those of the collector of internal revenue. If there be a violation of law in an internal-revenue district, it is made by the statutes the special duty of the collector and his deputies to look after and report that violation. Collectors of internal revenue are responsible directly to the Commissioner of Internal Revenue, and as to what necessity there is for these middlemen—these gentlemen who are purely ornamental—why they should be kept upon the roll of the officeholder of this Government, I am unable to see.

I appeal to gentlemen upon this floor and ask them what duties these supervisors have performed and what is their use in the administration of the internal-revenue laws of the Government? I believe I have never heard, so far as I am concerned, of a single duty one of these supervisors of internal revenue ever performed in the State which I have the honor in part to represent; and we can get rid of this class of officers without in any way, in my judgment, taking from the usefulness or efficiency of the Internal Revenue Bureau.

They are nice places and they are filled by gentlemen no doubt who would gladly hold on to them, but at this time when we need all the revenues we can collect it does seem to me we should cut off these supernumerary officers. I hope the amendment will prevail and this class of officers be dropped from our rolls.

The amendment was rejected.

The Clerk read as follows:

For detecting and bringing to trial and punishment persons guilty of violating the internal-revenue laws, or conniving at the same, including payments for information and detection of such violations, $100,000.

Mr. WHITEHEAD. I move to strike out the whole of that paragraph.

Mr. RANDALL. I have an amendment to perfect the section.

The CHAIRMAN. That takes precedence of a motion to strike out.

Mr. RANDALL. I move to strike out $100,000 and insert $50,000. I find the expenditure for this purpose in 1873 was $39,371.34. The appropriation here shows an increase of $60,000—an increase in amount almost double the appropriation for the purpose last year.

Mr. ALBRIGHT. Now, Mr. Chairman, I desire to say that perhaps there is not an appropriation made which is a better investment for the Government than this. If my colleague will look at the report of the Commissioner of Internal Revenue he will find an abstract of the number of suits which were commenced and the number of cases which were settled and the amount of money which was returned into the Treasury in consequence of these suits. The amount saved to the Government in consequence of this appropriation I have no doubt is something like two million dollars.

I believe there is such a thing as being a little too anxious to cut down expenses in certain directions where perhaps the cutting down interferes with the collection of the revenues of the Government and is really no saving of money. There are a great many persons who are trying to evade the laws and who are attempting to defraud the Government out of the honest revenues which belong to the Government, and unless you have some officers you can employ to ferret out and discover where these evasions and violations are, the Government will lose many millions of dollars.

I call attention to the following statement of the last report of the Commissioner of Internal Revenue:

Abstracts of reports of district attorneys for the fiscal year 1873.

SUITS COMMENCED.	
Number of criminal actions	2,315
Number of civil actions *in personam*	631
Number of actions *in rem*	271
Whole number commenced	3,217
SUITS DECIDED IN FAVOR OF THE UNITED STATES.	
Number of criminal actions	950
Number of civil actions *in personam*	378
Number of actions *in rem*	316
Total number of suits decided in favor of the United States	1,644
SUITS DECIDED AGAINST THE UNITED STATES.	
Number of criminal actions	411
Number of civil actions *in personam*	34
Number of actions *in rem*	50
Total number of suits decided against the United States	495
SUITS SETTLED OR DISMISSED.	
Number of criminal actions	1,315
Number of civil actions *in personam*	125
Number of actions *in rem*	116
Total number of suits settled or dismissed	1,556
SUITS PENDING JULY 1, 1873.	
Number of criminal actions	3,930
Number of civil actions *in personam*	1,221
Number of actions *in rem*	474
Total number of suits pending July 1, 1873	5,625
Amount of judgments recovered by the United States in suits in criminal actions	$154,296 20
Amount of judgments recovered by the United States in suits in civil actions *in personam*	1,476,346 23
Amount collected on judgments and paid into court in suits in criminal actions	38,493 97
Amount collected on judgments and paid into court in suits in civil actions *in personam*	291,514.81
Amount collected on judgments and paid into court in actions *in rem* or proceeds of forfeiture	73,953 45

I trust this appropriation will not be disturbed, but that it will be passed by the committee in the full belief that it will result in a great saving to the Government.

Mr. RANDALL. The whole system is pernicious. We have our revenue officers, and, with all respect to the gentleman who has just spoken, I think they ought to perform this duty without having the Department go outside and employ others. The object of my amendment, however, is to make a reduction in the amount of the appropriation to what is really necessary. I have shown $40,000 ought to be sufficient, and have moved to strike out one hundred thousand and insert fifty thousand, leaving a proper margin beyond what was needed heretofore.

The committee divided; and there were—ayes 30, noes 60.

So (no further count being demanded) the amendment was rejected.

The CHAIRMAN. The gentleman from Virginia is now entitled to the floor on his motion to strike out.

Mr. WHITEHEAD. I have moved to strike out the pending paragraph. I propose to reply in a word or two to the gentleman from Pennsylvania. These suits to which he alludes are mostly the old suits commenced under a law which is now repealed, and out of which a considerable sum of money, as he says, has been received. They are results taking place not under this law, but under the law which existed up to the year 1872, under which these parties were paid as informers. In 1872 the law which had hitherto existed was repealed. The repealing section is in these words:

That so much of section 179 of the act of July 13, 1866, as provides for moieties to informers be, and the same is hereby, repealed; and the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, is hereby authorized to pay such sums, not exceeding in the aggregate the amount appropriated therefor, as may in his judgment be deemed necessary for detecting and bringing to trial and punishment persons guilty of violating the internal-revenue laws, or conniving at the same, in cases where such expenses are not otherwise provided for by law; and for this purpose there is hereby appropriated $100,000, or so much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated.

The system of moieties existed and it was to break up that abuse that the law was repealed, which had been passed at a time when the state of the country was unsettled, and when it was supposed that the inhabitants of a great part of the country were not loyal to the

Government and indisposed to pay their revenue taxes. These moieties were allowed then to informers and spies.

And now the proposition is by law absolutely to place within the discretion of the Commissioner of Internal Revenue a system of spies and informers. Now I undertake to say, that never has a republican government existed, and never will a republican government exist, based on any such system. When a government ceases to be supported by voluntary taxes levied on the people, it ceases to be a free government. This system is productive of no good. It spends more money, and it will be the effect of this very appropriation to spend more money, than it gets back.

And what will be the result of this? In every State nearly in the Union these men are the stirrers-up of strife. The gentleman replies that it is necessary to employ counsel. It is not. The district attorney in every district of the United States is a sufficiently qualified officer to discharge his duties and prosecute all offenses for the violation of the internal-revenue laws, while under this system the parties are unmolested and the prosecution cannot be carried on. These attorneys are paid a salary; the marshals are paid a salary by the United States Government; and there is no need for the expenditure of any money for assisting the prosecution in these cases. So far as the object of bringing to trial and punishment persons guilty of violating the internal-revenue laws, or conniving at the same, is concerned, there is no necessity for an appropriation for the purpose. The district attorney is paid by salary and fees taxed against the parties; the marshal by salary and fees taxed against the parties when they collect. The only purpose of this is to employ detectives to ascertain whether there have been violations of the internal-revenue laws; and in ninety-nine cases out of a hundred these parties are not only the stirrers-up of litigation, but the blackmailers of the people, collecting sums of money from innocent parties against whom they make charges.

If it were necessary, and I had time, I could refer to a great many such cases. Look into the newspapers, and you will find many of them which remind you of the old times in the war when you read accounts of a Mosby raid, "One man killed, three wounded, and four old stills captured," in the district in Tennessee now represented by Mr. CRUTCHFIELD. And so now paid spies and informers are going through the country, pretending that they have found violations of internal-revenue laws; and the Commissioner of Internal Revenue is deceived by these men, who for the purpose of making money get up these reports.

Mr. GARFIELD. I hope we will now have a vote.

Mr. BECK. I desire to say a word.

Mr. SOUTHARD. I hope unanimous consent will be given to the gentleman from Virginia [Mr. WHITEHEAD] to continue his remarks.

The CHAIRMAN. The gentleman from Kentucky [Mr. BECK] is recognized by the Chair.

Mr. BECK. I hope after we pass this paragraph I will not be called upon to say any more, or at least that I will not be called upon to say much more on this bill. But as the Committee on Ways and Means saw fit to select my friend from Ohio [Mr. FOSTER] and myself to look into this matter, we did not see how we could get along without its being put as it seems to be here. And I want to explain to the committee why it seems to be necessary. In the fiscal year ending 30th June, 1873, there was $180,000 given to the Commissioner of Internal Revenue for the same purposes as are now indicated here. Of that he used $72,818, and paid into the Treasury $107,182. For the current fiscal year Congress gave him $100,000, and of that up to the present time he has used only $6,291.63, and has a balance on hand of $93,708.37. He asks $100,000 for the next year. If he does not use it, of course it goes back into the Treasury.

Mr. RANDALL. No; it does not go back; that is the trouble.

Mr. BECK. It does go back by law.

Mr. RANDALL. It stands there for two years.

Mr. BECK. True, it stands there for two years, but it cannot be used except for this service, unless some one steals it.

Mr. WHITEHEAD. But the effect of it is to authorize the Commissioner to keep up this system of spies and informers.

Mr. BECK. He could not use the whole of the appropriation this year because of the state of things existing, on which I will not dwell now, under the Sanborn contracts, whereby all his officers were subordinated to others without his consent. The House will hear the history of all that in due time.

Mr. RANDALL. When?

Mr. BECK. When the Committee on Ways and Means can have their report printed. It is now completed and in the hands of the printer.

Mr. RANDALL. When will it be printed?

Mr. BECK. It is likely to be before the House next week, or as soon as we get through with this bill.

The Commissioner makes some important use of this appropriation. In the city of Brooklyn there was a large number of illicit distilleries going on, and he had to employ force to put them down. They have been put down, and now the distillers there are registered and working regularly and the Government derives revenue from them. You heard the cry just now in relation to New Orleans. I do not see the gentleman from Louisiana present, or I would have said more upon that subject. They were carrying on illicit distilleries there and making whisky cheaper than it could be made in Illinois or Iowa. Although the corn was bought in Iowa and carried to New Orleans and there manufactured into whisky and sent back to Saint Louis, it was sold there cheaper than men in Iowa and Missouri could make it. The Commissioner had to break up that state of things in New Orleans; and he has done it, as you have heard to-day. There were a large number of illicit distilleries in operation in Georgia, and North Carolina, and Tennessee, and Texas, and it costs the Government thousands of dollars to pay the fees of marshals and other expenses under the Attorney-General's Department. The Commissioner has managed to stop a good deal of this illicit distillation, and he has now got in all those States things in perfect order. The distillers are coming in and registering and paying something to the Government, and we are saved all this expense. But some expenses of this character are necessary, and what the Commissioner gets under this appropriation is used in that way. It is a legitimate use of money; something must be given for this purpose, whether $50,000 or $100,000 I do not know, but he ought to have some power to act in cases like these to which I have referred.

Mr. SOUTHARD. I move to amend the amendment by striking out the last word, and I yield my time to the gentleman from Virginia, [Mr. WHITEHEAD.]

Mr. WHITEHEAD. I merely desire to finish what I was saying. What the gentleman from Kentucky [Mr. BECK] has said in reference to the marshals of the United States is sufficiently answered by the fact that they are salaried officers, and it is saying but little in favor of the administration of the Government in this Department to claim that additional marshals would have to be employed in order to carry out the law. It is not so in my State, and I do not think it is necessary anywhere. There are in each district a collector, a supervisor, a store-keeper, a surveyor, and a gauger.

Now, if in Brooklyn, or anywhere else on the face of God's earth, with United States courts, with United States marshals and district attorneys, and all these officers of the Internal-Revenue Department to examine into the business of that city, they are not able to ascertain when a violation of the law takes place honestly, fairly, openly, and above-board, and to go before the courts and present offenders and have them convicted, then I say the whole system is defective, and this Government will come to an end if the people who ought to support it have no more reverence for law and honesty than that.

The apology of the gentleman from Kentucky is worth nothing. I say that the Government does not need any such system of espionage. A system of spies and informers is out of place in a republican government. It is a relic of the times of the Spanish inquisition. Our Government needs the protection of no such system, and it leads frequently to the blackmailing of innocent men and to the escape of capitalists who are the real offenders.

Now, sir, I took no part in the former discussion, and made no opposition to any of the officers who have been appropriated for; but I do object to appropriating $100,000 of the people's money for the purpose of employing men whose very business makes them without character and the scorn and detestation of all honest and bold men everywhere. Spies for any purpose, either in time of peace or war, ought not to be countenanced by honest men, and I go for breaking up the whole system.

Mr. SOUTHARD. I withdraw the amendment to the amendment.

The question was then taken upon the motion to strike out the paragraph; and upon a division—ayes 37, noes not counted—it was not agreed to.

The Clerk resumed the reading of the bill, and read the following:

Treasury, miscellaneous:
For stationery for the Treasury Department and its several Bureaus, $50,000.
For purchase of official postage-stamps, $200,000.

Mr. DUNNELL. I move to amend the clause relating to postage-stamps by striking out "$200,000," and inserting "$1,000."

Mr. RANDALL. No; it should be $4,000, to correspond with the amendment made in reference to the State Department.

Mr. KELLOGG. Upon investigation it is supposed that $5,000 will be enough.

Mr. DUNNELL. Very well; I will say $5,000.

Mr. KELLOGG. I would suggest that the clause should be amended so as to read:

For furnishing official postage-stamps not exceeding $200,000 face value, $5,000.

Mr. DUNNELL. I accept that amendment.

Mr. PACKER. I raise the point of order that the proposed amendment will change existing law, and therefore is not in order.

Mr. DUNNELL. There is no law on the subject. No such point was made when a similar amendment was offered in regard to the State Department.

Mr. PACKER. The point was not made then, because——

Mr. DUNNELL. There is no existing law on the subject.

Mr. PACKER. I have the law here, and will ask the Clerk to read it.

The Clerk read as follows:

That the franking privilege be, and the same is hereby, abolished from and after the 1st day of July, A. D. 1873; and that thenceforth all official correspondence of whatever nature, and other mailable matter, sent from or addressed to any officer of the Government or person now authorized to frank such matter, shall be chargeable with the same rate of postage as may be lawfully imposed upon like matter sent by or addressed to other persons.

Mr. DUNNELL. That does not affect the matter at all. The legislative department of the Government is now simply providing the

means whereby the different Bureaus and Departments of the Government can be furnished with stamps.

The CHAIRMAN. The Chair will be glad to hear the gentleman from Pennsylvania [Mr. PACKER] on the point of order.

Mr. PACKER. Of course, having provided by law that these official stamps shall be furnished to the Departments and Bureaus of the Government at the same rate that stamps are furnished to individuals, any attempt to require the Postmaster-General to furnish them at a lower rate will be a change of that law. In connection with that it may perhaps be well to refer to the act of March 3, 1873, which provides that the Postmaster-General shall cause to be prepared a special stamp or stamped envelope to be used only for official mail-matter. This section provides that these postal-stamps shall be furnished by the Post-Office Department; consequently the other Departments cannot furnish them for themselves. If they are to be furnished by the Post-Office Department, then under the act which has just been read by the Clerk they are to be furnished at the same rates that stamps are furnished to individuals.

Mr. DUNNELL. That is only an inference.

Mr. PACKER. It is a specific requirement of the act.

The CHAIRMAN. Will the gentleman from Pennsylvania [Mr. PACKER] suggest to the Chair the law under which the Post-Office Department is required to furnish these stamps? In the meanwhile the Chair will be glad to hear the gentleman from Minnesota [Mr. DUNNELL] in opposition to the point of order.

Mr. PACKER. I have the law here. The material part of it is in the proviso to the section which I send to the Clerk's desk.

The Clerk read as follows:

Provided, That the Postmaster-General shall cause to be prepared a special stamp or stamped envelope to be used only for official mail-matter for each of the Executive Departments; and said stamps and stamped envelopes shall be supplied by the proper officer of said Department to all persons under its direction requiring the same for official use.

Mr. DUNNELL. I respectfully suggest that that proviso simply means that the Postmaster-General shall furnish to the other officers of the Government the stamps and stamped envelopes which they may need for official business. My amendment proposes to appropriate a sum of money sufficient to enable him to do precisely that thing and nothing more. He has to furnish these stamps, not at their face value, but a quantity of stamps sufficient to meet the needs of a given Department. The Treasury Department needs stamps of the face value of $200,000. I propose that we shall appropriate money enough to enable the Postmaster-General to obtain those stamps and turn them over to the Treasury Department. I see where the point comes in; this is a struggle on the part of the Post-Office Department and its committee here to save that Department.

Mr. RANDALL. Not the committee.

Mr. DUNNELL. The Postmaster-General having made the allegation that so much would be saved by the repeal of the franking privilege, now seeks to get hold of this large income; and we are asked to appropriate in this bill from one to two million dollars, which is to go to the credit of the Post-Office Department, when it will cost that Department not more than eight or ten thousand dollars to prepare all these stamps. Why should we load down this appropriation bill with two or three million dollars beyond what is legitimately necessary? I insist, Mr. Chairman, that a proper construction of this proviso was given when the former amendment was adopted.

Mr. HARRIS, of Massachusetts. I desire to call attention to the fact that the Post-Office Department is obliged to bear the whole expense of carrying the mails; that it is the great carrying Department of the Government; and it does seem to me that it should be paid for what it does. The question is, how much does it cost to the Post-Office Department to carry and deliver the mail matter?

Mr. DUNNELL. In reply to the gentleman from Massachusetts, [Mr. HARRIS,] I would say that the Postmaster General has no right to come in here and ask us to appropriate a certain sum of money in order that it may appear in the business of his Department. Otherwise we appropriate for carrying the mails; otherwise we appropriate for every expense of the Post-Office Department. But he desires in addition that he may have credit for this large amount of official business; and we appropriate $2,000,000, more or less, which is put into the hands of the different Departments wherewith to purchase stamps. Now I say that it is a better style of legislation to appropriate simply enough money to pay the actual cost of those stamps, and then if the Post-Office Department has a deficiency, let us provide for that. I do not ask that the Post-Office Department shall be self-sustaining; by no means.

Mr. GARFIELD. The gentleman is not confining himself to the point of order.

Mr. DUNNELL. The gentleman from Ohio suggests that I am not confining myself to the point of order. Now, sir, I have not occupied much time upon this bill.

The CHAIRMAN. The point being raised, the Chair will of course be compelled to request the gentleman from Minnesota [Mr. DUNNELL] to confine his discussion to the point of order before the House.

Mr. DUNNELL. I do not know that I desire to occupy any more of the time of the committee. I have felt from the time I first read this appropriation bill that the neatest and best style of legislation was for us to appropriate to each Department simply a sufficient sum to pay the actual cost of the stamps it may require.

Mr. CONGER. I wish to make one remark upon the point of order. The motion here is simply to change the amount of the appropriation. It does not change any law. This House has the right to say whether it will appropriate $200,000 or $175,000 or $5,000 for purchasing stamps for this Department. The House has the right to determine the amount it is disposed to expend for this object; and if the Chair understands my proposition——

The CHAIRMAN. Will the gentleman allow the Clerk to report the pending amendment, so that the entire committee may understand it?

The Clerk read as follows:

In line 514 strike out the word "purchase" and insert "furnishing;" in the same line strike out "200" and insert "5;" so that the clause will read: "for furnishing official postage-stamps, $5,000."

Mr. CONGER. I did not understand that the original amendment proposed anything more than a change in the amount of the appropriation.

The CHAIRMAN. The Chair thought that such was the gentleman's impression.

Mr. CONGER. I wish to say, however, that even with the change of the word "furnishing" instead of "purchase," there is no conflict necessarily with any existing law; and certainly a diminution of the amount of the appropriation cannot be in contravention of any law.

I submit, too, that under the law "furnishing" is the proper word. The Postmaster-General is required to furnish, not to purchase, stamps. Hence I hold that the amendment is in entire conformity to the law.

Mr. GARFIELD. But if we insert the word "furnish" in this clause, it is the Treasury Department that will have to furnish these stamps.

Mr. CONGER. My friends here know so much better than I do what I mean that I suppose they will get me corrected after a while. Now what is this appropriation for? It is for furnishing stamps to the Treasury Department. What does the law now provide? That the Postmaster-General shall furnish the stamps to each Department. Hence the amendment is in strict accordance with the law as it stands. I submit that the chairman of the committee in drawing this bill made a slight error—a thing he very seldom does in a matter of verbiage—in inserting in the bill the word "purchase" instead of "furnishing."

Mr. GARFIELD. Does not my friend see the difference between the Treasury Department purchasing and the Post-Office Department furnishing? The Treasury Department cannot furnish postage-stamps to anybody. This is an appropriation to enable the Treasury Department to purchase postage-stamps from the Post-Office Department. Hence if the gentleman inserts here the word "furnish," he makes the Treasury Department usurp the authority and duty of the Post-Office Department.

Mr. CONGER. Not at all. The law declares who shall furnish these postage-stamps to the Departments. That law declares what shall be done in the way of furnishing the Departments. This amendment merely goes to the extent of providing for furnishing official postage-stamps to the several Departments.

Mr. GARFIELD. This is not a law for the Post-Office Department at all.

Mr. CONGER. I will not discuss it. The few remarks I wanted to make to bring myself into accord with the Chair for our mutual interest has raised a feeling which is spreading all over the House. I do not propose, however, to antagonize the whole House by the little explanation which I intended to make only to the Chair.

The CHAIRMAN. The gentleman from Ohio [Mr. GARFIELD] raises the point of order that no member under the rules shall be permitted to speak more than once on the pending question of order until all the members who desire to speak shall have spoken. That rule the Chair will enforce.

Mr. KELLOGG. I do not wish to speak on the point of order, but merely send up an amendment which the gentleman from Minnesota I understand will accept as a substitute for his own.

The CHAIRMAN. If no other gentleman desires to debate the point of order the Chair will render his decision. The Clerk will read the pending amendment.

Mr. DUNNELL. I ask the amendment be read as it has been modified.

The Clerk read as follows:

Strike out "for purchase of official stamps, $200,000;" and in lieu thereof insert "for purchase of official postage-stamps to an amount not exceeding $200,000 face value, 5,000."

The CHAIRMAN. On this the gentleman from Pennsylvania [Mr. PACKER] raises the point of order that it changes existing law. To this the gentleman from Michigan [Mr. CONGER] suggests it does not involve any change of existing law as it provides for an appropriation for stamps. The law as it stands to-day requires the Post-Office Department shall prepare and furnish to the different executive departments the stamps to be used in the transaction of their business. The other law to which reference has been made provides the same postage shall be imposed on matter sent to or from the Departments as on other mail-matter. It is suggested the amendment does not mean for payment to the Post-Office Deparment of the face value of stamps, but is to cover the expense of their preparation. As the law stands stamps must be prepared in the Post-Office Department. As this is under the heading of the Treasury Department, the Chair

thinks were it to be put in here, to be logical it would involve the preparation of stamps in and by the Treasury Department. The Chair regards the point of order as well taken, and therefore rules the amendment out.

Mr. CONGER. I wish to ask a question.

Mr. GARFIELD. I object to debate on the point of order after the Chair has given his decision.

The CHAIRMAN. The Chair would be happy to hear the question of the gentleman from Michigan; but if objection be made, it is the duty of the Chair to enforce the rule which forbids debate after the decision of the Chair.

Mr. DUNNELL. I appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Minnesota takes an appeal from the Chair; and the question is, Shall the decision of the Chair stand as the judgment of the committee?

The committee divided; and there were—ayes 84, noes 30; no quorum voting.

Mr. DUNNELL demanded tellers.

Tellers were ordered, and Mr. DUNNELL and Mr. PACKER were appointed.

The committee again divided; and the tellers reported—ayes 110, noes 38.

So the decision of the Chair was sustained.

Mr. DUNNELL. I move to strike out "$200,000" and insert "$5,000," for the purchase of official postage-stamps.

Mr. CRITTENDEN. I move that the committee rise.

Mr. GARFIELD. On that motion I call for a division of the committee.

The committee divided; and there were—ayes 50, noes 73; no quorum voting.

Mr. CRITTENDEN demanded tellers.

Tellers were ordered; and Mr. CRITTENDEN and Mr. GARFIELD were appointed.

The committee again divided; and the tellers reported—ayes 60, noes 80.

So the committee refused to rise.

Mr. O'BRIEN. I move the following as a substitute for the amendment of the gentleman from Minnesota:

All postage-stamps required by the Treasury Department shall be furnished by the Postmaster-General at the request of the Secretary of the Treasury.

Mr. GARFIELD. I make the point of order that changes existing law.

Mr. O'BRIEN. I ask for the ruling of the Chair.

Mr. PACKER. No appropriation is provided for in the amendment at all.

Mr. O'BRIEN. It requires no appropriation to furnish these stamps. I understood the ruling of the Chair was to the effect that the $5,000 to be appropriated would be equivalent to requiring the Treasury Department to prepare these stamps required by law to be prepared in the Post-Office Department under the control of the Postmaster-General. Now the substitute which I offer I think relieves the committee from the whole difficulty suggested by the amendment of the gentleman from Minnesota. There is no occasion for an appropriation at all. The postage-stamps cost nothing to the Treasury Department. If they are furnished by the Post-Office Department the Post-Office Department can make its own account and charge it against the Treasury Department; and the appropriation of $5,000 to furnish $200,000 of postage stamps, face value, is equivalent, as the Chair has told us, to requiring that the Treasury Department shall furnish its own stamps. I ask for the ruling of the Chair.

The CHAIRMAN. The gentleman from Maryland [Mr. O'BRIEN] offers an amendment, which the Clerk will again report.

The Clerk read as follows:

Strike out lines 514 and 515, and insert in lieu thereof the following:
The postage-stamps required by the Treasury Department shall be furnished by the Postmaster-General at the request of the Secretary of the Treasury.

The CHAIRMAN. The Chair is of the opinion that were the amendment offered by the gentleman from Maryland adopted the Treasury Department would still be required to pay the Post-Office Department for the stamps so furnished.

Mr. O'BRIEN. The full face value, or $5,000?

The CHAIRMAN. The existing law requires that they shall be paid for at their face value.

Mr. O'BRIEN. I have no objection to that; I am antagonizing the amendment of the gentleman from Minnesota, [Mr. DUNNELL.] I have no objection to the paragraph remaining exactly as it is in the appropriation bill; but if there is to be any amendment, that which I offered is, I think, the only one which can be offered under the law.

Mr. ELDREDGE. I move that the committee rise.

The question being taken on the motion that the committee rise, there were—ayes 32, noes 93; no quorum voting.

Tellers were ordered; and the Chair appointed Mr. ELDREDGE and Mr. GARFIELD.

The committee again divided; and the tellers reported—ayes 18, noes 85; no quorum voting.

The CHAIRMAN. No quorum having voted, the Chair directs the roll to be called.

The roll was called; and the following members failed to answer to their names:

Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Barnum, Barrere, Barry, Bass, Begole, Berry, Bradley, Brown, Burrows, Benjamin F. Butler, Cain, Cessna, Freeman Clarke, Clinton L. Cobb, Comingo, Corwin, Cox, Creamer, Crocker, Crossland, Crutchfield, Curtis, Darrall, Davis, DeWitt, Dobbins, Duell, Eden, Elliott, Farwell, Field, Glover, Eugene Hale, Hamilton, Harmer, John T. Harris, Harrison, Havens, Hays, Hendee, Hereford, Herndon, Hersey, Hodges, Hooper, Howe, Hubbell, Hurlbut, Jewett, Kelley, Kendall, Killinger, Knapp, Lamar, Lamison, Lansing, Leach, Lewis, Lofland, Loughridge, Lowe, Luttrell, Marshall, McJunkin, McNulta, Mitchell, Moore, Morey, Morrison, Neal, Negley, Nesmith, Nunn, O'Brien, O'Neill, Hosea W. Parker, Parsons, Pelham, Pendleton, Perry, Phillips, Pierce, James H. Platt, jr., Thomas C. Platt, Poland, Potter, Pratt, Purman, Ransier, Read, Richmond, William R. Roberts, James C. Robinson, Ross, Milton Sayler, John G. Schumaker, Scofield, Henry J. Scudder, Isaac W. Scudder, Sessions, Shanks, Sheats, Sherwood, Sloan, Sloss, Small, Smart, George L. Smith, J. Ambler Smith, William A. Smith, Southard, Speer, Sprague, Stanard, Standiford, Stephens, St. John, Stowell, Strawbridge, Sypher, Taylor, Charles R. Thomas, Thornburgh, Todd, Tremain, Tyner, Waddell, Waldron, Wallace, Marcus L. Ward, Wells, Wheeler, White, Whitehouse, Whiteley, George Willard, Wilshire, Ephraim K. Wilson, Jeremiah M. Wilson, Wolfe, Wood, Woodworth, and John D. Young.

The committee rose; and the Speaker having resumed the chair, Mr. WOODFORD stated that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 2064) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes, and finding itself without a quorum, he had caused the roll to be called, and he now reported the names of the absentees to the House.

The SPEAKER. The roll-call shows the presence of 141 members, which is not a quorum.

Mr. SAYLER, of Ohio. I desire to say that I was present during the call of the roll, but missed the call of my name.

Mr. GARFIELD. As the roll-call shows that a quorum is not present, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at five o'clock and twenty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BUNDY: The petition of 45 citizens of Ironton, Lawrence County, Ohio, in opposition to a tariff duty on tea and coffee and any increase in internal taxes, and in favor of the repeal of the second section of the act of June 6, 1872, which reduced, by 10 per cent., the duties on certain imports, to the Committee on Ways and Means.

By Mr. LOFLAND: The petition of Joshua Cookinback, late private Company C, Fourth Delaware Volunteers, for a pension, to the Committee on Invalid Pensions.

By Mr. LOWE: The petition of Pottawatomie Indians, in Kansas, for an appropriation to pay arrearages due said Indians under treaties with the United States, to the Committee on Indian Affairs.

By Mr. MAYNARD: Papers relating to the claim of Sylvester D. Willard, of Albany, New York, for rent of building in Murfreesborough, Tennessee, and for damages done the same by United States troops, to the Committee on War Claims.

By Mr. ORR: The petition of citizens of Iowa, for a post-route from Sheldon, in O'Brien County, to Rock Rapids, in Lyon County, Iowa, to the Committee on the Post-Office and Post-Roads.

By Mr. SAYLER, of Indiana: The petition of 50 citizens of Buchanan County, Missouri, for the passage of a law authorizing the manufacture of patent-right articles by others than the owners of patent-rights upon payment of a reasonable royalty thereon, to the Committee on Patents.

Also, the petition of 12 citizens of La Salle County, Illinois, of similar import, to the same committee.

Also, the petition of 25 citizens of Renville County, Minnesota, of similar import, to the same committee.

Also, the petition of 11 citizens of Cumberland County, New Jersey, of similar import, to the same committee.

Also, the petition of 18 citizens of Pike County, Indiana, of similar import, to the same committee.

Also, the petition of 18 citizens of Pontotoc County, Mississippi, of similar import, to the same committee.

Also, the petition of 33 citizens of Knox County, Indiana, of similar import, to the same committee.

Also, the petition of 19 citizens of Des Moines County, Iowa, of similar import, to the same committee.

Also, the petition of 26 citizens of Defiance County, Ohio, of similar import, to the same committee.

Also, the petition of 23 citizens of Pulaski County, Georgia, of similar import, to the same committee.

Also, the petition of 24 citizens of Johnson County, Arkansas, of similar import, to the same committee.

Also, the petition of 15 citizens of Gordon County, Georgia, of similar import, to the same committee.

Also, the petition of 22 citizens of Terrell County, Georgia, of similar import, to the same committee.

Also, the petition of 26 citizens of Prince George's County, Maryland, of similar import, to the same committee.

Also, the petition of 14 citizens of Franklin County, Ohio, of similar import, to the same committee.

Also, the petition of 24 citizens of Ionia County, Michigan, of similar import, to the same committee.

Also, the petition of 15 citizens of Gentry County, Missouri, of similar import, to the same committee.

Also, the petition of 18 citizens of Vermillion County, Illinois, of similar import, to the same committee.

Also, the petition of 17 citizens of McLeod County, Minnesota, of similar import, to the same committee.

Also, the petition of 22 citizens of Parke County, Indiana, of similar import, to the same committee.

Also, the petition of 57 citizens of Copiah County, Mississippi, of similar import, to the same committee.

Also, the petition of 18 citizens of Henry County, Missouri, of similar import, to the same committee.

Also, the petition of 18 citizens of Wells County, Indiana, of similar import, to the same committee.

Also, the petition of 17 citizens of Brown County, Indiana, of similar import, to the same committee.

Also, the petition of 22 citizens of Clark County, Illinois, of similar import, to the same committee.

Also, the petition of 20 citizens of Madison County, Tennessee, of similar import, to the same committee.

Also, the petition of 27 citizens of Iroquois County, Illinois, of similar import, to the same committee.

Also, the petition of 28 citizens of Van Buren County, Michigan, of similar import, to the same committee.

Also, the petition of 14 citizens of Collin County, Texas, of similar import, to the same committee.

Also, the petition of 17 citizens of Perry County, Ohio, of similar import, to the same committee.

Also, the petition of 25 citizens of Oakland County, Michigan, of similar import, to the same committee.

Also, the petition of 21 citizens of Waupaca County, Wisconsin, of similar import, to the same committee.

Also, the petition of 14 citizens of Owen County, Indiana, of similar import, to the same committee.

Also, the petition of 21 citizens of Morgan County, Missouri, of similar import, to the same committee.

Also, the petition of 18 citizens of Saint Clair County, Missouri, of similar import, to the same committee.

By Mr. WILLIAMS, of Michigan: The petition of J. W. McCrath to be reimbursed for loss of a horse while employed in Government service, to the Committee on Claims.

By Mr. WOODFORD: The petition of William M. Baldwin and 124 others, for the passage of the bill (H. R. No. 1179) granting increased pensions to disabled soldiers, to the Committee on Invalid Pensions.

By Mr. ———: The petition of William West, for a pension, to the Committee on Invalid Pensions.

IN SENATE.

WEDNESDAY, *April* 22, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

CIVIL SERVICE.

The PRESIDENT *pro tempore* laid before the Senate a message of the President of the United States; which was read as follows:

To the Senate and House of Representatives:

Herewith I transmit the report of the civil service commission authorized by the act of Congress of March 3, 1871, and invite your special attention thereto.

If sustained by Congress, I have no doubt the rules can, after the experience gained, be so improved and enforced as to still more materially benefit the public service and relieve the Executive, members of Congress, and the heads of Departments from influences prejudicial to good administration.

The rules, as they have heretofore been enforced, have resulted beneficially, as is shown by the opinions of the members of the Cabinet and their subordinates in the Departments, and in that opinion I concur; but rules applicable to officers who are to be appointed by and with the advice and consent of the Senate are in great measure impracticable, except in so far as they may be sustained by the action of that body. This must necessarily remain so unless the direct sanction of the Senate is given to the rules.

I advise for the present only such appropriation as may be adequate to continue the work in its present form, and would leave to the future to determine whether the direct sanction of Congress should be given to rules that may perhaps be devised for regulating the method of selection of appointees, or a portion of them, who need to be confirmed by the Senate.

The same amount appropriated last year would be adequate for the coming year, but I think the public interest would be promoted by authority in the Executive for allowing a small compensation for special service performed beyond usual office hours under the act of 1871, to persons already in the service of the Government.

U. S. GRANT.

EXECUTIVE MANSION,
Washington, April 18, 1874.

The message was referred to the Committee on Civil Service and Retrenchment, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. DENNIS presented a petition of a large number of merchants and ship-owners of Baltimore, Maryland, praying the passage of an act to prevent compulsory pilotage; which was referred to the Committee on Commerce.

Mr. SCOTT presented the memorial of the Philadelphia Board of Trade, asking the repeal of the statutes relative to moieties and the employment of spies and informers in the customs department of the Government; which was referred to the Committee on Finance.

Mr. OGLESBY presented the petition of Mary P. Jarvis, of Geneva, Illinois, widow of the late Commodore Joseph R. Jarvis, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. HAMLIN presented the petition of A. A. Bradley, praying compensation for two horses lost and for services rendered by him as temporary inspector of the port of Savannah, Georgia, from April 9, 1872, to December, 1872; which was referred to the Committee on Claims.

Mr. THURMAN presented additional testimony in the case of Benjamin D. Lakin, of Hillsborough, Ohio, praying to be reimbursed for money paid for a substitute furnished to the Army in the late war; which was referred to the Committee on Claims.

Mr. STOCKTON presented a joint resolution of the Legislature of New Jersey, recommending an appropriation for the improvement of Barnegat Bay and its tributaries; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. LEWIS presented the petition of Abraham Miller and others, of Virginia, praying the establishment of an Army and Navy hospital at Taylor's or Massanetta Springs in Rockingham County, Virginia; which was referred to the Committee on Naval Affairs.

Mr. BOUTWELL presented the petition of John J. Giles and others, merchants of Boston, asking the passage of a law abolishing the system of compulsory pilotage; which was referred to the Committee on Commerce.

Mr. WEST presented the petition of Turner Merritt, praying compensation for one hundred and thirteen bales of cotton taken by order of General Banks for the use of the United States Army for the construction of fortifications at Port Hudson, Mississippi; which was referred to the Committee on Claims.

Mr. HAMLIN presented a petition of citizens of the District of Columbia, praying that such provisions as will insure the safety of travelers on the Fourteenth street road be inserted in the charter to be granted the Piney Branch and Rock Creek Railroad; which was referred to the Committee on the District of Columbia.

Mr. LOGAN presented a petition of officers of the university of Chicago, praying compensation for the use and destruction of their property by United States troops during the late war; which was referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. PRATT, from the Committee on Claims, to whom was referred the petition of Casper Gimber, asking payment for property destroyed by military order, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of Benjamin Fish, praying compensation for horses captured by the enemy while in the service of Major J. W. Smith, paymaster United States Army, in 1863, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

Mr. DAVIS, from the Committee on Claims, to whom was referred the bill (H. R. No. 2100) for the relief of Martin Hoff, Casper Doerr, and George Gebhart, citizens of Saint Louis, Missouri, reported it without amendment.

He also, from the same committee, to whom was referred the petition of Louisa Fitch, widow of Captain E. P. Fitch, praying compensation for two horses appropriated to the use of the United States during the late rebellion, on the death of Captain Fitch, which occurred while on duty in the field as captain and quartermaster in the United States Army, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

Mr. MERRIMON, from the Committee on Claims, to whom was referred the petition of E. A. Coleman, praying compensation for services rendered by his son, Charles J. Coleman, as first lieutenant Company H, First Kansas Colored Volunteers, from August, 1862, to May, 1863, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

Mr. INGALLS, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 699) to regulate bids for goods, supplies, and transportation on account of the Indian service, reported it without amendment.

Mr. MITCHELL, from the Committee on Claims, to whom was referred the bill (S. No. 271) for the relief of Frances A. Robinson, administratrix of the estate of John M. Robinson, deceased, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

Mr. STOCKTON, from the Committee on Naval Affairs, to whom was referred the bill (H. R. No. 2330) to extend the provisions of section 21 of chapter 200 of the acts passed at the second session of the Thirty-seventh Congress giving to unnaturalized persons enlisting in the naval service or Marine Corps of the United States the same rights as are now given by law to such persons enlisted in the Army of the United States, reported it without amendment.

Mr. CRAGIN, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 706) to amend an act approved July 17, 1862, entitled "An act for the better government of the Navy of the United States," reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. No. 716) for the better government of the Navy of the United States, reported it with an amendment.

Mr. SCOTT. I am directed by the Committee on Claims, to whom was referred the bill (H. R. No. 2332) for the relief of S. D. Hicks, administrator of R. M. Harvey, to report it back with a written report and with the recommendation that it do not pass. The Senator from Virginia [Mr. JOHNSTON] not now in his seat desires that the bill may go on the Calendar.

The report was ordered to be printed.

Mr. SCOTT, from the same committee, to whom was referred the petition of R. M. Harvey, praying the refunding of certain moneys, the proceeds of a sale of tobacco under decree of a court at Richmond, Virginia, erroneously covered into the Treasury, asked to be discharged from its further consideration; which was agreed to.

AGREEMENT WITH UTES OF COLORADO.

Mr. BUCKINGHAM. I am instructed by the Committee on Indian Affairs, to whom was referred the bill (H. R. No. 2193) to ratify an agreement with certain Ute Indians in Colorado, and to make an appropriation for carrying out the same, to report it back and recommend its passage; and inasmuch as it is a House bill, I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It ratifies and confirms an agreement or convention made and entered into at the Los Piños agency for the Ute Indians, on the 13th day of September, 1873, by and between Felix R. Brunot, commissioner in behalf of the United States, and the chiefs, head-men, and men of the Tabequache, Muache, Capote, Weeminuche, Yampa, Grand River, and Uintah bands of Ute Indians, which is quoted at length in the bill; and directs the Secretary of the Treasury to issue, set apart, and hold, as a perpetual fund, in trust for the Ute Indians, a sufficient amount of 5 per cent. bonds of the United States, the interest on which shall be $25,000 per annum; which interest shall be paid annually, as the President of the United States may direct, for the benefit of those Indians; and also directs the Secretary of the Treasury to cause to be paid to Ouray $1,000, as the first installment due him annually, so long as he shall be chief of the Utes.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. HAMILTON, of Maryland, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 727) for the relief of Mrs. S. V. L. Findlay; which was read twice by its title, and referred to the Committee on Claims.

Mr. FERRY, of Michigan, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 728) to define a gross of matches, to provide for uniform packages, and for other purposes; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. BUCKINGHAM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 729) to enable Indians to become citizens of the United States; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. HAMILTON, of Texas, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 730) to provide for ascertaining the amount of damage sustained by citizens of Texas from marauding bands of Indians and Mexicans upon the frontiers of Texas; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

MENNONITE SETTLERS ON THE PUBLIC LANDS.

Mr. WINDOM. I move to proceed to the consideration of the bill (S. No. 655) to enable the Mennonites from Russia to effect permanent settlement on the public lands of the United States, which has been once or twice under consideration.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill, the pending question being on the amendment of Mr. STEWART to the amendment reported by the Committee on Public Lands.

Mr. WINDOM. If it is in order I should like to perfect the text before the amendment of the Senator from Nevada is voted on.

The PRESIDENT *pro tempore*. That is in order.

Mr. WINDOM. In section 8 I am instructed by the Committee on Public Lands to move to strike out the words "five hundred" and insert "three hundred;" so that it will read:

That the aggregate of lands held under declaratory statements as aforesaid shall not at any one time exceed three hundred thousand acres.

The amendment to the amendment was agreed to.

Mr. WINDOM. On the fourth line of the same section I move to strike out the words "one hundred" and insert "fifty;" so as to read:

Nor shall any one filing embrace more than fifty thousand acres.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the Senator from Nevada [Mr. STEWART] as a substitute for the amendment reported by the Committee on Public Lands.

The amendment of Mr. STEWART was read, as follows:

Whenever a body of such persons, being heads of families or single persons over twenty-one years of age, shall, through a duly constituted and accredited agent, file with the Secretary of the Interior an application for permission to locate a portion of the public lands of the United States, accompanying such application with a list of the persons composing such body, and the quantity desired by each, the Secretary may authorize such location to be made in any land district of the United States, by giving such agent the proper certificate in writing, under seal of his office, stating that such application has been filed, and reciting the number of persons so applying and the number of acres which they may include in their claim.

SEC. 2. That any person named in the application and petition on file with the Secretary of the Interior shall have the exclusive right of entry for the period of two years from the date of filing as aforesaid upon complying with the laws of the United States existing at the date of entry.

SEC. 3. That at the expiration of the period of two years as aforesaid, all lands not entered by the parties entitled under the foregoing provisions shall be subject to the entry of any other person under the laws applicable to the same as other public lands of the United States.

SEC. 4. That no one filing shall embrace more than one township of thirty-six sections, nor shall a new filing be made until the lands of the former filing shall be exhausted.

SEC. 5. That the Commissioner of the General Land Office shall have power to make all needful rules and regulations to carry into effect the provisions of this act.

Mr. SARGENT. The Senator from Nevada is engaged on a committee of investigation. I have sent for him and suppose he will be here in a moment. I think he would like to be heard on this amendment.

Mr. RAMSEY. Then I propose to make an amendment to the text of the bill. I propose in the fifth and sixth lines of the second section to strike out the words "held at the minimum price," and again in the fifth section to strike out the same words in the tenth line.

Almost all the public lands, with scarcely an exception, are held either at the minimum or double minimum; but there is a tract of land in Minnesota known as the Sioux reservation up the Minnesota River for which many of these Mennonites have expressed a very great desire. It is very desirable land. They wish to go there. These lands are held as public lands, but held in trust for Indians subject to appraisement. They have been appraised at prices very little above the minimum, $1.30, and $1.40, and $1.50 an acre. There can be no objection to allowing these people to take those lands at the appraised value; but they will be excluded from doing so unless the amendment I suggest is made. There can be no objection to it, I am sure.

Mr. WINDOM. I see no objection unless some other member of the Committee on Public Lands objects.

Mr. RAMSEY. The Senator having the bill in charge assents to this amendment, and I presume no one else will object.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Minnesota [Mr. RAMSEY] to the amendment reported from the Committee on Public Lands.

Mr. MORRILL, of Vermont. I call the attention of the Senator from Minnesota to the fact that his amendment leaves the lands that are held at less than the double-minimum price without any price fixed; and therefore his amendment, to the purpose of which I have no objection, ought to be in a separate clause; not to amend this clause but to insert words accomplishing what he desires.

Mr. RAMSEY. As to price there are but two classes of lands as a general thing in the United States, those at the minimum price, of which they may take one hundred and sixty acres, or at the double minimum, of which they may take eighty acres. This is the only exception; I know of no other in the United States. The difficulty the Senator from Vermont apprehends cannot arise in this case.

Mr. MORRILL, of Vermont. But the Senator will see that he strikes out the word "minimum." He wants to include those lands that are sold at the minimum price and those also that are held in trust for the Indians. Why not express it in so many words? Then there can be no chance whatever for any dispute or controversy hereafter.

Mr. RAMSEY. I do not see it as the Senator does, but I will try to get up an amendment to suit him.

Mr. MORRILL, of Vermont. Very well.

Mr. RAMSEY. Inasmuch as the Senator from Vermont thinks my amendment will not answer the purpose, I will withdraw it and offer another.

The PRESIDENT *pro tempore*. The question now is on the amendment of the Senator from Nevada.

Mr. RAMSEY. Probably he will have no objection to letting us prefect the bill before we vote on his amendment.

Mr. STEWART. I have no objection to that.

Mr. RAMSEY. Then I propose to amend by inserting after the word "price," in the sixth line of the second section, where it first occurs, the words "or one hundred and sixty acres of any lands held in trust by the Government at their appraised value;" and the same amendment should be repeated in the tenth line of the fifth section.

The PRESIDENT *pro tempore*. The question is on the amendment now proposed by the Senator from Minnesota [Mr. RAMSEY] to the amendment of the Committee on Public Lands.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question now is on the amendment proposed by the Senator from Nevada to the amendment of the Committee on Public Lands.

Mr. STEWART. I should like to modify my amendment.

Mr. WINDOM. While the Senator from Nevada is modifying his

amendment, I wish to say that since his amendment was submitted to the Senate the Committee on Public Lands have considered the subject, and unanimously, I believe, with the exception of the Senator from Nevada, decided that the bill as it stands will better accomplish the object, and is less objectionable than the amendment of the Senator from Nevada. I especially requested the Senator from Nevada to be present at that meeting of the committee, but as he was not present, he did not agree to the action of the committee. If he had been, I think the action would have been unanimous.

Mr. STEWART. I will call attention to my objection to this bill. My objection is that it does more than is necessary to accomplish the purpose. I regret that I could not be present at the meeting of the committee of which the Senator speaks.

The first section of the bill provides for any person who is an agent of the Mennonites applying to the Secretary of the Interior, with a list of the names of persons who desire to immigrate to this country and locate on public lands; and then the Secretary of the Interior gives him a certificate reciting that he may make a location for these persons. Then—

Upon presentation of the certificate aforesaid to the register of any land district, such agent, as aforesaid, shall be permitted to locate in a compact body any tract of unappropriated public land not mineral and not exceeding the amount of one hundred and sixty acres held at the minimum price, or eighty acres held at the double minimum price, for each person composing such body of individuals named in the said petition and application: *Provided*, That no prior right of any person under existing laws shall be prejudiced by this act.

Then, instead of having the Secretary of the Interior simply divide a township of land for the purpose of giving these people an opportunity to come here, this agent enters each specific tract, which in the first place is considerably complicated, in the next place expensive, and in the next place it ties the land up in case the parties never come. The land is entered by an agent, which our land system has never favored. We have struggled in behalf of the soldiers to have large bodies of land entered by an agent; but it was resisted here and discussed for many days, and disagreed to in both Houses of Congress, because it involved the principle of entries of land by an agent; and that is unnecessary for the purposes of this bill. Then—

Such location shall be made by filing with the register a declaratory statement, describing the lands by sectional subdivision, township, and range, and the payment to the receiver of fees at the rate of one dollar, each, to the register and receiver for each one hundred and sixty acres embraced in the application, to be accounted for as other fees and allowances, and subject to the restrictions under existing laws as to maximum compensation of those officers.

It allows the land to be entered, even if the parties do not come to this country at all. This is an entire violation of our whole system of laws and is unnecessary for the purpose. If the lands were withdrawn and these persons allowed to have an opportunity to enter them in a body, that would do all they desire to accomplish.

And upon receipt of such fees, the receiver shall issue his receipt therefor, setting forth the fact of such declaratory statement having been filed—

A declaratory statement for the whole community filed by one man—

giving the number of the same, and the description of the land, and acknowledging the said payment of the fees as aforesaid; which receipt shall be delivered to such agent, and shall be his voucher for the filing of the declaratory statement and payment of the fees as aforesaid.

Mr. WINDOM. I beg the Senator's pardon, but I do not understand from what clause of this bill he says it permits them to enter these lands before they come to this country.

Mr. STEWART. By an agent. It permits them to enter the land before they come to this country by an agent.

Mr. WINDOM. Will the Senator point out the language of the bill which authorizes the entry?

Mr. STEWART. It is as follows:

That upon presentation of the certificate aforesaid to the register of any land district, such agent as aforesaid shall be permitted to locate in a compact body any tract of unappropriated public land not mineral, and not exceeding the amount of one hundred and sixty acres held at the minimum price, or eighty acres held at the double-minimum price, for each person composing such body of individuals named in the said petition and application.

Mr. WINDOM. But that word "locate" is certainly construed by the subsequent provisions of the bill not to mean to enter, because the lands are simply withdrawn for two years. If they do not come and take possession of them and comply with existing laws by the end of two years they fall back into the body of public lands under existing laws.

Mr. STEWART. There will be great difficulty about the lands falling back after having been once entered. I object to the entry; I do not object to withdrawing the lands. This is intended to be an entry, because the register, as a portion of his monthly returns, is to make return to the Land Office.

That the register shall forward to the General Land Office, as a portion of his monthly returns, a duly certified abstract of the declaratory statement, in the same manner as similar returns are rendered in pre-emption cases, to be entered upon the books of the General Land Office.

It goes on to say in the fifth section:

That any person named in the application and petition on file with the Secretary of the Interior, or, if he be dead, his legal representatives, shall have the exclusive right of entry for the period of two years from the date of filing as aforesaid, under the laws of the United States existing at the date of entry, of a tract of land embraced in said declaratory statement, not exceeding the quantity named in the original application and petition as the amount desired by such person, and in no case exceeding one hundred and sixty acres of minimum or eighty acres of double-minimum lands.

In the first place, the very act that constitutes entry is done by the agent, and fees are paid for it the same as for other entries. It will cost to enter a township and subdivide it and put down each man's name for his tract six or eight thousand dollars. Then it goes on to provide that they shall have the right of entry after they come here. Will they pay these fees over again? What is meant by the subsequent right of entry to the individual after the land has been entered and it has been credited to him on the books?

Mr. WINDOM. What is meant by the subsequent right of entry is to construe the first word "location," which does not mean "entry" at all, but simply that he makes his selection or location and for two years he has the right of entry if he pays for it. There is no provision, as I read this bill, authorizing any entry until the man settles upon it and enters it under existing laws.

Section 7 provides:

That at the expiration of the period of two years, as aforesaid, all lands not entered by the parties entitled under the foregoing provisions shall be subject to the entry of any other person under the laws applicable to the same as other public lands of the United States.

Showing clearly that the word "location," as first used, does not mean "entry," but means the simple selection of the land, and that the right of entry exists for two years after that location or selection; and if the right of entry is not perfected within two years, anybody else may enter.

Mr. STEWART. Then calling this act of filing a declaratory statement, and having it entered in the land office and sent up here, a "location" in one place is supposed to make it different from an ordinary entry; but these are the same acts that constitute entry in other cases. It is this that I complain of. What does the pre-emption settler or the homestead settler do in locating land? He selects the land, files in the local land office a declaratory statement, then has the land returned as selected or entered by him. That is all. The same acts are required to be done here by an agent. Then it is idle to say that the party shall have the exclusive right of entry if the land has been entered and all acts necessary to constitute an entry have been done. If it is not meant that he shall enter, what is the use of all this expense for making selections to simply have a body of land set aside? If it is not intended to be an entry, it is superfluous and complicated, and it is attended by consequences that may be very inconvenient. It is provided that an individual shall get such a right as shall descend to his heirs; an individual that never comes to the country gets a right through the act of an agent that shall descend to his heirs. The fifth section says:

That any person named in the application and petition on file with the Secretary of the Interior, or, if he be dead, his legal representatives, shall have the exclusive right of entry for the period of two years from the date of filing as aforesaid, under the laws of the United States existing at the date of entry, of a tract of land embraced in said declaratory statement, not exceeding the quantity named in the original application and petition as the amount desired by such person, and in no case exceeding one hundred and sixty acres of minimum or eighty acres of double-minimum lands.

I submit that all that, paying that fee, having it certified to, having it subdivided, is unnecessary for the purposes intended by this bill, and then complications may arise out of it. Again:

SEC. 7. That at the expiration of the period of two years, as aforesaid, all lands not entered by the parties entitled under the foregoing provisions shall be subject to the entry of any other person under the laws applicable to the same as other public lands of the United States.

This is requiring a double entry to be made of the same thing. I do not think it is necessary at all; and my amendment is to avoid it.

Mr. PRATT. Mr. President, limited as I am in the morning hour I will attempt to reply to some of the objections urged to this bill by the honorable Senator from Nevada. Let me say that this bill was very carefully prepared by the committee; it met I believe its unanimous approbation, with the exception of the Senator from Nevada. It has been very carefully considered by the Commissioner of the General Land Office, and meets with his approval.

This bill is to be considered in the light of its recitals; in the light of the preamble which shows the occasion for just such a measure as this, and I do not think that we can improve it possibly by the amendment which the Senator from Nevada proposes.

This, to be sure, is exceptional legislation, but the occasion for it is exceptional and the opportunity which this country has of acquiring a large and very valuable body of emigrants to this country is an exceptional opportunity, and we are very likely to lose this immigration unless we pass this measure or something similar to it. Now, sir, briefly let me refer to the recitals in the preamble of the bill, which are the key to what follows and show the necessity of this legislation:

Whereas it has been represented that a certain sect of people, numbering between forty and fifty thousand persons, known as the Mennonites, now and for several generations residing in Southern Russia, near the shores of the Black Sea and the Sea of Azof, are very anxious to emigrate to the United States of America, and occupy portions of the public lands in compact bodies; and whereas they desire to dispose of their property in Russia, and to settle in various parts of this country in compact bodies, and some modification of the laws relating to the disposition of public lands is necessary in order to enable them to send out their agents and make selections and improvements in advance of the arrival of the main body.

These recitals answer all of the objections which I have heard urged against this bill. They cannot transfer themselves in a body at once. They own large and valuable possessions in Russia, and they must sell them all out between this and the year 1881, until which period the Emperor of Russia gives them the opportunity of disposing of their property there and emigrating to another country

in order to escape the military regulations of the empire. Between this and 1881 there are only six years. They must leave in detachments, and they must necessarily send an agent to this country or to Canada, which is competing with the United States for this emigration, for the purpose of selecting lands here or there for the immigrants to occupy when they shall come.

Now what are the provisions of this bill briefly stated? I do not think the Senator from Nevada caught the full import of the bill in reading it. I have abstracted it and the substance is as follows:

The first section provides that a body of persons, defining them, namely, the heads of families or single persons over twenty-one years of age, may by an agent file an application with the Secretary of the Interior for permission to locate a portion of the lands of the United States, giving a list of the persons who desire them and the quantity desired by each; and that quantity, as we know, cannot under our land system exceed one hundred and sixty acres. The Secretary of the Interior may then authorize the location to be made in any land district of the United States. He does this by giving the agent of the Mennonites a certificate under seal which recites the number of persons included in the application and the number of acres which they may include in their claim and location. That is the first section.

The next section provides that upon the agent presenting this certificate to the register of any land district he is permitted to locate in a compact body any tract of public land, not mineral, for each person named in the application, not exceeding one hundred and sixty acres for each. This must necessarily be done by the agent, because the Mennonites themselves are not in a condition to make this application themselves; they have not arrived here; and do not propose to come here until their agent shall first have made this selection.

The third section describes how the location is to be made; that is, by filing with the register a declaratory statement for each person named in the list, describing the land located and paying to the receiver the fees which our laws require in homestead and pre-emption cases. The receiver gives a receipt for the fees to the agent, and describes therein the number of the declaratory statement and gives a description of the land, and delivers the same to the agent; and this receipt is the voucher for the declaratory statement and evidence of the payment of the fees.

The fourth section provides that the register is to forward to the General Land Office an abstract of all these declaratory statements so filed.

The fifth section is the important one to which I call the attention of the Senate. Any person named in the application has the exclusive right of entry of the lands described in the declaratory statement for the period of two years. If the entry is not made within that time the right lapses.

The next section provides that all questions of priority arising between actual settlers shall be adjusted under existing rules.

The seventh section provides that at the expiration of two years all lands not entered by the parties entitled under the provisions just stated are subject to entry by others.

The eighth section, as amended this morning, provides that no application shall include more than fifty thousand acres, and the aggregate of lands held under the declaratory statements shall not at any one time exceed three hundred thousand acres.

That is the sum and substance of this bill. The question is whether in view of the exigency Congress will grant this privilege to this religious sect. They live in compact bodies in Europe. They are naturally attached to their religion and customs and habits of life, and they want to live in compact bodies in this country. There is no worthier class of people upon the face of the globe. I hold in my hand a book which describes the articles of their faith, gives their history from the time of Menno Simon, the founder of the sect, and shows how they were persecuted in Europe because of their peculiar views, they, like the Quakers, being unwilling to bear arms; and the editor, at the close of this article giving the history of the Mennonites, says this of them:

> They are distinguished above all others for their plainness in dress, economy in domestic arrangements, being frugal, thrifty, and withal very hospitable. They take in strangers, treat them kindly without charge. They suffer none of their members to become a public charge.

Why, sir, we have had portions of this religious sect upon this continent for nearly two hundred years. They settled in Pennsylvania as early as 1683, under the invitation of William Penn. They number in the United States now probably seventy-five or one hundred thousand. There are settlements of them scattered through Pennsylvania, Virginia, Maryland, Ohio, Indiana, New York, and Canada; and everywhere wherever they are settled they are distinguished by those characteristics that were forcibly pointed out the other day by the senior Senator from Pennsylvania, [Mr. CAMERON.]

Now, Mr. President, the condition of our public domain I do not think forbids that we should make this small concession to these Mennonites. The Commissioner of the General Land Office in his last report to Congress states that the total area of the land States and Territories is 1,834,998,000 acres, and the total public domain which was surveyed up to the 30th day of June, 1873, was 616,554,000 acres, leaving yet to be surveyed 1,218,443,000 acres. During the last fiscal year the total amount of the cash sales of our public lands was 1,626,266 acres, and the number of homestead entries 3,793,612 acres, making a little less than five and a half millions of our public domain that were taken up by settlers under our pre-emption and homestead laws during the entire year. Now, supposing that there are fifty thousand Mennonites who under the invitation of this bill shall immigrate to this country, and supposing that each head of a family or each single man over twenty-one years of age shall get one hundred and sixty acres of land, the whole amount of the public domain that will be taken up under the provisions of this bill will be only one million six hundred thousand acres. That is but a small fraction of the thirty million acres which are annually surveyed. I do not know how we could more usefully dispose of this much of the public domain than by inducing this worthy people to convert these waste lands into productive farms.

Mr. President, in the few minutes that remain of the morning hour I do not care about going further into this subject. Certainly there is no more valuable class of immigrants that have come or will come to this country than these Mennonites. I think we ought to hold out this inducement to them. It is very certain that unless they are induced to come here by something like this bill they will go to Canada. The Canadian government has held out greater inducements to them to emigrate there than this bill proposes, and I do not think that the amendment of the Senator from Nevada improves it. I am informed by my friend on my right [Mr. WADLEIGH] that the Canadian government has sent over to Russia an agent for the purpose of holding out inducements to the Mennonites to emigrate to and settle in Canada.

Mr. CARPENTER, (Mr. ANTHONY in the chair.) I do not intend to take much time, but merely to state the reasons why I shall vote against this bill. I think it a very bad bill in principle; I am not speaking of its details or the amendments. It is certainly a new departure in our policy of settling this country. We have heretofore acted upon the theory that people of all nations might find their home with us, that we would furnish to all the same facilities, and that they should be distributed among and commingled with our people, and planted without discrimination all over the country. Now it is proposed to establish a foreign colony in this country. There is no objection to and there is no obstacle in the way of these men coming here and buying land, and they may buy it very nearly in a compact form now; but the design of this bill is to create a close corporation, to plant a foreign colony, and establish a compact foreign community in our body-politic.

Mr. President, such a proceeding can, it seems to me, bear no fruits but evil. It is setting a precedent which we must follow hereafter when other nationalities ask us to do the same thing. Suppose one hundred thousand Irish Catholics desire to settle in one county, upon what principle can we deny them such a law as this after we pass this one? Suppose one hundred thousand German Protestants desire to settle in the next county, upon what principle can we deny them the same privileges? Suppose twenty thousand French communists want to locate here in a compact community, would you grant them such a privilege? If we once enter upon this plan and establish this precedent where are we to stop? Upon what principle can we discriminate against any other nationality or sect?

Mr. President, in my judgment the principle of this bill would be the worst we could adopt, not only for our own interest but for the persons intended to be benefited. We do not desire to have a town or a county settled by any foreign nationality, speaking their own language, having their national amusements, and in all things separate and distinct from Americans. The idea is and should be, and it should never be departed from, that in inviting foreigners to settle in this country they should take their place with our citizens; they should come here not to be Germans or Frenchmen or Italians, but to be Americans, to become American citizens, to speak our language, to support our institutions, to be of us in all things.

Now certainly the greatest obstacle in the way of this result would be to give the different nationalities a separate and distinct location, as this bill proposes to do.

Mr. PRATT. I wish to inquire of the Senator, as he lives in the Northwest, whether it is not true already that the immigrants from the northern countries of Europe, the Swedes, for example, and the Norwegians, have in point of fact located in compact bodies in the Northwestern States, and whether any of the evil consequences which the Senator anticipates have followed from their settlement in compact bodies?

Mr. CARPENTER. Mr. President, if that be so I see no necessity for such a bill as this.

The PRESIDING OFFICER. The morning hour having expired, it becomes the duty of the Chair to call up the unfinished business of yesterday.

Mr. EDMUNDS. I ask that the Senator from Wisconsin be permitted to finish his remarks.

The PRESIDING OFFICER. If there be no objection permission will be granted. The Chair hears no objection.

Mr. WINDOM. I ask that the pending order be laid aside informally to finish this bill.

Mr. EDMUNDS. We cannot finish it without taking the day.

Mr. WINDOM. I cannot help that.

The PRESIDING OFFICER. Leave is given to the Senator from Wisconsin to conclude his remarks, and at their conclusion the Senator from Minnesota can make his proposition.

Mr. CARPENTER. There is only one other point I wish to suggest for consideration. I understand this bill does not require these persons to become American citizens at any time. I understand that it authorizes them, without paying any money, to withdraw this vast body of land from public entry and hold it for two years.

Mr. PRATT. Will the Senator allow me to correct him right at that point? There is nothing in the bill of that kind. It requires them to conform to the existing laws.

Mr. CARPENTER. Does it require them to become American citizens within any given time?

Mr. PRATT. No person can enter a foot of the public land at present under either our homestead or pre-emption laws unless he be a citizen or has declared his intention to become such citizen.

Mr. CARPENTER. May he not become the owner of land by private entry without being a citizen?

Mr. PRATT. Under existing law?

Mr. CARPENTER. Yes, sir.

Mr. PRATT. I am not aware of any State in which he could hold it as a foreigner.

Mr. WINDOM. The bill does not change that. Foreigners can buy any land that is subject to private entry.

Mr. CARPENTER. An alien can do that, I suppose?

Mr. WINDOM. Certainly; if the lands are subject to private entry. But this bill does not extend that right.

Mr. CARPENTER. In most of the States foreigners are allowed to vote on merely declaring their intention to become citizens. But here is the point to which I wish to call attention and which was referred to the other day by some Senator, I think the Senator from Connecticut, [Mr. FERRY;] that is, whether we can compel military service on the part of these people if we allow them to come here and settle as this bill proposes? The Senator from New York [Mr. CONKLING] maintained that we could, and to show that he referred to our statutes which declare that we *will*. That is all very well as a question of municipal law or internal policy, but the question is really an international question. The question is whether subjects of the Russian government settling here, without renouncing their allegiance to Russia, without declaring their intention to become American citizens, simply owning land, as all foreigners may do, can they be compelled by us to go into military service in case of war? The act of Congress says they must; I admit that. But the question is an international one, one as to which we must answer on the law of nations; and in my judgment it is a very grave question whether we can do this without giving offense to foreign nations; at all events without bringing us into complications with foreign nations.

In every point of view in which I can regard this bill I think it unfortunate. I think it unfortunate for the settlers themselves. I think it unfortunate for us and prejudicial in its influences and its consequences to our free institutions; and therefore I shall vote against it.

Mr. CAMERON. I trust we shall complete this bill, or try to complete it, before we take up another subject, and I rise for the purpose of asking the Senate to postpone the unfinished business for that purpose.

The PRESIDING OFFICER. Is there objection to laying aside informally the special order for the purpose of continuing the consideration of the bill under discussion during the morning hour?

Mr. STOCKTON. If the proposition were a reasonable one I should not object to it, but it is manifest now that we are to have a great deal of discussion in reference to the bill which has been before the Senate this morning. The gentlemen in charge of it suggest that the Louisiana bill be laid aside until this bill be finished. If their impression is that such a bill as this is going to be finished while another bill is laid aside informally, I think they are very much mistaken. I agree in all the Senator from Wisconsin [Mr. CARPENTER] has said. I look upon this bill as a very bad one, a very dangerous one, and one without precedent; and as it must lead to considerable debate, it would not be right, I think, to ask that we lay aside the unfinished business informally, as if it were understood that the present bill would soon be finished. I think it cannot be finished to-day, nor in many days.

The PRESIDING OFFICER. Objection is made to the proposition.

Mr. STEWART. Before this passes away I should like to submit a modification of my amendment to be printed.

The PRESIDING OFFICER. The order to print will be made.

Mr. CAMERON. If the Senator from New Jersey insists upon going on with the Louisiana question, on which he has the floor, of course courtesy will compel us to give way; but I am satisfied that if this bill was understood there would be no objection to it. All the argument of the Senator from Wisconsin has no effect on the bill. He seems to be mistaken in every particular of it. I think he can be convinced very readily, if we have time to go on with the bill; but of course I shall make no opposition to the wish of the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is entitled to the floor on the Louisiana question.

Mr. WINDOM. Will the Senator from New Jersey yield to me a single moment to give a notice.

Mr. STOCKTON. I will in a moment, after I reply to the Senator from Pennsylvania. I do not wish to be put in the position in which my friend from Pennsylvania places me. I do not intend to go on this morning at all; but having the floor, I propose, with the consent of the Senate, to yield it to a gentleman who does wish to speak as soon as the Louisiana bill comes up. Therefore I did not rise from any personal consideration or to occupy the time of the Senate; but I did rise to tell gentlemen what I believe to be the simple facts. I wish to notify them that I intend to speak against this Mennonite bill myself. I know other gentlemen around me intend to do it. I wish, therefore, to suggest to them that it is not right to bring it up in the place of another bill on the supposition that it can soon be finished. If gentlemen wish to take a vote I have no objection; but I suggest that is not the proper way to act in reference to a bill which is evidently a contested bill.

THE TRANSPORTATION QUESTION.

Mr. WINDOM. I desire to give notice that on Friday next I will present the report of the Select Committee on Transportation Routes to the Sea-board, and after doing so I shall ask the indulgence of the Senate at one o'clock of that day to make some remarks explanatory of the report.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills; in which the concurrence of the Senate was requested:

A bill (H. R. No. 3088) to extend the time for completing entries on Osage Indian lands in Kansas; and

A bill (H. R. No. 3090) to authorize the issue of duplicate agricultural land scrip where the original has been lost or destroyed.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. No. 3029) to provide for the relief of the persons suffering from the overflow of the Lower Mississippi River;

A bill (H. R. No. 2885) to remove the disabilities of David Telfair, of North Carolina, and Charles H. McBlair, of Maryland.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President of the Senate:

A bill (H. R. No. 2350) authorizing the Secretary of the Treasury to issue certificate of registry and enrollment to the schooner Almina and changing the name to Minnie Davis;

A bill (H. R. No. 2885) to remove the disabilities of Charles H. McBlair, of Maryland; and

A bill (H. R. No. 3029) to provide for the relief of persons suffering from the overflow of the Lower Mississippi River.

STATE OF LOUISIANA.

The Senate resumed the consideration of the bill (S. No. 446) to restore the rights of the State of Louisiana, the question being on the amendment offered by Mr. BAYARD.

The PRESIDING OFFICER. The Senator from New Jersey is entitled to the floor.

Mr. STOCKTON. With the permission of the Senate, I will yield the floor to the Senator from Delaware, [Mr. SAULSBURY,] who wishes to address the Senate.

Mr. SAULSBURY. Mr. President, I avail myself of the courtesy of my friend from New Jersey, [Mr. STOCKTON,] who was entitled to the floor, to submit some remarks upon the condition of affairs in the State of Louisiana. I said a few days ago, when a motion was pending to take up this measure, that in my opinion no question more important was likely to come before the Senate at the present session; and I now repeat that, in my judgment, no question more vitally affecting, not only the welfare of the people of Louisiana, but the future destinies of the people of this whole country, is likely to come before the Senate in the near future than is presented in the question now under consideration.

Sir, it involves the inquiry and forces the consideration upon us how far the Federal Government, or any Department of the Government, may go in interfering with the affairs of the States of this Union. The position of affairs in Louisiana to-day is the result, the natural, necessary, legitimate result, of improper interference on the part of the Executive of this country with affairs in that State and with the local government of that State.

The further inquiry is forced upon us how long the liberties of the people of this country, in the selection of their own agents in the management of their own local governments, can exist unless something is done by the Senate and by Congress to rebuke the unwarranted action of the Executive in interfering with the condition of affairs in the State of Louisiana.

If we remain silent, indifferent, idle spectators, and see the tyranny and usurpation which has been set up by Federal power continued over the people of Louisiana, we are inviting in other States of this Union similar action on the part of the Executive, and may reap in our own experience the consequences of such action. Therefore I said the other day, and I now repeat, that no question of greater importance is likely to come before the Senate for its consideration than that presented by the bill and the amendment now before this body; and because of its importance I propose to submit some remarks upon it, promising the Senate that I shall detain them but a very short time.

Nothing but a sense of public duty would induce me to participate at all in this discussion. The discussion has been so ample and ex-

haustive that nothing new can be added to what has been already so well said by Senators who have spoken. The report of the Committee on Privileges and Elections at the last session, and the arguments then had in this Chamber, supplemented as they have been by unanswerable arguments made at the present session by several Senators, have exposed in its true light the great wrong inflicted upon the people of Louisiana.

I do not hope to add a single word that will impress any one not already convinced of the imperative duty of Congress to interpose for the relief of the people of that State. Yet I may not be silent. We on this side of the Chamber have not the power to break the chains that fetter the liberties of the people of a sovereign State of the Union and unloose the grasp of the tyranny that oppresses them. We can, however, assure them of our sympathies and utter a protest against their wrongs. We can appeal to the majority in this Chamber, intrusted for the present at least with the destinies of the country, to interpose in their behalf and do something for their relief. We can call upon the country to bear witness that these wrongs have been perpetrated under republican auspices and by republican influences. We can record our protests and utter our determination, if restored to power in the Government, to undo the great injustice to that State, and to wipe out the reproach upon our institutions and our republican form of government, and guard against the recurrence of similar events in the future. This is our duty. This for the present is our mission. The responsibility for the continuance of the usurpation now existing in Louisiana must rest with the majority in this Chamber and in the other House of Congress.

That responsibility they cannot escape nor devolve upon others. They may fail to meet and discharge the duty imposed upon them, but cannot escape the condemnation which will be sure to follow an omission to perform it. In order that we may see how imperative the demand upon the majority on this floor to do something for the relief of the people of that State let us look at their condition to-day. A government has been foisted upon them without their consent and in opposition to their protests. Local government of their choice has been denied them, and they are compelled to submit to rulers who are eating out their substance, trampling on their liberties, destroying the value of their property, and reducing them to poverty. The condition of things now existing in Louisiana would not be tolerated in any province or appendage of any European monarchy. England or Germany or Russia would not suffer any of their subjects to be deprived of their just rights and robbed of their estates without bringing to speedy and condign punishment the perpetrators of the wrong.

We have heard of the oppression of Ireland; but her saddest tale of injustice tells not of wrongs so great as are now perpetrated in one of our sister States, wrongs which go unpunished and unredressed, and which, I am sorry to say, seem not to awaken the least sympathy in the mind of Senators who have the power and ought to apply the remedy.

In fact, Mr. President, leading Senators upon this floor, belonging to the dominant party, instead of denouncing the Kellogg usurpation and using their influence to remove it from the State, have become its defenders, and are doing all in their power to perpetuate its existence. Twelve months ago the Senator from Indiana [Mr. MORTON] stood prominently forth as the open defender of the usurpation; but now the Senator from New Jersey [Mr. FRELINGHUYSEN] becomes even more emphatic, and pronounces judgment in favor of the usurpation, not on the ground of expediency alone, not because it has been recognized by the State courts and by the President and the House of Representatives, but upon the claim which he sets up of its rightful existence.

The Senator, who is a lawyer, and a good one, saw that it would not do to rest the claim of the usurpation upon the grounds urged by the Senator from Indiana, namely, recognition by the President, by the House of Representatives, and by the State courts of Louisiana. This he saw might all be true, and Kellogg's government still be a fraud and tyranny and usurpation, and in the public mind unworthy of respect. He knew full well that before it was entitled to recognition by this body it must present some claim of having been elected by the votes actually cast at the election. The position of the Senator from Indiana might satisfy the mind of the average party politician, but the Senator from New Jersey knew it would not satisfy the honest thinking men of the country, who respect right and justice more than party, and who would look with no favor upon a usurpation with no higher claim to respect than the mere recognition of party friends. The Senator also knew full well that it would not do to attempt the justification of the Kellogg usurpation upon the allegation that but for frauds in the election Kellogg and his legislature would have been elected. Such an allegation he knew could not reconcile the common judgment of the country to a government set up and sustained alone by Federal power. He doubtless had often in his own State attributed the defeat of his party to frauds practiced by his opponents; and he perhaps believed, what almost everybody else believed, that in Philadelphia, and perhaps in other parts of Pennsylvania, there had not been a fair election for twelve or fifteen years, and that his own party had been kept in power in Philadelphia especially by the most flagrant frauds practiced upon the ballot-box—frauds so open and notorious, that it has become a common proverb that majorities in Philadelphia are manufactured by personating and counting out and counting in according to the requirements of party exigency.

The Senator is too good a lawyer to rest the justification of the usurpation on either or both these grounds. He knew it could not be sustained by public sentiment in the country unless it could present some other claim to confidence. He knew it must have some legal status arising out of the votes cast at the election, or be condemned by the judgment of all honest men as a usurpation which ought not to be tolerated by this Senate.

The Senator also knew that it would not answer to rest the legal status of the usurpation upon the return of the Lynch board of supervisors. First, because no member of that board except John Lynch had ever been legally authorized under any law to act as a member of a returning board. Secondly, he knew that the law which created the Lynch board or any other board existing prior to November 20, 1872, had on that day been repealed and superseded by the law under which the De Feriet board was created, and that no board except the De Feriet board had any legal right to count any returns. Thirdly, the Senator knew that if the Lynch board had been in existence it never had a single return before it, and could not therefore count the proper return. It would not, therefore, do to place the legal status of the usurpation upon anything done by that board which based its returns upon rumors and estimates and forged affidavits. Nothing short of evidence arising out of the votes actually cast at the election could avail to clothe the Kellogg government with the semblance of legality, or justify the action of the Senate in refusing to remove its tyranny from the people of Louisiana.

Unless such evidence could be found Kellogg and his party were usurpers, and the duty of the Senate is imperative to remove them at once and to restore to the people of the State the government of their choice, of which they are now deprived. Impressed with this necessity the Senator from New Jersey goes to work to find, if possible, the evidence that Kellogg and his legislature were elected by the votes actually cast at the election. The Senator from Indiana had not attempted to do this. He knew it could not be done. He was a member of the Committee on Privileges and Elections; had seen the returns of the election, had seen them added up, and knew from a personal examination of the election returns, as well as from testimony taken before the committee, that McEnery and the fusion legislature had a majority of about ten thousand in the vote actually cast, and he could not and would not and did not venture to assert that Kellogg was elected by a majority of the votes cast.

The Senator from New Jersey, by a process of reasoning satisfactory doubtless to himself, has discovered evidence which he brings forward to prove that Kellogg and his legislature were elected by a majority of the votes cast at the election.

Let us see what that evidence is. The Senator's first evidence is what he terms "moral evidence." I suppose by that he means the impression which certain facts created upon his mind; but I would say to the Senator from New Jersey if that is what he means by moral evidence, the same state of facts might make very different impressions upon different minds. But in order that I may not do injustice to the Senator I will read his remarks and the grounds upon which he bases or from which he derives the moral evidence which he brings up to support the claims of the Kellogg usurpation. In his speech delivered in the Senate April 14, 1874, the Senator says:

> I submit that the moral evidence that McEnery had not a majority of the legal votes cast, and that consequently Kellogg had, is to my mind irresistible.

I desire to read now the grounds upon which he bases that moral evidence, or from which it is derived. He says, and I read his words:

> Warmoth had the purpose, the intent, to carry that election by fraud. This is apparent, and is conceded.

Well, Mr. President, I do not know that Warmoth has conceded that such wash is purpose, and it is a very difficult matter to determine what a man's intention may be unless it is avowed. I do not know who has constituted the Senator from New Jersey or any other Senator a discerner of the thoughts and intents of the heart, that he can come into this Senate and assert positively, unequivocally, that Warmoth even, whom I shall not attempt to defend in this discussion, had the intention to cheat and to defraud. But I suppose it is inferred from what follows:

> It is notorious that he, elected a republican, was to give the State to the democracy, and as a return was to grace the United States Senate.

That is one of the facts stated out of which this moral evidence arises.

He says further:

> His legislature, I understand, attempted to elect him, but this project was abandoned because it was thought it would interfere with the recognition of the State government by the General Government.

That also is one of the facts from which this moral evidence arises. He proceeds:

> He appointed a man named Blanchard to be register.

I do not know that that would convict Warmoth either of an intention to cheat anybody, or of a desire to go to the Senate of the United States. Again:

> That man—

That is, Blanchard—

> has made an affidavit. If the affidavit be true his character is such that no one can approve; if it be untrue, comment is unnecessary. Blanchard appointed the

supervisors in each parish or county, and the supervisor in each parish appointed three commissioners. To these were added three freeholders, who, with the commissioners, assisted the supervisors of the parish in counting the votes of the precincts. And we see at a glance that Warmoth could cheat Kellogg, but that Kellogg could not cheat Warmoth or McEnery. One could cheat. The organization of the election throughout the whole State originated with, and was controlled by, Warmoth. It is not denied that Warmoth meant fraud, and that he had the power to effect it. There was one circumstance which afforded great facility in carrying out this fraud. Almost every republican that came to the polls to be registered had a mark on him which said "I belong to the republican party;" he was a colored man. There were exceptions. There were some white republicans, but they were not so numerous that they were not known, so that it was an easy thing to make it difficult to get registration, or to secure the requisite identification between the voter and his registration papers.

And then the Senator goes on to suggest that Warmoth ought to have called together twenty men, ten democrats and ten republicans, and placed the returns before them to be counted; and he concludes:

Now, Mr. President, when one bent on fraud has it in his power to prove to a demonstration that his candidate is elected and shirks the investigation, it is moral evidence, irresistible, that the investigation would have proven that his candidate was defeated.

These are the grounds from which the Senator from New Jersey derives the moral evidence which he brings here to uphold and support the usurpation and tyranny of Mr. Kellogg. I submit, Mr. President, that there is nothing in the facts which he has related which establishes any evidence, of any character whatever, either that McEnery was elected or that Kellogg was.

Now, Mr. President, the Senator's mode of argumentation is most difficult to comprehend; but if I understand the logic of the Senator and the facts upon which he relies as furnishing *moral evidence* that Kellogg had a majority of the votes cast, stripped of verbiage it is this: that because Warmoth had the disposition, as the Senator alleges, to cheat Kellogg, and the power to cheat Kellogg, and Kellogg had no power to cheat Warmoth, and because the latter, who had the legal custody of the election returns, did not violate law and his sworn duty and do what no one ever proposed and perhaps no one ever thought about—call together twenty unauthorized men and hand over the returns to them to count and add up, it is moral evidence irresistible that a majority of the votes cast at the election were in favor of Kellogg.

I submit to the Senator that his process of reasoning may be novel and is novel, but his logic is not very apparent, and I am sure did not have the effect upon other minds which it seems to have upon his, to prove irresistibly that Kellogg, the usurper, was elected.

But, Mr. President, the Senator from New Jersey, not willing to risk the legality of the usurpation on the moral evidence which he brings forward, goes a step further, and asserts without qualification that Kellogg had a majority of the legal votes cast. The Senator comes to this conclusion by ignoring the returns made by the election officers, and entering into calculations based principally upon the registration of colored voters in certain parishes without any proof that in those parishes any more persons voted for Kellogg than were returned. He substitutes estimates of what the republican vote ought to have been if every negro had voted that day, and voted for Kellogg, for the return of the votes actually cast, and from that process of reasoning concludes that Kellogg had a majority of the votes polled. Well, that is an easy way to carry an election, much easier than by any other process.

Many an election has been carried by calculation in advance of the day of election, but I submit it is not a very reliable mode of determining the result of elections. By this process both parties frequently carry an election in a State long before the ballots are counted—sometimes for months before the day of election—but like all other human calculations how often are they doomed to disappointment! If the Senator has not had some experience in that line he has been a very fortunate man.

This is the kind of evidence which the Senator adduces to prove his proposition that Kellogg had a majority of the votes cast.

But what say the returns, the only evidence which the law recognizes as being legal proof of the result of the election? They were before the Committee on Privileges and Elections, composed at that time exclusively of republicans. They were counted by the committee, and we will hear what they say about the result.

The majority of that committee, composed of the Senator from Wisconsin, [Mr. CARPENTER,] the Senator from Rhode Island now in the chair, [Mr. ANTHONY,] the Senator from Illinois, [Mr. LOGAN,] and the Senator from Mississippi, [Mr. ALCORN,] say:

Your committee are, therefore, led to the conclusion that, if the election held in November, 1872, be not absolutely void for frauds committed therein, McEnery and his associates in State offices, and the persons certified as members of the Legislature by the De Feriet board, ought to be recognized as the legal government of the State.

* * * * * * *

If the Senate should be inclined not to go behind the official returns of the election, then the McEnery government and legislature must be recognized as the lawful government of the State, and McMillen, if regularly elected by that legislature, should be seated in the Senate in place of Kellogg.

That is what the majority of the committee say in reference to the returns of the election. They do not give the exact majority for McEnery, but Mr. Trumbull, who made a separate report, says that the average majority for the fusion ticket, headed by McEnery, was about 10,000. Every member of the committee but the Senator from Indiana, [Mr. MORTON]—and he does not deny it—say that according to the official returns McEnery was elected.

With the returns of the De Feriet board corroborated by the statement of the committee of this body who examined and counted the returns, a committee composed of republicans whose sympathies were not with McEnery, it is too late for the Senator from New Jersey to undertake to prove by his *moral evidence*, or his calculation, that Kellogg had a majority of the votes cast at the election. Nobody will believe it except the Senator himself. No, sir; Kellogg's government is a usurpation—a vile, flagrant tyranny set up and maintained by Federal power over the people of Louisiana. I need not go into its history; it is known by every Senator on this floor, and by almost everybody in the country. It is a standing reproach to our republican system of government, a blur and stain on free institutions, and a disgrace and dishonor to the American name.

I have said it was set up and maintained by Federal power. Is that not true? Hear what the committee say on this point. I speak of the majority of the committee. On page 28 of the report they say:

But for the interference of Judge Durell in the matter of this State election, a matter wholly beyond his jurisdiction, the McEnery government would to-day have been the *de facto* government of the State. Judge Durell interposed the Army of the United States between the people of Louisiana and the only government which has the semblance of regularity, and the result of this has been to establish the Kellogg government, so far as that State now has any government.

The interference of Durell and the Army of the United States is what established the usurpation, according to the testimony of four of the leading republican Senators on this floor. They further say, on page 44:

Your committee are, therefore, led to the conclusion that, if the election held in November, 1872, be not absolutely void for frauds committed therein, McEnery and his associates in State offices, and the persons certified as members of the Legislature by the De Feriet board, ought to be recognized as the legal government of the State.

Never in the history of a free people was there a more deliberate and persistent purpose to defeat the will of the people or deprive them of their liberties; no language can adequately portray the enormity of the wrong or express the full measure of guilt that attaches to the chief plotters of the treason against Louisiana. Posterity will judge this matter aright when the partisan passions of the hour have passed away. To-day a sovereign State of this Union is ruled by a usurper who but for the protection of Federal bayonets would be hanging on a gibbet or fleeing from the wrath and indignation of an outraged people. But let us turn to the record; let us see how this has been accomplished. The chosen representatives of the people were gathering at the capital to discharge the trusts devolved upon them when Federal officials, instigated by bold, bad men, interposed to prevent their meeting. Judge Durell, on the night of December 5, issued his abominable order that will link his name forever with infamy, and, under the pretense of executing that order, a willing marshal surrounded and, assisted by Federal troops, seized the State-house and prevented the meeting of the Legislature.

I will read that order. It is as follows:

Now, therefore, in order to prevent the further obstruction of the proceedings in this cause, and further, to prevent a violation of the orders of this court, to the imminent danger of disturbing the public peace, it is hereby ordered that the marshal of the United States for the district of Louisiana shall forthwith take possession of the building known as the Mechanics' Institute, and occupied as the State-house for the assembling of the Legislature therein, in the city of New Orleans, and hold the same subject to the further order of this court, and meanwhile to prevent all unlawful assemblage therein under the guise or pretext of authority claimed by virtue of pretended canvass and returns made by said pretended returning officers in contempt and violation of said restraining order; but the marshal is directed to allow the ingress and egress to and from the public offices in said building of persons entitled to the same.

E. H. DURELL.

That order will go down to posterity and be read by men in after ages as one of the most unjustifiable interferences by a Federal official with the local affairs of a State that ever occurred, and as an order which an American President had executed. Now I will call attention to what the majority of the committee say in reference to that order:

It is impossible to conceive of a more irregular, illegal, and in every way inexcusable act on the part of a judge. Conceding the power of the court to make such an order, the judge, out of court, had no more authority to make it than had the marshal. It has not even the form of judicial process. It was not sealed, nor was it signed by the clerk, and had no more legal effect than an order issued by any private citizen.

That is what the committee say in reference to that order. And I call attention to their comments, because the enforcement of that illegal order is made the excuse for the interposition of the military power of the Government whereby Kellogg and his associates in crime have been placed in power over the people of Louisiana. Possessing power by such means, how unreasonable the objection now interposed, that because of their being in power and having exercised power for twelve months, it would be wrong on the part of this Senate and of this Congress to interfere to dispossess them! I want to call attention emphatically to what the Senator from Indiana says in reference to that order, the results of which he is now defending and trying to uphold:

The conduct of Judge Durell—

Says the Senator from Indiana—

The conduct of Judge Durell, sitting in the circuit court of the United States, cannot be justified or defended. He grossly exceeded his jurisdiction, and assumed the exercise of powers to which he could lay no claim. The only authority he had in the matter grew out of the act of Congress of 1870 to enforce the fifteenth amend-

ment, and the act amendatory of that, passed in 1871, which gave to the courts of the United States jurisdiction in all cases in law and equity arising under the former act.

That is what the Senator from Indiana says about this order, which was enforced by Federal power, that it could not be justified or defended. That, sir, is exactly what I now say, not only with reference to the order but with reference to every result of that order, everything that has grown out of it. There is not a single thing connected with that order that can be defended; neither the interference of the President of the United States by Federal power to enforce it, nor the Kellogg government which by aid of the Federal power has been set up to trample upon the liberties of the people of Louisiana. Neither can be justified nor defended, any more than the issuance of the order so strongly condemned by the Senator from Indiana.

Now, sir, after that order was issued, the United States marshal having been instructed on the 3d of December by a telegram from the Attorney-General to enforce the mandates of the district court and protected by Federal soldiery, the marshal took possession of the State-house, excluded McEnery and the members of the fusion legislature, and gave access to Kellogg and his men. These men, as well as Kellogg, repudiated by the people, assembled in the building used as the State-house, and declared themselves the legal Legislature of Louisiana. To secure themselves in the places they had thus usurped Kellogg and his minions sent telegrams to President Grant for military support, imploring him by considerations which should have had no weight with the Executive to support and recognize the usurpation.

The considerations that were presented to the President for his action were appeals to party interests. The telegrams that were sent by Kellogg, by Casey, by Packard, addressed to the President or to the Attorney-General, all of them, appealed to party feelings. What, sir, would the earlier Presidents of this Republic have thought of such appeals to them? What would General Jackson have thought of such appeals? He would have spurned with contempt the men who would have dared approach him with appeals, in a grave matter of that kind, addressed to party interest and party feeling. I am not sure that, with a full knowledge of the condition of affairs in the State of Louisiana, had he been President, he would not have hung Kellogg and his co-conspirators as high as Haman; and if he had, I think he would have served them right. Surrounded as the President was at the time by evil-minded counselors, unfortunately for his own fame as well as for the people of Louisiana he yielded to the partisan appeals that were made to him for interference and recognition of this usurpation, and directed the following dispatch to be sent to Pinchback, who was one of the conspirators in this business. I will read that dispatch to Pinchback:

DEPARTMENT OF JUSTICE, *December* 12, 1872.

Acting Governor PINCHBACK, *New Orleans, Louisiana:*

Let it be understood that you are recognized by the President as the lawful executive of Louisiana, and that the body assembled at Mechanics' Institute is the lawful Legislature of the State; and it is suggested that you make proclamation to that effect, and also that all necessary assistance will be given to you and the Legislature herein recognized to protect the State from disorder and violence.

GEO. H. WILLIAMS,
Attorney-General.

There was the recognition which had been coveted; which had been sought by Pinchback, Kellogg, Casey, and the marshal. The President directs him to make proclamation, "let it be understood," that he is recognized as the lawful executive, and the Kellogg legislature as the lawful Legislature of the State. Thus was the usurpation set up over the people of Louisiana.

The issuance of the Durell order and the military support afforded by the President have fastened the usurpation upon the State to the present day. But for the recognition of the Pinchback-Kellogg usurpation by the President and the aid afforded it by Federal troops, it would have disappeared in less than ten days. That is the testimony of the majority of the committee in their report, to which I have referred heretofore.

These are some of the means used to inaugurate and perpetuate the great wrong. I regret the participation of the President in the matter, both on his own account and on account of the high office he fills. While I have never been an admirer of President Grant, I have respected him as the Chief Magistrate of this great country, and would have been glad to have seen him retire from the office he fills with civic honors even more enduring than those he won upon the field.

The President was unfortunate in his counselors. They cared apparently less for his fame than for the accomplishment of their own party schemes; and bitterly, no doubt, has the President regretted the great blunder he made in this matter. But a false step once taken is hard to retrace.

Let us turn now for a few moments to the results of this usurpation upon the State, and the prosperity and happiness of her people.

Naturally rich in all the elements of material wealth, Louisiana was rapidly recuperating from the ravages and wastings of civil war, and despite the bad government forced upon her under the reconstruction acts of Congress, and notwithstanding the disorganized condition of her labor system, the State had already assumed an appearance of prosperity that foreshadowed the future and increasing wealth of her people. With a soil unsurpassed in fertility, and adapted to the growth of the most profitable products of the earth, nothing was wanting but honest government and an improved system of labor to make her prosperity assured. The location of her principal city pointed it out as one of the future chief commercial marts of this whole continent. The Mississippi with its tributaries poured their rich tribute at her feet, while domestic and foreign commerce was destined to bear the rich harvests gathered into her stores to other parts of our own country, or to less favored lands abroad.

But what is the condition of Louisiana to-day? What boots her natural advantages while the liberties of her people are trodden under foot? Robbed and despoiled of their substance by the cormorants that prey upon the State, their estates are literally confiscated by the onerous taxes that oppress them and the consequent depreciation of their lands, which are rendered unsalable and valueless. I was told by a gentleman reputed to be the largest agriculturist in the State, if not in the country, living below New Orleans on the Mississippi River, that his plantation, which had cost him over $700,000 and was equal in fertility to any in the world, had been rendered comparatively worthless by the condition of things in the State. Adapted to the growth of rice, cotton, and the sugar-cane, as well as tropical fruits, with a sugar refinery upon it that cost him $100,000 and one hundred acres in bearing orange trees, he expressed great doubt whether he could sell his plantation for what it cost him to erect his refinery, and stated that he realized from it, though living upon it and giving his personal attention to its cultivation, a bare subsistence for his family after paying the taxes to which he was subject.

Such is the condition of the agriculturist throughout the State, while trade and business have in a great measure been driven from the streets and wharves of New Orleans. The spirit and enterprise of her denizens have been broken, and capital refuses to be employed where it is liable to practical confiscation. Notwithstanding the natural advantages of Louisiana in all the elements of wealth, her people are becoming poor and discouraged; and her young men and others who can do so are leaving the State, which will ultimately become another San Domingo or Jamaica unless something is done to restore to the people wholesome and legitimate government. I clip from a recent paper the following statement of the condition of things in Louisiana:

The once rich and prosperous State of Louisiana has been so plundered by the thieves into whose hands she has fallen that she is fairly reduced to beggary and destitution, and the formerly wealthy and gay city of New Orleans is mourning in dust and ashes. A letter from a merchant of that city to his correspondent in Boston, speaking entirely of business prospects, and having no reference whatever to political matters, with which the writer does not meddle, states that there are now more than six thousand houses and stores to let in the old Crescent City which can be hired for the taxes which are levied upon them, but the tax is a very heavy one; and the terrible financial robberies which have been perpetrated upon the city's means, and the unprecedented taxes have been so severe and disheartening, that the population of New Orleans has decreased thirty thousand the last two years. It was the misfortune of Louisiana that she had two sets of carpet-bagging vampires to feed upon her life-blood, neither of which exceeded the other in rapacity of plunder, and neither would have been exceeded in this by the whole horde of pirates which at one time swept the Gulf and the waters of the adjacent islands, with the black flag at their mast-heads, seizing upon every vessel that came within sight of them.

With this condition of affairs existing in Louisiana, the rights of the people denied them, local government destroyed, and a tyranny and despotism enthroned by Federal power, and the throne of the tyrant surrounded and propped by Federal bayonets, will this Senate remain silent, or will it interpose and strike off the fetters that bind the people of that State, and once more secure them the privileges of freemen?

Mr. President, the condition of this State appeals to-day to the Senate, and demands of us some action that shall remove from her people the oppression which is now upon them and once more restore them to the rights and privileges to which they are entitled under their constitution and under the Constitution of the United States. But how is this appeal met? Those who can control the legislation of this body seem apparently indifferent to this condition of affairs in Louisiana; and some of them, I am sorry to say, interpose objections to every measure that can be brought forward for the relief of the people of Louisiana. As soon as we begin to talk of interfering for the purpose of removing this usurpation from the State, we are at once met by various objections. One of them is a want of constitutional power, and the apprehension that any interference on the part of Congress would be productive of very sad and grave consequences to other States in this Union. I am not in favor of the exercise of any power that is not clearly and distinctly warranted by the Constitution of the United States. I believe it is the highest duty of American statesmen to guard implicitly and strictly that charter of our liberties; and I am sure that the voice of the party to which I belong has been for years loud in its protests against every violation of the Constitution, while I am equally aware that there has not been that respect paid to that instrument by those who of late years have controlled the destinies of the country that ought to have been paid to it.

I am not in favor of the exercise of any power in behalf of Louisiana which does not spring clearly out of the Constitution. We should guard that instrument vigilantly, because it is from it and from the rights which it guarantees to us as American citizens and to the States of this Union that we must look for protection in the future. I would not invade that instrument even for the purpose of relieving the distressed people of Louisiana whose condition appeals so strongly to the sympathies of every humane heart. But, sir, there was power to set up the tyranny. There was power found some-

where to do that; I do not say it was found in the Constitution; but I think there can be power found, without violating the Constitution, to dethrone the tyrant. Suppose a horde of men should have come over from Mexico into Texas, or even to New Orleans, and seized upon the government of that State and that one should proclaim himself the head of the executive department of the State, and that a band of robbers should claim to be the legislators of the State, is there no power under the Constitution to remove them? Most clearly there is. I do not say that you can set up a State government in Louisiana, but I do say that you can tear down the throne of a tyrant wherever it is erected. You need not exercise any power that is denied by the Constitution. All that is necessary is to enact into law the amendment offered by my colleague upon this floor, directing the President to withdraw the force of the United States from New Orleans. If we should direct him to withdraw the aid which he is now giving to Kellogg and his usurpation, there would be an end of the difficulty. The people of Louisiana, unless they have lost the instincts of manhood, would assert their rights, and before the indignation of that outraged people Kellogg would fly from the country or take refuge under the shadow of the White House or of this capital. He would not stay long in Louisiana, notwithstanding he is now, as I am informed, trying to protect and guard himself by State militia trained under Longstreet, into whose hands he has placed arms for the purpose of maintaining him in power, provided the Congress of the United States should direct the President to withdraw the Federal troops which are now his body-guard. That is all the power that is required for the relief of Louisiana. Pass the amendment to this bill and then, sir, we shall see whether the people of Louisiana will not settle their own domestic concerns in their own way.

But, Mr. President, another objection which has been raised to any interference with the condition of affairs in Louisiana is that it would be giving countenance to fraud. That was the burden of the speech of the Senator from Indiana the other day, after the amendment to this bill was offered and an able speech made in support of the measure. The Senator from Indiana could not suffer that amendment and that speech to go out without again raising his voice against the McEnery government. He seemed to think that the adoption of that measure would be to set up a fraud, and he was loud and eloquent in his declamations against the frauds, as he calls them, that had been practiced by Warmoth, and McEnery, and others. In order to prove that frauds existed he quoted from the report of the committee, which declares that McEnery was elected, that in the opinion of the members of the committee there had been fraud. There is no proof in that report establishing the fact that there had been fraud; but the Senator finds the opinion of four gentlemen of this Senate, his own party friends, who while they proclaim that McEnery was elected, also express the opinion that if it had not been for frauds Kellogg would have been elected; and upon that he bases his eloquent remarks in opposition to fraud. Sir, I am not in favor of fraud anywhere. It ought not to exist in elections in Louisiana or in Indiana. It ought not to exist in elections or in the affairs of political or private life. It ought to be condemned, and must be condemned, everywhere. But have there been no frauds committed by Kellogg, who is defended by the Senator from Indiana? Is not his government a fraud as well as a usurpation? And now when it is proposed to remove that fraud and that usurpation we are met with the cry of fraud by Senators who are in favor of continuing the greatest fraud known to American history.

Suppose there had been frauds, does that justify the continuance of the Kellogg government which was conceived in fraud and which was born in iniquity? Suppose that Warmoth had committed fraud, or had intended to commit fraud, does that justify the Senate in upholding what is an acknowledged gross usurpation and a gross fraud upon the rights and liberties of the people of Louisiana? Certainly not. But if there had been frauds, provided Mr. McEnery and the fusion legislature were elected by the votes cast in conformity with the laws and constitution of the State, I ask the Senator from Indiana where is the power of the Senate to go behind the fact of their election in conformity with the requirements of the constitution and laws of Louisiana? That is a claim set up by the Senator, at least by implication, which I think has not heretofore found countenance in the Senate. Suppose there was an election carried in Indiana and an allegation made that it was carried by fraud, would the Senator from Indiana suppose that by reason of that allegation, even if it was clear to the minds of everybody that there had been frauds practiced, would that fact justify the Senate of the United States in interfering with the affairs of the State of Indiana and displacing or keeping out of power the man who according to the constitution and laws of the State had been elected, or who according to all legal and constitutional requirements appeared to have been elected? Would that justify the Federal Government, or the Congress of the United States, to interfere and displace that legally constituted government and to set up a government acknowledged to have been defeated? Why, sir, the democratic party never carries an election but what allegations of fraud are made; and perhaps on our side we sometimes charge that frauds are practiced when we lose a victory in a State. It will not do to say that because McEnery may have been elected by fraud, therefore he shall not have his place; that he shall not be placed in office, or that the Legislature that was elected with him shall not be recognized as the legal Legislature.

But now in reference to the existence of this fraud. I have said that the majority of the committee, while they expressed the opinion that great fraud did exist—and I say frankly that I have no doubt there were frauds to some extent committed by both parties, not to the extent, I apprehend, which the Senators on the other side allege, but I have no doubt there were some, for I apprehend that there is scarcely an election held in any State of this Union but what there are frauds more or less practiced—but was there such apparent fraud, such enormous fraud, practiced in Louisiana as is alleged to have existed by the Senator from Indiana? Now it so happens that Judge Trumbull was a member of the Committee on Privileges and Elections, and that he made a separate report; and while the majority of the committee did not give the details and did not give the evidence upon which they rested the opinion that there had been fraud, yet Judge Trumbull in his report refers to the evidence by which the allegation of fraud was attempted to be supported; and I will read what he says on that subject:

If it were admitted—

Says Mr. Trumbull—

If it were admitted, as it is not, that Congress has authority to inquire into the fairness and regularity of a State election, it is denied that there was any such fraud in the late Louisiana election as would justify setting it aside. It was confessedly one of the most quiet and peaceful elections ever held in the State, and the evidence shows that it was substantially free and fair.

The vote polled was 20,000 larger than ever before cast in the State, and against more than two-thirds of it no complaint of unfairness is even alleged.

S. B. Packard, United States marshal for the district of Louisiana, was chairman of the republican State executive committee, and his office in the custom-house was the headquarters of the organization of which he was one, if not the leading spirit. He appointed from one to four special deputy marshals in every parish and upward of six hundred in New Orleans, who were to be at the polls. Some of them served for seventy days; and he made requisitions on the Attorney-General, previous to the election, for the money to pay the deputy marshals and United States supervisors. Under the law one of the two United States supervisors appointed by the court is selected from each party, but in appointing his special deputies United States Marshal Packard confined himself exclusively to his own party so far as the testimony shows. This United States marshal and chairman of the republican executive committee issued instructions to the republican United States supervisor in each parish in regard to the supervision of the vote for State and local officers, but gave no such instructions to the supervisor appointed on the fusion side. With all the sources of information which the hundreds of his subordinates scattered through the State and his position as United States marshal and chairman of the State republican executive committee afforded him, Packard testified before the committee that "in a majority of the parishes, in my judgment, the election was as fair as you usually have it in any State election.

"Rapides and Natchitoches, I should say, were the two worst. Then I would add Madison, Caddo, and Bossier, and East Baton Rouge; a portion of the returns for West Baton Rouge.

"A. Those parishes I have named were the worst cases.

"Q. Seven of these cases?

"A. Yes, sir. There is also the parish of Assumption, which I believe to be a republican parish, which went about 700 republican in 1870, is returned differently.

"Q. I want to know about how many there were in which there were notorious charges of fraud, such as are not usually made in elections?

"A. That is the number, or about the number."

That is what Packard, the co-conspirator of Kellogg, said. These parishes that he had named were about the number. He adds:

"It would increase the number perhaps ten or fifteen if I were to add those in which I believed the returns were not in accordance with the facts."

Taking his statement with the caution which his character and position suggest, where is the proof of enormous frauds?

That is the testimony of the marshal in reference to this question of fraud, testimony which doubtless was highly colored and exaggerated in order to justify the wrong committed. Now I wish to quote what the Senator from Indiana [Mr. MORTON] says in his report, not on the question of fraud, but to show what he considers the law in reference to the power of the Senate to go behind the returns and to inquire into frauds that existed at the election.

When the constitution of a State—

Says the Senator in his report—

When the constitution of a State provides that each house of its Legislature shall be the judge of its election and qualification of its members, full faith and credit must be given to their action; and should the Government of the United States go behind their action to inquire whether the members have been lawfully elected to the Legislature, their independence would be wholly destroyed and the validity of their action made to depend upon the will of Congress.

I think the Senator from Indiana announces the law correctly on that point; and so I say, even admitting that there were frauds, that does not justify the exclusion of Mr. McEnery from the office of governor or the members who were elected on the fusion ticket to the Legislature from acting as legislators; much less would it justify the setting up and maintaining by Federal power of any man as governor or any set of men as the Legislature who confessedly were not elected, and who it is admitted by the reports made by the Committee on Privileges and Elections were not elected, but were defeated by an average majority of about ten thousand.

Another reason assigned for not interfering for the purpose of removing this despotism from the people of Louisiana is that the people of that State are acquiescing in the Kellogg government. That has been asserted and reasserted time and again on this floor, upon what evidence I am at a loss to conceive. There was yesterday presented a statement from Kellogg that certain members elected on the fusion ticket had taken their seats in the usurping legislative body. That may be true; but even if it is true—a fact which I am neither prepared to admit nor deny, and of which I know nothing—does that establish the fact that the people of Louisiana, because certain men who

were elected on the fusion legislative ticket have gone over and taken their seats in the Kellogg legislature, are acquiescing in the Kellogg usurpation? As well might you say when two or three subordinate officers of an army desert to the enemy, that therefore the great body of the army have acquiesced in the rule of the opposing force. Such an argument is most absurd and establishes nothing.

But, Mr. President, there has been no acquiescence on the part of the people of Louisiana. There may have been and is submission to Federal power. They submit to the Federal power which is protecting Kellogg, because they know it would be useless to attempt to throw off the Kellogg usurpation with the avowed purpose of the Federal authorities to uphold and maintain it. It would bring them in conflict with the Federal Army and with the whole military and naval power of this Government; and therefore if they were disposed to resist the wrong, and however indignant they may be, and however loud they may protest against the Kellogg government, they can do nothing but submit. Sir, Poland submitted to the partition of her territory. Did the people of Poland willingly acquiesce in it? It is doing great injustice to the people of Louisiana, a people as proud and as high-minded and as noble and as brave as any people in this country, to say that they could so far forget their manhood, that they could so far do violence to the instincts of our common nature, as to submit to a usurpation set up by Federal power over them in opposition to their wish and against their protest. I hope, sir, that no day will come when there shall not be a voice in Louisiana protesting loudly and to the very last against this monstrosity, against this great wrong, which is not only doing great injustice to the people of Louisiana, but which is bringing disgrace upon the American name.

But, sir, suppose the people of Louisiana have acquiesced, and are acquiescing—a thing that I say is utterly impossible while the least degree of manhood remains in the bosoms of that people—suppose they have acquiesced and are acquiescing in the usurpation of Kellogg, is the Senate to acquiesce, is Congress to acquiesce? Suppose the people of Louisiana are acquiescing in the usurpation which is now upon them; suppose they have lost their manhood, and are bending their necks to the yoke of the tyrant that sways the scepter over their destinies and over their liberties, have we no duty to perform? Is the Senate also to acquiesce? Will we, too, sit idly by and see a government forced upon the people of any State of this Union and not take action to prevent it? Are we to remain silent and see the liberties of the people taken away from them, see their prosperity as a State going down? Not so would have thought or acted the men who sat in this Chamber in other days. In other years, if such a proposition had been made every tongue in the Senate would havebeen eloquent in denouncing such usurpation, and every hand would have been stretched forth for the relief of an oppressed people. Every man who sat then in this Senate would not only have denounced the usurpation but would have been willing to go to the very verge of constitutional power for the purpose of relieving the people of a State of the incubus upon them.

Sir, we have an important duty to perform. We shall be untrue to the traditions of the country if we fail to discharge it. Our forefathers took especial pains to guarantee personal liberty to the people of this country, and the first ten amendments to the Constitution were specially framed and designed to guard the individual rights of citizens. How much more important are the rights of a whole State, including not only the rights of the individual people of a State but the rights of the State as a component part of the Government of the United States! It is true that the idea doubtless did not enter the minds of the framers of the Constitution that the time would ever come when the people of a State would be denied local self-government, when the people would be compelled to submit to a usurpation over them; and they may not have in distinct terms made provision for such a contingency. But yet I venture to say from the history of those times and from the provisions incorporated in the Constitution to protect and guard individual rights and individual liberty, if it were possible that the idea could have been present to the minds of the framers of the Constitution that such a condition of things could exist in the country as now exists in the State of Louisiana, they would have provided most amply against it. We are here when such things have happened; and have we no duty to perform in reference to them? Is it not our duty to the people of Louisiana? Do we not owe it to ourselves and to posterity? Do we not owe it to the happiness of the people of this whole country in the future that we shall rebuke this wrong and promptly rid the people of Louisiana of the government that now oppresses them?

But, sir, have the people of Louisiana acquiesced? I deny that they have acquiesced. They have remonstrated in every conceivable manner. They have petitioned for a redress of grievances. They sent two hundred of their choice citizens selected to represent them to the President; and how were they met? They were spurned from his presence and told in advance by a telegram from the Attorney-General that their visit to the President would be useless. Our tables are covered with their petitions asking to be relieved from the oppression that is now upon them. Shall we be deaf to all these appeals? They are here to-day. This bill and amendment brings them here to-day to protest against the longer continuance of the Kellogg government over them, and demands of the Senate to remove it and let the government of their choice be reinstated. And shall we be deaf to these remonstrances, to these petitions and appeals? Shall we make no effort to relieve them? Shall they be spurned from our presence as they have been spurned from the presence of the Executive?

Then, if such should be the case, when they go home brooding over their wrongs, finding that no relief can come from any quarter, when the last hope is gone, I say they will be justified in the sight of civilized humanity in becoming the avengers of their own wrongs. I hope no people will long consent to be slaves. Sooner than see the people of any State of this Union tamely submit to oppression it would be better to see them vindicate their rights by all the means which God and nature have placed within their hands. The people of Louisiana and the people of the South will not always remain the tame slaves of power. After having submitted until patience is exhausted, they will in some form or other assert their rights. It may be that in the assertion of those rights they will add another illustration to that lesson taught by history as well as poetry, that—

Who would be free, themselves must strike the blow.

Mr. MERRIMON. Mr. President, it is my desire to debate the measure pending before the Senate, but I am not prepared to speak to-day. To-morrow I presume I shall be ready to say what I desire to say.

Mr. CARPENTER. I am willing, if there can be unanimous consent to that effect, that the bill shall be laid aside to-day and be the unfinished business at the expiration of the morning hour to-morrow. I suppose that will accommodate the Senator.

Mr. ANTHONY. I think that would be a very proper arrangement, and I suggest that this bill be laid aside informally for the purpose of taking up the Calendar of unobjected cases and devoting the rest of this day to that.

Mr. CARPENTER. I hope there will be unanimous consent to that.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan.) The Chair hears no objection.

CURRENCY AND BANKING—VETO MESSAGE.

During Mr. SAULSBURY'S speech a message was received from the President of the United States, by Mr. BABCOCK, his Secretary.

Mr. CONKLING. I ask the Senator from Delaware to yield, if he will, that we may hear read the message of the President.

Mr. SAULSBURY. Certainly.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate a message from the President of the United States.

The Chief Clerk read the message, as follows:

To the Senate of the United States:

Herewith I return Senate bill No. 617, entitled "An act to fix the amount of United States notes and the circulation of national banks, and for other purposes," without my approval.

In doing so, I must express my regret at not being able to give my assent to a measure which has received the sanction of a majority of the legislators chosen by the people to make laws for their guidance, and I have studiously sought to find sufficient arguments to justify such assent, but unsuccessfully.

Practically, it is a question whether the measure under discussion would give an additional dollar to the irredeemable paper currency of the country or not, and whether by requiring three-fourths of the reserves to be retained by the banks, and prohibiting interest to be received on the balance, it might not prove a contraction. But the fact cannot be concealed that theoretically the bill increases the paper circulation $100,000,000, less only the amount of reserves restrained from circulation by the provision of the second section. The measure has been supported on the theory that it would give increased circulation. It is a fair inference, therefore, that if, in practice, the measure should fail to create the abundance of circulation expected of it, the friends of the measure, particularly those out of Congress, would clamor for such inflation as would give the expected relief.

The theory, in my belief, is a departure from the true principles of finance, national interest, national obligations to creditors, congressional promises, party pledges—on the part of both political parties—and of personal views and promises made by me in every annual message sent to Congress, and in each inaugural address.

In my annual message to Congress in December, 1869, the following passages appear:

"Among the evils growing out of the rebellion and not yet referred to, is that of an irredeemable currency. It is an evil which I hope will receive your most earnest attention. It is a duty and one of the highest duties of government to secure to the citizen a medium of exchange of fixed, unvarying value. This implies a return to a specie basis, and no substitute for it can be devised. It should be commenced now, and reached at the earliest practicable moment consistent with a fair regard to the interest of the debtor class. Immediate resumption, if practicable, would not be desirable. It would compel the debtor class to pay beyond their contracts the premium on gold at the date of their purchase, and would bring bankruptcy and ruin to thousands. Fluctuations, however, in the paper value of the measure of all values (gold) is detrimental to the interests of trade. It makes the man of business an involuntary gambler; for in all sales where future payment is to be made both parties speculate as to what will be the value of the currency to be paid and received. I earnestly recommend to you, then, such legislation as will insure a gradual return to specie payments and put an immediate stop to fluctuations in the value of currency."

I still adhere to the views then expressed.

As early as December 4, 1865, the House of Representatives passed a resolution, by a vote of 144 yeas to 6 nays, concurring "in the views of the Secretary of the Treasury in relation to the necessity of a contraction of the currency, with a view to as early a resumption of specie payments as the business interests of the country will permit," and pledging "co-operative action to this end, as speedily as possible."

The first act passed by the Forty-first Congress on the 18th day of March, 1869, was as follows:

"An act to strengthen the public credit of the United States.

"*Be it enacted, &c.*, That in order to remove any doubt as to the purpose of the Government to discharge all its obligations to the public creditors, and to settle conflicting questions and interpretations of the law, by virtue of which such obligations have been contracted, it is hereby provided and declared that the faith of the United States is solemnly pledged to the payment in coin, or its equivalent, of all the obligations of the United States, and of all the interest-bearing obligations, except in cases where the law authorizing the issue of any such obligations has expressly provided that the same may be paid in lawful money, or in other currency

than gold and silver, but none of the said interest-bearing obligations not already due shall be redeemed or paid before maturity, unless at such times as the United States notes shall be convertible into coin at the option of the holder, or unless at such time bonds of the United States bearing a lower rate of interest than the bonds to be redeemed can be sold at *par* in coin. And the United States also solemnly pledges its faith to make provision at the earliest practicable period for the redemption of the United States notes in coin."

This act still remains as a continuing pledge of the faith of the United States "to make provision at the earliest practicable moment for the redemption of the United States notes in coin."

A declaration contained in the act of June 30, 1864, created an obligation that the total amount of United States notes issued, or to be issued, should never exceed $400,000,000. The amount in actual circulation was actually reduced to $356,000,000, at which point Congress passed the act of February 4, 1868, suspending the further reduction of the currency. The forty-four millions have ever been regarded as a reserve, to be used only in case of emergency, such as has occurred on several occasions, and must occur when, from any cause, revenues suddenly fall below expenditures; and such a reserve is necessary, because the fractional currency, amounting to fifty millions, is redeemable in legal-tenders on call.

It may be said that such a return of fractional currency for redemption is impossible. But let steps be taken for a return to a specie basis, and it will be found that silver will take the place of fractional currency as rapidly as it can be supplied, when the premium on gold reaches a sufficiently low point. With the amount of United States notes to be issued permanently fixed within proper limits, and the Treasury so strengthened as to be able to redeem them in coin on demand, it will then be safe to inaugurate a system of free banking with such provisions as to make compulsory redemption of the circulating notes of the banks in coin, or in United States notes, themselves redeemable and made equivalent to coin.

As a measure preparatory to free banking, or for placing the Government in a condition to redeem its notes in coin "at the earliest practicable moment," the revenues of the country should be increased so as to pay current expenses, provide for the sinking fund required by law, and also a surplus to be retained in the Treasury in gold.

I am not a believer in any artificial method of making paper money equal to coin when the coin is not owned or held ready to redeem the promises to pay; for paper money is nothing more than promises to pay, and is valuable exactly in proportion to the amount of coin that it can be converted into. While coin is not used as a circulating medium, or the currency of the country is not convertible into it at par, it becomes an article of commerce as much as any other product. The surplus will seek a foreign market as will any other surplus. The balance of trade has nothing to do with the question. Duties on imports being required in coin creates a limited demand for gold. About enough to satisfy that demand remains in the country. To increase this supply I see no way open but by the Government hoarding through the means above given, and possibly by requiring the national banks to aid.

It is claimed by the advocates of the measure herewith returned that there is an unequal distribution of the banking capital of the country. I was disposed to give great weight to this view of the question at first; but, on reflection, it will be remembered that there still remains $4,000,000 of authorized bank-note circulation assigned to States having less than their quota not yet taken. In addition to this, the States having less than their quota of bank circulation have the option of twenty-five millions more to be taken from those States having more than their proportion. When this is all taken up, or when specie payments are fully restored, or are in rapid process of restoration, will be the time to consider the question of "more currency."

U. S. GRANT.

EXECUTIVE MANSION,
Washington, April 22, 1874.

The PRESIDENT *pro tempore*. The bill is now before the Senate; and the question is, Shall the bill pass notwithstanding the objections of the President of the United States?

Mr. CONKLING. Mr. President, the Constitution and the usages of the Senate together point out the appropriate proceeding to be taken now. The Constitution provides that "If he"—the President—"approve he shall sign it"—the bill—"but if not he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their Journal, and proceed to reconsider it."

It might be supposed that the language of the Constitution contemplated necessarily an immediate reconsideration. The usages of the Senate establish the contrary. We have now before us a bill likely to consume some further time, which I think it would be convenient to dispose of. The message, of course, we want to see in print and have an opportunity to examine; and unless we sit on Saturday we shall not be likely to make much progress this week. Monday, as we already know, is to be devoted to observances on which we cannot well encroach. I take it, therefore, that it will be the pleasure of the Senate to take up the bill and reconsider it, doubtless at an early day next week. In that view, I move that the message be printed and lie on the table, with the bill.

The PRESIDENT *pro tempore*. The Senator from New York moves that the message be printed, and, with the bill, lie on the table for the present.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 1706) to authorize the opening of Wight street through the grounds of the United States marine hospital at Detroit, Michigan, in which it requested the concurrence of the Senate.

HOUSE BILLS REFERRED.

The bill (H. R. No. 3090) to authorize the issue of duplicate agricultural land scrip where the original has been lost or destroyed was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. No. 3088) to extend the time for completing entries on Osage Indian lands in Kansas was read twice by its title, and referred to the Committee on Indian Affairs.

The bill (H. R. No. 1706) to authorize the opening of Wight street through the grounds of the United States marine hospital at Detroit, Michigan, was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

THE NAVIGATOR'S ISLANDS.

The PRESIDENT *pro tempore* laid before the Senate a message from the President of the United States, transmitting a communication from the Secretary of State and the report by which it is accompanied, upon Samoa or the Navigator's Islands; which was referred to the Committee on Foreign Relations, and ordered to be printed.

ORDER OF BUSINESS.

Mr. MERRIMON. I ask consent of the Senate to call up the bill (S. No. 669) referring the petitions and papers in the case of Robert M. and Stephen A. Douglas, in so far as the same relates to cotton seized, to the Court of Claims.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from North Carolina.

Mr. ANTHONY. I do not know what the bill is that the Senator moves to take up; but I hope the motion will not be agreed to. We have unanimously agreed to take up the Calendar of unobjected cases to accommodate my friend from North Carolina, and now I think he ought not to ask a second favor.

Mr. MERRIMON. I was not aware of that, and I will not press the motion.

Mr. ANTHONY. There is no case on the Calendar that I have any interest in whatever; but I think that we cannot devote the day so profitably to any business as to take up the unobjected cases on the Calendar.

Mr. MERRIMON. I withdraw my motion.

ARMS TO NEBRASKA.

The PRESIDENT *pro tempore*. The first bill on the Calendar is the bill (S. No. 499) to authorize the issue of a supply of arms to the authorities of the State of Nebraska.

Mr. WEST. That is objected to.

Mr. INGALLS. That is under debate.

The PRESIDENT *pro tempore*. The bill will be laid aside.

JOHN B. WEBER.

The next bill on the Calendar was the bill (H. R. No. 1039) for the relief of John B. Weber, late colonel of the Eighteenth Regiment Corps d'Afrique; which was considered as in Committee of the Whole.

It is a direction to the Paymaster of the Army to allow and pay to John B. Weber, late colonel of the Eighteenth Infantry, Corps d'Afrique, out of the appropriation for the pay of the Army, the pay and allowances of first lieutenant, from the 28th day of September, 1863, until the 8th day of November, in the same year, being from the time he received his commission as such officer until the time when he was mustered into the service.

The bill was reported to the Senate without amendment.

Mr. HOWE. I should like to hear the report in that case.

The Chief Clerk read the following report made by Mr. ALBRIGHT, of the House of Representatives:

The Committee on Military Affairs, to whom was referred the bill (H. R. No. 224) for the relief of John B. Weber, late colonel of the Eighteenth Regiment Infantry, Corps d'Afrique, have had the same under consideration, and make the following report:

On and before September 28, 1863, Colonel Weber was adjutant of the One hundred and sixteenth New York Volunteers, on duty in the Department of the Gulf.

The same day he received a commission as colonel of Eighteenth Regiment Infantry, Corps d'Afrique, but was not then mustered.

October 12, 1863, special orders issued, to take effect September 28, 1863, to discharge him as adjutant to enable him to accept his commission as colonel. From September 28, 1863, he was in command of the Eighteenth Regiment of Infantry, as colonel, but was not mustered until November 8, 1863.

He was paid as adjutant up to September 28, 1863, and no longer, and received no pay from this date to November 8, 1863, one month and ten days, when his pay as colonel commenced.

By General Order No. 7 he was compelled to apply for a discharge as adjutant on receiving commission as colonel.

The reason he was not mustered as colonel before November 8, 1863, is that the regiment was not full, although he was on duty and in command of the regiment. The committee, therefore, recommend that Colonel Weber be allowed pay as first lieutenant from September 28, 1863, to November 8, 1863, and that the bill (H. R. No. 224) be so amended.

The committee recommend the passage of the accompanying bill.

The bill was ordered to a third reading, and read the third time.

Mr. HOWE. The point that strikes me is that the bill proposes to pay a colonel for a regiment which did not exist and was not entitled to a colonel.

Mr. INGALLS. If there is to be discussion, under the understanding I suppose the bill ought to go over.

The PRESIDENT *pro tempore*. The bill will be laid aside, and the next bill on the Calendar will be called.

Mr. LOGAN. I think the Senator from Wisconsin was under a misapprehension about the Weber bill. I do not think it gives the officer pay as colonel. If the report be read again I think the Senator will see that there is no cause for objection to it.

The PRESIDENT *pro tempore*. The bill may be passed for the present, and after consultation among Senators and examination be returned to.

Mr. LOGAN. I know what the case is, and I think if the report is read so that Senators understand it there will be no objection.

The PRESIDENT *pro tempore*. The report will be again read.

The Chief Clerk again read the report.

Mr. LOGAN. The Senator from Wisconsin will see that the bill does not provide for pay as colonel; but he was mustered out as adjutant of the regiment and acted as colonel, but he could not receive

the pay of colonel until he was mustered in as such. The bill provides for continuing the pay of lieutenant to him until the time he was mustered as colonel.

Mr. HOWE. I see I was mistaken about it. I hope the bill will be passed; there can certainly be no objection to it.

The bill was passed.

PRIVATE LAND CLAIMS IN MISSOURI.

The next bill on the Calendar was the bill (S. No. 32) obviating the necessity of issuing patents for certain private land claims in the State of Missouri, and for other purposes.

The Committee on Private Land Claims reported an amendment to strike out all after the enacting clause of the bill and to insert the following as a substitute:

That all of the right, title, and interest of the United States in and to all of the lands in the State of Missouri which have at any time heretofore been confirmed to any person or persons by any act of Congress, or by any officer or officers, or board or boards of commissioners, acting under or by authority of any act of Congress, shall be, and the same are hereby, granted, released, and relinquished by the United States, in fee-simple, to the respective owners of the equitable titles thereto, and to their respective heirs and assigns forever, as fully and as completely, in every respect whatever, as could be done by patents issued therefor according to law.

SEC. 2. That nothing contained in the first section of this act shall in any manner abridge, divest, impair, injure, or prejudice any valid adverse right, title, or interest of any person or persons in or to any portion or part of the lands mentioned in said first section; and this act shall in nowise affect any lands or lots heretofore relinquished to the United States; and all persons who, under the statute of limitations of said State, would be protected in their possessions had patents for the lands or lots occupied by them been issued at the date of the confirmation of the claims thereto as aforesaid shall be deemed to have the equitable title to the lands so occupied by them within the meaning of this section, and the release herein provided for shall be as effectual in their favor as in cases where the owner derives title from the original claimant.

SEC. 3. That whenever the Secretary of the Interior shall be of the opinion that the public interest no longer requires the continuance of the office of recorder of land titles in Missouri he may close and discontinue the same; and all of the records, maps, plats, field-notes, books, papers, and everything else concerning, pertaining, or belonging to said office of recorder shall be delivered to the State of Missouri: *Provided, however*, That said State shall provide by law for the reception and safe-keeping of said records, maps, plats, field-notes, books, papers, and every thing else belonging to said office of recorder, as public records, and for the allowance of free access to the same by the authorities of the United States for the purpose of taking extracts therefrom or making copies thereof, without charge of any kind: *And provided further*, That when said office of recorder shall be closed and discontinued as aforesaid, the Commissioner of the General Land Office shall forever thereafter possess and exercise all of the powers and authority and perform all the duties of said recorder.

Mr. BOGY. This bill was before the Senate a few days ago and the Senator from Vermont [Mr. EDMUNDS] raised some objection to it and desired some amendments to be made to the bill. He has indicated the amendments and I have accepted them. I will state them. In the seventh line of the first section the word "or" should be stricken out after the word "under" and the word "and" inserted in its place. In the third line of the second section, after the word "valid," the word "adverse" should be stricken out; and in the ninth line of the second section, after the word "lots," the word "aforesaid" should be inserted; and after the word "been," in the same line, the word "lawfully" should be inserted. These I believe are the only amendments suggested by the Senator from Vermont, and I move that they be accepted.

Mr. PRATT. I think this bill had better go over. Some Senators want to look into its provisions.

The PRESIDENT *pro tempore*. It will be laid aside.

Mr. BOGY. I will ask the Senator from Indiana why should this bill be laid over? I would ask its consideration as a favor It has been here for months. It involves no appropriation. It is entirely local; it affects no one in the world but persons in the State of Missouri, and is of importance only to them. It is here on the application, I may say, of the entire people of the State of Missouri, except a few land speculators. Why should the bill be laid over?

The PRESIDENT *pro tempore*. Does the Senator from Indiana insist on his objection?

Mr. PRATT. I wish to inquire of the Senator from Missouri what committee had the consideration of this bill?

Mr. BOGY. The Committee on Private Land Claims had this bill under consideration and reported it unanimously. It was referred to the Commissioner of the General Land Office and approved by him. It is sustained is every way that a bill can be sustained. It involves no appropriation, no grant of land, nothing in the world but a mere grant of a naked legal title, which now remains nominally in the hands of the Government of the United States.

Mr. PRATT. What is the quantity of land which this bill conveys or transfers?

Mr. BOGY. It does not convey any land at all, not an acre, not a foot. It relates merely to the old Spanish grants in the State of Missouri.

The PRESIDENT *pro tempore*. Does the Senator from Indiana withdraw his objection?

Mr. PRATT. For the present.

The PRESIDENT *pro tempore*. Then the bill is before the Senate as in Committee of the Whole.

Mr. BOGY. The bill does not convey any land at all. The lands referred to in it have been confirmed by boards of commissioners heretofore or by acts of Congress. It has always been supposed in that State that the confirmation was not only a sufficient title, but that the confirmation itself was a sufficient evidence of title. Under a recent decision, however, until patents are issued, there appears to remain a mere legal title in the Government. It is a question on which the profession in Missouri have been united. This bill simply obviates the necessity for issuing patents by saying that the confirmation shall be a legal title.

Mr. PRATT. Is there any letter from the Commissioner of the General Land Office on the subject?

Mr. BOGY. The Commissioner of the General Land Office had the bill before him, and it is recommended by him.

The PRESIDENT *pro tempore*. Does the Senator from Indiana withdraw his objection?

Mr. PRATT. Yes, sir.

The PRESIDENT *pro tempore*. The question is on the amendments of the Senator from Missouri to the amendment of the Committee on Private Land Claims.

The amendments to the amendment were agreed to.

The PRESIDENT *pro tempore*. The question is on the amendment as amended.

The amendment, as amended, was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RAILROAD IN WASHINGTON TERRITORY.

The next bill on the Calendar was the bill (S. No. 253) to authorize the county commissioners of Thurston County, in Washington Territory, to issue bonds for the purpose of constructing a railroad from Budd's Inlet, Puget Sound, to intersect the North Pacific Railroad at or near Tenino; which was considered as in Committee of the Whole.

The Committee on Territories reported the bill with amendments.

The first amendment was in section 1, line 7, to strike out the word "North" and insert the word "Northern," so as to read "Northern Pacific Railroad."

The amendment was agreed to.

The next amendment was after the word "thereof" in the ninth line of the same section to strike out the following words:

Not exceeding in amount the sum of $200,000, and to designate the time and manner of payment of principal and interest of said bonds; and also to determine the class and gauge of said railroad.

And in lieu thereof to insert:

Which bonds shall bear interest not exceeding 10 per cent. per annum, and the principal thereof shall not exceed in amount 10 per cent. of the value of the taxable property of said county of Thurston as legally assessed for territorial taxation, and shall not, in any event, exceed, in the aggregate, $200,000, notwithstanding this sum may be less than 10 per cent. of such taxable valuation; and any such bonds issued in excess of said 10 per cent. of the territorial taxable valuation of the property of said county, or in excess of $200,000 in the aggregate in any event, shall be absolutely void; and all persons interested are required to take notice hereof. And the said commissioners are hereby authorized and empowered to designate the time and manner of payment of the principal and interest of said bonds, and also to determine the class and gauge of said railroad: *Provided*, That no bonds shall issue until the full and final completion of said railroad: *And provided further*, That said county of Thurston shall not contract with any person, firm, or corporation to construct said railroad until such person, firm, or company shall enter into a good and sufficient bond, in the penal sum of $200,000, to be secured by first mortgage on said railroad, conditioned that they will operate said road with passenger and freight trains for a period of twenty-five years: *And provided further*, That when the said county commissioners shall have agreed upon the terms for the construction of said railroad with any individual, firm, or corporation, they shall call a special election at such time as they may designate, by causing three notices of such election, which said notices shall embrace the terms of the proposed contract, to be posted for twenty days in each election precinct of said county of Thurston, at which the said proposed contract shall be submitted to the legal voters of said county; and if two-thirds of the said votes cast at the said election shall be in favor of the said contract, and such two-thirds shall be equal in number to a majority of the votes cast in said county at the then next preceding election for Delegate in the Congress of the United States, then the said county commissioners shall complete the said contract and issue the bonds provided for by this act and not otherwise. Such election shall be held at the same places, in the same manner, and the returns thereof made by and filed with the same officers, as is required in case of election for county officers under the laws of said Territory.

Mr. MITCHELL. I move to amend the amendment by striking out the word "ten" in line 20, and inserting "seven;" so as to read, "may be less than 7 per cent. of such taxable valuation."

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM N. DENNY.

The bill (S. No. 560) for the relief of William N. Denny was read the second time, and considered as in Committee of the Whole. It directs the Paymaster-General of the United States Army to pay, out of any money appropriated or hereafter to be appropriated for the payment of the Army, to William N. Denny, late major in the Fifty-first Regiment of Indiana Volunteers, the pay and emoluments of a major of infantry, from the 30th of June, 1863, the date his commission was received at the headquarters of the command to which he belonged, to the 15th of May, 1865, the date of his muster in as lieutenant-colonel, as if he had been mustered in as major on the date of the receipt of his commission, first deducting whatever sum may have been paid him as captain during the period for which pay is hereby allowed as major.

Mr. INGALLS. Let the report be read.

The Chief Clerk read the following report, submitted by Mr. CLAYTON on the 3d of March:

The Committee on Military Affairs, to whom were referred the petition and papers in the case of William N. Denny, late major of Fifty-first Regiment Indiana Volunteers, praying that he may be allowed the pay and emoluments of a major from June 30, 1863, to March 25, 1865, less amount already received as pay of captain, have had the same under consideration, and beg leave to submit the following report:

The petitioner represents that he was a captain in the Fifty-first Regiment Indiana Volunteers; that on or about the 3d day of May, 1863, he was, with his regiment, captured by the command of General Forrest, near Rome, Georgia, and was confined in prison by the enemy until March 25, 1865, when he effected his escape and rejoined his regiment; that on or about June 30, 1863, he was commissioned as major of his regiment, vice D. A. McHolland, promoted to be lieutenant-colonel; that neither Denny nor McHolland were mustered, because of their captivity.

The papers before the committee substantiate these representations.

The accompanying bill is reported and its passage recommended.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES H. MOSELEY.

The bill (S. No. 561) for the relief of Charles H. Moseley was read a second time and considered as in Committee of the Whole. It directs the Paymaster-General to pay Charles H. Moseley, late a second lieutenant in the Forty-seventh Regiment Kentucky Mounted Infantry, the pay and allowances of a second lieutenant of infantry from the 9th of September, 1864, until the 30th of November, 1864.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BANKING AND CURRENCY—VETO MESSAGE.

Mr. MORTON. On the motion of the Senator from New York a few minutes ago, the finance bill and the veto message of the President were laid upon the table and the message ordered to be printed, with the statement on the part of the Senator from New York that it would be proper to have an early consideration of it next week. As the Senator did not name any date, I will now suggest in the hearing of the Senator next Tuesday at the expiration of the morning hour.

Mr. CONKLING. I suggest in answer to that, that it may be quite inconvenient to a number of Senators to have the consideration proceed at that time, and I purposely abstained from intimating any special time. I did so in part upon the suggestion and in deference to the judgment of other Senators. There are several members of the Senate who will be absent in the mean time, and some of them I think who will be absent a little later than that; and therefore in so far as the fact that I made the motion in any way devolves upon me the duty or propriety of moving to take up the message, I say to the Senator that I shall not be likely to do it on Tuesday next, as it is quite possible that I may not be able to be here on that day myself; and there are several Senators whose presence is more important than I can suppose mine to be who will not be here either. Therefore I suggest that it had better lie probably until a later day, to be taken up of course with convenient dispatch when the Senate may so choose.

Mr. MORTON. Of course if it does not suit the convenience of the Senate to take it up on Tuesday, the Senate will not take it up. I suggest, however, for the purpose of naming a day, that it be taken up on Tuesday.

The PRESIDENT *pro tempore*. The next bill on the Calendar will be stated.

Mr. CONKLING. It is understood, of course, that no assent is given to the suggestion just made.

The PRESIDENT *pro tempore*. The Chair understands the Senator from New York to have objected.

Mr. CONKLING. I make no objection, except that I say, having moved to lay the message on the table, I shall move to take it up myself at what I think is a proper time, unless somebody makes the motion before; and as far as it appears now, I do not think Tuesday is likely to be a convenient time. I understand, among other things, that the chairman of the Committee on Finance is to be absent for several days; and although I suppose the Senator from Indiana is going to sustain the message, from the suggestion he makes about taking it up, it might be well to have the Senator from Ohio, the chairman of the committee, also here to help sustain it.

Mr. MORTON. The Senator from New York no doubt will be ample aid in that matter.

The PRESIDENT *pro tempore*. The next bill on the Calendar will be read.

GEORGE S. WRIGHT.

The bill (H. R. No. 1581) for the relief of George S. Wright, administrator of the estate of John T. Wright, deceased, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to George S. Wright, administrator of the estate of John T. Wright, deceased, $2,758.45, the amount of Treasury settlement numbered 536, dated March 13, 1869, in accordance with the certificates of the Third Auditor and the Second Comptroller.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHEROKEE REMOVAL CLAIMS.

The bill (S. No. 505) to amend the act entitled "An act making appropriations for current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1849, and for other purposes," approved July 29, 1848, was considered as in Committee of the Whole. It proposes to amend sections 4 and 5 of the act referred to in the title, so as to make them read:

That the Secretary of the Interior shall cause a new census to be taken of the Cherokee Indians now residing east of the Mississippi River, which shall include the number and names of such individuals and families of said Indians who wish to remain and become citizens of the States in which they live; also the number and names of such individuals and families who desire to remove and join the Cherokee tribe west of said river, whereupon the Secretary of the Interior shall report the same to the Secretary of the Treasury, who shall set apart, out of any money in the Treasury not otherwise appropriated, a sum equal to $53.33 for each individual ascertained as aforesaid; and that the Secretary of the Interior cause to be paid to every such individual, or his or her legal representatives, interest at the rate of 6 per cent. per annum on said *per capita* from the date of the passage of this act.

SEC. —. That whenever hereafter any individual or individuals of the Cherokee Indians specified in section 1 of this amendment shall desire to remove and join the tribe west of the Mississippi, the Secretary of the Interior shall be authorized to withdraw from the fund set apart as aforesaid the sum of $53.33 and the interest due and unpaid thereon, and apply the same, or such part thereof as may be necessary, to the removal and subsistence of such individual or individuals, and pay the remainder, if any, or the whole, if the said Indians, or any of them, shall prefer to remove themselves, to such individuals or heads of families upon their removal west of the Mississippi.

SEC. —. That the Secretary of the Interior cause to be ascertained the number and names of such individuals and families of the Eastern Cherokee Indians who have, since July 1, 1867, at their own expense removed and joined the tribes west of the Mississippi River, and have not been reimbursed therefor by the United States as provided by section 5 of the act aforesaid, approved July 29, 1848, and shall report the amount necessary to reimburse such persons to the Secretary of the Treasury, who shall set apart, out of any money in the Treasury not otherwise appropriated, an amount sufficient to enable the Secretary of the Interior to pay, or cause to be paid, to the individuals or heads of families who removed at their own expense, a sum which shall be equal to $53.33 for each person who removed as aforesaid: *Provided*, That the amount herein required to be funded for the benefit of the said Cherokees east and west of the Mississippi River, and the amount required to be paid to them, shall be charged to the general Cherokee fund, under the treaty of New Echota, and shall be reimbursed therefrom.

Mr. EDMUNDS. I should like to have the chairman of the Committee on Indian Affairs be kind enough to explain this bill. It seems somewhat important.

Mr. BUCKINGHAM. In 1836 a treaty was made with the Cherokee Indians, by which a large portion of them were to remove west of the Mississippi. It was provided in that treaty that those who removed should receive for removal the sum of twenty dollars each, and the sum of $33.33 each for sustaining themselves one year after their arrival in their new country. It was also provided that those who did not choose to remove and remained in North Carolina should receive the interest of that $53.33, to be divided *per capita*. Since that time it has been found very difficult to ascertain who were entitled to this division of interest, and it has been pretty difficult sometimes to trace the genealogy of the Indians, and a new census was made a few years ago in order to ascertain to whom this payment should be made, but there is some embarrassment still under that, and now this bill provides that a new census shall be taken in order to ascertain who are entitled to this interest. The bill also provides that if any of the Indians have removed who have not received their share of this $53.33, to pay them for their removal and subsistence they shall be paid that amount.

Mr. EDMUNDS. How long is it since they removed?

Mr. BUCKINGHAM. They have been removing all the time from 1836 to the present time, as I understand.

Mr. EDMUNDS. Then may I ask the Senator what means this bill provides for ascertaining the identity of these claimants? Would not that part of the bill specially mentioned by the Senator be liable to the objection that under it we shall allow a vast mass of claims, bought up and in the hands of claim agents, which will do no good to the Indians; or else fictitious claims may be brought forward to pay Indians removed since 1836 for the expenses of their removal? A great many of them must be dead. The rest are scattered. Their identity may not easily be proved; and that leads me to make the inquiry of the Senator, what means we can provide for securing the Government against wrong in that respect?

Mr. BUCKINGHAM. The bill provides that a census shall be taken for that very object.

Mr. EDMUNDS. Are not the Indians who have removed scattered? I am not speaking of those who have remained behind, but those who have gone.

Mr. BUCKINGHAM. Those who have gone, I suppose, are with the bulk of the tribe west of the Mississippi. The second section provides "that whenever hereafter any individual or individuals of the Cherokee Indians specified in section 1 of this amendment shall desire to remove and join the tribe west of the Mississippi," he shall have his pay; and then in the third section the Secretary of the Interior is to "cause to be ascertained the number and names of such individuals and families of the Eastern Cherokee Indians who have since July 1, 1867, at their own expense, removed." I do not know of any better way to ascertain who are entitled to it than to leave it subject to the discretion of the Secretary of the Interior. If the honorable Senator will point out any better way, I shall be glad to take it.

Mr. EDMUNDS. Can the Senator tell me where the treaty is under which this obligation arises?

Mr. BUCKINGHAM. The treaty of 1836, called the New Echota treaty.

Mr. EDMUNDS. The date of the treaty is 29th of December, 1835, I find by the volume of treaties.

Mr. BUCKINGHAM. I named the date when it was proclaimed, May 23, 1836.

Mr. EDMUNDS. The eighth article of the treaty does provide "that the United States agree to remove the Cherokees to their new homes and subsist them one year after their arrival; and that a sufficient number of steamboats and baggage-wagons shall be furnished to remove them comfortably, so as not to endanger their health; that a physician, well supplied with medicines, shall accompany each detachment of emigrants removed by the Government. Such persons and families as in the opinion of the emigrating agent are capable of subsisting and removing themselves can be permitted to do so. They shall be allowed in full for all claims for the same twenty dollars for each member of their family; and in lieu of their one year's rations they shall be paid the sum of $33.33 if they prefer it."

Now I wish to ask the Senator in charge of this bill what is the evidence we have to act upon that during forty years—it will be forty years next year since this treaty was made—we have failed in our obligation to discharge this duty by either removing them bodily at our own expense or paying their expenses for the removal in the time of it? How does it happen that forty years have gone by before this claim is brought forward for payment by Congress?

Mr. BUCKINGHAM. I am not aware that we have failed in any respect; but as a matter of fact the difficulty arises from the impossibility, if you please, of ascertaining who among them are entitled now to the interest on this $53.33. The descendants of those entitled to it have so increased in numbers that it is only a small fraction which each one is entitled to. The difficulty arises from the trouble in tracing the genealogy of the Indians. The present bill is not to avoid any duty or renew any, but to ascertain precisely who are entitled to this money, and then also to carry the repetition, if you please, or the re-enactment of the same treaty, so that instead of paying them the money at home we will pay them $53.33 each if they remove the same as we would have done had they gone in 1836.

Mr. EDMUNDS. That part of it is not what I am asking the Senator to explain. I can understand the second section which provides for the future that if a Cherokee chooses to remove west of the Mississippi and join the tribe he shall have $53.33 for doing it. That I can understand, and that probably cannot be made the subject of covering up and concealing from Congress a job of a lot of claim agents to get on these old, stale claims of forty years' standing, if there ever was any claim at all, a large sum of money on fictitious Indians. The second section is not open to that objection. But what troubles me is the necessity of our interfering here after forty years have passed and providing for trying to ascertain who among the Indians who removed forty years ago or thirty years ago are entitled to this $53.33 with interest upon it, among their numerous descendants, whose legitimacy the honorable Senator from Connecticut tells us with great propriety and frankness it is somewhat difficult to ascertain. That is the trouble which appears to me, and I suggest it in all sincerity to the honorable Senator as a very dangerous feature in respect to protecting the United States against fictitious claims for money to be paid out of the Treasury.

Mr. BUCKINGHAM. Can the Senator suggest any better way to guard the interests of the Government than submitting this question to the Secretary of the Interior to appoint a commission to ascertain who the parties are?

Mr. EDMUNDS. Yes, sir. I think I can; and that is to strike out the section. I do not know any state of public affairs that requires us to submit anything to the Secretary of the Interior upon this topic of hunting up the descendants of Indians beyond the Mississippi, who were removed there thirty or forty years ago, for the sake of paying them interest on $53.33.

Mr. BUCKINGHAM. I believe we are not paying them the interest.

Mr. EDMUNDS. I only took it as the Senator stated it.

Mr. BUCKINGHAM. Perhaps I stated it incorrectly. It is to pay those who have gone the $53.33, provided they have not already had it.

Mr. EDMUNDS. Does the Senator understand that any delegation of Indians of the proper color and apparent proper race have been here showing to any Department a *prima facie* case looking to the fact that this money has been this long time due and not paid?

Mr. BUCKINGHAM. I do suppose, from what I understand from the Secretary of the Interior, that within the last five years, for instance, Cherokees from North Carolina have gone voluntarily from North Carolina and joined their friends west of the Mississippi, and that those men, whoever they are, are entitled to this $53.33 each, and it is this class of men whom this bill proposes to have paid if we can ascertain who they are. They are entitled to it if they stay in North Carolina; and if they have gone, we say pay it to close the matter with them.

Mr. EDMUNDS. The treaty of 1835, upon which this legislation is stated to rest, certainly does not provide that the Indians may wait forty years, as long as the Children of Israel were in the wilderness, and then go to this land of Canaan and get $53.33 for it. It provided for a substantially immediate removal then of the tribe, and they were to be removed by the United States bodily; but if any were able to remove themselves and could get on they were allowed to do so and to commute at this sum. Thereupon the great body that were ever to go did go, and that part of the treaty exhausted itself. I am sure it will not be contended by my honorable friend from Connecticut, that article 8 of that treaty providing for the removal of the Cherokees west of the Mississippi is still in force as obligatory upon the United States to remove any more or to commute with any more who go. It was a thing that was closed out long ago.

Mr. BUCKINGHAM. The obligation of the Government is not to commute. There is no limit to the obligation to pay each of the Indians the $53.33 until it is paid. If the honorable Senator will show me that it has been paid to any one or more, that ends the case in regard to that particular Indian; but if he cannot show that, and if he cannot show that those who are the heirs of the one who was originally entitled to it have had his pay, it seems to me the money is still due, and if due it should be paid.

Mr. EDMUNDS. So far as I understand the law or justice, there is no presumption arising because my friend and I have dealings, by which it would appear that forty years ago I owed him a sum of money, that I owe him yet. The presumption is exactly the reverse.

Mr. BUCKINGHAM. It would be between you and me.

Mr. EDMUNDS. But the Government, whose Treasury is always full and always open to the raid of anybody who chooses to make a claim, seems to be utterly helpless to protect itself, and as to it the presumption is the other way, I infer from my friend's intimation. No, Mr. President, in all seriousness it is not. Therefore I feel justified in saying that the presumption is, the strong presumption is, that every Indian who removed west of the Mississippi in the time of the removal between 1835 and 1840, if you please—suppose you give them five years to do it—has been settled with and has had his rights long ago. If he has not, then the period of thirty-five years of non-claim, and of descent and distribution and the ten thousand chances of life and of estate, ought to be a bar in and of itself.

We do not find from anything that is reported that any of these Indians have come to the United States saying that they have not been provided for and showing any *prima facie* case tending to lead us to believe that injustic has been done to them; but this appears to be an attempt on the part of the Secretary of the Interior, or of the Indian Office, to close out this treaty as if it were still fresh and a thing that had just been done, and that we are to go now upon an expedition to look up the descendants of Indians who from 1835 to 1840 went west of the Mississippi, with the genealogical doubts that my friend so very handsomely paraphrases, as who is who, and find somebody that is to take $53.33 apiece. I dare say you can find plenty of people west of the Mississippi who are willing to take $53.33 apiece. I know some east of the Mississippi who would do the same thing. But the question is, is it safe for the Government to leave to the Secretary of the Interior or anybody else to institute a commission to go over into that land west of the Mississippi and advertise or hunt in whatever way he may to find the descendants of the immigrants of 1835? If there are any who have gone there within five years, as my friend says, I am sure every gentleman who will read this article will say they do not come under the provision of article 8 of the treaty of 1835. That had long expired and exhausted itself. They went, if they went at all, not under the auspices and enumeration of the Government, as everybody was to go under the eighth article in the time of it, so that we knew who they were; but they went of that free will which belongs to everybody born in this country, and some others now, of moving from one State or Territory to another at pleasure. We do not owe them any money under that treaty, I feel sure. What I object to is the principle and the practice of creating commissions in the Interior or any other Department to go out over the world in the western prairies searching for somebody to whom $53.33 can be paid. I do not think it is safe.

Mr. BUCKINGHAM. It is well known that a large number of Cherokees remained in North Carolina after the treaty of 1836, and it is well understood also that by that treaty the United States should pay those who left and went west of the Mississippi the sum of twenty dollars for each member of each family, and one year's rations, or in lieu thereof $33.33 if they preferred to remain. I do not find any limit to that. That claim remains against the United States and in favor of the Indians who staid in North Carolina just so long as they remain there.

Mr. EDMUNDS. How do you know it has not been paid to them? It has been forty years ago.

Mr. BUCKINGHAM. This is to ascertain how far it has been paid or how far our payment has come short of the obligation. We have never paid it to those who remained in North Carolina.

Mr. EDMUNDS. What evidence has the Senator of that?

Mr. BUCKINGHAM. Nothing in the bill proves that, it is true. No provision has been made for the payment of it while they remained there.

Mr. EDMUNDS. Do you say that the treaty provided they should be paid?

Mr. BUCKINGHAM. The interest on it in North Carolina, not the principal.

Mr. EDMUNDS. Have we not continued to pay the interest?

Mr. BUCKINGHAM. I know nothing to the contrary. I ask the Clerk to read the communications which I send to the desk.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., February 10, 1874.

SIR: In accordance with the provisions contained in the fourth and fifth sections of the act of July 29, 1848, (Statutes, volume 8, pages 264, 265,) a census or roll of the Eastern Cherokees who remained in the State of North Carolina at the time of

the ratification of the treaty of New Echota, May 23, 1836, (Statutes, volume 7, page 478,) and who were entitled to have set apart for them the *per capita* fund of $53.33 referred to in said act, and to receive interest thereon, was taken by J. C. Mullay, in the year 1849, and the number thus entitled ascertained to be one thousand five hundred and seventeen in all, including many white people claiming affinity with the Cherokees.

Subsequently, in order to determine who were the legal heirs and representatives of those enrolled in 1849, but since deceased, the Secretary was directed by act of Congress approved July 27, 1868, (Statute, volume 15, page 228,) to cause another census of said Indians to be taken to serve as guidance in future payments.

This census was taken by S. H. Swetland in 1869, and he was instructed to make payment of interest then due to the Eastern Cherokees, guided by said roll, but on the same principle on which previous payments had been effected; that is, to those individuals only embraced in the roll of J. C. Mullay, or their legal heirs and representatives, as ascertained by the census taken by himself.

The difficulty of tracing Indian genealogy through its various complications in order to determine who are legal representatives of deceased Indians, without any rules by which hereditary descent among these people may be clearly established, and where, as in the present case, a single share of $3.20 would frequently have to be divided into small fractional parts, was fully demonstrated in the payment made by Mr. Swetland, and has led to litigation and serious embarrassment to the Department.

With a view to avoid similar complications in the future, I have caused to be prepared and herewith inclose a draught for a bill amendatory of the act of July 29, 1848, above referred to, and respectfully recommend the same for the favorable consideration of the Department and of Congress.

Very respectfully, your obedient servant,

E. P. SMITH,
Commissioner.

Honorable SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., February 13, 1874.

SIR: I have the honor to acknowledge the receipt of your letter of this date, returning the draught of a bill submitted with my report of the 10th instant, amendatory of the act of July 29, 1848, with reference to the Cherokees of North Carolina.

As suggested in your said letter, I have caused to be added to said bill a proviso that the amount of moneys furnished under the bill shall be charged to the general fund of the Cherokees under the treaty of New Echota, and shall be reimbursed therefrom.

I have also caused to be changed the date mentioned in section 3 of the bill, from July 12, 1869, to July 1, 1867.

Very respectfully, your obedient servant,

EDW. P. SMITH,
Commissioner.

Honorable SECRETARY OF THE INTERIOR.

Mr. SARGENT. I should like to inquire of the Senator from Connecticut if the Cherokees who went west of the Mississippi River do not resist this payment of the Eastern Cherokees out of the Cherokee fund?

Mr. BUCKINGHAM. There is some opposition to it.

Mr. SARGENT. Is there not very decided opposition? Have they not maintained agents here for years insisting that there was no right or claim on the part of the Eastern Cherokees to share in the money which belongs to the tribe?

Mr. BUCKINGHAM. I know not as to that; but I presume it is so if the Senator states it.

Mr. SARGENT. I understand that to be the case, and it seems to me that this bill which provides that this fund belonging to this tribe shall be taken for this purpose ought not to be passed, unless the committee have taken some pains to ascertain upon what grounds this protest rests. My own impression is that there is good ground for it; but my recollection of the case is rather indistinct.

Mr. BUCKINGHAM. The protest rests on the great desire of the Cherokees of the West to retain all the funds for their own benefit. They are not particularly friendly to the Eastern Cherokees, and are disposed, as other men often are, to get the larger half, if you please. The committee have the impression that this is an act of justice, and that the money should come from the general fund of the Cherokees, not from the Treasury of the United States.

Mr. EDMUNDS. In addition to what I stated before, I wish to call the attention of the Senate to the fact that so far as the Cherokees who did remove—and it is of them alone that I have been speaking so far—are concerned, in 1866, after they had gone into the rebellion and did us all the harm they could, we made a fresh treaty with them which wiped out all old scores and began anew, in which I find that there is no pretense of a claim like this set up by them. It goes on to enumerate the matters between them and the United States under this old treaty, provides for a new statement of accounts between them and the United States, how it shall be done, and that if anything is found there due it shall be invested in the registered stock of the United States and kept for their benefit, and all that, and then there is an express repeal of all the old treaties that should be inconsistent with this general jumping settlement that we made after they had forfeited all their rights by going into the rebellion.

Now this bill proposes to revive this old, slumbering, long-since obsolete article 8 of the treaty of 1835 for the purpose of finding somebody—as we know how things are done in these Indian countries, through some white man—to hunt up a lot of Indians who will swear that they are the descendants of Nickite-Wapote-Paw, or whatever his name may be, and his family forty years ago, under what I must again pay the homage of my admiration to, my friend's paraphrase in calling the genealogical difficulties which exist in such cases. No, Mr. President; that will not do. I move to strike out the first section of the bill, if that is it, which provides for doing anything about hunting up the Indians who forty years ago departed this land and went beyond the Mississippi. Each section contains a little on the same subject, I believe.

Mr. BUCKINGHAM. I will ask the Senator one question. He speaks of reviving an old, obsolete treaty. I will ask if the treaty of 1866, to which he refers, does not virtually forgive and forget and revive previous obligations?

Mr. EDMUNDS. No, sir, it does not. It does this, if the Senator will pardon me, because it may be a difference in phraseology; we may have the same thing in our respective minds: it does forgive these Indians, but forgives them upon the terms that we now make a fresh settlement of all affairs, that they agree to ascertain in a certain way what sum of money may stand to their credit and that that is to be invested in the registered stock of the United States. That is what it does; and for one I must be excused from voting to take any money from the Treasury to pay people who may be hunted up as descendants of the Indians who emigrated West of the Mississippi under that old treaty. If there are any recent cases where Indians have gone, then I say the treaty does not provide for them at all, and they are no more entitled to have somebody gather up their claims and speculate out of them or to have the money themselves, than I should be if I chose to emigrate beyond the Mississippi, because the treaty of 1835, the eighth article, long since exhausted itself on the subject of the removal by the United States of these Indians. It speaks of a thing then to be done and of the fact that the United States were to remove them in a body, making a special exception of Indians who were then able to remove themselves and to commute for the amount which they should have for it. Forty years have gone by, and it is said that from time to time afterward, and some within a few years, a Cherokee in North Carolina, or Georgia, or Mississippi, or wherever he may have happened to be, has gone west of the Mississippi, and is therefore entitled under the treaty. That cannot be a just construction of it. You cannot torture out of the words of the eighth article any such meaning unless your eyes are so set on the Treasury that everything in a treaty means money to you and every line means pay to you——

Mr. BUCKINGHAM. He would be entitled to the interest of it if he remained in North Carolina.

Mr. EDMUNDS. Suppose he would. Suppose I am entitled to be supported at the poor-house while I am in Vermont, and I do not know but that I shall have to be, then if I emigrate to the Indian Territory Vermont is under no obligation to me as far as I know, and the same may be said in respect to these Indians. If they are entitled to $53.33 if they remain in North Carolina, then they are not entitled to $53.33 on that account if they choose to go somewhere else in the exercise of their right to better their condition by emigration, as other people do.

I submit to the gentlemen of the Indian Committee that they are opening the door to extreme danger of fraud and falsehood, to say nothing of the fact that these Indians themselves have a very shadowy right to this money at best.

Mr. BOGY. Would it be in order to move that the bill be recommitted to the Committee on Indian Affairs?

The PRESIDENT *pro tempore*. It would.

Mr. BOGY. I make that motion.

The motion was agreed to.

PRIVATE AGREEMENTS WITH INDIANS.

The next bill on the Calendar was the bill (H. R. No. 668) relative to private contracts or agreements made with Indians prior to May 21, 1872; which was considered as in Committee of the Whole.

The bill provides that thereafter it shall not be lawful for any United States officer, or other person under its employ or control, to recognize the binding force or legality, or in any manner sustain or enforce or counsel, or give any aid or assistance to sustain or enforce, any contract or agreement made by any person or persons or corporation, with any band, tribe, or nation of Indians, or individual Indian or Indians, not a citizen of the United States, entered into prior to the date of the act of Congress entitled "An act regulating the mode of making private contracts with Indians," approved May 21, 1872, for the payment or delivery of any money or other thing of value, in present or prospective, or for the granting or procuring any privilege to him or her, or any other person or persons, or corporation, in consideration of services for, or advancements made to, said Indians relative to their lands, or to any claim growing out of or in reference to annuities, installments, or other moneys, claims, demand, or thing under laws or treaties with the United States, or official acts of any officer thereof, or in any way connected with or due from the United States, unless such contract or agreement was reduced to writing and duly signed by the parties in interest thereto at the time it was entered into and fully made known to the parties at the time the contract was signed, and then not until such original written contract shall first have been presented to and examined by the Secretary of the Interior and the Commissioner of Indian Affairs, and these facts by them severally indorsed thereon, and a copy of the contract and of any assignments that may have been made thereon duly entered of record in the office of the Commissioner of Indian Affairs.

The second section in addition requires that there shall also be filed in the Commissioner's office, and retained therein as official papers, and be examined by the Commissioner and Secretary, and that fact indorsed on them, the following statement of facts touching each and

all such contracts and agreements so presented; which statements shall be sworn to specially by all and severally the person or persons claiming interest in and seeking the support and enforcement of such contract or agreement, and not by agent or attorney: First, that the writing presented for examination and record, as provided for in the first section of the act, and purporting to be the original contract or agreement, is in fact such, and that it was entered into and reduced to writing at the date and for the purposes it purports to have been made and executed; secondly, such sworn statement shall give particularly the names of the real parties in interest in the original contract or agreement, naming them if not named in the written contract or agreement, and if either of the contracting parties is a band, tribe, or nation of Indians, or a corporation or firm, the name of the person, officer, or agent contracting in their behalf, together with his authority for so doing, shall be specially stated; thirdly, a particular statement of all and singular the services rendered or the thing or things done under such contract or agreement prior to said filing, with those things to be done or rendered, together with a particular statement of any and all moneys paid or advanced by either party under such contract or agreement, giving in all cases the time, place, and real value of services rendered, or thing or things done, or the kind and manner of payment, whether in money, property, or credits, up to the date of the filing of the said sworn statement; fourthly, state specifically whether the original contract or agreement had been submitted to any Secretary of the Interior, Commissioner of Indian Affairs, superintendent of Indian affairs, Indian agent, commissioner, or other person having official control of or connection with Indian affairs, giving the time when, place where, and person by name to whom such submission was made, and whether by said officer indorsed or not, or whether any such officer was cognizant of such contract or agreement having been made, though not submitted to him for approval.

The third section empowers the Secretary of the Interior or Commissioner of Indian Affairs to require, in writing, any additional facts or proofs that may be necessary to aid in determining the true character of the contract or agreement, or assignment thereof.

By the fourth section it is provided that no such contract or agreement shall be recognized by any officer or employé of the United States until the Secretary of the Interior shall, after full consideration of any such contract or agreement, together with the proofs and papers in this act required to be filed, and such as the Secretary of the Interior or Commissioner of Indian Affairs may require in addition thereto, consider it to be just and reasonable, and not tainted with fraud, and not exorbitant in its demands. The Secretary of the Interior is in all cases to enter, in writing, on the original contract, on the record in the office of the Commissioner of Indian Affairs wherein such original contract is recorded, an official statement showing that the contract or agreement and proofs have been filed in accordance with the provisions of this act and considered by him, and that in his opinion the contract or agreement or assignments thereof are not exorbitant and not fraudulent, and that they are just. But if, in the opinion of the Secretary of the Interior, such contract or agreement, or the assignment thereof, is fraudulent or exorbitant, he shall officially enter his rejection, in writing, upon the record of such contract or agreement, and they shall not be considered of binding force by any officer or employé of the United States.

The fifth section makes it the duty of the Secretary of the Interior to cause an investigation to be made of all existing contracts or agreements, within the purview of this act, now on file in his office, or of the office of the Commissioner of Indian Affairs, or any other office or Bureau under his control, and by special notice to the party or parties in interest compel, in the case of each such contract or agreement so found on file, the same strictness of official examination, and indorsement, record, and sworn statement of fact, as is required by the several provisions of the act; but the investigation of facts touching the character of any contract or agreement contemplated by the act may be made by a commissioner appointed by the President for that purpose, who shall report all such facts to the Secretary of the Interior in writing.

Mr. STEWART. I think the committee had better further examine that bill. I fear they have not guarded the very thing they intended. A contract touching the lands of an Indian reservation might be made in due form, not fraudulently, which might be confirmed under this act, though such contracts have all along been prohibited, and I think it would be very injurious to allow them to be made. I do not know that the bill is subject to that objection, but I am afraid it is. I have glanced it over hastily. I think it ought to be further considered.

Mr. BUCKINGHAM. This is a House bill which has been well considered by the House, and well considered by our committee. It is similar to a bill that passed in 1872, except that the bill which passed at that time referred to contracts with Indians made from that time on. This refers to contracts made previous to that date, and it provides that the officers of the Government shall not recognize contracts made with Indians unless they have been made in a specific way; and the manner in which they have been made is to be proved before the Secretary of the Interior, and the object for which they were made stated. The bill provides, very thoroughly it seems to me, for guarding against fraud upon the Indians and any parties connected with them. I do not think any reconsideration will bring any new facts. I am sure the bill will commend itself to the minds of Senators at once.

Mr. STEWART. I do not wish to antagonize the committee, but I think it is a great deal better that the bill should be further examined. I think the Secretary of the Interior has no power to interpose unless he finds a contract to be fraudulent. If the contract is fair on its face, he has to ratify it.

Mr. BUCKINGHAM. It is not worth while for the committee to reconsider this bill. Let the Senate act with it as they see proper. If they think it worth while to reject it, very well; be it so.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SETTLERS ON CHEROKEE STRIP.

The next bill on the Calendar was the bill (H. R. No. 200) for the relief of settlers on the Cherokee strip in Kansas; which was considered as in Committee of the Whole.

All persons who, by the provisions of the second section of the act entitled "An act to carry out certain provisions of the Cherokee treaty of 1866, and for the relief of settlers on the Cherokee lands in the State of Kansas," approved May 11, 1872, had become entitled at any time to enter and purchase any portion of the lands mentioned in that act, but who have failed to make proof of settlement, entry, and payment within the times provided by it are by this bill allowed additional time within which to make such proof of settlement, entry, and payment to the 1st day of January, 1875.

Mr. STEVENSON. I should like to ask the chairman of the Committee on Indian Affairs whether there was not a treaty which the Indians have accepted, by which on a certain day they were to receive a fulfillment of the stipulations of that treaty; and whether Congress has a right, after the Indians have accepted the treaty, to undertake on one side to extend the time without their consent? I desire to be informed on that question.

Mr. BUCKINGHAM. I understand that this is not that case; but this is an extension of an act of Congress by which persons become entitled to certain rights.

Mr. STEVENSON. But my impression and understanding was—I do not know that I am fully informed—that a treaty was entered into which the Indians accepted, by which on a certain day that treaty was to be carried out. Now I understand that this act proposes to extend the time within which certain things are to be done. I only ask for information.

Mr. BUCKINGHAM. The bill does propose to extend the time of payment until 1875 to those who have the right to the land or suppose they have it but failed to make the proper proof. I think perhaps the Senator from Kansas may give a better explanation of it.

Mr. INGALLS. With the permission of the Senator from Connecticut, and in response to the inquiry of the Senator from Kentucky, I will say that by the treaty of May 6, 1828, and the supplementary treaty of February 14, 1832, and the second article of the treaty of December 29, 1835, the United States guaranteed to the Cherokee tribe of Indians a tract of country amounting to seven million acres in what is known as the Indian country and in the State of Kansas. On the 19th of July, 1866, by the seventeenth article of the treaty of that date, the Cherokee Nation ceded in trust to the United States all the portion of that tract which was found to be lying within the boundaries of the State of Kansas. They consented that the land should be included in the limits and jurisdiction of the State, and the lands were to be surveyed as public lands and appraised at the average price of $1.25 an acre and sold to the highest bidder for cash, or in gross for a sum not exceeding $800,000. On the 11th of May, 1872, an act was passed to carry out the provisions of this treaty, and that act directed the survey of the lands and their sale to actual settlers within a certain time, stipulating that the lands on the east side of the Arkansas River should be sold at a price not exceeding two dollars an acre and those on the west side at not less than $1.50 an acre. On account of various misfortunes occurring to the settlers on that tract who went into possession under the provisions of that law, the failure of the crops and other misfortunes, they have been unable to comply with the provisions of that act; and this bill now before the Senate proposes to extend the time until the 1st of January, 1875.

The Indians themselves consent to this arrangement; the Commissioner of Indian Affairs has given his assent to it; and the settlers themselves desire it simply as an act of justice to them, the condition being that they shall pay on the deferred sum 5 per cent. interest, that being the same amount that the Government is compelled to pay to the Indians. It is a matter that is agreed upon by all parties in interest.

Mr. STEVENSON. I have nothing to say then.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M. M'PIKE.

Mr. CONOVER. I move that the Senate proceed to the consideration of executive business.

Mr. ANTHONY. I hope not. Let us go on with the Calendar. We can go on for half an hour longer.

Mr. CONOVER. I withdraw the motion.

The next bill on the Calendar was the bill (S. No. 563) for the relief

of John M. McPike; which was read the second time, and considered as in Committee of the Whole.

It provides for the payment of $19,473.50 to John M. McPike, in full settlement for beef and supplies furnished the troops by Jordan & McPike in quelling the Indian disturbances in the Territory of Utah, now the State of Nevada, in 1860.

Mr. WEST. I should like to hear the report read in that case. It involves a large amount of money.

The Chief Clerk commenced to read the report submitted by Mr. MITCHELL, from the Committee on Claims, March 4, 1874.

Mr. ANTHONY. That is a very long report, and we have but a short time. I think we had better take up the cases which can be disposed of.

The PRESIDENT *pro tempore*. The bill will be laid aside.

Mr. BOGY. I hope the gentleman will withdraw his objection. This bill has been before Congress for many years. I have examined it carefully. It is eminently just and eminently proper that it should pass. Mr. McPike furnished beef and provisions to the Army in Nevada fourteen years ago——

Mr. ANTHONY. I objected simply because I saw it was going to occupy the whole of the remainder of to-day's session and I wanted the time devoted to unobjected cases.

Mr. STEWART. Allow me to say a word.

Mr. ANTHONY. I withdraw the objection.

Mr. STEWART. I do not believe anybody will object to the consideration of the bill when the case is stated.

Mr. BOGY. There certainly should be no objection.

Mr. STEWART. In the spring of 1860 we had an Indian war in Nevada. The inhabitants themselves organized a militia company that went out——

Mr. ANTHONY. I do not like to interrupt my friend, but I am going to dispute the historical facts he states now, because he told us some days ago that they never had had an Indian war in Nevada because they treated the Indians so much better there than anywhere else.

Mr. STEWART. They went out to meet them. The Indians made an attack, and some sixty of our best citizens were killed. There were but few people there at that time. The snow was deep. The United States forces came over, and some volunteers from California, under Colonel Jack Hays. The citizens contributed largely. I gave $700 myself. The citizens generally have never asked for any pay, and I have never presented any claim on their account. Two or three hundred thousand dollars were raised by our people and contributed to the campaign. There was a firm known as Jordan & McPike, who were in the trading business with mules over the snow, and the snow was then fifteen or twenty feet deep. They used pretty much all the capital they then had in supplying the volunteer forces of the army that was under Colonel Jack Hays. The affair was conducted under Captain Stewart of the regular Army, assisted by Colonel Jack Hays, whose volunteers came from California.

These supplies were furnished and receipts given for them under a contract with the quartermaster of Jack Hays, and everybody was required to contribute. An ordinary war of this kind would have cost the Government of the United States $1,000,000. There has never been a cent paid by the United States on account of these volunteers. The campaign was an expensive one and a successful one, but we have never asked for and have never had an Indian claim paid in Nevada. Here a couple of men put in nearly their entire fortunes fourteen years ago. The claim has been before the committees all the time since I have been here. I have not pressed it, because I am not much of a hand to press claims. Mr. Willey examined it upon the Committee on Claims, and made a favorable report some years ago. The committee have again examined it now, and come to the conclusion that the claim is just. There is no doubt about its justice, and I hope it will be allowed to pass.

Mr. INGALLS. What is the amount involved?

Mr. STEWART. About $19,000.

Mr. BOGY. I have examined it.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RICHARD H. SWIFT.

The next bill on the Calendar was the bill (H. R. No. 1575) for the relief of Richard H. Swift; which was considered as in Committee of the Whole.

The bill provides for the payment to Richard H. Swift of $4,080.24, in full payment and satisfaction of all claim to moiety as informer in case of the United States against Jonathan M. Dair and certain property of Dair, and wherein judgment of condemnation was rendered in favor of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

KENTUCKY AGRICULTURAL ASSOCIATION.

The next bill on the Calendar was the bill (S. No. 375) for the benefit of the Kentucky Agricultural and Mechanical Association; which was considered as in Committee of the Whole. It provides for the payment of $25,000 to the Kentucky Agricultural and Mechanical Association, to pay for damages to their fair grounds, resulting from their occupancy by United States troops during the late rebellion, which sum has been recommended to be paid by the board of claims and by the Secretary of War.

The bill was reported to the Senate without amendment.

Mr. ANTHONY. Does not that come under the class of claims we have passed over?

Mr. STEVENSON. It is recommended by the Secretary of War and by the Claims Committee and fully examined.

Mr. ANTHONY. Is not that of the J. Milton Best class of claims?

Mr. SCOTT. In response to the Senator from Rhode Island, who I understand addresses me as chairman of the Committee on Claims, I will state that this is not a claim of the class which he designates as the J. Milton Best class of claims. It is a claim for the occupation of real estate by the troops of the United States and for injury and destruction to the property. The bill is reported by the Senator from West Virginia [Mr. DAVIS] and it had the support of a majority of the Committee on Claims. There was some diversity of sentiment in the committee as to whether the evidence in the case was sufficient to justify this report in its entirety. I was not myself entirely satisfied with the report, but I shall not object to its consideration, leaving the Senator from West Virginia who had charge of the case to explain it.

Mr. ANTHONY. I understand, then, the Senator from Pennsylvania does not object to the principle, but to the amount?

Mr. DAVIS. That was the only question.

Mr. ANTHONY. Then I have no objection.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed

WASHINGTON INEBRIATE ASYLUM.

The next bill on the Calendar was the bill (S. R. No. 224) to incorporate the Washington City Inebriate Asylum in the District of Columbia.

Mr. ANTHONY. I am not familiar with the legislation of the District. Is not there a general incorporation law in this District?

Mr. JOHNSTON. There is a law authorizing private charters.

Mr. ANTHONY. Is there any necessity for this special act of incorporation?

Mr. JOHNSTON. These parties are advised that that law does not cover this case. It is a very important matter; and they prefer a charter from Congress.

Mr. ANTHONY. But the law does cover this case.

Mr. JOHNSTON. I do not think it does.

Mr. SARGENT. I want to hear the bill.

The bill was read.

Mr. ANTHONY. I hope the Senator who has charge of this bill will explain it. Certainly it is for a very good object, and I heartily sympathize with all those institutions which treat intemperance as a disease rather than a vice, which I think it generally is; but it seems to me this bill gives most extraordinary powers to the incorporators. They have the power to receive a man who comes there and to hold him there for a year without his consent, as I understand. I feel very reluctant to vote to give any men so great power as that. Perhaps I have not apprehended correctly the reading of the bill, but I should like to have it explained.

Mr. JOHNSTON. This bill is precisely on the model of the charter of the Binghamton asylum in New York, which is operating well there. It is almost a copy of that charter; and as that operates so well, in framing this law that charter was adopted as the model.

Mr. ANTHONY. Under this bill, if an intoxicated man voluntarily or by the persuasion of his friends delivers himself up to the officers of this institution, have they the power to keep him there a year?

Mr. JOHNSTON. No, sir; it gives them the same control that the officials have in a lunatic asylum over lunatics. It treats drunkenness as a disease, and proposes to treat it the same as lunacy is treated. I trust there will be no objection to it.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. SARGENT. I do not wish to object to the present consideration of the bill, but I desire to discuss it.

The PRESIDENT *pro tempore*. The Chair hears no objection. The bill is before the Senate as in Committee of the Whole.

Mr. SARGENT. The question was asked by the Senator from Rhode Island whether the District government was not authorized to grant corporate powers to benevolent corporations, and I understood the answer to be that that was true; that such power existed given by Congress, but that it did not cover this case.

Mr. ANTHONY. I should not think it would.

Mr. SARGENT. I would like to inquire of the Senator who reports this bill whether section 28 of the law creating the District government does not wholly cover it? That section is:

> *And be it further enacted*, That the said Legislative Assembly shall have power to create by general law, modify, repeal, or amend, within said District, corporations aggregate for religious, charitable, educational, industrial, or commercial purposes, and to define their powers and liabilities: *Provided*, That the powers of corporations so created shall be limited to the District of Columbia.

Mr. JOHNSTON. The power desired can only be exercised by Congress directly; and as this is a great enterprise, and will require the outlay of a great amount of money, the parties concerned do not desire

to embark in it without having a charter from Congress itself. It is not that they deny that the terms of that law would cover the case; but they are of opinion that the charter would not be sufficiently valid unless granted by Congress itself.

The PRESIDENT *pro tempore*. The amendments of the Committee on the District of Columbia will be read.

Mr. SARGENT. I do not see that it is pointed out why the powers of the District government are not adequate to cover cases like this. Certainly they are adequate for all judicious legislation. Some of the provisions of this bill are extraordinary in their character, very far-reaching, and go very far toward restraining the liberty of the citizen under circumstances where it ought not to be restrained. Furthermore there is very liberal provision made for the support of this institution out of certain taxes levied by the District government.

Mr. JOHNSTON. No.

Mr. SARGENT. Out of licenses, then. It is very difficult to understand such a bill when it is read for the first time at the Clerk's desk, and perhaps that should induce me to object to its consideration entirely; but I will not do that. I should like the Senator to state the provision in reference to the disposition of the taxes or licenses which the bill provides for.

Mr. JOHNSTON. The Senator is mistaken about that.

Mr. SARGENT. I will get the bill and examine it.

Mr. JOHNSTON. That provision is stricken out by an amendment of the committee.

Mr. SARGENT. That motion has not been made.

Mr. JOHNSTON. Yes, sir; it is so reported.

The PRESIDENT *pro tempore*. The amendments of the committee will be read.

The CHIEF CLERK. The first amendment of the Committee on the District of Columbia is in line 11 of section 1, to insert after the word "estate" the words "not exceeding sixty acres;" so as to read:

In their corporate name to take, purchase, have, lease, and hold real estate, not exceeding sixty acres, in the District of Columbia, &c.

The amendment was agreed to.

The next amendment was at the end of the first section, to insert the following:

But the limitation that the said asylum shall not take, purchase, have, lease, and hold real estate shall only apply to property leased or purchased, and shall not prevent the said asylum from taking and holding any estate, real or personal, given or devised to it.

Mr. EDMUNDS. I should like that explained. Do you intend to allow this corporation to become the owner of all the land in the District because it takes it by grant or devise?

Mr. JOHNSTON. No, sir. The bill as presented to the committee had no limit as to the amount of land the asylum might buy. The committee limited what the corporation might purchase to sixty acres, but if anybody chooses to give them land we allow them to accept it.

Mr. EDMUNDS. Without limitation?

Mr. JOHNSTON. Yes, sir.

Mr. EDMUNDS. Then the consequence is that this corporation, like some religious corporations that we know of in other countries, may become the proprietor of half the real estate in this District, withdraw it from taxation, and become a monstrous corporation with no power in Congress to correct it.

Mr. JOHNSTON. Does the Senator think it likely that the people of the District are going to give half their property to the asylum?

Mr. EDMUNDS. The Senator cannot forget that this corporation is a perpetual one, and that his day and my day will be gone, and perhaps that of our posterity, while this corporation is still blooming, and once getting hold of land it can hold on until it can get more, and so on, and bring influences to bear on people so that they will continue to give. You thereby build up at last—as we know religious corporations were built up in the same way in Great Britain and other countries—a monstrous land monopoly which is free from the taxing power of the Government entirely. The committee could not have intended that; or if they did I most respectfully submit that it is very wrong. This provision does, as the Senator correctly says, in their terms provide for that. I hope it will not be adopted.

Mr. JOHNSTON. The bill simply provides that this asylum may buy real estate not exceeding sixty acres, and then the amendment further provides that that limitation upon the right to purchase and hold real estate shall not apply to cases where it is given to the asylum. That was put in in order to allow charitable persons who choose to do so to make donations either of land or personal property to the asylum. I suppose the apprehension of the Senator is rather an extravagant one, that there is any danger of the asylum absorbing the land in the District of Columbia, or any considerable amount of property. I think the suggestion is hardly worthy of consideration.

Mr. EDMUNDS. The practical danger of to-day may be very small, but we are bound as sensible Senators to legislate upon a principle, and a principle which runs through the political jurisprudence of I believe every State in this Union and every civilized country in the world. I have no doubt that the statutes of Virginia do not allow any kind of corporation to hold unlimited real estate, because civilized history shows us the danger of permitting that species of accumulation of real property. Now the proposition is in the District of Columbia that here shall be an eleemosynary corporation that shall have no limit upon the amount of real estate which it may hold, provided it can get it by gift or by devise. Inasmuch as I believe the laws of almost every State in the Union are based upon exactly the opposite theory and fix the upper limit, it appears to me that this ought to be fixed; and instead of providing that they may hold unlimited real estate obtained by gift or devise, there should be a limit that they should not hold, as there is in the other part of the section, beyond a certain amount.

Mr. JOHNSTON. Does the Senator propose to strike that out altogether, or merely to restrict it?

Mr. EDMUNDS. As it stands now, I am opposed to it, and hope the Senate will disagree to it, because in my opinion the Senator himself—for he is an intelligent gentleman and understands history—must see that it violates a fundamental principle of free government; that is, never to intrust to a corporation the unlimited power to acquire land.

Mr. JOHNSTON. If the Senator will suggest how it can be done, let him submit a motion to amend restricting the amount to be held by the asylum to so many acres or to such a value.

The PRESIDENT *pro tempore*. The Senator can use words "not exceeding so many acres" or "so many dollars in value."

Mr. EDMUNDS. So many dollars, I would prefer.

Mr. ANTHONY. I suggest to the Senator from Virginia that the bill had better be recommitted to the committee. There are certainly some provisions in it which ought to be guarded with care; and that can be done much better in committee where the bill is in charge. It seems to me the power given over the liberty of the citizen in some cases is extraordinary. I suggest to the Senator from Virginia to move to recommit the bill. He has charge of it.

Mr. JOHNSTON. This bill is drawn precisely on the model of the charters of institutions which are in existence and which are working well. For that reason I did not suppose there would be objection to it.

Mr. ANTHONY. The Senator says this is exactly on the model of the Binghamton institution. Certainly he does not mean to say that the Binghamton institution allows a person brought there by the permission of his friends in a state of intoxication to be detained by the authorities at their pleasure for one year.

Mr. JOHNSTON. I have here the charter of the Binghamton institution.

Mr. EDMUNDS. Will the Senator read that clause?

Mr. JOHNSTON. Will the Senator point to the clause he refers to?

Mr. ANTHONY. The clause which allows the authorities to retain at their discretion from one month to one year a person who voluntarily or by the permission of his friends, when he is unable to act for himself or judge for himself, commits himself to their keeping.

Mr. EDMUNDS. It is section 7.

Mr. JOHNSTON. That reads as follows:

Said institution shall have power to receive any inebriate who shall voluntarily, or by the persuasion of others, come thereto, and retain him therein for a period not less than one month nor more than twelve months—

Twelve months is the limitation of detention under any circumstances—

as may be advised by the physician in charge.

It is exactly the provision that prevails in all lunatic asylums, as I understand.

Mr. EDMUNDS. A lunatic asylum where a man is committed by judicial process and where a man is subject to judicial process to be brought out at any time, would be quite a different thing. But here you are to put a man in prison by the persuasion of his friends, when he is temporarily insane by intoxication; and when he gets sober, according to the ordinary rules applicable to Washington, in the course of two or three weeks, then you say that the physician in charge shall be the lord and master of this sober man for the eleven months left of the year. It seems to me that, with the notions we have on this side of the Chamber of republican liberty and the liberty of the citizen, that is drawing it pretty strong against private rights. If the Senator from Virginia will be kind enough to read such a clause as that in the law of the State of New York, I shall be glad to hear it, although it would not change my opinion of the error of it if it were there.

Mr. JOHNSTON. As the bill seems to be objectionable, I move to recommit it to the Committee on the District of Columbia.

Mr. EDMUNDS. Before it is recommitted I wish to suggest to the Senator, because I sympathize with the object of his bill, that there ought to be a section at the end reserving to Congress the power to alter, amend, or repeal it. That is usual now in all acts of incorporation, and is necessary to the public safety.

The motion to recommit was agreed to.

EXECUTIVE SESSION.

Mr. HAMLIN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty-three minutes spent in executive session the doors were reopened, and (at five o'clock and fifteen minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April* 22, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

DISABILITIES OF RAPHAEL SEMMES.

Mr. BROMBERG. I ask unanimous consent to introduce a bill to relieve Raphael Semmes, of Alabama, of political disabilities. If there be no objection I ask that the petition he has addressed to Congress, asking for relief, may be read.

Mr. RUSK. Let it be printed.

Mr. HAWLEY, of Illinois. I ask that it be read.

The SPEAKER. The petition will be read.

The Clerk read as follows:

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The undersigned respectfully shows unto your honorable bodies that prior to the late war between the United States and the Confederate States he was a commander in the Navy of the United States, domiciled in the State of Alabama, of which State he had been a citizen for a number of years; that, viewing the questions at issue between the Northern and Southern States from a southern stand-point, he believed in the right of secession of a State for cause, and in a contest of allegiance as between his State and the Federal Government he believed his allegiance to be ultimately due to his State; that when his State seceded he felt himself in honor bound to follow her fortunes, for better for worse; that his State did secede, and upon the happening of that event he tendered his resignation to the then Secretary of the Navy, who well knew the object of the tender, and his resignation was accepted; that being by such acceptance relieved from all his obligations to the Federal Government, which grew out of his late commission, he returned to the State which he believed was entitled to his allegiance, took up arms in her defense, and defended her, and the Confederate States of which she had become a member, to the best of his ability; that at the close of the war he retired to private life and has again become a citizen of the United States, having as a voter of the State of Alabama sworn to support and defend the Constitution of the United States and the Union of the States. Having thus renewed his allegiance to the Federal Constitution in good faith, he desires the prompt and entire oblivion, except in so far as history may deal with the subject, of the late differences between the two sections. He has the natural affection of an American citizen for the land of his birth, and the same pride as formerly in the glory and prosperity of his country, and of his whole country. And he now requests your honorable bodies to remove the political disabilities under which he has so long labored, and restore him to the full and free embrace of the only country which can claim him and the only country which he cares to claim.

Respectfully,

RAPHAEL SEMMES.

Done at Mobile, in the State of Alabama, on this the 30th day of January, A. D. 1874.

Mr. MERRIAM. I call for the regular order.

The SPEAKER. Objection is made to the passage of the bill.

Mr. BROMBERG. Does any gentleman object to the passage of the bill?

Mr. SMART, and Mr. HAWLEY of Illinois, objected.

Mr. BROMBERG. I should like to say a single word about this case, and I hope gentlemen will at least hear me a moment.

The SPEAKER. The gentleman from Alabama asks leave to make a brief statement.

Mr. BROMBERG. There is not a word in that petition that is not the simple truth. Ever since the close of the war——

Mr. HAWLEY, of Illinois. I desire to state the reason of my objection, if the gentleman is heard.

Mr. HALE, of Maine. I think this matter can at least wait until after we get the Geneva-award money distributed.

Mr. BROMBERG. I think it strange, that when the House has passed a general bill relieving of their disabilities men who have trained cannon against their fellow-citizens and killed them, a man against whom the only charge is the destruction of a few ships and causing the loss of a few dollars is to have his disabilities remain on his head. Is blood less valuable than money?

Mr. HALE, of Maine. I think he can wait as long as the claimants under the Geneva award can wait.

AMERICAN CITIZENSHIP.

Mr. E. R. HOAR. I call up the motion to reconsider the vote by which the bill (H. R. No. 2199) to carry into execution the provisions of the fourteenth amendment to the Constitution concerning citizenship and to define certain rights of citizens of the United States in foreign countries and certain duties of diplomatic and consular officers, and for other purposes, was recommitted to the Committee on Foreign Affairs.

Mr. CONGER. Is that bill a report from a committee?

The SPEAKER. It is a report which was made some time since to the House and recommitted, and a motion entered by general consent to reconsider the vote recommitting it in order that it might be brought up for action at any time. The Committee on Foreign Affairs report a substitute for the bill, which alone will be read.

The Clerk read the substitute, as follows:

Strike out all after the enacting clause and insert the following:

That for the purposes of this act the words "domicile" and "reside" are to be construed as implying a fixed residence at a particular place, with direct or presumptive proof of an intent to remain indefinitely.

SEC. 2. That in order to assure to all persons born or naturalized in the United States, and subject to the jurisdiction thereof, the full enjoyment of the right to be citizens of the United States and of the State wherein they reside, it is hereby declared:

First, that all persons shall be regarded as entitled to the privileges and immunities of citizens of the United States, and as subject to the duties imposed upon such citizens, who may have been born and are residing within the United States and subject to the jurisdiction thereof, and also all married women whose husbands may be such citizens as against all powers, except the power within whose jurisdiction an alien woman married to a citizen of the United States may have been born and shall continue to reside. But a child born within the United States of parents who are not citizens, and who do not reside within the United States, and who are not subject to the jurisdiction of the United States, shall not be regarded as a citizen thereof, unless such child shall reside in the United States, or unless his or her father, or in case of the death of the father his or her mother, shall be naturalized during the minority of such child, or such child shall within six months after becoming of age file in the Department of State, in such form and with such proof as shall be prescribed by the Secretary of State, a written declaration of election to become such citizen, or shall become naturalized under general laws.

Secondly, a child born abroad, whose father may be a citizen of the United States, residing in and subject to the jurisdiction of the United States, shall be regarded as a citizen of the United States at the time of birth, and shall follow and have the domicile and citizenship of the father during minority.

Thirdly, the following persons shall be regarded as not subject to the jurisdiction of the United States within the intent of the said fourteenth amendment, or as not residing within the United States within such intent, namely: First, born or naturalized citizens of the United States who become naturalized as citizens or subjects of another State, or who enter into the civil, naval, or military service of any foreign prince or state, or of any colony, district, or people foreign to the United States; secondly, citizens of the United States who may be domiciled abroad, unless registered as hereinafter provided; commercial establishments shall not be regarded as creating a domicile unless made with an intent not to return; citizens of the United States engaged in them may, by registering themselves, as hereinafter provided, preserve presumptive proof of intent to return; thirdly, naturalized citizens of the United States who may, by the terms of any treaty, be regarded as having resumed their original nationality, or who, on returning to their native country, may be convicted of offenses against the laws of that country committed prior to their arrival in the United States; fourthly, a citizen of the United States becoming the wife of an alien, who shall not reside within the United States; but such citizen may, on the death of her husband, become again a citizen of the United States by residing within one of the States or Territories, and becoming subject to the jurisdiction of the United States, and filing in the Department of State, in such form as may be prescribed by the Secretary of State, a written declaration of her election to become such citizen; fifthly, a naturalized citizen of the United States becoming domiciled in the country of his or her nativity, unless when otherwise regulated by treaty.

SEC. 3. That citizens of the United States who are, or may hereafter be, domiciled in a foreign country may, if adults, within six months of the time of first acquiring such domicile, and if minors, within six months after becoming of age, register themselves as such citizens at the legation of the United States in the country in which they may be domiciled, or if there be no such legation, then at a consulate to be designated by the Secretary of State; the registry shall be made by a written declaration, signed by the person making it, stating in full his name, and the place and date of his birth; if naturalized, the time and place of his naturalization; his place of previous domicile in the United States; how long since he actually resided in the United States; whether he intends to return; if married, the name and nationality of his wife, and the names and ages of his minor children, if any, and the dates and places of their birth. The diplomatic or consular representatives of the United States, as the case may be, shall, at the close of each calendar year, make return to the Department of State of such registries in such form as the Secretary of State may direct; and the Secretary of State shall annually transmit copies of such returns to Congress; and citizens of the United States, of adult age, who shall remain out of the jurisdiction of the United States, and within the jurisdiction of some other power, continuously for two years, shall be held as domiciled in a foreign country, except as hereinbefore provided.

SEC. 4. That the foregoing provisions of this act shall not be construed as affecting the right of inheritance or succession to real or personal property in any State. Within the Territories and within the domain subject to the exclusive jurisdiction of the United States, real and personal property of every description may be taken, acquired, held, and disposed of by an alien in the same manner in all respects as by a citizen of the United States; and a title to real and personal property of every description may be derived through, from, or in succession of an alien in the same manner in all respects as through, from, or in succession to a citizen of the United States.

SEC. 5. That a marriage in a foreign country between citizens of the United States, or between a citizen of the United States and an alien, unless forbidden by the law of the country in which it takes place, may be contracted and solemnized in such manner and form as may be prescribed by the Secretary of State, in the presence of the principal diplomatic agent of the United States in such country, or of a consul-general or consul for the district in which it takes place, and shall in such case have full force and effect, and shall be valid to all intents and purposes throughout the United States. It is made the duty of such diplomatic agent, or consul-general, or consul, on being satisfied of the identity of the parties, and that at least one of them is a citizen of the United States, and that the marriage is not prohibited by the laws of the country, and on being requested to be present at any such marriage, to indicate a time and place when and where it may be solemnized in his presence, and to be present at such time and place, and, when the marriage shall have been solemnized, to give to each party a certificate thereof, in such form as may be prescribed by the Secretary of State. At the close of each calendar year he shall make a return to the Secretary of State of all marriages so contracted or solemnized in his presence within the year, showing with respect to each party the name, the age, the place and date of nativity, the place of residence, and such other facts as he may think necessary. Section 31 of the act of June 22, 1860, entitled "An act to carry into effect provisions of the treaties between the United States, China, Japan, Siam, Persia, and other countries, giving certain judicial power to ministers and consuls or other functionaries of the United States in those countries, and for other purposes," is hereby repealed.

Mr. E. R. HOAR. This bill, Mr. Speaker, is in regard to a subject of very great practical importance. The House will remember that in the President's message the attention of Congress was called to the necessity of legislation upon this subject; and there accompanied the President's message, among the documents, a large pamphlet of some two hundred and fifty pages containing the opinions of each of the Cabinet officers, which the President had called for; containing also a statement of our treaties affecting the subject with different foreign nations, and showing, I think conclusively, the necessity of some legislative declaration and provision applicable to the case.

The bill which is now submitted to the House for action has been most carefully considered by the Committee on Foreign Affairs. It was originally drawn by the State Department, and has been most carefully, in every line, revised; and suggestions in regard to it have been received, and many of them have been adopted, from various classes of citizens interested in the subject. It is the belief of the

committee that, as now reported, the bill contains a just, equitable, and practicable mode of disposing, as far as it goes, of the interesting questions involved.

I wish to say at the outset that the committee recognize to the fullest extent the American doctrine of the right of every human being to elect the nation to which he will belong, and to which he chooses to remove from the place of his birth. There is not, as I believe, in this bill a single provision which infringes in any degree upon this great right. We not only recognize and intend to assert the right of natives of all other countries on the earth to come to this country in the pursuit of happiness and prosperity who may choose to cast in their lot with us, but we recognize the corresponding right of every American citizen if he chooses to join himself to any other nation in the pursuit of fortune or of any of the objects of life.

There have been found practically many cases which have come under the consideration of the Executive in the State Department from which it seems that there is a necessity for some rule by which in a simple and easy manner it can be determined whether American citizens have chosen to change their nationality. We recognize the obligation of protecting American citizens, native, and naturalized also. It is therefore most desirable that there should be as easy and ready a means of determining whether persons have renounced their American nationality as of determining whether citizens of other countries have adopted American nationality; and a counterpart to our simple and easy method of naturalization, determining when the obligation of the American nation to interfere in behalf of those citizens abroad exists will be recognized as an object of importance. I suppose, Mr. Speaker, that the House will feel and understand that the object of allowing citizens of other countries to become citizens of this is that they may assume the practical duties of citizenship. It is because they cast in their lot with us and hold themselves ready to perform their duties of citizenship that we invite them and make such easy and ready provision for their becoming citizens of the United States.

In like manner we wish to recognize the right of native or naturalized citizens, whenever in their opinion their interests may lead them to adopt that course, to change their relations and become practically if they choose citizens of other countries. But we do not desire to encourage or foster a class of persons, whether native or naturalized, who acquire or inherit by birth the right of American citizenship, and renouncing all its obligations and all its duties, actually reside within and practically become citizens of foreign countries, using their right of American citizenship solely for the purpose of embarrassment to their country.

I will state to the House one case which has been brought to the attention of the State Department, and which created a practical embarrassment. Some twenty or twenty-five years ago a young Frenchman came over to New Orleans, apparently in pursuit of adventures. Soon after he arrived he took means to become naturalized, and was naturalized at New Orleans. The year following his naturalization he returned to France without any intention of ever returning to this country. He there married a French lady, established himself at his home as a French citizen, exercised all the rights of a French citizen, had children born to him, and died leaving his family there. His eldest son, born in France of French parents, never having resided, and never intending to reside in or to come to this country, on reaching the age of twenty years was called upon to perform military service. Thereupon he applied to the American minister for protection as an American citizen against that demand of the authorities of his native country, and, under the statutes of this country providing that a child born abroad of a father who was a citizen of the United States, claimed that he should have the protection and intervention of this Government. As I am assured by the State Department, several such cases have occurred, and they have given us great embarrassment.

Mr. ELDREDGE. I would like to ask the gentleman a question, if it will not interfere with his line of argument. I have hastily read over this bill, and it seems to me there is the same provision in it that the gentleman speaks of as having brought about the embarrassment to which he has referred. If not, then I would like to have him say what provision is made for the case to which he has referred.

Mr. E. R. HOAR. I do not propose to go into all the details of this bill at this time. I desire merely to state the general objects which the committee had in view. As I was saying, there are many cases which have occurred which are similar to the one I have stated. It is a subject of great practical difficulty. The object of the committee in framing this bill has been as far as possible to retain the rights of citizens of the United States, of persons entitled to the privileges of citizenship, where the parties themselves are willing to indicate that they desire that relation to continue. The first provision of the bill is a definition "that for the purposes of this act the words 'domicile' and 'reside' are to be construed as implying a fixed residence at a particular place, with direct or presumptive proof of an intent to remain indefinitely." That provision will be found applicable to the use of this language in several passages of the bill.

But the main purpose of the bill is to provide that when a person, a native or a naturalized citizen, leaves this country and establishes a domicile that is a fixed, permanent residence with intent to remain indefinitely in a foreign country, while perhaps he is having all the rights and privileges of a citizen of that country, if he desires to retain American citizenship he shall give notice by filing a declaration to that effect. That provision will enable a foreign government to distinguish by some accurate line what permanent residents of that country claim American citizenship.

It is provided that a commercial domicile, a residence for the purpose of commerce, shall not be considered a domicile unless it is accompanied with an intent not to return at all. And persons who have a commercial domicile, by registering their names with the diplomatic representative of their country, or with the consul, can preserve the evidence of their right of citizenship.

We have incorporated into this bill corresponding provisions in regard to the inhabitants of other countries who may have children born to them here and who are not citizens of the United States, by giving that same election which we claim for our citizens abroad to citizens of foreign countries who are born in this country, and who would be entitled to the privileges of citizenship in the country of which their fathers were citizens; in giving them, instead of naturalization, if born and residing here, the power to become citizens simply on their making their election and filing it here upon arriving at majority. That extends to children of foreign parents born in this country whose parents do not become naturalized here a privilege in regard to acquiring citizenship on coming of age which they do not now enjoy.

We have a number of treaties with different foreign nations in which some provisions of this bill are substantially included. They differ somewhat in their terms, and it was thought expedient to make a general legislative provision which would apply equally to citizens of all countries, those principles which have been recognized in our treaties with particular nations.

The only particular, so far as I am aware, in which in this bill any important distinction between native and naturalized citizen occurs is in regard to the length of time in which a presumption of domicile may arise when a citizen has been naturalized here, returns to the country from which he came, and establishes himself there. We have treaties with several nations of Europe already by which that presumption is held to arise upon two years' residence, and that time has been fixed in this bill as the time to be applied alike in all cases.

I do not propose, Mr. Speaker, to go over in detail the particular provisions of the bill at this stage of the discussion. I have stated the general purposes and principles upon which the bill is framed. I will simply say, in conclusion, that it is intended not to interfere at all, and does not interfere as I believe, with naturalization.

Mr. HALE, of New York. I trust that before the gentleman takes his seat, he will inform the House what substantial changes in existing law are made by this bill. I ask this for the reason that in running my eye over the bill, which I have seen for the first time this morning, I see there are many changes, and there may be others which I have not noticed. I think it certainly desirable that the House should understand precisely what changes are made by the bill.

Mr. E. R. HOAR. I will reply to the gentleman when I have finished my sentence. I was saying that the bill did not affect naturalization; that it was intended to make in regard to our citizens who go to foreign countries corresponding provisions with those which we apply to citizens of foreign countries coming here, and was framed, as the committee believe, in the interest of allowing as free an exercise of the right to select the nationality to which the man will belong as is practicable, providing only simple, direct, and practical modes for ascertaining what for the time being is the citizenship that he has selected.

In response to the inquiry of the gentleman from New York, I will call the attention of the House——

Mr. HALE, of New York. I was going to ask the gentleman from Massachusetts whether, instead of going through with a statement of the entire changes, he would not allow me to call his attention to certain clauses, and to inquire whether those do in his judgment change the law, and if so, whether the change is desirable.

Mr. E. R. HOAR. I shall be happy to answer any question I can when we come to the discussion of details, if the gentleman desires to call attention to them. There is one general feature of the bill to which I propose to call attention. While it is provided that under certain circumstances the United States shall not be required to recognize as citizens for the time being persons who occupy certain positions, it does not interfere with the right of such persons on their return to the United States to have and enjoy all their rights of citizenship.

Early in the bill there is a provision to which I will call attention, and which may be a change of existing law, though it is probably in conformity with our principles in a corresponding case. We hold that the marriage of a foreign woman to a citizen of the United States makes the wife a citizen of the United States. We provide here that if an American woman marries a foreigner abroad, and continues to reside abroad, she shall not be considered a citizen of the United States while that relation continues; but we do not interfere with her right to resume her citizenship of the United States by returning to this country. Whether under existing law an American woman marrying a French citizen domiciled in France, and herself going there to reside, and becoming a citizen of France under the French law, would on her return to the United States require to be naturalized as having lost her citizenship, may be a question for discussion.

We do not propose that such renaturalization shall be required under the provisions of this bill.

There is another very important provision of the bill in which a similar rule applies. Our citizens sometimes go abroad and enter the service of foreign governments, the military or naval or civil service, and, establishing themselves in those countries, enjoy the emoluments and honors and assume the duties of citizens of those countries. This bill provides that while such a state of things continues such persons shall not be regarded as citizens of the United States; but whenever they may choose to put an end to such a condition of things, they may under the bill become again citizens of the United States without any new naturalization. The object of this provision (and it is perhaps an important object with reference to the military and naval service of foreign countries) is that such persons shall not be considered as citizens of the United States unlawfully engaged in belligerency, shall not subject themselves to the penalties of treason. We recognize in the bill the right of our citizens to attach themselves to a foreign government if they see fit, and while that attachment continues we concede to them the rights of citizens of the government to which they have attached themselves.

Mr. HALE, of New York. Allow me to inquire right here whether an American citizen going abroad and entering the service of a power actually at war with the United States would not by the terms of this bill thereby abrogate his citizenship, and of course be absolved from the penalties of treason?

Mr. E. R. HOAR. There is no absolution in the bill of such penalties. We recognize the right of any country to impose punishment for crime previously committed. I suppose an American citizen who had in time of peace gone abroad and enlisted in the service of a foreign country, if that country went to war with the United States and he remained in its service, would not be liable to the penalties of treason. We recognize that by that act he has made himself a citizen of that country as against the United States. If a citizen of the United States should join any power at war with the United States, that is treason; and whenever we caught him we should deal with him, I presume, as leniently as we have with all other treasonable persons.

Mr. HALE, of New York. My point was whether in the latter case this bill does not relieve the party of the penalties attached to the crime of treason?

Mr. E. R. HOAR. I apprehend not. It is not so intended. Now, Mr. Speaker, I had proposed to yield at this stage of the discussion to my colleague on the committee from New York, [Mr. COX.]

Mr. HALE, of New York. I wish the gentleman would allow me to call his attention to a few points in reference to which I very much desire to get the views of the committee.

Mr. E. R. HOAR. I am willing to yield to the gentleman for that purpose.

Mr. HALE, of New York. In the second section of the bill, lines 11 to 14, I find a provision in regard to citizenship as conferred by marriage as follows:

> All married women whose husbands may be such citizens as against all powers, except the power within whose jurisdiction an alien woman married to a citizen of the United States may have been born.

Mr. E. R. HOAR. "And shall continue to reside" is in the copy I have here, and is an amendment which has been accepted, and which will perhaps cover the point the gentleman makes.

Mr. HALE, of New York. It is not in the printed copy.

Mr. E. R. HOAR. "And shall continue to reside;" that is to say, as we should not deprive an American woman marrying a foreigner here of her citizenship, we ought not to deprive a French woman marrying an American citizen of her French citizenship in her own country. For the purpose of inheritance, for the purpose of domestic protection it is supposed to be more important she should have the citizenship of the country where she resides.

Mr. HALE, of New York. I wish to call the attention of the gentleman from Massachusetts to the fact that this law does change, not only the statutory law of the United States as it now exists, but is also a departure from the international law recognized I think by every civilized country on the earth except Great Britain; in all of which—the United States by statute and the other States by usage and practice at least recognize the status of married women always as controlled by the citizenship of her husband irrespective of domicile—Great Britain alone of all the nations requiring domicile as well as citizenship in the husband in order to make the wife a subject and citizen of Great Britain.

Mr. E. R. HOAR. America I think does not.

Mr. HALE, of New York. The gentleman is in error, and I refer him to the statute of 1855 which distinctly says every woman married to a citizen of the United States is by such marriage a citizen of the United States without limitation as to domicile.

Mr. E. R. HOAR. The remark of the gentleman does not seem to apply to the case I am now considering. Take for example what has frequently happened in my own neighborhood. A girl marries an unnaturalized foreigner. The man comes and marries her perhaps because she has some property, and settles down here. He does not get naturalized. Is that woman made an alien?

Mr. HALE, of New York. I regret I did not hear what the gentleman from Massachusetts has just said.

Mr. E. R. HOAR. Suppose an American girl marries a man who is not naturalized; is it desirable, she living here and never having changed her domicile, not going abroad with him, that she shall forfeit her American citizenship; and if her husband dies without being naturalized she shall be, as an alien, incapable of inheritance in States where that law exists? This is a provision for that case, to make it correspond with the other.

Mr. HALE, of New York. The converse of the other proposition. That is precisely the point to which I wish to call the gentleman's attention. I am discussing the relation of a foreign woman married to an American citizen, and I stated to him that by the laws of the United States an alien woman married to an American citizen becomes by that marriage such citizen irrespective of domicile. I refer him to the statute of February 10, 1855, (10 Statutes at Large, page 604,) which provides "that any woman who might legally be naturalized under the existing laws, married, or who shall be married, to a citizen of the United States, shall be deemed and taken to be a citizen." There is an explicit statutory provision. I am not discussing whether it is or is not a desirable provision, but I repeat the law enacted by this statute as to the United States is recognized as well, I think, by every European government except Great Britain to-day. What I desire to ask of the gentleman who represents the Committee on Foreign Affairs is an explanation whether such change is desirable and whether the committee intended it?

Mr. E. R. HOAR. It was intended on the general principle I have stated. It was called to the committee's attention by gentlemen who had daughters married in foreign countries, and the committee could see no reason why it was not a fit and proper exception; that is to say, if an American woman married a foreigner and desired to retain her citizenship why she could not be allowed to do so whenever she returned to the United States. We therefore inserted this particular provision, "married women whose husbands may be such citizens as against all powers, except the power within whose jurisdiction an alien woman is married to a citizen of the United States may have been born and continued to reside." Why should we, if she remained in her native country and by the laws of that country would be allowed to retain her citizenship, not give her in this country the privilege of American citizenship having married a citizen of the United States? We do not, in other words, in this country think it would be expedient to require a native woman of this country, marrying a foreigner here, and continuing to reside here, to lose her citizenship in this country so long as she proposes to remain here.

Mr. HALE, of New York. This section, however, does not touch that question at all. It has nothing to do with that. There is another question I would like to propound to the gentleman from Massachusetts.

Mr. ELDREDGE. Before the gentleman passes from that, will he allow me to ask the gentleman from Massachusetts what is meant by the exception there:

> Except the power within whose jurisdiction an alien woman married to a citizen of the United States may have been born?

Mr. E. R. HOAR. "And shall continue to reside." That ought to have been in the printed copy.

Mr. ELDREDGE. But still I suggest to the gentleman whether that would not make her a citizen of this country, except as to a single power. Is not that the meaning of it?

Mr. E. R. HOAR. The meaning of it is that a woman married to an American citizen, in a foreign country, and continuing to reside in the country of her birth, shall not be by this country, as against that power and against her rights and duties there, be treated as a citizen of this country; and *vice versa*, if an American woman marries a foreigner here.

Mr. ELDREDGE. But she will be a citizen, I take it to mean, as against all other powers but the one power within whose jurisdiction she was born.

Mr. E. R. HOAR. And continues to reside. Yes, that is it exactly.

Mr. ELDREDGE. Now is there not a likelihood of great embarrassment growing out of such a provision as that? She is recognized by this country as not altogether a citizen, but as a citizen except as against one other power, which is recognizing the right of that power to claim of her the rights and duties and obligations of citizenship.

Mr. E. R. HOAR. We think that a wise provision and one which, in the converse as I have been stating, we should like to assert for ourselves; that is, that an American woman though married to a foreigner in this country, if she continues to reside here, shall, so far as this country is concerned, be continued in her citizenship.

Mr. HALE, of Maine. I desire to ask the gentleman from Massachusetts one question.

Mr. E. R. HOAR. Before any further questions are raised, as this is a very desultory method of proceeding, I suggest that, after the floor shall have been occupied by my colleague on the committee, the gentleman from New York, [Mr. COX,] who wishes to make some general observations on the bill, we shall take up the bill for consideration by sections and confine the discussion to the particular clauses. I yield to my colleague on the committee, the gentleman from New York, [Mr. COX.]

Mr. GARFIELD. Does the gentleman from New York [Mr. COX] desire to proceed to-day?

Mr. COX. I prefer to go on and finish what I have to say to-day.

Mr. GARFIELD. I give notice that after the gentleman from New York shall have concluded his remarks I will ask the House to re-

solve itself into Committee of the Whole on the legislative appropriation bill.

Mr. CONGER. Is it the understanding that this bill shall be considered by sections?

The SPEAKER. The gentleman from Massachusetts, [Mr. E. R. HOAR,] who has charge of the bill, suggests that after the remarks of his colleague on the committee, the gentleman from New York, the bill shall be debated by sections for amendment. If there be no objection that understanding will be had. The Chair hears none.

Mr. COX. The remarks that I make shall be general, though they may go into the details of the bill itself. This bill has been very well matured by the Committee on Foreign Affairs. It could have been committed to nobody more accomplished than my friend from Massachusetts, [Mr. E. R. HOAR,] who has given it the very strictest attention. His experience as Attorney-General and his education as a careful publicist give to his dissertations on such a theme unusual emphasis. I do not detract from a word he says.

All the matters connected with the questions of naturalization and expatriation have been more or less discussed in a document to which I refer the gentlemen who have been so anxious to anticipate proper discussion by asking questions. It is Executive Document No. 1, part first, of the Forty-first Congress, first session—papers relating to expatriation, naturalization, and change of residence. These papers, running over two hundred pages, were published in response to a call by the President on the various Departments for their opinions with respect to this subject. You will find in the answers to the various questions which the President puts to the members of the Cabinet pertinent information, indispensable to intelligent and cogent discussion.

There has been no more interesting collation of facts or array of principles on this subject than is found in that document. Whether they are colored by peculiar events or traditional hate of foreigners; whether they mean party bias or individual interest, it is not for me to determine. But I would suggest to gentlemen who are disposed to put questions that they can, perhaps, answer them more intelligently when we reach the minor debate arising on the different sections of the bill, and more especially after reading that document. The questions which the President propounded in the document referred to were directed from the Executive Mansion, under date of August 6, 1873, and are as follows:

1. The law-making power having declared that "the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness," (15 Statutes at Large, 223,) should the Executive refuse to give effect to an act of expatriation of a citizen of the United States?

2. May a formal renunciation of United States citizenship and a voluntary submission to the sovereignty of another power be regarded otherwise than as an act of expatriation?

3. Can an election of expatriation be shown or presumed by an acquisition of domicile in another country, with an avowed purpose not to return?

4. Ought the Government to hold itself bound to extend its protection, and consequently exert its military and naval power for such protection, in favor of persons who have left its territories and who reside abroad, without an apparent intent to return to them, and who do not contribute to its support?

5. What should constitute evidence of the absence of an intent to return in such cases?

6. When a naturalized citizen of the United States returns to his native country and resides there for a series of years, with no apparent purpose of returning, shall he be deemed to have expatriated himself, where the case is not regulated by treaty?

7. Are the children born abroad of a person who has been a citizen of the United States, but who has become a subject or citizen of another power, or who has expatriated himself, citizens of the United States, entitled to its protection?

8. Can a person who has formally renounced his allegiance to the United States and assumed the obligations of a citizen or subject of another power become again a citizen of the United States in any other way than in the manner provided by general laws?

If, Mr. Speaker, I should proceed to answer these queries in detail, as the Cabinet did, I would only repeat what is in type; and perhaps I can best obtain their best meaning, and give an added meaning to them, by pursuing my own method of discussion. I do not deny that these questions have been touched with great, though partial skill by the gentlemen of the Cabinet.

One thing is apparent in this discussion. It is this: that the common-law right, the old feudal idea, that a man who is "racy of the soil" is always a citizen, has become more or less obsolete. This is manifest by the progress of civilization and international law, as well as by the laws of all countries, including our own. So that now the question is not between a man who was born here and one who is naturalized here, for they are exactly in the same condition, and so far as our Government and its faith are concerned we are committed to the doctrine that a naturalized citizen is in the same troth and plight as one born here. We must love and comfort him the same, at home or abroad. His children are our children; his folk and kin are our folk and kin. Like Ruth, we will follow him irrespective of previous or other conditions. His citizenship is as immutable as if he had been born here for all purposes. When, when, when will the people who remember Columbus, Kosciusko, DeKalb, La Fayette, the gallant Germans and the gallant Irishmen, the McMahons and the O'Donnells, the men who make, fight, and create peoples; when will they remember that they are scions of a stock which emigrates, populates, fights, civilizes, and progresses?

There should not, therefore, be made in this bill any difference between naturalized and native-born citizens. I hope my friend from Massachusetts [Mr. E. R. HOAR] has eliminated from the bill any such feature.

The former and recent immigrations—the movements of men and women on our star—have no parallel in history. Not one word do I pronounce against the doctrine of expatriation. It is the epic of our age. This remarkable movement from foreign countries—from one side of our planet to another, and especially just now the immigration from that hive of the nations, Germany, to this country and to all other lands—is the wonder of the world. The Germans are not only overrunning New Zealand, Australia, and South America, but they are taking possession of England itself. They are not only doing the business of England, but by the thrifty and trustworthy character of their people they are making New York tributary to the good sense and industry of the German people. I speak now of what I see and know.

This bill concerns them more especially, I think, than any other class of our foreign-born population. I was curious, therefore, to know what the more eminent and reflective of our German citizens, those who direct the best thought of the race, might think about this particular measure. I have the responses of gentlemen connected with the German public press. I cannot send them to the Clerk's desk to be read; for they are in the tough Teutonic syllables, which Milton said never echoed the doctrines of slavery. They are not understood in this Congress. The honorable Senator, Mr. SCHURZ, has given me their inner meaning. I accept his statement as that of an honest man. These extracts are from the Staats-Zeitung of New York of April 4, 1874, and also from a German paper of the same title and date in Chicago, and from the German paper of Philadelphia of April 6, 1874. They speak as if they were jealous and fearful of this and similar bills; not because the German people would disfavor expatriation, but because such bills seek rather to deter immigration and to make our citizenship subject to odious and onerous restriction; subject to a net-work of police.

In other words, the general drift of this bill—it was not, of course, intended by the gentleman from Massachusetts—is to discourage immigration, because it detracts from the value of our citizenship.

I might go into the details of the bill to show you this, but I will not refer to details, excepting as far as it may be absolutely necessary. One of the many objections to this bill is a power with which the Secretary of State is clothed, as if he were a judicial person to renaturalize under certain circumstances. This, sir, is a power which belongs to the legislative branch of the Government. I will never give it to the State Department.

Although it may be true, as my honorable friend [Mr. E. R. HOAR] says, that embarrassments have arisen in our Department of State and to our Government in being called upon to protect men who have become citizens here and have afterward gone to their native land to make difficulties, yet I do submit that we might well have these alleged embarrassments, and more of them, rather than discourage immigration or throw a cloud over American citizenship.

What is such citizenship? To men and women, ay, to women and children, to persons of both sexes, it is their all. Many of them have this and nothing more when they go abroad. Should we not guard it carefully? Should we raise any presumption that, because they may have remained abroad for one or two or more years, they do not therefore intend to return? Should we be overprompt to raise the presumption that they have not the *animus revertendi*? Should we not be careful about the precise evidence required to indicate that intent?

I might go on, sir, for some time to show the House, in a general way, that the whole drift of this bill is at variance with the fundamental ideas of our republicanism as illustrated by those attractive forces which have brought men of all nations here to commingle with us in their and our varied independencies and industries. The old idea under the feudal system was *glebæ ascriptus*. The idea was that a man was bound to the soil. It was a system that resembled the villanage in England. A man owed personal service to the lord of the soil, the same as his master owed it to the king; and it was born with the child and only ended in the grave. It was from this relation of lord and vassal, or rather of master and servant, that the system of passports took its origin. That system is alien to our federal system of States, interdependent, with perfect comity among each and all.

I might here say to gentlemen who have traveled abroad that the passport system is obsolete. Turkey long since abolished it; Greece has abolished it; France too has abolished it, and even Germany does not require it. It is dead in all Europe. The passport system has now a certain legal status. If the passport be properly obtained it is sometimes evidence in court for certain purposes. But of that hereafter.

But so far as passports are concerned, they are almost obsolete. The world has changed and is changing. Locomotion has changed its ways. Steam and the telegraph, and what not, have made new relations. The feudal system, which my friend has unconsciously incorporated in this bill, cannot exist under our civilization. Therefore this bill is objectionable in two points: first, it recognizes the old feudal principle of supervision of American citizens abroad by diplomatic and consular agents; and second, in that it makes the continuance of American citizenship dependent upon this supervision, and imposes the loss of citizenship as a penalty for disobedience in this respect. The question presented here is not as to the right of expatriation, but as to the right of the government, of the nationality of which an individual has either by birth or naturalization become a citizen, to restrict the freedom of his movements, and to deprive

him of his citizenship against his will unless he submits to arbitrary restrictions.

To concede that right would indicate that under certain circumstances citizenship is held merely at the pleasure of the Government. Government may enforce when it chooses its claim to the service of the citizen. It may at will renounce its own duty to protect. Such a construction of the authority of the Government over the citizenship of an individual is untenable. By all the canons of American interpretation it is untenable. Upon it alone can the three principal sections of this substitute be reasonably defended.

A variety of thoughts strike me here, which I will reserve until the debate on those sections takes place. Among others, whether Congress has the constitutional power to pass any such act as this. Would it not be to some extent in the nature of a bill of attainder to legislate a citizen out of his rights? Because he resided two years abroad and did not register at the consulate, is he therefore lost to us? If Congress has the power to denationalize a citizen for being away from the country two years, could it not impose the same penalty for going abroad for any time, or at all? Undoubtedly it could. If Congress may prescribe registration at the consulate as the only means to avoid denationalization, could not the same authority change it the next year, and exact a penalty of a thousand or ten thousand dollars or some other sum for the privilege, or insist upon some less oppressive condition? Some of these suggestions come to me, as did others more important to General Cass, while Secretary of State, from such German citizens as Mr. A. V. Hofer. To him, as well as to the brave and just German press, am I indebted for many suggestions, which hurriedly I throw into this debate. Such suggestions never fail to instruct the men who make laws, even as the Germans made our organic laws in the ancient Wetenagemote!

Mr. Speaker, in what I have already said I do not wish to be understood as objecting to passports generally. They have their utility. I will reserve anything I may say on that subject to some time hereafter. Allow me to say, just here, that it seems to me that this bill to that extent would repeal the act concerning the right to citizenship which was approved July 27, 1868, and with which members are familiar. The motive for the passage of that bill just before the presidential election is not difficult to fancy. It was done to placate our Irish-born citizens. It did not do it to any great extent. But whatever may have been the motive of that act, it was the expression of legislative will. One cannot go far astray in getting at the true meaning.

The second section of that act provides that "all naturalized citizens of the United States while in foreign States shall be entitled to, and shall receive from, this Government the same protection of persons and property that is accorded to native-born citizens in like situations and circumstances."

The third section provides that "whenever it shall be made known to the President that any citizen of the United States has been unjustly deprived of his liberty by or under the authority of any foreign government, it shall be the duty of the President forthwith to demand of that government," &c.

No distinction was then made between native born and naturalized citizens. Nor is an individual of the latter class excepted who may return to the country of his birth. The rights of each are broadly defined as being identically the same. The duty of the President is made the same as to them. Now, sir, compare with this the following provision taken from the second section of the substitute under consideration:

> Thirdly, the following persons shall be regarded as not subject to the jurisdiction of the United States; fourthly, naturalized citizens of the United States who may by the terms of any treaty be regarded as having resumed their original nationality, or who, on returning to their native country, may be convicted of offenses against the laws of that country committed prior to their arrival in the United States; fifthly, a naturalized citizen of the United States becoming domiciled in the country of his or her nativity, unless when otherwise regulated by treaty.

What is the meaning of that? It is an offense in Germany for a man to desert from the military service. Such a horrible crime is, of course, committed before he leaves Germany. The man may have become a citizen of this country. He renounces and abjures all allegiance, &c.; when he goes back he becomes denationalized by the provisions of this bill, if I understand it rightly. If so, this bill is a gross and glaring outrage. In some parts of Germany, I believe, citizens are sometimes regarded as having committed an offense if they emigrate.

Mr. ELDREDGE. Yes; the very act of emigration is a crime.

Mr. COX. The very act of emigration, as my friend well says, is an offense by law. When they return to their native country they lose all the benefits of naturalization because of that very offense. And this, in this nineteenth century! And this, when Germany dominates Europe!

Mr. SCHUMAKER, of New York. There is no such law as that in Germany.

Mr. COX. In some parts of Germany such a law exists; I do not speak of Prussia particularly.

Mr. SCHUMAKER, of New York. There is no such law as that in any part of the German Empire.

Mr. COX. I will not contradict my honorable friend, who has traveled there. He perhaps knows more than I do about it. He will have an opportunity hereafter to correct me, and no doubt will do it with *authority*. I will not waste the time of the House or space in the RECORD in calling to the minds of members the clause cited about offenses committed prior to the arrival in this country of the naturalized citizen. It may include the evasion of military duty, or it may go further, and, as I have said, conviction may be obtained for the mere act of emigration. Leaving all these considerations aside, as they would carry me too far, I am constrained to ask if these provisions do not make a very decided, unjust, injurious, and wholly un-American distinction between native and naturalized citizens, and against the latter?

Is not the inference pardonable that the sole purpose of this bill is to curtail the rights of naturalized citizens tarrying abroad? Can such an inference be hid by the addition of a few general clauses? What need is there for such legislation? Has the American Republic grown so weak that it must in the ninety-eighth year of its existence, by a public act of Congress, declare its inability and even aversion to protect those of its citizens who for two years remain away from its soil? Does not this sort of legislation oppose the spirit that speaks through the act of 1868? Is it not contrary to the spirit that prompted the naturalization laws from the beginning of our Government? What the true intent is of these laws, even of those enacted under the administration of the elder Adams and repeated by the act of 1802, no one has better or more forcibly expressed than General Cass as Secretary of State, in his letter of instructions to Governor Joseph Wright, American minister to Prussia. That letter is dated July 8, 1859; and in it the veteran American statesman and diplomatist said:

> The moment a foreigner becomes naturalized his allegiance to his native country is severed forever. He experiences a new political birth. A broad and impassable line separates him from his native country. Should he return to his native country he returns as an American citizen and in no other character.

The last sentence states broadly as well as most concisely the true American doctrine, which was referred to as such by Lord Tenterden in his Memorandum on Naturalization and Allegiance, issued from the British foreign office in March, 1868. Judge Black, than whom no better interpreter of international law ever acted as Attorney-General of the United States, expressed himself in an official opinion with equal clearness in defining the meaning of naturalization. "In its popular etymological and legal sense," he wrote, "it (naturalization) signifies the act of adopting a foreigner and clothing him with all the privileges of a native citizen or subject." And this very same construction was adopted by a royal commission in England, which had for its chief the Earl of Clarendon, and among its members such eminent authorities and writers as Sir R. J. Phillimore, Baron Bramwell, Sir John Karslake, Sir Roundell Palmer, and Mr. Vernon Harcourt (late solicitor-general of England, and better known here as "Historicus.") This commission examined the whole subject thoroughly, and concluded to abandon the old common-law rule of perpetual allegiance. It adopted the American doctrine as eminently in accordance with the enlarged freedom of the age, and applicable also to Great Britain hereafter. Their recommendation was subsequently approved and confirmed by Parliament in the passage of the naturalization act of 1870, the sixth section of which reads:

> Any British subject who has at any time before, or may at any time after the passing of this act, when in any foreign state and not under any disability, voluntarily become naturalized in such state, shall from and after the time of his so having become naturalized in such foreign state be deemed to have ceased to be a British subject and *be regarded as an alien*.

Mr. Speaker, you will observe from this that it is precisely the ground taken by Secretary Cass and Attorney-General Black, to wit, that naturalization invests the foreigner with complete citizenship the same as birth, and that as to all other countries, even that of his nativity. Can the United States afford to be less liberal than Great Britain? Can we be less liberal than Great Britain, which regards a British subject naturalized here as an alien thereafter within its territories? Why should Congress, then, make a distinction between these two classes of citizens as if the rights of the one were not the same but less than those of the other? This is done most unequivocally by the language of the fifth clause of the third subdivision of section two of the substitute I have quoted, that a naturalized citizen becoming domiciled in the country of his nativity—which by section 3 means a continuous residence of two years—shall cease to be under the protection of the United States, be arbitrarily deprived of his rights acquired by naturalization, and abandoned to the very power all allegiance to which he had under oath renounced in accordance with the laws of the United States.

See how this would work in a supposable case. John Doe, a native of London and subject of Great Britain, emigrated to the United States and is here duly naturalized. After that, for some legitimate purpose, he returns say to Scotland, and remains there for three years or longer without being registered at any American consulate. Having completed his naturalization here, he is under the act of Parliament of 1870 an alien in Great Britain. But the proposed act of Congress would deprive him of his American citizenship also. He would therefore in fact be "a man without a country." Suppose he removed from Scotland to France and circumstances arise compelling him to appeal to the interposition and protection of his home government. He has abjured his allegiance to Great Britain, the country of his nativity, and being an alien there he has no rights. He applies to the United States. Here he would be met with an act of Congress of 1874 denying him all right to protection as an American citizen. Why? Because he had resided in the country of his birth continuously for two years;

for which reason he is to be regarded as having become domiciled there and to have forfeited his claim to American protection. This will not do.

A native of Austria (supposing another possible case) comes to the United States and in due time is naturalized according to law. After an absence of many years from his childhood's home he returns as an American citizen. Remaining there for two years he falls under the operation of this proposed new law of Congress, and may by its operation and by the mere will of the American Secretary of State be deprived of his citizenship. But the treaty between the United States and Austria (or Hungary) specially provides that return to and residence in his original country by a naturalized citizen shall not of itself work a renunciation of his acquired citizenship. As a consequence the man is thrown into grave doubts as to his true national character, which, like Mahomet's coffin in the air, may be kept dangling between America and Austria, neither claiming and both rejecting him.

No native citizen can possibly be exposed to any such difficulties, doubts, and entanglements; although under the bill now pending even he may often be unreasonably vexed and harassed. Why not place or rather leave the naturalized citizen upon the same footing as originally intended, as lucidly expressed by Cass and Black, tardily adopted by England, and authoritatively confirmed by act of Congress in 1868? Why change it now in 1874? Has any new light dawned upon our Federal Legislature—the great Sanhedrim of thirty-seven States—that makes it desirable to enter now upon such a retrograde movement? I believe I can discern far across the Atlantic the true source of this intended reactionary legislation.

The Bancroft treaty with the North German Confederation, concluded in 1868, does now apply to all the states comprised within the limits of the newly constituted German Empire, including Alsace and the annexed portion of Lorraine. A native of any part of that country, being naturalized here, is by the terms of that treaty reincorporated among the subjects of the Emperor after a residence anywhere in Germany, though hundreds of miles away from the place of his birth, for even a day over two years. He may be a native of Bavaria; and if after his naturalization in the United States he enters into business relations at Hamburg or Bremen, a residence of two years in either of these cities far remote from the country of his nativity, or elsewhere within the empire, makes him a subject of the emperor, *of whom he never was a subject before*, and divests him of the character of an American citizen without his consent and possibly against his will. And it need occasion no surprise were it to appear that this very bill has been suggested in the interest of that policy which seeks by every means to render emigration from Germany to the United States and the naturalization of native Germans as American citizens less desirable and popular in the country under its sway. The treaty on this subject of expatriation concluded with the North German Union and now extended over the whole empire seems to have had principally that end in view on the part of one of the contracting parties. The late postal convention between the two countries subserved a similar purpose, by inferentially imposing higher mail-rates on American newspapers and periodicals, printed in the German language and circulating in Germany, than upon those published in English. In all these measures the object was the same—to prevent the spread of knowledge on American affairs among the resident population of Germany. The pending bill is but an appendix to the rest. Ostensibly carrying out the provisions of the treaty, it aims at discouraging German-Americans from returning to the old country except at the risk of renouncing the protection of the United States and sacrificing their American citizenship.

Mr. George Bancroft is a learned and able man. He has large if not wise experience in diplomacy; but he is no match when pitted against men like Baron Thiele, the German under-secretary of foreign affairs; or Lothar Bucher, Bismarck's privy councilor. And as compared in statecraft with Prince Bismarck himself, Mr. Bancroft vanishes. Under these influences Mr. Bancroft was induced to consent to the treaty and sign away the rights of nearly two millions of naturalized citizens, and change the declared policy of the American Republic.

Even our Senate, I might say even our favorite Senator, Mr. SCHURZ, was captured by the transcendent renown of Bismarck's genius. His well-earned rank as the first statesman of the age, his unparalleled success, and above all his professed friendship for the United States, for the expression of which he found a loyally eager mouth-piece in Mr. Bancroft at Berlin and an eminent translator in the suave Baron Gerolt at Washington made him a paramount power.

The return to their native country even for a brief visit by German-American citizens who had founded a new home here, and by thrift and perseverance attained to a comfortable position, is not what the aristocratic court of Prussia, now of Germany, desires. That a man who in his youth left home a poor mechanic or farmer, who had his place assigned him among the lower ranks of society, should reappear upon the scenes of his early life after years of successful toil in his adopted country as a man completely changed in character and bearing, as one accustomed to independence of thought and action, as a man in fact, the proud self-conscious peer of any of the blue-blooded nobility, and as such shine brightly in his own person as convincing proof of the vast superiority of the American over the European system, was too offensive a contrast.

Hence it came that Prussian local officials always had orders from Berlin to keep a sharp lookout for returned German-Americans, and to treat them with the less respect and the more severity the better off in the world's goods they seemed to be. The few who came back poor and told tales of woe about America were seldom molested, and but rarely charged with having absconded from military duty. On the contrary, most of these disappointed people were rather encouraged to recount their experiences and disappointments, and were even helped along and assisted by the authorities. Returning German-Americans are always welcomed with open hands, and invited to hospitable homes—provided they do not talk too much republicanism. If they are disposed to be lackeys to those in power; if they are ready to depreciate American institutions, they are, I fear, welcomed too cordially. Fortunately there are but few such; and for their sake neither Bancroft's treaty nor the proposed act of Congress is required. But the naturalized citizen who has identified himself in feeling with our country, going back there and talking republican sentiments, is after two years' residence there, put to the trouble of a sort of espionage. O, sir, he must register himself! He must submit himself to a species of police or consular regulation. He must do this in order to save himself from a forfeiture of his American citizenship! This is our American welcome! This is our bill!

A large number of our naturalized citizens are justly proud of their new nationality. It is of these that Baron Manntеuffel, the predecessor of Bismarck as Prussian minister of foreign affairs, so bitterly complained that they excite the jealousy of the populace and flaunt their American citizenship even in the face of the authorities. My constituents are a part of these proud adopted people. There are nearly one hundred thousand such Germans in my district. They belonged originally to every part of Germany. Some of them left Germany owing certain so-called military duties. Some have political disabilities. Many might to-day be prosecuted there under new religious edicts or laws. The treaty with North Germany and the proposed act are intended to punish such for believing that naturalization in the United States means what it says. They do not believe citizenship is a mere illusion. It is this class who have reason to love the country of their adoption. They burn with a desire to make others also participants in the blessings of that liberty which they themselves enjoy, and whom the policy of Prussia under Bismarck and others before him would so wish to repel, that they should not return and induce a still larger number of Germans than are leaving Germany annually to seek new homes on this side of the Atlantic. That Bancroft treaty might be termed a convention to impede German immigration to this country, and the bill before the House, begotten in the spirit of that and other similar treaties, could appropriately be entitled "An act to discourage immigration to the United States." For myself, and representing a hundred thousand Germans, I do desire to bring the kith and kin—all the good folk of Germany to this land, to meet and kiss their kith and kin here. Our race so needs replenishing; and are not the Germans so thrifty, good, and prolific? Who could help us better?

The true policy of this Republic lies in a direction opposite to this bill. Not that my friend from Massachusetts [Mr. E. R. HOAR] does not intend, if possible, to be mutual; not that he has in his nature anything of that old spirit of federalism in connection with the alien laws which this country got rid of as early as 1802; not that he would not welcome people from all lands to this country—welcome them heartily and give them privileges and citizenship; certainly he would not place the negroes, who, born in Canada and the West Indies, have become without naturalization United States Senators and constitution-makers, above our German or Irish fellow-citizens! But, in spite of all he may say or do, this bill does go in an opposite direction. I am so glad to be able to say he means well when he does wrong.

Instead of surrounding the citizen after leaving our shores with an irksome net-work of technical observances, the outgrowth of the feudal relations between king and subject and lord and vassal, clogging his progress at every step, or abandoning him to the mercy of those from whom he has separated, the United States should look upon every one of their citizens abroad, from the highest to the humblest, as a voluntary and effective missionary in the cause of republicanism. Sir, I would throw around him the shield of our protection under any and all circumstances. I would copy the policy of Jackson and Marcy. I would do this until he himself renounces his rights; until he becomes recreant to his country and voluntarily assumes allegiance to another. This actual voluntary change of allegiance alone, and nothing else, is meant by the "natural and inherited right of emigration and expatriation."

Sir, the mere duration of residence abroad, although it is fixed in some of the treaties at two years, should be allowed to work no such change of relation as this bill contemplates.

I think that the numerous colonies of American citizens in foreign states should stand as republican outposts in monarchical countries. They should disseminate intelligence as to our country; they should attract new recruits to our home-army of freedom.

In this way the United States could colonize the whole world. England with all her wars and endless bloodshed has failed to make herself loving and kind. It was in this pre-eminently kind and liberal spirit that Congress passed the act of February 10, 1855, declaring that—

Persons heretofore born or hereafter to be born out of the limits and jurisdiction of the United States, whose fathers were, or shall be at the time of their birth,

citizens of the United States, shall be deemed and considered, and are hereby declared to be, citizens of the United States: *Provided, however*, That the rights of citizenship shall not descend to persons whose fathers never resided in the United States.

Mr. Caleb Cushing, I have been told, was the author of this act, being then Attorney-General of the United States, and it stands a monument of his foresight and sagacity. The proposed bill runs counter not only to this, but also to the act of 1868, and must prove exceedingly injurious to the best interests of the country. Congress should adhere to the doctrine which prevailed before the advent of the impolitic and injudicious Bancroft treaty, after which all the subsequent treaties on the subject seem to be modeled. Admitting, as it is but just to admit, that every man has a natural right to expatriate himself, it must be borne in mind that, in the terse language of Judge J. S. Black, "expatriation" includes not only *emigration* out of one's country, but *naturalization* in the country adopted as a future residence." Hence I incline to a principle totally at variance with this bill, and I consider it a principle distinctively and truly American that no mere residence abroad, however protracted and wherever it may be, can divest one of the rights and correlative duties of American citizenship or relieve our Government of its obligation to protect the citizen except by his own free will expressed by becoming fully naturalized.

I do not believe my honorable friend from Massachusetts is illiberal. Nor do I believe he desires to be illiberal; but this bill does march in the contrary direction from that which always made American citizenship honorably and beautifully attractive. And although we may have exceptional cases; although we do have difficulties growing out of our being a new land; although we may have our Koszta and Cuban cases, yet all these exceptional cases might well be tolerated, provided we hold over all our citizens the splendid ægis of American citizenship. Can we not do this without detracting from its full power?

I reserve, therefore, my right, if it be proper and not infringing upon what may be the order of the gentleman, to make such amendments to the bill as may appear proper for its perfection.

I have no objection to the last section of the bill. It refers to marriage. Perhaps that even might be better done by treaty. Perhaps many other provisions could be better secured by treaty. Perhaps treaties are indispensable to carry out all of the provisions of the bill. Of that I will not speak just now. Let us legislate heedfully on a question of so much importance to those who come from abroad to cast their lot with us here. Let our legislation be in accord with the genius and spirit of our age.

Mr. E. R. HOAR. Mr. Speaker, I desire to say a single word, as the gentleman from New York is to be absent. I entirely agree with most of the spirit of his remarks, but differ with him totally as to their being applicable to this bill.

He speaks about a feudal supervision over our citizens requiring them to be followed by police, or something of the kind. There is nothing of the sort in the bill. What do we do when a man comes to this country and wants to be naturalized? We provide he shall say so. That is about the sum of it; to go into a court and have it made of record. We do not in this bill provide his residence abroad shall affect his nationality except at his election. If he is domiciled abroad, if he goes there to stay, we want to know whether he wishes to be one of our citizens or not, and if he will just say so it continues. The whole object of that is a most ordinary and thoroughly American idea of ascertaining who the citizens are that have certain rights.

Why, we have registration laws in most of our States, and if a man wants to vote he has to enter his name. And my friend from New York might get up and go into ecstasies about feudal supervision over the American voter because he has to go and enter his name before he could vote.

What is the great harm in it? The real purpose is simply that the American Government may have a means of distinguishing whom they are to protect as their citizens abroad. And I will say that while we welcome all new citizens to our shores, while we protect native and naturalized citizens abroad, we do not want to have any of that class of people who, as Sheridan says in one of his plays, speaking of Little Moses, have renounced Judaism without embracing Christianity, and are like the blank leaves between the Old and the New Testaments. We do not want the class of citizens that have renounced all their American relationships and duties, who have cast in their lot with foreign governments, who take their property and pass their lives there, and consider it a great hardship even to tell our consuls civilly that they wish to retain their citizenship. If this is a hardship to anybody I do not so understand it.

We do not seek to denationalize anybody except those who have given the strongest presumptive evidence that they intend to denationalize themselves and are unwilling to admit that they are American citizens, and who stay continuously and acquire a permanent residence in a foreign country, and are not willing to say to our consuls that they are desirous of retaining their citizenship. But I shall not occupy time in going further into the discussion at present. I believe the understanding was that when the gentleman from New York had concluded his speech the House should go into Committee of the Whole.

Mr. ORTH was recognized by the Chair, and said: I understand that the chairman of the Committee on Appropriations desires the House now to go into Committee of the Whole. I yield, therefore, to the gentleman from Ohio, or any member of the committee, to make a motion for that purpose.

The SPEAKER. The gentleman from Ohio [Mr. GARFIELD] is not now in the Hall.

Mr. PARKER, of New Hampshire. I move that the House now resolve itself into Committee of the Whole for the consideration of the legislative appropriation bill.

Mr. HALE, of New York. I desire to make a parliamentary inquiry. What will be the position of the pending bill if the House goes into Committee of the Whole now? When will it come up again?

The SPEAKER. When the committee rises the bill will be before the House, and immediately after the reading of the Journal to-morrow morning.

Mr. HALE, of New York. I suggest that by unanimous consent the consideration of the bill be postponed until immediately after the reading of the Journal to-morrow.

The SPEAKER. That will be the effect of it.

PETITION OF WORKINGMEN.

Mr. RANDALL, by unanimous consent, presented a petition of the workingmen of the District of Columbia, praying Congress for relief; which was referred to the select committee appointed to inquire into the affairs of the District of Columbia, and ordered to be printed.

ENROLLED BILLS SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same.

An act (H. R. No. 2350) authorizing the Secretary of the Treasury to issue certificate of registry and enrollment to the schooner Almina, and changing the name to Minnie Davis;

An act (H. R. No. 2885) to remove the disabilities of Charles H. McBlair, of Maryland; and

An act (H. R. No. 3029) to provide for the relief of the persons suffering from the overflow of the Lower Mississippi River.

BARNEGAT BAY.

Mr. WARD, of New Jersey, by unanimous consent, presented a joint resolution of the Legislature of New Jersey, asking an appropriation for improving the navigation of the waters of Barnegat Bay and its tributaries; which was referred to the Committee on Commerce, and ordered to be printed.

DETROIT MARINE-HOSPITAL GROUNDS.

Mr. CONGER. I ask that by unanimous consent the Committee of the Whole on the state of the Union be discharged from the further consideration of the bill (H. R. No. 1706) to authorize the opening of Wight street through the grounds of the United States marine hospital at Detroit, Michigan, and that the bill be now put upon its passage.

The bill was read. It authorizes and directs the Secretary of the Treasury, in his discretion, to dedicate to the public for the purpose of a street or highway, known as Wight street, a strip of land off the southeast end of the grounds known as the United States marine hospital, at Detroit, Michigan, not exceeding fifty feet in width.

Mr. HOLMAN. Does that bill come from a committee?

Mr. CONGER. It comes from the Committee on Commerce, recommended by them. There is a street there which is fifty feet out of the direct line of the streets laid out in the city, and it is desired to straighten the street by allowing it to pass through one end of the marine-hospital grounds.

Mr. HOLMAN. Is it recommended by the Secretary of the Treasury? If it is, I should like his letter to be read.

Mr. CONGER. It is recommended by the surgeon of the marine hospital.

Mr. HOLMAN. I do not desire to antagonize the gentleman.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CONGER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AMENDMENT OF RULES.

Mr. GARFIELD, by unanimous consent, submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That Rule 126 be so amended that less than a quorum of the Committee of the Whole may proceed with the consideration of any regular appropriation bill.

ORDER OF BUSINESS.

Mr. GARFIELD. Pending the motion that the House resolve itself into Committee of the Whole for the consideration of the legislative appropriation bill, I move that all debate on the pending paragraph be closed in ten minutes. I wish also to ask the unanimous consent of the House that there shall be an evening session to-night or to-morrow night, according as the pleasure of the House shall be, for the consideration of the appropriation bill. Some gentlemen around me state that they prefer we should not have an evening session to-night. I now ask unanimous consent that there shall be an evening session to-morrow night for the consideration of the appropriation bill.

Mr. KELLEY. Mr. Speaker, at the suggestion of others and not at all upon my own impulse I ask the chairman of the Committee on Appropriations whether, if this bill shall be disposed of, he will make objection to holding a session on Saturday for debate only? As I say, I have no desire to address the House myself, but I have been requested by several gentlemen to make this proposition.

Mr. GARFIELD. I shall be very willing if we can get the appropriation bill through by that time. I now ask consent that to-morrow evening, at half-past seven o'clock, the House may meet for the purpose of continuing the consideration of the appropriation bill.

Mr. NIBLACK. Has the proposition that the Committee of the Whole may proceed without a quorum been agreed to?

The SPEAKER. It has not; it went to the Committee on Rules. It proposes a general rule on the subject.

Mr. NIBLACK. It might have been adopted by unanimous consent. I do not object to holding an evening session to-morrow; I think we ought to have one.

There being no objection, the order for an evening session to-morrow was made.

Mr. GARFIELD. I desire to trouble the House with one further request, and it is that to-day we may proceed in Committee of the Whole with the consideration of the appropriation bill without the necessity of a quorum being present. My own belief is that a quorum will be more certainly here if we try it than otherwise.

A MEMBER. Why?

Mr. GARFIELD. Because gentlemen will not be willing to run the risk of having business done without a quorum. Now they know that if they are away and a quorum is found wanting they will be sent for. We are troubled every day for want of a quorum, and at any time when any gentleman pleases to demand it we are blocked for half an hour. Our progress with this bill has been very slow. Let us try the experiment for to-day. It will do nobody any harm if we find it does not work well. I ask unanimous consent that that may be the rule for to-day in Committee of the Whole.

Mr. NIBLACK. I hope no one will object to trying the experiment.

Mr. WILSON, of Iowa. It would not allow any amendment to be attached to the bill by less than a quorum, would it?

The SPEAKER. Of course all the work of the Committee of the Whole has to be revised by the House.

Mr. ELDREDGE. I object until it has been adopted as a rule.

Mr. GARFIELD. Well; I insist on my motion that all debate on the pending paragraph be closed in ten minutes.

Mr. O'BRIEN. I call the attention of the gentleman to the fact that there is a point of order pending.

Mr. GARFIELD. That makes no difference.

The motion to close debate was agreed to.

Mr. GARFIELD. I now ask for a vote on the motion to go into Committee of the Whole on the state of the Union.

The question was taken, and the motion was agreed to.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. WOODFORD in the chair,) and resumed the consideration of the bill (H. R. No. 2064) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes.

The pending paragraph was that making appropriations for "Treasury miscellaneous."

The CHAIRMAN. By order of the House all debate on the pending paragraph will close in ten minutes. When the committee rose last evening there were two amendments pending. The Clerk will first read the amendment offered by the gentleman from Minnesota, [Mr. DUNNELL.]

The Clerk read as follows:

On page 22, in line 514, strike out "two hundred," before the word "thousand," and insert in lieu thereof the word "five;" so that it will read:
For purchase of official postage-stamps, $5,000.

The CHAIRMAN. The gentleman from Maryland [Mr. O'BRIEN] offered an amendment in the nature of a substitute, which the Clerk will read.

The Clerk read as follows:

Strike out lines 514 and 515, and insert in lieu thereof the following:
The postage-stamps required by the Treasury Department shall be furnished by the Postmaster-General at the request of the Secretary of the Treasury.

The CHAIRMAN. Upon that last amendment the gentleman from Ohio [Mr. GARFIELD] raises the point of order that it changes the existing law, and the gentleman from Maryland desires to be heard upon that point.

Mr. O'BRIEN. I desire that the gentleman who has charge of this bill shall state on what law he bases the point of order.

Mr. GARFIELD. I make the point of order under the law which is part of the deficiency bill of last year, and which declares that all official stamps furnished to the several Departments shall be paid for by said Departments at the same rate now required for stamps purchased at the several post-offices. I ask the Chair, to whom I have sent up a copy of the law, to have it read.

The CHAIRMAN. The Clerk will read the law to which the gentleman from Ohio refers.

The Clerk read as follows:

Provided, That the Postmaster-General shall cause to be prepared a special stamp or stamped envelope to be used only for official mail matter for each of the Executive Departments; and said stamps and stamped envelopes shall be supplied by the proper officer of said Department to all persons, under its direction, requiring the same for official use, and all appropriations for postage heretofore made shall no longer be available for said purpose, and all said stamps and stamped envelopes shall be sold or furnished to said several Departments, or clerks, only at the price for which stamps and stamped envelopes of like value are sold at the several post-offices.

Mr. O'BRIEN. I understand, from the reading of the RECORD, that there is but one amendment pending, and that is the one offered by me.

The CHAIRMAN. The first amendment is that offered by the gentleman from Minnesota, [Mr. DUNNELL,] which has been read. The gentleman from Maryland moved an amendment in the nature of a substitute, and on that the point of order was raised. Does the gentleman from Maryland desire to be heard on the point of order?

Mr. O'BRIEN. I do not desire to be heard any further than to say that I understand that the point of order is also made on the amendment of the gentleman from Minnesota.

The CHAIRMAN. The gentleman is in error. The point of order is not made against the amendment offered by the gentleman from Minnesota, [Mr. DUNNELL,] which simply proposed to change the amount to be appropriated from $200,000 to $5,000.

Mr. O'BRIEN. I ask the Clerk to read the decision made on yesterday by the Chairman himself.

The Clerk read as follows:

The CHAIRMAN. On this the gentleman from Pennsylvania [Mr. PACKER] raises the point of order that it changes existing law. To this the gentleman from Michigan [Mr. CONGER] suggests it does not involve any change of existing law as it provides for an appropriation for stamps. The law as it stands to-day requires the Post-Office Department shall prepare and furnish to the different Executive Departments the stamps to be used in the transaction of their business. The other law to which reference has been made provides the same postage shall be imposed on matter sent to or from the Departments as on other mail matter. It is suggested the amendment does not mean for payment to the Post-Office Department of the face value of stamps, but is to cover the expense of their preparation. As the law stands stamps must be prepared in the Post-Office Department. As this is under the heading of the Treasury Department, the Chair thinks were it to be put in here, to be logical it would involve the preparation of stamps in and by the Treasury Department. The Chair regards the point of order as well taken, and therefore rules the amendment out.

Mr. O'BRIEN. I believe the Chairman will now admit that I was correct in stating that the amount offered by the gentleman from Minnesota [Mr. DUNNELL] was ruled out of order by the Chair.

The CHAIRMAN. The amendment ruled out by the Chair was the first amendment offered by the gentleman from Minnesota. He then offered a second amendment, striking out $200,000 and inserting $5,000. It is clearly within the province of the Committee of the Whole to recommend to the House such an amount for appropriation as to the committee may seem good. The amendment is therefore clearly in order. The point of order is raised upon the substitute offered by the gentleman from Maryland, [Mr. O'BRIEN.]

Mr. O'BRIEN. I withdraw my substitute.

The question was upon the amendment of Mr. DUNNELL to reduce the appropriation from $200,000 to $5,000.

Mr. DUNNELL. I do not wish to occupy the time of the committee. I have said all I desire to say on this subject. The Chair has ruled my amendment in order, and I trust the Committee of the Whole, for reasons given yesterday, will adopt the amendment.

Mr. GARFIELD. I desire to say but a word. This amendment simply amounts to this, that we will allow but $5,000 face value of postage-stamps for the use of the Treasury Department. Of course nobody supposes that the Treasury Department can get along with any such amount of postage-stamps. We believe that $200,000 face value of postage-stamps is the smallest amount possible with which the Treasury Department can do its business. If the House wants that Department to get on with their business it will give them the means of doing so.

Mr. MERRIAM. Would it not be much better and wiser for us to employ a clerk at $3,000 a year to frank these documents of the Treasury Department, saving to the Government a very large sum of money, which it seems to me is now thrown away?

Mr. GARFIELD. That might be. But Congress plainly and squarely changed the policy, and I think it is the duty of the House to follow the law as it now is.

Mr. MERRIAM. Even if we can make a great saving the other way?

Mr. COBB, of Kansas. Is debate still in order on this amendment?

The CHAIRMAN. There is one moment left before debate is closed.

Mr. COBB, of Kansas. I move to strike out the last word, for the purpose of saying that I am in favor of the amendment of the gentleman from Minnesota [Mr. DUNNELL] for the simple reason that I do not believe in the system of accounts between Bureaus and Departments of this Government. In other words, I do not believe it wise to make it the first and primary object of the head of a Department or Bureau to take care of the money that may be appropriated for the support of his Department or Bureau, instead of taking care of the money that comes out of the general Treasury.

Some time since I brought before this House a question of this character, relative to an appropriation made for the support of the Army, when the Army appropriation bill was before the House. In relation to that bill the Quartermaster-General distinctly and plainly said

that rather than look after the money of the United States he would look after the interests of his own Department. In other words, that when he could use a route for the transportation of supplies of the Army by which one dollar would not go out of the Treasury, but a debt would be paid, because the amount would be charged against the appropriation that was made for the support of his Department, he would not use it. It seems to me that there ought to be some sort of a system inaugurated by the Committee on Appropriations, certainly a very able committee, by which every head of a Bureau and every head of a Department would make it his primary interest to save the general fund of the Treasury, instead of saving the specific appropriation which may have been made for the support of his Bureau or Department.

[Here the hammer fell.]

Mr. COBB, of Kansas. I withdraw the amendment to the amendment.

The question was then taken upon the amendment of Mr. DUNNELL; and upon a division there were—ayes 65, noes 55; no quorum voting.

Mr. GARFIELD. I call for tellers. The idea of appropriating $5,000 in postage-stamps for the Treasury Department is absurd.

Mr. BECK. The idea of giving the Postmaster-General $200,000 for postage-stamps for the Treasury Department is absurd.

The CHAIRMAN. Debate is exhausted. No quorum having voted, the gentleman from Ohio, Mr. GARFIELD, and the gentleman from Minnesota, Mr. DUNNELL, will act as tellers.

The committee again divided; and the tellers reported that there were—ayes 85, noes not counted.

So the amendment was agreed to.

The Clerk read as follows:

Independent treasury:

Office of the assistant treasurer at New York: For assistant treasurer, $8,000; for deputy assistant treasurer, $3,600; cashier and chief clerk, $4,200; chief of coin division, $4,000; chief of note-paying division, $3,000; chief of note-receiving division, $3,000; chief of check division, $3,000; chief of registered-interest division, $2,800; chief of coupon-interest division, $2,500; chief of fractional-currency division, $2,500; chief of bond division, $2,400; chief of canceled-check and record division, $2,000; two clerks, at $2,400 each; six clerks, at $2,200 each; ten clerks, at $2,000 each; nine clerks, at $1,800 each; four clerks, at $1,700 each; four clerks, at $1,600 each; ten clerks, at $1,400 each; three clerks, at $1,200 each; five messengers, at $1,300 each; one messenger, $1,200; keeper of building, $1,800; chief detective, $1,800; assistant detective, $1,400; four hall-men, at $1,000 each; six watchmen, at $730 each; one engineer, $1,000; one porter, $900; in all, $148,980.

Mr. GARFIELD. I move to amend by inserting in line 582 of the clause just read the words "two clerks, at $1,500 each." This was omitted by misprint in the estimates.

The amendment was agreed to.

Mr. GARFIELD. I also move to amend by striking out "four" before the word "hall-men," and inserting "three," so as to provide for "three hall-men, at $1,000 each."

The amendment was agreed to.

The Clerk read as follows:

Office of assistant treasurer at San Francisco: For assistant treasurer, $6,000; for cashier, $3,000; for book-keeper, $2,500; for assistant cashier, $2,000; for assistant book-keeper, $2,000; for one clerk, $1,800; for four watchmen, $4,000; in all, $21,300.

Mr. RANDALL. I find that last year we appropriated only $5,000 for the assistant treasurer at San Fransisco. I would like to learn from the chairman of the Committee on Appropriations whether there is any law to authorize this increase, or if not what reason there is for it.

Mr. GARFIELD. The gentleman will remember that the coinage law terminated the relation of the assistant treasurers to the mint. They formerly received a part of their salary in the capacity of superintendents of the mint and assay office, the other part being paid to them directly as officers of the sub-Treasury. It was necessary therefore that we should appropriate for their salaries independently of their duties in connection with the mint. We simply continue the pay at what it was for the two offices.

Mr. RANDALL. That is not the case anywhere else than at San Francisco.

Mr. GARFIELD. Wherever there was a change we have made the appropriation accordingly. In some cases no change was required.

Mr. RANDALL. But the duties of these officers are very much reduced.

Mr. GARFIELD. We have followed the law in this respect in every case.

Mr. RANDALL. The law fixes $5,000 as the salary, I think.

Mr. GARFIELD. By reference to the law of February 12, 1873, the gentleman will find that the salary is $6,000.

Mr. RANDALL. In what capacity?

Mr. GARFIELD. As assistant treasurer of the United States at San Francisco. The Book of Estimates refers to the seventeenth volume of Statutes at Large, section 65, page 435.

Mr. RANDALL. If that was the law last year, why did we then appropriate only $5,000?

Mr. GARFIELD. This law was passed after we acted on the appropriation bill.

The Clerk read as follows:

Office of assistant treasurer at Philadelphia: For assistant treasurer, $5,000; for cashier and chief clerk, $2,700; book-keeper, $2,500; chief interest clerk, $1,900; assistant book-keeper, $1,800; coin teller, $1,700; chief registered-interest clerk, $1,900; assistant coupon clerk, $1,600; fractional-currency clerk, $1,600; two assistant registered-loan clerks, one at $1,500 and one at $1,400; assistant coin teller, $1,400; assistant fractional-currency clerk, $1,400; receiving teller, $1,300; assistant receiving teller, $1,200; superintendent of building, $1,100; seven female counters, at $900 each; four watchmen, at $930 each; in all, $40,023.

Mr. MERRIAM. I move to amend by striking out "$930" and inserting "$750," so as to make the clause in regard to watchmen read "four watchmen at $750 each." I find that the watchmen in the sub-Treasury at New York City are allowed only $750. It certainly must be as expensive to live in New York City as it is in Philadelphia; and the amount of property to be watched is certainly ten times as great. I can therefore see no reason why the watchmen at Philadelphia should receive greater pay than those at New York.

Mr. GARFIELD. The disparity of pay is in the law.

Mr. MERRIAM. That is the reason I think it ought to be corrected.

Mr. GARFIELD. The pay of the various officers employed under these assistant treasurers has been fixed by law.

Mr. MYERS. I make the point of order that as the appropriation is in accordance with existing law, the amendment proposing to change the salary is out of order.

The CHAIRMAN, (Mr. G. F. HOAR.) The Chair is of opinion that it is competent to strike out the appropriation altogether; and it is competent to appropriate one-half or any greater or less proportion of what the law fixes as the salary of a particular office. The point of order is therefore overruled.

Mr. MYERS. With deference to the ruling of the Chair, my view is that while it might be competent not to make an appropriation at all, while we might allow a session to pass by without appropriating for the salary of a particular office, yet if we do appropriate, the appropriation should be in accordance with the existing law fixing the salary.

The CHAIRMAN. The Chair is of opinion that it would be perfectly competent to appropriate in a particular appropriation bill any proportion to the salary fixed by law for any public officer, leaving the remainder of the salary as established by law to be appropriated whenever Congress may choose. The point of order, therefore, does not lie.

Mr. KASSON. I do not think there is any law fixing the permanent rate of pay for watchmen; it is only fixed by the appropriations made from year to year.

Mr. MYERS. I ask the chairman of the Committee on Appropriations [Mr. GARFIELD] to state his views upon this question. My attention has been called to the matter very suddenly.

Mr. GARFIELD. The form of the appropriation in this case is the same that has been made for a series of years. We have never attempted in an appropriation bill to equalize the pay of the employés in the offices of the different assistant treasurers. This office at Philadelphia is the oldest of these offices. Those at other points were established at different times, under different acts which were supposed to meet the special necessities of each city. There has never been any attempt to codify and make harmonious, according to any one gauge, all these different sub-treasurers' offices. We have therefore taken the law just as we have found it and appropriated in accordance with it. The inequality in this case may be right or may be wrong. It would strike me that there is no special reason for paying watchmen in one city more than in another, except on the Pacific coast. I find that this has been the appropriation since 1867.

Mr. RANDALL. These watchmen are very responsible officers.

Mr. MYERS. There are six in New York and only four in Philadelphia.

The question being taken on the amendment of Mr. MERRIAM, there were—ayes 18, noes not counted.

So the amendment was not agreed to.

The Clerk read as follows:

Office of assistant treasurer at Chicago:

For assistant treasurer, $5,000; for cashier, $2,500; for paying teller, $1,800; for book-keeper and for receiving teller, at $1,500 each, $3,000; for one clerk, $1,200; for one messenger, $840; for one watchman, $720; in all, $15,060.

Mr. RANDALL. I ask the Chairman whether there is not in the paragraph just read an increase of $5,000 over the appropriation of last year?

Mr. GARFIELD. It was only last year that an assistant treasurer was authorized at Chicago. It was not certain how much force would be needed; and we appropriated then $15,060. This year they submitted an estimate for $25,080. They urged we should give more messengers, more clerks, and more watchmen, and also for rent of a suitable office. We did not listen to their demand except to this small extent.

Mr. RANDALL. My impression is that this is an increase over former appropriations of $5,000.

Mr. GARFIELD. How much is the total?

Mr. RANDALL. Fifteen thousand and sixty dollars.

Mr. GARFIELD. These are the figures of the last year. Instead of giving $25,080, which was the estimate for this year, we followed the figures of last year?

Mr. RANDALL. I still think this is an increase, but I will figure it up to see whether it is so or not.

Mr. DUNNELL. When the paragraph in reference to the assistant treasurer at the city of Philadelphia was up, I noticed that the gentleman from Pennsylvania did not refer to his book for the amount of the appropriation now and formerly. I should like to ask him now how

the present appropriation for the assistant treasurer at Philadelphia compares with that made last year?

Mr. RANDALL. I will turn to my book to see. The appropriation in the bill is an increase of $3,700.

Mr. DUNNELL. I noticed that you did not call attention to it at the time.

Mr. RANDALL. My attention was called away for a moment to listen to a statement made by some gentleman on the floor that the President had vetoed the Senate currency bill.

The CHAIRMAN. No amendment being pending, the Clerk will proceed with the reading of the bill.

The Clerk read as follows:

Office of assistant treasurer at Cincinnati:
For assistant treasurer, $5,000; for cashier, $2,000; for one book-keeper, $1,800; for assistant cashier, $1,500; for check clerk and interest clerk, at $1,200 each; for fractional-currency clerk, $1,000; for one messenger, $600; for one night watchman $720; two watchmen, at $120 each; in all, $15,260.

Mr. HOLMAN. I move to strike out the whole of that paragraph and insert in lieu of it the following:

Office of depositary at Cincinnati:
For cashier, $2,000; one clerk, $1,800; two clerks, $2,400; one clerk, $1,000; in all, $7,200.

I offer this substitute for the pending paragraph, and will proceed to state the reason why, in my judgment, it should be adopted.

Mr. GARFIELD. I make the point of order against the amendment. Last year the office of depositary at Cincinnati was abolished and an assistant treasurer was established in place of it. The gentleman now proposes to abolish the assistant treasurership. The point of order therefore lies against it that it changes existing law. In these appropriations we have followed exactly the law of last year, both as to the force and amount of appropriation.

Mr. HOLMAN. No person knows better than the gentleman from Ohio [Mr. GARFIELD] that this increase of expenditures in salaries from $7,200 in 1873 up to $15,260 was entirely unnecessary in the management of the public funds at Cincinnati. It was required by no public necessity. It is absolutely certain that neither in Cincinnati nor Chicago was there any necessity for creating the office of assistant treasurer. The United States depositories in those cities were all that the public interests required. But in the unexampled scramble for offices last session, and increased salaries, the old depositories of public funds, well and economically administered, were abolished, and the offices and salaries were doubled through assistant treasurerships. In this one instance, salaries to the extent of $8,080 were created.

I am aware that this and all other increase of offices and salaries are accepted as a matter of course, and any proposition to reduce the expenditures is received with indifference. It is well known that these assistant treasurerships were created without any public reason for it. These cities did not ask the creation of these new offices, and the well-informed citizens of those cities I am certain saw no reason or excuse for their creation. The public press, so far as I am aware, throughout the West condemned this increase of officers as entirely inexcusable.

I should like to call the attention of the gentleman from Connecticut, [Mr. KELLOGG,] chairman of the Committee on Reform in the Civil Service, to the fact that here is the office of assistant treasurer at Chicago, Cincinnati, and Charleston, South Carolina, which can very well be dispensed with without any detriment to the public service, and ought to be abolished. The business at these points can be done through depositories very well, and safely as it has been done heretofore.

I wish to call the attention of the gentleman from Ohio [Mr. GARFIELD] to another fact, that the appropriation for the year ending June 30, 1872, for the purposes covered by this paragraph was only $5,200. It is increased in this bill to $15,260 since 1872 by turning this depositary into an assistant treasurer. He made the point of order against my amendment, that restoring the depositary and abolishing the office of assistant treasurer was a change of existing law. Let me remind him that the change from depositary to the office of assistant treasurer at Cincinnati and Chicago was made in an appropriation bill. But of course the rules look to expenditure and not to economy. Yes, sir; these offices were created by an appropriation bill. And the gentleman makes the point of order that you cannot by an appropriation bill reduce the expenditure unwarrantably increased by an appropriation bill by abolishing the office. Certainly, such is the rule!

Mr. GARFIELD. I profess to have no special personal knowledge of the necessity of what was done last year in that regard except what was represented to the Committee on Appropriations. By the fifth section of the act of last March the following provision of law is made:

That there shall be appointed an assistant treasurer of the United States, to be located in the city of Cincinnati, in the State of Ohio; and one to be located in the city of Chicago, in the State of Illinois; and such assistant treasurers shall be appointed in like manner, for like time, and be subject to all the provisions of law to which the other assistant treasurers of the United States are subject.

This was done on the recommendation of the Treasury Department, and the reasons given were in brief that these two cities being central cities in the West, needed all the guards and sanctions that are thrown around the offices of the independent treasury, as distributing centers, as fiscal centers, as disbursing centers of the United States Treasury, and that to sweep away the old depositary system and place the assistant treasurership instead of it would make but a slight increase in the cost of it.

The recommendations of the Secretary of the Treasury were such as to convince the Committee on Appropriations that this was a correct proposition, and it went into the bill with, I believe, the unanimous sanction of the House. I do not think there was any opposition to it at the time.

Now, if Congress has made a mistake in the matter it is a very innocent mistake. There are more guards thrown around the public money in an assistant treasurer's office than there are in a depository, and we appropriate here the exact amount authorized by law, the exact amount given last year after the law had passed. I hope the amendment will not prevail.

Mr. HOLMAN. These offices were created by an appropriation bill, and the official salaries doubled, and I believe that it was the same appropriation bill by which a large number of other offices were unnecessarily created and a vast number of salaries increased, many of which Congress has been compelled to repeal.

Mr. GARFIELD. No, sir; this was in the miscellaneous appropriation bill.

Mr. HOLMAN. Well, it amounts to the same thing; and the point of order should not have been insisted on when an effort is made to get rid of the offices thus created by correcting one of the inexcusable acts of the last Congress. This abuse ought to be corrected.

Mr. GARFIELD. I do not admit that this is an abuse. I think it is wise legislation.

Mr. HOLMAN. The appropriation bill of 1871 makes this appropriation:

For clerks and messengers in the office of the depositary at Cincinnati, $5,250.

Now for the same service you propose to appropriate $15,260. And no person in office or out of office had ever intimated that the duties of the Treasury of the United States at Cincinnati had not been well and safely performed through the depositary.

There is, therefore, an increase in this one instance of over $10,000 without a public reason for it. I should have made the motion as to Chicago and Charleston but my attention was called away from the bill when those paragraphs were read. Even if we must have those assistant treasurers at $5,000 a year each, I still ask the gentleman from Ohio why he could not leave the other offices as they were left by the legislation of 1872?

Mr. GARFIELD. If the gentleman from Indiana thinks that the force of clerks in this Cincinnati office is greater than is needed, and has any special information to that effect, I will heartily join him in cutting down that force. But the office of assistant treasurer is fixed by law, and the salary provided is not greater than ought to be allowed for an officer of that grade. But if the gentleman will tell me that he knows there can be a reduction in the force employed there, I shall go with him in endeavoring to effect that reduction.

Mr. HOLMAN. I was not sufficiently acquainted with the business of the old depository, to be able to speak of the clerical force required in the office of assistant treasurer; but I am very certain that before the depository was abolished there was no embarrassment in the transaction of the public business with the force provided for that office, none whatever; at least no such complaint ever came to this House. I have learned, however, that while every avenue is open, by appropriation bill or otherwise, to create offices, it is next to impossible to abolish one; and as a practical measure it is not worth while making the attempt; I never do so with much hope of success. Judging from the appropriations heretofore made for the depository in that city and in other cities, I am quite certain that some of these offices can be dispensed with, and I move to strike out the following words:

For assistant cashier, $1,500.

I believe that that officer can be dispensed with. One cashier is certainly sufficient.

Mr. GARFIELD. I yield to my colleague from the Cincinnati district, [Mr. SAYLER,] who has more knowledge on the subject than I have. If those who are acquainted with the business of the office will say that this officer can be dispensed with, I will not oppose the amendment.

Mr. SAYLER, of Ohio. Whatever degree of correctness there may be in the statement of the gentleman from Indiana as to the lack of necessity for this office in Cincinnati, there is certainly no reason for his proposed amendment to strike out one of the cashiers employed in that office. I undertake to say that at present the office has no more force than it needs; and if it is proposed to continue the office at Cincinnati as established under the law, there is certainly, in my judgment, no propriety in striking out this assistant cashier, who is perhaps one of the most useful gentlemen employed in the office. I hope the committee will not agree to the amendment.

Mr. HOLMAN. I wish to inquire of the gentleman from the Cincinnati district whether any embarrassment was found in Cincinnati in transacting the business through the depository as it existed in Cincinnati until this spring a year ago?

Mr. SAYLER, of Ohio. So far as I know there was not.

Mr. HOLMAN. Then a cashier at $2,000, a clerk at a salary of $1,800, two clerks at $2,400, and one clerk at $1,000 a year, performed all the duties.

Mr. SAYLER, of Ohio. I desire to state that at that time there was a larger force of clerks employed in the office of the collector of the port.

Mr. HOLMAN. They are there yet; the force has not been reduced.

The question was taken on Mr. HOLMAN's amendment; and on a division there were—ayes 13, noes 16; no quorum voting.

Mr. HOLMAN. I withdraw that amendment, and move to amend by striking out all of the paragraph after the words "for assistant treasurer, $5,000," and to insert in lieu thereof the following:

For cashier $2,000, one clerk at $1,800, two clerks at $2,400, one clerk at $1,000; in all $12,200.

Mr. SAYLER, of Ohio. I want to ask the gentleman from Indiana if he intends to strike out entirely the messenger, night watchman, and other employés connected with this office?

Mr. HOLMAN. My purpose is to give the office the same force that it had before last year, when it was a depository only. The appropriation for clerks and messengers in the office of the depositary at Cincinnati was then only $5,460, and the effect of my amendment is to limit it to that amount now. I will modify it, however, by inserting one messenger at $700.

Mr. SAYLER, of Ohio. I have only a word to say about this amendment. If this office of assistant treasurer at Cincinnati is to be continued, it should be retained with the proper force to run it in such a way as will meet the obligations resting upon the officer.

From the various amendments which the gentleman from Indiana has offered on this occasion, and from the readiness with which he modifies them at all times, it is evident that he is undertaking to legislate about something which he practically knows nothing about, and that he is undertaking to modify and change the employés in an office the nature of the duties of which he has not studied at all.

I do not see why he persists in attempting to cut down the number of employés in this office at Cincinnati. I hope the committee will stand by the bill as reported by the Committee on Appropriations.

Mr. HOLMAN. I move to amend the amendment by striking out the last word. The gentleman from Ohio who is on the democratic side of the House [Mr. SAYLER] must know that this office is one of those which have been created by the party in power in this endless growth of the expenditures of this Government; it is a part of the system by which the $34,000,000 of salaries are built up in this country.

The gentleman charges that inasmuch as I modified my amendment from time to time I do not, therefore, understand this proposition. I know what legislation we have had heretofore, and the gentleman will not deny, nor will the chairman of the Committee on Appropriations, that the appropriation for the office of the depositary at Cincinnati was formerly $5,240, and then every public duty was well and safely performed.

Here is an increased expenditure of over $10,000 without any public reason for it; and I challenge the gentleman from Cincinnati or the chairman of the Committee on Appropriations to point out one public reason for the addition of $10,000 to the salaries of the officers in the depository at Cincinnati by converting it into an assistant treasurership. I will yield to any gentleman who will point out one. This propositionin the bill is in accordance with our legislation on the the miscellaneous appropriation bill and the legislative appropriation bill of last session, which increased salaries to the extent of millions of dollars, and yet gentlemen are found on this side of the House who are prepared to excuse it because these appointments are made in their own section of the country. It is in this way that these oppressive loads are laid upon the industries of the country.

Sir, knowing what legislation has been had here before, I had some reason to know what legislation was necessary now to secure the proper performance of the public duties at this office. I do not pretend to know what private motives or what partisan motives there may be for the creation of these offices, but I know there is no public reason for it.

The question was taken upon the amendment; and upon a division—ayes 33, noes not counted—it was not agreed to.

The Clerk resumed the reading of the bill, and read the following:

For compensation to designated depositaries at Buffalo, New York; Louisville, Kentucky; and Pittsburgh, Pennsylvania, for receiving, safely keeping, and paying out public money at the rate of ½ of 1 per cent. on the first $100,000, ¼ of 1 per cent. on the second $100,000, and ⅛ of 1 per cent. on all sums over $200,000; any sum which may have been allowed to such depositaries for rent or any other contingent expenses in respect to the custody of such public money being deducted from such compensation before any payment shall be made therefor: *Provided*, That no compensation shall be allowed for the above services when the emoluments of the office of which said designated depositary is in commission amounts to the maximum compensation fixed by law; nor shall the amount allowed to any of said designated depositaries for such services, when added to the emoluments of the office of which he is in commission, be more than sufficient to make the maximum compensation fixed by law: *And provided further*, That the whole allowance to any designated depositary for such service shall not exceed $1,500 per annum, $3,000.

Mr. WILLARD, of Vermont. This seems to be a change of law from last year. Is the amount to be paid more or less than last year?

Mr. GARFIELD. It is less by $5,000. Last year it applied to eight cities, now to but three, Cincinnati and Chicago having been made assistant treasuries instead of depositories, and Oregon City, Olympia, Washington Territory, and Mobile, Alabama, having been discontinued. That leaves but three, and we appropriate $3,000 instead of $8,000.

Mr. RANDALL. I would like to ask the chairman the effect of the word "maximum." It occurs twice in this paragraph. What is the outside limit?

Mr. GARFIELD. The outside limit is $1,500.

The Clerk resumed the reading of the bill, and read as follows:

Office of the Director of the Mint:

For Director, $4,500; chief clerk, $2,500; one clerk of class four; one clerk of class two; one translator, $1,200; one copyist, $900; one messenger, and one laborer; making in all the sum of $13,860. And hereafter all salaries under the Director of the Mint at Washington and at the various mints shall be at the rates appropriated for in this act.

Mr. GARFIELD. I am directed by the Committee on Appropriations to move to amend this paragraph by striking out the words "chief clerk" and inserting "examiner," and to fix his salary at $2,200, instead of at $2,500, as provided by this paragraph.

Mr. RANDALL. That changes the law.

Mr. GARFIELD. It does. But the mint law as passed last year left the Secretary of the Treasury to fix the salary. The Committee on Appropriations thought it best to have it fixed, and therefore they report this amendment.

The amendment was agreed to.

The Clerk resumed the reading of the bill, and read the following:

For contingent expenses of the United States mints and assay offices, namely: For specimens of coins, to be expended under the direction of the Secretary of the Treasury, $1,000; for books, balances and weights, and other incidental expenses, $1,500.

Mr. GARFIELD. I am directed by the Committee on Appropriations to move to amend this paragraph by striking out "$1,000" and inserting "$350," as the appropriation for specimens of coins.

The amendment was agreed to.

The Clerk read the following:

For recoinage of gold coins, to meet the difference between the nominal and bullion value of gold coins now in the Treasury, reduced by natural abrasion below the legal limit, and to be recoined, to be expended under the direction of the Secretary of the Treasury, $20,000.

Mr. RANDALL. That is a new provision altogether. I suppose it is required by the legislation of Congress.

Mr. GARFIELD. The new coinage law requires the Government to attend to this matter.

No amendment being offered, the Clerk read as follows:

Mint at Philadelphia:

For salaries of the superintendent, $4,500; for the assayer, melter and refiner, coiner, and engraver, at $3,000 each; the assistant assayer, assistant melter and refiner, and assistant coiner, at $2,100 each; cashier, $2,500; chief clerk, $2,400; book-keeper, deposit clerk, and weigh clerk, at $2,000 each; and two clerks, at $1,800 each; in all $37,300.

Mr. RANDALL. There is an apparent increase in this appropriation; I suppose from the same cause as the other.

Mr. GARFIELD. Partly from the same cause and partly because there has been an increase of coinage during the last year. About $15,000,000 in British gold has found its way to this country within the last eight months, nearly all of which has been recoined into American coin. The process of recoining is thus steadily going on. The balance of exchange is not now so strongly in our favor as it was a few weeks ago, but still while it was in our favor a very considerable amount of recoinage was made.

Mr. RANDALL. It is due to the House that some explanation should be made of this increase.

Mr. GARFIELD. A demand also comes to us from China and Japan, and from South America also, for trade dollars. They are now using at the mint in San Francisco their entire force in coining trade dollars to meet the demand in Japan and China; and the deficiency bill will ask for an additional appropriation to carry on the work for the present fiscal year.

Mr. MAYNARD. I have seen a statement within the last day or two that these trade dollars, being 3 per cent. more in value than our current dollars, are taken and clipped to that extent for the 3 per cent. profit.

Mr. GARFIELD. I have not noticed that.

Mr. RANDALL. That would be useless, for it would make them unpassable.

Mr. MAYNARD. They could be used as bullion; clip off the 3 per cent. and use the 100 per cent. as bullion.

The Clerk read the following:

Mint at San Francisco, California:

For salaries of superintendent, $4,500; assayer, melter and refiner, and coiner, at $3,000 each; chief clerk, $2,500; cashier, $2,500; four clerks, at $1,800 each; in all $25,700.

For wages of workmen and adjusters, $200,000.

Mr. MERRIAM. I move to amend the clause relating to watchmen and adjusters by adding the following:

Provided, That the pay of watchmen and messengers shall not exceed $1,000 per annum.

The pay of messengers is now seven dollars a day, and of watchmen six dollars a day. That price was fixed in 1862.

Mr. GARFIELD. I raise the point of order that the amendment proposes to change the law.

Mr. MERRIAM. That may be the law, and the change should be made.

The CHAIRMAN, (Mr. WOODFORD.) The point of order is well taken.

Mr. GARFIELD. I am instructed by the Committee on Appropria-

tions to move to amend the last paragraph read so as to make the sum appropriated $241,000 instead of $200,000. The committee are satisfied that they have cut down this item too much.

Mr. MERRIAM. I would inquire if there is really any law fixing the compensation of messengers and watchmen?

Mr. GARFIELD. We have for years past paid larger salaries to all classes of employés on the Pacific coast.

Mr. MERRIAM. Is such the law?

Mr. GARFIELD. The salaries are so fixed by law; and it has been the uniform custom in our appropriation bills to make larger appropriations for the Pacific coast.

Mr. RANDALL. Last year the appropriation was only $200,000. Why the increase?

Mr. GARFIELD. Because of the increase of business which has required even a deficiency appropriation for this year—the increase of business on account of the coinage of the "trade dollar."

Mr. HOLMAN. Do I understand the gentleman to say that that mint will be engaged more largely in coinage during the next fiscal year than it is during the current year?

Mr. GARFIELD. Certainly. The business at that mint is increasing beyond all precedent, partly in consequence of the additional quantity of bullion, but mainly in consequence of the demand for the "trade dollar."

Mr. HOLMAN. But that demand has existed during the whole current year up to this time. The excuse for this increase, if there is any excuse, would be found in the fact that in our trade with China and Japan the "trade dollar" is very valuable. But I submit that we have been carrying on the coinage of the "trade dollar" during the current year. I do not believe in accepting the mere estimate of the Treasury Department.

Mr. GARFIELD. But the gentleman will remember that the coinage of this "trade dollar" was authorized only as late as the close of last session.

Mr. HOLMAN. For the last six months, then, this business has been going on.

Mr. GARFIELD. Certainly.

Mr. HOLMAN. The gentleman knows that the Treasury Department has not for five years sent an estimate to this House that was not above what was necessary to be appropriated. There is not an estimate in the book that cannot be reduced without interfering with any public interest whatever.

The amendment was agreed to.

The Clerk read as follows, under the heading "Mint at San Francisco, California:"

For material and repairs, fuel, lights, chemicals, and other necessaries, $59,545.

Mr. GARFIELD. I move to amend by striking out "$59,545," and inserting "$75,000."

Mr. RANDALL. So we go, from bad to worse!

Mr. GARFIELD. This is for precisely the same reason as the last amendment, in order to increase the efficiency of this mint. Everybody knows, too, that the new mint building is larger and of greater capacity than the old.

Mr. MERRIAM. I take an appeal from the decision of the Chair on the amendment offered to the last paragraph. There is no law regulating these salaries. The provision on the subject in the coinage act is as follows:

And to the workmen shall be allowed such wages, to be determined by the superintendent, as may be customary and reasonable according to their respective stations and occupations, and approved by the Director of the Mint.

Several MEMBERS. It is too late to take an appeal.

The CHAIRMAN. Technically it is too late for the gentleman to take an appeal. The Chair based his ruling upon the statement of the chairman of the Committee on Appropriations, that there was a law which the amendment proposed to change.

Mr. GARFIELD. It appears by the law which the gentleman has read that the superintendent, with the approval of the Director of the Mint, was authorized to fix these salaries. The rate of pay having been fixed under that authority of law, the gentleman, in proposing to change the pay, proposed to change the law.

The CHAIRMAN. The Chair cannot entertain the appeal except by unanimous consent, because it requires unanimous consent to go back. Is there objection?

Several members objected.

Mr. GARFIELD. I submit for the information of the committee the following letter:

TREASURY DEPARTMENT,
OFFICE OF THE DIRECTOR OF THE MINT,
March 19, 1874.

SIR: Referring to my verbal statements and the papers sent in explanation of the mint estimates, I beg to submit the following remarks:

The mints and assay offices are manufactories of bars and coin, and the expenses for any year, except as to salaries and the regular force of experts and skilled workmen, which it is necessary to retain at all times, will be in proportion to the amount of work performed.

The business of the mints has been very largely increased since the 1st of April, 1873, the date when the new coinage act took effect, by reason of—

First. The change in the course of bullion, on account of the reduction of the coinage charge from ½ to ⅓ of 1 per cent. and which, with lower rates of foreign exchange than existed for some time previous, induced the entire gold product of the country to go to the mints for coinage.

Before that date nearly half of the gold bullion produced was exported in an unminted condition, the average annual gold coinage of all the mints from 1868 to 1872, inclusive, having been about $20,000,000, against an annual average production of about $40,000,000.

Second. The importation and mintage of about $16,000,000 of foreign gold bullion and coin.

Third. The successful introduction into China of the American trade dollar and a consequent large demand for the coinage thereof.

Fourth. The coinage of gold coin reduced by natural abrasion below the limit of wear as fixed by the principal commercial nations and our own coinage act.

Fifth. An increased coinage of subsidiary silver during the year to supply the demand from Texas and the Central and South American states where those coins circulate at their nominal value.

The foregoing additional business has rendered it necessary to run the three coinage mints and the assay office at New York not only to their full capacity since the 1st of April last but during extra hours for a portion of the time, and I regard the comparatively small sum required in addition to the amount ordinarily appropriated for the support of the mints as proving beyond question that the utmost economy consistent with the prompt and proper execution of the coinage has been observed by the Mint officers generally.

The law places no restriction on the receipt of deposits of bullion at the mints; and, however large they may be, it is our duty to convert them into coin or bars, as the case may be, and meet the consequent expenses until the appropriations for that purpose are exhausted.

As to the question of policy, there cannot, I think, be any doubt that our gold bullion should all be converted into coin, and this for the reason that inasmuch as bullion in the form of bars cannot be profitably retained as a reserve or otherwise by banks and bankers in this country, it must seek a foreign market if for the outturn only unless made into coins, and which will not be exported unless required to adjust foreign balances; and so long as silver coins command a reasonable premium on their intrinsic value for export to other countries, as they have for some time past, commercial policy, and the fact that ours is the largest silver-producing country, require that we should coin as much silver as we can in addition to the required gold and minor coinage.

It is proper to state at this point that we shall no doubt be called upon to execute coinage for other countries under the act approved January 29, 1874, authorizing the same.

I have made the foregoing statements with a view to show the importance of keeping our mints and assay offices in a high state of efficiency, and of making the necessary appropriations for their proper support, the greater portion of which will be returned to the Treasury from the various charges on deposits of bullion; seignorage or gain on silver and minor coinage; sale of by-products, &c., the moneys arising from which are, under the coinage act, payable at least twice a year into the Treasury of the United States.

I have the honor to be, very respectfully, your obedient servant,

H. R. LINDERMAN,
Director.

Hon. JAMES A. GARFIELD,
Chairman Committee on Appropriations, House of Representatives.

Mr. GARFIELD's amendment was agreed to.

The Clerk read as follows:

Mint at Carson, Nevada:

For salaries of superintendent, $3,000; assayer, melter and refiner, and coiner, at $2,500 each; chief clerk, $2,500; cashier and book-keeper, at $2,000 each; weigh-clerk and voucher clerk, at $2,000 each; computing clerk, $2,000; assayer's clerk, $1,600; in all, $24,600.

For wages of workmen and adjusters, $67,000.

For materials and repairs, fuel, light, charcoal, chemicals, and other necessaries $53,200.

Mr. WILLARD, of Vermont. I should like to have some explanation from the Committee on Appropriations as to the necessity for this large appropriation for the mint at Carson, Nevada.

Mr. GARFIELD. The reason I gave in reference to the San Francisco mint applies to all these mints west of the mountains. It is because of the increase of business during the year. We have a statement from the Director showing there has been a large increase of business at Carson. They are producing both silver and gold—silver in large quantities.

Mr. WILLARD, of Vermont. I move to strike out the last word. I do not think the gentleman's explanation goes far enough.

Mr. GARFIELD. We have been urged to increase the appropriations in the last two paragraphs for wages of workmen and adjusters and for materials and repairs. I wish in general to make this statement. We have the report of the Director of the Mint as to the product of gold and silver during the past year and its relative increase over former years. At Carson a large amount of business is done in the way of separating gold and silver. It is found there in a mixture and the work of separating it is not only valuable but has largely increased, so much so that the committee have been urgently pressed by the Director of the Mint and the Secretary of the Treasury to increase the appropriation, as I have already said, in the two paragraphs for wages of workmen and adjusters, and materials, repairs, fuel, light, charcoal, chemicals, and other necessaries.

The gentleman from Vermont desires information as to the necessity for this appropriation. I have here a tabular statement, which if the gentleman desires, I will have printed in my remarks. In this tabular statement, for instance, I find at Carson, Nevada, the amount of gold coined during the six months ending December 31, 1872, was $2,129,862.76, and of silver $1,532,000; and during the six months ending December 31, 1873, the figures given here are about the same, being, if anything, a small decrease. Both of these years there was a large sum produced, amounting to nearly $4,000,000.

Mr. WILLARD, of Vermont. What I wish to get at from the chairman of the Committee on Appropriations is the necessity for this increase of appropriation.

Mr. GARFIELD. It arises from the coinage of the trade dollar, and from separating the silver and gold, which is an expensive although necessary process.

Mr. WILLARD, of Vermont. I am not prepared to determine how much should be expended for this Carson City mint. I only know, Mr. Chairman, that for the last three or four years this mint has been asking for larger appropriations every year, and now that so large a

sum is asked for I thought when the committee proposed to nearly double the appropriation they would be prepared to state some good reason for it. From what has been stated by the chairman of the committee just now it would seem that the amount coined for the six months ending December 31, 1873, is about the same that was coined for the six months ending December 31, 1872; that therefore does not show any increase in the business and can be no good ground for asking any increase of appropriation. When an increase of nearly double of former appropriations is asked for in this bill, it seems to me we ought to have some justification for it put upon the record.

Mr. GARFIELD. The following letter from the superintendent of the mint at Carson, Nevada, together with the accompanying estimate, to the Director of the Mint will show precisely what ground there is for this appropriation:

THE MINT OF THE UNITED STATES AT CARSON,
Superintendent's Office, February 6, 1874.

SIR: I yesterday forwarded you the details of my estimated deficiency in the appropriations for the current fiscal year, caused by the entire change of our business from unparted bars with a limited coinage to fine bars with the increased coinage which the separation of the gold from all the silver deposits gives. This change necessitates the constant working of the refinery, the most expensive branch of the institution, and considerable increase of work in the coining department, the next expensive branch of the business.

Should this continue, or should the Government decide upon putting us upon subsidiary coin, of course this increased cost of running this mint will continue.

The depreciation of silver, it seems likely, will continue to direct our work into fine silver bars and trade dollars, as the most productive shape in which the products of the mines can be exported, whatever may be the course pursued by the Government with respect to subsidiary coins.

I have therefore remodeled my estimates for the appropriations for the support of this mint during the fiscal years of 1874–'75, the figures of which I inclose, based upon our present rates of consumption and expenditure.

By it you will see that in all the leading articles of supply affected by the increased activity in the refinery the cost is doubled, thus: When my first estimate was made we were using one and a half cords of wood. The increased power required for driving purposes and for steam for separating has increased our consumption at the present time to three and one-eighth cords per day. When the largest portion of our work was unparted bars, and the proportion requiring separation small, we consumed about twenty thousand pounds sulphuric acid per month; our consumption now is fifty thousand pounds per month, so that I have doubled the estimate for this branch of expense, except that I have based my estimate on present purchase price, which is less than that stated in my original estimate.

The consumption of charcoal, too, has more than doubled. Hard coal costs fifty dollars instead of forty dollars, as in the original estimate, and for this I have made an allowance. The quantity I think need not be increased. The quantity of copper used is more than doubled, and the consumption of crucibles, chemicals, and other supplies is largely increased.

The estimate for labor I have based upon present cost with the additions of such employés as are necessary in the coiner's department, to enable that department to keep its work up with the melter and refiner's.

These changes in the cost of running this mint, rendered necessary by the changes in the description of work done, call for an increase on my original estimate for the fiscal year of 1874–'75 of $56,617 and make the total amount necessary to be appropriated $233,317, distributed as follows, namely:

Salaries, as per original estimate	$28,600
Wages, as readjusted	88,717
Incidental expenses, as readjusted	116,000
Total	233,317

Very respectfully,

FRANK D. HETRICH,
Superintendent.

Hon. H. R. LINDERMAN,
Director of the Mint.

Supplementary estimate for annual appropriations for the support of the United States mint at Carson, Nevada, during the fiscal year 1874–'75.

Wood, 1,000 cords, at $11	$11,000 00	
Less, estimated for	5,500 00	
		$5,500 00
Acid, 600,000 pounds, at 6½ cents coin, will be in currency	44,000 00	
Less, estimated for 300,000 pounds, at 11 cents	33,000 00	
		11,000 00
Charcoal, 24,000 bushels, at 30 cents coin, is in currency	8,000 00	
Less, estimated for	3,600 00	
		4,400 00
Hard coal, 300 tons, at $45 coin, is in currency	15,000 00	
Less, estimated for $40 currency	12,000 00	
		3,000 00
Copper, crucible, fluxes, repairs, gloves, aprons, mittens, iron, lumber, bunting, stationery, and other incidental expenses, estimated at $19,000, at same rate will be		19,000 00
Wages:		
Appropriation for 1873–'74	$67,000 00	
Deficiency on this year	15,576 00	
	82,576 00	
Estimated for 1874–'75	$75,000 00	
	7,576 00	
Extra labor required for full working of the mint:		
1 cutter and 1 assistant annealer	3,950 00	
2 adjusters	2,191 00	
		$13,717 00
		56,617 00

Mr. WILLARD, of Vermont. I withdraw my amendment.

The Clerk read as follows:

Mint at New Orleans, Louisiana:

For salaries of assayer, and melter and refiner, $2,500 each; wages of three workmen, $3,000; for fuel, lights, acids, chemicals, and crucibles, $2,000; and for apparatus necessary to put the mint in condition, $5,000; in all, $15,000.

Mr. SYPHER. Mr. Chairman, I desire to offer the following amendment in the nature of a substitute for the lines of the bill commencing with 820 and ending with 826, inclusive, as follows:

Mint at New Orleans, Louisiana:

For repairs of machinery and apparatus and for new machinery required to put the mint in condition for coinage of gold and silver, $30,000; for salaries of assayer, melter and refiner, and coiner, $2,500 each, $7,500; wages of workmen $8,000; incidental expenses, $4,500.

The sum total of these items is $50,000, which is $16,700 less than the director of the mint reports as necessary "to make a fair start."

The mint was originally established at New Orleans in the year 1838, and was the second in importance in the country for a period of twenty years, until suspended by the breaking out of the war. Coinage was executed there to upward of seventy millions, about half of which was Mexican silver.

The ground upon which the mint building is located was donated to the United States by the city of New Orleans for the express purpose of erecting and operating a mint. The act of donation provides that whenever the ground shall not be used by the United States Government for purposes of coinage it shall revert to the city. No coinage has been executed at that mint since the war. The Government has occupied a part of the building for the assistant treasurer. The intent of the act donating the site has not been carried out, yet the city of New Orleans has made no demand upon the United States Government for the restoration of the property, believing that the time would come when the interests of the country would again require this property for its former purpose.

Mr. Chairman, that time has in my opinion now arrived. The increased demand for gold and silver coin in our country requires increased facilities for its manufacture.

Under the act of Congress authorizing recoinage of specie below the standard weight prescribed by law much additional labor is imposed upon the mints now in operation in other parts of the country. On this subject the Director of the Mint of the United States, in his annual report to the Secretary of the Treasury, says:

By your direction, the amount believed to be necessary to place the mint at New Orleans in condition for coinage operations, and for its support during the fiscal year, was included in the estimates of appropriations for the mints and assay offices. * * * * * * * *

A gratifying increase of business at the San Francisco and Philadelphia mints, and assay office, New York, took place immediately on and after the coinage act became operative, and which has recently been greatly augmented in consequence of large importations of foreign coin and bullion, and the almost total cessation of bullion exports. * * * * * * * *

Some idea of the increase of operations may be formed when it is stated that the coinage of gold during the month of October approximated in value $14,000,000.

It is well known that much of the gold and silver coin in circulation below the standard weight is in the Southern States, especially in Texas, where "hard money" has never ceased to be the circulating medium. In the course of trade large amounts of this specie finds its way to New Orleans; it is there offered in payment of duties to the Government, and cannot be received except in accordance with the fourteenth section of the coinage act and the regulations of the Treasury Department, requiring a fixed standard. During the past year the Department issued instructions to the collector of that port to receive no gold in payment of duties under the prescribed legal standard. To have carried out these instructions rigidly, would have stopped all importations at that port, there being no gold of the required standard attainable in that market.

Besides the home necessity for reopening this mint at New Orleans, good faith to foreign countries demand it, to enable our Government to comply with the terms of the act passed at the beginning of this session, authorizing our mints to coin for foreign nations, some of whom are already inquiring upon what conditions our Government will afford them these facilities. Under this act it is believed that our Government will be able to offer superior advantages, especially to the countries south of us, Mexico and the Central and South American States; it will be a saving of time and money to these countries to have this Government manufacture their coin, and nations, like individuals, seek trade relations most advantageous to themselves. Then since you have solicited, as it were, the patronage of foreign nations by the enactment of the coinage act, it becomes your duty to furnish the necessary facilities to perform the work.

American merchants have for a century coveted the trade of China and Japan. Now for the first time these countries open wide their ports to our ships, and supersede the Mexican dollar, their standard of value for many years, with our American trade dollar, for which they pay us in gold. Republican Switzerland, a bright example across the Atlantic of our own great Republic, is among the first to avail herself of the advantages offered by our Government to manufacture her coin, of which France has in the past had the exclusive monopoly. In Central America the peso, or dollar, corresponds in value very nearly with our subsidiary silver coin, and circulates largely, so that the adoption of our fractional silver would be only a slight departure from their present circulating medium. The silver dollar is well known among civilized nations, and the demand for it is rapidly on the increase, and no short-sighted policy of mistaken economy should prevent this Government from supplying that demand as well as becoming, as we are destined to be, the bullion depot for the civilized world.

If the interests involved in reorganization and operation of the mint at New Orleans were altogether local or even national, the argu-

ment against this appropriation on the ground of economy might apply with some force, but the interests involved are international. Mexico, our nearest neighbor, only three days' sail from New Orleans, sends annually away from our shores in British bottoms twenty-two millions of bullion. Is it wise statesmanship or genuine economy to permit this state of things to continue from year to year without an effort to direct at least a portion of this valuable trade into American ports? I think not. This is a subject to which the popular harangue of the demagogue on "economy and retrenchment" does not apply; true economy and wise policy dictate that this appropriation should be made and made now.

Mr. HALE, of Maine. Will the gentleman from Louisiana permit me to ask him a question?

Mr. SYPHER. Certainly.

Mr. HALE, of Maine. Does not the gentleman think that the appropriation in the bill is enough to save forfeiture of the title?

Mr. SYPHER. I will answer the gentleman's question with pleasure. For twelve years there has been no coinage executed at the New Orleans mint, yet the city has made no effort to have the property restored. The people of my city appreciate the importance and necessity of re-establishing that mint, and while there is a prospect that Congress will appropriate money to meet that public necessity they will not be likely to make such effort. But it is not merely an appropriation to prevent forfeiture of title that we desire or that the public interests demand, without reference to the justice due the generous donors; it is an appropriation sufficient to put that mint in condition to manufacture gold and silver coin; and until that is accomplished I shall not cease my efforts.

It requires no great wisdom to foresee as the result of manufacturing the coin of foreign nations the establishment of amicable commercial relations with nations whose trade will add millions to the wealth of our people. Every consideration of local and national interest demand the re-establishment of this mint, located as it is upon the extreme southern border of our country, at the second exporting city of the Union, the metropolis of the south; at the mouth of the greatest commercial artery of the world, tributary to nineteen States and Territories. If that is not a fit location for such an establishment to manufacture coin for this and foreign nations, then there is none suitable to be found in the Republic.

Mr. GARFIELD. The estimate for this purpose was $70,000. The committee gave a special hearing on the subject, and were impressed with one fact: that under the peculiar tenure by which we hold the property on which the mint now stands it would lapse if it ceased to be occupied as a mint after a certain specified time.

Mr. RANDALL. The dedication was to lapse?

Mr. GARFIELD. Yes; the property would go out of the hands of the United States. We were not willing to lay out $70,000 to establish a full force as a mint. But we were willing to give enough to save our title and begin the work. We believe that what we have done is enough, and I hope the gentleman's amendment will be voted down. If it is voted down I am requested by the chairman of the Committee on Coinage to offer the amendment which I send to the Clerk's desk, which will more fully carry out the law in regard to this matter.

Mr. RANDALL. Let us vote on the one amendment before the other is offered.

Mr. MOREY. I ask that the substitute offered by my colleague [Mr. SYPHER] may be again read.

Mr. SYPHER's amendment was again read.

Mr. SYPHER. Those items are as fixed by the Director of the Mint.

The CHAIRMAN. Does the gentleman from Louisiana [Mr. MOREY] desire to address the committee?

Mr. MOREY. All I wished was that the amendment might be read, that the committee might vote intelligently as between the two propositions.

The question being taken on Mr. SYPHER's amendment, it was not agreed to.

Mr. GARFIELD. I now offer the amendment which I have indicated.

The Clerk read as follows:

Strike out the words "mint at New Orleans, Louisiana," and insert the following: To reopen the branch mint at New Orleans, to be conducted hereafter as a mint, subject to the provisions and restrictions of the coinage act of 1873, the following appropriations are made.

Mr. GARFIELD. This is merely to put it formally under the control of the coinage act.

Mr. HOLMAN. I do not object to this amendment, but I wish to ask the genleman from Ohio whether the real intention is to put this mint in operation during the coming fiscal year.

Mr. GARFIELD. It is not supposed that it can be put in operation, but we can make repairs on it so as to retain the title.

Mr. HOLMAN. I understand the motive; but is it necessary to provide for a large number of salaries, and such high salaries, too, when the only object is to retain control of the property?

Mr. GARFIELD. It is necessary that it shall be conducted as a mint, and if you have the essential officers of a mint, so as to comply with the law, they can be employed in putting the machinery in order, and this appropriation of $15,000 is to enable them to do that.

Mr. SHELDON. I would like to say to the gentleman from Indiana that it is our purpose to have the mint re-established for the purpose of doing business, as it will be a source of great profit to the country, because it lies contiguous to a country that produces both silver and gold, and we expect to be able to coin, as we did before the war. From 1848 to 1860 when gold coinage was established, and from 1838 to 1860 when silver coinage was established, we coined over $70,000,000, and I do not want the House to understand that we do not intend to re-establish that mint for permanent use. That is all I wish to say. I did not want there to be any mistake about the matter.

The question was taken on Mr. GARFIELD's amendment, and it was agreed to.

Mr. GARFIELD. I move further to amend the paragraph by inserting after the word "apparatus," in line 824, the words "and repairs;" so that it will read—

And for apparatus and repairs necessary to put the mint in condition, $5,000; in all, $15,000.

The amendment was agreed to.

The Clerk read as follows:

Assay-office at New York:

For salary of superintendent, $4,500; for assayer, and melter and refiner, $3,000 each; chief clerk, $2,400; three clerks, at $2,000 each; and four clerks, at $1,800 each; for assistants to superintendents in assayer's room and weigh-room, $10,000; in all, $36,100.

Mr. RANDALL. I find that this is a very large increase over the appropriation last year. I think it is as much as $29,900 increase.

Mr. GARFIELD. It is an increase over the appropriation of last year, but it is a very considerable decrease on the estimates. That is the only answer we have to make. A very great pressure was brought to bear on the committee to make the increase much larger than we made it.

Mr. POLAND. I propose to move an increase.

Mr. MERRIAM. For the benefit of the gentleman from Pennsylvania [Mr. RANDALL] I will explain that the bullion received and operated upon in the assay office in New York from the 30th of June, 1871, to the 1st of July, 1872, was $11,088,600, whereas during the last year it was over $34,775,000, requiring an increase of force. Evidently with such an increase of business it is necessary that there should be an increase of expenses.

Mr. RANDALL. Well, the appropriation of last year was only $6,000, and the appropriation in this bill is $36,000.

Mr. MERRIAM. They had some unexpended balance before.

Mr. RANDALL. The chairman of the committee does not seem to give us an intelligent answer.

Mr. MERRIAM. I am not chairman of the committee.

Mr. POLAND. I move to amend the paragraph by striking out in line 830 "$2,400" and inserting $3,000," so that it will read, "chief clerk, $3,000;" in line 831 by striking out "two" and inserting "three," so that it will read, "three clerks, at $3,000 each;" and in lines 831 and 832, by striking out "$1,800" and inserting "$2,500," so that it will read, "four clerks, at $2,500 each."

This amendment which I offer is merely to place these salaries just where they have been before, and where they are at the present time. The men who are employed in this assay office have most responsible positions. We want men in all these places of the very highest character. These gentlemen are obliged to live in the city of New York, where the expense of living is very great, and it seems to me it is not only unjust, but exceedingly unwise, to undertake to put men occupying those positions and performing those duties upon such meager pay and allowances as the Committee on Appropriations propose. I am not aware of any reason why the pay of these men should be reduced. I know some of the gentlemen personally, and we know that if we have not men in these places who are men of the very highest character for probity and responsibility, we ought to have such men. We certainly ought to have men in these positions that will command the salaries that these gentlemen now have, and to which I propose by this amendment to raise them.

Mr. MELLISH. I desire to corroborate every word uttered by the gentleman from Vermont from my own personal knowledge. I desire to say that the superintendent of the assay office at New York is one of the most scrupulously economical officers that can be found anywhere. He is the man who some years ago placed the police force of the city of New York in such a high condition of discipline and efficiency as to achieve a world-wide fame, but from which it subsequently retrograded when it fell under the control of Tammany politicians.

I would say that during the last year the amount of business performed at the assay office has been about $34,000,000, while during the year before it was only $11,000,000, an increase of a very large percentage. The superintendent gives bonds to an amount of $100,000, and a number of the clerks have to give bonds. There is no office in the country which requires men of more strict integrity or higher character.

I trust that the amendment offered by the gentleman from Vermont will be adopted. The increase of business this year over last is between 200 and 300 per cent., and these officers have been required to work at night during a large portion of the past year. I do not believe it will be economy to try to get cheaper men there. I think that the true policy in this case would be to raise salaries. But all that is asked is that they shall be retained at the same point in regard to salaries as that at which they have heretofore stood—that they shall not be cut down below that point.

Mr. MERRIAM. I ask the chairman of the committee if he has a

letter from the Director of the Mint on this subject? If he has I should wish to have it sent to the desk to be read.

Mr. HALE, of Maine. This is the last place, this assay office at New York, where any gentleman should rise and say that the rate of compensation fixed by the committee is meager, and I will show the committee why. The work of the office is important—there is no doubt of that—and so far as the force employed to do that work is concerned, the committee does not propose to change that. It proposes in the next line, line 835, to put the $58,000 there for wages of workmen up to $65,000, which it was last year, so as not to impair the working force of the assay office.

Now in reference to these special favorite clerks, let us see how they stood before. The committee does not cut down a man under the estimates. It is provided that including the chief clerk there shall be eight clerks in this single assay office. These clerks are estimated for, and the gentleman from Vermont moves to amend now so as to make them draw salaries at this rate: The chief clerk and three other clerks, at the rate of $3,000 each; three clerks at $2,200 each; and one clerk at $1,800. Why, Mr. Chairman, there is not a clerk in one of the Departments in Washington, or anywhere else, who gets such pay as this. There is no reason why the New York assay office should be paid above other places of corresponding dignity and importance. Let gentlemen turn back to Philadelphia, and what do we find there? The committee has passed the paragraph relating to the Mint at Philadelphia and no gentleman has risen to talk about meager salaries. The chief clerk there is put at $2,400. That is the figure that is given here, in the New York office. The weighing clerk and bookkeeper and deposit clerks have $2,000 each.

Mr. MERRIAM. Is that an assay office?

Mr. HALE, of Maine. It is the mint, which is certainly as important. They are the same grades of office; and they are all left just as the committee has left them in the bill here at $2,000 each.

Does any gentleman here believe that you cannot obtain mere clerks in your assay office at $2,000 a year, which is $200 a year more than is paid to the highest grade of clerks in the Departments here? Sir, there are men in Washington to-day at the head of divisions, with fifty to one hundred men under their charge, who are receiving only $1,800 a year. A gentleman asked me if these parties do not have to give bonds. Does any gentleman believe that there is any difficulty in getting men at these rates, hundreds of dollars a year higher than we pay to the highest grade of clerks here, because they have to give bonds? Why, sir, I guarantee that gentlemen who are so anxious to get these men appointed, if they can get them in, will see to it that they will give bonds.

I do not know a man in the New York assay office. I have nothing to say against the character and efficiency of a single man there. But the truth is that that office has been a favorite place. The committee found that these rates were scaled and raised away above corresponding offices here and elsewhere. All the committee has done or has sought to do is not to impair the force of that office, but to put these men on a fair level. The office stands to-day with the same number of clerks that it had before, only their compensation is scaled to what it should be as compared with other offices.

The workmen who go to make up the efficient force, whose efficiency measures the result of the assay office, are not to be disturbed in their pay to the extent of one dollar. The whole moving machinery in the assay office is not to be impaired an iota. And yet gentlemen stand up here and talk about meager salaries, when the salaries given these men are hundreds of dollars over and above what similar services are paid elsewhere. I for one am free to say that I am tired of this talk of meager salaries whenever somebody or other in whom some member or other is interested is reached by our legislation.

Mr. HOLMAN. Has the gentleman observed the fact that since 1866 the amount appropriated for these salaries has been increased $11,100; that in 1866 it was $25,000, and now it is $36,000?

Mr. MERRIAM. I ask the Clerk to read a communication from the Director of the Mint.

The Clerk read as follows:

TREASURY DEPARTMENT,
OFFICE OF THE DIRECTOR OF THE MINT,
March 25, 1874.

DEAR SIR: In further reply to your inquiries respecting the estimates for the assay office at New York, I have the honor to transmit herewith a copy of a letter from the superintendent of that office, and exhibits "A," "B," and "C," therein referred to, from which it appears that although the amount of bullion operated upon during the present fiscal year, as compared with the year ending June 30, 1873, is nearly three times as great, the increase in the number of employés, assistants, and workmen has only been seven, and the increase of expenses $40,500, and establishing beyond question the fact that the business of the institution has been conducted with the utmost economy.

The increase in the number of employés consists principally of day and night watchmen, which was indispensably necessary for the proper security of the large amounts of bullion to be transferred from one room to another and its safe custody at night.

I earnestly request that the estimates, as originally transmitted, may be approved by the committee, both as respects the regular and deficiency appropriations.

Very respectfully, your obedient servant,

H. R. LINDERMAN,
Director.

Hon. JAMES A. GARFIELD,
Chairman Committee on Appropriations, House of Representatives.

Mr. POLAND. I do not intend to get particularly excited over this matter; but I do not like the tone of the remarks of my friend from Maine, [Mr. HALE.] The assay office in New York requires as responsible and intelligent men as are needed in any department of the public service in the whole country; gentlemen who are the peers of the gentleman from Maine in any and every respect. He says they are mere clerks. I do not like the sound of that talk. How would the gentleman like to live in the city of New York upon a salary of $2,000 a year? That is the salary which it is proposed to give to these men, who are entitled to live in every way as respectably as he desires to live.

He says he does not want to hear any of this talk about meager salaries. I do not want to pay anybody in the public service extravagantly. These gentlemen have $3,000 a year now. I say that is a meager salary for the men who occupy the responsible positions these men do—for men of the character which we ought to have in these places.

Mr. SCHUMAKER, of New York. It costs more to live in New York than in any other place.

Mr. POLAND. Yes; everybody knows that New York is the most expensive place to live in of the whole country. And when we find proper men to fill these places, I think no one should complain of giving them $3,000 a year. I am ashamed of the gentleman from Maine when he stands up here and says that these gentleman are mere clerks, and that their pay should be cut down from $3,000 to $2,000 a year.

Mr. MELLISH. I want the House to understand one thing in regard to this matter. The amendment offered by the gentleman from Vermont [Mr. POLAND] is simply to retain the salaries that have been paid heretofore; it does not propose to raise them one penny. The amount of work done is 300 per cent. more now than it was two or three years ago. The remark is very true that it costs more to live in New York than in any other place on this continent. I have heard gentlemen say that Washington was a dear place to live in. Let them try New York for a while, and they will see the difference.

Mr. HALE, of Maine. One single word. It is not I that have put upon these men what the gentleman from Vermont [Mr. POLAND] seems to regard as a stigma, that is, the designation of clerk. They appear as clerks in the law; they appear so in this bill; they appear so in the amendment of the gentleman himself. Now, it is easy to say here or elsewhere that men cannot live as they want to live in New York City for $2,000 a year, and that these men are entitled to live as well as I live, and as the gentleman from Vermont lives, upon a salary of $5,000.

But that is the vaguest kind of argumentation, it seems to me, with all respect to the gentleman. He says clerks cannot live in New York under $3,000 a year. How many of the fifteen hundred men employed by the Government in the post-office, in the custom-house, and the other Government offices in the city of New York receive $2,000 a year? How many respectable men does the gentleman from Vermont believe get even $2,000? Yet they are the heads of families, they are his peer and my peer, but they are only able to get, at most, $1,500 a year. I know respectable men there, of collegiate education, of fine natural attainments and fine cultivated powers, with wife and children depending upon them, who are not only not getting that, but who would be glad to have the gentleman or have me get them clerkships in the New York custom-house which would pay them $1,500 a year. They do not ask $2,000, but would be content with $1,500 a year. If they were to get into office everybody would say they were first-class men. Of course, if we are to divide up the revenues of the Government and give everybody, to collectors, to deputy collectors, to superintendents of mints, to assayers, to coiners, to chief clerks, to inspectors, and to everybody else all they want, we will not stop at $2,000, $3,000, or $4,000 a year. I repeat there are thousands of men in New York as clerks to-day who cannot get one-half what the committee give these men.

Mr. MELLISH rose.

Mr. HALE, of Maine. I am not done. I do not know how much the gentleman on my left as a respectable man has made, but I believe the gentleman from Vermont himself, an excellent lawyer, and indeed while judge presiding over a high court, never received $2,000 as an annual salary. I wish he had more, but it will be well for him to consider there is a measure of salary over and above what a man wants to live in an expensive way.

Mr. PARKER, of Missouri. Mr. Chairman, there are one or two considerations which I wish to call to the attention of my friend from Vermont [Mr. POLAND] and to the attention of my friends from New York which I am satisfied they have not thought of in connection with this discussion. The argument has been made here, running through a period of about three months, that the resumption of specie payments would make everything in the country very much cheaper than it has been. That argument has come with great power and great force from many of our friends from New York. If that be true I cannot see any reason in the world why they should not cut down the salaries of the New York office-holders, and especially of these gentlemen who are connected with the assay office in New York, as it seems we are now approaching the specie-paying period. If it be true we are making strides in that direction, I ask my honorable friends from New York to forbear pressing any claims for increase of salaries on the ground that living is so high in that city. It is a measure some of them have advocated so enthusiastically and advocated upon the ground that it would decrease the cost of living. I think, then, it comes with poor grace from them to propose an increase of salaries if the effect of the policy is to decrease the cost of living. Therefore

I respectfully call on my friends not to insist on this increase of salary, and not even to insist it shall go back to where it was. If we are on the down grade and if we are determined and destined at no distant day to strike hard-pan, let us get the benefit of reducing salaries wherever they can be reduced. This does not take effect until the 1st of July next, and I would suggest—and I have no doubt, if the declarations of many of my friends are not mistakes—we will have reached specie payments long before that time.

Mr. TREMAIN. Mr. Chairman, I am very glad to learn from the statement of our friend from Missouri [Mr. PARKER] that we have approached the era that all honest men desire, a return to specie payment. But I think, sir, Orator Puff has two tones to his voice, one before and one after a veto. This is the first time I have heard any intimation from gentlemen coming from west of the Alleghanies that the glorious era to which all men have looked forward with so much anxiety, the return to specie payment, had dawned on us. If he reads the signs of the times aright, I should be very glad to have the salaries of men in New York reduced from $3,000 to $2,000; but unfortunately, sir, we have as yet only realized the first dews, the incipient indications, of that approaching golden storm which shall refresh the land.

Unfortunately the same commanding majority from the West and the South that have demanded that we should have an expanded currency remain unbroken in this House. And unless that majority can be influenced by the good, sound arguments of our patriotic and honored Chief Magistrate, General Ulysses S. Grant, who has proved himself equal to the emergency, we shall have no return to specie payments, and all we can expect is to hold on to what we have got, an inflated currency, payment in irredeemable greenbacks and irredeemable bank-notes, and a currency based upon moonshine, with that return to gold and silver long hoped for, but not likely to be reached during the present Administration.

Mr. PARKER, of Missouri, and Mr. CONGER rose.

The CHAIRMAN. The gentleman from New York [Mr. TREMAIN] has one moment left. The Chair desires, so far as he can in accordance with the rules, to give every gentleman an opportunity to be heard.

Mr. GARFIELD. I ask for a vote.

Mr. TREMAIN. I hope these interruptions will not be taken out of my time.

The CHAIRMAN. The gentleman from New York has the floor, with one minute of his time still left.

Mr. TREMAIN. Sir, if we could have the assurance that the policy of returning to specie payments could be sanctioned by that controlling majority which holds power in this Congress, then, and not till then, would I unite with my friend from Missouri.

Mr. GARFIELD. I rise to a question of order. I am sorry to interrupt so good a speech, with which I agree, but for the sake of the work——

Mr. TREMAIN. I come to the work, and I say that if any gentleman thinks anybody with a family who is worthy to fill the position of a chief clerk in the assay office can live in New York on $2,000 a year, I only wish he would come and stay there four weeks in a hotel or boarding-house.

Mr. HALE, of Maine. We give the chief clerk $2,400.

Mr. TREMAIN. This is simply a return to the old pay. You cannot expect for $2,000 to find a man fit to discharge the duties of this office unless you expect him to steal enough to make up the balance.

Mr. RICE rose.

Mr. CONGER. I move to strike out the last word of the pending amendment for the purpose of making a few remarks.

The CHAIRMAN. Will the gentleman from Michigan [Mr. CONGER] yield for a moment to enable the Chair to fulfill a promise to recognize the gentleman from Illinois, [Mr. RICE,] after which the Chair will recognize the gentleman from Michigan?

Mr. RICE. I feel called upon to say something, as my name has been alluded to.

The CHAIRMAN. Gentlemen in front of the Chair will please resume their seats, and the committee will come to order.

Mr. CONGER. I understood that the Chair had recognized me. I wish to be heard, and I do not ask the Chair to cause these gentlemen to retire. They do not embarrass me at all with their presence.

The CHAIRMAN. The gentleman from Michigan [Mr. CONGER] insists on his right to the floor and will proceed.

Mr. CONGER. I desire to make some few remarks very pertinent to the subject before the committee. I promise my hard-money friend who has charge of this bill [Mr. GARFIELD] that they shall relate in some measure to the payment of salaries. I will try to make my remarks a little more pertinent and a little more logical than my learned and eloquent friend from New York [Mr. TREMAIN] has made his. I learned for the first time while listening to that gentleman that in the use of language and the application of words merely it is the beautiful storm that brings the dew to the land; which is as logical as the arguments of gentlemen have been heretofore to prove that the prostration of all the vital industries of the country and the stagnation of all the business in the land and the eating up of the hoarded savings of the poor laborers of the country will enable them to pay higher taxes and enable the country sooner to produce wealth that shall remove our indebtedness and bring back the era of gold.

Sir, when we speak of paying salaries to you and me and all the tens of thousands of office-holders of the Government in money, whether it be in currency or in gold, we are providing for them for the next coming year a guarantee against inevitable starvation and want.

A MEMBER. Louder.

Mr. CONGER. I would to God my voice could ring throughout this land, until every poor laboring man in the country who depends on the sweat of his brow and the toil of his hands for the daily food of himself, his wife, and his children, to say nothing of the luxuries of life, might hear how the members in this House are proposing to raise the fixed salaries of the officials of the Government and cutting down and destroying every prospect for the laboring classes to procure any means whatever for their own livelihood and support.

Ay, Mr. Chairman, those who may desire to have these things said louder to them will be gratified not many days hence.

Mr. MELLISH. Let it be understood that it is not proposed to raise these salaries, but to keep them as they are.

Mr. CONGER. I tell my mellowish friend from New York, who interrupts me in his not very dulcet tones, that thirty-nine millions of the American people will speak to him and his hard-fisted money-gripping comrades in this land. It may be that he is an inflationist. God knows. We cannot tell from one day to another on what side high men or low men stand nowadays. And we cannot tell either, or I cannot tell, what kind of influences may work around in this land to affect my friend from New York or other men in their action in this matter of currency.

But, sir, to return to the subject—for my time is passing, and I can say but a word in the brief moments which are allotted to me—to return to the subject, I say we are fixing beyond the power of change our own salaries in this Congress, the salaries of the high officers of the Government, the salaries of those who make the gold dollars, and the salaries of those who receive the greenbacks; ay, Mr. Chairman, we are fixing a permanent daily support for the one hundred and fifty or two hundred or three hundred thousand officers of the General Government, and we are determining that the people in their darkness and in their bondage and in their blindness shall grope in poverty and in want beyond any relief that we shall give them and beyond any relief that they can gain for themselves. On this salary question, then, I submit to my democratic-republican chairman of the Committee on Appropriations [Mr. GARFIELD] whether we had not better take the back track and review our work, and in view of the coming days of distress and of want that loom up before us all over the country whether we had not better say at once that we will fix a comparatively small salary for ourselves and for the two hundred thousand privileged office-holders of the United States, and fix it small, because it will be sure and will carry them and us through those trying times. Let us in considering this bill, and every bill, be careful not to increase salaries and expenditures. Let no man dare to rise and say there shall be added to the salary of any office-holder in the United States money that he does not need to buy his children bread; for many who have neither salary nor work will yet want bread for themselves and their children.

Mr. GARFIELD rose.

Mr. CONGER. The gentleman rises, and I trust he rises to assent to my proposition. I trust he will stand here as the advocate of low salaries and small appropriations until the people get bread. I thank the gentleman for his readiness, for his willingness, to accept my humble recommendations and suggestions. I know that he, like myself, commenced his journey through this life among the common people, toiling for his education by the labor of his hands as I did, and battling as he and I both have to gain whatever position in this country our efforts could attain.

I know his sympathies will go with the common people of the United States, and against the great army of moneyed men and office-holders in the land. I yield to him, that he may carry out with his powerful eloquence and his great influence with the House the suggestions which I have been enabled in these two or three moments to throw out, and I pledge myself and I pledge all these western and southern members that we will stand by him in carrying out and perfecting a change in the system of this bill and of all bills that wring money from an afflicted people to make the monopolists and the office-holders of the United States alone prosperous.

Mr. MELLISH. I would ask the gentleman if he was actuated by the same economical principle when he voted for and took his own back pay?

Mr. CONGER. I never voted for the increase of salary; I never voted for back pay; I voted to restore the increase of salary and back pay, and all perquisites, even to the mileage, back to the people.

Mr. MELLISH. Did the gentleman return his own back pay? Gentlemen by my side say that he has never returned it.

Mr. GARFIELD. I hope now that all these inflation schemes are likely to subside, and that we shall get back to a solid basis, and to the solid question before the committee; which is simply this: Will we increase these salaries 33 per cent. above what is recommended in the bill?

I call the attention of gentlemen to the fact that under the coinage act of last spring the Secretary of the Treasury was authorized to fix the salaries at all the mints and assay offices, and there came to us in the Book of Estimates a statement of what rates he had fixed. The committee have put in this bill a proviso that instead of allow-

ing the Secretary hereafter to fix these rates, the rates of salaries shall be such as are determined on in this bill. Whatever, therefore, you now determine as the rate of salaries in this bill, relating to mints and assay offices, becomes the law; and I ask gentlemen to remember that they are enacting the organic law of the force in the mints and assay offices.

Now, when we came to look over the estimates of the Secretary of the Treasury, we found that the salaries of the officers in the assay office at New York were fixed by him nearly 30 per cent., on the average, higher than the salaries he had fixed for the officers in the Philadelphia mint. We thought that was unjust, and we have attempted to bring the salaries at the assay office in New York somewhere nearly on a level with similar salaries in the Mint at Philadelphia, and in doing that we have cut down the amount $10,000. I call for a vote on the amendment of the gentleman from Vermont, [Mr. POLAND.]

Mr. RANDALL. I believe I started the controversy about these salaries upon the aggregate amount involved. I am myself in favor of adequate salaries, and I know that these are responsible positions, and should have adequate salaries, But I cannot deny myself the opportunity of pointing out the distinction between the action proposed by the gentleman from Vermont [Mr. POLAND] with reference to the chief clerk in this assay office, who is provided with a salary of $2,400, which the gentleman proposes by his amendment to make $3,000, and the action of the House the other day in reference to the chief clerk in the First Comptroller's office.

I wish to give a recital of the duties of that officer: Every warrant for the expenditure of public money must be signed by the First Comptroller; no warrants are signed by the Second Comptroller. Every draft paid by the Treasurer, which comprises all the expenditures of the Government except for the Post-Office Department, undergoes an examination in the office of the First Comptroller. Every bond redeemed, every coupon paid throughout the United States, is examined and passed in the same office. Every power of attorney likewise is examined and approved by the First Comptroller.

In addition, the decision of the First Comptroller, in his examination of the accounts of this Government, is paramount upon the Secretary of the Treasury and the President of the United States, and has been so adjudged by the Supreme Court of the United States; and for the very proper reason that we should have some officer of the Government who will be a check upon the President or the Secretary of the Treasury.

Now, while we have refused to give to the chief clerk of that office an increase of salary as I proposed to $2,500, and have continued him at $2,000, with what show of consistency can we increase the salary here for the chief clerk of the assay office in New York above $2,400? I am willing that he should receive $2,400. Because I cannot have justice done to one officer I am not in favor of doing injustice to another. But it seems to me here is an actual inconsistency on the part of this committee.

Mr. POLAND. I desire to say but a word. Several gentlemen who have spoken in relation to this matter seem to suppose that I am proposing to raise the salary of somebody. The amendment which I have proposed, in reference to the clerks included in this paragraph, is merely to continue to give them what they are now receiving; it does not propose to raise the salary of one of them a single dollar. It simply proposes that their salary shall not be decreased.

The chairman of the Committee on Appropriations says, and I suppose says truly, that these salaries have all been regulated by the Secretary of the Treasury within the past year, and proportioned to the cost of living in these various places. Now no gentleman will need to be told that one of the most important elements, in reference to the compensation which any man should receive for his services, is the cost of supporting himself and his family. I suppose every one knows, certainly every gentleman here from the city of New York will testify, that that is the most expensive place in which to live and keep a family that there is in the United States. There is a manifest propriety and a manifest reason why the salaries of the same class of officers in the city of New York shall be larger than the salaries of similar officers in the city of Philadelphia, because we all know that the expense of living in New York is so much greater.

I do not desire to repeat what I have said, and what everybody knows, in relation to the responsibility of these places, and the necessity of having men of character, men of probity, men who can be trusted without stint and without measure. If we have men of the right character, the men that we ought to have in these places, then I think no gentleman can say in his own conscience that a man of the stamp which the good of the public service requires in such a place can live in the city of New York and support his family with less than $3,000 a year.

The question was then taken upon the amendment moved by Mr. POLAND; and upon a division there were ayes 27.

Before the noes were counted,

Mr. POLAND said: If gentlemen think it wise to put the salary of these men so low that they cannot live without stealing I will not call for a further count.

The amendment was accordingly rejected.

Mr. GARFIELD. At the suggestion of the gentleman from Pennsylvania, [Mr. RANDALL,] in order to avoid any misconstruction of the language, I move to amend this paragraph so as to read "for assayer, $3,000; for melter and refiner, $3,000."

Mr. RANDALL. They are two officers.

Mr. GARFIELD. There are two officers, and I propose to separate them so that it may not be supposed there are three officers. The assayer is one officer and the melter and refiner is another.

The amendment was agreed to.

The Clerk read the next clause, as follows:

For wages of workmen, $58,000.

Mr. RANDALL. Why, here is a green spot; this is actually a reduction.

A MEMBER. Wait till you hear General GARFIELD's amendment.

Mr. GARFIELD. I move to restore the amount appropriated last year, $65,000.

Mr. RANDALL. Ah! I spoke too quickly.

The amendment was agreed to.

The CHAIRMAN. With the indulgence of the committee, the Chair will recur for a moment to his ruling upon the amendment of the gentleman from New York [Mr. MERRIAM] in regard to the compensation of laborers and watchmen in the mint at San Francisco. The Chair ruled the amendment out of order on the ground that it decreased the salaries as fixed by law. The Chair has since been informed——

Mr. MERRIAM. The Chair was right; my amendment would have reduced their salaries. I would ask whether a committee of eleven men has a greater power to reduce salaries than a committee of this whole House? The Committee on Appropriations propose to reduce the salaries of men in New York from $3,000 to $2,000.

The CHAIRMAN. Any amendment which proposes to increase a salary is in order under the fixed rule of the House. But an amendment which proposes to decrease a salary is not in order.

Mr. HOLMAN. When the occasion presents itself I shall appeal from such a ruling by the Chair.

Mr. G. F. HOAR. Although an amendment decreasing a salary is clearly out of order, an amendment that simply decreases the amount to be appropriated for a salary is not out of order.

The CHAIRMAN. An amendment which proposes a fixed and certain decrease of salary is out of order. An amendment which proposes simply to appropriate a less sum, without changing the existing law, is as clearly in order.

The Clerk read as follows:

Assay-office at Charlotte, North Carolina:

For assayer in charge, $1,800; melter, $1,500; clerk, $1,000; wages of workmen, $600; contingent expenses, $1,500; in all, $6,400.

Mr. HOLMAN. I move to strike out the last word, in order to inquire of the gentleman from Ohio, [Mr. GARFIELD,] what business is transacted now at this mint?

Mr. GARFIELD. The Committee on Appropriations is not aware that any business is done at Charlotte. For two successive years the committee left Charlotte out of their appropriation bills when they prepared them, and the House by an overwhelming vote put it in each time. We did not wish to run the risk of so many defeats on Charlotte; we considered ourselves instructed in regard to that lady, and we reported this provision for her in this bill. If the gentleman will move to strike it out I will vote with him every time.

Mr. HOLMAN. I move to strike out the paragraph.

Mr. ROBBINS. I hope that will not be done. There has not been much done for North Carolina, and I hope this will be allowed to remain. This is all the speech I have to make.

The question was taken; and on a division there were—ayes 56, noes 44; no quorum voting.

Tellers were ordered; and Mr. HOLMAN and Mr. ROBBINS were appointed.

The committee again divided; and the tellers reported that there were—ayes 99, noes 47.

So the motion to strike out was agreed to.

Mr. ROBBINS. I give notice that I will call the yeas and nays on this amendment in the House.

Mr. GARFIELD. I move to amend by inserting in lieu of what has been just struck out the following:

For care of public buildings at Charlotte, North Carolina, to be expended under the direction of the Director of the Mint, $1,000.

The amendment was agreed to.

Mr. HALE, of New York. I move that the committee rise.

The motion was agreed to; there being—ayes 71, noes 57.

The committee accordingly rose; and the Speaker having resumed the Chair, Mr. WOODFORD reported that, pursuant to the order of the House, the Committee of the Whole on the state of the Union had had under consideration the state of the Union generally, and particularly the bill (H. R. No. 2064) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes, and had come to no resolution thereon.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was presented by Mr. BABCOCK, one of his secretaries, who also announced that the President had approved and signed bills of the following titles:

An act (H. R. No. 154) for the relief of William Stoddard, late assistant quartermaster United States Volunteers;

An act (H. R. No. 911) to relinquish title of the United States in certain real estate near Columbia, Tennessee, to Rose Hill Cemetery;

An act (H. R. No. 1003) to authorize and direct the Secretary of War to change the name of John Rziha, captain in the Fourth Regiment of Infantry of the United States, on the register, rolls, and records of the Army, to John Laube de Lauberfels;

An act (H. R. No. 2667) to enable the Secretary of the Treasury to gather authentic information as to the condition and importance of the fur trade in the Territory of Alaska; and

An act (H. R. No. 2967) authorizing the Secretary of War to deliver certain condemned ordnance to the municipal authorities of Concord, Massachusetts, for monumental purposes.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had agreed, with amendments, to the amendment of the House to the bill (S. No. 350) providing for the payment of the bonds of the Louisville and Portland Canal Company.

The message also announced that the Senate had passed, without amendment, a joint resolution and bill of the following titles:

Joint resolution (H. R. No. 45) tendering the thanks of Congress to Captain Benjamin Gleadell, officers, and crew of the steamship Atlantic, of the White Star line, for saving the brigantine Scotland in mid-ocean; and

An act (H. R. No. 2193) to ratify an agreement with certain Ute Indians in Colorado, and to make an appropriation for carrying out the same.

DISABILITIES OF J. W. BENNETT.

Mr. ARCHER. I ask unanimous consent to introduce and have passed a bill to relieve J. W. Bennett, of Maryland, from all legal and political disabilities, under the fourteenth amendment of the Constitution.

The bill was read.

Mr. WALLS. I object.

SAMOA OR THE NAVIGATOR'S ISLANDS.

The SPEAKER laid before the House a message from the President of the United States, transmitting a communication from the Secretary of State and an accompanying report upon Samoa or the Navigator's Islands; which was referred to the Committee on Foreign Affairs, and, with the accompanying documents, ordered to be printed.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a joint resolution of the following title; when the Speaker signed the same:

Joint resolution (H. R. No. 45) tendering the thanks of Congress to Captain Benjamin Gleadell, officers, and crew of the steamship Atlantic, of the White Star line, for saving the brigantine Scotland in mid-ocean.

WITHDRAWAL OF PAPERS.

On motion of Mr. KELLOGG, by unanimous consent, leave was granted to withdraw from the files of the House the petition and accompanying papers of Gideon W. Hazen, no action having been had thereon.

LEAVE OF ABSENCE.

Mr. MOORE, by unanimous consent, obtained leave of absence till Tuesday next.

Mr. DAWES. I move that the House adjourn.

The motion was agreed to; and accordingly (at four o'clock and forty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BECK: The petition of Robert S. Price, United States store-keeper in Woodford County, Kentucky, for relief, to the Committee on Claims.

By Mr. CAIN: Memorial in relation to the condition of agricultural laborers of the South and West, to the Committee on Agriculture.

By Mr. CROUNSE: The remonstrance of sundry citizens of Nebraska, against extending letters patent for the Haines harvester, to the Committee on Patents.

By Mr. FARWELL: Papers relating to the claim of Theodore S. Loveland for difference of pay between first sergeant and second lieutenant, to the Committee on Military Affairs.

By Mr. HENDEE: The petition of Shepard, Davis & Co. and others, lumber dealers, of Burlington, Vermont, for the passage of the bill (H. R. No. 2906) to prevent vexatious and interminable litigation and a multiplicity of suits, to the Committee on Patents.

By Mr. E. R. HOAR: The petition of George F. Gorham, late of Company B, Twenty-ninth Massachusetts Volunteers, for increase of pension, to the Committee on Invalid Pensions.

By Mr. HOUGHTON: The petition of citizens of Ventura County, California, that the confirmation of the San Buenaventura ex-mission lands be set aside and a new trial had, to the Committee on the Public Lands.

By Mr. O'NEILL: The memorial of the Philadelphia Board of Trade, for the repeal of the moiety system in the customs department of the Government and the discontinuance of spies and informers, to the Committee on Ways and Means.

By Mr. SAYLER, of Indiana: The petition of 58 citizens of Ohio County, West Virginia, for the passage of a law authorizing the manufacture of patent-right articles by others than the owners of patent-rights upon payment of a reasonable royalty thereon, to the Committee on Patents.

Also, the petition of 21 citizens of Defiance County, Ohio, of similar import, to the same committee.

Also, the petition of 43 citizens of Lafayette County, Mississippi, of similar import, to the same committee.

Also, the petition of 49 citizens of Crawford County, Kansas, of similar import, to the same committee.

Also, the petition of 22 citizens of Tioga County, New York, of similar import, to the same committee.

Also, the petition of 17 citizens of Carroll County, Missouri, of similar import, to the same committee.

Also, the petition of 52 citizens of Harrison County, Missouri, of similar import, to the same committee.

Also, the petition of 25 citizens of Clay County, Missouri, of similar import, to the same committee.

Also, the petition of 12 citizens of Dorsey County, Arkansas, of similar import, to the same committee.

Also, the petition of 30 citizens of Fremont County, Colorado, of similar import, to the same committee.

Also, the petition of 20 citizens of Morris County, Kansas, of similar import, to the same committee.

Also, the petition of 21 citizens of Anglaize County, Ohio, of similar import, to the same committee.

Also, the petition of 26 citizens of Randolph County, Indiana, of similar import, to the same committee.

Also, the petition of 24 citizens of Johnson County, Missouri, of similar import, to the same committee.

Also, the petition of 21 citizens of Pottawatomie County, Kansas, of similar import, to the same committee.

Also, the petition of 12 citizens of Daviess County, Kentucky, of similar import, to the same committee.

Also, the petition of 17 citizens of Putnam County, Indiana, of similar import, to the same committee.

Also, the petition of 17 citizens of Mississippi County, Missouri, of similar import, to the same committee.

Also, the petition of 22 citizens of Jackson County, Missouri, of similar import, to the same committee.

Also, the petition of 9 citizens of Williams County, Ohio, of similar import, to the same committee.

Also, the petition of 19 citizens of Orangeburgh County, South Carolina, of similar import, to the same committee.

Also, the petition of 11 citizens of Osborn County, Kansas, of similar import, to the same committee.

Also, the petition of 26 citizens of Dane County, Wisconsin, of similar import, to the same committee.

Also, the petition of 24 citizens of DeKalb County, Georgia, of similar import, to the same committee.

Also, the petition of 27 citizens of Montgomery County, Illinois, of similar import, to the same committee.

Also, the petition of 13 citizens of Jackson County, Missouri, of similar import, to the same committee.

Also, the petition of 15 citizens of Linn County, Kansas, of similar import, to the same committee.

Also, the petition of 46 citizens of Atchison County, Missouri, of similar import, to the same committee.

Also, the petition of 21 citizens of Freeborn County, Minnesota, of similar import, to the same committee.

Also, the petition of 24 citizens of Saint Francis County, Missouri, of similar import, to the same committee.

Also, the petition of 17 citizens of Clay County, Missouri, of similar import, to the same committee.

Also, the petition of 21 citizens of Shelby County, Alabama, of similar import, to the same committee.

Also, the petition of 13 citizens of Branch County, Michigan, of similar import, to the same committee.

Also, the petition of 17 citizens of Nodaway County, Missouri, of similar import, to the same committee.

Also, the petition of 29 citizens of Saline County, Missouri, of similar import, to the same committee.

Also, the petition of 17 citizens of White County, Indiana, of similar import, to the same committee.

Also, the petition of 22 citizens of Franklin County, Ohio, of similar import, to the same committee.

Also, the petition of 24 citizens of Allen County, Ohio, of similar import, to the same committee.

Also, the petition of 13 citizens of Wilson County, Tennessee, of similar import, to the same committee.

Also, the petition of 14 citizens of Douglas County, Illinois, of similar import, to the same committee.

Also, the petition of 23 citizens of Clermont County, Ohio, of similar import, to the same committee.

Also, the petition of 23 citizens of Fillmore County, Nebraska, of similar import, to the same committee.

Also, the petition of 23 citizens of Buchanan County, Missouri, of similar import, to the same committee.

Also, the petition of 29 citizens of Seneca County, Ohio, of similar import, to the same committee.

Also, the petition of 23 citizens of Huntington County, Indiana, of similar import, to the same committee.

Also, the petition of 16 citizens of Wells County, Indiana, of similar import, to the same committee.

Also, the petition of 15 citizens of Franklin County, Ohio, of similar import, to the same committee.

Also, the petition of 18 citizens of Todd County, Kentucky, of similar import, to the same committee.

Also, the petition of 30 citizens of Howard County, Missouri, of similar import, to the same committee.

Also, the petition of 23 citizens of Knox County, Missouri, of similar import, to the same committee.

Also, the petition of 23 citizens of Shelby County, Indiana, of similar import, to the same committee.

Also, the petition of 17 citizens of Dearborn County, Indiana, of similar import, to the same committee.

Also, the petition 18 citizens of Wayne County, New York, of similar import, to the same committee.

Also, the petition of 14 citizens of Grant County, Kentucky, of similar import, to the same committee.

Also, the petition of 27 citizens of Noble County, Ohio, of similar import, to the same committee.

Also, the petition of 10 citizens of Branch County, Michigan, of similar import, to the same committee.

Also, the petition of 26 citizens of Huntington County, Indiana, of similar import, to the same committee.

Also, the petition of 20 citizens of Eaton County, Michigan, of similar import, to the same committee.

Also, the petition of 18 citizens of Delaware County, Pennsylvania, of similar import, to the same committee.

Also, the petition of 15 citizens of Henry County, Illinois, of similar import, to the same committee.

Also, the petition of 21 citizens of Cherokee County, Alabama, of similar import, to the same committee.

Also, the petition of 26 citizens of Simpson County, Mississippi, of similar import, to the same committee.

Also, the petition of 25 citizens of Eaton County, Michigan, of similar import, to the same committee.

Also, the petition of 16 citizens of Lake County, Ohio, of similar import, to the same committee.

Also, the petition of 12 citizens of Columbia County, Pennsylvania, of similar import, to the same committee.

Also, the petition of 24 citizens of Niagara County, New York, of similar import, to the same committee.

Also, the petition of 17 citizens of Orleans County, New York, of similar import, to the same committee.

Also, the petition of 17 citizens of Hawkins County, Tennessee, of similar import, to the same committee.

Also, the petition of 23 citizens of Ballard County, Kentucky, of similar import, to the same committee.

Also, the petition of 15 citizens of Spencer County, Indiana, of similar import, to the same committee.

Also, the petition of 9 citizens of Harrison County, Kentucky, of similar import, to the same committee.

Also, the petition of 11 citizens of Owen County, Kentucky, of similar import, to the same committee.

Also, the petition of 26 citizens of Mercer County, Kentucky, of similar import, to the same committee.

Also, the petition of 19 citizens of Buncombe County, North Carolina, of similar import, to the same committee.

Also, the petition of 24 citizens of Talladega County, Alabama, of similar import, to the same committee.

Also, the petition of 17 citizens of Lyon County, Iowa, of similar import, to the same committee.

Also, the petition of 22 citizens of Edwards County, Illinois, of similar import, to the same committee.

Also, the petition of 22 citizens of Saint Joseph County, Michigan, of similar import, to the same committee.

Also, the petition of 20 citizens of Newton County, Indiana, of similar import, to the same committee.

Also, the petition of 23 citizens of Jasper County, Indiana, of similar import, to the same committee.

Also, the petition of 8 citizens of Delaware County, Indiana, of similar import, to the same committee.

Also, the petition of 21 citizens of Jay County, Indiana, of similar import, to the same committee.

Also, the petition of 21 citizens of Ripley County, Indiana, of similar import, to the same committee.

Also, the petition of 30 citizens of Miami County, Indiana, of similar import, to the same committee.

Also, the petition of 14 citizens of Clinton County, Pennsylvania, of similar import, to the same committee.

Also, the petition of 14 citizens of Wayne County, Illinois, of similar import, to the same committee.

Also, the petition of 54 citizens of Pike County, Indiana, of similar import, to the same committee.

Also, the petition of 80 citizens of Sedgwick County, Kansas, of similar import, to the same committee.

Also, the petition of 23 citizens of Vermillion County, Indiana, of similar import, to the same committee.

Also, the petition of 23 citizens of Riley County, Kansas, of similar import, to the same committee.

Also, the petition of 20 citizens of Greene County, Indiana, of similar import, to the same committee.

Also, the petition of 15 citizens of La Crosse County, Wisconsin, of similar import, to the same committee.

Also, the petition of 24 citizens of Franklin County, Ohio, of similar import, to the same committee.

Also, the petition of 17 citizens of Cass County, Indiana, of similar import, to the same committee.

Also, the petition of 41 citizens of Lynn County, Missouri, of similar import, to the same committee.

Also, the petition of 21 citizens of Giles County, Tennessee, of similar import, to the same committee.

Also, the petition of 26 citizens of Grant County, Indiana, of similar import, to the same committee.

Also, the petition of 27 citizens of Jefferson County, Wisconsin, of similar import, to the same committee.

Also, the petition of 15 citizens of Osage County, Kansas, of similar import, to the same committee.

Also, the petition of 32 citizens of Clinton County, Indiana, of similar import, to the same committee.

Also, the petition of 29 citizens of Ross County, Ohio, of similar import, to the same committee.

By Mr. SAYLER, of Ohio: The petition of Herman J. Korff, of Cincinnati, Ohio, for pay for services and other relief, to the Committee on War Claims.

Also, the petition of Hattie Boraff, of Camp Dennison, Ohio, for a pension, to the Committee on Invalid Pensions.

Also, the petition of George William Allen and other leading citizens of Ohio, asking pecuniary assistance for the widow and children of Captain Charles F. Hall, late commander of the Polaris expedition, to the Committee on Naval Affairs.

By Mr. SCUDDER, of New York: The memorial of assistant engineers in the revenue-marine service, asking that they may be regularly commissioned, to the Committee on Commerce.

By Mr. VANCE: The petition of J. W. Reeves, B. P. Mull, and 80 other citizens of Madison County, North Carolina, for modifications of the internal-revenue laws, to the Committee on Ways and Means.

By Mr. WOLFE: The petition of Francis Curran, late of Company E, Thirteenth Indiana Volunteers, for a pension, to the Committee on Invalid Pensions.

IN SENATE.

THURSDAY, *April* 23, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. LEWIS presented a petition of a large number of citizens of the city of Washington, praying for the erection of a bridge across the Eastern Branch of the Potomac River; which was referred to the Committee on the District of Columbia.

Mr. HAMLIN. I present a memorial, largely signed by merchants, ship-owners, and ship-masters of Ellsworth, Maine; another signed by the same class of persons in Harrington, Maine; and still another signed by a large number of the same class of persons of Calais, Maine, all asking for the abolition of compulsory pilotage. I move their reference to the Committee on Commerce.

The motion was agreed to.

Mr. MORRILL, of Maine, presented the petition of Joseph Farwell and other citizens of Rockland, Maine, praying the abolition of compulsory pilotage; which was referred to the Committee on Commerce.

Mr. SCOTT presented the petition of Nathan Kunkle, late private of Company H, Sixty-seventh Regiment Pennsylvania Volunteers, praying the removal of the charge of desertion and also praying to be allowed back pay and bounty; which was referred to the Committee on Military Affairs.

He also presented the petition of Sarah M. Smead, of Carlisle, Cumberland County, Pennsylvania, widow of Raphael C. Smead, late captain in the Fourth Regiment United States Artillery, praying an increase of pension; which was referred to the Committee on Pensions.

Mr. BUCKINGHAM presented the petition of Miss Adrianah Banks, of Bridgeport, Connecticut, praying the passage of a law enabling her to make such a contract as she may see fit for necessary services in obtaining her pension; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. RAMSEY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. No. 2270) making an appropriation to pay Emanuel Small and James Tate, of Atchison County, Missouri, for carrying the mails, reported it without amendment.

Mr. SPENCER, from the Committee on Commerce, to whom was referred the bill (H. R. No. 2552) for the relief of John W. Massey, late consul at Paso del Norte, Mexico, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 526) for the relief of James De Long, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 139) for the relief of James De Long, late United States consul at Aux Cayes, Hayti, reported adversely thereon, and the bill was postponed indefinitely.

Mr. FERRY, of Connecticut, from the Committee on Patents, to whom was referred the bill (S. No. 537) for the extension of the patent known as Reynolds's patent brake for power-looms, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 544) to enable Ann Jennette Hathaway, executrix of the last will and testament of Joshua Hathaway, deceased, to make application to the Commissioner of Patents for the extension of letters-patent for improved device for converting reciprocating into rotary motion, reported it without amendment.

Mr. JOHNSTON, from the Committee on Patents, to whom was referred the bill (S. No. 620) authorizing the extension of the patent granted to John Haseltine for a new and useful water-wheel, reported it without amendment.

Mr. DENNIS, from the Committee on Commerce, to whom was referred the petition of citizens of Maryland, praying for the establishment of a light-house on Bishop's Head Shoal, reported adversely thereon, and asked to be discharged from its further consideration; which was agreed to.

Mr. PRATT, from the Committee on Pensions, to whom was referred the bill (H. R. No. 2668) granting a pension to William J. Uhler, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 2215) granting a pension to Elizabeth Brady, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of citizens of New Ulm, Brown County, Minnesota, praying that a pension may be allowed to Jacob Nix, a citizen of that State, who was wounded while commanding the militia called out to resist the hostile incursions of the Sioux Indians in August, 1862, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill (H. R. No. 1843) granting a pension to Lucinda Jones, widow of Thompson M. Jones, late a private in Company G, Twenty-second Illinois Volunteers, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. INGALLS. A majority of the Committee on Pensions, to whom was referred the bill (H. R. No. 2680) granting a pension to Mrs. Jane Dulaney, have instructed me to report it adversely. I do not concur in that report, believing the bill to be meritorious. I ask that it go on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 3091) to release J. W. Bennett from political disabilities; in which it requested the concurrence of the Senate.

REPORT ON TELEGRAPHIC CORRESPONDENCE.

Mr. ANTHONY. The Committee on Printing, to whom was referred a resolution to print a thousand extra copies of the report of the Committee on Post-Offices and Post-Roads on telegraphic correspondence, have instructed me to report it back with an amendment, and to ask for its present consideration.

There being no objection, the Senate proceeded to consider the resolution.

The amendment of the Committe on Printing is to make the resolution read as follows:

Resolved, That five hundred additional copies of the report of the Committee on Post-Offices and Post-Roads on the bill (S. No. 651) to provide for the transmission of correspondence by telegraph, with the accompanying papers, be printed for the use of the committee.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question is on the resolution as amended.

Mr. ANTHONY. The Senate has indicated repeatedly its indisposition to print any documents for popular distribution; and as this resolution contemplated that, the Committee on Printing have amended it so as to reduce the number and provide for its distribution by the Committee on Post-Offices and Post-Roads which thinks that it is desirable.

The resolution as amended was agreed to.

BILLS INTRODUCED.

Mr. DAVIS. I ask leave to introduce a bill, and beg to occupy a very few moments in an explanation.

The PRESIDENT *pro tempore*. The Senator from West Virginia asks unanimous consent to make an explanation in regard to a bill about to be introduced by him. Is there objection? The Chair hears none.

Mr. DAVIS. It is a bill to reduce the tax on the circulation of State banks to an amount equal to that now paid by national banks.

Mr. President, the tax now on the circulation of national banks is 1 per cent. a year and that on the circulation of State banks is 10 per cent., which practically excludes any State bank from having circulation of any kind. I see no just reason why the national banks should have an advantage over the State banks of ten to one in this respect. It excludes entirely any State-bank circulation under any circumstances, though that circulation would have to be redeemed in legal-tenders, which are greenbacks. This enormous tax on State circulation was adopted as a war measure; and now that the war is over, I see no necessity for continuing it.

My friend from California [Mr. SARGENT] suggests that it was adopted as a prohibition measure. It was done during the war, and I took it that probably it was done under the war power which some gentlemen here talk so much of, but I am glad to be corrected. This measure of mine, if adopted, will probably relieve the wants of some of the Southern and Western States to a considerable extent by allowing them a local circulation. It is true it could not go far from home and would not enter into general circulation far from home; but any Senator can see that, in the South particularly, it would be a great local advantage. I hope the bill will be considered at an early day by the Finance Committee.

I made a statement during the debate on the currency question as to the effect of transferring certain amounts of national-bank circulation from the East to the South and West. I then believed and now believe that such a transfer would be just and equitable. A portion of that circulation belongs to the South and West under the act of July 12, 1870; and I now give notice that if no other Senator should call up the bill providing for that transfer I will do so at the proper time, as I believe it to be a just measure. I see that the President in his veto message says that the increased circulation of greenbacks and bank currency by the bill passed by the Senate is $100,000,000. My understanding is that that is an error. Ninety million dollars is the amount; $44,000,000 of greenbacks and $46,000,000 of national-bank notes. Mr. President, I ask leave to introduce the bill which I hold in my hand.

By unanimous consent, leave was granted to introduce a bill (S. No. 731) to reduce the tax on the circulation of the State banks to an amount equal to that paid by national banks; which was read twice by its title, and referred to the Committee on Finance.

Mr. SCOTT (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 732) supplementary to an act entitled "An act to incorporate the Texas Pacific Railroad Company, and to aid in the construction of its road, and for other purposes;" which was read twice by its title, referred to the Committee on Railroads, and ordered to be printed.

ORDER OF BUSINESS.

Mr. WINDOM. I move to take up the bill (S. No. 655) to enable the Mennonites from Russia to effect permanent settlement on the public lands of the United States.

Mr. MERRIMON. I hope the Senator will withdraw his motion. I desire to submit a matter of importance to some parties, which it will take but a minute to dispose of. I ask the Senate to take up the bill (S. No. 669) referring the petition and papers in the case of Robert M. and Stephen A. Douglas, in so far as the same relates to cotton seized, to the Court of Claims. I think there will be no objection to that. The Committee on Claims were unanimous in their report.

Mr. WINDOM. I withdraw my motion for the present.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from North Carolina that the Senate proceed to the consideration of Senate bill No. 669.

Mr. CAMERON. That is a very important bill, and I think we had better have more time to consider it.

The PRESIDENT *pro tempore*. The Chair will submit the question on the motion of the Senator from North Carolina.

The question being put, there were on division—ayes 25, noes 11; no quorum voting.

The PRESIDENT *pro tempore*. The Chair is satisfied that a quorum is present, and the Chair will submit the question once more to the Senate.

Mr. MORRILL, of Maine. This bill will undoubtedly lead to debate. The morning hour we have attempted hitherto to keep somewhat intact for the ordinary progress of the Calendar, and I think that is very desirable; but if gentlemen are to feel at liberty to call up propositions out of their order, we may as well abandon the rule entirely. We have made very good proficiency with the Calendar, and

by and by we shall find that a class of measures will be in very great danger of going over to the next session simply because we allow bills which really do not belong in the morning hour to occupy the attention of the Senate during that hour. I hope, therefore, the Senate will be slow to take up any bill in the morning hour out of its order, and that we shall adhere to the Calendar. I wish to say to my honorable friend from Minnesota who got up the Mennonite bill out of its order, it having consumed now, I believe, two or three mornings in the morning hour, that he ought to be content, it seems to me, to take up that bill at some other time.

Mr. WINDOM. I have consumed very little time myself on that bill; perhaps not five minutes.

Mr. MORRILL, of Maine. Still the bill itself, which my honorable friend is pressing, has consumed a great deal of time.

Mr. WINDOM. What I desire is that the Senate shall decide the question either affirmatively or negatively. It is important that it be decided at once. If the Senate do not desire to consider it, a vote will settle that question, and I will not press it any further.

Mr. ANTHONY. I think there is great force in the remarks made by the Senator from Maine. I think that the morning hour ought to be devoted to the Calendar. The excuse that the Senator from Minnesota makes, that he has not consumed much time himself on this bill, is like the excuse which the drummer made in Æsop when he was taken by the enemy and plead that he ought to be at liberty because he did not fight himself. He was told, "But you make everybody else fight." So my friend from Minnesota gets up a bill; he does not talk about it himself, but everybody else does; and it is a bill that ought to be discussed.

Mr. WINDOM. It is everybody else's fault, then; not mine.

Mr. ANTHONY. Certainly; but I do not wish everybody else to be accommodated; I would like to accommodate my friend from Minnesota. I do not think the bill has been discussed improperly. There has been no factious opposition to, and no improper advocacy of, it; but I think the few minutes we have every day of the morning hour after routine business ought to be devoted to the unobjected cases on the Calendar; and therefore, although without any prejudice to either of these bills, I shall vote against taking up either of them.

Mr. WINDOM. I should like to have a test vote on this question if I can, and if the Senate will vote to-day to take up the Mennonite bill or against it, I will consider that as expressive of the sense of the Senate, and will not again move it in the morning hour but await its turn on the Calendar if the motion is rejected. I think, however, rejecting it now defeats the object of the bill.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from North Carolina.

Mr. MERRIMON. I beg to make a single remark. This is the claim of the sons of the late Senator Douglas. They had a large property in the State of Mississippi where a large amount of cotton was stored during the war. The cotton, they allege, was seized by the Government. If they lose this claim they have, I may say, nothing. The Committee on Claims, looking into their petition and the affidavits filed in support of it, entertained a very strong conviction that it was well founded; but there were peculiar circumstances that induced them to think it ought properly go to the Court of Claims, and therefore they reported this bill referring the claim, so far as relates to the matter of cotton, to the Court of Claims. By passing the bill there is nothing decided against the Government; it only gives them an opportunity to assert their rights in a court where the Government as well as themselves can be heard; and they are anxious to take this measure of relief. They have been applying here now for three or four years, and I see no reason why relief, to this extent at least, should not be granted at once.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from North Carolina.

The motion was not agreed to; there being, on a division—ayes 23, noes 24.

MENNONITE SETTLERS ON THE PUBLIC LANDS.

Mr. WINDOM. I move now that the Senate proceed to the consideration of Senate bill No. 655. I want to say that I will accept the decision of the Senate on this vote, and if it be against taking up the bill I will not again trouble the Senate during the morning hour with this question. I want it taken up. I think not to take it up now is substantially to defeat the object of the bill.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Minnesota.

The question being put, there were on a division—ayes 26, noes 16.

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 655) to enable the Mennonites from Russia to effect permanent settlement on the public lands of the United States, the pending question being on the amendment of Mr. STEWART to the amendment of the Committee on Public Lands as modified by him yesterday.

Mr. STEWART. I want to have the amendment read as modified.

The Chief Clerk read the amendment, as follows:

Whenever a body of such persons, being heads of families or single persons over twenty-one years of age, shall, through a duly constituted and accredited agent, file with the Secretary of the Interior an application for permission to locate a portion of the public lands of the United States, accompanying such application with a list of the persons composing such body and the quantity desired by each, the Secretary may authorize such location to be made in any land district of the United States by giving such agent the proper certificate in writing, under seal of his office, stating that such application has been filed, and reciting the number of persons so applying and the number of acres which they may include in their claim; upon the filing of the certificate in the local land office, designating the land desired, the land so designated not exceeding the amount in the certificate shall be reserved for the period of two years for the purposes of this act, provided it be vacant land, not mineral, nor sold or reserved, nor appropriated by homestead or pre-emption settlers.

SEC. 2. That any person named in the application and petition on file with the Secretary of the Interior shall have the exclusive right of entry for the period of two years from the date of filing as aforesaid upon complying with the laws of the United States existing at the date of entry.

SEC. 3. That at the expiration of the period of two years as aforesaid, all lands not entered by the parties entitled under the foregoing provisions shall be subject to the entry of any other person under the laws applicable to the same as other public lands of the United States.

SEC. 4. That no reservation shall be made under the provisions of this act of more than one township of thirty-six sections in a body, nor shall the aggregate of lands reserved and unoccupied at any one time exceed three hundred thousand acres.

SEC. 5. That the Commissioner of the General Land Office shall have power to make all needful rules and regulations to carry into effect the provisions of this act.

Mr. STEWART. I hope the friends of the bill will adopt my amendment, for I am very confident it is better in every respect. It is cheaper for the applicants. It will cost them nothing to have the reservation made on which they can go. It does not tie up the land by having it entered by an agent. It accomplishes every purpose, without all the expense of having each individual section entered by an agent and fees paid. The fees for entering this land will amount to many thousand dollars, and the parties may never come. This simply provides a reservation for them to go upon if they do come, and then they can enter under the laws of the United States the same as anybody else. Certainly it dispenses with a great deal of cumbersome and expensive machinery, and accomplishes everything desired by the original bill.

Mr. THURMAN. If I understand the amendment of the Senator from Nevada it only makes this bill general, by providing that any body of men, at any time in the future, may acquire a pre-emption right in the manner provided in the bill. The original bill secures a pre-emption in favor of a certain sect of people, or a portion of that sect who now reside in Russia. The amendment of the Senator from Nevada, if I comprehend it correctly from its reading, extends that provision to all sects and all persons.

Mr. WINDOM. The Senator is mistaken in his construction of the amendment of the Senator from Nevada; but that Senator can answer more appropriately than I can.

Mr. THURMAN. If I am mistaken in that, and if the amendment of the Senator from Nevada relates only to these same Mennonites, I did not comprehend it correctly when it was read. I heard it imperfectly.

Mr. STEWART. The preamble refers to them.

Mr. THURMAN. It reads, "Whenever a body of such persons." Then it is confined to the Mennonites, is it?

Mr. STEWART. "Such persons" refers to the Mennonites spoken of in the preamble. I do not strike out the preamble.

Mr. THURMAN. I misapprehended it. I thought it extended the principle of this bill to all persons, whether they were Mennonites or whether they were members of the Greek Church, or whether they were Mohammedans, or communists, or what not. But it seems the amendment of the Senator from Nevada only goes to details and does not touch the main object of the bill itself.

Now, Mr. President, what is this bill? It proposes a new kind of pre-emption that never yet has existed in this country I believe. It is very true that in the history of this country there have been some particular tracts of land set apart for the benefit of immigrants. In my own State there was a tract of land known as the Moravian reservation at Gnadenhutten, and another known as the French grant; but I think in all cases there was no such principle of pre-emption as this; but the land was ascertained by act of Congress and set apart, in the case of the French grant to the refugees from France during the time of the French revolution, and in the case of the Gnadenhutten reservation to certain very worthy people called Moravians, who were making special efforts to Christianize and civilize the Indian tribes. But here is a proposition that if adopted sets a precedent for the adoption of similar propositions whenever any body of men may desire to procure a pre-emption of the public lands and a pre-emption of the very worst form, the pre-emption of large tracts lying in a compact body.

Mr. President, it has been said, and I have no doubt truly, that the Mennonites are a very worthy set of people; but is that a reason why we should change the whole land policy of the Government from the time we inaugurated a policy at all on the subject? And if we pass this bill because these are worthy people, can we refuse to pass similar bills whenever other worthy people ask us to do so? In other words, are we not inaugurating a policy by the passage of this bill that may cover the whole country with pre-emptions of the lands in large tracts, tracts amounting, as this bill allows, to one hundred thousand acres, and in the aggregate to three hundred thousand or five hundred thousand acres?

Something was said by the Senator from Indiana [Mr. PRATT] about the large amount of land that belongs to this country. Let me tell the Senator that the amount of good agricultural land belonging to the United States, and not covered by pre-emption or homestead applications or granted away to railroads, is very small indeed.

Mr. STEWART. Not exceeding two hundred and fifty million acres. I have figured a good deal on that.

Mr. THURMAN. It is very small indeed. When the Senator counts up the immense amount of land which belongs to the United States, and which has not become private property or to which no pre-emption or homestead right has accrued, he counts up the whole American desert, he counts up that whole body of land reaching from the British dominions down to Mexico, a large portion of which is uninhabitable and ever will be uninhabited, unless God shall change the climate of the country. But not only that; in the number of acres that are included—I do not know whether in the estimate by the Senator from Indiana, but in the estimate that I have often seen paraded as to the amount of land that yet belongs to the United States are included the whole of the Russian dominions called Alaska, which we purchased, and which extend from the British possessions to the north pole.

Mr. President, the truth about it is, that with the enormous grants to railroads, with the land that has been occupied by homestead settlers and by pre-emptors, (and here I observe that no one is more in favor of the homestead policy than I am)—but with them in operation there is very little good land left; and it does seem to me, wholly irrespective of the merits of these Mennonite people, that it would be very bad policy in us to open the door to the absorption and monopoly of these lands in the manner that I fear would follow from the passage of this bill. No, sir; that is not the way to do it. These lands are being appropriated now, since we have ceased to give them to railroads, in the best way they can be, by homestead settlers. Let them do it. That is an open field enough for them; but do not let somebody coming in here professing to be an agent, to-day of the Mennonites, to-morrow of some other sect, the third day of another sect, go around and monopolize in large tracts and take out of the market vast bodies of land to the extent of one hundred thousand, two hundred thousand, or five hundred thousand acres. That is not the way to keep the lands for the people. That is not the way of "giving land to the landless." That is not the way of providing for the people of this country out of the public domain. At least it so seems to me.

I think that I can see that if this policy be adopted it will open a door to the most outrageous frauds. I think it is very easy, if this thing is to be done, for sharp and designing men, when it is once found that Congress will pass such laws, to come here representing themselves as entitled to represent large bodies of immigrants coming to this country and asking the passage of precisely similar bills; and how are you to refuse them? Are you going to refuse them upon the ground that their sect of religion is not as good as the Mennonites, or that you do not quite agree with their sentiments in morals or politics or something else? Are we to have an investigation into the character and opinions of the immigrants? Are we to have a religious or a moral or a philosophical or an economical test set up whenever such grants are asked for? If so, I think we shall have a task upon our hands that will be quite too large for our execution. No; the land policy of this Government since we have quit giving the lands to corporations is the right policy. The homestead policy is the right policy. It is that policy which enables the settler to acquire a home for himself and his children, and to acquire it honestly by discharging those duties which the statute imposes on him in order to acquire that title; and I think that any policy which tends to monopolize those lands in large tracts is not advantageous to the people of the country, nor to the immigrants to the country, and is against the best interests of the Government.

Mr. SARGENT. Mr. President, the amendment offered by the Senator from Nevada, with a modification which I would like to suggest in it to him, seems to me very much better than the bill reported by the Committee on Public Lands. I would like to suggest to my friend from Nevada that after the words "United States," on line 7 of the first section of his amendment, he insert the words "not exceeding one hundred and sixty acres to any one person;" so that it will read:

An application for permission to locate a portion of the public lands of the United States, not exceeding one hundred and sixty acres, to any one person, accompanying such application with a list of the persons composing such body and the quantity desired by each.

Mr. STEWART. I think that would be the effect of it; but to make it certain I will accept the modification.

The PRESIDENT *pro tempore*. The amendment will be so modified.

Mr. HOWE. I would suggest "any one such person." The persons before alluded to are the persons who shall make the application.

Mr. SARGENT. I see the point of the suggestion, and I accept the word "such."

Mr. President, I am opposed to all this legislation. I agree fully with the ideas expressed by the Senator from Ohio, [Mr. THURMAN,] but I wish to say in addition to the reasons which he has advanced against legislation of this character, that we are encouraging within our borders for the first time in our history colonies of persons in a degree separated from the rest of our people, with their own customs, their own religion, their own ways of life brought from their native countries, and isolated in our midst like islands in the ocean.

Our policy has been heretofore to invite the people of all countries desiring a home into our midst, and our laws have been sufficiently liberal for their acquisition of homes anywhere throughout our broad domain where the Government of the United States had land to give them or to sell at low prices. By means of that system there was a general distribution of these people; they separated up into families scattered into different communities, had many points of contact with our customs and our language. They had an opportunity, by isolation from each other and by combination with our people, to learn readily our language, to understand gradually our institutions; and the result has been that, if not in the first generation—though it was often so in the first—in the second generation they were thoroughly Americanized; and it has been a most valuable life-blood infused into the body-politic.

But, sir, if you reverse this and put colonies of twenty or thirty thousand people in a single place, occupying two or three hundred thousand acres in a community, they have not this opportunity either for intermarriage—they marry among themselves for natural preferences—or to learn our language, because they converse among themselves in their own language; or to learn our customs, for they do not lose their own. They get no intelligent idea of our institutions, because they have not that contact with the general body of the public which is necessary insensibly to infuse into their minds the knowledge and the spirit of the American form of government.

I think that this is an unwise departure from a system which has worked well heretofore, and to my mind it is the principal objection to this bill. There is an objection to the aggregation of three or four hundred thousand acres of land in the hands of any body of men to be held even as is proposed under the features of this bill. There is an objection to dedicating so large a portion of the small remaining amount of agricultural public lands which are attractive to settlers and attractive to immigrants; and a principal reason is that these persons are aggregated together, are set down in communities by themselves; they are not American citizens, they will not become American citizens in the true sense of the term. They are Mennonites, or if they were of some other nation they would be Irish, they would be Germans; they would not be Americans. I shall vote against the bill.

I prefer the amendment offered by the Senator from Nevada because I think the machinery is much more simple, and if these persons are coming they will be less oppressed under the amendment than they will be under the features of the original bill. I think that if we are to invite them to come, and upon these terms, we had better make it as easy for them as we can, and that the amendment will work easier for them than the original bill. I would not invite them and deceive their hopes; but I should prefer that these people, flying from what they believe to be an oppressive change in the laws of Russia, shall come as individuals, as other immigrants come, and I believe that many of them will come, that they will avail themselves of this freer form of government, and that they will make valuable citizens if they will come in this form. I had an opportunity to meet some of them a few months ago, and talk with them. I found that these persons, who probably were selected from the whole body of the company, were men of very high intelligence, and they seemed to speak the English language with considerable purity, and I have no doubt that if they are anything near representatives of the class of people that sent them here, it will be a valuable acquisition to the Republic to have them come among us, but not to have them come as a community isolated from the rest of the body-politic.

Mr. TIPTON. Mr. President, it seems to me remarkably strange that a committee of the Senate with ordinary intelligence and ordinary good intentions should have made so gross a mistake as is supposed to have occurred in regard to this measure. The members of the Committee on Public Lands, of whom I have the honor to be one, did not doubt for one single moment that the honorable President of the Senate who differs with us so essentially and the honorable Senator from Ohio and the honorable Senator from California are just as honest in regard to this matter as we are; but it is a matter of astonishment that we see the subject in such different lights.

Now, sir, as a resident of a land State, as a pre-emptor myself, I profess to have as much interest in this question and no more than other men who come from the States that are being settled up, and as much intelligence on the subject as they can have. I would not for one single moment do anything that would be at war with our now accepted doctrine of homesteads. Every Mennonite in Russia to-day is entitled to a homestead beside any citizen of the United States the moment he lands here and declares his intention to become an American citizen; and no American ever has taken a homestead, or ever will take a homestead, that will make a more worthy citizen than this Mennonite will after he has been acclimated among us. But why have we asked this special privilege, you inquire, for him? The idea is this: Everybody settles in colonies now. Cassatt, of Ohio, has just taken his Ohio colony on the line of the Pacific road in the State of Nebraska. We have our German settlement in my county. I have just what every other western man has on this floor, his German settlements right at his own door. He has his Irish settlements; and one of the very best settlements in the State of Nebraska to-day is the Illinois settlement. We have all these different settlements, and why? Because it is more convenient; because it is more desirable on account of sympathy, and association, and education, and religion, and all those things, for persons to settle together as they have been occupying homes together in other States. But what is the influence? It has been asserted here that these people will not become American citizens. I deny it.

It is not true that we suppose these people are likely to settle in any large bodies at all. They show us by their maps that in Russia

already they occupy more than one hundred different locations, as I see it stated in some of the papers. They do not contemplate taking up counties. They propose taking the range and run of our land offices and locating in small numbers wherever they find advantages to suit them. If one hundred can be accommodated in one place and have the kind of land and the kind of accommodations that they seek, another hundred will make their way to another land office in another district and settle among us, just as our Germans settle and just as other foreigners settle, and in no other way. They never have contemplated and never have desired anything else; and we have been in the fullest communication with their representatives from Germany, intelligent, devoted, patriotic people. We have been in communication with them until we came to understand them perfectly, and think they understand us.

Mr. EDMUNDS. Have you any communication in writing or in print on the subject?

Mr. TIPTON. Nothing. They come here as every set of immigrants have the right and privilege to come, and I will speak of this special grant in a moment. They come to scatter over our country as others come; and the reason they are coming in such large bodies at a particular time is set forth, and the Senate understands it very well. They feel it necessary to make their migration within six years. If they offer to throw all their lands on the market of Russia within any one or two years so as to get here within three or four, you understand perfectly well that there becomes a glut in the market in the vicinity where they offer their lands, and they have not such facility for receiving the value of their property and bringing it with them to the United States that they will have if we give them a little time in which to come. The father precedes the family, takes the homestead, erects the house, and prepares for their reception, and within twelve or fifteen, and not more than twenty-four months at the farthest, they will have sold the property and followed him here. They are not ordinary immigrants. They come here with thousands and with millions of money to add to the capital of this country. We have a community of them at Sutton, in Nebraska, at the present time, and all who know anything about them speak in unbounded terms of their honesty, of their ability, and of their skill.

Mr. EDMUNDS. How were they able to settle without a special law?

The PRESIDENT *pro tempore*. The morning hour having expired, the Senate resumes the consideration of the unfinished business of yesterday, which is the bill (S. No. 446) to restore the rights of the State of Louisiana, on which the Senator from North Carolina [Mr. MERRIMON] is entitled to the floor.

Mr. EDMUNDS. I hope the Senator from North Carolina will allow the Senator from Nebraska to conclude his remarks.

Mr. MERRIMON. Very well.

Mr. TIPTON. As to how they settled without any special law I will tell you. Any day in any week in the year a hundred emigrant wagons can drive up before a land office in Nebraska, and a hundred men can enter their homesteads, a hundred homesteads, and by night they are a colony. These people say they cannot get there the first day together; they say they want a little privilege. We ask them where the rest of the train is, and they say the rest of the train is a good piece in the rear, and it may take them twelve or fifteen or twenty-four months to come up; and therefore they say they would like to have the privilege of making a few selections for their neighbors and go on and improve for their neighbors until they do arrive. The train is in motion; the train is on the way; and if they could buy land at the same hour they could take any county we have in Nebraska unoccupied, and to-morrow they can be what you call a monopoly; any unoccupied county in Nebraska to-morrow, if they were there, they could take up, and there would be a Mennonite colony under your laws without any qualification or amendment to suit them at all.

When they become located you say they will not become American citizens. They swear they will become American citizens and file their declaration in order to enter their lands and get their homesteads. When they have their homesteads, what then? They vote under your laws for the purpose of establishing their townships, their school districts, their counties. They, under your laws, during the next year are levying their taxes to build their own court-houses, to put up their public works. At the end of the year they hand over the balance of the money they have collected to your State treasurer; and thus they support your State government. They are citizens in every respect. But on some day they simply worship God according to the dictates of their conscience in the Mennonite form and manner and according to their doctrines, which are simply German Quakerism. I suppose you guarantee to every man the right to worship Almighty God according to the dictates of his conscience in this country. As it is, they propose to come, and where they see a little body of land they will go on it just as other individuals go and settle in communities; and then what happens? Is there any dangerous monopoly? Just as soon as they take a township, for instance, we know what immigration does. It sends there frugal men, and then the immigrants coming to the land office sweep right around them and hedge them in to-morrow, and they are surrounded by other settlers, by American citizens. What happens after that? Their children will be coming of age, and after they are there a year the young men who came in at twenty will be twenty-one and they will want a homestead. What do they do? They go outside of this belt of American citizens and American settlers that have girded in and circled around the old family homestead; they take their homesteads off among us, and thus we diffuse and thus we spread them abroad; and only the first day's locations are the locations that you look upon as a monopoly and a concentrated influence. All that afterward enter lands have to take them where they can get them. All the young men as they become of age have to go out and take their homesteads among the other settlers. It is a mixing and a commingling of the very best foreign element that ever landed on these shores with our people of every kind and of every description.

I see no necessity of saying anything further on the subject. So far as sustaining the Government is concerned, have you any complaint? Who would not take to-morrow forty-five thousand Pennsylvania Quakers and locate them all over our western territory? Have you any law by which you could banish Pennsylvania Quakers? Have they not done their duty in sustaining this Government? What did they do when they could not go to war themselves according to their conscience? We did not all go ourselves; it never will be necessary that the whole people go to war; and, in God's name, have we not enough of the fighting element in America? Look to Arkansas to-day, where the people are never happy unless they are in a fight, [laughter,] never doing well unless in a fight. A funeral is the concomitant of a fight, of course. Our people are a peculiar people; and if there is any portion of the world that can send us a few advocates of peace, in God's name let us bid them welcome. We want settlers of that kind.

I say that the English Quakers of this country have done for us just what and nothing more than these German Quakers will do. They have furnished their substitutes and sent them to the battle-field; they have paid their taxes; they have given of their means gratuitously; they have been the laborers in your hospitals; and they have organized and sent as much as any other association of people have the instrumentalities for the purpose of relieving the suffering on the battle-fields all over the country. It is gammon, therefore, for men to doubt in regard to these people that they will become patriotic, devoted, and self-sacrificing citizens. I have said all that is necessary to say. I would say much more if I thought there was any propriety in it, but I leave the question to others.

Mr. MORRILL, of Vermont. I desire to give notice that at the proper time I will submit an additional section as an amendment to the bill, for I presume the proposition of the Senator from Nevada will not prevail.

The PRESIDENT *pro tempore*. The unfinished business is before the Senate.

Mr. MORRILL, of Vermont. I merely ask to have the amendment which I have sent to the desk read for information.

The PRESIDENT *pro tempore*. It will be read for information.

The Chief Clerk read the proposed amendment, as follows:

SEC. —. That any sale or assignment of land reserved under the provisions of this act to any person within five years of the day of reservation, who is not known as an immigrant from Russia belonging to the sect which is commonly called the Mennonites, shall be absolutely void and of no effect; and any such land so sold or assigned shall be open to pre-emption or sale in the same manner as any other public land.

Mr. MORRILL, of Vermont. I will merely add that that is to prevent any jobs under this bill. I do not see why, as the bill now stands, it may not be possible for any parties to have this amount of land reserved and sold to other persons than those that are intended by the bill.

Mr. WINDOM. I did not distinctly understand the amendment of the Senator from Vermont, and ask to have it read again.

The PRESIDENT *pro tempore*. The amendment will be again read.

The Chief Clerk again read the amendment submitted by Mr. MORRILL, of Vermont.

Mr. WINDOM. I am not authorized by the committee to accept that amendment, but I shall not oppose it.

The PRESIDENT *pro tempore*. The unfinished business of yesterday is now before the Senate.

Mr. WINDOM. I would only submit to the Senate the propriety of finishing this Mennonite bill to-day, if we can with the consent of the Senator from North Carolina. I should be glad to complete it and dispose of it one way or the other if the Senator from North Carolina is not anxious to proceed with his speech.

Mr. MERRIMON. I am not very anxious to speak to-day, although I am prepared to do so. If it shall be understood that I shall occupy the floor when the Louisiana bill is resumed after to-day I am content to yield now. I suppose this bill will take the greater portion of the day, and I would not want to speak late in the evening.

Mr. EDMUNDS. I think we ought to dispose of the Louisiana question. I think we had better go on with that bill. It is certainly quite as important as this, and involves a colony who are in trouble, or think they are, much more extensive than this one. It appears to me the public business will be best subserved by standing by the order of the Senate and proceeding with the Louisiana business every day until we dispose of it one way or another.

Mr. MERRIMON. This Mennonite bill seems to be in the way of everything else. I am very anxious myself to see it out of the way, and therefore am willing to yield if the Senate desires me to do so.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. MCPHERSON,

its Clerk, announced that the Speaker of the House of Representatives had signed the joint resolution (H. R. No. 45) tendering the thanks of Congress to Captain Benjamin Gleadell, officers, and crew of the steamship Atlantic, of the White Star line, for saving the brigantine Scotland in mid-ocean; and it was thereupon signed by the President *pro tempore*.

BILLS BECOME LAWS.

A message from the President of the United States, by Mr. O. E. BABCOCK, his Secretary, announced that the following acts, having been received by the President April 9, 1874, and not having been returned to the Senate, wherein they originated, within ten days, Sundays excepted, as prescribed by the Constitution, had become laws without his approval:

An act (S. No. 317) for the relief of Henry C. Smith, of Indianapolis, Indiana; and

An act (S. No. 366) for the relief of Oliver Powers.

STATE OF LOUISIANA.

Mr. HAMLIN. I want to say that if the postponement of the Louisiana bill will end it, I am for the postponement of it; and I have risen now for the purpose of saying to the Senate that after the Senator from North Carolina [Mr. MERRIMON] shall have concluded, or certainly at a very early time thereafter, if I can get the floor I shall ask the sense of the Senate on this subject by a motion to lay the whole question on the table.

Mr. MERRIMON. I trust the honorable Senator will allow us to have free debate. It is a very important question.

Mr. HAMLIN. "Free debate" is a general term, and that would apply to every member of this body and allow him to speak as often and as long as he chose. I have an opinion; other Senators have theirs. I think the matter has been amply debated; others may think differently, and would of course vote differently. But I have given this notice for the purpose of calling the attention of the Senate to the matter so that it shall be understood. If there are but a limited number of speeches to be made, and we can have them within a reasonable time, I should be very glad to postpone the motion I propose to make for that time; but we know that Tuesday next has been assigned for calling up the veto message of the President on an important question, and there are other questions which I think demand a portion of our consideration as well as the question which has been so long debated. I do not believe there are any suggestions to be made in connection with it by any Senators, however able, which may not be pretty well comprehended by this body. Entertaining these views, I shall at a very early time ask the opinion of the Senate upon the motion I have indicated.

Mr. HOWE. I do not know precisely what question is before the Senate now.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The Senator from Minnesota [Mr. WINDOM] has asked unanimous consent that the Louisiana bill be laid aside for the purpose of proceeding with the bill which was under discussion at the close of the morning hour.

Mr. HOWE. I was going to say one word in reference to the notice which has just been served on the Senate by my honorable friend from Maine. Of course it is the right of any Senator to move to lay any subject on the table at any time he pleases, and the Senator will avail himself of that right whenever he thinks best; but I hope he will postpone that motion for the present.

The questions involved in the Louisiana bill are quite numerous, all of them important, and many of them very delicate; many of them are anomalous; and it is not strange that it has elicited a great deal of debate. The Senator from Maine may be entirely right in supposing that further debate will not enlighten the Senate. I am not entirely sure, however, that that is so. At all events, in a case of this kind, as long as there are Senators on the floor who desire to be heard on the question and who have not been heard, I hope the opportunity will be given them to speak. If the debate should assume at any time such a phase as seems to be consuming time for the mere purpose of the consumption of time, of course we must try to cut that off. If we are pressed for time we can meet that demand, I think, by either meeting earlier in the day, or sitting later in the day, or sitting more days in the week. Up to this time I have seen no disposition on the part of any one in the Senate to hurry business of any kind, and if we are to commence on this bill I hope we shall not commence very suddenly on it. I would rather commence on some other bill.

Mr. CARPENTER. I shall ask the indulgence of the Senate, after as many Senators have spoken on the subject as choose to do so, to reply especially to the remarks of the Senator from New Jersey [Mr. FRELINGHUYSEN] for about one hour, and I trust the Senator from Maine [Mr. HAMLIN] and every other Senator will give me that privilege before a motion is made to lay the bill on the table. When reasonable debate is exhausted the question may as well be settled by a motion to lay it on the table as in any other way. I do not care what form it assumes; but I take it, on a subject of this importance, the Senate will not choke it off until we have within reasonable limits debated the measure as fully as we desire. I shall ask that indulgence of the Senate, after other Senators have spoken, to speak one hour in reply.

Mr. WINDOM. I should be very glad indeed to complete the bill which was under discussion during the morning hour; but I think I will confine myself to asking unanimous consent, because I am very anxious to have a little time to-morrow to present the report of the select committee of which I am chairman, and I am a little afraid that if I crowd the Louisiana bill over till to-morrow I shall fail to get that opportunity. So I will not make the motion. I ask unanimous consent, however.

Mr. THURMAN. Before my friend from North Carolina proceeds, I wish to say one word on this important though irregular debate which has taken place on the notice given by the Senator from Maine. I have not occupied a moment's time of the Senate this session upon the Louisiana question, and I do not know that I shall be able to do so; not that I do not wish to express some views which I have upon it; but I am by no means certain that I shall be able, with the onerous committee duty that has been imposed upon me by the Senate, to find time to prepare my views in such form as to make them worthy of the attention of the Senate. But this we all must admit: that no more important or far-reaching question in respect to the structure and powers of our Government and the liberties and rights of the people has ever been mooted in the Congress of the United States than this. Other questions have been from time to time considered that touched particular rights, particular privileges, particular claims, but this bill brings into review, I may say, the entire relations between the Federal Government and the State governments. Nothing could be more fundamental, and let it be decided one way or the other more far-reaching in its effects, than the decision of the constitutional question presented by this bill. I do therefore hope that my friend from Maine will not seek to limit debate upon a question so important and far-reaching as this. I have heard not one word by any Senator spoken on this subject that seemed to be uttered merely for the purpose of hearing himself speak, or for any sinister purpose whatsoever. I appeal to Senators if the debate upon this subject has not been in the main, apart from some little sparring now and then between the debaters, worthy of the question and worthy of the occasion. And so long as that shall continue to be the case, so long as no one shall manifest a disposition merely to waste time—and there can be no such purpose in this case—I hope the Senator will not feel it his duty to stop debate on a question like this.

Mr. HAMLIN. I concur in every word which has been uttered by the Senator from Ohio in relation to the importance of this debate. It is broad in its application, and there are principles which have never been as fully discussed as many which have sprung up in the consideration of this question. It is equally true that it has had a long, not to say a tedious, discussion. I concur in what the Senator has also said that the debate has been strictly legitimate, and with the exception of a little episode now and then it has been perfectly proper. I agree to all that. The Senator says no man has spoken for the purpose of hearing himself speak. Well, I do not know how nearly I can agree with the Senator in that, when I witness day in and day out a Senator rise to address the Senate to these empty desks and he has but few to listen to his voice save his own ears. [Laughter.] I think that when a debate has gone to that point as to drive almost every Senator from his seat, it is nearly time to stop. I have listened to speeches here myself, when there were but seven others sitting in the seats to listen with me. When a debate has gone to that point, I do not think the speeches are calculated to enlighten this body very much; but it is a discussion that has dragged to that length which does not ask or justify us in extending it further. I want full and free discussion, but I said a moment ago that there is a limit to that. If we would adopt the language literally used by the Senator, we never would get to the question if we should sit here until every Senator should speak who might choose to do so.

We have three modes of getting rid of a question: physical endurance, and sitting it out here quietly; perhaps those are the only two legitimate modes; a third is however, I believe, by way of agreement. I would say a little more than I did say at first with the views which I have. I did not mean to apply them very strictly, but I did mean to call the attention of the Senate to what I intend to do if it drags its length much longer; and I hoped the suggestion I made might perhaps bring us to one of the modes of closing this debate which I have suggested, of fixing a day, and in fixing that day I should say the Senator from Wisconsin, [Mr. CARPENTER,] who introduced the bill and who has been foremost in its advocacy, under every rule of parliamentary law is entitled to close the debate; and certainly, unless it were under very strange circumstances, I should be unwilling myself to vote to dispose of the question so as to exclude him, while I would exclude others.

These are my views, and I do think we ought to come to a close of this question within a reasonable time. We sit here and hear one speech a day. I think there is a responsibility resting upon this body, and that responsibility is expressed in a few words: less talk and more deliberation; less talk and more action. I cannot for my life think the speeches which are listened to by nobody here but by the galleries, and sometimes I think are delivered for nobody but the galleries and to empty benches, are called for.

Mr. CARPENTER. Will my friend allow me a suggestion? Is it not possible that those Senators that leave, leave for the purpose of reflection?

Mr. HAMLIN. Yes, sir; I think they do; and I think their reflections run something about in this wise: "That speaker is doling out what I heard half a dozen times; and what I have heard half a dozen

times it is not worth while to listen to again." I think their reflections run precisely in that channel. It is the most reasonable thing in the world upon any great question that certain prominent ideas shall suggest themselves to every Senator. How does it happen, and how comes all this repetition in this body? Precisely in this way: while the friends go out for reflection others stay here and make speeches upon important points; and the men who go out to reflect never hear them or read them, and they come back and make them over again, [laughter;] and there is only just this difference: the words, the language, the dress used by one Senator are of one character, and those by another of another character. No two men would present precisely the same idea in the same precise words, and yet the common mind, the ordinary mind, minds such as ought to be in this Senate, would comprehend the point presented, whether presented by the one Senator or the other.

Now, the scope of what I say has this intent, no more: that I hope we shall close this debate within a very short time. It has been suggested to me within a very few moments that it would be desirable from very proper considerations not to commence a discussion upon the veto on Tuesday next; and if an arrangement should be made for the postponement of that for a day or two, then I hope those who are extremely desirous of addressing the body on the Louisiana bill will have the opportunity in a limited time, and we shall be rid of this question. I do think I will try the sense of the Senate after a reasonable time from this.

The PRESIDING OFFICER. The Senator from Minnesota asks unanimous consent to lay aside the pending measure informally.

Mr. THURMAN. The Senator withdrew that.

The PRESIDING OFFICER. The Senator withdrew his motion, but said he would ask unanimons consent. Does the Senator object?

Mr. MERRIMON. I understand the Senator from Minnesota has withdrawn his motion

The PRESIDING OFFICER. The Senator withdrew his motion to postpone, and asked unanimous consent to lay aside the bill informally. Is there objection?

Mr. EDMUNDS. Yes, sir; I object. I think the true way for the Senate to do its business is to stick to the Louisiana question until it is disposed of, to-day, or to-morrow, or whatever day, as the regular order of business of the Senate, and then take up the other bill, if the Senate wishes to consider it next.

The PRESIDING OFFICER. Objection is made; and the regular order is before the Senate.

Mr. STEVENSON. May I inquire of the Chair, if we do not take up the Louisiana question, what is the effect of granting the request proposed by the Senator from Minnesota?

The PRESIDING OFFICER. If the request of the Senator from Minnesota had been granted, this bill would have been laid aside informally, and could have been called up at the demand of any Senator at any time; but if it had been postponed, then it would have had to take its chance, and it would not come up again until by order of the Senate. Objection is made to its being laid aside informally.

Mr. STEVENSON. I understand the regular order is now before the Senate.

The PRESIDING OFFICER. It is now before the Senate.

Mr. STEVENSON. And that the Senator from North Carolina [Mr. MERRIMON] is entitled to the floor.

The PRESIDING OFFICER. The Senator is correct.

Mr. MERRIMON proceeded to address the Senate. Having spoken two hours and a quarter,

Mr. RANSOM. Will my colleague give way, as he must be considerably exhausted, for a motion to adjourn?

Mr. MERRIMON. I am content to do so.

[Mr. MERRIMON's speech in full will be found in the Appendix.]

Mr. EDMUNDS. I move that the Senate adjourn.

The motion was agreed to; and (at three o'clock and forty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April* 23, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

NATIONAL-BANK CURRENCY.

Mr. SOUTHARD. I ask unanimous consent to submit the following resolution:

Whereas by the provisions of the act entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates and for an increase of the national-bank notes," approved July 12, 1870, $25,000,000 of national-bank notes were authorized and required to be withdrawn in accordance with the provisions of said act by the Comptroller of the Currency, under the direction of the Secretary of the Treasury, from those States having a circulation exceeding that provided for by the act entitled "An act to amend an act entitled 'An act to provide for a national banking currency secured by a pledge of United States bonds and to provide for the circulation and redemption thereof,' approved March 3, 1865, and to distribute the amount so withdrawn among the States and Territories having less than their proportion so as to equalize the same;" and whereas no part of said sum of $25,000,000 has yet been so withdrawn and distributed, as appears by the annual report of the Comptroller of the Currency, dated November 28, 1873: Therefore,

Resolved, That the Committee on Banking and Currency be directed to inquire into and report to this House at an early day the reasons why the said $25,000,000 have not been withdrawn and distributed under the provisions of the act aforesaid, and what further legislation, if any, is necessary to secure that result.

Mr. MAYNARD. I have no objection to the resolution being referred. I desire to say that the committee already have the subject under consideration.

The SPEAKER. If there be no objection the resolution will be referred to the Committee on Banking and Currency.

There was no objection.

TAXATION OF STATE AND NATIONAL BANKS.

Mr. HEREFORD, by unanimous consent, introduced a bill (H. R. No. 3092) to equalize the tax upon State and national banks; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

J. W. BENNETT.

Mr. MACDOUGALL, by unanimous consent, introduced a bill (H. R. No. 3093) to relieve J. W. Bennett from political disabilities; which was read a first and second time.

The bill was read. It relieves J. W. Bennett, of Carroll County, Maryland, from all disabilities imposed by the fourteenth amendment to the Constitution by reason of participation in the late rebellion.

Mr. MACDOUGALL. I ask that this bill be put on its passage at once.

The SPEAKER. Does a petition from the party to be relieved accompany the bill?

Mr. MACDOUGALL. Yes, sir.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed, two-thirds voting in favor thereof.

Mr. MACDOUGALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NATIONAL-BANK CURRENCY.

Mr. BECK. I ask unanimous consent to offer the following resolution:

Resolved, That the Secretary of the Treasury be, and is hereby, directed to inform this House, at as early a day as practicable, how much, if any, of the $54,000,000 authorized to be furnished to banking associations in States and Territories then having less than their proportion of currency, by the act approved July 12, 1870, entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates and for an increase of national-bank notes," has not been applied for; if all of it has been, to state why it has not all been issued; and further, to inform the House how many applications for said currency have been made by parties who have failed to obtain it, stating the amount they applied for and the reasons why they failed to obtain it; and that he further state how many applications for currency are now pending, giving the amounts asked for and the reasons why the requests for it have not been granted.

Mr. ELLIS H. ROBERTS. I ask that the resolution may be referred to the Committee on Banking and Currency.

Mr. CLEMENTS. I do not understand why it should go to that committee. It is not business before that committee.

Mr. MERRIAM. The question is already before the Committee on Banking and Currency.

Mr. KELLOGG. Allow me to say a word. I have objected to these resolutions hitherto because I find there are from one hundred to one hundred and twenty clerks in the Treasury Department employed in answering these calls for information from one or another member of the House or Senate, and we cannot provide for any reduction of the clerical force there unless we put a stop to these continuous calls upon the Departments. I do not object to this resolution, although I believe it should be referred to the Committee on Banking and Currency before final action is taken upon it.

Mr. BECK. I wish to know why that currency is not out.

Mr. MERRIAM. I should like to say to the House that I introduced a resolution before the Committee on Banking and Currency calling for this information. It will be before us to-day; and to-morrow morning that committee will act upon it and bring in something to the House and ask the action of the House on it.

Mr. MAYNARD. I object to any action this morning.

Mr. ELLIS H. ROBERTS. I understand this subject is already before the Committee on Banking and Currency, and I therefore object unless that reference be made.

Mr. BECK. I did not know that, and will myself move the resolution be referred to the Committee on Banking and Currency.

The motion was agreed to.

AMERICAN CITIZENSHIP.

Mr. GARFIELD. I demand the regular order of business.

The SPEAKER. The regular order of business being called for, the House resumes the consideration of the substitute reported by the gentleman from Massachusetts, [Mr. E. R. HOAR,] from the Committee on Foreign Affairs, to the bill (H. R. No. 2129) to carry into execution the provisions of the fourteenth amendment to the Constitution concerning citizenship, and to define certain rights of citizens of the United States in foreign countries, and certain duties of diplomatic and consular officers, and for other purposes.

Mr. E. R. HOAR. I yield to the gentleman from Indiana, [Mr. ORTH,] chairman of the Committee on Foreign Affairs.

Mr. ORTH. Mr. Speaker, I am aware the House intimated on yesterday a desire to consider the pending bill by paragraphs, and hence I hope it will indulge me for a few minutes, notwithstanding the order of yesterday, while I shall address myself to the consideration of the general principles of the bill as well as some of its details. Especially do I desire this in view of what might be termed the ungenerous attack of the gentleman from New York [Mr. COX] yesterday on this bill.

He was pleased to inform the House that "this bill detracts from the value of American citizenship," "that it discouraged immigration;" and, thirdly, "that it sought to ingraft upon our statute-books principles of the feudal system." I need hardly stop to inform this House that if a single provision of this bill was amenable to the objections thus raised by the gentleman from New York, not a single member of the Committee on Foreign Affairs would have consented for one moment to entertain, much less report it, to the House and ask its passage at their hands.

This bill, sir, has its origin in a necessity created by the fourteenth amendment to the Constitution, which the members of this House will remember provides "that all persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside," to which is attached the clause providing that Congress shall enforce its provisions by appropriate legislation. The language of that fourteenth amendment is general, and hence it becomes necessary for Congress, in order to meet cases of inevitable exceptions, to define to some extent at least the status of American citizenship both here and abroad. In the bill now before us, in attempting to define that status, we have not sought to restrict, and I am justified in saying we do not restrict in any particular, the rights and privileges so dear to every American citizen, whether native or naturalized.

And this brings me to a cursory examination of the various provisions of the bill. The first section defines the term "domicile" and "reside," and construes them as "implying a fixed residence at a particular place, with direct or presumptive proof of the intent to remain indefinitely." This definition must be borne in mind and applied while considering the remaining sections of the bill, that when we use the word "domicile" or "reside," we mean it in the sense defined here, to be a fixed residence, with intent to remain indefinitely.

Now, then, we come to the second section. But here allow me to say, by way of parentheses, that throughout this entire bill there is not any distinction made between any classes of American citizens, whether native born or naturalized; none whatever. This bill is in strict conformity with the well-recognized doctrine of American legislation upon the subject of natural allegiance. I need not stop to discuss that question before this House. Our Government was the first to antagonize and break down the old feudal doctrine that allegiance was perpetual; that the duty which a man owed to the government in which he was born could not be abrogated or alienated except by the consent of that government. By that antagonism, running through a period of many years, we have at length secured what we claim by treaties. And hence to-day in no enlightened nation of the earth is the doctrine of perpetual allegiance, as understood in feudal times and as understood in later times in England, recognized and enforced as against American citizens. The second section then provides:

That in order to assure to all persons born or naturalized in the United States and subject to the jurisdiction thereof the full enjoyment of the right to be citizens of the United States and of the State wherein they reside, it is hereby declared—

For the purpose of securing the full rights of American citizenship this bill declares—

First, that all persons shall be regarded as entitled to the privileges and immunities of citizens of the United States, and as subject to the duties imposed upon such citizens, who may have been born and are residing within the United States and subject to the jurisdiction thereof.

Affirming in the very language of the fourteenth article of amendment to the Constitution the right of every person born upon our soil to American citizenship.

But, Mr. Speaker, it will be readily perceived that the right so generally expressed in the Constitution must of necessity be subject to exceptions; and it is for the purpose of declaring what those exceptions are that this bill is brought at this time to the attention of the House. What, then, are the exceptions? We first say that all persons born under our jurisdiction and residing here are citizens. Then we say:

And also all married women—

Referring as a matter of course to alien women—

And also all married women whose husbands may be such citizens, as against all powers, except the power within whose jurisdiction an alien woman married to a citizen of the United States may have been born and shall continue to reside.

Mr. PARKER, of Missouri. If the gentleman will allow me to interrupt him, I should like to ask him a question in that connection. Why does the committee believe it necessary to make an exception as to married women with regard to the power under whose jurisdiction they were born?

Mr. ORTH. It is for this reason, I will say in answer to the gentleman from Missouri: that we concede to foreign nations precisely what we claim for ourselves. Take the case, for instance, of an American citizen residing in Paris who marries a French woman. So long as she reside in France and is subject to the jurisdiction of the power within whose jurisdiction she was born she does not become an American citizen by the mere act of marriage; but when she leaves that jurisdiction and comes to reside here, or when she and her husband change their domicile from France to Germany or Italy, then she becomes an American citizen by virtue of her marriage with an American citizen, and is entitled to our protection.

Mr. PARKER, of Missouri. I understand the effect of the first part of that provision to be, that when a foreign woman marries an American citizen that act of marriage is presumed by the committee to be evidence of her intention to become a citizen of the United States. Now, if that be true in reference to all powers except the power controlling the land of her birth, I am unable to see why the same rule should not be made to apply to the power under which she was born.

Mr. ORTH. I will answer the suggestion of the gentleman. An American citizen goes to Paris, resides there without changing his citizenship, marries a French woman, who as such is entitled to all the rights and privileges of French citizens, and she continues to reside there to the time of her husband's death; she remains a French citizen, and as such is entitled to all the rights of person and property guaranteed by the French law. In other words, she does not denationalize herself by the fact of marrying an American citizen.

Mr. PARKER, of Missouri. I am informed that there is an omission in the printed copy of the bill which I have.

Mr. ORTH. I will state for the benefit of the members generally—and I see now what has raised the doubt in the mind of the gentleman from Missouri—that the printed bill has been amended by the committee, by adding after the word "born," in the fourteenth line, these words, "and shall continue to reside." This obviates, as a matter of course, the objection stated by the gentleman from Missouri.

Mr. CONGER. I desire to ask the gentleman from Indiana a question. Take the case of a married woman who may be temporarily passing through the country where she was born; or suppose she does reside there, but after marriage or before marriage has resided in the United States also; then does she by this bill cease to have the protection of the United States because she resides after marriage in the country where she was born?

Mr. ORTH. If I understand the gentleman correctly he supposes the case of a woman born in France migrating to this country and marrying here?

Mr. CONGER. Marrying here or marrying there, or continuing after marriage to reside in the country where she was born. I will suppose the case where a person born in France comes to this country in her infancy, resides here all her life, but after marriage returns to the country where she was born and resides there.

Mr. ORTH. Married to an American citizen?

Mr. CONGER. Married to anybody; but I will say to an American citizen.

Mr. ORTH. will state to the gentleman that the act of 1855, passed in relation to that subject, meets the very case he has suggested. It provides—

That any woman who might lawfully be naturalized under the existing laws, married, or who shall be married, to a citizen of the United States, shall be deemed and taken to be a citizen.

Of course, being born in France and a French citizen, if she marries a Frenchman she does not become an American citizen. Now, then, I have stated to the House two classes of persons who under this bill and by virtue of the fourteenth amendment are citizens of the United States. The bill provides that "a child born within the United States of parents who are not citizens, and who do not reside within the United States, and who are not subject to the jurisdiction of the United States, shall not be regarded as citizens thereof." Without some such legislative provision as this, under the fourteenth amendment, a French gentleman and his lady traveling in this country and while thus traveling having a child born to them, the child would become *ipse facto* an American citizen, whether that child remained in this country one month or one year or any other period. Hence we provide, to meet complications that might arise out of that state of facts, that the child thus born shall not become an American citizen unless that child shall, within six months after coming of age, file in the Department of State a written declaration of its intention thus to become a citizen. We give to that child this advantage over and above that given to persons ordinarily coming here and becoming citizens, who cannot comply (as a prerequisite) without our present naturalization laws, the filing of a declaration of intention, and the waiting afterward the prescribed time before full citizenship can be conferred by the courts. This provides that where a child is born in this country of foreign parents who may be temporarily here, that child may, if it shall so elect, within six months after arriving at the age of twenty-one years, become an American citizen by simply filing a declaration to that effect.

The House will observe right here that the entire object and scope of this bill is to fix more definitely and to define more accurately than heretofore the status of American citizenship, and instead of being a bill in derogation of that citizenship it is a bill to strengthen and make more marked and emphatic the fact of American citizenship.

The bill provides secondly that "a child born abroad, whose father may be a citizen of the United States, residing in and subject to the

jurisdiction of the United States"—it is well known to the members of this House and to the country that hundreds, yes, thousands of American citizens are constantly traveling abroad, remaining there for years; some engaged in business and others in the pursuit of pleasure. A child born abroad under these circumstances we claim shall be an American citizen and entitled to the protection of our laws, and, in the language of the bill, "shall be regarded as a citizen of the United States at the time of birth, and shall follow and have the domicile and citizenship of the father during minority."

Now the fact of the child being born abroad of American parents temporarily residing there should not denationalize that child, but the child thus born should be invested with the privileges and immunities of American citizenship.

Mr. MAYNARD. How does the gentleman understand the law to be now on that subject?

Mr. ORTH. Well, we understand the law to be as it is in this bill, and yet there have been doubts expressed about it.

Mr. MAYNARD. It is within my own knowledge, personal in some respect to myself, that a child born abroad of American parents was charged at the port of New York head-money as a foreigner.

Mr. ORTH. That may be very true; but who made the decision? The men interested in collecting the head-money.

Mr. MAYNARD. The decision was made by the authorities at the port of New York.

Mr. ORTH. They may have been interested in collecting the head-money, and that may have warped their judgment.

Mr. MAYNARD. I asked the question with a view of obtaining from the gentleman a statement of what he regards as the law at this time.

Mr. ORTH. Precisely so. I think the law now is as we propose by this bill to make it; but this bill will prevent just such acts as those to which the gentleman from Tennessee refers. It will be a guide to our authorities, State and national, with reference to what constitutes American citizenship.

Now, thirdly, there is another class of persons who are citizens for the time being; but under certain circumstances such citizenship is lost or suspended. Among them are, "first, born or naturalized citizens of the United States, who become naturalized as citizens or subjects of another State." I need not stop to discuss the propriety of the adoption of that provision. It is in the line of American thought and action on this subject. It is an acknowledgment of the right of expatriation. Any citizen, either born here or becoming such by naturalization, may change his nationality as he pleases without let or hinderance on our part. Another class is those "who enter into the civil, naval, or military service of any foreign prince or state, or of any colony, district, or people foreign to the United States."

Mr. PARKER, of Missouri. I desire to ask the gentleman another question right at this point.

Mr. ORTH. I will hear it.

Mr. PARKER, of Missouri. What is the legal construction of the words "enter into the civil, naval, or military service of any foreign prince," &c? Is the legal construction of it a voluntary entrance?

Mr. ORTH. Certainly.

Mr. PARKER, of Missouri. Does it not cover the case where a person is pressed into such service?

Mr. ORTH. Not at all; the entrance into such service must undoubtedly be voluntary, as for instance the case of officers of American citizenship who are now in the service of the Khedive of Egypt.

Mr. E. R. HOAR. If my colleague will allow me, I will suggest to him that under the order of the House we are to take up the bill, as soon as one or two gentlemen have spoken on its general features, section by section; it would conduce to the dispatch of business if questions to be asked on particular points should be reserved until then.

Mr. PARKER, of Missouri. Very well; I will reserve my questions until then.

Mr. ORTH. That is true; but some things might be forgotten, and I have no objection whatever to be thus interrogated as I proceed in my remarks.

Mr. HALE, of New York. Will the gentleman allow me to make an inquiry?

Mr. ORTH. Yes, sir.

Mr. HALE, of New York. It is whether there is any order or understanding that this bill shall be read by sections for amendment?

Mr. E. R. HOAR. That is the understanding.

Mr. ORTH. When an American citizen accepts service under a foreign power, he loses for the time being his American citizenship. There is a propriety that he should do so, for while in that foreign service the country he is serving might become entangled in a war with his own country, and he would be liable to be punished for treason if he continued in that service. Hence we say that when an American citizen enters the civil, military, or naval service of a foreign power or state, he shall, during his continuance in that service, forfeit the rights and privileges of American citizenship.

Mr. CONGER. Allow me to ask a question?

Mr. ORTH. Very well.

Mr. CONGER. There are many cases of American citizens and others colonizing the wild lands or mining lands within the jurisdiction of other countries. I can refer, for instance, to the Red River country, and to the mining regions in Australia also. While in those regions those American citizens may take part in the exercise of civil duties connected with the government of the mines in their particular district. I submit that this clause of the bill, "or who enter into civil, naval, or military service of any foreign prince or state, or of any colony, district," &c., would deprive them of their rights of American citizenship, although their residence there might be temporary.

Mr. ORTH. It does not interfere with them at all.

Mr. CONGER. They are residents of foreign countries and may be in the civil service of a colony foreign to the United States.

Mr. ORTH. As a matter of course, when they go beyond the jurisdiction of the United States they cannot carry with them the Constitution and laws of this country.

Mr. CONGER. If an American citizen goes to Australia, to the mining regions, and takes any part in the civil management of his district as practiced by the miners there, by virtue of this clause or provision he would cease to have the rights of American citizenship.

Mr. ORTH. If an American goes to London and becomes a civil magistrate there, he cannot of course claim the rights of an American citizen.

Mr. CONGER. Another provision of this bill is, that if an American citizen resides or is domiciled for two years in a foreign country, he loses the rights of American citizenship, except as otherwise provided.

Mr. ORTH. I will come to that in due time.

Mr. MELLISH. With the permission of the gentleman from Indiana [Mr. ORTH] I desire to make an inquiry; and in order to make the matter clear, I will state the circumstances of the case that came within my own knowledge. By the laws of the State of New York a patrolman of the police force in the city of New York must be a citizen of the United States. A man applied for appointment, who, it was found, was born of American parents in the Island of Cuba; that while an infant his parents and the child came to the United States, where they all thereafter resided. The applicant for appointment had been in the habit of voting for United States and State officers, &c., at elections. Would such a man under the laws of the land be regarded as a citizen of the United States?

Mr. ORTH. Under this bill he would undoubtedly be so regarded.

Mr. MELLISH. How under the present law?

Mr. ORTH. That would have to be decided by your own courts. The second clause is this: "Citizens of the United States who may be domiciled abroad, unless registered as hereinafter provided," shall lose their citizenship. I am aware that at first blush this may be regarded as probably a harsh or an unfavorable provision of the bill. But I am satisfied that, upon reflection, it will be seen that it is in the interest of American citizenship. In this connection I may as well state a fact which has been brought to the knowledge of most of the members of this House, that men from other nations come here and seek the benefits of our naturalization laws, and then leave with no intention of returning to this country; but constantly seeking, if they get into any trouble with the foreign government where they reside, the protection of American citizenship. They are beyond the jurisdiction of our nation; they render no duty whatever as an American citizen.

The doctrine of allegiance, as is well understood by the lawyers of this House, is regarded as reciprocal with the duty of protection. The citizen owes allegiance to his government, because he demands the protection of that government. When he demands that protection he is likewise compelled to render service or duty in time of war by serving as a soldier, in time of peace or war by the payment of taxes. Yet to-day there are persons from almost every civilized nation in the world who have come here, obtained the benefits of our naturalization laws, have left this country, and are now engaged in trade in foreign countries. By virtue of the cloak of American citizenship they escape all duty to the government where they reside, and they also escape any duty to this country by being absent, but are very quick to claim the protection of our Government when they may get into any trouble.

This bill provides that an American citizen shall, once in two years, go before an American official, a diplomatic or consular officer, and there simply declare, "I am an American citizen." Now, is that a hardship? Think of it for one moment. A man claims the protection of this great Government of ours. This Government says "Yes; we will grant you protection, although you are beyond our jurisdiction; you were born in this country, or were naturalized under our laws; hence we recognize you as a citizen, and if any other nation lays its hands upon you we will interfere to the extent of the entire military and naval force of this Republic to secure your rights."

Now, we propose to enact that this class of persons shall inform the Government, at least once in every two years, that they still claim to be citizens. This is a most reasonable and beneficial requirement, and entirely in the interest of the citizen; for by such act he informs both governments—the one in which he is domiciled as well as our own—that he is still an American citizen.

Why should it be considered an odious or oppressive requirement that, in return for the protection of this Government, the citizen residing abroad shall once in two years go before some recognized officer of the Government and say, "I am an American citizen?"

Mr. SCHUMAKER, of New York. Will the gentleman state whether any civilized nation within his knowledge has ever passed such a law as this?

Mr. ORTH. I cannot answer that question.

Mr. SCHUMAKER, of New York. I say not.

Mr. ORTH. That may be the fact, but would not furnish an argument against this provision.

Mr. SCHUMAKER, of New York. We have in all our large cities a large class of foreign residents—English, French, German—who never become naturalized, but scout the idea of being American citizens; and the continuance of their foreign citizenship is recognized by their governments without their being subjected to any such requirement as this bill proposes.

Mr. ORTH. That may be the fact, Mr. Speaker, but it is no reason against the enactment of this law. I hold that this requirement is in the interest of the citizen abroad. Take, for instance, a case that was before this House during the last Congress, that of Dr. Houard. I was not here at that time, and I do not recollect all the particular facts connected with the case; but Dr. Houard was a gentlemen who, born I believe in Philadelphia, resided for years in Cuba, and was recognized to all intents and purposes as a native Cuban. Becoming involved in some difficulty, he claimed the protection of our Government, and his case occupied for some time the attention of the State Department and of Congress. Now, suppose there had been enforced at that time such a law as this; suppose Dr. Houard had once in every two years gone before the consul in Havana and simply proclaimed what a man should be proud to state, "I am an American citizen," there would have been no trouble in determining the nationality to which he belonged.

Mr. G. F. HOAR. The gentleman will allow me to state that in the case he refers to the reason of the delay of many months on the part of our Government in extending to Dr. Houard its protection was that, though his friends alleged he was an American citizen, there was no decisive evidence that he had desired to remain an American citizen; and he was actually carried across the Atlantic as a prisoner before his case could be put in such a shape as to justify the interposition of our Government.

Mr. MYERS. Permit me to say that in the case of Dr. Houard the State Department did not declined to interfere, but its good offices failed, and Congress was called upon to act. We did interpose in his behalf, because we held him to be an American citizen, no matter how long he had resided in Cuba.

Mr. SCHUMAKER, of New York. Allow me to say to the gentleman from Indiana [Mr. ORTH] that there have been a great many instances—three or four from my own State—where engineers employed on sugar plantations have been killed in Cuba, and their bodies thrown into the sea, when it was known that they had only arrived from the United States within four or five months. I think there are now in the State Department evidences of such facts.

Mr. ORTH. Well, that was unfortunate for the gentleman's constituents, but men's lives are always more or less exposed in times of internal trouble and war in any nation.

Mr. RANDALL. Will the gentleman from Indiana allow me to state a fact in connection with Dr. Houard's case?

Mr. ORTH. Yes, sir.

Mr. RANDALL. In that case the State Department, as I consider, was not up to the mark; and such was the judgment of this House, which by a decided vote finally awakened that Department. It was under the instruction of the House that the State Department made application on Dr. Houard's behalf to the Spanish government, which, upon the presentation of the case, yielded and released him from his imprisonment.

Mr. ORTH. Precisely so. In alluding to the Houard case I did not desire to bring my Philadelphia friend upon the floor in vindication of the action taken in that matter. I simply wished to illustrate what would be the operation of this bill in such a case as that. Had Dr. Houard registered himself every two years, as this bill proposes to require, there would have been in the State Department evidence that would have justified this Government in promptly raising its strong arm; and I have no doubt it would have done so.

Mr. RANDALL. I admit that such a provision would have prevented any trouble about Dr. Houard's case.

Mr. MYERS. I wish to say that one of the strong features in Dr. Houard's case that induced Congress to interpose was that he had registered himself two successive years at the American consulate. True he had resided in Cuba for eighteen years before; but he was an American by birth and had always upheld his nationality. We decided that he had never denuded himself of his American citizenship.

Mr. ORTH. The State Department should not be called to account for not interposing without proper evidence furnished of his citizenship, and this case furnishes a strong argument for the passage of this bill.

I now come to another class of naturalized citizens. I propose now to refer to that clause of this bill which seems to have met the particular objection of the gentleman from New York [Mr. COX] yesterday, though it struck me at the time (I do not wish to be uncharitable to the gentleman, particularly in his absence) that his object was rather to "fire the German heart" than to illustrate the operation of this bill and seek to amend it where it may be wrong. I am aware that a portion of the German press of this country has commented very severely upon this clause of the bill. Hence I shall ask indulgence for a few minutes to remove, as I think I shall be able abundantly to do, any suspicion even that this measure is in derogation of the rights of any portion of our naturalized citizens, much less the German-speaking portion.

What is this third clause of the bill?

Naturalized citizens of the United States who may by the terms of any treaty be regarded as having assumed their original nationality.

No one takes exception to that. A man comes here from Norway, Sweden, Denmark, or Germany, and becomes naturalized. After a while he desires to change his nationality—to go back to his fatherland, and in the loving language of the gentleman from New York, [Mr. COX,] "to kiss his kith and kin once more." He goes there, and nobody objects to his going as nobody objected to his coming. But when, by virtue of treaty regulations between this Government and the country to which he returns, he by returning denationalizes himself as an American citizen, it is a voluntary act of his, and by this bill he can no longer claim the protection of the Government.

Here are the lines to which my colleague on the committee from New York [Mr. COX] has taken special exception, and to which the editorials in the German press referred. These three lines read thus: "or who, on returning to their native country, may be convicted of offenses against the laws of that country committed prior to their arrival in the United States." I am aware whence arises the objection to this provision. It is not with regard to offenses which are classed generally as *malum in se* or *mala prohibita*, but these military offenses which are so odious to the German citizen in this country—that is the duty which he owes under the laws of his native land to render military service.

Now I will state, especially for the benefit of my friend from New York, that this portion of the bill is but a transcript, a copy of every treaty existing to-day between this country and the German nations of Europe. You will find it in the treaty with Austria, Baden, Bavaria, Belgium, Hesse, and the North German Union, and Sweden and Norway.

Now, sir, I can make myself much better understood by reading one or two clauses from these treaties. I will read first from the treaty with Austria. You will then see that there is no real foundation for our German friends objecting to this clause in the bill, because it is the very language found in treaties made with the nations of their birth, and no act of Congress can abrogate or change a treaty stipulation. What is the clause in the treaty with Austria?

ART. 2. A naturalized citizen of the one party, on return to the territory of the other party, remains liable to trial and punishment for an action punishable by the laws of his original country committed before his emigration, saving always the limitation established by the laws of his original country and any other remission of liability to punishment.

In particular, a former citizen of the Austro-Hungarian monarchy who, under the first article, is to be held as an American citizen, is liable to trial and punishment, according to the laws of Austro-Hungary, for non-fulfillment of military duty: 1. If he has emigrated, after having been drafted at the time of conscription, and thus having become enrolled as a recruit for service in the standing army; 2. If he has emigrated while he stood in service under the flag, or have a leave of absence only for a limited time; 3. If having a leave of absence for an unlimited time, or belonging to the reserve or to the militia, he has emigrated after having received a call into service or after a public proclamation requiring his appearance, or after war has broken out. On the other hand, a former citizen of the Austro-Hungarian monarchy naturalized in the United States who, by or after his emigration, has transgressed the legal provisions on military duty by any acts or omissions other than those above enumerated in the clauses numbered 1, 2, and 3, can, on his return to his original country, neither be held subsequently to military service nor remain liable to trial and punishment for the non-fulfillment of his military duty.

Apply that to an American citizen here on our own soil, a native born. After he has been conscripted in the Army, and deserts and flees to a foreign country, and then returns to this country, is it unreasonable we should punish him for the crime of desertion? That provision runs through some four or five of these treaties.

Mr. HALE, of New York. Will the gentleman permit me to ask him a question?

Mr. ORTH. Certainly.

Mr. HALE, of New York. I understand the gentleman to say a provision equivalent to this is contained in every treaty concerning naturalization between this and foreign countries.

Mr. ORTH. No, sir.

Mr. HALE, of New York. I understood the gentleman to say it is included in every one. It is not included in the convention with Great Britain, in reference to which we have the greatest number of cases.

Mr. ORTH. I am aware of that.

Mr. BLAND. I should like to ask the gentleman from Indiana whether it would not be better to leave this clause out of the bill, and allow the whole matter to remain as now, subject to treaty provision?

Mr. ORTH. The suggestion of the gentleman is a good one, because this bill is as perfect without that clause as with it. But I was speaking in regard to the reasonableness of this provision in this bill and the several treaties to which I have referred. What is it?

Or who, on returning to their native country, may be convicted of offenses against the laws of that country committed prior to their arrival in the United States.

Suppose an American citizen in the city of Detroit, guilty of murder or robbery, flees into Canada, and becomes a naturalized citizen of the British dominions, and years afterward returns to this country, shall it be said he shall go unpunished? Shall he be permitted to plead his naturalization in another country as an exemption from punishment for a crime committed before such naturalization? Clearly not.

Mr. CONGER. As the gentleman has made allusion to the case of a citizen of Michigan, permit me to make this remark. There are a great many of those men who are guilty of offenses against the laws of their native country, the guilt of which, in our eyes, was a virtue; guilty of resisting oppression, guilty of resisting tyranny, guilty of resisting the enforcement of odious laws which we all condemned. There was an immigration to this country in 1848 of some of the brightest names of Europe who were guilty of precisely this kind of violation of the law of their native lands.

Mr. ORTH. I did not yield for a speech, although I have yielded for a question.

Mr. CONGER. I thought the gentleman yielded for a remark or two, but I do not wish to interrupt him. But perhaps he considers what I said dangerous to his argument, and I will take my seat.

Mr. ORTH. O, no. I know what the gentleman refers to. He refers to what is known as political crimes. I yield to him, however, if he wishes to make further statement.

Mr. CONGER. I thank the gentleman for allowing me to proceed. So few gentlemen grant this courtesy I wish to recognize it.

I say there are many revolutions in Europe among the old feudal nations in which men have been guilty of offenses against the laws of their native lands of which every American citizen approves, and whom he deems not guilty but virtuous. This would take them from under the protection of our Government if they should travel back to the Old World. It would subject to the laws of their citizenship some of the brightest ornaments of our land. I do not know but the gentleman himself may be one of them. Many at all events whom we honor and respect among our citizens—many gentlemen now in public service in this country—would be convicted of these offenses if they returned to Germany or Spain. Now, for myself, I protest against any change of law which would take away their right of citizenship whenever they go back or wherever they go back.

Mr. ORTH. And I join with the gentleman from Michigan in his protest. There is no such intention, no such effort, no such purpose here. And while we may differ with other nations in regard to their internal regulations, yet the fact stares us in the face that such is their domestic policy, and as such is beyond our control; and the right way for these hundreds and thousands of gentlemen who have fled from the oppressions and tyrannies of the Old World to seek refuge here is to remain here. We cannot by legislative enactment, we cannot by treaty—because it takes two to make a treaty—suffer or permit, or attempt to permit, a naturalized citizen to go back to his native land where he is liable to be arrested and punished for crimes—political crimes, I grant you—with any promise on our part that we can afford him protection against punishment either by treaty or otherwise.

Mr. CONGER. Political offenses, not crimes.

Mr. ORTH. Offenses, undoubtedly. I say political offenses or crimes. And hence the objection which has been urged against this section has no reason in it. But if these three lines be stricken from this bill we fall back simply to where we stand now. We fall back on the various treaties which my friend will find in this book. And the only object or purpose of putting it in this bill is simply a notification to naturalized citizens that when they do go abroad they render themselves amenable to the laws of their native country, and that we cannot protect them.

Now, then, I think I have gone through all the clauses of this bill to which the gentleman from New York [Mr. COX] has made objection, or to which any objection has been suggested by any other member. And unless the gentleman from Michigan or any other gentleman desires to ask me a question I will yield the floor to the gentleman from Massachusetts, [Mr. E. R. HOAR.]

Mr. CONGER. I desire to ask the gentleman [Mr. ORTH] a question on another section of the bills, section 4.

Mr. E. R. HOAR. I must ask my colleague not to yield for an irregular examination of the sections. It is understood that they will be considered hereafter in their order.

Mr. CONGER. Then I will wait till that section is reached.

Mr. HALE, of New York. I had supposed that the hour of the gentleman from Massachusetts [Mr. E. R. HOAR] had expired. Is the bill now open for debate?

Mr. E. R. HOAR. When I made the suggestion to the House yesterday, in regard to proceeding to the consideration of the bill by sections, I was not aware that more than two or three gentlemen desired to speak on the subject of the bill. I learn that the gentleman from New York on my left [Mr. WOOD] desires to be heard on the general subject.

Mr. HALE, of New York. I supposed that the gentleman did not propose to shut off debate, and I therefore rose to claim the floor.

Mr. E. R. HOAR. Does the gentleman object to the House now proceeding to consider the bill by sections?

Mr. HALE, of New York. I hope that that motion will not be made, or if made that it will not be sustained. I do not think the House is ready to order the previous question on the bill. I for one am desirous of discussing it.

Mr. E. R. HOAR. I am willing that any reasonable time for general debate shall be allowed.

Mr. WOOD. If my colleague [Mr. HALE] does not desire to speak just now, I would like to say a few words.

Mr. HALE, of New York. I shall not interfere with my colleague proceeding.

Mr. SCHUMAKER, of New York. In relation to a remark made by the chairman of the Committee on Foreign Affairs, I desire to state that I was not mistaken yesterday in the answer I made to my colleague [Mr. COX] in relation to the direct laws of the German Empire in reference to emigration. But the authorities do in every way attempt to prevent emigration. So far as the railroads under their control in Germany can be managed, they are managed against emigration. Norway and Sweden have passed laws and have laws now against emigration; but Germany prevents it only indirectly.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed without amendment bills of the following titles:

A bill (H. R. No. 200) for the relief of settlers on the Cherokee strip in Kansas;

A bill (H. R. No. 668) relative to private contracts or agreements made with Indians prior to May 21, 1872;

A bill (H. R. No. 1039) for the relief of John B. Weber, late colonel Eighteenth Regiment Corps d'Afrique;

A bill (H. R. No. 1381) for the relief of John S. Wright, administrator of the estate of John T. Wright, deceased; and

A bill (H. R. No. 1755) for the relief of Richard H. Swift.

The message further announced that the Senate had passed and requested the concurrence of the House in bills of the following titles:

A bill (S. No. 32) to obviate the necessity of issuing bonds for certain private land claims in the State of Missouri, and for other purposes;

A bill (S. No. 253) to authorize the county commissioners of Thurston County, in Washington Territory, to issue bonds for the purpose of constructing a railroad from Budd's Inlet, Puget Sound, to intersect the Northern Pacific Railroad at or near Lenino;

A bill (S. No. 375) for the benefit of the Kentucky Agricultural and Mechanical Association;

A bill (S. No. 560) for the relief of William N. Denny, major of the Fifty-fifth Indiana Volunteer Infantry;

A bill (S. No. 561) for the relief of Charles H. Moseley; and

A bill (S. No. 563) for the relief of John M. McPike.

CITIZENSHIP—FOREIGN RESIDENCE.

The House resumed the consideration of the bill in relation to citizenship and foreign residence.

Mr. WOOD. Mr. Speaker, until yesterday I had no opportunity to examine the bill reported from the Committee on Foreign Affairs, which is now under consideration. Therefore I did not anticipate participating in the debate. I was not conversant with the extent to which the bill went, or with the nature of its provisions, so as to be able to make that careful examination of the subject which would enable me to speak on the bill with any degree of intelligence. And I regret, sir, that I am now compelled to enter into this discussion without any preparation whatever, so far as authorities are concerned, or so far as I may be able to present general principles which are applicable to the principles involved in the bill itself.

Probably, Mr. Speaker, few questions have greater importance to the American people than those which affect naturalization and citizenship, the question before the House; citizenship as such, whether operative within the United States or out of the United States. I think that the American people may well be interested in this whole question, in view of the fact that we are either ourselves emigrants or the descendants of emigrants. We stand to-day the only nationality of which that can be said to any considerable extent. And permit me to say, in connection with this question, that in my judgment the greatness of the American people is derived from the fact that they are as a people originally of all nationalities, the result of diverse though antagonistic races.

We are of no one nation of the globe. We are derived from no one nation of the globe. It is by the crossing of the internationalities, it is by the intermingling of the races of Southern Europe with those of Northern Europe and Middle Europe that we have been able to build up and produce a race on this continent, a strong and vigorous race, superior in all physical and intellectual power and strength to any other in the world. The law of interbreeding, applicable to the humblest animals, has been well illustrated in the power of the American people deriving its inherent strength from opposites.

Now, this bill ostensibly and in fact is to enforce citizenship as directed by the fourteenth amendment to the Constitution of the United States, which gives to Congress the power to carry into execution all the rights derived under that amendment. It is not only our duty under the Constitution to regulate this, but it is of material national consequence in our international diplomacy and in our intercourse with foreign nations that it should be finally determined what constitutes an American citizen abroad, how far the American Government will protect him, what his rights are, and when he shall lose those rights.

Sir, those of us who are familiar with the diplomatic history of this country know the repeated embarrassments and complications that have arisen from the want of a settled policy, by treaty or statute law, which shall be uniform and general in its application. We all know that the nicest points have arisen on this question, and have led us into serious complications and misunderstandings with other nations. This nation of all others, with its large population of those

who are not native born and who are constantly traveling for business or pleasure or permanent residence abroad, needs a settled doctrine on this subject, for we are being continually led into misunderstandings which we should endeavor to avoid.

It is our duty, therefore, under the fourteenth amendment to the Constitution to provide by law a final settlement of this question so as to govern the executive department in its negotiations with nations abroad. It is our duty, also, if we wish to live at peace and in comity with all the world, to endeavor to regulate by statute precisely the limitations on this question, so that every American, be he native born or adopted, whenever he goes into a foreign country, either for the purpose of pleasure, or the purpose of business, or for the purpose of acquiring a permanent domicile, shall know and be advised what the laws of his country are on the subject if he desires to maintain his allegiance to this country. I think, therefore, that the bill is in the right direction. It starts out with a desire to do that which it is incumbent upon Congress to do, and the sooner we reach a conclusion on this question the better.

But in saying this, Mr. Speaker, I want it distinctly understood that I do not commit myself to the details of this bill. I understand that an opportunity will be afforded us to amend the bill, and when the House shall be brought to a consideration of its details it can be modified and amended. It is not my purpose at this time to refer to several of the details of the bill which in my mind may be materially benefited; but I do not see in the bill itself anything that is not capable of modification and amendment, so as to avoid the objection which my colleague [Mr. COX] yesterday saw to it, that it is in the line of restriction upon immigration, and to that extent is objectional.

Now, sir, in connection with this whole subject and as directly pertinent to it, I desire to refer to naturalization. We have two bills before this House proposing to restrict naturalization; proposing to adopt certain general provisions of law by which obstructions shall be thrown in the way of any immigrant from abroad who desires to become a citizen of the United States. I have something to say on this subject, not only with reference to the bill under consideration, but with reference to the naturalization laws and the propositions now before the Judiciary Committee of the House for their amendment. I shall as preliminary to a discussion of these bills make some historical references which may be interesting to the House, and may not be impertinent to this discussion. The policy of this country in reference to naturalization is not derived, as is generally supposed, from the laws of England. The naturalization laws of this country were originally founded on antagonism to the principles ingrafted in the English constitution and in English practice. The system arose out of the necessities of the Colonies. We were then a new people; our ports were open to people from every part of the globe, and, unlike England, the whole tendency and policy of our legislation originally, before we adopted the Constitution of the United States, was to throw open the doors to the widest latitude for the admission of all who chose to come here, giving them very soon equal privileges with ourselves. This was the origin and foundation of the naturalization laws of this country.

At the period when the Colonies were founded the policy of England for more than a century had been hostile to conferring political privileges upon foreigners; and so illiberal was its course in this respect through the whole period of our colonial history that one of the acts of tyranny charged upon George III in the Declaration of Independence was that he had endeavored to prevent the population of the States by obstructing the laws for the naturalization of foreigners, and by refusing to pass others to encourage their immigration hither. The only mode by which a foreigner in England could obtain naturalization investing him with all the rights of a subject was by act of Parliament; and letters of denizâtion could only be obtained by the King's special license, which was granted with certain restrictions.

The rights of foreigners settled in the Colonies were, therefore, in a very precarious state. By the law of England they could neither hold nor transmit real property, nor exercise any political rights; and by the navigation act, unless they were naturalized or made free denizens by the King's letters-patent, they were forbidden to exercise in any of the Colonies the occupation of a merchant or a factor. To remedy this state of things and to encourage immigration, the colonial Legislatures exercised the right of passing naturalization laws. Maryland was the first Colony that took this course. This was in 1666. The other Colonies imitated this example, and continued to do so in spite of the protests of England, which looked upon the exercise of this power by the Colonies as an encroachment upon the royal prerogatives or the rights of Parliament.

The difficulties growing out of the subject continued to increase until the separation of the two countries.

During the Revolution, and until the adoption of the Federal Constitution, the power of naturalizing aliens was exercised by the States. When the Federal Constitution was framed, in 1787, a provision was inserted without debate conferring upon Congress the power of establishing one uniform rule of naturalization throughout the States; and at the second session of the First Congress after the adoption of the Constitution, on March 26, 1790, an act of the most liberal character was passed, authorizing the naturalization of any free white alien after a residence of two years under the jurisdiction of the United States and of one year in the State where he applied for admission. From that to the present time numerous acts have been passed upon the subject. In 1795 the period of residence was increased to five years, and a previous declaration on oath by the alien of his intention to become a citizen was required to be made before a court of one of the States, at least three years before the applicant's admission. In 1798 the residence was increased to fourteen years, with five years' previous declaration of intention. In 1802 the residence was reduced again to five years, and the declaration of intention to three years, and in 1824 the declaration of intention was further reduced to two years.

These provisions have remained in force ever since.

This brief, though incomplete, review sufficiently demonstrates that the history of this country is indissolubly connected with the history of immigration, and that the present greatness and power of the United States are the direct result of the liberal policy that was pursued toward immigrants. Every immigrant adds to the aggregate productive power of the country, and Congress should therefore remain intent upon encouraging, facilitating, and protecting immigration at all times. Unnecessary safeguards in naturalization should therefore be avoided, because they operate as unnecessary obstacles, and the period of residence and of the declaration of intention should be reduced. Steam and the telegraph have worked great revolutions within the last fifty years, and a residence of two years under the jurisdiction of the United States and of one year in the State where the application for admission is made, as demanded by the act in 1790, should be amply sufficient. Upon this question we have literally stood still since 1802, although almost all other civilized countries have been busy to modify the rigor of their laws and to become quite liberal. Thus, in 1860, a residence of two years was all that was required in Mexico; Brazil required one of three years; Peru one year; Venezuela one year, and in the case of resident owners of real estate of one thousand pesos none at all; and New Granada and Ecuador in many cases none at all.

Even European countries have made great progress in this direction. Portugal requires a residence of two years, Greece three years, and Denmark one year. In Belgium and Holland no previous residence is necessary. In Russia, by the fundamental law of the empire, as embodied in the last revision of the code in 1857, all foreigners except Jews may be naturalized upon taking the oath of allegiance, which is the only condition required to effect naturalization. Within nine months after the oath is taken the foreigner is bound to enter into one of the existing classes of the empire, and thereupon he enjoys all the rights and privileges of the class to which he belongs and all the rights of a native of Russia.

Even in Russia, which is usually esteemed to be the most despotic, tyrannical, and exclusive nation of the world, inducements and encouragement are under a wise policy held out for the purpose of enlarging the population, to a greater extent the largest empire in the world. Every obstruction to attaining citizenship under the laws of Russia has been removed.

And, sir, when this subject comes up in this House, in which an attempt is to be made in this great free Republic of ours to throw yet greater barriers between the immigrant and the right of citizenship in this country—when these bills shall come up for discussion—I should like to see their advocates imitate Russian despotism.

Mr. E. R. HOAR. The gentleman certainly does not intimate that there is anything of that kind in this bill.

Mr. WOOD. I have said that this bill refers to a kindred subject, the status of an American citizen abroad. It does not affect directly the question of naturalization, but naturalization is a kindred question to this.

In Würtemberg citizenship is obtained by acquiring landed property in or near the city or commune where the foreigner has established his residence, and it confers all the privileges and subjects him to all the obligations of a native. In Prussia, by a law of 1842, the superior administrative authorities are empowered to naturalize, with a few exceptions, any stranger who satisfies them of his good conduct. Other instances might be cited. Many European governments have shown also in other matters, as for instance by the abolition of the passport system, that it is wise to make concessions to the liberal tendency and the commercial spirit of the age.

The statute-books of the several States of the Union also demonstrate that the existing naturalization laws have become too illiberal. Though no State can confer upon any alien all the rights and privileges of a citizen of the United States, it may grant him any civil or political privileges within its own jurisdiction not inconsistent with the laws of the United States. Under this residuary power many of the Western States have passed statutes which allow aliens to hold land, to exercise the elective franchise, and to enjoy many of the privileges of citizens; a liberal policy which has contributed greatly to the rapid settlement of these States and to their increase in wealth and prosperity.

At the close of the late war four millions of negroes were at once invested with the rights of citizenship, and the constitutional and legislative changes by which this result was procured should have been followed up by a modification of the naturalization laws in the direction indicated. But it was not done. On the contrary, in the year 1869 a strong attempt was made to deprive the State courts of all power in the premises. A bill to this effect was introduced into the Senate by Senator FRELINGHUYSEN. Its introduction alarmed the adopted citizens. In the city of New York the German county

organizations of both political parties immediatley joined hands and arranged and held a mass meeting to protest against the passage of the bill. The meeting was attended by thousands, without distinction of party, and presided over by General Franz Sigel. It took strong ground against the proposed bill, and the resolutions adopted by it were transmitted to Congress. The agitation soon spread over the Western States, where the German element, without distinction of party and with perfect unanimity, indorsed the action taken by the New York meeting. The result was that the bill failed to become a law.

Another bill of even a worse character, looking in the same direction, was introduced by my colleague [Mr. LAWSON] at this session, and is now before the Committee on the Judiciary. That bill appears to have for its object to accomplish indirectly what Senator FRELINGHUYSEN's bill failed to accomplish directly. Under the plea of guarding the purity of the ballot-box, the bill empowers the chief supervisor named therein to be present and witness all proceedings for the naturalization of aliens; to examine and cross-examine all witnesses and applicants; and to examine all naturalization records and papers thereto belonging that may be filed in any court within his district, or may have been filed in any such court since the colonial times; and to make, or cause to be made, abstracts or copies therefrom to be filed away in his own office. It also provides that any officer of any such court, or any person acting under any authority or pretended authority, from any such officer, who shall hinder, interfere with, or prevent the said chief supervisor in the performance of any of the powers and duties referred to, shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished by imprisoment for not less than six months nor more than one year, or by a fine not less than $500 nor more than $1,000, or by both such fine and imprisonment.

Under the fourth section the offending judge may be instantly arres'ed without process. It therefore becomes a serious question whether, in case of the passage of the bill in its present form, any State court could, consistently with its own dignity and self-respect, continue to naturalize. The mode of examining and cross-examining a witness is always to a very great extent in the discretion of the court. The ablest counsel are not only bound to submit, but they do cheerfully submit, to the ruling of the court in this respect. But any such ruling, if made against the chief supervisor, who is not required to be a lawyer, and perhaps does not understand the rules of examination, would, under the language of the said act, constitute an interference, and as such it is punishable by instant arrest without process, and subsequent fine and imprisonment. What judge, fit to be a judge, would consent to such an arbitrary and irresponsible supervision and censorship? Although State courts have a constitutional and competent power to naturalize as long as the power is not expressly taken away by act of Congress, they are not bound to exercise it. In admitting aliens to citizenship they act as courts of the United States, and not as State courts. This jurisdiction they are at liberty to decline to exercise, and the act referred to seems to have for its object either to insure the complete subjection of the State courts in matters of naturalization to the will and wishes of the administration in power, or to provoke them to a refusal to naturalize.

There are other objections to the bill that need no elaboration. As all the duties that can legitimately arise in connection with the naturalization of aliens can be and always have been performed by courts regularly constituted and having a seal as such, the creation of a separate bureau which is to watch over both Federal and State courts, which is to have its own secret archives, and which is to have for its head an irresponsible executive officer, whose tenure of office depends wholly upon the will of a political faction, and whose compensation in the shape of fees is made to depend solely and exclusively upon the amount of mischief he may do, should be looked upon with great solicitude.

The whole bill is just the reverse of the policy that, as has been shown, should be pursued toward aliens. If in the judgment of Congress the existing laws are insufficient for the prevention of frauds and the detection and punishment of offenders, let additional safeguards be enacted. No objection can or will be made to a requirement that the depositions of the applicant and the witness shall show all the places at which they respectively resided during the period of the applicant's probation or any other period that may be reasonably fixed. No objection can or will be made to the most strict regulations that may be adopted concerning the filing and the preservation of the records, and the issuance of certificates, or duplicates thereof, or their form. All such requirements the State courts would cheerfully and scrupulously obey. But they should never be asked to submit to the supervision of a mere Federal office-holder. So, as they have full power and control over their own records, no valid reason can be assigned why the application for the revocation of a certificate of naturalization on the ground of its improper procurement should not be directed to be made to the court from which it emanated.

The bills referred to, as a whole, appear not to have for their immediate object the correction of abuses in the prevailing system of naturalization, but seems to be part of a deeply laid scheme to effect a concentration of power for political purposes.

But enough for to-day on the subject of naturalization. I am not without hope that the committee having in charge these bills will omit to report favorably upon them, and we shall then be saved from the humiliating spectacle of being obliged to defend American labor from the assaults of an American Congress.

Within our day, Mr. Speaker, since you first went to Europe, they have abolished entirely the passport system; so that an American citizen can now travel throughout Europe, as an Italian or German can travel now throughout America, without being stopped by an officer to demand the production of his evidence of citizenship. This is in the line of liberalism; it is for the purpose of throwing off those feudal restrictions which were adopted in ages past for purposes which, in my judgment, were not wise, but which were then esteemed wise. In this liberal age, this age of steam, of the telegraph, of intelligence, Christianity, and education, mankind have arisen to individual and personal freedom, so that so long as a man violates no law against person or property he is at liberty to go where he may see fit.

Without pursuing this argument further, permit me to say that in this bill there are certain objectionable items; and before taking my seat I beg leave to refer to them. Among those who are to be regarded as not subject to the jurisdiction of the United States are "naturalized citizens of the United States who may, by the terms of any treaty, be regarded as having resumed their original nationality, or who, on returning to their native country, may be convicted of offenses against the laws of that country committed prior to their arrival in the United States." Now, let us look at that a moment. This bill proposes to declare what persons shall be regarded as deprived of the right of citizenship within the intent of the meaning of the fourteenth amendment to the Constitution of the United States. It is not a proposition to impose or to grant a privilege, but to take away a natural right. I hold that there is nothing in this bill, nothing in the laws of this country or the Constitution of this country, that deprives any man of the right of citizenship if he be to the manner born and has not forfeited by crime or by self-expatriation, as he has a right to do, the right of an American citizen.

Mr. E. R. HOAR. The gentleman perhaps is not aware that the chairman of the Committee on Foreign Affairs [Mr. ORTH] gave notice that he would propose to strike out that provision of this bill, as it does not affect existing laws or treaties.

Mr. WOOD. I was not aware of that. I will therefore not criticise what does not exist. If it is not to be left in the bill, then I will not further refer to it. I will now refer to the provision in reference to registration. In my judgment the bill in that particular is not to be censured, because it proposes to make a regulation by which this Government, if it is to protect its citizens abroad, shall hereafter possess some record or some fact showing the nature of that citizenship.

The case of Dr. Houard has been referred to. I am familiar with that case, for I was a member of the Committee on Foreign Affairs when that question agitated this Government and nearly led us into a war. I do not think that case was an apt illustration for the chairman of the committee. Dr. Houard's father went to Cuba many, many years before Dr. Houard was born. He held an office under the Cuban government as commissioner of police. He took an oath to support the Spanish constitution. On a visit to his friends, he returned temporarily to Philadelphia, where Dr. Houard was born. In early infancy Dr. Houard went to Cuba, and though he subsequently spent a short time in Philadelphia, he returned to Cuba, the residence of his father, where he remained, and at his majority entered into the profession of medicine, which he practiced in Cuba for years. It appears he was a homeopathic doctor; and during the rebellion in Cuba one of his boxes of medicine found its way into the insurgent camp. It was discovered there by the Spanish authorities, with Dr. Houard's name upon it. Upon the proof of that single fact Dr. Houard was arrested at his home, at the dead hour of night, and plunged into a Cuban dungeon, where, to the shame of our Government be it said, he remained one whole year before the Government of the United States made any direct or positive effort for his release. The result was that, by the bold action of this House in passing a resolution demanding the interference of our Government, his release was effected after the Spanish government had sent him to a penal colony in the Mediterranean Sea, notwithstanding the remonstrance of our Secretary of State.

My friend from Massachusetts [Mr. E. R. HOAR] would say that if Dr. Houard under such a bill as this had registered himself with the American consul at the place of his residence, simply asserting his American citizenship, that fact would have protected him from insult and outrage. I say, sir, that in my judgment very little respect is paid in Cuba to the rights of Americans, whether adopted or native citizens; that no respect for our national character will, without some positive interference on the part of our Government, prevent such outrages from being perpetrated wherever it may be deemed necessary by the Spanish authorities.

But returning to the bill, it requires a registry. That opens the whole question (a very important one in connection with this measure) how far the Government is bound to interest itself in behalf of an American citizen after he has left this country and taken perhaps the oath of allegiance to another—expatriated himself voluntarily from all duty to this country, making himself no longer amenable to our laws of conscription in case of war. In a case of this kind where one of our citizens not only removes from the country permanently, but goes further and takes an oath of allegiance to a foreign power—the Queen of Great Britain, if you please—a very interesting question is

presented and one exceedingly important for this Government to determine. Sir, our international difficulties have largely arisen in consequence of our naturalized citizens returning to the country of their nativity, never expecting to return, committing some offense against the municipal or local law, and then when getting into trouble claiming American citizenship and demanding the protection of the United States Government. This has been a source of very serious trouble between this nation and other nations. It is well, therefore, that we should determine the question so that the public authorities may know precisely where the line is drawn. Whether this bill properly draws the line is the question.

I am not myself in favor of that feature of the bill which specifies two years as the time after which citizenship shall be considered as forfeited if not reasserted. I am not in favor of withdrawing from the American citizen, whether native or adopted, the protection of the Government if within two years he does not register himself as an American citizen. I would extend the time many, many years beyond that, unless the person took some oath of allegiance to a foreign power and declared that he released himself entirely from duty to this Government. For, sir, citizenship implies mutual obligation. There can be no obligation on the part of the Government of the United States to protect any man unless there is an obligation on that man to obey the laws of the United States and protect the national honor. The obligation is reciprocal. Made up as our population is so largely of emigrants from abroad, some of them of doubtful character—the Italian prisons having been in one case emptied upon our shores; paupers and convicts having been sent here at the expense of their home governments—I say we should guard well our policy upon this subject. While we should be liberal in granting the great privilege of citizenship to all who may desire it, we should at the same time hold it as a sacred right. Where a man voluntarily leaves his country, turns his back upon it, refuses to do military duty, refuses to pay taxes and goes so far as to take an oath of allegiance to a foreign country, I have some doubt whether in such a case this Government is bound to extend its protection. I hold that a man, whether he be here or abroad, if he wants our protection, must do something to recognize our rights over him at all times and under all circumstances.

Mr. Speaker, reserving to myself the right to comment upon or criticise any details of this bill when we come to consider the several sections, I have no further remarks to make at this time.

Mr. E. R. HOAR. Permit me to say, before yielding to the gentleman from New York, [Mr. HALE,] that two years is the time fixed by treaty.

Mr. GARFIELD. I rise to move that the House resolve itself into Committee of the Whole on the state of the Union.

Mr. CONGER. I ask that an amendment be printed which I propose to offer to this bill.

The Clerk read as follows:

In section 4, line 8, after the words "United States" insert as follows:

Provided, That this provision shall not be so construed as to affect navigation or other similar laws relating to ownership of ships or vessels, or to their enrollment or registration or license.

There was no objection, and the amendment was ordered to be printed.

DAVID A. TELFAIR.

Mr. SMITH, of North Carolina, by unanimous consent, introduced a bill (H. R. No. 3093) removing all the legal and political disabilities of David A. Telfair, of Johnston County, North Carolina; which was read a first and second time.

The bill, which was read, provides that all the legal and political disabilities imposed by the fourteenth amendment to the Constitution of the United States shall be removed from David A. Telfair, of Johnston County, North Carolina.

The SPEAKER. Has there been a petition filed in this case?

Mr. SMITH, of North Carolina. Yes, sir.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed, two-thirds voting in favor thereof.

Mr. SMITH, of North Carolina, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. MYERS. I object to the bill concerning citizenship going over to be taken up to-morrow. To-morrow is for private bills, and is objection day in the Committee of the Whole House on the Private Calendar.

Mr. GARFIELD. I insist on my motion to go into the Committee of the Whole on the state of the Union.

Mr. E. R. HOAR. I will give way to-morrow if necessary. I think the bill had better keep its place, and I will give way to whatever may be most desirable to-morrow.

The SPEAKER. The postponement can be made to-morrow morning as well as now. The bill goes over until to-morrow, and the gentleman from New York [Mr. HALE] will be entitled to the floor.

STATE TAXATION ON RAILROAD LANDS.

Mr. HERNDON. I ask unanimous consent to report back from the Committee on the Public Lands, with the recommendation that it do pass, a bill (H. R. No. 3026) declaring the lands heretofore granted to railroad companies subject to State taxation, and to move that it be printed and recommitted to that committee. I furthermore move that the bill be made a special order for Tuesday three weeks hence.

Mr. GARFIELD. I ask the gentleman to except appropriation bills.

Mr. HERNDON. I am willing to make that exception.

I move that the bill be made the special order on that day to the exclusion of all other business.

Mr. ELLIS H. ROBERTS. I must object, unless the business from the Committee on Ways and Means is also excepted.

Mr. HERNDON. I also except that business.

Mr. G. F. HOAR. Does the bill come from any committee?

Mr. HERNDON. Yes, sir; it is the unanimous report of the Committee on the Public Lands.

Mr. SMITH, of New York. I hope the gentleman will also except reports from the Committee on Elections.

Mr. HERNDON. I do; but I believe they are excepted under the rules.

Mr. COBURN. And the Army bill also.

Mr. HERNDON. I also agree to that exception. There is hardly any bill, except the appropriation bills, which can be brought before the House which is of greater interest to the House and the people than the bill I now propose to submit. The railroads whose lands this bill proposes to tax pass through Nebraska, Nevada, and Colorado; and the people there are greatly interested in the question.

Mr. GARFIELD. I object to debate.

Mr. KILLINGER. I suggest that the gentleman from Texas move to make the bill the special order not only on the day he has indicated, but from day to day until disposed of, or otherwise he may be cut off.

Mr. HERNDON. I move that it be made a special order for Tuesday three weeks from Tuesday next, at the hour of half-past one o'clock, and from day to day thereafter until disposed of.

The SPEAKER. It will be Tuesday, May the 12th. The gentleman moves to make it the special order at the hour of half-past one on that day and from day to day until disposed of to the exclusion of all other business, except reports from the Committee on Appropriations, the Committee on Ways and Means, the Committee on Elections, and of the Army appropriation bill. The Chair hears no objection to the proposition, but he feels bound in candor to say it will not give a brilliant prospect of reaching the bill during this session.

Mr. CROUNSE. I suggest to the gentleman he give notice that he will move to suspend the rules on Monday next and pass the bill.

Mr. CLYMER. The gentleman can move to recommit the bill to the Committee on the Public Lands and then enter a motion to reconsider, which can be called up at any time.

Mr. HOLMAN. The better course perhaps would be to have the matter called up on Monday next under a suspension of the rules.

Mr. HERNDON. As there seems to be some doubt in reference to the bill coming up at the time I have indicated I will withdraw it for the present and give notice that I will bring it forward on Monday next under a suspension of the rules.

RECESS.

Mr. RANDALL. Before going into the committee I suggest, as the House has ordered an evening session for this evening, that we agree at the hour of half-past four to take a recess until half-past seven o'clock this evening.

Mr. GARFIELD. I agree to that.

The motion was agreed to.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. GARFIELD moved that the House resolve itself into the Committee of the Whole on the state of the Union.

The question was taken, and the motion agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. WOODFORD in the chair,) and resumed the consideration of the bill (H. R. No. 2064) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes.

The Clerk read as follows:

Territory of Colorado:

For salaries of governor and superintendent of Indian affairs, chief justice and two associate judges, and secretary, $15,000.

Mr. LOUGHRIDGE. I move to strike out "and superintendent of Indian affairs."

The title "superintendent of Indian affairs" is an old form which I think it is unnecessary to retain in the bill. I move to strike it out.

Mr. GARFIELD. As the gentleman has said, that is the old form in which the office is described in the law. It really confers no power. We placed it in the bill because that is the title which the law gives the governor. But as I do not suppose that it can affect the status of the officer, I have no objection to striking it out.

The amendment was agreed to.

The Clerk read as follows:

Territory of Dakota:

For salaries of governor and superintendent of Indian affairs, chief justice and two associate judges, and secretary, $15,000.

For legislative expenses, namely: For per diem and mileage of members of coun-

cil and house of representatives, and other officers, clerks, and employés, and extra compensation to the president of the council and to speaker of the house, and for postage for secretary's office, $16,090.

For stationery and printing, and for paper for printing laws and journals for the Assembly, and for miscellaneous printing for the secretary's office and executive department, $5,000. For candles, lamps, and oil, fuel, rent, storage of Government property, repairs of furniture, and incidental expenses, $2,975. For contingent expenses, to be expended by the governor, $1,000.

Mr. GARFIELD. I ask that the same amendment may be made here as in the previous paragraph, and in all other cases.

The CHAIRMAN. The question is on the amendment to strike out the words "and superintendent of Indian affairs."

Mr. LOWE. I must object to that unless some gentleman will say that they have examined the question, and that those officers are not also superintendents of Indian affairs.

Mr. GARFIELD. They are not. We have now regular superintendents of Indian affairs under the law. When these territorial governments were created the governors were *ex officio* superintendents of Indian affairs. Since then separate offices have been created, and the governors have no duties to perform in connection with that title. My only doubt about the amendment was that since the law gave the governors this title, it might perhaps be necessary to give it to them in the bill that there might be no question about their salaries.

Mr. LOWE. If the chairman of the Committee on Appropriations is satisfied, I will not object.

The amendment was agreed to.

Mr. DUNNELL. I offer the following amendment to the pending paragraph:

In line 882 strike out the words "and journals."

The amount of money that is expended in printing the journals of the territorial Legislatures I have always regarded as well-nigh thrown away. Not all the States in the Union print their legislative journals; only a very few States print them. It seems to me entirely unnecessary to expend this large amount of money in printing these legislative journals in these Territories. In striking out this provision I think a large sum of money might be saved.

Mr. GARFIELD. I think the gentleman, if he will consider the matter, will see there is a special propriety in leaving that in it. All the laws passed by the Territories are subject to the revision of Congress. Unless Congress by its silence assents to their passage they do not become law. It becomes necessary frequently that Congress shall revise the legislation of these Territories, and in order that it may do this intelligently it is necessary to be in possession of the journals as well as to have copies of the laws, that Congress may know not only what the territorial Legislatures have done, but also how they do it—their methods of doing business. I should regard it as seriously interfering with our means of dealing with the laws of the Territories and being in a position properly to revise them if the policy should be changed, which has always been followed, of printing their legislative journals.

The question being taken on Mr. DUNNELL's amendment, it was not agreed to.

The Clerk read as follows:

For the District of Columbia:

For salaries of the governor, $3,000; secretary, $2,000; four members of the Board of Public Works, at $2,500 each; five members of the Board of Health, at $2,000 each; president and members of the council, $2,880; in all, $27,880.

Mr. BROWN. I move to strike out the paragraph which has been read.

I am in favor of economy and retrenchment. As my State has paid as internal taxes upon her industries during the last ten years over $50,000,000 to support the Government, I desire to see the revenues properly and economically applied to meet the expenditures. I hope in the remarks I propose to submit to be allowed the same latitude which was extended a few days ago to the gentleman from Connecticut [Mr. STARKWEATHER] when, in discussing this bill, he fired a shot at the speech made by me in February last on the civil-rights bill, and as I conceive grossly misrepresented my sentiments as uttered in that speech, attributing to me such as I have never spoken on this floor and have never entertained. The gentleman took occasion also to incorporate into that speech remarks that were not uttered by him on the floor, and he was allowed to have read a letter written by me as far back as 1861, a letter which long ago was scattered by thousands throughout my district; which has been published all over the State of Kentucky repeatedly; which was read many times here in the Fortieth Congress, and was the cause of my exclusion from that Congress, to which I had been elected by a majority of over five thousand votes.

Since the gentleman wishes to go back into the past, into that character of literature, I will send to the Clerk's desk and have read a letter which emanated from him.

Mr. GARFIELD. I really must make the point of order that this is a dicussion entirely outside of what is properly before the committee.

Mr. RANDALL. The other was also.

Mr. GARFIELD. If the gentleman from Connecticut [Mr. STARKWEATHER] were present I might not object.

Mr. BROWN. The gentleman from Connecticut was in the House when I took the floor.

Mr. GARFIELD. I observe that the gentleman is here, and I withdraw the objection.

The Clerk read as follows:

[Confidential.]

FORTY-FIRST CONGRESS,
UNITED STATES HOUSE OF REPRESENTATIVES,
Washington, D. C., March 13, 1871.

MY DEAR SIR: On Friday, before leaving Washington, I called at your banking-house, but learned you were detained by illness from business. I hope you may soon be well. Allow me to make a suggestion, not to embarrass you in the least. As you are aware, I have been nominated for Congress, and our election is three weeks from to-day. My opponents are making a vigorous effort to defeat me, but all my friends say my election is sure. I know it is, but I shall be compelled to spend more money than I am able. Could my friends aid me without giving publicity to it, it would put me under renewed obligations to you. I wish this entirely confidential. And in either case, I am, as ever, yours truly,

H. H. STARKWEATHER.

WILLIAM S. HUNTINGTON.

Mr. BROWN. It seems that the author of that letter is blessed with a thrifty patriotism, and keeps an eye always on the main chance. In the course of his speech, in referring to the one I had made, he used the following language:

MR. BROWN, in a speech reeking with abuse of the President and the republican party, that had just voted complete amnesty to him and all his companions in the rebellion, insults the memory and the patriotism of our dead Union soldiers, and for nearly two hours commends the spirit which inaugurated the rebellion.

Not one personally disrespectful word fell from my lips concerning the President of the United States. I alluded to his political acts as Chief Magistrate in such terms as I conceived to be my right, and make no apology therefor. I indulged in what I deemed was legitimate criticism of the action of the republican party for years past; but in the estimation of the gentleman from Connecticut, it seems that those men who have accepted amnesty at the hands of Congress must have done it at the price of their honor and silence. Sir, are they to sit here dumb and indulge in no comments upon legislation, or upon politicians, or upon measures, simply from the fact that they have received amnesty at the hands of the United States Government? Is it treason to speak upon this floor the sentiments that a member honestly entertains; to criticise the President, or denounce the misrule of the republican party? Would the gentleman bring on us the iron rule of the time of Edward IV of England, when a citizen was executed for having wished, when his favorite buck was killed by his sovereign, the buck, horns and all, in the body of the king; would he inaugurate such a spirit and law as that in America? He seemed shocked that I dared criticise the President and denounce the republican party.

Not one word fell from my lips disrespectful of dead Union soldiers. I have always honored the heroism that they displayed upon the field, as well as I have had sympathy for and have honored the courage and manhood exhibited on the other side. The gentleman further said:

I would not have brought this speech to the notice of the House at this time except for the fact that it has been announced in the public journals that it was made for distribution in Connecticut during the pending canvass, and is now being circulated there.

It is an insult to the patriotism of the country, and should be rebuked. When the purpose of this speech is understood, I am confident that the people of Connecticut will see that such teachings are unworthy of support, and that the leaders of the democratic party are still wedded to the "pestilent heresy of secession."

In the whole course of my remarks not an allusion was made to the doctrine of secession. I spoke of the wrongs and misfortunes of the South; of the fortitude with which they had borne them. I alluded to the policy of the party in power for the last twelve years; but there is not a sentiment in the speech, not a word, that could be tortured into disrespect of any Union soldier that ever followed the flag of his country.

I am told upon authority that much incorporated in this speech by the gentleman from Connecticut was never uttered upon this floor, and therefore he shows a disposition to indulge in libel and slander by stealth, and I want the people of my district and State to understand that the man who has misrepresented my sentiments and arraigned me in the American Congress is the author of the letter which has been read. I do not know which excels most in him, the insolence of the Dogberry or the canting morality of the Pecksniff.

Mr. STARKWEATHER. I suppose that what has been said by the gentleman from Kentucky is not very appropriate to the matter under discussion in this bill. As the gentleman has taken four or five weeks to frame a reply or an attack upon me, I hope I shall be indulged by the committee for a few moments. The speech he complains of was made on the 10th of March and printed within a day or two afterward, the same as other speeches made on the same day. My colleague [Mr. KELLOGG] made a speech on the same day, and both were in the RECORD a few days afterward. It has taken the gentleman from Kentucky nearly six weeks to find out that he has been misrepresented and to frame an attack in response to anything that was said in my speech.

Mr. Chairman, I will say this in regard to anything said in that speech that affected the gentleman from Kentucky, or any other gentleman, that I was not attacking his integrity, but was simply replying to the spirit of his speech. I have not that speech now before me, but I had it before me then. In that speech we find some things, Mr. Chairman, which I think we have a right to complain of, and to that my remarks were directed. I cannot quote from his speech, because I have not it here; but the party in power, the Executive, Congress, and the judges appointed by this Administration were accused of judicial murder. Further than that, the gentleman went on to

eulogize the man who was the Vice-President at the opening of the rebellion, a man who left these Halls, violated his oath to support the Constitution before his State went out of the Union, for it never did go out. The gentleman eulogized him at the expense of Union men. I do not undertake to quote his exact language, but it will be found in his speech as it was printed. He said substantially that the portrait of this man who violated his oath to support the Constitution and went into the rebellion even when his State had not seceded ought to be placed in the national centennial hall in preference to Union men.

I give the letter of the gentleman with my comments on the same:

And here in this House, a few days since, as I have before stated, at the suggestion of the gentleman from Kentucky, [Mr. BECK,] his colleague, [Mr. BROWN,] in a speech reeking with abuse of the President and the republican party, that had just voted complete amnesty to him and all his companions in the rebellion, insults the memory and the patriotism of our dead Union soldiers, and for nearly two hours commends the spirit which inaugurated the rebellion. The whole tone and temper of his speech has the direct tendency to bring on again civil war and rebellion, in which he would doubtless, as before, advise that every Union soldier that should go to the defense of the Government "should be shot before he leaves the State."

This letter gives a better idea of his speech than any comments that can be made, and shall be its own interpretation. It is as follows:

ELIZABETHTOWN, *April* 18, 1861.

Editors Louisville Courier:

My attention has been called to the following paragraph which appeared in your paper of this date.

"JOHN YOUNG BROWN'S POSITION.—This gentleman, in reply to some searching interrogatories put to him by Governor Helm, said, in reference to the call of the President for four regiments of volunteers to march against the South, 'I would not send one solitary man to aid the Government; and those who volunteer should be shot down in their tracks.'"

This ambiguous report of my remarks has, I find, been misunderstood by some who have read it, who construe my language to apply to the government of the Confederate States. What I did say was this:

"Not one man or one dollar will Kentucky furnish Lincoln to aid him in his unholy war against the South. If this northern Army shall attempt to cross our borders, we will resist it until death; and if one man shall be found in our Commonwealth to volunteer to join them, he ought, and I believe will, be shot down before he leaves the State."

This was not said in reply to any question propounded by ex-Governor Helm, as you have stated, and is no more than I frequently uttered publicly and privately prior to my debate with him.

Respectfully,

JOHN YOUNG BROWN.

And this is put forth here as the true spirit of democracy in that most reliable democratic State, Kentucky. This speech is the best version and exponent of democratic principles.

What does all this mean? Does it not mean that that man who went back on his oath even when his own State had not seceded, who left the second highest place in the national Government to go into secession and rebellion, is to be eulogized here in preference to Union men? It is not true that I printed in my speech what I did not say here. There is not an allusion in my printed speech that was not made on this floor as far as the gentleman is concerned, not one, wherever he got his information that I incorporated in my speech something different from what I said. The most severe thing I said in my speech of the gentleman is the gentleman's own letter, in which, when this Government was sought to be destroyed in his own State, which then held allegiance to the Union, he said that any man that joined the Union Army to support this Government and maintain its flag, "ought, and I believe will be, shot down before he leaves the State."

I said nothing so severe as the gentleman himself said. Yet I sent that record to the country. Does the gentleman complain of me for doing that? If he does, then let him complain of himself still more for having made that record. That is a stain which he can never wipe out. It is the act of a man pretending to wear the Union blue, going around the camp of the Union to betray its cause, asserting publicly by day and night, in a State that still owed allegiance to the Government, that the few men who were disposed to join the Union Army ought to be shot before they were allowed to leave the State. I leave that part of the case. Let the gentleman take care of his letter. The spirit of that letter pervades almost every line of his speech against the Union cause.

I now come to another matter in which I am more personally interested; the letter which I wrote and to which I ask the particular attention of the members of this House. The gentleman has had read a letter which I wrote to Mr. Huntington. The circumstances under which I wrote the letter and the reason for writing it are these: Mr. Huntington was a personal acquaintance; I knew him to be an ardent republican. I met him a few days before this letter was written, in March, 1871, in the streets of Washington. Governor Jewell, of my own State, who was making the canvass then, and who had been recently nominated, was here. The State was supposed to be close. Mr. Huntington said to me one day, "I shall go around among my friends," referring to members of Congress, I supposed at the time, because occasional collections had been made from members of Congress to contribute to the expenses of elections in the different States. I had myself on three different occasions subscribed small sums of money to go into a fund known as the congressional fund, and which was intended to help States or districts about to have an election. I suppose this is not new to any member here. Once I myself raised $1,000 among leading republican members of Congress which I sent home to my State, every dollar of which was used, so far as I know, to employ speakers, print speeches, and get voters to the polls.

Mr. Huntington said that he was going to do something to aid in the election in my State. He knew that I had been or was about to be renominated for Congress. He said to me, "Can't I raise some money for you?" I told him that my own district was generally safe enough; that I did not wish anything for my district, but if he could do anything for the State ticket I would be glad to have him do it. I supposed that he might raise a few hundred dollars to aid in the State election. Just before I went home I called at his place of business to see if he had done anything for the State.

When I got home I found this state of facts: It was my third time of being nominated, and for thirty years no man had ever had more than two nominations in that district—that is four years in Congress. In my absence my friends had taken me up and nominated me for the third term contrary to the rule, and it had made some little division. I was nominated by a two-thirds vote, and finally the nomination was made unanimous, without any effort on my part to get a renomination. That made a little division in the party, and I found that a few republicans hesitated to support me upon the ground that I had obtained a third nomination. Apparently for that reason the district was a little close. After looking about a little some of my friends said, "The election will be close; you have spent more money than you ought." I had taken $1,000 from the bank, which was one-tenth of all I was worth then and what I am worth now, and had placed it in the hands of my friends to aid in the election—to aid in getting out a full vote. That was the only money I had put in the election, and probably was not one-quarter the money used against me.

I then wrote to Mr. Huntington that I had spent what money I could spare, and supposing that he might raise from members of Congress and others five hundred or a thousand dollars, I asked him to send it to me, just as it is in the letter. I wrote that I would be glad to have him do so. That is all there is of it.

Now, as to that having any connection whatever with the board of public works or with the District investigation, it had not the remotest connection. The District government had not then been organized. I did not know a single member of the board of public works. Mr. Huntington had no connection with it, because the District government, as I said before, had not been organized. I will state another thing as to the act organizing the District government: the entire delegation from my State had voted against it. So that I could not have gone to Mr. Huntington for the purpose of getting money, in view of having supported the District government.

The District government had not been organized; Mr. Huntington had no connection with it; and I did not know a single member of the board of public works up to the time when I was appointed a member of the District Committee, more than six months afterward.

Now, sir, as to the money for which application was made to Mr. Huntington. On account of his sickness or from some other cause, he did not send me a dollar; no one ever sent me a dollar. I challenge investigation of the world when I say that no man connected with the District government, or any one else, ever sent me a single cent of money to be used in my election or in any other way.

A few days ago I heard from a gentleman who is a member of this House that the gentleman from Kentucky, [Mr. BECK,] in the absence of his colleague, [Mr. BROWN,] felt that he had some reason to complain of something that I said, and that he was going to make some response. I replied that I had not the least objection. I knew that this letter was to be published in the newspapers before it first appeared. A gentleman connected with the press came to me and said, "They are going to publish your Huntington letter." I replied, "I have no objection." I suppose that if I had been inclined to go to the man that had charge of it, who had sneaked into the back door of a dead man's house and purloined it from his papers—I suppose that if I had handed over fifty dollars the man who did this contemptible thing might have been silenced. But I am glad the letter has been published. It has given me an opportunity to state the facts, and I challenge the world to say a word in contradiction of the statement that I never received the first dollar from any one in Washington; I never made, while connected with the District Committee, an application for the appointment of any man to a clerkship or any other position, though I had hundreds of applications; I never asked a contract. There does not live a friend of mine who has ever had a contract under the District government, or has been interested in one in any manner while I was connected with the District Committee or since I have been in Congress.

Yesterday, hearing that this thing was to be revamped and that the investigation into the District affairs was about to close—supposing that, though there had not been a syllable of evidence so far as I knew offered against me, somebody might go in as the gentleman from Kentucky [Mr. BROWN] has done and try to make something out of that letter—I went over to the room of the investigating committee. It was the first time I had been there. I was not afraid to go and I was not afraid to be put on oath. I was not afraid to have any man living be put under oath and to state all his knowledge in connection with this matter. As soon as this investigating committee was appointed I said to the gentleman from Indiana, [Mr. WILSON,] the chairman on the part of the House, "If any member of the committee, if any one of the counsel connected with the investigation, if any man who is entitled to the least credit says that I have done anything that is not justified in connection with the District Committee or with my

duties as a member of Congress—if I am implicated to the extent of a hair's breadth in anything that may appear or anything that shall be charged, I am ready to answer upon five minutes' notice." That was the declaration I made to the gentleman from Indiana, who will confirm what I say. But yesterday, learning that the investigation was about to close, and supposing that somebody, through the newspapers or in some other way, might attempt to arraign me, I went before the investigating committee and said substantially to the committee what I had said previously to the gentleman from Indiana: "You are about to close your investigation; no man has appeared to make any charges against me. Now, if any member of this committee or any member of the bar connected with the investigation says that I am in the least to blame, I am here to answer." That statement was taken down by the short-hand reporter of the committee, and is in print this morning. Where are the charges against me? If there is any man here to-day who has any charge to make—if the gentleman from Kentucky [Mr. BROWN] who makes this arraignment will rise in his place and say that I have done anything which affects my integrity as a member of Congress, I will at once demand an investigation and I will take the judgment of this House upon the question. If the gentleman from Kentucky has any charges to make against my integrity as a member, let him rise and make such charge rather than read a letter which has not the remotest connection with the subject; because it was written at a time when the District government was not organized, and when therefore Mr. Huntington could have had nothing to do with that government. As a matter of fact I voted against the organization of that government, as did every member from Connecticut. I so voted, not because I had anything against the District of Columbia, but I thought that in one or two respects the organization of the District government might have been better. I was probably mistaken; but it was an honest mistake, and it was one against the government of the District.

I send to the Clerk to be read what was said by me yesterday before the investigating committee, and taken down by the reporter.

The Clerk read as follows:

Mr. STARKWEATHER, a member of Congress, appeared before the committee, and stated as follows:

Mr. Chairman, I want to say a word to the committee. This is the first time I have been in the room. I have been engaged very busily on the Appropriation Committee of the House. I have read but little of the testimony taken by this committee. I have been too busy to do so. The most of it I have glanced at. Before the investigation commenced, in one or two papers there was something said in disparagement of the former District Committee. I said to the chairman of the committee on the part of the House [Mr. WILSON, of Indiana] as soon as the committee was appointed, and I have said to other members of the committee, that if there was one word of testimony here offered by anybody, or a claim by any counsel for the prosecution affecting my conduct as a member of Congress, or with the former District Committee—if there was a claim of anything that affected my integrity, I wanted the privilege of being here, and I would be ready to answer it in five minutes. Now, I have not had the chance to read this testimony. This is what I have said to the chairman on the part of the House, and what I say to Mr. Christy now, the first time I have met him, if any member of the prosecution, either the counsel or any member of this committee, find one syllable in the testimony implicating my conduct, I am ready to answer it at any time in a minute, and would thank the committee to give me that opportunity. Of course I do not want to take your time unless that claim is made.

Mr. WILSON. There has not been a syllable of testimony reflecting upon you, Mr. STARKWEATHER.

Mr. STARKWEATHER. If the claim is made, whether it is offered in testimony or in any way, I would like to be informed of it.

The CHAIRMAN. I will say to you, Mr. STARKWEATHER, that so far as this committee has any knowledge, no evidence affecting you has been given, and I have heard no intimation from any counsel for memorialists or any gentleman connected with the investigation that you were in any way involved in our investigation.

Mr. MERRICK. The counsel for the memorialists have no concern with Mr. STARKWEATHER at all.

Mr. STARKWEATHER. I did not know, as I had not read the testimony, what claim would be made after the case was through.

Mr. WILSON. If there had been anything of the kind, I should have given you notice, Mr. STARKWEATHER.

Mr. MERRICK. There has been nothing, certainly, from counsel for memorialists, that would justify any such suggestion.

Mr. STARKWEATHER. I simply make the suggestion, because when the testimony has closed, not having a chance to read it day by day, I did not know but some claim might be made.

Mr. CHRISTY. I understand from Mr. STARKWEATHER that he did not know the direction this inquiry has taken, nor could he ascertain without reading this volume, [indicating volume of testimony taken before this committee,] which I would not ask that he should do, because we can advise him that no allusion whatever has been made to him.

Mr. STARKWEATHER. One word further. Mr. Huntington was a member and the treasurer of the national republican committee at the very time, I believe, when my letter was written. But my idea was not that he would draw funds from the national republican committee, but that as an active man, working in the interest of the republican party, he would collect, as I had done for others, a small sum for the purposes of that election.

Only one word further. If the gentleman from Kentucky thinks there is anything impeaching my integrity, I am willing to go with him this very minute before the investigating committee now in session. If he will rise in his place and say that there is anything bringing in question my integrity as a member of Congress in connection with that letter, or in connection with my duties as a member of the District Committee of the House, I will go with him instantly before the investigating committee and have it investigated from top to bottom. I ask no favors of any man living. I have not been anxious to be rich; I am not rich. I have some faults; but the fault of getting money that does not belong to me never was laid to my charge successfully, and never can be.

Mr. BROWN. Mr. Chairman, I have but a word to say in reply to the gentleman from Connecticut, [Mr. STARKWEATHER.] I felt it was not only my right but my duty to respond to the unwarranted assault which he had made upon me in his late speech delivered during my absence from this city. In his speech he put sentiments into my mouth which I had never uttered. He was guilty of wholesale misrepresentation of all that I had said, and I did not wish that misrepresentation to go to the country, and particularly to my people at home, without reply. As he had gone out of the track of legitimate debate and left the discussion of the bill under consideration by the House to go back thirteen years and trump up an old letter of mine, I felt it was but fair on my part to allude to the epistolary essays of the gentleman, which I have done.

Now, the gentleman from Connecticut boasts that his skirts are clear; that no smell of fire is upon his garments; that he has been before this committee and demanded an investigation. I am not here as his accuser further than he has accused and implicated himself. A hundred times, ay, a thousand-fold would I rather be the author of my letter read by the gentleman than stand in the American Congress and look into the mirror to see myself reflected as he is this day.

He says, Mr. Chairman, that he received no money. He boasts his innocence, his ignorance of the fact there was anything wrong in his asking that such a corruption fund should be furnished him. In his letter he solicited money; and I hold in my hand the defense made by the gentleman of this transaction to the editor of the Norwich Bulletin a few days after its first publication, and he does not there deny that he got it.

Mr. G. F. HOAR. I should like to have the gentleman from Kentucky read that part of the letter which shows any corrupt intent on the part of the gentleman from Connecticut.

Mr. BROWN. All of it shows such intent. I will read it again:

On Friday, before leaving Washington, I called at your banking-house, but learned that you were detained by illness from business. I hope you may soon be well. Allow me to make a suggestion not to embarrass you in the least. As you are aware I have been renominated for Congress, and our election is three weeks from to-day. My opponents are making vigorous efforts to defeat me, *but all my friends say my election is sure. I know it is*, but I shall be compelled to *spend more money* than I am able. Could my *friends* aid me without giving *publicity* to it, it would put me under *renewed obligations to you.*

The arrangement must be entirely confidential; no publicity must be given to it; and he would be placed under "renewed obligations"—to whom? Sir, to Mr. Huntington, who, as the facts were developed, was afterward connected with contracts under this District "ring," and whose proportion of profits was rumored to be over $130,000; and what is said in this letter is supplemented by the fact that the gentleman from Connecticut afterward became the chairman of the Committee on the District of Columbia which investigated that matter. Why did he seek money unless it was with the intent to buy his way into Congress; and why with such repeated injunctions of secrecy? He said of my letter, "This letter better gives an idea of his speech than any comments which can be made, and shall be its own interpretation." I respond, in his own language, that his letter, and his after official position as chairman of the Committee on the District of Columbia, give a better comment on and interpretation of his position and intention than any remarks I could make on the subject.

He says that I called the execution of a woman in this city judicial murder. I stand in the midst of the American Congress and repeat it now, that it was then so accepted and pronounced, and is to-day, by the best legal minds on this continent and throughout the civilized world, regarded a revolting murder, whose horrors will haunt all the participants in it.

Moreover, I said that the Attorney-General of the United States within the last five months had quoted that trial as a precedent altogether fit to be followed. He did it in his opinion in the Modoc case. In giving his opinion that we had authority to execute Captain Jack and his associates, he referred to the Surratt trial as a precedent entirely fit to be followed. Within a few weeks after the publication of that opinion he was nominated by the President of the United States as Chief Justice of the Supreme Court, but, thank God! was not confirmed by the Senate of the United States.

He attacks General Breckinridge, and complains that I complimented him in my late speech. I have no apologies to make here or elsewhere for what I said of that loved, unstained gentleman, soldier, and statesman; the pride of my Commonwealth, "the rose and expectancy of the fair State," but now outlawed by this Government. Sent to the American Congress in his young manhood, he proved himself worthy of all the honors which clustered around him, filling to the full measure the high hopes of his friends, and——

Mr. BURROWS. I rise to a question of order. I do not propose to sit here and listen to such eulogies pronounced upon such men on the question of striking out this section of the bill.

Mr. PARKER, of Missouri. I hope the gentleman from Kentucky will be permitted to proceed. That is just what we want for the next campaign.

Mr. RANDALL. You want a little integrity.

Mr. BROWN. If the gentleman from Missouri [Mr. PARKER] expects to use the Surratt trial and this defense of General Breckinridge when denounced for the next campaign, let him make the most of it.

The CHAIRMAN, (Mr. WOODFORD.) The gentleman from Kentucky will desist, and the committee will come to order.

Mr. STARKWEATHER. I hope the gentlemen will be allowed to proceed.

The CHAIRMAN. Does the gentleman from Michigan insist on the point of order?

Mr. BURROWS. I do.

Mr. CROOKE. If no one else objects I will. If everybody but myself should say go on, I would not sit here to listen to this disgusting thing.

The CHAIRMAN. The point of order being insisted on——

Mr. BURROWS. I wish to say one word.

The CHAIRMAN. The Chair cannot at this time entertain further debate on the point of order.

Mr. WILLIAMS, of Wisconsin. The gentleman desires to withdraw his objection and to explain the reason why he does so.

Mr. BURROWS. I withdraw the point of order.

Mr. RICE. I renew it.

The CHAIRMAN. The Chair is compelled to rule that the eulogy pronounced by the gentleman from Kentucky upon a former Vice-President is not pertinent to the discussion of the motion to strike out the paragraph relating to the District of Columbia. The gentleman from Kentucky, by consent of the committee, will proceed in order.

Mr. CROOKE. Has a member of this House any right to insist on stopping this line of speech?

The CHAIRMAN. Objection being made, the Chair is compelled to rule that debate upon the pending amendment is exhausted.

Mr. GARFIELD. Let us have a vote.

Mr. CROOKE. If I have a right to stop this line of speech I insist upon my right; and when talking is ended I am ready for anything else.

The CHAIRMAN. The point of order being made, and more than ten minutes having been used in the debate, the Chair is compelled to rule that debate on the pending amendment is exhausted.

Mr. STARKWEATHER rose.

Mr. PLATT, of Virginia. I move that the committee rise, that the House may give the gentleman full liberty to proceed. For my own part I desire to hear him.

The CHAIRMAN. The gentleman from Connecticut [Mr. STARKWEATHER] had been recognized before the gentleman from Virginia rose.

Mr. PLATT, of Virginia. I insist on my motion that the committee rise for the purpose of extending the time of the gentleman from Kentucky.

The CHAIRMAN. The gentleman from Connecticut rose, as the Chair understood, for the purpose of making a parliamentary inquiry, and had been recognized before the gentleman from Virginia rose. When the Chair has heard the gentleman from Connecticut he will then recognize the gentleman from Virginia.

Mr. STARKWEATHER. I was about to move a formal amendment and to yield my time to the gentleman from Kentucky, [Mr. BROWN,] that he might have an opportunity of finishing anything he has to say that is pertinent to this matter. I move to amend the amendment by striking out any word, and yield my time to the gentleman from Kentucky.

The CHAIRMAN. Does the gentleman from Virginia [Mr. PLATT] insist on his motion that the committee rise?

Mr. PLATT, of Virginia. I do not, if the gentleman from Kentucky is permitted to proceed.

The CHAIRMAN. The gentleman from Kentucky is entitled to proceed by the courtesy of the gentleman from Connecticut, who has yielded to him his time.

Mr. RICE. Then I insist that he shall proceed in connection with the subject-matter that is before the committee.

The CHAIRMAN. The Chair will see that the rules are enforced. The gentleman from Kentucky [Mr. BROWN] will proceed in order.

Mr. BROWN. As the gentleman from Connecticut was allowed to go on without interruption in his remarks, until he had concluded, I think the same courtesy ought to have been extended to me when I was making my speech, but I was cut off in the midst of my vindication of an eminent man who had been sneered at and denounced.

Mr. STARKWEATHER. I am entirely willing that the gentleman should proceed, and have yielded him my time for that purpose.

Mr. BROWN. There are gentlemen in the committee who undertake to dictate to me the line which I shall pursue. The Chairman has ruled that any further reference to the gentleman of whom I was speaking is not in order. I decline any such courtesy. "Let the galled jade wince."

Mr. HOSKINS. I desire to make a suggestion to the committee. The time is rapidly passing; if by unanimous consent three minutes should be given to each of those gentlemen to dispose of their matter, it occurs to me that that would be the readiest way to do it.

The CHAIRMAN. The gentleman from Kentucky [Mr. BROWN] is entitled to the floor to use the five minutes given him by the gentleman from Connecticut.

Mr. PLATT, of Virginia. For the purpose of taking away from the gentleman from Kentucky any possible opportunity of saying that the majority of the House desired to stop his remarks, I renew my motion that the committee rise, that the House may by a majority, if it so desires, permit the gentleman to proceed.

The question being taken on the motion of Mr. PLATT, of Virginia, it was not agreed to.

Mr. PLATT, of Virginia. As the majority of the votes cast against the motion are from the democratic side, I am perfectly satisfied.

Mr. STORM. The statement that the majority is from the democratic side of the House is false.

The CHAIRMAN. The gentleman from Kentucky is entitled to the floor.

Mr. GARFIELD. The gentleman from Kentucky has declined to use it.

The CHAIRMAN. Does the gentleman from Kentucky desire the floor?

Mr. BROWN. I will say just a word. I have been baited and badgered here during the last half-hour, and constantly interrupted in the midst of my speech. The House sat silent while it listened to an assault made on General Breckinridge, to which I felt it my duty to reply, and I was replying in my own terms when this interruption and confusion occurred.

Mr. RICE. I rise to a point of order.

Mr. BROWN. Again I hear objection made, and will say no more, as I feel assured that I will not be permitted to proceed without constant objections from the other side. I decline a courtesy so grudgingly tendered.

The CHAIRMAN. The gentleman from Kentucky will suspend.

Mr. RICE. I insist that the gentleman is not speaking with regard to the appropriation bill and to the paragraph that is now before the committee, and that he has no right to go on.

The CHAIRMAN. Objection is again made, and the Chair is prepared to rule. The Chair presumed that the gentleman from Kentucky intended to connect his remarks in some way with the pending paragraph or motion so as to bring them in order.

Mr. STARKWEATHER. Mr. Chairman, inasmuch as the gentleman from Kentucky [Mr. BROWN] wishes to make no further observations I do not. All I wish is that my letter and his may be published side by side. I withdraw my amendment to the amendment, and request that both letters may be published.

Mr. BROWN. I withdraw the amendment.

Mr. RANDALL. I desire to say something pertinent to the paragraph under consideration. I find here a secretary of the District provided for at a salary of $2,000. I want to direct the attention of the committee to a few facts in connection with the District government, which perhaps may account for the liberality of the citizens and office-holders of this District toward members of Congress from the various States. There seems to be a system of dual, if not of triple, office-holding in this District. I find that the same gentleman, I believe—the Delegate from the District can correct me if I am in error—holds the office of secretary of this District and is also the assistant district attorney. We provide for him a salary of $2,000 as secretary of the District, while there is awarded to him out of the fees of the office of the district attorney $2,500, which would otherwise go into the Treasury of the United States, except for this dual system of holding office.

Again, I find that the Committee on Appropriations have struck out the proviso which was found necessary to be inserted in the appropriation bill of last year, which was in these words:

> That no part of the sum hereby appropriated shall be paid to any member of such board who shall hold any other Federal office.

While no one was there mentioned, it was well understood that that proviso affected but a single person, the Supervising Architect of the Treasury. I find, however, that we did not quite reach the object we had in view in inserting that proviso. That officer receives, I believe, under the provisions of this bill a salary of $4,500, and I find by the reports of the disbursements of the District that on the 20th of March, 1873—seventeen days after the passage of the bill containing the proviso which was intended to prevent any member of the board of public works or of the board of health of this District from holding two offices—there was paid to Mr. Mullett out of the treasury of this District, as chief and consulting engineer, $5,125. Thus, sir, so far as we were concerned, we were jumping out of the frying-pan into the fire. These are facts which I thought worth calling the attention of the committee to; they can go for what they are worth. I hope, before long, some general system of legislation will rid the people of this District of all such encroachments and such wrongs as I have alluded to.

I now offer the following, to come in at the end of the paragraph:

> *Provided*, That no part of the sum hereby appropriated shall be paid to any member of such board who shall hold any other office under the authority of the United States or the authority of the District of Columbia.

Mr. GARFIELD. I have no objection to that proviso so far as I am concerned. We put it in the bill of last year because there was a case which required it.

Mr. RANDALL. Yes; and there is one now.

Mr. GARFIELD. We did not know of any such case now.

Mr. HALE, of New York. Let me suggest to the gentleman from Pennsylvania that he modify his amendment so as to exclude from its operation persons who hold offices which are merely honorary.

Mr. RANDALL. This gentleman to whom I have referred holds an office paid by fees out of the district attorney's office; and the gentleman will observe that those fees, if not paid to him, would go into the Treasury of the United States. I object to any man holding two offices.

Mr. HALE, of New York. But there may be officers provided for in this bill who hold purely honorary offices under the Federal Government, as, for instance, Regents of the Smithsonian Institution. I presume the gentleman would not wish to cut them off from receiving pay for performing the duties of other offices.

Mr. GARFIELD. The governor of the District is *ex officio* a regent of the Smithsonian Institution.

Mr. RANDALL. The gentleman from New York can offer any amendment to my amendment he pleases. I have so drawn it up as to reach the case I had in view.

Mr. HALE, of New York. I move then to add after the word "office" the words "to which salary, compensation, or perquisites are attached."

Mr. CHIPMAN. I desire to say a word in explanation. The gentleman from Pennsylvania [Mr. RANDALL] is in error in supposing that there is such an office as assistant district attorney. There is no such office known to the law. The present incumbent of the office of secretary of the District is employed by the United States district attorney to assist him in the prosecution of United States cases and in defending suits where the United States are defendants. But the office itself of assistant district attorney, I believe, is not known to the law. He is employed, as any lawyer may be employed, by the United States district attorney, and is so paid.

Mr. G. F. HOAR. There is a statute specially requiring that a person appearing for the United States must in all cases be so appointed.

Mr. CHIPMAN. I have no doubt he is appointed.

Mr. RANDALL. Here is the statute.

Mr. CHIPMAN. I am aware that the persons who thus assist the United States attorneys are assistants. But what I mean to say is that there is no such office, for you cannot find in the Blue Book, nor does it exist, the office of assistant United States district attorney. It is true that he is a United States servant, and in that regard acts as an officer.

Mr. G. F. HOAR. He takes the oath of office.

Mr. CHIPMAN. That may be; I do not know how that is. If he is an officer, then the law of Congress would apply which forbids any person from holding two offices and receiving two salaries at the same time. But the truth is the United States district attorney ought to be permitted to select his own counsel and to make his own choice of persons to aid him in his office. If in making that choice he finds that the Government can be best served by his taking the secretary of this District, then I think he should have the right to select him. The secretary of the District gets as such $2,000 per annum; as assistant United States district attorney he gets $2,500; making in all $4,500. I think no gentleman on this floor will say that that is too much for a man who is capable of filling those two offices. Enough on that point.

As to the retiring member of the board, the present Supervising Architect of the Treasury, I have no knowledge of the statements made by the gentleman from Pennsylvania, [Mr. RANDALL.] But I will venture this assertion, that if the present Supervising Architect has received from the board of public works any money it has been for services rendered. I do not know any architect in this country more capable of rendering valuable services.

Mr. RANDALL. We pay him sufficient to require his entire time for our service.

Mr. CHIPMAN. That is for you to determine. If you wish to compel him to remain in his office all the time and do only the work of the United States, then let it be so. But I want to say in defense of Mr. Mullett that he never charges for services he does not render; and I think as an architect he can do more in ten minutes than an average architect can in an hour. The amendment which seeks to reach the case of the secretary of the District goes further, and reaches the case of the treasurer of the board of public works.

Mr. RANDALL. That is obviated by the amendment of the gentleman from New York, [Mr. HALE.]

Mr. CHIPMAN. I wish to further amend the amendment by striking out the words "or the authority of the District of Columbia."

Mr. RANDALL. I cannot consent to that.

Mr. CHIPMAN. I think that what is permitted in regard to the Territories should also be permitted in regard to this District. In all the Territories, or nearly all of them, the Legislatures are permitted to supplement the salaries given by the United States to officers in the Territory wherever they think it proper to do so. I think nearly all the judiciary of the Territories have their salaries increased by the territorial Legislature. Now in this District, recognizing the responsibility of the treasurer of the board of public works, Colonel Magruder, who has disbursed over $11,000,000 without the loss of one penny, the District Legislature voted him an additional salary, I do not remember how much. While we have the right to express our own opinion, we want the right to say what we shall do with our own money. The Legislature has said that he should have more than the United States give him.

Mr. RANDALL. I beg the gentleman's pardon; you give part of our money as well.

Mr. CHIPMAN. We are not appropriating your money to pay this additional salary to the treasurer of the board of public works. If you propose to have a free government here, let it be free. We have but the shadow, the semblance of it now; and the gentleman from Pennsylvania [Mr. RANDALL] is trying to take even that from us. He has sent to the investigating committee a proposition to suspend the functions of the local Legislature, where is the only semblance of self-government in this District.

Mr. RANDALL. I believe that meets with the concurrence of the board of public works.

Mr. CHIPMAN. I think not.

Mr. RANDALL. I inferred so from what Governor Shepherd said before the committee. I accept the amendment of the gentleman from New York.

The amendment of Mr. RANDALL, as modified, was read, as follows:

Provided, That no part of the sum hereby appropriated shall be paid to any member of such board who shall hold any other office to which salary, compensation, or perquisites are attached under the authority of the United States or the authority of the District of Columbia.

Mr. CHIPMAN. I move to amend the amendment as modified by striking out the words "or the authority of the District of Columbia."

Mr. RANDALL. I hope that amendment will not be adopted.

Mr. WILLARD, of Vermont. Those words should not be stricken out. I understand that the Committee on Appropriations are satisfied with the amendment as modified.

Mr. GARFIELD. The Delegate from this District [Mr. CHIPMAN] has just suggested to me that the treasurer of the board of public works is paid by the District. I do not know whether that is a necessary arrangement at all. If the salary which we pay is not sufficient to require his whole time, and the District finds it necessary to supplement that with an addition, I do not know but we should permit them to do so. That is the only question that arises in my mind about the matter.

Mr. WILLARD, of Vermont. If the District of Columbia proposes to employ an officer here to do any work for it and to pay him for such work, there can be no objection at all; but the District government should not by any means be authorized to pay to an officer of this Government appointed by the United States a salary in addition to that allowed to him by us. In other words, there should not be two salaries for such an officer, one provided by the United States and the other by the District of Columbia.

Mr. CHIPMAN. Let me remind the gentleman from Vermont that there has been appropriated by Congress and disbursed through this officer only about $3,500,000, while the District has appropriated about $11,000,000, which has been disbursed by him. Now, we think that the District, imposing upon this officer the duty of supervising the disbursement of so much money, for the proper disbursement of which he has to give a large bond, ought to have the right to pay him an additional salary for his services.

Mr. WILLARD, of Vermont. I have already said I have no objection to the District having any officer it may please, and paying him any salary that may be thought proper. But these double salaries should not be paid to any officer. The pay should be entirely from one authority or entirely from the other. If the salary allowed to this treasurer is not enough, let it be made larger here in Congress; if it is enough, then let some one else perform the duties, if the present incumbent is not willing to discharge them for that amount of pay. My objection is to this mixed system of payment, partly by Congress and partly by the District of Columbia; and I think this is a manifest opportunity to show that we desire a divorce in this matter; that officers of this class shall be paid in whole by the United States or entirely by the District.

The CHAIRMAN. Debate on the pending amendment is exhausted.

The question being taken on the amendment of Mr. CHIPMAN, it was not agreed to.

The question recurring on the amendment of Mr. RANDALL, it was agreed to.

Mr. G. F. HOAR. I move to amend by striking out the last word. I am very sorry to detain the committee even for a moment as it is passing rapidly over this bill; but I think it my duty not to permit the appropriation for this District government to go by without renewing my protest against this most unconstitutional, unwise, unrepublican condition of things which we have established in the District of Columbia.

In the enumeration of the legislative powers granted to Congress in the Constitution, one of the most conspicuous is that Congress shall "exercise exclusive legislation in all cases whatsoever, over such district" "as may" "become the seat of the Government of the United States." If we have a right to delegate this power of exclusive legislation in all cases whatsoever to this mongrel composite organization in the District, we have the right to delegate to a public board every other power of government with which we have been clothed by the Constitution of the United States. No distinction can be suggested between the power of legislating for the District of Columbia and the power of providing and maintaining a navy, the power of regulating commerce, or of borrowing money, or of laying and collecting taxes, or of making all laws necessary and proper to carry into execution the powers conferred upon Congress. All these powers stand on the same plane in the same instrument; and they are high legislative powers, incapable, by their very nature, of delegation.

Mr. LAWRENCE. That objection goes to the validity of all the legislation by the District authorities.

Mr. G. F. HOAR. Yet we have undertaken in the last Congress to establish a board, partly elected by the people and partly appointed by the President, and under the practice, as it seems, partly paid from

the national Treasury and partly paid by the people of the District of Columbia, to whom we have undertaken to depute the legislative power which provides for the descent and transmission of property, the punishment of crimes, the definition of even capital offenses, and the execution of persons convicted.

Mr. LOUGHRIDGE. Has not the Supreme Court of the United States decided that we have the right to delegate municipal powers to this District?

Mr. G. F. HOAR. No, sir. It is true that minor municipal regulations, called in the language of the common law "by-laws," (the word "by" meaning local, as in "by-lane," those regulations which, according to the custom of free governments, cities and towns have been permitted to make for themselves, may be made by the corporation of the city of Washington.

[Here the hammer fell.]

Mr. POLAND. I do not understand, Mr. Chairman, that the gentleman from Massachusetts [Mr. G. F. HOAR] makes any proposition upon this subject, or that there is any question before us to be acted upon. I merely desire to say that I believe every writer in this country upon the Constitution has laid down an entirely different doctrine from that stated by the gentleman from Massachusetts.

Mr. GARFIELD. Now let us have a vote.

Mr. G. F. HOAR. I wish to say that I have investigated this question with great care, and the distinction to which I have alluded is the one which all the writers on the Constitution have taken. A "by-law" is a mere corporate law, a law which a corporation, municipal, territorial, local, or for business purposes, such as a bank or railroad company, may make for the government of its members or the persons coming within its jurisdiction. The practice of all Saxon communities from the earliest times (and it has come to us in this country from the English guild) has been to allow municipal authorities to make the minor regulations, such as those which govern the crossing of bridges or the management of streets. But no respectable writer on the Constitution has ever declared that the legislative power to establish the law on which the transmission and inheritance of property, on which indeed life or death may depend, is capable of delegation by the American Congress.

[Here the hammer fell.]

Mr. RANDALL. Can the gentleman from Massachusetts suggest any practical mode of exercising the power which, with reference to this District, is exclusively vested in Congress by the Constitution?

Mr. POLAND. I do not desire to argue the question, for it is my practice never to argue any question not before the House for action. I understand all the writers on the Constitution of the United States have laid this down, not in the limited terms stated by the gentleman from Massachusetts, that we had the same power to set up a government for the District of Columbia and delegate to them the same power we have in relation to these governments we establish in the Territories.

Mr. G. F. HOAR. That is a very different power in the Constitution.

Mr. POLAND. I was not speaking of the Constitution. I was speaking of the doctrine laid down by Judge Story, and every other writer on the Constitution of the country; and the doctrine they laid down is, that we have the same power in relation to authorizing a government or Legislature for this District that we have over the Territories of the United States.

Mr. GARFIELD. Now I hope the gentleman will allow us to go on with the bill.

Mr. G. F. HOAR. I withdraw my amendment and ask for a vote on the motion to strike out the paragraph.

Mr. GARFIELD. Let us have a vote.

Mr. ALBRIGHT. The gentleman from Massachusetts moved to strike out the last word; and there is nothing to vote on, as that has been withdrawn.

The CHAIRMAN. Debate on the amendment of the gentleman from Massachusetts is exhausted. Does the gentleman insist on a vote?

Mr. G. F. HOAR. I withdraw the amendment to strike out the last word, but ask for a vote on the motion to strike out the whole paragraph.

Mr. CHIPMAN. Mr. Chairman, this is a proposition to strike at the root of the local government here, and I hope the House will not agree to the motion of the gentleman from Massachusetts without giving us at least an opportunity for a word of explanation.

Mr. G. F. HOAR. My motion to strike out the last word was withdrawn, but the original motion to strike out the last paragraph, as I understand, was not withdrawn.

The CHAIRMAN. It was withdrawn by the gentleman from Kentucky, with the consent of the committee, some fifteen minutes ago.

Mr. G. F. HOAR. Then I renew the motion to strike out the whole paragraph.

Mr. CHIPMAN. Mr. Chairman, I will detain the committee but for a moment. This question of the power of Congress I do not care to go into. It was examined carefully at the time this government was created. I had the honor of presenting a brief to the District Committee at the time. I remind the gentleman from Massachusetts, [Mr. G. F. HOAR,] and I admit he is a much better lawyer than I am, that in the Federalist Mr. Madison takes the ground distinctly that the General Government could establish a local government here for its own purposes. I will say to him also that in the research I gave the question at the time I found only one authority against the power, and that was found in Tucker's Blackstone. He suggests there, in the way of query, the power of Congress to delegate this authority. But, sir, Congress has been exercising it in the District for over seventy years. I think the Supreme Court—and I believe I cited several cases, but my brief is obscure in my memory just now—I believe the Supreme Court decided in favor of the right of Congress to delegate the power which the District government here now possesses.

The thought, however, I wish to throw out distinctly is that this is not the time to strike down this District government; and I hope the gentleman from Massachusetts will withdraw his motion. If this paragraph is stricken out it will deprive the officers of the District government of the salaries to which they are justly entitled under the law.

This whole question will come up before the House before the end of this session, and then it can be discussed fully and fairly. These salaries, too, are provided for the year beginning the 1st of July next, when Congress will have adjourned. We can, therefore, safely grant these appropriations. I do not, therefore, now go into a discussion of the merits of the District government, or of the motion which the gentleman makes.

The committee divided; and there were—ayes 60, noes 77.

So (no further count being demanded) the motion was disagreed to.

The Clerk read as follows:

Territory of Idaho:

For salaries of governor and superintendent of Indian affairs, chief justice and two associate judges, and secretary, $15,000.

Mr. GARFIELD. I move to strike out "and superintendent of Indian affairs."

The amendment was agreed to.

The Clerk read as follows:

For legislative expenses, namely: Rent, storage, light and fuel, postage, and incidental expenses, $1,000.

Mr. GARFIELD. I move to strike out "$1,000" and insert "$1,250," to correct a clerical error.

The motion was agreed to.

The Clerk read as follows:

War Department:

For compensation of the Secretary of War, $8,000; chief clerk, $2,500; two clerks, at $2,000 each; two clerks of class four, and additional to one clerk of class four as disbursing clerk, $200; five clerks of class three; three clerks of class two; five clerks of class one; one messenger; two assistant messengers; and one laborer; in all, $39,500.

Mr. WILLIAMS, of Indiana. I move to strike out that paragraph and to insert the following in lieu thereof.

The Clerk read as follows:

One chief clerk, at an annual compensation of $2,500; one disbursing clerk, at $1,200; one chief clerk of division, at $2,000; eight clerks of class four, at $1,800 each; six clerks of class three, at $1,600; six clerks of class two, at $1,400; fifteen clerks of class one, at $1,200; two messengers, at $1,000; eight assistant messengers, at $840; one laborer, at $720; seven watchmen for the northwest building, (executive,) at $720 each.

Mr. RANDALL. What is the aggregate of that?

Mr. WILLIAMS, of Indiana. I desire to make a brief explanation to the committee. In the Forty-second Congress, under a resolution of the House introduced by the gentleman from Massachusetts, the Committee on Expenditures in the War Department, of which I have the honor to be chairman, was instructed to investigate that Department and to make certain inquiries. The committee proceeded to discharge that duty and made a report toward the close of last session. The committee were of opinion that there should be a reorganization of the clerical force, by which at least one hundred and fifty clerks might be dispensed with, saving in that Department of the Government about $165,000. The report being made at the close of the last session of the Forty-second Congress there was not time to mature the bill and present it. At the commencement of this present session of Congress, under the direction of the committee, I reported a bill for the reorganization of the War Department, which has been referred to the Committee on Military Affairs and by them considered favorably, and also to the Committee on Reform in the Civil Service, and by them, as I am informed, also considered favorably.

The bill I have introduced reduces the number of clerks and messengers in the War Department one hundred and ninety-four and the expenses $178,600. I desire to state to the committee that under the different laws authorizing the detail of enlisted men for employment in the War Department four hundred of the men in this Department are from the Army. The bill to which I have referred repeals all laws by which the Secretary of War has the right to detail enlisted men from the Army, makes it the duty of the Secretary to place such enlisted men as are now employed in the Department on the civil list, and prohibits the appointment of further clerks in that Department.

The number of clerks now in the War Department is nine hundred and forty-two—nearly one thousand men. The bill proposes that the number shall be seven hundred and sixty-eight, making a saving of $178,600.

I desire to state that the object of introducing this amendment—and I propose to follow it with other amendments *seriatim* to every paragraph of the bill relating to the War Department—is to incorporate in the appropriation bill the provisions of the bill I have re-

ferred to. I hope the committee will sustain me in the first amendment I have offered, which will reduce the expenses $65,000. I will offer them *seriatim* to every paragraph. And if the committee does not want to save that money by reducing the number of clerks, it will vote those amendments down.

Mr. HOLMAN. What is the aggregate of appropriation proposed by the gentleman's substitute?

Mr. WILLIAMS, of Indiana. The amount of expense last year for the clerks of the War Department, including the whole force, was $1,119,300.74. The amount proposed by the bill I have introduced is $962,000.

Mr. HOLMAN. But this paragraph in the appropriation bill which the gentleman proposes to amend makes an appropriation of $39,500. What will be the amount under the substitute which the gentleman has offered?

Mr. WILLIAMS, of Indiana. About $65,000. I wish to state here that the Committee on Appropriations have made no provision for enlisted men taking the position of civil clerks appointed under the law. The appropriation bill as it stands provides $456,940 for the clerical force; but really the expenditure under the bill is $1,105,908.

Mr. RANDALL. From what fund are the enlisted men paid?

Mr. WILLIAMS, of Indiana. They are paid from four or five different funds. The general-service pay per month of enlisted men is as follows: For the common soldiers, pay proper, $13; extra-duty pay, $12; commutation of rations, $30; commutation of quarters, $18; fuel, $9; clothing, $6.50; total per month, $88.50; per annum, $1,062. There are about forty-five sergeants employed in the Department who have been detailed from the Army; their pay is $1,134. There are three hundred and sixty-six hospital stewards, whose pay is $1,266 per annum. They are detailed under an act passed in 1868, authorizing the detail of enlisted men as hospital stewards, or authorizing the Secretary of War to enlist for that purpose a large proportion of these hospital stewards. They were simply enlisted in the Army for clerks, and they receive $66 more than first-class clerks. Then there are engineer soldiers, whose salary is $1,314. The total for these enlisted men is about $500,000.

[Here the hammer fell.]

Mr. GUNCKEL rose.

Mr. WILLIAMS, of Indiana. I desire to make some further statements.

Mr. RANDALL. This is a very interesting subject, and I move that the gentleman have five minutes further

There was no objection.

Mr. WILLIAMS, of Indiana. I desire to state that when the Committee on Expenditures in the War Department called for a list of all these clerks, they gave us a return from the Quartermaster-General's Department, showing one hundred and forty-six clerks there, and it is upon that basis that the bill is framed. I find by the report of the Committee on Reform in the Civil Service that they have got thirty-three more, making one hundred and seventy-six in all.

Mr. HOLMAN. I would suggest to my colleague that he should submit all his amendments, covering all the paragraphs relating to the War Department, so that we may consider them all together.

Mr. WILLIAMS, of Indiana. I desire further to state that there appear to be quite a number of enlisted men detailed from the Army as clerks to the War Department who are not presented in any of these reports. There are five contract physicians at $1,800 each, one at $1,500, and three at $1,200, paid out of the Army appropriations; one engineer at $1,500, one engraver at $1,200, one carpenter at $1,200, one fireman at $600, one laborer at $600—these being paid out of the appropriation for the Medical Department; one clerk at $1,800, under the act for supplying trusses, approved May 28, 1872. This makes $13,800 more than the expenses shown by the report, which makes the saving, if my amendments be adopted, of $178,000 in one Department alone.

My reason for offering the amendments separately to each paragraph is because the bill is under the charge of the different committees I have mentioned. I will state further that the bill which I have introduced, and to which I have referred, provides expressly—

That it shall be unlawful to allow or pay to any of the persons designated in this act any additional compensation from any source, or to retain, detail, or employ in any branch of the War Department, except the Signal Office, any persons other than those herein authorized.

So that if this bill is passed it confines the Department to the actual number of clerks provided by the appropriation bill.

Mr. KELLOGG. I beg leave to say to the gentleman from Indiana that the bill he has introduced was before the Committee on Civil Service Reform this morning and that we unanimously adopted it, but striking out all the clerks of class five. We did this to make it correspond with the action of the committee in regard to the Treasury Department. We thus in reality by our action save five to ten thousand dollars in addition to the $178,000 of which the gentleman has spoken.

Mr. WILLIAMS, of Indiana. Yes; and I have made my amendment correspond with your bill striking out the fifth-class clerks and all increase of salary.

Mr. KELLOGG. I will state further that in this bill the messengers are put at $840. We put them all as laborers at $730, as in our bill reorganizing the Treasury Department, so that there is a still further reduction there.

Mr. WILLIAMS, of Indiana. I desire to state to the committee that if this amendment be adopted I have corresponding amendments to offer to every paragraph of the bill relating to the War Department.

Mr. DONNAN. I suggest to the gentleman that he offer his entire bill as a substitute for these paragraphs of the bill which relate to the War Department. That will simplify the action of the committee.

Mr. GUNCKEL. The bill of the gentleman from Indiana [Mr. WILLIAMS] was referred several days ago to the Committee on Military Affairs, and by that committee to a sub-committee, of which I happened to be a member. I have given a great deal of time to the investigation of this matter, taking item by item and going to the Bureaus of the Department, and I think it is a measure that ought to be approved. My friend has given to it a great deal of time and attention, and has succeeded in a remarkable manner in making a great reduction of the force, a reduction of nearly two hundred clerks and of nearly $200,000, adapting it to meet the views entirely of the War Department, and of every Bureau in it. That is somewhat remarkable.

I fear that the Committee on Appropriations have not very well considered the details of their bill. We are informed by communications from the Secretary of War and the heads of the several Bureaus that they cannot possibly get along with the provision made in this bill. It would embarrass and cripple them so that they could not conduct their business. As I said before, the gentleman from Indiana has arranged his bill so that it is actually less in amount than that of the Committee on Appropriations, and yet it entirely meets the views of the Secretary of War, and will enable the Department to go right along with their business in every way. His bill not only meets the views and concurrence of the Committee on Military Affairs, but I am glad to learn that it also meets the views of the Committee on Reform in the Civil Service. I hope, therefore, that the entire bill of the gentleman from Indiana will be ingrafted in this bill.

Before I take my seat I beg to call the attention of the committee to section 4 of the bill of the gentleman from Indiana, to which I hope there will be no objection. It has been the habit of the War Department to take enlisted men from the Army, and these number four or five hundred now, and put them in the different Bureaus of the War Department, and use them as clerks at $1,200 and $1,400 a year. It cuts that off entirely and brings every man employed in the War Department into the civil service, so that we may know the number of clerks, the pay they are receiving, and what is appropriated for that purpose. That is as it ought to be. That section of the bill of the gentleman from Indiana is as follows:

SEC. 4. That it shall be unlawful to allow or pay to any of the persons designated in this act any additional compensation from any source, or to retain, detail, or employ in any branch of the War Department, except the Signal Office, any persons other than those herein authorized, the chiefs of the several Bureaus, and such commissioned officers as the Secretary of War may from time to time assign to special duties; and it shall be the duty of the Secretary of War to reduce the number of temporary clerks and others authorized by this act as fast as the wants of the public service will permit.

That is a good provision, and I hope it will be adopted. In conclusion, I beg simply to call the attention of the committee again to the fact that the bill of the gentleman reduces the number of employés two hundred, and makes a reduction in the appropriation of about $200,000.

Mr. GARFIELD. I hardly see why my colleague should say that the Committee on Appropriations have not considered this bill carefully. They are not capable of considering any bill carefully if they have not done it in this case.

Mr. GUNCKEL. The gentleman will permit me to say that he told me so himself, and said that if the Committee on Military Affairs would agree to this bill of the gentleman from Indiana he would be willing that it should be incorporated in this bill. So I had pretty high authority for what I said.

Mr. GARFIELD. My colleague made the remark, as I understood him, about the whole bill.

Mr. GUNCKEL. O, no; I said that portion of it relating to the War Department. I was not speaking of the whole bill.

Mr. GARFIELD. Concerning a portion of the appropriations for the War Department my colleague is entirely right. The Committee on Appropriations could not wait until the Committee on Military Affairs had perfected their bill, and so they cut down the appropriations by a sort of dead-level gauge, so that we should certainly get a reduction in this bill, their object being to compel a consideration of the question of reducing the force in the War Department. They were waiting for the Committee on Military Affairs to perfect a bill to which that committee were giving their attention more thoroughly than our committee had time to do, and we were very glad to have their assistance.

I know of no reason why their bill should not be accepted in place of all the items in this bill in relation to the War Department. There is one matter upon which the Committee on Appropriations have not entered at all, and that is the number of enlisted men employed in what is called general service, and put upon clerical duty.

That is a bad arrangement, and ought to be broken up. The Committee on Appropriations have never had anything to do with it; no special appropriation is made for that purpose. These clerks are paid, I do not know out of what fund; perhaps out of the general

fund for the support of the Army. I suppose they are paid out of the funds given by the bill for the support of the Army. It is an exceedingly bad arrangement to allow any Secretary in any Department to employ any number of clerks that do not come under review by Congress. And I am exceedingly glad that the Committee on Reform in the Civil Service have enabled us to get at that evil and strike it down.

One mistake has evidently been made in the amendment which has been offered. It proposes to provide for "two messengers, $1,000 each." Now, for the last two years we have allowed no messenger in any Department of the Government more than $840.

Mr. KELLOGG. In the bill which we agreed upon to-day we have made the messengers of all the Departments to correspond with the messengers of the Treasury Department.

Mr. GARFIELD. That correction should be made. Then all that is needed is to say "so many clerks of class four, so many clerks of class three," &c., and the law fixes the amount each clerk is to receive. And then at the end of the paragraph should be put the aggregate amount the paragraph calls for. I ask consent that all the paragraphs relating to the War Department should be treated as one paragraph or section, and the substitute prepared by the Committee on Civil Service Reform be treated as one amendment.

Mr. DONNAN. I will ask the attention of the committee for a moment only to the paragraph in relation to the Quartermaster-General. I find in the letter of the Secretary of War a report of the Quartermaster-General, showing that, in addition to the one hundred and forty-six clerks in his Department, there are thirty-two clerks known as Quartermaster's clerks, none of whom receive less than $100 a month, and some of them receive as high as $300 a month. And yet all this list of thirty-two clerks are employed without any distinct supervision of law. I sent a telegram yesterday afternoon to the Quartermaster-General, asking under what authority of law these additional clerks were employed. I received in answer that which I ask the Clerk to read.

The Clerk read as follows:

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., April 22, 1874.

SIR: I have the honor to report, in reply to your telegram of this afternoon, that the clerks referred to are employed by the officers of the Quartermaster's Department on duty in this city under the general authority of the appropriation acts for many years past. (See that of March 3, 1873, 17 Statutes, chapter 299, page 544; "Clerks to Quartermaster.")

They are not a part of the clerical organization of the Quartermaster-General's Office, and are not his clerks.

Very respectfully, your obedient servant,

M. C. MEIGS,
Quartermaster-General, U. S. A.

Hon. W. G. DONNAN,
House of Representatives.

Mr. DONNAN. I understand that a proposed amendment cuts off all these additional clerks.

Mr. GARFIELD. I understand the gentleman from Indiana [Mr. WILLIAMS] to accept a modification of his amendment which I have suggested to him.

The amendment, as modified, was read, as follows:

One chief clerk, at an annual compensation of $2,500; one disbursing clerk, at $2,000; one chief clerk of division, at $2,000; eight clerks of class four; six clerks of class three; six clerks of class two; fifteen clerks of class one; two messengers; eight assistant messengers; one laborer, at $720; three watchmen for northwest building, (executive,) at $720 each.

Mr. KELLOGG. I would ask the gentleman from Ohio [Mr. GARFIELD] why not call all these assistant laborers messengers? That is really their condition and that is their pay. And that will correspond with the bill which our committee agreed upon to-day.

Mr. GARFIELD. I have no objection to that.

Mr. WILLIAMS, of Indiana. I will modify my amendment as suggested.

The amendment, as modified, was then adopted.

The Clerk resumed the reading of the bill, and read as follows:

For the purpose of examining the rebel archives and having copies furnished for the Government, $6,000.

Mr. SENER. I move to strike out the paragraph last read, for the purpose of inquiring of the gentleman in charge of this bill [Mr. GARFIELD] what is the necessity for this appropriation? It seems to be for information which, if needed, should be furnished by some clerk or officer already employed. If so, then I do not see the necessity for this appropriation.

Mr. GARFIELD. The archives of the rebel government have been of very great value in the examination of the claims before the British and American mixed claims commission, a very large share of which were presented by subjects of Great Britain residing South, and who presented their claims against our Government under the treaty of Washington. To test their relation to the government, whether they had taken any part in the rebellion, the rebel archives have been consulted from day to day, doubtless saving the Government hundreds of thousands, if not millions, of dollars. That work is still going on. It is also of service in relation to many questions before the southern claims commission.

Mr. SENER. Who makes this examination?

Mr. GARFIELD. The War Department.

Mr. SENER. By clerks already employed?

Mr. GARFIELD. O, yes.

Mr. SENER. Then why this appropriation?

Mr. GARFIELD. They must have an additional force for this special purpose. This work is now going on.

Mr. KELLOGG. There is a provision in the bill agreed to by our committee such as was asked for by the War Department, for one clerk of class three, one clerk of class two, and three clerks of class one.

Mr. GARFIELD. That covers the same case, but I think it best to insert a lumped sum.

Mr. SENER. I withdraw my amendment.

Mr. YOUNG, of Georgia. I renew the amendment. I wish to ask the gentleman from Ohio [Mr. GARFIELD] whether there has not been an appropriation for this purpose from year to year since the war? I would like to know what has been the amount of the appropriation each year heretofore. Last year, I believe, the appropriation was much larger than now.

Mr. GARFIELD. In the first place we appropriated for purchasing these archives a large sum of money; $75,000 was the last appropriation made for purchasing these archives.

Mr. YOUNG, of Georgia. Can the gentleman give us the history of that purchase? I would like to hear something about where these archives came from.

Mr. GARFIELD. I supposed the gentleman was well aware where they came from. They were purchased from a general of the southern confederacy, the price being $75,000.

Mr. SENER. The gentleman is mistaken in saying he was a confederate general.

Mr. GARFIELD. I supposed he was. At any rate it was a purchase which was well worth making by the Government. The use these records have already served before the southern claims commission and the mixed claims commission has more than paid for the outlay. They are every day proving valuable for the same purposes.

Mr. YOUNG, of Georgia. If these archives are so valuable, would it not be more economical to have them published?

Mr. GARFIELD. It is not a question of publication. They are being examined day by day. For instance, a claim comes up from a British subject who resided in the South during the war. He claims to have been injured to the amount of $100,000. The claims commission sends for the information which these archives may furnish as to the conduct of that man during the war. The clerks in charge run through all these records—which they are gradually getting indexed—to find that man's name, and whether he had any official relation to the confederate government. By their examination they throw what light they can upon the case; and if it be proved that he was engaged in the war, he has no right as a British subject to be awarded anything by the claims commission. There were claims by British subjects to the amount, I think, of $35,000,000, of which up to the present time only $2,500,000 have been allowed; and probably not more than $5,000,000 in all will be allowed when the work shall have been completed. It will thus be seen that very considerable expense would be entailed upon the Government of the United States if the indexing and overhauling of these rebel archives should not be kept up. It is true that some uncomfortable letters have appeared now and then. One of them perhaps saved us from having a certain gentleman as Chief Justice; but for that reason we ought to prize these records none the less.

Mr. YOUNG, of Georgia. I would like the gentleman from Ohio [Mr. GARFIELD] to give, if he can, the name of the confederate general from whom these records were bought. I want it for a purpose.

Mr. GARFIELD. I suppose the gentleman from Georgia is well acquainted with it. I do not care to rake up the history of the past.

Mr. YOUNG, of Georgia. I would like to have the name.

The CHAIRMAN. Does the gentleman from Georgia withdraw his amendment?

Mr. YOUNG, of Georgia. Yes, sir.

Mr. KELLOGG. By consent of the gentleman from Indiana [Mr. WILLIAMS] I move to strike from the bill the several paragraphs relating to the War Department, and offer as a substitute a bill which was unanimously agreed to to-day by the Committee on the Civil Service Reform.

The CHAIRMAN. Strictly speaking the Chair cannot entertain a motion to strike out any paragraph before it has been read; but if there be no objection all the paragraphs relating to the War Department down to line 1041 will be considered as read, and the amendment of the gentleman from Connecticut [Mr. KELLOGG] will be regarded as pending as a substitute.

Mr. GARFIELD. I suggest that these paragraphs be passed over informally, and meanwhile this amendment of the gentleman from Connecticut can be printed in connection with the paragraphs for which it is proposed as a substitute.

The CHAIRMAN. If there be no objection that arrangement will be made.

Mr. HOLMAN. I consent if it embraces the first paragraph.

Mr. GARFIELD. Of course.

The CHAIRMAN. Is it the understanding that all paragraphs relating to the War Department shall be passed over, and be taken up at the next session of the Committee of the Whole after the session of this evening? The Chair hears no objection.

Mr. GARFIELD. Let the whole of these amendments be printed in the RECORD.

Mr. HOLMAN. Certainly.

Mr. KELLOGG. I ask also that the table appended to the original bill be printed immediately after the amendment.

Mr. GARFIELD. I ask the gentleman from Connecticut to make the footings under the head of each Bureau.

Mr. KELLOGG. Certainly.

There was no objection, and it was so ordered.

[The paragraphs for which Mr. KELLOGG's amendment is offered as a substitute are as follows:

WAR DEPARTMENT.

For compensation of the Secretary of War, $8,000; chief clerk, $2,500; two clerks, at $2,000 each; two clerks of class four, and additional to one clerk of class four as disbursing clerk, $200; five clerks of class three; three clerks of class two; five clerks of class one; one messenger; two assistant messengers; and one laborer; in all, $39,500.

For contingent expenses of his office, $12,000.

For the purpose of examining the rebel archives and having copies furnished for the Government, $6,000.

Office of the Adjutant-General:

For chief clerk, $2,000; four clerks of class four; eight clerks of class three; forty clerks of class two; forty clerks of class one; two messengers; one assistant messenger; and one fireman; in all, $129,120.

For postage on official matter of the War Department and its Bureaus, $120,000.

For contingent expenses, $8,000.

Office of the Quartermaster-General:

For chief clerk, $2,000; three clerks of class four; seven clerks of class three; fifteen clerks of class two; fifty clerks of class one; thirty copyists, at $900 each; superintendent of the building, $200; one messenger; two assistant messengers; and six laborers; in all, $133,400.

For contingent expenses, $7,000.

Office of the Paymaster-General:

For chief clerk, $2,000; three clerks of class four; seven clerks of class three; eighteen clerks of class two; ten clerks of class one; and two messengers; in all, $57,480.

For contingent expenses, $4,000.

Office of the Commissary-General:

For chief clerk, $2,000; one clerk of class three; six clerks of class two; twelve clerks of class one; one messenger; and two laborers; in all, $28,680.

For contingent expenses, namely: office-rent, repairs, and miscellaneous items, $5,000.

Office of the Surgeon-General:

For chief clerk, $2,000; one clerk of class three; two clerks of class two; six clerks of class one; one messenger; and one laborer; in all, $15,160.

For contingent expenses, blank books, stationery, binding, rent, fuel, and including rent of Surgeon-General's office and Army Medical Museum, $7,000.

Office of Chief Engineer:

For chief clerk, $2,000; three clerks of class four; four clerks of class three; four clerks of class two; four clerks of class one; one messenger; and one laborer; in all, $25,760.

For contingent expenses, namely: for stationery, office furniture, miscellaneous and incidental expenses, including professional books, maps, and two daily Washington newspapers, $3,000.

Office of the Chief of Ordnance:

For chief clerk, $2,000; two clerks of class four; two clerks of class three; three clerks of class two; four clerks of class one; and one messenger; in all, $18,640.

For contingent expenses, namely: stationery, envelopes, wrapping-paper, for sending blanks to the arsenals, forts, permanent batteries, and troops in the field, telegrams, express charges, and incidentals of a similar nature, furniture, matting, carpets, oil-cloth, professional books for Ordnance Department library, pamphlets and newspapers, $2,000.

Office of Military Justice:

For one chief clerk, at $2,000; one clerk of class three; one clerk of class one; in all, $4,800.

For contingent expenses, $500.

Signal Office:

For two clerks of class two, $2,800.

Office of the Inspector-General:

For one clerk of class three, $1,600.

The following is the substitute proposed by Mr. KELLOGG, including the amendment of Mr. WILLIAMS, of Indiana, already adopted:

That on and after the 1st day of July, 1874, there may be employed in the War Department and its several branches or Bureaus, the following persons, or so many of them as may at any time be found necessary for the transaction of public business:

In the office of the Secretary of War:

One chief clerk, at an annual compensation of $2,500; one disbursing clerk, at $2,000; two chief clerks of divisions, at $2,000; seven clerks of class four, six clerks of class three, six clerks of class two, fifteen clerks of class one; two messengers, at $840 each; nine laborers, at $720; seven watchmen for northwest building, (executive,) at $720 each; in all $70,300.

For contingent expenses of his office, $12,000.

For the purpose of examining the rebel archives and having copies furnished for the Government, $6,000.

In the office of the Adjutant-General:

One chief clerk, at $2,000; nine clerks of class four, fifteen clerks of class three, twenty-five clerks of class two, one hundred clerks of class one, three temporary clerks of class four, six temporary clerks of class three, twenty temporary clerks of class two, sixty temporary clerks of class one; ten messengers, at $840; in all, $320,600.

For postage on official matter of the War Department and its Bureaus, $120,000.

For contingent expenses, $8,000.

In the office of the Inspector-General:

One clerk of class four; one messenger, at $840; in all $2,640.

In the office of the Quartermaster-General:

One chief clerk, at $2,000; eight clerks of class four, ten clerks of class three, twenty-four clerks of class two, forty clerks of class one; eighteen copyists, at $900; one messenger, at $840; eight laborers, at $720; one engineer, at $800; one fireman, at $720; and five watchmen, at $720 each; six temporary clerks of class two, ten temporary clerks of class one; ten temporary copyists, at $900; in all, $171,520.

For contingent expenses, $7,000.

In the office of the Paymaster-General:

One chief clerk, at $2,000; seven clerks of class four, eight clerks of class three, fifteen clerks of class two, thirteen clerks of class one; one messenger, at $840; four watchmen, at $720; five laborers, at $720; two temporary clerks of class two, three temporary clerks of class one; in all, $77,720.

For contingent expenses, $4,000.

In the office of the Commissary-General:

One chief clerk, at $2,000; two clerks of class four, four clerks of class three, five clerks of class two, twelve clerks of class one; one messenger, at $840; three laborers, at $720; two watchmen, at $720; in all, $37,840.

For contingent expenses, namely: office-rent, repairs, and miscellaneous items, $7,000.

In the office of the Surgeon-General:

One chief clerk, at $2,000; five clerks of class four, three clerks of class three, eight clerks of class two, one hundred and fifteen clerks of class one, (twenty of whom shall be temporary;) one librarian, at $1,600; one chemist, at $1,800; one anatomist at the Army Medical Museum, at $1,600; one engineer in division of records and museum, at $1,400; one messenger, at $840; twenty-two watchmen and laborers, (six temporary,) at $720 each; in all, $188,080.

For contingent expenses, blank books, stationery, binding, rent, fuel, and including rent of Surgeon-General's office and Army Medical Museum, $7,000.

In the office of the Chief Engineer:

One chief clerk, at $2,000; five clerks of class four; four clerks of class three; four clerks of class two; four clerks of class one; one messenger, at $840; three laborers, at $720 each; in all, $30,080.

For contingent expenses, namely: for stationery, office furniture, miscellaneous and incidental expenses, including professional books, maps, and two daily Washington newspapers, $3,000.

In the office of the Chief of Ordnance:

One chief clerk, at $2,000; three clerks of class four; three clerks of class three; three clerks of class two; eight clerks of class one; one messenger, at $840; one laborer, at $720; in all, $27,560.

For contingent expenses, namely: stationery, envelopes, wrapping-paper, for sending blanks to the arsenals, forts, permanent batteries, and troops in the field, telegrams, express charges, and incidentals of a similar nature, furniture, matting, carpets, oil-cloth, professional books for Ordnance Department library, pamphlets, and newspapers, $2,000.

In the office of Military Justice:

One chief clerk, at $2,000; one clerk of class four; one clerk of class three; two clerks of class two; four clerks of class one; one messenger, at $840; in all, $13,840.

For contingent expenses, $500.

In the Signal Office:

Two clerks of class four; one messenger, at $840; in all, $4,440.

That the persons employed in any branch of the War Department on the 30th day of June, 1874, may be appointed or promoted under the provisions of this act, subject only to such regulations as the Secretary of War may prescribe; and in all such promotions and appointments under the provisions of this act it shall be the duty of the Secretary of War to give the preference to such of the enlisted men as are now employed as clerks in said several departments upon the recommendation of the heads of the several Bureaus as to their qualifications to discharge with efficiency the duties thereof.

That it is further made the duty of the Secretary of War, when the reduction of clerks now employed shall take effect under the provisions of this act, to retain, as far as possible, such of the enlisted men as are now employed in the several Bureaus of said Department, where the same can be done with a due regard to the dispatch of public business. And it is hereby made the duty of the Secretary of War to place such enlisted men so retained upon the civil list, so as to entitle them to promotion under the civil-service regulations.

That it shall be unlawful to allow or pay, to any of the persons designated in this act, any additional compensation from any source, or to retain, detail, or employ in any branch of the War Department, except the Signal Office, any persons other than those herein authorized, the chiefs of the several Bureaus, and such commissioned officers as the Secretary of War may from time to time assign to special duties; and it shall be the duty of the Secretary of War to reduce the number of temporary clerks and others authorized by this act as fast as the wants of the public service will permit.]

Table of proposed reductions.

Office, &c.	Present.		Proposed.		Amount as amended by Civil Service Committee.
	Persons.	Amount.	Persons.	Amount.	
Secretary's Office	50	$67,643 00	56	$72,780 00	$70,300 00
Archives Office	5	6,000 00	5	6,600 00	6,660 00
Adjutant-General's Office	342	384,637 00	249	321,400 00	320,600 00
Inspector-General's Office	2	2,494 00	2	2,640 00	2,640 00
Quartermaster-General's Office	146	172,000 00	143	172,320 00	171,520 00
Paymaster-General's Office	64	82,523 00	59	78,840 00	77,720 00
Commissary-General's Office	31	37,762 00	30	38,520 00	37,840 00
Surgeon-General's Office	238	279,652 94	159	190,040 00	188,080 00
Engineer Office	20	27,640 80	22	31,800 00	30,800 00
Ordnance Office	22	29,285 00	20	28,240 00	27,560 00
Office of Military Justice	10	11,863 00	10	14,200 00	13,840 00
Signal-Service Office	3	4,800 00	3	4,800 00	4,440 00
Total	942	1,106,300 74	758	962,180 00	951,940 00
Medical attendance for enlisted men	....	13,000 00	....	.....	.....
	942	1,119,300 74	....	.....	.....
	758	962,180 00	....	.....	.....
Immediate reduction	184	157,227 74	....	.....	167,360 74
Temporary	146	179,000 00	....	.....	.....

The Clerk read as follows:

NAVY DEPARTMENT.

For compensation of the Secretary of the Navy, $8,000; for compensation of the chief clerk of the Navy Department, at $2,200, and, additional to chief clerk, $300, to continue while there is no Assistant Secretary and no longer; one disbursing clerk, at $2,000; four clerks of class four; four clerks of class three; two clerks of class two; three clerks of class one; two messengers; and two laborers; in all, $35,620.

Mr. HOLMAN. I move to strike out the words "one disbursing clerk at $2,000."

Now, Mr. Chairman, I should be glad to have the ear of the gentlemen of the Committee on Appropriations. We have in the other Departments, especially in the Treasury Department, allowed the disbursing clerk simply an addition of $200. We have in the Treasury Department allowed the chief clerk an addition only of $200 to his salary as chief clerk for acting as disbursing officer. How does it occur, then, in the Navy Department we give this disbursing officer a salary of $2,000, when we allow elsewhere only an increase of $200 for the responsibility of acting as disbursing clerk? We do that in the Treasury Department. We provide here, however, that for the Navy Department there shall be a disbursing clerk with a salary of $2,000 a year, and for the duties of that position alone.

Mr. HALE, of Maine. Mr. Chairman, this, instead of being an abuse, is really a limitation which does not apply in other Departments. The Navy Department has always been run in a different fashion, so far as clerical force goes, from any other Department, and in a way which I think will be satisfactory to the gentleman from Indiana, [Mr. HOLMAN,] with his economical views. If he will investigate it he will find it has not been extended and ramified year after year for the purpose of building up other Bureaus and divisions. Formerly single clerks did the service in some of the other Departments; indeed in all of them with reference to disbursing appropriations, but the duties have been divided up now under the head of one Bureau and another. In the Navy Department for years it has all been done, however, by one clerk and has never been extended beyond one. And I will tell the gentleman that this clerk in the Navy Department does what in other Departments we appropriate for is done by three or five or six or a dozen clerks, because that is the system upon which the Navy Department is run.

As a further illustration or explanation in the line of my remarks, I will tell the gentleman from Indiana what I have no doubt he will be glad to hear, and that is that the whole clerical force of the entire Navy Department to-day is not so large as it was before the war, twelve years ago. I do not know of a change which has taken place in a single clerkship in the Navy Department since I have been in Congress. They keep the old clerks in. It is not run by patronage, but solely to keep up the business with the same old force. During the period of war the force had to be enlarged, as everybody will admit; but since the war was ended it did what no other Department did; it cut down its force, so that to-day they have not got so many clerks as they had before the war. It is really a remarkable exhibition of economical running of clerical force in the Navy Department. I wish the gentleman from Indiana, as an honest, faithful economist, would do what I have done; go himself and look into the clerical force of the Navy Department and compare it with some of the other Departments. It would do him good.

Mr. HOLMAN. Mr. Chairman, I desire to correct a mistake I fell into in reference to the disbursing officer in the Treasury Department. I find there are clerks employed in the Treasury Department whose entire duty it is to pay the clerical force. In the War Department it is otherwise. It will be remembered by the committee that a few years ago the chief clerk of the War Department, Mr. Potts, was allowed a compensation of $200 additional for performing the duties of disbursing clerk.

Now, we all know that the Navy Department before the war was one of the most extravagant Departments of the Government, and it has been a source of general congratulation I think that since the war there has been a thorough effort at economy in that Department. So I understand; and I am desirous of saying that the War Department and the Navy Department are the two Departments of the Government where the force employed is not apparently beyond what the exigencies of the service require. No one can pass through those Departments without being struck with the diligence with which the duties of those employed in them are performed.

Still, in the War Department, which makes much heavier disbursements than the Navy Department, it is sufficient to give a fourth-class clerk $200 additional pay for acting as disbursing clerk. Why, then, in the Navy Department should there be employed a clerk exclusively as disbursing clerk with a salary of $2,000?

Mr. HALE, of Maine. Does the gentleman not see that while we give the Navy Department a disbursing clerk at $2,000, we do not give them the fourth-class clerk that the War Department has? Now, has the gentleman any idea about the difference between the clerical force in the Navy Department and in the War Department? While the clerical force in the Navy Department, including all the clerks in all the Department and all its Bureaus, amounts to less than seventy clerks, not so many as in several Bureaus and divisions of the War Department, there are in the War Department and its different Bureaus, I think, one thousand and one clerks and civil employés of all kinds employed. The Navy Department has a disbursing clerk who is not a fourth-class clerk. There would be no difference between this and our giving the Navy Department a fourth-class clerk with $200 additional as disbursing clerk.

Mr. HOLMAN. During the war, at the instance of the Secretary of War, we paid by a special act an additional compensation of $200 to the clerk who performed the duties of disbursing clerk, having all the increased duties incident to a state of war. Now, if during the war $200 was considered a sufficient compensation for the discharge of these duties, why should it be proposed here to pay a gentleman in the Navy Department $2,000 for acting as disbursing clerk alone? I know that my friend from Maine is wrong.

Mr. HALE, of Maine. I do not know in the case referred to by the gentleman from Indiana what Mr. Potts had to do. I do not know what the system in the War Department was. But I think it is plain that he could not have done all the duties of a disbursing clerk in a time of war for $200. There may have been some extra responsibility put upon him which that paid for. But this man to whom we give the $2,000 does the whole. He has nobody under him. He has all the responsibility, keeps all the accounts, and pays all the money. Now, I venture to say that $200 never paid any man in the War Department for doing all of that. It may have been given to him on account of special responsibilities; but I am sure, and I speak with confidence, that he never did the work for that. The gentleman himself must see that his proposition overstates itself.

Mr. HOLMAN. I state what the records of the House show, and I remember it distinctly, because I thought it was one of the few salaries which merited an increase; one of the few increases of salaries I ever supported. I reported the bill myself paying him an additional $200 for the reason that the law provided that the disbursing clerk should be a fourth-class clerk, and in consequence of that the chief clerk could not receive this compensation, although he gave the bond and performed all the duties. But here is a very small Department of the Government, and you set apart a single clerk at $2,000 to act as disbursing officer and pay the clerks in that Department.

Mr. HALE, of Maine. I will make this agreement with my friend: Let him go to the Department and examine what that clerk is doing, and then if he is not satisfied that he is worth all that compensation I will endeavor to meet the gentleman's views.

Mr. HOLMAN. I withdraw the amendment.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR.

For compensation of the Secretary of the Interior, $8,000; Assistant Secretary, $3,500; chief clerk; ten clerks of class four, eight of whom may be paid $200 additional if the Secretary of the Interior deem it necessary and proper; six clerks of class three; six clerks of class two; six clerks of class one; three copyists; three messengers; two assistant messengers; and six laborers in his office; in all, $69,280.

Mr. SENER. I notice that in the paragraph which has just been read there is no salary provided for the chief clerk. The paragraph simply reads "chief clerk," and there is no salary named for the office. I think the chief clerk's salary ought to be fixed by the bill.

Mr. GARFIELD. There is a misprint here. The amount of $2,500 should have been inserted.

Mr. SENER. I move to amend the paragraph by inserting that amount.

The amendment was agreed to.

Mr. WILLARD, of Vermont. The paragraph provides that eight of the clerks of class four may be paid each $200 additional if the Secretary of the Interior deems it necessary and proper. I do not see why this should be left to the discretion of the Secretary of the Interior; and I will move to strike that out unless some necessity can be shown for it.

Mr. GARFIELD. It has stood in that way in the law for a number of years. The Secretary cannot tell certainly how many division clerks he may need. This gives him the discretion to use eight of them at least as division clerks, and pay them $200 additional to their pay as fourth-class clerks. If he does not use the whole number so much is saved to the Treasury. He cannot use more than eight. I think the provision is a wise one.

Mr. WILLARD, of Vermont. I do not think it wise to leave these salaries to the discretion of the Secretary, with power to give those extra amounts to any favorite clerks to whom he may see fit to pay.

Mr. GARFIELD. Thus far the system has worked well, and I think the gentleman will consent to let it pass.

The Clerk read as follows:

For expenses of packing and distributing official documents, including salary of superintendent, $5,000.

Mr. ALBRIGHT. I move to amend that paragraph by striking out "$5,000" and inserting in lieu thereof "$7,000."

That amendment does not increase any salaries, but it simply leaves the appropriation as it was last year. This appropriation covers items like these: there is paid out of it the superintendent of the document-room, and one clerk, and one messenger, and one packer, and then there is also to be paid out of this fund the money expended for paper, and twine, and boxes, which amounts to $1,800; so that the appropriation of $7,000 will not quite cover the amount expended. The superintendent of the document-room of this Department distributes all the pamphlet editions of the laws that are published; eleven thousand copies to the States and Territories, twenty-two to each Senator and Member, and two thousand copies of bound volumes of the Statutes at Large, besides four hundred sets of other documents published by authority of Congress to so many schools, colleges, and libraries.

The superintendent of the document-room of this Department also compiles the Biennial Register, or Blue-Book, so that if you cut down the appropriation to $5,000, you will have to bring in a deficiency bill, or to make another appropriation in another way. I simply ask

that the appropriation shall be the same as last year, because the persons employed in this office cannot otherwise be compensated out of this appropriation and do the work required of them. I believe the Committee on Appropriations have examined this subject, and are willing that this amendment shall be adopted.

Mr. HALE, of Maine. I looked into this matter myself at the request of the Committee on Appropriations, and I am satisfied that the amendment is correct.

Mr. HOLMAN. I find that in the appropriation bill passed the year before the increase of salary bill was passed the appropriation for these items was only $5,000. That was the year which terminated on the 30th of June, 1873. I do not, for my own part, refer to the appropriation bill corresponding with this passed during the last Congress, but I find that the appropriation heretofore made was $5,000. I hold the law of 1873 in my hand, showing that that was the appropriation then.

Mr. ALBRIGHT. But there was not included then an appropriation for a clerk and a messenger who are now covered by this appropriation. I would also say that in consequence of the increase in the number of members of Congress the labors in this office have been increased.

Mr. HOLMAN. Why, how?

Mr. ALBRIGHT. In the distribution of the statutes to members of Congress.

Mr. HOLMAN. Why, not at all.

Mr. ALBRIGHT. Yes, sir.

Mr. HOLMAN. On the contrary, the copies of the statutes that we receive come from the document-rooms of the Capitol, and there is no increase in the labors of this office. My friend will find that the increase in the number of members of Congress does not affect this office at all; and I think that an appropriation the same as that made in 1873 is certainly sufficient.

Mr. ALBRIGHT. There are twenty-two copies of the statutes sent to each Senator and Representative from this office.

Mr. HOLMAN. How many?

Mr. ALBRIGHT. Twenty-two; and, of course, the increase in the number of members of Congress imposes additional duties on these officers.

Mr. HOLMAN. My friend must know that they are received from our document-room.

Mr. ALBRIGHT. Those that are bound?

Mr. HOLMAN. Members of Congress do not receive the bound edition of the statutes; they never have received them. We receive simply the statutes that we publish and that go into our document-room.

Mr. ALBRIGHT. I am sure the gentleman from Indiana would not be parsimonious in a matter of this kind, and I would not ask for an increase of the appropriation, even of $2,000, if I was not satisfied from an investigation I have made on the subject of the amount actually necessary to expend in this office that the appropriation which I ask is necessary.

Mr. HOLMAN. The appropriation for this purpose in former years has been $5,000, and there has never been any deficiency, nor is there any increase of duties.

Mr. ALBRIGHT. I understand that heretofore some of these expenses have been paid out of another appropriation.

Mr. HOLMAN. O, well, they may do the same thing again.

Mr. DONNAN. I am satisfied that this officer ought to have more or less, I do not know which. If he compiles the Blue-Book he does not devote enough attention to it to make it correct and reliable.

Mr. FORT. I understand that the Blue-Book is two years behind time.

The question was taken on Mr. ALBRIGHT's amendment; and on a division there were—ayes 34, noes 73; no quorum voting.

Mr. ALBRIGHT. I withdraw the amendment.

Mr. HOLMAN. I move to insert after the word "superintendent" the words "at a salary of $1,800." This paragraph contains no details and does not fix the salary of the superintendent. I propose to make it $1,800 a year, and I suppose that is a sufficient salary for the position.

Mr. GARFIELD. I will say to the gentleman that there was a sub-committee of the Committee on Appropriations, which had this matter in charge, and they cut down the appropriation to $5,000, taking the language of the law as it has been for a series of years.

Mr. HOLMAN. This appropriation is not cut down; it is the same as it was in 1873.

Mr. GARFIELD. It is cut down to what it was last year.

Mr. HOLMAN. O, that may be.

Mr. GARFIELD. Afterward the Secretary of the Interior sent us word that he could not run the office at the rate we had fixed, and a sub-committee of two or three members was sent to make a special examination of the work done there, and they came back and reported that the appropriation ought to amount to $5,000. I have not myself any special information on the subject.

Mr. HOLMAN. Does the gentleman know what the salary should be?

Mr. GARFIELD. I have no personal knowledge.

Mr. HOLMAN. Well, I move to fix it at $1,800.

Mr. GARFIELD. I have no objection to that; I do not know whether it increases or reduces the salary.

The question was on the amendment moved by Mr. HOLMAN.

Mr. GARFIELD. In view of the session to-night I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WOODFORD reported that, pursuant to the order of the House, the Committee of the Whole on the state of the Union had had under consideration the state of the Union generally, and particularly the bill (H. R. No. 2064) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes, and had come to no resolution thereon.

POST-OFFICE APPROPRIATION BILL.

Mr. TYNER, from the Committee on Appropriations, reported a bill (H. R. No. 3094) making appropriations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes; which was read a first and second time, ordered to be printed, referred to the Committee of the Whole on the state of the Union, and made a special order for Wednesday next after the morning hour, and from day to day thereafter until disposed of.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was presented by Mr. BABCOCK, one of his secretaries, who also announced that the President had approved and signed bills of the following titles:

An act (H. R. No. 2885) to remove the disabilities of Charles H. McBlair, of Maryland; and

An act (H. R. No. 3029) to provide for the relief of persons suffering from the overflow of the Lower Mississippi River.

The message also announced that bills of the following titles, having been received by the President on the 13th instant, and not having been returned by him within ten days, as prescribed by the Constitution, had become laws without his approval:

An act (H. R. No. 1405) for the relief of Victor Mylius, of Macoupin County, Illinois; and

An act (H. R. No. 1585) for the relief of the heirs of Seth Lamb.

ORDER FOR A RECESS.

Mr. GARFIELD. I now move that the House take a recess until half-past seven o'clock to-night; and I request members to come here and help us do a good evening's work on the legislative appropriation bill.

The SPEAKER. By order of the House the session of this evening will be exclusively devoted to the consideration of the legislative, executive, and judicial appropriation bill. The gentleman from Indiana, Mr. TYNER, will act as Speaker *pro tempore*, and the gentleman from New York, Mr. HOSKINS, as chairman of the Committee of the Whole.

The motion of Mr. GARFIELD was then agreed to; and accordingly (at four o'clock and thirty minutes p. m.) the House took a recess until half-past seven p. m.

EVENING SESSION.

The recess having expired, the House reassembled at half-past seven o'clock p. m., Mr. TYNER in the chair as Speaker *pro tempore*.

Mr. GARFIELD. I ask unanimous consent that for this evening we may act in Committee of the Whole on the pending bill without regard to the presence of a quorum.

Mr. SENER. I reserve my right to object.

Mr. GARFIELD. Of course it will require unanimous consent. I did not know but gentlemen might agree to it in order to facilitate the transaction of business. I move that the rules be suspended and the House now resolve itself into Committee of the Whole upon the pending appropriation bill.

The motion was agreed to.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole, (Mr. HOSKINS in the chair,) and resumed the consideration of the bill (H. R. No. 2064) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes.

The CHAIRMAN. The pending amendment is the one moved by the gentleman from Indiana [Mr. HOLMAN] to make the salary of the superintendent of documents in the Interior Department $1,800.

Mr. GARFIELD. I am disposed to allow that amendment to be adopted. I am not quite certain that it is right, but if we find out hereafter that it is not right we can correct it.

Mr. ALBRIGHT. It seems to me that in matters of this kind there should be some attempt made at equality. I do not think the librarian of the Interior Department and the superintendent of documents there performs a less important work than the superintendent of documents here in this House. The superintendent of the Interior Department has not only charge of books to be distributed all over the country to colleges and States, but he is also charged with the care and responsibility of the post-office stamps, which he distributes to all the Bureaus of the Department and the officials entitled to them. He also has charge of the printing done for the Department, which is very great; it all passes through his hands, and he has to read the proof, and he attends to matters of that kind. Of my own

knowledge he very often works beyond business hours. It does seem to me that if we are looking toward an equalization of salaries of those men who are performing similar duties, we should not strike at an officer in one of the Departments and keep one of our own officers performing similar duties at a higher rate of compensation.

Mr. GARFIELD. Since I last called the attention of the House to this matter I have obtained a memoranda from the sub-committee that went to the Interior Department and there examined thoroughly into this matter. It was on their report that the increase of this item to $7,500 was recommended The superintendent to whom the gentleman refers, and who acts as librarian of the Interior Department, receives a salary of $2,500; that has been so for a series of years. He has one clerk of the second class, a $1,400 clerk, a messenger at $840, and a laborer at $720. These are the salaries that are provided for, and they amount to $5,460. In view of this memorandum I hope the amendment will not prevail; for I think it would change an officer whom we cannot afford to change under the circumstances.

Mr. ALBRIGHT. In looking at the Blue-Book, I find that the amount expended in this office last year for the pay of officials was $7,960, making no allowance at all for paper, twine, and boxes, which are covered by this appropriation of $5,000. If you fix the salary of this officer at $1,800, only $3,200 of the $5,000 remains to pay the other clerks and employés of this office, leaving nothing perhaps for packing and for getting up the documents which are sent all over the country.

This is a matter in which the people have an interest; and I think they will look with a great deal of suspicion upon our enthusiasm for economy when we strike down officials in other Departments who are doing as much if not more than similar officials here and yet have lower salaries. We ought to practice upon the motto that "charity begins at home." It seems to me that we are not doing justice either to ourselves or the interests of the Government in standing upon a few thousand dollars in order to strike at the officials in that Department. I hope the amendment will not prevail.

Mr. HOLMAN. It has been proposed by some gentleman in this House that there shall be adopted a new system with reference to appointments in the Departments; that they shall be distributed among the various districts, so that each member of Congress may have an opportunity of making some appointments. I trust that such a system will not be adopted; for I can see very well that if each of us should have friends holding office in the various Departments it would be very difficult for us to rise above personal considerations so as to keep down the salaries to a reasonable rate.

I do not blame my friend from Pennsylvania [Mr. ALBRIGHT] for feeling sympathy with his friend who happens to hold this office.

Mr. ALBRIGHT. He is not my friend; he is almost an absolute stranger; he is a gentleman from the State of Kentucky; and although I understood he was a very gallant soldier, I never knew him until I came to Washington.

Mr. HOLMAN. His being a "gallant soldier" is certainly a circumstance in his favor, and if he is a disabled soldier I should feel very much inclined to waive any objection in regard to his pay, provided he renders efficient service. But, sir, when we are coming down, as it is said, to the "hard-pan" of specie payments; when, according to the theory, the expenses of living are to be reduced, while the burden of taxation will be heavily increased, I submit to my friend from Pennsylvania that it is a very improper time indeed to talk about high salaries.

I have never heard any gentleman discussing these questions before the people without insisting that public offices should not be sought for the purpose of making money; that they should be desired largely for other objects at a salary which would merely be a reasonable compensation for the time and labor required in the discharge of the duties—such compensation as is paid in unofficial life for services requiring the same degree of integrity and capability. It is upon that principle, I think, that the salaries of Government officials should be based. Are we to be told that a gentleman having charge of a small library in the Interior Department is, according to any system of gradation, to receive the same compensation as the chief clerk in the Treasury or War or Navy Departments? It will be observed in looking over the appropriation bills heretofore passed that we have not indicated this salary. The Secretary of the Interior has made it just what he thought proper; and it seems that he has fixed it at $2,500. Now let the fact go upon record in this bill that the salary is fixed at $2,500, and my friend from Pennsylvania, or some other gentleman, has a sure fulcrum on which to bring up a great body of other salaries to this level. The question involved here is not this salary alone but hundreds of others that must be raised for the purpose of "equalization." The raising of a single salary beyond the rate that was regarded as reasonable in 1872 impresses me with absolute fear; for whenever you get one salary up a large number of others must go up in proportion.

I hope that neither the gentleman from Pennsylvania [Mr. ALBRIGHT] nor any other gentleman will quote the act of Congress of March 3, 1873, as indicating what is reasonable in our appropriations. We have had to back out from that legislation upon the demand of the people.

[Here the hammer fell.]

Mr. BECK. I wish to put a single question to the gentleman from Pennsylvania, [Mr. ALBRIGHT.] He said that this officer comes from Kentucky.

Mr. ALBRIGHT. I so understand.

Mr. BECK. What is his name?

Mr. ALBRIGHT. Captain C. C. Adams.

Mr. BECK. I simply rose to ask that question, because I have been here myself seven years and most of my colleagues have been here for some time; but I do not think there has been one man appointed in any Department of this Government upon the recommendation of any member of Congress or any Senator from Kentucky. I am glad some one has been put in from our State. Does any one know how he got there?

Mr. ALBRIGHT. I am glad the gentleman has some company.

The question being taken on the amendment of Mr. HOLMAN, it was agreed to.

The Clerk read as follows, under the heading "Department of the Interior:"

For fuel, light, and salary of the engineer, assistant engineer, and repairs of the heating apparatus, $20,000.

Mr. WILLARD, of Vermont. I see that this paragraph contains an appropriation for an assistant engineer. Last year we appropriated for the salary of an engineer only. I would like to know the reason for the addition of an assistant engineer.

Mr. GARFIELD. We appropriated $4,000 last year, but this year the change of grade all around the Interior Department requires a larger appropriation.

Mr. WILLARD, of Vermont. I see there is here an appropriation for an assistant engineer; last year the appropriation was only for one engineer. I wish to inquire of the chairman of the Committee on Appropriations if there is any need for that additional appropriation, or the creation of that additional office?

Mr. GARFIELD. The Secretary of the Interior called the attention of the committee to the fact, and the necessity for that appropriation. He was before us with the chiefs of Bureaus to show that the actual expenses of that Department would overrun the amount of the appropriation last year, but that an addition of about $1,800 would run them through.

Mr. WILLARD, of Vermont. But what need is there for having an assistant engineer?

Mr. GARFIELD. I understand one engineer cannot run a building like this where it is necessary to have some person present all the time. Therefore it was necessary to have an assistant engineer as well as an engineer.

The Clerk read as follows:

For official postage-stamps for the Department of the Interior, as follows:
For the office of the Secretary, $18,000; for the General Land Office, $41,000; for the Bureau of Education, $10,000; for the Bureau of Indian Affairs, $10,000; for the Patent Office, $20,000; for the Pension Office, $25,000; and for the National Museum in the Smithsonian Institution, $1,000; in all, $125,000.

Mr. DUNNELL. The committee with much unanimity has already struck out this item for official postage-stamps. I therefore move to strike out "$125,000" in lines 1192 and 1193 and insert "$5,000."

Mr. SENER. That is a summing up, and the gentleman must make corresponding amendments in the other items.

The CHAIRMAN. The Chair can only put the motion as it is made.

Mr. PACKER. Mr. Chairman, so far as the revenues of the Post-Office Department are concerned it can make no difference, I apprehend, whether this amendment is adopted by the committee or not; for under the provisions of the act of 31st of January, 1873, the Department of the Interior can only purchase postal-stamps by paying for them to the Post-Office Department the same prices at which other parties procure them. That law provides that from and after the 1st day of July, 1873, "all official correspondence of whatever nature, and other mailable matter sent from or addressed to any officer of the Government, or person now authorized to frank such matter, shall be chargeable with the same rates of postage as may be lawfully imposed upon *like matter sent by or addressed to other persons.*"

But, Mr. Chairman, it seems to be assumed by gentlemen in argument here that the payment of the Post-Office Department by the other ExecutiveDepartments for the transportation of their official mail-matter is an innovation upon the former practice and usage of the Government, and I therefore desire to call the attention of the committee to the fact that Congress, by the act of March 3, 1845, took from the Executive Departments of the Government the right they had previously enjoyed under the act of March 3, 1825, to receive and transmit through the mail their mailable matter free of postage, and then required them to keep an account of all postage charged to and payable by them, respectively, upon letters, packages or other matters received through the mail, touching the duties or business of their respective offices; and directed it to be paid quarterly out of the contingent fund of the proper Bureau or Department.

By another act, approved on the same day, the Secretary of the Treasury was directed to pay the postages which might be chargeable to any of the Executive Departments or Bureaus, under the provisions of the law I have just referred to.

By the act of 3d March, 1847, (section 12,) so much of the act of March 3, 1845, to which I have referred, as provided for the payment of postage upon mail-matter from the contingent funds of the two Houses of Congress and of the other Departments of the Government for

which such mail service was performed, was repealed, and it was then enacted that "in lieu of such payment and in compensation for such mail services as may be performed for the several Departments of the Government, there shall be paid to the Post-Office Department from the Treasury for *each year's* service the sum of $200,000, which is hereby appropriated for that purpose out of any unappropriated money in the Treasury."

Then came the act of March 3, 1851, by which Congress also provided that—

> There shall be paid to the Post-Office Department, in *further* payment and compensation for the mail service performed for the two Houses of Congress and the other Departments and offices of the Government in the transportation of free matter, the sum of $500,000 *per year*, which shall be paid quarterly out of any money in the Treasury not otherwise appropriated.

These two acts, then, of 1847 and 1851, it will be seen, made "continuing" or annual appropriations of the sum of $700,000 to be paid every year to the Post-Office Department for the transportation of official matter in the mails; and this appropriation was continued until the inauguration of the present official postal-stamp system. So that while the Departments were nominally, and in one sense really, in the enjoyment of the franking privilege prior to July 1, 1873, the time at which the act of January 31, 1873, went into operation, they were also in point of fact, Mr. Chairman, paying by means of these appropriations to the Post-Office Department for the mail service and postal facilities afforded them at the rate of $700,000 per annum.

The official postal-stamp system, sir, but changed the *mode* of ascertaining the amount of compensation to be paid by each of the Departments, and in one respect at least has the advantage of ascertaining and determining with accuracy the amount that should be paid by each one of them, at the same rates for which the same services are rendered by the Post-Office Department for the public.

The proposition now is, as I understand it, sir, to appropriate a sum merely sufficient to pay the actual cost of preparing the stamps. But I contend, Mr. Chairman, that the true measure of the value of the service rendered by the post-office for the other Departments of the Government, in carrying their letters and mail-matter, is not the expense incurred in printing the stamps, (for that is only a question of engraving and printing,) but it is the actual cost of carrying their mail-matter for them. And while the post-office should not seek to make a profit at the expense of the other Departments, I submit, sir, that every principle of justice requires that they should not ask it to do their work and to assist them to earn and collect their immense revenues at an enormous loss to itself. By furnishing the postal facilities required by the Secretary of the Interior, by the General Land Office, the Bureau of Education, the Bureau of Indian Affairs, the Patent Office, the Pension Office, and the other Bureaus of the Department of the Interior, in their extensive correspondence, and to all the other Departments of the Government, I may say, (for the same rule and the same reasons apply to all,) in the execution of their duties and in the performance of their vast and extensive business the post-office contributes largely to their efficiency and success; and I submit, sir, that it should not be made the mere "hewer of wood and drawer of water," to bear their burdens, while their receipts are in no manner reduced by the expenses borne by it in performing this necessary service for them.

If, under the policy inaugurated by the last Congress, an account-current is to be kept between the several Executive Departments of the Government, it should be properly and accurately kept; and there can be no better method of keeping it fairly between the Post-Office and the other Departments than to charge them for the work done for them at the same rates it charges for similar services rendered the public.

In the moment of time left me, sir, I desire also to say that this appropriation, as reported by the Committee on Appropriations, will not swell the aggregate amount of the appropriations for carrying on the Government, as is sometimes alleged; for if it is not put in here as an appropriation for the payment of postage, it will necessarily have to be in a deficiency bill to pay the actual cost and expenses incurred in carrying the mails.

[Here the hammer fell.]

Mr. COBB, of Kansas. Will my colleague on the Committee on the Post-Office and Post-Roads permit me to ask him a question?

Mr. PACKER. Certainly.

Mr. COBB, of Kansas. I understand the chairman of the Committee on the Post-Office and Post-Roads to say that it does not swell the appropriation. I wish to ask distinctly whether if we allow this appropriation of $125,000 to stand for official postage-stamps and $125,000, if it costs that much, for transporting the mails, would we not pay twice when we receive only one service?

Mr. PACKER. If we do not make this appropriation in this bill we will have to make the appropriation in the defficiency bill just so much larger.

Mr. COBB, of Kansas. Then the gentleman means to say that the expense is $125,000 more than it was thought to be.

Mr. PACKER. Not at all. If it is not included in this bill you will have to make the deficiency just so much larger. The cost to the Government will be the same, whether the appropriation is put in this bill or in another and under another name.

Mr. TYNER. Mr. Chairman, I do not want to interfere with the evident desire of gentlemen to limit the appropriation for postage-stamps simply to the amount which would be necessary to pay the cost of their manufacture, yet it seems to me there are some thoughts in connection with this it would be well to state now before we dispose of this whole subject. The law passed by the last Congress evidently contemplates the Post-Office Department shall receive from the other Executive Departments for the sale of postage-stamps to cover their official correspondence the sums which would be represented if private individuals were to purchase postage-stamps to the same amount. I believe that to be right in principle inasmuch as we abolished the franking privilege, but there is another thought in that connection which I think we should not lose sight of. I want the Postmaster-General to receive the benefit of the fullest appropriation which may be necessary to cover the cost of the official correspondence of all the Departments for at least the full period of one fiscal year, because I believe at the expiration of that time we can take his own showing and demonstrate the fact that the abolition of the franking privilege will not save the general Treasury a single dollar. I propose to let him keep his accounts in accordance with his own views. I propose to give him all the revenue to be afforded from stamps sold to the other Departments, but at the expiration of one year or two years from the abolition of the franking privilege, if I happen to be here, I propose to take up his own report and show not a dollar has been saved to the general Treasury by the abolition of the franking privilege. For that reason I hope we will allow the appropriation recommended by the appropriate committee.

But there is another reason still. The gentleman from Pennsylvania [Mr. PACKER] has indicated that the Postmaster-General in making out his estimates for the present fiscal year, as gentlemen will see by turning to the last page of his report, estimated the amount to be derived from the sale of stamps to the other Executive Departments, $2,250,000. Now, sir, in making up the Post-Office appropriation bill for the next year, which was reported to the House to-day by the Committee on Appropriations, they allow the sum of $2,250,000, and if now we shall cut off any portion of that it will be necessary to make it up and to allow a deficiency to a corresponding amount.

Mr. CONGER. I wish to ask the gentleman whether it would not be necessary to keep a strict account with the Postmaster-General, as well as with heads of other Departments, for the stamps he uses? Is he permitted to use all the stamps he requires for his own departmental correspondence without keeping an account of them?

Mr. TYNER. I do not understand that the Postmaster-General does that. The Postmaster-General asks for an appropriation of $950,000 to cover the cost of correspondence in his own Department.

Mr. CONGER. It is not in this bill.

Mr. TYNER. Not at all. But I will say to the gentleman from Michigan that an appropriation of $950,000 for this purpose for the Post-Office Department has been put into the Post-Office appropriation bill. The bill which I introduced into the House to-day, making the appropriations for the Post-Office Department, contains that appropriation of $950,000 for the cost of the official correspondence of that Department, which the Postmaster-General will receive just as he receives the amount set down here for the Interior Department, charging himself with the stamps he uses under this appropriation. Now, if we reduce the amounts appropriated here, if instead of allowing the Treasury Department, for instance, $200,000, we should allow it only $5,000, then it will be necessary to cover the balance in the form of appropriations in the deficiency bill, and the aggregate of the appropriation bills will be swelled by just that amount.

Mr. DUNNELL. I wish to occupy the time of the committee but for a single moment. I have offered these amendments, first to the State Department appropriation, and then to the Treasury Department appropriation, and the committee with wonderful unanimity, almost with entire unanimity, adopted the amendments; which to my mind was evidence that, in the judgment of the committee, this style of doing the thing was a roundabout way, and an incorrect and an improper way of doing it. If the law is in the way, then let us amend the law so that we shall appropriate a sum of money sufficient to pay for the purchase or for the manufacture of these stamps.

We are now giving a credit to the Post-Office Department, as the gentleman from Indiana [Mr. TYNER] has just said, in the post-office appropriation bill of $950,000. We put that much money into the hands of the Department. They take that money; they purchase stamps of themselves and use those stamps. But it cannot fail to be noticed by every member of the committee that this method of doing a thing is entirely out of all reason and character. It seems to me that we ought to appropriate in this legislative, executive, and judicial appropriation bill a sum of money sufficient to cover the expenses of manufacturing these stamps and then have them used in the various Departments, if we propose to continue the present law.

The gentleman from Indiana desires that the post-office shall have the credit of this large sum of money, some $2,000,000, that it may defend itself, or make its showing before the people, under the repeal of the franking privilege. I voted for the repeal of the franking privilege; not, however, that it was in accord with my judgment, for I believe that the old franking law should have been properly modified and amended, but that it should not have been wholly repealed. And I do not believe that the people to-day are satisfied with the repeal as it was actually effected.

I know that my own constituents are not satisfied with it to the entire

extent to which it was carried, for Congress as a result now refuses to print the public documents which the people demand. I made a few remarks here the other day when the bill to transmit documents free through the mails was before the House, and those remarks were approved of by my constituents. There was not a single newspaper in my district which failed to commend what I said upon that matter, since in those remarks I only plead for free distribution of public documents and not revival of the franking privilege. There has been altogether too much said upon this subject; and my feeling is that the Post-Office Department has sought too much to interfere with the legislative branch of the Government in settling this question.

Now, Mr. Chairman, it appears, as has been stated by the gentleman from Indiana, that $950,000 are appropriated for the Post-Office Department to pay for the expense of carrying its official correspondence. And I understand that there is an item of $118,000 additional in that bill to pay for printing these stamps. I desire that these amendments may be made, so that when we shall reach the termination of this bill there may be a unanimous consent granted then to such an amendment as will give us practically the same law as we have now, and at the same time place this thing on a proper footing; that we shall pay for the printing of the stamps, and then furnish the Departments with as many stamps as they need.

I hope the committee will vote for this amendment; and if this shall be carried, I shall move to strike out the words after the word "Secretary" down to and including "$1,000."

Mr. GARFIELD. I desire to say a word. I regret very much to occupy the time of the Committee of the Whole on this subject. It recurs frequently in this bill as we come to the different Departments. And I am compelled to say, Mr. Chairman, that it seems to me that we ought to make fights on questions of this sort on the real ground on which we want to make them. If we want to restore the franking privilege, let us say so. We have tried to say so—or some of the members of this House have tried to say so during this winter and have failed. By a very strong vote last year, whether gentlemen voted on their own convictions or on the convictions of other people, the House and the Senate swept away the franking privilege, and made a solemn law that every Department of the Government should buy from the Post-Office Department at their face value all the postal stamps they needed for their business. That is the law, the plain, unquestioned law of the land. The Committee on Appropriations brought in the bill making appropriations exactly in accordance with the law; no more, no less. We do not come in as defenders of the law, or to attack it, but to obey it. But when we come to appropriate $200,000 for postage for the Treasury Department gentlemen cut it down to $5,000, although there is not a man here but knows that $5,000 will run that Department in the matter of postage for only one week. The proposition is made now when we reach the Department of the Interior to cut this amount down from $125,000 to $5,000. Every member here knows that that amount will run the Department for postage for about two weeks and no more, and the amount is to be cut down to give a dig at the repeal of the franking privilege. That is all that it can be.

Now, I submit that we ought not to legislate in this way. We are acting on an appropriation bill and under law. Let us make the appropriation fairly in the spirit of the law, and when we want to change the law let us bring our bills into the House and change it, and the appropriation bills shall be made to conform. But this series of attacks upon each particular item that touches the postage law is too much a concession that in repealing the franking privilege we were coerced into doing what we did not like to do, and that now we want to take it back.

I hope that as one Department has been passed by unscathed in this bill we shall let the others go.

Mr. HALE, of Maine. There is one thing more which I think it is well to consider here. Supposing the opinion of this House is that we ought to go back to the franking privilege, a privilege that the House itself took away and that nobody else did, does anybody want to begin by giving back the franking privilege to the Departments? Is there any sense in that? Now this proposition, if it means anything, arises from the proposition that was ruled upon the other day—instead of giving the Departments the face value of stamps that they shall use, to give them so much money with which to buy or make stamps. Well, now, that is equivalent to giving the franking privilege to the Departments. It places no restriction upon the Departments whatever. You give them so much money to manufacture stamps, and they manufacture them and use them in a Department, just as they formerly used the frank of the head of the Department, or the franks of the heads of Bureaus and the chief clerks. The result is that they have the franking privilege in another form. Everybody in the Department sticks on a stamp; every clerk writing a letter sticks on a stamp, because there is no limitation; and in that way they have the franking privilege.

This bill limits them to a certain amount. They may use so much money for this purpose, and nothing more. It is like the limitation upon all other appropriations. We say to them that they may use so much money for clerk-hire, so much for fuel, and so much for light. Well, this is the same kind of limitation. At the end of three months or six months the head of the Department looks over his funds, and he sees that they are spending the appropriation for fuel or for lights too fast or for any other items that are flexible. He says to them that hereafter the amount used for that purpose must be reduced, and that they must keep within the limitation. So it will be when we give them the face value of stamps. The head of the Department will notifiy his subordinates that those stamps can only be used for official business. The sums here appropriated are made up on that basis. The committee does not propose to give them anything else. It proposes to give them enough to do the business of the Government. If a Department has an apppropriation of $100,000 for this purpose, at the end of six months the head of the Department will see that only $50,000 has been spent, or if more has been spent he will notify the different Bureaus and divisions that he has only, and that they have only, $100,000 for the year, and that they must keep within that amount and so we make this matter of postage a matter to be regulated like anything else.

Now if there was any merit in the repeal of the franking privilege it was that it cut off abuses that it was said—I never believed that they existed as far as some men said, but it was said—with some force that the privilege was abused in certain directions, and it was that argument that led to its being cut off. Now in the legislation embodied in this bill the limitation is in the direction of curing that abuse in the Departments. They will be subject then to exactly the same restrictions that everybody else is subject to. There certainly is force in the point made by the gentleman from Indiana that we should give this system a fair trial, and then if it is a failure, as it promises to be, the whole matter can be considered from a broad point of view

[Here the hammer fell.]

Mr. BECK. I move to amend the amendment so as to reduce the amount to $100. I am in favor of striking out the whole paragraph. I do not understand the argument of the gentleman from Maine, [Mr. HALE,] nor do I understand that this has any particular connection with the franking privilege as applied to members of Congress. I understood him to say that if we make this appropriation now it will make the Departments more guarded, and that it will place them in just the same position as everybody else is with regard to postage. I do not so understand it. Members of Congress now pay their own postage out of their own pockets. This proposition is to take the money of the tax-payers of the country out of the Treasury and put it into the hands of the Interior Department. The money is to be collected by taxation and placed in the hands of the Secretary of the Treasury, transferred by him to the Secretary of the Interior, who is to transfer it to the Postmaster-General. So far as the franking privilege of members of Congress is concerned it is gone. This is no abolition of it at all. You have to levy taxes to meet the appropriation bills that are presented to us, and among them is an item, as the Postmaster-General's last report shows, of $2,250,000 for postage-stamps for the Departments. Where is that $2,250,000 to come from? It is to come out of the pockets of the tax-payers of this country, and has to be met by taxation levied by Congress. Why should we do that? If we want the people of the country to understand exactly what has been saved by the repeal of the franking privilege, then let the Postmaster-General come in with his deficiency, after he has exhausted the revenues derived from the people. He gets now, as he tells us, $27,000,000 a year. What he does with it I do not know. But every dollar that he gets from the people ought to be paid into the Treasury, to be drawn therefrom only by appropriations by Congress.

The system that is pursued by the Postmaster-General now is the same as was pursued at one time by the Patent Office; and the result was that the Patent Office spent just whatever it chose. When the Postmaster-General comes in here with his deficiencies—he is asking now that we shall furnish him with $6,880,000 deficiency, including the $2,225,000 which he estimates he will receive from the various Departments for postage-stamps. Let him exhaust the appropriations which we have heretofore made for his Department and make his report to us, and then we will be in a condition to look into his accounts and see what he has done with the $27,000,000 which he says he will receive this year. When we furnish him $2,250,000 out of the revenues of the country the people are made to believe that the Post-Office Department is not spending that money at all; that that is legitimate revenue, derived from other sources than from taxation. Now that is not true; and we ought not to put it in such a shape that the Postmaster-General or anybody else can make the impression upon the country that it is true.

The gentleman from Maine [Mr. HALE] says that these men will be more economical if we limit them to a given sum. Now all his experience, and the experience of every member of this House, is against that statement. They spend whatever is necessary, whether they put on a stamp furnished by the Postmaster-General, or in any other way. And when they have not enough they say that we have failed to appropriate what should have been appropriated, and that there is a deficiency. Sir, such a policy never saved a dollar; it is but an indirect way of reducing the deficiencies of the Post-Office Department and making the people believe that it is being run for two and a quarter millions less than it really is. Let him meet his deficiencies as the head of every other Department has to meet his. Let him submit his accounts to Congress; let Congress look over them and see if he has managed fairly. I do not want the Government to appropriate two and a quarter millions for his Department to meet a deficiency except in the direct form of a deficiency. I withdraw the amendment to the amendment.

The question was taken upon the amendment of Mr. DUNNELL, and upon a division there were—ayes 49, noes 48.

Mr. GARFIELD. Let it go.

Mr. PACKER. We can have a separate vote upon it in the House.

The amendment was declared adopted.

The Clerk resumed the reading of the bill, and read as follows:

General Land Office:

For Commissioner of the General Land Office, $3,000; chief clerk, $2,000; recorder, $2,000; three principal clerks, at $1,800 each; three clerks of class four; twenty-three clerks of class three, forty clerks of class two, forty clerks of class one; one draughtsman, $1,600; one assistant draughtsman, $1,400; two messengers; three assistant messengers; seven laborers; and two packers; in all, $171,920. Also, for additional clerks, on account of military-bounty lands, namely: For principal clerk, $2,000; one clerk of class three, four clerks of class two, thirty-five clerks of class one; and two laborers; in all, $52,640: *Provided*, That the Secretary of the Interior, at his discretion, shall be, and he is hereby, authorized to use any portion of said appropriation for piece-work, or by the day, month, or year, at such rate or rates as he may deem just or fair, not exceeding a salary of $1,200 per annum.

Mr. RANDALL. I would like to have some explanation of that proviso.

Mr. GARFIELD. Before I give that I would ask that a verbal amendment be made to change the word "or" to "and," near the close of the proviso, between the words "just" and "fair;" so that it will read: "at such rate or rates as he may deem just and fair."

The amendment was agreed to.

Mr. GARFIELD. This proviso is added, I believe, in the interest of economy and efficiency. Sometimes a large amount of work, such as draughting, has to be done in the Land Office, and there needs to be temporarily more than the regular force; sometimes less than the regular force is required. This proviso was inserted at the suggestion of the Commissioner of the General Land Office; so that instead of employing all the clerks allowed by this provision he might use such portion of the amount here appropriated for clerical force in the employment of persons by the week or month, or for any special emergency that might arise, and pay them by the piece or day. It was believed that this would add to the efficiency and economy of his office.

Mr. DUNNELL. I desire to move an amendment, and I suppose it will be objected to. It is to make the salary of the Commissioner of the General Land Office $4,000 instead of $3,000. I ask the gentleman to reserve his point of order for a moment, until I say a word. As a member of the Committee on the Public Lands and as a Representative from a State having a large amount of business in that department, I have been very deeply impressed with the fact that we are asking of the Commissioner of the General Land Office an amount of work far beyond any compensation that we give him.

And right here I will say that in my judgment the Committee on Reform in the Civil Service would do a great deal more for the country if it would bring in a general bill revising the civil list of the country than it does to spend its time over what is popularly known as civil-service reform. The Commissioner of the General Land Office has been receiving $3,000 a year. The present Commissioner, Mr. Willis Drummond, has been Commissioner for the last four years. He is a gentleman of singular virtue, of the most untiring industry, going into his office at eight o'clock in the morning and working until dark, and half of the nights of the year he has been taking papers to his home and frequently working upon them until midnight. He has worked in that office in that manner for three years. Now what is the result? He resigns the office in order to go into business in this city, because, with the compensation you give him, he is absolutely unable to support himself and his family.

Mr. BECK. A number of us would like to know whether the present Commissioner would retain the office if his salary was made $4,000 a year. If so we would——

Mr. DUNNELL. The Commissioner who has just resigned has said to me that before the salary was increased last March he had made up his mind to leave the office. I know personally that when the salary was increased to $4,000 he felt constrained to remain; but by the recent action of Congress he became satisfied that his salary would not be beyond $3,000; and he assured me on the street the day before yesterday that $3,000 would not clothe and feed himself and his family. Now I do insist, Mr. Chairman, that it is unbecoming a great and rich Government like ours to ask a man of such high character and qualifications to render service in this responsible office for $3,000 a year.

Mr. BECK. I wish to ask the gentleman from Minnesota [Mr. DUNNELL] whether the present Commissioner will remain in office if the salary be increased to $4,000?

Mr. DUNNELL. I understand that he would.

Mr. BECK. You mean Judge Drummond?

Mr. DUNNELL. I refer to Hon. Willis Drummond.

Mr. BECK. Then I shall vote to make the salary $4,000.

Mr. CLYMER. I would give him $5,000.

Mr. PARKER, of Missouri. I think the gentleman from Minnesota is mistaken in the statement he has just made. I believe the present Commissioner has made up his mind to retire from the office. I had a conversation with him the day before yesterday.

Mr. DUNNELL. I would say to the gentleman from Missouri that the retirement of the Commissioner is based entirely upon the inadequacy of the salary.

Mr. PARKER, of Missouri. I believe that is the reason of his retirement.

Mr. DUNNELL. Wholly.

Mr. PARKER, of Missouri. The present Commissioner has already made his business arrangements for retiring.

Mr. DUNNELL. That may be partially true; yet I am satisfied that if the salary of $4,000 were restored he would withdraw from those arrangements and would go on in the execution of his duties. I say that the retirement of a man of such admitted fidelity and integrity as Judge Drummond would be a loss to the country.

Mr. CLYMER. As a member of the Committee on the Public Lands I have some knowledge of the valuable services rendered by the present Commissioner of the General Land Office. In my judgment there is no more faithful and efficient officer; and there is possibly none under whose supervision there come matters of greater importance to the interests of the Government. In the wide and extensive intercourse of the Committee on the Public Lands with this officer we have found him so careful, so correct, so thoroughly earnest at all times in behalf of the interests of the Government as against those who would speculate upon it, that I do not conceive that even $4,000 is anything like an adequate reward for services such as he renders. If by increasing the salary to $5,000 I could be assured that we could retain his services I would vote that amount most cheerfully. Five thousand dollars is not to be weighed in the balance in consideration of services such as we receive from this officer. I trust sincerely that we shall make his salary at least $4,000, if thereby we can retain his services.

Mr. ALBRIGHT. Would my colleague [Mr. CLYMER] be willing to allow that sum to the present incumbent only, or to any man of equal competency and integrity?

Mr. CLYMER. If I could be assured of the services of an equally valuable man I would be willing to allow the same salary.

Mr. ALBRIGHT. We have always had competent and faithful men in that position.

Mr. CLYMER. I know nothing about that; but I would be unwilling to risk a change.

Mr. DUNNELL. It would be a most unfortunate thing for the Government to go in search of a suitable man for this position and then undertake to educate him to the duties of this peculiar office. Mr. Drummond is now familiar with the railroad land grants and with the construction of all the land laws of the country.

Mr. HOLMAN. Mr. Chairman, I believe that most people concede the thirst for office with increased salaries to be the great evil of our time; and should the salary of this officer be increased, as proposed by the gentleman from Minnesota, it will not be the first instance in which the virtues of a particular man have proved a misfortune to the country; for the gentleman knows very well that should this salary be raised it will not be the only increase, but will simply be the beginning of a similar increase in a large number of other cases. Some gentleman of very amiable qualities and recognized virtues (and happily this country is full of such men) holds an office, and under the influence of his friends in Congress his salary is increased. When that is accomplished other salaries must go up in proportion. It is proposed now to increase this salary, although less than a year ago at the demand of the people we reduced it.

Mr. DUNNELL. Let me ask the gentleman from Indiana whether the demand of the people for the reduction of salaries had any relation whatever to this officer?

Mr. HOLMAN. Sir, the public demand was that salaries should all be reduced. There was but one voice from the people on this subject, and it was that the salaries paid by the Federal Government were too high—far beyond the average compensation received by equally competent and equally honest men in unofficial pursuits.

The gentleman from Minnesota should remember that during the whole war, when the expense of living was twice what it is now, this same office was held by one of the most accomplished officers that this Government has ever had; and during that period the clamor for an increase of the salary was never heard. We have fallen upon evil times when office-holders expect to amass fortunes out of the hard-drawn taxes of the people. Whenever one officer by means of his personal friendships among members of Congress succeeds in getting his salary raised there comes a demand for a corresponding increase all along the line.

I should like to call the attention of the chairman of the Committee on Appropriations to the fact that if you increase one salary you will be compelled to increase the salary of the officers which follow. I feel confident that the representation of the policy, and to some extent of the power of the House, will not refuse a demand so reasonable that the policy, to which the House yielded when Congress first met, shall not be abandoned at this early moment by increasing these salaries which the law then reduced. No man can contemplate the future history of this country without knowing the danger which besets us is the tendency to cupidity in public affairs; and I never saw it exhibited to so great an extent as to-night. We have heard an announcement to the effect that if we will only increase this man's salary he will hold on. If we do increase his salary I say it will be laying the foundation for increasing all other salaries. It is just by such steps we have built up the enormous load of taxation which oppresses the laboring people of the country.

[Here the hammer fell.]

Mr. GARFIELD. I ask the indulgence of the committee to say that following one another are appropriations for the Commissioner of

Pensions, the Commissioner of Indian Affairs, and the Commissioner of Education, who receive $3,000 a year each. It would be indecent to raise one and not raise all, and to restore all is to restore a section of the repeal of the salary law which we passed after so much pressure.

Mr. NIBLACK. There is another view of the question to which I wish to call the gentleman's attention, and that is that we are now on the high road to specie payments, and when we reach that point these salaries will become more valuable.

Mr. RANDALL. Why not make the three principal clerks fourth-class clerks, the salary being the same?

Mr. GARFIELD. Let us vote on the first.

The committtee divided, and there were—ayes 53, noes 54; no quorum voting.

Mr. DUNNELL demanded tellers.

Tellers were ordered; and Mr. DUNNELL and Mr. HOLMAN were appointed.

The committee again divided; and the tellers reported—ayes 55, noes 71.

So (no further count being asked for) the amendment was rejected.

The Clerk read as follows:

Indian Office:

For compensation of the Commissioner of Indian Affairs, $3,000; chief clerk, $2,000; five clerks of class four; eight clerks of class three; one stenographer, $1,600; thirteen clerks of class two; eleven clerks of class one; four copyists, at $900 each; one messenger; one assistant messenger; and one laborer; in all, $65,680.

Mr. RANDALL. I notice there is an additional officer here, one stenographer at $1,600 a year; and that there is an increase in clerks of class two and of class one.

Mr. GARFIELD. There is a decrease in class one, but an increase in class two.

Mr. RANDALL. There is an increase in class one, as I understand it.

Mr. GARFIELD. There were two classes of clerks, and we have made a change in this respect; that is all.

Mr. RANDALL. Does the gentleman say it is necessary?

Mr. GARFIELD. We thought it was necessary. We did not give all that was asked.

The Clerk read as follows:

Pension Office:

For compensation of Commissioner of Pensions, $3,000; deputy commissioner, $2,500; chief clerk, $2,000; medical referee, $2,500; twenty-six clerks of class four; fifty-two clerks of class three; eighty-four clerks of class two; one hundred and twenty-two clerks of class one; twenty-five copyists, at $900 each; one messenger; twelve assistant messengers; six laborers; one engineer, $1,400; and one assistant engineer, $1,000; in all, $442,700.

Mr. RANDALL. I find there are two new offices here. We provide for a deputy commissioner and for a medical referee.

Mr. GARFIELD. These two were created by the law of last year. We simply follow the law in putting them in.

Mr. LAWRENCE. Were they created by law or merely in the appropriation bill?

Mr. GARFIELD. By a law which was passed last year reorganizing the Pension Office.

Mr. RANDALL. It is an aggregate increase of $4,500.

Mr. GARFIELD. That is true, but the law provides for it.

The Clerk read as follows:

For contingent expenses of the office, namely: For actual expenses of clerks detailed to investigate suspected attempts at fraud, as provided by law, $30,000; for stationery, $12,000; for carpets, mats, furniture, awnings, and repairs of the same, $7,000; for horse and carriage, and keeping of the same, $1,200; for fuel, gas, engraving, and retouching plates; for bounty-land warrants, printing and binding the same; engraving and printing pension certificates; and for other necessary expenses of the office, including two daily newspapers, $24,800; in all, $75,000.

Mr. RUSK. I move to strike out "30" in line 1248 and insert "60;" so it will read, "as provided by law, $60,000."

Mr. Chairman, this is for the investigation of fraudulent claims. There are now over one thousand pending, and if they are investigated it will certainly be a saving to the Government of $100,000. The investigation of fifty claims of this class shows a saving of $32,000. You will find in Miscellaneous Document No. 221 a full statement of these cases. Delay of investigation and a payment which will be made of these claims will amount to more than this appropriation. It is therefore to the interest of the Government to make this appropriation so that investigation can proceed at once.

Mr. ALBRIGHT. Is this for the one thousand cases or for an investigation generally?

Mr. RUSK. To investigate generally. But there are cases now pending, where charges have been preferred, which it is necessary especially to investigate.

Mr. ALBRIGHT. Are experts employed for the purpose?

Mr. RUSK. There are clerks detailed for the purpose. They are sent to a locality where it is alleged that claims are fraudulent, to investigate the facts. Gentlemen will find in this document one case where a widow drew $2,172.65. When the case was investigated, it was proved that she was worth $100,000. The evidence was clear. When the Pension Office was informed that it was a fraudulent case they sent an agent to the locality to investigate, and upon the investigation it was proved, as I have said, that she was worth $100,000, and the whole amount, over $2,000, was collected back. It is for the investigation of this class of cases that this appropriation is made.

Mr. GARFIELD. I desire to say that if the chairman of the Committee on Pensions, who holds a very responsible position and is capable of judging of this matter, says to the Committee of the Whole that in his judgment the situation of the service is such that an increase of this appropriation by the amount of $30,000 is necessary to protect the office against fraud, I will not oppose it. The gentleman is earnest about it, and has expressed his opinion decidedly. I have no special knowledge of the subject beyond what he has communicated, and I will not oppose the amendment.

Mr. BECK. I rise to oppose the amendment, for this reason: These clerks who are detailed from the Pension Office for the investigation of fraud have not one-tenth part of the means of ascertaining the fraud that the United States officers now located in every part of the United States have, without any additional expense whatever being incurred. There are internal-revenue officers; there are postmasters in every village; there are United States district attorneys, marshals, and others, who, on information from this department, can make every investigation that is necessary, and report the result.

The whole object of this increase is to send clerks traveling, with mileage and other expenses, all over the country, doing no good. That is the meaning of it. If you will make the officers of the United States, whom you have now got in every district, do their duty, upon reports from the Commissioner of Pensions, every fraud can be detected far better than it can be detected by a clerk sent from Washington.

Mr. RANDALL. I object to the increase, because it is extending the discretion of the officers of the Government in the expenditure of money. I think they ought to be closely tied down.

Mr. LAWRENCE. I wish to inquire of the chairman of the Committee on Appropriations whether there is not some mode by which these frauds can be investigated better than by sending out clerks from the Pension Office? We all know that it costs a vast amount of money to send out a clerk from Washington, say to Iowa, to investigate a case or cases of fraud. And this system of sending out clerks is employed to some extent in giving recreation to clerks in the Departments and as a mode and means of increasing their salaries.

The whole system is wrong. We ought, as the gentleman from Kentucky has said, to employ officers who are already in the localities where the frauds are to be investigated, both as a means of securing the efficient investigation of frauds and as an economical mode of investigating them.

On an early day of this session I had the honor of introducing a bill providing a different mode of paying pensions from that which now prevails, and providing a mode of investigating frauds, which I think would be vastly more economical and efficient than the present mode. That bill still sleeps in the hands of the Committee on Pensions.

Mr. RUSK. I will say for the benefit of the gentleman from Ohio [Mr. LAWRENCE] that we have examined his bill thoroughly, and found it entirely impracticable. And I will say further for his benefit that every soldier who has petitioned Congress on the subject has petitioned to have the mode of payment remain precisely as it is now.

Mr. LAWRERCE. I have not surrendered the floor. I have no doubt the gentleman supposes that the bill is impracticable. But does he not know that the very mode of payment provided by that bill is employed in paying two-thirds of all the expenditures of the Government—I mean the mode of paying by drafts? Why cannot pensioners be paid by drafts sent to them just as well as other creditors of the Government? and, in fact, at last they are paid by drafts. There are so many office-holders interested in preserving the existing mode of paying pensions that it is not surprising that they have sufficient influence to get up petitions against the bill.

Mr. RUSK. I supposed the gentleman would have waited for the discussion on that matter until the bill was pending.

Mr. LAWRENCE. The bill provides a mode of preventing frauds which I think is better than this mode. I shall not vote any money to send out clerks from Washington for this purpose.

Mr. RUSK. I would state to the gentleman that this appropriation is under the present law. And if it is necessary to appropriate $30,000, it is necessary to appropriate a larger sum. I say that I offer the amendment in the interest of economy, and I am satisfied that it is in the interest of economy. But if any gentleman desires to change the law and to provide a better mode of investigating these frauds, I am entirely willing that that should be done.

Mr. LAWRENCE. Will the gentleman allow me to ask him a question? Is there a law authorizing the sending out of clerks for this purpose unless you put it in your appropriation bill?

Mr. RUSK. There certainly is.

Mr. LAWRENCE. Where is it outside of your appropriation bill?

Mr. RUSK. The law authorizes the Commissioner of Pensions to make investigations in cases where he has been informed that frauds exist.

Mr. LAWRENCE. And you put in your appropriation bill that this shall be done by sending out clerks, when, you might just as well provide that it shall be done by officers of the Government in the localities where the frauds are to be investigated.

Mr. KILLINGER. I have no doubt that the chairman of the Committee on Pensions offered this amendment in good faith, but I hope the House will not assent to it and by its vote indorse this system. Sir, it is rotten to the core; there is no doubt about that. I have seen some of the operations of it myself. These clerks get their annual

salaries and then they make these trips and have their mileage and all sorts of expenses paid, and they are generally pleasure trips. There may now and then be cases where some saving is made to the Government, but there is no law for sending them. It is merely an abuse which has grown up in the Pension Bureau, and it ought to be abolished. It is equivalent to the moiety system and other things of that kind. There is no law for it and no good sense in it, and it ought to be done away with.

Mr. RUSK. I wish to correct the impression that there is no law authorizing this system of investigating frauds. The law of 1873 provides this method of detecting these frauds, and unless that law is changed certainly an appropriation should be made sufficient to carry it out.

I am not here defending the Pension Bureau for the manner in which they do their business. I want that distinctly understood. I have not investigated the Pension Bureau, but I have looked into these frauds and I know that they ought all of them to be at once investigated. It would be in the interest of economy.

Mr. GARFIELD. I desire to add a remark to what the gentleman has said. Last year we made an appropriation in lump of $75,000 for contingent expenses of the Pension Office, including the detection of frauds upon the Pension Bureau.

Mr. RUSK. And $45,000 of that amount was set apart for this purpose.

Mr. GARFIELD. The Committee on Appropriations found that nearly $45,000 of that sum was expended in the traveling expenses of persons who were sent out to investigate these frauds, and they were not always, I believe, clerks of the Department. I think in most cases they were given mileage. The committee were of opinion that too large a liberty was given in that direction, and that mileage could be given if the persons in authority were so disposed to favor those who were sent and to give them the opportunity of traveling. To prevent that we have put into this bill, as gentlemen will see, not a lumping sum of $75,000 for contingent expenses, but we have itemized it as far as we possibly could and have set apart only $30,000 that could be used in this way. We have so limited it that the clerks sent out on this business shall receive only their actual expenses. No mileage is allowed, nothing that can amount to perquisites, nothing but the actual expenses of the clerks detailed.

We believe that this will very considerably restrict what might have been a dangerous power, and one which, it is alleged, has been used unwisely, whether so alleged truthfully or not I do not know.

As to the question whether we should now increase the amount appropriated in this bill, the laboring oar is in the hands of the gentleman from Wisconsin, [Mr. RUSK,] the chairman of the Committee on Pensions. But whatever we put in here I believe is carefully guarded by the provisison that these persons shall only receive their actual expenses.

Mr. TYNER. Gentlemen have raised a question as to whether there is a law authorizing the Commissioner of Pensions to detail clerks for the performance of special duties, such as have been referred to. I desire that the Clerk shall read section 30 of the act on the subject.

Mr. LAWRENCE. It is the act of March 3, 1873, and a very bad law.

The Clerk read as follows:

That the Commissioner of Pensions is hereby authorized and empowered to detail, from time to time, clerks in his office to investigate suspected attempts at fraud on the Government of the United States through and by virtue of the provisions of this or any other act of Congress providing for pensions, and to aid in prosecuting any person so offending, with such additional compensation as is customary in cases of special services, and that any person so detailed shall have power to administer oaths and take affidavits in the course of such investigation.

Mr. RANDALL. Will the gentleman give us the date of that act?

Mr. TYNER. March 3, 1873.

Mr. RANDALL. The same year the moiety law passed.

The question was taken on Mr. RUSK's amendment, and it was not agreed to.

Mr. RANDALL. I move to amend the paragraph by striking out "$30,000" and inserting "$15,000" in lieu thereof. I do it because I consider that $15,000 is sufficient for actual expenses, and in addition I do it is a notification to the Commissioner of Pensions that the whole business of finding out these frauds should be done by the postmasters throughout the country. They are far more familiar with the people resident in their neighborhoods than any temporary officer who might go out there could be. It is another one of the abuses of the Government, as I said before, giving an unbridled authority to officers of the Government to expend money at their own will.

Mr. HALE, of Maine. There is one thing more that should be said for this feature of the pension service. To begin with, gentlemen should remember that the Committee on Appropriations have already cut down this appropriation $15,000 from last year.

Mr. RANDALL. They paid constructive mileage then, and now they are to pay only actual expenses.

Mr. HALE, of Maine. Now, some gentlemen may be under misapprehension as to this feature of the pension service, owing to the language in which the appropriation is couched. This money is not spent in any large degree in paying the expenses of clerks whose general duty is here in Washington in the Pension Bureau, and who are sent off upon vacations to enliven their lives and make their duties pleasanter. If it were it would be subject to grave objection, and I should give it little sympathy. It is a service of a different kind, and it is this: Those who are appointed for this service of investigating frauds are called clerks for this reason, the committee do not believe and I do not believe in an irresponsible force of any Department—secret officers, detectives, spies, shadowers of other men's conduct, of whom nobody knows whether they are officers or not.

But here is a body of men, regular clerks, borne on the rolls of the office; and while they are clerks by designation, yet their duty is to ferret out frauds. These men wherever they go bear with them no irresponsible character, no secret character. They are clerks assigned to this duty of detecting frauds. Now, so long as human nature is as we find it, there will be frauds in this as in other branches of the public service. I believe that in this Department as in every other Department the detection of frauds should be left to the regular force. I do not believe in the Pension Bureau having a band of spies or lurking informers in every corner of the land, bearing no mandate from their headquarters, but shadowing the doings of American citizens. I do not believe in any such thing in this Bureau any more than in any other. But as there must be detection of fraud so long as there is fraud, in order to have efficient service we should give the Department a regular force that is borne upon its rolls, that is paid a salary, that has no commissions, no moieties, but is paid so much a year. That is now a feature of the Pension Department; and that is the manner in which this is being done.

Now, if you strike here at this, which is a good feature, which is conducted properly, which is conducted as a majority of this House believe investigations of fraud should be conducted, you by comparison encourage other irresponsible methods of detecting and investigating frauds. I do not say that no better method than this can be devised of ferreting out frauds that exist, but this method more than pays for itself. The experience of your committee upon investigation is that it more than pays for itself. I think it pays double in the returns of cases of fraud that are lopped off by means of these regular officers of the Department. I hope the committee will hesitate before striking out this feature.

Mr. NIBLACK. Is not this a duty required by existing law?

Mr. HALE, of Maine. Certainly it is. The law is explicit in declaring that it shall be done. It is only for us to say the amount we will give to have it done.

Mr. NIBLACK. Then I do not think we should expend more time on this matter.

Mr. HALE, of Maine. I think we should rather increase the amount than decrease it.

Mr. RANDALL. I think $30,000 is too much, and therefore I have moved to reduce it to $15,000. The gentleman from Indiana [Mr. NIBLACK] alludes to the law. The law might lead to the expenditure of $100,000 as well as $15,000. That is the force of his remarks.

Mr. NIBLACK. Unless we change the law we should carry it out. I do not say the law is a good one, but I only ask if the law required this.

Mr. RANDALL. I maintain that $15,000 is enough even under the law, which is a bad law, by the by.

The question was taken on the amendment, and it was not agreed to.

Mr. SENER. I move to strike out the words "for horse and carriage and keeping of the same, $1,200." I have looked over this appropriation bill as well as I could to-night, and I desire to call the attention of this committee to the fact that there are four or five Bureau officers in this portion of the bill, and this is the only one who is allowed a horse and carriage by authority of law. I find no horse and carriage allowed the Secretary of the Interior. I find none allowed to the Comptroller of the Currency, or to either one of the Auditors. I find none allowed in terms to the Commissioner of Indian Affairs, the Commissioner of the General Land Office, the Commissioner of Education, or the Commissioner of Patents. It seems to me that with the improved facilities for passing from point to point in Washington afforded by the street cars, with the several Departments connected as they now are, by telegraph, we should not allow any Bureau officer a horse and carriage. If you allow one to have it, then why not allow all?

I have no personal feeling against the Commissioner of Pensions to prompt me to make this motion. I have always found him a very courteous, urbane public official. But if we are going to unload, to reduce our expenditures—if we mean to restrict our salaries to $5,000 a year, to pay our own expenses on the street cars, to cut off our mileage, then let us cut down these expenditures in the Departments also. If this appropriation is to be continued I want to know some good reason for it. If it is to be sanctioned by express terms of law, then I want to know why the other Bureaus are not likewise allowed a horse and carriage.

Mr. GARFIELD. I will simply say in reply that the duties of the Pension Office are peculiar in this: It is in a building a great way from the Interior Department, in the Seaton House, and there are other buildings where the pension clerks are kept. A great deal of communication, of referring papers and of messages, is required to be done. And furthermore, there is required constant consultation with the rolls of the War Department in order to test the accuracy of the papers presented in applications for pensions. Almost every application for a pension must be compared at the Adjutant-General's office at the War Department with the rolls, in order to see whether the allegations made in the application are true.

In the same way it is frequently necessary to send to the Surgeon-General's office to see what entries are made there. Thus it has been found necessary in the past for this Bureau to keep a horse and wagon. If after this statement, gentlemen think that the appropriation should be struck out, I shall not insist upon it remaining.

Mr. FRYE. Is it in the interest of economy for this Bureau to keep a horse?

Mr. GARFIELD. We think it is.

Mr. RANDALL. O, no; it is not.

Mr. SENER. I wish to say in reply to the gentleman from Ohio [Mr. GARFIELD] that it is only a few minutes' walk from the Department of the Interior to the Seaton House, where many of the pension records are kept. Besides that, as my friend from Ohio very well knows, no pension paper carried to the Pension Office is acted on the same day it is carried there. Nor does the Commissioner himself give personal attention to papers, except by sending for a clerk to bring in the papers; and then he gives a hearing and determines what he will do in the matter.

Mr. LAWRENCE. I wish to ask my colleague [Mr. GARFIELD] why it is necessary to appropriate $1,200 to keep a horse and carriage for one year. It is at the rate of $100 a month. Now, it does not cost any such sum in any city of the United States, or of the world; and this appropriation for such a purpose cannot be honestly expended.

Mr. GARFIELD. More than this was expended last year to keep up the establishment in this same office. The gentleman cannot hire a saddle-horse in this city for less than twenty-five dollars a month in any respectable livery-stable.

Mr. KILLINGER. Thirty dollars a month will keep a horse at any livery-stable.

The question being taken on the amendment, it was agreed to.

The Clerk read as follows:

United States Patent Office:

For compensation of the Commissioner of the Patent Office, $4,500; for assistant commissioner, $3,000; for chief clerk, $2,500; three examiners-in-chief, at $3,000 each; examiner in charge of interferences, $2,500; trade-mark examiner, $2,500.

Mr. RANDALL. I find here a new officer—"trade-mark examiner."

Mr. GARFIELD. That is a new office.

Mr. RANDALL. Is it created by law?

Mr. GARFIELD. The recent law allowing trade-marks to be copyrighted has given rise to this peculiar business; and the appropriation for this officer was recommended by the Commissioner.

Mr. RANDALL. Is there anybody holding such an office at present?

Mr. GARFIELD. I believe there is, though I am not sure. But the Committee on Appropriations were satisfied that, as the law had created the place, or had at least made a necessity for the performance of the duties, the appropriation should be made.

Mr. RANDALL. One other point. The last act appropriated for thirty-five copyists of drawings. I find that none are appropriated for in this bill, and the aggregate amount is reduced $35,000.

Mr. GARFIELD. That, I am sorry to tell the gentleman, is partly a mistake of the committee. We think we have reduced the item more than we ought to have done; and I shall ask to make an amendment making the aggregate appropriation nearly the same as last year.

Mr. CONGER. The law of the last Congress provided a method by which trade-marks might be registered in the Patent Office, and authorized the appointment of a suitable officer to keep that register. The receipts from this branch of business more than pay all the additional expense, although the fees received are paid directly into the Treasury. This officer is necessary to carry out the law, and it provided for his appointment.

Mr. BECK. I wish to inquire of the chairman of the Committee on Appropriations what reason, if any, exists why the Commissioner of Patents should receive $4,500 a year, while the Commissioner of the General Land Office receives only $3,000?

Mr. GARFIELD. The only reason is the law. That is the way the law has fixed it. The gentleman is aware that the Commissioner of Patents holds an office much older than any other of these other offices—older; indeed, than the Interior Department itself. The name Patent Office was applied to the whole building because it was the earlier office. The Patent Office, as the gentleman knows, unlike most of the other Departments of the Government, pays for itself. Its receipts from new patents and extensions during last year were $703,199.77, while the total expenditure was but two-thirds of that amount. Of course the Commissioner of Patents needs to be not only a thorough lawyer, but an expert in the special business imposed upon him.

Mr. BECK. Does not the Commissioner of the General Land Office need also to be one of the best lawyers in the country?

Mr. GARFIELD. He needs to be a good lawyer; but I do not think the position requires that class of qualities demanded in the head of the Patent Office. Still I do not by any means say that the Commissioner of the General Land Office ought not to have more salary.

The Clerk read as follows:

For contingent and miscellaneous expenses of the Patent Office, namely: For stationery for use of office, repair of model-cases, stationary port-folios for drawings, furniture and labor connected therewith, repairing, papering, painting, carpets, ice, advertising, books for library, moneys refunded, printing engraved patent-heads, international exchanges, plumbing, gas-fitting, extra labor on indexes and abstracts for annual reports, fitting rooms, temporary clerks, laborers, and other contingencies, $80,000; and no money appropriated by this act shall be expended for advertising in newspapers.

Mr. SAYLER, of Indiana. I raise a point of order on the last clause of the bill, providing that "no money appropriated by this act shall be expended for advertising in newspapers." This provision is in contravention of the existing law; and I refer the Chairman to section 64 of the act of July 8, 1870.

The CHAIRMAN. If the gentlemen from Indiana [Mr. SAYLER] will send to the desk the section on which he bases his point it will be read by the Clerk.

The Clerk read as follows:

SEC. 64. *And be it further enacted*, That upon the receipt of such application, and the payment of the duty required by law, the Commissioner shall cause to be published in one newspaper in the city of Washington, and in such other papers published in the section of the country most interested adversely to the extension of the patent as he may deem proper, for at least sixty days prior to the day set for hearing the case, a notice of such application, and of the time and place when and where the same will be considered, that any person may appear and show cause why the extension should not be granted.

Mr. GARFIELD. I ask the indulgence of the Chair in a single remark upon the point of order. If we here proposed to change the law and to say that hereafter there shall be no publication in newspapers, the point of order would clearly be good. But this clause merely provides that none of the money appropriated in this act shall be used for that purpose. It is always in order to limit an appropriation in this way. It does not change the law at all. We merely decline to appropriate anything for this particular purpose. Congress may always decline to appropriate for any lawful purpose. We merely provide here that no part of this appropriation shall be used for a specified object. We do not say what may be done hereafter; you may appropriate for it in another line or in another bill, but we say that the money hereby appropriated shall not be used for that purpose.

The reason for that is simply this: the Committee on Appropriations found whenever anybody came for an extension of a patent the Washington newspapers were full of advertisements at the public expense and at a high price. We are publishing now a Patent Office Gazette, an Official Gazette, and everybody who is interested in patents will learn more fully from that Gazette than from any Washington newspaper about any application for a patent. The Commissioner of Patents said to us it was far cheaper, for they printed all such notices in the Official Gazette, and it was entirely unnecessary to print them besides in a Washington daily newspaper. We thereby reach all people interested in patents better than in any other way, and that too without any other cost.

All patent men take that Gazette, or all can take it, and the whole country has come to understand, if they want to know how patents are going, they should subscribe and pay for the weekly Patent Office Gazette which is official.

Mr. MYERS. Six copies are sent to every congressional district.

Mr. GARFIELD. Six are sent to every congressional district under the law. All the leading libraries have it. It is sent to eight libraries in each district. It is a waste of money, therefore, to publish at the public expense every application for an extension of patent in the newspapers in Washington. We do not violate the law, but we say the money we appropriate here shall not be used for that purpose.

Mr. BURCHARD. I wish to ask a question. Does the law positively require publication in the Washington newspapers?

Mr. GARFIELD. Certainly, and the official Gazette is a Washington paper, and complies with the law.

There is a certain amount the Patent Office has to do in the way of advertising. It has to notify parties, and it advertises in this Gazette, the cost of that advertisement being charged to the applicant for extension of his patent.

Mr. CONGER rose.

The CHAIRMAN. The gentleman from Indiana [Mr. SAYLER] raises the point of order that the words "and no money appropriated by this act shall be expended for advertising in newspapers," changes existing law, and that is the pending question before the committee.

Mr. CONGER. Mr. Chairman, it is on that point I wish to make a statement. The law as it now stands requires upon every application for a United States patent a certain sum to be paid by the applicant, fifteen dollars. That is an expense the law provides the applicant himself shall be put to for advertising his application for extension to the world, and especially to those most interested adversely to his extension. It is a very necessary provision of law. Under it the law puts the burden upon the applicant seeking the extension. For instance, if it be for a harvester or a reaper, it is provided that his application shall be published at his expense in the region where harvesters and reapers are most used. If it be an application for an extension of a patent in the way of looms or mills, it is provided the notice shall be published in those sections of the country most interested. The expense is thrown on the applicant, and does not come from the people or the Government.

As the chairman of the Committee on Appropriations well says, the charges upon the applicants for patents are much larger to-day than the expense, including also this advertising. Now, the law requires such application shall be published in one newspaper in this District. That is accomplished by publishing in the Official Gazette which was authorized by the law of last year. But it also requires that it shall be published in newspapers in the district where the people are adverse to the extension. It cannot be published in such papers here unless

this clause is stricken out. I call the attention of the chairman of the committee to this clause of the law:

All money received at the Patent Office for any purpose, or from any source whatever, shall be paid into the Treasury as received, without any deduction whatever; and all disbursements for said office shall be made by the disbursing clerks of the Interior Department.

That is the law in regard to the money. The Commissioner of Patents cannot take this money which is paid for these publications and pay for the publication of these notices in the papers, because all money for every purpose goes into the Treasury; and unless we make an appropriation for this advertising there will be no advertising as provided by law. I submit, therefore, the point taken by my colleague on the Committee on Patents that this changes not only the letter but the spirit of existing law, and changes it injuriously to the public interests in this case, is well taken.

Mr. G. F. HOAR. I desire to say but a single sentence on the point of order. I wish to call the attention of the Chair to this fact: Suppose we strike out from the bill the entire paragraph appropriating for the Patent Office, and not appropriate anything for it in this bill; that would not change the existing law. It would leave the law as it stands. We would simply not make an appropriation. Now if, instead of doing that, we appropriate for a part of the purposes for which the law requires moneys to be expended in the Patent Office, and say that we shall not in this bill appropriate for advertising, or that we shall not appropriate for the Commissioner's salary, or for any other purpose that does not change the existing law, it simply leaves no appropriations in this bill to carry out a particular legal enactment.

Mr. MYERS. Having had some connection with this matter I desire to say a word. The suggestion of my friend from Massachusetts [Mr. G. F. HOAR] I hope will not prove of any avail here. The effect, if not the intent, of the lines against which the point of order has been made would be to nullify existing law. I introduced at an early part of the session a bill providing, among other things, that this publication should be dispensed with. I agree that the advertisements in the Patent Office Gazette should be sufficient notice to parties interested in an extension of a patent. It is largely subscribed for. It is sent to eight libraries in each district, and it would give all the information that is required. But when parties apply for extensions, the Commissioner is required by the positive terms of the sixty-fourth section of the act of 1870 to—

Cause to be published in one newspaper in the city of Washington, and in such other papers published in the section of the country most interested adversely to an extension of the patent, as he may deem proper, for at least sixty days prior to the day set forth for hearing the case, a notice of such application, and of the time and place when and where the same will be considered.

Now thousands of applications come in every year—many thousands. The people are interested in having these applications granted or acted upon, and the law cannot be fulfilled if it is nullified in this way in an appropriation bill. If you want to repeal it, if you want to amend and better the law, let a bill be reported and acted upon which provides for such repeal. But until that time, in the face of a positive enactment in the interest of inventors, without which the law cannot properly be fulfilled and without which an extension cannot be properly granted, let us not nullify the law by this proviso, which will operate against the inventors as well as against the law.

Mr. LAWRENCE. How against inventors?

Mr. MYERS. Because when a party applies for an extension of a patent, the Commissioner will not advertise when there is no appropriation to pay for it, and he will go before the public with his patent and some one will infringe upon it, and when it comes before a court on a request for an injunction the court will have to decide that the provisions of the law have not been complied with and that the extension is valueless. Or if, as the law would probably be declared, the executive act of the Commissioner in extending the patent is final and conclusive, then those interested adversely to the extension would by the failure to publish the notice of application be debarred from the chance of opposition which the law contemplates. If we want to change the existing law let us do so, but let us not strike at the existing law in an appropriation bill.

Mr. SAYLER, of Indiana. I ask for the ruling of the Chair on the point of order.

The CHAIRMAN. The Chair has no hesitation in announcing his ruling upon this question. It seems to the Chair as clearly as anything can that the two lines against which the point of order is raised do not change existing law, but are simply a restriction upon an appropriation. Suppose that this bill had appropriated $50,000 for this particular purpose, it would have been perfectly competent for this committee to have amended it and made the amount $25,000, or to have stricken it out entirely. This is simply a restriction upon the appropriation; but an appropriation for this same purpose may be introduced in another bill. The Chair, therefore, overrules the point of order.

Mr. SAYLER, of Indiana. I offer the following amendment:

Strike out the words "and no money appropriated by this act shall be expended for advertising in newspapers."

In support of this amendment I have simply this to say, that one of the great causes of complaint about the working of the patent laws is in regard to the extension of patents, and there ought to be every facility given to the entire public, and especially to that portion of the public that is presumably the most interested in the extension of a patent, to enable them to appear and have a hearing. I take it that in this as in everything else there ought to be extended to every citizen the amplest opportunity to have his cause heard.

This section of the law to which reference has been made is eminently wise. It provides that notice of the extension of a patent shall go into the newspapers in the region of country where those likely to be most interested reside; and every one from his own experience knows that an advertisement of this kind appearing in the local newspapers in my own section of country or in the section of country represented by any other member will attract the attention of the people at once.

Mr. G. F. HOAR. Will the gentleman allow me to state an amendment which I was about to propose, and which I think will be agreed to unanimously?

Mr. SAYLER, of Indiana. I will hear what it is.

Mr. G. F. HOAR. It is to perfect the paragraph by adding the words "in Washington other than the Official Gazette." That will leave it so that this money shall not be expended for advertising in newspapers in Washington other than the Official Gazette. Advertisements can be put in the papers in the western country as now.

Mr. SAYLER, of Indiana. I will accept that as a modification of my amendment.

Mr. BURCHARD. I desire to ask the gentleman from Massachusetts a question. I desire to know why he wishes this money to be expended in advertising in the Gazette, which is a paper published by the Department? I cannot see why the matter should not be left, as it is in the law, at the discretion of the Commissioner, who has charge of this matter. If he sees fit to publish these advertisements in the Official Gazette he will do so, and I understand that that is his preference. If he thinks it better that they should be published in newspapers that will go to the community rather than to experts who take the Official Gazette, leave it to his discretion. I will be satisfied either way; but I see no reason for appropriating money to pay for advertising in the Official Gazette, which is published by the Department.

Mr. G. F. HOAR. The reason for adding the words, "other than the Official Gazette" is because it might be claimed that that is a newspaper. It seems to me that the suggestion of the gentleman from Indiana [Mr. SAYLER] was a very wise one, and that was that there are a great many persons interested in these matters adversely to an applicant who desire that these advertisements shall be published in their local newspapers; but persons interested in patents in Washington are almost invariably readers of the Patent Office Gazette. It is to get rid of this great abuse of having the Washington press here getting these large sums out of the Government, which the Commissioner finds it difficult to prevent, that this proposition has been made.

Now, my proposition leaves the Washington public to look for these notices in the Patent Office Gazette, which is printed here, and which any man can get at in ten minutes; all the patent agents here, of course, take the Gazette. And then the Commissioner can send these advertisements to the papers elsewhere, as the needs of the community require. My amendment will make the clause read:

And no money appropriated by this act shall be expended for advertising in newspapers in the city of Washington, other than the Patent Office Gazette.

The amendment was agreed to.

The Clerk read as follows:

For photolithographing or otherwise producing plates for the Official Gazette, including pay of employés engaged on the Gazette, and for making similar plates of patents issued between July 1, 1869, and January 1, 1872, $40,000.

Mr. BECK. I move to amend that paragraph so as to make the amount $20,000, and to add to it the proviso that the Official Gazette shall not be furnished to members of Congress. I do not believe that one member in fifty ever opens it.

Mr. GARFIELD. I make the point of order that the amendment changes existing law.

Mr. BECK. In what way?

Mr. GARFIELD. It provides that hereafter the Gazette shall not be furnished to members of Congress, and the law says they shall be so furnished.

Mr. BECK. I know they make me take it every week.

Mr. GARFIELD. It is provided by law that it shall be distributed to each congressional district, and to every member of Congress.

Mr. BECK. Are we obliged to take it?

The CHAIRMAN. Does the gentleman from Kentucky insist on his amendment?

Mr. BECK. No, sir; I withdraw it.

The Clerk read as follows:

For tracings of drawings preparatory to photolithographing back issues, $10,000.

Mr. RANDALL. That is something new.

Mr. GARFIELD. I desire to move to amend that paragraph by striking out "$10,000," and inserting "$35,000." The gentleman from Pennsylvania noticed that we struck out thirty-five copyists at $1,000

each in the body of the appropriation, for the purpose of placing them by themselves in this item, where the Commissioner will not be compelled to employ thirty-five persons at $1,000 each, but where he can have the work done by piece-work, or in whatever way may be more economical. He asks the committee to appropriate, instead of what we struck out there, $35,000 in this item.

Mr. RANDALL. That will make the amount just as it was last year.

Mr. GARFIELD. Yes, sir.

The amendment was agreed to.

The Clerk read as follows:

Bureau of Education:
For Commissioner of Education, $3,000; chief clerk, $2,000; one clerk of class four; one statistician, with the compensation of a clerk of class four; one clerk of class three; one translator, with the compensation of a clerk of class three; one clerk of class two; four copyists, at $900 each; one messenger, $840; and one watchman; in all, $18,360.

Mr. O'BRIEN obtained the floor.

Mr. BUCKNER. With the permission of the gentleman I will move that the committee rise.

Mr. GARFIELD. O, no; let us wait until ten o'clock. I will move in ten minutes that the committee rise.

Mr. O'BRIEN. I move to amend that paragraph by striking out the $3,000 for the the salary of the Commissioner of Education.

I take this opportunity of making some general remarks upon the question involved in this paragraph. I understand that this Bureau of Education originated in the Fortieth Congress, and at that time the appropriation asked for was only $5,000. Now an appropriation of $40,000 is asked for. I would not oppose an appropriation of $5,000 for the purpose of enabling the Commissioner or a clerk to obtain statistics from the different States in regard to the subject of education, but I am opposed to any extension of the dimensions of this department.

The CHAIRMAN. The Chair would inquire of the gentleman from Maryland, what is the intention of the amendment? If the words "$3,000" are stricken out, it will leave the words "for the Commissioner of Education," with no salary fixed.

Mr. O'BRIEN. I will withdraw that amendment and move to strike out the paragraph.

Mr. BUCKNER. I move that the committee rise.

Mr. O'BRIEN. I yield for that motion to be made.

Mr. GARFIELD. I ask the gentleman to wait until ten o'clock, and then I will move to rise. The chairman of the Committee on Education, my colleague, [Mr. MONROE,] desires to be heard on this motion.

Mr. BUCKNER. And we want to be heard, too.

Mr. SENER. I object to debate, and call for the regular order.

Mr. GARFIELD. I ask gentlemen to allow my colleague [Mr. MONROE] to be heard, as a matter of courtesy.

Mr. BUCKNER. I insist upon my motion.

The question was taken upon the motion of Mr. BUCKNER; and upon a division there were—ayes 26, noes 52.

Mr. SENER. No quorum voted.

Mr. GARFIELD. It does not require a quorum for the committee to refuse to rise.

Mr. SENER. It takes a quorum to do business.

The CHAIRMAN. If the gentleman insists upon tellers the Chair will appoint them.

Mr. SENER. I insist upon tellers.

Mr. GARFIELD. Then I ask——

Mr. SENER. I object to debate.

Mr. GARFIELD. I ask the committee to give way to the gentleman to please him.

Mr. SENER. I have rights here.

Mr. GARFIELD. Certainly, and we will help you get them. Let the question be again taken.

The question was again taken upon the motion that the committee rise; and upon a division there were—ayes 4, noes 61.

Mr. SENER. That is not a quorum. I insist upon tellers.

Tellers were ordered; and Mr. SENER and Mr. O'BRIEN were appointed.

The committee again divided; and the tellers reported that there was 1 in the affirmative.

Mr. SENER. I do not call for a further count.

Mr. GARFIELD. I now yield to my colleague, [Mr. MONROE.]

The CHAIRMAN. The gentleman from Maryland [Mr. O'BRIEN] is entitled to the floor on his motion to strike out the pending paragraph.

Mr. O'BRIEN. The committee is in such a condition that I decline to speak upon this question to-night, and will yield my time to the gentleman from Ohio, [Mr. MONROE,] the chairman of the Committee on Education and Labor.

The question was then taken by a *viva voce* vote on the motion to strike out the paragraph, and the Chairman announced that it was not adopted.

Mr. BECK. I call for a division upon that question. I supposed that gentlemen intended to debate this subject. I am in earnest. I want this whole paragraph stricken out.

Mr. MONROE. I was quite ready to make some remarks; but as no one had given any reason for striking out the paragraph, it seemed to me to be entirely superfluous for me to rise in my place and defend an established Bureau of the Government here in Washington.

Mr. O'BRIEN. In reply to the gentleman, I wish to say that I think I can give good and sufficient reasons——

The CHAIRMAN. Debate is not now in order. The committee is voting on the motion to strike out; and the gentleman from Kentucky [Mr. BECK] has called for a division.

The committee divided; and there were—ayes 21, noes 55.

Mr. O'BRIEN. That is not a quorum, and I call for tellers.

Mr. GARFIELD. If a further count is insisted upon——

Mr. BECK. I insist upon it.

Mr. GARFIELD. Then, in view of the lateness of the hour, I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and, Mr. TYNER having resumed the chair as Speaker *pro tempore*, Mr. HOSKINS reported that, pursuant to the order of the House, the Committee of the Whole on the state of the Union had had under consideration the state of the Union generally, and particularly the bill (H. R. No. 2064) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes, and had come to no resolution thereon.

Mr. GARFIELD. I move that the House now adjourn.

The motion was agreed to; and accordingly (at ten o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BELL: A paper for the establishment of a post-route in Georgia, to the Committee on the Post-Office and Post-Roads.

By Mr. BUFFINTON: The petition of merchants, ship-owners, and ship-masters of Provincetown, Massachusetts, for the abolition of the system of compulsory pilotage on all ships or vessels duly registered or enrolled, to the Committee on Commerce.

Also, the petition of merchants, ship-owners, and ship-masters of Providence, Rhode Island, of similar import, to the same committee.

By Mr. BUNDY: The petition of Sylvester McDaniel, Charles Gates, and 141 others, of Lawrence and Gallia Counties, Ohio, for a post-route from Ironton, in Lawrence County, to Rodney, in Gallia County, Ohio, to the Committee on the Post-Office and Post-Roads.

By Mr. PLATT, of Virginia: The petition of Amelia A. H. Richards, administratrix of the estate of Felix Richards, to be compensated for property taken and used by the United States, to the Committee on War Claims.

Also, papers relating to the claim of R. Raglan, to the Committee on War Claims.

By Mr. SAYLER, of Indiana: One hundred and eighty-four petitions from citizens in different parts of the United States, for the passage of a law authorizing the manufacture of patent-right articles by others than the owners of patent-rights upon payment of a reasonable royalty thereon, severally to the Committee on Patents.

By Mr. WOODFORD: The petition of George H. Moore and 92 others, for the passage of the bill (H. R. No. 1179) granting increased pensions to disabled soldiers, to the Committee on Invalid Pensions.

Also, the petition of John S. Phillips and 11 others, of similar import, to the same committee.

Also, the petition of L. Crandell and 15 others, of similar import, to the same committee.

Also, the petition of J. M. Clay and 21 others, of similar import, to the same committee.

Also, the petition W. F. H. Getty and 21 others, of similar import, to the same committee.

Also, the petition of William L. Drain and 22 others, of similar import, to the same committee.

Also, the petition of Titus E. Dodge and 34 others, of similar import, to the same committee.

Also, the petition of George Scrafford and 37 others, of similar import, to the same committee.

Also, the petition of Frank Von Duzen and 39 others, of similar import, to the same committee.

Also, the petition of Calvin P. Kendig and 59 others, of similar import, to the same committee.

Also, the petition of John N. Humphrey and 62 others, of similar import, to the same committee.

Also, the petition of S. F. Kimball and 65 others, of similar import, to the same committee.

Also, the petition of William Mulligan and 70 others, of similar import, to the same committee.

Also, the petition of Lucius P. Bird and 73 others, of similar import, to the same committee.

Also, the petition of John B. Jones and 89 others, of similar import, to the same committee.

Also, the petition of E. C. Parkinson and 5 others, of similar import, to the same committee.

Also, the petition of John G. Copley and 10 others, of similar import, to the same committee.

IN SENATE.

FRIDAY, *April* 24, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.
The Journal of yesterday's proceedings was read and approved.

HOUSE BILL REFERRED.

The bill (H. R. No. 3091) to release J. W. Bennett from political disabilities was read twice by its title, and referred to the Committee on the Judiciary.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of War, recommending the passage of a law conferring jurisdiction upon general courts-martial concurrent with that of the courts in the States and Territories in the trial of military persons charged with certain crimes; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also laid before the Senate a letter of the Treasurer of the United States, transmitting a copy of his adjusted quarterly accounts of receipts and expenditures of the Post-Office Department for the fiscal year ending June 30, 1873; which was referred to the Committee on Post-Offices and Post-Roads.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a memorial of the Yearly Meeting of New York of the religious Society of Friends, asking Congress to adopt and recommend to other nations the adoption of arbitration for the settlement of international differences, instead of war; which was referred to the Committee on Foreign Relations.

Mr. FENTON presented the petition of William R. Glover, Thomas W. Mather, and others, praying that their claim for compensation and damages on account of the non-fulfillment on the part of the United States of a contract made between them and the Postmaster-General, dated at Washington City, District of Columbia, January 21, 1853, and modified May 20, 1853, for carrying the mails on route No. 5102, express and way lines, from Louisville, Kentucky, to New Orleans, Louisiana, for the term of four years, be restored to the docket of the Court of Claims; which was referred to the Committee on Claims.

Mr. HAMLIN presented a petition of citizens of Eastport, Maine, praying for the enactment of such laws as will abolish the present system of compulsory pilotage on all ships or vessels duly registered or enrolled at all harbors, rivers, and places within the jurisdiction of the United States; which was referred to the Committee on Commerce.

Mr. STEVENSON presented the petition, with accompanying papers, of Gideon M. Hazen, of Knoxville, Tennessee, praying reimbursement for cotton taken from him by the Union soldiers under General Burnside in the winter of 1863; which was referred to the Committee on Claims.

Mr. GORDON presented a memorial of the Medical Association of Georgia, in favor of the enactment of such laws as will increase the efficiency of the Medical Department of the Army; which was referred to the Committee on Military Affairs.

He also presented a petition of the Pilots' Association of Savannah, Georgia, praying that no bill may be passed prohibiting compulsory pilotage on vessels, &c.; which was referred to the Committee on Commerce.

Mr. McCREERY presented the memorial of Payne, James & Co., asking compensation for property taken at Nashville, Tennessee, by the United States during the late war; which was referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. JOHNSTON, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 571) to authorize the Baltimore and Ohio Railroad Company to construct a branch, and to change the location of its road within the District of Columbia, and for other purposes, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 723) to repeal a part of an act making appropriations for the payment of teachers in the public schools in the District of Columbia, and providing for the levy of a tax to reimburse the same," approved April 18, 1874, reported it with an amendment.

He also, from the same committee, to whom was recommitted the bill (S. No. 224) to incorporate the Washington City Inebriate Asylum in the District of Columbia, reported it with amendments.

Mr. MORRILL, of Vermont. The Committee on Public Buildings and Grounds, who were by a resolution of the Senate instructed to inquire as to the amount of gas consumed and paid for by the Government at Washington, whether its illuminating power is constantly tested, and whether its cost cannot properly be diminished, beg leave to submit a report with a bill.

The bill (S. No. 733) regulating gas-works was read and passed to a second reading; and the report was ordered to be printed.

Mr. MORRILL, of Vermont. I shall, at the earliest moment after this bill and the report have been printed, and Senators have had time to read the report, endeavor to call up the bill for the action of the Senate at once on the subject. The committee ask to be discharged from the further consideration of the resolution.

The committee was discharged from the further consideration of the resolution.

Mr. HAMILTON, of Texas, from the Committee on Pensions, to whom was referred the bill (H. R. No. 1414) granting a pension to Susan Bennett, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 2676) granting a pension to Thomas McKinster, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 700) for the relief of Robert Love, reported adversely thereon; and the bill was postponed indefinitely.

Mr. HAMILTON, of Texas. I am also directed by the same committee, to whom was referred the bill (S. No. 678) granting a pension to Josephine D. Thomas, to report it adversely. We find in the papers that a pension has already been granted at the Pension Office. I move that the bill be postponed indefinitely.

The motion was agreed to.

Mr. EDMUNDS. I am instructed by the Committee on the Judiciary, to whom was referred the bill (S. No. 7) for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th of May, A. D. 1871, between the United States of America and the Queen of Great Britain, to report the same back with amendments. The amendments are to make the bill precisely as it passed the Senate at the last session. I move that the committee be discharged from the further consideration of the various petitions on the subject.

The motion was agreed to.

Mr. SPRAGUE, from the Committee on Public Lands, to whom was referred the bill (H. R. No. 1691) for the relief of Thomas Ridgway, reported it without amendment.

BILLS INTRODUCED.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 734) to confirm the sale of land in Kansas made by Dudley Tucker, a Shawnee Indian; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. EDMUNDS (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 714) to provide for a commission upon the subject of postal telegraphy; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. FLANAGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 735) for the relief of D. G. and D. A. Sanford, of Texas; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 736) changing the present boundaries of the eastern and western judicial districts of Texas; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. STEVENSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 737) for the relief of Gideon M. Hazen, of Knoxville, East Tennessee; which was read twice by its title, and referred to the Committee on Claims.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 738) to authorize nations and tribes of Indians in their corporate capacity and individual members and citizens thereof to sue and be sued in the courts of the United States of America; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. STEWART asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 739) to prohibit national banks from loaning money on money as security, and for other purposes; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

Mr. CONOVER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 740) for the relief of James Atkins, late collector internal revenue for the fourth district of Georgia; which was read twice by its title, and referred to the Committee on Finance.

AMENDMENT OF COINAGE LAW.

Mr. SARGENT. About a week ago, during my absence from the Senate, the Finance Committee reported back the bill (H. R. No. 2878) to amend the twenty-fifth section of the coinage act of 1873 with an adverse report, and without discussion the bill was indefinitely postponed. As it is a bill affecting the mints of the United States and very largely the Pacific coast, I ask the favor of the Senate that the vote whereby the bill was indefinitely postponed be reconsidered, and that it be placed on the Calendar with the adverse report of the committee. I do not ask any other action now except that it go on the Calendar. I suppose the motion only can be made by unanimous consent.

Mr. SHERMAN. As the Senator was absent at the time the adverse report was made by me I think it is right that the request should be granted. I did not notice that he was absent when I made the report.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The order will be entered if there be no objection. The Chair hears no objection, and it is so ordered. The bill will be placed on the Calendar.

STAMPING OF DOCUMENTS IN THE SOUTH.

The PRESIDING OFFICER. If there be no further morning business the Calendar will be proceeded with.

The first bill on the Calendar was the bill (S. No. 464) to amend the act entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes," approved June 30, 1864, and the several acts amendatory thereof; which was considered as in Committee of the Whole.

The Committee on Finance reported the bill with an amendment, to strike out the preamble and all after the enacting clause, and in lieu thereof to insert the following:

That no instrument, document, writing, or paper of any description, required by law to be stamped, made, signed, or issued within the States of Virginia, West Virginia, North Carolina, South Carolina, Georgia, Tennessee, Florida, Alabama, Mississippi, Louisiana, Arkansas, and Texas, prior to the 1st day of July, 1865, shall be deemed or held as invalid and of no effect by reason of the failure to impose thereon the stamp or stamps required by law; but the rights of a purchaser in good faith prior to the passage of this act shall not be affected by anything herein contained.

The amendment was agreed to.

The bill was reported to the Senate as amended.

Mr. JOHNSTON. What is that bill?

Mr. SHERMAN. I can state to the Senator from Virginia that the original bill was introduced by the Senator from Georgia, [Mr. GORDON,] intended to give certain relief in cases in the South where during the war stamps were not attached to instruments and their legality has been called in question. The substitute proposed by the committee is free from objection, and met the approval of the Commissioner of Internal Revenue. It is merely intended to allow, in certain cases, documents to be validated notwithstanding they were not stamped during the war.

Mr. JOHNSTON. I have no objection. I only wanted to understand the bill.

The amendment made as in Committee of the Whole was concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

EDWARD SAVAGE.

The PRESIDING OFFICER. The Secretary will report the next bill on the Calendar.

The next bill on the Calendar was the bill (H. R. No. 1763) to permit Edward Savage, of Minnesota, to enter one quarter-section of the public lands, or any legal subdivision of the same; which was considered as in Committee of the Whole.

The bill allows Edward Savage, of Minnesota, to enter one quarter-section of the public lands within the State of Minnesota, or any legal subdivision of the same, under the general or soldiers' homestead law, or under the act approved March 3, 1873, entitled "An act to encourage the growth of timber on western prairies."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BRIDGE OVER THE WILLAMETTE RIVER.

Mr. DENNIS. I ask permission to call up the bill (S. No. 482) to authorize the construction of a bridge over the Willamette River at Salem, in the State of Oregon; which is a matter of great interest to that locality.

Mr. MORRILL, of Maine. I think we had better go on with the Calendar unless there is something very special about this bill. I think we shall make progress by adhering to the Calendar.

Mr. DENNIS. Mr. President——

Mr. MORRILL, of Maine. If we keep on with the Calendar we shall reach all these cases in two or three days; but if its regular course is interrupted we shall never get through.

Mr. MITCHELL. I would appeal to the Senator from Maine. This is a local matter in which our people are very much interested. It will not take a moment's time. The parties are standing prepared to furnish the money to build the bridge, and are only waiting for the passage of this bill.

Mr. MORRILL, of Maine. But the bill is in the ordinary course. What is done in one case it is reasonable to do in another.

Mr. MITCHELL. It is the only thing I have asked since I have been here. It will not take a moment.

Mr. MORRILL, of Maine. I do not wish to take up time; but why not go on regularly with the Calendar?

The PRESIDING OFFICER. The question is on the motion of the Senator from Maryland [Mr. DENNIS] to take up the bill indicated by him.

The motion was agreed to; and the bill (S. No. 482) to authorize the construction of a bridge over the Willamette River at Salem, in the State of Oregon, was considered as in Committee of the Whole.

The first section of the bill makes it lawful for the county commissioners of the county of Marion, in the State of Oregon, or for those commissioners jointly with the county commissioners of the county of Polk, in that State, to build a bridge across the Willamette River at the city of Salem, at a point to be selected and determined by the board of commissioners of Marion County, or by that board jointly with the board of commissioners of Polk County. There is to be placed in the bridge a draw of not less than two hundred feet in width, with a center abutment not to exceed forty feet wide and ten feet above the water line, leaving a passage on each side of the abutment of not less than eighty feet in width, and so constructed as not to impede the navigation of the river and allow the easy passage of vessels through the bridge.

The second section reserves the right to alter or amend the act so as to prevent or remove all material obstructions to the navigation of the river by the construction of the bridge.

Mr. EDMUNDS. I wish to have the committee explain this bill, and whether it is based upon the same principles that our other legislation upon this subject has been. The Senator from Oregon no doubt can tell us.

Mr. MITCHELL. The bill has the approval of the Secretary of War.

Mr. EDMUNDS. We cannot discuss the merits of the bill on this motion, though I have no objection to its being taken up. This bill does not provide, as all our later legislation has done, that any alteration or change in the bridge necessary to navigation shall be made at the expense of the people who put it up, and not at the expense of the United States.

Mr. MITCHELL. I have no objection to putting that in if the Senator desires to offer it.

The PRESIDENT *pro tempore*. The bill is before the Senate as in Committee of the Whole, and open to amendment.

Mr. EDMUNDS. I move to amend the bill by adding at the end of the second section:

And any change needful to that end—

That is, to the removal of obstructions—

shall be made at the expense of the counties in which such bridge shall be erected.

Mr. MITCHELL. I have no objection to that amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADJOURNMENT TO MONDAY.

Mr. STOCKTON. I move that when the Senate adjourn to-day it be to meet on Monday next.

Mr. HOWE. Is that worth while?

The PRESIDENT *pro tempore*. The Chair cannot answer that question.

Mr. HOWE. I propose to leave it to the Senate. [Laughter.] I have ascertained lately that we are very much pressed for time; that the public business is suffering, and I do not know of any other business that is suffering; and why not sit here to-morrow and see if we cannot relieve this suffering to some extent? I hope the Senator will not press the motion.

Mr. STOCKTON. I think, myself, that the press of business is on the committees much more than on the Senate. That is my own experience, and, I think, that of almost every Senator; and in order to get along with our business here we want more time in committee. I think that is the general sentiment of the Senate, and we ought to have Saturday for committee business.

Mr. HOWE. I did not know where the suffering was. I am glad to be informed. If it is the committees that need time, that is a good reason for adjourning over. Had we not better adjourn over for a week from Monday and give the committees time to block out their work?

Mr. STOCKTON. Do I understand the Senator to move that as an amendment to my motion?

Mr. HOWE. I would rather not move it upon any information that I have; but it occurred to me if the suffering is really where the Senator from New Jersey suggests, we had better do that in order to secure relief, for I do not believe many committees will sit to-morrow whether the Senate does or not.

Mr. STOCKTON. I do not know what committees the gentleman is on; but it is a matter of great astonishment to me that a gentleman who has been so long in this body and on so many committees should not be aware that the laboring committees of this Senate at the present moment are so pressed that it is absolutely necessary they should have time in order that business shall progress. That he should be unaware of that fact is to me a matter of great surprise.

Mr. HOWE. The public cannot suffer because of my ignorance. I accept the notice of the Senator from New Jersey.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from New Jersey.

The question being put, a division was called for; and the yeas were 30.

Mr. HOWE. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. EDMUNDS. We ought not to have the yeas and nays without some discussion, I am sure. [Laughter.] I merely wish to say in all seriousness that I think there is great force in what the Senator from New Jersey has said about the press being rather upon committees at this time than upon the Senate itself, except the general debate on the state of the nation which we have of course chronically. I know that in a committee of which I am a member, and in respect to which the Chair can bear me out, there is a great mass of business which is pressing for time which we do not find the opportunity to keep up with; and to have therefore a spare day to begin in the morning and take until night will be an advantage.

The question being taken by yeas and nays, resulted—yeas 32, nays 11; as follows:

YEAS—Messrs. Anthony, Bogy, Cameron, Carpenter, Chandler, Clayton, Conover, Cragin, Davis, Dennis, Dorsey, Edmunds, Fenton, Flanagan, Gordon, Hager, Hamilton of Texas, Johnston, Kelly, Merrimon, Mitchell, Morrill of Maine, Morrill of Vermont, Patterson, Ramsey, Ransom, Saulsbury, Sprague, Stevenson, Stockton, Tipton, and Windom—32.

NAYS—Messrs. Allison, Gilbert, Hamlin, Harvey, Howe, Ingalls, Oglesby, Pratt, Sargent, Sherman, and Wadleigh—11.

ABSENT—Messrs. Alcorn, Bayard, Boreman, Boutwell, Brownlow, Buckingham, Conkling, Cooper, Ferry of Connecticut, Ferry of Michigan, Frelinghuysen, Goldthwaite, Hamilton of Maryland, Hitchcock, Jones, Lewis, Logan, McCreery, Morton, Norwood, Pease, Robertson, Schurz, Scott, Spencer, Stewart, Thurman, West, and Wright—29.

So the motion was agreed to.

STREET RAILWAY IN WASHINGTON.

Mr. JOHNSTON. My colleague, the chairman of the Committee on the District of Columbia, [Mr. LEWIS,] is detained from his seat, not being very well. I am requested by him to ask that the Senate proceed to the consideration of the bill (H. R. No. 2102) to incorporate the Capitol, North O street, and South Washington Railroad.

Mr. SARGENT. I think we had better proceed with the Calendar regularly. We shall reach this bill in turn.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Virginia.

Mr. MORRILL, of Maine. It is hardly worth while to take up that bill now. I object to it. Let us go on with the Calendar.

The PRESIDENT *pro tempore*. The bill will be read for the information of the Senate.

The Chief Clerk proceeded to read the bill.

Mr. MORRILL, of Maine. I beg to interrupt the reading. I do not think that bill ought to be taken up; and I raise this question, whether it is not liable to objection after the title is read without the bill being read?

The PRESIDENT *pro tempore*. If the reading has progressed far enough to inform the Senate what the bill is, that being the only object of the reading, the Chair will submit the question now to the Senate.

Mr. MORRILL, of Maine. I hope the Senate will not proceed to the consideration of that bill. It is obvious that it cannot be disposed of in the morning hour this morning; and this course of proceeding destroys the entire effect of the order to go on with the Calendar.

Mr. EDMUNDS. I hope the bill will not be taken up this morning, because it is a very important bill involving the propriety of allowing a railroad like a gridiron over a considerable part of the city and in part over the only avenue left in the city that is free from railways for private driving and for the communication of citizens clear across the city. As we are going to have a beautiful city here, I trust we shall consider carefully a bill that has a provision of that kind. I do not wish to discuss the merits; but I hope it will be allowed to go over so that Senators may look into it and be prepared to consider it when it may come up.

Mr. JOHNSTON. I will state that I make this motion at the request of my colleague, and not at my own instance. If there is any objection, I shall not press the bill now.

The PRESIDENT *pro tempore*. Does the Senator withdraw his motion?

Mr. JOHNSTON. Yes, sir.

JACOB PARMERTER.

The PRESIDENT *pro tempore*. The bills on the Calendar will be proceeded with.

The bill (H. R. No. 1562) for the relief of Jacob Parmerter, reimbursing him for defending a suit brought against him for an official act, was read.

Mr. EDMUNDS. Is there a report in that case?

The PRESIDENT *pro tempore*. There is no written report of the Senate committee.

Mr. EDMUNDS. I want to know what the facts are.

The PRESIDENT *pro tempore*. There is a report from the House committee.

Mr. EDMUNDS. I do not wish to object to the bill. I only wish to have it understood by the Senate, because it is only two or three days ago that the Judiciary Committee had a bill to indemnify a person who had been sued and who beat his antagonist, for doing some official act, and we reported against it, and the Senate indefinitely postponed the bill without question, upon the ground that the officer stood like any other citizen who had been sued for some act that he had a right to do and that the Government could not assume to pay the expenses of everybody who was wrongfully sued in the country, whether an officer or not. It may be that this question about collectors stands upon some other ground. I only wish to have the attention of the Senate to it, and to know what the facts are.

Mr. FENTON. I think my colleague is familiar with the facts in this case; but if there is any question about it I suggest that it lie over until he returns. Let it be passed over informally.

Mr. EDMUNDS. Let it go over on the Calendar.

Mr. CHANDLER. I will state what the facts are. This collector was sued for some official act while he was collector, and through neglect on the part of the law officers a judgment was rendered against him. The unanimous opinion of the Committee on Commerce was that the money should be refunded to him. The case is entirely familiar to the senior Senator from New York, [Mr. CONKLING.]

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. EDMUNDS. It had better lie over until the Senator from New York returns.

Mr. CHANDLER. Let it be laid aside informally so as to come up on call.

Mr. EDMUNDS. It will go over on the Calendar.

The PRESIDENT *pro tempore*. The bill will be laid aside and the next bill on the Calendar reported.

BARK AZOR.

The next bill on the Calendar was the bill (H. R. No. 2206) to grant an American register to the bark Azor; which was considered as in Committee of the Whole. It proposes to authorize the Secretary of the Treasury to issue an American register to the bark Azor, an American-built vessel employed as a packet between the island of Fayal and the United States, which had been transferred to a British subject in 1863, and retransferred to the heirs of Charles W. Dabney, late consul of the United States in the island of Fayal.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (H. No. 3093) to relieve David A. Telfair from political disability; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 1039) for the relief of John B. Weber, late colonel of the Eighteenth Regiment Corps d'Afrique;

A bill (H. R. No. 1581) for the relief of George S. Wright, administrator of the estate of John T. Wright, deceased;

A bill (H. R. No. 200) for the relief of settlers on the Cherokee strip, in Kansas;

A bill (H. R. No. 1575) for the relief of Richard H. Swift;

A bill (H. R. No. 2193) to ratify an agreement with certain Ute Indians in Colorado, and to make an appropriation for carrying out the same; and

A bill (H. R. No. 668) relative to private contracts or agreements made with Indians prior to May 21, 1872.

PROTECTION OF TIMBER LANDS AND RESERVATIONS.

The next bill on the Calendar was the bill (S. No. 524) to protect the timber lands of the United States, Government reservations, and lands purchased by the United States; which was considered as in Committee of the Whole.

The first section provides that if any person or persons shall knowingly and unlawfully cut, or shall knowingly aid, assist, or be employed in unlawfully cutting, or shall wantonly destroy or injure, or procure to be wantonly destroyed or injured, any timber tree or any shade or ornamental tree, or any other kind of tree, standing, growing, or being upon any lands of the United States, which, in pursuance of law, have been reserved, or which have been purchased by the United States for any public use, every such person or persons so offending, on conviction thereof before any circuit or district court of the United States, shall, for every such offense, pay a fine not exceeding $500, or shall be imprisoned not exceeding twelve months.

The second section provides that if any person or persons shall knowingly and unlawfully break or destroy any fence, wall, hedge, or gate inclosing any lands of the United States, which have, in pursuance of any law, been reserved or purchased by the United States for any public use, every such person so offending, on conviction, shall, for every such offense, pay a fine not exceeding $200, or be imprisoned not exceeding six months.

By the third section, if any person or persons shall knowingly and unlawfully break, open, or destroy any gate, fence, hedge, or wall inclosing any lands of the United States, reserved or purchased as aforesaid, and shall drive any cattle, horses, or hogs upon the lands aforesaid for the purpose of destroying the grass or trees on the said grounds, or where they may destroy the grass or trees, or if any such person or persons shall knowingly permit his or their cattle, horses, or hogs to enter through any inclosures upon the lands of the United States aforesaid, where the cattle, horses, or hogs may or can destroy the grass or trees or other property of the United States on the said land, every such person or persons so offending, on conviction, shall pay a fine not exceeding $500, or be imprisoned not exceeding twelve months.

Mr. HAMLIN. Some Senator who is more familiar with this matter than I am, I hope, will answer this question: Will not this bill exclude the vast herds of cattle that are driven into the mountains for the purpose of pasturing in the summer from remaining there? It seems to me the language would exclude them, and make all the men who are herding their cattle there for the summer for fattening purposes trespassers under the bill, and subject to its penalties. If

so it is very broad in its scope. Some Senator who knows more about it ought to give us the information.

Mr. SPRAGUE. This bill is for the purpose of providing against trespassers upon the small reservations of the United States. The bill was prepared by the district attorney at Louisville, approved by the Secretary of War, carefully considered by the Committee on Public Lands; and the point indicated by the Senator from Maine was especially considered by that committee. It was thought the language would not justify the construction put upon it by the Senator.

Mr. SARGENT. The object of the bill, I have no question, is good; but the language is general. I suppose the Territory of Alaska is land purchased by the United States for public purposes. It is possible that very much of the land west of the Mississippi was purchased by the Government of the United States for public purposes. This bill by its terms would apply to the Territory of Alaska, or any great tract of country for which the Government has ever paid any money, by treaty or otherwise. It seems to me it would be very much better to recommit this bill to make it answer its unquestionably good purpose; that is, to protect small reservations, to prevent people trespassing upon small reservations reserved for particular purposes by the Government, either to cut timber or otherwise. But in its present form, it seems to me that the bill goes very far beyond the purpose which was stated by the chairman of the Committee on Public Lands. I move that the bill be recommitted to that committee.

Mr. OGLESBY. The necessity, if I remember it, for this bill arose out of persons taking the liberty of going upon the grounds that have been reserved for soldiers' asylums and soldiers' homes. There is one such institution in Kentucky, near Lexington, I believe; and when the officers in charge attempted to enforce penalties against such persons, under the State law, there was some technical objection, and when they undertook to prosecute them in the courts of the United States there was some technical objection. The purpose is simply to have a law to prevent depredations on these reservations, particularly for soldiers' homes, so that grounds beautified for such purposes may not be damaged and destroyed by turning in oxen and cattle upon them at the pleasure of persons living in the neighborhood. That is the foundation of the bill. It was not contemplated that its provisions should apply to the public domain in any sense. It was drawn with reference to the special object which has been stated. The Attorney-General carefully considered the bill after it had been presented by the district attorney of Kentucky, and he submitted it with his favorable recommendation to the committee. The committee bestowed considerable care upon it, and, I believe, unanimously recommended its passage. If it is open to any objections that are urged to it here I do not care to object to its going back, though I do not know that the committee can do anything better by its going back. But I do not understand that it was within the purview or purposes of the bill to make persons liable to damages for their stock running upon uninclosed public land, upon public prairie land, or timber land.

Mr. EDMUNDS. Does it apply to the live-oak plantations?

Mr. OGLESBY. I think it applies to any reservations that are fenced, and where efforts have been made to surround and protect them.

Mr. EDMUNDS. The live-oak plantations in the South are not fenced; but it is of very great importance to the Government to punish people who cut down the live-oak, as is being done now in that section, as I understand. Therefore I suggest to the Senator and the committee, that if this bill does not now cover cases of willful trespass in cutting down the live-oak timber of the United States, which is of very great value, it ought to be so adjusted that it will provide for that case.

Mr. OGLESBY. The bill arose out of depredations upon public lands about reservations for soldiers' homes, soldiers' asylums, and soldiers' hospitals. That was the ground of complaint, and that is what this bill is proposed to remedy. I do not think it was contemplated to go beyond that.

Mr. HAMLIN. I take it every Senator would concur in the object which has been stated by the Senator from Illinois. Nobody can doubt that such a law as he indicates would be necessary; but the point here suggested is that the language of the bill as it now stands is too broad; that it would make all persons trespassers who enter upon public lands that were purchased for public use. I think all our lands are purchased for some purpose, and they are purchased for use. It is better, I think, to recommit the bill for the purpose of limiting it specifically to the object named, and adding what the Senator from Vermont has so well suggested as being now without necessary provisions of law. I hope, therefore, the bill will be recommitted, as I think we can pass it sooner in that way than by attempting to amend it in the Senate.

Mr. OGLESBY. I have no right to speak for the Committee on Public Lands; but I certainly have no objection to its being recommitted for perfection.

Mr. HAMLIN. You will get it through quicker by that course.

The PRESIDENT *pro tempore*. The question is on the motion to recommit the bill to the Committee on Public Lands.

The motion was agreed to.

LUCIUS A. ROUNTREE.

The next bill on the Calendar was the bill (H. R. No. 363) for the relief of Lucius A. Rountree, which was considered as in Committee of the Whole. It is a direction to the Secretary of War to cause to be paid to Lucius A. Rountree the full pay and emoluments of a first lieutenant of infantry of Company A, Forty-sixth Regiment of Missouri Volunteers, from the 13th of September, 1864, to the 3d of December, 1864, deducting therefrom any amount he may have received as an enlisted man during the time specified.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM J. SCOTT.

The next bill on the Calendar was the bill (H. R. No. 1935) for the relief of William J. Scott, late aid-de-camp on the staff of General Spear; which was considered as in Committee of the Whole.

The Secretary of the Treasury is by the bill authorized to pay to William J. Scott the pay and emoluments of an aid-de-camp, with the rank of first lieutenant, from the 21st of May, 1862, to the 30th of October, 1862, deducting what pay, if any, he may have received as an aid-de-camp on the staff of Brigadier-General James G. Spear.

Mr. MORRILL, of Maine. Is there a report accompanying that bill? If so, I should like to have it read. I desire to see the principle on which it proceeds.

The Chief Clerk read the following report, submitted by Mr. LOGAN on the 10th of March:

The Committee on Military Affairs, to whom was referred the bill (H. R. No. 1935) for the relief of William J. Scott, having had the same under consideration, report as follows:

The evidence on file shows clearly that claimant was appointed aid-de-camp on the staff of Brigadier-General Spear, and served honorably and faithfully as such from May 21, 1862, to October 30, 1862, never being absent from duty. But the evidence further shows, as is admitted by petitioner in his clear and candid statement of the facts, that the appointment was illegal, said claimant not holding any office at the time. An attempt was make to have him appointed lieutenant of Company I, dating back to the time of his appointment as aid-de-camp; but he was never mustered in as such, and in fact another person was appointed and mustered in the office to which he supposed he was appointed.

The service having been faithfully performed, at a time of urgent necessity, the simple question to be decided is, will the Government pay a reasonable compensation for the services rendered by claimant? Your committee believe that equity requires this to be done; and as said claimant supposed he was serving as second lieutenant, your committee believe that the pay and emoluments of a second lieutenant would be a reasonable compensation, and therefore recommend that said bill be amended by substituting the word "second" for the word "first" in the fifth line, and with this amendment that the bill be passed.

Mr. EDMUNDS. There is one amendment recommended by the committee, that does not appear in the printed bill, which ought to be voted upon. The report shows that he is to be paid at the rate payable to second lieutenants, instead of as the original bill says, as first lieutenant, although it does not appear on the face of the bill itself, by some mistake.

The PRESIDENT *pro tempore*. If there be no objection the bill will be amended in that respect so as to conform to the report.

Mr. EDMUNDS. Now I move to amend the bill by striking out "as an aid-de-camp on the staff of Brigadier-General Thomas G. Spear" and insert "during said period;" so as to read:

Deducting what pay, if any, he may have received during said period.

The pay which is to be deducted by the bill as it stands is pay as aid-de-camp. If he has received any pay in a soldierly capacity during that period, that ought to be deducted to make it right.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

STATE OF LOUISIANA.

The PRESIDENT *pro tempore*. The morning hour has expired and the Senate resumes the consideration of the bill (S. No. 446) to restore the rights of the State of Louisiana, on which the Senator from North Carolina [Mr. MERRIMON] is entitled to the floor.

Mr. MERRIMON. Mr. President, some days ago the Senator from Minnesota [Mr. WINDOM] gave notice that to-day he desired as chairman of the Select Committee on Transportation to make a report and submit some remarks. With a view to give him an opportunity to do so during the day, I shall cut short what I have further to submit upon the pending bill.

[Mr. MERRIMON proceeded with his remarks, concluding the speech commenced yesterday by him. His speech in full will be found in the Appendix.]

THE TRANSPORTATION QUESTION.

Mr. WINDOM. I ask consent of the Senate to present the report of the Select Committee on Transportation Routes to the Sea-board.

The PRESIDENT *pro tempore*. The report will be received.

Mr. WINDOM. Mr. President, in submitting this report I deem it my duty to state, as briefly as the nature of the subject will permit, the conclusions and recommendations of the committee, and some of the leading facts and considerations upon which they are based. Whenever convenient I shall take the liberty of employing without further acknowledgment the language of the report. It is perhaps unnecessary to say that an investigation covering a field so broad, embracing interests so vast and complex, and involving an examination of details almost infinite in variety and number, requires more than a single

vacation, and that the pressure of business during the session of the Senate has afforded but little opportunity for the preparation of a report commensurate with the importance of the questions involved. The committee do not pretend to have treated the subject exhaustively.

In Great Britain parliamentary committees and commissions have been engaged upon the same subjects for more than thirty years, and yet even in that country, comparatively so small in geographical extent, with only 15,000 miles of railway, and with a Parliament of unlimited powers, the problems of cheap transportation and governmental regulation of railways are still unsolved.

In the State of Massachusetts a most able and untiring commission, headed by Mr. Charles Francis Adams, jr., have devoted five or six years to a similar investigation, and yet they by no means consider the subject exhausted.

It was hardly to be expected, therefore, that a committee who were charged with the duty of investigating and reporting upon a transportation system embracing 70,000 miles of railway and more than 30,000 miles of water-routes, could within the limited time at their command, do full justice to all of the important questions involved.

The following is a brief *résumé* of the principal subjects which have especially commanded the attention of the committee, and which with others are embraced in their report:

First. The annual average price of wheat and corn during the five years 1868 to 1872, inclusive, at Chicago and Milwaukee and at points west of these cities; at Buffalo, Montreal, New York, Saint Louis, New Orleans, and Liverpool.

Second. The quantity of grain received and shipped from all the lake ports, and ports on the Ohio and Mississippi Rivers, and ports on the Atlantic and Gulf coasts.

Third. The total shipments of grain to the States on the Atlantic sea-board; the quantity distributed between the western and eastern borders of these States; the total quantity consumed in the New England States; the Atlantic States south of New England; and the total quantity exported; also the quantity of grain shipped to the Gulf States, and the quantity exported from these States; the quantity exported to Canada and also from the Pacific coast to foreign countries.

Fourth. The shipments of grain from the West by the lakes and Saint Lawrence River; by the lakes, Erie Canal, and Hudson River; by the lakes to the east end of Lake Erie; thence by rail toward the sea-board; and by the "all-rail" lines from lake ports and interior points in the West, to the East and to the South; and the quantity shipped southward by the Mississippi River.

Fifth. The average annual freight charges from point to point are presented as follows: From points on the Mississippi River to Chicago and Milwaukee; Chicago to Buffalo; Chicago to Montreal by lake and Saint Lawrence River, and by rail; Chicago to New York by lake and canal, by lake and rail, and by all rail; Saint Louis to New Orleans; New Orleans to Liverpool, New York to Liverpool, and Montreal to Liverpool. These averages have been deduced from computations based upon the quantity shipped and the average rates which prevailed each month.

Sixth. Great Britain being the principal grain-importing country, very full information in regard to the sources of her supply, the quantity received from each country for thirteen years, the rates of freight from each country to England for a period of ten years, and the average prices in the English markets of wheat and corn imported from each country during a period of thirteen years. This information has been obtained from the British reports on trade and navigation, and from data furnished especially for the committee by the British Board of Trade through the United States consuls at London and Liverpool.

Seventh. Some general facts are presented in regard to the commerce of the Pacific coast.

One of the most important branches of the work commanding the attention of the committee has been that of the improvement and construction of water lines of transport. The lines which the committee have personally examined and most carefully investigated are—

First. The proposed Caughnawaga and Lake Champlain route, from the river Saint Lawrence to New York.

Second. The Oswego and Oneida Canal route, from Oswego to New York.

Third. The Erie Canal route, from Buffalo to New York.

Fourth. The James River and Kanawha Canal, or central water line, from Richmond to the Ohio River.

Fifth. The Atlantic and Great Western Canal, from the Tennessee River to Savannah, Georgia.

Sixth. The proposed ship-canal across the peninsula of Florida.

Seventh. The improvement of the Ohio River.

Eighth. The improvement of the Mississippi above the Falls of Saint Anthony; between Saint Paul and Saint Louis; and between Saint Louis and New Orleans.

Ninth. The Fort Saint Philip Canal, and other plans for improving the mouth of the Mississippi River.

Tenth. The Wisconsin and Fox Rivers improvement.

Eleventh. The Illinois and Hennepin Canal.

Twelfth. The Niagara Ship-canal.

In addition to these routes the committee have obtained information in regard to the canals of Pennsylvania, and the Chesapeake and Ohio Canal.

The inquiries of the committee in regard to railroads have embraced among other subjects the following:

Combinations between different lines; the consolidation or amalgamation of lines; fast-freight lines; the issuing of stock not representing money paid in for construction, a device commonly known as "stock-watering" or capitalization of net earnings; competition between railroads and water lines; the relative cheapness of the various methods of transportation; the regulation or control of existing railroads by States and by the national Government, involving the questions as to the limitation of the powers of Congress under the commercial clause of the Constitution; the construction of one or more double-track freight railroads by the Government, to be operated by the Government, or leased to parties who shall operate such road or roads subject to Government control; and the chartering of freight railroads to be constructed and managed by private corporations, such roads to receive aid from the Government and to submit to governmental regulation with regard to their rates of freight and the facilities which they shall afford.

A thorough elucidation of these topics involves a study of railway abuses in all their various phases, and the whole question of the economy of transport by rail and by water.

In entering upon the investigation directed by the resolution of the Senate the committee were fully impressed with the importance and difficulties of their work, and they have assiduously devoted themselves to its discharge. The absence of official information concerning the transportation interests of the country has added to their embarrassments. Perhaps the most extraordinary feature of our governmental policy touching the vast internal commerce of the nation, is the apparent indifference and neglect with which it has been treated. Careful statistics have been prepared of our foreign commerce, while those appertaining to the much greater interests of internal trade seem to have been almost wholly, and in some cases intentionally, ignored. No officer of the Government has ever been charged with the duty of collecting information on this subject, and the legislator who would inform himself concerning the nature, extent, value, or necessities of our internal commerce, or of its relations to our foreign trade, must patiently grope his way through the statistics of individual boards of trade, chambers of commerce, and transportation companies. Even the census reports, which purport to contain an inventory of the property and business of the people, and which in some matters descend to the minutest details, are silent with regard to the billions of dollars represented by railways, ships, and other instruments of internal transportation, and to the much greater values of commodities annually moved by them.

We have no means of estimating accurately the magnitude of our internal trade; but its colossal proportions may be inferred from two or three known facts. The value of commodities moved by the railroads in 1872 is estimated at over $10,000,000,000, and their gross receipts reached the enormous sum of $473,241,055. The commerce of the cities of the Ohio River alone has been carefully estimated at over $1,600,000,000 per annum. Some conception of the immense trade carried on upon the northern lakes may be formed from the fact that during the entire season of navigation, in 1872, an average of one vessel every nine minutes, day and night, passed Fort Gratiot light-house, near Port Huron. It is probably safe to say that the value of our internal commerce is ten times greater than our trade with all foreign nations, and that the amount annually paid for transportation is more than double the entire revenues of the Government.

The indifference which has hitherto prevailed on this subject may be partially accounted for by the fact that great moral questions, exciting political issues, and a terrible struggle for the maintenance of national unity, have engrossed the public mind. All of these questions being now happily settled or in process of speedy adjustment, other issues, relating to the material welfare of the people, and the enhancement of national wealth and power, force themselves into recognition. Among those questions none are more important, and none more thoroughly absorb public attention than that which it has been the duty of the committee to consider.

Cheap and ample facilities for the interchange of commodities between the widely separated sections of our country, and with foreign nations, constitute the prime conditions of national progress and prosperity. By reason of the failure of existing systems of transportation to fully meet these conditions commerce is impeded, agriculture languishes, labor is inadequately rewarded, food is unnecessarily taxed, exportations are diminished, and nearly all the most important business interests of the country are depressed. Hence the most important problem now pressing for solution is, "*How shall cheaper and better facilities for transportation be provided?*"

PROPOSED REMEDIES.

For the accomplishment of this object various measures have been suggested, all of which are embraced in one or more of the following general propositions, namely:

First. Competition between railways and its promotion, by additional lines without regulation.

Second. Direct congressional regulation of railway transportation, under the power to regulate commerce among the several States.

Third. Indirect regulation, and promotion of competition through the agency of one or more lines of railway, to be owned or controlled by the Government.

Fourth. The improvement of natural water-ways, and the construction of artificial channels of water communication.

Earnestly endeavoring to solve the problem intrusted to them, the committee have given to each of these propositions the most careful attention. At the threshold of their inquiry they were confronted by questions touching the nature, extent, and application of the national power to regulate commerce among the several States, and as to the practicability of so exercising it as to effect the desired object.

In the discussion of that power they have intentionally omitted all considerations of the dangers of its exercise. Whatever those dangers may be, they address themselves to the sound discretion of Congress, in view of its responsibility to the people, but do not in the slightest degree affect the inquiry as to the existence of the power itself. To argue that because a governmental power may be abused it therefore does not exist, is to contradict facts patent in the constitution of every civilized nation. It would in fact be impossible to construct a government that could maintain its own existence, without giving it powers which may be used to the injury of the people, and even to its own ruin. Take, for instance, the war powers of our own Government. Congress may to-morrow, without any cause whatever, declare war against all the nations of the earth, and yet no one will argue that because of this liability to abuse the power to declare war does not exist.

The power to lay and collect taxes may be used to the injury of the people in many ways, but no one doubts its existence. So of many of the other acknowledged powers of the Government. The wise and illustrious men who embodied in our Constitution the element of free government were careful to delegate to Congress all powers essential to the existence and progress of a great nation; but at the same time they provided an ample safeguard against the abuse of such powers by making those to whom they were intrusted directly responsible to the people. In fact the theory upon which they constructed our Government was that the people themselves exercise the powers granted, through their special agents appointed for that purpose; and this being not only the theory but the practical effect of the Constitution, there was less danger in conferring power on Congress than upon the legislative department of any other nation.

"Where there is a doubt as to whether a certain power has been granted, the inquiry very naturally and properly arises, is it unusual in its character and unknown in other governments?" If so, the keenest scrutiny will be invited and the most satisfactory demonstration of its existence will be required. "But if, on the contrary, it be a power which every government in Christendom is admitted to possess, which has always been exercised by every government hitherto existing, a power essential to the progress of civilization, without which agriculture must be depressed and commerce and trade must be impeded and intercourse obstructed, then the inquirer will approach the investigation in a different spirit. While he will still require satisfactory evidence, he will be prepared to give a favorable ear to what may be adduced to establish the fact of such a power having been granted." There can be no doubt to which class of powers the one under discussion belongs.

It being conceded that certain powers over interstate commerce are delegated to Congress by the Constitution, the inquiry is not what powers *ought* to have been granted, but *what is the nature, extent, and application of the powers actually delegated?*

In the discussion of this question the report maintains the following propositions:

First. That the powers of Congress, whatever they may be, are derived *directly* from *the people* of the several States, and *not from the States themselves.*

Second. That prior to the adoption of the Constitution the powers now possessed by the General Government constituted a part of the *supreme sovereignty* which resided *in the people* of the several States; and that the sovereignty of the people of the States over commerce was absolute, excepting only as it was limited by the Articles of Confederation.

Third. That whatever *elements* and *attributes* of *sovereignty* appertained to these powers when they existed *in the people of the several States were transferred* to the General Government *with the powers themselves* by the Constitution, and that they now exist in Congress as fully and completely as they formerly did in the people of the States, subject only to the express limitations of the Constitution.

Fourth. That the grant of powers to Congress is an investment of power for the general advantage, in the hands of agents selected for that purpose, and hence they are not to be construed strictly and against the grantee, but according to the natural and obvious meaning of the language of the Constitution, taken in connection with the purposes for which they were conferred.

Fifth. That every important word in the clauses which confer the "*power to regulate commerce among the several States,*" and to "make all laws which shall be necessary and proper for carrying it into execution," has received legislative, executive, and judicial construction, and that under such construction the power of Congress to regulate interstate transportation by railroads, and to *aid* and *facilitate* commerce, is clearly established.

Sixth. That in the exercise of its specific powers, Congress is authorized under the grant of auxiliary powers, to employ such *means* as are *appropriate* and plainly *adapted* to their execution, and is not confined to means which are *indispensably necessary;* and that the courts will not inquire into the *degree* of *necessity* of any particular means that may be adopted.

Seventh. In the selection of *means* by which interstate commerce shall be regulated Congress in its discretion, and under its responsibility to the people, 1. May prescribe the rules by which the *instruments, vehicles,* and *agents* engaged in *transporting* commodities from one State into or through another shall be governed, whether such transportation is by land or by water; 2. It may appropriate money for the construction of railways or canals, when the same shall be necessary for the regulation of commerce; 3. It may incorporate a company with authority to construct them; 4. It may exercise the right of eminent domain within a State in order to provide for the construction of such railways or canals; or, 5. It may, in the exercise of the right of eminent domain, take for the public use, paying just compensation therefor, any existing railway or canal owned by private persons or corporations.

These propositions are discussed at length in the report of the committee, and the decisions of the courts from which they are deduced are there cited. I will, therefore, content myself for the present with the statement of conclusions, deferring until some future occasion the discussion of constitutional questions. Believing that the powers of the General Government are ample to provide any or all of the measures of relief indicated in the four general divisions of remedies just mentioned, I proceed to consider the practicability and probable results attainable by each.

1. COMPETITION BETWEEN RAILWAYS, AND ITS PROMOTION BY ADDITIONAL LINES.

In order to understand the nature, extent, and value of unregulated railway competition, I have carefully studied the history of railway combinations and consolidations in other countries, and find that however diverse the principles of government under which their systems have grown up, or the regulations which have been imposed by law, actual and effective competition between railways is unknown. Combination is the natural law of their development. Competition, which is so powerful a regulator in other commercial affairs, will not suffice to regulate railways unless it be itself regulated by some power higher than the motives of self-interest which govern railway managers.

In Great Britain, Parliament, with unlimited powers, having struggled in vain for forty years against amalgamation, has ceased to look for relief in voluntary competition. The actual effects of railway competition in that country, and the greater combinations and more powerful monopolies which it ultimately induced, have disheartened those who regarded it as the panacea for railway evils and abuses, and it is said that the present tendency of the public is toward state ownership as the only effectual remedy. The late parliamentary commission, after an exhaustive investigation of the whole subject, conclude their review of the history of railway amalgamation with the statement—

> That while committees and commissioners carefully chosen have for the last thirty years clung to one form of competition after another, it has nevertheless become more and more evident that competition must fail to do for railways what it does for ordinary trade, and that no means have yet been found by which competition can be permanently maintained. * * * It may be taken as a general rule that there is now no active competition between different railways in the matter of rates and fares. Whenever different companies run between the same places they arrange their prices. * * * And if a new railway should ever be started with the promise of lower rates, it is sure, after a short time, to arrange with its original rivals on a system of equal charges.

The experience of our own country accords with that of Great Britain in this regard.

The theory here, as in England, has always been that the transportation business, like other commercial affairs, would regulate itself on the principle of competition. On this theory our railroad system has attained its present gigantic proportions. Believing that additional lines would create and stimulate competition and thereby reduce rates, towns, cities, counties, and States have made haste to burden themselves with debt in order to secure the coveted boon. The General Government having never interfered, and until recently the States having made but little effort to control or direct it, the system has developed itself under the influence of the natural laws which govern that kind of business. Hence the tendencies and results evolved by the operation of those laws, if carefully studied by the light of the experience of other countries, will enable us to form an opinion as to what may be anticipated from railway competition in the future, if left to regulate itself by the ordinary laws of trade. That there is effective competition in the matter of charges at many points cannot be doubted, but that the same natural laws which have destroyed it in other countries are vigorously at work here, and will ultimately produce the same results, is also obvious. The history of railway combinations in Europe, and especially in Great Britain, discloses the fact that during the period of development, and while each corporation was struggling to appropriate to its exclusive control as large a district of country as possible, competition was very sharp. When by the consolidation of separate links through trunk lines were formed between the principal centers of population and trade, competition at once sprang up between those points. But self-interest very soon suggested to the competing companies that as the traffic must be divided, it was desirable to divide its profits between themselves rather than with the public. The result was an agreement as to rates and an end of competition. Having become strong and rich, the trunk lines began the work of extending their power by the construction of branches and

the absorption of weaker lines extending into the adjacent districts. Then followed a great struggle for territorial dominion, during which sharp and active competition reappeared at numerous points in the contested districts. Its duration and vigor were measured chiefly by the relative strength of the giants contending for the prize, but the ultimate result was seldom long delayed, and never doubtful. By purchase, lease, arrangement of rates, or some other of the numerous forms of combination and consolidation, one point after another disappeared from the competing list, and finally the disputed territory passed under the exclusive control of one of the contestants. The same motives and influences which operated in Great Britain are rapidly producing similar results in this country.

Existing competition, whatever may be its extent and value, is gradually disappearing from the trunk lines, and is found mainly at points in the outlying districts from which these roads draw their support. The contest between the great companies for territorial dominion is still progressing in our country, and the struggle for control of the trade at some of the common termini and points of intersection of branch lines and feeders owned and operated by them, is apparent in the reduced charges which prevail at these places. The number of such competing points is, however, constantly diminishing as each of the great corporations absorbs, one after another, the inferior lines which have served as allies to its rival. Thus every additional absorption defines with constantly increasing precision the territorial boundaries of the district which is certainly and rapidly passing under its exclusive domination. The wide extent of our country and the colossal proportions of our railway system (equaling one-half of the railway mileage of the globe) require a longer time for complete development than in some of the states of Europe, and hence the influences which induce competition will extend through a longer period, but the ultimate result will probably be the same. And when the natural tendencies of corporate power working through railway organization shall have wrought out their inevitable conclusions, the magnitude of our combinations will probably be in proportion to the extent of the field in which they operate.

In illustration of the statement that competition has already substantially disappeared from the main trunk lines, take those which center in Chicago from the East—the Pennsylvania line, running to New York and Philadelphia; the Lake Shore and Michigan Southern, running in connection with the Erie and New York Central; and the Michigan Central Railway, in connection with the last two, and also the Grand Trunk. These lines all have agents at Chicago, who meet together and agree on prices for east-bound freight; and the prices established by such agreement bind the eastern roads. Agents at the eastern termini meet in convention and agree upon the charges for western-bound freights.

The evidence taken by the committee shows that the principle upon which rates are adjusted on these lines is not what the services are actually worth, but "*What are the rates charged by the water lines?*" and "*What will the property bear,* in view of its movement to market?" During the winter months, when there is no water competition, the charges are usually so high as to prevent a large proportion of the crops which accumulate in the cities of Chicago and Milwaukee from going forward to market, and hence they remain in store awaiting reductions to be caused by the opening of water-routes. On the 1st of January, 1872, there was in store in Chicago and Milwaukee 2,516,597 bushels of wheat, and during the months of January, February, and March there were received at those ports 1,578,790 bushels. Of this total quantity in store and received, amounting to 4,095,487 bushels, only 286,000, or about 7 per cent., was shipped by rail during those three months. The quantity of corn received and in store at Chicago during the months of January, February, and March of that year amounted to 8,898,236 bushels, of which only 1,702,905, or 19½ per cent., was shipped by rail before the 1st of April. In the month of April, when the water competition began to be felt, the railways carried 462,570 bushels of wheat, as against a total of 286,000 in the preceding three months. The effect of this competition on the movement of corn was to send forward in April 1,018,271, against an aggregate of 1,702,905 bushels moved in January, February, and March.

The suggestive fact presented by these statistics is that while only 1,988,905 bushels of wheat and corn were moved by rail during the three months named, in the month of April, when the approaching water competition began to exert its influence, the reduction of rail rates induced 1,480,841 bushels to go forward by the railroads. Hence if the farmers of the West were compelled to rely upon railway competition for the movement of their crops, they would be unable to reach the eastern markets

An impression has prevailed that during the winter months all the rail lines from Chicago to the East are choked with the surplus products of the West, but the above facts seem to demonstrate that the companies prefer not to move them at all, rather than to do it at rates which those products will bear.

The two great companies which largely control the traffic of Wisconsin and Minnesota—the Chicago and Northwestern, and the Milwaukee and Saint Paul—afford another illustration of the value and extent of railway competition when regulated by its own laws. Towns and cities favored with a line belonging to, or controlled by, one of these companies have contributed liberally to aid in the construction of a second, which should be in the interest of the other company. For several years, while those great corporations have been extending their branches and absorbing weaker lines, competition has, at times, been active at certain places, but the territory which each can hope to control being now pretty well defined, an agreement as to rates has been made, and the people are alarmed by rumors, but too well founded, of a contemplated arrangement for pooling receipts. Thus the people of the great wheat-growing region of the continent, after having hoped and struggled for years for reduced rates through competition, and after having in many cases imposed upon themselves grievous burdens of taxation for that purpose, now find that, instead of bringing into the field a competitor, they have not only doubled the power with which they have to contend, but they have quartered upon themselves a new and expensive organization which must be supported from the products of their toil.

The history of railway management in every State of the Union, and throughout the civilized world, proves that competition invariably ends in combination. Hence the well-known aphorism, "Where combination is possible competition is impossible."

In view of these facts, is it probable that additional railway lines, under corporate control, will materially reduce the cost of transportation?

What reason have we to suppose that the same principles of combination which govern existing lines will not control the new ones? If, as already shown, competition with the water-routes and "the highest charge the commodity will bear" now rule the rates, have we any guarantee that they will not do so on the additional lines? In fact every new line from the Mississippi to the Atlantic Ocean will add from seventy-five to one hundred million dollars to the capital on which the transportation business of the country must pay five to seven million dollars annual interest, in addition to the cost of maintaining the new organization. Will not this afford an irresistible inducement to combine with existing companies, in order to make the largest possible profits out of the business to be performed? Is there anything in experience, or in the known principles of railway management, which teach us to hope that the new competing line would not at once participate in the councils of its rivals and be governed by their policy?

For these reasons, and others stated in the report of the committee, they have come to the conclusion that no substantial reduction in the cost of transportation is to be anticipated from unregulated competition between existing railways, nor in competition to be induced by authorizing the construction of additional lines, if they are to be under private management and control.

Let us therefore consider the second remedy proposed, namely:

2. DIRECT REGULATION BY ACT OF CONGRESS.'

Railway regulation, though untried by Congress, is by no means a novel experiment in the States, or in other countries. It has many earnest advocates, who seem to regard it as a certain and effectual remedy for high charges—a panacea for all the ills of our present systems of transportation. In the discussion of this branch of the subject, I wish it distinctly understood, that the considerations which apply to the vast system of railways in the United States do not apply with the same force to the smaller number of roads, and the less diverse conditions existing in a single State. The regulation of railway rates and fares, by law, is one of the most difficult problems ever presented to the Legislature of a State; but when extended to a great nation, composed of many independent sovereign States, having within their limits over thirteen hundred different railways, and embracing every conceivable variety of conditions and circumstances, the problem becomes one of much greater difficulty.

I have no doubt of the power of Congress to regulate interstate commerce, when carried on by railroads constituting continuous lines between two or more States. Under the power to regulate commerce among the several States, I believe Congress may prescribe the rules by which the *instruments*, *agents*, and *vehicles* engaged in such commerce shall be governed; and that it may prevent undue impositions by corporations of one State upon the commerce of other States; and in the maintenance of commercial equality among the States, it may prescribe a rule of charges for interstate commerce. Otherwise it would be in the power of the State of New York, extending as she does from Canada to the ocean, to authorize her railway companies to impose such charges as would virtually place an embargo upon the trade between New England and the West. That she probably will not do so is no answer to the argument. The question is not what will the State of New York *permit* in this regard, but what are the commercial *rights* of the States, and by what power are those rights to be guaranteed? Were the illustrious men who framed our Constitution so incompetent for their high duty as to have created an instrument which leaves it in the power of any one State to cripple and destroy the commerce of another? Is it conceivable that such a blunder could have been committed in view of the fact that "the *design* and *object* of *that power*, (the power to regulate commerce,) as evinced in the history of the Constitution, *was to establish a perfect equality among the several States as to commercial rights, and to prevent unjust and invidious distinctions which local jealousies or local and partial interests might be disposed to introduce and maintain?*" (14 Howard's Reports, page 574.) But if the power to prevent unjust and invidious distinctions exist, how is it to be exercised if any one State may create corporations with unlimited power to levy tribute at pleasure, and without control, upon the commerce of other States?

Take another case in illustration of this position. For five months each year there is practically no means of transportation for a large section of the country but by railroads. Illinois and Kentucky extend from the lakes on the north, around to the Alleghany Mountains at the east, thus rendering it impossible for the products of those States lying west and south of them to reach a market without passing through their limits.

Now, suppose those two States have granted to all the railroad companies within their jurisdiction the right to charge such rates as they please for transportation, and that those roads have become parts of the great through lines of transportation between the States to the west of them and the Atlantic sea-board. Suppose, further, that in a season of short crops in the East and in Europe, the managers of those roads combine, purchase a large quantity of breadstuffs, ship them to the East, and having them safely stored in New York and other eastern cities, put up the tariff for transportation so high as to prevent the products of other States from going forward. Can any one doubt that in such a case it would be not only right, but the sacred duty of Congress, to interfere by prescribing needful rules and regulations for the conduct of this traffic through those States? If the power does not reside in Congress, it is nowhere. The aggrieved States could do nothing, and the people of one-half the Union might starve, while the other half with overflowing granaries would be denied the privilege of feeding them. It is true this is a strong case, but its circumstances would change no principle of the Constitution; its hardships and aggravations would create no new powers. If the power be in the Constitution it exists at all times. If it exist for the purpose of relieving the people of the States in the aggravated case supposed, it exists for all purposes connected with interstate commerce. The circumstances do not call it into life, though they may demonstrate the necessity for its existence and the policy of its exercise.

Assuming, for the present, that the power of Congress is ample to regulate rates and fares on railroads engaged in interstate commerce, let us briefly inquire as to the practicability and expediency of its exercise; the extent to which with our present limited information on the subject it may be safely exerted, and the results probably attainable thereby.

In several of our own States, and in nearly all the countries of Europe, legislative regulation of rates and fares has been tried in almost every form, but I have yet to learn that such experiments have resulted in a material reduction of charges.

In England, to whose railway system ours corresponds more closely than to that of any other nation, the subject of regulation has been discussed for more than a third of a century, and experimented upon by Parliament in almost every conceivable form. Commenting on these experiments the Massachusetts railway commissioners say:

> Nowhere has the system of special legislation been more persistently followed, and nothing, it may be added, could have been more complete than its failure. As the result of forty years' experience, reviewed in the recent elaborate report of the joint committee on amalgamation of railways, it may be said that the English legislation has neither accomplished anything it sought to bring about, nor prevented anything which it sought to hinder.

In Ohio, where the system of direct regulation has been tried for several years, the railway commissioner, in his report for 1873, says:

> It is unnecessary here to reiterate the experience of Ohio, or the results of the numerous and persistent efforts of her Legislature to fix upon some practical and equitable law governing this matter. The report of this office for 1869 gives a list of nine distinct rates authorized by law for the transportation of passengers and freight. The several acts since passed, and labored attempts each session to devise some system by which rates can be justly regulated by law, have failed, as in the past, to accomplish the object desired.

In his report for 1870 the commissioner says:

> There is not a railroad in the State, whether operated under a special charter or the general law, upon which the laws regulating rates are not in some way violated nearly every time a regular passenger, a freight, or mixed train passes over it.

The railway commission of Massachusetts, after a thorough investigation of this subject, embracing the railway systems of foreign countries, and the various attempts at regulation in the United States, pronounce legislative regulation of rates and fare impracticable, and recommend "*the control and regulation of the whole, through the ownership and management of a part.*"

The parliamentary committee of 1872, after elaborately reviewing all the various modes of railway regulation that have been proposed and tried in Great Britain, many of which correspond with those on which reliance seems to be placed in this country, state their conclusions, drawn from forty years' experience, as follows:

"*Equal mileage rates*" they pronounce "impracticable."

"*Rates to be fixed by relation to cost and profit on capital*" they dismiss, because "attended with difficulties which are practically insuperable."

"*Immediate reduction of rates*," they say, "would be merely a temporary remedy, for the reason that a change which will give the company ample profit to-day may, through increased economy, or other cause, be excessive to-morrow."

"*Periodical revision of rates*" is declared to be "inexpedient and impracticable."

"*Absolute limitation of dividends*" is pronounced "impossible and undesirable."

"*Division of profits beyond a certain limit between companies and the public*" they reject, because attended with "insuperable difficulties."

"*Maxima rates*," they say, "will effect but little, if any, reduction, because the actual legal maxima are rarely charged in the case of goods, as is evident from the existence of *special rates;* and in the case of passengers, the present action of the companies in carrying third-class passengers at parliamentary fares by *all their trains* shows how impossible it is for Parliament, or any other authority, to determine a scale of maximum charges which shall continue to be fair and liberal to the public under changes of time and circumstances."

Each and all of these modes of regulation have their advocates in this country who confidently rely upon them to reduce the cost of transportation. Let us examine them with reference to the practicability and expediency of their adoption by Congress. I assume that a general law of Congress regulating railway transportation, to be successful in the accomplishment of the desired object, must operate fairly and justly upon all, and that while it protects the public from undue exactions, it must also guard the equitable and just rights of stockholders who have honestly invested their money in railroads. Anything short of this would shock the sense of justice and fair play which distinguishes the American people, and hence would prove a failure.

1. "*Equal mileage rates.*"—The reasons upon which this form of regulation is pronounced "impracticable" in England apply with much greater force in the United States.

Our roads are much longer. Their circumstances and condition are less uniform. The difference in cost of construction and expense of working different sections of the same road is greater. There is less uniformity in the amount of business on different roads, and on different sections of the same road. A rate that would ruin one road costing $100,000 per mile would be excessive on another that cost only $25,000 per mile, if the amount of business on each be the same. On the other hand, the more expensive road could, with a sufficiently large amount of business, make a profit at rates which would be ruinous on the cheaper one with a small amount of business. And even on the same road, a rate that would be excessive on one section would not pay the running expenses on another section. It would be manifestly unjust to require local freights passing over a given number of miles, costing $1,000,000, to pay the same rate per mile that other local freights pay for carriage over a like distance, on the same road, which cost five millions. Distance, also, is an important element in the economy of railway transportation, but it is not the only one, nor is it in fact always the most important element. Extortionate charges for short distances, and unjust discriminations against certain points, afford good ground for complaint, and doubtless demand a remedy, but that remedy to be effective must be based upon sound principles. It is a fact susceptible of the clearest demonstration, that it actually costs more per mile to transport a short distance than a long one; and this principle has received universal recognition by railway managers. In Belgium, where, through state management, the cheapest and in many respects the best railroad system in existence has been developed, the charges on fourth-class goods are graded according to distance, as follows:

Charge per ton per mile in 1868, *including terminals, on Belgian Railway.*

	Cents.
15 miles	2.54
31 miles	1.86
46 miles	1.66
62 miles	1.38
77 miles	1.18
93 miles	1.02
108 miles	.92
124 miles	.86
139 miles	.80
155 miles	.74

A similar decrease in rates in proportion to increase of distance prevails in every country in Europe, and I may add on every road in the United States.

The enforcement of equal mileage rates instead of bringing relief to the producers in the distant interior of the continent, would add very largely to their present burdens. The average charges for transporting all freights on the leading trunk lines between Chicago and New York, in 1872, was about 1½ cents per ton per mile, which on a bushel of wheat would amount to about 44 cents. The actual average charge by rail, per bushel, was 33½ cents. Hence, an equal mileage rate on those lines, if adjusted upon the basis of their average charges, would have reduced the value of the 213,000,000 bushels of wheat and corn moved that year about 10 cents per bushel, amounting to an aggregate loss to the producers of $21,000,000, with no compensating gain to the consumers. And as the price of wheat and corn at the West, as well that part which remains at home as that which is sent abroad, is fixed by the market price in Liverpool, less the cost of transportation, the loss to the Northwestern States on the entire crop of that year, estimated at over 900,000,000 bushels, would have amounted to the enormous sum of $90,000,000. Such a law, if permanently enforced, would, by the reduction of 10 cents per bushel on the value of the cereal crop of the Northwest, reduce the value of the farms in that section by an amount which would build and equip all the trunk lines of railroad from Chicago to New York.

Not only would an equal mileage rate, if applied to the whole country, impose additional burdens on those sections most in need of relief, but it would tend to destroy whatever of competition now exists. This fact is demonstrated by the operation of the *pro rata* law of the

State of Illinois. At many points in that State the people have contributed largely to aid the construction of a second road for the purpose of securing competition. The two roads are not the same length. But the law says that both shall charge the same rate per mile. The longer one being compelled to charge more to the common point of destination is, of course, driven out of competition, and the shorter one takes a monopoly of the business. The people who have contributed to build competing roads thus find themselves taxed to pay the cost of transportation for others who have been less enterprising. A general *pro rata* law applied to the whole country would indefinitely multiply such evil results at competing points, without any compensating benefits at other places. The non-competing points would not be benefited, for if by reason of low rates, at the point of competition, a largely increased traffic should be created, from which the company could make a small profit, it would be enabled, to the extent of such profit, to reduce the rates at the intermediate point.

2. "*Rate to be fixed by relation to cost and profit on capital.*"—If the difficulties of this mode of regulation are found to be "practically insuperable" in Great Britain with fifteen thousand miles of railway, what shall be said of the United States with their seventy thousand miles? In order to establish intelligently a rule of charges based upon cost and profit, we must investigate thoroughly the circumstances and conditions of every one of the thirteen hundred roads. We must know all about each individual road, its original cost, how much of its capital is real and how much fictitious how much was actually paid on its stock, and what proportion of the profits charged to capital account should have been charged to expenses. Having completed this detailed investigation, which would necessarily involve an examination and readjustment of the accounts of the company from its organization, we next turn our attention to its profits. In order to adjust charges to profits by a general rule of law, we must know what the actual profits are now, and what they will be in the future. This requires a knowledge of its grades and curvatures; the cost of fuel, supplies, and other items of working expenses; the amount of business it now does, and what it will continue to do; the economy or extravagance with which it will be managed; the condition and character of its construction and equipment; how long its iron, ties, and rolling-stock will last, and what it will cost to replace them; the storms of winter and the floods of summer it will probably encounter; and finally, the losses which will result from accidents of all kinds. This completed, we must study carefully the nature of its traffic, so as to know what relation the various classes of goods bear to each other in cost of transportation; what charge each class will bear without injury to the business interests of the country, and how much the expense of carrying a ton of silk goods twenty-five miles per hour exceeds that of carrying a ton of corn ten miles per hour.

When we have thus informed ourselves with reasonable accuracy in regard to all these details, and many more that might be named, we will be prepared to commence the investigation of the next road on the list, and so on through the 1,300. By the time we have completed the investigation, the changed conditions and circumstances of the roads, and the rapid changes in the business of the country, will render a re-examination imperatively necessary.

3. "*Immediate reduction of rates and fares.*"—In addition to the fact that this would be only a "temporary remedy," it involves all the difficulties mentioned under the last proposition; for if the reduced rates are to stand the test of practical experiment, they must be just and reasonable, and hence all the circumstances and conditions of each road must be understood in order to establish a standard of reduction.

4. "*Periodical revision of rates.*"—Stating their reasons for the conclusion that this method of regulation is "inexpedient and impracticable," the parliamentary committee from whose report I have quoted say:

> How is it to be performed, and by whom? If it is to be purely arbitrary, if no rule is to be laid down to guide the revisers, the power of revision will amount to a power to confiscate the property of the companies. It is not likely that Parliament would attempt the exercise of any such power itself, still less that it would confer such a power on any subordinate authority.

Assuming for the present that Congress would attempt the exercise of a power from which the Parliament of England shrinks, let us inquire how such revision of rates can be made in this country. Shall it be done by Congress itself, or by some tribunal acting under its authority? Surely not the latter, for the power of Congress over the subject is only a delegated power, which it cannot delegate to another. The revision must, therefore, be made by Congress itself, if at all. It is said in the English reports that "the rates in the case of all the great companies are numbered by millions." In this country each of the 1,300 roads has its through rates, its rates to every station on its own line, and to every station on the lines with which it connects, its scores of special rates, and its numerous classifications of goods. A bill which should enumerate them all, if such a bill could be framed, could hardly be read through during the session, and if read, not one member in a dozen would be the wiser. If Congress should undertake the periodical revision of rates on the 70,000 miles of railroad in the United States, it must remain in constant session and devote its attention exclusively to this work.

5. "*Absolute limitation of dividends.*"—"This form of proposed regulation assumes that the passenger and shipper will receive, in the shape of reduced fares and charges, whatever excess of profits may remain after paying to the shareholder the limit allowed by law." It involves the power of revision, and the necessity for accurate and detailed information referred to under the forms of regulation already discussed, and hence, in its practical application, would encounter many, if not all, of the difficulties therein mentioned. In England it is pronounced "impossible and undesirable." "Impossible," because it involves the necessity of judging "what rates will enable the company to make the given dividend on a given capital," and of determining "what are the proper expenses of the companies and what economies they can practice." These are declared to be "matters which require the knowledge, skill, and experience of the managers themselves, and any attempt on the part of any government department to do it for them is impossible, unless the agents of the government were to undertake an amount of interference with the internal concerns of the companies which is neither desirable nor practicable." "Undesirable," because it would encourage extravagance, stock-watering, and corruption.

The assumption that what is withheld from the shareholders would be available for reduction of rates is declared to be a "fallacy, because the company, having no interest in making more than the fixed rate of profit, will have every inducement to use up the surplus in needless expenditure." "The result, therefore, of limiting the dividends of companies would be to deprive them, monopolists as they are, or will be, of the ordinary motives for efficiency or economy, and to impose upon government or Parliament an impracticable task, the result of which must be either to delude the public by giving a formal and groundless sanction to the schemes of the companies, or to take out of their hands the management of their own affairs."

The reasons thus forcibly presented against an absolute limitation of dividend are quite as applicable to the railroad system of America as to that of England. It is surely undesirable to increase the present extravagance and waste in railway management. It would be an easy matter for railway managers to keep their dividends within the prescribed limits, without a decrease of rates, by increasing their own compensation, by special contracts for the enrichment of favorites, and by many other means but too well known. If the dividend could not extend beyond a certain fixed amount it would be to the interest of the company to do only enough business to produce that sum, and hence if the movement of 1,000,000 tons at 2 cents per ton per mile, or of 2,000,000 tons at 1 cent per ton per mile, would produce the profit limited to the company, the lesser amount of work would be preferred. The direct inducement, therefore, would be to increase the price and diminish the traffic, thereby giving to the public an inferior service at an enhanced cost. It is apparent, also, that another result would be to stimulate stock-watering, which has already become so offensive to the public, and which has so largely increased the cost of transportation; for if the shareholder can receive only a certain fixed dividend on the amount of his capital, he will not be slow in finding some plausible excuse for increasing his stock.

One of the chief motives for the practice of stock inflations which prevail on some of our leading roads is the fear of offending public sentiment by an exhibit of actual profits. When public sentiment shall have crystallized into a law of absolute limitation, may we not expect to see this evil aggravated to an extent even more alarming than at present?

Such a limitation of dividends would also tend to discourage the construction of new and competing roads in localities where they are needed, for capital will not readily seek investment where the profits are limited, unless it be accompanied with a guarantee which no one proposes to give. This is illustrated by the fact that a bond of the New York Central Railroad, which guarantees 6 per cent., is worth as much in the market as its stock on the expectation of 8 per cent.

A law of Congress establishing this form of regulation would, even if practicable, afford no relief, but, on the other hand, it would result in a withdrawal of every inducement to economy; in increased expenditures and waste; in enhanced prices for inferior service; in an additional stimulus to the reprehensible practice of stock-watering, and in special contracts, jobbery, and favoritism.

6. "*Division of profits beyond a certain limit between the companies and the public.*"—This is a modification of the last-named proposition, and is designed to avoid some of the difficulties and objections therein suggested. The theory upon which it proceeds is, that a certain limit being fixed the excess should be divided between the companies and the public, one portion being added to the dividend and the remainder being applied to the reduction of charges. It is true, this method would partially obviate the objection urged against an absolute limitation of dividend, because in proportion to the amount which might be added to the profits of the company an inducement to economy would exist. But other difficulties, which in Great Britain are declared to be "insuperable," would remain. It would involve the obnoxious task of selecting special traffic and special rates for reduction, and of deciding what should be the amount or description of any particular reductions, and in whose favor they should be made. A regulation of this kind was once adopted in England, but it never went into effect. It has been tried in France, but on account of the difficulty of selecting rates and classifications of goods on which to apply it the reduction has been abandoned, and one-half the surplus profit is paid into the national treasury. There is, therefore, but little encouragement to try the experiment in this country, where, by reason of the larger number of our roads, and the greater diversity of condi-

tions and of traffic, as well as the instinctive aversion of our people to meddlesome governmental interference in private affairs, vastly greater difficulties would be encountered than in France or England.

7. "*Maximum rates.*"—It is doubtless entirely practicable for State Legislatures to establish *maxima* rates which will afford a remedy for local extortions and discriminations; and it is possible that in certain cases such rates may be established by act of Congress with beneficial results. But it is difficult to see how a general law of Congress, establishing *maxima* rates, can be framed that will materially *cheapen* the cost of transport on existing lines of railway between the interior of the continent and the sea-board. The intelligent enactment of such a law would require an investigation of all the facts, circumstances, and conditions mentioned under the propositions just discussed, and hence would involve the difficulties therein suggested.

A commission with authority to establish *maxima* rates, subject to revision by the courts, has been suggested as the means of avoiding the difficulty last stated. But Congress acts only under delegated powers, and a serious constitutional question arises whether it can delegate its powers to another tribunal. I believe it is a well-settled principle of law that an agent cannot, without the authority of his principal, delegate his powers to another agent; else such sub-agent may again delegate them, and so on without limit. Assuming, however, that no constitutional difficulties exist, the expediency of clothing the President with power to appoint commissioners authorized to establish rates that will increase or diminish the dividends on over $3,000,000,000 of railway capital is seriously questioned. If there is any truth in the oft-repeated assertions that railway companies already exercise a corrupting influence over legislative bodies, what may we expect when the powers which now belong to Congress shall be transferred to a commission whose duties will require them to decide what profits shall be made upon this immense capital?

In the words of Mr. Charles Francis Adams, jr., I ask, "Is it consistent with ideas of common sense, is it within the bounds of reason, to suppose that the man who owns will not do his best to control the man who regulates?" The immense money power with which such a commission would have to contend may be appreciated from the fact that in 1873 the gross receipts of the railways of the United States amounted to over $473,000,000. The proposed commission is to have discretionary power to increase or diminish this enormous revenue. Five per cent. reduction would cost the companies over $20,000,000. Five per cent. increase would enable them to place ten millions "where it would do the most good," and to make as much more by the operation. I am inclined to think much that is said about the use of money by railway corporations, in influencing legislation, is born of the imagination, or perhaps of the spirit of calumny which disgraces the period in which we live. But I confess that so long as poor human nature remains unchanged, I hesitate to expose it to temptations so powerful as would be encountered by such a commission. Especially do I hesitate to place the interests of the public in the hands of men who are to be subjected to such temptations.

Nor am I inclined to confer on any executive officer of the Government power so unlimited as the appointment of such a commission would give.

But granting that the commission be honestly appointed, and composed of men whose integrity shall bid defiance to temptation, can substantial benefits, in the matter of reduced charges, be reasonably anticipated from their action?

Maxima rates, whether established by Congress or by a commission, must be high enough to pay the actual cost of transportation and leave a margin large enough to provide a fair return for capital honestly invested, and to cover all contingencies. The actual average charge on all cereals moved by the trunk lines of railway between Chicago and New York in 1872 was less than 12 mills per ton per mile. The evidence taken by the Committee on Transportation shows that the average cost of movement, exclusive of interest and dividends, was from 8 to 9 mills per ton per mile. Assuming the cost to be 8½ mills, there would be left for the payment of interest and dividends 3½ mills. The number of tons carried one mile on the Pennsylvania Railroad in 1872 was 1,190,052,975, which, at 3½ mills, gives $4,115,185. The actual cost of the road, with its equipment, was something over $12,000,000; hence, if the same rates had been charged on all the tonnage moved, the margin between the actual cost of movement and the actual average charges that year, would have paid a little less than 10 per cent. on the cost of the road. Is it probable that either Congress, or a commission, could have established a maximum rate with less margin above actual cost than the rates which were in fact imposed? In practice the *maxima* rates established by law in England, France, and Germany are seldom charged. The parliamentary committee of 1872 say:

> Legal *maxima* rates afford little protection to the public, since they are always fixed so high that it is, or becomes sooner or later, the interest of the companies to carry at lower rates. The same thing is true of terminal charges. The circumstances are so various and so constantly changing that any legal *maxima* which might now be fixed would probably be above the charges now actually made, certainly far above those which will hereafter be made. Indeed, attempts made in 1861 and 1866 to fix a maximum for terminals broke down because the only maximum that could be agreed upon was so much beyond the charge then actually made to coal-owners that the coal-owners feared it would lead to a rise in that charge.

Captain H. W. Tyler, in his report to the secretary of the railway department, board of trade, says:

> The attempt to limit rates and fares by the principle of fixing a maximum has almost always failed in practice, and is almost always likely to fail, for the simple reason that the parliamentary committees and authorities by whom such limits are decided cannot do otherwise than allow some margin between the actual probable rate, so far as they can forecast it, and the maximum rate; and cannot foresee the contingencies of competition, of increase in quantities, of facilities, or economy in working, or of alteration in commercial conditions which may occur in the course of years after such limits have been arranged by them.

The practical results in the matter of charges attained under the various systems of management, and governmental regulation, are shown by the following comparative statement. Great Britain may represent the system of direct governmental regulation without financial aid; France, the system of financial aid with the most rigid surveillance and regulation; Belgium, the system of indirect regulation of the whole through state ownership and management of a part, and entire non-interference with the private corporations except in matters of safety and police. The charges per ton per mile on fourth-class goods on the leading railways in each country and under each system, for the distance stated, are as follows:

GREAT BRITAIN.

	Cents.
On the London and Southwestern and London and Northwestern Railways, for 192 miles, per ton per mile	3.16
On the Great Northern Railway, for 155 miles, per ton per mile	4.4
On the Great Northern, London, Chatham and Dover Railways, for 198 miles, per ton per mile	4.5
On the Great Northern, North Eastern, North British, and Highland Railways, for 594 miles, per ton per mile	1.98

FRANCE.

On the line between Paris and Orleans, for all distances over 186 miles, per ton per mile	1.74

BELGIUM.

On the Belgium State Railways, for all distances over 155 miles, per ton per mile	.74

From this statement it will be seen that the experience of other countries affords little encouragement to seek reduced railway charges through direct Government regulation. The rates both in England and France, where legislative regulation has been most freely practiced, are higher than even in this country upon roads doing a large amount of business. The remarkably low rates in Belgium furnish a powerful argument in favor of state ownership, and also in confirmation of the principle that *cheap* transportation is to be obtained only through *competition* under governmental control.

If the experience of other nations is worth anything as a guide to the solution of the difficult and important problem under discussion, it proves that the adoption by Congress of any one of the seven methods of regulation just mentioned would be to delude the public with false hopes, without accomplishing the end sought.

I believe that a rule of *maxima* charges may be established by the States which will prevent local extortions and discriminations, and also that in certain cases Congress may impose such a regulation with advantage to the public; but I am compelled to say that, in my judgment, *cheap* transportation is not to be secured by such congressional legislation. And as the adoption of ill-advised measures will only tend to postpone the accomplishment of the desired object, it becomes important to consider well our action before entering upon experiments, the uniform failure of which is demonstrated by the experience of all other nations.

There are, however, certain measures which may be adopted with great advantage to the public interest, among which the following may be mentioned:

1. *Publication of rates.*—This mode of regulation proceeds upon the not unreasonable theory that the moral restraints of public opinion will have a salutary effect upon the companies, and that such publicity will tend to insure stability and certainty to the business of transportation, and to remove the discontent and suspicion of the public. And further, it is believed that a company dealing honestly and fairly should court publicity, and challenge criticism, by giving to the public every possible facility for obtaining information regarding its charges and its reasons for making them.

It is proposed as a remedy for the evils of unjust discrimination against one locality in favor of another, or in favor of one description of trade at the expense of another; for the prevention of higher rates for a short distance than for a longer one, and of uncertainty and favoritism by means of special contracts, rebates, drawbacks, and the thousand and one other means by which a rich and powerful company may by the secret adjustment of rates impose upon the public, and render fluctuating and precarious the business transactions of those who are compelled to use its line.

On this subject a singular unanimity prevails in nearly all the countries of Europe; France, Prussia, Austria, Sweden, and Belgium all regard it as important and insist upon its enforcement. In nearly all of those countries hand-books are published giving all the particulars regarding distance, classification, rates, special tariffs, &c. There is no doubt that a valuable reform in railway management may be attained by requiring such publication in this country, especially if it be accompanied, as in several European countries, with a provision prohibiting an increase of rates without reasonable public notice.

As many of the causes of complaint arise from fluctuations, discriminations, and favoritism at and between points entirely within a State, the remedy for such abuses must be applied by the State Legislature, if at all.

But there is a large class of cases in which interstate traffic is alone concerned, for which the remedy is in the hands of Congress.

2. *Railway companies should be compelled to receipt for quantity and to account for the same at its point of destination.*—The enforcement of a regulation of this kind upon all railway companies and freight line organizations, employed in transporting cereals from one State into another, would remedy an evil of no small magnitude, and one which falls peculiarly within the scope of national power. The evidence taken by the committee shows that the "shortage" on a car-load of grain transported from Chicago to New York varies from ¼ to 10 per cent.; 1 to 3 per cent. being not uncommon. Assuming the average shortage to be 2 per cent., it amounts to a loss of 3 cents per bushel on wheat, when the market price in New York is $1.50; a loss that falls wholly on the shipper from the western point. And as the western buyer knows by experience that the usual loss is from 1 to 3 per cent., and sometimes as high as 10 per cent., he will buy on a margin large enough to cover the greatest probable deficit. Hence the producer has to bear a loss even larger than the actual shortage. It may be said that a law compelling the carrier to receipt and account for quantity would render necessary an increased charge for transportation. This is doubted for two reasons: First, because the water lines now account for quantity; and as the railways fix their prices in competition with the water-routes, they cannot, during the season of navigation, increase their prices. Second, the evidence taken by the committee shows that the rule of railway charges is "how much will the article bear?" and as they usually put on *all it will bear*, when not in competition with water, it is likely that the effect of such a law would be to compel them to exercise greater care, instead of increasing the rate. But even if it should cause an increase of charges, the producer would then lose only the actual increased rate, instead of the undefined margin between 1 and 10 per cent. A congressional regulation of this kind would be peculiarly applicable to freight lines which are organized for the express purpose of carrying on interstate traffic.

3. *Railway companies, freight lines, and other common carriers engaged in interstate commerce should be prohibited from discriminating between persons or places;* and especially those engaged in carrying freights from one State into another, whose lines touch at any river or lake port, should be prohibited from discriminating against such port. One of the serious evils now complained of is that by an unfair adjustment of charges the public is denied the advantages of the cheaper transportation afforded by water-routes, and in many cases the business of such river ports is seriously impaired by reason of such discriminations. The remedy for this evil is largely within the power of the States. For instance, freights starting from the interior of Iowa for the East are exclusively under the jurisdiction of that State until they cross the Mississippi River, and any unjust discriminations against river towns within her borders must be corrected, if at all, by the authorities of that State. But freights from Nebraska, destined for the East, which pass through the State of Iowa, must be regulated in this regard, if at all, by the General Government. It is, in my judgment, clearly within the power of Congress to remedy unjust discriminations in the case last mentioned and in all others involving a passage through two or more States.

Other matters in which congressional regulation would probably effect beneficial results are discussed in the report I have submitted, and will be referred to in the "summary of conclusions and recommendations" to which I will presently refer.

While I am thoroughly convinced that the relief required in the matter of *cheap* and *ample* commercial facilities is not to be obtained by any form of direct congressional regulation of rates and fares, I am equally well assured that many of the evils and abuses incident to our present systems of transportation may be remedied by this means. Hence it is, in my judgment, of the utmost importance that some means should be adopted for procuring accurate information on which intelligent action may be based. The Constitution having confided to the General Government the regulation of interstate commerce, it becomes a matter of great public concern that Congress be fully advised upon the subject.

I am therefore in favor of the establishment of a Bureau of Commerce in one of the Executive Departments of the Government, which shall be charged with the duty of collecting full and detailed information on the subject of internal commerce to be annually laid before Congress, and to this end such Bureau should have authority, under regulations to be prescribed by the head of the Department, to require sworn returns to be made by all railways and other common carriers engaged in transporting persons or commodities from one State into or through another. I shall take occasion at an early day to introduce a bill for this purpose, when with the indulgence of the Senate I will explain more fully its objects and the necessity for its organization.

I will say, in passing from this branch of the subject, that in my judgment the public service would be greatly benefited by the organization of a new Department, to be called the "Department of Industry," the head of which should have equal rank and emoluments with other Cabinet officers, and be charged with the supervision and care of the agricultural, commercial, manufacturing, and mining interests of the country, in so far as the same have been confided to the national Government by the Constitution. In every other commercial nation these great interests are intrusted to the care of one or more ministers of Cabinet rank who study their necessities, their relations to each other, and the best means for their promotion and encouragement. France has ten departments, one of which has charge of the interests of "agriculture, commerce, and public works." Great Britain has thirteen cabinet ministers, one of whom is "president of the board of trade," and another is "president of the board, of public works." Duties which in England are considered of sufficient importance to require the services of two cabinet officers are in this country confided to subordinates and clerks, or wholly neglected.

It is true that under the limited powers of our Government such a Department would exercise less control than in European nations, but its usefulness in promoting the great industrial interests of the people, on which the prosperity of the country depends, would be incalculable. The organization of a department of industry has not, however, been recommended by the committee, and I will therefore defer its further discussion until some future occasion.

Believing that competition among railways, when governed by private interests, is wholly unreliable and utterly inefficient; that direct congressional regulation of rates and fares may cure certain evils and abuses, but will never provide such commercial facilities as the necessities and best interests of the country demand, let us inquire, by what means may they be obtained?

I answer, *they are to be obtained only through competition under governmental control, and operating through cheaper means of transport than are now provided; and such cheaper means of transport can only be provided by the construction of double-track freight railways, or by the improvement and creation of water-routes.*

The solution of the problem of *cheap* transportation is therefore narrowed down to the consideration of these alternative propositions, namely: Freight railways under governmental control, or water-routes open to free competition.

3. INDIRECT REGULATION BY MEANS OF ONE OR MORE DOUBLE-TRACK FREIGHT RAILWAYS TO BE OWNED OR CONTROLLED BY THE GOVERNMENT.

In the report submitted the committee have discussed at considerable length the merits and advantages of a double-track freight railway between the Mississippi River and New York City, and have come to the conclusion that such a railway honestly constructed and operated, and performing an amount of business reasonably to be anticipated, could pay all expenses, together with a fair return on its cost, at rates for transportation of fourth-class freights not exceeding 7½ mills per ton per mile. At this rate a ton of wheat could be carried from the Mississippi River to New York for about $8.25, or at the rate of 25 cents per bushel. The average cost during the last five years by rail has been about $16.50 per ton, or at the rate of about 50 cents per bushel. All the data on which this conclusion is based will be found in full in the evidence and report submitted by the committee. The construction of such a line would doubtless be of incalculable benefit to a large section of the country, but other sections would be entitled to equal consideration, and if one such road should be built at Government expense, fair dealing toward those sections not directly benefited would require the construction of at least two additional lines, costing in the aggregate from two hundred and fifty to three hundred million dollars. The heavy expenditure required, and other considerations of a political and economic character mentioned in the report, have induced the committee to content themselves with a statement of the probable advantages to be derived from such improvements, without making any recommendations on the subject, excepting in so far as they have suggested railway portages, to connect natural water-routes, where canals may be considered impracticable, or where it is believed that comparatively short freight railways will do the work more cheaply than it can be done by water.

This brings me to the consideration of the alternative measure above stated, namely:

4. "THE IMPROVEMENT AND CREATION OF WATER-ROUTES."

A careful and thorough investigation of the relative merits of water and rail transportation, both in Europe and in this country, has convinced me that for all cheap, heavy, and bulky articles, where cost is a more important element than time, water affords the cheapest and best known means of transport. In making this comparison, and in the conclusions deduced therefrom, I shall rely wholly upon testimony drawn from actual operations by water and by rail. The verdict of commerce itself, pronounced upon various routes and under diverse circumstances, is recorded in the following facts:

On the through line from the Ohio River to Boston, composed of the Baltimore and Ohio Railroad and the Boston Steamship Company, the earnings were divided as 4 to 1 in favor of water, counting the actual distances operated by each.

On the line between Baltimore and New York, consisting of railway, canal, and open water, and involving payment of tolls on the canal the earnings were prorated by allowing the vessels 125 miles for an actual distance of 230 miles—making nearly 2 to 1 in favor of water.

The Erie Railway Company, and the steamers from New York to Boston, have a prorating arrangement equivalent to 3 to 1 in favor of water.

From Parkersburgh and Cincinnati the arrangement between the railway and the river steamers allows the latter for 250 miles by water as the equivalent of 125 miles by rail, being 2 to 1 in favor of the river.

The arrangements between the Erie Railway Company and the lake steamers is that the railway shall furnish terminal facilities at Buf-

falo and Dunkirk, and the steamer lines terminal facilities at Milwaukee and Chicago; and the actual distance of 1,000 miles is prorated at 212 miles, making nearly 5 to 1 in favor of the lake.

The Central Vermont Railway and the Northern Transportation Company (steamer line) constitute a through line from Chicago to Boston and other places in New England. The distance by water is 1,365 miles, and the distances by rail average about 500 miles. The earnings are divided equally, being nearly 3 to 1 in favor of water. This comparison is the more valuable, because the officers of the railway company own a controlling interest in the stock of the steamship company, and hence may be supposed to divide according to actual cost of service. Mr. Diefendorf, agent of the steamboat company, testified that this division of earnings "is predicated upon the cost of transportation."

The Chesapeake and Ohio Railway prorates with vessels on the Ohio River upon the basis of 2 to 1 in favor of the river.

The gross earnings on the through line from Chicago to New Orleans, via the Illinois Central Railway to Cairo, (365 miles,) and thence by the Mississippi River to New Orleans, (1,050 miles,) are divided, three-fifths to the railroad and two-fifths to the river; making, on the charge of $7 per ton from New Orleans to Chicago, 2.7 mills per ton per mile for the river, and 11.5 mills per ton per mile by the railroad, or over 5 to 1 in favor of the Mississippi River, against the current.

From the Kanawha coal mines to Huntington, West Virginia, the distance by rail is 67 miles, and the minimum charge for transporting coal 75 cents per ton; from the same coal mines to Cincinnati, by the Ohio River, the distance is 275 miles, and the charge per ton for coal transportation is 50 cents; being at the rate of nearly 2 mills per ton per mile by river, and 11.2 mills per ton per mile by rail; nearly 6 to 1 in favor of the river. The river rates include the return of the boats to the coal mines.

From Pittsburgh to New Orleans, via the Ohio and Mississippi Rivers, 2,400 miles, coal is transported during high water for $1.60 per ton, or at the rate of $\frac{2}{3}$ of 1 mill per ton per mile. This is done in barges, and in very large quantities.

The New Orleans Chamber of Commerce furnished to the committee a detailed statement of the actual expenses of a tow-boat with five barges, (each barge of 1,500 tons' capacity,) from Saint Louis to New Orleans, (1,250 miles,) from which it appears that the expense was $\frac{7}{10}$ of 1 mill per ton per mile, or at the rate of $\frac{5}{8}$ mills per bushel of wheat for the entire distance. Also a statement of the actual expenses of the steamer John F. Tolle, 1,650 tons' capacity, value $65,000, showing a cost per ton per mile of 3.47 mills, or at the rate of $1\frac{1}{2}$ cents per bushel of wheat for the whole distance. Neither of the last two cases include any profit to the carrier nor interest on the cost of vessels.

The average cost of freight from Cincinnati to New Orleans by water is stated by a joint committee of the board of trade and chamber of commerce of the former city to be $3\frac{1}{4}$ mills per ton per mile. The same average charge exists from Louisville to New Orleans. Even on the Tennessee River, which is hardly navigable for want of proper improvements, the charge between Knoxville and Chattanooga is only about 6 mills per ton per mile.

The following comparison between the Erie Canal and competing railways summarizes a portion of the benefits conferred upon the country by the former: From 1854 to 1864 the total number of tons moved one mile by the New York Central Railroad was 2,132,073,612, and by the Erie Railroad 2,587,274,914 tons; by the New York canals 8,175,803,065 tons; and the average charges of the Central Railway were 2.6 cents, Erie Railway 2.22 cents, and the canals .91 cent per ton per mile. Had the freights which were carried by canal for the ten years been carried by rail the additional freight charges would have amounted to $122,637,045.97.

Hon. Joseph Utley, president of the Illinois and Michigan Canal, furnishes the committee with the data from which the following comparison of charges is made.

Comparative charges for the transport of grain to Chicago by rail from points 100 miles distant on five different railroads:

Average charge per 100 *pounds for* 100 *miles.*

	Cents.
Chicago, Rock Island and Pacific	8
Chicago, Burlington and Quincy	14
Chicago and Northwestern	18
Chicago and Alton	12
Illinois Central	16

The first-named road is the only one affected by water competition.

Perhaps the most unsatisfactory and defective kind of navigation known is that of the Ohio canals, from which arguments have been adduced against artificial water-ways. But even the Ohio canals, only 40 feet wide, 4 feet deep, partially filled with mud, and capable of passing vessels of only 65 tons burden, are by no means an entire failure. True, they do not compensate the lessees who operate them, nor do they pay dividends to the State; but they do, to a very considerable extent hold the railways in check and regulate their charges. Hon. Benjamin Eggleston, who has been connected with those canals in various ways for thirty years, testified before the committee that the opening of those very inefficient canals reduces railway rates from 25 to 15 cents per hundred between Cincinnati and Toledo. He adds that the canals would long since have been controlled by the railways, but for the fact they belong to the State of Ohio, and by law the lessees are prohibited from increasing tolls. The practical effect of nearly all the canals in this country, however small and defective, has been to regulate and reduce railway charges. Where they are susceptible of being worked at all, they exercise a potential competition, which always prevents exorbitant rail charges, and thereby indirectly confer upon the public the benefits of reduced cost of transport.

Many other illustrations on this point may be found in the evidence submitted with the report of the committee; but these, taken from all parts of the country and from all kinds of water carriage—by ocean, lake, river, and canal—will suffice to show the relative economy of the two modes of transportation for heavy and cheap commodities, and to indicate the means by which cheap transportation may be secured.

The experience of other countries accords with our own upon the relative cheapness of water and rail transport and the effective competition between them. In England various parliamentary committees, after seeking in vain for means of obtaining competition among railways, report that they can find no practical means of securing that end, and that the only effectual and reliable competition which can be expected is between railways and artificial water lines. In France, where competition has always been discountenanced, it has been found necessary, in some cases, in order to prevent it, to authorize the railways to purchase the canals. Throughout the commercial world the unvarying testimony of practical results is that water is the natural competitor and only effective regulator of railway transportation.

In view of all these facts, and particularly of the beneficial results produced by competition afforded by the great northern water-route; of the verdict of commerce itself as expressed in the prorating arrangements between railways and water lines; and of the reduced rates caused by even the most inefficient artificial water channels, (such as the Ohio canals,) the conclusion is that for all coarse, cheap, and heavy commodities water is much the cheapest known means of transport; and that for long distances, in which a large proportion of the value of a commodity is consumed by the cost of carriage, water channels will always be an element of prime importance in any successful solution of the transportation question.

The president of the Pennsylvania Railroad Company, in his recent report, pronounces canals "a failure," and assures his stockholders that they "have nothing to fear from this threatened rivalry."

It is quite certain he did not always entertain that opinion; for the canals of Pennsylvania, 360 miles, have been purchased or leased by his company, either to prevent their competition, or because they can carry cheaper than the railroad. Some of them have since been improved at large expense, and even those which run parallel with the Pennsylvania Railway are now operated by it. That company can hardly be accused of the blunder of sustaining an effete mode of transportation.

The efforts which have been made by the New York Central Company to obtain control of the Erie Canal is also indicative of the estimate which railway managers place upon these "failures."

The Philadelphia and Reading Railroad Company transports freight (principally iron, coal, and other minerals) at less cost per ton per mile than any other railroad in the United States, yet this company also operates two canals.

It is true that canals of small size, which do not connect natural navigable waters, or which have not the facilities for transporting a large amount of heavy freights, have failed to be remunerative to their owners; a few canals badly located have been abandoned, but it is also true that hundred of miles of unremunerative railroads have been built in this country, and millions of dollars have been lost to those who embarked in their construction.

I now beg leave to present to the Senate, in the language of the report, a brief

SUMMARY OF THE CONCLUSIONS AND RECOMMENDATIONS OF THE COMMITTEE.

First. One of the most important problems demanding solution at the hands of the American statesman is, by what means shall cheap and ample facilities be provided for the interchange of commodities between the different sections of our widely extended country.

Second. In the selection of means for the accomplishment of this object, Congress may, in its discretion and under its responsibility to the people, prescribe the rules and regulations by which the instruments, vehicles, and agencies employed in transporting persons or commodities from one State into or through another State shall be governed, whether such transportation be by land or by water.

Third. The power "to regulate commerce" includes the power to *aid* and *facilitate* it by the employment of such means as may be appropriate and plainly adapted to that end; and hence Congress may, in its discretion, improve or create channels of commerce on land or by water.

Fourth. A remedy for some of the defects and abuses which prevail under existing systems of transportation may be provided through direct congressional regulation; but for reasons stated at length in the report it is seriously doubted if facilities sufficiently *cheap* and *ample* to meet the just and reasonable requirements of commerce can ever be obtained by this method.

Fifth. The attempt to regulate the business of transportation by general congressional enactments, establishing rates and fares on 1,300 railways, aggregating nearly one-half the railway mileage of the

world, and embracing an almost infinite variety of circumstances and conditions, requires more definite and detailed information than is now in the possession of Congress or of your committee. Believing that any ill-advised measures in this direction would tend to postpone indefinitely the attainment of the desired object—cheap transportation—the committee deem it expedient to confine their recommendations in this regard to such measures only as may be enacted with entire safety, reserving other matters of legislation for further inquiry and consideration. They therefore recommend for present action the following:

1. That all railway companies, freight lines, and other common carriers, engaged in transporting passengers or freights from one State into or through another, be required, under proper penalties, to make publication at every point of shipment from one State to another of their rates and fares, embracing all the particulars regarding distance, classifications, rates, special tariffs, drawbacks, &c., and that they be prohibited from increasing such rates above the limit named in the publication without reasonable notice to the public to be prescribed by law.

2. That combinations and consolidations with parallel or competing lines are evils of such magnitude as to demand prompt and vigorous measures for their prevention.

3. That all railway companies, freight lines, and other common carriers, employed in transporting grain from one State into or through another, should be required, under proper regulations and penalties to be provided by law, to receipt for *quantity* and to account for the same at its destination.

4. That all railway companies and freight organizations receiving freights in one State to be delivered in another, and whose lines touch at any river or lake port, be prohibited from charging more to or from such port than for any greater distance on the same line.*

5. Stock inflations, generally known as "stock-waterings," are wholly indefensible; but the remedy for this evil seems to fall peculiarly within the province of the States who have created the corporations from which such practices proceed. The evil is believed to be of such magnitude as to require prompt and efficient State action for its prevention, and to justify any measures that may be proper and within the range of national authority.

6. It is believed by the committee that great good would result from the passage of State laws prohibiting officers of railway companies from owning or holding, directly or indirectly, any interest in any "*non-co-operative* freight line" or car company operated upon the railroad with which they are connected in such official capacity.

7. For the purpose of procuring and laying before Congress and the country such complete and reliable information concerning the business of transportation and the wants of commerce as will enable Congress to legislate intelligently upon the subject, it is recommended that a Bureau of Commerce, in one of the Executive Departments of the Government, be charged with the duty of collecting and reporting to Congress information concerning our internal trade and commerce, and be clothed with authority of law, under regulations to be prescribed by the head of such Department, to require each and every railway and other transportation company, engaged in interstate transportation, to make a report, under oath of the proper officer of such company, at least once each year, which report should embrace, among other facts, the following, namely: 1. The rates and fares charged from all points of shipment on its line in one State to all points of destination in another State, including classifications and distances, and all drawbacks, deductions, and discriminations; 2. A full and detailed statement of receipts and expenditures, including the compensation paid to officers, agents, and employés of the company; 3. The amount of stock and bonds issued, the price at which they were sold, and the disposition made of the funds received from such sale; 4. The amount and value of commodities transported during the year, as nearly as the same can be ascertained, together with such other facts as may be required by the head of such Bureau, under the authority of law.

Sixth. Though the existence of the Federal power to regulate commerce, to the extent maintained in this report, is believed to be essential to the maintenance of perfect equality among the States as to commercial rights; to the prevention of unjust and invidious distinctions which local jealousies or interests might be disposed to introduce; to the proper restraints of consolidated corporate power, and to the correction of many of its existing evils, yet your committee are unanimously of the opinion that the problem of *cheap* transportation is to be solved through *competition*, as hereinafter stated, rather than by direct congressional regulation of existing lines.

Seventh. *Competition*, which is to secure and maintain *cheap* transportation, must embrace two essential conditions: 1. It must be controlled by a power with which combination will be impossible; 2. It must operate through cheaper and more ample channels of commerce than are now provided.

Eighth. Railway competition, when regulated by its own laws, will not effect the object; because it exists only to a very limited extent in certain localities; it is always unreliable and inefficient; and it invariably ends in combination. Hence additional railway lines, under the control of private corporations, will afford no substantial relief, because self-interest will inevitably lead them into combination with existing lines.

Ninth. The only means of securing and maintaining reliable and effective competition between railways is through national or State ownership, or control, of one or more lines, which, being unable to enter into combinations, will serve as regulators of other lines.

Tenth. One or more double-track freight railways, honestly and thoroughly constructed, owned or controlled by the Government, and operated at a low rate of speed, would doubtless be able to carry at much less cost than can be done under the present system of operating fast and slow trains on the same road; and, being incapable of entering into combinations, would no doubt serve as a very valuable regulator of all existing railroads within the range of their influence

Eleventh. The uniform testimony deduced from practical results n this country, and throughout the commercial world, is, that water-routes, when properly located, not only afford the cheapest and best known means of transport for all heavy, bulky, and cheap commodities, but that they are also the natural competitors and most effective regulators of railway transportation.

Twelfth. The above facts and conclusions, together with the remarkable physical adaptation of our country for cheap and ample water communications, point unerringly to the improvement of our great natural water-ways, and their connection by canals, or by short freight-railway portages under control of the Government, as the obvious and certain solution of the problem of *cheap* transportation.

After a most careful consideration of the merits of various proposed improvements, taking into account the cost, practicability, and probable advantages of each, *the committee have come to the unanimous conclusion*, that the following are the most feasible and advantageous channels of commerce to be created or improved by the national Government, in case Congress shall act upon this subject, namely:

First. The Mississippi River.

Second. A continuous water line of adequate capacity from the Mississippi River to the city of New York, via the northern lakes.

Third. A route adequate to the wants of commerce, through the central tier of States, from the Mississippi River, via the Ohio and Kanawha Rivers, to a point in West Virginia, and thence by canal and slack-water, or by a freight railway, to tide-water.

Fourth. A route from the Mississippi River, via the Ohio and Tennessee Rivers, to a point in Alabama or Tennessee, and thence by canal and slack-water, or by a freight railway, to the ocean.

In the discussion of these four existing and proposed channels of commerce we shall, for the sake of brevity, designate them respectively the "Mississippi route," "Northern route," "Central route," and "Southern route."

THE MISSISSIPPI ROUTE.

The improvements necessary on the Mississippi route are—

First. The opening of the mouth of the river, so as to permit the free passage of vessels drawing 28 feet. Estimated cost, $10,000,000.

Second. The construction of reservoirs at the sources of the river—(if upon a careful survey they shall be deemed practicable.) Estimated cost, $114.000.

Third. Improvements upon a system to be provided by the War Department at all intermediate points, so as to give from 3 to 5 feet navigation above the Falls of Saint Anthony; from 4½ to 6 feet from that point to Saint Louis; and from 8 to 10 feet from Saint Louis to New Orleans, at the lowest stages of water. Estimated cost, $5,000,000.

The total cost of the Mississippi improvements may, we think, be safely estimated at $16,000,000.

THE NORTHERN ROUTE.

The improvements suggested on this route are—

First. The Fox and Wisconsin River improvement, by which 5 feet of navigation will be secured, during the entire season, from the Mississippi River to Green Bay, thereby affording the shortest and cheapest connection between the centers of wheat production and the eastern markets, and a continuous water channel from all points on the Mississippi River and its tributaries to the Atlantic Ocean. Estimated cost, $3,000,000.

Second. The construction of the Hennepin Canal (65 miles long) from a point on the Mississippi River, near Rock Island, to the Illinois River, at Hennepin, thereby affording the shortest and cheapest route from the largest areas of corn production to the East, and a connection by water between the river system of the West, the northern lakes, and the Atlantic Ocean. Estimated cost, $4,000,000.

Third. The enlargement and improvement, with the concurrence of the State of New York, of one or more of the three water-routes from the lakes to New York City, namely: the Erie Canal from Buffalo to Albany; or the Erie Canal from Oswego to Albany; or the Champlain Canal from Lake Champlain to deep water on the Hudson River, including such connection as may be effected with the co-operation of the British provinces between Lake Champlain and the Saint Lawrence River. Estimated cost, $12,000,000.

Total cost of Northern route from the Mississippi River to New York City, $19,000,000.

The enlargement of the Welland Canal, now in progress, with the construction of the Caughnawaga Canal and the proposed enlarge-

*This provision, it is believed, will prevent the discriminations now practiced against such ports, and will enable States which are separated from water lines by intervening States to reach such lines at reasonable cost. Congress has no power to regulate commerce wholly within a State, and hence States bordering upon such water lines will regulate the rates to ports within their own territory.

ment of the Champlain Canal, will enable vessels of 1,000 tons to pass from western lake ports to ports in Vermont and to New York City. The Erie Canal, enlarged as proposed, will pass vessels of about 700 tons.

The necessary improvement of the connection between Lakes Superior and Huron, and between Lakes Huron and Erie, should also be pressed to a speedy completion.

THE CENTRAL ROUTE.

The plan of improvement for this route contemplates—

First. The radical improvement of the Ohio River from Cairo to Pittsburgh, so as to give 6 to 7 feet of navigation at low-water. Estimated cost, $22,000,000.

Second. The improvement of the Kanawha River from its mouth to Great Falls, so as to give 6 feet of navigation at all seasons. Estimated cost, including reservoirs, $3,000,000.

Third. A connection by canal or by a freight railway from the Ohio River or Kanawha River, near Charleston, by the shortest and most practicable route through West Virginia, to tide-water in Virginia; the question as between the canal and freight railway to be decided after the completion of careful surveys and estimates. If by canal and slack-water, the estimated cost is $55,000,000; if by a freight railway, the cost would probably not exceed $25,000,000.

The total expenditure necessary for the improvement of the Ohio and Kanawha Rivers is estimated at $25,000,000. The amount necessary to complete the connection of the Ohio with tide-water depends upon the nature of the improvement, as above stated.

THE SOUTHERN ROUTE.

The plan suggested by the committee for the Southern route contemplates—

First. The improvement of the Tennessee River from its mouth to Knoxville, so as to give 3 feet of navigation at lowest stages of water. Estimated cost, $5,000,000.

Second. A communication by canal, or freight railway, from some convenient point on the Tennessee River in Alabama or Tennessee, by the shortest and most practicable route, to the Atlantic Ocean. The railway, if constructed, will be about 430 miles long; the question as between the canal and railway to be decided after a careful survey and estimate of both shall have been completed. If by canal, the cost will be about $35,000,000; if by railway, probably about $30,000,000. All of these routes are considered at length in the report of the committee, and the advantages, cost, and practicability of each is fully discussed.

SURVEYS RECOMMENDED.

Large portions of all of the above routes have been surveyed and careful estimates prepared by the War Department. It is recommended that appropriations be made at the present session of Congress for completing the surveys of the entire system of improvements proposed, in order to determine accurately the cost of each route and to enable the Government to enter at once upon the work, if the same shall be deemed practicable and expedient, after such surveys shall have been completed.

In presenting this general plan of improvements the committee wish to be distinctly understood that the ordinary annual appropriations for other important works in aid of commerce should not be omitted.

AGGREGATE COST.

The cost of the entire improvement will depend upon the decision to be hereafter made between the canals and the freight-railway portages on the Central and Southern routes. If the canals be constructed, the total cost will be about $155,000,000. If the railways be chosen, the total cost will be about $120,000,000.

An expenditure of from $20,000,000 to $25,000,000 per annum will be required for six years, when the whole work can be completed. The resulting benefits will for all time annually repay more than the entire cost.

In view of the fact that private companies invariably combine with each other against the public, it is recommended that no aid be given to any route to be owned or controlled by private corporations, but that the four great channels of commerce suggested shall be improved, created, and owned by the Government, and stand as permanent and effective competitors with each other and with all the railways which may be within the range of their influence.

The committee believe that the water-routes suggested should constitute free highways of commerce, subject only to such tolls as may be necessary for maintenance and repairs. If, however, Congress shall deem it expedient to require them to provide interest on the cost of construction, and the means for ultimate redemption of the principal, the whole improvements will involve only a loan of Government credit.

NATIONAL CHARACTER OF THE WORK.

By reference to the map of the United States, it will be seen that the completion of the system of improvements proposed will provide four great competing commercial lines from the center of the continent to the Atlantic sea-board and the Gulf of Mexico. It will also be observed by reference to the crop-maps, republished with the report, that all of these routes lead directly from or through the greatest areas of production to those sections which constitute the greatest areas of consumption, thus dividing their benefits equitably between producers and consumers, and contributing to the development and prosperity of the whole country. The Great Architect of the continent seems to have located its rivers and lakes with express reference to the commercial necessities of the industrious millions who now and hereafter shall occupy it. The plan of improvements suggested by the committee merely follows the lines so clearly indicated by His hand.

The proposed improvements are so located as to distribute their benefits with great equality among all of the States east of the Rocky Mountains. Twenty-one of those States are situated directly on one or more of said routes; two States, Kansas and Nebraska, are so situated as to enjoy the full benefits of reduced cost of transportation from the Mississippi River by all of the proposed lines. Eleven States, namely, Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, Delaware, Maryland, New Jersey, North Carolina, Florida, and Texas, nearly all of which consume largely the food of the West, and most of which are to a great extent dependent upon the West for a market for their manufactures and other products, are directly connected by the waters of the ocean with their several termini. The proposed improvements will, therefore, connect by the cheapest known means of transport every one of the thirty-four States east of the Rocky Mountains with all the others, and but one State in the Union will be without water connection with the whole world. The accomplishment of so great a result, by an expenditure of money comparatively so small, illustrates the wonderful provisions of nature for cheap commercial facilities on this continent.

These four great channels of commerce under public control, and hence unable to combine with each other or with existing lines of transport, will, by the power of competition, hold in check all the railways radiating from the interior to the sea-board, and by affording cheap and ample means of communication will solve the problem of cheap transportation. If local railways discriminate against them, it will be in the power of the States whose boundaries they touch to prescribe regulations for the correction of such discriminations. A law of Congress prohibiting discriminations against river or lake ports will enable the other States not directly upon any of said lines to reach them at reasonable rates. The committee submit that no plan of public improvement could be more eminently national in its character, nor diffuse its benefits more generally and equitably, than the one proposed, and they believe that the entire system of improvements indicated should be considered and acted upon as a whole.

I will now state more specifically, and as concisely as possible, the benefits and advantages anticipated from each route, and from the combined effects of the whole system when completed.

BENEFITS AND ADVANTAGES ANTICIPATED FROM THE NORTHERN ROUTE.

In the section of the report devoted to the Fox and Wisconsin River improvement and the Hennepin Canal, the committee have shown that by these improvements the cost of transport between the Mississippi River and the lakes can certainly be reduced an average of 10 cents per bushel, from all points west of the river, north of the parallel of Quincy, Illinois. This will include the whole of Minnesota, Iowa, and Nebraska, and a large part of Dakota, Kansas, and Missouri.

The following table, based upon the actual average railway charges in 1872, and upon an assumed charge of 6 mills per ton per mile *down* the Mississippi River and through the Fox and Wisconsin River improvement and 8 mills per ton per mile *up* the Mississippi, shows the saving that may be effected by the contemplated improvement from Prairie du Chien to Green Bay.

Table showing the actual cost of transportation by rail to Chicago, and the estimated cost (upon above basis) by the Fox and Wisconsin improvement from the river ports named to Green Bay.

From—	Actual cost per bushel of sixty pounds to Chicago by rail.	Estimated cost per bushel of sixty pounds to Green Bay via the Fox and Wisconsin improvement and the Mississippi River.	Saving by the improvement.
	Cents.	*Cents.*	*Cents.*
Saint Paul	19.3	8.7	10.6
Winona	18.4	6.5	11.9
La Crosse	18.4	5.9	12.5
Prairie du Chien	18.4	4.8	13.6
Dubuque	17	5.1	11.9
Savannah	18	7.5	10.5
Fulton	17.5	7.9	9.6
Rock Island	15	8.8	6.2
Burlington	12	11.5	.5
Average	17.1	7.4	9.7

The rates estimated are higher than those which usually prevail upon similar water-routes—nearly double the average rates from Cincinnati and Louisville to New Orleans; and yet the average saving

shown from all the ports named is 9.7 cents per bushel; from all of Minnesota and Northern Iowa ports the saving will amount to 12 cents per bushel.

Estimating the reduction to be effected by the Hennebin Canal upon the same basis, namely, 6 mills per ton per mile *down* the Mississippi, 8 mills *up* the river, and at 1 cent per ton per mile through the canals to Chicago, the saving is shown by the following table:

Table showing the actual cost of transport by rail to Chicago in 1872, and the estimated cost from the ports named by the proposed water-route.

	Actual average rail rates per bushel.	Assumed water rates per bushel.	Water rates less than rail rates.
	Cents.	*Cents.*	*Cents.*
Saint Paul to Chicago	19.3	12.7	6.6
Winona to Chicago	18.4	10.5	7.9
La Crosse to Chicago	18.4	9.9	8.5
Prairie du Chien to Chicago	18.4	8.8	9.6
Dunleith to Chicago	17.0	7.8	9.2
Savannah to Chicago	18.0	6.3	11.7
Fulton to Chicago	17.5	6.2	13.3
Rock Island to Chicago	15.0	5.8	9.2
Burlington, Iowa, to Chicago	12.0	7.6	4.4
Average	17.1	8.4	8.7

If the river charges be estimated at the rates which actually prevail on the Mississippi during high water, or at the average rate charged from Saint Louis to New Orleans, the average saving would be about 9½ cents per bushel. With the Mississippi improved and the use of steam on the canal, I have no doubt the reduction will average at least 10 cents per bushel from all the river points named, and that competition of the canal will largely reduce the railway rates as far south as Saint Louis. It is therefore safe to say that the construction of these two improvements will reduce the charges from all points on the Mississippi River above Quincy, Illinois, from the present average of 17 cents to 7 cents per bushel.

It is believed by those who are best informed on the subject that the enlargement of the New York canals so as to pass boats of 600 to 1,000 tons will reduce the cost of transportation on that part of the line 50 per cent. The effects of the former enlargement of the Erie Canal was to reduce the cost of transportation one-half, and as the proposed improvement will more than treble its capacity, and permit the passage of boats of 690 tons instead of 210 tons as at present, there seems to be no reasonable doubt that the anticipated reduction will be accomplished. The establishment of reciprocal trade relations with the Dominion of Canada, which shall induce the construction of the Caughnawaga Canal, (if such an arrangement can be made,) and which will encourage Canadian ship-masters to compete for the carrying trade on the lakes, will also materially cheapen the cost of transport to New England. The evidence taken by the committee fully justifies the opinion that by the enlargement of the New York canals, the construction of the Caughnawaga Canal, and the use of the enlarged Canadian canals, the cost of transport from Chicago to Burlington, Vermont, and to New York City will not exceed from 12 to 15 cents per bushel, making the entire cost from the Mississippi River to Burlington, Vermont, or to New York, not more than 22 cents per bushel, against the present cost of 43.6 cents by water and 50½ cents by rail. We may, therefore, reasonably estimate that by the proposed improvements upon this route a saving can be effected of 20 cents per bushel, or $6.70 per ton, on all the vast tonnage moved between that river and the East.

BENEFITS AND ADVANTAGES ANTICIPATED FROM THE CENTRAL ROUTE.

Assuming a charge of 4 mills per ton per mile on the Mississippi River and on the improved Ohio and Kanawha Rivers, a charge of 8 mills per ton per mile on the James River and Kanawha Canal, and 6 mills per ton per mile on the slack-water improvement, the following statement will represent the cost of transport from Cairo, Illinois, to Richmond, Virginia, by the central water line:

Cairo to Great Falls of the Kanawha, 790 miles, 4 mills per ton per mile	$3 06
From Great Falls to Richmond the distance (equating each lock at one-half mile of canal) is 509 miles, of which 348 is canal (equated) and 161 is slack-water:	
Canal, 348 miles, at 8 mills per ton per mile	$2 78
Slack-water, 161 miles, at 6 mills per ton per mile	96
Total per ton for entire distance	6 80

Equal to 20.4 cents per bushel of sixty pounds.

If the freight railway from the Kanawha to tide-water be adopted, instead of the canal and slack-water improvement, the cost of transport from the Ohio River to the ocean will, it is believed, be substantially the same as above stated.

The Central route would be closed by ice only about thirty days each year, and hence it would be an active competitor with all the railways from the Mississippi River to the Atlantic, at times when competition is now suspended by reason of frost on the northern water-route. The effect of such a regulator of railway charges would be to greatly reduce the present winter rates, and, by the constant competition it would maintain, to compel uniformly low charges on all rail and water lines from the interior to the eastern and southern sea-board. Its advantages would be greatest, however, to the central tier of States. Four of the largest interior cities of the continent—Saint Louis, Cincinnati, Louisville, and Pittsburgh—are situated directly upon it. The trade of these cities, together with the other towns and cities on the Ohio River, is now far in excess of our entire foreign commerce. A vast area of the richest agricultural and mineral country in the world is directly tributary to it, and only awaits reasonable facilities for transportation to develop a commerce the magnitude of which it is difficult now to conceive.

It is due to this route to say that the estimated cost of transport is fully 50 per cent. higher than the figures relied upon by its special advocates. The committee have adopted them from superabundant caution, preferring to understate, rather than to risk an exaggeration of its advantages.

The evidence taken by the committee shows that the average charges on the Ohio and Mississippi are only 3½ to 4½ mills per ton per mile, and in some cases only 2 mills. The estimated cost for the Central route is lower than has been assumed for the Fox and Wisconsin improvement, or for the Hennepin Canal, the reason for which is that the season of navigation will be much longer, and hence vessels can be more constantly employed.

The saving to be anticipated from the Mississippi River to Richmond, Virginia, as against the present water-route to New York, estimated upon the basis just stated, is 23 cents per bushel, and against the all-rail route about 30 cents per bushel.

BENEFITS AND ADVANTAGES ANTICIPATED FROM THE SOUTHERN ROUTE.

Assuming the same rate of charges as in the estimate just made for the Central route, namely, 4 mills per ton per mile on open river, 6 mills per ton per mile on slack-water navigation, and 8 mills per ton per mile by canal, the following will represent the cost of transport by this route from Cairo to the ocean:

Open river, 980 miles, 4 mills per ton per mile	$3 92
Slack-water, 70 miles, 6 mills per ton per mile	42
Canal, 325 miles, 8 mills per ton per mile	2 60
Total per ton for entire distance	6 94

Equal to 20.8 cents per bushel of 60 pounds.

It is believed that a freight railway from the vicinity of Guntersville, Alabama, or Chattanooga, Tennessee, would enable this route to accomplish very nearly the same results. This route will never be obstructed by ice, and hence will afford unfailing competition throughout the year. Its greatest advantages, however, will be found not so much in furnishing a highway of commerce to the seaboard, as in opening up a valuable connection between the grain-growing States of the West and the cotton plantations of the South, whereby each section will have the full benefit of those crops for which its soil and climate are best adapted. It will connect with various southern rivers, penetrating a very large portion of the cotton districts of the South. It is believed that eventually inland navigation will be obtained at small expense along the coast of South Carolina, Georgia, and Florida, connecting with the rivers in those States which flow into the ocean. By this route the center of the cotton-producing districts can be reached from the center of the corn area, at a cost not exceeding 15 to 18 cents per bushel; and hence, in addition to the creation of a new competing avenue to the sea, the home market for food that will be developed, and the increased production of cotton that will be induced, will vastly more than compensate for the entire cost.

The same remark should be made with reference to this line as with regard to the Central route, namely, that the estimated cost of movement is much in excess of what is expected by its special friends and advocates. It will be observed that the saving to be effected on through freights to the sea-board is about the same as by the Central water line.

BENEFITS AND ADVANTAGES ANTICIPATED FROM THE MISSISSIPPI RIVER IMPROVEMENTS.

The evidence submitted with the report justifies the conclusion that, upon the completion of the entire improvement of the Mississippi River, wheat and corn can be transported from Minnesota, Iowa, Wisconsin, Illinois, Indiana, Missouri, and other States above Cairo, to New Orleans for an average of 12 cents per bushel, and that the cost from Saint Paul will not exceed 17 cents. The average rate from New Orleans to Liverpool in 1872 was about 27 cents, (currency,) which can be reduced, as shown by the evidence submitted by the committee, to 18 or 20 cents by the improvement at the mouth of the river. Estimating the cost from Saint Paul to New Orleans at 17 cents, the two tranfers at Saint Louis and New Orleans at 1 cent each, and the charge from New Orleans to Liverpool at 20 cents, the total from Saint Paul to Liverpool will be 39 cents per bushel. The charge, in 1872, from Saint Paul to Liverpool, including tranfers and terminals at Chicago, Buffalo, and New York, by the cheapest route, averaged 67.5 cents per bushel. The saving to be effected by the improvements of this route may, therefore, be estimated at 28 cents per bushel from Saint Paul to Liverpool, with a proportionate reduction from all other points on the river.

COMBINED BENEFITS AND ADVANTAGES OF THE PROPOSED SYSTEM OF IMPROVEMENTS.

In view of the benefits and advantages to be derived from each of the four proposed routes, and from their combined effects when in constant competition with each other and with the railroad system of the country, it is entirely safe to say that the completion of the

system of improvements suggested will effect a permanent reduction of 50 per cent. in the cost of transporting fourth-class freights from the valley of the Mississippi to the sea-board, and that the cost of carrying a bushel of wheat or corn to the markets of the East, and of the world, will be reduced at least 20 to 25 cents per bushel below the present railway charges, and that a similar reduction will be effected on return freights.

The actual movement of grain to the eastern and southern markets in 1872, as shown by the carefully prepared statistics submitted with this report, amounted to about 213,000,000 bushels. An average saving of 20 cents per bushel on the surplus moved that year would have amounted to over $42,000,000. But for the fact that large quantities of corn were unable to find a market, on account of the high transportation charges, the amount moved would have been very much greater. Hence, in addition to the saving in transportation above named, a benefit perhaps equally great would have been conferred upon the producer in affording him a market for his surplus products.

To this must be added the enhanced value which such reduction would give to the improved lands of the West, amounting, in the eight Northwestern States of Indiana, Illinois, Iowa, Minnesota, Wisconsin, Missouri, Kansas, and Nebraska, in 1870, to 55,841,000 acres. Estimating the productive capacity of these lands at an average of only 20 bushels per acre, (the average of corn, oats, &c., being, in fact, very much greater,) an addition of only 10 cents per bushel (one-half the estimated saving) to the value of the cereals those States are capable of producing, would give a net profit of $2 per acre, which is the equivalent of 10 per cent. interest on a capital of $20, and hence equal to an increase in the value of lands to that extent. Twenty dollars per acre added to the value of improved lands, in those States, would exceed an aggregate of $11,000,000,000. This calculation assumes that one-half of the reduction inures to the benefit of the consumer and the other half to the producer.

Add to all this the increased value of farms in other States, the increased value of unimproved lands, the enhanced value of cotton plantations, the benefits to accrue from reduced cost of movement of the products of the mine, the foundery, the factory, the workshop, and of the thousands of other commodities demanding cheaper transportation, and some conception may be formed of the vast additions to be made to our national wealth and prosperity by the system of improvements under consideration. In comparison with the great benefits and advantages reasonably to be anticipated, their cost is utterly insignificant.

The probable effect of such reduction in the cost of internal transportation upon our exports and foreign balances of trade is also worthy of the most careful consideration. America and Russia are the great food-producing nations of the world. Great Britain is the principal market. For many years America and Russia have been active competitors for the supply of that market. Until recently the farmers of the West have had the advantage of the wheat producers on the Don and the Volga; but a few years ago Russia inaugurated a system of internal improvements by which the cost of transporting her products from the interior to the sea-board is greatly reduced. The result is shown by the importations of wheat into the United Kingdom during two periods of five years each.

Imports of wheat from Russia and America into the United Kingdom from 1860 *to* 1864, *compared with the imports from* 1868 *to* 1872.

1860 to 1864, inclusive.		1868 to 1872, inclusive.	
From—	Wheat.	From—	Wheat.
	Bushels.		*Bushels.*
Russia	47,376,809	Russia	117,967,022
United States	127,047,126	United States	116,462,380

An *increase* during the latter period as compared with the former of 70,590,213 bushels from Russia, and a *decrease* of 10,584,746 from the United States.

The cheaper mode of handling grain by elevators has not yet been adopted by Russia, but doubtless will be very soon. When this shall be done, and her wise system of internal improvements, which have already turned the wavering balances in favor of our great competitor, shall be completed, she will be able to drive us from the markets of the world, unless wiser counsels shall guide our statesmanship than have hitherto prevailed. In fact, as the increased size of ocean vessels is constantly decreasing the cost of ocean transport, and our wheat-fields are yearly receding farther westward from the lakes, it is not impossible that when she shall have driven us from the markets of Europe she will become our active competitor in Boston and Portland, if cheaper means of internal transport be not provided.

The value of American wheat in the British markets is about 7 cents per bushel over the average from all other countries, and about 5 cents per bushel above that imported from Russia. With this advantage in our favor, and with a reduction of 20 cents per bushel in the cost of internal transport, we might successfully demand the right to supply the markets of the world with food.

Our cotton exports are quite as unsatisfactory as the exports of other agricultural products. High transportation charges from the grain-fields of the Northwest to the cotton-fields of the South have compelled the planter to devote his cotton lands to the production of wheat and corn, for which they are by nature unsuited, thereby reducing the product of cotton and diminishing the market for grain. The effect upon our cotton exportations is shown by the following statement:

Receipts of cotton in Great Britain in 1860 *compared with* 1872.

1860.		1872.	
From—	Cotton.	From—	Cotton.
	Pounds.		*Pounds.*
United States	1,115,890,608	United States	625,600,080
All other countries	275,048,144	All other countries	783,237,392

The cotton exports of the United States have fallen off nearly 50 per cent., while other countries have gained nearly 300 per cent. This is doubtless largely due to the war, which stimulated the production of cotton in India, but it is also attributable to a great extent to the causes just mentioned, and to the system of internal improvements inaugurated by Great Britain in India, for the express purpose of rendering herself independent of us for the supply of cotton. *Every cent unnecessarily added to the cost of transportation is to that extent a protection to the cotton planters of India and the food producers of Russia, against the farmers of the West and the cotton planters of the South.*

The murmurs of discontent which come from the overburdened West, the demand for cheaper food heard from the laboring classes at the East and from the plantations of the South, and the rapid falling off of our principal articles of export, all indicate the imperative necessity for cheaper means of internal communication. If we would assure our imperiled position in the markets of the world, reinstate our credit abroad, restore confidence and prosperity at home, and provide for a return to specie payment, let us develop our unequaled resources and stimulate our industries by a judicious system of internal improvements.

A reference to the expenditures of our Government since the adoption of the Constitution will show that in some matters we have been sufficiently liberal, but in appropriations for the benefit of commerce and for the development of our vast resources most parsimonious For public buildings, including those in the District of Columbia, and custom-houses, post-offices, and court-houses in other parts of the country, we have expended over $62,000,000; while for the improvement of the twenty thousand miles of western rivers, through which should flow the life-currents of the nation, we have appropriated only $11,438,300. For the improvements of these great avenues of trade, which were designed by nature to afford the cheapest and most ample commercial facilities for the teeming millions who inhabit the richest country on earth, we have expended an average of $133,100 per annum; while for public buildings we have appropriated an average of over $750,000 a year. Is it not high time that all expenditures not absolutely necessary be suspended, and that the imperative necessities of the country receive attention?

The people of the United States are excelled by none in public spirit and enterprise. In the development of our country through corporate and individual effort they may successfully challenge comparison with the most progressive peoples of the world. Through State efforts and independent corporate enterprises they have accomplished more in one century than any other nation has achieved in five hundred years. The difficulty is that the grand highways of commerce which have thus been created, and which have contributed so largely to the wealth and prosperity of the country, are rapidly passing under the control of a few individuals, who regard them only as instruments of personal and corporate aggrandizement, and who combine among themselves to exact from our industrial interests the last dollar they will bear. Let the Government, within its sphere, supplement the enterprise of the people, and rescue them from the grasp of corporate power, by opening up to free competition the four great natural avenues of commerce the committee have indicated, and the second century of the Republic will dawn upon a period of prosperity and advancement unequaled in its past history.

It may be said that in the present financial condition of the country, and with our heavy burden of indebtedness, we cannot afford to enter upon the system of improvements suggested. I answer that we cannot afford to postpone them.

It is true our debt is large and our industrial enterprises are temporarily deranged, but our resources are immeasurable, and need only a liberal and wise statesmanship to insure their full development.

The public debt of a nation is great or small according to the proportion it bears to the public wealth and to the commercial prosperity of the people who have it to pay. A debt that would have crushed the United States in 1800 would now scarcely be felt. In the exact proportion that our wealth increases the burden of our debt diminishes. In 1840 the entire national wealth was estimated at $3,764,000,000. At the close of the rebellion our national indebtedness had reached $3,300,000,000. Hence to have paid the debt of 1865 in the year 1840

would have required 90 per cent. of all the property in the country. On the 1st of March, 1874, our debt was $2,154,880,066. Our national wealth is estimated at over $30,000,000,000. While, therefore, the debt of 1865 would have consumed almost the entire property, public and private, owned in the United States in 1840, the payment of our present debt would require only about 7 per cent. of our present wealth. It is therefore apparent that the burden of the debt of 1874 is less than one-twelfth as great on our present property as the debt of 1865 would have been in 1840. If by the development of our resources we can maintain the same ratio of increase during the next twenty-five years that we have since 1850, the debt of the nation (if no further payments be made) will amount to only about 1 per cent. on our property in 1900. In other words, with the full development of our resources, which it is in the power of wise statesmanship to induce, the entire debt can be paid in the year 1900 by the assessment of a tax but little greater than is now required to meet the current expenditures of the Government. If it be true, then, that the burden of a nation's debt diminishes in exactly the same ratio as its wealth increases, is it not the dictate of wisdom and sound policy to pay only so much of our debt as may be necessary to keep our faith and maintain our credit, and to devote whatever surplus revenues may remain to such improvements as are required for the full development of our unequaled resources?

The most advanced nations of ancient and modern times have always regarded their highways of commerce of the first importance, and in exact proportion to the excellence of those highways have been the development of national resources and power and the augmentation of national wealth.

France has expended on her water communications $240,000,000. England, with a debt much larger than ours, with a smaller population, with a far less ratio of increase in population, wealth, and annual products, with a standing army nearly ten times the size of ours, and with a current expenditure 50 per cent. larger than ours in order to build up her manufacturing interests at home, guaranteed interest on an expenditure of $440,000,000 for the construction of railroads in India. Shall we hesitate to expend one-third of that sum in order to revive the drooping interest of agriculture, to give cheaper food to our manufacturing and laboring classes, to rescue the people from the power of monopolies, to regain our position in the markets of the world, and to restore our credit at home and abroad?

But I am asked, "How is the money to be raised for these improvements?" I reply, by a system of rigid economy in all expenditures not absolutely necessary, by which money enough can be saved for this purpose; second, by the issue of public-improvement bonds; or third, by taxation. If the latter policy be adopted I suggest that a restoration of the tax on tea and coffee will produce about $20,000,000 per annum, which will be sufficient to complete the entire works in six years. The repeal of that tax has caused but little, if any, reduction in the cost of those articles, and its restoration would not materially increase it. The reduction which would be effected in the cost of bread would more than compensate the consumer for any additional tax he would pay for his tea and coffee, and the enhanced profit to the producer would be greatly in excess of any loss he would suffer from such taxation.

At the end of six years the tax could be repealed, and these great public works would stand forever as monuments to the wisdom of the present Congress. I do not believe, however, that it would be necessary either to issue bonds or to levy additional taxes. The inauguration of the system of internal improvements indicated would so stimulate the business energies of the country that we would find it easier to raise the additional revenue required than it now is to meet existing obligations. The country is suffering from stagnation. A great nation such as ours cannot afford to stand still; much less can it afford to let its great industrial interests languish for want of proper facilities for development.

I have no patience with that class of political croakers who are always prophesying national bankruptcy. If the speeches that have been made in the Senate this winter were read abroad and believed our credit would be utterly ruined.

National bankruptcy! No, Mr. President, there is no danger of bankruptcy, except through the cowardice and lack of faith of those who guide the affairs of this great Republic. Let us cease talking of inability to meet our obligations, and go to work like men to increase our national wealth and utilize our immeasurable resources, and the people will take care of the national honor. What we most need to-day is statesmanship honest enough to stop all needless expenditures, broad enough to recognize and appreciate the present necessities and possible future of the country, and courageous enough to inaugurate and execute measures adequate to its highest development and prosperity.

Mr. FLANAGAN. I move that the Senate proceed to the consideration of executive business.

Mr. MORRILL, of Maine. I ask the Senator from Texas to withhold his motion for a moment.

Mr. FLANAGAN. Very well.

Mr. SHERMAN. I want to inquire whether an order has been made to print the report made by the Senator from Minnesota, [Mr. WINDOM?]

The PRESIDENT *pro tempore*. No such order has been made, but it will be printed as a matter of course.

Mr. SHERMAN. In order that it may be sent to the Committee on Printing, I move that one thousand extra copies of the report be printed for the use of the Senate.

The PRESIDENT *pro tempore*. The motion of the Senator from Ohio will be referred to the Committee on Printing.

COLORED SOLDIERS' BOUNTIES.

Mr. MORRILL, of Maine. I should like to have the Senate take up at this time for consideration a bill which ought to be passed promptly; it is House bill No. H. R. No. 2868.

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent to postpone the pending order informally and take up the bill referred to by him. Is there objection? The Chair hears none.

The bill (H. R. No. 2868) to render available an unexpended balance of appropriation for collection and payment of bounty, &c., for colored soldiers and sailors, was considered as in Committee of the Whole.

It provides that the balance of appropriation, or so much thereof as may be necessary, for collection and payment of bounty, prize-money, and other legitimate claims of colored soldiers and sailors, unexpended at the expiration of the fiscal year ending June 30, 1873, may be expended under the direction of the Secretary of War for the payment of expenses incurred in the fiscal year ending June 30, 1874, in the collection and payment of bounty, prize-money, and other legitimate claims of colored soldiers and sailors.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WITHDRAWAL OF PAPERS.

Mr. LOGAN. A bill was introduced and referred to the Committee on Patents in relation to the Haines harvester; and I was requested this morning by one of the parties to ask of the Senate to have the bill and papers withdrawn. Can that be done?

The PRESIDENT *pro tempore*. The Senator can move to discharge the committee from the further consideration of the bill.

Mr. LOGAN. And then ask leave to withdraw the papers?

The PRESIDENT *pro tempore*. The papers will then be in the custody of the Senate and can be withdrawn by order.

Mr. LOGAN. I make that motion.

The motion was agreed to.

LIGHT-HOUSE SYSTEMS.

The PRESIDENT *pro tempore* laid before the Senate a letter of the Secretary of the Treasury, transmitting a copy of a letter from Professor Joseph Henry, chairman of the Light-house Board, dated the 22d instant, covering the report of Major George H. Elliot, engineer, secretary of the Light-house Board, of his tour of inspection of the light-house establishments of Europe in response to a resolution of the Senate of March 30.

Mr. SARGENT. I move that that be referred to the Committee on Printing, and that the resolution which I send to the desk be referred with the report.

The Chief Clerk read the resolution, as follows:

Resolved, That two thousand copies of the report of Major George H. Elliot, of the Light-house Board, of a tour of inspection of European light-house systems, be printed for the use of the Treasury Department.

The resolution was referred, with the report, to the Committee on Printing.

HOUSE BILL REFERRED.

The bill (H. R. No. 3093) to relieve David A. Telfair from political disability was read twice by its title, and referred to the Committee on the Judiciary.

EXECUTIVE SESSION.

Mr. FLANAGAN. Now I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twelve minutes spent in executive session the doors were reopened, and (at four o'clock and forty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April* 24, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. KNAPP. I ask unanimous consent that there be a session of the House to-night for debate only as in Committee of the Whole on the state of the Union, no business whatever to be transacted.

Mr. G. F. HOAR. I object.

Mr. LOWE. I hope the gentleman will not object.

Mr. G. F. HOAR. I would prefer to wait until the chairman of the Committee on Appropriations [Mr. GARFIELD] is present before any

such order is made. Then, if it is the general desire of the House, I will not object.

The SPEAKER. The matter can be brought up again.

Mr. HAWLEY, of Illinois. I hope the House will go into Committee of the Whole at once upon the pending appropriation bill, and see if we can get through with it to-day.

Mr. HALE, of Maine. There are only——

Mr. HOLMAN. I suggest that we go at once into Committee of the Whole on the appropriation bill.

Mr. HAWLEY, of Illinois. I was about to make that motion, even in the absence of the chairman of the Committee on Appropriations. I am sure every member of the House is very anxious to have the appropriation bill disposed of. Certainly we cannot adjourn before next winter unless we make more rapid progress with the appropriation bills.

Mr. HALE, of Maine. There are only about sixteen pages more of the legislative appropriation bill; and if we work upon it to-day steadily, we can probably dispose of it, and have it out of the way. I move that the House resolve itself into Committee of the Whole to resume the consideration of that bill.

Mr. CONGER. We had a session last night for the purpose of furthering action on the appropriation bill so that we might have the morning hour to-day. I have no objection to going on with the appropriation bill immediately after the morning hour; but I do think we shall progress faster with the business of the House by having the morning hour than by going on at once with the appropriation bill.

Mr. GARFIELD. I hope the House will let us go at once into Committee of the Whole. I move that the House now resolve itself into Committee of the Whole on the legislative appropriation bill.

The SPEAKER. That motion is pending.

The motion was agreed to; there being—ayes 91, noes not counted.

REFUND OF DUTIES ON FRUITS.

Mr. RANDALL. I ask unanimous consent to submit the following resolution, to which I think there will be no objection:

Resolved, That the Secretary of the Treasury be requested to furnish to the House all correspondence between the Treasury Department and C. A. Arthur, collector of the port of New York, and George Bliss, jr., district attorney of said district of New York, relating to refunding custom duties on fruits, and copies of all orders given by the Treasury Department relating thereto.

Mr. DAWES. I suggest that the gentleman add "and all other correspondence."

Mr. ELLIS H. ROBERTS. I suggest that the resolution be referred to the Committee on Ways and Means.

Mr. RANDALL. There can be no objection to this.

Mr. MYERS. I believe that this matter has been settled.

A MEMBER. No, it has not.

Mr. MYERS. It has been settled so far as Congress is concerned.

There being no objection, the resolution was considered and agreed to.

Mr. RANDALL moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 200) for the relief of the settlers on the Cherokee strip, in Kansas;

An act (H. R. No. 668) relative to private contracts or agreements made with Indians prior to May 21, 1874;

An act (H. R. No. 1039) for the relief of John B. Weber, late colonel of the Eighteenth Regiment Corps d'Afrique;

An act (H. R. No. 1575) for the relief of Richard H. Swift;

An act (H. R. No. 1581) for the relief of George S. Wright, administrator of the estate of John T. Wright, deceased; and

An act (H. R. No. 2193) to ratify an agreement with certain Ute Indians in Colorado, and to make an appropriation for carrying out the same.

GUBERNATORIAL CONTEST IN ARKANSAS.

The SPEAKER laid before the House the following message from the President of the United States:

To the House of Representatives:

I transmit herewith the papers called for by the resolution of the House of Representatives of the 20th instant, requesting all correspondence by telegraph or otherwise between the persons claiming to be governor of Arkansas and myself relating to the troubles in that State, together with copies of any order or directions given by me or under my direction to the military officer in charge of the garrison or in command of the United States troops at Little Rock.

U. S. GRANT.

EXECUTIVE MANSION,
Washington, April 23, 1874.

The message, with accompanying documents, was referred to the Committee on the Judiciary, and ordered to be printed.

NATURALIZATION OF INDIANS.

The SPEAKER also laid before the House a communication from the Secretary of the Interior, transmitting a draught of a bill to enable Indians to become citizens of the United States; which was referred to the Committee on Indian Affairs, and ordered to be printed.

PAYMENT OF NAVY PENSIONS.

The SPEAKER also laid before the House a communication from the Secretary of the Interior, in relation to an appropriation required for the payment of Navy pensions during the remainder of the current fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

SUPERINTENDENT OF EDUCATION OF INDIANS.

The SPEAKER also laid before the House a communication from the Secretary of the Interior, recommending an amendment to the bill (H. R. No. 2343) providing for the appointment of a superintendent of education for the Indian Territory; which was referred to the Committee on Education and Labor.

FREEDMAN'S SAVINGS AND TRUST COMPANY.

The SPEAKER also laid before the House a communication from the Secretary nf the Treasury, in answer to a resolution of the House of the 18th instant, in relation to the Freedman's Savings and Trust Company, of this city; which was referred to the Committee on Banking and Currency.

THOMAS LANNON.

The SPEAKER also laid before the House a communication from the Secretary of the Interior, in relation to the claim of Thomas Lannon for Indian depredations; which was referred to the Committee on Indian Affairs.

MRS. MYRA CLARK GAINES.

The SPEAKER also laid before the House a communication from the Secretary of the Interior, in relation to certain private land claims in Louisiana, in the name of Mrs. Myra Clark Gaines; which was referred to the Committee on Private Land Claims.

RED RIVER BRIDGE.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, in relation to the bill (H. R. No. 153) to authorize the construction of a wagon-road and foot-passenger bridge across the Red River; which was referred to the Committee on Commerce, and ordered to be printed.

J. H. COSTELLO.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting, in compliance with the act of May 29, 1872, the claim of J. H. Costello for Indian depredations; which was referred to the Committee on Indian Affairs, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. WILSON, of Maryland, until Tuesday next on account of sickness in his family, and to Mr. HERNDON for three weeks.

HEIRS OF JONATHAN HAINES.

On motion of Mr. MCNULTA, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of the bill (H. R. No. 1472) for the relief of the heirs of Jonathan Haines, no adverse report having been made.

DIPLOMATIC APPROPRIATION BILL.

Mr. SWANN, by unanimous consent, from the Committee on Appropriations, reported a bill (H. R. No. 3095) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1875, and for other purposes; which was read a first and second time, ordered to be printed, referred to the Committee of the Whole on the state of the Union, and made the special order immediately after the post-office appropriation bill, and from day to day until disposed of.

Mr. HOLMAN. I reserve all points of order.

PERSONAL EXPLANATION.

Mr. MELLISH. Mr. Speaker, I ask the unanimous consent of the House to make a statement mainly personal to myself, but which I deem of considerable importance.

Mr. GARFIELD. I do not object if the gentleman will state what time he will occupy.

Mr. MELLISH. I will occupy only a few minutes.

There was no objection.

Mr. MELLISH. Mr. Speaker, my attention has been called to the report of the proceedings in the House on Wednesday as published in some of the New York papers yesterday. I do not complain of any intent of unfairness in the report, nor do I believe there was any on the part of the accomplished correspondent or reporter who furnished it. It is nevertheless true that readers of the account, and among them my constituents, might be misled in regard to my position upon a very important question, and in a way that it seems to me might prove exceedingly damaging to my political reputation. I therefore beg the indulgence of the House for a very few minutes to a statement of facts which shall place me right on the record. I certainly cannot remain serene and content under the express or implied stigma of being an "inflationist."

I quote from the report in the Tribune of the debate on the general appropriation bill:

Mr. CONGER (republican, Michigan) replied to Mr. TREMAIN in a tone of bitter sarcasm, first ridiculing the figure of speech in which the latter spoke of dew as following a beautiful storm. That, he said, was just as logical as the previous

argument of the gentleman to prove that the prostration of all the vital industries of the country, and the stagnation of all business, and the eating up of the hoarded savings of the poor, would enable the people to pay higher taxes.

Mr. MELLISH (republican, New York) made a remark to the effect that the proposition was not to increase salaries, but only to continue them at their present rates.

Mr. CONGER thereupon turned upon Mr. MELLISH, whom he characterized as his "mellow mellowish" friend from New York, and assured him that, in not very dulcet notes, nor in very mellow tones thereby, thirty-nine millions of the American people would speak to him and his hard-fisted, money-grabbing comrades.

A VOICE. He is an inflationist. [Laughter.]

Mr. CONGER. It may be that he is an inflationist. God knows; we cannot tell from one day to another what side high men or low men stand nowadays, and we cannot tell, either, what kind of influences creep around in this land to influence my friend from New York or other men in this matter.

A VOICE. Speak of the White House.

A correspondent of the Tribune gives the following account:

On an amendment to increase the salary of the chief clerk in the assay office at New York, three speeches were made which referred more or less directly to the veto. Mr. PARKER said, now that the glimmer of hard money could be seen, there ought not to be any talk about increasing salaries. Mr. TREMAIN eulogized President Grant, as the great chief who had proved himself equal to the emergency, and hoped that the inflationist majority would have the wisdom to follow him. It remained for Mr. CONGER to give expression to the doleful feelings of the "cheap money" party. In dismal tones he spoke of the prostration of the vital industries of the country and of the stagnation of business, and said he wished that the laboring men of the land might hear the House discussing propositions to increase salaries, while their last hope of gaining a livelihood was destroyed. He saw days of distress looming up; the people were groping in darkness and want. In reply to a question by Mr. MELLISH he showed that he did not understand the latter's position on the currency question, and when corrected he said it was not easy to know how men stood nowadays. He could not tell "what kind of influences were creeping around in this land to influence the conduct of the gentleman from New York, or other men, in this matter." The "other men" was obviously intended by Mr. CONGER to include the author of the veto message.

Now, as to the gratuitous and cowardly and characteristic insinuation of the gentleman from Michigan, [Mr. CONGER,] that my motives have been improperly influenced in this matter, I can well afford to pass it by unnoticed and treat it with the silent contempt which is warranted when we consider the source from whence it emanated. I will simply raise the inquiry in passing, (but I wish it distinctly understood that I make no such charge,) if the making of such an allegation, without the slightest foundation therefor in fact, does not constitute conduct unbecoming a member of this House or a gentleman?

The gentleman has called me his "mellowish friend from New York." Suppose I were to catch his disease of epithets, and viewing his extraordinary and unapproachable feats of mental agility, were constrained from the unparalleled exhibition to call him "my Conger-oo" (not to say kangaroo) "friend from Michigan," how would he like it?

But I desire emphatically to deny that I am an "inflationist." My speeches and my votes on this floor will bear out this assertion. I voted against what is known as "the Senate bill." I am rejoiced that President Grant has added to his long line of distinguished and meritorious services to the country (which envy and malice may carp at and attempt to belittle, but whose luster, as seen through the unprejudiced vision of a patriotic people, they cannot dim or diminish) by putting his veto on this "bill of abominations." I spoke and voted against the House bill presented by the Committee on Banking and Currency, and which is a vastly more mischievous measure than the one vetoed.

And to show that under the present circumstances I am opposed alike to contraction or expansion, I send to the Clerk's desk a brief extract from my speech of the 24th ultimo, as it appeared in the CONGRESSIONAL RECORD:

If the plan I have proposed cannot succeed, it seems to me that the best thing we can do is to fight for the *statu quo*, by opposing other schemes. My belief is that whatever other new scheme shall be adopted will be unpopular, because it will look to and will be expected to bring about specie payment, or what is called resumption, and will surely fail and disappoint and offend everybody.

Let us not fly to extremes and merit the epitaph of the valetudinarian, "I was well, wished to be better, took physic, and here I lie."

How to keep the purchasing power of money the steadiest possible is a difficult and important problem. That and just taxation are now the most vital questions of our experiment of popular government.

It is true that with any volume of currency that you can mention there will be plenty of individuals who have none, or too little. It is beyond the power of human invention to devise legislation which shall put money in every man's pocket. When you shall have by law filled the purses of all the people with money, you will have repealed the ancient beneficent ordinance, sometimes called curse, that by the sweat of his brow every man shall eat bread, and have taken away all the stimulus and main incentives to enterprise, industry, and frugality. Fix your currency so that any man who earns any shall have it of good quality. It is in vain by congressional legislation to provide one section with larger amounts of currency than another. You cannot well place currency by law. It will flow to the pockets and quarters of those who own it. You give one section arbitrarily an increased percentage and it will immediately float off to other sections where the industry and enterprise of the people are such as to entitle them to have it.

If we may believe the newspapers—and it is safe in thus referring to some of them to use the subjunctive mood—Congress may be assured that the very worst feature of the financial situation now consists in the fact that Congress is still considering it and discussing it. Perhaps it ill becomes me to say it, but I will venture the remark that it is a subject upon which "a few brilliant flashes of silence" would be true eloquence, excepting only the utterance of an emphatic and sonorous "no" upon nearly all bills and proposals to meddle with the currency.

We are tending toward appreciation of paper with gold by the operation of the laws of trade as fast as we can afford. Let well enough alone. Do not change for the sake of change. Should we not oppose alike schemes of inflation and schemes of contraction?

During the war we coined the credit of the nation into more than four thousand millions of credit capital, or credit money: United States bonds, United States bills, State bonds, county bonds, city bonds, town bonds, and bank bills. The expansion was tremendous. We were or became a vast credit balloon; and rose, and rose accordingly. We are now descending rapidly enough without the aid of Congress; and we must take care not to come down with a rush, lest when we do strike *terra firma* we may burst up the whole concern.

There has been great shrinkage of values, so that now there is not 12 per cent. between gold, the standard of the world, and greenbacks, the standard of the United States. The laws of production and trade will soon dispose of the 12 per cent. difference, and slide into a state of redemption as soon as the business of the country will stand it, if Congress will but let alone a matter which Congress cannot mend, except, as I believe, by establishing a national currency receivable for public and private dues, excluding only interest on bonds payable by their terms in gold.

Specie payments cannot be resumed until the banks can resume specie payments. It is not a question of intention or will, but of power. It is very easy for a doctor to say to his patient, "It is your duty to get well, and you ought to do so for the sake of your family." But if the patient is already dying, how is he to heed the advice of the doctor? We are told that the words, "Arise, take up thy bed, and walk," were spoken by the Son of God; if they had been uttered by a mere mortal, they would have had as little effect as a law of Congress decreeing resumption of specie payments would now have upon the banks.

Resumption will come silently, quietly, and gloriously, like the dawn of day, when most of the animated world is sound asleep, if we do not disturb the natural and universal laws of currency, production, accumulation, and distribution of wealth, which are, in fact, the laws of God implanted in the nature and impulses of the human family.

It would seem that the supply of paper money should be proportioned to the trade of the country, and from the nature of things the amount of Treasury notes in circulation must find its level in the public wants. Still the plea which is made that the wants of commerce—business transactions—require more currency may be no safe guide; for how can the sum required for such purpose be defined? Is not commerce likely to be insatiable in its demands? The question is not so much what amount of currency the wants of commerce can employ as the quantity that can remain in the channels of circulation without depreciation. Is there any safer rule than that the value of the paper dollar should be not less than the value of a dollar in gold? In other words, can any better rule be adopted than the one compendiously stated by Ricardo, to the effect that "if the commerce of a country increases, that is to say, if by its savings it is enabled to add to its capital, such country will require an additional amount of circulating medium; but under all circumstances the currency ought to retain its bullion value; that is the only sure test by which we may know that it is not excessive."

If gold be not the test by which to estimate depression of greenbacks, what is?

Can we find a safer guide, one more satisfactory to the public in general, than that an excessive circulation is indicated by its depreciation below the par value of gold coin, dollar for dollar?

If so, then it follows that paper currency, when below par as compared with gold, should not be increased in volume and thereby further depreciated. It certainly must be regarded as an excess of paper in fact when we find an increased price of commodities solely arising out of and occasioned by an increased amount of the circulating medium. Is there not an excess of paper in circulation while it does not pass at gold value dollar for dollar?

It was in accordance with these views that on Monday last I voted in favor of the proposition of the chairman of the Committee on Ways and Means, [Mr. DAWES,] "that hereafter the total amount of United States notes in circulation at any one time shall not exceed $356,000,000, and the Secretary of the Treasury is hereby directed to withdraw from circulation and to cancel whatever amount of such notes as are now in circulation beyond that sum as soon as the same can be done consistently with the exigencies of the Treasury." And what I have said will also explain why I voted against fixing the amount of legal-tender notes at $400,000,000, which was passed by the vote of 168 to 77.

Mr. WARD, of Illinois. I move that the gentleman from Michigan [Mr. CONGER] be permitted to reply.

The SPEAKER. The House is in Committee of the Whole.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. WOODFORD in the chair,) and resumed the consideration of the bill (H. R. No. 2064) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes.

The CHAIRMAN. When the committee rose last evening the pending question was on the motion of the gentleman from Kentucky [Mr. BECK] to strike out the following paragraph:

Bureau of Education:

For Commissioner of Education, $3,000; chief clerk, $2,000; one clerk of class four; one statistician, with the compensation of a clerk of class four; one clerk of class three; one translator, with the compensation of a clerk of class three; one clerk of class two; four copyists, at $900 each; one messenger, $840; and one watchman; in all, $18,360.

Mr. CONGER. Mr. Chairman, it is a matter of very great, I will not say supreme, satisfaction to me that my friend from New York [Mr. MELLISH] has had an opportunity before the United States Government, that is, before this branch of the Government, and not in the Committee of the Whole, as I have to reply to him, to say whatever he may have to say in regard to myself and to apply such affectionate epithets as suit his temper in regard to me and my mode of attack. I am the last man in the world who will deprive any gentleman of this House of the privilege of exercising his cultivated and æsthetic taste in the choice of epithets to myself. I always object to an interruption of it when used in regard to others. My friend has gratified his vanity. It is barely possible, although I never dreamed so amiable a looking gentleman could have any malice to gratify personally against me; but he has had the opportunity of gratifying his taste, whatever it may be, in the use of epithets perhaps undeserved and perhaps deserved, and there I leave the matter.

I misunderstood his remarks the other day, to which I responded jocosely and with the kindest feeling in the world and in the way of that which is called the lowest kind of wit—and I acknowledge it to be so—punning. He had friends around him who said, while I was speaking the other day, that he had always been an inflationist, which he denies this morning. It was the fault of those who intruded themselves in his defense here to me while I was speaking. In the same manner some amiable gentleman suggested to him to make some remarks at the close of his speech as he thought to my prejudice. Let me say to the gentleman from New York we always have around

us very loving friends who are willing to make us the cat's-paw with which they can haul the chestnuts from the fire. He was the victim in that case; I may be in the other. I suggest to him that we do not allow ourselves to be used by these officious friends around us to bring us into ridicule any oftener than the necessities of the case require. Our mutual afflictions require me to join hands with my friend from New York for our mutual protection; and for one I trust if there was any little accretion of bile in the gentleman, that having worked it off in the proper, legitimate, constitutional, and legislative way, and in a judicial way too, I apprehend there will be no further occasion for the old cause of complaint to renew any acrimonious debate on this subject, especially in regard to a matter that was, to say the worst of it, a foolish and innocent amusement.

Mr. MELLISH. I desire to clasp hands with the gentleman from Michigan [Mr CONGER]—whose ability, eloquence, wit, and faithfulness in the discharge of his duty I have never questioned; indeed, they have always excited my admiration and respect—across, *not* a "bloody chasm" warm with passion and crimson with carnage, (for a Poland, even a Poland of Vermont, is between us;) and if there were any "hard feelings" on my part they would be healed and reconciled in the sweet oblivion of the rhetorical flowers with which he has encompassed this our second greeting. To change the figure, I am amply recompensed for any slight misunderstanding that may have occurred by the mental exhilaration I have experienced while devotedly sitting here beneath the arrowy sleet of his gay rhetoric so profusely showered in derisive benedictions upon my shimmering frame.

Mr. GARFIELD. I hope the committee will now come to a consideration of the pending question. Will the Chair state what that question is?

The CHAIRMAN. The question is on the motion of the gentleman from Maryland [Mr. O'BRIEN] to strike out the paragraph relating to the Bureau of Education.

Mr. O'BRIEN. The motion I made being liable to the point of order, that it is contrary to existing law, I withdraw it, and move to amend the paragraph by striking out the words "one clerk of class three."

Mr. O'BRIEN. Mr. Chairman, I propose making some general remarks on the subject suggested by the bill now under consideration. The Bureau of Education was established by the Fortieth Congress, and then $6,000 was considered ample for its purposes. Now nearly $40,000 are required to carry out the functions of this Bureau. While I would not oppose a small appropriation, for I concur in the general object and original purpose for which it was originated, that is, for the collection and dissemination of statistics and other useful information on educational topics, I deem it unwise and dangerous to expand its powers, and entirely unnecessary to appropriate more than will sustain it within its original scope. To that extent I will sustain it, for I approve of all legitimate means and necessary expenses to encourage and advance an interest so vital as the cause of education. I maintain that it is a duty incumbent upon the citizen and public authority, and the most beneficent exercise of the power confided to Government, to protect and foster every legitimate scheme of popular education. But the grave question is presented of the power of the Federal Government to exercise control over the educational institutions of the country, as the tendency of this Bureau is to extend its operations and to assume an authority beyond the sphere of its original purpose.

Under the operation of the spirit of consolidation which animates the party in power, a bureau can soon expand its dimensions, amplify its functions, and grow into a department, and the rapid growth of this Bureau foreshadows in the early future a determination to extend its jurisdiction over the whole system of public education and to absorb all the authority now exercised by the several States. The different measures which have been presented for the consideration of Congress, extending aid to the States for the purposes of education, no matter in what form or upon what condition, have all the same inherent tendency, if not deliberate object, to regulate by Federal authority the educational institutions of the country and to establish a national system of education. It is claimed that the constitutional right of the General Government is ample and complete, and the advocates of this proposition are bold enough to demand not only the right, but they assert that it is the duty of the Government to regulate and control the means of popular education. The Bureau of Education, howsoever proper and useful in its original purpose, affords the opportunity for this interference with our municipal and State systems, and in this view all efforts to extend its authority or erect it into a department must be opposed. No considerations of the importance of secular education should influence us in so unconstitutional an act as investing the General Government with the functions of the States. The rankest consolidationist could desire no more effective means of establishing on the ruins of free government the unification of the nation. One by one the safeguards of republican liberty perpetuated by our Federal system have vanished. The war power of the Government was claimed as the warrant for the gross usurpations which have made the executive arm strong enough to set aside the will of the people and make a State subservient to the illegitimate authority of a governor and Legislature foisted into power by Federal bayonets. When the General Government by act of Congress seizes control of the education of the people, the last vestige of free institutions will have been yielded to the remorseless demand of centralization and despotism.

I am led to these remarks, Mr. Chairman, at this time when appropriations are sought to perpetuate this Bureau, because I desire to reprobate and condemn the policy which seeks to accomplish by indirect means the centralization and consolidation at the capital of all authority over the first and strongest incentive to liberty, the right of the citizen to free education. The precedents of the past history of our Government do not bind the republican party, and through its avowed leaders it claims the right, and assumes that the power of the General Government is ample to say how the people of a State shall be educated. No such authority was ever claimed by the fathers. Among the constitutional grants to the Federal Government no authority was given to establish a bureau or department to manipulate the institutions of learning and concentrate the authority to educate the people in the agents of the Federal power. In the great discussion which took place in Congress in accepting the fund left by Smithson, which led to the erection of the Smithsonian Institution at Washington, the great men of that day asserted that no authority could be claimed by the Government to interfere with the State educational systems. Mr. Adams in his speech in 1846 said that "there was no way in which the States could more degrade themselves than by relying on foreign aid or on the General Government for the education of their children." This was the doctrine and the principles of the statesmen who framed our Constitution, and for nearly a century maintained it unsullied by the innovation of amendments, under the shadow of which the greatest crimes against the independence of the States and the liberties of the citizen are perpetrated and justified.

Whatever the effect of other measures which have been introduced into Congress looking to the control of the railroads, commerce, the telegraph, and savings-banks, and to what greater or less extent the governmental control of these vast interests would enlarge its functions and be dangerous to the reserved powers of the States, there can be no pretense or object in centralizing the authority to educate the people but to unify the nation by a complete subjugation of the powers of the States, and thus render the central Government supreme and the cardinal principle of the republican party, consolidation, a successful achievement.

I ask attention to a few of the unconstitutional and centralizing powers already seized upon, or proposed by the Administration and the republican party in Congress; the measures which have revolutionized our form of government, bankrupted the Treasury, destroyed public confidence in the integrity and honesty of official life, and substituted for patriotism and love of country a thirst for gold, a lust of official power, and a total disregard of public morality and personal honor. Under their operation, constitutional restraints have given way before the rapid expansion of personal government. The Executive authority keeps pace with the jurisdiction assumed by Congress; republican simplicity vanishes before the etiquette of the court circle; profligacy and vain display embellish the illegitimate fortunes that spring up in a day, the chiefs of the Executive Departments, the princes of the state, mid the splendid retinue of their clerical attachés, regale their hours of leisure planning some new scheme to fetter the people and introduce the reign of absolutism.

The recent amendments to the Constitution, under the sanction of which so much infamous and oppressive legislation has been enacted, mark the transition of our Government from the domain of Federal authority to the sphere of supreme power. They were adopted at a time when, inflamed with the hate and rancor of the civil war, with many of the States unreconstructed, the country was in no fit condition looking to its welfare to enact measures permanent in their character and so radical and inimical in their effects on the States of the South.

Following in the line of these amendments, we behold the exercise of executive usurpation so wanton in its character as to claim no warrant in law or constitution; arbitrary edicts, the arrest, imprisonment without trial, and conviction without evidence of citizens in the Southern States; men guiltless of crime denied the benefit of defense before the judicial tribunals of their respective domiciles, but sent to swift punishment in foreign prisons by sentence of United States courts, whose judges were but the instruments of political partisanship. Then we have laws passed to destroy the freedom of local and State elections; the Army called into play to carry a State in the interests of the dominant party, that its influence may be felt at the presidential election. Where is our boasted liberty when fraud and intimidation are seconded by bayonets to defeat a free expression of the people, when in a time of peace, bullets, not ballots, secure the election of the officers to fill the high offices of State?

Following all this, and worse in their effects on the *morale* of the people, come the fraud, oppression, and espionage practiced in the execution of the laws; the wholesale corruptions in every department of the Government; the illegal and profligate expenditures of the public money; the ostentation and regal splendor of equipment of public servants, and this at a period when every industry is languishing, commerce departed from our waters, trade from our streets, and the honest mechanics and workingmen by thousands are parading our cities and starving for bread.

It may be asserted, Mr. Chairman, that these are evils inseparable from the operations of government. Why, then, are they the offspring of the present? Are they not the outgrowth of the rule of the republi-

can party? Had they existence in democratic times? Then economy ruled in the councils of the nation, the public debt was scarcely an item for consideration. Now, while the Treasury is bankrupt; our reserves illegally squandered; our paper dishonored, and a new issue of millions of irredeemable paper money demanded, public expenditures are increasing; official salaries augmented; the revenues of the Government dissipated and stolen by millions for division among the rings and predatory hordes that infest the capital, and much more wasted in investigating committees originated to whitewash offenders.

RULE OF THE REPUBLICAN PARTY.

Before proceeding to consider the educational question I desire to say a word in regard to the public service. The gentleman from Massachusetts, [Mr. DAWES,] chairman of the Ways and Means Committee, made an admirable speech last month on the general financial condition of the country. The profligacy of the administration was confessed, and the abundant need of reform and retrenchment admitted. He stated that the total expenditures of the Government, including all outstanding appropriations for which the Government was then liable, were $393,846,650.74, against available resources amounting to $341,780,001.49; so that, if the Government were called upon for all appropriations, there would be at the end of the year a deficit of $52,066,649.25. He further stated that the actual expenditures for 1873 were $290,345,245.33, and the appropriations for 1874 $319,000,000. He demanded that economy should be practiced, and as an illustration of the waste of public money gave a statement of some of the expenditures in the public service. In the customs department, in thirty-two ports where there were no receipts, the pay of the employés was $75,259.78, and in fourteen ports where the receipts aggregated about $2,000, the pay of employés was over $72,000, But, sir, other gentlemen would prefer increased taxation to reduced expenditures. They lament the repeal of the duty on tea and coffee, which yielded so large a revenue to the Government. Why is it, Mr. Chairman, that economy is unpopular on the other side of the House, but that the rings of the party, the wealthy corporations, the monopolists, desire no economy? Their time of harvest is when extravagance prevails and millions are illegally dispensed to sustain measures that impoverish the people and drain the life-blood of the nation.

GENERAL EXPENDITURES.

Figures, Mr. Chairman, are more reliable than words, and I therefore ask the attention of the House in respect to some of the matters to which I have adverted. I quote from official statistics. The expenditures for the year 1874 estimated in the report of the Secretary amount to $321,477,616.35; while the receipts amount to $291,910,000, leaving a deficit of $29,567,616.35 to be made up by one of three means: borrowing, and thereby adding to the public debt, now so onerous; by taxation, or by retrenchment. To meet this deficit increased taxation is proposed; but, sir, the country in unmistakable language demands retrenchment, and that is the predicament in which the republican party is placed; this is the problem I commend for their solution. How will they retrench in the face of the corrupt influences controlling the party? One means I suggest for their consideration—reorganize the Departments of public service, disestablish many of their Bureaus, which are not required and were only created during the press of business growing out of the necessities of the war, decimate the army of office-holders whose employments are sinecures and whose mental capacities are only tested by the patience required to await the monthly return of pay-day; retire from the rolls of your Army and Navy the supernumeraries of every grade not necessary to officer these arms of the service; reduce your Army to a peace footing, and instead of quartering it in the Southern States or in the useless fortifications on the sea-coast, let it be employed in protecting the fontier and maintaining peace on the plains. By these and like means we may return to something like a standard of expenditures that will justify a further reduction of taxes and give relief to the people.

But, Mr. Chairman, judging by the past rule of the republican party, I have no expectation of speedy reform. When I consider the expansion of the powers of government under its rule, the vast increase of officers, who are yearly multiplied, and have become as the locusts of Egypt, devouring the substance of the people and absorbing the revenues of the Government, I am forced to the conclusion that the *régime* of corruption and oppression will be perpetuated and enforced until a change of administration shall be wrought by an indignant country.

I give a statement of the number of employés of the Government in the several years named:

1859	44,527
1861	46,049
1865	53,167
1867	56,113
1871	57,605
1873	86,660

. It is apparent from this table that while the office-holders before the war were 44,527, and the number in 1867, after the enormous labors of the Departments growing out of the war had been mainly discharged, was 56,113, that over 30,000 new offices have been created under the present Administration, for the number for 1873 is 86,660, and constantly increasing. Comment is unnecessary. This statement is so extraordinary, that only official figures which I have given would verify so grave a charge.

Now, sir, let us see the rate of progression in expenditures in some of the Departments:

EXPENSES IN THE INDIAN BUREAU.

In 1868 the Indian account was	$3,998,353 59
In 1873 it had increased to	7,951,704 88

This is the result of the so-called peace-policy dealing with the wards of the Government, and does not include the Army and other expenses incident to the management of the Indian Bureau. Our military Executive deemed it wise to employ a board of civilians to take care of the Indians on the christianizing principles in vogue in the other branches of the public service. What is the effect of this unexampled statesmanship?

It reminds me of the wonderful results of certain missions to other Indians under the rule of our cousins across the Atlantic. By this policy the Indians have become more warlike and defiant, and I hazard the statement that only extermination will secure peace, while the corrupt agents of the Government rob and plunder them to the extent of millions and attempt reconciliation by the charitable dispensation of rifles and whisky. As an example of this rule I give an extract from Bishop Whipple's letter on the pine-timber contracts in Minnesota:

> Over one-half of our vast territory once belonged to the Chippewas. It was an Indian paradise. Its lakes and rivers were filled with fish, and each autumn brought the wild rice, God's manna, for the red man. The forest and prairie were full of game, and gaunt famine never came to the hunter's wigwam. We bought it all for a few cents an acre. We made pledges of everything a Christian people can do for a heathen people. I will not speak of the way human cupidity was enriched by the treaty. We did not keep our faith. Our politicians made the agencies the reward of political favorites.
>
> We not only permitted dishonesty and fraud, the fire-water flowed like a stream of death into their country; their wives and daughters were corrupted, and the heathen were dragged to a depth of degradation their fathers never knew. Worse than this; while we permitted every evil to destroy them, we left them wholly without law. No white man has ever been punished for the robbery, seduction, or murder of an Indian. We have never attempted to give them law to protect the innocent or punish the guilty. They have killed each other on the streets of our cities and villages; no questions were asked. We have never attempted to redress any wrongs.

NAVAL EXPENDITURES.

The naval expenses were in 1868	$16,288,244
The amount demanded for 1874	22,276,257

I do not object to the reasonable increase of expenses of the Navy for the current year, because of the extraordinary demands growing out of the seizure of the Virginius and prospective war with Spain. Yet it is pertinent to inquire what we have to show as a return for the expenditure of over one hundred and twelve millions in six years of profound peace. My colleague, [Mr. ARCHER,] in his speech on naval affairs demonstrated that our Navy was utterly inefficient; and, counting rotten ships, disabled iron-clads, and our entire resources in that line, we were in no condition to defend our commerce, and in case of war our ports would be at the mercy of even so weak a power as Spain. The explanation, Mr. Chairman, is easily found. While I believe that the naval appropriations are not too extensive for the service and to maintain the honor of the country, it is no less true that the corruption fund receives a heavy re-enforcement from this source. In time of elections it does good service. Our navy-yards become vast asylums for the training of men skilled in the science of the ballot and the bludgeon, and through the force and energy of this ready arm of the service battles are won which decide the fortunes of a State, and, it may be, the result of a presidential election.

POST-OFFICE DEPARTMENT.

Before examining the estimates of the Post-Office Department I concluded that its exhibit would be an exception to the rule of increased expenditures. The head of that Department in his reports to Congress demanded the repeal of the franking privilege upon the plea that then the Department would be self-sustaining.

Now, Mr. Chairman, the wisdom and prophetic vision of that officer has been illustrated by the fact that notwithstanding the repeal of the franking abuse the deficiency in his Department is greater than ever.

The expenditures of the Post-Office Department were—

In the year 1868	$22,730,592 65
In 1870	23,998,837 63
And for 1874, (estimated)	33,929,912 00

Showing an increase in six years of 50 per cent. The deficiency for the present year is over four million dollars.

These figures demonstrate the fact that the Postmaster-General reasoned from wrong premises when he foretold that the Department would yield a revenue to the Treasury instead of requiring an annual appropriation of many millions to sustain it. He omitted in his calculation to take into account the necessity of keeping the Department up to the standard of party progression; let me remind him of the fact that in two years, from 1871 to 1873, the office-hunters were accommodated to the number of seventeen thousand increase with easy places and good salaries in this most economical Department. The amount of frauds in contracts charged against the post-office will doubtless account for many millions more of expenditures.

EFFECT OF REPUBLICAN RULE.

Without enumerating the increase in expenditures in the other departments of the public service, I repeat that the republican party in its governmental policy has grievously oppressed every section of the

country; it has perpetrated fearful wrongs to secure partisan triumphs; it has allowed the high officers of the Government to misappropriate and illegally disburse the public money; it has permitted them, in the execution of the laws, by a system of violent intimidation and blackmail to exact immense sums of money not due to the Government; it has, by the use of the Army, despoiled sovereign States of their legitimate government and established the despotism of the sword, while unprincipled adventurers have been allowed to grow rich on the plunder of the people. It has failed to give protection to our citizens who have been brutally treated and imprisoned in foreign lands; it has allowed American citizens to be inhumanly sacrificed to the Moloch of Spanish malignity without redress, and finally it has permitted the obligations of the country to be dishonored, and it has destroyed the faith and confidence of the people in the highest judicial tribunal of the Republic.

MEASURES OF CENTRALIZATION.

There are other important measures pending before Congress which would be more centralizing in their effect than the legislation already enacted. They have received the approval of the Executive Departments, and have been reported by or are being considered by committees of the House. The theory of the Postmaster-General that Government control of the telegraph as an auxiliary to the post-office would conduce to the public advantage is in keeping with the statesman-like views he puts forth whenever he rushes into print. It would certainly increase the magnitude of his Department and be a most desirable adjunct when a little coercion was needed to convince the people of the sublimity of submission to renewed usurpation. Besides, sir, it would be a valuable re-enforcement in the creation of a new and numerous army of office-holders, whose pleasure would consist in drawing salaries and magnifying their chief.

POSTAL SAVINGS-BANKS.

When we consider this proposition, in connection with the establishment of postal-savings banks, its startling nature becomes apparent. In the savings-banks of the country are deposited over one thousand millions of money belonging to the people, mainly the poorer classes. The control of even a liberal proportion of this amount and its investment by Government agents would afford an ample field for the cultivation of the arts and devices whereby the people are fleeced of the profits of daily toil, and the stock-jobbers and Treasury agents, being the victors, are entitled to the spoils. The Postmaster-General is prolific of ideas, and this one concerning Government control of the telegraph is a borrowed one. The monarchical institutions of England have been fortified by a telegraph monopoly, but they have found it unprofitable; and after exhausting the revenues of the telegraph department they drew on the deposits of the postal savings-banks (another British institution) to the extent of $4,000,000. When this maladministration was exposed, the postmaster-general was forced to resign. I much fear that in a similar state of circumstances, surely to follow our introduction of these schemes, our Postmaster-General would, on the principles of the republican party, be entitled to immediate promotion.

The bill to regulate interstate commerce, Mr. Chairman, which has passed this House and is now before the Senate, is a dangerous remedy for assumed local evils, and as wild an exercise of doubtful, if not unconstitutional, power as was ever attempted by Congress. No such authority was ever delegated to the Government nor claimed until now. The writings of American publicists and the decisions of our courts have uniformly negatived any such paramount authority in Congress as the regulation of the tolls and fares and the general management of railroads. The meaning of the words "to regulate commerce among the several States," in section 8 article 3, of the Constitution, can be best ascertained by examining contemporaneous writings of those who framed that instrument. From these it is apparent that the power only referred to the laying of duties on imports in regard to foreign nations and prohibiting restrictions of trade and commerce between the several States. In 6 Law Register Mr. Justice Grier decided that "Congress has the exclusive power to regulate commerce; but that has never been construed to include the means by which commerce is carried on within the States." Canals, railways, &c., have heretofore been exclusively subject to legislative control, and Congress should have hands off. This control is attempted for the purpose of cheapening transportation at the demand of the grangers, and a board of nine persons is to be constituted to hold this power over the railroads and to compel them to exact only reasonable and uniform rates. Why, Mr. Chairman, no one who understands the persuasive power of railroad influences can doubt for a moment that ere this measure becomes a law the same manipulations which it is said elect Legislatures and control Congresses may have dictated the appointments to fill the board of commissioners. I fear the grangers will find this bill a word of promise to the ear broken to the hope. But, Mr. Chairman, I regard it as only another of the usurpations of power by which the republican party seeks to maintain its ascendency and revolutionize our form of government. The demand of the West for cheap transportation is thus made the excuse for the passage of this bill, which derides the authority of the States, monopolizes a vast and increasing power for partisan political ends, and insures the further subjugation of the people.

It is not my purpose to inquire further into the unconstitutionality and the constant menace of these kindred schemes of legislation. It is sufficient to point out their operation and effect. They are at best dangerous innovations of the well-settled principles of the Constitution as hitherto sacredly regarded by the country, and are arbitrary and unwarrantable invasions of private rights, having no precedents in the history of our Government, and are at war with the spirit of republican institutions.

NATIONAL EDUCATION.

I have thus briefly referred to the many abuses of the Government under the auspices of the republican administration, and have attempted to point out particular measures which have relation to my argument. My desire is to show the tendency and spirit of a policy which adheres to and sustains every proposition that withdraws our Government from the rule of the Constitution as interpreted by the great statesmen of a past, and, I think, a purer age, to show wherein we are approaching an epoch when the liberties of the people will be completely absorbed in the will and authority of the Government at Washington, and when all other sources of power will be subjected to executive caprice and dictation.

I now return, Mr. Chairman, to my main proposition, which is that it is the design of the leaders of the republican party to establish national education.

I ask attention to the statesman-like convictions of the successor in the Vice-Presidency of the eminent Christian statesman, Schuyler Colfax. They are tersely expressed in the following words, taken from a late contribution to the literature of the country:

> From the adoption of the Constitution this Government has been an *absolute despotism*, with only the *forms* of *liberty*.

Again:

> That for the first time since the adoption of the Constitution is the *Government* of the *United States consistent* with its *creed*, or the *nation* a *republic* in anything but *name*.

In this article Mr. WILSON reviews the progress of the Government, the changes in our organic law, and heralds the mission of the republican party to be the *unification* of the nation, through the medium of national education, and to that end he recommends the passage of all laws that will prostrate the States, denude them of their reserved rights, and make the American citizen the subject of a centralized empire.

If the Vice-President be authority, then the mission of the republican party is to be achieved by laying violent hands on what I have characterized as the dearest privilege of the citizen—to elect how and where his children may be educated. The State free-school system, which has so strongly commended itself to our different communities, is to be superseded by a system, national in its character, whereby the Government or its Bureau or Department shall direct all its operations, select or publish the books of instruction, books compiled and edited on the Massachusetts system, that will impress our children with the modern ideas of purity and integrity on the principle of "addition, division, and silence." Future generations will be taught a new history of the Republic; and while Grant will be elevated to the position of the saviour of his country, Washington will be remembered only as an officer of some military reputation born in the rebel State of Virginia. They, sir, will be taught new and false ideas of the Constitution and our form of government, paving the way for a complete subversion of civil liberty and a permanent overthrow of the social order and free institutions upon which all hope of republican freedom depends.

The article from which I have quoted is entitled "New departure of the republican party." New departure from what? From the Constitution? From our republican form of government? From the federal system of State sovereignty and a central government of powers limited by the organic law, certainly, for Mr. WILSON says that our Government under the Constitution has been an absolute despotism with only the forms of liberty, and therefore it is the duty of the republican party to depart from its teachings, to cast it aside, and erect a new government of liberty and law on the basis of the unification of the nation. To use his own words, "Who can overestimate or exaggerate the magnitude or importance of such a revolution? Who can appreciate the changed condition of affairs, and estimate aright the full significance of such an overturn in the structure of American society and in the administration of the Government of the nation?" I reply, Who, but they who have experienced the beneficent results of such government? And need we go far to find a people basking in the sunshine of such a rule as Mr. WILSON desires to see erected as a substitute for the government established by our fathers? Need we travel to any of the oppressed nationalities of the Old World? No, Mr. Chairman, unhappily our own country affords vivid illustrations to the discredit and dishonor of the American name. Look at the picture presented by Louisiana and South Carolina under the rule of the usurper, the spoiler, and the negro. Ruin and desolation, not only threatened but inevitable, for both communities have well-nigh exhausted all hope of relief except by violent revolution. The corruption, embezzlement, and open, shameless robbery practiced by the usurping government in Louisiana, and by the debased and ignorant negro vampires of South Carolina, have ended in practical confiscation of all the property of the respective States.

No people on earth live under a rule as lawless, malignant, and despotic, and I assert that these examples are the legitimate and certain results of the form of government that will be inaugurated in

this Capitol if the people do not awaken to the consciousness of the designs of the republican leaders, and give to them a "new departure" from the stations of power which they have so long dishonored.

Mr. WILSON goes on to say:

The two great necessities of the country at the present time are unification and education.

They stand or fall together. In other words, to unify the nation, centralize its power, the Government must control the education of the people. He proceeds:

What, then, is the present duty of this great national (republican) party? Its first great duty is administration. Intrusted by the nation with the seals of office and scepter of power, it is responsible for their faithful use. Having proclaimed its public policy and received the nation's emphatic indorsement, it must carry it out to a successful issue, especially so much as is embodied in the constitutional amendments and their consequent legislation, * * * the party should commit itself to appropriate legislation. There can be no question of either the necessity or legitimacy of legislation that contemplates the unification and education of the people.

"Now that, with the general rejection of the State-rights heresy, State lines are becoming fainter and State individuality is being more and more absorbed into national unity, it is apparent that the educational policy of the States which have hitherto sustained free schools should be substantially adopted by the nation; the Bureau of Education should be strengthened, and Mr. HOAR'S bill for the establishment of a system of national education or something tantamount thereto should receive the immediate attention of Congress and the undivided support of republicans. By so doing the party will add to its many claims on the gratitude and support of the nation.

It will be seen that the twin ideas of Mr. WILSON, the two theories which he contemplates as working to the end he has in view, are the absorption of all power by the General Government and the establishment of a system of national education. The power and authority now exercised by the States is an element in the consolidated power he seeks to establish, and the system of education is an element of strength to promote and perpetuate the central power. He reasons from no false or undefined premises, for it will be admitted that with the authority to educate the masses, to direct their thoughts, and measurably control their principles and convictions, the exercise of this all-important and inestimable authority will be directed to the perfection and consummation of that absolute government which alone can be erected on the ruins of our Federal system. It is often asserted that the intelligence of the people is the basis of republican institutions, and that upon the education of the people depends the future destiny of the Republic. While this is true in the abstract, it is no less certain and undeniable that a man's future life is to a great degree regulated by the manner of his education. John Stuart Mill, a great modern philosopher, and regarded by many as one of England's most gifted sons, an opinion in which I take no part, was educated not only in irreligion, but was taught by his father to abhor the principles of christianity. His youthful mind, as a twig, was bent in a direction repugnant and at variance with the divine economy of the Christian dispensation, and when he grew in years his life was a practical development of his early education, the tree inclined as the twig was bent, and we find his great intellect enslaved by an adherence to doctrines which seek the destruction of the whole social and moral order of civilization and, in his later years, his mind a prey to the disorders of socialism and the commune. The individual is the type of the community, and a false system of government, political principles adverse to republican liberty as well as pernicious doctrines in the moral order, may be promoted by a system of education that is controlled and directed by a partisan political authority.

While I do not doubt the honesty of the convictions of those who unite in this scheme of propagandism of national unity, I view their deep sincerity as the more dangerous, and therefore ask attention to a brief review of the great means through which it is contemplated to attain this unification of the nation. The bill of the gentleman from Massachusetts, to which Mr. WILSON refers, is entitled "A bill to establish a system of national education," and was offered in the last Congress.

BILL OF HON. GEORGE F. HOAR.

In the preamble to the bill it is asserted that the education of all citizens is an object of national interest and concern, and an adequate provision for their education is one of the first and most important duties of government. No one will deny that it is the right and duty of a State to afford ample means for the proper training of youth. This it is that contributes to the greatness of a people, maintains their prosperity, and is the surest guarantee of the perpetuity of the State. The education of the people at public expense may well be called the American system. It prevails in all the States, and many of the States have vast revenues from their public lands which are only available for the promotion of free education. Why, then, invade and overthrow the authority of the States? The first section of the bill provides for the appointment by the President, by and with the advice and consent of the Senate, within and for each State, a State superintendent of national schools at a salary of $3,000 per annum, to hold office for four years unless sooner removed by the President. The second section provides for a division inspector of the national schools for each congressional district of each State, at an annual salary of $2,000. The third section provides for the division of the congressional districts into school districts according to the number of children, and for a local superintendent of national schools for each school district, at a salary of three dollars a day for the time employed in the duties of his office. The fourth section requires a number of schools in each school district as may be required. Section 5 provides for the purchase or hire of school-houses. The bill further provides for the engagement of teachers by contracts, the discipline of the schools, invests the Commissioner of Education with authority to direct the books to be used, establishes rules and regulations governing reports to Congress, and makes an appropriation of $50,000,000.

This comprehensive scheme may well excite amazement; its proportions are only limited by the vast extent of country and population which would pass under its yoke. The countless offices to be created, the legions of teachers dependent upon the appointing power, centralized in this capital, would constitute the mightiest political machine that was ever used to compass the downfall of the liberties and rights of a people.

It may be alleged that this measure was not intended to interfere with the existing State systems of education, or rather with the right of the State, if it provided education for all children within its limits; and that view may be predicated upon the nineteenth section of the bill. That section says that if any State provides before a given day for the education of all the children within its borders between the ages of six and eighteen years, and proves the same to the satisfaction of the President, the bill will be inoperative in said State; but if in the opinion of the President any State shall fail to do so within twelve months the bill will be operative therein thereafter. This section is a subterfuge, and would only result in excepting from the operations of the bill Massachusetts and one or two other States. None of the Southern States—not even Maryland, whose State school system is equal to that of any State in the Union—could immediately provide for the free education of all its children; and therefore the national schools, had the bill become law, would now be extending their sway over all these States, and the most odious feature of the civil-rights bill would have its practical development; that is to say, the exclusion of all white children from the free schools of the country. I little doubt but that a political millennium would be then considered as at hand.

Mr. Chairman, our country has been spared so great an evil; our deliverance for the time is a matter of thanksgiving. And now the Forty-third Congress is to encounter the enemy in a new form—the same measure under a thin disguise, which cannot deceive even the most unwary. We have a new combination—the two elements converge to the same end; both emanate from the same State, Massachusetts, which has given birth to so many ideas of a progressive character which have left their stain on the history of the present. One is the civil-rights bill; the other the bill "to establish an educational fund, and to apply the proceeds of the public lands to the education of the people."

SECOND BILL OF HON. GEORGE F. HOAR.

The object of this bill is evidently to obtain control of education in the Southern States, and while it provides for all children, it is mainly in the interest of the colored race. Its provisions, in their applicability to the several States, are unequal and unjust, and in violation of the Constitution. It invests the Commissioner of Education with almost exclusive authority over the fund provided for the several States, enabling him to determine whether or not a State has complied with the conditions required, and it constitutes the United States courts the tribunals to exercise jurisdiction over all officers who may commit certain offenses in relation to the disposal of said fund. These officers are to hold their places under direction of the Federal Government, and thus the whole machinery becomes an active instrument in the hands of the political party possessed of the powers of the General Government.

The first section of the bill provides that the net proceeds of the public lands are forever consecrated and set apart for the education of the people.

The second section directs the Secretary of the Interior to ascertain each year the amount of receipts from sale of the public lands.

The third section provides for the investment of one-half said amount as a perpetual fund, to be known as the national educational fund.

The fourth section requires the apportionment of the other half to the States, &c., upon the basis of population, provided that for the first five years the apportionment is to be made according to the population of ten years old and upward who cannot write.

The fifth section requires that a State to receive its share shall make provision for the free education of all children between the ages of six and sixteen years.

Now, Mr. Chairman, the mockery and absurdity of the sentiment of the first section, "the consecration of the proceeds of the public lands for the education of the people," is so palpable when the other sections of the bill are considered, that the whole scheme would be ludicrous were it not a matter of the highest importance. What a proposition! What kind of legislation is this? By what authority can Congress give away the public property in unequal division among the States because more children in one State can write than in another? This is a shallow pretense, an attempt to be generous at somebody else's expense; a bait to the South, which on account of its ignorant colored population would obtain a larger share of this "consecrated fund;" a weak and abortive insult in the guise of a benefaction. Does the author of this bill, or its friends, suppose that any State would be willing to accept such a pittance as would be obtained under this bill, or any sum, and with it yield control of the education of its people to the agents of Congress? I do not believe any such

opinion is held; but there is a covert design, a snare, in the bill that its authors think may be unseen. Besides, sir, which of the Southern States is equal to the task of the education of all its children, after being pillaged and devastated by the hordes of carpet knights-errant sent out by Massachusetts to carve their fortunes by knavery and theft? If this imported system of national education is to educate the negro up to the standard of the South Carolina legislator, he had better remain ignorant of such literary blessings.

From the sixth to the tenth section of the bill ample provision is set forth in detail for reports and the general working of the new system.

I remark that by the eighth section the Commissioner of Education is vested with unlimited authority to determine whether or not any State has complied with the conditions of the bill, and upon his certificate alone can the amount allotted to a State be received. There is of course an appeal to Congress, and if at the session following the appeal Congress fails to act, which would be very probable in the multitude of public affairs, then the State in that instance forfeits its claim.

The eleventh section imposes penalties for misappropriation of funds by the Federal officers to be appointed in the several States to carry out the provisions of this bill, and very unjustly holds the States severally responsible for any misappropriation by these officers. If the officers, who are responsible alone to the Government or Congress, do wrong, the State is to suffer and it may be forfeit its whole proportion of the fund. This responsibility, without the power of appointment, is so manifestly unjust that argument would make it no plainer. This section also gives authority to Congress to modify or add to the conditions binding the States. The twelfth section gives jurisdiction exclusively to the United States courts. I have thus, Mr. Chairman, briefly but substantially set forth the provisions of this bill, through which, by appealing to the popular sentiment in favor of education the gentleman from Massachusetts would take away the control of education from the State governments and bestow that authority on the General, or, as it is practically, the National Government. The evil of this measure is also apparent in the fact that at least one-half of the States would be unable for years to come to comply with its conditions, and the national fund would be absorbed by the other States, which have no need of Government assistance to educate their children. Many of the Western States have received large grants of land, and have now immense revenues dedicated to the cause of public instruction. The new England States have abundant means for that purpose.

But, Mr. Chairman, this bill is compulsory in its nature, its object being the forced education of the negroes of the South at an expense entirely out of the power of any State which has a large negro population. Like its twin measure, the civil-rights bill, its aim is to have mixed schools established, or in other words to demand the education of the colored race by authority of the Government. In the interest of instruction for the negro it asserts the paramount authority of the General Government to go into the States of the South and establish national schools and impose the expense thereof on the States. This is usurpation unequaled by any act the Federal power has yet attempted. It is at variance with our system of government, wherein to the State is reserved all rights not granted by the Constitution to the Federal power. One of the early amendments to that instrument which has always been called the chart of our liberties, the safe-guard of our rights, is as follows:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Keeping this doctrine in view, it is not rash to assert that Congress has no power over the subject of education in the States, at least no authority that can be interpreted to divest the States of the right to legislate upon the question. The Constitution nowhere, even inferentially, confers upon the General Government any privilege, right, or authority in the premises. And as the right to educate primarily belongs to the parent, the exercise of authority by the States confers no jurisdiction on the Federal Government. Nor is this power concurrent. The Federal power commences where the State authority terminates. It is not necessary, nor can the extent of State power be exactly defined. It is exerted, exercised, and as all the authority of the General Government is enumerated in the Constitution, there is no latitude for constructive right on this question.

The great minds, the jurists and statesmen who framed the Constitution and have expounded and commented on its provisions, are silent on any claim of right in the Government to invade the precincts of the States, or to legislate upon and administer affairs which concern alone their own citizens, nor can any new and modern doctrines propagated by these "wise men of the East" find any support in the writings of the eminent men who established our Government and gave to it character and form. I might adduce a multitude of authorities to sustain this position if it were necessary to my argument; but I dare challenge the production of a single authority, or a sentence from the writings of the fathers of the Republic, to the contrary. I therefore conclude, Mr. Chairman, that this measure to establish national education, whether considered as an independent proposition or judged by its provisions, is repulsive to the genius of our Federal system and tending to advance national consolidation.

Mr. Chairman, I have in the course of my remarks referred to the civil-rights bill. I do not propose at this time to discuss its effect upon the country if it should become a law. It has been wisely recommitted to the committee which gave approval to this most pernicious and virulent attempt to degrade the people of the South by an introduction of the vilest feature of social intermixture of the children of the two races. Political equality has been guaranteed to the negro by the amendments to the Constitution, and with that boon he must rest content; for laws or enactments of any character will ever be found ineffective to promote an assimilation of races which God and nature have designed to be forever separate. This denies nothing to the negro for which his condition, present or future, fits him. He never can become the social equal or companion of the white; and human laws which seek to enforce such a condition become impotent in face of the divine.

REVIEW OF REPUBLICAN MISGOVERNMENT.

Now, sir, I am convinced that the educational bill and the civil-rights bill are urged upon Congress and the country by the republican party without sincere regard for the true interests of the negro race, and I am also convinced that their adoption would destroy the system of free public instruction of State institution, aggrandize the powers of the General Government, and cause direct interference with, if not abrogate, the most sacred right of the citizen. The republican party has had full possession of the Government for thirteen years, and its only hope of continuing the control is through the votes of the negro population. At the presidential election of 1872 it had a minority of the white voters of the country, and knowing the insecurity of its tenure of office, rather than yield its official power, it would, to maintain its ascendency, change our whole structure of government, Africanize the South, oppress the people by unheard-of corruptions, infamous exactions, and shameless frauds, and impoverish the country by a system of finance which day by day is adding to the wealth of the opulent bondholder and rendering it more difficult for the honest toiler to earn his bread. Will not the present condition of the country more than sustain this assertion? The paralysis of trade, which is ignorantly attributed to the contraction of the paper money of the country, is only the revulsion which inevitably must follow the plethoric condition brought about by the financial blunders of the past eight years. By means of the inflated irredeemable paper-money policy bequeathed us as one of the blessings of the war, the people have paid over $1,500,000,000 in premiums on gold for importations, that is, the republican policy of government has exacted and plundered from the people that amount. The Western States are demanding further inflation and the South re-echoes the cry. Their representatives in the Senate and on this floor fail either in the manliness or statesmanship to tell them the truth, that their disease cannot be cured by further issues of currency—false promises to pay; that such a means of restoring prosperity is delusive, a dishonor of the credit of the country, and productive of renewed and worse disaster. The South, alas, has reason to feel the effects of paralyzed industry. It is not her heaviest burden. Oppressed with debt and taxation, she has not the power to rise, and even a season of patient waiting for the returning tide of prosperity affords no hope of relief. Mississippi, the Carolinas, Louisiana, and other States have been given over to the wolf; their luxurious soil and matchless resources yield no return; the life-blood has been exhausted to glut the vampire; their broad acres, productive in cotton, sugar, and rice, no longer enrich the planter and contribute to the general welfare. The South has ceased to be its own proprietor. By mortgages, bonded debt, and the demands of the tax-gatherer, the northern capitalists of Beacon street and Wall street have divided the spoils with the miscalled governments which have legalized their ruin.

HOPE OF THE FUTURE.

But, Mr. Chairman, notwithstanding the abject position of our internal affairs, I have unabated confidence in the return of the people to the principles of conservatism and free government. I do not despair of the future of our country. The returning tide, when it once sets in, will be rapid and deep. Our present adversities may bring reflection. The current may have already set. Cheering news comes from New Hampshire and Connecticut. I do not regard the changes there wrought so much a partisan triumph as an awakening of the people to a sense of their peril. The lethargic attitude of a decade is about to be succeeded by a consciousness of duty, a return of patriotism, a loftier sentiment than adherence to party when the vital spark of free government is about to expire. The independent press, being no longer fettered by the subsidizing influences of official station and power, has begun to sound the alarm. I give a short extract from a late issue of the leading republican paper of Massachusetts; a State at whose door lies great responsibility for the demoralization and discredit of the Government, and upon whose escutcheon rests the stain of a large share of the outrages and oppressions that have been inflicted on our people. The Boston Advertiser says:

> The pivot on which the history of this country has hinged is the tendency toward centralization. The history of the United States for the last ten years has been the natural sequence of the unchecked development of a single chain of ideas. Centralization has advanced with such strides as to have outgrown the wildest dreams of the founders of this Government, and to threaten the very existence of that system which it was designed to support. It is impossible to preserve the independence of States, if the national Government is allowed to regulate local affairs. The next step in the path which the country is now treading will be to reverse the whole theory of this Government and to change the United States into a consoli-

dated power in which each State will form a province. It is not two years since a man whom no once supposed to be the popular choice was imposed on the people of Louisiana by national troops. If this thing is possible in Louisiana why not in Massachusetts? And how long will it be before the authorities at Washington practically appoint local officers? This means consolidation in its most dangerous and most insidious sense, for it comes under old and honored names and forms.

It would be almost a pleasure, Mr. Chairman, to have Massachusetts drink deeply of this chalice of Federal interference which she has so often commended to other lips, if she alone would be the sufferer. The lesson rightly learned may enable her people to appreciate the burning wrongs which the policy and fanaticism of her leaders and statesmen have brought upon many of the States of the Union. Are not her representatives in Congress to-day endeavoring to enact into law new forms of obloquy and abasement for the Southern States? Why should Maryland, my native State, be deprived of her established system of free education because she is as yet unable to offer all its advantages to every negro child within her borders; or why, at the dictation of Massachusetts fanaticism, shall Maryland be deprived of the right to regulate her own affairs and be compelled to submit to negro misgovernment? Your civil-rights bill will force the ignorant and often debased negro into the jury-box, or imprison her judicial officers if they be excluded. It forces the mixed-school feature on our people, which will inevitably impair if not destroy the schools already established. Under the terms of this bill the negro would be privileged to enter the State normal schools, Saint John's College, agricultural colleges, and every public institution of the State that receives a dollar of State aid. The races cannot be thus intermixed. Nature's law forbids it. Statutes of Congress will be found inoperative to advance such a social revolution, but an extensive field for malignant persecution and animosity between the races will be afforded.

Mr. Chairman, the rights and dignity of the States must be conserved. The functions of the Federal power must be restrained within the bounds set by the Constitution. The year 1876 will be the centennial of American independence. May it also witness the restoration of our country to the blessings of free government, administered by men whose integrity and ability will be a guarantee of the rights of the people inviolate and the dignity and honor of the Republic maintained.

Mr. MONROE. I had no desire, Mr. Chairman, to make a speech on this subject; but as my friend from Maryland [Mr. O'BRIEN] has offered some objections of a general nature to the Bureau of Education, it is perhaps proper that in a word or two I should notice them. I understood the gentleman's objections to be of two kinds. In the first place he considers that the Bureau has grown beyond its proper dimensions; he thinks that we have come to a point where more money is expended upon it than is necessary for the objects proposed to be accomplished. And in the second place, I understand him to object to it on the ground that either improper use has been made of it politically or that such improper use is very liable to be made. These two objections, if I understood him amid the confusion prevailing in the House, come near covering the ground of what the gentleman had to offer in the way of opposition.

Now, sir, I do not know that there is any better way to answer both of these objections than to attempt in a few words—which will be very difficult in the five minutes allowed me—to explain to the committee just what the sphere of that Bureau is, what the necessity for it is, and what is the work which it does. I think that when this is understood these objections will be removed, and I cannot but consider that gentlemen in this House, whom I so much respect and who I know must feel a deep sympathy with the cause of education in this country, are objecting to this bill merely because they have not examined it. They have not visited the office of the Bureau of Education; they do not understand the great and useful work that is accomplished. If they did, I am sure that their objections would be withdrawn.

Now, sir, look at the facts. There are thirty-seven States in this Union; there are ten Territories; making forty-seven Commonwealths in all. Now, take for instance the item of common-school education by itself, (and that is only one of the items of work which this department undertakes to attend to,) and just look at what this Bureau of Education does in that respect. I was about to remark that in these forty-seven different Commonwealths common-school education is at every stage of development. In some of the newest there is no proper common-school system at all, as the census report shows; in some they are further advanced, the germs of a common-school system exist; in other States it is well advanced; and there are still other States of the Union where a good common-school system has been maintained for several generations, and where there are large results in the way of experience in connection with such a system.

It will strike every member of this committee at once that when there is such an immense variety of experiences and of development in the common-school system of the nation, it is of the very greatest importance as regards all the knowledge, all the valuable results of experience, all that has been learned in the States where the system is oldest and best developed, that there should be some agency which can gather up these fruits of progress and lay them down at the feet of the citizens who are endeavoring to establish common-school systems in those States that have made the least progress in education. Any one must see of what immense importance this agency must be. If in some State of this Union a common-school system is about to be introduced, a thousand questions at once occur to all the gentlemen who are engaged in such a work; to the county superintendents, to the school directors, to the teachers, to the citizens who are interested in education. There are a thousand questions that will occur to them at once in regard to the building of school-houses and their ventilation, lighting, heating, seating, &c.; in regard to the discipline and grading schools, and the training of teachers, which they would be glad to ask of somebody and have intelligently answered.

Now, sir, this Bureau of Education in the city of Washington is a great educational exchange. The law organizing the Bureau makes it the duty of that Bureau to gather up knowledge from every source throughout the Union, where, if I may use the expression, a surplus of it exists, and then diffuse it abroad in all those States where it is most needed. I think the mere statement of this fact shows that we must have an agency of that sort. We must have somebody to find out all the best results of experience in the older States and transmit them to parties interested in the States where the systems of education are new.

Mr. Chairman, if gentlemen would go into the office of the Bureau of Education and see how much of this work is actually being done, I think their objections would be removed. I will state a single fact. The Commissioner of Education has at the present moment seven thousand regular correspondents in the various States, and a very large proportion of them are gentlemen connected with the organization of the schools in the reconstructed States. And he is constantly engaged in the work of sending printed circulars containing late information on important subjects, and in the work of sending letters, carrying on all the correspondence which is so necessary for the development of a common-school system in the newer States. This is the work of his office and of the agencies of the Bureau. And I think gentlemen will at once see that there could not be a more important or a more valuable work for the people of the United States than this. I think they cannot fail to see that this is a sphere which needs to be filled.

Some gentlemen will perhaps say—some friend of State-rights will say—why does not each State that wants information write to the other States to get it?

Mr. O'BRIEN. If my friend will allow me a moment, I desire to say to him that my principal objection to this Bureau is not to its functions as at present administered, but I look upon it as the foundation upon which a large number of persons, and particularly the leaders of the republican party, desire to erect a system of national education; and, therefore, rather than it should be made the basis of a scheme of that character and magnitude, looking to the destruction of our State systems of education, I would strike it in its infancy.

Mr. MONROE. I cannot yield further, as I expect my time is about out.

Mr. O'BRIEN. I will move that it be extended.

Mr. MONROE. I am glad that my friend is pleased with the Bureau as it is at present conducted. That is something. It is testimony worth having. I am pleased with it myself, and so far we agree very well; but I put it to the candor of my friend whether it is worth while for him or myself to become alarmed in regard to imaginary evils of the future in a Bureau which at present works well?

[Here the hammer fell.]

Mr. MONROE. How long have I spoken?

The CHAIRMAN. The gentleman has spoken seven minutes.

Mr. MONROE. I ask for a minute or two more, as I was interrupted.

Mr. O'BRIEN. I move that the gentleman's time be extended.

The CHAIRMAN. Gentlemen misunderstand the rules. The time of a gentleman cannot be extended on motion; it is against the rules. When unanimous consent is given and where no objection is made the Chair follows the precedents and allows gentlemen to continue beyond the five minutes; but the Chair has been notified by three gentlemen that they object to further debate.

Mr. GARFIELD. I insist on a vote.

Mr. MONROE. I only want a minute.

Mr. GARFIELD. I will not object to my colleague being allowed a moment or two longer.

Mr. O'BRIEN. I withdraw the amendment.

Mr. STORM. I renew it.

Mr. MONROE. I believe I have not occupied as much time as my friend from Maryland did.

Mr. STORM. I yield the gentleman a part of my time.

Mr. MONROE. What I wish to say is, that it is not a valid argument against a Bureau or Department in Washington that it is capable of prostitution to bad ends. There is not a Bureau nor a Department in any government anywhere in the world that is managed by human beings that is not capable of such prostitution; but we must have Bureaus; we must have Departments. According to the gentleman's argument we could have no War Department, no Treasury Department, no Navy Department. We should have no Congress. Certainly that will have to be abolished at once if everything that is in danger of doing wrong and being perverted to bad ends must be abolished. I think the argument of the gentleman is rather too sweeping; and inasmuch as we agree that the management of the Bureau is all right at present, why I think we shall succeed probably in keeping this paragraph in the bill.

I have but a word more to say. I am asked by my democratic friends why, if the State of South Carolina for instance, wants information

about common schools, her officers do not write to some other State? Sir, you cannot get the General Assembly of any sovereign State to go to the expense of establishing a Bureau in order to carry on correspondence with thirty-six other States and ten Territories. It would be a very clumsy proceeding. This Bureau, if I may use the expression, is a great educational clearing-house. It is a great labor-saving machine. Every State addresses itself directly to this Bureau, and gets at once from the Bureau just what it wants, and there is no superfluous machinery. The thing is in simple and compact shape; and it is one of the best and most useful, and I am bound now to say one of the best-conducted, agencies that this Government has.

Mr. STORM. Mr. Chairman, if the question is here as to the existence or continuance of this Bureau of Education it is one thing; but if it is as to making the necessary appropriations for the Bureau it is quite another thing. I am one of those who believe that the work done by the Bureau of Education could be as well done by another department of the Government already in existence. I have ever entertained the idea that the Bureau of Statistics and the Smithsonian Institution could accomplish all that is now accomplished by this Bureau. I am not here for the purpose of arraigning the Bureau; but I repeat that I believe that with the addition of a clerk or two in the Bureau of Statistics, together with what is done by the Smithsonian Institution, all the good accomplished by this Bureau could be accomplished by those departments.

I believe that General Eaton, the Commissioner of Education, has several times come to Congress and asked for an increase of appropriations both for clerks in his department and that he might be able to purchase certain books and periodicals, and I think my friend from Maryland [Mr. O'BRIEN] is mistaken when he says that all of these appropriations have been advocated by the republican party and that none of that party have opposed them. If the gentleman had been a member of the Forty-second Congress he would have remembered that one of the most spicy and angry debates that ever took place in this House took plack on this very topic, when the gentleman from Connecticut [Mr. HAWLEY] made a gallant dash at the Bureau and General Farnsworth made an assault upon it more vigorous than was ever made by any democrat on this side of the House.

I do not forget, too, that the gentleman from Iowa [Mr. KASSON] made an abler attack upon the bill presented by the gentleman from Massachusetts [Mr. G. F. HOAR] than was ever made by any gentleman on this side of the House.

Now I say that if this Bureau is to be supported, (and this is quite a different question from discontinuing it entirely,) I believe these men are now paid a salary which should not be reduced; that it is at the lowest possible figure. It is true the salary of the Commissioner of Education is the same as that of the Commissioner of Indian Affairs, of Pensions, of Agriculture, and of the Land Office. I believe that last night the salary of the Commissioner of the General Land Office was raised.

Mr. GARFIELD. It was not.

Mr. STORM. Then the salary of this Commissioner is the same as that of all the other Commissioners except of Patents, who I believe receives $4,500 a year. But there would be an objection in my mind to raising the salary, although I believe the Commissioner of Education earns more pay than he receives, because it would furnish a leverage by which the other Commissioners would come in and claim to have their salaries raised. I think there should be no reduction in the salary if the office is to be continued, and I think it would be of doubtful propriety to raise the salary.

Mr. Chairman, this question comes up every time this appropriation bill comes up in the committee. But the fight heretofore has been to prevent any expansion of this Bureau, by either increasing its functions or its force. Such a fierce attack was made upon its pretensions and claims to a larger recognition in the last Congress, that I think the Commissioner himself does not believe that any increased appropriation can be made this year. The sooner this Bureau realizes its functions in collecting statistics and giving information, the sooner will it have rest from these annual attacks.

As no demand is made, as I understand, for a larger appropriation, I hope the bill will stand as reported by the committee.

Mr. BECK. I rise to oppose the amendment. I moved last night to strike out this paragraph; I withdrew it afterward as I did not want to go to that extent. I agree that there ought to be some means of collecting information on educational subjects, but I do not want another great department established. In 1868, after this Department had been established and kept up for some years after the war, Congress deliberately reduced it to a Bureau by the following proviso in the appropriation bill:

Provided, That from and after the 30th day of June, 1869, the Department of Education shall cease, and there shall be established and attached to the Department of the Interior an office to be denominated the office of education, the chief officer of which shall be the Commissioner of Education, at a salary of $3,000 per annum, who shall, under the direction of the Secretary of the Interior, discharge all such duties and superintend, execute, and perform all such acts and things touching and respecting the said office of education as are devolved by law upon said Commissioner of Education.

The idea then was to make it a Bureau to collect general information and statistics for the use of the educational institutions of the States, and to limit it to that. The largest amount ever appropriated was, I believe, $20,000, up to that time, and the next year the committee reported $9,000, which was increased by the House. The struggle has been going on from that time until now to make it a great department. We are now called upon to give over $35,000 to run this Bureau for one year. My objection to magnifying this Bureau is the same which I have heretofore often made to increasing any of the subordinate Bureaus of the Department, giving them hordes of useless retainers to support their dignity. The moment you put any of them, such as the Indian Bureau, or, indeed, any other Bureau, upon an important footing, it at once begins to expend money in the most profligate manner; it at once begins to usurp authority not intended to be given it. I could instance cases where that has been done time and again in the most outrageous manner, but I cannot do it in five minutes.

I will give one that occurred the other day, which will serve to illustrate how these things are managed. Some years ago Congress appointed a Comptroller of the Currency. See what he has done. He has held back about $4,000,000 of national-bank currency in the interest of the great banks of the Eastern States, and tells the President that so much of the $54,000,000 authorized by the act of July 12, 1870, has not been taken, and has thus led the President to send a false message to Congress, based upon false information from that Bureau, the meaning of which is that this currency had not been applied for. The officers of that Bureau all knew better. I have before me now a letter addressed to my friend from Tennessee, [Mr. BRIGHT,] by the Comptroller of the Currency, and there are dozens of like letters in the hands of members, in which he states that there are now pending one hundred and twenty-eight applications for that little balance of $4,000,000.

The following is the letter:

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE CURRENCY,
Washington, April 16, 1864.

SIR: In reply to your letter of the 15th instant, you are informed that the whole amount of the $54,000,000 authorized by act of Congress of July 12, 1870, remaining to be issued to banking associations, is $4,315,528.

The whole number of applications on file awaiting action of Congress is one hundred and twenty-eight.

Very respectfully,

JOHN JAY KNOX,
Comptroller of Currency.

Hon. JOHN M. BRIGHT,
House of Representatives, Washington.

The Comptroller knew his duty, as the following extract from his last report shows; and he is wholly without excuse when he allows pretended or fraudulent applications to tie up the balance of $4,000,000, with all these applications pending, in the interest of the great eastern bankers. He says:

The act of July 12, 1870, further provides that when the fifty-four millions of additional circulation "shall have been taken up," "the Comptroller of the Currency shall, as additional circulation may be required by the banks having less than their proportion, make a requisition for such an amount, commencing with the banks having a circulation exceeding $1,000,000 in States having an excess of circulation, and withdrawing their circulation in excess of $1,000,000, and then proceeding *pro rata* with other banks having a circulation exceeding $300,000 in States having the largest excess of circulation, and reducing the circulation of such banks in States having the greatest proportion in excess, leaving undisturbed any States having a smaller proportion until those in greater excess shall have been reduced to the same grade, and continuing thus to make the reduction provided for by this act until the full amount of twenty-five millions provided for shall be withdrawn; and the circulation so withdrawn shall be distributed among the States and Territories having less than their proportion, so as to equalize the same."

These requisitions will be made upon the banks located in the following States and cities:

Four in the city of New York	$5,018,000
Thirty-seven in the city of Boston	13,320,000
Twenty-one in the State of Massachusetts	2,659,000
Seventeen in the city of Providence	2,818,000
Fifteen in the State of Connecticut	1,185,000

This will reduce to $1,000,000 the circulation of all banks in the city of New York having an excess over that amount, and the circulation of all banks in Massachusetts and Rhode Island to $300,000.

I assume, of course, that the President would not send a veto to Congress without consulting as to the facts with the Comptroller of the Currency. Yet he or somebody makes the President say to Congress that there are $4,000,000 of national-bank currency not yet taken; when the truth is that it has been withheld by the Comptroller of the Currency with the wrongful purpose of retarding, if not ot preventing, the execution of the law, because he knew that as soon as the whole of that $54,000,000 is taken the Comptroller will be compelled to withdraw $25,000,000 from his friends in the East and give it to the States in the West which have not their proportion; and that he evidently does not intend to do as long as he can prevent it.

Mr. E. R. HOAR. Will the gentleman allow me to correct a misquotation he has made?

Mr. BECK. I will.

Mr. E. R. HOAR. The President does not say that $4,000,000 has not been called for, but that it has not been taken.

Mr. BECK. That is what I said.

Mr. E. R. HOAR. The gentleman says that the President has erroneously or falsely stated to Congress that it has not been applied for.

Mr. BECK. No; that it had not been taken. I do not charge the President with stating a falsehood. I say that he has been imposed upon, and having been so has imposed upon the country, inadvertently, if you please. What does the country understand, what must it understand, by that language? Certainly that this $4,000,000 has

not been taken, because nobody wants it. The Comptroller has deceived the President and he has thus deceived the country. Sir, the Comptroller wrote a letter to the chairman of the Committee on Appropriations of the House the day the currency bill was on its passage, for the purpose of defeating it, saying that it meant contraction. Yet the President in his message says that it may be inflation to the extent of $100,000,000. I say that the President has been again deceived when he tells us that there may be an inflation of $100,000,000, because in the very worst aspect it can only inflate the currency $90,000,000; and in fact it cannot swell the currency more than $64,000,000. If $44,000,000 of greenbacks are added to the $356,000,000 which all agree are legally outstanding, and $46,000,000 is added to the national-bank currency—and that is all the bill vetoed ever proposed—$90,000,000, and not $100,000,000 as stated by the President, is all the increase possible. With $382,000,000 of greenbacks now out with the consent and by the act of the President and his Secretary, $64,000,000 is all that is in fact possible. But I see my time is already out.

Why, sir, should we build up Bureaus that will not give truthful information? Why not confine these Bureaus to their legitimate purposes? Make this Commissioner what he is, a mere Bureau officer, and give him clerks enough to do his legitimate work, and no more.

[Here the hammer fell.]

Mr. GARFIELD. I move that the committee rise for the purpose of closing debate on the pending paragraph.

The motion was agreed to, there being—ayes 109, noes 49.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WOODFORD reported that, pursuant to the order of the House, the Committee of the Whole on the state of the Union had had under consideration the state of the Union generally, and particularly the bill (H. R. No. 2064) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes, and had come to no resolution thereon.

Mr. GARFIELD. I move that when the Committee of the Whole resume the consideration of the legislative appropriation bill all debate upon the paragraphs relating to the Bureau of Education be limited to five minutes.

The SPEAKER. The Chair will submit that motion if there be no objection, but he would not wish it to be drawn into a precedent. It is not competent to close debate on more than one paragraph at a time. If there be no objection the Chair will submit the motion in the form in which it is made.

Mr. CLYMER and others objected.

Mr. GARFIELD. I move, then, that debate on the pending paragraph be terminated in five minutes.

The motion was agreed to.

Mr. GARFIELD. I move that the House again resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. WOODFORD in the chair,) and resumed the consideration of the bill (H. R. No. 2064) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes.

Mr. LEWIS. Mr. Chairman, there seems to be a very strong opposition made to the Bureau of Education on the ground that education is dangerous. Now, education may be dangerous to a certain political party and to certain political principles; but the Bureau of Education, I take it, is one of the most beneficent departments of the Government as at present existing. I think this is the conviction of all classes of men engaged in education throughout the country. Educational conventions of teachers and friends of education in at least twenty States of the Union, including many of the Southern States, have pronounced on this subject most emphatically. I will read a resolution adopted by the teachers' convention of the State of Missouri, held but a few months since:

Resolved, That we recognize the great value of, and most fully indorse, the work of the United States Commissioner of Education; and we respectfully ask our legislators and representatives in Congress to render the Bureau of Education every possible facility for collecting and distributing the important facts and statistics embraced in the circulars and annual report of the Commissioner.

The value of testimony like this from men engaged in the task of education in a great State like Missouri (and I might say in every State in the Union) cannot possibly be overestimated. In regard to the value of this Bureau for its educational influences there can be no mistake. The conductors of every college and other institution of learning in the land have, in various ways, for the last several years, expressed their views on this subject. They are in constant correspondence with the Bureau of Education, and derive from its labors very beneficial information and assistance in the fulfillment of their duties. They regard it as of the very highest value. Let me read the language of the democratic superintendent of schools in the State of Virginia, Mr. Ruffner, who in a late report says, (and the superintendent of education in Tennessee, also a democrat, has recently stated the same facts even more strongly:)

Those who have to deal practically with this matter of State education know what need there is of some central depot of information, where educational facts from all parts of the world may be gathered, digested, and distributed over the country, as is done by the present Bureau of Education. This is a work too large and costly for any State office, and yet is important to all. This Bureau is intended to occupy a position on educational matters similar to that occupied in their respective spheres by the Bureaus of Agriculture and of Statistics, and should never be allowed to go beyond this.

The unanimous testimony of every friend of education in the land, of every teacher and professor, of all who wish to remove the vast cloud of ignorance which darkens our political horizon and endangers the future of our nation, of every earnest, enlightened patriot, is and must be, continue to give us the mighty aid of the Bureau of Education, enlarge its means and resources, and so increase its vast influence for good. It collects from all parts of the world information on every point connected with the advance of education and the increase of knowledge, and conveys it to the homes of the people and to every school and college in the land. Every fountain of learning, every institution for man's intellectual advancement on American soil, feels its quickening and inspiring influence. To strike it down or curtail its influence and power would be folly and madness. Our country cannot afford to lose its great aid to the enlightenment of the nation; its beneficent influences cannot be dispensed with.

[Here the hammer fell.]

Mr. G. F. HOAR. I ask leave to have printed in the RECORD a statement embracing a few educational statistics.

There was no objection.

The statement is as follows:

According to the census of 1870 the total expenditure for education in the United States was $95,000,000. On this basis the cost of the Bureau last year was about ⅛ of 1 mill for each dollar of expenditure in 1870.

The school population of the country is between thirteen and fourteen millions. The cost of the Bureau for this class was about 2½ mills *per capita*.

The number of teachers in the common schools is at a low estimate 220,000. The cost for this class, which is constantly seeking the information presented in the report of the Bureau, was about 15½ cents for each teacher.

The cost on the total taxable property of the country is too small to be appreciable.

The amount of the gifts for educational purposes in 1873, according to information collected by this Bureau, at present costing the country $35,000, was over $11,000,000. Can the people of this country, so liberal, so munificent to all classes of educational institutions, begrudge the pittance asked to sustain an agency constantly appealed to by school officers and by educators throughout the country for the information it gathers bearing on education at home and abroad?

The CHAIRMAN. The question is on the amendment of the gentleman from Maryland, [Mr. O'BRIEN.]

Mr. O'BRIEN. I withdraw it.

The Clerk read as follows:

For surveyor-general of Florida, $2,000; and for the clerks in his office, $2,500.

Mr. WALLS. I move to amend by adding after the clause just read the following:

For the completion of the surveying of the United States lands in the State of Florida, $20,000, or so much thereof as may be necessary; and the Commissioner of the General Land Office shall discontinue the said office on or before the 30th day of June, 1875, or as soon as the said surveys are completed.

Mr. GARFIELD. I make the point of order that the amendment changes existing law in proposing to discontinue an office established by law.

The CHAIRMAN. The point of order as to so much of the amendment is good. The part making the appropriation is in order.

Mr. GARFIELD. The gentleman offers the amendment as a whole.

Mr. WALLS. I withdraw that part relating to the discontinuance of the office. I will state my object in offering the amendment. Some time ago the Commissioner of the General Land Office told me in conversation that he had for several years tried to get the Committee on Appropriations to report an appropriation to finish up this service in Florida and discontinue the office. To my own personal knowledge the existing office there is now useless; and to appropriate $7,000 merely to pay men for sitting in their offices at Tallahassee is not in my judgment true retrenchment.

The amendment was not agreed to.

The Clerk read as follows:

For surveyor-general of California, $3,000; and for the clerks in his office, $11,000.

Mr. GARFIELD. I move to amend the clause just read by striking out "$11,000" and inserting "$20,000." We are satisfied that we have cut down this appropriation too much. Last year the appropriation was $28,000; we now propose to make it $20,000.

Mr. HOLMAN. Does the amount proposed in the amendment exceed the estimate?

Mr. GARFIELD. No, sir; the estimate is higher.

The amendment was agreed to.

Mr. DUNNELL. I move in line 1361 to strike out "three" and insert "two;" so it will read, "for surveyor-general in the Territory of Idaho, $2,000." I wish to ask the chairman of the Committee on Appropriations how it is that $3,000 are allowed as the salary for the surveyor-general of the Territory of Idaho, while but $2,000 are allowed for the surveyor-general of Kansas and also of Dakota, where certainly there must be more lands to be surveyed than in the Territory of Idaho? Why should $2,000 be provided for one class and $3,000 for another?

Mr. GARFIELD. I will observe, in reply to the gentleman from Minnesota, that he will notice there is a group of these officers who receive $3,000; those are upon the Pacific coast or in the mountains. According to the policy heretofore pursued by the Government they have been allowed large salaries for similar service in consequence of the higher price of living. This is arranged by law, and has been so from year

to year. We simply follow the law and the usage in former appropriation bills.

Mr. DUNNELL. I withdraw my amendment.

The Clerk read as follows:

POST-OFFICE DEPARTMENT.

For compensation of the Postmaster-General, $8,000; three Assistant Postmasters-General, at $3,500 each; superintendent of money-order system, $3,000; superintendent of foreign mails, $3,000; topographer of the Post-Office Department, $2,500; chief of division for the office of mail depredations, $2,500; chief of division of dead-letters, $2,500; superintendent of Post-Office building and disbursing officer, $2,300; chief clerk to the Postmaster-General, $2,200; one chief clerk to each Assistant Postmaster-General, at $2,000 each; one chief clerk in money-order office, $2,000; one chief clerk in office of superintendent of foreign mails, $2,000; superintendent of blank-agency, $1,800; assistant superintendent of blank-agency, $1,600; four assistants, at $1,200 each; fourteen clerks of class four; sixty-three clerks of class three; fifty clerks of class two; seventy-one clerks of class one; fifty-seven female clerks, at $900 each; one messenger of the Postmaster-General, $900; one messenger to each Assistant Postmaster-General, at $840 each; four assistant messengers; captain of the watch, $1,000; and nine watchmen and twenty-five laborers; one engineer, $1,600; one assistant engineer, $1,000; one carpenter, $1,252; one assistant carpenter, $1,000; one fireman and blacksmith, $900; two firemen, at $720 each; three female laborers, at $480 each; one stenographer, $1,800; and for temporary clerks, $10,000; making, in all, $439,412.

Mr. TYNER. I move in line 1410, on page 58, to strike out the word "each" and to insert "two assistants at $900 each;" so it will read, "four assistants at $1,200, and two assistants at $900 each."

That the committee may understand the purport of this amendment I also move, in line 1418, to strike out "twenty-five" and insert "twenty-three;" so it will read "twenty-three laborers." The purpose is to appropriate for twenty-three laborers, at $720, and for two additional assistants to blank-agency, at $900, in order to comply with what has been heretofore done in the Post-Office Department. We have had that number of assistants in the blank-agency, but by reason of an omission in the fixing up of the last appropriation bill they were authorized two less, and in consequence the superintendent of the blank-agency was compelled to draw on the laborers of the Department to make up the deficiency.

The amendment was agreed to.

Mr. TYNER. I move in line 1423 to strike out "two" before "firemen" and insert "one;" and in line 1424 to strike out the word "each" and insert the words "one fireman and steam-fitter, at $900;" so it will read "one fireman, at $720; and one fireman and steam-fitter, at $900."

The amendment was agreed to.

Mr. HAZELTON, of New Jersey. I move in line 1411 to strike out the word "sixty-three" and insert "sixty-four;" so it will read "sixty-four clerks of class three;" and in the same line to insert after the word "three" these words: "including the stationery clerk;" so it will read "sixty-four clerks of class three, including the stationery clerk."

Now, Mr. Chairman, I make this motion in order that the stationery clerk may be included in class three. He occupies a very important position. He is obliged to receive all the stationery coming into the Department, and to keep an account of that and of every article going out of the Department, embracing between one and two hundred articles.

The gentleman occupying this position is a man of ability, a good accountant, and I think the House will see the propriety of including him in class three.

Mr. GARFIELD. I hope the amendment will not prevail, as it is an increase of the force.

Mr. HAZELTON, of New Jersey. It does not increase the force at all. It merely transfers a clerk from class two to class three. It does not increase the number of clerks at all.

The committee divided; and there were—ayes 38, noes 65.

So the amendment was disagreed to, no further count being demanded.

Mr. STONE. I move in line 1416 to strike out "four assistant messengers," in order to inquire why there is no salary attached here?

Mr. GARFIELD. It is not necessary, as their pay is fixed by law at $720 each.

Mr. STONE. I withdraw my motion, and move to insert "at $720 each."

Mr. GARFIELD. That is not necessary, as the aggregate at the end covers it.

Mr. STONE. I insist on my amendment.

Mr. GARFIELD. I have no objection; but it is only surplusage.

Mr. RANDALL. No; it is not. If their salary is fixed by law at $720 each there can be no good ground of objection to insert it at this place as in the case of all other officers.

Mr. HOLMAN. I rise to oppose the amendment, for the purpose of saying a word or two on the pending paragraph generally. The growth of the salaries of this Department is something frightful. For the purpose of comparison I will take the last legitimate appropriation bill, that for the year ending June 30, 1873, for I do not call the appropriation bill of last year legitimate.

Mr. GARFIELD. Why not?

Mr. HOLMAN. That bill certainly was not legitimate, because the people have made you repeal your action on it. The increase of salaries in this Department, by this one paragraph, since 1873, amounts to the sum of $43,712. The appropriations made for salaries in this Department for the year which terminated 30th of June, 1873, was $395,700. The appropriations in this bill amount to $439,412, being an increase, as I have said, since 1873, within the period of a little over a single year, of $43,712.

I apprehend, Mr. Chairman, when this bill shall be completed, in comparing it even with the legislation of the 3d of March, 1873, we shall find that in but one single case has there been a reduction of any moment, while there has been a multitude of increases in the various Departments, where salaries are involved. That one decrease will be found to be mainly confined to the reduction of the Army. Here, sir, without a word of explanation, we are called to vote an increase of salaries to the amount of nearly $44,000. Notwithstanding that, we have heard a great deal said upon the subject of severe economy in the appropriations of this bill.

The amendment was agreed to.

Mr. SWANN. I offer the following amendment:

In line 1417 strike out "$1,000" and insert "$1,200;" so that it will read, "captain of the watch $1,200."

This amendment is for the purpose of equalizing the salaries of this class of officers, where they perform the same duties. This captain of the watch is receiving $200 less than other captains of the same class performing the same duties. I therefore move that the salary be made $1,200, so as to equalize all these officers. This is the case of a meritorious officer, and I do not think we ought to make this difference where there is no reason for it. I offer this amendment with the consent of the Committee on Appropriations.

The question being taken on the amendment, it was not agreed to.

The Clerk read as follows:

Department of Agriculture:

For compensation of Commissioner of Agriculture, $3,000; chief clerk, $2,000; entomologist, $2,000; chemist, $2,000; assistant chemist, $1,600; superintendent of experimental gardens and grounds, $2,000; statistician, $2,000; disbursing clerk, $1,800; superintendent of seed-room, $1,800; librarian, $1,800; botanist, $1,800; four clerks of class four, five clerks of class three, six clerks of class two, seven clerks of class one; engineer, $1,400; superintendent of folding-room, $1,200; assistant superintendent of experimental garden and grounds, $1,200; assistant superintendent of the seed-room, $1,200; three copyists, at $900 each; two attendants in museum, at $1,000 each; chief messenger, $850; two assistant messengers; one carpenter, at $960; three watchmen; and nine laborers; making in all, $75,390.

Mr. GARFIELD. I am instructed by the Committee on Appropriations to offer the following amendment to correct a clerical error:

On line 1451, after the words "botanist, $1,800," insert "microscopist, $1,800."

This was in the estimates and in the law of last year, and was left out of this bill by mistake.

Mr. HOLMAN. I desire to ask the gentleman from Ohio whether this was purposely omitted, or whether the omission arises merely from a typographical error?

Mr. GARFIELD. It was not purposely omitted. I suppose the omission occurred in the printing of the bill.

Mr. HOLMAN. I was pleased in looking over this paragraph relating to the Agricultural Department to see that a saving of at least one salary was proposed by the Committee on Appropriations. I was in hopes that I would have been able to congratulate them on this evidence of a tendency to economy. But I find they do not deserve any such congratulation.

Mr. GARFIELD. We have reduced the whole amount.

Mr. HOLMAN. By about $300. The appropriation last year was $75,690, and the appropriation this year is $75,390; so that all the reduction upon this item amounts only to $300. And at the same time the fact is before the country that Congress is not even so much as printing the reports of the Agricultural Bureau.

The amendment was agreed to.

Mr. WARD, of Illinois. I offer the following amendment:

In line 1449 strike out "$1,800" and insert in lieu thereof "$1,200;" so that it will read, "superintendent of seed-room, $1,200."

I understand the Committee on Appropriations consent to that amendment.

Mr. HAYS. I must object to it, and I send to the Clerk's desk to be read a letter from the Commissioner of Agriculture in reference to this matter. It is one of the most important offices in connection with the department, and the compensation is not sufficient now. This man is engaged the whole year round in the discharge of his duties, and they are more onerous, I believe, than those of any other officer in the department. I ask that the letter from the Commissioner of Agriculture be read.

The Clerk read as follows:

WASHINGTON, D. C., *April* 23, 1874.

DEAR SIR: The superintendent of the seed-room is the most important position in the department. He must be, and is, perfectly conversant with the character of seeds, the climate where they are grown, and that to which they are adapted here. The kind of seed, particularly grass, adapted to particular localities. He and his assistant are the persons who select all seeds adapted to carry out the objects of seed distribution. He is well posted in the names and location of all seed growers in this country and in Europe, and especially is he conversant with prices of all seeds, and where they can be obtained. He is wholly indispensable; and Mr. Glass's place would be most difficult to supply. And that he is employed only a portion of the year is absolutely untrue. There is not a day but that his services are required.

The engineer is a skilled mechanic in charge of the furnace and engine, requiring great responsibility. Besides, he is a mechanic, who keeps all things requiring mechanical skill in repair about the department.

The assistant superintendent of the seed-room. The duties of this person could not be performed by a woman. The selection, care of, and adjustment of the large amount of seed distributed requires the work of a man. A woman would be of no use in such a place.

Respectfully,

FREDERICK WATTS,
Commissioner

Hon. CHARLES HAYS,
House of Representatives.

Mr. WARD, of Illinois. I desire to make a brief statement in relation to this amendment. The letter which has been read, though it gives this man a pretty high character, does not satisfy me that he should have any such compensation. The order of his work is not, I think, of a character to entitle him to it. According to the information which I have received since I came here, and which, I believe, is reliable, he is engaged but a portion of the time, and his work requires about as much skill as to measure potatoes.

Mr. HAYS. I think the Commissioner of Agriculture, whose letter has been read, understands the necessities of the department as well as most members on this floor can do. I know his duties, and I believe he is an efficient officer, and I think what he says in this letter ought to be regarded by the members of this House. As the head of the department he has certainly had more experience as to what is required there than any gentleman here can have. He knows what is indispensable to his department, and his views have been communicated to the committee in the letter which has been read. I hope the amendment will not prevail.

Mr. Chairman, it is a matter of profound regret that there can be found gentlemen upon the floor of this House who are willing to strike blows, direct and indirect, at the great agricultural interests of our country. Against large and constantly increasing expenditures of public money for the erection of public buildings, the beautifying of public grounds, for the encouragement of commerce and the building of ships, for the erection of forts and cleaning out of rivers, and indeed for all species of improvements, permanent or projected, no clarion voice of reform is lifted. But when the Department of Agriculture, for the dissemination of *useful* knowledge, for the distribution of valuable seeds, and for the general promotion of the farming interests of the country, asks an appropriation not at all adequate with the wants of the people, but cut down in view of the financially depressed condition of the country, instantly a howl for retrenchment is set up by honorable gentlemen who know more of Blackstone than they do of the needs of the agricultural portion of our country, and who embrace this "golden opportunity," as they term it, to set an example of economy and frugality. Every civilized nation that has been guided by a spirit of wisest economy is endeavoring to promote this great interest, in which more than one-half the world is actually employed and upon the success of which the other portion is dependent. Every operation of this department is so naturally connected with the diversified pursuits of practical life, that it aids to a greater or less extent the farmer, the gardener, the merchant, and the miner, by furnishing him with useful concentrated knowledge. Let any gentleman take the trouble to examine the letter-books of the Agricultural Department, or even of the Committee on Agriculture of our own House, and he will not fail to observe the awakened and constantly increasing demand for the uses of this practical department of our Government. Letters of inquiry asking for seeds and "farmers' documents" are received by the basketful daily from all parts of the country. Instead of *decreasing* the appropriation for this much-neglected branch of public service, justice to the farming and laboring interests of the country rather demand that you should increase it. Congress, by act of July 2, 1862, provided "for the establishment of colleges for the benefit of agriculture and the mechanic arts, thus recognizing the absolute necessity for the foundation of a system of education to the farmer which would "elevate him to that standard of intelligence which now distinguishes the other professions of life." The province and the practice of this special Department of Agriculture is to foster the increasing spirit of kindliness to the farmer and practically assist those who need knowledge and help. Strike it down, sir, and you strike a blow at the best and staunchest friends of our country; those whose sturdy toil gives us bread, and whose stalwart arms have ever been raised for the help of the country in her darkest and most imperiled hours. The gleam of satire, the blade of tutored wit, and the foolish help of ridicule *may* win the applause of an hour, but the "farmer boys are marching;" banners and men are springing up from the wheatfields of the West and North, and prudence and policy at least should teach us that lessons of reform and economy had better be taught to the rich banker of the East than to the poor farmer of the West. These people are in no humor to be trifled with on subjects so seriously affecting their material prosperity and personal happiness. I trust, Mr. Chairman, that the fight may be a square one. Let us know who is the farmer's friend and who is his enemy.

Mr. BECK. I desire to ask the gentleman from Alabama a question before he sits down. I have seen a report furnished by the Department of Agriculture—I have not got it now—giving an account of the way in which these seeds are distributed. My recollection is that nearly half of these packages of seeds distributed by the department are distributed not to members of Congress and not to agents of the department, but are distributed to other persons.

Mr. HAYS. I have not seen that report. I will say to the gentleman from Kentucky [Mr. BECK] that I suppose he is aware of the fact that the Agricultural Department has correspondents all over the United States from whom they are collecting information, and that seeds are disseminated among those correspondents in order that they may experiment with them.

Mr. BECK. Yes; but this report shows, if I recollect right, that more of these seeds are distributed to other persons than are distributed to members of Congress and the agents of the department.

Mr. LAMPORT. Here is the report to which the gentleman refers. [Handing it to Mr. BECK.]

Mr. HAYS. The persons who write letters to the department, conveying information to it, are certainly entitled to recognition, and have a right to receive these seeds.

Mr. BECK. Here is the report. I read from it. There were distributed to Senators and Members of Congress 273,776 packages; to agricultural societies 153,344; to statistical correspondents 111,901; to meteorological observers 20,012; and to miscellaneous applicants 255,532. Thus it will be seen that the miscellaneous applicants received nearly as many packages as Senators and Members of Congress. Now why should he give these seeds to Tom, Dick, and Harry, around Washington here or anywhere else?

Mr. HAYS. I deny the charge; he does not give them to persons around the capital here.

Mr. BECK. Where do they go, then?

Mr. HAYS. They are sent to different parts of the United States; all over the South, the West, and the East.

Mr. BECK. To miscellaneous applicants?

Mr. HAYS. Yes; and they have as much right to them as you have, as citizens of the country.

Mr. BECK. Then I want it understood that these seeds are not distributed through representative men and agents of the Department to be sent to the people of the country generally; but are distributed by the chief of the Bureau, and that each individual now has as much right to get from him anything he sees fit to give him as the Representative of one hundred and thirty thousand people has. Is that the intimation of the gentleman from Alabama?

Mr. HAYS. I do not quite understand the gentleman's question.

Mr. BECK. You say that each individual man has as much right to these seeds as I have as a Representative of my district.

The CHAIRMAN. Gentlemen must address the Chair, and speak one at a time.

Mr. BECK. I ask the question in all kindness.

Mr. HAYS. Parties in the South, in the East, and in the West who desire seed can certainly address communications to the Commissioner of Agriculture and get a few seeds for the purpose of experiment. They are entitled to them. I do not say that the Commissioner of Agriculture has a right to send out the seeds promiscuously. He is only applied to by a few persons for them. He certainly has to keep up his correspondence with parties throughout the country for the purpose of experimenting, so as to find out what seeds are suitable for different localities.

Mr. BECK. The table that I have read from shows that these miscellaneous applicants who get their seeds through him without the action of any representative man or authorized agent get 255,532 of these packages; while all the Senators and Members of the House together get only 273,776 packages. Now I ask, ought the head of any Bureau to be the absolute master of all these appropriations to distribute to whom he pleases?

Mr. HAYS. I would ask the gentleman if there are not agricultural colleges all over the country?

Mr. BECK. Yes, sir; there are.

Mr. HAYS. Have we not agricultural societies all over the country?

Mr. BECK. We have.

Mr. HAYS. Have we not botanical societies and scientific societies of that kind throughout the country which call upon this department for information and seeds?

Mr. BECK. The miscellaneous item in this list excludes all the agricultural societies and all the statistical societies. What I complain of is that the miscellaneous applicants get nearly as much as all the Senators and Members together.

Mr. LAMPORT. The gentleman from Kentucky I know does not wish to do injustice to the Commissioner of Agriculture.

Mr. HAYS. I believe I have the floor.

Mr. BECK. If I had the floor I yield the balance of my time to the gentleman from New York, [Mr. LAMPORT.]

The CHAIRMAN. The time belonged to the gentleman from Alabama, but it has been exhausted in the dialogue between him and the gentleman from Kentucky.

Mr. LAMPORT. I am sure the gentleman from Kentucky desires to know the facts.

Mr. BECK. I do.

Mr. LAMPORT. Frequently requests come to me from farmers asking me to send them seeds, and I send those letters to the Commissioner indorsing them "please accommodate the applicant." He puts all such cases down as miscellaneous. I presume many members do the same thing.

Mr. BECK. I have done it myself, and have been always treated kindly.

Mr. LAMPORT. That will explain the matter. In addition to the distribution to each congressional district, the department furnishes many packages of seeds in this way upon applications indorsed by members to accommodate persons who have written to them.

Mr. SHANKS. I notice in the communication from the Commissioner of Agriculture that he condemns the proposition to employ a lady in the department for the distribution of these seeds, and winds up with the very peculiar language that a lady in that department would be of no value.

Mr. HAYS. I think the gentleman has misunderstood the communication.

Mr. SHANKS. If I have, the letter will show. I say that whoever, male or female, has been for years past distributing seeds in that department, he or she has been utterly worthless. If there is any man in this country who knows what climate any particular seed that comes from that department is best adapted to, or in what soil it would best prosper, he has obtained that information from some other source than from the department. If there is any man there so wise and well informed as we are told in the paper which has been read here that this man is, any one who is able to tell what soil or climate will best suit the seeds that are sent out, he certainly keeps that information closely locked up; it does not get to the farmers of the country.

Of all the seeds which I have ever received, and I have received my share as a member of Congress, I never yet learned, from any instructions which accompanied any package of them, what soil or climate they would do best in. The major part of the seeds which I got were something that would grow down on the Mississippi instead of on the Wabash, where I live. If there is such a man in the department as this letter of the Commissioner would indicate, I am glad to know it, and I hope that hereafter he will tell the people something about the seeds which he sends out. My opinion is that if there is any woman in this country who does not know as much about the distribution of seeds as the one who has had charge of it for some years past, then she would indeed be worthless in that or in any other department.

Mr. LAMISON. I desire to say a single word somewhat in reply to the inquiry of the gentleman from Kentucky [Mr. BECK] in regard to the distribution of these seeds. I am one of those who do not believe that there is either efficiency or economy in the conduct of this Department of Agriculture. I conceive it to be utterly useless for any purpose for which it was created originally, and for one I am in favor of abolishing it entirely.

Now in relation to the matter referred to by the gentleman from Kentucky I will say that about fifteen years ago there was a young lawyer in my town who at the time was secretary of an agricultural society, which place he held for a single year. Yet from that time on he has been in the regular receipt of packages of seeds from the Agricultural Department, and at one time and another I have seen bags and bags of those seeds piled away in the back part of his office, and not used at all. A like condition of things exists in other portions of my district. These seeds are sent to parties who care nothing about them and who never use them. Some years ago I went over to the Agricultural Department and notified them that those seeds which they sent to these parties were not used, but were laid away uncared for. But the department still keeps up the practice of sending them to the same parties. I think there is neither efficiency nor economy of any kind in the management of this department, and for one I hope it will be abolished.

Mr. TOWNSEND. I move to strike out the last word for the purpose of saying that I cannot agree with the gentleman who has just taken his seat [Mr. LAMISON] that the Department of Agriculture is a useless institution. So far as my experience has gone, it has proved a truly useful one.

I am somewhat like the lawyer of whom my friend from Ohio [Mr. LAMISON] spoke, a member of an agricultural society. I have had large consignments of seeds made to me, and I have scattered them among the farmers of my district. They have come to me in repeated instances and stated that the new seeds I had distributed to them, emanating from the Department of Agriculture, were a very valuable acquisition to the seeds in my county. It is a good thing in every agricultural district to change the seeds used there. It is not always right or proper that the seeds of one climate should be distributed in that climate. It is well to change them to different climates and in different soils in order to prevent deterioration. I have noticed of my own knowledge and observation that such a change as that is an improvement in the great cereals of the country.

And another thing; there is nothing for which I am more frequently asked than the monthly report that emanates from this department, now that the annual reports have ceased to be published. Within the last four months there has been scarcely a day that I have not received one or more letters from my constituents asking for the Agricultural Reports of 1872 and 1873. I think we did a very unwise thing for the agricultural interests of the country when we ceased to publish the annual reports which have been so eagerly sought for by the farmers in every portion of the Union, and which I know have proved in my district to be very valuable. My constituents seek them earnestly. They frequently ask me for them at home. And I trust the time will soon come when there will be a change of the policy which seems to have been adopted here, and when we will publish these reports and send them broadcast throughout the land for the benefit and the improvement of the agricultural interests.

The introduction of a single new seed or vegetable becomes very frequently, in the course of a year or two, sufficiently valuable to the people of the country to pay for all the expenditure that may be incurred in the publication of the annual report.

Mr. LAMPORT. Mr. Chairman, I regret very much to see in this House a prejudice against the Agricultural Department. Many gentlemen here seem to take but little interest in this department, and indeed express their disapprobation of it. My esteemed friend from Indiana [Mr. SHANKS] complains that seeds are sent to different parts of the country without an essay to inform the farmer to what particular soil they are adapted. That idea is utterly impracticable. The Commissioner of Agriculture frequently sends out seeds to persons that call for them, although they are not adapted to the particular places to which they are sent. But he has sent out cereals and other seeds that have been of vast benefit to the country. I recollect myself receiving from the department some fifteen years ago a kind of wheat called the "Mediterranean wheat." Our crops had been almost destroyed by the midge. We took that sample of wheat, and it has now become *the* wheat of Western New York. Thus those seeds have been worth millions of dollars to the State of New York.

The Commissioner of Agriculture has within the last two years sent to North Carolina and other States wheat from the State of Pennsylvania called the "Fultz wheat." The planting of this wheat in these other States has increased the crop 10, 15, and even 20 per cent., so that that seed has proved to be worth thousands of dollars. No doubt some gentlemen have received vegetable seeds and flower seeds that have not quite come up to their expectations; but in other cases the seeds received from the department have proved of immense value.

I very much regret that members of this House have taken so decided a stand against the agricultural interests of the country. I have not forgotten the fact that forty-three gentlemen here not long ago voted to abolish this department, and my esteemed friend from New Jersey [Mr. PHELPS] almost went into fits because we asked for the printing of the Agricultural Report. I hope to have an opportunity to pay my respects to that gentleman at a proper time.

Mr. Chairman, I hope that this House will not be so unjust to the agricultural interests of the country, upon which our prosperity so largely depends, as to go back upon these small appropriations for this department. I recollect that the first speech I ever heard on this floor—and the gentleman from Indiana [Mr. HOLMAN] now on his feet reminds me of it—was made by that gentleman against a little appropriation to complete the building for the Agricultural Department. He stated that he regarded the concern as a "mere fancy." Undoubtedly the gentleman thinks so. But, sir, if I should make a remark that Blackstone was a "mere fancy" he would not think me very wise; nor do I think him very wise in opposing the agricultural interests of this country and in denominating them a "mere fancy." Such a remark from me in regard to Blackstone would show my ignorance; and the gentleman's remark in regard to the agricultural interests shows his ignorance in that direction.

Mr. WARD, of Illinois. Mr. Chairman, I do not understand that the remarks of the gentleman from New York [Mr. LAMPORT] were directed to me particularly, but I wish to correct the misapprehension which seems to prevail here that this amendment antagonizes the Agricultural Department. Why, sir, it is as far as possible from doing any such thing. So far as I am concerned I am in favor of the distribution of seeds; I am in favor of agriculture; I am almost a "granger," although I do not happen to have any "grangers" in my district. I know what it is to farm. I am unfortunate enough to own a farm. I am not against the farming interests of the country, and I do not want to destroy the Agricultural Department; but I desire to reduce it to the same basis to which all the institutions of the Government ought to be reduced.

Now because I propose a reduction of the salary of this particular officer it does not follow that I am in favor of destroying the Agricultural Department, or that I shall ultimately be against the publication of the Agricultural Report. This man is not worth $1,800. It was as a plain, practical, business proposition that I put the matter to the House. Twelve hundred dollars is more than he is worth. If gentlemen will read on a little further in the bill they will see an appropriation for an assistant superintendent of the seed-room at a salary of $1,200. Both of these salaries are too much.

Mr. BURCHARD. When my colleague [Mr. WARD] says that this officer is not worth $1,800, does he refer to the particular occupant or to the office?

Mr. WARD, of Illinois. I mean the particular occupant and also the office itself. This amendment does not imply any antagonism on my part to the department. I am informed, and I believe it to be true, that while the predecessor of the present Commissioner was in office he did not employ such a man as this the year round; but during the season of the distribution of seeds he employed a proper man, paid him for the time he worked, and then discharged him. He was employed only three or four months in the year. This man really has no right to be employed any longer. He is not the fittest man in the world for the place at any rate. He is not fitted by education for the position. He has never followed such pursuits as would fit him for these particular duties. Twelve hundred dollars a year is really more than he is worth almost anywhere; it is certainly all he is worth in this place. It was only with this view that I offered my amendment. It is a plain, simple, business question of how much we will pay a man in the Agricultural Department to distribute these seeds—a duty that requires just about that kind of talent which it takes to measure potatoes.

Mr. BURCHARD. I wish to ask my colleague a question, and on the answer will depend my vote upon this amendment. Is it the duty of this officer merely to distribute the seeds and take charge of the seed-room, or is it his business, as claimed by gentlemen here, to purchase seeds?

Mr. WARD, of Illinois. He does not collect the seeds; he has not education or fitness for that. They are purchased by another gentleman whose name I could give. This man merely does the mechanical duty of seeing the seeds distributed after they are brought there for distribution. The whole clause ought to be stricken out. I would vote to strike out the whole clause relating to that officer quicker than for this amendment. I made this amendment because if he must be retained it is all he is worth. I offered it for that and nothing more.

Mr. HOLMAN. Now, Mr. Chairman, as one of the few practical farmers on this floor—and there are very few, I believe—I have listened with great pleasure to the talk of bankers like my friend from New York, [Mr. LAMPORT,] criticising the speeches made in reference to the Agricultural Reports and the Agricultural Bureau.

Mr. LAMPORT. Allow me to correct the gentleman; I am not a banker.

Mr. HOLMAN. My friend's memory is failing him. I was in favor of the Agricultural Department from the beginning, but I have sustained it always as an Agricultural Department. My friend is mistaken in reference to the speech made by me to which he has alluded. I made no such speech against the Agricultural Department. When it was said, however, that an elegant green-house and conservatory ought to be established, and that it was designed for the purpose of cultivating economic textile plants and botanic plants, I then inquired whether azaleas, fuschias, and different varieties of the cactus family, and the numerous other varieties of rare exotics cultivated there in order to furnish members of Congress and others with beautiful bouquets, were to be classed with such economic and botanic plants. That is the speech to which he refers.

Now, Mr. Chairman, the real agriculturists have always sought to make this an Agricultural Department. It has, however, been turned into the cultivation of fine flowering plants to adorn and beautify this capital and nothing more. It was never intended for any such purpose.

I am in favor of perpetuating the Agricultural Department, as I have always shown by my vote, but I am in favor of making it an establishment for promoting the interests of agriculture and not a mere fancy establishment. I am not in favor of appropriating $75,000 a year for salaries. I have an amendment to make; and if it be in order I will send it to the Speaker's desk to be read.

The CHAIRMAN. There is an amendment now pending.

Mr. HOLMAN. I withhold it then for the present. I propose to add $200 to the salary of chief clerk as disbursing officer and to strike out the salary of $1,800 a year now given to the disbursing officer.

Mr. GARFIELD. That is right.

Mr. HOLMAN. I find there are but ninety-one persons to be paid in that department, and yet we are paying $1,800 a year to a clerk for that purpose. It is in harmony with all these other salaries, but I suppose my friend from New York and others like him have a fancy for farming just in that way. So it is that they run up a total of $75,000.

The CHAIRMAN. The Chair will recognize the gentleman from Indiana to offer his amendment after the pending amendment is disposed of.

Mr. KASSON. I ask the gentleman from Illinois to withdraw his amendment, and I will renew it.

Mr. WARD, of Illinois. I withdraw it.

Mr. KASSON. I renew it. Now, Mr. Chairman, I wish to say to the committee on this subject, for I anticipate before long the chairman of the committee will be anxious to close general debate on this subject, that the difficulty with this Department of Agriculture is not at all in respect to the object of the Department when it was created. I have, I believe, known its history from the beginning, and have had a part to some extent in the appropriation by which it was founded. I wish to say our complaint is that the objects for which that Department was founded are not carried out. It has become a Bureau largely for comfortable places and for doing machine work never intended to be done when it was established. For example, we never intended establishing that Bureau of Agriculture to make the Government a competitor with every seed store in the country for hollyhocks, marigolds, and Pennsylvania rye, and Berks County oats, and all that sort of thing which is now sent out from that department of the Government to the country. Its object was to get new and unused seeds, and to enable the country to try them as experiments, and if successful then to establish a source from which they could be propagated over different parts of the country.

It has degenerated, and gentlemen around me know it has degenerated largely into the mere distribution of the common seeds which you can find at every corner-road store in the United States. Look at your lists of seeds and see what they recite when they come to you, and you find it is but a little pleasant bit of subsidy which we send out to our friends to save them the trouble of buying at the seed stores at their country county seats. I say, sir, that this is an entire contravention of the object of the Department of Agriculture as it was established. Under one of the former Commissioners they did introduce from foreign parts a very valuable and useful vegetable; perhaps two or three. The question of management I admit we cannot arrange here. The management must be good, or your department, whatever your laws are, will fail.

So much for the general character of the department; and now, coming to the provisions of this bill themselves, I would say that I find that in some cases the appropriations made for the Departments are not used with equal justice. I approve of the Commissioner sending out seeds to his correspondents who furnish him information that may be useful and report the results of experiments. But in regard to the payment of postage, I say that I do not like the Commissioner to pay the bills of members for postage in distributing their seeds in some cases and in others leaving the members to pay it for themselves. There should be a clear rule in regard to the use of this $52,000 of postage which the bill proposes to give to the Commissioner.

Again, sir, we have a chemist and assistant chemist. I cannot vote for both unless the chairman of the Committee on Agriculture, or some competent authority, shows that one cannot do the work. Then I think there should be a change made in regard to this disbursing clerk, for the reason that in other Departments we pay a clerk of a certain class $200 extra and let him do the disbursements. There is not a large amount of disbursements in this Bureau so as to require a clerk at more than $1,800.

A MEMBER. Department, the gentleman should say.

Mr. KASSON. Yes; I believe that is the name of it. And when a former Pennsylvania farmer—for I believe Pennsylvania has had this department from the beginning—was there he would give us no peace, because he had not a seat in the Cabinet of the United States, to which he considered he was entitled on account of being at the head of the Department of Agriculture.

Mr. DUNNELL. I renew the amendment for the purpose of saying a single word in reply to the gentleman from Iowa, in regard to the character of the seeds which are sent out from the Agricultural Department. Representing, as I do, a district entirely agricultural, I think I am able to bear testimony to the fact that, as a rule, the seeds which are sent from that department are selected with great care, and are of very great value to the farmers of that State. I do know that the very best kinds of wheat that we are raising in Minnesota were obtained from the Agricultural Department. Indeed the only wheats we now raise came from that department, and a kind of wheat distributed the present year has been sought for very eagerly by my constituents. If I had sent but one half-peck to each applicant for wheat, I would have required ten or fifteen bushels to answer the letters I have received. One kind of wheat has become the standard wheat of the State, and it was received from this department. The oats, also, that are now raised in our State with the most success were received from the Department of Agriculture.

I insist, therefore, that the remarks of the gentleman from Iowa are not correct. It is possible that the Commissioner of Agriculture may have palmed off some Berks County oats, and he may have queried whether the receiver could tell the difference between the new oats and the old that have for a long time been in use. But certainly there is no complaint in my State against this department. The Department of Agriculture is popular with the people of my State, and the seeds which are sent out there are gladly received. And, as I have said before, the people of that State desire that they should have not only the seeds but the Agricultural Report. I feel bound to say that I think it is unworthy of us, unworthy of people so largely agricultural, so largely dependent upon agriculture, that we should refuse to send out free and without cost to the farmers of our country, the tillers of the soil, the producers of our wealth, the Agricultural Report of our country. For two years the Report of the Agricultural Department has been unprinted. The order for printing has passed the House, and I think the Senate ought at once to respond to the expression of the House and take the necessary action to have the report printed. We ought to insist that that report shall go to the people free, without money and without price.

Mr. MERRIAM. I would like to ask the gentleman if his constituents did not petition for the repeal of the franking privilege? While I agree that it is very important for us to get these Agricultural Reports into the hands of the farmers, for my district is an agricultural district and I have demands for them continually, and there are many there who are farmers, to whom it is a real comfort and profit to get them and read them; and I think that there should be some method whereby we could get these reports into their hands; yet, notwithstanding that, my people petitioned Congress to abolish the franking privilege, and I ask the gentleman if it was not the same with his own constituents?

Mr. DUNNELL. I think my constituents through the friendly and kindly aid of the Postmaster-General were induced, very many of them, to petition Congress to repeal the franking privilege. If their unbiased opinion had been had in the matter they would have asked that the franking privilege be amended, modified, and not repealed. They are willing now that it shall be modified and restored.

Mr. MAYNARD. I move, *pro forma*, to strike out the last word. I think it is to be regretted, Mr. Chairman, that in the organization of the House there was not more care taken in the organization of the Committee on Agriculture. It is very evident that that committee has been very inadequately composed. I find at the head of it my excellent friend from Alabama, [Mr. HAYS,] who, I understand, is what they call a planter in his country, in other parts of the country a farmer on a pretty large scale, and I have no doubt that that impressed upon the Speaker the conviction that he would be a good man to put at the head of this committee; but it is very evident from the discussion which has been had here that the Speaker ought to have taken the distinguished gentleman from Iowa, [Mr. KASSON,] or

my equally distinguished friend from Indiana, [Mr. HOLMAN,] gentlemen of the law, gentlemen who are accustomed to briefs, to plaintiffs and defendants, to examinations and cross-examinations. They would have elevated the Agricultural Bureau, as it is called, I will not say disparagingly, by some, to the dignified position that it ought to occupy. They would have corrected this whole matter of seeds, Berks County oats, and I know not what else. We should then have had a proper and just distribution to the agricultural, horticultural, and floricultural interests of the country. A friend near me suggests "hay-seed;" I do not know about that.

Now, Mr. Chairman, I am accustomed to hear these periodical attacks on the Agricultural Department session after session, based upon nothing better than what we have heard to-day, and they have always come from some other quarter than from the Committee on Agriculture. In the last Congress it will be recollected that our old friend from Ohio, Mr. Wilson, stood as chairman of the Committee on Agriculture, and championed the Department of Agriculture as my friend from Alabama [Mr. HAYS] has done on this occasion.

I know not why it is that gentlemen engaged as I am with the question of currency, and as the gentleman from Iowa [Mr. KASSON] is with the subject of taxes and ways and means, and as my distinguished friend from Indiana [Mr. HOLMAN] is in the matter of claims, should be supposed to understand this question so much better, and to be able to inform the House so much more intelligently upon it than the gentlemen who have been required by the organization of the House to inquire into this matter, and obtain the necessary information in regard to it.

I have very little to say on this subject excepting from my own experience, and that is that there is no other Department that comes nearer to the business of those that I represent than does the Department of Agriculture, and upon no subject do I receive more letters than those which come asking for the distribution of the seeds, cuttings, plants, &c., of the Department of Agriculture. My opinion, from having seen that department originate in a mere clerkship in the Patent Office until it has gained the proportions that it now fills, is that it has been not only exceedingly useful, but that it has been very wisely and profitably administered; I mean profitable to the general agricultural interests of the country.

I know it is the custom to speak very disparagingly of the first Commissioner of the department; we have had a throw here to-day at the poor man who has been in his grave long enough to have turned to dust again. But that man had what is wanted by a great many of us, sound, practical, every-day common sense, and generally understood what was wanted in his department.

[Here the hammer fell.]

Mr. GARFIELD. I move that the committee rise for the purpose of closing debate on this paragraph.

Mr. HOLMAN. I suggest to the gentleman that it would be economy of time if he were to ask unanimous consent to close debate.

Mr. GARFIELD. There are a number of other amendments to be offered, but if unanimous consent can be given to close debate I will not insist on my motion.

Mr. WILSON, of Iowa. I would like to say a few words.

Mr. GARFIELD. Then I ask unanimous consent that at the close of the remarks of the gentleman from Iowa all debate upon this paragraph may cease.

There was no objection, and it was so ordered.

Mr. WILSON, of Iowa. I shall occupy but a minute upon this question. I thought I knew something about agriculture generally, and had given as much time as I could possibly spare from the other duties which have been imposed upon me by the House to try and become acquainted with this Department of Agriculture. I know that a great deal of ridicule is pointed at the head of this department, but nowadays a great deal of ridicule is pointed at everybody who becomes at all prominent. In my interviews with the head of this department I have not got the impression that the man was totally unfit for his position, as has been represented here. I think he knows a great deal about it; I think he knows at least as much as any other man you can obtain for the place at $3,000 a year. As regards the seeds that are sent out, I want to say this: I have found a great many seeds on the list that is usually furnished to members for distribution which are very valuable, just such seeds as are needed in the Northwest. Let me call your attention to one or two of these different kinds of seeds. If you will examine the report on commerce and navigation, you will find that in 1871 we bought five million bushels of barley in Canada and brought it into the port of Chicago. I went to the Commissioner and asked him if he had any new and rare specimens of barley, and he said he had. I asked him to send me all he could spare, which he did. I knew just what men to send it to in my district; men who would take it, cultivate it, and report upon it. If other gentlemen in the House do not know these facts, is Mr. Watts to blame?

Another thing: there is no subject on which the people of the West need information so much as the seeding down land into grass. I went to the Commissioner of Agriculture and asked him if he had any clover-seed that would not freeze out in winter. I wanted a kind of clover that came from a country where the frost was as deep in the winter as it is in Iowa. I wanted a kind of clover that would not freeze out in the winter. Are members here aware that the grass crop is the great crop of the United States? And is there any member in this House whose constituents do not need such information as I endeavored to obtain? I asked the Commissioner that question, and he furnished me some Alsyke clover, and I sent it home to my constituents.

The remark has been made here that you can find all the seeds distributed by this department at the corner grocery stores in the country. I tell you you cannot do so. It is a well-known fact that in hot countries where the thermometer rises to one hundred degrees in the shade, oats never come to perfection; and in order to maintain the vitality and strength of oats you must renew the seed from colder climates. Mr. Watts is doing that very thing. I judge from the tenor of the debate here that the work he is doing is not understood

I admit that I have received the impression that a great many men in the Departments of this Government have a great deal of leisure; I have honestly received that impression. I believe that one-third of the men in every Department of the Government here might very well be dispensed with, and then I would give reasonable salaries to those who are left.

The question was taken upon the amendment moved by Mr. WARD, of Illinois; and upon a division—ayes 27, noes not counted—it was not agreed to.

Mr. HOLMAN. I move to amend by inserting after the words "chief clerk, $2,000," the words "with an additional salary of $200 as disbursing clerk;" also to strike out the words "disbursing clerk, $1,800."

Mr. GARFIELD. I think that is right.

The amendment was agreed to.

Mr. HAZELTON, of New Jersey. I move to insert after the amendment in relation to microscopist the following:

Provided, That when the services of said microscopist shall be requested by any person or persons for the purpose of making an examination of fruits, fruit-trees, plants, seeds, vines, &c., they shall be given free; and that $1,000, or so much thereof as may be needed, is appropriated to pay the actual traveling expenses in attending to the above duties.

Mr. GARFIELD. I shall have to make the point of order on that amendment that it is a change of law in regard to the duties of this office.

The CHAIRMAN. The point of order is well taken, and the amendment is ruled out of order.

Mr. KASSON. I notice that the Committee on Appropriations have reported as the compensation of the librarian of this department $1,800. Now, the price-current in the Departments for a librarian is only $1,200, so far as I know. I would ask the chairman of the Committee on Appropriations whether this librarian should not be put on a par with the others? I move to reduce the salary to $1,200.

Mr. GARFIELD. I will not object.

The question was taken; and upon a division there were—ayes 37, noes 35.

Mr. HAYS. That is not a quorum, and I ask for tellers.

Tellers were ordered; and Mr. GARFIELD and Mr. HAYS were appointed.

The committee again divided; and the tellers reported that there were—ayes 59, noes 36.

Mr. HAYS, (one of the tellers.) I do not ask for a further count; I give it up.

So the amendment was declared adopted.

Mr. GARFIELD. I move to amend in relation to the compensation of the chief messenger, so as to make it $840 instead of $850, as reported in the bill. That will make the pay the same as for messengers in the other Departments.

The amendment was agreed to.

Mr. GARFIELD. I also move to amend by inserting after the words "nine laborers" the words "at $740 each;" so that there may be no mistake.

The amendment was agreed to.

Mr. WARD, of Illinois. I move to amend so as to reduce the salary of the engineer to $1,000.

The amendment was not agreed to.

Mr. WARD, of Illinois. I move to amend by making the salary of the engineer $1,200.

Mr. GARFIELD. There is no objection to that.

The amendment was agreed to.

Mr. WARD, of Illinois. I move to amend by striking out the words "assistant superintendent of the seed-room, $1,200."

The amendment was not agreed to.

The Clerk read as follows:

For postage on seeds, reports, circulars, and letters, $52,000.

Mr. G. F. HOAR. I move to amend the paragraph just read by striking out the last word. I do not desire to create any debate on this subject; but I wish to learn from some member of the Committee on the Post-Office and Post-Roads whether it is the fact, as I have been informed, that the entire cost to the Post-Office Department of conveying the annual Agricultural Reports, imposing on them their full share of the whole cost of carrying the mails, does not exceed ten cents, while the postage charged to us or our constituents upon these documents is forty cents.

Whatever may be the opinion of different gentlemen about the franking privilege, it seems to me a very great wrong that documents

printed for distribution among the people should be to the Post-Office Department a source of profit to the extent of three times the actual cost of transportation. I would like to learn from some members of the Post-Office Committee whether ten cents apiece is not ample compensation to the Department for all the expense of conveying these documents through the mails.

Mr. PACKER. It would be utterly impossible to ascertain the precise cost of conveying any particular document through the mails. Contracts are regulated upon the railroads by the weight of the matter carried. But the railroads form but a small proportion of all the mail-routes of the country; and the contracts upon routes other than railroads, and upon which distance is a more important element, are not bid for according to the weight of the matter carried. Therefore it is difficult to ascertain with any degree of accuracy the net cost of transmitting any particular document.

Mr. G. F. HOAR. I have understood from what I supposed to be a very high source that the expense of conveying these public documents, in addition to the existing demands for mail transportation, is very little. All the mail arrangements being made for other things, the addition of these public documents does not make any very considerable increase of expense. But that may not be a just way of considering the question. I understand, however, that taking the rate of the whole service throughout the Union, and imposing upon these documents their share of the entire cost, ten cents apiece is ample remuneration for their transportation. It is of course difficult to get at the cost exactly; but I understand that ten cents apiece is sure to cover the entire cost of conveying public documents of the size of the Agricultural Report. If that is so, it seems to me we ought not to impose on the people for the conveyance of these documents a charge which yields to the Post-Office Department a profit of 300 per cent.

Mr. PACKER. I think, sir, the inquiry of the gentleman from Massachusetts [Mr. G. F. HOAR] is in the right direction. I have no doubt that there might properly be made a considerable reduction on the postage of this printed matter.

Mr. COBB, of Kansas. Will my colleague permit me to ask him a question?

Mr. PACKER. I would like first to answer the one that has already been put to me.

Mr. COBB, of Kansas. Did it not appear conclusively before the Committee on the Post-Office and Post-Roads that if these Agricultural Reports were carried at the same rate at which the Post-Office Department carries such articles as the "screw" spoken of a month or two ago by the gentleman from Massachusetts, [Mr. DAWES,] that is to say, if the Post-Office Department would act as an express company for the Agricultural Department as it does for private citizens, and would carry these reports at the same rates, their transportation through the mails would be reduced to about thirteen cents a volume instead of forty-eight cents, the postage now charged?

Mr. PACKER. They are carried at the same rate as all other printed matter. For a short distance the charge made by the Department may appear very high, but when you come to calculate the distance across the continent it would be a very low rate. I believe, however, that the Committee on the Post-Office and Post-Roads have in contemplation, and will report when next called, a bill which will regulate this matter to some extent.

Mr. BURCHARD. I understand that the rate upon printed matter from Washington to Chicago, for instance, at one cent an ounce, would be sixteen dollars per hundred pounds, while the express charge for the same distance would be $4.25 per hundred pounds.

Mr. PACKER. The postage would be precisely the same from here to Chicago as from here to Baltimore.

Mr. WARD, of Illinois. I move to amend by striking out the pending paragraph. I desire for a few moments the attention of the House while I state the reasons which prompt me to make this motion. I have on one or two previous occasions attempted to change the vicious method that now prevails as to distributing public documents. As to seeds we have already changed the law, so far as the action of this House is concerned. I charge that the official stamps of the Government, furnished by the Post-Office Department to other Departments, have been used to transmit through the country documents that had no right to go free through the mails. I know what I am talking about; and I will be specific if it becomes necessary.

Mr. LAMPORT. I hope the gentleman will be specific. This is a serious charge.

Mr. WARD, of Illinois. I say that speeches made on the floor of this House, which no man has the right to frank, are sent by other Departments of this Government under the official stamps furnished by the Post-Office Department.

I wish to be fair, and will state to the House that I do not know but it is claimed they are sent in an envelope with some official communication and paid at a rate which would not be increased whether the speech was out or in. But it is the commencement of a vicious practice that will grow into an enormous wrong. I move then to strike out this appropriation in order that this Department, which I presume is all right in this respect, may not be tempted by and by, as other Departments have been, to take the speeches of my friend from Indiana, or any other friend in favor of this or that measure, and transmit them through the mails free under the official stamps of the Department furnished to it by the Post-Office Department, when it would not distribute my speech free in the same way.

Now then, Mr. Chairman, I repeat again that the speeches of gentlemen upon this floor in large numbers have been distributed free throughout the country, and the expense, if any is incurred, for I wish to be fair and will state it accurately, has been paid by these official postage-stamps furnished in the way the law provides for their being furnished.

Mr. ATKINS. I hope the gentleman from Illinois will give us the names of the parties.

Mr. WARD, of Illinois. It has been done in the Treasury Department.

Mr. RANDALL. Whose speeches have been thus distributed?

Mr. WARD, of Illinois. It has been done by the Comptroller of the Currency.

A MEMBER. By whom?

Mr. WARD, of Illinois. By Mr. Knox, the Comptroller of the Currency. It is no matter what they are; I think the speeches on the subject of finance have been considerable failures. There is no quarrel about that. What I say is that the speeches of members, such as they may deem proper to select out, have been distributed in great numbers by the use of the official stamps furnished to these Departments. Not having made any speech myself I have no right to complain, but others have who have made speeches and whose speeches were not distributed without cost to the members in some way.

Mr. ATKINS. I hope the gentleman from Illinois will tell us whose speeches were distributed in this way.

Mr. WARD, of Illinois. It is the first step in the growth of a practice which this Congress sooner or later must abolish, and I move early in the commencement of our legislation on this bill to provide against it hereafter. The point of order has been made, which is sustained, and it is doubtless all right, and I do not quarrel with it; but I call the attention of this House to this practice for the purpose of asking the House somewhere, at some time, upon this appropriation bill or somewhere else, to provide a method by which official documents and correspondence of the several offices shall be distributed without being open to this kind of abuse, this kind of favoritism, partiality, wrong—I almost said crime, for I believe it to be almost that—in attempting to distribute these documents clandestinely under the official stamps of the Government furnished to these Departments.

Mr. HAYS. I wish to ask the gentleman from Illinois whether he knows of any such thing having been done by this Department of Agriculture?

Mr. WARD, of Illinois. As I have already stated I do not know it of this department, and I make no charge against this department. If this department were to do the same thing, it might select the gentleman's speech and distribute it free through the mails under the official stamps supplied to that department, while it would not distribute mine if it saw fit.

Mr. RANDALL. It is hardly generous, however, in the gentleman to move his amendment and state the purpose he has in view in connection with this department. I wish to state that the subject-matter of which he complains has been called informally to the attention of the Banking and Currency Committee, if I understand it correctly.

Mr. WARD, of Illinois. I did not know that.

Mr. RANDALL. The abuse as stated was with the Comptroller of the Currency in sending out the speeches of members or some portion of the members of the Committee on Banking and Currency on the House currency bill through the mails to the various banks and persons to whom blanks were sent, and as a justification for that the Comptroller said—and if I am not correct some member of the Banking and Currency Committee can correct me—that it did not involve any greater expense to the Government than would the envelope with its inclosure without these speeches.

Mr. STORM. They must have been pretty light speeches, then.

Mr. SAYLER, of Indiana. Would not the gentleman call that favoritism?

Mr. RANDALL. I believe it to be an abuse, but I do not like to individualize. The charge was that the Comptroller of the Currency, Mr. Knox, had sent free through the mails under the official stamp of his office speeches of members of the Committee on Banking and Currency.

Mr. MERRIAM. Let me say just here to the gentleman from Pennsylvania that none of mine ever went out under anybody's official stamp.

Mr. RANDALL. Let those who did have their speeches sent out free under the official stamp of the Comptroller of the Currency stand up and speak for themselves as frankly as the gentleman from New York has for himself.

Mr. KELLOGG. Were the speeches of anybody else than the members of the Committee on Banking and Currency sent out free by the Comptroller of the Currency?

Mr. RANDALL. So far as my knowledge goes, the charge does not extend beyond that—that it does not extend to anybody outside of that committee. I do not think the fault is in the members of the Committee on Banking and Currency, but the fault is with Mr. Knox, Comptroller of the Currency, in having abused his official postage-stamps for any such purpose.

I move further to amend the paragraph by striking out "$52,000" and inserting "4,000;" so that it will read:

For postage on seeds, reports, circulars, and letters, $4,000.

This will make the appropriation here harmonize with the rest of the legislation on the same subject throughout this bill.

Mr. GARFIELD. I trust the committee will come to a vote at once. I am in hopes that it is possible for us to finish this bill to-day.

Mr. RANDALL. I desire just to say that this will be enough to cover the cost of the printing of the stamps; and it will cut off this sending of speeches and seeds too.

The question being taken on the amendment, there were—ayes 39; noes 77; no quorum voting.

Mr. RANDALL. I ask for tellers. We have adopted a provision corresponding with this in every other part of the bill.

Mr. PACKER. The Commissioner cannot send out any seeds at all if we adopt the gentleman's amendment.

The CHAIRMAN. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Ohio, Mr. GARFIELD, and the gentleman from Pennsylvania, Mr. RANDALL.

The committee again divided; and the tellers reported—ayes 18; noes 87.

Mr. RANDALL. I do not ask for further count.

So the amendment was not agreed to.

Mr. COBB, of Kansas. I offer the following amendment:

Add after the word "dollars" these words: "*Provided*, That hereafter the postage on Agricultural Reports shall not exceed ten cents each.

Mr. PACKER. I make the point of order that that changes existing law. If any amendment to the law is to be made it should be a general one. These official documents should all go free.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. PACKER] raises the point of order that the amendment offered by the gentleman from Kansas involves a change of existing law. The Chair is compelled to rule that it does, and that the amendment is not in order.

Mr. SENER. I move to strike out the last word for the purpose of asking a question of the chairman of the Committee on Appropriations. As I understand, no Annual Reports of the Commissioner on Agriculture have been printed for the year 1872 or the year 1873. It is well understood in this House that though the House has authorized the printing of those reports their action will not be concurred in by the other House.

Mr. HAYS. How do you know that?

Mr. SENER. I therefore call the attention of the committee to the fact that we are now providing by law for an appropriation for postage of $52,000 to send out $60,000 worth of seeds. In other words, one-third, nearly, of the whole expenditure of this department is for postage. Now, last year the same amount was allowed for postage in the contemplation that a large part of it, or a certain part of it, would be expended in sending out these annual reports. None were sent out, as I understand it, save such as were left over from former years. I think, therefore, if it is probable that there will be none of the reports printed, that this appropriation ought to be cut down to such a sum as will pass the correspondence of the department and the seeds through the mails. Let us not make our appropriation bill a dollar larger than is absolutely necessary. I appeal to the chairman of the Committee on Appropriations to respond to that suggestion.

Mr. GARFIELD. We appropriate in this bill as in other bills according to the ordinary expectations of life. We have no reason to assume that the Agricultural Report will not be printed. On the contrary, this House has voted that it shall be printed, and it is our duty to appropriate in accordance with the ordinary expectation of what may occur. If not printed the postage will not be used.

Mr. SENER. I understand that it was all used last year.

Mr. GARFIELD. I think not.

Mr. SENER. The chief clerk told me that it was all used last year, and yet no reports have been sent out. I withdraw my formal amendment and move to amend the paragraph by striking out "$52,000" and inserting in lieu thereof "$30,000;" so that it will read, "for postage on seeds, reports, circulars, and letters, $30,000."

Mr. FORT. I would suggest to the gentleman from Virginia [Mr. SENER] that although this may be one-third of the whole appropriation, still it will not involve any outlay of money save for the manufacture of these stamps. It will cost the Government nothing at all to transport any matter through the mails.

Mr. SENER. I will say to the gentleman that we have just had from our own side of the House a lecture on the probability of the improper use of these stamps. Let us vote exactly as much as is necessary and no more. If any of the reports are to be sent out, and if this bill has been framed with a view to sending out reports, let us cut out the amount which would be equal to the postage on the reports.

Mr. FORT. I desire to ask the chairman of the Committee on Appropriations whether the Agricultural Reports, if printed, will be distributed by the Commissioner of Agriculture?

Mr. GARFIELD. That is what this appropriation is for to a large extent.

Mr. FORT. Then certainly I hope this amendment will not prevail. If we are to look to the Commissioner of Agriculture for the distribution of these reports we ought to give him a sufficient amount of stamps to enable him to transport them through the mails.

Mr. SENER. When the reports are ordered to be printed we can then make an appropriation. It will then be time enough.

Mr. HAYS. I desire to ask the gentleman from Virginia a question. On what authority does the gentleman say that the Agricultural Report will not be printed?

Mr. SENER. I am assured that the Committee on Printing of the Senate, where the resolution has been hanging up for some months, has no idea of reporting it. The gentleman from Alabama [Mr. HAYS] knew what my answer would be, for I told him so privately.

Mr. HAWLEY, of Illinois. I make the point of order that it is not in order to refer to what may be done by the other branch of Congress.

The CHAIRMAN. The point of order is well taken.

Mr. SENER. I think so.

The question being taken on Mr. SENER'S amendment, it was not agreed to.

Mr. COBB, of Kansas. I understand that the objection to my amendment is withdrawn. I now offer it again as follows:

After the word "dollars," in line 1466, add these words: "*Provided*, That the postage on Agricultural Reports shall not exceed ten cents each."

Mr. WILLARD, of Vermont. I make the point of order upon that amendment that it proposes to change existing law.

The CHAIRMAN. The gentleman from Vermont renews the point of order that the amendment changes existing law. The point of order is well taken, and the amendment cannot be entertained.

The question was taken upon the motion to strike out the paragraph, and it was not agreed to.

The Clerk read as follows:

For collecting agricultural statistics, and compiling and writing matter for monthly, annual, and special reports, $15,000.

Mr. LAWRENCE. I move to add to that paragraph what I send to the Clerk's desk, and I will say that it calls for information only, for the collection of facts, and I trust there will be no objection to it by any member. I have consulted with a number of gentlemen who represent agricultural districts as I do, and they are very anxious for its adoption.

The Clerk read the amendment, as follows:

And it shall be the duty of the Commissioner of Agriculture annually to ascertain, as early and as nearly as practicable, the probable amount of every agricultural product, including wool and the supplies of animal food in the United States and in each State and Territory separately; the probable demand for each in this and other countries; the cost of shipping the same to market; the prices realized from consumers; the probable profits of dealers between producers and consumers; and the prices in the principal localities where produced. And the Commissioner of Agriculture shall furnish so much of such information as may be practicable to the proper officers of State boards of agriculture, and some proper officer in each county in the United States, in such form as may be practicable, so as to enable sellers as well as buyers to determine on reasonable prices.

Mr. MERRIAM. I make the point of order on that amendment that it proposes to change the existing law.

Mr. LAWRENCE. I hope no objection will be made to the amendment. It merely asks that certain information be collected, and this duty properly belongs to the Agricultural Department.

Mr. MERRIAM. The gentleman will only waste his time in discussing it, for I shall not withdraw the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. KASSON. I move to add to the paragraph the following:

Provided, That no part of this sum shall be paid to any person receiving other compensation as an officer or employé of the department.

Mr. GARFIELD. There is no objection to that.

Mr. G. F. HOAR. I desire to ask the gentleman who offers that amendment if it will not prevent the committee from employing and compensating the same person for different special services. For instance, suppose he has a person whom he has hired for the purpose of collecting seeds, and who is employed only during a portion of the year, say for thirty or forty days, that person could not be employed or paid under this amendment in compiling and writing matter for the reports.

Mr. GARFIELD. Not while paid for another class of work.

Mr. G. F. HOAR. Then the amendment should have added to it the words "at the same time."

Mr. KASSON. I do not think it would be susceptible of that construction, but I will say to the gentleman that officers who are employed to collect statistics and write reports are not the class of persons to whom he refers.

Mr. G. F. HOAR. Well, I suggest to the gentleman that he add to his amendment the words "at the same time," and then I will not object to it.

Mr. KASSON. I have no objection to that, although I do not think the amendment as I offered it is capable of the construction which the gentleman supposes. I will, however, add the words "at the same time;" so that it will read:

Provided, That no part of this sum shall be paid to any person receiving other compensation as an officer or employé of the department at the same time.

The amendment was agreed to—ayes 87, noes not counted.

The Clerk read as follows:

For purchase of new and valuable seeds and plants for distribution, $60,000; for expense of putting up the same, for labor, bagging, paper, twine, gum, and other necessary materials, $5,000.

Mr. YOUNG, of Georgia. I move to amend that paragraph by

striking out "60," and inserting in lieu thereof "100," so as to make the appropriation $100,000.

Mr. Chairman, I regret that that class of persons who ought to receive the highest consideration from this House are receiving the lowest. Upon the farmers depend all the wealth of the country and its credit. I do not appeal to those gentlemen who come here to represent railroads, or corporations, or cities, but I appeal to every farmer here, to every Representative of a rural district in this House, to vote to increase this appropriation.

I have felt the importance of this department. I believe it is one of the best and most useful departments of the Government. There has been more than half a ton of seed distributed to my district during the last twelve months, and the most satisfactory reports are received therefrom. I congratulate the grangers, of which association I am a humble member, that they have at least one friend in the House who has spoken in favor of the farmers this morning; I refer to the gentleman from Indiana, [Mr. HOLMAN,] and I hope he will sustain the amendment. I ask for a vote.

Mr. GARFIELD. I will only ask the committee not to go beyond the recommendation of the Committee on Appropriations and beyond the estimate of the department itself. This is a proposition to add $40,000 to the appropriation for the purchase of seeds and plants for distribution. It was done last year, and done on the motion of the same gentleman; and I warn the Committee of the Whole, if they do not wish to swell this department beyond all reasonable proportions, that they must stand by the Committee on Appropriations and not allow this increase to be made.

Mr. YOUNG, of Georgia. I will inform the gentleman from Ohio that I hope to stay here long enough to see an appropriation made of $500,000 for this purpose.

Mr. GARFIELD. Yes; I suppose so.

Mr. THOMAS, of Virginia. I move to amend the amendment by striking out $100,000 and inserting in lieu thereof $75,000. I agree fully with the gentleman from Georgia [Mr. YOUNG] that we are called upon to do something for the great agricultural interests of the country. Like him I represent an agricultural community, and twenty millions of the people of our country are engaged in agricultural pursuits. But, sir, when we attempt to do something for the agricultural classes of the country, we are begrudged every dollar and every cent that is to be devoted to the benefit of that great interest; an interest which extends from the Atlantic to the Pacific, and which does so much to build up and develop the material prosperity of the country.

I hope that this appropriation for the purpose of distributing seeds among our people, the great cereals and other seeds that tend to the improvement of the interests of agriculture, will be given not grudgingly by the members of this House, but that they will let the agricultural interest of this country see that it is not forgotten when we come to legislate about it upon this floor.

Day by day for weeks past we have been appropriating millions and millions of dollars for every other department and interest of this country. But now when we come to the agricultural interest, to a department which is of benefit to the agricultural interest, we find it assailed at every point, and each appropriation is sought to be cut down. Yet it is the only department that is of practical benefit to the people, that seeks to give them some advantage of modern improvements by the distribution of seeds and practical information. We are told that the appropriations for this department must not be increased. I would ask every member upon this floor who is from an agricultural district if the demand upon him for seeds during this session has not greatly exceeded the quota allowed him? I have had many more applications than I have had seeds to supply. My constituents want these seeds, and I concur with my friend from Georgia [Mr. YOUNG] that now is the time for agriculturists to do something for themselves. I call upon every member upon this floor who represents an agricultural district to vote for something which will benefit his constituents engaged in that interest.

[Here the hammer fell.]

Mr. GARFIELD. I call for a vote.

Mr. THOMAS, of Virginia. I withdraw my amendment to the amendment.

The question was taken on the amendment moved by Mr. YOUNG, of Georgia, and upon a division there were—ayes 41, noes 89.

Mr. YOUNG, of Georgia. That is not a quorum; I call for tellers.

Tellers were ordered; and Mr. YOUNG, of Georgia, and Mr. GARFIELD were appointed.

The committee again divided; and the tellers reported that there were—ayes 44, noes 79.

Mr. YOUNG, of Georgia. I do not ask a further count; but I give notice that I will call for the yeas and nays on the amendment in the House.

Mr. RANDALL. What on? Your amendment was not adopted.

The amendment was declared to be not adopted.

Mr. LAMPORT. I move to add to the pending paragraph the following:

Provided, That said seeds shall be sent through the mails to any person or persons in the United States who may apply for them free: *And provided further*, That each Senator and Representative in Congress shall be entitled to have seeds forwarded by the said Commissioner of Agriculture to any parties whose names may be furnished the said Commissioner by said Senator or Representative free.

Mr. GARFIELD. I raise the point of order that that amendment proposes to change existing law.

The CHAIRMAN. The point of order is well taken.

Mr. MCKEE. I move to amend the pending paragraph by adding these words: "and the sum of $5,000 for cotton-seed for distribution." The Agricultural Department has always forgotten us in the South; it never has had such a thing as cotton-seed, and I presume has never thought of it. Indeed I believe that the Commissioner of Agriculture hardly knows there is such a thing as cotton-seed. You cannot find it there in the Department. Yet there is a great deal of difference in the value of the different kinds of cotton-seed. Now we are enabled sometimes to obtain cotton-seed by paying five, ten, or fifteen dollars for a little bag of twenty or thirty pounds of improved cotton-seed. For the purpose of obtaining the benefit of this department in this matter I have moved this amendment.

Mr. GARFIELD. It has never been the policy of the Government to furnish people with seeds for general cultivation. This department is for the purpose of distributing seeds obtained from abroad that are new and specially valuable. Cotton-seed does not come under that head at all.

Mr. YOUNG, of Georgia. One of the best kind of cotton-seed which we have been able to obtain in Southern Georgia was imported from India.

Mr. GARFIELD. Then say, "$5,000 of this sum to be for cotton-seed."

Mr. MCKEE. I will modify my amendment in that way.

Mr. GARFIELD. I will not object to that.

Mr. HOSKINS. I also suggest to the gentleman to insert after the words "seeds and plants" the words "including cotton-seeds."

Mr. GARFIELD. That is not necessary.

The amendment moved by Mr. MCKEE, as modified, was agreed to.

The Clerk resumed the reading of the bill, and read as follows:

For labor on experimental garden, and for flower-pots, repairs to green-house, and purchase of new plants and seeds for the same, $8,000.

Mr. YOUNG, of Georgia. I move to strike out this paragraph. I cannot see the necessity for it.

Mr. LAMPORT. I hope that will not be done. The experimental garden of this department is a matter of very great importance and of great worth to the country. Experiments are made not only with flowers and seeds, but with vegetables, with food plants, with grape-vines, and the like. In fact one of the very intents of this department was that it should be experimental. The gentleman from Iowa, [Mr. KASSON,] while he made a great many points that were very far from what he ought to have made, made that point: he did say that this department was intended to be experimental. I apprehend the idea of the gentleman from Georgia [Mr. YOUNG] is to pay us off a little for not exactly falling in with some view he may have taken upon another point.

I insist that this Committee of the Whole should not strike out the experimental garden. They have done enough already to distinguish themselves in their antipathy against the agricultural interests of the country. We have done a great deal for the manufacturing interests of New England and all the rest of the country, and I am glad of it; but I hope we will not neglect the agricultural interest. This House has distinguished itself in almost every item of this bill so far as relates to agriculture by attempting to put it down. Gentlemen have opposed the distribution of the Agricultural Report; and now if you break up the experimental garden you may as well abolish the whole department. I think it would be more manly and becoming in gentlemen to get up here and propose to wipe out the whole department than to disparage it and attempt to starve it down as they have attempted to do every year since I have been in Congress From the Commissioner down, the officers of this department are berated. That Commissioner now expends $1,000 a year more than he receives from the Government for his services. Almost every clerk, engineer, and laborer is subjected to this process of cutting down. The gentleman from Iowa [Mr. KASSON] no doubt speaks the feelings of his heart when he makes his remarks against this department. He will recollect a private conversation he had with me when he attempted to draw from the Agricultural Department a report on irrigation, and when we were told by the Commissioner that to take the document away from his report would go far to injure that report. After the Commissioner, by the arrangements he had made, had obtained the report the gentleman from Iowa sought to draw it out of the department by a resolution of the House; but the good sense of this House defeated that effort. The document was, however, obtained through the Senate; and now, through the courtesy of that body, I have a copy of the Agricultural Report which they in their magnanimity have printed for their use, while the document is denied to this House, the number printed being, I believe, only twelve hundred copies.

Mr. COBB, of Kansas. That is the report of 1872.

Mr. LAMPORT. Now, sir, I hope the House will sustain this, almost the last, feature of the Agricultural Department; for if members do not see fit to do so, I invite them as men to vote to wipe out this department altogether.

Mr. KASSON. I am delighted that my friend from New York, [Mr. LAMPORT,] whose hands have grown hard-fisted and horny in arranging discounts over a bank counter, as I have been informed——

Mr. LAMPORT. I never owned a dollar of bank stock in my life.

Mr. KASSON. I am delighted that the gentleman has found something good in what I said heretofore about this department.

Mr. LAMPORT. A good thing may "come out of Nazareth."

Mr. KASSON. I hope the gentleman may find something good in what I say now. In regard to this Commissioner who the gentleman says expends annually $1,000 more than his salary, and also in answer to what the gentleman has said about the Agricultural Report, I wish to call attention to a few facts. The present Commissioner came here from Pennsylvania and took the position at a salary of $3,000. He moved with his family into the department building, (my friend from New York is responsible for calling out these facts,) and he now applies for additional rooms to be rented for carrying on the business of the department. The Government thus furnishes him with what it furnishes to no other officer of the Government except the President, free apartments in addition to his salary. He has put his son into the next best office, as his chief clerk; and this House has been kind enough to-day, in abolishing the disbursing clerk, to put out of office the only man, or nearly so, who comes from any other State than Pennsylvania. This unfortunate clerk is from Illinois. We have also added $200 to the pay of the Commissioner's son. At one time he also had on the pay-roll of his department other members of his family, and perhaps still has them; and I learn (I do not vouch for the fact, and I beg any gentleman to correct the statement if I am wrong; I obtained it from a gentleman who has always taken an interest in that department and in agriculture) that his very servant, who came with the present Commissioner from Pennsylvania, was also put on the pay-roll of the department. Of this I say I have no personal knowledge. Yet in spite of all these facts the gentleman from New York says that the pay of the Commissioner is so small that it is only at a cost of $1,000 from his own pocket that he can remain in the discharge of his duties.

A word as to the other point to which the gentleman has alluded. After the Senate had refused to publish the document known as the Annual Report of the Commissioner, I am sorry to say that the Committee on Agriculture by their action, and at the request of this Commissioner, prevented this House from giving to the people of the West, and especially of the Pacific coast, the benefit of a valuable article on irrigation in the possession of that officer. They have refused to allow it to be printed. Why? Not that the course we proposed would prevent the people from having the document, for the very object of printing was to give it to them; not because it would destroy the value of the Commissioner's report, for the Commissioner could have included it all the same in the volume if published; but because Congress had not ordered the publication of the report they refused to allow a valuable article on irrigation, furnished by Mr. Marsh for that report, to be published by order of this House. In the Senate, however, a gentleman representing there an agricultural State called for the same thing; and the Senate was wise enough to authorize this publication. But, unfortunately, as yet only a few copies can be obtained, because of the limitation in the order for publication. If both Houses had concurred in that order—if the Committee on Agriculture of this House would let that article be published, it could be sent by the hundreds to men who wish to know the laws and principles which should govern irrigation in those States that need it. This information is of vast importance to the West; it ought to go there; yet my friend from New York I apprehend was one of those gentlemen who aided to prevent the people of this country from having that valuable report of Mr. Marsh. I do not know whether the gentleman still adheres to that idea, now that the Senate has ordered the document to be published. I hope he has repented, and will when the question shall again come up allow the people of the West to have the benefit of this publication.

[Here the hammer fell.]

Mr. LAMPORT. One word in reply to the gentleman from Iowa, [Mr. KASSON,] for I seldom trouble the House with any remarks; and this is a subject upon which it is to be expected I am very sensitive. Now, sir, I never was anything but a farmer. I came to this House from the plow-handle, and I expect to go back to it.

Mr. KASSON. My remark on that point was jocular and upon information only, and I take it back.

Mr. LAMPORT. Now, Mr. Chairman, you see from the statement of the gentleman from Iowa the humiliating position an honest man can be put into while in the public service who does not get an adequate compensation for his labors in being compelled to live in that establishment, for he could not afford to go elsewhere and spend $1,000 a year more than his salary. He has been actually compelled to go into that building with his family and live in it, when it is not the proper place for any gentleman in such a position to live in.

Mr. KASSON. The Auditors only get $3,000 a year as well as other high officers of the Government, and they do not ask their families shall be taken care of in the same way.

Mr. LAMPORT. While General Grant was re-elected upon the issue that he had taken such good care of his family, I do not think the gentleman from Iowa ought to find fault with Commissioner Watts for taking care of his family.

Mr. KASSON. I leave that to my friend from Massachusetts to answer.

Mr. LAMPORT. Now, Mr. Chairman, I wish to say a word, with all respect to the gentleman from Iowa, in reply to what he has said on this subject. The Commissioner of Agriculture had prepared by arrangement a very valuable paper by Mr. Marsh on the subject of irrigation, and it was for the purpose of incorporating it in his Agricultural Report. The gentleman from Iowa for some reason sought to obtain that report, first through the Secretary of the Interior, I think, who addressed a note to the Commissioner of Agriculture asking for it. The Commissioner very properly said to the Secretary of the Interior that to give it up would materially affect the interest of his report; that he had obtained it for that purpose and it ought to be published with the annual Agricultural Report. The gentleman from Iowa with a few more——

Mr. DAWES. Let me ask the gentleman whether it is considered any damage to take bodily articles out of other reports and put them into the Agricultural Report?

Mr. LAMPORT. This was written by Mr. Marsh for this Agricultural Report.

Mr. DAWES. That is not what I refer to; but I have had occasion to discover some articles are taken bodily out of one report and put into another report.

Mr. LAMPORT. It is true down in Massachusetts they have a way of doing that very thing.

Mr. DAWES. I do not know whether it was an objection or not, and would like to have the gentleman say what his opinion is.

Mr. LAMPORT. In Massachusetts they have a way of grafting and budding that we do not have down our way. Now, Mr. Chairman, ordinary courtesy certainly ought to have allowed the Commissioner of Agriculture to publish this report of Mr. Marsh on irrigation with the remainder of the Agricultural Report, if it could be ordered to be printed. This House did order it to be printed; and if it were not for gentlemen like my esteemed friend from Iowa, I do not doubt the Senate would have agreed to it. I am not permitted, however, to say what Senators do say about it, but when the House will agree to distribute that report, I am authorized to say it will be ordered to be printed.

A MEMBER. Is that possible?

Mr. LAMPORT. Yes; it is possible. In my judgment it was a discourtesy on the part of gentlemen to seek to draw out of that Agricultural Report this valuable article on irrigation which, as the Commissioner of Agriculture said, if it were done would materially affect the interest of his report. That valuable article was prepared especially for the Agricultural Report, and the gentleman from Iowa knew very well it was obtained for the very purpose of going into the report.

Mr. KASSON. Was it not procured for the use of the people?

Mr. LAMPORT. It was; and to be published by the Commissioner of Agriculture.

Mr. KASSON. Why should not the people have it?

Mr. LAMPORT. They should have it, and would have had it in the Agricultural Report.

Mr. FIELD. We want the whole thing.

Mr. LAMPORT. The gentleman ought not have stopped the people from getting it by defeating the distribution of that report.

Mr. KASSON. I demanded the publication of that portion of the Agricultural Report on irrigation, but my friend opposed me. My object was to give it to the people as soon as possible.

Mr. LAMPORT. If I understand the gentleman's position, he thinks it would be quite as well to wipe out the Agricultural Department altogether.

Mr. KASSON. No, sir; not at all.

Mr. LAMPORT. I misunderstood the gentleman's position then, and I will not say further what I intended.

Mr. GARFIELD. I think the experimental garden has been well illustrated.

The amendment was disagreed to.

The Clerk read as follows:

For stationery, $2,000; for freight charges, $2,000; for fuel, $2,000; for lights, $600; for subsistence and care of horses, and repair of harness and carriage, $1,500; for paper, twine, and gum for folding-room, $500; for incidental and miscellaneous items, namely, for advertising, telegraphing, dry-goods, soap, brushes, brooms, mats, oils, paints, glass, lumber, hardware, ice, and expenses in attending fairs, and care of stationery, $4,000; in all, $12,600.

Mr. WARD, of Illinois. I see here an appropriation "for subsistence and care of horses, and repair of harness and carriage, $1,500." I move to strike it out, and I should like to know from the chairman whether it is all right.

Mr. GARFIELD. They have always had an appropriation for horses and carriages for that department. It has been so for a series of years; but if gentlemen think it can be dispensed with, very well; strike it out.

Mr. MCNULTA. Strike out "carriage" and insert "wheelbarrow."

Mr. WARD, of Illinois. Mr. Chairman, I have now the information which I desired from the chairman of the Committee on Appropriations, that this is for horses and a carriage kept for the purpose of riding about, and that they have in addition other vehicles for transmitting baggage.

Mr. GARFIELD. O, no; I did not say that.

Mr. WARD, of Illinois. Then I did not understand what the gentleman did say.

Mr. GARFIELD. I stated that the Agricultural Department had horses and a vehicle for carrying seeds to and from the post-office,

and I supposed a carriage for use in riding about, but I did not know that.

Mr. HOLMAN. I move to amend by inserting in place of the word "carriage" the word "wagon." And if we get rid of these family carriages we would be enabled at the same time to reduce the amount appropriated. I therefore, also, move to amend by striking out "$1,500" and inserting "$1,000." I think the amount that would be left, $1,000, would still be extravagantly large.

Mr. FORT. I have no objection to striking out the word "carriage" and inserting "wagon;" but I do insist that if I understand the way in which the Agricultural Department is conducted, it is necessary for that department to have at least a baggage-wagon, something in which they can convey their packages to the post-office and the express offices, and with which to do a thousand things that have to be done around the grounds of the Agricultural Department in the way of hauling, &c. You cannot carry on a department of that sort without horses and wagons—without transportation. It is just as necessary as stationery or anything else. I hope the committee will not consent to reduce the appropriation, for I consider that it is not too much for the purpose.

Mr. McNULTA. There is no objection to a wagon; the only objection is to carriages and putting on this style.

Mr. HOLMAN. I modify my amendment so as to make it read "baggage-wagon."

The CHAIRMAN. The question is first on the amendment of the gentleman from Indiana, [Mr. HOLMAN,] to substitute the word "baggage-wagon," for the word "carriage."

The question being taken on the amendment, it was agreed to.

The question was next taken on Mr. HOLMAN's amendment to strike out "$1,500" and insert "$1,000."

The amendment was not agreed to.

Mr. WARD, of Illinois. I withdraw my amendment to strike out the clause.

Mr. HOLMAN. I now move to amend the pending clause by striking out "$1,500" and inserting "$900."

The question being taken on the amendment, there were—ayes 21, noes 53; no quorum voting.

Tellers were ordered; and the Chair appointed Mr. HOLMAN and Mr. GARFIELD.

The committee again divided; and the tellers reported—ayes 15, noes 71; no quorum voting.

Mr. HOLMAN. I withdraw the call for further count.

Mr. O'BRIEN. I ask unanimous consent to go back to line 1427, where there is an appropriation "for keeping a horse, and repair of carriage and harness" for the Post-Office Department. We have struck out the word "carriage" in the Agricultural Department, and I suggest to the chairman of the Committee on Appropriations that we should make the same change in connection with the Post-Office Department.

Mr. GARFIELD. That is for a Department and not a Bureau. I object to going back.

The Clerk read as follows:

For collecting and modeling specimens of fruits and vegetables, and collecting and preparing specimens for the museum and herbarium, $2,000.

Mr. HAYS. I offer the following amendment:

Strike out "$2,000" and insert "$5,000."

I desire just to say that a salary of $1,200 is paid to a man in the department who does the modeling, and is perfectly indispensable in that branch of the department.

Mr. GARFIELD. I hope the amendment will be voted down.

The question being taken on the amendment, it was not agreed to.

The Clerk read as follows:

For entomological works of reference, $250; for botanical works of reference, $250; for works on chemistry, mineralogy, and charts, $250; for current agricultural works for the library, $250; for miscellaneous agricultural periodicals, $250; and for completion of sets, $250; in all, $1,500.

Mr. FORT. I move to reconsider the vote by which the appropriation for the disbursing clerk was stricken out at line 1448. I appeal to the committee to hear me for a moment.

Mr. HOSKINS. We cannot reconsider in Committee of the Whole.

The CHAIRMAN. The gentleman from Illinois [Mr. FORT] asks unanimous consent to return to the portion of the bill which he has indicated.

Mr. FORT. I am informed that this clerk is the only man who represents west of the mountains in this Agricultural Department, and you have stricken him out.

Mr. HOLMAN. I suggest that perhaps by unanimous consent the committee would agree to attach the additional compensation of $200 to some other clerkship when dispensing with the disbursing clerk.

Mr. FORT. I wish to state that, as I understand, this clerk performs other duties. He is called a disbursing clerk, but is constantly employed. I am informed that much of the time he is engaged as an assistant to the Commissioner himself, and that he is as valuable a man as can be found in the department.

Mr. GARFIELD. The gentleman can call the yeas and nays in the House.

Mr. FORT. If objection is made to going back now I give notice that I will call the yeas and nays on this question in the House.

Mr. KELLOGG. I now ask the attention of the committee to the amendment which I offered yesterday as a substitute for the paragraphs under the head of the War Department, and which was printed in the CONGRESSIONAL RECORD of this morning.

Mr. GARFIELD. I suggest that the proposition of the Committee on Civil Service Reform as introduced by the gentleman from Connecticut [Mr. KELLOGG] shall be offered as one amendment.

The CHAIRMAN. The Chair understands that that was the proposition agreed to by the committee yesterday.

[The paragraphs for which Mr. KELLOGG's amendment is offered as a substitute are as follows:

WAR DEPARTMENT.

For compensation of the Secretary of War, $8,000; chief clerk, $2,500; two clerks, at $2,000 each; two clerks of class four, and additional to one clerk of class four as disbursing clerk, $200; five clerks of class three; three clerks of class two; five clerks of class one; one messenger; two assistant messengers; and one laborer; in all, $39,500.

For contingent expenses of his office, $12,000.

For the purpose of examining the rebel archives and having copies furnished for the Government, $6,000.

Office of the Adjutant-General:

For chief clerk, $2,000; four clerks of class four; eight clerks of class three; forty clerks of class two; forty clerks of class one; two messengers; one assistant messenger; and one fireman; in all, $129,120.

For postage on official matter of the War Department and its Bureaus, $120,000.

For contingent expenses, $8,000.

Office of the Quartermaster-General:

For chief clerk, $2,000; three clerks of class four; seven clerks of class three; fifteen clerks of class two; fifty clerks of class one; thirty copyists, at $900 each; superintendent of the building, $200; one messenger; two assistant messengers; and six laborers; in all, $133,400.

For contingent expenses, $7,000.

Office of the Paymaster-General:

For chief clerk, $2,000; three clerks of class four; seven clerks of class three; eighteen clerks of class two; ten clerks of class one; and two messengers; in all, $57,480.

For contingent expenses, $4,000.

Office of the Commissary-General:

For chief clerk, $2,000; one clerk of class three; six clerks of class two; twelve clerks of class one; one messenger; and two laborers; in all, $28,680.

For contingent expenses, namely: office-rent, repairs, and miscellaneous items, $5,000.

Office of the Surgeon-General:

For chief clerk, $2,000; one clerk of class three; two clerks of class two; six clerks of class one; one messenger; and one laborer; in all, $15,160.

For contingent expenses, blank books, stationery, binding, rent, fuel, and including rent of Surgeon-General's Office and Army Medical Museum, $7,000.

Office of Chief Engineer:

For chief clerk, $2,000; three clerks of class four; four clerks of class three; four clerks of class two; four clerks of class one; one messenger; and one laborer; in all, $25,760.

For contingent expenses, namely: for stationery, office furniture, miscellaneous and incidental expenses, including professional books, maps, and two daily Washington newspapers, $3,000.

Office of the Chief of Ordnance:

For chief clerk, $2,000; two clerks of class four; two clerks of class three; three clerks of class two; four clerks of class one; and one messenger; in all, $18,640.

For contingent expenses, namely: stationery, envelopes, wrapping-paper, for sending blanks to the arsenals, forts, permanent batteries, and troops in the field, telegrams, express charges, and incidentals of a similar nature, furniture, matting, carpets, oil-cloth, professional books for Ordnance Department library, pamphlets, and newspapers, $2,000.

Office of Military Justice:

For one chief clerk, at $2,000; one clerk of class three; one clerk of class one; in all, $4,800.

For contingent expenses, $500.

Signal Office:

For two clerks of class two, $2,800.

Office of the Inspector-General:

For one clerk of class three, $1,600.

The following is the substitute proposed by Mr. KELLOGG:

That on and after the 1st day of July, 1874, there may be employed in the War Department and its several branches or Bureaus, the following persons, or so many of them as may at any time be found necessary for the transaction of public business:

In the office of the Secretary of War:

One chief clerk, at an annual compensation of $2,500; one disbursing clerk, at $2,000; two chief clerks of divisions, at $2,000; seven clerks of class four; six clerks of class three; six clerks of class two; fifteen clerks of class one; two messengers, at $840 each; nine laborers, at $720; seven watchmen for northwest building, (executive,) at $720 each; in all, $70,300.

For contingent expenses of his office, $12,000.

For the purpose of examining the rebel archives and having copies furnished for the Government, $6,000.

In the office of the Adjutant-General:

One chief clerk, at $2,000; nine clerks of class four; fifteen clerks of class three; twenty-five clerks of class two; one hundred clerks of class one; three temporary clerks of class four; six temporary clerks of class three; twenty temporary clerks of class two; sixty temporary clerks of class one; ten messengers, at $840; in all, $320,600.

For postage on official matter of the War Department and its Bureaus, $120,000.

For contingent expenses, $8,000.

In the office of the Inspector-General:

One clerk of class four; one messenger, at $840; in all, $2,640.

In the office of the Quartermaster-General:

One chief clerk, at $2,000; eight clerks of class four; ten clerks of class three; twenty-four clerks of class two, forty clerks of class one; eighteen copyists, at $900; one messenger, at $840; eight laborers, at $720; one engineer, at $800; one fireman, at $720; and five watchmen, at $720 each; six temporary clerks of class two; ten temporary clerks of class one; ten temporary copyists, at $900; in all, $171,520.

For contingent expenses, $7,000.

In the office of the Paymaster-General:

One chief clerk, at $2,000; seven clerks of class four; eight clerks of class three; fifteen clerks of class two; thirteen clerks of class one; one messenger, at $840; four watchmen, at $720; five laborers, at $720; two temporary clerks of class two, three temporary clerks of class one; in all, $77,720.

For contingent expenses, $4,000.

In the office of the Commissary-General:

One chief clerk, at $2,000; two clerks of class four; four clerks of class three; five clerks of class two; twelve clerks of class one; one messenger, at $840; three laborers, at $720; two watchmen, at $720; in all, $37,840.

For contingent expenses, namely: office-rent, repairs, and miscellaneous items, $7,000.

In the Office of the Surgeon-General:

One chief clerk, at $2,000; five clerks of class four; three clerks of class three; eight clerks of class two; one hundred and fifteen clerks of class one, (twenty of whom shall be temporary;) one librarian, at $1,600; one chemist, at $1,800; one anatomist at the Army Medical Museum, at $1,600; one engineer in division of records and museum, $1,400; one messenger, at $840; twenty-two watchmen and laborers, (six temporary,) at $720 each; in all, $188,080.

For contingent expenses, blank books, stationery, binding, rent, fuel, and including rent of Surgeon-General's Office and Army Medical Museum, $7,000.

In the office of the Chief Engineer:

One chief clerk, at $2,000; five clerks of class four; four clerks of class three; four clerks of class two; four clerks of class one; one messenger, at $840; three laborers, at $720 each; in all, $30,080.

For contingent expenses, namely: for stationery, office furniture, miscellaneous and incidental expenses, including professional books, maps, and two daily Washington newspapers, $3,000.

In the office of the Chief of Ordnance:

One chief clerk, at $2,000; three clerks of class four; three clerks of class three; three clerks of class two; eight clerks of class one; one messenger, at $840; one laborer, at $720; in all, $27,560.

For contingent expenses, namely: stationery, envelopes, wrapping-paper, for sending blanks to the arsenals, forts, permanent batteries, and troops in the field, telegrams, express charges, and incidentals of a similar nature, furniture, matting, carpets, oil-cloth, professional books for Ordnance Department library, pamphlets, and newspapers, $2,000.

In the office of Military Justice:

One chief clerk, at $2,000; one clerk of class four; one clerk of class three; two clerks of class two; four clerks of class one; one messenger, at $840; in all, $13,840.

For contingent expenses, $500.

In the Signal Office:

Two clerks of class four; one messenger, at $840; in all, $4,440]

Mr. KELLOGG. I propose to offer the amendment as one proposition, and gentlemen turning to page 31 of the CONGRESSIONAL RECORD of this morning will find all printed there. The amendment covers all the salaries in the War Department, including the salary of the Secretary of War. It strikes out of the bill all from page 40, line 956, beginning with the words "War Department," down to line 1041, on page 43, inclusive.

I simply desire to say that there has been a vast deal of labor expended in preparing the amendment which I offer as a substitute, and that the credit is chiefly due to the gentleman from Indiana, [Mr. WILLIAMS,] who was chairman of the Committee on Expenditures in the War Department during the last Congress and spent a great deal of labor on this matter. The credit is almost entirely due to him. The bill is substantially as he presented it at this session, and it saves about $178,000 and makes a regular Department of the War Department, like the others.

Mr. HOLMAN. Did I understand the gentleman from Connecticut to say that this proposition reduces the expenses of the Department below what are provided in this bill as it stands before the committee? I understand that this bill appropriates in the aggregate $549,370 and that his bill appropriates $685,190. Is that correct?

Mr. KELLOGG. No, sir; that is not correct. The gentleman states what was appropriated in the bill last year. If he will look at his Book of Estimates he will find on page 66 another item of four hundred hospital stewards assigned to the Department for work, whose compensation amounted to $144,000, and on page 67 he will find another item of three hundred and eighty-eight hospital stewards, and so on. The force in the War Department has hitherto been made up by assigning from the Army officers whose pay, rations, quarters, and everything of that kind have amounted to nearly $200,000 more than this amendment gives. If the gentleman will look at page 32 of the RECORD of to-day he will find a table which has been examined very carefully both by the gentleman from Indiana [Mr. WILLIAMS] who prepared the bill and by the clerk of our committee, who looked over it last evening, and he will find that the appropriations last year amounted to $1,106,300.74, while the appropriations in this amendment amount to only $951,940, which is in lieu of all other appropriations from whatever source. It makes a saving of $167,360.74.

Mr. HOLMAN. I am very anxious to support this amendment if it has that effect.

Mr. KELLOGG. That is the effect of it.

Mr. HOLMAN. But I wish to call attention to the fact that the Committee on Appropriations report to the House this bill appropriating in the aggregate $549,370. I take the figures from the bill itself, and I find by the RECORD of to-day that the gentleman's proposition involves an appropriation of $962,180, which is a large increase over and above the appropriations proposed by the present bill.

Mr. GARFIELD. If the gentleman from Indiana will listen to me for a moment I think I can make him understand why the Committee on Appropriations prefer the amendment offered by the gentleman from Connecticut to their own bill. In our regular appropriation bills we have never taken into account at all that large force employed in the War Department as clerks, who are employed under a general law giving the Secretary of War power to employ clerks from what is known as the general service, enlisted and paid for under the clause appropriating money to pay the Army in the Army appropriation bill, and to enlist persons specially for the general service. That is a power that ought never to be granted to any head of a Department except in an emergency like the emergencies through which we have passed since the war. It is proposed by this amendment to sweep that power away, and of course that would take off a class of clerks much larger in number than any reduction that we have made in our bill. It provides, also, that hereafter there shall be no such enlistments into the general service, and nobody employed as clerks excepting those herein authorized. It repeals all the vague, uncertain legislation which puts such large power into the hands of the Secretary of War, and in that respect we think those who prepared this amendment have done what is better than our bill.

Mr. HOLMAN. I believe the committee propose to adopt this whole amendment; and inasmuch as both the Committee on Appropriations and the Committee on Reform in the Civil Service favor it, I desire to know whether any of the salaries proposed by the amendments of my colleague [Mr. WILLIAMS] and the gentleman from Connecticut [Mr. KELLOGG] are increased over and above the salaries reported to the House in this appropriation bill?

Mr. KELLOGG. They are not.

Mr. GARFIELD. I understand that there is no salary increased.

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. GARFIELD. Let us take a vote.

The question was taken on the amendment offered by Mr. KELLOGG, and it was agreed to.

Mr. HOLMAN. Do I understand that the amendment which has just been adopted includes all that is printed in the RECORD this morning?

Mr. KELLOGG. No, sir; there were three paragraphs printed in the RECORD this morning which are not included in the amendment as I have offered it. They will be found at the bottom of page 31 of the RECORD. They involve new legislation, and inasmuch as a bill in relation to the matter to which they refer will be reported by the Committee on Military Affairs on Monday next, it was thought best not to incorporate them in this appropriation bill.

The Clerk read as follows:

War Department buildings:

For compensation of superintendent of the building occupied by the War Department ($250) and for four watchmen and two laborers; in all, $4,570.

Mr. HALE, of Maine. I move to add to that paragraph the following:

For an engineer in charge of heating the War Department building, $1,200.

That item was accidentally omitted in the preparation of the bill. It simply provides for an officer for the War Department building, who is provided for each of the other Departments.

The amendment was agreed to.

Mr. WILLIAMS, of Indiana. I move to insert after the amendment just adopted the following:

For superintendent of the building at the corner of Fifteenth and G streets occupied as the Quartermaster-General's office, $250.

Mr. HOLMAN. There is undoubtedly a messsenger employed in that building, which is a comparatively small building.

Mr. FORT. I understand that this individual is to be employed a part of the time as a watchman. There are a great many very valuable papers in that building, and it would be a great loss to have them destroyed by fire or otherwise.

Mr. HOLMAN. I believe it has not been estimated for, and it is not reported in this bill by the Committee on Appropriations.

Mr. FORT. I am advised that this is very necessary.

The amendment was then agreed to.

The Clerk read the following:

For superintendent of the building at the corner of Seventeenth and F streets ($250) and for four watchmen and two laborers; in all, $4,570.

Mr. WILLIAMS, of Indiana. I move to insert after the paragraph just read the following:

For superintendent of the building on Tenth street occupied as the Surgeon-General's office, $250.

Mr. HOLMAN. I trust my colleague will not seek to add a new set of employés as superintendents of these comparatively unimportant buildings. There are now messengers employed in these buildings who can perform this duty.

Mr. WILLIAMS, of Indiana. This bill provides superintendents for all the Government buildings but these two,

Mr. HOLMAN. We know how these things grow. It is proposed to give $250 now; next year it will be $1,000. I trust my colleague will not provide for an increased number of employés.

Mr. WILLIAMS, of Indiana. This is no increase whatever.

The amendment was agreed to.

The Clerk read the following:

For one retired justice of the Supreme Court of the United States, $8,000.

Mr. EAMES. I move to strike out the clause just read. I do not know that there is now any retired justice of the Supreme Court.

Mr. GARFIELD. It is only reasonable that, as we did last year, we should make some provision in case there should be a justice retired during the year. We ought not to permit the possibility of retiring a justice of the Supreme Court without providing the means to pay him. Of course the money will not be used unless there should be a justice retired.

Mr. EAMES. Provision is made in this bill for the salaries of the

Chief Justice and eight associate justices of the Supreme Court, who constitute the entire court. If either of the justices should be retired there is provision already made for his salary. And unless there is some justice already retired, it seems to me there is no occasion for this item in the bill.

The amendment was agreed to.

The Clerk read the following:

For salaries of the district judges of the United States, including the salaries of the retired judges of the eastern district of Texas and of the eastern district of Delaware, $189,500.

Mr. GARFIELD. I move to amend the paragraph just read by inserting after the word "Texas" the words "of the eastern district of Wisconsin," and adding to the aggregate amount the sum of $3,500.

The amendments were agreed to.

Mr. DUELL. I move to add to the paragraph as amended that which I send to the Clerk's desk.

The Clerk read as follows:

Provided, That from and after the 1st day of January, 1875, the salary of the district judges of the districts of California, Maine, Massachusetts, Connecticut, northern, southern, and eastern districts of New York, eastern and western districts of Pennsylvania, the district of New Jersey, the district of Maryland, northern and southern districts of Ohio, northern and southern districts of Illinois, district of Indiana, district of Iowa, district of Kentucky, eastern and western districts of Missouri, shall be $5,000 each; and the salary of the judge of every other district shall be $4,000 each. And said salaries shall be in full compensation of all official services performed by such judges; and no other allowance or payment shall be made to them for travel, expenses, or otherwise.

Mr. GARFIELD. I raise the point of order that that proposes a permanent change of the law.

The CHAIRMAN. The Chair thinks the point of order well taken.

Mr. DUELL. I suppose that an amendment which proposes simply to raise a salary is in order?

Mr. GARFIELD. It is a permanent change of the law; it provides that hereafter the salaries of these judges shall be so and so.

Mr. DUELL. If the Chair holds that the point of order is well taken——

The CHAIRMAN. The Chair will be happy to hear from the gentleman whether the point is well taken or not.

Mr. DUELL. I am not sufficiently versed in parliamentary law to presume to instruct the Chair, but I am informed by gentlemen about me that my amendment is in order, proposing to increase salaries.

The CHAIRMAN. The Chair will be pleased to hear the gentleman from Ohio [Mr. GARFIELD] on this point.

Mr. GARFIELD. I admit that it is in order to increase an appropriation for the salary of an officer. But when you use language that permanently changes the law, by providing that hereafter officers shall be paid such and such salaries, it seems to me that is clearly out of order. Then toward the close of the amendment proposed by the gentleman from New York [Mr. DUELL] is a regulation about fees and allowances, changing the general provisions of law in relation to those subjects. That is clearly new legislation, having force and effect outside of and beyond an appropriation bill; not merely a change in an appropriation. I draw a distinction between the increase of an appropriation for a salary which depends upon a yearly appropriation and the fixing a salary at a permanent future rate.

Mr. G. F. HOAR. I ask the Clerk to read a paragraph on page 16 of Barclay's Digest in connection with this point of order.

The Clerk read as follows:

It has been decided that under this rule it is not in order to propose an amendment to a general appropriation bill which changes an existing law. But it was also decided that the latter branch of the rule not only permitted amendments increasing salaries, but was framed for that very purpose.

Mr. G. F. HOAR. Will the Chair permit me to make one suggestion in answer to the gentleman from Ohio, [Mr. GARFIELD?]

The CHAIRMAN. The Chair is very happy to hear the gentleman.

Mr. G. F. HOAR. The gentleman from Ohio has said that we may on an appropriation bill appropriate a larger sum for an existing salary, but that we cannot change the law and raise the salary. Now it is very manifest that this cannot be so, because if we should appropriate the larger sum without changing the law, that larger sum could not be drawn; the officer could draw only his legal salary, and no more.

Mr. GARFIELD. That would be true, perhaps, if by an organic act the salary had been fixed at a certain figure; but a very large group of governmental salaries depend exclusively upon the annual appropriations. The Committee on the Revision of the Laws found that a majority of all the salaries under the Government are entirely dependent for their amounts upon the annual appropriation acts, and that a large number of offices have no legal existence except as they are authorized by provisions for the pay in appropriation acts. As to salaries of that kind, we may without doubt make an increase on an appropriation bill. We may cut down or increase the number of clerks in any Department; we may change a salary that has been fixed merely in an appropriation act. But where a law provides, for instance, that a judge shall be entitled to a certain salary, to say that in an appropriation bill we can utterly change the organic law in that regard, is, it seems to me, to run directly in the face of our rule about new legislation.

Mr. G. F. HOAR. I desire to observe to the Chair that the uniform current of decisions in this House has been the other way for many years. The salaries of justices of the Supreme Court were raised on an appropriation bill two years ago, and again on an appropriation bill last winter. The salaries of the President and of members of Congress were also raised on an appropriation bill. Such has been the uniform ruling in this House ever since I have been a member and a great many years before, and it is expressly declared in the passage which has been read from the Digest.

Mr. HOLMAN. Certainly there has never been a permanent fixing of salaries in an appropriation bill, but only the annual appropriation for those salaries. The rule which has been read was designed to provide for the increase or diminution of salaries not actually fixed by law, as is the case with most of the clerkships in the Departments. In our appropriation bills we make merely the appropriations from year to year. But here is a proposition to increase a body of salaries permanently; and it is clearly not within the rules.

Mr. HALE, of Maine. Mr. Chairman, setting aside the question whether we can on an appropriation bill raise a salary fixed by law, there is another objection to which, it seems to me, the amendment is clearly liable from the fact that it proposes to put salaries in place of fees or allowances that may at present exist. Suppose, for instance, and I think my friend from Massachusetts [Mr. G. F. HOAR] will agree with me, that a judge is, under existing laws, paid entirely by fees; it will hardly be claimed that we could in such a case change the method of payment on an appropriation bill and fix a salary at a given sum. It might be a reduction or it might be an increase; nobody would know. Therefore, aside from the questions that have been discussed, the amendment seems to me liable in this view to the point of order.

Mr. G. F. HOAR. I agree with the gentleman from Maine on his last proposition.

Mr. MELLISH. I would like to know from the mover of the amendment what is the proposed increase of each salary and what will be the aggregate increase?

The CHAIRMAN. That inquiry would be pertinent if the amendment were decided to be properly before the committee. The Chair rules that in its present form it is not admissible.

Mr. DUELL. I now offer the amendment in a modified form, which I trust will obviate the point of order.

The Clerk read as follows:

Provided, That from and after the 1st day of January, 1875, the salaries of the district judges of the districts of California, Maine, Massachusetts, Connecticut, northern, southern, and eastern districts of New York, eastern and western districts of Pennsylvania, the district of New Jersey, the district of Maryland, northern and southern districts of Ohio, northern and southern districts of Illinois, district of Indiana, eastern district of Michigan, district of Iowa, district of Kentucky, eastern and western districts of Missouri, district of Louisiana, and district of Rhode Island, shall be $5,000 each; and the salary of every other district judges shall be $4,000 each.

Mr. WILLARD, of Vermont. I renew the point of order on the amendment. I understand that under the rule which has been read the practice has been to entertain as in order a motion to increase a salary for the current year or for the coming fiscal year. Such an amendment does not change the existing law; the law stands the same as it was before. But a provision which is to stand as a permanent change of salaries, to be followed thereafter, is not in order under the rule.

The CHAIRMAN. Were the question entirely new the Chair would rule an amendment increasing salary was as much out of order as one decreasing it, for after careful study he has not been able to see the logic or reason why the House may increase under this rule and yet may not decrease. Still the matter has been so often ruled upon, and the rulings have been so steadily reaffirmed, the Chair feels bound to follow in the line of precedents and admits the amendment as offered by the gentleman from New York.

The amendment was again read.

Mr. HARRIS, of Virginia. I wish to move an amendment to the amendment to include the judges of the eastern and western districts of Virginia, and I wish to submit some remarks on that amendment when in order.

The CHAIRMAN. The gentleman from New York is first entitled to the floor, and the Chair will recognize the gentleman from Virginia when his amendment is in order.

Mr. DUELL. It seems to me, Mr. Chairman, no argument is needed in favor of the amendment I have sent to the Clerk's desk and which has been read. While we have made very ample provision for the salaries of the district judges, justices of the Supreme Court of the United States, and of the circuit judges, we have made no advance whatever in the salaries of the district judges of the United States. Under the law as it now stands, with three or four exceptions, the salaries now paid to the district judges of the United States are in the main $3,500. When I state here that you have fixed the salaries of the judges of the supreme court of the District of Columbia at a much larger sum than that, and when you have fixed the salaries of the judges of the Court of Claims in this city at $4,500 each, it will be seen that, while an ample salary is given to the judges in the other courts, the salaries paid to our district judges are far below what should be paid to them under the circumstances.

Now, Mr. Chairman, there is no class of our country's public servants who are entitled to more consideration than these district judges of the United States, and it seems to me the time has arrived when their salaries should be increased so as to make them correspond with the salaries paid to other judicial officers under the Government.

Take the southern district of New York. The salary of district judge in that district is $4,000 per year, and yet you pay and have provided by general bill that the salary of the district attorney for the same southern district shall be $6,000, and you add a certain amount of fees, making the office worth from twenty to thirty thousand dollars a year. That is a single instance of the inconsistency into which we have fallen in times past, and it seems to me the time has arrived when we should make this increase. I have a statement here, showing the salary paid to the judges in the different districts, which I ask to be incorporated with my amendment.

The statement is as follows:

Statement showing the salaries of the district judges of the United States as now fixed by law.

District of Alabama	$3,500
Eastern district of Arkansas	3,500
Western district of Arkansas	3,500
District of California	5,000
District of Connecticut	3,500
District of Delaware	3,500
Northern district of Florida	3,500
Southern district of Florida	3,500
District of Georgia	3,500
Northern district of Illinois	3,500
Southern district of Illinois	3,500
District of Indiana	3,500
District of Iowa	3,500
District of Kansas	3,500
District of Kentucky	3,500
District of Louisiana	4,500
District of Maine	3,500
District of Maryland	4,000
District of Massachusetts	4,000
Eastern district of Michigan	3,500
Western district of Michigan	3,500
District of Minnesota	3,500
District of Mississippi	3,500
Eastern district of Missouri	3,500
Western district of Missouri	3,500
District of Nebraska	3,500
District of Nevada	3,500
District of New Hampshire	3,500
District of New Jersey	4,000
Northern district of New York	4,000
Southern district of New York	4,000
Eastern district of New York	4,000
Eastern district of North Carolina	3,500
Western district of North Carolina	3,500
Northern district of Ohio	3,500
Southern district of Ohio	4,000
District of Oregon	3,500
Eastern district of Pennsylvania	4,000
Western district of Pennsylvania	4,000
District of Rhode Island	3,500
District of South Carolina	3,500
District of Tennessee	3,500
Eastern district of Texas	3,500
Western district of Texas	3,500
District of Vermont	3,500
Eastern district of Virginia	3,500
Western district of Virginia	3,500
District of Virginia	3,500
Eastern district of Wisconsin	3,500
Western district of Wisconsin	3,500

The CHAIRMAN. The Chair hears no objection, and the gentleman has consent to print the statement with his remarks in the RECORD.

Mr. STARKWEATHER. Mr. Chairman, I do not think the salaries of these district judges ought to be increased beyond what they are now. If the district attorney for the southern district of New York gets twenty or thirty thousand dollars a year, it is too much. It certainly is no argument why we should raise the salary of judges up to that figure. We had vacancies in the office of district judge in New England and the very best talent was anxious to assume the position. It was so in the districts of Connecticut.

Many of these district judgeships are easy, comfortable places, occupying but a small portion of time. In a few districts there may be more labor than in others, but I regret very much to see these district judges, who have so little to do, put above men upon the supreme bench in the States who have four times as much labor to perform. It is no argument certainly for increasing the salaries of the district judges that the salary of the district attorney for the southern district of New York is from twenty to thirty thousand dollars a year. If his salary be so large then he ought to have his perquisites taken away. I hope the amendment to increase these salaries will be voted down.

I yield to the gentleman from Michigan for two minutes.

Mr. CONGER. Mr. Chairman, I have this to say to the committee: By the statement which will be published in the RECORD in the morning I understand it will appear that some of these judges get over $5,000 a year, in some districts not over $3,000, and in others $4,000. I have not been able to look over and see exactly what the result of the adoption of this amendment would be, but it seems to me before we act finally on the subject we should inquire whether it will not result in a reduction in the aggregate expense for these judges.

Mr. GARFIELD. Let us have a vote.

Mr. CONGER. O, no. Do not let us have a vote; let us have a talk. I do not wish to be deprived of my two minutes. I send to the reporters, to be printed in connection with the report just ordered to be printed, a statement of the number of suits brought in several of these districts, and the amount of business done there, so that members may see that in districts where there is the smallest salary there is the greatest amount of business. I ask that that statement may be printed.

There was no objection, and it was so ordered.

The statement is as follows:

Abstract from Attorney-General's report (pages 26 to 33) for 1873, showing the amount of business in the United States district courts in the districts named below for the year ending June 30, 1873.

[The New York districts are, of course, far ahead of all others and are omitted. The northern district of New York, however, is not reported.]

SUITS COMMENCED DURING THE YEAR.

	Massachusetts.	Eastern district of Pennsylvania.	Maryland.	Southern district of Ohio.	Eastern district of Missouri.*	Northern district of Illinois.	Louisiana.	California.	Eastern district of Michigan.
Admiralty	112	99	58	20	.....	87	192	61	184
Bankruptcy	86	187	77	105	.....	254	90	184	110
Criminal, pending July 1, 1873	114	78	14	23	.....	15	69	62	54
Total	312	364	149	148	.....	356	351	307	348

SUITS DISPOSED OF DURING THE YEAR.

Admiralty	100	62	53	23	.....	65	83	39	109
Bankruptcy	38	113	13	78	.....	122	14	56	29
Criminal	80	81	66	58	.....	2	36	61	110
Total	218	256	132	159	.....	189	133	156	248

* Not reported.

Abstract from Attorney-General's report (page 34) showing aggregate amount of judgments in admiralty cases for the year ending June 30, 1873.

Massachusetts	$38,294
Eastern district of Pennsylvania	13,277
Maryland	9,486
Southern district of Ohio	9,658
Eastern district of Missouri, (not reported.)	
Northern district of Illinois	16,526
Louisiana, (not reported.)	
California	93,412
Eastern district of Michigan	128,433

NOTE.—The foregoing abstracts include only district-court business proper, and as to that they do not include chamber business.

Mr. SCUDDER, of New Jersey. I beg to say a very few words on this amendment. It seems to me that it is entirely correct. The salary of $5,000 will only support in a very economical way the judge and his family. I know very well that the judge in the State of New Jersey would not be able to hold that office if he were not a man of some property and had not some revenue besides what he receives from the Government of the United States. He has some admiralty business to perform and a large amount of patent business. The internal revenue has created a great amount of business. There is the business also under the bankrupt law, besides the ordinary business of the court in that district.

Mr. PARKER, of New Hampshire. How much of the time is he occupied?

Mr. SCUDDER, of New Jersey. All the time; and he cannot perform his duties then.

Mr. PARKER, of New Hampshire. How often does he hold his court?

Mr. SCUDDER, of New Jersey. Every month of the year except July and August.

Mr. PARKER, of New Hampshire. How much of the time is he occupied?

Mr. SCUDDER, of New Jersey. He is engaged all the time.

Mr. PARKER, of New Hampshire. Then his is a remarkable instance.

Mr. SCUDDER, of New Jersey. He is engaged all the time, and even then is not able to perform his duties.

Mr. GARFIELD. Once more I call the attention of the committee to the danger that is now confronting them. We are appealed to on behalf of a class of most deserving men. There are no men with better, purer, or higher characters known in our country than our judges. Yet if you put up these salaries it must necessarily be the signal for a general raising of salaries all round. And we cannot now, just at the heel of the day and just at the heel of a long bill, after we have refused to raise other salaries—except a few in our own House—we cannot do this with any relative justice. I appeal to the Committee of the Whole not to let this paragraph pass, and I ask for a vote.

The question being taken on Mr. DUELL's amendment, there were—ayes 38, noes 108.

So the amendment was not agreed to.

Mr. GARFIELD. The gentleman from Massachusetts informs me that we have left out one retired judge for the district of Massachu-

setts. I ask that after the word "Wisconsin," inserted in line 1520, the words "of the district of Massachusetts" be also inserted.

The amendment was agreed to.

The Clerk read as follows:

Court of Claims:

For salaries of five judges of the Court of Claims, at $4,500 each; the chief clerk, $3,000; and assistant clerk, $2,000; bailiff, $1,500; and messenger thereof; in all, $29,840.

For stationery, books, fuel, labor, and other contingent and miscellaneous expenses, $3,000; for reporting the decisions of the court, clerical hire, labor in preparing and superintending the printing of the ninth volume of the Reports of the Court of Claims, to be paid on the order of the court, $1,000.

For new cases for the files in the clerk's office, desks, and repairing old desks and tables there and in the court-room, $1,000.

Mr. GARFIELD. I am instructed by the Committee on Appropriations to offer the following amendment, to come in at the end of the paragraph which has just been read:

To pay judgments of the Court of Claims, $1,000,000.

The estimate sent to the committee in the Book of Estimates was $2,000,000. The amount appropriated last year was $400,000. The committee left out this appropriation at first that we might have an opportunity to examine the subject more fully.

Mr. RANDALL. Let us rise upon that.

Mr. GARFIELD. I propose to do so. But I wish to lay a statement before the committee that it may be printed in the RECORD. In order to be able to give the matter a full examination the Committee on Appropriations required a statement of the whole number of cases pending before the Court of Claims, and a statement of the amount per cent. that was usually awarded in the cases that are acted upon one way or the other. We found that there were about $4,000,000 pending in cases before the court. Ordinarily not quite half of all the amounts pending in any given group are passed favorably through the court. But we found still further that after they had passed through this court and were appealed a considerable percentage of those passed favorably were beaten in the court above, the Supreme Court. And after full consideration of the case and consultation with the court the committee came to the conclusion that we could cut down the estimate one-half, and make the appropriation one million instead of two million dollars.

But I wish gentleman to have a full opportunity to consider this We are now very nearly through the bill. I think half an hour or three-quarters of an hour in the morning will enable us to complete it, and I move that the committee rise.

Pending that, I ask that the papers I have referred to be printed in the CONGRESSIONAL RECORD.

There was no objection.

[The papers referred to by Mr. GARFIELD are as follows:

UNITED STATES COURT OF CLAIMS, CLERK'S OFFICE,
Washington, March 4, 1874.

DEAR SIR: In reply to your inquiry, I have to state that the estimate for judgments for this court was based on the amount claimed in cases pending in the court which may be brought to trial during the present term. The amount is something over $4,500,000 and the estimate is $2,000,000, which supposes a reduction of more than half. In case judgments should be rendered for $2,000,000, judging from the past, appeals will probably be taken in cases covering a considerable portion of that amount, from a quarter to half I should think, though it is impossible to estimate closely. The unusually large amount claimed this year is owing very much to iron-clad claims specially referred by Congress.

Very respectfully, your obedient servant,

ARCHIBALD HOPKINS,
Chief Clerk.

Hon. J. A. GARFIELD,
Chairman Committee on Appropriations.

Statement showing all the judgments rendered by the Court of Claims for the year ending December 2, 1872, the amounts thereof, the parties in whose favor rendered, and a brief synopsis of the nature of the claims upon which said judgments have been rendered.

Names of claimants.	No.	Amount claimed.	Amount awarded.	Date of judgment.	Nature of claim.
Delaware River Steamboat Company	6119	$13,080 00	Dismissed by claimant.	Dec. 5, 1871	For balance due by defendants under charter-party for use of steamboat John A. Warner.
Henry W. Fisher	5956	200 00	Dismissed by claimant.	Dec. 7, 1871	For $100 bounty under section 4, act of March 3, 1865, and $100 additional bounty under section 12, act of July 28, 1866.
John Costigan	5958	376 00	Dismissed by claimant.	Dec. 7, 1871	For back pay from July 1, 1863, to January 14, 1865, and bounty under section 5, act of July 22, 1861, and subsequent acts; and additional bounty under section 13, act of July 28, 1866.
Jane H. Hart	6016	720 00	Dismissed by claimant.	Dec. 7, 1871	To recover pension-money to which she claims to be entitled under the Navy pension laws.
Mrs. C. L. Ames, administratrix of Horatio Ames.	6250	86,188 64	Dismissed by claimant.	Dec. 7, 1871	For balance due by defendants under contract for manufacturing eleven wrought-iron rifled cannon.
Catharine Peterson, administratrix of Samuel Peterson.	3086	513 00	$390 99	Jan. 15, 1872	For proceeds of cotton captured by the United States military forces.
Jean Sauvestre	2937	4,218 75	1,158 95	Jan. 15, 1872	For proceeds of cotton captured by the United States military forces.
Dolway B. Walkington	2485	29,079 60	17,150 00	Jan. 22, 1872	For proceeds of cotton captured by the United States military forces.
Mary E. Ross, administratrix Meshack Ross	2616	50,000 00	*Dismissed.	Jan. 22, 1872	For proceeds of cotton captured by the United States military forces.
Henry H. Clapp	6279	495 00	Dismissed.	Feb. 5, 1872	For additional compensation as a clerk in the office of Congressional Printer, under act of Congress of July 28, 1866.
Anson N. Thompson	6281	643 00	Dismissed.	Feb. 5, 1872	For additional compensation as a clerk in the office of Congressional Printer, under act of Congress of July 28, 1866.
George M. Fillmore	6280	525 00	Dismissed.	Feb. 5, 1872	For additional compensation as a clerk in the office of Congressional Printer, under act of Congress of July 28, 1866.
Oliver H. Long, guardian of Lida Moore	3422	8,850 00	6,640 50	Feb. 5, 1872	For proceeds of cotton captured by the United States military forces.
Gustav A. Wirth	2900	4,200 00	4,200 00	Feb. 5, 1872	For proceeds of cotton captured by the United States military forces.
William J. Patton	6275	1,000 00	1,000 00	Feb. 5, 1872	To recover amount deducted from claimant's salary as a collector of internal revenue.
William S. Shewsbury	5222	72,000 00	*Dismissed.	Feb. 5, 1872	For damages under contract of claimant with the Quartermaster's Department for transportation of military stores.
Michael Daily	6365	350 00	350 00	Feb. 19, 1872	For the recovery of 5 per cent. additional commission under section 161 of the internal-revenue act of June 30, 1864, on the first $500 in each of fourteen purchases of stamps made between April 1 and October 1, 1870.
John V. Sevier	3218	13,500 00	5,181 48	Feb. 19, 1872	For proceeds of cotton captured by the United States military forces.
Matilda L. Bush, executrix of David Bush	3540	14,060 51	11,203 20	Feb. 19, 1872	For proceeds of cotton captured by the United States military forces.
Joseph Block	2810	29,376 00	22,848 00	Mar. 11, 1872	For proceeds of cotton and tobacco captured by the United States military forces.
William Hunt	2799	9,384 81	4,952 54	Mar. 11, 1872	For proceeds of cotton captured by the United States military forces.
James Wilde, jr.	2649	2,322 28	862 82	Mar. 11, 1872	For proceeds of cotton captured by the United States military forces.
Samuel H. Talbot, Peter S. J. Talbot, James R. Talbot, Loring F. Talbot, Albert Brown, George W. Simpson, and Job Small, owners schooner Keokuk.	6293	3,768 00	2,128 00	Mar. 11, 1872	For one month's service of steamer Keokuk, and also for damages sustained by said vessel while in the employment of the defendants under charter-party.
Abraham Morrell	6285	3,199 16 in coin, and 1,617 30	3,199 16 in coin, and 1,617 30	Mar. 11, 1872	To recover the value in gold of three bonds of the government of Texas assumed by the United States, and also to recover the difference between coin and currency on thirteen bonds of $500 each paid the claimant in currency April 29, 1870, and before suit was brought.
James Christian	6123	2,048 56	2,048 56	Mar. 11, 1872	For a decree under act of May 9, 1866, directing the proper accounting officers of the Treasury Department to allow claimant a credit, as an assistant commissary and an additional quartermaster, in the settlement of his accounts.
Charles H. Adams	2916	23,400 00	*2,080 00	Mar. 11, 1872	To recover compensation for 18,000 bushels of corn which claimant alleges was sold and delivered to Government.
Harry Haym	2679	89,131 25	72,853 98	Mar. 11, 1872	For proceeds of cotton captured by the United States military forces.
Marmaduke Hamilton, executor of John F. Hamilton.	2678	20,568 75	16,293 79	Mar. 11, 1872	For proceeds of cotton captured by the United States military forces.
James Foley	2676	1,645 50	1,402 64	Mar. 11, 1872	For proceeds of cotton captured by the United States military forces.
James H. Johnson	2927	33,241 93	20,765 65	Mar. 11, 1872	For proceeds of cotton captured by the United States military forces.
Edmund H. Martin	3235	Not set forth in claimant's petition.	7,427 52	Mar. 11, 1872	For proceeds of cotton captured by the United States military forces.
Charles E. Bowles and Fannie A. Coryell, administrators of Thomas D. Coryell.	6191	32,768 00	Dismissed.	Mar. 11, 1872	To recover damages for alleged breach by the defendants of a contract for the survey of a certain tract of land in the State of Kansas known as the "Osage trust-lands."

*Appealed.

Statement showing all the judgments rendered by the Court of Claims for the year ending December 2, 1872, &c.—Continued.

Names of claimants.	No.	Amount claimed.	Amount awarded.	Date of judgment.	Nature of claim.
Wolfe Barnett	2780	$7,010 05	$4,421 86	Mar. 11, 1872	For proceeds of cotton captured by the United States military forces.
Corporation of Roman Catholic Clergymen, of Maryland.	6258	29,363 34	Dismissed by claimant.	Mar. 13, 1872	For property of said claimant taken and destroyed by the Federal Army in the years 1861, 1862, 1863, 1864, and 1865.
Oliver P. Cobb, James W. Christy, Lewis M. Foulk, Thomas Folbre, and Peter W. Williams, under the name of O. P. Cobb, Christy & Co.	5968	155,343 00	154,107 84	Mar. 25, 1872	For breach of two contracts made by the Government with the claimants for the delivery of six hundred thousand bushels of grain.
Eide F. Torck	3092	1,340 23	1,340 23	April 1, 1872	For proceeds of cotton captured by the United States military forces.
William W. Worthington	3327	45,188 10	45,177 00	April 1, 1872	For proceeds of cotton captured by the United States military forces.
Asher Ayres	2545	105,178 00	36,643 92	April 1, 1872	For proceeds of cotton captured by the United States military forces.
Melvin B. Wilbur	3349	1,812 60	1,173 07	April 1, 1872	For proceeds of cotton captured by the United States military forces.
Leon Queyrouze, administrator of Simon Queyrouze.	3392	25,290 90	14,592 00	April 1, 1872	For proceeds of cotton captured by the United States military forces.
William and Robert McIntire	2785	7,320 25	5,072 67	April 1, 1872	For proceeds of cotton captured by the United States military forces.
John Quinlan, C. Cavaroc, Michael J. Brenan, and Jos. T. Maybury, executors of Dominick O'Grady.	3159	104,328 00	72,450 00	April 1, 1872	For proceeds of cotton captured by the United States military forces.
Daniel L. Ferguson	2653	20,458 51	15,343 88	April 1, 1872	For proceeds of cotton captured by the United States military forces.
Federick Z. Salomon	6130	4,116 20	*659 01	April 1, 1872	To recover on a quartermaster's voucher, delivered to claimant by a certain Captain Turnley, dated October 15, 1865.
William H. Greene	3076	10,885 67	10,885 67	April 2, 1872	For proceeds of cotton captured by the United States military forces.
James J. Waring	2738	3,428 12	2,629 95	April 8, 1872	For proceeds of cotton captured by the United States military forces.
James K. Reilly	2692	12,341 25	10,519 80	April 8, 1872	For proceeds of cotton captured by the United States military forces.
Nancy M. Pullen, executrix of Albert Johnson and Franklin Pullen, for the use of Martin Tally, assignee.	3102	3,250 00	421 96	April 8, 1872	For proceeds of cotton captured by the United States military forces.
William Lightfoot and David Flanders	2842	36,450 00	14,201 73	April 8, 1872	For proceeds of cotton captured by the United States military forces.
George W. Anderson	2715	8,227 50	6,026 54	April 8, 1872	For proceeds of cotton captured by the United States military forces.
William Hunter	2702	4,113 75	3,506 60	April 8, 1872	For proceeds of cotton captured by the United States military forces.
Daniel H. Baldwin	5741	15,083 75	12,974 42	April 8, 1872	For proceeds of cotton captured by the United States military forces.
James Cantwell	2584	26,068 00	10,817 39	April 8, 1872	For proceeds of cotton captured by the United States military forces.
Theodore B. Marshall and George S. Marshall.	2697	17,956 25	14,727 72	April 8, 1872	For proceeds of cotton captured by the United States military forces.
Levi DeWitt and Richard Morgan	2710	15,083 75	11,880 79	April 8, 1872	For proceeds of cotton captured by the United States military forces.
Patrick J. Coogan	2923	2,821 50	Dismissed.	April 8, 1872	For proceeds of cotton captured by the United States military forces.
Alexander Abrams	2721	2,056 87	1,577 97	April 8, 1872	For proceeds of cotton captured by the United States military forces.
Esadore Cohn	3039	18,115 00	6,044 50	April 15, 1872	For proceeds of cotton captured by the United States military forces.
Abram Minis, William Hunter, and George L. Cope, executors of Edward Padelford.	2644	4,467 30	3,476 85	April 15, 1872	For proceeds of cotton captured by the United States military forces.
Abram Minis, William Hunter, and George L. Cope, executors of Edward Padelford.	2645	21,000 00	9,467 82	April 15, 1872	For proceeds of cotton captured by the United States military forces.
Chandler H. Smith	2652	30,000 00	26,650 16	April 15, 1872	For proceeds of cotton captured by the United States military forces.
Erastus Henry	2796	6,595 40	5,687 78	April 15, 1872	For proceeds of cotton captured by the United States military forces.
John C. Schreiner, S. A. Schreiner, and Herman L. Schreiner, under the firm of John C. Schreiner & Sons.	3066	25,000 00	7,539 19	April 15, 1872	For proceeds of cotton captured by the United States military forces.
Samuel F. O'Neil	2571	4,113 75	3,155 94	April 15, 1872	For proceeds of cotton captured by the United States military forces.
James W. Lathrop and Harvey W. Lathrop	2665	12,341 25	9,039 81	April 15, 1872	For proceeds of cotton captured by the United States military forces.
John Stevenson	2736	2,742 50	1,928 63	April 15, 1872	For proceeds of cotton captured by the United States military forces.
Ezekiel E. Simpson and William J. Keyser, administrators of John A. Simpson.	3113	12,630 42	12,630 42	April 15, 1872	For proceeds of sale of $21,407.49 of Bank of Louisiana notes, being the amount of claimants' deposit with said bank at the date of the seizure of same under order of General Banks, August 17, 1863.
Ezekiel E. Simpson	3092	28,380 13	28,380 13	April 15, 1872	For proceeds of sale of $48,111.57 of Bank of Louisiana notes, being the amount of claimant's deposit with said bank at the date of the seizure of same under order of General Banks, August 17, 1863.
Elie Coté, for the use of John C. Martin and John W. Gradon, assignees of Graydon & McCready, Clapp & Kent, Dowd, Baker & Whitfield, Tracy, Irwin & Co., Cumming, Simpson & Armstrong, Martin & Morrison, D. B. Babcock & Co., Reynolds & Smith, Muir, James, Rothschild & Co., Hersh & Rich, assignees.	2902	12,831 42	10,483 71	April 15, 1872	For proceeds of cotton captured by the United States military forces.
Desiré Godet	3348	6,422 50	5,760 00	April 16, 1872	For proceeds of cotton captured by the United States military forces.
Salmon B. Colby	2225	35,726 00	Dismissed by claimant.	April 16, 1872	For timber taken from claimant by the Government in 1863, for completing the defenses of Washington and for fuel.
George C. Freeman, administrator of Henry C. Freeman.	2659	89,131 25	58,284 89	April 17, 1872	For proceeds of cotton captured by the United States military forces.
Charles W. Howell	6148	2,119 35	2,119 35	April 22, 1872	For a decree under act of May 9, 1866, directing the accounting officers of the Treasury to allow claimant, as a disbursing officer, a credit in the settlement of his accounts.
Andrew Low	2695	562,212 50	474,685 89	April 22, 1872	For proceeds of cotton captured by the United States military forces.
Adolph B. Weslow	2776	10,224 30	5,785 89	April 22, 1872	For proceeds of cotton captured by the United States military forces.
Lawrence de Give	3405	4,400 00	2,317 90	April 22, 1872	For proceeds of cotton captured by the United States military forces.
Jane Parker, administratrix of H. Parker	3271	7,903 80	5,600 00	April 22, 1872	For proceeds of cotton captured by the United States military forces.
Andrew J. Gill (No. 1)	6195	4,226 40	*Dismissed.	April 29, 1872	For damages for alleged violation by defendants of contract for delivery of 1,200 cords of wood at Fort Lyons, Colorado Territory.
William Syphax	6389	2,180 00	2,180 00	April 29, 1872	For additional pay heretofore withheld from claimant, to equalize his compensation with that of an assistant messenger of the Interior Department.
William H. Lender	3239	5,825 00	Dismissed.	April 29, 1872	For the alleged breach of verbal contract for the hire and keeping in repair of the sloop Amelia.
Abram Minis, William Hunter, and George L. Cope, executors of Edward Padelford.			18,058 79	April 29, 1872	For proceeds of cotton captured by the United States military forces.
Edwin Parsons	2634	40,000 00	5,417 61	April 29, 1872	For proceeds of cotton captured by the United States military forces.
George Parsons	2634		3,611 78	April 29, 1872	For proceeds of cotton captured by the United States military forces.
Edwin Parsons	2635	40,000 00	10,940 60	April 29, 1872	For proceeds of cotton captured by the United States military forces.
George Parsons	2635		7,293 72	April 29, 1872	For proceeds of cotton captured by the United States military forces.
Sarah A. Richmond, administratrix of Henry A. Richmond and Samuel Wilmot.	2669	34,281 25	19,006 78	April 29, 1872	For proceeds of cotton captured by the United States military forces.
Charles Weile	6316	23,250 silver soles, or their equiv. in U. S. coin.	*Dimissed.	April 29, 1872	To recover balance of an award made by the joint commission of the United States and Peru, in pursuance of treaty of July 6, 1869.
Anthony Fernandez	2793	31,212 40	20,688 94	April 29, 1872	For proceeds of cotton captured by the United States military forces.
Michel Castille	3391	23,535 25	18,240 00	April 29, 1872	For proceeds of cotton captured by the United States military forces.
Henry S. Bulkley	6189	60,864 21	*Dismissed.	April 29, 1872	An action upon an Army transportation contract, for damages.
Ralph Meldrim	2783	8,212 00	2,717 61	May 6, 1872	For proceeds of cotton captured by the United States military forces.
Margaret Doyle, administratrix of James Doyle,	2783		Dismis'd.	May 6, 1872	For proceeds of cotton captured by the United States military forces.
Julius Witkowski	3559	150,000 00	92,547 00	May 6, 1872	For proceeds of cotton captured by the United States military forces.
Henry and I. Meinhard	2819	19,597 50	10,430 55	May 6, 1872	For proceeds of cotton captured by the United States military forces.
Pierre E. Broulatour and Hypolité Norés	6164	620 48 in gold & in.	620 48 in coin.	May 6, 1872	For recovery of balance of deposit, made with the collector of the port of New Orleans, to cover amount of import duties, then and there estimated to be due and payable on merchandise owned by claimants.

*Appealed.

Statement showing all the judgments rendered by the Court of Claims for the year ending December 2, 1872, &c.—Continued.

Names of claimants.	No.	Amount claimed.	Amount awarded.	Date of judgment.	Nature of claim.
Joseph A. Ware	6089	$86 07	$86 07	May 8, 1872	For amount due claimant on his compensation as a clerk in the Treasury Department, and deducted for absence occasioned by sickness.
Alfred Austell	2518	28,302 00	12,385 88	May 8, 1872	For proceeds of cotton captured by the United States military forces.
Gallus Kerchner	6185	12,754 50	1,377 50	May 8, 1872	For balance alleged to be due from defendants, under contract for delivery of stone for the erection of the main arsenal building at Indianapolis, Indiana.
Hibernia Armstrong	3070	26,471 55	*23,097 72	May 8, 1872	For proceeds of cotton captured by the United States military forces.
Edward W. Wilcox, use First National Bank, Pomeroy, Ohio.	6198	1,845 00	1,845 00	May 8, 1872	To recover a balance withheld from a number of quartermaster vouchers given for horses, bought for the military service of the United States.
Andrew J. Fleming, use First National Bank, Pomeroy, Ohio.	6197	195 00	195 00	May 8, 1872	To recover a balance withheld from a number of quartermaster vouchers given for horses, bought for the military service of the United States.
William B. Adams	2672	34,281 25	22,439 20	May 8, 1872	For proceeds of cotton captured by the United States military forces.
Abraham Backer	2673	57,592 50	44,610 91	May 8, 1872	For proceeds of cotton captured by the United States military forces.
Luke Christie	2716	5,485 00	4,733 91	May 8, 1872	For proceeds of cotton captured by the United States military forces.
William Lattimore	2743	959 87	701 32	May 8, 1872	For proceeds of cotton captured by the United States military forces.
Edward Lovell	2742	8,913 12	6,736 80	May 8, 1872	For proceeds of cotton captured by the United States military forces.
Edward Lovell, Nathaniel Lovell, and William Lattimore, under the firm of Lovell & Lattimore.	2749	7,541 87	5,557 05	May 8, 1872	For proceeds of cotton captured by the United States military forces.
Hermann Bulwinkle	2574	18,654 95	8,541 31	May 8, 1872	For proceeds of cotton captured by the United States military forces.
A. Oldham, intervenor	2499	9,361 80	7,000 00	May 8, 1872	For proceeds of cotton captured by the United States military forces.
Lucy H. Carroll, administratrix of G. W. Carroll	3139	110,772 00	93,353 65	May 8, 1872	For proceeds of cotton captured by the United States military forces.
Edw. C. Anderson, executor of Aaron Wilbur	2740	27,425 00	17,883 66	May 8, 1872	For proceeds of cotton captured by the United States military forces.
John R. Wilder	2683	23,996 87	15,969 84	May 8, 1872	For proceeds of cotton captured by the United States military forces.
Edwin M. Price	3154	103,901 25	68,712 93	May 8, 1872	For proceeds of cotton captured by the United States military forces.
Simon Witkowski	2963	55,524 00	20,688 94	May 8, 1872	For proceeds of cotton captured by the United States military forces.
Bessie Elgee Gaussen, executrix of J. K. Elgee.	....	.....	*137,882 62	May 8, 1872	Conflicting claims for the proceeds of a quantity of cotton seized by one Camp, acting as Treasury agent for the United States, on Buffalo Bayou, in the State of Mississippi, in April, 1864.
Cornelius V. Woodruff and Adolph Bouchard, under the firm of C. V. Woodruff & Co., for the use of Charles S. Lobdell.	....	.....	*72,365 95	May 8, 1872	
Cornelius V. Woodruff and Adolph Bouchard under the firm of C. V. Woodruff & Co.	2157	366,170 83	*155,922 26	May 8, 1872	
Julia Nutt, executrix of Haller Nutt	3496	.....	*Dismissed.	May 8, 1872	
Mary Ann Wells and others, children and representatives of J. K. Elgee.	3152	.....	*Dismissed.	May 8, 1872	
William Lindon	2731	2,331 12	1,803 81	May 13, 1812	For proceeds of cotton captured by the United States military forces.

*Appealed.

The question being taken on Mr. GARFIELD's motion that the committee rise, it was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WOODFORD reported that, pursuant to the order of the House, the Committee of the Whole on the state of the Union had had under consideration the state of the Union generally, and particularly the bill (H. R. No. 2064) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed without amendment bills of the House of the following titles:

The bill (H. R. No. 2206) to grant an American register to the bark Azor;

The bill (H. R. No. 1763) to permit Edward Savage, of Minnesota, to enter one quarter-section of the public lands or any legal subdivision of the same; and

The bill (H. R. No. 363) for the relief of Lucius A. Rountree.

The message also informed the House that the Senate had passed, with an amendment in which the concurrence of the House was requested, the bill (H. R. No. 1935) for the relief of William J. Scott, late aid-de-camp on the staff of General Spear.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. No. 482) authorizing the construction of a bridge over the Willamette River at Salem, in the State of Oregon; and

A bill (S. No. 464) to amend the act entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes;" approved June 30, 1864, and the several acts amendatory thereof.

TWENTY-FIVE MILLION REDISTRIBUTION.

Mr. KASSON. I desire to give notice that on Monday I shall ask leave to introduce and ask the House to pass a bill to amend the act entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates and for an increase of national-bank notes," approved July 12, 1870. I may state that this is what is known as the twenty-five million redistribution bill.

DUTIES ON MANUFACTURED ARTICLES.

Mr. MYERS, by unanimous consent, introduced a bill (H. R. No. 3096 to repeal the second section of the act of June 6, 1872, which reduced the duties on certain manufactured articles 10 per cent.; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. PIERCE for ten days; to Mr. WILLARD, of Michigan, for two weeks; to Mr. HUNTON for one week, and to Mr. CLYMER until Tuesday next.

Mr. WILLARD, of Vermont. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at five o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. ARTHUR: The petition of W. F. Maddux, Peter Newkirk, George Stoller, E. Matlock, Thomas Matlock, W. O'Neal, Gustavus A. Foster, and Richard H. Jones, to have refunded certain moneys alleged to have been illegally collected from them as commutation money, to the Committee on War Claims.

By Mr. BASS: The petition of importers of wrest-pins for pianos, for the imposition of a specific duty on every one thousand pins, to the Committee on Ways and Means.

By Mr. ELKINS: The petition of Charles Probst, of Santa Fé, New Mexico, to be paid for commissary supplies furnished the militia of said Territory, to the Committee on Military Affairs.

By Mr. GOOCH: The petition of Sarissa B. Cole, of Boston, Massachusetts, for arrears of pension, to the Committee on Invalid Pensions.

By Mr. HAWLEY, of Illinois: The petition of citizens of Henry County, Illinois, for congressional aid to a double-track freight railway from New York to Council Bluffs, to the Committee on Railways and Canals.

By Mr. LAWRENCE: The petition of W. R. Smith, of New Carlisle, Ohio, for a pension, to the Committee on Invalid Pensions.

By Mr. LOWNDES: The petition of steel workmen in Cumberland County, Maryland, against a duty on tea and coffee, and for the repeal of the second section of the act of June 6, 1874, to the Committee on Ways and Means.

By Mr. O'NEILL: The petition of John Hudson, of Philadelphia, late of Company A, Twenty-ninth Pennsylvania Volunteers, for a pension, to the Committee on Invalid Pensions.

By Mr. READ: The petition of citizens of Larue and Hart Counties, Kentucky, that A. Blakely be permitted to distill apple and peach brandy without license, to the Committee on Ways and Means.

By Mr. SCUDDER, of New York: The petition of citizens of Flushing, New York, for an appropriation for the survey and mapping of Flushing Harbor and inlets, to the Committee on Commerce.

By Mr. WHITEHOUSE: The petition of Charles G. Dickinson for extension of letters-patent, to the Committee on Patents.

By Mr. WOODFORD: The petition of D. C. Stoddard and 60 others, for the passage of the bill (H. R. No. 1179) granting increased pensions to disabled soldiers, to the Committee on Invalid Pensions.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April* 25, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

FREEDMAN'S SAVINGS AND TRUST COMPANY.

Mr. BROMBERG. I ask that an order be made for the printing of the letter of the Secretary of the Treasury and the accompanying documents relative to the Freedman's Savings and Trust Company.

Mr. HAWLEY, of Connecticut. I object to any such order as that asked for by the gentleman from Alabama being made.

Mr. HAWLEY, of Illinois. I call for the regular order.

Mr. GARFIELD. I desire to move that the House resolve itself into Committee of the Whole on the state of the Union.

Mr. HAWLEY, of Connecticut. I object to any order to print that report, and I desire to make a statement about it.

Mr. BROMBERG. I object to the gentleman making any statement unless I am allowed to answer him.

The SPEAKER. This proceeds by unanimous consent, and the Chair will hear the gentleman from Connecticut if there be no objection.

Mr. HAWLEY, of Connecticut. I only wish to say that the papers in relation to this matter are all already in the hands of the Committee on Banking and Currency.

Mr. HAWLEY, of Illinois. Is this matter before the House?

The SPEAKER. It is not.

Mr. HAWLEY, of Illinois. I have called for the regular order that the appropriation bill may be disposed of.

Mr. HAWLEY, of Connecticut. I only desire to say that all these papers are in the hands of the Committee on Banking and Currency, and that the report sent in yesterday was referred to that committee, and if that committee should in its discretion think it necessary for the public interests that it should be published they will undoubtedly ask the House to do so. The gentleman from Alabama can be heard before the committee, and has already been there. He can see every paper that is there.

Mr. BROMBERG. The House is certainly entitled to see these papers.

The SPEAKER. The Chair will indicate to the gentleman from Alabama in what way he can attain his object. He can make a motion to reconsider the vote by which the letter of the Secretary of the Treasury was referred to the Committee on Banking and Currency.

Mr. BROMBERG. Very well. I submit the motion to reconsider.

The SPEAKER. The motion will be entered, and the gentleman can call it up at any time.

PORTLAND, DALLES AND SALT LAKE RAILROAD.

Mr. HURLBUT, by unanimous consent, from the Committee on Railways and Canals, reported back with amendments the bill (H. R. No. 2745) providing for the construction of the Portland, Dalles and Salt Lake Railroad, and for the performance of all Government service free of charge; which was referred to the Committee of the Whole on the state of the Union, and, with the amendments, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. LOUGHRIDGE, the Committee on Appropriations was discharged from the further consideration of the following communications; and the same were referred to the Committee on Indian Affairs:

A letter from the Secretary of the Interior, transmitting a draught of a bill to amend an act entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1849, and for other purposes;" and

A letter from the Secretary of the Interior, transmitting a draught of a bill for the relief of certain tribes of Indians in the northern superintendency.

DISTRIBUTION OF CURRENCY.

Mr. MERRIAM, by unanimous consent, from the Committee on Banking and Currency, reported the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to report to this House, as early as practicable, how much of the $54,000,000 in notes for circulation has been issued under the provisions of section 1 of the act approved July 12, 1870, entitled "An act to provide for the redemption of 3 per cent. temporary-loan certificates and for an increase of national-bank notes," and to what banking associations the same were issued, giving the names and localities of such associations, the amount issued to each, and the date of issuance, with the date of application for the same; if any applications for circulating notes have been made to the Comptroller of the Currency which have not been granted, to state by whom, when, and where, what respective sums, and also to state what would be the distributive share of the $354,000,000 of circulating notes provided for by the act approved June 3, 1864, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," and by the first section of the said act of July 12, 1870, accruing to each State and Territory under the principle of distribution declared in the act approved March 3, 1865, entitled "An act to amend an act entitled 'An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof,'" and in the said first section of the act of July 12, 1870; and to inform the House whether the Comptroller of the Currency has made a statement showing the amount of circulation in each State and Territory and the amount to be retired by each banking association in accordance with the provisions of the sixth section of said act of July 12, 1870, and, if so, transmit to the House a copy of the same; also, to inform the House of the aggregate amount of applications for currency on file in the Comptroller's office, and the amount not assigned on each 1st of January and July after July 12, 1870, to date hereof.

CHARGES AGAINST OHIO FOR ARMS, ETC.

Mr. BANNING, by unanimous consent, submitted the following; which was referred to the Committee on Military Affairs, and ordered to be printed in the RECORD:

STATE OF OHIO, EXECUTIVE DEPARTMENT,
Columbus, April 23, 1874.

SIR: In accordance with the instructions thereof, I have the honor to transmit to you a copy of a joint resolution of the General Assembly of the State of Ohio, relating to sums of money charged against the State for arms, &c., during the late war.

Very respectfully,

W. ALLEN, *Governor.*

Hon. H. B. BANNING,
House of Representatives, Washington.

Joint resolution relative to sums of money charged against the State for arms, &c., during the late war.

Whereas large sums of money were charged against the State of Ohio for arms, &c., furnished during the late war, and other States equally as populous had no charges made against them during the same period, and it is probable that error occurred in keeping the accounts with this State, which does great injustice to it, but which the Ordnance Department of the United States has no authority to correct. The principal if not all of the issue which was made to this State during the war was to it for the maintenance of the General Government, and should have been charged as arms and stores issued to the volunteers of the United States, and not to the State of Ohio. Whereas the indebtedness of the State of Ohio to the General Government for arms, &c., charged is about $127,000:

Resolved, That our Senators and Representatives in Congress be requested to use all honorable means to secure the passage of the bill introduced into the House of Representatives, January 29, 1872, entitled "A bill making provision for arming and equipping the whole body of militia of the United States, and for other purposes," whereby the said indebtedness may be canceled.

Resolved, That the governor be requested to forward a copy of the above preamble and resolution to each of our Senators and Representatives in Congress.

GEORGE L. CONVERSE,
Speaker of the House of Representatives,
ALPHONSO HART,
President of the Senate.

Passed April 16, 1874.

THE STATE OF OHIO,
Office of the secretary of state:

I, A. T. Wikoff, secretary of state of the State of Ohio, do hereby certify that the foregoing is a true copy of a joint resolution therein named, adopted by the General Assemby of the State of Ohio on the 16th day of April, A. D. 1874, taken from the original rolls on file in this office.

In testimony whereof, I have hereunto subscribed my name, and affixed the seal of this office, at Columbus, the 17th day of April, A. D. 1874.

[SEAL] A. T. WIKOFF,
Secretary of State.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed without amendment a bill of the House of the following title:

A bill (H. R. No. 2868) to render available an unexpended balance of appropriation for collection and payment of bounty, &c., for colored soldiers and sailors.

WASHINGTON MONUMENT.

The SPEAKER laid before the House a letter from the Secretary of War, in relation to the security of the foundation of the Washington monument; which was referred to the Select Committee on the Washington Monument.

PAYMENTS FOR PROPERTY CAPTURED OR ABANDONED.

The SPEAKER also laid before the House a letter from the chief clerk of the War Department, transmitting a statement showing payments made under acts of April 9, 1816, and March 3, 1817, for property lost, captured, or destroyed by the enemy while in the United States service; which was referred to the Committee on War Claims.

UTE INDIANS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, in relation to an agreement concluded with certain Ute Indians, September 13, 1873, in accordance with the act of April 23, 1872; which was referred to the Committee on Indian Affairs.

TELEGRAPH LINE BETWEEN SANTA FÉ AND TUCSON.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to a proposed telegraph line between Santa Fé and Tucson; which was referred to the Committee on Military Affairs.

JURISDICTION OF GENERAL COURTS-MARTIAL.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a draught of a bill giving to general courts-martial jurisdiction of the crimes of murder, manslaughter, &c.; which was referred to the Committee on the Judiciary, and ordered to be printed.

SUPPLIES FOR DESTITUTE PERSONS ON THE LOWER MISSISSIPPI.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting estimate of an appropriation for the purpose of furnishing food to destitute persons on the Lower Mississippi River; which was referred to the Committee on Appropriations, and ordered to be printed.

EXPENSES OF JUDICIAL INVESTIGATION.

Mr. WILSON, of Indiana, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the necessary expenses of the investigation of the Judiciary Committee into the charges against Judge Storey, of the western district of Arkansas, be paid out of the contingent fund of the House.

Mr. WILSON, of Indiana, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HAWLEY, of Illinois. I call for the regular order.

Mr. GARFIELD. I move that the rules be suspended and the House now resolve itself into Committee of the Whole on the pending appropriation bill.

The motion was agreed to.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. WOODFORD in the chair,) and resumed the consideration of the bill (H. R. No. 2064) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes.

The CHAIRMAN. The Clerk will read the pending amendment, which was to insert the following:

To pay judgments of the Court of Claims, $1,000,000.

The amendment was agreed to.

The Clerk read as follows:

Office of the Attorney-General:

For compensation of the Attorney-General, $8,000; Solicitor-General, $7,500; three Assistant Attorneys-General, at $5,000 each; one Assistant Attorney-General of Post-Office Department, $4,000; Solicitor of Internal Revenue, $5,000; Naval Solicitor and Judge-Advocate-General, $3,500; examiner of claims, $3,500; law clerk, $3,000; chief clerk, $2,200; stenographic clerk, $2,000; two law clerks, at $2,000 each; six clerks of class four; additional for disbursing clerk, $200; one clerk of class two; five copyists, at $900 each; one messenger; two assistant messengers; two laborers; and two watchmen; in all, $79,760.

Mr. GARFIELD. It has been found necessary to move to amend the paragraph just read by inserting, before the words "five copyists," the words "one clerk, who shall be telegraphic operator, $1,000."

The amendment was agreed to.

The Clerk read the following:

For contingent expenses of the Department, namely: for furniture and repairs, $1,500; for care of and subsistence of horses, $1,400; repairs to carriages and harness, $600; for law and miscellaneous books for the library of the Department, $3,000; for the same for the office of the Solicitor of the Treasury, $1,000; for stationery, $2,500; for miscellaneous expenditure, such as telegraphing, fuel, lights, and other necessaries, $6,000; in all, $16,000.

Mr. NESMITH. I move to amend the paragraph just read by striking out the words "for care of and subsistence of horses, $1,400; repairs to carriages and harness, $600." I believe that this estimate is an innovation. I believe there has been no definite estimate of that kind offered heretofore for this Department. I do not perceive the necessity of an appropriation of $2,000 for the purpose of transporting anything connected with the Department of Justice about this city. If this item of $2,000 is stricken out I fancy it will be that much saved to the people who pay the taxes. I observe that in other portions of this bill, which were passed when I was not present, there is appropriated for the Postmaster-General for a similar purpose $1,200 and for the Secretary of the Interior the same sum. Now, if it is proper and necessary to make such appropriations for the heads of the Departments, there should at least be equality among them. I do not understand why the Attorney-General should have $800 more appropriated for the use of private horses and carriages than is appropriated for the other members of the Cabinet.

I do not know if my amendment is adopted that it will be a saving to the Treasury. I see that heretofore, when no appropriation of that kind was made, the contingent fund has been used for a similar purpose. I hold in my hand copies of vouchers for moneys paid out of that fund. They are as follows:

WASHINGTON, *January* 27, 1872.

United States Department of Justice, to Andrew J Joyce & Co., Dr.
To one landaulet, No. 94, $1,600. Received payment.
ANDREW J. JOYCE & CO.

BALTIMORE, *July* 29, 1872.

United States Department of Justice, bought of Coblens & Kaufman, one pair of bay horses, $750. Received payment.
COBLENS & KAUFMAN.

WASHINGTON, *July*, 1872.

United States Department of Justice, to Andrew J. Joyce & Co., Dr.
One pair stitched pole-straps and gold slip-buckle, $8; new silk lining in landaulet, $35.75; painting and varnishing landaulet, $42.50; various other items same nature, $124.88; total, $211.13.

Then in November last there was another bill for repairs of landaulet, and again in December, making in all over $800. The landaulet seems to have been repaired from June, 1872, to December last to the amount of about $1,100. It must have been that it was not a good landaulet when it was purchased, though costing $1,600, to require that amount of repairs.

Now I appeal to the chairman of the Committee on Appropriations, who is supposed to be laboring here in the interest of economy and who the other day struck out the enacting clause in a bill which provided for a small appropriation to remunerate widows and orphans who have been made such by lack of protection on the part of the Government, which permitted the Indians to massacre their natural protectors. The occupant of the office, the Attorney-General, has the honor to be a constituent of mine; and I desire to see all my constituents treated equally well. I do not believe in giving $2,000 for private purposes to a man who is already drawing a salary of $8,000, while you refuse to compensate widows and orphans for property destroyed by the Indians through your own neglect.

I do not believe that it is under any circumstances legitimate to appropriate money to the heads of these Departments for the purpose of transporting them about this city. Why not make a similar allowance to members of Congress? Why not make an appropriation of the same kind for the benefit of the judges of the Supreme Court? Why not make the system equal and uniform everywhere? This constituent of mine is the only one who indulges in this gorgeous oriental splendor of riding in a sixteen hundred dollar landaulet. Why, sir, lawyers of my State of his caliber ride upon the outside of a fifty-dollar mule, and think they are doing well at that. But, sir, there is a Spanish proverb, I believe, "Put a beggar on horseback and he will ride to the devil." Now, I have no objection——

Mr. NEGLEY. I object to the remarks of the gentleman in reference to a Cabinet minister.

Mr. NESMITH. I am discussing a public appropriation bill.

The CHAIRMAN. If the gentleman from Oregon [Mr. NESMITH] will desist for a moment the gentleman from Pennsylvania [Mr. NEGLEY] will state his point of order.

Mr. NEGLEY. My point is, that the gentleman has referred to a Cabinet officer of this Government as a "beggar placed upon horseback."

Mr. NESMITH. No, sir; I have not. That was not my language.

Mr. NEGLEY. I ask that the Clerk read the remarks as taken down by the reporter. I submit that such remarks are not proper with reference to a Cabinet officer of the Government.

Mr. NESMITH. I think I have said sufficient on this subject. The gentleman objects to the discussion of a public appropriation bill——

Mr. NEGLEY. No, sir; I do not object to that; but I do object to the offensive remarks of the gentleman.

The CHAIRMAN. The gentleman from Oregon will continue his remarks, being careful to proceed in order.

Mr. NESMITH. Well, sir, without making any direct reference to anybody, I say it is a Spanish proverb, "Put a beggar on horseback and he will ride to the devil." I have no objection to the termination of this journey in that direction, but I do not want the people to pay for the transportation.

Mr. DURHAM. I desire to ask the chairman of the Committee on Appropriations one question in regard to this item. I have been appointed a member of a sub-committee to investigate the contingent expenses of the Department of Justice since its establishment in June, 1870; and I expect in two or three days to make a report upon the extravagance growing out of the contingent fund of this Department; but for the present, regarding it as inappropriate to make any statement as to what will be the substance of that report, I desire to ask the chairman of the Committee on Appropriations how many horses are provided for in this appropriation "for care of and subsistence of horses?"

Mr. GARFIELD. We limit it only by the amount appropriated; we have nothing to do with the number.

Mr. DURHAM. That is not answering my question. How many horses are provided for in this item?

Mr. GARFIELD. I answer the gentleman, that we say nothing about the number. There will be, I presume, so many as can be provided for (including the carriage) with this amount of money.

Mr. DURHAM. Then I put this further question to the gentleman: Whether it will take $1,200 to keep one horse or two horses or three horses; and I renew the question, how many horses are provided for in this item?

Mr. GARFIELD. The gentleman can get all the echoes he may desire in answer to his question as to the number. I do not know the number, and do not undertake to state it.

Mr. DURHAM. The gentleman is not answering with fairness and candor.

Mr. GARFIELD. I have not the information upon which to answer, and therefore I do not undertake to do so. I will only say that the Committee on Appropriations required from the Attorney-General a full and detailed statement of his contingent expenses during the past year; and instead of appropriating in a lump, as has hitherto been done, we have made the appropriation in detail, as has been done in regard to the Treasury Department. In the latter case we covered two pages and a half of the bill in order to itemize all the contingent expenses. In this case we have also itemized closely and carefully and have put down what seemed to us a reasonable sum for contingent expenses.

Mr. DURHAM. Then I still put to my distinguished friend the question, whether he has the items to show how many horses there are in use by that Department?

Mr. GARFIELD. If the gentleman has made a careful investigation as one of a sub-committee, and has his report inchoate and almost

ready to launch, he certainly ought to be able to answer that question better than I can.

Mr. DURHAM. I can answer so far as the past is concerned; but in this bill we are providing for the future. I will answer that there have been three horses in use by that Department in the past. Now, how many are there to be in the future, for the year ending June 30, 1875?

Mr. GARFIELD. The number of horses in the future is something I suppose that would require a prophet to predict; but if the gentleman——

Mr. DURHAM. The gentleman understands my question. How many have the committee provided for in this bill?

Mr. GARFIELD. Well, I am utterly incapable of furnishing brains for the understanding of a statement, in addition to making it. I have made the statement plainly that we have limited the amount of money to be used in the care and keeping of horses, the repair of wagons and carriages, and everything pertaining to the stable.

Having made that limitation, if there can be a thousand horses kept on that it is not my look out. If gentlemen of the House consider that amount too much let them move to cut it down.

Mr. DURHAM. If I have not got the brains to answer, I have the candor and honesty to answer; I will say that much. If my distinguished friend, who stands at the head of this Appropriation Committee, and who ought to know the purpose of this appropriation of $1,200 for taking care and for the keep of horses will not have the fairness or the candor to answer on the floor of this House, then I leave it to the House to judge between him and myself.

Mr. GARFIELD. There is no need of heat about this matter. My friend here inquired concerning this matter, and he said he had a report nearly ready to make. I was glad to have any information on the subject. I understood his sub-committee was examining this whole matter.

The Committee on Appropriations have put in what they considered enough to maintain the expense of what now exists. The gentleman says that is three horses and carriages. I should suppose three horses, one for relay in case of accident, would not involve an extravagant amount, provided we proposed the heads of Departments shall have the employment of horses and carriages.

Now, Mr. Chairman, the Attorney-General said this to the committee: that he is compelled in his office not only by his assistants to run the Court of Claims on the Government side of it, but all the cases of the United States in the Supreme Court, and that there is not a day in which he does not require the use of a horse and carriage. Whether it should be by what the Government owns or what they may hire makes no difference. If gentlemen want the Attorney-General to walk to the Supreme Court on foot, or to ride in the cars, or to go wherever else he goes as other citizens, if the gentleman wants to break down the habit of years and sweep away all arrangement for horses and carriage, very well. That is a policy I have no quarrel with, except to say it has not been the custom for the last seventy-five years.

Mr. NESMITH. I beg to ask the gentleman a question.

Mr. GARFIELD. I am not here defending what has been done, but only stating what is, and the Committee on Appropriations have reported what they deemed reasonable simply for keeping up for public use alone a sufficient amount of transportation for the heads of Departments.

Mr. NESMITH. Permit me to ask the gentleman a question.

Mr. GARFIELD. Certainly.

Mr. NESMITH. Does he believe there is any more necessity for providing these Departments with expensive horses and a sixteen hundred dollar carriage than the judges or members of Congress? And in connection with that, does the Attorney-General go every day to the Supreme Court? And another question in the same connection: Are these Departments being run by horse-power?

Mr. GARFIELD. Mr. Chairman, I have no doubt there are abuses. I know there have been abuses in regard to horses and carriages in the various Departments. These are abuses, if not as old as the Government, older than any member of the House. There has been no Attorney-General from the foundation of the Government who was not furnished with horses and a carriage by the Government as a part of his official outfit for the performance of his duties. There is no hour of the day when the heads of the Departments are not liable to be called upon to meet the President in Cabinet to consult with each other, and it is a matter of common decency in the transaction of business they should have it. I know that some of the heads of Departments have, because of what has been said in public concerning it, expressed their preference that it should be wiped out, and hereafter they should either have their own or hire hacks on the stands as they may, rather than be subject to the imputations which are constantly made in regard to them.

Now, I believe that in regard to the Attorney-General there has been purchased for him an expensive carriage that ought not to have been purchased. I believe there was an improper use, an indefensible use of the contingent fund that none of us will think of defending or approving. That was, however, done, as the committee were assured—for they inquired into it—not by the Attorney-General in person, but by his subordinates, who always had the management of his contingent fund.

Mr. MAYNARD. Will the gentleman answer me a question?

Mr. GARFIELD. In a moment. The Attorney-General said to the committee the management of his contingent fund had never been personally attended to by him; that it had been the habit of the office to leave it to be managed by the chief clerk or some subordinate. The Attorney-General so far as he was personally concerned had not known of the methods of expenditures, and he regretted it had been done without his personal supervision.

My own impression is that, while the occasion has furnished us with an opportunity to correct this thing in the future, it is somewhat ungenerous, and somewhat unkind to take a special case of what has been an old habit, perhaps I should say an old abuse, almost from the foundation of the Government, and to throw all the burden of it upon the shoulders of one man. Common fairness, that sense of Anglo-Saxon fair play which resides I know in every breast in this Hall, will see that we ought to treat it in a general way rather than throw the whole burden on a single case and a single officer. I am here to extenuate nothing and to conceal nothing, but to state what I understand to be the facts, and to appeal to the judgment of the House as to what ought to be done. If the amount which we propose here to appropriate is too large, cut it down. If gentlemen think it ought all to be wiped out, cut it all out. But let us do it as a matter of general management, and not in a spirit of persecution of one officer. I now yield to the gentleman from Tennessee [Mr. MAYNARD] for a question.

Mr. MAYNARD. The question I wish to ask the chairman of the Committee on Appropriations is this: We all of us have a general idea of the manner in which the positions of heads of these Departments ought to be filled, and the style and manner of living as the sense of propriety, usage, and the public expectation require. Now, assuming that the gentleman has given attention to this question, as I am satisfied that he has, I wish to ask him whether he thinks from the investigation he has given it that the present emoluments, incidental or other including carriage, horses, and everything else, are or are not adequate to sustain an officer properly in that position, so that a poor man who had no fortune of his own could properly fill it?

Mr. GARFIELD. I hardly think the granting of a carriage for the use of the office ought properly to be considered an emolument of the officer. I would not vote thus to increase his salary indirectly. If the office of the Attorney-General needs, for the proper discharge of the business, the employment of a pair of horses and a carriage, then we ought to vote it to the office and not to the man; and it is on the ground that the proper discharge of the duties of the office requires such an outlay that the Committee on Appropriations have reported this. If the salary is inadequate, let it be made adequate.

Mr. MAYNARD. We undertook in the last Congress to increase the salaries of these officers, and I wish now to ask the chairman of the Committee on Appropriations whether the further investigation he has given the subject satisfies him that these positions are properly and adequately provided for, so that, as I have said, a poor man could possibly fill them?

Mr. GARFIELD. I do not believe there is a man in the United States who is fit to be Attorney-General whose professional services would not bring him a far greater sum than the salary of Attorney-General now gives him.

Mr. WOOD rose.

Mr. DAWES. I desire to ask the gentleman from Tennessee a question.

The CHAIRMAN. The gentleman from New York [Mr. WOOD] has been recognized by the Chair.

Mr. GARFIELD. I ask the gentleman from New York to yield to me for a moment while I make an apology to the gentleman from Kentucky, [Mr. DURHAM.] I addressed an expression to him which I wish to withdraw. The gentleman had several times repeated a question to me which I thought I had answered, and I said testily what I regret.

Mr. DURHAM. I would not have said what I did if the gentleman had responded to my question.

Mr. GARFIELD. I thought I had done so.

Mr. DURHAM. I accept the apology of the gentleman.

Mr. WOOD. I yield for a moment to the gentleman from Massachusetts.

Mr. DAWES. I would like to inquire of the gentleman from Tennessee if he means to have it understood from the tenor of the interrogatories which he addressed to the gentleman from Ohio that we should eke out the salaries of our public officers by any such indirection as carriages, perquisites, and the use of public property? We have considered carefully and candidly what we ought to pay our public officers. We have fixed their salaries, and I suggest to my friend from Tennessee that to say to the country that there is any justification for the appropriation of public property indirectly on account of any insufficiency of a salary that we have fixed by law and maintained by law for these many years is a reflection upon the administration of public affairs that I should think my friend from Tennessee would defend the administration against rather than throw upon it.

Mr. MAYNARD. The gentleman asks me a question and I will answer it. We have been told here that if the Attorney-General wants to ride let him ride in his own carriage or hire one as other people do. Now we know, if we know anything about it at all, that he is compelled by the duties of his office to go from his official office

to the court under such circumstances that he cannot walk, but is obliged to ride. Now, if the salary is inadquate——

Mr. WOOD. Mr. Chairman, I do not yield further.

I do not understand that the chairman of the Committee on Appropriations undertakes to justify the appropriations which he has reported in this bill for carriages and horses for the Department of Justice. But he rather defends it upon the ground that it is an abuse of long standing. In the first place, Mr. Chairman, if his statement with reference to the past were true it would be no excuse for or justification of the continuance of a very shameful abuse in the expenditures of that Department. But, sir, I take issue with him and with his statement of the fact. It is not true that the practice to which we now take exception is of long standing in this Government, or is of any standing whatever prior to the incumbency of the gentleman who now fills the office. My memory, sir, goes back for a long period, not only with reference to the office of the Attorney-General of the United States, but with reference to all the Executive Departments; and I declare here that it is a practice of recent and modern introduction that any head of a Department, that any executive officer of this Government, shall seek to be carried through the streets of Washington at the public expense.

Sir, the Chief Justices of the United States, including John Marshall and Roger B. Taney, never traveled at the expense of the Government, either from their homes to Washington, or from their residences in Washington to the Capitol here, for the purpose of attending to their official duties. It is entirely a mistake to suppose that this is an old practice. It is an attempt to justify by an erroneous statement, founded upon a misapprehension, this system of having public coaches for the use of officials, bought by the money of the people wrung from the industries of the nation. Sir, it is entirely unnecessary that the public money shall be devoted to this purpose, and in my judgment it is a scandal.

But, sir, let me call your attention to figures to show the gradual increase of expenses in recent times with reference to the administration of justice. In the bill of last year we appropriated for the United States courts, district attorneys, marshals, &c., $379,850, while the present bill appropriates $401,750; an increase of about $20,000. Then, sir, we find that in the Department of Justice, of which this officer is the head, the appropriations in 1868 amounted to but $723,378.57. The expenditures have increased from 1868 until in 1873 they reached the enormous aggregate of $3,826,131.77, and every year from 1868 to 1874 has shown a stealthy, regular, unaccountable, remarkable, and, in my judgment, dishonest increase of the appropriations for this Department of the Government. And, sir, we are continually met when we raise objections to these extravagant expenditures by arguments like that which the gentleman from Ohio [Mr. GARFIELD] used in reply to the gentleman from Kentucky, [Mr. DURHAM,] by evasion, by refusals to explain, by subterfuge and sophistry, and we are deprived of the opportunity to look into the facts and figures upon which these amounts are based.

Now I do hope that the time has at last come when the majority which has the power in this Congress as well as in the Executive Departments of the Government will remember the responsibility that rests upon them, and that they will be prepared to put on the brakes so far as public expenditures are concerned, to make a retrograde movement, and in this time of paralysis of trade and industry that we shall not continue to expand here while everybody at home is obliged to contract.

I repeat that I regret that the chairman of the Committee on Appropriations has been unable to give us any explanation of why he proposes to appropriate $1,400 for horses. He does not tell us whether it is for two or three horses; but we are bound to assume that this round sum is based upon some particular number. Sir, the whole thing is wrong.

Mr. PLATT, of Virginia. I desire to ask the gentleman from New York a question if he will permit me.

Mr. WOOD. Certainly.

Mr. PLATT, of Virginia. The gentleman has perhaps had longer experience in this House than any other member present, and has been here during many administrations in which his own party was in power. I would ask him whether he recollects an instance of the passage by Congress of a bill similar to the one now under consideration in which there was not an appropriation as large or larger than this made for this same purpose?

Mr. WOOD. I will answer the gentleman with pleasure. I remember when the lately deceased ex-President, Millard Fillmore, was chairman of the Committee on Ways and Means, and reported these appropriations, and upon every occasion that gentleman was prepared to answer every question addressed to him with reference to the smallest item in any appropriation bill, and I know of no instance, such as the gentleman has referred to, in which there was not the strictest integrity and economy in every appropriation bill and in every Executive Department.

[Here the hammer fell.]

Mr. PLATT, of Virginia. I desire to call attention to the fact that the gentleman from New York has been arraigning the chairman of the Committee on Appropriations for his failure to make a direct answer to a direct question. I call attention to his answer to my question.

Mr. KELLOGG. I yield for a moment to the gentleman from New York, [Mr. WHEELER.]

Mr. WHEELER. I wish simply to say that I think this matter of carriage hire by officials has been greatly abused, and in the Army appropriation bill which passed the House a few weeks ago I think safeguards were put against further abuses, at least by Army officials.

Now I want to correct my colleague [Mr. WOOD] in one respect. He says virtually that this matter of carriage hire is a new one in the Executive Departments. I say that the republican party inherited this abuse from the democratic party, and I want simply to read here a copy of a voucher which I found in the War Department in working up the Army bill: "The United States (for the office of the Secretary of War) to Andrew J. Joyce, Dr., May 11, 1859"—that was in the good days of Buchanan rule and in the most virtuous days of John B. Floyd in the office of Secretary of War—"to difference between fine Germantown carriage and old wagon, $200."

That was when the democracy was getting beyond the days of its simplicity, and when it was becoming necessary to discard old wagons and ride in fine Germantown carriages.

Mr. WOOD. I want to correct my colleague, [Mr. WHEELER.] That was not for the purpose of carrying about the Secretary of War, but for the business of the Department.

Mr. WHEELER. Yes, for the business of the Department, which it seems could not be done in an ordinary wagon, but had to be done in a fine Germantown carriage. This voucher goes on to state—

Approved:
Received, Washington, May 13, 1859, from John Potts, disbursing clerk of the War Department $200 in full for above account.

ANDREW J. JOYCE.

This was for "the difference between a fine Germantown carriage and an old wagon."

Mr. KELLOGG. I rise simply for the purpose of saying that I do not stand here to justify any abuse in regard to the matter of carriages for the Departments, and do not believe any appropriation should ever go for carriages for private use. But it is only an act of justice and "necessity for the public business," as the gentleman from New York [Mr. WOOD] has just admitted, that these carriages should be provided suitable for public business, according to a practice of long continuance. And as we have provided in this bill for carriages for the other Departments, I think it a very small business to strike out a necessary appropriation for the public business for the last one of the Departments provided for in this bill. I think the good sense of this House will honor the gentleman from Ohio [Mr. GARFIELD] for his manly speech on this subject to-day. It is small business for us to bring up a thing of this kind every time we get an opportunity, to defeat a necessary appropriation simply because there has been an abuse in one instance, owing to the folly of a subordinate of the Department, as is claimed, in sustaining the purchase of a carriage, when no other Department has been charged with being guilty of that abuse at the present time. A necessary carriage to do the public business is one thing; an extravagant carriage for private use is quite another thing.

We have had a bill referred to our committee, introduced by the gentleman from Maryland, [Mr. O'BRIEN,] requiring every one of these Departments and Bureaus to have "a good spring-box wagon" made to take the place of these carriages. I do not know but this may be a job for some wagon-maker in Maryland; I do not know how that is. But I know this: after having my attention called to the subject, I want to bear testimony to the fact that I have looked at several of the carriages of these departmental bureau officers, and in almost every case I have found that the carriage was a small one-horse covered carriage, sufficient to enable a Bureau officer to come to the Capitol when a committee sends for him, upon a rainy day like this, and not to be soaked in "a box-wagon."

Mr. WOOD. How about the landaulet?

Mr. KELLOGG. I do not justify that landaulet, if what has been said is true. But these are not landaulets that I am talking about; they are plain, ordinary vehicles. If the gentleman will keep quiet I will state what they are. He says it is not true that these carriages were employed in the Department of Justice before this Administration came into power. Sir, he was never more mistaken in his life in any figures he has given. There were two carriages there when this Administration came into power. The carriages employed by the Departments are not, unless with rare exceptions, extravagant carriages. In almost every instance, certainly in the Bureaus where carriages are necessary, they are single, one-horse top-carriages, in which a man can go about, rain or shine, and attend to the business of his Department.

I do hope that this committee will put its foot on this miserable attempt to defeat necessary appropriations to do the public business, and throw discredit upon people who are not guilty of any extravagance because there has been extravagance in one case, for I do not believe the people of the country desire us to cut off necessary appropriations to carry on the public business. They do not care about this matter if there is no abuse connected with it; and an ordinary carriage necessary for official work is not an abuse. It becomes an abuse when a carriage is procured for or converted to private use.

Mr. G. F. HOAR. I do not agree with my friend from Connecticut

[Mr. KELLOGG] that this is a small business. I take it that the question whether any officer of the Government makes a private use of the public property of the Government, or of the services of any person paid by the Government, is one of the most important questions which can come before us. We ought to devise every possible legal safeguard to prevent such an abuse from either beginning or growing; and those safeguards should be applied to every civil and military officer of the Government, from the President of the United States down to the groom who gives oats to his horses.

The question whether the public service requires the use of a horse and carriage by the Attorney-General of the United States is a separate question from that. The Attorney-General is sometimes bound to repair immediately to the President of the United States and bring with him the most important and the most secret papers of the Government. Every moment is of importance. He may be compelled to go to the President, or to go to the Supreme Court, taking himself away from twenty waiting members of Congress, all of whom have public business of importance to transact with him, and to all of whom every moment is of great value for the public service. Now, he must have a carriage and a driver under his control who can convey him from his house to the White House or to the Supreme Court with the papers or books which it may be necessary to have with him. I believe Congress would not grudge a reasonable and decent conveyance for that purpose. I do not think my friend from Oregon, [Mr. NESMITH,] if he will permit me to use that phrase, would like to have the Attorney-General go down Pennsylvania avenue on the back of a fifty-dollar mule, with the public treaties and other papers stuffed in his pockets and dropping out along the street as he proceeds. I am afraid we have had some gentlemen in the office of the Attorney-General who would not be capable of keeping their seats on a fifty-dollar mule.

Mr. NESMITH. He can do it.

Mr. G. F. HOAR. I have obtained leave of the House to move an amendment, which I shall offer to come in at the end of this section, prohibiting absolutely the use by any civil officer of the Government of any public property for any private purpose, or the receipt of any perquisite or compensation beyond such salary as is expressly fixed by law. If that amendment shall be adopted, then if the Attorney-General of the United States has an official carriage especially appropriated to his use, or if the President at the White House has the services of any person to care for the White House or to serve in his family, the appropriation must be distinctly made so as to be fully understood by the people.

Now, I hope the committee will pass upon this question which is now up with reference to their belief of the necessity of such a provision for the public business, and that they will adopt at the end of the section the clause which was read the other day and which will put an end to any abuse that may exist.

Mr. KELLOGG. I want to correct a misapprehension of my friend from Massachusetts, [Mr. G. F. HOAR.] He seemed to think that I justified the use of horses and carriages by officials for private purposes. I say that such a thing is an abuse. I would only justify the use of an ordinary carriage for the public business of these officers. When the use goes beyond that it is an abuse.

Mr. G. F. HOAR. I understood my friend from Connecticut to say that this use of public property by officials for private purposes was a small matter.

[Here the hammer fell.]

Mr. DAWES. I do not participate in any of this personal criticism in connection with these carriages; I take no interest in it at all. It must be very evident to any one who understands the necessities of these Departments that horses and wheeled carriages of some kind are necessary for the proper carrying on of the business and the duties of these several Departments; and they should be provided for. The amendment which my colleague [Mr. G. F. HOAR] proposes draws the distinction properly; and after that shall have been adopted no use of horses or carriages for any other than public purposes will be sanctioned by our appropriations.

The debate grew up from an intimation on one side that this was a very proper way to eke out a scanty salary, and on the other side that this was the way salaries were eked out to such a sum that men could "condescend" to occupy the positions. That was wrong on both sides. There is no ground for the accusation of such a thing as a general rule, or for the attempt to justify it in any exceptional case. What is necessary in the form of carriages or horses let us provide for either by a standing law or by a specific appropriation; and what is unnecessary let us declare unlawful, without spending our time here in attempting to justify exceptional cases because some of us are unhappy over the fact that the salaries of officials cannot be raised consistently with public sentiment, and others of us are equally unhappy because we cannot find more cases than we do as fit subjects for criticism.

The line is properly drawn by the amendment offered by my colleague. What is necessary for carrying on the Government this House I am sure will make appropriation for, and so make it that my distinguished friend from New York, [Mr. WOOD,] with his eagle eye and his microscope, will hardly find opportunity or occasion for criticism. Nor will this House be induced, I think, to raise the salaries of officials, either directly or indirectly, to any such figures as will make anybody "condescend" to take a place that he cannot afford to occupy at the established salary.

Mr. NESMITH. I wish to say only one word in reply to the chairman of the Committee on Appropriations, and to one or two questions which have been incidentally addressed to me in this debate. I do not desire to prolong the discussion. The chairman of the Committee on Appropriations referred, I thought, in a rather disingenuous manner to me for having brought this matter up. He asked, "Why let this abuse run on for years and attack it now?" I desire to say in response to that gentleman that this is the first opportunity I have had to attack these abuses; and I intend to attack them hereafter wherever I find them.

My friend from New York [Mr. WHEELER] has referred to a peculation to the amount of $200 under a democratic administration. That may have occurred; I do not undertake to dispute the gentleman's statement; but it seems the spirit of peculation has been going on in rapidly increasing ratio, so that from a peculation of $200 we have now got up to $1,600 for a carriage. The question is not one as to the necessary transportation for the Department; it is not, as the gentleman from Connecticut [Mr. KELLOGG] has intimated, a matter of a cheap one-horse carriage to ride in during rain or sunshine, but it is a question of $1,600 for a magnificent landaulet. My friend from Massachusetts [Mr. G. F. HOAR]—and I take great pleasure in being designated and recognized by him as a "friend"—asked whether I would see the Attorney-General ride through the streets on a mule. Sir, I have often seen as good men as he ride on a mule; and I have so ridden myself. Why, sir, it is related that Philip the Second, of Spain, when he went to marry Mary, rode through Madrid on an Andalusian mule; and sacred history gives us an account of a better man than either of us riding through the streets of Jerusalem upon one of these useful animals, who have no pride of ancestry and no hope of posterity.

Mr. O'BRIEN. I wish to occupy but a single moment in referring to a remark which fell from my friend from Connecticut [Mr. KELLOGG] in regard to a bill which I had the honor to introduce, and which I believe was the incipiency of the discussion of this whole question, at least in the House of Representatives. I do not know what will become of that bill under the charge of the gentleman from Connecticut; but I desire to say that the great evil which I attempted to strike at by the provisions of that bill has not been touched in the course of this discussion. I have no particular objection to the spending of a few hundred dollars by a gentleman in charge of a Department of the Government in the hire or even the purchase of a horse and carriage for the performance of his public duties; but what I desired to interfere with was a growing evil, which has had its origin, I believe, within the last few years, the practice on the part of gentlemen in charge of Bureaus or Departments of the Government taking their subordinates in office and assigning them to menial or household service.

[Here the hammer fell.]

Mr. WARD, of Illinois, obtained the floor and said: I yield two minutes to the gentleman from Massachusetts, [Mr. E. R. HOAR.]

Mr. E. R. HOAR. Mr. Chairman, I was very much astonished to hear the gentleman from New York [Mr. WOOD] state, as I understood him to state, that the expenses of the Attorney-General's office have been steadily and dishonestly increasing since 1868. He has since stated to me privately that he did not intend so to say, but referred to the whole expenses of the judiciary. I happen to have some personal acquaintance with the expenses of that office from March, 1869, to June, 1870—not quite a year and a half. During that time there was a discussion on this floor in regard to the increase of expenses in the various Departments; and my exceedingly bland, amiable, and excellent colleague [Mr. DAWES] gratified my feelings on that occasion by saying in this House, when he was making a general onslaught upon expenditures of that kind, that there was one exception in the "poor and unpopular Attorney-General." Now, with the record at that time that there was then no increase in the expenditures of that Department—none proposed and none existing—I was somewhat astonished to hear the remark of the gentleman from New York, that these expenses had not only increased but increased dishonestly during all this period.

Mr. DAWES. My colleague [Mr. E. R. HOAR] knows that I did not mean to say that it was through any lack of merit that the Attorney-General in 1869–'70 was not popular.

Mr. E. R. HOAR. I trust the House will permit me to make a statement on the merits of this matter, upon which I think I can give some information.

The CHAIRMAN. By consent of the committee this will not be deducted from the time of the gentleman from Illinois. The gentleman from Massachusetts will proceed.

Mr. E. R. HOAR. Mr. Chairman, I agree entirely with the proposition, and intend to support it when public property shall by any officer of the Government be devoted to his private emolument.

When this Administration came into power there were belonging to the United States for the use of the Attorney-General's Department two carriages, one of them rather old and unfit for going in stormy weather with safety to the health of the occupant. There were two horses that drew the carriage for the Attorney-General. The carriage which was ordinarily then in use was purchased by my predecessor in office from the contingent fund. It was a carriage of reasonable and moderate cost for any person to ride in. It did not cost as much as the average cost of hacks in Washington for the pur-

pose. There was no carriage purchased during that year and a half. When one of the horses got lame there was a sale of the pair of horses and the purchase of another, which was a good purchase, as the United States could have sold them for more than they cost when I last saw them.

As to the necessity for the Attorney-General's office having a carriage and horses, there has been very great change in the duties of that officer. Instead of, as in the old times, in the days of Wirt, there being one, two, or three cases possibly on the docket of the Supreme Court under the charge of that officer, there is a long list; and the Attorney-General's office, while the Supreme Court is in session, has to keep about as active an eye on that court and in constant readiness to attend on it as any practicing lawyer in the country when his county court is in session.

The distance is such that being required to attend Cabinet meetings, being frequently and rapidly summoned to attend to public business before the court here, it was an absolute necessity there should be a carriage for the use of the Department.

How long it continued before I was acquainted with it I do not know, but for a good many years I understand. Papers had to be transferred, books had to be carried, and the time the Attorney-General was going in that carriage to and from the court was a part of his most valuable time for looking at papers and books, and frequently the only time in which it could be done.

During the first six weeks of this Administration, while the pressure for office was on the Executive and this Congress was in session, almost the only time the Attorney-General could get to read his official mail was while he was going back and forth in that carriage, and it was a part of the Attorney-General's office for the necessary transaction of public business.

At that time the expenses of the courts were not in the Attorney-General's office. They were in the Department of the Interior; that Department settled the marshals' accounts and district attorneys' accounts. Since that time they have been transferred to the new Department of Justice, of which the Attorney-General is head.

When the Solicitor-General's office was created he was required to assist in the charge of cases in the Supreme Court and in the Court of Claims, in which the Government has to be constantly represented.

The law officers of the other Departments were put under the head of this, and the necessity for frequent communication existed; and it appears there has been procured for the Solicitor-General's office a carriage with one horse, in which he can go from place to place in the discharge of his official duties.

I desire to say to the House I think these are reasonable and proper provisions, as much so as stationery or law-books, as much so as office or fuel; and that if you have your capital on so large a scale and have officers whose duties require them to go from place to place, you ought to provide some mode in which that necessary expense can be defrayed, which is not personal but is absolutely official.

Now, if any officer has taken these public provisions and availed himself of them, and procured for private use of himself or family either servants, or carriage, or furniture, or fuel, or anything else, it is a flagrant abuse, which Congress ought to check. But I do not think when the committee recommend what nobody is able to say is an unreasonable appropriation for a necessary expense in attending to official duty we should bring into that discussion any question of this kind. I am glad to know that some legal provision to prevent any abuse hereafter is to be offered.

Mr. WARD, of Illinois. The discussion of this proposition has taken a wide range. I do not propose to follow it very far. It has furnished food for a good deal of wrath. It may furnish and ought to furnish food for reflection. It is conceeded on all hands to be an evil. If I understood the chairman of the Committee on Appropriations aright, he said the carriage was illegally purchased by a subordinate.

Mr. GARFIELD. I did not say that.

Mr. WARD, of Illinois. At all events, if I heard him aright, he does not defend the original purchase. I have heard gentlemen who have been longest on the floor denounce it. The distinguished gentleman from New York [Mr. WOOD] stated that we did not inherit this evil from the democratic party. And yet gentlemen whom I revere and respect, and whom I have long looked up to as the leaders of the party to which I belong, stand up and defend it. When they do this I can hardly imagine that I am in the midst of the American Congress which is controlled by the party to which I belong, pledged to reform under any and all circumstances. And yet they are here defending what is stated on all hands to be a wrong act and an improper appropriation of the public moneys, and a practice which may lead to still greater evils.

I am met by the objection that if we correct this evil it ought to be done by a general law instead of by an attack made on a particular Department. I do not wish to attack any particular Department; but where am I to commence, or where is any man on this floor to commence, unless we strike at the evil in the place where we have the chance to strike at it, which is in this bill? I am not here to wink at this. We came here instructed to put our salaries at the lowest possible point. We have cut off our own transportation, so far as mileage is concerned. And yet it is insisted that we shall furnish carriages for the employés of the Government. I am opposed to any such thing.

I have no attack to make particularly on the Attorney-General or on his subordinates. I attack the whole system from beginning to end. And when gentlemen tell me that this is a small business, that this is a small affair, I answer that, be the abuse small or great, I will make the fight on it whenever it is presented to me. And I insist that we shall know distinctly whether the American Congress shall continue to recognize this admitted evil, or whether we shall strike it from our appropriation bills wherever it appears.

Mr. HOLMAN. I move to amend by striking out "$6,000" in the last item of this paragraph and inserting "$3,000."

I wish to call the attention of the committee to a fact which has been overlooked in the discussion of this question. It is that there has never been an appropriation for such a purpose as this in any act that has ever passed this Congress. I state that very distinctly, after having looked through a number of previous appropriation bills. This is the first time we have had occasion to pass directly on such an appropriation; for the first time it is sought to make Congress responsible for such an appropriation of money. Heretofore the Committee on Appropriations, who examined the items which made up the miscellaneous appropriations, were alone responsible. Now for the first time the responsibility comes fairly upon this House; for until this session of Congress it has never been suggested that as a perquisite of office carriages, elegant carriages, such as are adapted to the uses of private and social life, should be furnished by the Government to its officers.

Let us look at the previous appropriation bills. The gentleman from Massachusetts was right in stating that up to 1870 there was no extravagant expenditure of the contingent fund. It only reached $10,000. But the increase of these perquisites, as has been stated by the gentleman from New York, [Mr. WOOD,] has been steadily going on from that time to this. Let me call the attention of the committee to the appropriations which were made by the act of 1872 for contingent expenses of the Department of Justice. They are as follows:

For fuel, labor, stationery, and miscellaneous items, $15,000; for rent of building, $15,000; for furnishing law books, $6,000.

Not a word about landaulets. Not a word about horses and carriages. No items of that kind ever appeared in your appropriation bills before this session of Congress.

Now the question is whether you will appropriate, not to buy carriages and horses, but merely to keep the carriages in repair and run them, the enormous sum of $2,000.

So in the appropriation bill of the following year there is no such item. Here, for the first time in our history, Congress is called upon to appropriate money directly and specifically for horses and carriages and their superintendence for the Departments. We are asked for the purpose of maintaining a couple of horses and a carriage for the Departments, even after the property has been purchased, to appropriate the enormous sum of $2,000. To keep the carriage and harness in repair we are asked to appropriate the sum of $600. I think most of the gentlemen of the Committee on Appropriations would find that among their constituents at home $600 would be regarded as an ample sum for the purchase of both horses and carriage.

This is for keeping carriage in repair and harness, $600. What an elegant carriage it must be that requires $600 a year to keep it in repair and provide harness! Sir, I am glad that for the first time Congress becomes directly responsible for this kind of appropriation.

[Here the hammer fell.]

Mr. BURROWS. I can say, Mr. Chairman, all I desire on this question in a moment. It is contended that the use of a horse and carriage is necessary in order to properly conduct the affairs of this office. If that be true, and I shall not stop to inquire into that point, the only question of any importance, it seems to me, is this: shall the Government furnish these or shall the party who occupies the office provide himself with them? That is the vital question, and, in my judgment, the only one. I object to the Government providing them out of pity, I might say, to the men who occupy the office. As a matter of justice, as a matter of self-protection to the occupants of the office, I believe as the chairman of the Committee on Appropriations has said that they would much prefer if the salary was sufficient to furnish themselves. I believe that no man can use a carriage appropriated by the Government without subjecting himself to the charge that he is using it for private purposes. It constantly lays the foundation for such a charge, and we are called upon to have committees appointed for the purpose of investigating the conduct of this or that officer who has the use of one of these carriages.

Now, so far as I am individually concerned, I would have nothing of this kind attached to these offices, but I would appropriate a salary sufficient to cover the expenses of the office, and if the salary as now fixed is meager and inadequate I would make it large enough; I would make it sufficient to bear all the necessary expenses of the office. For that reason I am in favor of striking out this appropriation, and if the salary of the officer is too small let us make it large enough not only to afford him sufficient compensation but to provide for a carriage if one is necessary, or for whatever is necessary to conduct the affairs of the office with efficiency and dispatch. Let us make the compensation large enough to pay all expenses, and then no officer will subject himself to this charge of using that which he has no right to appropriate.

Mr. HOLMAN. I withdraw the amendment to the amendment.

Mr. WILLIAMS, of Wisconsin. I renew it. Mr. Chairman, I should not detain the House a moment to make a remark upon this question

but for the fact that I think I voted once this session upon a collateral question of investigation under a misapprehension. While I would probe all these questions to the very bottom where investigation is necessary to expose abuse of official trust, I do think that if there is anything unkind and cruel it is to attempt to make the incumbent of this particular office or of any other a scape-goat for a too common abuse, which has grown up here, as we are told, from long usage, and which ought to cease.

Sir, I do not think it is a question of the cost of a carriage and horse. In every State institution in the land, if it be necessary to have a horse or horses and carriage to transact its business, the people do not object to it or complain. Take, for instance, your hospital for the insane here, or any similar institution distant from the city, and who will say that horses and vehicles should be dispensed with or should not be attached to such institutions? The people of this country are not going to complain about the expense of a carriage if necessary to transact the public business. It is the abuse that the people query in regard to, not the cost, and I would sooner have the matter defined by law, have horses and carriages provided for by specific appropriations, than to have this matter of transportation governed by any sliding-scale for car-tickets and hack-hire. I like the amendment proposed by the gentleman from Massachusetts, [Mr. G. F. HOAR.] I believe it is high time that this abuse should be corrected, and that men, if they have innocently fallen into it, should be relieved from censure, but not otherwise.

Wherein, then, does this question become important? I will tell you, Mr. Chairman, wherein I think it becomes of the very last importance. Every man in this country, in the East, in the far-distant West and South; every youth in your colleges, your schools, your farm-houses, your frontier cabins, has his ideal statesman in public life. We stand here in the focal light of the nation.

Mr. SHANKS. Will the gentleman define the difference between the thing and the abuse?

Mr. WILLIAMS, of Wisconsin. I was going to do so. I said every man, every youth in the land has his ideal statesman. He reads your speeches; he repeats your arguments; he scans your public acts; and if you fill up the measure of his ideal, he almost worships you. Now, it is just these little abuses, this disposition to smuggle in a few perquisites here and there, that shatters this ideal, shocks confidence, shrivels true manhood, and disgusts the people. It is right here that a damage is done which no amount of money can repair. It is an end to these things, once and forever, that the people of this country are hungering and thirsting for, even as they thirst for freedom itself, and it is from charges of this character that I would see our public men relieved by the clear provisions of law. It is for the sake of upholding the old ideal of honor which scorned these little abuses, this peddling business, that the question becomes fundamental. Though it proves sometimes, and often, a delusion, let us hold fast to the ideal still; teach our children to believe in it; strike down these abuses here and now, and strike them down forever.

Mr. SHANKS. I want the gentleman to define the difference between the thing and the abuse. That is what I want to know.

Mr. WILLIAMS, of Wisconsin. I should say the difference was this: whether the carriage and horse were used for the purpose of private display or the public business.

Mr. SHANKS. How can you determine by an appropriation bill whether the horse was driven for the display of a man or for public business?

Mr. WILLIAMS, of Wisconsin. I think the gentleman is drawing the line too closely and finely.

Mr. SHANKS. No, sir.

Mr. WILLIAMS, of Wisconsin. I have spoken of the amendment proposed by the gentleman from Massachusetts, [Mr. G. F. HOAR,] which I think clearly defines the difference.

Mr. SHANKS. I asked the gentleman to define the difference between the thing and the abuse, and he cannot do it.

[Here the hammer fell.]

Mr. GARFIELD. Early in this Congress no one point was more strongly insisted upon by gentlemen than that the Committee on Appropriations should as far as possible cut off everything vague about our appropriation bills, that we should introduce the habit of itemizing. The committee have undertaken to meet the demand, in which the gentleman from Indiana [Mr. HOLMAN] shared as much as any other man on this floor, to make everything specific. Hitherto, from the beginning of this Government, contingent funds have been given in the lump; in the appropriation of so many thousand dollars for contingent expenses of a Department or Bureau. Now, when the Committee on Appropriations at last have carefully itemized all these contingent funds, have limited them, defined them, restricted them, so that each particular appropriation is made for its own particular purpose, the very gentleman who more than any other has helped bring about that state of things (and I honor him for it) now gets up here and berates the Committee on Appropriations and the Committee of the Whole for having now for the first time proposed to legislate in favor of the horse and carriage abuse.

Mr. HOLMAN. O, no; I honor the committee for doing this, so that Congress might know for what purpose they are asked to appropriate.

Mr. GARFIELD. The precedents from the beginning of the Government until now have been in favor of appropriating in the lump. I took the trouble a few weeks ago—I mention it now as an illustration—to go over the appropriation bills for the first fifteen years after the adoption of the Constitution, bills framed and passed by the fathers. I find that in them they appropriated a round sum for the War Department, a round sum for the Treasury Department, a round sum for the State Department, allowing the heads of those Departments to expend it as they thought the public service required. It was many years before they itemized even a whole appropriation bill. In one single appropriation bill they appropriated so many millions for one Department, so many millions for another Department, all the appropriations for a year being in one appropriation bill.

A single word more. We have cut down this appropriation for contingent expenses $5,000, and for rent $4,000 below the amount appropriated last year for this purpose, and yet gentlemen are not happy. I believe the Committee on Appropriations have put this bill in the best form in which such a bill was ever presented since the Government was founded. It is a limitation, a restriction; and I ask the Committee of the Whole to act upon it in the spirit in which it was prepared.

The CHAIRMAN. Debate upon the pending amendment is exhausted.

Mr. WILLIAMS, of Wisconsin. I withdraw my amendment to the amendment.

Mr. FORT. I desire to ask the chairman of the Committee on Appropriations this question: I understood him to say that the committee did not sustain the purchase of this carriage by the Attorney-General.

Mr. GARFIELD. I did not say anything about that. The committee had nothing to do with the purchase of the carriage. I did say that we believed there had been an abuse of the power of using the contingent fund by the purchase of carriages, or the use of them for private purposes. And the Committee on Appropriations propose to add a clause to this bill forbidding the use of any public carriages or horses, or any public property, for any private purpose, and to limit and make definite the amount to be given for each purpose. So far as the past is concerned I did not say. The committee are now acting not for the past but for the future. I admit freely there has been an abuse; and the committee have proposed what they believe would be a protection against such abuses in the future.

Mr. FORT. Allow me to finish my question, which was this: I understood the gentleman to say, when he had the floor before, that this carriage was purchased by a subordinate of the Attorney-General's office.

Mr. GARFIELD. So we were informed.

Mr. FORT. I wish to ask the gentleman whether he has investigated the subject to ascertain who was the subordinate who purchased this carriage, and whether he has been dismissed from the service or in any way reproved for what he has done?

Mr. O'BRIEN. I move to strike out the last word for the purpose of finishing a sentence which was cut off by the fall of the gavel. The distinguished chairman of the Committee on Civil Service Reform referred to a bill which I had the honor to introduce some days since. That bill was not in regard so much to the hire or use of a public carriage for private purposes, as it was to the use by the heads of the different Departments of the Government in their private households of the services of persons who are borne on the rolls of the Departments and paid by the Government. I desire further to state that only yesterday I was called upon by a committee of republican officers—gentlemen who are on the rolls of the Departments—who stated to me as a fact, that while Government employés they have been compelled, under the threat of losing their Government employment, to do menial service in the households of some of the chief executive officers of the Government. The bill which I offered was more particularly directed to that abuse.

Mr. HALE, of New York. I hope that if the gentleman from Maryland [Mr. O'BRIEN] makes charges of that kind against the head of an Executive Department he will specify the officer to whom he refers, and bring the subject before the House in a more proper and formal way than by an amendment to an appropriation bill; I mean by a measure looking to impeachment.

Mr. O'BRIEN. If the gentleman from New York [Mr. HALE] had understood me properly he would have understood that I made no charge myself. I stated the fact that only yesterday several persons who claimed to be in the employment of some of the Bureaus of this Government alleged to me as a fact, that while engaged as Government employés they had been compelled, under the threat of the loss of their employment, to do menial service in the households of higher officers of the Government.

Mr. HALE, of New York. "Chief executive officers," the gentleman said.

Mr. O'BRIEN. "Chief Executive Departments," I said.

Mr. HALE, of New York. The gentleman's language could not be understood as meaning anything less than the head of a Department. If any such officer has been guilty of such conduct, or if the gentleman has information on which he relies which points in that direction, I trust it will be brought to the notice of the House formally and explicitly in the shape of a measure for impeachment, and not as an amendment to an appropriation bill.

Mr. O'BRIEN. The committee who waited upon me said that they would submit a statement of the matter in writing on next Tuesday. As soon as I obtain such a statement I will lay the letter before the

gentleman from New York, and he may make it the foundation of any charges he pleases I only state facts which have been in the public prints and which have been brought to my attention by these public officers. I asked them to submit their statement in writing, and they promised to do so.

Mr. GARFIELD. I now move that the committee rise to close debate.

Mr. SPEER. I hope the gentleman will withdraw that motion.

The CHAIRMAN. Does the gentleman from Ohio insist on the motion?

Mr. GARFIELD. I do.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WOODFORD reported that, pursuant to the order of the House, the Committee of the Whole on the state of the Union had had under consideration the state of the Union generally, and particularly the bill (H. R. No. 2064) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes, and had come to no resolution thereon.

Mr. GARFIELD. I move that all debate in the Committee of the Whole on the pending paragraph of the legislative appropriation bill be closed in three minutes after the committee shall resume its session.

The motion was agreed to.

Mr. GARFIELD. I move that the House again resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. WOODFORD in the chair,) and resumed the consideration of the bill (H. R. No. 2064) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes.

Mr. SPEER. I desire to say that in the law organizing the Department of Justice, approved in 1870, there was an omission of the requirement which applies to all the other Executive Departments of the Government except the Department of the Interior. The Attorney-General was not required to report annually to Congress a detailed statement of the expenditures of the contingent fund. It was evidently an accidental omission; for such a provision applies to all the other Departments except the Department of the Interior. Therefore, Mr. Chairman, I wish to offer an amendment to remedy that omission. If a point of order be made upon the amendment, it will be ruled out because undoubtedly it changes the existing law; but it is so manifestly just and right, so plainly in the direction of public fidelity and official economy, that I trust no member of the committee will raise a point of order upon it. I move to amend by adding at the close of the pending paragraph these words:

And the Attorney-General shall hereafter annually report to Congress in detail the items, amount, and causes of expenditure of the contingent expenses of this Department.

The CHAIRMAN. If there be no objection the amendment will be entertained as in order.

There was no objection.

The amendment was adopted.

The question recurred on the amendment of Mr. NESMITH.

The question being taken, there were—ayes 70, noes 62; no quorum voting.

Tellers were ordered; and Mr. GARFIELD and Mr. NESMITH were appointed.

The committee divided; and the tellers reported—ayes 85, noes 69.

So the amendment was adopted.

The Clerk read as follows:

For rent of the portion (three floors) of the building occupied by the Department of Justice, $12,000.

Mr. MERRIAM. I move to amend the clause just read by striking out $12,000, the appropriation for rent. It is to be regretted that the question of our finances had not been settled previous to our being called upon to act upon this vast appropriation bill, because during the present unsettled condition of this vital question in our material progress some men feel that we should exercise a liberality commensurate with the dignity of a great, industrious, and free people, while others feel that with a possible contingency we must be very penurious. Now, whatever may have happened within a few days, I do not believe that the action of this Congress at the present time will authorize an immediate return to specie payments; first, because all history proves that such a step, in the present condition of our finances, would be disastrous to the welfare of our country——

Mr. GARFIELD rose.

Mr. MERRIAM. I hope the gentleman from Ohio will not raise a point of order. I am coming to the question.

Mr. GARFIELD. I insist that the gentleman shall confine his remarks to his amendment.

Mr. MERRIAM. I will do so in a moment. This is preliminary.

Mr. GARFIELD. I insist on it now.

Mr. MERRIAM. I do not believe we are coming to specie resumption before we have, as a prudent people, prepared the way.

Mr. RICE. I object.

Several MEMBERS. Go on.

Mr. RICE. This only relates to the rent of three floors of this building.

Mr. MERRIAM. This bears directly on the question whether or no we shall be able to pay a rent of $12,000 for this purpose.

Several MEMBERS. Go on.

Mr. MERRIAM. And to show the committee that we need not expect to come to immediate specie resumption I read from the President's annual message:

My own judgment is——

Mr. GARFIELD. I must insist on my point of order, because if we are to get through with this bill to-day we have to work on it. I know the gentleman wants to make a speech on specie payments.

Mr. MERRIAM. No, sir; I wish to make a speech on the question here at issue, which reaches to the hearths and homes of all our forty million people and determines our ability to pay $12,000 rentals.

Mr. GARFIELD. I insist on my point of order.

The CHAIRMAN, (Mr. HOSKINS in the chair.) The Chair feels bound to say that in Committee of the Whole large liberties have been granted, and the gentleman from New York will confine his remarks as near as possible to the question under consideration.

Mr. MERRIAM. I will do so. The President states in his annual message——

Mr. GARFIELD. The President's annual message has no reference to the rent of the Department of Justice.

Mr. FORT. I hope the gentleman who is chairman of the Committee on Appropriations will apply that rule to himself.

Mr. GARFIELD. You can apply the same rule to me; I have not violated it.

Mr. FIELD. I hope the gentleman from New York will not be further interrupted.

Mr. MERRIAM. The President truly said in his annual message, when alluding to the panic of September last:

My own judgment is that, however much individuals may have suffered, one long step has been taken toward specie payments; that we can never have permanent prosperity until a specie basis is reached; and that a specie basis cannot be reached and maintained until our exports, exclusive of gold, pay for our imports, interest due abroad, and other specie obligations, or so nearly so as to leave an appreciable accumulation of the precious metals in the country from the products of our mines.

Mr. GARFIELD. I am compelled to insist on my point of order.

Mr. WARD, of Illinois. I hope the gentleman from New York will not be interrupted by the chairman of the Committee on Appropriations. He has a right to give such reason as he pleases for his amendment.

The CHAIRMAN. The gentleman from New York will suspend his remarks.

Mr. FORT. I move that the committee rise in order that the gentleman from New York may be allowed to discuss his amendment in his own way.

The CHAIRMAN. The Chair feels bound to say in the discussion of this bill large liberties have been allowed to other gentlemen, and while the point of order raised by the gentleman from Ohio, strictly speaking, is entirely in order and well taken, yet the Chair does not feel it is his duty, in view of the precedents established by the latitude allowed in the discussion of this bill, to decide that the gentleman from New York should be compelled to confine himself strictly and exclusively to the bill under discussion.

Mr. MERRIAM. I will be as brief as possible.

The President further states:

To increase our exports, sufficient currency is required to keep all the industries of the country employed. Without this, national as well as individual bankruptcy must ensue.

Now, my colleague from New York [Mr. TREMAIN] the other day when addressing this House stated in regard to our currency that it was "based on moonshine."

Mr. TREMAIN rose.

Mr. MERRIAM. Wait a moment.

Mr. TREMAIN. I wish to say a word.

Mr. MERRIAM. Wait till I get through, if you please.

Mr. TREMAIN. I hope I shall have leave to reply.

Several MEMBERS. O, yes.

Mr. TREMAIN. That is all I ask.

Mr. MERRIAM. He said our currency was based on moonshine. Now, Mr. Chairman and members of this House, I consider that a slander on every American of our forty millions of people. It is based on the integrity, honor, and all the wealth of the American people. He quotes our good President, and I also wish to quote him. The President says in his annual message:

The experience of the present panic has proven that the currency of the country, based as it is upon the credit of the country, is the best that has ever been devised. Usually in times of such trials, currency has become worthless, or so much depreciated in value as to inflate the values of all the necessaries of life as compared with the currency. Every one holding it has been anxious to dispose of it on any terms. Now we witness the reverse. Holders of currency hoard it as they did gold in former experiences of a like nature.

Mr. Chairman, I see no "moonshine" coming from the President of the United States on this subject. I quote further from the same annual message:

It is patent to the most casual observer that much more currency, or money, is required to transact the legitimate trade of the country during the fall and winter months, when the vast crops are being removed, than during the balance of the year.

And again:

In view of the great actual contraction that has taken place in the currency, and the comparative contraction continuously going on, due to the increase of population, increase of manufactories, and all the industries, I do not believe there is too much of it now for the dullest period of the year. Indeed, if clearing-houses should be established, thus forcing redemption, it is a question for your consideration whether banking should not be made free, retaining all the safeguards now required to secure bill-holders.

During the last four years the currency has been contracted, directly, by the withdrawal of 3 per cent. certificates, compound-interest notes, and "seven-thirty" bonds outstanding on the 4th of March, 1869, all of which took the place of legal-tenders in the bank reserves to the extent of $63,000,000.

During the same period there has been a much larger comparative contraction of the currency. The population of the country has largely increased. More than twenty-five thousand miles of railroad have been built, requiring the active use of capital to operate them. Millions of acres of land have been opened to cultivation, requiring capital to move the products. Manufactories have multiplied beyond all precedent in the same period of time, requiring capital weekly for the payment of wages and for the purchase of material; and probably the largest of all comparative contraction arises from the organizing of free labor in the South. Now every laborer there receives his wages, and for want of savings-banks the greater part of such wages is carried in the pocket or hoarded until required for use.

[Here the hammer fell.]

Mr. SAYLER, of Indiana. I move to strike out the last word, and yield my five minutes to the gentleman from New York.

Mr. MERRIAM. Thanks to my amiable friend. If the employés of this Government who receive their salaries in our currency are to be taught it is "moonshine," we can expect only demoralization and damage to public interests from an unwillingness of men and women to give the sweat of their brows in exchange for the luxury of a little "moonshine."

Mr. DAWES. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. DAWES. The rule requires the gentleman from New York to speak on the other side during the next five minutes.

Mr. MERRIAM. I will leave it to the distinguished gentleman from Massachusetts to do that, unless we convert him from the error of his "Ways and Means."

Mr. BLAND. We will take the gentleman; let him come over to us.

Mr. MERRIAM. If our employés are taught that the money they receive is but "moonshine," you demoralize them. In other words, it can only tend to bring about anarchy in their work. I will leave that especial point to these men who find fault with the President of the United States. I do not; because I believe that when the country asked for bread through a financial measure the Senate bill gave it only a stone. And I believe that when they take up the bill that was matured in this House, and put on the section unfortunately voted down to cancel annually a portion of the legal-tenders, the people of this country will get what they want. In regard to this question of rent my idea is that if we are to come down to specie payments before this great country is prepared to *maintain* them, we are paying too much; but not believing that this great nation will rush into this experiment wildly and without preparation, I do not know that it is too much. I withdraw the amendment.

Mr. TREMAIN rose.

Mr. G. F. HOAR. Is not debate on the amendment exhausted?

The CHAIRMAN. An amendment to the amendment is pending, to strike out the last word. On that amendment there has been one speech, and the gentleman from New York [Mr. TREMAIN] now rises to oppose it, and is entitled to the floor.

Mr. TREMAIN. My honorable colleague [Mr. MERRIAM] has deemed it fitting and proper to refer to an impromptu observation which I made in the discussion on the question relating to the salary of clerks in the assay office in New York. Let me recall to my colleague and to this House the circumstances under which that observation was made, to show how slender a foundation there was for any such criticism upon that remark.

My distinguished and good-natured friend from the West, the gentleman from Missouri, [Mr. PARKER,] cast some intimations or aspersions in a good-natured way upon the gentlemen from New York who had voted against what they regarded as inflation measures. What was said was in kindness. And although my friend from New York who has spoken was not included because he did not vote for those measures, I who voted for them was included. Will anybody suppose my friend was in earnest when he said in substance—I do not remember his precise words—that we had already entered upon the era of specie payments? That he was in earnest when he said that, according to the declarations of his friends from New York, that on the 1st of July, when this bill took effect, specie payments would be resumed? Was it necessary for him to have said for the information of any gentleman of sound body and sound mind upon this floor that this was a joke?

I responded in the same good-natured tone, and as the gentleman had gone to the extreme himself in saying that we had gone to the extreme of specie payments, I antagonized him by saying in an off-hand and pleasant manner that our present currency—a moonshine currency—must continue instead of specie payments. But did anybody fail to understand that that was a good-natured remark? Did not even the gentleman from the West, the gentleman from Michigan, [Mr. CONGER,] with that severe frown upon his brow which in the case of those who do not know him induces them to think that he is cross when he is not—did not even he say, in answering the gentleman from New York [Mr. MELLISH] yesterday morning, that his remark made in the same connection was a good-natured pleasantry? Was there any reason for making this good-natured observation a foundation for criticism or a lecture?

But I am glad my colleague has alluded to it. For now, when he has made a serious matter of it, I take occasion to say that I would be the last man to make an assault on the currency as it stands. These $400,000,000 of legal tender I have had occasion to defend not only before the people, but in my professional character before the highest court of the State of New York.

When war was raging, and I believed the Government could not be sustained except by the issue of legal-tender notes, I had the honor to be associated with eminent gentlemen in maintaining before the court of appeals of New York the constitutionality of the law under which they were issued. And when the decision was rendered upholding that law I sent a dispatch to Hon. Salmon P. Chase, the Secretary of the Treasury, announcing the result, and afterward received his congratulations on a decision in support of what was regarded as a measure essential to the preservation of the Union.

But I never dreamed when I was deriving from the war powers of Congress, under the Constitution the power to pass such a law that it was to become our daily bread in time of peace. If it had been said that we should issue legal-tenders in time of peace, I should have answered as Mr. Lincoln did when the Albany convention sent resolutions to him denouncing him for arbitrary arrests and when it was urged that the danger was that when peace came these arbitrary arrests would be chronic and that the precedent established would be followed in time of peace. He answered in a good-natured manner, in his plain, old-fashioned, common-sense mode of dealing with questions, and said: "As to your apprehensions that there is danger that this thing will be continued in time of peace, I think there would be just as much danger that a sick man who has taken calomel and jalap when sick will continue to take them when health is restored."

I believe our currency is good. I take occasion to say for the benefit of my honorable colleague from New York [Mr. MERRIAM] that I think it is the best irredeemable currency that has ever existed. It is only 12 or 14 per cent. below par, while ordinarily in the history of the world the value of irredeemable currency has gone down to zero. And so would ours now but for the pledges that are behind it and the honorable obligations which are connected with its issue.

[Here the hammer fell.]

Mr. TREMAIN. Allow me just a moment longer. My colleague has referred to the President. Perhaps I ought not to complain that I am criticised when brought into such good company. My friend no doubt wanted a text for his speech, and it was a matter of taste whether his text should be moonshine or a text from the Bible. In this case the President has made remarks on an entirely different issue from the one presented to him when he employed the vetoing power; and a passage is selected to show inconsistency. Why, sir, you might prove from the Bible by wresting a passage away from its context that there is no God. For is it not said in the Bible that "the fool hath said in his heart there is no God?"

Mr. MERRIAM. I have not said there was any inconsistency.

Mr. TREMAIN. If my colleague had read a passage in the message which he omitted, I think he would have found that the President then occupied the same position which he occupies to-day in his veto message. In his annual message, just beyond the point where my colleague read, he says:

Undue inflation, on the other hand, while it might give temporary relief, would only lead to inflation of prices, the impossibility of competing in our own markets for the products of home skill and labor, and repeated renewals of present experiences. Elasticity to our circulating medium, therefore, and just enough of it to transact the legitimate business of the country, and to keep all industries employed, is what is most to be desired. The exact medium is specie, the recognized medium of exchange the world over.

Again he says, near the conclusion of that portion of his message:

These suggestions are thrown out for your consideration, without any recommendation that they shall be adopted literally, but hoping that the best method may be arrived at to secure such an elasticity of the currency as will keep employed all the industries of the country, and prevent such an inflation as will put off indefinitely the resumption of specie payments, an object so devoutly to be wished for by all, and by none more earnestly than the class of people most directly interested—those who "earn their bread by the sweat of their brow."

I will say here, lest I should be misunderstood, that I still stand by the remark I made in the observations I submitted upon this question, that I sympathize with the honest desire of the West and South to obtain more currency. Is there anything in the veto message which shows that the President occupies any different position from that which he took in his annual message? Is there anything in the veto message that shows that he is unwilling to sanction a measure for more currency, provided it shall be based on a sound and substantial basis?

[Here the hammer fell.]

Mr. GARFIELD. I move that the committee rise for the purpose of closing debate.

Mr. TREMAIN. I hope the gentleman will allow me two or three minutes more.

Mr. WHITEHOUSE. I object.

The question was taken on Mr. GARFIELD's motion, and it was agreed to.

The committee accordingly rose; and Mr. TYNER having taken the chair as Speaker *pro tempore*, Mr. HOSKINS reported that, pursuant to

the order of the House, the Committee of the Whole on the state of the Union had had under consideration the state of the Union generally, and particularly the bill (H. R. No. 2064) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes, and had come to no resolution thereon.

Mr. GARFIELD. I move that all debate on the pending paragraph be closed in half a minute after the committee shall resume the consideration of the same.

Mr. BECK. I hope the gentleman will allow ten minutes.

Mr. GARFIELD. I think we ought to go on with the bill. We have had a speech on each side.

Mr. BECK. I have a letter from the Comptroller of the Currency complaining of something I said yesterday, and I want to have it read.

Mr. GARFIELD. The gentleman can get it in when we reach the next paragraph.

The motion to close debate was agreed to.

Mr. GARFIELD. I now move that the rules be suspended, and that the House resolve itself into Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. HOSKINS in the chair,) and resumed the consideration of the bill (H. R. No. 2064) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes.

Mr. GARFIELD. I yield the half minute to the gentleman from Indiana, [Mr. SAYLER.]

Mr. SAYLER, of Indiana. I desire to inquire of the gentleman from New York [Mr. TREMAIN] whether his arraignment of the majority in this House, from the West and South, for its lack of patriotism, intelligence, and honesty was also in a spirit of pleasantry? There is that in his remarks the other day which if it was uttered in earnest is a reflection that I regret to hear come from any gentleman. He says:

> Unfortunately the same commanding majority from the West and the South that have demanded that we should have an expanded currency remain unbroken in this House. And unless that majority can be influenced by the good, sound arguments of our patriotic and honored Chief Magistrate, General Ulysses S. Grant, who has proved himself equal to the emergency, we shall have no return to specie payments, and all we can expect is to hold on to what we have got, an inflated currency, payment in irredeemable greenbacks and irredeemable bank-notes, and a currency based upon moonshine, with that return to gold and silver long hoped for, but not likely to be reached during the present Administration.

He now says that what he uttered was uttered in a spirit of pleasantry, or, at least, in the heat of debate. I take it, sir, that the majority in this House, whether it be from the West and South or from the East and North, or wherever else, is not to be characterized as unfortunate by one who is in the minority here without his being called to account for it. If it was really said in pleasantry I would be glad to know it; but I take it that whether the majority here is from one section of the country or the other, whatever they may have to say on this or any other subject ought to be treated with consideration, and not with a kind of pity that carries with it rebuke and reproach.

[Here the hammer fell.]

The CHAIRMAN. The time allowed for debate upon this paragraph has, by order of the House, expired.

Mr. TREMAIN. May I not answer the gentleman's question?

The CHAIRMAN. Debate is closed by order of the House.

Mr. TREMAIN. I hope there will be no objection.

Mr. CRITTENDEN. I object.

The question was taken on the amendment to the amendment, and it was not agreed to.

The question recurred on Mr. MERRIAM'S amendment.

Mr. MERRIAM. I withdraw that amendment.

Mr. TREMAIN. I move to strike out the paragraph, that I may have an opportunity of answering the question put to me by the gentleman from Indiana, [Mr. SAYLER.]

Mr. GARFIELD. The gentleman cannot do that, for debate is closed on the paragraph.

Mr. TREMAIN. Then I withdraw the amendment.

The Clerk read the following:

> For official postage-stamps for the Department of Justice, $15,000.

Mr. COBB, of Kansas. I move to strike out the clause just read. I do not know that I wish to debate this motion. But inasmuch as there has been an order given to our reporters not to interlineate in the debates the words "laughter," "applause," &c., I have been unable as a western man to see where the laughter or irony came in in the speech of the gentleman from New York, [Mr. TREMAIN.] Therefore, I would like to ask him whether we are to understand his last speech in a Pickwickian sense?

Mr. TREMAIN. I wish to say but a word.

The CHAIRMAN, (Mr. HOSKINS.) The Chair desires to say that one speech having been made in favor of the motion of the gentleman from Kansas, [Mr. COBB,] the gentleman from New York [Mr. TREMAIN] will be considered as taking the floor to make a speech against it; after which debate upon the amendment will be considered closed.

Mr. TREMAIN. I have heard it said that some artist was so unfortunate in his labors that when he attempted to paint a horse it was necessary to write under the painting, "This is a horse." Now, when my friend from Missouri, [Mr. PARKER,] who opened this discussion, indulged in a playful train of remark it was not necessary that he should say to the House, "This is a joke." And I am very much surprised that any gentleman in this House should have understood that in my remarks there was any reflection upon the honesty or integrity of gentlemen from the West. The report of my remarks as printed in the RECORD will show that I was endeavoring to reply to the remark of my learned friend when he said that we had taken a step in the direction of specie payments. In answer I said that unfortunately I did not so read the signs of the times; for the same majority that passed the currency bill could prevent the resumption of specie payments. Now could any one fail to understand that what I said was in the same tone and temper as were the remarks of my friend?

If, however, there is any misunderstanding about it, I desire to say that while we in the East, many of us, have honestly differed with our friends in the West, yet we know and have always known that they have the same regard for the true interests of the country that we ourselves have; and if in the heat of debate of an impromptu character, where I had no opportunity to consider what I was to say or to review the report of what I had said, I have attempted, according to the custom I have always adopted, to pay my debts as they accrued, without allowing them to become liable to interest, I hope my friends from the West will understand now and forever that while I have differed with them honestly, I know they are sincere, honest, and patriotic. And before this session of Congress comes to a close I hope that we shall be able to strike hands upon some measure, without violating what we believe to be the fundamental principles of honor, duty, and plighted faith, so as to give our friends from the West what they desire.

Mr. SAYLER, of Indiana. I could have wished that the gentleman had made these remarks in his speech of the other day.

The CHAIRMAN, (Mr. HOSKINS.) The Chair feels bound to notify the committee that it is exceedingly desirous that this bill should be passed by the House to-day. The Chair will therefore endeavor to confine members to the discussion of the question before the committee.

Mr. COBB, of Kansas. I withdraw my motion to strike out.

Mr. G. F. HOAR. I move to insert as a new section before section 2 that which I send to the Clerk's desk.

The Clerk read as follows:

> No civil officer of the Government shall hereafter receive any compensation or perquisites, directly or indirectly, from the Treasury or property of the United States beyond his salary allowed by law, or shall make any private use of such property, or of the service or labor of any person in the employment or service of the United States, which service or labor is paid for by the United States: *Provided*, That this shall not be construed to deprive any officer of the United States of such fees as are or may be expressly provided by law, in addition to the salary of such officer, or the use of such property as may be expressly by law appropriated to the use of such officer.

Mr. GARFIELD. I suggest to the gentleman from Massachusetts [Mr. G. F. HOAR] to use the phrase "salary or compensation," instead of "salary" only. Some are paid a per diem compensation, which cannot be called a salary.

Mr. G. F. HOAR. I have no objection to that.

Mr. WILSON, of Indiana. I move to amend the amendment by adding to it that which I send to the Clerk's desk.

The Clerk read as follows:

> That every clerk of the circuit or district court of the United States, United States marshal, or United States district attorney shall reside permanently in the district where his official duties are to be performed, and shall give his personal attention thereto; and in case any such officer shall remove from his district, or shall fail to give personal attention to the duties of his office, except in case of sickness, such office shall be deemed vacant.

Mr. G. F. HOAR. I like that amendment, and hope that the committee will give unanimous consent that it may be offered after my amendment has been acted upon, without having it made subject to a point of order. But I would not like to have it offered as an amendment to my proposition, because it might embarrass it.

Mr. FORT. And it relates to a different subject.

Mr. WILSON, of Indiana. I will ask consent to offer my amendment as an additional section after the pending amendment is disposed of.

Mr. G. F. HOAR. Let it be adopted now, and then my amendment can come in. I withdraw my amendment for that purpose.

Mr. HALE, of Maine. I want to ask the gentleman from Indiana one question. Has he any objection to embodying in his amendment a provision that the aggregate salary or fees of the officers named in this amendment shall not in any case exceed a certain sum, say $6,000?

Several MEMBERS. That is the law now.

Mr. HALE, of Maine. No; it is not the law with reference to certain district attorneys and marshals that are covered by the gentleman's amendment. Something came out the other day in reference to district-attorneys in certain parts of the country holding offices worth twenty or twenty-five thousand dollars a year. My amendment is designed to meet such cases.

Mr. WILSON, of Indiana. I would rather have that go in a separate section. I do not want to embarrass my amendment.

Mr. HALE, of Maine. If the gentleman thinks that this amendment will embarrass his proposition, I will not press it now, although I fear I shall not be able to get in the amendment anywhere else.

Mr. WILSON, of Indiana. I prefer that the gentleman should offer his amendment separately.

The question being taken on the amendment of Mr. WILSON, of Indiana, it was agreed to.

Mr. FORT. In the clause appropriating $15,000 for official postage-stamps for the Department of Justice, I move to amend by striking out $15,000 and inserting $500. I have no remarks to make on this amendment. The question has been discussed, and a corresponding amendment has been made with reference to other Departments.

The amendment was agreed to.

Mr. G. F. HOAR. I now renew the amendment I have already offered.

The amendment was agreed to.

Mr. RANDALL. I move to amend by adding to the amendment just adopted the following:

No payment shall hereafter be made on account of mileage out of any money appropriated by this or any other law beyond the actual individual and necessary traveling expenses of the person to whom such money shall be paid.

Mr. GARFIELD. I am compelled to make a point of order on that amendment.

Mr. RANDALL. We have already adopted a similar amendment with reference to the Pension Bureau.

Mr. GARFIELD. If it can be voted on without debate I will not insist on the point.

The question being taken on agreeing to the amendment, there were—ayes 66, noes 40; no quorum voting.

Tellers were ordered; and Mr. RUSK and Mr. RANDALL were appointed.

Mr. G. F. HOAR. I wish to make an observation about this amendment if it is not too late. I thought at first that the proposition was all right, and voted for it; but I see that it will actually cut off the mileage of United States marshals, though it is the only mode in which their compensation is provided for.

Mr. RANDALL. Then let them be excepted.

Mr. GARFIELD. Another objection is that this provision would induce men to run up large hotel bills to be charged as "traveling expenses."

Mr. RANDALL. I modify my amendment by striking out the words "and necessary."

Mr. BURCHARD. I make the point of order that it is too late to modify the amendment, as the committee is now dividing upon it.

The CHAIRMAN. If the modification is objected to, it cannot now be made.

The committee again divided; and the tellers reported—ayes 55, noes 92.

So the amendment was not agreed to.

Mr. RANDALL. I move to amend by adding the following:

No payment shall be made on account of mileage out of any money appropriated by this act beyond the actual individual traveling expenses of the person to whom such money shall be paid.

Mr. RUSK. I make a point of order on that amendment.

Mr. RANDALL. It is not liable to a point of order. It is merely a limitation on the appropriation. I have changed it so that it will not reach the mileage of the gentleman from Wisconsin.

Mr. RUSK. I am not fretting about my mileage.

Mr. GARFIELD. But the amendment changes the law.

Mr. HURLBUT. I make the point of order that the amendment proposes to change the compensation of marshals, deputy marshals, jurors, and witnesses.

The CHAIRMAN, (Mr. WOODFORD.) The point of order is evidently well taken. The amendment is not entertained.

Mr. HALE, of Maine. I ask consent to offer as a separate section the following amendment already indicated by me, to come in directly after the amendment adopted on motion of the gentleman from Indiana:

That no officer named in section — of this act shall hereafter receive by way of salaries, fees, or allowances a sum exceeding in all $6,000 per annum.

Mr. BURCHARD. I must make a point of order on this amendment unless it is recommended by the Judiciary Committee. The amendment is evidently imperfect in form as it does not make any allowance for the expenses of these officers, but provides broadly that they shall not receive in any case over $6,000. I think we had better not change laws of this kind without an examination by the Judiciary Committee. I must therefore make the point of order. If the amendment were limited to net compensation I would not object.

Mr. HALE, of Maine. The point of order is undoubtedly well taken; I have no doubt about that; but I had hoped that no gentleman would make it. The amendment is directly in the line of legislating with reference to officers who have been put into the bill and with reference to whom other provisions have been made. This is a salary bill. My amendment must at once appeal, I think, to the good sense of members. At any rate it is one on which every member can vote understandingly. I hope the gentleman from Illinois will withdraw the point of order so that the committee may vote on the proposition.

Mr. SPEER. I wish to ask a question of the gentleman from Maine.

Mr. HALE, of Maine. I will yield to the gentleman for that purpose presently. I have no feeling about this amendment at all. It would not have occurred to me but for the amendment offered by the gentleman from Indiana [Mr. WILSON] legislating in reference to the residence of these officials. I did not understand that came from the Committee on the Judiciary. It was a good measure offered by him on his personal responsibility, and the House accepted it, waiving all points of order, and let it in. I did not offer mine as an amendment to that, as it might embarrass it. The same reasons which applied to that amendment also apply to this amendment.

Mr. BURCHARD. I rise to a point of order. I do not object to the gentleman from Maine discussing the point of order, but I only wish it to be understood that the point of order is still pending against this amendment.

Mr. HALE, of Maine. I understand that the gentleman insists on his point of order.

The CHAIRMAN. The Chair understands the point of order raised by the gentleman from Illinois is reserved.

Mr. HALE, of Maine. I understand it, and now yield to the gentleman from Pennsylvania [Mr. SPEER] to ask me a question.

Mr. SPEER. The amendment of the gentleman from Maine is evidently in the right direction, but I wish to know whether he has considered the effect of the words he has used. I ask him whether under existing laws the fees of these clerks and others are not now limited to $3,500, and whether the language used by him, that the fees shall not exceed $6,000, would not by implication increase all those offices to $6,000 a year?

Mr. HALE, of Maine. I have thought of that in hastily framing the section, and I have no objection to adding proper words to cover the point of the gentleman from Pennsylvania.

Mr. SPEER. That is right, and I hope the amendment as modified will be allowed to be acted on.

Mr. HALE, of Maine. I move to add "but this section shall not be so constructed as to increase the salary or compensation of any officer beyond the amount now allowed by law," and to fill the blank with "two."

Mr. BURCHARD. Let the amendment be again read as modified.

The Clerk read as follows:

SEC. —. That no officer named in section 2 of this act shall hereafter receive by way of salary, fees, or allowances a sum exceeding in all $6,000 per annum. But this section shall not be so construed as to increase the salary or compensation of any officer beyond the amount now allowed by law.

Mr. BURCHARD. The reason I raise the point of order on the amendment is not because I object to limiting the salaries of officers who may receive a net compensation above $6,000, but there is danger in hasty legislation proposed by a member upon the floor who has not considered the effect of the language used, which has been considered by no committee of the House, and which is thrown upon us all at once. It is exceedingly dangerous legislation, in my judgment, to adopt a proposition the scope and effect of which may be greater than is intended. One object that is proposed is to limit the amount received. It does not say the net compensation or the net receipts. There is a law limiting the amount the clerks shall receive to $3,500. My impression is the limitation as to marshals is $6,000. I think that is sufficient. The language of this paragraph, however, does not cover the net compensation, and I think it had better go to the Committee on the Judiciary before it is enacted into a law.

Mr. LOUGHRIDGE. I rise to a point of order. Is the proposition of the gentleman from Maine before the House?

The CHAIRMAN. It was offered by the gentleman from Maine when the gentleman from Illinois rose to the point of order that it changed existing law. By consent the gentleman from Maine was allowed to explain his amendment, and the gentleman from Illinois is now speaking on the point of order he raised.

Mr. LOUGHRIDGE. I understand the gentleman from Maine admits his proposition is not in order.

The CHAIRMAN. Does the gentleman from Illinois insist on his point of order?

Mr. BURCHARD. I do, for reasons I have given.

The CHAIRMAN. The Chair is compelled to rule the point of order is well taken, and the amendment therefore is not before the House.

The Clerk read as follows:

SEC. 2. That the act entitled "An act limiting the appropriation of certain moneys for the preparation, issue, and reissue of certain securities of the United States, and for other purposes," approved May 23, 1872, and all other acts and parts of acts making permanent appropriations for the expenses of the national loan, are hereby repealed, this repeal to take place on the 1st day of July next; and hereafter the Secretary of the Treasury shall annually submit to Congress detailed estimates of appropriations required for said expenses; and for the fiscal year ending June 30, 1875, the following sums, or so much thereof as may be necessary, are hereby appropriated to defray the expenses of the national loan, for the following clerical and other employés, to wit:

In the office of the Secretary of the Treasury: Seventeen clerks of class four; eight clerks of class three; six clerks of class two; four clerks of class one; forty copyists, at $900 each; eight messengers, at $840 each; twenty-one assistant-messengers and laborers, at $720 each; and twenty-two laborers, at not exceeding $2.25 per day; making, in all, the sum of $129,933.50.

Mr. GARFIELD. I move to insert in line 15, after the word "Treasury," the words "one clerk of loans and one clerk of currency at $2,500 each," and to strike out "seventeen" and insert "fourteen;" so it will read: "In the office of the Secretary of the Treasury one

clerk of loans and one clerk of currency at $2,500 each; fourteen clerks of class four," &c.

Mr. BECK. I rise for the purpose of laying before the committee a communication from the Comptroller of the Currency, addressed to me and received a few minutes ago, in which he states that he thinks I did him an injustice in the remarks I made here yesterday. As he is a public officer and has no right to be heard on this floor on his own behalf, and as he has addressed a letter to me desiring that his views should be laid before the House, though they are perhaps not pertinent to the question now pending before the committee, I ask that his letter be printed in the CONGRESSIONAL RECORD as part of my remarks, or if there be no objection I should like to have it read.

Several MEMBERS. Let the letter be read.

The Clerk read as follows:

TREASURY DEPARTMENT, OFFICE OF COMPTROLLER OF THE CURRENCY,
Washington, April 25, 1874.

SIR: My attention has been called to a statement in the Washington Daily Chronicle of this morning, said to have been made by you in the House yesterday, as follows:

"Mr. BECK favored the motion to strike out, because he was opposed to the creation of so many Bureaus on which no reliance could be placed. He said they had made a Comptroller of the Currency who had deceived the President, and led him to send a false message, misleading the House and the country. He had represented to the President that four millions of the national-bank currency were not taken when there were one hundred and twenty-eight applicants for it. He had deceived the President and held the circulation to save the $25,000,000 to his friends in the East."

I understand that you called upon the deputy comptroller on Thursday, and regret that you did not find it convenient at the same time to call upon me in the adjoining room, when I have no doubt I could have easily satisfied you that my course in reference to the distribution of the currency has been in exact compliance with law. From the slight acquaintance I have with you I believe that you are incapable of doing an intentional injury to any one, and I therefore request that as an act of justice to myself you will cause to be read in the House the following extract from my last annual report, showing the difficulties in the way of the execution of the act of July 12, 1870:

"The act of July 12, 1870, authorizing an additional issue of $54,000,000, and providing that such notes should be issued to banking associations organized or to be organized in those States and Territories having less than their proportion under the apportionment contemplated by the act of March 3, 1865, and that the bonds deposited with the Treasurer of the United States to secure the additional circulation should be of any description of United States bonds bearing interest in coin. It also provided that a new apportionment of the increased circulation should be made as soon as practicable, based upon the census of 1870, and for the cancellation monthly of 3 per cent. certificates equal in amount to the national-bank notes issued—the last of these certificates having been finally redeemed during the present year. Of this additional circulation, authorized by the act of July 12, 1870, there was issued November 1, 1871, $24,773,260; in the year ending November 1, 1872, $16,220,210; in the year ending November 1, 1873, $7,357,479; leaving at the date of this report still to be issued to banks already organized and in process of organization, $5,649,051.

"The act of July 12, 1870, further provides that when the fifty-four millions of additional circulation "shall have been taken up," "the Comptroller of the Currency shall, as additional circulation may be required by the banks having less than their proportion, make a requisition for such an amount, commencing with the banks having a circulation exceeding $1,000,000 in States having an excess of circulation, and withdrawing their circulation in excess of $1,000,000, and then proceeding *pro rata* with other banks having a circulation exceeding $300,000 in States having the largest excess of circulation, and reducing the circulation of such banks in States having the greatest proportion in excess, leaving undisturbed any States having a smaller proportion until those in greater excess shall have been reduced to the same grade, and continuing thus to make the reduction provided for by this act until the full amount of twenty-five millions provided for shall be withdrawn; and the circulation so withdrawn shall be distributed among the States and Territories having less than their proportion, so as to equalize the same."

"In accordance with the provisions of this section, it will be the duty of the Comptroller, as soon as the necessary bonds shall have been deposited to secure the small amount of additional circulation not already issued or "taken up," to proceed to make requisitions upon banks organized in the States which have an excess. It will probably be the duty of the Comptroller during the next three months to make requisitions as provided for by this act upon banks already organized in States which are in excess, for an amount equal to the aggregate amount of circulation called for by the applications on file from the States which are deficient. These requisitions will be made upon the banks located in the following States and cities:

Four in the city of New York	$5,018,000
Thirty-seven in the city of Boston	13,320,000
Twenty-one in the State of Massachusetts	2,659,000
Seventeen in the city of Providence	2,818,000
Fifteen in the State of Connecticut	1,185,000

"This will reduce to $1,000,000 the circulation of all banks in the city of New York having an excess over that amount, and the circulation of all banks in Massachusetts and Rhode Island to $300,000. If these banks do not return the amount of circulation within one year after the requisition is made upon them, it is made the duty of the Comptroller of the Currency to sell at public auction, upon twenty days' notice, the bonds deposited by such associations as security for said circulation equal in amount to the circulation to be withdrawn, and not returned in compliance with the requisition. With the proceeds of the bonds the Comptroller is required to redeem the notes of these banking associations as they come into the Treasury. The notes of these banks are so scattered through the whole country that it will be impracticable for them to return their circulation without an expense not contemplated by the act; and it will, therefore, be for the interests of the banks to provide the Comptroller of the Currency with the requisite amount of legal-tender notes with which to redeem their circulation as it comes into the Treasury. To this extent the act may be executed; but the notes to be redeemed will not come to the Treasury for redemption to any considerable amount, and therefore but a small proportion of the twenty-five millions will be placed at the disposal of the Comptroller for redistribution to the banks of the South and West. The result will, therefore, be great embarrassment to the banks to whom the currency has already been issued, without providing any relief for organizations elsewhere, as contemplated by the act. The Comptroller, therefore, repeats the recommendation contained in his previous report, that section 6 of the act of July 12, 1870, be repealed, and that twenty-five millions additional circulation be authorized to be issued and distributed among the States as heretofore provided."

I also request that you will have read the following copy of a letter addressed to Hon. W. W. PHELPS, of the Committee on Banking and Currency, transmitted to him on the 3d day of February last, in which was inclosed a bill prepared by me, for the purpose of *promptly* withdrawing $25,000,000 of national-bank circulation from the Eastern States, and distributing the same to the West and South:

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF CURRENCY,
Washington, February 3, 1874.

SIR: In accordance with your verbal request, I inclose herewith a copy of "A bill to amend an act entitled 'An act to provide for the redemption of 3 per cent. temporary-loan certificates, and for an increase of national-bank notes,'" which was prepared at the request of Hon. JOHN SHERMAN, and transmitted to the Finance Committee of the Senate yesterday.

In order to carry out the provisions of this bill it will be necessary to withdraw circulation from the States which are in excess as follows:

Maine, about	$729,000
Vermont, about	755,000
Massachusetts, about	15,783,000
Rhode Island, about	2,808,000
Connecticut, about	3,025,000
New York, about	500,000
Pennsylvania, about	1,400,000
Total	25,000,000

A table showing the States in excess and the amount of the excess will be found on page 7 of my last annual report.

The amount of circulation now outstanding of national banks which have failed or have gone into liquidation under section 42 of the act, is $5,451,366. By reference to section 2 of the proposed bill you will find that it provides for the return of these notes to the Treasury for redemption, so that the effect of this legislation will be to place at my disposal in all more than $30,000,000 for redistribution to the States which are deficient in their proportion.

Perhaps a better title for the bill would be "A bill authorizing the redistribution of $25,000,000 of national-bank currency."

Very respectfully,

JNO. JAY KNOX,
Comptroller.

Hon. WILLIAM WALTER PHELPS,
Committee on Banking and Currency,
House of Representatives, Washington, D. C.

I will thank you also to have the bill read for the information of the House, and you will further oblige me by introducing the bill in order that it may be printed and considered.

Very respectfully,

JNO. JAY KNOX.
Comptroller.

Hon. JAMES B. BECK,
House of Representatives, Washington, D. C.

A bill to amend an act entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates, and for an increase of national-bank notes," approved July 12, 1870.

Be it enacted, &c., That so much of an act to provide for the redemption of the 3 per cent. temporary-loan certificates, and for an increase of national-bank notes, as provides "that no circulation shall be withdrawn under the provisions of section 6 of said act until after the fifty-four millions granted in section 1 of said act shall have been taken up," is hereby repealed, and it shall be the duty of the Comptroller of the Currency, under the direction of the Secretary of the Treasury, to make requisition upon national banks having circulation exceeding $300,000 in amount, organized in those States having the greatest excess of circulation under an apportionment made on the basis of population and of wealth, as shown by the returns of the census of 1870, to withdraw and return their circulation in excess of $300,000, in such amounts as shall be required, or to deposit in the Treasury of the United States lawful money sufficient to redeem such circulation; and upon the return of the circulation required on the deposit of lawful money as herein provided, a proportionate amount of the bonds held to secure the circulation of such association as shall make such return or deposit shall be surrendered to it.

SEC. 2. That upon the failure of the national banks, upon which requisition for circulation shall be made, or of any of them, to return the amounts required, or to deposit in the Treasury lawful money to redeem the circulation required within thirty days, the Comptroller of the Currency shall at once sell, as provided in section 49 of the national-currency act, approved June 3, 1864, bonds held to secure the redemption of the circulation of the association or associations which shall so fail, to an amount sufficient to redeem the circulation required of such association or associations, and with the proceeds, which shall be deposited in the Treasury of the United States, so much of the circulation of such association or associations shall be redeemed as will equal the amount required and not returned; and if there be any excess of proceeds over the amount required for such redemption it shall be returned to the association or associations whose bonds shall have been sold; and it shall be the duty of the Treasurer, assistant treasurers, designated depositaries, and national-bank depositories of the United States, who shall be kept informed by the Comptroller of the Currency of such associations as shall fail to return circulation or to deposit lawful money as required, to assort and return to the Treasury for redemption the notes of such associations as they shall come into their hands, until the amounts required shall be redeemed, and in like manner to assort and return to the Treasury, for redemption, the notes of such national banks as have failed, or gone into voluntary liquidation for the purpose of winding up their affairs; and of such as shall hereafter so fail or go into liquidation.

SEC. 3. That so fast as circulation shall be returned and redeemed, as hereinbefore provided, it shall be lawful for the Comptroller of the Currency to issue circulating notes in the manner and proportion now provided by law, to associations organized or to be organized, in those States and Territories having less than their proportion of circulation, under an apportionment made on the basis of population and of wealth, as shown by the returns of the census of 1870: *Provided*, That the whole amount of circulation withdrawn and redeemed from banks transacting business shall not exceed $25,000,000, and that such circulation shall be withdrawn and redeemed only as it shall be necessary to supply banks in those States having less than their apportionment.

Mr. RANDALL. I want to direct attention to one fact, that the Comptroller, upon the merest technicality in the world, has failed to execute that redistribution law for nearly four years.

Mr. BECK. I ask that the bill accompanying the Comptroller's letter may be printed not only in the RECORD, but for the use of the House.

The CHAIRMAN. The committee has no power to order the printing of bills.

Mr. PHELPS. I wish to express my admiration of the magnanimity with which the gentleman from Kentucky [Mr. BECK] acknowledges an error into which yesterday he naturally fell, and which did in-

justice to a worthy and hard-working officer. It is a pleasure, not a necessity for me to do so, inasmuch as it is no more than what the House expected from a gallant son of a gallant State. But at the same time, in justice to the official I alluded to, I would state that the facts as narrated in the letter which has just been read to the committee are, as far as they have fallen within my knowledge, correct. At the very beginning of this session, recognizing an injustice to the South and West in withholding the twenty-five millions which an act of the previous Congress had sought to take from States having an excess and to distribute to the deficient States, I conferred with the Comptroller of the Currency, and found him ready to sympathize and to assist. At my request the Comptroller of the Currency prepared a bill which was calculated to correct the defects in the bill of the Forty-second Congress and to devise an efficient method by which this twenty-five millions of circulation could be taken from New England and given to the South and the West.

On the 3d of February this bill so prepared was sent to me. This bill, in my opinion, was well calculated to accomplish the object for which it was draughted. It was brought informally before the committee of which I have the honor to be a member. No action was taken upon it by the committee with reference to reporting it to the House, I presume for the reason which operated upon my mind, and it was this: If a bill was passed by which the South and West should promptly receive these twenty-five millions, the desire of this House to remove all restrictions from the business of banking would naturally abate. The Committee on Banking and Currency by a majority, and myself among them, believed that these restrictions were unjust and ought to be removed. We were therefore at that time unwilling to report any bill which would weaken in the House the bill which subsequently was reported, which offered free banking to all.

This is the bill which is already introduced into the Senate. This is the bill which I understand the gentleman from Iowa [Mr. KASSON] will call up for the action of the House on Monday next. And I beg to say now that while I believe that the twenty-five millions should be taken just as fast from New England as it can be——

Mr. STARKWEATHER. And from New York.

Mr. PHELPS. Yes; and from New Jersey—and ought to be given to the South and the West, yet I shall vote against this bill. Why? For the reason which I presume was the reason that influenced the committee not to report it in February last: that the twenty-five millions are only a sop; that to distribute it but props up a system that is faulty and unjust; and that what we want is not twenty-five millions or a hundred millions of fresh currency, but a destruction of the monopoly, and free banking for all citizens and for all States.

Mr. RANDALL. I desire to ask the gentleman a question. Did the Committee on Banking and Currency ever act upon that bill?

Mr. PHELPS. Not formally.

Mr. BECK. I ask to be recognized for a moment that I may correct a statement made by the gentleman from New Jersey.

Mr. ALBRIGHT. After that I shall object to the continuance of this discussion.

Mr. BECK. The statement to which I object, made by the gentleman from New Jersey, [Mr. PHELPS,] was that I had taken anything back that I said yesterday. I did not do any such thing. I caused a letter to be read which had been sent to me by the Comptroller, because he could not be heard in his own defense; and as a public officer I thought it was due to him that his statement should be before the House and the country. I maintain, what I said yesterday, that he has not administered the law; that the $54,000,000 provided for by the act of 1870 ought to have been distributed to the States that had not received their proportion promptly on application, and the remaining $25,000,000 withdrawn from the East and given to the other sections as fast as they applied. He has not done that, but has held $4,000,000 of that $54,000,000 back for years after it had all been applied for, and ought to have been distributed for the purpose of preventing the West from getting from the East the $25,000,000 it was entitled to; and I will prove it and demonstrate it whenever the proper occasion shall arise.

I want to say a word more. He has, in order to carry out his own views, been sending the speeches of gentlemen abroad at the expense of the Government, or at least has sent them so that members have not been required to pay the postage, as they would have been but for the favor thus shown. He has gone out of his way time and again to favor the rich moneyed aristocracy of the East to the injury of the people of the West and the South, and I will maintain that upon this floor and make it good.

Mr. DAWES obtained the floor.

Mr. RANDALL. I rise for the purpose of making a personal explanation.

Mr. ALBRIGHT. As I said I would object, I must object to the continuance of the debate.

Mr. RANDALL. It is due to myself that I should make this statement.

Mr. ALBRIGHT. I will not object to my colleague making a personal explanation.

Mr. RANDALL. On yesterday, when the question as to the sending out of speeches of members of Congress by Mr. Knox was brought up by the gentleman from Illinois, [Mr. WARD,] I threw as much light on the matter as I could, without individualizing any gentleman on this floor as having speeches sent out. I did not want to individualize. I condemned the practice, and said I thought it illegal, and a subsequent examination of the statute shows that it was illegal on the part of Mr. Knox. This morning I find in a newspaper published in this city a statement to the effect that I have sent out speeches under the official envelope of the Comptroller of the Currency. I merely rise to state that there is not a word of truth in that statement, and I am inclined to believe that the man who wrote it knew it to be untrue at the time he wrote it.

Mr. FORT. Before we pass to the next section I desire to withdraw an objection I made yesterday to a request by a gentleman from New York to go back to the paragraph beginning in line 145. I did not intend to object to going back but to object to debate, and I now withdraw the objection.

The CHAIRMAN. The Chair cannot entertain that question now, because there is a motion pending to amend the bill.

Mr. FORT. The Chair will allow me to withdraw my objection now.

The CHAIRMAN. The Chair will recognize the gentleman when we have passed the pending paragraph.

Mr. DAWES. I desire to say a few words in reference to what fell from the gentleman from Kentucky, [Mr. BECK,] the tone of which, it seemed to me, was calculated to carry the impression to the country that the East was going to resist any attempt on the part of the Government of the United States to withdraw the $25,000,000 excess which happens now to be in that section of the country, and distribute it over the United States. Of course I am not authorized to speak for any one else, but while I speak my own sentiments only, I believe I speak the sentiments of the eastern representatives and of the eastern people.

They came by this excess by no fault of their own. They took up this capital when the South and West had the same opportunity as they had to take it up, and they only took it up in preference to the West and South because the West and South believed that they could invest their money more preferably elsewhere. It so happens that all this capital is now taken up, either in the East or in the West. If it be necessary to a proper distribution of the currency of the United States that $25,000,000 be withdrawn from New England and New York and New Jersey, I do not think that they will be found resisting it here upon this floor. They desire two things. They desire free banking upon a basis of greenbacks at par. They do not desire to bring greenbacks to par by such a contraction as would make the holder of a greenback pay the difference between its present value and its par value. They desire that the Government shall pay that difference. The Government made the promise and forced the people to take that promise. The Government and nobody else depreciated it. The Government and nobody else should pay that difference. The Government has not got the gold to pay the difference. Let the Government, then, do as an honest man would do, and say we will do the next best thing, and exchange for the greenback we have forced you to take a Government bond bearing such interest as will make it par, and then make banking free throughout the United States.

Mr. KELLEY. I would like to ask the gentleman a question.

Mr. CLEMENTS. Do I understand the gentleman from Massachusetts as being in favor of increasing the interest-bearing debt of the country?

Mr. DAWES. No, I am not; but I am in favor of the Government doing one of two things: either keeping its promises, or else doing the next best thing, and giving an interest-bearing note for the greenback.

Mr. KELLEY. I would like to ask the gentleman a question.

Mr. DAWES. My friend from Illinois [Mr. CLEMENTS] certainly does not mean to say that he will neither pay his debts nor give his notes for them; I know he is an honest man. Nor will he say that the United States will do any such thing. The United States should either pay the greenbacks in gold, or do the next best thing, promise to pay them in gold. And then you may have free banking and have it safely, just as safely as they had it in New York before the war; just as safely as you can have banking under any system in the world. If that cannot be done, then take your $25,000,000, if you please, from New England, New York, and New Jersey, and distribute it in the West and South. Those in the East who took it because the West could not take it, because the West could more profitably invest its money otherwise, if the West can now as profitably put their money in banking institutions as they can in anything else, those in the East, in New England, New York, and New Jersey, I apprehend, will not resist any such just measure as that. That is all I have to say.

Mr. KELLEY. A question before the gentleman takes his seat.

The CHAIRMAN, (Mr. WOODFORD.) This debate is proceeding by unanimous consent.

Mr. KELLEY. I desire to ask the gentleman from Massachusetts [Mr. DAWES] whether he has not assisted in voting for propositions by which the greenback has been repudiated by the Government and against propositions which proposed to redeem the greenback by exchanging it for bonds?

Mr. DAWES. I have assisted in voting down a proposition that would exchange greenbacks for 3.65 currency bonds, for the reason that such a proposition would bring the greenbacks down below 80.

Mr. KELLEY. Did the gentleman propose any substitute or amendment so as to save the greenback from its present condition of repudiation by the Government?

Mr. DAWES. I will answer that by saying that I strove, as the gentleman from Tennessee [Mr. MAYNARD] knows, when he had charge of his bill, for the floor every day until the last moment in order to introduce a proposition which I now have in my hand to do the very thing which I have suggested to-day.

Mr. KELLEY. Will the gentleman explain how the acceptance of greenbacks in exchange for a United States bond will reduce its value?

Mr. DAWES. It will do it in this way: the greenback and the bond will be on a par when they are made exchangeable for each other. A bond bearing gold interest at just such a rate as will make it par in the markets, a bond running for thirty years and bearing 4½ per cent. interest, or running for twenty years and bearing 5 per cent. interest, if exchanged for greenbacks will elevate the greenback to par.

Mr. KELLEY. I ask the gentleman to explain how the acceptance of a greenback in exchange for a three sixty-five bond will depreciate it. That was his point.

Mr. DAWES. Of course exchanging a greenback for a three sixty-five currency bond would make the greenback and the bond at the same rate. Now everybody knows that if a 5 per cent. gold bond stands to-day in the market at par, a three sixty-five gold bond would stand at eighty cents; and a three sixty-five currency bond would be below that. And when the greenback is exchanged for the three sixty-five currency bond, the one will be worth just as much as the other. And if the bond is not worth more than eighty cents, the greenback will not be worth more than that.

Mr. KELLEY. I come back to the statement of the gentleman that this exchange will depreciate the greenback. To-day you have idle in your Treasury $53,000,000 of greenbacks.

Mr. GARFIELD. I call for a vote.

Mr. MAYNARD. It does seem as if members from certain portions of the country contrive somehow to get the only hearing that is had in this House. I have sought the floor for some time in order to ask the gentleman from Massachusetts a question. He says he is content to abide by the existing law for the redistribution of $25,000,000 of national-bank currency. Is he willing to change that law so as to provide for the redistribution of $75,000,000?

Mr. HAWLEY, of Illinois. I call for the regular order.

The CHAIRMAN. All the debate which is progressing is out of order. The question is on the amendment of the gentleman from Ohio.

Mr. POLAND. I desire to say one word in reply to what was said by the gentleman from Pennsylvania, [Mr. RANDALL.] I understood him to charge that the Comptroller of the Currency had for four years——

The CHAIRMAN. Debate is out of order. The question is upon the amendment.

Mr. HOLMAN. I think the amendment proposes an increase of salaries.

Mr. KELLOGG. There is a decrease of salary from $3,000 to $2,500.

Mr. HOLMAN. I mean an increase in the amount. I move to strike out "$2,500" and insert "$2,000."

Mr. MELLISH. I ask that the amendment be again reported.

The CHAIRMAN. It has already been reported five times, and the Chair cannot allow it to be reported the sixth time.

Mr. MELLISH. I rise to a point of order. I suppose that before voting a member has a right to have a proposition reported so that he may vote understandingly. I cannot vote understandingly unless this amendment is reported.

The CHAIRMAN. The gentleman from New York [Mr. MELLISH] has raised the point of order that he cannot vote understandingly upon an amendment which has been reported five times. The Chair rules that the point of order is not well taken.

The question being taken on the amendment of Mr. HOLMAN to the amendment of Mr. GARFIELD, it was not agreed to; there being—ayes 51, noes 99.

The question recurring on the amendment of Mr. GARFIELD, it was agreed to.

The Clerk read as follows:

In the office of the Register of the Treasury:
Eighteen clerks of class four; twelve clerks of class three; four clerks of class two; five clerks of class one; one hundred counters and copyists, at $900 each; eight messengers; six assistant messengers and laborers; making, in all, the sum of $164,240.

Mr. GARFIELD. I am instructed by the Committee on Appropriations to move to amend by striking out "eighteen clerks of class four" and insert the following:

Five chiefs of divisions, $2,500 each; one disbursing clerk, $2,000; twelve clerks of class four.

Mr. HOLMAN. This raises $1,800 clerks to $2,500.

Mr. POLAND. I move to amend the amendment by striking out the last word. I do this for the purpose of saying what I desired to say a few minutes ago without getting an opportunity. I understood the gentleman from Pennsylvania [Mr. RANDALL] to say that the Comptroller of the Currency had for nearly four years refused to carry out this law of Congress taking away the $25,000,000 of banking capital from New England and from other States having more than their proportion.

Mr. HOLMAN. After the speech of the gentleman from Vermont [Mr. POLAND] I shall insist on the regular order.

Mr. RANDALL. I desire to correct the gentleman from Vermont by stating that what I did say was that the Comptroller had failed to execute that law by reason of a technicality.

Mr. POLAND. I understood the gentleman to say before precisely what he says now, that the Comptroller of the Currency was entirely in fault and had really violated the law in refusing for a long period of time to carry out this provision. Now, sir, the act of July 12, 1870, which contains this provision for the withdrawal of $25,000,000 of national-bank currency is the same act in which provision is made for an increase of banking circulation of $54,000,000, to be given to States not having their proportion. I ask the Clerk to read the passage I have marked at the close of the section authorizing the withdrawal of $25,000,000.

Mr. RANDALL. I hope I shall have an opportunity to reply to the gentleman.

The Clerk read as follows:

Provided, That no circulation shall be withdrawn under the provisions of this section until after the $54,000,000 granted in the first section shall have been taken up.

Mr. RANDALL. That is the point, "taken up."

Mr. POLAND. The authority or right on the part of the Comptroller to proceed, for the purpose of withdrawing this $25,000,000 and redistributing it, did not begin, he had no authority under that section to do anything whatever—until the provision of the law in relation to the $54,000,000 was exhausted. The gentleman from Pennsylvania may cavil upon the words "taken up." I do not understand because some organized banking association applied for the currency that that is "taking up" within the meaning of the law. It means that they shall put up their securities so as to be entitled to receive that circulation; and that has not been done yet. I insist that the charge made by the gentleman against the Comptroller of the Currency in reference to this matter is entirely unfounded.

Mr. RANDALL. I have not caviled about the language at all. The Comptroller of the Currency, so far as my knowledge extends both as a member of the House and a member of the Committee on Banking and Currency, has rested his objection solely on that technical point about "taking up." The fact I understand to be this: that the whole amount has long since been assigned to certain parties who applied; subsequently to those assignments one hundred and twenty-eight further applications for more currency have been received by the Comptroller of the Currency, but he has refused to entertain them because he says the currency is not actually issued. Now I maintain that the meaning and intention of the law was that whenever that entire amount of $54,000,000 of currency had been assigned to parties, it should be the duty of the Comptroller to execute the law of 1870 providing for a redistribution of $25,000,000; and I never heard until to-day that he rested his action upon anything else than a technicality of law, in opposition to what seems to me the plain intent of the enactment.

One word more. I heard for the first time to-day from the gentleman from New Jersey [Mr. PHELPS] that the bill of the gentleman from Iowa [Mr. KASSON] had ever been in any manner, formal or informal, before the Committee on Banking and Currency. For myself, as a Representative from one of the States having now an excess of currency, I am ready at any time to do justice by a redistribution, whether it shall require $25,000,000 or $75,000,00 to be drawn from those who have now an excess by reason of their advantages in having capital at the time this currency was taken up.

Mr. POLAND rose.

Mr. GARFIELD. I must insist on confining the debate to the question before the committee. One reply will only require another.

Mr. KELLOGG. I move to amend by striking out the last word. I wish to say a single word upon the amendment already pending. It is made necessary by reason of the nature of the duties in the office of the Register of the Treasury. The Treasury Department is a system of checks and balances; and it must be kept so, in order to prevent fraud and to insure that everything shall be done correctly. All the currency that goes into the Treasurer's office goes one-half from the Bureau we have passed on, and the other half from the Register of the Treasury, who has besides a great many other duties to discharge.

Mr. HOLMAN. Instead of providing for seventeen clerks of class four, as the text of the bill is, who are to receive a salary of $1,800 each, the amendment provides for an increase of the salary of some of these clerks to $2,500. There is a want of fairness, it seems to me, in these attempts to increase salaries. I never hear gentlemen—not even the gentleman from Connecticut [Mr. KELLOGG] who is usually so fair—meet the question on the increase of salaries squarely. They do not even say this is an increase from $1,800 to $2,500, and yet that really is the question now before the House. I know it is hard to get the fact understood in the confusion of the House over the finance question, but I wish members to remember in voting on this amendment that it is an increase of certain salaries here from $1,800 to $2,500. I am opposed to it entirely, and I insist that if we do increase these salaries it shall be done openly and above-board.

Mr. KELLOGG. I withdraw the amendment to the amendment.

The question recurred on Mr. GARFIELD'S amendment.

Mr. WHEELER. The gentleman from Indiana mistakes the effect of the amendment altogether. These chiefs of divisions have been getting under the operation of the loan fund $3,000 a year, and the effect of this amendment is to reduce their salaries $500 each.

Mr. HOLMAN. That was not done by law, and it is not pretended it was. If they received $3,000 it was not under any law.

The committee divided; and there were—ayes 25, noes 37; no quorum voting.

Mr. KELLOGG demanded tellers.

Tellers were ordered; and Mr. KELLOGG and Mr. HOLMAN were appointed.

The committee again divided; and the tellers reported—ayes 96, noes 50.

So the amendment was agreed to.

The Clerk read as follows:

In the office of the Superintendent of the Work of Engraving and Printing: Superintendent, $5,000; two assistants, at $2,500 each; one chief clerk, $2,000; two clerks of class four; five clerks of class two; three clerks of class one; five copyists, at $900 each; three messengers; and three assistant messengers; making in all the sum of $32,880.

Mr. GARFIELD. I move to strike out that paragraph and insert the following in lieu thereof:

Bureau of Engraving and Printing:
Chief of Bureau, $5,000; for payment of employés at per diem, to be paid only for the time actually employed, namely: two assistants, at eight dollars a day; one accountant, at seven dollars a day; eight clerks, at four dollars a day; five copyists, at not more than $2.90 per day; and six messengers, or laborers, at two dollars a day; $31,610.

The amount is about $1,000 less, and at the request of the chief of that Bureau I make it so that he may have the control of his force. They will not then have right to leave of absence and still draw pay.

Mr. KELLOGG. Let me call the attention of the committee to one point. I see that he has provided for only five copyists. My understanding is that ten copyists were needed.

Mr. GARFIELD. We have taken the figures given to us.

Mr. HOLMAN. I hope the amendment will be adopted, as it is one of the very few economical measures which have been offered here.

The amendment was adopted.

The Clerk read as follows:

For labor, (by the day or piece,) including labor of workmen skilled in engraving, transferring, plate-printing, and other specialties necessary for carrying on the work of engraving and printing notes, bonds, and other securities of the United States, the pay for such labor to be fixed by the Secretary of the Treasury at rates not exceeding the rates usually paid for such work, $500,000.

Mr. KELLOGG. I had hoped the chairman himself would offer the amendment which I now feel compelled to offer; and I ask the indulgence of the House for a single moment while I explain it. This paragraph and the one on the next page relating to printing of notes, bonds, and other securities, should be brought together in one amount and in the same connection. I move in line 56 to strike out "500" and insert "1,125;" so it will read, "$1,125,000." That is the amount, putting together the two sums found in this line and in lines 69 to 71 on the next page. I do it for this reason: This $500,000 is the sum appropriated for the work done in the Bureau of Engraving and Printing, where we employ about twelve hundred persons, more or less, and where we do the whole work except the mere printing the backs of notes and bonds, which is done in New York by the bank-note companies. Only $500,000 is appropriated for this Bureau, with all this large force, where not only the faces are printed but the numbers are printed by one process, and the sealing by another process, and all the work of trimming and preparing the bonds and notes is done, and millions of stamps besides for your whisky and tobacco taxes; when on the next page $625,000 is appropriated simply for printing the backs of those notes and bonds in New York. By the law now the Secretary of the Treasury makes a contract with these parties in New York, which he can terminate on thirty days' notice or whatever period is agreed upon, if they do not fulfill their contracts in printing the backs of notes to the satisfaction of the Government. This clause on the next page as reported from the Committee on Appropriations compels by law the Secretary of the Treasury to continue the printing of backs of notes by these companies for a year longer from the 30th of June next, whether they fulfill their contracts to the satisfaction of the Government or not, thus taking away from him the power to terminate the contracts on thirty days' notice, or whatever notice is agreed upon in the contracts. I say it is wrong. The whole thing ought to be put in one single item, and let the contractors, bank-note companies or whoever they are, be subject to the law as it is now. The law now requires that contracts shall be made for the work; and if those contracts are not fulfilled properly and promptly they can be terminated on thirty days' notice or whatever notice is agreed upon. But if you pass the appropriation as it is here you are compelled by law to let these bank-note companies in New York, or whoever they may be, do this work for a year longer.

I understood that the chairman of the Committee on Appropriations was to have offered this amendment. I trust that he will not now oppose it. It is merely to put the two sums together and leave the work to be done as it now is. I have nothing to say in this place where all this printing ought to be done, but may have something to say when the proper time comes for it; and I have nothing now to do with any contest as to where the printing shall be done, as that matter is being investigated by a committee, but I do say that we never ought by any law of Congress to put it in the power of the bank-note companies of New York or Philadelphia or Boston or any other place to hold us for a year longer in their power, or compel us to give them the printing of these notes. We have the matter regulated by contracts which we can terminate by the notice provided, if they do not give satisfaction or fulfill their contracts properly. I have said on a former occasion that this Bureau of Engraving and Printing is the hardest worked and the poorest paid Bureau in any of the Departments. The employés are kept there seven hours and a little more, I think, each day, and I never saw a busier or more industrious body of employés in any establishment. We ought to make the appropriation large enough to pay them more than we do now for their labor.

Mr. GARFIELD. I have no objection to the amendment which the gentleman from Connecticut has offered, only if it prevails there should be inserted in this paragraph "and for other expenses of printing notes," &c., or some such words.

Mr. KELLOGG. Certainly. I accept that amendment.

Mr. KASSON. I would ask the chairman of the Committee on Appropriations whether the object would not be accomplished by merely striking out, in line 70, the words "by bank-note companies;" so that it would read:

For printing notes, bonds, and securities of the United States, $625,000.

Mr. GARFIELD. If the amendment prevails I think it would be better to put the whole in one clause; so that lines 50 to 56 would read as now, except striking out "$500,000" and adding—

And for expenses of printing notes, bonds, and other securities of the United States, $1,125,000.

Mr. MAYNARD. That is right.

The CHAIRMAN. To avoid any misconstruction in so important a matter the gentleman from Connecticut will reduce his amendment to writing.

Mr. DURHAM. I desire to say to the chairman of the Committee on Appropriations, and to all others, that this matter is being investigated now before the Committee on Banking and Currency; and I for one will not consent to any amendment that will at all trammel us in that investigation.

Mr. MAYNARD. I desire to say to my colleague on the committee that I have been observing that point, and that I think the form in which the amendment is put leaves us entirely free.

Mr. DURHAM. If we are left entirely free to investigate the matter in the interest of the Government, then I am satisfied.

Mr. KELLOGG's proposed amendment was read, as follows:

Amend by striking out "$500,000" in line 56, and inserting "$1,125,000."

Mr. KELLOGG. And I give notice that I will move to strike out the paragraph on the next page appropriating $625,000.

Mr. GARFIELD. I think that what I send to the desk will achieve the object we have in view.

The Clerk read as follows:

Strike out "$500,000" and insert after the word "work" these words:
And for other expenses of engraving and printing notes, bonds, and other securities of the United States, $1,125,000.

Mr. KELLOGG. I accept that.

Mr. HALE, of Maine. I desire to make a suggestion to the chairman of the Committee on Appropriations. If that amendment is adopted, should we not also in line 50, after the words "for labor by the day or piece," add the words "or by contract?"

Mr. KELLOGG. I accept that also.

Mr. HALE, of Maine. Let the Clerk report the entire paragraph as it will read if the amendment of the gentleman from Connecticut [Mr. KELLOGG] as modified be adopted.

The Clerk read as follows:

For labor, by the day or piece or by contract, including labor of workmen skilled in engraving, transferring, plate-printing, and other specialties necessary for carrying on the work of engraving and printing notes, bonds, and other securities of the United States, the pay for such labor to be fixed by the Secretary of the Treasury at rates not exceeding the rates usually paid for such work, and for other expenses of engraving and printing notes, bonds, and other securities of the United States, $1,125,000.

Mr. POTTER. I want to address an inquiry to the chairman of the Committee on Appropriations in relation to this amendment. During previous years there has been a contest in this House, in which he as well as I took part on opposite sides, in regard to the transfer of the printing of the United States notes and bonds to Washington. I have been entirely opposed to this work being centered at Washington, or to any great Bureau or concern for printing the notes of the Government being built up here, and I have heretofore opposed various movements in that direction.

I desire now to learn from the chairman of the Committee on Appropriations whether the effect of this amendment will be to alter the existing law as to where these notes shall be printed?

Mr. GARFIELD. It will not. And I will say to the gentleman that since we undertook to separate how much money should go to pay for the cost of printing notes here, and how much should go to pay for printing them in New York it was difficult to say exactly how we should divide it. And this proposition is to throw the two sums together in a lump; and the officers of the Treasury will be obliged to execute the law as they find it, and pay as much to the one and as much to the other as the law requires.

Mr. POTTER. To execute the law as it exists now?

Mr. GARFIELD. Yes. We do not change it in any way. Only we undertake to appropriate a specific sum instead of making a vague, indefinite appropriation.

Mr. POTTER. But it leaves the work to be done as heretofore provided by law?

Mr. GARFIELD. Absolutely; that is unchanged.

Mr. POTTER. I am entirely opposed to any more centralization of work in Washington, particularly in connection with the printing of these notes. I believe safety and economy require that the entire printing shall not be done here. I accept the statement of the chairman of the Committee on Appropriations as correct.

Mr. GARFIELD. The gentleman will remember that I was upon the other side of that question; but it is not raised here.

Mr. POTTER. I accept any statement of the distinguished gentleman from Ohio in respect of any matter of fact about which he has information. I want to say, however, that I do not intend hereafter to accept his judgment in all cases as final, because at the end of the appropriation bill of last session he introduced a provision appropriating $15,000 for a pneumatic tube to connect the Capitol with the Departments, and I then inquired if that sum of money would be sufficient to complete the work. He answered with entire correctness as he supposed, and in absolute good faith I have no doubt, that it would. But I now understand that the $15,000 has been spent and a ditch dug for the tube, but that the contractor never even began to lay the tube down, and that subsequently the ditch had to be filled up at additional expense to the Government, and the appropriation proved a dead waste.

Mr. GARFIELD. O, no; not at additional expense to the Government, nor has the whole of the $15,000 been expended.

Mr. POTTER. Hereafter I shall have to hesitate somewhat, therefore, before accepting unconditionally the judgment of my distinguished friend from Ohio; but upon any matter of fact with which he is acquainted and which he asserts here I shall still be glad to accept his statement as I now do.

Mr. HALE, of Maine. I rise for the purpose of calling attention to the subject-matter to which the gentleman from New York has just alluded, in order that the chairman of the Committee on Appropriations shall expressly here notify the House and notify the Department that this grouping of the appropriations is not intended to give the Secretary of the Treasury or the Superintendent of the Bureau of Engraving and Printing authority to aggrandize his Bureau and to draw work from other sources, where it is now being done by law, so that he may build up his Bureau. The work is better done now, with better checks, than it can be done in any other way. I hope the Department will consider that nothing in this action is intended to change that arrangement.

Mr. MAYNARD. I desire to ask the chairman of the Committee on Appropriations if in preparing this bill he had any estimate of the relative amount of the cost of printing the backs of the notes in New York by the bank-note companies, and the cost of the printing done by the Department here?

Mr. GARFIELD. There were such estimates before us, and the way we undertook to divide the two sums was by the actual amount paid last year to the bank-note companies and the actual cost for whatever work was done in the Printing Bureau here, and we reduced the whole amount nearly half a million dollars.

Mr. WHITEHOUSE. I am entirely opposed to the grouping of these two appropriations. I see no real reason for it. If the object of it is to put it within the power of the Superintendent of the Bureau of Engraving and Printing to concentrate the work here if he chooses, I shall oppose it strenuously, because I believe that the work is now well and economically done, and that no advantage can accrue from such a change. Hence I oppose the grouping of these two amounts.

Mr. PLATT, of Virginia. For the purpose of entering my protest against and dissent from the statement made by the gentleman from Maine [Mr. HALE] as to the effect of this proposed amendment, I wish to say that as one member of the House I shall vote for it, hoping that it may lead to the Government of the United States doing all the work of this kind here in the District of Columbia; and I believe that is the sentiment of a large majority of Congress.

Mr. HOLMAN. I offer the following amendment to come in immediately after the amendment of the gentleman from Connecticut, [Mr. KELLOGG:]

But no part of the sum hereby appropriated shall be applied to the expenses of the preparation and issue or reissue of the notes of a national banking association.

Mr. KELLOGG. I make the point of order on that amendment that it changes existing law.

Mr. HOLMAN. The amendment simply provides that none of the money appropriated by this paragraph shall be so applied. It is simply a limitation on the appropriation.

Mr. RANDALL. I have the same object in view as I suppose the gentleman from Indiana has, and it is to make the banks pay for the printing of these notes.

Mr. HOLMAN. Certainly.

Mr. RANDALL. I think the object can be accomplished in another way.

Mr. KELLOGG. If it is right to do it, it should be done in some other way.

Mr. RANDALL. I think we can reach it in another direction. The gentleman will observe that the bill which passed the House known as the House currency bill embraced paragraphs meeting his view.

Mr. HOLMAN. One million six hundred and forty thousand dollars are to be appropriated for the purpose of printing and issuing notes, bonds, and other securities of the United States, and I propose to provide that no part of that money shall be expended in the printing of national-bank notes.

Mr. RANDALL. I am quite in accord with the gentleman from Indiana, but I think we can reach his object in another direction.

Mr. HOLMAN. I do not see how you can do it except by a limitation on the appropriation. I would ask the chairman of the Committee on Appropriations whether under the head of "notes, bonds, and other securities of the United States" any of this money can be expended for the preparation of national-bank notes?

Mr. GARFIELD. It cannot.

Mr. HOLMAN. Judging from the report of the Comptroller I am somewhat apprehensive that it may be so used, and that is the reason why I desire to make this limitation.

Mr. KELLOGG. My point of order is that the amendment of the gentleman from Indiana [Mr. HOLMAN] proposes to change existing law.

The CHAIRMAN. Will the gentleman from Connecticut [Mr. KELLOGG] send to the Chair the existing law which this amendment proposes to change?

Mr. KELLOGG. I am not certain that I have the last law on the subject; but I apprehend there will be no dispute on the part of any member of this House who is familiar with the law that bank-notes are printed by the Government, under the direction of the Government.

Mr. HOLMAN. This is not an appropriation to print national-bank notes at all. My amendment simply provides that this amount shall not be used for that purpose.

Mr. MAYNARD. Bank-notes are printed under the authority of the Comptroller of the Currency.

Mr. HOLMAN. My object is simply to avoid the conversion of this appropriation to any such purpose.

Mr. KELLOGG. Upon the suggestion of the chairman of the Committee on Appropriations I will withdraw my point of order, and simply say to the gentleman from Indiana that if he will go through that Bureau he will find millions of stamps printed there.

Mr. HOLMAN. I understand all that; but I do not want it to be used for a different purpose.

Mr. MAYNARD. This amendment should be voted down.

Mr. HOLMAN. Being assured by the gentleman from Ohio that this money cannot be expended in the reissue of national-bank notes I will withdraw my amendment.

Mr. MERRIAM. I move to strike out the last word, for the purpose of saying that the Committee on Banking and Currency are making an investigation into the printing of currency by the Bank Note Company of New York, the Bank Note Company of Washington, and the Department. When it is completed we shall probably bring in a bill, which will be an impartial one, for the best interests of the Government. Therefore, whatever is acted upon now is not so important as to require all this discussion. I withdraw my amendment to the amendment.

The question was taken upon the amendment of Mr. KELLOGG as modified, and it was agreed to.

Mr. GARFIELD. I now move to strike out lines 69, 70, and 71 of this section.

The lines referred to were as follows:

For printing notes, bonds, and other securities of the United States by bank-note companies, $625,000.

The motion to strike out was agreed to.

The Clerk resumed the reading of the bill, and read as follows:

SEC. 3. That hereafter the rooms of each Department shall be kept open for public business and the clerical and other force therein shall be employed not less than seven hours in each working day, from which time an intermission not exceeding one half-hour each day may be taken, under rules to be established by the head of each Department.

Mr. KELLOGG. I have an amendment which I feel compelled by a sense of justice to offer to this section. It is to strike out the words "and the clerical and other force therein shall be employed." I have no objection to keeping the Departments open for seven hours a day and having a sufficient number of clerks in charge of the transaction of business kept there, so that members of Congress and the people of the United States generally can have their work attended to for seven hours each day; nor have I any objection to keeping many of the clerks there upon duties to which they can well devote seven hours a day of labor without injury to themselves or any one else. Many of them work more than seven hours now; some of them work much more than that, while others shirk all they can in the six hours.

The clerks in the loan division and in other divisions to my knowledge have to work at times ten or twelve hours a day; and many of these chiefs of divisions, called clerks in this bill, whose salaries you have unwisely in some cases cut down $500 each, work many hours to my knowledge outside and beyond the regular office hours. It is so with other clerks when the business of the Department requires it.

But there is a class of persons who ought not to be confined in the close and stifling rooms of the Department building longer than six hours a day; and I ask the attention of gentlemen to what I am about to say upon this matter. There is a class of female clerks or employés, counters and copyists, a great portion of whom are employed in work upon which they can accomplish as much, year in and year out, in six hours a day as they could do if compelled to remain there seven hours a day. Take these counters of money, of notes and currency.

Any gentleman who has been in the Treasurer's office, the Register's office, or the Secretary's office, and has seen these ladies engaged in counting money, and has noticed the rapidity with which they do their work, requiring not only the constant and wonderfully rapid work of the hand, but also the constant and continuous strain upon the eye and brain for six hours a day, so as to detect each counterfeit—for if a counterfeit is passed it is taken out of the lady's wages for the month—will understand how important it is to have proper regulations upon this subject. These counters have to become skilled in the detection of counterfeits, until many of them are now much better able to detect the counterfeits that come in large numbers to the Treasury than most of the cashiers and experts in your banks. I have conferred with the persons in charge of those Bureaus and branches of the Treasury Department, and they say that these employés can accomplish more in six hours a day, take the year in and out, than in seven hours a day. I therefore hope the amendment which I have offered will be adopted, and the hours of labor left as they now are in the Departments.

Mr. SPEER. I ask, for information, whether when this money passes through the hands of and is counted by several persons the counterfeit not detected is deducted from the pay of each one; or from whom is it taken?

Mr. KELLOGG. Let me explain to the gentleman how this is done. The money is first counted in the Treasurer's office, where it is sent in great quantities for redemption, and there made up into packages and by the counters verified. Each counter is responsible for the amount put into her hands. The packages of bills are then cut in halves in their presence, and one-half of each package is counted again in the Secretary's office and the other half in the Register's office. Of course the bills are good for nothing when cut in two. But the ladies in the Treasurer's office, where the bills are counted in the first instance, are held liable for every dollar of counterfeit bills that passes through their hands without being detected, and liable for any mistake made by them, and it is deducted from their wages. I say it is unjust and wrong to make these employés work more than six hours a day, considering the nature and responsibility of their work.

Mr. SPEER. I sympathize with the views of the gentleman, and made my inquiry of him for the information of the House.

Mr. KELLOGG. What I have said applies to many others in the Departments. There are copyists and others; there are also many ladies in the Bureau of Engraving and Printing having hundreds of dollars and thousands of dollars' worth of bonds passing through their hands every day; and for every dollar and sheet of currency or bonds that goes through their hands they are responsible. They are worked seven hours a day now in that Bureau, as they have to compete with the bank-note companies; and they are not paid as much in that Bureau as they ought to be, in my judgment. You will find very few drones in that busy Bureau; and this seven-hour section in this bill will make it worse for the interests of the service than it is now, for it gives a half-hour legal intermission at noon, and with a legal intermission the clerks and employés would have the right to leave the building and scatter over the city where they pleased and you would get really less work than you do now with six hours. And I will say also for these counters in the Treasury, as well as other ladies in the Department, that with hundreds and thousands of dollars constantly passing through their hands, you can scarcely find an instance, from the beginning to the end of the year, where the slightest act of dishonesty can be charged upon one of them. The work is so confining and exhausting that they never ought to be kept there over six hours a day.

I would go for keeping the Department building open for seven hours a day and have clerks there to do the business, if members desire it; but let the force there be regulated by the head of the Department. I am willing to trust the man at the head of the Department, for he ought to know a great deal better as to the proper hours of labor than we do.

Mr. GARFIELD. I think that there is justice in what the gentleman from Connecticut [Mr. KELLOGG] says. I cannot consent, however, to strike out the provision with reference to the whole clerical force. I therefore move to amend the section by adding the following proviso:

Provided, That the heads of the several Departments may allow a less number of hours as a day's work than herein provided for counters of money and those engaged in similar severe work.

Mr. KELLOGG. I think we should strike out the words "and other force therein employed," so as to leave this matter to be regulated by the heads of Departments.

Several MEMBERS. O, no.

Mr. LAWRENCE obtained the floor.

Mr. ALBRIGHT. I do not believe that this proviso is exactly the thing. I do not think it proper to allow the head of any Department to fix the working hours of the employés.

The CHAIRMAN. The gentleman from Ohio [Mr. LAWRENCE] is entitled to the floor.

Mr. LAWRENCE. I wish to call the attention of the committee to the provision now pending, which is—

That hereafter the rooms of each Department shall be kept open for public business and the clerical and other force therein shall be employed not less than seven hours in each working day.

It is probably not understood that this provision will reduce the number of working hours as now fixed by law. There is now in force a statute providing that the Departments shall be kept open eight hours each day, Sundays excepted. That provision applies, I believe, to all the Departments except perhaps some of the Bureaus in the Interior Department. Now what is the object of the pending section? Is it to increase or decrease the number of working hours? I say that the object is, or the effect will be, to make a reduction. If that be not the object no such provision is necessary. The law already requires eight hours' duty; but there is not, I believe, a single Department that pays the least attention to that law. The clerks and employés as a general rule work only about six hours.

This section of the bill, if adopted, will increase the expenses of the Government and reduce the hours of labor as they exist by the law now in force. I hope this provision will be struck out. I move to strike out the whole section.

Mr. GARFIELD. My colleague [Mr. LAWRENCE] is mistaken on one point. We do not by this section reduce the number of hours of labor required in the Departments.

Mr. LAWRENCE. You will see whether you do not.

Mr. GARFIELD. I am perfectly familiar with the law to which the gentleman refers—the law of 1836. It requires that the Departments shall be kept open for business; but it does not require the clerical force to be employed there during all the time the Departments are open.

Mr. LAWRENCE. Is not that the object of the law? Is not that what it means?

Mr. GARFIELD. Its language requires nothing more than that the offices shall be kept open; and it has never been construed in any other way. Persons have been kept in the Departments to keep the doors open—to keep the offices open; and so far as the technical language of the law is concerned it has been complied with in that way and no other way. It is true that during the war some of the Departments worked eight hours. It is true that the State Department now works at least seven hours; but this is done simply because the business requires it.

In looking over the whole subject the Committee on Appropriations came to the conclusion that some law was needed to require the clerical force to be kept at work; to designate in some way what should be a clerical day's work; a day's work not for the building, not for the rooms, but for the persons employed there. For this reason we thought it best to insert this section. After debating whether seven hours or eight hours should be the rule, we were of the opinion that for many classes of clerical duty, such as that of the accountants, who have long columns of figures to add, or the counters of money, it would be almost criminal severity to require eight hours' daily duty. We therefore fixed upon seven hours as a proper requirement, being less than what is required outside of Government employ.

Mr. KELLOGG. I prefer that the words I have indicated be struck out, because I think we ought to leave this matter to the heads of the Departments. My former remarks applied to other offices besides that of the Treasurer.

It will be observed that the section contains a provision for a half hour's intermission each day. Now it is the universal testimony of the heads of the Departments, so far as I have talked with them, that this provision in the bill, with the allowance of a half hour's intermission, will make the matter worse than it is now; that they will not get as much work in seven hours with a half hour's intermission as they get now. In some Departments seven hours is already the rule.

The CHAIRMAN, (Mr. MAYNARD.) The gentleman from Ohio [Mr. LAWRENCE] has made a motion to strike out the section. Before that question is taken there are two independent amendments to be voted upon; one offered by the gentleman from Connecticut [Mr. KELLOGG] and the other by the gentleman from Ohio, [Mr. GARFIELD.]

Mr. GARFIELD. I withdraw my amendment.

The question being on the amendment of Mr. KELLOGG, there were—ayes 63, noes 65; no quorum voting.

The committee again divided; and the tellers reported—ayes 87, noes 59.

So Mr. KELLOGG's amendment was agreed to.

Mr. LAWRENCE. I move to strike out the last word for the purpose of showing that my colleague is mistaken in reference to the law. I ask the Clerk to read an extract from the statutes which I send up, as I find it in Durant's revision of the laws.

The Clerk read as follows:

SEC. 165. From the 1st day of October until the 1st day of April, in each year, all the Bureaus and offices in the Departments shall be open for the transaction of the public business at least eight hours in each day; and from the 1st day of April until the 1st day of October, in each year, at least ten hours in each day; except Sundays and days declared public holidays by law.

Mr. LAWRENCE. It will be seen that my colleague, the chairman of the Committee on Appropriations, is in error in stating there is now no law on the subject, or in saying there is no law fixing the hours of work. The law does provide that all Bureaus and offices in the Departments shall be open for the *transaction of the public business at least eight hours in each day*. It will not do to say this only means that the office doors shall be kept open; that would be too narrow a construction. When the law requires the "*transaction of business*" for eight hours, it fixes the hours of work. I know no reason why the clerks and employés should not devote eight hours a day to work. Congress fixed eight hours as a day's work for laboring men, and I

know no reason why clerks should work less. No man has more respect for clerks than I have. They are useful and their business is honorable. They deserve consideration and respect. I do not believe they desire a discrimination in their favor and against laboring men in the hours of work. Members of Congress are compelled to work more than eight hours a day. I now withdraw the motion to strike out the last word.

The question recurred on the motion of Mr. LAWRENCE to strike out the whole paragraph as amended.

The committee divided; and there were—ayes 57, noes 68; no quorum voting.

Mr. SENER demanded tellers.

Tellers were ordered; and Mr. WOODFORD and Mr. LAWRENCE were appointed.

The committee again divided; and the tellers reported—ayes 82, noes 74.

So the motion was agreed to, and the paragraph was stricken out.

Mr. EAMES. I move to insert the following in place of the paragraph stricken out:

The Clerk read as follows:

SEC. 3. The postage on the Agricultural Report shall hereafter be ten cents.

Mr. GARFIELD. I make the point of order on that that it changes the existing law.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MILLS. I move the following amendment.

The Clerk read as follows:

And the heads of the different Departments in the city of Washington are hereby directed to revise their lists of employés, and to distribute their appointments among the several States and Territories according to their respective populations, so far as the same can be done without detriment to the public service.

Mr. GARFIELD. I make the point of order on that amendment.

The CHAIRMAN. The gentleman from Ohio makes the point of order that it involves a change of existing law.

Mr. MILLS. What existing law?

Mr. GARFIELD. I make the point of order that it is new legislation.

The CHAIRMAN. The Chair sustains the point of order, and the amendment is ruled out.

Mr. HOLMAN. I move the following.

The Clerk read as follows:

No part of the money appropriated by this act shall be applied in the preparation of new plates and reissue of the notes of the national banking associations.

Mr. HOLMAN. I wish to say one word in explanation of that amendment. I understand the effect of the consolidation of the items in reference to printing by the Bureau of Engraving and Printing and the bank-note companies may be, although it is not intended, that a portion of the appropriation may be used for the reissue of the national-bank notes. Congress has uniformly held that the preparation of new plates and reissue of the national-bank notes when done shall be at the expense of the banks and not a tax upon the Treasury. My amendment is to prevent any portion of the money being used for the payment of the reissue of the national-bank notes.

Mr. GARFIELD. I rise to oppose the amendment, and call for a vote.

The committee divided; and there were—ayes 46, noes 101.

So the amendment was disagreed to.

Mr. HOLMAN. I reoffer the same amendment, changing the word "applied" to the word "appropriated;" and I do that to make just this further remark: If it is the intention of this committee to appropriate $600,000 of this money for the preparation of new plates and reissue of the currency of the national banks, I hope it will say so fairly and frankly in order that the country may not be deceived into any different belief.

Mr. GARFIELD. I do not think that is at all possible, if that be the question raised by the gentleman from Indiana. There was an appropriation last winter for new plates and a new issue of national-bank currency, and that appropriation is still unused simply because the banks have not called for new notes, coupled as the law is with a provision to tax the banks to the full amount of the cost of the reissue.

Mr. HOLMAN. Does not the gentleman know that the Comptroller of the Currency could not enforce that against the national banks, and proposes that Congress should directly appropriate $600,000 out of the Treasury for that purpose?

Mr. GARFIELD. On the contrary he has recommended that Congress shall repeal that law so far as new plates are concerned, saying they are unnecessary.

Mr. HOLMAN. I have the assurance, then, of the chairman of the committee that no portion of this appropriation will be used for the preparation of new plates and a reissue of the national-bank notes at the expense of the Government.

Mr. GARFIELD. I am perfectly sure about that.

Mr. HOLMAN. Then I withdraw my amendment.

The Clerk read as follows:

SEC. 4. That on the 1st day of July of each year, the Secretary of the Treasury shall cause all unexpended balances of appropriations, which shall have remained upon the books of the Treasury for two fiscal years, to be carried to the surplus fund.

Mr. GARFIELD. There are two amendments which I desire to offer, in order to make it doubly sure that we have cut off from the War Department all power of employing persons in the general service. I send to the desk to be read an amendment, to come in at the end of the clause inserted on the motion of the gentleman from Indiana [Mr. WILLIAMS] in relation to the War Department.

Mr. YOUNG, of Georgia. I had risen to offer an amendment to the paragraph which has just been read, the fourth section of the bill.

Mr. GARFIELD. I ask the gentleman to yield to me for the present.

The CHAIRMAN. Is there unanimous consent that the committee shall return to the paragraph relating to the War Department, for the purpose indicated by the gentleman from Ohio?

Mr. SPEER. I reserve the right of objection until the amendment shall be read.

The CHAIRMAN. The amendment of the gentleman from Ohio [Mr. GARFIELD] will be read.

The Clerk read as follows:

That it is further made the duty of the Secretary of War, when the reduction of clerks now employed shall take effect under the provisions of this act, to retain, as far as possible, such of the enlisted men and discharged soldiers as are now employed in the several Bureaus of said Department, where the same can be done with a due regard to the dispatch of public business. And it is hereby made the duty of the Secretary of War to place such enlisted men so retained upon the civil list, so as to entitle them to promotion under the civil-service regulations. And hereafter it shall be unlawful to allow or pay, to any of the persons designated in this act, any additional compensation from any source whatever, or to retain, detail, or employ them in any branch of the War Department except in the Signal Service and Engineer Corps; and except such commissioned officers as the Secretary of War may from time to time assign to special duties; and it shall be the duty of the Secretary of War to reduce the number of temporary clerks and others authorized by this act as fast as the wants of the public service will permit.

Mr. GARFIELD. I wish to make an explanation of this amendment.

Mr. MCKEE. In the meanwhile I reserve the point of order.

Mr. GARFIELD. The amendment offered, with two or three trifling exceptions to perfect it, is an amendment proposed by the Committee on Military Affairs. It is this: It repeals all those laws that authorize the Secretary of War to put in as clerks enlisted men and persons in what is known as the general service. It sweeps all that power away absolutely. Furthermore it directs that, in making up the list of those persons designated in this bill as clerks, he shall retain those soldiers that are now in the general service whom he is now employing in so far as they are doing their work well.

Mr. MILLS. I rise to a question of order. I desire to ask what is the difference, as regards the point of order, between the amendment which I offered some time ago, on which the gentleman made the point of order, and that which the gentleman himself now offers, directing the manner in which certain persons shall be employed? My amendment embraced only the same point.

Mr. GARFIELD. This is needed, because we have already started on that line.

Mr. MILLS. I believe the gentleman from Ohio is a fair man, and I appeal to his fairness and sense of justice to permit my amendment to be submitted to the committee.

Mr. GARFIELD. I shall be happy to hear what the gentleman has to say after this has been acted upon.

Mr. SPEER. I wish to ask the gentleman from Ohio whether the effect of this amendment offered by him is to authorize and direct the head of the Department to prefer discharged soldiers to civilians?

Mr. GARFIELD. It is.

Mr. SPEER. Then it is right.

Mr. ALBRIGHT. I would suggest whether it would not be proper to make the amendment applicable to all the other Departments?

Mr. GARFIELD. By this amendment these men are released from the military arrangements under which they have been serving, and are brought upon the regular civil list. It merely transfers them from the Army list as enlisted men to the civil list.

Mr. DONNAN. Are the terms "enlisted men" and "discharged soldiers" both intended to include Union soldiers only?

Mr. GARFIELD. I suppose so. I cannot suppose anything else.

Mr. DONNAN. I understand that the Department puts another construction on the term "enlisted men."

Mr. ALBRIGHT. I wish to amend the amendment offered by the gentleman from Ohio by adding after the words "War Department" "the Treasury Department, the Department of the Interior," &c.

Mr. GARFIELD. O, no; because this legislation relates only to the War Department. There are no general-service men elsewhere than in the War Department.

Mr. ALBRIGHT. There are discharged soldiers.

Mr. GARFIELD. This does not provide for putting in new men.

Mr. ALBRIGHT. But it provides for retaining the discharged soldiers and giving them preference in promotion.

Mr. GARFIELD. I ask the gentleman not to complicate this amendment by adding other Departments.

The CHAIRMAN. The amendment has been reported to the committee. The point of order has been raised that it involves new legislation. Is that point of order insisted upon? [After a pause.] As no gentleman rises to insist on the point of order, the Chair rules that the amendment is properly before the committee and recognizes the gentleman from Indiana [Mr. WILLIAMS] as entitled to the floor.

Mr. MCLEAN. I understood my colleague [Mr. MILLS] to insist on the point of order.

Mr. MILLS. The amendment of the gentleman from Ohio is liable to the same point of order as was made upon the amendment which I offered. But a soldier being involved in the case, with whom I always sympathize, caring not what color of clothes he wore, I do not insist on the point of order.

Mr. WILLIAMS, of Indiana. I will state that this amendment comprises two sections which were a part of the bill which I introduced for the reorganization of the War Department. There are quite a number of discharged soldiers employed in that Department, who are very good clerks, and this simply gives them the preference in being retained over civilians. It meets the approbation of the Department, and I hope there will be no objection to it.

Mr. ALBRIGHT. I do not object to it, but I want it to apply to the other Departments. [Loud cries of "Vote!" "Vote!" "Vote!"]

The CHAIRMAN. The calls for a vote are entirely out of order, and until the committee desist from it the Chair will not put any question to the committee.

Mr. ALBRIGHT. I was going to ask this question: If it is a good thing to provide that discharged soldiers who are employed as clerks in the War Department shall be retained in preference to others, why is it not a good thing to provide that discharged soldiers who are employed in the other Departments shall be retained?

Mr. GARFIELD. The answer to that, if the gentleman pleases, is this: That the amendments adopted in regard to the War Department require them to discharge a large number of persons now employed as clerks, one hundred and ninety-four clerks; and we simply say that in discharging them they shall retain those who have been soldiers in preference to others, if they are just as good clerks. This provision would not apply to other Departments where no reduction of force is made.

Mr. HOLMAN. This is a very good proposition, and I hope it will be adopted.

Mr. WALLS. I raise the point of order that the amendment of the gentleman from Ohio [Mr. GARFIELD] involves new legislation.

Mr. SPEER. It is too late to raise that point of order.

The CHAIRMAN. The Chair asked the committee if those points of order which had been reserved were withdrawn. If the gentleman from Florida states to the Chair that he raised the point of order——

Mr. WALLS. I do.

The CHAIRMAN. And was not heard by the Chair, of course it will be the duty of the Chair to entertain it.

Mr. GARFIELD. It is far too late to make the point of order now.

Mr. G. F. HOAR. The amendment has been discussed by the gentleman from Indiana [Mr. WILLIAMS] and others.

The CHAIRMAN. Let the Chair make one statement. So great is the disorder that it is impossible for the Chair to hear statements or motions. If the gentleman from Florida upon his honor as a member states to the Chair that he made the point of order, and the Chair did not hear him, the Chair will rule that the point is within time and will rule out the amendment.

Mr. WALLS. The reason I make the point of order is this——

Mr. HAWLEY, of Illinois. He makes it now for the first time.

The CHAIRMAN. Did the gentleman from Florida make the point of order at any time before the gentleman from Indiana [Mr. WILLIAMS] had taken his seat?

Mr. WALLS. I withdraw the point of order.

The question was taken on Mr. GARFIELD'S amendment; and it was agreed to.

Mr. YOUNG, of Georgia. I offer the following amendment. I move to strike out in the last line of section 4 the words "carried to the surplus fund," and to insert in lieu thereof the words "covered into the Treasury of the United States."

I do not desire to discuss the amendment as the hour is so late, but it seems to me a dangerous practice to have a surplus fund. I do not see any use for it, and therefore I make the motion that these unexpended balances of appropriation shall be covered into the Treasury of the United States.

Mr. BECK. I offer the following amendment to the amendment. After the word "that" in line 1 insert the words "from and after the passage of this act and;" and after the word "year" in line 1 insert the word "hereafter;" strike out in lines 4 and 5 the words "carried to the surplus fund," and insert in lieu thereof the words "covered into the Treasury of the United States;" so that it will read:

SEC. 4. That from and after the passage of this act, and on the 1st day of July of each year, hereafter, the Secretary of the Treasury shall cause all unexpended balances of appropriations which shall have remained upon the books of the Treasury for two fiscal years to be covered into the Treasury of the United States.

The CHAIRMAN. Does the gentleman from Georgia accept that amendment?

Mr. YOUNG, of Georgia. Yes, sir; I accept it.

Mr. BECK. I desire to be heard upon it, if I can get the attention of the committee.

Mr. YOUNG, of Georgia. I shall renew my amendment, if the amendment of the gentleman from Kentucky shall be voted down.

Mr. BECK. This matter has been talked about very much in this House. On the 12th of July, 1870, Congress among other things made this provision: "That all balances of appropriation which shall have remained on the books of the Treasury without being drawn against in the settlement of accounts for two years from the date of the appropriation made by law" shall go into the Treasury of the United States. A construction has been given to that provision upon which a great deal has been said, that when they could draw upon the appropriation for any purpose whatever they could keep the money out of the Treasury, and in accordance with that construction which is unwarranted under the law, or any possible construction of it, and is a clear perversion of the language, you will find, if you will turn to the Book of Estimates, that the sum of $52,000,000 that was appropriated specifically for the year 1871, two whole fiscal years having elapsed before the beginning of this year, is still being drawn upon. The Postmaster-General himself, as you will see on page 237, drew $500,000 out of that appropriation after the 1st of July and before the 1st of September of the present fiscal year.

I want to make this plain because millions of dollars are every year taken wrongfully out of the Treasury. Some time ago I introduced a resolution calling upon the Secretary of the Treasury to tell us how much had been drawn up to the 1st of March last; we had it up to the 1st day of September. The Committee on Appropriations desired to have the resolution referred to them, and it was so referred. On the 12th of March the committee reported back the resolution, and the House passed it with this addition:

And if any balances of said appropriation have been so drawn, that the Secretary of the Treasury report under what construction of law the same have been drawn, with a copy of the opinion of any officer of the Government as authority for such construction.

I have watched carefully every day since; I went to the Clerk's office this morning, and I am advised that no answer has yet been sent to that resolution, though it is now the 25th of April.

Mr. GARFIELD. I have heard of no answer to it.

Mr. BECK. I have watched for an answer every day since this resolution was adopted. They are now drawing on these old balances of 1871. During the first three months after those balances should have been covered into the Treasury they drew more than $1,000,000 from them. By the express terms of the law those balances could not be drawn upon after two years. Section 5 of the same act requires that all appropriations made for a fiscal year shall be limited by law to the service of that year. Yet this Book of Estimates shows that, in spite of that law and in the face of it, these moneys are being drawn, and the Secretary of the Treasury has held a resolution of this House for six weeks, refusing to tell us how much has been drawn this year out of the balances of 1871.

Now I hold that the law of 1870 ought to be complied with; that after two years every dollar of an appropriation should go into the Treasury of the United States that has not been drawn for the service for which the appropriation was made. I do not see why we should wait until the 1st day of July next, as this bill proposes; there is no propriety in that. The moment this bill passes it ought to be out of the power of the Secretary of the Treasury to draw a dollar out of these balances.

The complaint I have repeatedly made on this floor is that the Executive Departments do not obey the laws of Congress. No money should be taken out of the Treasury of the United States except by the judgment of a court or an act of the representatives of the people. We have in the last four years remedied the evil in great part. This bill, if amended as I propose, will remedy it more than anything else. Money is now taken out of the Treasury by a false construction of the law. The gentleman from Massachusetts [Mr. DAWES] himself drew that law when I was upon the committee with him, and we thought we had put this matter beyond their power; and it is beyond their power if they will but obey the law. And the amendment I have proposed will make the law so plain that it will be even beyond departmental construction to evade it.

Mr. GARFIELD. I agree with the gentleman from Kentucky [Mr. BECK] in the necessity of making this law perfectly clear. But I wish to make a suggestion to him which I think he will agree to. It is that he modify his amendment so as not to strike out the words "to be carried to the surplus fund." That is a technical expression which has been in use in the Treasury Department for many years. It is what is always done as a preliminary to covering into the Treasury. Let the gentleman add to that clause the last clause of his amendment instead of making it a substitute for it, so that it will read "to be carried to the surplus fund and covered into the Treasury." Whenever anything is carried into the surplus fund it is as much out of reach as when it is disposed of in any other way.

Mr. DAWES. The gentleman will accomplish all he wants in that way.

Mr. BECK. If that is so I will not object.

Mr. YOUNG, of Georgia. I insist upon striking out the words "to be carried to the surplus fund."

Mr. GARFIELD. Those words should not be stricken out.

Mr. YOUNG, of Georgia. What do you want them in for?

Mr. GARFIELD. The surplus fund is a name given to an account of all funds found unavailable for use or unnecessary. It is a part of the book-keeping of the Treasury Department, that whenever any fund reaches a point where it can no longer be drawn upon it is entered upon what is called the surplus-fund account, and from the surplus-fund account it is covered into the Treasury. It has to go through that step to get into the Treasury.

Mr. YOUNG, of Georgia. I withdraw my objection.

Mr. BECK. I merely want to say this: I find that in section 5 of the law of 1870 it is provided that all moneys not used to fill contracts

for that year nor needed for the purpose "shall be carried into the surplus fund." I think the gentleman from Ohio [Mr. GARFIELD] is correct in his suggestion, and I modify my amendment accordingly.

Mr. GARFIELD. The law requires them to be carried there.

Mr. BECK. In view of the explanation of the gentleman from Ohio [Mr. GARFIELD] I withdraw so much of my amendment as proposes to strike out the words "carried to the surplus fund."

Mr. RANDALL. I wish to put an inquiry to the chairman of the Committee on Appropriations: When do the two years spoken of in this section commence? Is it at the beginning of the fiscal year, when the credits of the various accounts commence, or two years after the 30th day of June?

Mr. GARFIELD. It commences from whatever date the appropriation is available. If we make an appropriation for the fiscal year beginning next July, then it takes effect two years from that date.

Mr. RANDALL. Then it would take effect July, 1876.

Mr. GARFIELD. Yes, sir.

Mr. RANDALL. That is to say, the money would be covered into the Treasury then?

Mr. GARFIELD. Yes, sir.

Mr. MAYNARD. I move to amend the section by inserting in the third line, after the word "appropriations," the words "except appropriations for specific works," so that the clause will read "unexpended balances of appropriations, except appropriations for specific works."

Mr. RANDALL. That would defeat the object of the section. All our appropriations are specific.

Mr. MAYNARD. The great inconvenience and difficulty in the execution of this law is that it is made to apply to appropriations which it was never intended to cover, or which at any rate have no connection with the evil that occasioned the enactment; for example, an appropriation for a river or a harbor, or for a public building, or for some specific scientific object.

Mr. DAWES. In any such appropriation, where the provision is thought necessary, we provide that it shall continue available until expended; and such a provision would of course modify the operation of this general law. But we ought not to have a standing exception.

Mr. MAYNARD. The gentleman is aware that a great deal of inconvenience has resulted where, for some technical reason, a work has been delayed until the spring of the fiscal year to which the appropriation applied, and the 1st of July arriving before the work was completed, the whole work had to be stopped until Congress met again. It is with reference to that class of cases—not a very numerous class, perhaps, but still an important class, and one in which a great deal of inconvenience has arisen from the want of such a provision—that I have suggested the amendment.

Mr. DAWES. An appropriation is not covered into the Treasury till two years have elapsed; and whenever it is necessary that it should continue available, it can be so specified in the appropriation. You will find in the river and harbor bill provisions so worded as to avoid the lapsing of the appropriation at the end of two years.

Mr. MAYNARD. Having accomplished my object by bringing the point to the attention of the House, and eliciting the explanations which have been made, I will, with the consent of the committee, withdraw my amendment.

The CHAIRMAN. Pending the amendment of the gentleman from Kentucky, [Mr. BECK,] the gentleman from Ohio [Mr. GARFIELD] asks unanimous consent to amend the section by adding the words "and covered into the Treasury."

There being no objection, the section was modified accordingly.

The question then recurred on the amendment of Mr. BECK, which, as modified, proposed to make the section read as follows:

That from and after the passage of this act, and on the 1st day of July of each year hereafter, the Secretary of the Treasury shall cause all unexpended balances of appropriations which shall have remained upon the books of the Treasury for two fiscal years to be carried to the surplus fund and covered into the Treasury.

The amendment was adopted.

Mr. MILLS. Mr. Chairman, the gentleman from Ohio has had the kindness to withdraw his point of order to the amendment which I sent to the desk. If members will restrain for a few moments their impatient desire to finish up the bill, I wish to present a few facts in connection with the amendment I have offered.

Mr. CONGER. Will the gentleman from Texas allow me to offer an amendment before he proceeds with his remarks?

Mr. MILLS. Yes, sir.

Mr. CONGER. I move to amend by adding to the section these words:

Provided, That this provision shall not apply to river and harbor appropriations or light-house appropriations.

I wish to say only a word upon this amendment. The surveys ordered for rivers and harbors, especially the long rivers in the Southern States, frequently require more than two years to perfect them through their whole length. The case is the same with some of the appropriations for river improvements.

Mr. MILLS. The gentleman's amendment has no sort of reference to mine.

Mr. CONGER. I know that; but I thought it might be offered and adopted before the gentleman proceeded with his remarks.

Mr. MILLS. The gentleman can be heard after I am through.

Mr. CONGER. Very well.

Mr. MILLS. Mr. Chairman, I have examined with some care the Blue-Book which lies on our tables to see where the army of appointees who fill the different Departments come from. Of the five or six thousand Department employés appearing on the pages of that book (exclusive of the small army of employés whose names will not be found there) I find that nearly two thousand are from the District of Columbia; some seven or eight hundred from Pennsylvania, and about the same number from New York. Most of the employés in the Departments are from right around this city. In proportion as we go away from the capital the number becomes less; and from my own State there are but ten. My State has six Representatives on this floor, while the State of New York with only six times as many Representatives has over sixty times as many of these employés. The case is similar with all the States of the South. I make this statement in order to appeal to this House to do to the Southern States an act of simple justice in giving to them a fair proportion of the offices to be distributed by the Departments.

A similar ground of complaint exists with reference to other States; but I am not their advocate here. They have members on this floor and upon the committee, who are fully able to represent their interests.

Mr. McLEAN. Is there one clerk in any Department from Texas?

Mr. MILLS. Yes, sir, there are ten.

Mr. McLEAN. Does my colleague believe that one of them was ever in the State of Texas?

Mr. MILLS. I cannot answer as to that; but the Blue-Book says there are ten clerks in the Departments here from Texas.

Now, Mr. Chairman, I know it will be a difficult and embarrassing question to make an arbitrary rule to compel the Departments to adopt that rule and distribute clerkships according to population. You will see, therefore, I have made it upon the principle that it shall not act detrimentally to the public service; that, so far as it can be done consistently with the public service, the different heads of the Departments shall apportion the employés so as to represent the population of the different States and Territories. I hope the House will adopt the amendment.

The CHAIRMAN. The gentleman from Texas moves an amendment to the bill, which the Clerk will read.

The Clerk read as follows:

And the heads of the different Departments in the city of Washington are hereby directed to revise their lists of employés, and distribute their appointments among the several States and Territories according to their respective population, so far as the same can be done without detriment to the public service.

Mr. WILLARD, of Vermont. I make the point of order that is new legislation, and therefore out of order to this bill.

Mr. McKEE. That is hardly a fair deal after what has occurred.

Mr. MILLS. I did not make the point when the other question was up.

Mr. GARFIELD. I do not make the point of order now.

Mr. MILLS. I know the gentleman does not, but I appeal to the gentleman from Vermont not to insist on his point of order.

Mr. WILLARD, of Vermont. I must insist on my point of order, as this is a matter which ought to be discussed with more than a five-minute debate. It is too important a proposition to be acted on in this way, and I insist on my point of order.

Mr. McKEE. I should like to have the gentleman who makes this point of order state where this provision is new legislation. Let him cite the rule.

Mr. SPEER. Does not the point of order come too late, after the gentleman from Texas has debated the question?

The CHAIRMAN. The exact condition of things is this: The gentleman from Michigan offered an amendment in limitation of section 4. That was read from the Clerk's desk. Then the gentleman from Texas rose, and by the courtesy of the gentleman from Michigan was allowed to explain his amendment, which had not been then reported. It was then reported to the House, when the gentleman from Vermont raised the point of order; and certainly it seems to the Chair it is in time.

Mr. SPEER. On that statement of facts, the Chair is certainly right.

The CHAIRMAN. The Chair decides the point of order to be well taken, and rules the amendment out. The question next recurs on the amendment moved by the gentleman from Michigan, [Mr. CONGER,] and it will be again reported.

The Clerk read as follows:

Add to the bill the following proviso:
Provided, That this provision shall not apply to river and harbor appropriations or light-house appropriations.

Mr. McKEE. I make the same point of order against this, that it provides for new legislation.

Mr. MILLS. I wish to give notice that I will bring in a bill on Monday morning, making the same provision as my amendment which was ruled out of order, and shall move a suspension of the rules to put it on its passage.

Mr. BECK. I make the point of order on the amendment of the gentleman from Michigan that it provides for new legislation, and I send to the Clerk's desk sections 5 and 6 of the act of 1870 to be read.

Mr. McKEE. Will it be in order to take an appeal from the decision of the Chair in reference to the amendment moved by the gentleman from Texas?

Mr. GARFIELD. I hope we will take a vote on the pending amendment, and then rise and report the bill to the House.

The CHAIRMAN. The Chair decides with reference to the point of order raised on the amendment of the gentleman from Michigan that it seems to the Chair to be well taken.

Mr. CONGER. Before my amendment is ruled out I wish to say a word or two on the point that it provides for new legislation. Now, the section itself to which I move to add this proviso is new legislation, and therefore may be amended of course in the way I propose.

The CHAIRMAN. The Chair rules that as the section itself provides for new legislation any amendment germane to the section is in order.

Mr. CONGER. As my amendment is now ruled to be in order, I wish to say one word on it. There are several of the surveys ordered for long rivers, continued year after year under the same appropriation, which have to be performed by engineers in the service of the Government from year to year. We must either continue this appropriation or reappropriate it; and I think there is no necessity for a reappropriation in this matter.

Mr. TREMAIN. I rise to offer an amendment to the amendment.

Mr. McKEE. I ask the decision of the Chair on the question, whether it is too late to appeal from his ruling?

The CHAIRMAN. The Chair is clearly of the opinion that it is too late for the gentleman from Mississippi [Mr. McKEE] to appeal. But after the pending amendment shall have been acted upon, if there be no objection on the part of the committee, the Chair will make none to the gentleman taking an appeal from the decision of the Chair. The Chair will put no limitation on the action of the committee.

Mr. TYNER. I shall object.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from New York, [Mr. TREMAIN.]

The Clerk read as follows:

Add these words:
And public buildings, the appropriations for which shall only lapse according to the provisions of existing law.

Mr. TREMAIN. I want to call the attention of the committee to the amendment in regard to public buildings. It seems to me that this new legislation is very important, and that very great wrong may be done unless existing rights are reserved. As the law now stands, and as it has been construed by the Department, wherever any part of an appropriation has been drawn it has not been considered that the appropriation would lapse within two years from the time of the original appropriation, but under this new law any unexpended amount would absolutely lapse:

Now take this case: Appropriations have been made for a large number of public buildings. Part of an appropriation only has been drawn. The works are going on. Take, for instance, my own city of Albany. An appropriation was made for a public building there which will lapse on the 1st of July next. An appropriation of $350,000 was made, if the city of Albany would raise $150,000 to pay for the balance of the site. Within the last thirty days an appropriation was made by our common council of the whole $150,000; and we are now proceeding by a jury to obtain the balance of the site, the site having been selected. A small portion of the appropriation has already been drawn to pay for the expense of getting the site; and we supposed that this continued the appropriation.

I do not see, however, unless our rights are reserved, that we will not be entirely cut off under this new law after the 1st of July, the whole amount of $350,000 lapsing into the Treasury. So that all we have done will be lost.

Mr. MAYNARD. That will be the operation of the law.

Mr. TREMAIN. Then I ask the committee to remember that the Committee on Appropriations reported a bill to cover into the Treasury all these unexpended appropriations; but the House by an overwhelming majority referred it to the Committee on Public Buildings and Grounds, and that committee has reported no bill that will save these appropriations from the effect of this law.

Is this an attempt to get round the action of this House in deciding to refer that bill reported from the Committee on Appropriations to the Committee on Public Buildings and Grounds? It seems to me that legislating in this manner is irregular, and if legislation of this kind is to be considered I submit to the House that they should not in this hasty manner take action by which millions of appropriation will be lost.

Mr. SPEER. I think the gentleman from New York is in error in stating the effect of the bill. The bill reported by the Committee on Appropriations and referred to the Committee on Public Buildings and Grounds was not a bill for covering into the Treasury unexpended balances; but if I recollect rightly it was a bill providing that all appropriations on buildings still uncommenced should be suspended for the present.

Mr. TREMAIN. That is the case. I understand where no site has been procured and no contract made the appropriation will then lapse.

Mr. SPEER. The gentleman is in error. It was simply a suspension for the time being of the entire appropriation; it was not to cover the balance into the Treasury.

Mr. TREMAIN. This section causes the lapse.

Mr. SPEER. This section; but that was not the effect of the bill.

Mr. GARFIELD. The gentleman from New York [Mr. TREMAIN] mistakes the effect of this legislation. We had precisely this sort of law passed in 1870. There was a doubt, however, in regard to its construction, and this merely makes certain a construction about which Congress has for years been quarreling with the Treasury Department.

Mr. TREMAIN. Then if this introduces no new law, what is the objection to the language of my amendment which declares that as to existing appropriations for buildings the existing law shall apply? The Department have already construed it. We have acted upon their construction, believing it unnecessary to get a new appropriation, part of the appropriation having been drawn for the expense of procuring the site. We thought it unnecessary, therefore, to get a new appropriation; but if the construction of the Department is overruled by this law we lose the appropriation.

Mr. G. F. HOAR. The gentleman from New York [Mr. TREMAIN] will observe that this clause allows the appropriation to stand for two years from the time it was made. The measure which was voted down proposed to stop in a day every appropriation which had been made for buildings up to the present time.

Mr. TREMAIN. Under the existing law our appropriation would expire two years after the 1st of July.

Mr. G. F. HOAR. Well, your appropriation will lapse any way, whether this amendment be adopted or not.

Mr. TREMAIN. Not according to the past construction of the Department; because nothing has been done toward the construction of the building.

Mr. HYDE. I rise to a point of order. I submit that debate is exhausted on the pending amendment.

The CHAIRMAN. Affirmative debate on the pending amendment is exhausted.

Mr. GARFIELD. Then let us have a vote.

The question was taken upon the amendment to the amendment offered by Mr. TREMAIN; and it was agreed to.

The question recurred upon agreeing to Mr. CONGER's amendment as amended.

Mr. BRADLEY. I offer the following amendment as a substitute for the amendment offered by my colleague. In line 3, after the word "appropriations" and before the word "which," insert "remaining to the credit of the respective funds herein named."

Mr. CONGER. That is not an amendment to my amendment.

Mr. BRADLEY. If gentlemen will allow me for one moment, I will explain my object in offering that amendment. The effect of it would be to confine the provisions of the section covering into the Treasury the several balances relating to the subjects named in this bill, and so as not to affect the other appropriations made.

Mr. GARFIELD. O, that would be a very bad amendment.

The question was taken on the amendment to the amendment offered by Mr. BRADLEY; and it was not agreed to.

The amendment offered by Mr. CONGER, as amended, was then agreed to.

Mr. DUNNELL. I offer the following as an additional section to the bill:

Wherever under this bill a discharge of employés is made, soldiers shall be retained on the same conditions as provided for in this bill relating to the War Department.

Mr. GARFIELD. There is no objection to that.

Mr. G. F. HOAR. If I recollect the amendment in relation to the War Department, the Department was authorized to employ soldiers now enlisted under certain circumstances. Now, this amendment would extend that provision to the other Departments; would it not?

Mr. DUNNELL. My amendment simply has reference to retaining soldiers, when clerks are to be discharged, in preference to others.

The CHAIRMAN. The Chair will state, in answer to the inquiry of the gentleman from Massachusetts, [Mr. G. F. HOAR,] that the paragraph relating to the War Department did allow that Department to retain men at present enlisted in the regular Army.

Mr. BECK. I make the point of order that the amendment of the gentleman from Minnesota involves new legislation, and is not in order.

Mr. COBURN. Is not the point of order made too late?

Mr. BECK. I have been standing here waiting for an opportunity to make it ever since it was offered.

Mr. DUNNELL. We have adopted the same provision in relation to the War Department. This is a restriction on the whole bill: that soldiers employed in any other Department provided for in this bill, when clerks are to be discharged, shall be retained in preference to others. We have already provided for that in the War Department.

Mr. BECK. I insist on the point of order. Pension your soldiers and pay them, but let them stand on the same footing as other men as to civil employment.

Mr. DUNNELL. That is an objection to the amendment, and not a point of order.

The CHAIRMAN. The gentleman from Kentucky makes the point of order that the amendment of the gentleman from Minnesota involves new legislation and is not in order. The Chair, with regret, believes the point of order to be well taken, and rules out the amendment.

Mr. BECK. I object to the Chair using the words "with regret." He must decide according to the rules of the House, one way or the other.

Mr. TREMAIN. I do not know of any rule which prohibits the Chairman from expressing regret.

Mr. BECK. I object to the Chairman's casting an apparent reflection on my right to make the point of order, by expressing regret.

The CHAIRMAN. The Chair regrets that the point of order last taken by the gentleman from Kentucky is correct.

Mr. BECK. Well, I object to the Chair expressing any regret. It is his duty to decide questions according to the rules, yes or no. We want justice, not regrets.

Mr. GARFIELD. I move that the committee rise and report the bill to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WOODFORD reported that, pursuant to the order of the House, the Committee of the Whole on the state of the Union had had under consideration the state of the Union generally, and particularly the bill (H. R. No. 2064) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes, and had directed him to report the same to the House with sundry amendments.

Mr. RANDALL. I desire to reserve all points of order on the post-office appropriation bill, and also on the consular and diplomatic appropriation bill. The record does not show that they have been reserved.

Mr. GARFIELD. I offer the following amendment to the bill, to come in after line 172:

To pay Henry Douglass, employed under the Door-keeper of the House, his yearly compensation, as fixed by the act of March 3, 1873, for the fiscal year ending June 30, 1875, $917.50.

This amendment was neglected in Committee of the Whole. Gentlemen who were members of the last Congress will remember that our friend Judge Peters, who is not now with us, on the last day of the session offered an amendment to the appropriation bill fixing the salary of this person, one of the humble employés of this House, and the appropriation was not provided for in the bill.

The amendment was agreed to.

Mr. GARFIELD. I now move the previous question on the bill and amendments; and when it is seconded I shall ask the House to adjourn, so that we may take the votes on Monday.

Mr. WARD, of Illinois. Pending that motion, I move that the House adjourn.

Mr. FORT. I hope the gentleman from Ohio will not insist on the previous question. I gave notice in the Committee of the Whole that I desired to offer an amendment to the bill, and the chairman made no objection.

Mr. GARFIELD. Notices are of no consequence except in the House. Let us have the previous question ordered.

The SPEAKER. The first question is upon the motion that the House do now adjourn.

The question was taken; and upon a division there were ayes 45, noes not counted.

So the motion to adjourn was not agreed to.

Mr. GARFIELD. I now call for a vote on the motion for the previous question.

Mr. FORT. I ask the gentleman to permit the House to vote upon the proposition as to whether they will reinstate the disbursing clerk in the Agricultural Department.

Mr. GARFIELD. That is an amendment to the bill, and the gentleman can have a separate vote upon it. I supposed he wanted to offer an amendment to the bill.

The previous question was then seconded and the main question ordered.

Mr. GARFIELD moved to reconsider the vote by which the main question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE OF ABSENCE.

Mr. COX and Mr. HATHORN were granted leave of absence for one week.

ENROLLED BILLS SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 363) for the relief of Lucius A. Rountree;

An act (H. R. No. 1763) to permit Edward Savage, of Minnesota, to enter one quarter-section of the public lands or any legal subdivision of the same; and

An act (H. R. No. 2206) to grant an American register to the bark Azor.

JUDICIAL OFFICERS IN UTAH.

Mr. POLAND. The Committee on the Judiciary have been authorized to report at any time upon the subject of courts and judicial officers in the Territory of Utah. I report a bill upon that subject, and move that it be printed and recommitted.

The bill (H. R. No. 3097) in relation to courts and judicial officers in the Territory of Utah was received, read a first and second time, recommitted to the Committee on the Judiciary, and ordered to be printed.

Mr. POLAND. I desire to give notice that I will report back this bill for action on Tuesday next after the morning hour.

CUSTODY OF INSANE CONVICTS.

Mr. TREMAIN. I am directed by the Committee on the Judiciary to report back House bill No. 2710, to provide for the care and custody of persons convicted in the courts of the United States who have or may become insane while in prison. It is a short bill, and it is necessary that it should be acted upon soon.

Mr. HOLMAN. I do not think we should pass upon such an important bill as that at this time.

Mr. ROBBINS. I object to the bill.

The SPEAKER. Objection being made, the bill is not before the House.

Mr. HOLMAN. I move that the House now adjourn.

The motion was agreed to; and accordingly (at five o'clock and fifty-five minutes p. m.) the House adjourned.

PETITIONS.

The following petitions were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. SAYLER, of Indiana: The petition of 86 citizens of Boone and Hendricks Counties, Indiana, for the passage of a law authorizing the manufacture of patent-right articles by others than the owners of patent-rights upon payment of a reasonable royalty thereon, to the Committee on Patents.

Also, the petition of 19 citizens of Wabash County, Indiana, of similar import, to the same committee.

Also, the petition of 23 citizens of Clark County, Wisconsin, of similar import, to the same committee.

Also, the petition of 16 citizens of Clinton County, Indiana, of similar import, to the same committee.

Also, the petition of 19 citizens of Isabella County, Michigan, of similar import, to the same committee.

Also, the petition of 20 citizens of Christian County, Illinois, of similar import, to the same committee.

Also, the petition of 20 citizens of Calhoun County, Alabama, of similar import, to the same committee.

Also, the petition of 12 citizens of Caroline County, Virginia, of similar import, to the same committee.

Also, the petition of 28 citizens of Carroll County, Missouri, of similar import, to the same committee.

Also, the petition of 34 citizens of Robertson County, Tennessee, of similar import, to the same committee.

Also, the petition of 13 citizens of Henry County, Kentucky, of similar import, to the same committee.

Also, the petition of 10 citizens of Richardson County Nebraska, of similar import, to the same committee.

Also, the petition of 20 citizens of Clinton County, Indiana, of similar import, to the same committee.

Also, the petition of 14 citizens of Putnam County, Indiana, of similar import, to the same committee.

Also, the petition of 19 citizens of Cape Girardeau County, Missouri, of similar import, to the same committee.

Also, the petition of 13 citizens of Allen County, Indiana, of similar import, to the same committee.

Also, the petition of 18 citizens of Chester County, South Carolina, of similar import, to the same committee.

Also, the petition of 16 citizens of Robertson County, Tennessee, of similar import, to the same committee.

Also, the petition of 21 citizens of Kershaw County, South Carolina, of similar import, to the same committee.

Also, the petition of 14 citizens of Saint Joseph County, Indiana, of similar import, to the same committee.

Also, the petition of 13 citizens of Pawnee County, Nebraska, of similar import, to the same committee.

Also, the petition of 15 citizens of Crawford County, Ohio, of similar import, to the same committee.

Also, the petition of 12 citizens of Daviess County, Missouri, of similar import, to the same committee.

Also, the petition of 16 citizens of Stearns County, Minnesota, of similar import, to the same committee.

Also, the petition of 24 citizens of Decatur County, Indiana, of similar import, to the same committee.

Also, the petition of 28 citizens of Noble County, Ohio, of similar import, to the same committee.

Also, the petition of 20 citizens of Mercer County, Kentucky, of similar import, to the same committee.

Also, the petition of 23 citizens of Burlington County, New Jersey, of similar import, to the same committee.

Also, the petition of 10 citizens of Lee County, Mississippi, of similar import, to the same committee.

Also, the petition of 24 citizens of Fulton County, Illinois, of similar import, to the same committee.

Also, the petition of 24 citizens of Ripley County, Indiana, of similar import, to the same committee.

Also, the petition of 26 citizens of Simpson County, Kentucky, of similar import, to the same committee.

Also, the petition of 9 citizens of Prince George's County, Maryland, of similar import, to the same committee.

Also, the petition of 23 citizens of Madison County, Alabama, of similar import, to the same committee.

Also, the petition of 23 citizens of Howard County, Indiana, of similar import, to the same committee.

Also, the petition of 16 citizens of Wabash County, Illinois, of similar import, to the same committee.

Also, the petition of 43 citizens of Mason County, Kentucky, of similar import, to the same committee.

Also, the petition of 39 citizens of Douglas County, Nebraska, of similar import, to the same committee.

Also, the petition of 26 citizens of Clark County, Ohio, of similar import, to the same committee.

Also, the petition of 16 citizens of Kendall County, Illinois, of similar import, to the same committee.

Also, the petition of 25 citizens of Scotland County, Missouri, of similar import, to the same committee.

Also, the petition of 16 citizens of Salem County, New Jersey, of similar import, to the same committee.

Also, the petition of 24 citizens of Lake County, Tennessee, of similar import, to the same committee.

Also, the petition of 14 citizens of Jefferson County, Wisconsin, of similar import, to the same committee.

Also, the petition of 17 citizens of Union County, Dakota, of similar import, to the same committee.

Also, the petition of 11 citizens of Cayuga County, New York, of similar import, to the same committee.

Also, the petition of 16 citizens of Fulton County, Indiana, of similar import, to the same committee.

Also, the petition of 9 citizens of Mississippi County, Missouri, of similar import, to the same committee.

Also, the petition of 34 citizens of Putnam County, Indiana, of similar import, to the same committee.

Also, the petition of 28 citizens of Henry County, Kentucky, of similar import, to the same committee.

Also, the petition of 11 citizens of Otoe County, Nebraska, of similar import, to the same committee.

Also, the petition of 28 citizens of Ripley County, Indiana, of similar import, to the same committee.

Also, the petition of 21 citizens of Kosciusko County, Indiana, of similar import, to the same committee.

Also, the petition of 14 citizens of Shelby County, Kentucky, of similar import, to the same committee.

Also, the petition of 10 citizens of Bartholomew County, Indiana, of similar import, to the same committee.

Also, the petition of 19 citizens of Granville County, North Carolina, of similar import, to the same committee.

Also, the petition of 15 citizens of Caswell County, North Carolina, of similar import, to the same committee.

Also, the petition of 18 citizens of Jasper County, Iowa, of similar import, to the same committee.

Also, the petition of 14 citizens of Orange County, New York, of similar import, to the same committee.

Also, the petition of 10 citizens of Whitley County, Indiana, of similar import, to the same committee.

Also, the petition of 15 citizens of Columbia County, Wisconsin, of similar import, to the same committee.

Also, the petition of 30 citizens of Faulkner County, Arkansas, of similar import, to the same committee.

Also, the petition of 22 citizens of Shelby County, Indiana, of similar import, to the same committee.

Also, the petition of 11 citizens of Carroll County, Indiana, on similar import, to the same committee.

Also, the petition of 13 citizens of Keokuk County, Iowa, of similar import, to the same committee.

Also, the petition of 23 citizens of Jackson County, Oregon, of similar import, to the same committee.

Also, the petition of 19 citizens of Clark County, Indiana, of similar import, to the same committee.

Also, the petition of 22 citizens of Fillmore County, Minnesota, of similar import, to the same committee.

Also, the petition of 21 citizens of Pope County, Arkansas, of similar import, to the same committee.

Also, the petition of 21 citizens of Henry County, Tennessee, of similar import, to the same committee.

Also, the petition of 14 citizens of Merrick County, Nebraska, of similar import, to the same committee.

Also, the petition of 13 citizens of Van Buren County, Iowa, of similar import, to the same committee.

Also, the petition of 20 citizens of Montgomery County, Indiana, of similar import, to the same committee.

Also, the petition of 23 citizens of Marshall County, Kentucky, of similar import, to the same committee.

Also, the petition of 23 citizens of Burlington County, New Jersey, of similar import, to the same committee.

Also, the petition of 25 citizens of Franklin County, Illinois, of similar import, to the same committee.

Also, the petition of 10 citizens of Shelby County, Indiana, of similar import, to the same committee.

Also, the petition of 14 citizens of Prince Edward County, Virginia, or similar import, to the same committee.

Also, the petition of 17 citizens of Grant County, Indiana, of similar import, to the same committee.

Also, the petition of 21 citizens of Lebanon County, Pennsylvania, of similar import, to the same committee.

Also, the petition of 12 citizens of Wabash County, Illinois, of similar import, to the same committee.

Also, the petition of 22 citizens of Van Buren County, Michigan, of similar import, to the same committee.

Also, the petition of 24 citizens of Bradford County, Pennsylvania, of similar import, to the same committee.

Also, the petition of 29 citizens of Miami County, Kansas, of similar import, to the same committee.

Also, the petition of 15 citizens of Black Hawk County, Iowa, of similar import, to the same committee.

Also, the petition of 19 citizens of Berkeley County, West Virginia, of similar import, to the same committee.

Also, the petition of 27 citizens of Randolph County, Indiana, of similar import, to the same committee.

Also, the petition of 5 citizens of Jefferson County, Alabama, of similar import, to the same committee.

Also, the petition of 24 citizens of Bradford County, Pennsylvania, of similar import, to the same committee.

Also, the petition of 16 citizens of Wilkinson County, Georgia, of similar import, to the same committee.

Also, the petition of 14 citizens of Clay County, Nebraska, of similar import, to the same committee.

Also, the petition of 18 citizens of Webster County, Kentucky, of similar import, to the same committee.

Also, the petition of 24 citizens of Blackford County, Indiana, of similar import, to the same committee.

Also, the petition of 68 citizens of Livingston County, Missouri, of similar import, to the same committee.

Also, the petition of 11 citizens of Logan County, Ohio, of similar import, to the same committee.

Also, the petition of 16 citizens of Hardin County, Ohio, of similar import, to the same committee.

Also, the petition of 20 citizens of Noble County, Indiana, of similar import, to the same committee.

Also, the petition of 13 citizens of Chippewa County, Wisconsin, of similar import, to the same committee.

Also, the petition of 28 citizens of Brown County, Kansas, of similar import, to the same committee.

Also, the petition of 17 citizens of Boone County, Indiana, of similar import, to the same committee.

Also, the petition of 11 citizens of Berkeley County, West Virginia, of similar import, to the same committee.

Also, the petition of 14 citizens of Clermont County, Ohio, of similar import, to the same committee.

Also, the petition of 15 citizens of Ogle County, Illinois, of similar import, to the same committee.

Also, the petition of 20 citizens of Dane County, Wisconsin, of similar import, to the same committee.

Also, the petition of 53 citizens of Scotland County, Missouri, of similar import, to the same committee.

Also, the petition of 22 citizens of Cayuga County, New York, of similar import, to the same committee.

Also, the petition of 37 citizens of Chase County, Kansas, of similar import, to the same committee.

Also, the petition of 34 citizens of Pontotoc County, Mississippi, of similar import, to the same committee.

Also, the petition of 13 citizens of Warren County, Illinois, of similar import, to the same committee.

Also, the petition of 16 citizens of Owen County, Indiana, of similar import, to the same committee.

Also, the petition of 18 citizens of Polk County, Missouri, of similar import, to the same committee.

Also, the petition of 18 citizens of Pendleton County, Kentucky, of similar import, to the same committee.

Also, the petition of 22 citizens of Winnebago County, Illinois, of similar import, to the same committee.

Also, the petition of 19 citizens of Stanton County, Nebraska, of similar import, to the same committee.

Also, the petition of 40 citizens of Muhlenburgh County, Kentucky, of similar import, to the same committee.

Also, the petition of 29 citizens of Boone County, Kentucky, of similar import, to the same committee.

Also, the petition of 32 citizens of Oldham County, Kentucky, of similar import, to the same committee.

Also, the petition of 18 citizens of Clay County, Kansas, of similar import, to the same committee.

Also, the petition of 16 citizens of Lycoming County, Pennsylvania, of similar import, to the same committee.

Also, the petition of 25 citizens of Lincoln County, Dakota, of similar import, to the same committee.

Also, the petition of 16 citizens of Dodge County, Nebraska, of similar import, to the same committee.

Also, the petition of 23 citizens of Saint Joseph County, Michigan, of similar import, to the same committee.

Also, the petition of 14 citizens of Hopkins County, Kentucky, of similar import, to the same committee.

Also, the petition of 17 citizens of Saline County, Missouri, of similar import, to the same committee.

Also, the petition of 21 citizens of Clay County, Kansas, of similar import, to the same committee.

Also, the petition of 17 citizens of Pike County, Indiana, of similar import, to the same committee.

Also, the petition of 6 citizens of Saint Joseph County, Michigan, of similar import, to the same committee.

Also, the petition of 26 citizens of Montgomery County, Missouri, of similar import, to the same committee.

Also, the petition of 16 citizens of Harrison County, Ohio, of similar import, to the same committee.

Also, the petition of 27 citizens of Henry County, Tennessee, of similar import, to the same committee.

Also, the petition of 24 citizens of Montgomery County, Indiana, of similar import, to the same committee.

Also, the petition of 31 citizens of Sullivan County, Indiana, of similar import, to the same committee.

Also, the petition of 16 citizens of Webster County, Kentucky, of similar import, to the same committee.

Also, the petition of 10 citizens of Chittenden County, Vermont, of similar import, to the same committee.

Also, the petition of 21 citizens of Lyon County, Kentucky, of similar import, to the same committee.

Also, the petition of 30 citizens of Lincoln, County, Tennessee, of similar import, to the same committee.

Also, the petition of 8 citizens of Jefferson County, Iowa, of similar import, to the same committee.

Also, the petition of 27 citizens of Christian County, Illinois, of similar import, to the same committee.

Also, the petition of 17 citizens of Saline County, Nebraska, of similar import, to the same committee.

Also, the petition of 19 citizens of Lancaster County, Pennsylvania, of similar import, to the same committee.

Also, the petition of 25 citizens of Marshall County, Iowa, of similar import, to the same committee.

Also, the petition of 27 citizens of Henry County, Missouri, of similar import, to the same committee.

Also, the petition of 17 citizens of De Witt County, Illinois, of similar import, to the same committee.

Also, the petition of 19 citizens of Grundy County, Missouri, of similar import, to the same committee.

Also, the petition of 15 citizens of Johnson County, Kansas, of similar import, to the same committee.

Also, the petition of 26 citizens of Saint Joseph County, Michigan, of similar import, to the same committee.

Also, the petition of 17 citizens of Keokuk County, Iowa, of similar import, to the same committee.

Also, the petition of 33 citizens of Fulton County, Illinois, of similar import, to the same committee.

Also, the petition of 13 citizens of Jackson County, Wisconsin, of similar import, to the same committee.

Also, the petition of 11 citizens of Adams County, Iowa, of similar import, to the same committee.

Also, the petition of 12 citizens of Defiance County, Ohio, of similar import, to the same committee.

Also, the petition of 21 citizens of Calhoun County, Alabama, of similar import, to the same committee.

Also, the petition of 42 citizens of Madison County, Indiana, of similar import, to the same committee.

Also, the petition of 9 citizens of Guilford County, North Carolina, of similar import, to the same committee.

Also, the petition of 17 citizens of Davidson County, Tennessee, of similar import, to the same committee.

Also, the petition of 18 citizens of Vermillion County, Illinois, of similar import, to the same committee.

Also, the petition of 21 citizens of Caswell County, North Carolina, of similar import, to the same committee.

Also, the petition of 12 citizens of Franklin County, Massachusetts, of similar import, to the same committee.

Also, the petition of 17 citizens of Morgan County, Indiana, of similar import, to the same committee.

Also, the petition of 29 citizens of Breckinridge County, Kentucky, of similar import, to the same committee.

Also, the petition of 11 citizens of Bond County, Illinois, of similar import, to the same committee

Also, the petition of 19 citizens of White County, Indiana, of similar import, to the same committee.

Also, the petition of 22 citizens of Boone County, Indiana, of similar import, to the same committee.

Also, the petition of 20 citizens of Davies County, Indiana, of similar import, to the same committee.

Also, the petition of 9 citizens of Greene County, Indiana, of similar import, to the same committee.

Also, the petition of 27 citizens of Rush County, Indiana, of similar import, to the same committee.

Also, the petition of 14 citizens of Lincoln County, Kentucky, of similar import, to the same committee.

Also, the petition of 20 citizens of Bullock County, Georgia, of similar import, to the same committee.

Also, the petition of 29 citizens of Sumner County, Kansas, of similar import, to the same committee.

Also, the petition of 10 citizens of Pottawatomie County, Kansas, of similar import, to the same committee.

Also, the petition of 16 citizens of Wayne County, Kansas, of similar import, to the same committee.

Also, the petition of 22 citizens of Shelby County, Indiana, of similar import, to the same committee.

Also, the petition of 24 citizens of Caldwell County, Kentucky, of similar import, to the same committee.

Also, the petition of 22 citizens of Cass County, Missouri, of similar import, to the same committee.

Also, the petition of 24 citizens of Pepin County, Wisconsin, of similar import, to the same committee.

Also, the petition of 15 citizens of Putnam County, Missouri, of similar import, to the same committee.

Also, the petition of 13 citizens of Stephenson County, Illinois, of similar import, to the same committee.

Also, the petition of 18 citizens of Montgomery County, Iowa, of similar import, to the same committee.

Also, the petition of 22 citizens of Walworth County, Wisconsin, of similar import, to the same committee.

Also, the petition of 7 citizens of Merrick County, Nebraska, of similar import, to the same committee.

Also, the petition of 23 citizens of Washington County, Kansas, of similar import, to the same committee.

Also, the petition of 21 citizens of Blue Earth County, Minnesota, of similar import, to the same committee.

Also, the petition of 21 citizens of Louise County, Iowa, of similar import, to the same committee.

Also, the petition of 40 citizens of Dodge County, Wisconsin, of similar import, to the same committee.

Also, the petition of 13 citizens of Pike County, Illinois, of similar import, to the same committee.

Also, the petition of 12 citizens of Washington County, Indiana, of similar import, to the same committee.

Also, the petition of 24 citizens of Marshall County, Indiana, of similar import, to the same committee.

Also, the petition of 13 citizens of Gage County, Nebraska, of similar import, to the same committee.

Also, the petition of 21 citizens of Hancock County, Ohio, of similar import, to the same committee.

Also, the petition of 23 citizens of Los Angeles County, California, of similar import, to the same committee.

Also, the petition of 20 citizens of Crawford County, Indiana, of similar import, to the same committee.

Also, the petition of 60 citizens of Howard County, Indiana, of similar import, to the same committee.

Also, the petition of 38 citizens of Clermont County, Ohio, of similar import, to the same committee.

Also, the petition of 12 citizens of Tazewell County, Illinois, of similar import, to the same committee.

Also, the petition of 25 citizens of Linn County, Missouri, of similar import, to the same committee.

Also, the petition of 13 citizens of Clay County, Nebraska, of similar import, to the same committee.

Also, the petition of 32 citizens of Marion County, Tennessee, of similar import, to the same committee.

Also, the petition of 11 citizens of Russell County, Alabama, of similar import, to the same committee.

Also, the petition of 17 citizens of Colfax County, Nebraska, of similar import, to the same committee.

Also, the petition of 48 citizens of Mitchell County, Iowa, of similar import, to the same committee.

Also, the petition of 27 citizens of Mason County, Kentucky, of similar import, to the same committee.

Also, the petition of 24 citizens of Howard County, Indiana, of similar import, to the same committee.

Also, the petition of 11 citizens of Mason County, Kentucky, of similar import, to the same committee.

Also, the petition of 23 citizens of Monroe County, Wisconsin, of similar import, to the same committee.

Also, the petition of 19 citizens of Bradley County, Tennessee, of similar import, to the same committee.

Also, the petition of 20 citizens of Morgan County, Illinois, of similar import, to the same committee.

Also, the petition of 27 citizens of Barry County, Michigan, of similar import, to the same committee.

Also, the petition of 25 citizens of Hancock County, Illinois, of similar import, to the same committee.

Also, the petition of 16 citizens of Whitley County, Indiana, of similar import, to the same committee.

Also, the petition of 22 citizens of Jefferson County, Iowa, of similar import, to the same committee.

Also, the petition of 27 citizens of Lawrence County, Indiana, of similar import, to the same committee.

Also, the petition of 13 citizens of Meigs County, Ohio, of similar import, to the same committee.

Also, the petition of 24 citizens of Columbia County, Wisconsin, of similar import, to the same committee.

Also, the petition of 11 citizens of Seneca County, Ohio, of similar import, to the same committee.

Also, the petition of 17 citizens of Hamilton County, Ohio, of similar import, to the same committee.

Also, the petition of 12 citizens of Marion County, South Carolina, of similar import, to the same committee.

Also, the petition of 29 citizens of Hillsdale County, Michigan, of similar import, to the same committee.

Also, the petition of 23 citizens of Iroquois County, Illinois, of similar import, to the same committee.

Also, the petition of 25 citizens of Howard County, Missouri, of similar import, to the same committee.

Also, the petition of 21 citizens of Auglaize County, Ohio, of similar import, to the same committee.

Also, the petition of 31 citizens of Montgomery County, Ohio, of similar import, to the same committee.

Also, the petition of 7 citizens of Scott County, Kentucky, of similar import, to the same committee.

Also, the petition of 16 citizens of Christian County, Illinois, of similar import, to the same committee.

Also, the petition of 26 citizens of Morgan County, Ohio, of similar import, to the same committee.

Also, the petition of 14 citizens of Dodge County, Wisconsin, of similar import, to the same committee.

Also, the petition of 39 citizens of Hinds County, Mississippi, of similar import, to the same committee.

Also, the petition of 27 citizens of La Fayette County, Missouri, of similar import, to the same committee.

Also, the petition of 15 citizens of McLean County, Illinois, of similar import, to the same committee.

Also, the petition of 9 citizens of Richland County, Wisconsin, of similar import, to the same committee.

Also, the petition of 16 citizens of Waldo County, Maine, of similar import, to the same committee.

Also, the petition of 39 citizens of Lake County, Mississippi, of similar import, to the same committee.

Also, the petition of 66 citizens of Stearns County, Minnesota, of similar import, to the same committee.

Also, the petition of 23 citizens of Green Lake County, Wisconsin, of similar import, to the same committee.

Also, the petition of 26 citizens of Grant County, Indiana, of similar import, to the same committee.

Also, the petition of 18 citizens of Montgomery County, Indiana, of similar import, to the same committee.

Also, the petition of 8 citizens of Washington County, Iowa, of similar import, to the same committee.

Also, the petition of 33 citizens of Allegan County, Michigan, of similar import, to the same committee.

Also, the petition of 22 citizens of Columbia County, Wisconsin, of similar import, to the same committee.

Also, the petition of 23 citizens of Delaware County, Iowa, of similar import, to the same committee.

Also, the petition of 8 citizens of Benton County, Mississippi, of similar import, to the same committee.

Also, the petition of 51 citizens of Fountain County, Indiana, of similar import, to the same committee.

Also, the petition of 15 citizens of Dodge County, Nebraska, of similar import, to the same committee.

Also, the petition of 12 citizens of Saline County, Nebraska, of similar import, to the same committee.

Also, the petition of 12 citizens of Harris County, Georgia, of similar import, to the same committee.

Also, the petition of 15 citizens of Fairfield County, South Carolina, of similar import, to the same committee.

Also, the petition of 24 citizens of Randolph County, Illinois, of similar import, to the same committee.

Also, the petition of 21 citizens of Ontario County, New York, of similar import, to the same committee.

Also, the petition of 25 citizens of Dodge County, Nebraska, of similar import, to the same committee.

Also, the petition 21 citizens of Jackson County, Kansas, of similar import, to the same committee.

Also, the petition of 18 citizens of Dakota County, Nebraska, of similar import, to the same committee.

Also, the petition of 18 citizens of Madison County, Indiana, of similar import, to the same committee.

Also, the petition 14 citizens of Mobile County, Alabama, of similar import, to the same committee.

Also, the petition of 13 citizens of Clay County, Dakota, of similar import, to the same committee.

Also, the petition of 8 citizens of Hardin County, Ohio, of similar import, to the same committee.

Also, the petition of 21 citizens of Chatauqua County, New York, of similar import, to the same committee.

Also, the petition of 24 citizens of Warren County, Iowa, of similar import, to the same committee.

Also, the petition of 16 citizens of Newberry County, South Carolina, of similar import, to the same committee.

Also, the petition of 14 citizens of Randolph County, Illinois, of similar import, to the same committee.

Also, the petition of 22 citizens of Linn County, Missouri, of similar import, to the same committee.

Also, the petition of 15 citizens of Henry County, Ohio, of similar import, to the same committee.

Also, the petition of 21 citizens of Meigs County, Ohio, of similar import, to the same committee.

Also, the petition of 16 citizens of Brown County, Minnesota, of similar import, to the same committee.

Also, the petition of 21 citizens of Elkhart County, Indiana, of similar import, to the same committee.

Also, the petition of 13 citizens of Ottawa County, Kansas, of similar import, to the same committee.

Also, the petition of 54 citizens of Union County, Illinois, of similar import, to the same committee.

Also, the petition of 20 citizens of Fulton County, Illinois, of similar import, to the same committee.

Also, the petition of 15 citizens of San Luis Obispo County, California, of similar import, to the same committee.

Also, the petition of 17 citizens of Renville County, Minnesota, of similar import, to the same committee.

Also, the petition of 20 citizens of Otoe County, Nebraska, of similar import, to the same committee.

Also, the petition of 12 citizens of Scotland County, Missouri, of similar import, to the same committee.

Also, the petition of 23 citizens of Montgomery County, Iowa, of similar import, to the same committee.

Also, the petition of 22 citizens of Johnson County, Nebraska, of similar import, to the same committee.

Also, the petition of 24 citizens of Olmsted County, Minnesota, of similar import, to the same committee.

Also, the petition of 18 citizens of McMinn County, Tennessee, of similar import, to the same committee.

Also, the petition of 16 citizens of Cherokee County, Alabama, of similar import, to the same committee.

Also, the petition of 18 citizens of Jones County, Iowa, of similar import, to the same committee.

Also, the petition of 19 citizens of Shelby County, Missouri, of similar import, to the same committee.

Also, the petition of 16 citizens of Wilkinson County, Georgia, of similar import, to the same committee.

Also, the petition of 23 citizens of Callaway County, Missouri, of similar import, to the same committee.

Also, the petition of 16 citizens of Pepin County, Wisconsin, of similar import, to the same committee.

Also, the petition of 13 citizens of Franklin County, Massachusetts, of similar import, to the same committee.

Also, the petition of 8 citizens of Platt County, Missouri, of similar import, to the same committee.

Also, the petition of 12 citizens of Grant County, Kentucky, of similar import, to the same committee.

Also, the petition of 28 citizens of Bell County, Texas, of similar import, to the same committee.

Also, the petition of 15 citizens of Adams County, Indiana, of similar import, to the same committee.

Also, the petition of 6 citizens of Peoria County, Illinois, of similar import, to the same committee.

Also, the petition of 22 citizens of Moniteau County, Missouri, of similar import, to the same committee.

Also, the petition of 39 citizens of Hickory County, Missouri, of similar import, to the same committee.

Also, the petition of 16 citizens of Bracken County, Kentucky, of similar import, to the same committee.

Also, the petition of 28 citizens of Fountain County, Indiana, of similar import, to the same committee.

Also, the petition of 22 citizens of Fulton County, Ohio, of similar import, to the same committee.

Also, the petition of 13 citizens of Polk County, Missouri, of similar import, to the same committee.

Also, the petition of 16 citizens of Republic County, Kansas, of similar import, to the same committee.

Also, the petition of 24 citizens of Warren County, Missouri, of similar import, to the same committee.

Also, the petition of 24 citizens of Haywood County, Tennessee, of similar import, to the same committee.

Also, the petition of 25 citizens of Newton County, Missouri, of similar import, to the same committee.

Also, the petition of 22 citizens of Richland County, South Carolina, of similar import, to the same committee.

Also, the petition of 21 citizens of Freeborn County, Minnesota, of similar import, to the same committee.

Also, the petition of 11 citizens of Tama County, Iowa, of similar import, to the same committee.

Also, the petition of 24 citizens of Owen County, Indiana, of similar import, to the same committee.

Also, the petition of 14 citizens of Rockingham County, North Carolina, of similar import, to the same committee.

Also, the petition of 19 citizens of Bedford County, Tennessee, of similar import, to the same committee.

Also, the petition of 26 citizens of McDonald County, Missouri, of similar import, to the same committee.

Also, the petition of 11 citizens of Lawrence County, Alabama, of similar import, to the same committee.

Also, the petition of 14 citizens of Floyd County, Iowa, of similar import, to the same committee.

Also, the petition of 29 citizens of Iroquois County, Illinois, of similar import, to the same committee.

Also, the petition of 22 citizens of Wells County, Indiana, of similar import, to the same committee.

Also, the petition of 20 citizens of McLean County, Illinois, of similar import, to the same committee.

Also, the petition of 21 citizens of Nicholas County, Kentucky, of similar import, to the same committee.

Also, the petition of 14 citizens of Ottawa County, Michigan, of similar import, to the same committee.

Also, the petition of 16 citizens of Grundy County, Illinois, of similar import, to the same committee.

Also, the petition of 10 citizens of Delaware County, Indiana, of similar import, to the same committee.

Also, the petition of 25 citizens of Owen County, Kentucky, of similar import, to the same committee.

Also, the petition of 18 citizens of Crawford County, Pennsylvania, of similar import, to the same committee.

Also, the petition of 21 citizens of Chickasaw County, Iowa, of similar import, to the same committee.

Also, the petition of 20 citizens of Buchanan County, Missouri, of similar import, to the same committee.

Also, the petition of 18 citizens of Harrison County, Missouri, of similar import, to the same committee.

Also, the petition of 18 citizens of Mercer County, Kentucky, of similar import, to the same committee.

Also, the petition of 44 citizens of Jasper County, Missouri, of similar import, to the same committee.

Also, the petition of 17 citizens of Grundy County, Missouri, of similar import, to the same committee.

Also, the petition of 20 citizens of Yolo County, California, of similar import, to the same committee.

Also, the petition of 23 citizens of Ottawa County, Michigan, of similar import, to the same committee.

Also, the petition of 14 citizens of Clark County, Illinois, of similar import, to the same committee.

Also, the petition 49 citizens of Caldwell County, Missouri, of similar import, to the same committee.

Also, the petition of 15 citizens of Sullivan County, Indiana, of similar import, to the same committee.

Also, the petition of 12 citizens of Linn County, Kansas, of similar import, to the same committee.

Also, the petition of 20 citizens of Madison County, Ohio, of similar import, to the same committee.

Also, the petition of 14 citizens of Hart County, Georgia, of similar import, to the same committee.

Also, the petition of 11 citizens of Gregg County, Texas, of similar import, to the same committee.

Also, the petition of 38 citizens of Macoupin County, Illinois, of similar import, to the same committee.

Also, the petition of 25 citizens of Camden County, Missouri, of similar import, to the same committee.

Also, the petition of 22 citizens of Montgomery County, Indiana, of similar import, to the same committee.

Also, the petition of 26 citizens of Ford County, Illinois, of similar import, to the same committee.

Also, the petition of 23 citizens of Gibson County, Indiana, of similar import, to the same committee.

Also, the petition of 11 citizens of Wayne County, Michigan, of similar import, to the same committee.

Also, the petition of 25 citizens of Allamakee County, Iowa, of similar import, to the same committee.

Also, the petition of 11 citizens of Piatt County, Illinois, of similar import, to the same committee.

Also, the petition of 25 citizens of Boone County, Indiana, of similar import, to the same committee.

Also, the petition of 11 citizens of Osage County, Kansas, of similar import, to the same committee.

Also, the petition of 18 citizens of Putnam County, Indiana, of similar import, to the same committee.

Also, the petition of 24 citizens of Edgar County, Illinois, of similar import, to the same committee.

Also, the petition of 22 citizens of Clark County, Illinois, of similar import, to the same committee.

Also, the petition of 19 citizens of De Kalb County, Missouri, of similar import, to the same committee.

Also, the petition of 18 citizens of Union County, Dakota, of similar import, to the same committee.

Also, the petition of 26 citizens of Callaway County, Missouri, of similar import, to the same committee.

Also, the petition of 24 citizens of Huntington County, Indiana, of similar import, to the same committee.

Also, the petition of 37 citizens of Robertson County, Kentucky, of similar import, to the same committee.

Also, the petition of 10 citizens of Adair County, Iowa, of similar import, to the same committee.

Also, the petition of 22 citizens of Cook County, Texas, of similar import, to the same committee.

Also, the petition of 32 citizens of Morgan County, Indiana, of similar import, to the same committee.

IN SENATE.

MONDAY, *April* 27, 1874.

Rev. BYRON SUNDERLAND, D. D., Chaplain of the Senate, offered the following

PRAYER:

Almighty and Everlasting God, on this day of solemn conference we come to bow before Thee in deep humility, for the memory of the distinguished dead of this Senate comes freshly before us now; the shadow of life's great mystery still lingers here; and sacred and melting thoughts are in the air around us and kindly voices seem to be telling us of the tokens and admonitions of Thy will. O, may the vacant place and this solemn pause in this Chamber to-day impress their rightful lessons on every heart, for great and small are all alike before Thee, and men from every station must go the way of all the earth; Thou only remainest the same and Thy years fail not; and so, O Lord God, we pray that we may all live and all die in Thee. Have Thou the charge of these services to-day; have Thou the charge of all these, Thy servants, and of all men; and grant that we may be prepared, when this life is over, to see Thy face in peace. Through Jesus Christ. Amen.

The Journal of the proceedings of Friday last was read and approved.

SUMNER MEMORIAL ADDRESSES.

Mr. BOUTWELL. Mr. President, agreeably to notice already given, I now submit to the Senate two resolutions designed to furnish an opportunity for the Senate and House of Representatives to offer appropriate tributes to the character and public services of CHARLES SUMNER, and I ask for their present consideration.

The Chief Clerk read the resolutions, as follows:

Resolved by the Senate, That, as an additional mark of respect to the memory of CHARLES SUMNER, long a Senator from Massachusetts, business be now suspended, that the friends and associates of the deceased may pay fitting tribute to his public and private virtues.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives.

The resolutions were adopted unanimously.

Mr. BOUTWELL. Mr. President, the time that has passed since the death of Mr. SUMNER has assuaged the bitterness of our grief, but the first feeling of sadness rests with undiminished weight upon every heart. Here and by us more than elsewhere and by others his presence will be missed. For nearly twenty-three years he was a member of the Senate, and for a considerable period its senior.

To all of us he was an acquaintance, and to many of us an intimate friend.

To the cultivated classes of Europe and America he was known as a ripe scholar, a sincere philanthropist, an ardent and consistent lover of liberty and defender of the right, an experienced statesman, trained especially in English and American constitutional history, and the traditions, genius, and practice of European and American diplomacy; a lover of art; an orator fully equipped, according to the requirements mentioned by Cicero, for the forum in which his maturer years were spent; and, more than all, a man of pure purposes in private and public affairs.

For nearly twenty-five years I enjoyed his acquaintance, and for more than half that period his intimate friendship. Forgetting for the moment my relations to him, it is to be said that his friendships were first moral and intellectual, to which he added with a liberal hand the civilities, amenities, and blessings of cultivated social life.

He came to the Senate not only as the representative of the Commonwealth of Massachusetts but as the representative of an idea to which the State was even then already pledged. The men who supported him in 1851 were, with a few exceptions, his supporters in 1857, 1863, and 1869. Mr. SUMNER was at times in advance of the people of the State, but in his hostility to the institution of slavery, in his efforts for its abolition and the reconstruction of the Government upon the basis of freedom, he never misrepresented Massachusetts.

In the cause of liberty he was apostle, martyr, and finally conqueror. In this cause, and by nature as well, he was self-reliant, self-asserting, and aggressive, and therefore his life, as he often said, was a life of controversy. His nature was imperious, and he made little allowance for the diversities among men, and often he dealt harshly with those who opposed or failed to accept his views. It is however a happy memory for his friends and countrymen that after his return from Europe he had only kind words for all, even for those with whom he had most differed upon personal and public questions.

First of all, Mr. SUMNER was devoted to liberty; not to English liberty or to American liberty, but to liberty. He accepted in their fullest meaning the words of Kossuth, "Liberty is liberty, as God is God."

In his efforts to establish liberty in America he gave a free construction to the original Constitution for the purpose of securing right and justice to all who were within its jurisdiction; and the powers of a constitution may well be construed liberally in the cause of right and justice, but they can never be too much circumscribed in the service of wrong and oppression.

There are limitations to every form of human greatness. Mr. SUMNER was a follower of ideas. A general declaration is the fullest expression of ideas; and Mr. SUMNER was inclined to trust general dec-

larations and to embody them in the constitution and laws. Institutions, indeed, are often unsatisfactory when tested by the ideas they are designed to represent.

I speak rather of what has been than of our hopes of the future. Our own Constitution is now a near approach to the Declaration of Independence, and we may anticipate the time when local governments and independent nations, in the discharge of their duties and the exercise of their powers, will conform practically to the best ideas of justice and peace. Mr. SUMNER was impatient of delay, and hence he accepted reluctantly those amendments to the Constitution which to others seemed sufficient for the protection of personal and public rights.

It is therefore to be admitted that in the business of government and for the time in which he lived Mr. SUMNER was not always a practical statesman.

The world is usually too busy to concern itself with the men of the past unless they have special claims to consideration. The immortal few in politics and government are those who have led in proceedings in which men of all times are interested. The American Revolution gave a few such names to the country and the world; the contest for the overthrow of slavery added others. Among these we may venture to place CHARLES SUMNER, whose labors, fidelity, and sufferings can never be omitted from the history of the contest.

As the influence of that contest widens and deepens in the current of universal human life the services of the men engaged in it will be more appreciated throughout the world. The blow struck at slavery in America will prove as effectual against slavery in every other country. While slavery existed with us, and suffrage was limited, and the truths of the Declaration of Independence were not realized in the Government, monarchies and aristocracies had a defense in the admitted failure of the great Republic. That defense is now taken away, and, one after another, personal and class governments must fall. Thus will Mr. SUMNER justly claim consideration in other lands and from future times.

There is, however, an immortality not personal which is even more enduring. The power of a great life, of a superior human intellect, spreads far beyond the knowledge of names, and is transmitted to generations that have no means of tracing the influences to their source. These influences become woven into the civilization, literature, and politics of nations, control their fortunes, shape their destinies, and work out good or evil results of the most important character.

It cannot be denied that in the efforts made by Mr. SUMNER in behalf of human liberty and universal peace he has given new force to the most benign influences, or that his power, mingled with numerous other contributions of the past, present, and the future, will contribute to the general welfare of the human race.

But whether his name be remembered or forgotten, his power will continue. When a person has disappeared from the stage of human action, his name, even if known to future generations, is of little consequence to them; the influence of his life is all of value that remains.

Thus has Mr. SUMNER bound himself to his countrymen of two races, and to the civilized world, by chords that may be traced through the ages as long as justice shall find defenders or the divine spirit of liberty shall animate mankind.

But these thoughts relate to the uncertain future. We are called in the present to accept the solemn truth that the death of CHARLES SUMNER is a signal loss to the Senate and people of the United States, alleviated in some degree by the belief that his life, character, and public services, especially in favor of human liberty and universal peace, will ever be held in grateful remembrance by his countrymen and the knowledge thereof transmitted to posterity as an example for future generations.

Mr. THURMAN. Mr. President, my personal acquaintance with CHARLES SUMNER began a few days after I took my seat in the Senate five years ago. It soon ripened into relations approaching intimacy, and a personal friendship resulted that was never marred for a moment by any political differences however great and decided. Therefore it is that I speak to-day; and speak not so much of the politician or statesman as of the man. I leave to those who coincided with him in public affairs to delineate his public services in such terms as to them seems just. I offer a humble tribute to his personal character. It appears to me that one of the most striking peculiarities of Mr. SUMNER'S mind was breadth rather than accuracy; a predominance of the ideal over the practical; a devotion to a great idea without due regard to its unavoidable limitations. That this intellectual bent sometimes led him to overlook what should have been seen, to disregard obstacles that a more practical man would have felt bound to respect, to advance theories that, however beautiful in the abstract, were hedged about by limitations in the concrete, and often made him—especially upon constitutional and legal questions—an inexact and inconclusive reasoner, must be admitted, I think, by even his most ardent admirers. Who of us has forgotten how he, in effect, placed the Declaration of Independence above the Constitution, and deduced from it powers of government that no one but himself ever thought were conferred by the fundamental law? Who can forget his immeasurable demands upon Great Britain by reason of her conduct during our civil war? Who does not remember his oft-repeated idea that the islands of the Carribean Sea and the Gulf should be wholly abandoned to the African race? But in all these and other instances that might be named his views, however impracticable they seemed to others, were in accordance with a lofty ideal that was satisfactory to himself, and from which he would not willingly depart.

Another trait of Mr. SUMNER was his love of discussion. He never within my knowledge shrunk from it; and he was the determined opponent of all attempts to limit debate in the Senate by a previous question or other restrictive rule. He spoke often and elaborately himself, and he was the best, and perhaps the most courteous, listener among us to the speeches of others. He placed a very high estimate upon the power and effect of discussion; often in conversation citing instances of measures being carried or defeated by a thorough debate. And it so happens that the last words he ever spoke to me (just after an adverse vote on a bill he had opposed) were these: "THURMAN, this is another instance of the good effects of debate. Had the vote been taken on this bill without discussion it would have passed almost unanimously."

It is an old saying, that the foundation of politeness is benevolence; which leads us to contribute to the happiness of others and avoid everything that could give them pain. All who knew Mr. SUMNER in social life will bear witness that he exemplified the truth of this saying. I never knew him in a mixed company to introduce any topic that might prove disagreeable to any one present; and when, by inadvertence or otherwise, such a topic was introduced by others, he was always one of the first to divert the conversation to some other subject. And I can bear witness that he could sit down with a political opponent and discuss political questions, upon which they differed most widely, without for a single moment losing his temper or manifesting a want of respect for the views of his adversary. This, in my opinion, Mr. President, deserves to be ranked among the virtues; and when we add that in the conversation of the deceased there never was anything low or vulgar, but, on the contrary, intellect, refinement, and taste marked all that was said, we contemplate a character whose amiability, high breeding, and politeness will ever command our respect and admiration.

It has been very common to say that Mr. SUMNER was an egotist, and this I suppose is the popular opinion. It may be true that, tried by the standard of modern manners, he was egotistical; but tried by that ancient standard with which his learning had made him so familiar; compared, for example, with Demosthenes or Cicero, he was a modest man. I must say that in five years of somewhat intimate acquaintance I never knew him offensively egotistical. That he found pleasure in speaking of the part he had borne in public affairs is undoubtedly true; but what man ever lived who had been long in public life, and who had arrived at that age when retrospection becomes a habit of the mind, who did not often speak of himself and what he had said and done? If we listen with pleasure and respect to the aged veteran who—

> Shoulders his crutch, and showed how fields were won,

why should we censure the aged statesman who recounts his great exploits and narrates his hard-earned victories?

I apprehend, however, that it was egoism rather than egotism of which his critics meant to accuse the deceased. But what man ever achieved success in a long struggle against formidable opposition, or adverse circumstances, without some confidence in his own powers? And if this confidence, fed by success, becomes inordinate, what does it prove save that even the greatest intellects are not free from imperfections?

Mr. President, there is a proverb almost as old as mortuary monuments, that describes an improbable story as being "false as an epitaph." And so of funeral orations it has often been said, that the quality by which they are most distinguished is exaggeration. Observing the charitable maxim, "*nil mortuis nisi bonum*," the faults of the dead are buried out of sight; while, on the other hand, disregarding that other maxim, "*nil mortuis nisi verum*," he is exalted by eulogy above the lot of humanity and placed in the ranks of angels or gods. This was not the idea of what a funeral discourse should be in the opinion of CHARLES SUMNER. In that most touching and beautiful address delivered by him on the occasion of the death of Senator Davis, of Kentucky, while paying the highest tribute to the virtues of the deceased and recognizing the moderation of judgment upon the character of our adversaries that is begotten by time and experience, he yet stood fast by his own well-settled convictions. Following that example, I speak over his grave my belief, that he was great in intellect, profound in learning, sincere in his convictions, true in his friendships, urbane and amiable in his intercourse, and wholly unassailable by corruption. All this I can truly say, and more than this he would not, if living, wish me to say. He would not ask me to surrender my well-matured opinions, or to applaud his views or his course when they were opposed to the deliberate judgment of my own mind.

Mr. SPENCER. Mr. President, having been honored with the confidence and friendship of the late distinguished Senator from Massachusetts, I esteem it a high privilege to offer a modest tribute to his memory and worth. Deferring to his large experience in national affairs, and appreciating the extent of his culture and learning, I have often, in the hour of need and uncertainty, sought his advice, *and never in vain*. To his generous sympathy and wise counsel I attribute much

that I have been enabled to accomplish toward the happiness and well-being of a large class of citizens of the State of Alabama, once bond but now free. In their name and on their behalf, as well as my own, I lay the garland of gratitude upon the bier of CHARLES SUMNER, one of the greatest of the many great tribunes of Massachusetts.

When these bondmen were dumb, and in their behalf men were silent, HE SPOKE; and they can never cease to honor him who found voice for the voiceless and gave help to the helpless. That voice was never silenced in their behalf until there fell upon it the enforced silence of death; nor can they ever forget that the last dying utterance of their great champion was a whispered plea to cherish their cause.

Now, when their tongues are unloosed, and all men may speak for them, in God's fit providence, his voice alone is silent. Yet how true it is that, "being dead, he speaketh." Not because of his scholarship do these grateful freedmen honor this great scholar; not because of his statesmanship do they revere the memory of this dead Senator; not for his acquisitions of learning, nor for his pride of place, but only that he had pity for their sorrows, and found it in his heart to plead ever for the poor and for the oppressed. His career thus furnishes an illustrious example of the truth of the proverb, "The heart of the wise teacheth his mouth, and addeth learning to his lips."

Called from his post of duty in the acme of his usefulness, he lived to that epoch when to advocate the cause of universal freedom left no taint upon name and fame, and when to beseech succor for the oppressed and down-trodden constituted no crime, inviting and extenuating violence, or palliating denunciation and social ostracism. In the very face of contumely and disdain he calmly, but no less determinedly, waged his battle against the oppressor's wrong, gathering strength from every repulse and honor from every defeat, until the victory was won; a conquest in the simple interests of peace and human happiness, with no aggrandizement other than the enlargement of the area of freedom.

During the period of African slavery, Mr. President, free speech in the Senate existed only in name—a precept without the practice—the merest mockery of a privilege! The abrogation of slavery gave birth to many blessings, but none greater or more important to the American people than the right to freely express convictions on public affairs, and to be permitted to maintain these opinions in good faith, in accordance with the principles of republican form of government. To CHARLES SUMNER, as much as to any other, are we indebted for the practical and unrestricted exercise of the privilege of free speech in the Senate of the United States. The day has happily dawned when the argument of violence finds no favor in the public sight, and when the people recognize that through faith and love, and not by arms, can the work of national amelioration be accomplished. It is now the auspicious era of *fide et amore—non armis*, and in this good work is CHARLES SUMNER *beatæ memoriæ*.

Other Senators, more familiar with his career, will recall the incidents of his early life, his college days, his legal studies, his foreign travel, his friendships for the learned in his own and in other lands, his companionship with the wise and good—all that experience which resulted in the rare culture, and which made him at once the peer of the most cultivated, qualities which lent such a charm to his associations and fitness to his surroundings.

It is my purpose rather to speak of those virtues without which all these gifts and attainments would have been worthless in comparison. The lesson of his life testifies to the value of "integrity of purpose," that integrity which honors cannot suborn nor threats terrify, and which resists alike the blandishments of friends and the batteries of foes—*vitam impendere vero*.

It was of little interest to the poor hunted slave whether CHARLES SUMNER stood high in scholarship at Harvard; but it was of mighty import to all these dumb black millions that the scholar should have had the moral firmness to stand before the "Ancient and Honorable Artillery Company of Boston," and deliver to those listeners (expectant of the glowing periods of the orator, to set forth the "pride, pomp, and circumstance of glorious war") his weighty arguments *against* all war!

It doubtless seemed to the impatient politicians, during the weary weeks of vain balloting for a successor to the seat of Daniel Webster, that Mr. SUMNER jeopardized a great prize for a very little and unimportant matter, when he steadfastly refused to do the slightest action which even seemed in the least degree to compromise his position. But had he been of yielding stuff, of what worth would he have been amid the storms and strifes of the Senate? His whole public life, from the day of that oration on peace, through all the momentous scenes of the twenty-three years of his senatorial career—years so crowded with events, years the most important since the adoption of the Constitution—his whole life is but a commentary and a repetition of that rare courage which impelled him to differ from friends for the sake of truth and conscience.

In those early days of bitterness, in these later days of calumny, no voice ever breathed a word against the spotless integrity of the man. To those familiar with the history of the times, there can be uttered no higher eulogy!

Realizing, in the very words of Mr. SUMNER, that a "seat in the Senate is a lofty pulpit, with a mighty sounding-board, and the whole wide-spread people is the congregation," I am deeply sensible, Mr. President, of my inability to properly eulogize his greatness or to fitly exalt his memory. But I would fail in my duty to my constituents, and be untrue to the settled principles of my life, as well as recreant to the deep affection and veneration which I bore him, were I to remain silent upon this solemn occasion.

Far be it from me to advert to error and frailty, and from which none are free; but, in his own language, employed in eulogy of the late Senator Fessenden, I may repeat that "the error and frailty which belonged to him often took their color from virtue itself."

He has followed from this Chamber, in quick succession to the grave, the column of stalwart champions of liberty—Fessenden, Seward, Chase, and Hale—all of whom, through the infinite mercy of Providence, were permitted life to reap the harvest of freedom, and to behold our land happy in the enjoyment of universal liberty. His motto was "*Ducit amor patriæ*," and no nobler epitaph can be graven on his tomb!

Mr. MORRILL, of Vermont. Mr. President, here our numbers are not so large, nor our differences of any sort so great, that we do not feel, when death enters this Chamber, something of the bereavement of the broken family circle. Associated here for a prolonged term of years, often including the prime and ripest portion of our lives, statedly meeting in the workshops of committees and in daily debate, hearing our names repeated in the frequent roll-calls, it is not strange that it should give our hearts a pang to part with the humblest name when it passes away forever to the "starry court of eternity." But now when we part with a conspicuous member of the Senate, conspicuous by length of service, by eminent ability and established renown, each one of us must confess to more or less of a personal loss as well as to the greater loss of the Senate itself. CHARLES SUMNER under the higher law has responded to the last roll-call, and here the familiar sound of his voice is forever silenced. His imposing presence on the crowning outer circle of the Senate will no longer attract attention. Only the memory remains to us of one whose words and bearing—with minor qualifications—so well comported with the dignity of his office as to have fairly earned the title of a model Senator.

Mr. SUMNER for four years had been a member of the Senate when it was my fortune, in 1855, first to hold a seat in the House of Representatives. For words spoken in debate, in 1856, he was brutally assaulted by Preston S. Brooks, a member of the House, and it was not until after this that my personal acquaintance with him began. For some years I was more familiar with what was then known as his "vacant chair" than with the Senator to whom it belonged, who was abroad ready to invoke heroic remedies, if only they led to health. During these years he returned for a short period, but bore little or no part in the Senate. Mr. Brooks meanwhile suddenly died, as at last, and after intervals of painful suffering, has, also suddenly, the victim of his violence. It was noticeable in his social intercourse, while others let slip an occasional outburst of feeling as to his assailant, Mr. SUMNER never disclosed the least lingering personal animosity. History was silently left to avenge itself. His misfortune appeared to be accepted as one of the many inseparable wrongs resulting from the cruel system of slavery, with which only he waged enduring battle, and not as the crime of an individual with whom, living or dead, he sought only peace.

The Senate of the United States is no ordinary theater in which men sustain their parts. It is the forum of States. If the seat which in 1851 Mr. SUMNER was called to fill had been previously occupied by an undistinguished person, his task would have been comparatively easy; but that seat had been long held by one the world pronounced the foremost American Senator, made classic by one the breadth and grandeur of whose services—whose eloquence and statesmanship, with that of his compeers—had placed the American Senate on a level with that of the Roman Republic in the days of its greatest virtue and highest splendor. He succeeded, after a brief interlude, the veteran "Defender of the Constitution," who had stamped upon our banner the ineffaceable words, "Union *and* Liberty, now and forever, one and inseparable." To say that he proved not an unworthy successor of Webster, however unlike, is to say much, considering he was but a tyro in the politics of even the Commonwealth from whence he came. It was the fortune of CHARLES SUMNER to be placed in his high station at a period of grand and rapidly culminating events. Blessed with exalted natural gifts, he also had been furnished with a large share of the erudition of the age, completed by such graces as foreign travel supplies. Having already started in the field with a small band of early crusaders against slavery, impelled by a robust frame and more robust will, he fearlessly seized upon every fit occasion in his new position to make that institution odious and, if possible, to wound it in some of its most vulnerable parts. This was his all-absorbing mission.

He received and revered the Constitution of our country, as ordained by the same will and power which proclaimed that great Magna Charta of human freedom, the Declaration of Independence, and therefore never forgot the fundamental idea of "equality before the law," nor that "all men are created equal." He brought no fixed allegiance to party platforms, and found no withes in the Constitution that restrained him from resisting any claims for the protection of slavery; but that instrument was everywhere to be interpreted broadly and beneficently in the interests of humanity, world-wide and divinely free.

Bestowing care even upon trifles, his orations in the Senate, as might be expected, were prepared as for a grand occasion, and, towering in his place like a tribune of the people, the heavy, resounding tones of his voice were wont to draw the attention of willing listeners to words which soon found through the press a far wider acceptance. His arguments were methodical, abundant in information, stiffened by apt and pregnant sentences, studiously observant of the syllogistic beginning, middle, and end, and, though rarely what is called brilliant or illumined by wit, were always clearly put forth, with the paramount object of spreading light and with the convincing majesty of earnestness.

Those among us who may have found it sometimes difficult to agree with him never found it difficult to respect his fairness of purpose, his unflinching integrity, or his wealth of learning. In his orbit as a statesman he soared high from the beginning to the end, and ever sought with moral intrepidity noble ends by noble means. As to the largest share of legislative measures, he was apt to be right. He sturdily and sorrowfully resisted the banishment of coin, as an alien, from the base of a sound currency. Upon questions of popular rights he was often a leader; in all steps of reform he was never a laggard. The doctrines he espoused, if not exclusively his own, appeared to belong to him by the possessory title of constant use and earnest adherence. He needed no admonition to "stick." If it cannot properly be claimed that "his doctrines persuaded one generation and live to govern the next," it may be claimed that his early text, of "Freedom national, slavery sectional," did not wait until the next generation to be even more than verified. Freedom *is* national and slavery forever extinct. In the surging conflicts in behalf of universal liberty the deceased Senator has gathered many laurels, and if few more remained to be won, his brow was already covered. He will be numbered among those who helped to change a great chapter in our history. By a life of unstinted and unselfish labor he secured the undying gratitude of an emancipated race and the general approval of mankind.

Mr. SUMNER was ever surrounded by books. They were his most beloved friends, and surrendered many of their secret treasures to their constant wooer. New books as well as old, Longfellow as well as Plato and Milton, often robbed him of sleep. He was a somewhat fastidious lover of the beautiful in art, busily collecting such notable objects as were historically rare, superb in material, or cunning in workmanship; but neither this elegant refinement of taste nor the epicurean seclusion of his daily life lifted him above willing labor and the tenderest sympathy for those who were rude, unlettered, and degraded by even the darkest-browed slavery. To him the "Greek Slave" in marble appeared transcendently beautiful; but the chain, the ugly system, that chafed the limbs and bound the living slave, was an intolerable atrocity, even a manacle on the symbol of God.

Mr. SUMNER's habits of industry, though the sands of his fourth term as a Senator were fast running out, clung to him to the very last, and in no three months of his life were they much better displayed, nor rest and pastime more habitually scorned, than in those which brought his labors to an end.

Most men have some specialty wherein they chiefly excel, and doubtless the great subject of the natural rights of man most deeply excited the enthusiasm of CHARLES SUMNER; but he brought valuable contributions into the discussion of a wide field of topics, political and historical; and upon international law, it may not be wrong to say, he was possibly more profoundly learned than upon the subject which most contributed to build up and support his reputation. Few men have done more work, and fewer still have done it so well. While chairman of the Committee on Foreign Relations, in all critical emergencies he was a vigilant and powerful friend of peace, and as such merits the country's grateful remembrance. The principle embodied in our late treaty with Great Britain, of the arbitration of international differences, he eagerly accepted as the herald of peace to future generations, in harmony with his earliest idea of the "True Grandeur of Nations," and as a hopeful sign of human progress.

Public men during life very often receive the poorest kind of thanks for their noblest efforts. The world at large is not always swift to comprehend; associates look on with torpid indifference; and enemies are made glad by every new field exposed to assault. But when the grave closes the scene, praise of the dead harms no rival, and the final verdict of history proclaims only truth, generously, perhaps, but free from detraction and all uncharitableness; and then public men who have deserved well of their country obtain that full measure of recognition and reverence which at last confers merited rank in the roll of the worthiest of mankind.

The present age, however, always suffers at all points by contrast with the past, because none but the great among the unnumbered hosts turned to dust—the few screened and idolized products of picked centuries—have been preserved, while all of the present age are visible and so near that no deformities can be hidden. There is no sun, that has not long ceased to shine, whose spots remain unrevealed.

Our deceased associate, unsheltered by wealth, by family, or by party, was exposed first and last to much adverse criticism, from which, in spite of much real admiration, impartiality will not even now wholly release him. His persistency in pushing his own measures to the front, though to their present hurt or to the hurt of others, often provoked rebuke. His enemies he easily forgave, but could not so easily bury the slender personal affronts received in any wordy encounters from his peers. His self-confidence, admirable enough when he was right, was no less unmistakable and glittering when he happened to be wrong. To his conclusions, sincerely reached, he gave regal pretensions, and for them accepted nothing less than unconditional submission. Unconscious of personal offense, he imperiously and with the stride of a colossus, trampled down whatever arguments stood in his way, not knowing who was bruised, and yet was sometimes so sensitive that if his own arguments were touched by the gentlest zephyrs of personal retort he felt they were visited too roughly.

Yet these occasional self-assertions by no means held general sway, and never at his own house and table, where the cordial greeting and genial smile, with conversation embroidered with both wisdom and mirth, exhibited the full and varied attractions of his head and heart.

Finally, deducting whatever truth may demand—a stern deduction the deceased never omitted—the brightness of his fame will not serve to perpetuate the memory of any stain upon the absolute purity of his private or public character, and there will still remain the imperishable records of a memorable career—something that the highest ambition aims to grasp, and that heroes die to obtain—or much of the real elements of greatness and all the glory of a historic name.

"I live in the hope of a better world, a world with a little less friction," are words I have seen attributed to the departed Senator. Has he not, with no duty neglected, reached that "better world?" And who of us does not sometimes pray for "a world with a little less friction?"

Mr. PRATT. I too would drop a tear over the new-made grave of CHARLES SUMNER. Others who have known him longer and better have already set forth in eloquent language his wonderful endowments of mind and the moral graces of his character. I do not propose to speak of these at any length, nor yet of the leading incidents of his eventful career; for his history is known of all. The press has already spoken with its myriad tongues to all parts of this widely extended country. Nor yet do I care to dwell upon that rare scholarship which made him in international law, in belles-lettres, and statesmanship one of the foremost men of the country and the age. All who knew him can bear witness how well the graces of his mind harmonized with his nobility of form and majesty of feature. He was a man of such mark in his mere exterior as to arrest at once the attention of a stranger, and make him a chief among ten thousand. All these topics I leave to other hands. But what I do want to linger upon a few moments are some traits in his character which distinguished him as a man and legislator and deserve to be held up as incentives to others who would tread the paths of honor like him and win the enduring respect and confidence of mankind.

Mr. SUMNER was a man pre-eminently true to his convictions of right. It was in this sign he conquered. He did not stop to consider whether the position he took would bring favor or reproach. He was only anxious to be right; to plant himself upon principles that would not change. Hence he did not allow himself to look at a question through any medium that distorted its true proportions. He was an honest man by nature. He hated deceit, fraud, peculation, and corruption in all their forms. But especially were all the strong forces of his moral nature set in hostility to oppression by man over man. Against the system of human slavery he waged ceaseless war, from early manhood up to the period of his death. Need I speak of his correlative love of truth, of freedom, of justice, of equal rights, in this Chamber that has so often echoed his grand utterances? To the establishment of this doctrine of equal rights among men without distinction of color or race; to the emancipation and elevation of the four millions of the African race whom he found in bondage and lived to see freedmen and citizens of this Republic, he consecrated the many years of his public service with a singleness of purpose that never swerved a moment, with an unflagging zeal and an energy that never tired. This was his great work; and it was a work of love and of conscience. He had many colaborers, and it is no injustice to them to say that he had no superior in the abilities, the ripe learning, the courage and zeal which he brought to the enterprise.

The pioneers in the great movement against slavery were a most remarkable body of men, distinguished equally by talents and boldness, by zeal and fortitude. The history of parties may be searched in vain for a parallel to the anti-slavery party in its origin and progress in the short but rapid and successful career it run, until all its objects came to be accomplished, but by means and instrumentalities hidden from the eyes of those who set the ball in motion. Their doctrines were odious to the last degree among their countrymen, and neither the great abilities of the leaders, nor the abstract justice of their cause, nor the unselfishness of their motives could shield them from persecution, from odium, and contempt. The principles they announced touched the conscience of a part of their countrymen and alarmed the selfish fears of another part. They excited the animosity of all who wanted repose and hated agitation. The war they waged was against an institution which was coeval almost with the settlement of this continent, which was interwoven in the political systems of half the States, recognized even and protected in the national Constitution and which furnished the unpaid labor of three millions of men, women, and children to promote the wealth and feed the pride of less than half a million of masters and mistresses. Never in the history of the world did there exist a combination of men more

formidable by their common interest and their common fears, by their wealth and wide-spread influence, than this compact body of slaveholders; and it was such an institution, venerable in years, deeply imbedded in social and political systems, and above all formidable in the political grasp in which it held the country as in a vice, that this small body of reformers attacked in its stronghold. It was David with his sling going forth to meet Goliath with his spear like a weaver's beam. This is not the time to do more than touch upon that great warfare in which Mr. SUMNER bore so conspicuous a part. He was most ably seconded by such men as Gerritt Smith, Lovejoy, Stevens, Hale, Seward, Chase, Garrison, Phillips, and Giddings. Most of that noble band of pioneers have gone to their rest. But what a work for a single generation to accomplish have they left behind them!

When Mr. SUMNER's conscience was roused by the wrongs of slavery he was pursuing with singular success a profession which opened to his ambition pleasing vistas of distinction and ample reward. There is something grand in his renunciation of the advantages of his position; in his breaking loose from friends and a party too timid to resist the demands of slavery, and consecrating himself to the elevation of a race of slaves, from whom he was so far removed by tastes and association and sympathy. I do not follow him in his great work. It is a part of the history of the country. To that country and its honor, to truth and humanity and to the cause of equal rights, he devoted the remainder of his life. His last thoughts dwelt upon that race for whose welfare he had done and suffered so much, and in the advocacy of whose rights he had been struck down by a felon blow in this Chamber inspired by the barbarism of that slavery against which he had made war.

"See to the civil-rights bill; don't let it fail," were among his last utterances to his colleague in the other House, who stood beside the dying statesman. To his colleague in this body a year ago he said, "If my works were completed and my civil-rights bill passed, no visitor could enter the door that would be more welcome than death." That bill was the great work which was to crown his labors. It was the last act of legislation necessary, in his opinion, to fill the measure of the colored man's rights. How often during this session have we heard his voice in eloquent persuasion lifted up in support of this measure. It was the first bill offered upon the assembling of the Forty-third Congress, and stands to-day at the head of our Calendar of bills. In times past how often have we seen him employing every fair parliamentary opportunity of urging this measure upon the consideration of the Senate.

Probably at no period of his life did he more forcibly illustrate his perseverance, his energy, his zeal, and eloquence, than in the many efforts he made to pass this bill. We know now it was no mere passion for notoriety that inspired these labors. Death tears the mask from the face and the human soul gives out true utterances as it approaches the overmastering presence of Him who divines the thoughts of men. We know now that it was in the heart of CHARLES SUMNER, his last and most deeply cherished wish, to lift up the colored race to the plane of perfect equality. And, sir, while that race endures on this continent they will bind upon their hearts these last words of their friend, and henceforth for all time Mr. SUMNER will divide with the martyred Lincoln the love and reverence of this warm-hearted people.

But I must not forget to mention other traits of character which distinguished our departed friend. Though not a demonstrative man, but studious and somewhat reserved in his habits, he was courteous and kind to all who approached him. There was no one who better understood the rules and courtesies which govern this body, or that more scrupulously observed them. No one ever had occasion to call him to order. No expression unbecoming this place ever fell from his lips in debate, though no one more prompt to assert his rights.

There is another trait on which my mind delights to dwell: the transparent purity and simplicity of his character. No one has ever ventured to assail the purity of Mr. SUMNER's public or private life. Here, for more than twenty years, he stood a conspicuous figure, for much of the time odious for the opinions he held upon the subject of slavery and the object of bitter persecution; but who ever challenged his perfect rectitude of motive in the views he uttered and the votes he gave? Here, during the many years of his public life, when corrupt schemes assailed Congress, who ever linked Mr. SUMNER's name with ring or combination of any kind which sought special advantages from legislation? No lobbyist ever approached him with doubtful propositions. No one could count upon his vote unless the measure was one which commanded his approbation from his sense of its justice and fitness. Suspicion fell from time to time upon many names, often with cruel injustice, of self-seeking aims; but it is a most striking proof of Mr. SUMNER's lofty and transparent character that his integrity was never called in question in his public or private relations. That he did not love money or seek to add to his riches we know from the modest estate he has left, and of which he has made such judicious distribution. That he had a warm heart and friends he prized, we know from the bequests he has made and the dying messages he left. His last utterance was, "Tell Emerson how much I love and revere him." This was the friend who once said of Mr. SUMNER, "I think he has the whitest soul I ever knew." That little sentence tells the whole story of Mr. SUMNER's character.

Mr. President, with this memorial occasion ends all of public honor we can render to our departed associate. But no living witness of what transpired here on the day his funeral obsequies were celebrated in this Chamber shall ever forget the sublime spectacle. From early morning all the approaches to the Capitol were thronged with people of all conditions of life who sought to look upon his face for the last time as his body lay in state in the Rotunda. What fitter place for such respect? Thousands upon thousands passed his bier and paused a moment to gaze upon that classic face, majestic in the repose of death. And then who shall forget the presence which greeted his mortal remains in this Chamber? Here were assembled the representative living forces which govern this Republic of forty million people. The national law-makers were here from far-off Oregon and California; from the Rocky Mountains; from the original thirteen States, and from the great basin of the Mississippi and its tributaries. Here were assembled, in their black robes, the members of that august tribunal who administer jurisprudence over forty-six States and Territories. Here, too, came to do honor to the departed Statesman the Chief Magistrate of the nation with his Cabinet councilors; and lastly, ranged side by side, sat the embassadors of the great powers of the earth, the representatives of those governments with which for ten years Mr. SUMNER as chairman of the Committee on Foreign Relations had so much to do in molding our national policy toward them. All these were here hushed and sad, while the voice of religion was heard in prayer and in sad mention of him lying low in his coffin, all insensible to the imposing pageant and about to be committed, with solemn rite, earth to earth, dust to dust. Sadly did his associates think of that form, now prostrate and lifeless, as we had so often seen it tower here in eloquent debate. Sorrowfully did we recall that voice whose earnest tones should fill these Halls no more. And O! how sadly did we see his lifeless corpse make its final exit from this place where for twenty-two years he was a living power, influencing in perhaps larger degree than any other the opinions of men. He has been borne from city to city, through the busy throngs of the living, who paused with uncovered heads to do honor to his ashes, until he has been committed at last to final rest in the soil of his native State which he loved so well and served so faithfully.

Mr. President, I cannot close my humble tribute to the memory of Mr. SUMNER without adverting to the extraordinary testimonies to his worth which have been rendered spontaneously throughout the whole country by the press, from the pulpit, and through resolutions passed at public meetings. Since April, 1865, when Mr. Lincoln fell by the hand of an assassin, the country has witnessed no such manifestations. But especially have these tributes been warm and earnest on the part of the colored race, for whose good he labored with such disinterested zeal. Wherever the news has penetrated that their great friend and advocate had fallen in the midst of his work in their behalf, they have assembled and given expression to their grief and gratitude. I hold in my hand a series of resolutions, just in sentiment and beautiful in expression, adopted by the colored men of the city where I dwell, and I cannot more fittingly close what my heart prompted me to say of our lamented associate than by sending to the Clerk's desk the preamble and resolutions adopted by them and asking that they may be read.

The Chief Clerk read the following preamble and resolutions adopted at a meeting of colored citizens of Logansport, Indiana:

Whereas it has pleased the All-wise and beneficent Ruler of the universe to remove from our midst our beloved friend and benefactor, the eminent philanthropist and statesman, Hon. CHARLES SUMNER; and whereas we, as colored people, are under a special debt of lasting gratitude to him for his unswerving devotion to the advocacy of our rights as an oppressed race: Therefore,

Be it resolved, That the death of Hon. CHARLES SUMNER comes to each of us with all the bitterness of a personal bereavement.

Resolved, That we will ever cherish and honor the name of CHARLES SUMNER, and that while we hand it down to our children, to be held by them in love and veneration, we will also teach them to emulate his virtues and uprightness of character.

Resolved, That his solicitude for our cause, to which he had given the labors of his noble life, manifested in his dying hour in the ever memorable words, "Take care of the civil rights bill," was the last beautiful link in a golden chain of good deeds which binds his memory to the hearts of the oppressed of all lands forever; and, though he needs no monumental marble to keep his memory fresh in their hearts, yet, as an *outward* expression of their gratitude, we favor the proposition that the colored people of this country shall erect a monument to him at the capital of the nation, respectfully suggesting the words quoted above as one of the inscriptions upon said monument.

Resolved, That as a testimonial of respect to the memory of our deceased friend, we will drape our church in mourning, and the colored citizens of this city are requested to wear emblems of mourning for the period of thirty days.

Mr. SARGENT. Mr. President, it was my privilege a few weeks since, by your appointment, to stand with a few of our brother Senators at the grave of the late Senator, CHARLES SUMNER, while his earthly remains were being deposited in the soil of his native State, to rest while time shall endure in the goodly company of heroes and statesmen who had there preceded him. Standing among the tombs of the many who had trod the paths of glory that lead but to the grave, were the eminent men of the State, notably among others the masters of philosophy and poetry, who express its highest thought and give intellectual power and glory to the Athens of America. Only for such a man could such an assembly have been gathered. Something besides station evoked that homage of select souls. Among these many men of genius, drawn there not merely by respect for the dead statesman, but by the promptings of an affection springing from kindred tastes and years of intimate friendship, it may not be improper to individualize a very few of those who witnessed that closing scene of a conspicuous career. There stood Ralph Waldo Emerson, the genial

philosopher, who, in writing of such friends as the one then mourned, had expressed in one of his essays his appreciation of friendship:

I awoke this morning with devout thanksgiving for my friends, the old and new. Shall I not call God the Beautiful, who daily showeth himself so to me in his gifts? I chide society, I embrace solitude; and yet I am not so ungrateful as not to see the wise, the lovely, and the noble-minded, as from time to time they pass my gate. Who hears me, who understands me, becomes mine, a possession for all time. * * * High thanks I owe you, excellent lovers, who carry out the world for me to new and noble depths, and enlarge the meaning of all my thoughts.

In that silent and sorrowful company also stood Henry W. Longfellow, with silver locks and noble brow, the poet of tenderness, whose words had fitly imaged the aspirations of human souls to penetrate the veil of death; words never more fitting than when some strong spirit has "left the warm precincts of the cheerful day" and passed beyond the dark curtain hiding from mortal gaze the "realm of mystery and night:"

As the moon from some dark gate of cloud
Throws o'er the sea a floating bridge of light,
Across whose trembling planks our fancies crowd
Into the realm of mystery and night,
So from the world of spirits there descends
A bridge of light, connecting it with this,
O'er whose unsteady floor, that sways and bends,
Wander our thoughts above the dark abyss.

And there stood Oliver Wendell Holmes, the rich and clear in thought, whose muse is soon to celebrate his dead friend in other memorial services. Will he find more apt thought or expression than those with which years ago he testified his homage to the memory of a brother poet?

Behold—not him we knew!
This was the prison which his soul looked through,
Tender, and brave, and true.

His voice no more is heard;
And his dead name—that dear familiar word—
Lies on our lips unstirred.

Here let the body rest,
Where the calm shadows that his soul loved best
May glide above his breast.

Smooth the uncurtained bed;
And if some natural tears are softly shed,
It is not for the dead.

Here let him sleeping lie
Till heaven's bright watchers slumber in the sky,
And Death himself shall die.

There stood John G. Whittier, the poet of freedom, *clarum et venerabile nomen*, sad witness of the interment of the MAN for whom his exigent muse had called five years before the first election of CHARLES SUMNER to the Senate:

Where's the MAN for Massachusetts?
Where's the voice to speak her free?
Where's the hand to light up bonfires,
From the mountains to the sea?
Beats her pilgrim pulse no longer?
Sits she dumb in her despair?
Has she none to break the silence?
Has she none to do or dare?
O, my God! for one right worthy
To lift up her rusted shield,
And to plant again the pine tree
In her banner's tattered field!

I could not doubt that the grand old poet had seen the realization of his ideal in the unflinching champion, now low in death, who had borne a part so generous and courageous in the strife for freedom.

It has been assumed that CHARLES SUMNER was an austere man, absorbed in his self-consciousness and in his daily labors, indifferent to ordinary emotions. I refer to the life-long friendship that knit him to men like these to show the real warmth of his nature; his attractive and receptive inner life.

I recur again to that scene, impressive as it was as the uncovered multitudes silently looked upon the casket that enshrined the dead Senator, and fitting as it was that the State and nation should pause while the sad rites consigned to earth that noble form which had so long moved with high power and influence in human affairs, to note the lesson there impressed, that Time is the universal conqueror, and the lives of the greatest are but a point on the dial of time. To very few of the restless, ambitious, striving sons of humanity is immortality of fame attainable. The advancing shadows of the past leave uncovered few forms of men who have occupied the world's arena. The cloud approaches and swallows up successive generations; obscures into common blankness names and histories that were fondly thought imperishable. Only when great opportunities are furnished to great talents can exception be hoped, or is ever realized. The efforts of men to accomplish the birth of some great state, filling broad pages in the world's annals; an empire over the intellect or imagination of mankind attained by the rare genius that dates its infrequent efforts with intervals of a score of generations; the discovery or application of grand truths for the amelioration of human conditions—these may give immortality to the memory of man, and leave his name a household word even with the indifferent future.

CHARLES SUMNER'S fortune did not cast him into an era when a great State struggled into being. He had not that impulsive, consuming genius that casts a glare over the ages. But he lived in an age when evils that were scarcely noticed from their apparent insignificance at the origin of the Republic had grown to vast proportions, had become incompatible either with national safety or human rights, and gave him a field of labor in which he became illustrious. Earnestly sympathizing with him in that work, concurring with him year by year in the blows that he struck at slavery, I speak with full heart in tribute to his courage, his manliness, his singleness of purpose, his high achievements. He boldly announced and persistently applied eternal truths that brought to the test the growing wrongs which were destroying the meaning of our institutions and giving point to the assertion that the declaration of the fathers was a display of glittering generalities. The name he earned by these labors of Hercules Massachusetts cannot afford to let die. The enfranchised race must hallow it forever. But it belongs to the world and all mankind.

I speak of his courage and manliness. Picture that almost solitary man as he stood here twenty years ago, uttering what his associates deemed not merely heresies, but blasphemies; the suggestions not merely of eccentricity, but of stark madness or fatal mischief. The ark he shook with unsparing hand was to them most consecrate. Here there was political and social ostracism—the discountenance of his fellows, so hard to bear in such a body as this; in the country execration and contempt; at home, even, doubtful and hesitating support. Martin Luther would go to Worms if there were as many devils as tiles on the roofs. CHARLES SUMNER would go where his convictions led, through obloquy, hate, unpopularity, and deadly assault. Let no man who challenges the wisdom or justice of his course deny his fortitude and courage. But for the work that Mr. SUMNER performed there were necessary not only fearlessness and fortitude, but a cool, clear judgment, untiring industry, and perfect integrity. Suspicion of sordid motives would have destroyed his influence. These necessary qualities Mr. SUMNER possessed in the highest degree. His devotion to the one great idea of his life, the abolition of slavery and the entire political equality of all men, was absorbing and unremitted. If n the earlier years of his senatorial life to most of his associates here his utterances against slavery seemed sacrilegious or insane, long before his death advocacy of slavery in this Chamber would have seemed to all his associates as insane or a pleasantry. Less than twenty years worked this great revolution; and in this Hall he was unquestionably the chief inspiring cause and guiding spirit. The careful orations which he elaborated and here pronounced, exhibiting in remorseless nakedness the repulsive body of slavery, aroused the attention of the North, introduced into political discussion a moral element almost as potent as religious enthusiasm, and changed the issues widely from the commercial controversies that before that time had divided parties. It would be assuming too much to say that Mr. SUMNER was the sole cause of the revolution that was wrought, mighty as his influence was. There were other able laborers in the Senate and in the country, increasing in numbers as events progressed. Slavery gave food for excitement by its measures of resistance, which were often carried to aggression, and by new demands; and it took the final stand in opposition to the Government, without which all the eloquence of CHARLES SUMNER and his associates and all the aroused spirit of the North would have left it intact in its strongholds.

The lurid flames of civil war let in a more intense light upon this great stage, and fixed the attention of mankind upon the actors who played a part unequaled in the world's drama. Among these Mr. SUMNER was not excelled for sagacity or patriotism. I am disposed now to concede that the war was a logical result of the teachings of Mr. SUMNER and his compeers; though only peaceful revolution, the force of persuasion only, was intended by them. They combated a power of unknown force and proportions; of unascertained sensitiveness and vigor. They boldly thrust their torches into a magazine. They zealously promoted ends where the resistance arose from both passion and interest, and the collision was unexpectedly a convulsion where the frame-work of the Government trembled on its foundations. They believed that to circumscribe slavery within existing boundaries was to put it in the course of ultimate extinction. But its extinction, peaceful or otherwise, was not desired, would not be tolerated, by its ultra friends; and hence when a party triumphed with CHARLES SUMNER'S dominant idea, the friends of the twin relic took the fatal step of secession long contemplated as their *dernier ressort*.

Mr. SUMNER met this crisis with statesman-like decision. In those days, as a member of the other House of Congress, I had often opportunity to listen to his utterances on the floor of the Senate. No man ever heard from his lips counsels for submission or unworthy compliance. Rather was he stern and aggressive, as befitted the times. He was among the first to proclaim that the war for slavery could only be put down by the annihilation of slavery. Where others of his party timidly followed or resisted, he boldly led. He was the embodiment at once of the convictions and courage of his noble State. In the prime of manhood and of his intellectual powers, hardened in grain and nerve by the long exercise of his strength in senatorial conflicts, his decisive voice gave boldness and energy to the counsels of the American Senate, where only boldness and energy could cope with the appalling difficulties that assailed the country. To Mr. SUMNER largely, to men of his bold and sagacious spirit wholly, the nation owes it that is now not only one but free from the Canadas to the Gulf.

Francis Lieber in his Political Ethics says: "The dread of unpopu-

larity has ruined many statesmen, led authors to abjure the truth, and seduced citizens to crooked paths." With CHARLES SUMNER no dread of unpopularity ever operated to deflect him from his chosen path of duty. He might err, he did sometimes err, in choosing that path; but he pursued it sturdily, without selfish fear of consequences. He was sometimes harsh in his judgment of the motives of others; but his own were transparent and frankly avowed. He was tenacious of his opinions in good or evil report. His reliance upon his own resources was unwavering; his confidence in his own convictions was supreme: He expected rather than courted the concurrence of the people. In a remarkable passage in the Mémorial de Sainte Hélène, Napoleon declared, "Thus we ought to serve the people worthily, and not occupy ourselves with pleasing them. The best way of gaining them is by doing them good." This teaching, however strange in the mouth of the august author, seems to embody the philosophy of Mr. SUMNER'S political life. Yet he was gratified by the love of the people of Massachusetts, and proud of their confidence. On the last day that he ever visited the Senate, when the resolutions had been read that testified that the people of his State by their representatives had rescinded the only censure of him that they had ever uttered during his long career of service, he feelingly expressed to me his appreciation of that great act of justice, and spoke warmly of the kindness that had cheered him during his last visit to his State. Yet it is said that to no man did he ever complain of that censure, and by no act or word ever sought its reversal. So he had none of the arts of the politician; had no party within his party; no leaders of cliques or factions at his beck; and left wholly to the people the care of his political fortune.

It is meet that to the memory of such a man—scholar, statesman, and patriot—high honors be paid. He was himself generous of eulogy to departed worth. I have sought to add but a leaf to the garland that decorates his tomb.

Mr. SHERMAN. Mr. President, when the Senate met on the 11th day of March last, and we were informed that CHARLES SUMNER was dying, the intelligence came with such suddenness and excited such sorrow and sympathy, that no one of us was inclined to the discharge his usual official duties. Mr. SUMNER was with us the day before in apparent good health, and witnessed the formal withdrawal by the General Assembly of Massachusetts of the only criticism ever made by that Commonwealth of any act of his during his long-continued service of twenty-three years as a member of this body. We saw no indication of disease, and yet within twenty-four hours he was dead. So striking an example of the uncertain tenure of human life was a warning to us all, made more impressive by the exalted position held by Mr. SUMNER.

At no previous period of his life would his death have caused such general sorrow. The long strife he conducted against slavery aroused against him bitter animosity in one portion of our country, but this was so mellowed by time and events that his old enemies acknowledged the purity of his motives and the lofty purpose of his warfare. He had unmistakable evidence of the continued confidence and support of his constituents, and of the love and veneration of five million freedmen.

The heat of recent contests in this body, unavoidable where debate is free, and where honest opinions boldly expressed necessarily produce some strife and personal feeling—this was passing away, and CHARLES SUMNER was by the judgment of his associates here, by the love and confidence of his constituents, by the general voice of the people, the foremost man in the civil service of the United States. This eminence is assigned him for unblemished honor, for high intellectual capacity, improved by careful study and long experience, and for public services rendered here with unwavering fidelity and industry, with conscientious consistency, contributing in a large degree to the liberty of millions of slaves, and to the advancement of the power, position, and prosperity of the whole country.

We ought not to exalt the dead with false eulogy; but I feel after long association with Mr. SUMNER in the public service, continued since December, 1855, sometimes disagreeing with him and conscious of his imperfections, that I would not do justice to his memory did I not place his name and fame above that of all in civil life who survive him. I do not compare him with those whose good fortune it has been to have rendered important military service, for such a comparison is impossible. We may contrast the services of the statesman and the soldier, but we cannot compare them. The mental and physical elements required for success are widely different. In all periods of history the soldier has won the highest rewards; the statesman must often content himself with deserving them.

This is not the time or the occasion to analyze events or to parcel out the good that has been done or the evil that has been avoided; but I can safely say that on all the vital issues that have arisen since Mr. SUMNER entered the Senate he has been a prominent, conspicuous, and influential advocate of the opinions and principles represented by the republican party, which have either been ingrafted in the Constitution of the United States or have controlled the policy of the Government since 1861. His differences with political friends have been on collateral questions, but on vital questions he has always been not only a representative but a leader. His part on the leading measures of the war and on those that grow out of the war is so conspicuous that their history could not be written without his name appearing in the forefront. The true criticism of his course is, that he has often been so eager in the advance that he did not sufficiently look to practical measures to secure the progress already made.

If I am correct in the position I assign to Mr. SUMNER, we may well pause a moment to notice the personal advantages or qualities that enabled him to attain this distinction.

And first and chief of all I would place the advantage he derived from a good education. He was eminently an educated man, not only in the perfect mastery of college lessons, but in the broader field of classical and English literature, of international and civil law, and in the customs and habits of society. With this advantage, he had an armory of weapons and a capacity for acquiring knowledge from every source and making it useful in every emergency.

Again, he was a man of fixed convictions, with a steady purpose always in view. This is an indispensable quality for success. The central idea of his political life was hostility to slavery. This appears in his earliest writings as strongly as when afterward it became mixed with personal strife. His hatred of slavery was fierce, intense, morbid—evinced by such language of bitterness and denunciation that no wonder the holders of slaves construed his invectives against the system as personal insults demanding resentment. Mr. SUMNER did not so regard them. His object was liberty to the slave, and not punishment to the master. His later life proves that when he could secure the one he freely gave amnesty to the other. Washington did not pursue his object to obtain liberty and independence for his country with more unwavering faith and effort than SUMNER did for liberty and equal rights for the slave. This quality in Mr. SUMNER always relieved him from inconsistency. While he was not always satisfied to secure what he had previously demanded, he was always advancing in the same direction and not in an opposite one. No man's actions could be more consistent with the objects he always kept in view.

Mr. SUMNER was aggressive; he could brook no opposition. He was always for a clean victory or a clean defeat. He would not yield even on minor points, and would often fight for a phrase when he endangered a principle. He would sometimes turn his warfare upon his best friends when they did not keep exactly abreast with him. This feature of his character lay at the foundation of many of his controversies with his associates, and was its weakest point. With the great multiplicity of minds that must contribute to a common purpose in this arena of debate, there must be yieldings of minor things to accomplish great things.

Mr. SUMNER was industrious to a remarkable degree. His seat was rarely vacant. He was prompt and faithful in his attendance on committees of which he was a member. Genius can accomplish nothing without industry. Education cannot be acquired without it. Success in public life more frequently depends upon industry than upon natural ability. We can have no eight-hour law or ten-hour law here. Mr. SUMNER was always busy, and even in social life sought for or conveyed information. The eloquent speeches that will preserve his name are none the less valuable because they have been distilled by the midnight lamp.

Mr. SUMNER was honest in the broadest meaning of that good old Roman word. He was upright, free from tricks and fraud. No one could suspect the purity of his motives, or seek by improper means to influence his conduct. He might be misled by prejudice, or party bias, or local interests, but never by personal interest or hope of it. He was not a politician in the sense of the word as it is now used—a man of artifice or contrivance. He was remarkably free from all artifice. He did not even use the artifice of silence. But he was a politician in the true and natural sense. He was profoundly versed in the science of government. It is a common error that he confined his attention to the slavery question. Far from it. No one in this Senate was so familiar as he with all the laws and usages that govern our intercourse with foreign nations. He was deeply interested in questions affecting the internal development of the country, and of late years has carefully studied all financial questions, and has contributed to their solution. Next to his dying wish for the passage of the civil-rights bill was his desire that the promise of the United States should no longer be measured by a depreciation of 10 to 14 per cent.

Such is the estimate, briefly stated, that I have conceived of Mr. SUMNER. He sleeps upon Mount Auburn, and no word of ours can give him care or grief. He awaits the mysteries of the future, and not long hence we must in our turn join him. How changed this scene since a few years past I entered it! More than one-half I met here are dead, and only three remain who were then members of the Senate. CHARLES SUMNER was the last of the funeral train. Who next?

May we be so guided here that when our time comes our associates may be able truly to say of us something of the good that is this day said of CHARLES SUMNER.

Mr. WADLEIGH. Mr. President, representing in part upon this floor a State contiguous to Massachusetts and a people closely allied to hers by many ties, I cannot refrain from briefly expressing upon this occasion the profound sorrow that bowed their hearts when they heard that CHARLES SUMNER was no more.

In common with the people of the whole country, they recognized his eminent public services, and, even when disagreeing with him,

never lost their faith in his honesty of purpose and unfaltering devotion to the cause to which his life was given. But New Hampshire has other reasons peculiar to herself for cherishing his memory.

Seven years before he came here to occupy the seat of Daniel Webster, John P. Hale appealed from the decision of his party to the voters of New Hampshire upon the question of slavery extension. Almost single-handed and alone, against a party unequaled in discipline and ignorant of defeat, among a people nearly as steadfast and unchanging as their granite hills, he won one of the greatest victories ever recorded in our political annals. Kindling by his eloquence the love of liberty and hatred of oppression that lie at the core of humanity, he was borne into this Senate upon a popular torrent which burst through the crust of party like lava from the burning heart of a mountain. Here for four years he stood the isolated and ostracized representative of a principle stronger than all parties and destined to triumph over them all.

In 1851 Massachusetts, as if to repay the debt she owed for the man who marched from the Granite State to die at Bunker Hill, placed CHARLES SUMNER at the side of John P. Hale. It was the re-enforcement of a forlorn hope, and revived the drooping spirits of the opponents of slavery.

What followed is known to all and will never be forgotton. Linked to the emancipation of four million slaves, the memory of such men is as imperishable as the stars.

And after this marble pile shall have crumbled into dust and every existing political organization shall have been destroyed by all-devouring Time, SUMNER'S incorruptible honesty and steadfast devotion to the cause of human freedom will be gratefully remembered, for these make his one of the names—

On Fame's eternal bead-roll worthy to be filed.

Mr. ANTHONY. Mr. President, I can add nothing of narration or of eulogy to what has been said, and so well said. Mr. SUMNER'S life, his character, and his services have been fittingly presented, and on both sides of the Chamber. The generous voices of political opponents have followed the affectionate praises of devoted friends, and nothing remains but to close this sad and august observance. Yet something forbids my entire silence, and impels me to interpose a few sentences before the subject passes from the consideration of the Senate.

My acquaintance with Mr. SUMNER commenced previous to my entrance into this body, where it ripened into a friendship which will always remain among the most agreeable recollections of my public life. I remained associated with him until every other seat in the Chamber, except one, had changed its occupant, and eight new ones had been added. Some left us in the ordinary chances and changes of political fortunes; some were transferred to other departments of the public service; and of these some have returned again to the Senate; some, as Douglas, and Baker, and Collamer, and Foot, and Fessenden, fell, like SUMNER, at their posts, and like him were borne to their final repose with all the demonstrations of public gratitude, of official respect, and of popular affection with which a generous constituency decorates the memory of those whose lives have been spent in its service and who have worthily worn its honors.

But Mr. SUMNER'S constituency was the Republic, wide as its farthest boundary and permeating its utmost limits; for he was conspicuously the representative of a principle which, although seminal in the organization of the Government, was slow of growth and fructified largely under his care. When the intelligence of his death followed so close upon the first intimation of his danger, it fell with an equal shock upon all classes of society, upon "all sorts and conditions of men;" it invaded with equal sorrow the abodes of luxury and the cottages of the poor—

——— pauperum tabernas,
Regumque turres.

The scholar closed his book and the laborer leaned upon his spade. The highest in the land mourned their peer, the lowliest lamented their friend. How well his life had earned this universal testimony of respect; how naturally the broad sympathy which he had manifested for the wronged and the injured of every condition came back to honor his memory, it is not my purpose to enlarge upon. His eulogy is his life; his epitaph is the general grief; his monument, builded by his own hands, is the eternal statutes of freedom.

Mr. President, when I look back over this long period, crowded with great events, and which has witnessed the convulsion of the nation, the reorganization and reconstruction of our political system; when, in my mind's eye, I people this Chamber with those whose forms have been familiar to me, whose names, many of them historical names, have been labeled on these desks and are now carved on the marble that covers their dust, I am filled with a sadness inexpressible, yet full of consolation. For, musing on the transitory nature of all sublunary things, I come to perceive that their instability is not in their essence, but in the forms which they assume and in the agencies that operate upon them; and when I recall those whom I have seen fall around me, and whom I thought necessary to the success, almost to the preservation of great principles, I recall also those whom I have seen step into the vacant places, put on the armor which they wore, lift the weapons which they wielded, and march on to the consummation of the work which they inaugurated. And thus I am filled with reverent wonder at the beneficent ordering of nature, and inspired with a loftier faith in that Almighty Power without whose guidance and direction all human effort is vain, and with whose blessing the humblest instruments that He selects are equal to the mightiest work that He designs.

And now, Mr. President, as a tribute of respect to the memory of our departed associate, I move that the Senate adjourn.

The motion was agreed to; and (at two o'clock and thirteen minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *April* 27, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of Saturday last was read and approved.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the first business in order is the call of the States and Territories, beginning with the State of Maine, for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back on motions to reconsider. Under this call memorials and resolutions of State and territorial Legislatures may be presented for reference and printing. The morning hour begins at five minutes after twelve o'clock.

COURTS IN THE DISTRICT OF COLUMBIA.

Mr. POLAND introduced a bill (H. R. No. 3098) to amend an act entitled "An act to reorganize the courts of the District of Columbia, and for other purposes," approved March 3, 1863; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

FREE BANKING, ETC.

Mr. POLAND also introduced a bill (H. R. No. 3099) to provide a free system of national banking and for the resumption of specie payments; which was read a first and second time.

Mr. POLAND. I move that this bill be referred to the Committee on Ways and Means.

The SPEAKER. The Chair is of opinion that it should go to the Committee on Banking and Currency.

Mr. POLAND. It provides, it is true, for a free system of national banks; but it also provides for the retiring of United States notes, and the issue of new United States bonds for the purpose.

The SPEAKER. The House on Monday last, by a yea and nay vote, decided that bills of this character belonged to the Committee on Banking and Currency.

Mr. POLAND. They decided wrong.

The SPEAKER. The gentleman from Vermont [Mr. POLAND] may think so; but the Chair is bound by the decision of the House.

Mr. POLAND. I should prefer the judgment of the Speaker.

The bill was accordingly referred to the Committee on Banking and Currency, and ordered to be printed.

INCREASE OF NATIONAL-BANK CURRENCY.

Mr. HOOPER introduced a bill (H. R. No. 3100) to increase the issue of national-bank notes in States and Territories having less than their proportion, and for the ultimate resumption of specie payment; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

CHARLES N. WILLIAMS.

Mr. HALE, of New York, introduced a bill (H. R. No. 3101) for the relief of Charles N. Williams, postmaster at Elizabethtown, Essex County, New York; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

TESTIMONY OF PARTIES TO ACTIONS.

Mr. LANSING introduced a bill (H. R. No. 3102) to permit parties to actions and indictments in courts of the United States to testify in their own behalf; which was read a first and second time, referred to the Committee on Revision of the Laws of the United States, and ordered to be printed.

WIDOWS' PENSIONS.

Mr. MACDOUGALL introduced a bill (H. R. No. 3103) to repeal the statutes which forfeit widows' pensions by reason of a second marriage; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SALLIE BROUGHTON.

Mr. SMART introduced a bill (H. R. No. 3104) for the relief of Sallie Broughton; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812.

JOHN CASS.

Mr. WILBER introduced a bill (H. R. No. 3105) for the relief of John Cass and to refund commutation money wrongfully paid during the late civil war; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SALARIES OF UNITED STATES DISTRICT JUDGES.

Mr. DUELL introduced a bill (H. R. No. 3106) to fix the salaries of

the district judges of the United States; which was read a first and second time, referred to the Committee on Revision of the Laws of the United States, and ordered to be printed.

JOHN HUDSON.

Mr. O'NEILL introduced a bill (H. R. No. 3107) to place the name of John Hudson on the pension-rolls; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RESTORATION OF DUTIES.

Mr. BIERY introduced a bill (H. R. No. 3108) to restore certain duties on imposts; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

THOMAS M. MACCUBBIN.

Mr. O'BRIEN introduced a bill (H. R. No. 3109) for the relief of Thomas M. Maccubbin, of Montgomery County, Maryland, for steam grist and saw mill converted to the public use by United States troops; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

A. SHOOP, OWEN ARDINGER, AND OTHERS.

Mr. LOWNDES introduced a bill (H. R. No. 3110) for the relief of A. Shoop, Owen Ardinger, and other citizens of Williamsport, Washington County, Maryland; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARIE P. EVANS.

Mr. COBB, of North Carolina, introduced a bill (H. R. No. 3111) for the relief of Marie P. Evans, executrix and legatee of S. Duncan Linton, deceased, and to refer her claim to the Court of Claims; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARY C. STIRLING.

Mr. COBB, of North Carolina, also introduced a bill (H. R. No. 3112) for the relief of Mary C. Stirling, (tutrix of her minor children,) of Louisiana; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EPHRAIM CLAYTON AND JAMES R. O'NEILL.

Mr. VANCE introduced a bill (H. R. No. 3113) for the relief of Ephraim Clayton and James R. O'Neill, of North Carolina; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FRENCH BROAD RIVER, NORTH CAROLINA.

Mr. VANCE also introduced a bill (H. R. No. 3114) to provide for opening the navigation of French Broad River, of North Carolina; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

INDIAN INDUSTRIAL SCHOOLS.

Mr. VANCE also introduced a bill (H. R. No. 3115) to render available an unexpended balance of appropriation for the support of industrial and other schools, &c., of Indian tribes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

FANNIE M. HERRON.

Mr. SLOAN introduced a bill (H. R. No. 3116) granting a pension to Fannie M. Herron, widow of James Herron, deceased; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MAIL AGENTS' ACCOUNTS, ETC.

Mr. YOUNG, of Georgia, introduced a bill (H. R. No. 3117) to provide for the adjustment of the accounts of mail agents, mail contractors, and postmasters for services rendered previous to April 20, 1861; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

MARY CONLY.

Mr. YOUNG, of Georgia, also introduced a bill (H. R. No. 3118) for the relief of Mary Conly; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM MILLER.

Mr. HAYS introduced a bill (H. R. No. 3119) for the relief of William Miller, of Alabama; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FLORENCE AND GUNTERSVILLE RAILROAD.

Mr. SLOSS introduced a bill (H. R. No. 3120) granting the right of way to the Florence and Guntersville Railroad through the public domain, and for other purposes; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

SPECIE PAYMENTS.

Mr. LAWRENCE introduced a bill (H. R. No. 3121) to facilitate the resumption of specie payments and to prevent fluctuations in the value of United States notes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

THOMAS DOWDELE.

Mr. READ introduced a bill (H. R. No. 3122) for the benefit of Thomas Dowdele, allowing him a pension for wounds received in the late rebellion; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARTHA J. HARRISON.

Mr. READ also introduced a bill (H. R. No. 3123) for the benefit of Martha J. Harrison, of Hardin County, Kentucky, allowing her arrears of pension; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

A. C. MEADOWS.

Mr. DURHAM introduced a bill (H. R. No. 3124) for the benefit of A. C. Meadows, of Russell County, Kentucky; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH BACON.

Mr. DURHAM also introduced a bill (H. R. No. 3125) granting a pension to Sarah Bacon, of Frankfort, Kentucky; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REPEAL OF TAXATION ON STATE BANKS.

Mr. CROSSLAND introduced a bill (H. R. No. 3126) repealing all laws imposing taxation on State banks; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

HUSTON WYRICK.

Mr. THORNBURGH introduced a bill (H. R. No. 3127) for the relief of Huston Wyrick, of Union County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CRIMES BY MILITARY PERSONS.

Mr. COBURN introduced a bill (H. R. No. 3128) in regard to crimes committed by military persons; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

INCOME TAX.

Mr. FORT introduced a bill (H. R. No. 3129) to levy a tax on the annual income of persons and corporations which exceeds $5,000; which was read a first and second time.

Mr. FORT called for the reading of the bill in full.

The bill was read in full.

Mr. FORT. I ask the reference of this bill to the Committee on Banking and Currency.

Mr. MAYNARD. I am inclined to think that it should go to the Committee on Ways and Means.

Mr. FORT. It is to affect the currency, as will be evident from an examination of it.

Mr. MAYNARD. I have no objection to our committee taking jurisdiction of a matter of this sort; but I think properly it should go to the Committee on Ways and Means. It relates to a tax on incomes.

The bill was referred to the Committee on Ways and Means.

JOHN IRWIN.

Mr. FORT also introduced a bill (H. R. No. 3130) granting a pension to John Irwin, a soldier in the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

JOHN T. SILVERNAIL.

Mr. McNULTA introduced a bill (H. R. No. 3131) for the relief of John T. Silvernail; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. SILCOX.

Mr. McNULTA also introduced a joint resolution (H. R. No. 92) authorizing the payment of $2,000 to George W. Silcox, out of the appropriation made February 14, 1873, for compensation and expenses of the United States commission to the international exhibition at Vienna in 1873; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

ALICE ROPER.

Mr. CLEMENTS introduced a bill (H. R. No. 3132) granting a pension to Alice Roper, widow of Samuel Roper, late captain Company K, Fifty-sixth Illinois Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NATIONAL PARK AND HOTEL COMPANY.

Mr. PARKER, of Missouri, introduced a bill (H. R. No. 3133) to incorporate the Bozeman City and Yellowstone or National Park Wagon Road and Hotel Company; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

CHARLES J. CARLIN.

Mr. GLOVER introduced a bill (H. R. No. 3134) for the relief of Charles J. Carlin, of Macon County, Missouri; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

INTERCONVERSION OF LEGAL-TENDER NOTES, ETC.

Mr. FIELD introduced a bill (H. R. No. 3135) to provide for the interconversion of legal-tender notes and interest-bearing bonds, and to reduce the interest on the public debt; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

FRICTION MATCHES.

Mr. FIELD also introduced a bill (H. R. No. 3136) relating to the manufacture and packing of friction matches, to define a gross thereof, and for other purposes; which was read a first and second time, referred to the Committee on Manufactures, and ordered to be printed.

HEIRS OF SANTIAGO DE LEON.

Mr. HANCOCK introduced a bill (H. R. No. 3137) to compensate the heirs of Santiago de Leon for certain property taken for the use of the Government; which was read a first and second time, referred, with accompanying papers, to the Committee on War Claims, and ordered to be printed.

E. LAWS.

Mr. PURMAN introduced a bill (H. R. No. 3138) for the relief of E. Laws, chief engineer, of the United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

STEAM FERRY-BOAT A. BURTON.

Mr. McCRARY introduced a bill (H. R. No. 3139) for the relief of the owner of the steam ferry-boat A. Burton; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PUBLIC BUILDING AT GREEN BAY, WISCONSIN.

Mr. SAWYER introduced a bill (H. R. No. 3140) to provide for a building for the use of the custom-house, post-office, internal revenue, and other civil offices, in the City of Green Bay, Wisconsin; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PUBLIC BUILDING AT OSHKOSH, WISCONSIN.

Mr. SAWYER also introduced a bill (H. R. No. 3141) to provide for a building for the use of the Federal courts, post-office, internal revenue and other civil offices, at the City of Oshkosh, Wisconsin; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PUBLIC BUILDING AT GREEN BAY.

Mr. SAWYER also presented a joint resolution of the Legislature of the State of Wisconsin relative to the erection of a custom-house and post-office at Green Bay, Wisconsin; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JAMES M. INGALLS.

Mr. WILLIAMS, of Wisconsin, introduced a bill (H. R. No. 3142) for the relief of James M. Ingalls; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

STOCKBRIDGE AND MUNSEE INDIANS.

Mr. McDILL, of Wisconsin, introduced a bill (H. R. No. 3143) to provide for the payment of the Stockbridge and Munsee tribe of Indians, of Wisconsin, for certain lands; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

LEONARD J. ROSE ET AL.

Mr. HOUGHTON introduced a bill (H. R. No. 3144) for the relief of Leonard J. Rose, Joel Hedspeth, James R. Hedspeth, and Robert Perkins; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

POST-OFFICE DEPARTMENT.

Mr. PAGE introduced a bill (H. R. No. 3145) to amend an act approved June 8, 1872, entitled "An act to revise, consolidate, and amend the statutes relative to the Post-Office Department and regulating the mail service;" which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

PUBLIC LANDS IN CALIFORNIA.

Mr. PAGE also presented concurrent resolutions of the Legislature of the State of California relative to the survey of public lands in that State; which were referred to the Committee on Appropriations, and ordered to be printed.

FORT RIDGLEY RESERVATION.

Mr. STRAIT introduced a bill (H. R. No. 3146) to extend the provisions of the homestead law to the Fort Ridgley reservation in the State of Minnesota; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

COMBURGH TOWN COMPANY OF MARION COUNTY, KANSAS.

Mr. PHILLIPS introduced a bill (H. R. No. 3147) providing for the repayment to the Comburgh Town Company of Marion County, Kansas, of the purchase money paid for the northeast fractional quarter and the northwest fractional quarter, section 4, township 22 south, of range 3 east; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

SALE OF INDIAN LANDS.

Mr. COBB, of Kansas, introduced a bill (H. R. No. 3148) to confirm the sale of lands in Kansas made by Dudley Tucker, a Shawnee Indian; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

DUTIES ON IMPORTS.

Mr. HEREFORD introduced a bill (H. R. No. 3149) directing that hereafter 20 per cent. of the duties on imports be collected and paid in legal-tender notes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

HEIRS OF BENJAMIN MOORE.

Mr. HAGANS introduced a bill (H. R. No. 3150) for the relief of the heirs of Benjamin Moore; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CENTRAL PACIFIC RAILROAD.

Mr. KENDALL presented joint resolutions of the Legislature of the State of Nevada relative to the Central Pacific Railroad obtaining patents to lands; which were referred to the Committee on the Public Lands, and ordered to be printed.

INDIAN DEPREDATIONS IN NEW MEXICO.

Mr. ELKINS introduced a bill (H. R. No. 3151) authorizing payment to certain citizens of New Mexico for Indian depredations; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

PHILIP J. BUCKEY.

Mr. CHIPMAN introduced a bill (H. R. No. 3152) for the relief of Philip J. Buckey; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN MAGEE.

Mr. CHIPMAN also introduced a bill (H. R. No. 3153) for the relief of John Magee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

COLUMBIA RAILWAY COMPANY.

Mr. CHIPMAN also introduced a bill (H. R. No. 3154) amendatory of an act to incorporate the Columbia Railway Company of the District of Columbia, approved May 24, 1871; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

The SPEAKER. The call of the States and Territories being completed the Chair will, by unanimous consent, now receive bills and joint resolutions for reference from those gentlemen who were absent when their States were called.

GIRLS' REFORM SCHOOL OF THE DISTRICT OF COLUMBIA.

Mr. PLATT, of Virginia, introduced a bill (H. R. No. 3155) providing for the construction of buildings for the use of the girls' reform school in the District of Columbia, and appropriating the conscience fund for that purpose; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PATENTS AND COPYRIGHTS.

Mr. DOBBINS introduced a bill (H. R. No. 3156) in addition to the statutes relating to patents and copyrights; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

RELIEF FROM TAXATION.

Mr. BRIGHT introduced a bill (H. R. No. 3157) to provide temporary relief against further permanent taxation, &c.; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

EUGENE JACOBS.

Mr. BANNING introduced a bill (H. R. No. 3158) for the relief of Eugene Jacobs, United States consul at Montevideo; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

FREE BANKING, ETC.

Mr. SHOEMAKER, of Pennsylvania, introduced a bill (H. R. No. 3159) to establish free banking, to reduce the interest on the bonded indebtedness of the United States, and to retire the legal-tender notes; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

Mr. SHOEMAKER, of Pennsylvania. I ask that that bill be read.

The SPEAKER. Is there objection to the reading of the bill?

Mr. HALE, of Maine. I object.

The SPEAKER. Gentlemen introducing bills when their States are called have a right to have them read; but afterward, when they are presented by unanimous consent, they have no such right.

The States having been called for bills and joint resolutions for reference only, they will now be called for resolutions; and resolutions are in order from the State of Maine.

EMPLOYÉS OF CONGRESS.

Mr. FRYE. I offer the preamble and resolution which I send to the Clerk's desk, and call for the previous question.

The Clerk read the preamble and resolution, as follows:

Whereas great inequalities are believed to exist in the salaries of the officers, clerks, and employés of the Senate and the House of Representatives, whereby injustice is done to them as well as to the Government; and whereas the public interests will be promoted by a careful revision of those salaries and a correction of the existing inequalities at as early a day as possible: Now, therefore,

Be it resolved, That the Committee on Reform in the Civil Service be, and they are hereby, instructed to carefully consider, forthwith, the subject of salaries for said officers, clerks, and employés, and if inequalities are found and if injustice is being done to them, or any of them, or to the Government, in their opinion, to provide for the correction thereof by bill or otherwise.

Mr. GARFIELD. I ask the gentleman to accept a suggestion——

The SPEAKER. Debate is not in order.

Mr. GARFIELD. I merely want to suggest that this should be a concurrent resolution so as to have a joint committee of the two Houses.

The previous question was then seconded and the main question ordered.

Mr. BECK. I call for the yeas and nays on the adoption of this resolution. I want to exhaust the morning hour.

Mr. KELLOGG. There will not be any other business in the morning hour.

Mr. BECK. Then I will withdraw the call.

The resolution was then adopted.

SHIPPING COMMISSIONERS.

Mr. HALE, of Maine, introduced a bill (H. R. No. 3160) in reference to the operation of the shipping commissioners act, approved June 7, 1872; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill provides that none of the provisions of an act entitled "An act to authorize the appointment of shipping commissioners by the several circuit courts of the United States to superintend the shipping and discharge of seamen engaged in merchant ships belonging to the United States, for the further protection of seamen," shall apply to sail or steam vessels engaged in the coastwise trade, or in the lake-going trade touching at foreign ports or otherwise, or in the trade between the United States and the British North American possessions, or in any case where the seamen are by custom or agreement entitled to participate in the profits or results of a cruise or voyage.

Mr. HALE, of Maine. I call the previous question upon this bill. I wish to state that the Committee on Commerce sanction the bill.

The SPEAKER. The rules of the House absolutely prohibit debate under this call.

The question was then taken upon seconding the previous question; and upon a division there were—ayes 18, noes 22; no quorum voting.

Mr. HALE, of New York. I call for tellers.

Tellers were ordered; and Mr. HALE, of New York, and Mr. HALE, of Maine, were appointed.

Mr. CONGER. I ask that the bill be again read.

The bill was again read.

Mr. HALE, of New York, (one of the tellers.) I withdraw the call for a further count. I misunderstood the provisions of the bill.

Mr. MAYNARD. If I understand the bill it should not be passed.

Mr. WOOD. I desire to move an amendment.

The SPEAKER. No amendment or debate is in order.

Mr. SPEER. Does it not require one day's notice for the introduction of a bill under this call?

The SPEAKER. It does; but that point is too late to be made on this bill. Besides, the Chair is informed by the Clerk that notice was given.

The House again divided; and the tellers reported that there were—ayes 119, noes 32.

So the previous question was seconded; and the main question was then ordered.

The question was upon ordering the bill to be engrossed and read a third time.

Mr. MAYNARD. Upon that question I call for the yeas and nays. If I understand this bill correctly, it is one that should not pass.

The question was then taken upon ordering the yeas and nays; and there were 11 in the affirmative; not one-fifth of the last vote.

So the yeas and nays were not ordered.

The bill was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question was upon the passage of the bill; and being taken, upon a division there were ayes 94, noes not counted.

So the bill was passed.

Mr. HALE, of Maine, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

IN MEMORY OF CHARLES SUMNER.

A message from the Senate, by Mr. MCDONALD, their Chief Clerk, informed the House that the Senate had adopted resolutions for the purpose of showing an additional mark of respect to the memory of CHARLES SUMNER, late a Senator of the United States from the Commonwealth of Massachusetts

The SPEAKER. The resolutions just received from the Senate will be read.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES,
April 27, 1874.

Resolved, That as an additional mark of respect to the memory of CHARLES SUMNER, long a Senator from Massachusetts, business be now suspended, that the friends and associates of the deceased may pay fitting tribute to his public and private virtues.

Resolved, That the Secretary of the Senate be instructed to communicate these resolutions to the House of Representatives.

Mr. E. R. HOAR. I offer the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That as an additional mark of respect to the memory of CHARLES SUMNER, long a Senator from Massachusetts, and in sympathy with the action of the Senate, business be now suspended in this House to allow fitting tributes to be paid to his public and private virtues.

The resolution was unanimously adopted.

Mr. E. R. HOAR. Mr. Speaker, when, more than six weeks ago, the announcement of the death of the Senator from Massachusetts was made in this Hall, the shock was so sudden, the sense of loss and bereavement so great, that we felt the most fitting employment of the time to be to "commune with our own hearts, and be still." Public business was suspended until that lifeless form could be brought to rest for a few hours under the great Dome of the Capitol, crowned by the emblem of that liberty at whose altar the homage of his life had been offered; and then, in the Senate Chamber, by Senators and Representatives, President and Cabinet, judges and warriors, the ministers of foreign powers, clergy and people, in the presence of the great reconciler, Death, were performed those funeral rites with which the nation honors those of her sons who have "fallen in high places."

We bore him from these scenes of his public labors to the old Commonwealth which gave him birth; and there, in the home of his childhood and manhood, in the presence of countless thousands who thronged to unite in that last tribute of respect and affection, the State reverently and tenderly committed to the earth, to mingle with kindred dust, the earthly remains of her foremost public man and best beloved citizen.

And now that his character and fame are passing into memory and history, it is fitting that we, his contemporaries and associates in the public service, should be allowed a brief opportunity to express our estimate of the man, and of his relation to his country and mankind.

CHARLES SUMNER was born in Boston, on the 6th of January, 1811, the son of Charles Pinckney Sumner, who was for a long time the sheriff of Suffolk County. His early education was at the Boston Latin School, from which he entered Harvard College, and graduated with distinction in 1830. He studied law under Story and Greenleaf in the law school of that institution, and was for three years employed to take the place of Judge Story as a lecturer and instructor in law during the sessions of the Supreme Court at Washington. He spent the next three years in Europe, where both in England and on the Continent he formed the acquaintance and gained the friendship of many distinguished men; acquired a familiarity with some European languages; diligently pursued his studies in literature, history, and jurisprudence, and gratified as well as cultivated his taste for art. He returned to the practice and study of his profession, in which he gained an honorable and distinguished position, chiefly due to his profound and extensive learning. He never argued many cases, but conducted such as he had with marked ability and success. He edited the American Jurist, the twenty volumes of Vesey's Reports, and was the reporter of three volumes of the decisions of Judge Story in the first circuit. His first public performance which attracted general attention was his oration on "The true grandeur of nations," before the municipal authorities of Boston, on the 4th of July, 1845, which Richard Cobden pronounced "the most noble contribution made by any modern writer to the cause of peace."

He had voted with the whig party, but took no active part in political affairs, until the great controversy upon the question of slavery, especially as affected by the war with Mexico and the proposed annexation of Texas, brought him into the front rank of the advocates of universal liberty. He declined a nomination as a Representative in Congress.

In April, 1851, he was elected to the Senate of the United States, for the full term succeeding that which had been held by Mr. Webster, and in its last few months by Mr. Winthrop and Mr. Rantoul. His election was made by a coalition of the free-soil party and the democrats, Mr. BOUTWELL, who was the democratic candidate for governor of Massachusetts, being elected by the same combination of parties. He took his seat in the Senate on the 1st of December, 1851. His first great speech in the Senate was in support of a motion to repeal the fugitive-slave law, and was delivered on the 26th of August, 1852.

He was struck down at his desk in the Senate Chamber, by blows upon the head inflicted by a Representative from South Carolina, on the 18th of May, 1856, in professed revenge for words spoken in debate two days before. The terrible injury to the spinal column, which was nearly fatal at the time, resulted in the malady, *angina pectoris*, which at last terminated his life. In consequence of the suffering and illness caused by this assault, he was absent from his

place in the Senate during most of the time for four years. He was re-elected to the Senate in 1857, in 1863, and in 1869; and died on the 11th of March, 1874, having attended the session of that body on the day before his death.

Such are the simple outlines of his life; yet how affluent a culture, how lofty a purpose, how rich a nature, how wide an influence, how absolute a conscience, how perfect an integrity, how enduring a fame, how tender and affectionate a heart, belonged to the *man* who filled out those outlines to the full measure of a noble and heroic character! The only office he ever held was that of Senator from Massachusetts, and when he died he was the senior Senator in length of continuous service. His successive re-elections were carried by great waves of public sentiment; without bargains, without concealments, without pledges, except those of his life and known opinions, and without competitors.

For twenty-three years the record of his public life is the history of the country. He took part in all the great debates, and his name is indelibly associated with all the great results which that period has produced. And what accomplished results it was his privilege to see! How much of the great work and object of his life were attained before it closed!

When he entered the Senate there were but two others there of his political opinions. Before he died he was the leader of a majority of more than two-thirds of the body. He came there the advocate of impartial liberty throughout the land, the antagonist of slavery wherever it could be reached under the Constitution. He was treated as a detested fanatic, tried for months in vain to get a hearing, and was even refused a place on any committee, as "outside of any healthy political organization." He lived to see the adoption of the thirteenth, fourteenth, and fifteenth amendments to the Constitution, to be the head of the Committee on Foreign Relations, to see men of the proscribed color admitted to seats in both branches of Congress, and to know that he had the gratitude and affection of the race he had helped to emancipate, with the respect and confidence of the nation before whom he had pleaded that "nothing is safer than justice," and to whom he had contended that "nothing is settled that is not right."

His first public utterance was in favor of peace, and of the amicable settlement of differences among nations, which was contemptuously received as the dream of a visionary enthusiast. He lived to see the negotiation of the Treaty of Washington and its consummation in the arbitration at Geneva.

Mr. SUMNER was thoroughly and truly an American. He believed in his country, in her unity, her grandeur, her ideas, and her destiny. He had drank deep from the sources of American institutions in the writings and lives of our revolutionary fathers. He was an idealist, and trusted the future. To his far-reaching vision it was always true that—

> Every gift of noblest origin
> Is breathed upon by hope's perpetual breath.

His spirit was of the morning, and "his face was radiant with the sunrise he intently watched." He saw in the future of America a noble and puissant nation, its grand Constitution conformed to and construed by the grander declaration of 1776, purged of every stain and inconsistency, the home of the homeless, the refuge of the oppressed, the paradise of the poor, the example of honor, justice, peace, and freedom to the nations of the earth.

His personal integrity was so absolute that no breath of suspicion even ever sullied it. He said to a friend, "People talk about the corruption of Washington; I have lived here all these years and have seen nothing of it." He never had any tracks to cover up, or opinions or motives to conceal.

You remember well his commanding presence, his stalwart frame, six feet and four inches in height, the vigor and grace of his motions, the charm of his manners, the polish of his rhetoric, the abundance of his learning, the fervor and impressiveness of his oratory. He was every inch a Senator, and upheld with zeal and fidelity the dignity, privileges and authority of the Senate. He never seems to have known fear. His courage and power of resolute endurance were conspicuously shown in his undergoing the *moxa*, the application of hot irons the whole length of the spine, which his physician says was the most terrible torture he ever knew inflicted on man or animal, and which he bore without taking ether, because he was told that by so doing there was a little better prospect that the treatment would be efficacious.

There is no doubt that he died a martyr to the cause of liberty, and to the efforts which he would not relax in its behalf, as truly as they who fell on the field of stricken battle. The bludgeon preceded the bayonet and the bullet in that civil war which began long before 1861; and did its work of death as surely, if more slowly.

Of his private life, of his genial and liberal hospitality, of the strength and warmth of his friendships, of his curious stores of information, of his treasures of literature and art, of his tenderness and sweetness toward those who loved and trusted him, there is no time or need to speak in this place, on this occasion. But there are many of the pure and gentle, of the thoughtful and richly cultured, to whom the tidings of his death brought tender and precious memories of these things.

No doubt Mr. SUMNER had defects of character. I think he had little sense of humor, and some more of it might have been of service to him. He was an orator, and not a debater; and if he had had more of the training of the bar and the popular assembly, might perhaps sometimes have made a more direct and forcible impression upon those whom he sought to convince, and who were wearied with stately periods and inexhaustible learning. But some of his faults were closely allied to his virtues, and to the sources of his power. He was of an imperious nature, and intolerant of difference in opinion by his associates, and has been called an egotist. But all this came largely from the strength of his convictions; from his own belief in his own thoroughness of study and purity of purpose; from what has been happily described as his "sublime confidence in his own moral sagacity." He was terribly in earnest, and could not understand how others could fail to see what he saw so clearly.

It may indeed be true that in advancing age, and while striving to bear up and do his work under a terrible burden of shattered health and worn nerves, he made judgments which some of us have thought unjust, and severed associations which some of us would have gladly seen preserved.

But let me say for him, that I believe he carried to the grave as few resentments, as little animosity, as rarely is found in the hearts of men whose lives have been passed in scenes of public conflict. I saw him frequently and familiarly during the last four months of his life, and wish to give my testimony to the gentleness and kindliness of his temper during all that time, and to the fact that he uttered no word of harshness or censure in my hearing concerning any human being. It was noticeable and touching to observe, it is gratifying to remember, and I think it would have been pleasant to him to know that it would be here remembered of him.

But the time allowed me is short, and I must not withhold your attention from those who are to follow.

I cannot better sum up the character I have described than by adopting language which has been applied to the character of Milton:

> A high ideal purpose maintained, a function discharged through life with unwavering consistency; austerity, but the austerity not of monks but of heroes; incapable of depression, but also, as far as appears, incapable of mirth.

As I stood by the dying bed of him who was my friend for thirty years, and heard the repeated exclamation, "O, so tired! O, so weary!" the old hymn of the church seemed to be sounding in my ears:

> Yes, peace! for war is needless,
> Yes, calm! for storm is past;
> And rest from finished labor,
> And anchorage at last.

The weary are at rest! The good and faithful servant has entered into the joy of his Lord!

Mr. LAMAR. Mr. Speaker, in rising to second the resolutions just offered, I desire to add a few remarks which have occurred to me as appropriate to the occasion. I believe that they express a sentiment which pervades the hearts of all the people whose Representatives are here assembled. Strange as in looking back upon the past the assertion may seem, impossible as it would have been ten years ago to make it, it is not the less true that to-day Mississippi regrets the death of CHARLES SUMNER and sincerely unites in paying honors to his memory. Not because of the splendor of his intellect, though in him was extinguished one of the brightest of the lights which have illustrated the councils of the Government for nearly a quarter of a century; not because of the high culture, the elegant scholarship, and the varied learning which revealed themselves so clearly in all his public efforts as to justify the application to him of Johnson's felicitous expression "he touched nothing which he did not adorn;" not this, though these are qualities by no means, it is to be feared, so common in public places as to make their disappearance, in even a single instance, a matter of indifference; but because of those peculiar and strongly marked moral traits of his character which gave the coloring to the whole tenor of his singularly dramatic public career; traits which made him for a long period to a large portion of his countrymen the object of as deep and passionate a hostility as to another he was one of enthusiastic admiration, and which are not the less the cause that now unites all these parties, ever so widely differing, in a common sorrow to-day over his lifeless remains.

It is of these high moral qualities which I wish to speak; for these have been the traits which in after years, as I have considered the successive acts and utterances of this remarkable man, fastened most strongly my attention, and impressed themselves most forcibly upon my imagination, my sensibilities, my heart. I leave to others to speak of his intellectual superiority, of those rare gifts with which nature had so lavishly endowed him, and of the power to use them which he had acquired by education. I say nothing of his vast and varied stores of historical knowledge, or of the wide extent of his reading in the elegant literature of ancient and modern times, or of his wonderful power of retaining what he had read, or of his readiness in drawing upon these fertile resources to illustrate his own arguments. I say nothing of his eloquence as an orator, of his skill as a logician, or of his powers of fascination in the unrestrained freedom of the social circle, which last it was my misfortune not to have experienced. These, indeed, were the qualities which gave him eminence not only in our country but throughout the world; and which have made the name of CHARLES SUMNER an integral part of our nation's glory. They were the qualities which gave to those moral traits of which I have spoken the power to impress themselves upon the history of the age and of civilization itself; and without which

those traits, however intensely developed, would have exerted no influence beyond the personal circle immediately surrounding their possessor. More eloquent tongues than mine will do them justice. Let me speak of the characteristics which brought the illustrious Senator who has just passed away into direct and bitter antagonism for years with my own State and her sister States of the South.

CHARLES SUMNER was born with an instinctive love of freedom, and was educated from his earliest infancy to the belief that freedom is the natural and indefeasible right of every intelligent being having the outward form of man. In him in fact this creed seems to have been something more than a doctrine imbibed from teachers, or a result of education. To him it was a grand intuitive truth inscribed in blazing letters upon the tablet of his inner consciousness, to deny which would have been for him to deny that he himself existed. And along with this all-controlling love of freedom, he possessed a moral sensibility keenly intense and vivid, a conscientiousness which would never permit him to swerve by the breadth of a hair from what he pictured to himself as the path of duty. Thus were combined in him the characteristics which have in all ages given to religion her martyrs and to patriotism her self-sacrificing heroes.

To a man thoroughly permeated and imbued with such a creed, and animated and constantly actuated by such a spirit of devotion, to behold a human being or a race of human beings restrained of their natural rights to liberty, for no crime by him or them committed, was to feel all the belligerent instincts of his nature roused to combat. The fact was to him a wrong which no logic could justify. It mattered not how humble in the scale of rational existence the subject of this restraint might be, how dark his skin, or how dense his ignorance. Behind all that lay for him the great principle that liberty is the birthright of all humanity, and that every individual of every race who has a soul to save is entitled to the freedom which may enable him to work out his salvation. It matters not that the slave might be contented with his lot; that his actual condition might be immeasurably more desirable than that from which it had transplanted him; that it gave him physical comfort, mental and moral elevation and religious culture not possessed by his race in any other condition; that his bonds had not been placed upon his hands by the living generation; that the mixed social system of which he formed an element had been regarded by the fathers of the Republic, and by the ablest statesmen who had risen up after them, as too complicated to be broken up without danger to society, itself, or even to civilization; or finally, that the actual state of things had been recognized and explicitly sanctioned by the very organic law of the Republic. Weighty as these considerations might be, formidable as were the difficulties in the way of the practical enforcement of his great principle, he held none the less that it must sooner or later be enforced, though institutions and constitutions should have to give way alike before it. But here let me do this great man the justice which amid the excitements of the struggle between the sections, now past, I may have been disposed to deny him. In this fiery zeal and this earnest warfare against the wrong, as he viewed it, there entered no enduring personal animosity toward the men whose lot it was to be born to the system which he denounced.

It has been the kindness of the sympathy which in these later years he has displayed toward the impoverished and suffering people of the Southern States that has unveiled to me the generous and tender heart which beat beneath the bosom of the zealot, and has forced me to yield him the tribute of my respect, I might even say of my admiration. Nor in the manifestation of this has there been anything which a proud and sensitive people, smarting under a sense of recent discomfiture and present suffering, might not frankly accept, or which would give them just cause to suspect its sincerity. For though he raised his voice as soon as he believed the momentous issues of this great military conflict were decided in behalf of amnesty to the vanquished, and though he stood forward ready to welcome back as brothers and to re-establish in their rights as citizens those whose valor had so nearly riven asunder the Union which he loved, yet he always insisted that the most ample protection and the largest safeguards should be thrown around the liberties of the newly enfranchised African race. Though he knew very well that of his conquered fellow-citizens of the South by far the larger portion, even those who most heartily acquiesced in and desired the abolition of slavery, seriously questioned the expediency of investing in a single day and without any preliminary tutelage so vast a body of inexperienced and uninstructed men with the full rights of freemen and voters, he would tolerate no half-way measures upon a point to him so vital.

Indeed, immediately after the war, while other minds were occupying themselves with different theories of reconstruction, he did not hesitate to impress most emphatically upon the administration, not only in public, but in the confidence of private intercourse, his uncompromising resolution to oppose to the last any and every scheme which should fail to provide the surest guarantees for the personal freedom and political rights of the race which he had undertaken to protect. Whether his measures to secure this result showed him to be a practical statesman or a theoretical enthusiast is a question on which any decision we may pronounce to-day must await the inevitable revision of posterity. The spirit of magnanimity, therefore, which breathes in his utterances and manifests itself in all his acts affecting the South during the last two years of his life, was as evidently honest as it was grateful to the feelings of those to whom it was displayed.

It was certainly a gracious act toward the South—though unhappily it jarred upon the sensibilities of the people at the other extreme of the Union and estranged from him the great body of his political friends—to propose to erase from the banners of the national Army the mementoes of the bloody internecine struggle, which might be regarded as assailing the pride or wounding the sensibilities of the southern people. That proposal will never be forgotten by that people so long as the name of CHARLES SUMNER lives in the memory of man. But while it touched the heart of the South and elicited her profound gratitude, her people would not have asked of the North such an act of self-renunciation.

Conscious that they themselves were animated by devotion to constitutional liberty, and that the brightest pages of history are replete with evidences of the depth and sincerity of that devotion, they can but cherish the recollections of sacrifices endured, the battles fought and the victories won in defense of their hapless cause. And respecting, as all true and brave men must respect, the martial spirit with which the men of the North vindicated the integrity of the Union and their devotion to the principles of human freedom, they do not ask, they do not wish, the North to strike the mementoes of her heroism and victory from either records or monuments or battle-flags. They would rather that both sections should gather up the glories won by each section, not envious, but proud of each other, and regard them a common heritage of American valor.

Let us hope that future generations, when they remember the deeds of heroism and devotion done on both sides, will speak not of northern prowess or southern courage, but of the heroism, fortitude, and courage of Americans in a war of ideas—a war in which each section signalized its consecration to the principles, as each understood them, of American liberty and of the Constitution received from their fathers.

It was my misfortune, perhaps my fault, personally never to have known this eminent philanthropist and statesman. The impulse was often strong upon me to go to him and offer him my hand and my heart with it, and to express to him my thanks for his kind and considerate course toward the people with whom I am identified. If I did not yield to that impulse it was because the thought occurred that other days were coming in which such a demonstration might be more opportune and less liable to misconstruction. Suddenly, and without premonition, a day has come at last to which, for such a purpose, there is no to-morrow.

My regret is therefore intensified by the thought that I failed to speak to him out of the fullness of my heart while there was yet time.

How often is it that death thus brings unavailingly back to our remembrance opportunities unimproved; in which generous overtures, prompted by the heart, remain unoffered; frank avowals which rose to the lips remain unspoken; and the injustice and wrong of bitter resentments remain unrepaired! CHARLES SUMNER in life believed that all occasion for strife and distrust between the North and South had passed away, and there no longer remained any cause for continued estrangement between these two sections of our common country. Are there not many of us who believe the same thing? Is not that the common sentiment, or if it is not ought it not to be, of the great mass of our people North and South? Bound to each other by a common Constitution, destined to live together under a common Government, forming unitedly but a single member of the great family of nations, shall we not now at last endeavor to grow *toward* each other once more in heart as we are already indissolubly linked to each other in fortunes? Shall we not, over the honored remains of this great champion of human liberty, this feeling sympathizer with human sorrow, this earnest pleader for the exercise of human tenderness and charity, lay aside the concealments which serve only to perpetuate misunderstandings and distrust, and frankly confess that on both sides we most earnestly desire to be one; one not merely in political organization; one not merely in identity of institutions; one not merely in community of language and literature and traditions and country; but, more and better than all that, one also in feeling and in heart? Am I mistaken in this?

Do the concealments of which I speak still cover animosities which neither time nor reflection nor the march of events have yet sufficed to subdue? I cannot believe it. Since I have been here I have watched with anxious scrutiny your sentiments as expressed not merely in public debate, but in the *abandon* of personal confidence. I know well the sentiments of these my southern brothers, whose hearts are so infolded that the feeling of each is the feeling of all; and I see on both sides only the seeming of a constraint which each apparently hesitates to dismiss. The South—prostrate, exhausted, drained of her life-blood as well as of her material resources, yet still honorable and true—accepts the bitter award of the bloody arbitrament without reservation, resolutely determined to abide the result with chivalrous fidelity; yet, as if struck dumb by the magnitude of her reverses, she suffers on in silence.

The North, exultant in her triumph and elated by success, still cherishes, as we are assured, a heart full of magnanimous emotions toward her disarmed and discomfited antagonist; and yet, as if mastered by some mysterious spell, silencing her better impulses, her words and acts are the words and acts of suspicion and distrust.

Would that the spirit of the illustrious dead whom we lament to-day could speak from the grave to both parties to this deplorable discord in tones which should reach each and every heart throughout this broad territory, "My countrymen, *know* one another, and you will *love* one another."

Mr. ORTH. Mr. Speaker, by virtue of resolutions just adopted, the ordinary business of Congress is suspended.

We pause to recognize the presence of death in our midst, that mysterious power which walketh unseen, whose tread is unheard, but whose work is daily and hourly bringing anguish to some bereaved family circle. We pause to pay tribute to the memory of one of the most distinguished of American legislators.

SUMNER is dead! His native Massachusetts, that good old Commonwealth, mourns. Faneuil Hall is clothed in the habiliments of woe. But Massachusetts mourns not alone. Her sister States are here to-day mingling their tears with her tears.

His labors were not confined to his own State; his work embraced the whole Union. The cause of humanity throughout the world enlisted his active sympathy, and in every portion of our ocean-girt Republic, and in every clime where Freedom has a votary, tears are dropped to his memory.

Those who have preceded me on this occasion have, more ably than I could, spoken of his early life and its reminiscences, of his literary and professional studies and of his equal attachment to both, of his early success in the profession of his choice, demonstrating at once that if he had continued to walk in that path he should have attained its highest honors, as he subsequently attained the highest honors of statesmanship.

A devoted student, possessing a strong and vigorous mind, enriched with scholastic and scientific research in almost every department of human knowledge—with him success was the certain and legitimate offspring of an effort to succeed.

In 1851 he was chosen to the Senate of the United States, which position he held thence continuously to the day of his death. Soon after being officially informed of his appointment, he addressed a letter to the Legislature of Massachusetts from which I present an extract eminently characteristic of the man, and indicating his high estimate of the duties thus devolved upon him, and the spirit in which these duties should be discharged:

> Your appointment finds me in a private station with which I am entirely content. For the first time in my life I am called to political office. * * * I accept it as the servant of Massachusetts, mindful of the sentiments solemnly uttered by her successive Legislatures—of the genius which inspired her history, and of the men, her perpetual pride and ornament, who breathed into her that breath of liberty which early made her an example to her sister States. * * * I accept it as the servant of the Union, bound to study and maintain with equal patriotic care the interests of all parts of our country, to discountenance every effort to lessen any of those ties by which our fellowship of States is held in fraternal company, and to oppose all *sectionalism*, whether it appear in unconstitutional efforts by the North to carry so great a boon as freedom into the slave States, or in unconstitutional efforts by the South, aided by northern allies, to carry the sectional evil of slavery into the free States, or in whatsoever efforts it may make to extend the sectional domination of slavery over the national Government.

He was chosen because the public sentiment of Massachusetts indicated him as a fit successor to her greatest statesman; and twenty-three years of faithful and distinguished service in the Senate has fully demonstrated the wisdom of that sentiment, while throughout his long senatorial career his countrymen by general consent accorded him the once proud Roman title of "*Primus inter illustres.*"

He entered the Senate at a time when his political opinions had few supporters, either in or out of the Senate; when, to use a phrase of the times, he was "outside of any healthy political organization," and when ridicule, satire, opprobrium, and even social ostracism, were visited upon anti-slavery men.

In 1860 he was placed on the Committee on Foreign Relations, and on the 4th of March, 1861, became its chairman. This position, at all times one of great responsibility, especially so on account of the important and delicate functions pertaining to the Senate in connection with the treaty-making power of the Government, became vastly more important in consequence of the rebellion then about being inaugurated.

It is hardly necessary for me to add that his acquirements in the field of general literature, his thorough knowledge of the science of the law, and especially that branch pertaining to the "law of nations," qualified him in a peculiar manner to discharge ably and intelligently the duties thus devolving upon him.

The war for the suppression of the rebellion involved many intricate and important questions in connection with foreign governments, requiring for their consideration and solution the utmost skill and prudence. During that eventful period SUMNER was on most confidential terms with Secretary Seward, and the distinguished Secretary and no less distinguished Senator were in constant consultation over those questions.

The wisdom which characterized our foreign intercourse during this most trying period in our history, and the ability with which the rights of the Government were maintained and serious complications avoided, attest equally the importance of those consultations and the eminent statesmanship of these two distinguished citizens.

In these labors he seems to have adhered strictly to those cardinal principles adopted at an early period of our diplomatic history, "to avoid all entangling alliances with foreign nations;" "to demand nothing but what is right, and submit to nothing that is wrong."

His senatorial career attests that in no just sense of the term was he ever a partisan, but co-operated with party organization only so far as he believed such organization to be essential to the accomplishment of his great purpose.

That purpose, which was the leading principle of his life, was to secure beyond doubt or contingency "the equality of the human race," and with him it became the "star of his destiny," the "sun of his Austerlitz." He frequently expressed this principle sententiously, as "equality of rights is the first of all rights," "equality before the law;" and this purpose became a part of his very nature; as it were, bone of his bone and flesh of his flesh. It was this which led him to believe and to act upon the belief that all men should be free, that freedom should encircle the earth like its atmosphere; that in every clime the chains of slavery should be broken, and that everywhere man created in the image of his Maker should stand erect and unshackled, the peer of his neighbor in the presence of God, who has so solemnly proclaimed that He "is no respecter of persons."

The blighting curse of slavery clouded and tarnished, alas! too long, our national escutcheon. Serpent-like it crawled into the very citadel of American liberty, and coiled its slimy folds around the pillars of the Constitution, infusing its poison into the life-blood of the Republic, and striking, as with the touch of paralysis, alike all classes of our people and every department of the Government.

To destroy this monster was the enthusiastically assumed life-task of SUMNER, engrossing all his thoughts, enlisting all his energies. To the accomplishment of this task he subordinated every other consideration, devoting to it all his time, his great talents, and his varied learning. His unceasing vigilance was equal to all the devices and strategy of the enemy, who, baffled at one point and retreating to another, was still pursued and pressed and scourged. He met boldness with boldness, audacity with firmness, and sophistry with the principles of eternal truth. The battle was long-continued and often waged with apparently unequal forces, but SUMNER faltered not; he had counted the cost from the beginning, and had an abiding faith that, with the God of Freedom on his side, complete and enduring victory was only a question of time; and strengthened and animated by that faith he was willing to bide that time.

Victory came, as God willed it should come, amid war, and fire, and blood; amid the convulsive throes of a nation struggling for existence; it came while unnumbered graves were being filled with the sad remains of some of the best and bravest of our countrymen; and that victory is forever imbedded as with adamant in the Constitution in these words of living light:

> Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Thus was the monster slain; and amid his death-struggle, and his dying groans, four millions of the victims of his power rose, unshackled and unfettered, and with prayers and songs of thanksgiving praised the God of Freedom for their deliverance.

Slavery was destroyed and freedom obtained, but SUMNER saw that freedom was not secure without equality of rights, and he at once addressed himself to the duty devolving upon the statesman as an inevitable consequence of the recent struggle. This portion of our history is so freshly engraven on the public mind that a mere allusion to it is all-sufficient. The removal of odious disabilities incident to the law of slavery, the granting of civil rights to those recently emancipated, and the conferring upon them political privileges and franchises, were events which followed each other in rapid and natural succession. But these acts were not accomplished without serious and closely contested struggles, for the prejudices engendered by slavery did not die with slavery, and in all these struggles SUMNER was a most prominent and a most able leader.

As "equality before the law" was the leading principle of his whole life, so it most naturally and fitly engrossed his dying moments, and almost his last words on earth were an injunction to a valued friend, "Take care of my civil-rights bill."

With such a life, filled with such deeds, is it a wonder that his death has called forth such universal regret and sympathy? Is it a wonder that the colored man, whose cause he served so well and for whose rights he struggled so successfully, should be among the first at his death-bed and among the last at his grave?

Is it a wonder that throughout the land the colored men should "regard his death with all the bitterness of a personal bereavement," and "owe to his memory a lasting debt of gratitude?" Is it a wonder that in the lowly dwellings of the freedmen tears of bitterness should course down the furrowed cheeks of the former slave, who perchance was never permitted to look upon his face, but who remembers his benefactor and teaches his children to reverence the name and fame of CHARLES SUMNER?

Mr. Speaker, years ago New England's poet of freedom addressed to the memory of a co-laborer in freedom's cause words which can appropriately be repeated on this occasion:

O loved of thousands! to thy grave,
Sorrowing of heart, thy brethren bore thee;
The poor man and the rescued slave
Wept, as the broken earth closed o'er thee;
And grateful tears like summer rain,
Quickened its dying grass again!
And there, as to some pilgrim shrine,
Shall come the outcast and the lowly,
Of gentle deeds and words of thine,
Recalling memories sweet and holy!

Mr. RAINEY. Mr. Speaker, not long since we were called upon to lay aside our accustomed duties of legislation to participate in the

mournful procession that signalized the departure of the distinguished statesman and philanthropist who has been summoned before the bar of our final Judge. We have again halted to pay further tribute to his memory and intrinsic worth.

The announcement of the death of CHARLES SUMNER, late Senator from the State of Massachusetts, sent a thrill of sorrow and cast a shade of melancholy gloom over this country more pervading in its general effects than any similar event since the assassination of the lamented Lincoln. Language such as I have at my command is too imperfect and feeble to convey in adequate terms the high estimation in which he was held, or to express fully and feelingly the depth of grief his demise has occasioned. Men and women mourn his loss and shed the tear of regretful sadness, not only in large cities and the palatial dwellings occupied by the learned and wealthy, but in villages and hamlets, upon farms and the distant plantations of the South; into the cabins of the unlettered and the lowly, bereavement found its way, bowing the hearts of all in mournful lamentation for this irreparable loss. Mr. SUMNER, in name and deeds, is known, revered, and esteemed by all classes of our people. The remarkable and noble battles of argument and eloquence which he has fought in the Senate in behalf of the oppressed, have enshrined him in the hearts of his countrymen, millions of whom never beheld his majestic form, nor heard his deep and impressive voice—that voice which at no time indulged silence when the cause of the downtrodden and the enslaved was the issue.

Early in life Mr. SUMNER espoused the cause of those who were not able to speak for themselves, and whose bondage made it hazardous for any one else to venture a word in their behalf. No one knew the danger and magnitude of such an undertaking better than the deceased. Public sentiment at that time was opposed to his course; ostracism confronted him; friends forsook him; but undaunted and full of courage he pursued the right, sustained his convictions, and lived long enough to see the fruition of his earnest labors. He was among the first to arouse the Commonwealth of his beloved Massachusetts to consider the justice and equity of mixed schools. The blows he gave were effectual; the separating walls could not withstand them; they consequently tottered and fell. The doors of the school-houses flew open to all; prejudice was well-nigh consumed by the blaze of his ardent eloquence, and proscription gave way to more liberal views. It was upon his motion that the first colored man was admitted to practice before the Supreme Court of the United States.

These remarks are made to show that the cause of my race was always foremost in his mind; indeed, he was a friend who in many instances stuck closer than a brother. He was one of those who never slumbered upon his lance, but stood ever watchful for the opportunity to hurl the shaft of his forensic powers against the institution of slavery. The forum, the platform, and the legislative hall bear equal testimony to his untiring zeal and determined opposition thereto.

The barbarities and atrocities of slavery, through the aid of his giant mind, were brought to the attention of the American people and the world in a manner and style hitherto unknown. He was God's chosen advocate of freedom and denouncer of the crime of the "peculiar institution" which blurred the fair record and threatened ultimately to destroy the growing fame of his country. So attractive, instructive, and inviting was his mode of argument, that even those who opposed him most strenuously were constrained to "read, mark, learn, and inwardly digest" his utterances. This was doubtless owing in a great measure to his rare talents and acquirements, and the splendid opportunity he enjoyed of speaking to the country

Mr. SUMNER was a patriot of no ordinary rank. He was a lover of his country, the whole country, in the broadest and the most comprehensive signification of the term. Whatever he did to hinder the extension of slavery or to hasten the day of its final abolition, was based not upon hatred or antipathy to the South, but upon a conviction that it was not only wrong to humanity, but an accursed blot upon the escutcheon of the Republic. He knew full well that it would tarnish the beauty of its history; therefore he felt the duty pressing to combat it. In a word, he did not hate the South nor the slaveholder, but he hated and detested *slavery*. His desire was that the South as well as the North should share in the real grandeur of this republican empire. He was aware that the impartial historian could not complete his task so long as slavery existed, unless the pen, as it were, was dipped in human blood; the thought of which to him was revolting. O that the South had heeded his admonition and let the oppressed go free! As a statesman, Mr. SUMNER may have allowed his zeal to outrun his discretion, and thus made mistakes.

To err is human; to forgive, divine.

It was evident, however, that his errors ever leaned to the side of justice and humanity. He could not comprehend any fundamental law that did not embrace in its provisions the cause of the poor and the needy; consequently his construction of the Constitution differed in many essential particulars from that put upon it by other statesmen, who were less liberal in their opinions and more partial and biased in their judgment. He was strong to his convictions, faithful to duty, and true to his country. How appropriate are the following lines in tracing his active and useful life:

Staunch at thy post, to meet life's common doom,
It scarce seems death to die as thou hast died;
Thy duty done, thy truth, strength, courage tried,
And all things ripe for the fulfilling tomb!

A crown would mock thy hearse's sable gloom,
Whose virtues raised thee higher than a throne,
Whose faults were erring Nature's, not his own,—
Such be thy sentence, writ with Fame's bright plume,
Amongst the good and great; for thou wast great,
In thought, word, deed—like mightiest ones of old,—
Full of the honest truth, which makes men bold,
Wise, pure, firm, just; the noblest Roman's state
Became not more a ruler of the free
Than thy plain life, high thoughts, and matchless constancy.

Compared to his admirers Mr. SUMNER's circle of intimate friends was not very numerous. Only a few genial spirits imparted to him social pleasure and mental enjoyment. He found his chief delight in the companionship of books and the study of the fine arts. But with this rare appreciation for the classic and the artistic, he possessed in an astonishing degree the faculty of adapting himself to social intercourse with those whose attainments were not commensurate with his own. He was always willing to receive such as visited him, seeking counsel or advice, without regard to present circumstances or former condition. His friendship, when formed, was sincere and advantageous. I did myself the honor to call upon him occasionally; not as often, however, as I felt inclined, for I knew that his time was valuable, not only to himself, but to his country. Never did I call but I found him glad to see me and ready to lay aside constantly-exacting duties, and engage in such conversation as invariably resulted in my being benefited. It was very perceptible that the aim and bent of his master-mind was to elevate to true manhood the race with which I am particularly identified. I can never forget so long as I have the faculty of recollection the warm and friendly grasp he gave my hand soon after I was admitted a member of this House. On my first visit to the Senate he said: "I welcome you to this Chamber. Come over frequently; you have rights here as well others."

During his senatorial career, embracing a period of twenty-three years, he has contended for a moral principle against enemies more daring and intrepid, perhaps, than any other man has encountered in the same space of time. This principle was to him more dear than life itself. His conscientious conviction that slavery was a national crime and moral sin could not endure tamely assertions to the contrary. He heeded not the menacing denunciations of those "who eat the bread of wickedness, and drink the wine of violence." Their execrations could not move nor intimidate him. Finding these instruments of wickedness could not deter him or turn the keen edge of his argument, he was brutally and cowardly assaulted in the Senate Chamber, in 1856, by Preston S. Brooks, a Representative from South Carolina. This occurred a few days after his masterly effort setting forth the "Crimes against Kansas."

Mr. Speaker, that unprovoked assault declared to the country the threatening attitude of the two sections, one against the other, and awakened a determination on the part of the North to resist the encroachments of slavery. The unexpressed sympathy that was felt for him among the slaves of the South, when they heard of this unwarranted attack, was only known to those whose situations at the time made them confidants. Their prayers and secret importunities were ever uttered in the interest of him who was their constant friend and untiring advocate and defender before the high court of the nation.

Mr. Speaker, it is said that "the blood of the martyrs is the seed of the church." With equal truthfulness and force, I think it may be said that the blood of CHARLES SUMNER, spilled upon the floor of the Senate because he dared to oppose the slave power of the South and to interpose in the path of its progress, was the seed that produced general emancipation; the result of which is too well known to need comment. It spoke silently, but effectively, of the cruelty and iniquities of that abominable institution.

Notwithstanding that dastardly assault, his valor was not cooled, neither was his determination abated to resist the advancing steps of that *power* which was the source of so much distraction to the Republic and disgrace to the nineteenth century. Sir, I believe in a Providence that shapes events and controls circumstances. His hand is most conspicuously seen in the life and death of the lamented Senator. Though he was a martyr to the cause of freedom and universal liberty, he nevertheless lived long enough to see the struggles of his eventful public life crowned with victory, and the broken shackles of the slave scattered at his feet, before he was gathered to his fathers. The emancipated and enfranchised will pay grateful homage to his memory in life, and dying bequeath the name of him who was their benefactor as a befitting one for the reverence and adoration of posterity.

Farewell! if ever fondest prayer
For others' weal availed on high,
Ours will not be lost in air,
But waft thy name beyond the sky.

Mr. Speaker, the intentness of his thought on the subject of his mission, for which apparently he was born, clung to him to the ebbing moments of his life. When weary and longing for rest, having his eyes fixed upon that "mansion not made with hands, eternal in the heavens," and just preceding his final step over the threshold of time into the boundless space of eternity, he uttered in dying accents, yet with an eloquence more persuasive and impressive than ever, these words: "Do not let the civil-rights bill fail!"

How remarkable the connecting incidents of his history! This is particularly apparent when we recall the fact that he began as an advocate of human rights, continued through an eventful career the

same, and closing his last hours on earth, facing the judgment-seat of the very God, he looked back for a moment and repeated these words, which will be ever memorable, "DO NOT LET THE CIVIL-RIGHTS BILL FAIL!"

This sentence, we trust, will prove more potent and availing in securing equality before the law for all men than any of his former efforts. This is not the proper time, neither is the occasion propitious, for further comment on that dying appeal. I therefore with trembling hands and a grateful heart lay it gently in the lap of the muses, that it may be wrought into imperishable history as an additional evidence of his sincerity in life and his devotion to the grand principle of equal rights even in the embrace of death. He can never be repaid for the services he has rendered the Republic. No libation, adoration, or sacrifice can equal the beneficence and magnitude of the services he has rendered his country and mankind.

As for my race and me, his memory will ever be precious to us. We will embalm it among the choicest gems of our recollection. Yes;

> Let laurels, drench'd in pure Parnassian dews,
> Reward his memory, dear to every muse,
> Who, with a courage of unshaken root,
> In honor's field advancing his firm foot,
> Plants it upon the line that Justice draws,
> And will prevail or perish in her cause.
> 'T is to the virtues of such men man owes
> His portion in the good that Heaven bestows.

Now, sir, my grateful task is done. This humble but heartfelt tribute I lay at the base of the broken column in token of him who was an eminent statesman, renowned philanthropist, and devoted friend to the friendless. "May he rest in peace."

Mr. DAWES. Mr. Speaker, it is from no lack of eulogy or tribute already fitly spoken by stricken Massachusetts that I seek to be heard on this occasion. But, longer than any other of her representatives here at the Capitol, it has been my good fortune to have been associated with Mr. SUMNER in the public service and to stand by him as a colleague in the representation of that State. He had served a full term in the Senate when I entered this House more than seventeen years ago. I had met him here in his very first session, which was in fact the commencement of his public life; for that public life, when measured by the limitation of years, began and ended with his service as a Senator of the United States from Massachusetts. No man can justly estimate that great public career which has so suddenly and sadly closed, who fails to comprehend the times which gave it birth, and the events out of which its grand proportions have been rounded into matchless perfection and power. How much they developed him, and he them, belongs to the historian and biographer and not to the eulogist.

The life and times of CHARLES SUMNER will be a chapter in the world's history, standing out all alone and by itself. To the latest day that it will be read of men there will be found in it nothing ordinary, but, from its inception to its close, everything was cast in a mold which had no prototype, and on a scale by which nothing else has been measured. If we go back from the grand consummation to the beginning there will be found the same extraordinary conditions which have attended every step of his great career upward and onward to its end. He had never held public office till he entered the Senate Chamber in December, 1851. Calhoun had died in the previous year and both Clay and Webster in the year which followed. As Mr. SUMNER entered the arena made illustrious by the great struggles of the giants of that day, and sought his own position in coming conflicts, Mr. Benton said to him:

> You have come upon the stage too late, sir; all our great men have passed away. Mr. Calhoun and Mr. Clay and Mr. Webster are gone. Not only have the great men passed away, but the great issues too, raised from our form of government and of deepest interest to its founders and their immediate descendants, have been settled also. The last of these was the National Bank, and that has been overthrown forever. Nothing is left you, sir, but puny sectional questions and petty strifes about slavery and fugitive-slave laws involving no national interests.

How limited is human vision! The great men and the then great issues with which they wrestled filled, as they were receding from his view, the whole horizon of a statesman whose own participation in public affairs covered in that very forum the unparalleled period of thirty years. But as men sometimes build better than they know, so more often do they build in a way and tread a path they know not of.

Calhoun, and Clay, and Webster, did, indeed, pass away. But the sun which seemed to set with them rose again, almost simultaneously, with a new and a grander glory. And there was no night. Seward and Chase and SUMNER stood up in the places made vacant by those mighty intellects. And issues more momentous and far-reaching than ever before confronted statesmanship sprung up under their very feet, and out of the ashes of struggles vainly supposed to have become extinct.

The world's history furnishes no parallel to the pages which shall truthfully chronicle the character and consequences of the conflicts into which slavery and fugitive-slave laws hurled the nation almost from the hour of this lamentation over repose. And the young Senator from Massachusetts had no occasion to wait for opportunity. He was summoned to the very front of the conflict, and, without hesitation or delay, took the position which conviction of duty as well as public exigency assigned him. If therefore it had been permitted to Mr. SUMNER, standing at the goal and looking back along the years of his labor, with all that increased knowledge and wider experience, that wealth of philanthropy and expansion of heart which crowned his last days—had it then been permitted him to choose, could he have selected a moment more fit or crowded with grander opportunities for the enlistment of his vast and varied powers than the one which called him to his work? Hardly had he entered upon it before he received upon his own person the concentrated malignity of that barbarous system of society with which he grappled, in blows the effects of which never left him, but which, failing to silence, consecrated him to the sublime mission he so grandly filled.

That work thus begun had many phases, and led him along many ways which sometimes, for the moment, seemed devious, and which ofttimes compelled him to invoke instrumentalities pronounced doubtful by the bystander. But all the while it grew upon his hands—it broadened and it deepened—towering above and dwarfing all other work which fell to the lot of other statesmen. Grand in its very simplicity, sublime in its very comprehensiveness, it enlisted the noblest aspirations of the statesman and lifted his whole being into an atmosphere and life and vigor all its own.

ABSOLUTE HUMAN EQUALITY secured, assured, and invulnerable was the work to which with a baptism of blood and suffering he consecrated all his powers, all his life, and all his hopes. In that work he himself grew great. Around about it, as a center, all the attributes of his mind and elements of his character, called into active service and put to constant task, were developed, till like the one muscle of the blacksmith's right arm they attained a growth and strength unlike all others.

He was an eloquent man. But through all his rhetoric gleamed the battle-ax, cleaving the chains of the slave and beating down the hoary head of caste. His orations were not set with diamonds nor decked with flowers, but they thundered along the unbending track of logic irresistible and crushing. They had one purpose, the consummation of his life-work, and he in them marshaled the whole artillery of rhetoric and of speech for the assault. Learning he acquired as no other man in public life, but he devoted it all to this his one great struggle; and while he levied upon ancient lore and modern research alike for illustration, for argument, for admonition, and for encouragement, it was only as for so many recruits to the forces he commanded in a life-campaign against human bondage. Thus it is that his public addresses, with few exceptions, stand as monuments both of his own power as an orator and of the transcendent work to which his whole life had been set apart. Yet on those rare occasions when he permitted himself as if in relaxation to indulge in current debate or in popular address, he has left ample evidence that his mind was richly endowed with all those rare gifts of oratory which have in all times charmed, instructed, and swayed the popular mind. Some of these orations are masterly productions, of wide-spread fame.

To speak of the work itself to which Mr. SUMNER set apart his life, and for which he laid it down, would be to attempt not only the history of his country from his entrance into public life to the hour when his labors ceased, but also that of human rights and human equality the world over. This cannot be attempted here. Happily it is not needed to complete the duty of the hour. That work, once derided, denounced, scoffed at, and spit upon, has now conquered all opposition and to-day commands a support well-nigh universal. There remains no forum in which its justice is debated, and no home or heart so lowly that its efficacy does not reach it. It was not permitted him to see the formal enactment of a civil-rights bill he had so long labored and waited for. But he knew that this keystone of the grand arch was already fitted to its place. What he suffered, what he sacrificed, what he lifted and carried to the end of all things on earth to him, in the hope that his own work might be completed by his own hand, cannot now be put in words.

I have said that Mr. SUMNER was sometimes misunderstood. I speak not now of that common lot of public men which subjects them to the misrepresentations and denunciations of opponents often as indiscriminate as unjust. There is a more trying ordeal, when the vision of *friends* becomes dim, and familiar faces turn away for a time in doubt and distrust. Then the statesman who is faithful to his convictions will wait patiently and silently in the path of duty till, the mist lifting and the light breaking in, the blinded see again the outline of that pathway and hail anew his advancing footsteps. Thus recently his own beloved Commonwealth, proud and long-trusting as she is, yet for a moment losing her vision in a bewildering twilight, turned her face away from Mr. SUMNER and his work. Not a word of complaint fell from his lips. Conscious of a lofty and noble aspiration, and with an unfaltering faith that time would bring him vindication, he waited patiently for the dawn of a brighter day and the opening of a clearer vision. They came at last, but only just in time to save her, in this her day of mourning, the added pang of unatoned injustice.

I have no space to speak of those varied accomplishments, that wealth of knowledge, and that kindliness of heart which were the charm of his social life. But I desire to put on record my deep obligations for an unbroken friendship of seventeen years, begun in a common public service, and interrupted only by that great event which has alike crushed private friendships and social ties, and brought irreparable loss upon the public service, the country, and mankind.

Mr. SUMNER reared his own monument and has left it complete.

It will stand peerless through all the ages that free government and human equality shall exist on the earth. An enslaved race, lifted to freedom, to citizenship, and to equal rights, will crown it with the garlands of fresh effort and victorious struggle toward a completed manhood. The Commonwealth whose son he was, and whose commission he bore, will cherish tenderly his memory, and point proudly to the name which is at once history and inspiration.

Mr. POTTER. Mr. Speaker, but that I have been requested to do so I should be unwilling to detain the House by adding any words of mine to the general expression of regret at the great national loss we all so deeply deplore.

My acquaintance with Mr. SUMNER, sir, only began during the Forty-first Congress. I was never intimate with him. But when I first met him he spoke to me of my father, whom he had known, with such warmth and feeling as always endeared him to me. I sometimes had the pleasure of seeing him at my house, sometimes of visiting him at his. Those great powers and acquirements which made him so distinguished in public life united with his large experience, ripe learning, and varied cultivation to make him charming in private life. To me he seemed never more so than in his own house, where he had collected about him so many souvenirs of travel and of taste, and was surrounded by so much that was best in literature and art and culture. His grand presence, his manners, always so far as I observed dignified but courteous, his recollections rich in knowledge of books, of men, and of events, his independence of thought and gifts of expression, all served to make me recall him as one of the most distinguished and impressive men it was ever my privilege to meet.

Mr. SUMNER began public life with strong convictions; convictions in which he was supported by the sympathy of his people and the action of his State. They were convictions that brought him into bitter and long-continued conflict with the leading men of the day—a conflict which ended only with the changes wrought by the late civil war, and the intensity of which may well have tended to limit the nature and range of his efforts and services. That throughout this conflict he bore himself earnestly, boldly, and efficiently, with an entire devotion to his convictions and an honorable disregard of personal consequences, even those who differed from him admit; and that in the end he was not wanting either in a large liberality or in a magnanimity alike generous and wise, all should gratefully remember.

With Mr. SUMNER'S training and powers there were many walks of usefulness and success open to him; but he preferred giving up the profession he had so well begun, to devote himself through life to the public service. After long years of arduous and important labor he died, leaving behind him but a slender estate, having received for all his service no other reward than the good he had achieved and the honor which attended it. Although he founded and built up a great and successful party, no man ever accused him of profiting by his pursuit of politics. His name was connected with no job, mixed with no share in doubtful profits, stained by no scandal. Called away suddenly in all the fullness of his powers, so that the very day before his death he seemed to me as grand, as useful, and as genial as ever, he left public life as he entered it—with clean hands and unsullied name.

Such service is always patriotic and useful. But as the country increases and its numbers and interests become greater and more conflicting, the need for men of intelligence and culture willing to give their attention to public affairs without personal profit increases also. In a small and sparse community government is easy; but when numbers grow great and men crowd upon each other, so that each must surrender to others some portion of his natural rights, the difficulties of government begin. With our increasing wealth and growing population and crowded cities and varied industries, our need of men willing and able to permanently devote themselves, without hope of gain, to the duties of government becomes yearly more and more pressing.

All of that this distinguished man did. With a fidelity worthy of every praise, with a diligence not exceeded by any man in public life, for more than twenty years he gave up his great powers and learning and acquirements to the public service with a purity, a zeal, and an ability, which, however men may differ as to the soundness or breadth of his views, entitle him to the honor and the praise of all, whatever their political faith, who respect patriotic and distinguished service. For, Mr. Speaker, in a nation so vast as this men must needs differ, and differ widely, in respect of government; and the citizen who gives to the nation his best service, according to the light that he has, does all that is permitted to him, and deserves, indeed, well of his country.

Mr. SUMNER'S share in public life was during a time of conflict and of revolution, followed, happily, by peace and almost general material prosperity; but followed, too, by circumstances which call now as much, perhaps, as ever for large and statesman-like qualities, for careful consideration of the true principles of government and of those changes in our system which the altered political and physical condition of the country have made necessary. That great Commonwealth which so honored him, and which he so long and so faithfully represented, will, indeed, be fortunate if she shall find other sons ready to worthily bear up the torch this great Senator held so long aloft to light the way for the national progress, and which at the last he let fall only with his life.

Mr. KELLEY. Mr. Speaker, when on the 4th of July, 1861, I first took the oath of office as a member of Congress, my then venerable colleague, the late Thaddeus Stevens, was the acknowledged leader of the House. He had been a life-long foe to slavery; and such was his hostility to the spirit of caste, that he was unwilling that his protest against it should terminate with his life, and by provisions in his will directed that his body should be interred in an obscure cemetery in the suburbs of the city he had so long represented, and that his resting-place should be marked by a simple stone bearing these characteristic words:

I repose in this quiet and secluded spot, not from any natural preference for solitude, but finding other cemeteries limited by charter rules as to race, I have chosen it that I might be enabled to illustrate in my death the principles which I have advocated through a long life—equality of man before his Creator.

Owen Lovejoy, whose moral heroism had long commanded my admiration, was the member of the House for whose name I listened with most interest when the roll was called, that I might see the person of him who had with such burning eloquence defied the slave-power in this House and elsewhere. John P. Hale and CHARLES SUMNER were then in the Senate, from which William H. Seward and Salmon P. Chase had recently withdrawn—the former to enter upon the duties of the office of Secretary of State, and the latter upon those of Secretary of the Treasury. None of them are among the living now; each, having closed the work appointed to him, has gone to his reward. Great and good as these men were, they were not faultless. He who had been would not have been a man. But the world is better for the life of each of them. Their labors and example improved our moral and political atmosphere, and though they have been withdrawn from our presence, their influence is scarcely less potent now than it was when they responded to the call of President Lincoln, and in their respective spheres devoted themselves to the maintenance of the Army and Navy that were to suppress the rebellion and invest with all the rights pertaining to American citizenship the lowliest slave in the land.

Mr. SUMNER was the last survivor of this illustrious group. He hoped for the early passage of a bill the provisions of which should enable all men to maintain and enforce their civil rights as the completion of their joint life-work. Had he lived to see such a bill enrolled among our statutes he might well have expressed the completeness of his gratification in the often-quoted exclamation of Simeon of old.

How conspicuous a part Mr. SUMNER took in the legislation of Congress during his long senatorial career others have told. It was such as has been permitted to few men, and yet I have often thought that he would have more largely affected the sentiment and conscience of the country had he never been involved in the active and exhausting duties of the Senate. It has seemed to me that he was too much devoted to letters and too intensely wedded to abstract sentiment to be either an influential statesman or a successful politician; that he was too cosmopolitan in his statesmanship to influence current policies, and too little of a politician to be a successful statesman. The readiness with which he accepted broad and generous propositions, which in terms promised beneficent results, led him to disregard the influence of details which in the complicated web and woof of human life often thwart the application of general laws; and I have never doubted that the prevalence of his theories of trade and finance—free-trade and the limitation of the medium of exchange to a volume of paper money so restricted that it might ever be interchangeable with gold—would, while paralyzing the energy of the North, have reduced the plantation hands of the South to a degradation in freedom from which the interests of their owners had protected them in slavery. They are the policies which have been applied by England to British India and which, by destroying its ancient and diversified industries, have from time to time depopulated its most fertile districts by famine and the diseases consequent upon long-continued hunger. As a teacher—through the press, the forum, and the rostrum—Mr. SUMNER'S illustrations of great principles would have been free from the suspicion of partisanship and he unembarrassed by the personal strife which is inseparable from a parliamentary career.

Permit me to refer in support of this suggestion to but two of his early addresses, each of which produced controlling and life-long impressions on my mind.

It is now nearly thirty years since I read an occasional address by Mr. SUMNER, which had been delivered on the 4th of July, 1845, before the municipal authorities of the city of Boston. His subject was "The true grandeur of nations," and I think it is not saying too much to express the belief that the power and amplitude of illustration with which he treated the subject did much to prepare the people of Great Britain and the United States for the settlement by arbitration rather than by trial of battle of the difficulties that grew out of our late civil war. The discussion of his theme was purely abstract; it was free from party bias or personal allusion, and well calculated to captivate the mind of every generous youth into whose hands it might come.

The other instance to which I would refer occurred but a few years later, when Mr. SUMNER appeared before the supreme court of Massachusetts, December 4, 1849, as counsel for Sarah C. Roberts, a colored child but five years old, who by her next friend had sued the city of Boston for damages on account of a refusal to receive her into one of the public schools. The question as stated by him was, "Can any

discrimination on account of color or race be made under the constitution and laws of Massachusetts among the children entitled to the benefit of our public schools?" In opening his argument he said to the court:

This little child asks at your hands her personal rights. So doing she calls upon you to decide a question which concerns the personal rights of other colored children; which concerns the fundamental principles of human rights; which concerns the Christian character of this community. Such parties, and such interests, so grand and varied, may justly challenge your most earnest attention.

Close as was the legal argument and ample as were the authorities cited, the speech was read most widely by the unprofessional public, and the freedom from caste which characterizes the schools of the young States of the Northwest may be largely ascribed to the influence of this argument presented to a bench of judges in Massachusetts. Let me bring it anew to the attention of the public by making a brief citation or two, which may be read with profit in the practical discussions of our day:

As the State receives strength from the unity and solidarity of its citizens without distinction of class, so the school receives new strength from the unity and solidarity of all classes beneath its roof. In this way the poor, the humble, and the neglected share not only the companionship of their more favored brethren, but enjoy also the protection of their presence, in drawing toward the school a more watchful superintendence. A degraded or neglected class, if left to themselves, will become more degraded or neglected. To him that hath shall be given; and the world, true to these words, turns from the poor and outcast to the rich and fortunate. It is the aim of our system of public schools, by the blending of all classes, to draw upon the whole school the attention which is too apt to be given only to the favored few, and thus secure the poor their portion of the fruitful sunshine. But the colored children placed apart by themselves are deprived of this blessing.

May it please your honors, such are some of the things which it has occurred to me to say in this important cause. I have occupied much of your time, but I have not yet exhausted the topics. Still, which way soever we turn, we are brought back to one single proposition, *the equality of men before the law*. This stands as the mighty guardian of the rights of the colored children in this case. It is the constant, ever-present, tutelary genius of this Commonwealth, frowning upon every privilege of birth, upon every distinction of race, upon every institution of caste. You cannot slight it or avoid it. You cannot restrain it. It remains that you should welcome it. Do this, and your words will be a "charter and freehold of rejoicing" to a race which has earned by much suffering a title to much regard. Your judgment will become a sacred landmark, not in jurisprudence only, but in the history of freedom, giving precious encouragement to all the weary and heavy-laden wayfarers in this great cause. Massachusetts will then through you have a fresh title to regard, and be once more, as in times past, an example to the whole land.

But, Mr. Speaker, grand and inspiring as were the utterances of Mr. SUMNER, he has left to the youth of our country a heritage more precious even than they in the story of his daily walk in life, the excellence of his habits, his untiring industry, his love of art, poetry, sentiment, and in the noble aims for which he lived.

Mr. NESMITH. Mr. Speaker, to the tributes inspired by personal and political friendship which are paid to the memory of the illustrious dead, permit me to add a word expressive of my respect for and appreciation of the man.

Possibly the little I have to say will be entitled to the more consideration from the fact that whatever I may speak in praise comes from an opponent who for six years served with CHARLES SUMNER in the other end of the Capitol without having entertained a political sentiment in common with that great man. I can say that through all this opposition he commanded my respect, and in some instances my admiration. I recognized in him an embodiment of New England's high sense of duty. He always appeared to me a pure, single-hearted, earnest man. While lacking the enthusiasm that comes of generous impulse, the intense earnestness of his nature produced a quality so like it that the substitute was often accepted.

What was fanaticism in others appeared from his cultivated, high position as patriotism, and although a refined John Brown, he threw about his efforts such a charm of learning, such graces of rhetoric, that it seems a wrong to class him with the coarse fanatic who molded into bullets the feelings and words the orator uttered in the Senate.

John Brown was CHARLES SUMNER reduced to practical action, and both represented the rock-ribbed and iron-bound land where duty takes the place of impulse.

I am unacquainted with the early history of CHARLES SUMNER, beyond the outline of his public career, estimating him as I did from a stand-point that made me almost impartial. I have always been impressed with the belief that much of his marked advocacy of equal rights grew out of his personal experience. Dr. Johnson tells us that "in a majority of instances cruelty is but another name for ignorance." A man therefore to appreciate oppression, as CHARLES SUMNER seemed to do, must have felt keenly the *wrongs* of oppression. We know that upon his first appearance in public life he took up the cry of the oppressed that found words in his last utterances. We know that this was brought home to him in the saddest and most painful manner during his career in the Senate before the war, and I am of the opinion that it was his experience long before he entered public life. We all know that there is no part of the globe where caste has a more iron rule than in New England, and I can well imagine the early struggles of a sensitive and cultivated mind against its despotism.

He had a quality for which the world never gave him credit, and that was high courage. He fought bravely the social tyranny he suffered from in his own land, and he fought with still higher courage what to him was the cruelist despotism known to humanity, and as he fought his earnestness grew more intense. It was not that he felt for the down-trodden negro whose cause he advocated, but that his manhood resented the cruel injustice of a dominant class.

And here, sir, I wish to call attention to that quality in Senator SUMNER that is in him so little understood or appreciated. He came to the Senate of the United States the avowed advocate of the slave, and the uncompromising, bitter opponent of the master. Entirely alone, backed up by no great party, unaided by a solitary voice of friendship, he bearded the lion in his den. At that time, sir, it was not considered even respectable to be such an advocate, and the man who voluntarily thrust himself into such a position made the tender of open hostility to nearly all the rest of his countrymen, while he carried his own life in his hand. You may call this the foolhardiness born of fanaticism, but I recognize in it an example of moral and physical courage combined such as the world has rarely witnessed.

Physical courage is an inherent quality in the most of our race, and there are but few men who would not prefer to mount the deadly breach or march to the cannon's mouth rather than suffer the reproaches, the contempt, the obloquy, and the scorn of their countrymen. CHARLES SUMNER led the forlorn hope in practically facing all these dangers combined.

We must all remember who have read, and certainly no one can forget who witnessed the scene, the chivalrous effort that led to an assault upon him in his seat in the Senate Chamber. A gentleman, belonging to the democratic party, who happened to be upon the floor of the Senate at the time, tells me that it was almost melodramatic in its effect. In that great historic hall of eloquence, the old Senate Chamber, there were present the assembled legislative wisdom of the nation, and while all appeared calm and peaceful, underlying this smooth and placid exterior was that deadly animosity which a few years later culminated in the most sanguinary civil war that a nation ever experienced.

When CHARLES SUMNER addressed the President, he must have felt all that the scowling eyes and sneering lips conveyed to him. If he looked around for sympathy or support, it was to find a few cowering friends utterly appalled at his audacity; and yet he was as cool, self-possessed, and brave as if he had at his back an army of supporters. His audacity, manly person, youthful appearance, and courage won for him sympathy akin to admiration from his enemies, shown in the profound attention they gave to his bitter utterances and stinging invective. Those who witnessed the scene, or have read of it, remember the storm of wrath and indignation that was poured out upon the head of the young Senator, and we know how he arose again and again with undaunted courage to repel the attack.

And subsequently to this scene, so feebly described, another manifestation of this sublime quality of high physical courage was exhibited, when he was subjected to the most severe and excruciating surgical tortures, and bore them with the uncomplaining fortitude and stoical indifference of the North American savage.

Let us then, Mr. Speaker, give him our admiration for the high qualities of which in public estimation he has been so long deprived.

Learned, eloquent, pure, and earnest, he had not, in my estimation, any claims to statesmanship. This is shown by the fact that he closed his public career at the very moment he secured a triumph of his own all-engrossing idea some ten years since. The fanatical reformer is seldom a builder, the image-breaker cannot replace the image he destroys. Of all that little band who from the first led the forlorn hope which ultimately effected the organization of a great political party, not one was found capable of guiding or controlling it. They turned their command over to more practical minds than CHARLES SUMNER'S—to men so eminently practical, that they not only rebuilt for others, but remarkably well for themselves. It is curious, sir, to look about me and see men now in command of that party that CHARLES SUMNER created, who while he was in the minority denounced him as a fanatic, an abolitionist, an enemy of good order, of his country, and of mankind, but who now exceed his utterances in their screams for refused rights. Their conversion was probably his most marvelous achievement.

But, sir, had he possessed the statesman's creative power, he was too pure a man for the politics of our day and generation. In his high position it was not possible for him to be the paid advocate, it was not possible for him to be the associate of men who, while waving the banner of freedom with one hand, stole from the public Treasury with the other. Why, sir, he was so pure and single hearted that he could not even understand such characters.

Differing as I honestly and heartily did with Mr. SUMNER upon the great issues out of which his fame grew, I feel it incumbent upon myself to say that while my own opinions upon those questions remain at variance with his, I concede to him an honesty of purpose in urging his peculiar theories with a pertinacity unparalleled in our political history. Defeat strongly inspired him with renewed energy; and when the popular vote of the nation, as it did at times, condemned him and his cause, he, phœnix-like, arose from the ashes of defeat to advocate with fresh ardor and invigorated courage the "*equality of the races before the law.*"

His courage was of a higher order than that inspired by mere brute force. He adhered to his theories through contumely, adversity, and disgrace; and when the results of his labors, his sufferings, and his courage elevated those who had defamed and despitefully used him from obscurity to power, he bore their renewed reproaches with but slight retaliation or complaint.

In my humble estimation Mr. SUMNER never appeared to greater

advantage than when he magnanimously proposed in the Senate that the achievements of our gallant troops in an intestine war should be obliterated from their flags. An envious and malignant man would have desired to see our southern brethren humiliated by the emblazonment of their disasters upon that proud banner which we all as American citizens desire to hail as the emblem of a great and united nationality.

The evil passions growing out of the war had become so furious and unreasoning as to cause his own State to condemn his generous impulses upon that subject; but I thank God that his last moments on earth were cheered with the rescinding resolutions of the representatives of a people themselves the descendants of rebels, who felt, upon sober second thought, what was due to a people who had gallantly risked their lives in their adherence to what they conceived to be the principle that "all just government is derived from the consent of the governed." His familiarity with English history had demonstrated to him the folly of perpetuating hatreds and sanguinary reminiscences in a people who, in the nature of things, should be homogeneous. In the latter part of his life he gave evidence of his abhorrence of white political slavery no less than that which pertained to the African.

Mr. Speaker, inexorable death has claimed CHARLES SUMNER as his own, and the grave has closed over his mortal remains. We shall never in our generation look upon his like again, simply because there are no surroundings to develop such a character. The freedom of the African is assured, and it now remains the highest duty of the statesman to assure the freedom of the citizen.

"Peace hath her victories no less renowned than war;" and the man who by persistent direction of peaceful agencies converts a nation of politicians to his views is as much entitled to the triumphal arch as is the mere soldier who, by the unreasoning power of brute force, completes a victory with the sword and points to the hecatomb of the slain as his passport to power. The saddest thing about CHARLES SUMNER'S life to me is that he survived himself—that he lived to see other men occupying the proud positions and wielding the power he had created, with no higher motive prompting them than the self-aggrandizement to be found in wealth.

I have only hinted at his faults, few as they were. I have no heart to dwell upon his failings. He had the egotism of genius and the impatience of fanatical conviction. He may be said to have lived alone, never knowing pleasant companionship, and meeting the world only to be flattered and admired or to be fought. His, however, were faults we can readily forget, and failings we are willing to forgive.

He is gone from among us. His chair in the Senate, to which all eyes were turned when any great question agitated that grave body, will never be filled by a public servant more pure in his motives, more elevated and courageous in his action, or truer to his convictions. Let us keep his virtues in remembrance. May his monument be of spotless marble, for it cannot be purer or whiter than his life.

Mr. G. F. HOAR. Mr. Speaker, I should prefer to leave this theme to those of my colleagues who have been longer and more conspicuous in the public service. But the community which I represent was bound to our great Senator by a tie closer, I think, than that of any other. In the city of Worcester he first publicly devoted himself to the great cause to which his life was consecrated. From that day to his death, for more than twenty-five years through his eventful career, through all the obloquy and strife and hatred which it was his lot to encounter, that people have loved and honored him, scarcely ever divided from him in judgment, never in principle, never in affection; and it seems to me fitting that in this season of funeral sorrow and of funeral triumph its voice should not be silent.

CHARLES SUMNER'S public life was spent in one place—the Senate Chamber; and was devoted to one cause—the equality of all men before the law. For that great arena and that great argument his first forty years must be considered only as preparation. He came to manhood, leaving Harvard with the best training his native State had to bestow. He was a model of manly beauty and of manly strength, attracting the eye in every assembly, capable of great athletic feats, and able to sustain the most severe and continuous study. To the best American training he added what foreign travel could give. He mastered the principal modern languages and formed intimacies with the distinguished men of Europe, especially with those of his own profession. He became a learned lawyer, editing the twenty volumes of Vesey, jr., himself reporting the decisions of his friend Judge Story, and contributing many original essays to the American Jurist. His great native powers of oratory, the indispensable instruments of his future service, he trained and manifested by numerous public addresses, in which, thus early, he unfolded the principles and opinions from which he never swerved. The full vigor of his intellect he retained till his death. But that magnetic eloquence which inspired and captivated large masses of men as he molded the lessons of history, the ornaments of literature, the commandments of law, human and divine, into his burning and impassioned plea for the slave, belonged only to his youth. He never fully regained it after the assault upon him in the Senate Chamber. His vast learning and retentive memory were a marvel. I remember in my boyhood hearing an eminent scholar style him the encyclopedia of Boston.

He was familiar with all heroic literature. His style, without much variety, reminded you of some of the statelier passages of Burke, whom in person he resembled, resembling also in its affluence of citation that "field of the cloth of gold," the prose of John Milton.

Old men who had trod the highest paths of fame recognized the promise of the youth and sought his companionship. Probably no young man in America ever counted such a host of illustrious friends. Among them were Kent, the greatest modern writer on jurisprudence, (unless we join Kent himself in preferring Story,) and De Tocqueville, that wisest of Frenchmen, who has understood the institutions of America better than any man since the men who builded them, and from whom SUMNER received that maxim in which he delighted: "Life is neither a pain nor a pleasure, but a serious business, which it is our duty to carry through and to terminate with honor." Among them were some still alive, famous in poetry, in letters, and in science, whose unfailing affection cheered the darkest hours of his life. Among them were four—John Pickering, the illustrious scholar, whom SUMNER called the leader in the revival of learning in America, comparing him to Erasmus—Washington Allston, Story, and Channing—whom he commemorated in that wonderful oration of eulogy, in which, taking them as representatives and examples, he set forth the four ideals which he kept ever before his own gaze—knowledge, justice, beauty, love.

Such was CHARLES SUMNER when he was called to choose his side in the great battle of which our nation was to be the scene. Never did hero, martyr, or saint choose more bravely or worthily. The party to which he had belonged, dominant for a generation in Massachusetts, was just wresting the national authority from the grasp of its ancient rival. The victory of either was the victory of slavery. Turning his back on the victors, he chose the conquered cause. Fond of power, fitted for its exercise, he chose the side of weakness. Surrounded by wealth, he chose the cause of the poor. Rich in friends, he became the defender of the friendless. Favorite of that cultivated society, his great heart went out in sympathy for the ignorant and degraded slave. He joined himself to a small political association, not strong enough to carry three districts in the country, who made opposition to slavery the cardinal doctrine of their creed.

The indignation of Massachusetts at the passage of the compromise measures of 1850, especially the fugitive-slave bill, for which the whig administration of Millard Fillmore was responsible, enabled the free-soil party, combining with the democratic minority, to elect Mr. SUMNER to the Senate, where he took his seat in 1851. From that time forth he was the undoubted leader of the political opposition to slavery. His speeches stirred the public heart and conscience to their depths, and were the arsenal from which the most effective arguments were drawn.

The sure instinct of slavery did not err when it recognized him as its implacable foe. At last a man had come to the Senate to whom the ideal higher law was real; on whom threats and blandishments alike were lost; who would not buy popularity or office; who would not buy success for his party, or even safety and prosperity for his country, by injustice. There was no mistake about him. The minions of tyranny sought eagerly for his destruction, thinking that with him the new-born movement for freedom would perish. But, fools and blind, they saw not that the eternal forces were behind him. They thought if they could but silence that bugle-note the music of liberty would die out over the land. They thought if they could but strike down that sentinel on the ramparts the awakening nation would turn itself again to its long sleep. They thought if they could but stifle the clarion voice of the herald of the day, the morning itself would not dawn.

The secret of CHARLES SUMNER'S power lay in two qualities which he impressed on this people in larger measure than any other man of his time—his conscientiousness and his faith. Others, a good many, equaled him in eloquence; others, a few, equaled him in scholarship. But he alone was the interpreter of the conscience of this people. To every proposition he applied the inexorable test—is it right? Is it absolutely just? Unless his Puritanic sense of rectitude was satisfied he would not yield. No argument of political expediency, no whisper of administrative caution, no deference to associates, no regard for venerated authorities, no consideration of fitness of occasion, no fear for himself, would induce him to abate one jot of his indignant denunciation. With this trait he could not be other than the life-long foe of slavery.

There was no optimism in his nature. He never turned his gaze away from evil, or looked on it but to hate it and to strike it. But in the darkest days of war, or those darker days worse than war, when slavery ruled, he never lost his sublime faith in the triumph of justice, truth, equality, wrought out in the Republic by the power of a free people.

The secret of his power and the rule of his public life will be found in two of his own sentences, one almost the opening sentence in his first great public discourse, the other which I heard him utter toward the close of life in a debate on the civil-rights bill, that great and crowning measure of justice, in care for which he forgot himself in the very hour of death. "Never aim at aught which is not right, persuaded that without this every possession will become an evil and a shame." "Trust the Republic, and the ideas which are its strength and safety."

No eulogy of CHARLES SUMNER will be complete which leaves out his faults. When common men die we may invoke the adage, "*Nil de*

mortuis nisi bonum," or rather that sadder cry of human frailty, "*Jam parce sepulto*." But of this man we can say the whole truth. Two grave defects marred the symmetry of his moral and intellectual nature. The first was a certain want of proportion or perspective in his mental vision, which made him exaggerate the evil or good qualities of men whom he had occasion to blame or praise, or the importance of measures with which he was concerned. In saying this we should not forget how often time has brought round the popular judgment to his own.

The other was a graver fault. In him the egotism often fostered by a long senatorial career seems to have been natural. He possessed an inordinate confidence in his own judgments. He was intolerant of difference or of opposition. It was hard for men his equals in station, themselves accustomed to respect, conscious of equal desire for the general welfare, to submit to his impatient and imperious criticism. What he saw he seemed to himself to see with absolute clearness and certainty. He could not understand the state of mind of a man who did not see it as he did. But this his greatest fault was a protection to him in the warfare in which he was engaged. Imagine Mr. SUMNER in Washington from 1851 to 1857, almost alone, an object of general hatred, receiving by nearly every mail threats of violence and assassination, possessed with a modest distrust of his own convictions, and exhibiting an amiable deference to the opinions of other people. Nothing but the absolute certainty of his confidence in his cause and in himself could have sustained him in those years of obloquy and peril.

I have spoken of his injustice to his associates and his intolerance of opposition. But the harshness and bitterness with which for the time being he spoke of men who opposed the measures he had at heart, he never felt toward mere personal antagonists. I may surprise some persons who have not carefully studied Mr. SUMNER, but I am sure of the assent of those who knew him best when I declare that he was as free as any man I ever knew from personal hatreds, and that his lofty and generous nature was absolutely incapable of revenge. Let the man whom he considered to have most wronged him, or to have most wronged the Republic, but unite with him heartily in any cause which was dear to him, and the bitterest estrangements were forgotten.

Who shall say that he thought more highly of himself than he deserved; that he demanded for himself or his opinion greater consideration than would now be accorded to them by the judgment of mankind? In the words of that fine sentence of the Ethica of Aristotle, applied by the English historian to the younger Pitt, "He thought himself worthy of great things, being in truth worthy."

There was at least nothing petty or mean in these traits. They were the foibles of a lofty and noble nature.

> To his own self not always just,
> Bound in the bonds which all men share;
> Confess the failings as we must,
> The lion's mark is always there.

At any rate there he was to be seen and known of all men. There was no secrecy in his nature. He was the soul of truth. His public and his private life corresponded. Of one thing those who love him are secure. History will lay bare no secret which will tarnish the whiteness of his fame. His correspondence, his conversation, the secrets of his chamber may be made known to mankind. No intrigue, no dissimulation, no artifice, no selfish ambition, no impure thought or act shall be found.

> Whatever record leap to light,
> He never shall be shamed.

He was hearty and generous in his friendships. No man took greater delight in other men's services to freedom or rewarded them with a more precious and bountiful commendation. To receive his praise for any service to human liberty was like being knighted by Cœur de Lion or Henry V on the field of battle.

He said lately that the happiest period of his life was when he was a student at law. The time of the close of the war must have been equally so. He had seen the great desire of his life fulfilled. The eyes which had ached with sorrow and with toil had gazed upon the glory and the beauty of the harvest. The martyr of free speech, the solitary and despised champion of liberty, had lived to be the honored leader of the Senate. The friendship and confidence of Lincoln, who knew and loved the noble nature of the man; the gratitude of the American people, the recollection of great tasks successfully achieved, the affection of hosts of friends, the expectation of new and most congenial employments in the country's service, the enjoyments of literature, the resources of art—everything that could adorn, everything that could delight the remainder of a life scarce past its vigorous prime, seemed to be his.

But fate ordered it otherwise. The voice of duty, obeyed at prime, called him to new sacrifices and new strifes until the end.

The last morning on which he came to the Senate Chamber, to the inquiry of a friend who met him, he answered, "I am tired, tired." As I heard of it just afterward, I thought of a sentence in that magnificent opening passage of his first great discourse, in which he seems to dedicate himself to the service of the Republic: "We must not fold our hands in slumber, nor abide content with the past. To each generation is committed its peculiar task; nor does the heart which responds to the call of duty find rest except in the grave." Ah, heart, so dauntless and so tender, well hast thou kept that early vow! Ever responding to the call of duty, from the day when Massachusetts gave thee to thy country in the fullness of thy youthful promise till that saddest moment when we saw thee borne cold in death from the portals of the Capitol, thou hast known no rest. At last thy country gives thee back to thy native Commonwealth to sleep in her holy pilgrim soil with the kindred dust of the sons, many and brave, who have well obeyed the lesson she taught them in their youth—with Samuel Adams, and Otis, and the elder and the younger Quincy, and John Adams and his illustrious son. Like them he learned at her knees the lessons of liberty. Like them he encountered hatred and strife and peril. Like them he lived to see the seed he had sown bearing its abundant harvest, and like theirs his grateful country shall preserve his fame.

> For the memorial of virtue is immortal, because it is known with God and with men. When it is present men take example at it, and when it is gone they desire it; it weareth a crown and triumpheth forever, having gotten the victory striving for undefiled rewards.

Mr. CONGER. Mr. Speaker, the true analysis of human character requires profound knowledge, extensive research, and the most critical judgment of any subject that commands the attention of the human mind.

Great names on the pages of history shine ever with their own unborrowed light. Eulogy cannot add to their glory, detraction cannot dim their luster.

The ostracism of one generation may be supplemented by the adoration of another. The scorn and derision of one age may merge in devotion and reverence in those that follow, and the very implements of disgraceful torture may become sacred symbols of devout faith to myriad followers. Yet all this while the true character of the individual had remained unchanged, his life in all its relations to the world in which he moved had been rounded, perfected, finished, and it held its place in the grand living panorama of the world's progression, unaltered and unalterable.

Seldom, if ever, can the then present age be so free from the errors of prejudice or partiality as to warrant confidence in the accuracy of its judgments or the correctness of its conclusions. If such suggestions are forcible regarding the great names of history whose achievements were illustrated by mere physical endurance or personal daring, with what modesty should we venture to delineate the character and motives of that illustrious citizen who in one and the same age, the same generation, and among the same people has been the object of unlimited hate—of boundless veneration.

CHARLES SUMNER, in the fullness and perfectness of his character, would have been impossible in any other age, among any other people, in any other phase of human civilization. He was cast in the mold of these times, imbued with the spirit of this age, but enriched with the learning of the world. Of great moral courage, commanding presence, intense individuality, his personality and self-estimation almost offensive, his tenacity of will bordering upon obstinacy, influenced little by the tender emotions of human nature, but a devout worshiper of abstract truth and right and a fearless champion in their defense whenever and wherever occasion arose.

For the marvelous changes in our civilization to which he was to contribute his very faults were necessities, his very failings were indispensable, his pride and egotism and self-assurance were fundamental elements of his success.

His lack of personal sympathy and emotional affection left room and place for all humanity.

For him, insult and injury sanctified the cause which he defended, opprobrium and scorn hallowed the theories which he had espoused, and had imbued with his own intense personality. Common truths were enlarged to immortal grandeur in his vision, when adorned with the gems of his eloquence and surrounded with the halo of his learning.

A servile and dégraded race were to him kings and priests, so soon as he became the champion of their rights and had thrown over them the banner of his protection. His own pathway was illuminated by the light of his intense individuality, and all who traveled with him along that royal road were clothed in purple, and all who went by other ways were groping in darkness.

Governments and people, working out the problem of their growth otherwise than by his elaborated plan, were rushing madly to ruin. Constitutions and laws lacking the absolute assertion of the grand truths of humanity were in his eyes delusion and a snare.

To him the absolute equality of all human beings on the plane of civil and political rights left no place for partiality; no room for prejudice.

The vast world was to become the abode of enfranchised millions. The revelations from Heaven and the arcana of nature alike shadowed forth the universal disenthrallment of humanity, and he gloried in the belief that he was the recognized apostle of liberty. All things conspired to strengthen such a conviction. The admiration of friends, the persecution of enemies, the stern devotion of the puritan, the intense hatred of the chivalry, the boundless confidence of the oppressed, and the scorn of the dominant race.

Even his personal peculiarities strengthened this belief. His commanding presence, the grand intonations of his far-sounding voice, the triumphant utterance of his splendid sentences, the almost barbaric display of literary wealth gleaned from all languages and gathered

from all lands, the triumphal progress of his high-sounding oratory, the imperial consciousness of his right to the throne, and even the jealousy that would brook no rival near that throne, all around him and all within conspired to assure him that he was appointed and anointed the grand high priest of the changing civilization and renovated institutions of this marvelous era of American history.

True to that conviction, to the fixed belief in his calling and destiny, he lived and labored and died.

Whatever his faults, whatever his failings, he never faltered, he never wavered. In small things and in great, every occasion found him ready, and every opportunity was a renewal of his devotion.

Mr. Speaker, nearly twenty years have passed since I first met Mr. SUMNER. He had been sojourning for a fortnight in the iron mountains of Marquette, and came from the forest to the steamer to go up Lake Superior to the head of the lake.

As we passed from the harbor Mr. SUMNER said that for two weeks he had seen no newspapers, and was ignorant of all that had transpired in the outer world during that time. I had the pleasure of giving him the last dailies from the principal cities of the Union. As he glanced over the pages his attention became fixed, his eye kindled, he hurried from paper to paper, looking hastily in each, and then went for his portfolio and prepared to write. He looked at the clock, went out upon the deck, inquired the name of a rocky island we were then passing, and wrote, folded, and directed a letter. It was a beautiful Sabbath morning in summer. The waters of the lake mirrored the rocky outline of Granite Island and the mountains on the mainland. The scenery was beautiful, the air delicious, the passengers joyous.

The newspapers which Mr. SUMNER had received were full of records of the whole busy world. "But none of these things moved him."

He had learned from the newspapers that one comparatively obscure but noble man was languishing in prison in a Christian country, on the Christian Sabbath, for refusing to obey the behests of slavery and refusing to oppress the slave; and then Mr. SUMNER wrote to Passmore Williamson, in prison, that thrilling letter which not only cheered the prisoner in his cell, but electrified the Christian world.

But I will not dwell longer on such illustrations. To recount them would be to repeat the history of his life. Nor will I further eulogize the Great Commoner of the nation. Whether in intellect and genius he will rank among the more or the less gifted of the world's bright spirits, none will deny to him the proud position of usefulness and faithfulness to which he devoted his life. For him to have been either too high or too low, too great or too small, would alike have unfitted him for the grand achievements of his distinguished career.

It has been said that along our Pacific coast the light-house should not be placed on the lower headlands that receive the shock of the incoming wave, lest the waves should sweep away the foundations, and the fog-bank and the mist-wreath should too often obscure the beacon and conceal the warning light from the eyes of the imperiled mariner, nor on the overlooking mountain's height, where the mountain and the pharos would alike be encompassed by the brooding storm-clouds of those higher altitudes, but midway of these extremes, in that serene mid-region between the counter air-currents—those that sweep the ocean and the shore below, and those that uphold the cloudy firmament above. Thus, it may be, that along the borderland of human destiny he who shall have wrought the grandest benefit to humanity may have neither the warm affections and tender emotions that cluster around the homelier walks of life, nor yet the transcendent genius of him—

> Who on mind's high steep can stand
> And marshal with his sceptered hand
> The whirlwind and the cloud,
> Can write his name too deep a dye
> In lightning's traces on the sky.

Mr. PHILLIPS. Mr. Speaker, I shall say but little, since no words I could utter would add to the fame of the illustrious statesman. And yet I come to offer a humble tribute to his memory from old free Kansas. The State I have in part the honor to represent, in its early struggles for existence and freedom, elicited the warmest sympathy of CHARLES SUMNER, and called forth from him some of the grandest parliamentary efforts that dignify the history of the Government.

His great speech on the crime against Kansas was not only animated by that spirit of lofty philanthropy which ever came naturally from his great, magnanimous heart, but was thrilled through and through with the highest conception of popular liberty in America. That speech, too, entailed on him long years of suffering, and was doubtless the means of prematurely depriving his country of services she ill could spare, and the world of a life as eminent as it was pure.

In the history of the past twelve years, among the galaxy of great men who may be styled the fathers of our second revolution; the men who when the storms beat and the winds blew, when the timid were timid and the faithless faithless, seized the very misfortunes and weaknesses which threatened the Government, and hewed them into the foundation-stones of a reconstructed Republic—among these men six names stand in bold relief: SUMNER, Chase, Lincoln, Stevens, Seward, Stanton, and they are all gone. They did their share of the work ably and fearlessly, and God Almighty blessed them in this, that ere they died they had the privilege of seeing *peace* and *liberty* clasp hands across a regenerated continent.

SUMNER was one of the best types of our public men. A scholar so ripe, an orator so eloquent, that as orator or scholar we may justly feel proud of him as the peer of any orator or scholar of any country or any time; a statesman who squared his political principles by the fundamental maxims of right and wrong; a politician whose sympathies were with the downtrodden and the weak, and who gave to humanity rather than to party; a gentleman, withal, whose life was so dignified and pure that even his enemies never dared with the breath of slander to sully his fame.

Some men are great actors, others eminent for executive ability; others are great thinkers. Among the latter no one was more eminent than CHARLES SUMNER. He seized the fresh but crude ideas as they floated up from the public mind, and molded them into symmetry. Always clinging to the fundamental maxims of equality and right, when dangers threatened the edifice that is the safeguard for the security and liberty of forty millions of people, he seized the very necessities and dangers that threatened the country and planted them as the pillars of a reconstructed empire.

Ours is a government of the people. We all feel amost acutely the necessity that the public pulse shall beat in unison with the outer and inner life of *all* our politics. He who aspires to this duty has a double task; to appreciate and mold public sentiment, and then to *lead* it. In both, CHARLES SUMNER was eminent. He stood like another Moses before the people. The public mind was oppressed with danger, and part of it befogged with prejudice. Old Constitution theorists had peddled their doctrines at every cross-road in the country. Many true men wavered, when SUMNER, standing with his compatriots and, like the ancient prophets, seizing the rod directly from the hands of God Almighty, the rod of eternal justice, smote it upon the troubled waters and bade the murmuring people "Go forward!"

Step by step they led them higher, higher, step by step, until, on the top of another Mount Pisgah, they, amid the uncertainties, the storm, and the darkness, saw the promised land of future American politics stretched out for the feet of a progressive people. When Mr. SUMNER spoke he spoke not only to the Senate Chamber—the Republic was his auditorium. His speeches went forth freighted with the best life and thoughts of the time; went forth to the whole country, to arouse a universal interest and provoke a universal utterance.

His sudden death was not the extinction of a life, but its apotheosis. His monument is built in the history of his country. To-day we stand reverently before the great dead, while all the shadows of conflicting opinion and the bitterness of partisanship have melted away.

Mr. PHILLIPS, at the close of his speech, presented the House with a series of resolutions, printed on white silk, from the Board of Trade of Cawker City, Kansas, which is as follows:

At a special meeting of the Board of Trade, held March 16, the board was called to order by the president, when, on motion, a committee was appointed to draft resolutions expressive of the sentiment of the board on the death of Hon. CHARLES SUMNER; after which the committee reported the following preamble and resolutions, which were unanimously adopted:

Whereas it pleased the inscrutable wisdom of Almighty God on the 11th of March, anno Domini 1874, to remove Hon. CHARLES SUMNER, of Massachusetts, from the vicissitudes of time to the unchanging realities of eternity: Therefore be it

Resolved, That we, as citizens of the Republic, are proud of the record he has made as a scholar, a statesman, and a man.

Resolved, That CHARLES SUMNER was a man whose life inspires the philanthropist with new and better hope for the possibilities of human nature.

Resolved, That we honor him no less for his cool, calm, and catholic judgment in political affairs than we admire him for his fortitude, pertinacity, and unflagging zeal in behalf of down-trodden humanity.

Resolved, That we revere his memory for the uncommon purity and integrity of his private and political life, and that he passed untainted and unsuspected through a life time in an atmosphere laden with political corruption.

Resolved, That we, as an organization, without distinction of party, deem his death a national calamity.

Resolved, That his death has left vacant one of the few places in human society which is difficult to fill, and that his is with peculiar emphasis in the best sense—

> "One of the few, the immortal names,
> That were not born to die."

Resolved, That we will each wear in his honor a badge of mourning for the space of thirty days.

Resolved, That the secretary be instructed to furnish the following papers with a copy of the resolutions, requesting them to publish the same, and send a copy to this office, namely: Springfield (Massachusetts) Republican, New York Tribune, Washington Chronicle, and Cawker City Tribune. Also a copy to the sister of deceased, one to the President of the United States, and one to the Senate and House of Representatives.

E. HARRISON CAWKER,
THOMAS FLOWMAN,
F. J. KNIGHT,
Committee.

Mr. PHILLIPS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at four o'clock and thirty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. ALBRIGHT: The memorial of the Philadelphia Board of

Trade, declaring against the system of moieties and the employment of spies and informers as a part of the Customs Department of the Government, to the Committee on Ways and Means.

By Mr. ARMSTRONG: The petition of citizens of Dakota and Iowa, for a post-route from Canton, Dakota, to Le Mars, Iowa, to the Committee on the Post-Office and Post-Roads.

By Mr. BRADLEY: The petition of 78 honorably discharged soldiers, citizens of Michigan, for the passage of the bill (H. R. No. 1700) restoring to market and homestead entry certain Indian reserve lands, to the Committee on the Public Lands.

By Mr. CHIPMAN: The petition of the trustees of the Washington City Orphan Asylum, for relief, to the Committee on the District of Columbia.

Also, the petition of Webster M. Rains, for relief, to the Committee on War Claims.

By Mr. CROUNSE: The remonstrance of citizens of Washington County, Nebraska, against extension of patents for agricultural machinery, to the Committee on Patents.

By Mr. CRUTCHFIELD: The petition of Joseph McHenry, for a pension, to the Committee on Invalid Pensions.

By Mr. DURHAM: The petition of A. C. Meadows, for relief, to the Committee on Invalid Pensions.

By Mr. GIDDINGS: A paper for the establishment of a post-route in the State of Texas, to the Committee on the Post-Office and Post-Roads.

By Mr. HAGANS: The petition of the heirs of Benjamin Moore, for compensation for services of said Moore in perfecting certain improvements in the manufacture of small-arms, to the Committee on Military Affairs.

By Mr. HALE, of New York: The memorial of Charles N. Williams, postmaster at Elizabethtown, Essex County, New York, for relief, to the Committee on Claims.

By Mr. HANCOCK: Papers relating to the claim of Santiago de Leon, to the Committee on War Claims.

By Mr. HAWLEY, of Illinois: The petition of citizens of Moline, Illinois, for the construction of a double-track freight railway from the Mississippi Valley to tide-water, to the Committee on Railways and Canals.

Also, the petition of citizens of Davenport, Iowa, of similar import, to the same committee.

By Mr. LAMISON: The petition of 17 citizens of Darke County, Ohio, against a duty on tea and coffee and any increase of internal taxes, and in favor of the repeal of the second section of the act of June 6, 1872, which reduced by 10 per cent. the duties on certain imports, to the Committee on Ways and Means.

By Mr. LAWSON: The petition of Charles A. Wolf and 44 others, for the passage of the bill (H. R. No. 1179) granting increased pensions to disabled soldiers, to the Committee on Invalid Pensions.

By Mr. McNULTA: Papers relating to the claim of George W. Silcox, to the Committee on Foreign Affairs.

Also, the petition of John T. Silvernail, for a pension, to the Committee on Invalid Pensions.

By Mr. NEGLEY: The petition of Margaret M. Dougherty, of Kenton County, Kentucky, for a pension, to the Committee on Invalid Pensions.

By Mr. PHELPS: The petition of Henry Wiemler, for a pension, to the Committee on Invalid Pensions.

By Mr. PHILLIPS: The petition of C. D. Bradley, of Marion County, Kansas, for relief, to the Committee on Private Land Claims.

By Mr. READ: The petition of Martha J. Harrison, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Thomas Dowdle, for a pension, to the Committee on Invalid Pensions.

By Mr. SCOFIELD: The petition of citizens of Erie, Pennsylvania, for the establishment of a new judicial district in the State of Pennsylvania, to the Committee on the Judiciary.

By Mr. SCUDDER, of New York: The memorial of citizens of New York City, in favor of the settlement of international difficulties by arbitration, to the Committee on Foreign Affairs.

By Mr. SPRAGUE: Resolutions of the General Assembly of the State of Ohio, in relation to crediting said State with arms used in suppressing the rebellion, to the Committee on Military Affairs.

By Mr. SOUTHARD: The petition of A. W. Search, of Muskingum County, Ohio, for relief, to the Committee on War Claims.

By Mr. THOMAS, of Virginia: The petition of J. R. and F. R. Brown, of Shady Grove, Franklin County, Virginia, for relief, to the Committee on Claims.

Also, the petition of W. A. and F. R. Brown, of Franklin County, Virginia, for relief, to the Committee on Claims.

By Mr. THORNBURGH: Papers relating to the claim of Huston Wyrick, of Maynardsville, Tennessee, to the Committee on War Claims.

By Mr. WOOD: The petition of citizens of New York, New Jersey, and elsewhere, for the passage of a law to regulate the transportation of nitro-glycerine, to the Committee on Commerce.

By Mr. WOODFORD: The petition of Joseph Tomas and 35 others, for the passage of the bill (H. R. No. 1179) granting increased pensions to disabled soldiers, to the Committee on Invalid Pensions.

Also, the petition of A. H. Bruns and 46 others, of similar import, to the same committee.

Also, the petition of John R. Shields and 49 others, of similar import, to the same committee.

Also, the petition of L. W. Fiske and 147 others, of similar import, to the same committee.

Also, the petition of A. B. Pearce and 31 others, of similar import, to the same committee.

Also, the petition of Adam F. Brosh and 95 others, of similar import, to the same committee.

Also, the petition of Joseph Hadfield and 51 others, of similar import, to the same committee.

Also, the petition of H. W. Pease and 34 others, of similar import, to the same committee.

Also, the petition of George B. Squires and 23 others, of similar import, to the same committee.

IN SENATE.

TUESDAY, *April* 28, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. WRIGHT presented the petition of Edwin John, clerk, and M. A. John, clerk for the day, in behalf of East Jordan Monthly Meeting of Friends, held at East Jordan, Whiteside County, Illinois, asking Congress to adopt and recommend to other nations the adoption of arbitration for the settlement of international differences instead of war; which was referred to the Committee on Foreign Relations.

He also presented the petition and accompanying papers of Rev. Ebenezer W. Brady, late chaplain of the One hundred and sixteenth Ohio Volunteer Infantry, now of Boone County, Iowa, praying to be allowed a pension; which were referred to the Committee on Pensions.

He also presented the petition and papers of Captain M. B. C. True, of Lincoln, Nebraska, formerly commissary sergeant of Company H, Second Iowa Volunteer Cavalry, asking to be mustered in as captain of the First Mississippi Mounted Infantry, and for pay for his services; which were referred to the Committee on Military Affairs.

Mr. HAMLIN presented four petitions, numerously signed by merchants, ship-owners, and ship-masters of Camden, Maine; of Bluehill, Maine; of Rockport, Maine; and of Deer Isle, Maine, praying for the enactment of such laws as will abolish the present system of compulsory pilotage on all ships or vessels duly registered or enrolled, at all harbors, rivers, and places within the jurisdiction of the United States; which were referred to the Committee on Commerce.

Mr. RAMSEY. I have a petition of Franz Hermann Widstrand, a citizen of Minnesota, a gentleman of learning and research. The petition is rather longer than I would trouble the Senate by reading at this time. The first sentence reads:

To the Congress of the United States, North America:

Among the relics from old England that this Republic ought to get rid of is the English language.

I do not know to what committee that would properly belong.

The PRESIDENT *pro tempore*. Probably the Committee on Civil Service and Retrenchment.

Mr. RAMSEY. I would suggest the Committee on Education and Labor. I move that it be referred to that committee.

The motion was agreed to.

Mr. SPRAGUE presented the petition of J. George Harris, of Nashville, Tennessee, praying compensation for wood and timber taken from his farm by military authority during the late war; which was referred to the Committee on Claims.

Mr. SHERMAN presented the memorial of the General Assembly of the State of Ohio, relating to sums of money charged against that State for arms, &c., issued to it during the late war; which was referred to the Committee on Military Affairs.

Mr. ALCORN presented a petition of citizens of Tate County, Mississippi, and members of Coldwater Grange, Patrons of Husbandry, praying Congress to restore to the people of the cotton-growing States the taxes which they were required to pay on their cotton grown in the years 1866, 1867, and 1868, believing, in common with the entire population of the South and a large part of the people of the North, that the tax was not only unjust and oppressive, but in violation of the Constitution of the United States; which was referred to the Committee on Finance.

He also presented a memorial of the State Grange of the Patrons of Husbandry of the State of Mississippi in favor of the Fort Saint Philip Canal, as the most feasible and permanent plan of securing an uninterrupted outlet to the commerce of the Mississippi River; which was referred to the Select Committee on Transportation Routes to the Sea-board.

Mr. FERRY, of Connecticut, presented the memorial of Frank M. Jones, on the injustice to claimants of a limitation of fees in rejected and difficult pension claims, and praying the passage of a law to remedy the same; which was referred to the Committee on Pensions.

Mr. McCREERY presented the petition of Mary Jane Ball, widow of James P. Ball, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. JOHNSTON presented the petition of Maria Copeland, grand-niece and heir, and for the coheirs of Finseley Graham, deceased, praying indemnity for spoliations committed by the French prior to the year 1801; which was ordered to lie on the table.

LOUISVILLE AND PORTLAND CANAL.

Mr. STEVENSON. I present a preamble and resolutions of the president and directors of the Louisville and Portland Canal Company, adopted on the 22d instant at their office in Louisville, in which that board desire to correct certain misstatements of facts alleged to have been made during the recent debate in the Senate on the Portland Canal bill, and to disavow the charge that their refusal to surrender the canal has been prompted by private or selfish interests. I ask to have the resolutions read, and then I shall throw myself on the indulgence of the Senate for a word of personal explanation in regard to them.

The PRESIDENT *pro tempore*. The Senator from Kentucky requests the reading of resolutions presented by him—the Chair hears no objection—after which the Senator from Kentucky asks unanimous consent to submit a few remarks.

The Clerk read as follows:

At a meeting of the board of president and directors of the Louisville and Portland Canal Company held at their office in Louisville, April 22, 1874, the following preamble and resolution were passed:

Whereas the board have seen from reported proceedings in Congress that the members of this board have there been represented as opposing the effort now and heretofore made to have the General Government pay the debts of the canal and render it free: Therefore,

Resolved, That such statement is untrue and wholly without foundation. For many years this board has been anxious, and is now anxious to surrender the canal to the Government, has repeatedly offered to do so, and is now willing and ready to do so upon being acquitted of their liability to the creditors of the company. The board submitted to their legal adviser the question whether they could surrender the canal to the Government and have it made free upon the mere assumption by the Government of the debts of the canal, and received for answer that it could not be so done. That opinion was promptly published, and, the board is informed, is sustained by the opinion of Justice Miller of the Supreme Court of the United States.

It has also been stated that the receipts of the canal are $350,000 a year. For the last nine years the receipts have averaged only $169,076.49 a year.

It has also been stated that this board has reported to no one. This, too, is untrue. It has regularly reported to the State of Kentucky, as was its duty, and to the Secretary of the Treasury of the United States and any other Government officer, or committee of Congress whenever called upon, and the books and accounts of the canal have ever been open to the inspection of Government officials, and have been several times most carefully and thoroughly examined by parties appointed by the Government. They are now open to such examination. Further, it has been stated that no taxes have been paid to the State of Kentucky. The truth is, the canal has always and regularly paid taxes to the State for several years past, $4,500 a year. This tax was demanded and paid upon the idea that this is a State corporation. Under advice the board refused to pay taxes to the city of Louisville. During the continuance of the United States income tax this company was charged and paid the same like all other State corporations, and were required to retain and pay over to the Government the tax on interest coupons falling due against the company.

It has also been stated that the Savings Bank of Louisville (the bank in which the treasurer has usually deposited the funds of the company) is doing business on said funds. The truth is, the canal is now in debt to the bank, and has been all this year, the receipts, by reason of high water, having been unusually small. The board as long ago as 1867 ordered that funds accumulating in the treasury beyond the requirements of the company for current expenses, interest, &c., should be used in buying up bonds of the first maturing series, at the market price, for cancellation, and this policy has prevented the accumulation of idle funds.

It is also untrue that the last of the Kentucky resolutions of 1872 was *manipulated* by this board or any member of it. That resolution was drawn as it is because the attorney of the board thought the rights of creditors demanded it.

Those resolutions were prepared by the attorney of the city, the attorney of this company, and Mr. S. L. Ewing who was understood as representing the interest of Cincinnati in the matter.

Mr. STEVENSON. Mr. President, it will be perceived that the board utterly deny that they have ever opposed the effort now and heretofore made to have the General Government pay the debt of the canal company, take immediate possession, and render it free. The board declare that they have been anxious, and are still so, to surrender the canal to the Government; but they have been advised by their legal counsel, and they believe that they cannot safely do so unless the Government would in advance pay off the entire mortgage debt and interest of the company, and relieve the directors of all liability to the creditors of the company. The directors have been, therefore, unwilling to surrender possession of this canal upon the mere assumpsit of the Government of the United States, though made in the form of a congressional enactment, directing the Secretary of the Treasury to pay off both the principal and interest of these bonds.

The issue during the late debate upon this bill in the Senate between the board of directors of the canal and the advocates of the pending bill was very distinct. The former insisted that unless the Government of the United States will in advance pay off all the mortgage bonds, which I believe do not mature until 1876, 1881, and 1885, they insist upon their right to retain the possession of this canal, and, in utter disregard of the great commercial necessities of the people of the Ohio and Mississippi Valleys, will continue to levy this onerous tax upon the tonnage of the Ohio River passing through this artificial highway, while the friends of the measure reported by the Finance Committee insist that as the Government of the United States is now the exclusive owner of the entire stock of the canal company save the *five shares* held by these five directors, as the Government has at its own cost greatly enlarged the capacity of this canal by reconstruction and thereby largely added to its value, as it has assumed the payment of all the bonds and interest of the company and directed the Secretary of the Treasury to meet and discharge them as they mature, it had a right in the interest of commerce to take possession of this canal at once, permitting the mortgage lien to remain unimpaired, and providing that if the interest on this mortgage debt was not paid by the United States according to the true tenor and effect thereof the trustee in that mortgage was empowered to institute suit, serve process on the agent of the United States having charge of the canal as the *terre tenant*, and proceed to re-enter and take possession of the property.

Such was the issue in the late discussion, and such is the issue now. I never doubted the right of the directors to oppose the passage of the bill, though I regretted it. So far from casting any imputation upon these gentlemen for their action upon the pending bill, I took occasion promptly to say that they were all prominent citizens, of the highest character and credit.

The resolutions of this board which I have presented, and which have been read, show that they are unwilling to surrender the canal as provided for in the pending bill; not for selfish motives; not at all, sir; but because these gentlemen thought, and still think, and as they say are legally advised, that as directors they could not properly surrender the possession of the canal until the mortgage debt and interest were entirely paid off by the United States. They do not think themselves justified in taking the assumpsit of the United States, as provided for in this bill. Hence their resistance to the pending bill becoming a law.

So the statement made in the debate is not therefore untrue, as these resolves show that the directors were opposed to the passage of the bill providing for the immediate possession of the canal by the United States. That was all I maintained. During the debate I take occasion to say that I do not understand Mr. Justice Miller's opinion to sanction the position of this directory in these resolves, that the United States Government cannot take possession of this canal until the principal and interest of the mortgage debt are entirely paid off. I agree with that eminent jurist that the mortgage is an existing lien upon the canal and its receipts for the payment of the outstanding bonds and interest, which the Government cannot impair, invalidate, or destroy, because such action would be a direct violation of a contract. But I do not understand that Mr. Justice Miller intimated that, when the United States Government assumes to provide by express legislation for the prompt payment of all the mortgage bonds and interest as the same mature, and directs and empowers the Secretary of the Treasury to make such payments, allowing the mortgage lien upon the canal still to stand, the Government cannot take possession. I may be in error, but such is my construction of the judicial ruling alluded to.

But these resolutions assert that the statement during the debate that the board of directors do not make annual reports is untrue. Mr. President, I stand corrected. I accept the correction. I was led into error of statement by the fact that the law provided that when the United States became sole owner of all the stock in the canal the directors would not be required to report.

It is also true that the board have paid and continue to pay taxes.

Another alleged misstatement is that the tolls collected do not amount to $350,000 per annum, as charged in the debate. The resolution states that in the past nine years the receipts of the canal have not exceeded $169,075.49 a year.

An average statement of tolls for nine years does not disprove that the receipts for the year 1873 were $350,000, or that they will not reach that sum during the year 1874.

But I desire to take no issue with the board, however, on this subject. I desire, in support of my statement during the debate that the tolls amounted to $350,000, to refer to the source of my information. I now cite "the letter of the Secretary of War, transmitting, in obedience to law, papers relative to the canal at the Falls of the Ohio River known as the Louisville and Portland Canal," which contains the following statement from the report of General Godfrey Weitzel, who had charge, as "major of engineers of the United States Army," of this work. He says:

The receipts of toll from the 1st of January, 1872, to that time were very light, as navigation was almost continually suspended by ice, yet from that date to August 23, 1872, (when the canal was closed for repairs,) that is, in a period of about six months, $207,025.19 were collected for tolls. This sum is $26,099.79 greater than the greatest amount of toll collected in any one year (1866) previous. It is perfectly safe, I think, to assume that during the next year, if the rate of toll were continued at fifty cents per ton, the tolls collected would reach $350,000. If this be true, the rate of tolls should be fixed at about seven cents, when the canal comes into the control of the Government, in order just to pay running expenses.

That statement, it seems to me, is scarcely contradicted by the resolution of the directory that for the last nine years the average has been $169,075.49. Besides, I might remark that the nine years cited include the war, during which we know that the commerce of the country on the Ohio River was almost entirely cut off. The statement made in the debate was that $350,000 was the annual amount of tolls. I think I was justified by General Weitzel's report in making the statement that the receipts would reach that sum.

Touching the savings-bank I made no statement, Mr. President, whatever; I was not in the Chamber at the moment that statement was made. If the gentlemen who compose the directory had communicated either to my colleague or myself any information touching this canal it would have given him and myself pleasure to have made any correction.

I should be very unwilling to do any injustice to this board, and if

I did so it was unintentional. I have in discharge of my official duty been compelled to differ with this board by an earnest advocacy to make the canal free at once. I think the interest of the bondholders will not be impaired by their allowing the Government to take immediate possession of this work. I am sorry that these gentlemen, in what I think is a mistaken view of their liabilities, should interpose any objection. I have not, however, intended in any way to reflect personally upon them. The trustee in the mortgage is clothed with a legal title to the canal property. That lien is unimpaired by the bill which passed the Senate. The Government proposes not only to assume, but by special enactment to direct, the payment of the bonded debt and interest as both mature. If there is any default by the Government in a prompt discharge of the bonds and interest as the same mature, the trustee is authorized in the proposed act at once to institute legal proceedings for the recovery of the canal, to serve process on the agent of the United States; and the Attorney-General is directed to enter the appearance of the United States and the trustee will have a judgment for the property. Mr. President, who doubts the payment by the Government of every dollar due the bondholders of principal and interest of their debt? To do so would be to doubt the plighted faith of the Government. But I only rose to do justice to the directors by presenting these resolutions and disavowing any personal reflection upon them in my remarks on the bill.

The PRESIDENT *pro tempore*. The paper will be laid on the table.

REPORTS OF COMMITTEES.

Mr. SCOTT, from the Committee on Railroads, to whom was referred the bill (S. No. 514) granting to the Sierra Iron Company a right of way through the public lands for a railroad and telegraph, reported it with amendments.

Mr. HAMLIN. The Committee on Mines and Mining, to whom was referred the bill (S. No. 16) supplemental to the act entitled "An act to promote the development of the mining resources of the United States," approved May 10, 1872, together with an amendment of the House of Representatives thereto and resolutions adopted at a public meeting in the county of Storey, in Nevada, and a very large memorial signed by citizens of the same county upon that subject, have directed me to report back the same and ask that the committee be discharged from their further consideration and that they be referred to the Committee on the Judiciary.

The PRESIDENT *pro tempore*. That change of reference will be made.

Mr. SARGENT. I will not oppose that reference ordered by the majority of the Committee on Mines and Mining, but I wish to remark that I think it is an improper reference. The bill treats solely——

The PRESIDENT *pro tempore*. The Chair will suggest to the Senator that debate is not in order.

Mr. SARGENT. I ask leave, then, to make a few remarks.

The PRESIDENT *pro tempore*. The Senator from California asks unanimous consent to submit a few remarks on the reference of this bill.

Mr. EDMUNDS. What is the pending question?

The PRESIDENT *pro tempore*. There is no pending question.

Mr. EDMUNDS. Then I have no objection.

Mr. SARGENT. I shall not detain the Senate long, especially as the question is not now debatable. I will say, however, that in my judgment the only question raised is a question of policy and not of law. All this legislation originated with the Mining Committees of the respective Houses, and those committees are peculiarly fitted by their constitution, by their knowledge of this subject and the experience of some of their members, to pass on the question. On consideration by the committee, however, it has been ordered that the subject be referred to the Committee on the Judiciary. I can only hope the Committee on the Judiciary will look at the policy of the measure as well as at any question of law which may be suggested.

Mr. WRIGHT, from the Committee on the Judiciary, to whom was referred the bill (S. No. 248) to facilitate the trials of criminal causes in the western judicial district of Arkansas, and for other purposes, reported it with an amendment.

Mr. SPENCER, from the Committee on Military Affairs, to whom was referred the bill (S. No. 602) for the relief of John Barry, submitted an adverse report thereon; which was ordered to be printed, and the bill postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 476) for the relief of John R. Polke, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 1773) for the relief of Samuel E. Rankin, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. KELLY, from the same committee, to whom was referred the bill (H. R. No. 1774) for the relief of Matthew Whitehead, reported it with an amendment.

He also, from the same committee, to whom was referred the petition of Moses Googins, father of Andrew A. Googins, late a private in Company D, Thirty-first Regiment Maine Volunteer Infantry, who was captured and incarcerated in a rebel prison and never exchanged, praying that the amount due his son for services be paid to him as the sole heir, asked to be discharged from its further consideration; which was agreed to.

Mr. EDMUNDS. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. No. 334) to remove the political disabilities of William L. Cabell, of Texas, to report adversely thereon and move its indefinite postponement, a bill for that purpose having already passed.

The motion was agreed to.

Mr. EDMUNDS. I am also directed by the same committee, to whom was referred the bill (S. No. 466) to remove the disabilities of Raphael Semmes, of Alabama, to report it adversely and move its indefinite postponement. There is no petition in favor of the relief by the claimant, and the committee would not be disposed to pass it at present if there were one.

The motion was agreed to.

Mr. EDMUNDS. I am also directed by the same committee, to whom was referred the bill (H. R. No. 2702) to relieve John Forsyth, of Alabama, of political disabilities, to report it adversely. There is no petition in this case, but if there were we should move to postpone the bill indefinitely. I make that motion.

The motion was agreed to.

Mr. EDMUNDS. I am also directed by the same committee, to whom was referred the bill (H. R. No. 3027) to remove the legal and political disabilities of Van Ranselear Morgan, Thomas M. Jones, and Charles H. Fauntleroy, of Virginia, and A. S. Taylor, of Maryland, to report it adversely. We have made careful search, and in neither House is there any petition for this relief. I move that the bill be postponed indefinitely.

The motion was agreed to.

Mr. EDMUNDS. The Committee on the Judiciary, to whom was referred the bill (H. R. No. 3086) to remove the political disabilities of George E. Pickett, of Virginia, have instructed me to report the same adversely, there being no petition in either House.

Mr. JOHNSTON. I ask that that bill go on the Calendar.

The PRESIDENT *pro tempore*. It will go on the Calendar with the adverse report.

Mr. EDMUNDS. I hope the Senator will not ask for that, because it incumbers the Calendar and is liable to come up when gentlemen are not here and be passed, contrary to the fixed disposition of the Senate.

Mr. JOHNSTON. I propose to get the petition.

Mr. EDMUNDS. A petition after the bill would be a little out of order. If the Senator would like to have it recommitted to the committee, he can send us the petition and we can examine it.

Mr. JOHNSTON. Then I will make that motion.

The PRESIDENT *pro tempore*. The bill will be recommitted.

Mr. JOHNSTON subsequently said: I ask the Senator from Vermont to withdraw his report in the case of Pickett, in order to give me an opportunity to get the petition.

Mr. EDMUNDS. The bill has already been recommitted on the gentleman's motion.

Mr. JOHNSTON. Very well; let it stand.

Mr. EDMUNDS. I am also directed by the same committee, to whom was referred the bill (H. R. No. 3091) to release J. W. Bennett from political disabilities, to report it adversely, there being no petition. I move that the bill be postponed indefinitely.

The motion was agreed to.

Mr. EDMUNDS. I am also directed by the same committee, to whom was referred the bill (H. R. No. 3093) to relieve David A. Telfair from political disability, to report it adversely. There is no petition in either House, and I move that the bill be postponed indefinitely.

The motion was agreed to.

Mr. EDMUNDS. I am instructed by the same committee, to whom was referred the bill (S. No. 252) to remove the political disabilities of John Julius Guthrie, of North Carolina, to report it favorably. There is a petition in that case.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. EDMUNDS. I am directed by the same committee, to whom was referred the bill (S. No. 523) to remove the disabilities of Thomas M. Jones, of Virginia, to report it favorably. This party has a petition, and his bill is correct in form according to the usual method of practice.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. EDMUNDS. I am also directed by the same committee, to whom was referred the bill (S. No. 325) to remove the political disabilities of Van R. Morgan, of Virginia, to report it favorably, there being a regular petition and proper papers.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. EDMUNDS. I am also directed by the same committee, to whom was referred the bill (H. R. No. 1915) to remove the political disabilities of Henry H. Sibley, a citizen of Fredericksburgh, Virginia, who has a proper petition, to report it favorably with an amendment confining it to political disabilities rather than to legal ones, according to the usual form of passing such bills.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. EDMUNDS. I am also directed by the same committee, to whom was referred the bill (H. R. No. 2866) relieving the legal and

political disabilities of Fitzhugh Lee, to report it with an amendment confining it to political disabilities imposed by the fourteenth amendment, and a similar amendment of the title.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. EDMUNDS. I am also directed by the same committee, to whom was referred the bill (H. R. No. 2701) to relieve William G. Jones, of Alabama, of political disabilities, which is correct in form, to report it favorably. It is accompanied by a petition.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. EDMUNDS. I am also directed by the same committee, to whom was referred the bill (S. No. 674) to relieve C. D. Anderson of his legal and political disabilities, to report it with an amendment striking out the words "legal and," so as to make it in the form hitherto followed by the Senate.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 2359) to authorize and direct the Secretary of War to reserve from sale ten thousand suits of old and disused Army uniform clothing, now in the Quartermaster's Department of the Army, and to transfer the same to the National Home for Disabled Volunteer Soldiers, reported it without amendment.

He also, from the same committee, to whom was referred the joint resolution (H. R. No. 53) authorizing the issue of clothing to certain enlisted men of the Army, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 726) to correct the date of commission of certain officers of the Army, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 321) authorizing appointments and promotions in the Medical and Ordnance Departments of the Army of the United States, and for other purposes, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 319) making retirement in the Army and Marine Corps after a certain age obligatory, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 2223) for the relief of Robert F. Winslow, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 686) for the aid of geological and other surveys in the several States, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. STEVENSON subsequently said: I ask that the bill reported by the chairman of the Committee on Military Affairs touching geological surveys may be placed on the Calendar. The report was ordered to be printed.

The PRESIDENT *pro tempore*. That bill will be placed on the Calendar with the adverse report of the committee.

CHANGE OF NAME OF A STEAMER.

Mr. BUCKINGHAM. I am instructed by the Committee on Commerce, to whom was referred the bill (S. No. 369) to change the name of the registered steamer Oakes Ames to Champlain, to report the same back without amendment, and ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. MITCHELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 742) for the relief of Henry A. Webster, V. B. McCollum, and A. Colby, of Washington Territory, pre-emptors on the Makah Indian reservation; which was read twice by its title, and referred to the Committee on Indian Affairs.

CHANGE OF LOCATION OF A BANK.

Mr. HAMILTON, of Maryland. I move that the Senate proceed to the consideration of the bill (H. R. No. 1573) authorizing the Citizens' National Bank of Hagerstown, Maryland, to change its location.

Mr. EDMUNDS. Before the question is taken, I should like to inquire how that stands in the order of business—how far down the list?

The CHIEF CLERK. It is No. 226 on the order of business.

Mr. EDMUNDS. Where did we leave off the last time?

The CHIEF CLERK. At No. 178.

Mr. EDMUNDS. I suggest to the Senator from Maryland that we are not far off from his bill in the order of business; and if we take up the unobjected cases and go straight through, we shall soon hit his bill.

Mr. HAMILTON, of Maryland. This is an important question; and I should very much like to see it settled now if the Senator from Vermont will allow it to be done.

Mr. EDMUNDS. I have not the slightest objection except that other committees make reports and everything goes on the Calendar, and bills at the bottom of the Calendar will not be reached, unless by this jumping process, if we do not go straight through.

Mr. HAMILTON, of Maryland. It is a matter of local interest, and I hope the bill will be acted on.

Mr. WRIGHT. If I can have the attention of Senators, I will remind them of the fact that this bill was reported adversely by the Committee on Finance.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Maryland to proceed to the consideration of the bill.

Mr. SHERMAN. It does seem to me that the Senate ought not to take up this bill at present until there is an opportunity for debate. As a matter of course, the morning hour will soon pass around; and it is only consuming time unnecessarily.

There are certain objections to this bill. The Committee on Finance heard patiently the parties who seek to have this bank removed, and reported adversely to the bill. It is a proposition to transfer a bank with a capital of $50,000, a bank with scarcely any business, from Hagerstown, Maryland, to the city of Washington, where under the general law no bank can be organized with a capital of less than $200,000. There were quite a number of legal objections made to the removal of this bank. The question needs some debate, and I submit to the Senator from Maryland whether it is better to take up this matter in the morning hour. He may call it up at any other time, and I am willing then to meet the case; and if, after debate, the Senate think under the circumstances that it ought in this particular case to consent to remove this bank, in deference to the wishes of the Senator from Maryland, I shall have no further objection. But there are very serious objections to the establishment of a precedent of this kind. It is the removal of a bank with a capital of $50,000 from Hagerstown, Maryland, to Washington, District of Columbia. In the first place, the bank itself is in a languishing condition, admitted to be so, and the reason it is desired to remove it here is because it is in a languishing condition. It has a capital of only $50,000, when by the general banking law no bank can be organized in the city of Washington with a capital of less than $200,000; and for obvious reasons. It is also a transfer of a bank, not within the general law, from a place with more than its share of circulation, to another place with less than its share of circulation; but it is the transfer of a bank from the State of Maryland, in one jurisdiction, to another jurisdiction which has already got more than its proportion of bank circulation.

These are considerations that influenced the committee, after hearing the parties interested, to report against this bill. As a matter of course, the Senate may pass it if they please; but it ought to be taken up at a time when we shall feel at liberty to state the objections to the bill.

Mr. CAMERON. I can see no objection to this transfer. It is true this bank has but $50,000 capital, and that is probably one of the reasons it did not succeed in Hagerstown; but the great reason is that Hagerstown is in the midst of an agricultural region where they do not want great banking facilities. Mr. Tome, the gentleman who has bought this stock, is a man of means living near Havre de Grace, in Maryland, a man that I have been acquainted with for years, who is worth several hundred thousand dollars, the result of his business capacity and care as a banker and as a dealer in lumber. I am sure if he gets charge of the bank it will prosper as everything he has undertaken has prospered. I trust we shall dispose of the bill at once and be done with it.

The PRESIDENT *pro tempore*. The question is on proceeding to the consideration of the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 1573) authorizing the Citizens' National Bank of Hagerstown, now located at Hagerstown, Washington County, Maryland, to change its location to the city of Washington, in the District of Columbia; but the capital stock of the bank shall be increased to $200,000 before beginning business in the city of Washington, and its name shall be changed to the Citizens' National Bank of Washington City. Whenever the stockholders representing two-thirds of the capital stock, at a meeting called for that purpose, shall execute a certificate under the corporate seal of the bank specifying such determination, and cause the same to be recorded in the office of the Comptroller of the Currency, and shall publish notice of such contemplated change of location in two weekly papers in Hagerstown not less than four weeks, thereupon such change of location and name shall be effected, and the operations of discount and deposit of said bank shall be carried on in the city of Washington, in the District of Columbia.

Mr. WRIGHT. The Senate has now presented to it for the first time the question whether it will establish as a precedent the transfer of these banking incorporations from one jurisdiction to another. Thus far I believe the question has never been presented to the Senate. There has been one case where there was a transfer from New York to Indiana, but that bill was passed without any consideration whatever, was reported by the chairman of the Committee on Finance, perhaps without a meeting of the committee, after a mere consultation, and it passed the Senate at once, immediately on the report.

When this bill was presented to the Finance Committee we for the first time took that question up and proceeded to consider whether as a matter of policy, as a precedent that could be safely followed, it was advisable to provide for such transfers. The chairman of the committee has already pointed out the objections that obtain in this

particular case. We have at times transferred banks from one county to another in the same State where they have the same laws touching taxation and matters of that kind; but there has been no case except the one to which I have referred where there has been a transfer from one State to another.

The Committee on Finance, after examining the entire question, reported adversely to this bill. It is proposed to take a bank that is in a failing condition, that it is admitted by its friends, as the case was presented to the Finance Committee when the question was under consideration, is almost compelled to go into liquidation where it is, and to transfer that crumbling institution to this District, where different laws obtain with reference to the amount of the capital stock and with regard to taxation, and to be managed by the same persons as chief managers who manage the institution where it now stands, or if not to be managed by them, then it is proposed to transfer it into the hands of other persons in a new jurisdiction where there are new rules with reference to taxation.

If this practice is to obtain, the consequence will be that banks will obtain these special privileges in a State where the taxation is according to one rule, and after they have been running for some time and they find the taxation is not such as suits them, or the laws and rules and regulations obtaining there are not such as suit them, then they will ask to be transferred to some other jurisdiction where there are different rules and different laws in reference to taxation.

There is no trouble about this matter. These men can let their bank go into liquidation; they can withdraw their circulation and come to this District if they want to do so; but I submit that it is a most unsafe and dangerous precedent for Congress to establish, after a bank has been in operation the length of time this has been, to transfer it from Maryland to the District of Columbia; for by the same rule you can transfer from Maine to Iowa, or from South Carolina to Minnesota.

This question is fairly presented to the Senate now, and we are to determine it for the first time. If we shall establish this precedent, then there is no ground upon which the same transfer might not be claimed with reference to any and every other bank in other States.

Mr. HAMILTON, of Maryland. I wish to make but one remark. This bill passed by a large majority in the House of Representatives; nor is the adverse report here the unanimous report of the committee of this body. There is no trouble about the matter. The bill having passed the lower House, it came here with the expectation that it would certainly pass this, and therefore when the honorable Senator [Mr. WRIGHT] says that the bank is in a languishing condition, he should remember that that originated out of the fact that the bill passed the House, and it was not conceived for a moment by those interested in it that there would be any hostility to it here. That is all I have to say.

Mr. WRIGHT. Do I understand the Senator from Maryland to say that the present condition of this bank has grown out of the fact that this bill has been pending so long?

Mr. HAMILTON, of Maryland. From the time it first originated in the House of Representatives.

Mr. WRIGHT. The Senator from Maryland cannot certainly have forgotten that this fact was stated to the committee, three months ago at least, as a reason why this transfer ought to be made, because of the then condition of the bank.

Mr. HAMILTON, of Maryland. Not the condition of the bank itself; but it was said in the committee that there was plenty of banking capital in the town and vicinity; that there was a State bank in Hagerstown and also a national bank, and one six miles from it, and two or three savings or loan institutions, and that therefore it could be spared, and that neither did the community nor the stockholders object to it. All were satisfied, and the stockholders generally desired the removal. The only trouble about it was that as soon as it was ascertained that the bill had passed the House of Representatives the bank at once measurably ceased to do business, for every one took it for granted that the removal would take place. That accounts for the condition of the bank at the present time, as stated by the Senator from Iowa.

Mr. WRIGHT. Yet the fact remains, as I understand, that all those banking facilities to which the Senator refers were substantially where they are now when this bank was established. These men went into the business with their eyes open and established this bank there. The report of the Comptroller of the Currency shows the fact that the capital of this bank was impaired largely. My recollection is that the Comptroller was decidedly in favor of the report as made by the Committee on Finance; that is to say, that there was no necessity for this removal, and that this was a most dangerous precedent. Now, that the Senate may understand this question and know where we stand, I shall ask for the yeas and nays on the passage of the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, and read the third time.

Mr. WRIGHT. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and the Chief Clerk proceeded to call the roll.

Mr. SCOTT, (when his name was called.) On this question I am paired with the Senator from Indiana, [Mr. MORTON.] If he were present he would vote "yea" and I should vote "nay."

The roll-call being concluded, the result was announced—yeas 39, nays 14; as follows:

YEAS—Messrs. Alcorn, Bayard, Bogy, Boreman, Cameron, Carpenter, Chandler, Dennis, Dorsey, Ferry of Michigan, Flanagan, Frelinghuysen, Gilbert, Gordon, Hamilton of Maryland, Hamilton of Texas, Hitchcock, Johnston, Jones, Kelly, Lewis, Logan, McCreery, Merrimon, Mitchell, Norwood, Patterson, Pratt, Ramsey, Robertson, Sargent, Spencer, Sprague, Stevenson, Stewart, Stockton, Thurman, Tipton, and Wadleigh—39.

NAYS—Messrs. Anthony, Buckingham, Clayton, Conkling, Edmunds, Fenton, Ferry of Connecticut, Hamlin, Ingalls, Morrill of Maine, Morrill of Vermont, Sherman, Windom, and Wright—14.

ABSENT—Messrs. Allison, Boutwell, Brownlow, Conover, Cooper, Cragin, Davis, Goldthwaite, Hager, Harvey, Howe, Morton, Oglesby, Pease, Ransom, Saulsbury, Schurz, Scott, and West—19.

So the bill was passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLINTON LLOYD, its Chief Clerk, announced that the House had passed a bill (H. R. No. 3160) in reference to the operations of the shipping commissioners act, approved June 7, 1872, in which it requested the concurrence of the Senate.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The bills on the Calendar will be taken up in their order.

The CHIEF CLERK. The first bill on the Calendar is the bill (H. R. No. 1562) for the relief of Jacob Parmerter, reimbursing him for defending a suit brought against him for an official act.

Mr. INGALLS. I think there is a mistake on the Calendar as to the point where it was left off. The consideration of the Calendar was supended at Senate bill No. 499.

The PRESIDENT *pro tempore*. The understanding was that this bill should be laid over and not lose its place.

Mr. EDMUNDS. That was not the understanding, at least on my part, for I suggested that it be laid over, and somebody asked that it lie over informally, but I said let it go over on the Calendar as if laid aside in the regular way. I should have no objection to its coming up now if the Senator from New York [Mr. CONKLING] were in his place to explain it. It involves a question which was considered the other day by the Judiciary Committee, and the result of which as found by the Committee on the Judiciary was exactly the reverse of this. There may be a distinction between the propriety of indemnifying a collector of customs and indemnifying a judge of a United States court.

Mr. INGALLS. The Senator is not referring to the same bill that I am.

Mr. EDMUNDS. I am referring to the Parmerter bill.

Mr. INGALLS. I am referring to the bill (S. No. 499) to authorize the issue of a supply of arms to the authorities of the State of Nebraska.

Mr. EDMUNDS. I was suggesting in support of what the Senator said that the Parmerter bill went over in the regular way, so that Senate bill No. 499 should be resumed.

Mr. INGALLS. I am not urging the consideration of Senate bill No. 499 at the present time; but I desire that it shall not lose its place on the Calendar, as it seems to have done from the printed list.

Mr. EDMUNDS. If there is any doubt, let this bill be laid aside now.

The PRESIDENT *pro tempore*. It will be laid aside and the next bill on the Calendar will be read.

A. B. DYER.

The next bill on the Calendar was the bill (H. R. No. 498) to settle the accounts of Captain A. B. Dyer; which was considered as in Committee of the Whole.

The bill is a direction to the proper accounting officers of the Treasury to allow to Captain A. B. Dyer, now brigadier-general and Chief of Ordnance, in settling his accounts, the sum of $9,853.42, and such outstanding checks as may hereafter be paid by the Treasury Department and charged to his account, the whole not to exceed the sum of $11,709.29, that being the amount deposited to his credit in the United States depository at Norfolk, Virginia, in April, 1861, as certified by the Assistant Secretary of the Treasury, and transferred by the depositary to the rebel authorities at Richmond.

Mr. EDMUNDS. I should like to inquire what committee reported that bill?

The PRESIDENT *pro tempore*. The Committee on Military Affairs.

Mr. EDMUNDS. Is there a report? If there is I should like to hear it.

The Chief Clerk read the following report, submitted by Mr. LOGAN on the 10th of March:

The Committee on Military Affairs, to whom was referred the bill (H. R. No. 498) for the relief of Captain A. B. Dyer, having had the same under consideration, submit the following report:

The committee are satisfied, from an examination of the evidence, that the report of the Military Committee of the House contains a full and sufficient statement of the facts; it is therefore adopted as the report of this committee, and is in the words and figures following, to wit:

["House report No. 78, Forty-third Congress, first session.]

"The Committee on Military Affairs, to whom was referred the bill (H. R. No. 498) for the relief of Captain A. B. Dyer, present the following report:

"From the testimony presented to the committee it is shown that the claimant, in the spring of 1861, was in command of the Fort Monroe arsenal, and charged with the disbursement of public moneys on its account, part of which public moneys had been placed to his credit by the Treasury Department with the depositary at

Norfolk, Virginia; that he used all proper endeavors to withdraw this money, and that his action in the premises was approved by the Secretary of War and the Secretary of the Treasury.

"From the reports on file in the Treasury Department it is shown that, on April 13, 1861, the sum of $11,709.29 was to the credit of his disbursing account on the books of the depositary at Norfolk.

"The amount mentioned in the joint resolution for his relief which passed the House of Representatives on January 16, 1866, was $9,778.42, as shown by his check-book, but since that date an outstanding check for seventy-five dollars has been paid by the Treasury Department and charged to him, making the amount charged against him on the books of the Treasury $9,853.42.

"The committee are satisfied, by the proofs in the case, that he is entitled to the relief asked for, and report the accompanying bill and recommend its passage."

Mr. EDMUNDS. I would ask the chairman to explain the difference between the $9,853.42 that the report says he is entitled to and the $11,709.29 which is made the limit in the bill. I do not understand from the report how the difference is made up.

Mr. LOGAN. That is because the accounts are not all settled, and there can be no settlement without the action of Congress, and the $11,000 is the extreme limit to which the allowance can go. I am willing that the bill may be amended so as to say it shall be limited to the amount actually paid. That was the intention.

Mr. EDMUNDS. The report shows exactly nine thousand and odd dollars with this last check charged to him as the actual loss. My suggestion is that the bill be limited to what he has really lost. If it turns out that he lost more he must come again.

Mr. LOGAN. I have no objection. The report shows exactly the facts.

The PRESIDENT *pro tempore*. The Senator from Vermont moves to amend the bill by striking out the amount in the bill, "$11,709.29," and striking out all about outstanding checks, and inserting "$9,853.42."

Mr. LOGAN. Let the last sum agree with the first and then it will make no difference.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

It was ordered that the amendment be engrossed and the bill read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLINTON LLOYD, its Chief Clerk, announced that the House had passed a bill (H. R. No. 3161) to enable the Secretary of War to carry out the act of April 23, 1874, entitled "An act to provide for the relief of the persons suffering from the overflow of the Mississippi River;" in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. No. 363) for the relief of Lucius A. Rountree;

A bill (H. R. No. 1763) to permit Edward Savage, of Minnesota, to enter one quarter-section of the public lands or any legal subdivision of the same; and

A bill (H. R. No. 2206) to grant an American register to the bark Azor.

BILLS BECOME LAWS.

A message from the President of the United States, by Mr. O. E. BABCOCK, his secretary, announced that the President had approved and signed this day the act (S. No. 193) for the relief of Uriah Porter.

The message also announced that the act (S. No. 192) for the relief of Siloma Deck, having been presented to him on the 16th of April, and not having been approved and signed by him nor returned to the Senate, in which it originated, within ten days (Sundays excepted) as required by the Constitution, had become a law under the provisions thereof.

DAVID A. TELFAIR.

Mr. RANSOM. This morning, while I was not in the Chamber, the Committee on the Judiciary reported adversely on the bill (H. R. No. 3093) to relieve David A. Telfair from political disability, and it was postponed indefinitely, because of the absence of a petition from this gentleman asking for the removal of his disabilities. I ask unanimous consent to have the vote reconsidered and the bill recommitted with his petition, which I now have.

The vote indefinitely postponing the bill was reconsidered.

Mr. RANSOM. I now present the petition of David A. Telfair, of North Carolina, praying the removal of his political disabilities; and I move that this petition be referred, and House bill No. 3093 recommitted to the Committee on the Judiciary.

The motion was agreed to.

HOUSE BILLS REFERRED.

The bill (H. R. No. 3161) to enable the Secretary of War to carry out the act of April 23, 1874, entitled "An act to provide for the relief of the persons suffering from the overflow of the Mississippi River, was read twice by its title, and referred to the Committee on Appropriations.

The bill (H. R. No. 3160) in reference to the operations of the shipping commissioners' act, approved June 7, 1862, was read twice by its title, and referred to the Committee on Commerce.

BANKING AND CURRENCY—VETO MESSAGE.

The PRESIDENT *pro tempore*. The morning hour having expired, the Senate resumes the consideration of the unfinished business of Friday last, which is the bill (S. No. 446) to restore the rights of the State of Louisiana.

Mr. WRIGHT. It will be remembered that on last Wednesday, on the coming in of the message of the President vetoing Senate bill No. 617, the Senator from Indiana, [Mr. MORTON,] then in his place, gave notice that he would call up that veto message and bill this morning at the expiration of the morning hour. The Senator from Indiana is absent; but I understand that he is quite willing that the question should be taken up and does not insist that any postponement should occur by reason of his absence. I therefore move to postpone the pending measure and all other orders, and proceed to the reconsideration of the bill (S. No. 617) to fix the amount of United States notes and the circulation of national banks, and for other purposes, together with the veto message of the President thereon.

Mr. CONKLING. Before the Senator takes his seat I wish to correct the statement he has made. He was absent and I was present at the time. No notice was given of a motion after the morning hour should have expired to-day to proceed with this bill. I am quite sure of that. On the contrary, this was what transpired: on the reading of the message, I moved myself that it lie upon the table and be printed, which was the order of the Senate. Subsequently the Senator from Indiana remarked that I had not specified a particular day, although I had given reasons for not proceeding to-day, when I would move to take up the message; and he suggested Tuesday of this week. A little colloquy occurred in which, assigning as my reason for not taking it up on Tuesday the expected absence of Senators and other things, I declined to accede to that, and inquired of the Chair whether he understood that there was any understanding or arrangement of that sort, to which the Chair replied that he did not; and there the subject was dropped. No notice whatever was given by any Senator that on Tuesday or any other day he would move to proceed to the consideration of the message. I state this now as mere matter of fact, to correct the statement made by the Senator from Iowa, as I believe that occurrence took place in his absence.

Mr. WRIGHT. I am not aware that it would make any essential difference whether I was mistaken in reference to the actual facts or not. I think the report in the RECORD will show that the Senator from Indiana stated—perhaps he did not give notice formally—that he would call it up to-day, and indicated to the Senate that he would expect to press the matter at this time.

Mr. CONKLING. He simply suggested that to-day should be agreed upon.

Mr. WRIGHT. At all events, I think it is fair to state that the expectation was that the question should be presented at this time; and I therefore make the motion that the Senate proceed to the consideration of that bill.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Iowa to postpone the present and all prior orders and proceed with the consideration of the bill (S. No. 617) to fix the amount of United States notes and the circulation of national banks, and for other purposes, returned by the President of the United States with his objections.

Mr. EDMUNDS. I have no charge of this bill, of course; but the Senator from Missouri [Mr. SCHURZ] requested me to say, if it should be asked to be taken up before his return from Boston, where he has gone, as Senators know, upon a mission that was imperative, and which has relation to the same subject to which the Senate yesterday gave its attention, that he desired that the bill should not be taken up until his return, which will be, I suppose, (as he speaks to-morrow,) on Thursday night, so that he will be here on Friday. I say that for the sake of the Senator from Missouri, who desires, as every Senator naturally should desire, to be present when so important a measure is considered by the Senate, and when it is so desirable as it seemed to him and as it seems to me that the Senate should be as full as possible, so as to get the best judgment of the whole body of the representatives of the States and the people on the subject. I hope, therefore, that the Senate, out of consideration to the one circumstance that I have named—and that is the only one I rise to now—will decline to take up the bill to-day and that we may have an understanding, if it shall suit Senators, to take it up on Friday next.

Mr. FRELINGHUYSEN. This motion I suppose is amendable. I gave notice——

The PRESIDENT *pro tempore*. The motion can be divided by taking the question first on postponing the pending order, and then on proceeding to the consideration of the bill named.

Mr. FRELINGHUYSEN. Then I ask that it be divided in that way, with a view of calling on the Senate to take up Senate bill No. 1, the civil-rights bill. Notice was given some time since that that bill would be moved; and if it is postponed for every subject that comes up the session will slip away, we shall soon have the appropriation bills here, and it will not be considered at all.

Mr. SHERMAN. I think it is the unanimous desire of the Senate to have a vote on the veto message presently; but we know very well that no practical result will occur from that vote, and therefore it is perfectly right that the Senate should fix a day for taking the vote that will enable every Senator to be present. I was not here

the other day when the message came in, and therefore I do not know what then occurred except from the RECORD. I trust the Senator from Iowa and all the Senators will agree that this matter may be fixed, say for Friday or Monday next, when I hope we can take it up and have a vote without objection and without debate.

So far as I am individually concerned, I am perfectly ready to vote to-day; but as no notice has been given of the purpose to act to-day, as no time has been fixed, as this is a question of great importance on which every Senator would desire to vote, as one of our colleagues is properly absent for a public reason known to every one—one that he could not avoid, one which in the ordinary deference that is shown on such occasions we ought to look to—it does seem to me that it is reasonable that this matter be postponed until, say Friday or Monday next; and, if it is in order, I will move that the bill be made the special order for Monday next, and I trust we may have a vote then without debate. So far as I am concerned I have no desire to debate the question. After a three months' debate on the whole subject-matter I think it would be cruel, in the present condition of public affairs, for us to have another enlarged debate on the veto message.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the pending and all prior orders be postponed and that the Senate proceed to the consideration of the finance bill. The Senator from New Jersey calls for a division of the question.

Mr. FRELINGHUYSEN. I withdraw that call as the same result may be reached without it.

Mr. BOUTWELL. I should like to state to the Senate that I have received information from my colleague-elect that he desires to be here to vote on the finance bill, but he has been detained by the circumstance that the lieutenant-governor, on whom the office of governor falls when he retires from it, is absent from the State, and not anticipating that the vote would not be taken as early as to-day I have not notified him, so that he has not been able yet to leave the State of Massachusetts. If a day be fixed far enough in advance for a dispatch to reach him and for him to reach the Capitol I shall be glad to have it fixed at as early a day as that.

Mr. CONKLING. Mr. President, it has ever been the habit of the Senate to consult the convenience of its members as to the order of business, especially when so doing works no injury to the public interest. Not wishing to forsake the ancient courtesy of the Senate, I cannot, in view of the facts before us, vote for the motion of the Senator from Iowa. There is fair and just reason for deferring the vote upon the bill referred to, and no public interest will be advanced by immediate action upon it. Several Senators are absent. One of the seats of Massachusetts has by reason of death been vacant for weeks; and if every reason for delay were left out of view except that he who has just been chosen to that seat, and who is detained in Massachusetts by pre-existing public duties, wishes to be here when the vote is taken, that reason alone would govern me. Other Senators are somewhat similarly situated.

The ordinary mode of providing for absences is by what are called pairs. This case is one in which every name on the roll should be answered. It is not a case adapted to pairing off. Various considerations make a pair awkward and objectionable. The bill can become a law only by a two-thirds vote. Whether two-thirds shall be found in its favor or not, a pair, in logic and fair offset, should be a pair of two on one side and one on the other; this is the rule on which in like cases pairs have been adjusted in the past. Such an adjustment would not be consented to probably now were we to endeavor to obtain it for absent Senators, and even if negotiations and arrangements would succeed, why should we resort to them, what good can we do by pressing this matter to an instant conclusion? We ought to agree quickly; I trust we have reason and wisdom enough to agree upon a bill which will command a majority in both Houses and the approval of the President also. In my opinion we shall be blamable if we fail to do so; but efforts to do this need not wait an instant for final action on the already defeated bill. It can hardly be supposed that two-thirds will be found in favor of a vetoed bill which in its first flush secured but five majority, and that in the absence of several Senators who would have voted against it. Indeed, except that the Constitution requires the Senate to reconsider the bill, it would not be worth while ever to act on it again. Be this as it may, neither the Finance Committee, nor the Senate, nor any single Senator need wait an hour in devising further legislation in order to dispose of a bill already past resuscitation.

I ask, then, why should we attempt to vote to-day rather than to-morrow? Why should we be churlish of courtesy in order to make haste? If the Senator from Missouri, absent in consequence of the death of a member of the Senate, wishes to record his vote, and there were no other reason for a little delay, why should we deny him so harmless a favor when no substantial good can be pleaded for doing it? So of every other absent Senator.

I am ready to vote to-day. I am content to take the vote, leaving the bill to speak and the message of the President to speak each for itself. I have no wish to bring on a debate, though I do not shrink from it. I know of no Senator who will insist on debate; and if a mere vote is all that remains of the proceeding, I submit that the considerate and courteous course toward absent Senators is to take up the bill now by consent and fix a day and an hour for the vote, giving time to the absent to reach their seats.

Turning now from things of the past, I wish to say a word about things of the present and the future.

Business halts and waits for final action in Congress. Unfortunately, as I think, the idea gained great prevalence before the session opened that something must be done by Congress to cure the panic and its wounds. The public mind was possessed by the belief that legislation in Congress was the "be-all and end-all" of business needs, and waiting and hesitating under this impression the country has suffered greatly. We ought to act promptly, or learn and declare promptly that no action will occur at the present session.

For one, I am ready to surrender any special views or preferences I may have in order to harmonize and act with those who differ with me. I will not depart from the principles at stake; but in all else, in all matters of detail, I will go to the verge in order to agree on a bill acceptable to a majority, of such character that the President can unite in approving it. Such an effort ought to be made calmly and dispassionately, and made without delay. Believing that a majority can be found in the Senate animated by a spirit of conciliation, the subject presents no difficulties which may not in my belief be solved and surmounted.

To this work we can all address ourselves at once, without waiting a moment for the last formality which awaits the measure now on the table.

Mr. LOGAN. Mr. President, I believe I am as willing to be generous as any Senator here; but I cannot really understand the desire there is on the part of some Senators to postpone this vote. I am as willing to accommodate the Senator from Missouri, for that appears to be the only point in this case, as I am any other Senator; but I am not more willing to accommodate him than any other Senators. But why we should act as if there was importance in the presence of a Senator here on a vote that no one expects to be carried by two-thirds majority is something that I cannot understand. I presume every Senator will vote as he did before; but I know nothing about that; I know I shall, as far as I am concerned. There are Senators who would vote with us—if I may use that expression—who are not present; but we do not ask delay on their account. We know their presence would not change the result. It may be far more important to this country that certain gentlemen should record their names in reference to this measure than I now appreciate. I do not claim to have capacity to understand the great importance of the recording of votes on this question at this time. Still it may be very important.

The Senator from Tennessee [Mr. BROWNLOW] has been absent for weeks in a feeble condition. I hear no man appealing to the Senate to postpone this matter for that man in his unfortunate condition. There is a new Senator-elect from Massachusetts; and it seems to be important that he should record his vote. His vote has not been recorded. Why the importance of recording it now? I cannot understand. I cannot see the great importance of it. I do not know that this event is of such a great and grave character that the Senate should postpone it for two days, for three days, or for five days, to secure the presence of any Senator on either side. It may be so, however; and if I can have my dull comprehension so enlightened on this subject as to satisfy me that my generosity ought to reach to that extent, I shall certainly be willing to do it. We are willing—and when I say "we," I am at least—this morning to take the vote without a word of debate. That was my intention when I came into the Senate. I do not know whether it is desirable on the part of Senators who voted against this bill to debate it or not; and certainly it is very immaterial to me whether that is their desire or not. As to whether it is our desire or not will be answered when the time comes. I did not suppose there would be anything said in reference to the message on the bill, or about any future action on the subject-matter. I did not know that we should be called upon to consider future action in reference to this vote. However, one of the Senators says that this bill might be postponed and something might be done for the purpose of relieving the country. I am not going to say whether we have tried to do anything to relieve the country or not; I will let that go; but if we are to infer from what is on our table anything as to what might be done that would be agreeable, I cannot imagine what it could be. I cannot conceive in my mind what kind of a bill Senators have reference to that would be agreeable in this state of the case.

I am perfectly submissive. I am willing to submit to whatever the friends of this measure desire. If they desire a postponement, I have no objection. If they do not, I am ready to vote now, whether there are six men here or fifty who stand by me, and I think it is very immaterial, so far as the result is concerned, whether Senators that are absent will be present, or whether some of us may be absent at the time to which this postponement shall be made. I presume nearly every Senator here feels friendly one toward the other; at least I hope so. I know I am so insignificant that if I were absent for a month no Senator would get up and ask for the postponement of a bill until my return. I have never heard of such a thing on my account, and do not expect it to be done. It depends, I suppose, on the importance of the individual as to whether his vote is to be recorded or not.

Mr. EDMUNDS. I merely wish to say to my friend from Illinois that I did not ask the postponement for Mr. SCHURZ on my own motion or as a volunteer, but because he requested me to say to the Senate that which I did say, and which I understood him to say had the approval of a good many Senators to whom he had spoken on the subject.

Mr. LOGAN. I am not doubting that at all. I will not mention names; but a Senator spoke to me this morning and said that on this bill he was paired with Mr. SCHURZ, and I supposed from that information that Mr. SCHURZ left with the understanding that the bill might be voted on before his return.

Mr. HAMLIN. Mr. President, if we can judge of what may be the action of the Senate by what has fallen from the lips of Senators this morning, it is at least probable that there will be no discussion on the reconsideration of the bill that the President of the United States has returned to us. If that be so, I concur in the general opinion which has been expressed. I do not see the great importance of voting upon it to-day over voting upon it on Friday or Saturday. The Senator from Illinois suggests that it is not, in his judgment, of so much importance that we should extend the time as a mere act of courtesy to absent Senators. That is his opinion clearly; and yet it is equally clear, as the Senator knows, that in the minds of the absent Senators it may be more important than it is in the opinion of the Senator from Illinois. The Senator from Illinois may deem it less important than they do. I, too, had a conference with the Senator from Missouri, as well as the Senator from Vermont; and I do know that the Senator from Missouri desired very earnestly to be present when the vote should be taken upon this question. He so expressed himself to me in unequivocal and emphatic terms.

Mr. PRATT. I should like to inquire of my friend from Maine whether the Senator from Missouri did not pair on this question before he went away?

Mr. HAMLIN. I think he did say to me that he would endeavor to secure a pair, not knowing what would be the action of the Senate, but still expressing in terms beyond any doubt his earnest desire to be allowed to vote upon the question. I so understood him; and he said to me that he should make that effort to pair for the purpose of saving his vote if the matter were pushed to a vote. But, I repeat again, he earnestly expressed the hope and the desire that the courtesy of the Senate would be extended to him, so that he might have the opportunity to record his vote.

Now I want to say one word to my friend from Illinois. When he leaves this Hall for any occasion, either private or public, and suggests to me in terms half as earnest as did the Senator from Missouri that he desires to secure his vote upon a given measure, I will pledge him my vote then and at all times that he shall have that opportunity, as I will to every other Senator of this body.

Mr. LOGAN. Will the Senator allow me right there to make a remark?

Mr. HAMLIN. Certainly.

Mr. LOGAN. I have no objection to any Senator applying to the Senate to stop its business for his benefit; but I will say to my honorable friend from Maine that I shall never ask him or any other Senator in this Chamber to postpone the business of the Senate on account of my absence. I will seek a pair, so that my record shall be clear; but I will never ask to stop the wheels of legislation on my account.

Mr. HAMLIN. I have been here longer than the Senator has, and I never yet asked the postponement of any question in this body to accommodate me, and I think I never will. Still if other Senators deem a vote upon any given question important to themselves, I certainly, as a matter of courtesy, will give it to them.

Perhaps there is no member in this body who has been more restive under the long debates that we have had here than myself. I have taken occasion two or three times to express my opinion of those debates; and I think we may economize time more in doing that than in not postponing any business, but extending or fixing the time when we shall take this vote, while we have other subjects that will engross our attention, and subjects, too, that we must meet, discuss, and decide. Why, here is the question of Louisiana. It will come up like Banquo's ghost, and this is crowding it out, and the quicker we can cut the head off the ghost and be done with it, the better. Then my friend from New Jersey has intimated to us that another important question, in which I too am interested with him, is ready for our discussion and our deliberation. I only say that to me it will be indeed a marvel if this body has so far forgotten its ancient courtesy and its dignity that we will not extend to the Senator from Missouri the right to be here and record his vote on this measure if he wants to do so, whether we regard it as important or not.

Mr. CAMERON. Mr. President, I have great reverence for the courtesies of the Senate, and I think they should be continued through all time. But it is not a month since in this Senate I said to the body that I had received a telegram announcing to me a great calamity as I believed it to be, in a death in the family of one of my friends and the fear that another death would soon happen in my own family; and I asked the Senate not to adjourn that day, but to finish the question which was then before them which was in my charge, so that I might go home and see the people that I desired so much to see. The Senator from Missouri was in his seat, and he did not say one word in behalf of my agony, neither did a single member of the Senate. The business of the hour was forced upon me, and I was compelled to remain here without being able to go to see those whom I desired so much to see. The question then was only one of convenience to a Senator who had made up his mind to make a speech on that day, authority for which he had had from the Senate a few days before; but I was not allowed to go home. I can see no reason why, after so great a discourtesy to me, a Senator who was here and could have paired on this question should control the whole body of the Senate in his absence. Why is it now that this courtesy is to be extended to him when it was denied to me when I had much more reason for desiring it, and when the Senate in its great love of courtesy ought, I think, to have allowed it to me?

The question which is to come before us on the veto message is one of great public importance, one which ought to be settled now, and one upon which the Senator from Missouri or any other gentleman who is not here can have his views known to the whole country. There will be no trouble in his having the newspapers state upon which side he would have voted; and the mere making of a speech I do not think will affect the question, no matter how eloquent it may be. Courtesy is delightful between individuals, and for all time in the Senate it has been observed; but it is queer that just now on a great public question it should be urged with so much vehemence, when the other day, when it was only a question whether a gentleman ought to speak one day or the next, it was refused to me.

Mr. FERRY, of Michigan. Mr. President, if my memory serves me, when the veto message was read in the Senate the Senator from New York arose and stated—I speak from recollection mainly—that it might be necessary for the purpose of the examination of the message and the consideration of the question to take up that day and the following one, and that doubtless, as had been our custom, no session would occur on Saturday; and alluding to Monday of the following week, stated that memorial exercises would probably occupy that day; and while not fixing the day following, Tuesday, (which is to-day,) he intimated that an early day of the week the subject should be considered; as I and others understood it, virtually fixing Tuesday, without naming the very day, for its consideration. The Senator from New York stated what would occupy the preceding days, including Monday of this week, and then said that at an early day of this week the subject should be considered. At a later hour in the day the Senator from Indiana, if my recollection serves me, called up the subject and gave notice that he would on Tuesday, to wit, to-day, call up the subject. The Senator from New York, I think, answered the Senator from Indiana by stating that there were Senators absent and that he intended to be absent, perhaps he might not be here. Now, if I understand the question and what has been expressed by what may be termed both sides of this question, it is proposed, as far as disclosed here to-day, to take the vote on the message without debate. Practically I can see no object to be gained by delay. True, the Senator from New York and the Senator from Maine have stated that a certain Senator is absent, and therefore in deference and out of courtesy to him the whole Senate should arrest its business.

In this connection let me say that the mover of the proposition to consider this question to-day is quite ill upon his bed, unable to be present. The Senator from Indiana does not ask the Senate to postpone this question until he is able to be present. Although making the motion to take it up and not able to be here, still, according to the understanding generally, or more partially—I cannot now say—no one proposes to defer so far as he is concerned, and he does not ask that on his account the question be postponed, but allows it to be called up by some other Senator for the purpose of carrying out the understanding, as he understood it, of last week.

Now, if the vote of the absent Senator to which the Senator from New York referred has no material effect on this question, why prolong the subject, why defer it until next Friday? Certainly we already have had one week's notice. I think it was on Wednesday that the message was submitted to the Senate. It is to-day Tuesday. We have therefore had one week's time to consider it, and let us take up the question to-day. Suppose it is deferred one week longer, may there not be other Senators absent then? In justice to them, as well as to the Senator from Missouri, it would be claimed to postpone it still later. I can readily understand, if there was a disposition to debate this question, why the Senator from Missouri might desire to be here, as he is so fruitful in debate, and why the Senators who are co-operating with him might be anxious to defer for the purpose of securing his valuable aid in their behalf, but, as it is stated now that it is proposed not to debate, why defer when his vote cannot possibly affect the question? As has been stated, the Senator from Tennessee, [Mr. BROWNLOW,] unable by physical prostration to be present now, is not paired, and I am told, and I understand, that the Senator from Missouri is paired. This takes the vote of the Senator from Tennessee [Mr. BROWNLOW] from the supporters of the bill, and we make no complaint of this, but prefer to carry out the understanding by voting now even at the loss of his vote.

I cannot understand what object is to be gained by a postponement. Certainly we cannot amend this bill; we must either vote for or against it. Therefore this bill can have no bearing upon any other bill that may be proposed or may be in process of perfection, if there be such. Hence it seems to me we should proceed, unless there are Senators here who feel in duty bound on the question of courtesy to defer to the request of the Senator from Missouri. If that be the turning-point, I am not to be outdone on the question of courtesy; but so far as official duty is concerned, so far as legislative progress is demanded, I think the Senator from Missouri, the Senator from New York, all Senators, have had ample notice by the week's intimation that the bill would be taken up to-day.

Mr. CONKLING. Will the Senator allow me to ask him one question?

Mr. FERRY, of Michigan. Certainly.

Mr. CONKLING. Will he state one reason of substance, independent of the will and wishes of any Senator, why a vote should be taken upon the pending bill to-day rather than to-morrow?

Mr. FERRY, of Michigan. I will answer by asking the Senator from New York substantially the question that he has put to me: What possible gain will there be by a postponement of this question until next Friday?

Mr. CONKLING. Does the Senator want an answer?

Mr. FERRY, of Michigan. I do.

Mr. CONKLING. We shall gain this fact: Being asked virtually by the newly-elected Senator from Massachusetts, whose seat has been vacant so long, that the representative of that State may be permitted to record his vote, we shall give him that opportunity; it costing us nothing—nothing. I stop there, thinking that that is a sufficient answer.

Mr. FERRY, of Michigan. The answer of the Senator from New York would be conclusive, in my judgment, and control my action, if the newly-elected Senator from Massachusetts had been present and voted upon the bill. The Senator has been elected since. He did not participate in the proceedings on this bill tending to its passage. If it were the case of a Senator who had participated and who had been taken ill, and had made the request, I could readily see there would then be a clear case; but as the Senator from Massachusetts was not present, it seems to me no injustice whatever can be done him by action to-day. It now appears to me from the answer made by the Senator from New York that the object is more to secure an additional vote upon his side, which from his stand-point upon this question cannot affect the issue, for it requires a two-thirds vote to carry the bill now, and no one claims that.

Mr. CONKLING rose.

Mr. FERRY, of Michigan. Let me conclude my answer, and then I will give the Senator from New York all the time he wants.

Mr. CONKLING. I merely want to understand——

The PRESIDENT *pro tempore*. The Senator from Michigan declines to yield.

Mr. FERRY, of Michigan. From my stand-point I am satisfied that we cannot carry this bill by a two-thirds vote. It would be a stultification of my intelligence to suppose or believe it could be carried, when we passed it by a majority of only five; but I say that upon no snap judgment, but upon notice of a week, we are here to-day in accordance with the intimation given by the Senator from Indiana, and in simply following out that indication I say, when it is interpolated now that a Senator must come who was not a Senator when the question was argued in order that his vote may be counted, it seems more, in my judgment; that it means an increased vote rather than courtesy to a Senator.

Mr. CONKLING. Now may I understand my friend?

Mr. FERRY, of Michigan. Very well.

Mr. CONKLING. Shall I understand him to maintain that the fact that Massachusetts by reason of death has been as to one-half her voice silent upon this question all these weeks is a reason why she should be denied now the consideration which otherwise would be given to her? Shall I understand the Senator to argue that because death has vacated one of the seats from that State, therefore we should not wait for the Senator to reach here as we would do had death not occurred and had the State been heard on all these questions? If so, I think the argument is very extraordinary.

Mr. FERRY, of Michigan. Not because of the death of a Senator, which I lament as much as any other associate. I hold the Senator from New York to the precise issue. The newly-elected Senator from Massachusetts never participated in the debate or cast a vote upon this question. His vote could not change the result had he been present on the passage of the bill, for it carried by a majority of five.

I cannot therefore see it in the light of the Senator from New York; and I must repeat that if the question had turned upon a single vote, I could readily see how it might be prudent, necessary, and just that Massachusetts should be fully represented here. I may remind the Senator that such a contingency of a close vote was prudently looked after. The Vice-President was present at the last stages of the bill, that in case there should be a tie Massachusetts might be fully represented upon this floor; so that there were no rights jeopardized. I say that the Senator's point would be a strong one if the passage turned upon a single vote; but it did not when we had a clear majority besides on the passage, and now require a two-thirds vote to pass the bill. Apply to every State the position the Senator takes. Suppose there might occur the death of Senators in many of the States of the Union, would we on that account arrest all business of the Senate, without just regard to the public interests?

Mr. CONKLING. But if my friend will further pardon me a moment, does he know that every Senator is to vote again on each side as he voted before? And if he does not, what arithmetic teaches him that there is to be four majority for the bill? How does he know that there may not be only one majority against the bill, or some other majority either way? In ignorance of that fact, how, even by his own argument, can he deny a State its right to be here and to be heard?

Mr. FERRY, of Michigan. The Senator from New York is so fruitful and suggestive in his scope, so much more ingenious than the rest of us, that he forecasts the future while I have reference to the past. There is the difference. I was not alluding to what might occur. I was alluding to a fact already occurred, and I should have been disclosing unwarrantable ignorance to have said that the vote would be a majority of five upon a future vote. That depends upon a contingency. I was speaking of a vote already taken and recorded on our Journal, on the passage of the returned bill, by a majority of five. The Senator cannot divert me by supposing that the vote might be otherwise when taken a second time. I am speaking simply upon a fact, and reminding the Senate that in the case of the new Senator from Massachusetts it is doing him no injustice, as he did not participate in the proceedings which ended in the passage of this bill by a clear majority; and upon that hypothesis I said, which I now repeat, that if he had been here it would have but reduced the majority to four, ample to have carried the bill, and therefore no injustice would have been done to Massachusetts. I have no disposition to do any injustice to any State. I am as ready as any Senator to do justice, and will close what I have to say by suggesting that if any two, three, or half a dozen Senators here upon either side rise in their seats and say that upon a question of courtesy they feel themselves bound to defer to the Senator from Missouri, with the understanding upon both sides that we are to have no discussion, I am willing for one to defer to courtesy by postponement, while I believe it better to act at once.

The quicker way to strike down the "ghost" alluded to by the Senator from Maine on another bill—and perhaps by illustration employing a ghost in this bill, for in the minds of some it is hardly known whether it is contraction or expansion, and therefore ghost-like, as suggested by the Senator from Vermont—the quicker way will be to take a vote without debate now. I do not share in the implication that this bill contains a ghost, for I am satisfied there is an increase of currency in it, but very moderate expansion. Believing that there is more substance than shadow in it, I am willing to determine its fate by a vote now. I urge this to avoid all possible and probable irritation that may arise from a debate. No good can come of it. Crimination and recrimination will follow an extended discussion of the merits of the bill and the President's message. I am studying harmony. I urge such co-operation as will save us acrimony, which is only productive of evil rather than good.

Congress and the President, co-ordinate branches of legislation, are at issue. Let the merits lie where they will, can we gain anything by arraying each other upon an honest difference of opinion? I trust the vote will be taken in silence.

Mr. THURMAN. Mr. President, I sat about twenty minutes in a perfect maze at what was said by my friends on the right; but they seemed to me to be playing at a game of riddles which I could not, by any force of my intellect or scratching of my old head, comprehend. Here was the leader of the Administration insisting on postponing a vote on this bill, although it was perfectly apparent that the bill could not pass, could not obtain two-thirds of the votes of the Senate; and here were those who knew that a vote must kill their bill, which they had advocated, insisting upon that vote being taken, and their measure being thoroughly laid out, or, to use the figure which seems to prevail so much, "their ghost being laid." That is very difficult for a dull man to comprehend; I could not understand it at all; but now I begin to get a little light upon it.

It seems that those who advocated this bill insist upon a vote now. Why? That they may condemn the Administration by having a majority of the Senate vote against it, and the leader of the Administration wants to postpone it in the hope that there may be a majority of the Senate to support the Administration. Now, I am a very indifferent sort of man in that contest. I am pulled by contrary emotions. I was against the bill before, voted against it, will vote against it again; and yet on the other hand I am not a supporter of the Administration, and I do not know exactly that I should follow in the path of my distinguished friend from New York who marshals his hosts always with so much skill, and generally with so much effect. But really, as a practical question, it is a very strange thing that there should be any difference about this matter. Let the vote come to-day, or let it come to-morrow or next day or the day after, the fate of the bill is sealed; and if there is to be no debate upon it, then it matters very little when the vote shall come.

Nevertheless, there is some force in what the Senator from New York has said, that upon this bill there should be as full a representation of the States as possible, the Senate should be as full as possible; and, therefore, although the postponing of it may have the effect of supporting the Administration by a majority vote of the Senate, especially if the intimation of the Senator from New York is true that some of those who voted for the bill before have seen the error of their ways——

Mr. CONKLING. There was no such intimation from me.

Mr. THURMAN. The Senator got from me more credit, then, than he was entitled to.

Mr. CONKLING. I simply asked the Senator from Michigan whether he knew that every Senator on each side would record himself again as he did before; for unless he knew that, he could hardly say that the presence of Massachusetts would still leave a majority of four in favor of the bill. That was all.

Mr. THURMAN. I know; but it was a very pregnant question, and I may be pardoned if, in my dullness, I thought it meant a great deal more than it implied as the Senator now explains it. What I was going to say is that notwithstanding a postponement may have the

result of sustaining the Administration, if the Senator from New York can obtain it, yet in view of the fact that one Senator is absent and that another State is only half represented and will be fully represented in a few days, I shall be bound to vote for the postponement.

Mr. BOGY. Mr. President, I think there must be something underlying this discussion which I know nothing of, for I cannot understand what importance there possibly can be whether the vote is taken to-day or to-morrow, particularly if there is to be no debate. I would prefer to have a little debate on this subject. I think we could show that the President of the United States in his veto message has placed himself before the country in a way that cannot be sustained, that his veto message is in direct conflict with the message——

Mr. EDMUNDS. I rise to a question of order.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The Senator from Vermont will state his point of order.

Mr. EDMUNDS. The point of order is that on a motion to take up a bill the merits or demerits of the message on which we are to vote are not before the Senate and cannot be debated.

The PRESIDENT *pro tempore*. The Chair overrules the point of order as made in this case. The question is whether the Senate will postpone and take up, and the Chair understands that all the speeches that have been made have been made on the Louisiana bill, which is the unfinished business. [Laughter.]

Mr. EDMUNDS. I apologize to the Chair, inasmuch as the Chair had not stated to us that the Louisiana bill was before the Senate, as I heard.

The PRESIDENT *pro tempore*. The Chair had stated that distinctly when he announced that the morning hour had expired.

Mr. EDMUNDS. Then my respectful apology is due to the Senator from Missouri as well as to the Chair. I had the impression from the discussion that it was something about taking up the veto message; but it seems I was mistaken.

The PRESIDENT *pro tempore*. The question is on postponing the Louisiana bill. [Laughter.]

Mr. BOGY. Mr. President, I will not detain the Senate but a very short time; it is not my intention to debate this question at this moment; nevertheless I am glad that the Senator from Vermont raised the point of order, because it sustains me in the position that I took a while ago. I should like to discuss this question to show the position occupied by gentlemen who have voted with the Senator from Vermont upon this very measure. I know that the debate will not be protracted; hence I can very well understand how sensitive those gentlemen are on this subject; but I will not take advantage of that fact at this time.

I rose merely to state that there must be something underlying this discussion which I have not thus far been able to perceive, for I cannot see that it is of any great practical importance whether this vote be taken to-day or to-morrow or at a future day not far off. It is said by gentlemen on the other side of the Chamber with whom I have voted on this financial question that the vote on the veto is to be taken without debate. As far as I am concerned individually the Senators who have made that statement have spoken without authority from me. I would like permission, if I had the opportunity and it were agreeable to the majority of the Senate, as I am afraid it would not be, to discuss this question whenever it does come up. I am prepared to show that the position we took can be maintained before at least the western portion of the United States, that this bill is a bill of great importance to that vast section of the country; that, if something is not done of the nature which this bill provided, that portion of the country will suffer enormously. I do not wish to present these views in a mere partisan aspect. I should like to present those views again as they have heretofore been presented to the mind of the Senate; but notwithstanding, I repeat what I said a while ago, that I will not do so just now.

Now, sir, to conclude a debate the importance of which I do not understand myself as to whether the vote shall be taken to-day or to-morrow or at a future day not very far off, I would state that my colleague is absent from the Chamber; that he is absent in the discharge of a most delicate duty, and the very nature of the duty which calls him away from us entitles him, to say the least, to very great consideration. Therefore in view of the fact that my colleague is absent in the discharge of the duty to which I have referred, I would suggest and express the wish that the further consideration of this subject be postponed to next Friday. I do not see that it can make any very great difference; I cannot see that any public interest will be injured by that postponement; and in the discharge of the duty which I believe I owe to him as his colleague, which he would do to me, I trust the majority of the Senate will postpone the consideration of the bill so as to give him an opportunity to return and record his vote upon a measure in which he has taken such a leading part.

Mr. SARGENT. Mr. President, the suggestion that this vote be taken without debate I think is the result of the judgment of two, three, or four Senators who have thought that that was the better course. Certainly it could not have been the result of a general consultation of Senators. So far as I am concerned I desire that this matter be debated, and I think we have reached a point, and perhaps for the first time reached a point, where discussion will be of great use to the people of the country.

Now I am very sure that if this question is taken up to-day instead of on Friday next there will be a debate upon it. I do not know but that I might be willing to concede on Friday next, if such was the general desire of the Senate, that the question should be taken without discussion; but if, contrary to the suggestions which have been made, it is insisted that the bill be taken up for our action to-day, then I certainly shall desire to be heard upon it before the final vote is taken. I am prepared, as I think are many Senators around me, to discuss this matter fully and fairly, and to vindicate that declaration of the President made in his veto message that the theory on which the bill is founded "is a departure from true principles of finance, national interest, national obligations to creditors, congressional promises, party pledges on the part of both political parties, and of personal views and promises made by me" (the President) "in every annual message sent to Congress and in each inaugural address." I think that that is capable of demonstration; and if it is true that the bill which was passed was a violation of congressional and executive promises by previous legislation and popular speeches, it is well that that should be understood by the country and understood by the debates that go out from this Chamber.

Something has been said about our disposing of this bill in order that we may get at a measure that will satisfy all parties. Sir, I do not believe it is possible to frame in this Congress a bill which will satisfy all parties. I believe that a bill having that end in view is likely to be dangerous to the prosperity of the country. I speak for myself when I say that I will vote for no measure that contains one dollar of inflation, unless in connection therewith there is full provision for the redemption of that dollar which shall be issued.

Gentlemen talk about relieving the country. It is these congressional agitations which agitate the country. Had it not been for this long discussion, had it not been for this Congress, these questions would have been settled and business would have returned to its normal state, the country to its ordinary condition of prosperity, two months ago. It is these agitations, these assumptions on one side that the people were clamoring for currency, and on the other, in some degree certainly, propositions of contraction, which have thrown the business community in a ferment, which have led the people to think there was some evil in their midst, in their business relations, which could only be cured by the legislation of Congress. I believe that business during the last few months has been struggling against this cause, going out from Congress, more than from its normal and real condition; and if we could lay these propositions on the table and not revive them in any form, there would be a general recurrence to ordinary business in every part of the country.

Sir, I do not believe that the call for inflation which is insisted upon on this floor has any sincere backing in any part of the country, unless perhaps I might say in some portions of the South. As I take up papers from the West, and not the leading papers, but little papers in communities separated from the ordinary influences which go out from this capital, expressing the opinions of small constituencies, apparently suggestions of individual minds or of small communities, I find that they sustain this veto, and that they denounce all schemes of inflation. I find, furthermore, that some of the grea leading papers of the South, for instance like the Louisville Courier-Journal, also denounce inflation and praise the President for the stand he has taken in this veto. I believe that the country is instructed up to the point by the discussions which have already gone on, and which we may still further have, that we have spread out to the people and are thoroughly understood by them, that these measures of inflation are simply painting the hectic flush upon the check of consumption; and that they are not subserving any useful business purposes. I think the gentlemen who have clamored for these things upon this floor, many of them, will find that their constituents do not agree with them in these schemes. In order to promote that result which I believe is necessary for the safety of the country I am disposed to have discussion upon this bill. I do not know but that I may change my mind upon that before Friday next if it is postponed until that time; but if it is not so postponed, then certainly I shall ask that there be discussion of the proposition.

Mr. CARPENTER, (Mr. INGALLS in the chair.) Mr. President, it has been said by some Senators this morning that probably some bill could be matured that would satisfy everybody, pass almost unanimously, and receive the signature of the President.

If that can be done every sensible man will rejoice, and every Senator who desires such a consummation ought to labor to that end. And the question is, what course will be most likely to accomplish such a result? The bill now on our table has been returned by the President with his objections; and the Constitution makes it our duty to reconsider the bill. It is well known to all of us that this bill cannot be passed by the requisite majority of two-thirds. Then, of course, Congress must consider and pass some other bill, or no relief whatever can be granted at this session. What, then, is the best way to smooth the elements and secure the enactment of some other bill? Is it to keep this veto hanging here and thus from day to day increase the irritation this debate discloses; or shall we dispose of it to-day, and, *that* being out of the way, go good-naturedly to the task of maturing another bill? The Senator from Ohio, [Mr. THURMAN,] who evidently desires, in the interest of the party to which he belongs, to create as wide a disagreement as possible in the ranks of the republican party—and with consummate skill and cunning he has been putting his finger upon every spot he hoped to find sore, hoping, no doubt, to drive on a general and an angry debate over this veto—my facetious, eloquent,

and able friend from Ohio is astonished at this debate, astonished that the friends of the Administration should dread a victory, and therefore vote to postpone the consideration of this bill. He is also astonished that the friends of the bill desire to take it up, when its fate is sealed and its death certain. He says they seem to wish to have their languishing bill absolutely killed; this, he thinks, is unnatural.

Well, Mr. President, if a painful thing must be done, a brave man desires to have it done quickly. When the bill is killed our anxiety will be over, and that will be a measure of relief. My friend is so constant a reader of the Bible that I venture to remind him of the experience of King David. When his child was sick he fasted and "lay all night upon the earth." But when he was told that the child was dead he "arose from the earth, and washed, and anointed himself, and changed his apparel; * * * they set bread before him, and he did eat." After this another child, a son, was given to him; "he called his name Solomon: and the Lord loved him."

Mr. EDMUNDS. He did not go and cut his head off, probably. [Laughter.]

Mr. CARPENTER. Nor do the friends of this bill propose to cut its head off. But there is a power in this Chamber as potent over this bill as was the providence of God over the life of the child of David. This bill is doomed. It is wounded to death by the veto; it must die. And the quicker this inevitable fate is reached the quicker shall we, its friends, recover from our mourning. Let what must finally be done, be done to-day; and then we will bathe and dine and be ready on the morrow to meet the Senator from New York, who proposes that another bill be considered to please everybody and grant the needed relief. [Laughter.]

Mr. THURMAN. Will my friend allow me to ask him a question?

Mr. CARPENTER. Always.

Mr. THURMAN. Does he propose that the fathers of this bantling shall perform the same penance that David performed?

Mr. CARPENTER. My friend from Ohio will be compelled to endure for the present his curiosity as to the course the friends of this bill will pursue. He will neither be consulted nor informed in advance of action in the Senate upon that subject. Mr. President, I hope the Senate will dispose of this matter to-day by a vote. And when this bill is disposed of we will see what can be done next.

Mr. WADLEIGH. Mr. President, I am obliged to differ from those with whom I have previously acted upon this question. As has been said we have had long debate; there has been said upon this subject all that is needful; the country is impatient of the long delay; and there is no reason, in my judgment, why the Senate should further delay to act. Furthermore, for the purpose of allaying the angry excitement that has just sprung up about this bill and for the purpose, when that is allayed, of passing to some measure that, being a compromise, will be satisfactory in some degree to the parties in this Chamber and to the country, it is desirable, as has been stated, that this measure should be disposed of, and disposed of as soon as possible. For these reasons I am in favor of taking up this measure and disposing of it without debate.

It has been suggested here that courtesy to a Senator who is absent requires that this question should be postponed. If that is the rule which is to govern this Chamber, then farewell to the day when any business will ever be acted on. There never will be a time when some Senator who desires to vote on some measure will not be absent. The Senator from Missouri could have paired, or did pair. His presence or his absence here will not affect the fate of this bill. His position upon it is so well known before the people of this country that the absence of his vote will not affect him in any degree whatever; and, it seems to me, I confess, absurd that it should be argued here that because the Senator from Missouri is absent, therefore the Senate should delay action upon a measure of this kind which has been debated for months.

Furthermore it is suggested by the Senator from California that we should postpone this bill for the sake of having further debate. The country has been talked to death upon this matter. The country demands that talk should cease and that action should be had; and if the Senator or any other Senator here promises that the result of delay is to bring about a new debate, then in behalf of this country I urge that the matter be brought to a close now.

Mr. SARGENT. I should like to say to the Senator from New Hampshire that my remark was just this: that if this measure was taken up to-day there would unquestionably be debate upon it; I intended myself to debate it, but if it went over to Friday, I did not know but that I might waive the privilege which I had as a Senator of speaking on the question.

Mr. CONKLING. I think I am warranted by what has been said by some Senators friendly to the bill in hoping that we may come to such a decision as is indicated now by the Senator from California: and therefore I ask that by general consent we fix Friday at two o'clock to take up the bill and vote upon it then without debate. This I know is deemed objectionable by several Senators who intend to vote for the bill. I hope the Senator from California, as he indicates, will consent to it, and that the Senator from New Hampshire will also find no objection to it I hope, the proposition being that on Friday at two o'clock it be taken up and voted upon without debate. I ask the Chair to ascertain the sense of the Senate, if he will, and see whether any Senator is seriously incommoded by this arrangement.

Mr. WRIGHT. Will the Senator from New York allow me to interrupt him?

The PRESIDENT *pro tempore*. The Senator from New York asks unanimous consent to an understanding that the bill vetoed by the President of the United States shall be taken up on Friday next at two o'clock and voted on without debate.

Mr. CONKLING. Will the Chair allow me to hear my friend from Iowa for a moment?

Mr. WRIGHT. I will state to the Senator from New York that when the Senator from California [Mr. SARGENT] obtained the floor after the Senator from Missouri [Mr. BOGY] had concluded his remarks, I endeavored to obtain the floor but was unsuccessful. I understood the Senator from Missouri to make an appeal in behalf of his colleague who is absent, and based upon an agreement, or perhaps a promise made to him at the time he was leaving, that he would appeal to the Senate to have this question postponed until Thursday or Friday. Am I correct in the assumption?

Mr. BOGY. Until Friday. My colleague cannot be back before Friday.

Mr. WRIGHT. What I wish to understand is this: Does the Senator from Missouri say that he asks, in virtue of a promise that he made to his colleague, that this question shall be postponed until Friday?

Mr. BOGY. I have not paired with my colleague. I only expressed a wish that the subject might be postponed because of his absence, and because I told him I would use all my influence, if I had any in this Chamber, to bring about this postponement.

Mr. WRIGHT. Then I understand the Senator from Missouri to appeal to the friends of the bill, he being a friend of the bill as I understand, in virtue of that promise to his colleague, that the question shall be postponed until Friday.

Mr. CONKLING. He has said so virtually; he does not hear the Senator from Iowa.

Mr. BOGY. I did not make an appeal. I expressed my wish on the subject, giving the reason why I wished the bill postponed until Friday.

Mr. WRIGHT. Now I wish to understand whether there is any objection on the part of any Senator to an agreement that we shall take the vote on Friday at two o'clock without debate?

Mr. BOGY. I will say this in answer to the question. I am in favor of postponing the vote on this subject until next Friday for the reason which I have already given; that is, the absence of my colleague; but I am not willing so far as I am individually concerned as a member of this body to say that the vote shall be taken without debate. It may be that I shall not debate the question; but it may be that I shall be disposed to do so, and I do not wish to be estopped from debating it if I shall think proper to do so.

Mr. WRIGHT. I wish to have a clear understanding. If this question can be postponed until Friday with unanimous consent that we have a vote then without debate, I am willing to agree to it. If there be any objection on the part of any Senator to that, if it is indicated that there will be then debate, I shall insist on a vote at this time.

Mr. CONKLING. Having the floor at the time I yielded to my friend from Iowa, my wish was to see whether we cannot succeed in gaining assent to the proposition to postpone until Friday; and therefore as time does not allow me to consult the honorable Senator from Missouri in conversation, I ask him if he will not, in order that we may go on with some other matters now awaiting consideration, yield his half inclination to debate, and consent that we may fix Friday at two o'clock to dispose of this bill?

Mr. BOGY. I am perfectly willing. That is what I have attempted to say—that the question ought to be postponed until Friday at two o'clock without any understanding as to the fact whether there shall be any debate or not.

Mr. CONKLING. If my friend will pardon me, he does not notice the point of my appeal. He sees of course that if he interposes that condition he breaks up all arrangement. He disables the Senate—because one objection will have that effect—from coming to a conclusion which I hope may be satisfactory to everybody. I ask the honorable Senator whether any remarks he may wish to submit upon this question will not be equally satisfactory if submitted upon some other financial measure, of which, doubtless, there will be several; and if he will take it into consideration, I think he will allow us to dispose once for all of this vexed question by fixing a time to vote without debate: he has heard Senators declare that if there is to be debate, they will object to an arrangement on that ground. The Senator now holds in his hand alone the opportunity to put an end to this matter in a way apparently satisfactory to all others and gratifying to those who are committed by promises and assurances made to Senators not here. He will enable them to put an end to the whole thing and at the same time to carry out some private understandings, and I think he will reserve every right and convenience of his own as to any remarks he may design to submit, as there will be many occasions, and soon, when he can express his opinions as freely and as cogently as he could do on the particular measure now lying on the table. Therefore I renew my appeal to the Senator, and I ask him, if he will, to give his consent that Friday at two o'clock be

fixed not only, but that the condition insisted upon by other Senators may be made a condition also, namely, that the vote shall be taken without debate.

Mr. BOGY. I cannot consent to be an obstacle in the way of carrying out the wish of the majority of this body; and if it is left to me alone to assent to a proposition of this kind, I cannot hesitate as to the course to pursue. I am aware of the importance of the bill. I think it is important for those who have agreed with me heretofore; what they may do hereafter I cannot say; but nevertheless, as was well said by the Senator from New York, there will be plenty of opportunities to present such views as I may entertain, and it is not very important that I should insist upon debating this very question. I will therefore yield that point also, because I think it is of the greatest importance to the country and the commercial portion of our people that, so far as possible, one step should be made toward quieting the public mind in relation to the financial question. In view of that fact I will, so far as I am concerned, consent to abide by the wish of the Senate and not insist on debate.

Mr. CAMERON. It seems to me that now we are coming pretty near a solution of this question. Apparently we cannot settle the matter to-day. There will be debate, and perhaps it will take three or four days to reach a result if debate begins to-day. But it seems now pretty well understood that we may take it up and vote on Friday without debate and conclude the matter at once. I am more anxious to get a bill which shall benefit the country than I am to show my determination to support the bill which we passed the other day. I want to benefit the country; and if my friend from Ohio [Mr. THURMAN] were not a partisan, I would appeal to him to join me. I think the better way for us is to take this offer and set Friday at two o'clock as the hour for taking the vote. I trust the gentlemen with whom I am acting on this question will agree with me in this. If it is proper, I will make the motion that the message be postponed until Friday at two o'clock.

The PRESIDENT *pro tempore*. Such a motion would not be in order at present, the bill referred to not being before the Senate. The Senator from New York has requested that there may be unanimous consent and a general understanding that this bill be taken up, considered, and voted upon on Friday next, at two o'clock, without debate. Is there objection to that proposition?

Mr. MERRIMON. I am disposed to be as obliging as anybody if I can be so without compromising what I believe to be the public interest. This measure is one of too much importance to be passed over lightly or by a silent vote. I believe that those who advocated this measure owe it to themselves and owe it to the country to examine thoroughly the message sent to the Senate by the President and give the country to understand whether it rests on solid ground or not. I do not believe it does, and for one I shall claim the right, when the matter comes up, to state the reasons why I do not so believe.

The PRESIDENT *pro tempore*. The Senator from North Carolina objects to the arrangement proposed.

Mr. THURMAN. I wish to say that I would very cheerfully, and will, if the Senator from North Carolina should revise his present idea, agree to the proposition suggested by the Senator from New York, although I say to him now in all frankness that I do not think such an agreement to a silent vote upon the bill will produce the result that seems to be desired, to wit, prevent a discussion of the presidential veto, because some other measure is sure to come up——

Mr. EDMUNDS. The Louisiana measure, for instance, which is up now and is being debated. [Laughter.]

Mr. THURMAN. Yes; the Louisiana measure; and some Senators who voted for the bill that has been vetoed will feel it to be their duty, as do the Senator from North Carolina and the Senator from Missouri, and perhaps others, to review that veto and to discuss it, and they will discuss it in such wise that according to the common course of human nature the friends of the President will come to his rescue. A debate, therefore, is simply unavoidable. Nevertheless, I am willing for one that the vote may be taken to-day or any day, in silence, on that veto; but it will not accomplish the purpose which seems to be at the bottom of the request, or I suppose it is, and I do not find fault with that purpose, to procure action without any discussion of the presidential veto. A discussion of that measure is sure to come. That veto is too important a measure. It will be historic in this country, and it cannot pass without being discussed.

While I am on this subject, and this being very pertinent to the Louisiana bill which is under consideration, I wish to say one thing more. I have thought from the first that there was but one way in which an agreement could be arrived at by a majority of the Senate upon the currency question—not perhaps a proposition to which I would give my support, but a proposition which might command the support of a majority in Congress. Sir, in the British Parliament, under circumstances such as this country has been placed in for the last five months, an administration that failed to produce a measure and make it an administration measure and stand or fall upon that measure, retain office or go out of office on that measure—an administration which would refuse to do that could not hold office twenty-four hours. And I have thought that although we do not turn out administrations in this country upon an adverse vote of a House of Commons as they do in England, yet if we were back to the days of old Andrew Jackson or Martin Van Buren we would have an administration measure on which the administration would stand or fall.

Sir, when the sub-Treasury bill was introduced during the administration of Mr. Van Buren there was no hesitancy on the part of the administration to take the responsibility, and so it has been from time to time that an administration did not suffer measures to drift along in the troubled channel of congressional debate without ever letting its purposes or its wishes be known or its influence be felt. Now, it is said that although that has been done, and the bark that was launched on the waters has struck upon a presidential rock, yet something may yet be arrived at by way of compromise which can command a majority of the votes in Congress and the presidential approval. Well, sir, if something can be done to that effect, and that will be of benefit to the country, no one will rejoice more than I, and no one will give a proper measure, one that I believe in my conscience to be proper, a stronger support than will I if it shall have that effect, no matter from what part of the Chamber it may come, whether from the Administration side, if there is any Administration side any longer, or whether from the opposition.

But, sir, my own belief about it is that if the course had been taken which has been taken by strong administrations heretofore in the history of this country, which is taken always in England, and upon which an administration agrees to stand or fall, we should have been out of this difficulty long before this.

Mr. EDMUNDS. Mr. President, I like that speech. [Laughter.] It sounds so like old times, and it sounds like the future times if this Administration could only be broken down. My friend from Ohio has given us a foretaste of what he is looking forward to if this Administration should be broken down; of how no man would be suffered to live in the democratic party in this Chamber or out of it who did not bow to the presidential will; and he, naturally enough, takes an interest in the question. He has a perfect right to do so. But, sir, the distinction between republican and democratic administrations is, and it has always been so, that in republican administrations the Chief Magistrate attends to his own constitutional business and does not undertake to dictate to Senators or Members of the House what they should do in order to carry on the business of the country, whereas in the good old times of Andrew Jackson and such, if any democratic Senator failed "to come to time," "to go it through thick and thin," right or wrong, he was "read out of the party." So far as his personal opinions went, saving the last clause in later times, of his right to differ personally about the Wilmot proviso, but bound always to vote with the administration then, right or wrong, before that, and with that exception, no Senator was allowed to have a position in his party who did not stand by the administration. It was for that reason that the people of this country broke down the administrations which had preceded that of Mr. Lincoln, the democratic administrations, because they were not suited to carry on the liberties of the people. It was because under those there had been constant aggression through executive and administrative influence chiefly, more than all others, against the liberties of the citizens of this country and against those equal protections of the laws which now live in your constitutional amendments, and that brought on all our woe, as the saying is.

No, sir; it is no criticism upon the administration of the present President of the United States that a majority, if you please, of Senators who think as he does upon general political questions think as he does not upon this question. They are still just as much entitled to be in the party and of it, according to the principles that regulate the republican party, as I understand them, as have those who happen to-day to think as the President does. It so happens that the Constitution of our country was not framed upon the English precedent; it so happens that the people of the United States who ordained our Constitution did not leave it like the British constitution, that the King should have his party in Parliament all the time, and when his party in Parliament failed all the advisers and officers of the King should depart from their offices and somebody else should come in, and then on the next day, they being overturned by an adverse vote, somebody else should come in; but we undertook to have an ordered government of the people, whose departments should be separate and distinct, each department responsible to the people and not to the others for the propriety with which it managed its part of the affairs of the nation. So it has come that administrations neither press measures, except in the constitutional way and as the Constitution provides, nor do Congresses cease to be supporters of parties and administrations because they differ with him who happens to be Chief Executive of the nation for the time being.

But, as I have said, in the good old times now so long ago, when things reigned in their English purity, and when men like Jackson and Van Buren carried Senates with a high hand and compelled obedience, as if Senators and Representatives were serfs owing a feudal allegiance to their lords, and were compelled to "come to time," as the saying was, it went differently; and the consequence has been, as a Senator behind me has reminded me, that he tried to uphold Mr. Van Buren in that way under this coercive notion of party discipline that the Senator from Ohio believes in, and the result was that the whole house tumbled down together. We believe in the fourteenth amendment and in the right of every Senator in our party to have his individual opinion; and when we ascertain that we cannot act together for the general good of the nation and at the same time have individual independence about particular measures, it will be time enough for us to dissolve without the assistance of that party whose name is so long ago.

But, Mr. President, this perhaps is a little apart from the Louisiana

question. [Laughter.] I should like to have the Secretary read the Louisiana bill, as I have not heard it for a good while. [Laughter.]

The PRESIDENT *pro tempore*. The Senator is strictly in order.

Mr. EDMUNDS. I will waive that request, and now return to what I rose chiefly to say; and that is to repeat what I said some time ago which Senators did not seem to hear, and that was that I was authorized and requested by the Senator from Missouri, [Mr. SCHURZ,] if this question should come up, to ask in his behalf that it should be postponed until his return; that he went away from here almost, as you might say, under the order of the Senate; at the request of the city of Boston in its municipal capacity, the home of Mr. Sumner, to deliver an oration to-morrow in memory of his decease. Under such circumstances, if that Senator desires to be here for his personal feeling or gratification upon that measure, which will not be harmed by two days' delay, ought we not to grant him that grace? He has not gone about his own business. He has gone about the business of the Senate in a character and capacity that he could not well refuse. Therefore in his name I appeal to Senators, if I can be allowed to appeal in his name and at his request, not to press this measure to consideration until Friday, when he may be back.

Mr. THURMAN. Mr. President, when I entered this body five years ago, there was one man who was *facile princeps* in the republican party on this floor. He was a man to whom that party owed more for its very existence than to any other man or ten or a hundred or a thousand men who lived. In the course of time that man, in the exercise of his right to think for himself, saw fit to differ with the Administration on a great public measure; and the result was, as we all know, that he was humiliated in every form that the republican majority in this Senate could humiliate him; that he was thrust out of that committee at the head of which for so many years he had served, and with such distinction and such benefit to the country, and that the time came when that Senator had to seek—no not to seek, but to obtain—a place on humble committees of this body by the votes of the democratic Senators in their caucus. Ah, Mr. President, with so signal a case before us and with the eulogies yesterday pronounced ringing in our ears, I think it will not do for the Senator from Vermont to talk about the independence that is tolerated by the republican party——

Mr. EDMUNDS. Will the Senator allow me——

Mr. THURMAN. Is it perfectly fair to interrupt me just now?

Mr. EDMUNDS. With the Senator's consent; but as it is not agreeable to him——

Mr. THURMAN. I do not like a speech interjected into the middle of mine.

The PRESIDENT *pro tempore*. The Senator from Ohio declines to yield.

Mr. THURMAN. Mr. President, I have never said that the President of the United States should exercise any improper influence in passing measures or preventing measures from being passed through Congress; but I have said, and history will bear me out in saying, that from the time of George Washington and the influence he exerted to procure the ratification of Jay's treaty down to this very day, there never has been a strong administration that commanded the approbation, nay the admiration, of the people, that did not let a lawful, legitimate, and proper influence be felt in the Halls of Congress; not a proscriptive, not an unjust, not an improper influence, but that kind of influence which is expected from the great head of a party, so as to prevent that party from being dashed to pieces by collision among its own members. That is what I say, and that is what the history of the country will bear me out in saying; and the Senator from Vermont would not himself vote for a man for the presidential office who would be so weak, or so blind, or so dull as to let his party revel in the beatitudes of collision, of strife among themselves, without raising his finger to produce harmony in their ranks.

I cannot say that that exactly has been the fault of our administration. When the San Domingo project was before the Senate I think that the opinion of the Executive was very well known. I think that the exertions of the Executive were very plainly felt. I think that that provision in the treaty made by Babcock that the President should use his influence with the Senate of the United States was most faithfully executed. But now, when it comes to a question what shall be done on the great subject of the currency, whether we shall drift off into an illimitable sea of irredeemable paper money on the one hand, or whether we shall rigidly, rigorously, and with unnecessary haste go back to specie payments on the other, or whether we shall take a wise middle course that shall bring us back to a sound currency without unnecessarily disturbing business or oppressing any class of the community, we are told forsooth that it is the duty of the President to wrap himself up in a cloud, hidden from the eyes of Congress, let his own party array themselves in nearly equal divisions on the question, and finally suffer a measure to be enacted which, according to his own principles long avowed, he would be bound to arrest by his presidential veto.

Well, sir, I must say that I am getting nearer to the Louisiana bill than any one has done yet, for that is a bill that brings into view the action of the President of the United States; and it so unfortunately happens with me whether he acts affirmatively or whether he does not act at all, in either event my judgment condemns him.

Mr. EDMUNDS. My friend from Ohio has again defended the propriety of Administration influence over the councils of Congress, not the influence of formal messages such as the Constitution contemplates, but that more powerful and secret influence, as it may be called, which democratic administrations were so accustomed to exert; and, in defense of the propriety of that apparently, he refers to a republican administration, that of George Washington. I suppose that was republican; I do not remember the time, but I imagine it was.

Mr. THURMAN. The democrats were called republicans in those days.

Mr. EDMUNDS. Vice takes often the name of virtue, we are told by the poet; and if I were a democrat I believe I would call myself a republican in order to hold out to the public some title to political respect. But he alludes to Mr. Washington's interference for the ratification of the Jay treaty, so called, as being, I suppose, a just subject of executive influence. Now, I hope I do not misunderstand my honorable friend. I hope I do not understand him to say that. If what we are told of the influence of General Washington about that treaty is true, but which I do not believe, the President of the United States committed a great wrong against the Constitution of his country, and a great violation of his duty. Does the Senator from Ohio mean to say that it is fit under our form of government, or any other that is a rightful government, that one department of the Government shall by threats of displeasure, or by offers of reward or office, undertake to control the Senators of States or the Representatives of the people in their conscientious and sworn action upon public measures? Does the Senator mean that? And yet if he means anything by referring to the interference of General Washington with the Jay treaty he means that back-door and underhanded influences were used, that Senators were appealed to by the hope of reward, or were appealed to by the threat of displeasure and disappointment in respect to matters as to which they might expect to have some influence if they acted as pleased the administration.

Mr. THURMAN. I mean no such thing.

Mr. EDMUNDS. Then what does the Senator mean? Does he mean that General Washington sent the treaty to the Senate with a message recommending its confirmation? If so, he means what everybody means as to what Presidents are to do, because that is what the Constitution says, and that is what the President of the United States has done now. He has sent a message to Congress on the subject of finance, and has vetoed bills from time to time according to his duty, and Senators and Members have acted upon them without destroying anybody's party or without building up anybody's hope of destroying the party, I take it, to any great extent. Then, if we are to recur to what former administrations have done, and what the Senator says they ought to have done, we must look, if my friend means anything by his allusion, to what democratic administrations have done; we must look to those other influences than the constitutional ones, and we must be told that this Senator is threatened that his friends shall be removed from office if he does not stand by a treaty, and that that Senator is told that his friends shall not be appointed to office if he does not stand by the treaty, and that this measure for the improvement of some public river or harbor in his vicinity shall be vetoed or shall be worked down by underhanded opposition if he does not stand by the President. Sir, is that according to the theory of right government? I do not think it is. I know it was the democratic practice in old times, and I believe that that was one of the causes which broke down, as I hope finally and forever, that party with the principles which it then had and which I believe there is some disposition still to stick to.

So, I say, instead of arraigning this President of the United States or any other upon the ground that he has not consolidated the votes of republicans in this Chamber either for this measure or against it, as he in his conscience happened to think, the fact is a matter for the gratitude of the people of this country rather than for reproach that he is endeavoring to preserve their liberties by attending only to those constitutional duties that have been conferred upon him, and leaving us to perform ours that have been conferred upon us.

But the Senator says that that liberty, after all, has not been accorded by this Administration. He has referred to the instance of a Senator who has now gone from us, as to which he has said that because that Senator did not support a certain treaty or a certain measure—I have forgotten the precise language the Senator from Ohio used—he was subjected to every humiliation by the Administration and by his party that a Senator could be subjected to. Let me say to the Senator from Ohio and to the Senate, and to the country if it can hear me, that no man ever uttered a greater mistake, no man ever committed a greater error in statement in his whole life, than the Senator from Ohio has done in that statement. I know he has not intended to misstate; but I happen to know personally that the reverse is the truth. I know that the Administration did not make war upon that gentleman on account of any opposition of his to a treaty or to any other thing. I know that that Administration did not make war upon him at all. I know that he differed with the Administration. I know that he differed with some of those gentlemen with whom he was accustomed to act—he did not with me on that point, for I was as strongly against the San Domingo treaty, if it is lawful to say so here, as the Senator from Massachusetts was, and so were many other Senators. The Senator from Ohio ought not to have forgotten—perhaps he did not know, as he was not in a situation to know very well—that the non-election of Mr. Sumner to a certain committee was not for any such cause as the Senator has stated; that it

was solely for a personal cause, and a cause the propriety of the action upon which commended itself as well to the personal and intimate friends of that Senator as it did to those who were not such, if there were any of that kind here. The Senator therefore has no right to say that that Senator or any other has been pursued by the Administration or by his party for any opinion that he felt himself bound to entertain upon any public, or private question I might add, because the Senator referred to has not been insulted.

Mr. HOWE. If it is agreeable to the Senator, I should like to suggest here in confirmation of what the Senator from Vermont is remarking that the very Senate which declined or neglected to put that Senator at the head of the Committee on Foreign Relations did tender him at the same time the chairmanship of one of the most important committees in this body.

Mr. EDMUNDS. I had concluded, I believe, substantially what I had desired to say, and that was, I repeat now once more, that the allusion which has been made by the Senator from Ohio to a Senator having been condemned or pursued by the Administration in any way, or by his fellow-Senators in this Chamber, is an entire mistake so far as it had relation to anything that the Senator referred to as the cause of what took place. And, Mr. President, I think I am in a better situation to know about what took place in the consultations of the republican members of the Senate than the Senator from Ohio. I again say that I know he did not intend to misstate or to overstate. I should be very glad to say considerably more upon that subject were it not for the unhappy fact that we are now speaking of the attitude and position of a brother Senator who has gone from us, and who cannot explain for himself his own position at that time.

Mr. LOGAN. Mr. President, I do not rise——

Mr. CAMERON. Will not the Senator from Illinois allow me to make a statement?

The PRESIDENT *pro tempore*. Does the Senator from Illinois yield to the Senator from Pennsylvania?

Mr. CAMERON. For a moment?

Mr. LOGAN. I do not care to yield. I think the Senator from Pennsylvania can probably make his speech after I get through mine, which will be very short.

Mr. CAMERON. I shall of course not insist; but I did intend to say a word in continuance of what the Senator from Wisconsin and the Senator from Vermont have just said.

The PRESIDENT *pro tempore*. The Senator from Illinois declines to yield and must not be interrupted.

Mr. LOGAN. The Senator from Pennsylvania is so persuasive that I cannot refuse to do anything that he asks me. I will yield.

Mr. CAMERON. I will not interfere with the Senator from Illinois. I will state to him that I only wanted to say a word in connection with the same subject which was started by the Senator from Ohio and spoken of just now by the Senator from Vermont; but I shall wait until the Senator from Illinois concludes.

Mr. LOGAN. I know, sir, that a majority of the friends of this bill, of those who voted for it on its passage, entered this Chamber this morning without any disposition whatever to say one word upon the subject, and they were perfectly willing to take the vote and let that settle it. They felt, I am sure, that that would be best for all of us, not having reference to party associations at all, but on account of the debate having been prolonged so long as it had been, and really the latter part of the debate had been rather of a character calculated to arouse feelings. I for one certainly thought it was better for all of us that we should vote on this question to-day without discussion. There has been no disposition manifested by the friends of the bill on either side of the Chamber to discuss it. I was in hopes there would be no disposition to precipitate debate by any persons in this Chamber; but we have entered upon a character of debate not exactly pertinent to the bill. The debate has got down to a reference to George Washington, Andrew Jackson, and Martin Van Buren, and the action of a Republican caucus some time ago. How long it will have to continue before we get to the merits of the question before the Senate I cannot tell; but it reminded me a good deal of a Fourth of July oration that was once being delivered, and the gentleman, a very eloquent speaker, commenced at the origin of man; at the third hour he had arrived at Noah's flood; and by that time the crowd concluded they would go to dinner and hear the rest of it at some other time. From this discussion this morning we are now where we shall arrive at the main point of this question probably in four or five days.

I was very sorry to hear our distinguished friend from California, with the sincerity and earnestness with which he always advocates measures, announce that he felt a good deal like talking on this question. I did not suppose that there was any Senator in this Chamber who had so refreshed himself within the last few days that he was able to discuss this question any further, because certainly a man must have renewed his strength if he is able to-day to renew the discussion on the financial question. But I am always pleased to hear our friend from California on any question. Probably at this particular time I should be less pleased, however, to hear him on this question. But occupying the stand-point he does, it is much easier to fight a dead lion than it is a live one. I can always fight a thing that is dead a great deal better than a thing that is living, because it cannot fight back. This bill being dead by the President's veto virtually, the vote to be taken is a mere form. Everybody knows the bill cannot be passed; but I suppose every one desires to put himself on record; I know I do. But what benefit is to be derived from discussing it I have not the power to discern; others may have; unless it be on a principle which I will state presently.

When I said that those who are in favor of the bill had no desire to discuss it this morning, I stated the truth, because nothing could be accomplished by discussion; we could not change Senators' minds by discussing it so as to get them with us, and they could not change us. Hence I see nothing in the world to be accomplished, and I do not, so far as I am concerned, unless I am forced to do it, propose to allude to the question, during this time of voting, more than I am compelled to do.

The bill being dead, it may be that the Senator from California and others may desire to strike it a lick after it is dead on the principle that the boy fought the dog after he was dead. He killed the dog, and after he was dead he pounded him. A man came along and said, "My dear boy, what are you pounding that poor dead dog for?" Said he, "I am going to show him that there is punishment after death." [Laughter.] That may be what my friend from California desires. He desires to learn that there is some suffering in this bill so that when it is dead there is punishment after death. There is no use of fighting the poor thing when it is dead.

Mr. SARGENT. I might desire to prevent a resurrection.

Mr. LOGAN. Prevent a resurrection! Well, one man cannot do that. That is not in the power of one individual. That reminds me of what was said once to a friend of mine who was a candidate for office. He went into a convention but got no votes, and when he came out he said to one of his friends, "Why did you not vote for me?" "Why," said he, "I was for you all the time; did you not know I was your friend?" "Well, I thought so," was the reply, to which the response was, "But what can one man do in a great convention like that?" [Laughter.] The resurrection of things, generally, is not brought about by one man.

I am in good humor about this thing; I am not mad with anybody; this is a question of opinion between Senators, and I am not going to get in a bad humor about it, especially when I am beaten. That is the time when I am always in good humor. But if you commence this debate, you who make yourselves responsible for it will have to take the responsibility. We have no disposition to do it, and you had better let it alone. No good can come out of it, no benefit to the country, no benefit to the Senate, and no benefit to any one individually.

Mr. SARGENT. Will the Senator allow me a moment?

Mr. LOGAN. Certainly.

Mr. SARGENT. I would ask the Senator from Illinois if he is aware of the fact that the agreement on the part of the Senate was resisted by the Senator who was the author of the bill which passed; that I had cheerfully consented that this matter should be taken up on Friday and disposed of without a word of debate—was willing to yield as far as that was concerned? Thinking at first there was some force in the request that had been urged by Senators, and the personal promises they had made, I was disposed to debate the matter if it was taken up sooner than was proposed, thinking there was not the least haste for the disposition of the matter, and that it might be debated under those circumstances, not as a punishment to Senators or the Senate because it should be taken up earlier, but simply because I thought under the circumstances I should be wanting in courtesy if I did otherwise.

Mr. LOGAN. Now a word on that point. The Senator from California gave notice, before any other Senator in this Chamber intimated that he desired to debate the measure, that he was going to debate this bill.

Mr. SARGENT. Allow me a moment.

Mr. LOGAN. Certainly.

Mr. SARGENT. I will refer the Senator to the remarks of the Senator from Missouri, [Mr. BOGY,] who stated that he desired to debate it; wished to take up the veto and give his reasons to show its inconsistency with the President's previous course. Responding to him I said that those who thought differently also desired to be heard.

Mr. LOGAN. Very well. I will not discuss that point with the Senator; but I can make one statement in which I believe I shall be borne out by every Senator on this floor who voted for the bill, without announcing to any one that there was any understanding of that kind, for I will not say that there was, because there were other Senators that I did not speak to in reference to it and that others did not. If the Senate had agreed this morning to take up this bill and vote on it, I do not believe one man, either on the republican or democratic side, who voted for the bill would have opened his mouth to debate its features. I may be mistaken, but that is my honest opinion. I may be mistaken, and if I am, I am certainly willing to be corrected. I do not believe the Senator from North Carolina would have desired to debate the bill if we had taken it up this morning when it was first called up. But there seemed to be a kind of itching desire on the part of some gentlemen to get their fangs upon something or somebody and precipitate debate. I do not desire to debate the bill. I am not much of a debater as far as force or power is concerned, and hence I do not desire to debate it. But the reason I do not desire mostly is because I know it can benefit no one. That is my great reason for it. I say to Senators now we will be quiet and silent; we

know we cannot carry our bill by a two-thirds majority; we are willing to be quiet and silent and vote; but I warn our friends in this Chamber not to commence a war. We are willing, and I say for all, in my judgment, especially for the republicans who voted for this bill, that we desire not to debate it, for the reason that we do not want angry passions aroused here among political friends or even on the part of those who are not friends. Hence I say if debate is precipitated on this bill, take the responsibility you who do it.

Mr. MERRIMON. Mr. President——

Mr. CAMERON. Will not the Senator yield to me?

Mr. MERRIMON. Yes, sir.

Mr. CAMERON. I rose a few moments ago in order to make an explanation in some degree personal to myself, and I am impelled to do it by what was said by the Senator from Ohio [Mr. THURMAN] in regard to the chairmanship of the Committee on Foreign Relations.

I desire to say—and I have sought for the last two years an opportunity to say it—that I was placed in that position by no act of my own. I was placed upon the Committee on Foreign Relations at the first session when I came to the Senate after my election preceding the last, and I was then placed there at the request of the Senator from Massachusetts, [Mr. Sumner,] and I was placed next to himself, he being the chairman and I the second on the committee, serving in that position for several years. When it was determined not to place him on the committee at the beginning of a new Congress because of a difficulty between himself and the Secretary of State—for the Secretary of State said, as I understood, that he could have no official relations with the chairman of the Committee on Foreign Relations because of the unwillingness of the chairman to act with him—I was absent at my home, and I there heard by telegraph that it had been determined to put me at the head of the committee in place of Mr. Sumner. And it was a place to which I was entitled by all the usages of the Senate if the chairman left his position. I left home before daylight, and came here and entered the Senate Chamber for the purpose of declining to serve as chairman simply and solely out of regard for him. As I passed through the Chamber to take my seat in the Senate a gentleman who was overzealous in behalf of the former chairman made some remarks which were, as I believed, unjust to myself; and I left the Senate, went to my committee-room, and refused to act in the matter, casting no vote during that protracted, and, to me, painful struggle.

I have said that by the usages of the Senate I was entitled to that place. I say also that it was important that the head of the Department of State should be in perfect unison with the chairman of that committee about the performance of its important duties, especially with reference to the treaty of Washington. I do not desire to speak of those duties. I do not think it is so very difficult a matter to be chairman of that committee or of any other; and especially will any difficulty disappear when I give you the names of the gentlemen composing the Committee on Foreign Relations. Next to the chairman is the Senator from Indiana, [Mr. MORTON;] next to him the Senator from Maine, [Mr. HAMLIN;] then the Senator from Wisconsin, [Mr. HOWE;] then the Senator from New Jersey, [Mr. FRELINGHUYSEN;] then the Senator from New York, [Mr. CONKLING;] then the Senator from Missouri, [Mr. SCHURZ;] and the Senator from New Jersey [Mr. STOCKTON] and the Senator from Kentucky, [Mr. MCCREERY.] Does anybody believe that that committee, without a head at all, could not perform all the duties required of it? Now why should I be assailed for having taken the place to which I was entitled and to which nobody has an exclusive right?

Mr. THURMAN. I hope my friend will not think that I assailed him. I did not allude to him in the slightest degree.

Mr. CAMERON. I know the Senator from Ohio has too much kindness in him to assail anybody; but within the last fifteen or twenty days I have seen it stated twenty or thirty or more times in the newspapers that I had robbed Mr. Sumner of his place on the Committee on Foreign Relations. My God, sir, I did not rob him of anything! I would rather now, much rather, add to his reputation than detract from it in any way. He had great merits, but he was not the saviour of his country, and especially he was not the only man in the world fitted to be the chairman of any committee of this House. So far from feeling any unkindness to me, he was the last person I spoke to on the day before he died, when I was going home to my sick family. I went to him and asked him to pair with me, and he said, "Yes, CAMERON, I do it gladly," and we shook hands. He said to me, "God bless you," and I said to him, "God bless you." For long years he and I had been on the most pleasant personal relations. I found him here in the Senate when I came back the second time; I had been here before him; and during the years when he and I were here together and during the years of the war, when the gentlemen on the other side never said a kind word of him and many of them were glad to say unkind things of him, I always defended him; and during an occasion in this House, in executive session, when I was assailed he defended me, and I hope that as long as I live I shall do no wrong to any man who ever defended me when I was not present to defend myself. Mr. Sumner's fame may safely rest on the history his laborious life has recorded. Surely his reputation can receive no aid from injudicious friends, nor from his life-long political enemies.

Mr. THURMAN. I have but a word to say——

Mr. HAMLIN. Will the Senator give me one minute?

Mr. THURMAN. Yes, sir.

Mr. HAMLIN. In this connection, inasmuch as the matter has been alluded to as to the chairmanship of the Committee on Foreign Relations, I think it appropriate that I should state that at the time the Senator from Pennsylvania was placed at the head of that committee it was done simply and only because it was understood that Mr. Sumner at that time was not on speaking terms with either the Secretary of State or the President of the United States; and therefore not the proper person to be the organ through which communications should reach this body. That is the fact.

Mr. THURMAN. Mr. President, why Charles Sumner was not on speaking terms with the President of the United States, if such were the fact, or with the Secretary of the State, I leave to his own works and to his own posthumous speech to tell. I do not undertake to decide what is the truth; it is not my province to decide it; but there will be in the history of this country, and a history that will be read long after we have passed away, Charles Sumner's own account of why he was not on speaking terms with the Secretary of the State; and there I am willing to leave it. Of course I know nothing of what took place in the caucus of the republican party further than it was developed in open Senate; for Senators must remember that the decision of the caucus was not acquiesced in by certain members of the republican party, but that the colleague of Mr. Sumner, now the Vice-President of the United States, took the sense of the Senate itself upon the question, and that a debate took place in open Senate which gave to us of the opposition some little insight into the doings of that caucus.

But, Mr. President, I do not wish to do injustice to any one. All I know is, or at least I think I know it, that Mr. Sumner believed to the day of his death that he was a proscribed man because he would not support a particular measure of the Administration. He may have been in error; I do not say whether he was or not; but it was as firmly printed, nay burnt into his mind, as any truth that ever found lodgment there. I do not pretend to say that he was right; but I think the country thought so too. I think the universal sense of the country was that, and I think also it is true that nobody, so far as I know, who knew anything at all about it, ever attributed his displacement to any action or wish of his successor, the Senator from Pennsylvania. Indeed I have an indistinct recollection myself that before the question was decided the Senator from Pennsylvania expressed to me in private conversation his wish to be relieved from the place to which he had been appointed.

Mr. HOWE. Mr. President, I am extremely sorry this discussion has sprung up. If there is any one topic that could be out of order at this time it seems to me this topic must be; but the Senator from Ohio has seen fit to refer to this incident in a history not very remote, an incident with which I was somewhat prominently connected, and I think it due to myself, due to truth, that I should once more state here in the Senate what I stated at the time in the Senate, and what to contradict here or elsewhere will raise a question of veracity.

It was made my duty in a party sense, if not in an official sense, to assign the reasons why the late Senator from Massachusetts was not at that time proposed to the Senate again for the same place. I then and there, in the hearing of the Senate, in the hearing of very crowded galleries, took occasion to say what the Senator from Maine at my left has just reaffirmed, that that Senator's action upon the San Domingo treaty had no influence in bringing about that recommendation. We did not stop to try or to accuse the republicanism of the Senator from Massachusetts. We were informed that his personal relations with the President and with the Secretary of State were such as to, in a measure, we thought, disqualify him from beneficial and profitable service at the head of that particular committee; but in order to show, if conduct or words could show anything, that we did not mean to enter upon the merits of that controversy between the Senator and the Secretary, or between the Senator and the President, we did, as I have just stated, recommend that that Senator be placed at the head of one of the most important committees of the Senate, a committee second in importance probably to no committee in the body.

Now, Mr. President, if I need to add another word by way of corroborating this repeated denial, I think I can be indulged in saying that on the question of that San Domingo treaty I differed but very little in opinion either from the late Senator from Massachusetts or the Senator from Vermont who has just declared what his opinions were in reference to that treaty; and it was impossible, I think, holding the views I did as to that measure, that I could be made the instrument of punishing the Senator from Massachusetts or anybody else for an opposition to the San Domingo treaty. These statements were made at the time. They were given to the public at the time. The Senator from Ohio is pleased to say that in spite of them it was the universal sense of the people that he was punished because of his opposition to San Domingo.

Mr. THURMAN. I say it is my opinion that it was.

Mr. HOWE. It is his opinion that that was the universal sense of the people. Well, he will admit I think, on reflection, that that opinion could not have been quite universal. There were some dissentients. If a very large body of the people preferred or continued to believe that that was an act of punishment meted out to the late Senator from Massachusetts, it is because the American people at that time, like another people we have heard of, preferred to believe what was not true and what there was no plausible ground for believing.

I conclude that the Senator from Ohio is mistaken, that the people did not believe that—at least those who were acquainted with the transaction and what was stated as to the grounds of that charge.

Mr. MERRIMON. I believe the pending motion at this moment is that of the Senator from Iowa, to take up the currency bill and proceed to vote upon it.

The PRESIDENT *pro tempore*. The motion is to postpone the Louisiana bill and proceed to the consideration of the finance bill.

Mr. MERRIMON. I was going to submit this motion as a compromise, and I submit it to the decision of the Chair, that the currency bill be made the special order for Monday next at one o'clock.

The PRESIDENT *pro tempore*. That bill is not before the Senate and cannot be disposed of until taken up for consideration.

Mr. ANTHONY. Mr. President, I fully agree with the Senators who have spoken, and I know, as they know it, that Mr. Sumner was not displaced from the head of the Committee on Foreign Relations on account of his course on the San Domingo treaty; or rather, that was not the reason why he was not reappointed to that position. If so, why was the Senator on my left [Mr. EDMUNDS] made chairman of the Committee on the Judiciary, and why was the Senator on my right [Mr. MORRILL, of Vermont] made chairman of the Committee on Public Buildings and Grounds, both of whom are well known to have differed from the President and agreed with Mr. Sumner on that question?

But that was not what I rose to say. The Senator from Ohio speaks of Mr. Sumner's posthumous speech. There is no such speech. That was not Mr. Sumner's speech. That was a speech which Mr. Sumner wrote, and which he deliberately decided he would not utter; and the man who, over his new-made grave, violated his confidence by the publication of that speech had an opportunity to perform an act of perfidy that few men have ever been able to do.

Mr. Sumner did me the honor to show me that speech. I dare say there are other Senators here to whom he showed it. I know of a number of persons to whom he did show it, and every one, so far as I know, concurred with me in the counsel which I gave him. I do not believe that any man ever advised him to deliver that speech; and I have every reason to believe—I may say I know—that he determined not to deliver it. There were a very few copies intrusted to some of his friends. I believe that every one of them contained in his own handwriting—I have seen one of them—a memorandum that this was in strict confidence and was under no circumstances to be made public; and if Mr. Sumner had lived no man would have dared to make it public.

Mr. EDMUNDS. Both parties advised him not to deliver it.

Mr. ANTHONY. Certainly; gentlemen of every side of politics so advised him; every man he consulted, whether on political or personal grounds, so far as I am advised, counseled him not to deliver it, and it was not his speech; it was a speech not only that he did not make, but a speech that after mature consideration he decided he would not make.

Mr. SHERMAN. Senators must be conscious that the day is being wasted away without anything being accomplished, and I do appeal to them all that we may take the vote upon the motion of the Senator from Iowa. I feel perfectly indifferent whether it is voted up or voted down. It is not a matter of the slightest consideration; it ought not to detain a debating club twenty minutes to determine whether the vote shall be taken to-day or on Friday. I think, as do other Senators who have spoken, that in deference to the expressed wishes of the Senator from Missouri, and also in view of the fact that a Senator is about to appear among us to exercise for the first time the duties of his office, it is but reasonable and fair and ordinary courtesy, which has a thousand times been extended for slighter causes, that we should postpone this question until a reasonable time, say Friday or Monday; but whether we do or do not, it is a question of such small importance that certainly a day of valuable time ought not to be wasted. I hope, therefore, the Senate will take the vote on the proposition of the Senator from Iowa. If it carry, I shall feel it my duty then to move to postpone the further consideration of the subject until Friday next, and make it a special order.

And now as to the debate upon this question. The Senator from North Carolina desires to debate it. I believe he is the only Senator who stands reserving his right to debate it. As a matter of course he can do so; but I think a general feeling is shown of a manifest desire on the part of the Senate to avoid any debate on this question, which can lead to no good, which can lead to no result. The vote upon that bill is fore-ordained as much as anything can be; and in the ordinary course of things we know it just as well as we would know it after the vote is announced. Opportunities will be presented to debate all the question, together with the views of the President, upon bills that must necessarily be reported, bills that are daily acted upon and referred and will be reported upon in due time. Why, therefore, enter into a long debate which may lead to criticisms of each other and of the President as to whether we have always thought alike upon this question, when probably in a short time we shall have before us all the questions involved in the financial and currency problems?

Without detaining the Senate, I feel that I have the right to appeal to the Senate to give us a vote definitely upon the proposition of the Senator from Iowa, which is the only one pending, and then if the Senate refuses to take up the bill, that I will look upon as an indication that on Friday next at least it shall be taken up by common consent; but if it shall be taken up now, I shall feel it my duty to move to postpone it until Friday next, or Monday, so that we may then take it up and vote upon it without further debate.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Iowa.

Mr. CONKLING. May I inquire now whether any Senator objects to the proposition I made some time ago, that on Friday at two o'clock, without any debate or division, we proceed to dispose of this bill?

The PRESIDENT *pro tempore*. The Senator from New York asks unanimous consent that on Friday next, at two o'clock, the Senate will proceed to the consideration of the finance bill and vote upon it without debate. Is there objection to this general understanding?

Mr. MERRIMON. I object.

The PRESIDENT *pro tempore*. The Senator from North Carolina objects.

Mr. CONKLING. Then we now know on which side he is who proposes to devote time to discussing a dead bill.

Mr. MERRIMON. I am willing to take the responsibility.

Mr. ANTHONY. I do not think the case is a desperate one for settling this question without any considerable time. If the Senator from North Carolina deems it his duty, as it is certainly his right, to discuss this question, he does only what every Senator has a right to do, and no one can complain; but if nobody else desires to discuss it, why can we not agree that at the conclusion of the remarks of the Senator from North Carolina we will take the question without further debate; and if anything shall be said that Senators may wish to reply to, we all know we shall have ample time, not necessarily upon this bill, but cognate questions will be coming up all the time.

Mr. SARGENT. I certainly shall not consent to a partial arrangement of that kind. The Senator from North Carolina, as is his undoubted right, retains the right of speaking at that time, and I think other Senators should retain the privilege of replying then and there to whatever he may say, if they shall so desire. Something has been said in this debate in reference to the responsibility Senators take in debating measures. I think we are accustomed to take responsibilities every hour of our lives. Every vote we cast, every word we say, implies responsibility. For myself, I shrink from no responsibility which is necessary to the discharge of my duties.

Mr. TIPTON. I think the Senate of the United States has never exhibited since I have been in it any such feeling as that exhibited on this occasion: a fear—more than a fear, an absolute terror—lest a discussion should spring up on the important question of a presidential veto. Why, Mr. President, how is it that unless every Senator gets up and avows on his own part that his silence is not to be construed into a determination not to discuss, therefore it is to be inferred that he is not to discuss? Now, while there may be scores of Senators around me who have not said but what they will speak on this question, it is to be simmered down to this, that the Senator from North Carolina will be supposed to speak on the question because he has declared that he will speak on the question. There may be scores of Senators who have said nothing on the subject yet, and who may be anxious to speak on the question when the question arises; and this universal fear, this great care, this timidity on the part of Senators about discussing a question of this kind after it has been spoken on from the White House, is what I do not quite understand. I know one thing, that when the President of the United States in his first message declared he would have no opinion and be tenacious about no view of his own in opposition to the opinion of the people of this country he must have meant something; and therefore I think when he goes back upon that proposition he does it for causes which are so very grave that it would be worth while for the Senate of the United States to pay some respect to those causes. Have not the people spoken in the House of Representatives? Have not the Representatives of the States spoken here? And now, if the President has found it necessary to veto what seems to be the expressed will of the people, is it not important that Senators should pay common respect to his opinions before their constituents and before the country? Yet, strange as it may appear, the effort of the day has been to bring us to that point that we will all be submissive, say nothing about the consistency or the constitutionality or the propriety of the message. Extreme care, wonderful solicitude for a great, unshaken, and intrepid party!

Now, sir, I wish to say one other thing in regard to the question that was just spoken of by the Senator from Rhode Island. I have never seen that undelivered speech; I have never sought to find the papers in which it was published; I have never seen one word of it; and yet if men are to utter denunciations in regard to it, do those denunciations go to the facts asserted by the Senator? Are we to understand that there was something so false in that speech, so at variance with the truths of history, so opposed to all that the country knows and understands on that question, that therefore the document should never have been published? I trust no Senator insinuates anything of that kind, but that gentlemen only make their point as to the propriety of publishing great and unequivocal truths. I have never seen that speech; but such is my confidence in the undoubted integrity of the man who wrote it, such is the confidence of the people in its author, such was your confidence yesterday, whatever it may be to-day, as that every Senator in his place here believes that whatever may be in that document it might be almost sworn to

in the dark and without reading it as true, knowing that nothing but truth could emanate from the deceased Senator from Massachusetts. If, therefore, he put down truths which he wrote as facts, swelling up from a heart that was burdened with the whole subject; if he wrote them, and afterward he said within himself "Truths they are; they have entered into my very soul; they have pierced me through; nevertheless they are living truths; but my friends counsel me not to publish them, and I will not publish; I will yield to them; I will lay aside the document in the dark, but it is true. If ever they should see the light they are God's truths." Then what will you do with it? What have you got to say about the truths and the facts that may be contained in that document? I will look into that document hereafter. I will make some little effort now to procure that document and to look at it in regard to the truth that is couched in it. It is true. Colored it may be with personal feeling; nevertheless it is true, and Massachusetts will indorse it to-day from one end of the State to the other as true, and perhaps eulogize the discretion, the courtesy, the clemency that saved the men of that day from the influence of that truth. That is all.

Mr. MORRILL, of Maine. Mr. President, I should think that by this time it was quite obvious from what has fallen in the Senate to-day that there is no disposition at least to debate the Louisiana question, and probably none at all upon either side of the Chamber, upon any political division or otherwise, to at any length debate the veto message; and the reasons why are so obvious to every gentleman that no man has undertaken to say why it should be otherwise. No Senator on either side has expressed any desire in the present contingency of affairs except my honorable friend on the left, [Mr. MERRIMON,] who thinks he may desire to reserve the right to do so on another occasion. I have heard no Senator say to-day that there was anything to be gained by voting upon this proposition to-day; I mean any public exigency requiring it. Nor have I heard any Senator indicate that from the postponement of it to Friday, or to the fore part of next week, any public inconvenience or injury to the public would probably arise.

Now, I want to appeal to my honorable friend from Iowa who made this motion, under these circumstances, as nothing is to be gained by voting to-day, as no injury is to come to the public by postponing it until Friday, or until Tuesday next, if you please, considering there is such slight probability of a discussion on the subject, whether he will not qualify his motion so as to say, let us postpone this matter until Friday or Tuesday next and take our chances about speeches on that occasion. It is obvious that there is no desire on either side to discuss the proposition to-day, and there is but little probability that there will be any greater desire on next Friday, or at a later day, and there is a very strong probability that it will be even less. I submit, then, whether it is worth while for us longer to delay fixing a day and taking the chances of any speeches which any gentleman may feel a sense of duty to inflict. My honorable friend from North Carolina, than whom no man is more generous and considerate, will have no disposition, I am sure, to make a speech on that occasion unless he deems that the exigency of the case requires it.

I do not appeal to my honorable friend from Iowa, but I suggest whether under the circumstances he will not consent that this bill shall go over until Friday next, or such day as he chooses to indicate, taking the chances of such debate as may spring up on the subject.

Mr. WRIGHT. If I could reach the conclusion reached by the Senator from Maine that the postponement of this question until Friday would probably shorten the debate, I would be very ready to concur in his suggestion; but my opinion, from what has been developed here to-day, is, that we shall dispose of this question in a shorter time and much better to all concerned if we take it up at this time and insist upon a vote. I therefore, with every disposition to accommodate the wishes of Senators around me, feel compelled and constrained to insist on the motion as I made it this morning. I believe if that motion had been disposed of promptly and the bill taken up at once, we should have had the question out of the way long ago, should have had no discussion at all, and there would have been no resistance; but we have got to the point where I think the best thing we can do is to vote on the proposition to take up this bill. I therefore ask for a vote on the proposition.

The PRESIDENT *pro tempore*. The Senator from Iowa moves to postpone the Louisiana bill and proceed to the consideration of the bill known as the finance bill, being the bill returned by the President with his objections.

Mr. EDMUNDS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MORRILL, of Maine. On this question I am paired with the Senator from Indiana, [Mr. MORTON,] who is detained from the Senate to-day on account of illness. If he were present he would vote to take up the matter and I should vote against it.

Mr. RANSOM. On this question I consider myself paired with the Senator from Missouri, [Mr. SCHURZ.]

The question being taken by yeas and nays, resulted—yeas 35, nays 27; as follows:

YEAS—Messrs. Alcorn, Allison, Boreman, Cameron, Carpenter, Clayton, Conover, Dennis, Dorsey, Fenton, Ferry of Connecticut, Ferry of Michigan, Goldthwaite, Gordon, Harvey, Hitchcock, Ingalls, Lewis, Logan, Merrimon, Mitchell, Norwood, Oglesby, Patterson, Pease, Pratt, Ramsey, Robertson, Spencer, Sprague, Tipton, Wadleigh, West, Windom, and Wright—35.

NAYS—Messrs. Anthony, Bayard, Bogy, Boutwell, Buckingham, Chandler, Conkling, Cragin, Davis, Edmunds, Frelinghuysen, Gilbert, Hager, Hamilton of Maryland, Hamlin, Howe, Jones, Kelly, McCreery, Morrill of Vermont, Sargent, Scott, Sherman, Stevenson, Stewart, Stockton, and Thurman—27.

ABSENT—Messrs. Brownlow, Cooper, Flanagan, Hamilton of Texas, Johnston, Morrill of Maine, Morton, Ransom, Saulsbury, and Schurz—10.

So the motion was agreed to.

The PRESIDENT *pro tempore*. The bill (S. No. 617) to fix the amount of United States notes and the circulation of national banks, and for other purposes, is now before the Senate; and the question is, Shall the bill pass, notwithstanding the objections of the President of the United States? upon which question the Constitution requires that the yeas and nays shall be taken. Senators in favor of passing the bill, notwithstanding the objections of the President of the United States, will as your names are called answer "yea," those opposed "nay," and the Secretary will call the roll.

Mr. MORRILL, of Maine. On this question I am paired with the Senator from Indiana, [Mr. MORTON,] who if here would vote "yea" and I should vote "nay."

Mr. RANSOM. On this question I am paired with the Senator from Missouri, [Mr. SCHURZ.]

The question being taken by yeas and nays resulted—yeas 34, nays 30; as follows:

YEAS—Messrs. Allison, Bogy, Boreman, Cameron, Carpenter, Clayton, Conover, Dennis, Dorsey, Ferry of Michigan, Goldthwaite, Gordon, Harvey, Hitchcock, Ingalls, Johnston, Lewis, Logan, McCreery, Merrimon, Mitchell, Norwood, Oglesby, Patterson, Pease, Pratt, Ramsey, Robertson, Spencer, Sprague, Tipton, West, Windom, and Wright—34.

NAYS—Messrs. Anthony, Bayard, Boutwell, Buckingham, Chandler, Conkling, Cragin, Davis, Edmunds, Fenton, Ferry of Connecticut, Flanagan, Frelinghuysen, Gilbert, Hager, Hamilton of Maryland, Hamilton of Texas, Hamlin, Howe, Jones, Kelly, Morrill of Vermont, Sargent, Scott, Sherman, Stevenson, Stewart, Stockton, Thurman, and Wadleigh—30.

ABSENT—Messrs. Alcorn, Brownlow, Cooper, Morrill of Maine, Morton, Ransom, Saulsbury, and Schurz—8.

The PRESIDENT *pro tempore*. Upon this question the yeas are 34 and the nays are 30. Two-thirds of the Senators present not having voted in the affirmative, the Senate refuses to pass this bill.

EXECUTIVE SESSION.

Mr. BOREMAN. I move that the Senate proceed to the consideration of executive business.

Mr. FRELINGHUYSEN. I hope the Senator will withdraw that motion for a minute.

Mr. BOREMAN. For a moment.

Mr. FRELINGHUYSEN. I move that the Senate proceed to the consideration of Senate bill No. 1, being the civil-rights bill.

Mr. BOREMAN. I shall have to insist on my motion to proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The Senator from West Virginia declines to yield for the motion of the Senator from New Jersey.

Mr. FRELINGHUYSEN. I hope the Senator will let a vote be taken so that we may know whether we are to take up the bill to-morrow morning.

Mr. HAMILTON, of Maryland. I hope not.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from West Virginia.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at four o'clock and ten minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April* 28, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

RATIONS FOR SUFFERERS IN THE SOUTH.

Mr. GARFIELD. The Committee on Appropriations have directed me to ask unanimous consent to report a bill to make an appropriation for the purchase of rations in accordance with the bill which became a law a few days ago.

There being no objection,

Mr. GARFIELD reported from the Committee on Appropriations a bill (H. R. No. 3161) to enable the Secretary of War to carry out the act of April 23, 1874, entitled "An act to provide for the relief of persons suffering from the overflow of the Mississippi River."

The bill was read. To enable the Secretary of War to carry out the provisions of the act approved April 23, 1874, entitled "An act to provide for the relief of persons suffering from the overflow of the Lower Mississippi River" the bill appropriates $90,000, out of any money not otherwise appropriated, for the purpose of purchasing supplies of food, to be issued under the direction of the Secretary of War to any and all classes of destitute or helpless persons living on or near the Lower Mississippi River who have been rendered so by reason of the recent overflow.

Mr. WILLARD, of Vermont. I would like to hear an explanation of this bill.

Mr. GARFIELD. The gentleman will remember that a bill was passed by both Houses, and has now become a law, directing the War Department to supply rations so far as necessary to twenty-five thousand people in the country where they are suffering from the overflow of the Mississippi River. The War Department has not a surplus of rations, or at least if it uses for this purpose what it now has an appropriation of this amount will be required to supply the deficiency. Therefore we propose, according to the letter of the Secretary of War which has been sent to the Committee on Appropriations, to appropriate $90,000, to enable him to purchase rations, which it would be best for him to purchase as near as possible to the place where they are required, rather than send them from a distance. I will put on record that letter as a part of my explanation.

The letter is as follows:

WAR DEPARTMENT,
Washington City, April 23, 1874.

SIR: I have the honor to transmit herewith a special estimate of the Commissary-General of Subsistence for payment for rations to subsist destitute persons on the Lower Mississippi River, in accordance with the recent act of Congress authorizing the issuing of food for that purpose, and to invite your attention to the accompanying letter of that officer explaining the necessity therefor, arising from the depleted state of the appropriations of his Department.

Very respectfully, your obedient servant,

WM. W. BELKNAP,
Secretary of War.

Hon. JAMES G. BLAINE,
Speaker of the House of Representatives.

OFFICE COMMISSARY-GENERAL OF SUBSISTENCE,
Washington City, April 23, 1874.

SIR: Congress having by joint resolution authorized the issue of food to the sufferers by overflow residing on the Lower Mississippi, and upon an examination it is found that no supplies of food can be spared from the various military stations in that region, and after a verbal conference upon the subject with the President of the United States and yourself, and having been directed to procure five hundred thousand rations of meat, flour, beans or rice, I have the honor to submit herewith an estimate for $90,000 for the purpose of carrying out the intent of the law above referred to and the instructions which I have received.

This estimate is based upon a daily issue to twenty thousand people for twenty-five days.

In this connection I think proper to state that the balance of the appropriation for the subsistence of the Army yet undrawn from the Treasury is at this moment $49,122.55, but the unfilled estimates now in this office will more than exceed this sum; it will therefore be perceived that the Subsistence Department is without means to make payment for the food which the law authorizes to be issued.

I have the honor to be, very respectfully, your obedient servant,

A. E. SHIRAS,
Acting Commissary-General.

Hon. W. W. BELKNAP,
Secretary of War.

Special estimate for payment for food to subsist destitute persons on the Lower Mississippi River, made in accordance with the act of Congress which passed both Houses April 21, 1874.

Five hundred thousand rations of meats, flour, beans or rice, at eighteen cents per ration, $90,000, being twenty-five days' supply for twenty thousand persons.

A. E. SHIRAS,
Acting Commissary-General.

OFFICE COMMISSARY-GENERAL, *April* 23, 1874.

Mr. WILLARD, of Vermont. Are these rations to be shipped from here? I see a statement this morning that they are.

Mr. GARFIELD. The clothing will be shipped from here, and the Department is now shipping rations from the nearest points where they are on hand; but it is best that the Department should have the money to buy rations in the nearest markets where they can be purchased.

Mr. WILLARD, of Vermont. Is the gentleman prepared to state how much all the rations and clothing supplied will cost at the commutation price?

Mr. GARFIELD. I cannot tell about the clothing; this bill relates only to rations. The necessary rations for twenty thousand people for twenty-five days are estimated in the letter of the Secretary of War to cost $90,000. The clothing is already on hand.

Mr. BECK. Is there any requirement of a report by the Secretary of War of his action in this matter?

Mr. GARFIELD. Nothing, unless it is in the other bill. I do not know whether the original bill contained any such requirement or not.

Mr. BECK. I think we ought to have a report from him of his distribution, so that we may see that it is fair and equal.

Mr. GARFIELD. I suggest, then, that this clause be added to the bill:

And the Secretary of War is directed to report to Congress the expenditures made in pursuance of this act.

Mr. BECK. We want to know how this distribution is made. We do not want the Secretary of War to give these supplies to only a few of the sufferers.

Mr. NEGLEY. It is customary for the Department to make reports of these matters; and at any rate the report can be called for at any time.

Mr. GARFIELD. We may as well make a special requirement in this bill.

The SPEAKER. If there be no objection the amendment suggested by the gentleman from Ohio [Mr. GARFIELD] will be considered as adopted, and the bill will be regarded as read three times and passed.

There was no objection.

Mr. GARFIELD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

UNITED STATES OFFICIALS AT NEW YORK.

Mr. WOOD, by unanimous consent, submitted the following resolution; which was referred to the Committee on Ways and Means:

Resolved, That the Committee on Ways and Means be authorized and directed to inquire whether any, and if so, whom, of the United States Government officials of the city of New York have absented themselves or are now absenting themselves from their official duties to influence and control by corrupt and improper means State legislation at the capital of that State; and also whether for those objects they have offered to members of the Legislature, as inducements, places of profit connected with their offices in New York to be given after the adjournment of the Legislature.

DIPLOMATIC AND CONSULAR SYSTEMS.

Mr. ORTH. I ask unanimous consent that the provisions of the bill (H. R. No. 1766) to amend an act entitled "An act to regulate the diplomatic and consular systems of the United States," approved August 18, 1856, and for other purposes, may be regarded as in order as amendments in Committee of the Whole to the diplomatic and consular appropriation bill.

There was no objection; and it was ordered accordingly.

CHANGE OF REFERENCE.

On motion of Mr. DAWES, by unanimous consent, the Committee on Ways and Means were discharged from the further consideration of bills of the following titles; and they were referred to the Committee on Commerce, not to be brought back on a motion to reconsider:

A bill (H. R. No. 1107) to amend an act entitled "An act to reduce internal taxes, and for other purposes," approved July 14, 1870; and

A bill (H. R. No. 867) to amend section 35 of the act entitled "An act to reduce internal taxes, and for other purposes."

SOLDIERS AND SAILORS' HOMESTEADS.

Mr. NEGLEY. I ask unanimous consent to submit for consideration the following resolution:

Resolved, That the Committee on Military Affairs be, and is hereby, directed to prepare and report a bill to amend the act relating to soldiers and sailors' homesteads, passed June 8, 1872, so as to allow honorably discharged soldiers and sailors, their widows and orphan children, to acquire homesteads on the public lands of the United States without being required to commence settlements and improvements on said land.

Mr. MAYNARD. I must object to that unless it is made discretionary with the committee.

Mr. NEGLEY. This is discretionary with the committee.

Mr. MAYNARD. It instructs the committee absolutely.

Mr. NEGLEY. To report the bill simply.

Mr. WILLARD, of Vermont. I must object unless it is amended.

The SPEAKER. The gentleman objects unless the committee are instructed to inquire into the expediency of reporting a bill.

Mr. NEGLEY. I have no objection to that modification.

Mr. DUNNELL. I object.

INTERNATIONAL LAND AND IMMIGRATION COMPANY.

Mr. MAYNARD. Mr. Speaker, there was a bill introduced (H. R. No. 2888) to incorporate the International Land and Immigration Company, which was read twice, referred to the Committee on the Public Lands, and ordered to be printed. Among the incorporators is the name of Mr. John Trimble, of Tennessee, a gentleman formerly a member of this House from the Nashville district, who writes me a letter in which he states that the use of his name as one of the corporators in that bill was unauthorized, and he desires it should be publicly and formally withdrawn.

Mr. POTTER. Is that the same bill of incorporation in respect to which the name of George W. Childs, of Philadelphia, was also used without his consent?

Mr. RANDALL. It is.

The SPEAKER. The Chair will state, although he does not feel authorized to name any individual, that he has received more than one letter complaining of the unauthorized use of names in this bill.

Mr. RANDALL. Will the gentleman from Tennessee state where this bill is at present?

The SPEAKER. The indorsement upon the bill itself will show.

Mr. MAYNARD. The bill is now before the Committee on the Public Lands.

Mr. COBURN. In connection with the bill offered by the gentleman from Pennsylvania in reference to soldiers' homesteads I wish to say that that subject has been before the Committee on Military Affairs and is now being considered, and, whether with or without the instructions of the House, will be reported upon at the proper time.

The SPEAKER. It has been objected to.

Mr. COBURN. That measure is already there and will be considered and reported upon.

Mr. TOWNSEND. In answer to the inquiry of the gentleman from Tennessee in regard to the status of the bill to incorporate the International Land and Immigration Company, I wish to say that that bill has been before the Committee on the Public Lands.

Mr. MAYNARD. Before the gentleman proceeds I want him to understand that I do not ask for any explanation. What I ask is unanimous consent on the part of Mr. Trimble that his name shall be withdrawn from the bill.

The SPEAKER. The Chair hears no objection, and that will be done.

Mr. TOWNSEND. I desire, however, to state the status of the bill, because there seems to be some apprehension in regard to it. I merely desire to say it is before the Committee on the Public Lands; it has been considered in a measure and ordered to be printed and recommitted, but no final action has been taken upon it in committee.

Mr. RANDALL. I wish to know whether that recommittal has been reconsidered and the motion to reconsider laid upon the table?

Mr. TOWNSEND. Yes, sir. The gentleman need not, however, be alarmed about the bill.

DISTRICT INVESTIGATION.

Mr. SPEER. I ask unanimous consent to submit the following resolution:

Resolved, That the Joint Committee on Investigation of the Affairs of the District of Columbia be, and they are hereby, authorized to hear the grievances of the workingmen engaged on public improvements under the board of public works or any or all of the contractors of the same; and that all witnesses required by them be subpœnaed by the committee, and that their counsel have the same rights and privileges accorded counsel for the memorialists and those of the board of public works.

Mr. HUBBELL. I object.

BANKING AND CURRENCY.

Mr. PARSONS. I ask unanimous consent to submit the following resolution:

Resolved, That the Committee on Banking and Currency be directed to prepare and report to this House, at the earliest period practicable, a bill to provide for free banking within the limits of the United States, containing the following provisions:

First. *Provided*, That the business of banking shall be free within the limits of the United States. Each national bank heretofore or hereafter to be established to have the right to issue all the currency it requires, provided it shall, to secure the redemption of such circulation, deposit with the Treasurer of the United States, the gold-bearing 5 per cent. bonds of the United States at the rate of dollar for dollar.

Second. That for every $100 in national-bank notes so issued as currency there shall be withdrawn from actual circulation and destroyed the sum of fifty dollars in the legal-tender notes of the United States, until the total amount of legal-tender notes of the United States outstanding shall not exceed the sum of $250,000,000.

Third. That whenever the Comptroller of the Currency shall give notice to the Secretary of the Treasury that the total amount of legal-tender notes of the United States outstanding does not exceed the sum of $250,000,000, the Secretary of the Treasury shall thereupon give public notice that after thirty days from the date of such notice the United States will redeem, on presentation, all legal-tender notes offered for redemption, in gold or silver coin of the United States.

Fourth. That upon the resumption by the United States of specie payments as aforesaid, it shall be the duty of the national banks of the United States to redeem all their outstanding notes, as the same shall be presented at the counters of their respective banks, in gold or silver coin of the United States, or in the legal-tender notes of the United States.

Mr. RANDALL. I object.

Mr. PARSONS. I ask that the resolution may be referred to the Committee on Banking and Currency, and ordered to be printed.

Mr. RANDALL. I do not object to that, if the resolution is not an instruction to the committee.

The SPEAKER. It is not an instruction.

The resolution was referred to the Committee on Banking and Currency, and ordered to be printed.

JUDGE WILLIAM F. STORY.

Mr. WILSON, of Indiana. I ask unanimous consent to report from the Committee on the Judiciary the following resolution; and ask its present consideration:

Resolved, That the Committee on the Judiciary be, and is hereby, instructed to inquire whether Judge William F. Story, judge of the district court of the United States for the western district of Arkansas, shall be impeached for high crimes and misdemeanors, and that said committee have power to send for persons and papers.

Mr. MAYNARD. Unless some reason be given for the adoption of such a resolution I cannot consent to it.

Mr. WILSON, of Indiana. I will state to the House the reason for the resolution. There was a memorial presented containing nineteen specifications against Judge Story, and the Committee on the Judiciary proceeded to consider the matter, on the supposition that a resolution of this kind had been passed by the House. I was very confident that such a resolution had been passed, but on examination we were unable to find it, and this is simply to cure any defect of that sort

Mr. MAYNARD. This does not cure it, in my judgment. I ask that the matter lie over, because such a matter in relation to a judge ought to have a basis to rest upon.

Mr. WILSON, of Indiana. There is this basis, that the memorial has been referred to the committee.

Mr. MAYNARD. Is it on the record?

Mr. WILSON, of Indiana. It is on the record as referred to the committee by the House, and the committee have already acted upon it.

Mr. MAYNARD. I must object to the resolution to-day.

Mr. ELDREDGE. If the gentleman from Tennessee [Mr. MAYNARD] will give me his attention one minute I think I may be able to induce him to withdraw his objection. The gentleman misapprehends this matter altogether. The subject has been referred to the Committee on the Judiciary, and they have been engaged in its investigation for some time. There are several witnesses here already who have come from the State of Arkansas, and we desire to examine them to-day, that they may go home and that the expense of their further attendance may be saved.

Mr. MAYNARD. If any gentleman of the Judiciary Committee will say that he has facts within his knowledge, or that facts are before the committee, which would justify the House in passing such a resolution, I will not object to it. The only thing I dislike is to have a resolution of this sort brought in with nothing to base it on.

Mr. ELDREDGE. There are nineteen charges against this judge pending before the Committee on the Judiciary, and the committee have been ordered by the House to make the investigation. It was supposed that this authority to send for persons and papers with a view to make that investigation had been given to the committee; but it is ascertained that the resolution if passed is lost. The witnesses are here, and the committee desire to proceed with the investigation of the charges of bribery and corruption, which are the charges that are brought. They are specifically set forth in the memorial which is before the Committee on the Judiciary.

Mr. MAYNARD. On that statement of the gentleman from Wisconsin I withdraw my objection.

Mr. G. F. HOAR. I wish to inquire of the Chair if this is not a privileged motion, which the committee may present at any time, and which one objection cannot defeat?

The SPEAKER. On a matter referred to the committee it would be.

The resolution was agreed to.

Mr. WILSON, of Indiana, moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SESSION FOR DEBATE ONLY.

Mr. MAYNARD. There are several gentlemen who wish to address to the House speeches on various subjects connected with the interests of the Union, and they desire to have a session for debate only as in Committee of the Whole on as early a day as suits the convenience of the House. I suggest that to meet the gentlemen's views we hold a session——

Mr. LAWRENCE. This evening.

Mr. MAYNARD. Well, this evening.

The SPEAKER. The gentleman from Tennessee asks that by unanimous consent there be a session of the House this evening as in Committee of the Whole on the state of the Union on the President's message, and if there be no objection that order will be made.

Mr. CONGER. No other business to be transacted?

The SPEAKER. Of course.

Mr. ELLIS H. ROBERTS. I object.

DOROTHEA IRONS.

Mr. RUSK, by unanimous consent, from the Committee on Invalid Pensions, reported back the bill (H. R. No. 2926) for the relief of Dorothea Irons, mother of Lieutenant Joseph F. Irons, late of the First United States Artillery, and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Claims.

The motion was agreed to.

Mr. GARFIELD. I demand the regular order.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The SPEAKER. The regular order being demanded, the House resumes the consideration of the bill (H. R. No. 2064) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes, on which the previous question is operating. The gentleman from Ohio [Mr. GARFIELD] is entitled to one hour to close debate.

Mr. GARFIELD. I shall only occupy a few minutes. I wish to call the attention of the House to the leading changes which have been made in the bill in the Committee of the Whole. The debate in the Committee of the Whole was continued through many days, but there have been very few radical changes made in the bill. I have prepared a table showing the additions and reductions that have been made on the appropriations originally contained in the bill.

The Committee on Appropriations believe that three important reforms have been incorporated in this bill; and, if it becomes a law, they will prove of very great value in the direction of good government and economy. The first is the result of what the House itself did before the bill was brought in—by the reduction of salaries. The reduction of salaries in this bill amounts, for the two Houses, as regards the compensation of Senators and Members, to $940,000—$190,000 for the Senate and $750,000 for the House.

The reduction of the expenses of the two Houses, exclusive of members' salaries, consists in part of reductions of the salaries of employés, but mainly in the reduction of contingent expenses. This class of reductions amounts to $170,964.20, making a total reduction of legislative expenses in this bill of $1,110,000 in round numbers.

The second thing to which I call attention is the proposed reduction in civil employés. There has been a reduction in clerical force, including messengers and other employés, of 585 persons. Of these 190 are in the War Department, and 395 are in the other Departments; but chiefly in the Treasury. This we believe has not cut so deep into the organization of any of the Executive Departments but that they can with extra work and a little extra care get on reasonably well with

their business. This has produced a corresponding reduction of about $500,000 in the executive expenses due to that cause alone.

Then there has been a reduction made resulting from a reform in regard to the expenses of the national loan. I have spoken of that once before briefly, and I simply remind the House of what it is. All the expenses that have heretofore been borne under the head of expenses of the national loan, and which amounted in past years to $3,806,000, were by permanent appropriations that never appeared in our annual bills at all. That expense is for the maintenance of the Bureau of Engraving and Printing, and for the payment of about six hundred clerks outside of the Bureau, in the office of the Secretary, the Register, the Treasurer, and the First Auditor. We have swept away in this bill all laws that make permanent appropriations, and have substituted what never appeared before in any regular appropriation bill, $2,151,000 under the head of expenses of national loan. We have thereby been able to make a reduction of $645,000 under that head alone, believing that we shall really save that much which has been expended heretofore in large salaries, and in the employment of a large number of persons, more, we think, than has really been necessary; and, furthermore, the work ought to be decreasing, and we hope that it will decrease hereafter.

Another reform has been put into this bill, the credit of which is due to the gentleman from Indiana [Mr. WILLIAMS] and the gentleman from Connecticut [Mr. KELLOGG] and their respective committees. By their amendment in regard to the War Department they have swept away a large number of provisions of old statutes, reaching back to the days of the war, that allowed the Secretary of War to employ an unlimited number of persons in his Department, according to his discretion, out of the enlisted force of the Army; and, furthermore, authorized him to create a special corps, to be known as general-service men, who were enlisted for the purpose of making them clerks. The result has been that we have had no control over the number of clerks and other employés in the War Department; for the Secretary had under the permanent appropriations, or rather the appropriations for the pay of the Army, full liberty to employ any number he pleased. This, I think, is a great reform, and the gentlemen I have named and their committees are entitled to that credit. I think they have dealt liberally with the Departments, and perhaps have given them more force than is really necessary.

We have been able to make a reduction in most of the other departments of the Government; but in some that were not especially affected by the war there has been a slight increase. There has been added to the bill in Committee of the Whole appropriations to the amount of $134,977.50; but a large part of that was by putting in omitted clauses. For instance, the Committee on Appropriations had failed in one case to the extent of $35,000 in putting in appropriations for the Patent Office, which were estimated for and which we believe are necessary. This was a mere omission of the Committee on Appropriations and should not be considered an increase. A large share of the $134,000 put in in Committee of the Whole was put in on motion of the Committee on Appropriations. There have been taken off in Committee of the Whole appropriations to the amount of $63,458, by a decrease of salaries and decrease of contingent funds.

I should mention that we added $1,000,000 to meet decisions of the Court of Claims, which we had left out purposely that we might have more time to consider it. Last year the appropriation for this purpose was $400,000; this year we have appropriated $1,000,000; so that there is an increase of $600,000 in this item.

The saving in the War Department by this amendment is $167,360; but it nevertheless makes an apparent increase in this bill, because we were compelled to put in a much larger number of clerks in order to dispense with all the general-service men.

We have been able to reduce the appropriations for the mints and assay offices $250,000 below the estimates, although, I believe, the Committee of the Whole put back $70,000 of that, so that the reduction amounts to not quite $200,000.

We have reduced the appropriations for the internal-revenue service $45,760, and if the proviso in regard to gaugers should stand as reported by the committee it will result in a decrease of about $100,000 more.

This is in general a statement of what has been done in this bill, which appropriates $20,000,000. The appropriations in the bill corresponding to this last year for the same objects amounted to $24,000,000; so that this bill as it now stands ready to be voted on shows a net reduction of a little more than $4,000,000 from what was appropriated for the same objects last year.

Two or three mistakes have been made in the Committee of the Whole to which I wish to call attention. It will be remembered that in the discussion in regard to the printing of national bonds and notes in New York certain questions were put to me, and one by the gentleman from New York, [Mr. POTTER,] and I hope he is here to listen to what I shall say. I was asked whether the putting of the two appropriations of $500,000 and $625,000 together would in any way change the law in reference to the printing of bonds and currency; whether the printing would be done in New York and in the Department here in any different proportion than heretofore.

I am instructed by the Committee on Appropriations to state that upon looking over that matter we are inclined to think that the consolidation of those two clauses might leave the question in doubt. If they remain consolidated, and the Treasury Department should find it had the right to have all the work done in the Department and should do it, then gentlemen will have the right to find fault with the committee for misleading them. The committee therefore instructed me to ask that the amendment made in Committee of the Whole be not concurred in. Personally, I am in favor of leaving it as the Committee of the Whole fixed it; but if it be assented to it may result in doing what gentlemen here may feel themselves deceived about. Whatever arrangement is to be made about that matter, the Committee on Banking and Currency is now investigating this subject, and when they report I hope we shall have a full discussion of the subject. The committee have instructed me to call for a separate vote on that amendment and to recommend non-concurrence in it.

Now in regard to the section in reference to the hours of labor in the Departments; I am instructed by the committee to ask a separate vote on that amendment. We have thought that, after having cut down the clerical force of the Department by this bill to such an extent, we ought to do something toward putting the Departments on a business basis. We never shall do that if we allow the clerks in all these various Departments and Bureaus to come under the administration of a rule which merely amounts to requiring of them five and a half hours of labor a day. There is no business house in the land that does not require far more hours of labor of its employés than is required of the clerks in the Departments. And to say that these clerks shall commence their labor at nine o'clock in the morning and go away at three o'clock in the afternoon, leaving a large share of the solid day unemployed so far as the Government is concerned, is to say that you will have a favored class of employés in this country and thereby do injustice to every laboring man in the United States and to every person in civil employment. And as we are disposed to be economical in our appropriations, it seems to me just and fair to put our force down somewhere toward a regular business basis. The committee therefore instruct me to call for a separate vote on that amendment and to express the hope that the third section will not be stricken out by the House.

In regard to the last section the committee also direct me to call the attention of the House to the amendment known as the Tremain amendment to Mr. CONGER'S amendment. I fear if that amendment be concurred in it will give trouble in the administration of the last section of this bill. If gentlemen desire its adoption they should remember that it excepts from the rule of covering into the Treasury all appropriations for light-houses, rivers, harbors, and public buildings. The committee think it would be perhaps well to except appropriations for light-houses, and rivers and harbors, and for public buildings; but the last clause says that this exception shall be made under the law as it now stands. Well, "the law as it now stands" is very uncertain. There is a constant controversy between Congress and the Executive Departments as to what the present law is. It seems to me it would be better to sweep that all away and let the modification, if there be any made, be made more carefully than it is in that amendment. A friend near me suggests that each appropriation bill for a public building can make that appropriation specially exempt from the operation of this law.

Mr. TREMAIN. Suppose there is no special exemption made?

Mr. GARFIELD. Then they will have the appropriation for two years.

Mr. TREMAIN. According to the construction of the Department, if a part of an appropriation is drawn it does not lapse except after two years from the time the last drawing is made. Now, if the gentleman will amend the section so as to provide that such appropriation shall not lapse sooner than two years after such last sum has been drawn, then we can agree.

Mr. GARFIELD. That can be fixed in the Senate; it cannot be done very well here.

Mr. TREMAIN. I understood you to say that you would not call the yeas and nays on that amendment.

Mr. GARFIELD. I will not do so, but probably somebody else will. I have but one thing more of importance to which I wish to call the attention of the House. In this bill we have refused to raise salaries. The proposition was made in Committee of the Whole to increase the salary of the Commissioner of the General Land Office, and strong representations were made of the justice of doing so. But the Committee of the Whole refused to make the increase. They also refused to make any increase of salary in regard to the several heads of Bureaus holding highly responsible positions. In the Treasury Department the salaries of a class of most valuable and important clerks at the heads of Bureaus and divisions, such as the clerks at the head of the division of warrants and appropriations, were reduced from $3,000 to $2,500; perhaps too far.

The Committee of the Whole, however, has increased the salaries of six of our own clerks here in this House. The salary of two of them they have put at $3,600 a year, higher than the salaries of the Bureau officers to whom I have referred. The salaries of four of them have been placed at $3,000 a year, as high as the salary of the Commissioner of the General Land Office and higher than the salaries of the clerks at the heads of divisions in the Treasury Department to which I have referred.

In view of all the facts in regard to this bill I should not be doing my duty if I did not call the attention of the House to this matter and ask them to stand by the Committee on Appropriations in resist-

ing this special and exceptional increase which has been made in Committee of the Whole. There is no man on this floor who would be more glad than I would to see anything done for these worthy gentlemen. But I would be unjust to myself and unjust to the truth if I consented to that increase while at the same time we had refused to increase the salaries of equally worthy persons in high and responsible positions. I shall therefore ask a separate vote on that question as upon the others I have indicated. Now, if there are gentlemen who have any questions to ask, I shall gladly answer them.

Mr. KELLOGG. I hope the gentleman will allow me five minutes for an explanation of one or two amendments upon which a separate vote is to be taken.

Mr. DUNNELL. I desire to ask the gentleman from Ohio [Mr. GARFIELD] why he has not stated to the House the more than a million dollars which we have indicated in Committee of the Whole our purpose to save by a reduction in the amount appropriated to the Departments for postage? The gentleman has not stated all the reductions we have made.

Mr. GARFIELD. I am glad the gentleman from Minnesota [Mr. DUNNELL] has called my attention to that point. If to cut down, as the Committee of the Whole has done on the suggestion of the gentleman from Minnesota, an appropriation of $200,000 for the purchase of official postage-stamps for the Treasury Department to $5,000 is a saving to the Government, then I have not taken into account that $195,000 of saving. The bill is now in a very unsatisfactory condition on the subject of postage, upon anybody's view. In reference to one of the Departments—the "Granger" Department—no motion was made to reduce the appropriation for postage; the Agricultural Department went unscathed in that respect.

Mr. RANDALL. The gentleman from Ohio is mistaken. A motion was made, but it was voted down.

Mr. FORT. The gentleman from Ohio [Mr. GARFIELD] should remember that the postage appropriation for the Agricultural Department is no doubt designed for the distribution of Agricultural Reports.

Mr. GARFIELD. The Agricultural Reports have no more right to distribution than any other public documents. The official correspondence of the Treasury Department is certainly as important as the sending of Agricultural Reports. Three of the Departments have their postage appropriation left untouched. In respect to the State Department, there is an appropriation of $1,000 to pay for the printing of stamps, but no provision as to the quantity. In respect to two other Departments, the appropriation has been cut down; the reduction in respect to the Treasury Department being, as I have said, from $200,000 to $5,000. I hope the House will strike out all the amendments of this kind, and will leave the bill as reported in this respect, proceeding upon the plan of holding all the Departments responsible for the entire face value of all the stamps appropriated to them.

Mr. RANDALL. I suggest that the vote in the House on one of these amendments be regarded as a test vote; and if the House should decide in favor of changing the system which has prevailed, the committee of conference can make the bill conform in the other cases to the will of the House.

Mr. GARFIELD. I shall make no factious opposition on that point.

One word more. I am assured, and I believe, that two or three salaries in the Agricultural Department have been reduced unjustly. There was a special raid made on one or two officers of that department about whom the committee had no particular information. I yield for a moment to my friend from Illinois, [Mr. BURCHARD,] who wishes to have a letter read on this subject.

Mr. BURCHARD. In Committee of the Whole an amendment was adopted to increase the salary of the chief clerk in the Agricultural Department by the addition of $200, and to strike out entirely the provision for the disbursing clerk. Gentlemen in voting for the latter amendment were doubtless ignorant of the duties required to be performed by this officer. I have been informed by members of the Committee on Agriculture that the office is very important and necessary. While the chief clerk is, I believe, a very competent officer and earns the salary which he receives, yet I do not think it ought to be increased for the purpose of requiring him to discharge the duties now performed by the disbursing clerk, especially as the chief clerk is a member of the household of the Commissioner of Agriculture. I think there should be a distribution of the duties. Practically, I do not believe that the amendment made in Committee of the Whole would lessen the expenditures of the department, because somebody will have to perform the duties now discharged by the disbursing clerk; and under the law creating the department the Commissioner has authority to employ the persons necessary for the work of his department, to be paid out of funds appropriated for this purpose. Hence he would no doubt employ some one else to perform these duties. I ask the Clerk to read a letter from this disbursing clerk.

The Clerk read as follows:

DEPARTMENT OF AGRICULTURE,
Washington, April 25, 1874.

MY DEAR SIR: My duties in this office are as follows:

To draw from the Treasury every dollar expended by this department, and disburse the same. I pay the employés and pay all bills against the department (in all parts of the world) of every nation. I purchase all the current supplies. Not an order of any kind, for goods, seed, postage-stamps, or anything else, goes from this department but passes through my office and is entered on my books. I have charge of the whole matter. I have charge of postage-stamps, and deliver them to the stamp clerk. As superintendent of building I have entire charge of the building and its contents; attend to repairs, &c.; receive and receipt for supplies and other articles received by express or otherwise; keep all the accounts of the department of every name and nature; make out and transmit to the Treasury Department quarterly accounts amounting to over $200,000 annually.

Much of the purchasing I am compelled to do before or after office hours, as I have no time to do it during office hours.

Yours, respectfully,

B. F. FULLER,
Disbursing Clerk and Superintendent.

Hon. G. BARBERE.

Mr. FORT. I wish to ask the gentleman from Ohio [Mr. GARFIELD] whether a separate vote can be had on the amendment striking out the disbursing clerk of the Agricultural Department?

Mr. GARFIELD. The gentleman has a right to ask a separate vote.

Mr. FORT. I give notice, then, that I desire a separate vote on that amendment.

Mr. ALBRIGHT. I wish to inquire of the chairman of the Committee on Appropriations whether in assenting to the amendment reducing the salary of the superintendent of public documents in the Interior Department he was aware of the fact that the law fixes the salary of this officer? For the purpose of informing the House on this matter, I ask the Clerk to read the provision of the law on this subject.

Mr. GARFIELD. I have no doubt the House made a mistake in cutting down that item.

The Clerk read as follows:

And the Secretary of the Interior shall appoint a superintendent of public documents, at a salary of $2,500 per year, who shall be charged with the duty of packing, distributing, collecting, arranging, classifying, and preserving such documents, and compiling and supervising the Biennial Register, but the whole amount to be expended for said purpose, including the pay of said superintendent, shall not exceed the said sum of $6,500; and the said Secretary of the Interior is hereby directed to procure and assign suitable rooms for such journals and documents in the Department of the Interior.

Mr. ALBRIGHT. I call for a separate vote on the amendment reducing the salary of this officer.

Mr. GARFIELD. A single remark further. I think the House, after reflection, will not be willing to do what it has voted to do in Committee of the Whole in regard to the Attorney-General. I hope the House will not concur in the amendment making an exception in regard to the Department of Justice and striking out the provision for horses and a carriage in connection with that Department.

I yield five minutes to the gentleman from Connecticut, [Mr. KELLOGG.]

Mr. KELLOGG. Mr. Speaker, I did hope not to have to say another word on this bill, but as the chairman of the Appropriations Committee has indicated his intention to call a separate vote on the two amendments I offered on Saturday, and which were adopted by the Committee of the Whole, I ask the earnest attention of the House to these amendments for five minutes.

First, in regard to the amendment putting the whole sum for printing notes, bonds, and other securities of the United States in one item, at $1,125,000, on page 67. I do hope the House will look at this and see exactly how my amendment applies. There never has been any provision before in any appropriation bill putting it in the power of any bank-note company of New York or elsewhere to hold the appropriation by law, and to hold the Treasury Department of this Government so fast that whether the bank-note company fulfills its contract with the Government or not the Government could not interfere. It has never been known, I say, in the history of any other appropriation bill before this one. The committee here undertake to separate the printing of bonds, notes, and other securities into two items. The backs of the notes are only printed by the bank-note companies in the city of New York; but the printing of the faces, the numbers, the seal, the trimming, and all the other work upon the notes and bonds to prepare them for use, is all done in the Treasury Department here, under the Bureau of Engraving and Printing. In separating the appropriations in this bill, the committee propose to give only $500,000 for all the work that is done here in the Bureau of Engraving and Printing, while for merely printing the backs they appropriate directly to bank-note companies of New York $625,000. That is simply for printing the backs and nothing else in New York; and besides there is an additional item of $150,000 for expressage for bringing the unfinished notes and bonds here from those bank-note companies.

Now I do not believe when this House understands this matter they will ever vote $775,000 for doing a small part of the work, compared with the much larger amount of the work done in the Bureau of Engraving and Printing, for which only $500,000 is appropriated; and at the same time put it out of our power by law to hold these companies to their contracts.

That is not all. The greater objection to the course suggested by the committee is this. If you pass the bill providing that only $500,000 shall be given to the Bureau of Engraving and Printing, and there shall be appropriated $775,000 to these bank-note companies for merely printing the backs of the notes and for expressage on the same, you put it in the power of these companies to hold the Government for twelve months; while the law as it now stands makes it the duty of the Secretary of the Treasury to enter into contracts with these bank-note companies, and if they do not fulfill their contracts to the satisfaction of the Government, then the Secretary of the Treasury may terminate those contracts upon thirty days' notice, or whatever notice is provided in the contracts. I believe the interest of the Government demands the Secretary of the Treasury under the law

should have the same power for the future, or we may be found powerless in this matter of printing the notes and bonds.

I accepted all of the amendments suggested by the chairman of the Committee on Appropriations on Saturday last, for the purpose of perfecting the amendment offered by me, so as to provide for these bank-note companies' contracts as heretofore made, and which was adopted by the Committee of the Whole. I say now, sir, there is not a particle of question in my mind, nor do I think there will be in any lawyer's judgment if he will examine it, that my amendment does not change the existing law at all; but that hereafter things will go on under this section as amended as they are now going on for all that my amendment may affect it. It does not change the law in that regard at all, but leaves the Secretary of the Treasury to make contracts; but it also leaves with the Secretary of the Treasury power under the law to terminate the contracts in thirty days if the bank-note companies do not fulfill their contracts to the satisfaction of the Government. This House ought not to put itself in the power of any corporation anywhere, and especially, at immensely increased rates, to these bank-note companies for $775,000 for doing a small portion of the work as compared with the $500,000 appropriated for the Bureau of Engraving and Printing, which has to do a larger part of the printing, &c., of these bonds, notes, and other securities.

One word further as to the other amendment adopted upon my motion. I hope the House will *not* non-concur, as suggested by the chairman of the Committee on Appropriations, in the amendment of the Committee of the Whole striking out the provision fixing the hours of labor in the Departments. I hope the House will concur in that amendment as agreed upon in committee. I said all I wanted to say about that on Saturday last. I think it will be the poorest kind of economy to establish seven hours instead of six hours, with a regular legal intermission of half an hour each day; for during that half-hour's intermission the clerks of all the Departments will be scattered all over the city if they choose to go. I believe it is the uniform opinion of all of the heads of Departments that by establishing seven hours instead of six, with a half-hour's intermission every day, the Government would really get less work than it does now. I say to be engaged as these ladies are, counting the notes and obliged to detect every counterfeit or to pay for the mistake out of their own wages, keeping hand and eye and brain upon their work with continuous and intense effort, it is the poorest economy in the world to make them work longer than six hours. They cannot do it and accomplish as much work. They cannot endure it for any length of time. It ought to be left discretionary, as now, with the heads of Departments to keep the office open when necessity demands it for seven hours a day. At certain seasons some of them work ten or twelve hours a day. I do not believe, however, we ought to pass any provision that they shall work seven hours a day at some kinds of work, because I believe that it would be ruinous to their health, and that in reality the Government would get less labor than it does now.

I hope the House will concur in these amendments made in the Committee of the Whole after the fullest discussion, and stand by the previous action, because I believe it right.

Mr. GARFIELD. I now yield for five minutes to the gentleman from Massachusetts, [Mr. DAWES.]

Mr. DAWES. Mr. Speaker, I desire to say only a word in reference to the first amendment to which the gentleman from Connecticut [Mr. KELLOGG] has called the attention of the House. I do not know any of the men connected with these bank-note companies. I have only had some knowledge from the position I happened to be in on committees in connection with the efforts of the Government to take care their bank-notes and bonds should be printed in that way which would give them the greatest possible security. I do not mean to say they have pursued that method heretofore entirely. I know the Government has from the days of Mr. Secretary Chase down to this hour been most solicitous to so contrive by the adoption of such methods and by such division of the work in different places as to prevent counterfeit or to make it next to impossible. I have heard with alarm there has been an effort, without any knowledge of those who have had special care of this interest, to put this in the hands of a company lately formed in this city with such stockholders, such directors, and such managers as have not inspired me with any great confidence. Such has been that alarm, sir, that I introduced a resolution in this House asking the Committee on Banking and Currency to investigate this matter. I have not been near that committee. I have taken no further interest in it than to see their attention was called to it, because I knew they would from proper investigation come to a wise result upon it. In the midst of this investigation, with all these matters around us in the air, with the suspicion that there is a disposition somewhere to consolidate that which has been done in three or four different places—upon paper manufactured under a penalty of felony for any other persons to have it even in their possession—here, by an amendment to an appropriation bill, without full discussion or examination, with only the examination now before the Committee on Banking and Currency, before they have reported, even before they have fully investigated the case, the gentleman from Connecticut has put in an amendment under which he says that he desires to emancipate the Government, so that it shall have the power in its discretion to put this whole matter in the hands of one company.

Mr. KELLOGG. Let me ask the gentleman from Massachusetts a question there. I wish to ask him if my amendment changes the law at all from what it is now and always has been?

Mr. DAWES. If the amendment does not change the law I do not quite understand the gentleman's anxiety about its adoption.

Mr. KELLOGG. Let me ask the gentleman one question more. Was not this appropriation bill, for the first time making a specific appropriation for the bank-note companies, a change of law?

Mr. DAWES. I do not propose any change of law. I do not advocate any change of law. Nor do I stand here to advocate the system that has been adopted and adhered to for these many years. I leave that entirely with the Committee on Banking and Currency. I think the question is of more consequence whether our people at home and the holders of our bonds abroad should have confidence in the genuineness of the article, than the question whether a man here or a company just formed here in this city shall have a contract or not; whether a bank-note company in New York, or some other bank-note company in another State, shall have a contract or not. I have nothing to do with that question. I care nothing for any of them. I am only a little solicitous, sir, that we shall go along carefully, and that if we adopt any new method of printing these notes and these bonds we shall do it after a committee shall have fully investigated the matter and reported. And the confidence I have in the Committee on Banking and Currency is such that I am well-nigh prepared to say that whatever they shall report upon this matter I will be willing to adopt.

Mr. RANDALL. The amendment of which the gentleman from Massachusetts [Mr. DAWES] complains is intended to prevent just what he complains of, and would, if defeated, hand us over bound hand and foot to the bank-note companies, including the bank-note company in this city, around which he has attempted to throw suspicion and doubt.

Mr. DAWES. I do not want to give any discretion just now for the benefit of a new bank-note engraving company just established in this city. I warn this House, and I tell the country, that under the arrangement of a new bank-note company in this city it is proposed for the first time in the history of the credit of this nation to print here in this city, to engrave in the Treasury Department and print under the organization of a new company in this city all the sides and all the parts of the bank-notes and of the bonds; a thing which Mr. Secretary Chase, Mr. Secretary McCulloch, and Mr. Secretary BOUTWELL have all deprecated, contending that it was impossible to do the work in this way and protect the instrument itself from counterfeit.

The system of checks, which has taken each sheet of paper as it came from the paper-mill and held responsible different offices and different establishments, as it went from one to the other, until finally the last signature was attached in the Treasury, is about to be blotted out and to be done away with forever; and that, sir, without the knowledge of the law-making power of this country. And, sir, without any knowledge of these men, not knowing one of them from Adam, I warn this House and this country against such a rash attack upon the confidence the people have in the paper that purports to have the impress and seal of the Government.

Mr. GARFIELD. I yield now to the gentleman from Maine, [Mr. HALE.]

Mr. KELLOGG. As the gentleman from Massachusetts has referred to me, I desire to ask him one question before he resumes his seat. I will ask the gentleman if he wishes to intimate that there is one word in that amendment, as I offered it, which favors a bank-note company in Washington in preference to the bank-note companies of New York?

Mr. DAWES. I understand the purport of it to be to repose entire discretion and confidence in one single person here, that he may have this done in one place or in two or in three, as he pleases.

Mr. KELLOGG. Precisely as the law now is. I ask for no change in the law.

Mr. HUBBELL. I wish to ask the gentleman from Massachusetts if his object was, in discussing this question, to create an impression in this House as to what should be done before the report of the Committee on Banking and Currency is before it?

Mr. DAWES. When that committee makes its report I will be willing to act upon it.

Mr. MAYNARD. I desire to ask the gentleman from Massachusetts a single question.

Mr. HALE, of Maine. I do not yield further. I want to say in a few words why it is the committee believe that these clauses should go back as reported in the original bill; and the reason is in the direction indicated by the gentleman from Massachusetts [Mr. DAWES] who has just taken his seat, that it is not well now to change the law so as to give to the Treasury Department any discretion to change the mode of doing the work from the way in which it is now done. The gentleman from Connecticut [Mr. KELLOGG] asks if it is not the first time that there has been any clause in an appropriation bill providing for the printing of bonds, notes, and other securities of the United States by bank-note companies. Undoubtedly; because in this regard the committee has revolutionized the practice.

The Bureau of Engraving and Printing, Mr. Speaker, has grown up and aggrandized itself from year to year under an indefinite appropriation that nobody ever knew anything about. It grew up until it employed from eight hundred to fifteen hundred persons. It was

spending from $2,500,000 to $3,500,000 a year, and there was no scrutiny upon the expenditure of a dollar of that amount. The salaries of its employés were fixed by itself or by the Treasury Department; its expenditures had no let or hinderance. The Committee on Appropriations took hold of it and particularized its expenditures, giving so much force, so much money in the office, so much for labor and so much for clerk hire. On confronting the whole question the committee found that there was but one limitation that this Bureau of Engraving and Printing worked under, and it was this limitation: Years ago, public attention being called to the danger of counterfeiting and to the management of this Bureau, an intelligent committee was appointed from both Houses which investigated the question, and under such guards and guarantees, hedging it up as far as human wit could make hedge-rows, it provided that part of this work should be done by bank-note companies under private contracts, and part should be done here at this Bureau, so that the one should be a check upon the other.

Now, sir, this has not always been a favorite method in certain Treasury circles. The Bureau of Printing and Engraving has been restive under this system, because it prevented what has been going on in that Bureau, the aggrandizement of the Bureau and the concentration of all work of this kind here. But that was the only limitation under which this Bureau existed, and the committee found that under the system established by this intelligent committee of both Houses about $600,000 was being paid annually to private bank-note companies for their share of the work under a system of checks and balances. I do not know, sir, where one of these bank-note companies has its place of business. I do not know a person that is engaged in that business or has anything to do with it. I care nothing for them; but, sir, this is not a good time—I repeat the sentiments of the gentleman from Massachusetts [Mr. DAWES]—this is not a good time to do anything that should give to this restive Bureau of Printing and Engraving, which wants to aggrandize its force and bring all the work here, the power it seeks. It is not a good time to do anything that can be taken as meaning that.

When, sir, the other day, after the gentleman from New York [Mr. POTTER] had called out a disclaimer from the chairman of the Committee on Appropriations that anything of this kind was intended, and I had taken pains to say that I was glad to hear the disclaimer, a gentleman from Virginia [Mr. PLATT] rose in his place and stated to the House that he wanted it understood that that disclaimer should not go as the sentiment of the House, and that he believed that everything connected with the printing of these bonds and the currency ought to be done here in Washington.

Now, sir, my opinion is, from an examination into matters of this kind, that the most expensive thing for the Government is a Government establishment. Sir, it never rests; it is forever gnawing at the vitals of the Government. You put work out by contract, and you may be cheated in the contract; but when you pay the bill, and when the contract is over, the expense stops; but a Government establishment to manufacture anything under the sun never ceases to gnaw at the Treasury; it goes on day and night; it has a hundred clerks this year, and two hundred next year; it spends $500,000 this year, and needs a million next year. You cannot find an instance of a Government establishment that does not aggrandize itself, one that does not constantly deplete the Treasury. I reasseverate the sentiment of the gentleman from Massachusetts that this is not a good time for us to take any step in legislation in that direction. If the House understands this question thoroughly in all its bearings, as I believe it does, it will have no hesitation in putting this matter back where we found it, and then let the Committee on Banking and Currency investigate the whole subject.

Mr. KELLOGG. I desire to ask the gentleman from Maine, [Mr. HALE,] before he sits down, if he did not vote to take the printing of the Congressional Globe away from private contractors and give it to a Government establishment?

Mr. HALE, of Maine. I do not know how I voted on that question now.

Mr. GARFIELD. I yield two minutes to the gentleman from New York, [Mr. POTTER.]

Mr. POTTER. Mr. Speaker, the other day, when, at the close of the proceedings in the Committee of the Whole, the gentleman from Connecticut [Mr. KELLOGG] offered his amendment, I was only moved to the inquiries I addressed to the chairman of the Committee on Appropriations by a general apprehension as to the effect of new provisions of law passed in the last moments of the consideration of an appropriation bill, because my experience has satisfied me that that is the most dangerous of all descriptions of legislation. In a moment of haste, without knowledge of its effect, without debate, without consideration, upon the suggestion of some one member, the existing law is changed in an appropriation bill, and then we have all after-time to regret that which we did under such circumstances. Not being able to understand the effect of the amendment of my friend from Connecticut, I addressed an inquiry to the chairman of the Committee on Appropriations as to its effect in order that I might put upon him the personal responsibility of an answer to my question. The gentleman from Connecticut volunteered his assurance that his amendment would not change the existing law. I declined to take his assurance, not because I had not then and have not now entire confidence in the gentleman's belief in his own construction of his amendment, but because I designed to fix upon the Committee on Appropriations the responsibility for the answer given me. And they gave me by their chairman the answer that it would not in this respect change the existing law. But what followed? Upon a re-examination which the committee made of this subject they became satisfied that its effect would be to change the existing law.

Mr. GARFIELD. Not that; but they were afraid that it would leave it questionable.

Mr. POTTER. But what is an amendment that might make the existing law questionable but an amendment to change the existing law? Its effect will be, it is now said, to leave it to the Secretary of the Treasury to exercise his discretion where the printing of these notes shall be done. Now, if he ought to have that discretion, give it to him by direct law, and not by a clause in the last part of an appropriation bill.

I had not at that time heard anything in regard to a bank-note company in the District of Columbia. That negro behind the fence I never heard about until the gentleman from Massachusetts [Mr. DAWES] suggested it. In regard to building up a great printing bureau here in Washington, I have precisely the feeling which was expressed in accordance with sound democratic doctrine by my distinguished friend from Maine, [Mr. HALE.] Under the present system, we have a bank-note which is printed on one side by the Government and on the other side by some private company; and by this system each acts as a double check on the other. First, the private contractors by competition compel the Government to run their machine at the lowest possible expense; and secondly, each party to the work acts as a check on the other in regard to the number of the sheets upon which the notes are printed. To consolidate that work in the hands of the Secretary of the Treasury would, in the judgment of every financial man in the country I have heard from on the subject, be in the highest degree dangerous. That is a reason why there should be no ambiguity in this matter and why no change should be made leading to doubt by an unnecessary amendment like that proposed by the gentleman from Connecticut; for it is unnecessary, since the appropriation without the clause he proposes can give no one any new rights under existing contracts.

Mr. GARFIELD. I now yield to the gentleman from Tennessee, [Mr. MAYNARD.]

Mr. MAYNARD. Some days ago a resolution was submitted to the House and referred to the Committee on Banking and Currency, directing that committee to inquire into this matter of printing and to report upon it. The committee proceeded to discharge the duty thus devolved upon them. How far they have proceeded or what they have done it would be indecorous in me at this time to say. But I wish to call the attention of this House to the condition of the bill now before us and to the proposed amendment, which met my approval in Committee of the Whole and still meets my approval, and I believe it meets the approval of every member of the Committee on Banking and Currency. Under the present arrangement the backs of our notes are printed by a bank-note company in New York; the faces of the notes are printed in the Treasury Department, as are also printed entirely some other securities, together with certain stamps used by the Government. When this subject was under discussion the other day I propounded this question to the chairman of the Committee on Appropriations:

> Mr. MAYNARD. I desire to ask the chairman of the Committee on Appropriations if in preparing this bill he had any estimate of the relative amount of the cost of printing the backs of the notes in New York by the bank-note companies, and the cost of the printing done by the Department here?
>
> Mr. GARFIELD. There were such estimates before us, and the way we undertook to divide the two sums was by the actual amount paid last year to the bank-note companies and the actual cost for whatever work was done in the Printing Bureau here, and we reduced the whole amount nearly half a million dollars.

Now, in the bill reported from the Committee on Appropriations there was appropriated for the work done here upon the faces of these bank-notes and entirely upon some other securities and stamps the sum of $500,000, while for the work done by the bank-note company of New York they propose to appropriate $625,000. Now, in the face of the fact, which is avouched from the Committee on Appropriations, that the work done here by the Government, by its own employés, in its own Department—the most expensive, difficult, and costly part of the work—costs less than five-sixths of what is paid to the bank-note company for doing the work done by them in the city of New York; when we undertake to put the Bureau in a shape that will enable us at the end of our investigation to equalize and regulate as it should be the expense of this work; when it is proposed to make that amendment it is resisted by gentlemen, who complain that it is urged in the interest of some private company. Sir, I do not suppose that anybody here is acting in the interest of a bank-note company or in any other interest except that of the Government. But I do say that the House ought to be very careful not to shape their legislation so that they will throw themselves irretrievably and absolutely into the power of the bank-note companies to dictate their own terms. I speak what I think is the unanimous opinion of the Committee on Banking and Currency.

Mr. RANDALL. I would like one minute in this connection before we leave this subject.

Mr. GARFIELD. I have agreed to yield to the gentleman from New York [Mr. TREMAIN] for a few minutes.

Mr. TREMAIN. The Committee of the Whole on my motion adopted

an amendment providing that appropriations for public buildings should not lapse into the Treasury at the expiration of two years, but should remain under existing law. The chairman of the Committee on Appropriations informs me that he does not intend to call the yeas and nays on that amendment, but thinks it probable that some other gentleman will do so. If so I hope the House will adhere to the amendment. I am willing this language shall be employed, and I understand the gentleman from Ohio will agree to it: "shall only lapse after two years from the time that the last item of such appropriation was drawn from the Treasury." Under the bill now before us, if no amendment be made, the whole of the appropriation for public buildings will lapse in two years from the time it goes into effect. Under the construction of the Department as to the existing law it will only lapse in two years from the time the last item was drawn. This bill proposes not only to change the existing law in that respect, but upon the motion of the gentleman from Kentucky [Mr. BECK] there is a still more stringent amendment adopted, providing that it shall take effect from the passage of this act.

The effect of that would be to deprive the city of Albany of the benefit of the appropriation of $350,000 made about two years ago for a public building in that city. We have ever since been laboring to secure the additional $150,000 required to be appropriated by the city of Albany; but until recently we have been prevented by the exercise of the veto power on the part of the mayor. We recently, however, elected another mayor, and during the last thirty days the requisite appropriation has been made by the city. I am apprehensive that under the provision embodied in this bill the appropriation of the United States for that building would lapse. It seems to me there is no reason why we should not sanction the liberal system heretofore pursued by the Department in this regard. We are satisfied with that, while under the new rule we would be entirely cut off.

Mr. COBB, of North Carolina. I hope the House will disagree to the recommendation of the Committee of the Whole striking out the paragraph relating to the assay office at Charlotte, North Carolina. The other day when this question came up in Committee of the Whole, and when unluckily I was absent, it was alleged that sufficient work is not done at the Charlotte assay office to justify the appropriation. I desire to state that the gold mines in Western North Carolina are being industriously worked by energetic and wealthy capitalists representing seven different mining companies. The reason that the business of the assay office at Charlotte has not come up to the maximum amount of gold found in North Carolina is very obvious. Before the war a practice obtained there by which this bullion could be converted into coin certificates payable at the Girard Bank in the city of Philadelphia, which certificates were available presently as money to the operators in those mines. A proposition to authorize again that practice has already passed this House and is now pending in the Senate. The work of mining is proceeding; the mineral wealth of North Carolina is being developed; and we only need such a provision to secure a full development of the vast mineral resources of Western North Carolina. In this connection I ask to have read some extracts from the report made by Colonel John H. Wheeler, a distinguished citizen of North Carolina, at one time the superintendent of the mint at Charlotte, and who was recently sent there by Dr. Linderman, the Director of the Mint, to make an examination and report upon this assay office.

The Clerk read as follows:

I trust that it will not be deemed improper to remark here that from the disordered and disturbed condition of the State in monetary matters, the scarcity and uncertainty of labor, the prices of cotton and the productions familiar to our people, the mines of North Carolina are not as extensively worked or vigorously prosecuted as formerly. Formerly the institution coined (from date of commencement, 1838, to its suspension, 1861,) $5,043,641 from the mines of North Carolina. In one year, 1847, it coined $478,820. The Mint at Philadelphia coined from same source $4,929,944. Last year the mines produced in round numbers $117,000.

The mining industry, as the price of cotton lowers, is increasing. I took occasion while here to visit the Gaston gold mine, at Keys Mountain, about thirty miles from Charlotte. It is being extensively worked by skill and capital, with every prospect of success. The Gold Hill mine, in Rowan County, the Wilson gold mine, near Charlotte, the Flint Hill, Cureton, Dorn, and Brewer mines, in this vicinity, are all now in operation. Others might be mentioned.

The reason why the products of these mines do not come to this assay office is that miners, merchants, and others desire a quick return for their labor in coin, or coin certificates of deposit which would be received in the different points of our country, especially in New York, the moneyed center of the nation. As it now works the depositor receives the identical bullion deposited, and is subjected to heavy discounts in converting the bar into coin or currency. When I had the honor of superintending this mint, from 1838 to 1842, there was a deposit of $32,000 placed there; the moment an essay was made of the bullion and its value ascertained the depositor was paid in coin. By an arrangement the Girard Bank of Philadelphia paid all deposits here in Philadelphia. This, by merchants and others, was generally preferred to coin. Some such arrangement as this must be made if it is desirable to make the office a benefit to the country and stimulate so important a branch of vital industry as mining. By it not a pennyweight of gold would pass the institution, and it would assume its deserved utility.

[Here the hammer fell.]

The SPEAKER. The hour to which the gentleman from Ohio [Mr. GARFIELD] was entitled after the ordering of the main question has expired.

Mr. RANDALL. I ask consent to say a few words in reference to the provisions relating to the printing of national-bank currency. Unless the amendment of the gentleman from Connecticut [Mr. KELLOGG] prevails the Government will be deprived of any discretion in regard to this matter, and will practically be forced to distribute this printing, amounting to $625,000, among four companies, three in New York and one here, upon which the gentleman from Massachusetts, [Mr. DAWES,] who opposes this bill, has thrown discredit. In addition to that we appropriate, if that provision is carried out, $150,000 to the Adams Express Company for the transportation of notes printed in New York. To restrict the Government in this way in regard to this matter is clearly an act of favoritism toward these four companies.

If it can be shown that the Government can print the bank-notes as cheaply here, right under the supervision of the Treasury officials, as in New York, and with equal security, I am in favor of the Government printing all this money instead of giving the printing to these bank-note companies. It strikes me that this is the only legitimate and correct course for the Government to pursue.

I deny that there is in the city of New York that security in connection with the printing of the notes that there can be here. Under a proper system it will be impossible for any paper to be lost or any notes abstracted. In one case there was an abstraction of some notes; but thirty minutes afterward it was detected in the Treasury Department. That Department has in this connection a system of thirty-eight different checks—a system which for security has never been equaled, so far as my observation goes. In my judgment the amendment of the gentleman from Connecticut [Mr. KELLOGG] should be adopted; for it is directly in the interest of the Government, while it does not in any respect interfere with the discretion given to the Secretary of the Treasury under existing law. If your Secretary of the Treasury is not a man in whom you have confidence, turn him out.

Mr. ROBBINS. I ask unanimous consent to make a few remarks.

Several members objected.

Mr. LAWRENCE. Is debate closed?

The SPEAKER. Debate is absolutely closed. The Chair will remark that no worse practice could prevail than to redebate appropriation bills in the House. Such bills are sent to the Committee of the Whole for unlimited debate. The rules give, of course, one hour for closing debate in the House after the previous question; but if this bill is to be thrown open to further debate, it ought to be recommitted to the Committee of the Whole.

Mr. MELLISH. If in order, I would like to ask a question. I have not said a word on this subject.

The SPEAKER. The gentleman had his opportunity in Committee of the Whole. If the debate is to proceed, the Chair thinks the bill ought to be recommitted. There is no rule to prevent any gentleman debating the bill as much as he pleases in Committee of the Whole.

Mr. LAWRENCE. I move that the bill be recommitted to the Committee of the Whole.

Mr. MELLISH. I have a very important question which I would like to ask. I think if allowed to ask it, there would not be a vote in favor of the bank-note company.

Mr. ROBBINS. I object to debate and call for the regular order.

The SPEAKER. The motion to recommit is not now in order, because the main question has been ordered and the motion to reconsider that order was laid on the table.

The clerk will read the amendments as reported from the Committee of the Whole on the state of the Union, and those upon which no separate vote is asked will be regarded as concurred in.

The first amendment on which a separate vote was asked (by Mr. GARFIELD) was the following:

On page 6 strike out "Chief Clerk and Journal clerk, $3,000 each," and insert:
Chief Clerk and Journal clerk of the House, (while such positions are held by the present incumbents and no longer,) $3,600 a year; two reading clerks, $3,000 each; assistant Journal clerk and tally clerk, $3,000 each.
Strike out "six" in line 113 and insert "four," and "including assistant Journal clerk;" and in line 116 strike out "ten" and insert "eight;" so it will read: "four assistant clerks, at $2,590 each," and "eight assistant clerks," &c.

The House divided; and there were—ayes 117, noes 21.

Mr. HOLMAN. On this increase of salaries I demand the yeas and nays.

The demand for the yeas and nays was refused.

So the amendment was concurred in.

The next amendment on which a separate vote was asked (by Mr. GARFIELD) was the following:

In line 514 strike out the word "purchase" and insert "furnishing;" in the same line strike out "200" and insert "5;" so that the clause will read: "for furnishing official postage-stamps, $5,000."

The House divided; and there were—ayes 36, noes 68; no quorum voting.

Tellers were ordered; and Mr. GARFIELD and Mr. STORM were appointed.

The House again divided; and the tellers reported—ayes 91, noes 70.

Mr. WOODFORD demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 130, nays 90, not voting 70; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Atkins, Averill, Banning, Barnum, Barrere, Bass, Beck, Begole, Bell, Bland, Bowen, Bright, Brown, Buckner, Buffinton, Burleigh, Burrows, Cain, Caldwell, Cason, Clements, Clymer, Stephen A. Cobb, Coburn, Comingo, Conger, Corwin, Crittenden, Crossland, Crutchfield, Davis, De Witt, Donnan, Dunnell, Durham, Fort, Freeman, Glover, Hagans, Hamilton, Henry R. Harris, John T. Harris, Harrison, Hatcher, Havens, Gerry W. Hazelton, George F. Hoar, Hodges, Houghton, Howe, Hunter, Hunton, Hyde, Hynes, Kellogg, Killinger, Knapp, Lamison, Lamport, Lansing, Lawrence, Leach, Lewis, Luttrell, Lynch, Magee, Martin, Alexander S. McDill, James W. McDill, McKee, McLean,

McNulta, Merriam, Milliken, Mills, Moore, Morrison, Neal, Nesmith, Niblack, Orr, Hosea W. Parker, Pelham, Perry, Pike, James H. Platt, jr., Randall, Rapier, Read, Robbins, James W. Robinson, Rusk, Henry B. Sayler, Milton Sayler, John G. Schumaker, Sessions, Sheats, Sheldon, Sherwood, Small, Smart, J. Ambler Smith, William A. Smith, Snyder, Southard, Speer, Standiford, Stone, Storm, Strait, Sypher, Taylor, Townsend, Vance, Jasper D. Ward, Wells, Whitehouse, Whiteley, Whitthorne, William Williams, Wilshire, Ephraim K. Wilson, Wolfe, Wood, Woodworth, John D. Young, and Pierce M. B. Young—130.

NAYS—Messrs. Albert, Albright, Barber, Barry, Biery, Bradley, Bromberg, Burchard, Roderick R. Butler, Cessna, Amos Clark, jr., Clinton L. Cobb, Cotton, Crooke, Crounse, Curtis, Danford, Darrall, Dawes, Dobbins, Duell, Eames, Foster, Frye, Garfield, Gooch, Gunckel, Hancock, Harmer, Benjamin W. Harris, John B. Hawley, Joseph R. Hawley, Hays, John W. Hazelton, E. Rockwood Hoar, Holman, Hoskins, Hubbell, Hurlbut, Kasson, Kelley, Kendall, Lawson, Lowe, Lowndes, Marshall, Maynard, MacDougall, McJunkin, Monroe, Niles, Nunn, O'Brien, O'Neill, Orth, Packard, Packer, Page, Isaac C. Parker, Parsons, Pendleton, Phelps, Thomas C. Platt, Potter, Pratt, Ransier, Ray, Rice, Richmond, Ellis H. Roberts, Ross, Sawyer, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Starkweather, Christopher Y. Thomas, Todd, Tremain, Tyner, Waldron, Marcus L. Ward, Wheeler, White, Charles W. Willard, John M. S. Williams, William B. Williams, James Wilson, and Woodford—90.

NOT VOTING—Messrs. Ashe, Berry, Blount, Bundy, Benjamin F. Butler, Cannon, John B. Clark, jr., Freeman Clarke, Clayton, Cook, Cox, Creamer, Crocker, Eden, Eldredge, Elliott, Farwell, Field, Giddings, Eugene Hale, Robert S. Hale, Hathorn, Hendee, Hereford, Herndon, Hersey, Hooper, Jewett, Lamar, Lofland, Loughridge, Myers, McCrary, Mellish, Mitchell, Morey, Negley, Phillips, Pierce, Poland, Purman, Rainey, William R. Roberts, James C. Robinson, Shanks, Lazarus D. Shoemaker, Sloan, Sloss, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, Sprague, Stanard, Stephens, St. John, Stowell, Strawbridge, Swann, Charles R. Thomas, Thornburgh, Waddell, Wallace, Walls, Whitehead, Wilber, George Willard, Charles G. Williams, Willie, and Jeremiah M. Wilson—70.

So the amendment was concurred in.

The next amendment on which a separate vote was asked (by Mr. KELLOGG) was on page 15, line 333, to strike out the words "and of the independent Treasury."

Mr. GARFIELD. I thought under the heading of the office of the Secretary of the Treasury the amendment of the committee was to strike out the internal revenue clerk as well as the clerk of the independent Treasury.

Mr. KELLOGG. No, the amendment striking out the clerk of the independent Treasury at a salary of $3,000 a year was a separate amendment.

The House divided; and there were—ayes 58, noes 13.

So (no further count being demanded) the amendment was concurred in.

MESSAGE FROM THE PRESIDENT.

A message was received from the President of the United States, by Mr. BABCOCK, one of his secretaries, notifying the House that he had approved and signed bills of the following titles:

An act (H. R. No. 994) to establish the Bismarck land district in the Territory of Dakota;

An act (H. R. No. 2675) granting a pension to Mrs. Elizabeth J. King;

An act (H. R. No. 1220) for the relief of William Rood, late private Thirty-sixth Regiment of Wisconsin Volunteers;

An act (H. R. No. 2350) authorizing the Secretary of the Treasury to issue a certificate of registry and enrollment to the schooner Almina, and changing the name to Minnie Davis; and

A joint resolution (H. R. No. 45) tendering the thanks of Congress to Captain Benjamin Gleadell, officers, and crew of the steamship Atlantic, of the White Star line, for saving the brigantine Scotland in mid-ocean.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The next amendment of the Committee of the Whole to the legislative appropriation bill on which a separate vote was asked (by Mr. FOSTER) was on page 21, line 491, to strike out "five" and insert "seven;" so it will read:

And hereafter no gauger shall receive a greater compensation than seven dollars per day.

The House divided; and there were—ayes 68, noes 71.

Mr. WARD, of Illinois, demanded tellers.

Tellers were ordered; and Mr. WARD, of Illinois, and Mr. FOSTER were appointed.

The House again divided; and the tellers reported—ayes 77, noes 80.

Mr. BANNING demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 81, nays 128, not voting 81; as follows:

YEAS—Messrs. Albert, Archer, Averill, Banning, Barrere, Bass, Begole, Bromberg, Buckner, Bundy, Roderick R. Butler, Cain, Cason, Cessna, Amos Clark, jr., Clinton L. Cobb, Corwin, Crooke, Crounse, Crutchfield, Dobbins, Donnan, Duell, Fort, Gunckel, Hagans, Harmer, Benjamin W. Harris, Harrison, Joseph R. Hawley, Hays, John W. Hazelton, Hooper, Houghton, Howe, Hurlbut, Hynes, Kelley, Kellogg, Lansing, Lawrence, Lowndes, Lynch, Maynard, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Niles, O'Brien, O'Neill, Orth, Packard, Pelham, James H. Platt, jr., Ransier, Ray, Rice, Richmond, Rusk, Sawyer, Henry B. Sayler, Milton Sayler, John G. Schumaker, Henry J. Scudder, Isaac W. Scudder, Sherwood, Sloss, J. Ambler Smith, William A. Smith, Snyder, Stanard, Standiford, Christopher Y. Thomas, Tremain, Jasper D. Ward, Marcus L. Ward, Whiteley, John M. S. Williams, and Ephraim K. Wilson—81.

NAYS—Messrs. Adams, Albright, Arthur, Atkins, Barber, Barry, Beck, Bell, Biery, Bland, Blount, Bowen, Bradley, Bright, Brown, Buffinton, Burleigh, Burrows, Caldwell, Cannon, Clymer, Stephen A. Cobb, Coburn, Conger, Cook, Cotton, Crittenden, Crossland, Curtis, Danford, Darrall, Davis, Dawes, Dunnell, Durham, Eames, Eldredge, Elliott, Foster, Frye, Garfield, Glover, Gooch, Robert S. Hale, Hancock, Henry R. Harris, John T. Harris, Hatcher, John B. Hawley, Hereford, E. Rockwood Hoar, George F. Hoar, Holman, Hoskins, Hunter, Hunton, Hyde, Kasson, Kendall, Killinger, Knapp, Lamar, Lamison, Lamport, Lawson, Leach, Loughridge, Lowe, Magee, Marshall, Martin, McCrary, McJunkin, Milliken, Mills, Monroe, Morrison, Neal, Nesmith, Niblack, Nunn, Packer, Hosea W. Parker, Isaac C. Parker, Parsons, Pendleton, Perry, Pike, Thomas C. Platt, Poland, Potter, Pratt, Read, Robbins, Ellis H. Roberts, James W. Robinson, Ross, Scofield, Sener, Sessions, Shanks, Small, Smart, George L. Smith, H. Boardman Smith, Southard, Speer, Sprague, Starkweather, Storm, Strait, Taylor, Todd, Townsend, Tyner, Vance, Walls, Wells, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, William Williams, William B. Williams, James Wilson, Wolfe, John D. Young, and Pierce M. B. Young—128.

NOT VOTING—Messrs. Ashe, Barnum, Berry, Burchard, Benjamin F. Butler, John B. Clark, jr., Freeman Clarke, Clayton, Clements, Comingo, Cox, Creamer, Crocker, DeWitt, Eden, Farwell, Field, Freeman, Giddings, Eugene Hale, Hamilton, Hathorn, Havens, Gerry W. Hazelton, Hendee, Herndon, Hersey, Hodges, Hubbell, Jewett, Lewis, Lofland, Luttrell, McLean, Mellish, Merriam, Mitchell, Moore, Morey, Myers, Negley, Orr, Page, Phelps, Phillips, Pierce, Purman, Rainey, Randall, Rapier, William R. Roberts, James C. Robinson, Sheats, Sheldon, Lazarus D. Shoemaker, Sloan, A. Herr Smith, John Q. Smith, Stephens, St. John, Stone, Stowell, Strawbridge, Swann, Sypher, Charles R. Thomas, Thornburgh, Waddell, Waldron, Wallace, Wheeler, White, Wilber, George Willard, Charles G. Williams, Willie, Wilshire, Jeremiah M. Wilson, Wood, Woodford, and Woodworth—81.

So the amendment was not concurred in.

During the roll-call the following announcements were made:

Mr. HALE, of Maine. I am paired with Mr. MYERS, of Pennsylvania. He would if present vote "ay," and I would vote "no."

Mr. ALBRIGHT. My colleague, Mr. SMITH, of Pennsylvania, is absent. If here he would vote "no." I desire also to state that my colleague, Mr. SHOEMAKER, is absent. If he were here he would vote "no."

Mr. HOSKINS. Mr. WILLARD, of Michigan, is absent. I am requested by him to say that if he were present he would vote "no."

The result of the vote was then announced as above recorded.

The next amendment on which a separate vote was demanded (by Mr. COBB, of North Carolina) was the following:

On page 35 strike out the words:

Assay-office at Charlotte, North Carolina:

For assayer in charge, $1,800; melter, $1,500; clerk, $1,000; wages of workmen, $600; contingent expenses, $1,500; in all, $6,400.

And insert in lieu thereof the following:

For care of public buildings at Charlotte, North Carolina, to be expended under the direction of the Director of the Mint, $1,000.

On the question of concurring in the amendment the House divided; and there were—ayes 65, noes 66; no quorum voting.

Tellers were ordered under the rule; and Mr. HOLMAN and Mr. COBB, of North Carolina, were appointed.

The House again divided; and the tellers reported—ayes 53, noes 94.

Mr. HOLMAN. I call the yeas and nays on this proposition to make an entirely unwarranted expenditure.

Mr. RANDALL. The Director of the Mint says it is absolutely indispensable.

On the question of ordering the yeas and nays there were—ayes 35, noes 86.

So (the affirmative being more than one-fifth of the whole vote) the yeas and nays were ordered.

The question was taken; and there were—yeas 70, nays 136, not voting 84; as follows:

YEAS—Messrs. Albert, Archer, Barber, Barnum, Bradley, Burchard, Burleigh, Cannon, Cason, Clements, Corwin, Curtis, Danford, Dawes, Dobbins, Donnan, Foster, Frye, Garfield, Eugene Hale, Robert S. Hale, John B. Hawley, George F. Hoar, Holman, Hoskins, Hunter, Hurlbut, Hyde, Kasson, Lawson, Loughridge, James W. McDill, Mellish, Merriam, Monroe, Neal, Niles, O'Brien, Orr, Orth, Packer, Hosea W. Parker, Isaac C. Parker, Parsons, Pike, Thomas C. Platt, Poland, Potter, Ray, Rice, Ellis H. Roberts, James W. Robinson, Ross, Scofield, Henry J. Scudder, Sherwood, Small, Smart, Southard, Sprague, Storm, Strait, Taylor, Christopher Y. Thomas, Todd, Townsend, Tyner, Wheeler, Charles W. Willard, and James Wilson—70.

NAYS—Messrs. Arthur, Atkins, Averill, Barrere, Barry, Beck, Begole, Bell, Berry, Biery, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Buffinton, Burrows, Roderick R. Butler, Cain, Caldwell, Cessna, Clymer, Clinton L. Cobb, Stephen A. Cobb, Coburn, Comingo, Conger, Crooke, Crossland, Crounse, Crutchfield, Darrall, Davis, Duell, Dunnell, Durham, Eames, Eldredge, Elliott, Farwell, Field, Fort, Freeman, Glover, Gooch, Gunckel, Hagans, Hancock, Harmer, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hodges, Hooper, Houghton, Howe, Hunton, Hynes, Kelley, Kellogg, Kendall, Knapp, Lamar, Lamport, Lawrence, Leach, Lynch, Magee, Maynard, MacDougall, McJunkin, McKee, McNulta, Milliken, Mills, Morrison, Niblack, Nunn, O'Neill, Packard, Pelham, Pendleton, Perry, James H. Platt, jr., Rainey, Randall, Rapier, Read, Richmond, Robbins, Rusk, Sawyer, Henry B. Sayler, Milton Sayler, John G. Schumaker, Isaac W. Scudder, Sener, Sessions, Shanks, Sheldon, Sloan, Sloss, George L. Smith, H. Boardman Smith, J. Ambler Smith, William A. Smith, Snyder, Speer, Stanard, Standiford, Stone, Strawbridge, Sypher, Vance, Waldron, Walls, Jasper D. Ward, Wells, White, Whitehead, Whitehouse, Whiteley, Whitthorne, John M. S. Williams, William Williams, William B. Williams, Wolfe, John D. Young, and Pierce M. B. Young—136.

NOT VOTING—Messrs. Adams, Albright, Ashe, Banning, Bass, Bland, Bundy, Benjamin F. Butler, Amos Clark, jr., John B. Clark, jr., Freeman Clarke, Clayton, Cook, Cotton, Cox, Creamer, Crittenden, Crocker, DeWitt, Eden, Giddings, Hamilton, Hathorn, Havens, Hendee, Hereford, Herndon, Hersey, E. Rockwood Hoar, Hubbell, Jewett, Killinger, Lamison, Lansing, Lewis, Lofland, Lowe, Lowndes, Luttrell, Marshall, Martin, McCrary, Alexander S. McDill, McLean, Mitchell, Moore, Morey, Myers, Negley, Nesmith, Page, Phelps, Phillips, Pierce, Pratt, Purman, Ransier, William R. Roberts, James C. Robinson, Sheats, Lazarus D. Shoemaker, A. Herr Smith, John Q. Smith, Starkweather, Stephens, St. John, Stowell, Swann, Charles R. Thomas, Thornburgh, Tremain, Waddell, Wallace, Marcus L. Ward, Wilber, George Willard, Charles G. Williams, Willie, Wilshire, Ephraim K. Wilson, Jeremiah M. Wilson, Wood, Woodford, and Woodworth—84.

So the amendment was not concurred in.

During the roll-call the following announcements were made:

Mr. VANCE. My colleague, Mr. WADDELL, is detained from the House by sickness. If he were here he would vote "no."

Mr. WALLS. My colleague, Mr. PURMAN, is absent. If he were present he would vote "no."

The result of the vote was then announced, as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed a bill (S. No. 369) to change the name of the registered steamer Oakes Ames to Champlain; in which the concurrence of the House was requested.

The message further informed the House that the Senate had passed without amendment the bill (H. R. No. 1573) authorizing the Citizens' National Bank, of Hagerstown, Maryland, to change its location.

The message further announced that the Senate had passed with an amendment, in which the concurrence of the House was requested, the bill (H. R. No. 498) to settle the accounts of Captain A. B. Dyer.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The House resumed the consideration of the legislative, &c., appropriation bill.

The next amendment on which a separate vote was demanded (by Mr. GARFIELD) was as follows:

In line 1170, after the word "superintendent," insert "$1,800;" so that it will read: For expenses of packing and distributing official documents, including salary of superintendent, $1,800, $5,000.

Mr. KELLOGG. The law says that the salary shall be $2,500.

On the question of concurring in the amendment there were ayes 5, noes not counted.

So the amendment was not concurred in.

The next amendment on which a separate vote was demanded (by Mr. GARFIELD) was as follows:

In line 1192 strike out "$125,000" and insert "$5,000;" so that the paragraph will read:

For official postage-stamps for the Department of the Interior as follows: For the office of the Secretary, $18,000; for the General Land Office, $41,000; for the Bureau of Education, $10,000; for the Bureau of Indian Affairs, $10,000; for the Patent Office, $20,000; for the Pension Office, $25,000; and for the national museum in the Smithsonian Institution, $1,000; in all, $5,000.

Mr. GARFIELD. I have asked for a separate vote on this amendment. As it stands it is absurd, because $5,000 is given as the footing of a paragraph containing separate appropriations of much greater amount.

The question being taken on the amendment, it was not concurred in.

The next amendment on which a separate vote was demanded (by Mr. HAYS) was the following:

In line 1443, after the word "dollars," insert the words "with additional salary of $200 as disbursing clerk;" so that it will read: "chief clerk, $2,000, with additional salary of $200 as disbursing clerk." And in line 1448 strike out these words: "disbursing clerk, $1,800."

The question being taken on the amendment, it was not concurred in.

The next amendment on which a separate vote was demanded (by Mr. HOLMAN) was the following:

In line 1451, after the word "dollars," insert these words: "microscopist, $1,800."

The question being taken, the amendment was concurred in.

Mr. MAYNARD. The amendment preceding that just disposed of was passed over while I was asking for a separate vote. It is that in reference to the salary of the librarian in the Department of Agriculture.

Mr. HOLMAN. I make the point of order that that amendment is concurred in, and that we cannot now go back to it.

The SPEAKER *pro tempore*, (Mr. TYNER.) The point of order is well taken.

Mr. MAYNARD. I demanded a vote before it was passed.

The SPEAKER *pro tempore*. The Chair will accept the word of the gentleman from Tennessee. The amendment will be read by the Clerk.

The Clerk read as follows:

In line 1450 strike out "$1,800" and insert "$1,200;" so that it will read: "librarian, $1,200."

The question being taken on concurring in the amendment, there were—ayes 28, noes 59; no quorum voting.

Tellers were ordered under the rule; and Mr. HOLMAN and Mr. MAYNARD were appointed.

The House again divided; and the tellers reported ayes 55, noes not counted.

Mr. HOLMAN. The spasm of economy which we had for some days seems to have gone by. I do not demand further count.

So the amendment was not concurred in.

The next amendment upon which a separate vote was asked (by Mr. PLATT, of Virginia) was on page 60, under the head of "Department of Agriculture," to strike out in line 1454 the word "four" and insert in lieu thereof the word "two;" so that it would read:

Engineer, $1,200.

Mr. PLATT, of Virginia. I hope that amendment will not be agreed to; this is one of the hardest worked officials in the department.

The question was taken, and the amendment was not concurred in.

The next amendment upon which a separate vote was asked (by Mr. LAMPORT) was on page 61, line 1484, to strike out the word "carriage" and insert in lieu thereof the words "baggage-wagon;" so that it would read:

For subsistence and care of horses, and repair of harness and baggage-wagon, $1,500.

The question was taken on concurring in the amendment; and on a division there were—ayes 15, noes 64; no quorum voting.

Tellers were ordered; and Mr. HOLMAN and Mr. LAMPORT were appointed.

Mr. HOLMAN. I ask that the amendment be again read. It was adopted in Committee of the Whole by a large majority.

The amendment was again read.

The House divided; and the tellers reported—ayes 43, noes 118.

Mr. SPEER. I call for the yeas and nays.

The question was put on ordering the yeas and nays, and only 15 members voted therefor.

Mr. SPEER. I call for tellers on the yeas and nays.

The question was put on ordering tellers, and only 11 members voted therefor.

Tellers were not ordered, the yeas and nays were not ordered, and the amendment was not concurred in.

Mr. SPEER. All of the eleven who voted for tellers were democrats.

Mr. McNULTA. The gentleman from Pennsylvania says that all who voted for tellers on the amendment to strike out "carriage" and insert "baggage-wagon" were democrats. I would like him to make one exception, for I voted that way.

Mr. SPEER. I beg the gentleman's pardon; there were two republicans.

Mr. PLATT, of Virginia. I insist that justice be done to my colleague, [Mr. THOMAS;] he voted that way.

The next amendment upon which a separate vote was asked (by Mr. GARFIELD) was on page 64 to strike out the following under the head of "Department of Justice:"

For care of and subsistence of horses, $1,400; repairs to carriages and harness, $600.

The question was put on concurring in the amendment; and on a division there were—ayes 23, noes 92; no quorum voting.

Mr. HOLMAN. I call for tellers.

Mr. SPEER. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 100, nays 103, not voting 87; as follows:

YEAS—Messrs. Adams, Archer, Atkins, Averill, Banning, Barnum, Barrere, Beck, Begole, Bell, Bland, Blount, Bowen, Bradley, Bright, Bromberg, Brown, Buckner, Buffinton, Burleigh, Burrows, Caldwell, Cannon, Cason, Amos Clark, jr., John B. Clark, jr., Clements, Clymer, Coburn, Comingo, Cook, Corwin, Crittenden, Crossland, Crutchfield, Danford, Davis, Donnan, Dunnell, Durham, Fort, Freeman, Giddings, Glover, Gunckel, Hagans, Henry R. Harris, John T. Harris, Hatcher, John W. Hazelton, Hereford, Holman, Hoskins, Hunton, Hyde, Knapp, Luttrell, Magee, James W. McDill, McNulta, Milliken, Mills, Neal, O'Brien, Packer, Hosea W. Parker, Pratt, Randall, Ray, Read, Richmond, Robbins, Ellis H. Roberts, James W. Robinson, Ross, Henry B. Sayler, John G. Schumaker, Sessions, Southard, Speer, Sprague, Stanard, Standiford, Stone, Storm, Strawbridge, Christopher Y. Thomas, Vance, Jasper D. Ward, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, Charles G. Williams, Willie, Ephraim K. Wilson, James Wilson, Wood, Woodworth, and John D. Young—100.

NAYS—Messrs. Albert, Albright, Arthur, Barry, Biery, Burchard, Cessna, Clinton L. Cobb, Stephen A. Cobb, Conger, Crooke, Crounse, Curtis, Darrall, Dawes, De Witt, Eames, Eldredge, Elliott, Field, Foster, Frye, Garfield, Gooch, Eugene Hale, Robert S. Hale, Hancock, Benjamin W. Harris, Harrison, Havens, John B. Hawley, Joseph R. Hawley, Hays, George F. Hoar, Hodges, Hooper, Houghton, Howe, Hunter, Hurlbut, Hynes, Kasson, Kelley, Kellogg, Lamport, Lawson, Lowe, Lowndes, Lynch, Maynard, Alexander S. McDill, MacDougall, McKee, Merriam, Monroe, Moore, Morrison, Niblack, O'Neill, Orr, Packard, Page, Isaac C. Parker, Parsons, Pendleton, Phelps, Pike, James H. Platt, jr., Poland, Purman, Rainey, Ransier, Rapier, Rice, Henry J. Scudder, Isaac W. Scudder, Shanks, Sheats, Sheldon, Sherwood, Sloan, Small, Smart, George L. Smith, J. Ambler Smith, William A. Smith, Snyder, Strait, Taylor, Todd, Townsend, Tremain, Tyner, Waldron, Walls, Marcus L. Ward, Wheeler, White, Whiteley, John M. S. Williams, William Williams, William B. Williams, and Pierce M. B. Young—103.

NOT VOTING—Messrs. Ashe, Barber, Bass, Berry, Bundy, Benjamin F. Butler, Roderick R. Butler, Cain, Freeman Clarke, Clayton, Cotton, Cox, Creamer, Crocker, Dobbins, Duell, Eden, Farwell, Hamilton, Harmer, Hathorn, Gerry W. Hazelton, Hendee, Herndon, Hersey, E. Rockwood Hoar, Hubbell, Jewett, Kendall, Killinger, Lamar, Lamison, Lansing, Lawrence, Leach, Lewis, Lofland, Loughridge, Marshall, Martin, McCrary, McJunkin, McLean, Mellish, Mitchell, Morey, Myers, Negley, Nesmith, Niles, Nunn, Orth, Pelham, Perry, Phillips, Pierce, Thomas C. Platt, Potter, William R. Roberts, James C. Robinson, Rusk, Sawyer, Milton Sayler, Scofield, Sener, Lazarus D. Shoemaker, Sloss, A. Herr Smith, H. Boardman Smith, John Q. Smith, Starkweather, Stephens, St. John, Stowell, Swann, Sypher, Charles R. Thomas, Thornburgh, Waddell, Wallace, Wells, Wilber, George Willard, Wilshire, Jeremiah M. Wilson, Wolfe, and Woodford—87.

So the amendment was not concurred in.

During the roll-call,

Mr. WELLS said: I am paired upon this question with the gentleman from Massachusetts, Mr. E. R. HOAR. If he were present he would vote "no" and I would vote "ay."

The next amendment upon which a separate vote was asked (by Mr. HOLMAN) was on page 66, in line 15, after the word "Treasury," to insert the words "one clerk of loans and one clerk of currency, at $2,500 each; two clerks, at $2,200 each;" and to strike out in lines 15 and 16 the word "seventeen" and insert in lieu thereof the word "fourteen;" so that it would read:

In the office of the Secretary of the Treasury:

One clerk of loans and one clerk of currency, at $2,500 each; two clerks, at $2,200 each; fourteen clerks of class four, &c.

The question was taken on concurring in the amendment; and on a division there were—ayes 74, noes 2; no quorum voting.

Mr. HOLMAN. I insist on a further count, as this is an increase of salaries.

Tellers were ordered; and Mr. HOLMAN and Mr. GARFIELD were appointed.

Mr. HOLMAN. I ask that this amendment proposing an increase of salary be again reported to the House.

Mr. GARFIELD. It is a decrease of salaries.

The Clerk again read the amendment.

Mr. HOLMAN. On this increase of salaries I ask for the yeas and nays.

The question was put on ordering the yeas and nays; and there were—ayes 23; noes 152.

Mr. HOLMAN. On this increase of salaries I ask for tellers on the yeas and nays; and I hope we shall be able to obtain votes enough to order them on the democratic side of the House.

Mr. KELLOGG. I object to debate and call the gentleman to order.

The question was put on ordering tellers; and only 28 members voted therefor.

So tellers were refused, the yeas and nays were not ordered, and the amendment was concurred in.

The next amendment upon which a separate vote was asked (by Mr. HOLMAN) was on page 66, in line 31, to insert after the word "Treasury" the words "five chiefs of division, at $2,500 each; one disbursing clerk, at $2,000," and to strike out "eighteen" and insert in lieu thereof "twelve;" so that it would read:

In the office of the Register of the Treasury:
Five chiefs of division, at $2,500 each; one disbursing clerk, at $2,000; fourteen clerks of class four, twelve clerks of class three.

The question was put on concurring in the amendment; and on a division there were—ayes 109, noes 34.

Mr. HOLMAN. I ask for the yeas and nays on this increase of salaries.

Upon ordering the yeas and nays there were—ayes 28, noes 117; not one-fifth voting therefor.

Mr. STORM. I call for tellers on the yeas and nays.

Tellers were not ordered, only 22 members voting therefor.

So the yeas and nays were not ordered.

The amendment was concurred in.

The next amendment upon which a separate vote was asked (by Mr. GARFIELD) was to the following paragraph:

For labor, (by the day, piece, or contract,) including labor of workmen skilled in engraving, transferring, plate-printing, and other specialties necessary for carrying on the work of engraving and printing notes, bonds, and other securities of the United States, the pay for such labor to be fixed by the Secretary of the Treasury at rates not exceeding the rates usually paid for such work, $500,000.

The amendment was to strike out "$500,000," and to insert "and for other expenses of engraving and printing notes, bonds, and other securities of the United States, $1,125,000."

The question was taken upon concurring in the amendment; and on a division there were—ayes 71, noes 36; no quorum voting.

Mr. DAWES. Upon this amendment I call for the yeas and nays.

The yeas and nays were ordered.

The question was again taken; and there were—yeas 152, nays 52, not voting 86; as follows:

YEAS—Messrs. Albright, Archer, Arthur, Atkins, Barber, Barrere, Begole, Bell, Biery, Bowen, Bright, Brown, Buckner, Bundy, Burchard, Burrows, Roderick R. Butler, Cain, Caldwell, Cannon, Cason, Cessna, Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Comingo, Conger, Cook, Corwin, Cotton, Crittenden, Crossland, Crounse, Crutchfield, Danford, Darrall, Davis, Donnan, Dunnell, Durham, Eldredge, Elliott, Field, Fort, Frye, Glover, Hagans, Harmer, Henry R. Harris, John T. Harris, Harrison, Hatcher, Havens, John B. Hawley, Joseph R. Hawley, Hays, John W. Hazelton, Hereford, Herndon, E. Rockwood Hoar, Hodges, Houghton, Hunter, Hunton, Hurlbut, Hynes, Kelley, Kellogg, Knapp, Lamison, Lamport, Lawrence, Leach, Loughridge, Lynch, Magee, Martin, Maynard, Alexander S. McDill, James W. McDill, MacDougall, McJunkin, McKee, McNulta, Merriam, Milliken, Moore, Morey, Neal, Niblack, Niles, O'Brien, O'Neill, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Pelham, James H. Platt, jr., Pratt, Purman, Rainey, Randall, Ransier, Rapier, Read, Robbins, James W. Robinson, Rusk, Sawyer, Henry B. Sayler, Milton Sayler, John G. Schumaker, Isaac W. Scudder, Sener, Sessions, Sheats, Sherwood, Sloan, Smart, George L. Smith, J. Ambler Smith, William A. Smith, Snyder, Southard, Speer, Sprague, Standiford, Storm, Strait, Strawbridge, Taylor, Christopher Y. Thomas, Todd, Townsend, Vance, Waldron, Jasper D. Ward, Wells, White, Whitehead, Whiteley, Charles G. Williams, William Williams, Willie, James Wilson, Woodworth, John D. Young, and Pierce M. B. Young—152

NAYS—Messrs. Albert, Averill, Barnum, Bland, Bradley, Bromberg, Buffinton, Burleigh, Amos Clark, jr., John B. Clark, jr., Crooke, Dawes, Dobbins, Eames, Foster, Garfield, Gooch, Gunckel, Eugene Hale, Robert S. Hale, George F. Hoar, Hoskins, Hyde, Kasson, Lawson, Lowe, Lowndes, McCrary, Monroe, Pendleton, Perry, Phelps, Pike, Poland, Potter, Ray, Rice, Ellis H. Roberts, Ross, Henry J. Scudder, Shanks, Starkweather, Stone, Tremain, Tyner, Walls, Marcus L. Ward, Wheeler, Whitehouse, Whitthorne, William B. Williams, and Woodford—52.

NOT VOTING—Messrs. Adams, Ashe, Banning, Barry, Bass, Beck, Berry, Blount, Benjamin F. Butler, Freeman Clarke, Clayton, Clymer, Cox, Creamer, Crocker, Curtis, DeWitt, Duell, Eden, Farwell, Freeman, Giddings, Hamilton, Hancock, Benjamin W. Harris, Hathorn, Gerry W. Hazelton, Hendee, Hersey, Holman, Hooper, Howe, Hubbell, Jewett, Kendall, Killinger, Lamar, Lansing, Lewis, Lofland, Luttrell, Marshall, McLean, Mellish, Mills, Mitchell, Morrison, Myers, Negley, Nesmith, Nunn, Hosea W. Parker, Parsons, Phillips, Pierce, Thomas C. Platt, Richmond, William R. Roberts, James C. Robinson, Scofield, Sheldon, Lazarus D. Shoemaker, Sloss, Small, A. Herr Smith, H. Boardman Smith, John Q. Smith, Stanard, Stephens, St. John, Stowell, Swann, Sypher, Charles R. Thomas, Thornburgh, Waddell, Wallace, Wilber, Charles W. Willard, George Willard, John M. S. Williams, Wilshire, Ephraim K. Wilson, Jeremiah M. Wilson, Wolfe, and Wood—86.

So the amendment was concurred in.

The last amendment upon which a separate vote was asked (by Mr. GARFIELD) was to strike out the following:

SEC. 3. That hereafter the rooms of each Department shall be kept open for public business, and the clerical and other force therein shall be employed not less than seven hours in each working day, from which time an intermission, not exceeding one half-hour each day, may be taken, under rules to be established by the head of each Department.

The question was taken upon concurring in the amendment; and upon a division there were ayes 93.

Before the noes were counted,

Mr. GARFIELD called for the yeas and nays.

The question was taken upon ordering the yeas and nays; and upon a division there were—ayes 25, noes 129.

Before the result of the vote was announced,

Mr. LOUGHRIDGE called for tellers on ordering the yeas and nays.

The question was taken on ordering tellers, and there were 18 in the affirmative.

So tellers were not ordered, the affirmative not being one-fifth of a quorum.

The yeas and nays were not ordered, one-fifth not voting in the affirmative.

The amendment was accordingly concurred in.

Mr. GARFIELD. I ask unanimous consent of the House that the engrossing clerk have authority to correct the footing of any paragraph where any change has been made.

No objection was made.

The bill, as amended, was then ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. GARFIELD moved to reconsider the vote by which bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. GARFIELD. I move that——

Mr. HOLMAN. I move that the bill be amended by adding the words "and to increase the salaries of sundry employés of the Government."

Mr. GARFIELD. I do not yield the floor for that purpose. I call the previous question on the title.

The previous question was seconded and the main question ordered; and under the operation thereof the title was adopted.

Mr. GARFIELD moved to reconsider the vote last taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILL SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 2868) to render available an unexpended balance of appropriation for collection and payment of bounty, &c., for colored soldiers and sailors.

AFFAIRS IN SOUTH CAROLINA.

Mr. TREMAIN, by unanimous consent, submitted an adverse report from the Committee on the Judiciary in the case of the application of certain memorialists from the State of South Carolina asking relief; which was ordered to be printed, and recommitted to the Committee on the Judiciary, not to be brought back by a motion to reconsider.

CHIPPEWA INDIANS OF MICHIGAN.

Mr. RICHMOND, by unanimous consent, reported back from the Committee on Indian Affairs the bill (H. R. No. 1698) for the relief of L'Anse and Vieux de Sert bands of Chippewa Indians of the State of Michigan; which was referred to the Committee of the Whole on the Private Calendar.

SETTLERS ON RAILROAD LANDS.

Mr. TOWNSEND, by unanimous consent, reported from the Committee on the Public Lands a bill (H. R. No. 3162) for the relief of settlers on railroad lands; which was read a first and second time, ordered to be printed, and recommitted to the Committee on the Public Lands, not to be brought back by a motion to reconsider.

CONDEMNED ORDNANCE FOR MONUMENTAL PURPOSES.

Mr. GOOCH, by unanimous consent, introduced a bill (H. R. No. 3163) authorizing the Secretary of War to deliver certain condemned ordnance to the municipal authorities of Lexington, Massachusetts, for monumental purposes; which was read a first and second time, ordered to be printed, and referred to the Committee on Military Affairs, not to be brought back by a motion to reconsider.

AFFAIRS IN ARKANSAS.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on the Judiciary, and ordered to be printed:

To the House of Representatives:

I have the honor to transmit herewith additional correspondence received since my communication of the 23d instant, in reply to the resolution of the House of Representatives of the 20th instant, requesting copies of correspondence between persons claiming to be governor of Arkansas and myself relating to troubles in that State.

U. S. GRANT.

EXECUTIVE MANSION,
Washington, April 28, 1874.

J. & T. GREEN.

Mr. LAMAR asked, and obtained unanimous consent, to have recommitted to the Committee on War Claims the papers and adverse report in the case of J. & T. Green, of Jackson, Mississippi, not to be brought back by a motion to reconsider.

WITHDRAWAL OF PAPERS.

Consent was asked and obtained to withdraw from the files of the House the papers in the following cases, on which no adverse reports had been made:

By Mr. CALDWELL: In the case of Henry Fullenweider;

By Mr. HARRIS, of Virginia: In the case of J. H. Lamb; and

By Mr. HAYS: In the case of C. W. Hatch.

Mr. GARFIELD. I move that the House now adjourn.

The motion was agreed to; and accordingly (at five o'clock and ten minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as sated:

By Mr. COBURN: Papers relating to the claim of O. S. Rankin, for a pension, to the Committee on Invalid Pensions.

By Mr. DUNNELL: The petition of James Morgan and 36 others, of South Bend, Minnesota, for an appropriation for the improvement of the Minnesota River, to the Committee on Commerce.

By Mr. GLOVER: The petition of Charles J. Carlin, of Macon County, Missouri, for relief, to the Committee on Military Affairs.

By Mr. MARSHALL: The petition of George W. Morrison, private in the war of 1812 and a pensioner of the United States, for the benefit of the general laws granting increase of pension in certain cases, to the Committee on Invalid Pensions.

By Mr. McCRARY: The petition of W. H. Wilson, late corporal Company A, Second Iowa Volunteers, for a pension, to the Committee on Invalid Pensions.

By Mr. PLATT, of New York: The petition of citizens of Schuyler County, New York, for increase of currency and free banking, to the Committee on Banking and Currency.

By Mr. STORM: The memorial of the Philadelphia Board of Trade, declaring against the system of moieties, to the Committee on Ways and Means.

By Mr. WOODFORD: The petition of Patrick Murphy, for increased pensions to soldiers who have lost a leg above the knee, to the Committee on Invalid Pensions.

IN SENATE.

WEDNESDAY, *April* 29, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

REMOVAL OF DISABILITIES.

Mr. EDMUNDS. I move to reconsider the vote by which the bill (H. R. No. 3091) to release J. W. Bennett from political disabilities was yesterday indefinitely postponed, and that it be recommitted to the Committee on the Judiciary. We have been furnished with a petition on the subject, and probably it is a bill that ought to pass. I move therefore to reconsider the vote postponing it, and to recommit the bill to the Committee on the Judiciary.

The motion to reconsider was agreed to; and the bill was recommitted to the Committee on the Judiciary.

Mr. JOHNSTON. Yesterday the bill (H. R. No. 3027) to remove the legal and political disabilities of Van Ranselear Morgan, Thomas M. Jones, and Charles H. Fauntleroy, of Virginia, and A. S. Taylor, of Maryland, was reported adversely by the Committee on the Judiciary because Taylor had no petition. Last night I received a petition, and I desire now to move to reconsider the vote indefinitely postponing the bill and to have it recommitted to the Committee on the Judiciary with the petition.

The motion to reconsider was agreed to; and the bill was recommitted to the Committee on the Judiciary.

PETITIONS AND MEMORIALS.

Mr. CONOVER presented the petition of James A. Harrold, asking payment for property taken by United States troops during the late war; which was referred to the Committee on Claims.

Mr. WRIGHT presented a memorial of the Society of Friends of Marietta, Marshall County, Iowa, asking that arbitration may be substituted for war as a means of the settlement of international differences; which was referred to the Committee on Foreign Relations.

Mr. CONKLING presented a memorial of citizens of New York, remonstrating against the passage of Senate bill No. 675, providing for the abolition of the present system of compulsory pilotage on ships or vessels; which was referred to the Committee on Commerce.

Mr. CRAGIN presented the memorial of Dr. Webster M. Raines, of Macon, Georgia, praying compensation for professional services rendered Union prisoners during the late war; which was referred to the Committee on Claims.

Mr. SARGENT presented a letter from Mr. L. Upson, a citizen of California, with papers in the matter of the rancho of the ex-mission of San Buenaventura, a private land claim in California; which was referred to the Committee on Private Land Claims.

Mr. WEST presented the petition of William B. Bary, relative to the adoption of his patent combined letter-sheet and envelope by the Post-Office Department of the United States; which was referred to the Committee on Post-Offices and Post-Roads.

PAPERS WITHDRAWN.

Mr. ANTHONY. I offer the following order:

Ordered, That Amelia Ferguson have leave to withdraw her petition and papers from the files of the Senate.

There has been an adverse report, but this order is not asked for the purpose of the papers being referred to a committee, but that the petitioner may have possession of the papers.

Mr. EDMUNDS. Then copies ought to be left.

The PRESIDENT *pro tempore*. Copies will be retained by the Clerk, and the originals withdrawn.

REPORTS OF COMMITTEES.

Mr. EDMUNDS. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. No. 3093) to relieve David A. Telfair from political disability, to report the same back with an amendment inserting the word "political" before "disability;" and so amended, there being the proper petition, we recommend that it pass.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. RANSOM. I ask unanimous consent to take up the bill reported by the Committee on the Judiciary to remove the political disabilities of David A. Telfair, of North Carolina.

Mr. EDMUNDS. I am obliged to object, not on account of that bill particularly, but the Calendar is loaded with private bills of various kinds and these gentlemen ought to take their regular turn on the Calendar. If we go to the Calendar, we can reach the bill to-day, perhaps.

The PRESIDENT *pro tempore*. The Senator from Vermont objects.

Mr. EDMUNDS, from the Committee on the Judiciary, to whom was referred the petition of Dabney H. Maury, of Virginia, praying for the removal of his political disabilities, reported a bill (S. No. 743) to remove the political disabilities of Dabney H. Maury, of Virginia; which was read and passed to a second reading.

He also, from the same committee, to whom was referred the petition of Charles M. Fauntleroy, of Virginia, praying that his political disabilities be removed, reported a bill (S. No. 744) to remove the political disabilities of Charles M. Fauntleroy, of Virginia; which was read and passed to a second reading.

Mr. WADLEIGH, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 491) for the relief of Kerry Sullivan, of Company G, Fourteenth Regiment New Hampshire Volunteers, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 574) for the relief of Willis N. Arnold, reported it with an amendment.

Mr. WRIGHT, from the Committee on Claims, to whom was referred the bill (H. R. No. 1578) for the relief of Martin Kalbfleisch's Sons, reported it without amendment.

Mr. BOREMAN. Some time since the bill (S. No. 398) for the relief of Hiram W. Love was reported by me by direction of the Committee on Claims favorably as to a part of the claim. Subsequently it was recommitted to the committee with the view of satisfying us that a greater amount should be allowed. I am now directed by the committee to again report the bill in precisely the same form as hitherto, favorably, as to the amount set forth in the bill.

Mr. BOGY, from the Committee on Indian Affairs, to whom was referred the bill (H. R. No. 2786) for the relief of John B. Chapman, reported adversely thereon, and the bill was postponed indefinitely.

Mr. CRAGIN, from the Committee on Naval Affairs, to whom was referred the bill (H. R. No. 2208) authorizing the President to reinstate George M. Book on the active list of the Navy, reported it with an amendment.

He also, from the same committee, to whom was referred the memorial of Philip S. Wales, medical inspector United States Navy, praying that his name be placed upon the prize-list with those entitled to share in the prize-money awarded to the fleet of Admiral Farragut for the capture and destruction of rebel vessels resulting in the capture of New Orleans, reported a bill (S. No. 745) for the relief of Philip S. Wales, medical inspector United States Navy; which was read and passed to a second reading.

Mr. MITCHELL, from the Committee on Claims, to whom was referred the bill (H. R. No. 2346) for the relief of W. A. Saylor, of Bryan, Texas, reported it without amendment.

He also, from the same committee, to whom was referred the petition of John D. Leflore and James C. Harris, executors of the last will and testament of Greenwood Leflore, deceased, praying compensation for services rendered as principal chief of the Choctaw Nation in making various treaties, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

BILLS INTRODUCED.

Mr. CONOVER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 746) to amend the act of March 3, 1871, so far as the same affects the pay of pay directors and medical directors;

which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. SPENCER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 747) to facilitate and regulate commerce among the several States and with foreign nations; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. BUCKINGHAM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 748) to transfer to the Secretary of the Treasury all stocks and evidences of indebtedness due and held in trust by the Secretary of the Interior on account of the Creek orphan fund; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. WRIGHT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 749) to repeal a part of an act therein named in relation to the compensation of pension agents; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

Mr. WRIGHT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 750) in relation to certain salaries therein named and for the regulation of the civil service; which was read twice by its title, referred to the Committee on Civil Service and Retrenchment, and ordered to be printed.

Mr. EDMUNDS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 751) to constitute a quorum and to regulate the proceedings of the Court of Claims; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 752) to compel the performance of certain duties by clerks of courts and other officers in the United States; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. CARPENTER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 753) providing for the settlement and payment of the damages arising from the seizure and detention of the steam ferry-boat Nuestra Señora de Regla by the authorities of the United States in 1861; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

ORDER OF BUSINESS.

Mr. RAMSEY. If the morning business is gone through with, I should like to appeal to the Senate to allow me to call up the bill (S. No. 468) to revive and continue certain grants of land heretofore made to the Territory and State of Minnesota to aid in the construction of the several lines of the Saint Paul and Pacific Railroad Company.

The PRESIDENT *pro tempore*. The Calendar being in order, the Senator from Minnesota moves to postpone it and proceed to the consideration of the bill indicated by him.

Mr. EDMUNDS. I should like to have the bill read for information.

The PRESIDENT *pro tempore*. The bill will be read for information.

The Chief Clerk read the bill.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. SHERMAN. I do not know anything about it. I object to its being taken up in an irregular way. It seems to involve the renewal of land grants. I do not know anything about the case; but if the Senate are now prepared to take up the bill and debate it, so that we can have full information on it, I shall not object.

Mr. BOGY. I will state to the Senator from Ohio that I think there will be no debate about this bill. It has been examined by the committee, and if the Senate will abide by their statements there will be no debate to consume time.

Mr. SHERMAN. I do not think we ought to take up a bill which involves the renewal of land grants and about which I at least know nothing, except in the regular order.

Mr. RAMSEY. I would say to the Senator from Ohio that there is some importance attached to the matter of time as to when this bill is taken up. There is a great deal of property involved. It is very important if the grant is renewed, as I have no doubt it will be on a hearing of the case, that the parties should be enabled as soon as the spring opens to go on with the work. For that reason I should like the Senate to consider the bill now. It relates to a grant for an important road connecting the valley of the Mississippi with the British settlements.

The PRESIDENT *pro tempore*. The Chair will suggest that debate on the merits of the bill is not now in order.

Mr. SHERMAN. I will, under the circumstances, submit an objection.

The PRESIDENT *pro tempore*. The Chair then will submit the question on the motion of the Senator from Minnesota.

Mr. EDMUNDS. If the Senate is to take up this bill with the idea that it is not to be debated and considered, it will be a mistake, because I suppose I can allude to the merits of the bill far enough to say what its general character is and that it respects the question of land grants pretty broadly. So far I can certainly go. Of course, a bill of this kind ought not to pass until it is fairly considered and the history of the subject is perfectly understood, so that the Senate will know whether it is standing by its pledges to the country or not in acting upon it. So far, of course, it must be debated. I do not object to its being taken up now, if the Senate chooses, so far as I am concerned; but of course it will dispose of the rest of the Calendar for this morning.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Minnesota.

The motion was not agreed to; the ayes being 14, noes not counted.

DAVID A. TELFAIR.

The PRESIDENT *pro tempore*. The first bill on the Calendar is now in order.

Mr. RANSOM. I ask the Senate to postpone the Calendar and take up the bill indicated by me a few moments since, to remove the disabilities of David A. Telfair, of North Carolina, reported by the Senator from Vermont this morning.

Mr. EDMUNDS. I hope my friend from North Carolina will not persist in that motion. If we take up one of these bills out of its order, we ought to take up the others, and so of other private bills. Now, if we can by consent stand by the Calendar and go straight on, this bill will be reached in the course of a day or two at farthest.

Mr. RANSOM. If the Senator from Vermont will allow me, I will say to him that the bill has had rather an unfortunate fate in the Senate. The fact that a petition had not been presented led the committee to report it adversely before. It is important for the individual asking relief that his disabilities should be removed. I received a message from a gentleman of the House this morning urging its passage. I hope the Senate will take it up.

The PRESIDENT *pro tempore*. The Senator from North Carolina moves to postpone the Calendar and proceed to the consideration of the bill indicated by him.

Mr. EDMUNDS. If the Senator from North Carolina will state to the Senate what special ground there is for acting on the bill to-day, why it needs more haste than any other, it would be more satisfactory.

Mr. RANSOM. I am not informed of the particular reason why; but I expect that Mr. Telfair wishes to take some office to which he is about to be elected. The member from the district of North Carolina where he resides has just sent me a message asking to have the bill passed at once if it can be done. I would not insist on it but for that; or if it would give rise to debate I would not insist.

Mr. EDMUNDS. Of course there will be no debate when it is reached, although the Senator ought not to complain about the misfortunes of this bill, for we never had the petition until yesterday. It is not the fault of the committee or the Senate certainly.

Mr. RANSOM. I did not complain; I simply mentioned the fact.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. EDMUNDS. If it is not made a precedent I do not care.

The PRESIDENT *pro tempore*. The Chair hears no objection.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3093) to relieve David A. Telfair from political disability.

The Committee on the Judiciary reported an amendment to the bill to insert before the word "disabilities" the word "political."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed by a two-thirds vote.

LEAVES OF ABSENCE TO ARMY OFFICERS.

The PRESIDENT *pro tempore*. The first bill on the Calendar will be reported.

The first bill on the Calendar was the bill (H. R. No. 1933) to amend the thirty-first section of an act entitled "An act for enrolling and calling out the national militia, and for other purposes," approved March 3, 1863. It provides that all officers on duty at any point west of a line drawn north and south through Omaha City and north of a line drawn east and west upon the southern boundary of Arizona shall be allowed sixty days' leave of absence without deduction of pay or allowances, if the same is taken but once in two years; and that the leave of absence may be extended to three months if taken once only in three years; or four months if taken once only in four years.

Mr. SHERMAN. Has that bill been reported from the Committee on Military Affairs?

Mr. BOREMAN. Yes, sir; by the chairman, [Mr. LOGAN.]

Mr. SHERMAN. Is there any report in that case?

The PRESIDENT *pro tempore*. No written report.

Mr. SHERMAN. I do not like to object to the bill in the absence of the Senator from Illinois; but it is making a peremptory rule for leaves of absence which may be sometimes a great sacrifice, and they carry with them transportation, I suppose, involving very large expense. I do not want the bill to lose its place on the Calendar, but I think the Senate ought to let it go over until the Senator from Illinois is here.

The PRESIDENT *pro tempore*. It will be laid aside informally for the present, and the next bill on the Calendar will be read. The Chair will call the attention of the Senator from Illinois to the bill when he shall make his appearance.

JAMES LONG.

The next bill on the Calendar was the bill (H. R. No. 368) for the relief of James Long; which was considered as in Committee of the Whole.

The Secretary of War is by the bill to cause to be paid to James Long the full pay and emoluments of a second lieutenant of infantry of Company A, Forty-sixth Regiment of Missouri Volunteers, from the 13th of September, 1864, to the 3d of December, 1864, deducting therefrom any amount he may have received as an enlisted man during the time specified.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OTTAWA AND CHIPPEWA LANDS IN MICHIGAN.

Mr. CONOVER. I ask that the Calendar be temporarily laid aside while I move that Senate bill No. 710, for the relief of E. Laws, chief engineer United States Navy, be considered. ["No!" No!"]

Mr. ANTHONY. Why does the Senator want to do that?

The motion was not agreed to.

The bill (S. No. 420) to amend the act entitled "An act for the restoration to homestead entry and to market of certain lands in Michigan," approved June 10, 1872, and for other purposes, was considered as in Committee of the Whole.

The first section amends the act approved June 10, 1872, entitled "An act for the restoration to market of certain lands in Michigan," so as to authorize the Secretary of the Interior to cause patents to be issued to three hundred and twenty members of the Ottawa and Chippewa Indians of Michigan for the selections found to have been made by them, but which were not prior to the passage of that act regularly reported and recognized by the Secretary of the Interior and Commissioner of Indian Affairs; and the remainder of those lands not disposed of, and not valuable mainly for pine timber, shall be subject to entry under the homestead laws for one year from the passage of the present act, and the lands remaining thereafter undisposed of shall be restored to market.

The second section permits all Indians who have settled upon and made improvements on section 10, in township 47 north, of range 2 east, and section 4, in township 47 north, of range 3 west, Michigan, to enter not exceeding eighty acres each, at the minimum price of land, upon making proof of such settlement and improvement before the register of the land office at Marquette, Michigan; and when these entries shall have been completed in accordance herewith the remaining lands embraced within the limits of these sections shall be restored to market.

The third section provides that all actual, permanent, *bona fide* settlers on any of the lands reserved for Indian purposes under the treaty with the Ottawa and Chippewa Indians of Michigan of July 31, 1855, shall be entitled to enter not exceeding one hundred and sixty acres of land, either under the homestead laws or to pay the minimum price of land, on making proof of his or her settlement and continued residence before the expiration of ninety days from the passage of the present act, in case such settlers do not claim any of the lands heretofore patented to Indians, or in conflict with the selections found to have been made by Indians referred to in the first section of this bill, and shall have settled upon those lands prior to the 1st day of January, 1874.

Mr. EDMUNDS. I should like to have that bill explained. It seems to be of importance, disposing of pine lands and those not pine lands.

Mr. FERRY, of Michigan. The Senator who reported this bill not being present, [Mr. OGLESBY,] as I know something of it I will state to the Senator that it is merely carrying out the provisions of the act of June 10, 1872. It was found under that act by examination that though certain Indians had received certificates of selection, those certificates by some irregularity never reached the Department, and so the patents have not been issued. They were entitled to them under the provisions of the statute, but have not received their rights. The Government on its part was unable to issue the patents because the selections had not been entered upon the books of the Department here.

The Secretary of the Interior discovering this error, draughted a bill which has been submitted here and referred to the Committee on Indian Affairs, and they have reported it substantially as prepared by the Secretary. So far as regards pine lands, the proposition of the bill is to open those lands to homesteads except such lands as are mainly valuable for pine purposes, and those are to be offered at public sale upon thirty days' notice, so that there can be no loss to the Government. I can see no objection to the bill, and I believe it conforms to the wishes of the Secretary of the Interior and the Commissioner of the General Land Office. I hope the bill will pass.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read the third time, and passed.

SPENCER & MEAD.

The bill (H. R. No. 1331) for the relief of Joab Spencer and James R. Mead, for supplies furnished the Kansas tribe of Indians, was considered as in Committee of the Whole.

It requires the Secretary of the Interior to cause to be paid to Joab Spencer and James R. Mead, late the firm of Spencer & Mead, $7,509.83, and interest on that sum at the rate of 7 per cent. per annum from the 6th of August, 1867, until paid, out of any money now due or owing, or that may at any time hereafter become due and owing the Kansas tribe of Indians, in the State of Kansas, from the proceeds arising from the sale of lands owned by that tribe in Kansas, in full compensation for the goods and provisions furnished those Indians by Spencer & Mead during the years 1866 and 1867.

Mr. WRIGHT. The Senator from Kansas [Mr. INGALLS] I believe reported that bill. I should like to inquire of him upon what ground it is that it provides for the payment of interest on this claim?

Mr. INGALLS. Messrs. Spencer & Mead were licensed Indian traders among the Kaw tribe of Indians at the time referred to in this bill. During a period of great destitution they advanced a certain amount of supplies to the Indians, consisting of flour, bacon, coffee, sugar, and other provisions, which the Indians were unable to pay for out of their annuities and other funds. This bill provides that Spencer & Mead shall be reimbursed for the supplies furnished by them during that period, out of any funds that the Indians themselves may be entitled to receive from the sale of their lands, which are now in process of being disposed of to actual settlers. The Indians themselves have been consulted about this matter, and have filed with the papers in the case a full consent to the terms of this bill. The Commissioner of Indian Affairs has also examined it, and gives it his full approval. Interest is to be paid simply because the payment of the principal has been unduly and improperly delayed.

Mr. WRIGHT. So far as the claim to interest is concerned, I understand it is based wholly on the consent of the Indians, the money coming out of their property and not out of the Government.

Mr. INGALLS. Entirely so. That appears by their agreement filed in writing.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM N. WILLIAMS.

The bill (H. R. No. 1772) for the relief of William N. Williams, late a second lieutenant of volunteers, was considered as in Committee of the Whole. It provides that William N. Williams, late a second lieutenant of the Sixth Regiment of Indiana Volunteer Infantry, be mustered as such second lieutenant, to date from the 30th of March, 1862; and that the Paymaster-General of the Army pay him, out of any money in the Treasury appropriated for the pay of the Army, the sum of $138.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CENTRAL BRANCH UNION PACIFIC RAILROAD.

The next bill on the Calendar was the bill (S. No. 587) declaring the true intent and meaning of the Union Pacific Railroad acts, approved July 3, 1862, July 2, 1864, and July 3, 1866, and for other purposes.

Mr. INGALLS. I ask that that bill may be laid aside, retaining its place on the Calendar.

The PRESIDENT *pro tempore*. Objection being made to the present consideration of the bill, it will be laid aside.

Mr. WRIGHT. I propose to make a motion in connection with the bill. I understand the Senator from Kansas to object to the present consideration of the bill.

The PRESIDENT *pro tempore*. He does.

Mr. WRIGHT. I do not propose to move to proceed to the consideration of the bill at this time; but I move that the bill be placed at the head of the Calendar.

Mr. STEVENSON. I hope not.

The PRESIDENT *pro tempore*. The bill having been laid aside by objection, no motion can be made upon it.

Mr. WRIGHT. I rose in my place.

The PRESIDENT *pro tempore*. The Senator from Iowa did not rise in his place until after the bill had been laid aside on the objection of the Senator from Kansas. Not being before the Senate, it is not the subject of a motion.

Mr. WRIGHT. I can move that the Senate proceed to the consideration of the bill.

The PRESIDENT *pro tempore*. Undoubtedly.

Mr. WRIGHT. I move then to proceed to the consideration of the bill.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Iowa to postpone the Calendar and proceed to the consideration of the bill (S. No. 587) declaring the true intent and meaning of the Union Pacific Railroad acts, approved July 1, 1862, July 2, 1864, and July 3, 1866, and for other purposes.

Mr. SARGENT. I ask that the bill be read.

The Chief Clerk read the bill.

Mr. WRIGHT. I wish to say to the Senate that there are about eight millions of money involved in that bill; that is to say, if this bill shall not pass, the subject-matter is before the several Departments as to the construction they shall give to the existing statutes touching the Pacific railroads, and there is a claim on the part of the Central Branch that it is entitled to lands for building the road from its terminus, one hundred miles from the Missouri River, to the one hundredth meridian of west longitude. I do not propose to insist on a disposition of this bill this morning; but all I ask is that the bill shall

not lose its place on the Calendar. It is a matter on which I feel no personal interest in the world; but it is a matter of essential importance to the country that this bill should be disposed of before Congress adjourns. If there can be an agreement on the part of the Senate that it shall not lose its place on the Calendar, I shall not insist on the motion at this time; but it ought to be disposed of at some time before the adjournment, and my wish was that it should not lose its place on the Calendar. If there be no objection that it shall not lose its place on the Calendar, I shall not insist on my motion, but let it pass over with that understanding.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent to place this bill at the head of the Calendar, to be called first each morning.

Mr. STEVENSON. I hope it will not be placed at the head of the Calendar. We shall never consider the bill in the morning hour; it is too important for that. I agree perfectly with the Senator from Iowa in the conclusion of his report, but this is a matter that will involve a great deal of discussion. It involves the title to millions of dollars by a very large and influential company, and it is very natural that they should insist upon being heard, and we shall waste morning after morning without reaching any result. I think it is an important bill, and it ought to be considered and ought to be made the special order for some particular time.

Mr. WRIGHT. That being the wish of the Senator from Kentucky, who is a member of the committee and concurred in the report, I shall not at this time press the motion; but having called the attention of the Senate to the importance of the question, I now give notice that I shall at the very earliest day I can get the floor move to proceed to the consideration of the bill. I withdraw my motion for the present.

LEAVE OF ABSENCE OF ARMY OFFICERS.

The PRESIDENT *pro tempore*. The Chair will call the attention of the Senator from Illinois [Mr. LOGAN] to the fact that the bill (H. R. No. 1933) to amend the thirty-first section of an act entitled "An act for enrolling and calling out the national militia, and for other purposes," approved March 3, 1863, was passed over this morning informally before he entered the Chamber. It will be read again.

The Chief Clerk read the bill; and the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. SHERMAN. I desired an explanation of that bill, and the Senator being absent it was laid aside. It seems to me that if it be mandatory it might interfere with the military service, and it might involve a considerable expense for leaves of absence if they carry transportation, as to which I am not informed. I should like to have the Senator explain the ground of this proposed legislation.

Mr. LOGAN. The officers of the Army are entitled to leave of absence. The only object of this bill is, where the distance is so great, as in Arizona, that the thirty days' annual leave of absence that they are entitled to now by law is not sufficient for them to go and return and transact any business whatever or make any visits to their friends, to allow double the time, but only once in two years.

Mr. SHERMAN. I ask the Senator whether leave of absence carries transportation?

Mr. LOGAN. No, sir; not at all. A leave of absence is allowed by law, but it only grants officers leave to go away. They furnish their own transportation?

Mr. SHERMAN. The right might be conferred by law; but the time and circumstances ought to be entirely under the control of the Secretary of War or the proper officer who gives the leave. If this is a right conferred by law, it may be demanded when the service will not allow it.

Mr. LOGAN. It may be demanded by law now.

Mr. SHERMAN. But the time and circumstance ought to be under the control of the Secretary of War or the proper officer.

Mr. LOGAN. I do not see that the bill changes the law in that particular. There is no time specified. It is any time during the two years. When leave is applied for, under the discretion of the Secretary of War it may not be granted at that time on that application; but the officer is certainly entitled to it during that term at some time; but that is at the discretion of the Secretary of War. It is the same as the law now, except that it extends the time.

Mr. SHERMAN. Having called the attention of the Senator to it, if he is satisfied it is right I shall make no further objection to the bill.

Mr. LOGAN. This only extends the time by doubling the period, limiting it to once in two years, so as to give those at far distances an opportunity to return home and visit friends and come back again. That is all the change there is made in the law by this bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALLOWANCES TO ARMY OFFICERS.

The bill (S. No. 588) approving the action taken by the Secretary of War, under the act approved July 15, 1870, was read a second time, and considered as in Committee of the Whole.

The bill approves the action heretofore taken by the Secretary of War, to cause the year's pay and allowances granted by the act approved July 15, 1870, entitled "An act making appropriations for the support of the Army for the year ending June 30, 1871, and for other purposes," to such commissioned officers of the Regular Army as were under that act mustered out of the service of the United States to be refunded when any of the officers have been, or shall be, again commissioned in the Regular Army.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

W. L. PARVIN AND H. A. GREENE.

The next bill on the Calendar was the bill (S. No. 589) for the relief of Washington L. Parvin and Henry A. Greene, late captains of California Volunteers; which was read the second time, and considered as in Committee of the Whole. It is by the bill made the duty of the proper accounting officers of the Treasury to examine and determine the amounts justly due Washington L. Parvin for expenses incurred by him in recruiting, transporting, and subsisting Company F, First Regiment Infantry California Volunteers, in the year 1861, in the State of California, and also what is justly due Henry A. Greene for expenses incurred by him in recruiting, transporting, and subsisting Company G, First Regiment Infantry California Volunteers, in the year 1861, in the State of California; but in no case shall the amount allowed to Parvin exceed $991.10, nor shall the amount allowed to Greene exceed $3,303.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELIAS C. BOUDINOT.

The next bill on the Calendar was the bill (H. R. No. 826) for the relief of Elias C. Boudinot; which was considered as in Committee of the Whole. It directs the civil proceedings now pending in the name of the United States against the property claimed by Elias C. Boudinot, for alleged violations of the internal-revenue laws, be discontinued and dismissed, and that the property seized and taken from him, and the gross proceeds of the sale of any such property, on account of alleged violations of those laws, be returned and restored to him by the proper officers of the Government; but the taxes legally due from and unpaid by Boudinot, in respect to the business, must have first been paid or deducted from the proceeds.

The Committee on the Judiciary reported an amendment to strike out all after the word "dismissed," in the sixth line of the bill, as follows:

And that the property seized and taken from him, and the gross proceeds of the sale of any such property, on account of alleged violations of said laws, be returned and restored to him by the proper officers of the Government: *Provided*, That taxes legally due from and unpaid by said Boudinot, in respect to the business, shall have first been paid or deducted from the proceeds aforesaid.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

WILLIAM J. PATTON.

The next bill on the Calendar was the bill (S. No. 459) for the relief of William J. Patton.

Mr. EDMUNDS. Let that go over. It raises a very important principle.

The PRESIDENT *pro tempore*. The bill will be laid aside.

Mr. WRIGHT. I would suggest to the Senator from Vermont that he allow the report to be read in this case, so that we may see the question that is involved.

Mr. EDMUNDS. I am perfectly willing to hear the report, reserving the right to object.

The PRESIDENT *pro tempore*. If there be no objection the report will be read.

The Chief Clerk read the report submitted by Mr. WRIGHT, from the Committee on Finance, on the 10th of March.

Mr. EDMUNDS. Let the bill go over. It will certainly lead to debate.

The PRESIDENT *pro tempore*. The bill will be laid aside.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a report of the Secretary of War upon the petition of the Legislature of Montana Territory, transmitted to him, by order of the Senate, asking protection for citizens of Deer Lodge and Missoula Counties against the depredations of roving bands of Indians; which was ordered to lie on the table, and be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. LLOYD, its Chief Clerk, announced that the House had concurred in the amendments of the Senate to the bill (H. R. No. 1935) for the relief of William J. Scott, late aid-de-camp on the staff of General Spear.

SUPPLEMENTARY CIVIL-RIGHTS BILL.

Mr. FRELINGHUYSEN. I move that the Senate now proceed to the consideration of Senate bill No. 1, being the civil-rights bill.

The PRESIDENT *pro tempore*. The Senator from New Jersey moves to postpone the Calendar and proceed to the consideration of Senate bill No. 1.

The motion was agreed to.

Mr. DAVIS. What bill is that?

The PRESIDENT *pro tempore*. The supplemental civil-rights bill

Mr. DAVIS. Is it called up for action or for a speech?

Mr. FRELINGHUYSEN. For the purpose of action.

Mr. EDMUNDS. For the purpose of passage.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 1) supplementary to an act entitled "An act to protect all citizens of the United States in their civil rights, and to furnish the means for their vindication," passed April 9, 1866.

The Committee on the Judiciary reported the bill with an amendment, which was to strike out all after the enacting clause and in lieu thereof to insert the following:

That all persons within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances on land or water, theaters, and other places of public amusement; and also of common schools and public institutions of learning or benevolence supported, in whole or in part, by general taxation; and of cemeteries so supported, subject only to the conditions and limitations established by law, and applicable alike to citizens of every race and color, regardless of any previous condition of servitude.

SEC. 2. That any person who shall violate the foregoing section by denying to any citizen, except for reasons by law applicable to citizens of every race and color, and regardless of any previous condition of servitude, the full enjoyment of any of the accommodations, advantages, facilities, or privileges in said section enumerated, or by aiding or inciting such denial, shall, for every such offense, forfeit and pay the sum of $500 to the person aggrieved thereby, to be recovered in an action on the case, with full costs; and shall also, for every such offense, be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than $500 nor more than $1,000, or shall be imprisoned not less than thirty days nor more than one year: *Provided*, That the party aggrieved shall not recover more than one penalty; and when the offense is a refusal of burial, the penalty may be recovered by the heirs at law of the person whose body has been refused burial: *And provided further*, That all persons may elect to sue for the penalty aforesaid or to proceed under their rights at common law and by State statutes; and having so elected to proceed in the one mode or the other, their right to proceed in the other jurisdiction shall be barred. But this proviso shall not apply to criminal proceedings, either under this act or the criminal law of any State.

SEC. 3. That the district and circuit courts of the United States shall have, exclusively of the courts of the several States, cognizance of all crimes and offenses against, and violations of, the provisions of this act; and actions for the penalty given by the preceding section may be prosecuted in the territorial, district, or circuit courts of the United States wherever the defendant may be found, without regard to the other party. And the district attorneys, marshals, and deputy marshals of the United States, and commissioners appointed by the circuit and territorial courts of the United States, with powers of arresting and imprisoning or bailing offenders against the laws of the United States, are hereby specially authorized and required to institute proceedings against every person who shall violate the provisions of this act, and cause him to be arrested and imprisoned or bailed, as the case may be, for trial before such court of the United States or territorial court as by law has cognizance of the offense, except in respect of the right of action accruing to the person aggrieved; and such district attorneys shall cause such proceedings to be prosecuted to their termination as in other cases: *Provided*, That nothing contained in this section shall be construed to deny or defeat any right of civil action accruing to any person, whether by reason of this act or otherwise. And any district attorney who shall willfully fail to institute and prosecute the proceedings herein required shall, for every such offense, forfeit and pay the sum of $500 to the person aggrieved thereby, to be recovered by an action on the case, with full costs, and shall, on conviction thereof, be deemed guilty of a misdemeanor, and be find not less than $1,000 nor more than $5,000.

SEC. 4. That no citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as grand or petit juror in any court of the United States, or of any State, on account of race, color, or previous condition of servitude; and any officer or other person charged with any duty in the selection or summoning of jurors who shall exclude or fail to summon any citizen for the cause aforesaid shall, on conviction thereof, be deemed guilty of a misdemeanor, and be fined not more than $5,000.

SEC. 5. That all cases arising under the provisions of this act in the courts of the United States shall be reviewable by the Supreme Court of the United States without regard to the sum in controversy, under the same provisions and regulations as are now provided by law for the review of other causes in said court.

The amendment was agreed to.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. Will the Senate concur in the amendment made as in Committee of the Whole?

Mr. NORWOOD. I desire to submit some remarks on this bill, but I am not able to do so to-day in consequence of a cold. I would be glad if we could go on to-day with other matters, so that I may have the floor to-morrow.

Mr. FRELINGHUYSEN. I would gladly forego making any remarks to have a vote on the bill. As it appears the vote cannot be taken at once, I will occupy the time of the Senate for a short period.

Mr. President, the Committee on the Judiciary have devolved on me, on whom it should not have been imposed, the duty of presenting and explaining this bill, which I shall do in the most concise manner, even pruning from my remarks such comment as a measure having for its object the civil rights of all might naturally inspire in the councils of a free people.

I invoke for the bill a calm, impartial, and unpartisan consideration, and ask its adoption only as it commends itself as consistent with the permanent interests of the nation, with the Constitution, and with justice to all classes of citizens. Would that the author of the measure was here to present and defend it! To our views it would have been becoming that he who was in the forum the foremost leader of the grandest victory of the nineteenth century in the western hemisphere, the victory of freedom over slavery, should have completed the work he so efficiently aided. But it was otherwise decreed.

I call the attention of the Senate to but two sections of this measure—the first section and the fourth section of the amendment; the other parts of the bill being mere machinery to carry those into effect. The first section provides:

That all persons within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances on land or water, theaters, and other places of pulic amusement; and also of common schools and public institutions of learning or benevolence, supported in whole or in part by general taxation, and of cemeteries so supported; subject only to the conditions and limitations established by law, and applicable alike to citizens of every race and color, regardless of any previous condition of servitude.

The fourth section provides—

That no citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as grand or petit juror in any court of the United States or of any State on account of race, color, or previous condition of servitude; and any officer or other person charged with any duty in the selection or summoning of jurors who shall exclude or fail to summon any citizen for the cause aforesaid shall, on conviction thereof, be deemed guilty of a misdemeanor, and be fined not more than $5,000.

Thirteen years ago in this Republic, the foundation principles of which are freedom and political equality, there were four million slaves. There came a bloody war between those who theretofore had striven together for the glory of the Republic—a war rendered the more terrific and destructive by the universal bravery and heroism of the American character. This war was followed by amendments to the Constitution which were discussed and contested in the national councils and on the public platforms with an energy and ability not inferior to those which had characterized the then recent contest of arms. That whole struggle in field and forum was one between freedom and slavery, between national sovereignty and State sovereignty, a struggle between United States citizenship and State citizenship, and the superiority of the allegiance due to each. We all know how the contest was decided.

It is the one purpose of this bill to assert, or rather to reassert, "freedom from all discrimination before the law on account of race, as one of the fundamental rights of United States citizenship." If, sir, we have not the constitutional right thus to legislate, then the people of this country have perpetrated a blunder amounting to a grim burlesque over which the world might laugh were it not that it is a blunder over which humanity would have occasion to mourn. Sir, we have the right, in the language of the Constitution, to give "to all persons within the jurisidction of the United States the equal protection of the laws."

This bill when enacted, it is believed, will be a finality, removing from legislation, from politics, and from society, an injurious agitation, and securing to every citizen that proud equality which our nation declares to be his right, and which is a boon in defense of which most men would die.

It is the friction created by discrimination among citizens in the administration of law that disturbs the harmony of government. Let us take away the foreign substance. We know we have proven that equality is the true principle on which to run society; give it full play with no obstruction, and the machine will run noiselessly and without a jar. On the contrary, keep four millions impressed with the conviction that they are denied the full and perfect enjoyment of that equality which all others have guaranteed to them, and that by a nation they are taxed to support, and to defend which they fought, and they will be dissatisfied, asserting, and obtrusive; and their obtrusions will engender prejudice and augment the evil.

The colored citizens ask this legislation, not because they seek to force themselves into associations with the whites, but because they have their prides and emulations among themselves, and wish *there* in those associations to feel that there is no ban upon them, but that they are as fully enfranchised as any who breathe the air of heaven.

I ask you, should the colored citizens be content to demand less than full and equal enfranchisement; should they say "We are content that we and our children shall wear forever the badge of political inferiority," would they not thereby prove themselves to you to be unfit for the high dignity to which the nation has called them? Let us not doubt the foundation principle of our Government; it has always proved true. Give equality to all. Our confidence will not be abused.

This bill applies alike to the white citizen and to the colored citizen.

I am aware that the majority of the Supreme Court in the Slaughter-house case, (16 Wallace,) giving construction to the thirteenth, fourteenth, and fifteenth amendments in the light of the history which called them into being, make them apply especially, though not exclusively I think, to the enfranchisement of the colored race. There can be no doubt they apply equally to all races.

The court, in the case of The Live-stock Association *vs.* The Crescent City Live-stock Company, (1 Abbott, page 38,) undoubtedly give the true construction to the amendments as to their application. The court say:

It is possible that those who framed the articles were not themselves aware of the far-reaching character of its terms. They may have had in mind but one particular phase of social and political wrongs which they desired to redress. Yet if the amendment as framed and expressed does in fact bear a broader meaning, and does extend its protecting shield over those who were never thought of when it was conceived and put in form, and does reach social evils which were never before prohibited by constitutional enactment, it is to be presumed that the American people in giving it their imprimatur understood what they were doing, and meant to decree what has in fact been decreed.

This bill therefore properly secures equal rights to the white as well as to the colored race.

Again let me say that this measure does not touch the subject of social equality. That is not an element of citizenship. The law which regulates that is found only in the tastes and affinities of the mind; its law is the arbitrary, uncontrolled human will. You cannot enact it.

This bill does not disturb any laws, whether statute or common, relating to the administration of inns, places of public amusement, schools, institutions of learning or benevolence, or cemeteries, supported in whole or in part by general taxation, (and it is only to these that it applies,) excepting to abrogate such laws as make discrimination on account of race, color, or previous servitude.

Inns, places of amusement, and public conveyances are established and maintained by private enterprise and capital, but bear that intimate relation to the public, appealing to and depending upon its patronage for support, that the law has for many centuries measurably regulated them, leaving at the same time a wide discretion as to their administration in their proprietors. This body of law and this discretion are not disturbed by this bill, except when the one or the other discriminates on account of race, color, or previous servitude.

As the capital invested in inns, places of amusements, and public conveyances is that of the proprietors, and as they alone can know what minute arrangements their business requires, the discretion as to the particular accommodation to be given to the guest, the traveler, and the visitor is quite wide. But as the employment these proprietors have selected touches the public, the law demands that the accommodation shall be good and suitable, and this bill adds to that requirement the condition that no person shall, in the regulation of these employments, be discriminated against merely because he is an American or an Irishman, a German or a colored man.

I have called attention to inns, places of amusements, and public conveyances, separately from schools, institutions of learning and benevolence, and cemeteries, supported in whole or in part by general taxation, because the condition of the existence of the former, differs from that of the latter, I assume that no one can question that schools, institutions of learning and benevolence, and cemeteries, which are supported by the taxation of all, should be subject to the equal use of all. Subjecting to taxation is a guarantee of the right to use. Even as to these institutions, which are the fruit of taxation, the bill does not disturb the established law, statute or common, or the discretion of their managers, except so far as the one or the other, in violation of the fundamental principles of our Government, discriminates against some one under our jurisdiction because of his blood, because of his complexion, or because of the cruel wrong of slavery which he may have suffered.

Uniform discrimination may be made in schools and institutions of learning and benevolence on account of age, sex, morals, preparatory qualifications, health, and the like. But the son of the poorest Irishman in the land, who has sought our shores to better the condition of his offspring, shall have as good a place in our schools as the scion of the chief man of the parish. The old blind Italian, who comes otherwise within the regulations of an asylum for the blind supported by taxation, shall have as good a right to its relief as if he were an American born.

There is but one idea in the bill and that is: The equality of races before the law.

The inquiry may arise whether this bill admits of the classification of races in the common-school system; that is, having one school for white and another for colored children. That subject has been discussed somewhat in the courts. In a case in 24 Iowa Reports, page 267, it was directly considered. There the court held that—

> The constitution and statutes in force effectuating it provide for the education of all the youths of the State, without distinction of color; and the board of directors have no discretionary power to require colored children to attend a separate school. They may exercise a uniform discretion, operative upon all, as to the residence or qualification of children to entitle them to admission to each particular school, but they cannot deny a youth admission to any particular school, because of his color, nationality, religion, or the like.

The law of Iowa goes further than the law proposed by this bill. Here there is no prohibition of discrimination on account of religion or of morals. It does not say that all youth shall have this right. The only prohibition in this bill is one which prevents discrimination on account of race. The same subject was considered in the case of The State on the relation of Garnes *vs.* McCann and others, in 21 Ohio Reports, page 198. There the court held—

> That the act authorizing such classification on the basis of color does not contravene the constitution of the State, nor the fourteenth amendment of the Constitution of the United States, and that colored children residing in either of the districts for white children, are not, as of right, entitled to admission into the schools for white children.

The constitution and laws of Iowa provide for the "education of all the youths of the State without distinction of color." In Ohio the statute expressly provided for separate schools for white and colored children. Therefore the decisions of those courts afford no precedent for the construction of this bill when enacted. The language of this bill secures full and equal privileges in the schools, subject to laws which do not discriminate as to color.

The bill provides that full and equal privileges shall be enjoyed by all persons in public schools supported by taxation, subject only to the limitation established by law, applicable alike to citizens of every race and color and regardless of previous servitude.

The bill does not permit the exclusion of one from a public school on account of his nationality alone.

The object of the bill is to destroy, not to recognize, the distinctions of race.

When in a school district there are two schools, and the white children choose to go to one and the colored to the other, there is nothing in this bill that prevents their doing so.

And this bill being a law, such a voluntary division would not in any way invalidate an assessment for taxes to support such schools.

And let me say that from statements made to me by colored Representatives in the other House, I believe that this voluntary division into separate schools would often be the solution of difficulty in communities where there still lingers a prejudice against a colored boy, not because he is ignorant, or untidy, or immoral, but because of his blood.

The colored race have in the last ten years manifested such noble and amiable qualities, judiciously adapting themselves to the demands of their peculiar position, that we should not hesitate to believe that they will in the future conciliate and remove rather than provoke unworthy prejudices; and there is nothing in this law which would affect the legality of schools which were voluntarily thus arranged, one for the white and the other for the colored children.

We were told that to give the colored people freedom was to subject the whites of the South to murder, rapine, and violence. But instead of this—while not forgetting those from whom they had received the boon of freedom—they as a general rule had a tender regard for the comfort and well-being of those to whom they were formerly enslaved, which fact, in passing, let me say, is strong evidence that those who held them in bondage were not, as a general rule, hard task-masters.

We were told that if you placed them in the Army they would not fight; but in the front ranks they gave proof of their claims to high manhood.

We were told that they would abuse the elective franchise; but unless a large majority of the Senate are in error, they have most wisely employed their privilege.

So now, invest them by this bill with full and unqualified privileges, and they will so enjoy them as not to provoke, but so as to remove prejudice.

If it be asked what is the objection to classification by race, separate schools for colored children, I reply, that question can best be answered by the person who proposes it asking himself what would be the objection in his mind to his children being excluded from the public schools that he was taxed to support on account of their supposed inferiority of race.

The objection to such a law in its effect on the subjects of it is that it is an enactment of personal degradation.

The objection to such a law on our part is that it would be legislation in violation of the fundamental principles of the nation.

The objection to the law in its effect on society is that "a community is seldom more just than its laws;" and it would be perpetuating that lingering prejudice growing out of a race having been slaves which it is as much our duty to remove as it was to abolish slavery.

Then, too, we know that if we establish separate schools for colored people, those schools will be inferior to those for the whites. The whites are and will be the dominant race and rule society. The value of the principle of equality in government is that thereby the strength of the strong inures to the benefit of the weak, the wealth of the rich to the relief of the poor, and the influence of the great to the protection of the lowly. It makes the fabric of society a unit, so that the humbler portions cannot suffer without the more splendid parts being injured and defaced. This is protection to those who need it. And it is just that it should be so; for of what value is the wealth and talent and influence of the individual if you isolate him from society? Great as he may be, he is the debtor to society. Let him pay.

Sir, if we did not intend to make the colored race full citizens, if we purpose to place them under the ban of any legalized disability or inferiority, and there to hold them, we should have left them slaves.

I saw this forcible and truthful sentiment a few days since:

> When men are completely sunk in degradation, they are apt to be content with their lot; but raise them a few degrees, and they immediately grow dissatisfied with their state, and are wretched indeed if they are not daily rising higher.

In the name of Justice let us now take our depressing hand from long wronged people. Look at their history. It was the rapacity of our fathers that brought them here. They have been docile and submissive to our laws. They have never been pensioners on our charity; they have cleared the forest, reclaimed the morass, developed our wealth, brought in yearly one hundred millions of dollars in cotton—one year one hundred and forty-four millions—and cotton is the equivalent of the much-coveted gold; and without return have supported in affluence many of our people and educated their children, and they have helped fight our battles.

Now let them rise. Let them realize the assurance that Providence seems to be giving them—that higher, still higher, they shall go.

I believe that there is before that race a great future, a future which will render plain the mysterious past. They will not only here develop the vast hidden resources of our illimitable territory and here become and remain respectable citizens; but under the tropics, where the darts of the Pale Rider visit with death the temerity of the white man who braves that vertical sun, there are more than a hundred million of their race. Elevated here, it may be that it is designed that some of them shall of their own volition there sow the seed of a free government and a pure religion.

It may be that in the morbid imagination of the proud some one may fear that the result of this measure will be to place alongside of him in inn or theater some one in every respect his peer except that he differs in complexion. And he may feel that such an event would be an indignity and humiliation. Be it so, sir. The dissatisfaction of a vain pride does not have the weight of the dust in the balance in the eye of reason or in the sight of Him who made of one blood all nations of men when contrasted with the political and consequently the intellectual and moral elevation of a race. Think for yourselves what is the import of that word "race," with its one hundred and twenty millions, its ever-succeeding generation moving on a stage that is probationary to immortality. I trust that in legislating on this subject the horizon of our reflections may not be limited by a few short years, or this brief generation, but that it may compass the long life of the nation, and the welfare of mankind.

Now let me call attention to the law. It is claimed that the enactment of the bill would be in violation of the Constitution, because the regulation of inns, public conveyances, and places of amusement, common schools, institutions of learning and benevolence, and cemeteries, supported by taxation, are under the regulation of the States and not of the General Government. The bill proposes to leave them under State control, and expressly says that all persons are to have the full and equal enjoyment of inns, &c., subject to the conditions and limitations established by law—State statutes and common law—with the exception that such laws must be applicable alike to citizens of every race and color and regardless of previous servitude.

Is it constitutional for the General Government to legislate to prevent discrimination on account of race, &c.? We maintain that the General Government has this right under three different grants of power.

1. Under the thirteenth, fourteenth, and fifteenth amendments, considered together and in connection with the contemporaneous history;

2. Under the provision of the fourteenth amendment which prohibits a State from enforcing any law which abridges the privileges and immunities of citizens of the United States; and also,

3. Under the provision of article fourteen which requires a State to give to every person within its jurisdiction the equal protection of the laws; and under the general power given Congress to enforce these provisions by appropriate legislation.

I cannot more forcibly nor with greater brevity show that these amendments were intended to do away with slavery—to wipe out every consequence of it; to prevent State legislation of every kind that discriminated on account of race, color, &c., and make the race formerly in servitude equal in all respects to other citizens—than by reading a portion of the opinion of the majority of the court in the Slaughter-house cases, (16 Wallace, 67, 68, and 69:)

But within the last eight years three other articles of amendment of vast importance have been added by the voice of the people to that now venerable instrument. The most cursory glance at these articles discloses a unity of purpose, when taken in connection with the history of the times, which cannot fail to have an important bearing on any question of doubt concerning their true meaning.

Nor can such doubts, when any reasonably exist, be safely and rationally solved without a reference to that history; for in it is found the occasion of the necessity for recurring again to the great source of power in this country, the people of the States, for additional guarantees of human rights; additional powers of the Federal Government; additional restraints upon those States. Fortunately that history is fresh within the memory of us all, and its leading features, as they bear upon the matter before us, free from doubt.

The institution of African slavery as it existed in about half the States of the Union, and the contests pervading the public mind for many years between those who desired its curtailment and ultimate extinction and those who desired additional safeguards for its security and perpetuation, culminated in the effort, on the part of most of the States in which slavery existed, to separate from the Federal Government, and to resist its authority. This constituted the war of the rebellion, and whatever auxiliary causes may have contributed to bring about this war, undoubtedly the overshadowing and efficient cause was African slavery. In that struggle, slavery as a legalized social relation, perished. * * *

The proclamation of President Lincoln expressed an accomplished fact as to a large portion of the insurrectionary districts, when he declared slavery abolished in them all. But the war being over, those who had succeeded in re-establishing the authority of the Federal Government were not content to permit this great act of emancipation to rest on the actual results of the contest or the proclamation of the Executive, both of which might have been questioned in after times, and they determined to place this main and most valuable result in the Constitution of the restored Union as one of its fundamental articles. Hence the thirteenth article of the amendment of that instrument. Its short sections seem hardly to admit of construction, so vigorous is their expression and so appropriate to the purpose we have indicated.

"1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.

"2. Congress shall have power to enforce this article by appropriate legislation."

To withdraw the mind from the contemplation of this grand yet simple declaration of the personal freedom of all the human race within the jurisdiction of this Government—a declaration designed to establish the freedom of four millions of slaves—and with a microscopic search endeavor to find in it a reference to servitudes, which may have been attached to property in certain localities, requires an effort, to say the least of it.

You see that the court holds that slavery caused the war; that the war in fact destroyed slavery; that in order that its permanent destruction might not be questioned in after times, the thirteenth amendment was adopted; and that this is a fact so apparent that you need not to see it look with a microscope.

If the discrimination against that race for whose benefit chiefly the amendments were adopted is because of their having recently been slaves—and as the discrimination is confined to that race, is not that the cause of it—then we are authorized to pass all laws appropriate to efface the existence of any consequences or residuum of slavery.

The fourteenth and fifteenth amendments are stated by the court to have had the same origin. After Johnson's governments were created, the court says they imposed onerous disabilities and burdens, and curtailed the rights of the colored race so that freedom was of little benefit; that they could not own land, could not give testimony, and were excluded from occupations of gain. The court in the Slaughter-house cases further say, on page 70, 71, 72, thus—

The process of restoring to their proper relations with the Federal Government and with the States those which had sided with the rebellion, undertaken under the proclamation of President Johnson in 1865, and before the assembling of Congress, developed the fact that, notwithstanding the formal recognition by these States of the abolition of slavery, the condition of the slave race would, without further protection of the Federal Government, be almost as bad as it was before. Among the first acts of legislation adopted by several of the States in the legislative bodies which claimed to be in their normal relations with the Federal Government were laws which imposed upon the colored race onerous disabilities and burdens, and curtailed their rights in the pursuit of life, liberty, and property to such an extent that their freedom was of little value, while they had lost the protection which they had received from their former owners from motives both of interest and humanity.

They were in some States forbidden to appear in the towns in any other character than menial servants.

They were required to reside on and cultivate the soil without the right to purchase or own it. They were excluded from many occupations of gain, and were not permitted to give testimony in the courts in any case where a white man was a party. It was said that their lives were at the mercy of bad men, either because the laws for their protection were insufficient or were not enforced. * * *

They accordingly passed through Congress the proposition of the fourteenth amendment, and they declined to treat as restored to their full participation in the Government of the Union the States which had been in insurrection until they ratified that article by a formal vote of their legislative bodies. * * * *

A few years' experience satisfied the thoughtful men who had been the authors of the other two amendments that, notwithstanding the restraints of those articles on the States, and the laws passed under the additional powers granted to Congress, these were inadequate for the protection of life, liberty, and property, without which freedom to the slave was no boon.

They were in all those States denied the right of suffrage. The laws were administered by the white man alone. It was urged that a race of men distinctively marked as was the negro, living in the midst of another and dominant race, could never be fully secured in their person and their property without the right of suffrage.

Hence the fifteenth amendment, which declares that "the right of a citizen of the United States to vote shall not be denied or abridged by any State on account or race, color, or previous condition of servitude." The negro having, by the fourteenth amendment, been declared to be a citizen of the United States, is thus made a voter in every State of the Union.

We repeat, then, in the light of this recapitulation of events, almost too recent to be called history, but which are familiar to us all, and on the most casual examination of the language of these amendments, no one can fail to be impressed with the one pervading purpose found in them all, lying at the foundation of each, and without which none of them would have been even suggested; we mean the freedom of the slave race, the security and firm establishment of that freedom, and the protection of the newly-made freeman and citizen from the oppressions of those who had formerly exercised unlimited dominion over him. It is true that only the fifteenth amendment, in terms, mentions the negro by speaking of his color and his slavery. But it is just as true that each of the other articles was addressed to the grievances of that race, and designed to remedy them, as the fifteenth.

The very object of the fourteenth amendment was then, according to the unanimous opinion of the Supreme Court, to prevent the curtailing of the rights of this race and to prohibit the imposition of disabilities.

I insist that the principles upon which the thirteenth, fourteenth, and fifteenth amendments are stated by the court to have been based and founded make this bill constitutional. They were passed, the court says, to give "additional guarantees of human rights; additional powers to the Federal Government; additional restraints upon those of the States." They say that after slavery was abolished it was developed that "the condition of the slave race would, without further protection of the Federal Government, be almost as bad as it was before;" that State laws were passed imposing on the colored race "onerous disabilities and burdens, curtailing their rights in the pursuits of life, liberty, and property to such an extent that their freedom was of little value;" that they were prohibited from living in towns, denied the right to purchase lands, to give testimony in courts, or to follow occupations of gain; that it was to relieve from these evils the fourteenth amendment was passed. The three amendments were passed as we insist, and as the reasoning of the court admits, to destroy all discrimination in the law among citizens of the United States.

This bill is authorized, too, by the provision of the fourteenth amendment which prohibits a State from enforcing any law which abridges the privileges and immunities of citizens of the United States.

The exact point which the Slaughter-house cases decide is that a law of Louisiana granting to a corporation the exclusive right for twenty-five years of having slaughter-houses, &c., within the parishes of Orleans, Jefferson, and Saint Bernard, being eleven hundred and fifty-four square miles, is constitutional, and does not violate the fourteenth amendment; and as citizens of the United States we are all bound to respect that decision and not erect slaughter-houses in that district.

But in coming to this conclusion a majority of the court pronounce some opinions which may be thought to conflict with the constitutionality of the bill in question.

They held that "citizenship of the United States" and "citizenship of a State" were very distinct and different; that it is only the privileges and immunities of citizens of the United States that are protected by the amendment; that the privileges and immunities of a "citizen of a State" "are not intended to have any additional protection by this paragraph of the amendment." It is not necessary to controvert the opinion of the court, for they do hold that freedom from discrimination is one of the rights of United States citizenship.

It will be claimed that it is not one of the privileges of a citizen of the United States to have any education in a State; that a State may abolish all its schools. This is the point of the Ohio case. To that I agree. It will be claimed that it is not one of the privileges of a citizen of the United States to visit inns or theaters, or to have the benefit of benevolent institutions supported by law; that a State may prohibit them all. To that I agree. This bill does not say that a State shall afford any of these benefits to a citizen of the United States.

But it is one of the privileges of a citizen of the United States, as such, not to be discriminated against on account of race or color by the law of a State relating to inns, schools, &c., or in the administration of any institution depending upon the law of a State.

The trustees of a public school who should exclude therefrom a German who by naturalization has become a citizen of the United States, not because he was illiterate, or had a contagious disorder, or was untidy, or of bad morals, but only because he was of German descent, would violate his privileges as a citizen of the United States. And it is competent for Congress to make so doing a penal offense.

And the same is true if one of African descent was excluded because of his descent alone.

The Supreme Court tell us the fourteenth amendment was passed because States "imposed upon the colored race onerous disabilities," and "curtailed their right to the pursuit of life, liberty, and property;" that it was passed for the "protection of the newly-made citizen from the oppression of those who had formerly exercised unlimited dominion over him."

If the amendment was intended for these purposes it must, in the opinion of the Supreme Court, extend to all prohibitions against discrimination on account of race.

There can be no doubt that legal equality is now a privilege of United States citizenship, and can be no doubt that Congress has the right to enforce it by appropriate legislation.

The Supreme Court give a list of privileges incident to United States citizenship:

Coming to the seat of Government on business; access to the seaports; protection in life, liberty, and property on the high seas and within the jurisdiction of a foreign government; the right of petition and of peaceably assembling; privilege of the writ of *habeas corpus;* use of the navigable waters of the country; the right given by the fourteenth amendment to a citizen of the United States to become a citizen of a State by a *bona fide* residence. The court quotes approvingly what Justice Washington, under the old Constitution, considered the privileges and immunities of citizenship in Corfield *vs.* Coryell, (4 Washington Circuit Court Reports, page 371;) 16 Wallace, 76.

> The inquiry is, what are the privileges and immunities of citizens of the several States? We feel no hesitation in confining these expressions to those privileges and immunities which are fundamental. * * * *
>
> They may all, however, be comprehended under the following general heads: protection by the Government, with the right to acquire and possess property of every kind and to pursue and obtain happiness and safety, subject, nevertheless, to such restraints as the Government may prescribe for the general good of the whole.

Then the court, in 16 Wallace, page 80, after citing this opinion of Mr. Justice Washington, after giving this catalogue of the privileges of citizens of the United States, say:

> To these may be added the rights secured by the thirteenth article—freedom; and by the fifteenth article of amendments—suffrage; and by the other clause of the fourteenth amendment next to be considered.

That clause of the fourteenth amendment is this:

> Nor shall any State deny to any person within its jurisdiction the equal protection of the laws.

The court interprets this clause, and says:

> In the light of the history of these amendments and the prevailing purpose of them, which we have already discussed, it is not difficult to give a meaning to this clause. The existence of laws in the States where the newly emancipated negroes resided which discriminated (with gross injustice and hardship) against them as a class, was the evil to be remedied by this clause, and by it such laws are forbidden.

So, Mr. President, the Supreme Court hold that it is one of the privileges of a United States citizen not to be abridged; that the State shall not deny (or shall give) him "the equal protection of the laws;" and that discrimination against a class is denying that equal protection; in fact, that it was the very evil the amendment intended to remedy.

It is true the language of the court is that it was "the existence of laws which discriminated with gross injustice and hardship against the class," that was the evil to be remedied. There is no significance in the words "gross injustice and hardship." Any discrimination is injustice and hardship. If a State can discriminate in any degree against a class, it has political jurisdiction or cognizance of the subject of discrimination, and what is gross injustice and hardship is to be determined by the State, and this would nullify the prohibition. If the provision which requires a State to give "equal protection of the laws" is a provision against discrimination and in favor of equality, it is a provision against all discrimination and in favor of perfect quality before the law.

To show still more clearly the opinion of the majority of the court, that the fourteenth amendment vests a chartered right in the citizen not to be discriminated against in the law, and that Congress may properly legislate to that end, I call attention to the following position of the court found on 16 Wallace, page 81:

> If, however, the States did not conform their laws to its requirements, then by the fifth section of the article of amendment Congress was authorized to enforce it by suitable legislation.

The court thus clearly hold that equality, or freedom from discrimination in the law, is a privilege of a citizen of the United States, and that Congress may by legislation protect that right.

Mr. President, persons under the old Constitution became citizens of the United States, if there was such a thing, by being naturalized, by permanently residing in the territories of the United States, or in the District of Columbia, and derivatively, by being citizens of a State. It was a poor title, as the States could create such qualifications as they pleased and thus thwart and prevent United States citizenship. They did exclude four millions from this citizenship by discriminating on account of race. But a citizen of a State had some fixed privileges and immunities in the other States, and one of these privileges fixed by the Constitution of the United States was, and is, that a citizen going from one State should have the same privileges and immunities that a person of the same class had in the State to which he went. It is provided thus, in article 4, section 2:

> The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

This, as far as it goes, is a provision against discrimination.

The privileges and immunities which a citizen of one State was entitled to in another were only fundamental rights, and not such as were incident to residence.

The fourteenth amendment goes much further than the old Constitution. It makes United States citizenship primary, and State citizenship derivative, dependent on United States citizenship and residence. A citizen of the United States comes under the protection of the Federal Government as to his fundamental rights. It also makes all persons born or naturalized in the United States and subject to its jurisdiction citizens of the United States, and it prevents the privileges and immunities of a citizen of the United States from being abridged. The provision that "the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States" is to prevent in the qualified manner stated discrimination as to the particular class to which he belongs. Though a colored man was a citizen of Massachusetts, he would not formerly be such in South Carolina, because it was against their law for a colored man to be one of their citizens. A State formerly could reduce the rights of its own citizens, and all others fell with them. Now, the fundamental privileges and immunities of citizens of the United States are beyond the caprice of State legislation. This idea is well expressed by Justice Bradley in The Live Stock Association *vs.* The Crescent City Live Stock Company, in 1 Abbott, page 38:

> The "privileges and immunities" secured by the original Constitution were only such as each State gave to its own citizens. Each was prohibited from discriminating in favor of its own citizens and against the citizens of other States. But the fourteenth amendment prohibits any State from abridging the privileges or immunities of the citizens of the United States, whether its own citizens or any others. It not merely requires equality of privileges, but it demands that the privileges and immunities of all citizens shall be absolutely unabridged, unimpaired.

And now, Mr. President, what is the remedy? How is the United States, how are we, to protect the privileges of citizens of the United States in the States? We cannot deal with the States or with their officials to compel proper legislation and its enforcement; we can only deal with the offenders who violate the privileges and immunities of citizens of the United States.

By so doing, so far as this bill goes, we do not interfere with the States passing and enforcing just such laws as they see proper as to inns, public conveyances, schools, institutions of learning and benevolence, places of amusement, and cemeteries—they may modify or abolish them at pleasure; but as no State under the old Constitution could discriminate in law against a citizen of another State as to fundamental rights to any greater degree than it did against a citizen of its own State, of the same class, so now no State must discriminate against a citizen of the United States merely on account of his race.

As to the civil remedies for a violation of these privileges, we know that when the courts of a State violate the provisions of the Constitution or the law of the United States there is now relief afforded by a review in the Federal courts. And since the fourteenth amendment forbids any State from making or enforcing any law abridging these privileges and immunities, as you cannot reach the Legislatures, the injured party should have an original action in our Federal courts, so that by injunction or by the recovery of damages he could have relief against the party who under color of such law is guilty of infringing his rights. As to the civil remedy no one, I think, can object. And there is the same propriety in punishing by indictment those who violate the established equality of citizens of the United States by depriving them of the privileges of inns, schools, and burial, merely because of their race, as there is for punishing criminally those who violate postal or currency laws of the United States.

A word now as to the fourth section, which relates to jurors. The provision that a citizen shall not be discriminated against as a juror on account of his race should commend itself to the good judgment of the Senate.

The large majority of issues of fact in this country are tried by the jury. It is an institution that has come to us from England as the companion of civil liberty. The advantages of this mode of trial over that by officers appointed for the purpose are, that the jury are acquainted with the mode of life, habits, and customs of the locality; that they know the witnesses, have sympathy with the parties; and going immediately from the jury-box to the community, they feel their responsibility and the importance of doing justice.

The jury is an institution for the trial of issues of fact by the people, in contradistinction of trial by officers. The juror is in no sense an officer. The performance of this duty, or the enjoyment of this privilege, appertained in England to citizens generally. The jurors were not required to take the test oaths as all officers were. They must be of the people, of the vicinage or body of the county to which the cause of action belonged; so the sixth article of amendment to the Constitution requires that the jury shall be of the district wherein the crime was committed. So that it is very clear that a juror is not an officer, but is of the people.

I do not know that a citizen has a right to be a juror; but has he not a right not to be discriminated against, a right not to be disqualified on account of his blood?

A law which should exclude all naturalized citizens of the United States from the jury-box would deny to naturalized citizens the equal protection of the law. Is it equal protection, that from the tribunal that is to pass on one's life, liberty, and property those who would naturally have an interest in him shall be excluded?

A State may make such qualifications of jurors as it pleases. It may require that they be freeholders; that they read and write; that they submit to an examination in the rudiments of law. But when a State says one class of citizens of the United States shall be tried by a jury which is or may be composed in part or in whole by those of their own blood, and that another class of citizens of the United States shall never be tried by a jury that has one of their race upon it, I submit the discrimination violates a fundamental right of a citizen of the United States, and denies them the equal "protection of the laws."

I have thus discharged, most imperfectly, the duty assigned me, and commend the bill to the favorable consideration of the Senate.

Mr. THURMAN. Mr. President, it is not my purpose to speak this morning on this bill. Indeed I am too unwell to do so. Some time before the bill is finally acted upon I shall wish to call the attention of the Senate to several considerations that I think ought not to be overlooked. But I now move to strike out the second section of the amendment of the Judiciary Committee. I understand that the amendment of the Judiciary Committee as a whole has been adopted, and takes the place of the original bill. We are now in the Senate, and it is in order; I believe, to strike out this second section.

Mr. EDMUNDS. What is the state of the bill, Mr. President?

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The Senator from Ohio moves to strike out part of the matter which has been inserted. That is in order.

Mr. THURMAN. The matter proposed to be inserted was inserted in committee and the bill reported to the Senate. Now it is in order to move to strike out a part of it, and I make that motion.

Mr. EDMUNDS. The amendment made as in Committee of the Whole, as I understand, has not been adopted by the Senate.

The PRESIDING OFFICER. It is now pending. The question is on concurring in it.

Mr. EDMUNDS. Then of course it is in order to move to strike out.

The PRESIDING OFFICER. The Senator from Ohio can move to perfect the part proposed to be inserted.

Mr. THURMAN. Then I move to strike out the second section of the amendment of the committee. That is a penal section. I wish to call the attention of the Senate, and especially of the lawyers of the body, to one consideration in connection with this, apart from the objections that I think exist to the details of the section. The point upon which I invite the opinion of the lawyers of the Senate is this: if we pass this bill with this section in it, do we not thereby, if the bill is constitutional, oust the State courts of any jurisdiction over the offenses that are declared by this bill?

The first section declares—

> That all persons within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances on land or water, theaters, and other places of public amusement; and also of common schools and public institutions of learning or benevolence supported, in whole or in part, by general taxation; and of cemeteries so supported, subject only to the conditions and limitations established by law, and applicable alike to citizens of every race and color, regardless of any previous condition of servitude.

It will be seen that that section covers a very large field. It covers the right to the enjoyment of accommodations, advantages, facilities, and privileges in inns, public conveyances, theaters and other places of amusement, common schools, public institutions of learning and benevolence supported in whole or in part by general taxation, and cemeteries. It is very easy to see how large a field that is. And now the second section provides—

> That any person who shall violate the foregoing section by denying to any citizen, except for reasons by law applicable to citizens of every race and color, and regardless of any previous condition of servitude, the full enjoyment of any of the accommodations, advantages, facilities, or privileges in said section enumerated, or by aiding or inciting such denial, shall, for every such offense, forfeit and pay the sum of $500 to the person aggrieved thereby, to be recovered in an action on the case, with full costs; and shall also, for every such offense, be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than $500 nor more than $1,000, or shall be imprisoned not less than thirty days nor more than one year.

Then there is a proviso. The third section gives to the circuit and district courts of the United States, irrespective of the residence of the parties, exclusive jurisdiction in all civil actions provided for in the bill, and of the criminal actions that are therein provided for.

Now Congress has or has not the right to enact a law punishing the offenses or supposed offenses declared by this bill. If it has that right and exercises it, then I put it to every lawyer in the Senate whether that does not oust the jurisdiction of the State courts, occupying the whole ground? We know that there are certain powers that belong to the Federal Government exclusively; there are others that belong to Federal and State governments concurrently; and there is a class of powers that when not exercised by the Federal Government may be exercised by the State governments, as, for instance, in the case of bankruptcy; when there is no congressional bankrupt law in existence there may be a State bankrupt law or a State insolvent law which has the features of a bankrupt law, as, for instance, the law that has almost always prevailed in the State of New York. But when Congress exercises the power by the passage of a bankrupt law all State insolvent and bankrupt laws become *ipso facto* null and void; or at least are instantly suspended, and can have no operation or effect so long as the national bankrupt law exists. And so of other powers that might be named.

Now, the question for the earnest consideration of the Senate is, will not this be the effect of this law? If the law is constitutional, is it not easy to see that no more prejudicial law to the administration of justice, to the provisions for punishing offenses, could possibly be enacted than would this law be? If there is anything that tends to repress crime more than another it is that it is punished in the courts of the States, and in the immediate neighborhood where the crime is committed. There are in my State more than eighty-eight courts, nearer one hundred courts, courts in every county in the State, possessing criminal jurisdiction, with prosecuting officers in every county of the State, so that it can scarcely happen that a crime can be committed in that State worthy of being punished that the offender is not prosecuted and punishment meted out to him; but if this large class of cases in which the rights of individuals have been violated is to be punishable only in the Federal courts of Ohio, sitting at Cleveland and Cincinnati, the one in the northern district having jurisdiction over one half of the State, and the other in the southern district having jurisdiction over the other half of the State, it is as plain as that two and two make four that crime will go unpunished, simply because it cannot be prosecuted. Those courts are already so burdened with business that we have the petitions of the lawyers coming up to us beseeching us to afford them some remedy, because the courts cannot dispose of their business. If in addition to what they have now they are to be loaded down with all the actions that might be prosecuted, both civil and criminal, if this bill should become a law, it is simply providing that there shall be a denial of justice in those courts; in effect, it is to close their doors.

That, Mr. President, would be the case even if the State courts were not ousted of their jurisdiction. But if you come to the conclusion that this bill will oust the State courts of their jurisdiction in the class of offenses provided for in it, then I see no end to the business that will be dragged into the Federal courts.

Mr. EDMUNDS. May I ask the Senator from Ohio a question?

Mr. THURMAN. Certainly.

Mr. EDMUNDS. I should like to inquire of the Senator from Ohio if he means to claim that the State courts can have any jurisdiction over offenses that this act creates or any act of Congress creates?

Mr. THURMAN. There was no necessity for the Senator to ask such a question as that.

Mr. EDMUNDS. I thought there was.

Mr. THURMAN. The Senator does not imagine that I am so stupid as to suppose that a State court can have jurisdiction of an offense that is created by a Federal statute.

Mr. EDMUNDS. Then what does the Senator mean by saying that by this act which provides only against violating the provisions of it, punishing infractions of this law of the United States, that that is going to oust a State court of jurisdiction over the same offense?

Mr. THURMAN. I mean the case which is described here, the denial by some person to another of the rights which are supposed to belong to that other and which are enumerated in this act. Now, for instance, here are States in the South that have passed bills, enacted them into laws, more comprehensive than this bill and covering precisely the same ground. There a man is punished under the State law if he violates the rights of a citizen. If he does one of the acts described in this bill he is punished under the State law because it is an offense against the State law. What I ask those who support this bill to explain to the Senate is this: if this bill is passed, will not that State law become a nullity? That is the question.

Mr. EDMUNDS. If the Senator will pardon me, I say no; it will not become a nullity.

Mr. THURMAN. I hope the Senator will be able to give good reasons why it will not.

Mr. EDMUNDS. I can give decisions of the Supreme Court.

Mr. THURMAN. If you go to decisions of the Supreme Court this whole bill is unconstitutional. I do not think there is anything plainer than that. If you go to two decisions of the Supreme Court the bill is unconstitutional. I think that is perfectly clear; but I suppose the bill is to be passed, constitutional or not constitutional.

Mr. CONKLING. May I ask the Senator a question for information?

Mr. THURMAN. Yes, sir.

Mr. CONKLING. Shall I understand him to doubt that if a mail-

carrier is robbed in a State, the robbery being an offense against the crimes act of 1825, although the robber is punishable under the laws and in the courts of the United States, he is also punishable for the breach of the peace, the homicide, or the mayhem he may have committed? Shall I understand the Senator, transferring the illustration to this case, to doubt that such is the law, or to affirm that there is any reason in good sense why it should not be the law?

Mr. THURMAN. I have no doubt a man who kills a mail-carrier and robs the mail may be punished for the homicide; and if there is no statute of the United States that punishes him for that homicide——

Mr. CONKLING. No; if my friend will pardon me, he either does not perceive or he chooses to avoid the point of my question. I say that if a mail-carrier be robbed, the robbery of the mail is an offense against the laws of the United States triable in the courts of the United States. I say that the assault or the homicide involved is also an offense against the peace of the State in which it is committed and triable under the laws of that State and in the courts of that State, and there is no ouster of either jurisdiction in the case and no conflict of jurisdiction; and I ask the Senator to point out the distinction between that case and this.

Mr. THURMAN. I do not suppose that if a man robs the mail he can be tried and punished under the statutes of the United States for robbing the mail and also under a State statute for larceny. I do not suppose that can be done. I do not know that there is any statute of the United States that punishes assault and battery or that punishes homicide in a case such as has been supposed. We have statutes that punish homicide in places where the United States have exclusive jurisdiction and we punish homicides committed on the high seas; but I am not aware that we have any statute that punishes homicide committed in the robbery of a mail-carrier in one of the States. But here——

Mr. CONKLING. Would it be agreeable to the Senator to allow me to read a few words from the opinion of Mr. Justice Grier in a case reported in 14 Howard, page 13?

Mr. THURMAN. Certainly.

Mr. CONKLING. It is an extract furnished me by the Senator from New Jersey, [Mr. FRELINGHUYSEN,] and I read it to see whether I am right or whether the Senator is right in doubting the illustration in the case I put. The court says:

> Every citizen of the United States is also a citizen of a State or Territory. He may be said to owe allegiance to two sovereigns, and may be liable to punishment for an infraction of the laws of either. The same act may be an offense or transgression of the laws of both. Thus, an assault upon the marshal of the United States and hindering him in the execution of legal process is a high offense against the United States, for which the perpetrator is liable to punishment; and the same act may be also a gross breach of the peace of the State, a riot, assault, or a murder, and subject the same person to a punishment, under the State laws, for a misdemeanor or felony. That either or both may (if they see fit) punish such an offender cannot be doubted. Yet it cannot be truly averred that the offender has been twice punished for the same offense; but only that by one act he has committed two offenses, for each of which he is justly punishable.

The same pamphlet from which I read contains a reference to other authorities to the same point; and as the Senator has resumed his seat, if he will pardon me a moment, I beg to state my understanding of the provision he criticises.

Mr. THURMAN. Is what the Senator read from the opinion in the Matilda Fox case?

Mr. CONKLING. I read from a case in 14 Howard, page 13. The title of the case is not given.

Mr. EDMUNDS. The Matilda Fox case was in 5 Howard.

Mr. CONKLING. The Senator from Ohio in stating his point did not read, although he may have referred to, these words in the proviso:

> That all persons may elect to sue for the penalty aforesaid or to proceed under their rights at common law and by State statutes—

They may do one or the other—

> and having so elected to proceed in the one mode or the other, their right to proceed in the other jurisdiction shall be barred. But this proviso shall not apply to criminal proceedings, either under this act or the criminal law of any State.

So that as to the civil remedies given by the bill, in place of leaving, as I rather think there would be no question of our power to leave, every person subjecting himself to liability, liable in succession to an action at common law for the wrong he committed, and liable also for the penalty incurred by civil suit under this act, we have provided that whoever shall be injured, as here prohibited, shall have but one of these two remedies. His right shall become an alternative one. If a man by reason of his nativity or race be denied entrance to a hotel, if he be forcibly expelled or cast out, he may proceed under the statutes of the State, or on his common-law rights, and bring a suit for trespass to his person, or, in common language, for assault and battery. If, on the other hand, for any reason he prefers the jurisdiction which this act holds out to him, he may turn to the Federal courts and sue, not for the assault, not for the physical wrong done against him, but for the particular offense of denial of equality of right denounced in this bill. So then I submit to the honorable Senator from Ohio that, first, it is clearly within the province of Congress as affirmed by every analogy to which he can refer, and, second, the exertion of power proposed is rather sparing, rather a benevolent withholding of that measure of justice or retribution which it was competent for Congress to mete out.

Mr. THURMAN. Mr. President, I was very well aware that the Supreme Court of the United States had decided—first I believe in the case of Matilda Fox—that the same act might be punished by the Federal Government and also by a State government. But what was that case? Matilda Fox was indicted in a court of the State of Ohio for uttering and passing counterfeit money; was convicted and sentenced by the State court to the penitentiary of the State. She prosecuted a writ of error to the supreme court of that State, which affirmed the judgment; and from there the cause was taken to the Supreme Court of the United States, and the point made on her behalf was that there being a statute of the United States punishing precisely the same offense, she could not be punished for that offense in a State court; that any State statute punishing that offense was null and void. A majority of the court overruled that doctrine, and were of opinion that she might be punished both in the Federal court under the act of Congress, and also in the State court under the State statute. But this is to be observed in regard to that case: the power granted to Congress in regard to coining money is express, "to provide for the punishment of counterfeiting the securities and current coin of the United States." It was argued that that power was to protect the purity of the coin, that it was for that purpose that that power was granted to the United States; but that the fraud upon an individual by passing such coin was an offense of which the State might well take cognizance and punish that criminally also. There is the difference. The power is given to Congress to punish the counterfeiting of the securities and coin of the United States in order to preserve the purity of the coin or to prevent spurious securities being put afloat; but the particular injury to an individual by passing a counterfeit piece of money upon him was said to be a thing of which the States might well take cognizance, and might provide their own laws for that purpose.

Mr. EDMUNDS. Did they not also hold that Congress might take cognizance of it and punish the same fact if they chose?

Mr. THURMAN. That is what I have just said.

Mr. EDMUNDS. I thought the Senator was undertaking to make a distinction between the power of Congress to punish an actual debasing of the coin and to punish the publishing it and uttering it as true, which is to the injury of the individual.

Mr. THURMAN. I do not propose to go into this discussion now; as I said when I got up, I am too unwell to-day. At the same time I may engage in it before the bill is through, when I come prepared with the authorities on the subject, and we shall see what the real state of the law is.

But now, suppose the law is as suggested by the Senator, that those acts can be punished by the State and also by the Federal Government, is it not simply monstrous to visit that double punishment upon an individual, and especially when the punishment provided in this bill is so disproportioned to the offense, so utterly disproportioned to it, as to shock the feelings when you come to read it?

Mr. CONKLING. Does the Senator refer to the criminal proceedings now?

Mr. THURMAN. Yes, I do. Let us see. In the first place, after providing for the civil remedy, it reads, "and shall also for every such offense be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than $500 nor more than $1,000, or shall be imprisoned not less than thirty days nor more than one year." I can conceive of a multitude of cases in which that punishment for the offense supposed here is simply monstrous; and if in addition to that the individual is to be punished under a State statute—and we know that State statutes do exist in some of the Southern States—to the same extent, or anything like it, a double punishment is to be inflicted upon him in that way, I say that criminal laws, instead of being a blessing, are simply a curse.

But I do not wish to argue the question now. I wanted to call the attention of the lawyers—for this is a most grave consideration—to the point whether or not the passage of this bill will oust the States of their jurisdiction to punish for the very same acts which are here prescribed.

Mr. CONKLING. Without intending to enter this discussion now, I add a word to my remark made a moment ago to the Senator from Ohio, my motive being to call his attention to the fact that the counterfeiting cases, to one of which he has referred, are not the cases to which I referred and not the cases to which I should refer as most abounding in light on this point. The case I referred to is that of Moore *vs.* The People of the State of Illinois, which is in the 14th of Howard as already stated, and begins on page 13. This was not an instance of counterfeiting the coin of the United States; it arose in reference to the rights of slaveholders and their right to pursue their slaves. Illinois having passed a statute touching the concealment of fugitives, and there being an act of Congress then deemed perhaps somewhat more than constitutional, in the ordinary sense, an act supposed by some to impersonate not only the authority but the most sanctified mission of the Constitution, which act provided penalty and remedy for the same kind of interference with fugitives, it came to be the duty of the court to consider whether either of those acts displaced the other, or whether they could stand together providing two punishments for one act, that act being two crimes in theory of law—being duplex in the violation of duty implied in its commission; and considering the question the court through Mr.

Justice Grier said what I read and will not repeat, and added, speaking of these jurisdictions:

That either or both—

That is the State authority and the national authority—

may (if they see fit) punish such an offender, cannot be doubted—

That declaration, I submit, is a complete answer, as far as the court can answer, to the point of the Senator from Ohio that when one jurisdiction occupies the ground it ousts the other. The court say that either or both of these jurisdictions—

may (if they see fit) punish such an offender, cannot be doubted. Yet it cannot be truly averred that the offender has been twice punished for the same offense; but only that by one act he has committed two offenses, for each of which he is justly punishable.

I ask the attention of the Senator to these words:

He could not plead the punishment by one in bar to a conviction by the other—

There is the crucial test. Could a former acquittal or conviction be pleaded in bar? If it could, the Senator is right; if it could not, his argument has not a leg to stand on.

The opinion proceeds:

He could not plead the punishment by one in bar to a conviction by the other; consequently, this court has decided in the case of Fox *vs.* The State of Ohio, (5 How., 432)—

The case to which the Senator referred—

that a State may punish the offense of uttering or passing false coin, as a cheat or fraud practiced on its citizens; and in the case of The United States *vs.* Marigold, (9 How., 560,) that Congress in the proper exercise of its authority may punish the same act as an offense against the United States.

Turning now from the question of power, which I think sufficiently settled by these cases, I make one remark upon the suggestion of the Senator that there is something barbarous or inordinate in the provisions of the bill. First, I deny that double punishment to any extent whatever is provided. I deny it in behalf of this bill and of the whole body of our statutory jurisprudence, because if the charge of the Senator from Ohio be well founded, it is true of every penal statute of the United States which I can remember or of which I can think, relating to any act constituting also an offense against the State.

This bill proposes to denounce specific punishment, for what? For an act done in violation of its provisions, and for nothing else. Does not every penal statute do the same thing? When we make it an offense triable in the courts of the United States and punishable with death to strike a mail-rider from his mule and rob him, is it not a case of the same double punishment which shocks the Senator? My friend from Vermont suggests that I should correct my expression by saying "a case of the liability to double punishment," which of course is what I mean. Suppose a mail-carrier in Oregon is struck from his horse and injured or killed, does any man doubt that the assailant or slayer is indictable for assault or homicide in the State of Oregon and punishable by all the penalties of the laws of Oregon? Does any one doubt either that the case I put is the very case which the crimes act of 1825 was meant to cover? Yet it is a case of double punishment, not extending merely to thirty days' imprisonment and to a fine of $500, but extending to a deprivation of liberty forever and to the taking of life. Certainly there is nothing peculiar in that regard in the pending bill.

The Senator says the punishment provided is monstrous because of its degree. I would suggest to the honorable Senator that a good remedy for that would be an amendment reducing the minimum of punishment, if he thinks the occasion calls for such an amendment, so that instead of compelling the court to impose a fine of not less than $500, the lowest limit of fine to be imposed might be less. But certainly little argument can be derived from the fact that the minimum stated is more or less, bearing on the power to legislate or the propriety of its exertion. Let me, however, read this portion of the bill in view of the charge that it is inordinate:

That any person who shall violate the foregoing section by denying to any citizen, except for reasons by law applicable to citizens of every race and color and regardless of any previous condition of servitude, the full enjoyment of any of the accommodations, advantages, facilities, or privileges in said section enumerated, or by aiding or inciting such denial, shall for every such offense forfeit and pay the sum of $500 to the person aggrieved thereby, to be recovered in an action on the case, with full costs; and shall also for every such offense be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than $500 nor more than $1,000, or shall be imprisoned not less than thirty days nor more than one year.

Such a measure of punishment, I confess, would sound extravagant to me if it were leveled at any of the acts which occur in the ordinary collisions and turns of life. If such a provision were liable to be violated by a man in a passion, by a man yielding to sudden provocation or excitement, by a man engaged in a rencontre, or having the excuse even of haste and petulance to mitigate his offense, I should say it takes too little note of human weakness and frailty, and makes too little allowance for those excesses and folly more or less common to us all.

Providing, however, for no such offense, for no such inadvertence, for no such temporary absence of the coolness and judgment which unfortunately does not incessantly govern human conduct, it lays hold of a studious, deliberate, intentional act, for which no such commiseration and charity can be invoked. It punishes the keeper of an inn who commits indignity and violence upon a man, not because he is drunk, not because he is boisterous, not because he is offensive, not because he is unclean, not because he is a pauper and unable to pay, not because he awakens hostility for any reason which concerns the interest or the right of him who visits him with indignity and wrong. It punishes only the man who indulges in assault, in opprobrium, in injury of his fellow-man, merely because he cherishes a lawless prejudice, merely because he carries in his heart a base and paltry hate insulting to the spirit and civilization of the age, a hate which has been trampled out on this continent in blood, it is to be hoped forever. A man who sins thus deliberately, who in cold blood selects as the object of his vengeance and injustice the most inoffensive, the most friendless, the most unarmed member of society, puts himself beyond the pale of that extenuation due to all offenses committed where some lion-like temptation springs upon the judgment and overpowers it before resistance can begin. The offenses punished by the bill mark the old common-law distinction between that done with malice aforethought and that done in the *furor brevis*, which the law always pities.

But, Mr. President, as I said, I had no thought of being drawn into this discussion. If there be objections to the bill, I submit they are better objections than can be found in the point that, like all other penal statutes, it contents itself with punishing the offense committed against it, leaving offenders against it, like the doers of other crimes against national statutes, to accept the responsibilities they incur by infractions, whether at the same time or at another, against other sovereignties or other jurisdictions. In this respect I see no objection to it; it seems to me rather a temperate and moderate measure in so far as it makes by its own restraints the prosecution of a civil remedy at common law a bar to a prosecution under its provisions for private damages, and so *vice versa* the selection of a remedy under the act a bar against permission to proceed as other citizens may proceed for like offenses under the laws of the State where there are State statutes, and under the common law where the common law alone is left to speak.

Mr. BOREMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and thirty-three minutes spent in executive session the doors were reopened, and (at four o'clock and forty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April* 29, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

SUMNER MEMORIAL ADDRESSES.

Mr. HOOPER, by unanimous consent, submitted the following resolution; which was referred, under the law, to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring.) That there be printed three thousand copies for the use of the Senate, and five thousand for the use of the House of Representatives, of the addresses made in the Senate and in the House of Representatives upon the death of the Hon. Charles Sumner; and that the Secretary of the Treasury have printed the portrait of Mr. Sumner to accompany the same.

Mr. SPEER. Would it be in order to offer an amendment increasing the number proposed to be printed for the use of the House?

The SPEAKER. Such an amendment will be in order when the resolution is reported from the Committee on Printing.

CURRENCY.

Mr. KASSON, by unanimous consent, introduced a bill (H. R. No. 3164) to amend an act entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates and for an increase of national-bank notes," approved July 12, 1870; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

Mr. EAMES, by unanimous consent, introduced a bill (H. R. No. 3165) to amend the several acts providing for a national currency and to establish free banking, and for other purposes; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

WILLIAM J. SCOTT.

Mr. COBURN. There is on the Speaker's table a House bill with a small Senate amendment. It is a personal matter to Lieutenant Scott, a blind officer, the measure being designed for his benefit. At the request of the gentleman from Tennessee, who has had charge of the bill, I ask that the amendment be taken up and concurred in. There can be no objection to the amendment, as it diminishes the amount that is to come out of the Treasury.

There being no objection, Senate amendments to the bill (H. R. No. 1935) for the relief of William J. Scott, late aid-de-camp on the staff of General Spear, were read, as follows:

In line 3 of the bill strike out "first" and insert "second;" so that it will read: "with the rank of second lieutenant."

Strike out at the end of the bill the words "as an aid-de-camp on the staff of Brigadier-General James G. Spear," and insert "during said period."

The amendments were concurred in.

Mr. COBURN moved that the vote by which the amendments were concurred in be reconsidered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHANGE OF REFERENCE.

On motion of Mr. CONGER, by unanimous consent, the Committee on Commerce was discharged from the further consideration of the following, and they were referred to the Committee on Railways and Canals:

Resolution of the Legislature of Minnesota, asking for a survey of the water-routes between the navigable waters of the Minnesota River and the Red River of the North;

Memorial of the Legislature of Wisconsin, for the survey of the route between Lake Superior and the Falls of Saint Croix; and

Joint resolution of the Legislature of Minnesota, in favor of a preliminary survey of the country between Saint Croix Falls and Upper Mississippi River and Lake Superior, with the view to establishing water communication by canal, locks, and dams between the navigable waters of said rivers and lake.

AMERICAN CITIZENSHIP.

Mr. GARFIELD. I demand the regular order.

The SPEAKER. The regular order being called for, the House resumes the consideration of the bill (H. R. No. 2199) to carry into execution the provisions of the fourteenth amendment to the Constitution concerning citizenship and to define certain rights of citizens of the United States in foreign countries and certain duties of diplomatic and consular officers, and for other purposes.

Mr. E. R. HOAR. Mr. Speaker, I desire——

Mr. HALE, of New York, I rise to a question of order. As I understand, the gentleman from Massachusetts [Mr. E. R. HOAR] rises to propose an amendment to this bill. I beg to call the attention of the Speaker to the fact that I have the floor upon the bill.

The SPEAKER. The gentleman from New York [Mr. HALE] is undoubtedly entitled to the floor.

Mr. HALE, of New York. And I prefer not to yield for the offering of any amendment, for a reason which will be very palpable to the gentleman when I make my remarks.

The SPEAKER. The rights of the gentlemen do not conflict at all. The Chair will recognize the gentleman from Massachusetts after the gentleman from New York has concluded his remarks.

Mr. HALE, of New York. Mr. Speaker, before proceeding with my remarks I beg to inquire the precise position of the bill before the House, and I do this for the purpose of giving notice that I desire in some form, before the bill shall be open to amendment, to test the question whether the House will consider it for that purpose.

I understand the question now before the House, and on which the merits of the bill are open to discussion, is on the motion to reconsider the vote referring this bill to the Committee on Foreign Affairs. Of course, if that is the case, no amendment can be introduced pending that motion.

The SPEAKER. No amendment could be acted on, but an amendment might be introduced with the intimation that it would be offered when in order.

Mr. HALE, of New York. Then I would say, that being the form of the question now before the House, I give notice that at some time—not at the conclusion of my own remarks, for I have no desire to cut off any other gentleman—I shall move to lay the motion to reconsider upon the table, in order that the bill may remain with the Committee on Foreign Affairs. I understand that will be the effect of such a vote by the House.

I certainly, Mr. Speaker, approach the discussion of the bill before the House with very much diffidence and hesitation—not arising from the bill itself, for my own judgment on that bill is substantially one of unqualified condemnation, but in consideration of the very high respect which I bear toward the gentleman from Massachusetts [Mr. E. R. HOAR] who reported the bill to the House, and of his professional and personal standing before this House and before the country, and in view of the fact that that gentleman has informed the House that this bill has had his careful and scrutinizing revision.

Impelled as I am to differ from him most widely in regard to the line of legislation proposed by this bill, it is a difference with the greatest respect, and, as I have said, with the greatest hesitation and distrust of the correctness of my own views growing out of that respect.

The bill was first called to my attention on a morning of last week, when it was reported from the Committee on Foreign Affairs; and a hasty examination of it at that time impressed me with the idea that it contained many faults which ought to be amended. A more careful examination, such as I have given it since, satisfies me that in its almost entire scope it is a bill which it is not desirable for this House to pass, a bill which is not consistent with the obligation which this Government owes to its own citizens, is not consistent with those principles of international law which are recognized with substantial unanimity throughout the range of civilized nations; that it unwisely departs from the provisions of our own statutes in some respects; that it unwisely changes in other respects principles of international law; and that in the latter regard its effect will be prejudicial, and only prejudicial, to the dignity and character of the United States, as well as to the rights and safety of its citizens in other lands.

The great object of all governments is the protection of the rights of the individual citizen. When, long ago, it was said in England that the whole machinery of king, lords, and commons had for its end and object simply the bringing of twelve men together in a box, this was but a picturesque and figurative expression of the great doctrine that all the machinery of all government has for its great end and object simply the protection of the rights of the individual citizen.

We all recognize this in regard to the great mass of our own citizens who still dwell in their own country under the sole control and protection of their own laws; and it is for the protection of their rights in this respect that the bills of rights in our Federal Constitution and in the constitutions of the different States exist. It is for this that civil-rights bills are presented and pressed here.

This of course includes the larger and more widely embracing class of cases, but the rights of citizens at home are no more sacred, no more entitled to complete protection by the Government, than the rights of that more limited class of citizens who travel in or visit or dwell under the jurisdiction of foreign nations.

These rights, Mr. Speaker, are the subject of national protection, and of national protection only. The rights of the citizen at home are already guarantied by the constitution and laws of the State in which he lives, subject only to such supervising or controlling power as the Constitution of the United States has vested in the Federal Government. But the power of the individual States cannot reach abroad. When we deal with foreign nations, we deal only as a Federal Government. When, therefore, we are to act upon the subject of the rights of American citizens in foreign lands and as against foreign nations, State organizations are powerless, and the Federal organization is the only power upon which the citizen can rely for his protection.

The rights of the citizen as against foreign governments, again, are not to be determined by our municipal laws. These laws can operate and have power only upon ourselves. They may tie the hands of our Government as to interfering against foreign nations. They may limit the right which the citizen has to invoke the aid of his government. But they cannot determine or settle the rights which in the great tribunal of nations the citizen is to have and enjoy against a foreign nation. Those rights are to be determined only by that great collective body of principles and doctrines which is named international law—a body of principles certainly to some extent undefined, often perhaps vague and uncertain to an extent that is undesirable, but the only code, the only body of principles, to which any nation can appeal on questions of dispute between itself and another nation.

These doctrines cannot be changed by municipal enactment of any government. They can only be changed as between specific nations by treaty or by reciprocal legislation, or by their recommendation and adoption through the learned men, the statesmen and the governors of the world, who mold that law from time to time.

For myself, Mr. Speaker, I do not believe it desirable that this body of principles called international law should be codified, strictly so to speak, and reduced to the rigidity and inflexibility of a statute. I prefer that it should remain, as the common law in England and in most of the States of this Union prevails, rather a flexible and yielding body of principles, applicable according to its circumstances to each particular case than to be brought down to the iron rule of a statutory prescription.

If we attempt to modify the principles of this international law by our own statutes, as I have already said, we may bind our own hands, we may limit our own power, we may bar the door of our own Government against the claims of its citizens; but we cannot change the rule which prevails among the nations of the earth. And if we succeed in disclaiming for our nation rights which are recognized as rights belonging to other nations, entitling them to reclamation against their fellow-nations, instead of affecting a change that is desirable, we merely, to a certain extent, degrade ourselves—I use the word, of course, in no offensive sense; we merely reduce ourselves in rank below that just position among the nations of the earth which we are entitled to take. If, for instance, we throw aside and repudiate the right of full and ample protection of our citizens, native-born or naturalized, while dwelling or visiting or traveling in another land, we just so far deprive ourselves of the assertion of just rights against foreign nations which we would otherwise enjoy.

I do not believe, sir, that such limitation of our own power is desirable. Every nation is to be weighed in regard to the character and elevation and dignity of its organization simply by the full and perfect liberty and protection of rights which it guarantees to its citizens. Among nations the measure of this protection to the citizen is to be found ordinarily by observation of the protection which she affords to her citizens abroad and not to her citizens at home.

In this regard we may well look to the course of conduct pursued by Great Britain for generations, nay, for centuries. Sir, it is not the military, the naval, or the commercial greatness of Great Britain which most gives her rank and respect among the nations of the earth. It is not the extent of her colonies, or the great sweep of her settlements and military posts. It is not that her "drum-beat," as Mr. Webster so felicitously said, "following the sun daily, and keep-

ing company with the hours, circles the earth with a continuous and unbroken strain of the martial airs of England." No, sir; all these elements of greatness and power would pale into insignificance, but for the fact that Great Britain everywhere over the whole face of the "round world," and among all those "that dwell therein," against the highest and strongest of the earth, against the most remote and inaccessible, on behalf of the poorest, the humblest, the most unworthy even of her citizens, never fails to throw over that citizen the protecting mantle of her own strength; that she asserts, whether against France, or Germany, or Russia, or the United States, against Theodore of Abyssinia or the King of the Ashantees, the rights of her subjects wherever they are found, regardless of hazard, regardless of cost, vindicating them if necessary by that, ultimatum of war, terrible as it may be, that "last argument to which kings resort." There lies the secret of the strength of Great Britain among the nations, and there we may well look for the precedent which should guide us as to our treatment of foreign nations with respect to the rights of our citizens.

Sir, when our government has it understood all over the face of this earth by Jew and Gentile, Greek and barbarian, bond and free, civilized and savage, that her every citizen in other lands is the object of her jealous and careful guardianship; that he is and will be protected to the full measure of her power; that that protection will be preserved and continued at all hazards, against every risk, every obstacle, and every power, then, and only then, will the United States have that position among the nations of the earth to which they are legitimately entitled.

I believe, Mr. Speaker, that the bill now before this House—of course not intentionally—not with such a view on the part of any gentleman who has been concerned in its preparation or advocacy, but nevertheless, in fact, does derogate from these principles. I believe that by the adoption of this bill the United States will be put in the attitude of disclaiming, rejecting, throwing aside that pearl beyond all price, the right to assert everywhere and against everybody the rights of its citizen, be he ever so humble, ever even so unworthy.

Let us see, sir, what are the provisions of this bill. It changes the existing law, existing both by the statutes of the United States in certain cases, and by well-established and recognized rules of international law in other cases, as I have made out from my enumeration, in some nine or ten distinct matters. Almost every one of those changes I believe to be in the wrong direction. Almost every one of them I believe to be based upon erroneous ideas of the duty which the Government owes to its citizens abroad.

I shall spend but little time upon any of them; some of them I shall pass over with mention merely; but I desire to call attention to the matters in respect of which the bill does change existing law.

First, as to married women. I may say here, Mr. Speaker, that no rule is better established as the rule of international law among civilized nations than the rule that the national character of the wife follows the national character of the husband, irrespective entirely of all question of domicile or of any other question affecting citizenship; in other words, that when a woman marries a man of another nationality, she by that marriage adopts his nationality wherever he or she may dwell; that by the naturalization of the husband the naturalization of the wife follows, irrespective of residence or domicile or other consideration. This is an invariable rule of international law, recognized by all the publicists, by the practice of all the continental nations of Europe, by the practice and statutes of the United States, and by the practice of Great Britain.

The only authority to the contrary that has come to my knowledge, or which I have ever been able to find, is a doctrine laid down by that eminent judicial tribunal, the judicial committee of the privy council of Great Britain in the Countess of Conway's case, reported, I think, in the second volume of Knapp's Privy Council Cases. There the tribunal, in determining the status of a female claimant, a married woman, under the convention between France and Great Britain, for the payment of damages to subjects of Great Britain whose property had been unduly confiscated by the empire and the republic, held that, by the marriage of this lady to Count Conway, who was a British subject, she herself being a subject of France and always domiciled in France, under that convention she had no standing as a British subject by reason of her marriage, for domicile must coincide with marriage in order to give her that standing.

But a closer examination of the case will develop the fact that this is really not inconsistent with the proposition that marriage of itself determines the national character of the wife upon that of the husband, because within the rules of international law, as applicable in time of war, domicile is the controlling element of national character, and there the rights of a party claiming as a belligerent or as a citizen of one country or of another are always to be determined by domicile. The case of the Countess of Conway was therefore not necessarily a departure from the rule. In this connection I may state that in diplomatic practice the rule of Great Britain has been uniformly and consistently the other way. Great Britain has always claimed and maintained before international tribunals, through diplomatic negotiations, and in every form of communication or controversy with other nations, that the national character of the wife must follow that of the husband. In the international tribunal recently in session in this city, the mixed commission, created by the treaty of March 8, 1871, between the United States and Great Britain, in repeated instances women, natives of the United States, always residing in the United States, never out of the United States, but married to British subjects, were allowed standing as British subjects before that commission, and awards were made in their favor as British subjects. I believe that the doctrine was correctly so decided by that tribunal under the rules of international law.

This principle too, Mr. Speaker, was recognized by the United States in 1855, when they passed this statutory provision: "That any woman who may lawfully be naturalized under existing law"—it was carefully guarded, under the practice then prevailing, so as to close the door against those whose color or descent might disqualify them for American citizenship, as the doctrine was then held—but "any woman capable of naturalization married, or who shall be married, to a citizen of the United States, shall be deemed and taken to be a citizen." This statute was but an expression of the rule of international law and an adoption of it as part of our municipal law.

The committee on the bill before the House change that most materially. I beg to call the attention of the House to their provision enumerating the persons who are to be regarded as citizens of the United States. In the first clause of the second section of the bill they say that there are to be so included "all married women whose husbands may be such citizens"—now mark—"as against all powers except the power within whose jurisdiction an alien woman married to a citizen of the United States may have been born." That is the bill as it stands. The committee have given notice that they propose an amendment, which will doubtless be adopted by the House, to add the words "and shall continue to reside." Including that amendment the effect of the proposed bill is this: in conformity with the rule of international law a woman of foreign birth married to a citizen of the United States is to be taken as a citizen of the United States; but the rule is changed in this, that as against the power of which she was a subject, if she shall continue to reside within the jurisdiction of that power, she is not to be deemed an American citizen.

Now, one of the most difficult questions ever arising in diplomatic intercourse as to the rights of aliens results from what is known as double nationality. A person may by the laws of one country owe allegiance to the government of that country, and by the laws of another country owe allegiance to that other; his allegiance being thus double, not divided. By our naturalization laws, for instance, a man residing in the United States and naturalized here might be deemed, under our laws, in all respects a citizen of the United States; while at the same time by the laws of Great Britain, before the late naturalization convention, he would be deemed in all respects a citizen and a subject of Great Britain. One of the great ends of all diplomatic negotiations and of all reciprocal legislation among nations ought to be, I submit, to get rid of this question of double nationality, so that under no circumstances where it can be avoided should there be anything like duplex relations of one person to two governments, as owing allegiance to the two.

This provision of this bill leaves the married woman in the cases I have named owing allegiance for instance to the United States in general and as against all nations but one; but as to that one it remits her to her allegiance to the sovereignty of her nativity; remits her there wholly irrespective of the fact that her husband is absolutely and completely a citizen of the United States as against the whole world. Now mark the consequence. As I have already said, by the laws of other nations, by the rules of international law, she is a citizen of the United States against all governments, against the government of her nativity and residence as well as the rest. But by this bill she is a citizen of the United States for certain purposes only; not a citizen of the United States as against Great Britain, for instance, to which her native allegiance was due and where she may reside. Great Britain, however, she being the wife of an American citizen, does not recognize her as a British subject. But this bill cuts her off from her right of protection by the American Government and her right of citizenship here, and she stands indeed a woman "without a country," outlawed and outside of the protection of any nation.

Again, if we are to adopt such legislation as this, it certainly ought to be reciprocal legislation. We should cut off no rights of those who have heretofore been American citizens unless we see most clearly that equivalent corresponding provisions are to be made for the converse of the proposition; that the American woman who marries an English citizen is not to be deprived of any right, or any convenience even, which we fail to require in the case of a woman of English birth, owing paramount allegiance to Great Britain, married to an American citizen.

But the bill of the committee does make a very great difference between the two cases. It makes the foreign woman married to an American citizen no longer wholly and completely an American citizen for all purposes; but in certain contingencies, that of residence, she is still a foreigner.

In the third clause of this same second section it is provided that a woman, a citizen of the United States, becoming the wife of an alien and not residing within the United States, shall not continue a citizen of the United States; and in the event of her widowhood she cannot even reclaim her citizenship in the United States after the death of her husband simply by coming here to reside. In addition to that, she is required to go through the form of filing in the Department of State a declaration in a prescribed form, and taking specific and care-

ful legal steps to reassert that right of American citizenship, from which the American woman married to an alien and residing in a foreign state, that being the state of the allegiance of her husband, is absolutely debarred.

The next class of provisions in this bill which I shall note are those relating to the birth of persons in countries other than those of the allegiance of their parents.

Here again we find two provisions, the one correlative of the other; the one in relation to the children of foreign parents born within the United States, and the other relative to the children of American citizens born under foreign jurisdiction. In regard to both of these provisions the committee by this bill propose to change the existing law. It may be that the changes they have made are in themselves unobjectionable. I am not disposed to cavil at them, although I am really inclined to think it would be better to leave the law precisely as it now stands.

But in these two provisions they have not followed the rule of reciprocity; they have not provided the same rule as to the rights of the children of Americans born abroad as they have provided for the children of foreigners born in this country. The general rule is that every person born within a sovereignty is by birth a subject of that sovereignty. That is the recognized rule within the United States; it is specifically provided for in the constitutions of many of the States, and by the fourteenth amendment to the Constitution of the United States. This rule has no respect to the circumstances under which the person may have been born, or the status of the parents at the time of his birth; whether the father of the child born here is permanently domiciled within our borders, or is here for temporary and commercial purposes, or is a mere visitor or a casual traveler within our boundaries. If the child is born within the United States, by that birth he is a citizen of the United States.

This principle was also distinctly recognized by the same commission I have mentioned. In a case where it was distinctly alleged that the claimant, who claimed to be a British subject, was born in the United States of British parents while they were on a temporary visit to this country, the parents returning immediately afterward to England, they held that the man was not entitled to the standing of a British subject before the commission, for the reason that by the fact of birth within the United States he was an American citizen, although there was at the same time no question that by British law he was a British subject.

This bill provides that the child so born in this country, of parents not domiciled here, shall not be regarded as a citizen unless, first, he shall reside in the United States, or unless his father shall be naturalized during his minority, or unless he shall within six months after becoming of age file a certain declaration in the office of the Secretary of State, or unless he shall become naturalized under existing laws. I think these different provisions are unnecessarily repeated, because several of them of necessity include others. If residence within the United States is sufficient to give the right, certainly naturalization can never be necessary, for naturalization can never be had except where the party does reside here.

But recurring again to the correlative provisions as to the children of citizens of the United States born abroad, (being the second clause of the second section,) we find that the committee have carefully put up the bars against the children of citizens of the United States who may be born abroad while their parents are residing abroad. The language of the bill is:

> A child born abroad, whose father may be a citizen of the United States, residing in and subject to the jurisdiction of the United States, shall be regarded as a citizen of the United States at the time of birth, and shall follow and have the domicile and citizenship of the father during minority.

Therefore if a citizen of the United States goes abroad to reside (and residence, we all know, may have a very temporary and brief duration) for purposes of commerce, of health, of pleasure, of convenience, of education, of accumulation of knowledge, his child born there while he resides abroad is not a citizen of the United States. This again is a departure from the statutory provisions already existing which will be found in the act of February 10, 1855, already cited, (10 Statutes at Large, page 604,) which provided in terms that "persons born out of the limits and jurisdiction of the United States whose fathers were or should be at the time of their birth citizens of the United States should be deemed and considered, and are hereby declared to be, citizens of the United States;" and this irrespective entirely of residence.

Mr. GARFIELD. Will my friend illustrate what he is saying by stating how the law would apply to a case which I can cite? A gentleman holding a position at the head of one of our Executive Departments, a very distinguished American, was born in Montreal. His father and mother were citizens of New York. His father, being an architect, went abroad for the sole purpose of superintending the construction of the cathedral at Montreal, and was absent about two years, during which this child was born. The parents never obtained a residence in Canada; and the boy was to all intents and purposes in law an American-born citizen. I wish to inquire how the bill now pending would treat such a case as that—whether it would regard the child as a foreigner or a citizen of the United States? Of course I should say that if it would regard him as a foreigner, it would be a misfortune.

Mr. HALE, of New York. In the case propounded by the gentleman from Ohio [Mr. GARFIELD] the child so born abroad is, under the statute of 1855, absolutely, certainly, and in all respects a citizen of the United States. Under the bill proposed by the committee and now under consideration, the question whether he is a citizen of the United States would depend upon an outside fact on which proof is to be taken; that is, whether his parents were to be deemed as residing in Montreal at the time of his birth, or as having a residence within the United States. And right here comes in an element which is to me one of the most objectionable features of this bill: it sends these cases outside the region of fixed, certain, absolute law into the region of inquiry, to be based upon facts to be ascertained, as to which courts and juries may differ, and which never can be settled except by a judicial determination between parties directly interested in the event.

It will be recognized as a fixed rule, under international law, that wherever a man is found to be with his family that is presumptively his residence. International law presumes every man to be domiciled and to reside on the spot where he is found. That is the presumption, which it rests on the party claiming a different status always to rebut. Sometimes, of course, the evidence is very simple and easy of attainment, as in the case of a mere traveler stopping at a hotel over night. Often, as in the case suggested by the gentleman from Ohio, it may be a case of very grave doubt, open to all sorts of difficulties, to determine whether the domicile of the party was actually in a foreign country or in the United States. I think that in this view the legislation proposed in the bill before us is open to serious objection.

Mr. SCHUMAKER, of New York. Does the gentleman mean to say that a person born in a foreign country of parents who are citizens of the United States and who return to this country may not exercise the elective franchise without naturalization? No such person, as I have understood, was ever deprived of the exercise of the elective franchise.

Mr. HALE, of New York. My colleague is clearly right in his proposition under the statute of 1855, and indeed irrespective of that statute, according to the doctrines of international law and by the common law of the United States, if I may use such an expression. But the provision which the committee now proposes changes that law and makes the question of citizenship depend on the residence as well as the citizenship of the parents.

Mr. SCHUMAKER, of New York. My question was whether a child born abroad and coming here was not qualified by the naturalization of the parents, and whether on coming of age he was not entitled to exercise the elective franchise. There is no law of accidental birth to prevent the exercise of this right.

Mr. HALE, of New York. My colleague will see that I stated the proposition precisely as he states it, under the statute of 1855.

Mr. SCHUMAKER, of New York. I so understood him, but could not understand his answer to the gentleman from Ohio.

Mr. HALE, of New York. I am sorry, but I think my remarks need no further explanation.

I have dwelt too long on this question. Then comes a more important question, to me perhaps the gravest of all the objections to this bill, and that is the provision contained in the third clause of the second section expressly excluding from the benefits of citizenship within the United States various classes of persons who have heretofore been such citizens. This legislation is of the character to which I referred in my opening remarks as most objectionable and most undesirable and least in accord with the dignity of the United States, with the obligations which it owes to its citizens, whether native-born or naturalized, and with the rights of such citizens.

This provision under five different clauses excludes from citizenship five different classes who have heretofore fully enjoyed those rights.

The first provision of exclusion is that of citizens of the United States, native-born or naturalized, who may be naturalized as citizens of another state or who may enter into the civil, naval, or military service of any foreign nation. Now, the first sentence of this clause is certainly to be deemed unobjectionable. Under the doctrine of the right of expatriation, which the United States have always held, the fact that a citizen of the United States has become naturalized and the subject of a foreign power certainly ought to terminate his citizenship in this country, subject of course to the right of renewing that citizenship under the laws of the United States whenever he shall return to this country, which can be done under the present naturalization laws.

But the second section of the clause I certainly consider dangerous and unwise, and especially impolitic to adopt without an important amendment. That division of the clause cuts off from citizenship of the United States absolutely, without any power of reclamation, all those of its citizens who may enter into the civil, naval, or military service of any foreign prince or state, or of any colony, district, or people foreign to the United States. Note the breadth and comprehensiveness of this provision. Under it, every class of governmental service, whether civil, military, or naval, accepted by a citizen of the United States in a foreign land under a foreign government or foreign people, absolutely cuts off from American citizenship the man who accepts it. It makes no difference whether this is one of the European powers, one of the recognized civilized and enlightened powers of the earth, or one of the more ancient forms of civilization which still exist in Asia where we send so many who enter service in different

departments, or even among the barbarous and savage tribes to be found over the face of the earth. The language is sweeping. An American citizen who goes to-day to Japan to enter the employment of the Japanese government, in its civil service, in educational, financial, or administrative branches, ceases by that act to be an American citizen, and not only that, but he is placed beyond the possibility of ever returning to that character, for if he has ceased once to be an American citizen he certainly can never become such citizen again except by process of law. He has not of necessity become a subject of the government to which he goes, and when he returns to the United States he cannot be naturalized under the naturalization laws, for they are only made for the subjects of foreign governments. This man therefore stands as a "man without a country," brother to the woman without a country whom I before named.

Mr. POTTER. Take the case of General Mott, who entered the service of the Khedive of Egypt, does my colleague understand the bill to include that case?

Mr. HALE, of New York. It would not only disfranchise General Mott while in Egypt, but, as I understand the bill, when he returns to this country he can never again become an American citizen, not being a subject of naturalization under existing laws.

Mr. GARFIELD. How would it have been in the case of Mr. Burlingame?

Mr. HALE, of New York. Undoubtedly the same in Mr. Burlingame's case. He was in the civil service of the Emperor of China. Undoubtedly the same in the case of the half-dozen or more persons who are in the service of the Japanese Empire in various civil offices, and that larger number of persons who are in the military and civil service of the Khedive of Egypt. Under the same rule, as suggested to me by the gentleman from Arkansas on my left, [Mr. HYNES,] if adopted in France, those Orleans princes who came over here and volunteered in our service during the war of the rebellion would have ceased, if this had been the law of France, to have been citizens of that country, and never could have reclaimed their citizenship there.

[Here the hammer fell.]

Mr. WHEELER. I trust my colleague will be allowed a few moments more.

Mr. HALE, of New York. I would be very glad to spend a few minutes more, not exceeding fifteen minutes, on other branches of the subject.

The SPEAKER. If there be no objection the time of the gentleman from New York will be extended fifteen minutes.

There was no objection.

Mr. HALE, of New York. The second clause of this exclusion is one, as it strikes me, of a still more gravely objectionable character. It is a provision depriving of citizenship absolutely and forever every citizen of the United States who may reside abroad, unless he shall comply with certain fixed statutory regulations. This is bringing into the statutory law of the United States an element which never existed there before. It is barring the United States forever from the right of protection against foreign powers of any one of its citizens who may reside abroad for any purpose, unless that citizen shall have taken certain formal, carefully prescribed steps to enable him to preserve his allegiance.

I confess, Mr. Speaker, I am astonished at this proposition coming from any committee of this House. I am astonished that any man can upon this floor vindicate the propriety of disfranchising a citizen of the United States for the reason that he may happen to reside abroad for any purpose that to him may seem good and for such time as to him may seem good. Such is not the doctrine of the states of Europe. Such is not the doctrine by the observance of which Great Britain has established her citizenship as a name of dignity and respect among the nations of the earth. Why, Mr. Speaker, let us bear in mind that the first section of this bill defines the words "domicile" and "reside," and defines them justly and properly as implying "a fixed residence at a particular place, with direct or presumptive proof of an intent to remain indefinitely."

Add to that the well-settled legal principle that presence in any place affords presumption of an intent to remain indefinitely, and that if a member of this House were to-day found in a city of Europe, in the absence of all other proof, the presumption is that he intends to remain there indefinitely; and then, applying this definition, it will be found that the American citizen found abroad is disfranchised, debarred from citizenship, unless he has complied with certain regulations, or unless he makes proof to overcome the legal presumption to be found from his residence.

To be sure the bill undertakes to exempt commercial domicile from this regulation. But let us see how it undertakes to do that:

> Commercial establishments shall not be regarded as creating a domicile unless made with an intent not to return.

But even as regards commercial domicile, let us see how the case stands. A New York house doing business in London or Paris sends one of its partners to reside and transact its business there. That partner by that very commercial residence becomes debarred of citizenship unless he can show he is there with intent to return. The burden is on him to show it. His presence there is the presumption against him.

Mr. E. R. HOAR. Will the gentleman allow me to call his attention to the fact that he misapprehends this provision of this bill?

Mr. HALE, of New York. My friend should remember that my time is limited.

Mr. E. R. HOAR. But the gentleman is making, as I understand, a direct misstatement. The bills says:

> Commercial establishments shall not be regarded as creating a domicile unless made with an intent not to return.

Mr. HALE, of New York. I said so distinctly, and my friend has misunderstood me. But I said that the fact of his being there raises the presumption that he is there with an intent not to return, and he must overcome that presumption by proof.

Mr. E. R. HOAR. No, no.

Mr. HALE, of New York. My friend says "No, no," but he is certainly in error, and if he will turn to the authorities he will find that this principle is distinctly recognized by the publicists. It is laid down over and over again by Sir William Scott in the Prize cases, that the presumption is that where a man is found residing, there he intends to remain indefinitely.

The third exception provides, first, for—

> Naturalized citizens of the United States who may, by the terms of any treaty, be regarded as having resumed their original nationality.

This is of course unobjectionable.

The second clause, "or who, on returning to their native country, may be convicted of offenses against the laws of that country committed prior to their arrival in the United States," I understand the committee consent shall be stricken out. It is a most gravely objectionable feature, so much so that I can scarcely conceive how it ever came to be inserted in the bill. But I understand it is to go out, and therefore I pass it.

The fourth section relating to the status of women, citizens of the United States, married to aliens, I have already discussed. I come, therefore, to the fifth clause, which I beg, with all respect, to characterize as a proposition little short of monstrous.

It is this:

> A naturalized citizen of the United States becoming domiciled in the country of his or her nativity, unless when otherwise regulated by treaty, shall cease to be a citizen of the United States.

Sir, I do not believe in a doctrine which would make such a distinction between native and naturalized citizens. I know of no nation to-day which asserts such a doctrine. We have within the limits of the Book of Treaties which I hold in my hand, naturalization conventions with eleven different European nations, and every one of those conventions is utterly inconsistent with the proposition here made. At least two of them in specific terms negative the proposition, and the other nine contain provisions wholly inconsistent with it.

Now, what is the proposition? An Englishman, or an Irishman, or a German has come to the United States and been naturalized; he is our citizen. From the moment he attains that citizenship he is entitled to the protection of his government, here or elsewhere, as fully and completely as the loftiest born native citizen of this land. The very country to which he originally belonged would not assert, unless it wholly denied the right of expatriation, a denial of his citizenship. And yet this bill provides that that man, if he shall go back to be domiciled in the country of his nativity for any purpose, no matter what, business or pleasure, commerce or health, ceases to be a citizen of the United States. Remembering the proposition I laid down, that presence raises presumption of intent to continue, Louis Agassiz, naturalized in America, had he before his death returned to Switzerland, his native country, and spent a week there, would have been presumptively disqualified as a citizen of the United States and remitted to his original allegiance.

Sir, I have never pretended to assert myself especially as the champion of naturalized citizens upon this floor or elsewhere. I shall never be found to assert such special championship. But I do assert that between citizens of the United States no discrimination as to right to the protection of the Government can be made without disgrace to the United States. If a German or an Irishman comes here and is lawfully naturalized, becomes our citizen, we are bound to protect him as our citizen so long as the relation continues. There is no greater reason why we should refuse that protection in his case than in the case of a native-born citizen.

I stated that our treaties with certain of the European nations had expressly and in terms repudiated this doctrine. I refer to the treaty with Baden, which will be found on page 50 of the volume of treaties.

The fourth article of that is as follows:

> The emigrant from the one state who, according to the first article, is to be held as a citizen of the other state shall not, on his return to his original country, be constrained to resume his former citizenship.

The same provision is to be found in the treaty with Austria, in the same terms, on page 46 of the volume of treaties. Our treaties with every other German nation, with Great Britain, with Denmark, with Sweden and Norway, in regard to citizenship and naturalized citizens of the one country resuming after naturalization their residence in the other, are utterly inconsistent with the idea that such residence alone is to terminate citizenship and change national character.

Mr. MYERS. I call the attention of the gentleman to the act of 1868, which is to the same effect.

Mr. HALE, of New York. The act of 1868, to which the gentleman from Pennsylvania calls my attention, is to the same effect. I have oc-

cupied already more time than I intended. There are still other objections to the bill which should be noted. Even the marriage provision in the last section ought certainly to be subject to amendment, otherwise it might be taken to preclude the validity of marriages contracted in foreign countries by American citizens unless contracted pursuant to the provisions of that section. I think such would be the construction of foreign tribunals and governments. In that regard, therefore, it should certainly be amended so as to provide that marriages performed in other forms not according to the provisions of this act, which are valid either by the laws of the country where performed, by the laws of the United States, or by the laws of the State or Territory where the United States citizen may reside, shall continue to be legal notwithstanding the provisions of this act.

But, as I said, Mr. Speaker, I believe this to be a bill which it is not desirable for this House to seek to perfect in the House. I believe it to be a bill fraught with danger to the American nation through its citizens, for what endangers the rights of the meanest citizen endangers the character of the nation. I therefore give notice that at the proper time, without seeking to cut off debate, but whenever the debate shall have been terminated, I shall move to lay on the table the motion to reconsider the vote by which the bill was committed to the Committee on Foreign Affairs, leaving the bill with that committee for further elaboration by them.

Mr. CONGER. I desire to have printed an amendment which I propose to offer at the proper time to the bill.

There was no objection; and the amendment was ordered to be printed.

Mr. E. R. HOAR. I ask that the proposed amendment be read.

The Clerk read as follows:

Amend section 4 by inserting after the words "United States," in line 8, the following:

Provided, That this provision shall not be construed so as to affect or alter in any manner the navigation laws or other similar laws relating to the ownership of ships or vessels of any description, or to their enrollment, registration, or license.

ORDER OF BUSINESS.

Mr. LOUGHRIDGE. I rise for the purpose of moving that the House resolve itself into Committee of the Whole on the state of the Union on the special order, being the Indian appropriation bill.

Mr. BUCKNER. Before that motion is put, I ask the gentleman to allow the House to go to business on the Speaker's table, with a view of referring some Senate bills.

Mr. LOUGHRIDGE. I will yield for a moment for that purpose.

Mr. NEGLEY. I desire to call up the special order in the House, the bill (H. R. No. 1588) to amend the act entitled "An act to provide for the better security of life on board of vessels propelled in whole or in part by steam, and for other purposes," approved February 28, 1871, which has been passed over for a long time to accommodate other business.

The SPEAKER. The gentleman from Missouri [Mr. BUCKNER] asks unanimous consent that bills from the Senate upon the Speaker's table be taken up for the purpose of reference only. Those bills to which objection is made will remain upon the Speaker's table. The Chair hears no objection.

LOUISVILLE AND PORTLAND CANAL.

The first business on the Speaker's table were the amendments of the Senate to the amendments of the House to the bill (S. No. 350) providing for the payment of the bonds of the Louisville and Portland Canal Company.

Mr. NEGLEY. I ask that those amendments be considered now.

The SPEAKER. This call is for reference only. The amendments of the Senate will be returned to the Speaker's table.

SENATE BILLS REFERRED.

Bills were then taken from the Speaker's table, read a first and second time, and referred as follows:

A bill (S. No. 32) obviating the necessity of issuing patents for certain private land claims in the State of Missouri, and for other purposes—Committee on Private Land Claims.

A bill (S. No. 170) for the relief of certain officers of the Navy who were dropped, furloughed, or retired under the act of February 28, 1855—Committee on Naval Affairs.

A bill (S. No. 229) authorizing corrections to be made in errors in prize-lists—Committee on Naval Affairs.

A bill (S. No. 237) to change the name of the port of San Pedro, California, to Wilmington—Committee on Commerce.

A bill (S. No. 326) for the delivery to James B. Betts, receiver, of certain bonds now in the Treasury of the United States of America—Committee on Claims.

A bill (S. No. 369) to change the name of the registered steamer Oakes Ames to Champlain—Committee on Commerce.

A bill (S. No. 375) for the benefit of the Kentucky Agricultural and Mechanical Association—Committee on War Claims.

A bill (S. No. 406) to allow the schooner Ocean Wave to take the name of Edith E. Wright, and to be registered under that name—Committee on Commerce.

A bill (S. No. 464) to amend the act entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes," approved June 30, 1864, and the several acts amendatory thereof—Committee on Ways and Means.

A bill (S. No. 482) to authorize the construction of a bridge over the Willamette River at Salem, in the State of Oregon—Committee on Commerce.

A bill (S. No. 508) for the relief of Andrew Johnson, of Logansport, Indiana—Committee on Claims.

A bill (S. No. 509) to withhold from sale a portion of the Fort Smith military reservation in the State of Arkansas, to prescribe the manner in which the remainder of said reservation shall be sold, and for other purposes—Committee on Military Affairs.

A bill (S. No. 560) for the relief of William N. Denny, major of the Fifty-first Indiana Volunteer Infantry—Committee on Military Affairs.

A bill (S. No. 561) for the relief of Charles H. Moseley—Committee on Claims.

A bill (S. No. 563) for the relief of John M. McPike—Committee on Claims.

A bill (S. No. 708) to change the name of the schooner China—Committee on Commerce.

RAILROADS IN THE TERRITORIES.

The following bill was taken from the Speaker's table and read by its title:

A bill (S. No. 378) to provide for the incorporation and regulation of railroad companies in the Territories of the United States, and granting to railroads the right of way through the public lands.

Mr. McCRARY. I move that the bill be referred to the Committee on Railways and Canals.

Mr. TOWNSEND. I think the bill should be referred to the Committee on the Public Lands.

The SPEAKER. There being a division of opinion about the reference of the bill, it will be returned to the Speaker's table.

CAPTAIN A. B. DYER.

The amendments of the Senate to House bill No. 498, to settle the accounts of Captain A. B. Dyer, were taken from the table and referred to the Committee on Military Affairs.

RAILROAD IN WASHINGTON TERRITORY.

Mr. McFADDEN. There is a bill on the Speaker's table which I ask may be considered at this time. It has been before both Houses and received consideration. It is Senate bill No. 253.

The SPEAKER. The bill will be read, after which the Chair will ask if there is objection to its consideration at this time.

Mr. LOUGHRIDGE. I will not object, if it gives rise to no debate.

The Clerk proceeded to read the bill (S. No. 253) to authorize the county commissioners of Thurston County, in Washington Territory, to issue bonds for the purpose of constructing a railroad from Budd's Inlet, Puget Sound, to intersect the Northern Pacific Railroad at or near Tenino.

Mr. SPEER. I do not desire to oppose this bill, but I would ask if it has received the consideration and approval of a committee of this House?

Mr. FORT. It has been considered, or one just like it, by the Committee on Territories and reported upon favorably.

Mr. HYNES. It received the unanimous approval of that committee.

Mr. HOLMAN. I think the principle involved in this bill should be further considered.

Mr. HYNES. I might state to the House that this is the only Territory that has to come in here and ask for this permission.

Mr. HOLMAN. I do not think we should pass this bill without further consideration.

Mr. CLYMER. I appeal to my friend from Indiana [Mr. HOLMAN] not to object to immediate action on this bill. It has been fully considered on a former occasion.

Mr. McFADDEN. It has not only been fully considered in the House, but was reported unanimously by the Committee on the Territories. There cannot possibly be any objection to the bill.

Mr. HOLMAN. While I regard this as a vicious mode of legislation, yet as the bill has already been considered by the House I will not press my objection.

Mr. MAYNARD. I hope that by general consent ten minutes, or at least five, may be given for a brief explanation of the bill. It so happened that I was not present when the bill was discussed the other day.

Mr. WILSON, of Iowa. I object to the bill. After having suffered as we have in Iowa from legislation of this kind I cannot conscientiously refrain from objecting.

STEAM FERRY-BOAT A. BURTON.

Mr. CONGER. I ask unanimous consent to report from the Committee on Commerce, with an amendment, the bill (H. R. No. 3139) for the relief of the owners of the steam ferry-boat A. Burton. The consideration of this measure will occupy but a moment.

The bill was read. It authorizes and directs the proper inspectors of steam-vessels in and for the Galena district to inspect the steam ferry-boat A. Burton, at Nauvoo, Illinois, and to grant certificate and license which shall enable the owners of said steamer to use the same as a ferry-boat, notwithstanding the fact that the iron in the boiler on board said boat has no tensile strength stamped upon it, and notwithstanding no stamp at all is found upon the same; pro-

vided that upon due inspection and test the said boiler is found to be good and sufficient and safe, and the vessel otherwise constructed and equipped according to law.

The amendment reported by the committee was to strike out in the proviso the words "and sufficient," and insert "material, properly constructed;" so that the proviso will read:

Provided, That upon due inspection and test the said boiler is found to be good material, properly constructed, and safe, and the vessel otherwise constructed and equipped according to law.

There being no objection, the amendment was agreed to, and the bill, as amended, ordered to be engrossed for a third reading, read a third time, and passed.

Mr. CONGER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HOLMAN. I give notice that after the morning hour to-morrow I shall ask the House to go to business on the Speaker's table to take up the Portland Canal bill.

Mr. E. R. HOAR. In view of the suggestion just made by the gentleman from Indiana, [Mr. HOLMAN,] I wish to say that while I did not object this morning to the motion to go into Committee of the Whole on the Indian appropriation bill, I do desire that the bill in regard to American citizenship shall not lose its place.

The SPEAKER. It cannot do so.

Mr. NEGLEY. Before the House agrees to go into Committee of the Whole on the Indian appropriation bill I hope it will consider the bill (H. R. No. 1588) for the better security of life and property on steam-vessels. This bill has been a special order since the 24th of February, but I have refrained heretofore from pressing it on the attention of the House. I think it a very important bill, and one which certainly should take precedence of any appropriation merely to expend money. Nothing will be lost by the delay in the consideration of the Indian appropriation bill.

The SPEAKER. The Chair will state the situation of this matter, and gentlemen will please give attention, because the House has now reached a period of the session when there is a very great tendency to complicate business. The bill from the Committee on Foreign Affairs, of which the gentleman from Massachusetts [Mr. E. R. HOAR] has charge, can only be interrupted in its consideration by a motion to go into Committee of the Whole, which suspends the rules. That bill must hold its place against the morning hour, and against any special order, until disposed of, because it comes before the House upon the highly privileged motion to reconsider, for which unanimous consent was given.

Mr. DAWES. I wish my colleague [Mr. E. R. HOAR] would press his bill to a conclusion as early as possible. The Committee on Ways and Means have been waiting for the morning hour for several days.

The SPEAKER. There can be no morning hour until that bill is disposed of.

Mr. DAWES. I am aware of that.

Mr. E. R. HOAR. I will press the bill to as speedy a conclusion as will be agreeable to the House. A general desire being expressed this morning to go into Committee of the Whole on the Indian appropriation bill, I was not willing to antagonize that measure.

Mr. DAWES. Of course I do not ask my colleague to press his bill against the appropriation bills.

Mr. E. R. HOAR. I suppose my colleague would admit that we are entitled to a reply to the speech of an hour which has been made this morning against the bill?

Mr. DAWES. I did not ask my colleague to call for an immediate vote upon the bill.

Mr. GARFIELD. I desire to remind the House that there are eight appropriation bills still to be acted upon by the House primarily—in the first instance.

Mr. NEGLEY. In connection with the remark of the gentleman from Ohio [Mr. GARFIELD] I desire to remind the House that the bill for the better security of life and property on steam vessels is a very important measure, and its consideration should not be deferred until the last hours of the session, to be defeated then for want of a vote in the Senate, as was the case in the last Congress; and I can see no reason why appropriation bills should take precedence of all other national legislation. This is national legislation; and I trust the House will kindly allow the early consideration of the bill. It was the agreement, I think——

Mr. GARFIELD. I call for the regular order.

The SPEAKER. The regular order is the motion that the rules be suspended, and the House resolve itself into Committee of the Whole on the Indian appropriation bill?

Mr. COBURN. I rise to a parliamentary inquiry. Did I understand the Chair to say that the regular order was to go into Committee of the Whole on the Indian appropriation bill?

The SPEAKER. The regular order is that when such a motion is made it must be submitted to a vote for the majority to decide.

Mr. COBURN. Would not the regular order be the consideration of the bill for the reduction of the Army? That was fixed as a special order some time since, and was driven before the legislative appropriation bill for some days. It should now, I think, come up in regular order.

The SPEAKER. Precisely; but if a majority of the House decided to go into the Committee of the Whole on the Indian appropriation bill, the rules give them that privilege. The regular order of business is a motion to go into the Committee of the Whole on the state of the Union whenever the committee having charge of that bill may submit that motion.

Mr. COBURN. That is the regular order so far as that motion is concerned, but the regular order fixed by the House long ago, as I understand it, is the bill for the reduction of the Army, which was to come up immediately after the disposition of the other bill.

Mr. GARFIELD. The appropriation bills were specially excepted in making these special orders.

Mr. COBURN. Of course.

The SPEAKER. The gentleman from Indiana evidently means this, that if the House refuses to go into the Committee of the Whole on the appropriation bill, then his bill may become the special order.

Mr. NEGLEY. I will move to amend the motion to go into the Committee of the Whole on the Indian appropriation bill so that we may go into the Committee of the Whole on the business to which I have referred.

The SPEAKER. The question will be determined on a direct vote on the motion to go into the Committee of the Whole on the Indian appropriation bill.

Mr. COBURN. Before the House takes a vote on the motion to go into the Committee of the Whole on the appropriation bill I wish to say one word.

The SPEAKER. It is not debatable.

Mr. COBURN. I ask unanimous consent.

Mr. LOUGHRIDGE. I must object, in order that we may go on with the public business.

The House divided; and there were—ayes 143, noes not counted.

So the motion was agreed to.

TRANSPORTATION OF MAILS.

The SPEAKER, by unanimous consent, laid before the House a communication from the Postmaster-General, in relation to the question of compensation to railroads for the transportation of mails; which was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. SMITH, of New York, for two weeks, to Mr. G. F. HOAR for two weeks, and to Mr. RUSK for ten days.

MESSAGE FROM THE SENATE.

A message was received from the Senate of the United States, by Mr. SYMPSON, one of their clerks, notifying the House that that body had passed bills of the following titles, with amendments in which the concurrence of the House was requested:

An act (H. R. No. 3093) to relieve David A. Telfair from political disabilities; and

A bill (H. R. No. 826) for the relief of Elias C. Boudinot.

It further announced that the Senate had passed bills of the House of the following titles without amendment:

An act (H. R. No. 368) for the relief of James Long;

An act (H. R. No. 1331) for the relief of Joab Spencer and James R. Mead, for supplies furnished the Kansas tribe of Indians;

An act (H. R. No. 1722) for the relief of William N. Williams, late second lieutenant of volunteers; and

An act (H. R. No. 1933) to amend the thirty-first section of the act entitled "An act for enrolling and calling out the national militia, and for other purposes," approved March 30, 1863.

It further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

An act (S. No. 420) to amend the act entitled "An act for the restoration to homestead entry and to market of certain lands in Michigan," approved June 10, 1872, and for other purposes;

An act (S. No. 588) approving the action taken by the Secretary of War under the act approved July 15, 1870; and

An act (S. No. 589) for the relief of Washington L. Parvin and Henry A. Green, late captains of California Volunteers.

INDIAN APPROPRIATION BILL.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union (Mr. POLAND in the chair) on the bill (H. R. No. 2343) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1875, and for other purposes.

Mr. LOUGHRIDGE. I move that the first reading of the bill for information be dispensed with.

There was no objection, and it was ordered accordingly.

The Clerk then proceeded to read the bill by paragraphs for amendments.

Mr. GARFIELD. I hope, Mr. Chairman, that order will be observed in the committee in order that the explanations of the various appropriations in this bill may be perfectly understood by both sides of the

House. In my judgment, if members will listen to the statements of the gentleman from Iowa, [Mr. LOUGHRIDGE,] who has devoted much time and attention to this subject, the time of the committee will be saved very materially in disposing of this Indian appropriation bill.

Mr. LOUGHRIDGE. Mr. Chairman, for reasons very obvious, the expenses of the Indian Department have been for a few years past increasing in amount; though I am satisfied, upon a careful survey of the field, that they have arrived at the maximum, and that in a few years they will rapidly decrease.

The appropriations in this bill have been fixed at as low a figure as would, in the opinion of the committee, be expedient or safe. The only fear I have is that we have cut down too severely; for there is no department of the public service where insufficient appropriations are liable to work so great loss to the Government as the Indian Department. The failure to make a small appropriation of a few thousands which ought to be made might involve us in an Indian war, at a cost of millions.

And yet, sir, the principles of economy and retrenchment must be applied to this department as well as to others, and the wisdom and discretion of Congress must fix the amounts to be expended.

We have not come up to the recommendations of the executive department in the amounts appropriated in this bill, but we think that with that retrenchment, care, and economy which ought to be enforced in all departments of the Government the amounts of money appropriated by this bill will meet all proper requirements of the service, with some amendments which the Committee on Appropriations will offer to the bill during its consideration. I hope we are not mistaken, for I should regret sincerely were we to make a mistake in this respect.

The original estimates of the department for the year amounted to $6,765,000, and the revised estimates to $6,165,000, while the amount appropriated by the bill is $4,965,488; the reduction from the original estimates being $1,800,000, and from the revised estimates $1,200,000.

In cutting down expenditures the committee have endeavored to confine their reductions as far as possible to those expenditures the direct benefit of which do not inure to the Indians, and which could be reduced without seriously crippling the service. By the provisions of this bill the expenditure for the incidental expenses of the agencies will be reduced about $250,000, and we hope without serious detriment to the service.

We have abolished some of the agencies among some of the civilized tribes, and have abolished all of the superintendencies except two. The amount appropriated in the general appropriation bill for the Indian Department for the present fiscal year was $5,379,000. There will be deficiencies to the amount of $557,000, making the total expenses of the department for the present year $5,936,000.

The question is often asked, and it is a very natural one, why is it that the expense of the Indian service is increasing, while the Indians are decreasing in numbers? And the fact is pointed to that fifty years ago, when there were more Indians than now, the expenses of the service amounted to less than $1,000,000 per annum.

The reason for this, sir, is very apparent. At that time a large extent of fertile country was in the possession of the Indians, comprising a great proportion of the now Northwestern States. They had all the country to roam over; the forests were full of all kinds of game, and the streams abounded with fish. The Indian roaming at will needed no aid; game and fish were entirely sufficient for his support. What a contrast between his then and his present condition! Now they are crowded back and driven upon some defined and limited reservations, the greater number of them composed of barren mountains and alkali plains, on which it is impossible to obtain a subsistence by agriculture, for Indians or for white men. On these reservations the game is entirely exhausted; there are no streams, and consequently no fish; and on these reservations they are confined, and forced by the Government to remain. They are, as it were, imprisoned thereon. As far as the wild Indians are concerned, they are subject to be shot down by the soldiers if they are found off the reservations.

Now, sir, what is the result of this? Necessarily, the Indians must either be fed by the Government or they must leave the reservations in quest of subsistence, and not having the means of obtaining it, will either starve or steal. The hostility of the white settlers in the vicinity of the Indians is also a detriment in the way of their being self-supporting. The following extract from the report of Major-General McDowell, in 1866, at that time commanding the Department of the Pacific, illustrates this point:

> The difficulty here, as it is everywhere else in this country, is with the white more than the Indian. Could the former be placed under some restraint and not suffered to shoot and maltreat the natives with utter impunity we would have no trouble whatever. In the northern part of the valley the Indians work in the mines and on the farms, and they would do so in the southern portion, but a few of the settlers who believe in shooting every Indian on sight prevent it, and force them to remain in the mountains, whence they from time to time come forth to steal that they may not starve.

In my statement of the present condition of the Indian reservations and their character, I desire to except the Indian Territory, which is a fertile country, capable of sustaining all the Indians of the country, and to which they should all be removed gradually, and a course taken looking to their elevation to citizenship and to future representation in the Government.

This statement of the contrast in the condition of the Indians now with their condition fifty years ago is a sufficient explanation and justification of the increased expense to the Government. The Indians are imprisoned by the Government, and they must be subsisted; to refuse to do so would be as barbarous as to confine men in prison and permit them to starve. When men talk of increase in expenditures they should think of, and take into consideration, the changed state of affairs. In the present condition of affairs the Government can pursue no other course than it is now pursuing, and any other course would be vastly more expensive.

The Indian question, Mr. Chairman, is one of the most important now challenging the attention of the country. In the past twenty-five years other questions have to a great extent monopolized the attention of the people; but those questions—slavery, rebellion, and reconstruction of the Union—have been settled, and the attention of the people seems to be now directed to this Indian question. It involves principles of philanthropy and of justice, principles which always challenge the attention and enlist the sympathy of the American people; and as a consequence this question is receiving more general attention from the people than it has ever before received. The desire of the philanthropist is to lift up and save a downtrodden and degraded race, and of the statesman to get rid at the earliest possible day, and in an honorable way, of the annual expenditure from the national Treasury.

The study of the Indian race of this country is an exceedingly interesting one to the ethnologist, to the philanthropist, and to the statesman.

The origin of the race is shrouded in the most impenetrable mystery. Its known history is sad and tragical, beyond that of any other race in the annals of the world.

Our forefathers found them in possession of this country, as was said by the governor of Massachusetts in an address in the hall of the State-house at Boston, in 1836, to a delegation of Indian chiefs.

> In former times the red man's wigwam stood on our very fields and his council-fire was kindled on this spot. When our forefathers came to this country they were but a small band. The red man stood on the rock on the sea-side and looked at them. He might have pushed them off and drowned them; but he took them by the hand and said "welcome." Our forefathers were hungry, and the red man gave them corn and venison; they were cold, and the red man spread his blanket over them and made them warm.

At that time, Mr. Chairman, the Indians possessed the entire continent; their title to it as perfect as the title of any people in the world to their national domain. The smoke from their wigwams rose from all its hills and valleys, and the red man roamed, proud and fearless, from the Atlantic to the Pacific and from the Lakes to the Gulf, free as the wild deer that fled at the sound of his approaching footsteps. Their light canoes sped swiftly over the waters of the Connecticut and the Mohawk, the Juniata and the Miami, the Cumberland and the Ohio. Two centuries have passed. Those rivers all roll as they rolled that day, but the Indians—where are they?

Slowly and gradually, generation after generation, they gave way and retired before the advancing wave of Anglo-Saxon civilization, giving up with sad hearts their homes, their hunting-grounds, and the graves of their fathers; striking back at times with cruel and relentless desperation against those whom they regarded as their invaders, and yet compelled, as by the fiat of fate, ever to recede and to give up forever forests and prairies and rivers, and pass on toward the setting sun, until to-day they who two centuries and a half ago owned the continent and numbered millions now have but the right of possession by the sufferance of the Government of a few reservations west of the Mississippi River; paupers, the most of them, upon the Government, and trembling as it were in the scales between civilization upon the one hand, and extinction upon the other.

For the Indian there is no middle ground; he must either be civilized and adopt the customs of civilized life, or he must become more and more degraded, more and more an outcast and vagabond, and finally perish from off the face of the earth. What shall be his fate is for the Government to say. The true, just, and righteous policy of the Government is to civilize and save the race from extinction. In the incidental discussion of the Indian question upon this floor a few weeks since some strictures were made upon the policy of the Government in the management of the Indian question, and some gentlemen were pleased to denounce the policy as ineffectual and extravagant, and to advocate a change of the policy by turning the Indians over to the control of the War Department. It is claimed by the advocates of such a change that it would be more economical, and I believe that this is the only ground on which the policy is advocated. Now, sir, if economy is the only item to be considered in this question, if there is no higher or broader view to be taken than that, still to adopt such a policy would be a fatal mistake.

The adoption of such a policy would assuredly result in wars with the Indians; and the experience of the past in connection with the Indians has demonstrated beyond the shadow of doubt that the war policy is by far more expensive than the peace policy; that it is cheaper to feed Indians than to fight them. Fighting Indians is a very expensive luxury. The Indian is in war an enemy not to be despised; when he goes to war he enters upon its dreadful work with earnestness and determination, himself the very embodiment of courage. When on the war-path he is on an errand of vengeance, and no amount of blood satisfies him. With him the theory is that all wrongs are to be redressed by war, and in our intercourse with him we have failed to provide peaceful means of redress for the wrongs suffered by him, and he knows no law except that of retaliation. In battle

he never surrenders, and he is the more excusable, therefore, in that he never accepts capitulation at the hands of others. He neither grants quarter nor asks it, but fights under the black flag. Proud and haughty himself, and yet conscious of the contempt of the white man, when suddenly aroused by some new wrong the remembrance of old ones still rankling in his breast, he seems transformed into a very demon. History gives no instance of a race more determined in war, and our wars with them demonstrate this fact; for the expense and loss of life in Indian wars has been on our side most frightful in comparison with the loss inflicted upon them, or the results attained. In proof of this fact I ask the attention of the committee while I recall the facts connected with some of our wars with Indians in the past.

FLORIDA WAR.

I will go no further back than to the war with the Seminole Indians of Florida, which was waged from 1835 to 1842. This war was caused by attempts to recapture and return some negroes who had escaped from slavery and fled to Florida, and had there intermarried with the Indians and been adopted by the tribe. The Indians refused to surrender them, and the result was a war. The Indian warriors numbered about fifteen hundred all told. Against them were engaged the entire regular Army of the United States and several thousand volunteers, aided by the Navy, and the contest lasted about seven years. Fifteen hundred whites were killed, and the expense to the national Treasury was not less than $50,000,000. The life of one white man was lost for each Indian warrior engaged, and the money paid for expenses would average $33,000 for each. This was the cost of a war with a few starving Indians in the everglades of Florida—Indians who were regarded as a mere outcast remnant, too feeble to be in the least dreaded in a war.

SIOUX WAR OF 1852-'54.

The war with the Sioux Indians in 1852-'54 was a very expensive war, and, like the Florida war, was entirely unnecessary and brought about by soldiers of the regular Army. Some bands of Sioux Indians were encamped within six miles of Fort Laramie. They were at peace with the United States and on terms of friendship with the soldiers at the fort. A Mormon train was passing and lost a cow. It was ascertained that an Indian had found the cow and slaughtered it. Complaint was made at the fort, and a soldier was sent to the Indian camp. The chief promised to make compensation for the cow to the owners. But this was not by the officer in command of the fort considered satisfactory, and a lieutenant was detailed with a company of soldiers to arrest the Indian. They went to camp and demanded the surrender of the Indian. This was refused on the ground that he could not be found, and the soldiers fired and killed one Indian chief. The war-whoop was sounded, and the lieutenant and every soldier of the company was killed. The war that followed lasted two years, and cost the Government $40,000,000 and several hundred lives, and a large amount of private property was destroyed.

The Oregon Indian war of 1854 and 1855 was also a very expensive war.

In 1851 the troops were removed from Oregon and the Indians were placed under the charge of a superintendent, and from that time until 1853 there was no trouble with the Indians, and the Government was not called upon to pay one dollar to quell Indian disturbances. In 1853 the superintendent was removed and the troops taken back. The result was that war soon broke out and continued for two years, costing the Government during these two years, $10,000,000, while during the three years immediately previous to this war the total civil expense of the Indian service in Oregon, California, and Idaho was but $25,000.

CHEYENNE WAR, 1864-'65.

The Cheyenne war of 1864-'65 was brought on in 1864 by the aggressions of the whites, and furnishes a fair illustration of the injustice with which the Indian has generally been treated.

The Cheyennes had been friends and allies of the Government, and had done more to make travel across the plains safe to the whites than any other class of people. In April, 1864, a ranchman, named Ripley, went to Camp Sanborn, on the South Platte and charged the Indians with stealing his stock. A Lieutenant Dunn proceeded with a detachment of soldiers to hunt for the stock among the Indians, but failed to find it. Falling in with a company of Cheyennes, an attempt was made to disarm the Indians; they of course resisted, and in the *mêlée* one soldier was killed and several wounded; and this commenced the war. Afterward the head chiefs gathered all their people together they could, and proceeded in December, 1864, to Fort Lyon and surrendered themselves, and offered to do all in their power to restore friendly feelings and peace.

The commanding officer of the fort guaranteed them protection, designated a place for them to camp on Sand Creek while the young men and chiefs were absent to bring in the hostile Indians and procure food for their people, and the officer gave them a United States flag to indicate their friendship and secure their protection. While thus encamped, with the flag over them and feeling the greatest security, a few chiefs who had always been firm friends of the whites, some old men and many women and children being present, a body of United States troops approached. The Indians presuming of course that they were on a friendly mission, a chief, White Antelope, who had been a friend of the whites on the plains, stepped out to meet the troops and greet them. As he did so he saw the line of soldiers halt and prepare to fire. He raised his hands to his face and was shot down, and an indiscriminate slaughter of women and children commenced. Twelve old men and one hundred and fifty women and children were put to death by the troops; helpless infancy and decrepit old age shared the same fate. Women were scalped, disfigured, and disemboweled. Some of the few captured children, after they had been carried many miles by the troops, were taken from the wagons and their brains dashed out. I gather this from the records and official reports, and blush to say that its truth cannot be questioned.

Exasperated and maddened by this cold-blooded butchery of their women and children and old men, the remnant of the tribe sought the aid of the Kiowas and Comanches, and obtained both. The result was the general Indian war of 1865, which cost the Government $35,000,000 and much loss of life. Conflagration and death were carried to all the border settlements, and the Government was compelled to draw from the force in the field, warring against the rebellion, about eight thousand soldiers. In this war fifteen or twenty Indians were killed, at an expense of more than $1,540,000 each, hundreds of our soldiers lost their lives, and many border settlers were massacred. After carrying on the war about a year, the prospects of conquering a peace not being encouraging and the country becoming enlightened as to the origin and nature of the war, public opinion demanded that steps be taken to end it; and a peace commission, composed of Generals Harney, Sanborn, and others, was authorized to make a treaty of peace, and what could not be done by fighting was done by a talk with the Indians, and a treaty of peace was entered into in October, 1865, at the mouth of Little Arkansas. As soon as that treaty was signed the war ceased, and the terms of it were faithfully observed by the Indians, and the Cheyennes and Arapahoes settled down in peace.

In this war the number of Indian warriors engaged was but two thousand. For every Indian warrior killed fifteen white men were slain. This was the result of this war forced upon the Indians by outrages and crimes that ought to put to blush the veriest savages. In our denunciation of the barbarities of the Indians we are too apt to forget the sins of our own race.

It is due to the Army to say that the soldiers who committed this massacre were not of the regular Army, but were a Colorado regiment of nine hundred men. I find on page 96 of Reports of Committees of Senate, No. 156, second session Thirty-ninth Congress, the sworn statement of a witness who was present at that massacre, and who states that he saw the United States flag floating over the Indians before the firing commenced, and when the troops were within fifty yards of the Indians the Indians raised a white flag, and that he heard one of the chiefs tell the Indians to stand around the flag, and that they were huddled around the flag when they were killed.

CHEYENNE WAR OF 1867.

From the termination of war by the treaty of 1865 until 1867 the Cheyenne Indians were at peace, and all that section of country was free from trouble.

I read the following extract from a letter written by Lieutenant-General Sherman, dated at Fort Lyon, Colorado, September 30, 1866:

> The Utes are harmless and peaceable, and the Cheyennes and Arapahoes are off after the buffalo, God only knows where, and I do not see how we can make a decent excuse for an Indian war. I have traveled all the way from Laramie without a single soldier or escort. I meet single men, unarmed, traveling along the road as in Missouri. Cattle and horses graze loose far from their owners, most tempting to a starving Indian; and though the Indians might easily make a descent on these scattered ranches, yet they have not done so, and I see no external signs of a fear of such an event. I went down the Arkansas and traveled in three days one hundred miles to this post, Fort Lyons. I did not see or hear of an Indian the whole distance, although we passed through the whole length of the Cheyenne and Arapaho reservation.

And yet the next season a war broke out with these same Cheyennes. Why this change from a state of peace and security, as described by General Sherman in September, 1866, to the bloody scenes of 1867? Was it the fault of the Indian?

I read as follows from the report of the Secretary of the Interior to the House of Representatives, July, 1867, to show how war was again precipitated and hostilities reopened with the Cheyennes, in the spring of 1867:

> In April, 1867, the Cheyennes, who had been at peace since the treaty of 1865, were quietly occupying their village on the grounds assigned to them by that treaty, when a military command under Major-General Hancock, without any known provocation, burned down the homes of three hundred lodges, (including about one hundred lodges of friendly Sioux,) and all their provisions, clothing, utensils, and property of every description, property thus being destroyed to the value of $100,000.

This act of outrage launched us into another Indian war. The Kiowas and Comanches were involved, and during 1867 and 1868 that war cost the Government, according to the estimate of the Secretary of the Interior, $40,000,000.

THE SIOUX WAR OF 1866.

In 1866 a fierce and bloody war broke out with the Sioux. I give the words of the report of the Secretary of the Interior, as to the origin of that war, in the following extract from Executive Document No. 13, first session Fortieth Congress:

> The Indians engaged in the recent hostilities gave notice that they were ready to bury the tomahawk. Commissioners were accordingly sent to treat with them at Fort Laramie, in June, 1866. The commissioners insisted that the Indians grant in

the treaty the right to establish two forts on Yellowstone, and at the base of Big Horn Mountains, the only remaining reliable hunting-grounds of these Indians. The Indians in the vicinity of the proposed forts refused to accede to this. While this matter was under consideration a military force arrived on its way to plant the forts. The Indians being informed that these troops were to plant the forts, with or without their consent, withdrew from the council, refused to accept presents, and went to war with the troops.

In a few weeks the Black Hills were swarming with Indian warriors, and that whole country was in a state of siege.

In the transaction that brought on this war the Government was without doubt in the wrong. The entering upon the reservation of the Indians and taking possession of the forts thereon was in direct and flagrant violation of the treaty with the Indians. This war cost the Government from ten to twenty million dollars, and the loss of many hundred lives. Nothing was gained by it; and a treaty was finally made by which peace was secured on no better terms than it could have been secured before the war was commenced, for by the treaty the Government vacated forts C. F. Smith, Phil. Kearney, and Reno, the establishment of which on the reservation in violation of the treaty was the sole cause of the war.

THE NAVAJO WAR.

The celebrated Navajo war was commenced in this way: It seems that the Indians shot a negro boy, the servant of an officer, and they refused to surrender the slayer; but they proposed to make reparation after the Indian custom, by pecuniary satisfaction.

Four campaigns against the Navajoes resulted, in three of which our Army failed of success; in the fourth, by the strategy of the celebrated Kit Carson, the Indians were compelled through starvation to surrender. This war cost $28,000,000 and much loss of life, and accomplished nothing.

The cost of the army in New Mexico, engaged only in watching Indians, is estimated by General Sherman in his report of 1866 to have been, from 1846 up to 1866, $100,000,000. Since that time the cost in that Territory has been $20,000,000; making the entire cost of controlling Indians by the military, in New Mexico alone, $120,000,000.

The cost of the army in Arizona, used only to control the Indians there, is estimated by Major-General Ord in his report of 1869 to average $3,000,000 annually; and Major-General Schofield in his report of 1871 states that $3,000,000 per annum is the minimum cost; and this in the space of fifteen years past would aggregate $45,000,000. The extra cost of the campaigns against the Apaches would swell the amount to at least $75,000,000.

THE MODOC WAR.

The last experiment we have had in the way of war with Indians was the celebrated Modoc war, if a contest with a few dozen Indians may be called a war.

The history of this war is one that reflects no credit upon the Government, while it strikingly exemplifies the utter folly of the policy of fighting Indians as a question of economy.

I have endeavored to look into the facts connected with the outbreak of that war, and the result of my examination is the conviction that the war was entirely unnecessary, could easily have been avoided, and that the fault lay at the door of the Government; that it was caused by gross wrongs inflicted upon the Modocs by the Government, and was precipitated by the rashness of military officers.

Prior to 1864 the Modoc Indians had possession of a small tract of country on Lost River, near Tule Lake, where there was abundance of fish and game. There was some good land, and the white man determined that he must have it, and the Indian must leave; for it has been the universal practice never to let the Indian retain any good land for a very long time when white men want it. So a treaty was fixed up with the Klamaths and Modocs in 1864, by which those Indians agreed to give up the lands they were then on and go to a new reservation. The new reservation was barren and almost worthless, but the Government agreed to pay as consideration for the removal and the release of the lands of the Indians as follows: $8,000 per annum for a period of five years, commencing on the 1st day of October, 1865, or as soon thereafter as the treaty should be ratified, and certain smaller annuities annually for ten years thereafter; also to pay said Indians the additional sum of $35,000 for purchase of tools, farming implements, seeds, clothing, &c.; also to build, as soon as practicable after the ratification of the treaty a saw-mill, flouring-mill, suitable buildings for a blacksmith, carpenter, wagon-maker, and buildings for manual-labor school and a hospital; which buildings were to be kept in repair at the expense of the United States for twenty years, and tools and materials for the saw-mill, flour-mill, carpenter, blacksmith, wagon-maker, and books and stationery for the manual-labor school were to be furnished by the Government for twenty years.

These were the conditions upon which the Modocs agreed to release their lands and go to the new reservation. This treaty was not ratified by the Senate until July 2, 1866, nearly two years after it was made. When ratified by the Senate certain amendments were made to it, which rendered it necessary that the amendments should be assented to by the Indians before the treaty was binding upon either party. The assent of the Indians was not given until December 10, 1869; consequently until that date there was no existing treaty for removal.

The treaty was proclaimed February 17, 1870. Captain Jack and his band claimed that they had never assented to the original treaty; but on the theory that they had, they were not authorized to consider the treaty binding until December 10, 1869. Prior to this date, and before the treaty was ratified, the Klamaths, the more numerous tribe included in the treaty, went to the new reservation; but Captain Jack and his band of Modocs did not go until the treaty was fully perfected.

In 1866 the Government paid to the Indians who had gone on the new reservation, or rather paid to their agent for them, the amounts due all the Indians included in the treaty for the first year, $65,400; thus paying this money to only a portion of the Indians included in the treaty, the Modocs getting none of it. The annuities due in 1867, 1868, and 1869 were also paid in the same way—before the treaty was perfected—the Modocs getting none of the money. In December, 1869, the same month the treaty was finally perfected and made binding by the formal assent of the Indians to the amendments by the Senate, Captain Jack, with his Modocs, went to the new reservation. And what did they find? They found that the greater portion of the consideration had been paid by the Government to the Indians who had gone in advance. They found no saw-mill, no hospital building, no school-house, no teachers, no books; they found nothing provided by the Government; they found that the Government had entirely failed to carry out the provisions and agreements so solemnly made in the treaty.

I see that two years later, August, 1872, the agent for that reservation, who had then been appointed, on taking charge made a report of the condition of the agency, from which I read the following words:

On taking charge the 1st of May, 1872, I found no attempt had been made to establish a school of any kind; no school-house erected, and no funds on hand to use; no teams, and no tools.

These Modocs spent the winter of 1869-'70 at the reservation. They were treated by the Klamaths in a hostile and oppressive manner, and they were so much weaker than the Klamaths that they were in their power. To relieve them from the hostilities of the Klamaths they were removed two or three times to different parts of the reservation, but they were followed up by the Klamaths. They had no protection by the Government against the encroachments of the Klamaths; they had no food and were compelled to kill and eat their ponies. Now, I claim that by no rule of law or principle of justice were they required to remain upon that reservation. They left it, as they had a right to leave it, and went back to their old home on Lost River.

General Canby in his report of 1872 says:

I am not surprised at the unwillingness of the Modocs to return to the reservation, where they would be exposed to the hostilities and the annoyances they have heretofore experienced (and without adequate protection) from the Klamaths.

After they thus returned to their old home some arrangements were made with them of a temporary character, which I learn from the same report of General Canby, from which I read as follows:

In the summer of last year (1871) the superintendent sent commissioners to confer with the Modocs at Lost River, who authorized them to remain where they were until the superintendent could see them. This has been understood as a settlement of the question until some permanent arrangement could be made for them, and, unless they have violated some subsequent agreement, I do not think that the application of force, as asked for, would be either expedient or just.

These Indians, thus compelled to return to their old home, were not inclined to stubbornly resist the Government. All they wanted was a place to live, where they could live; but it was impossible for them to live on that reservation with the Klamaths. They expressed a desire for a reservation separate from the Klamaths, and were willing to go wherever the Government desired, where they could live.

But the secret of all the trouble was that the country they had had possession of at Lost River was wanted by the white settlers, and the Indian must go, and in the fall of 1872 an order was issued for their immediate and unconditional removal to the Klamath reservation.

They refused to remove, and a military officer rashly made an attempt to arrest some of the chiefs. The result was a war, in which the Government lost one hundred and sixty lives and the Indians lost twelve. And this little war with these few dozens of ragged Indians, which could have been avoided honorably, and ought to have been, cost us millions of dollars. And what did the Government gain? The Modocs are not on the Klamath reservation. After they were conquered, they were taken three thousand miles and placed upon a good reservation in the Indian Territory. This was all they asked before the war; why could it not have been granted then?

The name of Modoc is now a synonym for infamy by reason of the cruel assassination of the United States peace commissioners, and General Canby, under the flag of truce. And while I do not stand here to apologize for that cold-blooded butchery, yet it is but just to those who have no advocate, and few friends, for me to say that the Modocs had had wrongs sufficient to drive to desperation any people in the world; and we should remember in our denunciation of their barbarism that they were in that bloody drama following the example which had been set them by the white man in the cold-blooded assassination by white men of forty Modoc Indians out of a party of forty-seven who had met at a convivial occasion on invitation of the whites, and who fell on them unexpectedly, and thus murdered them, and this was in 1852 near that same spot.

Is it surprising, sir, that savages at war should follow the example thus set them by civilized white men?

The men who were assassinated by the Modocs were good men; they were not responsible for the wrongs done to the Indians; but white men were held responsible, and the innocent suffered.

After a careful reading of the published correspondence, it is my

conviction that if there had been no soldiers within five hundred miles, and the officers of the Government had desired to act honorably with the Indians, the entire difficulty would have been amicably settled without war or loss of life; for all the Modocs wanted was ordinary justice, which was refused to be done, and in the language of Captain Jack it was simply a question whether to die by bullets at their old home or to starve to death among the Klamaths. They were willing and anxious to settle down peaceably on any reservation where they could live and have land to cultivate; and the Government, having disregarded the treaty itself, had no right to force the Indians to go to the Klamath reservation. This whole Modoc affair is a fair exemplification of the injustice with which we have been accustomed to treat the Indian, and the usual course in which his legal rights have been ignored and disregarded where the interests of white men stood in the way; and it is certainly a striking proof of the inexpediency of the war policy in connection with the Indians.

This, Mr. Chairman, is a brief review of the history of some of our Indian wars for the past forty years; and if in this record there is any encouragement for those who advocate a military policy for the Indian service, I fail to see it.

It is estimated that the cost of military operations against Indians for the past forty years amounts in the aggregate to over $500,000,000, of the correctness of which estimate I have no doubt.

With this record before the country, it is difficult to see upon what ground the policy of turning the Indians over to a war policy can be maintained, even as a matter of economy.

The advocates of the peace policy are perfectly willing to submit to the test of past experience this question, and to try it simply upon economical grounds; for the records will show that the entire expenditure in the civil department of the Government in the past forty years has not exceeded in the aggregate $60,000,000. I do not, of course, include in this the amounts paid to Indians as purchase-money for lands bought of them by the Government.

I do not claim, Mr. Chairman, that all this great expense in connection with the Army could have been avoided. While the most of the wars were unnecessary and ought to have been avoided; yet in the control and subjection of the wild Indians the Army has been and is a necessity, and very much of the expense has been unavoidable. So far as the wild Indians are concerned they must still be kept in check by the Army, and the military arm held over them until they are sufficiently civilized to permit the entire withdrawal of the Army, as the large majority of them are now. But the great truth exemplified is, that in simply an economical point of view it is the true policy to civilize the Indian, and to get rid of the necessity of the Army at the very earliest possible day, and that to do so is true economy.

The Cherokees, Creeks, Choctaws, Chickasaws, and Seminoles in the Indian Territory number sixty thousand, and they do not receive a cent of gratuity from the Government. No soldiers are required there; and no Army expense while in Arizona, to restrain ten thousand wild Apache Indians, the Government pays $3,000,000 annually for the Army.

Why this difference? Because the five tribes first mentioned are so far civilized that they require no military control. You find among them school-houses and churches, but no forts; school-teachers, but no soldiers; you find there the printing-press and the newspaper. Therefore it is that while the ten thousand Apaches in Arizona cost the Government for the Army $3,000,000 annually, the sixty thousand Indians named, in the Indian Territory, are no expense to the Government.

Is it not, therefore, good policy and true statesmanship to educate and civilize the Apaches at as early a day as possible, and without regard to the expense? The answer must be yes; and it is equally true as to the Comanches and Cheyennes and the wild Sioux of Dakota.

I append, Mr. Chairman, the following table, showing the number of Indians in each State and Territory, the names of the agencies and of the agents in charge:

Table comprising a list of the several Indian agencies, with the names of the agents and the number of Indians at each agency, in the various States and Territories.

State or Territory.	Agency.	Agent.	Number of Indians.	Total.
New York	Forestville	Daniel Sherman		5,141
Michigan	Lansing	George I. Betts		9,167
Wisconsin	La Pointe	Isaac L. Mahan	5,125	
	Green Bay	Thomas N. Chase	3,000	
				8,125
Iowa	Sac and Fox	A. R. Howbert		335
Minnesota	Chippewa	E. Douglass	4,547	
	Red Lake	R. M. Pratt	1,141	
				5,688
Nebraska	Great Nemaha	Charles H. Roberts	316	
	Winnebago	Taylor Bradley	1,522	
	Omaha	T. T. Gillingham	1,001	
	Pawnee	William Burgess	2,376	
	Ottoe	J. W. Griest	447	
	Santee	Joseph Webster	917	
				6,579
Kansas	Kickapoo	B. H. Miles	274	
	Kansas or Kaw	M. Stubbs	533	
	Pottawatomie	M. H. Newlin	483	
				1,290
Indian Territory	Quapaw	H. W. Jones	1,219	
	Neosho	J. T. Gibson	2,823	
	Sac and Fox	John H. Pickering	1,136	
	Kiowa and Comanche	J. M. Haworth	5,005	
	Wichita	J. Richards	1,528	
	Upper Arkansas	J. D. Miles	3,070	
	Cherokee	J. B. Jones	17,217	
	Choctaw	Albert Parsons	22,000	
	Creek	Edward R. Roberts	13,000	
	Seminole	H. Breiner	2,438	
				70,333
New Mexico	Navajo	William F. M. Arny	9,114	
	Mescalero Apache	Samuel Bushnell	1,875	
	Cimarron	Thomas A. Dolane	1,110	
	Southern Apache	B. M. Thomas	500	
	Pueblo	E. L. Lewis	7,879	
	Abiquiu	William D. Crothers	1,270	
				21,848
Dakota	Yankton	J. G. Gasmann	1,947	
	Sisseton	M. N. Adams	1,540	
	Devil's Lake	William H. Forbes	1,020	
	Cheyenne River	H. W. Bingham	6,000	
	Whetstone	E. A. Howard	5,000	
	Grand River	Ed. Palmer	6,269	
	Fort Berthold	L. B. Sperry	2,103	
	Upper Missouri, (Crow Creek)	H. F. Livingston	3,000	
	Ponca	C. P. Birkett	738	
	Flandreau, (no report)	J. P. Williamson	250	
				27,867
Colorado	White River	J. S. Littlefield	800	
	Los Piños	C. Adams	3,199	
	Denver	J. B. Thompson	350	
				4,349
Arizona	Pima and Maricopa	J. H. Stout	4,326	
	Colorado River	J. A. Tonner	8,024	
	Moquis Pueblo	William S. Defrees	1,700	
	Papago	R. A. Wilbur	6,000	
	Camp Verde	J. Williams	2,058	
	Camp Apache	J. E. Roberts	2,814	
	Chiricahua	T. J. Jefford	1,100	
				26,022
Montana	Blackfeet	R. F. May	7,500	
	Crow and Lemhi farm	James Wright	4,877	
	Milk River	William W. Alderson	10,625	
	Flathead	D. Shanahan	1,821	
	Fort Belknap	W. H. Fanton	7,130	
				31,953
Wyoming	Shoshone and Bannacks	James Irwin	1,024	
	Red Cloud	J. J. Saville	9,177	
				10,201
Utah	Uintah Valley	J. J. Critchlow		1,718
Idaho	Fort Hall	H. W. Reed	1,500	
	Nez Percé	J. B. Monteith	2,807	
				4,307
Washington	Neah Bay	E. M. Gibson	604	
	Yakama	J. H. Wilbur	3,000	
	S'Skokomish	Ed. Eells	875	
	Tulalip	E. C. Chirouse	3 600	
	Quinaielt	G. A. Henry	544	
	Colville	J. A. Simms	2 849	
	Puyallup	None, farmer in charge	200	
	Chehalis	None, farmer in charge	600	
				12,782
Oregon	Warm Springs	John Smith	626	
	Grand Ronde	P. B. Sinnott	924	
	Siletz	J. H. Fairchild	1,058	
	Umatilla	N. A. Cornoyer	837	
	Klamath	L. S. Dyar	1,120	
	Alsea	In charge of employé	343	
	Malheur	H. Linderville	1,200	
	Not under any agent, (estimated.)		3,000	
				9,108
California	Hoopa Valley	E. K. Dodge	725	
	Round Valley	J. L. Burchard	1,119	
	Tule River	J. B. Vosburgh	317	
	Mission		4,000	
	Not under any agent, (estimated)		15,000	
				20,161
Nevada	Pyramid Lake	C. A. Bateman	6,000	
	Southeast Nevada	George W. Ingalls	3,000	
	Not under any agent, (estimated)		4,204	
				13,204
Indians in North Carolina, Tennessee, Georgia, Florida, and Texas, not under any agent, (estimated)				2,000
Total				292,188

It appears from this table that there are about three hundred thousand Indians, not including the Indians of Alaska. Of these three

hundred thousand there are not more than forty-five thousand that require any military control; the wild Sioux of Dakota, numbering about twenty-five thousand; the Apaches of New Mexico and Arizona; and the Kiowas, Comanches, and Cheyennes, numbering about twenty thousand.

Of these Indians the wild Sioux are gradually and as rapidly as could be expected becoming peaceable and tractable, and the presence of a small force of the Army is all that is now required, or that will be required if the proper care and discretion are exercised. It is for these wild Indians that the larger portion of the expenditure of funds is required. We appropriate $1,350,000 for the Sioux, including all the bands, and while this seems a large sum, yet it is small compared with what it would cost to fight them. General Ord estimates that to fight the Sioux he would require $10,000,000 the first season, and to go into a war of extermination it would take a generation; so that the expense can be better imagined than calculated.

Our only course with the Sioux is to keep peace with them and avoid war—feed them until they get tamed down. They will lose their wild character, their inclination to rove, and their desire to fight; and we must get them into a condition where they can be controlled and gradually got to labor.

This wild element of the Sioux does not include the entire nation. The whole Sioux Nation numbers about thirty-five thousand; but a portion of them are now so far civilized that they are peaceable and managable, and cannot easily be led into war. Among these are the Yankton Sioux, who number about two thousand.

I make the following extract from the report of the agent of the Yankton Sioux in Dakota, made September 20, 1873:

A great number of houses have been built on this reservation during the past year, and many are under way. These houses are well built, of logs.

During the spring and summer the Indians have remained quietly at home planting and tending their corn, potatoes, and gardens.

The religious services of the several churches of this agency are remarkably well attended. The conduct of the Indians at church is good; they are quiet, orderly, and to a good degree attentive. Quite a number of their young men have been prepared, and conduct their services in the Indian tongue; quite a large number have become church members, and are endeavoring to live in accordance with their solemn vows. Bishop Hare, of the Episcopal Church, has taken up his residence at this agency.

As showing the improvement in the wilder portion of the Sioux, I read the following extract from a report made by Bishop Hare, of the Episcopal Church, who was chairman of a commission to examine into the condition of the Sioux, and who made this report in March last. Bishop Hare appeared before our committee the other day, and we were impressed with the fact that he is a true and devoted man, and one upon whose opinion and judgment much reliance can be placed. He has made his home among the Sioux, and is laboring for their civilization:

The advance which has been made toward the solution of the Sioux problem, in the case of all those tribes which have been brought under the operation of the present policy, is manifest. It was but six years ago that the Indians now gathered about the Red Cloud and Spotted Tail agencies were constantly upon the war-path, and were among the most dangerous foes of the Government. Under the present policy their wild, fierce spirit has been taming down and their proud sense of power and the defiant temper which resulted from it have been decreasing, while their dependence upon the Government has been increasing every month, so that a general war movement on their part, except under extraordinary provocation, is almost out of the question. Your commissioners have failed to discover any symptoms calculated to weaken their faith in the practical wisdom of the present policy of the Government and of its desire to avoid a war with the Sioux if it be possible. The history of our past Indian wars is humiliating. It is folly to drive to desperation, except under the pressure of absolute duty, a wild and ferocious people, who could bring into the field from six to seven thousand warriors, with whom war is a passion, who range over a wild country of vast extent which is a *terra incognita* to the white man, but every inch of which is familiar to the Indian, and whose warfare would be characterized by all the peculiar difficulties with which guerrilla war confronts the army of a civilized people.

Only two methods of carrying on such a war can be conceived of, it is believed, which would give any assurance of success.

The first is to descend to the level of the Indian and fight him with wild frontiermen, after his own savage mode; a course which a civilized people cannot adopt without self-degradation.

The other method is to inaugurate war on a scale gigantic enough to surround or occupy the whole Indian country; a plan which would call for an expenditure of money and the raising of an army which our people are not likely to authorize and sustain unless under a sense of duty or of wounded national honor, which there is no likelihood the present or future attitude of the Indians will create.

The Shoshones and Bannacks in Wyoming, the Crows and Blackfeet north and northwest of the Sioux in Montana, and the Arickarees in the northeast, numbering about twenty-five thousand, are all friendly and peaceable and could be armed with perfect safety, and would fight for the Government against the Sioux.

In the South the wild Indians are the Apaches, numbering from ten to twelve thousand; Kiowas and Comanches, five thousand; Arapahoes and Cheyennes, thirty-five hundred. The Apaches are now mostly gathered on reservations, and are coming gradually under subjection. With these wild tribes in the South as with the Sioux of the North we will have to continue the feeding policy for a few years longer, but they are all, and especially the Kiowas, Comanches, and Cheyennes, improving quite satisfactorily.

These wild Indians of the South are under the care of the Quakers, who seem to have secured their confidence and respect and who have been eminently successful in keeping them at peace and advancing them toward civilization.

The superintendent of the central superintendency, Enoch Hoag, whom I know well and of whom I can testify that he is an honest and devoted man, recently made a report to the executive committee on Indian affairs of the Society of Friends. That letter was dated February 25, 1874. From it I read the following extract, which shows fully their success with the Kiowas, Comanches, Cheyennes, and Arapahoes; and, sir, the comparison of the policy and its results from 1870 to 1874, as portrayed in that letter, with the policy in 1864–'65 and 1867–'68 toward the same Indians, is all the evidence I want of the wisdom of the peace policy:

In the spring of 1870, with one of your committee, (J. D. Hoag,) I gathered the Cheyennes and Arapahoes in council near Camp Supply, on the western portion of their reserve. This was the first time they had been gathered in council after the war and the first time they had been called together for such purpose without a military guard. At this council the purposes of the Government touching its future dealing with them was fully explained; that while on their reserve in peace the Government had directed the military not to disturb them, but were entirely under our care and protection, but if they should leave the reservation, whether peaceably or for hostile purposes, they would be beyond our jurisdiction and would be liable to be followed by the soldiers. I earnestly entreated them to remain in their own proper homes near the agency and receive the care, aid, and protection of their agent, who had then for the first time in their history made his home with them away from a military post or military protection; that their sick, aged, and infirm would be cared for and due efforts made to promote their comfort and happiness. The tribe, as such, has since remained at peace. A very few murders and some raiding in the four years have been reported, originating with some of their young men under great provocation and without the knowledge or approval of the chiefs. Small bands of Kiowas and Comanches have raided into Texas more or less, but the reports of their raids have been greatly exaggerated and often reported without foundation. During this period raiding has diminished regularly from year to year. For 1873 we have authentic report of but very few murders known to have been committed by Indians of this superintendency in the State of Texas. This falling off of raiding is more marked, however, in the decrease of depredation claims. During the five years preceding 1874 about three hundred such claims passed through the superintendent's office, averaging sixty per year, while of claims for depredations alleged to have been committed in 1873 only ten have been presented.

We have labored continuously to reclaim these few raiders from their bad habits. We have convened them with their tribes in repeated councils, in which we have been joined by delegates from the civilized tribes, with very encouraging results. The chiefs of all the tribes as well as many of the young men separated from these councils with strengthened desires for a better life. Subsequently some of their leading chiefs and principal men have visited the general council at Okmulgee, and carried its civilizing influences to the plains and rehearsed them in their councils. Through the restraining and reclaiming effects of these councils the Kiowas and Comanches have returned to their agent all of the captive children within their camps, seventeen in number, which threatening demands had failed to accomplish. Said captives have been restored to their rejoicing parents, and stolen stock has from time to time been brought in by various chiefs and delivered to the agent so far as found available. These results have been reached by appeals to their better nature and without the offer of reward, and they stand pledged to return in the future all stock brought into their camps by any of their young men who occasionally plan raiding excursions secretly and in opposition to the known will of the tribes, and it is not infrequently that the leading men, when they have discovered such expeditions, have shot the ponies of the raiders to defeat the same. And these chiefs offer their services to-day, and in the future, to accompany the military into Texas and aid to the extent of their power in arresting trespassers and suppressing these evils. The chief of one of the most noted bands of raiders of the plains (Mowaway) recently came to me and urged that another Comanche take his place as chief, alleging as his reason his desire that none of his people go off the reserve; that he could not restrain some at all times, and he did not want the displeasure of the Government. These pledges of prompt delivery of stolen stock without reward, of their aid as scouts to the military in the future, with the record of full and free return of captives, is sufficient evidence of their loyalty to the Government and of their disposition to remain at peace, and demand reasonable consideration from the Government and its officials.

The number of Indians in this superintendency is estimated at seventy-five thousand souls. Not less than sixty thousand or four-fifths of these Indians have abandoned the hunting life and adopted civilized habits; have mostly located farms and are engaged in common industrial pursuits, and are independent of Government aid. The remaining one-fifth, or fifteen thousand, embracing the Kiowas, Comanches, Cheyennes, Arapahoes, Apaches, and Osages, although peaceable as tribes, still cherish the hunting life, but a large number of them are abandoning their old customs and locating on settled homes. More than two hundred families, or one thousand individuals, of the Osages alone within the last year have selected such homes, and upward of two thousand acres of land have been plowed and fenced, largely by Indian labor, for that purpose. Although this change to a settled life is slow, it is nevertheless reaching to the Comanches and Apaches and to some of the Kiowas. Many among their more prominent men are asking our aid to locate them.

Outside of the Cherokee, Creek, Choctaw, and Seminole Nations we have provided facilities and placed in schools more than five hundred Indian children who were entirely destitute of such privileges when we assumed their charge. The advancement of nearly all the tribes in industrial labor, schools, and enterprises leading to civilization has been regular and commendable from year to year. The following tabular statement exhibits their comparative conditions in 1868 and 1872, while for 1873 the advancement has been much more than that of any previous year:

	1868.	1872.
Population	16,208	17,957
Number of schools	3	13
Number of scholars	105	388
Number of teachers	6	16
Number of Sabbath-schools	.....	11
Amount contributed to schools by any religious society	.....	$3,355
Acres cultivated by Indians	3,220	9,464
Wheat raised, in bushels	633	3,247
Its value	$1,135	$3,957
Corn, bushels	31,700	209,910
Its value	$24,000	$106,122
Oats, bushels	.....	9,123
Their value	.....	$3,656
Potatoes, bushels	1,770	14,501
Their value	$1,770	$7,293
Other vegetables, value	.....	$7,330
Hay cut, in tons	750	5,484
Its value	$3,590	$30,670
Horses owned, number	17,924	42,892
Their value	$702,250	$1,576,171
Cattle owned, number	640	6,557
Their value	$15,200	$103,099
Swine owned, number	1,074	10,702
Their value	$3,238	$30,077

The Indians of Nebraska and Kansas are all perfectly peaceable, and rapidly becoming self-sustaining. They get nothing now from the Government excepting what they have by treaty. That portion of the Quakers known as the Hicksites have charge of the Nebraska Indians, and they are faithfully and devotedly laboring for their good, and are succeeding admirably.

In New Mexico the Pueblo Indians, numbering some eight thousand, are now so fully peaceful and civilized that they are regarded as competent for citizenship.

The Navajoes of New Mexico, numbering nine thousand, are also peaceable and remain upon their reservation, and are self-supporting with the aid of the annuities due them, by treaty, of $70,000 annually. After the war with these Indians to which I have referred, they were fed by the Army upon the reservation at an expense of $75,000 per month, as reported by General Sherman, and he stated at the time that it was cheaper to feed them at that rate than to fight them. They are now getting but $75,000 a year, and are rapidly improving. They make blankets which are considered of first quality, and they have now ten thousand horses and one hundred and seventy-five thousand sheep.

A force of one hundred and thirty cavalrymen was organized among this tribe, consisting mostly of the chiefs and head-men. They are uniformed and act as a police force for the preservation of order and the recovery of stolen stock found upon the reservation. They co-operate with the Government, and prove to be faithful and reliable.

As to the Indians of Washington Territory, Oregon, California, Nevada, Idaho, Utah, Montana, and Colorado, I do not believe that the presence of the Army is necessary, unless it is to protect the Indians against the white men; and in my opinion the Army is kept in those Territories and States more for the reason that the people there want the trade and money that the Army brings than for any other reason, and the fear of Indians is only a pretext.

I am credibly informed that five companies of soldiers have recently been sent to Walla-Walla, in Washington Territory, and I have it from the best authority that there is no more use for them there, so far as Indians are concerned, than there is in this city. I am told that for the purpose of getting the soldiers there an Indian scare was gotten up by white men disguising themselves as Indians and getting some Indians to join them, and riding through the country in hostile style, giving out that there was to be an Indian uprising, and although the troops had been several times refused, the clamor was so great that they were finally sent there, and since then everything has been lovely, and a good market is had for the people of that locality at the expense of the Government. Why, sir, the inspector assigned to that district stated to me the other day that last fall he rode horseback with but one guide, an Indian, all through that country, from Walla-Walla to the Yakama agency and over the mountains north of there, among the Indians, and that he felt no more fear than he would in traveling in the old States; that he found the Indians perfectly peaceable, hundreds of them working as wood-choppers, and that no one thought of any danger from them.

The principal reservation in the vicinity of Walla-Walla is that of Yakama, and as showing the danger to be apprehended from those Indians, I will state that for ten years those Indians have been under the charge of Father Wilbur, a Methodist preacher, who has lived with them all that time with the exception of a year that he was supplanted by a military officer as agent, who came near ruining the Indians in the short time he had charge; and I read as follows from the report of Father Wilbur for 1872:

> In recalling the history of the year just closed I find abundant reason for congratulation in the memory of the health, peace, material prosperity, and moral progress of the Indians under my jurisdiction.
>
> They have comfortable tenements, in which are found many of the comforts and some of the luxuries of civilized life. They have horses and cattle, are growing wheat, corn, and vegetables adequate to the use of their families and some surplus for sale. Usually their churches are crowded with sincere and earnest worshipers, who are led in their devotions by the agent or by one of the native preachers.
>
> Our school for the past year has averaged over forty scholars. During the past year one hundred thousand feet of lumber have been sawed in our mill for the use of the Indians; the logs were cut and hauled by them.

And these are the Indians who are so dangerous that the people out there at Walla-Walla must have four companies of soldiers to protect them, at an expense of $300,000 per year!

Why, sir, the entire appropriation made by this bill for the Indian service in Oregon and Washington, including the expenses of agencies, pay of officers, and incidental expenses, and all annuities paid to the Indians, amounts to $240,000; so that the cost of those soldiers at Walla-Walla is more than the entire expense of the Indian Department for both Washington and Oregon.

In Washington, Oregon, and California there are two regiments of infantry, numbering eleven hundred soldiers. These two regiments cost the Government at least $1,000,000 per annum, while the entire expense of the Indian Department for Washington, Oregon, and California, including supplies to Indians and expenses of agencies, is but $320,000. In this estimate I have put the cost of the military at too low a figure. I have no doubt but the cost of the Army in California, Oregon, and Washington exceeds $2,500,000 per annum, and this expense is all unnecessary; to continue it is reckless extravagance.

As showing the truth of the statement I have made, that the presence and expense of the Army in that country is unnecessary, I read the following from the evidence of Major Powell, taken before the Committee on Military Affairs. Major Powell has for about six years past spent his time among the Indians in Oregon, California, Nevada, and Idaho; visited all the bands, was with them in their councils, and understands them perfectly:

> The CHAIRMAN. State the disposition of those Indians toward the whites.
>
> Major POWELL. All of those Indians are at present friendly, and are anxious to become farmers; are begging for land and cattle, and are accumulating cattle. The presence of the troops among them is bad.
>
> Q. How many of those Indians are in a state of hostility to the Government?
>
> A. None of them whatever.
>
> Q. Then you have given your opinion that there would be more peace and quiet on the frontier without the troops, or if they were entirely withdrawn.
>
> A. Yes, sir. * * * The money given to the army in this district of country, where the Indians are already subdued, if used in the management of the Indians themselves, would take them out of that country, to gather them all on reservations even in Illinois, and purchase the lands necessary for them, and induce them to come to them.
>
> Q. Can these tribes, with the exception of the Utes, (in Colorado,) be collected upon small reservations with safety?
>
> A. Yes, with safety, and better without the presence of troops than with it.
>
> Q. And can they be induced to go into agricultural pursuits?
>
> A. They have agreed to do so. I met sixty-six tribes last summer. They said that if the Government will give them a title to land, they will go to work. * * * I have set up a great part of the night for twenty-five or thirty nights this summer in Indian councils.

Here, Mr. Chairman, is the testimony of a man who understands the Indians of Oregon, California, Nevada, Utah, and Idaho and Western Arizona, I presume, better than any other white man living, and this is his testimony in relation to the Indians of that section of the country; and his testimony includes all the Indians in California and Oregon east of the Sierra Nevadas, Utah, Nevada, Southwestern Idaho, and Northwestern Arizona. And what Major Powell says of those Indians is true equally of all of Washington, Oregon, and California, and I reiterate the statement that for all the Indians in Washington, Oregon, California, Utah, Nevada, Idaho, and Colarado there is no necessity for any portion of the Army, and no necessity for the annual expense of not less than $4,000,000 for the army in that country to keep Indians in subjection.

The Indians in nearly all the reservations are looking to agricultural and pastoral life, especially the latter. When the commissioners last year were treating with the Shoshone Indians for the purchase of the south portion of their reservation in Wyoming, in the council the commissioners proposed to give the Indians other land in exchange for what the Government proposed to buy. The Indians said they wanted no more land, but were willing to sell the land. I read the following extract from the report of the commissioners:

> WASH-A-KIE. We do not want that land up north, but we will sell this land for cattle.
>
> Mr. BRUNOT. Do you know how much cattle you want for the land?
>
> WASH-A-KIE. We will trade our land for cattle. It would be good to milk the cows and drink the milk. I don't know how many cattle, but I think about a thousand.
>
> Mr. BRUNOT. Suppose we were to make a bargain about the cattle, what would you do with them?
>
> WASH-A-KIE. We would corral them and milk them. We would like to have cattle. The Utes and other Indians have cattle. We are poor and have none.
>
> TO-AS-HAUT. We are poor; we have nothing.
>
> Mr. BRUNOT. Would the white people get the cows from you, or would you take care of them?
>
> DEGONDA. We would take the same care of them we do of our horses. The whites do not beat us out of them.

It was thus the choice of these Indians to have cows instead of money or land, and they sold the Government the land for $25,000, to be paid in cows in five yearly installments.

The Government also made a treaty with the Ute Indians of Colorado last year for the purchase of four million acres of their reservation. I see by the report of the commissioners that they refused to sell any of their farming lands, and one of the chiefs said:

> We will soon need all the farming land on our reservation, as the time is not far distant when the Utes will have to give up hunting and take to farming and stock-raising, as the whites do.

This tribe have already six thousand horses and many cattle and sheep.

A treaty was also made last year with the Crow Indians of Montana for the purchase of a portion of their reservation. They also declined to sell agricultural lands, evidently looking forward to agriculture for their support. And this feeling is beginning to pervade all the Indian tribes. And when they arrive at this state the necessity of an army is obviated and the great expense of it can be avoided?

Why, sir, if the Indians were all in the condition of these semi-civilized tribes I have referred to, our Army expense could be reduced from $32,000,000 to $10,000,000. A saving of over $20,000,000 annually could be made in the expenses of the Army. You may take the testimony of the officers of the Army, taken before the Committee on Military Affairs, and it will be seen that the reason given for the necessity of continuing the Army at anything like its present strength is that the safety of the settlers in the West requires the presence of the Army to control the Indians, and from that testimony it clearly appears that aside from the Indian service there is small use for an army.

I have been considering this question merely as one of economy; merely as involving the expenditure of more or less money; upon the theory that the only duty we have in relation to the Indian is to dispose of him and of all questions concerning him in such manner as to spend the least possible amount of money, and that if we could

exterminate him at an expense of $100,000,000 and could civilize him at an expense of $150,000,000, it would be our duty to exterminate him.

But, Mr. Chairman, there is a higher view to be taken of this question than that of a financial character merely. It is our duty as the dominant race—a powerful, civilized, and professedly Christian people—to do what we have the power to do: civilize, educate, and elevate this unfortunate race thus thrown by Providence upon our hands. They are our fellow-men, our brothers, made of that one blood of which was made all the races of men who "dwell upon the face of the earth." They are unfortunate; we are fortunate. They are weak; we are strong. They are ignorant; we are educated. They are poor; we are rich.

This civilization and elevation of the race cannot be done through the Army. In no respect is the Army a fit instrument to civilize men—just the reverse.

In the language of General Sherman to the mayor of Atlanta, when remonstrated with by the mayor and denounced as a barbarian for driving the people of Atlanta from their homes: "War is barbarism, and you cannot refine it." In almost every respect war is to be dreaded, and ought always to be avoided if it can be honorably. In the words of Madison:

> Of all the evils to public liberty war is perhaps the most to be dreaded, because it comprises and develops the genius of every other evil. War is the parent of armies; from these proceed debt and taxes. And armies and debt and taxes are the known instruments for bringing the many under the dominion of the few.

Every war tends more or less to sink the people toward barbarism; and how assuredly would this be the case with a people who like the Indians have but partially emerged from barbarism. As a consequence, our Indian wars have always left the Indians in a worse condition as to civilization than when they began, and left them also with intensified feelings of hatred and revenge toward the white race, and thus made it more difficult for the influences of civilization to reach them; and this result and effect of wars upon the Indians has been at all times a great hinderance to their civilization. And yet, in spite of the evil tendencies of the wars so frequently waged with the Indians, the civil department of the Government has succeeded in elevating the Indians much more rapidly than could have been expected with all the opposing influences to contend against.

Prior to 1849 the War Department had control of the Indians. Before that time not much had been done to civilize them. They had in the earlier years of the Government so large an extent of country to roam over that they were not brought upon reservations, and it was difficult, if not impossible, to bring them within the influence of schools and of the processes of civilization.

In 1849 the Department of the Interior was established, and the Indian jurisdiction transferred to that Department. From that time until 1869 the Indian agents were appointed from civil life, but not much attention was paid to their qualification for the position as teachers and missionaries. But in 1869 the President adopted and has since pursued the policy of appointing agents with direct reference to civilizing the Indians, with a view to their final elevation in the scale of citizenship, and to aid this end the co-operation of the different religious societies of the country was solicited to act in conjunction with the Government. This aid was extended, and since that time (with the exception of about one year as to some tribes) the agents have been selected by the religious societies having charge, and on their recommendation appointed, and the moral responsibility of the elevation of the Indians at each agency thus rests upon the society having charge, they selecting the teachers, missionaries, and other employés.

The Society of Friends was the first to whom the invitation was extended to give their aid in this work, which was I think in 1869, and the devotion and earnest perseverance with which the people of that society (a people long celebrated for their philanthropy and their sympathy for the poor and oppressed) have prosecuted the work given to their charge is certainly deserving of the highest commendation, and their effort to elevate the downtrodden and outcast Indians is an exemplification of true religion. Other religious societies and churches were afterward invited and entered upon the work, having different fields assigned to them, and all have displayed energy and true devotion, and all are meeting with success.

I apprehend that this responsibility and this work were not accepted by the churches of the country in the light of being so much political patronage parceled out to them by the Government, but as an earnest appeal to the churches of the land to bring to the aid of the Government in this work the power of religion and of the organization of the churches to missionary ends. It was accepted, not as a political work, but as an opportunity to carry out that command of the great Master, "Go ye unto all the world, and preach the gospel to every creature;" and that it was accepted in this spirit, the interest taken in the work and the expenditures made by different denominations of Christians fully show.

It appears by the report of the Commissioner of Indian Affairs that during the year 1873 the religious societies having charge of the different agencies contributed and paid, from their own funds, $130,000 for education and missionary work among the Indians; and this does not include all that was given, for much was given that was not reported. Thus it will be seen that the churches do not simply lend their moral influence and supply the employés, but they give liberally of their money, looking upon this in the light of any other missionary work.

Sent out by the churches and societies and laboring faithfully for the elevation of the Indians are many devoted and Christian men and women, who enter upon the work as a duty, and who to enter upon it have left homes of ease and plenty, and who evidently have not consulted their comfort or their pecuniary prosperity in taking it up.

I do not say that all sent out by the churches are of this class of people. I am sorry to believe they are not. I think they ought to be, and hope they will soon be. In times gone by much odium has been thrown upon the Department of Indian Affairs, from the fact that many dishonest men managed, through political influences, to get into the position of Indian agents, not for the purpose of aiding in the civilization of the Indians, but to get rich by swindling the Indians, going on the theory that it was no crime to cheat an Indian, and the people had, to a great extent, lost confidence in the honesty of the Indian service. But the present policy is rapidly working a change for the better in that respect, and I would desire to impress upon those having the selection of agents and employés for the Indian service the importance of the selection of honest and devoted men for the work; otherwise the result will be failure of the policy and injury to the churches.

There must be honesty in the Indian service, or it will be impossible to civilize the Indian; for if frauds and peculations and swindling are practiced by the white men, officials of the Government, the Indians will assuredly find it out, and as a matter of course will lose all confidence in the civilization or Christianity of the white race.

And taking into view the character of officials sent out among Indians in past years, and the character of the majority of white men around them, and the great frauds and villainous wrongs perpetrated upon them by whites, I must say that the Indians would naturally be led to prefer their own civilization to that of the white man.

It is the purpose and the policy of the Government to purify the service; and its efforts, seconded by the philanthropic people of the country, are meeting with success.

The examination of the statistics will show a very gratifying advance, judging by the best tests of progress, toward civilization, to wit, advancement in the industries and in education. I present to the House the following table, showing the census as to schools and industries of the Indians for the years, respectively, 1864, 1872, and 1873:

	1864.	1872.	1873.
Number of schools	89	2,643	
Number of scholars	261	8,094	9,026
Number of acres farmed by Indians	18,989	273,753	297,075
Number of houses for Indians	2,397	15,167	17,678
Bushels of wheat raised by Indians	44,062	265,965	288,306
Bushels of corn raised by Indians	237,462		
Bushels of potatoes raised by Indians	130,000	513,000	406,000
Tons of hay cut by Indians	3,052	46,670	161,543
Harness and mules owned by Indians	14,938	161,530	284,400
Cattle owned by Indians	7,449	102,442	449,570
Swine owned by Indians	10,709	381,000	828,056
Sheep owned by Indians	560	120,049	214,000
Value of animals owned by Indians	$4,865,000	$7,911,000	$8,914,000

In addition to the above I give the following statistics for the year 1873, for which I have no figures of former years to compare with:

Number of rods of fence made by Indians during year	573,982
Number feet of lumber sawed during year	9,139,000
Number of saw and grist mills	110
Number of carpenter and blacksmith shops	254

These figures, Mr. Chairman, are certainly a satisfactory demonstration of the rapid progress of the Indians under the present policy of the Government. The progress is more rapid than could have been expected with all the discouraging circumstances which have surrounded the work.

A large portion of the Indians are now self-sustaining and the tribes are all progressing in that direction, and without doubt in a few years all will be self-sustaining. Many lose confidence in the civilization of the Indians from the fact that they seem to progress slowly, but it must be borne in mind that the civilization of a barbarous race is necessarily a slow process. Our ancestors were hundreds of years in emerging from barbarism to full civilization, and we must be patient with the Indian race.

It is but a few years since the process of civilizing the Indian really commenced as to those who are yet wild and troublesome. A few years since they were roaming free and wild, retreating as civilization advanced; but not until they had no farther to retreat and were forced to settle and remain upon reservations, were they brought face to face with civilization. And since that time the wildest and worst of them are slowly yielding to its influences, as the frozen earth yields slowly to the genial spring showers and the advancing sun.

I know, sir, there are many who endeavor to throw odium upon this policy of civilization, but it is the true and enlightened policy, the only policy worthy of this great nation, and if persevered in and sustained it will succeed in civilizing the Indian and raising him up to citizenship in much less time than he could be destroyed by the Army, and at a tithe of the expense. Sir, education is a power mightier than the sword; while it works quietly, gradually, and

slowly, yet its influences are deep, far-reaching, and mighty. It marches not with the "pomp and circumstance" of war, and yet its onward march is more irresistible, its victories greater and more lasting in their effects. In its contests with darkness, vice, and barbarism, it does not fill the land with the ruins of towns, with homes destroyed, and fields desolated. It does not entail upon the people burdens of taxation to grind them down in slavery for generations, but it brings prosperity, wealth, happiness, and liberty to all the people. I believe it was Lord Brougham who said:

> Let the soldier be abroad if he will, he can do nothing in this age. There is another personage less imposing, in the eyes of some perhaps insignificant. The schoolmaster is abroad; and I trust to him, armed with his primmer, against the soldier in full military array.

I hope we shall have no more Indian wars. If we must, I trust that they shall be only such as shall be forced upon us by the Indians and which cannot be avoided by the Government. We should employ school-teachers instead of soldiers, and build school-houses instead of forts. And, sir, I say what I believe the people of the country will respond to, that there is no measure of this or any other administration entitled to a higher meed of praise than the installation of the policy of peace, education, and civilization in the treatment of this unfortunate race.

Mr. Chairman, the peace policy with the Indians is the most economical and is also the only policy worthy of this great and powerful nation. I have no doubt but that the great mass of the people desire that it should be sustained and continued. As I have said already, I think we have reached the maximum of the annual expense, and in a few years can rapidly and permanently reduce the expenditures as the Indians become self-sustaining and slowly and gradually rise in the scale of civilization. No man in this country ever understood the Indian character better than General Sam Houston, of Texas. In a speech in the United States Senate in January, 1855, he used the following words, which I commend to the consideration of those who claim that the Indian cannot be civilized and that the proper course is to exterminate them:

> Interest, it is said, governs the world, and it will soon ripen into affection. Intercourse and kindness will win the fiercest animal on earth except the hyena, and its spots and nature cannot be changed. The nature of an Indian can be changed; he changes under adverse circumstances, and rises into the dignity of a civilized being. If you war against him, it takes a generation or two to regenerate his race, but it can be done. I would have fields around the trading-houses; I would encourage the Indian to cultivate them. Let them see how much it adds to their comfort, how it insures to their wives and children abundant subsistence, and then you turn the Indian over to civilization; you charm him and he becomes a civilized man.
>
> Sir, while people are seeking to civilize and christianize men on the banks of the Ganges or the Jordan, or in Brahmapootra, why should not the same philanthropic influence be extended through society, and be exerted in behalf of the Indian? Is not the soul of an American Indian on the prairie worth as much as the soul of a man on the Ganges or in Jerusalem? Surely it is. Then let the American Government step forward; let it plant the standard of regeneration and civilization among the Indians, and it will attract the imitation of the citizens in their philanthropic efforts.

Mr. PARKER, of Missouri. Mr. Speaker, I know that the subject upon which I am about to talk to the committee is one which does not excite that general interest that almost any other question would excite upon this floor. The people whose cause we plead before this honorable House do not make up a great, powerful, and wealthy constituency with a member upon this floor. Their interests are generally looked to by us with an eye simply to the amount of money we can save to the Government. But you, gentlemen, will permit me to remark that I believe that the justice of their cause pleads before us for a calm, deliberate hearing and investigation. And you will permit me further to remark that I believe that there is no Bureau among all the Bureaus connected with this Government that is so important in its character as this Indian Bureau, or one whose duties and responsibilities are as difficult to discharge as this Indian Bureau. You will permit me further, in the commencement of the remarks which I shall make on the bill now before the Committee of the Whole, to say that in my judgment no appropriation bill ever comes before Congress that is so difficult to satisfactorily adjust and pass upon as the bill which is now pending. And I say this, because I believe there is less special knowledge upon the part of the American people and upon the part of Congress on the subject of Indian affairs, of the laws in relation to them, and of the treaties existing between the Government and the different Indian tribes, than on any other subject which comes before Congress for action. It does not follow from this that there is a lack of general intelligence either upon the part of the people or of Congress. Yet we all must remember that our progress as a people has been so rapid, and our affairs as a nation have necessarily so absorbed the attention of our people, that the nation has failed to give that attention to the history, character, and condition of the American Indian that his welfare, and perhaps the welfare of our own people, in many instances deserved.

Although there is much in what has heretofore seemed the fate of the unfortunate Indians to awaken our sympathy, and much to disturb the sobriety of our judgment; much that may be used to extenuate their own atrocities; much which betrays us into an involuntary admiration, yet we have generally looked upon them as a race of people who were passing away. Everywhere, at the approach of the white man, we have beheld them fade and disappear like the withered leaves of autumn before the gale. Two centuries ago the smoke of their wigwams and the fires of their councils rose in every valley and upon every mountain side, from Hudson's Bay to the farthest Florida, from the ocean to the Mississippi and the lakes; yet to-day one-half the American people can say they have never seen even one of this remarkable race. We have known the Indian only as one of the opposing forces in a mighty conflict between civilization on the one hand and savagism on the other, with ourselves representing the civilization and the Indian the savagism. We perhaps have studied our own side of the case very thoroughly. One thing is certain, we have looked upon the character of the Indian, his claim as to his rights, and his demands for a redress of his grievances from our stand-point, and the presumption is that we have largely presumed always in our own favor; that we have generally resolved every doubt so as to inure to our own interest there can, I think, be no question.

We have usually held that "the earth is the Lord's and the fullness thereof," and we are "His chosen people," and have viewed the Indian as an Ishmaelite, whose fate, like that of the Wandering Jew, was on, on, ever on, before the advancing steps of the white man. A wanderer, houseless and homeless, whose only duty was either to get out of the way of the advancing tide of civilization or be ingulfed by it. How often do we hear it from speech, song, and story that the Indian must not stand in the way to impede, hinder, or delay the grand strides we are making toward a complete and perfect civilization of the whole American continent. True enough he should not. But ought we or can we afford to advance our civilization so rapidly as to involve the ruin, yes, even the extermination, of this once powerful race, who were the—

> Monarchs of all they surveyed,
> Their rights there were none to dispute;
> From the center all round to the sea
> They were lords of the fowl and the brute?

Civilization should not outrun justice, but should rather go hand in hand with her.

It may be correctly asserted that there is no true civilization, the frame-work of which is not based upon the principles of eternal justice, and the object of which is not to confer the benefits and blessings of civilized life upon all who may be touched by it. The civilization which brings enduring fame is the one which gathers up, cares for, and absorbs the weak, the poor, the oppressed, the ignorant, the untutored, and even, if you please, the savage, and which brings to all these classes the charms of civilized life.

I believe this is the kind of civilization which marks the era in which we live; at least I am certain it is the kind that duty demands we shall propagate. I believe the better spirit of this age recognizes the fact that even the North American Indian, under the influence of proper treatment, will not only accept our civilization, but be improved by it to such an extent that he will soon rejoice in such acceptance.

Three races, the Caucasian, the Ethiopian, and the American, are in the presence of one another on this continent. Will the American race disappear forever from the forests which for thousands of years have sheltered it, and from the valleys and plains, lakes and rivers, which for centuries have given it food? There is no necessity for it. This almost boundless continent is broad enough to afford homes for the children of all these races. The Caucasian and the Ethiopian have become men and brethren, and why should not the same result be produced as to the Caucasian and the Indian. I think simple justice and fair dealing will in a few years convince all of us that the Indian can stand on the same plane with his white and black brother, and say with Paul, that "of one blood all nations of men for to dwell on all the face of the earth." It requires but a cursory glance to satisfy any one that the civilization of the Indian is progressing much more rapidly than even the most sanguine could a few years ago have anticipated.

In truth the harmonization of the races on this continent has been so rapid, and their progress, under all the circumstances, has been so great, that we must all be convinced that the finger of God Himself directs the work.

> There is a divinity which shapes our ends.

And this declaration applies to nations as well as individuals.

I believe all men admit that there is an eternal divine justice guiding, governing, and directing the affairs of men and nations; from the decrees of which divine justice neither men nor nations can escape, if they would. The result to both men and nations of a violated law of nature and of nature's God is the payment of a penalty, and sometimes a terrible one, and from the payment of this penalty there is no escape. It may be that this annual Indian appropriation bill is evidence of a part of the penalty we are now paying as the effect of a broken law, a broken promise, and a broken faith, which has often been kept only so long as it was plighted. If this annual appropriation is the only penalty which will rise up to confront us in the future, I shall be content. If we escape thus, it will be well with us.

From time immemorial in this country we have professed a desire to civilize and settle the Indians, but at the same time we have never missed an occasion to purchase at a nominal price their lands, and to get them in many instances by means not so creditable, and thrust them farther back into the wilderness and upon the desert. Thus they have been compelled to lead a wandering life, and sad experience has taught them to look upon us as unjust and indifferent to their fate.

In the past we have tried to civilize the Indian by forcing him away from civilization. He has felt that he was a homeless wanderer with nowhere to lay his head; with no spot he could call his own. The Government by its policy in the past, though perhaps lavish enough in its expenditures upon the subject, has constantly defeated the purpose of such expenditures and its own policy; and the Indians in general, receding farther and farther from the advancing wave of civilization, have heretofore retained their savage habits and barbarous customs. This policy of offering civilization to the Indians with civilization left out has long been felt to be an erroneous one. The great warrior and statesman and just man who is now President of the United States felt, when he first came into office, that it was not only an erroneous policy but a grossly unjust one. Therefore he was led to declare in his inaugural address to the American people "that the proper treatment of the original occupants of this land—the Indians—is one deserving of careful study. I will favor any course toward them which tends to their civilization, christianization, and ultimate citizenship."

These are words which should arrest the attention not only of Congress, but of the whole nation. They are words which do credit to the head and heart of the President. And it now remains for Congress and the nation to discover and practice the policy toward these unfortunate people which will lead to their civilization, christianization, and ultimate citizenship. I suppose all desire this as a result, but there appears to be a wide difference of opinion as to the best method of attaining this much-desired object. Some think it can be done best and most cheaply by turning the whole management of Indian affairs over to the War Department. Others think it cannot be done at all in this way; and still others believe that you must let it remain under the management of a peace establishment, if you would teach the Indians the arts of peace, and by such teaching bring them up to a grade of civilization which will enable them to become laborers and producers by labor, and thus be self-supporting.

I shall endeavor to show in the course of my remarks that the true policy toward the Indian is one of peace; that this policy is not only the most economical, but it is the most just; that this policy cannot be carried out under the management of the War Department; that the transfer of the management of Indian affairs to that Department means perpetual war with the Indian, and that the only peace you can expect as a result is the peace of desolation—the peace which would sit brooding over the once happy homes of these people after their extermination as a race. I think I will be able to show that the Indian can be civilized. But before I take up these propositions, it may not be uninteresting to the House and the country to know something as to the number of the Indians, the extent of their reservations, and what number can be called civilized, what number are semi-civilized, and what number are wild or barbarous. Then I desire also briefly to refer to some of the details of the bill now before us.

I submit herewith a table, which I will incorporate in my remarks, prepared with care by the Commissioner of Indian Affairs, showing the population of Indian tribes residing on reservations, and the area in square miles and acres respectively of the several Indian reservations in the different States and Territories:

Table showing the population of Indian tribes residing on reservations.

States or Territories.	Population.	Area.	
		Sq. miles.	*Acres.*
Washington	14,192	6,460.65	4,134,695.38
Oregon	7,720	9,788.00	6,264,320.00
California	2,799	111.50	71,363.00
Arizona	6,970	8,822.00	5,646,080.00
Nevada	6,000	4,025.00	2,576,000.00
Utah	4,800	3,186.00	2,039,040.00
New Mexico	14,948	7,237.00	4,631,664.00
Colorado	5,000	23,100.00	14,784,000.00
Dakota	34,867	57,450.00	36,768,000.00
Idaho	4,984	5,010.00	3,206,400.00
Montana	33,135	52,704.00	33,858,600.00
Wyoming	2,000	4,200.00	2,688,000.00
Nebraska	6,598	1,402.92	897,871.88
Kansas	972	581.04	371,865.39
Indian Territory	71,150	68,991.00	44,154,240.00
Minnesota	7,803	8,976.92	5,745,233.07
Wisconsin	6,045	938.26	600,489.36
Michigan	9,164	1,221.00	781,905.00
New York	5,070	139.90	89,537.00
Total	244,217	264,345.19	159,309,304.08

Now, while this is the most accurate statement the Department has been able to get, it cannot be said that it is any more than approximately correct. Several of these reservations have never been surveyed, and their extent has been arrived at by a geographical knowledge of the country, and by measurement upon the map. Then as to the population it may be remarked that the estimated number of Indians is too large. The Indians themselves always overestimated their number. An Indian has a very exaggerated idea of numbers and of quantity; then he has a powerful motive for overstating his strength. He has always sought to magnify the strength of his race in the estimation of the white man. It has become a chronic habit with him. Again, he gets more rations by having more people. It may be that interested white men, who live among the Indians sometimes, have motives to suppress the truth if that truth would depreciate the number of the Indians.

The Department has time and again made efforts to get a correct Indian census, but has never been able to get one that would give entire satisfaction as to its correctness. The table I have submitted shows the number of Indians on reservations to be 244,217. This does not include the roving bands of Indians to be found in several of the Territories; these probably number in the neighborhood of fifty thousand; then as a further addition we have the Indians of Alaska, who are estimated to number from fifty thousand to seventy-five thousand.

Now, my own opinion is that this estimate of the total number of Indians is much too large. I believe that the Indians, all told, in the United States to-day do not number over two hundred and fifty thousand. I think my distinguished friend from Indiana, [Mr. SHANKS,] who has given the subject as much attention and who knows as much about Indian affairs as any man in the country, will agree with me. I am also sustained in this opinion by a report recently made by Major Powell, as a special agent of the Department, in which he states that he has but lately visited sixty-six tribes in Utah, Nevada, Arizona, California, and Southern Idaho, and has taken an accurate census of the same, and where it was supposed there were about thirty thousand Indians there are but ten thousand four hundred and thirty-seven. But, fortunately for our Treasury, these Indians have not been sharing very largely of its bounty.

Now, if the same rule of decrease would apply to all the other tribes as that which Major Powell has discovered to be correct, two hundred and fifty thousand is a very large estimate. But I think it would be hardly correct to apply this as a rule to many of the other tribes, for the reason that they are better known to us, and we have had much better opportunities for ascertaining their true population.

There is one thing in this connection which may be noted, and it is this, that since our permanent white settlements at Jamestown, Virginia, in May, 1607, and at Plymouth, Massachusetts, December 16, 1620, there has been a constant decrease of the Indian. Then he numbered about two million five hundred thousand; now he numbers about two hundred and fifty thousand, showing an average diminution, in the past two hundred and fifty intervening years, of about ten thousand per year. The table which I have submitted shows that Indian reservations make up an area of 264,345.19 square miles, and of 159,309,304.08 acres.

The following table, being a comparison of the Indian population, the extent of reservations, and the total area of the Territories, exhibits the fact that in the Territories alone there is a population of 184,962 Indians; that the area of their reservations in those Territories, in acres, is 121,274,999; while the whole extent of these Territories, in acres, is 666,229,319:

Territory.	Population.	Reservation.	Total.
	Indians.	*Acres.*	*Acres.*
Washington	15,487	1,640,480	44,769,160
New Mexico	18,640	3,912,944	77,568,640
Utah	12,800	2,039,040	54,065,043
Dakota	27,185	34,768,000	96,596,128
Colorado	7,300	14,784,000	66,880,000
Montana	18,835	25,113,000	92,016,640
Arizona	5,066	139,000	72,906,240
Idaho	4,469	3,206,400	55,228,160
Wyoming	2,400	2,688,000	62,645,068
Indian territory	71,150	32,984,135	44,154,240
Total	184,962	121,274,999	666,229,319

It thus appears that the Indian reservations cover one acre out of every five and four-tenths acres in the whole public domain not included in States, and which gives to them an assignment of seven hundred and twenty-nine and one-third acres *per capita*.

It must be apparent to every one that this amount of land is much too great for any practical benefit the same may be to the Indians. It is now the policy of the Government to persuade the Indians to accept smaller reservations, and pay them for that which they do not actually need; the proceeds of the sales of their unrequired lands to be devoted to their support, education, and civilization.

As to the civilization of these Indians, it may be said with a reasonable degree of assurance, according to a standard taken with reference to what might fairly be expected of a race with such antecedents and traditions, that about ninety-seven thousand are civilized, that about one hundred and twenty-five thousand are semi-civilized, and seventy-eight thousand are wholly barbarous. About one hundred and thirty thousand of the Indians support themselves upon their own reservations, receiving nothing from the Government except the interest on their own moneys or annuities granted them in consideration of the cession of their lands to the United States. There are about thirty-one thousand entirely subsisted by the Government, and eighty-four thousand in part subsisted. Those who subsist by hunting and fishing, upon roots, nuts, berries, grasshoppers, &c., or by begging and stealing, number about fifty thousand. There are

about one hundred and fifty thousand Indians who remain constantly on their reservations, and are under the complete control of agents appointed by the Government; about ninety-five thousand who occasionally visit their agencies either for food or talk, or for both, but are generally roaming either on or off their reservations, or engaged in hunting or fishing. There are about fifty thousand who never visit any agency, and over whom the Government as yet exercises but little control except to keep them quiet. The most of these, however, are peaceable and inoffensive, and commit but few acts of hostility against the whites.

Of the whole number of Indians about one hundred and eighty thousand have treaties with the Government; forty thousand have no treaties with the United States, but reservations are set apart by Executive order or otherwise for their occupancy, and they are in charge of agents appointed by the Government; twenty-five thousand have no reservations, but are more or less under the control of agents appointed for them, and have more or less assistance from the Government; about fifty thousand have no treaty or other agreement with the Government.

I now desire to briefly call the attention of the committee to the details of the bill now before us.

The Committee on Appropriations, in preparing this bill, have been prompted by the same desire that has governed them in making up all other bills, to wit, to pursue the most rigid economy compatible with the good of the service. They have sought to avoid doing anything that might tend to disturb the peace between the whites on the border and the Indians, or anything that might work unjustly toward the Indians. They have no desire to in any way cripple the present policy adopted toward the Indians; but they do think that policy can be carried out for the next fiscal year upon the amount of money proposed to be appropriated by the bill now before us.

There was estimated for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with the various tribes for the next fiscal year the sum of $6,765,799.61. This bill proposes to appropriate the sum of $4,969,488.43, making a difference between the amount estimated and the amount to be appropriated by this bill of $1,800,291.18. There was appropriated by the annual appropriation bill for the present fiscal year the sum of $5,581,920.70. The difference between what was then appropriated and what is proposed to be appropriated by this bill is $546,442.27. The committee have not provided for any appropriation for the pay of superintendents except the one in the central superintendency, believing that all the others can be dispensed with.

The bill proposes to dispense with quite a number of Indian agents, and particularly those of the most civilized tribes in the Indian Territory. It reduces the pay of the interpreters from $500 to $400.

We have sought to curtail contingent expenses all that it seemed possible to do. It must not be forgotten that there is a very large amount of money named in this bill upon which there can be no reduction, unless by a violation of solemn treaties made with the different tribes. It may be correctly said that something over two millions of the amount named in this bill is appropriated because solemn treaties have provided that it shall be so annually appropriated.

The increase of our appropriations for the Indian Department is frequently a source of surprise, and sometimes of amazement. It becomes important, in this connection, that we should inquire the reason of this fact, if it exists as a fact. That such is the case cannot be denied. If there is no good reason for this large increase we should at once cut it off. But I think the reason is apparent when we look to the history of this matter for the last ten years; there is a very large difference between the amount appropriated for the year 1865 and the amount appropriated for the year 1874.

Now, what is the reason of this difference? In the years 1867 and 1868 General Sherman and others made treaties with the following tribes of Indians: The different bands of Sioux; the different bands of Utes; the Kiowas and Comanches; the Cheyennes and Arapahoes; the Mountain and River Crows; the Northern Cheyennes and Arapahoes; the Navajoes; the Blackfeet; the Shoshones and Bannacks, and the Shoshones, Bannacks, and Sheep-Eaters; by the terms of which several treaties certain amounts therein named were to be given to the Indians for such purposes as the treaties specified. Now, under these treaties how much did Congress appropriate for these several tribes for the present fiscal year? Why, the sum of $3,427,574. How much was appropriated for these several tribes before the making of these treaties—say in the year 1865? Only the sum of $297,000; there being a difference in the amount paid these tribes before and since the making of these treaties of $3,130,574.

This showing I have made will, I think, fully explain the reason for the increase of our expenditures in the Indian Department.

Now very many may and do question the good policy of thus increasing the expenses of this department, but in order to do so they must also question the propriety of making these several treaties. It is too late now to shake off the responsibility of the payment of this amount of money, unless you are prepared to break in pieces the treaties made by Generals Sherman, Harney, Terry, Augur, and others. Before taking this step it would be well to consider that at the time of, and for a long time prior to, the making of these treaties many of the tribes with whom the treaties were made were at war with the whites upon the border; that a state of complete insecurity to the lives and property of the white settlers existed wherever any of these tribes were to be found; that since the making of these treaties comparative peace has been maintained with these several tribes. Then, as measures of safety and security, the treaties of 1867 and 1868 should be maintained.

It can easily be shown that from an economical view of the question it is better to maintain them, as it is capable of the clearest demonstration that it costs less to feed these Indians than to fight them, and that one or the other must be done by the Government I think no one can doubt. It is to be hoped, however, that this state of affairs will not last always. Indeed I think it will not, as the most of these Indians are much tamer and much nearer civilization now than when these treaties were made with them. The fact that they have kept the peace for six years is evidence of this. The time had come, when these treaties were made, for a change in the policy of the Government toward these wild Indians.

The policy of removal had been the one in vogue with the Government toward nearly all the Indians in the country. And I may be permitted to say in this connection that this record of Indian removals is one of the most revolting character; one which will not bear the test of an application of either reason or justice. From the Eastern to the Middle States; from there to Illinois, Wisconsin, Michigan, and Minnesota; thence to Missouri and Iowa; thence to Kansas, Nebraska, Dakota, and the mountains; and if the policy had not been changed in 1867 and 1868, whither now these people would have been forced to go no one can tell. The effect of the old policy was to clear the pathway for the pioneering white man, but this was done by the extermination of the Indian, and if not by the extermination, at least by the perpetuation of his native barbarism.

But the very condition of things forced a change of policy. The mighty current of progress had driven him back and still farther back from his home and the graves of his ancestors in the East, until there was no longer any place toward the setting sun to which the Indian could be removed. Colorado, Utah, Idaho, Montana, Nevada, Washington, Oregon, and California had all become necessary for the abode of the white man. Therefore as we could no longer force the Indian back from our line of civilization, we must leave him in his old home or exterminate him.

Against the policy of extermination, although we had seen it go on for many years, the civilization of the age revolted and Christianity stood aghast; besides, this policy of extermination must be practiced at a cost of many lives of our people and at an expense of many millions of dollars to our Treasury. The Indian was surrounded on all sides. He saw the approaching footsteps of civilization. He again saw the white man upon his heels. He knew he was already beyond him, and in wild despair he said "there was but one remove farther, and that was to the general burial-ground of the race." He saw the land of his fathers again fading from his view. He was preparing to bid adieu to the graves of his kindred, and to take a last look at his soon to be deserted villages, but before doing so, and taking up his mournful line of march to a home which was nowhere, he felt called upon to once again invoke the god of battles in defense of his wife and little ones, his home and hunting-grounds. When the treaties of 1867 and 1868 were made, many of the wild tribes with whom the commission treated were and had been upon the war-path. They appeared determined to wage war upon the whites who had sought homes in the country which they thought ought to remain their hunting-grounds.

I am satisfied that no one can doubt the good policy of making these treaties, when we compare the attitude of these different tribes toward the Government now with the one maintained by them before and at the time the treaties were entered into. No one, if he but looks into the question, can fail to be convinced of the great good resulting from the treaties. It is true it costs us a large amount of money; but, I repeat, does it cost us as much as to fight them?

There is really no way left these wild Indians to get a living unless they get it from the Government. The day of the chase is about over. He must for the present either be assisted by the Government or left to perish from starvation. And from his well-known character, and from his past history, with which we are familiar, we can readily infer that he will not, after being driven to desperation by want and starvation, tamely submit to his fate, but will rather strike a blow for life that will cost us many of the lives of our gallant and hardy pioneers. And a war of this kind in the future, as in the past, will be a heavy drain upon our Treasury. There seems to be no plan left for us but the one marked out by the policy which dictated these treaties.

You may persuade these wild men of the West that it is good policy for them to accept smaller reservations, but you never can convince them that they ought to go farther to the west, because they know there is nowhere for them to go. And you cannot drive these people any longer. Your moral sense forbids it. If you try to do this, I bid you pause and remember that if our lands are taken, we believe that civilization justifies us in resisting the invader. Yea, it does more than this; it brands us as cowards and recreants if we submit to the wrong.

Civilization has made its contract with these people and has guaranteed the rights of the weaker party. Now, will we stand by the guarantee, or will we still continue to satisfy the covetous longings of a sordid avarice and, as we have done in the past, demand of him his home. And if he looks upon the land around him with a sadder heart and says, "This is as dear to me as is the home of his childhood

to the civilized man; I, too, love these plains and mountains, rivers and lakes, and now to be forced to leave them will break those tender chords of the heart which vibrate to the softer sensibilities of human nature, and dry up the fountains of benevolence and kindly feeling, without which there can be no acceptance by me of your civilization," and he refuses to go and resists, is civilization again to confront him with the gospel of peace in the shape of the Ten Commandments in one hand, and the sword in the other, and demand his extermination? I trust that no such policy as this will ever again disgrace the annals of this nation, but that we will rather make an effort always in the future to atone for the wrongs which we have inflicted upon this people in the past.

But you ask, how can this be done? I answer, it is easy enough. But apply the principles of justice, and do unto him as you would have him do unto you, and the fruit of your action will be the civilization of this despised and persecuted race.

The Indian has many noble qualities. He is courageous. At times he appears to be insensible of fear. He shrinks from no danger, and he fears no hardships. If he has the vices of savage life, he has the virtues also. He is true to his country, his friends, and his home. We call this patriotism, and by it we are inspired to place everything, even life itself, as an offering upon its altar. If he forgives not injury, neither does he forget kindness. If his vengeance is terrible, his fidelity and generosity are unconquerable also.

That he has been cruel and revengeful, I admit. But has he not been treated as an outlaw, and has not his companion been the wild beast? Has he not been driven from the home he loved? Has he not often been tortured and killed? Have not the last of many tribes been compelled to mournfully exclaim, "There runs not a drop of my blood in the veins of any living creature?"

Let civilized man be his companion, and the association will warm into life virtues of the very highest worth. He will stand forth a new man, with new hopes, new desires, and a new life before him. And the result will be that he will accept our civilization and become a tiller of the soil. In the sweat of his face will he soon learn to eat bread.

The duty of the Government is twofold: First, to protect the white settler; and secondly, to do justice to the Indian, and by doing justice, to civilize him. And as you cannot drive him farther to the West, these duties must be performed with the Indians remaining on their reservations, and those reservations surrounded by white settlements.

But it is declared in Congress and out of Congress that you cannot civilize him. I answer, you can. Other nations have wrought upon this people a civilization which has at least drawn them from their heathen idolatry, and let in upon their minds the broad sunlight of a liberal Christianity. I allude now to the Spanish government and its management of Indian matters. When Cortez and Pizarro first landed upon the shores of Peru and Mexico they came with the lust of gold in their hearts, caring nothing for the people to whom the country belonged; they governed them by the sword; they practiced upon those unoffending natives the most terrible cruelties. This continued as long as the fabulous stories of the unheard-of richness of the country attracted thither the flower of the Spanish chivalry. It is said by some historians that the bloody Spaniard, by oppression, cruelty, and the sword, put to death six millions of these people. There came a time when there was to be a change.

The necessities of the home government caused an appeal to be made for the return of the scions of the best families in Spain, who had come to the New World in search of renown and of gold. Then it was that the Indians were strong enough to assert their claims to better treatment at the hands of their ruthless and bloody conquerors. It was from necessity granted them. The man of God came and extended to them the cross instead of the sword.

From that day to this the Indian has been the ruling race in Mexico and Peru, and under the influence of a peace policy it has made rapid progress; and I am not so certain that it is now incapable of imparting to its once cruel and oppressive Spanish masters lessons of benevolence, charity, mercy, and kindness. As the fruit of this peace policy toward Indians, we have to-day in New Mexico the Pueblos, one of the most civilized and industrious tribe of Indians on this continent.

Then, again, let me call your attention to the course of England toward these people and toward all people conquered by her. That conquest has been her mission none can deny.

It was Daniel Webster, I believe, who said—

> That to her, for the purpose of conquest and subjugation, Rome in the height of her glory is not to be compared; a power which has dotted over the surface of the globe with her possessions and military posts, whose morning drum-beat, following the sun and keeping company with the hours, circles the earth with one continuous and unbroken strain of the martial airs of England.

Bloody, unrelenting, and cruel toward the people she has overcome with the sword she has been, all must admit. But she has been compelled to put up this symbol of death and practice the arts of peace toward the Indian in India and toward his relative on our own continent, and the consequence is that they are rapidly becoming a civilized and Christian people.

But why refer to the history of other nations. Have we not civilized some of these people? And what we have done with some of them can be done with all. It so happens that, under the silent and apparently slow operation of efficient causes, certain tribes of our Indians have already emerged from a state of pagan barbarism, and are to-day clothed in the garments of civilization, and sitting under the vine and fig-tree of an intelligent Christianity, blessing the day wherein the white man commenced to deal justly by them.

Within the present century their blanketed forefathers struggled in deadly conflict with our pioneer ancestors in the lovely valleys of Georgia, Alabama, and Mississippi; among the gorges and along the banks of the beautiful streams of Western North Carolina and East Tennessee, and in the everglades of Florida; and made classic the fields of Talladega, Emucfau, and the Horseshoe Bend. Within the memory of many men their tomahawks reflected the light of the burning cabins of white settlers on the Nolachukey and French Broad, the Hiawassee and the Tennessee Rivers, and their tributaries; their scalping-knives dripped with the blood of our border settlers, and their defiant battle-yells woke the echoes among the green savannas and tangled forests of the South.

How grand the contrast which greets the world to-day! The blanket and the bow have been discarded; the spear has become a pruning-hook, and the hatchet a hoe; the dance of death has ceased, and the war-club lies buried. In place of the skin-lodge and the primitive *tepe*, you behold the cottage and the mansion; the buckskin robe, the paint and beads have vanished, and in their stead are to be seen the tasteful fabrics of civilization. Medicine-lodges and their orgies and heathen offerings are mingled with the dust of a forgotten idolatry. They are replaced by the school-house and the church, and the feet of many hundred little Indian children, who are intelligent and thirsting after knowledge, are seen every day entering these houses, where they can learn the mighty truths of science; while churches dedicated to God, and vocal with His praise from the lips of redeemed thousands, reflect upon their domes and spires the earliest rays and latest beams of that sun whose daily light greets them as civilized, enlightened, and christianized who were but so recently heathen savages.

Need I say that I refer to the Cherokees, Choctaws, Chickasaws, Creeks, and Seminoles? They are to-day a civilized, Christian people. There may be portions of them who still carry with them the old habits of paganism and superstition, but you will find their average intelligence almost up to the standard of like communities of whites. We need not confine our attention to the tribes I have named if we wish to find men and women who are even now on the high road to civilization, but we can look to what remains of the once powerful, warlike, and bloody Six Nations, to be found in the State of New York. They, too, have broken in pieces their war-god, and have erected instead thereof the altar of peace, civilization, and Christianity.

Then, again, we behold the Miamies in Indiana, the Chippewas in Michigan and Wisconsin, the Flatheads in Montana, the Crows, the Bannacks and Shoshones, the Santee Sioux in Nebraska, the Winnebagoes, Omahas, Pawnees, Sacs and Foxes, and the Ottoes, the Kickapoos, and Pottawatomies in Kansas, and the Pueblos and recently warlike Navajoes in New Mexico, and many other tribes I might name who are to-day making as rapid progress toward civilization as could be expected. But I have named enough for the purpose in view, to wit, to show that Indians can be civilized. I grant you that the civilization of the Indian has hitherto been slow. We should not fail, however, to remember that it has taken twelve centuries to bring us to our present grade.

Twelve hundred years ago our ancestors were barbarians, and all through that long lapse of time we have been engaged in attaining our present position, and I am not so sure but there is room for improvement yet. The Indian has not been brought in contact with civilization. The better class of white men and women living on the borders of his reservation have shuned him. You have placed him on reservations and built a wall around him in the shape of your intercourse laws, and no white man could scale that wall. He has in many cases copied our vices, but failed to imitate our virtues because, as a rule, none but the refuse of our population who could and would evade the intercourse laws and get among the Indians by stealth have mingled among them. The brave, hardy, and patriotic frontiersman has not cared very much to cultivate the friendship of his Indian neighbor. But beyond the tide of emigration, and hanging like the froth of the billows upon its very edge, is generally a host of law-defying white men—many of whom are refugees from justice—who introduce among the Indians every form of demoralization and disease with which depraved humanity in its most degrading forms is ever afflicted. Just as the better class of whites have appeared so near the Indian that their influence might be felt for good upon him, he has been required to move again.

It is not surprising that the philosophic chief of the Arapahoes, Little Raven, laughed heartily in the face of Mr. Commissioner Taylor when he told him something of hell and heaven. Mr. Taylor remarked that "all good men, white and red, would go to heaven, and all bad ones to hell." He inquired of the chief the cause of his laughter. When the chief recovered his breath, he said: "I was much pleased with what you say of heaven and hell, and the characters that would go to each after death; it is a good notion, heap good; and if all the whites are like the ones I know, when Indian go to heaven but few whites will trouble him there; pretty much all go to the other place." I think the fact stands out clear, indisputable, and well-defined that Indians, not only as individuals but as tribes, are capable of civilization, and that when such civilization takes place it makes the Indian a better man, prepared to become ultimately a citizen of this great

Government, and it settles forever the vexed question as to what shall be done with the Indian.

Now, if like causes under similar circumstances always produce like effects, it follows that the application of the same causes that have produced civilization in some tribes will bring about like results in other tribes under the same circumstances. What causes operated to bring about the civilization of the Cherokees? The Cherokees lived on the borders of the white settlements for a long time, with a boundless wilderness behind them, to which they retired after each successive advance by the whites, until finally they reached the mountain regions of North Carolina, South Carolina, Georgia, Alabama, and what is now called East Tennessee. Here they remained for many years, until the enterprise of the whites surrounded their possessions on all sides and began to press heavily upon their borders.

They had up to this time made small progress in civilization. They still depended upon the chase, and still clung to the habits and customs of their savage ancestors. Little change took place until they abandoned the hunt, and until the presence of emigration on all sides compelled them to reduce the area of their territory, and until the disappearance of game compelled them to resort to a pastoral and agricultural life to save themselves from starvation. Agriculture and stock-breeding brought with them the important idea of individual rights, of personal property, and the notion of fixed local habitations. When this state of affairs was produced, civilization followed as a matter of course. And this is precisely what is now going on with nearly all the other tribes under our control to-day. If it produced such beneficial results as to the Cherokees and other civilized tribes, is it not reasonable to presume that like happy results will ensue as to the other tribes?

I think it requires but little reflection to convince any one that the true solution of the vexed Indian question lies in the civilization of these people. If this be the best policy, leaving out of consideration the question of Christian duty on our part, then we should at once adopt the best means to produce this desired result. Can this work be done best and most economically by turning the management of Indian affairs over to the War Department? If so, all should at once favor the transfer of this business to that Department. In my judgment, before you can determine this question you must determine what you are going to do with the Indians.

If you intend to have peace with him and civilize him, he should be under the management of the civil department of the Government. If you intend to have war with him, and consequently exterminate him, you had better transfer the management of his affairs to the Department of the Government the business of which is war. Now, I know that some gentlemen believe that in this business "the winter of our discontent" is to be "made glorious summer" by their crying havoc and letting "slip the dogs of war" on those people. I believe otherwise. And for this belief I have the very highest military authority.

It will be remembered that in the year 1867 President Johnson appointed a commission in pursuance of an act of Congress approved July 20, 1867. The commission was authorized by the said act to visit such tribes as were then waging war, and to call together their chiefs and head-men for the purpose of ascertaining their reasons for hostility; and, if thought advisable, to make treaties with them, having in view the following objects, namely:

First, to remove, if possible the causes of war; secondly, to secure as far as possible our frontier settlements, and the safe building of our railroads to the Pacific; and thirdly, to suggest or inaugurate some plan for the civilization of the Indians.

Now, who were upon that commission? Four civilians and four military officers high in rank. Who were these military men? Lieutenant-General W. T. Sherman, Major-General William S. Harney, Major-General Alfred H. Terry, and Major-General C. C. Augur.

Of course these gentlemen went on this duty in the capacity of civilians; but the presumption is they certainly had no prejudice against the military arm of the Government. On the 7th of January, 1868, they submitted a report to the President; and in order to show the opinions of General Sherman and his associates on the commission at that time, I will ask the Clerk to read but one paragraph of that report.

The Clerk read as follows:

This brings us to consider the much-mooted question whether the Bureau should belong to the civil or military department of the Government. To determine this properly we must first know what is to be the future treatment of the Indians. If we intend to have war with them, the Bureau should go to the Secretary of War. If we intend to have peace, it should be in the civil department. In our judgment, such wars are wholly unnecessary, and hoping that the Government and the country will agree with us, we cannot now advise the change. It is possible, however, that, despite our efforts to maintain peace, war may be forced on us by some tribe or tribes of Indians. In the event of such occurrence it may be well to provide, in the revision of the intercourse laws or elsewhere, at what time the civil jurisdiction shall cease and the military jurisdiction begin. If thought advisable, also, Congress may authorize the President to turn over to the military the exclusive control of such tribes as may be continually hostile or unmanageable. Under the plan which we have suggested the chief duties of the Bureau will be to educate and instruct in the peaceful arts—in other words, to civilize the Indians. The military arm of the Government is not the most admirably adapted to discharge duties of this character. We have the highest possible appreciation of the officers of the Army, and fully recognize their proverbial integrity and honor; but we are satisfied that not one in a thousand would like to teach Indian children to read and write, or Indian men to sow and reap. These are emphatically civil, and not military, occupations. But it is insisted that the present Indian service is corrupt, and this change should be made to get rid of the dishonest. That there are many bad men connected with the service cannot be denied. The records are abundant to show that agents have pocketed the funds appropriated by the Government and driven the Indians to starvation. It cannot be doubted that Indian wars have originated from this cause. The Sioux war, in Minnesota, is supposed to have been produced in this way.

Mr. PARKER, of Missouri. This is just as good authority as I desire on this subject. This was written and proclaimed by these eminent military men after they had gone over the whole field and had looked at the subject from every side. I am aware of nothing that has occurred since this report was made to change the opinion of any one on this question. Again, Major Powell, who is as familiar with the Indian tribes as almost any other man, has given his opinion on this question, and I deem it of the greatest value, from its pertinency to the question, and from the fact of its being the opinion of a gentleman of the largest experience. It will be remembered that he was before the Military Committee of this House during the present session, and I will ask the Clerk to read a part of his testimony bearing on this point.

The Clerk read as follows:

Mr. ALBRIGHT. Are the Indians entirely secure, if the troops are withdrawn, from the encroachments of the frontiermen who come into the country?

Major POWELL. I think they could be made secure by other means better than with military power. The original policy was to remove the Indians from the east to the western country, and the wild tribes were thus re-enforced by the addition of half-civilized Indians from time to time; but now there is no more unexplored and unoccupied country to which the Indians can be driven. It is necessary to pursue a policy toward the Indians adapted to this changed condition of affairs. When there was a great unknown district just beyond the frontier where lines of settlements were growing up, it seemed necessary to protect this frontier by troops, who were minute-men, to go out and defend the settlers from sudden attacks or surprises. This state of affairs no longer exists, and we should no longer deal with the Indians as if they were distinct nations or had independent governments, but we should deal with them as individuals, and when an individual Indian or a number of them are guilty of crimes some means should be provided by which the guilty parties could be brought to justice, rather than to continue the present method of punishing tribes or the Indians at large for the offenses of such individuals. What is now needed for the Indians under consideration is not some means for wholesale punishment, but some means to secure justice between Indian and Indian, and between white man and Indian. As at present managed it is something like this: A hungry Indian steals a beef, or a tired Indian steals a horse; white men set out in search of the thief and kill the first Indian they meet; the Indians then retaliate, and the news flashes through the country that there is an Indian war on hand; troops are sent to the country, and a trivial offense costs the Government the expense of an Indian war. In the sequel no justice is secured, the proper Indians are not punished, and usually in such a case the white men of the frontier are greater sufferers than the Indians, as these last have no great amount of property to lose, and their knowledge of the wilderness and their customs of stealthy warfare are such that it is impossible to punish them severely, except by means which are repugnant to civilized minds.

I am decidedly of the opinion that the military method of dealing with the Indian offenders is altogether bad, failing to secure justice between Indians and whites, and between Indians and Indians, entailing upon the white men of the frontier much loss of property, some loss of life, and keeping up a state of constant terrorism among them, and that altogether it is exceedingly expensive.

The Indians themselves fully appreciate this method of wholesale and indiscriminate punishment, and think it strange that we should hold all the Indians responsible, or, at least, whole tribes responsible, for the bad deeds of a few, and are always ready to cite scores of examples of such treatment received by them from the whites in justification of their own offenses which are similar.

Some system should be devised by which the guilty parties themselves could be brought to justice, and by which the Indians could be made to assist in the execution of justice, as in capturing and delivering over criminals.

Mr. PARKER, of Missouri. I might rest here, upon this evidence, with the assurance that every reasonable mind is already convinced that the mailed hand of military power is not the one to guide the Indian along the pathway of civilization.

But we are not left to the positive opinions of learned, practical, and eminent men, for we have the light of past experience to guide us in forming a correct judgment. For seventeen years the management of Indian affairs was under the control of the War Department.

In 1849 it was by an act of Congress transferred to the Interior Department. The management of Indian affairs for this seventeen years that it was under the control of the War Department was, in my judgment, a most lamentable failure, as far as any civilization of the Indians was concerned, or as far as there was any saving to the Treasury. Military power may keep the peace for the time being, and the peace policy contemplates it shall be used toward the Indians for this purpose as well as toward the whites, just as we rely upon the sheriff with his *posse comitatus* in the counties, or the police in our cities. But this power alone can never civilize. It never has civilized. It may overcome brute force and bloody opposition, and prepare the way for civilization, just as the plowshare prepares the ground which is cumbered with rank and noxious weeds for the seed of the husbandman. But after its work is done another agency than this must carry on the grand work of civilization.

While this arm of the Government controlled this business you had constant Indian wars. The savage war-whoop was heard all along our western border. Almost all the uncivilized tribes were at war during this period. Was the peace any better kept during this time than it has been since? I answer no; not half so well.

Now, I do not wish to be understood as speaking disparagingly of our gallant Army. I yield to no one in admiration for our patriotic soldiers and brave officers. They are our pillar of cloud by day and wall of fire by night, thrown around the nation in times of great public danger; they are our hope when the honor, integrity, and very existence of our nation are endangered by either a foreign or domestic foe.

But I submit there is no greater cruelty you can inflict upon our

Army than to compel it to live out among the Indians and take upon itself the work of teaching these Indians the arts of peace. There is no field there for the achievement of the great military deeds which are the pride of the true soldier. Both soldier and officer, as a rule, despise this kind of work.

The history of the past shows that military management has been prolific of wars with these red men, and they can to-day truly say:

That they died not by hunger or lingering decay,
The steel of the white man hath swept them away.

Is this state of war desirable as an economic policy. If we look to the Treasury alone, and do not consider it our duty toward these people to make an effort to improve them and make better men and women of them, I submit we cannot favor a military management of their affairs. If a chronic Indian war with an annual increased expenditure of from $50,000,000 to $100,000,000 in consequence thereof is desired, it seems to me the transfer should be favored.

We have had some fruits, in the shape of Indian wars in the past, as the result of military management; and perhaps it may be well for us to go back a little and see what they have cost us, and in many cases what has been their origin. One fact will be found on investigation, and it is this, that while Indian affairs were under the control of the military establishment more than half the time was spent in costly, unprofitable, and fruitless as well as unjust wars against the Seminoles and the Sacs and Foxes, and in troubles of the most vexatious and expensive character with the Creeks and Cherokees. And nearly all the wars we have had since the Interior Department took the management of Indian affairs have had their origin in the hasty and ill-considered action of the military stationed in the Indian country.

I have not time to refer to all of the wars we have had with these people, but will confine myself to those with which we are all familiar.

It is in the memory of almost every member of this House that we had a war with the Seminoles; that for seven long years we fought about seven hundred warriors of this tribe with our regular Army and a large volunteer force, losing about fifteen hundred lives and spending $50,000,000, and at the close of said war the Indians were further from civilization than when the war commenced.

I now desire to briefly call your attention to the war with the Sioux in 1852–'54, which originated in this wise: An emigrant Mormon train abandoned a cow. A lieutenant and squad went to the camp and demanded of the Indians, who had found and eaten her, the man who had killed her. The Indians refused to surrender the man, but offered to pay for the cow. The lieutenant and his squad fired upon them, killing and wounding a number, when they were surrounded and massacred. The great Sioux war ensued, costing us $30,000,000 and several hundred lives, besides a large amount of property.

Then, again, in 1864, we had a war with the Cheyennes. And how did it originate? Why, a ranchman by the name of Ripley went to Camp Sanborn, on the South Platte, and charged the Indians with stealing his stock. A Lieutenant Dunn proceeded with a squad of men to search for it, but did not succeed in finding it. Falling in with a company of Cheyennes, an attempt was made to disarm them, and in the difficulty one soldier was killed and some others wounded. Then followed the Cheyenne war, culminating in the massacre at Sand Creek, where one hundred and twenty Indians, mostly women and children, were brutally murdered in cold blood while resting on their own hunting-grounds under the protection of our flag. This war cost our Treasury not less than $40,000,000, for it will be remembered that it involved not only the Cheyennes, but the Apaches, the Arapahoes, Kiowas, and Comanches, and also many bands of the Sioux, and was only ended by the treaty of peace in 1865 at the mouth of the Little Arkansas.

In 1866 the military took possession of the Powder River country, in Dakota, within the acknowledged territory of the Sioux, and planted military posts Phil Kearny, Reno, and C. F. Smith, without the consent of the Indian proprietors and in direct violation of treaty stipulations. A terrible and bloody war ensued, costing us $10,000,000, many hundred lives, including the gallant Fetterman and his devoted band, and much valuable property.

In April, 1867, a military command burned the peaceful village of the Cheyennes on the Pawnee Fork in Western Kansas, who had been at peace with us since the treaty of 1865, and they were then on lands assigned them by the treaty. The Cheyennes flew to arms and the war of 1867 followed, in which we lost over three hundred soldiers and citizens, and $8,000,000 were taken from the Treasury, a large amount of public and private property was destroyed, and we killed six Indians and no more.

The pretext for our war with the Navajoes was the shooting of a colored servant boy of a military officer by an Indian, and the refusal of the Indians to surrender the criminal. They did propose, however, after their custom, to pay a pecuniary consideration as satisfaction to the officer. That war cost the Treasury $6,000,000.

Now, I might detain the House much longer by a recital of the many conflicts we have had with the Indian tribes, their origin, and their cost. But I think I have referred to enough to satisfy it and the country that you cannot civilize Indians under the management of the military, nor can you save money for the Government. And if Indian extermination be your policy, you can scarcely do that, at least not very rapidly; for we have been in the business through the agency of the military power of this Government for about two hundred and fifty years, and have not quite succeeded in completing the work of carnage and death necessary to their complete annihilation. And what we have done by means of the military arm has cost this country since its first settlement over $600,000,000. And if the cost of killing each Indian in our late wars is a fair average of what this process of getting rid of him is to cost in the future, you will have to pay $1,000,000 for each Indian you exterminate.

But suppose I were to admit they ought to be exterminated without mercy, and that we might achieve the grand consummation, do you not think that it would be purchasing glory at a fearful cost? The fact is you never can civilize the Indians by military management. When an Indian commits a crime or an outrage, the military strike the whole tribe for the offense perhaps of one man. This begets a spirit of resentment and resistance on the part of the whole tribe, and perhaps many tribes, just as it would do with us, and the consequence is a war.

You plant your military camps among them, and your soldiers soon violate even the sternest ideas of Indian domestic morals. Female chastity yields to either trickery or fear; marital rights are generally disregarded, and shameless concubinage spreads its pestiferous stench through camp and lodge until the whole tribe becomes what Dante characterized Italy, "A grand house of ill-fame." The most loathsome, lingering, and fatal diseases which reach many generations in their ruinous effects are spread broadcast, and the seeds of moral and physical death are planted among the miserable and wretched creatures.

You tell me you would not exterminate the Indians. Then you must civilize them.

In the present condition of this country, situated as the Indian is, surrounded on all sides as he is by white settlements, one result or the other is inevitable. There is no middle ground. He can no longer hang on the borders of civilization, but he must either come within its confines or be buried by its mighty wave, which has long since washed our far western shore. You all say you would civilize the Indian. Then will you send him the sword? You would inspire him with the peaceful principles of Christianity. Is the bayonet their symbol? You would invite him to the sanctuary. Will you herald his approach with martial music, the clangor of arms, and the thunder of artillery?

The true policy to be pursued toward the Indians is to get them upon as few reservations as possible. Let these reservations be sufficiently large to afford them plenty of land to cultivate. Teach them the duty and blessings of labor and the arts of peace as rapidly as you can, and as soon as possible put them under the control of that civil law whose seat is the bosom of God, and whose voice is the harmony of the world, so that the individual will be punished for his crime and his violation of law, and the whole tribe will not be made to suffer for the wrong-doing of one man. To do this it may cost much money, but in the end it is the cheapest plan you can adopt. It is certainly the most just and the most Christian.

In this policy lies the solution of this perplexing problem, which has been a source of trouble to the American people from the first settlement of the country. Sir, the benevolent and Christian men and women of the country should remember that these red men worship the same God that we do; that from many a dark bosom goes up a pure prayer to the Great Spirit; that although he has not traced His laws for them on tables of stone, He has traced them on the tables of their hearts; that these poor children of nature may not know the God of revelation, but the God of the universe they acknowledge in everything around them; and, remembering these things, let them enter through the door, which is wide open, fields for Christian labor and benevolent effort that are presented everywhere.

The subject is worthy their highest consideration, and they should put forth every effort to aid the Government in its great duty of protecting, educating, and elevating this down-trodden race to a higher and nobler style of being. And let us not so legislate upon this question, which is so important that it affects a whole race of people, that they will be compelled to soon hear the roar of the last wave which will settle over them forever, or that in the future the inquisitive white man, as he stands by some great and growing city, will ponder on the structure of their disturbed remains and wonder to what manner of people they belonged, or that they, in the language of one of their number, "will live only in the names of our lakes, rivers, cities, and towns," or only in the songs and chronicles of their exterminators, even if these are faithful to their rude virtues as men or will pay due tribute to their unhappy fate as a people. But let us rather so legislate that the few of this people who remain will be brought within the precincts of civilized society, where they will stand as human monuments of Gothic grandeur, fearful and tremulous amid the revolutions of time; and so that the red man, as well as the white man and the black man, will in the near future, even it may be when the grand cycle of the hundred years of our existence as a nation is completed, be ready with grateful hearts to exclaim:

Great God, we thank Thee for this home—
This bounteous birth-land of the free;
Where wanderers from afar may come
And breathe the air of liberty.
Still may her flowers untrampled spring,
Her harvests wave, her cities rise;
And yet, till Time shall fold his wing,
Remain earth's loveliest paradise.

Mr. HANCOCK rose.

Mr. RANDALL. If the gentleman from Texas will yield to me, I will move, in view of the usual hour of adjournment having arrived, that the committee rise.

Mr. HANCOCK. I yield for that motion.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. POLAND reported that, pursuant to the order of the House, the Committee of the Whole on the state of the Union had had under consideration the state of the Union generally, and particularly the bill (H. R. No. 2343) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1875, and for other purposes, and had come to no resolution thereon.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. SAWYER, by unanimous consent, from the Committee on Commerce, reported a bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

CORRECTION OF DATE OF COMMISSIONS.

Mr. ALBRIGHT, by unanimous consent, introduced a bill (H. R. No. 3166) to correct the date of commissions of certain officers of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARGARET CONNELLY.

Mr. GOOCH, by unanimous consent, introduced a bill (H. R. No. 3167) granting a pension to Margaret Connelly; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMENDMENT TO INDIAN APPROPRIATION BILL.

Mr. BUTLER, of Tennessee. I send to the desk an amendment which I desire to offer, when in order, to the Indian appropriation bill. I ask that it may be printed.

There was no objection, and it was so ordered.

DAVID A. TELFAIR.

Mr. SMITH, of North Carolina. I ask that by unanimous consent the bill (H. R. No. 3093) to relieve David A. Telfair from political disability, which comes back from the Senate with an amendment inserting the word "political" before the word "disabilities" in the body of the bill, be taken from the Speaker's table, and the Senate amendment concurred in.

There being no objection, the bill was taken from the Speaker's table, and the amendment of the Senate concurred in.

Mr. SMITH, of North Carolina, moved to reconsider the vote by which the amendment of the Senate was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 1573) authorizing the Citizens' National Bank of Hagerstown, Maryland, to change its location; and

An act (H. R. No. 1935) for the relief of William J. Scott, late aide-de-camp on the staff of General Spear.

Mr. GARFIELD. I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at five o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. ALBERT: The petition of Chauncey Brooks, Walter B. Brooks, Derrick Fahnestock, Isaac Thrasher, and John A. Rogers, to be compensated for ninety-nine boxes of tobacco taken by United States troops at Farmville, Virginia, in April, 1865, to the Committee on War Claims.

By Mr. BASS: The memorial of the Buffalo Board of Trade, in relation to the removal of obstructions in Saginaw River, to the Committee on Commerce.

By Mr. BUNDY: The petition of 121 citizens of Scioto and Pike Counties, Ohio, for the establishment of post-routes from Flat, via Nairn, Harrison Mills, and Scioto, to Sciotoville; and from Flat, via Gibson and Germany, to Waverly, in Ohio, to the Committee on the Post-Office and Post-Roads.

By Mr. CHIPMAN: The petition of Anna B. Wilson, of Georgetown, District of Columbia, for a pension, to the Committee on Invalid Pensions.

By Mr. FRYE: The petition of Hannah A. A. P. Bonney, of Poland, Maine, for a pension, to the Committee on Invalid Pensions.

By Mr. HAWLEY, of Illinois: The petition of citizens of Rock Island County, Illinois, for aid to the Continental Railway from Omaha to tide-water, to the Committee on Railways and Canals.

By Mr. O'NEILL: The petition of the Philadelphia Association of United States Marines, for equalization of bounties to members of the Marine Corps similar to that of Army volunteers, to the Committee on Military Affairs.

By Mr. SAYLER, of Indiana: Numerous petitions from citizens in different parts of the United States, for the passage of a law authorizing the manufacture of patent-right articles by others than owners of patent-rights upon payment of a reasonable royalty thereon, to the Committee on Patents.

By Mr. SCUDDER, of New York: The memorial of the Yearly Meeting of the Society of Friends of New York, in favor of arbitration for the settlement of international differences, to the Committee on Foreign Affairs.

By Mr. STONE: The petition of banks, bankers, and merchants of the city of Saint Louis, Missouri, representing several hundred millions of capital, that a law may be passed authorizing and requiring the Secretary of the Treasury, in the manufacture of all Government issues hereafter to be made, to conform to the plan recommended by the Joint Select Committee on Retrenchment, March 3, 1869, to the Committee on Banking and Currency.

By Mr. TREMAIN: The petition of Thomas W. Olcott and others, bankers, of Albany, New York, in relation to the engraving of Government notes, to the Committee on Banking and Currency.

By Mr. ——: The petition of citizens of the District of Columbia, in relation to the proposed laying of railroad tracks and running steam-cars on Delaware avenue, Washington, District of Columbia, to the Committee on the District of Columbia.

IN SENATE.

THURSDAY, *April* 30, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. HAMILTON, of Maryland, presented a petition of citizens of Baltimore, Maryland, in favor of the appointment of a commission, composed of both males and females, to visit the various Indian tribes and confer with them as to the best modes for the restoration and preservation of good-will between the races; which was referred to the Committee on Indian Affairs.

Mr. ROBERTSON presented the petition of Leora J. Allen, of South Carolina, praying compensation for land sold for taxes by the Government during the late war; which was referred to the Committee on Claims.

Mr. HITCHCOCK presented twenty-two memorials numerously signed by members of the different granges of the State of Nebraska, protesting against the extension of the patent of what is known as the "Haines harvester;" which were referred to the Committee on Patents.

Mr. FRELINGHUYSEN presented a memorial of ship-masters and ship-owners of the State of New Jersey, remonstrating against the passage of Senate bill No. 675, providing for the abolition of the present system of compulsory pilotage on ships or vessels; which was referred to the Committee on Commerce.

Mr. CONOVER presented a petition of George H. Wellman, of Lowell, Massachusetts, in behalf of the heirs of George Wellman, deceased, praying that the administrator of the estate of said decedent have leave to make application to the Commissioner of Patents for a further extension of the letters-patent for an apparatus for stripping top-flats for carding engines for the term of seven years from and after the expiration of its present term; which was referred to the Committee on Patents.

Mr. BOGY presented the petition of J. E. D. Couzins, of Saint Louis, Missouri, praying an appropriation of $10,000 out of the fund appropriated for the detection and punishment of the crime of counterfeiting as compensation for time, labor, and money expended in discovering an extensive counterfeiting establishment, with all the implements and materials used for bank-note engraving; which was referred to the Committee on Finance.

Mr. STEVENSON presented the petition and accompanying papers of Mrs. Martha G. Vaughn and Mrs. Louisa Jackman, praying compensation for services rendered the United States Army during the late war; which was referred to the Committee on Military Affairs.

Mr. FENTON presented additional papers in relation to the claim of Glover & Mather, praying compensation for transporting the United States mails between Louisville and New Orleans; which were referred to the Committee on the Judiciary.

Mr. ANTHONY. I hold in my hand a paper which I desire to present to the Chair. Whatever relates to the organization of the Senate, to its practices, traditions, and precedents, is always interesting and valuable; and I think this paper is particularly so, drawn up as it has been by an officer of the Senate who has been very long in our service, longer than any of us, upon the tenure of the office of the President of the Senate *pro tempore*. I move that the paper be printed.

The motion was agreed to.

Mr. HAMLIN presented a memorial, numerously signed by ship-masters, ship-owners, merchants, and others, of New Orleans, Louisiana, asking the abolition of the present system of compulsory pilotage; which was referred to the Committee on Commerce.

Mr. BOUTWELL presented the memorial of Thomas W. Cooke and others, merchants, owners, and ship-masters of New Bedford, Massachusetts, asking the abolishment of the present system of compulsory pilotage; which was referred to the Committee on Commerce.

Mr. FRELINGHUYSEN presented the memorial of Cortlandt Parker, administrator *cum testamento annexo* of George W. Anderson, deceased, late of Savannah, Georgia, praying reimbursement for certain stocks in mining companies alleged to have been seized and sold under illegal decrees of the United States courts for the southern district of New York; which was referred to the Committee on the Judiciary.

The PRESIDENT *pro tempore* presented resolutions adopted at a meeting of the business men of Indianapolis, Indiana, disapproving the veto of the President of the United States of the so-called "Senate finance bill," and recommending certain financial measures for the relief of the country; which were referred to the Committee on Finance.

HAYDEN'S CRETACEOUS FLORA OF THE WEST.

Mr. ANTHONY. Some days ago I reported from the Committee on Printing a resolution to print, not for popular distribution but for scientific and departmental distribution, the report of Professor Hayden on the Cretaceous Flora of the West, a very valuable work, which has been prepared at considerable expense, and requires only the small cost of printing the letter-press, about $600, in order to complete it. The Senator from Maine [Mr. MORRILL] objected at the time, but I believe he is satisfied that the resolution is correct.

The PRESIDENT *pro tempore*. The resolution will be taken up if there be no objection.

The Chief Clerk read the concurrent resolution of the House of Representatives, as follows:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed and bound twenty-five hundred copies, in quarto, uniform with the series, of Professor Hayden's final report on the Cretaceous Flora of the West: one thousand copies for the Department of the Interior, one thousand copies for the Smithsonian Institution, and five hundred copies for the office of the United States geological survey of the Territories.

Mr. SHERMAN. I ask that the resolution be read again.

Mr. ANTHONY. There are no copies provided for popular distribution.

The PRESIDENT *pro tempore*. The resolution will be again read.

The Chief Clerk again read the resolution.

Mr. SHERMAN. The only difference between that and the ordinary resolutions for printing extra documents is that these are to be distributed by the Department of the Interior and other agencies of the Government, and the ordinary rule has required distribution by Senators and Members of the House, the difference being against the Government. If we publish extra numbers of expensive documents like this and direct them to be distributed by the Secretary of the Interior, what is the result? They are distributed to whom he pleases at the expense of the Government of the United States. That is just as much worse than the franking privilege as the franking privilege was worse than the payment of postage by everybody. This presents a question on which I intend to divide the Senate; and it is whether or not the Government of the United States will continue the practice of printing documents for free and gratuitous distribution.

The mere provision that these copies shall be distributed by the Secretary of the Interior does not relieve the proposition from the objection that has been made; on the other hand, it adds to the objection. The Secretary of the Interior is a single officer; he distributes these documents to whom he pleases; he distributes them at the public expense; he franks them, because the mere stamping them with the stamps that are furnished by the Government of the United States does not change the character of the process. It is his frank; but instead of having his name written on the back as formerly, it is in the form of a stamp printed at the expense of the United States, which carries the document free to whoever he directs it. In other words, he is to distribute this expensive document instead of Congress. I say this is worse than the restoration of the franking privilege—far worse.

Now I wish to give the Senator from Rhode Island a case that has actually occurred with me. I desire to do what is a duty imposed on me, to distribute the Congressional Globes that have been sent me. If I pay the postage I must pay $2.20 for each set of the Globe of the last session, consisting of only three volumes. In other words, I pay out of my own pocket about two hundred dollars to distribute the Globes of last session that fall to my share. I can, however, employ the express companies to do it for less than half that sum. They are willing to distribute these documents if I pay a dollar a set. The result is that documents will be printed at the public expense and distributed at my expense. Always desiring to get the cheaper mode of transportation, I take the express companies and employ them to distribute these public documents to my constituents, instead of distributing them through the mail. The consequence is that the Government of the United States loses the carrying of these documents, gets nothing for it, while it pays the contractors the full price for carrying the public mail. That is the result, and the loss falls upon me, for I have to pay the express companies, or, which would be the same thing, require my constituents to pay them if I choose to do so.

Now I say that we ought, once for all, either to provide for a mode of distributing these documents by public agents, by ourselves, by members of the Senate and House of Representatives, or to abandon their publication. The idea of transferring the franking privilege in a body on all these public documents to the heads of Departments and persons who have no lists, no communications, no correspondence with the people of the United States is "whipping the devil around the stump" in a most offensive way. How can the Secretary of the Interior know to whom to distribute these documents? Shall he distribute them only according to his own will and pleasure to favorites of his? I know the Secretary of the Interior would not desire to do it. The probability is that he will come to me and come to every Senator here and ask for the names of persons in the State of Ohio and the State of Rhode Island to whom to send these documents. He will affix the official stamp on the documents, and they will be sent to persons that we direct them to be sent to. In this way the law which repealed the franking privilege will be practically abrogated in a most offensive way. He may, if he chooses, assume the power and the right to distribute these documents; but to whom? Does he know the people of Ohio or the people of Rhode Island as well as I or the Senator from Rhode Island? Does he know who in New Jersey would prize Hayden's report as well as the Senator from New Jersey? Not at all. If, therefore, he assumes to do what you here authorize him to do, he distributes at the public expense these valuable public documents hap-hazard. If, however, he does what he would naturally desire to do, goes to the Senators and Representatives to know who are the proper persons to receive these documents, that would be an evasion of the law which prohibits the transportation of public documents through the mail free.

I say, Mr. President, that there is no way but for us to stop the publication of all these public documents except such as are necessary for us in the ordinary discharge of our public duties, or else to provide some way by which they can be distributed through the representatives of the people. I prefer the former; I prefer that we shall stop the publication of documents; but I say now that if Professor Hayden's book, which is to be a very expensive book, involving large engravings, illustrations, the most expensive type, the most expensive material, is worth publishing, it would be better to hand over the materials to Appleton & Co., and they will publish whatever will sell without cost except to those who choose to get the benefit of the publication. We may very well collect the material together; we may publish such as is necessary for our own use to guide us in making laws and performing our official duties; but if there is any value in these publications, private publishers will publish them and distribute them, and those who receive the copies will pay for them. If they are not worth publishing, if there is no demand for this information, no public use to be derived from it, no profitable instruction to be derived from it, publishers will decline to publish them.

Therefore, without prolonging the debate on this matter I desire to divide the Senate, and I shall call for the yeas and nays on the passage of this resolution as a test vote.

Mr. ANTHONY. I think when the Senator from Ohio understands the state of this publication he will withdraw his objections. His objections, of course, are to the publication of new works. This has already been published so far as the main expense is concerned. The engravings have already been made; the book has already been ordered to be printed; and this resolution involves the expense of only $600 for the letter-press and the press-work of the additional number.

I do not entirely agree with the Senator as to the duty of the Government to furnish scientific information. There is information of immense value that only Government or public institutions largely endowed can properly investigate. It is our duty and it is for our interest to explore the country, especially the western portion, because the more settled portions will find other means of exploration. We should explore it geologically and mineralogically and botanically and in every scientific way. I think it is a duty of the Government to do that; and when such investigations have been made there can be no other way of utilizing the results than to make them public. Whether they should be made public at the cost of the Government or of those who may buy the books for the mere expense of printing, is a question on which the Senator and I, perhaps, would not differ; but this is a publication the main expense of which has already been incurred, and which will be almost wasted unless this trifling sum of $600 is added.

The distribution by the Secretary of the Interior is not what I should prefer, but it is the best that is at present available. Undoubtedly the Secretary of the Interior would ask the Senator from Ohio, would ask me, touching the libraries and scientific institutions in our respective States where these books would be useful, and we should furnish him with a list, and he would put a stamp on each volume, and it would be sent by mail without costing the Government anything. Mail contractors do not charge more for carrying these documents.

Mr. SHERMAN. Then why not provide that we shall distribute them?

Mr. ANTHONY. I think there should be such a provision, and I am in favor of some such system as the Senator indicates; but this

survey was ordered, all the materials of the book were collected before the abrogation of the franking privilege. According to strict rule I suppose the publication of the work should be administered under the old law. Still, out of deference to the intimations which the Senate have given out, the Committee on Printing have made no report in favor of the popular distribution of any document. We did try to get five hundred copies of the Navy Register, and failed ignominiously in that. This is only an expenditure of $600, in order to utilize a book which without it will be of very little use or of no use at all, compared to the cost of printing.

Mr. SHERMAN. I think I can suggest a compromise that will dispose of this matter satisfactorily. Why not give Professor Hayden all these materials? They are of no value to us. We have distributed them and used them as far as we thought it advisable to do. Why not give them to Professor Hayden and let him do the best with the materials on hand? And I can assure the Senator that there are precedents for this. I once had the honor of serving upon the Committee on the Library, and a proposition was made to republish the volumes of the Wilkes expedition, together with some very valuable documents and papers that had never been published, but that were in the Library. Admiral Wilkes was very desirous to have them published and see this information spread broadcast. Finally, after the most patient consideration, rather than incur a large expense of probably over $100,000, we give the materials by act of Congress to Admiral Wilkes, and I understand out of those materials he has culled interesting matter which was published and which publishers were willing to take and publish. It seems to me that if the Government had published that same information it would have been at a cost of $100,000. Admiral Wilkes published and sold in the ordinary way all that was worth publishing, and so it was disposed of.

I still make the objection that if these documents are to be distributed, they ought to be distributed by the representatives of the people so as to secure a distribution all over this country in all parts of the Union among our constituents. If not, we ought not to publish them for distribution; we ought not to print them at all. I, for one, am disposed to stop now and to vote against the publication of any public documents for distribution until the law points out a mode in which they can be distributed. Under this proposition the Secretary of the Interior franks these documents.

Mr. ANTHONY. It does not cost the Government anything.

Mr. SHERMAN. Then why not give it to members? The Senator's position is an admission that our act in repealing the franking privilege was a mistake, a wrong, and that we have not the courage to rectify it. It costs for the distribution of the Globe of last session $2.20, and it is only three volumes; and what will be the cost of the distribution of the RECORD of this session nobody can tell; it will be about ten volumes, I imagine. For last session there were but three volumes of the Globe and it costs for distributing them through the mail $2.20 and through the express companies one dollar. The result is that the express companies are now taking business that ought naturally to go through the mails. In the State of Ohio I find it far better to distribute all the matter that I am compelled to distribute by express. Private competition has reduced the price of distributing the Congressional Globe down to one dollar to any point in Ohio, while the Government charges $2.20; and the result is that public documents printed at public expense are sent to my constituents by the express companies at my cost.

Mr. ANTHONY. I think it is likely the whole business of the Post-Office Department might be done cheaper by express companies; but I do not see the application of the Senator's argument to this case. It certainly would have been of doubtful expediency for Congress to publish the exploring expedition at a cost of $100,000; but it is a very different thing to publish this work, the chief cost of which has already been incurred, at $600, and I do not wish that this case shall be made a test of the policy which the Senator from Ohio indicates. I think this ought to stand upon its own merits, if it has any; and I think it has a great deal of merit. This is a book that has been prepared, the engravings are already made, and nothing remains but just the press-work and the binding. If it was a question of printing this book, if the materials were here and it was a question whether we should go into it or not, then the argument of the Senator from Ohio would be perfectly applicable; but that has already been done, and it was done before the franking privilege was repealed. This is merely cleaning up our old work.

Mr. SHERMAN. I simply want to correct a mistake into which I have been led. My colleagues on the Committee on the Library tell me that the proposition about Admiral Wilkes's book did not finally pass Congress. It was debated and agreed upon by the Committee on the Library. It seems it did not finally pass Congress; although that was the proposition, Congress refused to reprint Admiral Wilkes's book. The proposition I mentioned was made, and I supposed it had been passed into a law, but my colleagues tell me it never passed.

Mr. RAMSEY. I regret very much that the Committee on Printing have not before this time taken some action on a paper I had referred to them some months since, suggesting, as is done in the publication of English documents, that there be impressed on every public document the cost of it and the expense of its transmission by mail. It is well enough to say that persons can get these documents by purchasing them if they want them; but you furnish the public no facilities for getting them, no information as to how they shall be had, and what the price of them is. For example, a man in Kansas or Nebraska or California wishes a certain document, this document, for instance; he does not know what the price is at which the Government will sell it nor the cost of its transportation by mail or otherwise, as is done in England. I think we might with great facility do it here and impress that cost upon every document we publish. In England every public document is paid for and transmitted by mail or by express or as ordinary freight. Even the Queen of Great Britain and Ireland has to pay her postage on her documents and letters. But we ought to grant the public some facilities for ascertaining what they can get these things for when they want them.

Mr. ANTHONY. We have not printed any at this session.

Mr. FRELINGHUYSEN. I sympathize with the chairman of the Committee on Post-Offices and Post-Roads in his regret that the chairman of the Committee on Printing has not made a report on the proposition he states; but at the same time I beg to express my regret that the chairman of the Committee on Post-Offices and Post-Roads has not reported a bill which I introduced some months since, dispensing with the pre-payment of postage and fixing a regular price for transporting by mail all these documents, not to exceed twenty cents.

Mr. RAMSEY. I will say to the Senator that the committee have had some difficulty about establishing a different system of postage for officials from that established for the people. They would come to such a system with great reluctance, and have not yet brought themselves to a unit in support of the bill.

Mr. FRELINGHUYSEN. If my friend would only report the bill adversely we could get it before the Senate.

Mr. INGALLS. Can the Senator from Rhode Island inform the Senate how much expense has already been incurred in the preparation of Professor Hayden's report?

Mr. ANTHONY. It would be impossible to tell; but the whole cost of the survey as well as of the publication will be comparatively useless unless we print the book.

Mr. INGALLS. Is there no approximate estimate of the amount of expense already incurred?

Mr. ANTHONY. Nothing has come before us on that point. All that was referred to us was the cost of printing according to the resolution offered, and that will be $600. What was the previous cost of preparing the material we had nothing to do with; but it must have been considerable.

Mr. INGALLS. It is a matter of some importance to the Senate, if the only question is in regard to the expenditure of $600 to print the report, to know how much has already been expended in its preparation.

Mr. ANTHONY. What has been expended in the preparation was not at the Government Printing Office. The engravings were done from the general appropriation—the appropriation for the survey.

Mr. SCOTT. As bearing on the question which the Senator from Kansas asks, I have turned to the statutes and find that in the appropriation bill of last year we appropriated $75,000 for the purpose of having the geological explorations made by Professor Hayden, and in the previous year we appropriated $75,000 more. I do not know whether this report on the Cretaceous Flora of the West is embraced in the report of last year or of the previous year; but it strikes me the practical question before the Senate now is, will we bury the information which we have obtained at a cost of $75,000, or will we spend $600 more for the purpose of making it public; and that, it seems to me, is bringing us to a very practical question which lies a little back of this appropriation of $600. It is this: not simply shall we print the results of these explorations; but shall we hereafter make appropriations for having these explorations made?

We now have at least three publications of this character, and are annually making appropriations for the purpose of obtaining the material to make them. Professor Hayden's explorations, Major Powell's explorations, and the annual reports of Professor Raymond upon the mineralogical resources of the West. In that point of view I think that the discussions which come up here occasionally on the reports of the Committee on Printing are directing attention to a very important question; and that is, how many of the publications which the Government has heretofore made are worth printing, and for how many of them would the public pay if they could get them at their own expense? These three publications, I confess, are among those which have elicited the largest demand from the public. I know that I have had several requisitions made upon me for the very publication which the Senator from Rhode Island now proposes to print—this report on the Cretaceous Flora of the West. I know of no publications that are more meritorious than these three; and yet I am free to say that until Congress shall devise some general mode of distribution, or take the ground emphatically that hereafter there shall be no distribution of these documents, I am unwilling to incur much further expense in printing them.

I shall vote, however, for this resolution on the ground that Congress has already given its sanction to the collection and preparation of this information at an expense of $150,000, and it would certainly be very bad economy to bury information obtained at that cost for the lack of an appropriation of $600.

Mr. HOWE. With reference to the suggestion made just now by the Senator from Ohio touching the publication of Wilkes's exploring expedition, I really do not know how the fact is in reference to the

assignment of any of the material of that work to Mr. Wilkes or to anybody else.

Mr. SHERMAN. I am informed by the former chairman of the Committee on the Library that final action resulted in not transferring it to him, but in authorizing the publication of three volumes of that information.

Mr. HOWE. I was about to say that we did make an appropriation of $9,000 to complete the publication of three volumes, partly executed at the time the appropriation was made, and the committee has been trying very assiduously to get that work done. Part of it is done. One volume is published and another one is ready for the binder, if it is not in the hands of the binder.

I partake of the grief avowed here by the Senator from Minnesota [Mr. RAMSEY] that we have not been able as yet to agree to that proposition of his to facilitate the distribution of these documents. I have once or twice said, and I want to say it once more this morning—how many times hereafter I will not now affirm—that I believe if we would publish these documents, the valuable ones, and offer them to the public at the cost of publication and of postage, they would take them in very large numbers, and they would be taken by a class of our constituents who would be much more profited than all those have been to whom we have been in the habit of sending them.

I have experimented a little on this theory myself, and the experiment has gone a great way to convince me that the theory I embraced at the outset was correct. We publish a larger number of the Agricultural Report than of any other. It is long since every copy belonging to me for distribution was sent out, and I begged and borrowed as long as I could, and all the resources I could draw upon are exhausted. Several other documents have also been exhausted. And yet I have made no sort of endeavor to advise the people of Wisconsin at large that they could have these things. Those have called for them who had indirectly got the information that they might have them in that way.

However, I do not think we need take up time to discuss this whole subject this morning. This is a very simple matter. It involves the expense of about $600 to lay before the public, or to bring within reach of a portion of the public, a work in which, as the Senator from Pennsylvania has said, we have invested $150,000. I agree with the Senator from Ohio that as a principle the publishing of books and giving them to the heads of your Departments here to distribute is all wrong. I agree with him that that is a worse system of distribution than you had heretofore, that such an officer will not make so good a distribution of the books as we would, and we did not make a very good distributon. Besides that, his distribution will be precisely as expensive as ours, for no matter whether we frank a document or he pays postage on it, the financial and economical results to the Government are precisely the same. But this is a small matter. The work is all ready for publication, and I think we had better complete it; and then if we want to order an edition hereafter that will be commensurate with the demands of the public, it will be in a shape that we can command it.

Mr. MORRILL, of Maine. I will propose an amendment to this resolution to bring it within the proposition of the Senator from Minnesota, the chairman of the Committee on Post-Offices and Post-Roads. I think that proposition will solve the whole problem of the distribution of documents in time, and upon an equitable and fair scale.

I had occasion to advert to this subject a few days ago, when I stated my own convictions that the practice of distributing documents is unequal and unjust, in any sense I can look at it, to the American people. It is necessarily partial in its application, and unjust for that particular reason. And finally, so far as the conveyance of information is concerned, it must always be inadequate; and as the sources of information are so ample in this country, there is no necessity devolving on the Government of the United States to make these expenditures.

Now, the proposition of the Senator from Minnesota is, that whatever documents the Government has or thinks it wise to publish (and clearly, as in this case, where it explores it should publish the results) should be accessible to everybody—scientific institutions, colleges, libraries, or persons desiring them—upon application and payment of the simple cost of production. Now, to bring this within that principle, I propose the following amendment to the resolution, to come in at the end:

Provided, That such report shall not be distributed at the public expense, and only upon application therefor and upon payment of the cost of printing the same.

Mr. SARGENT. I should like to suggest to my friend from Maine that it would be very much better for us to pass a general law of that kind instead of tacking it on to a special little measure like this. This is not extensive enough to give a fair trial to the system. If you apply that rule, for instance, to the great Agricultural Report, where there are a large number of persons wanting the document and a large number of copies printed, it might perhaps be fair as an experiment; but here, where only a few hundred copies are printed and are useful principally to the makers of school-books or to literary institutions, there is not a sufficient popular demand to try the experiment. I would suggest to my friend that it is much better not to add his proposition to this resolution, which is too small to carry so heavy a weight, but to bring it forward at some other time as a system, and I certainly will vote with him on that occasion; but, it seems to me, here it is too heavy a load.

Mr. MORRILL, of Maine. If there was no urgency about this matter it might lie over until the proposition already before the committee is reported upon. But, clearly, this involves a principle; I hardly think it is an experiment. It seems to me that in a practical way, if we have it in our power, we ought to establish precisely the ground on which we will publish these things. If they are for the Government, and we do not intend them for popular distribution, we should put them within reach, at whatever be the cost to the Government, of any person who chooses to apply for them. But I am not particular about it. I submit the proposition to the Senate.

Mr. ANTHONY. I do not precisely like this amendment, but I will accept almost anything to get rid of the matter. The Senator from Maine must understand that there are three distributions in this resolution; one is by the Secretary of the Interior, to which his amendment might apply, but there is also a distribution of a portion by the Smithsonian Institution, and a portion go to the Bureau of which Mr. Hayden is agent.

Mr. MORRILL, of Maine. On what supposed policy is it that that distribution indicated is a wise one? If it is to be printed at the cost of the Treasury, why should the distribution be assigned to these three parties?

Mr. ANTHONY. To the Smithsonian Institution, because that institution has relations with all the scientific people of the world, and I suppose that there is no agency which can place a scientific work better than the Smithsonian Institution. To the Secretary of the Interior, because he has relations with all that region of country which is described in this work and the information in which is of especial value to the people there. To the Bureau itself, because they also have relations with scientific men. They have received assistance from a great many men to whom some acknowledgment is due.

Mr. MORRILL, of Maine. I can understand that the argument may be worth something so far as the Smithsonian Institution is concerned, because that is constantly in relations with all scientific bodies of the world and may desire to reciprocate courtesies.

Mr. ANTHONY. They receive immense exchanges.

Mr. MORRILL, of Maine. But more than a third of the whole number goes to that institution.

Mr. ANTHONY. One thousand to the Smithsonian Institution, one thousand to the Interior Department, and five hundred to the Bureau itself; which is but a fair distribution.

Mr. MORRILL, of Maine. What Bureau?

Mr. ANTHONY. The Bureau of which Professor Hayden is the agent—the man who made the exploration.

Mr. MORRILL, of Maine. To the explorer himself?

Mr. ANTHONY. To the explorer and those associated with him.

Mr. MORRILL, of Maine. I think this on the whole illustrates the theory of the popular distribution of documents. The more it is talked of, the more we must be satisfied with the inadequacy of the policy we are now pursuing of the publication of expensive books to be distributed in this way.

Mr. WINDOM. I am unwilling that this question should pass from the Senate without expressing my regret also, in concurrence with my colleague and the Senator from Wisconsin, that no means have been adopted for the distribution of these documents. It seems to me the proposition suggested by my colleague would obviate this trouble. We go to great expense in procuring this information, and the people are entitled to it. I think there are certain questions, certain subjects that Congress ought to furnish some information about; but I believe it is fair that those who receive that information should pay what it costs. I can see no objection on any ground to this plan of distribution, and it seems to me it would relieve us from this trouble.

It is high time that the question was settled in one way or the other. Almost every morning when a proposition comes up to publish any little document this discussion arises. Some general bill which shall provide for the distribution of documents without expense to the Government, it seems to me, cannot be objected to by any one. I earnestly hope the committee having this matter in charge will present some such proposition to us that we may act upon it and settle this question. For my own part I am in favor of furnishing to the people information on these subjects. I believe it is of great value to the country. I believe they are entitled to it at our hands. I believe they give us no credit for economy in refusing to furnish them information as to what we are doing. I think we are entitled to no credit for it; but, on the other hand, so far as I have information from the public they disapprove of this policy. Certainly we can compromise on the proposition of my colleague and allow them to have these documents by paying what they cost. I should hope that when the committee bring in their proposition they will allow the people to receive these documents free of postage. The postage that is paid on them is no saving to the Government. It costs us nothing to carry them. The cost of the transportation of the mails is as great now as it was before the repeal of the franking privilege, if not greater; so I do not see that anybody gains by it, and hence I would be very glad if they could be distributed free; but certainly they ought to be so published that those who want to buy them may get them.

Mr. MORRILL, of Maine. I want to ask my friend from Minnesota nearest to me [Mr. WINDOM] what his theory is about carrying the mail? He says it costs us nothing to carry a public document through the mail. Does he really think that is so?

Mr. WINDOM. I can only repeat what I said at the last session,

that we pay more for the transmission of the mails since the repeal of the franking privilege than we did before, and I am perfectly confident that the receipts of the Post-Office Department do not cover the expenses of the repeal of the franking privilege.

Mr. MORRILL, of Maine. That may be.

Mr. WINDOM. So I say it costs nothing.

Mr. MORRILL, of Maine. But that is not answering my question. Certainly this service is likely to cost us for the next fiscal year $37,000,000. Now, do we not deceive ourselves when we say that what we carry in the mails costs nothing? Everybody who has examined that question knows that there is no transportation in this country that begins to compare with it in expensiveness. It is four times, more than four times, greater than any other expressage in the country. So we may not console ourselves with the idea that when we load them down by tons and hundreds of tons and thousands of tons it costs us nothing. The bulk has very much to do with it. I believe there is something like fifty-eight tons of mail matter passing through the post-office at New York in a single day. This contributes very largely, of course, to the expense, as only a very small proportion of that is letter matter.

Mr. WINDOM. I wish to make a statement in answer to the Senator's suggestion. Before the enactment of the law of last spring, if I remember the provisions of the law then in existence, we paid for the transportation of our mails so much per mile on the railways. We then provided that the mails should be weighed; and I believe I may be incorrect in the statement I made, as broadly as I made it a while ago, that under existing laws it costs nothing. Perhaps it does add something to the cost; but when we changed the law last spring, after the repeal of the franking privilege, we provided for the weighing of the mails and paying in accordance with weight; that is, a sliding scale varying in proportion to weight. Perhaps under existing laws there may be some difference; but what I meant to say was that under this great postal reform which we effected at the last session of Congress it costs more to-day to transport the mails than before we inaugurated that reform. It is a more expensive system than when the people received public documents free; and the very railroads that to-day are complaining most, the large roads that carry the heaviest mails, are those on which the mails are weighed, and those very roads are threatening to-day, and I believe some of them have already given notice, or if not they will very soon, to the Postmaster-General that if their compensation is not largely increased over what it now is they will cease to carry the mails as they are now carrying them. We added $500,000 last spring to these large companies for carrying the mails immediately after the repeal of the franking privilege. It is utterly impossible for me to discover any great economy that we have achieved by that wonderful feat of reform.

Mr. HAMLIN. I think the statement made by the Senator from Minnesota [Mr. WINDOM] is calculated to produce a wrong impression, certainly elsewhere, if not here. He said we pay nothing for carrying these documents in the mails, and then he has given his explanation why we pay nothing for carrying these documents in the mails. He states that we pay more for carrying the mails now than we did before the franking privilege was abolished. I suppose that is true. He says that the railroad officers upon the large routes are now at our doors asking for an increase of compensation. I know that that is so. But I know also that we are paying to-day a compensation upon the weight carried by those roads; and if we were to deduct from the compensation now paid them the weight which is made up of these documents, we should pay them just so much less as that weight would amount to, and if we shall pay them any further sum and continue to send the documents through the mails, paying for the mails carried by weight, we shall be obliged to augment that sum by this additional weight. So the Senator is entirely mistaken when he says we do not pay. We pay as clearly and as distinctly as though we put stamps upon them.

Mr. WINDOM. I think my explanation covered that ground. Perhaps I should have said that we saved nothing by that act.

Mr. HAMLIN. We save nothing; but we shall actually have to pay more to the contractors by adding to the weight. Grant that we do pay more than we paid before; but we pay more in consequence of this very service, that is the carrying of documents and paying by weight for carrying them. There cannot be any doubt about it.

Mr. WINDOM. That is under existing laws.

Mr. HAMLIN. Now I want to say one word in relation to this work. I desire to co-operate with my colleague and every other Senator here to stop the publication of documents to be distributed through the mail by us. When I say that, I exclude from it, for what I think very good reasons, this one document; and I suppose everybody finds one exception to the rules that he may lay down for his guidance. But my exception is because the work had been done before the system of free transportation was abolished. The great part of the work was done in the field. It is one of the few valuable works that we do publish. And the great amount of the expense having been incurred, and this being, as the Senator from Pennsylvania says, cleaning up the thing, I think we had better end what we began and initiate no new thing.

I would, however, prefer that this resolution should lie on the table until we can devise some scheme, and mine would be that we should print and publish to the world just what the cost of each document is and what the postage will be upon it, and have them for all who choose to apply and pay for them, because there are some things that ought to be circulated, and I would let those who want them pay both for the book and for the transportation. Why may not this resolution lie for a short time until some such thing can be effected? Will that be objectionable to my friend from Rhode Island?

Mr. ANTHONY. It will not be objectionable to me. But I was going to say, as I almost always do when the Senator from Maine makes a speech, that he has hit the nail precisely on the head, and said all that could be said in the fewest possible words; but I think he rather departed from his usual felicity of expression when he desired, after having brought this matter completely to the point where it ought to stand, to let the resolution lie on the table. I think this work having been prepared and having been so far published under the old system when we had free transportation, and the cost now being only $600 and the edition very small, we had better wipe this out, clean the thing up, and begin anew on the new publications.

Mr. HAMLIN. I concur with the Senator, and if driven to my vote I shall vote with him; but still I would prefer, and I am quite sure there are other Senators who would strengthen us in our votes if the resolution could lie until the thing can be settled as to how the work shall be distributed. That is the only point.

Mr. ANTHONY. I will agree to that.

Mr. HAMLIN. Let the resolution lie on the table informally.

The PRESIDENT *pro tempore*. If there be no objection that order will be made. The Chair hears no objection.

REPORTS OF COMMITTEES.

Mr. PRATT, from the Committee on Pensions, to whom was referred the petition of Mary Jane Loonie, widow of James A. Loonie, late of the Eighty-eighth New York Volunteers, praying for a modification of the pension law so as to allow her to contract and pay such fees as she thinks best, asked to be discharged from its further consideration; which was agreed to.

Mr. PRATT. I am also instructed by the same committee, to whom was referred the bill (H. R. No. 1145) granting a pension to Martin Laffin, to report it favorably. There is a House report accompanying it, and I do not ask that it be printed.

Mr. MERRIMON, from the Committee on Post-Offices and Post-Roads, to whom was referred the petition of J. B. Chandler, praying compensation for the transportation of the United States mails between certain points in Mississippi in 1866, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

Mr. INGALLS, from the Committee on Pensions, to whom was referred the petition of John Bte. Hortiz, praying that he be allowed a pension for services in the war of 1812, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. No. 2216) granting a pension to Cornelia A. Washburn, reported it without amendment.

Mr. WADLEIGH, from the Committee on Patents, to whom was referred the bill (S. No. 119) for the better security of property in patterns for metal castings, reported adversely thereon.

Mr. FERRY, of Connecticut. Let that bill go on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

BILLS INTRODUCED.

Mr. OGLESBY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 754) to promote commerce among the States and to cheapen transportation of persons and property between the Atlantic sea-board and the Western States and Territories; which was read twice by its title, referred to the Committee on Railroads, and ordered to be printed.

Mr. GORDON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 755) to relieve James Jackson, of Georgia, of political disabilities; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. ALCORN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 756) to revive, amend, and extend so much of the act of August 11, 1856, as relates to the railroad from Brandon, in the State of Mississippi, to the Gulf of Mexico, and for other purposes; which was read twice by its title, and referred to the Committee on Public Lands.

BILL RECOMMITTED.

Mr. THURMAN. I move to recommit Senate bill No. 542, for the relief of Butler, Miller & Co., to the Committee on Claims, in order that the memorialists may lay further testimony before that committee. I suppose there will be no objection.

The motion was agreed to.

PRINTING OF A BILL.

On motion of Mr. INGALLS, it was

Ordered, That the bill (S. No. 559) to enable the Central Branch of the Union Pacific Railroad Company to submit its claims against the United States under existing laws to the decision of the Supreme Court be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON,

its Clerk, announced that the House had passed the following bills; in which the concurrence of the Senate was requested:

A bill (H. R. No. 2064) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes; and

A bill (H. R. No. 3139) for the relief of the owners of the steam ferry-boat A. Burton.

The message also announced that the House had concurred in the amendment of the Senate to the bill (H. R. No. 3093) to relieve David A. Telfair from political disability.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 1573) authorizing the Citizens' National Bank of Hagerstown, Maryland, to change its location;

A bill (H. R. No. 1935) for the relief of William J. Scott, late aide-de-camp on the staff of General Spear; and

A bill (H. R. No. 2868) to render available an unexpended balance of appropriation for collection and payment of bounty, &c., for colored soldiers and sailors.

G. A. GOODALE.

Mr. MITCHELL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Attorney-General be requested to furnish the Senate with a copy of the correspondence in the cases of James Barclay against Lieutenant G. A. Goodale, United States Army, late in command of Fort Klamath, Oregon, for false imprisonment, and the action of T. M. Rouse against same, and how much has been paid and what is still unpaid of the expenses of Lieutenant Goodale.

SUPPLEMENTARY CIVIL-RIGHTS BILL.

The PRESIDENT *pro tempore*. The morning hour having expired the Senate resumes the consideration of the unfinished business of yesterday, which is the bill (S. No. 1) supplementary to an act entitled "An act to protect all citizens of the United States in their civil rights, and to furnish the means for their vindication," passed April 9, 1866, the pending question being on the amendment of the Senator from Ohio [Mr. THURMAN] to the amendment made as in Committee of the Whole, to strike out the second section.

Mr. ALCORN. While that amendment is pending and before the vote is taken, is an amendment to the first section in order?

The PRESIDENT *pro tempore*. The amendment moved by the Senator from Ohio is an amendment to an amendment and must be first disposed of, after which it will be in order to offer a further amendment.

Mr. THURMAN. Perhaps if the Senator will indicate his amendment, I may be willing to withdraw mine to let him offer his.

Mr. ALCORN. I have no objection to indicating my amendment. It is for the purpose of making the bill precisely what it purports to be; it is for the purpose of vindicating the principle that this bill attempts to set out.

Mr. THURMAN. Please state just what it is.

Mr. ALCORN. It is to amend section 1, line 9, after the word "taxation," by inserting "or in whole or in part by endowment of lands or money heretofore made or which may hereafter be made by the United States Government or a State government." The bill reads now in the first section, commencing at line 7, page 4: "And also of common schools and public institutions of learning or benevolence supported in whole or in part by general taxation." I propose there to insert "or in whole or in part by endowment of lands or money heretofore made or which may hereafter be made by the United States Government or a State government."

Mr. THURMAN. I decline to withdraw my amendment for that.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Ohio to the amendment made as in Committee of the Whole.

Mr. ALCORN. I will offer my proposition at the proper time.

Mr. NORWOOD addressed the Senate. Having spoken for over two hours, he said:

Mr. President, I feel unable to go on further to-day, and I ask the indulgence of the Senate to allow me to finish my remarks, the residue being a constitutional argument on the questions involved, to-morrow if I am able to do so.

Mr. HAMILTON, of Maryland. I move that we lay aside this bill for the present and take up the Calendar.

[Mr. NORWOOD's speech in full will be found in the Appendix.]

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Maryland.

Mr. FRELINGHUYSEN. Let it be passed over informally, but not postponed.

The PRESIDENT *pro tempore*. The Senator from New Jersey proposes that the pending bill be laid aside informally to proceed with the Calendar. Is there objection? The Chair hears none, and the Secretary will report the first bill on the Calendar.

GREENWOOD LEFLORE.

Mr. ALCORN. I beg the indulgence of the Senate while I move a reconsideration of a vote, as the time may elapse without my having the opportunity. It is upon the vote of the Senate concurring in the report of the Committee on Claims made in the case of John D. Leflore and James C. Harris, executors of the last will and testament of Greenwood Leflore, deceased. I was not present when the vote was taken, and I move to reconsider so that I may be heard upon the report of the committee.

The PRESIDENT *pro tempore*. The Chair is informed the bill was put on the Calendar with the adverse report. It was not postponed indefinitely.

Mr. ALCORN. Very well.

HOUSE BILLS REFERRED.

The bill (H. R. No. 3139) for the relief of the owners of the steam ferry-boat A. Burton was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. No. 2064) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

SIOUX INDIAN TREATY.

The bill (S. No. 457) to abrogate and declare void a certain portion of the treaty with the Sioux Indians, concluded April 29, 1868, was considered as in Committee of the Whole.

The preamble recites that by the sixteenth article of a treaty between the United States and different tribes of Sioux Indians, concluded April 29, 1868, ratified February 16, 1869, and proclaimed February 24, 1869, it is stipulated that the country north of the North Platte River and east of the summits of the Big Horn Mountains shall be held and considered to be unceded Indian territory, and that no white person or persons shall be permitted to settle upon or occupy any portion of the same, or without the consent of the Indians first had and obtained to pass through the same; that certain questions have arisen affecting the right of citizens of the State of Nebraska to settle upon, reside in, or travel over a certain portion of that State, those questions being based upon a possible construction of the sixteenth article; that this construction is repudiated by the commissioners on the part of the United States who framed the treaty, as being contrary to its meaning and intent, and would be a violation of the rights of a sovereign State; and that it is desirable for the preservation of peace, and for the common good of both white men and Indians, that all uncertainty and doubt as to the proper construction of this article should be forever removed.

The bill therefore declares that so much of the true intent and meaning of the treaty as might, by any such construction, allow the Sioux Indians to reside in or roam and hunt over any portion of the State of Nebraska, or as might exclude white men from traveling over or settling upon any portion of that State, be abrogated and void.

The bill was reported from the Committee on the Judiciary with amendments.

The first amendment of the committee was to strike out in line 3 the words "so much of" and insert "the true intent and meaning of;" so as to read:

That the true intent and meaning of said treaty of April 29, 1868.

The amendment was agreed to.

The next amendment was after the words "1868," in line 4, to strike out the words:

As might, by any such construction, allow said Sioux Indians to reside in or roam and hunt over any portion of the State of Nebraska, or as might exclude white men from traveling over or settling upon any portion of said State, is hereby declared abrogated and void.

And to insert in lieu thereof:

Is declared to be that white men are not excluded thereby from traveling over or settling upon any portion of said State of Nebraska, anything in said treaty to the contrary notwithstanding.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. SARGENT. I do not wish to oppose the passage of this bill. I would like, however, to call the attention of my friend, the Senator from Maine, [Mr. HAMLIN,] to this bill, and to ask him if he will please remember some remarks which he made not long ago when my colleague presented a petition of a very large number of people of the State of California praying for a modification of certain features of the treaty with the Empire of China by which the Pacific coast might be relieved from the influx of a class which they have found by experience to be undesirable residents in that portion of the country. If I remember correctly, the Senator objected to any action being taken on the adoption of the resolution at that time offered by my colleague, even I believe to the reference, on the ground that the Congress of the United States had no power to interfere with a treaty existing with another power. Here is a treaty with the Sioux Indians. If it is a treaty it is a treaty as much as the one with China. This treaty was ratified by the Senate; it was negotiated by the Executive; it has all the forms of a treaty.

I contended the other day in reply to the Senator from Indiana who is not now in his seat [Mr. MORTON] that it is a solecism to call these agreements treaties, and perhaps that might be the reply the Senator from Maine would make to my observations now. I think there is some aptness in such a reply if it is made, but I at any rate call his attention to the difficulty we are now encountering, a difficulty which is not helped out by past legislation or by former decis-

ions of the United States Supreme Court, because they have proceeded upon an entirely different theory, and that is that we were treating with independent powers; that these treaties had all the constituents, all the requisites of treaties with foreign powers; that so far as they affected the title of property or privileges granted to the United States or granted by the United States they stood upon the same basis as foreign treaties. I myself think, however, that that was a doctrine which grew out of the exigencies of the early days of the Republic, and that this doctrine was announced improvidently by the Supreme Court.

Mr. CONKLING. Shall I understand the Senator to say that the Supreme Court has held that Indian treaties cannot be modified by act of Congress?

Mr. SARGENT. I have not said that. I have not said that the Supreme Court have decided that any treaty may not be modified by Congress. I believe there is power on the part of Congress to direct the Executive to disregard a treaty, of course the Government taking the responsibility.

Mr. CONKLING. That is quite another question. I simply rise to call the Senator's attention to the fact that speaking of Indian treaties the Supreme Court has decided that they were within the power of Congress as to their modification, even though that power was carried to the extent of annulling them absolutely.

Mr. SARGENT. I have no doubt of that power. I have no doubt that that is consistent with the decisions of the Supreme Court. I have no doubt of that power so far as relates to treaties with foreign powers; and I should like to ask the Senator from New York if he thinks the Supreme Court of the United States has put it upon the ground that there is any difference in their validity or requisites between these treaties and treaties made with foreign powers?

Mr. CONKLING. I think the Supreme Court has always, but especially in the case of Boudinot—which was the case of an Indian treaty—held that Congress had power, as illustrated in that instance under the revenue laws, to make provisions which should apply to the Indian tribe in question, a treaty to the contrary notwithstanding. What the Supreme Court might hold as to the power of Congress alone or of all the branches of this Government alone to change or annul a treaty made with a foreign power, is a question differing certainly from this.

Mr. SARGENT. I think the Senator will find by reference to all the decisions of the Supreme Court on the point, that they started on, and have adhered constantly to, the idea that Indian treaties were treaties not only in name but in all the essential requisites of a treaty, that they are the same in every particular as treaties with foreign powers. I know, as the Senator says, in the case of Boudinot they decided that there was power on the part of Congress to annul or modify an Indian treaty. I have no doubt that their reasoning would lead them also to hold that Congress possesses power over the whole subject. I therefore say that I think my colleague the other day was perfectly right when in introducing his petition and resolutions he asked that they be referred to the Committee on Foreign Relations in order that Congress (which includes the Executive in the passage of laws) might determine what action could be taken to relieve the Pacific States from a growing nuisance.

The bill was ordered to be engrossed for a third reading, and read the third time.

The PRESIDENT *pro tempore*. The question is on the passage of the bill.

Mr. BOUTWELL. I am more concerned to know whether the proposition contained in this bill is a just one. I should like to hear from the Senator from Iowa who reported it what is to be the effect of it.

Mr. WRIGHT. I can state in a very few words; but I see that the Senator from Nebraska is on the floor and I will give way to him, as he understands the circumstances.

Mr. HITCHCOCK. The object of this bill is not to change a valid and binding treaty on either side, but simply to correct a verbal inaccuracy which allows a construction of the treaty which was not intended either by the Indians on their part or by the commissioners on the part of the United States—a possible construction that will compel the removal from nearly half of Nebraska of all the white settlers there and the exclusion of white settlers from that portion of the State. There is a letter from General Sherman and from Governor Sandford, who were the commissioners who negotiated the treaty, and also a letter from the Commissioner of Indian Affairs at the desk, with the bill, which will explain the whole thing, and they can be read if Senators desire to hear them.

Mr. HAMLIN. I should like to ask the Senator one question, whether the tribe are aware of this modification and agree to it?

Mr. HITCHCOCK. The tribe are aware of this, and they have never placed any such construction on the treaty themselves; but certain men there, for the purpose of making trouble with the Indians, have raised the question; and in order to settle that question once for all, this bill was introduced and has been acted on by the Judiciary Committee and reported with amendments.

Mr. HAMLIN. This bill as amended puts in the treaty the construction to which they agree?

Mr. HITCHCOCK. Yes, sir.

Mr. WRIGHT. I think there is no question about this. It was examined by our committee very carefully. I understand there is no such pretense on the part of the Indians, but only on the part of some persons who are disposed to make trouble there. This is a mere explanation of an existing treaty.

The bill was passed.

Mr. WRIGHT. I suggest that the title of the bill be amended. As it is now, the title is "to abrogate and declare void a certain portion of the treaty with the Sioux Indians, concluded April 29, 1868." Let it be "to declare the true intent and meaning of a certain portion of the treaty with the Sioux Indians, concluded April 29, 1868."

The title was so amended.

WILLIAM J. PATTON.

The PRESIDENT *pro tempore*. The next bill on the Calendar will be reported.

Mr. CLAYTON. I was out when the Calendar was resumed. Was the bill (S. No. 459) for the relief of William J. Patton passed over? I understood it was the unfinished business from yesterday morning.

The PRESIDENT *pro tempore*. It was laid aside yesterday morning, passed on the Calendar.

Mr. CLAYTON. I did not understand it so. I should like to ask the Senator from Iowa whether he understood that the bill for the relief of William J. Patton was passed over yesterday?

Mr. WRIGHT. My recollection is that the report was being read and was concluded just as the morning hour closed, when the Senator from New Jersey rose and called up the civil-rights bill, and it was left in that condition.

The PRESIDENT *pro tempore*. The Chair thinks the Senator from Vermont [Mr. EDMUNDS] objected to that bill. He objected peremptorily, and refused to withdraw his objection after the report had been read, and so the bill was passed over.

Mr. CLAYTON. He withdrew his objection to hear the report read.

The PRESIDENT *pro tempore*. The Chair asked the Senator if he withdrew his objection. The Senator replied that he was willing to hear the report read. The Chair thereupon asked if there was objection to the reading of the report; there was none; and he ordered it to be read, after which the Senator from Vermont declined to withdraw his objection, and the bill was laid aside. The next bill on the Calendar will be read.

JAMES W. GLOVER.

The next bill on the Calendar was the bill (H. R. No. 259) for the relief of James W. Glover, postmaster at Oxford, in the State of New York; which was considered as in Committee of the Whole. It is a direction to the Auditor of the Treasury for the Post-Office Department to credit James W. Glover, postmaster at Oxford, New York, in his account as such postmaster, with the sum of $498.39, being the value of postage-stamps stolen from the safe of the post-office by burglars on the night of the 16th of April, 1873, without the fault or negligence of Glover.

Mr. ANTHONY. Is there a report in that case? If there is, I think it had better be read. These cases are becoming very frequent indeed.

The Chief Clerk read the following report, submitted by Mr. FERRY, of Michigan, on the 17th of March:

The Committee on Post-Offices and Post-Roads, to whom was referred bill H. R. 259, having had the same under consideration, report as follows:

It appears from accompanying affidavits of James W. Glover, postmaster, Whitman R. Mowry, assistant postmaster, and Elihu Cooley, an old resident of Oxford, New York, that on the night of April 16, 1873, the post-office at Oxford was broken open by burglars, and that the iron safe in said office had been forced open by means of powder, bar, drills, wedges, and other burglar tools, and that all the money, postage-stamps, and other valuables therein had been carried away. And it further appears from the affidavits of said Glover and Mowry that it had been their custom to keep all the money, postage-stamps, and other valuables belonging to said office locked up in said safe during both day and night, except a small amount which, for convenience, was kept in drawers during the day. And it further appears that on the night of the 16th day of April, 1873, all the money and postage-stamps belonging to said office had been placed in said safe and locked up, except perhaps the amount of less than fifty cents, which might have been left in the drawers. It further appears from the affidavit of said Glover, that the amount of postage-stamps placed in said safe and locked up on the night of the 16th of April, 1873, was about $498.39, and money belonging to said post-office to the amount of $30.05; all of which, together with money and valuables belonging to said Glover, Mowry, and others, was stolen and carried away, and no part thereof has been recovered.

And it further appears from a copy of a letter addressed to the Postmaster-General, on June 16, 1873, by E. H. Prindle, late Member of Congress, and a petition, also addressed to the Postmaster-General, on June 20, 1873, and signed by fifteen of the leading citizens of Oxford, that the robbery was in nowise the result of negligence on the part of the said Glover or his subordinates.

It also appears from copies of letters inclosed in a letter of the Third Assistant Postmaster-General of February 10, 1874, that said Glover wrote to the Department, notifying them of the robbery, on the 17th of April, 1873. The Third Assistant Postmaster-General, in the same letter, estimates the probable amount of stamps in the Oxford post-office April 16, 1873, at $527.25, which differs but slightly from the amount claimed by said Glover, who estimates, from his accounts, postage-stamps on hand, $498.39; cash belonging to office, $30.05; total, $528.44.

In view of the facts as submitted, your committee recommend the passage of the bill for relief for the amount of stamps so stolen.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN COOLEY AND JAMES W. BOSWELL.

The next bill on the Calendar was the bill (S. No. 595) for the relief of Benjamin Cooley and James W. Boswell; which was read a second time, and considered as in Committee of the Whole. The Postmaster-General is empowered by the bill to examine, adjust, and settle

the claims of Benjamin Cooley and James W. Boswell for carrying the mails from Washington, District of Columbia, to Poolesville, Maryland, being routes numbered 3293 and 3304, from July 1, 1860, to June 30, 1864, and to award them such compensation for carrying the increased bulk of mail matter as he may deem just and proper, not exceeding the sum of $1,200 to either of the contractors.

Mr. HOWE. Is there a report accompanying that bill? If there is, I wish to hear it.

The Secretary read the following report, submitted by Mr. FERRY, of Michigan, on the 17th of March:

The Committee on Post-Offices and Post-Roads, to whom was referred the petition of Benjamin Cooley and James W. Boswell, respectfully submit the following report:

It appears that Benjamin Cooley was the contractor to carry the mails of the United States on post-route No. 3293, from Washington City, District of Columbia, to Rockville, Maryland, a distance of sixteen miles, from July 1, 1860, to June 30, 1864.

Also, that James W. Boswell was the contractor for carrying the mails of the United States during the same time on post-route No. 3304, from Rockville to Poolesville, in said State, also a distance of sixteen miles, so that the two routes Nos. 3293 and 3304 make a continuous line of thirty-two miles from Washington to Poolesville.

A communication from the Hon. George W. McLellan, Second Assistant Postmaster-General, shows that the contract on route 3293 was for six trips per week at $300 per annum, and on route 3304 three trips per week for the same compensation. At the time the contract was made the mail was very light, averaging from thirty to fifty pounds per trip, and judging from the previous amount of mail matter going over said routes there was no reason to anticipate any large increase in the mail; but about the 1st of July, 1861, a large force of United States troops was quartered around Poolesville and the mail matter increased to some eight or nine hundred pounds per trip, requiring the contractors to use a two-horse wagon for a large portion of the time, instead of carrying the mail on horseback, as it had theretofore been done. By the terms of the contract they were required to carry all the mail matter on the routes, and no mode of conveyance was specified. This sudden increase could not have been anticipated nor considered when the contracts were made.

The evidence shows that, notwithstanding the fact that both these contractors sustained heavy losses by carrying the mails, they both faithfully fulfilled their obligations to the expiration of their contract terms.

One of the contractors petitioned the Postmaster-General, in February, 1862, for additional pay, on account of this unexpected increase of mail matter, which could not be granted, as the law prohibits the allowance of additional compensation to contractors, except when additional trips or extension of routes had, subsequently to date of contract, been ordered, and in such cases only *pro rata* pay could be allowed.

Your committee, in view of the circumstances and service rendered, report in favor of the prayer of the petitioners and submit a bill therefor, the passage of which they recommend.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

H. W. READ.

The bill (S. No. 596) for the relief of H. W. Read was read a second time, and considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to H. W. Read $1,000, in full discharge for all services rendered to the United States in the transportation and the superintendence of the same of any money from Saint Louis, Missouri, to Santa Fé, in New Mexico, during the year 1863.

Mr. FENTON. I ask for the reading of the report, if there is one, in that case.

The Chief Clerk read the following report, submitted by Mr. MERRIMON on the 17th of March:

The Committee on Claims, to whom were referred the petition and accompanying papers of H. W. Read, praying compensation for superintending the transportation of money belonging to the United States from Saint Louis to Santa Fé, have had the same under consideration, and make the following report:

It appears that petitioner was charged by the Treasurer of the United States with the custody of $200,000 currency at Saint Louis, Missouri, some time during the year 1863, and directed to superintend the transportation of the same to the United States depository at Santa Fé, in New Mexico; it appears that such service was faithfully performed; that it was attended with some danger, and required extraordinary vigilance and care. It further appears that the petitioner has not been paid for such service; that he had been a clerk in the Treasury Department before he undertook the same; that he resigned such clerkship with a view to go to the West as postmaster at Tucson; that he applied to the Treasury Department for compensation, and was advised that he must apply to Congress for relief.

Upon consideration the committee are of opinion that some compensation should be allowed to the petitioner, and fix the same at the sum of $1,000; and they report the accompanying bill, and recommend that the same be passed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM A. GRIFFIN.

The bill (S. No. 597) for the relief of William A. Griffin was read a second time, and considered as in Committee of the Whole. It provides for the payment to William A. Griffin, late superintendent of the national cemetery at Andersonville, Georgia, of $2,325, in full discharge for all claims and demands whatsoever for labor done and damages sustained by him in and about that cemetery.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM HAFFORDS.

The bill (H. R. No. 497) granting a pension to William Haffords, of South Yarmouth, Massachusetts, was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William Haffords, of South Yarmouth, Massachusetts.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JANE LA FONT.

The bill (H. R. No. 816) granting a pension to Jane La Font, was considered as in Committee of the Whole. It is a direction to the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Jane La Font, dependent mother of Louis La Font, late a private of Company C, Second Regiment of Wisconsin Volunteer Infantry, but detailed to Battery D, First Rhode Island Light Artillery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC M. GRANT.

The next bill on the Calendar was the bill (H. R. No. 1951) granting a pension to Isaac M. Grant; which was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Isaac M. Grant, late of Company K, Thirty-eighth Regiment Ohio Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROTECTION OF NAVIGABLE WATERS.

The next bill on the Calendar was the bill (S. No. 528) to protect the navigable waters of the United States from injury and obstruction.

The bill was read.

Mr. FENTON. I want to look at that bill, and, if there is no objection from any quarter, I ask that it be passed over informally.

The PRESIDENT *pro tempore*. The bill will be laid aside.

Mr. CHANDLER. I will state to the Senator from New York that this bill is merely to prevent the filling up of harbors by throwing over ballast and coal-ashes from steamers and ships. It was unanimously reported from the Committee on Commerce.

Mr. FENTON. I entirely concur with the object to be attained by the bill, but the manner of doing it is what I want to examine, and particularly the mode of compensation to customs officers and informers here provided for.

The PRESIDENT *pro tempore*. The bill will be laid aside.

VESSELS' PASSENGER-LISTS.

The next bill on the Calendar was the bill (H. R. No. 1364) to amend the act entitled "An act to regulate the carriage of passengers in steamships and other vessels," approved March 3, 1855; which was considered as in Committee of the Whole. It repeals the thirteenth section of the act entitled "An act to regulate the carriage of passengers in steamships and other vessels," approved March 3, 1855, and requires hereafter each and every collector of customs to whom shall be delivered the manifests or lists of passengers prescribed by the twelfth section of that act to make returns from such manifests or lists of passengers to the Secretary of the Treasury of the United States, in such manner as shall be prescribed by that officer, under whose direction statements of the same shall be prepared and published.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

OLIVE S. BREED.

The next bill on the Calendar was the bill (H. R. No. 814) granting a pension to Olive S. Breed; which was considered as in Committee of the Whole. The Secretary of the Interior is, by the bill, directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Olive S. Breed, widow of J. Henry Breed, deceased, who was a private in Company K, Fourth Regiment Wisconsin Volunteer Infantry.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

THOMAS J. M'INTIRE.

The next bill on the Calendar was the bill (H. R. No. 1396) granting a pension to Thomas J. McIntire, of Rowan County, Kentucky; which was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Thomas J. McIntire, late a private of Lieutenant John P. Beach's company, (forty-fifth,) Second Battery of Veteran Reserve Corps.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

SUSAN R. MOORE.

The next bill on the Calendar was the bill (S. No. 503) for the relief of Susan R. Moore, the relative and legatee of Phœbe Schofield, a pensioner; which was considered as in Committee of the Whole. It extends the benefits of the act approved March 3, 1873, entitled "An act to amend an act granting a pension to Phœbe Schofield, widow of Lewis Schofield," to Susan R. Moore, the relative and legatee of Phœbe Schofield, who died previous to the passage of the act, so that Susan R. Moore shall be entitled to receive the pension which would have accrued to Phoebe Schofield had she been alive when the act passed; but the pension is only to be calculated to the day of the death of Phœbe Schofield.

Mr. PRATT. I move to amend the bill in its title and in the body by substituting "Sofield" instead of "Schofield."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ARMY PAY DEPARTMENT.

Mr. LOGAN. If there is no objection, I should like to call up the bill (S. No. 320) to increase the Pay Department of the Army, which was passed over the other day with the understanding that it should not lose its place on the Calendar.

The PRESIDENT *pro tempore*. The Senator from Illinois asks unanimous consent to proceed to the consideration of the bill indicated by him.

Mr. PRATT. I appeal to my friend from Illinois to postpone that motion for five minutes until we dispose of some pension cases which we have just reached. We shall get through with them in about five minutes.

Mr. LOGAN. I will agree to anything; but we have hardly had any bills from my committee acted on at this session.

The PRESIDENT *pro tempore*. The Senator from Illinois moves to proceed to the consideration of Senate bill No. 320, to increase the Pay Department of the Army. Is there objection to the present consideration of the bill?

Mr. CONKLING. Let it be read for information.

The Chief Clerk read the bill; which establishes the number of paymasters at fifty instead of sixty, as was designated in the eighteenth section of the act of July 28, 1866.

The bill was considered as in Committee of the Whole; the question being on the amendment reported by the Committee on Military Affairs, to strike out all after the enacting clause and insert the following:

That the number of paymasters is hereby established at fifty, instead of sixty, as was designated in the eighteenth section of the act of July 28, 1866; said paymasters to have the rank, pay, and emoluments of majors of cavalry.

SEC. 2. That so much of said eighteenth section as relates to the persons from whom said paymasters shall be selected be, and is hereby, repealed.

Mr. WEST. There was an amendment offered to that bill.

The PRESIDENT *pro tempore*. The amendment has been reported.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill fixing the number of paymasters in the Army of the United States."

Mr. WEST. I offered an amendment to that bill, and the bill has been passed under a misapprehension. I asked whether the amendment I offered was considered, and I was informed from the desk that it was.

The PRESIDENT *pro tempore*. If there be no objection, the vote by which the bill was passed will be reconsidered.

Mr. SPENCER. I object. The bill has passed.

Mr. LOGAN. The Senator from Louisiana offered his amendment to the Army appropriation bill when it was under discussion, and it was not adopted. The Senator, I think, is mistaken as to his having offered any amendment to this bill. He offered an amendment to the appropriation bill providing that paymasters might be detailed from the line, but it was voted down.

Mr. CONKLING. After hearing the Senator in front of me [Mr. SPENCER] object to reconsidering this vote, I want to try my hand at whatever the rules of the Senate may permit me to do to reinstate the bill so that the Senator from Louisiana may have the opportunity to offer his amendment. I think it will hardly do, when a bill has been passed without a division, one member of the Senate being under a misapprehension and having been misanswered from the desk of the Secretary as he was, although inadvertently of course, to say that we will not go back and reinstate the measure so that he can be heard. I move, therefore, to reconsider the vote by which this bill was passed.

Mr. LOGAN. There is no necessity for any attempt of this kind. There is no disposition on my part to have anything done that the Senate does not fully understand. If any Senators think there is anything that is not understood by the Senate, I am willing that the bill should be reconsidered to give an opportunity to have amendments offered. I only said that the Senator from Louisiana was mistaken as to his amendment. He offered it to an appropriation bill and not to this bill, which is the fact, and it was discussed and voted down. Now I am willing that the vote shall be reconsidered.

The PRESIDENT *pro tempore*. Is there objection to the reconsideration?

Mr. CONKLING. I wish to say that my friend from Illinois borrows, as he sometimes does, trouble by replying as he did to my remark. He made no objection to this reconsideration. The Senator from Alabama objected to it, and I referred to his objection, not to anything said by the Senator from Illinois. Therefore certainly it was not necessary for him to take offense at any observation that I made. I meant no offense to the other Senator, but it was to him and to him alone that I alluded, because he and he alone made the objection.

Mr. LOGAN. Now I am very much astonished. I certainly said nothing showing that I was offended, or that any person had attempted to offend me. I said nothing of the kind, nor did I intend anything of the kind, nor did I allude to anything that the Senator from New York had said. I alluded to the condition of the bill and the misapprehension of the Senator from Louisiana. I do not see why it is necessary always to speak about offense. Nobody has given me any offense. I merely made the remark I did that no one in the Chamber should be deceived, that the bill might be reconsidered by consent. I am willing it shall, and that the Senator shall have full and ample opportunity of offering any amendment that he desires.

Mr. SPENCER. I objected to the reconsideration of this vote because I believed that everybody in the Senate fully understood it. The President of the United States and the Secretary of War have repeatedly recommended in several communications that the Pay Department of the Army should number fifty paymasters. They say there is a necessity for that number. We having once voted upon the question, I saw no occasion for reopening it.

Mr. WEST. Will the Senator be good enough to quote the recommendation of the Secretary of War and read it to us?

Mr. SPENCER. The letters are with the bill, or the chairman of the committee has them in his drawer. I think they are with the bill.

Mr. CONKLING. May I inquire of my friend, does he tell the Senate that since the reduction of the Army, since the legislation on that subject, the Secretary of War has recommended that the number of paymasters be fixed at fifty; that he has recommended it officially in writing, or verbally, or in any other way that the Senator feels at liberty to refer to?

Mr. SPENCER. I think the dates of those letters are since the passage of the appropriation bill.

Mr. CONKLING. I think the Senator will find himself quite mistaken about that.

Mr. SPENCER. At all events I know that they desire that the number should be fixed at fifty. The question of whether Army officers should be detailed from one branch of the service to the Pay Department was discussed at length during the pendency of the Army appropriation bill, and that proposition was voted down by a vote of the Senate. That is a thing I should be very much opposed to under all circumstances.

Mr. WEST. Mr. President——

Mr. LOGAN. Let the vote be reconsidered if there is no objection, and then I will read the letter for the information of the Senate. I hope there will be no objection to the reconsideration.

Mr. SPENCER. I withdraw the objection I made.

The PRESIDENT *pro tempore*. The Senator from New York moves that the vote by which the bill was passed be reconsidered.

The motion was agreed to.

The PRESIDENT *pro tempore*. The vote ordering the engrossment and third reading of the bill will also be regarded as reconsidered. The question now is on ordering the bill to be engrossed for a third reading, in which stage the bill is open to amendment.

Mr. WEST. The Senator from Illinois has scarcely stated the facts correctly with reference to the amendment that I offered to this bill. Undoubtedly he was under a misapprehension; but I made the proposition on the Army appropriation bill, and when it was ob jected to by the Senator I withdrew it, and I at that time gave notice that I would offer it to this bill whenever it came up. When this bill came up and was about being put upon its passage I asked whether that amendment was being acted upon, and I was, of course inadvertently, answered that it was. But as the bill is now before the Senate, and it is alleged that the Secretary of War in his report recommends an increase of the Pay Department of the Army prior to the curtailment of the Army of which the Senate is well advised, I would ask the attention of the Senate to page 11 of the Secretary's report, in which he called attention to the fact that the Paymaster-General recommends it, but he does not back up the recommendation even by a suggestion of his own. He says nothing about it. So without some other authority than that, unless there is something subsequent in the hands of the chairman of the committee, there is nothing in the report of the Secretary of War that warrants us in taking any such action.

I have already spoken to the Senate on this subject, and every one is, I think, familiar with it. The question is whether there is any necessity to increase the staff of the Army when you have reduced the rank and file. I do not think there is.

Mr. LOGAN. So far as I am personally concerned it is a matter of very little importance to me whether this bill passes or not. I am merely performing a duty that I think is proper to be performed in this Chamber.

I do not desire to detain the Senate by discussing this bill, but I want to state one fact. I do not know why there is such a desire to persistently oppose the increase of the Army against the recommendations of men who ought to know. Suppose we consider this proposition for a moment. You say you have decreased the rank and file of the Army; that is, you stop recruiting private soldiers for the Army. I ask any man who understands anything about military affairs to tell me what effect that has upon the Pay Department? That does not reduce the number of companies in the Army; it does not change a post in the Army; it does not change a command in the Army; and the same necessity exists for paymasters to pay the different posts,

the different companies, the different regiments, the different batteries at the different forts, as did before you decreased the Army one man; it does not change the status one particle. If this necessity existed for paymasters prior to the reduction of the mere private soldiers of the Army it exists to-day, for that does not affect the Army at all so far as the Paymaster's Department is concerned.

Now I will send to the Secretary's desk a letter that I received, after the discussion in the Senate on this subject, from the Paymaster-General, sent to me through the Secretary of War with his letter.

The Chief Clerk read as follows:

PAYMASTER-GENERAL'S OFFICE, WAR DEPARTMENT,
Washington, D. C., March 24, 1874.

SIR: I send you the following communication, as promised by me verbally yesterday, and I will respectfully urge that it be forwarded to the chairman of the Military Committee of the Senate.

In the debates in the Senate on Friday, the 20th instant, (as also in a previous debate a month since,) it was alleged by several Senators that if the number of the rank and file of the Army is reduced five thousand no increase of the Pay Department is necessary. I wish respectfully to represent, through you, that the number of paymasters required would be precisely the same; for the number of remote posts could not be reduced, and thus the travel of the paymasters would remain the same. The geographical distribution determines the number needed, and not the number of troops.

I would therefore again earnestly urge the passage of a bill for such increase, for I have not now a number sufficient for the proper discharge of the duty. I have not a number sufficient for purposes of discipline. If a paymaster should be arrested, I do not know what could be done to supply his place. I hope next summer the War Department will be able to aid me in making certain changes to relieve officers who have been long at remote stations, and more officers are needed for that purpose.

I assented to the proposition to authorize the War Department to make details of officers as acting paymasters, but it would be only as a make-shift when, as now, the emergencies of the service should imperatively demand it. The measure I would most strenuously urge is that providing for the permanent basis of the Pay Department.

I would most respectfully request the honorable Secretary to represent to the Committee on Military Affairs in the Senate the necessity and urgency of legislation on this subject.

As the next session is a short one, it is especially desirable that legislation should be accomplished at this long session, when there is more opportunity for deliberation and action.

The President, in his various messages, December, 1871, 1872, and 1873, has urged the propriety of such legislation. In his last message he is justly emphatic and strenuous as to the needed increase of this department. If Congress should adjourn without such action the interests of the service would suffer.

Very respectfully, your obedient servant,

BENJ. ALVORD,
Paymaster-General United States Army.

The honorable the SECRETARY OF WAR.

Mr. LOGAN. I wish to state to the Senate that this bill was draughted after a consultation with the Secretary of War. I went myself to see the Secretary of War. I had no communication from him on the subject except his letter merely transmitting this letter. The Paymaster-General recommends more paymasters than are authorized by this bill. I thought that probably his recommendation was a little larger than was necessary. I went to the Secretary of War and asked him whether he thought the recommendation of the Paymaster-General should be agreed to by the committee and a bill reported accordingly. I suggested to him that probably we could get along with a less number of paymasters, and the Secretary told me that he thought the Pay Department could get along with fifty. I then made the bill just in accordance with that conversation. The Paymaster-General has urged me frequently to increase the number beyond fifty. The bill as it now stands was reported by the committee after consultation with these men and after ascertaining the facts as to the necessities of the service.

As I stated before, the letter read shows the fact that the reduction of the private soldiers does not change the work of the paymasters. The organization remains precisely the same; the posts are just the same; they are not changed; their locality is not changed; the travel is the same. There are two or three disabled paymasters now, one of them in this city, not able to do anything. With the disabled paymasters that are in the service, the Paymaster-General has not, in my judgment, sufficient force to-day to transact the business necessary for his department.

I am as far from urging an unnecessary increase of the Army as any man. I think I have shown that on former occasions. I have never desired it and do not desire it now, nor would I vote to increase any arm of the service unless I thought it was absolutely necessary. But if this is not necessary in connection with the Pay Department of the Army, then there is nothing necessary in connection with the Army.

Mr. WEST. There is no doubt, as the Senator from Illinois has stated, that the reduction of the Army down to twenty-five thousand men in no way lessens the labor of the Pay Department; that is, those troops are scattered about the country, and perhaps we have at some posts forty men where we had fifty before, and consequently we have to send just as many paymasters to those posts as if we had not reduced the Army. But what I contend for is that, having so reduced the Army, we have the services of officers of the line available, and we can assign them to that duty and save this money. I say we can take those officers who are released by the reduction of the Army, and, under a provision of law, we can assign them to duty and make them paymasters for the time being.

Now, what is the situation that the Senate will occupy if it agrees to this proposition? Reduce your men and increase your officers. I say, take any surplus officers who are released and put them on this duty.

As to the recommendation of the War Department I ask the Senate's attention particularly. Under date of March 24, since the Senate agreed to this reduction, the Paymaster-General still harps upon the necessity of this increase in his Department. He writes a letter and urges that the Secretary of War shall urge upon the committee the necessity of it. Now, if the Senator from Illinois would read the letter transmitting this, the Senate would see that there is not one word of indorsement from the Secretary of War of this project. It comes from the Paymaster-General. That is all. He wants his force increased. Give him subaltern officers; take lieutenants, take captains; he can avail himself of them.

There is one other proposition (and that is what I specially object to) in this matter. I do not want to take civilians, picked out of the city of Washington and elsewhere, and make full-fledged majors out of them at a minute's notice by a stroke of the pen. Take your majors of the Army; how did they win their spurs? By twenty-odd years of service. Certainly no more onerous duties are imposed on these paymasters than these men discharged who were in service twenty years before you could make majors out of them. How did your quartermasters get to be majors? By service as lieutenants, by service as captains, by long and arduous duty. Here you propose to take men with no more duty than to handle cash—though, to be sure, there is a certain amount of responsibility—and make majors out of them. That is my objection to this bill; and when the Paymaster-General admits that there is a make-shift, that he can get along with additional men that can be given to him under the amendment I offered, I think it is the duty of the Senate to adopt that course. I do not think we ought to be putting more officers into the field when we have taken the men out of it.

Mr. CLAYTON. I should like to ask the Senator from Louisiana whether or not paymasters of the Army are bonded officers.

Mr. WEST. Certainly, they are.

Mr. CLAYTON. If paymasters are bonded officers, would officers of the line transferred to that duty be responsible?

Mr. WEST. If the Senator had considered, as I thought it was considered, the amendment which I will now read, he would not have asked that question:

Provided, That so much of the act of July 7, 1838, as prevents the detail of officers of the Army as acting paymasters be, and the same is hereby, repealed; and hereafter the Secretary of War shall have authority to make such details and to prescribe the bonds which he may consider necessary to be given by the officers so detailed.

The PRESIDENT *pro tempore*. The Chair does not understand whether or not the Senator from Louisiana moves an amendment to this bill.

Mr. WEST. I shall presently, when I get an opportunity.

Mr. CLAYTON. I doubt very much whether an officer of the line can be assigned to the duty of paymaster, and made to give a bond. That is altogether a different arrangement from the line of his duty. These paymasters, when they enter the service, know that they are required to give a bond for the performance of their duty. They enter the service with that knowledge. The officers of the line understand no such thing.

Mr. WEST. Allow me to appeal to my friend, because he and I have some little knowledge of military service. Does he not believe many officers of the line would be glad to do this additional staff duty about the country?

Mr. CLAYTON. I do not know anything about that.

Mr. WEST. I do. I have known them.

Mr. CLAYTON. I do believe that an officer in the service as a line officer, understanding that it was not his business to assume responsibility for money, cannot be assigned to that duty and made to give a bond; while upon the other hand I believe it is the dictate of economy that we should have men assigned to this duty who are to be responsible for handling the public funds. I think it would be a measure of very poor economy indeed to take officers from the line, without any responsibility, to perform this service.

Mr. WEST. In reply to what the Senator from Arkansas says, I will tell him that there are over three hundred officers of the line now on duty on the staff, and they would be very glad to get the opportunity to perform this service.

Mr. CLAYTON. Are they bonded officers?

Mr. WEST. No; but they are held under responsibility and liability.

Mr. CLAYTON. What responsibility?

Mr. WEST. The responsibility of their commissions.

Mr. CLAYTON. But does that make money good in case the Government is defrauded and its money squandered?

Mr. WEST. This will. I offer an amendment, to come in at the end of the first section:

Provided, That so much of the act of July 7, 1838, as forbids the detail of officers of the Army as acting paymasters be, and the same is hereby, repealed; and hereafter the Secretary of War shall have authority to make such details and prescribe the bonds which he may consider necessary to be given by the officers so detailed.

Mr. LOGAN. I am free to admit that we are a little unfortunate sometimes in our judgment about matters. The Military Committee have thought at times that after consulting with the proper officers in connection with their duties, they could arrive at correct conclu-

sions and obtain proper information; but possibly they may not be able to do that. Now the Senator from Louisiana knows very well—he has been an officer in the Army himself—the inconvenience of having men of certain lower rank to others where the rank ought to be equal in the Army. Now, what is the effect of the amendment that the Senator proposes? It is to detail a few lieutenants perhaps, or captains, from the line of the Army, where they ought to be learning some other duty than merely to count money. The duty of a paymaster is merely clerical; it is merely a duty that requires him to understand how to keep accounts and how to pay out money; that is all there is to it. A line officer's duty is very dissimilar. Line officers should attend to their companies, or their regiments, or their battalions, or their batteries, and they are constantly improving in their duties and learning them better every day. When you transfer a man from the line to a service that requires no duty which ought to be incumbent upon an officer at all, you detract from him as an officer of the Army.

The truth is that the Paymaster's Department ought to be called the Paymaster's Department, and there ought to be no rank in it, for it is a mere clerical duty, and some of the best armies in the world have had the pay department without this rank. But where you give the rank, as it has been given in this country, where the Pay Department has a certain rank, the officers ought to be specially assigned to that duty and no other, and they ought to be responsible men and men who should give bond, and after they have done that once they ought to be retained in that duty and not transferred to any other.

What would be the result if the amendment of the Senator from Louisiana were adopted? We find every few days here some one comes in for a bill to be passed by Congress to authorize him to receive certain pay, and why? Because he performed the duty of some higher officer. But a few days ago you had up a case that has been for years before the Senate, of a man who performed the duty of Secretary of State when in fact he was not Secretary of State, asking you to appropriate money to pay him for the rank of that office. The result of this will be in future the same thing. If you detail a few captains to perform the duties of majors in the Army; if you require them by law to do it, in a few years hence they will come and say that you required them to perform the duty of a higher rank that did not belong to them and that they are entitled to higher pay for that duty, and Congress will pass the bill.

You have a law, a most ridiculous one, on the statute-book—no, I will not say ridiculous, because it was passed by the Senate and that might be offensive—but during the war a section was incorporated into an Army bill here providing that officers of the Army might be retired with the rank of their command. That was a new feature to men who understand anything about the Army—a rank of command, a thing that does not exist at all; and we have on the roll to-day men retired as major-generals and drawing major-generals' pay who never had that commission. Why? On the very principle that is in this amendment; that is, that they performed the duty of a higher rank than they held; and Congress paid them accordingly. That is the kind of legislation we have in reference to the Army; and yet if our committee examine these questions a criticism is always ready in reference to some bill that tries to keep the Army regulated by a principle that ought to go to every organization of the Government.

Now you have the whole list—I could cite names but I will not—one man retired as a brigadier-general who never held a higher commission than that of captain in the Army. Upon what principle? Upon the very principle of this amendment, that you detail inferior officers to perform the duty of superior officers; and then afterward they will come and ask you to pay them accordingly. That is all there is in it. It looks like economy at present, but in the future it is not economy. We find this thing in the Army all the time. We are lobbied here in reference to things of this kind, and asked constantly to give higher rank to men that they may have higher pay; and that is constantly being done without any reason in the world. The way to make your Army effective and the way to make your Army respect the Government and your people respect the Army is to prescribe rules and hold it strictly to them, organize it into departments and require the officers of each department to perform the functions of their offices and no other. Let your Ordnance Corps perform the duties relating to ordnance, your Quartermaster's Corps do that duty, your Commissary Corps do that duty, and your Adjutant-General's Corps keep the records of the Army and keep the rolls correct. So with your generals; let them be confined to their duty, and they will make better officers; and so with your colonels, your captains, and everybody else.

The idea of taking a paymaster out of the Paymaster's Department and asking him to command a regiment would be considered by intelligent men as one of the most absurd things ever done in the world, for he knows nothing about that, he learns nothing about military duty in the field, nothing but the mere clerical duties he performs on his responsibility, in obedience to the laws of the country, by counting the money, keeping the rolls, checking the rolls, and having the payment entered on the records, and keeping correct records in reference to the pay of the soldiers in the Army, especially so that the accounting officers may readily examine the accounts when they are presented. That is the duty of paymasters; and when you assign other officers to that duty you deviate from the true principle and the true line that ought to govern the different departments or different corps of the Army.

I am sorry to see all the time these invasions attempted here. I have tried while I have been in Congress, since the war, to keep the Army in its proper line, as near as I could. I have failed, it is true, because sometimes, no matter what the theory may be, there is a stronger influence than argument and a stronger influence than principle that does override and govern. I could cite you to an instance that occurred here four years ago. Four years ago a bill passed in the House of Representatives, when I was there, against my protest, and I stood there alone with my committee protesting against it, by which you retired a man by act of Congress on a major-general's pay who never had held higher than the rank of colonel. That is the kind of legislation we have had in reference to the Army. The Military Committee protested against it; but it was done by Congress. You make major-generals here by act of Congress out of men who never held the commission and give them pay accordingly, and this is of the same piece of cloth, so far as the principle is concerned; not so far as the intention is concerned. It is deviating from the line of true principle that ought to govern and regulate the Army in this country.

Mr. WEST. I do not wish to detain the Senate much longer, and would not rise to reply now only that I think the representations—I will not call them misrepresentations because they were not intentional—of the Senator require that I should notice them. He cites the fact that we have paid men with the rank of colonel the pay of major-generals. There is such an act of Congress, and there are such officers in existence. Well, I will merely call the attention of the Senate to the fact that if we have done so we have done so in reward for gallant services on the field, and where an officer led a brigade and was shot down and wounded we have paid him as a brigadier. That is all there is of that.

Now as to the Senator's assertion that we are going to put officers of low rank on duty with high rank, I will call his attention to the practice of the Army as reported by the Secretary of War. Here are three hundred officers doing duty now as assistant quartermasters with all the responsibility of money and property upon them just as onerous as is laid upon any paymaster. They do not grumble; they do the service; they do not get extra pay to-day, nor will they ask for it to-morrow.

I will admit that possibly you might not get a major paymaster to lead a regiment; but certainly you will not get any of these majors paymasters whom it is proposed to appoint to do any such thing. If you propose to take civilians from the streets and make majors of them, when you have your gallant captains and gallant lieutenants who fought in the war and they cannot get that promotion, it is unjust to them.

Mr. LOGAN. Who proposes to take civilians? The bill proposes that the President shall appoint to these places, just as the Constitution provides.

Mr. WEST. And he may appoint civilians. I ask the attention of the Senate once more to the fact that this recommendation has been made by no one but the Paymaster-General. It does not come from the Secretary of War.

Mr. LOGAN. It has been made by the President of the United States in every annual message for the last four years.

Mr. WEST. I had not got that far. It is not recommended by the Secretary of War himself, who is the war minister. The President may have yielded to the solicitations of the Paymaster-General that it should be done, but the Secretary of War, in transmitting the original request, took occasion to say that he only transmitted it. The Paymaster-General appeals to him on March 24 and asks him to do it in these words:

> I would most respectfully request the honorable Secretary to represent to the Committee on Military Affairs in the Senate the necessity and urgency of legislation on the subject.

The Secretary declines to do it. It comes here by itself.

Mr. LOGAN. The Secretary of War declined to do no such thing, for the Secretary did recommend to me this very bill. I asked him in person, and we fixed the number at fifty—the Secretary of War and myself.

Mr. WEST. That is a piece of information which is special to the Senator. It is not in the official documents.

Mr. LOGAN. I admit that; but I do not know that that makes any difference. I state the fact.

Mr. WEST. The Secretary of War in conversation with myself rather deprecated the increase. The Paymaster-General in his letter says:

> I assented to the proposition to authorize the War Department to make details of officers as acting paymasters, but it would be only a make-shift when, as now, the emergencies of the service should imperatively demand it.

That is what I want to do. I want to make it a make-shift. Our Government is a government of make-shifts at the present moment with respect to our resources; and we ought not to increase the Army by six majors when we have other officers who are available, and when the practice of the service is to make other officers available. I do not want to see this principle violated by overslaughing the junior officers of the service. Let them win their way to their majorities That is what we ought to give them the opportunity of doing.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Louisiana, [Mr. WEST.]

The amendment was rejected.

Mr. WEST. I offer another amendment. It is at the end of the second section to insert the following:

And any appointments of paymasters which shall be made under the provisions of this act shall be taken from officers now in the Army by promotion.

Mr. LOGAN. I merely wish to say that it cannot be done "by promotion." There is nobody to promote in the Pay Department, and you cannot promote a man from one line of service into another. You can transfer him, but you cannot promote him in that way. It would be a promotion in rank as a matter of course, but the result would be to fix him there as paymaster of that rank.

Now, I cannot see for my life why the Senator from Louisiana is so determined and persistent in his opposition to these appointments. He says there are hundreds of officers in the Army who may be detailed. I make the assertion here now in the presence of the Senate that the Army has not sufficient officers to perform the duties of the Army, and the Secretary of War and the President have both recommended that the staff corps be filled up. There is a deficiency in the Medical Corps of over one hundred officers, and in the different corps a great deficiency. We have refused to fill them up until a necessity arises. But there are not supernumerary officers in the Army to-day to detail for this purpose, and the Senator ought to know it.

There is a bill on the table reported from our committee to fill up the Medical Corps at the urgent request of the Surgeon-General. The President and the Secretary of War for the last four years have been asking for more than one hundred officers to be appointed in that corps. So it is in the different Departments. Why is it that it is so persistently urged here that officers are to be taken who cannot be spared? The Army has no more officers to-day than it requires, and indeed not as many as it needs. I do hope this will not be done. I shall not ask the President to appoint any civilian or any person that is not. He may appoint to the office, and I think he ought to be left free to appoint whom he chooses.

The Senator insists on the gallantry of the Army as a reason why line officers must be detailed or appointed to these positions. Sir, there are thousands of gallant men to-day who are not in the Army, who served faithfully in the war and are carrying wounds and scars, who are just as gallant as those who are in the Army and deserve just as much credit; and if the President should happen to appoint some poor unfortunate man that was in the Army, but does not happen to be there to-day, I do not think the country will be disgraced. I do not know that he will. I do not know anything about it; but I hope that he may be permitted at least, if there are gallant men who can be appointed, to appoint them.

Mr. HAMLIN. I want to vote intelligently on this matter, and I want a little information from the Senator from Illinois before I vote. If this bill shall pass and become a law, and there shall be a given number of appointments to be made under it, and they are taken from civil life, you will then add to the expense of the Government precisely what shall be their compensation, to wit, the pay of just so many majors of cavalry. Now suppose the vacancies should be filled from the Army, would there not be just this saving in the expense, to wit, that which would constitute the difference between the grade of office the person might now hold and what might be the pay of a major of cavalry?

Mr. LOGAN. You mean if officers are detailed?

Mr. HAMLIN. No; I mean if this bill becomes a law and the President undertakes to appoint and he takes six captains and makes them paymasters; they will then be majors with the pay of majors of cavalry. Now, if he were to take six civilians, those six civilians would have the pay of majors of cavalry. But if, on the other hand, he took six Army majors or captains, you would add to the expense of the Government only the difference of pay between what those officers were getting and what they would get when they became majors.

Mr. LOGAN. No, sir; it will not; and I will show in a moment that that would not be the operation at all. If under this amendment the President shall detail or appoint by promotion, as the Senator says, six paymasters, they will be promoted to the rank of major, and thereby they will draw the pay of majors of cavalry. That would leave six vacancies of captains which would be filled, and those appointed to those places would draw the captains' pay. It would be the same thing precisely. It would not make a cent's difference. If you promote these men to majors you give them majors' pay, and the vacancy that you promote them from is to be filled by other persons.

Mr. STEVENSON. They might be compelled to promote an unworthy man for paymaster.

Mr. WEST. When I was told here a few moments ago that the President had recommended an increase of the Pay Department I was not able to controvert it, because I had not examined the message. Now, here is what the President says in regard to that:

With the present force of the Pay Department it is now difficult to make the payments to troops provided for by law. Long delays in payments are productive of desertions and other demoralization, and the law prohibits the payment of troops by other than regular Army paymasters.

I wanted to meet that very objection of the President and detail officers from the line.

Mr. BUCKINGHAM. I move to amend the amendment of the Senator from Louisiana by adding "or from paymasters' clerks;" so that the amendment shall read:

And any appointments of paymasters, which shall be made under the provisions of this act, shall be taken from officers now in the Army by promotion, or from paymasters' clerks.

Mr. CONKLING. Before voting upon this amendment I should like to make one observation, in which I think I may be right, and I hope some Senator will correct me if I am wrong.

It has been said that as the bill stands without amendment the President can select from the Army, a proceeding equivalent to promotion or detail. That is not the law as I understand it. Therefore, when the Senator from Illinois says that he wants to leave the President free to appoint from the Army or from civil life, I suggest to him that he must effectuate that intention by a different provision from the one reported by the Military Committee and which he advocates now. Why? Because this bill provides for the appointment to an office here created by multiplying the number that already exist of a certain rank. The President is to nominate to the Senate; the Senate is to confirm. The commission then being delivered to the recipient of the nomination and confirmation, he comes to hold an office, a new office, an office different from that which he holds as lieutenant in the Army, and I think there can be little doubt that he would forfeit that commission and vacate that place, the general laws as they stand not tolerating him in holding two separate and independent offices. If I am right in this, the effect necessarily of the bill as it stands without amendment is to restrict and compel the President to appoint from civil life. Thus we are brought to consider, in the form we shall give to the bill, whether we intend that, or whether we intend to enlarge the field of selection.

I make this remark without having scrutinized the language of the bill before us. It may be that there is something in it which shows that I am wrong; but it occurs to me that without some modification the effect would be to deny the President the opportunity to select by promotion from the Army and drive him, whether he will or not, into the ranks of civil life for these nominations.

Mr. LOGAN. I think the Senator from New York is very much mistaken. The bill provides that the President may fill up by appointment so many offices. He can appoint a lieutenant or a captain the same as he can appoint anybody else. He may appoint any man from the Army. As a matter of course he vacates his first commission if he is appointed, because he gets another commission and leaves that place from which he is appointed vacant. That is the operation of the bill. It does not restrict the President at all. The President may appoint a lieutenant to-morrow if there is a vacancy in a major-general's office. Of course he vacates his lieutenant's commission by accepting that of major-general. That is all there is in it.

Mr. CONKLING. Then, notwithstanding some shakes of the head when I made my suggestion, the chairman of the Military Committee confirms me in what I said, namely, that no man in the Army, lieutenant or otherwise, could accept this new place without vacating his former place.

Mr. LOGAN. Of course not.

Mr. CONKLING. I thought I was right in that, although I repeat I witnessed so ominous a shake of the head by another Senator who is very high in authority on this subject that I thought perhaps I was wrong.

Mr. LOGAN. I did not presume for a moment that a Senator supposed a man could be appointed to a major's commission in the Army and hold a lieutenant's commission in the Army at the same time.

The bill provides that the President may fill up vacancies in the Pay Department to the number of six. Some Senators seem to misunderstand the bill in this respect: they think it is an increase of the Pay Department. It is a diminution of it. The law to-day authorizes sixty-two paymasters; but there is a provision in an appropriation bill, passed in 1869, which says that no more promotions shall be made in the staff corps of the Army until otherwise provided by law. That provision of law stopped promotions, and the Pay Department has run down from sixty-two to forty-four. That is the way the law to-day stands, fixing the Pay Department at sixty-two, but there is that provision preventing promotions.

Mr. WEST. How many men were there in the Army when the Pay Department was sixty-two paymasters?

Mr. LOGAN. The Pay Department was fixed at sixty-two in 1866, when the Army was cut down. There were hundreds of paymasters in the Army during the war, but in 1866, in the reorganization of the Army after the war was over, we fixed the Pay Department at sixty-two. In 1869 a proposition was moved to an appropriation bill providing that no more promotions should take place in the staff corps until it should be otherwise provided by law.

Mr. WEST. Has not the Army been reduced again since 1866?

Mr. LOGAN. Yes, sir.

Mr. WEST. It was reduced in 1870.

Mr. LOGAN. It was intended to be reduced very recently, but I do not think that was effected. The Army was reduced from some number of regiments down to thirty in 1870, and the Pay Department ran down to forty-four. And now that Army is scattered all over the country; they cannot be paid with this number of paymasters. I am perfectly satisfied of that fact from the examinations I have made and from the evidence I have received. In conversation with the Paymaster-General he has stated to me the reasons and gone over the

ground. I cannot go over it now, but he satisfied me most thoroughly that such was the fact.

Now, if the Senate propose to change the mode and manner of appointment in the Army, I have nothing to say; but if they propose to keep the Army in the line it ought to be, there is but one way, and that is to authorize the President to fill up the corps when it is deficient, and he may do it from the Army, from the Navy, or from where he pleases, and he ought to hunt for efficient men. The idea that a man should be appointed a paymaster because he holds a lieutenant's or captain's commission is perfectly absurd. A paymaster ought to be a good clerk, a good accountant, and an active man. It does not make any difference whether he knows that the right flank means one thing and the left flank another, or whether he knows how to wheel into column or to march by file or in any other way. That has nothing to do with his department; and it ought to be kept in a proper shape.

Mr. CARPENTER, (Mr. ANTHONY in the chair.) If any Senator were so disrespectful to the Senator from New York as to shake his head at any observation made by him, it must have been because that Senator understood the Senator from New York to assert that, as this bill is drawn, the President of the United States could not appoint as a paymaster a man who already held a commission in the Army.

Mr. CONKLING. Without making him vacate his existing commission.

Mr. CARPENTER. With that addendum the first remark was quite harmless. This bill does not propose to let the officer hold both offices: and it would be understood by men of ordinary understanding, and did not need the indorsement of the Senator from New York that when a man was put out of one place into another he would not be in the place he was put out from. [Laughter.] So in every case of promotion, when a man is promoted from first lieutenant to be captain, there is a vacancy in the lieutenants created by that promotion; he cannot hold the rank of lieutenant and that of captain also. So here, if a captain in the Army should be appointed paymaster, he would of course vacate his place in the captains; he would hold the place of paymaster if he was appointed to that place under this act; in other words, I understand the Paymaster's Department to be a branch of the Army.

Mr. CONKLING. May I ask the honorable Senator who, in addition to his other advantages, graduated, I believe, at West Point, to inform me on this subject: Suppose a man in the Army now as lieutenant is appointed to one of these newly-created places, and in a year or two this place is abolished, which I take it for granted we have the power to do, does that leave him still in the Army?

Mr. CARPENTER. No; of course not.

Mr. CONKLING. So I thought; and yet my friend from Wisconsin made himself somewhat merry and excited the mirth of the rest of the Senate by saying that I seemed to think there was some difficulty in a man's being promoted from one place to another place. I need not have remarked on that. That would be so, as a matter of course. Let me see now, in the light of my friend's instruction, whether I can state my proposition to him so that it will command his judgment and not his merriment. A man in the Army holding a commission, unless he resigns, as I understand it, cannot be deprived of that commission except by the judgment of a court-martial. Am I wrong in that, or am I right?

Mr. WEST. By promotion.

Mr. CONKLING. I am not speaking of promotion; I am talking about a man's being ejected against his will from the Army, if he is the holder of a commission; and if there is any way in which he can be deprived of his commission against his will, except under the Rules and Articles of War, I will thank some Senator to give me the information.

Mr. LOGAN. I will do so if the Senator will give me the opportunity. He can be deprived of his commission by Congress.

Mr. CONKLING. In what regard?

Mr. LOGAN. By reducing the force in the Army?

Mr. STEVENSON. The President can dismiss him.

Mr. LOGAN. There never was a war in this country where after the war was over by act of Congress the Army was not reduced by mustering the officers of the Army out, both regulars and volunteers. That has been done after every war, from the war of the Revolution down to the present time. Even major-generals have been mustered out of the Army by act of Congress.

Mr. CONKLING. If the Senator will allow me to resume, I perceive the difficulty, as others very often have done, when speaking of professional questions, in not using professional terms. It is in that way, and in that way only, I think, that I have involved myself in the need of so many corrections. Of course, I know that the Army may be reduced, that the whole Army may be abolished and then there would be no commissions to hold. Of course I know the other things to which Senators have invited my attention; and relying upon the little that I do know upon this subject let me attempt again to state my proposition.

The Army not being abolished, the places continuing, there is no way, as I understand it, except to dismiss an officer the service, by which you may deprive him of the commission he holds. If I am right in that regard, and you promote him to be a paymaster and afterward the paymastership ceases to be, he retains his place in the Army, does he not?—retains his rank according to the Senator from Illinois and according I think to the understanding of us all. Here is a captain to-day; he is in the regular Army; and he is detailed or promoted or transferred to do the duties of a paymaster. Next year the Army is still further reduced, the posts are fewer and his services are not needed; does the fact that they are not needed and that his services cease expel him from the service and deprive him of the commission or degrade him in the rank? Not at all. "Of course not," my friend from Wisconsin says. Now let us see the effect of appointing him under this bill. He is now a lieutenant or captain; he is made a paymaster: next year the need of his services ceases, and the paymastership is abolished; where is he? Is he still in the Army with his old rank? He is not in the Army at all. He is precisely in the condition in which my honorable friend or myself would be had we been appointed being civilians.

That was the suggestion which I made originally; and I say that the bill as it stands working that effect might be modified, if the purpose were to allow the President either to take a civilian or a military officer, by providing that he may detail, promote, or transfer (using the appropriate military and professional phrase) whereas now he can appoint no man in the Army and no man in the Navy—although the Navy is not applicable to it, I refer to it because that suggestion has been made—except the man who consents to take the appointment at his peril, knowing that when this particular place shall cease, his rank and standing in the Army will be forever gone.

I think my friend from Wisconsin will see that I am right in that. If I am, then I had abundant provocation for the remark I made, and the point as I stated it is precisely the point as the Senator from Wisconsin now admits.

Mr. CARPENTER. The Senator from New York at last shows that he was right in everything except the suggestion he first made, which was not very important to him or to us or to anybody else; and he attached no great importance to it. It was only remarkable in this, that he so seldom makes the smallest kind of a blunder. The Senator was understood to say, and if anybody shook his head he certainly must have understood him to say, that this bill as it was drawn took away from the President the power of appointing to the place of paymaster anybody from the Army, because if he did so he would hold two offices instead of one. That was the proposition, and that was a mistake; and it only tends to show that the Senator from New York is no exception to the universal rule that even great men make small mistakes.

Mr. CONKLING. It was a mistake, if my friend will allow me, but not, as I think the record will show, a mistake of mine. Preposterous as many suggestions of mine may be, I think I did not make one so utterly preposterous as that. I said that he would be holding two offices if he could continue to hold his rank in the Army and at the same time the place to which he was appointed, and that therefore it would work a forfeiture, a vacation of his military place.

Mr. BUCKINGHAM. There are a number of men clerks of paymasters who have occupied those positions some years. They have been faithful. They understand their duty. They are the very class of men to whom the Senator from Illinois refers as abundantly competent to perform the duties of paymasters. I moved the amendment so as to give the President an opportunity, if he thinks best, to consider those men, and to consider whether they are not entitled to some promotion as well as any other men who are in the military service of the country. They are as much in the employment, in the service of the Government, as the captains and lieutenants of the Army; and I hope the President will have an opportunity to consider whether he will appoint any of them to this position or not.

Mr. MORRILL, of Vermont. I offer the following as a substitute for the amendments proposed by the Senator from Louisiana and the Senator from Connecticut——

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) It may be read for information, but there is an amendment to an amendment pending, and a further amendment is not in order.

The Chief Clerk read the proposed amendment of Mr. MORRILL, of Vermont, as follows:

> And all appointments under this act shall be made from volunteers in the late war who held a rank not lower than that of captain.

Mr. MORRILL, of Vermont. I think it will be conceded by all that, if we are to have the number of paymasters increased, they ought to be taken from that class of persons. I have nothing further to say.

Mr. ALCORN. I do not see why the privates in the Union Army should be cut off from the opportunities of being selected by the President for the performance of the duties set forth in the bill. It does seem to me that this distinction which the Senator from Vermont would undertake to make here in favor of officers is not in accordance with the taste and with the spirit of the institutions of the country in which we live.

Mr. LOGAN. I am very much surprised that a little bill like this should have elicited so much debate; but I shall be careful hereafter on every bill that I bring up from the Military Committee to examine the records, so that we may have a general debate on all military questions that can be suggested. I am opposed to any amendment of any character whatever restricting the President from appointing whom he pleases. Let him appoint a private soldier; let him appoint a clerk of a paymaster; let him appoint anybody he chooses. The Senator from Connecticut desires the bill to be so that

the President may appoint clerks of paymasters. The bill is so now that the President may appoint them; but to require the President to appoint a particular class of men to office is an absurdity, in my judgment.

Mr. BUCKINGHAM. The amendment of the Senator from Louisiana confined it to a particular class, and I proposed to make that class broader.

Mr. LOGAN. That, then, confines it to two classes; but there are more than two classes in this country. Let it be open to everybody, and let the President appoint whom he chooses. I have more confidence in the President's judgment than some of my friends seem to have. I think the President, having been a military man, is just as good a judge of one who will make a good paymaster as any of us, and I am willing to trust him. Some of our friends are not willing to trust the President; they have lost confidence in him within the last few days. I have not. I think he will make good appointments, and I am willing to leave it to him to do it. If he will appoint some of the friends of the Senator from Connecticut, I have no objection; or some of the friends of the Senator from New York, I have no objection. Let them go and get them appointed, I do not care; but I want the President to have the right to appoint whom he may please; and then we shall have a second shot at them when the names come to the Senate if they do not suit us; but I hope they will.

I have not seen such a disposition manifested on a little bill before in this Senate. It must make a difference somehow or other from what committee a bill comes. How did this bill come from the Military Committee? It just provided that six of the vacancies now existing in the Pay Department may be filled by the President, and that is all there is of it. If you can make a bill plainer than that or better than that, I should like to know how you will do it.

I hope the Senate will not allow any amendment to it. The bill is exactly right. It provides for the President filling up these appointments, and that is all there is in it. He may fill them from the Army, from the Navy, from civilians, or he may take Senators if they desire a position of that kind in preference to the one they have, and he has a perfect right under this bill to do it. I hope all members of Congress and all Senators, and all governors of States, and all captains, and majors, and generals, and privates, and everybody will have a chance at least for these six offices, so that the President may select from forty million people those whom he may think best adapted to the place.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Connecticut to the amendment of the Senator from Louisiana.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question now is on the amendment of the Senator from Louisiana.

Mr. MORRILL, of Vermont. Now I move the amendment which I proposed as a substitute for that.

Mr. CARPENTER. Let it be read.

The Chief Clerk read as follows:

And all appointments under this act shall be made from volunteers in the late war who held a rank not lower than that of captain.

Mr. CARPENTER. That would be an excellent thing perhaps for the President to do; but I think it is a thing that the Senate cannot constitutionally compel him to do. The Senate can no more say that he shall appoint out of a particular class of persons who served in the Army than that he shall appoint out of a particular class in the community. It has no more power to say he shall appoint from this class of persons than that he shall appoint from the lawyers or doctors or any other class. The President must be left free under the Constitution to exercise his appointing power, and he cannot be restricted, directed, or cramped into any particular class. I think that is very plain as a constitutional proposition.

Mr. MORRILL, of Vermont. I beg the Senator from Wisconsin to remember that it is the common practice to limit the President as to the parties that shall be nominated to an office. For instance, it is frequently proposed that no man shall be appointed to a particular office unless he be learned in the law, and never has there been any objection when that proposition was proposed. So in the case of engineers, persons of particular knowledge and proficiency are required. I do not see any valid objection in the point suggested by the Senator.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont to the amendment of the Senator from Louisiana.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question now is on the amendment of the Senator from Louisiana.

Mr. SHERMAN. I should like to have that read.

The Chief Clerk read the amendment, as follows:

And any appointments of paymasters which shall be made under the provisions of this act shall be taken from officers in the Army by promotion.

The amendment was rejected.

Mr. SHERMAN. What has become of the amendment in regard to the assignment of officers now in the line?

Mr. LOGAN. It was voted down.

The PRESIDING OFFICER. The question is on ordering the bill to be engrossed for a third reading.

Mr. WEST. In the adoption of that bill the Senate imposes an additional expense of $30,000 per annum, when the Paymaster-General in his own letter admits that he can get along next year. That is all I have to say about it.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. WEST. I call for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

Mr. LOGAN. One thing I desire to say. I am sorry to hear a Senator say that this is an additional expense of $30,000, which would be $5,000 for each paymaster. He knows that is not the salary.

Mr. WEST. The Senator says I overstate the expense because the pay is not $5,000; but the pay is $3,000 and the emoluments and the expense of travel are at least $2,000 more.

Mr. LOGAN. There are no emoluments.

Mr. WEST. I beg pardon; there are quarters and fuel, and I know enough of the Army to know that this bill means $30,000.

Mr. LOGAN. I am glad to see persistence in any Senator, but I like to see fairness. What is the use of stating the expense? What has that to do with it? If these paymasters are necessary, how can you look at what they are going to cost? If they are not necessary, we ought not to vote them. I say they are.

Mr. WEST. There we differ.

Mr. LOGAN. Their salary is $3,000 a year, and that is all there is to it. You abolished mileage the other day on the appropriation bill, on the very bill that the Senator offered the amendment to.

The question being taken by yeas and nays, resulted—yeas 22, nays 17; as follows:

YEAS—Messrs. Boreman, Buckingham, Carpenter, Clayton, Cooper, Fenton, Flanagan, Harvey, Hitchcock, Ingalls, Kelly, Lewis, Logan, Mitchell, Oglesby, Pease, Robertson, Scott, Spencer, Stockton, Wadleigh, and Windom—22.

NAYS—Messrs. Bayard, Conkling, Davis, Frelinghuysen, Hamilton of Maryland, Merrimon, Morrill of Vermont, Norwood, Patterson, Ransom, Sargent, Saulsbury, Sherman, Sprague, Stevenson, Thurman, and West—17.

ABSENT—Messrs. Alcorn, Allison, Anthony, Bogy, Boutwell, Brownlow, Cameron, Chandler, Conover, Cragin, Dennis, Dorsey, Edmunds, Ferry of Connecticut, Ferry of Michigan, Gilbert, Goldthwaite, Gordon, Hager, Hamilton of Texas, Hamlin, Howe, Johnston, Jones, McCreery, Morrill of Maine, Morton, Pratt, Ramsey, Schurz, Stewart, Tipton, and Wright—33.

So the bill was passed.

Mr. CONKLING. I move that the Senate adjourn.

The PRESIDENT *pro tempore*. Before putting the question, the Chair will announce that Senate bill No. 1, the supplementary civil-rights bill, is the unfinished business.

Mr. CONKLING. I withdraw my motion for the accommodation of my friend from California.

Mr. SARGENT. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to.

Mr. THURMAN. I move that the Senate adjourn.

The motion was agreed to; and (at five o'clock p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April* 30, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

HOUR OF DAILY MEETING.

Mr. HAWLEY, of Illinois. I ask unanimous consent to offer the following resolution, to which I think there will be no objection:

Resolved, That on and after Tuesday next, and until further ordered, the daily sessions of the House shall begin at eleven o'clock a. m.

Mr. WILLARD, of Vermont. I think that ought to lie over for a day.

Mr. NEGLEY. Until Congress shall agree to some time for the final adjournment, I must object to any extension of the time of the daily sessions.

Mr. HAWLEY, of Illinois. I give notice that on Monday I will move that the resolution be adopted under a suspension of the rules.

JOHN GRAHAM.

Mr. BANNING, by unanimous consent, from the Committee on Foreign Affairs, presented a report in writing to accompany the joint resolution (H. R. No. 41) for the relief of John Graham; which was ordered to be printed and recommitted.

WILLIAM WALKER.

Mr. BANNING also, by unanimous consent, from the Committee on Foreign Affairs, reported back, with the recommendation that it do pass, the bill (H. R. No. 2292) for the relief of William Walker; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

MODOC WAR.

Mr. LUTTRELL. I ask unanimous consent to offer the following resolution:

Resolved, That the Secretary of War be, and he is hereby, requested to furnish this House with the names of all persons in California and Oregon who furnished supplies and transportation to the Government during the Modoc war, the amount of each claim, what amount has been paid and to whom paid, what amount remains unpaid and to whom due.

Mr. WILLARD, of Vermont. That resolution ought to be referred to the Committee on Military Affairs.

Mr. COBURN. I desire to know why the resolution is offered.

Mr. LUTTRELL. I will state the reason. The people of my county, and in fact the people of California and Oregon, furnished supplies to the Government during the Modoc war. They were to be paid on the delivery of the articles, and they also furnished transportation. The quartermaster there says that the reports have been forwarded to the Department here. I have been unable to find them, and I desire to know how the accounts stand for the information of my people.

Mr. COBURN. Is there any bill or proposition before Congress to pay these claims?

Mr. LUTTRELL. No; I want to see how far they have been paid.

Mr. WILLARD, of Vermont. The resolution ought certainly to be referred to the Committee on Military Affairs.

By unanimous consent, the resolution was received and referred to the Committee on Military Affairs.

INDIAN DEPREDATIONS.

Mr. AVERILL, by unanimous consent, from the Committee on Indian Affairs, reported the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of the Interior be, and he is hereby, requested to furnish the House a list of all claims for losses through depredations committed by Indians, presented to the Department of the Interior for ten years past, giving in each case the date when and the place where the depredations were committed, the date of the presentation of the claim, the name of the claimant or claimants, and the full amount of the claim; also the name of the tribes or bands of Indians charged with the depredations and the action of the Department upon each claim, and also the damages done by whites to Indians.

Mr. AVERILL moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGES ACROSS THE OUACHITA AND RED RIVERS.

Mr. NEGLEY. I ask unanimous consent to report from the Committee on Commerce a bill as a substitute for the bill (H. R. No. 112) to authorize the North Louisiana and Texas Railroad Company to construct a bridge over the Ouachita River at or near Monroe, Louisiana, and a bridge over the Red River at or near Shreveport, Louisiana. I would state that it is hardly necessary to read the bill. It contains all the restrictions usually provided in bills of this description.

The SPEAKER. The bill ought to be read. The Chair would have to insist on that himself.

The Clerk proceeded to read the bill.

Mr. HALE, of New York. I would inquire if the bill is before the House?

The SPEAKER. It can only be before the House by unanimous consent. Does the gentleman object? It is being read by unanimous consent for the information of the House, and the gentleman from Pennsylvania asks unanimous consent for action upon it.

Mr. HALE, of New York. I object to it.

ORDER OF BUSINESS.

Mr. COBURN. I demand the regular order of business.

Mr. E. R. HOAR. I propose to address to the House a few observations, in reply to the remarks of the gentleman from New York [Mr. HALE] yesterday, on the pending bill in relation to citizenship, and before proceeding I wish, in relation to the order of business and to the time it will probably take, to say to the House that the gentleman from Indiana on my left [Mr. HOLMAN] has sickness in his family, which makes it necessary for him to leave the city to-night, and he desires very much for that reason that an opportunity shall be given for a short time this morning to consider the bill relating to the Louisville and Portland Canal; and if unanimous consent can be given I am willing, at the close of the few remarks I have to make, to give way for that purpose, if the House will consent to it without the bill now before the House losing its place. It will not, as I understand, interfere with the appropriation bill. It is thought that it will take but a very short time, and I shall yield to that bill the time which I should otherwise propose to occupy with our bill to-day. I hope that, after what I have to say this morning, when our bill next comes up, to-morrow morning, it will be finally disposed of.

Mr. DAWES. I cannot resist the appeal in behalf of the gentleman from Indiana, [Mr. HOLMAN,] but I wish to say in behalf of the Committee on Ways and Means, that being the next committee on call, we have been waiting to report for nearly a week, not feeling at liberty to interfere with the appropriation bills which come up one after another, and this bill coming over as unfinished business from day to day deprives the committee of any opportunity to report.

Mr. E. R. HOAR. We will get this bill out of the way as soon as possible.

Mr. POLAND. I must object to any arrangement such as that suggested by the gentleman from Massachusetts, [Mr. E. R. HOAR.]

Mr. DAWES. I think the gentleman from Vermont did not hear the statement of my colleague in regard to the gentleman from Indiana, who is called away by sickness in his family.

Mr. POLAND. Of course I must yield to a personal appeal of that kind.

Mr. E. R. HOAR. I ask unanimous consent at this time that at the close of the few observations I may make the bill in relation to the Louisville and Portland Canal may be taken up.

Mr. DAWES. And does the gentleman propose to take up his bill again after that is disposed of?

Mr. E. R. HOAR. No; not until to-morrow morning.

Mr. HALE, of Maine. How much time does the gentleman from Indiana propose to occupy?

Mr. HOLMAN. I suppose the Louisville and Portland Canal bill will not consume more than two hours.

Mr. HALE, of Maine. Let us have the time fixed now.

Mr. HOLMAN. I am content that not more than two hours shall be allowed for the consideration of the bill.

The SPEAKER. The gentleman from New York [Mr. WHEELER] has charge of the bill.

Mr. WHEELER. I cannot say how much time will be consumed upon it.

Mr. HOLMAN. I suppose the gentleman from New York would want to occupy an hour. I think that not more than two hours will be required to dispose of the bill.

Mr. GARFIELD. I desire that general debate on the Indian appropriation bill may be closed to-day, and I will ask unanimous consent that there be an evening session to-night for the consideration of the bill under the five-minute rule.

The SPEAKER. One unanimous consent had better be settled before another is asked. Is there objection to proceeding to the consideration of the Louisville and Portland Canal bill after the close of the remarks of the gentleman from Massachusetts [Mr. E. R. HOAR] on the pending bill?

Mr. GARFIELD. To be limited to two hours.

Mr. HOLMAN. I will consent that the gentleman from New York shall have an hour, and that the other side have an hour.

Mr. GARFIELD. At the end of the two hours the previous question to be considered as operating.

Mr. CONGER. Not to cut off amendments, I hope.

The SPEAKER. It will be considered as operating upon any amendments that may be offered during the two hours.

No objection was made, and it was so ordered.

Mr. GARFIELD. I now ask unanimous consent that an evening session be held to-night for the consideration of the Indian appropriation bill under the five-minute rule, general debate to be considered as concluded.

Mr. WARD, of Illinois. I object.

AMERICAN CITIZENSHIP.

Mr. E. R. HOAR. I now call for the regular order.

The SPEAKER. The regular order being called for, the House resumes the consideration of the bill (H. R. No. 2199) to carry into execution the provisions of the fourteenth amendment to the Constitution concerning citizenship, and to define certain rights of citizens of the United States in foreign countries and certain duties of diplomatic and consular officers, and for other purposes.

Mr. E. R. HOAR. I have always had the profoundest sense of the ponderous qualities of my friend from New York, [Mr. HALE;] of his strength and vigor as a lawyer, and of the great value of his public services upon large and very important questions. But I confess that the speech he made to us yesterday revealed him in a new capacity; I was not before aware of his microscopic powers. I supposed he had all the artillery of his profession at his command; but that he was so powerful on pleas in abatement I never suspected. That he was a shrewd parliamentarian I did not doubt; that when he had prepared a magnificent speech upon the rights of American citizens and the glory and destiny of the American nation he should desire that the House and country should not be deprived of it was perfectly natural. But until I heard his speech through, I did not so thoroughly comprehend why it was that he objected to my suggesting to the House three or four little amendments which the committee thought would make the bill more perfect to accomplish the object it was designed to accomplish. Until I heard his speech I did not understand his objections; but then I found that if he had permitted us to offer our amendments in advance it would have made his speech substantially unnecessary. I say so, because I think I can show the House that there is nothing which those amendments would leave in controversy between us, except one or two propositions, on which I trust I can satisfy the House that the committee is clearly right, and the gentleman from New York wrong; but which are of course matters for fair debate and discussion.

It is not my practice in argument of any question to spend any time on general professions of devotion either to the entire country or to any particular class of people in it. I shall dispense with all such statements on this occasion. I will simply ask the House in general to do me and the committee the justice to believe that we have as profound a sense of the grandeur and glory of America, of the rights of American citizens, and of the importance of securing and protecting those rights, as the gentleman from New York; and we cannot have more. We simply propose to show to the House that this bill is in the interest of protecting the rights of American citizens, and by simple and proper methods making those rights secure.

I propose to follow the gentleman in simply commenting on the various propositions of the bill in succession—and shall do it very briefly—which he has attempted to present as objections to the bill

as we propose it shall stand. As there seems, however, to have been a grave misapprehension running through the whole of the gentleman's speech, I ask the House to notice the beginning of the second section which states the object of the bill:

That in order to assure to all persons born or naturalized in the United States and subject to the jurisdiction thereof the full acknowledgment of the right to be citizens of the United States and of the States wherein they reside, it is hereby declared, &c.

After listening to the speech of the gentleman from New York it might perhaps surprise the House, or those who have not carefully examined the bill, when I state that there is nothing in the bill which takes away the nationality of anybody, and that that is not its object or purpose. The first objection which was made was in regard to the provisions in relation to married women; a very interesting subject, and one in regard to which the course of modern legislation has been in one direction. The gentleman speaks about his unwillingness to disturb the well-recognized principles of public and international law. I do not know but he is one of those who prefer to keep the old common-law ideas of the subjection and nonentity of a woman after her marriage. This bill I admit does in that respect make a change in public law, a beneficent and desirable change. What is it?

By the law as it stands the nationality or citizenship of a married woman follows inexorably that of her husband. Now, America is the country of all others that is most interested in these questions relating to citizenship and change of citizenship. While this discussion was going on I had in my mind cases which have occurred in my neighborhood. I will state one of them, and all members of the House must know that such cases are frequent. A respectable young man from Scotland, or Nova Scotia, or Germany comes into one of our country towns in search of employment. He is a man worthy to become a citizen, a respectable person. He finds a young woman there, a native of the United States, with whom he falls in love and forms marriage relations. I remember a case where the daughter of one of our most substantial farmers, whose father had died and left her with a very good farm, made the acquaintance of such a young man and married him. He went on the farm and has continued there, a substantial and excellent citizen. I believe he is now naturalized, but was not for some time after his marriage. Now, do we say that we are so much devoted to the old principles of feudal or English law, or the general principles that prevail among nations, that we will say that that young woman, born on our soil, owning the estate on which she lives, intending to spend her life there, became from the moment of her marriage, and continued up to the time her husband got naturalized, a foreigner and the subject of foreign jurisdiction, and must become naturalized had her husband died before he had accomplished his own naturalization?

Is it not an improvement on the law to say that an American girl marrying in her own country, which she never left and in which she intends forever to reside, shall remain an American citizen, although she does marry a man who is not naturalized here? And that provision is put into this bill, and was the first thing in it that the gentleman commented upon. Putting that provision into it we put in a corresponding provision, probably of comparatively very little importance, which was that a foreign woman marrying one of our citizens abroad and continuing to reside abroad (only this single exceptional case) should be a citizen of this country as against all powers except the country in which she was born and in which she continued to reside; so that if she chose to remain there and wished to be a citizen there, she should not be brought by an inexorable rule under the operation of the principle of law to which I have alluded, and be made a citizen of this country against her will. If the House can see any harm in that, or anything which would justify laying this bill on the table, I fail to apprehend it. The House will notice in the twelfth, thirteenth, and fourteenth lines of the bill as read from the Clerk's desk (amended before it was read, although not before it was printed) these words:

Except the power within whose jurisdiction an alien woman married to a citizen of the United States may have been born and shall continue to reside.

That is the only exception.

The next point which the gentleman took up was that children of foreigners born here were not placed in a corresponding position with children born abroad of citizens of the United States. The committee propose to submit an amendment to strike out in line 35 of page 3 the words "born or naturalized" before the word "citizens." These words, "born or naturalized," were put in the bill as originally draughted in perhaps twenty places; but as the committee did not propose to make any distinction between native and naturalized citizens, the words were stricken out in all other places in the bill and remain here by inadvertence only.

In line 26, on page 2, occurs the passage to which the gentleman next alluded in regard to children born abroad:

A child born abroad whose father may be a citizen of the United States residing in and subject to the jurisdiction of the United States, shall be regarded as a citizen of the United States at the time of birth.

We propose to strike out in this passage the words "residing in," as perhaps inaccurately expressing our idea and purpose. This amendment seems to obviate entirely the argument of the gentleman on that point.

Mr. HALE, of New York. That leaves it just as the law now stands, I think.

Mr. E. R. HOAR. It does not affect it at all. We are stating affirmatively who shall be regarded as citizens, in order that there may not be any question in just such a case as the gentleman from Ohio [Mr. GARFIELD] put—the case of a very able and eminent gentleman in the public service who was born in Montreal while his father was there as a contractor for building the cathedral. We recognize the principle that the children of citizens, born abroad, shall be citizens of the United States without the necessity of naturalization. It certainly cannot be an objection to the bill that it recognizes distinctly what my friend from New York considers to be the settled law already.

I now pass to another objection which might have some gravity if it were not founded upon a total misapprehension of what the bill provides. I refer to the passage on page 3, under the division "thirdly," lines 35 and the following lines. To make that provision clearer, the committee propose to insert at the end of line 36 the words "in any foreign country;" so that the clause will read "or who in any foreign country enter into the civil, naval, or military service of any foreign prince," &c. The gentleman from New York did not take objection on this point; but there is an objection to the bill as it stands which I will state. There are many citizens of our country who are appointed here (not going out of it) consuls of foreign countries. Of course we do not mean to say that such persons by accepting such appointments cease to be citizens of this country, or are no longer entitled to the protection of the Government on account of holding that relation to a foreign country. There are gentlemen in this city employed as the counsel of the British government in the presentation of claims, who are so far in the civil service of that government. There may be various employments within the country which do not come within the intention of the provision. Therefore it is proposed to insert after the word "who" at the end of line 36 the words "in any foreign country," and in line 39, before the word "secondly," the words "while such service continues;" which I think will make clear to the gentleman from New York what is intended.

But I was going to say, as an answer to the whole proposition which he argued, and when he depicted so painfully the condition of a "man without a country," that this bill does not take away anybody's country. Not a man to whom this refers who leaves the foreign service has lost his citizenship thereby. This bill does not provide for taking away the nationality of a citizen; but it provides under what circumstances persons shall be regarded as within the jurisdiction of the United States, and at that time entitled to protection as American citizens under the fourteenth amendment of the Constitution. If a man goes into the military service of the Khedive of Egypt and is engaged in a war in the interior of Africa, I take it this country does not want to be under an obligation to send an "Ashantee expedition" to hunt him up as an American citizen, when he is not there on any of our business, but is in the service of a foreign power which undertakes to protect him while his engagement in that service continues.

Mr. HALE, of New York. Will the gentleman from Massachusetts allow me to ask him whether, under the state of the law as it now exists, while in such military service, he is entitled to the protection of the United States? and whether this bill is necessary to relieve the United States from that duty?

Mr. E. R. HOAR. My friend knows as well as any lawyer can know what is called in the courts a "departure in pleading;" that is, when you have given a thorough and complete answer to what has been said and claimed on the other side, to start in another direction for an inquiry. If my friend has denounced the bill for containing a provision which I have endeavored to show it does not contain, it is hardly an answer to ask me to explain whether under this there is any change of the law as it now exists. I do not suppose he could have made his speech against the bill to the great length he has made it if he had been willing to concede there was no change in existing law; but I do not think it worth while to take up time to discuss that question. If it does not change existing law, and the gentleman does not want such law changed, then the bill is innocent, if nothing more; at least to that extent innocent.

Mr. HALE, of New York. The answer strikes me as rather ingenious than candid, I must say.

Mr. E. R. HOAR. It has not been my lot in life, I believe, Mr. Speaker, often to encounter the objection I was not reasonably candid in stating what I thought as directly as possible. But I do not think it is any part of my duty to go into the consideration of what the existing law is, unless I see myself or something is suggested which tends to show that a change is intended. I will therefore, if my friend thinks the bill in this respect is in conformity with existing law, admit it for the purpose of this argument without stopping to discuss the question.

Mr. HALE, of New York. I do not desire to interrupt the gentleman from Massachusetts, but merely to call his attention for one moment. My proposition points to this, that the gentleman has attempted to answer my objections to the whole scope of this provision by saying in a certain case, to wit, a case of military service of another government, we ought not to be required to protect our citizens. I made what I thought a proper suggestion in answer to that. In that case the law is right as it stands. Now this bill proposes to go a great

way further; there is where I object to it—not on the point he makes that this bill is innocent.

Mr. E. R. HOAR. Mr. Speaker, I should have got to the next point if the gentleman had not interposed. I was coming to it. Take such a case as that of Mr. Burlingame, who went into the civil service of another power and became its embassador. In one part of his argument my friend laid before the House his objection to a double nationality. That was when he was speaking about this little case of the poor girl who got married, that it was an infringement of the great principles of public law that should not be encouraged, that there should not be a double nationality, and he therefore objected to that part of the bill on that ground. When he comes to another part of the bill where we are endeavoring to draw a practical and serviceable line, in order not to have a conflict of double nationality and double national duties for the time being, we are attacked in the opposite direction. What seemed to the committee and what is the purpose of this provision is this, that if an American citizen goes into the civil service as well as the military service of another power, out of his own country, for the time that that relation continues and he has chosen to give his faculties, his powers, his time, and his presence to another nation in its service—while that continues it is desirable there should not be against that nation the assertion of jurisdiction over him or a duty to look after him and interfere with him on the part of the Government of the United States. Why, Mr. Speaker, the present law of the German Empire provides that any person going into the service of that government thereby becomes a citizen of Germany. It works naturalization under their laws. Now, we do not require under this bill that the man shall permanently lose his citizenship in the United States by thus going into the service of a foreign power. But we do think it is reasonable, when we are seeing how we can tell who in foreign countries are our citizens—and that is the object of the bill—to give our people a certain, direct, and easy method of showing their Government they are its citizens and entitled to its protection. We think it is not desirable, if in such foreign service, that they shall have the right to call upon two governments at the same time for protection.

Mr. TREMAIN. Will the gentleman allow me to put a question to him before leaving this subject? I should like to hear what you have to say to the suggestion of my colleague from New York in the cases of Mr. Burlingame and the other gentleman he mentioned on returning to their own country, whether they are not at liberty to resume their connection with this country under their citizenship or to be naturalized.

Mr. E. R. HOAR. That was the grave mistake which ran through the whole argument of my friend from New York, [Mr. HALE,] in my apprehension. This bill, as it will be seen, does not say "The following persons shall cease to be citizens of the United States." It says:

> The following persons shall be regarded as not subject to the jurisdiction of the United States within the intent of the said fourteenth amendment, or as not residing within the United States within such intent.

When the native of this country returns from the foreign service, civil or military, there is not one word in this bill to affect his nationality. It is a provision simply to determine what classes of persons, upon what evidence, and on what conditions, shall be entitled to the protection of the United States abroad, and a right to assert there the privileges of American citizenship. That is the extent of it. There is no man who would lose his nationality by any provision in this bill as I understand it, or as it was intended, or as I think a careful reading of it will show.

Mr. HALE, of New York. Will the gentleman not deem it intrusive if I call his attention right here to a point which I think is undoubtedly the turning point of this enumeration of classes of persons? I call his attention to the language of the fourteenth amendment, and to the language of this section in reference to that fourteenth amendment. The fourteenth amendment provides that—

> All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens, &c.

Now I ask the gentleman if he as a lawyer will maintain that, when this very clause provides that the persons named in it shall be regarded as not subject to the jurisdiction of the United States within the intent of that amendment, it has not precisely the same effect?

Mr. E. R. HOAR. Within the intent of the said amendment?

Mr. HALE, of New York. That it has not precisely the same effect as saying that they shall not be citizens of the United States under the provision of that amendment?

Mr. E. R. HOAR. I say emphatically as a lawyer—and as I propose to say in regard to another subject which my friend has discussed when I come to it, I was astonished that a gentleman of his great reputation as a lawyer could have thought otherwise—that is not the intent of the bill. Why, Mr. Speaker, it is perfectly absurd. This Congress cannot pass anything in derogation of the Constitution of the United States. This never would be construed as so intended; and it is a perversion of its language and its spirit, as it seems to me, to suppose it could bear any such meaning. I do say as a lawyer that no court could so construe it, for the simple and obvious reason, to begin with, that it would be unconstitutional. We are not undertaking to take any man's citizenship away; but the United States have certain duties in regard to their citizens abroad. That provision of the Constitution does not take away the right of a citizen of the United States to become naturalized in a foreign country; it does not relate to it. Its object was to provide who should be citizens of the United States within its jurisdiction. Its object, in short, was to reverse the Dred Scott decision. That was the great purpose of it.

I now come to the gentleman's next point. But I may say in passing that he did not adopt at all—I do not think that he would be likely from his gravity and disposition, to treat the thing seriously, to do so—the objection that was urged the other day by the gentleman from New York, [Mr. COX,] who contributes so much to the amusement of the House on all occasions, and who objected to this provision, that you must register in a foreign country in order to secure your right to be protected. The argument on which that objection was based was that it is unworthy of an American citizen to have to tell anybody that he is one; that he ought to carry that imperial presence that will not only "give the world assurance of a man," but will make people see at once all the world over that a man of lofty port is an American citizen, so that nobody can innocently doubt it. But I do not see why the argument is not just as applicable at home as abroad, and why it is not as good an objection against taking the census as it is against passing this bill; or as good an objection against making a registry of voters at the polls, or for the purposes of assessment and taxation, which of course all honest and honorable citizens wish to have their full share of and would hate to avoid any portion of, by reason of any mistake or misapprehension as to their citizenship or identity.

My friend, however, went on to object to this provision which requires registration, and in regard to the naturalized citizen of the United States becoming domiciled in the country of his or her nativity unless when otherwise regulated by treaty. He said very truly that we had treaties in which it was provided that the return of a naturalized citizen to the country of his birth should not divest him of his privileges in this country as a citizen—should not divest him of his American citizenship. There is nothing in this bill to conflict with that. But my friend did not tell the House that we already have treaties with six powers, and those the most important, as affected by this question, by which it is provided that his returning and becoming domiciled there, without intent to return to this country, shall work a restitution of his original citizenship.

Mr. MYERS. That is, in the case of a naturalized citizen.

Mr. E. R. HOAR. Yes, sir; that without having to go through a renaturalization in the country of his birth he becomes a citizen of that country by returning and becoming domiciled there; and we have five treaties in which it is provided that a term of two years' continuous residence shall constitute the presumption of domicile and permanent residence there, though not conclusive.

Now, Mr. Speaker, the object of this bill is to give to an American citizen, a naturalized American citizen, who goes abroad a simple way in which he shall be protected from becoming again a citizen of the country to which he formerly belonged. If he wishes to hold his American citizenship he has only to go and record himself with our minister or consul and his right is secured and his American citizenship is retained. That act on his part is made conclusive proof in his favor of his intention to retain citizenship in America and not to acquire that foreign domicile which is to relegate him to his old citizenship under treaty or under any construction of international law. The whole scope of the bill, if it be carefully examined in all its provisions, is to protect American citizens, to give them a chance to identify themselves so that the Government shall know and have evidence of their right to the protection of the Government. The bill was framed with that very view, and if any gentleman can suggest an amendment which will perfect it in that view he will do exactly what we shall thank him for, and what the committee spent days and days in endeavoring to attain by a careful consideration of its provisions.

I now come to the last objection which the gentleman from New York made to the bill, and I must say that I was astonished that my friend, as a lawyer, should have expressed the opinion he did on a part of this bill. We have got at the end of the bill a provision allowing citizens of the United States in foreign countries to be married before a consul. We have had a law upon that subject on the statute-book for some years; but its operation was confined to citizens who could be married under the laws of the District of Columbia. It was a law apparently hastily gotten up and was framed, I presume, with the idea that Congress could not, except under its authority over the District of Columbia, regulate such a subject. I do not understand that anybody objects to this provision of the bill as a good, convenient, and excellent one. American citizens may desire to be married according to the rites of their church or according to the laws of their country in a place where there might be difficulties and impediments in the way, and this provision that they may be married before a consul is designed to facilitate marriages, and it tends to do that.

The only objection which the gentleman from New York, who seems determined to go over with his microscopic gaze every sentence of this bill to see if he can find a flaw or defect in it—the only thing that he can suggest about that section is, that, as a lawyer, he should think that without amendment it would imply that nobody could be married in any other way. Well, I say candidly and frankly, so that I may not be accused of concealment, that it seems to me exactly as clear that such an objection lies to the bill as if Congress should pass an act providing that certain persons should be admitted to the Bo-

tanic Garden or to the Smithsonian Institution, an objection would lie to it that you must have a careful provision in it that such persons should also have the right to walk in the streets of Washington. I do not think that a simple provision that persons may be married in a certain way can be construed as cutting off the right to be married in any other way. The word "shall" is not used in the section, except that it provides that the consul "shall" attend to the matter when requested.

Mr. HALE, of New York. I desire to suggest to the gentleman that if a bill were pending authorizing certain persons to visit the Botanic Garden or the Smithsonian Institution, I should certainly insist that a proviso should be added that that should not exclude other persons, and I should deem it a very pertinent and proper amendment.

Mr. E. R. HOAR. Our rules prescribe what persons shall be permitted on the floor of the House. If a rule should be adopted that judges of State courts should come in here, I should think it just as pertinent that an amendment should be offered providing that that should not be construed as excluding the members of this body from the floor. It seems to me, Mr. Speaker, that that is a very minute criticism. I cannot see its force; but if the House does, I hope such an amendment will be offered by my friend as will provide that this shall not cut off all marriages other than those before a consul, and also, although I have no personal interest in the matter, that it shall not be held to annul or undo any marriage already contracted.

I now yield the floor for the consideration of the Louisville and Portland Canal bill.

LOUISVILLE AND PORTLAND CANAL.

The House, pursuant to the order made this morning, then took from the Speaker's table for consideration the bill (S. No. 350) providing for the payment of the bonds of the Louisville and Portland Canal Company, with the amendments of the Senate to the amendments of the House thereto.

Mr. WHEELER. I move that the bill be referred to the Committee on Commerce, and I yield the first hour allowed for debate to the gentleman from Indiana, [Mr. HOLMAN.]

Mr. HOLMAN. I yield fifteen minutes of my time to the gentleman from Kentucky, [Mr. ARTHUR.]

Mr. ARTHUR. Mr. Speaker, I ask only a few moments to submit a consideration or two in connection with a brief recital of facts.

On the 12th day of January, 1825, the Louisville and Portland Canal Company was incorporated by act of the General Assembly of the State of Kentucky. The capital stock of the company was limited to $600,000, to be represented by 6,000 shares of stock of $100 each.

Subsequently, by an act of the Assembly, approved December 12, 1829, the capital stock of the company was increased to $700,000, and a sale authorized of 1,000 additional shares of stock at $100 each; and, afterward, from time to time, in virtue of an act of the General Assembly, approved December 12, 1831, the capital stock was extended to $1,000,000, represented by 10,000 shares of stock at $100 each.

In the mean time, pursuant to the acts of Congress, approved May 31, 1826, and March 2, 1829, the United States became the purchaser and owner of 1,000 shares of the capital stock, of 1,350 shares of the same, and afterward by stock dividend for adjusted interest of 567 shares, amounting in the aggregate to 2,902 shares, at a total cost of $290,200, leaving 7,098 shares belonging to individuals at the estimated cost of $709,800.

Such was the attitude of the parties down to 1842, at which time the United States had received in cash dividends $257,778 and in stock dividends for adjusted interest $56,700, amounting in the aggregate to $314,478, or $24,278 profit, in excess of the entire cost of her stock.

On the 21st day of January, 1842, was approved the act of Assembly containing the following provisions:

An act to amend the charter of the Louisville and Portland Canal Company.

SECTION 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the act incorporating the Louisville and Portland Canal Company shall be, and the same is hereby, so amended that, whenever the stockholders in said company shall so direct, the board of president and directors of said company shall have the privilege of selling the shares of stock owned by individuals in said canal to the United States, or the State of Kentucky, or the city of Louisville, for the purpose of eventually making the said canal free of tolls; or, further to effect this object, the board of president and directors, when so authorized as aforesaid, shall hereby have the privilege of appropriating the net income arising from said canal to the purchase of said stock instead of making dividends therewith.

* * * * * *

SEC. 4. *Be it further enacted*, That the shares so purchased by said board shall be held in trust by it for the purposes herein declared, and shall be voted on by them at all subsequent meetings and elections, until, by the operation of the provisions of this act, all the shares standing in the name of others than the Government of the United States shall have been purchased up; and when the said shares shall have all been purchased, the same shall be transferred to the Government of the United States, on condition of said Government levying tolls for the use of said canal only sufficient to keep the same in repair and pay all necessary superintendence, custody, and expenses, and make all necessary improvements so as fully to answer the purpose of its establishment.

On the 4th of July, 1842, the provisions of this act were duly accepted and ratified by the stockholders, &c., of the company, and the president and directors thereof were in substance authorized and directed to appropriate the net income arising from the canal to the purchase of the individual stock, instead of making dividends therewith, and to hold in trust and vote all shares of stock, so purchased from time to time, until by the operation of the provisions of this act all the shares standing in the name of owners other than the United States shall have been purchased up. And when the said shares have been purchased the same shall be transferred to the Government of the United States, on condition of said Government levying tolls for the use of said canal, only sufficient to keep the same in repair and pay for all necessary improvements, so as fully to answer the purposes of its establishment. Those proceedings were officially reported to the United States Government.

Now, the act of 1842 is plainly an executory contract by the State of Kentucky with the United States Government. The terms, conditions, and trusts of the act were substantially, though not formally, accepted by the latter, and in faith thereof money and property were invested and liability incurred from time to time by the United States. And from 1842 to this time not one dollar of dividend has ever been paid into the Federal Treasury.

Between the date of the act and the beginning of the year 1844, four hundred and forty-eight shares of the stock had been purchased and were held as directed therein, thus swelling the United States stock in the aggregate to the total of thirty-three hundred and seventy-three shares.

And on the 22d of February, 1844, was approved an act amending the previous act of 1842, by superadding to the rights and guarantees therein, the grant to the United States of jurisdiction over the canal, in the terms following, to wit:

An act to amend an act entitled "An act to amend the charter of the Louisville and Portland Canal Company," approved January 21, 1842.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That in the event of the United States becoming the sole owner of the Louisville and Portland Canal, the jurisdiction of this Commonwealth over said canal shall be yielded up to the Government of the United States.

By the two foregoing acts of Assembly both the ownership and jurisdiction of the canal were absolutely granted to the Government of the United States on the terms and for the objects recited in the act of 1842.

The application, in good faith, of the accruing dividends to the purchase of the designated stock regularly progressed until January, 1855, at which time the United States had become the owner of 9,995 shares of the stock, whereupon the company tendered the canal to the United States Government through the Secretary of the Treasury. The latter, in responding to the tender, stated that there had been no congressional legislation authorizing the acceptance of the management and control of the canal; and *he* requested the president and directors, five in number, to respectively retain one share thereof, and to continue to manage the canal pursuant to the charter until Congress should by appropriate legislation authorize the Department to formally receive it.

The canal board replied:

The canal is now ready to be transferred to the custody of the General Government so soon as the Department may be ready to receive it. The board of president and directors beg leave to say that they will cheerfully continue to direct the affairs of the work, as heretofore, so long as the Department may wish the same intrusted to their care.

And again:

In compliance with the request contained in your communication of the 24th ultimo, I would state that John Hulme, Charles H. Lewis, Charles W. Short, James Marshall, and J. H. Rhorer own each one share of the stock of the Louisville and Portland Canal Company, making five shares; the remaining 9,995 shares are in the name of the United States. The individuals above named, making the board of president and directors, as provided by the charter and by-laws, will cheerfully continue to manage the work as long as it may remain unaccepted by the Government.

On the 8th of February, 1855, the Secretary of the Treasury by letter advised the President that—

The canal, with the exception of five shares, is now the property of the United States, and may, as Congress shall direct, be enlarged to suit the trade of the Ohio, as suggested by Mr. Hulme, from the tolls, or by surrendering the canal to the Commonwealth of Kentucky, on such terms as will secure the same object and make it free.

Under the authority of the Kentucky acts of Assembly of 1857, and of the joint resolution of Congress of May, 1860, the canal underwent important additions, enlargements, and improvements; to pay for which the company issued its bonds for $1,600,000 secured by mortgage on the canal, its franchises, tolls, and revenues. The proceeds of the bonds proved wholly inadequate to complete the work, and the United States Government, in conformity with its interests, trusts, and powers, pursuant to the Kentucky acts of 1842 and 1844, in order to complete the canal, appropriated and paid out of the United States Treasury the sums following, to wit:

In 1869, $178,200; July 11, 1870, $250,000; January 18, 1871, $200,000; March 3, 1871, $250,000; June 10, 1872, $300,000, and March 3, 1873, $100,000; making in the aggregate $1,278,200.

Subsequently, in the act of Assembly approved March 28, 1872, the State of Kentucky reiterated her official recognition of the relations of the Government of the United States to the Louisville and Portland Canal in the following terms, to wit:

Whereas the stock in the Louisville and Portland Canal belongs to the United States Government except five shares owned by the directors of the Louisville and Portland Canal Company, and said directors, under the authority of the Legislature of Kentucky and the United States, executed a mortgage to Isaac Caldwell and Dean Richmond to secure bonds named in said mortgage, some of which are out and unpaid, and said canal company may owe other debts; and *whereas* it is right and

proper that the Government of the United States should assume the control and management of said canal: Therefore,

Be it resolved by the General Assembly of Kentucky, That the president and directors of the Louisville and Portland Canal Company are hereby authorized and directed to surrender the said canal, and all the property connected therewith, to the Government of the United States, &c.

In the mean time the receipts of the canal company for tolls from 1831 levied upon the capital, toil, and peril of the brave and enterprising men who float their vessels upon the Ohio River, exceeded in the aggregate the enormous sum of $5,507,247. The total cost of the canal is set down at $7,847,205, and it is officially stated to be actually worth more money as real estate.

The indebtedness of the company consists of 1,172 bonds for $1,000 each, bearing interest at the rate of 6 per cent. per annum, payable semi-annually, in January and July. Three hundred and seventy-two of the bonds mature January, 1876; four hundred January, 1881; four hundred January, 1886, and their average price in the market is 85, 80, and 70 cents, respectively.

The existing rate of tolls is fifty cents per registered ton; whereas General Weitzel, in his report of September 9, 1872, to General Humphreys, United States Army, avers that seven cents per ton would furnish ample revenue for all the legitimate purposes of the canal.

Such is a brief recapitulation of material facts. It is most extraordinary that the Congress of the United States should have continued so long remiss in not consummating the mere formality of accepting by appropriate legislation the actual possession and control by its agents of the use and management of this work. I regret that gentlemen on this floor, so eminent for ability and probity, as to adorn public life, should still find difficulties in the way of such legislation. It seems to me such regret will be shared by every public man when he contemplates the monstrous wrong of subjecting the commerce which floats free over the great inland seas of the West, to a tribute of $350,000 per annum for floating through but two miles of artificial water-way belonging to the Government of the Union.

It is objected, I believe, mainly, that something indispensable remains to be done by the State of Kentucky to make complete and perfect her surrender of jurisdiction made by the acts of Assembly of 1842 and 1844. Her sovereignty and jurisdiction over the property and use of the canal were absolute. To surrender all she had to the United States in aid of the emancipation and enrichment of commerce was her voluntary act. It was an act of munificence, because it was disinterested and beneficent. She declared in 1844 "that in the event of the United States becoming the sole owner of the Louisville and Portland Canal, the jurisdiction of this Commonwealth over said canal shall be yielded up to the Government of the United States."

And, says Mr. Justice Miller, in August, 1872, in The United States *vs.* The Louisville and Portland Canal Company:

> The United States is the only stockholder of this corporation. The directors have really no personal interest in the corporation or its property.

The Government of the United States, in this case, the trustee of the river commerce of the Mississippi Valley, is the beneficiary of the grant. Hence if there yet was wanting some technical formality on the part of Kentucky, would it be becoming in any branch of this Government, especially this branch, in any juncture, but especially in a juncture like the present, where delay would be so unjust and disastrous and prompt action so useful to the great interests of commerce and the country, to impugn her character by distrusting her fidelity to her voluntary compact? Any presumption of bad faith in her, would be a presumption at once indecent and impossible; nor, I believe, has any such been suggested or entertained, and hence in no contingency can any loss or complications ensue from the passage of the act. For if something yet remains to be done, what ought to be done by her, must be considered as done. Any other conclusion would be unworthy of the spotless fame of Kentucky and of the official character of this body.

But I submit there is nothing in the question of imperfect jurisdiction in this Government, as the matter now stands, which should awaken concern. Manifestly it is not possible there could result any pecuniary loss to the United States; it is equally manifest a great burden may thereby be removed from a commerce and a class of men entitled to the highest consideration of which this Congress is capable.

The question of imperfect jurisdiction is therefore purely technical upon the one hand, and wholly vexatious upon the other. The acts of 1842 and 1844 are a contract, and the grant cannot be resumed by the Legislature, nor be modified, changed or canceled without the consent of the United States.

It has so often been decided by the Supreme Court that a grant by a State for a consideration received, or supposed to be received, that certain property-rights or franchises shall be exempt from taxation is a contract protected by section 10 of article 1 of the Federal Constitution; that the question can no longer be considered an open one. (*Cooley on Limitations*, 281, *and cases cited.*)

The Legislature of Georgia made a grant of land, and on an allegation that the grant had been obtained by fraud, a subsequent Legislature passed an act annulling and rescinding the first, and asserting the right of the State to the land involved. And Chief Justice Marshall in delivering the opinion of the court (in Fletcher *vs.* Peck, 6 Cranch) said:

> A contract is a compact between two or more parties, and is either executory or executed. An executory contract is one in which a party binds himself to do or not to do a particular thing. Such was the law under which the conveyance was made by the governor. A contract executed is one in which the object of the contract is performed; and this, says Blackstone, differs in nothing from a grant. The contract between Georgia and the purchasers was executed by the grant. A contract executed, as well as one which is executory, continues obligations binding on the parties. *A grant, in its own nature, amounts to an extinguishment of the right of the grantor, and implies a contract not to reassert that right. A party is, therefore, always estopped by his own grant.* Since then, in fact, a grant is a contract executed, the obligation of which still continues, and since the Constitution uses the general term "contract," without distinguishing between those which are executory and those which are executed, it must be construed to include the latter as well as the former. * * * If, under a fair construction of the Constitution, grants are comprehended under the term "contracts," is a grant from the State excluded from the operation of the provision? Is the clause to be considered as inhibiting the State from impairing the obligation of contracts between two individuals, but as excluding from that inhibition contracts made with itself? The words themselves contain no such distinction. They are general and are applicable to contracts of every description.

Contracts and grants made by a State are therefore within the reach of the constitutional prohibition. Says Mr. Justice Story, the question is not whether such contracts or grants are made by law in the form of legislation or in any other form, but whether they exist at all. The Legislature may make a grant, and when it is once made it remains irrevocable and it cannot be impaired.

> So the Legislature may make a contract * * * directly by law, pledging the State to a performance of it; and then, when it is accepted, it is equally under the protection of the Constitution.

Neither is a grant less a contract, though no beneficial interest accrues to the possessor, as in the case under consideration, where the United States has contracted not to use the grant for revenue.

It is well settled that a compact between two or more States is within the scope of the constitutional prohibition. Compact and contract are equivalents. When grants or propositions are offered by one State or government and agreed to and accepted by another State or government, they constitute a contract between the parties. Neither in reason nor in law, says Mr. Justice Story, is there any difference whereby to distinguish between contracts made by a State with individuals, and contracts made between States or governments. Each are equally inviolable.

This Government, therefore, is, and can be, in no condition to be hurt in any contingency. It is the great recipient in trust, by the magnanimous act of Kentucky, of this indispensable public work which has been built up and brought to its present magnitude and completeness, mainly by means of unjust and exhausting exactions upon the capital and industry of the hardy and enterprising navigators of the Ohio, its affluents and tributaries. By Kentucky the work was dedicated to free commerce. It was so accepted by this Government, and is so held by it, subject only to tolls equivalent to its use and preservation.

The Government cannot impair the bondholder's lien upon the franchise, tolls, and revenue of the canal, but with that exception it may do everything besides, in harmony with the trust, and to this there is one universal assent from all concerned, not excepting the president and directors of the canal. And surely the Government is able to take care of itself.

Throughout a period of now more than thirty years the legislation of Kentucky has been all the Government required. For now nearly twenty years—one-fifth of a century—this public work has been a standing tender to the Government. Throughout both periods has gone on with unrelenting obduracy the drain upon every pore of the commerce of the West. Appeal after appeal to this body has been made from year to year, and action as often deferred, without any apparent cause, other than unreasoning procrastination. Petitions, memorials, and deputations, from all over the valley of the West have, session after session, for a quarter of a century, poured in upon and beseeched the Legislature of the Union, and although beguiled by every promise of relief, still it has not yet come. The records and proceedings of this House and of the Chamber at the other end of the Capitol, are loaded with petitions, proofs, letters of heads of Departments, reports of engineers, correspondence, reports of committees, resolutions and bills, all recognizing the propriety and sound policy of this bill, and in the mean time generations have risen and fallen, and now, for the first time, the heroic navigators and oppressed commerce of the great inland seas of the West are to be postponed to a pigmy, in the form of a technicality. Such are the—

> ——whips and scorns of time,
> The oppressor's wrong, the proud man's contumely.

Let technicality, if such there be now, wait; let commerce now advance. Let us be wise with speed and just without delay. Every consideration which ought to weigh with this Congress demands the passage of the pending bill in the form in which it comes from the Senate to the House.

Mr. HOLMAN. I now yield ten minutes of my time to the gentleman from Ohio, [Mr. LAWRENCE.]

Mr. LAWRENCE. Mr. Speaker, there are three essential provisions in the bill now pending before the House to which I wish to call attention. They are, first, that after thirty days from the passage of this act the Secretary of the Treasury shall take possession of the Louisville and Portland Canal; second, that the Secretary of the Treasury shall pay the outstanding bonds of the indebtedness of the Louisville and Portland Canal Company at maturity or may purchase them before maturity; and the third essential provision is, that the tolls to be charged upon vessels passing through the canal shall for the current year be at the rate of ten cents per ton, and after this year

at such rate only as will pay the necessary expenses of operating the canal.

These three essential provisions have been so fully discussed in the two able reports that have been made in the two branches of this Congress and in the debate, that I shall deem it necessary to say but little upon the subject. It is very well understood that this canal is now controlled by a president and four directors of the Louisville and Portland Canal Company, and that they levy a charge of fifty cents per ton upon all tonnage passing through the canal. It now costs $500 to pass an ordinary sized empty steamer through this canal. This is such an enormous tax upon the commerce passing through the canal, that it is a great injustice to the State I have the honor in part to represent and to others similarly situated. Gentlemen from other States may possibly look with some complacency upon this burden imposed upon our commerce, but the people of Ohio, the people interested in the commerce that is to pass through this canal, cannot look with much satisfaction on it, nor the people who, as my friend from Pennsylvania [Mr. NEGLEY] says, are interested in the question of cheap transportation.

We erect light-houses upon our sea-board and maintain buoys and keep up a Navy in part for the benefit of our foreign commerce. Yet when we ask that our interior commerce shall be relieved of oppressive charges, we are met with efforts to delay and postpone the simple justice we seek, and in the mean time the trade between the West and South is crippled, to the serious disadvantage of millions of people and the commerce of the whole country. And now what is the ground of opposition to the bill? The gentleman from New York, [Mr. WHEELER,] who has discussed this subject with great ability, puts his opposition upon a single solitary ground. In his speech of the 31st of March he says:

> I have never objected, in committee or out of it, to the amount of money involved in the bill. I have placed my opposition from the outset simply upon the question of the cession of jurisdiction.

Mr. WHEELER. And there is where it is alone to-day.

Mr. LAWRENCE. Simply upon the objection that there is no sufficient cession by Kentucky to the United States of jurisdiction over the canal. I will endeavor to show, first, that this canal, in substance and in fact, is the property of the United States; secondly, that the jurisdiction of Kentucky over the canal has already been ceded to the United States; thirdly, that there remains no question of jurisdiction except between the United States and the president and four directors who compose the board of directors of the Louisville and Portland Canal Company; that there is in fact no question as between the United States and the State of Kentucky which is not already settled. If I am correct in these positions, then my friend from New York [Mr. WHEELER] will agree with me that his objection falls to the ground and that this bill ought to pass.

Then, first of all, does this canal belong to the United States? The Louisville and Portland Canal Company was incorporated by an act of the Kentucky Legislature passed January 12, 1825. Its original capital was $600,000, afterward increased, until in 1831 the company was authorized to issue stock sufficient in amount to complete the canal. By the original charter the affairs of the company were to be managed by a board of directors, including a president and four other members. Under acts of Congress of 1826 and 1829 the Government of the United States subscribed for 2,335 shares of $100 each of the capital stock of the company. To these were added by an adjustment of interest accounts 567 shares, so that in 1833 the Government had 2,902 shares of the stock. In 1842 the individual shares of stock amounted to 7,098. Thus stood the rights of the United States and the rights of individual stockholders up to 1842.

In 1842 the Legislature of Kentucky, by the act of February 21, authorized the directors of this company, whenever the stockholders should consent, to sell to the United States all the shares owned by individuals in this canal company. The act provided that—

> When the said shares shall all have been purchased, the same shall be transferred to the Government of the United States, on condition of said Government levying tolls for the use of said canal only sufficient to keep the same in repair, and pay all necessary superintendence, custody, expenses, &c.

Here, then, was the proposition to the United States made by the State of Kentucky. It was in brief, that the directors might, with the consent of the stockholders, sell out the shares of this company, so that the Government of the United States should become the exclusive owners of the shares, and thereupon all jurisdiction of Kentucky over the canal should *ipso facto* be ceded to the United States.

In pursuance of the authority conferred by that act of the Legislature and by acts of Congress between 1842 and 1855, the Government became the owner of 9,995 shares of this company—all of the shares except only five. At the instance of the Secretary of the Treasury five gentlemen retained one share each of stock of the company for the sole purpose of keeping up the corporate organization and managing the canal for the United States—not for themselves. It was a part of the arrangement that the United States should at all times have the right to take and pay for these five shares and assume possession and control of the canal in any form Congress might require. Practically, then, the United States became sole owner of this canal company and its property; practically, then, when these five directors assumed possession of the canal at the instance of the United States and for the benefit of the Government, the United States were not only owners of the canal, but the possession of it was in the United States under that act of the Legislature of Kentucky and in pursuance of acts of Congress.

Here, then, is title absolute in the United States. As between the State of Kentucky and the United States the possession was in the United States. The Government of the United States is a corporation; it can only take possession through agents. The maxim applies, "*qui facit per alium facit per se.*" When these directors held this property for and at the instance of the Government of the United States the possession was that of the United States.

It has been already conceded in this debate that it has been determined by Mr. Justice Miller, of the Supreme Court, in August, 1872, that this canal was the property of the United States. But, Mr. Speaker, there is more than that. This canal company in 1855 made a report in which they conceded that this canal was the property of the United States. I read from that report:

> The canal is now ready to be transferred to the custody of the General Government as soon as the Department may be prepared to receive it. The board of president and directors beg leave to say that they will cheerfully continue to direct the affairs of the work as heretofore so long as the Department may wish the same intrusted to their care.

How, then, in legal contemplation and effect, did they hold and manage it? For themselves? No; for the United States, and at the instance of the Secretary of the Treasury. They were the mere agents or trustees of the United States.

Again, the Legislature of Kentucky has by the joint resolution of March 28, 1872, conceded that this canal is the property of the United States. I beg to read a single passage from that joint resolution:

> Whereas all the stock in the Louisville and Portland Canal belongs to the United States Government—

That is the declaration of the Kentucky Legislature—

> except five shares owned by the directors of the Louisville and Portland Canal Company, and said directors, under the authority of the legislation of Kentucky and the United States, executed a mortgage to Isaac Caldwell and Dean Richmond to secure bonds named in said mortgage, some of which are out and unpaid, and said canal company may owe other debts; and whereas it is right and proper that the Government of the United States should assume the control and management of said canal.

That, sir, is the solemn confession of the Kentucky Legislature conceding the ownership to be in the United States and declaring it right and proper that the Government should at once assume the control and management of said canal. No question was made as to who had possession. The directors had possession for the United States. Their possession was the possession of the United States. The Legislature declared it right and proper that the Government should assume (now mark the words) "control and management;" that is, take the management from the directors and put it in the hands of other Government officers. This is a concession that what the Government had done was done in pursuance of and in acceptance of the provisions of the act of January 21, 1842, and the amendatory act of February 21, 1844. The whole history of the transactions proves this to have been so. It proves that the Government intended to accept, and did accept, the grant made by these acts. Kentucky so regarded it from 1842 to 1872. After the United States have invested in this canal $1,759,262 between the time of the passage of the act of February 21, 1842, and the year 1855—when upon the faith of the legislation of Kentucky, and at the instance of that State, the Government of the United States has invested this vast sum of money in this canal and made itself the absolute owner, by the concession of the Legislature with a declaration that it is right the United States should "assume the control and management of said canal," the State of Kentucky can never afterward turn round and say that the Government of the United States has not acquired absolute jurisdiction over this property. The jurisdiction of Kentucky has been surrendered; it is at an end.

Sir, it seems to me that this is the end of the controversy if we may rely on history, on what the Kentucky Legislature has done, on what the Government has done, on what the last utterance of the Kentucky Legislature acknowledges. And I insist that sound policy and justice to the commercial welfare of the Western States interested in the Ohio River require that we should pass this bill, assume the the management and control of this canal, and reduce the enormous tonnage charges that are piled upon our commerce, so that this enterprise shall no longer be made the means of oppressing the industries of the West and South.

The bill declares that the Government will now assume the control under the Kentucky acts of 1842 and 1844. These surrender the jurisdiction of that State.

Kentucky cannot object even now to an acceptance of those acts if they had not already been accepted by the acts of the Government and by the laws of the United States. Time does not run against the United States. Kentucky can interpose no such objection. But if time could run against the Government as to the right to accept the acts of 1842 and 1844 in case there had been no act of acceptance or performance, no such question can be made now. There has been not merely "part performance," but full performance long since of all conditions imposed by those acts.

The joint resolution of Congress of May 24, 1860, authorizing bonds to be issued by the canal company was an exercise of right and over the title of the corporation which was declaratory of the rights of the Government. The fact that from 1842 to 1872 Kentucky never asserted any claim of jurisdiction as against the United States is sufficient evidence that no right or jurisdiction existed in that State.

And now, let me ask, how will it improve the rights of the United States to continue the present order of affairs? Since Kentucky, by the act of 1872, has ventured to impose new conditions and assert a power to do so, her pretensions should be met at once and unequivocally, not by asking her to surrender a jurisdiction she has not but by asserting the rights which the United States have.

Let the South and West be relieved of exorbitant tolls. Let justice be done to their commerce. They demand it as a right; they do not ask it as a favor. And it may as well be understood now and henceforth that the agricultural interest of the South and West will demand their rights, will insist upon legislation to secure all their great interests and industries, and will accept of nothing less.

It was not my purpose to speak on this subject until a few moments since, but I could not remain silent without peril to great interests committed in part to my care.

[Here the hammer fell.]

Mr. HOLMAN. I yield ten minutes to the gentleman from Ohio, [Mr. GARFIELD.]

Mr. GARFIELD. Mr. Speaker, I shall say but a few words bearing on the legal aspects of this case. I think it will be sufficient for my purpose if I call the attention of the House to the recent steps taken by Congress in this matter. First, let it be remembered that on the 3d of March, 1873, after a full understanding of the merits of the public interests involved, Congress agreed to appropriate whatever sum of money was found necessary to pay off all the old debts of the canal company and assume absolute and complete control of the property, for the purpose of making free the navigation of the Ohio River. This is the first legislative fact to which I wish to refer. By the almost unanimous voice of Congress it was conceived to be of the highest public importance that such a large appropriation should be made for the great object of making a thousand miles of river tributary to the Mississippi free for the commerce of so many States.

When the Secretary of the Treasury came to put this law in force he discovered that there were some technical difficulties in the way of using the million and a quarter of dollars appropriated; and in his letter of December 1, 1873, he laid before this House the facts, and stated that further legislation was necessary to enable him to make the payment and secure the freedom of the river. To that end the Senate took up the question. In that body there was introduced and passed by a nearly unanimous vote a bill which in their judgment was sufficient to clear up all the difficulties of the question raised by the Secretary of the Treasury—to enable the United States to occupy fully and completely this work, to own absolutely the franchises of the canal and open it to free navigation.

Coming to the House, that bill was referred to the Committee on Commerce, was there considered, and was brought back to the House upon a report made by that committee. In the House it was proposed by the gentleman from New York [Mr. WHEELER] to add a proviso which should make the rights of the United States more certainly secure. Some of us, who thought that this proviso would take too much time and delay the accomplishment of the great object desired, voted for another proviso offered by a gentleman from Pennsylvania, [Mr. CLYMER,] which would give the Government immediate possession of the work and still secure all the rights of other parties. That was voted down; and rather than pay the whole amount of money, with no security for the complete ownership of this great property—fearing there might be trouble in the view exhibited in the speech of the gentleman from New York, [Mr. WHEELER,] the House voted to adopt his proviso. I was among those who voted for it; and I did so out of abundant caution, to protect the interests of the United States from any trouble in the future.

I did not feel sure that so stringent a proviso was necessary, but I did think that some security against after claims was needed. Those members of the House who had not carefully studied the subject did as I did, and voted for it as a matter of abundant caution. Since that time our bill has gone back to the Senate. It has been there referred to a committee—one of the ablest committees of that body—and they have made a report, (Senate report No. 270,) which I hold in my hand. Accompanied by this report the bill was reported to the Senate and acted on after several days of careful debate, and now comes back to us with a new section and an amendment, which the Senate committee and the Senate themselves believe protect the rights of all the parties concerned and opens the canal to immediate public use.

I have read the report of the Senate committee, and I am disposed to believe the Senate amendments adequately protect the interests of all concerned; and by passing the bill as it comes to us from the Senate, referring to the courts, as the new section of the Senate proposes, all questions that may arise on the subject, I am disposed to believe that the rights and interests of the United States as well as the rights of the State of Kentucky and of this corporation will be secured. In view of these facts I hope the House will concur in the amended bill as it comes from the Senate.

The motion of my friend from New York [Mr. WHEELER] to recommit to the Committee on Commerce is one which ought not to prevail, and for this reason: if it goes to the Committee on Commerce, it is next to impossible that it can be reported back this session. If it goes to the Committee on Commerce with the other bills and business of the House pressing upon us, we may almost consider the bill defeated. I am sure the gentleman from New York would not do the injustice of putting this bill in a situation where the House cannot act upon it soon; and I therefore hope he will withdraw that motion and let the bill take its fate in the House and now.

From the examination I have been able to give it, I shall vote against all measures which delay action on this bill. I shall vote for the amendments of the Senate, believing thereby the rights and interests of all parties may be secured, and that they will enable us to open the Ohio to freedom of navigation.

Mr. HOLMAN. I yield now, for five minutes of my time, to the gentleman from Ohio, [Mr. SAYLER.]

Mr. SAYLER, of Ohio. Mr. Speaker, it is impossible, of course, in five minutes to discuss or meet at any length the legal argument of the gentleman from New York, [Mr. WHEELER.] I am very sorry I am not permitted in this discussion to have more time. But as it seems impossible, I must be content with what I can get. I propose, therefore, to confine my remarks to two or three points which seem to me to be the basis, and the entire basis, of the objections urged by the gentleman from New York to the passage of the bill in the form in which it has returned from the Senate.

It will be seen, sir, that the Senate committee have stricken out the amendment proposed by the gentleman from New York requiring the House to have additional legislation at the hands of the State of Kentucky, and that they have added to the bill an additional section authorizing the district attorney of the United States to appear for the United States as *terre tenant pro forma* in case it ever becomes necessary for the holders of the bonds to foreclose their mortgage. This is a matter of abundant precaution so far as the rights of the bondholders are concerned.

Now, Mr. Speaker, the great objection to the amendment proposed by the gentleman from New York which has been stricken out by the Senate and to the modified form of the amendment which I am informed by himself he proposes to introduce is, that it is entirely inconsistent with the substance of the bill; that it embarrasses the operation of the bill by placing us at the mercy of any lobby which the five directors in the city of Louisville may choose to send to the Legislature of Kentucky, and still further, that it recognizes what we utterly deny, that the State of Kentucky by its Legislature has any right whatever to impose conditions upon the cession which they have already made and under which the United States has expended its money and obtained possession in 1855 of the stock representing this canal property. It is inconsistent with the second section of the bill, which provides for taking possession of this property under the act of the Legislature of Kentucky in the year 1844 and this amendment in any form in which it is placed puts us at the mercy of further legislation on the part of the State of Kentucky.

Now, the only objection which the gentleman from New York [Mr. WHEELER] has been able to urge with any kind of success to the interpretation which the Committee on Commerce, or a majority of them and the committee in the Senate, have given to the acts of 1842 and 1844, is that under these two acts the Legislature of the State of Kentucky still retains authority to determine what should be the amount levied upon the commerce passing through the canal. The gentleman has said that the matter is so plain that a wayfaring man, though a fool, need not err therein; and I think he is right about that.

The act of 1842, in its fourth section, says:

> And further to protect and guard the interests of commerce, the superintendents or agents in charge of said canal shall ever hereafter, on the first Monday in January, annually report to the General Assembly of Kentucky the amount of tolls levied and received.

In the act of 1844 they expressly repealed that portion of the act. The only purpose of that report was, that by that report the Legislature of Kentucky should determine whether the tolls were in excess of what was proper or not. They expressly repealed it, and conceded the absolute and complete jurisdiction of the canal to the United States.

Sir, the gentleman has submitted another proposition to which I desire to call attention just for a moment. It is this: He said in his speech on that occasion that—

> The fallacy of this bill rests in this, that the United States have become the proprietor of all the shares except five shares; a fact, Mr. Speaker, which has never been conceded by the Legislature of Kentucky, and a fact which has been persistently, and I say legally, denied by the Louisville and Portland Canal Company.

Mr. Speaker, if that is a fact I will agree to join with the gentleman in his proposition. I say, on the contrary, that I am prepared to prove, by the direct reports that have been made by this corporation and by the direct action of the State of Kentucky, that neither one of these propositions has the slightest foundation in fact. In 1855 the United States had acquired possession of this property; that is, they had acquired possession of all the stock; and in that year Mr. Secretary Guthrie states in his report:

> The canal is now ready to be transferred to the custody of the General Government so soon as the Department may be prepared to receive it.
>
> The canal, with the exception of the five shares, is now the property of the United States—

The property of the United States—

> and may, as Congress shall direct, be enlarged to suit the trade of the Ohio, as suggested by Mr. Hulme, (in an accompanying letter,) from the tolls, or by surrendering the canal to the Commonwealth of Kentucky on such terms as will secure the same object and make it free.

And in April, 1856, the following year—I am talking as rapidly as I can, because I want to get in as much as possible—in April, 1856, we

have this report, and I call the attention of the gentleman from New York to it because it has not yet been referred to at all. In the report the Treasury Department made in 1856, Mr. Guthrie says:

This latter provision was repealed in 1844—

Referring to the provision I have mentioned—

and without any action of Congress upon the subject the net receipts of the canal were from time to time applied to the purchase of the private stock as provided in the act of 1842, and as purchased the stock was transferred on the books of the company to the United States.

That is the statement of Mr. Guthrie.

[Here the hammer fell.]

Mr. SMITH, of Ohio. I hope my colleague will be allowed five minutes more. He represents the great city of Cincinnati, and ought to have a hearing on this question.

Mr. HOLMAN. I hope there will be no objection to the extension of the gentleman's time—on the understanding that the extension will not be deducted from the time allowed for the whole debate.

There was no objection.

Mr. SAYLER, of Ohio. I am obliged to the House for its courtesy. Mr. Guthrie says further:

In January, 1855, the net receipts of the canal were sufficient to purchase the balance of the private stock, and all was purchased and transferred to the United States, except five shares left standing—one in the name of the president, and one in the name of each of the directors of the canal. This was done at the instance of the Treasury Department, for the purpose of keeping up the corporate organization of the canal for its management until Congress directed what disposition should be made of it.

But the gentleman may say that is the report of the Secretary of the Treasury. Now I call his attention to the report made by the president of the Louisville and Portland Canal Company, James Marshall, dated December 31, 1855, after these shares had been purchased. I read from the first volume Executive Documents, Thirty-fourth Congress, 1855 and 1856. The president says in his report to Mr. Guthrie:

In compliance with the request contained in your communication of the 24th ultimo, I would state that John Hulme, Charles H. Lewis, Charles W. Short, James Marshall, and J. H. Rhorer own each one share of the stock of the Louisville and Portland Canal Company, making five shares; the remaining 9,995 shares are in the name of the United States.

Now, Mr. Speaker, that was in 1855 and in 1856, just after these events had occurred. The Secretary of the Treasury, Mr. Guthrie, makes the positive, unqualified statement that this is now the property of the United States. The president of the company makes the same statement. They state directly that the stock has been transferred on the books of the company into the name of the United States. And it was not, sir, until 1867, when this same Mr. James Guthrie, who made that report when he was Secretary of the Treasury, had become the president of this canal company, that he found the quibble which he made and which has been used and quoted on the floor of the House by the gentleman from New York.

And now, sir, as to the Legislature of the State of Kentucky. In the act of the 28th day of March, 1872, what do they say? The gentleman from New York has said that the 9,995 shares had never been recognized by them as belonging to the United States. On the contrary, the entire legislation of the State of Kentucky has recognized it, and the Secretary of the Treasury, and the canal company itself recognized it, until the time came when it became very valuable property to them, and they determined to hold on to it by technicalities and quibbles as long as they could.

In this act of 1872 the Legislature say, at the very beginning of the bill, which the gentleman from New York omitted from his speech:

Whereas all the stock in the Louisville and Portland Canal belongs to the United States Government except five shares owned by the directors of the Louisville and Portland Canal Company, and said directors, under the authority of the legislation of Kentucky and the United States, executed a mortgage to Isaac Caldwell and Dean Richmond to secure bonds named in said mortgage, some of which are out and unpaid, and said canal company may owe other debts; and whereas it is right and proper that the Government of the United States should assume the control and management of said canal.

And, Mr. Speaker, since this legislation has been pending in Congress the Louisville and Portland Canal Company have held a meeting, at which they adopted the following preamble and resolution, among others:

Whereas the board have seen from reported proceedings in Congress that the members of this board have there been represented as opposing the effort now and heretofore made to have the General Government pay the debts of the canal and render it free: Therefore,

Resolved, That such statement is untrue and wholly without foundation. For many years this board has been anxious, and is now anxious, to surrender the canal to the Government, has repeatedly offered to do so, and is now willing and ready to do so, upon being acquitted of their liability to the creditors of the company.

[Here the hammer fell.]

Mr. HOLMAN. I now yield five minutes to the gentleman from Ohio, [Mr. FOSTER.]

Mr. FOSTER. Mr. Speaker, I only desire to say that I have given this matter considerable attention since it was considered here some time ago, and I have become entirely satisfied that the two objections then made by the gentleman from New York [Mr. WHEELER] are to a great extent merely technical, and one of them is now obviated by the Senate amendment to the bill now before us.

I believe that the State of Kentucky has intended to cede complete jurisdiction to the United States in the contingency that we are now about to consummate, and that no possible fear need be apprehended that she will act in any way different from the spirit of her legislation on this subject.

If any doubt exists (which I do not concede) that existing legislation does not give the United States full and complete jurisdiction, for one, I am willing to trust the State of Kentucky to give us the full measure of jurisdiction that even the gentleman from New York [Mr. WHEELER] may require.

This whole subject has been thoroughly and exhaustively examined and discussed in another place, and before a body of seventy-four men as intelligent as any body of men in the world. In this body of men but four were found to dissent from the proposition as now presented to us.

Mr. Speaker, imperfectly understanding this subject when it was up before, I voted against it. Now, after careful consideration, I shall give the bill before us my cordial support.

Mr. HOLMAN. I now yield three minutes to the gentleman from Pennsylvania, [Mr. KELLEY.]

Mr. KELLEY. Mr. Speaker, I shall scarcely want that time. Like the gentleman from Ohio [Mr. FOSTER] who has just preceded me, I voted with the gentleman from New York [Mr. WHEELER] when this bill was before the House, and have made up my mind that duty requires me to vote the other way now. I have read a very able report upon the subject from a citizen of my own State in whose judgment I have great confidence, and whose report made to another body controls my own judgment.

I believe that the commerce of the country demands the earliest possible reduction of all charges upon water carriage. In the interim there has been made in the other branch of Congress a report on transportation which shows the overwhelming importance to all the industries of this country of reducing the charges in every direction upon the cheaper mode of carriage, a mode which, prorating with railroads, is often at the rate of five to one in favor of water carriage. I fear that to refer the bill to the Committee on Commerce would delay action upon it at least until the next session of Congress. I do not believe that, with the best disposition on the part of that Committee on Commerce in the world to report it again during this session, it could be done; and for these reasons, or rather I may say for the reasons presented in the report to which I have alluded, I shall vote against any commitment, and for the Senate bill as it stands.

Mr. HOLMAN. I yield five minutes to the gentleman from Kentucky, [Mr. STANDIFORD.]

Mr. STANDIFORD. Mr. Speaker, when this bill was before the House for consideration a short time since the gentleman from New York proposed an amendment by the operation of which the provisions of the bill for the relief of the commerce of the Ohio River were postponed in their execution until the next meeting of the Kentucky Legislature, which does not take place until nearly two years, which was, as I at the time on this floor alleged, an ingenious attempt to kill the bill. His amendment was defeated in the Senate by an almost unanimous vote, and he now comes and presents one of a similar character for our consideration again.

What was, I consider, an unprecedented accomplishment on the part of a member, the gentleman obtained the closing hour and refused to give any one a chance to reply to his assumptions of fact or to show to the House how utterly at variance with the true state of the case his arguments were. His objection to the immediate passage of the bill was based upon the failure of a full cession of jurisdiction by the State of Kentucky to the United States, and of her authority over and about the property of this canal. Of course he admitted, as he had to do, the solemn acts of the Legislature of 1842 and 1844, to which I have heretofore referred, and of course he admitted, as he had to do, that the earnings of the original stock of the United States had been devoted to purchasing the stock of private individuals in this canal company, until all the stock had been absorbed by the earnings of the stock of the United States, and yet out of this condition of affairs he attempted to show that the United States could not take anything except what she originally purchased by money appropriated for that purpose. I would like to ask the gentleman who is entitled to that stock if the United States is not; and if the United States is entitled to the stock, who has a right to interfere in her management of the property represented by that stock? The gentleman is a lawyer; I am not; but I would like to know what is to prevent the United States from assuming possession of this canal property at once.

By permission of Kentucky, the Government through its agents have become possessed of all the stock of the company, except five shares which they held once but returned to the five directors in order that they might keep up the company until it should suit the convenience of the Government to take permanent possession and control. But, says the gentleman, that permission was accompanied by certain provisions and conditions that the Government must fulfill and be subject to. Does the gentleman, who is a lawyer and represents the district of Silas Wright, wish to be understood as advocating the right of a State to tax or in any way control the property of the United States? If he does, and is correct, we would thank him to demonstrate it, because the custom-house and post-office building in my city would make a valuable addition to the tax returns, and the taxation of United States bonds would materially reduce the tariff upon other articles of personal property; and would the gentleman

kindly suggest a court having jurisdiction to render judgment affecting the property, or competent to issue execution against it?

Mr. Speaker, these five directors of this canal company hold their rights, as has been well said by the gentleman from Ohio, only as trustees of a naked trust for the benefit of the United States, and which may be terminated at any time, and that is the object of this bill. But it is not my object to make a legal argument in reply to the gentleman from New York; there are other friends of the bill upon this floor who are learned in the law and can answer technicality by technicality, and to them I leave this branch of the subject.

The gentleman, with a magnanimity which is truly commendable, it being so very uncalled-for, assumed the championship of Kentucky, much to the astonishment of her delegation in this House, especially in finding a champion from so near to our Canadian border. It happened, however, that Kentucky's Representatives voted unanimously in opposition to the amendment of the gentleman, and they are still of the opinion that they are the representatives of the wishes of the people of that State. Kentucky does not need any champion, and especially such a champion as dares to impugn her good faith in giving up this property to the United States and who charges duplicity in the conduct of her public officers, as did the gentleman in respect to the attorney of Louisville in his opinion against the right of Louisville to tax this canal property.

The city of Louisville asks, and I submit it to this House if it is not a reasonable demand on her part, for police jurisdiction over the portion of the city occupied by the canal property. The canal company owns a large amount of real estate within the city limits, and, as in all cities of commercial importance bordering upon a navigable river, the population in the vicinity is infested with a wandering class who make their living off from steamboats and who require a large share of the attention of the guardians of the peace. Now, I ask is it the sense of this House that every time an arrest of this character is to be made a United States marshal must be sent for? Truly, if that is the case, the real estate of the Louisville and Portland Canal will be a paradise for thieves.

Again, Louisville desires to have the privilege of drainage into the canal. As this canal extends between her and her river front for two miles and as she has always used the canal as a means of drainage without injury to navigation, and if compelled to forego the privilege would be compelled to extend drains for two miles parallel with the canal, I do not think that it will be the sense of the House to compel her to do so. Another thing; Louisville desires the privilege of building bridges over the canal at such points as she may deem necessary, but as the privilege is asked only on condition that it shall not interfere with navigation it ought not to be considered an unreasonable request, and I do not think that the objection should come from gentlemen who voted in favor of the amendment proposed by the gentleman from New York on the grounds of protecting and caring for navigation, since by their votes they said that they desired to maintain the burden of this toll indefinitely upon that very same commerce. None of the people who are interested in the trade of the Ohio River think that the demands of Louisville are unjust or even unreasonable, and if they do not protest I see no reason why gentlemen who are so utterly unaffected by whatever may be the results should protest for them.

The Ohio Valley is asking for the passage of this bill. Why should we longer delay or interpose quibbling objections and take up the time of the House in matters that are of no importance?

Mr. Speaker, one word more and I am done. As I said before in discussing this bill, Kentucky will do anything required for her to do to give validity to or quiet the title of this canal property in the United States. She has promised to do this, and when Kentucky promises she keeps her word. No one can show in her whole history any violated pledges or broken faith on her part. Her honor as a State is as faithfully guarded as her citizens guard their individual honor, and will be as bravely and fearlessly maintained. I am sorry that it has been suggested that Kentucky would enter into a quibbling contest over this property which she has pledged to the United States, and can only say to those who make such assertions, or to those who believe them, you do not know the people of Kentucky.

Mr. HOLMAN. I now yield five minutes to the gentleman from Missouri, [Mr. STANARD.]

Mr. FORT. Before the gentleman from Missouri proceeds, will he allow me to ask the gentleman from Kentucky a question?

Mr. STANARD. I will yield for that purpose.

Mr. FORT. I desire to ask the gentleman from Kentucky whether the drainage of the city of Louisville into the canal has heretofore in any manner obstructed the navigation of the canal?

Mr. STANDIFORD. Not at all; in any way, shape, or form.

Mr. STANARD. Mr. Speaker, I did not expect to speak upon this question in the House when it came back from the Senate, and now I find that I have only five minutes in which to discuss it; but I believe that the matter has been discussed long enough in the Senate and in the House for us to understand how to vote intelligently upon it.

I believe that the only thing in the way of concurring in the amendments of the Senate to the House amendments to this bill is the question as to whether or not the State of Kentucky has ceded its jurisdiction over this canal. That, it seems to me, is the only thing that has been thought to be in the way from the beginning of this discussion. It is enough for me, sir, that the Senate of the United States came to the conclusion on the bill as it first came in here that the State of Kentucky had ceded its jurisdiction, and came to that conclusion by a very large majority. But, sir, when the bill came into the House it was referred to the Committee on Commerce, and a minority of that committee were of opinion that there should be further legislative action on the part of the State of Kentucky, and the House concurred in that view of the minority of the Committee on Commerce, and sent the bill back to the Senate. The Senate has heard the matter carefully again, and to meet the views of the minority of the House committee they made the amendments now before us by an almost unanimous vote—I am told that there were only four votes against the amendments. I say it is enough for me that this consideration has been had upon this subject, and that many of those who are much better able than I am to judge of the legal status of the matter have come to the conclusion that there are no legal barriers in the way of the passage of this bill.

As to the desirability of its passage there can be no question. The Ohio River has nearly one thousand miles of navigation, and for half a century or more those interested in the commerce of that river have been agitating the subject of having what obstructions there were in the river removed, so that they could have free and uninterrupted commerce. The Government of the United States, desiring that they should have this free commerce, has expended about one and a half million dollars in the improvement of the worst rapids in that river, and about the only obstruction there is in its navigation. But now, sir, it turns out that the one and a half million dollars or more which have been expended have resulted in an absolute obstruction of the navigation of the Ohio River, and that that sum might as well have been expended in placing the stones which have been used in constructing this canal across the river, so far as practical matters are concerned, as to have built this canal, from the simple fact that the tolls are so high upon the canal that they are a prohibition upon commerce. Those tolls amount to fifty cents per registered ton of the vessels passing each way.

When it is considered that the steamers running up the river are seldom loaded, and that steamers, barges, and other craft running down the river are not more than half loaded, this toll in the aggregate up and down the river will be found to amount to perhaps $1.50 per ton upon the commerce upon the river. Now, it is not strange that the people along the Ohio River are getting impatient, and that they send here their leading men—mayors of cities, presidents of chambers of commerce—loaded down with petitions asking that the people who have been taxed $1,500,000, and whose money has been expended for improving this river, shall now at this late day reap some of the benefits of that expenditure. I hope, therefore, that the House will pass the bill as it comes from the Senate and not recommit it.

[Here the hammer fell.]

Mr. HOLMAN. I now yield to the gentleman from Ohio, [Mr. BANNING.]

Mr. SAYLER, of Ohio. I ask my colleague to yield long enough to allow me to have read resolutions of the Cincinnati Chamber of Commerce upon this subject.

Mr. BANNING. I will do so.

The Clerk read as follows:

CINCINNATI CHAMBER OF COMMERCE,
Merchants' Exchange, March 28, 1874.

At a regular session of the Cincinnati Chamber of Commerce held this day the following preamble and resolutions were unanimously adopted:

"Whereas we learn from the dispatches from Washington that members of the Committee on Commerce are not favorable to the Government taking possession of the Louisville and Portland Canal until further legislation on the part of the State of Kentucky; and whereas the action of the Kentucky Legislature heretofore was intended and does cede the property to the United States upon the sole condition that the debts be provided for; and whereas we have good reason to believe that objection to immediate action on the part of Congress is inspired directly or indirectly by parties at Louisville who gain advantages by retaining control of the canal; and whereas the Kentucky Legislature will not meet again for two years, and the commerce of the Ohio River has already been too long oppressed by the heavy tolls collected on a canal owned virtually by the Government of the United States: Therefore,

"*Resolved by the Cincinnati Chamber of Commerce*, That simple justice to the commerce of the Ohio Valley requires that the Government should take immediate possession of the canal and reduce the tolls.

"*Resolved*, That copies of these proceedings be transmitted to our Representatives in Congress from this county and also to Senators SHERMAN and THURMAN."

[SEAL.] S. F. COVINGTON,
President.

Mr. BANNING. I am glad, Mr. Speaker, that the study and consideration given to this subject have enabled members of the House to better understand the rights of the Government of the United States in the matter of the property of the Louisville and Portland Canal. When the bill was defeated in this House a few days since I felt that it had been wrongfully defeated, that it was defeated by the votes of members who did not fully understand the rights of the Government in that property. The debate to-day shows that further consideration has convinced many members of the necessity of the passage of this bill.

After a careful study and consideration of the able speech of the gentleman from New York [Mr. WHEELER] when this bill was under consideration before, to which we were not permitted to reply, I come to the conclusion that he is mistaken, and do not find in his speech a single reason why the Government of the United States should not take possession of and control this canal.

The argument of the honorable gentleman could not be answered

when this bill was under consideration in the House before, because he then claimed the right, as chairman of the Committee on Commerce, to close the debate against the bill, although a majority of his committee were in favor of the bill and recommended its passage to the House.

All his objections then made have, however, been more than answered to-day, and I will not detain the House by again answering his objections, which have all been fully answered both by my colleage, [Mr. SAYLER,] and by the two gentlemen from Kentucky, [Mr. ARTHUR and Mr. STANDIFORD.] I will state, however, for the information of the House that the claim of the Campbell heirs that the title to this property was in them, and which was urged by the gentleman as one of the objections to the passage of this bill, is no longer an obstacle in our way, the court of Kentucky having decided against this claim on Thursday of last week.

Now, sir, as I have but a few minutes left, I wish to call the attention of the House to the management of the canal, which shows the five directors of the company, from whose reports the gentleman from New York quoted in his able speech, have strong pecuniary reasons for resisting the passage of this bill, and holding on to the control of the canal.

The owners of the five shares of stock are J. F. Speed, E. Lockhart, J. W. Henning, J. Caperton, and J. H. Rohrer.

The board of directors consists of the following-named gentlemen:

J. F. Speed is president, with a salary of $1,000 a year; John Caperton is vice-president, with a salary of $1,000 a year; J. W. Henning is treasurer, with a salary of $1,000 a year; E. Lockhart is superintendent, with a salary of $3,000 a year; and J. H. Rohrer is secretary, with a salary of $1,500 a year.

Each one of the owners of the five shares of stock is a director in the company; each one of these five directors is a salaried officer in the company; and the joint salary of these five directors is the snug sum of $7,500 per annum.

A further inquiry into the affairs of this company shows that J. Smith Speed is the assistant superintendent, at a salary of $3,000 a year; Hon. James Speed is counsel and attorney, at a retaining salary of $500 a year; showing that Hon. James Speed, J. F. Speed, and J. Smith Speed are three officers of this company, drawing $4,500 regular annual salary. The assistant superintendent receives $3,000 a year, and the collector receives $1,800 a year; making the sum of $12,300 paid annually to the officers of this company. All the other employés of the canal are put down at $31,212, and contingencies at $22,000.

A gentleman who has given much attention to this subject says:

All the other employés are put at $31,212, and contingencies at $22,000. I mention all these to show that $66,000, salaries and all, is the amount which they consider necessary to keep up the canal and all this work—a two-mile canal upon which the tolls for 1873 are estimated by General Weitzel at $350,000.

In addition to that, that I may do no injustice to anybody, I wish to state further who the directors are, and what I find in a letter, a copy of which I have before me, on file in the Treasury Department. The directors now are Joshua T. Speed, Jonas H. Rhorer, James W. Henning, Enos Lockhart and John Caperton, and in this letter on file in the Treasury Department this statement is made: that these five gentlemen who are the directors in the canal company are also directors in a savings-bank in Louisville where the tolls received by this canal are deposited, and the letter shows by reference to the report made by Mr. Gallagher, in 1867, that the cash balances that have been in the treasury of that company, beginning in 1841, were then $54,440, and in 1867 were $239,853, making an average of over $90,000 in the years intervening between 1854 and 1867; and as the tolls are being increased every year, the natural supposition is that the balance that they have to use in their savings-bank is over $200,000 of the Government money.

Taking these facts into consideration, Mr. Speaker, we discover the reason why these gentlemen, the five shareholders who hold their stock, being the directors, managers, and salaried officers, each and every one of them at the mere sufferance of the United States, are not only willing to hold on, but determined to remain if they can.

Mr. Speaker, the opponents to the passage of this bill have but one authority to sustain them, that is, the reports of the owners of the five shares in this canal.

These five shareholders are the only persons who are opposed to the Government taking possession of and controlling the canal. The State of Kentucky by repeated acts of her Legislature, the city of Louisville by ordinance of her common council, the two United States Senators from Kentucky by their arguments and votes, the entire Kentucky delegation in this House, the people of Kentucky in every way that it is possible for them to speak, ask the passage of this bill; while the people of the Ohio and the Mississippi Valleys, whose revenues go far toward the support of this Government, whose votes upon this floor are always given to every just and reasonable appropriation for the benefit of eastern commerce, demand the passage of this bill and the reduction of the unreasonable and unjust tolls levied upon their trade.

This bill should have been made a law long ago; and I hope that from the result of our vote I may announce to my constituents to-night that this Congress has performed an act of long-delayed justice in the interest of their commerce.

Mr. HOLMAN. I wish to consume the very few minutes I have left by having again read to the House some paragraphs which I fear were not fully heard. The first is an extract from the report of the Secretary of the Treasury to this House on the 1st of April, 1856.

The Clerk read as follows:

In January, 1855, the net receipts of the canal were sufficient to purchase the balance of the private stock, and all who purchased and transferred to the United States except five shares left standing, one in the name of the president and one in the name of each of the directors of the canal. That was done at the instance of the Treasury Department for the purpose of keeping up the corporate organization of the canal for its management until Congress directed what disposition should be made of it.

Mr. HOLMAN. I trust the House will observe the fact that as far back as April, 1856, it was reported to Congress that all the shares of this stock except five not only had been purchased but had been transferred to the United States.

My friend from New York will perceive that the main argument on which the House acted in adopting his amendment is thus entirely overthrown. The shares were not held in trust by these five directors, but were transferred to the United States. Now I ask the Clerk to read another paragraph which I have marked—an extract from the report made on the 14th of April in the same year by the board of directors, showing that according to their judgment the Government had obtained the absolute ownership of these ninety-nine hundred and ninety-five shares of stock.

The Clerk read as follows:

In compliance with the request contained in your communication of the 24th ultimo, I would state that John Hulme, Charles H. Lewis, Charles W. Short, James Marshall, and J. H. Rohrer own each one share of the stock of the Louisville and Portland Canal Company, making five shares; the remaining ninety-nine hundred and ninety-five shares are in the name of the United States. The individuals above named, making the board of president and directors as provided by the charter and by-laws, will cheerfully continue to manage the work as long as it may remain unaccepted by the Government. They have not received any advance or part of the share they each hold. The amended charter of the company fixes the price of the shares, according to which they are this day worth each $267.

Mr. HOLMAN. As a mere matter of convenience, and with the approval of the Secretary of the Treasury, these five shares were retained. The other shares, constituting the body of the capital stock, were transferred to the United States and are held by the General Government. Therefore the opinion expressed by Justice Miller in deciding the case referred to was unquestionably correct; the Government was in fact the owner of this work. The then Secretary of the Treasury, himself a distinguished citizen of Kentucky, says in the same report that his understanding, as well as the understanding of all the parties at the time, was that by the act of the State of Kentucky of 1844 the jurisdiction over this work had been ceded to the United States.

One word as to the position of this bill. My friend from New York knows well that if the bill be recommitted to the Committee on Commerce it will be virtually a defeat of the measure. He also knows that the majority of that committee think the measure should pass in its present form. I think I am justified in saying that a majority of the committee regard the action of the Senate upon this subject as entirely proper and just. I trust, Mr. Speaker, that the House will concur in the amendments of the Senate. If it be proper at the present time, I make a motion to concur in those amendments.

[Here the hammer fell.]

The SPEAKER *pro tempore*, (Mr. MONROE.) The time of the gentleman from Indiana [Mr. HOLMAN] has expired.

Mr. WHEELER obtained the floor.

Mr. STANDIFORD. I desire to present the report of the board of directors of the Louisville and Portland Canal Company, dated April 22, 1874.

Mr. WHEELER. I have a copy of the same document.

Mr. STANDIFORD. If the House is willing, I would like to have this report read.

Mr. WHEELER. I have the same communication; but if the gentlemen prefers to offer it, I have no objection. I think, however, it is a little tardy.

Mr. STANDIFORD. I know well the gentlemen constituting this board; I know them to be gentlemen of honor and integrity, and entirely worthy of belief.

Mr. WHEELER. As those who make this report are constituents of the gentleman from Kentucky, [Mr. STANDIFORD,] I think it due to the gentleman, as a matter of justice, that the communication be read.

Mr. HOLMAN. I trust the gentleman from New York will also see the propriety of allowing at least a couple of minutes after the reading of that document to state one or two facts in connection with it.

Mr. WHEELER. Certainly. I have not sought to limit debate on this question, as the House will bear me witness. I always believe in a fair stand-up fight on both sides.

The Clerk read as follows:

At a meeting of the board of president and directors of the Louisville and Portland Canal Company, held at their office in Louisville, April 22, 1874, the following preamble and resolutions were passed:

Whereas the board have seen from reported proceedings in Congress that the members of this board have there been represented as opposing the effort now and heretofore made to have the General Government pay the debts of the canal and render it free: Therefore,

Resolved, That such statement is untrue and wholly without foundation. For many years this board has been anxious and is now anxious to surrender the canal to the Government, has repeatedly offered to do so, and is now willing and ready to do so upon being acquitted of their liability to the creditors of the company. The board submitted to their legal adviser the question whether they could surrender the canal to the Government and have it made free upon the mere assumption by the Government of the debts of the canal, and received for answer that it could not be done. That opinion was promptly published, and, the board is informed, is sustained by the opinion of Justice Miller, of the Supreme Court of the United States.

It has also been stated that the receipts of the canal are $350,000 a year. For nine years past they have averaged only $169,075.49 a year.

It has also been stated that the board has reported to no one. This, too, is untrue. It has regularly reported to the State of Kentucky, as was its duty; to the Secretary of the Treasury of the United States or any other Government officer, or committee of Congress, whenever called upon; and the books and accounts of the canal have ever been open to inspection by Government officials and have been several times most carefully and thoroughly examined by parties appointed by the Government. They are now open to such examination.

Further, it has been stated that no taxes have been paid to the State of Kentucky. The truth is the canal has always and regularly paid taxes to the State; for several years past $4,500 a year. This tax was demanded and paid upon the idea that it is a State corporation. Under advice the board refused to pay tax to the city of Louisville. During the continuance of the United States income tax this company was charged and paid said tax like all other State corporations, and was required to retain and pay over to the Government the tax on interest coupons falling due against the company.

It has also been stated that the Savings Bank of Louisville (the bank in which the treasurer has usually deposited the funds of the company) is doing business on said funds. The truth is the canal is now in debt to the bank and has been all this year, the receipts by reason of high water having been unusually small. The board as long ago as 1867 ordered that funds accumulating in the treasury beyond the requirements of the company for current expenses, interest, &c., should be used in buying up bonds of the first-maturing series at the market price for cancellation, and this policy has prevented the accumulation of idle funds.

It is also untrue that the last of the Kentucky resolutions of 1872 was manipulated by this board or any member of it. That resolution was drawn as it is because the attorney of the board thought the rights of creditors demanded it.

Those resolutions were prepared by the attorney of the city, the attorney of this company, and Mr. S. L. Ewing, who was understood as representing the interest of Cincinnati in the matter.

Mr. HOLMAN. In answer to one of the statements embraced in the report just read I desire to have read a portion of the report of General Weitzel, the Government engineer in charge of this work. In the report just read the gentlemen making it cautiously avoid saying what have been the revenues of the canal since the work was completed. They say that for nine years past the receipts have averaged $169,075.49 a year. Now, sir, the work was only completed in 1872, and during a long period preceding that time business had been suspended in consequence of the canal undergoing the enlargement which has been the subject of discussion. I ask the Clerk to read an extract from the report of General Weitzel.

The Clerk read as follows:

The receipts of toll from the 1st of January, 1872, to that time were very light, as navigation was almost continually suspended by ice; yet from that date to August 23, 1872, (when the canal was closed for repairs,) that is, in a period of about six months, $207,025.19 were collected for tolls. This sum is $26,099.79 greater than the greatest amount of toll collected in any one year (1866) previous. It is perfectly safe, I think, to assume that during the next year, if the rate of toll were continued at fifty cents per ton, the tolls collected would reach $350,000. If this be true, the rate of tolls should be fixed at about seven cents, when the canal comes into the control of the Government, in order just to pay running expenses.

Mr. HOLMAN. It is a fact worthy of observation that these gentlemen avoid stating what have been the tolls since the work was completed. They speak of the average receipts during the period of nine years; but the report of General Weitzel shows conclusively that the revenues of that canal cannot have fallen below $350,000 a year.

Mr. WHEELER. Mr. Speaker, writers on natural history tell us that the cuttle-fish has the faculty of ejecting an inky fluid by which it darkens the waters and conceals its purpose and object of attack. Its tactics seem to have been adopted by those who so bitterly denounce the amendment which I have proposed to this bill. In my whole experience as a public man, running at intervals over a period of twenty-five years, I have never known a public measure in connection with which there was so systematic an effort to shirk or conceal the real point at issue as there has been exhibited in this discussion, at its various stages, in both branches of Congress.

Most unwarrantable abuse has been heaped upon me by the press of the West for the simple reason that I have dared to advocate an amendment to this bill which at the outset had the approbation of every member of the Committee on Commerce, and which in the end was struck out by a solitary vote. Because I have not possessed the facility of maneuvering in line as rapidly as some other people, because I have dared to apply to this measure the legislation and policy of this Government for the last thirty-three years, the press of the West, week after week since the former discussion, has teemed with personal abuse of which I will give one sample:

No principle of charity is violated in charging that he was governed in this matter by other than honest motives. It is to be hoped that the dishonest purposes of Mr. WHEELER will yet be exposed, and that the bill, without his amendment, will be finally passed.

In short, sir, the discussion of this bill upon the part of many of its advocates has proceeded wholly upon invective, and where argument has been resorted to it has been upon every other point than the one really involved.

I know, sir, full well the odds which mass their forces against me to-day. This bill comes back from the Senate with the former amendment of the House stricken out by a large vote. I have noticed the changes which have been made in former views by the declarations of gentlemen just made upon this floor. But, sir, no disparity of odds ever deters me when I am conscious of the right.

Mr. Speaker, what has my character, past or present, to do with the merits of this measure? Is the legislation of this proceeding on my personal standing? What matters it the five gentlemen in charge of the Louisville and Portland Canal by the direction and by the request of the Government of the United States are knaves; that they are drawing large salaries; that they are interested in savings-banks; that one of their number went to the Legislature of Kentucky and procured the legislation of 1872—an imputation upon the Legislature of Kentucky which somebody ought to spurn; that the Legislature of Kentucky became clay in the hands of the potter; that one man went to the Legislature of Kentucky and molded it to his private purposes? What matters it, I say, if myself and if these gentlemen have cheated justice and are to-day cheating justice by being out of the walls of the penitentiary? What, sir, has that to do with the relation which this corporation of the State of Kentucky sustains to the United States?

I have high admiration for the manliness which intrenches itself in high official position, which barricades itself behind marble walls and assails private character and private motives, and grows bold and courageous as it remembers that the assailed has not the right or opportunity for defense—"and for any speech or debate in either House, they shall not be questioned in any other place."

That is the kind of manliness which has characterized the management of this bill in some quarters from first to last. I am gratified that as a matter of tardy justice the gentleman who represents the locality in which these directors live has at last allowed their response to be read here. I was losing my faith in what is styled Kentucky fair play until the gentleman, after the poison had fully done its work, came in at the last and gave them the benefit of a statement of their version of this matter.

Mr. Speaker, I never saw one of these five gentlemen connected with the management of this canal. I never had one word of correspondence of any nature whatever with any of them save this: During the former discussion in the House I telegraphed Mr. Speed, a former Attorney-General of the United States, knowing his standing as a lawyer, to know if under the laws of Kentucky the city of Louisville had the right to tax this canal, and after the discussion I wrote to the president of the Louisville and Portland Canal Company by his title, for I did not even then know who he was, asking him what was the condition of these stock certificates which had been absorbed under the act of 1842. That is the extent of my correspondence with these gentlemen.

I used here in the former discussion a volume of the canal reports, and it has been charged in the Senate—I beg pardon, Mr. Speaker; I remember the rule that we are not allowed to allude to the proceedings of the Senate. Notwithstanding, sir, it was done there, and notwithstanding base motives were imputed to the possession of this book, I say, in this respect at least, the House of Representatives shall show itself the superior of the Senate.

That book came to me through General Whittaker, of Louisville, a gentleman who came before the Committee on Commerce and argued the claim of the Campbell heirs to this canal property. I do not know, in view of what has transpired, but it might have been a criminal offense for me to have consulted gentlemen whom the United States have put in charge of their interests and property for the purpose of procuring accurate information to guide my action upon this bill.

Now, Mr. Speaker, I want to confine the attention of this House simply to the issue presented by my former amendment to this bill and to no other. And I reiterate what the gentleman from Ohio [Mr. SAYLER] a few minutes since commented on, that the point involved is so clear that a wayfaring man, though a fool, need not err therein.

What, sir, is the proposition of this bill? It is to buy the Louisville and Portland Canal and to pay for bonds, for principal, $1,172,000; for interest to accrue before maturity of bonds, $500,340; making a total of $1,672,340. It is to pay in addition an indefinite and unlimited amount of its floating indebtedness, whatever it may be, without, as I say, definition and without limit. That is the purpose of the bill. I have insisted, and I still insist, that this purchase ought to conform to the statute which I will now read. I will not read the whole of it, for I do not desire to take up more of the time of the House unnecessarily. Gentlemen are familiar with it. It is a statute passed thirty-five years ago, which provides—

That no public money shall be expended on any land or site hereafter purchased by the United States for the purposes aforesaid—

That is, for light-houses, forts, arsenals, navy-yards, &c.—

until the opinion of the Attorney-General shall be had in favor of the validity of the title, *and, also, the consent of the Legislature of the State in which the land or site may be shall be given to said purchase.*

It is on that last clause that I am making this issue, and you shall not divert me from it. I say the Legislature of Kentucky has never ceded jurisdiction of this canal to the United States. You may talk here by the hour about the conduct of these gentlemen now in charge of the property, what they have said and what they have done. I am talking about the *State of Kentucky.* I want to know what *she* has done. I shall judge Kentucky by her acts of legislation, and by her acts of jurisdiction asserted through her taxation laws.

Now, I ask the House to keep this in mind—it is my one sole inquiry—Has the Legislature of Kentucky ceded to the United States jurisdiction of this property? The advocates of this bill say that Kentucky has; and they produce as evidence this statute of Kentucky, which is alluded to in the bill, as a warrant for this proceeding. Those who have read the bill know that the taking, the right to take possession of the canal, is founded on the warrant of the legislation of Kentucky in 1842 and 1844. Is the Government under those statutes

entitled to take this property? Gentlemen are familiar with the provisions of these acts, so that I will not read them at length. The act of 1842 provides in the fourth section—

That the shares so purchased by said board shall be held in trust by it for the purposes herein declared, and shall be voted on by them at all subsequent meetings and elections, until, by the operation of the provisions of this act, all the shares standing in the name of others than the Government of the United States shall have been purchased up; and when the said shares shall have all been purchased, the same shall be transferred to the Government of the United States—

Now, I ask the House to listen—for every advocate of this measure here and elsewhere has stopped here—I want the House to listen to the rest of this statute, which I suppose has some binding force on the people of the United States as well as what I have already read—

shall be transferred to the Government of the United States *on condition* of said Government levying tolls for the use of said canal only sufficient to keep the same in repair and pay all necessary superintendence, custody, and expenses—

Now listen—

and make all necessary improvements so as fully to answer the purpose of its establishment; and, further to protect and guard the interests of commerce.

I do not desire to do anybody injustice in the allegations I made that everybody stopped short in this statute at the point I have indicated. One of the ablest advocates of this measure elsewhere said that *purchasing the stock* was the original condition, and that was all there was of it, and whenever the Government did that, the absolute control of the canal came to the Government, and every other condition is a nullity. Is it? Did the Legislature of Kentucky impose no other condition than that the United States Government should purchase the stock? What was the inducement offered to the Government of the United States to purchase this stock? It was to enlarge this canal, or, in the literal language of the statute, to—

Make all necessary improvements.

Has the Government of the United States ever complied with this condition?

Now, Mr. Speaker, I yield to any gentleman on the other side on this question advocating the passage of this measure to answer this inquiry. I do not want it answered by way of hypothesis or by way of argument. Tell me what single *act* the Government of the United States ever did toward making the *necessary improvements* on this canal from 1842 to 1855, when you allege the Government became the owner. I pause for a reply. Tell me what *one act* the Government of the United States ever did toward performing this trust *toward the improvement of this canal*, in the language of the statute, from 1842 to 1855. You are silent. Tell me what act it ever did from 1842 to 1860 in the line of keeping this trust. You are silent. Silence gives consent is the old maxim. You cannot answer it; for the Government of the United States made no sign in the way of performance of that trust created by the acts of 1842 and 1844.

Mr. FORT. I will say to the gentleman that the United States did not have possession of this canal, as I understand it.

Mr. WHEELER. No, sir; they did not.

Mr. FORT. And, Mr. Speaker——

Mr. WHEELER. I do not yield for an argument. I interrupted no one on the other side in this discussion, and I am asking gentlemen merely for *facts*, not for sophistries or theories or speculations. I want to know what the Government *did*.

Mr. FORT. But the canal was in the hands of the company and the company improved it.

Mr. WHEELER. The company did improve it and the Government did not. That is precisely the line of my argument.

This proffer in the act of 1842, as I showed in the discussion the other day, on the part of Kentucky to the United States, was that the United States should improve the canal, or that the State of Kentucky might do it or the city of Louisville. It provided that either of the three might undertake this trust. You grant then, because you make no response, that from 1842 to 1860 the Government of the United States never performed *one act* toward carrying out that trust.

Mr. HOLMAN. I desire to say to the gentleman that he overlooks the fact——

Mr. WHEELER. Yes; give me facts; I want facts, not arguments.

Mr. HOLMAN. It is a fact I am going to mention. The reports of the Secretary of the Treasury show——

Mr. WHEELER. I do not care about the reports of the Secretary of the Treasury. I want to know what *substantial act* the Government did toward the necessary improvement of this canal.

Mr. HOLMAN. That is what I am coming to, and we can only tell from reports. The report of the Secretary of the Treasury shows that under the operations of the Government the revenues of this canal were being applied not simply to keeping the work in repair, but also to enlarging it.

Mr. WHEELER. The canal was taking care of itself with its own revenues as best it could without the aid of the Government of the United States, which was doing absolutely nothing for it, and has continued to do nothing down to this day, except by appropriations made since 1869 in a general way, as it has appropriated for the rivers of the country at large.

Mr. HOLMAN. That was the uniform policy up to that time.

Mr. WHEELER. I do not care about general policies, and the gentleman will please not interrupt me unless he has facts to state.

Mr. HOLMAN. I hope the gentleman will not ask questions unless he is willing to allow an answer.

Mr. WHEELER. I have looked in vain and eagerly through the debate here and elsewhere to find an allegation of one *act* done by the United States toward fulfilling this trust, since it is alleged it undertook its performance in 1842. There has not been an allegation in the whole discussion that the Government ever spent a dollar in the necessary improvement of the canal in the periods I have specified. The whole conduct both of the Government and of the State of Kentucky shows that nothing of the kind was ever done.

Now a word as to the United States becoming the "*sole owner*" of this canal under the act of 1844. This bill is predicated on the fact that it has become the *sole owner* of this canal under the act of 1844.

Let us see what that act of 1844 provides:

That in the event of the United States becoming the sole owner of the Louisville and Portland Canal, the jurisdiction of this Commonwealth over said canal shall be yielded up to the Government of the United States, and no annual report, as mentioned in the charter of the Louisville and Portland Canal Company shall be required to be made by the United States or the agent and superintendents of said canal to the General Assembly of this Commonwealth.

"The United States has become the sole owner" of this property! Nobody denies to-day that five shares are held by the five gentlemen who are operating the canal. Nobody denies that the Government of the United States has no earthly power to-day in that Kentucky corporation except *to vote for directors*. It cannot fix the tolls; it cannot regulate the management of the canal in any possible way; it is tied right down to the one act of voting for directors. And yet these gentlemen on the other side say that the United States is the sole owner of the canal, and has been so since 1844. That is a curious kind of ownership on the part of the Government in a piece of property. It cannot hold possession; it has not stock enough to-day standing on the books by two-thirds of the whole amount to elect the directors, and it is limited to doing one solitary thing. And yet gentlemen tell us that the United States has become under this act of 1844 the sole owner of the canal!

Now, Mr. Speaker, away with these fine theories, these nicely-drawn inferences and speculations. Throw aside, as you must do in the decision of this question if you are honest legislators; throw aside the value of the commerce of the Ohio River, and no man concedes more to it than I do; throw that aside and look at this as a simple, naked, legal proposition. How does Kentucky regard this matter, judging by what she has done since 1844, when you say she ceded jurisdiction over this canal? You must judge her by her action and by her legislation. Let us see. I read from the report of the gentleman from Indiana, [Mr. HOLMAN,] a report which presents this question as ably as it can be presented on that side. He certainly will not question its authority. I read from it to show how the State of Kentucky, two years after this property became as it is alleged the property of the United States, regarded this matter. We all admit that this stock was absorbed in 1855. And let me stop right here to say that the changes have been rung upon the allegation that the United States paid for that stock. Sir, it never did. It was the commerce of the Ohio River that absorbed it; and the Government never contributed toward paying for it, except so far as the income on its portion of the stock was thus applied.

Mr. SAYLER, of Ohio. It was a part of the contract of 1842, to which the gentleman referred, that the Government of the United States should devote all the revenues of the canal to its improvement.

Mr. WHEELER. I cannot yield to interruptions. I will put it in a stronger form than the gentleman can. Now, bear in mind this allegation, that in 1855 the Government of the United States had become the sole owner of the Louisville and Portland Canal, and let us see what Kentucky thought of it. I read from the report of the gentleman from Indiana:

1857. By an act of the Legislature of Kentucky, approved December 19, 1857, it was declared: "That the charter of the Louisville and Portland Canal Company be so amended as to authorize said company to construct, with the revenues and on the credit of the corporation, a branch canal sufficient to pass the largest class of steam-vessels navigating the Ohio River; and said company are hereby vested with all the power and authority to acquire and hold the necessary lands for such branch and to construct the same, vested by the charter and amendments for the construction of the original canal, and all the provisions of the original charter and amendments shall be, and are hereby, made as applicable to the branch as to the original canal."

Here, then, in 1857, two years after the United States Government had become the sole owner of this canal, you find the State of Kentucky taking this unwarrantable liberty with the revenues of the canal and going to work to enlarge it herself. That does not look very much as if Kentucky thought at that period that she had ceded jurisdiction of the canal under the act of 1844, for she took the work of enlargement into her own hands, and undertook, according to the argument of gentlemen on the other side, to use the property of the United States in an unwarrantable and unlawful manner, and at this time without the consent of the Government.

Mr. SAYLER, of Ohio. She never acted under it.

Mr. WHEELER. I do not care about that; the reason she did not act was because she could not get her bonds taken until the United States came in and assented to the arrangement. That is the history of the matter, as the history of that period will show.

Now look at the attitude of the Government of the United States in 1860, where it expressly refuses to commit itself to the work of the

improvement of this canal. I ask the Clerk to read what I have marked.

The Clerk read as follows:

On the 24th day of May, 1860, the President approved the following joint resolution, namely:

Resolved by the Senate and House of Representatives of the United States in Congress assembled, That the president and directors of the Louisville and Portland Canal Company be, and they are hereby, authorized, with the revenues and credits of the company, to enlarge the said canal, and to construct a branch canal, from a suitable point on the south side of the present canal to a point on the Ohio River opposite Sand Island, sufficient to pass the largest class of steam-vessels navigating the Ohio River: *Provided*, That nothing herein contained shall authorize said president or directors, directly or indirectly, to use or pledge the faith or credit of the United States for the said enlargement or construction, it being hereby expressly declared that the Government of the United States shall not be in any manner liable for said enlargement or construction: *Provided further*, That when said canal is enlarged, and its branch canal is constructed, and the cost of said improvement paid for, no more tolls shall be collected than an amount sufficient to keep the canal in repair and pay for all necessary superintendence and management.

Mr. WHEELER. Was that not most unusual conduct on the part of the Government of the United States in relation to its own property? It permits that corporation to go on and enlarge the canal, and says expressly that it will not be liable for a dollar for that purpose; and yet it became "the property of the United States" in 1855! By that resolution the United States repelled the idea that it was then entitled to or had taken the jurisdiction of this canal from the State of Kentucky. It limits its liability, and says to the company, "You may take the tolls of your canal and go on; to be sure we are copartners; we have some of the stock; we consent to this arrangement; go on with your revenues and enlarge the canal, if you can, but with the express understanding that we will not contribute a dollar to the work of improvement." That is the way the United States have kept this trust under the act of the Legislature of Kentucky of 1842.

I have heard a great deal about the opinion of Justice Miller, of the Supreme Court of the United States. It has been made to do a great deal of service here and elsewhere. I am going now to enlist it into my service. I am going to show you that in 1872 the Government of the United States through its attorneys took precisely the position before the court that these gentlemen take now; and I am going to show you what Justice Miller said about it; and I will read it myself, so that it may be made sufficiently emphatic.

I want to state preliminary to this that the point involved was simply this: an appropriation had been made by Congress in 1872 for the improvement of this canal. In the same act there was a provision that the tolls on the canal should be reduced to five cents per ton. The officers of the canal declined to allow the United States to enter upon the work, saying that if the Government took possession of the canal that would be virtually an assent on the part of the officers of the canal to the provision reducing the tolls, which they had no right to do under the new trust created by the act of Kentucky of 1857. Justice Miller decided that the United States had such an interest there that its officers might go on and expend this money, but that the Government could not reduce the tolls or in any way control the management of this canal. Now let us see what he said in 1872 about this canal being the sole property of the United States. I read from the opinion of Justice Miller:

The proposition of the Government counsel is based upon the idea that when, under the act of 1842, all the private stock had been bought the Government became without further action the owner and entitled to the possession and control of the canal, and that both by operation of that statute and the necessity of the case the corporation ceased to have an existence, or at least to have any right or title to the canal; and this argument is made stronger, in the opinion of counsel, by the circumstance that at that time, to wit, on the 31st day of January, 1855, by a report to the Secretary of the Treasury, the directors advised him of the completion of the purchase of private stock and the readiness of the corporation to transfer the custody of the canal to the United States as soon as the Department was prepared to receive it.

You see that the counsel of the United States in 1872 were using the same argument before Justice Miller that has been from first to last used here. Now what did Justice Miller say?

This resolution beyond all controversy clearly recognizes three facts of important bearing on the matter in hand; first, the existence of the corporation called the Louisville and Portland Canal Company; second, that it had revenues and credits which might be sufficient to enable it to raise means for this large and expensive work. * * * * *

To me it seems that this is conclusive of existence of the corporation and of its right to use and control the canal and its revenues so far as was necessary for the purpose contemplated by the act of the Kentucky Legislature and the joint resolution of the two Houses of Congress.

And yet in 1855 it is said this became the property of the United States. If there is any weight to be attached to the opinion of Justice Miller, there you have it. Here is recognized the existence of the corporation with its right to use and control its revenues. And yet the Government had become the sole owner in 1855! Look at the taxation of this property in 1866 by the United States itself. It taxes a corporation of its own, and of which it is said it became the owner in 1855. Does anybody deny this taxation? Here is the proof, and you have it in the statement of these directors themselves, that during the war they continued to pay to the United States a tax on this property. Is there any other example in the history of this Government where the United States ever taxed for any purpose its own property?

Let us look a little further and see what Kentucky has done toward recognizing this cession of jurisdiction in 1842 and 1844.

Here are the resolutions of the State of Kentucky of March 28, 1872; and I acquit my friend on the other side who led off in this discussion—I acquit them both—of the fact that they did not read the *conditions* at all, because I know they were limited for time. They read simply this part of it:

Whereas all the stock in the Louisville and Portland Canal belongs to the United States Government—

Then follows this important exception—

except five shares owned by the directors of the Louisville and Portland Canal Company.

And then these other *conditions:*

1. That the Government of the United States shall not levy tolls on said canal, except such as shall be necessary to keep the same in repair, pay all necessary superintendence, custody, and expenses, and make all necessary improvements.
2. That the city of Louisville shall have the right to throw bridges over the canal at such points as said city may deem proper: *Provided always*, That said bridges shall be so located as not to interfere with the use of the canal, and so constructed as not to interfere with its navigation.
3. That the title and possession of the United States of said canal shall not interfere with the right of the State to serve criminal and civil processes, or with the State's general police power over the territory covered by the said canal and its appendages.
4. And further, that the city of Louisville shall at all times have the right of drainage into said canal: *Provided*, That the connections between the drains and the canal shall be made upon the plan to keep out all mud and garbage.
5. That the use of the water-power of the canal shall be guaranteed forever to the actual owners of the property contiguous to said canal, its branches and dams, subject to such restrictions and regulations as may be made by the Secretary of the Department of the United States Government which may have charge of the said canal.
6. That the Government of the United States shall, before such surrender, discharge all the debts due by said canal company, and purchase the stock of said directors.

I do not know why it is, but my friends on the other side seem to have so little regard in this discussion for conditions and exceptions. "Except five shares owned by the directors." Why, Mr. Speaker, that is all there is of it. These five directors control this canal to-day absolutely. I hope to see the time when it can be legally taken out of their hands. They fix the tolls; they regulate the running of boats; they do the whole business. This exception which gentlemen on the other side fail to note is most important; it might as well read "except the canal itself," for that is the legal import of it. It might as well read: "Whereas all the stock in the Louisville and Portland Canal belongs to the United States Government, except two-thirds of the shares owned by the directors;" for that is just where the matter stands in law and fact to-day.

Now, I am not going into a discussion of these conditions, which my friends left out because they had not time. No man stands up here to-day and says that this legislation of 1872 ought to be accepted. I appeal to my friend from Ohio [Mr. SAYLER] whether I am not correct.

Mr. SAYLER, of Ohio. I will state for myself that I do not object to any of the conditions of the act of 1872 except the last.

Mr. WHEELER. Exactly. I am glad the gentleman attaches some weight to an exception somewhere.

Mr. SAYLER, of Ohio. The last condition was prepared by the attorney of the company, Mr. Speed, and was evidently intended to accomplish the very purpose which the amendment of the gentleman from New York would accomplish—delay in the taking possession of the property of the United States.

Mr. WHEELER. I will show the House before I get through that I have no purpose of delay in this matter. I do not like these wholesale imputations upon the Legislature of Kentucky. I do not believe that body is composed of such men that Mr. Speed can go to Frankfort and manipulate it to his selfish purposes. I do not believe Kentucky sends such men to represent her in her State councils. But I say you are not prepared to accept this legislation of 1872. You say you are.

Mr. SAYLER, of Ohio. On the contrary, I am unwilling to accept any condition from the State of Kentucky, because she has made a full cession long ago.

Mr. WHEELER. But my friend from Indiana, [Mr. HOLMAN,] who has championed this bill, is loud in reprobation of this legislation of Kentucky in 1872. Gentlemen say they will not accept it. Do you know that the Government by its solemn act has already accepted it? You are tender on this question. But you should remember that by a solemn act of Congress (I do not know how many of you gentlemen voted for it) the Government has accepted this legislation of Kentucky in 1872 in all its length and breadth. Just look at this act of Congress passed in March, 1873. You all scout this proffer of Kentucky in 1872. The gentleman from Indiana said on a former occasion that it is not to be tolerated for a moment. Let us see what you have done. In the appropriation bill passed in March, 1873, there is this provision:

For completing the Louisville and Portland Canal, $100,000; and the Secretary of the Treasury is authorized and directed to assume on behalf of the United States the control and management of the said canal *in conformity with the terms of the joint resolution of the Legislature of Kentucky, approved March* 28, 1872.

Gentlemen should not be so very tender-footed in regard to this legislation. There is your solemn acceptance of this proffer on the part of Kentucky which you now so strenuously repudiate.

Mr. LAWRENCE. The Secretary of the Treasury did not accept under that provision.

Mr. WHEELER. The Secretary of the Treasury has nothing to do with it. I am talking about the relation between the two govern-

ments. He did not accept for other reasons. Now I want you to recall the attitude of Kentucky. In 1857 she took the enlargement of this canal into her own hands. In 1872 she made a new proffer to the United States—one that we cannot accept, as all gentlemen agree; and yet we have accepted it, and we are asked to craw-fish out of it, which I take it we must do, as the signs are abundant in that direction.

I say again here is the declaration of Kentucky in the form of solemn legislation as late as March 1872, in which she wholly ignores, as I say she had a right to do, the offer she made thirty-two years ago. I was a little curious to look into the history of that legislation, for I have tried to examine this matter thoroughly; and Mr. Speaker, what do you think I found? I found "an amendment proposed to be offered by Mr. HOLMAN by authority of the Committee on Commerce," and here it is literally word for word enacted into law.

There is another point which I wish this House to observe. I say that Kentucky has asserted her jurisdiction over this property down to this very hour by taxing it; and I will give you the auditor's telegram, which shows that the State of Kentucky taxed this property during the last year to the amount of $4,500, and that the canal paid the tax. I thought I would not trust to the officers of this canal, because it might be said that they were interested in the matter. I telegraphed to the auditor of the State of Kentucky and got this response in relation to the matter of taxation:

FRANKFORT, KENTUCKY, *April* 28, 1874.

Hon. W. A. WHEELER:
Your telegram received. The Louisville and Portland Canal for last year paid $4,500 taxes to this State. It has paid the same amount for several years previous.
D. HOWARD SMITH,
Auditor.

I should like to know how the State of Kentucky could better illustrate its jurisdiction over this canal than by taxing it. And yet it is the sole property of the United States!

Mr. NIBLACK. Will the gentleman from New York allow me to ask him a question?

Mr. WHEELER. Certainly; I always yield to the gentleman for anything.

Mr. NIBLACK. I was not present when this bill passed the House some weeks ago, and did not have an opportunity to take part in that debate or to vote for the measure. I felt, however, a great interest in the measure itself. I have always been curious to know—I was curious from what I saw in the newspaper telegraphic dispatches while I was away during the debate and vote on the bill, and I am curious to know even now—how it comes that the gentleman from New York gets charge of this bill and assumes to control it, when he is opposed to it and is doing all he can to kill it?

Mr. WHEELER. I will tell my friend from Indiana how it is. I am chairman by the appointment of the Speaker of this House of the Committee on Commerce. I recognize the fact that the people of the United States living off the Ohio River have some rights here. I recognize, as I said in the beginning, the principle the Committee on Commerce adopted in the outset, and I am not to be driven from it by any intimidation or any insinuation. I speak for the people of the United States and not for the people of the Ohio River solely.

Mr. NIBLACK. I mean no disrespect to the gentleman from New York.

Mr. WHEELER. It is a part of the general innuendo, assault, and attack which have characterized this whole transaction.

Mr. NIBLACK. I understand a large majority of the Committee on Commerce to be in favor of this bill.

Mr. WHEELER. They are in favor of it in the manner explained before. My amendment in the outset had the approbation of the entire committee and was afterward struck out by a single vote.

Mr. NIBLACK. How does the gentleman from New York then get control of it? That is what I do not understand.

Mr. WHEELER. I say to the gentleman from Indiana that I reserved the right in the Committee on Commerce to offer an amendment on the floor. I never believed a committee of the House of Representatives was a caucus, and that I went into it to be bound by its deliberations. When it comes to that, I will never be a member of any committee. I will entertain my own convictions and assert them on my own responsibility, and when I cannot do it otherwise——

Mr. NIBLACK. Will the gentleman allow me to interrupt him to make a word of explanation? I understand the usual practice is, when a bill is reported from a committee, to hand it in charge of some gentleman on the committee who is friendly to the bill, and not to place it in the hands of its enemy.

Mr. WHEELER. I turned over the management of this bill in the former discussion to the gentleman from Indiana, [Mr. HOLMAN.] He took the entire control of it to do as he liked, reserving, as I had the right to do under the rules of the House, the last hour to close the debate.

Mr. HOLMAN. On that occasion as on this the gentleman from New York insisted upon his right to close the debate; he closed the debate then as he is doing now.

Mr. WHEELER. It is my right under the rules. If your rules are wrong alter them. I ask nothing more than the rules accord me, and that I will take and maintain on all occasions.

Now, Mr. Speaker, these are the acts of the State of Kentucky, and they carry their own commentary. They are entirely at war with the idea that there was a cession of jurisdiction of this property in 1842 and 1844.

It was under these circumstances and possessing these views that I felt bound to differ with my committee. The Senate differs with me now. I am not a man to oppose my opinions against majorities and claim for them infallibility. If I cannot have my own way I am always ready to get as near to it as I may. I have no purpose to refer this bill to the Committee on Commerce. I made the motion for the purpose of protecting the bill during discussion. There in no member from any State (if I do not get the credit for it) who would go further to press this measure to successful completion than I will; and gentlemen who differ from me on all this matter and members of the Committee on Commerce know, and will do me the justice to say, that I placed no stress on the claim of the Campbell heirs; that I placed no stress on the suit of the Louisville and Portland Canal for taxes; that I said the Government had those taxes to pay, and I was willing to pay them. But on this point of jurisdiction I must stand, and do stand, and it is immaterial to me personally whether my proposition gets a solitary vote or not. It matters not to me. It is not a private matter with me.

You said in the former discussion that Kentucky was all right in this matter; she wanted no trouble; give her an opportunity and she would cede jurisdiction at once. Her Legislature was not in session; it would meet in two years. Now here is my plan of adjustment. I ask the Clerk to read the amendment I now propose.

The Clerk read as follows:

Add to the end of the first section of the Senate amendment as follows:
Provided, however, None of the money hereby appropriated shall be paid for the fiscal year commencing July 1, 1876, or for any subsequent year, unless the State of Kentucky shall cede to the United States jurisdiction over the said canal, with all its property, hereditaments, and appurtenances, and relinquish to the United States the right to tax or in any way to assess said canal, its property, hereditaments, and appurtenances, or the property of the United States that may be thereon during the time that the United States shall remain the owner thereof, and unless said State shall pay into the Treasury of the United States the amount of any taxes which may be assessed and collected under its laws, upon and from said canal and its property before such cession.

Mr. HOLMAN. My friend ought to remember that the bill itself prohibits the payment of a dollar of tax.

Mr. WHEELER. That is just what I do not want it to do. I should like this House to avoid a conflict with the State of Kentucky. It is not the way to deal with a sovereign State, that the United States should assert its power over it. I should like this difficulty to be accommodated by mutual arrangement and agreements. In the former discussion the gentlemen on the other side said they were ready for this.

What is this proposition? The Government goes at once into possession, as originally provided. You make payments for the first two fiscal years. The Legislature of Kentucky meets in December, 1875, and has six months in which to cede jurisdiction of this property to the United States. If she does it before the 1st of July, 1876, it is all right. If she taxes it in the mean time, she ought to refund to the Government, because her commerce is going to have the benefit of the reduction of the toll. Is this right? What was said on that occasion? Why, sir, the gentleman who represents the Louisville district [Mr. STANDIFORD] said this in the former discussion:

To hint that Kentucky, after what she has already done, would refuse to put any seal necessary upon this transfer is an insult to that State.

Give her the opportunity instead of undertaking in this way to force her to do it. Is not this reasonable? You go into possession of this canal at once. You reduce your tolls at once. You remain there for two years. You give Kentucky the right peaceably and quietly, without any intimidation or seeming force, to cede this property to the United States. And in the mean time, if she assesses any tax, you require her to pay the amount back because she is to reap the benefit of this reduction of toll. Is this right? Where is the wrong in it?

These gentlemen who have been so anxious to do what is right refuse this amendment. I gave it to them several days ago. They had it in their possession for days, and brought it back and declined it. I will not repeat the reason they urged for declining it. I will not assist in casting reflections on the Legislature of Kentucky. I believe the State of Kentucky will do what she undertook to do, and I am for giving her an opportunity.

But I have been told repeatedly in the course of this discussion that opposition to this project was simply futile. I understand that very fully. Let it be so. Let it go forth that if a man dares in the conscientious discharge of his duty to apply to this canal the law and policy of the Government, which have controlled every contract for the last thirty-three years for the site of even the pettiest light-house in the land; let it go forth that if a man dare stand up here to advocate that this policy which controls every other section of the country shall be applied to this canal, he shall be struck down and branded as a knave. The commerce of the Ohio River demands it.

You have once solemnly accepted the proffer of Kentucky by the act of 1872. You have asserted that this property was the property of somebody else than yourselves by taxing it during the war. Do not say to the people of Kentucky, "There has been a mutual mistake in this matter; let us regulate it by mutual arrangement and legislation." Do not say that. It is not what is due to a sovereign State. But ignoring all considerations of mutuality, refer the State of Kentucky *to the Secretary of War*, as your bill does.

The laws of Kentucky, Mr. Speaker, compel its assessing officers to tax this property; and there is nobody that can absolve them except the Legislature of that State. Do not give her an opportunity to do this. But take the matter into your own hand and issue the edict that might is right! Assert it by power. The commerce of the Ohio River demands it.

Mr. HOLMAN. But my friend did not object to that amendment of the bill. Inasmuch as the engineers had control of the improvements of the Ohio River——

Mr. WHEELER. I ask the gentleman not to interrupt me. I did not interrupt any gentleman on the other side while speaking.

It is not enough that this bill calls for $1,672,340 of known indebtedness, and an unknown and indefinite amount of floating indebtedness; that $1,278,200 have since 1869 been appropriated to this work; that $200,000 were appropriated by the last Congress to the Ohio River generally; that the river and harbor bill reported yesterday appropriates $150,000. This unparalleled liberality to a commerce whose tolls amount on an average to $169,000 for the last nine years must be supplemented by such legislation as this Congress never enacted.

But the commerce of the Ohio River demands it. Such are the demands of that commerce, and I am told that a man that undertakes to resist them shall pay the penalty of his reputation.

Mr. Speaker, my responsibility in this matter now ceases. I have never sought to influence the action of any member upon this question, except by speaking in my place here, and I leave the matter with the House, withdrawing the motion to commit, and asking for a vote on the amendment which I have indicated, and which I now send to the Clerk's desk.

I withdraw the motion to refer, and offer an amendment, which I will ask the Clerk to read:

The Clerk read as follows:

At the end of the first section strike out the amendment of the Senate, and insert in lieu thereof the following:

Provided, however, That none of the money hereby appropriated shall be paid for the fiscal year commencing July 1, 1876, and for any subsequent year, unless the State of Kentucky shall cede to the United States jurisdiction over the said canal with all its property, hereditaments, and appurtenances, and relinquish to the United States the right to tax or in any way to assess said canal, its hereditaments and appurtenances, or the property of the United States that may be thereon, during the time that the United States shall remain the owner thereof, and unless said State shall pay into the Treasury of the United States the amount of any taxes which may be assessed and collected, under its laws, upon and from said canal and its property before such cession.

Mr. WHEELER. It is understood, I suppose, that that amendment takes the place of the first amendment of the Senate. My motion is to concur in the amendment of the Senate with an amendment striking it out and substituting for it what has been read.

The SPEAKER. The motion is to agree to the amendment of the Senate with an amendment striking it out and inserting what has been read in lieu of it.

Mr. HOLMAN. If the House does not agree to the amendment of the gentleman from New York, will not the question then recur on concurring in the Senate amendment?

The SPEAKER. The next question, and the only one that can arise if the House agrees to the amendment of the gentleman from New York, will be on concurring in the Senate amendment as thus amended. If the House should not agree to the amendment offered by the gentleman from New York, the question then will be on concurring in the Senate amendments as they come from that body.

Mr. WHEELER. I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. HOLMAN. I ask that the bill be reported as it came from the Senate. This amendment is in direct conflict with the provisions of the bill.

Mr. HAWLEY, of Illinois. I rise to make a parliamentary inquiry. I think the question is not fully understood. What would be the effect of the amendment of the gentleman from New York?

Mr. BECK. To kill the bill.

Mr. HAWLEY, of Illinois. I desire to know if it will take the place of the proviso to the first section of the bill which was put in by the House on motion of the gentleman from New York, [Mr. WHEELER.]

The SPEAKER. The Clerk will read the bill as it stands as amended by the Senate, and gentlemen can see what would be the precise effect of the amendment of the gentleman from New York.

The Clerk read the bill as it stands as amended by the Senate, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the appropriations made by the act approved March 3, 1873, entitled "An act making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes," for the payment of the debts of the Louisville and Portland Canal Company, are hereby continued in full force, and are made permanently applicable to the payment of the debts of the said Louisville and Portland Canal Company; and so much as may be necessary shall be applied to the payment of the interest as it accrues, and the principal of the outstanding bonds of said company as they mature: *Provided, however*, That the Secretary of the Treasury may purchase and pay for any of said bonds, at the market price, not above par, whenever he deems it for the interest of the United States.

SEC. 2. That after thirty days from the passage of this act the Secretary of War is hereby authorized and directed to take possession of the said Louisville and Portland Canal, and all the property, real and personal, of said company, as the property of the United States, as provided for by the act of the General Assembly of the State of Kentucky, approved February 22, 1844, entitled "An act to amend an act entitled 'An act to amend the charter of the Louisville and Portland Canal Company,' approved January 21, 1842," conceding jurisdiction over said canal to the United States, subject, however, to the mortgage lien on said property in favor of the trustees under said mortgage and the holders of the bonds issued under it; and the Secretary of the Treasury is hereby authorized to pay the directors of said company for the stock held by them, which payment shall be made forthwith by the Secretary of the Treasury, being the sum of $100 to each director, with interest thereon at 6 per cent. per annum since the 9th day of February, 1864; and he is authorized and directed to cause a careful and full examination of all the receipts and disbursements of the said company to be made, and to collect, and, if necessary, to sue for any money due to or held for the said company by the directors of said company, or the trustees under said mortgage, or by any person whatever; and said Secretary of the Treasury is hereby directed and empowered, immediately upon the passage of this act, to give public notice in such manner as in his judgment will best effect the purpose to all persons and corporations having debts of any nature against said Louisville and Portland Canal Company, except the bonded debt thereof, to present them to him on or before the 1st day of July, 1875; and any such debt not presented on or before said day shall be forever barred; and said Secretary is hereby directed and authorized to examine, audit, and in his discretion allow such debts, or any of them, being hereby vested with any power necessary to that end; and he shall embrace his action in the premises in his succeeding annual report: *Provided, however*, That no sum of money shall be paid by the Secretary of the Treasury on account of any claim for either city or State taxes assessed, or to be hereafter assessed, against said company, or against the said canal property, or any of its appendages.

SEC. 3. That the said canal and property appertaining thereto shall be held for the common use and benefit of the people of the United States, free of all tolls and charges, except such as are necessary to pay the current expenses of said canal and to keep the same in repair; and for the present year they shall be at the rate of ten cents per ton capacity on vessels propelled by steam, and five cents per ton on other vessels; and to ascertain what rates will pay current expenses after the present year, the Secretary of War shall, on the first Monday of January of each year, ascertain from the expenses of the previous year what tolls will probably pay the expenses of the current year; and he shall fix and declare the rate of tolls thus ascertained to be charged for the current year; and, until otherwise provided by law, the Secretary of War shall provide for the superintendence, management, and repair of said canal, and may apply the tolls so received, as far as may be necessary, to pay the current expenses of said canal; and he shall, in his next annual report, set forth such receipts and expenditures, and the condition of said canal, with a view to such legislation as may be necessary for the superintendence and management thereof; but no expenditure, nor contract for expenditure, of money shall be made under the authority of this section in any one year to an amount greater than the amount which may be received during such year from tolls on said canal.

SEC. 4. That if at any time it become necessary to enforce the lien of the mortgage upon said canal property for the benefit of the bondholders, it shall be lawful for the trustees named in said mortgage, or any other trustees who may be appointed in pursuance of the laws of Kentucky, to commence proceedings therein in any court having jurisdiction thereof, with notice to the United States as *terre tenant pro forma*, and serve process upon any officer of the United States who shall have the superintendence of said canal, whose duty it shall be to notify the Attorney-General of the United States of such service; whereupon said Attorney-General shall enter an appearance in said case, and take all necessary steps to represent and defend the interests of the United States in such proceedings, so that the same may be conducted in the same manner and with the like effect as if the said Louisville and Portland Canal Company were still in existence as a corporation.

The question was taken on Mr. WHEELER's amendment; and there were—yeas 73, nays 143, not voting 74; as follows:

YEAS—Messrs. Albert, Bradley, Buffinton, Burchard, Burleigh, Burrows, Cain, Amos Clark, jr., Stephen A. Cobb, Conger, Crooke, Dawes, Dobbins, Donnan, Duell, Eames, Elliott, Freeman, Frye, Gooch, Eugene Hale, Robert S. Hale, Benjamin W. Harris, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, Hoskins, Houghton, Howe, Hynes, Lawson, Lynch, McCrary, MacDougall, Merriam, Niles, Page, Pendleton, Pike, Thomas C. Platt, Poland, Pratt, Purman, Rainey, Randall, Rapier, Ray, Rice, Ellis H. Roberts, Ross, Sawyer, John G. Schumaker, Isaac W. Scudder, Sessions, Lazarus D. Shoemaker, Small, Smart, George L. Smith, Speer, Starkweather, Strawbridge, Taylor, Tremain, Waldron, Jasper D. Ward, Marcus L. Ward, Wheeler, Whiteley, Whitthorne, Wilber, Charles W. Willard, and William B. Williams—73.

NAYS—Messrs. Adams, Albright, Arthur, Ashe, Atkins, Averill, Banning, Barber, Barrere, Beck, Begole, Bell, Berry, Biery, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Roderick R. Butler, Caldwell, Cannon, Cason, John B. Clark, jr., Clements, Coburn, Comingo, Cook, Corwin, Crittenden, Crossland, Crounse, Crutchfield, Curtis, Danford, Darrall, Davis, DeWitt, Dunnell, Durham, Field, Fort, Foster, Garfield, Giddings, Glover, Gunckel, Hagans, Hancock, Harmer, Henry R. Harris, John T. Harris, Harrison, Hatcher, Havens, John B. Hawley, Hereford, Holman, Hunter, Hyde, Kelley, Knapp, Lamar, Lamison, Lamport, Lawrence, Leach, Loughridge, Lowe, Lowndes, Marshall, Martin, Alexander S. McDill, James W. McDill, McJunkin, McKee, McLean, McNulta, Milliken, Mills, Monroe, Moore, Morey, Morrison, Myers, Neal, Negley, Nesmith, Niblack, O'Brien, Orr, Orth, Packard, Packer, Isaac C. Parker, Pelham, Perry, Phillips, James H. Platt, jr., Read, Richmond, Robbins, James W. Robinson, Henry B. Sayler, Milton Sayler, Sener, Shanks, Sheats, Sheldon, Sherwood, Sloan, J. Ambler Smith, John Q. Smith, William A. Smith, Snyder, Southard, Sprague, Stanard, Standiford, Stone, Storm, Strait, Christopher Y. Thomas, Todd, Townsend, Vance, Waddell, Wells, White, Whitehead, John M. S. Williams, William Williams, Wilshire, Ephraim K. Wilson, James Wilson, Wolfe, Wood, Woodford, Woodworth, John D. Young, and Pierce M. B. Young—143.

NOT VOTING—Messrs. Archer, Barnum, Barry, Bass, Bundy, Benjamin F. Butler, Cessna, Freeman Clarke, Clayton, Clymer, Clinton L. Cobb, Cotton, Cox, Creamer, Crocker, Eden, Eldredge, Farwell, Hamilton, Hathorn, Hays, Hendee, Herndon, Hersey, George F. Hoar, Hodges, Hooper, Hubbell, Hunton, Hurlbut, Jewett, Kasson, Kellogg, Kendall, Killinger, Lansing, Lewis, Lofland, Luttrell, Magee, Maynard, Mellish, Mitchell, Nunn, O'Neill, Hosea W. Parker, Parsons, Phelps, Pierce, Potter, Ransier, William R. Roberts, James C. Robinson, Rusk, Scofield, Henry J. Scudder, Sloss, A. Herr Smith, H. Boardman Smith, Stephens, St. John, Stowell, Swann, Sypher, Charles R. Thomas, Thornburgh, Tyner, Wallace, Walls, Whitehouse, George Willard, Charles G. Williams, Willie, and Jeremiah M. Wilson—74.

So the amendment of Mr. WHEELER to the amendment of the Senate was not agreed to.

During the roll-call the following announcements were made:

Mr. KASSON. Upon this question I am paired with Mr. CLYMER, of Pennsylvania; if present he would vote "no," and I would vote "ay."

Mr. MELLISH. I am paired on this question with Mr. KELLOGG, of Connecticut, who if present would vote "no," and I would vote "ay."

Mr. SMART. I am paired with Mr. WILSON, of Indiana; if present he would vote "no," and I would vote "ay."

Mr. HOSKINS. I have been requested to state for Mr. WILLARD, of Michigan, that if present he would vote "ay" on this question.

Mr. ORTH. My colleague, Mr. TYNER, is absent on account of sickness; if here he would vote "no."

Mr. WILLIAMS, of Wisconsin. Upon this question I am paired with my colleague Mr. RUSK; if present he would vote "no," and I would vote "ay."

Mr. LAMISON. My colleague, Mr. JEWETT, is absent on account of the sickness of his wife. If present he would vote "no."

The question was upon concurring in the amendments of the Senate to the amendments of the House.

Mr. WHEELER. I move that the amendments of the Senate be concurred in.

The motion was agreed to.

Mr. WHEELER moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. KASSON. There is an error in this bill which I ask may be corrected by the engrossing clerk. As the bill now reads, the expression "there tenants" is used for the expression "*terre tenants.*" I ask unanimous consent of the House that the engrossing clerk be authorized to make the correction.

Mr. GARFIELD. In that connection I desire to say that this is but another proof of the bad policy of having our bills enrolled at all. I believe we should have them printed, for every enrollment gives a new opportunity for an error.

No objection was made, and leave was accordingly granted.

ELECTION CONTEST—MAXWELL *vs.* CANNON.

Mr. HAZELTON, of Wisconsin, from the Committee on Elections, submitted a report in the contested-election case from Utah of George W. Maxwell against George Q. Cannon, accompanied by the following resolutions:

Resolved, That George R. Maxwell was not elected and is not entitled to a seat in the House of Representatives of the Forty-third Congress as Delegate from the Territory of Utah.

Resolved, That George Q. Cannon was elected and returned as Delegate from the Territory of Utah to a seat in the Forty-third Congress.

Mr. HAZELTON, of Wisconsin. I also send up a preamble and resolution which I propose to offer in place of the second resolution reported from the Committee on Elections, when the case is acted on by the House. I ask that it be read and printed for the information of the House.

The Clerk read as follows:

Whereas George R. Maxwell has prosecuted a contest against the sitting member, George Q. Cannon, now occupying a seat in the Forty-third Congress as Delegate for the Territory of Utah, charging, among other things, that the said Cannon is disqualified from holding and is unworthy of a seat on the floor of this House for the reason that he was at the date of his election, to wit, the 5th day of August, 1872, and prior thereto had been, and still is, openly living and cohabiting with four women as his wives, under the pretended sanction of a system of polygamy, which system he notoriously indorses and upholds, against the statute of the United States approved July 1, 1862, which declares the same to be a felony, to the great scandal and disgrace of the people and Government of the United States, and in abuse of the privilege of representation accorded to the said Territory of Utah, and that he has taken and has never renounced an oath which is inconsistent with his duties and allegiance to the said Government of the United States; and whereas the evidence in support of such charge has been brought to the official notice of the Committee on Elections: Therefore,

Resolved, That a committee be appointed of the same number as the standing committees of this House to inquire into the said charge and report to the House as to the truthfulness thereof, and to recommend such action on the part of the House in the premises as shall seem meet and proper.

Mr. SPEER. As a member of the Committee on Elections I express no opinion in favor of or against the resolution just read. But I raise the point that it is not a privileged resolution; therefore it is not strictly admissible at this time. I understand it is not offered by the gentleman from Wisconsin [Mr. HAZELTON] as a member of the Committee on Elections, but simply upon his individual responsibility as a member of the House.

Mr. HAZELTON, of Wisconsin. It is not offered as coming from the committee; but I desire to have it printed.

The SPEAKER. How does the gentleman disassociate himself from the committee of which he is a member? It is the practice of the House to receive a report from a minority of a committee, which minority may consist of one member. Does the gentleman desire to be considered as expressing his views as a member of the Committee on Elections, or as an outside member of the House?

Mr. HAZELTON, of Wisconsin. I offer it on behalf of myself as a minority of the committee.

Mr. SPEER. I do not wish to do the gentleman injustice. But the report which he has just presented with two resolutions attached was the unanimous report of the committee. It was understood that any gentleman might offer the other resolution upon his own individual responsibility, but not as a member of the Committee on Elections.

The SPEAKER. The Chair does not understand how a gentleman as a member of the Committee on Elections could assent to one resolution, and reserve to himself the right as a member of the House to submit a diametrically opposite resolution.

Mr. SPEER. They are not opposite.

The SPEAKER. They are not in harmony.

Mr. SPEER. The motion of the gentleman from Wisconsin [Mr. HAZELTON] is not in itself inconsistent with the resolution reported from the committee. The resolution of the committee declares the election and due return of the sitting Delegate. The other resolution looks to the investigation of a separate and distinct question not referred to the Committee on Elections at all.

Mr. HAZELTON, of Wisconsin. My resolution is not necessarily inconsistent with the resolution of the committee. But I stated in committee, and it is proper for me to state it on the floor, that I desire to offer this resolution in order that when the case is reached I may bring the proposition to the attention of the House and obtain a vote upon it.

The SPEAKER. The Chair will state the point which is involved. A minority report from any other committee than the Committee on Elections has no rights at all except by unanimous consent, but there has grown to be a habit that the minority of the committee in all election cases shall present their views; and this the Chair would not feel at liberty to have excluded by a vote sustaining the previous question. The Chair does not see, however, that any misunderstanding need arise upon this point. Has the gentleman from Wisconsin [Mr. HAZELTON] charge of this case himself?

Mr. HAZELTON, of Wisconsin. I have. I was instructed by the majority of the committee to make the report as it has been made, and to report the two resolutions which have been read.

The SPEAKER. Then no conflict can arise, because of course the gentleman will not call the previous question on himself. If the report were in the hands of another member of the committee, the Chair would in that event be compelled to rule whether this was a question of privilege.

Mr. HAZELTON, of Wisconsin. All I desire is that the matter shall be brought to the attention of the House, and that I may have an opportunity to obtain a vote on the resolution.

Mr. SPEER. Did I understand the Chair to state that the supplementary resolution presented by the gentleman from Wisconsin on his individual responsibility is now pending with the report of the committee as he has made it?

The SPEAKER. The Chair did not so state. The gentleman from Wisconsin asked consent to have it printed. Does the gentleman object?

Mr. SPEER. No, sir; I do not.

The SPEAKER. Then there is no question before the House. The Chair stated that if the regular report was in the hands of another member of the committee, he might call the previous question and thus exclude the gentleman from Wisconsin; but as that gentleman has the report under his own control, of course he can admit his own amendment.

Mr. SPEER. But, Mr. Speaker, allow me one question. How does this last resolution get before the House if it is not privileged?

The SPEAKER. It would be legitimate as an amendment.

Mr. SPEER. But an amendment to the report of the committee is not admissible at this stage.

The SPEAKER. But the gentleman can give notice of an amendment.

Mr. HAZELTON, of Wisconsin. That is all there is of it. It is simply a notice to the House.

The SPEAKER. The gentleman can give notice of his amendment. The question is whether it is a minority report, not whether it is germane or not.

Mr. SPEER. It cannot be a minority report, because the gentleman himself reports the other resolutions.

The SPEAKER. The Chair has already observed that if the majority report were presented by another gentleman, the gentleman from Wisconsin might be precluded from offering this by the operation of the previous question; but as he himself has control of the previous question, he will hardly rule himself out.

Mr. SPEER. In justice to myself, I do not wish to be understood as expressing any opinion upon the third resolution which the gentleman from Wisconsin has offered. I am simply raising the point whether the gentleman has the right to report it as coming from the committee.

The SPEAKER. As the Chair understands, the gentleman from Wisconsin gives notice that when this case is called up he will offer the resolution last read as an amendment.

Mr. HAZELTON, of Wisconsin. That is it exactly.

Mr. SPEER. I do not object to that.

The SPEAKER. The Chair does not in any event desire to enlarge the number of privileged questions, but rather to restrict them. The ruling should be not in favor of, but rather against, the enlargement of privileged questions.

Mr. HARRISON. I desire to give notice that I shall ask to present a minority report in this case.

The SPEAKER. The Chair, as he understood, was advised by two gentlemen that the report was unanimous. The gentleman from Tennessee [Mr. HARRISON] now gives notice, however, that he will present a minority report.

Mr. SPEER. The report was unanimous except as to the supplementary resolution of the gentleman from Wisconsin.

Mr. HARRISON. When the report was read in the committee I stated that I could not agree to the conclusion of the committee that this man was elected and that still a resolution such as has been presented with the majority report should be reported. I was of the

opinion that if the committee decided the sitting Delegate to have been elected, all we could do under the reference of the subject to us was to present a resolution declaring him entitled to the seat, leaving it to the House to take whatever course might be deemed proper hereafter.

Mr. HAZELTON, of Wisconsin. That is precisely what is contemplated by the resolution submitted by me.

The SPEAKER. The Chair now understands that to be the substantial position of the case. The report of the committee, and also the resolution presented by the gentleman from Wisconsin, will be ordered to be printed.

MARITIME LIENS.

Mr. CONGER. I ask unanimous consent to report from the Committee on Commerce for immediate action a bill to create stevedores' and other maritime liens on sea-going vessels.

The bill was read.

Mr. HALE, of Maine. I object.

BUSINESS ON SPEAKER'S TABLE.

Mr. BECK. Is it in order at any time, Mr. Speaker, to ask the Chair to lay before the House executive communications which are on his table? I do not know how the rule is, but if it be in order I would like to make such request.

Mr. RANDALL. Immediately after the morning hour is the right time.

Mr. BECK. I made the remark the other day that a certain communication was not before the House. I am advised by Mr. Conant that it is before the House, but lies upon the Speaker's table.

BALANCE OF APPROPRIATIONS.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, in answer to a resolution of the House of April 11, 1874, transmitting a statement showing the balance of appropriations July 1, 1873, made for the service of the fiscal year ending June 30, 1871, and prior years limited by law to payment of indebtedness incurred during the year for which they were made, and the amount expended for that purpose to April 1, 1874; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BECK. Allow me to say in this connection that I announced the other day that communication was not before the House, although it had been lying upon the Speaker's table for some days and had been overlooked.

The SPEAKER. These communications as they accumulate upon the Speaker's table are laid before the House on the first opportunity.

Mr. BECK. I only wish to say that it was a mistake on my part.

BARRACKS AT ALCATRAZ ISLAND.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, in relation to an appropriation to build permanent barracks at Alcatraz Island; which was referred to the Committee on Military Affairs, and ordered to be printed.

KICKAPOO INDIANS.

The SPEAKER, also by unanimous consent, laid before the House a letter from the Secretary of the Interior, in relation to an appropriation to subsist certain Kickapoo Indians during the fiscal year ending June 30, 1874; which was referred to the Committee on Appropriations, and ordered to be printed.

JAMES M. WAIDE.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting, in compliance with the act of May 29, 1872, the claim of James M. Waide for Indian depredations; which was referred to the Committee on Indian Affairs.

A. G. REED.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting, in compliance with the act of May 29, 1872, the claim of A. G. Reed for Indian depredations; which was referred to the Committee on Indian Affairs.

LINCOLN W. TIBBITTS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting the petition of Lincoln W. Tibbitts, owner of the brig Tornado, claiming compensation for damages sustained by the seizure by the United States Government authorities at New York of a cargo of powder; which was referred to the Committee on Claims.

FRANCISCO SAIZ.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting, in compliance with the act of May 29, 1872, the claim of Francisco Saiz for Indian depredations; which was referred to the Committee on Indian Affairs.

CREEK ORPHAN FUND.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting the draught of a bill authorizing the transfer to the Secretary of the Treasury of the stock and evidence of indebtedness which may be due and held in trust by the Secretary of the Interior on account of the Creek orphan fund; which was referred to the Committee on Indian Affairs.

MRS. ELLA P. MURPHY.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting, in compliance with the act of May 29, 1872, the claim of Mrs. Ella P. Murphy for Indian depredations; which was referred to the Committee on Indian Affairs.

CHEROKEE STRIP IN KANSAS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting the draught of a bill authorizing the Secretary of the Interior to pay to the treasurer of the Cherokee Nation certain funds, proceeds of land known as the Cherokee strip, in Kansas; which was referred to the Committee on Indian Affairs, and ordered to be printed.

AUGUST SIEGENFUHR.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting, in compliance with the act of May 29, 1872, the claim of August Siegenfuhr for Indian depredations; which was referred to the Committee on Indian Affairs.

DR. ALEXANDER HAMILTON.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting, in compliance with the act of May 29, 1872, the claim of Dr. Alexander Hamilton for Indian depredations; which was referred to the Committee on Indian Affairs.

NAVAJO INDIANS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, in relation to an agreement concluded March 27, 1874, with the Navajo Indians; which was referred to the Committee on Indian Affairs.

JAMES A. SANCHEZ AND P. NUTO.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting, in compliance with the act of March 29, 1872, the claim of James A. Sanchez and P. Nuto; which was referred to the Committee on Indian Affairs.

H. M. TEACHOUT.

The SPEAKER also laid before the House the claim of H. M. Teachout, for Indian depredations; which was referred to the Committee on Indian Affairs.

IRON-SHIP BUILDING-YARDS OF GREAT BRITAIN.

The SPEAKER also laid before the House a letter from the Secretary of the Navy, in answer to the resolution of the House of April 11, 1874, in relation to the iron-ship building-yards of Great Britain; which was referred to the Committee on Naval Affairs, and ordered to be printed.

CONTESTED ELECTION—GIBSON *vs.* SHELDON.

The SPEAKER also laid before the House testimony in the contested election of the second district of Louisiana, Gibson *vs.* Sheldon; which was referred to the Committee on Elections, and ordered to be printed.

PRINTING OF A BILL.

Mr. GIDDINGS. I ask unanimous consent that the bill (H. R. No. 1135) be reprinted with the accompanying papers.

There was no objection, and it was so ordered.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was given to Mr. POTTER for one week from to-day; to Mr. WOODFORD from May 2 to May 16; to Mr. SCUDDER, of New York, for one week from to-day; to Mr. HOLMAN for ten days; to Mr. STANDIFORD for ten days; and to Mr. KILLINGER for ten days.

ENROLLED BILLS SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 368) for the relief of James Long;

An act (H. R. No. 1331) for the relief of Joab Spencer and James R. Mead, for supplies furnished the Kansas tribe of Indians;

An act (H. R. No. 1772) for the relief of William N. Williams, late a second lieutenant of volunteers;

An act (H. R. No. 1933) to amend the thirty-first section of an act entitled "An act for enrolling and calling out the national militia, and for other purposes," approved March 3, 1863; and

An act (H. R. No. 3093) to relieve David A. Telfair from political disability.

EVENING SESSION.

Mr. NIBLACK. I ask that, by unanimous consent, there be a session of the House this evening for debate only.

Mr. GARFIELD. I was about to make a motion that we have a session to-night for the consideration of the Indian appropriation bill by paragraphs.

Mr. NIBLACK. I desired to make the motion which I indicated,

because some gentlemen have speeches prepared which they wish to deliver. I am willing, however, to yield to the gentleman from Ohio for the purpose he has stated.

Mr. GARFIELD. I move that the House take a recess until half-past seven o'clock this evening, for the purpose of considering the Indian appropriation bill by paragraphs for amendment. There are two or three gentlemen who still wish to speak on the bill in general debate; but we can go on with the bill this evening by paragraphs, without interfering with the rights of those gentlemen to speak when we meet to-morrow. By meeting to-night I hope we may be able to do a large share of work on the bill.

Mr. RANDALL. As I understood the proposition of the gentleman from Ohio, the three gentlemen who still desire to speak on the bill in general debate will have the privilege of doing so to-morrow.

The SPEAKER. They will, when general debate is resumed for the benefit of gentlemen who desire to speak at large on the bill. Is there objection to the proposition of the gentleman from Ohio?

Mr. MACDOUGALL. I object.

Mr. NIBLACK. That being objected to, I ask that by unanimous consent there be a session of the House this evening for general debate.

Mr. BURCHARD. I object.

Mr. GARFIELD. I move that the House take a recess until half-past seven o'clock.

Mr. RANDALL. And pending that motion I move that the House do now adjourn.

Mr. NIBLACK. I ask that by unanimous consent we have a session of the House to-morrow night for debate only, no business whatever to be transacted.

Mr. GARFIELD. I cannot agree to that until I know what we can do with the appropriation bill.

The question being taken on the motion to adjourn, there were—ayes 73, noes 61.

Mr. KASSON. Pending the announcement of the result of the vote on the motion to adjourn I ask that there may be unanimous consent for a session for debate to-morrow evening.

Mr. RANDALL. To-night.

Mr. KASSON. Well, to-night.

Objection was made.

The result of the vote on the motion to adjourn was then announced; and accordingly (at four o'clock and fifty minutes p. m.) the House adjourned.

IN SENATE.

FRIDAY, *May* 1, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

CREDENTIALS.

The PRESIDENT *pro tempore* presented the credentials of Hon. William B. Washburn, chosen by the Legislature of Massachusetts Senator from that State to fill the vacancy occasioned by the death of Hon. Charles Sumner.

The credentials were read; and the oaths prescribed by law having been administered to Mr. WASHBURN, he took his seat in the Senate.

ADJOURNMENT TO MONDAY.

On motion of Mr. BOREMAN, it was

Ordered, That when the Senate adjourns to-day, it be to meet on Monday next.

PETITIONS AND MEMORIALS.

Mr. HAMLIN presented a memorial of ship-masters, ship-owners, and merchants of Machias, Maine, praying the abolition of the present system of compulsory pilotage; which was referred to the Committee on Commerce.

Mr. ALCORN presented resolutions of the Legislature of Mississippi, instructing the Senators and requesting the Representatives from that State to vote for a bill containing the provisions of "Sumner's supplementary civil-rights bill," so called; which were ordered to lie on the table.

He also presented resolutions of the Legislature of Mississippi, in favor of an appropriation of money by Congress for cleaning out the Tombigbee River from Fulton, Itawamba County, to Columbus, Mississippi; which were referred to the Committee on Commerce.

Mr. CHANDLER presented the petition of Frank Kendrick, of Dryden, Michigan, praying that a pension may be granted to him; which were referred to the Committee on Pensions.

Mr. STEVENSON presented the petition of William L. Randolph, administrator of Robert L. Randolph, deceased, of Virginia, asking compensation for property taken from him by the United States Army and appropriated to its use during the late war; which was referred to the Committee on Claims.

Mr. EDMUNDS presented the petition of Abraham Sellers, administrator *de bonis non* of Frederick Vincent, deceased, who was administrator of the estate of James Le Caze, surviving partner of the firm of Le Caze & Mallet, praying payment of a balance due for advances made by them during the revolutionary war; which was referred to the Committee on Claims.

Mr. ROBERTSON presented a petition of citizens of Beaufort and Port Royal, South Carolina, asking the establishment of a fortification and light-house at Port Royal, in that State; which was referred to the Committee on Commerce.

Mr. HITCHCOCK presented the petition of Colonel W. W. Lowe and other field officers of the late Fifth Iowa Cavalry, citizens of Nebraska, asking that a pension be granted to Jesse Ireland, of Sarpy County, Nebraska, in consideration of services rendered by his children during the late war; which was referred to the Committee on Pensions.

Mr. CONKLING. I present the memorial of the pilots of the port of New York, remonstrating against the passage of a bill now pending repealing the pilot laws of New York and New Jersey. This memorial sets forth that the pilotage system is one of great value and mature growth, and that to destroy it would be very detrimental to the interest of commerce. I move that the memorial be referred to the Committee on Commerce.

The motion was agreed to.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. PRATT, it was

Ordered, That the memorial and other papers of Robert Spaugh be taken from the files and referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. OGLESBY, from the Committee on Public Lands, to whom was recommitted the bill (S. No. 524) to protect timber lands of the United States Government reservations and lands purchased for the United States, reported it with an amendment.

Mr. CHANDLER, from the Committee on Commerce, to whom was referred the bill (S. No. 728) to define a gross of matches, to provide for uniform packages, and for other purposes, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 2787) to provide for the sale of the present United States marine hospital and site, and the purchase of a new site and erection thereon of a new marine hospital, in the city of Pittsburgh, Pennsylvania, reported it without amendment.

Mr. LEWIS, from the Committee on the District of Columbia, to whom was referred a letter of the Secretary of War, in relation to Providence Hospital, asked to be discharged from its further consideration, and that it be referred to the Committee on Appropriations; which was agreed to.

Mr. JOHNSTON. The Committee on the District of Columbia have had under consideration several petitions of citizens of the District in reference to the sewerage tax. The committee have instructed me to ask to be discharged from the further consideration of these petitions and that they be referred to the Committee on the Judiciary, as important legal questions are involved.

Mr. EDMUNDS. Why is not the Committee on the District of Columbia the appropriate one? I do not see any reason for referring that matter to the Committee on the Judiciary unless there is some law question about it.

Mr. BOREMAN. I understand that these petitions involve the constitutionality of this tax, or a question of law in connection with it.

Mr. EDMUNDS. Do the citizens of Washington hold that this tax is illegal? Is that the claim?

Mr. JOHNSTON. Yes, sir.

Mr. EDMUNDS. Then why do they not resist it in the courts?

Mr. JOHNSTON. That is not for me to say.

The report was agreed to.

Mr. SPRAGUE, from the Committee on Public Lands, to whom was referred the bill (H. R. No. 1764) to appropriate lands for the support of schools in certain fractional townships in the State of Missouri, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 3090) to authorize the issue of duplicate agricultural-land scrip where the original has been lost or destroyed, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 654) to extend the time for the completion of the railroad from the Saint Croix River or Lake, between sections 25 and 31, to the west end of Lake Superior and to Bayfield, in the State of Wisconsin, reported it with an amendment.

Mr. CONKLING, from the Committee on Commerce, to whom were referred the bill (S. No. 664) amendatory of an act to limit the liability of ship-owners, and for other purposes, approved March 3, 1851; and the bill (S. No. 427) to extend the provisions and limitations of the act entitled "An act to limit the liability of ship-owners, and for other purposes," approved March 3, 1851, reported adversely thereon; and the bills were postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 368) to provide for the establishment of an international commission of the maritime powers to lay down ocean courses for steam-vessels and otherwise provide for increased safety of sea travel, reported it with an amendment.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the petition of the school-officers of the township of Sault Sainte Marie, Michigan, praying Congress to grant them for school purposes a certain portion of the military reserve containing 1.26 acres, reported a bill (S. No. 757) to donate a certain portion of the

military reservation of Fort Brady to school district No. 1, in township of Sault Sainte Marie, and State of Michigan, for school purposes; which was read, and passed to a second reading.

RELIEF OF SUFFERERS FROM MISSISSIPPI OVERFLOW.

Mr. MORRILL, of Maine. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. No. 3161) to enable the Secretary of War to carry out the act of April 23, 1874, entitled "An act to provide for the relief of the persons suffering from the overflow of the Mississippi River," to report it back without amendment and ask for its immediate consideration, as there is pressing necessity.

The bill was read.

Mr. EDMUNDS. I should like the chairman to explain the necessity for the present passage of this bill.

Mr. MORRILL, of Maine. By the act referred to the Secretary of War was directed to issue rations and clothing to these people on the Lower Mississippi. That has been done, according to the detailed report made by the Secretary of War, to the extent provided for in this bill, and this appropriation is made to supply the deficiency created by that supply, and it is needed for the current service. That is a brief statement of the entire case.

Mr. EDMUNDS. Reserving my right to object, do I understand the chairman to say that the Secretary of War is now enabled to perform this act of charity out of the stores he has?

Mr. MORRILL, of Maine. He has done it already, and this is to supply the deficiency created by that act.

Mr. EDMUNDS. And this to supply the Army again for the current year?

Mr. MORRILL, of Maine. Yes, sir.

Mr. EDMUNDS. Why is it not kept for the deficiency bill?

Mr. MORRILL, of Maine. Simply because the deficiency bill is so far behind that the Secretary of War made application to the House of Representatives saying that it was necessary that he should have this money at once.

Mr. EDMUNDS. As this grows out of an act of charity I shall not object to its present consideration; but I think that it ought to go into the deficiency bill; and I think more especially that we ought to have the Calendar take its course and not take up bills on their being reported except under very special circumstances; but I am content to let this go.

Mr. MORRILL, of Maine. That is undoubtedly true. The same question arose in the committee; but on the whole we were disposed to regard this as entirely exceptional.

The PRESIDENT *pro tempore*. The bill is before the Senate as in Committee of the Whole.

To enable the Secretary of War to carry out the provisions of the act approved April 23, 1874, entitled "An act to provide for the relief of the persons suffering from the overflow of the Lower Mississippi River," the sum of $90,000 is appropriated by the bill for the purpose of purchasing supplies of food, to be issued under his direction to any and all classes of destitute or helpless persons living on or near the Lower Mississippi River who have been rendered so by reason of the recent overflow.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. LEWIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 758) to authorize and provide for the construction of a substantial iron and masonry bridge and of a causeway across the Anacostia or Eastern Branch of the Potomac River, at or near the site of the present navy-yard bridge; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. HITCHCOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 759) to amend the act entitled "An act to provide for the creation of corporations in the District of Columbia by general law," approved May 5, 1870; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. WEST asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 760) reviving a grant of lands to aid in the construction of a railroad from Vicksburgh, Mississippi, to the Texas State line; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. BUCKINGHAM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 761) to authorize the Secretary of the Interior to pay $100,000, out of the proceeds of the sale of lands known as the Cherokee strip, to the Cherokee Nation; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. PRATT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 762) for the relief of Robert Spaugh; which was read twice by its title, and referred to the Committee on Claims.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 763) explaining the intent and meaning of the fourth section of an act entitled "An act in addition to certain acts granting bounty lands to certain officers and soldiers who have been engaged in the military service of the United States;" which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

Mr. GORDON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 764) to remove the political disabilities of Henry Heth, of Virginia; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. HARVEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 765) for the relief of Amos B. Ferguson; which was read twice by its title, and referred to the Committee on Military Affairs.

COMMITTEE SERVICE.

Mr. BOUTWELL. I ask to be excused from further service upon the Committee on Claims, and that the President of the Senate fill the vacancy.

There being no objection, Mr. BOUTWELL was excused; and the President *pro tempore*, being authorized to fill the vacancy by unanimous consent, Mr. WASHBURN was appointed.

MARGARET A. HOFFNER.

The PRESIDENT *pro tempore*. If there be no further morning business the Calendar is in order.

The first bill on the Calendar was the bill (S. No. 609) granting a pension to Margaret A. Hoffner; which was read a second time, and considered as in Committee of the Whole. The Secretary of the Interior is directed by the bill to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret A. Hoffner, widow of Richard J. Hoffner, who was an acting master in the United States Navy.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES ROACH.

The next bill on the Calendar was the bill (H. R. No. 2096) granting a pension to James Roach; which was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James Roach, late a gunner on the ship Plymouth.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACOB PARMERTER.

Mr. CONKLING. The other day, during my absence momentarily from the Senate, there was regularly reached on the Calendar No. 178 in the order of business, being House bill No. 1562, for the relief of Jacob Parmerter, reimbursing him for defending a suit brought against him for an official act. It was reported from the Committee on Commerce, and now a note from one of my colleagues in the House induces me to ask the Senate to take up the bill, to which I think there is no objection. I think that it is one of those bills to which there can be no objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 1562) for the relief of Jacob Parmerter, reimbursing him for defending a suit brought against him for an official act. By the bill the Secretary of the Treasury is directed to pay to Jacob Parmerter, of Plattsburgh, New York, $1,237.19, in full for costs and expenses incurred by him as collector of customs for the district of Champlain, New York, in a suit brought against him for an official act.

Mr. EDMUNDS. Is there any report in that case? I should be very glad to hear it if there is.

Mr. CONKLING. There is a careful report from the House committee, and a briefer one from the Senate committee.

Mr. EDMUNDS. I should like to hear it read. The proposition seems possibly to stand in conflict with our general rule; but the report may make it clear.

The Chief Clerk read the following report, submitted by the Committee on Appropriations of the House of Representatives:

In April, 1867, a team of horses and harness was seized by a deputy of said collection district in Franklin County, New York, for alleged violation of the revenue laws of the United States, and such seizure was duly reported to the then United States district attorney for the northern district of New York, and an information was duly filed by him in the United States district court for the same district. The seizure was made upon affidavits showing facts rendering the property liable to seizure and forfeiture. At the November term, 1868, said cause being at issue, the same was noticed for trial by the claimant, and no evidence was given on the part of the United States to sustain the said information, and a verdict and judgment were therefore rendered in favor of the claimant by default, dismissing the information and adjudging restitution of said property, without any certificate of probable cost of seizure. Such default of the United States was in consequence of the failure of the district attorney to notify said collector that said cause was to be tried. Said collector had no information that said cause was to be tried at said term, which was held several hundred miles from his residence; and if said collector had had notice of said trial he would have been able to produce proofs establishing probable cause of seizure, if not sufficient for the condemnation of the property. Such default was in no respect chargeable to said collector. In January, 1871, an action was brought against the said collector in the supreme court of the State of New York for damages for the alleged wrongful taking and detention of said property, which action was subsequently transferred on the petition of the collector to the United States circuit court, and in which the collector was defended by the United States district attorney. In said action judgment passed against said Parmerter for $250 damages besides costs. Said Parmerter was compelled to expend and did expend the sum of $1,237.29 in and about the defense of said suits and in payment of said judgment, which payment was caused by no default of said Parmerter or his deputies, and which ought to be reimbursed to him.

Mr. EDMUNDS. I do not want to object to the consideration of the bill, but I should like the Senator from New York to tell the Senate, if he can, in the first place how it happened that this collector, being interested himself in the seizure, did not pay some attention to the terms of the court which he must have known by the law, and have some inquiry made whether this cause was to go on.

In the next place I should like to be informed who the district attorney was who neglected his business to that extent.

In the third place, if my friend will tell me, (and I see he smiles, and he can always speak when he smiles,) I should like to know how it happens that out of a $250 suit in the State of New York where law expenses are so cheap, $1,200 in costs, when the district attorney defended, were paid by this man.

Those are three topics on which I am sure the Senator from New York will be glad to enlighten me and others.

Mr. CONKLING. Reversing the order of the catechism of my friend, I beg to answer first that the $1,200 grew in part out of the fact that a gentleman upon the frontiers of Vermont was the counsel who defended the case, and I have no doubt he earned his money. Had he lived further from Vermont it is possible that a less sum would have suitably rewarded him for his services.

Answering the other question, the district attorney to whom this default is attributable—and I am glad the Senator from Vermont gives me the opportunity to say it—is not the present district attorney, nor was he the district attorney appointed during the present administration or the former term of the present Executive; he was district attorney appointed by President Andrew Johnson.

As to the collector taking notice officially or judicially of the times when courts were held, I may say that being not a lawyer but a collector, being up in the county of Clinton, a somewhat remote portion of the State, being in a district in which courts are held five hundred miles apart, and it being known to laymen as well as lawyers that a cause is liable to be noticed as much for a term not the first as for the first term, and this cause having, I believe, gone over two or three terms, he had no mode of ascertaining the time when it was to be tried until a notice of trial had been given on one side or the other, and it happened that the then district attorney resided in the city of Buffalo, Mr. Parmerter being at Plattsburgh, which according to the lines of travel are about five hundred miles apart. I think my friend from Vermont will hardly say that he was guilty of *laches* because he did not periodically interrogate the district attorney by letter to know when that case was to be reached. He being one of the witnesses of course was to be summoned by a subpœna, I take it, like every other witness, whether interested or not, and he had a right to rely upon that to inform him of the time when the trial was to take place.

It is undeniable upon the papers that, for some unexplained reason, the district attorney did not give that heed to the cause which its successful termination required; and in that way it is that this man was originally cast in costs and damages, and being sued afterward in the State court and being defended in form by the district attorney, he was in truth, as I have already said, defended by private counsel, a gentleman whose ability and integrity are well known to the Senator from Vermont. I mentioned to him a moment ago who he is. But in spite of all that could be done, these damages and these costs were visited upon the collector.

Had his act been a judicial one, there is authority in the Senate for saying that there would be doubt about the propriety of paying him. Being a ministerial act which he was obliged to do officially, by the plain mandate of the law, it falls, I suppose, expressly within the admitted domain of official responsibilities incurred in such circumstances that the Government behind the officer makes him good.

The case was investigated in the Committee on Commerce with care, and I think I may say, speaking at least for one member of the committee, with a sharp disposition to see whether there was any ground on which a refusal could be based to pay this sum; and after examining the case and after conferring with members of the House and with the gentleman who made the report there, we were driven to the conclusion—I was, and I think I was quite sincere in the quest of material with which to criticise the claim—that there was nothing we could do in good faith except to make the collector whole for the misfortune which fell upon him by a fault, as far as there was a fault, not his own.

Mr. EDMUNDS. I am not disposed to criticise the opinion of the Senator from New York, and of course I have nothing to say touching the nearness to Vermont of this seizure or the counsel who defended the collector. But I believe there is a law—and if the Senator will inform me whether I am mistaken, as he can, it may illustrate this subject—I believe there is a statute providing, when a collector makes a seizure that is lawful at the time it is made, that he shall be defended by the district attorney in any suit that may be brought about it, and that the current appropriation for the expenses of collecting the revenues of the United States is the fund out of which the administration of the Treasury Department pays for defending collectors in cases of that character. Am I not correct?

Mr. CONKLING. I think my honorable friend is entirely correct, unless it may be that he commits a literal error in the latter part of his statement, which is not important. I say to him, however, and so the papers show, that the collector in this instance complied with the law fully and promptly. He gave notice to the district attorney; he applied to him; he tendered to him the information, the proof, and the witness by whom it could be made, and, as far as we were able to discover, was guilty of no laches or want of diligence in that regard.

Mr. EDMUNDS. The question that I desired to have answered by the Senator, and he can readily answer it, is, what are the legal difficulties of this gentleman getting his reimbursement from the Treasury Department? For, if I understand the law, the Treasury Department is authorized to defend the customs officers of the United States in anything that they lawfully do, or do in good faith, where they get cast in a suit.

Mr. CONKLING. I think what my friend is now saying rests upon a certificate of probable cause. He will observe that the report shows that no such certificate was made, and explains the reason why. When the cause came up in court, there was an utter default on the part of the Government. Therefore the court did not know and could not know whether there was probable cause or not, and could not grant that certificate which, without any legislation from us, would have protected the collector. It is to supply that very deficiency that the bill is here.

Mr. EDMUNDS. Well, Mr. President, I think the Senator from New York cannot be quite correct in his statement of the law, although I am not familiar with the customs laws or any others very largely; but certainly there are dozens of suits every year brought against collectors to recover back money that has been paid under protest for duties, and it is not then resting upon any certificate of probable cause that the Treasury indemnifies the officers. It rests upon the fact, as I understand, that by the general customs-collection laws of the United States—I do not go into any other department, and it is not necessary in this case as this was a customs officer—for the honest and faithful administration of the ministerial duties of the customs officers the Treasury Department is authorized to provide and furnish defense and indemnity, and it is authorized out of the appropriation that we make every year for the expense of collecting the customs to repay any sum that may be recovered. If that be true, of course there is no need of passing this bill, because the Department itself can inquire into the circumstances under which this transaction took place, and can judge for themselves whether this gentleman was acting in good faith, which I certainly have no right to question or dispute.

Mr. CONKLING. The section to which my friend now appeals is in my recollection a wholly different section, and I feel so sure of it that I venture to state it. When a suit is brought to recover back duties paid, a protest is the ground without which the party cannot proceed. If he protests, he may sue and recover moneys paid under that protest. That is one class of cases.

Here is another: the seizure of goods; and there in order to bring the collector within the departmental protection or protection of the general law without special act, he must have a certificate of probable cause which in the circumstances of this case he did not have nor was it possible for him to have.

Mr. EDMUNDS. Then how did it happen that the district attorney of the United States, having no authority to interfere for the defense of this man, did appear, acting for the Government and charging his pay to the Government for doing it?

Mr. CONKLING. He had authority to appear for him, I will show to my honorable friend, and it was his duty to appear. If he had appeared and appeared successfully, tried the cause upon the merits, the collector, even though he may not have won a verdict, would have won a certificate of probable cause, for the court would thus have looked into the case, probable cause would have been deduced from it, the certificate would have been given, and my honorable friend would have been spared and so should I have been spared the trouble of attending to the case. But unfortunately it falls on neither one side nor the other of the line which he has been stating. It is not a case where a suit was brought to recover back duties paid under protest; nor is it a case where a certificate of probable cause enables the collector to pursue the remedy the Senator now speaks of.

Mr. EDMUNDS. The honorable Senator from New York did not, I am afraid, do me the honor to listen to me, for my inquiry of him was how it happened that in this cause in the State court where, as my friend states the law to be, though I think he is in error, this man stood not only without a defense but without any right to call on the United States, legally speaking, to do anything whatever for his redress or protection, this report states, if such be the law, that the United States did intervene and defend the cause, although in point of fact other counsel were engaged personally, which has run up the costs in this extraordinary way. That is the difficulty, although it does not touch the merits of the question except as showing what the law is on the other point.

Mr. CONKLING. Now if my friend will let me answer, I beg his pardon for misunderstanding him. I supposed he referred to the cause in the Federal, not in the State courts. The fact on the point to which he now brings attention I understand to be this: that the collector did notify the district attorney, that owing to his non-action he found himself in this plight and was sued, and thereupon the district attorney, in what I have sometimes heard called a perfunctory manner, undertook to extend some protection over him. The collector, however, soon had wit enough and necessity enough to discover that he was to stand entirely naked to his enemies or was to provide

himself with counsel. Thereupon he applied to the gentleman to whom reference has been before made, and by him he was in fact defended, although not in form to some extent the district attorney, either as a volunteer or otherwise, had, as I understand, undertaken to repair the harm which had come from his non-action in the case where he was called upon to appear and to act.

Mr. EDMUNDS. Then, as I understand it, Mr. District Attorney Dorsheimer, after having allowed this man, who had a good case, to be defaulted five hundred miles off, had the official condescension to allow the collector at Plattsburgh to employ somebody else to defend him and to pay him $1,200 for it. That was certainly a large act of condescension on the part of the district attorney, who was very vigilant indeed! But that perhaps is not material to the purpose of this case.

If I am not wearying the patience of the Senate, for this involves a very important principle as to what we ought to do, I should be glad to know another thing that no doubt the Senator can tell me; and that is on what ground it was that the action in the State of New York against the collector was defended, and upon what ground it was that the defense seems to have failed after a long litigation which, judging from the bill of costs, must have implied a trial by jury upon some issue of fact. Very likely the Senator can tell us the history of the course of procedure in the State court, what the points were, and why this man did not win.

Mr. CONKLING. I think I may with prudence tell the Senator this much, although I would not venture to speak of the exact particulars without referring to the papers: When the collector was sued in the State court, an application was made, he being a Federal officer and having executed Federal authority, to transfer the cause into the national courts, which transfer I believe took place. A trial, a litigation, as the Senator has conjectured, followed. Upon that trial the merits, in so far as they were still accessible, were litigated, and the finding was that the collector was liable. Now, whether every question that could have been made in the original action for the seizure was there accessible and was there made, I cannot tell the Senator; but I judge from the papers and from the character of the counsel who conducted the case that in so far as the merits were still open they were litigated, and in spite of all the defense that could be made the collector was cast in damages for the act which he had originally done, which he had done for probable cause, and for which the customary certificate would have protected him had he not lost the opportunity of obtaining that certificate owing to the non-action of the officer whose duty it was to take care of the case and over whom he had no control.

Mr. EDMUNDS. The result of it, then, seems to be that this seizure was an illegal seizure, one that, as the facts turned out, was not justified by the law. Now, the collector having made an illegal seizure where he had not the facts to support it, that is to say, the property not having been brought into the country in violation of the statutes of the United States, the citizen called upon him to respond, and he was obliged to do so after a defense. Then the question is, whether the Treasury of the United States ought to bear the burden of defending every collector who makes such a mistake, acting upon his own discretion at the moment, although a ministerial officer, but not bound as a marshal or a sheriff is to execute a particular mandate which commands him to take the property of the citizen, and which he would be liable to criminal punishment if he should fail to obey, and where we can see there is a good ground for holding that the party should be indemnified; but here it is left to the sound discretion, of course, of the collectors of customs to make seizures in cases where they have good reason to believe that a violation of the law has occurred. It appears, as I understand the result, although we have not the precise papers here to know exactly, but the substance appears to be that it turned out on the trial on the merits of the question of seizure that this gentleman had made a seizure that the law did not authorize him to make, and accordingly had to pay the value of the property, for I see he was mulcted in $250 damages. He kept the horses, I suppose, and paid his counsel, and of course he is out of pocket a thousand dollars; and now we propose to pay him not only the money which he had to pay for the horses, but the costs also; and whether he, or the Treasury, or some other department of the Government has the horses may be a question.

Mr. CONKLING. Without detaining the Senate more than a moment further, I beg to make a remark. The Senator says this would relieve an illegal seizure. I answer him illegal only in that sense in which every seizure is illegal when a collector is protected by a certificate of probable cause. There never was a case on earth where a court gave a collector a certificate of probable cause except a case where the merits had gone against him. No other case admits of it. Therefore the criticism made by the Senator would apply not only to every such case as this, but to every case confessedly within that departmental protection to which he has referred.

I understand the Senator to comment upon, if he does not criticise, the fact that the collector applied to private counsel to defend him in the State court. Now see, if the Senator will pardon me, the injustice of that comment. Suppose this man that the Senator has already criticised because he did not look at the schedule of terms and assume every time a term occurred, although no subpœna was served on him or no letter written him, that he must be there armed and equipped—suppose that this collector having seen this cause go by default once, the district attorney not appearing or serving a subpœna on him, when he was sued in person had folded his arms and sat down and allowed judgment to go against him, how my friend would thunder at him then, and with what justice!

Mr. EDMUNDS. May I ask the Senator a question?

Mr. CONKLING. Certainly.

Mr. EDMUNDS. Does he not know perfectly well that this collector had a quarter's interest in the seizure himself, and that if he had succeeded in the condemnation he would have got a quarter of the value of the property, and that he could not be a witness if summoned by the district attorney; but so far as a fourth went he in person was interested as prosecutor?

Mr. CONKLING. Why could he not be summoned as a witness?

Mr. EDMUNDS. For the reason that he could not be a witness when he had an interest——

Mr. CONKLING. I beg pardon.

Mr. EDMUNDS. The seizing officer cannot be a witness.

Mr. CONKLING. I ask my honorable friend to revise his law a little on that point. In the Sate of New York every party to the record may be a witness, save only plaintiff and defendant in an action for divorce; and in civil cases, as we have provided several times over, the rules of evidence obtaining in the State obtain in the national courts sitting in the State. Therefore Mr. Parmerter was a competent witness.

But my friend asks had he not an interest of a quarter in this seizure, had he not an interest of a quarter of two hundred dollars—fifty dollars' interest? I presume he had; but with what view does the Senator cite that? To show that this was a hungry, snatching man pursuing his fifty dollars? Not at all; his criticism is that he had fifty dollars' interest "to prick the sides of his intent," and he did not get through. Well, I answer the Senator that he then stands more blameless than he would have done had he had no self-interest to prompt him. The fact of this self-interest, although small, shows that he did not intend to turn his back upon this case and purposely allow the Government to suffer. So the fact to which the Senator brings attention is, I submit, a fact in favor of the collector, and not a fact against him.

No, Mr. President, the whole case, although it is not pleasant to state it, results in this: that the only officer whose business it was to care for the interests of the United States, and who could have protected them, failed to do so, and this blameless man was in consequence of that cast in damages; and upon every principle that I know of applicable to such cases we cannot avoid paying him.

Mr. EDMUNDS. I cannot leave this to go quite yet. According to my recollection the statutes of the United States provide (unless they have been altered very recently) that the seizing officer, the collector of customs, anybody who is entitled to a share of the forfeiture, cannot be a witness in the courts of the United States upon the question of condemnation. The object of that law was to prevent grasping and unjust men in the revenue service from making seizure of the property of the citizens and then swearing them through themselves as to some technical violation of the law that they had invented or pretended in order to get their share of the plunder. That I believe to be the law of the United States, unless it has been changed within a very recent period. I will not take the trouble to keep the Senate waiting now while I look it up, because it perhaps does not largely affect the question. I will only say, as my friend seems to have rather ridiculed the idea that this man only had a fifty-dollar interest, that if he only had a fifty-dollar interest the United States had only a one hundred and fifty-dollar interest, and in proportion to their respective duties and responsibilities it would seem, I think, to most men that they had no greater obligation in defending their interest than he had in defending his. The forty million people in the United States being interested to the extent of one hundred and fifty dollars and he to the extent of fifty dollars, a very simple arithmetic would show that his interest was as large in proportion to the amount of the seizure as that of the people of the United States.

I will promise not to say anything more on this bill when I add a word to what I have said. With all respect, I cannot help thinking that the Committee on Commerce of the Senate—I of course cannot allude to the committee of the House of Representatives—have committed an error in reporting this case for our favorable consideration because however hard it may be to apply a rigid rule in this particular instance—and I make no question about that, for certainly all that I know of this gentleman and have heard of him is in his favor—yet to set a precedent which is to be followed hereafter, by which we agree that we will indemnify every collector of the customs who fails through the fault of the district attorney, the collector of customs being interested himself in the suit and being in substance a party to it and entitled to a fourth of the proceeds of the condemnation, if he can satisfy some committee of either body, years afterward, that he intended to act in good faith, and that although he may have had an interest in the seizure which prompted him somewhat, yet after all it was partly for the interest of the Government, he did not intend to violate the man's rights, leaving it upon his statement of what his intentions were, is very dangerous legislation indeed. That is all I wish to say. I of course cannot expect to overrule this committee.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter of the Secretary of the Interior, transmitting, in obedience to law, a copy of the report of the surveyor-general of New Mexico on private land claim reported as No. 88, and known as the Santa Fé City land claim; which was referred to the Committee on Private Land Claims.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had concurred in the amendments of the Senate to the amendment of the House to the bill (S. No 350) providing for the payment of the bonds of the Louisville and Portland Canal Company.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 3098) to amend the act entitled "An act to reorganize the courts in the District of Columbia, and for other purposes," approved March 3, 1863; and

A bill (H. R. No. 3169) changing the time of holding circuit and district courts in Vermont.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. No. 368) for the relief of James Long;

A bill (H. R. No. 1331) for the relief of Joab Spencer and James R. Mead, for supplies furnished the Kansas tribe of Indians;

A bill (H. R. No. 1772) for the relief of William N. Williams, late a second lieutenant of volunteers;

A bill (H. R. No. 1933) to amend the thirty-first section of an act entitled "An act for enrolling and calling out the national militia, and for other purposes," approved March 3, 1863; and

A bill (H. R. No. 3093) to relieve David A. Telfair from political disability.

THE CUSTOMS SERVICE.

Mr. FENTON. As the morning hour is about expiring, I desire to give notice that I will, at the close of the morning hour on Monday next, or as soon thereafter as I can have the floor for the purpose, move to discharge the Committee on Commerce from the further consideration of the bill (S. No. 13) to regulate the service in the collection of customs at the various ports of entry in the United States, and the disposition of fines, penalties, and forfeitures incurred under the laws relating to customs, and for other purposes; and upon this motion I shall venture, with the indulgence of the Senate, to submit some remarks.

SUPPLEMENTARY CIVIL-RIGHTS BILL.

The PRESIDENT *pro tempore.* The morning hour having expired the Senate resumes the consideration of the unfinished business of yesterday, which is the bill (S. No. 1) supplementary to an act entitled "An act to protect all citizens of the United States in their civil rights, and to furnish the means for their vindication," passed April 9, 1866, the pending question being on the amendment of the Senator from Ohio [Mr. THURMAN] to the amendment made as in Committee of the Whole, to strike out the second section, on which the Senator from Georgia [Mr. NORWOOD] is entitled to the floor.

Mr. NORWOOD. Mr. President, I deem it my duty to say that having spoken yesterday, my throat to-day is in such a condition that I am unable to go on. I can hardly articulate. I will, therefore, ask of the Senate the indulgence to have the matter postponed for the present.

Mr. HAMILTON, of Maryland. I move that the Senate proceed to the consideration of the Calendar, letting this bill be laid aside informally with the consent of the Senator from New Jersey.

Mr. EDMUNDS. Perhaps somebody else may wish to go on.

Mr. FRELINGHUYSEN. I think perhaps some one else would be prepared to go on, and by letting him do so we save time.

Mr. HAMILTON, of Maryland. If there is no one prepared to speak, I think we had better proceed on the Calendar.

The PRESIDENT *pro tempore.* Is there objection to laying aside Senate bill No. 1 informally and proceeding with the Calendar?

Mr. EDMUNDS. Instead of that, I move to take up the Geneva award bill. That is an important bill, and it ought to be disposed of early, for nothing was done at the last session, as will be remembered, which I think is somewhat to the reproach of both Houses of Congress.

The PRESIDENT *pro tempore.* The Senator from Vermont moves to lay aside the pending order informally and proceed to the consideration of the bill reported by him from the Committee on the Judiciary in regard to the Geneva award.

Mr. ANTHONY. We shall be having the appropriation bills come here very soon; and then we shall have no opportunity whatever to take up the Calendar. There are a great many unobjected cases, cases which require merely the forms of legislation, and I think that we had better to-day proceed with the unobjected cases on the Calendar, at least for a couple of hours, and then take up the bill of the Senator from Vermont.

Mr. EDMUNDS. Very well; I have no objection to that, for two hours.

The PRESIDENT *pro tempore.* The Senator from Rhode Island proposes to lay aside the pending order informally and that the Senate proceed with the Calendar of unobjected cases. The Chair hears no objection.

Mr. EDMUNDS. That is with the understanding that any case to which objection is made and insisted upon shall be laid aside.

The PRESIDENT *pro tempore.* That is the understanding. The Senate is to proceed under the Anthony rule, so called.

Mr. CLAYTON. I should like to ask the Senator from Vermont, who made some objection the other day to Senate bill No. 459, whether he will not allow that bill to be called up this morning and disposed of?

Mr. EDMUNDS. What bill is that?

Mr. CLAYTON. The bill (S. No. 459) for the relief of William J. Patton, collector of internal revenue in Arkansas, reported by the Senator from Iowa, [Mr. WRIGHT.]

Mr. EDMUNDS. That will lead to long discussion.

Mr. CLAYTON. It may lead to discussion.

The PRESIDENT *pro tempore.* The Secretary will report the first bill on the Calendar.

JOSEPH F. DOAK'S MINOR CHILDREN.

The first bill on the Calendar was the bill (H. R. No. 1230) granting a pension to Elizabeth W. Prindle, guardian of the minors of Joseph F. Doak, deceased; which was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth W. Prindle, guardian of the minor children of Joseph F. Doak, late sergeant of Company D, Fifth Ohio Volunteers, and pay her a pension for those minors.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

ELIZA A. MAXHAM.

The next bill on the Calendar was the bill (H. R. No. 1227) granting a pension to Eliza A. Maxham; which was considered as in Committee of the Whole. It directs the Secretary of the Interior to place upon the pension-roll, subject to the limitations of the pension laws, the name of Eliza A. Maxham, mother of Samuel W. Maxham, late a private in Company E, Second Regiment United States Sharp-shooters, and to pay her at the rate of eight dollars per month from the death of Samuel W. Maxham on the 6th of May, 1864.

The Committee on Pensions propose to amend the bill by striking out in the eighth, ninth, and tenth lines the words "to date from the death of said Samuel W. Maxham, on the 6th day of May, 1864," and to insert in lieu thereof the words "from and after the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

JEFFERSON A. FRENCH.

The next bill on the Calendar was the bill (S. No. 613) granting a pension to Jefferson A. French; which was read a second time, and considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Jefferson A. French, late volunteer lieutenant and first-class pilot in the United States naval service, Mississippi squadron, for total disability, at the rate of $31.25 a month.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

WRECK OF SHIP PATRICIAN.

The next bill on the Calendar was the bill (S. No. 614) to provide for the removal of the wreck of the ship Patrician, near the entrance to the harbor of San Francisco, California; which was read a second time, and considered as in Committee of the Whole. The Secretary of War is by the bill directed to cause the wreck of the ship Patrician to be removed as early as practicable from the channel to the harbor of San Francisco, California; and it appropriates for the purpose $25,000, or so much thereof as may be necessary.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

TERRITORY OF PEMBINA.

The next bill on the Calendar was the bill (S. No. 44) to establish the Territory of Pembina, and to provide a temporary government therefor.

Mr. STEVENSON. Let that bill be laid aside.

The PRESIDENT *pro tempore.* The bill will be passed over.

Mr. RAMSEY. I think there is no objection to the bill.

Mr. WADLEIGH. I object.

The PRESIDENT *pro tempore.* The bill will be laid aside.

Mr. BOREMAN. I should like to appeal to the Senator from New Hampshire to allow me to make a statement before he insists on his objection.

The PRESIDENT *pro tempore.* The bill will be laid aside. The objection can be waived, however.

LAND CLAIMS IN NEW MEXICO, COLORADO, AND ARIZONA.

The next bill on the Calendar was the bill (S. No. 441) enabling claimants to lands within the limits of the Territory of New Mexico to institute proceedings to try the validity of their claims.

The Committee on Private Land Claims reported the bill with an amendment to strike out all after the enacting clause and insert in lieu thereof the following:

That it shall and may be lawful for any person or persons, or their legal representatives, claiming lands within the limits of the Territory of New Mexico, Colorado, or Arizona, by virtue of any Spanish or Mexican grant, concession, warrant, or survey, which, at the date of the passage of this act, have not been confirmed by act of Congress, or, having been confirmed by act of Congress, have not been surveyed, or, having been confirmed and surveyed, patents have not been issued for the same, in every such case to present a petition in writing to the judge of the district court of the United States for the judicial district in which such lands may be situate, setting forth fully the nature of their claims to the lands, and particularly stating the date of the grant, concession, warrant, or order of survey under which they claim, by whom made, the name or names of any person or persons in possession of or claiming the same, or any part thereof, otherwise than by the lease or permission of the petitioner; and also the quantity of land claimed and the boundaries thereof, where situate, with a map showing the same as near as may be; and whether the said claim has heretofore been confirmed by Congress, or been heretofore submitted to any authorities constituted by law for the adjustment of land titles within the limits of the said Territories respectively, and by them reported on unfavorably, or recommended for confirmation, or authorized to be surveyed or not, praying in such petition that the validity of such title or claim may be inquired into and decided. And the said courts are hereby authorized and required to take and exercise jurisdiction of all cases or claims presented by petition in conformity with the provisions of this act, and to hear and determine, as hereinafter provided, the same on the petition and proofs in case no answer or answers be filed after due notice, or on the petition and the answer or answers of any person or persons interested in preventing any claim from being established, and the answer of the district attorney where he may have filed an answer, and such testimony and proofs as may be taken; and a copy of such petition, with a citation to any adverse possessor or claimant, shall, immediately after the filing of the same, be served on such possessor or claimant in the ordinary legal manner of serving such process in the proper Territory, and in like manner on the district attorney of the United States; and it shall be the duty of the United States attorney for the proper district, as also any adverse possessor or claimant, after service of petition and citation, as hereinbefore provided, within thirty days, unless further time shall, for good cause shown, be granted by the judge or court to whom said petition is presented, to enter an appearance, and plead, answer, or demur to said petition; and in default of such plea, answer, or demurrer being made within said thirty days, or within the further time which may have been granted as aforesaid, the court shall proceed to hear the cause on the petition and proofs, and render a final decree according to the provisions of this act; and in no case shall a decree *pro confesso* be entered; and in every case the court shall require the petition to be sustained by satisfactory proofs, whether an answer or plea shall have been filed or not: *Provided*, That nothing in this act shall be so construed as to prevent action on, and confirmation by Congress of, private land claims now pending before Congress heretofore examined and recommended for confirmation by the surveyor-general of either of said Territories.

SEC. 2. That all proceedings subsequent to the filing of said petition shall be conducted as near as may be according to the rules of the courts of equity in the proper Territory, except that the answer of the attorney of the United States shall not be required to be verified by his oath, and no continuance shall be granted unless for good cause shown; and the said courts shall have full power and authority to hear and determine all questions arising on said petition relative to the title of the claimants, the extent, locality, and boundaries of said claim, or other matters connected therewith, fit and proper to be heard and determined, and by a final decree to settle and determine the question of the validity of the title and the boundaries of the grant or claim presented for adjudication according to the law of nations, the stipulations of the treaty of Guadalupe Hidalgo and the treaty known as the Gadsden purchase, the acts of Congress in relation thereto, and the laws and ordinances of the government from which it is alleged to have been derived, and all other questions properly arising between the claimants of the United States, or other parties to the suit, which decree shall in all cases refer to the treaty, law, or ordinance under which such claim is confirmed or rejected; and the court may, at its discretion, order disputed facts to be found by a jury, according to the regulation and practice of the said courts when directing issues in chancery before the same court; and in all cases the party against whom the judgment or decree of said district court may be finally rendered shall be entitled to an appeal to the supreme court of the proper Territory, which shall be taken and allowed in the manner now prescribed by law for taking appeals from the district courts of such Territory to the supreme court thereof; which supreme court shall retry the cause, as well the issues or questions of fact as of law, and may hear testimony in addition to that given in the court below; and either party shall be allowed one year in which to appeal from the decision of the supreme court of such Territory to the Supreme Court of the United States, whose decision shall be final and conclusive between the parties; and should no appeal be taken, the judgment or the decree of the said district court shall in like manner be final and conclusive, as also the decision of the supreme court of the Territory unless appealed from.

SEC. 3. That the testimony which has been heretofore received by the surveyor-general of the proper Territory, or by the Commissioner of the General Land Office, upon all claims presented to them respectively, shall be admitted in evidence in all trials under this act when the person testifying is dead, so far as the subject-matter thereof is competent testimony; and the court or jury shall give it such weight as, in their judgment, under all the circumstances it ought to have.

SEC. 4. That it shall be the duty of the Commissioner of the General Land Office of the United States, the surveyors-general of such Territories, or the keeper of any public records who may have possession of the records and testimony pertaining to any land grants or claims for land within said Territories, whose claim for lands has been rejected by them, or on the application of any person interested, or by the attorney of the United States for either of said Territories, to furnish copies of such records and testimony, certified under his official signature, with the seal of office thereto annexed, if there be a seal of office; which copies, if the originals are not within the jurisdiction of the court, shall have the same effect as testimony that the originals would have if produced. The legal fees shall be paid for such copies by the parties applying for the same, except the attorney of the United States.

SEC. 5. That the provisions of this act shall extend only to such claims as may be presented and filed within two years from the date of its approval; and all petitions under this act may be presented in vacation or term-time, but the final hearing on the same shall be had and the final decree rendered only at the regular terms of the district courts for the counties where the lands described in such petition may be situate; and the judges of the district and supreme courts in the Territory are hereby authorized, in vacation, in all cases arising under this act, to grant all orders for taking testimony, or otherwise to hear and dispose of all motions, and do all other things necessary to be done to bring the same on to a final hearing.

SEC. 6. That upon the final decision of any claim prosecuted under this act, in favor of the claimant or claimants, it shall and may be lawful for such claimant to demand and receive from the clerk of the court in which such final decree is had a duly certified copy of the decree in his, her, or their favor, and deliver the same to the surveyor-general of the proper Territory, who shall thereupon cause the lands specified in said decree to be surveyed at the expense of the United States; triplicate plats and certificates of the survey so made to be returned into his office, one of which shall remain in his office, and one, duly authenticated, shall be delivered, on demand, to the party interested therein, and one shall be sent to the Commissioner of the General Land Office, on receipt of which the President of the United States shall issue a patent to said claimant.

SEC. 7. That the clerk of the court in which such petition may be filed shall, and he is hereby directed, when any petition or claim is filed under the provisions of this act, before any proceedings thereon, to require good and sufficient security for all costs and charges which may accrue thereon in prosecuting the same to a final decree; and the district attorney, clerk, marshal, and witnesses shall severally be allowed such fees for their services and attendance as may be allowed by law for the like services and attendance in the United States courts for the proper Territory.

SEC. 8. That it shall be the duty of the attorney of the United States for the proper Territory in every case, when the decision or decree of the district court is against the United States, to appeal the cause to the supreme court of the Territory; and if the decision of the latter court be against the United States, a copy of the decree, with a statement of the legal questions involved, shall be transmitted by the district attorney to the Attorney-General; and unless the Attorney-General shall otherwise direct, the district attorney shall appeal the cause to the Supreme Court of the United States. In every cause decided under this act by the supreme court of a Territory it shall be the duty of such court to specially find the facts of the cause; which special finding shall be inserted in the decree, and, upon an appeal to the Supreme Court of the United States, shall be taken in the latter court to be the facts of the cause.

SEC. 9. That if in any case it shall so happen that the lands decreed to any claimant under the provisions of this act shall have been sold or otherwise disposed of by the United States, it shall be lawful for such claimants, or their legal representatives, at any time within one year after the rendition of the final decree in his favor, to execute and file in the office of the Commissioner of the General Land Office a release to the United States of all right, title, or claim to the land so sold or otherwise disposed of by the United States; and thereupon there shall be issued by the said Commissioner (under such regulations as may be prescribed by the Secretary of the Interior) to such claimant or his legal representatives scrip for an equal amount of acres so released in quantities not exceeding six hundred and forty acres each, which scrip shall be assignable in such form as may be prescribed by said Secretary, and shall be receivable in payment for any public lands in either of said Territories that may be subject to private entry.

SEC. 10. That the chief justice and associate justices of the supreme court of the Territories aforesaid shall, from and after the passage of this act and until the final adjudication of all claims presented under the provisions of the same, receive, in addition to the salary now provided by law, the sum of $2,000 each; but such increase shall not continue more than five years.

SEC. 11. That all claims which are capable of being prosecuted under the provisions of this act shall, after three years from the taking effect of this act, if no petition in respect to the same shall have been filed as hereinbefore provided, be deemed and taken, in all courts and elsewhere, to be abandoned, and shall be forever barred.

Mr. MITCHELL. I move to amend the amendment by striking out the following words in the thirty-third line of section 2, "and may hear testimony in addition to that given in the court below."

Mr. CONKLING. This is a very elaborate bill. I do not venture to make any suggestion against it; but it seems to me that it ought not to pass, with or without amendment, among the unobjected bills, no statement in regard to it being made. I know there are Senators ready and willing to explain it; and I venture to suggest that some Senator who is intimate with its provisions should give the Senate a better understanding than we can have from a cursory reading of so many complicated provisions.

Mr. THURMAN. I am perfectly willing to explain it.

Mr. MITCHELL. The amendment reported by the committee provides for the examination and trial of these land cases in the district courts of these Territories; it also provides for an appeal to the supreme court of the Territory; it also provides that on the appeal the supreme court may try the issues or questions of fact and of law, and may hear testimony in addition to that given in the court below. My amendment proposes to amend the amendment of the committee so that the supreme court in the trial of the cause shall be limited to the evidence taken in the court below, and shall have no power to hear new testimony.

Mr. THURMAN. Mr. President, this bill has for its object to settle a class of land claims, almost all of which arise out of the treaty of Guadalupe Hidalgo, made in 1847, and the subsequent treaty known by the name of the Gadsden purchase. I may say, in general terms, that it is a disgrace to the legislation of the United States that these claims have not been adjudicated and settled long ago. It is now twenty-seven years since we acquired title to New Mexico, Colorado, and part of Arizona. By the treaty of Guadalupe Hidalgo we became bound to respect the titles which had lawfully been granted by the republic of Mexico. That is one of the stipulations in that treaty which we are bound to execute. But owing to the land system of Mexico it was impossible to say at once what claims to land had lawfully vested in individuals under the laws of Mexico, for the treaty bound us to recognize and acknowledge the claims that had accrued under the laws of Mexico, although they had not been carried into actual grant by the issue of letters-patent. Owing to their peculiar land system nothing could be much more uncertain than the question of boundaries and often the amount of the grant or claim.

In order to ascertain what lands were thus embraced in the claims of individuals, Congress first provided that the surveyor-general of the Territory should open a docket and receive proof of claims, and report in favor or against the recognition of claims, according to his own judgment and the testimony before him, to the Commissioner of the General Land Office, and then the Commissioner of the General Land Office should lay those reports before the Congress of the United States, so that Congress should act in each particular case. That has been found to be impossible of execution. The fact is that at the end of twenty-seven years a very small proportion of the claims have been

reported upon, for the surveyors-general have had no time to execute that law, and owing to defects in the law itself it has been one that has utterly failed to do justice either to the Government or to the individual. The lack of power to take testimony, to enforce the attendance of witnesses, and the fact that the surveyor-general himself is not usually a man learned in the law, and that he has so much business in the ordinary and regular routine of his office, has had the effect to delay, and I may say utterly prevent, the adjudication of these titles. When some few of them have been confirmed by Congress, it has been found that the proceedings were so irregular, so ambiguous, that it has been impossible for the General Land Office to know for what amount of land or for what boundaries to issue patents.

Mr. SARGENT. And Congress has been unwilling to submit to the record in these cases.

Mr. THURMAN. I will mention one single case as an illustration. Congress confirmed two grants at the same session and upon the same report of the then Committee on Private Land Claims. In that report it was stated that under the laws of Mexico no individual could receive a grant for more than eleven leagues, and therefore certain claims that were made for a larger amount were by that committee cut down to eleven leagues to the individual. They laid that down as the law, and yet so carelessly did that committee act—I will not say carelessly, but it so happened that they overlooked it and Congress overlooked it—that another grant reported by them at the very same instant of time, by that very same report, was confirmed for twenty-two times twenty-two leagues, for it was to two individuals, making a confirmation of over two million acres of land. That question has been before the Land Office. The Commissioner of the General Land Office and the Secretary of the Interior refused to issue patents for any such enormous grant, and you cannot tell—I do not say it is impossible but it is certainly very difficult to tell—from the papers in that case what was the meaning of the Committee on Private Land Claims in regard to that grant and what was the meaning and is the true construction of the act of Congress in reference to it.

These grants are for very large amounts, and even if it were possible for the surveyor-general to examine them and make his report, it would be unwise that one man, holding no court, a mere ministerial officer, should settle claims to such an immense amount as are these claims. But it is not necessary to go into that further. The General Land Office has called the attention of Congress to the matter again and again. The system is found to be utterly futile, it is a perfect failure; and at every session of Congress for many years past the committees, both in this body and in the other House, having charge of the subject, have endeavored to arrive at some mode by which these claims could be settled. At length, at this session, after bestowing very great care on this bill, giving it a long and patient consideration, hearing all the suggestions from the Commissioner of the General Land Office and from the Delegates from these Territories, who have urged us to pass some measure, because the uncertain state of the land titles in their Territories, as they tell us, is materially retarding settlement and population there and involving the people of the Territories in interminable lawsuits, the committee came to the conclusion to report the bill which is now before the Senate as an amendment to the original bill which was introduced by the Senator from Michigan, [Mr. FERRY.]

This bill in general terms provides that these claims shall be adjudicated in the courts of the respective Territories. Those courts consist of a district court and a supreme court. The district court is held in every county in a Territory; the supreme court is held at two or three or more places in the Territory, and consists of all the judges. In order to dispose of them, and it being most material both for the interest of individuals and of the Government that the question should be settled soon, and this bill contemplating that they may all be settled in a short time, it is provided that any claimant to land shall file his petition in the district court. Then provision is made for making the United States a party defendant, and not the United States alone, but every adverse claimant to the land, so as to bring before the court every party having any interest whatsoever to contest the claim. That being done, provision is made for further progress in the cause, the most material of which is that the court shall in no case decree in favor of the claimant upon the overruling of a demurrer or without proof, that there shall be no such thing known as taking a petition *pro confesso*, or giving judgment in favor of the claimant upon the overruling of a demurrer, but in every case the claimant shall be bound to make proof, and satisfactory proof, of his claim by evidence whether his petition be contested or not. That is the general provision on that subject, and the Senate will see at once that that is a wise provision for the protection of the Government, and also for the protection of any one having adverse claims to the land.

Then the bill provides that either party may appeal from the decision of the district court to the supreme court of the Territory; and so far as the United States is concerned the bill provides that the district attorney shall, in every case in which a decision is rendered adverse to the United States, take an appeal to the supreme court of the Territory, which court shall retry the cause upon the evidence that was heard in the court below, and upon such further testimony as may be offered in that supreme court; and that brings me to the motion made by the Senator from Oregon to strike out the words which authorize the supreme court upon the trial of this cause to hear further testimony in addition to that given in the court below.

I really cannot see what reason can exist for striking out those words. The district courts are held by a single judge. Some of these claims to land amount to millions of acres, none of them perhaps to less than eleven square leagues, many of them to twice eleven square leagues, and where the claims are what is known as colonization claims they may amount to much larger areas than even that. The committee did not think it right that the decision of one judge upon the facts of the case should be conclusive. They did not like to put in the power of one man, however upright and intelligent he might be, the conclusive decision of the facts in a case where such immense interests were involved; and therefore they provide for an appeal to the supreme court of the Territory, both upon the issues of fact and the issues of law.

Mr. CONKLING. Is there to be a trial by jury in the supreme court?

Mr. THURMAN. That is left to the territorial law.

Mr. SARGENT. It is left to the discretion of the court.

Mr. THURMAN. Yes, sir; according to the practice of the local court. Now is this second trial in an appellate court of questions of fact a strange thing? In the State from which the Senator who makes this amendment came, he knows that it was the law and may be the law yet—it was for more than half a century the law—that you might appeal and have a second trial of issues of fact in the supreme court. In the State of Ohio, with the exception of a few years, it has always been the law, from the very organization of the State government in 1802 down to this day, that there might be an appeal from the common-pleas court, which answers to the district court in the Territories, to a higher tribunal, and there a second trial be had of the questions of fact as well as of law. I never have been, in ordinary civil causes, much in favor of that mode; but where such immense amounts are involved as there are in these land claims, it does seem to me that it would be very wrong indeed to allow the district judge to settle conclusively the facts of the case, leaving nothing for the supreme court to do but to sit as a court of errors to determine whether there had been error in point of law. I do not think that would be wise at all.

Besides, it may well be that between the time that a case is tried in the district court and retried in the supreme court important evidence may have been discovered, and there is no reason why upon the discovery of this new and important evidence the party, whether the United States or the claimant, should be driven to file a bill in equity to have a new trial upon the ground of the newly discovered evidence, when the trial can take place without any new suit and without any delay in the supreme court of the Territory.

There is another reason why this clause ought not to be stricken out. The bill provides for an appeal to the Supreme Court of the United States in every case, unless the Attorney-General shall forbid the appeal. We know that the Supreme Court of the United States cannot find the time to settle the questions of fact in all these cases. Already is that court so burdened, and burdened by the decisions of questions of fact, that it is three years, I believe, behind the docket, as the familiar phrase is. Therefore this bill provides, and wisely provides, that the facts of the case shall be found by the supreme court of the Territory, consisting of three or five judges, as the case may be; I believe three judges in some of these Territories and five in one. This bill provides that those judges shall find the facts of the case as a jury would find a special verdict, and then the Supreme Court of the United States will take those facts as thus found as the real verity of the case, the real facts of the case, and will be relieved from deciding upon questions of fact and its decisions be limited to questions of law. But if you strike out the words which the Senator from Oregon moves to strike out, then the Supreme Court of the United States must do one of two things: it must either retry the facts, or it must take the facts as they were found in the inferior court of the Territory, the district court. I hope the Senator will see that that would not be right, and that his amendment, if it were to prevail, would entirely destroy the symmetry of the system provided by this bill. No possible injury can result from allowing the supreme court of the Territory to hear additional testimony to that which was heard in the court below; and when we come to consider that this court, which is a high court composed of all the judges, three at least, or five where there are five in a Territory, is charged with the grave and responsible duty of finding definitely the facts of the case, so that the Supreme Court of the United States may rely upon its finding, it is easy to see that these words ought not to be stricken out of the bill.

After a finding by the court, and after a decision by the Supreme Court of the United States, if the case is appealed there, in favor of a claimant, and the necessary provisions in regard to surveys so as to definitely fix the boundaries, for they are to be found by the decree, then there is a provision for patents to be granted; and that is necessary because, by some inadvertence or other, the law providing for the issue of patents upon these claims has been repealed by Congress, and no patent can now issue, no matter how clear and indisputable may be the goodness of a claim or its validity.

Then, finally, comes another provision which is to be borne in mind. It is for the protection of the United States; and it is that the testimony may be taken and these claims settled before it is too late, before the witnesses die by whom the facts may be proved. The bill

requires that every petition shall be filed within two years from the taking effect of this act, and the last section of the bill provides that every claim in which a petition is not thus filed within two years shall, after the lapse of three years from the taking effect of this act, be deemed to be abandoned and shall be forever debarred. The object in making that three years instead of two years, which is the limit for the filing of petitions, is to interpose a bar against any application to Congress or to one of the Departments if the party has let the three years elapse without preferring his claim.

The bill is one very highly in the interest of the Government, because until these claims are ascertained and are segregated from the rest of the land in these Territories, it is impossible for the Government to tell what are public lands and have them surveyed and brought into market, and the Territories themselves, as I have said before, are injured in two ways by this uncertain state of land titles: first injured by preventing migration to those Territories, and secondly, by the litigation to which these conflicting titles give rise.

For these reasons, Mr. President, I hope that the Senator from Oregon will not press his amendment, or if he should that it will be voted down. The Committee on Private Land Claims have given to this subject the most patient consideration. I think we had it under consideration for more than two months at this session, and we had it at the session before and at the session prior to that, and I am quite sure that I have never had anything to do in my life with a bill that I have bestowed more painful attention upon than I have upon this; and what I can say of myself I can say of every other member of that committee.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The question is on the amendment of the Senator from Oregon to the amendment of the Committee on Private Land Claims.

Mr. MITCHELL. I have no doubt that this is a meritorious bill, and that it has received the very careful consideration of the committee who made the report, and I have nothing to say in answer to the general remarks of the Senator from Ohio in support of the measure; but I think his argument would lead the Senate to conclude that my amendment goes further than it really does.

The Senator from Ohio says that it was not the intention of the committee to permit a single judge to find, without regard to appeal, the facts in these cases. Certainly not; and if my amendment were adopted that matter would not be left to the judgment of one judge; the bill would still provide for an appeal to the supreme court of the Territory. The only effect of the amendment that I have submitted is to prohibit the taking of new testimony on the retrial of the case before the supreme court. It does not prevent the supreme court of the Territory from retrying the case as to the questions of fact, but it limits them on the trial of those questions to the testimony taken in the court below.

In these cases, each claimant will have the privilege of coming into the court below and making out his case on the pleadings and on the testimony; he will there have his trial; he will there have a full hearing of the case upon the merits; he will have all the time that he desires to have, because the law of the Territory gives him all the time that is necessary; he will take all the testimony that is desired in order to support his allegations in the court below. Now, upon what principle or by what rule of practice heretofore prevailing in the courts should he, if the case is decided adversely to him there, be permitted to come in before the supreme court and take further testimony? I say that the bill as reported by the committee, so far from being in accordance with the practice of courts in that respect, is directly in opposition to the practice in all courts. Take the trial of chancery cases generally under the codes of the different States. An appeal is provided for generally from the decision of the inferior to the superior court, and the law as a general thing in most of the States provides for a trial *de novo* in the superior court both as to questions of fact and of law, but in no case does the supreme court hear new testimony. It is confined in its trial to the case as made by the parties in the court below.

Mr. THURMAN. To what supreme court does the Senator allude?

Mr. MITCHELL. I refer to several; to my own State among the rest.

Mr. THURMAN. Let me tell the Senator that the Supreme Court of the United States often receives evidence. Hats have been made right here in the presence of the Supreme Court by machinery; the wool and fur put into a machine and a hat made by machinery as evidence in the presence of the Supreme Court of the United States.

Mr. MITCHELL. Then I would ask the Senator from Ohio why he did not provide in this bill that on an appeal from the supreme court of the Territory of New Mexico to the Supreme Court of the United States the party should be at liberty to take new testimony?

Mr. THURMAN. I would have provided it if it would not have broken down the Supreme Court of the United States, who are already too much burdened with business.

Mr. MITCHELL. There is just as much reason for the parties having the privilege of taking new testimony in the Supreme Court of the United States as in the supreme court of the Territories. I repeat, it is in opposition to the general practice.

Mr. BAYARD. May I suggest to the Senator that the common practice in the circuit courts of the United States on appeal from the district courts is to take testimony anew *in extenso* beyond what was taken below? In cases of admiralty it is always done, and in all cases that I know of the depositions used below are used above, and additional testimony is taken in nine cases out of ten.

Mr. MITCHELL. I would inquire of the Senator from Delaware if that is not in cases where application is made to the appellate court, and the court has upon a showing made allowed additional testimony?

Mr. BAYARD. Not at all. I merely mention this as an analogy to show the Senator that the present bill contains this feature as a matter of excess of caution in favor of the Government, lest while testimony has been taken below there may have been omissions, which can be rectified in the court above to throw more light on the subject.

Mr. MITCHELL. I inquire of the Senator from Delaware if he thinks that a good practice?

Mr. SARGENT. I think the committee are entitled to the thanks of the Senate for the care with which they have examined this matter and the careful bill which they have reported. The Commissioner of the General Land Office for several years past has called the attention of Congress over and over again to the evils both to the Government and to the people of the Territories which this legislation is designed to remove. As there seems to be no question on the part of any Senator that the object of the bill is good, and being very fully satisfied of that myself, I will simply remark upon the point raised by the Senator from Oregon by his amendment.

It is chiefly to the advantage of the Government, in the supreme court of the Territory, when there is a trial *de novo* of law and facts provided for by the bill, the propriety of which is not questioned, that the Government should have the opportunity to introduce new evidence. The claimant will come before the district court thoroughly prepared with his case. He has had the documents, mostly matters of record, upon which his case relies, in his safe or in his possession for years, and has been waiting for an opportunity to present them. He brings them forward, carefully marshaled, for the first time. In that tribunal the Government is not aware of the pretension that he makes and of the evidence which he brings forward to establish it. The trial proceeds, and the Government will suffer from any want of an opportunity to review that testimony and supplement it by that which it may be in the power of the Government to supply on further opportunity. This bill does not provide, and it would not be wise to provide for motions for new trial before the court below. There must be some substitute for that power, or else that power must be given. There must be, either where there is newly discovered evidence or where there has been an excusable failure to introduce the best evidence, some opportunity before some tribunal to receive that further evidence. It is given by this bill, and I think in the very best form by the power which is granted to the appellate court in trying the case *de novo* on the law and the facts to receive such further evidence as either party may desire to present.

There is another advantage which will suggest itself to the mind of every lawyer for both parties. If this case is to be tried *de novo* on the facts, it is very necessary that the court which is to ascertain and determine finally the facts for the use of the Supreme Court of the United States should have that valuable opportunity of testing the accuracy, the credibility of witnesses, by observing the manner in which they testify, by bringing those witnesses to that test of which every lawyer knows the value, of their appearance in court which speaks frequently more strongly as to their credibility than any other circumstance, and which it is impossible to determine from simple record evidence. I think that the bill would be seriously crippled, that the Government itself would be placed at great disadvantage in disposing of these important interests, unless the power were given, for a tribunal higher than the district court, where these proceedings must originate, to finally settle the facts on which these great property rights both of the Government and of the claimants are to be determined; and for that reason I shall vote against the amendment of my friend from Oregon.

Mr. HAGER. Mr. President, we have had some experience in settling land claims in California under the treaty of Guadalupe Hidalgo, and therefore I should like to say a few words on this question.

As I understand it, this bill provides that a suit may be instituted in the district court of the Territory, where a trial is to be had and issues of fact are to be settled by a jury. It then provides for an appeal to the supreme court of the Territory where there is a trial *de novo* without the intervention of a jury, opening the whole case upon all the issues, as I understand, even upon the issues that were settled by a jury. That is to say, the supreme court of the Territory may go into a new trial in regard to the very matters that were settled upon issues being formed and submitted to a jury. In that respect I think that the amendment of the Senator from Oregon might with some propriety be made. But I am inclined myself to favor the section as it now stands, that is that there should be a new trial in the supreme court of the Territory; but I am in doubt as to what effect that new trial should have on the issues of fact which have already been submitted to a jury and found by them, either for or against the claimant, as the case may be. I should like to have the Senator from Ohio, as chairman of the committee who reported this measure, explain whether it is the intention in the trial *de novo* before the supreme court that their judgment shall override the issues that were submitted to a jury and the findings that may have been made by the jury. In that case we had better dispense with the jury entirely. There is no necessity for submitting issues to a jury in the district court below and then having the whole case sent up for a retrial

without any regard to the finding of the jury in the supreme court.

Mr. THURMAN. I can answer the Senator right now if he prefers.

Mr. HAGER. Yes, sir.

Mr. THURMAN. If the Senator will turn to the second section of the bill—I call the amendment of the committee the bill—he will find that it reads as follows:

That all proceedings subsequent to the filing of said petition shall be conducted as near as may be according to the rules of the courts of equity in the proper Territory, except that the answer of the attorney of the United States shall not be required to be verified by his oath, and no continuance shall be granted unless for good cause shown; and the said courts shall have full power and authority to hear and determine all questions arising on said petition relative to the title of the claimants, the extent, locality, and boundaries of said claim, or other matters connected therewith, fit and proper to be heard and determined, and by a final decree to settle and determine the question of the validity of the title and the boundaries of the grant or claim presented for adjudication.

And further down it is provided:

And the court may, at its discretion, order disputed facts to be found by a jury, according to the regulation and practice of the said courts when directing issues in chancery before the same court.

The Senate will see then that this is a proceeding in equity, and the Senator knows that it is within the discretion of a court of equity whether to send out an issue of fact to be tried by a jury, or not, and the Senator is also aware that if twenty juries have decided in favor of a fact in a court of equity, the chancellor is not bound by their decision; on the contrary the cases are, I was going to say, innumerable, but certainly they are by the hundred, in which the issue of fact has been found by a jury one way and both in England and in this country the court have said, "that is wrong and we will not be bound by it." But when the appeal is taken from the district court to the supreme court, of course that vacates all findings below, and the matter comes up *res nova* into the supreme court as a court of equity, and if that court in the exercise of its equity powers, for it has equity powers, shall see fit to order the trial of a fact by a jury, I suppose it could do so without any express provision; but there is no necessity for it; and as to the particular question that the Senator puts, whether it is to disregard the finding of a jury, the district court itself may disregard that finding as any court of equity may.

Mr. HAGER. In that case I would recommend that that provision be stricken out, "and the court may, at its discretion, order disputed facts to be found by a jury." If the court has the power to make an order of that kind, why is it necessary that we should put a clause in the bill authorizing it to do so? I am aware of the fact that a court of equity may, to inform its conscience, submit a matter to a jury; and if it has that power, there is no necessity of putting it in this bill. On the contrary, by our making it an enactment, it appears to me the effect might be to require a finding by a jury, which would give it more force than the ordinary submission of an issue by a court of equity to inform the conscience of the court. I am not sure but that, if we embody this language in this bill, the court would be bound to follow the verdict of the jury. Why should we have this provision in the bill at all if the court may submit an issue of this kind?

As the United States commission for the purpose of settling land claims in California was originally formed, it was merely a commission to take testimony and make a finding in regard to the case without the intervention of a jury, and from that commission appeal was taken to the United States district court where a trial *de novo* was had, and from there to the Supreme Court of the United States. Now this proceeding assimilates to that which did exist in California under the same treaty of Gaudalupe Hidalgo. In the first instance here, the case is entered in the district of the Territory where a trial is had. I would say, let it be a trial before the district court, an investigation, which if the parties submit to, all right. But then an appeal may be taken to the supreme court of the Territory, where there is to be a trial *de novo* upon the hearing of testimony as fully perhaps or more so than in the court below. A judgment is there pronounced. Then an appeal upon the law matters that may arise in the action may be taken to the Supreme Court of the United States. While I am opposed to striking out that portion of the bill which the Senator from Oregon proposes to strike out, I am inclined to think that we had better strike out that which authorizes issues of facts to be submitted to a jury.

I am aware of the fact that in California a great many frauds have been perpetrated in regard to these old Mexican grants by forgeries and by perjury; and the sooner these cases shall be determined in New Mexico the better it would be.

I find in the third section a very dangerous provision which I am inclined to think had better be stricken out, and on which I will make some remarks perhaps when we reach it.

I understood the Senator from Ohio to allude to cases where grants have been confirmed for much larger quantities than the parties had originally asked for. I would refer in confirmation of that to a fact which is well understood with us. Formerly the survey was a judicial question; the court made a decree giving the exterior boundaries of a grant, and then the survey was to be made within those exterior boundaries, and the court could then review the survey and ascertain whether it was in accordance with the decree. So the law originally stood; but Congress saw fit to change it, to take away from the courts the power to settle these boundaries under the survey and throw it into the Department of the Interior so that the surveyor-general in the State of California first passes upon it, and then an appeal was taken to the Secretary of the Interior here and the matter finally settled as to the survey; and in some cases, as we all understand, grants have been extended far beyond what were the exterior boundaries mentioned in the decree made by the court. In that way ranch claims have been extended far beyond what I think they ought to have been and far beyond what the original grants specified.

Mr. THURMAN. The remark just made by the Senator from California is very true and was considered by us, and we have completely remedied it by the provisions of this bill, so that there cannot be any such thing done again. I have but a word more to add to what has been said upon this amendment offered by the Senator from Oregon.

In the first place it is most perfectly true, as was said by the Senator from California on my left, [Mr. SARGENT,] that in nine cases out of ten, perhaps ninety-nine out of a hundred, this provision will inure to the benefit of the United States. But there is still another reason which I ought to have mentioned before why this provision should remain. Much of the testimony in the district court will be oral testimony delivered on the stand; and if the supreme court is to be limited to the same testimony that was given below, then there must be a bill of exceptions or some mode of embodying all that testimony, and then the supreme court will have mere paper testimony instead of that best of all possible tests of a witness, his examination before the triers of the cause. Then, if the supreme court of the Territory is to be allowed to have the presence of these witnesses and to have the best test of the truth, an oral examination in open court, that is wholly inconsistent with the idea of limiting that court to the testimony that was given below, for it would raise in every case fifty side issues as to whether that same testimony was given below or not. I hope that this amendment will be voted down.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Oregon [Mr. MITCHELL] to the amendment reported by the Committee on Private Land Claims.

The amendment to the amendment was rejected.

Mr. HAGER. I move to strike out on line 22, of section 2, all after the word "rejected" to and including the word "court" on the twenty-fifth line. The words I propose to strike out are:

And the court may, at its discretion, order disputed facts to be found by a jury, according to the regulation and practice of the said courts when directing issues in chancery before the same court.

If there is to be a trial *de novo* in the supreme court above, I do not see any necessity for putting the parties to the expense of a jury trial in the district court below. If there is a trial by jury at all, it should be in the supreme court, where is intended to be the last and final and great hearing of the case, and an additional trial will only add to the expense and to the embarrassment. In California there were no juries in any of these cases. The land commission first heard the case, as I stated; it then went to the United States district court, and from thence to the Supreme Court of the United States. Now here are two hearings on the facts of the case. The verdict of a jury will only embarrass the action of the supreme court in my opinion; they are not bound by it. There is a trial *de novo*. If the judgment below is satisfactory to the parties, there will be no appeal to the supreme court; if there should be an appeal to the supreme court, the verdict of the jury below can have no force or effect upon that court whatever. Therefore I move to strike out this clause.

Mr. BOGY. I merely rise to explain the necessity of keeping the bill as it is. The testimony given in all these cases will mostly be documentary. There will be very little oral testimony in relation to these claims in New Mexico, and the only questions of fact about which there may be some complication, will grow out of the matter of boundaries.

Mr. THURMAN. And the question of forgery now and then.

Mr. BOGY. I am not aware that there can be many cases of that kind. I do not think there possibly will be any in New Mexico. The number of claims in New Mexico is limited; the number in Colorado and in Arizona is limited. The amount or quantity of land granted by these claims may be very large, but the number of claims is now well ascertained. Every claim that has any existence is known. Every claim has heretofore been filed under some law of the United States; and it is hardly possible that there can be any forgery at all. I say from great experience in matters of this kind as a lawyer in my State attending to land cases, that the only contested facts will grow out of the question of boundaries; the testimony with regard to the origin of a claim, the extent of a claim, the validity of a claim, will all be documentary. Boundaries are very loosely expressed, necessarily, in a new country, going from one branch of one stream running in a certain direction to another stream running in another direction, or from the foot of a certain hill or over a certain mountain or down a certain valley. These are the general descriptions which are given, and no other descriptions could well be given. Therefore there may be some difficulty in regard to questions of boundary; but there will be difficulty in regard to nothing else. It is important for the protection of the Government, not for the protection of the claimants, that a jury shall pass upon the extent of the claims, because the question of boundary involves the question of extent. If you did not do this, one of these judges might construe a claim to be ten times as large as it ought to be, on account of these loose descriptions as to boundary. It is therefore for the protection of the Government that the question should be submitted to a jury. I hope the

amendment will not be adopted. The matter was well considered in committee, and I hope the bill will remain as it is.

Mr. THURMAN. I wish to say a word before this vote is taken. We all agree that the court would have this power, even if these words were stricken out of the bill, in an ordinary equity case. The reason why we put them in the bill was because, this being a statutory provision, there might be some question whether or not the ordinary powers of a court of equity to send out an issue to be tried at law by a jury would apply in such a case; and as we intended it should apply, we thought it best expressly to declare it. Upon a bill in equity, as I say, this district court has, as a matter of course, a right to have an issue tried by jury; but this being a statutory provision, entirely so, it was thought there might be some doubt whether or not there could be a jury trial unless we expressly put it in, and therefore out of abundant caution we put it in the bill.

It is said by the Senator from California on my right [Mr. HAGER] that perhaps putting it in the bill may be construed to make the verdict of the jury obligatory upon the chancellor. I do not think so. We had in Ohio from 1824 up to 1853 what was called our chancery practice act, an act that was drawn by Mr. Thomas Ewing, whose great reputation we all know, by Judge Dunleary, and by a former chief justice of the State, Judge Scott. That chancery practice act contained precisely such a provision as this, and no court in that State ever considered that that compelled the court to forego its own judgment and be bound by the finding of a jury. That chancery practice act of ours is commended in very high terms by Chancellor Kent in his commentaries as being the most admirable summary of the practice of the highest courts of equity, and I say that in that there was just such a provision as this, and it was never construed to mean that the court cannot set aside or disregard the finding of a jury, for, as was well expressed by the Senator from California, the verdict of a jury in such cases is simply to aid the conscience of the chancellor.

I think on the whole that we had better preserve the bill as it is, and I do not see any necessity for repeating this provision in regard to the trial in the supreme court. In fact, so far as I am concerned personally, I would as soon let everything in these cases be tried by a judge alone without the intervention of any jury, but it perhaps will be more satisfactory to have a jury sometimes. There are certain cases in which courts of equity have been disposed to try questions by a jury, and there they do it in their discretion, where there is a single naked question at issue, as for instance whether a deed was a forgery—a question that has arisen very often in cases of these grants; whether or not the title papers were forgeries. That has been from time to time settled in that way. So on a question of heirship, on a question of identity of the person, or, as was suggested by my friend from Missouri, a question of boundary. I think that this bill will work well if it is kept in this particular just as it is.

Mr. HAGER. I do not think the Senator from Ohio answered the objection that I made to this provision. I moved to strike it out for the reason that it could have no force and effect in the trial *de novo* in the supreme court. If it is necessary or if it is advisable to have a trial by jury upon a special issue of any kind in the district court to inform the conscience of that court, the same provision ought to be made in the case of the trial *de novo* before the supreme court, as the finding of the jury in the district court would have no force or effect in the supreme court when the case was to be heard there. That is the criticism which I made upon it. Now if the clause be stricken out there and put at the end of the section, so as to provide that in a trial before the district or supreme court either court may at its discretion order disputed facts to be found by a jury, I should have no objection to it. I do not object to a trial by jury. I would not advise it in these land cases, because I think there is more safety in a trial before the court than there is before a jury in regard to these land matters. That is my judgment; but I do not object to a jury trial for any purpose where the court wishes to inform itself upon a disputed question of fact; but the point is that if the jury find in the district court, their verdict is of no force or effect in the supreme court where the trial *de novo* is had. For that reason I think the provision is out of place. The supreme court ought to have the same power, or both courts ought to have the power.

Mr. BOGY. One word in answer. I did not hear everything that was said by the Senator from California; but I understood him to say that if this is necessary in the district court, it should also be necessary in the supreme court. The answer to that is that the district court is composed of one judge, and to protect the Government it is important that the facts should be tried by a jury; but the supreme court is composed of a number of judges, and it is believed that the protection is sufficient there without the necessity of a jury trial. I therefore hope the amendment will be voted down.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from California [Mr. HAGER] to the amendment of the Committee on Private Land Claims.

The amendment to the amendment was rejected.

Mr. BOGY. I wish to move an amendment to the amendment of the committee, which is conformable to the wish of the committee and of the Delegate from New Mexico, and I believe the Delegate from the Territory of Arizona. It is as to the additional compensation provided for the judges in section 10. I move that the entire section 10 be stricken out. It provides for an additional compensation of $2,000 a year to the judges of the district court for this service. The Delegates from these Territories request that the section be stricken out. They know what they want. It is a matter in which we have no interest except to concur with them. The salary now I think is $3,000. We provide in section 10 an additional salary of $2,000. The Delegates of the Territories, I repeat, request that this amendment be made so as not to endanger the bill in the other House. I therefore move that the tenth section be stricken out.

Mr. THURMAN. I will not resist the motion, because it is the wish, as stated by the Senator from Missouri, of the Delegates from these Territories; but my own individual opinion is that it ought to be in the bill and that it ought to be the law. I do think that when this large amount of duty is imposed on these judges, which does not rest on their shoulders now, and which, if discharged in any other mode, would cost the Government three or four times as much as this additional salary, the Government ought to be willing to pay them a fair compensation for their labor. But as the Delegates think that the section ought to be stricken out, and that its retention will endanger the passage of the bill, I make no objection.

Mr. BOGY. I concur with the Senator from Ohio.

Mr. EDMUNDS. I perceive that this bill contains more judicial proceedings than it does private land claims. Although it starts out with lands it ends in the law, as perhaps it is perfectly natural that it should. I should like to inquire of the Senator having the bill in charge——

Mr. THURMAN. Let this motion be voted on first.

Mr. EDMUNDS. Suppose the Senator lets me make the inquiry first.

Mr. THURMAN. Well.

Mr. EDMUNDS. I should like to inquire, as it relates to this question of striking out, upon whose shoulders rests this enormous amount of duty at present which is to be imposed on these judges?

Mr. THURMAN. If the Senator had been in when I stated what the bill was, he would have understood——

Mr. EDMUNDS. But I was not in.

Mr. THURMAN. This duty now rests on a man who cannot perform it, and because he cannot perform it in each of these Territories nothing has been done worth mentioning for twenty-seven years. A mere executive officer, the surveyor-general of the Territory, decides in the first instance. He reports his proceedings to the Commissioner of the General Land Office, and he decides, not upon any sufficient testimony, as there is no examination of witnesses, and then he refers the matter to Congress, and then Congress sends it to the Committee on Private Land Claims, and as best they can they decide, and then they report to Congress, and then Congress decides; and the consequence is that nobody decides.

Mr. EDMUNDS. That is logical, certainly, that where three distinct tribunals decide nobody decides!

Mr. THURMAN. They call it a decision, but it is not.

Mr. EDMUNDS. It is like what I remember somebody to have said, perhaps the Senator himself, about one of the tremendous struggles for kingly supremacy in Europe, that was summed up I believe in these words:

> Now Europe's balanced; neither side prevails,
> For nothing's left in either of the scales.

It would seem to be so here with these private land claims. It does not appear for these twenty-seven years, I take it, that the Committee on Private Land Claims has been overburdened with work in respect to these Mexican claims. Certainly we have not had a great number of reports from them; certainly all that we have had, almost without exception, have been satisfactory, and Congress has acted in accordance with the recommendations of the committee, and certainly it would almost always do so now, for reasons which are obvious to the Senator and which I need not repeat.

Now, if this section is to be stricken out, as I think it ought to be, and if the bill is to pass and the burden is to be put upon the judges of attending to these private land claims, the question naturally recurs how far it is necessary to legislate at all if the rights of the United States and those holding patents in the regular way under the United States are to be assailed upon ancient grants of twenty, thirty, or one hundred years' duration, because the Senator says that for twenty-seven years nothing has been done practically. If possessions are to be overturned after that length of time and trials are to be had as *ab origine*, so to speak, *de novo* of these ancient grants, so many of which we know have been forged and altered and fabricated and picked up which never had any bottom, for which no consideration was ever given, and the grantees of which could not even in the time of them be found, it is certainly open to very grave question whether it is right to relieve the Committee on Private Land Claims, who, in fact, are now the final arbitrators of questions of this kind, of their duty and to turn it over to judges of the territorial courts, of course with the right of appeal, &c., but we all know the rights of appeal are really determined in the end mainly upon the shape and complexion that the testimony takes in the court below. Although the Supreme Court of the United States may have the power which this bill may give—I do not know whether it does or not—to take further testimony, as it might in admiralty in some cases, and to correct difficulties that exist below so as to get at the real truth, yet in substance and in practice it would turn out, as it always has done in admiralty causes and other cases, speaking largely, that the final validity of these ancient claims would be cast one way or the other by what

should take place in the territorial court and before the territorial judge and with the territorial district attorney. Now the question is whether the rights of the United States as the lord dominant, so to speak, as the original proprietor by political succession from Spain and from Mexico, ought to be determined in this way; whether it is not safer for the United States, whether it is not safer for those who hold grants, that the thing should be left where it stands now; that is, in such a condition (to take the Senator's statement, which I do with entire fidelity) that really no progress is made—in other words, that these ancient myths are not galvanized into life by furnishing any readier or easier means of ascertaining these ancient and perfunctory titles than now exist. To be sure, in some instances you may do injustice to somebody. You cannot do anything largely in the progress of government without in some instances imposing hardships on somebody; but every citizen must bear such incidental hardships for the general good.

Therefore it is that I submit it for the consideration of the committee whether, after all, it is not better for them, as it is for us, to hold the reins of power in their own hands, so that here they can review the evidence to the bottom, they can apply the test to every grant that is produced, to every location, to every one of the various methods that in the Mexican and in the Spanish times existed for getting a color of title to land of which the grantee or his heirs may not for fifty years have taken and kept a possession, and which, as we know from the cases that have been determined by the old commissions and by the Supreme Court, are—I was going to say more often than otherwise, but that would be too much—but are often supported by documents and maintained by testimony which at last turn out to be in the one case fabrications and in the other case falsehoods.

Where is our security? Is it not found chiefly and best here in the conscientious discharge of his duty by my honorable friend the chairman of the Committee on Private Land Claims and his learned associates? Is it not safer for our rights, is it not better for public justice, than it is to create this machine, however perfect it may be as a machine, and I certainly have no disposition to criticise it? I do not see any very good ground for criticising it as a theory; but why adopt it? Certainly if it is to be adopted, this increase of the salaries of these judges ought to be left out.

Mr. THURMAN. Mr. President, if the Senator's duty had compelled him to become as well acquainted with this subject as he is with most others, I do not think he would have interposed his objection. In the first place, no claim can be lawfully confirmed unless the land was private property at the time the treaties with Mexico were made. These claims are such as are expressly recognized by two treaties—the treaty of Guadalupe Hidalgo and the Gadsden purchase. The United States by solemn treaty stipulations guaranteed to the owners of this property their rights. What, then, became the duty of the United States? Certainly it was to provide some mode by which these rights could be tried so that their existence could be verified and the boundaries of the various claims could be established. That was a solemn duty to the claimants themselves, and it was absolutely necessary also for the interest of the United States, so that these claims might be segregated from the rest of the land so as to leave the public lands which the Government might wish to survey and sell perfectly ascertained and well defined.

Has the Government of the United States performed that duty? No, sir; it has not performed it at all. It has left these people without any sufficiently accurate mode by which their claims can be ascertained, and it has left the people in those Territories without any certainty whatever as to what is public land and what is not. The consequence is that the existence of this state of things in these Territories is almost a complete annihilation of the homestead law there, because no man knows when he settles and attempts to obtain a homestead under the homestead laws whether he is not upon some one of these claims. The duty, therefore, which Congress owes to our own people and to our own Government, as well as the duty that it owes to these claimants, requires that some efficient and accurate mode should be determined upon to settle first the validity and second the extent of these claims.

Now let me call the attention of my friend from Vermont to the actual question. He seems to think that this bill is for the ease and comfort of the Committee on Private Land Claims. He never was more mistaken in his life. There are now before that committee thirty-four of these claims reported. I have looked into almost if not quite every one of them; and what do I find? What kind of evidence do I find on which that committee can adjudicate the question of the validity and the extent of these claims? In the first place, not one single particle of original testimony. Everything that pertained to the grant of the lands by the Mexican government—the license, the expediente—all are simply in copies. Are those copies true copies? We suppose them to be; but were the originals genuine, or were they forged? We have no evidence at all to show. A single man, and he surveyor-general of the Territory, has certified it up as the evidence that was offered before him, but without one particle of testimony to show whether the validity or genuineness of the documents was admitted or was contested. Every one of these claims has a paper foundation, besides being founded upon certain cases *in pais*, as the lawyers would say. There must be a paper foundation—the paper muniments of title granted by the republic of Mexico. They lie at the foundation of them all, and, as I said before, we have no testimony before us, nothing upon which we can determine whether these muniments are forged muniments or whether they are genuine.

But that is not all. I wish the Senator from Vermont could go with me and look over those thirty-four claims that are reported here for confirmation. I defy him or any surveyor or engineer within the limits of this District of Columbia to tell in one single case what are the boundaries.

Mr. EDMUNDS. I think I could furnish the Senator with a District engineer that would do it. [Laughter.]

Mr. THURMAN. No, sir; I defy the Senator to find an engineer or surveyor—and I had some experience in both those capacities in years long gone by—who can tell from the papers in a single one of those thirty-four cases what are the actual boundaries of the grants?

Mr. EDMUNDS. Are they not, then, void for uncertainty?

Mr. THURMAN. No, sir; they are not void for uncertainty, according to the decision of the Supreme Court of the United States. It is a matter of proof to be taken, and that proof can only be well taken where the witnesses are examined face to face with the triers.

Mr. President, we have had various modes of ascertaining land claims in the history of the United States. First, under the Louisiana purchase there was precisely the same stipulation in effect, that private rights should be respected.

Mr. EDMUNDS. Does the Senator refer to article 9 of the treaty of Guadalupe Hidalgo as the basis of these claims?

Mr. THURMAN. I do not remember at this moment what is the number of the article.

Mr. EDMUNDS. That is the article for the preservation of private rights.

Mr. THURMAN. Will the Senator read it?

Mr. EDMUNDS. Article 9 reads:

Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union, &c.—

And be entitled—

to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution; and in the mean time shall be maintained and protected in the free enjoyment of their liberty and property, &c.

Is that it?

Mr. THURMAN. That may be it.

Mr. EDMUNDS. Then the third clause of article 8 reads:

In the said territories property of every kind, now belonging to Mexicans not established there, shall be inviolably respected. The present owners, the heirs of these, and all Mexicans who may hereafter acquire said property by contract, shall enjoy with respect to it guarantees equally ample as if the same belonged to citizens of the United States.

Mr. THURMAN. What volume of the Statutes is that?

Mr. EDMUNDS. Volume 9, page 929.

Mr. BOGY. The treaty in that respect is only a reiteration of the law of nations.

Mr. EDMUNDS. That may be, but I want to know upon what article of the treaty this bill stands.

Mr. BOGY. This is the point: This treaty, like the treaty for the acquisition of Louisiana and of Florida, is only a reiteration of the well-known law of nations in that respect.

Mr. EDMUNDS. So that may be, if the Senator will pardon me; but I ask him to tell me upon which article of the treaty of Guadalupe Hidalgo this bill is to rest, independent of the law of nations?

Mr. BOGY. It is the ninth article, I think.

Mr. THURMAN. The treaty provides that Mexicans remaining in the ceded territory may, if they see fit, become citizens of the United States, or they may go into Mexico, leaving the territory ceded. And now in respect to those who prefer to remain in the United States, that is in the ceded territory, it is provided, first, by article 8:

Mexicans now established in territories previously belonging to Mexico and which remain for the future within the limits of the United States, as defined by the present treaty, shall be free to continue where they now reside, or to remove at any time to the Mexican Republic, retaining the property which they possess in the said territories, or disposing thereof, and removing the proceeds wherever they please, without their being subjected on this account to any contribution, tax, or charge whatever.

Those who shall prefer to remain in the said territories—

That is, in those territories which are ceded to the United States—

may either retain the title and rights of Mexican citizens, or acquire those of citizens of the United States. But they shall be under the obligation to make their election within one year from the date of the exchange of ratifications of this treaty; and those who shall remain in the said territories after the expiration of that year, without having declared their intention to retain the character of Mexicans, shall be considered to have elected to become citizens of the United States.

In the said territories property of every kind—

This is the eighth article—

now belonging to Mexicans not established there shall be inviolably respected. The present owners, the heirs of these, and all Mexicans who may hereafter acquire said property by contract, shall enjoy with respect to it guarantees equally ample as if the same belonged to citizens of the United States.

Then comes article 9:

Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States, and be admitted at the proper time, (to be judged of by the Congress of the United States,) to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution; and in the mean time shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction.

The Senate will see by this that private property, whether of Mexicans residing within the ceded territory or of Mexicans who did not reside there, is absolutely guaranteed by the treaty; and it would be so without that reservation, because it could not be supposed that the cession of the territory was a destruction of private rights. And now I say to the Senate that this mode of confirmation affords no guarantee at all against fraud upon the United States nor any guarantee that justice will be done. I was going to show that there had been various modes of settling these titles. When Louisiana was ceded the Government established a commission which did the same thing. When Florida was ceded commissions were established to ascertain the boundaries of these titles.

Mr. EDMUNDS. The Florida affair came nearer to this idea.

Mr. THURMAN. Florida first had a commission.

Mr. EDMUNDS. Then they went into the courts afterward.

Mr. THURMAN. Exactly; and that is what we have done in Louisiana. We passed an act here in 1870, within the last four years, explaining the law, giving jurisdiction to the courts, because wherever the commission system has been tried it has been found to be a failure, and we have been compelled in the end, both in the case of the Florida purchase and in the case of the Louisiana purchase, to devolve this duty upon the courts.

Mr. EDMUNDS. How about California?

Mr. HAGER. California had a commission.

Mr. THURMAN. But with an appeal to the courts.

Mr. SARGENT. Yes; certainly. A claim simply started in the commission, the same as it starts here in the district court, and went thence to the United States courts.

Mr. THURMAN. That is it; the commission was simply to gather together the testimony; the courts ultimately decided.

Mr. President, not to take up more time about this matter, I appeal to the Senate not to let this state of uncertainty last any longer. What is of more importance to the United States and to the people of these Territories is that this question shall be speedily decided. That is of more importance even than that the various claims shall be correctly decided, and we take the only mode by which anything like a correct decision can be arrived at, and this bill, to the best of our ability, provides a mode both for their speedy and for their correct decision.

Mr. EDMUNDS. Mr. President, if I shall not be thought intrusive I want to suggest to the Senator from Ohio and to the Senator from Missouri that I did not rise to make these inquiries because of any doubt I had that the right of a Mexican or Spaniard ought to have been protected by this treaty, whether there was a special provision for it or not. The Senators are wasting their strength, if they have not a superabundance of it, in undertaking to affirm that which nobody denies. The question is whether—after a lapse as to the Spanish grants of nearly seventy years, and as to the Mexican grants of what may be the same length of time almost, or, at any rate, of nearly thirty years of uninterrupted possession, either by the people who may claim these lands, or their grantees or descendants, or by somebody who is holding adverse to them, or a totally vacant possession and therefore a possession in the sovereignty of the United States—whether after this length of time there is any duty imposed upon us of opening up a bid of this kind to all comers, a revival of all questions by everybody who can bring forward a Spanish, going back to the beginning of this century, or a Mexican, going back to 1840 and before that, land grant, the right of which is to be asserted under these treaties. That is the question.

The question is not whether these people had rights. Undoubtedly some people had; but the question is whether the good of the Republic and private justice require that citizens of the United States who may have located upon these lands shall be turned out of their homesteads where they may have lived, planted their orchards, and built their houses, and the purchaser of some ancient Mexican or Spanish grant be put in; and then we indemnify this man who settled under us. I ask whether it is the policy, I do not mean the selfish policy, but the just policy of any government to reopen such old and stale claims any further than in a case that applies itself directly to the sovereign power here? If it can be made clear to us that it is a case for equitable and conscientious indemnification of some individual, if the land be vacant give it to the man, or if the land be occupied make him indemnity.

Mr. THURMAN. What does my friend mean by saying "reopening" claims?

Mr. EDMUNDS. I mean exactly what I say, that after a period of seventy years, since which a Spanish land grant may have been made, or after a period of almost thirty years, since the treaty with Mexico upon which you stand with respect to Mexican grants, the proposition is to open the door to people who during all this period of time have either lain by and have not entered into the possession of their grants or done anything to show their right to them. The question is, whether you ought to do that, or whether you ought not rather to say, in such cases, wherever the citizens of the United States have occupied these lands, we are not going to provide any except the ordinary tribunals of justice for the maintenance of these ancient and foreign claims.

We only guaranteed, Mr. President, by this treaty that these citizens of Mexico should have the equal rights that citizens of America have to the protection and defense of their property. Now, if a citizen of America claims that he has title to a piece of land that another man is in possession of, the law points out to him the means of bringing an action in the ordinary way, in his own right, in the ordinary tribunal, and taking the ordinary chances and consequences of victory or defeat. Why, under any obligation of this treaty, should we be called upon to stimulate the activity of people who may have come into possession of these ancient grants, both fraudulent and real—if there were any real ones, which some people almost have doubted—why should we stimulate this activity by providing special means, after this great lapse of time and without any limitation back of it, without any provision that I have discovered that no claim shall be received where there has been an adverse possession or otherwise, but opening everything back of that, and for three years in the future, to bring in these claims? That is the thing that puzzles me. I do not say it may not be right; I only say that I yet fail to see the ground upon which such legislation can be provided. It would look more, Mr. President, to me, if it had not come from a committee for which I have so great respect, as if some committee had been imposed upon by the adroit contrivances of land-jobbers and land speculators wishing to get a fresh opportunity to lay down their ancient Mexican and Spanish grants, the authenticity of which there would be now no means of contradicting, it may be, and thus to get a valuable location upon the best portions of the territories of the United States.

Of course with all sincerity I excuse the committee of not only not being a party—it would be an insult to suggest such a thing as their being a party—but of their being willing in any way to encourage that species of practice, which we all know, as a matter of general history—though it may be that we cannot prove it—does exist about the capital of this nation, that there are some people, (I must assume they cannot be citizens of the United States, because every citizen is presumed to be virtuous,) but there are some people of some country or nation who make it a part of their daily business to hunt up ancient claims or appearances of claims, ancient grants where old fabricated parchments can be brought forward, in order that they may gain some portion of the public property or the public domain. I do not want to encourage that class of people. I do wish to do justice; but when the treaty with Mexico which is brought forward as the example only binds us to give to each Mexican the equal right of a citizen of the United States to demand and enforce his rights to property, whatever they may be, why should we be called upon twenty-five years afterward to establish special tribunals and to furnish special facilities to that class of persons? Certainly the treaty does not require it; and if it is only to get rid of clouds upon the title and to protect citizens of the United States, why do we not pass a simple statute of limitations and declare that an adverse possession or a vacant possession, if we can use such a term, which is perhaps slightly inaccurate, should after a certain lapse of time be a bar to any claim? Certainly it is not much stretch of the principles of law as they have been administered in all civilized countries that even a perfect title, any claim to which has lain dormant for any great length of time, is presumed to have been surrendered either to the government that originally granted it or to its grantee, or to the party or his descendants from whom the original grant was obtained, or to the adverse occupant, if there be one, or his grantee or descendants who have occupied the land.

How often is it—the Senator from Ohio is certainly more familiar with that than I am—in land cases in the courts of the United States, that the fairest documentary testimony, that which is absolutely conclusive and beyond all suspicion of wrong or fraud in its origin, is overturned by a jury, and justly, upon a presumption which has no fact to found itself upon except the non-claim, that in some deed which is not produced that ancient title has been extinguished or has been passed over to the present occupant or to the country? Of course every lawyer knows in his common practice that in all cases of such ancient writings, produced either against the Government or against the occupant of land, the jury are authorized to presume, and are authorized to presume even in cases where the statute of limitations does not apply, that there has been a grant of that ancient title which has fallen into harmony and conformity with the present possession, and so the old claim is extinct. Why should we not—I put it by way of interrogatory and not by way of hostility—why should we not leave this to the ordinary principles and the ordinary tribunals of the law, fortified if necessary by a statute of limitations which shall cut off all suits after a suitable period of time?

Mr. THURMAN. The reason why we ought not to do so is because our own interest forbids our doing so, because our own interest requires that these claims shall be ascertained without any further delay, and that people shall not be prevented from acquiring homestead settlements, that the Government shall not be prevented from surveying and selling the lands and making a good title by claims that may be asserted in the ordinary course of the law, according to the ordinary custom of the law, twenty or thirty or forty years hence. The reason why they ought to be settled is precisely the same reason that prevailed in the case of the Louisiana purchase and the Florida purchase. Why did not the Government in those cases say, "We leave these parties to their common-law remedy to sue in the courts of common law for their land against anybody who trespasses upon them?" Why did not the Government do that in the case of Louisiana, in the case of Florida, in the case of California? Because the public interest required that there should be no such tedious procedure as that,

but that the boundaries of the claims should be ascertained definitely and they be segregated from the rest of the domain, so that what is public land should be known to be public land. That is a sufficient reason for settling this matter and not leaving it in that way.

But, sir, there is another thing. The Senator says why should we open up these claims? We are opening up no claim at all, sir. He speaks of these people as having "lain by." They have not lain by. I believe it will turn out that perhaps ninety-nine out of one hundred, if not the entire body of these claims, are now on file before the surveyer-general of these Territories.

Mr. SARGENT. In substantiation of what the Senator says I call attention to the fact that under the law Congress passed more than twenty years ago providing for a tribunal for these parties to go before, the surveyors-general, the surveyor-general of New Mexico alone, in 1860, reported that he had over a thousand of these claims to be examined and decided on as soon as they could be taken up, and justice to the claimants demanded, as he reported, that the claims be acted upon at the earliest moment, but that a vigorous prosecution of this part of his duties would prevent the progress of public and private surveys anywhere with dispatch. He reported that up to this time he had been able to pass upon only fifty-five of these claims, and there were a thousand pending before him. That was fourteen years ago, and very little progress has been made since that time.

Mr. THURMAN. That is the truth of it. These people did make their claim. They made it in the way Congress told them to make it, in the way Congress prescribed that they should make it. But we have had no decision, and that is the trouble.

Mr. EDMUNDS. May I ask the Senator a question?

Mr. THURMAN. Yes, sir.

Mr. EDMUNDS. If these people really have title to the land by grants which were not void for uncertainty, what was the obstacle to entering into possession of their lands in the time of the grants? After the adoption of this treaty and at the time to which the Senator from California refers, what was the matter which prevented these grantees from taking possession of the land that was granted to them? Had we already granted these lands to somebody else? If not, and they were vacant, what obstacle prevented the owner from taking possession of his own?

Mr. THURMAN. Because, as I said, of the uncertainty of the boundaries, the United States will not recognize the claim that every claimant sets up, but insists that it shall be heard both in regard to the extent of the claim and to the definite boundaries of the claim. I do not know any law either that requires a man to go and take *pedis possessio* of his property on penalty that the United States will deprive him of his rights if he does not.

Mr. EDMUNDS. Do you know of any law that requires him to file a claim in the office of any Secretary or surveyor if he has a good title to land?

Mr. THURMAN. I know that your law will not recognize his claim until it is confirmed by the United States. That is what I know.

Mr. EDMUNDS. Yes; there may be that law or there may not; but certainly the Senator does not intend to say that if a man has a good title under Mexico by deed or grant, call it whatever you will, to a certain township or parish or pueblo or ranche in California or in Arizona, anything that the United States could do, short of an act of absolute tyranny, could compel him to do anything in the way of defending that grant except to take possession of it within a certain time?

Mr. THURMAN. I do know that the United States have never from the cession of Louisiana to this day agreed to recognize any one of these grants until it was confirmed by authority of the United States.

Mr. EDMUNDS. There is nothing in the treaty which makes the title of these foreigners who become transferred to our jurisdiction depend upon the recognition of the United States. The treaty declares, as the Senator from Missouri has so well stated, simply a rule of public law; and that is, that when the allegiance of a citizen is transferred from one sovereignty to another, his rights of property are transferred securely and firmly with it. If, therefore, the Mexican, finding himself transferred to the other side of the line or the line transferred the other side of him, which would be easier, becomes a citizen of the United States in possession of his farm or ranche, to which he has a good title by grant or otherwise, he has nothing whatever to do to protect himself in that right. He does not require any confirmation by the United States either by public law or by treaty, any more than he requires a confirmation of his right to his wife and his children or to his liberty, because they all fall under the same head, as this treaty states it, which is a simple statement of the public law, that his life, liberty, and property are as sacred under one jurisdiction as they were under the other.

Mr. SARGENT. I beg to make a suggestion to the Senator from Vermont. The policy of the United States law, that which is clearly deducible from it and its practice, is, that the presumption is in all these Territories and in the State of California that the land is public land, and the Government in its ordinary process proceeds and sectionizes the land and either sells it or grants it by way of homestead; and the only right that it gives to a person who holds a grant for from five to ten leagues, as they may be, is to go before some commission or some court, or in the case of these Territories the more inadequate right of going before the surveyor-general and there establishing his claim, and in the latter case finding its way through the Commissioner of the General Land Office and coming to Congress, and Congress then affirms or makes good his claim to that boundary. When that is done, the United States will not enter upon it and will not sell it to its own citizens. If we delay the effectual segregation of these lands, we change the presumption as to public land into a real fact to the disadvantage of these persons; that is to say, we change into a practical fact, because our people under the license we give them go over all these pieces of land which were granted by the Mexican government, and we do not give them the remedy which the policy of our law in justice intends that they should have; that is, that we will adjudicate these matters and set them off by themselves. That is the only protection.

Mr. EDMUNDS. The Senator from California founds himself, as he states, upon a presumption, and that is the presumption that where territory is acquired from a foreign power, although it may be settled and occupied, or there may be private ownerships existing by record where there is not an actual occupation, all that territory is unappropriated public land and belongs to the public domain. I respectfully dispute the existence of any such legal presumption.

Mr. SARGENT. I was not speaking of a mere presumption; I meant to say that that is the actual effect of our legislation on the subject, and it is the practice of the Government. I do not say it is just, but it is so.

Mr. EDMUNDS. Does the Senator mean to say that practically the Government has ever turned anybody out of possession on the presumption that it is public land, and if so whether that citizen or Mexican, whatever he may be, would not have had an adequate cause of action against the officer who ejected him, provided he had a good title?

Mr. SARGENT. I do say he has no standing in court. I say that is our practice every day in these Territories, and that has been the practice to a certain extent in California; but not to so great an extent there, because we early provided a remedy there which to a certain degree was sufficient.

Mr. THURMAN. I can give the Senator one instance in my committee-room now, where the head of the General Land Office has ordered a tract of land, upon which there are more than a hundred settlers under a Mexican grant, to be surveyed into sections and put up for sale as public land.

Mr. EDMUNDS. Very good; let us test that. Suppose that those hundred settlers have the means of proving in a district court of the United States, or in a circuit court of the United States, or in a court of a State, the fact that they are the private owners of that land, does the Senator mean to say that the laws of the United States authorize the Commissioner of the General Land Office or anybody else to expel those people from that land except by due process of law, by judicial procedure? If they were expelled by force, does the Senator mean to say that having a good title they could not defend it, as he or I could defend our titles, by an action at law in our own behalf? Is there any such statute in America? I think not.

Mr. CRAGIN. I do not wish to interrupt this discussion or to delay action on this bill; but I think it is desirable to have an executive session this afternoon. If it is the pleasure of the Senate to have one now I will submit the motion, but if not I have nothing to say.

Mr. THURMAN. Let us have a vote on the bill. I do not want to say a word more.

Mr. SARGENT. Nor I either.

The PRESIDING OFFICER, (Mr. BOREMAN in the chair.) The question is on the amendment of the Senator from Missouri [Mr. BOGY] to the amendment of the Committee on Private Land Claims to strike out the tenth section.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the amendment of the committee as amended.

The amendment, as amended, was agreed to.

The bill was reported to the Senate as amended; and the amendment was concurred in.

Mr. EDMUNDS. I do not wish to occupy the time of the Senate; I apologize for what I have said; but in order to put on record my opposition to this bill without a further consideration of it, and to save calling for the yeas and nays as far as I am concerned, I move to postpone the bill until to-morrow.

The PRESIDING OFFICER. The question is on the motion to postpone.

The motion was not agreed to.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. BOUTWELL. I call for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and being taken, resulted—yeas 35, nays 12; as follows:

YEAS—Messrs. Alcorn, Bogy, Boreman, Chandler, Clayton, Conover, Cooper, Fenton, Ferry of Michigan, Flanagan, Gilbert, Goldthwaite, Gordon, Hamilton of Maryland, Hamilton of Texas, Harvey, Hitchcock, Ingalls, Kelly, Lewis, McCreery, Merrimon, Mitchell, Ogleaby, Patterson, Pease, Ramsey, Ransom, Robertson, Sargent, Saulsbury, Stockton, Thurman, Tipton, and Washburn—35.

NAYS—Messrs. Anthony, Boutwell, Buckingham, Conkling, Edmunds, Hamlin, Morrill of Vermont, Pratt, Wadleigh, West, Windom, and Wright—12.

ABSENT—Messrs. Allison, Bayard, Brownlow, Cameron, Carpenter, Cragin, Davis, Dennis, Dorsey, Ferry of Connecticut, Frelinghuysen, Hager, Howe, Johnston, Jones, Logan, Morrill of Maine, Morton, Norwood, Schurz, Scott, Sherman, Spencer, Sprague, Stevenson, and Stewart—26.

So the bill was passed.

The title of the bill was amended so as to read:

A bill enabling claimants to lands within the limits of the Territories of New Mexico, Colorado, and Arizona to institute proceedings to try the validity of their claims.

HOUSE BILLS REFERRED.

The bill (H. R. No. 3098) to amend the act entitled "An act to reorganize the courts in the District of Columbia, and for other purposes," approved March 3, 1863, and the bill (H. R. No. 3169) changing the time of holding circuit and district courts in Vermont, were severally read twice by their titles, and referred to the Committee on the Judiciary.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the Speaker of the House had signed the enrolled bill (S. No. 350) providing for the payment of the bonds of the Louisville and Portland Canal Company; and it was thereupon signed by the President *pro tempore*.

PURCHASE OF LAND BY WAR DEPARTMENT.

Mr. SPRAGUE. I beg the indulgence of the Senate to take up a bill a little in advance of its being reached on the Calendar. It will probably be reached on Monday, and I am fearful I shall not be present on that occasion, and there may be a necessity for an explanation. It is the bill (S. No. 313) to confirm the purchase, by the executive department, of three acres of land, more or less, in the vicinity of Nashville, Tennessee, known as the site of Fort Houston, and to donate and convey the same to the Fisk University for educational purposes.

The amendment of the Committee on Public Lands was read; which was to strike out all after the enacting clause and insert in lieu the following:

That the purchase by the United States, on the 21st day of August, 1865, from Russell Houston, of certain land, consisting of about three and one-fourth acres, situate in the city of Nashville, Tennessee, with the buildings thereon standing, and being the same premises described in a deed of said date from said Houston to the Chief Engineer of the Army, in trust for the United States, recorded in book 35, page 241, in the register's office of Davidson County, Tennessee, be, and the same hereby is, ratified, sanctioned, and confirmed, so that the said purchase, and the said deed thereupon executed, shall have the same legal validity and effect as if the same had been by a previous act of Congress specifically authorized.

SEC. 2. That the Secretary of War be, and he hereby is, authorized and directed to grant and convey to the Fisk University of Nashville, Tennessee, all the right, title, interest, and estate of the United States in and to said tract of land for educational purposes: *Provided*, That no further expense relative thereto shall be incurred by the United States: *And provided further*, That the trustees of the said Fisk University be, and they are hereby, authorized to sell and dispose of the above-described property at their discretion, and to use the proceeds elsewhere for educational purposes in connection with the said Fisk University.

SEC. 3. That the purchase, by order of the executive department, under an authority supposed to be conferred by the act of February 20, 1862, making appropriations for the construction, &c., of certain fortifications, &c., of certain land at Fort Hamilton, New York, consisting of about twenty-one acres, as a site for additional batteries, and conveyed to the United States by deed of Julia Delaplaine, of September 9, 1862, which said deed has been pronounced by the Attorney-General, by opinion of November 22, 1862, to vest a good and valid title in the United States, and upon which said land the said batteries have been duly constructed, be, and the same hereby is, confirmed.

Mr. SPRAGUE. The last section is recommended by the Secretary of War, and was drawn up by the Judge Advocate General. There is no question about that. The point in the first and second sections is this: During the war it became necessary for the defense of Nashville that there should be certain lands upon a hill, three or four miles from the city, occupied for defensive purposes, and they were so occupied. An award to the owner was through a commission of the War Department, and it included a grant of the land to the United States; and it was taken in accordance therewith by the United States, the Chief Engineer of the Army receiving the title without any authority of Congress. The amount that was paid by the United States was $37,500. That included houses, improvements, and so on, as well as the land. The purpose now is to grant the land to the Fisk University, a colored institution which has occupied a certain portion of the land with its buildings. The land is of no use to the United States, and by obtaining a title by this act the United States can make this grant, and nobody will be injured by it and the institution will get a small amount.

Mr. EDMUNDS. How much is the land worth?

Mr. SPRAGUE. The Secretary of War in his report states that he is not able to determine the value of the land. It is not worth very much. It is three or four miles from the city on a hill, and it was included in the award. This university occupies a portion of the ground.

Mr. EDMUNDS. I understood the Senator to say that it cost us $37,000.

Mr. SPRAGUE. No; the award for occupying this property included a house, barn, and so on, and from a careful reading of the report I find that the land was not considered of very great value, but the improvements thereon were of more or less value.

Mr. EDMUNDS. This is an old acquaintance of mine, or I should not force myself on the attention of the Senate again to-day; but this has been here since the memory of man almost. It comes in a little different shape every time. I begin to believe now, from the phraseology of this bill, that the United States has no title at all to this land, and that it belongs to the original owner, unless we use it for military purposes; and we propose now to take the land by force of an act of Congress, and then not merely to release whatever right we may have, but to grant it to this university with authority to sell it and raise money, and then leave ourselves liable to an action by both parties for having disposed of property in one case that did not belong to us to the injury of the individual to whom it would revert, and in the second place to make good to this university all the money they may have obtained from the sale of it or its value, with, as in the case we had from New York a while ago, a few thousand dollars for costs and expenses. I think we ought to know what the state of the title is before we undertake to act on it.

Mr. CLAYTON. I ask the Chair whether this bill is before the Senate?

The PRESIDENT *pro tempore*. The Chair is a little doubtful on the point; but, on the whole, thinks it is not. The question is will the Senate proceed to consider the bill?

Mr. EDMUNDS. I am very much obliged to the Senator from Arkansas for thinking of that just when I was replying to the Senator from Rhode Island, who made a long speech on it.

Mr. CLAYTON. There is no disposition to cut you off.

Mr. EDMUNDS. I submit to the ruling of the Chair. If it is not before the Senate, the merits are not subject to discussion.

Mr. SPRAGUE. I asked the indulgence of the Senate to take up the bill, and I understood it was before the Senate.

Mr. CLAYTON. I merely rose for the purpose of objecting, as I see it is going to lead to debate. I want to move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The Senator from Rhode Island moves to postpone the Calendar and proceed to the consideration of the bill indicated by him.

The motion was agreed to; and the Senate as in Committee of the Whole proceeded to consider the bill (S. No. 313) to confirm the purchase by the executive department of three acres of land, more or less, in the vicinity of Nashville, Tennessee, known as the site of Fort Houston, and to donate and convey the same to the Fisk University for educational purposes.

Mr. CONKLING. I do not rise to say anything about the merits of the bill, but rather to call the attention of the Senator who has it in charge to two or three provisions, chiefly found in section 3, which I think he will agree with me would be rather odd if carried into a statute.

Section 3 provides—

That the purchase by order of the executive department, under an authority supposed to be conferred by the act of February 22, 1862, making appropriations for the construction, &c., of certain fortifications, &c., of certain land at Fort Hamilton, New York—

Consisting of so many acres, and conveyed by a deed which—

has been pronounced by the Attorney-General, by opinion of November 22, 1862, to vest a good and valid title in the United States.

I suggest merely that this language would be rather extraordinary to be found in a statute, and doubtless it can be stricken out without impairing the efficiency of the section. I merely call attention to it, not making any motion about it. I do not know enough about the measure, taken up thus unexpectedly, to say anything about it.

Mr. SPRAGUE. That section was prepared by the Judge Advocate General when the matter was referred to him. It became necessary to purchase certain lands; these lands were purchased by the Engineer Department, and they were conveyed to the engineer officers. The title by act of Congress is not perfected in the United States. The general formula is correct undoubtedly; but the United States have never accepted this title by formal act, and the report of the Secretary of War recommends the section as drawn up by the Judge Advocate General to meet that case.

Mr. EDMUNDS. Will the Senator tell us upon what ground it is that, supposing these lands to be worth $5,000, to that extent the Treasury of the United States is to be impoverished for the sake of giving $5,000 to a particular institution in the State of Tennessee?

Mr. SPRAGUE. That is another question.

Mr. EDMUNDS. It is one question.

Mr. SPRAGUE. The question of the Senator from New York was in relation to certain lands in New York harbor necessary for the defense of that harbor which had been purchased by the executive department, and which purchase it is necessary should be authorized by act of Congress.

Mr. CONKLING. The Senator misapprehends the point of my criticism. I avoided saying anything about the merits of the section; I am not prepared to say anything about them. I called his attention to the fact that the proposed statute recites that a thing was done for such and such a purpose "and so forth," and that other things occurred "and so forth," and that this deed was considered in an opinion of the Attorney-General at such a time, saying certain things. I call attention to these matters as being unusual, and, I suggest to the Senator, unnecessary at least, to be found upon the face of a statute, and no part of them affects the merits of the case, nor would it impair at all the force of the section if they were omitted. I never happened to see such words in a statute before; and I merely suggest to the Senator that they do not appropriately belong as matters of

form in a statute, assuming the end to be a good one. I understand him to say he did not draw the section.

Mr. SPRAGUE. It was officially sent to our committee and I supposed it would cover the case. It came from the Judge Advocate General and was recommended by the Secretary of War. I did not examine it further. It seemed to me it covered the point; but I leave the language to the Senate. But in reference to the Fisk University, the award, as I said before, was $37,500 for the claim the owner had on the Government for the land and for his buildings and for a variety of things.

Mr. EDMUNDS. How could we pay him damages for using the land if we had already bought it?

Mr. SPRAGUE. We had not bought it, but it was part of the compensation. We used this outlying land on the hill adjacent to Nashville as a matter of defense, on which an individual had a farm. He asked for damages, and damages were awarded; but to get damages he was required to give title to the United States. He gave title to an officer of the United States. The purpose now is to authorize the acceptance of the land on the part of the United States awarded by this commission.

Mr. SARGENT. I move that the Senat proceed to the consideration of executive business.

Mr. SPRAGUE. I hope this bill will be disposed of.

Mr. EDMUNDS. I ask the Senator from California to withdraw his motion to go into executive session long enough to enable me to move to take up and put back in its place the civil-rights bill that it may be in order to-morrow.

The PRESIDENT *pro tempore*. The understanding was that the civil-rights bill was informally displaced and that it would be the unfinished business.

Mr. SARGENT. That being so, I renew my motion.

Mr. SPRAGUE. I hope the Senator from California will waive his motion.

Mr. SARGENT. If I thought there was any hope of disposing of the bill immediately, I would do so; but I think the necessity for amendment has been pointed out, and it had better be considered further.

Mr. SPRAGUE. Permit me to read a communication from the Secretary of War.

The PRESIDENT *pro tempore*. Does the Senator from California withdraw his motion?

Mr. SARGENT. No, sir, I do not.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from California that the Senate proceed to the consideration of executive business.

The motion was agreed to, there being on a division—ayes 21, noes 20; and the Senate proceeded to the consideration of executive business. After one hour and thirty minutes spent in executive session the doors were reopened, and (at five o'clock and five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May* 1, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

COURTS IN THE DISTRICT OF COLUMBIA.

Mr. POLAND, by unanimous consent, from the Committee on the Judiciary, reported back, with the recommendation that it do pass, the bill (H. R. No. 3098) to amend the act entitled "An act to reorganize the courts in the District of Columbia, and for other purposes," approved March 3, 1863.

The bill was read. It provides that the justice of the supreme court of the District of Columbia, holding a criminal term for said District, may, when not engaged in the proper business of the criminal term, hold sittings of the circuit court, and employ the petit juries drawn for the criminal term in the trial of such cases depending in said circuit court as the justice presiding therein may assign to him for that purpose; and that the business done at such sittings shall be recorded in the minutes of the circuit court.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

UNITED STATES COURTS IN VERMONT.

Mr. POLAND also, by unanimous consent, from the Committee on the Judiciary, reported a bill (H. R. No. 3169) changing the time of holding the circuit and district courts in Vermont; which was read a first and second time.

The bill was read. It provides that the term of the circuit court holden at Rutland on the third Monday in October shall be held on the first Tuesday in October, and the term of the district court holden at Rutland on the 6th day of October shall be held on the 1st of October; that the term of the circuit court holden at Windsor on the fourth Tuesday in July shall be held on the third Tuesday in May, and the term of the district court holden at Windsor on the Monday after the fourth Tuesday in July shall be held on the third Tuesday in May, provided that this act shall not apply to the next term of the circuit and district courts to be holden at Windsor, but that the same shall be held as provided by law.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

NEW LAND DISTRICTS IN KANSAS.

Mr. PHILLIPS. I ask unanimous consent to report from the Committee on the Public Lands the bill (H. R. No. 203) to create two additional land districts in the State of Kansas.

The bill was read.

Mr. SPEER. I must object to that bill; it seems to create two or three new land offices.

Mr. DUNNELL. It only creates two, and I hope there will be no objection to it.

Mr. PHILLIPS. I hope the gentleman from Pennsylvania will withdraw his objection.

Mr. SPEER. I cannot do it now.

REPORTS ON IMMIGRATION.

Mr. DONNAN, from the Committee on Printing, reported the following resolution; which was read, considered, and agreed to:

Resolved, That three thousand copies of the letter of the Secretary of the Treasury of January 21, 1874, with the accompanying reports concerning the immigration service and the better protection of immigrants to the United States, be printed for the use of the House.

Mr. DONNAN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. GARFIELD. I call for the regular order.

The SPEAKER. This being private-bill day, the regular order of business is the call of committees for reports of a private nature; but the gentleman from Massachusetts, [Mr. E. R. HOAR,] who has charge of the bill in relation to American citizenship, reported from the Committee on Foreign Affairs, desires to make a statement in regard to that bill. Under the regular order that bill will go over until Tuesday next.

Mr. E. R. HOAR. I simply desire to say that I propose without further debate to call the previous question on the motion to reconsider. If the House sustains the previous question on that motion, I understand that the gentleman from New York [Mr. HALE] will move to lay the motion to reconsider on the table. If the House refuses to sustain that motion, I then propose to call the previous question on the bill and amendments.

Mr. HAWLEY, of Illinois. I desire to say a word at this point. It has been suggested to me by the chairman of the Committee on Appropriations that that committee is very anxious to go on to-day with the Indian appropriation bill, and I had thought that if the House would give the whole day to-morrow to private bills I would be willing that the Committee on Appropriations should have to-day. It is believed by the Committee on Appropriations that if they can go on with the Indian bill to-day, and the House will hold a night session, they may dispose of the bill to-day. We are all of course very anxious to facilitate the business of the Committee on Appropriations as far as possible. I am certainly very anxious that they should get along with their work. I do not desire that private bills or any other business should stand in the way of the appropriation bills, and if the House is willing to make that arrangement, to give the whole day to-morrow to private bills, that ought to be satisfactory.

Mr. GARFIELD. I hope the arrangement suggested by the gentleman from Illinois will be made. I have no doubt that if the House will give us their assistance the Indian appropriation bill can be disposed of before to-morrow.

The SPEAKER. This will involve the postponement of the bill in charge of the gentleman from Massachusetts [Mr. E. R. HOAR] until Tuesday morning next after the reading of the Journal.

Mr. MYERS. I desire to say as a member of the Committee on Foreign Affairs that I desire to occupy ten or fifteen minutes in the discussion of the bill before any vote is taken in regard to it. I believe that is my right and privilege as a member of the committee reporting it. I understood that to-day being private-bill day the bill from the Committee on Foreign Affairs would, as a matter of course, go over until Tuesday next.

Mr. E. R. HOAR. Would my colleague desire to submit his remarks before we had an opportunity to move the amendments agreed to in the committee?

Mr. MYERS. I desire to submit my remarks just as my colleague on the committee has submitted his.

Mr. E. R. HOAR. I would have preferred to submit mine after the amendments were put in, if I could have done so.

The SPEAKER. The bill will go over upon the call for the regular order.

Mr. CONGER. I desire to say a few words in regard to the order of business. When we last had a morning hour it closed while the Committee on Patents had a report before the House for consideration. That committee are entitled to another morning hour. We

have several reports to make I do not care particularly to press the consideration of private bills now, except that for two Fridays unfinished business has intervened and cut off the morning hour. I think we would further the transaction of business by having a morning hour to-day.

Mr. HAWLEY, of Illinois. I would like to inquire of the gentleman from Michigan [Mr. CONGER] if it would not be satisfactory to him to have to-morrow exclusively for the consideration of private business? That would give him the morning hour.

Mr. CONGER. If the House would agree to give the Committee on Patents two hours to-morrow in which to finish their reports I would have no objection. In the last morning hour we had but ten minutes.

Mr. MAYNARD. I wish to inquire if to-day and to-morrow are not what is known as objection days?

The SPEAKER. They are.

Mr. MAYNARD. Last Friday and Saturday were also objection days, and we gave them up in order to finish the legislative appropriation bill. I submit that we should not forego both to-day and to-morrow as objection days.

Mr. GARFIELD. We do not propose that.

Mr. HAWLEY, of Illinois. The only question is whether we shall give to-day to the Committee on Appropriations.

The SPEAKER. It is within the control of the majority of the House.

Mr. HAWLEY, of Illinois. Before any motion is made in regard to it, I hope unanimous consent will be given that to-morrow shall be devoted exclusively to the consideration of private business, so that we will not be compelled this morning to antagonize the Committee on Appropriations. If we are left to antagonize the committee, to contend for our rights, we shall do it this morning.

The SPEAKER. Is there objection to the proposition of the gentleman from Illinois?

Mr. RANDALL. I object; I do not object to a morning hour to-morrow for private bills.

Mr. MAYNARD. I desire to make another inquiry. The Indian appropriation bill is now in Committee of the Whole. The last meeting that we had upon it was taken up in general debate, and I have received the impression some way that it was contemplated to occupy several hours more in general debate upon that bill, which would take up the whole of a day's session. Now, it seems to me we might more profitably devote this day to the consideration of private bills than to general debate on the Indian question.

The SPEAKER. The Chair will again submit the proposition to the House. Is there objection to giving to-morrow wholly to the consideration of bills of a private nature?

No objection was made, and it was so ordered.

MESSENGERS OF THE SUPREME COURT.

Mr. GARFIELD reported back from the Committee on Appropriations the petition of messengers of the Supreme Court, asking for deficiency of pay and balance due them as compensation, and moved that the committee be discharged from its further consideration, and that it be referred to the Committee on Claims.

The motion was agreed to.

INDIAN APPROPRIATION BILL.

Mr. GARFIELD. I now move that the rules be suspended and the House resolve itself into Committee of the Whole upon the Indian appropriation bill. Pending that motion I move that all general debate upon the bill be limited to two hours after its consideration shall have been resumed in Committee of the Whole.

The motion to limit debate was agreed to.

The question was then taken upon the motion to suspend the rules and go into Committee of the Whole, and it was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union (Mr. POLAND in the chair) on the bill (H. R. No. 2343) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1875, and for other purposes.

The CHAIRMAN. By order of the House all general debate upon this bill has been limited to two hours. The gentleman from Texas [Mr. HANCOCK] is first entitled to the floor.

Mr. GARFIELD. Before the gentleman proceeds I desire to give notice that the Committee on Appropriations will ask that the Committee of the Whole rise at half past four, if we shall not have concluded this bill by that time, and then ask the House to order an evening session to-night for the consideration of this bill. I say this now, so that gentlemen may help us if they are willing to do so.

Mr. HANCOCK. Mr. Chairman, I will not detain the Committee of the Whole by any attempted analysis of the provisions of the bill now under consideration, believing that it has been better done by my colleagues on the Committee on Appropriations than I could do if I were to attempt it, and I think with sufficient particularity to enable all who have paid attention to the remarks of those gentlemen to understand the bill. But I desire to offer a few suggestions upon the past and present treatment of the Indians, and what I conceive to be the better policy to be adopted in the future toward them by the Government.

My colleague on the Committee on Appropriations from Missouri, [Mr. PARKER,] in speaking in behalf of the Indians, in the most forcible and eloquent manner alluded to the fact that they are without political status, that they have no political influence, and not being citizens they are without representation on this floor to defend their claims; and being without a voice, are left dependent upon the sense of justice and humanity on the part of Congress.

While I am not unmindful of the necessities and almost dependent condition of many of these Indians, and am willing to co-operate in executing any policy which may seem best calculated to ameliorate their condition, not inconsistent with the superior rights of the citizen who has a prior claim on the Government for his protection and security of person and property, I would desire that character of legislation which will look alike to the interest of each, believing that no other can in justice to all parties be inaugurated and carried into execution by the Government of the United States. Among those citizens who have this prior claim on the protection of the Government in their rights of person and property I represent many who have suffered great wrong at the hands of these Indians, in whose behalf both the gentleman from Missouri [Mr. PARKER] and the gentleman from Iowa [Mr. LOUGHRIDGE] spoke most fervently and eloquently. The character of legislation, then, which I desire is that which will be not only just, even generous, to the Indians, and just also to the citizen, so that he shall have the benefit of that protection which he is entitled to expect and has a right to claim at the hands of the Government, and that the Indian at the same time shall receive such consideration as he may be justly entitled to at our hands.

In arriving at a proper position to enable us to act more rationally and form a better and more reliable judgment as to what that policy should be, it may not be amiss, indeed I think it will be better, that we look for a moment at the true condition of the Indian as at present situated. I will not stop here to undertake to combat the position of my colleagues with reference to who have been oftener wrong, the white man or the Indian, in the wars which have arisen between them—who may have broken the treaties in the one instance or the other. Not that I do not feel that the hardy frontierman's cause is defensible; but I think it unimportant and immaterial for the proper discharge of the duties that devolve upon us. Nor can I agree with my colleagues that so much may be said in praise of that policy which has grown up under the administration of the Interior Department with reference to the Indians. I believe I am warranted by the facts applicable to the material and social, if not the moral, condition of the Indian, in saying that his condition now is much worse than it was twenty-five years ago, when he was passed from the jurisdiction of the War Department to the jurisdiction of the Interior Department. But I will not ascribe his worse condition to the one or to the other Department. It is the result of circumstances that surround his existence, and grows out of the fact that he is cut off from those resources that he heretofore could resort to for his support.

The last twenty-five years, Mr. Chairman, have been the most eventful quarter of a century that probably has marked the course of time during the Christian era. In it events of a more gigantic character in their social and political results have occurred than in any other twenty-five years, and especially on this continent. During that time more than three-fourths of the resources to which the red man could apply have been taken from him. He has been deprived of more than three-fourths of the territory that he then roamed over at will, seeking from its forests and its rivers and its lakes the game and the fish upon which he subsisted. There is but little left him, only a few buffaloes, that are now restricted almost exclusively to what a few years since was regarded as the great American Desert. The deer can no longer subsist him. The elk is disappearing. The bear and antelope and the other smaller game cannot be relied upon for his subsistence for a single month. But a few buffalo comparatively remain; and, estimating the Indians at two hundred thousand—and I believe, Mr. Chairman, that is as many as can be found within the limits of the United States to-day—if they were turned loose and left to depend entirely upon these natural resources, I doubt if enough could be brought together to subsist them for six months and keep them from absolute starvation.

Finding the Indian, then, in this restricted condition, both as to territory and the natural resources that are to be found in that territory upon which he can subsist, are we not placed in this position toward him, that one of two things becomes inevitable? We must either feed him, or, if we fail to feed him, we drive him into desperation, and war necessarily ensues, and extermination will follow. There are two views that will be taken of these questions, in favor especially of the policy of peace toward the Indians—feeding and peace. As a question of economy I believe it will be found cheaper to feed the Indians, and I am quite confident it will be found much cheaper in conjunction with that policy, if such restrictions are inaugurated, to put the Indian in such a state of subordination, such a condition of absolute control and subjugation to authority, that he will realize the full advantages that may result from his temporary support in preparing him, by making him acquainted with the arts of civilization, to become self-sustaining.

Apart from that there is another consideration, and, without stopping to make any particular comment or remark upon that sentimentality, which is begotten perhaps of the enchantment which distance lends to this subject, or yielding to the romance or poetry of fancied

Indian character, I feel and believe it is a natural feeling that comes out of the hearts of all that the Indian has some claims upon us. We have always recognized his possessory rights, and have treated with him recognizing these as a thing of substance and of value to him, and which in the course of the march of civilization and progress of our people we have practically deprived him of.

As a question of justice then, as well as humanity, is there not a resulting obligation upon the people of the United States to make some provision for the means of sustenance of these Indians, we having taken away from them the only means they had of existence? If we can do that more economically than we can by pursuing the other course, which would necessarily result in war, it seems to me it would be sanctioned by any wise view of statesmanship which can be taken of the subject, as well as receive the consoling reflection that humanity has been meted out in its proper proportions toward them.

What, then, would be the proper course to be pursued toward the Indians, if we adopt what is usually termed the peace policy; for I cannot believe there will be found many advocates to insist on withdrawing all support and in that way driving the peacefully disposed Indians (and there are a great many of them) where they would be forced into committing depredations which would lead to hostile collision and ultimate extermination? I say I cannot believe there will be found many who will be in favor of pursuing a policy of that character. I think we may rely that the sentiment which will be found more prevalent and more controlling is that milder sentiment toward them which will advocate such a course as will give them present sustenance with the hope that at an early day we may put them in a position of becoming self-sustaining.

One word, sir, in regard to our success in the line of civilizing the Indians. We have to admit in every direction, at all times and with all tribes of Indians the American people—the people of the United States—the Anglo-Saxon race has entirely and invariably failed. There is no success which crowns the efforts of any department, either of the Government or of social intercourse with the Indians through our missionaries, anywhere within the limits of the United States. There can be nothing claimed in favor of the administration of the Interior Department that will not find equally as great or greater claim when the Indians were almost exclusively under the administration of the War Department. Probably the highest plane of civilization which has ever been reached by any Indians in this country was during the time when they were under the control of the War Deparment; and, as I have already intimated, that cannot be ascribed to any influence exerted by that branch of the Government. It may possibly to some extent be attributable to the locality of the Cherokees and Creeks. When they occupied portions of the now States of Georgia and of Alabama they rose to a higher plane of civilization than they now occupy.

In these remarks I wish to be understood as referring to the Indian himself, for then the Indian was found who invented an alphabet through which they were able to correspond and to-day can correspond in a language that is their own, and which for a long time they have kept up and used as the medium of communication between themselves. Since then, in reference not only to these Indians but to the Choctaws and Chickasaws and all the others I know anything of, the line of civilization will be defined to be where the white blood has admixed and been intermingled with that of the Indian. The Sleekshin or Pin Indians, members of the Creeks, Cherokees, and Seminoles, are to-day no further advanced in the arts of civilization than they were nearly one-half a century ago. I do not deny there are classes who have rank among Indians and who have rights accorded to them who have obtained eminence in the arts and sciences of civilization, but they are not the pure-blooded Indians, not such as are characterized among the Creeks and Cherokees as the Sleekshin or Pin Indians. From this it may be deduced that intercommunication, so far as the advance of civilization among the Indians is concerned, would be the proper means of civilizing them, and that if you cut them off from communication, socially and altogether with the whites, it may be found almost impossible to civilize them. I do not hesitate to say if the object be to civilize the Indians, if that is the great primary, sole, and controlling consideration, the best thing you can do for that purpose would be to take them by the thousand, or as many as could be employed, and carry them to Massachusetts, or anywhere in New England or elsewhere, where they could be put into factories or employed in any manual labor in such manner as to learn how to work, and at the same time learn the language, habits, and modes of life of those among whom they would live. The theory of educating the wild child of the forest, inculcating in his mind high moral and religious sentiments in advance of learning him to work, has proved to be an absolute failure. Every where it has been so, I venture to say without fear of successful contradiction, both among us and among the Spanish-Americans when they ever attempted a similar course.

What, then, in view of the condition in which we find these Indians, may be adopted as a policy which will result in accomplishing the objects which may be desirable? Labor, as I have indicated, is the only instrumentality by means of which the savage has ever been civilized, so far as history has shed any light on this subject. We cannot bring the Indian into social contact with the whites and by an admixture civilize him; for, appealing again to history, we have found that one of three things has invariably resulted whenever an inferior and a superior race have been brought into social and economic contact and antagonism: either subjugation, amalgamation, or extermination. No inferior race in all historic times has escaped one of these three results; and I challenge the production of a single instance of a people who constitute an exception to this law. This principle may then, I think, be taken as axiomatic as applied to races of men. If this rule be reliable it may serve well as a point from which trustworthy deductions can be drawn as to the true policy to be adopted by the Government of the United States with the remnant of Indians now remaining.

We are not going to bring them into social contact. They are not prepared for that. We do not wish an amalgamation; and it has been found, if not impracticable, that the length of time required to absorb them in this way would be so great that we can scarcely look to it as a means of settling the question. The only remaining position then to be assigned to the Indian is that of subjugation. He must be subjugated. I do not mean by this to make him a hewer of wood and a bearer of burdens for the benefit of the superior race, but I mean such subjugation as will place him under the control of the Government, through such proper agencies and instrumentalities as may be proper for his own advancement and preservation.

On this subject I think we might be benefited by drawing somewhat upon the experience of even a race of people so inferior (as we regard them) as the Mexicans. They have civilized the Indian. They have brought him upon a high plane of civilization in regard to arts and sciences, as well as all the means of sustaining social civilized existence. It is true that the Spaniards and Indians have amalgamated very greatly. Captain Potter, undoubtedly one of the best authorities on this subject, says that of the eight millions of people within the jurisdiction of the republic of Mexico, there will not be found over one-eighth—that is, one million—who are of pure Castilian blood or direct descendants of the Spaniards who settled that country; leaving seven-eighths—or seven millions, the remainder of the population of the republic of Mexico—either Indians or mixed blood, part Indian and part Spaniard, and sometimes some other races have been thrown in to add to the general conglomerate. A great many pure-blooded Indians occupy high official position, distinguished as jurists, lawyers, and in high literary attainments. The late President Juarez, of Mexico, one of the ablest men who ever occupied the executive chair of that republic, was an Indian, without one drop of adulterated blood from any source, as was one of the competitors for that position as his successor. I might mention a number of others of whom the same remark may be made, and one who has some celebrity as a poet, (whose name I cannot at this moment recall.) In the valley of Mexico where the city is situated, as you travel northward until you reach the boundary between that republic and this, following either the meanderings of the Pacific or the wanderings of the Gulf, you everywhere find that the population is made up largely of Indians, pure and undefiled. Of course some are frequently found who have an admixture of Spanish blood; but you will rarely find in that population one who is more than a half-breed—who can claim to be more than half Spanish and the other half Indian. The greater proportion will be found pure Indian. These, although they may not be the very best character of population, have attained that point in civilization where they are enabled to maintain themselves, and if they could be protected by a just and permanent government would become prosperous and progressive. They are found to be peaceable, quiet, and comparatively industrious, reasonably ingenious, and capable of performing almost any character of labor that may be required, not alone in agriculture, but in the various arts necessary in carrying on the business of their country. A great number of them are now employed in the factories at Monterey as operatives; and the experiment has been altogether satisfactory to the wealthy English company that is continually adding to the machinery and extending the business of that large establishment.

How was this accomplished? Let us look for a single moment at this question. It has been accomplished in part through the instrumentality of the system called peonage and governmental control, exercised where found necessary by the military power of that Government, but much is due to the immediate direction of the faithful self-denying Catholic missionaries who have gone forth and established, where they did not already exist, what are called through that country the pueblos; being small villages or settlements with local governments of defined limited authority. Prominent in these establishments is the Catholic Church, and accommodations of shelter and comfort for the dependent, with ground on which they are required to labor and become able to support themselves. As progress is made the right of raising and grazing stock on a common pasture-land is added to other advantages. A military barracks, where is stationed a sufficient military force to protect the civilized portion of the population from outbreaks and massacres, and to enforce obedience on the part of the Indian, constitutes a necessary part of the policy. Through that process, from the time the Spaniards ceased to massacre and butcher the Indians, their civilization has gone on until it has reached the present plane. True, that work has in many places ceased. For the last thirty years little effort has been made in that direction. Where the efforts have ceased, where the Indians are no longer kept under the influences to which I have referred in the northern and eastern portions of Mexico, we find them as troublesome as they are among ourselves, where they are likewise neglected. If we with our superior intelli-

gence, our greater and almost unlimited resources, have failed, while the Mexicans with their inferior means, circumscribed in every direction in respect to all the materialities of government and sustenance, have succeeded, may we not believe that their theory and their method of civilizing the Indians has something in it that does not belong to ours?

No distinguishable difference will be found between the missionaries that have gone out among our Indians and those of Mexico. From the time of the earliest French settlements on the Saint Lawrence to the present moment, they have been as self-denying, as devoted, as unselfish, and as sincere as probably could be found among the Mexicans and Spaniards. The difference then must have been in this, that our Indians were not under proper control. If success is to be achieved they must be brought into subjugation to the authority of the Government; it must take control over them and require that they shall work and earn their bread by the sweat of their face; and where failure has been the result of our policy it has in every instance, so far as we are enabled to ascertain, been because of a want of the necessary ingredient of the power by which you are enabled to exercise this control over the Indians.

Sir, if you go to-day to the banks of the Pecos, the San Juan, or the beautiful San Saba, you will find there the moldering ruins of church edifices that have been put up for the purpose of establishing these pueblos, and where they were established, but were afterward destroyed in consequence of their remoteness from the power of the government or from the internal wars that those people have been devastated by for a great length of time. From the feeble light that we can obtain from imperfect church history, traditions, and the memorials of the moldering ruins along these beautiful streams we learn that the missionaries were massacred because the Indians became dissatisfied and there was no sufficient power to control them there. In consequence of this these places remain desolate and in ruins, monuments of the sad history of the results of the self-sacrificing efforts of these devoted persons.

Sir, there may not be much necessity for the exercise of military interference further than to compel the Indians to remain on the reservations; but if we are to have the peace policy it must for a time necessarily be somewhat duplex in the means and manner of its execution. Military force cannot be dispensed with in the management of the Indians so long as they are disposed to roam and commit depredations. Many of the tribes do not now require the presence of the military, much less their active interference, to restrain them on the reservations; but as to those tribes that are ungoverned and ungovernable and refuse to submit to authority, I say that it is the duty of the Government, it is due to the people of the United States, it is due to the citizens whose money is to be appropriated for the purposes indicated in this bill, that it should be so used that benefits shall flow from it—benefits not only to the Indians, but benefits to the whites.

There are but two sections of the country in which Indians remain now which may be said to be ungovernable by the interposition of the missionary agents and the agents that the Government sends out. The Indians of this character are, first, the different bands of Sioux, estimated variously at from twenty-five to thirty-five thousand, and sometimes as high as forty-five thousand. I will remark, *en passant*, that it is safe always to take one-half the number of population as nearer the fact than what we get from the unreliable sources that we are dependent on for information as to the number of Indians. The other Indians of the character I have described are those in the Indian Territory on the Fort Sill reservation, being the Comanches, the Kiowas, the Apaches, the Cheyennes, and the Wichitas. Some of these tribes are not much disposed to war, but the Comanches, Kiowas, and Apaches have committed depredations upon the settlements in Texas from the earliest history of that country down to the present time. If we are to make these appropriations of money, I insist that it is the duty of the Government to see that the citizen shall be protected in his property and person, that his wife and children shall be safe from the scalping-knife and the tomahawk, that his daughter shall not be carried off into captivity and subjected to a fate worse than death, that his property shall not be taken off in broad daylight and he have no means of redress and no hope of compensation, but that such a policy shall be pursued as shall restrain the red man from committing depredations. As evidence of the true disposition of these Indians, and of what they have done for a considerable length of time, I send to the Clerk's desk and ask to have read an extract from the report of the Commissioner of Indian Affairs, under the heading of "The Implacables." I suppose his statements will be allowed reliable testimony upon this subject:

The Clerk read as follows:

There is a residue whose disposition and behavior certainly give little encouragement to further forbearance. The numbers of the actually hostile and depredating bands of to-day probably do not exceed in the aggregate eight thousand. Among these are several bands of Apaches in Arizona, principally the Tonto Apaches, the Quahada Comanches, and their confederates of the Staked Plains, west of the Indian country, and the greater portion of the Kiowa Nation. It would be impossible, from the large number of tribes, great and small, known to the annals of the country, to select three which have so little in the way of past wrongs to justify present hostility as these three tribes, which commit, practically, all the outrages properly to be charged against Indians. The depredating Kiowas and the Quahada Comanches are utterly without excuse. They are compelled to go back as far as 1847 to find a single substantial grievance of which to complain. Since that time the United States have given them a noble reservation, and have provided amply for all their wants. No white man has gone upon their lands to injure them; the Government has failed in no particular of its duty toward them; yet they have persisted in leaving their reservation, and marauding in Texas. They have not done this through any misapprehension of the intentions of the Government, from the pressure of want, or under the smart of any real or fancied wrong. I am disposed to think that the messages recently delivered to them by their agent and by the special commission sent to them the last summer; the unequivocal declarations made to their chiefs on the occasion of a recent visit to Washington; and, especially, the chastisement inflicted on the Quahada Comanches at McClellan's Creek, in October, by Colonel Mackenzie, have fully convinced these tribes that the Government is in earnest, and that a continuance in their present course will involve, as it ought, their extirpation. This may be enough; but, if it proves otherwise, they should be signally punished. An example made here would do much to strengthen the policy of peace, both with other Indians and with the country at large, as well as free the borders of Texas from a scourge that has become intolerable.

Mr. HANCOCK. Mr. Chairman, these Indians have no claim upon Texas. They have no habitations or homes there. They are situated forty miles beyond the limits of the borders of that State and one hundred and fifty to two hundred miles from the portions of the State where they commit most of their depredations. They have been supplied with the necessaries of life. Sufficient money has been appropriated year after year to procure for them an ample sustenance. They are situated in one of the most desirable sections of the whole country, where the climate is salubrious and pleasant and the soil most productive; and yet these depredations continue. It cannot be alleged that it is in retaliation for any wrongs that the people of Texas have committed toward them, for they are beyond the reach of the people of that State, unless perchance it might be such as for felonious purposes seek to make inroads upon them; but I do not know of a single instance of the kind, and probably there have been very few, if any such occurrences, since they possess nothing that would be sufficiently attractive to induce any one, however feloniously inclined, to seek to obtain it at such great expense and peril as would be necessary to reach it. There is, then, no excuse for these depredations and no provocation, and they arise simply from a want of appreciation on the part of the Indians of their obligations toward the Government and all its people in consideration of the treatment that they have received. This has been kept up persistently to the present time, and it is now of monthly occurrence. Our herds are driven off; our people are murdered if it becomes necessary to the accomplishment of their business of plunder; not that they probably care for that as a primary object, but if it comes in the way of their mission of theft to kill they do so unhesitatingly. The amount of property, apart from the loss of life, the suffering that has been undergone by the people of the State, has been very great. They have been special sufferers, and up to this time have received no adequate protection against the recurrence of these wrongs.

I say it is altogether feasible—yes, it is very easy—to accomplish that which will effectually protect the people of all the northwestern border of the State without the expenditure of an additional dollar. The military that is there at the present time upon the reservation (eight cavalry companies, kept up at a heavy expenditure, with most comfortable houses built for the accommodation of the officers and of the men) is practically not worth a single dollar to all that country south of them, which has been the theater of these Indian depredations. It would cost no more to place them in a position where they would be enabled effectually to cut off the Indians than it does to keep them where they are at present stationed, except the expense of moving them.

It may be insisted by some that for Congress to dictate or direct in a matter of this sort would be somewhat in the nature of an encroachment upon the prerogatives of another department of the Government. Ordinarily that might be so; but we now have before us one of the most difficult subjects of legislation that it will probably become the duty of this or any other Congress to deal with. It is *sui generis;* one about which comparatively few persons have any practical information. We are to-day dependent upon reports from the different Bureaus and agencies that have charge of this business, that really give little more information than a column of figures, without note or comment, without preface even to direct our researches in finding out what the facts are. We need some well-defined legislative policy, a policy which shall not only indicate the general outlines of peace and means of sustenance, but directions how it shall be done and by whom it shall be done.

If it is to be of this duplex character, involving the agencies both of the Interior Department and of the War Department, I say it is not only no encroachment upon the prerogatives of the President who has been given immediate command of the Army, but it is our duty to indicate just how the military shall be used in carrying out that policy which we may judge best calculated to subserve the ends we desire to accomplish; and if those troops were taken from where they are, there will be no danger of any outbreak or disturbance arising by reason of their absence. And it will meet the full approbation, and in fact the desire, of the Society of Friends who have charge of those reservations, and who report not only that these troops are not needed there, but that they are absolutely in their way, and that they especially desire they should be taken away.

In this connection, and as preceding the few further remarks I desire to offer upon this subject, I ask the Clerk to read a letter which I have received upon this subject from the Society of Friends.

The Clerk read as follows:

WASHINGTON, D. C., *April* 25, 1874.

Hon. J. HANCOCK, *House of Representatives, Washington, D. C:*

Knowing thy deep interest in the protection of the people of Northwestern Texas, and being anxious ourselves to co-operate in all right measures for securing peace and safety in that part of the frontier, we desire to call thy attention to a few considerations bearing upon this subject.

We deem it unnecessary to enter into any inquiry as to the causes which originated the hostile feeling now mutually existing between the Indians of the Fort Sill reservation and the people of Texas. It is sufficient to know that this hostile feeling exists, and the practical question is, How shall the Government, through its military and civil agents, prevent acts of hostility?

From careful observation we believe that the Indian agents and other civil appointees of the Government are using all practicable efforts to influence the Indians to keep the peace; and we believe that these efforts are not without good results. So far, however, as *forcible restraint* enters into Indian management in that quarter, it seems to us that the location of the military forces is very disadvantageous. Fort Sill is in the *central* portion of the reservation and over thirty miles from the line of Texas. At this fort eight companies of cavalry are usually stationed, and for the ostensible purpose of restraining raiding parties either of Indians into Texas or of Texans upon the Indians. One result of the location of this fort in the central part of the reservation is that these parties almost invariably accomplish their work before the military find it out. It is seldom the case that an Indian raid is ascertained at Fort Sill until the raiders have returned to the reservation, and, becoming mingled with their respective tribes, it is impracticable to arrest them without making war upon the whole tribes, which would result in their rapid movement to the plains where the Army cannot follow them.

Now, it would seem that if the military forces now stationed at Fort Sill, Camp Supply, and the different posts in Kansas, were distributed in camps or posts south of the Red River, within supporting distance of each other and with telegraphic communication so as to supplement the forces already in that vicinity, that raiding parties would be much more likely to be intercepted and punished than by the present arrangement.

There seems to be no necessity for troops upon the reservations. There is no military protection whatever at the Cheyenne and Arapaho and the Wichita agencies, and the commissary of Indian supplies at the Kiowa agency is entirely outside of the fort and has no military guard whatever. The above suggestions have long since occurred to us as important, and with a hearty desire to aid in the promotion of peace and good order among these portions of our fellow-men, we commend them to thy attention, for such action, if any, as thy judgment may approve.

Very truly, &c.,

WM. NICHOLSON,
General Agent of Executive Committee of Friends.
CYRUS BEEDE,
Chief Clerk Central Superintendency.

Mr. HANCOCK. I will add a few remarks upon this subject, in order the more clearly to define what I mean when I speak of subjugation as applied to the Indians. Just here I think I may present a practical illustration of my idea with reference to the character of the subjugation and the means of its accomplishment. Take this Fort Sill reservation, at which there are several thousand Indians, about twelve thousand I believe, subject to its jurisdiction; that is, including all the associated bands within the jurisdiction of that superintendency. From this source, which is probably as reliable as any we have access to, from the Society of Friends, we are informed that the military, in the position they now occupy, are not only not beneficial but hurtful. In private conversation they go more into details than in the letter just read, and refer to instances that are well calculated to exasperate as additional reasons why they particularly desire the removal of those troops. They seemed to me to entertain a very clear conception of the necessity there still is for an influence that may be exerted by the military and by the military only. They wish the benefit of that restraining influence without immediate, direct, social contact, in order that the Indians, and especially the Indian women, may not be debauched and debased; that the men may be restrained from committing depredations and pursuing that roaming and wandering life which, so long as it may be kept up, will be an effectual barrier to the progress of those Indians in the line of civilization.

Now, as a practical application of my theory, these eight companies of soldiers, with the others that are already upon the borders of Texas, would be ample to form a cordon of posts south of the Red River, which should be supplemented by telegraphic communication, provision for which, in part at least, was made the other day by this House. Thus, with means of ready communication, the troops would be able to get information of every raiding party that might pass south of that line, would be able to cut off and punish such parties, and recapture the property that they might seek to carry into the reservation from the plains of Texas. As the agents in charge of these Indians say, when this shall have been done a few times the Indians will desist from their raids. When they shall have ascertained that whenever they pass a certain boundary they become subject to the control of the military and dealt with as outlaws and enemies, it being made the duty of the military to punish them, we are justified from the experiment in another section of the country—I mean in the Territory of Arizona—in believing that there will be no difficulty whatever in keeping the Indians upon the reservation.

This, then, will be sufficient protection, so far as regards restraining them in their propensity to roam over the country and to commit depredations upon the property of citizens. Now you have them localized. What is next necessary in the line of civilization? To place them under the control of such agencies as will direct their labor, requiring them to perform a certain amount of work, and if need be giving them as an encouragement compensation for their labor in the form of supplies for their sustenance. In that section of country any ordinarily able-bodied individual who will labor an average of one hour and a half, or at the outside two hours, each day will be able to secure an abundant supply for all his natural wants. If you subdivide that district of country into sections of six hundred and forty acres each, or even into townships, and put the population of each subdivision under the control of one of the faithful representatives of the Society of Friends, sustained by the authority of the Government and with the right to direct the Indians—a right that will be accorded to him as soon as you break down the tribal organization of the Indians and free them from the domination of their chiefs, which is a necessary step in their civilization—the direction of this agent or superintendent would become authoritative; the Indians would obey him as a commander, would do it cheerfully, and would go to work. We should then realize the result which the inferior Spaniard of Mexico has accomplished; we should civilize the Indian by making him self-sustaining; and as soon as the Indian has learned to work (an accomplishment that is not often attained, especially by the Indian, except in youth) he will have achieved the first necessary and indispensable step in the march of civilization. When this has been done the Indian will become self-sustaining. He will no longer be a charge upon the Government, a burden upon the community, an individual to be distrusted and treated as one ready to prey upon the substance of the laboring class of citizens who uphold the fabric of this great Government.

I think this can be easily achieved; and when it is accomplished we may proceed a step further; and even before its accomplishment, as soon as the bands shall have been organized and placed within prescribed territorial boundaries, you can have that which is indispensable to an honest and faithful administration of the Indian Office; where it has been said (and I see nothing to induce me to disbelieve the statement) the robberies and iniquities are more dark and damning than anywhere else in the whole machinery of the Government. My colleagues may be better able than I am to ascertain who has been the recipient of the benefit of a large portion of the money that has been absorbed through the operations of the Indian Office. At present you cannot rely upon any particular number with reference to a great many of these Indians; but when you have forced them to become localized; when you have compelled them to settle down within prescribed limits; when they are subdivided and put under the supervision of some one who will teach them the arts of husbandry, you have some definite numbers to provide for, you can make your appropriations and other legislation understandingly with reference to the numbers for whom you are acting; and this is indispensable to correct legislation and an honest administration of the Indian affairs.

The same rule I have indicated as applicable here is not at all inapplicable to the Sioux. Those Indians are in a condition in which they should not be permitted to remain. The amount appropriated for the subsistence of Indians, not required by treaty stipulations, is not far from $2,089,000; the balance of this entire appropriation of nearly $5,000,000 is made up of items falling under treaty stipulations with the different tribes, or to pay officers to carry on the machinery and defray the incidental expenses connected with our present system. Of this total amount, the Sioux, if I am correct, received over $1,300,000, and they are kept in that condition where no man can pretend to know how many there are of them. There are none except the agents or contractors, and probably the contractors only, who know how many there are of these Sioux Indians. This presents too great a temptation to imposition and fraud to be at all times successfully resisted by the character of persons engaged in the business of feeding Indians. They are, too, in a section of the country where we know it is physically impossible to advance them in the line of civilization. They are in a country beyond the meridian of 99, where there is not sufficient rain-fall for agriculture of any character to be carried on successfully. It is made up in a great measure of alkali plains, chalk hills, and slate, which is entirely unproductive, and the Indian, even if disposed to, could not raise any vegetable substance with which to subsist life. These Indians, I say unhesitatingly, should be taken control of by the War Department, and a sufficient military force sent there to accomplish fully the object in view. I would not have any more of them sent into the Indian Territory, but would have them located in some other section of our country; and the people of the United States have abundant territory where these Indians could find a climate and a soil suitable to their progress in the arts of civilization, and especially in the art of agriculture. There they could be restrained by such power as will make them obedient to the laws of the country, and respect the power and authority of the Government. If they are the wards of the nation they should be treated as any other minor wards, and sufficient influence and authority should be exercised over them to restrain them within the limits necessary for their own benefit as well as for the security of the country, and to the end that there may be perfect peace between them and the whites.

Now, Mr. Chairman, I have already occupied much more time than I intended, and I am afraid I have disappointed some of my friends. I yield thirty minutes—if so much remains—of the hour and a half which it was agreed I should have to the gentleman from Kentucky, [Mr. BECK.]

The CHAIRMAN. The hour of the gentleman from Texas has expired, and the gentleman from Pennsylvania [Mr. RICHMOND] is now entitled to the floor.

Mr. BECK. I thought it was the understanding the gentleman from Texas should have an hour and a half, thirty minutes of which he should yield to me?

The CHAIRMAN. The Chair has no information upon that subject. It was understood, by arrangement with the gentleman who reported the bill to the House, after the hour of the gentleman from Texas, the floor should be assigned to the gentleman from Pennsylvania, [Mr. RICHMOND,] who is a member of the Committee on Indian Affairs.

Mr. LOUGHRIDGE. The committee had no intimation that the gentleman from Texas desired his hour extended.

Mr. HANCOCK. The gentleman from Missouri [Mr. PARKER] and myself had an agreement to that effect.

Mr. LOUGHRIDGE. I am perfectly willing, if the committee will consent, to extend the hour of the gentleman from Texas to an hour and a half.

Mr. HANCOCK. Such was my understanding, and I agreed to yield thirty minutes to the gentleman from Kentucky, [Mr. BECK.]

The CHAIRMAN. The House having fixed the limit of general debate to two hours and the floor having been assigned for all that time, it is not competent now for the committee to make any extension of time.

Mr. LOUGHRIDGE. Cannot the House by general consent extend the time?

The CHAIRMAN. The House can, but the committee cannot.

Mr. LOUGHRIDGE. I move that the committee rise for the purpose of extending the time.

Mr. WOOD. Mr. Chairman, there is evidently a misunderstanding on this subject. This morning when the gentleman from Ohio moved to limit general debate to two hours I made no objection to that, supposing there were only one or two who desired to speak on this bill. I understand now there are four or five who desire to be heard, and if the committee rise, I give notice I will move to extend the time two hours longer, so that they may be heard.

Mr. PARKER, of Missouri. I will agree to one hour and no more.

Mr. LOUGHRIDGE. I move that the committee rise, with the understanding that we shall extend the time for one hour only.

Mr. WOOD. Some of the Delegates who are largely interested in this subject desire to say something on the bill, and I think we will lose nothing by hearing what they have to say.

The motion was agreed to.

So the committee rose; and Mr. STARKWEATHER having taken the chair as Speaker *pro tempore*, Mr. POLAND reported that, pursuant to the order of the House, the Committee of the Whole on the state of the Union had had under consideration the state of the Union generally, and particularly the bill (H. R. No. 2343) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1875, and for other purposes, and had come to no resolution thereon.

Mr. LOUGHRIDGE. I move the House resolve itself into the Committee of the Whole on the state of the Union on the Indian appropriation bill, and pending that motion I move that the time for general debate be extended for two hours, which will make the time three hours after we go into committee.

Mr. SHANKS. I think an extension of this kind should not be limited to two hours. Several gentlemen wish to speak, and I think we should give them an opportunity to do so.

Mr. BECK. I want thirty minutes. I have served on the Committee on Appropriations and had a good deal to do with this subject. I have heard these Indian treaties discussed and know something of the amendments made in regard to the Indian peace commissioners. Much of that legislation has been repealed. Some of the treaties have become obsolete. On these two questions especially I want to be heard, and I believe that other gentlemen want to be heard on other questions; and perhaps it will save time when we come to the five-minute debate if we should have an extension of time now for general debate.

Mr. LOUGHRIDGE. How much time does the gentleman want?

Mr. BECK. Thirty minutes.

Mr. LOUGHRIDGE. I will consent to one hour's extension of the time already allowed by the House. I will also ask that there shall be an evening session.

Mr. BECK. An evening session for business generally, or for the consideration of this bill?

Mr. LOUGHRIDGE. For the consideration of this bill.

Mr. BECK. I have no objection to that; only I shall insist that nothing shall be done without a quorum.

Mr. MARSHALL. I wish to be heard for a moment, as a member of the Committee on Appropriations, in regard to this arrangement which it is proposed to make. I wish to say, lest some gentlemen may be misled by this proposition, that I shall claim the floor myself. I understood I was to have it after the gentleman from Texas, [Mr. HANCOCK,] but I believe the floor has been assigned to another gentleman not a member of the Committee on Appropriations. I wish it to be understood, however, that I shall claim the floor myself. I do not wish to exclude the gentleman from New York, [Mr. WOOD,] the gentleman from Indiana, [Mr. SHANKS,] or anybody else; and if there is a general desire to continue the general debate, I hope the time may be extended even longer than three hours. I do not think we will lose any time thereby. It seems that several gentlemen desire to participate in the general debate, and I think an extension of time now will shorten the time occupied hereafter in the five-minute debate.

Mr. McCORMICK. I would suggest to the gentleman who has the bill in charge that the whole afternoon be assigned for general debate, as we are to have an evening session for the consideration of the bill section by section.

Mr. LOUGHRIDGE. On next Tuesday the centennial bill has a hearing in this House, and this bill will be crowded out. To-morrow is assigned for private business; and we want to get the bill through to-night. It seems to me that three hours more of general debate will be sufficient.

Mr. WOOD. That will bring us to the ordinary hour of adjournment.

The SPEAKER *pro tempore*. Is there unanimous consent that there be a session of the House this evening for the consideration of this bill? The Chair hears no objection, and it is so ordered. Is there unanimous consent that there be an extension of time for general debate on this bill, and that it be limited to three hours?

Mr. SHANKS. I have not agreed to that.

Mr. LOUGHRIDGE. I ask a vote on my motion.

Mr. GARFIELD. I understand the proposition is that there shall be three hours altogether for general debate.

The SPEAKER *pro tempore*. The motion was that there be three hours more. That gives two additional hours.

Mr. GARFIELD. Three hours from now?

The SPEAKER *pro tempore*. Yes, sir. Is there objection?

There was no objection.

Mr. GARFIELD moved to reconsider the vote by which the time for general debate was limited to three hours; and also moved that the motion to reconsider be laid on the table.

The motion was agreed to.

The question being taken on the motion that the House again resolve itself into Committee of the Whole on the Indian appropriation bill, it was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. POLAND in the chair,) and resumed the consideration of the Indian appropriation bill.

Mr. RICHMOND. Mr. Chairman, the condition of the Indian tribes, their rights and our duties toward them, are subjects for our serious consideration; to the Indian, now as always hitherto, of commanding importance. The questions that we have been called upon to consider for the past four months and more are doubtless vitally momentous to us as a people, and deserved, as they have received, our most serious thought. But we now approach a subject in which others than ourselves are deeply interested—others who once held sole dominion over the vast and magnificent territory which we now call our own. What is their present condition; what are their rights, and what is our duty toward them? I cannot in the short time allotted me, had I the ability, give the answer to these questions which their importance demands. I can only notice, and that but hastily, the more salient points involved in the discussion.

There are, I suppose, from the best information I can obtain, in the neighborhood of three hundred and fifty thousand Indians within our territorial limits. With one or two unimportant exceptions, they are to be found mainly upon the plains and in the mountains and forest fastnesses of the far West. About sixty thousand of them are in what is known as the Indian Territory, lying south of and adjoining Kansas. Within this Territory are over twenty tribes and fragments of tribes. They have a written constitution (as have the Senecas, of New York) and a regularly organized federal representative government. They have schools, academies, female seminaries, and churches. They have roads and highways, and to a great extent hold and cultivate their lands in severalty. The Cherokees, the principal tribe in the Territory, have a written language, an alphabet of their own, invented by their own Cadmus. They have a printing press, from which issues a weekly newspaper, large and respectable in appearance, one-half of which is printed in their own language and alphabet, the other half in the English language and character.

Another portion of the Indians, supposed to number about one hundred and fifty thousand, perhaps more, are on detached reservations, scattered over the West from the Mexican border to Alaska. The reservations are generally, if not always, under the care and supervision of some regularly appointed Government agent, or organized mission, and have the benefit of schools and religious instruction; and are, at least the larger portion of them, making commendable advancement in the arts and industries of civilized life.

But a very large portion of the Indians of the West are still in their wild and nomadic state. They exist in tribes, and under tribal government, but have, by the irresistible advance of our population, been driven from their common hunting-grounds, the buffalo plains, to the spurs and into the vales and dark and dismal retreats of the mountains.

But the fact of greatest alarm to the Indians in or out of these reservations, on the plain or in the mountain, is that our population is now pressing upon them from every side with a heartless disregard of their rights. We have a frontier pressing with irresistible force from the Mississippi westward, to meet a frontier pressing with equal force from the Pacific eastward. Between these two forces, that no power but God can stay, these unfortunate sons of the forest are like to be caught and piteously crushed as between the nether and upper millstones, without hope or refuge. *Can we save them?* That is the great question to which we, as legislators, are now called upon to address ourselves; nay, not as legislators merely, but as men and the descend-

ants of men who now occupy and claim as our own the lands and ancient homes of these people, without pay or reward.

The question, then, presses itself upon us with peculiar force and pungency, what are their rights and what is our duty toward them? Originally they were the sole occupiers of the soil—held dominion over all this land by unquestioned right. When the white man, uninvited, first landed upon these shores they were a powerful people, numbering many millions, free as the air they breathed and the forests they ranged. The white man, though uninvited, did not come altogether unexpected; for they had a tradition that a superior race was to come from the place where the sun rises, and live with and dwell among them. They received us as that race, and presented us "the ear of corn" as a token of welcome—an emblem of peace and plenty.

They were neither barbarians nor savages, nor were they infidels; although all these opprobrious epithets have been applied to them by our own people in extenuation if not in justification of the continued wrong we have done them. We sometimes affect to despise them, as so low in the scale of human beings, so degraded, as to be incapable of civilization or of making any progress in social life. Now, so far as this is true of our conduct toward the Indians we have done them great injustice. When our fathers first landed upon these shores, and before these men of the forest had been contaminated by intercourse with the degraded and conscienceless of our own race, what was their condition? True, they were not cultured, not enlightened, in the meaning which we give to those terms. Yet they had a language, consisting of many dialects; and while they had no alphabet, properly so called, they had a system of symbolic writing by which they could express their great thoughts, their feelings, and their passions. They lived mainly by hunting and fishing, and yet cultivated the ground so far as to raise corn or maize, potatoes, and some other esculents. They had a currency, and it will probably be very much to the relief of some gentlemen present to be told that it was a hard, a very hard currency. It consisted of certain shells, beautifully fashioned into various forms, each one of which had a fixed value. These constituted the Indian's money, his medium of exchange. Ingeniously woven into broad belts, they were worn for ornament, and on all important occasions were used and given as an earnest of truth and good faith to be observed in their promises passed and covenants made.

They were neither infidels nor pagans. They worshiped no false gods. No act of idolatry is chargeable to them. They believed in the one, invisible, incomprehensible Deity, the Creator of all things, whom they called the Great Spirit. Said an Indian chief, in 1773, to the celebrated missionary, Zeisberger:

> This day the Great Spirit has ordered that we should see and speak with each other face to face.

Said an Osage chief, one of the delegation that visited Washington this winter, speaking to the crowds that gathered around him in the parlors of the Ebbitt House:

> We are all one people, created by the same Great Spirit. We differ only in color.

Pope sang, more than one hundred and fifty years ago, of the poor Indian—

> ——whose untutored mind,
> Sees God in clouds, and hears him in the wind.

Their religion, unlike that of our ancestors, the ancient Britons, had no cruelty in it. They had no infamous rites, as had the Druids, that they practiced in dark groves and other secret places. They believed in a future state of existence and painted their heaven as the happy hunting-ground, just as we better-informed Christians paint our New Jerusalem as having streets paved with gold and encompassed by walls of precious stones. This belief in a Deity who created all things and in a future state was common to all the tribes and Indian nations on this half of the American continent.

But they are said to have been a wandering, nomadic people, without any fixed home or dwelling-place, and with no regularly organized forms of government. While the individual Indian did not claim a distinct and ascertained portion of land as his own by title paramount, each tribe as against every other tribe claimed to hold in its own right certain territorial possessions, defined and determined by the everlasting landmarks of nature, the river, the mountain, the inland sea. The hunting-grounds of each tribe were sacred to it, and to each individual man of the tribe—held as inviolate as we, each one of us, hold our farms, our homesteads, to-day. And no wars among the Indians were so fierce and relentless as those tribal wars waged in defense of tribal rights to lands. The common law of the forests guarded and protected their possessions as the common law of our country guards and protects us in the shelter and security of our homes.

They had no written constitutions or laws, and yet they had regularly organized governments, in most instances wonderfully well calculated to protect them in their rights. Their form of government was generally that of a confederacy of two or more nations or tribes. Thus we read of the Monakins, the Powhatans, the Massachusetts, the Pokanokets, names of so many confederacies, the confederate name being generally that of its principal tribe. Let me give you an instance:

The most noted of these confederacies, or leagues as they are sometimes called, was that of the Mingoes, more familiarly known in history as the Five Nations, or the Iroquois, as they were called by the French. The nations composing this confederacy were the Mohawks, the Oneidas, the Onondagas, the Cayugas, and the Senecas. To these were subsequently added by conquest the Tuscaroras of North Carolina, since which they have been known as the Six Nations. They acted upon the Roman principle, to make friends of conquered nations by bringing them into the confederacy, conferring upon them all the rights and privileges they themselves enjoyed, and thus securing their friendship and co-operation. "Let them come and live with us," said, on a memorable occasion, a celebrated Onondaga chief, revered among all the tribes for his wisdom and judgment—"Let them come and live with us; it will strengthen our country." They had a regular, systematic government, having in many respects a very striking resemblance to that of these United States. We have our townships, counties, States, and union of States. They had their bands, their tribes, nations, and league of nations. We have our Congress, whose laws are of equal validity and force in each and all the States. They had their national council which assembled once a year. Before this council all important questions were brought and discussed with a decorum and gravity which, may I suggest, we would do well more closely to imitate; and their decision when made was the law of the confederacy. In this council resided all power—executive, legislative, and judicial. Each nation was composed of several tribes, and had at its head a sachem, or governor, who managed its internal affairs and was in no way amenable to the general council of the league. The tribe was peculiar. It did not consist, as in olden time, of a group of families, for the father and son were never of the same tribe. Their laws permitted marriage only between members of different tribes, so that husband and wife were never members of the same tribe; and under the same law the children belonged to the tribe of the mother and not of the father. And what is still more strange, all titles, rights, and property were transmitted in the female line to the exclusion of the male. And this, I believe, is the rule in all Indian tribes. Another peculiarity about the tribe was, that each tribe consisted of five bands, and each band belonged to some one of the five nations, so that each nation had its representatives in each one of the tribes.

But we cannot go further into detail. Suffice it to say, it was the proud boast of the Iroquois, that the great object of the league was *peace*—"to break the spirit of perpetual warfare, which had wasted the red man from age to age." And for nearly three hundred years, we are told, they had no civil wars, no wars among themselves. This one fact, that under its wise provisions wars and bloodshed were prevented among the many nations and tribes that were parties to it, through such a series of years stamps it as one of the grandest of human efforts in the government of men. While the system bound together, as in one family, the peoples who were parties to it, yet it was capable of indefinite extension, and was ultimately made to embrace and gather into its folds all the tribes from the Saint Lawrence and the lakes of the north to the Tennessee—from the Atlantic to the Mississippi. They were a brave and warlike people, and were not without their bloody conflicts with the nations outside the league and who persisted in their refusal to become parties to it. Mild and conciliatory in peace, they were terrible on the war-path. Says their historian: "Space afforded no protection, distance no shelter from their war parties, which ranged equally the hills of New England, the declivities of the Alleghanies, the prairies of the Mississippi, and the forests of Tennessee." In a word, by common consent the highest position among the Indian races has been accorded to the Iroquois in eloquence, fortitude, legislative wisdom, courage, and military sagacity.

In what has been said I have attempted to convey some faint idea of what the Indian was and what were his capabilities before the white man planted colonies on these shores. What has been the result to this unfortunate race of our intrusion and trespasses, for such they were, in the mildest aspect in which our entrance upon their domain can be viewed? Then they numbered fully six millions within our present territorial limits. Now, driven from the eastern sea westward over mountain, plain, and river, far beyond the Father of Waters, there remains of this once proud and independent race but a miserable remnant of some three hundred and fifty thousand persons.

We do not propose now to discuss the question of the original right and title of the Indian to these lands as against those who first colonized them, nor to animadvert upon the manner in which they were put out of possession, further than to say that a great and irreparable wrong was done them, which makes our duty to those who remain the more imperative.

Has our own treatment of the Indian since he came under our jurisdiction and care been always marked by that wisdom and that justice to an unfortunate race which they had a right to demand, and which it was our duty to have rendered? It must be admitted, in the light of impartial history, that from the origin of our Government the policy adopted toward the Indians has, at least in very many instances, proved most disastrous to them, if not injurious to ourselves. Forced, or, which is the same thing, persuaded against their will, to cede their lands to the General Government for a consideration that bore no proportion to their value, the Indians were denied citizenship and all the conditions by which citizenship might be acquired, and were held to be foreigners in their own native land, a land that had been theirs for a period of time beyond which "the memory of man runneth not to the contrary." They have been left in the hunter state

upon the borders of civilization, and not permitted to learn the arts and acquire the habits of civilized life within its folds. The system of reservations and annuities, under the general superintendency of Government agents, considering the way they were usually managed till within a few years, was productive of a vast amount of evil, which many times provoked to bloodshed and most disastrous wars. Heartless and dishonest contractors and traders gathered like a pestilence around those agencies, and by the sale of intoxicating liquors and by their immoral practices, spread demoralization and death among the tribes, and generally contrived with too much success to cheat both the Indian and the Government. These evils at length became so enormous, resulting as they frequently did in the most bloody and cruel raids along our far frontier, as to demand the interposition of the Government. A commission was sent out to inquire into the condition of the Indian tribes, which resulted in an entire change of policy on the part of the Government in their management.

In 1869 a Society of Friends, following the teachings of their great leader, William Penn, who laid the foundations of my own noble Commonwealth on the rock of just dealing toward the natives of the soil, presented a memorial to Congress, asking permission to go among the Indians and try the policy of peace and kindness in their management. Their prayer was granted, and the President appointed eighteen of their number to go to those men of the plain and forest, now pupils of civilization, and try and see what they could do for their reclamation; and they are now in this field of beneficent labor. The plan has thus far proven eminently successful. Other churches have become more deeply interested in the same great work. More care is taken by the Government in the appointment of agents, and giving out of contracts for supplies, that proper men may be selected for those important trusts—honest men, who have regard for truth and integrity, for the Bible and its holy inculcations, and who, therefore, will not carry moral pestilence and ruin among the tribes they visit, and of which they have the care. It has come to be known as the peace policy; and however much it may be derided by those who have no faith in anything but *gunpowder* in dealing with the Indian, I hope and pray it may continue to be the policy of the Government until he is placed on the same platform with the Christian white man in virtue, intelligence, and civil rights and privileges. I venture the assertion that this policy has never failed where it has been fairly and honestly tried. Did it fail with Roger Williams? Did it fail with William Penn? Said a Chippewa chief at an important council held early in this century: "When the French arrived at these falls they came and kissed us; they called us children, and we found them fathers. We lived like brethren in the same lodge." And it is a fact, attested by the history of the times, that the peace policy of the French toward the Indian generally gathered the tribes to their standard in their early wars on this continent. I repeat again and with emphasis, it never has failed when honestly and fairly tried, and why? Because it was the policy of Him who preached "on earth peace, good will toward men."

But if we wish continued success in this direction, we must avoid doing and saying those things which tend to make the Indian doubt our good faith. Nay, we must say and do those things which will tend to bring back to his breast the confidence he had in our truth, affection, and integrity in the times of William Penn.

I was very much surprised to find that the doctrine had been announced on the floor of the Senate, the other day that the Indian reservations were "moonshine."

Now, I do not say but that a system better for all parties than the reservation system might have been adopted in efforts to reclaim the Indian; but that is not now the question. We have adopted the system, and it is now too late to change it. The question is how shall we work it, so as to secure as a result the greatest good to the Indian? If the reservations are all "moonshine," the sooner we undeceive the cheated Indian the better. Let us see if this be true. What, then, is a reservation? Technically it is something created at the time of the conveyance or deeding of land that did not exist before, as rent, for instance. But when used as in our treaties with the Indians it is the synonym of exception, and means a portion of land excepted out or kept back at the time of making the treaty; leaving the Indian to hold his reservation by the same title by which he held his lands before any treaty was made. Now, what was that title? It is very well defined in the books. It consists the right of the Indian to hold, possess, occupy, cultivate, and do what he pleases with his land through all time, subject only to the pre-emptory right of the Government, that is, the right of the Government as against every other power or party, to buy when the Indian wants to sell. But until that contingency arises, until he wants to sell, no power on earth has the right to dispossess him, for any purpose, of one foot of his soil against his will; not even for railroad purposes. We have no more right to run a railroad even through Indian reservations or territory, against his will, than we have to run one through the Canadas without having first obtained the consent of the Canadians. Am I stating the doctrine too strongly? Let me give you one or two authorities. Says Justice Baldwin, in Mitchell *vs.* The United States, (9 Peters, 745:)

> Indian possession and occupation were considered with reference to their habits and modes of life. Their hunting-grounds were as much in their actual possession as the cleared fields of the whites; and their right to their exclusive enjoyment, in their own way, and for their own purposes, was as much respected until they abandoned them, made a cession to the Government, or an authorized sale to individuals.

Says Justice Nelson, in the case of the New York Indians, (5 Wallace, 773,) a recent case:

> Until the Indians have sold their lands and removed from them in pursuance of treaty stipulations, they are to be regarded as still in their ancient possessions, and are in under their original rights, and are entitled to the undisturbed enjoyment of them.

The same doctrine was announced many years ago by Marshall, Chief Justice, in the celebrated Cherokee case, (5 Peters, 15,) in which he says:

> The Cherokees constitute a state—a distinct political society, separated from others—capable of managing its own affairs and governing itself. They have been uniformly treated as a state from the settlement of the country.

Upon these principles the Government has acted from the beginning, and it is now too late to repudiate them. They are the principles of absolute justice, which the Creator of all things has impressed upon the mind and conscience of every man, and which are admitted in a great degree to have regulated the rights of civilized nations.

I have heard it gravely alleged that Congress has the power to abrogate and annul any Indian treaty, if in its opinion the general interests of the country demanded it. But it is not a question of power. No one denies but that we have the power, if we see fit to abuse it, to break our treaties with the Indians, as of course we have, to break them with any other nation with which we hold treaty relations, as with France, or England, or the German states; but we must take the consequences, as must every man, or body of men, who breaks faith and disregards obligations, voluntarily assumed, of the most solemn form and character. Now, a power to do does not by any means imply the right to do. Have we the right to break faith with the Indian, to hold as naught our most sacred treaties with him? No man in this enlightened age can, it seems to me, contend for a principle so abhorrent to all our most cherished ideas of proper dealings between man and man.

What, then, is our duty toward these fragments of an almost exterminated race? In the relation they sustain to us they are called our wards, the wards of the nation. Can we depredate upon the property of these our wards? No, no. Can we neglect their moral and intellectual culture? Again I say no.

If the reservation system is continued, as I take for granted it will be, our first duty is, and it is a duty of paramount importance, to see to it that they are placed on reservations capable of cultivation and tillage, not on sterile plains or among rocks and mountain spurs where soil enough cannot be found to grow a mullen-stalk. Have we in no instance acted in disregard of this obligation? Having secured to them reservations that, under the labor ordinarily bestowed upon lands reasonably productive, will assure them all the necessaries and many of the comforts of life, we should liberally furnish them all the needed supplies and proper persons to instruct them in agriculture and the mechanic arts. We should not be parsimonious in our appropriations for this purpose. Funds liberally bestowed, to secure to the Indian all the aid he needs in his endeavor to acquire the arts and habits of civilized life, is ultimate economy. At the earliest moment, when he is so far advanced in civilization as to know what it is to have a property in the soil that he can call his own, give him his land in severalty, that he may learn what home and all its endearments mean. Let him feel that there is one spot on this green earth he can call his own, and on which no man dare trespass. Go to the Cornplanter reservation on the northern border of my own State. There each Indian has a fee-simple deed for his farm, lives as does his white neighbor on his own land, and alike with him is protected in all his rights. What is the result? They are a quiet and peaceable community, have their schoolhouses and churches, and show about them all the evidences of civilized life.

Once more. Am I claiming too much when I say we should cultivate and educate those reservations, with an eye to their proper preparation for ultimate admission into the Union as States or parts of States? Even in the rude and uncultivated condition in which our fathers found him, the Indian has shown great skill and capabilities in organized government. Bring him within the embrace of our own civilization; elevate him from his low condition and degradation to the proud position of American manhood and citizenship; confer upon him all the prerogatives of a man equal in rights and privileges to every other man, then will we have made some atonement for the great wrongs we have done him through the ages that are past.

Mr. MARSHALL obtained the floor and said: I do not rise now for the purpose of taking part in this general discussion on the Indian appropriation bill; nor do I propose to do so at any length hereafter. I yield thirty minutes to my colleague, [Mr. KNAPP.]

Mr. KNAPP. Mr. Chairman, the bill submitted for consideration demanding an appropriation of $4,965,488.43 should have careful consideration. It may be that under our present financial administration every effort possible has been made to decrease the expenditures of this Department of the Government. My claim is that the whole financial substructure upon which the republican party builds its policies tends directly to the increase of public expenditure, and is in the interest of capital. Therefore I would feel that I had failed to do my duty did I not enter my protest against the general system that has char-

acterized the control of the country by the party in power. For the last nine years, in the midst of peace and blessed with abundant harvests, the people of the section that I have the honor in part to represent upon this floor have, by unwise discrimination, been growing poorer from day to day, and becoming more thoroughly subjected to the despotism of monopolies built up and sustained by the legislation of the republican party.

When the financial question was pending it was my hope that by some legitimate means the people could have secured relief from the extortions of the money monopoly that the republican party created through the national banking laws; that the plundering and centralizing organizations known as the national banks could either by some crippling policy been put in process of ultimate extinction, or by sweeping enactment have been stricken from existence. Every expedient that parliamentary tactics or legislative artifice could devise has been resorted to by the majority of this House to protect them from the direct responsibility of action in regard to these banks. It has never been denied that their abolition, and the substitution of legal tender by purchase of five-twenty securities for national-bank notes, would save the people from twenty to twenty-five millions taxation annually. It has never been denied that the national banking system creates the wild spirit of speculation that raised the rate of interest against the people, and by that result depleted the country localities of the money necessary for its legitimate development, decreased the value of land and its products, surrendered all the useful interest to the control of the money-changers, made capital centralized in a vast monopoly, the instrument by which unwise public administration could be perpetuated; that instead of directing the energies of the people to the development of our legitimate resources, its tendency is to educate a whole generation that the only road to wealth is to secure comfortable quarters in rings, whose study is to devise ways and means by which they can plunder the mechanic, the laborer, and the farmer, from whom all wealth is derived, of the results of their toil; that it has organized combinations whose only purpose is to prey on our material interests; to make labor, the foundation of wealth, pay for the rioting, debauchery, and crime of a class who live by their wits, and has driven the unconscientious but sharp class to the cities to engage in organized ventures against the public welfare.

When the Senate bill came up for consideration there were two questions considered by me. The first and most important one was whether the tendency of the bill was to strengthen the national banks; the second was whether it was better for the people that we should legalize the audacity of one of the clerks of the ring, who, to the detriment of the people, has control of the public purse.

I believe the power of the national banks largely depends on the organized gambling rings of the New York stock boards. The Comptroller of the Currency reports that this nest of plunderers, during the late panic, had sixty millions of the money of the people from the country national banks, on call loan in their hands, borrowed from the national banks in the city of New York. The only clause in the Senate bill in relation to national banks that is commendable is that which compels the country banks to hold a larger portion of their reserves in their own vaults. It subtracts that much capital from the grasp of the class whose only effort is to combine all they can control against the producer of wealth. When pork, corn, wheat, cotton, or tobacco are owned by the producer, money is locked up.

The moment the ring, organized and made powerful by republican legislation, gets the control of the product, it in turn is locked up against the consumer. Thus in a twofold way it robs the people: first the producer, and second the consumer, are made the victims. It is claimed by many, among them a Mr. Knox, who under our theory of government is supposed to be a servant of the people, that this is contraction. It is contraction against the half highwayman and half gambler, whose employers are the national banks. It is subtracting power from those whose only object is the robbing of the producing and laboring class: the first class suffering by the locking up of money against the producer, the second class suffering by the locking up of the products against the consumers. My theory is that every dollar taken from the gambling rings of Wall street is a dollar subtracted from the enemies of the people.

Mr. Chairman, twenty-six millions, without authority of law, was paid out to bolster up the tottering condition of the national banking ring, who had loaned sixty millions of the money of the people, drawn by the legislation of the republican party, to the gamblers on Wall street, and used by them to make corners on wild-cat stocks of wild-cat railroads—used by them to make corners on the producer of wealth, when the product was in his hands, and against the consumer, when it was transferred from the producer to the rings. When the general account was made up it was found that these ring manipulators had decreased the exports and increased the public expenditures; that the rings were absorbing millions, and our productions were decreased; that the people were becoming impoverished and the plunderers becoming millionaires, and that revenues were consequently deficient to meet public expenditures; that instead of decreasing the public debt republican ring administrations, although they had mortgaged the blood and sweat of the people, were demanding that additional debt should be created to meet their extortion.

The only question submitted for consideration was whether the forty-four millions should be let out to meet this deficiency, or whether the rings should increase the taxation against the producer and laborer. I deemed it expedient to legalize what was unlawful to protect an overburdened people, and therefore accepted the hard conditions imposed by the ring administrations. I thought it better that the people should have the permanent benefit of a policy that had its inception in a desire to protect the gambling coadjutors of the national banks, the only question being whether further exactions be made against the people to perpetuate the power of the banking and stock-board rings. I voted for the Senate bill for the reason that I believed it decreased the power of the plundering rings created by unwise legislation of the republican party.

The operation of the national banking system upon all the industrial interests is tersely set forth in the report of the Comptroller of the Currency, as follows:

The national-currency act requires that the country banks shall hold 6 per cent., the redemption cities 12½ per cent., and the New York City banks 25 per cent. of their liabilities in cash, making an aggregate of cash reserve of from 13 to 15 per cent. The remainder of the reserve required to be held by the country banks may be on deposit with the banks in the redemption cities, while that of the redemption cities may be on deposit in the city of New York.

These large accumulations in the redemption cities, and in the banks of the city of New York, are to a large extent invested in call loans, the banks in the redemption cities and in the city of New York having no resource like the joint-stock banks of England in which to place their surplus of reserves, which can be readily converted in the markets of the world into coin, if occasion shall require; and it can hardly be doubted that if the surplus means of the country banks, which were invested in call loans by their city correspondents, had been invested in funds convertible into cash upon demand, the disastrous results of the late panic would have been largely avoided.

The crisis was caused in a great degree by the desire of the country banks to withdraw their balances from the city banks; first, because in the month of September the amount on deposit with the city banks was needed for the legitimate purposes of trade; and secondly, because the country banks, foreseeing and fearing the return of the experience of previous years, thought it safer to withdraw their balances at once. When the reserves of the New York City banks became alarmingly reduced by the drafts of their country correspondents, the only resource left to the city banks was to convert their call loans, amounting to some $60,000,000; but these, if paid at all, were paid in checks upon the associated banks, and the latter found, the next morning, at the clearing-house, that, although a portion of their liabilities had been reduced by the payment of call loans, they were in the aggregate no richer in currency than on the previous day. Suspension followed.

And again, on page 23, the Comptroller, quoting from a previous report, says:

The reserves of the nineteen hundred national banks located elsewhere than in the city of New York are held to a great extent in that city. For most of the time during the past year an amount equal to more than one-fifth of the capital of all these national banks has been held on deposit by the national banks of the city of New York to the credit of their correspondents. In many cases these credits amount to twice the capital of the bank with which they are deposited; in other cases the amount of deposits is three, four, and even five times the capital, which amount has been attracted thither largely by the payment of interest on deposits. The failure of one of these New York City banks in a time of monetary stringency would embarrass, if not ruin, many banks in the redemption cities, and, in turn, the country correspondents of these banks would suffer from the imprudence of the New York bank, which would be responsible for wide-spread disaster. * * * *

In times of excessive stringency loans are not made by such associations to business men upon commercial paper, but to dealers in speculative securities, upon short time, at high rates of interest; and an increase of call loans beyond the proper limit is more likely to afford facilities for unwarrantable stock speculations than relief to legitimate business transactions. * * * * * *

The variations in the liabilities requiring reserve in the banks of the city of New York are very great. The banks outside of New York during the dull season send their surplus means to that city for deposit upon interest, to await the revival of business. The banks in the city of New York at such periods of the year have no legitimate outlet for these funds, and are therefore threatened with loss. The stock board takes advantage of this condition of affairs, speculation is stimulated by the cheapness of money, and a market is found for the idle funds upon doubtful collaterals, and the result is seen in the increased transactions at the clearing-house, which, during the past year, exceeded $32,000,000,000, or an average of more than $100,000,000 daily, not one-half of which was the result of legitimate business, the total amount of transactions being greater than that of the bankers' clearing-house of the city of London. The evil arises largely from the payment by the banks of interest on deposits—an old-established custom, which cannot easily be changed by direct legislation.

Again he says, on page 28:

The present financial crisis may in a great degree be attributed to the intimate relations of the banks of the city of New York with the transactions of the stock board, more than one-fourth, and in many instances nearly one-third, of the bills receivable of the banks, since the late civil war, having consisted of demand loans to brokers and members of the stock board, which transactions have a tendency to impede and unsettle, instead of facilitating, the legitimate business interests of the whole country. Previous to the war the stock-board is said to have consisted of only one hundred and fifty members, and its organic principle was a strictly commission business, under a stringent and conservative constitution and by-laws. The close of the war found the membership of the stock board increased to eleven hundred, and composed of men from all parts of the country, many of whom had congregated in Wall street, adopting for their rule of business the apt motto of Horace, "Make money: make it honestly if you can; at all events make money." The law of the State of New York, restricting the operations of the stock board, which had been retained on the statute-book since 1813, had, unfortunately, been repealed in 1858, so that its members and manipulators were enabled to increase their operations to a gigantic scale.

Again, says the late Secretary of the Treasury, now a Senator of the United States, in a recent speech delivered in the Senate:

The processes by which the currency of the city of New York was inflated are generally well understood. The statistics show that the deposits of the banks of the city of New York, including the national banks and the banks established under the laws of the State, were increased $50,000,000 between the month of April and the month of September. Four banks in that city were indebted during a portion of that period of time to the extent of more than $50,000,000. The presence of this vast sum of money in New York, accumulated by unnatural processes, brought upon that city, and then upon the whole country secondarily, the evils which we are now called to consider.

* * * * * * * *

If, therefore, anything can be inferred from the experience of the last autumn, it

is this: that the accumulation of currency in the city of New York by artificial means produced an inflation of the currency in that city, led to speculations, to excitement, disaster, and ruin.

There could be nothing of more general benefit to the people than thorough study of the declarations of these parties. They confess that the system created and sustained by the party in power has resulted in the annual money panics; that stock-gambling and railroad consolidation have been the consequences of republican legislation.

Mr. Chairman, the fundamental error of the republican party is that they have no faith in the capacity of the people to control. Their policy has been to absorb authority over finance; to assume control of the political administration of States; to make allegiance to party rather than devotion to law the rule to control their action. I have been educated to the conviction that it was the effort and pride of our people to demonstrate in the face of contending systems that they were the power, that they not only had the right to govern, but had as well the capacity, and that the control of the people was the safety of the State. The practice of the republican party has looked to the establishment of an irresponsible personal government; their studied effort to cultivate the impression that every man who spoke of the sanctity of the Constitution, or the authority of laws, or the rightful power of the people, was a hypocrite and a demagogue. If these gentlemen had looked more deeply into the subject they would have discovered that the assumption of the central Government of control over the finances of the people had resolved their elected servants into rings to promote their own rather than the general welfare, had made them conspirators against the public safety, had made them select as counselors and advisers the money-changers, who by education and interest are the enemies of every wealth-producing class.

Mr. Chairman, I suppose no one will deny that the depreciation of legal-tender and national-bank notes result in serious injury to every legitimate interest. Let me for a moment attempt to explain the causes that have produced the depreciation, the result of which has been to discredit the Government at home and abroad. The Congress succeeding the campaign of 1868 passed an act construing the legal effect of the five-twenty bonds, twelve hundred millions of which were then in existence; the construction declared that both principal and interest should be paid in gold. The five-twenty bonds are now payable at the option of the Government, and on the present standard of depreciation of the paper, 13 per cent., it creates an additional debt against the people of $156,000,000. The depreciation was largely the result of the republican legislation; it drove the legal-tender out of one of its greatest fields of usefulness; it was done at the dictation of the bondholder, who had already by previous legislation secured exemption for his bonds from all public support. Upon the behests of this class, and for their protection, the republican party, by their majority in Congress, disregarding law, principle, and policy, against the letter of the contract, made a dividend of the earnings of the people to the extent of one hundred and fifty millions, and translated it by this single enactment to the pockets of the already protected bondholders, withdrawing legal-tenders from their legitimate field of usefulness, contracting their power, and, therefore, contracting their value. Another legislative condemnation of legal-tenders by the republican party is their refusal to receive them for duties on imports, thus again contracting their sphere of usefulness, and again destroying their value and detrimentally affecting the credit of the Government.

The injurious effect upon private interest by this legislative discrimination on the part of the republican party against the Government circulation is incalculable. Its results upon the people in defraying public expenditures can be shown. The gold recovered as duties on imports, paid by the consumers of imported articles, costs the people, on the present standard of value, one hundred and thirteen cents of circulation for every dollar in gold paid; this discrimination in favor of the bondholder and against the people amounting annually in the payment of interest to about $15,000,000, the whole interest paid being about $120,000,000, 13 per cent. added to which aggregates in excess the sum above named. It appears to me, Mr. Chairman, that it would be well to commence some legislation to protect the people from organized robbery. For ten years the banker, the bondholder, the manufacturer, and the railroad monopolist have had a free swing at the public purse, the public lands, and private rights. Would it not be well for us so-called Representatives of the people to pay a little attention to our legitimate duties? The banks, the bondholders, and railroads are certainly out of their swaddling-clothes. They have been petted and pampered with as many of the indications of affection as the loving mother exhibits to her first-born boy. We have built them into a strong manhood, and can doubtless look to them as our offspring in all future with pride. And I modestly call my brother representatives of the people to the regular order of business, that we, for awhile anyhow, forget our darlings and pay attention to the general welfare.

I desire to present a table, compiled by the very highest and most reliable authority, showing that, without cost to the people, or any substantial increase of the public debt, silver coin can be substituted for the fractional currency. Does not every one know that the retiring of the fractional currency and the substitution of silver therefor would appreciate the value of the whole volume of the circulation? Why, let me ask, when it costs us nothing, does not the republican party substitute silver for fractional currency? The exchange can be made of the United States coinage of silver about dollar for dollar. It would increase the value of one of our own products, and in that way add to our wealth. It would, without question, appreciate the value of the circulation, and thus tend to decrease the public burdens. There is some inherent quality of the mind, independent of the question of value, that makes gold and silver circulation an inducement to economy and the guardian of public honesty. The reverse is true of paper. When paper is abundant a saturnalia of thieves always exists; extravagance and corruption attend public administration as well as private life. Knowing the facts, it appears to me that no man of common sense can oppose its substitution for fractional currency. Who is there who would not rather have a half-dollar of United States coinage in silver than the half-rotten paper half-dollar of fractional currency? It will not increase the debt to substitute it. The people want it; it will not decrease the volume of the circulation, and will inflate it by increasing its value. The table shows the relative value of paper circulation and United States silver coinage, and is as follows:

Gold value of a dollar in subsidiary silver coin, when standard silver is worth certain sums, gold coin.		Gold value of a dollar greenback, when gold is at a certain premium.	
When standard silver bullion is worth, in gold, per ounce—	One dollar in subsidiary silver coin is worth, gold—	When the premium on gold is, per cent.—	The gold value of a dollar greenback is—
$1 01	$0 81.1	1	$0 99
1 02	81.9	2	98
1 03	82.7	3	97
1 04	83.6	4	96.1
1 05	84.4	5	95.2
1 06	85.2	6	94.3
1 07	86	7	93.4
1 08	86.8	8	92.6
1 09	87.6	9	91.7
1 10	88.4	10	90.9
1 11	89.2	11	90
1 12	90.0	12	89.3
1 13	90.8	13	88.5

The remedy for our present evils is in the abolition of the national shaving shops, called national banks, and the consequent decentralization of money; in the abolition of protection and the assertion of free trade; in the dethronement of the rings and the enthronement of the people. Whenever this rightful action is attempted a howl of disapproval disturbs the serenity of the cowardly. A subsidized press, who, instead of being the educators of the people, have become the hired instrument of the rings, talk of vested rights and pledged faith, and claim that, by past legislative action, influenced in part by ignorance, in part by passion, and in part by baser motives, these systems of plunder against labor, and all the elements that constitute the wealth and prosperity of the people and the security of free institutions, shall be perpetuated. My claim is that our Government was established to demonstrate the capacity and the right of the people to govern themselves. Their claim is, the action of the people must be subordinate to the dictation of protected bondholders, who claim vested rights against them; of vast money monopolies, who claim vested rights against them; of consolidated railroad carrying interest, who claim vested rights against them; of organization of gamblers on Wall street, who claim vested rights against them. The people have vested no rights in railroads nor banks, bondholders or gamblers, that robs them of the reward of their honest toil, nor jeopardize that freedom that our Government was intended to protect and perpetuate. Vested rights and pledged faith was the battle-cry of the railroads of my own State of Illinois when they raised the rates of transportation of its surplus products to market and robbed the agriculturist of the rightful result of his labor. Vested rights and pledged faith is the cry of the national banks, while they quietly pocket 6 per cent. in gold on bonds exempted from all taxation, and in addition take out of the pockets of the people 10 per cent. interest on the circulation—equivalent to 90 per cent. on the par value of the bonds which cost them nothing. Vested rights and pledged faith is the battle-cry of the stock gambler when he waters railroad stock and makes corners against the producers and consumers of wealth.

There are no vested rights against the people in favor of plunderers. The Government was created to demonstrate the dignity of labor and the equality and authority of the people. The sovereignty rests with them by fundamental law, and rings, combinations, and monopolies will find a thoroughly awakened people obstructing the accomplishment of their designs. I believe future American history will demonstrate that experience is the most valuable educator. Republican rule has learned the people that, whenever they let out their authority to others, rings, the objects of which are to rob the valuable interests and the producing classes, take control of the country. The people have learned "that eternal vigilance is the price of liberty;" have learned to economize the delegation of their authority; have learned that during the existence of passions begotten by an un-

happy conflict between a common brotherhood, tied together by every natural law, the enemies of free government have been making dangerous encroachments on their rightful authority; have learned that to promote the prosperity of the country and protect their liberties they must call a halt on rings and monopolies; and have learned, by the insecurity, the general distress, and the want of prosperity their unbridled control has begotten, that their first and highest duty is to depose them and take control of their own affairs.

Mr. Chairman, it is our duty, by easy and cheap communication, to foster and encourage reciprocal demand for the different products of our own country. The development of easy and cheap communication between all its localities is, for two reasons, imperatively demanded. The first is, it cements our political bonds by allying our interests; the second, that our diverse productions, resulting from diverse climates and soils, when easy and cheap communication for transfer of products is established, will enable the people of each of the sections to devote their energies to the productions most congenial and wealth-producing. The cotton-producing regions of the South and the cereal-producing regions of the Northwest, for the benefit of our own people, should be connected by cheap communications. Improve water-lines, build railroads; in short, do anything that will relieve the oppressed producing classes from the insatiable avarice of the rings and monopolies that are the creatures of republican control.

Here the committee informally rose, and Mr. CROOKE took the chair as Speaker *pro tempore*, to receive a

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. BABCOCK, his Private Secretary; who also informed the House that the President had approved bills of the following titles:

An act (H. R. No. 1573) authorizing the Citizens' National Bank of Hagerstown, Maryland, to change its location;

An act (H. R. No. 2193) to ratify an agreement with certain Ute Indians in Colorado and to make an appropriation for carrying out the same;

An act (H. R. No. 1039) for the relief of John B. Weber, late colonel of the Eighteenth Regiment Corps d'Afrique;

An act (H. R. No. 2868) to render available an unexpended balance of appropriation for collection and payment of bounty, &c., for colored soldiers and sailors;

An act (H. R. No. 200) for the relief of settlers on the Cherokee strip in Kansas;

An act (H. R. No. 668) relative to private contracts or agreements made with Indians prior to May 4, 1872;

An act (H. R. No. 1575) for the relief of Richard H. Swift; and

An act (H. R. No. 1581) for the relief of George S. Wright, administrator of the estate of John T. Wright, deceased.

INDIAN APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. MARSHALL. I yield the remaining half-hour of my time to the gentleman from Kentucky, [Mr. BECK.]

Mr. BECK. Mr. Chairman, I desire to be heard upon the Indian appropriation bill before the debate under the five-minute rule begins, especially upon two points in it: the one relating to the treaties made in 1867 and 1868, which I think are not treaties in any such sense as to require this House blindly to carry them out merely because they are called treaties; and I want to explain the reasons why I shall oppose appropriations to carry many of the provisions of them out—I could not do so in a debate limited to five minutes; and the other point on which I want to be heard now is as to the repeal of the section of an appropriation bill enacted three years ago on my motion, giving to the peace commissioners authority to revise and examine the accounts of the Indian Bureau before payments were made on the vouchers of agents. That provision was abrogated two years ago, improperly as I contend, and, as I believe, because of its abrogation many irregularities have sprung up.

I desire to say first that this bill, like all former bills presented before a general election, purports to be in the interest of economy. The amount it appropriates is, I suppose, low enough if we could prevent deficiencies and have the money honestly applied; but like all other bills it will have to be supplemented hereafter unless the present administration of the system is changed and some control can be had over the expenditures of money by the Indian Bureau. The amount asked to be appropriated is under $5,000,000; but we all know what the history of such bills is. Last Congress, when the gentleman from California, Mr. SARGENT, (now in the Senate,) reported a bill similar to this, he showed that it was very economical as compared with the bill of a year previous. The gentleman from Missouri [Mr. PARKER] in his very able speech, which I read carefully last night, attempts to show that we are now in the line of economy because the appropriations in this bill are cut down below $5,000,000. I have heard so many professions of that sort that I understand their value. What does the Secretary of the Treasury say in his report sent to us at this session? He says that the net expenditures by warrants for the fiscal year which closed on the 30th day of June last amounted to $7,951,704. What does he say as to the expenditures of the current fiscal year? Two million eight thousand dollars were expended for the first quarter, and he estimated the amount which we expended for the Indian service during the balance of the year at $6,500,000, making over $8,500,000. We are spending these sums now, if the Secretary can be relied on, although we are told that the bill of last year was an economical bill. How do gentlemen account for such exhibits as these in the face of their professions? What does the Secretary show in his statement of the actual appropriations made for Indians? Turn to his book of appropriations and it will be there seen that he shows that we have appropriated for Indians $6,468,977, and for the current fiscal year, and outside of all the small bills put through. We have had laid upon our tables within the last day or two a deficiency bill, one of the items of which, under the head of the Interior Department, is $1,363,813; and if my figures are right the amount for Indians is $940,600. So that, as I in common with other gentlemen on this side have always charged and proved, we are going from bad to worse in the matter of Indian expenditures. Why are we doing it? The gentleman from Missouri shows that we are doing it in part because of the Indian treaties made in 1867 and 1868, involving expenditures of over $3,000,000. I agree that is one reason why we are spending so much. These treaties are abominations in many respects. I contend that they are not treaties in any such sense that this House is bound to regard them, and that fact I will endeavor to maintain and make good if I can get the attention of the committee.

Sir, I have as high respect for treaties made by the President and Senate as any other man on this floor, when made in conformity to the requirements of the Constitution under the authority therein granted. But when treaties are improperly made, or the conditions under which they are authorized are evaded in essential particulars, then I feel authorized not to be absolutely bound by such action, and to deny that this House is bound to appropriate money to carry them out, especially when it is shown that those treaties subserve no useful purpose.

Mr. Chairman, when these treaties were attempted to be made in 1867 they were inaugurated, they were set on foot, under an act of Congress. Both Houses participating, a treaty under the constitutional treaty-making power is never made by virtue of an act of Congress; but in the cases now being considered commissioners were sent out to settle with the Indian tribes, on the best terms they could, by an act of Congress which you will find in the fifteenth volume of the Statutes at Large, on page 17. Their orders were to make arrangements with the Indians, and to submit for the approval of Congress their acts in regard to reservations set apart for them. The act, in section 2, used this language:

> Said district or districts, when so selected, *and the selection approved by Congress*, shall be and remain permanent homes for said Indians to be located thereon, and no person[s] not members of said tribes shall be permitted to enter thereon without the permission of the tribes interested, except officers and employés of the United States.

The action of these commissioners was never submitted to Congress. The Senate assumed the right to act without consulting the House. Turn to page 635 of the same volume, and you will find that in pursuance of the authority of that act of Congress, which requires, as I have shown, the action of the commissioners to be submitted to Congress, so-called treaties were made with a lot of roving savages; I take that made with the Sioux as a specimen of the whole, by articles 2 and 16, of which a country was given up to the Sioux Indians which extended over not only the Northern Pacific and the Central Pacific, but even the Kansas Pacific Railroad, and which nobody has ever kept or thought of keeping. It is, and for years has been, a dead letter, neither the Indians nor the whites having paid any respect to its provisions from that day to this. I quote article 16:

> The United States hereby agrees and stipulates that the country north of the North Platte River and east of the summits of the Big Horn Mountains shall be held and considered to be unceded Indian territory, and also stipulates and agrees that no white person or persons shall be permitted to settle upon or occupy any portion of the same; or without the consent of the Indians, first had and obtained, to pass through the same; and it is further agreed by the United States that within ninety days after the conclusion of peace with all the bands of the Sioux Nation the military posts now established in the territory in this article named shall be abandoned, and that the road leading to them and by them to the settlements in the Territory of Montana shall be closed.

So utterly absurd were these so-called treaties that the House in the Fortieth Congress refused to recognize them. These treaties involved the country in the payment of over $60,000,000. When in the Forty-first Congress I announced that it did so involve us in at least $60,000,000, my colleague on the Committee on Appropriations, Judge LAWRENCE, of Ohio, rose and said that I had understated it and that they would cost the country over $90,000,000, as I see by turning to the debate in the Globe of that date, and I suspect he was nearer right than I was. When these matters were laid before the Forty-first Congress the House refused to make any appropriation to carry out the treaties, and rather than do so we put a gross sum into the hands of the President of $2,000,000 to manage Indian affairs as best he could. He did so manage them during that year by and through the officers of the Army and the peace commissioners, as I understand, and they were managed better then under the military authorities with the aid of the peace commissioners than they have ever been since. Next year the struggle was renewed. The House struck out all the appropriations to carry out these treaties, partly because they were in violation of the act of Congress which authorized the commissioners who made them to act, and mainly because of the useless and wasteful expenditure of money, which did no good to the Indians and was terribly oppressive on the tax-payers of the country. The

Senate had so far to yield to the demands of the House as to make a permanent law that "hereafter no Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with which the United States may contract by treaty." That stands to-day upon our statutes as the law of the land. And while it was further provided that "no treaty heretofore lawfully made and ratified shall be impaired or set aside," it left the question open as to the validity of these treaties, which this House has always contended were irregular, null, and void. Further than that, and to show that this House was in earnest in the matter, I will read a resolution which I offered on this floor, and which was adopted on the 20th of April, 1871. It is as follows:

Resolved, That it being declared by the second section of the second article of the Constitution "that the President shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur," the House of Representatives do not claim any agency in making treaties; but that when a treaty stipulates regulations on any of the subjects submitted by the Constitution to the powers of Congress, it must depend for its execution as to such stipulations on the law or laws to be passed by Congress; and it is the constitutional right and duty of the House of Representatives in all such cases to deliberate on the expediency or inexpediency of carrying such treaty into effect, and to determine and act thereon as in their judgment may be most conducive to the public good.

This House adopted that resolution without a division, less than seven members rising in their places to vote against it.

That is the copy of a resolution adopted by the House of Representatives of the Fourth Congress, (in Washington's administration,) upon which the yeas and nays were recorded as follows:

YEAS—Messrs. Theodorus Bailey, Abraham Baldwin, David Bard, Lemuel Benton, Thomas Blount, Nathan Bryan, Dempsey Burges, Samuel J. Cabell, Gabriel Christie, John Clopton, Isaac Coles, Jeremiah Crabb, Henry Dearborn, George Dent, Samuel Earle, William Findley, Jesse Franklin, Albert Gallatin, William B. Giles, Nicholas Gilman, Andrew Gregg, William B. Grove, Wade Hampton, George Hancock, Carter B. Harrison, John Hathorn, Jonathan N. Havens, John Heath, Daniel Heister, George Jackson, Edward Livingston, Matthew Locke, William Lyman, Samuel Maclay, Nathaniel Macon, James Madison, John Milledge, Andrew Moore, Frederick A. Muhlenberg, John Nicholas, Alexander D. Orr, John Page, Josiah Parker, John Patten, Francis Preston, John Richards, Robert Rutherford, John S. Sherburne, Israel Smith, Samuel Smith, Thomas Sprigg, John Swanwick, Absolom Tatom, Philip Van Cortlandt, Joseph B. Varnum, Abraham Venable, and Richard Winn—57.

NAYS—Messrs. Fisher Ames, Benjamin Bourne, Theophilus Bradbury, Daniel Buck, Joshua Coit, William Cooper, Abiel Foster, Dwight Foster, Ezekiel Gilbert, Henry Glen, Benjamin Goodhue, Chauncey Goodrich, Roger Griswold, Robert Goodloe Harper, Thomas Hartley, Thomas Henderson, James Hillhouse, William Hindman, John Wilkes Kittera, Samuel Lyman, Francis Malbone, William Vans Murray, John Reed, Theodore Sedgwick, Jeremiah Smith, Nathaniel Smith, William Smith, Zephaniah Swift, George Thatcher, Richard Thomas, Mark Thompson, Uriah Tracey, John E. Van Allen, Peleg Wadsworth, and John Williams—35.

This House claimed the right in the Forty-first Congress by an almost unanimous vote, as the Fourth Congress had done by an overwhelming majority, to determine whether they would carry out treaties even when regularly made if they did not meet their approval. I shall refuse in this bill to carry out treaties not only irregularly made, but which were void in their inception, ridiculous in detail, and which will involve this country in the payment of $60,000,000—which has already involved it in over $20,000,000 of useless expenditures.

The statement of the gentleman from Missouri [Mr. PARKER] is that over $3,000,000, perhaps $3,500,000, annually for the last six years were involved by these so-called treaties; if they are to be continued for twenty years will make the statement of my friend from Ohio [Mr. LAWRENCE] that they would involve an expenditure of $90,000,000 nearer the truth than was my statement that it would involve an expenditure of $60,000,000.

Why do I say that these so-called treaties were ridiculous in their detail? Take the first paragraph of this Indian appropriation bill, that which provides for the Apaches, Kiowas, and Comanches. You will find on the third page of the bill that part of these appropriations are installments to be expended for carpenters, for farmers, for blacksmiths, for engineers, for millers, for physicians, for teachers, giving places to a swarm of supernumeraries hanging around these tribes, performing no services, perhaps never getting in sight of any of the tribes, but drawing their salaries with commendable promptness and regularity.

What is the condition of these Indians? Are they farmers? Do they need engineers and carpenters? Do they need any of these employés? Let your commissioners answer. I hold in my hand the report of 1872, made by the ablest man that has been in the Indian Bureau since I have been here; I mean General Walker. If he was in office to-day I would have more confidence in the management of these matters than I have now, and I do not mean to reflect on the present Commissioner personally. On page 41 of his report, General Walker says:

Kiowas, Comanches, and Apaches.—Wild and intractable, these Indians, even the best of them, have given small signs of improvement in the arts of life, and, substantially, the whole dealing of the Government with them, thus far, has been in the way of supplying their necessities for food and clothing, with a view of keeping them upon their reservation and preventing their raiding into Texas, with the citizens of which State they were for many years before their present establishment on terms of mutual hatred and injury. The liberality and forbearance of the Government since the treaty of 1867, when complete amnesty for the offenses of the past was extended to these Indians, even to the extent of allowing them to retain their stolen stock, have not borne the fruits expected, and it may be found necessary, according to the opinion expressed in another part of this report, to bring them to a sense of their errors by severe punishment. In the opinion of the committee the point has been reached where forbearance ceases to be a virtue. * * * However, it may be said in a word of these Indians that their civilization must follow their submission to the Government, and that the first necessity in respect to them is a wholesome example, which shall inspire fear and command obedience. So long as four-fifths of these tribes take turns at raiding into Texas openly and boastfully, bringing back scalps and spoils to their reservation, efforts to inspire very high ideas of social and industrial life among the communities of which the raiders form so large a part will presumably result in failure.

What does the present Commissioner say on this subject? He says that these tribes are to-day in such a hostile attitude and so fierce, that he sees nothing left except to turn them over to the military, so that they may be punished as they ought to be; and that the protection of Texas requires this at the hands of the Government. Yet we are called upon in the very first provision of this bill to make appropriations, under what are called treaties, for blacksmiths, millers, teachers, physicians, engineers, and a swarm of useless supernumeraries, when you cannot catch one of these Indians half the time with a lasso.

That is a fair specimen of the character of the treaties of 1867–'68, and these are the items Congress is called to vote away the money of the people to carry out. Some gentlemen call these *sacred* treaties, when our official reports show that these Indians are on the war-path, and cannot even be punished, as shown by both of your commissioners. This state of things is known to us all, while we are voting millions of public money under pretense that we are educating and civilizing them. Sir, war dissolves and annuls all treaties even among civilized nations. When you are dealing with savage Indians, when you have to supply them with what is necessary to keep alive those who are peaceful and needy, it is the merest folly on earth to talk about the sacred character of treaties, such as those which were made in 1868. I do not refer to the old treaties, but to the treaties claimed to be made under an act of Congress and which were never reported to this House for its sanction, though required by law to be. I believe this House is yet a part of Congress. That is one complaint I have to make. But I must be brief. I can only make suggestions. I will stand by the old treaties, right or wrong, because they have been recognized and acted on without question, and many of the tribes with which they were made are far advanced in civilization. Our courts have recognized them. Our condition when they were made and the status of the Indian tribes were very different. Now we are asked to recognize as sovereign powers vagabonds whom we would hang if they should steal a cow. It is a farce.

The other complaint I make grows out of the atrocities that have been perpetrated in the administration of Indian affairs. We have found upon examination of this subject that before the peace commissioners obtained any control of expenditures in the Indian Department, robberies such as were unknown in any other part of our service were perpetrated against the Indians. I was one of a committee of three appointed by the Committee on Appropriations of the Forty-first Congress to make an investigation of this subject, and I will call attention to some of the facts developed in that case as a specimen of the working of the system. The Quapaws and Creeks and other poor beggarly Indian tribes, whose women and children were almost starving, had $300,000 sent to them by the Government, and agents were appointed to attend to its faithful distribution and see that the Indians received the money. No man by law could make a contract with them, because they were our wards. Yet the result of the investigation, in which I took part, will be found in a report signed by the gentleman from Ohio, [Mr. LAWRENCE,] by Mr. SARGENT, of California, now a Senator, and myself, which report makes, among many other things, the following statement, which was abundantly sustained by proof:

To the mind of the committee the testimony shows irregularities, neglect, and incompetency, and, in some instances, a departure from the express provisions of law for the regulation of Indian expenditures and in the management of affairs in the Indian Department.

After showing the outrageous character of the contracts made with Bosler and others, without advertisement or competition, at double the rates paid by the Army for like supplies at the same time and at the same places, and after setting forth the proof as to the payments to the Quapaws and others, the committee say:

It will thus be seen that out of the payment of $125,000 to the Chickasaws, General Blunt received $62,500; out of $84,000 to the Choctaws he received $33,600, and out of $90,000 to the Quapaws, $30,000; in the aggregate $126,100, out of payments amounting to $299,000. As it was not believed to be of sufficient importance to delay the presentation of this report, the committee did not attempt to ascertain how much was paid to the traders, which could only have been learned, if at all, by sending for witnesses from a distance at great expense; and as neither General Blunt's conduct, nor that of the agents now out of the employ of the United States, nor of the traders can be investigated by Congress for any other purpose except to prevent the repetition of such extortion and misconduct in the future, the committee think they have performed their duty by calling attention to the facts and the existing laws, and by suggesting such legislation as will prevent a repetition of these things, as it is fair to presume the cases to which the attention of the committee has been directed are only specimens of the whole.

Besides this there were merchants, traders, and other claimants taking their share; so that of this appropriation of $299,000 less than 20 per cent. reached the hands of the Indians in any shape whatever. They were robbed and plundered at least with the acquiescence, certainly without protest from the agents of the Government. That, I say, is merely a specimen of the system. It is shown in that report (which I hope gentlemen will send for and read; it is No. 39 of the reports for the third session of the Forty-first Congress) that private contracts were made with others besides Bosler at double the prices at which men made contracts when they were advertised and put up

at public bidding and let to the lowest bidder. Immense sums were squandered in that way until the Commissioner then in office had to be relieved or removed, in great part, I believe, because of the facts developed in that report in which the two republican members and myself united.

The difficulty we have had with the Indians has always been that we have never done them justice. There is only one way to manage the Indian: first show him that you have the power to make him do right; then let him see that you are ready to do him justice. We have been feeble in enforcing our power. We have never done the Indian justice when we have taken control of him. We have sent out among the Indians vagabond agents at $1,500 a year who have seldom been content unless they could make $25,000, and who in connection with the thieving "rings" of contractors have robbed the Indian and made him feel nothing but contempt for the white man; and in all his acts he sees nothing worthy of imitation, but everything to shun and avoid.

I would be reluctant to put the Indian now under control of the military; it might alarm him, though I believe his fear would be groundless. I would only do it if the military could be made to act in harmony with the peace commission, so that the commissioners could allay the fears of the Indians. For I believe in civilizing the Indian; I believe it can be accomplished, slowly it may be, but with reasonable hope of success; but it cannot be done so long as dishonesty and fraud form a part of all our dealings with him. We must be just; we must show the Indian that we are powerful, and that we are as honorable as we are strong. How does England manage the Indians in Canada? She makes the Indian behave himself; she makes the white settlers treat him well; she fulfills all her contracts with him. We on the contrary undertake, as I have shown in the example I gave, to pay $299,000 to two or three tribes of Indians and in fact pay them less than $50,000, our officials standing by and allowing them to be robbed of all the balance. What must the Indian think of that sort of civilization? He understands it as meaning that he is to be brought down to a level with the plunderer whom he despises.

I believe that as long as men are trusted with control of the Indians merely because of their political influence; as long as the Senate (and I speak of that body with all respect) can confirm as agents their brothers, cousins, and other kinsmen or favorites, and send them out to the Indian country to make fortunes at the expense of the Government, you can have no proper system of Indian administration. If we are to have such agents dealing with the Indians, I prefer to turn them over to the War Department; for I will say in behalf of the officers and soldiers of the American Army that whatever else may be said against them you cannot make thieves of them. Their education, their *esprit de corps*, their position in society, their whole standing before the country, is conducive to their integrity as men; and the records of this country will show that single individual Indian agents have committed more robberies than all the paymasters of the United States from the foundation of the Government down to the present time. I regret to have to say it, but my observation here has forced the conclusion upon me, that in the custom-house, in the post-office, in the Indian Bureau, everywhere where politics control, dishonesty among subordinates is the rule, not the exception; while among the officers of the Army I am happy to say honesty in the disbursement of money is the rule, and not the exception. Therefore I look to them to make faithful Indian agents.

We must have honesty in our administration of Indian affairs. I do not believe we can get it outside of the officers of the regular Army. The officers must be among these people at any rate; we must have troops in the neighborhood of the Indians, because we cannot control a savage except by giving him a palpable exhibit of our power, and the only man he respects is the man he regards as a warrior. He has no respect for the "sneak-thief;" he has no respect for the man who is selling him mean whisky, stealing his blankets, and robbing him of his money. But he has respect for the power of the Government, and for the men whom he looks upon as his equals or superiors in the field of battle. And, sir, let me tell you there is no officer of the Army who wants to bring on war with the Indians. There is no glory in an Indian war. The agent or the trader, the fellow you send there whose interest is to count more Indians than there are that there may be the more supplies to steal, may want strife. But the soldier who has to go into the field, the officer who has to command the troops, knows that no matter how gallantly he may behave, he can gain no credit in a contest with a few savage, half-naked, half-starved Indians, any more than you or I could gain in a contest with a nest of hornets; for if we should kill them all and be ourselves stung once, we would be the losers in the strife.

The soldiers know that, and they seek no strife. In dealing with these men I agree with the Commissioner when he said—I mean General Walker—"there is no question of dignity be it remembered involved in the treatment of savages by a civilized power. With wild men, as with wild beasts, the question whether in any situation one shall fight, coax, or run is a question of what is easiest and best." And it will be so treated always by all sensible men. But, Mr. Chairman, my time is running too fast to dwell on that any longer.

I do not want the Indians oppressed. I want them protected. I want them dealt with honestly. When that is done they will deal honestly and truly with us, and their civilization will soon follow. Convinced of the magnitude of the frauds perpetrated on the Indians three years ago, I introduced two amendments to the Indian appropriation bill; one requiring the peace commissioners to examine all of the accounts of all of the Indian agents and all contracts; the other making it a penal offense for any man to take money from them or pretend to be their attorney. The first became a law, but the latter did not until my friend from Indiana [Mr. SHANKS] reported it from the Committee on Indian Affairs and passed it.

The law I had the honor to present and have passed reads thus, (see Statutes, volume 16, page 568:)

That hereafter no payments shall be made by any officer of the United States to contractors for goods or supplies of any sort furnished to the Indians, or for the transportation thereon, or for any buildings or machinery erected or placed on their reservations under or by virtue of any contract entered into with the Interior Department, or any branch thereof, on the receipts or certificates of the Indian agents or superintendents of such supplies, goods, transportation, buildings, or machinery beyond 50 per cent. of the amount due, until the accounts and vouchers shall have been submitted to the executive committee of the board of commissioners appointed by the President of the United States, and organized under the provisions of the fourth section of the act of April 10, 1869, and the third section of the act approved April 15, 1870, for examination, revisal, and approval; and it shall be the duty of said board of commissioners, without unnecessary delay, to forward said accounts and vouchers so submitted to them to the Secretary of the Interior, with the reasons for their approval or disapproval of the same, in whole or in part, attached thereto; and said Secretary shall have power to sustain, set aside, or modify the action of said board, and cause payment to be made or withheld as he may determine.

So long as this law was allowed to remain on the statute-book the peace commissioners exercised a control over the action of the Department which was very beneficial. They prohibited the making of all contracts until after due advertisement. They prohibited as far as they could Indian agents from sending in false accounts and having them paid by the Indian Bureau whether right or wrong, as had been done too often before. But it was found that this provision of law was holding the "ring" down too close. Two years ago, in May, 1872, the most salutary provision in that law was repealed against my protest and against the protest I believe of every man on this side of the House. I spoke against it; I voted against it; I called the yeas and nays on the passage of the bill because of it. I announced then that it was a fraudulent attempt to relieve the Indian Bureau from the control of the men who were seeking to save the money of the people and protect the Indian from the rapacity of the thieves who were robbing him. The majority of the House paid no attention to what I said. They passed the law; and what followed then? I have the report of the peace commissioners to the President, in which they say that from July, 1872, to March, 1873, no accounts were sent to them by the Indian Office for examination, it having been held by the Department that the act of May 29, 1872, relieved it from the necessity of submitting accounts to the board and relieved the board of the duty of acting on them.

I submit the following extracts from the recent report of the executive committee of the peace commissioners, and from that of the Secretary of the Interior, to show how diametrically they are opposed to each other. The committee say:

SIR: The executive committee of the board respectfully present the following report:

From July 1, 1872, until March 1, 1873, no accounts were sent to us by the Indian Office for examination, it having been thought by that office that the act of May 29, 1872, relieved them of the necessity of submitting accounts to the board and relieved the board of the duty of acting on them. After the meeting of Congress the discussion upon the Indian appropriation bill showed that it was not the opinion of Congress that the board had been relieved from auditing these accounts.

The Secretary of the Interior says:

It will be observed that by the act of May 29, 1872, the examination of accounts and vouchers by the board of commissioners was not to be longer deemed *a prerequisite of payment*. In view of the legislation in that behalf which had been previously enacted, and was still unrepealed, and the peculiarity of the language of the act of 1872, I deemed it best, for prudential reasons for the time being, to continue the practice of sending all accounts to the board for examination prior to the final action of the Department thereon.

Somebody is misstating the facts; both cannot be true. It was evident when Congress met in December, 1872, that some rights had to be given to the commissioners in this matter; they claimed it, and the Secretary acquiesced partially in their claim. Since March, 1873, the commissioners have had a partial recognition, but it has been only partial, and they have been overruled in many cases in which it seems to me they were clearly in the right. It is another evidence of the tenacity with which Bureaus cling to power, and the reluctance with which they submit to any control either from Congress or any other power.

I have only time to call attention in a hurried way to some of the leading points in the report of the commissioners and the reasons why their views were disregarded. I suppose most of the members of this House have their report. In it they show that they have reported against the payment of many claims for payment on contracts made, not after due advertisement, not to the lowest bidder, but made under so-called *exigencies* that were mere pretenses, contracts really made because the office thought they had the right to do just as they pleased. These accounts amounted to nearly half a million dollars. The commissioners say that some of these accounts are fraudulent. I think they prove it. Many were grossly irregular and in plain violation of known law.

They show that contracts have been made with private parties at far greater cost than would have been necessary if they had been let at public biddings, simply, as I assume, because those men were the

friends of the Bureau. And when the Secretary of the Interior comes to make his excuses for overruling them he justifies on the ground that he refers matters of this sort to the Assistant Attorney-General, as they now call the solicitor of the Indian Department. I hope members will look carefully at the excuses given. They show upon their face that the whole thing is a mere effort on the part of the department to absorb all authority and deny all restraint, and the excuse for doing it both as to exigencies and as to the conditions under which the contracts were made is so puerile that it is hard to see how any man could give a legal opinion sustaining those views. For example, about $77,000 was contracted for to deliver cows and oxen to a lot of Sioux because of an *exigency*. They had no time, it is said, to consult the commissioners, or even to advertise for bidders, when the proof shows that for five years these things had been postponed and no reason assigned for it. It was in an old matter which had run for five years unregarded, and yet they could not take time to notify the commissioners or put up advertisements, the *exigency* became so great, although it had never been thought of under the treaty which was made in 1868. In another case a contractor had agreed to deliver so many cattle in October, so many in November, so many in December, so many in January, so many in February, or at various times during the winter, so as to supply certain Indians. They were all, however, delivered in the fall, the contractors thereby freeing themselves from the risk of caring for the cattle during the winter, freeing themselves from the responsibility of feeding them, yet knowing the wasteful condition of things that if they were all sent to the Indians at once they would be starving before March unless other supplies were sent to them. The Assistant Attorney-General gives his opinion to the Secretary, notwithstanding the protest of the commissioners, that time is not of the essence of the contract and that it was just as well to deliver them all in October as to deliver them during the year, so much during each month for the supply of the Indians. But, as I said, I can only call attention to those things; every member will, I hope, read them carefully and judge for himself. I do not impute bad motives to the officials in the Interior Department; but their decisions are very unfortunate for the Indians and the country. Every man knows that a very important matter was to require contractors to deliver the stock from month to month according to the necessities of the case.

[Here the hammer fell.]

Mr. BECK. Let me just say one word more. I intend to ask on Monday that the rules be suspended for the purpose of making it in order to propose the re-enactment of the law which this House unanimously passed in 1871, requiring these commissioners to examine all accounts before that department shall make contracts or pay accounts in Indian matters.

Mr. ALBRIGHT. In what year was the opinion given to which the gentleman has reference?

Mr. BECK. The opinion given by Edward D. Smith to the Secretary of the Interior is dated November 28, 1873, and will be found in Executive Document No. 23 of this session.

[Mr. WOOD addressed the House. His remarks will appear in the Appendix.]

Mr. ADAMS. Mr. Chairman, it is well understood that the present Executive of the United States, soon after his first inauguration, adopted a policy in reference to the management of the Indian question which differs materially from that which had been pursued by any of his predecessors and which is generally known and recognized as President Grant's "peace policy." This so-called peace policy has been made the subject of much laudation on the part of some of his friends and admirers, and especially on the part of the officials whom he has from time to time appointed to carry it into effect. Scarcely a single report has been made or a single communication been submitted to Congress by any one of the officials connected with the administration of Indian affairs for the period named which has not come to us fairly laden with words of commendation and compliment over the success which has attended this new and heretofore untried experiment.

And yet, sir, notwithstanding these flattering reports which have from time to time been laid before Congress and the country, there seems to be to-day in the public mind everywhere a more general and wide-spread distrust of and dissatisfaction with the management of the Indian Bureau than there is in reference to any other branch or department of the public service.

Whether this supposed mismanagement is attributable to the Secretary of the Interior, who has a sort of appellate or supervisory control over the whole subject, or to the Commissioner of Indian Affairs, who is the recognized head and chief of the Bureau, or to the board of Indian commissioners, who have jointly with the Secretary of the Interior and the Indian Commissioner an advisory control, or yet to the Indian agents and superintendents who are scattered here and there over the Indian country, no one seems exactly to understand. But that there has been extravagance and profligacy in the expenditure of the public money for which some one is responsible is a fact which is not only susceptible of proof, but about which there seems to be but little diversity of opinion.

Mr. Chairman, the statistics of the country show, and it is I believe a well-established fact, that the Indians of this country are year by year rapidly diminishing in number; so much so, indeed, that those who have given to the question any serious reflection are in great doubt as to whether a century or two hence the Indians as a race will not have become wholly extinct in this country. This being so, one would naturally suppose that as time passes on and the number of Indians to be provided for by the Government year by year grows less and less, the expenditures necessary for that purpose would be correspondingly diminished. But, sir, a reference to the last report of the Secretary of the Treasury develops the fact that within the five years ending June 30, 1874, during which this so-called "peace policy" has been fairly in operation, a far larger amount has been expended upon the Indian service than was ever before expended in an equal number of years under any former administration from the origin of the Government down to the present time.

It is true, Mr. Chairman, that the report of the Secretary does not show exactly what the expenditures for the present fiscal year ending June 30, 1874, will be; but we have before us facts and figures which enable us to approximate at least the amount expended for that purpose. I have before me Executive Document No. 142 of the present Congress, in which the total amount appropriated for Indian service for the present year is given as $6,432,489.09.

Of this amount thus appropriated there was expended for the first six months of the present fiscal year the sum of $4,163,937.34. In addition to the amount thus actually expended, there was incurred for the six months named, over and above the actual expenditures, an indebtedness which, as shown on page 26 of Executive Document No. 142, amounts to $202,592.28, making the total expenditures for the first six months of the present year amount to $4,366,529.62.

Mr. PARKER, of Missouri. I will ask my friend from Kentucky [Mr. ADAMS] whether he does not know it to be a fact that nearly all the contracts for supplies of all kinds, for clothing, and also for provisions, consisting of beef, flour, coffee, sugar, &c., are made for the entire year during the first half of the year, and the payments have been made upon those contracts, and that that is the reason of the showing he has just referred to?

Mr. ADAMS. I *do* understand the contracts are *made* in the first half of the year, Mr. Chairman; but I do *not* understand the supplies are furnished and paid for until the necessities of the agencies require them. That is my answer to the question of the gentleman.

Now, then, the entire cost of the Indian service for the first six months of the present fiscal year was $4,336,529.92, as I have already stated. Supposing it will cost as much for the remaining six months as for the preceding six months, we have as the total cost of the Indian Bureau for the entire year the modest little sum of $8,733,559.84. Estimating the cost of the present year, therefore, at the sum of $8,733,559.84, as above indicated, we have as the cost of this so-called peace policy for the five years during which it has been in successful operation the following figures:

1870	$3,407,938 15
1871	7,426,997 44
1872	7,061,728 82
1873	7,951,704 88
1874	8,733,059 84
Total	34,581,429 13

For the five years immediately preceding President Grant's administration the entire cost of the Indian service was as follows:

1864	$2,629,975 97
1865	5,059,360 71
1866	3,295,729 32
1867	4,642,531 77
1868	4,100,682 32
Total	19,728,280 09

For the five years immediately preceding the war, under the administrations of President Buchanan and President Pierce, it was as follows:

1857	$4,354,418 87
1858	4,978,226 18
1859	3,490,534 53
1860	2,991,121 54
1861	2,865,481 17
Total	18,679,782 29

Thus it appears that this so-called peace policy during the first five years of its operation has cost the Government $14,853,149.04 more than was expended for the same purpose in an equal number of years under the administration of Presidents Johnson and Lincoln immediately preceding that of President Grant; and that it has cost $16,901,946.84 more than was expended for the same purpose in an equal number of years under the administrations of Presidents Buchanan and Pierce which immediately preceded the war.

The gentleman from Iowa, [Mr. LOUGHRIDGE,] in his remarks a day or two since, undertook to give an explanation of the causes which render necessary an increase in the expenditures of the Indian Department now over what they were in former years, and attributed it to the fact that in by-gone days the Indians had a wide extent of country, abundantly supplied with game, over which to roam and hunt at will, and had access to streams abounding with fish of every variety and description; whereas now, he says, they are crowded upon small, sterile, and unproductive reservations upon which it is impossible for them to live by the hunt and the chase, and which are utterly unsuited for agricultural purposes.

On the other hand, however, the gentleman from Missouri, [Mr.

PARKER,] in his remarks, undertook to show us that the reservations upon which the Indians are now located are entirely too large for any practical purpose, and embrace too much of the valuable public domain not required for the real wants and necessities of the Indians. And to prove this he exhibited to the House a table of statistics and figures, which demonstrates the fact that there are at present within the various Indian reservations upon an average at least seven hundred acres of land to every Indian located thereon.

Now, there may possibly be something in the suggestion of the gentleman from Iowa that the supply of game from which the Indians were at one time able to subsist themselves is not so abundant now as it was in former times. And however just and pertinent his remarks may have been in reference to the condition of the Indians at the present day as compared with that of the Indians of twenty-five or thirty years ago, they have no sort of applicability to the condition of the Indians for the last five years past, and furnish no explanation whatever for the increased expenditures of the Indian service under President Grant's administration, for the simple reason that the reservations upon which the Indians are now placed have not been materially diminished in size from what they were five years ago, are certainly no more sterile and unproductive now than then, and the Indians quite as capable of subsisting themselves now as they have been for years past.

We must therefore search elsewhere and look to other causes than those assigned by the gentleman from Iowa for an explanation of the startling increase in the expenditures of the Indian Bureau for the five years last past.

But, Mr. Chairman, this so-called peace policy has not only shown itself to be reckless and extravagant in the expenditure of the public money, but it has shown that those who are charged with carrying it into effect have an utter disregard for the laws of the land, and that they are ready at any and all times to violate the most positive enactments upon your statute-books whenever it suits their convenience to do so.

One of the very first things done by Congress after the inauguration of President Grant in 1869 was to appropriate and place at his disposal the sum of $2,000,000, in addition to the amount required to meet the ordinary expenses of the Indian service, to be by him expended in such manner as he might think best to maintain peace and promote civilization among the Indians; and a report of all expenditures was required by the law to be made in detail to Congress in December following.

That the House may understand exactly the objects for which this sum was appropriated, and the character of the report required to be made to Congress, I beg to call attention to the law itself, which is in the following words:

That there be appropriated the further sum of $2,000,000, or so much thereof as may be necessary, to enable the President to maintain the peace among and with the various tribes, bands, and parties of Indians, and to promote civilization among said Indians, bring them, where practicable, upon reservations, relieve their necessities, and encourage their efforts at self-support; a report of all expenditures under this appropriation to be made in detail to Congress in December next.

Thus it will be observed that a report was required to be made in detail, showing the exact amount expended for each specific purpose.

But, Mr. Chairman, notwithstanding this positive requirement that there should be made a report *in detail* of the manner in which this sum of money was expended, I undertake to say that no *such* report was ever made. I have before me what professes to be a report on that subject, consisting of less than half a page of printed matter, which does not give *in detail* the manner in which either the whole or any part of said appropriation was expended, but simply shows that there had been, at the time it was made, expended for various purposes the *aggregate* sum of $356,374.98, without designating how much was expended for any one particular purpose or another, and all the information it gives us is that there then had been expended in various ways, and for different purposes, the sum of $356,374.98, leaving a balance of $1,643,625.48, since expended in some way, but in reference to which we have no account whatever except the intimation in this report that it will be required for various purposes connected with the general and incidental expenses of the Indian service.

Mr. AVERILL. Will the gentleman allow me to ask him a question?

Mr. ADAMS. Certainly.

Mr. AVERILL. It is simply this: Is the gentleman not aware that, at the expiration of the time at which this commission was to make that report, there was but one-quarter part of those two millions that had been expended?

Mr. ADAMS. That did not prevent a report being made at a subsequent time, nor did it prevent a report in detail of the amount that had at that time been expended.

Mr. AVERILL. A report was made of all that had been expended.

Mr. ADAMS. I do not intend, by alluding to this failure to make the report required by law, to intimate or insinuate that the President of the United States has himself misappropriated, or knowingly allowed any one else to misappropriate, any portion of this money. But what I do assert is, that no such report as the law required was ever made, and that Congress and the country to-day are in profound ignorance as to the time when, the place where, or the purposes for which this immense sum of $2,000,000, placed at the disposal of the President, was expended.

But, Mr. Chairman, this is not all I have to say in reference to the disregard of law to which I have referred.

In section 3 of the Indian appropriation bill passed July 15, 1870, we find the following clause prescribing the duties of the board of Indian commissioners, namely:

And it shall be the duty of said commissioners to supervise all expenditures of money appropriated for the benefit of Indians in the United States and to inspect all goods purchased for said Indians, in connection with the Commissioner of Indian Affairs, whose duty it shall be to consult said commission in making purchases of such goods.

Here, sir, is a positive requirement of the law that the board of Indian commissioners shall inspect all goods purchased for Indians, and the Commissioner of Indian Affairs shall make no purchases except upon consultation with said board of Indian commissioners. And yet, sir, notwithstanding that fact, the board of Indian commissioners, in their annual report made to this Congress, on page 16, give an itemized statement of purchases made from March 1 to December 31, 1873, amounting in the aggregate to $873,587.66, which they had no opportunity to inspect, because said purchases were made without any sort of consultation with them and without even any knowledge of theirs.

Not only so, Mr. Chairman, but section 4 of the Indian appropriation bill passed July 15, 1870, provides as follows:

That no part of the moneys appropriated by this act, or which may hereafter be appropriated in any general act or deficiency bill making appropriations for the current and contingent expenses of the Indian Department, to pay annuities due to or to be used and expended for the care and benefit of any tribe or tribes of Indians named herein, shall be applied to the payment of any claim for depredations that may have been or may be committed by such tribe or tribes or any member or members thereof; and no claims for Indian depredations shall hereafter be paid until Congress shall make special appropriation therefor; and all acts and parts of acts inconsistent herewith are hereby repealed.

Here, again, is a positive requirement that no money appropriated to the Indian service shall be applied to the payment of claims for Indian depredations, and that no such claim shall be paid until Congress shall make special appropriation therefor. No prohibition could possibly be more positive and peremptory, and no language plainer or more explicit; and yet, Mr. Chairman, we find on page 28 of Executive Document No. 142, forwarded to this House by the Commissioner over his own signature, that he has gone on paying claims for Indian depredations out of money appropriated for other purposes, when this statute positively declares that no such payments shall be made.

But again, sir, on page 251, volume 16, Statutes at Large, we find a provision to which I ask the careful attention of the committee, and the language of which is as follows:

SEC. 7. *And be it further enacted*, That it shall not be lawful for any Department of the Government to expend in any one fiscal year any sum in excess of appropriations made by Congress for that fiscal year, or to involve the Government in any contract for the future payment of money in excess of such appropriations.

This section, it will be observed, declares in the most positive and emphatic terms that it shall not be lawful for any Department of the Government to expend in any one year any sum of money in excess of the appropriations made by Congress for that year, or to incur any indebtedness in excess of such appropriations; and yet, sir, strange as it may seem, the Commissioner of Indian Affairs, on page 26 of Executive Document No. 142, forwarded to this House by himself, gives to us—what? I read from the document itself:

"A statement showing the outstanding indebtedness of the Indian service so far as can be ascertained, from July 1 to December 31, 1873, for which there are no funds."

This statement, Mr. Chairman, aggregates the sum of $202,502.58 as the amount of indebtedness incurred during the first six months of the present fiscal year in excess of the appropriations made by Congress, for the payment of which there are, of course, no funds. And this, too, in direct violation of the statute above referred to.

Sir, if an officer of the Army or of the Navy were thus to disregard the law of the land and thus to trample under foot the rules and regulations enacted for their guidance and control, he would be summarily tried before a court-martial, and ignominiously dismissed from the service as a discredit and a disgrace to the uniform he wears. And, sir, we all remember that only a few short years ago the then President of the United States, for the alleged violation of a law the provisions of which were susceptible at least of two constructions, and as to the meaning of which the most learned judges and jurists of the country might well differ, was in the high-sounding name of "Representatives of the whole people" arraigned before the bar of the Senate to answer for the commission of high crimes and misdemeanors. But to-day the officers connected with the administration of this so-called peace policy under President Grant boldly announce to us over their own signatures that they have done that which your laws declare shall not be done, and that they have violated laws the provisions of which are positive and peremptory, and the meaning of which is so clear and unmistakable that even the wayfaring man need not err therein; and yet, strange to say, all these things do not *now* seem to attract the attention of the Representatives of the whole people at all!

Mr. Chairman, from all that we have from time to time heard in reference to the progress and success which have attended this new experiment at Indian civilization and christianization, one might well conclude that by this time all feeling of hostility on the part of the Indian toward the white man had, under its benign influence, been

entirely eradicated; that there is now no longer any disposition on the part of the Indian to depredate upon the property or disturb the peace of his pale-faced neighbor; and that the unprotected frontierman can now lie down at night without fear of molestation or harm from those whom he lately regarded only with feelings of apprehension and alarm.

But, unfortunately, sir, such is not the case. We find that there has been presented to this Congress a larger number of claims for Indian depredations than was ever before presented to any one Congress. We see the halls and corridors and committee-rooms of the Capitol literally besieged by claimants demanding indemnity and reparation for depredations committed by Indians; and I have it from gentlemen upon this floor representing the State of Texas that the depredations of the Indians in that State have continued to increase until they are now threefold to fourfold greater than before the inauguration of this so-called peace policy.

But, Mr. Chairman, one of the noticeable features of this new policy is the conflicting opinions which we have laid before us by those charged with its execution as to the propriety of what has been done, and the contradictory statements furnished us as to the causes which have brought about certain results.

The board of Indian commissioners, consisting of gentlemen selected on account of their well-known intelligence, integrity, and philanthropy, in their official report laid before us at the beginning of the present session, inform us that among the many accounts submitted to them by the Commissioner of Indian Affairs for their approval were some thirty-nine vouchers, aggregating the sum of $426,909.96, which they were, for reasons deemed satisfactory at the time, compelled to reject or suspend and forward to the Secretary of the Interior with the reasons for their action; and that their action in reference to eighteen of these vouchers, amounting in the aggregate to the sum of $369,520.97 was set aside by the Secretary of the Interior and the money paid to claimants, notwithstanding their objections and remonstrances to the contrary. Now, in reference to this difference of opinion between the Secretary of the Interior and the Commissioner of Indian Affairs on the one side, and the board of Indian commissioners on the other, respecting the disbursement of this large sum of money, I shall not here and now venture any opinion; but it is a question about which I imagine the members of this House and the people of the country generally would like to be further advised.

And, again, I have before me Executive Document No. 186, of the present Congress, bearing date March 17, 1874, in which both the Secretary of the Interior and the Commissioner of Indian Affairs urge upon Congress an additional appropriation of $202,500 to meet a deficiency in the supply of beef required for the subsistence of the Indians during the present year at the Red Cloud and Whetstone agencies, which deficiency they say was occasioned in part by the accession at these agencies of large numbers of Indians from northern bands and tribes and in part by the excessive demands of the Indians, which the agents were powerless to resist. The board of Indian commissioners, however, attribute this deficiency to overreceipts on the part of the agents to contractors and to extravagance in issue to the Indians, whose number was nothing like so great as that reported by the agents.

The views of the board of commissioners upon this subject cannot be better stated than to give their own language, as contained in their official report laid before the present Congress, in which they say:

> A large portion of the amount of accounts disapproved and recommended to be suspended in part was for cattle delivered in advance of contract time and in excess of the current needs of the several agencies, which entailed upon the Government all the cost of herding, and the risk of loss by stampeding, disease, &c.
>
> Affidavits in our possession go to show that some of the cattle lost probably got into the herds of the contractor from which they had originally come, and in one case, after receiving an amount in excess of the quantity called for by contract or needed at the time, and after the receipt had been given to the contractor for them, a large number were turned into the contractor's herds; no receipt being taken to protect the Government's interest, and no guarantee that a like number of beeves of equal weight would be delivered to the agent.
>
> This system of excessive receipts has also caused great extravagance in issue, and, as a result at some agencies, the stock of beef calculated to last all the year is represented as all having been used before the year was more than half gone. From investigation we are satisfied issues of beef, flour, &c., have been made in some cases to a number of Indians greatly in excess of that actually at the agencies. At one agency, where the agent reported issue to Indians numbering from fourteen thousand to nearly seventeen thousand, we learn from good authority that the number has never exceeded eight thousand. At another, where the agent reported issue to nearly eleven thousand Indians, the best information on the subject goes to show that the number never exceeded five thousand.

The two agencies here referred to by the board of commissioners are, I am advised, the identical agencies for which this additional appropriation is asked.

It thus appears that the Secretary of the Interior and the Commissioner of Indian Affairs account for this deficiency and the necessity for this additional appropriation in one way, while the board of Indian commissioners attribute it to other and entirely different causes. Whether the explanation furnished by the Secretary of the Interior and the Commissioner of Indian Affairs on the one side, or that furnished by the board of Indian commissioners on the other, be the correct one, I shall not here and now undertake to decide; but I imagine the members of this House would like to be fully satisfied upon this subject before voting for the additional appropriation asked for.

And even conceding the facts of the case to be as represented by the Secretary of the Interior and the Commissioner of Indian Affairs, it would certainly have been well for them to have informed us from what particular tribe or tribes this large number of Indians came. If from tribes which are being subsisted at other agencies, then there ought to be a corresponding diminution in the expenses incident to the agencies from which they came, and no additional appropriation ought therefore to be necessary.

If, on the other hand, they came from wild roving bands, with whom the Government has heretofore had no communication and with whom it has heretofore been impossible to enter into any negotiations, it will strike every one with surprise that so large a number of this class of Indians, whom we are advised it is so difficult to collect or retain upon any particular reservation, should thus voluntarily have left the tribes with which they were connected and abandoned the nomadic habits and pursuits to which they are so much attached, by quietly settling down upon limited reservations and continuing to hover for an entire year around these two particular agencies.

But, sir, this is not the first time within the last few years that large numbers of wild and before unheard-of Indians have been discovered for whose maintenance and support largely increased appropriations have been asked.

In the latter part of the spring of 1872 it was discovered by the department here in Washington that there was in the vicinity of Fort Peck, in the Territory of Montana, a wild, powerful, and warlike tribe of Indians of whom nothing had ever before been heard, and who, for the lack of a better name no doubt, were designated as Teton-Sioux.

Their number was estimated at something over eleven thousand. They were represented as being in a state of great destitution, but exceedingly hostile and aggressive toward the whites, and ready to wage a war of butchery, spoliation, and plunder upon the surrounding country, unless immediate and ample provision should be made for their extreme necessities. Accordingly an appropriation of $500,000 was forthwith made for that purpose, which was followed by a similar appropriation of $200,000 last year, and the bill under consideration I find contains a like appropriation of $150,000 for the next fiscal year. When it was first announced that the sum of $500,000 had been appropriated for this purpose, the good people of Montana are said to have been astonished to hear that such an expenditure should have been thought necessary to relieve the necessities and prevent the depredations of a tribe of Indians supposed to be located in their very midst, but of which they themselves had never heard. And I have during the past winter talked with several of the citizens of Montana who have been there for a number of years, and who to this good day are so incredulous as to suppose that the tribe of so-called Teton Sioux is a myth which exists only in imagination rather than a reality in fact. Indeed, soon after the first appropriation of $500,000 for this purpose, so many were the doubts expressed and so meager the information had in reference to the number and location of these Indians that the Secretary of the Interior found it necessary to appoint a commission, consisting of Hon. B. R. Cowan, N. J. Turney, and J. W. Wham, to make a thorough investigation into the facts of the case.

The result of this investigation is fully set forth in a report of that commission, which was on the 10th day of December, 1873, laid before this House, and a copy of which I have before me. From this report it appears that the commission visited the very spot where it was supposed these Indians could be found, and after long-continued and diligent search succeeded in finding only about twenty-eight hundred and thirty-three of the Indians in question; two-thirds of whom, they say, were children under fourteen years of age. And just what means they had of knowing that even these were hostile Tetons rather than Indians being supported by the Government at other surrounding agencies they do not state. It is true they report that they could hear from others of various other hostile bands, headed by warlike chiefs, whom they *supposed* to belong to the Teton tribe, but about these they profess to have no personal knowledge and are able to give no positive information.

And this, sir, is the extent of the information which we have as to the number and location of this powerful and warlike tribe upon whom we are yearly expending such vast sums of money.

This commission, however, further report, that notwithstanding the hostile and warlike character of these Indians, they were nevertheless able to mingle freely with them for more than two weeks without fear of molestation, and upon their return succeeded in inducing a delegation to come with them upon a visit to Washington.

And by reference to a statement of disbursements for the benefit of the Tetons, which was laid before us simultaneously with the report of said commission, I find that there was expended upon this delegation during their stay in this city the startling sum of $24,000. This looks like an enormous expenditure for the entertainment of a small delegation of Indians for a brief period; but it seems to have been the custom of the Indian Bureau for the last few years to expend money as lavishly as possible upon these savage delegations, by the purchase of everything which it is supposed will be either pleasing to their eyes or pleasant to their taste. And that the members of this House and the people of the country generally may have some idea of the hospitalities extended to these delegations during their visits to the capital, I desire just here to refer briefly to some bills of expenditure of recent date for the benefit of Indian delegations visiting Washington, to which my attention was incidentally called a few days since.

Among other items contained in these bills were hair-brushes, at four dollars each; and yet every gentleman on this floor knows that a ten-cent strand of beads would have been to the Indians far more acceptable. Another item was nail-brushes, at one dollar each; whereas we all know that a brass ring worth five cents would have been regarded by the Indians as a treasure of far greater value. There was also charged cakes of toilet soap, at fifty cents each; the like of which doubtless many of our own constituents have never yet enjoyed the luxury of using. Then, again, I saw on the same bills boxes of cigars, at eight dollars each; when a common clay pipe and a handful of ordinary tobacco, at a cost of fifty cents, would have been all that the Indians desired. And still another item, more remarkable than all the rest, were bottles of champagne wine, at four dollars each; when everybody knows that a drink of rifle-whisky, which could be bought at thirty cents per gallon after having paid a revenue tax of seventy cents to the Government, would have been equally palatable to the Indian and have tended quite as much to his civilization.

There are a number of other interesting items charged upon these bills to which, if I had time, allusion might be made, but those to which I have referred sufficiently illustrate the purposes for which the money of the people is expended on these uncivilized delegations when they visit the capital of the country.

I have not had an opportunity of seeing the bill of expenditures incurred for the benefit of the Teton delegation heretofore referred to, but, judging from the amount expended for that purpose, I imagine they must during their sojourn at the capital have been entertained in most princely and magnificent style; and if their comrades in their far-off western homes have been treated as hospitably and fared as sumptuously as the delegation which visited Washington seem to have done, I do not wonder that all is peace and quiet within the camps of the hostile Tetons and that the agent who has them in charge is able to write letters of congratulation over the success which has thus far attended the peace policy.

Mr. Chairman, the management and control of the Indian question is, under the operation of this so-called peace policy, intrusted to so many different persons that it is difficult to tell where the responsibility rests for what has been done or for what there has been a failure to do. Here we have the Secretary of the Interior, the Commissioner of Indian Affairs, the board of Indian commissioners, and the various religious denominations of the country all exercising a greater or less control over this subject, and this being so, it is no wonder that there should be a want of harmony in opinion, a lack of unity of purpose, and a want of concert in action, and that we should have laid before us conflicting statements and contradictory reports in regard to the various matters connected with this service.

Sir, notwithstanding all that has been said in reference to the gratifying success which has attended this policy, its results may be fairly summed up as follows:

It has succeeded in spending nearly twice as much of the public money as was ever before expended in an equal number of years under any former administration.

It has succeeded in violating laws, the provisions of which are positive and peremptory, and the meaning of which is plain and unmistakable.

It has succeeded in laying before us conflicting opinions as to the propriety of disbursements made, and contradictory accounts of the causes which render necessary large appropriations of money.

And finally, it has succeeded in so dividing the responsibility for its management among a multitude of persons that it is impossible to tell who is at fault for any blunder that may have been committed or any wrong that may have been perpetrated.

Sir, this condition of affairs unquestionably calls for a remedy of some kind, but exactly what is best to be done it is difficult to determine.

There is, I understand, a bill pending before this House by which it is proposed to transfer the entire management and control of this much-vexed question to the War Department, where it was in the earlier days of our history, and where it is believed the Indian question was managed far better than now.

This, though possibly not the very best that could be done, would unquestionably be an improvement upon the present system.

The Secretary of War, with nothing but an Army of less than twenty-five thousand men to occupy his attention, and that too under the command of experienced officers, could well afford to devote a good portion of his time to the Indian question; while the Secretary of the Interior, having under his charge the Land Office, Patent Office, Pension Office, and Bureau of Education, necessarily finds himself so occupied with other matters that it is utterly impossible, in the very nature of things, for him to exercise much care or supervision over Indian affairs.

And then the places of the Indian agents and superintendents, whom we are now paying over $100,000 annually, might be better filled by the detail of competent officers and soldiers of the Army, who now loiter idly around their camps without anything even to occupy their attention.

Besides, sir, it is well known that these agents and superintendents, upon whose capability and fidelity so much depends in the administration of Indian affairs, are under the present system appointed on account of political service or party fealty, rather than their qualifications and personal integrity, so that, even when they are *inclined* to be honest, they hold their places by such an uncertain tenure that they are frequently removed before they become fairly acquainted with the duties they are required to perform; while, on the other hand, the officers of the Army, selected on account of their acknowledged merit, are, as a class, at least men of unquestioned integrity, holding their offices during good behavior, and therefore independent of any turn political events may take; and, once acquainted with the duties and necessities of the Indian service, they could manage it more efficiently, and certainly more honestly, than under the present system.

[Here the hammer fell.]

Mr. SHANKS. It would always be much better, I have no doubt, if we could have matters as we want them and not be compelled to take them as we find them. I have no doubt I could find fault with the Christian religion; perhaps I could give some good reason why somebody else should be regarded as not having done exactly as he should have done. But in doing that I might do very great injustice to some who have done as well as they could. I think it is the duty of a statesman when he finds fault with the management of a government, after the declaration of fault, to lay down some plan by which it might be bettered. If that is not the purpose of finding fault, then indeed it would be as well that fault was not found at all.

These people known as the Indians once occupied this whole continent, and at that time they were as proud of their position as we are to-day of ours. In December, 1492, they received their first instructions from the white man that their time had come. And we are told to-day by the gentleman from New York [Mr. WOOD] that for three hundred years we have been grating against these people. He might have gone on and said that during those three hundred years we have ruthlessly, and in a spirit showing the want of Christian forbearance, sacrificed them until millions of them have gone the way of all the earth, and but two hundred and fifty thousand are left for this Congress to quarrel over within the territory now occupied and held by the American people.

I was a little surprised to hear the gentleman from New York assume the position he did, that these people could not be civilized and that they could not be christianized. I do not know why he took either position. So far as civilization is concerned, there are to-day ninety-seven thousand of these people quite as well civilized as are thousands and thousands who live in the city where he has the honor to reside and where he once had the honor to preside. There are ninety-seven thousand of these people who to-day worship the same God that you do, and with perhaps quite as much zeal as does the gentleman from New York, who bids defiance to the salvation offered by the Son of God to all men.

He tells us that they cannot be civilized! Why, sir, these men are civilized; ninety-seven thousand of them are quite as civilized as we are, some of them quite as intelligent. He may go to the Indian Territory and he will find men there speaking the Greek language, the Latin language, the Choctaw, the Chickasaw, and the English; and he cannot do anything of that kind. I think it is unkind for men to assume this position in relation to any other people on earth. I say this for the purpose of calling attention to a fact which I desire now to state, that if it were not for the national prejudice against these people we would have no trouble in settling this matter, and the Indian would have no trouble in raising himself to manhood side by side with you and me.

I tell you that to-day if it was not for the encroachment of white men, commencing with the day that Columbus landed on the island of Hispaniola, and which to-day at sundown will be persecuted with the same zeal for the purpose of taking from these people what they have—if it was not for that, this people would be with you and I, citizens of a common country, as is another class of people who not fifteen years ago we were told in this same Hall were not competent to attend to their own affairs. Yet to-day they have their savings-banks and institutions; to-day they stand on this floor and speak as well as you and I, and a great deal better than you and I—that is, better than I. I beg pardon of the Chair, [Mr. POLAND;] I forgot who was in the chair.

We were told by the gentleman from Kentucky [Mr. BECK] (and I take this view of it because I want to draw attention to that particular point) that some time ago $2,000,000 were appropriated and placed in the hands of the President of the United States to manage matters with the Indians. He closed by averring that under that administration—you will recollect it was managed then by the officers of the Army—the Indian question was managed better than at any other time.

But another Kentuckian [Mr. ADAMS] rose and told you (and told you very truthfully, too) that the details of the management of that $2,000,000 were as yet unknown to this country, and the report did not tell us what had become of it. That is the condition of opinion of the two gentlemen from Kentucky; and I leave the account with them, only saying that the gentleman who last spoke [Mr. ADAMS] stated the facts about that case. That money was wasted. I tell you, sir, to-day that the management of this Indian question by the Army has been the most expensive management known at any time to this country.

It is said that the Indians ought to be turned over to the War Department. But it has been said also that they cannot be christianized or civilized. If that be true, then they ought to be turned over to the War Department, and they ought to be executed at the earliest

possible moment. But I do not believe that they cannot be christianized; I do not believe that they cannot be civilized. I believe from past experience that both can be effected, and that very rapidly.

Instead of turning them over to the War Department, I insist that they ought to be kept under the peace department. I ask the enemies of the peace department to say where in the United States to-day is there an Indian arrayed in hostility against the Government? And I ask another question—when at any time within the last three hundred years, before this peace policy was adopted, have we been able to say the same thing?

The peace policy has brought into the field a class of men whose integrity we cannot doubt. That there are some lingering errors connected with the management of Indian affairs is true. That these errors were very great a short time ago is also true. I might suggest perhaps where some of these errors now lie. But the peace policy, so far as I understand it, has in it every virtue that human nature can bring into it. The peace policy brings into the management of Indian affairs a class of men who are to be indorsed by the churches of the country; so that each respective church stands before the world morally responsible for every man whom it decides should be intrusted with the management of Indian affairs. If any more sacred position can be taken by men, I do not know what it is. If there is anything in Christianity, if it is important that the Indian should understand Christianity, it is certainly important that Christians should be selected to manage his affairs and teach him Christianity.

But, Mr. Chairman, turning the Indians over to the War Department is bad for another reason. The Army cannot possibly teach men all that is necessary or anything that is necessary for an establishment of peace. Why, sir, the War Department is the very opposite of peace. In the name of God, what do we want with the War Department if we have peace? We want a War Department to prevent violations of law—to sustain the Government in its hour of trial when there is no peace. We do not want war in time of peace; and we cannot educate men to the pursuits of peace by educating them to war. Why, sir, we send men to West Point, not to educate them for the church or the pulpit, not to educate them for the plow, not to teach them how to manage stock upon a farm—the things the Indians may be taught. We send them there to learn how to kill men in the quickest and most approved style. That is what you send men to West Point to be educated for; and when you put the Indians under the War Department you put them in the hands of those who I do not say are bad men, but who are trained to a particular pursuit and that pursuit the very thing we do not want to teach the Indians—war. Why, sir, it is not proper to bring before the Indian the fact that he himself may take hold of the weapons of war. You want to teach him peace and the arts of peace. You want him to engage in agriculture and other peaceful pursuits.

Now, I want to call attention to a few things that have been said in this debate. The gentleman from New York [Mr. WOOD] was very anxious to say that I had made a report in which I brought forward a statement made by an Indian—Joseph, of the Willowa Valley. I am glad the gentleman made that allusion, because I want to place on record a statement made by that man, for of all the men whom I have met, white, black, or red, I never saw one who impressed me with having a better view on the subject in question. Joseph, of the Willowa Valley is not a Christian gentleman; he was never taught Christianity. I asked him, however, in council whether he desired to have schools on his reservation. He answered me, "No." I asked him why. He said, "If we have schools on the reservation they will teach us to have churches." He said that with a solemnity that I have never myself learned in my Quaker training. I then asked, "Why do you not want churches?" His answer was: "They will teach us to quarrel about God." If an expression more valuable than this ever passed the lips of man I would like to know what it is. What is the sequel of that? Why, sir, there is a contest to-day upon the Nez Percé reservation between the Catholic and Protestant churches as to which shall have priority; and each professes to teach to the Indian God according to their views.

Now, sir, from the time Columbus discovered America these people have never had justice done to them. They would have learned the Christian religion if you had not burned them at the stake because they were not willing to be slaves. They would have learned the Christian religion if you had not quarreled about God. They would have learned the truth if you had not quarreled continually about what the truth really was.

We are told with majestic eloquence and with much sympathy, as it were, that it has cost us a great deal of money to manage the matter. Now, here is a continent. It was theirs. Now the continent is ours. They have a few acres left which we are told to-day they hold, not of the original right which God gave them, but which they hold, at our will. They hold by right of occupancy—an occupancy they hold of right as you to-day have the right to hold of God.

With that understanding, we are still told it costs something to take care of these Indians. What has it cost them? It has cost the sacrifice of race. It has cost the right to all their lands. It has cost them the only hope they ever had of making themselves among men a race and a power. They are to-day nothing, and we are everything. Yet, sir, we are quarreling about paying the little balance we owe them for lands we have taken from them.

Now, Mr. Chairman, in estimating this cost we do not stop to think that this whole continent is ours. We do not stop to think we have acquired it piece after piece, section after section, State after State, and promised to pay the Indians for it, and then passed laws, which are upon our statute-books, where they have stood from 1802 to 1872, in which we have promised to, and did, pay every fellow who would come and make his claim against them out of their moneys all he and his associates demanded, until we have robbed them of nearly all the money arising from the sale of their lands and leave them to-day paupers. Half the legislation we have enacted since I have been connected with the Indian Committee has been to provide homes for poor, helpless tribes that have been plundered of the proceeds of the lands they sold to us, until to-day they are helpless before their enemies, starving for bread and asking Congress to give them aid, and yet Congress quarrels about their management without laying down any remedy, and finds fault without even so much as giving them an opportunity to believe in the same God we do.

Now, I know it is a common saying among men if a man speaks for the Indians he must necessarily be a fanatic. I am willing to be such a fanatic, and I wish to the Almighty God there were two hundred and ninety-one fanatics on this floor who had integrity and virtue enough to stand by our treaties and to the contracts made with the Indians, and give them back the value of that which you took from them by force. I say two hundred and ninety-one; because that is all there is of us, excepting these territorial representatives, and you do not let them vote.

I have not time to take up fully this Indian subject. I am only talking a little for the sake of God and humanity. I wish I had time to take it up in all its branches and demonstrate to the House what there is in it. If you viewed it, Mr. Chairman, (Mr. POLAND in the chair,) as I do, after carefully studying it, you would be their advocate against their cruel foes until your hair is grayer than it is to-day. Gray hairs, I know, are venerable, and I know the gentleman from Vermont [Mr. POLAND] would do the fullest justice to these poor, hunted, helpless children of the forests and plains.

They tell us these expenses are very great. Let us look at it. There are two hundred and seventy thousand Indians. They cost this year something like $4,000,000, and a large portion of that is for interest on the money we owe them. You have an Army of the United States of only twenty-five thousand men for which you are appropriating $28,000,000 a year. Last year the appropriation for the Indians was $6,000,000, while the appropriation for the Army was over $34,000,000. Thirty-four million dollars for taking care of about thirty thousand men; and yet here are two hundred and seventy thousand Indians for whom we appropriate only $4,000,000, about which there is so much complaint! Notwithstanding all the benefits you have obtained from the Indians, notwithstanding you have taken from them this entire continent, yet you come and complain about paying them the small pittance of less than one-fourth of the amount it takes to keep up your Army of twenty-five thousand men. I think this rather cold charity for these people. I wish to say simply, I hope and trust those who hereafter utter complaint about the Indian appropriation bill will be kind enough to give us some better mode of managing Indian Affairs. Let those who propose to put the care of the Indians under the Army show some good plan by which they can be better managed under the War Department than now; how they can be better civilized under that mode of treatment than has heretofore been possible.

I wish to say one word more. The gentleman from Texas, [Mr. HANCOCK,] for whom I have a very high regard, stated that wrongs had been done by the Indians to the people of Texas, and he wished to place the Indians in the hands of the War Department on that account. Now, I wish to call attention to this fact, that a grand jury of the United States court in Texas found that it was the Mexicans who committed those offenses to which the gentleman has referred, all along the southern border of Texas. General Sheridan, in testifying before the Committee on Indian Affairs, stated in effect that the depredations in Texas by Indians on the other frontier were incited and encouraged by white men, who induced them to steal cattle for a paltry consideration to the Indians, and then sold them to the Government. The testimony went to show that these depredations in the State of Texas were due on the north to white men, and on the south to Mexicans. General Sheridan had to defend a suit for over $40,000, brought against him by these dishonest white men, and only escaped judgment by proving that these same white men induced the Indians to steal the cattle which Sheridan had seized. This, therefore, was no original violation of law by Indians, and there is no reason why the administration of Indian affairs should be placed in the hands of the War Department. But on that account it is a reason why some steps should be taken to protect Indians against bad white men.

Mr. HANCOCK. I wish to correct the gentleman's statement. That was a thousand miles away from the Fort Sill reservation, being on the Lower Rio Grande.

Mr. SHANKS. It was at Brownsville, Texas, in the court for the southern district.

Mr. LOUGHRIDGE. As we are to have by order of the House a session to-night, I move that the committee rise.

Mr. GARFIELD. Let us first read a paragraph or two of the bill.

The Clerk proceeded to read the bill by paragraphs for amendment, and read as follows:

That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the current and contingent expenses of the Indian Department, and fulfilling treaty stipulations with the various Indian tribes.

For pay of one superintendent of Indian affairs for the central superintendency, $2,500.

Mr. LOUGHRIDGE. I offer the following amendment:

Strike out lines 8 and 9, as follows: "For pay of one superintendent of Indian affairs for the central superintendency, $2,500," and insert in lieu thereof, "for pay of two superintendents of Indian affairs for the central and northern superintendencies, $2,000 each, $4,000."

The amendment was agreed to.

The Clerk resumed the reading of the bill, and read as follows:

For pay of sixty-five agents of Indian affairs, at $1,500 each, except the one at Iowa, namely:

Six for the tribes in Oregon, namely, Warm Springs, Klamath, Grand Ronde, Siletz, Umatilla, and Malheur agencies;

Three for the tribes in Washington Territory, namely, Neah Bay, Yakama, and S'Kokomish agencies;

Three for the tribes in California, namely, Hoopa Valley, Round Valley, and Tule River agencies;

Two for the tribes in Nevada, namely, Pi-Ute and Walker River, and Pyramid Lake agencies;

Two for the tribes in Idaho, namely, Nez Percé and Fort Hall agencies;

Four for the tribes in Montana, namely, Flathead, Blackfeet, Crow, and Milk River or Fort Peck agencies;

Ten for the tribes in Dakota, namely, Red Cloud, Whetstone, Yankton, Ponca, Upper Missouri, Grand River, Cheyenne River, Fort Berthold, Sisseton, and Devil's Lake agencies;

One for the tribes in Wyoming, namely, Shoshone and Bannack agencies;

One for the tribes in Utah, namely, Uintah Valley agency;

Four for the tribes in New Mexico, namely, Abiquiu, Navajo, Mescalero Apache, and Southern Apache agencies;

Two for the tribes in Colorado, namely, Los Piños and White River agencies;

Six for the tribes in Nebraska, namely, Great Nemaha, Omaha, Winnebago, Pawnee, Otoe, and Santee agencies;

One for the tribes in Kansas;

Seven for the tribes in the Indian Territory, namely, Kaw or Kansas, Sac and Fox, Quapaw, Neosho, Kiowa and Comanche, Upper Arkansas, and Wichita agencies; and the superintendent of the central superintendency shall perform the duties of agent for the Cherokees, Creeks, Choctaws and Chickasaws, and Seminoles;

One for the tribes in Minnesota, namely, at the Chippewa agency;

One for the tribes in Iowa, namely, at the Sac and Fox of Iowa agency, $500;

Two for the tribes in Wisconsin, namely, at the Green Bay and La Pointe agencies;

One for the tribes in Michigan, namely at the Mackinac agency;

One for the New York Indians, namely, at the New York agency;

Seven for the tribes in Arizona, namely, Colorado River, Papago, Pima and Maricopa, Chiricahui, San Carlos, Camp Apache, and Moquis Pueblo agencies, in all $36,500: *Provided*, That it shall be the duty of the President to dispense with the services of such Indian agents herein mentioned as may be practicable; and where it is practicable he shall require the same person to perform the duties of two agencies for one salary.

Mr. LOUGHRIDGE. I offer the following amendment:

In line 10 strike out "sixty-five" and insert "sixty-seven;" so it will read, "for pay of sixty-seven agents of Indian affairs."

The amendment was agreed to.

Mr. BECK. I desire to know from the gentleman who has this bill in charge what reason there is for increasing the number of Indian agents? I wish to ask him also this question: whether any report has been made by the President, or by his authority, as to the disposition of the money he was authorized to divert or pay out to farmers, mechanics, &c? By the law passed last year he was required to make a report to Congress of what he had done with it, and I wish to know if any report of that sort has been made.

Mr. LOUGHRIDGE. I think there is a decrease in the number of agents from what it was last year.

Mr. BECK. How many had you last year?

Mr. LOUGHRIDGE. I find that the number last year was seventy-three. We have increased in some places and decreased in others, but there is a decrease in the entire number.

With reference to the other question which the gentleman propounded in regard to the employés at these agencies, I desire to call his attention to section 4 of this bill, which limits the amount to be paid to these employés.

Mr. BECK. We made a provision last session of Congress that whenever there were a number of useless employés provided, as was admitted to be the case, because the Indians in many cases were not in a condition to receive them, the President might apply the money for the benefit of the Indians in other ways, and report to Congress. I have not the act in my hand at this moment or I would read it. I wish to know if a report of that has been made. If it has been I have not seen it.

Mr. LOUGHRIDGE. We have the report, but it has not been printed.

I will say to the gentleman that we have a provision in this bill which, I think, will save about $250,000 in the pay of these employés to the Government.

I now move to amend in line 34, by striking out "four" and inserting in lieu thereof "five;" so that it will read:

Five for the tribes in New Mexico, namely, Abiquiu, Navajo, Mescalero, Apache, and Southern Apache agencies.

The amendment was agreed to.

Mr. LOUGHRIDGE. I move further to amend that paragraph by inserting after the word "namely" the word "Pueblo."

The amendment was agreed to.

Mr. LOUGHRIDGE. I move further to amend by striking out, on page 3 of the bill, after the word "and" in line 43, down to and including the word "agent" in line 45, as follows: "the superintendent of the central superintendency shall perform the duties of agent," and inserting in lieu thereof the word "one;" so that it will read:

Seven for the tribes in the Indian Territory, namely, Kaw or Kansas, Sac and Fox, Quapaw, Neosho, Kiowa and Comanche, Upper Arkansas, and Wichita agencies; and one for the Cherokees, Creeks, Choctaws and Chickasaws, and Seminoles.

The amendment was agreed to.

Mr. LOUGHRIDGE. I move to amend in the same paragraph, in line 41, by striking out "seven," and inserting in lieu thereof "eight."

The amendment was agreed to.

Mr. LOUGHRIDGE. I move to amend by inserting after the word "Kansas" the word "Kickapoo."

The amendment was agreed to.

Mr. LOUGHRIDGE. I now move that the committee rise.

Mr. SHANKS. Before that motion is put, I have an amendment which I desire to offer to the seventeenth line.

Mr. LOUGHRIDGE. The gentleman can do that this evening; he had better let us rise now.

Mr. SHANKS. Very well.

Mr. BECK. Allow me one moment. I desire to call the gentleman's attention to a provision of law about which I desire to ask him, and I do it now so that he may be able to look it up before the session of this evening. It is a provision of the act of February 14, 1873, and is as follows:

Provided, That the several appropriations herein made for teachers, millers, blacksmiths, engineers, carpenters, physicians, and other persons, and for various articles provided for by treaty stipulation, may be diverted to other uses for the benefit of the various Indian tribes, within the discretion of the President, and with the consent of said tribes expressed in the usual manner; and that he cause report to be made to Congress, at its next session thereafter, of his action under this provision.

I would inquire if any thing has been done under that provision? The gentleman can answer me after the recess.

Mr. LOUGHRIDGE. I insist on my motion.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. POLAND reported that, pursuant to the order of the House, the Committee of the Whole on the state of the Union had had under consideration the state of the Union generally, and particularly the bill (H. R. No. 2343) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1875, and for other purposes, and had come to no resolution thereon.

Mr. GARFIELD. I ask unanimous consent that for the session of this evening on the Indian appropriation bill less than a quorum in Committee of the Whole may be authorized to proceed with the consideration of the bill and to act upon it.

Mr. MAYNARD. I hope that proposition will be acceded to.

Mr. GARFIELD. I will state that a sub-committee of the Committee on Appropriations have worked very faithfully upon the bill and understand it thoroughly; and I have no doubt the public interest will be promoted by the agreement I suggest.

Mr. BECK. I object.

Mr. MAYNARD. O, I hope the gentleman will not insist on that objection.

Mr. BECK. I insist on a quorum being present.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. SYMPSON, one of its clerks, notifying the House that that body had passed, without amendment, bills of the House of the following titles:

An act (H. R. No. 259) for the relief of James W. Glover, postmaster at Oxford, in the State of New York;

An act (H. R. No. 497) granting a pension to William Hafford, of South Yarmouth, Massachusetts;

An act (H. R. No. 814) granting a pension to Olive S. Breed;

An act (H. R. No. 816) granting a pension to Jane La Font;

An act (H. R. No. 1364) to amend an act entitled "An act to regulate the carriage of passengers in steamships and other vessels," approved March 3, 1855;

An act (H. R. No. 1396) granting a pension to Thomas J. McIntire, of Rowan County, Kentucky;

An act (H. R. No. 1951) granting a pension to Isaac M. Grant;

An act (H. R. No. 3161) to enable the Secretary of War to carry out the act of April 23, 1874, entitled "An act to provide for the relief of persons suffering from the overflow of the Mississippi River;"

An act (H. R. No. 1562) for the relief of Jacob Parmerter, reimbursing him for defending a suit brought against him for an official act;

An act (H. R. No. 1230) granting a pension to Elizabeth W. Prindle, guardian of the minors of Joseph F. Doak, deceased;

An act (H. R. No. 2096) granting a pension to James Roach; and

An act (H. R. No. 1227) granting a pension to Eliza A. Maxham;

It further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

An act (S. No. 320) fixing the number of paymasters in the Army of the United States;

An act (S. No. 457) to declare the true intent and meaning of a certian portion of the treaty with the Sioux Indians concluded April 29, 1868;

An act (S. No. 503) for the relief of Susan R. Moore, a relative and legatee of Phœbe Sofield, a pensioner;
An act (S. No. 595) for the relief of Benjamin Cooley and James W. Boswell;
An act (S. No. 596) for the relief of H. W. Read;
An act (S. No. 597) for the relief of William A. Griffin;
An act (S. No. 609) granting a pension to Margaret A. Hoffner;
An act (S. No. 613) granting a pension to Jefferson A. French; and
An act (S. No. 614) to provide for the removal of the wreck of the ship Patrician, near the entrance of the harbor of San Francisco, California.

ENROLLED BILL SIGNED.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:
An act (S. No. 350) providing for the payment of the bonds of the Louisville and Portland Canal Company.

WASHINGTON MONUMENT.

Mr. CHIPMAN, by unanimous consent, from the Select Committee on the Washington Monument, submitted a report in writing; which was recommitted to the committee, and ordered to be printed.

UTAH CONTESTED-ELECTION CASE.

Mr. HARRISON, by unanimous consent, presented the views of the minority in the contested-election case from the Territory of Utah, Maxwell *vs.* Cannon; and the same was ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. PELHAM, by unanimous consent, the Committee on the District of Columbia was discharged from the further consideration of the petition of E. F. M. Faehtz and F. W. Pratt, and the same was referred to the Committee on Appropriations.

INDIAN APPROPRIATION BILL.

Mr. LOUGHRIDGE. I desire to give notice that if necessary I shall call for a quorum this evening in the consideration of the Indian appropriation bill.

Mr. STEELE. I send to the Clerk's desk an amendment which I shall offer to the Indian appropriation bill when in order. I ask unanimous consent that it be printed.

There was no objection, and it was so ordered.

Mr. GARFIELD. I again ask unanimous consent that the Committee of the Whole be permitted to proceed this evening in the consideration of the Indian appropriation bill without a quorum, provided there should not be a quorum here.

The SPEAKER. If there be no objection, that order will be made.

Mr. BECK. I insist on my objection.

Mr. GARFIELD. Then I insist on the motion that the House now take a recess.

Mr. LOUGHRIDGE. I shall insist on a call of the House if there is no quorum here.

The motion of Mr. GARFIELD was agreed to, and accordingly (at four o'clock and forty-five minutes p. m.) the House took a recess until half-past seven o'clock p. m.

EVENING SESSION.

The recess having expired, the House reassembled at half-past seven o'clock p. m., Mr. LOUGHRIDGE in the chair as Speaker *pro tempore*.

Mr. SHANKS. I move that the rules be suspended and the House now resolve itself into Committee of the Whole on the pending appropriation bill.

The motion was agreed to.

INDIAN APPROPRIATION BILL.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union (Mr. POLAND in the chair) on the bill (H. R. No. 2343) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1875, and for other purposes.

Mr. BUTLER, of Tennessee. I move to strike out the eighth and ninth lines of the printed bill as amended.

The clause was as follows:

For pay of two superintendents of Indian affairs for the central and northern superintendencies, $2,000 each, $4,000.

Mr. ATKINS. I would ask my colleague what is his object in making that motion?

Mr. BUTLER, of Tennessee. My object is this: there is no more necessity for these superintendents of Indian affairs than there is for five wheels to a wagon. We formerly had eight of them, then we reduced them to one, and the committee has now amended the bill so as to provide for two. We provide for sixty-five agents, and they can report directly to headquarters here, to the Interior Department, instead of reporting to these superintendents. These superintendents are useless. The service has been much better performed since the eight we formerly had were taken away entirely. There is no necessity for a superintendent. My amendment is in the interest of economy, about which we all clamor so much, and I hope it will be adopted.

Mr. SAYLER, of Indiana. What is the business of those superintendents?

Mr. BUTLER, of Tennessee. Nothing in the world. If an agent is stationed a thousand miles east of a superintendency and he wants to send a letter to Washington, he must send it through the superintendent.

Mr. LOUGHRIDGE. I did not suppose that the gentleman was sincere in his motion to strike out, and I thought he certainly would not insist upon it, for if adopted it would derange all this part of the Indian service. It is important that these superintendents shall be retained, shall be in the Indian Territory. The Department is proceeding upon the idea of getting all the Indians into the Indian Territory; and every year additional Indians come into the Territory. We had formerly six superintendents; we have been cutting them down gradually, and have now cut off all but these two. The Friends in this country, at the request of the President, went into the business of endeavoring to instruct the Indians; they were the first who went into it; they went into it with a great deal of determination and industry. That society has spent over $100,000 of its own means in this business. Men who are wealthy left their homes in Philadelphia and in other parts of the country and went down there at their own expense and spent weeks and weeks in the Indian Territory looking after these Indians. When the Friends took charge of this business it was the understanding that they should have this superintendent. It was the understanding of the Quakers who took charge in Nebraska that they would have the superintendent there. The committee looked over all this question and carefully through all this bill. I think there is nothing in the bill which should not be there, and nothing there which can be dispensed with.

Mr. COBB, of Kansas. Will the gentleman allow me to ask a question?

Mr. LOUGHRIDGE. Certainly.

Mr. COBB, of Kansas. Will the gentleman be kind enough to specify any duties which these superintendents have to discharge?

Mr. LOUGHRIDGE. They have the entire charge of going over the Territory and looking after the interests of these Indians. It takes Mr. Hoag most of his time to do so.

Mr. BUTLER, of Tennessee. What duties do the agents perform?

Mr. LOUGHRIDGE. They look after the tribes of which they are agents. The superintendent has charge of the whole field. Why do we have a general in the Army, and a colonel under him, and a captain under the colonel? Why not have the captain do all the work?

Mr. BUTLER, of Tennessee. They do do all the work.

Mr. LOUGHRIDGE. Why not let the captains report to the general?

Mr. BUTLER, of Tennessee. This is not an army.

Mr. LOUGHRIDGE. The superintendent has charge of the whole field. I say what I know, that there is not a better man or a more devoted man in the United States than Mr. Hoag, and he spends all his time in this work. Adopt this amendment and you will break down the service in that country. I know the party in whose interest this amendment is offered, and it is not for the good of the service.

Mr. BUTLER, of Tennessee. I do not know anything about interested parties, but I know that there were formerly eight or nine of these superintendents.

The CHAIRMAN. Debate on the pending amendment has been exhausted.

Mr. COBB, of Kansas. I move to strike out the last word, and yield to the gentleman from Tennessee, [Mr. BUTLER.]

Mr. BUTLER, of Tennessee. We formerly had eight of these superintendents. The number was curtailed, as the gentleman from Iowa [Mr. LOUGHRIDGE] has told you, until the committee brought in a bill for but one. The service was done better after the number was curtailed than before. They had nothing to do but to stay at one point and forward communications from sixty-five agents to whom we pay over $90,000 annually, the agents discharging all the duties and performing all the work. This is a sort of appendage that performs no service, and is as useless to the system as a fifth wheel would be to a wagon.

Mr. COBB, of Kansas. Mr. Chairman, I most heartily support the motion to strike out the eighth and ninth lines of this paragraph. I say distinctly, from some knowledge of the relations of these Indians and this superintendent, that he is simply a fifth wheel to the coach—nothing more nor less. Those agents do business directly with the Indian Department; and when I asked the gentleman from Iowa [Mr. LOUGHRIDGE] to specify particularly what duties the superintendent of Indian affairs for the central superintendency or the northern superintendency has to perform, he said in general terms that he has to supervise the agents. Now, sir, the agents give their bond directly to the Government; they transact their business directly with the Indian Bureau and not through the superintendent. The simple fact is, that if the Government has any business to transact with a tribe through the agent, the superintendent comes in as a clog instead of an assistance in the transaction of such business. For instance, let any question spring up in relation to the Indian lands in Kansas; the question will be referred to the superintendent, and he will refer it again to the agent. Whatever report comes here relative to those lands is the report of the Indian agent, that report being delayed, probably, for two or three weeks by reason of the fact that a third party, who gets his information from the agent, and nowhere else, has to be consulted.

I unite with the gentleman from Iowa in stating that Mr. Hoag is

a most excellent man; so are the Quakers most excellent citizens; but I know no reason why any society of men should claim to hold an office which is of no benefit to the Government.

Mr. LOUGHRIDGE. I would like to ask the gentleman one question. If the society of Quakers in the United States come forward and pay out of their own pockets $100,000, and agree with the Government to take charge of those wild Indians on the condition that they shall have the superintendencies, and if representatives of that society are appointed to those positions, is it manly, is it honorable, is it just for the Government to turn round and kick out those superintendents?

Mr. COBB, of Kansas. Not if the officers are a necessity to the Government; but if they are not necessary for the interest of the Government, and the Quakers ask for that which is not a necessity, I say I would kick a Quaker out of an office that was not necessary as quickly as I would kick out any other man.

Mr. LOUGHRIDGE. One other question. Under the gentleman's view, what becomes of the $100,000 that this society gives? Would we make anything by turning out those superintendents and driving the Quakers out of this service?

Mr. COBURN. Do they give the money on that condition?

Mr. LOUGHRIDGE. Yes, sir; they took hold of the Indian service on that condition; they had an understanding of that kind with the Government.

Mr. COBB, of Kansas. I am looking merely at the question of the necessity for these officials.

Mr. LOUGHRIDGE. We would lose in dollars and cents by doing what the gentleman advocates.

Mr. PARKER, of Missouri. I move to amend by striking out the last word. I do not desire to maintain the position that this superintendent should be retained in the service because he is a Quaker, although I have the warmest feelings toward that class of people on account of their opinions on this Indian question. I go upon the higher ground of the necessity of this superintendent. I do not believe that he is necessary as the superintendent for any of the more civilized tribes in the Indian Territory, such as the Cherokees, Choctaws, Seminoles, Creeks, and a few others that might be mentioned. But west of these tribes in that Territory there are to-day over 12,000 Indians——

Mr. COBB, of Kansas. Then why not transfer the superintendency from the civilized community out among those tribes where it ought to be?

Mr. PARKER, of Missouri. I think it best that the headquarters should be where they are now. But I was going on to give my reasons for the belief that a superintendent is necessary there. There are two or three prominent points where the Indians who have been recently warlike and savage in their disposition toward the whites are now concentrated. The western part of the Indian Territory is one of those points. Over twelve thousand Indians, consisting of bands of Cheyennes and Arapahoes and a few Apaches, the Kiowas and Comanches, and a lot of other consolidated tribes, are all there under the management of this superintendency. Their condition is to a certain extent civilized, compared with what it was two or three years ago; and this has been brought about in a large degree under the management of this superintendent. I believe that it is necessary, so far as those wild Indians are concerned, that this superintendency should be continued for the present. I desire to join with my colleague on the committee [Mr. LOUGHRIDGE] in saying that the Society of Friends are to-day contributing fully as much by their money and their personal exertions toward the civilization of these wild Indians as the Government is. This superintendent is a most excellent man; everybody agrees on that. The committee were as desirous as anybody else to dispense with these superintendents wherever it may be possible. But we do not believe the good of the service will at present permit the discontinuance of this superintendency. We believe that these twelve thousand Indians, made up of consolidated tribes in the western part of that Territory, should be cared for. The testimony taken before our committee goes to show that there is no necessity for a military officer or a soldier in all that country. The only necessity for the military is upon the southern border of that country, where a line of military posts should be established to keep the wild young men from raiding upon the people of Texas.

These people say to their superintendent and agents they can manage all these twelve hundred recently wild and savage Indians without the aid of the military. All they ask is the military shall aid them on the southern line of the country in keeping the people back from going into Texas.

Mr. HAWLEY, of Illinois. Let me ask a question. I understood the gentleman from Missouri, [Mr. PARKER,] and the gentleman from Iowa [Mr. LOUGHRIDGE] who has the bill in charge, to say that somebody gives $100,000 to the Government. If that be so, why do they not pay these agents? These agents, I am lead to believe from this discussion, are furnished at the request of these people.

Mr. LOUGHRIDGE. These Quakers gave this sum of money, with the understanding that when they went into the service they should have the right to appoint these Indian agents. Now, to turn round and put them out, after this agreement has been entered into, of course they would lose all further interest in the matter.

Mr. BUTLER, of Tennessee. Let me see what is the position occupied by the gentleman from Missouri [Mr. PARKER] and the gentleman from Iowa, [Mr. LOUGHRIDGE.] This bill provides for seven agents, at a salary of $1,500 each, for the tribes in the Indian Territory, namely: Kaw or Kansas, Sac and Fox, Quapaw, Neosho, Kiowa and Comanche, Upper Arkansas and Witchita Indians. They are the very bands of Indians these gentlemen say these agents are not necessary for. They are to have agents at a salary of $1,500 each. The bill then goes on and provides further for one superintendent for the central superintendency, who shall do the duties of the same for what? For the wild and uncivilized? No, sir; but that the superintendent of the central superintendency shall perform the duties of agent for the Cherokees, Creeks, Choctaws, and Chickasaws, and Seminoles, the very Indians who do not require an agent; and the very tribes the gentlemen say this man ought to superintend are given to agents, and this superintendent is put over the Cherokees, Creeks, Choctaws, and Chickasaws, and Seminoles.

Mr. LOUGHRIDGE. The gentleman is mistaken. The bill has been amended, and he may not have been in when it was done to-day. The superintendent has no jurisdiction over these civilized tribes.

Mr. BUTLER, of Tennessee. Has he over these others?

Mr. LOUGHRIDGE. What others?

Mr. BUTLER, of Tennessee. Those not civilized.

Mr. LOUGHRIDGE. Not over the five tribes the gentleman has indicated.

Mr. BUTLER, of Tennessee. We have seven agents over them, and we make only one agent for seven civilized tribes.

Mr. COBB, of Kansas, by unanimous consent, withdrew his motion.

Mr. SPEER. I renew it *pro forma* to make an inquiry of my distinguished friend from Iowa, who is in charge of the bill; and my inquiry, I will say, results from a little practical connection I have had with the Commissioner of Indian Affairs. A former citizen of my county who removed to Missouri entered into some arrangement for the occupancy of real estate in the Indian Territory with the Indians, but subject, it seems, to this superintendent of Indian Affairs there. Difference of opinion, it appears, arose between the superintendent and citizen as to the time at which the lease for the real estate expired. The Indians themselves were satisfied with the view the citizen took of the lease and the time it had to run, but the superintendent interfered and said although the Indians themselves were satisfied, and although the citizen was satisfied, yet he for reasons of his own said the lease expired and must end. Application was made through myself and another member of the House to the Commissioner of Indian Affairs for redress. The matter was submitted to Mr. Smith and by him referred to Superintendent Hoag, and by him referred to the agent in charge of the Indians immediately affected. The evidence was taken and reported by the Indian agent to the superintendent and by him reported to the Commissioner of Indian Affairs.

My inquiry is this, What are the specific duties under the law of the superintendent? Are his powers and duties defined by law or do they lie within the undefined limit of his discretion? The Commissioner of Indian Affairs is an officer known to the law. If he errs he is responsible—responsible to the law, responsible to his superior; but this intermediate grade of superintendent is an irresponsible, unrecognized office, the duties of which lie within the discretion of the person appointed superintendent. He is responsible to no defined law. He is accountable to no superior for errors of judgment, sometimes of a most aggravated character, inflicting most serious consequences and injury to the citizen. There seems to be no recognized legal redress. This case to which I refer, pending now, it seems to me is a practical illustration of the uselessness and dangerousness of this position or office of superintendent.

Who is he? What law authorizes his appointment? What law defines his duties? To whom beyond his own discretion is he responsible?

[Here the hammer fell.]

Mr. LOUGHRIDGE. The gentleman from Pennsylvania has asked me a question, and I desire to answer it. It is not the business of the Committee on Appropriations to pass laws to establish offices. These superintendencies have been established for fifteen or twenty years. It is an old office in the Indian service. They report, as I understand it, to the Commissioner of Indian Affairs. They are appointed under an old law, passed in 1851.

I cannot undertake now and here to state all the duties of these superintendents. It is understood in the Department of the Indian service that they have certain defined duties and a certain defined jurisdiction. It is desired and recommended by the Secretary of the Interior that these officers shall be continued, and I presume the Secretary understands what officers are required in the organization of the Indian service.

Now let me say for the information of some gentlemen who may not fully understand this matter that there are in the Indian Territory about seventy-two thousand Indians. Sixty thousand of those, including the five tribes spoken of by the gentleman from Tennessee, [Mr. BUTLER,] are civilized. They do not really require an agent. Each of those five tribes up to the present time has had an agent. In this bill we strike off four of those agents and place the five tribes under one agent, thus saving four agents; because the agent there really has nothing to do but to receive the money from the Government and pay it to the tribe. The twelve thousand Indians outside of the civilized tribes in that Territory are wild Indians, Indians who have been on the war-path, Cheyennes and Arapahoes, who, as I

stated yesterday, cost us in 1854, 1855, 1856, and 1857 sixty million dollars to fight them. The Comanches and Kiowas down on the borders of Texas, in this same territory, are also very wild Indians. They have been giving for years a great deal of trouble to the people of Texas. They have been continually on the war-path and continually over in Texas, stealing cattle there.

Now, the Quakers took control of these wild tribes, and these are all they ever had charge of; they took control of them in their wild condition and have succeeded admirably in their dealings with them; they are now all staying on their reservations. And it seems to me that now to come in here and disorganize this service, where these Quakers are doing so much good to the Indians, would be an unwise policy to adopt for the sake of saving a few hundred dollars of pay to a superintendent.

Let me say this to the committee: If this Congress sees fit to strike off this superintendent, this large body of people—and I do not speak of them as any better than other people, although it is well known that the Quakers are among the very best people in the country for work like this—would, I know, feel like giving up that service. And I ask the committee whether, for the sake of a few hundred dollars, we should permit them to give up so important a work?

The CHAIRMAN. The question is upon the amendment of the gentleman from Tennessee [Mr. BUTLER] to strike out lines 8 and 9 of the bill.

The question being taken on the amendment, there were—ayes 21, noes 45.

The CHAIRMAN. The amendment is lost.

Mr. STORM. I call the attention of the Chairman to the fact that a quorum has not voted. I think we should not do business here without a quorum.

The CHAIRMAN. Does the gentleman make the point that a quorum has not voted?

Mr. STORM. I do.

The CHAIRMAN. If the gentleman insists on it the Chair will order tellers.

Mr. STORM. I do not insist on it. But I think it is for the Chair to see that a quorum votes on a division.

The CHAIRMAN. The Chairman will raise no question of that sort.

Further count was not insisted on, and the amendment was not agreed to.

Mr. PURMAN. I offer the following amendment:

Between lines 46 and 47 insert "one for the tribe of Seminoles in Florida, $1,000."

I beg to call the attention of the committee to the fact that we have in the State of Florida over three hundred Indians, the remnant of the original Seminole tribe. This fact seems to have been overlooked by the United States Government since the close of the Seminole Indian war, and I now desire to present their claims for consideration, that a channel of communication may be opened between this tribe and the Indian Department at Washington.

These Indians are a foreign body or nation in our State, having no connection or interest in common with our people. They roam over a most beautiful portion of country to the east and north of the everglades, but make their more permanent homes within the everglades, upon the most charming and prolific islands in the world.

Hardly any communication exists between these Indians and our people, and in this exclusiveness is found the cause of our long-continued harmony. This harmony will no doubt last forever, but it is not founded upon a sound basis. Relations of amity and friendship should be cultivated with them, and the benefits of civilization should be extended over them.

What is needed is more mutual confidence and communication upon the safe foundation of a mutual protection. We have no mode of adjudication between them and our citizens. There is no officer or agency who can take their complaints or necessities into consideration. They are not subject to our laws, and there are no mutual remedies for grievances, if any should ever arise between us.

Mr. CROUNSE. Why are they not subject to our laws?

Mr. PURMAN. They are not subject to our laws simply because the Indians in this country are regarded in the nature of a foreign nation, and have only treaty relations with the General Government.

Mr. LOUGHRIDGE. Are they not made citizens under your laws?

Mr. PURMAN. We have opened the way to citizenship by the provisions of our State constitution to all classes of people within our limits, including Indians, but without first being taught the manners and customs of civilization it is not possible for these Indians to avail themselves of the political and civil blessings within their reach.

Now, the only way to reach these Indians is through an agency. They must be brought in contact with some agent of this paternal Government here in Washington; somebody in whom they can have confidence, some one who comes there authorized to treat with them, to consider their wants, and make known their necessities to the Federal Government. There is but one way in which this can be done, and that is through this agency.

I send to the Clerk's desk and ask to have read a communication which I addressed to the Commissioner of Indian Affairs, and his answer thereto, upon this subject.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES,
Washington, D. C., May 1, 1874.

SIR: I beg to call your attention and request your official co-operation in behalf of the interests of the remnant of the Seminole tribe of Indians, about three hundred and fifty in number, still remaining in the southern portion of the State of Florida. Judging by the history of the Indian wars in Florida, the immense expenditures, and the meager results obtained, these Indians will forever remain in our State, and their forcible dislodgment and emigration beyond the Mississippi will never again be attempted by the United States Government.

Their permanent continuance in our State is therefore a question of vital importance to us. They cannot, in safety to our great interests, continue as savages, and they must not, in defiance of these great interests and civilization. They are an independent people in our midst, bound by no tie of society to our population, by no moral or legal obligation to our government. As a foreign tribe or nation they have even no treaty connection with the United States Government. They are simply strangers and savages in our midst; and as long as they remain in this uncared-for character will be a foreign element of danger and destruction to the peace and welfare of our State. They are peaceable but exceedingly exclusive in their manners, hold as little intercourse with our citizens as possible, and live in all the primitive habits of their progenitors.

The State of Florida has not the power nor the means to extend her paternal and civilizing kindness and provision over these Indians, yet she has extended to them a tender of political privileges, and prepared the way for their civil and political identification with our inhabitants. But without preliminary expenditures of money for their civilization, education, and preparation for the duties of industry, Christianity, and citizenship, these neglected Indians can never avail themselves of the blessings extended to them by our very liberal and progressive State Constitution, *vide* article 16:

"SEC. 7. The tribe of Indians located in the southern portion of the State, and known as the Seminole Indians, shall be entitled to one member in each house of the Legislature. Such members shall be elected by the members of their tribe, in the manner prescribed for all elections by this constitution. The tribe shall be represented only by a member of the same, and in no case by a white man. * * *

"SEC. 8. The Legislature may at any time impose such tax on the Indians as it may deem proper; and such imposition of tax shall constitute the Indians citizens, and they shall thenceforward be entitled to all the privileges of other citizens," &c.

The State of Florida can do no more, not from want of inclination, but from lack of means. The paternal care and guardianship over these wild people, whose aboriginal race is nearly run, and whose only refuge is in civilization and in incorporation with the destiny of the predominant race, must come from the General Government and through the efficient administration of your Bureau. The very commendable policy of your Bureau is working wonders in the condition and hopes of the Indian tribes in the West, and the problem of the Indian's future I believe to be in the course of successful solution. I wish you God-speed in the noble achievement, and that the Indians in our State, who deserve well of the Government on account of their peacefulness, whose peace has never been purchased by annuities, and whose only request upon the Government has always been for simply the permission to remain among the hallowed graves of their fathers, may also be brought under the blessings of the new policy, I am constrained to indite this communication.

Be pleased to return me an immediate reply, favoring an appropriation of $5,000 by Congress for the establishment of an agency among these Indians, and for their education and general amelioration.

I have the honor to be, very respectfully,

W. J. PURMAN, M. C.,
From State of Florida at large.

Hon. E. P. SMITH,
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., May 1, 1874.

SIR: I have the honor to be in receipt of your communication of this date relative to the remnant of the Seminole tribe of Indians remaining in Florida, and suggesting that Congress be asked to make an appropriation of $5,000 for the establishment of an agency among them, and for their education and general amelioration.

In reply I would respectfully state that this office is in favor of an appropriation of the amount named for the purpose of ascertaining the condition and wants of the Indians referred to, and to render them such assistance as may be deemed advisable and necessary to advance them in civilization. The best interests both of the citizens of Florida and of the Indians, require that this remnant of the Seminole tribe receive care and attention at this juncture of their history.

Very respectfully, your obedient servant,

EDW. P. SMITH, *Commissioner.*

Hon. WILLIAM J. PURMAN,
House of Representatives.

Mr. LOUGHRIDGE. I hardly think that these Indians ought to have an agent appointed. They are citizens of the United States and the State of Florida. Some of them are members of the State Legislature, and all are electors. It would seem to me very strange to appoint an agent for men who are electors and members of the Legislature. As, however, the amount asked for is only $1,500, I shall make no objection, although the cost of these agencies I fear will amount to fifteen or twenty thousand dollars before we get through the bill.

Mr. PURMAN. My motion only asks for $1,000.

The question was taken on Mr. PURMAN'S amendment, and it was not agreed to.

Mr. SHANKS. I desire to call attention to the fact that there is no provision in this bill for the Colville agency in Washington Territory. That is an agency now in existence in which the agent has charge of a number of tribes, the Methons, Lakes, Colvilles, San Pails, Lower Spokanes, and Okinakones. There is no estimate for that agency, and I ask the consent of the House that this portion of the bill be passed over until we can hear from the Department in relation to it. I was at the agency last summer, and I found that it was well conducted and that there was a school there.

Mr. LOUGHRIDGE. I have no objection to its being passed over.

Mr. BUTLER, of Tennessee. I move to amend in line 46 by inserting at the end of the paragraph the words "and the duties to be performed by the agent of the Cherokees."

I suppose there will be no objection to that amendment. It is de-

sirable from the fact that this agent is an Indian, and these Indians all prefer him. He is the only native agent, and they prefer him for that reason.

Mr. LOUGHRIDGE. I have no particular objection to that.

The amendment was agreed to.

Mr. DANFORD. I move to strike out lines 49 and 50, as follows:

One for the tribes in Iowa, namely, at the Sac and Fox of Iowa agency, $500.

I offer that amendment in accordance with the recommendation of the superintendent of Indian affairs, and I will ask the Clerk to read that recommendation.

Mr. LOUGHRIDGE. I think it rather ungenerous in the gentleman from Ohio to move to strike out that clause. This agency is in what was formerly my district, and it is all that my State has in this bill. It is only $500. I will simply say in addition that heretofore this agent has had $1,500, the same as all the other agents. It is not often that the gentleman in charge of a bill will strike down the salary of his own agency and allow the salaries of all the others to stand.

Mr. DANFORD. I ask the Clerk to read what the superintendent says about these Indians.

The Clerk read as follows:

The Sacs and Foxes are doing better than in any previous year. They have suffered severely in their farming interests by the drought the present season, although they had planted a larger area than usual. In imitation of their Creek neighbors, they are entering upon the raising of stock. The building for school purposes will soon be completed, and their children will then feel the benefit of the ample educational provision of their treaty.

A portion of the tribe, numbering six or eight lodges, became exiled from the tribe several years ago, and are now located in Tama County, Iowa. Since their location there some Pottawatomies, Winnebagoes, and dissolute citizens, have amalgamated with them until they number upward of three hundred. They have purchased about four hundred acres of land—the title vesting in the United States—on which a few of them raise some produce, but insufficient for their support. They subsist mainly as vagrant beggars, and would be amenable to State law on this account if they were citizens. The Government long ago established a wise provision that fragments of Indian tribes should forfeit their shares of annuities while absent from their proper reservations. An unfortunate exception was inserted in the Indian appropriation bill of 1868, by which these Iowa Sacs and Foxes are allowed to receive their proportion of annuities so long as they remain peaceable and have the consent of the State of Iowa to remain within its limits. This exceptional provision has been continued from year to year, and while the money thus withdrawn might have benefited them had they been with the tribe in the Territory, its effect in their present location has been to increase their habit of vagrancy. Believing that they will not improve under their present circumstances, I recommend the suspension by Congress of their annuities while off their reservation, and that they be removed, with another remnant of the tribe in Kansas, to their proper home in the Indian Territory. I believe also that the best interests of the Sacs and Foxes of the Missouri now in Nebraska would be promoted by a union with the tribe under consideration in this paragraph. The reservation is ample for all, as they would number in the aggregate less than one thousand, and the services of two agents could be dispensed with.

Mr. DANFORD. I must insist upon my amendment, for the benefit of the constituents of the gentleman from Iowa [Mr. LOUGHRIDGE] as well as for the benefit of the Indians themselves.

Mr. WILSON, of Iowa. I move to substitute for the line proposed to be stricken out the following:

One for the tribes in Iowa, namely, at the Sac and Fox of Iowa agency, $1,200 to build a school-house: *Provided*, No salary be paid to the agent unless he lives near enough the agency to teach and care for the tribe every day.

Mr. LOUGHRIDGE. I believe I am entitled to the floor. I made a mistake when I was up a few moments since. I do not know but I said these Indians were in my district. They are not in my district, but in the district of my colleague, [Mr. WILSON.] There are some very dissolute citizens up there, according to the report of the superintendent. I desire to say to the gentleman from Ohio [Mr. DANFORD] that I do think this is very ungenerous on his part. The State of Ohio has the whole Indian Department; there is not an inspector, a board of commissioners, or anything about the department that is not controlled by Ohio; they have all the patronage; and for a member from Ohio to get up here and object to $500 for the State of Iowa seems to me to be a little unjust.

Mr. FRYE. And not only that, but Ohio has the whole of the Department of the Interior.

Mr. LOUGHRIDGE. Yes; the whole of the Interior Department. I think this agency should be continued. These Indians are there; they have their land, and $5,000 coming to them, and this $500 will pay for an agency there.

Mr. WILSON, of Iowa. If I can get the ear of the committee I will say something about this. And if I had any idea that the ears of the gentlemen composing this committee were half as long as I suppose the ears of the man who wrote that report to be, I would not say anything that would come so near home. The way in which these Indians have been treated by agents of this Government is simply shameless. The report made by this gentleman is nothing more nor less than a slander both on the Sac and Fox Indians and on the people who live in their vicinity. I can tell you all about how these Indians came to be there. They are the descendants of Black Hawk, Keokuk, and Powieshiek and the other Indians of whom the United States Government originally bought the territory embraced within the State of Iowa. The Government now owes these Indians for that purchase some $800,000, and those of them who are in Iowa and in the Indian Territory receive interest on that amount now.

At one time these Indians lived on a reservation in Kansas; but it was very unhealthy there and a great many of them died. Those of them who have wandered back to the old burial-ground of their fathers have absolutely refused to remove to the Indian Territory, where I understand they have a very fine reservation, where there is a school-house, and where they are being taught the arts of agriculture and civilization, and improved materially. But these Indians in Iowa, although they have been threatened by the Interior Department with the entire loss of their annuity if they would not remove, say that they prefer to die where they are. Since they have come back to Tama County they have increased in numbers instead of dying out. Every argument has been employed to induce them to go back to the Indian Territory. They say, however, that when they were on their reservation in Kansas their numbers decreased; they died out; but since they have come back to the State of Iowa they have increased in numbers.

Now the question for this House to determine is this: These Indians have been turned over to the Lutheran Church, which has appointed a commissioner for them, who lives in Ohio. The reason why he cannot succeed in evangelizing these Indians is, he says, because he has no school-house there and no facilities of any kind. He comes over once or twice a year and prays with these Indians. I have nothing to say against him. I presume he is a Christian gentleman. But I believe if he had a school-house about which he could form a nucleus where the Christian people of that county could gather, a great deal of money which is now sent by the people of my district to Egypt, Asia, and Africa to civilize the heathen there would be given to this agency.

As regards the dissolute people mingling with this tribe in my district, that is nothing more nor less than a slander. In fact the man who wrote that has talked about the matter at random.

Why, sir, within two miles of that agency there is a village called the City of Churches where there is a church belonging to each of the most prominent religious denominations of America. There is not a more intelligent, a more Christian, and more highly civilized people either in the West or in the East than right around that tribe of Indians. And, sir, that community consider it a shame and a disgrace that the American people should expend millions of dollars annually for the purpose of civilizing the Indians and yet do nothing for the children of the original owners of the soil of Iowa, who are right there in the midst of one million five hundred thousand people.

The object of my amendment is to compel this agent, who receives a salary of $1,800, to stay there and attend to his duties. There are plenty of Christian ministers who now labor with congregations the whole year around for $1,200, and who would work with those men as Dr. Livingstone worked and spent his life in Central Africa.

But if this committee is unwilling to do anything to civilize those Indians, then I say cut off the salary of this agent and pay merely enough for the employment of some man to disburse their annuities. If there is a sentiment of humanity in this House, I appeal to that sentiment to give the Christian people of the State of Iowa a nucleus around which their charities can gather.

Mr. DANFORD. I desire to ask the gentleman whether the person who makes the report referred to is not the superintendent of Indian affairs to whom this bill gives $2,500 per annum for looking after the general interest of these Indians?

Mr. WILSON, of Iowa. I understand he gets $1,800, some two or three hundred dollars as room-rent, some $600 for an interpreter; and he lives in Ohio.

Mr. DANFORD. Well, he is the superintendent of Indian affairs.

Mr. WILSON, of Iowa. Now, I do not want to create the impression that this man is a swindler. He has no opportunity at all to do anything under present circumstances. I would not want to create the impression that this man has been doing wrong.

Mr. COBB, of Kansas. Will the gentleman inform the committee whether those Indians themselves are not as civilized as any ordinary community anywhere in Iowa?

Mr. WILSON, of Iowa. No, sir; they are as low down in the scale of humanity as you can imagine.

Mr. COBB, of Kansas. Let me inform the gentleman that William Whistler, one of those Indians, belonging to the Sac tribe, has been a member of the Kansas Legislature.

Mr. CLEMENTS. Then I think they ought to have a missionary out there. There is no doubt about it.

The question being taken on the amendment of Mr. WILSON, of Iowa, it was agreed to.

Mr. BUTLER, of Tennessee. I move to amend by inserting after line 46 the following:

And the offices of the agencies of the Kaw or Kansas and the Neosho are hereby blended into one office, whose duty shall be performed by the agent of the Kaw or Kansas Indians, with headquarters at the Osage agency.

Mr. GARFIELD. I make the point of order that the amendment changes existing law.

Mr. BUTLER, of Tennessee. This does not change the law; it merely blends two agencies. We have been increasing and decreasing agencies all the time; this is to decrease.

The CHAIRMAN. Will the gentleman from Ohio [Mr. GARFIELD] state what law the amendment proposes to change?

Mr. GARFIELD. It proposes to consolidate agencies, and is new legislation.

Mr. BUTLER, of Tennessee. Have we not been doing that all the time?

The CHAIRMAN. The Chair overrules the point of order.

Mr. BUTLER, of Tennessee. I offer this amendment in the interest of economy. Those tribes are all living close together; they speak the same language. One agent is sufficient for the whole of them, as everybody knows. I trust the committee will adopt the amendment.

Mr. LOUGHRIDGE. Why, Mr. Chairman, that would not do at all. These are two very important agencies. There are not two more important agencies in that district.

Mr. BUTLER, of Tennessee. What necessity is there for two agencies, when these Indians all speak the same language and live there together?

Mr. LOWE. I move to strike out "Quapaw," in line 42, and insert the same word after "Seminole," in line 46. I do this more for the purpose of making an inquiry than anything else. I wish to ask whether one of these seven Indian agents is assigned to the Quapaw tribe? That is a very small band in the northeastern portion of that Territory, contiguous to the Cherokees, and it seems to me it might well be associated in the agency with the Cherokees, Creeks, Choctaws, and Chickasaws. I ask the chairman of the committee whether this section contemplates an agent specially assigned to the Quapaw tribe?

Mr. COBB, of Kansas. Does not my colleague [Mr. LOWE] know that at the Quapaw agency, which is now filled by Mr. Jones, of Leavenworth, there are at least six small tribes—the Wyandottes, the Shawnees, the Senecas, the Quapaws, the Modocs, and the Ottawas?

Mr. LOWE. The point of my inquiry was, whether the Quapaw tribe has a separate agency or whether the agency embraces these tribes contiguous to it?

Mr. LOUGHRIDGE. It embraces these other contiguous bands.

Mr. LOWE. Then I withdraw my amendment.

Mr. SHANKS. I wish to inquire whether any of these agencies are intended to include the Osage tribe?

Mr. LOUGHRIDGE. The Neosho is the Osage.

The question recurred on the amendment of Mr. BUTLER, of Tennessee.

The committee divided; and there were—ayes 27, nays 82.

So the amendment was rejected.

The Clerk read as follows:

For pay of clerks to central superintendency, $1,600.

Mr. LOUGHRIDGE. I move to strike out what has just been read by the Clerk, and in lieu thereof to insert the following:

For pay of one chief clerk $1,600, one assistant clerk $1,200, and one copyist $600, for the central superintendency; in all, $3,400.
For pay of clerk in the northern superintendency, $1,200.

Mr. Chairman, these offices all existed before. We left them out of the bill, but on further examination, with the testimony from this country of gentlemen who have charge of this superintendency and after the restoration of the northern superintendency which we have made and the committee have voted, we regard these clerks as necessary to do the immense amount of work to be done there.

Mr. SPEER. This is $800 more than is reported in the bill.

Mr. LOUGHRIDGE. It is less than before.

The amendment was agreed to.

The Clerk read as follows:

For pay of seventy-three interpreters, as follows: Seven for the tribes in Oregon, namely, one for the Klamath agency, and one each for the Grand Ronde, Siletz, Umatilla, Warm Spring, and Malheur and Alsea sub-agencies, at $400 per annum each.

Mr. McCORMICK. I move to strike out "400," in line 80, and insert "1,000."

I wish to say, Mr. Chairman, to the committee, from my observation in dealing with the Indians for some years past, I have become satisfied, on more than one occasion, mistakes have arisen from agents and superintendents and whites dealing with them generally through ignorant interpreters, interpreters who profess to have a knowledge of the Indian language, but do not really have it—men who claim to know something they know nothing about. I ask the Clerk to read the following extract from the report of the superintendent of Indian affairs in New Mexico:

The Clerk read as follows:

The sum allowed for the salary of interpreters, $500 per annum, is entirely inadequate to secure the services of men who can speak *any* language with even the slightest degree of accuracy. I believe more troubles have arisen from misinterpretation of the language of officers than from any other cause. When General O. O. Howard was at Tularosa, the Indians received an impression through the interpreter of which General Howard was entirely ignorant, and which has caused much of the trouble at that agency from then until the present. I would recommend that interpreters be paid $1,000 per annum, and that all agents be required to employ only such men as can read and write both languages correctly, saving in instances where interpreters of Indian languages are required.

Mr. McCORMICK. I think, Mr. Chairman, this is the judgment of all who have had to do with Indian negotiations. I might multiply instances which have come to my knowledge where the gravest mistakes have been made and where the greatest injustice has been done from misunderstanding through ignorant interpreters, through interpreters not at all familiar with the language which they profess to know. Men who are familiar with the Indian tongue are few and far between and difficult to find, and when we do find those who are conversant with that language we should be willing to pay them sufficient to make it an object with them to interest themselves in behalf of the Government.

Mr. LOUGHRIDGE. I should like to ask the gentleman whether in Arizona the Indians do not speak the Spanish language?

Mr. McCORMICK. Not all. The Pueblo or village Indians do speak the Spanish language, but the wild Indians, like the Apaches, speak but little Spanish.

Mr. LOUGHRIDGE. Have they a written language?

Mr. McCORMICK. They have not as a rule.

Mr. SPEER. If this amendment prevails it will increase the appropriation $43,800.

Mr. McCORMICK. I know it will increase the amount, but it will increase the amount in the right direction and save a great deal of misunderstanding and injustice.

The amendment was disagreed to.

The Clerk read as follows:

Six for the tribes in New Mexico, namely, one for the Navajo agency, and one each for Abiquiu, Cimaron, Mescalero Apache, Southern Apache, and Pueblo agencies, at $400 per annum each.

Mr. LOUGHRIDGE. I move at the end of line 106 to add the following:

Provided, The Abiquiu agency shall be abolished after December 1, 1874.

The amendment was agreed to.

The Clerk read as follows:

Five for the tribes in Nebraska, to be assigned to such agencies as the Secretary of the Interior shall direct, at $400 per annum each.

Mr. LOUGHRIDGE. I move to strike out "five" in line 110 and insert "seven;" so that it will read "seven for the tribes in Nebraska," &c. We reduced this from what it has been heretofore, but, upon hearing in relation to the matter further, the committee concluded they ought to have these interpreters.

The amendment was agreed to.

The Clerk read as follows:

Seven for the tribes in the Indian Territory, to be assigned as the Secretary of the Interior may direct, at $400 per annum each.

Mr. LOUGHRIDGE. I offer the following amendment:

Strike out "seven" and insert "twelve."

There have hitherto been eleven interpreters for the tribes in the Indian Territory, and we have recently brought in from Mexico the Kickapoos, who do not understand the language of the others. We have therefore to add an interpreter for them; and in other respects we leave the paragraph the same as in the bill of last year.

Mr. SPEER. I wish to ask the gentleman a question. The Committee on Appropriations having reported to the House that seven interpreters were sufficient for these tribes, what information has the gentleman received, or what information has the committee received since that justifies them now in asking the House to increase the number from seven to twelve?

Mr. LOUGHRIDGE. I will answer the gentleman. If the gentleman were on the Committee on Appropriations and had charge of preparing the Indian bill, he would find out by experience that it took a man a good while to learn very much about it. It is the hardest bill reported to the House to frame. We set out with the idea of bringing down everything to the very lowest point, and we reduced too much at the start. The gentleman from Missouri on my right [Mr. PARKER] and the gentleman from Texas, [Mr. HANCOCK]—all of us indeed—worked to get everything down to the lowest possible notch. The result was that we cut some down too low, and among other things——

Mr. SPEER. Have you any information now which you had not at the time you drew the bill and reported it?

Mr. LOUGHRIDGE. Let me get through with my answer. When we first took hold of the bill we reduced this number, and I answer the gentleman from Pennsylvania that we have had other information furnished us by delegation after delegation from that country.

Mr. SPEER. What is the present number?

Mr. LOUGHRIDGE. Eleven. And, as I have already stated, we have brought in from Mexico a new tribe that does not understand the language of the others.

Mr. SPEER. I submit that increasing the number is a change of existing law. The existing law provides for eleven. I make that point of order on the amendment.

The CHAIRMAN. The Chair overrules the point of order. The Chair understands that there is no law about it. The appropriation last year provided for eleven interpreters. The appropriation this year may provide for more or less.

Mr. GARFIELD. I desire to say just a word on this matter. The policy of the Government is to gather as far as possible all the wandering tribes of Indians into agencies. It is necessary to have as many interpreters as there are different languages. It is almost impossible to find one man who can interpret for more than one tribe. And as one new tribe has been brought in, namely, the Kickapoos, of Texas, there are now twelve different languages, while we have only eleven interpreters.

Mr. SPEER. If you have reduced the number of Texas tribes by one, I would ask, have you also reduced the number of interpreters in Texas?

Mr. MILLS. This tribe has come in from Mexico.

Mr. GARFIELD. I should have said Mexico.

Mr. LOWE. I have listened with the greatest interest to the debates which have been progressing on this bill in the Committee

of the Whole during the last two or three days. I have learned from those debates that the tribes in the Indian Territory are civilized, educated, intelligent citizens who have schools, and newspapers, and churches, and preachers, who are competent, it would seem to me to send missionaries to the other tribes, instead of demanding missionaries from us. If that be so, it occurs to me to inquire why it is that we need to furnish them with twelve interpreters? I know, as a matter of observation, myself, that some half-dozen of these tribes, or at least a large proportion of them, talk English. These Cherokees, Seminoles, Creeks, Choctaws, Chickasaws, Quapaws, and Sacs and Foxes have most of them lived in contact with whites so long that a large number of them readily communicate in the English language; and it seems to me that the reason that the gentleman who has charge of this bill has given is not sufficient for enlarging the number from seven to twelve. The reason he has given is, that they have brought in one additional tribe from Mexico, the Kickapoo Indians. According to that statement there is a difference of one tribe, and yet he proposes to give an increase over the bill as reported of five interpreters. Now, I can scarcely imagine that five interpreters would be required for that one tribe.

Mr. LOUGHRIDGE. The civilized tribes require interpreters.

Mr. LOWE. If required for all, there should be some twenty of them. If only for the civilized tribes, there should not be more than six or eight. So that we have either too many of these interpreters or not enough of them. I do not wish to antagonize the motion which the gentleman makes to increase the number of interpreters, but it seems to me the reason given is not satisfactory.

Mr. PARKER, of Missouri. I move to amend by striking out the last word.

My friend from Kansas [Mr. LOWE] makes a great mistake here. It is true that in the discussion of the last two or three days he has heard that there are civilized Indians in the Territory. But my friend thinks that a man cannot be civilized unless he speaks the English language. Nobody has ever asserted that any or all of these tribes can speak the English language. There are many Germans, Italians, and Frenchmen who come from the Old World to our country who cannot speak our language. Yet they are about as highly civilized as we are. But the main necessity for these interpreters is that outside of these civilized tribes, so called, in that Territory, there are thirteen other tribes, or fourteen with this Kickapoo tribe, recently brought in from Mexico. They are the Arapahoes, the Cheyennes, the Witchitas, the Wacoes, the Kadies, the Tawacarroes, the Caddoes, the Iowas, the Delawares, the Apaches, the Kiowas, and the Comanches.

Now I know my friend will not object to twelve interpreters for all those tribes. It is not too large a number. Of course the Committee on Appropriations desired to get along with as few as possible, but we found it necessary on investigating all the facts that twelve should be allowed.

Mr. WARD, of Illinois. Mr. Chairman, I have sought opportunity to say a few words upon this bill, and as this is an important amendment, to strike out the last word, I may as well say them now as at any other time. I have made some figures since I came in this evening which strike me as a little funny. I think it will not be contended that according to any statistics there are more than one hundred and thirty-six thousand Indians, and there are one hundred and thirty-six interpreters provided for in this bill, which gives one interpreter for every one thousand red-skins. Not counting the civilized Indians and the wild Indians who are not under any control, and that you have not taken charge of, there are not more than one hundred and thirty-six thousand. I thought I knew some little about Indians, although not a great deal; but I find I do not know anything about them in fact, because I discover from the discussion which has taken place here that they are the most peaceful, innocent, quiet, velvet-clawed, gentle rascals on the face of the earth, and I am therefore reluctant to do anything to elevate them, which might make them rough, violent, savage barbarians, like the border-men who have provoked all these wars and troubles on the frontier.

Sir, I have been shocked at the idea that the only men who have been committing wrongs and outrages upon the border have been our own white men rather than the red-skins, of whom we have heard such glowing descriptions during the last few days. There was provided for one hundred and thirty-six interpreters for one hundred and thirty-six thousand Indians at the outside, and I do not believe there are half that number from what I can gather, at an expense of $64,000 for interpreting. It seems to me that we are spending a great deal of money for the purpose of taking care of these gentle savages, these peaceful, quiet, velvet-clawed gentlemen I have spoken of, and elevating them to a possible condition in which they may become such marauders and murderers as our boys are who go out to the West to carry our civilization abroad across the continent.

One word more, and I am entirely done with the Indian bill. I sought this opportunity to enter my protest against the sentimentality which prevails in regard to these Indians, and to enter my protest against the abuse heaped upon the brave men who have borne our banner abroad to the frontier Territories of the West, and against the charge that they have been responsible for all the Indian wars for the last forty years. Sir, I do not believe it. That has not been my observation among the Indians. I do not believe it is true or just. Of all the thieves I ever saw, of all the men who would provoke and create just such rows as these, the Indians that I have seen are just the kind. I am, therefore, disposed to oppose this bill so far as it gives so many of these interpreters for the purpose of elevating the Indians to civilization and making it possible for them to become the rascals they will become when they get civilized, as compared with the peaceable, beautiful, Christian condition in which they were when they owned this entire continent and roamed over it with no man to molest them or make them afraid.

Sir, I am not going to antagonize further the policy of these gentlemen, but for one I protest against this pretense that the only men who have done wrong in the frontier country in reference to these wars which have been going on with the savages and barbarians have been the white men.

Mr. PARKER, of Missouri. I withdraw the amendment to the amendment.

The question was taken on the amendment; and there were—ayes 46, noes 31; no quorum voting.

Mr. SPEER. I must insist on a quorum when we are increasing salaries.

Mr. LOUGHRIDGE. I hope the gentleman will not insist on a quorum; we can have a vote in the House.

Mr. GARFIELD. The gentleman can have a vote on the amendment in the House.

Mr. SPEER. Not desiring to arrest business this evening, and with the assurance that we can have a vote in the House, I withdraw the demand for a further count.

The amendment was agreed to.

The Clerk read as follows:

Four for the tribes in Wisconsin, namely, Green Bay, Lac Court Oreilles, Lac Flambeau, and La Pointe agencies, at $400 each.

Mr. McDILL, of Wisconsin. I move to amend that paragraph by striking out the word "four" and inserting the word "five;" and also inserting after the words "Green Bay" the word "Menomonee."

I will state briefly the reason for offering that amendment. The chairman of the Committee on Appropriations has stated that there is a necessity for an interpreter at each agency. The committee in preparing this bill have left out the Menomenees, the largest tribe of Indians in Wisconsin, and for which, upon page 32 of this bill, there is an appropriation of $16,179, as an installment of annuity upon $242,686. Besides they have a large amount of property there, and there is an absolute necessity that an interpreter should be employed for this tribe. In connection with this tribe and located near them is a remnant of the old Stockbridge and Munsee Indians; but they are so far advanced in civilization and so many of them speak the English language that an interpreter is not needed for them. But there is necessity for an interpreter for the Menomonees, a separate and distinct tribe from any mentioned in this paragraph. The Green Bay Indians are the Oneidas.

The question was upon the amendment moved by Mr. McDILL, of Wisconsin; and upon a division—ayes 26, noes 46—it was not agreed to.

The Clerk read the following:

Three for the tribes in Minnesota, namely, Chippewa agency and Red Lake and Pillager and Lake Winnebagoshish special agencies, at $400 each.

Mr. DUNNELL. I will not move an amendment, but I would ask the chairman of the Committee on Indian Affairs [Mr. AVERILL] if this paragraph is all right?

Mr. AVERILL. My only answer is that I am perfectly ignorant personally in regard to the necessity for interpreters in Minnesota, but am satisfied they are necessary.

Mr. DUNNELL. It has been suggested to me that there are more interpreters provided for here than are needed.

Mr. WARD, of Illinois. Is that possible?

Mr. LOUGHRIDGE. If the gentleman from Minnesota [Mr. DUNNELL] desires to have this paragraph stricken out——

Mr. DUNNELL. I do not move any amendment.

Mr. SPEER. Does the gentleman say there are more interpreters provided for in this paragraph than are needed?

Mr. DUNNELL. I have been told so.

Mr. SPEER. Is not this in the gentleman's own State?

Mr. DUNNELL. It is.

Mr. SPEER. I move to strike out "three" and insert "two."

Mr. PARKER, of Missouri. The department estimated for five interpreters, the number they have heretofore had. We have, after an investigation, cut down the number to three; and I think there should be three there.

Mr. SPEER. I ask the gentleman from Minnesota [Mr. DUNNELL] to inform the committee of the exact truth in the case.

Mr. DUNNELL. I have no information at all in relation to it.

Mr. SPEER. I thought the gentleman had information, as it was in his own State.

Mr. DUNNELL. I have not.

Mr. SPEER. I withdraw the amendment.

The Clerk read the following:

Three for the tribes in Michigan, namely, Mackinac agency.

Mr. STONE. What are these agents to be paid? There is no sum mentioned.

Mr. LOUGHRIDGE. It should be $400 each.

Mr. STONE. I move to insert the words "at $400 each."

Mr. SPEER. Why do you want three interpreters at one agency?

Mr. LOUGHRIDGE. There are three tribes of Indians at that one agency, speaking different languages; different bands, not exactly tribes.

The amendment was agreed to.

The Clerk read the following:

For transportation of goods, $4,000: *Provided*, That the foregoing stated appropriations for the Apaches, Kiowas, and Comanches shall be expended only in behalf of those Indians who go and remain upon reservations and refrain from hostilities.

Mr. WARD, of Illinois. Will the gentleman in charge of this bill inform us what portion of these Apaches, Kiowas, and Comanches, about whom I have some tender recollections——

A MEMBER. Tender about the head?

Mr. WARD, of Illinois. What portion have gone on the reservation?

Mr. LOUGHRIDGE. I understand that fifty-four hundred and ninety have gone on the reservation.

Mr. MILLS. I move to amend the paragraph just read by adding the following:

And provided further, That said appropriations shall not be paid to said Kiowas or Comanches until said tribes shall arrest and deliver Satanta and Big Tree to the governor of Texas, to be confined in the penitentiary of said State according to the sentence of the district court of Jack County, Texas, for murder; or in lieu of said chiefs five other murderers or marauders belonging to said tribe and who have been committing like depredations on the frontiers of Texas.

It will be remembered by members of this committee that in 1869 the General of the Army of the United States, General Sherman, made his rounds of Texas posts inspecting the military condition of that frontier, on account of reports being brought to Army headquarters of the depredations of the savages. As he was approaching Fort Richardson, and was a few miles from the fort, a hundred armed Comanches and Kiowas attacked his train, killed seven of his twelve drivers, who had been soldiers in General Sherman's Army in the last great civil strife of ours. One of the seven who was wounded was lashed to the wheels of one of the wagons and burned to a cinder by these savages.

Mr. WARD, of Illinois. Is not that a mistake? Was it not white men who did that?

Mr. MILLS. No; they were Indians. I have General Sherman's testimony to rely upon. The drivers were all white men, not citizens of Texas, but in the employ of the United States, driving the teams hauling the transportation of General Sherman. He sent out the commanding officer from the fort, and one of the five who escaped came in and reported the facts, and the officer who visited the scene of the massacre verified them.

He went on to Fort Sill, and these Indians came into the Fort Sill reservation while he was there. He arrested Satanta and Big Tree and Satank, and attempted to arrest the fourth man, who was, however, killed, refusing to be arrested. Satank attempted to make his escape after he was arrested, and was killed. In the presence of the General of the Army of the United States these two Indians defiantly claimed the honor of that victory, and said that if any other Indian dared to claim the glory that clustered around that achievement he was a liar. This was said in the presence of the Indian agent—the Christian peace-maker. General Sherman asked him what he now proposed to do with his peace policy, and Mr. Tatem told him: "These Indians are unruly, and I cannot do anything with them; I turn them over to you, to do with them as you please."

This is General Sherman's testimony taken before the Committee on Military Affairs. General Sherman then sent these two Indian chiefs to Jacksborough, to be tried by the civil authorities of Texas for murder. They plead guilty, according to my understanding, because they were confronted with a cloud of witnesses; and they were sentenced to be executed. The governor of the State, however, commuted their punishment to confinement in the penitentiary, instead of having them hanged. As soon as this was done, the peace commission—the advocates of the peace policy who have never taken any interest in the protection of the people of Texas against these marauders and savages who have made that frontier red with the blood of our innocent women and children—commenced their efforts to get these two Indian chiefs out of the penitentiary of Texas and to bring them to their reservations, where they could again enter upon the war-path. They induced the governor of Texas to bring these two chiefs to the Fort Sill reservation. The Indian Commissioner, Mr. E. P. Smith, met Governor Davis there with these two chiefs. When Governor Davis offered to stipulate with the Kiowas and Comanches that he would turn loose their chiefs to them, provided they would agree to be peaceful and not maraud upon Texas, and would surrender some of their marauders and murderers to be punished, they scouted the idea; they defied him to his teeth; they defied the authority of the Government of the United States and would make no terms at all. They said they wanted their chiefs, but they would make no terms. The Indian Commissioner, Mr. Smith, did, however, make a treaty with the governor of Texas. He agreed that if Governor Davis would surrender those two prisoners to that tribe he would stipulate that the Government should protect the people of Texas against further incursions of these savages, and, in addition, that five of these marauders should be arrested in lieu of their chiefs, and turned over to the governor to be punished; and that in case this treaty was not carried out in good faith Satanta and Big Tree should be rearrested and surrendered to the governor of Texas.

[Here the hammer fell.]

I ask for a few minutes more time; I do not often trouble the House.

Several MEMBERS. Let us vote.

Mr. WARD, of Illinois, obtained the floor and said: I move to amend the amendment by striking out the last word. I yield my time to the gentleman from Texas, [Mr. MILLS.]

Mr. MILLS. I am very much obliged to the gentleman.

Now, sir, there is a regular treaty signed by Mr. Commissioner Smith and by Edmund J. Davis, governor of Texas, with these stipulations: that if the Government of the United States refuses to carry out the obligations of that treaty, both parties shall be put in *statu quo*, and that these two savages shall be remanded to the penitentiary of Texas, to the keeping of the governor. Why was such a stipulation made? Not that Governor Davis or our people have any cruel feeling toward the Indians.

Mr. LOUGHRIDGE. I want to understand from the gentleman what treaty it is he wants carried out.

Mr. MILLS. It is the treaty signed in October, 1873—the agreement signed by Mr. Smith, the Commissioner of Indian Affairs, and Edmund J. Davis, governor of Texas; and the chairman of the committee ought to be posted in this matter. The article is in writing in the Indian Bureau, and the gentleman can see it by going there. I went to Mr. Smith and asked him whether he intended to carry out that treaty in good faith, whether he intended to redeem the plighted faith of the Government to the governor of Texas. He said he could not do that; that when he talked about arresting Indians and turning them over to be punished, there was an outside pressure upon him that he could not resist; that therefore he could not carry out the treaty. I then asked whether he intended to rearrest these two chiefs and surrender them to the governor of Texas, as he was pledged by that treaty to do. He replied, "No."

Now, gentlemen, we in Texas have no cruel feelings toward the Indians. There is no man there who wants to butcher Indians just for the love of the thing. We have no revenge to gratify. But while those chiefs were in confinement in our penitentiary, their tribes felt there was a power that could hold them responsible for their crimes; and then we had some feeling of protection. But when, although the Indians defied the Government to its teeth, their chiefs were turned loose to them in response to their bravado, they felt that the Government of the United States had no power to coerce them, and that the government of Texas was no government at all. Those chiefs had not been turned loose one revolving moon before they came down upon the frontiers of Texas, and with torch and scalping-knife left desolation in their path.

General Sherman tells you what the "peace policy" has done on the frontier of Texas; that under such a policy the line of peaceful settlement has been driven back one hundred miles. What we want is to have these chiefs given back to the government of Texas, not that we want to keep them for life in prison, but that we may enter into convention, if possible, to compel these savages to leave our people on the frontier unmolested, and to make them feel there is a power which can hold them responsible for their crimes.

It is perfect nonsense, Mr. Chairman, to talk about governing anybody by moral suasion. There has to be an element of force in all governments, It is idle to say this shall be the law or that shall be the law, without saying at the same time this shall be the consequence if you violate the law. Not the severity either, but the certainty, of punishment is what deters evil-doers from committing crimes.

That is the reason I ask this appropriation shall be withheld from these savages until they are made to feel that the strong arm of the Government of the United States will put these chiefs back into the keeping of the government of Texas, so they may be held there until they shall enter into terms of peace and show a firm intention to keep them with our people.

Mr. SHANKS. Now, Mr. Chairman, the gentleman complains of the peace policy of the Government, and says the strong arm of the Government ought to be raised to protect the people of Texas against these Indians. I ask, in all good faith, when there has been a time during the existence of the peace policy under this Administration when the Army has not been ready and active to put down marauding and raiding everywhere? What has weakened the power of the Army by saying we shall do justice to the Indians? What has weakened the power of the Army? Why is not that Army as powerful to-day? Was it not brought against the Modocs? Was it not brought against the Indians of Arizona? Is not the very Army he is now calling for down at Fort Sill? Are they tied down by any peace policy? Does not the President direct and the Secretary urge all these Indians shall be put down by the power of the Army? I bid defiance now and here to any man living on God's green earth who can bring a word from the Secretary of the Interior or the President, in any speech, in any writing, in any statement, by which they have withheld the Army from the protection to the full power of that Army against Indian invasion and depredation.

Mr. MILLS. Will the gentleman allow me to interrupt him?

Mr. SHANKS. I will.

Mr. MILLS. I agree with the gentleman, the Army are always on the alert whenever they get information. They have always been so in our State and always earnest in the protection of our people. About the balance of the Indians I have nothing to say, but about the Indians on the frontier of Texas I do know. The gentleman knows,

too, that the troops there are stationed in the heart of the reservation. The Indians have a right to go as far south as the Red River. Of course when they go into Texas the first the troops know about the Indians committing depredations is when the alarm is given by the people. By that time they have returned and you cannot catch them until they have got back upon the reservation. The gentleman well knows when they do get back upon the reservation the jurisdiction of the Army ceases.

Mr. SHANKS. That is all right; but he attacks the peace policy. General Sherman has said that he would put his lines far enough south to protect the frontiers. We have assisted in passing through this House a proposition to establish a telegraph line so as to protect the people of Texas by giving them every means to get the earliest information to the Army in order to protect the people against the Indians. General Sherman was before our committee.

Mr. COBB, of Kansas. Let me ask the gentleman a question. He has referred to the convention entered into by Mr. Smith, Commissioner of Indian Affairs, a high official in this Government, on the one side, and Governor Davis, of the State of Texas, on the other, contracting in behalf of the Government of the United States to return these Indian chiefs, under certain conditions, to the custody of the authorities in that State. Let me ask the gentleman whether this Government ought not to enforce that convention whereby Satanta and Big Tree should be surrendered up?

Mr. SHANKS. Where have they violated that convention? Show me a violation and I will answer your question.

Mr. MILLS. I will give you a violation of it. General Sherman in his testimony has already told you the Kiowas and Comanches have gone from their reservation since we have been in session here and butchered twenty-four of our citizens. Captain Hudson followed them and killed some eight or ten of them and drove the rest back to the reservation. Lone Wolf, a Kiowa chief, went into mourning because of the killing of his son, and, having sworn eternal enmity to the people of that frontier, is now upon the war-path.

Mr. SHANKS. Yes, Mr. Chairman, and there is an agreement by every one of us and every citizen of this country that we will obey the law; and if we violate that law it is no fault of the law. Now, I want to say to the committee that these men, Satanta and Big Tree, have faithfully lived up to their agreement, and have gone personally to bring back their men—their young men who have been led astray by whites who have been dealing in cattle and inducing the Indians to commit acts of violence and to steal cattle, which they get from them and sell to the Government. Satanta and Big Tree are as faithfully doing their duty to the Government as any men in the country. They have not violated their contract, but have been using every effort to being back their people who have been led astray by white men.

Mr. COBB, of Kansas. Will the gentleman answer me this question: Is it not the duty of the Government to enforce that convention between Mr. Smith and Governor Davis?

[Here the hammer fell.]

Mr. WARD, of Illinois. I withdraw my amendment.

Mr. SHANKS. I renew it for the purpose of answering the question put to me by the gentleman from Kansas. The gentleman asks me why the Government does not enforce——

Mr. COBB, of Kansas. No, I asked the gentleman from Indiana, knowing his acquaintance with Indian affairs and respecting his judgment, to state to the committee if it was not the duty, the moral duty of the Government of the United States to enforce that convention and to see that it is carried out.

Mr. SHANKS. I said that unless it was violated it was not necessary to talk of its enforcement. And when I asked when it was violated gentlemen referred me to another gentleman, and that gentleman told me that the Indians killed twenty-four of his people. Then I put the question, Why should you attack the peace policy? What has that to do with it? How does it weaken the power of the Government to enforce that agreement? When Indians come and murder twenty-four people in violation of law the Government can only punish those persons who commit that offense. I am in favor of punishing them. But to punish Indians who killed twenty-four people is one thing, and to denounce the peace policy is quite a different thing.

Mr. MILLS. I will state to the gentleman that an agreement is violated by its absolute non-enforcement. One part of the agreement was that five of the marauders were to be surrendered to the governor to be punished, and then absolute peace and protection to the people were to be guaranteed by the Government of the United States.

Mr. SHANKS. If five innocent men are to be surrendered because two men have done mischief, I trust in God that any agreement that requires such a thing as that will not be enforced.

Mr. MILLS. They were marauders and murderers who are to be surrendered.

I wish to modify my amendment by striking out all after the words which provide for the surrender to the governor of Texas.

Mr. PARKER, of Missouri. I would suggest to the gentleman from Texas [Mr. MILLS] that while his idea may be proper enough, I do not see how it can be carried out as a provision attached to this appropriation bill. Here is an old Indian treaty that gives certain annuities to those tribes of Indians, and now the gentleman undertakes to make these annuities to all these tribes conditional on what has nothing in the world to do with the treaty.

Mr. MILLS. The Indian treaties with nearly every tribe require it to answer for depredations committed by that tribe in deductions from its annuities.

Mr. GARFIELD. I hope we will now have a vote.

The CHAIRMAN. The question is on the amendment of the gentleman from Texas, [Mr. MILLS.] The Clerk will read the amendment as modified.

The Clerk read as follows:

Add to the paragraph these words:

And provided further, That none of said appropriation shall be paid to said Kiowas or Comanches till said tribes shall arrest and deliver Satanta and Big Tree to the governor of Texas.

The question being taken on the amendment, there were ayes 41, noes not counted.

So the amendment was not agreed to.

Mr. BECK. I offer the following amendment:

Add to the paragraph these words:

Provided, That the several appropriations herein made for teachers, millers, blacksmiths, carpenters, physicians, and other persons, and for various articles provided for by treaty stipulations, may be diverted to other uses for the benefit of the various Indian tribes, within the discretion of the President, and with the consent of the said tribes, expressed in the usual manner; and that he cause report to be made to Congress at its next session thereafter of his action under this provision.

Mr. GARFIELD. I would suggest to the gentleman from Kentucky that he wait, before offering this proviso, until we get nearer through with the bill, so that it may have a wider application.

Mr. BECK. I will state the reason why I wish this proviso put in here, and perhaps after I have made that statement I may withdraw the amendment for the present. This is one of those so-called treaties which is not a treaty and cannot be a treaty, and which Congress ought not to appropriate any money to carry out.

I read to-day from the report of the Commissioner of Indian Affairs of last year, General Walker, and from the report of the Commissioner of this year, Mr. Smith; both of these gentlemen showing conclusively that these Kiowas, Comanches, and Apaches were not only making war upon the people of Texas, but that they were defying the authority of the United States, and each of them calling upon Congress to take such steps as may be necessary to punish them for their violation of law. And yet in the face of the reports of these Commissioners this House is called upon to appropriate large sums of money for carpenters, blacksmiths, millers, engineers, physicians, and teachers.

The CHAIRMAN. Does the gentleman from Kentucky offer an amendment?

Mr. BECK. I offer the proviso which has been read. I may withdraw it, but I am speaking to it now. This a fair specimen, and perhaps the best that we can find, of enormous sums of money being expended every year under the pretense of carrying out treaties. This House has refused time and again, even in the absence of the information we now have from the commissioners, to recognize these treaties. The House even went so far on one occasion as to put a gross sum into the hands of the President rather than recognize them. They are in no sense treaties. They originated under an act of Congress which required report to be made to Congress, and no gentleman here will say that that report ever was made to Congress in accordance with the act. And now we are called upon to appropriate the money of the people, when we know there are neither millers, engineers, blacksmiths, farmers, nor any other of these persons who are provided for. Sir, I am willing to give those Indians who are peaceable all the money that the committee propose to appropriate; but I want to put it into the hands of the President to use for their benefit, and not to have it squandered in employing supernumeraries who have no connection with the tribes and cannot reach them or do them any good.

Now, that is the reason why I want this proviso put in this bill. It is not that I wish to deprive these people of any right they may have to the money; but I want the money to be used in a proper way. If, however, the chairman of the Committee on Appropriations thinks it better that we should put in a general provision at the end of the bill, requiring a detailed account of what is done with the money and showing us what is necessary and what is not necessary, I am willing to defer the amendment until then. What I want is to get clear of the binding effect of the so-called treaties. If any gentleman thinks this is a treaty that ought to be carried out, I want him to give his reasons for it. Sir, I do not think it is.

Mr. GARFIELD. I suggest to the gentleman that he withdraw his amendment until we get near to the end of the bill. I think that a provision like this might be safely made.

Mr. LOUGHRIDGE. I do not think there will be any objection to the amendment.

Mr. BECK. Very well; I will withdraw it for the present.

The Clerk read as follows:

ARAPAHOES, CHEYENNES, APACHES, KIOWAS, COMANCHES, AND WICHITAS.

For subsistence of the Arapahoe, Cheyenne, Apache, Kiowa, Comanche, and Wichita Indians, (and transportation of the same,) who have been collected upon the reservations set apart for their use and occupation, $200,000: *Provided*, That this appropriation shall be expended only on behalf of those Indians who go and remain upon said reservations and refrain from hostilities.

Mr. LOUGHRIDGE. I move to amend that paragraph by inserting after the words "two hundred" the word "fifty," so as to increase the appropriation to $250,000.

The estimate of the department was for $300,000. We cut it down somewhat hastily, and I am satisfied that these Indians cannot be subsisted on less than $250,000. I presume there will be no objection to the amendment.

Mr. STORM. I hope the gentleman will explain the necessity for it.

Mr. LOUGHRIDGE. I think that every gentleman, and especially the gentleman from Texas, will agree with me that there is no part of our whole Indian service of so much importance as this. These are the most dangerous of our Indians, except the wild Sioux. We keep them on the reservations, and tell them that if they go off of them we will shoot them down. The soldiers have a right to shoot them down if they leave their reservations. Now, we must feed them; we cannot imprison men and then starve them to death. There are twelve thousand five hundred of these wild Indians.

Mr. SPEER. What was the appropriation for them last year?

Mr. LOUGHRIDGE. Last year they used $300,000, and the estimate this year was for $300,000. We cut it down to $200,000, and we are satisfied now that $250,000 is little enough.

Mr. HANCOCK. I will merely add to what has been said by the gentleman from Iowa, that there are estimated to be twelve thousand five hundred Indians in these associated bands. The amount appropriated, if the amendment shall be adopted, will be only $250,000 for the purpose of feeding and providing for that number of Indians. That would be less than twenty dollars a head. I thought myself that the amount ought not to be less than the estimate, $300,000. The committee in the first place cut it down to $200,000, but they subsequently agreed to increase the amount to $250,000, in which I concur.

The question was taken on the amendment; and on a division there were—ayes 53, noes 4; no quorum voting.

Mr. STORM. I call for tellers.

Mr. GARFIELD. You can have a vote on the amendment in the House.

Mr. STORM. I insist on a quorum here.

Tellers were ordered; and Mr. STORM and Mr. LOUGHRIDGE were appointed.

The committee divided; and the tellers reported—ayes 76, noes 26; no quorum voting.

The CHAIRMAN. Is a further count insisted upon?

Mr. STORM. I insist on it. I object to voting away $50,000 without a quorum.

Mr. LOUGHRIDGE. Well, if the gentleman insists upon it there is nothing for us to do but to rise.

Mr. GARFIELD. I suggest that the amendment be withdrawn, with the understanding that it will be offered again in the House or that by unanimous consent it be passed over for the present, and voted on at some other time.

The CHAIRMAN. Is there objection to the proposition of the gentleman from Ohio?

Mr. STORM. I object.

The Clerk proceeded to call the roll; after which

Mr. DAWES took the chair as Speaker *pro tempore*, and Mr. POLAND reported that the Committee of the Whole having had under consideration the Indian appropriation bill, found itself without a quorum; the roll was called, and one hundred and twenty-one members, not a quorum, answered to their names, and the list of absentees were reported by him to the House.

Mr. GARFIELD. I ask that the list of absentees be called.

Mr. HARRIS, of Georgia. I desire to state that Mr. LAMAR is absent on account of illness.

Mr. HALE, of New York. I move that the House now adjourn.

Mr. GARFIELD. I ask the gentleman to allow the list of absentees to be called.

Mr. HALE, of New York. I have no objection to that, and will withdraw the motion to adjourn.

Mr. SAYLER, of Ohio. I have been requested by Mr. WADDELL to state that he is absent by reason of sickness.

Mr. SPEER. I renew the motion to adjourn.

The motion was not agreed to; upon a division, ayes 28, noes not counted.

On the call of the roll, the following members failed to respond to their names:

Messrs. Albert, Archer, Arthur, Atkins, Barnum, Barry, Bass, Berry, Bland, Bradley, Bright, Brown, Benjamin F. Butler, Cessna, Amos Clark, jr., Freeman Clarke, Clinton L. Cobb, Comingo, Cotton, Cox, Creamer, Crocker, Crooke, Crossland, Crutchfield, Darrall, Davis, De Witt, Duell, Eames, Eden, Eldredge, Farwell, Freeman, Gooch, Hagans, Hamilton, Harmer, Hathorn, Havens, Hays, Gerry W. Hazelton, Hereford, Herndon, Hersey, George F. Hoar, Hodges, Holman, Hooper, Hoskins, Houghton, Howe, Hunter, Hunton, Hynes, Jewett, Kellogg, Kendall, Killinger, Lamar, Lamison, Lamport, Lansing, Leach, Lewis, Lofland, Lowndes, Magee, Maynard, McCrary, James W. McDill, MacDougal, McJunkin, McLean, McNulta, Mellish, Mitchell, Monroe, Moore, Neal, Negley, Nesmith, Niles, Nunn, O'Brien, Orth, Packard, Hosea W. Parker, Parsons, Pelham, Perry, Phelps, Pierce, Pike, James H. Platt, jr., Thomas C. Platt, Potter, Pratt, Rainey, Randall, Ransier, Rapier, Ray, Read, Richmond, Robbins, William R. Roberts, James C. Robinson, James W. Robinson, Rusk, John G. Schumaker, Scofield, Henry J. Scudder, Sessions, Sheats, Sherwood, Lazarus D. Shoemaker, Sloan, Sloss, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, J. Ambler Smith, William A. Smith, Snyder, Sprague, Stanard, Standiford, Stevens, St. John, Stowell, Strawbridge, Swann, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Todd, Townsend, Tremain, Tyner, Waddell, Wallace, Walls, Marcus L. Ward, Wells, Wheeler, White, Whitehead, Whitehouse, Whiteley, Wilber, George Willard, Willie, Wilshire, Ephraim K. Wilson, Jeremiah M. Wilson, Wolfe, Wood, Woodworth, John D. Young, and Pierce M. B. Young—164.

The SPEAKER *pro tempore*. Upon this call one hundred and twenty-six members have answered to their names; not a quorum.

Mr. HALE, of New York. My colleague, Mr. WHEELER, has been present this evening, but was compelled to leave the Hall on account of illness.

Mr. GARFIELD. In view of the fact that from one hundred and sixty to one hundred and seventy members are absent, I move that the House now adjourn.

The motion was agreed to; and accordingly (at ten o'clock and five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BLAND: The petition of citizens of Missouri, for a post-route from Hartville, Wright County, Missouri, to Salem, Fulton County, Arkansas, to the Committee on the Post-Office and Post-Roads.

By Mr. BROMBERG: The memorial of the Board of Trade of Mobile, Alabama, in favor of extending Government aid to the Texas Pacific Railway, to the Committee on Railways and Canals.

By Mr. CHIPMAN: The petition of James Selden, of Newburgh, New York, for relief, to the Committee on War Claims.

By Mr. CURTIS: The petitions of citizens of Boston, New York, Philadelphia, Saint Louis, Chicago, Cincinnati, Covington, Louisville, and Pittsburgh, for the passage of a law authorizing and requiring the Secretary of the Treasury, in the manufacture of future Government issues, to conform to the plan recommended by the Joint Select Committee on Retrenchment, March 3, 1869, to the Committee on Banking and Currency.

By Mr. DEWITT: The petition of the Second Methodist Episcopal church of Kingston, Ulster County, New York, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. DONNAN: The petition of citizens of Hanover, Iowa, for a post-route from Hanover to Washington Prairie, Iowa, to the Committee on the Post-Office and Post-Roads.

By Mr. DUNNELL: Papers relating to the claim of Armistead Burwell, of Vicksburgh, Mississippi, to the Committee on War Claims.

By Mr. FIELD: The memorial of D. M. Richardson, of Detroit, Michigan, and others, relative to defining a gross of matches and providing uniform packages, to the Committee on Manufactures.

By Mr. HATCHER: Petitions from citizens of Stoddard, Iron, Reynolds, and other counties in Missouri, for additional post-routes in Missouri, to the Committee on the Post-Office and Post-Roads.

Also, a paper for the establishment of additional post-roads in Missouri, to the Committee on the Post-Office and Post-Roads.

By Mr. LUTTRELL: A paper for the establishment of a post-route from Knoxville to Reed's Mines, in California, to the Committee on the Post-Office and Post Roads.

Also, a paper for the establishment of a post-route from Capay to Oat Valley, in Yolo County, California, to the Committee on the Post-Office and Post-Roads.

By Mr. LYNCH: The petition of Michel Cantoni, for compensation for goods taken by the United States troops in August, 1862, to the Committee on War Claims.

By Mr. MAYNARD: The petition of citizens of the District of Columbia, for the establishment of postal savings depositories, to the Committee on Banking and Currency.

By Mr. NEAL: The petition of S. V. Wright, of Ohio, for relief, to the Committee on Claims.

By Mr. RANDALL: The petition of sundry citizens of Philadelphia, asking that a pension be granted to Mrs. E. M. Bonsall, to the Committee on Invalid Pensions.

By Mr. SAYLER, of Ohio: The petition of Isaac L. Jackson, of the District of Columbia, for relief, to the Committee on Printing.

By Mr. SMITH, of Virginia: The petition of B. Chrisman, W. W. Williams, and others, of Rockingham County, Virginia, for the establishment of an army and naval hospital at Messanetta Springs, Virginia, to the Committee on Ways and Means.

By Mr. SENER: The petition of Wat H. Tyler, of Westmoreland County, Virginia, for compensation for property taken by United States troops in April, 1865, to the Committee on War Claims.

Also, the petition of G. W. Daniels, of Middlesex County, Virginia, late a pilot in the service of the United States, for compensation for sloop Faithful, burned by the United States flotilla in the Rappahannock River in April, 1862, to the Committee on War Claims.

Also, the petition of sundry owners and masters of vessels, and others, for the establishment of a light-house off the end of Dameron's Marsh, on the coast of Virginia, in Chesapeake Bay, to the Committee on Commerce.

By Mr. SHOEMAKER, of Pennsylvania: The petitions of bankers, merchants, and others, of Boston, New York, Philadelphia, Chicago, Cincinnati, Covington, Louisville, and Pittsburgh, for the passage of a law authorizing and requiring the Secretary of the Treasury, in the manufacture of all Government issues hereafter to be made, to conform to the plan recommended by the Joint Select Committee on Retrenchment, under date of March 3, 1869, to the Committee on Banking and Currency.

By Mr. SMITH, of Ohio: The petition of druggists of Hamilton County, Ohio, for certain modifications of the internal revenue laws, to the Committee on Ways and Means.

By Mr. STORM: The petition of bankers, merchants, and others, of New York City, for the passage of a law authorizing and requiring the Secretary of the Treasury, in the manufacture of all Government issues hereafter to be made, to conform to the plan recommended by the Joint Select Committee on Retrenchment, under date of March 3, 1869, to the Committee on Banking and Currency.

Also, the petition of bankers, merchants, and others, of Boston, of similar import, to the same committee.

Also, the petition of bankers, merchants, and others, of Philadelphia, of similar import, to the same committee.

Also, the petition of bankers, merchants, and others, of Saint Louis, of similar import, to the same committee.

Also, the petition of bankers, merchants, and others, of Chicago, of similar import, to the same committee.

Also the petition of bankers, merchants, and others, of Cincinnati, Covington, Louisville, and Pittsburgh, of similar import, to the same committee.

By Mr. WHITEHEAD: Papers in the case of the heirs of William A. Graham, to the Committee on Patents.

By Mr. WILLIAMS, of Michigan: The petition of Robert Crawford, a soldier in the war of 1812, for a pension, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. WOOD: The petition of bankers, merchants, and others, of Boston, New York, Chicago, Saint Louis, Cincinnati, Covington, Louisville, and Pittsburgh, for the passage of a law authorizing and requiring the Secretary of the Treasury, in the manufacture of future Government issues, to conform to the plan recommended by the Joint Select Committee on Retrenchment, March 3, 1869, to the Committee on Banking and Currency.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May* 2, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

PERSONAL EXPLANATION.

Mr. HAWLEY, of Illinois. I call for the regular order of business.

Mr. LUTTRELL. I rise to a question of privilege and ask the indulgence of the House——

The SPEAKER. The gentleman will state the question of privilege.

Mr. LUTTRELL. I rise to a personal explanation.

The SPEAKER. That is not a question of privilege.

Mr. LUTTRELL. I ask consent to make a personal explanation.

Mr. HAWLEY, of Illinois. For how long?

Mr. LUTTRELL. Not to exceed from three to five minutes.

Mr. COBB, of Kansas. I object.

Mr. LUTTRELL. I hope the gentleman will withdraw that objection.

Mr. COBB, of Kansas. I will not.

Mr. LUTTRELL. I have been misrepresented, and I ask the indulgence of the House to make a personal explanation. I have endeavored to treat every member of the House courteously, and only ask, in justice to myself and the constituents I represent, that I may be heard a moment.

Mr. COBB, of Kansas. I cannot withdraw my objection.

Mr. LUTTRELL. Then I take this occasion to say, the man who perpetrated the article in a morning paper is the author of a base falsehood, and I am responsible for this assertion.

SURVEYS OF PUBLIC LANDS.

The SPEAKER laid before the House the following message from the President of the United States:

To the House of Representatives:

In pursuance of the resolution of the House of Representatives of the 15th instant, requesting to be informed "what geographical and geological surveys under different Departments and branches of the Government are operating in the same and contiguous areas of territory west of the Mississippi River, and whether it be not practicable to consolidate them under one Department or to define the geographical limits to be embraced by each," I have the honor to transmit herewith the views of the officers of the War and Interior Departments on the subjects named in the said resolution, and invite attention thereto.

Where surveys are made with the view of sectionizing the public lands, preparatory to opening them for settlement or entry, there is no question but such surveys, and all work connected therewith, should be under the direct control of the Interior Department, or the Commissioner of the General Land Office, subject to the supervision of the Secretary of the Interior. But, where the object is to complete the map of the country; to determine the geographical, astronomical, geodetic, topographic, hydrographic, meteorological, geological, and mineralogical features of the country; in other words, to collect full information of the unexplored or but partially known portions of the country—it seems to me a matter of no importance as to which Department of the Government should have control of the work. The conditions which should control this subject are, in my judgment, first, which Department is prepared to do the work best; second, which can do it the most expeditiously and economically.

As the country to be explored is occupied in great part by uncivilized Indians, all parties engaged in the work at hand must be supplied with escorts from the Army, thus placing a large portion of the expense upon the War Department; and as the Engineer Corps of the Army is composed of scientific gentlemen, educated and practiced for just the kind of work to be done, and as they are under pay whether employed in this work or not, it would seem that the second condition named would be more fully complied with by employing them to do the work. There is but little doubt that they will accomplish it as promptly and as well, and much more economically.

U. S. GRANT.

EXECUTIVE MANSION,
Washington, April 30, 1874.

Mr. GARFIELD. I think that should be referred to the Committee on Appropriations.

Mr. DUNNELL. It should go to the Committee on the Public Lands.

Mr. GARFIELD. I have no care about the matter, but it involves appropriations.

Mr. DUNNELL. The subject has been under the control of the Committee on the Public Lands.

Mr. CLYMER. What is it?

Mr. GARFIELD. It is a matter relative to surveys.

Mr. CLYMER. That ought to go to the Committee on the Public Lands.

Mr. GARFIELD. I do not care where it goes.

The SPEAKER. It had better go first to the Committee on the Public Lands.

Accordingly the message, with the accompanying documents, was referred to the Committee on the Public Lands, and ordered to be printed.

SANTA FÉ LAND CLAIMS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a report of the surveyor-general of New Mexico on the Santa Fé City land claim, being private land claim No. 88; which was referred to the Committee on Private Land Claims, and ordered to be printed.

CHARLES A. LUKE.

The SPEAKER also laid before the House a communication from the Secretary of War, in relation to the bill (H. R. No. 1340) for the relief of Charles A. Luke; which was referred to the Committee on Military Affairs.

BIDS FOR INDIAN SUPPLIES.

The SPEAKER also laid before the House a communication from the Acting Secretary of the Interior, transmitting a draught of a bill for regulating bids for Indian goods, &c.; which was referred to the Committee on Indian Affairs.

HENRY HARTSOUTH.

The SPEAKER also laid before the House a communication from the Secretary of the Interior, transmitting, in compliance with the act of May 9, 1872, the claim of Henry Hartsouth; which was referred to the Committee on Indian Affairs.

INDIANS IN UTAH, ETC.

The SPEAKER also laid before the House a communication from the Secretary of the Interior, transmitting a draught of a bill providing for certain Indians in Utah, Nevada, California, Idaho, and Oregon; which was referred to the Committee on Indian Affairs.

SURVEY OF THE COLORADO.

The SPEAKER also laid before the House Professor Powell's report on the survey of the Colorado of the West; which was referred to the Committee on Appropriations.

LOUISIANA CONTESTED ELECTION.

The SPEAKER also laid before the House additional testimony in the contested-election case of Lawrence *vs.* Sypher, from the first district of Louisiana; which was referred to the Committee on Elections.

WILLIAM H. WARD.

The SPEAKER. The morning hour begins at twenty minutes after twelve o'clock; and the House resumes the consideration of the bill reported some days since from the Committee on Patents, being a bill (H. R. No. 3018) to enable William H. Ward, of Auburn, in the State of New York, to make application to the Commissioner of Patents for an extension of letters-patent for a shell-molding machine.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That William H. Ward, of Auburn, in the State of New York, have leave to make application to the Commissioner of Patents for an extension of the letters-patent granted to him on the 1st day of December, A. D. 1857, for a machine for molding shells, for the term of seven years, from and after the expiration of the original term of fourteen years for which said letters-patent were granted, such application to be made in the same manner and to have the same effect as if the same had been filed not less than ninety days before the expiration of the aforesaid original term of said patent. And upon such application so filed the Commissioner of Patents shall be authorized to consider and determine the same in the same manner, upon giving the same notice, and with the same effect as if the application had been duly filed within the time prescribed by law, and as if the original term of said patent had not expired: *Provided,* That no person shall be held liable for the infringement of said patent, if extended, for making use of said invention since the expiration of the original term of said patent, and prior to the date of its extension.

Mr. PARKER, of New Hampshire. I call for the reading of the report.

The Clerk read the report of the Committee on Patents, as published in House proceedings of April 17.

Mr. PARKER, of New Hampshire. I ask that this bill be now put on its passage.

Mr. KELLOGG. Will the gentleman yield to me for a moment?

Mr. PARKER, of New Hampshire. Certainly.

Mr. KELLOGG. I have followed the reading of this report, and, as it seems to me, this bill will fail to do justice to the patentee if he suffered as claimed in the report. I know it has been the practice—it was the practice during the war—for the Government to take patents for improvements in arms and war materials and use them wherever it thought necessary, because with its strong arm it had the power to do so. But this patent, if extended, will, it seems to me, be of no earthly use to this man.

Mr. PARKER, of New Hampshire. He is content with it.

Mr. KELLOGG. Nobody will make use of this patent for the manufacture of shells except the Government, unless somebody has gone into the business since the expiration of the patent. The suggestion I wished to make is, that if the statements embraced in the report are correct this man ought to present his claim to Congress for compensation for the use of his patent by the Government, or authority ought to be given to him to prosecute his claim against the Government in the Court of Claims.

Mr. PARKER, of New Hampshire. He already has his claim before the Committee on Naval Affairs.

Mr. KELLOGG. It seems to me that that is just the kind of relief which ought to be granted to this man, and that his patent ought not to be extended; for it is a patent for which there will never be any competition except for Government use in time of war. I do not wish to antagonize the bill; but as the patent is one which must be used, if at all, by the Government almost exclusively, I think the Government ought to make compensation to this man for such use instead of granting him an extension. I do not think it right for the Government to take the patents of individual citizens without compensation because it has the power in time of war.

One word further. I do not see any reason why this patentee did not apply for an extension of his patent at the proper time.

Mr. PARKER, of New Hampshire. I will explain that.

Mr. KELLOGG. There seems to be no reason given in the report of the committee. There is one other suggestion I wish to make. The bill ought to contain a proviso protecting any party who may be already engaged in the business of manufacturing the articles which were covered by this patent. If there is any party who, since the patent has been thrown open to public use, has expended money for machinery and gone into the business of manufacturing the articles which have been covered by this patent, there ought to be in the bill a clause excepting such party from the operation of the bill; and it has been the uniform practice for some Committees on Patents to insert such a provision in their bills to my knowledge. When a patent has once expired, and it has been thrown open to the public, I hold that if a party in good faith invests money in machinery and tools to engage in the manufacture of the patented article, he ought to be protected in his investment in any extension that may be thereafter granted.

Mr. PARKER, of New Hampshire. In answer to the interrogatory of the gentleman from Connecticut, [Mr. KELLOGG,] permit me to say that the reason this patentee did not make his application for an extension to the Commissioner of Patents under the law was because he was assured by the Government up to the time of the expiration of the patent, and subsequently, that he should be fully reimbursed. Relying upon that assurance he neglected to make the application as he had the privilege to do under the law—relying, as I have said, on the assurances of the authorities of the Government that it would reimburse him.

Mr. DAWES. He did not make any mistake then, but was persuaded not to insist upon his claim.

Mr. PARKER, of New Hampshire. Now, Mr. Speaker, he was persuaded not to do that by the authorities at the War and Navy Departments, they telling him he should be reimbursed. The time has expired and they now turn round and say to him he has no title to the patent because his patent has expired, and they refuse to pay him.

Mr. HALE, of New York. Will the gentleman yield the floor to me for a few minutes for the purpose of offering an amendment.

Mr. PARKER, of New Hampshire. I will yield to hear the amendment read.

Mr. HALE, of New York. I desire to offer the following amendment:

The Clerk read as follows:

And provided further, Any extension of such patent shall not preclude the United States from making or using said machine or shell, or subject them to any claim of the patentee or his assigns for such making or use during the time covered by said extension.

Mr. HALE, of New York. If the gentleman will permit me I will say a word or two. While I fully agree whatever rights this patentee has against the United States for the use in the past should be fully protected and he should have his standing in the Court of Claims or elsewhere, I think when he comes here asking the favor of a further extension we ought not to grant it against the Government, prohibiting it from using or making the machine and holding it liable to payment for that use during the term for which we grant the extension.

Mr. PARKER, of New Hampshire. Mr. Speaker, it will be perceived by every gentleman on this floor that the Government is the principal consumer. I think it would be unjust to allow that amendment to come in, because it would give the Government almost the exclusive right to use this invention of this applicant without paying him a cent for it. That is not right. The Government would thereby be permitted to take advantage of its own wrong.

Mr. HALE, of New York. The gentleman from New Hampshire will permit me to say a word in that regard. It is well known that the British government never grant patents to operate against the government. Their patents always reserve governmental use. I believe it would be an eminently desirable thing if the same rule should prevail with us, leaving also with the Government, in case of a beneficial invention and the Government making use of it, to make compensation by way of gratuity but not precluding its use by the Government. Now, whatever rights the patentee has had under the general law for fourteen years I certainly do not desire to deprive him of. I know nothing of the invention.

Mr. PARKER, of New Hampshire. He has had no right under it.

Mr. HALE, of New York. During the fourteen years it is said the Government has mainly used it, and that the patentee has a suit pending in the Court of Claims to recover for that use. I would not lay one straw in his way in the enforcement of his just rights against the Government for the use during that time, but when he comes to Congress and asks as a favor, a gratuity, to get an extension of his patent, I think we ought not to grant that extension without distinctly providing such extension shall not be made the basis of a new claim against the Government.

Mr. PARKER, of New Hampshire. This claimant is not asking this as a favor but as an act of justice. If the amendment of the gentleman from New York prevails it will really deprive him of any substantial benefit. The Government being the principal consumer, the principal party which will use the invention, if that amendment prevails it will substantially permit the Government to come in here and take advantage of its own wrong. Having given this applicant assurance from time to time that he would be fully rewarded for the use of his invention, we should by adopting that amendment thereby permit them to take advantage of their own wrong, and would deprive this patentee of any consideration whatever for the use of his invention. I will now yield to the chairman of the Committee on Patents. I wish to say again, however, that I do not admit the amendment of the gentleman from New York.

Mr. HALE, of New York. I shall then have to ask the House to vote down the demand for the previous question to enable me to offer the amendment.

Mr. PARKER, of New Hampshire. I yield to the gentleman from Michigan, chairman of the Committee on Patents.

Mr. CONGER. The gentleman from New York claims, it would seem, that the Government has the right to reserve to itself the use of this patent without compensation, as I understand its effect.

Mr. HALE, of New York. I distinctly stated to the contrary.

Mr. CONGER. At least the effect of it will be to reserve to the Government the use of this patent without remuneration. He said that the British government reserved such governmental use.

Mr. HALE, of New York. But I also acknowledged that was not the law with us.

Mr. CONGER. In England the granting of patents has always been by favor. It is a part of the prerogative of royalty and is the grant of a favor. No man has a right to it there, under their theory of patent-rights. No man has a right to it, but receives the grant only as a favor from the Crown. But in this country every inventor has a constitutional right to his patent.

Mr. HALE, of New York. I would ask the gentleman on what clause of the Constitution that constitutional right is based.

Mr. CONGER. I suppose the gentleman must have read the Constitution in his early days.

Mr. HALE, of New York. I have; and I have entirely failed to discover the clause to which the gentleman from Michigan refers.

Mr. CONGER. I might read the Constitution all through in proof of my statement. But it says expressly:

The Congress shall have power to promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

Mr. HALE, of New York. That is the clause, is it? I never knew it had got the construction which the gentleman puts upon it. That is his own.

Mr. CONGER. We all learn, sometimes even from humble sources, something new. Now, then, what I say is that in this land, under our Constitution and under the laws of the land, every inventor has the right to the exclusive use of his invention. That is his constitutional privilege against the Government and against everybody else.

Mr. NEGLEY. "The exclusive right." That is the language of the Constitution.

Mr. CONGER. He has a right to the exclusive use, or an exclusive right to the use, which is the same thing. Now the argument of my friend from New York, [Mr. HALE,] based on the analogy of English law and English customs, fails here, because the right of the inventor here is a right to the exclusive use against the Government and against everybody.

Mr. HALE, of New York. Will the gentleman permit me to ask him a constitutional question right here?

Mr. CONGER. Certainly.

Mr. HALE, of New York. The clause to which the gentleman refers is in the eighth section of the first article of the Constitution,

providing the power which Congress shall have. It says, "the Congress shall have power" to do so and so; for instance—

To borrow money on the credit of the United States.

Mr. CONGER. The gentleman need not read the whole Constitution.

Mr. HALE, of New York. Does the gentleman maintain that, under that constitutional provision, it is the duty of Congress always to borrow money, any more than it is the duty of Congress to grant patents?

Mr. CONGER. The money question has had a very wide range in this House, and I do not propose to bring it in here. The gentleman cannot coax me to go into the currency question on this patent business.

I wish to add just this in reference to a question which the House ought to decide here. The only value of this invention may be in the Government use of it. The proof before the committee was that it had been of great value to the Government during the last war—of very great value, such as could not be repaid to this patentee in any manner. He has never received from the Government one particle of reward for his invention. He is entitled to a patent for it against the world if he is entitled to one at all. It is a false position assumed here that a constitutional right giving a citizen exclusive right of use of his invention may be taken by any power for any purpose away from him.

Mr. STARKWEATHER. Will the gentleman allow me a question? Does this gentleman claim compensation for the past? If so, that might be a consideration in the determination of this question of extension.

Mr. CONGER. He does; but he wishes a patent for the future.

Mr. HAWLEY, of Illinois. Would he then claim compensation for the future use of the invention by the Government?

Mr. CONGER. That is a matter to be arranged between the Government and the patentee, as in the case of other inventors.

Mr. HAWLEY, of Illinois. He says that the Government has used his invention in the past and he claims compensation for that. Now, if his patent be extended will he then claim compensation for the future, if the Government shall use it in the future?

Mr. CONGER. He would be entitled to such compensation if the Government used it for the future. But he has never received a cent of benefit from the Government for an invention that was costly to him, and which by the reports of the officers of the Army and the Navy has been of considerable benefit to the United States. He ought to have an extension of his patent, and he ought to have it without the amendment which the gentleman from New York [Mr. HALE] offers. Our committee have reported this, as is our custom in such matters, after a very full and careful examination, and we feel a disposition not to report in favor of any of these extensions unless there are very sufficient reasons for them.

Mr. GARFIELD. I desire to ask the gentleman a question. Of course the claim of this gentleman for a patent is now a matter of grace and not of legal right; and is it not perfectly proper for Congress to attach such conditions to that act of grace as they may choose?

Mr. PARKER, of New Hampshire. If they are just.

Mr. GARFIELD. And may not Congress choose to say, we will extend this to you on condition that no claim shall be made against us for the future, though we give you your full rights for the past?

Mr. CONGER. I contend that there is no matter of grace about the extension of a patent. If it is not right to extend it, Congress violates its own duty in extending it. The reason for the extension in all cases in the eye of the law is that the invention is valuable and that the inventor has not received compensation for it from the public or the Government, and that he ought to receive something. Now, this is one of those cases—eminently so.

Mr. HALE, of New York. Will the gentleman permit me to ask him if he is not in error in his idea as to the law in relation to the extension of patents? I understand that the law has not been changed, and that the Commissioner still has a right to grant an extension for seven years, but that this man has failed to apply for such extension within the time prescribed by law.

Mr. CONGER. The gentleman is mistaken as to the law. Under the old law, prior to 1861, patents were allowed to run seven years, then seven years more by extension, and then seven years more by extension—in all twenty-one years; but under the existing law they can only run seventeen years, and there is no right to extend a patent beyond seventeen years which issued since 1861.

Mr. HALE, of New York. The gentleman is greatly mistaken in the law or I am.

Mr. CONGER. Yes; one of us is mistaken.

Mr. HALE, of New York. I understand that the law gives a man a patent for fourteen years and then gives him a right of extension by the Commissioner for seven years more.

Mr. CONGER. The gentleman is mistaken about that; as the law of 1861 and the revision of 1870 and the supplemental act of 1871——

Mr. HALE, of New York. I understand the object of this bill to be to remove an obstacle existing under the general law which allows applications for extension of patents. It is an act of grace on the part of Congress to remove that obstacle and nothing more.

Mr. EAMES. If the gentleman from New Hampshire will yield to me for a minute, I desire to say a word upon this question. I have examined into this case with some care, and I will venture to say here before the House that so far as this application is concerned, or so far as any other report that can be made from the Committee on Patents is concerned, the House need have no apprehension whatever that the committee will recommend an extension in any case that is not deserving of its favorable consideration.

This applicant, Mr. Ward, for a period of some fourteen years before he made application for a patent, from 1841 to 1856, expended his time, gave his labor, and expended money to the amount of something like $30,000 in order to perfect this invention. Prior to this invention shells were molded by hand, as everybody knows. The invention of Mr. Ward was a machine by means of which molds are prepared which make more uniform shells and shells that may be thrown with greater precision. Just prior to the time of his making his application for a patent he entered into a contract with the War Department for the purpose of building one of his machines, for which he was to receive $7,500. The evidence in this case shows that he has received nothing except some $300, which amount was paid to him under circumstances where it was almost necessary that he should have it to keep him from starving. Immediately on the making of that contract he made an application or filed a caveat in the Patent Office, and upon that application he was granted letters-patent for a period of fourteen years, which expired in 1871. During this period, embracing the whole period of the war from 1861 to 1865, the Government had the use of this patent, and it was simply and solely because it was represented to him by the War Department that he should receive a reasonable remuneration for the invention and for the benefit which the Government had derived from his patent during the war that he omitted to make application for an extension of his patent, or rather let the time slip by within which he might have made that application. There can be no question that if he had made his application within the period prescribed by law the Commissioner would have granted him an extension of his patent, and it would have been in existence at the present time.

The question before the House is simply this: whether, when Mr. Ward failed to make his application for an extension of his patent solely because of the representations made by the Government that he should be paid for his invention, Congress will deny him liberty to go before the Commissioner and make application for the extension now for a period of seven years further.

This is one of those inventions, Mr. Speaker, which is simply for public use, and which is useful only in time of war; but it is not, as has been stated on this floor, limited in its use to this Government, because if this patent shall be extended for the period of seven years further, it may be that the inventor may be enabled to introduce his invention into other countries.

Mr. STARKWEATHER. I would ask the gentleman whether the inventor has already received compensation for the use of his invention abroad?

Mr. EAMES. Not to my knowledge; but the gentleman who has charge of the bill can answer that question more definitely than I can. I repeat that this case has received a full, thorough, and careful examination on the part of the Committee on Patents, and this bill has their unanimous approval. I hope it will meet with the approbation of the House, and that it will pass.

Mr. PARKER, of New Hampshire. I yield for a moment to the gentleman from Massachusetts, [Mr. GOOCH.]

Mr. GOOCH. This matter has been before the Committee on Naval Affairs, and the facts there developed agree in the main with the facts stated by the gentlemen who have spoken upon this question, but not in all their details. I understand that in 1857 or 1858 Mr. Ward made this invention and obtained his patent. He manufactured one of his machines, after making arrangements with the Government that they would have it put into the navy-yard and have it tested. They took that machine into the navy-yard, and as they claimed tested it there, and paid him on account of the machine a small sum, perhaps $300.

Now, I understand that there is a conflict between Mr. Ward and some of the officers of the Navy Department. He contends that shells have been made upon substantially the same principle covered by his patent. They deny that such is the fact. They say that his machine has been laid aside, and has not been used, and was not used during the war. On the other hand, he contends that although they did not use his machine in the manufacture of the shells which they made, they adopted some of the principles which his patent covered.

It stands in just this position before the Committee on Naval Affairs, if I may be allowed to refer to a matter pending in committee. Mr. Ward says that he is willing to manufacture a given number of shells by his machine; that the Government may manufacture a given number of shells by any process known to it. He will then pass his shells over to the Government officers, and they may make the test. If his shell is not found to be superior in every respect to any shell which can be manufactured by any other process, then he will withdraw all claim for compensation for any use which may have been made of his machine or of the principles covered by his patent in the manufacture of shells by the Government during all the past. It seems to me that it is advisable the Government should make this experiment; and I trust the Secretary of the Navy will feel authorized to have the test made. If this machine has the merit which is claimed for it,

then the inventor is entitled to a fair compensation. If patents are to be extended at all, certainly the amendment which the gentleman from New York [Mr. HALE] has offered to this bill should not be adopted. If this patent is used, it will be used for the manufacture of shells.

Mr. PARKER, of New Hampshire. By the Government?

Mr. GOOCH. And the presumption is that the Government will manufacture its own shells, and use all the instrumentalities within its power to aid and assist in that manufacture. If the Government does that, then it is simply saying to this man, no matter how much of value you may have in that invention, or how much of benefit the Government may derive from it, Congress, in extending your patent, says to you that you are to receive no compensation whatever from the Government. And it will be claimed hereafter, when this man shall come before one of the Departments, or even before Congress itself where he is ultimately obliged to come unless the Department chooses to make a contract with him, that he had accepted the renewal of his patent on the express condition that he should have no compensation from the Government for its use.

Mr. STARKWEATHER. I have been trying to find out what compensation this gentleman has received abroad, and nobody seems to know.

Mr. GOOCH. I understand that at one time he was in the Woolwich arsenal, I think; they were manufacturing shells, and he suggested to them a process by which they could improve their shell. I do not think he introduced then and there his present patent, but he suggested to them a mode of manufacturing shell, which mode covered one of the principles embraced in his patent.

Mr. STARKWEATHER. Was that before or after he introduced his invention in this country?

Mr. GOOCH. I cannot say whether it was before or after. I understand that he made to them a suggestion in which they considered there was so much of value that of their own accord they made him a compensation of £1,000. But I do not understand that he then and there introduced his patent or his machine for the manufacture of shells. I understand that he merely made a suggestion; and if I recollect aright it was prior to our late war that the suggestion was made; and they made him this voluntary compensation because they thought the suggestion had so much of value in it. I do not understand that he has attempted to introduce his shell abroad in any other way than as I have stated; but on this point I am not fully informed. If I am correctly informed, prior to the war he undertook certain business contracts abroad, which kept him there during the whole period of our war, and I think until after the time his patent had expired.

Mr. PARKER, of New Hampshire. I desire to say a single word. The object of this legislation is not to grant to this man an arbitrary patent, but simply to permit him to go before the Commissioner of Patents and there make application for an extension. In other words, it is simply to put this man in the same situation that he was in at the time of the expiration of the original term of fourteen years. Gentlemen will bear in mind this fact; he would then have made his application to the Commissioner of Patents if he had not relied upon the assurances of the officers of the War and Navy Departments.

It is claimed by certain gentlemen that this man should not be rewarded twice; that if he gets his claim allowed before some of these committees, he will be fully paid, for his patent will be fully reimbursed. If he had not relied upon the assurances of the War and Navy Departments this patent would doubtless have been extended by the Commissioner of Patents and would have run for seven years more. The patentee, however, confided in the assurances of those Departments to the effect that he need not trouble himself about going to the Commissioner of Patents, but that he would be fully reimbursed. Yet, so soon as the time expired within which he could make application for an extension, they turned round and said to him, "You have no title to your patent."

Mr. BURCHARD. Was it the promise that he should be reimbursed for the past use of his patent?

Mr. PARKER, of New Hampshire. Yes, sir; that he should be reimbursed for the use of it in the past. That was the assurance made to him. If he had not relied upon such assurances, he would have gone before the Commissioner of Patents, as he had the right to do under the law, and his patent would have been extended. The present law gives the patentee seventeen years as the term of his patent, thereby establishing that term as the policy of the Government. This man has had only fourteen years; and but for the assurances of the Department, would doubtless have obtained an extension under the law.

Mr. STARKWEATHER. As I understand, the allegations made on behalf of this man are denied by the Navy Department.

Mr. PARKER, of New Hampshire. I do not so understand. I ask that the letter of the Secretary of the Navy, which is embodied in the report, may be read.

The Clerk read as follows:

NAVY DEPARTMENT,
Washington, February 14, 1874.

SIR: I have the honor to reply to your letter of the 5th instant, in reference to the machine furnished by Mr. W. H. Ward, of Auburn, New York, that the machine was furnished to the Department and used for the service of the Government; that it is of present use and value to the service, and that no payment has been made Mr. Ward for the same.

Very respectfully,

GEO. M. ROBESON,
Secretary of the Navy.

Hon. C. D. MACDOUGALL,
House of Representatives.

Mr. PARKER, of New Hampshire. I now yield for a moment to the gentleman from Illinois, [Mr. BURCHARD.]

Mr. BURCHARD. Mr. Speaker, the argument used in favor of extending this patent is that the inventor has not been compensated for his invention during the period that it has been used by the Government. The appeal is strong, I think, in favor of compensating him if the invention is valuable and if the Government has not paid for the use of it. But if this patent is to be extended I do not wish to see this man rewarded by a claim upon the Government for the future as well as the past. I think that if this bill be passed, giving him an extension of his patent from this time, there should be a proviso that he waives his claim for compensation for the use of the invention by the Government in the past. I wish to offer an amendment to that effect.

Mr. PARKER, of New Hampshire. That would give to this patentee the use of his patent for only seven years. It would be saying to him "you ought to have no compensation for your patent except for the term of seven years." That would be unjust.

Mr. BURCHARD. The argument that this man has a claim which has not been paid, a claim which he can now press, a claim in which there is perhaps equity and justice as well as legal force, is, it seems to me, no ground whatever for extending this any more than any other patent. I am opposed to extending patents unless in special cases where some equity is shown entitling the party to such extension.

Mr. PARKER, of New Hampshire. Why, sir, the equities are all with this man. He has not received a cent from the Government, although he has expended something like $30,000. Gentlemen will bear in mind that the Government has received the benefit of this invention during the war. As attested by the letter of the Secretary of the Navy just read, the invention was of great use to the Government during the war, and is now.

I yield for a moment to the gentleman from Pennsylvania, [Mr. MYERS.]

Mr. MYERS. This patentee, as my colleague on the Naval Committee has stated, was before that committee, and we know something of his invention. I say this to the House to allay any misapprehension that may exist. This is not an application for an extension of a patent. Let me make myself understood. In 1861 Congress adopted the policy that patents should be granted for the term of seventeen years and no longer. Before that time the term was fourteen years, with the privilege of obtaining, upon application to the Commissioner of Patents, seven years' extension as a matter of right. This man obtained a patent. It was his right when fourteen years had expired to obtain an extension of seven years' upon proving that he had not been sufficiently compensated. Why was not that extension granted? This man did not give the ninety days' notice of the application for an extension as required by law. This bill is merely to remedy that omission and allow to him the same chance as all other inventors holding patents for similar terms. Why did not this patentee give the ninety days' notice of application for an extension? Because the Government itself prevented him; because the Government which put this invention into use in its navy-yards, and I believe its arsenals, promised him compensation for his invention and his great outlay. But such compensation was never given. Some of the officers said the invention was valueless. The Secretary of the Navy says that it is not valueless. But waiving that question the broad fact stands out that this man, being abroad, confident that the Government would fulfill its promises, failed to take the necessary steps to secure his legal right to an extension. The Government cannot now give him the compensation that should be given to him, and he now asks simply that he may be put upon an equality with every other inventor who held a patent of similar date. It was his legal right to have a seven years' extension; but he comes in here not asking an extension, but merely the privilege of applying to the Commissioner of Patents for an extension, a privilege which other patentees have enjoyed. If the Commissioner of Patents finds that the invention is novel and valuable and that the patentee has not been sufficiently compensated, then an extension will be granted.

Under the present law, patents run for seventeen years. Under the law as it existed a few years ago patents might run twenty-one years at the discretion of the Commissioner of Patents. This man has a valuable invention; he has received scarcely a dollar from it. These inventors with their inventions go to make up the wealth of the country; we boast of them at all times; yet whenever a similar application comes here for the granting of an extension under the law, many members are found who, merely because the word "extension" is used, imagine that we are taking something from the public; that we are interfering with the rights of private parties when we are merely proposing to do justice to a patentee. That is all this bill does, and I hope it will pass. Let me say a word more. The bill maintains all intervening rights, but gives this man the privilege of trying to make something out of his patent.

Mr. PARKER, of New Hampshire. I rise now to call the previous question before the expiration of the morning hour.

Mr. KELLOGG. I hope the gentleman from New Hampshire will yield to me to offer my amendment.

Mr. PARKER, of New Hampshire. I will yield to have the amendment read.

Mr. KELLOGG. I offer it so that private persons may not be injured. I move to add to the proviso the following words:

The Clerk read as follows:

And any person or party having made or purchased machinery for the manufacture or molding of such shells, since the expiration of said letters-patent, shall have the right to use the same during the period of its extension.

Mr. PARKER, of New Hampshire. The bill provides that no person shall be held responsible up to the time of the passage of this act. I demand the previous question.

The House divided; and there were—ayes 70, noes 13.

So (no further count being demanded) the previous question was seconded.

The main question was ordered.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. BURCHARD demanded the yeas and nays on the passage of the bill.

The yeas and nays were not ordered.

The bill was passed.

Mr. PARKER, of New Hampshire, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REYNOLDS POWER-LOOM PATENT.

Mr. EAMES, from the Committee on Patents, reported back a bill (H. R. No. 1216) for the extension of a patent known as the "Reynolds power-loom patent" with a recommendation that it do not pass.

Mr. CONGER. I ask the reading of the report in that case, so we may know the principle upon which the committee have acted.

Mr. KELLOGG. I hope the gentleman will not take up his whole hour in that way.

Mr. CONGER. The report in that case explains the principle upon which the committee have acted. I hope that by unanimous consent it will be printed in the RECORD. If that can be done it will answer my purpose.

There being no objection, it was ordered accordingly.

The bill was laid on the table, and the report ordered to be printed.

[The report is as follows:

The Committee on Patents, to whom was referred the petition of Henry S. Van de Carr, administrator, and Elsie M. Reynolds, administratrix of the estate of Rensselaer Reynolds, deceased, for the extension of a patent issued to the said Rensselaer Reynolds, deceased, submit the following report:

Letters-patent of the United States were granted to the said Rensselaer Reynolds on the 1st day of June, 1852, for an improvement in power-looms, and on the 24th day of May, 1866, the same were extended for a period which expired on the 1st day of June, 1873.

This loom occupied less space, required less motive-power, and ran at greater speed than any loom for weaving plain goods then in operation.

In these respects it was a great improvement, especially by the rapidity of its motion in increasing the number of picks woven from one hundred and twenty to about one hundred and seventy a minute.

Under the patents which have been granted, Mr Reynolds has been protected in the exclusive right to make and use this loom for a period of twenty-one years in his life-time, which included nearly the whole period of the original patent and the extension. Mr. Reynolds used every effort to introduce his loom into general use, and during the greater part of the first term of the patent he did not succeed in realizing a fair remuneration for the benefit which his improvement conferred upon the public; but during the latter part of the original term of fourteen years, and a large portion of the extended term of seven years, he was more successful, and, as appears in evidence, received, over all expenditures and losses, the sum of about $60,000, an average of nearly $3,000 a year for the entire life of the patent.

The committee, while recognizing the invention of Mr. Reynolds as an improvement on the loom then in operation, and one of the best looms now in use, do not think that the facts in evidence present such an exceptional case as would justify them in recommending an application to the Commissioner of Patents for a further extension of his patent; and therefore report adversely to the petition, and recommend that the same do lie upon the table.]

JOHN W. MARSH.

Mr. EAMES, from the Committee on Patents, also reported a bill (H. R. No. 3170) for the relief of John W. Marsh; which was read a first and second time.

The bill, which was read, provides that the Commissioner of Patents, upon due application made to him, is authorized to extend the patent of John W. Marsh, of Oxford, Massachusetts, for a trimming attachment to sewing-machines, issued to him October 27, 1857, and reissued on the 6th day of September, 1859, and numbered in the reissue 809, for the period of seven years from the passage of the act, upon the same evidence and principle as if application had been made to him by said patentee in due time prior to the expiration of said patent, provided no person or corporation shall be made liable for an infringement of said patent, if extended, for having made use of the invention therein patented since the expiration of the original time of the patent and prior to the date of said extension; but such extension, if granted, shall not impair in any manner the rights acquired by contract with said patentee prior to such extension, or of any person or corporation to use said invention.

Mr. EAMES. I ask for the reading of the report. It shows fully the facts and the reasons upon which the recommendation of the committee is based.

The report was read, as follows:

The Committee on Patents, to whom was referred the petition of John W. Marsh, of Oxford, county of Worcester, and State of Massachusetts, for the extension of letters-patent granted to him, submit the following report:

Letters-patent of the United States were issued to the said John W. Marsh October 27, 1857, and upon surrender were reissued to him on the 6th day of September, 1859, for a period of fourteen years from the original grant. The invention for which these letters-patent were granted and reissued consists of a trimming attachment connected with the needle-bar of a sewing-machine in such a way as to rise and fall with the movements of the needle, and thus trim the goods sewed at the same time that the seam is made.

This device is no part of the sewing-machine proper, although it is used in combination with it. It is merely an attachment to the sewing-machine, which may be used or not at pleasure. It is not adapted to or required for use in the ordinary family sewing-machine, but, as appears in evidence, is limited to machines employed in manufacturing establishments, and is attached principally to machines which are used in sewing the cloth and light leather entering into the manufacture of ladies and children's fine boots and shoes, although it may be applied to machines used in the manufacture of articles of the lighter class. In the manufacture of these articles, and especially in making fine boots and shoes for ladies and children's wear, it is essential to trim the edge of the seam, and for this purpose, prior to this invention, it was necessary to take the material after it had been sewed, from the machine, and trim it by hand. This required as many hands to trim as it did to sew the goods. By the use of this attachment the trimmer can be dispensed with and the article trimmed in the machine automatically. This improvement, therefore, saves the wages of one workman on every machine used, and thus enables the manufacturer, by the reduction of the cost of the production, to reduce the price of the articles to the purchaser. In this respect the invention is a great benefit alike to the manufacturer and consumer.

It is an invention of marked simplicity, and will be of great value to the public if generally applied to the sewing-machines to which its use is adapted.

It appears from the evidence that the petitioner is a mechanic in humble circumstances; that at the time and since the letters-patent were granted to him he has been dependent upon his daily earnings for the support of himself and his family; that he has made every effort within his limited means to introduce into use his invention, but that his receipts as yet have not been equal to his expenditures. Discouraged by his failure to make his invention remunerative during the original term, and without sufficient means at the expiration of that term to enable him to introduce it if extended, combined with the expense, which he represents he was not able to incur, involved in an application for an extension, the petitioner omitted to apply, as was his right, within the time prescribed by law to the Commissioner of Patents for an extension of his patent. He now represents that if the patent is extended he can procure, upon conditions advantageous to himself, the aid of persons of sufficient ability to secure the introduction of his invention into public use and thus derive therefrom a reasonable reward for the benefit which his invention confers on the public.

The committee are satisfied, upon the evidence, that this invention is of great value; that the petitioner has used reasonable diligence in his efforts to introduce the same into public use; that he has not been compensated either for his skill and ingenuity or the time and money which he has expended, and that if his patent is extended he may reasonably expect to be fairly remunerated for the advantage which his invention is to the public. The committee therefore recommend the passage of the accompanying bill.

Mr. EAMES. This report has received the unanimous approval of the Committee on Patents, and, as I have stated, it embraces all of the facts as well as the reasons on which the committee came to the conclusion they did. And, unless some member desires some further information, I shall call for the previous question.

Mr. HAZELTON, of Wisconsin. How long has this patent already run?

Mr. EAMES. It was issued for a period of fourteen years; and this is an application for an extension for a period of seven years.

Mr. HALE, of New York. I wish to ask the gentleman whether evidence was taken by his committee, or whether any information was before the committee, as to who is the present owner of this patent, and to whom the benefits of this extension, if it is extended, will inure?

Mr. EAMES. I understand that it belongs to the patentee, but that he has made arrangements or is in hopes of making arrangements with somebody of sufficient means, if the patent be extended, to introduce it into use.

Mr. HALE, of New York. Let me pursue my inquiry a little further. No one who has given any attention to the subject of the extension of patents can fail to be aware that in every case of an important invention the application for an extension is ordinarily pressed in this House in the name of the poor inventor, who has received nothing or substantially nothing from his invention. I have observed that it is very apt to turn out that the poor inventor is neither the party who prays for the extension nor the party to whose benefit the extension will inure if it is given.

Now, knowing nothing at all about this matter, but knowing this fact that there is to-day in existence what is known as a combination—a combination of three of the principal sewing-machine companies——

Mr. EAMES. This has nothing to do with that.

Mr. HALE, of New York. A combination of the Grover & Baker, the Singer, and the Wheeler & Wilson companies—in view of the fact that that combination is the proprietor, to a very large extent, of all the sewing-machine patents that have been granted since the original grant to Elias Howe, I want to know from the committee whether this combination, or any other sewing-machine companies, or set of sewing-machine companies, are the owners of the patent and the parties who will be benefited by this extension?

Mr. EAMES. So far as could be ascertained from the evidence before the committee, the patentee is the sole owner of the patent, and has no connection, directly or indirectly, with the companies, or any of them, to which the gentleman from New York has alluded. They have been brought in, in connection with another application pending before the committee, but we have no information that there is any connection whatever between this patentee and them.

Mr. HALE, of New York. Let me ask one more question. I am only in pursuit of information. I assume to know nothing, and know nothing, of this claim. I want to know whether this claim has been pressed before the Committee on Patents by the attorneys of any of the companies I have referred to.

Mr. PARKER, of New Hampshire. Not at all; not by one of them.

Mr. HAZELTON, of Wisconsin. I wish to ask the gentleman from Rhode Island whether this instrument is used except in conjunction with sewing-machines?

Mr. EAMES. It is not.

Mr. HAZELTON, of Wisconsin. It is utterly valueless except in conjunction with a sewing-machine?

Mr. EAMES. It is.

Mr. PARKER, of New Hampshire. It is only used in connection with the manufacture of boots and shoes.

Mr. McCRARY. I understand the report of the committee to say that this invention is used by manufacturers and in manufacturing establishments, and that it cannot be used in sewing-machines adapted for family use generally. I wish to know if the gentleman from Rhode Island is entirely certain upon that point. I press the inquiry, because there is no monopoly in this country that needs to be broken up more than the monopoly of sewing-machines, and I hope there will be no extension of any patent that has to do with sewing-machines in use in families.

Mr. EAMES. This is not used in that way. I demand the previous question.

Mr. CROCKER. I had risen before the previous question was called for.

The SPEAKER. The gentleman from Rhode Island had the right to demand the previous question.

Mr. GARFIELD. I would like to hear the gentleman from Massachusetts [Mr. CROCKER] on this question.

The SPEAKER. The gentleman from Massachusetts will proceed.

Mr. CROCKER. I am very sorry to differ from a committee for whom I have so much respect as I have for the gentlemen composing the committee who have reported and advocated this bill. But, Mr. Speaker, I stand on entirely different ground from that on which they place this bill. I say here to the House that if the country has been bled sufficiently by anything, it has been by the sewing-machine companies and their combinations all over the country from one end of it to the other.

Mr. PARKER, of New Hampshire. This has nothing to do with family sewing-machines, any more than it has to do with pitch-forks.

Mr. CROCKER. I expect it will turn out that some sewing-machine manufacturers will have the benefit of this.

Mr. PARKER, of New Hampshire. Not at all. And this is an application from one of your own constituents, too.

Mr. CROCKER. I do not care whether he is my constituent or not. The people in this country are all my constituents, from one end of it to the other. I do not stand up here for any particular set or class of constituents, God knows.

Mr. PARKER, of New Hampshire. I desire to say a word.

Mr. CROCKER. I decline to be interrupted. I deny the right of other gentlemen to keep interrupting me.

Mr. PARKER, of New Hampshire. I thought the gentleman had concluded his remarks.

Mr. CROCKER. I am the last man that would deny a fair compensation to any inventor, any man who has brains, anybody who by the use of his brains brings forward something that is of value to the country; but I believe that fourteen years is a sufficiently long term for a patent to run as a rule, and I protest against the constant imposition of renewals of patents upon this country after the term of fourteen years has expired. We hear the same story always, Mr. Speaker, and that is that they have reaped no benefit from their patent. Somebody has reaped benefit from it, and I say it is time for this House and this Congress to put its foot upon this bleeding of the people in the manner in which it is done, and especially in sewing-machines. Allow me to tell you that sewing-machines of all others, with all their combinations and ramifications, have done more to bleed this country, probably, than any other invention we have ever had. I have said all I wish to say.

Mr. PARKER, of New Hampshire. Every word which has fallen from the lips of the gentleman from Massachusetts [Mr. CROCKER] meets my entire approval. When he has gone as far as he desires to go in opposing the extension of patents, he will find the Committee on Patents willing to go a little further.

Mr. CRUTCHFIELD. They have gone further.

Mr. PARKER, of New Hampshire. If he only knew the amount of work we have had before us—of course I do not propose to disclose the secrets of the committee—but if he only knew the conservative feeling which prevails in the committee, and the number of schemes for patent extensions that have been throttled there, I do not think he would object to any application that we bring forward to the House. This is the first time, I believe, that the committee have been called for reports, and this is the second application that has been reported on favorably for an extension of patent.

Now, what is this case? This applicant is a poor man, living in Massachusetts, without any means whatever. He never has realized a dollar from this invention. It is a simple, ingenious device, which is attached to a sewing-machine, and that is what makes it obnoxious to the eyes and ears of the gentleman from Massachusetts. It is a little device which is attached to the sewing-machine for the purpose of trimming the seams of boots and shoes. Gentlemen will bear in mind that it has nothing to do with the ordinary family sewing-machine. I have here a specimen of the kind of work which it does, which gentlemen can examine. As the needle sews the seam this knife follows it and trims the seam, thereby saving the labor of one individual and doing the work very perfectly and nicely.

Now, Mr. Speaker, under the present law—and this should be borne in mind—a patent remains for the term of seventeen years. When this individual took out his patent the term was fourteen years, with the privilege of applying to the Commissioner of Patents for an additional term of seven years. This term expired in 1871 or 1872, only a short time ago. The applicant failed to make his application to the Commissioner of Patents simply because he is so poor a man that he could not pay his expenses to Washington for that purpose. He never has realized a cent from his patent; he never has got a dollar from it. He is to-day, as the proof before the committee conclusively shows, the sole owner of it. The proof was full, complete, and explicit that he had made no assignment, transfer, or sale whatever. Now we do say that an application for the extension of a patent for an invention of the value of this invention, and which has never brought any remuneration whatever to the inventor, ought to receive the favorable action of Congress.

Mr. HAZELTON, of Wisconsin. I would ask the gentleman why it has not been remunerative heretofore if it is so valuable in itself?

Mr. PARKER, of New Hampshire. Because this man has been too poor to introduce it. The proof is ample, full, and explicit on that point. This man was not worth more than two or three hundred dollars; the evidence shows that. And he never has been able to introduce his invention because he has not had the pecuniary ability to do it.

Mr. HAZELTON, of Wisconsin. Has he any more now?

Mr. PARKER, of New Hampshire. He has a little more. The proof shows that he is worth something like $1,500 now, and he thinks he can get a little remuneration for this invention. It is a very meritorious case; and I beg gentlemen to take into consideration the fact that the Committee on Patents is not going to recommend to this House the passage of any act to extend a patent that will be obnoxious to the country. I think we have a proper appreciation of the situation in regard to these matters, and I do not think the House need apprehend that the committee will do any thing of that kind. This bill simply proposes to give this applicant the privilege of going before the Commissioner of Patents and making his application, and if he does not make the application of course the Commissioner of Patents will not extend his patent. It is simply an enabling act, giving him the privilege of going before the Commissioner of Patents. That is all.

Mr. EAMES. I yield five minutes to the gentleman from Massachusetts, [Mr. BUTLER.]

Mr. BUTLER, of Massachusetts. However invidious it may be to attempt to stop the renewal of a patent of a man from Massachusetts, yet I know a great many thousand poor men and women in Massachusetts who have to wear shoes. I am not now for the makers of shoes at all; they can take care of themselves; but there are a great many poor people that have to wear shoes, and the putting of a patent upon any machine that goes to make up shoes—and most of the shoes of the cheaper class are made by sewing-machines—does not meet my approval.

I by no means mean to antagonize the eloquent gentlemen of the Committee on Patents. I think they have done a very good work this Congress. I have heard of fewer patent cases this session than in any other Congress since I have been here.

It is evident that the feelings of my friend from New Hampshire [Mr. PARKER] have been very much moved in behalf of this patentee, and I am afraid his judgment is a little biased by that sympathy, which is natural.

Mr. PARKER, of New Hampshire. He lives in Massachusetts.

Mr. BUTLER, of Massachusetts. I have no doubt he does; a great many of these men live in Massachusetts; and if you should give patents to them for all their new ideas, there would be nothing that would not be patented. But I am talking about the poor people who have to wear shoes. This country has been taxed many and many million dollars which have gone into the pockets of these monopolists. I am sorry this poor man should be in a condition not to have realized anything from his invention in fourteen years. But I think it is time that the sewing-machine patents had run out.

Mr. EAMES. This is no part of a sewing-machine.

Mr. BUTLER, of Massachusetts. I understand it is used on a sewing-machine.

Mr. EAMES. It may be used on a machine or not, at the pleasure of anybody. It is adapted only to certain kinds of machines, those that are used for sewing light leather.

Mr. BUTLER, of Massachusetts. I understand all that. In 1846 as counsel I drew one of the earliest specifications for a patent for a sewing-machine. All the principal patents have now run out. In order to control the manufacture of sewing-machines all manner of little attachments are got up, so that they may keep up their patents. The original patents, those for a needle with an eye through the point, operating upon the arm of a lever—all patents for that portion

of the machine, being the principal part of it—have now run out. But the sewing-machines are covered with little attachments, something here and something there, in order that they may be kept under patents. This is a sewing-machine attachment for the purpose of being used with a given stitch or a given method of using the stitch. It will be made the means of doubling or trebling the price of a machine if it has any merit in it; and if it has not it will do no harm. If it has advantages, then fourteen years is time enough in which the inventor could obtain a sufficient remuneration for the amount of brains expended on this little piece of iron, however much he may have.

However invidious it may seem, still in the interest of the men and women of this country who wear shoes and who will have to pay for this patent if granted, I must oppose it. If it is granted they will have to pay many million dollars, while but a few hundred will go into the pocket of the inventor.

Mr. PARKER, of New Hampshire. The evidence before the committee was full upon this point, that this trimmer saved the labor of one person. Manufacturers of boots and shoes gave their testimony to the effect that they could manufacture cheaper by means of this trimmer attached to the sewing-machine than they could otherwise.

Mr. BUTLER, of Massachusetts. That is exactly my point.

Mr. PARKER, of New Hampshire. Then the gentleman does not want these boots and shoes to be cheap.

Mr. BUTLER, of Massachusetts. Certainly I do.

Mr. PARKER, of New Hampshire. They will be made cheaper by this machine.

Mr. BUTLER, of Massachusetts. I agree to that; but when you put this patent on a machine, then the people will have to pay for it. If all men can make boots and shoes by the aid of this machine, then they can be made cheaper still; whereas the man who holds the patent, if it is all that it is claimed to be, will hold a monopoly and will get for seven years the benefit of the labor of one man for each and every machine to which his patent is attached. He will get the benefit of that, and the poor people who wear the shoes must pay for it, because we in Massachusetts who are smart enough to invent a thing of this sort are smart enough to put the profits in the right place. But if this manufacture is open to the competition of all the world, then the persons who wear the boots and shoes will get the benefit. The manufacturer who owns this patent, this monopoly, will charge just as much as if he had to make his shoes as heretofore, without the benefit of this invention.

Mr. PARKER, of New Hampshire. The manufacturers of Lynn have requested this.

Mr. BUTLER, of Massachusetts. I have no doubt of it. I have very great respect for the manufacturers of Lynn, but I am not going to put a monopoly into their hands.

Mr. CONGER. I want to say a word or two on this subject. I am very sorry to be compelled to defend the interest of the poor people of Massachusetts when they have so many able Representatives on this floor. But if it is necessary I will take up the task. What does this invention do; what kind of manufacture is it employed upon? It is used in the making of fine, ornamental, elegant, light-stitched work such as that used by the friends of my friend from Massachusetts, [Mr. BUTLER,] not that which the poor people of Massachusetts use. If his friends wore the other kind, the kind that did not have this ornament upon it, then his argument might be good. But their feet are not affected either way by this. The proof is conclusive that this is used in the making of ornamental fancy shoes; there is no doubt about it. There is a kind of cutting or trimming along the seam that no man can do with accuracy with any other tool. It is their fancy work this invention is used for, and the rich people pay for it, not the poor people that my friend has talked about.

Mr. BUTLER, of Massachusetts. Does the gentleman suppose that the rich people wear shoes with such work upon them as that, [exhibiting specimen?] They do not in my section of the country. I do not know what they may do in that of the gentleman from Michigan.

Mr. CONGER. All who can afford to wear that nice, delicate work will wear it. The poor wear kip-skin and such kind of material.

Now, Mr. Speaker, this poor man from Massachusetts—I wish he had a representative on this floor—this poor man has labored long to make a simple invention which shall reduce the labor upon these fancy shoes and thereby cheapen them, so that persons even in moderate circumstances may be able to buy them. My friend from Massachusetts is afraid that the work shall be made so common and cheap that even people in moderate circumstances can wear nice shoes.

Mr. BUTLER, of Massachusetts. I want to take off the monopoly; and then they will be cheaper.

Mr. CONGER. It is in proof that this man who invented this simple machine (and all valuable machines are simple) is as poor as he can be; that he has not the means even to bring this simple implement into use; and he asks an extension, which he would have had the right to apply for under the law as it was when he got his patent. But by a recent change of the law we have limited the term of patents to seventeen years and have cut off extensions. On account of his poverty this man could not apply for an extension under the law. This bill will enable him to go before the Commissioner, prove the utility of his machine, and that he never has been remunerated for it under the law. If he succeeds in making such proof he will be entitled to an extension. I desire to reiterate what another member of the Committee on Patents has said, that when the committee shall have finished their labors and shall have reported adversely upon many of the propositions which are before them, which my friend from Massachusetts [Mr. BUTLER] and I will alike war against—I venture to say that not one gentleman in this House will condemn our action. If there should be any complaint I will take the blame upon myself.

Mr. EAMES. In reply to the statement of the gentleman from Massachusetts [Mr. BUTLER] who says that this invention will make no reduction in the cost of the work, I wish to have read the statement of a gentleman largely engaged in the manufacture of shoes at Lynn, Massachusetts.

Mr. BUTLER, of Massachusetts. I do not say that the invention does not reduce the cost of the work; I have no doubt that by means of the invention the work can be done much more cheaply; but I say that if we extend this patent the manufacturers will get the benefit of this reduction.

Mr. BUTLER, of Tennessee. I call for the regular order.

Mr. EAMES. Then I demand the previous question.

The previous question was seconded and the main question ordered; under the operation of which the bill was ordered to be engrossed for a third reading, and being engrossed, was accordingly read the third time.

The question being taken on the passage of the bill, there were on a division—ayes 84, noes 43.

Mr. HAZELTON of Wisconsin, called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 95, nays 85, not voting 110; as follows:

YEAS—Messrs. Arthur, Ashe, Averill, Barrere, Barry, Bell, Biery, Blount, Bowen, Bradley, Bromberg, Bundy, Burleigh, Roderick R. Butler, Cain, Cason, Clements, Clinton L. Cobb, Comingo, Conger, Cook, Crutchfield, Darrall, Dobbins, Donnan, Duell, Durham, Eames, Elliott, Farwell, Frye, Hagans, Benjamin W. Harris, Henry R. Harris, John T. Harris, Hatcher, Joseph R. Hawley, Hendee, Hooper, Hoskins, Hunton, Hynes, Kelley, Kellogg, Knapp, Lansing, Lawson, Lewis, Lynch, MacDougall, McLean, Negley, Niblack, Niles, O'Neill, Orr, Packard, Hosea W. Parker, Pendleton, Perry, Pike, James H. Platt, jr., Poland, Ransier, Rapier, Ray, Rice, Richmond, Robbins, Sawyer, Henry B. Sayler, Sessions, Shanks, Sheats, Sloan, Sloss, Small, J. Ambler Smith, William A. Smith, Strawbridge, Christopher Y. Thomas, Thornburgh, Todd, Tremain, Vance, Waddell, Waldron, White, Whiteley, Charles W. Willard, John M. S. Williams, William Williams, William B. Williams, Willie, and Pierce M. B. Young—95.

NAYS—Messrs. Atkins, Banning, Barber, Bland, Bright, Brown, Buckner, Buffinton, Burchard, Burrows, Benjamin F. Butler, Caldwell, Cannon, Cessna, John B. Clark, jr., Clymer, Coburn, Corwin, Crocker, Crossland, Crounse, Curtis, Danford, Dawes, Dunnell, Field, Freeman, Garfield, Giddings, Glover, Gooch, Gunckel, Eugene Hale, Robert S. Hale, Harrison, John B. Hawley, Gerry W. Hazelton, John W. Hazelton, Houghton, Howe, Hunter, Hyde, Kasson, Lawrence, Lowe, Luttrell, Marshall, Martin, McCrary, James W. McDill, McJunkin, McKee, Merriam, Milliken, Mills, Monroe, Moore, Morrison, Packer, Page, Isaac C. Parker, Phelps, Pratt, Ellis H. Roberts, James W. Robinson, Ross, Milton Sayler, Sherwood, George L. Smith, John Q. Smith, Southard, Speer, Sprague, Starkweather, Strait, Tyner, Walls, Marcus L. Ward, Wells, Whitthorne, Charles G. Williams, James Wilson, Wolfe, Woodworth, and John D. Young—85.

NOT VOTING—Messrs. Adams, Albert, Albright, Archer, Barnum, Bass, Beck, Begole, Berry, Amos Clark, jr., Freeman Clarke, Clayton, Stephen A. Cobb, Cotton, Cox, Creamer, Crittenden, Crooke, Davis, DeWitt, Eden, Eldredge, Fort, Foster, Hamilton, Hancock, Harmer, Hathorn, Havens, Hays, Hereford, Herndon, Hersey, E. Rockwood Hoar, George F. Hoar, Hodges, Holman, Hubbell, Hurlbut, Jewett, Kendall, Killinger, Lamar, Lamison, Lamport, Leach, Lofland, Loughridge, Lowndes, Magee, Maynard, Alexander S. McDill, McNulta, Mellish, Mitchell, Morey, Myers, Neal, Nesmith, Nunn, O'Brien, Orth, Parsons, Pelham, Phillips, Pierce, Thomas C. Platt, Potter, Purman, Rainey, Randall, Read, William R. Roberts, James C. Robinson, Rusk, John G. Schumaker, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Sheldon, Lazarus D. Shoemaker, Smart, A. Herr Smith, H. Boardman Smith, Snyder, Stanard, Standiford, Stephens, St. John, Stone, Storm, Stowell, Swann, Sypher, Taylor, Charles R. Thomas, Townsend, Wallace, Jasper D. Ward, Wheeler, Whitehead, Whitehouse, Wilber, George Willard, Wilshire, Ephraim K. Wilson, Jeremiah M. Wilson, Wood, and Woodford—110.

So the bill was passed.

During the roll-call the following announcements were made:

Mr. RICE. I desire to say that my colleague, Mr. WARD, is necessarily absent.

Mr. WALLS. My colleague, Mr. PURMAN, is necessarily absent. If here he would vote "no."

The result of the vote was announced as above stated.

Mr. EAMES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MOIETIES.

Mr. ELLIS H. ROBERTS. I desire to make a report, for printing and recommittal, upon a matter with reference to which the Committee on Ways and Means have leave to report at any time; and I wish to ask the Chair whether or not this matter will be open for consideration in the House at any time.

The SPEAKER. Is it in relation to moieties?

Mr. ELLIS H. ROBERTS. It is.

The SPEAKER. The understanding was that the Committee on Ways and Means might report upon that matter for action at any time in the House.

Mr. HAWLEY, of Illinois. Is it proposed to bring that question up now?

The SPEAKER. It is not. The proposition is that the report be printed and recommitted. Technically this might exhaust the right of consideration at any time; but that will not be the understanding. The mere reporting for printing and recommitment will not be con-

sidered as exhausting the power of the committee to report at any time for consideration in the House.

The bill reported by Mr. ELLIS H. ROBERTS, being a bill (H. R. No. 3171) to amend the customs-revenue laws and to repeal moieties, was read a first and second time, recommitted, and, with the evidence in the case, ordered to be printed.

UNAUTHORIZED USE OF NAMES.

The SPEAKER. The Chair desires to announce that he has received a letter from Mr. George W. Childs, proprietor of the Philadelphia Ledger, stating that his name was used without any authority whatever, in the list of incorporators in the bill to incorporate the International Immigration and Land Company. The Chair hears no objection, and the name of Mr. Childs will be withdrawn from the list of incorporators, his name having been used without his knowledge or consent.

Mr. SPEER. I should like to know who introduced that bill into the House.

The SPEAKER. The Chair knows nothing about that.

Mr. BURCHARD. I have a similar letter from Willard C. Flagg, of Illinois, that his name also may be withdrawn from the list of corporators in that bill, as his name has been used without his knowledge or consent.

The SPEAKER. It was done evidently without proper consideration in reference to the use of these gentlemen's names.

Mr. WILLARD, of Vermont. Is it in order to move to strike out all the names of the incorporators of that bill?

Mr. CLYMER. It is quite likely the Committee on the Public Lands will do that very thing.

Mr. MONROE. I have received a letter from General J. D. Cox, of Cincinnati, Ohio, whose name has been used without his knowledge or consent, in this or some similar bill, and I ask that it be withdrawn.

The SPEAKER. The Chair hears no objection, and these names will all be withdrawn. This will operate, having the sanction of the House, on the Committee on the Public Lands as instructions.

MANUFACTURERS OF STEEL.

Mr. NEGLEY. I ask unanimous consent to have printed in the RECORD the following petition of consumers of steel and manufacturers of steel and steel products in various forms to maintain the existing laws to the fullest extent for the protection of the industrial interests, which is one of a large number I have received from various sections of the United States, and also that it be referred to the Committee on Ways and Means.

The petition is as follows:

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

The undersigned, consumers of steel, and manufacturers of steel and steel products in various forms, respectfully memorialize your honorable bodies to maintain to the fullest extent the existing laws for the protection of our common interests. We beg you to consider that the propositions made to change or abolish these laws affect not only our own prosperity, but our very existence in many departments of industry, and also, through us, that general prosperity of the country through which alone the foreign trade itself can be maintained.

A small and exceptional class of steel consumers claim, in a petition already, or soon to be, laid before your honorable bodies, that the natural growth of their business is "greatly hindered by the enormous and excessive tax now levied on steel of foreign manufacture." But these petitioners certainly do not comprehend, neither do they truly represent, the facts of the case, which do not disclose any actual grievance nor any ground for just complaint. On the contrary, the duties collected on all the foreign steel entered into consumption in the United States, and classified within the range of values from below seven to above eleven cents per pound, for the eleven months ended June 30, 1873, embracing the whole period of that fiscal year under the reduced tariff, amounted to an *ad valorem* of almost exactly 33 per cent.; whereas the aggregate duties collected on all dutiable goods for the fiscal year, averaged *ad valorem*, were equivalent to 38.07 per cent., showing that the steel specified was subject to 5 per cent. less duty than the general mass of dutied imports. Further, taking the total of steel and manufactures of steel imported during the said eleven months, the average *ad valorem* rate was 37.11 per cent., and 37.51 per cent. for the whole fiscal year; thus evidencing that steel, classified within the range of values from below seven to above eleven cents per pound, was admitted at some 4 per cent. less than the general average for steel and steel products of all kinds. Nor is this all; for, of the steel classified as stated, the lowest grade paid duty for the eleven months at the rate of 39½ per cent., while the higher grade paid at the rate of 27⅞ per cent., and the highest grade at the rate of 33½ per cent., proving that the most expensive classes of unwrought steel are subjected to lower entry charges than the cheapest class; yet the petitioners named claim to find their grievance in the lower charges. We respectfully submit whether these unquestionable facts sustain, in the smallest degree, the charge that the existing duties are "enormous and excessive."

The aforesaid petitioners, in making their appeal to your honorable bodies, call your attention to "the important position occupied by the manufacturers of agricultural and mechanical implements, consumers of foreign steel in the United States." In return, we would ask your attention to a fact, almost notorious throughout the steel trade, that an insignificant fraction of the steel consumed by the manufacturers of agricultural implements is of foreign make, but that the bulk of quantity is of American production; while of the other classes who consume foreign steel, either in part or in whole, nearly every one who produces largely enjoys a considerable export demand for his products. We would further ask consideration for the fact that these manufacturers, as a class, engross the markets of the United States, to the almost entire exclusion of their European rivals; and that with advanced prices for steel abroad, growing out of increased cost in production, the deductive probabilities are that a lowering of duties and a change in mode of levy, would not cheapen steel to the mass of American consumers even by the sixteenth of a cent per pound.

Moreover, we respectfully represent that the claim of the aforesaid petitioners for reduction of duty does not state the facts correctly on the important point of exporting American manufactures made in part of foreign steel. By the act of June 6, 1872, the privilege of drawback, or of full refund of all duties paid, less 10 per cent., was extended to shovels, spades fire-arms, scales, balances, axes, hammers, hatchets, &c., one-half of the materials of which is imported; and this exemption is fully realized by most New England manufacturers. Indeed, nearly all who manufacture for export have for years received a full refund of all duties paid, upon shovels and axes particularly. To these leading manufacturers steel has been and is practically free of duty, so that their allegation that the export of articles "into which foreign steel enters as a chief component part" is prevented or obstructed by the tariff acts is simply untrue. In actual practice this refund of the duty on such articles is largely and liberally made.

The request made by the aforesaid petitioners that the invoice foreign price paid by *bona fide* purchasers be recognized as the dutiable value by the appraisers at the United States ports of entry (without regard to the real market value) would be utterly subversive of the principle involved in the present system of levying duties, and would practically result in entering all classes of goods for import (on which *ad valorem* duties are imposed) at prices less than their true market value.

Finally, the request of the aforesaid petitioners, that "the system of taxation shall be changed from the present assessment *ad valorem* to a specific rate," should, in the opinion of the undersigned, be disregarded. We are content with the duties as at present levied. With all the imperfections of the existing plan, we, as well as the Government, are likely to be better off than under some new and untried scheme whose results are as yet purely theoretic and partly conjectural. A specific duty, fully divorced from the *ad valorem* principle, could be adopted only at the expense of American consumers no less than of American producers of steel. Within such a level range of entry charge, production on our soil would find help where it has already won the victory, and encounter re-enforcement of our foreign competitors where the victory is yet partially to be won.

The undersigned are prepared, and, if circumstances really demand, stand ready, to establish by unanswerable proof every statement set forth in this memorial to your honorable bodies. Our request, in its essence, is, that no legislation whatever concerning reduction of duty on any class of steel be attempted during the present session of Congress.

SARDINE GRAHAM STONE, OF ALABAMA.

Mr. BROMBERG, by unanimous consent, introduced a bill (H. R. No. 3172) to relieve Sardine Graham Stone, of Alabama, of political disabilities; which was read a first and second time.

The bill, which was read, provides that all the political and legal disabilities imposed on Sardine Graham Stone, of Alabama, by provisions of the fourteenth article of amendments to the Constitution be, and the same are hereby, removed.

The SPEAKER. Is there a petition in this case?

Mr. BROMBERG. There is.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed, two-thirds voting in favor thereof.

Mr. BROMBERG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRIVATE BILLS.

Mr. HAWLEY, of Illinois. I propose to move to go into Committee of the Whole House on the Private Calendar, this being objection day; but before doing that, as the committees have not been called for reports of a private nature for some four weeks, I suggest, by unanimous consent, the committees be called for reports of a private nature for reference only.

There was no objection, and it was ordered accordingly.

The SPEAKER. In accordance with the understanding of the House, the Chair will now call over the committees for reports of a private nature for reference only.

JAMES A. M'CULLAH.

Mr. NIBLACK, from the Committee on Ways and Means, reported a bill (H. R. No. 3173) for the relief of James A. McCullah, late collector of the fifth district of Missouri; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM H. REED AND OTHERS.

Mr. HAWLEY, of Illinois, from the Committee on Claims, reported adversely on the petition of William H. Reed, William Barnes, and others, for compensation for detention of the steamer Belle Peoria; which was laid on the table, and the accompanying report ordered to be printed.

CHARLES E. BUCK.

Mr. HAWLEY, of Illinois, also, from the same committee, reported adversely on the petition of Charles E. Buck; which was laid on the table, and the accompanying report ordered to be printed.

PARDON WORSLEY.

Mr. HAWLEY, of Illinois, also, from the same committee, reported a bill (H. R. No. 3174) for the relief of Pardon Worsley; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

REIMBURSEMENT OF ADVANCES.

Mr. DUNNELL, from the same committee, reported back the bill (H. R. No. 44) for the relief of certain citizens of Alleghany County, Pennsylvania, with the recommendation that it do pass; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

B. W. HARRIS.

Mr. SMITH, of Ohio, from the same committee, reported back the bill (H. R. No. 1045) for the relief of B. W. Harris, with the recommendation that it do pass; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

TIMOTHY D. CROOK.

Mr. SMITH, of Ohio, also, from the Committee on Claims, reported back, with the recommendation that it do pass, the bill (H. R. No. 2170) for the relief of Timothy D. Crook; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

J. E. INGALLS.

Mr. BURROWS, from the Committee on Claims, reported a bill (H. R. No. 3175) for the relief of J. E. Ingalls, postmaster at Denmark, Lee County, Iowa; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM GREEN.

Mr. BURROWS also, from the same committee, reported a bill (H. R. No. 3176) for the relief of William Green, of Knox County, Indiana; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

DEWITT C. CHIPMAN.

Mr. BURROWS also, from the same committee, reported a bill (H. R. No. 3177) for the relief of DeWitt C. Chipman, late collector of eleventh district of Indiana; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and ordered to be printed.

REPORTS FROM COMMITTEE ON WAR CLAIMS.

Mr. LAWRENCE, from the Committee on War Claims, reported back, with the recommendation that it do not pass, the bill (H. R. No. 336) for the relief of J. George Harris; and moved that the committee be discharged from the further consideration of the same, and that it be laid on the table.

Mr. KELLOGG. I move that the bill be referred to the Committee of the Whole on the Private Calendar.

The motion was agreed to; and the bill was referred to the Commitee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

Mr. LAWRENCE, from the same committee, reported adversely on the petition of Charles Bombonnell, of France; and the same was laid on the table, and the accompanying report ordered to be printed.

He also, from the same committee, reported back, with the recommendation that it do not pass, the bill (H. R. No. 2569) for the relief of William Cass; and moved that the same be laid on the table, and the accompanying report printed.

Mr. BUTLER, of Tennessee. I ask that that bill shall go to the Committee of the Whole on the Private Calendar.

Mr. LAWRENCE. I object to that.

Mr. BUTLER, of Tennessee. Why?

Mr. LAWRENCE. Because it has no merit in it.

Mr. BUTLER, of Tennessee. That is what we want to find out, and we cannot find it out in any other way. I think the case has merit. I insist that the bill shall go to the Committee of the Whole on the Private Calendar.

The SPEAKER *pro tempore*, (Mr. WHEELER.) One objection is sufficient to take the bill to the Committee of the Whole on the Private Calendar.

Mr. SPEER. Do I understand the Chair to rule that when a bill is reported adversely one objection carries it to the Committee of the Whole on the Private Calendar?

The SPEAKER *pro tempore*. The Chair understands that to be the rule. The bill goes to the Committee of the Whole on the Private Calendar, and the accompanying report will be printed.

Mr. LAWRENCE also, from the same committee, reported back, with the recommendation that it do not pass, the bill (H. R. No. 818) for the relief of Pleasant M. Craigmiler, of Bradley County, Tennessee; and moved that the same be laid on the table, and that the accompanying report be printed.

Mr. BUTLER, of Tennessee. I ask that the bill shall go to the Committee of the Whole on the Private Calendar.

The SPEAKER *pro tempore*. The bill goes to the Committee of the Whole on the Private Calendar, and the accompanying report will be printed.

Mr. LAWRENCE also, from the same committee, made an adverse report on the memorial of Mary K. Brower, widow of James D. Brower; and the same was laid on the table, and the accompanying report ordered to be printed.

Mr. HAZELTON, of Wisconsin, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 1620) for the relief of John L. T. Jones, of Montgomery County, Maryland, for rent and damage sustained by the destruction of a dwelling-house by accidental fire while the same was occupied by the United States troops for quarters; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

He also reported back, with the recommendation that it do pass, the bill (H. R. No. No. 2506) for the relief of the Rev. John R. Hamilton; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

Mr. COBB, of North Carolina, from the same committee, reported a bill (H. R. No. 3178) for the relief of the children of Baker White, deceased, late of Edenton, North Carolina; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

He also, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 801) for the relief of L. R. Strauss, of Macon City, Missouri; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

He also, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 329) for the relief of the estate of Thomas Hord, deceased, of Tennessee; and moved that the same be referred to the Committee of the Whole on the Private Calendar, and that the reports of the majority and of the minority of the committee accompanying the bill be printed.

The motion was agreed to.

Mr. KELLOGG, from the same committee, reported a bill (H. R. No. 3179) granting relief to John L. Williams, of New York; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

He also, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 2844) granting relief to Francis Dodge; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

He also, from the same committee, reported a bill (H. R. No. 3180) for the relief of N. H. Dunphe, of Massachusetts; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

He also, from the same committee, reported a bill (H. R. No. 3181) for the relief of Mrs. Mary A. Thayer; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

He also, from the same committee, reported a bill (H. R. No. 3182) for the relief of the heirs of James Barnett, deceased; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

He also, from the same committee, reported a bill (H. R. No. 3183) for the relief of Jonathan D. Hale; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

He also, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 182) for the relief of Adam Hine; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. WILSON, of Iowa, from the same committee, reported adversely on the petition of David R. Dillon; which was laid on the table, and the accompanying report ordered to be printed.

Mr. SCUDDER, of New Jersey, from the same committee, reported a bill (H. R. No. 3184) for the relief of J. W. Burbridge & Co. and R. H. Montgomery; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

He also, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 2061) for the relief of Edwin C. Fitzhugh; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

He also, from the same committee, reported a bill (H. R. No. 3185) for the relief of Nolan S. Williams, executor of Alfred A. Williams, late of New Orleans, Louisiana; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

He also, from the same committee, reported back, with the recommendation that it do pass, the bill (S. No. 395) for the relief of Edward H. Calvert; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. HARRIS, of Virginia, from the same committee, reported back, with the recommendation that it do pass, the bill (S. No. 465) for the relief of Joseph Council, of Mobile, Alabama; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

He also, from the same committee, reported back with an amendment, and with the recommendation that it do pass, the bill (S. No. 384) for the benefit of the Louisville and Bardstown Turnpike Company; which was referred to the Committee of the Whole on the Private Calendar, and, with the report accompanying the same, ordered to be printed.

He also, from the same committee, reported a bill (H. R. No. 3186) for the relief of Treadwell S. Ayres, of Memphis, Tennessee; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. MORRISON, from the same committee, reported back, with the

recommendation that it do pass, the bill (H. R. No. 2939) to compensate D. R. Haggard for six months' service as colonel of the Fifth Kentucky United States Cavalry Volunteers; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

He also, from the same committee, reported favorably the bill (H. R. No. 1660) for the relief of John B. Tyler, of Kentucky; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

J. C. HANNUM.

Mr. HOWE, from the Committee on Claims, reported a bill (H. R. No. 3187) for the relief of J. C. Hannum, late postmaster at Delphi, Indiana; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

SEBASTIAN REICHERT.

Mr. DUNNELL, from the Committee on the Public Lands, reported favorably the bill (S. No. 419) for the relief of Sebastian Reichert; which was referred to the Committee of the Whole on the Private Calendar.

REPORTS FROM THE COMMITTEE ON MILITARY AFFAIRS.

Mr. HUNTON, from the Committee on Military Affairs, reported favorably the bill (S. No. 245) for the relief of William Rood, late private of the Thirty-sixth Regiment Wisconsin Volunteers; which was referred to the Committee of the Whole on the Private Calendar.

He also, from the same committee, reported, with amendments, the bill (H. R. No. 1002) for the relief of certain settlers upon the military reservation of Fort Bridger, Wyoming Territory; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. DONNAN, from the same committee, reported adversely upon the following; which were laid upon the table, and the accompanying reports ordered to be printed:

A bill (S. No. 68) for the relief of Hiram Prather, late lieutenant-colonel of the Sixth Regiment Indiana Volunteer Infantry; and

The petition of Adam Miller; for relief.

Mr. DONNAN also, from the same committee, reported the following bills favorably; and they were referred to the Committee of the Whole on the Private Calendar, and the accompanying reports ordered to be printed:

A bill (H. R. No. 2703) for the relief of Ingalls B. Andrews; and

A bill (H. R. No. 2771) for the relief of J. Scott Payne, second lieutenant Sixth United States Cavalry, late first lieutenant Fifth United States Cavalry.

Mr. MACDOUGALL, from the same committee, reported back the bill (H. R. No. 1555) to provide for the payment of female nurses during the war; and moved that the committee be discharged from its further consideration, and that it be referred to the Committee on Claims.

The motion was agreed to.

Mr. MACDOUGALL, from the same committee, reported adversely upon the following; and the same was laid upon the table, and the accompanying report ordered to be printed:

Petition of American Institute of Homeopathy, asking that the signal service be so extended as to make known the existence and spread of epidemic diseases.

Mr. HAWLEY, of Illinois, from the same committee, reported back the bill (H. R. No. 2554) for the relief of Marie Barton Greene; and moved that the committee be discharged from its further consideration, and that it be referred to the Committee on War Claims.

The motion was agreed to.

PRIVATE LAND CLAIMS IN CALIFORNIA.

Mr. CESSNA. I am instructed by the Committee on the Judiciary to report back with amendments the bill (H. R. No. 1718) relating to the equitable and legal rights of parties in possession of certain lands and improvements thereon in California, and to provide jurisdiction to determine those rights. I move that it be referred to the Committee of the Whole on the Private Calendar, and, with the amendments and report, printed.

Mr. HAWLEY, of Illinois. Is that a private bill?

Mr. CESSNA. It is.

Mr. HAWLEY, of Illinois. I should judge not, by its title.

Mr. CESSNA. It refers to the claims of twelve or fifteen persons only in California.

The motion of Mr. CESSNA was agreed to.

DOÑA AÑA COLONY, NEW MEXICO.

Mr. PACKER, from the Committee on Private Land Claims, reported back a letter from the Secretary of the Interior in relation to the Doña Aña colony, in New Mexico; and the same was ordered to be printed and recommitted.

REPORTS FROM THE COMMITTEE ON REVOLUTIONARY PENSIONS, ETC.

Mr. VANCE, from the Committee on Revolutionary Pensions and War of 1812, reported back the following petitions; which were referred to the Committee on Invalid Pensions:

Petition of George W. Hanchett and others, for pensions and bounty for soldiers of the Mexican war; and

Petitions of sundry persons for pensions for soldiers of the Mexican war.

Mr. VANCE reported adversely upon the petition of Joseph Penny, of Maine, for bounty lands; which was laid on the table, and the accompanying report ordered to be printed.

Mr. WILLIAMS, of Michigan, from the same committee, reported adversely upon the memorial of William L. S. Dearing for an increase of pension; and the same was laid on the table, and the accompanying report ordered to be printed.

He also reported back the following petitions; which were referred to the Committee on War Claims:

Petition of J. A. Hamilton, of Watsonsville, Tuscola County, Michigan, for compensation; and

Petition of Leonora Marshall, for a pension.

Mr. WILLIAMS, of Michigan, also reported adversely the bill (H. R. No. 326) granting a pension to Daniel Suddarth, of Adair County, Kentucky; which was laid on the table, and the accompanying report ordered to be printed.

Mr. BLAND, from the same committee, reported adversely upon the following petitions; which were laid on the table, and the reports accompanying the same ordered to be printed:

Petition of Anna Taylor for a pension; and

Petition of Charity Hurd for relief.

REPORTS FROM THE COMMITTEE ON INVALID PENSIONS.

Mr. BARRY, from the Committee on Invalid Pensions, reported back the petition of Francis Grimes; which was referred to the Committee on Revolutionary Pensions and War of 1812.

He also, from the same committee, reported back the bill (H. R. No. 3124) for the benefit of N. C. Meadows, of Russell County, Kentucky; and the same was referred to the Committee on Military Affairs.

He also, from the same committee, reported a bill (H. R. No. 3188) granting a pension to Letta Bagley, of Ashtabula County, Ohio; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

He also, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 1820) granting a pension to Samuel Henderson; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

He also, from the same committee, reported a bill (H. R. No. 3189) granting a pension to Frederick Vogel; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

He also, from the same committee, reported back adversely the petition of Elizabeth P. Hull, asking for an increase of pension; which was laid on the table, and the report ordered to be printed.

Mr. MARTIN, from the same committee, reported back adversely the following petitions and bills; which were laid on the table, and the reports ordered to be printed:

The petition of Samuel Taylor, of Coshocton, Ohio, praying for pension;

The petition of Elizabeth J. Ewing, of Sparta, Randolph County, Illinois;

The petition of David Mead;

The petition of Jacob H. Epler;

The petition of Levi H. Harris;

The petition of Susannah Esputa;

The petition of Russell Smith, praying for pension;

The petition of Ella N. Doyle;

The petition of George McNeely;

The bill (H. R. No. 724) granting a pension to Mary V. B. Joyce;

The bill (H. R. No. 957) for the relief of Orson Young;

The bill (H. R. No. 1695) to grant a pension to Armstrong O'Harra, late a private of Company F, Missouri Volunteers;

The bill (H. R. No. 1878) for the relief of Elizabeth Brewer; and

The bill (H. R. No. 2269) granting a pension to James Kile, of Company I, Seventeenth Illinois Volunteers.

Mr. MCJUNKIN, from the same committee, reported back adversely the petition of Mrs. Elizabeth Harding, for arrears of pension; which was laid on the table, and the accompanying report ordered to be printed.

He also, from the same committee, reported bills of the following titles; which were read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 3190) granting a pension to Harriet Leonard; and

A bill (H. R. No. 3191) granting a pension to Elizabeth Brannix.

Mr. THOMAS, of Virginia, from the same committee, reported bills of the following titles; which were read a first and second time, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 3192) granting a pension to the minor children of J. A. Brewer; and

A bill (H. R. No. 3193) repealing the act granting a pension to William H. Blair.

Mr. THOMAS, of Virginia, also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 619) granting a pension to Elizabeth Tipton, of Tennessee; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

ENROLLED BILLS SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

And act (H. R. No. 259) for the relief of James W. Glover, postmaster at Oxford, in the State of New York;

An act (H. R. No. 497) granting a pension to William Haffords, of South Yarmouth, Massachusetts;

An act (H. R. No. 814) granting a pension to Olive S. Breed;

An act (H. R. No. 816) granting a pension to Jane La Font;

An act (H. R. No. 1230) granting a pension to Elizabeth W. Prindle, guardian of the minors of Joseph F. Doak, deceased;

An act (H. R. No. 1364) to amend the act entitled "An act to regulate the carriage of passengers in steamships and other vessels," approved March 3, 1855;

An act (H. R. No. 1396) granting a pension to Thomas J. McIntire, of Rowan County, Kentucky;

An act (H. R. No. 1562) for the relief of Jacob Parmerter, reimbursing him for defending a suit brought against him for an official act;

An act (H. R. No. 1951) granting a pension to Isaac M. Grant;

An act (H. R. No. 2096) granting a pension to James Roach; and

An act (H. R. No. 3161) to enable the Secretary of War to carry out the act of April 23, 1874, entitled "An act to provide for the relief of the persons suffering from the overflow of the Mississippi River."

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

A bill (S. No. 441) enabling claimants to lands within the limits of the Territories of New Mexico, Colorado, and Arizona to institute proceedings to try the validity of their claims.

SALMON B. COLBY.

Mr. WILSON, of Iowa, from the Committee on Claims, reported back a bill (H. R. No. 857) for the relief of Salmon B. Colby, with the recommendation that it do not pass; and the same was laid on the table, and the accompanying report ordered to be printed.

PRIVATE CALENDAR.

Mr. HAWLEY, of Illinois. I move that the House resolve itself into the Committee of the Whole House on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the Private Calendar, (Mr. ORTH in the chair.)

The CHAIRMAN. This being objection day, the committee resumes the consideration of the Private Calendar where it left off on the previous objection day. No debate is in order, and if there be a single objection to any bill it will be passed over and the committee will proceed to the next bill.

HOT SPRINGS, ARKANSAS.

The first bill on the Private Calendar was the bill (H. R. No. 608) extending the time for filing suits in the Court of Claims to establish title to the Hot Springs reservation in Arkansas.

Mr. HYNES objected.

JAMES A. DREW AND OTHERS.

The next bill on the Private Calendar was the bill (H. R. No. 2873) for the relief of James A. Drew and others.

Mr. WILLARD, of Vermont, objected.

WILLIAM I. BLACKISTONE.

The next bill on the Private Calendar was the bill (H. R. No. 554) for the relief of William I. Blackistone.

The bill, which was read, directs the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to William I. Blackistone, of Saint Mary's County, Maryland, the sum of $972, in full for services as a board of trade, in Saint Mary's County, Maryland, from December 15, 1862, to September 15, 1863.

The report was read, as follows:

Under the authority of an act of Congress, approved July 13, 1861, providing for the collection of duties on imports, and for other purposes, and of an act supplementary thereto, approved May 20, 1862, preventing the conveyance of arms, munitions of war, and other supplies, to persons in insurrection against the United States, the Secretary of the Treasury established regulations concerning internal and coastwise commercial intercourse, and appointed officers and agents to execute the same.

Under the provisions of paragraph 6 of these regulations, dated August 28, 1862, the claimant was appointed a "board of trade" for the counties of Charles and Saint Mary's, in the State of Maryland. He performed this duty satisfactorily from the 15th December, 1862, to 15th September, 1863, nine months, for which service he received no compensation except the sum of fourteen dollars.

The reason that he was not paid was owing to the fact that he made no application until the fund from which such payments had been made was covered into the Treasury. The new regulation of the Treasury, of September 11, 1863, has changed the service and superseded this agent by the functions of another officer.

The special agent of the Treasury has recognized the claimant's services, and recommends an allowance of four dollars per day, amounting to $972.

The committee are satisfied that he ought to be paid the amount recommended, and therefore report the bill back without amendment, and recommend its passage.

There being no objection, the bill was laid aside, to be reported favorably to the House.

DABNEY WALKER.

The next bill on the Private Calendar was the bill (H. R. No. 2890) for the relief of Dabney Walker.

Mr. SPEER objected.

A. G. COLLINS.

The next bill on the Private Calendar was the bill (H. R. No. 1272) for the relief of A. G. Collins.

Mr. SPEER objected.

MRS. LOUISA ELDIS, OF SANDUSKY, OHIO.

The next bill on the Private Calendar was the bill (H. R. No. 2891) for the relief of Mrs. Louisa Eldis.

The bill, which was read, authorizes and directs the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Louisa Eldis, of Sandusky, Ohio, the sum of $691.83, in full compensation for losses sustained by the occupancy of her stone building in Sandusky, Ohio, by the One hundred and third Regiment of New York Volunteers, during the months of January, February, March, and April, 1864.

The report was read, as follows:

That the petitioner is the widow of Martin Eldis, deceased; that the said Martin Eldis owned certain property in the city of Sandusky, Ohio, known as the Saint Lawrence Hotel, or Saint Lawrence block; that said property was taken possession of by the authority of Captains Brooks and Ford, officers and quartermasters of the United States Army, as barracks for the use of troops stationed at and doing duty in said city of Sandusky; that said property was used as barracks from November, 1863, to the latter part of May, 1864; that when so taken the property named was in good condition and commanded a fair rent, but owing to the damages done thereto by said United States troops the building could not be rented, thus necessitating extensive repairs to place it in good order. It appears that the property was damaged by the soldiers, who knocked off the plastering, injured the doors, windows, stairs, &c., and in various other ways injuring and defacing the building, requiring a considerable expenditure to place it in tenantable condition, besides losing the rent of the same for several months. It further appears that when the barracks were vacated, Colonel Charles W. Hill, then commanding United States forces at Sandusky, convened a board of officers for the purpose of ascertaining what rent should be allowed for all buildings and property used by United States troops in Sandusky, and also assessing just damages for any injuries to such property by the troops using the same. It also appears that the board recommended the payment of $350 to the petitioner for rent of, and the sum of $691.83 as damages to, said property; that the Third Auditor of the Treasury, in September, 1865, paid the $350 recommended to be paid for rent, but declined to pay the $691.83 recommended as damages, on the ground that he had no jurisdiction in the matter of damages, which your committee understand is the rule with that office in all cases.

It appears from the statements made and testimony adduced in support of the claim of the petitioner that the amount recommended by the board of officers convened by order of Colonel Hill, is no more than a fair compensation under the circumstances, and the committee therefore report the accompanying bill and recommend its passage.

There being no objection, the bill was laid aside, to be reported favorably to the House.

THOMAS SIMMS.

The next bill on the Private Calendar was the bill (H. R. No. 2892) for the relief of Thomas Simms, late a lieutenant in the Seventy-sixth Regiment New York Volunteers.

The bill, which was read, directs the Secretary of War to cause to be paid to Thomas Simms, late second lieutenant Company G, Seventy-sixth Regiment New York Volunteer Infantry, out of any money in the Treasury not otherwise appropriated, the sum of $590, being the pay and emoluments of a second lieutenant for the period of six months, between the 25th day of December, 1862, and the 1st day of May, 1863.

The report was read, as follows:

The testimony shows that Thomas Simms enlisted as a private soldier on the 13th day of September, 1861, in the Seventy-sixth Regiment of New York Volunteers, and was immediately promoted to the place of first sergeant. That he was commissioned on the 13th of May, 1862, by the governor of New York, as second lieutenant, to take rank from the 22d of February, 1862. Then the company was above the minimum number. That from June until in August, 1862, he did the duties of captain in the absence of the captain and first lieutenant of his company. On the 11th day of August, 1862, he took sick, and was sent to hospital on the 20th day of August, 1862, and on the 14th day of January, 1863, he received a furlough for fifty days. He went home, returned at the end of the specified time, being still unfit for duty, and was put in hospital, where he remained till the 4th day of May, 1863, when he was notified that the Secretary of War had discharged him on the 26th of December, 1862. He now wants pay as second lieutenant from the 22d of February, 1862, to May 1, 1862, and from December 25, 1862, to May 4, 1863. His claim for pay for the first period is not sustained by the evidence. It does not appear that he did duty as an officer between the 22d of February and the 1st of May, 1862. He could not and did not, so far as the proof shows, do the duties of second lieutenant regularly till after his commission was issued, May 13, 1862. As a matter of favor he was mustered thirteen days back of that date. It thus appears to be clear that he had no claim for the first-named period.

He was in hospital and kept at the expense of the Government, or on furlough, from December 26, 1862, to May 4, 1863, the date when he received notice of his discharge. His furlough, which was dated January 14, 1863, from hospital, for fifty days, shows that he was recognized and held as an officer in the service. At the end of his time he returned to the hospital in Washington City. From thence he was peremptorily discharged on the 4th of May, 1863; and he was notified that he had been out of service since December 25, 1862, very greatly to his surprise. Being held by the Government until this time, he was justly entitled to pay to the 4th of May, 1863.

There being no objection, the bill was laid aside, to be reported favorably to the House.

SALT LAKE CEMETERY.

The next bill on the Private Calendar was the bill (S. No. 347) granting a portion of the United States military reservation at Salt Lake City for cemetery purposes.

The bill, which was read, authorizes the Secretary of War to grant to Daniel S. Tuttle, Warren Hussey, George E. Whitney, Edmund

Wilkes, and Abel W. White, and to their successors, a tract of land in the United States military reservation of Camp Douglas, near said Salt Lake City, not exceeding twenty acres in extent, in such place as they shall select, subject to the approval of the Secretary of War, and not to be made so as to interfere with the use and occupation of said reservation for military purposes, to be used as a public cemetery, under such rules and regulations as they shall establish for the protection, care, and management of said cemetery; provided that the cemetery shall be open and free to all without any other charge than what is necessary for care, protection, and embellishment.

The question was on the following substitute, reported from the Committee on Military Affairs:

That the Secretary of War be, and he is hereby, authorized to set apart a tract of land, not exceeding twenty acres in extent, in the United States military reservation of Camp Douglas, near Salt Lake City, in the Territory of Utah, to be used as a public cemetery, under such rules and regulations as he shall establish for the protection, care, and management of such cemetery. And he shall cause the same to be laid off and platted in convenient and suitable lots, which shall be forever devoted for the purpose of the burial of the dead. And he may set apart forever to each of the religious denominations organized in Salt Lake City which shall file with him proof of their organization, a lot not to exceed one acre in size, and of convenient shape, which such denominations may inclose and ornament as they see fit, to be used for the purposes of burial; and two acres shall be reserved as a potter's field, or common burying-ground, which may be inclosed and ornamented by the authority of the said city.

The substitute was adopted.

There being no objection, the bill as amended was laid aside, to be reported favorably to the House.

SHERIDAN O. BREMMER.

The next bill on the Private Calendar was the bill (H. R. No. 2412) for the relief of Sheridan O. Bremmer, late a private of Company E, Eighteenth Regiment Wisconsin Infantry.

The bill, which was read, authorizes and directs the Adjutant-General to remove the charge of desertion against Sheridan O. Bremmer, late a private in Company E, Eighteenth Regiment Wisconsin Infantry Volunteers, and grant him an honorable discharge; and the proper accounting officer is hereby authorized to credit and pay all claims for bounty and allowances which he would have been entitled to had no charge of desertion been made against him.

The CHAIRMAN. This bill is reported from the committee with the following amendments:

Strike out "credit" and insert "audit," and add the following proviso:
Provided, That no pay or allowances shall be granted to this soldier for the time he was actually absent from his regiment by virtue of a supposed discharge.

The amendments were agreed to.

The report read was, as follows:

This soldier enlisted on the 30th day of November, 1861, and was mustered in as a private in Company E, Eighteenth Regiment Wisconsin Volunteers, on the 21st day of January, 1862. He was subsequently taken very ill of pneumonia; and there being no prospect of his recovery when the regiment was about to leave Milwaukee for the field, the surgeon of the regiment gave him a discharge, countersigned by the colonel commanding, and both officers informed him that he was discharged, and to go to his home. His name was dropped from the company-rolls with the statement, "Discharged March 29, 1862, at Milwaukee, Wisconsin." Although sick for a long time he finally recovered, and proposed to re-enlist in the same company, when the recruiting officer saw that he had not a legal discharge. He was thereupon ordered to report to his company, which he promptly did, and his case was reported to division headquarters, when Brevet Major-General J. C. Smith issued an order that he be "restored to duty from desertion without trial, with forfeiture of pay and allowances," &c. His company officers swear that he was never entered on the company-rolls as a deserter, and ought not to have been so considered. Evidently the soldier was not in fault, and should receive full pay, allowances, and bounty, less the time he was actually absent from the regiment.

The committee, therefore, submit an amendment for such limitation proviso, and, as so amended, recommend that the bill do pass.

There being no objection, the bill was laid aside, to be reported to the House, with the recommendation that it do pass.

F. O. WYSE.

The next bill on the Private Calendar was the bill (H. R. No. 2893) for the relief of F. O. Wyse, late a lieutenant-colonel, &c.

The bill, which was read, authorizes and directs the Secretary of War to place on the list of retired officers of the Army the name of F. O. Wyse, late lieutenant-colonel of the Fourth Regiment United States Artillery, with the rank of lieutenant-colonel; provided that said F. O. Wyse shall be entitled to pay as such lieutenant-colonel only from the date of the passage of this act.

The report was read, as follows:

This officer entered the Army as a second lieutenant in the year 1837; became a captain in 1847; was brevetted a major for gallant services before the enemy in the Mexican war; was made a major, by promotion, in 1861, and a lieutenant-colonel in the same year. In 1862 he resigned under the following circumstances:

In 1859, then serving with his command on the Pacific coast, while returning on horseback from duty as a member of a general court-martial, convened at Fort Steilacoom, Washington Territory, by the fall of his horse he received an injury in his left ancle-joint, which totally disabled him for several months, and from the effects of which he has never recovered. In 1861 and 1862 he performed duty as a mustering officer; but believing himself unable to endure active service, he appeared before a board assembled by direction of the President to retire disabled officers, convened at Washington in July, 1862. The testimony submitted to this retiring board shows that the lameness caused as above stated still existed at that time; that the injury was of such a permanent nature as would prevent marching on foot or riding a long distance, but that a cure had been so far effected as would enable him to do duty as a mounted officer. The board thereupon decided that he was not incapacitated for active service.

Being thus denied the privilege of being put on the retired list, and feeling fully assured that he could not perform more active duty than the light service upon which he was then employed, he felt compelled, although with evident reluctance, to tender his resignation, which was soon afterward accepted. Instead of being cured, his injury has grown continuously worse and has disabled him from work.

Surgeon-General Barnes, who was one of the witnesses before the retiring board, in a letter of October 18, 1869, states, "I have no hesitation in saying that it (the injury) should have entitled you to the benefits of the retired list whenever the results became as grave as they now are."

His disability is, therefore, evidently permanent, and was received by him while acting in obedience to orders. In the opinion of the committee, the retired list was intended to relieve just such necessities as are presented by this case.

This officer has rendered good service to the Government for the best thirty years of his life. His health is now broken, so that he is unable to provide for his family.

His military record is fine, and his fealty to the Government is beyond question. He asks to be placed on the list of retired officers of the Army with the rank of lieutenant-colonel, and that he be entitled to pay as such from the date of the acceptance of his resignation.

The committee present a bill authorizing the Secretary of War to place this officer on the retired list, with pay only from the date of the approval of the bill, and recommend its passage.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

AMANDA M. SMYTH.

The next bill on the Private Calendar was the bill (H. R. No. 2894) for the relief of Amanda M. Smyth, widow of the late Brevet Major-General Thomas A. Smyth.

Mr. WILLARD, of Vermont, objected.

NATHAN COLE.

The next bill on the Private Calendar was the bill (S. No. 379) for the relief of Nathan Cole, late captain Twenty-third Regiment Veteran Reserve Corps.

The bill, which was read, authorizes the proper accounting officers of the Treasury to credit Nathan Cole, late captain and brevet major Twenty-third Regiment Veteran Reserve Corps, in the settlement of his accounts with the United States, with the sum of $120.80; the said sum having been collected by him while acting as agent of the Bureau of Refugees, Freedmen, and Abandoned Lands, at Lewisville, Arkansas, in 1867, and lost in transmission to the proper receiving and disbursing officer at Little Rock.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

ACTING MASTER ROBERT PLATT.

The next bill on the Private Calendar was the bill (H. R. No. 2896) to authorize the appointment of Acting Master Robert Platt as acting lieutenant in the Navy of the United States.

The bill authorizes the President of the United States, by and with the advice and consent of the Senate, to appoint Robert Platt, now acting master in the Navy, acting lieutenant therein, during such period as his services may be required by the Coast Survey.

No objection being made, the bill was laid aside, to be reported favorably to the House.

GEORGE HENRY PREBLE.

The next bill on the Private Calendar was the bill (H. R. No. 2897) authorizing the President to appoint George Henry Preble, now a captain on the active list of the Navy, to be a commodore.

The bill authorizes the President to nominate, and by and with the advice and consent of the Senate appoint, George Henry Preble, now a captain on the active list of the Navy, to be a commodore on the active list of the Navy, next below Commodore Edward Donalson, being the same relative position on the Navy Register occupied by him for thirty-one years, until the promotions of 1866.

No objection being made, the bill was laid aside, to be reported favorably to the House.

HENRY C. CAREY.

The next bill on the Private Calendar was the bill (S. No. 259) to authorize the proper accounting officers of the Treasury to settle with Henry C. Carey.

The bill authorizes and directs the proper accounting officers of the Treasury to settle with Henry C. Carey for his services as acting consul of the United States at Elsinore, Denmark, from the 1st of July, 1872, to the time when the consul of the United States took charge of said office, and to allow said Henry C. Carey compensation for said period of time at the rate now allowed by law to a United States consul at said place; provided that any fees collected and appropriated to his use by said Henry C. Carey during said time shall be deducted from the amount paid to him.

No objection being made, the bill was laid aside, to be reported favorably to the House.

J. AND W. R. WING.

The next bill on the Private Calendar was the bill (H. R. No. 2898) for the relief of J. and W. R. Wing, of New Bedford, Massachusetts.

The bill authorizes the Secretary of the Treasury to pay to Messrs. J. and W. R. Wing, agents and managing owners of the late American whaling bark Xantho, of New Bedford, Massachusetts, the sum of $642.22 in gold, in full payment for expenses incurred by them for the support and transportation of the crew of that vessel after its wreck in the Indian Ocean, June 18, 1871.

No objection being made, the bill was laid aside, to be reported favorably to the House.

HARRIETTE A. WOODRUFF.

The next bill on the Private Calendar was the bill (H. R. No. 2899) granting a pension to Harriette A. Woodruff.

The bill authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Harriette A. Woodruff, mother of Eugene A. Woodruff, late a first lieutenant in the Corps of Engineers, and pay her a pension from and after the passage of this act.

Mr. PARKER, of New Hampshire. Let the report in that case be read.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 2623) granting a pension to Harriette A. Woodruff, mother of Eugene A. Woodruff, late first lieutenant in the Corps of Engineers, having considered the same, make the following report:

It appears from the papers in this case that Eugene A. Woodruff entered the service in 1861, as a member of Company E, Fifth Regiment Iowa Infantry, and after serving a few months was appointed a cadet at West Point. He graduated in 1866 with marked distinction, standing No. 5 in a large class, and at once entered the regular service. In 1873, while superintending the work assigned him on the Red River raft, it became necessary for him to visit Shreveport to procure needed supplies for his working parties. On his arrival at Shreveport he found the city stricken by a sudden and terrible epidemic, before which all but the bravest fled, leaving the sick suffering and to be cared for by the few gallant souls who dared to face the plague. It was a position to call forth all the generous, self-sacrificing impulses of a Christian gentleman and a soldier, and nobly did Woodruff answer to the call. Joining the Howard Association, he took his part in bringing order out of chaos, in inspiring others with his own fearless spirit; working good both at the bedside of the sick and among those who could only be held in the path of duty and charity by a present bright example. After one week of devotion to the care of the plague-stricken, Woodruff was himself seized with the disease, and died from its effects September 30, 1873.

The petitioner claims pension on the ground of dependence, which is abundantly proven by properly attested papers. The claim was rejected by the Commissioner of Pensions "because it was not shown that Lieutenant Woodruff was ordered to Shreveport to perform any duty, consequently the disease which caused his death was not considered to have been contracted in the line of duty." Additional evidence on this point proves the contrary to be true. Charles W. Howell, captain in the Corps of Engineers, states under oath that he was well acquainted with Lieutenant Woodruff, and that it was by his order that said Woodruff was stationed at Shreveport, and that while at his post of duty, and in the discharge of duties devolving upon him by competent authority, was attacked by yellow fever, from the effects of which he died.

The committee believe the claim to be a just and proper one, and the mother entitled to pension, and therefore report favorably, and recommend the passage of the accompanying substitute for H. R. No. 2623.

No objection being made, the bill was laid aside, to be reported favorably to the House.

JOSEPHINE D. THOMAS.

The next bill on the Private Calendar was the bill (H. R. No. 2900) granting a pension to Josephine D. Thomas.

The bill authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Josephine Dac Thomas, widow of Evan Thomas, who was killed in the late Modoc war, captain Fourth United States Heavy Artillery, and pay her a pension at the rate of thirty dollars a month, in lieu of the pension she is now receiving, from and after the passage of this act.

No objection being made, the bill was laid aside, to be reported favorably to the House.

MARY E. NAYLOR.

The next bill on the Private Calendar was the bill (S. No. 567) granting a pension to Mary E. Naylor, widow of Osborn Naylor, late a private in Company C, Second Kansas Volunteers.

The bill authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Naylor, widow of Osborn Naylor, late a private in Company C, Second Kansas Militia.

Mr. ATKINS. Let the report be read.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. No. 567) granting a pension to Mary E. Naylor, widow of Osborn Naylor, having had the same under consideration, respectfully report:

That we concur in the report of the Senate committee, report back the bill, and recommend its passage.

No objection being made, the bill was laid aside, to be reported favorably to the House.

EUGENE SMITH.

The next bill on the Private Calendar was the bill (H. R. No. 540) granting a pension to Eugene Smith.

The bill authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Eugene Smith, late of Company F, First Nebraska Veteran Volunteers.

No objection being made, the bill was laid aside, to be reported favorably to the House.

JOHN HENDRIE.

The next bill on the Private Calendar was the bill (H. R. No. 2901) granting a pension to John Hendrie.

The bill authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Hendrie, late a private in Company B, Seventeenth Regiment of United States Infantry; payment to commence from the passage of this act.

No objection being made, the bill was laid aside, to be reported favorably to the House.

JAMES R. YOUNG.

The next bill on the Private Calendar was the bill (S. No. 470) for the relief of James R. Young.

The bill authorizes and directs the proper accounting officers of the Treasury to allow and credit to James R. Young, late postmaster at Lisbon, New Hampshire, the sum of $309.84, for postage-stamps stolen from his safe and office by burglars on the night of May 15, 1869, without any fault or neglect on the part of said postmaster.

No objection being made, the bill was laid aside, to be reported favorably to the House.

DWIGHT J. M'CANN.

The next bill on the Private Calendar was the bill (H. R. No. 2039) for the relief of Dwight J. McCann.

The bill was read.

Mr. GIDDINGS and Mr. SPEER objected.

The CHAIRMAN. Objection being made, the bill goes over.

MUSEUM OF FINE ARTS.

The next bill on the Private Calendar was the bill (H. R. No. 2989) to authorize the trustees of the Massachusetts Museum of Fine Arts to import and retain for two years certain works of art free of duty.

The bill authorizes the trustees of the Museum of Fine Arts, an institution established under the laws of the Commonwealth of Massachusetts for the promotion of the fine arts, to import free of duty a collection of pictures belonging to the Duke of Montpensier, and not intended for sale, under such regulations as the Secretary of the Treasury shall prescribe; provided that a bond shall be given for the payment to the United States of such duties as are now imposed by law upon any and all of such pictures as shall not be re-exported within two years after such importation.

No objection being made, the bill was laid aside, to be reported favorably to the House.

JESSE F. MOORE AND CHARLES W. LEWIS.

The next bill on the Private Calendar was the bill (H. R. No. 2990) for the relief of Jesse F. Moore and Charles W. Lewis.

The bill authorizes and directs the Secretary of the Treasury to pay to Jesse F. Moore and Charles W. Lewis, out of any money in the Treasury not otherwise appropriated, the sum of $1,041.06 in full pay and satisfaction for a lot of tobacco improperly seized at Macon, Georgia, in November, 1867, from Jesse F. Moore, and sold January 31, 1868, by J. C. McBurney, acting as collector of internal revenue, and the proceeds of which have been covered into the Treasury.

No objection being made, the bill was laid aside, to be reported favorably to the House.

O. N. FELTON.

The next bill on the Private Calendar was the bill (H. R. No. 977) for the relief of O. N. Felton, late assistant treasurer of the United States at San Francisco, California.

Mr. SPEER objected.

C. E. ROGERS.

The next bill on the Private Calendar was the bill (S. No. 207) for the relief of C. E. Rogers.

The bill was read. It authorizes and directs the Postmaster-General in settling the accounts of C. E. Rogers, late postmaster at Carver, Minnesota, to allow him a sum not exceeding $222.50 as indemnification for a like amount belonging to the post-office fund, and stolen from the said C. E. Rogers on the 29th day of October, 1869, in case it shall satisfactorily appear to the Postmaster-General that the said Rogers was guilty of no negligence in the custody of the money and postage-stamps stolen.

There being no objection, the bill was laid aside, to be reported favorably to the House.

RICHARD DILLON.

The next bill on the Private Calendar was the bill (H. R. No. 2991) to reimburse Richard Dillon for subsistence while in the discharge of his official duties in the service of the United States.

Mr. SPEER objected.

CHARLES J. SANDS.

The next bill on the Private Calendar was the bill (H. R. No. 1206) for the relief of Charles J. Sands, of Brooklyn, New York.

The bill directs the Secretary of the Treasury to pay to Charles J. Sands, of Brooklyn, New York, out of any money in the Treasury not otherwise appropriated, the sum of $202.39, said sum being for salary due him for services as United States marshal of consular court at Chinkiang, China, from the 5th day of October to the 19th day of December, 1865, inclusive.

There being no objection, the bill was laid aside, to be reported favorably to the House.

DANIEL F. DULANY.

The next bill on the Private Calendar was the bill (H. R. No. 1627) for the relief of Daniel F. Dulany.

Mr. HALE, of New York, objected.

GEORGE COWLES.

The next bill on the Private Calendar was the bill (H. R. No. 2992) for the relief of George Cowles, of New Haven, Connecticut.

Mr. GIDDINGS objected.

CORA A. SLOCUMB AND OTHERS.

The next bill on the Private Calendar was the bill (H. R. No. 2993) for the relief of Cora A. Slocumb, Ida Slocumb Richardson, and Caroline Augusta Urquhart.

Mr. HALE, of New York, objected.

NORMAN WIARD.

The next bill on the Private Calendar was the bill (H. R. No. 609) for the relief of Norman Wiard.

Mr. HALE, of New York, objected.

MICHAEL MULHOLLAND.

The next bill on the Private Calendar was the bill (H. R. No. 2994) for the relief of Michael Mulholland, of Vicksburgh.

Mr. CLYMER objected.

MRS. EMMA A. PORCH.

The next bill on the Private Calendar was the bill (H. R. No. 2995) for the relief of Mrs. Emma A. Porch.

Mr. SPEER objected.

DANIEL WORMER.

The next bill on the Private Calendar was the bill (H. R. No. 2996) for the relief of Daniel Wormer, of Albany, New York.

Mr. SPEER objected.

GEORGE A. SCHREINER.

The next bill on the Private Calendar was the bill (H. R. No. 2997) for the relief of George A. Schreiner.

The bill directs the Secretary of the Treasury to pay to George A. Schreiner, out of any money in the Treasury not otherwise appropriated, the sum of $1,855, that being one-half the pay of a pilot in the Government service, from the 9th day of December, 1861, to the 1st day of January, 1864.

There being no objection, the bill was laid aside, to be reported favorably to the House.

THOMAS NILES.

The next bill on the Private Calendar was the bill (H. R. No. 2998) for the relief of the estate of Thomas Niles, deceased.

Mr. SPEER objected.

SELDEN CONNOR.

The next bill on the Private Calendar was the bill (H. R. No. 2704) for the relief of Selden Connor.

The bill authorizes and directs the Secretary of the Treasury to pay to Selden Connor, late lieutenant-colonel of the Seventh Regiment of Maine Volunteer Infantry, the sum of $200, or so much thereof as he shall prove to the satisfaction of the proper accounting officers of the Treasury Department that the horse was worth, for a horse shot and killed in 1863 by order of the colonel of said regiment, while the said Selden Connor was absent from his regiment on detached duty.

There being no objection, the bill was laid aside, to be reported favorably to the House.

HENRY A. WEBSTER AND OTHERS.

The next bill on the Private Calendar was the bill (H. R. No. 2999) for the relief of Henry A. Webster, V. B. McCollum, and A. Colby, of Washington Territory, pre-emptors on the Makah Indian reservation.

The bill authorizes and directs the Secretary of the Interior to examine and consider the claims of Henry A. Webster, V. B. McCollum, and A. Colby for valuable improvements taken possession of and used by the United States in enlarging the Makah Indian reservation on the Pacific coast and Straits of Fuca, in Washington Territory, by executive order of the President of the United States, dated October 21, 1873, and to adjust and settle the same on principles of equity, in view of the appraisement made by authority of the Commissioner of Indian Affairs, dated April 25, 1873, not to exceed the sum of $23,608.34; and the bill appropriates that sum, or so much thereof as shall be necessary, out of any money in the Treasury not otherwise appropriated, in full satisfaction thereof.

There being no objection, the bill was laid aside, to be reported favorably to the House.

NORTH CAROLINA INDIANS.

The next bill on the Private Calendar was the bill (H. R. No. 2139) for the relief of the Eastern band of North Carolina Cherokee Indians.

Mr. WILLARD, of Vermont, objected.

SAMUEL W. DAVIDSON AND OTHERS.

The next bill on the Private Calendar was the bill (H. R. No. 3000) for the relief of Samuel W. Davidson, Henry Smith, John Gray Bynum, and others.

Mr. WILLARD, of Vermont, objected.

PETER J. KNAPP.

The next bill on the Private Calendar was the bill (H. R. No. 3001) for the relief of Peter J. Knapp.

The bill directs the Secretary of War to cause Peter J. Knapp, late a private in Company H, Fifth Regiment Iowa Infantry Volunteers, to be honorably discharged and mustered out of the service, to date with the muster-out of his regiment, and to cause to be paid to him the full sum due him for back pay and allowances as a soldier of the company and regiment above named; provided that the Secretary of War shall be satisfied upon investigation that the agreement of the said Peter J. Knapp to join the enemy was made while the said Knapp was incarcerated in a rebel prison, and for the purpose of escaping from imminent peril of death from exposure and hunger and with a view of escaping to the Union lines.

There being no objection, the bill was laid aside, to be reported favorably to the House.

ORDER OF BUSINESS.

Mr. HALE, of New York. I move that the committee now rise.

The motion was not agreed to upon a division—ayes 28, noes 39.

Mr. SAYLER, of Ohio. I understand that objection has been withdrawn to the bill (H. R. No. 1272) for the relief of A. G. Collins.

Mr. SMITH, of Ohio. Objection is also withdrawn to the bill (H. R. No. 977) for the relief of O. N. Felton.

The CHAIRMAN. It requires unanimous consent to go back to any bill on the Calendar which has been passed by.

Objection was made.

The CHAIRMAN. Objection being made to going back, the Clerk will report the next bill on the Calendar.

Mr. HAZELTON, of Wisconsin. I move that the committee now rise.

The motion was agreed to on a division—ayes 56, noes 38.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. ORTH reported that, pursuant to the order of the House, the Committee of the Whole had had under consideration the Private Calendar, and had directed him to report sundry bills to the House with a recommendation that they be passed.

PRIVATE BILLS PASSED.

The following bills, reported from the Committee of the Whole, were then severally read the third time, and passed:

A bill (H. R. No. 554) for the relief of William I. Blackistone, of Saint Mary's County, Maryland;

A bill (H. R. No. 2891) for the relief of Mrs. Louisa Eldis, of Sandusky, Ohio;

A bill (H. R. No. 2892) for the relief of Thomas Simms, late a lieutenant in the Seventy-sixth Regiment New York Volunteers;

A bill (S. No. 347) granting a portion of the United States military reservation at Salt Lake City for cemetery purposes;

A bill (H. R. No. 2412) for the relief of Sheridan O. Bremmer, late a private of Company E, Eighteenth Regiment Wisconsin Infantry;

A bill (H. R. No. 2893) for the relief of F. O. Wyse, late a lieutenant-colonel, &c.;

A bill (H. R. No. 379) for the relief of Nathan Cole, late captain Twenty-third Regiment Veteran Reserve Corps;

A bill (H. R. No. 2896) to authorize the appointment of Acting Master Robert Platt as acting lieutenant in the Navy of the United States;

A bill (H. R. No. 2897) authorizing the President to appoint George Henry Preble, now a captain on the active list of the Navy, to be a commodore;

A bill (S. No. 259) to authorize the proper accounting officers of the Treasury to settle with Henry C. Carey;

A bill (H. R. No. 2898) for the relief of J. and W. R. Wing, of New Bedford, Massachusetts;

A bill (H. R. No. 2899) granting a pension to Harriette A. Woodruff;

A bill (H. R. No. 2900) granting a pension to Josephine D. Thomas;

A bill (S. No. 567) granting a pension to Mary E. Naylor, widow of Osborn Naylor, late a private in Company C, Second Kansas Volunteers;

A bill (S. No. 539) granting a pension to Eugene Smith;

A bill (H. R. No. 2901) granting a pension to John Hendrie;

A bill (S. No. 470) for the relief of James R. Young;

A bill (H. R. No. 2989) to authorize the trustees of the Massachusetts Museum of Fine Arts to import and retain for two years certain works of art free of duty;

A bill (H. R. No. 2990) for the relief of Jesse F. Moore and Charles W. Lewis;

A bill (S. No. 207) for the relief of C. E. Rogers;

A bill (H. R. No. 1206) for the relief of Charles J. Sands, of Brooklyn, New York;

A bill (H. R. No. 2997) for the relief of George A. Schreiner;

A bill (H. R. No. 2704) for the relief of Selden Connor;

A bill (H. R. No. 2999) for the relief of Henry A. Webster, V. B. McCollum, and A. Colby, of Washington Territory, pre-emptors on the Makah Indian reservation; and

A bill (H. R. No. 3001) for the relief of Peter J. Knapp.

Mr. WILLARD, of Vermont, moved to reconsider the various votes by which private bills had just been passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AMERICAN CITIZENSHIP.

Mr. E. R. HOAR withdrew the pending motion to reconsider in

connection with the bill (H. R. No. 2199) to carry into execution the provisions of the fourteenth amendment to the Constitution concerning citizenship, and to define certain rights of citizens of the United States in foreign countries and certain duties of diplomatic and consular officers, and for other purposes.

MESSENGER FOR COMMITTEE.

Mr. KELLOGG. I ask unanimous consent to submit and have adopted at this time the following resolution:

Resolved, That the Committee on Accounts be, and is hereby, instructed to audit and allow the account for the services of the messenger for the Committee on Reform in the Civil Service, without regard to the fact that the said messenger did not take the required oath at the commencement of such service, and that the amount so allowed shall be paid out of the contingent fund of the House.

Mr. HOSKINS. I object.

A. G. COLLINS.

Mr. SAYLER, of Ohio. Objection was made in Committee of the Whole to House bill No. 1272, for the relief of A. G. Collins. I understand that objection is now withdrawn.

Mr. SPEER. I made the objection in Committee of the Whole. But upon explanation made to me by the gentleman from Ohio [Mr. SAYLER] I withdraw my objection.

Mr. HALE, of New York. I renew the objection.

WAHSATCH AND JORDAN VALLEY RAILROAD.

Mr. HOUGHTON, by unanimous consent, reported back with amendments, from the Committee on the Pacific Railroad, the bill (H. R. No. 1885) granting to the Wahsatch and Jordan Valley Railroad Company the right of way through the public lands for the construction of a railroad and telegraph; which was ordered to be printed and recommitted to the Committee on the Pacific Railroad.

Mr. CESSNA. I move that the House now adjourn.

The motion was agreed to; and accordingly (at four o'clock and thirty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BELL: The petition of Edward Gallaher, for compensation for use of buildings in Augusta, Georgia, by the Commissary and Medical Departments of the United States Army, to the Committee on War Claims.

By Mr. DAWES: The petition of Mrs. Lucy Wrisley, of Deerfield, Massachusetts, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Mrs. Olive S. Snow, of Huntington, Massachusetts, for a pension, to the Committee on Invalid Pensions.

By Mr. DONNAN: A paper for the establishment of a certain post-route in Iowa and Minnesota, to the Committee on the Post-Office and Post-Roads.

By Mr. HAWLEY, of Illinois: The petition of Norman H. Ryan, of Amboy, Lee County, Illinois, for relief, to the Committee on Claims.

By Mr. McDILL, of Wisconsin: The petition of citizens of Superior, Wisconsin, for a specific appropriation for the improvement of Superior Harbor, to the Committee on Commerce.

By Mr. NEGLEY: The petition of 737 citizens of the United States, consumers of steel and steel products in various forms, to maintain to the fullest extent the existing laws for the protection of the interests of American industry, as follows: 33 citizens of Nashville, Tennessee; 18 of Chicago, Illinois; 7 of Milwaukee, Wisconsin; 12 of New York and Brooklyn; 23 of Philadelphia, Pennsylvania; 3 of New York and New Jersey; 1 of Buffalo, New York; 1 of Trenton, New Jersey; 5 of West Chelmsford, Massachusetts; 1 of Troy, New York; 1 of Lockport, New York; 4 of Cincinnati, Ohio; 1 of Morristown, New Jersey; 8 of Cleveland, Ohio; 1 of Litchfield, Maine; 19 of Chicago, Illinois; 4 of Saint Louis, Missouri; 1 of Providence, Rhode Island; 1 of Pawtucket, Rhode Island; 1 of Pacong, Rhode Island; 8 of Boston, Massachusetts; 1 of Quincy, Illinois; 3 of Dubuque, Iowa; 1 of Bernardston, Massachusetts; 6 of San Francisco, California; 1 of Wolcottville, Connecticut; 2 of Alliance, Ohio; 5 of Middletown, New York; 1 of New Haven, Connecticut; 1 of Deep River, Connecticut; 1 of Paterson, New Jersey; 1 of West Chelmsford, Massachusetts; 2 of Sterling, Illinois; 11 of New York and New Jersey; 15 of Cincinnati, Ohio; 1 of Alliance, Ohio; 81 of Massachusetts; 1 of Alton, Illinois; 1 of Denver, Colorado; 9 of Beaver Falls, Pennsylvania; 1 of New Albany, Indiana; 1 of Dayton, Ohio; 7 of Connecticut; 1 of Youngstown, Ohio; 3 of Saint Louis, Missouri; 3 of Pern, Illinois; 1 of Leavenworth, Kansas; 8 of Keokuk, Iowa; 8 of Beaver Falls, Pennsylvania; 26 of Lowell, Massachusetts; 6 of Rockford, Illinois; 6 of Wilmington, Delaware; 4 of Williamsport, Pennsylvania; 1 of Geneva, Ohio; 5 of Saint Louis, Missouri; 1 of Bellefonte, Pennsylvania; 9 of Pennsylvania; 7 of Chattanooga, Tennessee; 6 of Cincinnati, Ohio; 1 of Xenia, Ohio; 9 of Newark, New Jersey; 4 of Louisville, Kentucky; 1 of Baltimore, Maryland; 4 of Waterbury, Connecticut; 2 of Bristol, Connecticut; 1 of Unionville, Connecticut; 94 of New York; 1 of Poughkeepsie, New York; 3 of Cohoes, New York; 1 of Troy, New York; 1 of Pottstown, Pennsylvania; 91 of Philadelphia, Pennsylvania; 80 of Pittsburgh, Pennsylvania, to the Committee on Ways and Means.

By Mr. NILES: The petition of Armistead Burwell, of Vicksburgh, Mississippi, for relief, to the Committee on War Claims.

By Mr. VANCE: Papers relating to the claim of Ephraim Clayton, of Asheville, North Carolina, to accompany House bill No. 3113, to the Committee on War Claims.

By Mr. WHEELER: Estimate of receipts and expenditures of pension agency at Brooklyn, New York, from April 1, 1873, to March 31, 1874, to the Committee on Appropriations.

Also, the petition of sundry lumber dealers and owners of planing-mills, for the passage of House bill No. 2906, to the Committee on Patents.

Also, the petition of citizens of Hammond, Saint Lawrence County, New York, for the prepayment of postage on all printed matter sent through the mails, to the Committee on the Post-Office and Post-Roads.

By Mr. WILLIAMS, of Wisconsin: The memorial of the common council of the city of Janesville, Wisconsin, in relation to the improvement of the Fox and Wisconsin Rivers, to the Committee on Commerce.

IN SENATE.

MONDAY, *May* 4, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

On motion of Mr. FENTON, and by unanimous consent, the reading of the Journal of Friday last was dispensed with.

PETITIONS AND MEMORIALS.

Mr. JOHNSTON presented the petition of George A. Pickett, of Norfolk, Virginia, praying the removal of his political disabilities; which was referred to the Committee on the Judiciary.

Mr. WASHBURN presented three petitions of citizens of Boston, Massachusetts, ship-owners and merchants, praying the abolition of the present system of compulsory pilotage; which were referred to the Committee on Commerce.

Mr. WASHBURN. I also have a petition which was forwarded to Senator Sumner, by colored citizens of Virginia, in favor of the passage of his civil-rights bill, the day previous to his death.

The PRESIDENT *pro tempore*. The petition will be laid on the table, the Committee on the Judiciary having reported the bill.

Mr. WASHBURN. Under the circumstances, sir, if it is proper, I should like to have a paragraph from the communication accompanying this petition read—simply the paragraph which I have marked in brackets.

The PRESIDENT *pro tempore*. The matter referred to will be read if there be no objection. The Chair hears none.

The Chief Clerk read as follows:

Your name is loved and honored by all these poor colored people, who have heard of your devotion to their civil rights. We sympathize deeply with your disappointment in the delay of Congress to pass the bill.

The petition was ordered to lie on the table.

Mr. HAMLIN presented three petitions of merchants, ship-owners, and ship-masters of the town of Jonesport, Maine, of the town of Columbia Falls, Maine, and the town of Sullivan, Maine, praying the abolition of the present system of compulsory pilotage; which were referred to the Committee on Commerce.

Mr. SHERMAN presented a petition signed by a large number of business men, bankers, and merchants of the city of Cleveland, Ohio, praying Congress to pass a bill to unlock and repeal the reserve required to be held by national banks; which was referred to the Committee on Finance.

Mr. CONKLING presented a petition of hop-growers in the county of Oneida, New York, praying the imposition of a duty of fifteen cents a pound on imported hops; which was referred to the Committee on Finance.

Mr. CONKLING. I present also the memorial of the Marine Society of Boston, of the Marine Insurance Company of Massachusetts, and of the Board of Commissioners of Pilots of the State of New York, asking Congress to do nothing to impair the existing pilot system, and remonstrating against the bill now pending before the Committee on Commerce on that subject. This memorial sets forth in detail, and clearly, arguments insisting that a system of pilotage such as exists now in substance is a *sine qua non* of commerce, and that such a bill as is pending, should it become a law, would destroy it. I move that the memorial be referred to the Committee on Commerce.

The motion was agreed to.

Mr. MORRILL, of Maine, presented the petition of E. H. Hartwell, praying for authority to employ and pay counsel in prosecuting her claim for a widow's pension; which was referred to the Committee on Pensions.

Mr. THURMAN. I move that the petition and accompanying papers of Benjamin D. Lakin, praying that the sum of $1,000 paid by him for a substitute during the late war may be refunded, be recommitted to the Committee on Claims, in order that the committee may consider testimony that has been received since the making of their report.

The motion was agreed to.

Mr. ALCORN presented a memorial of citizens of Louisiana, asking additional appropriations for the relief of the sufferers in that State by reason of the overflow of the Mississippi River occasioned by a break in one of the levees thereof; which was referred to the Committee on Appropriations.

Mr. BOUTWELL presented a resolution of the Essex North District Medical Society, Massachusetts, and a resolution of the Suffolk Medical Society, Massachusetts, in favor of the passage of a bill to increase the efficiency of the Medical Department of the United States Army; which were referred to the Committee on Military Affairs.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. SCOTT, it was

Ordered, That the papers in the case of Elizabeth B. McCormick be taken from the files and referred to the Committee on Claims.

SUFFERERS FROM OVERFLOW OF MISSISSIPPI RIVER.

Mr. PEASE. I rise to a question in the nature of a privileged question, a question appealing to the humanity and philanthropy of the American Congress. I desire that some action be had by the Senate looking to recalling the bill which passed the Senate on Friday last making an appropriation for the sufferers by the overflow of the Mississippi River in Louisiana. I have received within the last forty-eight hours telegrams from various portions of Mississippi, representing a fearful condition of suffering among the people living on the border of that river. In one county, the sheriff telegraphs me, that there are at least five thousand people suffering to-day for bread. In another county the sheriff telegraphs me that three or four thousand are suffering for the necessaries of life.

The bill that passed the Senate authorized the Secretary of War to expend $90,000 in supplies to sufferers. I saw the Secretary of War on Saturday, and he tells me that the amount appropriated will supply but a small portion of the sufferers in Louisiana alone. I have received, in addition, a telegram from the governor of Mississippi, stating that he had taken pains to inform himself as to the amount and extent of suffering, and that there are to-day at least twenty-five thousand sufferers in our State from the overflow of the Mississippi. I have in my hand a resolution that I desire to offer.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read as follows:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. No. 3161) to enable the Secretary of War to carry out the act of April 23, 1874, entitled "An act to provide for the relief of the persons suffering from the overflow of the Mississippi River," which passed the Senate May 1, 1874.

Mr. MORRILL, of Maine. I do not know that I shall object to having the bill recalled, but I desire to say that when that bill was before the Committee on Appropriations a suggestion was made of an amendment for this particular purpose; but there was no evidence upon the subject whatever, and the statements were of such a character in relation to it that the committee did not feel justified in making an appropriation. I have no right to anticipate what may come if this bill should be brought back and referred to the committee again. The Senator who moves this resolution probably is advised; I was not in when he was making statements, if he made any, in regard to it. Unless there is some testimony upon the subject, the Senator will judge for himself whether there will be any advantage in having the bill recalled.

Mr. PEASE. I will state to the Senator that I hold in my hand several telegrams from sheriffs of counties bordering on the river and from the governor of the State representing a fearful condition among the people on that river. My object in offering this resolution is to get the bill back to the Senate that we may amend it by increasing the appropriation from $90,000 to such amount as the Senate may deem proper.

Mr. MORRILL, of Maine. I ask the Senator whether it is based on the information that was before the committee on the former occasion?

Mr. PEASE. No, sir; this is recent information which I have received within the last forty-eight hours.

Mr. MORRILL, of Maine. What is the nature of it, may I be permitted to inquire?

Mr. PEASE. I will read to the Senator a telegram from the governor of Mississippi dated May 2: "There are at least twenty-five thousand sufferers from the overflow in this State." I have a telegram from the sheriff of Warren County, a county bordering on the river, saying "Five or six thousand people in Warren County suffering from overflow. We need the aid of the Government. We have sent a petition to the governor with twenty-five thousand names asking for aid." I have this telegram from Natchez: "Lower part of Adams County is completely under water. One thousand people need provisions. The governor telegraphs that you can possibly get relief for us. Do so at once."

This was sent to a member of the other House. I have another telegram from the sheriff of Bolivar County, in the upper portion of the State, bordering on the river, saying: "Five thousand persons in Bolivar County without bread. Will Congress help us immediately?"

I received a letter besides, which I have not with me, from a large planter on the river, stating that the people of Issaquena are absolutely starving to-day for bread, and that the people in the city of Vicksburgh had sent two boats to get them out. Many of them were drowning, hanging on to the trees, and had fled to little hillocks in that vast lake of water.

Mr. MORRILL, of Vermont. I desire to ask the Senator from Mississippi whether the bill which he asks to have returned is not already a law of the land and in process of execution?

Mr. PEASE. I understand that it is not. I have been informed that it can be recalled and amended in the Senate.

Mr. MORRILL, of Vermont. Then I would make the further suggestion that to recall it at present would retard the relief that was proposed to be granted by the $90,000 already appropriated; and if there is further evidence that more aid is required, it would be better to allow this bill to go on and to be executed at once so far as possible, and allow the other matter to be treated separately hereafter.

Mr. MORRILL, of Maine. The Senator from Vermont is probably not aware of the fact that this $90,000 appropriated by the bill which passed the Senate the other day is simply to replace that amount of money already expended by the War Department to make that deficiency good. So far as that bill is concerned, it confers no relief whatever. The proposition was to add something more to that, but the committee had not the evidence which justified them in proposing the amendment. What might be done with equal facility probably would be to institute a new bill in the House of Representatives where the thing properly ought to originate. I suggested that to the honorable Senator from Mississippi; but he thinks it advisable to move here. I do not care to object; but if the bill comes back the Senator will be prepared, I trust, to show us some evidence on which we can act.

Mr. PEASE. I simply desire to expedite the matter, and I want to take the most practicable means of effecting it.

Mr. MORRILL, of Vermont. The Senate will see at once, I think, that this bill ought not to be recalled. It is merely to settle an existing account at the War Department for expenditures already made. There is no necessity for recalling that. If the Senator desires a further appropriation, it seems to me that the better course would be to introduce an original bill.

The PRESIDENT *pro tempore*. The question is on the resolution of the Senator from Mississippi.

Mr. MORRILL, of Maine. I do not know what the usages are. My notion about it is that there is no parliamentary objection to recalling the bill, as the Senate has had no information on the subject of the fate of the measure since it left the Senate. If it is still lying on the Speaker's table, as perhaps we have a right to presume it is, and it has not been signed by the Speaker, I am not aware of any parliamentary objection to recalling it if the Senate is disposed to do so.

Mr. ANTHONY. But I do not see the advantage of recalling this bill for the purpose of putting an amendment on it over an original proposition. It seems to me that this measure of relief having been voted, it is best to carry it out, and then if the Senator from Mississippi desires to introduce another bill for further relief, that can stand upon its own merits; and upon his statement I should think it had a great deal of merit. But I do not see what advantage we get toward a new appropriation by withdrawing the one already made, or how this bill before us and amended can pass any quicker than a new bill that might be introduced.

Mr. PEASE. I simply propose to amend the bill when recalled by adding to the amount appropriated. The Secretary of War told me that if the bill had not already passed Congress, as he supposed it had, if the amount were increased he could furnish the supplies needed. My object is simply to increase the amount appropriated if we can recall the bill this morning and get it through to-day. I thought that the most expeditious way of affording relief.

The PRESIDENT *pro tempore*. The question is on the resolution of the Senator from Mississippi.

The resolution was agreed to.

Afterward a message was received from the House of Representatives, by Mr. MCPHERSON, its Clerk, returning the bill, when, on motion of Mr. PEASE, the vote on the passage of the bill was reconsidered and also the vote ordering it to a third reading.

Mr. PEASE submitted an amendment to increase the amount appropriated by the bill from $90,000 to $250,000; and, on his motion, the bill was recommitted, with the amendment, to the Committee on Appropriations.

PENSIONS TO SOLDIERS OF 1812.

Mr. PRATT. I wish to give notice that I will on to-morrow or at some other day, when I may have the ear of the Senate, report back without amendment a bill of the House (H. R. No. 2190) to amend the act entitled "An act granting pensions to certain soldiers and sailors of the war of 1812, and the widows of deceased soldiers," approved February 14, 1871, and to restore to the pension-rolls those persons whose names were stricken therefrom in consequence of disloyalty. This is a very important bill and will largely increase the pension-list for a few years, and I have thought it would be proper in reporting the bill back to submit some observations to the Senate, and if it suits the convenience of the Senate, to-morrow or at some future early day, I shall be glad to have its ear when I make the formal report.

Mr. DAVIS. I should like to ask the Senator from Indiana whether the committee will report favorably on the bill?

Mr. PRATT. A majority of the committee direct me as its chair-

man to report the bill back without amendment and to recommend its passage. For myself, I take exceptions to two parts of the bill, that which gives a pension to the soldier of the war of 1812 who served a single day. I think those soldiers ought to be put upon the same footing as to pensions that they were put by the law of 1855, which granted bounty-land warrants to the soldiers of the war of 1812, that is to those who served a period of fourteen days or more.

Mr. HAMLIN. Or who were in battle.

Mr. PRATT. Yes, sir; or who were in battle. There is another respect in which I think the bill ought to be amended. This bill gives pensions to widows who were married previous to the year 1850 to soldiers of the war of 1812 and who survive them. I think the limit should not reach further down than the year 1825, enlarging the limit of the present law ten years. In those two respects I think the bill ought to be amended.

The PRESIDENT *pro tempore*. The Senate have heard the notice given by the Senator from Indiana.

REPORTS OF COMMITTEES.

Mr. PRATT. The Committee on Pensions, to whom was referred the bill (H. R. No. 2792) granting a pension to Llewellyn Bell, have directed me to report it back without amendment. We adopt the House report.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. PRATT. The Committee on Pensions, to whom was referred the bill (H. R. No. 2453) to amend an act entitled "An act to revise, consolidate, and amend the laws relating to pensions," approved March 3, 1873, have had the same under consideration and directed me to report it back with an amendment. I may observe that the bill relates to that class of invalid pensioners who have lost an arm at the elbow or above the elbow, and this House bill places them in the second class of those who have permanent specific disabilities, and raises their pension from eighteen dollars a month to twenty-four dollars. I shall ask an early consideration of the bill; not at the present time, but at some early day.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. KELLY, from the Committee on Railroads, to whom was referred the bill (S. No. 331) providing for the construction of the Portland, Dalles and Salt Lake Railroad and Telegraph Line, and for the performance of all Government service free of charge, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

Mr. SCOTT. In the absence of the chairman of the Committe on Railroads, I am requested to state that the report just made is made by a majority of that committee, there being a minority of the committee who have not given assent to the whole bill and all its details.

Mr. THURMAN. I am instructed by the Committee on the Judiciary, to whom was referred the bill (S. No. 714) to authorize the Attorney-General of the United States to inquire into the condition and title to the lands of the ex-mission of San Buenaventura, in the State of California, to report it back with the recommendation that it be sent to the Committee on Private Land Claims, where it properly belongs, and to which committee the papers in the case have been sent.

The motion was agreed to.

Mr. CHANDLER, from the Committee on Commerce, to whom was referred the petition of Norvin Green, vice-president of the International Telegraph Company, reported a bill (S. No. 766) to grant an American register to the steamship Suffolk, and to change the name of said steamship to that of Professor Morse; which was read and passed to a second reading.

Mr. INGALLS, from the Committee on Pensions, to whom was referred the petition of one-armed pensioners of Milwaukee, Wisconsin, praying for a change in the pension law, reported adversely thereon, and asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of David Baker, praying that commissioned officers be allowed pensions equal to those of private soldiers, reported adversely thereon, and asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. No. 196) granting a pension to Peter J. Cratzer, reported it without amendment.

He also, from the same committee, to whom was referred the petition of Andrew J. Lashley, late a private in Company K, Second United States Infantry, praying to be allowed a pension, submitted a report accompanied by a bill (S. No. 767) granting a pension to Andrew J. Lashley.

The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. INGALLS, from the Committee on Pensions, to whom was referred the bill (H. R. No. 2672) granting a pension to Mary S. Loomis, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 551) granting a pension to Alfred Bolder, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 533) granting a pension to Uriah W. Briggs, reported it without amendment.

He also, from the same committee, to whom was referred the petition of Michael Quarry, a citizen of the county of Huntingdon, Pennsylvania, praying for an act of Congress granting him a pension from March 4, 1872, reported adversely thereon, and asked to be discharged from its further consideration; which was agreed to.

Mr. OGLESBY, from the Committee on Pensions, to whom was referred the petition of John S. Long, Company D, First Battalion Twelfth United States Infantry, praying to be allowed a pension, submitted a report accompanied by a bill (S. No. 768) granting a pension to John S. Long.

The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. WRIGHT. The Committee on the Judiciary, to whom was referred the bill (S. No. 88) for the better organization of the district courts of the United States within the State of Louisiana, have had the same under consideration, and instruct me to report it back and recommend its indefinite postponement. As the Senator from Louisiana who introduced the bill [Mr. WEST] is not in his seat, I think it had better go on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

BUSINESS OF COMMITTEE ON CLAIMS.

Mr. SCOTT. I am instructed by the Committee on Claims to ask that a day—if there be no objection I will name Tuesday of next week—be set apart for the purpose of considering reports from that committee. There are a number of reports upon the Calendar, some of which have already been passed over under objection, and others of which will elicit discussion. We desire that a day shall be fixed for the consideration of those reports; and I ask that Tuesday of next week be set apart for that purpose.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania asks unanimous consent that Tuesday of next week, after the expiration of the morning hour, be set apart for the consideration of bills reported by the Committee on Claims. Is there objection?

Mr. MORRILL, of Maine. We have now got to that period of the session when I shall be obliged to make it a point to have no special orders assigned to the detriment of the appropriation bills.

Mr. SCOTT. If the Senator desires that condition, I have no objection.

Mr. MORRILL, of Maine. I want to make that condition here, because hereafter I shall endeavor to insist upon it in all cases. Let the order be made subject to the appropriation bills.

The PRESIDENT *pro tempore*. The Senator from Maine suggests that the understanding be had subject to the condition that appropriation bills shall not be displaced by the understanding.

Mr. ANTHONY. While I agree with the Senator from Pennsylvania that the bills reported from the Committee on Claims, which form a considerable portion of the bills on the Calendar that there will be no objection to, ought to be considered, yet I think the other bills ought to have a fair chance too. I think that for two or three days we ought to go through the Calendar of unobjected cases, and I mean by "unobjected cases" not those that may ultimately fail but those that will create no debate; not because those claims are entitled to any more consideration than claims which are opposed, but because in the same length of time we can do a great deal more work upon the unobjected cases than we can upon those which may give rise to debate. After that I am willing that the Committees on Claims, on Patents, on the District of Columbia, and other committees may have special days for their business; but is it not better first to take up the unobjected cases on the Calendar?

Mr. SCOTT. I entirely concur with the remark made by the Senator from Rhode Island; and in making the motion I have submitted my purpose is not to secure a preference to unobjected cases from the Committee on Claims, but to secure a hearing to those cases that do give rise to objection. There are a number of them; and it is more with reference to that class of claims that I make this motion than to secure any preference whatever to unobjected cases. I think the Senator will agree with me that there are cases of that character which will elicit discussion which ought to have a hearing, and for that purpose I make the motion.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania asks unanimous consent and general understanding that Tuesday of next week, after the expiration of the morning hour, be set apart for the consideration of bills reported by the Committee on Claims, provided that this understanding shall not displace appropriation bills. Is there objection? The Chair hears none; and the order is made.

BILLS INTRODUCED.

Mr. THURMAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 769) for the relief of Major J. W. Nichols, paymaster United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. GOLDTHWAITE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 770) to aid and facilitate the Coosa River Slack-water Navigation Company in the construction of a steamboat canal from Gadsden, on the Coosa River, in the State of Alabama,

to Wetumpka; which was read twice by its title, referred to the Select Committee on Transportation Routes to the Sea-board, and ordered to be printed.

Mr. STEWART asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 771) to resume legislative control of the District of Columbia and provide for the government thereof; which was read twice by its title, and referred to the Joint Committee Investigating the Affairs of the District of Columbia.

Mr. STEWART. I will state in connection with the bill that the frame-work of the bill and pretty much all of it is the measure which was prepared by the Senator from Maine [Mr. MORRILL] some years ago, with a few additions to bring it down to the present time. My object in introducing it is to have it printed for the purpose of information. I do not know whether I am for the bill or not, or that anybody else is, but the question seems to be receiving a good deal of attention, and I have thought it well to introduce the bill and have it printed, so that it may be read and examined. I move that it be printed.

The motion was agreed to.

Mr. FLANAGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 772) to incorporate the Denver and Middle Park Railway and Mining Company, and to grant the right of way for the same over the public lands; which was read twice by its title, referred to the Committee on Railroads, and ordered to be printed.

Mr. PRATT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 773) to authorize the Secretary of the Treasury to approve certain bills incurred by the direct-tax commissioners; which was read twice by its title, and, with a letter of J. H. Ela, Fifth Auditor of the Treasury, accompanying the bill, referred to the Committee on the Judiciary.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 774) to repeal so much of the laws relating to the organization of the Army of the United States as establish distinctions to the prejudice of one class of American citizens; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MITCHELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 775) to authorize the construction of a railroad bridge over the Willamette River, at Portland, in the State of Oregon; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. HOWE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 776) for the relief of Sarah A. Slingerland; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. ALCORN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 777) to amend the fifteenth and sixteenth sections of an act entitled "An act revising and amending the laws relative to mints, assay offices, and coinage of the United States," approved February 12, 1873; which was read twice by its title, ordered to lie on the table, and be printed.

TOBACCO-TAX LAWS.

Mr. THURMAN submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the Committee on Finance is hereby instructed to inquire and report whether the provisions of law forbidding the sale of tobacco by the producer thereof to any person not a licensed dealer ought not to be repealed.

WASHINGTON MARKET COMPANY.

Mr. MORRILL, of Vermont, submitted the following resolution:

Resolved, That the Committee on Public Buildings and Grounds be instructed to inquire, first, whether the Washington Market Company have fulfilled the conditions of the act of incorporation of May 20, 1870; the cost of the buildings erected; the rents and profits derived therefrom; and, second, what sum the said corporation have paid and are now paying annually to the city of Washington, and, if any less than the sum of $25,000 provided for in the act of incorporation, by what authority the same has been diminished; third, to inquire by what authority the said market company has obtained a lease and control of the open space at the intersection of Ohio and Louisiana avenues with Tenth and Twelfth streets, which was set apart by Congress to the city of Washington as a market for the purchase and sale of hay, straw, oats, corn, corn-meal, seed of all kinds, wood for sale from the wagon, cattle on the hoof, swine on the hoof, and country produce sold in quantities from the wagon; fourth, whether the said Washington Market Company has not failed to comply with the conditions of its charter, and therefore whether, the same being forfeited, it should not be repealed; fifth, to inquire by what legal authority the government of the District of Columbia are now proposing to erect extensive buildings on the site included in the act incorporating the Washington Market Company, and report by bill or otherwise; and that said committee have power to send for persons and papers.

By unanimous consent the Senate proceeded to consider the resolution.

Mr. MORRILL, of Vermont. There are other Senators besides myself who judge that it is absolutely necessary for Congress to take some notice of the present condition of the Washington Market Company. By the act of 1870 they were to construct buildings, and a plan was exhibited to the Senate covering the ground between Seventh and Ninth streets and with a front on Pennsylvania avenue, at a cost supposed to amount to not less than from seven hundred and fifty thousand to a million dollars. The company have gone on and constructed a building here that serves the purpose very well as a market so far as it goes, and not including any building on Pennsylvania avenue, but at an expense, as it is supposed, of not more than $250,000, from which they are receiving very large rentals; and now under an act of Congress passed last year, a clause that was somehow inserted in an appropriation bill, they attempt to avoid the larger expenditure, the expenditure of at least half a million and perhaps seven hundred and fifty thousand dollars, and to throw that burden upon the District of Columbia, besides relieving themselves of a large sum they were to pay to the District annually. I will read the clause, (United States Statutes at Large, volume 17, page 540:)

> For the purchase by the United States of the interest of the District of Columbia in the present city-hall building in Washington, now used solely for Government purposes, such sum as may be determined by three impartial appraisers to be selected by the Secretary of the Interior, not exceeding $75,000, the same to be applied by said District only for the erection of a suitable building for the District offices; and the governor and board of public works are authorized, if they deem it advisable for that purpose, to make arrangements to secure sufficient land fronting on Pennsylvania and Louisiana avenues, between Seventh and Ninth streets: *Provided*, That the Government of the United States shall not be liable for any expenditures for said land or for the purchase-money therefor, or for the buildings to be erected thereon; and no land, or the use thereof, is hereby granted for the purpose of erecting any building thereon for such building.

I do not suppose that there were five men in either House of Congress who understood by this provision that the Washington Market Company were to be relieved from any of their obligations or stipulations in the original act of incorporation; and yet by a simple provision that the District of Columbia may purchase land on Pennsylvania avenue, between Seventh and Ninth streets, I understand that this Washington Market Company have made a contract with the District of Columbia that they shall take the responsibility of putting up the front buildings there and that the company shall be released from the annual payment of a very large share of the $25,000 that it was originally stipulated they should pay to the support of the poor of this District.

Under the circumstances it seems to me very clear that they have forfeited their charter by erecting buildings which in no respect are in accordance with the original plan; and in the original charter it will be seen that Congress retained the right to alter or amend the charter as they might see fit, and it was also contemplated that the charter might be forfeited by a non-compliance with the conditions imposed. The company appear to have done whatever would most promote their interests, without heeding in the least the terms of the act of Congress. If they could please themselves and by any means obtain the consent of the District government it seems to have been enough. Under these circumstances, as now it is apparent to those of us who pass by this spot that the District of Columbia or somebody are making excavations preparatory to the erection of government buildings here for the District of Columbia, and as it is pretty notorious that there is a general impression that this territorial government of the District of Columbia will be rather a short-lived one, that it is too expensive to survive a very great length of time, it would seem to be inexpedient that a very large sum should now be expended for the purpose of erecting buildings for this territorial government; and at all events I think that it is the duty of Congress to investigate this matter and see whether this company have complied with the stipulations in the original act of incorporation, as it would seem that any impartial court having jurisdiction would decide that they have fallen very far short of it.

The resolutions were agreed to.

SAINT PAUL AND PACIFIC RAILROAD GRANT.

Mr. RAMSEY. I should like to call up Senate bill No. 486. I have endeavored to do so several times, and I appeal to the Senate now to dispose of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 486) to revive and continue certain grants of lands heretofore made to the Territory and State of Minnesota to aid in the construction of the several lines of the Saint Paul and Pacific Railroad Company.

The bill was read at length.

Mr. RAMSEY. I will not take up any time; but I desire to move——

The PRESIDENT *pro tempore*. The amendments reported by the Committee on Public Lands will be first read.

The CHIEF CLERK. The first amendment is to strike out in line 8 the words "Sauk Rapids" and insert "Watab."

Mr. RAMSEY. Before the Senate proceed to act on the committee's amendments, I will say that since our last meeting and since my last effort to get up this bill, the Senator from Vermont who is not now in his seat [Mr. EDMUNDS] submitted to me a modification of the bill which I reluctantly consented to; but I presume in good faith I should now bring it to the attention of the Senate. He considered the whole subject with me, and I will submit that amendment as a substitute for the bill in his absence. If he were here I would prefer that he should do it.

The PRESIDENT *pro tempore*. The proposed substitute will be read.

Mr. SHERMAN. Before that is read, I will ask if the last amendment proposed by the Committee on Public Lands is omitted from this compilation submitted by the Senator from Vermont.

Mr. RAMSEY. What is the last amendment?

Mr. SHERMAN. The last amendment was a clause reviving all the land grants in the State of Minnesota.

Mr. RAMSEY. The whole bill is simply to revive a land grant in the State of Minnesota.

Mr. SHERMAN. But I speak of an amendment reported by the committee.

Mr. RAMSEY. There was no such amendment reported.

Mr. SHERMAN. The Senator from Vermont called my attention to it.

Mr. RAMSEY. Whatever it is, he has modified it and given it to me in the shape he will assent to the bill; and I presume he has in his person all the opposition there is to grants of this kind.

Mr. WINDOM. The Senator will see on examination of the bill that there is no general revival.

Mr. STEVENSON. May I inquire how much land is granted by this bill?

Mr. RAMSEY. There is no new grant of lands.

Mr. STEVENSON. I understand that; but it is a revival of an old grant.

Mr. RAMSEY. There are three hundred and eighty miles of railroad in this grant. The grant was substantially of March 3, 1871. From that date is all the time this company have had. There are three hundred and eighty miles of road, and the grant was ten sections of land to the mile of railroad. In that time, notwithstanding the difficulty in monetary arrangements, three hundred and twenty miles of this line had been graded and fifty-eight partially graded, the iron has been laid on one hundred and forty-three miles, and on two hundred and thirty-seven miles it has not been laid. Six hundred and twenty-five thousand cross-ties have been delivered along the line of the road, all of which will be damaged and go to ruin unless this grant is renewed. The money invested already is three and a half millions.

Mr. THURMAN. Was the grant of land ten sections on each side or five sections?

Mr. RAMSEY. Five sections on each side; it was a grant of alternate sections.

Mr. THURMAN. Making ten sections to the mile?

Mr. RAMSEY. Yes, sir; but there is no new power in this bill. It is simply a renewal of a grant so recent as 1871. I can scarcely conceive that the Senate will for a moment think of destroying all this amount of property invested in this way for no sufficient reason, when you consider the short time that has elapsed in the construction of this road since the year 1871.

The PRESIDENT *pro tempore*. The amendment will be reported.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause of the bill, and in lieu thereof to insert the following:

That the provisions of the act of Congress approved March 3, 1873, entitled "An act for the extension of time to the Saint Paul and Pacific Railroad Company for the completion of its road," be, and the same is hereby, revived and extended until the 3d day of March, A. D. 1876, and no longer, upon the following conditions:

First. That all the rights of actual settlers, and their grantees, who have heretofore in good faith entered upon and actually resided on any of said lands prior to the passage of this act shall be saved and secured to such settlers in all respects, the same as if said lands had never been granted to aid in the construction of the said lines of railroad.

Second, That the company taking the benefit of this act shall, before enjoying any rights under it, by a certificate made and signed by its president and a majority at least of its directors, and under the seal of the corporation, accept the conditions contained in this act and file such acceptance in the Department of the Interior for record and preservation.

The amendment was agreed to.

Mr. SHERMAN. Here is the clause to which I referred. I want to know whether this clause is in the amended bill. The last clause of the bill provides:

And the parties so completing the same shall be entitled to all the lands which the said Saint Paul and Pacific Railroad Company would have been entitled to had it completed the said lines of railroad under and in accordance with the grants and extensions heretofore made to the Territory of Minnesota to aid in the construction of said lines of railroad.

Mr. RAMSEY. That is now out of the bill entirely.

Mr. STEVENSON. This is too important a bill, it seems to me, to be considered without some further information. If I understand the bill, it grants originally two and one-half million acres of land to a single railroad company in a single State; and that is to be considered in the morning hour without any discussion. I should like one of the Senators from Minnesota to explain it. If the grant has expired, then this is equivalent to a new grant. If it has not expired, then you do not want any legislation. I think the sentiment of the country is opposed to granting amounts of land twice as much as one whole State in this Union; and, if I am informed rightly, this grant was once renewed.

Mr. RAMSEY. For nine months, from the 4th of March, 1873.

Mr. STEVENSON. It was renewed for the period asked, and the road was not finished; and now we are called upon to legislate again and to grant this immense amount of land without any explanation, and in the morning hour. I should like to hear the Senators. I do not wish to interfere with any local bills, but I am opposed to these immense grants of the public domain to private corporations, and I think the sentiment of the country is opposed to them. I think if this bill be passed every land grant that has now gone by in consequence of the parties not building the road will be renewed; you will at least reopen that whole system, and the Congress of the United States will never know where they are going to stop.

Mr. WINDOM. There is no new land-grant in the bill. It is true that the time for the construction of the road as limited by Congress has expired. On the 3d of March, 1873, Congress passed an extension for nine months. There is a written report accompanying the bill showing that it was not completed within the nine months owing to the disturbed condition of financial matters in Europe, and the failure to receive the funds that had been arranged for. But in the mean time the persons engaged to complete the road have expended upon it over $500,000 of their own money, which they will probably lose, unless this extension be granted; and in addition to that, it will be utterly impossible to construct the road unless the grant be extended. If it were a new grant, I think the argument of the Senator from Kentucky would be applicable; but it is nothing more nor less than an extension of an old grant for a period of two years. The parties have been guilty of no laches in this matter. Since the act was passed, in 1871, they have built a large amount of road, as stated by my colleague. At one time during the summer of 1872 they had twenty-five hundred men employed on the road, and every effort has been made that it was possible to make to finish it.

There is another view of this question which we regard as very important in the Northwest. This line is to form a connecting link between the system of American roads and the improvements about to be made in Manitoba. The Dominion government, as I am informed, only await information as to whether this road is to be completed to the boundary line to commence theirs, extending from our northern boundary northward to Fort Garry and through improvements of the Saskatchewan River extending to the Rocky Mountains. It is very important to that whole country. It is only just, I think, that it should be extended, in view of the efforts that have been made and the very short time given by the former extension. I earnestly hope the Senate will not sacrifice the large amount of property that will be sacrificed by the defeat of this bill.

Mr. THURMAN. Mr. President, let us get at the facts in this case, because I apprehend that this is only one of a number of cases in which we may be asked for the same kind of relief. In fact we have again and again revived some of these grants which had lapsed and which we never ought to have revived. Now, I should like the Senator from Minnesota to tell me what is the length of this road. I understand it runs from Saint Paul to the boundary, the forty-ninth parallel.

Mr. WINDOM. From Saint Cloud to Saint Vincent, a distance of three hundred and twenty miles, the iron is laid one hundred and thirty-nine miles.

Mr. THURMAN. Is that the entire length of the road?

Mr. WINDOM. That is the entire length of that branch. There is another branch from Watab to Brainerd, about sixty miles. On that the entire grading is done; the ties are out and the bridging is completed.

Mr. THURMAN. Then I understand that something over one hundred miles of the road have been completed. Is that so?

Mr. RAMSEY. On one hundred and forty-three miles the iron has been laid. The whole road is over three hundred and eighty miles long, three hundred and twenty-two west and sixty miles north. One hundred and forty-three miles of road have been laid with iron. The line is fully graded three hundred and twenty-two miles, and partially graded fifty-eight miles. The bridges for the whole line are in preparation. The timber has been cut and the iron is being prepared. A million and a half of ties are scattered along the line of the road.

Mr. THURMAN. In respect to the one hundred and forty miles—if that is the number of miles completed—the company, I suppose, as a matter of course has received its lands, so that it is not deprived of that bounty which the Government promised it for a completion of the road. So far as it has completed it even within the extended time, nobody questions, I suppose, its right to the lands, and probably it has received them before this. The question, then, is whether or not we will now, for I understand from the Senator from Minnesota that the grant has lapsed by the expiration of time——

Mr. WINDOM. The time has expired.

Mr. THURMAN. Then the question is whether we shall revive that grant. I cannot see that in any other light than a new land grant. If the people of this country are opposed to anything, it is to subsidies of that kind. I cannot vote for any of them.

Mr. WINDOM. If it be a new land grant, it is under peculiar circumstances. I think it is hard to call it a land grant in any sense. The unfinished road has been graded; the bridging is all ready; the ties are all out; there remains of the entire unfinished portion but about six hundred thousand yards of grading, and these parties have made every effort within their power, they have been guilty of no neglect, and they will be involved in very great loss without their fault if the time be not extended, in addition to the very great loss to the whole of Northern Minnesota and to the country generally.

Mr. BOGY. I am aware of the popular sentiment existing upon this subject, but I think to apply it to the present bill would be a misapplication. This is not a new grant to a railroad. It is an extension of time to enable a railroad to be completed and get the benefit of a grant heretofore made. We in the West feel a very large interest in the completion of this road, and I am a little astonished that the opposition comes from that section which will be the most benefited by the completion of this road. A large portion of the road is completed. It is true there may be only one hundred and forty connected miles completed, but in point of fact more than seven-eighths of the entire work is now finished. I will read for the information of the

Senate from the report made by the committee on the subject, which will explain the case better than I can in a speech:

On the line from Watab to Brainerd, distance sixty miles, the grading and bridging are completed for fifty-three miles, uncompleted for three miles, and iron laid on four miles, cross-ties and timber all furnished on the ground. On the line from Saint Cloud to Saint Vincent, distance three hundred and twenty miles, iron is laid on one hundred and thirty-nine miles, to wit, from Saint Cloud to Melrose, thirty-five miles, and from a point twelve miles south of Glyndon Junction, on the Northern Pacific Railroad, to a point ninety-two miles north of said junction, in all one hundred and four miles, which, with the thirty-five miles mentioned, makes an aggregate, as stated, of one hundred and thirty-nine miles. Between Glyndon Junction and Saint Vincent the grading is entirely completed and bridges ready for a distance of fifty miles, leaving thirteen miles only of light grading to complete to the British line. Between Saint Cloud and Glyndon Junction the grading is completed for seventy-five miles, leaving but forty-two miles uncompleted. In the aggregate there remains upon all the lines not to exceed six hundred thousand cubic yards of earthwork.

Here is a road three hundred and eighty miles in length and it only requires six hundred thousand cubic yards of earthwork. The completion of the road to the northern line of the United States will at least cause a contract to be made for a railroad from that point in the province of Canada to the waters of Hudson's Bay. The distance is about one hundred miles, and they are waiting for this to be an assured fact to give out a contract to build a road from the northern line of the United States to Hudson's Bay, thus completing the longest line of railroad running north and south on the globe, connecting the waters of Hudson's Bay with the Gulf of Mexico.

I will not detain the Senate; but I know the feeling in the country that I come from in regard to this measure. It is to us a matter of great importance, and I hope therefore the bill will pass. I have examined it very carefully. It is not a new grant; it is merely an extension of time to enable this company to complete work which is already partially done.

Mr. EDMUNDS. There is an amendment which I wish to move to perfect the one that I suggested to the honorable Senator from Minnesota, [Mr RAMSEY.] The saving clause to actual settlers is now confined to actual settlers, whereas it ought to be a saving clause also of the rights of other persons who have legal rights, if any, in the lands. I therefore move to insert after the word "act" the words "or who otherwise have legal rights in any of such lands."

The amendment was agreed to.

Mr. EDMUNDS. Then after the word "settlers" in line 8, to make it harmonious, it should say "or such other persons," so as to cover the legal rights of everybody.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment made as in Committee of the Whole was concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. STEVENSON. On the passage of the bill I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. EDMUNDS. As this bill is to be voted upon by yeas and nays, I wish to say a single word. As the bill now stands I shall vote for it, holding at the same time to my political faith and my duty as a Senator, as I look at it, to stand up rigidly for the preservation of the public lands against grants for any purposes except for settlement. On inquiry into the circumstances of this particular case under the act of 1873, which I believe passed without opposition, I find that this particular company has been in apparent good faith making strenuous efforts to complete this line; that it has done work along the whole course of it, and through the stress of the financial disturbances of the last summer and fall it has failed to entirely complete and finish it within the time limited. I regard this bill, therefore, as a reasonable relief against what would be a technical forfeiture, and to be equitable and right for that reason. If it had been a grant that had been since the last legislation allowed to slumber, and it was being revived as an ancient one under which proceedings had not been latterly and earnestly taken in the best of faith, then I should think otherwise; but I do not regard it as infringing on the wholesome rule that my friend from Kentucky and myself believe in, of holding on to the public lands, but rather as doing an act of justice and equity to these gentlemen which the nature of the case and the last year's experience about money matters seems to me to make proper.

The question being taken by yeas and nays, resulted—yeas 28, nays 12; as follows:

YEAS—Messrs. Allison, Bogy, Cameron, Carpenter, Chandler, Conover, Dorsey, Edmunds, Flanagan, Frelinghuysen, Hamilton of Texas, Hamlin, Ingalls, Kelly, Logan, Mitchell, Morrill of Maine, Oglesby, Patterson, Pease, Pratt, Ramsey, Scott, Stewart, Tipton, Wadleigh, Washburn, and Windom—28.

NAYS—Messrs. Alcorn, Davis, Hager, Merrimon, Morrill of Vermont, Ransom, Sargent, Saulsbury, Sherman, Stevenson, Thurman, and Wright—12.

ABSENT—Messrs. Anthony, Bayard, Boreman, Boutwell, Brownlow, Buckingham, Clayton, Conkling, Cooper, Cragin, Dennis, Fenton, Ferry of Connecticut, Ferry of Michigan, Gilbert, Goldthwaite, Gordon, Hamilton of Maryland, Harvey, Hitchcock, Howe, Johnston, Jones, Lewis, McCreery, Morton, Norwood, Robertson, Schurz, Spencer, Sprague, Stockton, and West—33.

So the bill was passed. Its title was amended so as to read: "A bill to extend the act of March 3, 1873, entitled 'An act for the extension of time to the Saint Paul and Pacific Railroad Company for the completion of its road.'"

Mr. McCREERY. I ask consent to record my vote on the bill just passed.

Mr. EDMUNDS. That is impossible. The rule prevents it.

The PRESIDENT *pro tempore*. It cannot be done under the rule.

Mr. McCREERY. I should vote against the bill, and supposed by unanimous consent I might be allowed to do so, as I just came into the Chamber as the result was announced.

The PRESIDENT *pro tempore*. A vote is not allowed to be recorded after the result has been announced from the Chair.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the following bills; in which the concurrence of the Senate was requested:

A bill (H. R. No. 554) for the relief of William I. Blackistone, of Saint Mary's County, Maryland;

A bill (H. R. No. 1206) for the relief of Charles J. Sands, of Brooklyn, New York;

A bill (H. R. No. 2412) for the relief of Sheridan O. Bremmer, late a private of Company E, Eighteenth Regiment Wisconsin Infantry;

A bill (H. R. No. 2704) for the relief of Selden Connor;

A bill (H. R. No. 2891) for the relief of Mrs. Louisa Eldis, of Sandusky, Ohio;

A bill (H. R. No. 2892) for the relief of Thomas Simms, late a lieutenant in the Seventy-sixth Regiment New York Volunteers;

A bill (H. R. No. 2893) for the relief of F. O. Wyse, late a lieutenant-colonel, &c.;

A bill (H. R. No. 2896) to authorize the appointment of Acting Master Robert Platt as acting lieutenant in the Navy of the United States;

A bill (H. R. No. 2897) authorizing the President to appoint George Henry Preble, now a captain on the active list of the Navy, to be a commodore;

A bill (H. R. No. 2898) for the relief of J. and W. R. Wing, of New Bedford, Massachusetts;

A bill (H. R. No. 2899) granting a pension to Harriette A. Woodruff;

A bill (H. R. No. 2900) granting a pension to Josephine D. Thomas;

A bill (H. R. No. 2901) granting a pension to John Hendrie;

A bill (H. R. No. 2989) to authorize the trustees of the Massachusetts Museum of Fine Arts to import and retain for two years certain works of art free of duty;

A bill (H. R. No. 2990) for the relief of Jesse F. Moore and Charles W. Lewis;

A bill (H. R. No. 2997) for the relief of George A. Schreiner;

A bill (H. R. No. 2999) for the relief of Henry A. Webster, V. B. McCollum, and A. Colby, of Washington Territory, pre-emptors on the Makah Indian reservation;

A bill (H. R. No. 3001) for the relief of Peter J. Knapp;

A bill (H. R. No. 3024) to enable William H. Ward, of Auburn, in the State of New York, to make application to the Commissioner of Patents for an extension of letters-patent for a shell-molding machine;

A bill (H. R. No. 3170) for the relief of John W. Marsh; and

A bill (H. R. No. 3172) to relieve Sardine G. Stone, of Alabama, of political disabilities.

The message further announced that the House had passed the following bills:

A bill (S. No. 207) for the relief of C. E. Rogers;

A bill (S. No. 259) to authorize the proper accounting officers of the Treasury to settle with Henry C. Carey;

A bill (S. No. 379) for the relief of Nathan Cole, late captain Twenty-third Regiment Veteran Reserve Corps;

A bill (S. No. 567) granting a pension to Mary E. Naylor, widow of Osborn Naylor, late a private in Company C, Second Kansas Volunteers;

A bill (S. No. 470) for the relief of James R. Young; and

A bill (S. No. 539) granting a pension to Eugene Smith.

The message also announced that the House had passed the bill (S. No. 347) granting a portion of the United States military reservation at Salt Lake City for cemetery purposes, with an amendment, in which the concurrence of the Senate was requested.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 259) for the relief of James W. Glover, postmaster at Oxford, in the State of New York;

A bill (H. R. No. 497) granting a pension to William Haffords, of South Yarmouth, Massachusetts;

A bill (H. R. No. 816) granting a pension to Jane La Font;

A bill (H. R. No. 814) granting a pension to Olive S. Breed;

A bill (H. R. No. 1364) to amend the act entitled "An act to regulate the carriage of passengers in steamships and other vessels," approved March 3, 1855;

A bill (H. R. No. 1396) granting a pension to Thomas J. McIntire, of Rowan County, Kentucky;

A bill (H. R. No. 1951) granting a pension to Isaac M. Grant;

A bill (H. R. No. 2096) granting a pension to James Roach;

A bill (H. R. No. 1562) for the relief of Jacob Parmerter, reimbursing him for defending a suit brought against him for an official act; and

A bill (H. R. No. 1230) granting a pension to Elizabeth W. Prindle, guardian of the minors of Joseph F. Doak, deceased.

SUPPLEMENTARY CIVIL-RIGHTS BILL.

The PRESIDENT *pro tempore*. The morning hour having expired, the Senate resumes the consideration of the unfinished business of Friday last, which is the bill (S. No. 1) supplementary to an act entitled "An act to protect all citizens of the United States in their civil rights, and to furnish the means for their vindication," passed April 9, 1866, the pending question being on the amendment of the Senator from Ohio [Mr. THURMAN] to the amendment made as in Committee of the Whole to strike out the second section, on which the Senator from Georgia is entitled to the floor.

Mr. NORWOOD. Mr. President——

Mr. FENTON. Mr. President, I inquire of the honorable Senator from Georgia if he is desirous of going on at this time to conclude his remarks this morning? If so, I will defer what I wish to present until the conclusion of his remarks.

Mr. NORWOOD. I would give way to the Senator with pleasure but that I want to conclude my remarks on this question.

[Mr. NORWOOD addressed the Senate, concluding the speech commenced by him on Thursday last. See Appendix.]

Mr. FENTON. Mr. President ——

Mr. BOUTWELL. With the consent of the Senator from New York, I wish to offer an amendment to the pending bill, which I will send to the Chair.

The PRESIDENT *pro tempore*. The amendment will be reported.

The CHIEF CLERK. After the word "benevolence," in line 8 of section 1, it is proposed to insert the words "authorized by law and endowed by the United States, or hereafter endowed by any State, or;" so as to read:

> And also of common schools and public institutions of learning or benevolence, authorized by law and endowed by the United States, or hereafter endowed by any State, or supported, in whole or in part, by general taxation.

Mr. SARGENT. I ask the Senator from New York to give way, that we may have an executive session for the remainder of the afternoon.

Mr. FENTON. Owing to matters of a private character relating to the disposition of my time, I would prefer to go on this afternoon. It may be absolutely inconvenient for me to be here to-morrow, and the Senate is thin, I am sure, for the purposes for which my friend from California desires an executive session.

Ms. LOGAN. I hope the Senator from New York will be allowed to go on now.

Mr. SARGENT. Very well.

Mr. FENTON. If there is no objection on the part of any Senator, and I suppose there will not be any, I will ask unanimous consent that the bill now up for consideration be passed over informally that I may enter a motion.

The PRESIDENT *pro tempore*. The Senator from New York asks unanimous consent that the pending bill be laid aside informally. Is there objection?

Mr. EDMUNDS. I object.

Mr. FENTON. Then, bearing in mind the notice that I gave on Friday last that I would move to discharge the Committee on Commerce from the further consideration of Senate bill No. 13, to regulate the service in the collection of customs at the various ports of entry in the United States, and the disposition of fines, penalties, and forfeitures incurred under the laws relating to customs, and for other purposes, I will proceed to discuss the bill before the Senate. This method of proceeding to its discussion may be a little novel, but I think the application will be apparent to all.

Mr. President, it is with some reluctance that I return to this work in which I have often been repulsed. A sense of duty alone impels me to speak again. Now more than two years ago, in advocacy of the bill I had previously introduced to regulate the service in the collection of the customs revenue and to remedy the growing evils of the moiety practice, I pointed out many of the defects of the system, the hardships experienced, and the vices to which it led. In vain then, or thereafter, was my appeal to take up the bill. No one here or there came forward to encourage and strengthen the movement. Not here, because it was not to be permitted to disturb this field for party maneuver and advantage, nor the friends quartered upon it. Not there, because of the terror to importers and others from bad laws in the hands of bad men. Now the case is changed; at least so far as an aroused feeling outside the Capitol, and if I were sure of a like feeling within, it would not be necessary for me to raise my voice again in this cause. It is rather because of my fear that the sense of injustice and the indignation which at last quickens the people has not reached this Chamber that I am led to again engage in the discussion. I do not complain that, chiefly for opposing the unequal and unjust laws relating to customs revenue, which were badly executed and likely to be worse in the hands of those who were being called to administer them, I suffered party proscription long before I went to Cincinnati. That is wholly unimportant to me personally and to my present purpose. But I beseech Senators that no prejudice of political attitude shall be allowed to impair anything of merit upon this grave public question which may now fall from my lips.

The main objects of the bill are—

First, to adjust the compensation of the officers of customs upon the basis of salaries, having in mind fair pay for responsibility and labor.

Second, to dispense with the whole disgraceful moiety business, allowing only a reduced share in cases of smuggling to officers making actual seizure.

Third, to simplify the cumbrous and intricate regulations and laws, to the end that both the Government and the importer shall be justly viewed and fairly protected.

These points, and other features of the bill relating to undervaluations, appraisements, &c., upon which I will not now dwell, embrace the principal objects of the Chambers of Commerce of New York, Boston, and other cities, and are the foundation of all other bills introduced in either House during the present session.

A brief reference to the record of this unfortunate bill may not be out of place. I had the honor to first introduce it March 7, 1871. On the 13th of that month it was referred to the Committee on Finance. That committee, after consulting with many persons familiar with the service, with officers of the Treasury Department, and especially with the then Secretary, directed me to report it back to the Senate, very little changed, December 20, 1871, and recommend its passage. January 8, 1872, I addressed the Senate, explaining its provisions. Action upon it was then deferred; and again when it was reached in the regular order February 12 and 13, at which latter date members of the Committee on Commerce opposed its consideration upon the ground that it ought to be first referred to them, as it properly belonged there, &c. This claim was resisted, and the bill went over. The members of the committee then were Messrs. CHANDLER, CONKLING, BUCKINGHAM, SPENCER, KELLOGG, Corbett, and Vickers. March 2, the same session, it was made to give way to some other order of business, and again April 10. Subsequently it was postponed for the purpose, as alleged, of hearing from the committee which was then investigating the New York custom-house affairs. This last plea carried the bill beyond the session, as that committee did not report until its very last days. On the 9th of the following December I renewed the effort, but was again met by the Committee on Commerce with the old but illogical argument that it should first go through their official hands. This committee remained very little changed, and still conspicuous among its members are found the names of Messrs. CHANDLER, CONKLING, BUCKINGHAM, and SPENCER. Finally, as I despaired of any action unless through the sanction of the Commerce Committee, a few days later I addressed the Senate as follows:

> Before proceeding to the cases on the Calendar, I desire to move that the bill (S. No. 2) to regulate the service in the collection of customs at the ports of entry in the United States, and the disposition of fines, penalties, and forfeitures incurred under the laws relating to customs, and for other purposes, which is a special order, be referred to the Committee on Commerce.

After stating that action upon it had frequently been resisted upon the assumption that it ought first to be considered in that committee, I concluded with the remark:

> I think that the bill was properly considered in the Committee on Finance; but I have no pride myself in the matter. I am not now on the committee, and I do not know that the present members care to make a battle in this behalf or to retain the subject within that committee. Therefore, having only the desire that the bill may have favorable and early action, I have moved this reference.

The motion was agreed to. It remained in this secure and undisturbed resting-place during that entire session. But believing nothing impossible and everything that is right sure to prevail at last, I introduced the bill again the first day of the present session and referred it to the Committee on Commerce. On the 18th of February I called attention to the fact, upon the petition of a large number of merchants of New York asking for its immediate passage, and at the same time made an appeal to the committee to give us an opportunity to advance the reform which the bill assured.

I have deemed it best to give this brief history of the case before proceeding with the discussion, to the end that whatever responsibility attached to delay might rest in the right quarter.

To form a correct opinion of our present system for the collection of duties on imports prescribed or permitted by Congress, and the importance of modification or amendment of that system, we must first have a distinct perception of what it is. The end to be sought in all the legislation upon this subject is the raising of money on imported merchandise for the use of the Government. But in considering the whole subject, it is necessary to keep the end to be secured distinct from the means provided for the attainment of the end. An apt illustration of what I mean is to be found in the laws of the first Congress which assembled under the present Constitution. One is dated July 4, 1789, and is entitled "An act for laying a duty on goods, wares, and merchandise imported into the United States." The other law to which I refer was passed July 31, 1789, but is entitled "An act to regulate the collection of the duties imposed by law on the tonnage of ships and vessels, and on goods, wares, and merchandise imported into the United States." This distinction, clearly defined in the title of these two enactments passed within twenty-seven days of each other, runs through the whole customs-revenue legislation by Congress. We have had conflicting, incongruous, and vicious legislation under the former head; but it is mainly of the excesses and injustice of the latter during the past few years that the country now so loudly complains.

In 1799, and ever since, both specific and *ad valorem* rates of duty have been levied. With one exception, *ad valorem* rates have been levied on the foreign, not the home cost or value. Under this revenue

act the collector estimated and levied duty upon the face of the invoice and entry without calling for the report of appraisers. It was only when there was no invoice, or he had reason to suspect fraud, that appraisement was made, and then by two merchants, one selected by himself and the other by the importer. There were various modifications and changes, mainly of details, in relation to the customs revenue generally, and in regard to the duty to be imposed on imported goods in 1818, 1823, 1830, and 1842, but there was no substantial change in respect to the requirements of invoices or forfeiture for false invoices up to 1863. It will be found upon an examination of the several acts that the law required one kind of invoice for purchased goods and another kind for goods sent here by the manufacturer. The former must be a transcript of the actual transaction with the seller, giving the actual cost or the sum paid therefor to the seller, including charges for packing, &c. On the other hand, in respect to goods sent by a manufacturer, as there had been no transaction of purchase and sale, the invoice must contain the fair market value of the merchandise, which means the price which it would have brought if sold in the market at the time and place it was procured, and not necessarily at the time and place of shipment. Then, again, previous to the act of 1863, merchandise could not be forfeited for a false or defective invoice in court, unless the jury were satisfied that it was made false with intent to evade payment of duty which the person who made or presented the invoice knew was legally chargeable thereon. The intent, as known to the law, was to evade the payment of money which was fairly chargeable and due as duty. Everything worked very well up to this time; at least, in the operation of the law and regulations, neither the importer nor the Government could much complain. So, it may be said, that from the act of 1863 begins the organized rascality which has been increasing through the subsequent years, until it has culminated in gross extortion and corruption, not to say crime.

This act of March 3, 1863, as will be seen by an examination of its provisions, declares that if any owner, consignee, or agent shall knowingly make, or attempt to make, an entry by any false invoice or false consular certificate, or any other false or fraudulent practice or appliances whatsoever, said goods or their value shall be forfeited. In this law it will be seen that the intent to evade the payment of duty is carefully omitted. The word is "knowingly;" that is, if the jury believe that the person making the entry knew or had reason to suppose that some paper connected with the transaction was not in all respects perfectly correct, however minute or technical the item or fact, they must find against him. In effect, the law virtually declares forfeiture for any omission, mistake, or false statement, for the fact ascertained is *prima facie* evidence of knowledge. So the owner or claimant of the merchandise must satisfy the jury that the document was not by the person making the entry known or believed to be in any particular false. The question of intent to defraud the revenue was not necessarily involved in the question at all. The importer was not even permitted to defend by showing that the Government had lost no duty. By this crafty legislation, inspired by disingenuous parties, the importer was told in effect, "It is not for you to inquire whether or not the Government is the loser, whether or not the revenue suffers; we have other aims more important to us and to our friends than the interests of Government or importer;" and, I repeat, unless the latter could satisfy the jury that he was ignorant, a verdict confiscating his property must be found. It will be observed that neither the law of 1863 nor subsequent amendments were in the least calculated to facilitate the collection of the revenue. On the contrary, they were an excrescence upon the system, and operated to delay and embarrass at every step. And my object in calling attention to them is, not so much in the hope of securing at once all the requisite changes, as to show how injustice to the importer under their ægis is carried on by selfish officials, and to effect an overthrow of the abuses they practice.

I will not dwell upon the several acts relating to the appraisal of merchandise; they run through the statutes of 1823, 1828, 1830, 1842, and 1851; but remark that our present system was authorized by the law of July 27, 1866. It is unnecessary to here state even the general features of this law, as whatever seems important to my argument will be disclosed as I proceed.

The ninth section of that act directed certain costs and charges therein specified to be added to the appraised value in order to make the dutiable value. So it will be found that the importer is subjected to several statements relating to each importation; one is known as the invoice value, one as the appraised value, and another as dutiable value. As the law stands, the entry must be a transcript of the invoice. But at the same time, if the appraised value exceeds the entered value 10 per cent., a penalty follows of 20 per cent. *ad valorem*. The importer is not permitted to add on his entry to the invoice value in order to bring it up to the market value to be found by the appraiser. That would be too fair, as it would enable the merchant to provide for a case where the value had suddenly advanced between the date of invoice and the date of exportation. In a word, the case stands thus: An importer must produce an invoice stating the actual price he paid if the goods are purchased, and if they are not purchased, the actual value at the time of procurement; the entry paper at the custom-house must contain a transcript of this invoice; the merchandise must be valued by the appraiser at the date of exportation. If this appraised value, with costs and charges added, exceeds the invoice or entered value more than 10 per cent., then, in addition to the regular duty, a penalty of 20 per cent. is added. It should be stated that the importer may himself add on his entry to make his appreciation of market and dutiable value; but the collector can under no circumstances take duty on less than the entered value, no matter how much less the appraiser reports the real value at the date of exportation. Add to all this intricacy and technicality the further fact that if the invoice is erroneous or false within the knowledge of the owner, consignee, or agent, the whole is forfeited, and we see how well the entire thing is arranged to entrap the unwary and to enable avaricious and grasping officials to prey upon the purses and trifle with the reputations of honest men. Let me read from one of the chapters of this record of labyrinths. For example, if merchandise is manufactured in the interior of Germany, and sent therefrom to the United States through France, and put on ship-board at Havre, which is the country and the time of exportation? If, when the merchandise left Germany, its real destination was New York, is the cost of transportation and other expenses to the frontier of that country a dutiable item? And if so, is the cost of transportation and other expenses incurred after the merchandise leaves the borders of Germany to the port of shipment a dutiable item? The first section of the law of March 3, 1863, says that an invoice of manufactured goods sent here by the manufacturer need only contain "the actual market value thereof at the time and place when and where the same were procured or manufactured." There is no requirement in regard to items of packing or envelopes, as would ordinarily be embraced in the case of purchased goods, which are usually delivered to the purchaser ready for shipment. As will be seen, if an importer having actually paid, or, being subject to the payment of such items, withholds them from his entry by accident or design, the invoice is held to be false and the whole is liable to forfeiture.

Early in the present session I introduced a bill having for its single object the changing of the law which forfeits a whole invoice for the undervaluation of one item. It passed this body some time ago, but I believe it still lingers in the House of Representatives.

Again, when the merchandise arrives in New York, who, if any one, shall add on the entry the dutiable items specified in the ninth section of the act of 1866? Is it the business of the importer or of the collector upon the report of the appraiser? The law does not say; and yet this section indicates that such additions, whether made by one or the other, shall be regarded as a part of the value of the merchandise. Was ever labyrinth more completely devised? And all this not in the interest of legitimate commerce and honest collection of revenue, but rather to advance the opportunities for espionage and greed.

It should be borne in mind that the penalty of 20 per cent., or one-fifth of the whole value in one case, and the entire value in the other, does not necessarily involve any element of fraud. The importer may be wholly innocent in each instance. It may be, and no doubt generally is, trivial omission, careless neglect, want of precise information, or disagreement of opinion between the importer and the final appraisement. It will not do to say that the merchant may go into court on the matter of so-called false invoice, because the burden of proof is at once upon him to show want of knowledge. In other words, he is asked to prove a negative, which is always a very difficult thing to do. Hence the compromise, of which we hear so much, and in the light of which we have further illustration of the villainous practices under cover of vicious laws. By compromise I mean a sort of trade, between the officers and the special agent of the Government on the one hand and the importer on the other, not to bring the case to trial if a certain amount of money is paid. Of course, the power to fix terms and enforce compliance is all on the side of the former. They hold up the law, as was done in a recent memorable case, aided by the great name and influence of one high in the confidence of the Administration; they menace reputation; they arrest the wheels of business, and threaten a still larger draught upon the purse of the unfortunate victim. I need not recite the case of Phelps, Dodge & Co., of Woodruff & Robinson, James E. Colwell & Co., and others, for the facts are familiar to all. It seems clear that, among other reforms, the one relating to compromises should not be overlooked. There should be no compromise until the case is actually tried in court, and then the law of March 3, 1799, affords the proper relief, if any is due, as it enables the Secretary of the Treasury, upon a report by the judge, to discontinue the prosecution upon such terms as may be deemed reasonable and just.

I now come to the authority conferred by the act of March 2, 1867, for the seizure of books and papers, without which the power to enforce a settlement or compromise upon terms to suit the customs officers would not have been so certain. This extraordinay plenary license was needed to round off the system of extortion and plunder which now rises before us with its guilty record. The enormous moiety profits to officers and agents during the last few years would not have been wholly successful without it. But so well is the wanton and cruel character of this act understood, that I need not discuss it at length. It is almost enough to say that such mode of procedure was unknown to the legislation or judicial process of this country until March 2, 1867, and that the intelligent public sentiment of the country demands its utter overthrow. If it were capable of demonstration that no revenue could be collected upon imported merchandise without the seizure of a merchant's books and papers in order to obtain

evidence against him of fraud upon the revenue, perhaps such a law could be justified as within the constitutional power of Congress. But, thank God, the character of our merchants does not afford the warrant for such extreme and doubtful resort. The Government can hardly afford to pay so great a price for any possible incidental advantage; it cannot bear the cost of being a party to trampling upon the personal rights, the honest accumulations, and the well-earned character of any class of our citizens.

In this connection I want to refer to the abuses of the special agency system, which has become a conspicuous part of the customs service, especially at the port of New York. These officers or agents are of modern growth. Under the law of 1799 and 1846 the Secretary of the Treasury had authority to designate persons to visit the different ports as occasion might require, and inspect the books of the Government officers. These persons were generally clerks of the Treasury Department, who were familiar with custom-house returns and other branches of the service, and in whose fidelity to the public interests the Secretary had confidence. There seems to have been an attempt to clothe persons with additional power in the legislation of March 3, 1863, and July 18, 1866; but it remained for the law of May 12, 1870, to actually create these agents, to establish them as officers of the revenue, and to confer upon them unexampled power. By the act referred to, fifty-three were authorized to be appointed by the Secretary of the Treasury, "to be employed generally, under the direction of the Secretary, in the detection and prevention of fraud on the customs revenue." Under this authority, Jayne, and others of less distinction, have been appointed. These agents are a sort of middlemen between the Secretary and the collectors of the different ports, without local habitation or properly defined functions. They are not responsible for the manner in which they exercise authority, but have a kind of unrestrained prerogative which knows no limit but the exhausted terror which they excite and the well-drained purse which they seek. In other words, they have no well-defined and adequate responsibility. They are simply appointed by the Secretary of the Treasury to the order of superior influence, and I believe report from time to time to some chief in Washington, who is known as the head of the Special Service Bureau. Practically, these special agents constitute an independent and irresponsible body of men, drawing within their charmed circle whatever official co-operation and political influence is found necessary in carrying out their plans. Within the years since this act of 1870, these agents, including other officers who receive six to ten dollars a day, have organized in New York a "bureau of professional informers." As before stated, their ostensible avocation is to detect fraud upon the revenue and violations of law and customs regulations by customs officers.

The service is based upon the theory that the principal officers of the customs are so absorbed in the nourishment of their perquisite-accounts as to neglect their official duties. But, as seen, this perquisite-matter is contagious, and the interest of the agents soon becomes identical in this respect with those officers whose administration they are supposed to watch. So they all join in making the most out of the moiety practice they can. The great power which the act of March 2, 1867, permits these men to exercise, by which the account books and other records and papers of any merchant or firm may be seized and indefinitely detained, renders them a source of dread. Any commercial house is at their mercy. I submit, if these agents have given any evidence of usefulness it has been purchased at too great a price, and it is better, in my judgment, to fall back upon the old law without delay.

In this hurried review of various enactments touching the customs-revenue service I have said very little of the rapacity and fraud which were thus made possible, and which finally, with shameless effrontery, have been almost daily exhibited. And I ought to remark before I proceed to discuss these practices, that bad as these laws are, bad as their possibilities for wrong, there would not be so much to complain of or so much to lament, if the best men were uniformly called to administer them. Even vicious statutes in the hands of men of high tone may not become inadequately severe and oppressive. But, unfortunately, in the offices and chief places of revenue the want of a high condition of intelligence and personal character is frequently manifest. Turn back the civil-service rules to the page upon which is written that every obligation imposed by public trust and private honor shall be discharged with fidelity, and there will be less reason to complain of bad laws. But I proceed, without further comment, to some facts drawn from official documents, which serve to illustrate the evils of the customs service as now administered.

Perhaps the most noticeable feature of the present system is the enormous emoluments of the collectors, naval officers, surveyors, and special agents, and the pernicious practices by which they are obtained. Nearly three-fourths of the importations of the country are entered at the port of New York, and in treating of the practice and effect there, I shall best present the abuses and the wrongs of the system itself, as the principle involved applies alike to all other customs districts. The officers receive a certain fixed salary, and in addition are entitled to share in the proceeds of fines and penalties imposed or collected in their several districts. The reports of the Secretary of the Treasury of February 11, and March 17, 1874, show that the net amount of money covered into the Treasury from March 1, 1869, to March 1, 1874, out of seizures, fines, penalties, and forfeitures at the port of New York, was $2,191,095.53; that of this amount the moieties paid the collector, naval officer, and surveyor at that port were $500,108.65. It will be seen upon examination that of the amount received into the Treasury there still remains undistributed to these officers and informers the one-half of $166,842.01, to say nothing of the cases in court, in process of compromise, &c., which will greatly swell this sum; for it is true that these reports do not give the full collections into, and distribution in moieties from, the Treasury during the five years which they purport to embrace. The explanation is this: The money received at the Treasury on this moiety account from the 1st of March, 1869, which had been paid to the collector before that time, but not covered by warrant until subsequently, has not been accounted for in these reports; nor have the sums which had been paid to the collector prior to March 1, 1870, for which warrants had not been drawn. So the statement is short at both ends. To illustrate with a single case, take that of Weld & Co., Boston, who agreed to pay $400,000. The amount was to be paid in installments of $100,000 each. The last $100,000 I assume had not been paid in when the report was made up, as it nowhere appears to their credit. In this way other sums, great and small, go to swell the colossal perquisites of these officers, agents, and informers, but which cannot be accurately known to us from any report yet made.

It is one of the peculiarities of the system that not only is the compensation excessively large, but so exceedingly indefinite that we must in some measure depend upon estimates. So complicated is this perquisite-account, with its unsettled cases, pending compromises, suits in court, &c., that no abstract for a definite period gives a correct idea of the real interest of these officers, and at ports where frequent changes have been made the difficulty of obtaining actual amounts is increased. But there is no doubt that the principal officers and the special agent at the port of New York receive from $50,000 to $75,000 per annum each. Even the sums exhibited by these reports for the past five years are colossal, and must strike the plain people of the country with surprise and alarm. Why should these persons each withdraw from the Treasury and the pockets of merchants, annually, more than the combined salaries of the Supreme Court bench? Why should they have more than is paid to the President, his Cabinet, and the judges of the Supreme Court united? These monstrous sums are permitted to these persons in violation of the plain requirements of republican simplicity, economy, and honor. But scandalous as these facts and influences have been in the immediate past, they may be, unless arrested at once, exceeded in the future, when, extending farther upward as well as farther downward, all the sources of patronage become tainted. The avidity for these lucrative positions engenders corruption in their pursuit; the vast and increasing emoluments attract the unprincipled; the enormous power of this political patronage is readily seized upon by the unscrupulous political leader; and every insidious device and corrupt stratagem is employed to retain this coveted wealth, political influence, and power.

But to return. It may be urged that as the responsibility of seizures and suits rests upon the collector of customs, he ought to be compensated for the risk. If this were so, it is evident that the naval officer and surveyor, who do not share this risk, cannot plead the necessity for such protection; but, even as regards the collector, the plea is specious, as there exists no record that any such officer ever suffered pecuniary loss through such responsibility. The courts have never refused a certificate of "probable cause," and if they ever should, an over-zealous officer would find protection in the sympathies of special legislation. No, it is the Government that is finally responsible.

But there are reasons for the abolition of the system of moieties which lie deeper in principle and affect more seriously the public service than even the matter of immense perquisites to these officials. It gives them such an interest in frauds upon the revenue that their advantage is found in the continued existence of frauds rather than in their complete suppression. In fact, it is their interest, to a certain extent, to encourage the infraction of law and to treat occasional detection with such a degree of leniency as will afford the largest official emolument without deterring others from similar practices. One of the well-grounded complaints made against the custom-house officers is, that they are induced by moieties to overlook frauds in the act of perpetration in order to secure their moieties by subsequent detection and threatened punishment. In other words, these officials think more of detection than of prevention, to both of which every collector, at least, is bound by his oath of office. I have had reported to me well-authenticated instances where collectors, although required by the first section of the act of 1863 to prevent the entry of merchandise upon a false or incorrect entry, have permitted goods to be falsely or erroneously entered, while the collector was pursuing to forfeiture entries made under precisely similar circumstances and having similar faults.

Let us look at the evidence bearing upon this point as brought out by an examination of one of the Secretary's previous reports. The case would be still more startling if I could ascertain and present the precise facts for the last three years. But the recent reports are so irregular and complex as to date of payment of the fines, &c., and the distribution thereof, that I am unable, without giving more time than I can now command, to work out and place before you the worse condition. Going back a little, then, from the 1st of January, 1868, to the 1st of December, 1870, there were detected in the several customs districts of the country twenty-nine hundred and eleven cases of smuggling. In one hundred and ninety-nine of these, the cases

were settled without suit; in eighteen hundred and thirty-three cases, the goods were seized and sold without suit, and the offenders allowed to go free; in seven hundred and thirty-one, the goods were released and returned to the smugglers upon payment of the appraised value; fifteen were compromised; and in only one hundred and thirty-three were the goods sold by decree of court, and the offending parties not otherwise punished. During the same period there were fourteen hundred and eighty-four cases of fraud and crime, violations of the various sections imposing fines, penalties, and punishments, as found in the laws of 1793, 1799, 1823, and 1866, and for the importation of goods in illegal packages and undervaluations. Of this number, thirteen hundred and thirty-six were settled without suit; in seventy two, the goods were released to the violators of the law on payment of the value thereof to the collector; eighteen cases of undervaluation, involving the payment of over $100,000, were compromised; and seventy-two were disposed of by decree of court. It thus appears that out of all the cases of smuggling and other fraudulent and illegal practices upon the customs revenue which were detected during this period of nearly three years, rising to the startling number of forty-three hundred and ninety-five, there were only one hundred and ninety-one of them that ever went into court, even for civil prosecution. This leaves forty-two hundred and four, as will be seen, which were settled, compromised, or the goods disposed of by those who had an immediate interest in the proceeds to be obtained in one way and another by reason of the moieties which they could secure. It seems to me there can be but one answer to all this, and that is an unqualified condemnation and destruction of the system and practice which are made to palliate fraud and extenuate crime.

It will be seen by a glance at the two recent reports of the Secretary of the Treasury that they do not contain information of the offense charged against the person defrauding the revenue, nor of the manner the money was recovered by the Treasury. Could the cases embraced in these reports have been grouped and presented, as in the previous report to which I have referred, and which was in response to my own resolution of inquiry, they would have added great force to the many reasons that exist for destroying this vicious moiety business. For instance, any one who will take the trouble to examine the tables of the Secretary in these recent reports will find that in the whole list of over thirty-five hundred cases there is no trace of a single compromise. The marginal reference is always, "seizure sold," "fines paid," "released on payment of value," or "proceeds distributed under order of the court." But it is notorious that cases are compromised almost every day, as with Phelps, Dodge & Co., and Woodruff & Robinson, and yet the penalties are made to appear on the record to which I refer as having been imposed by a court.

It will be found upon further inquiry that at the port of New York from March 4, 1870, to March 4, 1874, there were thirty-five hundred and forty seven seizures, penalties, fines, and forfeitures altogether, and that out of this number there appears to have been no criminal proceeding against any one; at least, it is not shown that one out of this multitude has ever been convicted. In the light of the late disclosures, it is more than probable that the great majority of the cases were worked up by the suborning use of money and the oppression of officials; and the large sums paid in settlement were in many instances to secure immunity from persecution; to avoid the destruction of business; injury to reputation, and sometimes absolute ruin. It will turn out, I suppose, upon due inquiry, that where there existed guilty intent to defraud the revenue more lenity was shown than to the honest merchant who was liable only on account of a technical forfeiture, if at all, for the reason that it is to the advantage of the revenue officials that smuggling and fraud should not be seriously checked. In effect, they say, let it go on. The upright merchant could not be counted on to return to the snare, but the rogue who had been allowed to profit by his crimes would be likely to come again and again, and add alike to their swelling coffers. Just as it is obvious that large gains come from fines and seizures, it is plainly for the interest of the revenue officials that there should be frauds to discover and seizures to make, and so you see they do not attack smuggling very earnestly, which is one great source of supply. But from the merchant who pursues a legitimate trade and who has a reputation at stake, it will do to take the uttermost farthing; it is probably the last chance with him. Indeed almost the first business of the special agent is to find out how much the merchant is able to pay, and on that basis to propose a compromise. The extent of the wrong to the Government has very little bearing upon the terms of settlement; but rather the length of the purse on one hand and private rapacity on the other, are the principal factors in the case.

Mr. President, keeping in mind the distinction between the raising of money upon importations for the use of the Government, and the means employed for the attainment of that end, to which I adverted in my opening remarks, it must be admitted that the facts I have stated bear with gravity upon each branch of the inquiry. It is said that history repeats itself. For the credit of our Government and the cause of humanity generally I trust that many of the worst phases as presented in the course of previous civilizations will not reappear in our more advanced state. I do not see, however, that the avarice of man, his greed for gain, and the tendency to trench upon the rights and property of others, has greatly changed. At all events, these types of character, with varying and offensive pretense, every now and then exhibit themselves as painfully illustrated in the subject of my discussion. It will be seen by a careful reading of history not very far back, that the disposition to divert the revenues of governments to personal and private ends, is a frequent menace to their integrity and stability. In the light of the Sanborn contracts, Jayne raids, and moiety practices, let us turn over a page or two of the past and read.

To find the best parallel in the career of any government to the venality and personal and political scandal developed in the moiety system, we must go to the most corrupt and oppressive period of the French monarchy. In the middle of the seventeenth century (Louis XIV being king) we are told by Henri Martin in his history of France, that spoliation of the revenue and the people was effected by a league between the Government and the farmers of the revenue. There sprang up under the administration of the finance minister, Foquet, a system of taxation which involved the pocketing of moieties by a class of favored middle-men standing between the treasury and the people, to take toll of both. The merchants of France were no longer consulted as to imposts or import duties, but the farmers of the revenue were taken into the counsels of the administration as to every change in the revenue laws and regulations. Informers and spies spread themselves over every commercial community, setting traps to catch the thoughtless and unwary. In 1664, the lowest duty on importations was 25 per cent. *ad valorem*, while many articles paid more than 100 per cent. At the same time, the taxes on domestic articles were never so high before. The tax upon salt, a necessary article of universal consumption, amounted to no less than 36,000,000 francs per annum. But of this enormous revenue the farmers-general, who collected it, paid to the king only 19,000,000 francs. The remaining 17,000,000 represented their expenses, commissions, and profits, or the moiety of her treasury parasites. These evils, at last, by their excess laid the foundation for their own cure. Protests and complaints went up from the merchants of Paris and from the provinces. The cost of conducting the government annually, through the combined increase of expenditure and the robbery of the treasury by the moiety system, grew to a sum equal to 2,000,000,000 francs at the present day. At last, through the powerful influence of the great reformer, Colbert, encouraged and sustained by the merchants and the patriotic people, the entire system was abolished and the whole ring of public robbers were thrown into dismay. The people applauded these vigorous measures, and firmly supported every movement for reform. Financiers and speculators on the revenue were brought to trial, and the amount of fines and penalties in turn imposed upon these farmers of the revenue reached the enormous sum of 110,000,000 francs.

Is not this almost an exact counterpart of our own case? Do we not here see enormous contributions levied upon the revenues and the people? Is not official morality depreciated, and are not practices justified which tend to extensive depravity in public and private life? Do not middle-men and moiety-hunters, under contract from the Government and with its sanction, go forth to prey upon the public revenues and upon merchants and others, in almost every commercial community? It is this series of illegal and dishonest offenses against the moral sense of the country that makes the parallel from the French record so striking. May not our indignant people also at last turn upon the guilty officials and their hardly less guilty political accomplices in power and condemn them to like obloquy and scorn? It is not too much to say that these things at least have added reproach to the party in power; have impaired its enviable prestige; and will serve to weigh it down, unless it shall immediately and forever renounce the alliance. This, I fear, it will not have the courage to do in good faith and heartily. The long silence here and elsewhere upon matters affecting the interests, the reputation, and the welfare of the whole people, and especially in our great commercial city, is significant. It is not for me to call in question the motives of any one outside of those political considerations which all may understand and which are properly the subject of public remark. But it is a painful fact that no upbraiding word, no lesson of reproof, no apparent condemnation has come from any influential public authority. Nor is it to be denied that at the port of New York officers have been appointed without reference to qualifications and character; faithful and efficient subordinates have been abased by the appointment over them of incompetent men, and promotions have not depended upon merit, but upon political influence. In other words, it is generally believed that the patronage of the Government is used as a reward for partisan service and as an agency for promoting personal ends. Looking to the safety and honor of the nation, we cannot be indifferent to the least tendency toward partisan perversion in the bestowment of office, nor permit the insidious conduct of officials to mutilate the integrity of the public service. The higher the officer or the influence in default or in defiance, the more necessary to guard the power he wields and resent every outcrop of abuse. To the thriving citizen these things appeared trivial at first, forgetful of the terrible results to which they were tending. But we must at last meet the question, the question of searching and thorough reform, or the pernicious brood of corrupting influences which have been warmed into power will in the end be too strong for us to grapple with and overthrow. I do not speak as one having nothing better than hopeless complaint, but in sober warning and earnest entreaty.

I submit that the laws should be at once reformed, and that those who hold positions under the Government should be upright and

faithful servants. I desire that they be incited to the utmost fidelity to the public interests, rather than to the public servant who discharges an official responsibility in appointing or nominating them. I plead in the name of the people for the adoption of a purer system of customs service, under which the Government and the merchant shall be upon the same level. I plead for the repeal of laws which destroy all respect for law, for the abandonment of practices in official life which tend to lessen our respect for official character and to impair the sense of mercantile honor. In a word, I plead for the Senate to take up the bill now and too long past in the hands of the Committee on Commerce, or some other bill which will accomplish as much in the way of these deeply needed reforms.

I have passed over, as will be seen, some of the business features of the bill, but if I have impressed Senators with the duty of proceeding to its consideration, I have accomplished all I intended at this time. I can conceive of but few subjects of paramount importance, and none that now presses upon us with such fatal experience and force.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. No. 826) for the relief of Elias C. Boudinot.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. No. 2191) in relation to customs duties on imported fruits, with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. No. 539) granting a pension to Eugene Smith, of Company F, First Nebraska Veteran Volunteers;

A bill (S. No. 259) to authorize the proper accounting officers of the Treasury to settle with Henry C. Carey;

A bill (S. No. 379) for the relief of Nathan Cole, late captain Twenty-third Regiment Veteran Reserve Corps;

A bill (S. No. 567) granting a pension to Mary E. Naylor, widow of Osborn Naylor, late a private in Company C, Second Kansas Volunteers;

A bill (S. No. 470) for the relief of James R. Young; and

A bill (S. No. 207) for the relief of C. E. Rogers.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter of the Secretary of War, communicating an estimate of the amount required to complete the Medical and Surgical History of the War should the balance remaining to the credit of that appropriation be covered into the Treasury at the close of the fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Claims:

A bill (H. R. No. 554) for the relief of William I. Blackistone, of Saint Mary's County, Maryland;

A bill (H. R. No. 2891) for the relief of Mrs. Louisa Eldis, of Sandusky, Ohio;

A bill (H. R. No. 2990) for the relief of Jesse F. Moore and Charles W. Lewis; and

A bill (H. R. No. 2997) for the relief of George A. Schreiner.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. No. 2412) for the relief of Sheridan O. Bremmer, late a private of Company E, Eighteenth Regiment Wisconsin Infantry;

A bill (H. R. No. 2892) for the relief of Thomas Simms, late a lieutenant in the Seventy-sixth Regiment New York Volunteers;

A bill (H. R. No. 2893) for the relief of F. O. Wyse, late a lieutenant-colonel, &c.;

A bill (H. R. No. 3001) for the relief of Peter J. Knapp; and

A bill (H. R. No. 2704) for the relief of Selden Connor.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. No. 2899) granting a pension to Harriette A. Woodruff;

A bill (H. R. No. 2900) granting a pension to Josephine D. Thomas; and

A bill (H. R. No. 2901) granting a pension to John Hendrie.

The following bills were severally read twice by their titles, and referred to the Committee on Naval Affairs:

A bill (H. R. No. 2896) to authorize the appointment of Acting Master Robert Platt as acting lieutenant in the Navy of the United States; and

A bill (H. R. No. 2897) authorizing the President to appoint George Henry Preble, now a captain on the active list of the Navy, to be a commodore.

The following bills were severally read twice by their titles, and referred to the Committee on Patents:

A bill (H. R. No. 3024) to enable William H. Ward, of Auburn, in the State of New York, to make application to the Commissioner of Patents for an extension of letters-patent for a shell-molding machine; and

A bill (H. R. No. 3170) for the relief of John W. Marsh.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. No. 1206) for the relief of Charles J. Sands, of Brooklyn, New York; and

A bill (H. R. No. 2898) for the relief of J. and W. R. Wing, of New Bedford, Massachusetts.

The bill (H. R. No. 2989) to authorize the trustees of the Massachusetts Museum of Fine Arts to import and retain for two years certain works of art free of duty was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. No. 2999) for the relief of Henry A. Webster, V. B. McCollum, and A. Colby, of Washington Territory, pre-emptors on the Makah Indian reservation, was read twice by its title, and referred to the Committee on Indian Affairs.

The bill (H. R. No. 3172) to relieve Sardine G. Stone, of Alabama, of political disabilities was read twice by its title, and referred to the Committee on the Judiciary.

DUTIES ON FRUITS.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the amendment of the Senate to the bill (H. R. No. 2191) in relation to customs duties on imported fruits.

The amendment of the House of Representatives was read, being to add to the amendment of the Senate the following proviso:

Provided, That the duties imposed by virtue of this amendment shall not be levied or collected upon fruits entered for consumption at any port of entry prior to July 1, 1874.

Mr. SHERMAN. I move that the Senate concur in the amendment.

The motion was agreed to.

Mr. SARGENT. I move that the Senate adjourn.

The motion was agreed to; and (at four o'clock and twenty-seven minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *May* 4, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of last Saturday was read and approved.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the first business in order is the call of the States and Territories, beginning with the State of Maine, for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back on motions to reconsider. Under this call memorials and resolutions of State and territorial Legislatures may be presented for reference and printing. The morning hour begins at fifteen minutes after twelve o'clock.

ABRANNA L. DUNN.

Mr. FRYE introduced a bill (H. R. No. 3194) granting a pension to Abranna L. Dunn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REMOVAL OF CAUSES FROM STATE COURTS.

Mr. POLAND introduced a bill (H. R. No. 3195) regulating the removal of causes from State courts to circuit courts of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

STEAMBOAT NUESTRA SEÑORA DE REGLA.

Mr. POLAND also introduced a bill (H. R. No. 3196) providing for the settlement and payment of the damages arising from the seizure and detention of the steam ferry-boat Nuestra Señora de Regla by the authorities of the United States in 1851; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

EXCHANGE OF UNITED STATES BONDS FOR LEGAL-TENDERS.

Mr. DAWES introduced a bill (H. R. No. 3197) authorizing the issue of United States bonds in exchange for legal-tender notes, and for other purposes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CURRENCY—FREE BANKING.

Mr. HOOPER. My colleague, [Mr. BUTLER,] who is confined at home by sickness, has requested me to introduce a bill for him.

Mr. HOOPER (for Mr. BUTLER, of Massachusetts) introduced a bill (H. R. No. 3199) providing for free banking and better security to depositors, to hinder usury, give elasticity to the currency, preserve its value to the people, and to prevent financial panics by locking up currency; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

Mr. HOOPER. Can this bill be printed in bill form as having been presented by my colleague, [Mr. BUTLER?]

Mr. DAWES. I object.

The SPEAKER. It must be printed as the bill of the gentleman who actually introduced it.

POSTAGE ON AGRICULTURAL REPORTS.

Mr. EAMES introduced a bill (H. R. No. 3198) in relation to postage on the Agricultural Reports; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

LICENSES OF TOBACCO PEDDLERS.

Mr. KELLOGG introduced a bill (H. R. No. 3200) relating to licenses for peddlers of tobacco; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CUSTOMS DUTIES.

Mr. MELLISH introduced a bill (H. R. No. 3201) to regulate the payment of customs duties and secure a par in value of gold, United States Treasury notes, and national-bank notes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

DISTRIBUTION OF GENEVA AWARD.

Mr. TREMAIN introduced a bill (H. R. No. 3202) to provide for the distribution of the Geneva award; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PIER AND LIGHT-HOUSE, OSWEGO, NEW YORK.

Mr. LANSING introduced a bill (H. R. No. 3203) making appropriation for the repair of the old pier and light-house at the harbor of Oswego, New York; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

AMENDMENT OF POSTAL LAWS.

Mr. PACKER introduced a bill (H. R. No. 3204) to amend sections 243, 345, 246, 247, and 253 of the act entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department," approved June 8, 1872; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

DEPOSITS BY POSTMASTERS.

Mr. PACKER also introduced a bill (H. R. No. 3205) to amend an act to authorize certain postmasters to deposit public moneys in national banks, approved March 3, 1873; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

SARAH A. WOODWORTH.

Mr. ALBRIGHT introduced a bill (H. R. No. 3206) granting a pension to Sarah A. Woodworth, widow of Joseph C. Woodworth, late a private of Company H, Sixth-seventh Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PETER WOLFYOUNG.

Mr. ALBRIGHT also introduced a bill (H. R. No. 3207) granting a pension to Peter Wolfyoung late a private in Company E, Second Battalion, Eighteenth Regiment United States Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN HENDERSON.

Mr. SPEER introduced a bill (H. R. No. 3208) for the relief of John Henderson; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

LEVINA BERRALL.

Mr. STORM introduced a bill (H. R. No. 3209) granting a pension to Levina Berrall; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HAZING AT THE NAVAL ACADEMY.

Mr. ARCHER introduced a bill (H. R. No. 3210) to prevent hazing at the Naval Academy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

SCHOONER DELMAR.

Mr. COBB, of North Carolina, (for his colleague, Mr. THOMAS,) introduced a bill (H. R. No. 3211) to change the name of the schooner Delmar; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

RACHAEL FRISBIE.

Mr. VANCE introduced a bill (H. R. No. 3212) for the relief of Rachael Frisbie, widow of Elzy Frisbie, private in Company C, Second Regiment North Carolina Mounted Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

REDUCTION OF TAX ON BRANDY, ETC.

Mr. ROBBINS introduced a bill (H. R. No. 3213) to abolish the office of store-keeper for small distilleries, and to reduce the tax on brandy; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

AMENDMENT OF COINAGE ACT.

Mr. ASHE introduced a bill (H. R. No. 3214) to amend the forty-seventh section of the coinage act of 1873; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

WILLIAM Z. LEITCH.

Mr. RANSIER introduced a bill (H. R. No. 3215) for the relief of William Z. Leitch, of Charleston, South Carolinia, as surveyor of customs for the port of Charleston; which was read a first and second time, referred, with the accompanying papers, to the Committee on Claims, and ordered to be printed.

T. C. CALLICOT, ETC.

Mr. RANSIER also introduced a bill (H. R. No. 3216) for the relief of T. C. Callicot, late Treasury agent at Charleston, South Carolina, George W. Clark, and Alexander McLeod, of South Carolina; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DRURY RAMBO.

Mr. WHITELEY introduced a bill (H. R. No. 3217) to compensate Drury Rambo, of Decatur County, Georgia, for services rendered to a detachment of the One hundred and forty-fifth Indiana Volunteer Infantry; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WATER-ROUTES OF COMMUNICATION.

Mr. YOUNG, of Georgia, introduced a bill (H. R. No. 3218) granting aid in the construction of certain water-routes therein named; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

THOMAS G. RAWLINS.

Mr. FREEMAN introduced a bill (H. R. No. 3219) for the relief of Thomas G. Rawlins; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EASTERN AND WESTERN TRANSPORTATION COMPANY.

Mr. HAYS introduced a bill (H. R. No. 3220) to incorporate the Eastern and Western Transportation Company; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

RAPHAEL SEMMES.

Mr. BROMBERG introduced a bill (H. R. No. 3221) to relieve Raphael Semmes, of Alabama, of political disabilities; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

STEPHEN MOORE.

Mr. SHEATS introduced a bill (H. R. No. 3222) for the relief of Stephen Moore, of Alabama; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM C. IDDINGS.

Mr. SHEATS also introduced a bill (H. R. No. 3223) for the relief of William C. Iddings, late a private of the Eleventh Michigan Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SUFFERERS BY OVERFLOW OF MISSISSIPPI RIVER.

Mr. HOWE introduced a bill (H. R. No. 3224) making an additional appropriation to enable the Secretary of War to carry out the act of April 23, 1874, entitled "An act to provide for the relief of the persons suffering from the overflow of the Mississippi River;" which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

FORT SAINT PHILIP CANAL.

Mr. SYPHER introduced a bill (H. R. No. 3225) to provide for the construction of the Fort Saint Philip Canal, in the State of Louisiana, and to maintain the same as a national public highway; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

Mr. SYPHER. I give notice that I shall offer that bill as an amendment to the bill relating to the same subject reported by the Committee on Railways and Canals.

FENCE AND RAILING AROUND BOTANICAL GARDEN.

Mr. BERRY introduced a joint resolution (H. R. No. 93) for the removal of brick fence and iron railing surrounding the Botanical Garden; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

MONEY CHARGED AGAINST STATE OF OHIO FOR ARMS.

Mr. SAYLER, of Ohio, presented joint resolutions of the General Assembly of the State of Ohio relating to sums of money charged against the State for arms, &c., during the late war; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ARMING AND EQUIPMENT OF MILITIA.

Mr. SAYLER, of Ohio, also introduced a bill (H. R. No. 3226) making provision for arming and equipping the whole body of the militia

of the United States, and for other purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

NATIONAL CURRENCY.

Mr. DURHAM introduced a bill (H. R. No. 3227) amending the act providing a national currency and fixing the compensation of the national-bank examiners; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

SURVEY OF BIG SANDY RIVER.

Mr. YOUNG, of Kentucky, introduced a bill (H. R. No. 3228) providing for the survey of the Big Sandy River and its tributaries; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SAMUEL BROWNING.

Mr. BUTLER, of Tennessee, introduced a bill (H. R. No. 3229) for the relief of Samuel Browning, of Memphis, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HEIRS OF JAMES W. EASTWOOD.

Mr. BUTLER, of Tennessee, also introduced a bill (H. R. No. 3230) for the relief of the heirs of James W. Eastwood, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES CLIFT.

Mr. BUTLER, of Tennessee, also introduced a bill (H. R. No. 3231) for the relief of James Clift, captain of Mounted Union Guards; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ELIHU S. MARSHALL.

Mr. HARRISON introduced a bill (H. R. No. 3232) for the relief of Elihu S. Marshall, of Nashville, Tennessee; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CHARLOTTE CLARK.

Mr. FORT introduced a bill (H. R. No. 3233) granting a pension to Charlotte Clark, widow of Bela T. Clark, late captain of Company D, Forty-second Regiment Illinois Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN HOLESON.

Mr. MORRISON introduced a bill (H. R. No. 3234) for the relief of John Holeson, of Madison County, Illinois; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BRIDGE OVER MISSISSIPPI RIVER.

Mr. CLEMENTS introduced a bill (H. R. No. 3235) to authorize the construction of a bridge over the Mississippi River, at or near the Grand Chain; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ARTHUR M. LEE.

Mr. CLEMENTS also introduced a bill (H. R. No. 3236) granting a pension to Arthur M. Lee, late first lieutenant Eighteenth Illinois Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHANGE OF NAME OF NATIONAL BANK.

Mr. CORWIN introduced a bill (H. R. No. 3237) to authorize the First National Bank of Seneca to change its name; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

PAYMENT OF A TREASURY CERTIFICATE.

Mr. HAVENS introduced a bill (H. R. No. 3238) making an appropriation for the payment of Treasury certificate No. 496653; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

TAX ON SALES OF STOCKS AND BONDS.

Mr. BUCKNER introduced a bill (H. R. No. 3239) to impose a tax on the sales of stocks and bonds, and to reduce the tax on manufactured tobacco; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

WISCONSIN RAILROAD.

Mr. McDILL, of Wisconsin, introduced a bill (H. R. No. 3240) to extend the time for the completion of a railroad from the Saint Croix River or lake, between townships 25 and 31, to the west end of Lake Superior and to Bayfield, in the State of Wisconsin; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

STEPHEN DURKEE.

Mr. McDILL, of Wisconsin, also introduced a bill (H. R. No. 3241) for the relief of Stephen Durkee; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CORDELIA THOMAS.

Mr. LUTTRELL introduced a bill (H. R. No. 3242) for the relief of Cordelia Thomas; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

RAILROAD AND TELEGRAPH LINE TO THE PACIFIC.

Mr. LUTTRELL also presented concurrent resolutions of the Legislature of the State of California, relative to the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean; which were referred to the Committee on the Public Lands, and ordered to be printed.

KANSAS JUDICIAL DISTRICT.

Mr. COBB, of Kansas, introduced a bill (H. R. No. 3243) to enlarge the judicial district of Kansas; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

VIRGINIA E. WHITE.

Mr. DAVIS introduced a bill (H. R. No. 3244) for the relief of Virginia E. White, of Ohio County, West Virginia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MINING LOCATIONS.

Mr. CHAFFEE introduced a bill (H. R. No. 3245) to confirm mining locations upon certain lands ceded to the United States by the Ute Indian Nation in Colorado Territory; which was read a first and second time, referred to the Committee on Mines and Mining, and ordered to be printed.

ANSON CALL.

Mr. CANNON, of Utah, introduced a bill (H. R. No. 3246) for the relief of Anson Call; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EXECUTORS' BONDS IN THE DISTRICT OF COLUMBIA.

Mr. CHIPMAN introduced a bill (H. R. No. 3247) in relation to executors' bonds in the District of Columbia; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

THE WASHINGTON MONUMENT.

Mr. CHIPMAN also introduced a bill (H. R. No. 3249) to provide for the completion of the Washington monument; which was read a first and second time, referred to the Select Committee on the Washington National monument, and ordered to be printed.

The SPEAKER. The States and Territories having been called through, the Chair will now receive bills for reference from those gentlemen who were absent when their States were called.

PAYMENT OF WORKINGMEN IN WASHINGTON.

Mr. WARD, of New Jersey, introduced a bill (H. R. No. 3248) making an appropriation for the payment of the workingmen in the District of Columbia who work on public improvements under the board of public works and its contractors, and providing for the reimbursing of the same; which was read a first and second time, referred to the Joint Select Committee to inquire into the Affairs of the District of Columbia, and ordered to be printed.

PRE-EMPTION AND HOMESTEAD ENTRIES.

Mr. ORR introduced a bill (H. R. No. 3250) to confirm pre-emption and homestead entries of public lands within the limits of railroad grants in cases where such entries have been made under the regulation of the Land Department; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

MARY M'DAVIT.

Mr. O'BRIEN introduced a bill (H. R. No. 3251) granting a pension to Mary McDavit; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RETURN OF A BILL TO THE SENATE.

The SPEAKER laid before the House the following message from the Senate of the United States:

IN THE SENATE OF THE UNITED STATES, *May* 4, 1874.

Resolved, That the Secretary be directed to request the House to return to the Senate House bill No. 3161, to enable the Secretary of War to carry out the act of April 23, 1874, entitled "An act to provide for the relief of persons suffering from the overflow of the Mississippi River," which passed the Senate May 1, 1874.

By unanimous consent the Clerk was directed to return the bill to the Senate.

SUITS AGAINST THE GOVERNMENT.

Mr. SCUDDER, of New Jersey, submitted the following resolution; which was read, referred to the Committee on the Judiciary, and ordered to be printed:

Resolved, That the Committee on the Judiciary be directed to inquire into the expediency of the passage of such acts of Congress as will enable parties having claims, either legal or equitable, against the United States to institute and conduct proceedings thereon against the Government in the courts of the United States on such terms as shall be prescribed; and in case of adjudication in favor of such parties, to provide a mode by which the same shall be paid or discharged. Said committee shall report by bill or otherwise.

HARBOR OF ERIE, PENNSYLVANIA.

Mr. CURTIS submitted the following resolution; which was ordered to be printed, and referred to the Committee on Commerce:

Whereas the peninsula which protects the harbor of Erie has become the property of the United States; and whereas certain parties are attempting to obtain the possession of said peninsula and dispose of the timber thereon, thereby endangering the safety of the harbor of Erie: Therefore,

Resolved, That the Committee on Commerce be directed to inquire what legislation may be necessary for the protection of the peninsula from depredations and the harbor of Erie from detriment, with leave to report by bill or otherwise.

ORDER OF BUSINESS.

The SPEAKER. The call of States and Territories for bills and joint resolutions for printing and reference having been concluded, the States will now be called for resolutions for action.

PAY OF COMMITTEE CLERK.

Mr. DUELL submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Clerk of the House of Representatives be, and he is hereby, directed to pay the clerk of the Committee on Expenditures in the Post-Office Department, &c., from the day when he entered upon his duties.

HOMESTEADS FOR SOLDIERS AND SAILORS.

Mr. NEGLEY submitted the following resolution, upon which he called the previous question:

Resolved, That the Committee on Military Affairs be, and is hereby, instructed to prepare a bill to amend the act relating to soldiers and sailors' homesteads, passed June 8, 1872, so as to allow honorably discharged soldiers and sailors, their widows and orphan children, to acquire homesteads of the public lands of the United States without being required to commence settlement and improvements on said lands.

Mr. DUNNELL. I move that that resolution be referred to the Committee on the Public Lands, as that Committee has the subject now under consideration.

The SPEAKER. The gentleman from Pennsylvania [Mr. NEGLEY] is entitled under this call to test the sense of the House upon his resolution by the previous question.

The question was upon seconding the previous question; and it was not agreed to.

Mr. DUNNELL. Then I rise to debate the resolution.

The SPEAKER. The resolution will go over under the rule.

REMOVAL OF POLITICAL DISABILITIES.

Mr. O'BRIEN introduced a bill (H. R. No. 3252) to remove the legal and political disabilities of George N. Hollins, of Maryland; which was read three times and passed, two-thirds voting in favor thereof.

Mr. ARCHER introduced a bill (H. R. No. 3253) to remove the legal and political disabilities of Richard T. Allison, of Maryland; which was read three times, and passed, two-thirds voting in favor thereof.

Mr. PLATT, of Virginia, introduced a bill (H. R. No. 3254) to relieve the persons therein named (E. L. Winder and A. W. Stark, of Norfolk, Virginia) of their legal and political disabilities; which was read three times, and passed, two-thirds voting in favor thereof.

TAX ON LEAF TOBACCO.

Mr. VANCE submitted the following preamble and resolution, upon which he called the previous question:

Whereas the tax on leaf tobacco is an unjust discrimination between the products of the farmer in the tobacco-growing region and the non-tobacco-producing sections, causing inequalities in taxation; and whereas the fines and penalties imposed by the internal-revenue laws for violations thereof are in many instances entirely disproportionate to the offense committed, causing much trouble and suffering in the country because no discretion is left to the courts: Therefore,

Be it resolved, That the Committee on Ways and Means be, and they are hereby, instructed to bring into this House at an early day a bill which shall provide for repealing the tax on leaf tobacco, or change the character of the fines and penalties for violations of the laws, leaving the same to the discretion of the courts, and which shall forbid the destruction of the property of persons violating said laws upon *prima facie* evidence without trial and conviction.

Mr. DAWES. I ask the gentleman to change his resolution from one of instruction to one directing the committee to inquire into the expediency of the proposed legislation.

Mr. VANCE. I prefer a vote directly upon the resolution.

The question was upon seconding the previous question.

Tellers were ordered; and Mr. VANCE and Mr. DAWES were appointed.

The House divided; and the tellers reported that there were ayes 40, noes not counted.

So the previous question was not seconded.

Mr. VANCE. I will modify the resolution as suggested by the gentleman from Massachusetts, [Mr. DAWES.]

The resolution, as modified, was agreed to.

ORDER OF BUSINESS.

Mr. BECK. I rise to move a suspension of the rules.

The SPEAKER. A motion to suspend the rules comes over from Monday fortnight, submitted by the gentleman from Montana, [Mr. MAGINNIS.]

ASSAY OFFICE AT HELENA, MONTANA.

The motion of Mr. MAGINNIS was to suspend the rules and pass a bill to establish an assay office at Helena, in the Territory of Montana.

The question was upon seconding the motion to suspend the rules.

The motion was seconded, and the rules were suspended, two-thirds voting in favor thereof, and the bill (H. R. No. 3255) was passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. GORHAM, its Secretary, requested the return of a bill passed by the Senate on the 1st instant, entitled "A bill (H. R. No. 3161) to enable the Secretary of War to carry out the act of April 23, 1874, entitled 'An act to provide for the relief of the persons suffering from the overflow of the Mississippi River.'"

INDIAN DISBURSEMENTS.

Mr. BECK. I move to suspend the rules to adopt the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That it shall be in order, when the Indian appropriation bill now pending in Committee of the Whole is being considered therein, to move as amendments thereto the following:

1. That the proviso in the first section of the act entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1873, and for other purposes," approved May 29, 1872, which reads as follows: "That any member of the board of Indian commissioners is hereby empowered to investigate the contracts, expenditures, and accounts in connection with the Indian service, and shall have access to all books and papers relating thereto in any Government office, but the examination of vouchers and accounts by the executive committee of said board shall not be a prerequisite of payment," be repealed, and the provisions of law relating to the powers and duties of said commissioners in force previous to the passage of said proviso are hereby declared to be in full force.

2. That all payments of annuities, bounties, interest on stocks, bonds, or other funds, and all sums which are to be disbursed in the discretion of the President to the various Indian tribes by the provisions of the act shall be paid and disbursed by such officers of the Army of the United States as the President may designate for that purpose. Said officers shall be required to make detailed statements of such disbursements, which shall be reported to Congress by the Secretary of War at the opening of each session of Congress and at such other times as Congress may direct.

The question being on seconding the motion to suspend the rules, tellers were ordered; and Mr. AVERILL and Mr. BECK were appointed.

The House divided; and the tellers reported—ayes 86, noes 66.

So the motion was seconded.

The question then recurred on agreeing to the motion to suspend the rules.

The question being taken, there were—ayes 91, noes 54.

Mr. BECK. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. SHANKS. Mr. Speaker, cannot the question on this resolution be divided?

The SPEAKER. A motion to suspend the rules is not divisible.

Mr. SHANKS. I hope the gentleman from Kentucky [Mr. BECK] will divide the proposition, so as to let us vote on the two questions separately.

Mr. BECK. I believe I will let the resolution stand as it is. The House, if it chooses, can vote it down.

The question was taken; and there were—yeas 91, nays 108, not voting 91; as follows:

YEAS—Messrs. Archer, Arthur, Ashe, Atkins, Barrere, Beck, Begole, Bell, Bland, Blount, Bright, Bromberg, Brown, Buckner, Bundy, Caldwell, John B. Clark, jr., Clymer, Clinton L. Cobb, Comingo, Conger, Cook, Crossland, Darrall, Dunnell, Durham, Eldredge, Field, Fort, Freeman, Giddings, Glover, Hagans, Hamilton, Henry R. Harris, John T. Harris, Hatcher, Havens, Hereford, Hurlbut, Kasson, Kendall, Knapp, Lamar, Lamison, Lansing, Lawrence, Leach, Luttrell, Marshall, Martin, McCrary, MacDougall, Merriam, Milliken, Mills, Moore, Morey, Morrison, Nesmith, Niblack, Niles, Nunn, O'Brien, Hosea W. Parker, Perry, James H. Platt, jr., Ransier, Read, Robbins, Sawyer, John G. Schumaker, Sener, Sheats, Sherwood, Southard, Speer, Stone, Storm, Strait, Thornburgh, Vance, Waldron, Jasper D. Ward, Wells, Whitehead, Whitthorne, Willie, Wolfe, John D. Young, and Pierce M. B. Young—91.

NAYS—Messrs. Albert, Albright, Averill, Barber, Bass, Biery, Bradley, Buffinton, Burchard, Burleigh, Burrows, Cain, Cannon, Cason, Cessna, Clements, Stephen A. Cobb, Coburn, Corwin, Crounse, Crutchfield, Danford, Dawes, Dobbins, Donnan, Duell, Eames, Foster, Frye, Garfield, Gooch, Gunckel, Eugene Hale, Robert S. Hale, Benjamin W. Harris, Harrison, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, Hendee, E. Rockwood Hoar, Hoskins, Houghton, Howe, Hubbell, Hunter, Jewett, Kelley, Kellogg, Lamport, Lawson, Lewis, Loughridge, Lowe, Lowndes, Lynch, Alexander S. McDill, McNulta, Mellish, Monroe, Myers, O'Neill, Orr, Orth, Packard, Packer, Isaac C. Parker, Parsons, Pendleton, Phelps, Phillips, Pierce, Thomas C. Platt, Poland, Pratt, Rapier, Ray, Rice, Richmond, Ellis H. Roberts, James W. Robinson, Henry B. Sayler, Sessions, Shanks, Sheldon, A. Herr Smith, George L. Smith, J. Ambler Smith, John Q. Smith, Snyder, Sprague, Starkweather, St. John, Sypher, Christopher Y. Thomas, Todd, Townsend, Tyner, Walls, Marcus L. Ward, Wheeler, Whiteley, Charles W. Willard, George Willard, William Williams, William B. Williams, and James Wilson—108.

NOT VOTING—Messrs. Adams, Banning, Barnum, Barry, Berry, Bowen, Benjamin F. Butler, Roderick R. Butler, Amos Clark, jr., Freeman Clarke, Clayton, Cotton, Cox, Creamer, Crittenden, Crocker, Crooke, Curtis, Davis, DeWitt, Eden, Elliott, Farwell, Hancock, Harmer, Hathorn, Hays, Herndon, Hersey, George F. Hoar, Hodges, Holman, Hooper, Hunton, Hyde, Hynes, Killinger, Lofland, Magee, Maynard, James W. McDill, McJunkin, McKee, McLean, Mitchell, Neal, Negley, Page, Pelham, Pike, Potter, Purman, Rainey, Randall, William R. Roberts, James C. Robinson, Ross, Rusk, Milton Sayler, Scofield, Henry J. Scudder, Isaac W. Scudder, Lazarus D. Shoemaker, Sloan, Sloss, Small, Smart, H. Boardman Smith, William A. Smith, Stanard, Standiford, Stephens, Stowell, Strawbridge, Swann, Taylor, Charles R. Thomas, Tremain, Waddell, Wallace, White, Whitehouse, Wilber, Charles G. Williams, John M. S. Williams, Wilshire, Ephraim K. Wilson, Jeremiah M. Wilson, Wood, Woodford, and Woodworth—91.

So (two-thirds not voting in favor thereof) the motion to suspend the rules was not agreed to.

SANBORN CONTRACTS, ETC.

Mr. FOSTER. The Committee on Ways and Means, to whom were referred the several communications of the Secretary of the Treasury in answer to the resolution of this House of February 13, 1874, calling upon him to transmit to the House "copies of all contracts made under the authority of the Treasury Department in pursuance of one of the provisions of the legislative, executive, and judicial appropria-

tion bill approved May 8, 1872, and also copies of all schedules and correspondence and orders of the Department relating to said contracts, and also the amount of money paid in under said contracts, and by whom and under which contract paid," have directed me to submit a report.

The SPEAKER. What does the gentleman desire?

Mr. FOSTER. I should like to have some early day fixed for its consideration.

The SPEAKER. What motion does the gentleman make?

Mr. FOSTER. I move that the report and bill (H. R. No. 3256) be printed and recommitted to the Committee on Ways and Means, with the right to report it back at any time for consideration in the House.

There was no objection, and it was ordered accordingly.

REORGANIZATION OF THE LAND OFFICE.

Mr. TOWNSEND. I move to suspend the rules so that the bill (H. R. No. 1060) entitled "An act to reorganize the clerical force of the General Land Office" be made the special order as in Committee of the Whole for May 13, at half past one o'clock p. m., to the exclusion of all other orders except appropriation bills, and from day to day until disposed of.

Mr. DAWES. I trust the gentleman from Pennsylvania will not propose to put that business before reports coming from the Committee on Ways and Means.

Mr. TOWNSEND. I ask for a vote of the House on the proposition.

Mr. KELLOGG. Let me ask the Chair a question. This does not put any previous special orders behind it? I ask the Chair for an answer.

The SPEAKER. It does not.

Mr. DAWES. The Committee on Ways and Means expect to be called to-morrow morning, when they will report matters to go to the Committee of the Whole, matters of the greatest importance, and to put them behind this special order is a thing I hardly think the gentleman from Pennsylvania would ask to be done. Therefore, unless in this order reports from the Committee on Ways and Means are excepted, I hope the House will not grant the request.

Mr. TOWNSEND. I except reports from the Committee on Ways and Means as well as reports from the Committee on Appropriations.

Mr. GARFIELD. Let me ask whether this reorganization is confined to the Land Office? If so, I should like to know why it is not proposed to carry the reorganization through the whole Department. I do not believe it is the right course to adopt, to make this reorganization by piecemeal.

Mr. TOWNSEND. That is all I have charge of.

Mr. NEGLEY. I wish to make an inquiry, whether this special order, if made, will take precedence of other special orders, and especially special orders coming from the Committee on Commerce?

Mr. TOWNSEND'S proposition, as modified, was again read.

Mr. NEGLEY. I ask the gentleman to except the special order made for May 17 of the bill reported from the Committee on Commerce to amend an act entitled "An act to provide for the better security of passengers on board of vessels propelled in whole or in part by steam."

The SPEAKER. If the House adopt this as the gentleman has modified it, it will take precedence of everything but reports from the Committee on Ways and Means and reports from the Committee on Appropriations and previous special orders worded in the same manner. A mere special order like that to which the gentleman from Pennsylvania [Mr. NEGLEY] refers would of course be brushed aside if this order be made.

Mr. NEGLEY. I hope, then, that the House will not agree to any such proposition.

Mr. TOWNSEND. I ask for a vote.

The question recurred on seconding the motion for a suspension of the rules.

The House divided; and there were ayes 27, noes not counted.

Mr. TOWNSEND. I will except the bill the gentleman from Pennsylvania refers to.

Mr. DAWES. As the gentleman has excepted the reports of the Ways and Means Committee, it may perhaps seem ungracious in me to suggest anything further in opposition. Nevertheless I feel I ought to say that in my judgment this course of proceeding will very much entangle the business of the House. The final adjournment will be put off to a much later day than it ought to be by this constant increase of special orders. I do not wish unnecessarily to antagonize the proposition of the gentleman from Pennsylvania, but I would suggest to gentlemen who have the current business of the House before them that the making of special orders during this session has been much more numerous than during any other session I have ever known.

Mr. COBURN. I ask also that the Army bill be excepted.

Mr. BRADLEY. I hope there will be no further objection to this proposition. The Land Office ought to be reorganized. We have already lost one valuable man in that department because of the inadequate salary provided for the Commissioner.

The SPEAKER. The Chair does not desire to make any remark touching this which would seem to apply to any particular bill, but he cannot help warning the House the multiplication of special orders will so entangle the business that it will be almost next to impossible to proceed intelligibly. If the gentleman will get his bill in the House and try the sense of the House on a suspension of the rules, that is a definite mode of proceeding; but if special orders are multiplied it will be impossible, simply impossible, to go on with them, and gentlemen will be disappointed in their expectation of reaching them.

Mr. TOWNSEND. I withdraw my proposition, and now give notice that on Monday next after the morning hour I will ask a suspension of the rules on the passage of the bill to which I have referred.

DUTIES ON FRUIT AND FRUIT-PLANTS.

Mr. KASSON. I ask unanimous consent to report back from the Committee on Ways and Means the amendment of the Senate to the bill (H. R. No. 2191) in relation to the customs duties on imported fruits, with an amendment on which I ask the action of the House at this time. It will take but a moment.

There was no objection.

The amendment of the Senate was read, as follows:

Except in cases where suits in court have been discontinued by instructions of the Secretary of the Treasury; and the error in the punctuation of the clause relating to fruit-plants, in the fifth section of the act approved June 6, 1872, entitled "An act to reduce duties on imports and to reduce internal taxes, and for other purposes," of inserting a comma instead of a hyphen after the word "fruit" is hereby corrected; and said clause shall read as follows: "Fruit-plants, tropical and semi-tropical, for the purpose of propagation or cultivation."

Mr. KASSON. The Committee on Ways and Means report the following amendment to the amendment of the Senate:

The Clerk read as follows:

Provided, The duties imposed by virtue of this amendment shall not be levied or collected on fruits entered for consumption at any port of entry prior to July 1, 1874.

Mr. HALE, of Maine. With the permission of the gentleman from Iowa, I would desire to offer an amendment in relation to a similar subject-matter, namely, the duty on fruit-boxes. If the duty on fruits is changed, the manufacturers of fruit-boxes ought to have the privilege of furnishing, if they can, the markets in this respect; and they ought to have it now, in order that orders going abroad for fruits may be accompanied by American-manufactured boxes in which the fruits can come back. It will make no difference in the internal revenue.

Mr. KASSON. I have only to say that that question is, in connection with other matters, before the Committee on Ways and Means now, and I have no doubt will be provided for. But I have no authority to attach a new subject to this bill, and I hope it will not be done here.

Mr. HALE, of Maine. Will the gentleman allow me to offer it as an amendment, providing simply that the boxes which go out for these fruits may come back free of duty? I hope the gentleman will allow me to offer this for the action of the House. I do not antagonize the bill.

Mr. KASSON. I have no authority from the committee to admit any such amendment. The amendment I have offered is all that has been considered by the committee in connection with this bill.

Mr. MAYNARD. Will the gentleman from Iowa inform the House whether the bill in the shape he proposes provides for a judicial decision at any time under the original law?

Mr. KASSON. The bill as originally passed provided for the way a judicial decision should be obtained. That is not changed by the Senate.

The question being taken, the amendment reported by the Committee on Ways and Means was adopted.

The amendment of the Senate, as amended, was concurred in.

Mr. KASSON moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADDITIONAL LAND DISTRICTS IN KANSAS.

Mr. PHILLIPS. I ask unanimous consent that the Committee of the Whole on the state of the Union be discharged from the further consideration of the bill (H. R. No. 203) to create two additional land districts in the State of Kansas, and that the bill be now put on its passage.

The bill was read. It provides for establishing two additional land districts in the State of Kansas, to be called the western land district and the Arkansas Valley land district.

Mr. SPEER. The other day when this bill was offered I objected to its passage; but on the explanations made to me by the gentleman from Kansas [Mr. PHILLIPS] of the necessity for its passage, I shall not object this morning.

There being no objection, the Committee of the Whole on the state of the Union was discharged from the further consideration of the bill, and it was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PHILLIPS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ELIAS C. BOUDINOT.

Mr. ELDREDGE. I ask that, by unanimous consent, the bill (H. R. No. 826) for the relief of Elias C. Boudinot, with an amendment by

the Senate, be taken from the Speaker's table, and that the Senate amendment be concurred in.

There being no objection, the bill was taken from the Speaker's table.

The amendment of the Senate was read, as follows:

Strike out all after the word "dismissed," in line 4, to the end of the bill; so that it will read:

That the civil proceedings now pending in the name of the United States against the property claimed by the said Elias C. Boudinot, for alleged violations of the internal-revenue laws, be discontinued and dismissed.

Mr. SPEER. I ask that the portion which it is proposed to strike out may be read.

The Clerk read as follows:

And that the property seized and taken from him, and the gross proceeds of the sale of any such property, on account of alleged violations of said laws, be returned and restored to him by the proper officers of the Government: *Provided*, That taxes legally due from and unpaid by said Boudinot, in respect to the business, shall have first been paid or deducted from the proceeds aforesaid.

Mr. ELDREDGE. I ask concurrence in the amendment of the Senate.

The question being taken, the amendment was concurred in.

Mr. ELDREDGE moved to reconsider the vote by which the amendment of the Senate was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

J. G. FELL ET AL.

Mr. LANSING, by unanimous consent, presented a report of the minority of the Committee on Claims on the bill (H. R. No. 63) entitled "A bill for the relief of J. G. Fell, Edward Hookes, and George Burnham, trustees;" and moved that it be printed and recommitted to the Committee on Claims.

The motion was agreed to.

BANKRUPT BILL.

Mr. WARD, of Illinois. I move that the rules be suspended and that the following resolution be adopted:

Resolved, That the Committee on the Judiciary be, and is hereby, authorized to report upon the bankrupt bill at any time for consideration in the House, not to take precedence of reports of the Committee on Ways and Means and the Committee on Appropriations or previous orders.

The motion for suspending the rules was seconded, the rules were suspended, (two-thirds voting in favor thereof,) and the resolution was adopted.

DEBTS DUE FROM STATE RAILROADS, ETC.

Mr. MAYNARD. Upon the Calendar of the Committee of the Whole House on the state of the Union are two bills reported the other morning from the Committee on the Judiciary. The reports are numbered 100 and 101. One is the bill (H. R. No. 1938) to extend the provisions of the act approved March 3, 1871, entitled "An act to provide for the collection of debts due from southern railroads, and for other purposes." The other is the bill (H. R. No. 1937) for the relief of the State of Tennessee, and is cognate to the bill No. 1938.

This involves the interests of several southern railroads, and it is very desirable, in regard to all those roads, that whatever action may be had shall be had with some promptness. My request of the House is that they will allow on Friday of this week the two bills to be considered after the reading of the Journal, and I pledge myself, and ask that the pledge be put in the form of a limitation, that no more time shall be consumed than is necessary for the gentleman from Maine, [Mr. FRYE,] who reported the bills from the committee, to explain their character to the House, and then submit them for passage. If the House should not be satisfied after such explanation, why, I will abide by its decision.

Mr. GARFIELD. I hope we shall not block up the way. We have but one appropriation bill in the Senate.

Mr. MAYNARD. I only ask a short time for the consideration of these bills. I am willing to limit it to one hour.

Mr. COBURN. I desire to ask the gentleman what will become of his bills if they are not passed before the hour expires?

Mr. MAYNARD. Why, let them go and take their chance.

Mr. COBURN. They will be right in the way of every other bill.

Mr. MAYNARD. O, no; they will stand where they are on the Calendar.

The SPEAKER. The gentleman from Tennessee asks that the two bills to which he has referred be considered in the House, immediately after the reading of the Journal on Friday next, for one hour. If the House does not second the demand for the previous question upon them before the expiration of that hour, they will remain on the Calendar where they now are. Is there any objection to that arrangement?

Mr. WILLARD, of Vermont. I object.

Mr. MAYNARD. I move that the rules be suspended and that arrangement made.

On seconding the motion to suspend the rules there were—ayes 94, noes 35.

So the motion was seconded.

The question was then taken on suspending the rules; and (two-thirds voting in favor thereof) the rules were suspended, and the order was made.

SALE OF UNSERVICEABLE ORDNANCE STORES.

Mr. WHEELER. I ask unanimous consent of the House, by the direction of the Committee on Appropriations, to have passed a bill authorizing the Secretary of War to sell unserviceable ordnance stores, and for other purposes.

The bill was read for information. It authorizes the Secretary of War from and after its passage to cause to be sold, in such manner and at such times and places and in such quantities as shall most conduce to the interests of the United States, all obsolete and unserviceable fixed ammunition and leaden balls and the surplus pig-lead in excess of two thousand tons, now stored in the various arsenals of the United States, and to cause the net proceeds of such sales, after paying all costs and expenses of breaking up and preparing said ammunition for sale and all necessary expenses of such sale, including the cost of transportation to the place of sale, to be covered into the Treasury of the United States, with full accounts of said expenses.

Mr. WHEELER. I desire simply to say that in working up the Army appropriation bill I found that the Department had sixteen years' supply of lead on hand, and I thought $1,000,000 worth of it might well be sold and the proceeds covered into the Treasury. In this connection I submit a letter from the Secretary of War in reference to this bill.

The letter of the Secretary of War is as follows:

WAR DEPARTMENT,
Washington City, February 20, 1874.

SIR: I have the honor to inform you that a careful consideration has been given to the memorandum referred by you to the Ordnance Bureau of this Department, suggesting the propriety of disposing at public sale of a large part of the surplus stock of lead on hand at the several United States arsenals.

An investigation into the quantities on hand shows the aggregates as follows: New pig-lead, 8,207 tons; remelted lead, 1,302 tons.

The remelted lead has been condemned for use in the manufacture of ammunition, and is sold in quantities at stated intervals under existing laws.

The new pig-lead is serviceable, but at present rate of consumption in the manufacture of ammunition, and for other purposes, (about 500 tons a year,) the whole stock of 8,200 tons will last for at least sixteen years. This stock is composed of foreign brands uniformly bringing in the markets a higher price than our domestic product. The American lead is stated to be for all domestic purposes except corroding as good as the foreign; and as the vast mineral regions of the West have yielded a continually increasing quantity since 1870, materially reducing the importations of the foreign article, it is reasonable to infer that all our supplies for both domestic and military purposes will ultimately be drawn from our own soil. Meanwhile should a public emergency demand an increase of production as to quality or quantity, it might readily be accomplished by stimulating that branch of industry.

The foreign lead on hand will probably bring more to-day than at any time in the future, owing to the increasing competition on the part of the domestic article, and the stock, if disposed of now, could be easily replaced at a saving to the United States.

I have to recommend that, reserving for current uses the new lead which is on hand at the Benicia arsenal, California; Rock Island arsenal, Illinois; Frankford arsenal, Pennsylvania, and New York arsenal, New York, amounting to about 2,700 tons, the remainder at the other arsenals, say about 5,500 tons, be sold in quantities not greater than 500 tons at any one purchase.

As this lead is serviceable and not unsuitable for the military service, it is not covered by existing laws authorizing sales, and authority for its disposition must be obtained from Congress. The memorandum is returned as requested.

Very respectfully, your obedient servant,

WM. W. BELKNAP,
Secretary of War.

Hon. W. A. WHEELER,
House of Representatives.

Mr. COBURN. I object to that bill.

Mr. WHEELER. I move that the rules be suspended and the bill passed.

The motion to suspend the rules was seconded.

The question was then taken on suspending the rules; and (two-thirds voting in favor thereof) the rules were suspended, and the bill (H. R. No. 3257) was passed.

CONTAGIOUS OR INFECTIOUS DISEASES.

Mr. BROMBERG. I move that the rules be suspended and the bill (H. R. No. 2887) to prevent the introduction of contagious or infectious diseases into the United States be passed. I will state that the bill comes from the Committee on Commerce now unanimously.

The bill was read.

Mr. MERRIAM. I would ask the gentleman from Alabama whether the member of the committee from New York was present when he says there was a unanimous vote in favor of this bill?

Mr. BROMBERG. The chairman of the committee agreed to the report; at least I so understood.

Mr. TREMAIN. I hope the gentleman will not press this bill now in the absence of my colleague, [Mr. COX.] It has been voted down once.

The question was put on seconding the motion to suspend the rules; and on a division there were—ayes 13, noes 43; no quorum voting.

Tellers were ordered; and Mr. BROMBERG and Mr. TREMAIN were appointed.

Mr. BROMBERG. If the gentleman from New York [Mr. TREMAIN] will agree that this bill shall be considered on Monday next, I will not press it now.

Mr. TREMAIN. My colleague [Mr. COX] who has charge of this subject is absent, and I do not know how long he will remain absent. The bill has been voted down once already.

Mr. BROMBERG. As the gentleman from New York insists on his opposition, I withdraw the bill.

ENOCH JACOBS.

Mr. BANNING, by unanimous consent, from the Committee on Foreign Affairs, reported back, with the recommendation that it do pass, the bill (H. R. No. 3158) for the relief of Enoch Jacobs, United States consul at Montevideo; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

DAILY HOUR OF MEETING.

Mr. HAWLEY, of Illinois. I move that the rules be suspended and that the following resolution be adopted:

Resolved, That on and after Tuesday, the 5th instant, and until further ordered, the daily sessions of this House shall begin at eleven o'clock a. m.

The question was put on seconding the motion to suspend the rules; and on a division there were—ayes 74, noes 42; no quorum voting.

Tellers were ordered; and Mr. HAWLEY, of Illinois, and Mr. DAWES were appointed.

The House again divided; and the tellers reported that there were—ayes 101, noes 53.

So the previous question was seconded.

The question was upon suspending the rules and passing the order.

Tellers were ordered; and Mr. HAWLEY, of Illinois, and Mr. DAWES were again appointed.

The House divided; and the tellers reported that there were—ayes 80, noes 70; not two-thirds in the affirmative.

Before the result of this vote was announced, Mr. HAWLEY, of Illinois, called for the yeas and nays.

The question was taken upon ordering the yeas and nays; and upon a division there were—ayes 21, noes 93; not one-fifth in the affirmative.

Mr. HAWLEY, of Illinois. I call for tellers upon ordering the yeas and nays.

The question was taken upon ordering tellers; and there were 35 in the affirmative.

So (the affirmative being more than one-fifth of a quorum) tellers were ordered; and Mr. HAWLEY, of Illinois, and Mr. SPEER were appointed.

The House again divided; and the tellers reported that there were ayes 45, noes not counted.

So, the affirmative being one-fifth of the last vote, the yeas and nays were ordered.

The question was taken; and there were—yeas 141, nays 78, not voting 71; as follows:

YEAS—Messrs. Albright, Atkins, Banning, Barber, Barrere, Bass, Beck, Begole, Bell, Biery, Bland, Blount, Bowen, Bright, Brown, Buckner, Buffinton, Bundy, Burleigh, Burrows, Cain, Caldwell, Cannon, Cason, John B. Clark, jr., Clayton, Clements, Stephen A. Cobb, Coburn, Cook, Corwin, Crounse, Curtis, Danford, Darrall, Dobbins, Duell, Durham, Field, Freeman, Frye, Garfield, Giddings, Gooch, Hagans, Eugene Hale, Hancock, Henry R. Harris, John T. Harris, Harrison, Hatcher, Havens, John B. Hawley, Gerry W. Hazelton, John W. Hazelton, Hendee, Hereford, E. Rockwood Hoar, Hodges, Hoskins, Hunter, Hurlbut, Hyde, Kendall, Knapp, Lamar, Lamison, Lamport, Lansing, Lowndes, Luttrell, Lynch, Martin, McCrary, MacDougall, McKee, McLean, McNulta, Merriam, Milliken, Mills, Monroe, Nunn, O'Neill, Page, Hosea W. Parker, Isaac C. Parker, Parsons, Pendleton, Perry, Pierce, Pike, Poland, Ransier, Rapier, Ray, Rice, Richmond, Robbins, Ross, Sawyer, Henry B. Sayler, John G. Schumaker, Sheldon, Sherwood, Sloan, Small, A. Herr Smith, J. Ambler Smith, John Q. Smith, Snyder, Southard, Sprague, Starkweather, St. John, Stone, Storm, Strait, Swann, Sypher, Christopher Y. Thomas, Todd, Tremain, Tyner, Vance, Waldron, Walls, Jasper D. Ward, Wells, Wheeler, Whitehead, Whiteley, Charles W. Willard, George Willard, John M. S. Williams, Willie, James Wilson, Wolfe, Woodworth, John D. Young, and Pierce M. B. Young—141.

NAYS—Messrs. Albert, Archer, Arthur, Ashe, Averill, Bradley, Bromberg, Burchard, Roderick R. Butler, Cessna, Clymer, Clinton L. Cobb, Comingo, Conger, Cotton, Crossland, Crutchfield, Davis, Dawes, Donnan, Dunnell, Eames, Eldredge, Farwell, Fort, Gunckel, Hamilton, Benjamin W. Harris, Joseph R. Hawley, Hooper, Houghton, Howe, Hubbell, Kasson, Kelley, Kellogg, Lawrence, Lawson, Leach, Lewis, Loughridge, Lowe, Marshall, Maynard, Moore, Morey, Morrison, Niblack, O'Brien, Orr, Orth, Packard, Packer, Pelham, Phelps, Phillips, James H. Platt, jr., Thomas C. Platt, Pratt, Read, Ellis H. Roberts, James W. Robinson, Milton Sayler, Isaac W. Scudder, Sener, Sessions, Shanks, Sheats, Sloss, George L. Smith, Speer, Thornburgh, Townsend, Marcus L. Ward, White, Whitthorne, William Williams, and William B. Williams—78.

NOT VOTING—Messrs. Adams, Barnum, Barry, Berry, Benjamin F. Butler, Amos Clark, jr., Freeman Clarke, Cox, Creamer, Crittenden, Crocker, Crooke, De Witt, Eden, Elliott, Foster, Glover, Robert S. Hale, Harmer, Hathorn, Hays, Herndon, Hersey, George F. Hoar, Holman, Hunton, Hynes, Jewett, Killinger, Lofland, Magee, Alexander S. McDill, James W. McDill, McJunkin, Mellish, Mitchell, Myers, Neal, Negley, Nesmith, Niles, Potter, Purman, Rainey, Randall, William R. Roberts, James C. Robinson, Rusk, Scofield, Henry J. Scudder, Lazarus D. Shoemaker, Smart, H. Boardman Smith, William A. Smith, Stanard, Standiford, Stephens, Stowell, Strawbridge, Taylor, Charles R. Thomas, Waddell, Wallace, Whitehouse, Wilber, Charles G. Williams, Wilshire, Ephraim K. Wilson, Jeremiah M. Wilson, Wood, and Woodford—71.

So (two-thirds not voting in favor thereof) the rules were not suspended.

COMMISSION ON FORESTS.

Mr. DUNNELL. I move that the rules be so suspended as to pass the bill (H. R. No. 2497) for the appointment of a commission for inquiry into the destruction of forests and into the measures necessary for the preservation of timber. I will state that this bill has the unanimous recommendation of the Committee on the Public Lands, based upon the message of the President of the United States.

Mr. SPEER. It is the creation of another office.

Mr. WILLARD, of Vermont. It is practically the creation of another Bureau in the Departments here.

The SPEAKER. Debate is not in order. The question is upon seconding the motion to suspend the rules.

The question was taken; and upon a division there were ayes 47, noes not counted.

So the motion to suspend the rules was not seconded.

SOUTHERN CLAIMS COMMISSION.

Mr. LAMAR. I move that the rules be so suspended as to pass the joint resolution I send to the Clerk's desk.

The Clerk read the joint resolution, (H. R. No. 94,) as follows:

Whereas a written request, signed by a large number of the members of the Senate, and of the House of Representatives of the Congress of the United States of America, has been presented to the southern claims commission, in session in the city of Washington, District of Columbia, urging said commission to make a supplementary report to the Congress of the United States of the claims here submitted and decided; and whereas no such report has been made: Therefore,

Be it resolved by the Senate and House of Representatives, &c., That the southern claims commission be, and is hereby, instructed to report to Congress without delay all the cases before it in which the proof has been closed prior to April 1, 1874, submitted by the claimants for decision.

Mr. HAWLEY, of Illinois. Does not that direct the commission to report to Congress not merely the cases they have disposed of, but those in which the proof has been closed?

Mr. LAMAR. It is intended to include those cases which have been finally disposed of by the commission, as well as those in which the final proof has been closed.

Mr. LAWRENCE. I do not think that will do.

Mr. MAYNARD. We had a lot of cases reported to us at the beginning of this session, which were referred to the Committee on War Claims, and we have not heard from them since. If they cannot be got further than that we had better stop where we are.

The question was taken on seconding the motion to suspend the rules; and upon a division there were—ayes 54, noes 58.

Mr. HARRIS, of Virginia. Before the result of the vote is announced, I desire to suggest to my friend from Mississippi [Mr. LAMAR] that if he will modify his resolution so as to require the commission to report those cases which have been acted upon by them I think it will be adopted.

Mr. LAWRENCE. Would it not be better to strike out the language requiring the commissioners to report the cases in which the testimony has been closed? Is it not sufficient to require them to report the cases decided by them?

Mr. LAMAR. I will modify the resolution to that effect.

The motion to suspend the rules was seconded; and (two-thirds voting in favor thereof) the rules were suspended, and the joint resolution (H. R. No. 94) was passed.

Some time thereafter,

Mr. MAYNARD said: I desire to correct a statement which I made a moment since, and which probably has gone into the RECORD. I do not wish to be misrepresented, nor do I wish to put myself in the position of misrepresenting any committee of this House. I was under the impression, and so stated, that the claims reported from the southern claims commission at the beginning of this session had not been acted upon by the Committee on War Claims. My attention has since been called to the fact that that committee have reported a bill on that subject which is now on the Private Calendar.

SOLDIERS OF BLACK HAWK WAR.

Mr. KNAPP submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Committee on Invalid Pensions are requested to inquire into the expediency of enacting a law granting pensions to the surviving soldiers, their widows and orphans, of the Black Hawk war, and authority is hereby given them to report by bill or otherwise.

ADMISSION OF NEW MEXICO AS A STATE.

Mr. McKEE. I move to suspend the rules to adopt the following resolution:

Resolved, That the bill to admit New Mexico as a State be made the special order for the 21st of May, 1874, at half past one o'clock p. m., to the exclusion of all other business except appropriation bills.

Mr. ELLIS H. ROBERTS. I suggest that reports from the Committee on Ways and Means be also excepted.

The SPEAKER. This proposition is confined to a single day. The Chair understands that the Delegate from the Territory of New Mexico [Mr. ELKINS] desires to present his views on that day.

The motion to suspend the rules was seconded; and (two-thirds voting in favor thereof) the resolution was adopted.

SALE OF SPIRITUOUS LIQUOR TO INDIANS.

Mr. AVERILL. By direction of the Committee on Indian Affairs I ask unanimous consent to report and put on its passage a bill (H. R. No. 3258) to amend the acts of June 30, 1834, and February 13, 1862, to regulate trade and intercourse with Indians.

The bill was read. It amends the acts named in the title so as to provide that any Indian or Indians who shall exchange, give, barter, or dispose of any spirituous liquor or wine to any Indian shall be subject to the provisions and penalties provided against other persons.

There being no objection, the bill was read a first and second time, ordered to be engrossed for a third reading, read a third time, and passed.

Mr. AVERILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FREE POSTAL DELIVERY.

Mr. TYNER. I move to suspend the rules and adopt the following resolution:

Resolved, That it shall be in order, when the bill making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1875, shall be under consideration in the Committee of the Whole, to offer and consider an amendment so changing existing laws as to limit the establishment hereafter of the free-delivery system in towns and cities whose population within their corporate limits is not less than twenty thousand.

The motion to suspend the rules was seconded.

The question recurring on agreeing to the motion, there were—ayes 48, noes 38; no quorum voting.

Tellers were ordered; and Mr. TYNER and Mr. SOUTHARD were appointed.

Mr. TYNER. I ask unanimous consent to make an explanation of only one minute in regard to the purpose of this resolution.

Mr. CONGER. I object to a statement on one side unless there is to be an opportunity for a statement on the other.

Mr. TYNER. I wish only to explain the resolution, not to debate it.

The SPEAKER. The gentleman from Michigan, as the Chair understands, asks to occupy in reply to the gentleman from Indiana [Mr. TYNER] the same amount of time—one minute.

Mr. TYNER. I have no objection.

The SPEAKER. If there be no objection, one minute will be granted to each gentleman.

There was no objection.

Mr. TYNER. As the law now stands, the Postmaster-General may establish the free-delivery system in towns and cities where the population within the delivery of the post-office is twenty thousand. Under this provision he is frequently embarrassed and harassed in determining the population within the delivery of a post-office. The object of this resolution is simply to limit the count to the corporate limits of the city or town. It does not propose to change the delivery system in any town or city where it has already been established by order of the Postmaster-General. The design is only to relieve him from embarrassment.

Mr. CONGER. The proposition is evidently intended to take away the free-delivery system as now possessed under the law by cities of ten thousand, fifteen thousand, or nineteen thousand nine hundred population.

Mr. TYNER. I answer that by saying that such cities have not the free-delivery system now by law.

Mr. CONGER. They have it if within the limits of the delivery.

The House divided upon the motion to suspend the rules and agree to the resolution; and there were ayes 94, noes not counted.

So (two-thirds voting in favor thereof) the resolution was agreed to.

DIPLOMATIC AND CONSULAR SYSTEM.

Mr. ORTH, by unanimous consent, presented amendments heretofore authorized to be offered to the diplomatic and consular appropriation bill when under consideration in Committee of the Whole; which were ordered to be printed.

CATTARAUGUS AND ALLEGANY INDIAN RESERVATIONS, NEW YORK.

Mr. HARRIS, of Massachusetts, moved to suspend the rules and pass the bill (H. R. No. 3280) to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany reservations, and to confirm existing leases.

The bill was read, as follows:

Be it enacted, &c., That all Indians residing within the Cattaraugus and Allegany reservations in the State of New York shall, for the purposes of this act, be considered and treated as belonging to, and included in, the Seneca Nation of New York Indians.

SEC. 2. That all leases heretofore made by or with the authority of said Seneca Nation of lands within said reservations to railroad corporations are hereby ratified and confirmed; and said Seneca Nation may, in accordance with their laws and form of government, lease lands within said reservations for railroad purposes.

SEC. 3. That the President of the United States shall appoint three commissioners, whose duty it shall be, as soon as may be, to survey, locate, and establish proper boundaries and limits of the villages of Vandalia, Carrollton, Great Valley, Salamanca, West Salamanca, and Red House within said Allegany reservation, including therein, as far as practicable, all lands now occupied by white settlers and such other lands as, in their opinion, may be reasonably required for the purposes of such villages; and they shall cause a return of their doings in writing, together with maps of such surveys and locations duly certified by them, to be filed in the office of the county clerk of the county of Cattaraugus in said State, there to be recorded and preserved. The boundaries of said villages so surveyed, located, and established shall be the limits of said villages for all the purposes of this act.

SEC. 4. That all unexpired leases of land situated within the limits of said villages when established as before provided, in which Indians, or said Seneca Nation, or persons claiming under them, are the lessors, shall be binding upon the parties thereto: *Provided, nevertheless*, That this act shall not be construed to ratify or confirm leases which, according to the laws or customs of said Seneca Nation, are invalid. And from and after the passage of this act any Indian may lease lands lying within the limits of either of said villages of which, according to the laws or customs of said nation, he is in rightful possession, or to the possession of which he is rightfully entitled, to any person or persons whatsoever, any laws of the United States to the contrary notwithstanding.

SEC. 5. That said Seneca Nation is hereby authorized, by resolution of its councilors duly elected according to the laws and system of government of said nation, or in such other manner as said nation in council may determine, to lease lands within said villages to which, by the laws or customs of said nation, no individual Indian or Indians, or other person claiming under him or them, has or is entitled to the rightful possession.

SEC. 6. That it shall be the further duty of the said commissioners to cause all lands within such villages now leased, as hereinbefore mentioned, to be surveyed and defined as near as may be, and to cause the same to be designated upon the maps of such villages hereinbefore mentioned and provided for. All leases of lands within said villages, whether now existing or hereafter to be made under the provisions of this act, shall be recorded in the office of the clerk of said county of Cattaraugus in the same manner and with like effect as similar instruments relating to lands lying in said county outside of said reservations are recorded by the laws of said State of New York. All leases herein mentioned or provided for shall pass by assignment in writing, will, descent, or otherwise in the manner provided by the laws of said State: *Provided, however*, That the rights of Indians in such leases shall descend as provided by the laws of said Seneca Nation.

SEC. 7. That all moneys arising from rents under the provisions of this act, which shall belong to said Seneca Nation, shall be paid to and recoverable by the treasurer of said Seneca Nation, and expended in the same manner and for the same purposes as are other revenues or moneys belonging to said Seneca Nation.

SEC. 8. That the courts of the State of New York within and for the county of Cattaraugus having jurisdiction in real actions, and the circuit and district courts of the United States in and for the northern district of said State, shall have jurisdiction of all actions for the recovery of rents and for the recovery of possession of any real property within the limits of said villages, whether actions of debt, ejectment, or other forms of action, according to the practice in said courts; and actions of forcible entry and detainer, or of unlawful detainer arising in said villages, may be maintained in any of the courts of said county which have jurisdiction of such actions.

SEC. 9. That all laws of the State of New York now in force concerning the laying out, altering, discontinuing, and repairing highways and bridges shall be in force within said villages, and may, with the consent of said Seneca Nation in council, extend to, and be in force beyond, said villages in said reservations, or in either of them; and all municipal laws and regulations of said State may extend over and be in force within said villages: *Provided, nevertheless*, That nothing in this section shall be construed to authorize the taxation of any Indian, or the property of any Indian, not a citizen of the United States.

The motion to suspend the rules, being seconded, was then agreed to; two-thirds voting in favor thereof.

So the bill was passed.

Mr. GARFIELD. I rise to move that the rules be suspended and the House resolve itself into the Committee of the Whole on the Indian appropriation bill. But I yield a moment to my colleague, Mr. SOUTHARD.

NATIONAL-BANK CIRCULATION.

Mr. SOUTHARD. I move to suspend the rules and adopt the resolution which I send to the desk.

The Clerk read as follows:

Whereas of the $354,000,000 of national-bank circulation now authorized by law there is an excess in the Eastern States—Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut—of $70,690,046; and an excess in the Middle States—New York, New Jersey, Pennsylvania, Delaware, and Maryland—of $9,416,503; and a deficiency in the District of Columbia and the Southern and Southwestern States—Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Arkansas, Kentucky, Tennessee, and Missouri—of $51,088,903; and a deficiency in the Western States—Ohio, Indiana, Illinois, Michigan, Wisconsin, Iowa, Minnesota, Kansas, and Nebraska—of $21,423,811; and a deficiency in the Pacific States and the Territories of $7,625,586; and whereas after the withdrawal and redistribution of the $25,000,000 heretofore provided for by law there still will remain a large excess in the Eastern and Middle States, and the business of the South and West is prostrate for want of a sufficient circulating medium: Therefore,

Resolved, That justice demands a fair and equitable apportionment of the whole of the existing volume of national banking circulation among the several States and Territories according to their wealth, population, and business interests; and that the Committee on Banking and Currency be instructed to inquire into and report to this House, at as early a day as practicable, what legislation is necessary to secure an apportionment of said circulation in the manner aforesaid.

Mr. SOUTHARD. I demand the previous question.

Mr. KASSON. I ask the gentleman from Ohio whether he will not give way to let me present a bill of which notice has been given to accomplish his purpose?

Mr. SOUTHARD. I ask for a vote on my resolution.

The SPEAKER. The gentleman who presents this asks that it be passed under a suspension of the rules. Is there objection?

The House divided; and there were—ayes 74, noes 60; no quorum voting.

The SPEAKER appointed Mr. SOUTHARD and Mr. FARWELL as tellers.

Mr. KELLOGG. There are so many whereases to this resolution I wish to hear it again, so we may know exactly what it is.

The preamble and resolution were again read.

Mr. STARKWEATHER. Can we not have a vote on the resolution without the premable?

The SPEAKER. The rules give the right to such a division, but that rule is proposed to be suspended with all others.

The House divided; and the tellers reported ayes 127, noes not counted.

So (two-thirds having voted in favor thereof) the rules were suspended, and the preamble and resolution were adopted.

ENROLLED BILLS.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 207) for the relief of C. E. Rogers;

An act (S. No. 259) to authorize the proper accounting officers of the Treasury to settle with Henry C. Carey;

An act (S. No. 379) for the relief of Nathan Gole, late captain Twenty-third Regiment Veteran Reserve Corps;

An act (S. No. 470) for the relief of James R. Young;

An act (S. No. 539) granting a pension to Eugene Smith; and

An act (S. No. 567) granting a pension to Mary E. Naylor, widow of Osborn Naylor, late a private in Company C, Second Kansas Volunteers.

THREE PER CENT. LOAN CERTIFICATES.

Mr. KASSON. I now offer the bill of which I gave notice some ten days ago—a bill (H. R. No. 3164) to amend the act entitled "An act to

provide for the redemption of the 3 per cent. temporary-loan certificates and for an increase of national-bank notes," approved July 12, 1870, and to provide for a more equitable distribution of the national-bank currency—and I propose now to have the action of the House on it under a suspension of the rules.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the act entitled "An act to provide for the redemption of the 3 per cent. temporary loan certificates, and for an increase of national-bank notes," as provides that no circulation shall be withdrawn, under the provisions of section 6 of said act, until after the fifty-four millions granted in section 1 of said act shall have been taken up, is hereby repealed; and it shall be the duty of the Comptroller of the Currency, under the direction of the Secretary of the Treasury, to proceed forthwith to carry into execution the provisions of section 6 of said act; and, to enable him to do so, he is hereby authorized and required, from time to time, as applications shall be duly made therefor, in execution of the said section, to make requisitions upon each of the national banks described in said section, organized in States having an excess of circulation, to withdraw and return so much of their circulation as by said act may be apportioned to be withdrawn from them, or, in lieu thereof, to deposit in the Treasury of the United States lawful money sufficient to redeem such circulation, and, upon the return of the circulation required, or the deposit of lawful money, as herein provided, a proportionate amount of the bonds held to secure the circulation of such association as shall make such return or deposit shall be surrendered to it.

SEC. 2. That upon the failure of the national banks upon which requisition for circulation shall be made, or of any of them, to return the amount required, or to deposit in the Treasury lawful money to redeem the circulation required, within thirty days, the Comptroller of the Currency shall at once sell, as provided in section 49 of the national-currency act, approved June 3, 1864, bonds held to secure the redemption of the circulation of the association or associations which shall so fail, to an amount sufficient to redeem the circulation required of such association or associations, and with the proceeds, which shall be deposited in the Treasury of the United States, so much of the circulation of such association or associations shall be redeemed as will equal the amount required and not returned; and if there be any excess of proceeds over the amount required for such redemption, it shall be returned to the association or associations whose bonds shall have been sold. And it shall be the duty of the Treasurer, assistant treasurers, designated depositaries, and national-bank depositaries of the United States, who shall be kept informed by the Comptroller of the Currency of such associations as shall fail to return circulation as required, to assort and return to the Treasury for redemption the notes of such associations as they shall come into their hands until the amount required shall be redeemed, and in like manner to assort and return to the Treasury, for redemption, the notes of such national banks as have failed, or gone into voluntary liquidation for the purpose of winding up their affairs; and of such as shall hereafter so fail or go into liquidation.

SEC. 3. That from and after the passage of this act it shall be lawful for the Comptroller of the Currency, and he is hereby required, to issue circulating notes in the manner and proportion now provided by law, to associations organized or to be organized in those States and Territories having less than their proportion of circulation, under an apportionment made on the basis of population and of wealth, as shown by the returns of the census of 1870: *Provided*, That the whole amount of circulation withdrawn and redeemed from banking associations transacting business and reissued to banking associations under the provisions of this act shall not exceed $25,000,000 in addition to the notes withdrawn from banks which have failed or gone into liquidation, and that such circulation shall from time to time be withdrawn and redeemed only as applications shall be duly made to supply banks in those States having less than their apportionment.

Mr. GARFIELD. I hope the gentleman from Iowa will let the bill be ordered to be printed, for he certainly cannot expect to pass such a proposition, when a large portion of it is in manuscript, under a suspension of the rules.

Mr. KASSON. The bill is printed.

Mr. HUBBELL. I move that the House adjourn.

Mr. GARFIELD. The gentleman withdraws that, and I insist on my motion to go into Committee of the Whole on the Indian appropriation bill.

Mr. KASSON. I hope we will have a test vote on this bill.

The House divided; and there were—ayes 72, noes 73.

Mr. GARFIELD demanded tellers.

Tellers were ordered; and Mr. GARFIELD and Mr. KASSON were appointed.

The House again divided; and the tellers reported—ayes 84, noes 76.

Mr. ATKINS demanded the yeas and nays.

Mr. HUBBELL. I move that the House do now adjourn.

Mr. GARFIELD. I move that the House take a recess to go on to-night with the Indian appropriation bill.

Mr. HUBBELL. I accept that as a modification of my motion.

Mr. GARFIELD. My motion is that we take a recess to have a night session for the sole purpose of proceeding with the Indian appropriation bill.

Mr. MAYNARD. Would it not be in order to suspend the rules?

Mr. GARFIELD. Not if we have a night session for the sole purpose of considering the appropriation bill.

Mr. MAYNARD. But would not that motion require a two-thirds vote? In other words, must not the gentleman from Ohio move to suspend the rules?

The SPEAKER. It would take a two-thirds vote to limit it as the gentleman from Ohio proposes.

Mr. SPEER. If the House takes a recess I wish to give notice that no business shall be done without a quorum.

Mr. GARFIELD. My motion is that during the evening session no business shall be in order except the Indian appropriation bill; and, if necessary, I move to suspend the rules.

Mr. WARD, of Illinois. Does not the condition as to the business to be considered after the recess require unanimous consent?

The SPEAKER. O, no. It can be made by a two-thirds vote. The question is on taking a recess and that the House shall meet in the evening for the consideration of the Indian appropriation bill in Committee of the Whole.

Mr. BECK. I desire to make a parliamentary inquiry. Is that proposition made under a motion to suspend the rules?

The SPEAKER. It is necessarily made under a motion to suspend the rules.

Mr. GARFIELD. I desire to make a division of the two motions. I desire, first, to move that in the event of an evening session being ordered it shall be for the consideration of the Indian appropriation bill in the Committee of the Whole, and after that to move to take a recess.

Mr. BECK. I wish to ask the Chair whether a motion to suspend the rules can be entertained while another motion to suspend the rules, on which the yeas and nays have been called, is pending?

The SPEAKER. The gentleman from Ohio [Mr. GARFIELD] withdraws the previous motion. It was the gentleman from Ohio who moved that the House resolve itself into Committee of the Whole for the consideration of the Indian appropriation bill, and he now withdraws that motion and moves that the House take a recess until half-past seven o'clock.

Mr. GARFIELD. And pending that motion I move that at the evening session, when ordered, nothing shall be in order but the consideration of the Indian appropriation bill in Committee of the Whole.

Mr. BECK. The yeas and nays were called on the motion that the House resolve itself into Committee of the Whole.

The SPEAKER. The call for the yeas and nays does not make the slightest difference when the motion is withdrawn. The Chair would suggest to the gentleman from Ohio that it would be better to include in one motion the taking the recess and the assigning of the business for the evening session.

Mr. GARFIELD. If the business after the recess should be determined, the House may then wish to vote on something else before taking the recess.

The SPEAKER. That would bring the House to a vote on the motion of the gentleman from Iowa, [Mr. KASSON.]

Mr. DAWES. Can the gentleman from Ohio not move that the rules be so suspended as that there shall be an evening session for the consideration of the Indian appropriation bill?

The SPEAKER. And that the House take a recess immediately?

Mr. DAWES. No; let the recess be taken when the House shall so decide.

The SPEAKER. The question is on the motion of the gentleman from Ohio, [Mr. GARFIELD,] that the rules be so suspended that there shall be an evening session this evening for the consideration of the Indian appropriation bill only in Committee of the Whole.

The question being taken, there were—ayes 102, noes 70.

So (two-thirds not having voted in the affirmative) the rules were not suspended.

Mr. HUBBELL. I renew my motion that the House do now adjourn.

Mr. KASSON. Were not the yeas and nays ordered on the motion that the House resolve itself into Committee of the Whole?

The SPEAKER. That motion was withdrawn.

Mr. KASSON. Then is not my motion now pending?

The SPEAKER. The gentleman from Iowa did not make a motion.

Mr. KASSON. I made a motion to suspend the rules and pass the redistribution bill.

The SPEAKER. The Chair thinks that the gentleman from Iowa, [Mr. KASSON,] and probably others, voted under a misapprehension. Had the motion of the gentleman from Ohio [Mr. GARFIELD] in regard to an evening session prevailed, the Chair would then have recognized the gentleman from Iowa, [Mr. KASSON.] But the gentleman voted on that motion in a way to deprive the Chair of the opportunity of now recognizing him.

Mr. KASSON. Will the Chair explain to me how?

The SPEAKER. The motion of the gentleman from Ohio was that there should be an evening session; not that the House should now take a recess, but that when the House did take a recess it should be till half-past seven for the purpose of considering the Indian appropriation bill. Had that motion prevailed, the Chair would then have immediately recognized the gentleman from Iowa, the House being still in session. But that motion not having prevailed, the gentleman from Michigan [Mr. HUBBELL] insists on the motion to adjourn; and the gentleman from Iowa [Mr. KASSON] certainly voted against the evening session.

Mr. KASSON. If the motion to adjourn shall be defeated, will I then be recognized by the Chair?

The SPEAKER. Certainly. If the motion of the gentleman from Michigan be negatived the Chair will recognize the gentleman from Iowa on his bill.

The question being taken on the motion to adjourn, there were—ayes 75, noes 80.

Mr. MAYNARD called for the yeas and nays.

On the question of ordering the yeas and nays there were ayes 13; not a sufficient number.

So the yeas and nays were not ordered, and the motion to adjourn was not agreed to.

Mr. KASSON. I now move that the rules be suspended and that the bill I have offered to amend the act entitled "An act to provide for the 3 per cent. temporary loan certificates and for an increase of national-bank notes," approved July 12, 1870, and to provide for a

more equitable distribution of the national banking currency, be passed.

The motion to suspend the rules was seconded.

The SPEAKER. On the question of suspending the rules and passing the bill the Chair will order tellers, and appoints Mr. KASSON and Mr. HUBBELL.

The House divided; and the tellers reported—ayes 94, noes 52.

Mr. KASSON called for the yeas and nays.

The yeas and nays were ordered.

Mr. WARD, of Illinois. I move that the House do now adjourn.

On the motion that the House adjourn there were—ayes 69, noes 70.

Mr. WARD, of Illinois, called for tellers.

Tellers were ordered; and Mr. WARD, of Illinois, and Mr. KASSON were appointed.

The House again divided; and the tellers reported—ayes 92, noes 62.

Mr. BECK called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 105, nays 104, not voting 81; as follows:

YEAS—Messrs. Albert, Archer, Averill, Barber, Barrere, Begole, Biery, Buffinton, Bundy, Burleigh, Roderick R. Butler, Cain, Cannon, Cessna, Clayton, Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Corwin, Crossland, Crutchfield, Curtis, Danford, Dobbins, Eames, Eldredge, Farwell, Fort, Foster, Freeman, Frye, Hancock, John B. Hawley, Gerry W. Hazelton, John W. Hazelton, Hendee, Hoskins, Hubbell, Hunter, Hurlbut, Kelley, Lamison, Lamport, Loughridge, Lowe, Lowndes, Martin, Maynard, MacDougall, McKee, McNulta, Mellish, Merriam, Nunn, O'Neill, Orr, Orth, Packard, Packer, Page, Pendleton, Perry, Phelps, Phillips, Pike, James H. Platt, jr., Thomas C. Platt, Poland, Ray, Rice, Richmond, Ellis H. Roberts, Ross, Sawyer, Henry B. Sayler, Isaac W. Scudder, Sessions, Shanks, Sloan, Small, A. Herr Smith, Snyder, Southard, Stone, Storm, Strait, Swann, Sypher, Todd, Townsend, Tremain, Tyner, Waldron, Walls, Jasper D. Ward, Marcus L. Ward, Wells, Wilber, Charles W. Willard, George Willard, William Williams, William B. Williams, and Pierce M. B. Young—105.

NAYS—Messrs. Albright, Arthur, Ashe, Atkins, Banning, Beck, Bell, Bland, Blount, Bowen, Bradley, Bright, Bromberg, Brown, Buckner, Burchard, Burrows, Caldwell, Cason, John B. Clark, jr., Clymer, Comingo, Cook, Cotton, Darrall, Davis, Dawes, DeWitt, Donnan, Dunnell, Durham, Field, Garfield, Giddings, Glover, Gooch, Gunckel, Hagans, Eugene Hale, Robert S. Hale, Hamilton, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Joseph R. Hawley, Hereford, E. Rockwood Hoar, Howe, Hyde, Kasson, Kellogg, Knapp, Lamar, Lawrence, Lawson, Leach, Luttrell, Marshall, McLean, Milliken, Mills, Monroe, Moore, Morey, Morrison, Myers, Negley, Niblack, Hosea W. Parker, Isaac C. Parker, Parsons, Pierce, Pratt, Purman, Ransier, Rapier, Robbins, James W. Robinson, Milton Sayler, Sener, Sheldon, Sherwood, Sloss, George L. Smith, J. Ambler Smith, John Q. Smith, Speer, Sprague, Starkweather, Stowell, Christopher Y. Thomas, Thornburgh, Vance, White, Whitehead, Whitthorne, John M. S. Williams, Willie, James Wilson, Wolfe, Woodworth, and John D. Young—104.

NOT VOTING—Messrs. Adams, Barnum, Barry, Bass, Berry, Benjamin F. Butler, Amos Clark, jr., Freeman Clarke, Cox, Creamer, Crittenden, Crocker, Crooke, Crounse, Duell, Eden, Elliott, Harmer, Hathorn, Havens, Hays, Herndon, Hersey, George F. Hoar, Hodges, Holman, Hooper, Houghton, Hunton, Hynes, Jewett, Kendall, Killinger, Lansing, Lewis, Lofland, Lynch, Magee, McCrary, Alexander S. McDill, James W. McDill, McJunkin, Mitchell, Neal, Nesmith, Niles, O'Brien, Pelham, Potter, Rainey, Randall, Read, William R. Roberts, James C. Robinson, Rusk, John G. Schumaker, Scofield, Henry J. Scudder, Sheats, Lazarus D. Shoemaker, Smart, H. Boardman Smith, William A. Smith, Stanard, Standiford, Stephens, St. John, Strawbridge, Taylor, Charles R. Thomas, Waddell, Wallace, Wheeler, Whitehouse, Whiteley, Charles G. Williams, Wilshire, Ephraim K. Wilson, Jeremiah M. Wilson, Wood, and Woodford—81.

Before the result of the vote was announced the following proceedings took place:

Mr. SHANKS. At the request of some gentlemen I ask unanimous consent that there may be a meeting this evening for debate only.

Mr. GARFIELD. And I ask that there be a meeting this evening for the consideration of the Indian appropriation bill and that only.

Mr. SPEER. I object.

The SPEAKER. Before announcing the result of the vote the Chair will receive a few bills for reference.

J. T. MORRIS.

Mr. SMITH, of Virginia, by unanimous consent, introduced a bill (H. R. No. 3259) for the relief of J. T. Morris, of Petersburgh, Virginia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM H. RUTH AND OTHERS.

Mr. SMITH, of Virginia, also, by unanimous consent, introduced a bill (H. R. No. 3260) for the relief William H. Ruth, W. H. Hatton, and H. A. Bovill; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

INTERNAL IMPROVEMENTS.

Mr. FIELD, by unanimous consent, introduced a bill (H. R. No. 3261) to provide for a system of internal improvement by the issue of United States bonds, to provide a sinking fund for the final payment of the same, and to facilitate the resumption of specie payments; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

GRANT-PEMBERTON MONUMENT.

Mr. McKEE, by unanimous consent, introduced a bill (H. R. No. 3262) authorizing the Secretary of War to purchase and attach to the national cemetery of Vicksburgh the Grant-Pemberton monument at Vicksburgh, Mississippi; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ELIZA ANN M'CANN.

Mr. CROUNSE, by unanimous consent, introduced a bill (H. R. No. 3263) granting an additional pension to Eliza Ann McCann; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INCREASED PENSION TO DISABLED SOLDIERS.

Mr. MacDOUGALL, by unanimous consent, presented the petition of J. B. Murray and 209 others, asking the passage of the bill (H. R. No. 1179) granting increased pensions to disabled soldiers; which was referred to the Committee on Invalid Pensions, and ordered to be printed in the RECORD without the signatures.

The petition is as follows:

We, the undersigned, earnestly ask the present Congress to pass the bill (H. R. No. 1179) for increased pensions for disabled soldiers, presented by Hon. STEWART L. WOODFORD, as follows:

A bill establishing increased rate of invalid pensions after July 1, 1874.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the 1st day of July, 1874, all those persons entitled to a less pension than herein specified, who, by reason of injury received, or disease contracted in the military or naval service of the United States or the Marine Corps, and in the line of duty, shall have lost the sight of both eyes, or shall have lost the sight of one eye, the sight of the other having been previously lost, or who shall have lost both hands, or who shall have lost both feet, or shall have been totally disabled in the same, or otherwise so disabled as to render them utterly helpless, or so nearly so as to require the regular personal aid and attendance of another person, shall be entitled to a pension of fifty dollars per month; and all persons who, under like circumstances, shall have lost one hand and one foot, or shall have been totally disabled in the same, or otherwise so disabled as to be incapacitated for the performance of any manual labor, but not so much so as to require regular personal aid and attendance, shall be entitled to a pension of thirty-five dollars per month; and all those persons who, under like circumstances, shall have lost one hand or one foot, or shall have been totally disabled in the same, or otherwise so disabled as to render their incapacity to perform manual labor equivalent to the loss of a hand or foot, shall be entitled to a pension of twenty-five dollars per month.

Mr. GARFIELD. I again ask unanimous consent that the House may meet for the consideration of the Indian appropriation bill this evening.

Mr. SPEER. I object.

The result of the vote was then announced as above recorded; and accordingly (at half-past four o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BROMBERG: The petition of Raphael Semmes, of Alabama, for removal of his political disabilities, to the Committee on the Judiciary.

By Mr. BURCHARD: The petition of Philo Schultze and others, of Company B, Fourteenth United States Infantry, to be indemnified for loss of private property, to the Committee on Military Affairs.

By Mr. BUTLER, of Tennessee: Papers relating to the claim of Samuel Browning, to be indemnified for property appropriated to military purposes at Memphis, Tennessee, to the Committee on War Claims.

Also, the petition of the heirs of James W. Eastwood, for relief, to the Committee on Claims.

Also, a paper relating to the claim of James Clift, to the Committee on Military Affairs.

By Mr. CANNON, of Illinois: The petition of Anson Call, for relief, to the Committee on Claims.

By Mr. CLAYTON: Petitions from citizens of Boston, New York, Philadelphia, Chicago, Saint Louis, Cincinnati, Covington, Louisville, and Pittsburgh, that the manufacture of future Government issues conform to the plan recommended by the Joint Select Committee on Retrenchment, March 3, 1869, to the Committee on Banking and Currency.

By Mr. COBB, of North Carolina: The petition of John Patterson, that the name of the schooner Delmar be changed to Addie Henry, to the Committee on Commerce.

By Mr. CONGER: The petition of James Wilkinson, of Port Huron, Michigan, for a pension, to the Committee on Invalid Pensions.

Also, the petition of 43 citizens of Caseville, Michigan, protesting against the imposition of a duty on tea and coffee, and any increase in internal taxes, and asking for the repeal of the second section of the act of June 6, 1872, which reduced the duties on certain imports, to the Committee on Ways and Means.

Also, a communication in reference to the payment of civilians in Army employ on the southwestern frontier, to the Committee on Military Affairs.

By Mr. CROUNSE: The remonstrance of citizens of Nebraska, against extension of patent for Haines harvester, to the Committee on Patents.

By Mr. DAVIS: The petition of Thomas Bland and others, for the establishment of a post-route in Wetzel County, West Virginia, accompanied by draught of a bill, to the Committee on the Post-Office and Post-Roads.

Also, the petition of Virginia E. White, executrix, of Wheeling, West Virginia, to be refunded taxes improperly paid, to the Committee on Claims.

By Mr. FARWELL: The petition of N. T. Quarles, for relief, to the Committee on Claims.

Also, the petition of certain citizens of Illinois, in relation to legislation in regard to the transportation of live stock by railroad, to the Committee on Railways and Canals.

By Mr. FRYE: A paper relating to the claim of Mrs. A. L. Dunn, widow of George B. Dunn, for a pension, to the Committee on Invalid Pensions.

By Mr. GUNCKEL: The remonstrance of printers of Dayton, Ohio, against a reduction of wages of printers in Government employ at Washington, to the Committee on Printing.

By Mr. HALE, of Maine: The petition of Daniel Hustus, late private Sixteenth Maine Heavy Artillery, for correction of his military record and payment of arrears due him, to the Committee on Military Affairs.

Also, the remonstrance of ship-owners and ship-masters of Millbridge, Maine, against the present system of compulsory pilotage, to the Committee on Commerce.

By Mr. HAVENS: A paper relating to the claim of J. A. McCulloh, for relief, to the Committee on Appropriations.

By Mr. HENDEE: The petition of Elizabeth W. Warner, for a pension, to the Committee on Invalid Pensions.

By Mr. KELLEY: The petition of citizens of Philadelphia, for the repeal of the limitation for filing claims before the Internal Revenue Bureau for the refunding of moneys illegally and wrongfully collected, to the Committee on Ways and Means.

By Mr. KELLOGG: Numerous petitions of citizens of Connecticut and elsewhere, for the substitution of specific for *ad valorem* duties on tin plates, to the Committee on Ways and Means.

By Mr. LUTTRELL: Joint resolution of the Legislature of California, concerning the improvement of the harbor at Oakland, California, to the Committee on Commerce.

Also, the petition of citizens of California, for a post-route from Princeton to Oroville, California, accompanied with draught of a bill, to the Committee on the Post-Office and Post-Roads.

By Mr. NUNN: The petition of the lodge of Independent Order of Odd Fellows, of Trenton, Tennessee, to be compensated for use and occupation of their building by the Federal forces, to the Committee on War Claims.

By Mr. O'BRIEN: The memorial of Oliver Wood, late special agent of the Post-Office Department, in regard to his summary dismissal, and asking investigation, to the Committee on the Post-Office and Post-Roads.

By Mr. PARKER, of New Hampshire: The petition of the New Hampshire Scythe Company, for a reduction of duties upon steel, to the Committee on Ways and Means.

By Mr. PIERCE: The petition of Thomas W. Pierce and others, of Boston and New York, for favorable action upon the petition of Charles W. Adams for relief on account of the seizure of the brigantine Scylla, to the Committee on War Claims.

By Mr. PLATT, of Virginia: The petition of Maria Copeland and others, for the payment of the French spoliation claims, to the Committee on Foreign Affairs.

Also, the petition of citizens of Norfolk, Virginia, of similar import, to the same committee.

By Mr. RANSIER: Papers relating to the claim of W. Y. Leitch as surveyor of customs for the port of Charleston, South Carolina, to the Committee on Claims.

Also, papers in the matter of T. C. Callicot, special agent of the Treasury Department, *vs.* Alexander McLeod, to the Committee on Claims.

By Mr. RAY: The petition of A. C. Harding and others, for the repeal of the stamp tax on bank-checks, to the Committee on Ways and Means.

By Mr. SHEATS: Papers relating to the claim of Stephen Moore, late receiver at Mobile, Alabama, for rent of office, to the Committee on Claims.

Also, the petition of William C. Iddings, for relief, to the Committee on Military Affairs.

By Mr. STARKWEATHER: Petitions from citizens of Boston, New York, Philadelphia, Saint Louis, Cincinnati, and Chicago, that manufacture of future Government issues conform to the plan recommended by the Joint Select Committee on Retrenchment, March 3, 1869, to the Committee on Banking and Currency.

By Mr. VANCE: Papers relating to the claim of Mrs. Rachael Frisbie, for arrears, bounty, and pension, to the Committee on Military Affairs.

By Mr. WILLIAMS, of Indiana: Papers relating to the claim of E. W. Whitaker, of Hartford, Connecticut, to the Committee on Claims.

IN SENATE.

TUESDAY, *May* 5, 1874.

Prayer by the Rev. JOHN TULLOCK, D. D., Queen's Chaplain, of the University of St. Andrew's, Scotland.

The Journal of yesterday's proceedings was read and approved.

THE CUSTOMS SERVICE.

Mr. FENTON. If there is no objection I now ask, as it will not lead to debate, that the motion I gave notice of yesterday be considered at this time. I have consulted the chairman of the Committee on Commerce, and it will meet with no opposition. I refer to my motion to discharge the Committee on Commerce from the further consideration of the bill (S. No. 13) to regulate the service in the collection of customs at the various ports of entry in the United States and the disposition of fines, penalties, and forfeitures incurred under the laws relating to customs, and for other purposes.

The PRESIDENT *pro tempore*. The Senator from New York asks unanimous consent that the Senate proceed to the consideration of the motion made by him to discharge the Committee on Commerce from the further consideration of the bill introduced by him.

Mr. FENTON. With a view of placing the bill on the Calendar.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none, and the question is on the motion to discharge the committee.

The motion was agreed to.

Mr. FENTON. Now let the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. EDMUNDS. I enter a motion to reconsider the vote by which the Committee on Commerce was discharged from considering the moiety bill.

Mr. FENTON. I consulted the chairman of the Committee on Commerce and it had his assent.

Mr. EDMUNDS. I beg the Senator's pardon. I saw that the chairman was not in. I withdraw the motion.

PETITIONS AND MEMORIALS.

Mr. BOREMAN presented a petition of citizens of Randolph County, West Virginia, praying the establishment of a mail-route from Roaring Creek post-office to Tolbert's store in said county, and the appointment of Michael King as postmaster at that place; which was referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. WINDOM, from the Committee on Public Lands, to whom was referred the bill (H. R. No. 2782) to extend the time to pre-emptors on the public lands in the State of Minnesota to make final payment, reported it without amendment.

Mr. EDMUNDS. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. No. 443) to provide for the payment of legal services rendered by Edmund M. Randolph to the United States, to report the same with an amendment, which is to strike out all after the enacting clause and insert a provision to pay to the legal representatives of Mr. Randolph $12,000 in full for the services performed by him. The committee have not made a written report, and I will therefore state in a word what the substance of the case is as an oral report.

Mr. Randolph was employed some time about 1858, under the authority of the Attorney-General of the United States, to assist in the prosecution of the rights of the United States to the New Almaden quicksilver mine in California. There were two cases, that of The United States *vs.* Parrott and others, and of Castillero *vs.* The United States, the case of Castillero being a claim before the land commission, appealed into the district court, and the suit of the United States being an injunction to stay waste pending the litigation—in substance, therefore, one controversy. Mr. Stanton, afterward Attorney-General and subsequently Secretary of War, was employed by the then Attorney-General, Mr. Black, to go to California to take care of the interests of the United States there, in connection with Mr. De la Torre, the district attorney, and they were authorized to employ this gentleman to assist them in the controversy. He was employed at a certain fee named, contingent upon the approval of the Attorney-General. That was $5,000, and also such further compensation as the Attorney-General should think right under all the circumstances. The cases went on, and Mr. Randolph assisted in the trial and preparation of them in California, but not in the Supreme Court of the United States. The final result of the cases was that the United States prevailed in the controversy against Castillero and the other people who were holding under him, and that claim or patent turned out to be bad; but the triumph of the United States was a perfectly barren one, because, that claim or patent having been held bad, it brought into existence another adverse claim to the first one, which was valid; so that the United States in effect carried on this controversy for the benefit of the persons whose grantees are now the proprietors of the New Almaden mine—a very gratuitous and beneficent piece of conduct on the part of the United States. But at any rate this gentleman was employed, and earned a fair and proper compensation. As the United States received nothing for it, and as this gentleman has already received $5,000, the sum stipulated in one of the cases, the committee think it right to pay to his legal representatives the sum of $12,000 more. That is less than the estimate that gentlemen who are conversant with the subject and counsel think they would have charged in similar circumstances, but in our opinion the United States will have done more than in justice it may be asked to do by paying the $12,000 in addition, making $17,000 in the whole for the services performed. We report the bill accordingly, and recommend its passage with an amendment, having changed the title of the bill, of striking out "M," the name of the gentleman having been "Edmund Randolph" instead of "Edmund M. Randolph."

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. PRATT. Pursuant to a notice I gave yesterday morning I now, under instructions of the Committee on Pensions, report back to

the Senate the bill (H. R. No. 2190) to amend the act entitled "An act granting pensions to certain soldiers and sailors of the war of 1812 and the widows of deceased soldiers," approved February 14, 1871, and to restore to the pension-rolls those persons whose names were stricken therefrom in consequence of disloyalty. The instruction of the committee is that I shall report this bill back without amendment and recommend its passage. I gave notice yesterday morning that I desired in making this report to submit some remarks explanatory of the bill to the Senate, and I will be thankful for its indulgence for twenty minutes or half an hour to explain the provisions of the bill.

The PRESIDENT *pro tempore*. Does the Senator desire to speak now, or at the conclusion of the morning business?

Mr. PRATT. If there is further morning business I will yield.

The PRESIDENT *pro tempore*. The Chair will receive any further morning business.

BILLS INTRODUCED.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 778) to amend an act entitled "An act to provide homes for the Pottawatomies and absent Shawnee Indians in the Indian Territory," approved May 23, 1872; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. BUCKINGHAM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 779) to meet the requirements of the Indian service in Utah, California, Idaho, and Oregon; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. EDMUNDS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 780) touching the practice in territorial courts in certain cases; which was read twice by its title, and, with a letter of Roger S. Green, associate justice of the supreme court of Washington Territory, accompanying the bill, referred to the Committee on the Judiciary.

RELIEF OF SUFFERERS FROM MISSISSIPPI RIVER OVERFLOW.

Mr. MORRILL, of Maine. I desire to submit a report. The Committee on Appropriations, to whom was recommitted the bill (H. R. No. 3161) to enable the Secretary of War to carry out the act of April 23, 1874, entitled "An act to provide for the relief of the persons suffering from the overflow of the Mississippi River, have had the same under consideration, and have instructed me to report it back with an amendment. I ask that the amendment be read, and I shall then ask for the present consideration of the bill.

The PRESIDENT *pro tempore*. The amendment will be read for information.

The CHIEF CLERK. The proposed amendment is to add as a new section—

SEC. —. That the Secretary of War is directed to issue temporarily of supplies of food and disused Army clothing for support and to prevent starvation and extreme want to any and all classes of helpless or destitute persons in the State of Mississippi who have been rendered so by reason of the recent overflow of the Mississippi River, and to make report to Congress of such issue of food and clothing and the condition and situation of such destitute people, and the sum of $60,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for such supplies of food or rations.

Mr. EDMUNDS. In the other bill that we passed of that character there was a limitation of time, that the authority to issue, although temporary, should expire at some definite period. I suggest to the Senator from Maine that this bill now, where we provide for issuing more property, ought to contain the same limitation.

Mr. MORRILL, of Maine. This is limited by the appropriation.

Mr. EDMUNDS. I think not.

Mr. MORRILL, of Maine. Well, I will state the general facts in regard to this matter. The whole thing is exceptional. This appropriation for this class of cases the Senate will see is exceptional in its character, and trenches very strongly upon any view anybody may have of constitutional authority to do such things; but last month, in view of what was said to be the inundation of the country on the Lower Mississippi, Congress did pass a bill authorizing the Secretary of War to do certain things. The first section of this bill, or rather the bill itself as it came from the House of Representatives, was to execute the act of the 23d of April last, to furnish the means, or, in other words, to indemnify the Secretary of War for having executed that act providing for the issue of rations and clothing.

Now it is said that the same condition of things in the nature of a public calamity has happened in the State of Mississippi, and that some twenty-five thousand persons are in actual distress, and stand in need of immediate relief. Regarding it as in the nature of a public calamity, there have been some precedents not exactly of this character but coming within this category, and the information is so indefinite in regard to the whole thing——

Mr. EDMUNDS. Have you anything from the governor?

Mr. MORRILL, of Maine. We have telegrams from the governor and dispatches from other citizens known to the Senators from that State who it is said can be relied upon, testifying to the general fact that there is that condition of things, that very large sections of the country are overflowed, and that some twenty-five thousand persons are reduced to an extremity almost of starvation. Recognizing that general fact, although it is impossible for the committee to tell how much relief may be necessary or for how long a time, the committee came to the conclusion to make this comparatively small appropriation—small certainly in comparison with what those who represent this case think may be needed—and to accompany it with a provision that the Secretary of War shall examine into the condition of these people and their situation and report to Congress, so that we shall know whether anything further is required in that direction and we shall have some better information in regard to it.

The limitation which the Senator from Vermont refers to was not overlooked by the committee; but as this was considered to be that sort of thing which would expend itself, and as there is no authority beyond the $60,000, it did not occur to us that any further limitation was necessary. Of course, however, there is no objection to it if the Senator thinks it advisable. The authority may be made to expire in sixty days. It will be entirely executed probably within thirty days.

Mr. EDMUNDS. I think we ought to legislate on the principle of securing the Treasury in the future without regard to what we may believe to be the fact. I have such confidence in the Secretary of War that I should be willing in my own affairs to intrust him with a general discretion to expend commissary stores for the benefit of the helpless in the State of Vermont at any time which should suit his judgment; but still we could hardly legislate upon such a principle as that. Therefore I think there ought to be what was in the other bill where the authority to expend commissary stores was given, a limitation of the time within which the Department shall have such authority, so that if of this appropriation of $60,000 there should be anything left over next fall, and the Secretary of the Treasury, or of War, whoever has charge of it—the Secretary of War I believe—should think that he had found another case for the expenditure of the money, which Congress had not in its mind at all, he should not be at liberty to expend it, as doubtless he would not. But we ought to legislate on the principle of being ourselves the responsible guardians of the public property to determine in what case and for how long this species of charity shall go.

But as the Senator from Maine says there is no objection to such an amendment as I have indicated, I of course need not take time to discuss it; but I wish to say while I am up that one can hardly see bills of this kind pass without having a shrug of the shoulders, such as the Senator from Maine has, as to where we obtain the constitutional power or the constitutional right, or have the constitutional duty, to do anything of this kind. I know that to say so implies in the minds of some people that those who do say so are wanting in humanity, that they are wanting in benevolence and in sympathy with their fellow-citizens who are suffering; but I think that such things can be said without ones being justly chargeable with that criticism. If it appeared in this case that the State of Mississippi, which primarily is charged with the protection of her own poor, was herself helpless, that her treasury was exhausted, that her exchequer was in a state of pauperism, and that none of the citizens of that State were capable of being properly called upon to do this act of humanity which rests upon them, and as a legal obligation to protect the poor of that State, then there would be better ground for the passage of a bill of this character. But we did not know in the case of Louisiana, nor do we know in the case of Mississippi, that either of these States is incapable, out of its own treasury and by the taxation of its own people and its own property, of protecting these poor and helpless and outcast persons whom the waters have turned out of their homes.

I venture to say that as this case stands the bill is, in my opinion, an extremely dangerous and doubtful piece of legislation. But I do not expect to prevent its passage. I do not know under the circumstances that I should wish to do so; but I only wish to protect its duration so as to have a termination of it, when we can again consider at some time the propriety of this sort of legislation. I move therefore to add to the amendment of the committee this proviso:

Provided, That the authority hereby conferred on the Secretary of War shall expire on the 1st day of July, 1874.

I am willing to make it long enough.

Mr. FLANAGAN. I hope that amendment will not be adopted. I appreciate as readily as any Senator here the motives of my distinguished friend from Vermont. He scarcely ever errs. He is now looking to the letter of the law, and the protection of the general Union. But this is an extraordinary case; there is no fiction surrounding this matter. The people in the South are starving, their stock is drowned, everything is swept from them. They are living upon rafts made of the timbers floating about their premises, and upon their house-tops, many of them twenty miles from any highway, or any rivers or lakes that can be traversed up and down, and destitute of conveyances to get to any of the roads or waters by which they could emerge from this vast region of country. Let it be understood, too, that it is the richest portion of this mighty nation. There is, perhaps, no country more productive than the region now overflowed by this unusual rise of the waters.

It is known to me, for I am familiar with that country and with these streams, that invariably for fifty years we have had a June freshet. The snows from the mountains melt and invariably the Mississippi River becomes high in June. If that state of things exists this year, as it has invariably heretofore, this water may be expected to be high and perhaps there may be greater destruction in July and August than in May and June. In that view, I would not circumscribe the

Secretary of War by a limit of time, but leave that to depend upon the facts as they may present themselves.

These people are in distress. They are part and parcel of the American nation. It is a proud and a great one; and I am gratified to know that we are able to afford them that relief which they are absolutely in great want of at this time. It is, however, intimated, very kindly no doubt, that the States of Mississippi and Louisiana have not perhaps properly responded to the wants of their citizens. The States of Mississippi and Louisiana are in straitened circumstances in a pecuniary point of view, I take it. I have no hesitancy in saying that the commission merchants in the city of New Orleans have done all that they could. They, from year to year, furnish supplies to the planters in advance, anticipating their crops; but how will they render the aid asked for in this particular provided they had the ability to respond favorably? It cannot be based upon the usual expectation of being remunerated out of the growing crops, because that is an impossibility. Fences are swept away; stock are drowned; the people have nothing to subsist upon. The commission merchant must look to a proper distribution of his means, and he cannot throw them away. But I am proud to see all the cities of the North—New York, Philadelphia, Boston, Saint Louis, and others—responding most nobly to the wants of these distressed people, and I do hope that the Senate in its magnanimity upon this question, in the absence of precedents if you please, will respond to it in such way as to give them substantial aid and not restrict them to the 1st of July or any other day.

Mr. PEASE. I desire that the amendment offered by the committee be reported.

The PRESIDENT *pro tempore*. The amendment of the Committee on Appropriations will be read, and also the amendment to the amendment.

The Chief Clerk read the amendment, and the amendment to the amendment.

Mr. PEASE. I fully appreciate the situation of this subject. I am aware, sir, that the measure before us has really no precedent in congressional legislation; but it is a case that presents itself here as a public calamity. We have one instance, however, in our recent history where the Government came to the aid of sufferers. I refer to the Chicago fire, that terrible disaster which did such havoc with that great city on the lakes, and I am informed that the Government appropriated for the relief of the sufferers of the Chicago fire something over half a million dollars.

The Senator from Vermont very properly suggests that it is a subject for the States themselves to legislate upon and provide for their own sufferers and indigent. I desire to state for the information of the Senator that we are peculiarly situated in Mississippi, and indeed in most of the Southern States. During the last eight or ten years the agricultural interests of that country have suffered from various causes. We are in that country, I may say, purely an agricultural people, and in the river bottoms, the alluvial districts, we raise the staple product of that country, cotton. During the last seven or eight years we have met with disasters in various forms; the overflow of the Mississippi and inundations from other streams; the loss of our crops from the destructive caterpillar and other causes have reduced the farming population of that region to almost a state of impoverishment. The State of Mississippi to-day is not prepared to relieve her sufferers. I am informed that owing to the money pressure of the country our merchants are unable to furnish supplies for the agricultural population. We have pursued a system in that country that I have always regarded as disastrous to the industrial interests of the people. The people have devoted themselves to the culture of cotton, to the exclusion of corn and other supplies, and a system has prevailed among the farmers of obtaining their supplies of corn and of meat from the merchants, secured by a lien upon their crops. This year the merchants are unable to furnish these supplies on such terms; and hence in that State we are in a condition of suffering. Take the counties bordering on the river now suffering from the inundation. I am informed that during the past year at least seven thousand people have migrated to that country. They are laborers who upon their arrival had nothing, but were dependent upon employment for their support, expecting that the merchants would advance them supplies and take liens upon their crops as heretofore. In the interior portions of the State, what is known as the "hill country" of Mississippi, the farmers are known as small farmers, mostly poor men who are barely able to make the year's ends meet; and again, were the governor of that State to assemble the Legislature to-day, they are unable to supply the wants of the sufferers along the Mississippi River.

I have no objection to the amendment offered by the committee. I think it is a practical one. Congress will be in session for some time, and the Secretary of War can gather the information called for and make a report to Congress, and if it is necessary, further legislation can be had to relieve the sufferers. I shall therefore support the amendment offered by the Committee on Appropriations.

The PRESIDENT *pro tempore*. The first question is on the amendment offered by the Senator from Vermont to the amendment of the committee.

Mr. EDMUNDS. I find on looking at the bill which passed for Louisiana the other day that the limitation was fixed at the 1st day of September, instead of July. I therefore modify my amendment to make it conform with the other.

The PRESIDENT *pro tempore*. The amendment to the amendment will be so modified.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the Committee on Appropriations as amended.

Mr. ALCORN. I wish to say that I apprehend, considering the amount that is appropriated, it does not make any very great difference whether the limit is applied to the 1st of July or the 1st of September. The original bill, I believe, appropriated $90,000, and that was to be distributed upon the Lower Mississippi. I believe the Lower Mississippi is that portion of the Mississippi River known in our geography as the Mississippi from the mouth of the Ohio south. The Upper Mississippi is the Mississippi that lies north of the mouth of the Ohio. But I will not stickle upon the term that is used to describe the particular district for which this appropriation is made, $90,000 in one appropriation and $60,000 in another, making $150,000 in rations and old Army clothing.

Mr. STEVENSON. The clothing is outside of the money appropriation.

Mr. ALCORN. I was going to say that I objected to being charged with these old Army clothes. If you will bestow them as a bounty, perhaps the thanks of the people will be as valuable as the treasure that is donated. Linen dusters and Army caps and shoes are not very well adapted to people who are drowning. People who are struggling with a flood can go barefooted, provided you will feed them; but I say that $150,000 in money will not go a great way toward feeding these people. If you distribute this money, and the suffering is anything like that which is described by the newspapers, it will be exhausted at once. But what I ask is that when this money is given to be distributed by the Secretary of War he will distribute it under his immediate supervision and the supervision of his own agents, so that the people who are in distress will be the people to whom the bounty of the Government, the charity of the Government, the donation of the Government, shall directly go.

I live in the alluvial district. I have upon my plantations perhaps a thousand colored people, more or less. They may, for aught I know, become the victims of the flood, but if so I scarcely think they will starve. I propose to do what I can toward assisting them in the obtainment of food. I shall share with them while I have; we will not call on the Federal Government; and should they starve I propose to starve with them. But, sir, I trust the information which we have touching the wide-spread suffering on the Mississippi River is greatly exaggerated. I am sure that, while suffering there doubtless is in Mississippi, want which should be relieved, it is not so great as is represented; and if as great, $60,000 will prove a very inadequate relief.

I hold that it is proper for Congress to do something for these suffering people, but I wish Congress to do it in a way that will not demoralize these people.

I read this morning in the Chronicle what purports to be a dispatch from Memphis. It reads as follows:

MEMPHIS, *May* 4, 1874.

Captain Mark Cheek, of the steamer George W. Cheek, confirms the reports of the planters along the river above Napoleon that the negroes who have been driven from their homes by the overflow refuse all offers of employment from planters who wish to employ them, saying the Government is to furnish them rations, and they do not want to work.

No one is going to work if he has that which work will bring without any exertion on his part. In other words, if you will feed and clothe him, that does away with the necessity of labor, and I do not wish Congress to offer here an inducement which will demoralize, any further than it is already demoralized, the labor of that country. Sixty thousand dollars might go a great way toward demoralizing a community, but it would not go far in the way of relief to a community so wide-spread, so numerous, as the people of the delta.

The levees in Louisiana have generally yielded to the flood. Those of Arkansas and Mississippi have, except in one district, shared the like fortune. The appeal comes to Congress for relief. Large sums have been wrung from the tax-payers since the war for the reconstruction of the levees. Louisiana has spent perhaps $12,000,000, and Mississippi and Arkansas quite as much, sums sufficient, had the money been properly expended, to have made the levees an immunity from danger. The tax-payers, as a rule, have not controlled the appropriations that have been made, the treasure that has been spent in the reconstruction of levees. The money derived from taxation for this purpose has been expended under the direction of men who derived their authority, if not from the Government of the United States under the prestige of that Government, who came there with power to control, and who did control, the revenues derived for this purpose, misapplied the funds, and now, when the test is applied, the levees are shown, as every well-informed man knew they would prove, one extended fraud upon the people. How in the State of Mississippi? I speak what I know when I say that in the State of Mississippi not less than $8,000,000 have been expended since the war to construct levees that should not have cost in cash half that sum. To give you an idea, sir; the people there pay in the southern district of Mississippi—the counties of Bolivar, Washington, and Issaquena—one cent a pound on all the cotton they grow and they pay fifteen cents an acre upon all their land. This is a levee tax. In the district in which I live we pay sixty cents an acre upon every acre of land that we cultivate,

and we pay thirty cents an acre on every acre of land that we have inclosed and do not cultivate, and ten cents an acre upon unfenced and wild lands. In addition to this we pay five cents an acre upon the whole in liquidation of an old bonded debt, one that existed at the time the war began, aggregating sixty-five cents upon every acre of land that we cultivate, thirty-five cents for every acre of land inclosed that is not cultivated, and fifteen cents upon every acre that is wild. This large sum is drawn from the pockets of the land-holders, and is appropriated by a board of commissioners who derive their authority from the popular will, and who, however honest they may be, have wasted a vast sum of the people's money, are without any sufficient responsibility to the tax-payers, and whose work, should the stream reach its maximum height, will be found, I apprehend, wholly insufficient.

Mr. CONKLING. Will the Senator allow me to inquire of him whether those taxes are laid by State authority?

Mr. ALCORN. Yes, sir.

Mr. CONKLING. May I ask the Senator also to state what officers expend them?

Mr. ALCORN. Yes, sir. I will state that they are levied by State authority, by officers who are appointed by the boards of supervisors of the counties; and to give you an idea of the boards of supervisors, I will state that while I suppose that in the county in which I live—a county that raises twenty-five thousand bales of cotton, where they are as honest, perhaps, as in any other county and have as much ability as they have in other counties—four of the board of supervisors, consisting of five members, are negroes, and I do not think either one of them can read or write; and the ruling spirit, the fifth man, is a white man who is less acceptable to the people than the most ignorant of the negroes that sit by him.

Mr. CONKLING. Do they appoint persons to expend the tax?

Mr. ALCORN. Yes, sir; the Legislature of the State incorporated a board of commissioners, and this board of commissioners is chosen by the boards of supervisors of the different counties, each county of the district being entitled to one member of the board of commissioners. The first, second, and third counties on the line of the Mississippi below Memphis have expended within the last four years $1,000,000; that district is not overflowed; thus far those counties have been protected; but the Mississippi River when I left home a few days since was full twenty-eight inches below the flood-line. I have no idea that the water will reach its maximum height this year. If it had reached the flood-line, or should rise to the flood-line, the whole country would be flooded, and devastation and ruin wide-spread would sweep over the land.

Now, sir, the point I am coming to is that the people in that country are remotely responsible for the government they have. I admit and recognize their remote responsibility. The immediate responsibility for the administration of those governments does not belong to the tax-payers there. They have but a feeble part at their disposal; their numbers are comparatively insignificant; they have no control. In their behalf, in behalf of the great cotton and sugar-growing districts of this nation, I have appealed to the United States Government to come to the task of protecting those fertile areas from becoming, as in the past they were, wild wastes of the great swamp region of the Mississippi River; a region that was when the war began the most wealthy and productive in all the South. Our levees having been destroyed as a result of the war, and the districts being without local governments sufficient in strength to grapple with the flood, I have been commissioned to beg the Federal Government to make the work national, to take hold of and build the levees, and to continue in the control—the State authority supplying by taxation from the land-owners a sum sufficient when applied by the central Government to maintain them as a means of protection to the country.

The tax-payers are ready to trust the work in the hands of the United States Government. If under the direction of the Secretary of War the work could be constructed, we would have a scientific qualification and an integrity which exist with the Corps of Engineers that would leave no question of economic results. Should the Government of the United States deny this appeal, then and in that event I trust the people will make up their minds, frightful though the alternative may appear, to give up the struggle which they now make in behalf of any general system, take care of themselves as well as they can, and give the rest to the unbroken and never-ceasing flood of that greatest of rivers.

Mr. MORRILL, of Maine. Will the Senator allow me to ask a question?

Mr. ALCORN. Certainly.

Mr. MORRILL, of Maine. I understood the Senator to say that the overflow of the river is not at its highest point.

Mr. ALCORN. I said so.

Mr. MORRILL, of Maine. Does the Senator understand that to be so now?

Mr. ALCORN. I understand that to be so in the upper district of Mississippi.

Mr. MORRILL, of Maine. I should like to know what information the Senator has on that subject.

Mr. ALCORN. I have special information in regard to the section in which I live; and I will say to the Senate, and they will pardon me for saying it, that I know something about levees. I do not propose to state now all that I do know about levees, but I will say that I understand something about them. I was the first, I believe, in the State of Mississippi to introduce a bill in the Legislature to make the construction of levees a State measure. I subsequently had the supervision and control of the work for five years when I was paid the highest salary paid in the State, $6,000 a year, merely for a supervisory control. I speak thus that the Senate may be aware that I know something of the subject which I now discuss.

Now, sir, the proper way, the economical way, to render the relief that will be permanent would be for the Government to at once resolve to take charge of the levees, and when the flood subsides to provide labor for the people who will be left in the overflowed districts without employment. By this the country would not be demoralized, the people would not be led erroneously to suppose that the Government of the United States intended to feed and clothe them during the coming year, but they would be advised that the Government intended to supply them with labor at a fair compensation, and that their country was to be rescued from a repetition of the flood that now lays it waste. Any people upon earth will be demoralized when the idea prevails among them that they are to be fed and clothed without any exertion on their part. The great body of people in those overflowed districts are colored; they have crude ideas of the powers of Government, and should not be misled by any such action on the part of Congress. There must be an incentive to labor. Food and clothing are the great incentives to industry among the laboring people everywhere, and it is the duty of the Government when assisting the distressed who are able to perform labor to supply that labor, if within its power, in order that the incentive may be continued before them.

Let the Government, then, assume control of the levees. By this a benefit will be conferred upon those who are in distress, and the nation will in return receive a still greater benefit in having rescued from waste an empire in itself, the revenues from which will fill the depleted coffers of the Government; the maladministration of the local authorities will no longer oppress the people, their hearts will be lifted up, and they will struggle with their misfortunes with the hope and belief that their land is soon "to blossom as the rose."

Mr. CONKLING. Will the Senator allow me to make another inquiry?

Mr. ALCORN. Yes, sir.

Mr. CONKLING. There being in the State of Mississippi no class of people, I believe, denied the right to vote, no man having been disfranchised at any time with respect to his right to vote, will the Senator explain to us how it happens that by the action of all the people or a majority of the people such a state of maladministration as he describes comes about, and how it happens that a majority cannot correct it?

Mr. ALCORN. That opens a very wide field. I think I could make a speech of two hours and a half on that subject, but I have no idea the Senate would desire to hear me so long.

Mr. CONKLING. I do not mean to invite the Senator, even if he would allow me to do so, to make a speech for two hours and a half, or any length of time; but listening very carefully, as I have done, to what he says, and trying to resolve the matter in my own mind, I am entirely unable to understand, stopping where he does, how it comes that in a State where every man votes, where no man is disfranchised or has been disfranchised, it can be that the tax-payers have nothing to say and that the people do not rule and are only remotely, as the Senator says, responsible for their government. I supposed there was some fact, some single matter or two which perhaps would make clear that part of the Senator's statement.

Mr. ALCORN. When the Senator states that I have said the tax-payers have nothing to say on the subject, he puts words into my mouth that I have not used, for a tax-payer is just now saying something on that subject, and the tax-payers speak very generally and very loudly on that subject. But I will state to the Senator that in the county in which I live there are about twelve or fourteen colored men to one white man; they are, it is true, a very good class of colored men, and I rise here to make no complaint against them. But those colored men are led to believe there is an antagonistic interest between them and the whites, who are generally the land-owners. They were, for example, in the last canvass told by men, whom I hold to be enemies to our prosperity, that it was the wish of President Grant, whom they justly hold in the highest admiration, that they should vote a particular ticket; that it was the purpose of the nation if they should be faithful to divide the lands among them. This sentiment was extensively inculcated by those who claimed to have authority to speak the purposes of Congress.

Mr. CONKLING. Has the Senator any objection to stating who those men were, by name or officially?

Mr. ALCORN. No, sir; but I will not state them now. I have stated the fact upon the stump in Mississippi; I have stated it again and again, and named the parties, and if the Senator desires to look over any of my speeches on that subject, he will find that I have used plain and unmistakable language. The Senator, perhaps, has heard me in this Senate on one occasion elaborate to some extent this subject.

Mr. CONKLING. I beg to assure the Senator that I have no idea to whom he alludes, and I ask wholly for information that I may understand him.

Mr. ALCORN. I do not propose to go into that now. I may at some other time, but I do not propose to be led off now into that dis-

cussion. It is not from any delicacy that I decline the discussion, but simply because I do not wish to enter upon that question just now. It is not pertinent to this case; it is not before the Senate; and I do not propose to discuss it now, but I may discuss it hereafter. I speak, sir, what I know, or what I believe is true, and I speak it here and elsewhere as the truth moves me to the action. I now come back to the floods, and to this question of appropriating money. That is the point I want to get at.

Mr. CONKLING. Before the Senator returns to that, will he indulge me one moment further?

Mr. ALCORN. Yes, sir; but I hope the time I shall consume shall be charged to the Senator from New York.

Mr. MORRILL, of Maine. I was about to call the Senator's attention to the flood.

Mr. ALCORN. I am anxious to return to that question, having been led away from the subject before the Senate.

Mr. CONKLING. Before going to the flood——

The PRESIDENT *pro tempore*. The morning hour having expired, the Senate resumes the consideration of the unfinished business of yesterday, which is the bill (S. No. 1) supplementary to an act entitled "An act to protect all citizens of the United States in their civil rights, and to furnish the means for their vindication," passed April 9, 1866.

Mr. ALCORN. Perhaps by to-morrow I might wish to make a speech on the subject spoken of by the Senator from New York, and detain the Senate; but if the Senate will continue this subject now I will detain it but a few moments longer.

Mr. MORRILL, of Maine. I hope there will be no objection.

Mr. EDMUNDS. Let us have the regular order.

The PRESIDENT *pro tempore*. Senate bill No. 1 is the regular order.

Mr. EDMUNDS. I withdraw the objection.

Mr. BOUTWELL. I ask leave to withdraw the amendment which I proposed yesterday to the civil-rights bill, and to propose another in place of it.

The PRESIDENT *pro tempore*. The Senator from Massachusetts modifies his amendment.

Mr. PEASE. I trust the rule will be suspended, and action had on the bill reported by the Committee on Appropriations. It is a very important measure, and it is necessary that action should be had at once.

The PRESIDENT *pro tempore*. The Senator from Mississippi asks that the pending order be laid aside informally for the purpose of proceeding with the consideration of the bill reported by the Committee on Appropriations this morning. The Chair hears no objection, and the bill (H. R. No. 3161) to enable the Secretary of War to carry out the act of April 23, 1874, entitled "An act to provide for the relief of the persons suffering from the overflow of the Mississippi River" is again before the Senate.

Mr. ALCORN. Now, Mr. President, I will come back to the question of the appropriation and confine myself to that. I have no doubt in the world that the newspaper articles have magnified the extent of the suffering in that country; but that there is suffering there I have as little doubt. It occurs to me, however, that the amendment ought to be so modified as to embrace Arkansas also. There is an overflowed district in Arkansas, on the border of the Mississippi River, and those people are suffering as much as others. But I will leave it to the Senator from Arkansas, to take care of his own State. In the lower district of Mississippi, that is in three counties next above Vicksburgh, there is a large district overflowed, and there may be, and I suppose is, much distress. What I wish is that the appropriation shall be so guarded as to require the expenditure to be made under the immediate supervision of the Secretary of War, and that he shall see that the suffering masses who are the objects of this legislation shall receive the benefit of it. That is what I wish. If the idea is to be promulgated that the Government intends to feed these people, that it intends to clothe and ration them for the rest of the year, the result will be that the whole country will become demoralized, and each man there who does not want to work will rush to the overflowed districts that he may be supported by the Government.

I trust that I have spoken with sufficient plainness on this subject so that every one can understand what I mean. We live under a peculiar Government. We are not complaining, and we do not propose to complain. The fact exists. We take it and go forward with it as best we can, and go forward without murmuring or complaint. I know that the State of Mississippi is able to take care of its poor, and it is able to take care of the suffering masses rendered so by reason of this flood. But the Legislature of Mississippi cannot be called together under fifteen or twenty days. The Legislature of Mississippi would then be at work some time before anything practicable could be done, and the result would be that the starving masses there, if such there be, would be beyond the reach of the charity that was sought to be extended to them. The sum proposed is a mere pittance, a mere bagatelle. What is $60,000 to a country that is covered by flood for a distance of three hundred miles and interspersed with flood for a width of thirty or forty miles on each side of the river? It amounts to nothing. It will perhaps relieve suffering for a few days. But how long, I ask, will $60,000 extend relief? Properly distributed it will perhaps do much, and I trust it will.

Mr. MORRILL, of Maine. Let me ask the Senator whether, according to his knowledge and belief, there is at the present time an overshadowing calamity on that people so that they are in absolute destitution and liable to starvation?

Mr. ALCORN. I have no doubt that they do need relief; but I have no idea that the calamity is as great in Mississippi now as it was in 1867.

Mr. MORRILL, of Maine. Did they take care of themselves then?

Mr. ALCORN. They did; but I will say to the Senator that at that time there was a great amount of suffering. The difference between that flood and the present one is that that flood was early in the season, and the people were able to raise crops because the water went off in time for planting. The planting season is now at hand, the flood may continue; and if so the suffering must become great, if not already so. There has been no flood on the Mississippi River since the year 1867 until now.

Mr. MORRILL, of Maine. How does this compare with that?

Mr. ALCORN. As I said a while ago, not as high by twenty inches at least. I speak of the district in which I live, one hundred miles below Memphis. From the mouth of White River south the newspapers report the water relatively higher, occasioned by the unprecedented rains that have fallen in the drainage districts of the South. The tributaries of the Yazoo, the White, and the Arkansas, have all been remarkably high, but are now reported as on the decline; they soon discharge their volume; and we may hope directly to be relieved from the effect of local rains.

I think the amendment of the Senator from Vermont is a very proper one: to confine this appropriation to the 1st of July. Should the flood not have subsided by that time, then there will be upon the country a calamity wide-spread.

Mr. HOWE. Will the Senator indulge me in endeavoring to obtain a little information?

Mr. ALCORN. Certainly.

Mr. HOWE. I want to know what this suffering is precisely. Does it deprive the inhabitants of food they have gathered for the present, or does it simply deprive them of the chance of raising food for next year?

Mr. ALCORN. I answer it does not deprive any persons of the food they have already provided. I scarcely suppose the provisions on hand have been lost. When a sufficient supply for the season had been provided I suppose the people could save it from the flood. It would be remarkable if the people could not lift their rations above the flood. Houses are sometimes, but not often, swept away; when the houses remain I suppose the family food could be preserved. The great distress in that country is the destruction of its stock—the mules and cattle that are necessary to produce a crop. There is where the greatest loss is; there is where the material loss lies; and a great many perhaps will not be able to raise crops by reason of the fact that they will not have the teams with which to do the plowing. A great many planters have raised corn, but depend upon their merchants for other necessary supplies. The merchants, finding their pay doubtful, refuse to extend further credit. The condition of the planter and those in his employ is in such case a hard one. The condition is distressing when the planter or laborer looks to his merchant for corn. The teams, stock of every description, where the country is flooded, must necessarily perish and has no doubt already perished. There is where the suffering is; but I do not suppose the Government proposes to replace their teams. I wish it could be done, but we could not reasonably hope for this.

Mr. HOWE. What does this bill propose to furnish?

Mr. ALCORN. It proposes to give $60,000, and that is to be distributed under the direction of the Secretary of War.

Mr. MORRILL, of Maine. Sixty thousand dollars in all?

Mr. ALCORN. That is the amendment.

Mr. HOWE. Not to relieve men's hunger?

Mr. ALCORN. Yes; that is to relieve men's hunger; to be expended in the supply of food. And it authorizes in addition to that the issue of Army clothing to provide against cold.

Mr. HOWE. But I do not understand why there should be hunger, or is hunger there? They have just as much provisions as they had before the flood, we are told.

Mr. ALCORN. But suppose the provisions were not there when the flood began.

Mr. HOWE. Why did they not make the appropriation when they had not the provisions?

Mr. ALCORN. The Senator asks a question which I do not propose to answer just now as to why they did not do it. That was their business. The Senator must put his question to them; they are without the food—that fact is stated; the reason why we will not now debate. I would suggest this amendment; it would assume a form that looks more like charity: to strike out "$60,000" and insert "$100,000;" and strike out the words "the State of Mississippi" and insert "the suffering on the Mississippi River." The constituents of the Senator from Arkansas are suffering as much, and I think more, than the people of Mississippi. I will offer that amendment, and say now that if the money is appropriated under the direction of the Secretary of War and kept out of the hands of improper agents it will do much good. Should the bounty thus bestowed be given into the hands of dishonest men, the negro, who is the greatest sufferer, will not be much benefited, but little if any of this pittance will reach him. Let the Secretary of War take it and distribute it among the needy. In

this way you will give the country some guarantee that the object of your charity has been reached.

The colored people are docile and kind; they work well, but are not well qualified to struggle with adversity; they have lived a life of slavery, have ever been dependent upon their masters in time of trouble, and there must be some spur now held to them, some inducement to labor; and this is good for them and well for the country. If one would offer to feed and clothe them at the expense of the Government, the incentive to industry would be removed; they would, as would most other people, food and raiment being assured, sit idly by and wait for the blessing to come. The Government intends no such thing as this, and I do not wish such hopes held out.

Mr. CLAYTON. Mr. President, I should like to say a few words on this subject, and only a few. It seems to me this discussion has taken a very wide range, that a great deal has been brought in that is not pertinent to this question, but, upon the contrary, calculated to embarrass it. I should like to explain to the Senate how this inundation is likely to bring upon the people of the overflowed region of the Mississippi great suffering.

The planting community in the cotton and sugar growing regions are not in the habit of laying up a yearly stock of provisions and supplies. The provisions that they rely upon now are based very much on the forthcoming crop, which is prospective. If you take away this prospective crop, you take away their ability to subsist. Planting operations are carried on by the planter who furnishes the land and the stock, and by the laborer who produces the crop. They act together. The planter, however, in most instances relies upon his commission merchant to furnish him the provision necessary to carry on the year's operations. Those are furnished from time to time and based on his prospective crop. And as no crop this year has been planted or is likely to be planted in the overflowed region, the supply of provisions to the laborer is cut off.

This suffering is only likely to be temporary. There is no necessity for any man starving in the South under ordinary circumstances. There is a field of labor there that is open to every laborer, and every man who is disposed to work can make a living there. That is my experience in the South. The danger is of temporary suffering, and the danger is also that these regions may become depopulated; that the laboring community, finding that they are constantly threatened with these inundations, will withdraw and go to the higher lands.

Mr. FLANAGAN. To Texas.

Mr. CLAYTON. To Texas, or somewhere else where they can get employment, and leave this whole region.

I am not inclined to think that the suffering is as great as is made out. I believe there has been and will be considerable suffering, but I do not believe it is near as great as we have been led to believe. I do not know what it may be in Louisiana. I know in my own State that there is a large area overflowed, but that area is not thickly settled. There will be suffering in Arkansas, and I have no doubt but what there will be in Mississippi and Louisiana, but I do not think their suffering is going to be as great as some persons perhaps induce us to believe. The appropriation reported by the committee is amply sufficient. I think, however, that the word "Mississippi" ought to be struck out of this amendment. It ought to be made to apply to the entire alluvial region subject to this inundation. I move to strike out of the amendment offered by the Committee on Appropriations the words "in the State of Mississippi."

The PRESIDENT *pro tempore*. The amendment is not in order at this moment. The pending question is on the amendment offered by the Senator from Vermont to the amendment of the committee.

Mr. CLAYTON. Very well; when that amendment is voted on I will move my amendment.

Mr. CONKLING. Mr. President, before hearing the Senator from Mississippi [Mr. ALCORN] it seemed to me I might vote for this bill. I listened to the objection made by the Senator from Vermont [Mr. EDMUNDS] with the reflection that perhaps there is no better answer to it than that it is too late. The Senator said if we knew that Mississippi was pauperized or bankrupt, the fact might add to the right or power of Congress to act as proposed. It seems to me that if we knew such a fact, the question of power under the Constitution would still remain the same. The condition of Mississippi might be persuasive; it would go to the exertion of the power, the discretion to govern its exercise, but not I think to the existence or want of power upon which such legislation must rest.

The objection may be best answered by saying that it comes too late, because in many instances such as this at first seemed to be, Congress has affirmed the power so to legislate. The case of the Greek sufferers is one, the case of the earthquake at Caracas is another, and there are others in which the law-making power affirms the right to feed the starving and clothe the naked in foreign lands. Perhaps it would be difficult to prove that we have not the power to nurture our own citizens by any means we might lawfully employ to alleviate the sufferings of residents in distant lands. If there were a distinction, however, the same power has been exercised at home. In the case of the Portland fire, besides a measure of relief touching duties on imports, $50,000 was appropriated outright, and that although the sufferers there were in a rich and populous region untouched by the calamity. In the case of the Chicago fire the Senate voted and the House voted in favor of a bill which I think was a violation of the Constitution. Nevertheless it was adopted, many Senators saying that they would prefer a direct appropriation, deeming that more clearly and surely within the constitutional power. So in the case of a famine in Ireland, although I believe only a ship to transport charitable contributions was furnished by act of Congress, still the power now invoked was asserted. So that until I heard the observations of the Senator from Mississippi it seemed to me we could stand as to power upon precedent, and, if the case for action were made out, that we could vote in favor of the bill.

My friend from Wisconsin [Mr. HOWE] reminds me that no appropriation was made in the case of the great fire in Chicago and none in the case of Boston, and I believe that when such a suggestion was made in the case of Boston the people of that city declined it.

Mr. LOGAN. If the Senator will allow me right here, in reference to Chicago, the Government officers furnished rations, and blankets, and articles of that kind by order of the President, which act was afterward sanctioned by resolution of Congress.

Mr. CONKLING. That was during the actual occasion?

Mr. LOGAN. Yes, sir.

Mr. CONKLING. That was during the actual occasion of disorder, conflagration, and suffering. In every such case, to summon the law-making power to action in any view to be taken of the power of Congress, we must have an overmastering necessity, something which appeals for instant relief, some such occurrence as the recent frightful famine in India which called upon the British government to make such prolific dispensation of rice and other articles of food.

At this point, however, the statement made by the Senator from Mississippi comes to give us pause. I understand that Senator to say, first, that Mississippi is able to feed and clothe and care for all the people within her borders afflicted by this calamity. He adds that the Legislature could not be suddenly convened—a fact which suggests that our action should take the form of an advance of aid to be returned—such a measure would suffice if it be true that Mississippi is able to render the aid, and that the only thing needful is to anticipate the time when her Legislature can act.

Again, the Senator says that the late flood is not equal to others in recent years; that when he left the Mississippi River a few days ago it was twenty-eight inches below the flood line; and he goes on to explain that the difficulty arises from defective levees, from an absence of those artificial banks which should restrain the river; and at that point the Senator thought me inclined to divert him from a relevant and pertinent line of argument. I thought not; and if there be no objection to the line of argument which the Senator pursued except its remoteness from the point before us, it seems to me it cannot be criticised at all. The Senator tells us that not the act of God, not some extraordinary revulsion or action of nature, but the want of levees to restrain the Mississippi River, caused this calamity; and he goes on to tell us that the people of Mississippi and Louisiana having been taxed to pay and having paid overmuch for thorough and ample levees are still without them, and he charges that the action of the General Government is the source from which this double wrong has come. He tells us that men are sent to Mississippi to take control, but as he declined to name personally or officially those to whom he referred, I was left in the dark, as I am ever in the dark when I hear like statements. I have heard them often, never to enlighten but always to puzzle me. I see them carried into newspapers with vague talk about disabilities and disfranchisement, as if the writers supposed that under the constitutional amendment known as article 14, and the reconstruction measures of Congress, men in the Southern States have, since the erection of their State governments, been denied the right to vote, or in some way crippled or curtailed of their right and prerogative of self-government, the same full right which reigns in Illinois and in Wisconsin. We hear so much loose talk that we almost forget that no disability at any time since the restoration of civil government after the war has been imposed upon any one, except a denial of the right, divine or otherwise, to hold office. When I remember that in Mississippi no man is denied the right to vote, no man, be his transgressions what they may, has ever been compelled to refrain from every right that any constituent of mine enjoys in making the laws which he is bound to obey, I cannot understand the force of the Senator's statement. Who is it that is sent to Mississippi to prevent, or hinder, or control a majority of her people, or any one of her people, in the exercise of that right and franchise which until now in all the history of the Republic has been found adequate to the maintenance of free institutions and just government? I cannot understand it. I can understand, and I cannot doubt, because it is of record, sworn to by a cloud of witnesses, that men, angered by their defeat in a cause they lost, refused themselves to take part, and did their utmost to dissuade others from taking part, in raising sound and wholesome government from the ashes of the rebellion. I understand such sinister action to have borne bad fruit in many States, and in my belief such action must play a great part in explaining the condition of things of which we hear so much. When the problem in South Carolina, in Mississippi, and in other States comes to be truly solved, I apprehend a large share of the political evils prevailing in those States will be laid at the door of men who, having the power and the privilege to shape and influence public affairs, refused to act—sulked and railed, and are now punished for ignoring the truth that—

Who would be free, himself must strike the blow.

But the Senator says the taxes raised to fence in the Mississippi River are squandered by men unfit to disburse them, and for whose selection—such was the implication—the General Government is in some way responsible. The Senator spoke of five counties, in one of which he lives. I ask the Senator whether there is in those five counties a board known as the upper levee board?

Mr. ALCORN. Yes, sir; certainly there is.

Mr. CONKLING. Will the Senator be kind enough to tell me of how many members that board consists?

Mr. ALCORN. Five, I believe.

Mr. CONKLING. And will the Senator do me the favor to name them?

Mr. ALCORN. Name the persons?

Mr. CONKLING. The five members.

Mr. ALCORN. I am not able to name them; but I will state to the Senator that I can name the president of that board, and that is the point he is driving to, I suppose. The president is M. S. Alcorn; and I will state further to the Senator, without hesitation, that he is my son; that he was an officer in the confederate army, about eighteen years old when he went in as a private, and came out a major when he was twenty-one or twenty-two years old. That is all, if that is what the Senator wants now on that point.

Mr. CONKLING. The Senator from Mississippi knows better what he wants himself than he knows what I want. However, I am obliged to him for as much information as he has given me, and if he will allow me I wish to put another question. I wish to know whether the president of this upper levee board appoints the board below, consisting of five in each county?

Mr. ALCORN. O, no.

Mr. CONKLING. How are the five men in each county appointed?

Mr. ALCORN. The Senator does not understand. There is one man from each county appointed.

Mr. CONKLING. By whom is he appointed?

Mr. ALCORN. By the board of supervisors; and that board of supervisors is composed of five men who I believe are called a board of police in some States, a county court in others. They have power to levy taxes for county purposes, and to attend to all county business, having jurisdiction over roads and bridges. They select one person from each of the counties composing the district.

Mr. CONKLING. And that makes the upper levee board?

Mr. ALCORN. And that makes one member of the levee board, and the five counties compose the levee board, and they elect their president.

Mr. CONKLING. Now, who are the officers in each county below this levee board? I do not refer to the supervisors, I mean the subordinate officers to the upper levee board.

Mr. ALCORN. The collecting officer of the district is a man by the name of Manning.

Mr. CONKLING. The Senator does not understand me. I do not care at this moment for the names of men, but I want to find out the organization. Here is an upper levee board. Whom do they appoint?

Mr. ALCORN. They appoint their collectors.

Mr. CONKLING. In each county?

Mr. ALCORN. In each county; and they have a general treasurer, and they appoint him. These are the officers. Then the board let out contracts. They contract for the construction of levees.

Mr. CONKLING. The upper levee board?

Mr. ALCORN. The upper levee board. They give the contractors their orders on the treasurer for the money.

Mr. CONKLING. Then, if I understand, in the five counties, in one of which the Senator lives, there having been under regular State authority an upper levee board appointed consisting of one member from each county, making five in all, which board elects its president, it turns out that the Senator's son, who I infer is a native and not a carpet-bagger in Mississippi, has become the president of the board, and he and his associates appoint both the collector and the treasurer, being their subordinate officers, in each county; and the same board makes the contracts under which the levees are constructed, maintained, or repaired. May I inquire of the Senator who assesses the taxes?

Mr. ALCORN. It is done by the assessor appointed by this board. He is one of the officers that I did not mention.

Mr. CONKLING. So that the assessor derives his existence and authority from the same board.

Mr. President, I hope the Senator from Mississippi does not suppose that I put my questions for the purpose of ascertaining whose son might be a member of the board, or whether a member of the Senator's family might belong to it. He will see, I think, that my purpose was wholly different. I was unwilling to remain silent again, as I have done so often before, in the presence of these general promiscuous charges that the General Government, the national Administration, somebody, anybody except the people themselves, is responsible for all the omissions and sins which occur in many of the Southern States. And I submit that if a glaring example of the injustice and groundlessness of this talk, of which we hear so much, can be imagined, we have it now upon the statement of the Senator from Mississippi. He selected, I did not select, these five counties as an illustration. He chose them to illustrate and vindicate his statement that the taxpayers of Mississippi having but little part or control in State affairs, Mississippi is ridden over rough-shod by some external force, either as the Senator said the force of the General Government, or a force maintaining itself under the prestige of the General Government. When we come to inquire into the affairs of these five counties which the Senator has selected, when we confine the inquiries to the very branch of the public service of which the Senator spoke, it turns out that the board governing this whole matter is wholly local, is presided over by one not a stranger there but "to the manner born;" one whose capability and integrity the Senator ought to be willing to avouch, and no doubt he can avouch it truly; and in place of agents from abroad being in any way guilty of the short-comings of those charged with it, in place of carpet-baggers or non-residents having intruded themselves, it turns out that every intendment, every guarantee, every safeguard, every favorable circumstance, which enters into the genius of our system of government was present and operative, and free, and was triumphant, too, in the government and control of this very matter.

I think I might appeal to the candor of the Senator from Mississippi and safely ask him whether he thinks it is just and warrantable, speaking in the Senate where the nation may hear, that he should, upon such facts, in respect of such a matter, convey the idea that the central Government at Washington is the domineering instrumentality which has trampled down the rights and sacrificed the interests of the people of Mississippi. It seems to me the Senator might as well attribute the maladministration which he charges, to the Sultan of Turkey.

If it be true that no present need of relief exists, as I think the Senator stated, but that it is rather the future which needs to be assured, I can hardly see the urgency of taking action at all. If it be true that the State of Mississippi is able to care ultimately for all these sufferers, it seems to me, as I before suggested, that the bill should take the form of an advance to be reimbursed hereafter. If it be true that the General Government has by its action prevented the honest devotion of money to the maintenance of the banks or levees of the Mississippi, our action should take such direction as would search out and correct that evil; but as to that, candor compels me to say that I have listened in vain for the evidence or the reasons to support it.

The Senator suggests, in the same breath in which he condemns some supposed action or omission of the Government, that the United States shall take charge of the levees; he proposes that the United States shall take the supervision, disbursement, and control of the funds and the work, but that the money shall be paid by the State of Mississippi and the State of Louisiana. I submit to the honorable Senator that if such a plan were proposed and he wished an occasion to make an argument against centralization, against Federal interference, against the domineering spirit and action of the Government at Washington over local affairs, such an occasion would be easily found. But when it turns out that by no word or deed has the United States participated in this matter, but that it has been treated and kept as a local affair throughout, governed by the people in the vicinage, governed not merely by the State but by each particular locality, coming down to spots as small as counties, it seems to me that the instance is one of the most remote, one of the most unfortunate, that could well be selected for the purpose of throwing a stone at the action of the Government.

I imagine, Mr. President, it would turn out in most of these cases, if we had a witness as intelligent and as candid as the honorable Senator from Mississippi to inform us of the facts, that we should find many ways of accounting for the disorders and grievances in Southern States, without resorting to the stereotyped allegation which has been coined almost into set phrases, that the General Government by its emissaries and agents and satellites is the Pandora's box from which all these evils and distresses come. At all events, as we have had this morning one instance to which our attention has been invited, I take my seat feeling somewhat consoled that the statement made by the Senator from Mississippi has gone so far to quiet any apprehension which might otherwise be felt that here is another example of the ill deeds of the national Government.

Mr. ALCORN. Mr. President, not being in the habit of interrupting and disturbing a Senator in the course of his remarks, I have permitted the Senator from New York to go forward without any interruption on my part at all. I trust it will not be taken, because I have not conformed to that which has become a habit and a very objectionable habit in the Senate of interrupting a Senator, that I have assented to his position.

The Senator from New York interrogated me while I was proceeding with a statement in regard to the levees, a very frank one, and giving the views that I had with regard to that which had brought about the condition of things which now exists. The fact that I was giving the reason of the calamity did not indeed lessen in any degree that calamity, nor did it release the Senator from New York from any obligation that he was under to fly to the relief of those who were in distress. But the Senator, being himself a portion of the history of this country under the reconstruction acts of Congress, has assumed some positions here that I do not think are tenable.

He asserts that so far as the people of the State of Mississippi and of the South are concerned no man in Mississippi has at any time been denied the right to vote. He asserts, after having interrogated me as to the organization of the board of commissioners, that the peo-

ple through their county organizations have appointed these boards and have constructed the levees, and that the Government of the United States is in no way responsible. Does not the Senator know that in 1868 the Congress of the United States passed a law prohibiting any one from holding office in any of the Southern States unless that person could take what was known as the iron-clad oath, and does not the Senator know that the imposition of that oath excluded almost the whole intelligence of the South from the holding of office?

Mr. CONKLING. I spoke of voting.

Mr. ALCORN. And does not the Senator know that as to voting, that provision in the fourteenth amendment relative to the qualification for office was extended to the voter and that no man could vote who could not take that oath in the reconstruction?

Mr. CONKLING. Will the Senator permit an answer?

Mr. ALCORN. Yes, sir.

Mr. CONKLING. The Senator from New York does not know, on the contrary he denies, that ever since governments were set up after the rebellion in the Southern States any man was denied the right to vote. I do not speak of what happened during the interval when there was no government in those States; but, covering the whole period since the time when the present State governments in the Southern States were set up, I do deny that any man was ever denied the right to vote.

Mr. ALCORN. When was the State government set up? Now, to show the truth of my position and the error of the Senator's, let me state a case. The government of the State of Mississippi existed in 1866, 1867, 1868, and 1869. The laws of the State of Mississippi were regarded as the law of the land there. It is true that under the act of Congress a provisional governor was appointed, but the government of the State of Mississippi existed. When I became a candidate for governor in 1869, for example, I was entitled, or allowed, or permitted, if you please, to run for the office of governor, but I was not entitled to vote. While entitled under the artistic skill of the draughtsman of the reconstruction acts to become a candidate for office and accept the office in truth, yet I could not vote in the election that was held! Will the Senator deny that position, the truth of this statement?

Mr. CONKLING. I do not deny that there was an interval, a brief period of transition, which passed away at once and preceded the restoration of governments, and of that period I had not spoken at all. I was speaking of the time since there has been a government and since there have been officers to vote for under it.

Mr. ALCORN. Then from 1866 up to 1870 there was a period of time, running over four years, in which these levees were being built in the district composed of the counties of Bolivar, Washington, and Issaquena, that large district of country to-day being flooded, and from that district the officers, the commissioners that had been elected or appointed by the people, were removed by General Ames and other men put in to suit his taste. The citizen was displaced, not being permitted to hold office, and while the people were required to pay the tax, the tax was appropriated under the supervision of agents appointed by General Ames. The tax was drawn under a law that had been passed by the people of the State to construct the levees under the supposition that their own agents and employés would disburse the money thus derived from a tax on their property, but the Government of the United States stepped in and appointed its own agents and employés to expend this money. In the face of this fact will the Senator contend that the people have had the whole control of that work?

Upon another point I accept the Senator's statement that I misapprehended him, and I beg pardon for having construed him in a way that his mind was not going. The point having been made, nevertheless, I repeat it is true that my son is the president of that board, in the first levee district in Mississippi, and it is also true that he is there without my consent or approbation; he went there without my consent or approbation. But it is true likewise that that is the only district in Mississippi which is not flooded to-day. I would not be understood by this to maintain that the levees in that district are sufficient—by no means. I undertake to say, however, that before the board of commissioners were organized as at present the contracts had been made, and I might add that perhaps Major Alcorn accepted his present position on the supposition that he might be able to arrest the wrongs that were about to be perpetrated, the robberies that were about to be consummated; and I know that he does claim that he has saved from fraudulent contracts some tens of thousands of dollars to the district. But I am not here to speak of that. I will say that so far as the board is concerned its officers and agents are not in the main the choice of the tax-payers of that district.

But now let me come to the Senator from New York and tell him that perhaps he did not understand exactly the direction of my mind at the time that I stated what I did state in regard to the responsibility of this Government for the condition of things as they exist in the South. Sir, when you turned four million slaves loose and made them free, you turned them loose without clothing, without provisions, without food. You said "Go forward, freedmen, and earn your bread by the sweat of your brow." Thereupon the Congress of the United States imposed upon that colored man a tax upon his labor, upon his cotton, that extended from 1866 to 1869, whereby the poor man was made poorer, whereby the people of the cotton-growing States were driven into bankruptcy. And while this tax was being collected the people in the districts which is now flooded were being further plundered by men who were indirectly the agents of the United States Government, who held the power to not only collect but appropriate the revenues derived from the tax provided for the construction of levees. From the tax on cotton the Government of the United States obtained $70,000,000, drawn from the pockets of the people in the Southern States in violation of the Constitution of the United States, as we hold, and of every principle of right and justice. And this large sum, mark you, was wrung from the poor people of the South when they were denied representation in this body.

While this tax was upon the Southern States the people, both colored and white, were reduced to a condition of poverty from which they have not recovered, to a poverty so distressing that they were scarcely able to subsist. The planters cried out to you, "You will have to feed these colored people; we have impoverished ourselves; we have become bankrupt; our property is gone; we are no longer able to supply them with food." It was then and not till then that the Government removed the tax and said, "You may go free and enter into competition in the contest of life without any further trammels on your limbs." And now these people from whom taxes have been taken on their product amounting to $70,000,000, who were made bankrupt by reason of the law of Congress, without the power to control their government—for their government was in the hands of the Government of the United States—these people come here to-day and say, "We are poor; we have not accumulated means sufficient on account of oppressive taxation to lay up for the terrible flood that is now upon us;" and the Senator from New York says, "Why have you not done it? You have had the government in your own hands; you have had all this time to provide for the coming of the storm; why do you cry out to the Government of the United States to-day for shelter?" This is one of the hardships that I complain of as having been imposed by the Government of the United States, imposed, I repeat, when we had been denied the privilege of the ballot, when we had no voice here.

But the Senator says that I come here to recommend that the Government shall take charge of these levees; and he says if there was wanting an example for centralization this would give one. Why, Mr. President, there needs no example for centralization in this Government. Turn your eyes to the reconstruction of the Southern States; look at their condition to-day; and answer me the question as to what further evidences of the tendency to centralization you desire? I have nothing to argue against it. If we are to go forward as we are now going, if our State governments cannot be improved, then I say for one I stand ready to welcome centralization when it shall come. Better be governed by a central government than controlled by local governments representing all the evils of a central power but without its advantages. I would rather appeal to the Government of the United States and to its justice than to appeal to the mercy of its satraps. Thus it was that I said I had confidence and faith in the Corps of Engineers of the Government of the United States. I would have full faith in them, and our people would have faith in them, while they are without faith in their local governments.

But, sir, I will not elaborate and show reasons why we have not and cannot have faith in our local governments. But when the Senator from New York asks me to specify and says he has heard enough of this general insinuation and suggestion, I specify that General Ames, made by the President of the United States provisional governor of Mississippi, removed the citizens who held the office of levee commissioners in the district now being overflowed, and that he appointed men who were irresponsible, and who in my judgment plundered the district.

Mr. CONKLING. Does the Senator think that is a fair illustration?

Mr. ALCORN. I think it is an answer to the question.

Mr. CONKLING. If the Senator will allow me, I will tell him why I think it is not.

Mr. ALCORN. Well.

Mr. CONKLING. The people of Mississippi have pretty thoroughly ratified, confirmed, and adopted the administration of General Ames. He is the very man whom they have selected and chosen to be their governor in the presence of all the Senator alleges. Therefore I think it will hardly do to suppose that General Ames, who is probably the satrap to whom the Senator referred, has committed acts of such aggression and injury as were offensive to the sense of justice and the interests of the people of Mississippi.

Mr. ALCORN. I admit the force of the argument of the Senator from New York in all its fullness. I know the fact that General Ames was chosen; and I will tell the Senator in qualification that I know another fact, that General Ames would not have been elected to that office if it had not been for the prestige of the Government of the United States and the influence given by this Government to his election. I know that every man who dared to speak for me in that canvass who held an office under the Federal Government was removed from his place promptly, and it was given out everywhere that the Administration was at the back of General Ames, and that it was the desire of the General Government that the colored men should support him.

Mr. CONKLING. What was the majority of General Ames?

Mr. ALCORN. General Ames's majority was about 19,200 in a republican State that was carried in 1869 by 38,000, and that General Grant carried by 30,000. But for the Government of the United States and the influence it exerted, General Ames would not be governor of

the State of Mississippi to-day, a man who has no more interest in the State of Mississippi than I have in New York, except that he is the governor of the State. But I do not propose to discuss that question now. I do propose to defend those people as well as I can.

Does anybody blame the poor colored man in the State of Mississippi or in the South for what he does? I stand not here to acquit the southern people of having behaved unwisely in the reconstruction of the Southern States. I do not acquit them of the blame which attaches to them for not having won the confidence of the colored people after the war closed. I hold them inexcusable for having driven the colored people from them. It would not have been so if they had done their duty; but it was perhaps asking too much of human nature for them to do other than they did. Having been stricken down prostrate as they were, their property destroyed, all hope lost to them, it was perhaps not unnatural that when the colored man was given the right of suffrage, the southern people felt that it was an insult, an effort on the part of the Government of the United States to degrade them. Hence they resisted it; and they would have been without manliness had they not felt resentment to the Government for the imposition of what they regarded as degrading terms. Philosophy would have suggested—good judgment and cool deliberation would have suggested—to them the propriety of submitting to that which they could not avoid. Taking a somewhat different view, I did what I could and urged them to take it.

The Government of the United States was the only Government which we had. It was our duty to submit, but passion said "no." Passive resistance then was construed to mean hatred to the Government, and thus it was that the southern people were misunderstood, and in the hour of their trouble the wail that went up from the Southern States was answered back here by denunciation of the southern people that they still maintained a feeling of revenge against the Government on account of their subjugation. That was not true. You misunderstood those people. The southern people to-day have no enmity toward the colored race. It was impossible that they should have. But there have been those who have gone there as the representatives of the Government of the United States, not designedly; I acquit the President, I acquit the Government of the design; but the fact exists nevertheless that agents of the Government have been the chief sources of our trouble since the reconstruction of the rebellious States. I have not felt that the President intended to do us a wrong, nor have I felt that Congress intended to do us a wrong; but we were here for years without representation, and when the wail of the South was heard in 1867, and when thousands and tens of thousands of those people were beggars, we had no voice in Congress and no relief came. We had to take care of ourselves. We had no one to speak for us here. Misunderstood as we were, a strict surveillance has been kept up; the intermeddling agents appointed have made it their business as a rule to antagonize the races and to create distrusts which impede harmony and retard our prosperity. Exceptions to this statement, I am glad to say, exist, but the statement is in the main true.

Will the Senator from New York excuse himself for not supporting this measure? He says that I said there was no suffering. Did I say so?

Mr. CONKLING. O, no; I did not say that.

Mr. ALCORN. Then I misunderstood the Senator. I thought I certainly had not made such a statement as that. I said that there was suffering, and that it was wide-spread. I have no doubt of it. I spoke of a particular locality which I had seen represented on a map as flooded. I stated that this was an exaggeration; I felt it due to my State that she should not be misrepresented. In that particular locality we have no suffering, no beggars; nor is there likely to be any. We can take care of ourselves. I stated the further fact that the State of Mississippi was amply able to provide for all the suffering within her borders. That State is not a pauper State. God forbid! It is a State that produces the great staple of this nation to a degree that no other State in the Union produces; it produces one-fourth of the cotton that is produced in the United States. Its resources are great, but the people are nevertheless poor. I have given some of the reasons why this is so. Already heavily taxed, it will be a burden upon the people that the Legislature should be called together now to provide for this calamity, and relief would be delayed by requiring that course to be resorted to.

But I appeal now to Congress in consideration of the fact that you drew from those people within four years $70,000,000, one-fourth of which was drawn from the State of Mississippi, by the cotton tax, and that the money is now in the Treasury, that the help asked shall be given—a pittance of $60,000. Cannot Congress give this? Seventy million dollars of our money you have, and I think that the legal ability of the Senator from New York is sufficient to justify me in holding that the law under which this money was extorted was in his judgment a great hardship if not a violation of the Constitution.

Mr. CONKLING. My constituents were taxed a great deal more heavily than that, and they had representatives here.

Mr. ALCORN. Show me where ever an agricultural product of New York or of any Northern State was singled out for taxation.

Mr. CONKLING. This was not taxed as an agricultural product.

Mr. ALCORN. If not an agricultural product, what is it? It was a tax on cotton, a product of the Southern States—States that had just emerged from a terrible war, States that had been overrun by armies, that had been conquered, that had no representation in the Government. Where was the justice? Point out the power in the text of the Constitution.

The Senator asks where is the power of Congress to grant this relief. He admits Congress had the power to vote money to reimburse the Quartermaster's Department when, under the order of the President, rations and clothing were issued to Chicago when the conflagration was raging. He says that was all right. Now when the floods are flowing, when the people are being flooded, when the stream covers the houses of a suffering people, he cannot see whence the power is to be derived. Measures for relief are not to be extended—measures for oppression are imposed without regard to the Constitution.

The danger is now upon them; the distress is now upon them; will not the argument of the Senator from New York in behalf of Chicago apply with equal force to the overflowed districts in the States of Mississippi, Louisiana, and Arkansas? I contend that it will surely.

Mr. TIPTON. Mr. President, at the time this discussion commenced we understood that there was great suffering and destitution in the Mississippi Valley on account of the inundation; and when I consider the lapse of time from the beginning of the discussion to the present moment, I have serious apprehensions that the people have expired. Therefore I think it would be better to change this to an appropriation for funeral expenses than for subsistence. [Laughter.]

Mr. SARGENT. Mr. President, when this proposition was before the Committee on Appropriations, there were two aspects of it considered: one was the extreme undesirableness of the Government expending money raised by taxation on simply philanthropic suggestions, where there were not ample evidences of such suffering as made action by us a matter of the highest duty. The committee agreed with the Senator from Mississippi on my right [Mr. ALCORN] that there was great danger of demoralizing the people whom we sought to relieve, that there was great danger of leading them to improvident habits, if in the face of some slight difficulty or distress they might be encouraged to rely upon the Government of the United States in their improvidence to tide over such occasions. On the other hand, it was insisted that here was a case of enormous, far-reaching distress; that there were fifty thousand people homeless, foodless, perishing, surrounded by deep waters, taking refuge in tree-tops or the tops of the few houses which had not been swept away, and that there was such a great and pressing calamity that the Government should stretch out its hand laden with needed succor to these people thus perishing within our borders.

It has been insisted upon by the Senator from Mississippi that the first view which this committee thought was of great consequence in their deliberations, that there was great danger of demoralizing these people by extending benefactions to them, is a correct one, and he insists upon that with great force; and I admit the force of it. But he further proceeds to tell us that there is not this great distress which has been painted before the Committee on Appropriations which led to the amendment of this bill; that there may be some distress, but that it is of a transient nature; that it is not so wide-spread as we had been led to suppose, and that there is not a destruction of the present stock or the past stock or hoard of provisions which these people had laid up to answer their necessities during this season of the year.

Mr. ALCORN. O, no.

Mr. SARGENT. I understood the Senator to say that they still retained their stock of provisions; not their mules and horses, some of which may have been drowned by the flood, but that the provisions which they had laid up for their own sustenance and their families still remained and were not swept away by these waters.

Mr. ALCORN. Will the Senator allow me to explain.

Mr. SARGENT. Certainly.

Mr. ALCORN. In answer to the honorable Senator from Wisconsin I stated the fact that there was no reason why the flood should take the provisions away; but I said further, "suppose they had no provisions." I did not choose to elaborate; but the fact is that these people live by supplies that are furnished them perhaps from month to month. There are very few of them, as was said by the honorable Senator from Arkansas, who have provisions for the year. If they had provisions for the year, I admit that there would be no necessity for their having lost them. Where that occurs there is no necessity for the Government supplying provisions. And so they may have had clothing for the year. But I said the greatest distress of all would be the destruction of stock, which I apprehend to be very great.

Mr. SARGENT. It is very apparent from the tone of the Senator's remarks then and now that he does not put so high a value on these statements of distress in that region. I certainly listened to him very attentively.

Mr. ALCORN. I will say to the Senator that that is true. I saw a map in which that whole district of country in which I reside is represented as overflowed. I wish not to practice any deception here; I will not be guilty of it; I will speak the whole truth. Understand me that I speak the truth according to my judgment when I say that there are suffering and distress there; but the map that I saw, representing the country in which I live as overflowed, is not correct.

Mr. SARGENT. One of the statemen s which was made to influence us to report this amendment was that the whole country from Cape Girardeau, in Missouri, to the Gulf is one vast sea, as far as the eye can reach—that is, under water. The Senator says that that is untrue.

I have no doubt it is the same representation as that contained in the map. Now, if the distress is much less than has been stated to us, if it is simply a transient suffering, if it is simply one of those casualties which may happen to any part of the community, then we ought not to appropriate this money. We ought to feel the friction on our fingers of the dollars that come out of the Treasury, unless it be in direct pursuance of law and for a well-ascertained purpose. We ought carefully and jealously to guard the Treasury of the United States from our own emotions of sympathy, and certainly from our own carelessness. We already have given $90,000 on the spur of the moment but the other day, taking money which was intended to support the Army for that very purpose; and now comes a proposition to give half a million, and when we say we will not give half a million, then a quarter of a million, and finally the committee report back $60,000 for an object which we are now informed is greatly exaggerated in its character, that there is no necessity for so much as we supposed; and consequently the presumption is that the committee acted improvidently in reporting this amendment.

Now, sir, as one of the committee, I desire to express my own opinion; I would not have voted to report the amendment with this bill on the representations which have been made this morning. The Senator from Arkansas who sits near me states that there is no question that there is great exaggeration in the accounts which we have received upon this matter. Well, sir, how far does the exaggeration go? I desire that the committee shall have an opportunity to reinvestigate the question; that we do not appropriate these $60,000 or any other amount until we know that there is necessity for it and know that here is an exceptional case; that it is not simply the case of a slight overflow, which is liable to happen this very week, if the weather accounts we get are correct, in the Sacramento Valley. The Sacramento and San Joaquin Rivers are liable to overflow and make a little inland sea there, as they do every four or five years. I do not want my people to come here and ask for this relief, and I do not want the people from any other part of the country to come here unless there is a searching, far-reaching disaster which is beyond any local help, which appeals to us with a force that cannot be resisted, for us to put our hands in the Treasury and furnish the relief.

Mr. MORRILL, of Maine. I would suggest to the Senator, if he will allow me to say a single word, that I am very free to say, after what has fallen from the Senator from Mississippi and also the Senator from Arkansas, who come from that region of country, that I do not think the committee would have reported this amendment; and under the circumstances I suggest to the gentleman from California that he move that the bill be recommitted to the committee for further consideration.

Mr. SARGENT. I accept the suggestion of the chairman of the committee, and move that this bill be recommitted to the Committee on Appropriations.

Mr. FLANAGAN. Mr. President, on looking around, after hearing the remarks which have been submitted and noticing the vigilance of the Senate, which is very commendable, I see that Louisiana is not represented here to-day; her able Senator, she having but one at this time, is absent. There is no voice to speak for her. Therefore, she being an immediate neighbor of mine, and this great flood that is spoken of lying across my path in returning to and coming from my home, I speak for her. I say confidently that I know as much about the overflow as either of my distinguished friends sitting immediately by me, the one from Arkansas and the other from Mississippi. I have been familiar with that country since 1822. I did not certainly see Lord Cornwallis surrender to General Washington the British army; I did not see General Washington ride across the Delaware; I did not see the great Napoleon succumb to Lord Wellington, and yet I believe the one and the other and every one of those statements; and I am equally clear that the mighty waters have flooded this country that is spoken of, just as certainly as that either one of these circumstances ever occurred. Many gentlemen here are far removed from such a stand-point, living far up the Mississippi or away up north; but when you go to the neighborhood of Red River that I am familiar with, living close by it, I know what the devastation is upon the mighty coast which a few years ago was the most beautiful coast known to the American nation, the richest in our happy land. That vast region of country is entirely overflowed, to say nothing of Mississippi and Arkansas; and this aid is needed for the Louisianians. I know that, for I am in daily correspondence with the city of New Orleans. There is no fiction about this matter.

I do not see the necessity of the Senate deferring action on the statements of my friend from Mississippi, who is happily situated, and I congratulate him for his ability——

Mr. ALCORN. Allow me a word. The Senator from Arkansas and the Senator from Mississippi have not said that there was not distress in Louisiana.

Mr. FLANAGAN. I have no comment on that.

Mr. ALCORN. We have simply risen in our places for the purpose of correcting exaggerations, believing that to be due to the section in which we live. If the statements made are correct, it would take $40,000 a day for the next three months to feed the people that are in distress in that country, and I would not thank you for an appropriation of $60,000 for a moment. What is $60,000 to that whole country? It would be a mere bagatelle, as I said. It would take $40,000 a day to feed the people there if the distress was as it is represented, but the $60,000, it is held, will answer the distress that does exist, which is great in particular localities, especially in Louisiana and South Mississippi.

Mr. FLANAGAN. I admit that it is a small pittance, but that is no reason to satisfy my mind that it ought not to be voted. As I was going on to remark, there are few so happily situated as my distinguished friend from Mississippi. Gratified am I to know that he is thus conditioned. He says he has a thousand hands on his various plantations.

Mr. ALCORN. A thousand people.

Mr. FLANAGAN. A thousand people; and abundantly able is he to feed them. That is gratifying. That is not the condition, however, of those who are contemplated as beneficiaries in this relief that is sought. I wish they were all situated as he is, with the water twenty-eight inches below the flood-tide. But if the reports of the Government officers are to be relied upon, if everything that is made known to the Congress of the United States is not to be disregarded, certainly the fact is established that the water is very high on the Lower Mississippi. The Senator includes all the river downward from the mouth of the Ohio as the Lower Mississippi. That may be very well understood by him, his portion being situated about midway. The overflow is greatest from Natchez and the mouth of the Red River, in that region where are the largest cotton plantations. I read this morning that in one parish where there were two hundred and two plantations eleven thousand acres of cotton land were entirely overflowed; and so of sugar plantation after sugar plantation to the tune of thousands upon thousands of acres. I have no hesitancy in feeling confident of the existence of the distress.

I do not think this pittance ought to be required to be sent back to the committee for further investigation. If you want a special committee gotten up to look into the frauds that may be practiced in its application, have one. This is no political matter. True, it has opened a fine field for discussion here this morning, and ably have the political questions been portrayed to the Senate; but that was all out of place, as it appears to me, and yet I was gratified to hear them so well discussed *pro* and *con*. But now is the time to act. These people are suffering, and, though it be a small matter, I say contribute it to them; and if we have even acted remissly it is from the purest motives, such as should prompt American Senators on any and every occasion.

Mr. CLAYTON. Mr. President, if I said anything during the course of the few remarks that I submitted which led any Senator to believe that I regarded this appropriation as too much, I certainly did not intend to be so understood. I simply said that I believed that perhaps the newspaper accounts were exaggerated, and I do believe they are exaggerated. If all that I have read is true, this appropriation would be but a drop in the bucket. I took occasion to say that I believed there would be suffering and that there was suffering. I undertook to explain how this suffering came about. If these waters are up now, when the June rise comes on, as it generally does, there will be still higher water and the people will be unable to raise a crop this year at all. They are unable to get any credit, and the result will be that you will have great suffering hereafter. I do not think this appropriation is any too large. I was only trying to explain to the Senate how the suffering was likely to come about.

In the State of Arkansas we have a very large area overflowed. In going from Memphis westward you can travel over forty miles of overflowed region that is one vast sea of water. If that country was thickly populated, of course the suffering would be immense; but as it is very thinly populated, the suffering is not so great. But still I cannot shut my eyes to the fact that this is a great overflow, that a large number of people are surrounded by water; that they are cut off from all communication, except on flat-boats, with their neighbors even, and there will be great suffering unless some power extends a helping hand.

I hope this subject will not go back to the committee. I hope the bill will be so amended, however, so as to apply to all the overflowed region, not merely the State of Mississippi, but to the whole overflowed region. So far as Louisiana is concerned I cannot say a word, for I do not know. I cannot tell what the suffering is there. I only speak from my knowledge of Arkansas. I know that there must be considerable suffering in Arkansas from the immense region that is overflowed.

The Mississippi River is very peculiar in its inundations. One inundation overflows one portion of it and another year an inundation will overflow another portion of it. This overflow seems to be in the lower part of the river. It does not seem to extend to the upper part very much. The southern rivers that come in seem to have made the overflow in Louisiana, the lower portion of Arkansas, and Mississippi more than the upper portion of the alluvial regions. I have no doubt that while the overflow has not been as high in Mississippi as it was in 1867, yet in Louisiana it has been perhaps higher. While in the region of the Senator from Mississippi it may not have reached the extreme altitude, below that it may have reached a higher altitude; and no one can judge of the Mississippi River by taking an observation in one particular place. One inundation will overflow one region of country and the next inundation may overflow an entirely different portion.

I think, Mr. President, that this appropriation is none too much. I certainly hope it will not be referred back, because if you are going to give assistance, give it at once.

Mr. FRELINGHUYSEN. I call for the regular order.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The Senator from New Jersey calls for the regular order. The Chair understands, however, that the bill which has been under consideration was taken up by unanimous consent, not subject to a call for the regular order.

Mr. FRELINGHUYSEN. I thought the regular order was laid aside informally subject to be called up again.

The PRESIDING OFFICER. It was not so stated by the Chair.

Mr. ALCORN. I think we might as well vote upon the bill now. I judge there is no disposition to debate it any further.

The PRESIDING OFFICER. The question is on the motion to recommit.

Mr. CAMERON. I think that this bill had better be laid aside for the present. Early in the morning I made up my mind that I would move an increase of the appropriation; I thought it was too small to do any good; but after having listened to the Senator from Mississippi, [Mr. ALCORN,] I came to the conclusion that it would be wrong to make any appropriation at all for this purpose. His whole speech tended to convince me that we people in the North had been doing wrong for the last ten or twelve years; that we had oppressed the South and caused all their taxes, and that actually we had made them rebel! We put taxes upon the cotton because we had done wrong here in the North! Now, I am tired of that sort of thing. I want to forget the war and all its consequences, and I think that feeling is general throughout the whole northern portion of the country; but I am surprised and mortified and pained that every day when there is an opportunity to censure us of the North somebody from the South gets up and makes an assault upon us. What wrong did we do? If the people in the South are poor, whose fault is it? If they were taxed for the support of the Government, whose fault was it? Not ours. What have they done toward paying their portion of the $4,000,000,000 of debt which they brought upon the country? Nothing at all. We relieved them of the cotton tax immediately, while we taxed ourselves freely and abundantly, and more than abundantly; but we get no credit for that.

Now, it is time that this thing should stop. If they who began the war and who separated the country into sections are tired of it, let them hold their peace. It not, if it is to continue, let us have a part in this crimination and recrimination. I have stood here for a year almost listening constantly to these complaints without saying a word in opposition; and I have been frequently told by my constituents that it ought to cease, that I ought to defend my own section. I have not done so, because I think it is better that we should forget all that has passed.

Now, as to this appropriation, I would give not only the amount in the bill, but twice or thrice that amount if it was to be received as an act of friendship, as a thing which one brother should do for another; but if it is to be received with an unwilling hand, if it is to be received with a censure and an attack upon us, I would not give them one cent. I should like to see an appropriation made by this Government which would prevent these overflows. A proper system of embankments brought forth in the wisdom of science would enable us to put such embankments there in two or three years that the Mississippi River would be as safe as the Hudson. We have been going on from year to year making temporary appropriations for that purpose, and they have only been temporary, and of course they have been wasted. The money which has been spent by the State of Mississippi the Senator says has been dishonestly expended. Perhaps it has been; but there was dishonesty in the South long before the war began. There was as much wasteful extravagance in the South in all their expenditures as there has ever been in the North, and there always will be waste and extravagance and improper expenditures of money expended by a government—not that one class of people are more dishonest than another in this country. I believe that thirty or forty million dollars would make the whole valley of the Mississippi a country as safe as the region washed by the Nile is now. If it overflowed at all it would only overflow to fertilize the country which it washed, in place of every year carrying a great deal of the wealth and the fruitfulness of the soil into the sea; but what has been done has been done in a hurry, it has been done without reflection, and possibly often without wisdom. Now, when this great misfortune has come upon the country, when this calamity is here, when people are driven into trees to protect themselves from the flood, it is time that we should go to work and get up a system which will prevent these overflows hereafter. That is what we will do if we live in peace, but we will not do it if every year we have to be denounced for a wrong which we did not commit.

I move now, Mr. President, if the motion has not been made before, that this bill be referred to a committee for investigation.

Mr. PEASE. I appeal to the Senator to withdraw that motion. I desire to say that the Committee on Appropriations had presented to them evidence to substantiate the fact that there is suffering in Mississippi and Louisiana. It needs no further investigation. It is a matter well known that there are thousands of people to-day on the verge of starvation in the Mississippi Valley in consequence of the recent inundation of that country.

I regret that when this question of humanity appeared before the Senate this morning the discussion should have taken so broad a range that the questions of the war and the policy of the Government as to reconstruction should have been dragged into it when the people of that valley to-day are starving.

I am constrained, sir, from a sense of duty, devolving upon one representing as I do in part the people who are to-day asking relief at the hands of Congress through the governor of the State, to repel the insinuation which my colleague has seen fit to drag into this discussion, namely, that if the appropriation is made as contemplated in this bill it will require a special safeguard to prevent misappropriation and fraud by the State authorities. I repel the aspersion attempted to be cast upon the present State administration with the scorn and contempt it deserves. He represents that the suffering is exaggerated. Sir, I have in my possession evidence official from the governor of the State that there are to-day twenty-five thousand sufferers; that those people will continue to suffer until they can raise a supply of food. The governor of that State a few weeks ago, since the overflow commenced, instituted an inquiry, and this inquiry has been responded to by the sheriffs of the counties in the alluvial district, and he estimates upon the reports made by these officers that there are twenty-five thousand sufferers in Mississippi.

I desire in this connection to add a further remark, that while my colleague has represented that if the appropriation is made, and the supplies distributed under the auspices of the State government, the actual sufferers would be swindled a few months since he stated, and it was known and read among all the people of that State, that he regarded the present governor, General Ames, as an honest man; and he is the man whom he has presented here to-day as being chargeable with maladministration, accountable for all the sufferings and all the difficulties that obtain in Mississippi. I repeat, it is known among the people that it was the opinion of my distinguished colleague that Governor Ames was an honest man, and the people of that State but yesterday vindicated that fact in electing him to the office of chief magistrate. The people of that State, without regard to their political faith, give him the credit to-day of being an honest and upright man. In case this appropriation be made, and the same plan obtains in Mississippi as in Louisiana, supplies of food will be sent to a committee appointed by the governor, and I believe that the governor of Mississippi will appoint a relief committee of responsible and honest men, and all supplies will be distributed to the sufferers. There will be no peculation; there will be no fraud; there will be no deception practiced in the distribution of these supplies.

Now, sir, in relation to the condition there to-day I hold in my hand a communication received by the governor of the State. He was instructed by the Secretary of War to apply to General Emory, commanding United States forces at New Orleans, for supplies to meet the immediate wants of that State, and he received a response from General Emory that the ninety thousand rations that were appropriated to Louisiana have been distributed, and that there are none to supply the wants of Mississippi. Now we come before the Senate with a simple proposition to appropriate $60,000 for the sufferers in Mississippi as a measure of temporary relief, and the amendment offered by the committee is that the Secretary of War shall investigate this matter and ascertain whether there is necessity for further legislation and further appropriation, and if the calamity is of such a magnitude as to require it, we shall have the basis for future action. The proposition before us to-day meets that case.

Senators say that they believe that the suffering is exaggerated. Sir, there are at least twenty-five thousand men to-day in Mississippi who are without food, and the prospect is that that condition of things will continue for at least two months longer.

I do not desire to prolong this debate. I appeal to the Senate to take immediate action upon this proposition presented by the Committee on Appropriations. It is a question of humanity; it is a question of philanthropy; and, as my colleague has very truly stated, the people of Mississippi are not a body of paupers. They are a proud people and a people who are given to philanthropy, as kind-hearted and charitable as any class of people in the world, and ready to respond in all cases where charity demands. But I repeat what I said before, that the people of the State as a whole are not prepared to act to-day. They cannot meet the immediate pressing wants of twenty five thousand starving people. They have come to Congress with their petitions; they have sent telegrams to their representatives, urging immediate action by the General Government for their relief.

I hope that the Senate will take immediate action. I desire in this connection, before I cease, to say that I have no objection to the proposition made by the Senator from Arkansas. I think it would be well, when the matter can be reached in proper order, that the amendment be so amended as to strike out the appropriation as applied to the State of Mississippi, and let the appropriation apply to both Mississippi and Arkansas, or to the entire overflowed district. That was really the extent of the amendment that I offered yesterday; it was to supply all the sufferers. The fact is that the supplies already furnished have been issued to the sufferers on the Lower Mississippi in Louisiana; and persons living on the Upper Mississippi have had no opportunity to avail themselves of the supplies of food and clothing which have been issued by the Secretary of War. I am perfectly willing that the amendment shall be so amended as to apply to all cases of suffering on the river. I trust that the Senate will take immediate action, and that there will be no further discussion upon this question.

Mr. ALCORN. I want to say a word. I regret that I sit so far

from the Senator from Pennsylvania [Mr. CAMERON] that I could not hear all that he said; but I think from what I did hear that what he did say demands some reply from me.

That Senator declares that he is tired of hearing these complaints from the South, he is tired of hearing these complaints against the Government of the United States. What I have spoken I have spoken as a matter of history, as a matter of truth. I wish to say to the Senator from Pennsylvania that, however venerable he may be in years and however much I respect him, I shall not permit him or any other Senator on this floor to suggest to me the propriety of my course. I am responsible to the people of the State of Mississippi who sent me here for what I may do in a public way. I am responsible to this Senate and to myself, and I trust I recognize that responsibility, for my good behavior and my decorous conduct here. I said nothing that was calculated, I think, to wound any Senator, to offend any Senator, to offend even the Government of the United States. I meant no such thing; but I meant to give here an indication of the truth as it existed, of the facts as they applied to the people of the State where I live, and to show that the Government could still make this appropriation without any departure from any principle of the Constitution of the United States.

I will not do myself the injustice of using language properly offensive to the Senate; but perhaps the Senator has dominated over the South, perhaps there are Senators here who have dominated over the South until they have come to believe that there is no spirit of manliness remaining among the southern people; and upon that assumption I desire to speak to the Senator and inform him that there is a spirit in the South that comes here to vindicate the truth and to establish before the world, as part of the history of this revolution and of reconstruction, that the blame for this unfortunate condition of things does not all attach to the Southern States.

Mr. CAMERON. I have nothing to say in reply to the Senator from Mississippi except as to the matter of taste between him and me. I think complaints are always unpleasant to the hearers and often to the utterers of them. I have never dominated over the South, I think. I am sure I have always had a desire to treat the South as belonging to my own country, to look upon the South as a part of the whole country, and I regret very much when I hear Senators from the South bringing up local questions so constantly; and nobody recently has been more apt to do it than the Senator from Mississippi himself, and therefore I say it is a matter of taste. If he thinks it will benefit the South, be it so.

Mr. ALCORN. Will the Senator allow me?

Mr. CAMERON. Yes.

Mr. ALCORN. I would ask the Senator when he has heard me on such a matter on the floor before to-day; and when he heard me complain before on the part of the South during the present session of Congress?

Mr. CAMERON. I have certainly not heard the Senator during the present session of Congress, and if he supposes I said so before then I did him injustice. The Senator has not been here much this winter, and I have been away somewhat myself; and I have heard him say nothing this session about the South or the North until to-day. But from the remarks made he did change my opinion in regard to this appropriation. I have nothing more to say.

The PRESIDENT *pro tempore*. The question is on the motion to recommit the bill to the Committee on Appropriations.

Mr. STOCKTON. I think this bill had better be recommitted to the committee, and perhaps it would not be unwise to give my reason for that view. When the bill was up in reference to the appropriation for the sufferers by the Chicago fire, I think there was no gentleman in the Senate who did not feel as if he would like to vote for it. I know, unless my memory deceives me, that I did not vote at all. I felt unwilling not to vote for a matter that appealed so strongly to my feelings; but yet I was not able to induce myself to believe that in the way the bill came up it was a constitutional way of appropriating public money.

This bill, as it comes before us, has not only that difficulty, which possibly may be avoided by putting it in some other shape, but it has an additional difficulty. The authorities to whom the people should look in a calamity or trouble of this kind are, first, the overseers of the poor, then from there to their township officers, from there to their county officers, and from there to their State government. That is the organization of our country. Now this proposition is to jump over everybody and come here to Congress and get an appropriation from the national Government, and to send officers of the Army, I presume, to distribute this money. Distribute it to whom? Do you want the Army to open soup-houses and take the cast-off and refuse clothes of the Army and distribute them? How? Through Army officers? It is not a decent and becoming way to do this thing, if it is to be done.

If we can constitutionally do the thing, let us do it in a proper way; let it be done through the proper officers of the State. If the proper officers of the State cannot be trusted, if the result of the reconstruction of the State of Mississippi is such—I do not know whether it is so or not—that those officers cannot be trusted, if the money will be thrown away if we intrust its distribution to them, then we ought not to appropriate anything. If it be true that those people are in such a condition that we cannot trust them or their appointed agents with the money that we may vote, in case we can constitutionally do so, to aid them in a great national calamity, we ought not to appropriate anything. If that be so, they have really no State government at all; it is no government whatever.

I do not wish to discuss the question, but I shall vote to recommit the bill, and hope that when the bill comes back to us it may be in such shape that what relief can be afforded we may be able to extend without violating those principles which most control every gentleman in the Senate, no matter how strong his feelings may be.

The PRESIDENT *pro tempore*. The question is on the motion to recommit the bill to the Committee on Appropriations.

Mr. MORRILL, of Maine. I want to say one word as to the suggestion of the Senator from New Jersey with regard to the method of distributing these funds. This method was previously adopted in the case of Louisiana, and I suppose in that case as in this it was adopted because it was the most efficient means of distributing rations and clothing. The Army having a very large amount of clothing on hand, old and worn out, in the sense of age, but still good, that was one of the contributions proposed to be made in that case as in this. It also includes the distribution of rations. It was thought that could be better attended to by the Army.

Now, just one word on the question of recommittal. I took occasion to say on the introduction of this bill that the committee had acted with very great hesitation and very great doubt, but from the information of a popular character which we had we were constrained to draw a presumption of the existence of the fact of distress in that country from the overflow of the river, and so made this appropriation, providing cautiously that the Government should appropriate only $60,000, accompanied with a direction to the Secretary of War to make its application himself or by his direction, and also to examine the condition of things and report to Congress for any further action which the case might require. If the aspect of the case before the committee had been such as has been put upon it, so far as my own notions are concerned, by the Senator from Mississippi and also by the Senator from Arkansas, both of whom seem to concur in the idea that it is not after all that overshadowing calamity demanding that instant relief which we were led to suppose, and which on any ground we could find precedent for, I think the committee would not have reported this bill. That is my own judgment about it. Under these circumstances I was disposed to second the intimation of my friend from California that the bill had better go back to the committee for such further consideration as would render that matter more obvious. If in fact this is not what the case of Louisiana was, a case where thousands upon thousands of people are really suffering and in destitution and want so that no power can reach them but us, I do not think we ought to pass it. The discussion to-day has thrown some doubt over it from a quarter which leads me to hesitate whether we ought not to consider further.

Mr. PEASE. I should like to ask the Senator a question. What kind of evidence does the distinguished Senator require in order to ascertain the fact as to whether there is or is not suffering in Mississippi and Louisiana to-day?

Mr. MORRILL, of Maine. I would say that we ought to have some evidence. As it stands we have nothing further than the representations of parties who give rumors. They are in the nature of dispatches, dispatches coming from the governor saying that it is represented to him—of course he is not a personal observer of it—that large numbers of people are suffering. Certain other gentlemen, unknown to us officially, and having no official relation with the State that I know of, represent the same thing. Those are little better than popular representations, rumors more or less. They are not evidence, they are not the statements of persons who have been upon the spot and seen and known the facts and who testify to what they know. But the committee were disposed to draw the inference from the general fact that we had made some appropriation for Louisiana and from the general fact that there was a flood upon that river supposed to be very high. But my honorable friend from Mississippi, [Mr. ALCORN,] conversant with the whole condition of things, says that it does not by any means reach the flood of 1867.

Mr. ALCORN. In the upper portion of the Mississippi.

Mr. MORRILL, of Maine. That is precisely what we are providing for; and so the Senator from Arkansas from the same region corroborates that general statement. That throws suspicion over the whole thing; at any rate it does not present itself here to-day as that overshadowing calamity which heretofore has appealed for the exercise of this authority. Therefore, not so much for the amount of money involved as for the precedent that we might establish, that anybody anywhere, on any occasion where there was a little suffering more or less, might call upon the Congress of the United States properly for relief, I think the matter should be further considered. Under the circumstances, if it had had this aspect, I am free to say that, so far as I am concerned, it would not have come from the committee without further investigation. I therefore suggested to the Senator from California who was on his feet that we recommit the bill. If the Senate think otherwise, very well; but I shall have discharged my duty. I have no feeling or interest on the subject. I shall be quite willing that the Senate should come to the conclusion that it is a proper thing to do on the evidence we have; but it does not strike me so. We can give attention to this matter, so as to report

it to-morrow if there is any additional testimony; and if it is the great exigency that is supposed, certainly the fact can be communicated to us.

The PRESIDENT *pro tempore*. The question is on the motion to recommit the bill to the Committee on Appropriations.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills and joint resolution; in which the concurrence of the Senate was requested:

A bill (H. R. No. 3252) to remove the political disabilities of George N. Hollins, of Maryland;

A bill (H. R. No. 3253) to remove the political disabilities of Richard T. Allison, of Maryland;

A bill (H. R. No. 3254) to relieve the persons therein named of their legal and political disabilities;

A bill (H. R. No. 3255) to establish an assay office at Helena, in the Territory of Montana;

A bill (H. R. No. 203) to create two additional land districts in the State of Kansas;

A bill (H. R. No. 3257) authorizing the Secretary of War to sell unserviceable ordnance stores, and for other purposes;

A bill (H. R. No. 3258) to amend the acts of June 30, 1834, and February 13, 1862, to regulate trade and intercourse with the Indians;

A bill (H. R. No. 3080) to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany reservations, and to confirm existing leases;

A bill (H. R. No. 3162) for the relief of settlers on railroad lands; and,

A joint resolution (H. R. No. 94) directing the southern claims commission to send to Congress without delay the claims decided prior to April 1, 1874.

The message also announced that the House had passed a resolution for the printing of eight thousand copies of the addresses made in the Senate and House of Representatives upon the announcement of the death of Hon. Charles Sumner, and for the printing of the portrait of Mr. Sumner to accompany the same, in which the concurrence of the Senate was requested.

The message further announced that the House had passed a resolution for the printing of three thousand copies, for the use of the House, of the letter of the Secretary of the Treasury of January 21, 1874, with accompanying reports, concerning immigration service and the better protection of immigrants to the United States, in which the concurrence of the Senate was requested.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. STOCKTON, it was

Ordered, That the memorial of H. L. Gamble, widow of the late Lieutenant-Colonel John Gamble, be taken from the files and referred to the Committee on Naval Affairs.

SUPPLEMENTARY CIVIL-RIGHTS BILL.

The PRESIDENT *pro tempore*. The Senate resumes the consideration of the unfinished business, which is the bill (S. No. 1) supplementary to an act entitled "An act to protect all citizens of the United States in their civil rights, and to furnish the means for their vindication," passed April 9, 1866.

Mr. SARGENT. I move that the Senate proceed to the consideration of executive business.

Mr. FRELINGHUYSEN. Do I understand that the civil-rights bill is before the Senate?

The PRESIDENT *pro tempore*. The civil-rights bill is before the Senate.

Mr. GORDON. I desire to give notice of an amendment I wish to offer at the proper time to the civil-rights bill.

The PRESIDENT *pro tempore*. The proposed amendment will be reported.

The CHIEF CLERK. It is to strike out in lines 7, 8, and 9 of section 1 the words:

And also of common schools and public institutions of learning or benevolence supported in whole or in part by general taxation.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from California, [Mr. SARGENT.]

The motion was agreed to, there being on a division—ayes 30, noes 16; and the Senate proceeded to the consideration of executive business. After one hour and forty-two minutes spent in executive session the doors were reopened, and (at four o'clock and forty-eight minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May* 5, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

Mr. POLAND. I rise to make a privileged report from the Committee on the Judiciary.

NIGHT SESSION FOR INDIAN APPROPRIATION BILL.

Mr. GARFIELD. I ask the gentleman from Vermont [Mr. POLAND] to yield while I ask unanimous consent for an evening session to-night at half past seven o'clock for the consideration of the Indian appropriation bill.

Mr. SPEER. I object.

Mr. GARFIELD. If the gentleman from Pennsylvania [Mr. SPEER] will indicate when he will allow the House to go on with their appropriation bills——

Mr. SPEER. I am willing the House shall go on at any time when there is a quorum present.

The SPEAKER. There must be a quorum present to transact business.

Mr. SPEER. There is not a quorum present at evening sessions.

The SPEAKER. There can be no business done.

Mr. SPEER. I have no objection to an evening session if the gentleman will agree that there shall be a quorum present, or that there shall be no business done without a quorum.

Mr. GARFIELD. The gentleman can insist upon a quorum being present if he wish.

Mr. SPEER. I withdraw my objection with the understanding that there shall be a quorum present.

No further objection being made, it was so ordered.

Mr. GARFIELD moved to reconsider the order just made; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

STEAMBOAT PASSENGER BILL.

Mr. NEGLEY. I ask unanimous consent that Saturday next be set apart for the consideration of the bill for the better protection of the lives of passengers on board steamboats.

Mr. RANDALL. Does it embrace anything in relation to pilotage on rivers running between States?

Mr. NEGLEY. Nothing of the sort.

Mr. POTTER. I object.

DISTRICT INVESTIGATION.

Mr. FOSTER submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Joint Committee on the Affairs of the District be, and they are hereby, directed to inquire whether the officers or employés of the United States or any officers or employés of the District government have been engaged in any conspiracy to defeat or hinder the investigation ordered by Congress into the affairs of the District, and particularly in this connection to inquire into all the circumstances connected with the late robbery of the safe in the office of the United States attorney for the District of Columbia.

SETTLERS ON RAILROAD LANDS.

Mr. TOWNSEND. I ask unanimous consent to report from the Committee on Public Lands, for consideration at this time, the bill (H. R. No. 3162) for the relief of settlers on railroad lands, with an amendment.

The bill, as amended, was then read. It provides that in the adjustment of all railroad grants, whether made directly to any railroad in or to any State for railroad purposes, if any of the lands granted be found in the possession of an actual settler whose entry or filing has been allowed under the pre-emption or homestead laws of the United States subsequent to the time at which, by the decision of the land office, the right of said road was declared to have attached to such lands, the grantees, upon a proper relinquishment of the lands so entered or filed for, shall be entitled to select an equal quantity of other lands in lieu thereof from any of the public lands within the limits of the grant not otherwise appropriated at the date of selection, to which they shall receive title the same as though originally granted. And any such entries or filings thus relieved from conflict may be perfected into complete title as if such lands had not been granted; provided that nothing therein contained shall in any manner be so construed as to enlarge the grant to any such railroad. And it is further provided that the act shall not be construed so as in any manner to confirm or legalize any decision or ruling of the Interior Department under which lands have been certified to any railroad company when such lands have been entered by a pre-emption or homestead settler after the location of the line of the road and prior to the notice to the local land office of the withdrawal of such lands from market.

Mr. DUNNELL. I ask unanimous consent to make a single remark in explanation of the bill.

Mr. WILLARD, of Vermont. I object to the bill.

Mr. TOWNSEND. I hope the gentleman will hear an explanation.

Mr. DUNNELL. This bill is entirely in the interest of settlers whose filings are now ready for cancellation. There are from fifty to two hundred such cases in every congressional district of the West in which there are land grants in process of adjustment, where the filings are ready for cancellation. This bill simply provides that the railroads which are entitled to those lands shall accept other lands and allow the settlers to remain on the lands where they have made improvements. A more important and beneficent measure has not been presented to this Congress. It was introduced by my colleague from the second district, [Mr. STRAIT,] and has been before our Committee on Public Lands where it received the hearty and unanimous indorsement of the committee. If the gentleman from Vermont [Mr. WILLARD] could see the beneficence of this bill as we

from the frontiers do, that it was entirely in the interest of the settlers, I know he would withdraw his objection. And I appeal to him to do so, and trust he will do so.

Mr. WILLARD, of Vermont. I withdraw my objection to this bill; but after this I shall call for the regular order.

There being no further objection, the amendment reported by the committee was agreed to, the bill as amended was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. DUNNELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. WILLARD, of Vermont. I call for the regular order.

JUDICIAL PROCEEDINGS IN UTAH.

Mr. POLAND. By direction of the Committee on the Judiciary, authorized to report on this subject at any time, I report back the bill (H. R. No. 3097) in relation to courts and judicial officers in the Territory of Utah.

RIGHTS OF AMERICAN CITIZENS.

Mr. MYERS. Before the gentleman from Vermont [Mr. POLAND] proceeds with this bill, I desire to make a remark or two in reference to the order of business. When the committee were on call last Friday, the bill reported from the Committee on Foreign Affairs, entitled a bill (H. R. No. 2199) to carry into execution the provisions of the fourteenth amendment to the Constitution concerning citizenship and to define certain rights of citizens of the United States in foreign countries and certain duties of diplomatic and consular officers, and for other purposes, was understood to go over until to-day. I desired to submit some remarks in relation to that bill. I was notified for the first time by reading the RECORD that the bill had been withdrawn by my colleague on the committee, the gentleman from Massachusetts, [Mr. E. R. HOAR.] I have no objection to that. On the contrary, I desired that it should be withdrawn; but I supposed it would come up this morning, and that remarks might be submitted upon it. I would like to know whether the bill is in order this morning, and if not——

The SPEAKER. The gentleman from Massachusetts [Mr. E. R. HOAR] who had charge of the bill, withdrew it by unanimous consent of the House. It required unanimous consent to allow the motion to reconsider to be withdrawn.

Mr. MYERS. Although a member of the Committee on Foreign Affairs, I knew nothing of the withdrawal until I saw it stated in the RECORD. Under the circumstances I ask to submit some remarks.

Mr. Speaker, I am glad that the bill in relation to citizenship is to be withdrawn for further examination and amendment; but inasmuch as it has been publicly debated, I feel it a duty, before its recommittal, to point out one of its features which grows more objectionable to me the more I examine it.

I allude to the clause which deprives American citizens from being subject to the jurisdiction of the United States, within the intent of the fourteenth amendment to the Constitution, when they have resided abroad within the dominions of a foreign state for the period of two years, unless upon registering themselves as citizens of the United States in the manner designated—such residence of itself to constitute a "domicile," or fixed habitation, with intent to remain indefinitely.

To state the case in its strongest light, no alien, except one honorably discharged from the service of the United States, can under any circumstances be endowed with American citizenship until after a residence here of five years; but if this bill should become a law, a native-born American may lose this inestimable right by a residence abroad of two years, without any action or desire on his part to expatriate himself.

No question ever came more legitimately before a committee than this one in regard to domicile and citizenship, and it is only fair to say that I believe no bill was ever reported in better faith to the country and with a greater desire to protect its citizens than the one which has been so ably advocated by my colleagues, the distinguished gentlemen from Massachusetts and Indiana, [Mr. E. R. HOAR and Mr. ORTH.]

The act of July 27, 1868, having unequivocally declared *the right of expatriation*, the President in August last propounded to the several members of his Cabinet a number of questions as to what would in their opinion amount to an act of expatriation by an American citizen; what residency abroad, without an apparent intent to return, should constitute domicile, and deprive the American citizen of his right to claim the protection of our Government, and particularly what should be deemed evidence of the absence of an intent to return in such cases, together with other questions in regard to the citizenship of children born abroad under such circumstances, and the right to resume citizenship on a return to the country. The very able replies of the Cabinet, with the documents appended, in all covering over two hundred and fifty pages, form the most valuable collection upon expatriation, naturalization, domicile, and citizenship which we have. The whole subject, with that part of the President's message in regard to it, was referred to the Committee on Foreign Affairs, and the result is the bill before the House. I say, therefore, that no question ever came more legitimately before a committee, and none better deserves to occupy attention, challenging nevertheless, as it should, the closest scrutiny.

I am not aware, however, that any cases have arisen which, by threatening to bring the country into difficulty, call for speedy legislation on this important subject. It cannot have a too careful consideration, and it is well that it should be recommitted.

This right of expatriation, Mr. Speaker, is no new doctrine with us. From the very foundation of our Government we have asserted it. We went to war with England in 1812 for its vindication, and although that war ended in both parties adhering to their views, the United States never wavered a moment from its maintenance. Finally, on July 27, 1868, this American doctrine was crystallized into a law, which enacts:

> That any declaration, instruction or opinion, order or decision, of any officers of this Government which *denies, restricts, impairs, or questions* the right of expatriation is hereby declared inconsistent with the fundamental principles of this Government.

And—

> That all naturalized citizens of the United States, while in foreign states, shall be entitled to and shall receive from this Government the same protection of persons and property that is accorded to native-born citizens in like situations and circumstances.

I always felt proud that I was in the Congress which passed that law and upon the committee which reported it. It won from England the Clarendon-Motley treaty of 1870, by which Great Britain at last acknowledged that American naturalization deprived her sons of English nationality. The North German Union, Bavaria, Baden, Hesse, and Würtemberg had already in 1868, while the subject was being debated here, made similar admissions by treaty with us, followed after the date of this law by Belgium, Sweden, and Norway, and Austria. It dealt a fatal blow to the feudal relic known as perpetual or inalienable allegiance, and gave notice to the world that the person who bore the right to say "I am an American citizen," native or naturalized, should receive the protection of the Government.

But, Mr. Speaker, all through the history of this doctrine, which now is embodied into law, the right of expatriation meant the right of *voluntary* expatriation—the voluntary abnegation of nationality. The bill reported, however, is a new departure. It prescribes a time in which the citizen, resident abroad, is adjudged to have expatriated himself without any avowal on his part, or any act other than such residence. It declares for him *an intent* to forsake his country, whether such intent exists or not.

By its terms two years' continuous residence in the dominions of a foreign power shall, unless he chooses to register, denationalize an American citizen, whether naturalized or born upon the soil. He may love the flag, glory in our institutions, defend them whenever attacked. He may be known as an American, may register his name on all proper occasions as such, may have remained abroad for his education or his health, or upon business or pleasure, but without the registry at one of our consulates his rights as a citizen are to be taken away, and not only his rights, but it may be those of his children born abroad after such citizenship is gone, or of his widow.

I understood my colleague [Mr. HOAR] to say that this creation of a domicile which will end upon the party returning to the United States will not deprive him of his citizenship; but that cannot be. He loses it *while he remains* absent after such domicile, and all the benefits consequent upon it during that time. The very title of the bill relates to citizenship. The fourteenth amendment defines citizenship, and this bill takes from Americans domiciled abroad the vital element named in that amendment by declaring that—

> They shall be regarded as not subject to the jurisdiction of the United States within the intent of the said fourteenth amendment, or as not residing within the United States within such intent.

The Secretary of State well said, in his reply to the President:

> The fourteenth amendment of the Constitution makes personal subjection to the jurisdiction of the United States an element of citizenship.

How, then, can citizenship remain when this subjection is gone?

Jurisdiction is but another word for sovereignty. Where it exists the flag floats as a protection, whether within the territorial limits of a country or on the decks of its vessels, whether beneath its consulates or in its service anywhere, and that sovereignty follows the citizen in every land and upon every sea, while he does no act to disavow it, so far as to give him protection from wrong, amenable though he be temporarily to the local laws of his residence which also afford him protection. It was this jurisdiction which caused the interference of the House of Representatives in Dr. Houard's case, a native-born American, still true to his allegiance, who had resided more than twenty years in Cuba. It was this jurisdiction which proved so strong a bulwark to our citizens in Paris during the Franco-Prussian war. It was this jurisdiction which, when the Virginius was captured on the high seas with the American flag floating at her mast-head, roused the indignation of our people and caused the Government to spend millions of dollars in order to save the survivors of the massacre. It is this jurisdiction without which citizenship does not exist, and which in the cases I have referred to it is proposed to withdraw.

As I have shown, the subject only came before us upon the question of expatriation. It was asked whether the Government "should extend its protection" to such persons as leave its territories and who reside abroad without an apparent intent to return to them, and who do not contribute to its support, and what should constitute evidence

of this absence of intent. The bill declares that two years' residence abroad under one sovereignty shall constitute a "domicile," and of itself imply a fixed residence with intent to remain indefinitely. That means expatriation and a renunciation of allegiance, *for the time* at least. The object of the bill is to take protection away in such cases. Surely citizenship must have ceased before that great privilege can be yielded. Protection is the first and grandest right due by the state to the citizen, not less sacred to-day than when Paul of Tarsus—whose citizens were naturalized as Roman by Cæsar—was released from his bonds the moment he said unto the centurion, "Is it lawful for you to scourge a man that is *a Roman*, and *uncondemned?*"

I repeat it, this is a new departure; for hitherto domicile, which is described by Vattel as "the habitation fixed in any place with an intention of always staying there," has only been acquired and the intent could only be shown by the avowal or acts of the party.

I am not prepared to say that any limit of residence should ever be made a test to determine this intent in the absence of avowal or acts; but if so, then before fixing it remember that protection is not the only right we are asked to take away. Once strike citizenship from a man and his rights of succession and inheritance are subject to the laws of his domicile. The Turkish law allowed no will to be made by a Turkish subject, but divided his property between his relations in certain fixed proportions, and a question arising upon a will made in Smyrna, it was held to be valid because made by a British subject, but that if deceased had been domiciled in Turkey he could have made no will. (Phillimore on Domicile, page 151.) This merely serves as an illustration.

Section 4 of the bill preserves "the right of inheritance or succession to real or personal property in any State;" but that cannot control the direction of personal property abroad, which follows the domicile, and, as I have shown, this may apply to realty also. Suppose an American residing in a foreign land, either from ill health or other cause, fails to register within the six months after the foreign domicile is acquired, his children born subsequent to this domicile are not during their minority to be citizens of the United States, and their persons and property abroad not to be protected because the father was not a citizen of the United States *residing in* and *subject to the jurisdiction of the United States* at the time of their birth.

Is it not best to look these consequences in the face in fixing any limit to that citizenship which either as birthright or boon is held so precious by every people?

The gentleman from New York [Mr. HALE] praised never too warmly the zealous protection which England never yet failed to demand for her citizens. No blood of hers was ever too dear to be shed for the humblest of them. Right proudly has our own country vindicated its honor wherever the liberties of those entitled to its protection were in danger, and I speak for all my colleagues of the committee when I say that no bill will emanate from it which trenches a hair's breadth upon the privileges of any American citizen. The object of the bill was to render them still dearer, but where the question of renunciation of allegiance is one of *intent*, it is a very delicate one to prescribe by law. The commission appointed by Queen Victoria in 1868, of which Lord Tenterden was secretary, reported upon this identical subject as follows:

> We have considered the question whether the acquisition of a foreign domicile, or a certain length of residence abroad, should divest a person of British nationality. We have not been able to satisfy ourselves that either continued residence or domicile could be practically adopted as a rule to determine the allegiance of the subject, having regard to the difficulties which attend the definition of domicile, and proof of the fact, and also to the great diversity of circumstances under which men reside in foreign countries.

Indeed, it is well established that as on the one hand *expatriation* may be at once consummated by the acts and avowal of the party, on the other hand no length of absence will necessarily give the right to infer it in the absence of such acts or avowal. Secretary Fish properly states the law to be that "the citizen may reside abroad for an indefinite period; he may acquire a commercial or a civil domicile there; but if he do so, sincerely and *bona fide, animo revertendi*, and do nothing inconsistent with his pre-existing allegiance, he will not thereby have taken any step toward self-expatriation."

In the case of the Charming Betsey (2 Cranch, 120) Chief Justice Marshall said:

> The American citizen who goes into a foreign country, although he owes local and temporary allegiance to that country, is yet, if he performs no other act changing his condition, entitled to the protection of our Government.

If, then, a new principle is to be established; if a definition of intent to renounce allegiance is to be fixed by metes and bounds of time, certainly two years' residence abroad in one country is too short a time to justify such a presumption. As I have said, our naturalization laws require a residence of five years in the United States, except in the single instance of service in the Army or Navy, before any foreigner, no matter how desirous of it he may be, can be invested with our citizenship. Why, if at all, should we cast off this adopted citizen? Above all, why should we disclaim the native-born—both being guaranteed protection alike—in less time than we prescribe for a foreigner to put on the robes of our citizenship? No matter how many years an alien may have resided in the United States he shall, two years before becoming entitled to citizenship, declare his intention to "renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty whatever, and particularly, by name, the prince, potentate, state, or sovereignty whereof such alien may, *at the time*, be a citizen or subject;" and he is by the law denominated an "alien" until his final naturalization. So that we recognize for aliens a citizenship of birth or adoption under circumstances where it is proposed to deny it to Americans. The intimation seems to be that this term of two years is named because several of our treaties with foreign powers have designated it. This is a mistake. By most of these treaties citizens of one nationality are deemed and taken to have become citizens of the other by a continuous residence of five years in the territories of the other and by naturalization, and are to be treated as such. Naturalization alone is required in several. It is true that by the treaties with Bavaria, Denmark, Hesse, Mexico, the North German Union, Sweden and Norway, and Würtemberg the intent not to return *may be held* to exist when the person naturalized in the one country resides more that two years in the land of his nativity, but no limit is placed on a native-born and none on a naturalized citizen when abroad except upon a renewed residence *in the land of his birth*. It will be noticed that England in her treaty with us claimed no such resumption of British nationality, and only stipulated for it with us, where the native-born of either country after naturalization in the other should *publicly* renounce such naturalization, and elect to resume his original nationality within two years from the conclusion of the treaty.

In La Virginie (5 Robinson) Sir William Scott declared, what has ever since been recognized as law, that—

> It is also to be remembered that the native character easily reverts, and that it requires fewer circumstances to constitute a domicile in the case of the native subject than to impress a national character on one who is originally of another country.

This doctrine, no doubt, caused the exception in the treaties alluded to. They are now binding, and I do not propose to discuss them. In these cases, and these alone, it will be impossible to give that equal protection to native and naturalized which the act of 1868 calls for. It is not likely to produce any hardship; but I earnestly protest against the establishment of a general law to conform to this exception. Prussia, I believe, is the only country which denationalizes its citizens for absence from her dominions, and by her laws it takes ten years of such absence to deprive them of their citizenship.

The case of Martin Koszta, a Hungarian by birth, is often quoted as one where we afforded protection in another country to one who was not our citizen, claiming that he had absolved himself of his native allegiance. Koszta, however, had declared his intention to become a citizen of the United States. Even this would not have justified our interference in his behalf had he returned to Austrian territory. He was kidnaped from Turkish soil, whither he had gone in an American vessel and while under the protection of the American consulate. Commander Ingraham demanded and obtained his surrender from the Austrian vessel which was about to carry him away. Secretary Marcy approved and the whole nation applauded the act, because Koszta had acquired a domicile here entitling him to the protection of our flag unless upon a return to the domicile of his nativity. But in the case of Simon Tousig, which arose shortly afterward, Mr. Marcy refused to interfere, holding that, not being a citizen of the United States, his passport was improperly granted and did not protect him upon his voluntary return to Austria, of which country he was a subject. The case of Koszta, there is little doubt, caused the insertion of a stipulation in most of our treaties made since with the powers of continental Europe, that "the declaration of an intention to become a citizen of the one or the other country has not for either party the effect of naturalization."

The right of expatriation we have so successfully asserted is the right of *voluntary* expatriation, a question of *intent* in each case, very difficult to measure by a general law. It may be well, in the interest of Americans resident for any cause in a foreign land, as well as in the interest of the Government, to prescribe that an annual or biennial registry at one of our consulates shall act as a continued assertion of their allegiance, but I fear it would work great injustice to make the absence of such registry an act of expatriation or renunciation of allegiance until their return. Certainly it would if the little lapse of time named in the bill could cause such a result.

Love of country is nearest to the heart; citizenship in all lands is held sacred. In America it is a pearl without price, which untold thousands are seeking and few are found willing to renounce.

Let us carefully reconsider the delicate question involved in this discussion, lest by any act of ours we impair the value of American citizenship.

[Mr. CONGER obtained leave to print remarks on the bill relative to rights of citizens.] (See Appendix.)

Mr. SCHUMAKER, of New York. The gentleman from Massachusetts [Mr. E. R. HOAR] promised me a few minutes to speak on this subject.

The SPEAKER. The gentleman from Massachusetts, who had charge of the bill, withdrew the motion to reconsider on Saturday by unanimous consent.

Mr. SCHUMAKER, of New York. Is it probable that the bill will ever come up again for discussion?

The SPEAKER. The Chair is not advised on that point. The gentleman from Massachusetts can perhaps answer.

Mr. SCHUMAKER, of New York. I would like to know what was the object of the gentleman in withdrawing the bill and having it referred again to the committee.

Mr. E. R. HOAR. The principal reason for the withdrawal of the bill was that whereas the committee proposed quite a number of amendments which were printed with the bill, the House seemed to be discussing various propositions that could not arise.

Mr. SCHUMAKER, of New York. The gentleman from Massachusetts handed me a few days ago a copy of the amendments agreed to by the committee, and I proposed to discuss those when I came to speak upon the bill. I understood the gentleman to say that there were but three persons who desired to speak on the question, the gentleman from Pennsylvania, [Mr. MYERS,] myself, and another gentleman whose name I have forgotten.

Mr. E. R. HOAR. The number was increasing. At any rate, the present position of the bill is that it has gone back to the committee.

Mr. SCHUMAKER, of New York. Will it be reported again?

Mr. E. R. HOAR. I have no knowledge on that point; that will be for the committee to determine. I am very sorry if the gentleman has lost the opportunity to deliver his speech. I would move that he be allowed to print his remarks.

Mr. SCHUMAKER, of New York. I do not want that privilege; but I did want to say a few words on the bill. Is there no chance, Mr. Speaker, for me to get off my speech?

The SPEAKER. There may be hereafter, but the Chair can give the gentleman no assurance on that point.

JUDICIAL PROCEEDINGS IN UTAH.

The House resumed the consideration of the bill (H. R. No. 3097) reported by Mr. POLAND, from the Committee on the Judiciary, entitled "A bill in relation to courts and judicial officers in the Territory of Utah."

Mr. CROUNSE. Is this bill presented for action at the present time?

The SPEAKER. The Chair is not advised.

Mr. POLAND. It is reported for action.

The SPEAKER. The House gave the Judiciary Committee authority to report on this subject at any time.

Mr. CROUNSE. I understand, then, that it is the purpose of the gentleman from Vermont [Mr. POLAND] to press the bill for action at this time. If so, I wish to raise a point of order upon it which may obviate the necessity of reading the bill at length. The bill provides for the creation of new offices and for the appropriation of money, which fact I understand would necessarily require the bill to go to the Committee of the Whole.

The SPEAKER. It is the impression of the Chair that the committee had the right to report the bill for consideration in the House.

Mr. CROUNSE. I do not so understand; I would like to have the record on that point referred to.

Mr. POLAND. The gentleman is entirely mistaken in his assumption of facts.

The SPEAKER. The bill will be read.

Mr. CROUNSE. One word before the bill is read.

The SPEAKER. It must be read in any event before the Chair can rule.

The bill was read, as follows:

Be it enacted, &c., That it shall be the duty of the United States marshal of the Territory of Utah, in person or by deputy, to attend all sessions of the supreme and district courts in said Territory, and to serve and execute all process and writs issued out of, and all orders, judgments, and decrees made by, said courts, or by any judge thereof, unless said court or judge shall otherwise order in any particular case. All process, writs, or other papers left with said marshal, or either of his deputies, shall be served without delay, and in the order in which they are received, upon payment or tender of his legal fees therefor; and it shall be unlawful for said marshal to demand or receive mileage for any greater distance than the actual distance by the usual routes from the county seat of the county in which the service is to be made or process executed to the place of service or execution of process, writ, or other paper; except that when it shall be necessary to convey any person arrested by legal authority out of the county in which he is arrested, said marshal shall be entitled to mileage for the whole distance necessarily traveled in delivering the person so arrested before the court or officer ordering such arrest. Said marshal is hereby authorized to appoint as many deputies as may be necessary, each of whom shall have authority, in the name of said marshal, to perform any act with like effect and in like manner as said marshal. Such appointment shall not be complete until he shall give bond to said marshal, with sureties to be by him approved, in the penal sum of $10,000, conditioned for the faithful discharge of his duties; and he shall also take and subscribe the same oath prescribed by law to be taken by said marshal; and said appointment, bond, and oath shall be filed and remain in the office of the clerk of the supreme court of said Territory. In actions brought against said marshal for the misfeasance or non-feasance of any deputy, it shall be lawful for the plaintiff, at his option, to join the said deputy and the sureties on his bond with said marshal and his sureties.

SEC. 2. That it shall be the duty of the United States attorney in said Territory, in person or by an assistant, to attend all the courts of record having jurisdiction of offenses as well under the laws of said Territory as of the United States, and perform the duties of prosecuting officer in all criminal cases arising in said courts; and he is hereby authorized to appoint as many assistants as may be necessary, each of whom shall subscribe the same oath as is prescribed by law for said United States attorney; and the said appointment and oath shall be filed and remain in the office of the clerk of the supreme court of said Territory. The United States attorney shall be entitled to the same fees for services rendered by said assistants as he would be entitled to for the same services if rendered by himself.

SEC. 3. That there shall be held in each year two terms of the supreme court of said Territory, and four terms of each district court at such times as the governor of the Territory may by proclamation fix. The district courts shall have exclusive original jurisdiction in all suits or proceedings in chancery, and in all actions at law in which the sum or value of the thing in controversy shall be $300 or upward, and in all controversies where the title, possession, or boundaries of land, or mines or mining claims shall be in dispute, whatever their value, except in actions for forcible entry or forcible or unlawful detainer; and they shall have jurisdiction in suits for divorce. When a bill is filed by a woman to declare a marriage or pretended marriage void, on account of a previous subsisting marriage of the defendant to another woman, the court or judge thereof may grant such reasonable sum for alimony and counsel fees as the circumstances of the case will justify, and may likewise, by final decree, make such allowance for the maintenance of the complainant and her children by the defendant as may be just and reasonable. And whenever, in any proceeding for divorce, or in any civil cause, or in any criminal prosecution, it is necessary to prove the existence of the marriage relation between two persons, it shall not be necessary to prove the same by the production of any record or certificate of the marriage, but evidence of cohabitation between the parties as husband and wife, and the acts, conduct, declarations, and admissions of the parties shall be admissible, and the marriage may be established like any question of fact. Probate courts, in their respective counties, shall have jurisdiction in the settlement of the estates of decedents, and in matters of guardianship and other like matters; but otherwise they shall have no civil, chancery, or criminal jurisdiction whatever; they shall have jurisdiction of suits of divorce for statutory causes concurrently with the district courts; but any defendant in a suit for divorce commenced in a probate court shall be entitled, after appearance and before plea or answer, to have said suit removed to the district court having jurisdiction, when said suit shall proceed in like manner as if originally commenced in said district court. All judgments and decrees heretofore rendered by the probate courts which have been executed, and the time to appeal from which has by the existing laws of said Territory expired, are hereby validated and confirmed. The jurisdiction heretofore conferred upon justices of the peace by the organic act of said Territory is extended to all cases where the debt or sum claimed shall be less than $300. From all final judgments of justices of the peace an appeal shall be allowed to the district courts of their respective districts, in the same manner as is now provided by the laws of said Territory for appeals to the probate courts; and from the judgments of the probate courts an appeal shall lie to the district court of the district embracing the county in which such probate court is held in such cases and in such manner as the supreme court of said Territory may, by general rules framed for that purpose, specify and designate, and such appeal shall vacate the judgment appealed from, and the case shall be tried *de novo* in the appellate court. Appeals may be taken from both justices' and probate courts to the district court of their respective districts in cases where judgments have been heretofore rendered and remain unexecuted; but this provision shall not enlarge the time for taking an appeal beyond the periods now allowed by the existing laws of said Territory for taking appeals. Whenever the condition of the business in the district court of any district is such that the judge of the district is unable to do the same, he may request the judge of either of the other districts to assist him, and, upon such request made, the judge so requested may hold the whole or part of any term, or any branch thereof, and his acts as such judge shall be of equal force as if he were duly assigned to hold the courts in such district.

SEC. 4. That within sixty days after the passage of this act, and annually thereafter, the governor of the Territory shall appoint in each county two male citizens of the United States, who shall have resided in such county for one year next preceding, who, with the sheriff of such county, shall constitute a board of jury commissioners for such county, and the commissioners appointed by the governor shall hold their offices for one year and until others shall be appointed in their stead. The governor shall by proclamation fix a time and place for the meeting of such commissioners in each county, and at the time and place so fixed each of such boards shall proceed to make a list, which shall contain the names and residences of all the male citizens of the United States who have resided within such county for six months next preceding, who are above twenty-one years of age and who can read and write in the English language; and when said list is completed, it shall be duly certified by such commissioners and returned to the clerk of the district court of the district in which such county is situated; and the lists thus furnished shall constitute a jury-list, from which shall be drawn all grand and petit jurors to serve in the district courts for the year next following. And the said commissioners shall be paid five dollars a day for each day's service as such commissioners and ten cents a mile for necessary travel, and their accounts shall be audited by the governor, and the governor shall draw orders on the treasurer of the Territory for the amount, which shall be paid by him out of any money in the territorial treasury. Whenever a grand or petit jury is to be drawn to serve at any term of a district court, the judge of such district shall give public notice of the time and place of the drawing of such jury, which shall be at least twelve days before the commencement of such term; and on the day and at the place thus fixed the judge of such district shall hold an open session of his court, and shall preside at the drawing of such jury; and the clerk of such court shall write the name of each person on the jury-lists returned and filed in his office upon a separate slip of paper as nearly as practicable of the same size and form, and all such slips shall, by the clerk in open court, be placed in a covered box, and thoroughly mixed and mingled; and thereupon the United States marshal, or his deputy, shall proceed to fairly draw by lot from said box such number of names as may have previously been directed by said judge; and if both a grand and petit jury are to drawn, the grand jury shall be drawn first; and when the drawing shall have been concluded, the clerk of the district court shall issue a *venire* to the marshal or his deputy, directing him to summon the persons so drawn, and the same shall be duly served on each of the persons so drawn at least seven days before the commencement of the term at which they are to serve; and the jurors so drawn and summoned shall constitute the regular grand and petit juries for the term for all cases. And the names thus drawn from the box by the clerk shall not be returned to or again placed in said box until a new jury-list shall be made. If during any term of the district court any additional grand or petit jurors shall be necessary, the same shall be drawn from said box by the United States marshal in open court; but if the attendance of those drawn cannot be obtained in a reasonable time other names may be drawn in the same manner. Each party, whether in civil or criminal cases, shall be allowed three peremptory challenges; and in the trial of any prosecution for adultery, bigamy, or polygamy it shall be a good cause of principal challenge to any juror that he practices polygamy or that he believes in the rightfulness of the same. In criminal cases, the court, and not the jury, shall pronounce the punishment, under the limitation prescribed by law. The grand jury must inquire into the case of every person imprisoned within the district on a criminal charge and not indicted; into the condition and management of the public prisons within the district; and into the willful and corrupt misconduct in office of public officers of every description within the district; and they are also entitled to free access, at all reasonable times, to the public prisons, and to the examination, without charge, of all public records within the district.

SEC. 5. That there shall be appointed by the governor of said Territory one or more notaries public for each organized county, whose term of office shall be two years and until their successors shall be appointed and qualified. The act of the Legislative Assembly of the Territory of Utah entitled "An act concerning notaries public," approved January 17, 1866, is hereby approved, except the first section thereof, which is hereby disapproved: *Provided*, That wherever in said act the words "probate judge" or "clerk of the probate court" are used, the words "secretary of the Territory" shall be substituted.

SEC. 6. That the supreme court of said Territory is hereby authorized to appoint commissioners of said court, who shall have and exercise all the duties of commissioners of the circuit courts of the United States, and to take acknowledgments of bail, &c.; and in addition they shall have the same authority as examining and committing magistrates in all cases arising under the laws of said Territory as is now possessed by justices of the peace in said Territory.

SEC. 7. That the common law of England, as the same is defined and modified by the courts of last resort in those States of the United States where the common law prevails, shall be the rule of decision in all the courts of said Territory so far as it is not repugnant to or inconsistent with the Constitution and laws of the United States and the existing statutes of said Territory.

SEC. 8. That the act of the territorial Legislature of the Territory of Utah entitled "An act in relation to marshals and attorneys," approved March 3, 1852, and all laws of said Territory inconsistent with the provisions of this act, are hereby disapproved. The act of the Congress of the United States entitled "An act to regulate the fees and costs to be allowed clerks, marshals, and attorneys of the circuit and district courts of the United States, and for other purposes," approved February 26, 1853, is extended over and shall apply to the fees of like officers in said Territory of Utah.

Mr. CROUNSE. I now renew my point of order upon this bill.

Mr. KELLEY. I move that the House resolve itself into the Committee of the Whole for the consideration of the centennial bill, which was made a special order for to-day.

Mr. POLAND. I do not yield. I am aware of the ruling the Speaker made on a bill in some respects like this. The parliamentary law the Speaker laid down I quite agree is correct. It was not the fault of the Speaker, but what was said by gentlemen in reference to that bill was unfounded in point of fact. It is unfounded in point of fact so far as this bill is concerned. It is not open to any such objection as was made to the other bill and as is made to this bill. The first section provides the marshal of the Territory may appoint some deputies, who shall receive the same fees for serving process the marshal would receive if he served it. The second section provides the district attorney may appoint some assistants, and if they perform any service they shall have the same fees the attorney himself would have. It merely authorizes these two officers to have servants to do a part of their official duty; it adds not a cent to the expense put on the Government. They are paid, if I may so speak, by the piece. They have fees for certain specific services. The law now gives them all to one man. This bill merely authorizes him to employ some servants to perform a part of that service; so that it is not open at all to the objection which was made. And the Speaker was misled in relation to what was said about its creating new offices, which would be a new tax and an additional expense to the Treasury. I certainly do not desire to embarrass the Speaker at all in reference to the ruling he made.

Mr. CROUNSE. Mr. Speaker, this point of order was pretty thoroughly considered at the time this bill, or a similar bill, came from the Committee on the Territories. Several objections were then raised, among which was this one: that the bill provides for the appointment of deputy marshals and deputy district attorneys, and it was urged by the gentleman from Massachusetts [Mr. G. F. HOAR] that these appointments carried with them the fact that these officers must be paid and provision made by appropriation for their salaries. It does not necessarily follow because they are appointed to discharge certain duties in that Territory their fees must be the same which obtain in any other State or Territory.

The Speaker, too, very justly remarked that an amendment would be germane, whether the bill was silent on the subject or not, as to the rate of fees which were to be fixed; that whether the fees were fixed in the bill or not an amendment would be germane changing the manner of fixing the fees or changing the amount of the fees to be charged. If so, then there can be no doubt it would provide for taking money out of the Treasury of the United States, which would of itself make the bill liable to the point of order.

But, in addition to this, there is a change in this bill which may have escaped the attention of the House. It is this. It transfers into the hands of the United States district attorney and of the United States marshal not only the business which pertains to those offices now, not only that which pertains under any law of the United States, but that under every law on the statute-book of the Territory of Utah, or under any law which may be enacted there. Let it be assault or battery, let it be a selling of liquor against the license law of the Territory of Utah, no matter, indeed, what the offense may be, it provides that in the trial of all such cases the United States attorney shall appear there and prosecute under the laws of the Territory of Utah. It also provides that the marshal shall act as sheriff; that he and his deputies shall swarm through the entire Territory to discharge the duty of sheriff. This people in Utah are not to be allowed the privilege of saying who shall serve their processes or what officers shall prosecute these several cases under their own laws. You will therefore see it necessarily entails upon the United States the payment of a large bill of fees, the same fees which are provided for in disposing of cases where they violate the laws of the United States solely. The same fees are to obtain in every case, whether it be a simple assault and battery case where the fine is five dollars or not. There the United States marshal will be entitled to the exorbitant fees which are provided for, and the United States district attorney will have the exorbitant fees now provided for, or as much greater fees as this House may choose to fix. In this very item it involves the expenditure, I venture to say, of hundreds of thousands of dollars. This bill has been pressed forward by the United States attorney out there, who has been away from his business for long months working in and around this House.

Mr. POLAND. I should like to ask whether the general merits of the bill are open to discussion under a point of order?

Mr. CROUNSE. I will pass from that.

Mr. SCHUMAKER, of New York. Does the gentleman from Nebraska say that the mileage of the marshal will be more than that of a constable or sheriff, or any other officer who is to perform these duties?

Mr. MILLS. I will answer the gentleman that it will be.

Mr. SCHUMAKER, of New York. I say respectfully to the gentleman that he is mistaken.

Mr. MILLS. I will tell you why it is.

Mr. SCHUMAKER, of New York. It is the same mileage precisely.

Mr. CROUNSE. Let me be understood. In ordinary cases these are now to be paid by parties in counties of Utah, but under this bill the fees of whatever character are to be paid by the United States.

Mr. SCHUMAKER, of New York. Yes; but it is relatively the same; the same per mile, and the same percentage. If a county were three hundred miles long it would be the same there as three hundred miles in a Territory.

Mr. MILLS. The same per mile.

Mr. SCHUMAKER, of New York. There are counties in the State of New York one hundred miles long.

Mr. CROUNSE. The bill provides that "the United States attorney shall be entitled to the same fees for services rendered by said assistants as he would be entitled to for the same services if rendered by himself." To that provision of the bill it would be germane for any member to move that the United States attorney should be entitled to double the amount of these fees, or to half the amount.

Mr. POLAND. I withdraw the bill for the present.

SUMNER MEMORIAL ADDRESSES.

Mr. DONNAN, from the Committee on Printing, reported the following concurrent resolution:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed three thousand copies for the use of the Senate and five thousand copies for the use of the House of Representatives of the addresses made in the Senate and in the House of Representatives upon the death of Hon. Charles Sumner, and that the Secretary have printed the portrait of Mr. Sumner to accompany the same.

The resolution was adopted.

Mr. DONNAN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORTS ON IMMIGRATION.

Mr. DONNAN. On Friday last the House ordered the printing of three thousand additional copies of the letter of the Secretary of the Treasury of January 21, 1874, with accompanying reports, concerning the immigration service. The Public Printer reports that it is necessary to reset the type, so that the printing will cost more than the $500, which is the limit of the printing that may be ordered by the House without the concurrence of the Senate. I ask unanimous consent that the Clerk be permitted so to alter the form of the resolution that it shall be a concurrent resolution and that it shall be sent to the Senate.

There was no objection, and it was so ordered.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. CONGER. I ask unanimous consent that the river and harbor appropriation bill now in the Committee on Appropriations be reprinted.

There was no objection, and it was so ordered.

CENTENNIAL CELEBRATION.

Mr. KELLEY. I move that the House resolve itself into Committee of the Whole for the consideration of the centennial-celebration bill, which has been made a special order in Committee of the Whole for to-day.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. HOSKINS in the chair,) and proceeded to consider the bill (H. R. No. 2986) to appropriate $3,000,000 in aid of the centennial celebration and international exhibition of 1876.

The CHAIRMAN. The bill will be read.

The bill was read. It appropriates the sum of $3,000,000, or so much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated, toward defraying the expenses of the national centennial celebration and international exhibition, to be held under the auspices of the Government of the United States in the year 1876, as provided for in the act of Congress approved March 3, 1871, entitled "An act to provide for celebrating the one hundredth anniversary of American independence, by holding an international exhibition of arts, manufactures, and products of the soil and mines, in the city of Philadelphia, and State of Pennsylvania, in the year 1876," and the act approved June 1, 1872, entitled "An act relative to the centennial international exhibition to be held in the city of Philadelphia, State of Pennsylvania, in the year 1876;" said $3,000,000 to be drawn from the Treasury and applied as follows: Whenever it shall be certified to the Secretary of the Treasury by an officer of the United States Engineer Corps, to be detailed for the purpose as hereinafter provided, that the sum of $100,000 or more shall have been expended in the erection of buildings, preparation of the grounds, or other necessary expenditures for said celebration and exhibition, by the corporations created by the acts hereinbefore referred to, the Secretary of the Treasury is thereby authorized to issue a warrant to the Treasurer of the United States in favor of the president of the centennial board of finance created by the said act of Congress of June 1, 1872, for the payment of a sum equal to 40 per cent. of the sum so certified to have been expended; provided, however, that no part of the money thereby appropriated shall be paid as compensation to or for the personal expenses of the centennial commissioners or directors of the centennial board of finance.

The bill in its second section authorizes the President of the United States to detail, from the Engineer Corps of the Army, a competent officer, whose duty it shall be to take an account of the expenditures for the preparation of the grounds, the erection of the buildings, and other necessary expenses for said celebration and exhibition, and at the close of each month to certify the same to the Secretary of the Treasury as thereinbefore provided. No part of the money therein appropriated shall be paid prior to the 1st day of July, 1874, and no more than $2,000,000 shall be paid during the fiscal year ending June 30, 1875, and the remainder of said $3,000,000 shall be paid during the fiscal year ending June 30, 1876.

Mr. KELLEY. Mr. Chairman, I am suffering so extremely from pain and debility that I must ask the gentlemen of the committee to give me a quiet hearing on what I regard as a great cause, relating equally not only to every State, but to each congressional district in every State. The bill proposes a small appropriation in aid of a measure to which the national honor has been committed by both the legislative and the executive departments of the Government.

The question is not a new one. Congress committed itself upon it by the act of March 3, 1871, which provided for "holding an international exhibition of arts, manufactures, and products of the soil and mine," and required the President to appoint a commission consisting of one member from each State and each Territory to prepare and superintend the execution of a plan for holding the exhibition. The title of that bill is:

An act to provide for celebrating the one hundredth anniversary of American independence, by holding an international exhibition of arts, manufactures, and products of the soil and mine, in the city of Philadelphia, and State of Pennsylvania, in the year 1876.

The preamble provides that the events of which the centennial period will then recur—

Shall be commemorated by an exhibition of the natural resources of the country and their development, and of its progress in those arts which benefit mankind in comparison with those of older nations.

The first section provides—

That an exhibition of American and foreign arts, products, and manufactures shall be held.

Section 6 directs the commission, which the act authorizes the President to appoint, to make certain regulations; and among others—

The requisite custom-house regulations for the introduction into this country of the articles from foreign countries intended for exhibition.

And the eighth section, among other things, provided that—

The President shall, through the Department of State, make proclamation of the same, setting forth the time at which the exhibition will open and the place at which it will be held; and he shall communicate to the diplomatic representatives of all nations copies of the same, together with such regulations as may be adopted by the commissioners for publication in their respective countries.

But is this all Congress has done? No, sir. By the act of June 1, 1872, it reaffirmed the act to which I have referred and affirmed all that the commissioners and the Government had done in pursuance of its provisions. It also further provided the manner in which the people should contribute funds in aid of the international exhibition it had provided for.

So far has the legislative department of the Government gone. How far has the executive department gone? First, the President has constituted the commission, and transmitted its first and second annual reports to Congress. Second, he has by his proclamation of July 3, 1873, announced to the nations of the world the action of Congress and the results of the labors of the commission so far as the selection of the site for and the time of opening and closing the international exhibition were concerned, and cordially commended it to the consideration of all nations. Third, he has through the State Department communicated his proclamation and the regulations established by the commission to all nations with which we have diplomatic or consular relations, in terms so cordial that thirteen of them have accepted the nation's invitation and promised to be present and participate in the commemoration of the one hundredth anniversary of its independence by participating in the exhibition. And the artists, the manufacturers, and citizens of other countries have manifested their interest in it and their desire to exhibit to our people their best productions in competition with our best productions. The governments that have accepted the invitation are Belgium, the Netherlands, Germany, Switzerland, Ecuador, Chili, the Argentine Confederation, Brazil, Hayti, Liberia, Hawaii, Mexico, and Sweden. In addition to this list of acceptances, says the secretary of the commission in a communication of April 30, "we have communications from citizens, artists, and manufacturers in France, England, Scotland, Wales, Italy, Spain, Turkey, Austria, Russia, Egypt, China, Japan, Australia, New Zealand, and Canada, indicating their interest in the exhibition and their purpose to be represented." To this list I am now authorized to add Persia.

And, sir, lastly the President, on the 25th of February last, by a special message to the two Houses of Congress, invoked national aid for the project, saying that "a failure in this enterprise would be deplorable."

In view of these commitments before the world can we recede, or in view of the fact that the exhibition is to be under the eye of the world, can we permit it to be shorn of any dimension or attribute demanded by the dignity and honor of our country? I think we cannot, and I do not believe that Congress will agree that it shall be. I have said that the bill proposes a small appropriation. Three million dollars sounds like a large sum, yet I am justified in speaking of it as a small appropriation for this great enterprise by the remarks of my distinguished friend from Maine, [Mr. HALE,] who on former occasions admonished you that the commission would come here clamoring for $10,000,000, and others here and elsewhere have named much larger sums. It is small, sir, when tested by what Pennsylvania and her people and municipalities have done. They have already provided a much larger sum in support of the national honor thus widely and repeatedly committed. It is small in comparison with what France has appropriated for either of her international exhibitions, and what the government of England applied to either of hers. And it is infinitely small in comparison with the expenditure made by the government of Austria in support of the late exhibition at Vienna. Yet, Mr. Chairman, it will be sufficent for the purpose.

I have here an elaborate statement of the expenditures and resources, the cost of the buildings having been calculated from the bids of competent men for the work of construction. It is as follows:

CENTENNIAL EXHIBITION, PHILADELPHIA, 1876.

Statement of estimated expenses and receipts and cost of buildings, based upon bids actually received for the work:

Main pavilion.

Built upon the plan of Messrs. Vaux & Radford, of New York, and including within itself offices for the management, foreign and State commissioners, sanitary arrangements, and restaurants, which at many other exhibitions have required separate buildings:

First. If constructed with the principal arches, the roof purlins, and the gables in wood, but lined inside with galvanized iron to the height of sixty feet, and with the roof covered with corrugated iron, the cost will be $103,996 per acre.

For a building covering thirty acres we have total cost, at $103,996 per acre, exclusive of contingencies	$3,119,880

Second. If constructed upon the same plan and design, but of reduced dimension, the arches and the framing to be of iron, the roof to be covered with corrugated iron and the interior lining to be of the same material as in No. 1, with fronts of brick, and iron, the cost will be $182,000 per acre.

For a building covering 18.47 acres we have, at $182,000	$3,362,000
*Less, at $25,000	461,750
	2,900,250

Machinery hall.

A separate structure, covering seven acres, built with wrought-iron columns, to carry iron roof-trusses and purlins. Roof covered with corrugated iron, lined with a non-condensing material; walls of brick and iron. The cost will be $128,000 per acre. The amount from the sale of the structure will be $25,000 per acre.

For a building covering seven acres we have, at $128,000	$896,000
Less, at $25,000	175,000
	721,000

Agricultural hall.

A separate building, covering four acres, and similar in construction to the machinery hall.

For a building covering four acres we have, at $128,000	$512,000
Less, at $25,000	100,000
	412,000

Horticultural department.

Conservatory, greenhouse, &c., as per report of the National Centennial Horticultural Society	$200,000

Water supply, drainage, and sewerage.

Sanitary arrangements, &c., exclusive of those in main pavilion	$230,000
Grading of walks, roads, places of waiting for carriages, planting, &c.	300,000
Fencing, railroad communications, and provisionary buildings	200,000
Telegraph, gas, expenses of the building, office, and incidentals for two and a half years	300,000
	1,030,000

Expenses of the general administration.

For three years	$500,000

Summary of expenditures.

Main pavilion	$3,362,000
Machinery hall	896,000
Agricultural hall	512,000
Horticultural department	200,000
Building for the fine arts, painting, statuary, &c.	500,000
Water, gas, grading, fencing, and railroad facilities	1,030,000
General administration	500,000
Add 25 per cent. for errors in estimates and general contingencies	1,750,000
	8,750,000

The building for the fine arts above named is to be created by the State of Pennsylvania and the city of Philadelphia, and for that purpose $1,500,000 has been appropriated. It is to be under the exclusive control of the United States commission, and is to remain as a museum for the State. It is placed in the estimate at the cost of $500,000, because it will save the commission that amount of expenditure. The remaining million will add to the imposing character of the exhibition buildings.

Capital actually secured.

Subscriptions up to the date of former statement, March 16	$1,574,440
Subscribed by citizens of Philadelphia since that date up to April 3	150,000
Additional subscription guaranteed by responsible citizens of Philadelphia	250,000
State of Pennsylvania and city of Philadelphia, for the art building	500,000
Appropriation by ordinance of Philadelphia, April 2, 1874	1,000,000
State of New Jersey	100,000
Total	3,574,440
Proposed contribution by Congress	3,000,000
Total	6,574,440

*The amount to be realized from the sale of the structure will be $25,000 per acre.

Estimated resources.

Additional subscriptions on a programme for Pennsylvania, exclusive of Philadelphia, about $40,000 of which was subscribed before the beginning of the panic, and not included in the above statement	$150,000
Additional subscription in city of Philadelphia	150,000
Subscriptions from New York, New England, the West, and other sections	500,000
Estimated receipts from the exhibition	2,500,000
Sale of materials	500,000
Total receipts	10,374,440
Total expenditures	8,750,000

The above balance may be treated as guaranteeing creditable success.

A. T. GOSHORN,
Director General Centennial Commission.

JOHN WELSH,
President of the Centennial Board of Finances.

VAUX & RADFORD,
Architects.

HENRY PETTIT,
Consulting Engineer United States Centennial Commission.

WASHINGTON, *March* 16, 1874.
Revised April 4, 1874.

Sir, I venture the prediction that the results of this celebration and exhibition will prove that Congress has never made a more productive investment than this $3,000,000 will be. I have said that its influence will be felt in every State and in every congressional district, and I reaffirm it; for it will stimulate our commerce, improve and increase our manufactures, and give new and grand impulses to the agricultural interests of the country.

I have before me a very philosophical work by Daniel Grant, who has recently been chosen to grace the British Parliament. It is entitled "Home Politics or the Growth of Trade," and was published in London in 1870. In the consideration of the varied causes influencing trade and production he takes up that of international exhibitions; and I wish to invite your attention to his statement of the influence of the English exhibitions of 1851 and 1862. He says, on pages 32, 33, and 34:

> Let us now pass to the considerations of the influences that exhibitions are supposed to have exercised on trade. At the opening of the exhibition of 1851 the whole of the circumstances that could produce a successful result were brought freely into play. Imperial pageantry, international courtesy, and diplomatic suavity were all made to aid in the development of a royal idea; and the success of the exhibition, simply as an exhibition, was unequaled. Not only as a mere show was the effort successful; its influence on trade was also very large. For the first time in history nations were invited from all parts of the world to take part in rendering homage to mere commercial pursuits; and for the first time it was proclaimed as a principle that trade was paramount. Dreams of universal peace and universal brotherhood were largely indulged in, until they were disturbed by the rude utterances of war.
>
> Yet with all this there were some results that were left unchallenged. The exhibition ennobled commerce; men from various parts of the world had learned to look upon trade, and more particularly English trade, from a point of view they had never previously approached, and the result was that trading relations were not only cemented, but extended. The ideas associated with our palace of industry were those of royalty, wealth, and elegance, and all these were aided by the very structure of the building, as it rose in its fragile beauty, spanning the noble trees and looking out to the clear sky beyond. To ourselves as well as to others it was a great lesson, the influence of which has not yet died out. It taught us not only what we could, but what we could not do, and it placed before us by illustrations, stronger than any language, how much inferior our art productions were to those of our compeers; and from that teaching has emanated our South Kensington museum and our present demand for technical education.
>
> All these things influence trade, both directly and indirectly. In an earlier part of this chapter it was pointed out that the personal knowledge of buyer and seller forms an important link in the growth of trade, and in one sense the first exhibition aided this. Men who for years had known each other by name came to know each other as a matter of fact, and thus built up relations that produced a mutual good. The mere prestige of the "world's bazaar" brought men from every quarter of the habitable world, and they carried away with them to their distant homes the memory of English productions that bore fruit then and has borne fruit since. At the time, among the whole of our manufacturers, it was recognized as an unchallengeable fact, that the exhibition had stimulated trade, that orders were plentiful, and that its success was great.
>
> The statistics do more than bear this point out, the bound in our exports is both clear and decisive. It will be necessary to notice here that the direct results of the exhibition would not be manifest until the year after it closed, and would most probably extend twelve months beyond. If the exhibition did not close until the end of the year the orders given during the time would be delivered partly in the year 1851 and partly in 1852, and the return orders some months later, so that the effects would appear in the following years. The statistics here given show very markedly the growth of our exports at the particular epochs:
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> | | |
> |---|---|
> | Our exports in 1851 were | £74,448,722 |
> | Our exports in 1852 were | 78,076,854 |
> | Our exports in 1853 were | 98,933,781 |
>
> Showing an advance in the two years of £24,485,059.
>
> The same results are apparent in the two years after our second exhibition:
>
> | | |
> |---|---|
> | Our exports in 1862 were | £123,992,264 |
> | Our exports in 1863 were | 146,602,342 |
> | Our exports in 1864 were | 160,449,053 |
>
> Showing an advance in the two years of £36,456,789.
>
> In looking at these figures it must be remembered that the results here manifested embrace the action of other causes besides that of the exhibition. For instance, in 1851 the *furore* of the gold fever in Australia was in full force, and there was also flowing from our shores the great emigration that followed the Irish famine. Both these causes would combine to swell the returns of 1852-'53. At the second exhibition another influence was at work, the results of which are quite as manifest, namely, the operations brought into play in connection with limited liability.

Sir, this exhibition, if commensurate with the resources of the country, will stimulate immigration as no event has ever done. It will also change the character of a vast percentage of the immigrants. It will be largely attended by skilled mechanics and artisans who will come from foreign lands to study the objects to be exhibited. Many hundreds of such must come. A distinguished American exhibitor at Vienna, whose goods went into competition with those of Whitworth and the leading mechanicians and engineers of the world, told me that the exhibition of the productions of his shop had cost him more than $15,000. "How so, sir?" I asked. "Why," said he, "I had to take with me the men most skilled of all in the country for setting up our machine tools; I had also to take with me picked men from our shops to run them while under exhibition, and had to pay their wages as though they had been at work at home, together with their traveling expenses." I put the question to him, "Will such be the case with those who may exhibit at Philadelphia in 1876?" "It must, inevitably," said he. "They could not trust to our young country with undeveloped industries as well as we might have trusted to find competent workmen in the workshops of Europe; they must bring them with them." And, sir, what will be the effect? These men in their native lands can look forward to nothing but work at wages throughout their lives. Let them come here and behold, as they will under one roof, and that roof their daily abode during the months they will remain here, illustrations of the resources of our country lying all undeveloped as they are over the greater part of the country; they will also learn how free our land, mineral and agricultural, is; they will see proofs that oceans of water-power are running to waste in the midst of the vast mineral resources of Virginia, of Carolina, of Alabama, of Georgia, of the Western States, and of the Pacific slope, and you will find organizations of these skilled workingmen ready to go into those rich fields of promise and start little workshops and utilize these resources, these almost untouched fields, incalculable in wealth, where they may hope to rear from little forges and founderies and smithshops vast works such as now characterize our older States, and such as those in other lands in which they acquired their arts, mysteries, and trades.

Nor will the influence of the exhibition be less potent on the agricultural communities of the world. They know nothing of our free lands, and of our progress in civilization, save what they learn through correspondence with those who have boldly ventured before them into what the most of them regard as our untried wilderness. That gentlemen may form something like an adequate estimate of the value of such immigrants, I submit the following remarks from the last annual report of the Chief of the Bureau of Statistics:

> From the foregoing considerations, therefore, the sum of $800 seems to be the full average capital value of each immigrant. At this rate those who landed upon our shores during the year just closed added upward of $285,000,000 to our national wealth, while during the last half century the increment from this source exceeds $6,243,880,800. It is impossible to make an intelligent estimate of the value to the country of those foreign-born citizens who brought their educated minds, their cultivated tastes, their skill in the arts, and their inventive genius. In almost every walk of life their influence has been felt. Alike in the fearful ordeal of war and in the pursuits of peace, in our legislative halls, and in the various learned professions, the adopted sons of America have attained eminence. Among the many who rendered timely aid to our country during the late war, it may seem invidious to mention a single name, except for the purpose of illustration. In 1839 there arrived at the port of New York, in the steamship British Queen, which sailed from the port of London, a Swedish immigrant, better known as Captain John Ericsson. What was his value to the country, as estimated on the 9th day of March, 1862? Was it eight hundred, eight hundred thousand, or eight million dollars?

My hour will be too brief to elaborate this point. The facts are overwhelming. He who will barely consider them must feel that he is invited by this bill to make an investment which shall be remunerative beyond human conception. I may, however, return to this point in another connection.

But I desire to say that while this bill appeals to our cupidity and our hope of the development of our national resources, it appeals to me with far higher, more noble motives. Let us once more remind ourselves and show the world that our old motto, "*E pluribus unum*," still has a vital significance. The American States, as States, have never appeared in an international exhibition. At London, at Paris, at Vienna there was an "American department," containing a few specimens from a few of our States. There was nothing there to tell the people of Europe that we were thirty-seven States in one Union. There was nothing there to tell the visitors at those exhibitions anything of our vast territories and their boundless wealth out of which more States are yet to be carved. It was "the American department."

Here on our own soil, if generous emulation animates us, if we shall be stimulated by that wholesome rivalry which gives warmth to fraternal affection, he who comes from another land will see our political organization and our geography written in the very form and construction of the building. Let us, forgetting all past differences, rally together, breast to breast and heart to heart as a united people, challenging the world to generous controversy. Let us ally ourselves, men of the North and of the South, as our fathers did for war a century ago, and win a peaceful triumph that shall redound to the honor of our country as grandly and enduringly as did the victories achieved in war by our fathers. Let us also make this centennial year a year of jubilee, in which we shall proclaim to the world that though when the century began slavery was coextensive with our whole country, to-day no slave can breathe our atmosphere; that at the close of the bloodiest internecine struggle that history records, or within ten years after its close, there is no state-prisoner within our limits, no citizen under banishment, no citizen disfranchised for aught else than crime not of a political character after conviction by his peers and the judgment of a court of competent jurisdiction. Let

us thus prove to them that republicanism is peace and order and liberty; and that a single century of it, though it has not erased the word treason from our statute-book, has rendered it an obsolete term in the estimation of every American jurist.

These are the ends, the accomplishment of which animates me and the patriotic people of the State I in part represent. And herein, Mr. Chairman, I find the promise of the richest reward and the highest returns the American people will receive from the pitiful appropriation this bill proposes. Mr. Chairman, we are painfully ignorant of each other and of our own material resources. It has been my privilege, for I have rambled far and wide in the hope of restoration to health, to visit and mingle with the people of thirty-four States of our Union and of most of the Territories, and I have learned something more than falls to the lot of most of us of the resources of our country.

We wonder that foreigners do not know more about them, and yet how ignorant we are ourselves. Who upon this floor, not being an Alabamian or a citizen of the Gulf States, can define the four natural, industrial regions into which the State of Alabama is divided? I apprehend that not ten northern men among us know that such well-defined regions exist. Sir, her cotton region, her timber region, her grain region, and her mineral region are each distinct and well defined, and each would be regarded as an empire in itself in Europe.

Who of us twelve years ago had any idea of the marvelous iron regions of the upper lakes? In 1860 I scrutinized, as a matter of curiosity, a specimen of Marquette iron-ore. Last summer, when with my venerable friend Henry C. Carey I visited that region, we stood awe-stricken beside the vast masses of ore that had been uncovered—ore capable, like that of Pilot Knob and of North Carolina, of being converted into Danemora iron, the best bar-iron that Norway or Sweden sends to any country.

Who knows the extent or value of that deposit of coal, which science declares to be more nearly pure carbon than any other that has yet been discovered, which lies in and around Clay County, Indiana, and is alike accessible to the iron-workers of Michigan and Missouri and to the ores from both regions and from Western Pennsylvania? When in 1867 I alluded to these coal-fields, and announced upon this floor that the neighborhood of Brazil, Indiana, was to be the center of an iron region greater than that of England herself, her own Representative interrogated me as to whether I had not fallen into a wild exaggeration. But who that travels through that country now doubts if in little more than five years the whole country side has been blackened with smoke and interlaced with railroads connecting these rich coal and iron fields with the country at large, that ere a generation shall have passed that pure carbon, so accessible to every variety of iron-ore, will have made that region the greatest home of iron and steel workers in this country?

Let me call your attention to a very minute subject. Four years or more ago, as a member of the Committee on Ways and Means, I had to consider the question of taking off the duty on silk-worm eggs—what more minute article of commerce than silk-worm eggs—and we found it to be the fact that France and Italy, from the time of the opening of the Central and Union Pacific Railroads, had imported across our country $20,000,000 worth of these articles scarcely larger than a small needle's eye. The railroad companies had to give bond when they received the articles at the Pacific coast, and then come to Washington to be freed from the bonds when they entered the ship to cross the Atlantic.

Sir, why does that $20,000,000 of produce of China and Japan cross our country? Have we no silk fields? Why, sir, Arkansas is one wide, natural silk field. There is not a bog in the State too damp nor a hill too high to be graced by the mulberry tree. That character of mulberry most cherished in France, Italy, and other European silk-growing countries is indigenous to every part of the State. Gentlemen of the South, you will not doubt this statement, for is there one of your States that may not put your children to work upon the leaves of trees already grown and bring to your States some part of this $20,000,000? Is there one of your States that may not assist in making silk cheap to the people of the whole country by competing in this beautiful industry—the rearing of the worm, its development, and the reeling and spinning of the raw silk?

What gentleman on this floor can tell me where to look in our country for a field of chalcedony more marvelous in its extent and beauty than that which has made the little village of Chalcedon a household word among the lovers of art in every land? Through long centuries that deposit was the sole known bed, and from it the white and almost lustrous clay took its name. Yet, having referred to Arkansas, I turn to her again, and tell you that lying within the flow of the water of her hot springs are beds of chalcedony more pure and more vast than that at Chalcedon.

We, the representatives of the American people, know but little of these things. Why shall we not learn something of our own resources? Why shall not each State, entering into generous rivalry, challenge all others to show an equal display of native resources for works of art or of utility? Why shall not each come forward and show the best productions of its industry, and, though she may have been laggard, give proof that she too is on the march to perfection and triumph; that she too will war, within the bounds of peace, for the ascendency of American art, industry, and commerce?

Sir, about eighteen months ago I happened into Kansas City; and I found an annual county fair had just closed. I read its catalogue of articles exhibited and examined the few remaining specimens. Among them—gentlemen, you may not be prepared to believe it—among them were specimens of lead from more than three hundred distinct deposits. There were also specimens of iron, copper, zinc, nickel, indeed of all the useful ores. And where these are all found there is always a certain percentage of silver and gold. But the useful minerals are a richer treasure to Missouri than mines of gold and silver could be.

Where, sir, let me ask, may we go with surest hope of finding the red ruby and the blue sapphire in greatest purity and size? To no foreign land. Our own fields, scarcely broken, have outrivaled all the exhausted fields of other lands. You go to-day in search of rubies and sapphires to the mountain wilds of North Carolina, and in corundum beds, richer than any others known to the world, you find them in more than their due proportions as reported by science. Who at home or abroad knows these facts? Again I say, shall we not enter into generous rivalry to learn what each of us has to show from our respective State or Territory?

I will not dwell upon the prolific fields of California, of grain or gold. I will not pause to describe the groves that surround her southern homes, around which the orange and the chestnut, strangers in our northern climes, bloom and fructify together; where the olive, the hazel, the English walnut, the fig, the peach, the pear, the plum, hang with the lemon, the lime, and the citron, embowering one home, a visit to which is still fresh in my memory. I leave these in the hope that some gentleman from the Pacific coast will tell the story of their beauty and their affluence. But I pause to say that California has in her mountains—those of San Bernardino—tin mines as vast, as pure, and as easily worked as any mines in the world, of the one metal in which we have been supposed to be deficient. I have seen the ore, the pigs of metal, and the ware manufactured therefrom. And it is only the cost of transportation over the mountains to the sea-side that prevents the working of that wonderful deposit for commercial purposes. That will come one of these days; and nothing would attract the Cornishmen of England to this country so largely as specimens of tin from that wonderful mine.

Who in our whole country, who even that dwells in the particular region, can tell me the mineral deposits, their variety, their extent, their richness, that fill the valleys around Chattanooga? We used to talk of those valleys as in the cotton States. Why, sir, the mineral region—Southwestern Virginia, East Tennessee, Northern Alabama, North Carolina, and Georgia—the mountain regions of those States will be a marvel to the representative of any other mineral district in the world. The richest ores lie there in geological incongruity as though nature, pressed for space in which to put them, had forgotten her own laws when making these deposits.

Come, let us learn something of these things. Foreigners are ready to teach us all they know. It was said to me by one of the gentlemen from the Lower Gulf States, "We have nothing to exhibit." Ah, sir, I reply to him, had you nothing else, you have your capacity of producing the ramie plant. Italy has pledged herself to come and teach you how to work it from the stem to the finished dress at the exhibition. Among the latest applications for space is one which justifies this statement.

Now, gentlemen, see what Austria and Italy propose to do:

> The Austrian minister of education will appeal to the Emperor for authority to make an extensive exhibition of whatever pertains to his department. The Marquis of Bute is arranging a collection of metals and minerals from his estates in Wales and England. From Italy the proposal comes to make an educational and entirely novel exhibition of the *ramie rheea*, or China grass, in all states of its preparation, from the growing plant to the finished material in garments of the finest texture, also mixed with silk-alpaca. As this plant grows most luxuriantly in the Southern States and California, and is a perennial and requires little care after the first two years, it promises to become a most important staple of the United States.

Mr. Chairman, the patience of the House is I fear exhausted, and I am quite sure my own strength is. I would gladly, for my whole soul is involved in giving grandeur to this jubilee year—this year, in which all the world shall find us a united and a happy people, engaged in a strife ever profitable, ever beneficent, for industrial ascendency—ill as I am I would, I say, gladly engage the attention of the House for a longer period; but I must close. In doing so I invoke for this cause the spirit of the distinguished gentleman from Mississippi [Mr. LAMAR] who challenged us to know each other and to love each other; who asked us of the North to cast aside our seeming suspicion and distrust, and who pledged the South to a course of generous and trustful confidence.

Let us have the celebration and exhibition. Let us inaugurate it under the American flag in the neighborhood of Independence Hall, in the midst of scenes that shall revive those memories which would have been our common heritage had the fortunes of war divided us into two peoples. Let us there, under that flag, each in the name of his own State, as I have already said, say to the people of the whole world, "*E pluribus unum.* We are many in one. You may excel any one of us, but in our Union we challenge comparison with all the world besides and will share in common the glory of our country's triumphs."

Mr. HALE, of Maine. Mr. Chairman, I do not rise to reply to what has fallen from the lips of the eloquent gentleman from Pennsylvania [Mr. KELLEY] upon the grandeur of the American Republic, and its wonderful growth in population and wealth and in the arts and sci-

ences. He is always eloquent when so speaking, and I have listened to-day with pleasure, as I always do when he unfolds the glories that our flag covers. But there are certain things, Mr. Chairman, in reference to this appropriation of $3,000,000 which should be presented fairly and candidly to Congress, and fairly and candidly through Congress to the people of the United States.

I rise, sir, to oppose this appropriation. I do it for two general reasons, or rather two things move me and urge me in this direction. In the first place I look at the condition of the country, the financial situation we are now confronting face to face. I behold a depleted Treasury. We have fallen behind since the 1st day of July, 1873. The payment of the public debt, popular over and above all other things to the majority of the American people, has ceased because the revennes have fallen off. I behold looming on the near horizon increased taxation, or if that does not come, Congress has settled that the only way to avoid it is by paring down expenditures on subject-matters which have heretofore been considered indispensable. I behold enterprises of great moment languishing because we cannot "shore" them up and give them a practical Godspeed in money from the public Treasury. I behold, as every man must, a session of Congress in which a large part of the best ability of both Houses concedes that wherever it is practicable to stop the expenditure of money it should be done. Men may differ as to the place, but the proposition I have heard very rarely if ever controverted.

Then, sir, another thing moves me. I was here in this House when this enterprise first saw the light. I remember its feeble days. I remember when a Pennsylvanian introduced it and when it had no friend, and when in order that it might gain congressional recognition, that it might be placed upon the rolls of our statutes as an enterprise that Congress would charter, and no more, as it does hundreds of other things, gentlemen from Pennsylvania joined in the most solemn pledges that if Congress would give this enterprise merely its formal sanction, then it should go no further; and it was incorporated in the body of the law that under no circumstances should Congress ever be called upon for a dollar of money in aid of it. These things, sir, have not been swept from my mind; and remembering them, and hearing as I do day after day the assertion that we should appropriate money because we are committed and have gone too far to return, remembering as I do how we were committed in the other direction, I cannot sit still and allow this measure to be urged, to be teased, to be importuned through the House, and not lift my voice in what I mean shall be fair expostulation.

Sir, what is the record on this project? I call the attention of the House to it. And if gentlemen have not investigated fully and thoroughly as to its history as bearing upon this much-urged proposition that we have gone too far to recede and are committed to pay the bills of the centennial, it is worth while for them to listen to what I will have read from the Clerk's desk showing the history of this enterprise. It came up first in the year 1870, and I ask the attention of the committee to that fact. Mind you, I am going back to the time when its projectors pledged themselves that they never would be here in the attitude of asking money. And, sir, I am not going back to the misty past. I am not going back to a date that is outlawed by the statute of limitations. I am not going back to a time between now and which have elapsed so many years that times have changed and argumentation has changed and action should change. But I go no further back than a little more than three years ago. Probably a fourth of the members of this House were members at that time. I do not know but I am overstating this, but there are a great many gentlemen about me whom I recognize as having been here at that time; and when the record is read they will recall what was then the sentiment of the House. It came in here December 14, 1870. It was reported by Mr. Morrell, of Pennsylvania, a member, and I believe chairman of the Committee on Manufactures. At that time some discussion was raised with reference to the future of the bill, and I ask the Clerk to take volume 82 of the Globe, which I have sent to him, and read from page 108, giving the name of the member who speaks, before he reads certain remarks which were made at that time, indicating the temper both of the House and the projectors of the enterprise.

The Clerk read as follows:

Mr. ALLISON. There is another feature to which I desire to call attention. The gentleman from Pennsylvania [Mr. MYERS] says that it is proposed that Philadelphia and Pennsylvania shall pay the expenses of this exhibition. Now, if that be true, I trust it will be so distinctly declared in this bill.

Mr. BINGHAM. It is.

Mr. WELKER. Where?

Mr. ALLISON. I have examined the bill with some care, and I can find nothing of the kind in it. If we are to incur liability under the bill let us know in advance what that liability is; but I can find nothing in this bill which limits the liability of the United States except that no compensation shall be paid to the commissioners. These are all the suggestions I desire to make in reference to this bill.

Mr. BINGHAM. The gentleman will observe that the eighth section provides that whenever the President shall be informed by the governor of the State of Pennsylvania that provision has been made for the erection of suitable buildings for the purpose, and for the exclusive control by the commission herein provided for of the proposed exhibition, he shall take the action contemplated.

Mr. ALLISON. But the gentleman from Ohio will observe that the State of Pennsylvania and the city authorities of Philadelphia are required to provide only a place for the meeting of this commission.

Mr. WELKER. Will the gentleman from Pennsylvania allow us to put in a proviso that the expenses incurred under this act shall be borne by the State of Pennsylvania?

Mr. MORRELL, of Pennsylvania. I have no objection to that.

Mr. HALE, of Maine. That is all on that point. Here, then, the matter first struck Congress. It was introduced in a bill providing for a commission to manage and control this celebration. But directly attention was called to the fact that there might under this be at some future time a claim for a congressional appropriation—the point was raised by Mr. ALLISON, and Mr. Morrell, managing the bill, stated there that he had no objection to a restriction being put into the bill. We shall see before we get through that it was put in. I have gone back to that discussion because I want to be exhaustive on this point, and I wish gentlemen to see that everybody then who took an interest in this matter repudiated the idea that Congress should ever be called upon to pay a dollar. The bill passed over at that time and came up again on January 4, when the discussion was continued, and one of the Representatives from Philadelphia, my friend Mr. O'NEILL, who sits on my right, made a speech, in which he enunciated the same proposition as to expenditure of money upon this bill, saying in terms that the question of money was a thing that Congress need not give itself any trouble about.

And now, if the Clerk will turn to page 306 of the same volume of the Congressional Globe, volume 82, he will find where the opposition to this future claim upon Congress crystallized itself in the form of an amendment, offered by Mr. SARGENT, of California.

The Clerk read as follows:

Mr. SARGENT. I offer the following amendment to the bill:

In line 2, section 7, strike out all after the word "commissioners" to the end of the section, and insert "or other officers provided by this act, out of the Treasury of the United States."

Mr. HALE, of Maine. There was the proposition made by one of the most able, intelligent, active, and working members of the House, now a Senator from the State of California, to forever put at rest the question of the payment by the Government of salaries connected with this celebration or exposition, or whatever you choose to call it. More or less discussion took place as to the place, as to the general scope; but nothing in any way contravening or qualifying this direct assumption on the part of Congress that no money should ever be paid for the centennial machinery. It came up again on January 16, when final action of the House was had upon the proposition to incorporate this centennial commission. I ask the Clerk to read from pages 422 and 423 what I have marked, in order that the House may see what was the final upshot of the discussion on the birth of this project.

The Clerk read as follows:

The question next recurred on the following, moved as a substitute by Mr. Morrell, of Pennsylvania, for the amendment of Mr. SARGENT:

"Add after the word 'commission' on the ninth line of the seventh section the words:

"*Provided*, That the total sum to be expended by said commission for all purposes whatever shall not exceed $50,000 a year, up to January, 1876, and during the year 1876 shall not exceed $250,000, or a total sum of $500,000 during the entire existence of the commission."

The amendment to the amendment was disagreed to.

The question then recurred on the amendment of Mr. SARGENT, as follows:

"Strike out all after the word 'commissioners' in line 2, section 7, and insert 'or other officers provided by this act, from the Treasury of the United States;' so that it will read:

"SEC. 7. *Be it further enacted*, That no compensation for services shall be paid to the commissioners, or other officers provided by this act, from the Treasury of the United States."

Mr. HALE, of Maine. There the House left it. Now, Mr. Chairman, I call attention to what the Clerk has just read, not only as to the amendment of Mr. SARGENT, cutting off the payment of the expenses of officials, but also—and it is more significant—to the other amendment, offered by the gentleman from Pennsylvania, which the House voted down, that $50,000 per year in all should be expended up to January 1, 1876, and that up to the end of that year not more than $500,000 should be expended. What did the House do with that proposition? Why, it voted it down, sir. It at once sent it from this Hall with its disapprobation stamped upon it. It rejected a proposition involving only $500,000. The gentleman from Pennsylvania [Mr. KELLEY] who has just spoken tells us now that $3,000,000 is a paltry sum, when three years ago the House negatived a proposition that the entire expenses up to the end of 1876 should be half a million dollars. The gentleman's measurement in money differs from that of others. It may be that his ideas have grown as the scheme has advanced. We have seen that from 1870 to 1874 he has leaped from $500,000 to $3,000,000. How far will he leap from 1874 to 1877, when the unpaid bills come in by thousands and millions? As $3,000,000 now is a small, paltry sum to him, $10,000,000 then will be a little thing.

The centennial bill then went to the Senate and there came up, being reported by the senior Senator from Pennsylvania, Mr. CAMERON, upon the 16th of February, 1871. He reported it with an amendment which had been put in in committee, going further than Mr. SARGENT's amendment, and providing that Congress should not be liable for any bills whatever. That is how this project saw the light in the Senate of the United States, a clause having been put in and the senior Senator from Pennsylvania reporting it and asking action on it, that Congress should not be liable to pay any bills. It was discussed, and I ask the Clerk to read the passage I have marked on page 1561 of volume 83 of the Globe.

The Clerk read as follows:

Mr. CAMERON. I only rise to pledge my word that the people of Philadelphia, and it may be the people of Pennsylvania, will give their millions if necessary to

make this exhibition creditable not only to Pennsylvania but to the whole United States.

Mr. CONKLING. Then what do you want an act of Congress for?

Mr. CAMERON. We only ask an act of Congress to give it character.

Mr. HALE, of Maine. That idea was amplified in the discussion.

Mr. MYERS. I would ask the gentleman if the people of Philadelphia and of Pennsylvania have not given their millions?

Mr. HALE, of Maine. The gentleman will have his opportunity to reply to me. Three years ago, when this proposition was ushered into the Senate of the United States, reported by the Senator from Pennsylvania with a clause declaring that Congress should never be liable, upon the question being asked, after that Senator had stated that Pennsylvania and Philadelphia would give millions, why he wanted congressional action, his answer was, "Only to give it character."

Sir, we have here a claim for $3,000,000 within the short space of three years from the time of that declaration. The gentleman from Pennsylvania [Mr. MYERS] asks if Pennsylvania and Philadelphia have not given their millions. Does he mean to take half the promise and violate the other half? The promise was not only that Pennsylvania would give her millions, but that she would free Congress by voluntary subscription from any call, and that all she wanted was "character." Pennsylvania, then, or the exhibition, in the view of the Senator, needed character more than she needed money. To-day she storms the doors of Congress, and forgetful of pledges that to an ordinary man involve in the highest degree human character, she clamors for $3,000,000, forgetting and treading into the dust her promises. Which is needed to-day for this enterprise, character or money?

It passed over, and again came up. I ask the Clerk to read, as showing the sentiment of the Senate, indicated by the observations of a disinterested man, what the view was that obtained there. I ask the Clerk to read, from volume 84, page 1682, of the Globe, the remarks of Mr. SHERMAN, of Ohio.

The Clerk read as follows:

Mr. SHERMAN. I do not think the Senator from Pennsylvania ought to be worried any more about this bill. It simply authorizes the people of Philadelphia, at their own expense, to have a show; and it is a very proper place; and I think that the heart of every American will respond that of all places in this country Philadelphia is the place where this exhibition ought to be held.

Mr. HALE, of Maine. Is any man here so wild that he will tell me that the chairman of the Committee on Finance in the Senate of the United States, who more than any other man there is to-day, as he always is and has been during the time he has held that position, grappling with financial questions—to tell me that JOHN SHERMAN at that time, by any stretch of his imagination, could conceive that the Senator from Pennsylvania, that Members from Pennsylvania in this House, that other gentlemen, would be here within three short years clamoring for three millions of money, when he said that the gentleman from Pennsylvania having charge of the bill need not be concerned, that all Pennsylvania asked for was that they might have a celebration, or "a show"—the word is his, not mine—and that nobody would object to that?

How did that act leave the Senate and Congress? Turn, Mr. Clerk, to page 1762 of volume 84 of the Congressional Globe, and read there what I have marked, showing the manner of this egress from that body.

The Clerk read as follows:

INTERNATIONAL EXHIBITION.

Mr. MORRELL, of Pennsylvania. I ask unanimous consent to take from the Speaker's table the following amendment of the Senate to House bill 1478, to provide for celebrating the hundredth anniversary of American independence, by holding an international exhibition of arts, manufactures, and the products of the soil and mine, in the city of Philadelphia, and State of Pennsylvania, in the year 1876:

Add to the bill the following as an additional section:

Section 7. And the United States shall not be liable for any expense attending said exhibition or by reason of the same.

Mr. REEVES. I object.

Mr. MORRELL, of Pennsylvania. I move to suspend the rules to take up and concur in the Senate amendment.

The House divided; and there were—ayes 88, noes 35.

Mr. REEVES demanded the yeas and nays, and tellers on the yeas and nays.

Tellers were not ordered, and the yeas and nays were not ordered.

So (two-thirds voting in the affirmative) the rules were suspended, and the amendment of the Senate was concurred in.

Mr. HALE, of Maine. That is the act under which the centennial celebration obtained life and being. The last thing that we see of it as it leaves the Forty-first Congress, the gentleman from Pennsylvania (Mr. Morrell) having it in charge, calls up and moves a concurrence in the Senate amendment, which forever forbids Congress, as men believed then, from being called upon to pay any bills connected with this exhibition. Was there good faith in this? Was the gentleman from Pennsylvania, no longer a member of this House, but a man at that time trusted by his fellows, sincere when he called up that amendment and moved concurrence in it in order that he might get his bill through? Or was there at that early day a mental reservation and jesuitical piece of craft by which he saved himself and his conscience and left the way free to come here as they do now? One proposition I put and defy contradiction: without this explicit restriction the measure would have been sent contemptuously out of Congress and would have never more been heard of.

That was the act that gave life to the enterprise by chartering it, which set it going, as we charter hundreds of other things. The next year, in the next Congress, there came up a second proposition cognate to the first, to provide by way of check for a centennial board of finance, a board that, as one of the Pennsylvania gentlemen said in debate, would take charge of and properly expend the money that the people might contribute. That proposition for a centennial board of finance was introduced by my friend from Pennsylvania, [Mr. MYERS,] of the Foreign Relations Committee, upon April 28, 1872. Any gentleman can look at the record of that date. I will not ask more reading here. When that proposition came up the first question that arose was by a cautious, practical Pennsylvanian. As reported, there was a provision in the bill that the Treasury Department should print the certificates of stock. I will say, in brief, that the bill provided for subscriptions in the States upon certificates to be issued for small amounts, so that the people generally might subscribe, and that not until after one hundred days should any State be allowed to contribute or subscribe more than its share.

There was a provision that the Treasury Department should print the certificates; and an eminent gentleman from Pennsylvania, [Mr. SCOFIELD,] a cautious and prudent man who did not give up to his State what was meant for the country, arose in his seat and objected to that provision. He thought that even this should not be done by the Government; that the Government should not even involve itself to the extent of a few thousand dollars for printing certificates. We can see what moved him. He was honest. He knew that the State and Congress were pledged that this enterprise should be kept from our doors. He is a man of logical cast, and was led irresistibly to his proposition. The answer was that the provision was necessary in order to afford a better guard against counterfeits, and that it extended no further. If gentlemen will look at pages 2887, 2888 of the Globe for that session they will find the record on this subject, which I do not ask the Clerk to read.

The bill was finally reported from the committee on the 21st of May, 1872, with a clause in it that no liability on the United States Treasury, direct or indirect, should ever be incurred. And so the House passed it. It went to the Senate, where it was called up by Senator CAMERON. I now call attention to this second stage of the measure. I have already taken the House three years back; I now take it back not quite two years. We shall see whether these gentlemen had then changed their ground. I ask the Clerk to read from page 3814, volume 91, of the Congressional Globe.

The Clerk read as follows:

Mr. HAMLIN. It will not happen but once in a hundred years.

Mr. CAMERON. I have only risen to repeat what the Senator from Maine has said, that this will only happen once in a hundred years. Commissioners are selected from every State and Territory in the Union. They go there for the purpose of doing honor to their country. This is the only way in which the money can be raised without expense to the Government. A million people it is expected will each subscribe ten dollars; and thus $10,000,000 will be subscribed. It is necessary to have some responsibility for this. All they ask of the Government is that the Treasury Department shall print their certificates of stock, so that if they are counterfeited the counterfeiters may be punished. They ask nothing else of the Government. There is no doubt they will raise the money.

Mr. HALE, of Maine. There, sir, a year after the date of the other extracts that I have read, the Senator from Pennsylvania is again found declaring, upon a bill that cut off the enterprise from Congress, that all that was wanted was that the Treasury Department should print the certificates and the people would raise the money; Pennsylvania would do it; "there was no doubt of it."

Now let us see what another Senator from Pennsylvania said while this bill was pending. I ask the Clerk to read from page 3815. Mr. JOHN SCOTT speaks.

The Clerk read as follows:

Mr. SCOTT. I suppose the Senator from Illinois really desired more to occupy a few moments until the Senate would assemble than to make any serious objection to the passage of this bill. When the subject was first introduced in Congress it was feared that an appropriation would be asked. Everybody in both Houses was so sensitive on that question that an express disavowal of all responsibility on the part of the Government had to be incorporated in the act.

Mr. HALE, of Maine. How many gentlemen in this House remembered this? I had forgotten until I looked up the record that the junior Senator from Pennsylvania has as lately as 1872, less than two years ago, declared that when the matter first came up there was sensitiveness about an appropriation being involved, and they had endeavored to guard the legislation so that this sensitiveness would not be felt. Sir, is there any faith to be given to human promises made legislatively? Or is action taken by the American Congress upon the avowal of men distinguished in virtue and public service to be regarded as nothing, and are we to expect in the future that those very men will rise in their seats within two short years and repudiate all their solemn words and pledges? If that is to be so, then it may well be said that the era of virtuous legislation has ceased; that bad faith has taken possession of public men; and that honor is but a pretense. I do not believe this; I have never believed it; and I do not believe that Congress to-day will by any act so go back upon its record as to condone the offense (I may call it that) of these gentlemen who have now taken the back track.

But the bill passed; and I ask the Clerk to read an extract showing in what form the bill was left when it went from the Senate.

The Clerk read as follows:

But nothing in this act shall be so construed as to create any liability of the United States direct or indirect, for any debt or obligation incurred nor for any claim by

the centennial international exhibition, or the corporation hereby created, for aid or pecuniary assistance from Congress or the Treasury of the United States in support of any debts or obligations incurred by the corporation herein authorized.

Mr. HALE, of Maine. Could human language be plainer? Can safeguards be made more absolute than that? Why was that provision inserted? As Senator SCOTT said, it was to remove the sensitiveness in reference to what is now asked, an appropriation of money. It was on the 1st of June, 1872, that that became the law of the land; and the matter for the time being went out of Congress.

Mr. Chairman, I have read with attention and such care as it deserved—and that was great—the report of the gentleman from Connecticut [Mr. HAWLEY] who is the president of the centennial commission. I find him using in that report substantially this language: "Congress having ordered a centennial commission and celebration." I do not know whether the entire phrase is his, but the word "ordered" is there. He says that; and he proceeds to argue that Congress is therefore committed to pay the whole or a part of the expense. Does the record that I have read sound as though Congress had "ordered" an exhibition that it was to pay for? Why, sir, if the debate upon it means nothing, then when a man writes on the back of a piece of negotiable paper "without recourse to John Smith," it means nothing. What did Congress do more or less than the indorser does when he backs a piece of paper with the words "without recourse to the signer?" I look upon human language somewhat differently from the distinguished gentleman from Connecticut, [Mr. HAWLEY.]

Now, sir, we have got the centennial out of Congress. Whatever was done was, as some Senator said, that the enterprise might have character with the people, or, as in another place it was said, "in order that there might be a board to take care of the money which the people subscribed."

Now, sir, that is exactly the condition this affair was in then, and if we take a charitable view of the motives of its projectors we will assume they believed they would get by subscriptions from the public enough to carry it on. One of the Senators said a million shares at ten dollars apiece, making $10,000,000, would undoubtedly be subscribed. I did not at the time make any objection to it, it being bound and limited so far as human ingenuity could limit it, and I was willing to bid it Godspeed to the free and voluntary subscriptions of the American people.

So the whole affair was organized. A commission and a board of finance from the different States of the Union were appointed—to do what? Not that they might build up a lobby which should roar in the corridors of this House and beseech and importune members to vote against their convictions. No, sir; that was not the part of this board of commission or board of finance, but they were to give "character" to the enterprise among the people. They were to open books of subscription in the different States. It was provided, as I have said once before, that no State should subscribe more than its share in the first hundred days. The appeal was made to the country. The gentleman from Connecticut [Mr. HAWLEY] was elected president of this commission to give it, deservedly, the benefit of his high character in the country for integrity and moderation.

I am bound to believe, Mr. Chairman, the gentleman from Connecticut at that time had no foreshadowing of the duty which was to be laid on his shoulders. I am bound to believe, knowing him as a fellow-member, and having admired his record before he came here, that when he accepted the presidency of this commission he did not know that he would be called upon to importune and argue with Congress to give millions against the pledges of the men who had first set the movement on foot. I give him the charity of believing this.

So they went to the country. What was the result, Mr. Chairman? Why, the whole thing, so far as gaining any appreciable amount outside of the little circle about Philadelphia, was a dead failure. Aside from the coterie of men interested in its organization, aside from the advertisements in the newspapers, aside from what sentiment could be worked up in Philadelphia and Pennsylvania, the whole thing fell flat, and there was no sentiment or feeling aroused in its behalf.

Mr. KELLEY. Permit me for a moment. I have handed to the reporters, and therefore have not by me, the list of subscriptions. I should be glad to hand to the reporters a list of subscriptions from the several States. It is as follows:

Number of shares subscribed to the stock of the centennial board of finance to April 28, 1874.

Pennsylvania	176,941
Arizona	102
Alabama	33
Arkansas	2
California	249
Connecticut	6
Delaware	63
District of Columbia	111
Florida	25
Georgia	100
Illinois	4
Indiana	31
Idaho	1
Iowa	1
Louisiana	120
Kansas	1
Maryland	47
Michigan	15
Missouri	16
Montana	2
Massachusetts	272
Nebraska	5
New Jersey, (including State subscription)	10,174
Nevada	84
New York	1,164
Oregon	540
Ohio	33
Rhode Island	11
Tennessee	1
Texas	5
Virginia	12
West Virginia	3
Wisconsin	62
England	50
Switzerland	2
Prussia	1
Total shares	190,289

While I admit, Mr. Chairman, they are not what I hoped they might be, they will show there has been a subscription of 190,289 shares of stock from the citizens of the different States.

Mr. HALE, of Maine. How much in Pennsylvania?

Mr. KELLEY. Why, to the patriotism of Pennsylvania be it said, a very large percentage is there.

Mr. HALE, of Maine. I thought so.

Mr. KELLEY. It shows that her people are determined if they can prevent it that the nation shall not be dishonored.

Mr. HALE, of Maine. We will come to that after awhile. Now, sir, I do not know of anything that will so smirch the national honor as for Congress to go back on its pledges. I know of nothing which is so fatal to a public man as to make pledges and promises which turn to ashes on his lips. So far, then, as there being any popular voice aroused for this public enterprise as shown by the meager amount of subscriptions outside the State of Pennsylvania, there is nothing before us.

Now, Mr. Chairman, if there is anything which will urge a member to vote for this appropriation it must be, aside from the argument that we are committed in its behalf, that the people want it, that the people are interested in it, that it will develop agriculture and mechanical arts and sciences, that it will do all these things, and that the people see this and ask our help. And if there is a better way of testing all this than was tried in this case I have failed to see it. With the vast paraphernalia set up by Congress and ramifying to every district in the Union, with the best men in the States identified with its organization, with advertisements and puffs in all the papers in all the States, so far as contributions were concerned the country was as dry as Gideon's fleece. Now, does that prove that the people were interested in the centennial exhibition, or does it prove the contrary? What is the fact? These gentlemen went to the country and a verdict was returned against them. The experiment was tried, Mr. Chairman, in State Legislature after State Legislature. There are thirty-seven in all. I have looked ever the volume printed by Congress a few days ago on the subject with a good deal of care, and if I do not state numbers correctly it is because this book does not have them all here. But I cannot find in regard to State legislation that the patrons and managers of this enterprise were able to secure resolutions outside of Pennsylvania from any States except Tennessee and Virginia, and it may be New Jersey; I do not know how that is. Kentucky did not pass the resolutions that were presented. By New York and Massachusetts, largely interested, I may say, in the objects of this exhibition, the thing was voted down, and received its deathblow so far as those States go. Thirty-two States still remain, and I venture to say that in most of them there was an attempt to pass resolutions for appropriations or instructions to their delegations in Congress. Thirty-two States remain, and there is no living voice, no expression from them as State Legislatures, in favor of this enterprise.

Mr. HAWLEY, of Connecticut. I may state to the gentleman that, as a matter of fact, there was no attempt made in a great many of those States to my knowledge.

Mr. HALE, of Maine. I am bound to take the gentleman's word for it. He undoubtedly believes that. But I, knowing how this thing has been pushed upon us early and late, in season and out of season, on this floor and elsewhere, have my belief that, notwithstanding the gentleman from Connecticut did not participate in this besieging of State Legislatures, still it was attempted in many States. I know it was attempted in many of them—not perhaps in all. At any rate, those thirty-two States remain, and there is no voice from them, although they are component parts of the great Union that is to be set up and glorified by this, as the gentleman from Pennsylvania [Mr. KELLEY] has just shown in his eloquent periods.

Why, sir, the whole appeal was a failure, and the managers, the boards of commissioners of finance, saw the whole grand structure that their imagination had raised fading away as swiftly as the vision of Mirza. The temples of their vision were not there. The offices, the presidencies, the secretaryships, the treasurerships, the boards of management and control, were all hopelessly fleeing away. They were, sir, a disappointed set of men. There have been disappointed mortals before in the history of the human race. What did they do? What, sir, would you naturally suppose that men would do, after running the gauntlet of congressional scrutiny and congressional promises; after being launched on the sea of popular favor and finding no help, what would you naturally suppose they would have done?

We have had North Pole expeditions, and they have failed. We have had patent after patent obtained by ingenious inventors which failed. We have had emigrant aid societies that have failed. And what has been the result? There has been an end to importunings and there has been peace. But these centennial gentlemen said, "No, there is another and a last resort; human memory is weak; human endurance yields; Congress is always open to us; no matter about the pledges; no matter about congressional action; no matter what the Senators and Representatives from Pennsylvania have said; no matter that the people who send Representatives to Congress have passed upon the subject and have given it no encouragement; still we will go to Congress; that is the inevitable resort unless the whole thing is to be allowed to fail."

What reasons were given for this assault upon the Treasury? The excuse has been given, and it will be heard here again before we get to the end of this discussion, that the panic came; that there was a contraction of business; that the people had no money, and that they could not raise the subscription they had expected. Did it never occur, sir, to these raiders on the United States Treasury that the panic and depression affected alike the Treasury of the Government and the individual? Nay, more; did it not occur to them that the public Treasury felt it first and in the most marked manner? Did they not know that the revenues fell off at once, that new currency was issued, that the payment of the national debt ceased, and that we began running behindhand? Did none of those considerations stay their importuning hand? Nothing, sir, whatever. They determined to invoke the interposition of Congress. More than that, they pushed to the front. It did not simply involve a new drain upon the Treasury, but it involved the strangling and death of meritorious measures on this floor. The centennial pushed, I say, to the front. Everything else had to give way. Nothing else could get an assignment but the centennial exhibition. Other measures were stifled in the committee of my friend from Massachusetts [Mr. DAWES] and the committee of my friend from Ohio [Mr. GARFIELD] because the condition of the public Treasury would not allow the draught. But the centennial exhibition, this that Mr. SHERMAN called the "Philadelphia show," had its place and its assignment. Why, sir, there are meritorious railroad propositions before this House that have in them intrinsic merit, and to-day they languish, they die, they have no breath of life even, because we are in an era of economy, but there is money for the centennial. The whole South is full of claims, some bad, some good; an impoverished, broken-down, repentant people are knocking at our doors every day for remuneration that shall set them up in life, and let them march again in the prosperous way of the Republic. But we have no money for them.

[Here the hammer fell.]

Mr. DAWES. I hope the gentleman from Maine will be allowed to conclude his remarks.

The CHAIRMAN. The gentleman's time can be extended only by unanimous consent. Is there objection?

Mr. HAWLEY, of Connecticut. How much longer does the gentleman desire?

Mr. HALE, of Maine. I will be as brief as may be.

The CHAIRMAN. The Chair hears no objection, and the gentleman will proceed.

Mr. HALE, of Maine. There is no money for the war-ravaged South, and yet there is $3,000,000 for this exhibition. Why, sir, a few weeks ago the great river of the West broke from its banks and inundated a whole country; there were woe and desolation upon the face of the earth; houses were torn from their foundations and the inmates were borne away on the current to death, or to poverty and hunger; and there came up to the doors of Congress an appealing cry from those suffering, distressed, dying people, the occupants of hundreds of thousands of acres of our domain, and we gave them the bagatelle of $90,000 in rations, and closed our hearts and our pockets to any more appeals. But there is money in amplitude for the centennial exhibition, and a bill for its benefit must go through, while our southern brethren drown and starve by hundreds.

Mr. BUTLER, of Tennessee. I desire to ask the gentleman a question. He speaks about the South. Did the South ask for any more than $90,000?

Mr HALE, of Maine. Yes, indeed; of course they did. And I will say further to the gentleman that, pinched as we are, I will be glad myself to vote to give these suffering people, one hundred and forty thousand human souls, half a million dollars, or more, in any bill, with proper guards; for, although I am rather a strict constructionist, still I believe that where such woe and death are upon a component part of this great people, we ought to push away hard precedents and save our brothers and sisters.

Mr. BUTLER, of Tennessee. The South is very much obliged to the gentleman and to Congress for the $90,000, but that is all we asked for.

Mr. HALE, of Maine. That is the voice of a gentleman who is contented with $90,000 for the South, and wants $3,000,000 for the centennial.

It is claimed that we have gone too far, and have committed the Government in this matter. I propose to scrutinize that claim just exactly as I have scrutinized the record of the action of Congress, and see how it will stand the test of examination. It is said that we have given out invitations that bind us, that we have invited powers to come here, and that if we do nothing now we are dishonored. The gentleman from Pennsylvania [Mr. KELLEY] has shadowed that forth, and we will hear more of it from the gentleman from Connecticut, [Mr. HAWLEY,] I judge from his report, and from others who will speak upon this matter. Let us look at it, and first as to the matter of invitation. I quote from good authority, the gentleman from Pennsylvania who last spoke. It may be remembered that on the 22d of January last that gentleman was pushing before the House a proposition that should direct invitations to be given. He got it through the House, but it failed in the Senate. I have before me the RECORD of January 22, in which I find that Mr. KELLEY said:

> Our own Government, not finding the word "invitation" in the law, have not extended a formal invitation, and have disclaimed the right to do so.

That was not three years ago; it was not two years ago; nay, it was not four months ago. It was at the close of January when the gentleman was pushing for what he knew, and I knew at the time, and trying to get in a voice of expostulation, but failing, would be regarded as a committal, and he was pushing it in order that he might be able to argue afterward that we had committed ourselves by an invitation. I ask the Clerk to read first from the proclamation of the President, given under the law passed by Congress, what I have marked in ink, and let us see whether that involves us.

The Clerk read as follows:

> The President indulges the hope that the government of —— will be pleased to notice the subject, and may deem it proper to bring the exhibition and its objects to the attention of the people of that country, and thus encourage their co-operation in the proposed celebration. And he further hopes that the opportunity afforded by the exhibition for the interchange of national sentiment and friendly intercourse between the people of both nations may result in new and still greater advantages to science and industry, and at the same time serve to strengthen the bonds of peace and friendship which already happily subsist between the government and the people of —— and those of the United States.

Mr. HALE, of Maine. What was the proclamation of the President? Why made? As a gentleman on my left suggests, in the line of the argument urged when the bill was before the Senate, it was made in order to give character to this exhibition; that was all; information that this enterprise was set up, and that there would be this exhibition. But it did not stop there.

After the invitation, as it is called, the proclamation, as it really is and nothing more, had been sent out to our ministers, the Secretary of State found that some of them were inclined to construe it as an invitation. Let us see what he did in the way of committing us, so that we cannot go back and save our honor. I ask the Clerk to read what I have marked in the circular of the Secretary of State.

The Clerk read as follows:

> It will be observed that the President in his proclamation has extended no "invitation" to foreign powers to participate in the exhibition. He was not authorized so to do, and while he desires to attract as much attention and interest as possible thereto, he carefully confines himself to "commending" the celebration of the centennial anniversary of American independence, and the exhibition which is to be held in connection therewith, to all nations who may be pleased to take part therein. It is presumed that you will not have failed to observe the guarded language of the President's proclamation, and the difference between it and that which would be used in extending an invitation to other powers.

Mr. HALE, of Maine. That is the very last act of the executive department of the Government. That circular is dated November 3, 1873, six months ago. That is the very last act of the executive branch of the Government bearing upon this exposition. Instead of committing us as gentlemen have argued, instead of an invitation and a committal, it is a direct repudiation of any such thing. It declares that there is no invitation, that it does not mean that it shall be taken as an invitation. It declares that the law does not justify an invitation.

Now I ask the gentleman from Connecticut, [Mr. HAWLEY,] I ask any gentleman who is prepared to speak on this subject in favor of this appropriation, to point out when and where the executive department is committed in this matter in the way of invitation of foreign powers. I put the question to all within the sound of my voice, and I ask as a favor that when they come to argue in support of this centennial exhibition they shall state to the House when and where the United States have committed themselves by its executive branch to this exhibition. It is their duty to do this. They have made that argument early and late, everywhere, constantly. Now I ask them to back it up and let us see where it is. Sir, it cannot be found; it does not exist. The whole fact is that the executive department ran in the line pointed out by the law, and thanks to the moderation of the President and the Secretary of State, and to their good judgment, it did decline to involve us.

Gentlemen say that the President's message to the House is in that direction. That message is entitled to great respect, but it is simply a recommendation. It does not bind Congress, it does not bind the nation. It is a recommendation like any other, and should be given careful attention; it is not in any way a committal.

While this first proclamation of the President was sent out, let us see what return was made to it. We have seen how the country here answered. I want to know how the world answers. I want to know if all the great powers representing modern civilization are committed to come here, and I want to know whether they seized this opportunity to declare that they would come cordially as friends, and whether we are confronted with the fact that we have invited guests and are now going to shut our doors on them.

I take the congressional volume again. If I do not give all the powers accepting, it is the fault of the report. The gentleman from Connecticut, [Mr. HAWLEY,] who is here, can correct any mistake I may make, or any mistake I am laboring under from the book. I find a reply in very guarded language from the German Empire signed Bismarck; a reply taking up in this book seven or eight printed lines, calling for some rules under which it is proposed to act, and signed by Bismarck as the chancellor of the empire. That is one of the great powers in Europe. Below that I find a communication from the Netherlands minister in Washington, Mr. Westenberg, in very nearly the same terms, a short, curt communication, indicating that a commission will be appointed, and a committee to direct and furnish information to exhibitors.

Mr. HAWLEY, of Connecticut. Read it; read it.

Mr. HALE, of Maine. As the reading has been called for, I will ask the Clerk to read it.

The Clerk read as follows:

I have the honor to inform your excellency that the government of the Netherlands has received this international invitation with lively satisfaction, and intends to take part in the said exposition by contributing productions of the arts and industry of the Netherlands.

To this effect a commission will be appointed in the Netherlands, and also a committee to direct and furnish information to exhibitors.

As soon as it shall be in my power, I shall hasten to communicate to your excellency the names and quality of the persons who are to constitute this committee.

WESTENBERG.

Mr. HALE, of Maine. Now, Mr. Chairman, there are these two notes from two powers—one great power and one small power. Aside from these, I do not find any acceptance of what is called the invitation from any other power whatever; but I do find the statement that Belgium, Sweden, Norway, Switzerland, Mexico, Ecuador, Hayti, and the Sandwich Islands have also accepted—all of them small powers. Where are the great powers? Where is the acceptance from the British Empire, kindred to us in blood and tongue, a nation which must certainly figure largely in any international exposition in which the world outside of ourselves figures? Where is the acceptance by France, and Russia, and Italy, and Spain, nations which should contribute to an international exhibition if any people should? There is no voice from them. The acceptance, if you call it such, is narrowed down to Germany and six or eight small powers.

Now, Mr. Chairman, does this commit us? Are we bound by anything here? Is there anything in the argument that we have gone too far to recede? Is there anything in this that forbids Congress saying, so far as it may say, "Stop!" Where is the evidence that a single appliance of human ingenuity has been set in motion in any quarter of the globe looking to this exposition? Supposing to-day that the international feature should be stripped from it, where is the evidence that abroad there would be any disappointment? And yet it is said that we are bound.

I am curious and should be glad to learn when it was in the mind of gentlemen who had this matter in charge that it first occurred to claim that Congress was bound. We have seen that down as late as June, 1872, Congress declared that it was bound in the other direction. The gentleman from Connecticut, I may say again, did not then believe that Congress was bound. When did the idea first take root in his mind or in the mind of any gentleman that Congress was bound to make appropriations of money for this exposition? I have as fairly and candidly as in me lies endeavored to trace the record itself. We have seen what Congress did. I have shown all that the executive department has done; I have shown it up abroad; and to-day I ask again where on the broad surface of the globe is there any indication that the world looks upon us as committed to this exposition as a people and as a government? This is another thing which I hope gentlemen who are to speak on this matter will show the House.

Only a few words more, Mr. Chairman. When we start upon this matter we do well to consider where we shall end. Let no gentleman be deceived in this regard. When we adopt this appropriation of $3,000,000, it means that we as a Congress shall pay the bills. Why, sir, if you cannot shut off an appropriation of $3,000,000 by repeated declarations of Congress that you will not pay one dollar, how shall you be able to strangle an appropriation of five, or six, or eight million dollars more when the unpaid bills come in? I say again, let no gentleman be deceived. We shall have to pay the entire bill aside from what the receipts may be (and they must be meager in comparison with the figures that are presented), and aside from the contribution by the State of Pennsylvania, with small contributions (not aggregating, perhaps, half a million dollars) in other communities. And, by the way, how does Pennsylvania appropriate in this matter? She has given a million and a half of dollars by appropriations, as I understand; but it is provided—what? That this shall be for a building to be erected as a permanent structure for the benefit of the State of Pennsylvania in years to come. This is not an appropriation for a national exposition, and it ought not to be claimed as such. The gentleman from Pennsylvania [Mr. KELLEY] in his figures charges the centennial exhibition with half a million dollars for the use of that building on the ground that it would take half a million dollars to build a temporary building for the exhibition. Aside from this and from the receipts, we, I say, have got to pay the bills. They will surely come in. Congress will already have appropriated $3,000,000. In the homely phrase of the country, the bars will have been "let down;" and when more money is called for to pay liabilities contracted by this corporation which is set up by the Government, how will you meet the demand? Do gentlemen know what form this is likely to take when the enterprise is all over and the arrearages are footed up? Why, it will be said that this is the debt of a corporation sanctioned by Congress—a corporation whose liabilities Congress had assumed to the extent of $3,000,000; and that therefore we should pay the balance. I put myself here as willing in this matter to prophesy what will be before us in the next three years. Is there any gentleman here who dares to promise the contrary? Is there any gentleman here who will dare to promise that only $3,000,000 will be called for? Will the gentleman from Connecticut [Mr. HAWLEY] dare to make that promise and maintain it hereafter? Does he not know that the last thing "the gentleman in politics" can afford is to have his word and his promise broken? Will the gentleman from Pennsylvania [Mr. KELLEY] dare to make the promise? When this money shall have been spent, and when his State shall have refused to appropriate more, how will he save himself from being ground between the upper and the nether millstone? Will other gentlemen here who are prepared to vote for this appropriation and then argue here and before the country that only $3,000,000 will be asked—will they dare to promise it in the light of the action of the managers of this enterprise who are now pushing it against repeated pledges?

Let us look at some results of action here. The moment you pass this appropriation every dollar of subscription in the broad land will cease. Do gentlemen believe that there is any State in the Union which through its citizens will contribute money to this enterprise after it is known that Congress has saddled the Treasury with an appropriation of $3,000,000? The moment that is known all other subscription will cease.

The expenses, sir, will be large—they will be immense as compared with the figures which have been set down. I have looked at the figures of the Vienna exposition. I find there it has cost, not counting the income—and I take my figures from the congressional report—$9,850,000 on the part of the government of Austria. They deduct from that an income of $2,000,000. One word as to this income. If the Vienna exposition, in the middle of all Europe, representing a population of two hundred and fifty million people, only got by receipts $2,000,000, how much do gentlemen believe an exposition in Philadelphia, in the middle of the United States, with a population of forty millions, would give? Not more, I should say, than $1,000,000.

In addition to that we are told foreign powers gave to the Vienna exposition—it is estimated in this book at $5,000,000. Does anybody believe foreign powers will give $5,000,000 or even $1,000,000 toward this exposition in the city of Philadelphia? If they do not, then what is the result? The exposition building in Philadelphia is to be built large enough for the world. It is to be a building large enough to embrace the productions of Russia, Prussia, England, France, Turkey—of all the nations, and of all the isles of the sea. There has to be room for them all; and if they do not contribute to fill up the space allotted to them what will be the result? The last thing the managers of this exhibition will bear will be emptiness. There will be hundreds of thousands of dollars expended so that the visitor when he is here will not be jarred in his feelings by beholding acre on acre of unoccupied ground and untenanted rooms. So that this $5,000,000 which will not be given by foreign powers to fill the room allotted to them will to a great degree be taken out of the Treasury, and the centennial commission will run into debt, if not to that amount of $5,000,000, at least to two or three millions, which will have to be added to the $9,850,000 which it cost the government of Austria for the Vienna exposition.

We are told that the private exhibitors paid $5,000,000 too. Does anybody believe that they will pay as much here? Giving the benefit of all that Pennsylvania will do, of all the private subscriptions of all the States and of all that will come from abroad, and I venture to say that $10,000,000 will not make up the balance; and I believe just as firmly as I stand here that in the next three years we will be called upon to pay from six to ten million dollars in order to liquidate the bills on account of this exposition. I am proceeding on the belief that the managers will strive for an exhibition on nearly as large a scale as that at Vienna, and the argument will be almost irresistible when the whole thing has failed—when the doors will be shut of that great temple of industry as it is projected and when it is found that this corporation which we have chartered and to which we have given $3,000,000 is still in debt six, seven, or eight million dollars—I say the argument will be almost irresistible that we, as a nation, must pay the bill, so that at last, worn out and tired as Merlin was with the importunities of Vivien, we will yield and give our money in order that there may be peace. The bonds will be about us and there will be nothing for us to do, weary and worn, but to pay and thank the Lord at last that there is an end to all this.

I believe this is coming upon us, and in saying this I give the gentlemen in charge of the enterprise credit for integrity, credit for patriotism, and all that, but they are in charge of the management of a thing which neither they nor we can control. Setting aside all the other questions which I hope other gentlemen will touch upon, setting aside all the disappointments which will come upon us when we have tried the experiment and found it a partial failure, looking at the matter in every point of view as I have endeavored to do as fairly as possible, the conclusion which I have stated is inevi-

table, and I beg gentlemen to consider the force of all the arguments upon the one side and the weakness upon the other, and to reflect seriously before we launch out upon this appropriation.

Mr. PACKARD. I regret very much that I am compelled to differ from my friend from Maine [Mr. HALE] so totally as I must on this occasion. I am wholly in favor of this centennial celebration. It commends itself to my judgment. It commends itself to me as being in the interests of the country. It commends itself to my feelings of patriotism. I believe in it thoroughly and entirely. And not only am I in favor of this centennial exposition, but the next one also; and I will go so far as to say that I am in favor of celebrating the one thousandth anniversary of this country's birthday. If we do not make an appropriation when that time comes for celebrating the one thousandth anniversary of this country, I shall think that republics are not destined to live long, and this one especially; that their lives are short, and ought to be short.

Before I proceed to say what I had intended to say on this bill, I must notice some of the statements made by my distinguished friend from Maine. I listened to his argument with a pleasure not amounting to conviction. I doubt whether there is any gentleman within the sound of my voice who could make a more cogent, a more forcible, and withal a more eloquent argument in opposition to this bill than that gentleman has made here and now. But, sir, it does not convince my judgment.

The gentleman from Maine tells us in the first place that one of the reasons, one of the strong reasons, on account of which he opposes this bill is the condition of the country. I know, and I agree with him, that the condition of the country is not what we desire it to be. It is not perhaps as prosperous financially as it was a year ago; but I think, sir, he exaggerates the ill condition of the country somewhat. It is not correct to say that the payments of the public debt have wholly ceased. Since December last each successive monthly report of the Secretary of the Treasury has shown large payments on the public debt. The payments have not ceased. Neither will this appropriation cause them to cease. Because the country is not in the financial condition in which it ought to be furnishes no sound reason why we should refuse to celebrate in a fitting manner our centennial anniversary, a date which we cannot change, and which we must celebrate in 1876 or not at all.

A wise business man when depression comes does not cease to advertise. He believes he must then give greater publicity to his business, and thus widen the circle of his traffic, and thus shall his business increase in spite of the depression of the times. No, sir; the condition of the country is not such but that it may well make this appropriation, and thus make of our adversity a stepping-stone to a prosperity unknown before. The exposition will open to us the world's markets for many of our products that have heretofore remained at home.

But the objection to the bill on which the gentleman dwells most, that objection which he fortifies by all the arguments he can bring to its support, that objection which he dwelt upon during almost the whole of his speech, is that the Congress of the United States has said that it would not make an appropriation for this purpose, and he desires to know whether this Congress will "go back upon its pledges." Why, sir, we are placed in a peculiar position in regard to this matter. We are obliged to do one thing or the other. We are obliged to go forward or backward; and in either case we cannot stand exactly by our former legislation. Let us look at it. In the first place Congress passed an act on the 3d of March, 1871, to which allusion has already been made. We find that the very title of that act conveys to foreign nations the idea that we shall invite them to participate. What is the title of the act? "An act relative to the centennial international exhibition." The very title of the bill tells foreign nations that we are going to have in this country an "international" exhibition. Nor is that all. In June, 1872, another bill was passed, and we find in that bill also that it is equally an "international" exhibition. It is made national and "international" by these bills. It is international in spite of this Congress. The objection has been made that it ought not to be an international exhibition, and it has been said, "Let us have a great national exhibition, and leave out the international part of it." We cannot do it. We have made it international already by our laws.

Now, then, we have held out to foreign nations the idea that this is to be an "international" exhibition. And what does the President do? He commends to foreign nations—and the gentleman himself has had the proclamation read—he commends to foreign nations this exposition of the industries—of what? of the industries of the United States? O, no! Of the industries "of all nations." He commends the exposition of the industries of all nations—not to the States of this Union, but to all those nations abroad who may be inclined to participate in it. What do they suppose from that? They construe it as an invitation. They cannot do anything else than construe it thus. It is to them an invitation which conveys to them the action of this Government. It conveys to them the idea that they may come here to participate, and they will be welcome. The President goes just as far as he can go under the law, and he does convey to them what they construe as an invitation. Now, it seems to me that when we say that that is not an invitation we are only quibbling upon words. I do not believe that a great nation like this should quibble with other nations as to the terms of an invitation.

We stand here one of the foremost among the nations of the earth. Some of the leading nations of Europe have accepted, and accepted in good faith, this invitation. They have already secured room in the exhibition building; they have made their arrangements; they have adopted our suggestion and proffered their assistance. They have been faster than we have; they have come forward nobly. Nearly a score of nations have given us to understand that they are coming here to participate in this great exhibition, and now shall we say to them after all this, "stay at home; we do not want you here?"

Now, Mr. Chairman, if we are not going to have this exhibition; if we are going to cause this thing to cease; if the exhibition is not to have a being and a name at Philadelphia, then we must explain to these nations why it is. Who shall explain it and how will it be explained? I do not envy the gentleman from Maine the task of explaining to foreign nations that we do not want them here; that there is no room for them here; that we shut our doors in their faces and tell them to stay at home. How will he explain it? Will he say that the people of this country have no inclination for such an exhibition? If he does, he will certainly misrepresent the sentiment of the people. Will he say that we are too poor; that we are not able to bear the expense of this exhibition; that we are not able to bear the expenditure of the $3,000,000 now asked to be appropriated for that purpose? Who would believe him? No one, I humbly trust. It will be a sad day for us when it is believed at home or abroad that an expenditure of seven and a half cents *per capita* will bankrupt the nation.

To treat the nations thus is "going back" upon our past action. The gentleman says it will "smirch our national honor" if we do not stand by our previous legislation, which provided that Congress shall not be liable for the expenses of this exhibition. But, sir, the act of Congress and the action of the President have been construed by foreign nations as an invitation to them. We must therefore violate either the one pledge or the other. We have told them that there should be in this country an international exposition of the industries of all nations; we have said also in the same bill that Congress shall not be liable for the expenses of the exposition.

We must either disregard that declaration in our legislation or else we must fly in the faces of these nations from abroad, and I ask Congress which they will do? In the one case it affects only ourselves; it affects no man's honor. There is scarcely a Congress that does not undo some legislation of a preceding Congress. The next Congress will probably undo some of our work. Did not this Congress early in the session undo what was recognized by the people and by this Congress as a mistake on the part of the last Congress? It is frequently done; it is no uncommon thing for one Congress to undo the work of a preceding Congress; there is no national dishonor in it. But if, after having promised foreign nations an international exposition of the industries, not of our own nation but of all nations, and after they have made their preparations for it, we then shut our doors in their faces and tell them to stay at home, that we do not want them, it would be national dishonor. We must do one or the other of these things.

Mr. Chairman, the gentleman from Maine desires to know when this Congress became bound to assist this exhibition. It was bound the very day it passed the first enactment providing for an international exposition. I will say for myself that from the very day when the measure became a law I felt that Congress would be bound in a certain sense to carry out this work, and I said to some of my friends that Congress would yet have to pay a portion of the expenses, and that when the time came I should be willing for one to come forward and assist, so far as lay in my power, in providing for those expenses.

We are told by the gentleman, again, that the subscriptions to the stock of the centennial have failed because the people do not take any interest in it. Sir, the people of the country look to Congress to provide for this work. They knew that if a mistake was made in putting into the bill the provision that Congress should not be liable for the expenses, Congress would repeal that provision. The first promoters of the enterprise supposed that the enthusiasm which had touched them would extend all over the country, and there would be no necessity for an appeal to Congress. But when there came a general depression in business the centennial commission found it absolutely necessary to look to Congress for a portion of the expenses.

The gentleman tells us further that but few of the States have done anything in this matter, that few of the States have shown by the action of their Legislatures that they desire that this exhibition should take place. He must know that many of the State Legislatures did not assemble this last winter. This was the case in my own State of Indiana. There was no session of her Legislature last winter, that body meeting only biennially. I do not know what the Legislature would have done had it been in session. But I do know this, that when the State board of agriculture of Indiana met in Indianapolis on the 12th of February last they passed this resolution among others:

Resolved, That we do most heartily commend this international exhibition to the Congress of the United States.

My State is largely an agricultural State. The State board of agriculture, holding a meeting in the city of Indianapolis, which was largely attended by the citizens of Indianapolis, not confined to the State board, addressed by the governor in a speech commendatory of the exhibition, proceeded to declare this:

Resolved, That we do most earnestly commend this international exhibition to the

Congress of the United States, to the Representatives of this State, and to all of the citizens of Indiana, believing the occasion worthy the best thought and labor of each individual citizen and the combined wisdom of the industrial and other organizations of the State.

These are the words which the State board sent forth to the people of the State of Indiana, a board representing the leading interest of the State. Let me speak for a moment of the resources of Indiana. Let me say that one of the principal reasons why I am in favor of this bill is that I fully believe, as I stand here to-day, that this exposition, if held as contemplated, will bring back to Indiana alone the $3,000,000 proposed to be appropriated by this bill. I believe Indiana will be benefited to the full amount of the $3,000,000 which I trust will be appropriated by Congress.

We do not often hear her praises sounded on this floor. But how does she stand in the sisterhood of States? In 1876 Indiana will have been a State of the Union just sixty years. And if the ratio of increase of her population for the last five years holds good until then—and it is increasing—she will then have a population of two millions, or two-thirds as much as the entire population of the Republic in 1776.

Nor is that all. Indiana occupies a central position in this confederacy. She occupies such a position that she has transportation facilities not surpassed by those of any other State. She will have in 1876 of good farming lands eleven million three hundred thousand acres and eight million acres of woodland, together worth in cash $700,000,000. In improved agricultural implements she will have then invested $21,000,000. The annual value of her products will be $150,000,000. She has her canals and rivers, the great lakes touching her on the north, and the grandest system of railways in the world. I do not hesitate to challenge comparison in that respect with any State in this Union, or with any country on earth. Radiating from her capital they reach nearly every county in the State. Her water-ways extend on the one hand to the Gulf of Mexico, and on the other by way of the great lakes to the Atlantic. The county in which I live sends its waters to the Atlantic and to the Gulf.

There are not less than eight of the large through lines of railroad from the Atlantic to the Mississippi that pass across the limits of the State. With all these advantages, in the midst of these wonderful means of transportation, lie beds of iron ore and fields of coal of vast extent that will ere long place her in the front ranks of the manufacturing States of the Union. Still further, in 1876 Indiana will have ten thousand school-houses within her borders and a school fund of $9,000,000, greater I undertake to say than that of any other State of the Union.

And why should she not desire to advertise herself to the world? She cannot afford not to do it. With such an opportunity offered to exhibit these wonderful results, she cannot afford to let this exhibition be a failure. She cannot afford to take no part in it. She cannot afford to let it be anything less than a national and an international industrial exhibition. She has no desire to stand looking in a mirror and contemplating her own loveliness. She wishes to let the world know what she is and what she has, so that she may move forward in her moral, intellectual, and material advancement with mightier strides than ever before. So much for Indiana and the part she is destined to take in this exhibition.

I proceed now to notice whether other States of this Union have shown an interest in behalf of this exhibition. In looking over this book to which the gentleman from Maine [Mr. HALE] frequently referred, I find that the State of Tennessee through her Legislature spoke in this language:

Resolved by the General Assembly of the State of Tennessee, That our Senators be instructed, and our Representatives requested, to propose, advocate, and sustain by their votes such an appropriation by Congress for said centennial exhibition as may be necessary to make said proposed celebration thoroughly national and international, and worthy alike of the Government and people of the United States; provided that said appropriation shall not be given in aid of any corporation for that purpose.

And this is what the State of Kentucky has said:

Resolved, That our Senators and Representatives in Congress are hereby requested to consider favorably all measures of national legislation necessary to make the exhibition worthy of the occasion and a credit to the American people.

And I find that the State of North Carolina resolved—

That the people of North Carolina be earnestly recommended to heartily co-operate with the officers of said exhibition, in order to carry out its design to the fullest measure of success, in order to bring before capitalists and men of culture fair specimens of the natural and artificial products of the nation.

That our Senators and Representatives in Congress be requested to promote all measures requisite for making said international exhibition a truthful exponent of the progress of the nation.

Virginia has resolved through her Legislature to the same effect; and I have no doubt that when the State Legislatures meet next winter many more of them will take the same position.

Another thought occurs to me in connection with this action from Southern State Legislatures—and it is to me a very forcible reason why we should proceed with this exposition, and why the people of the whole nation through their Representatives in Congress here to-day should make this appropriation. Why, sir, broken and shattered as the South has been by the late war within her borders, you will find her coming up almost as one man in support of this exposition. She has already shown it; and it is to me a significant indication that we prefer peace to unpleasantness, that we prefer fraternal feeling to bitterness and hostility. Let them come, let them join with the great people of the North in the grand march of empire. Let them come with their products to the international exposition at Philadelphia, and become acquainted with our people during the six months of that exhibition; and when they return to their homes, they and we will "know each other better," and I trust in God will "love each other better."

Why, sir, it has been sometimes sneeringly said that this is "Philadelphia's Fourth of July celebration." It has been said (I have not heard the remark here to-day, and I am glad of it) that this enterprise smacks too much of Fourth of July sentimentalism. Sir, let it smack of Fourth of July sentimentalism. I believe in sentiment. I believe to-day that the Fourth of July is worth more to us than gold—worth more than iron or cotton, or mines of silver and gold. Why, sir, if the soldiers of the great North during the "late unpleasantness" in the South had one advantage more than another, it was that we had on our side "Yankee Doodle," and "Hail Columbia," and the "Fourth of July." I remember very well that just as hostilities terminated a citizen of Raleigh, North Carolina, who had seen much service in the confederate army, was describing to me his feelings when Sherman's magnificent army was marching in review past the capital of that State. Said he, "I sat there watching your soldiers pass. There was the old 'flag of the Union' floating over them, the old 'Stars and Stripes' which I had abandoned floated over me; and just as they came opposite to where I sat the band struck up 'Yankee Doodle.' Then," said he, "my hat came off my head, and I was just about to swing it and hollow 'three cheers for the Union,' when I thought 'why, what am I doing? I am a confederate and a rebel.' Then I seated myself again humbly and let the procession pass on."

Why, sir, there is nothing like the sentiment of patriotism to stir the hearts of men. I am glad that we had and have to-day a "sentiment" about this matter. Gentlemen may accuse me, if they choose, of talking sentiment. I believe in it. Why, sir, there is nothing like historical associations. Blot out the virtues, the struggles, and the toils of the men who achieved our independence; efface the memory of Washington and his grand deeds; forget Franklin, and Adams, and Jefferson, and Hancock, and Jay, and Otis, and Henry, and you thrust from you the most enduring bond of Union. Historical association is worth more than gold. We ought not to trample it under our feet; we ought not to spurn it; we ought not to sneer or to laugh at it. It is what holds us together as a nation.

The iconoclasts broke the images which they believed turned religion into idolatry; but if they had believed they were symbols of their holy religion, they would have enshrined them in the sacred repository of their hearts and homes. So we should cherish the tender memories of the past—images which stimulate our patriotism and give fervor to our love of country.

To this day the Protestants of Londonderry celebrate the anniversary of the closing of their gates and the raising of the siege; and the historian tells us that the old wall which still stands is "to the Protestants of Ulster what the trophy of Marathon was to the Athenians." Tokens of the memorable siege stand thick on every hand, and are all preserved with a care amounting to veneration. Let no one fail to respect the sentiment thus exhibited. It marks the better part of human nature; it shows a higher and purer humanity; it makes stronger the nation that feels it.

And Macaulay adds, in words applicable here, and not to be forgotten: "A people who take no pride in the achievements of remote ancestors will never achieve anything worthy to be remembered by remote descendants."

We are sometimes told that this centennial exposition of ours will be to Great Britain an unpleasant reminder of that heroic struggle in which we cut loose from the mother-country. By no means. Great Britain will be proud as she is to-day of this strong child of hers—not her first-born, nor yet perhaps her youngest-born, but the stoutest, the strongest, and the grandest of her offspring. She will be proud of this child of hers, which was born of her own "fierce spirit of liberty."

We have been told in certain quarters, not here—I allude to no member of this House—we are told sometimes that we shall have nothing to show. I would not belittle the country in that way. We shall have much to show. We shall teach foreign nations as they will teach us. Thus there will be mutual profit, mutual benefit in this exposition. It has gone abroad sometimes that this nation is corrupt. Corruption may exist. I will not say that we are free from it; but it has been grossly exaggerated as everybody knows. We invite foreign nations to come here; and we propose to show them that we are better, far better than they have been taught to believe of us. We can do this, if we once get their presence here, as we shall in this exposition.

I was surprised to see not long since from the pen of a distinguished gentleman now resident in France who has represented this country at a foreign court that he is opposed to the idea of having "the flag of the United States on any occasion, and especially on an occasion so purely national as this, trailed behind the flag of any minor or municipal corporation." Who desires this? Not Philadelphia. We have been told this is a Philadelphia exhibition. If it is, whose fault is it? Philadelphia has taken hold of this work in earnest, and sometimes there are thrown out reproaches against her because of the deep interest she has shown in the enterprise. Because she has done so much she is now asked to do all. If Philadelphia had stood aloof, all recog-

nizing that as the proper place for this exhibition—if she had stood aloof, then we might with justice condemn her. But, unlike the wagoner who called upon Hercules, she has put her own shoulder to the wheel from the first. If it is really to be Philadelphia's Fourth of July celebration, it will be through no fault of hers, but because we do not step forward as we ought and elevate it from a city show to be the nation's grand opportunity. Those who oppose this appropriation are they who would degrade the exposition to a municipal show, with "the flag of the Union trailed behind the flag of the corporation." They would force upon it the character of a State or city celebration, and then condemn it for being what they would make it. Having stripped it of all nationality we are to insist that it is a Philadelphia exhibition and refuse the necessary assistance.

I wish to notice the pecuniary compensation we are likely to receive from holding the exposition. I do not know how many people will come from foreign lands to this exhibition. I know thousands of Americans every year go to Europe and spend money there. It is largely under the figures to say that three thousand Americans go to Europe annually, and that they spend $1,000 each during their visit; but if this were all, they spend as much as the appropriation which is asked for this national exposition. They take out of this country that much money and leave it with foreigners. Let us reverse the tide of travel, and what will be the result if we keep our own people at home one year and bring foreigners here? Suppose three thousand foreigners come and spend $1,000 each, you will have as the result $3,000,000 brought from abroad which will give back to us the appropriation which is now asked.

And who doubts that during the exposition many more than three thousand visitors will come from abroad. I do not know but the number will be fifty or a hundred thousand. They will visit us and traverse our whole country. Thousands of them will make their way to California. In the summer of 1876 thousands will visit the Yosemite Valley, and will spend money on their way. They will scatter abroad throughout the country, spending money wherever they go. We want "more money," and thus we shall have it; our limited circulation will be largely increased. We shall be repaid over and over again by keeping at home the money that would otherwise be spent abroad, and by inducing the people of other nations to bring us more.

But, sir, I look for far better results than those which are involved in any money consideration. What is a nation for? To guarantee our freedom? But our freedom is worth possessing only as it develops intellectual and moral, social and industrial, vigor. The savage is free; and what is his freedom worth? He remains for ages in the same state of hopeless ignorance. Progress—the growth of power and influence, the quickening of all human energies, the development of material resources—these are the ends of liberty. This exposition of the industries of all nations will stir intellectual, inventive, and industrial activities, that will girdle the earth with their beneficent influences and open the gospel of liberty to nations that have not yet read its pages. It will open up mines of golden thought as well as of golden ores. It will exhibit to ourselves of ourselves much we never knew or saw before. The man from the far South may come into that exposition and witness processes of mechanical and scientific industry he never heard of before, and he will bring there processes of industry developed and carried on for years and years in the South we never heard of before. Thus we will mutually aid, assist, and educate each other to prepare ourselves for greater advancement and greater progress, morally, intellectually, and materially than we have ever known before.

Then I say, Mr. Chairman, plant this seed in this good ground, and the birds of the air will not devour it up; the sun will not scorch it till it withers away; thorns will not grow up to choke it, but it will spring up and bear fruit a hundred-fold.

Mr. TREMAIN rose.

INDIAN APPROPRIATION BILL.

Mr. GARFIELD. I desire to give notice that at the conclusion of the speech of the gentleman from New York [Mr. TREMAIN] I propose to move that the committee rise, and that the House take a recess for the evening session which has already been agreed upon. I hope gentlemen will give us a full quorum to do business.

Mr. KELLEY. What is the business assigned for this evening?

Mr. GARFIELD. The Indian appropriation bill.

Mr. KELLEY. Does not this bill now under discussion come up?

Mr. GARFIELD. O, no.

Mr. SPEER. I wish to renew my notice that no business shall be done to-night without a quorum.

CENTENNIAL CELEBRATION.

Mr. TREMAIN. Mr. Chairman, in presenting very briefly the reasons for the vote which I intend to give upon this bill, I freely concede that my mind has been moved by opposite and conflicting sentiments. On the one hand, my determined rule of action leads me to promote, in every proper mode, economy and retrenchment in public expenditures, and to protect to the extent of my feeble ability the public Treasury. On the other hand, my resolution is equally inflexible to maintain, at any cost, and under all circumstances, the true dignity, honor, and good name of the United States, compared with which mere pecuniary considerations sink into insignificance.

The question whether we shall now authorize the appropriation which is deemed necessary to give success to the centennial international exhibition for 1876 comes to us in an aspect quite different from what it would present if we were deciding as an original question the proposition whether it should receive the aid and support of the Federal Government. It would be a pertinent and truthful argument in such case in favor of such a proposition to urge that it was very doubtful whether an undertaking of such magnitude could be carried forward by the voluntary subscriptions of the people, inasmuch as they would truthfully allege that it was a national matter and ought to be aided by the national Government. It would also be proper then to remind Congress that this nation had been invited to attend the three great international exhibitions of the world, and had not only accepted these invitations, but had given assurance that in due time these courtesies would be returned by an exhibition on this side of the Atlantic. It would also have been in order to suggest that the English, French, and Austrian exhibitions had been supported mainly by the aid of government, and that without such assistance they would probably have never been held.

Congress has already decided that this exhibition should be national and should be under the patronage of Congress. The act of March 3, 1871, creating the commission, declares in the preamble that "the exhibition should be a national celebration in which the people of the whole country should participate, and should have the sanction of Congress." The subsequent act of June 1, 1872, created a corporation called the centennial board of finance, with corporators in every State and Territory having authority to procure subscriptions to a capital stock of $10,000,000 to be used to carry out the objects of the exhibition.

And I may say here that the first act provided that there should be commissioners appointed, and alternate commissioners, in every State and Territory of the Union on the nomination of the governor of the State or Territory, with the sanction and approval of the President of the United States. Ninety-four gentlemen have been appointed with the presidential sanction, and have proceeded in accordance with the direction of these acts of Congress to discharge the high and important functions that were intrusted to their care.

I submit, sir, beyond all controversy, that by these acts the governmental sanction was bestowed upon the enterprise. Acting in accordance with these laws, the grounds that had been selected for the site in Fairmount Park were dedicated with the presidential approval, and the presidential proclamation was issued commending the enterprise to the favor of the people. Then followed the circular transmitted by the Secretary of State to foreign ministers and to the ministers of the United States abroad, inclosing copies of the regulations prescribed by the commissioners of the exhibition, which extended a cordial invitation to the nations to be represented at the exhibition, and requesting a formal acceptance of the invitation.

That there may be no misunderstanding as to the manner in which our Government sent out these invitations, and that there may be no confusion arising from the fact that our Secretary of State did afterward sent out to our ministers—not to foreign ministers, I rejoice to say—but that he did afterward, when the fear of the failure of this exposition was staring us in the face, when we desired to retreat as far as we consistently could from the difficulties of the situation, he then wrote to our ministers abroad words of caution as contained in the communication to our ministers abroad which was read by the gentleman from Maine. But what had been done before? Let there be no misunderstanding of this subject. The last section of the original act provided that—

> Whenever the President shall be informed by the governor of the State of Pennsylvania that provision has been made for the erection of suitable buildings for the purpose, and for the exclusive control by the commission herein provided for of the proposed exhibition, the President shall, through the Department of State, make proclamation of the same, setting forth the time at which the exhibition will open and the place at which it will be held; and he shall communicate to the diplomatic representatives of all nations copies of the same, together with such regulations as may be adopted by the commissioners, for publication in their respective countries.

What were the regulations that the Secretary of State sent out and to which he directed attention in the official communication of the Government of the United States? The third, fourth, and fifth regulations were as follows:

> Third. A cordial invitation is hereby extended to every nation of the earth to be represented by its arts, industries, progress, and development.
>
> Fourth. A formal acceptance of this invitation is requested previous to March 4, 1874.
>
> Fifth. Each nation accepting this invitation is requested to appoint a commission, through which all matters pertaining to its own interest shall be conducted, &c.

Now what was said in the very note sent out by Secretary Fish in the name of the President? One paragraph of it was read by the gentleman from Maine, [Mr. HALE.] Another paragraph, which that gentleman did not read, calls attention to the invitation officially in these words:

> In the law providing for the holding of the exhibition, Congress directed that copies of the proclamation of the President, setting forth the time of its opening and the place at which it was to be held, together with such regulations as might be adopted by the commissioners of the exhibition, should be communicated to the diplomatic representatives of all nations. Copies of those regulations are herewith transmitted.

Then follows the expression of a hope by the President that the nations will attend and bring their objects of industry and of art to this gathering.

How were these invitations understood by governments abroad? They were understood precisely as every man of common sense would

understand them, as invitations under the act of Congress, with the proclamation of the President sanctioning the opening of the enterprise and with the chief official organ of communication of the Government of the United States sending out these cordial letters of invitation, calling attention to these rules and regulations. How were they understood abroad?

These invitations are justly regarded by the governments to which they were sent as governmental invitations, and as such they have been accepted by the following nations, namely: Germany, Belgium, Netherlands, Switzerland, Ecuador, Chili, Argentine Confederation, Brazil, Hayti, Liberia, Hawaii, Mexico, and Sweden. Communications have been received indicating their purpose to be represented from France, England, Scotland, Wales, Italy, Spain, Turkey, Austria, Russia, Egypt, China, Japan, Australia, New Zealand, and Canada.

How were they understood in the German Empire? That country which, when John Bull stood back and said, "Do not invest one dollar in the securities of the United States," at a time when we were engaged in a struggle for life, came forward and generously invested in American bonds. What said the German Empire on this question? Bismarck, in his letter of instructions to the German envoy at Washington, said:

I request you respectfully to communicate to the Secretary of State, Mr. Fish, that the German Empire accepts with sincerest thanks, the invitation of the Government of the United States of America—

Understanding it as a governmental invitation, as everybody else would—

to take part in the above-mentioned exhibition. The appointment of a special commission for the exhibition, as also of a plenipotentiary residing in Philadelphia, will therefore be made in time.

The gentleman from Maine [Mr. HALE] says you would not find in the printed document any acceptance from any other nation. I hold in my hand a communication addressed to the gentleman from Pennsylvania [Mr. KELLEY] by the secretary of the commission, in which he names fourteen nations which have officially indicated their intention to participate in the national exhibition of 1876, the names of which were given by the gentleman from Pennsylvania [Mr. KELLEY] in his opening remarks, and in which he gives in addition the names of fourteen other nations from which communications have been received indicating their interest in the exhibition and their purpose to be represented. And I have learned since this discussion opened this afternoon from the honorable and distinguished chairman of the commission, General HAWLEY, who has been so justly complimented by my friend from Maine, [Mr. HALE,] that since this letter was written official intimation of the acceptance of the invitation has been received from one or two other governments.

And now we arrive at that period in the history of the great enterprise when the assistance of Congress becomes necessary. All the means that can be procured from subscriptions for stock or from other sources have been exhausted or at least all that will be available in time to be of service.

I have regretted to hear from my friend from Maine, [Mr. HALE,] generally so just and so generous, any insinuations against the good faith or the honor of the representatives from the State of Pennsylvania, arising out of what they may have said in this House or in the Senate during the progress of the two laws to which I have referred. What have they said or done in debate that is inconsistent with their subsequent action?

Mr. CAMERON said, as I recollect his remarks, that Philadelphia and Pennsylvania would contribute largely and liberally. It may be that he may have expressed the opinion that all the means would have been raised in Pennsylvania, although I think he gave no such assurance; but I know he did express the opinion that the $10,000,000 of stock, in shares of $10 each, would be subscribed for throughout the United States; and the fact that the commission have been engaged for three years in endeavoring to raise money from other sources, including subscriptions for that stock, is evidence of the good faith of Pennsylvania. She has done all that it lay in her power to do; and as evidence of that I have had placed in my hands by a Representative from that State a statement, from which it appears that Pennsylvania, the city of Philadelphia, and the citizens of the State, have nobly responded and contribute, all that can justly or fairly be required at their hands. They have raised from four to five millions of dollars. After including all available resources an additional sum not exceeding $3,000,000, and which may fall considerably short of that sum, is required to give success to the great work. No other resource is left except to apply to Congress for aid.

Now, what is there in the position of the Representatives of Pennsylvania on this floor to call for strictures or criticisms? The able gentleman from Maine alluded to the fact that an appropriation had been made by the Legislature of Pennsylvania to be applied to the erection of one of the buildings. Sir, that only shows how very strongly Pennsylvania has exerted all her constitutional power to aid this enterprise. Under the constitution of her State no money can be raised by taxation except for State purposes, and therefore, in order to satisfy this constitutional provision, Pennsylvania, in the act of her Legislature, provided that $1,000,000 should be raised and applied to the erection of what is called the "art building," a necessary and indispensable structure for the purposes of this exhibition. Again, the city of Philadelphia has appropriated $1,500,000, and citizens and corporations of Pennsylvania, including about $100,000 appropriated by New Jersey, have raised $2,000,000 more, or pledged it, so that it is secure, and the State of Pennsylvania by the appropriation to which I have referred gives $1,000,000; the whole amounting in the aggregate to $4,500,000.

It is true that Congress guarded in the acts to which I have referred against involving the nation in any expenditure, and the commissioners have carefully obeyed the legislative injunction. But Congress labored under the mistaken belief that the means could and would be raised from subscriptions to stock and other sources. It is probable that these expectations would have been realized except for the recent severe commercial revolution which produced such general loss and embarrassment throughout the country.

But what is there in these acts of Congress that should justify the charge that these gentlemen are going back upon what they have said or going back upon the action of Congress?

In the first place, look at the first act and see what it means. Here is a law wherein it is declared that this exhibition shall be under the auspices of the Government of the United States. Commissioners were to be appointed with the sanction of the President. There was imminent danger and just cause to fear that under such an act this Government would be justly and legally held responsible for all debts contracted under that law by the commission; and out of abundant caution a section was put in that these officers should receive no compensation, (and they have never claimed any,) and that the United States should not be liable for any of the expenses attending the exhibition. Nobody proposes to violate that restriction or reservation. The commissioners have carefully guarded against incurring any obligations which the United States would be bound to redeem.

How is it with the next act? Why, the early part of the section which my learned friend read provides that the Secretary of the Treasury of the United States shall prepare the certificates of stock, and that the counterfeiting of those certificates shall be an offense under the United States laws the same as the counterfeiting of United States currency; and then follows a proviso that nothing in the act shall be construed so as to create any liability on the part of the United States. Does anybody propose to violate these pledges? Let me tell the gentlemen who were on this floor when this law was passed that it is but a poor excuse to offer for opposing a law giving the sanction of the Government of the United States, when the honor of this nation has become pledged by it to foreign nations, because, forsooth, there were some outside pledges made by the representatives from Pennsylvania. Our predecessors as reasonable men must be presumed to have contemplated the possibility of a failure in raising the $10,000,000 by subscription to stock or otherwise, and I cannot suppose they would have passed these laws unless they were willing that Congress should in case of necessity step forward and make all the necessary appropriations that were required to uphold the credit and reputation of the United States.

Mr. E. R. HOAR. Will my friend allow me to ask him a question? I wish to ask him where he proposes to get this money, consistently with the pledges of the United States, with the public debt increased $2,000,000 in the last year, and with no provision for a sinking fund; and whether he thinks it becoming in anybody to borrow money to celebrate his birthday?

Mr. TREMAIN. I presume if I was a member of the Committee on Ways and Means of this House I could find means enough to pay $3,000,000. In the name of my country, the richest country on the face of God's earth—a country that during our late war raised daily for months in succession $4,000,000 from its own resources—I trust I never shall be required to find out where $3,000,000 can be raised when we have two years to raise it in.

Mr. DAWES. I would like to ask my friend from New York [Mr. TREMAIN] if he recognizes borrowing as one of our resources?

Mr. TREMAIN. I am not to be drawn into a financial discussion. I am aware that the chairman of our Committee on Ways and Means [Mr. DAWES] knows all about that matter, and it is not necessary for me to enter upon that field.

At all events, Mr. Chairman, the contingency of a failure of this enterprise now confronts us. Congress has gone so far that it cannot retreat. For its action in this respect, we, who are the successors of the representatives who enacted these laws, are not responsible. Here is an exhibition launched forth with the sanction of Congress bearing the name of international, given to it by act of Congress, stamped with the imprimatur of our President, to which our Secretary of State has practically invited all nations to come. I, for one, am not willing to countermand these invitations or to allow them to be discredited. Others may decline to take any further steps to give this enterprise success and I censure them not; but for myself I cannot consent either to close the doors of the exhibition against those guests who have been invited by the nation, or to compel them to come into an exhibition conducted by only one out of the thirty-seven States and ten Territories of the Union; an exhibition so reduced in its proportions and so insignificant in extent as to excite the derision and scorn of the world.

The great States of New York and Pennsylvania lie side by side, and their people, constantly intermingling, are united by the ties of common neighborhood, friendship, and sympathy. Their strong arms were interlocked, and together they went through the war of the revolution; hand in hand they have struggled together in all the

contests through which the nation has since been called to pass. As a Representative from the Empire State I would do for Pennsylvania what I should expect Pennsylvania would do for New York, if their respective positions were reversed. But this exhibition and celebration only seem to affect Pennsylvania more immediately than other States because it happens that the great event which the celebration will commemorate transpired upon her soil. It was in the city of Philadelphia that the great and immortal proclamation of human rights and universal freedom was first ushered into the world. It was then and there that the old liberty bell rang out its thrilling chimes. To Philadelphia belongs the honor of being the place from whence went forth those great truths of political equality which constitute the corner-stones of our republican institutions, and that honor will be hers forever.

But the whole nation shares in the glory and credit that have resulted from the memorable historic events which this celebration will commemorate. I believe that we shall derive from this exhibition tenfold more benefit than it will cost. Indeed it seems to me that the precious fruits which it will yield can be measured by no pecuniary standard.

I concur most fully in the vigorous and patriotic sentiments so forcibly expressed by the President in his recent special message to Congress upon this subject. He says:

> It seems fitting that the one-hundredth anniversary of our independence should be marked by an event that will display to the world the growth and progress of a nation devoted to freedom and to the pursuit of fame, fortune, and honors by the lowest citizen as well as the highest. A failure in this enterprise would be deplorable. Success can be assured by arousing public opinion to the importance of the occasion. To secure this end, in my judgment, congressional legislation is necessary to make the exposition both national and international.
>
> The benefits to be derived from a successful international exposition are manifold. It will necessarily be accompanied by expenses beyond the receipts from the exposition itself; but they will be compensated for many fold by the commingling of people from all sections of our own country; by bringing together the people of different nationalities; by bringing into juxtaposition, for ready examination, our own and foreign skill and progress in manufactures, agriculture, art, science, and civilization.

Mr. Chairman, there can be but one centennial celebration of the Declaration during our lives. Time is rapidly hastening, and whatever we do to give success to the exhibition must be done without delay.

Let the exhibition take place, and let it be worthy of our country! I cannot contribute by my vote to write the word failure upon the history of an enterprise so full of promise for the future; a national work which has received the sanction of my Government.

Let the Old World and the New be brought together in the great exhibition, and the bonds of fellowship and peace will be greatly strengthened by the gathering together of people from the different nations of the earth. We have good reason to believe that America will be able to make such a display that foreigners will carry away with them a better knowledge of our country and a higher regard for our free institutions.

Our people also will acquire a vast fund of knowledge concerning the productions, the results of the art, of the skill, of the inventive genius of other lands, which would otherwise be learned only by the wealthy and favored citizens who are able to travel in foreign countries. We have ground to hope and expect as a result of the exhibition that the immigration to our shores will thereafter be swollen by the accession of skilled laborers, thereby contributing to relieve us from dependence upon the workshops of Europe.

It seems to me to have been a happy conception that the centennial celebration of the Declaration should have been united with this exhibition. What an eventful century will that celebration bring before the mind! In what century of the world's history, excepting that in which the Son of Man was born, have such memorable and important events transpired as during the last hundred years! What nation has ever made such progress during the space of time as our own!

Instead of a feeble nation, with limited resources, we have become a great and powerful people, numbering more than forty millions, and, notwithstanding the carping criticism of gentlemen who ask where we are to raise $3,000,000, possessing more elements of greatness, power, and material wealth than any other on the face of the globe. Nay, more: there is no good reason why, if we remain true to ourselves and true to the principles of our fathers, we shall not continue to increase beyond our most sanguine anticipations. I hope we will not be frightened by a panic, that comes once in twenty-five years perhaps, to hang out the red flag of bankruptcy and say we cannot meet our honorable obligations.

All our trials and perils have arisen from a deviation from these principles. The only cause for any irrepressible conflict has been wiped away forever in suffering, in tears, and blood. That cause was no more the fault of the South than of the North. It was a common misfortune bequeathed to us by our fathers.

Let our people, then, from every State and Territory come to the exhibition, bringing with them their rich and varied productions, their mineral, agricultural, and horticultural specimens; their samples of manufacturing, mechanical, and inventive skill; their fabrics and materials; their tools, apparatus, and machines; everything, in short, tending to show what they have done and are doing to increase the happiness and improve the condition of mankind.

Let the people from the old thirteen Colonies come; let the citizens of the new States and Territories come; let them come with their wives and children. Let them all gather around the old council chamber, and inhale the patriotic spirit which animated those noble bodies of men who met in Philadelphia and put forth the Declaration and who framed the Constitution of the United States. Let them turn away from the dissensions and controversies of the hour, and drink deep from the original fountains of pure republicanism and genuine democracy.

Let those who but yesterday were arrayed against each other in deadly strife come and strike hands together. Let there be no further strife between us over the past. Let the dead bury the dead.

We shall see how much we yet have to live for, and what boundless fields of improvement and usefulness yet invite us to the cultivation and use of all those powers and faculties with which an all-wise Creator has endowed us.

We are citizens of a common country, having a common interest in its past and future glory and greatness. Peace having been happily restored between the North and the South, I would make that peace permanent and perpetual. One vacant place in my family circle renders it impossible that I should ever forget the existence of the late civil war. But I speak the sentiments of an overflowing heart, and I speak for the people of the North when I say that I long ardently for the coming of that day when all resentments between us, all heart-burnings, all unkindness, may be forever

> In the deep bosom of the ocean buried.

Most heartily do I respond to the patriotic and Christian sentiment recently uttered upon this floor by a distinguished Representative from the South, [Mr. LAMAR,] when in his touching eulogy upon Charles Sumner he said that if we "should know each other better we would love each other more."

It may be, Mr. Chairman, that I have given undue weight to the reasons which I have thus imperfectly stated why I shall vote for this bill; it may be that my vote will be wrong. So let it be; but in such case I can only hope that the leaf in the book of remembrance which contains the entry of my vote shall share the same fate which befell the record of Uncle Toby's oath, of which we are informed that when the recording angel had written it down a tear of sympathy for the motives which prompted the oath dropped from the angel's cheek upon the book and blotted out the record forever.

Mr. COBB, of Kansas, obtained the floor, and yielded to

Mr. KELLEY, who moved that the committee rise.

The motion was agreed to.

The committee accordingly rose; and, the Speaker having resumed the chair, Mr. HOSKINS reported that, pursuant to the order of the House, the Committee of the Whole on the state of the Union had had under consideration the special order, being the bill (H. R. No. 2986) to appropriate $3,000,000 in aid of the centennial celebration and international exhibition of 1876, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had agreed to the amendment of the House to the amendment of the Senate to the bill (H. R. No. 2191) in relation to customs duties on imported fruits.

ORDER OF BUSINESS.

Mr. GARFIELD. I move that the House take a recess until half past seven o'clock.

Mr. NEGLEY. Before that motion is put I ask unanimous consent of the House to set apart next Tuesday, after one o'clock, for the consideration of the bill in relation to the safety of passengers on board of vessels propelled in whole or in part by steam.

Mr. GARFIELD. I ask the gentleman to except appropriation bills.

Mr. BURCHARD. And reports from the Committee on Ways and Means.

Mr. NEGLEY. We have been keeping it out of the way of those two committees from the 4th of February last.

Mr. ELLIS H. ROBERTS. I must insist upon the reports of the Committee on Ways and Means being excepted.

Mr. NEGLEY. I will except reports from the Committee on Ways and Means and the Committee on Appropriations.

Mr. COBURN. I object to that order.

Mr. NEGLEY. Then I give notice that on Monday next I will move a suspension of the rules so as to make such an order.

Mr. SENER. I ask that at the session of to-night business may be conducted without regard to a quorum.

Mr. SPEER. Is it competent for the House to make such an order as that?

The SPEAKER. It is.

Mr. SPEER. Does it require unanimous consent?

The SPEAKER. It does.

Mr. SPEER. Then I object.

The SPEAKER. The question is upon the motion of the gentleman from Ohio, [Mr. GARFIELD,] that the House now take a recess until half-past seven o'clock p. m., when the House will meet for the consideration of the Indian appropriation bill.

The motion was agreed to; and accordingly (at four o'clock and fifty minutes p. m.) the House took a recess until half past seven o'clock p. m.

EVENING SESSION.

The recess having expired, the House reassembled at half past seven o'clock p. m., Mr. BURCHARD in the chair as Speaker *pro tempore*.

NEW MEXICO.

Mr. FORT. I ask unanimous consent to submit a report from the Committee on Territories upon the bill for the admission of the Territory of New Mexico as a State, and that it be ordered to be printed and recommitted, not to be brought back on a motion to reconsider.

No objection was made, and it was agreed to.

ORDER OF BUSINESS.

Mr. RANDALL. I desire to inquire of the Chair if there is a quorum present? I wish to say that it may as well be understood first as last that at these evening sessions, which we must commence holding very soon, there must be a quorum before we can proceed with business. It is not proper that appropriation bills should be acted upon with hardly fifteen members in the Hall.

Mr. HAWLEY, of Illinois. As I understand it the appropriation bill is not before the House.

Mr. RANDALL. The Indian appropriation bill is to be taken up in Committee of the Whole this evening.

Mr. LOUGHRIDGE. I move that the rules be suspended and the House now resolve itself into Committee of the Whole on the Indian appropriation bill.

Mr. RANDALL. On that question I call for a division.

Mr. LOUGHRIDGE. I hope the gentleman will withdraw that call.

Mr. RANDALL. I will not.

The question was taken; and upon a division there were—ayes 10, noes 4.

Mr. RANDALL. That is not a quorum.

Mr. HAWLEY, of Illinois. I call for tellers.

The SPEAKER *pro tempore*. No quorum having voted, the Chair will appoint the gentleman from Pennsylvania, Mr. RANDALL, and the gentleman from Iowa, Mr. LOUGHRIDGE, to act as tellers.

The House again divided; and the tellers reported—ayes 21, noes 2; no quorum voting.

Mr. LOUGHRIDGE. I move a call of the House.

Mr. MACDOUGALL. I move that the House adjourn.

The question being taken on the motion of Mr. MACDOUGALL, it was not agreed to.

The question recurring on the motion of Mr. LOUGHRIDGE, there were—ayes 15, noes 3.

Mr. WILLARD, of Vermont. I call for the yeas and nays.

The yeas and nays were not ordered.

So the motion of Mr. LOUGHRIDGE was agreed to.

The Clerk proceeded to call the roll; when the following members failed to answer to their names:

Messrs. Adams, Albert, Archer, Arthur, Ashe, Banning, Barnum, Barrere, Barry, Bass, Begole, Bell, Bowen, Bright, Buckner, Bundy, Benjamin F. Butler, Roderick R. Butler, Caldwell, Cannon, Cason, Amos Clark, jr., Freeman Clarke, Clayton, Clements, Clymer, Clinton L. Cobb, Stephen A. Cobb, Comingo, Conger, Cotton, Cox, Creamer, Crocker, Crooke, Crossland, Crutchfield, Curtis, Darrall, Davis, Dawes, DeWitt, Dobbins, Donnan, Duell, Durham, Eames, Eden, Eldredge, Elliott, Farwell, Field, Freeman, Giddings, Glover, Gooch, Gunckel, Hagans, Robert S. Hale, Hamilton, Harmer, Henry R. Harris, Harrison, Hathorn, Havens, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Herndon, Hersey, E. Rockwood Hoar, George F. Hoar, Hodges, Holman, Hooper, Hoskins, Houghton, Hubbell, Hunton, Hynes, Kasson, Kelley, Kellogg, Kendall, Killinger, Lamar, Lamison, Lawson, Leach, Lewis, Lofland, Lowndes, Magee, Marshall, Martin, Maynard, Alexander S. McDill, James W. McDill, McJunkin, McKee, McNulta, Mellish, Mills, Mitchell, Moore, Morey, Morrison, Myers, Neal, Nesmith, Niles, Nunn, O'Brien, Parsons, Pelham, Perry, Phelps, Phillips, Pike, James H. Platt, jr., Thomas C. Platt, Potter, Pratt, Purman, Rainey, Ransier, Rapier, Read, William R. Roberts, James C. Robinson, James W. Robinson, Rusk, Milton Sayler, John G. Schumaker, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloan, Sloss, Small, Smart, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, William A. Smith, Snyder, Southard, Speer, Sprague, Stanard, Standiford, Stephens, St. John, Stone, Stowell, Strait, Strawbridge, Swann, Sypher, Taylor, Charles R. Thomas, Thornburgh, Todd, Townsend, Tremain, Waddell, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, White, Whitehouse, Whiteley, Willie, Wilshire, Jeremiah M. Wilson, Wolfe, Wood, Woodford, John D. Young, and Pierce M. B. Young.

The SPEAKER *pro tempore*. The Clerk will now proceed to call the names of absentees for the presentation of excuses. The officers of the House will see that the doors be closed.

Mr. CONGER. Mr. Speaker, I was in the Hall during the last roll-call. I did not hear my name called. I want it called now that I may answer.

Mr. RANDALL. I move that the gentleman be allowed to answer to his name.

Mr. CONGER. I rise to a privileged question.

The SPEAKER *pro tempore*. The Clerk will proceed to call the roll of absentees for the presentation of excuses.

Mr. CONGER. I desire to——

The SPEAKER *pro tempore*. No other motion is now in order.

Mr. CONGER. I do not wish to make a motion. I was in the House——

Many MEMBERS. Order! Call the roll!

The SPEAKER *pro tempore*. The Chair will wait until there is perfect quiet in the House.

Mr. CONGER. It seems quiet now. I was in the House——

Mr. GARFIELD. I believe the order is to call the roll.

Mr. CONGER. Let my friend from Ohio [Mr. GARFIELD] wait a moment. I was in the House when the roll was being called the second time. I desire to have my name recorded as one of those present on that roll-call.

The SPEAKER *pro tempore*. The Clerk will proceed to call the roll, and when the gentleman's name is reached he can be heard.

Mr. SAYLER, of Ohio. I desire to make for myself a similar request to that of the gentleman from Michigan, [Mr. CONGER.]

The Clerk proceeded to call the names of absentees for the presentation of excuses.

GEORGE M. ADAMS: No excuse offered.

WILLIAM J. ALBERT: No excuse offered.

STEVENSON ARCHER.

Mr. WILSON, of Maryland. My colleague, Mr. ARCHER, is confined to his room by sickness.

Mr. STORM. I move that he be excused.

The motion was agreed to.

WILLIAM E. ARTHUR: No excuse offered.

THOMAS S. ASHE.

Mr. ASHE. I had a long walk here, and I may have been somewhat misled by my watch as to the time.

Mr. PARKER, of New Hampshire. I move that the gentleman be excused.

The motion was agreed to.

HENRY B. BANNING: No excuse offered.

WILLIAM H. BARNUM: No excuse offered.

GRANVILLE BARRERE.

Mr. BARRERE. I was in the House at twenty minutes of eight o'clock. When I left home I supposed I had abundant time to get here. But when I came in the roll was being called, and the B's had been passed.

Mr. PARKER, of New Hampshire. I move that the gentleman be excused.

The motion was agreed to.

HENRY W. BARRY: No excuse offered.

Mr. GARFIELD. I move, in order to save time, that all those be excused who are now in the Hall.

Several MEMBERS. Regular order!

LYMAN K. BASS: No excuse offered.

JOSIAH W. BEGOLE.

Mr. BRADLEY. Mr. BEGOLE is at the door. There has been sickness in his family for the last four or six weeks. I move that he be excused.

Mr. WILBER. I know that Mr. BEGOLE's family have been sick, and it has been necessary for him to give them a good deal of attention.

The motion of Mr. BRADLEY was agreed to.

HIRAM P. BELL: No excuse offered.

Mr. DONNAN. I move that further proceedings under the call be dispensed with.

Mr. RANDALL. Is there a quorum present?

The SPEAKER *pro tempore*. There is not.

Mr. PARKER, of Missouri. A division upon this question will show whether there is a quorum present.

The motion was not agreed to; there being—ayes 20, noes 72.

Mr. GARFIELD. I believe no quorum has voted.

The SPEAKER *pro tempore*. No quorum has voted.

Mr. POLAND. I trust the House will hear a suggestion. I have no doubt that the Chair is technically right in saying that the roll must be called; but according to my impression the practice has always been that where gentlemen came in during the second call and after their names had been passed, they have been allowed to have their names recorded before any further proceedings.

The SPEAKER *pro tempore*. The motion to dispense with all further proceedings under the call is lost.

Mr. RANDALL. I move that those who have not answered to their names shall have the privilege to do so, in order that we may know whether there is a quorum present now or not.

The SPEAKER *pro tempore*. The Chair has already decided the motion lost, and the motion of the gentleman from Pennsylvania therefore is not in order.

Mr. CONGER. I appeal from that decision of the Chair.

The SPEAKER *pro tempore*. The Chair has decided, and when he made his decision no appeal was taken, and an appeal from that decision, therefore, is not now in order. The Clerk will proceed with the call of absentees for excuses.

REESE T. BOWEN.

Mr. BOWEN. Mr. Speaker, I came into the Hall just as my name was called.

Mr. NIBLACK. I move that the gentleman be excused.

The motion was agreed to.

JOHN M. BRIGHT: No excuse offered.

AYLETT H. BUCKNER: No excuse offered.

HEZEKIAH S. BUNDY: No excuse offered.

BENJAMIN F. BUTLER: No excuse offered.

RODERICK R. BUTLER: No excuse offered.

JOHN H. CALDWELL: No excuse offered.

JOSEPH G. CANNON.

Mr. CANNON, of Illinois. I was in the House before the doors were closed.

Mr. CESSNA. I move that the gentleman be excused.

The motion was agreed to.

THOMAS J. CASON.
Mr. ORTH. My colleague is detained from the House by illness, and I move that he be excused.
The motion was agreed to.
AMOS CLARK, jr.: No excuse offered.
FREEMAN CLARKE.
Mr. MACDOUGALL. I move that my colleague be excused.
The motion was agreed to.
CHARLES CLAYTON.
Mr. BRADLEY. I move that the gentleman from California be excused on account of sickness.
The motion was agreed to.
ISAAC CLEMENTS.
Mr. CLEMENTS. I was here before the doors were closed.
Mr. RANDALL. I move that the gentleman be excused.
The motion was agreed to.
HIESTER CLYMER.
Mr. HARRIS, of Virginia. I move that the gentleman be excused, as he is now present.
Mr. CLYMER. Here all the time.
The motion was agreed to.
CLINTON L. COBB.
Mr. FIELD. I move that he be excused; he is in the gallery and cannot get upon the floor, as the doors are closed.
The motion was disagreed to.
STEPHEN A. COBB: No excuse offered.
ABRAM COMINGO.
Mr. RANDALL. I move, as the gentleman is present, that he be excused.
The motion was agreed to.
OMAR D. CONGER.
Mr. GARFIELD. If the gentleman will agree not to make a speech I will move that he be excused.
Mr. CONGER. I understand this is a call for members to offer excuses.
Mr. LAMPORT. I move that the gentleman be excused.
Mr. CONGER. I wish to say this——
Mr. NIBLACK. I object to debate.
The SPEAKER *pro tempore*. The House will preserve order.
Mr. CONGER. No business will be done until I am heard.
Mr. FIELD. The gentleman will not be excused if he insists.
Mr. CONGER. I was in this House when the second roll was called, and I called the attention of the Chair to it. I demanded then my name should be called, as all precedents since I have been a member of Congress required it, as I was in the House a long time before the doors were closed. I claim every gentleman in this House before the last name on the roll is called has a right to have his name called, and not be put in a false position here or elsewhere. There are other gentlemen who have been subjected to the same thing heretofore, and who have also had their names put on the roll. I, sir, have never been absent from the House except twice on a roll-call for five years, and I do not desire it shall unnecessarily appear otherwise. I have no excuse to offer, because I came here in time.
The SPEAKER *pro tempore*. The Clerk will read the thirty-sixth rule, under which the Chair is now acting.
The Clerk read as follows:

Upon the call of the House, the names of the members shall be called over by the Clerk, and the absentees noted; after which the names of the absentees shall again be called over; the doors shall then be shut, and those for whom no excuse or insufficient excuses are made may, by order of those present, if fifteen in number, be taken into custody as they appear, or may be sent for and taken into custody, wherever to be found, by special messengers to be appointed for that purpose.

Mr. CONGER. That rule cannot apply to any member in this House before the doors are closed, because they may be sent for. All members who are in this Hall are equally a part of this body to go on with the proceedings whether they were here on the first roll-call or on the second. I claim that no gentleman who was in the House during the roll-call shall be called upon for an excuse.
The SPEAKER *pro tempore*. The Chair begs to say that he has followed literally the directions of the rule. It has been moved that the gentleman from Michigan [Mr. CONGER] be excused. The Chair hears no objection.
AYLETT R. COTTON.
Mr. COTTON. I was in the Hall before the call of the roll was completed.
Mr. BECK. I move that the gentleman be excused.
The motion was agreed to.
SAMUEL S. COX.
Mr. PARKER, of New Hampshire. I have received a letter from Mr. COX stating that he is detained at his house sick.
Mr. STORM. Mr. COX is absent by leave of the House.
The SPEAKER *pro tempore*. That is sufficient excuse.
THOMAS J. CREAMER: No excuse offered.
ALVAH CROCKER: No excuse offered.
PHILIP S. CROOKE: No excuse offered.
EDWARD CROSSLAND.
Mr. BECK. Mr. CROSSLAND is absent because of sickness. He is not well enough to be here.
Mr. HEREFORD. I move that the gentleman be excused.
The motion was agreed to.
WILLIAM CRUTCHFIELD: No excuse offered.
CARLTON B. CURTIS: No excuse offered.
CHESTER B. DARRALL: No excuse offered.
JOHN J. DAVIS: No excuse offered.
HENRY L. DAWES: No excuse offered.
DAVID M. DEWITT: No excuse offered.
SAMUEL A. DOBBINS: No excuse offered.
WILLIAM G. DONNAN.
Mr. DONNAN. I made the best time on record in my efforts to be here, and was in the Hall before the roll-call was completed but after my name had been called.
Mr. GARFIELD. I move that the gentleman be excused.
The motion was agreed to.
Mr. ATKINS. I move that further proceedings under the call be dispensed with.
The question being taken on the motion of Mr. ATKINS, there were—ayes 10, noes 56.
So the motion was not agreed to.
R. HOLLAND DUELL: No excuse offered.
MILTON J. DURHAM: No excuse offered.
BENJAMIN T. EAMES: No excuse offered.
JOHN R. EDEN: No excuse offered.
CHARLES A. ELDREDGE: No excuse offered.
ROBERT B. ELLIOTT.
Mr. CAIN. Mr. ELLIOTT is absent by leave of the House.
CHARLES B. FARWELL: No excuse offered.
MOSES W. FIELD.
Mr. FIELD. I was in the Hall when my name was called, but I did not hear it.
Mr. PARKER, of New Hampshire. I move that the gentleman be excused.
The motion was agreed to.
JAMES C. FREEMAN.
Mr. FREEMAN. I was in the House before the roll-call was completed.
Mr. PARKER, of New Hampshire. I move that the gentleman be excused.
The motion was agreed to.
DEWITT C. GIDDINGS.
Mr. GIDDINGS. I was in the Hall before the roll-call was completed, but after my name was called.
Mr. VANCE. I move that the gentleman be excused.
The motion was agreed to.
JOHN M. GLOVER.
Mr. CRITTENDEN. Mr. GLOVER is absent on account of sickness. I move that he be excused.
The motion was agreed to.
DANIEL W. GOOCH: No excuse offered.
LEWIS B. GUNCKEL.
Mr. GUNCKEL. I came into the Hall during the last roll-call, but after my name had been called.
Mr. RANDALL. I move that the gentleman be excused.
The motion was agreed to.
J. MARSHALL HAGANS: No excuse offered.
ROBERT S. HALE: No excuse offered.
ROBERT HAMILTON: No excuse offered.
ALFRED C. HARMER: No excuse offered.
HENRY R. HARRIS.
Mr. HARRIS, of Georgia. I intended to be here in good time, and was here some time before the roll-call was completed.
Mr. PARKER, of New Hampshire. I move that the gentleman be excused.
The motion was agreed to.
Mr. HARRIS, of Georgia. I desire to say also that my colleague, Mr. BELL, is detained by sickness. I move that he be excused.
The motion was agreed to.
HORACE H. HARRISON.
Mr. HARRISON. I was here before the roll-call was completed.
Mr. SAWYER. I move that the gentleman be excused.
The motion was agreed to.
Mr. RANDALL. I think there is a quorum now here and that we may proceed to business. If there be no objection I would now move that the gentlemen who are present be allowed to answer to their names; and I would include in the motion those who are outside of the doors.
Mr. GARFIELD. Let us go on with the call of the absentees.
Several MEMBERS. Go on.
HENRY H. HATHORN: No excuse offered.
HARRISON E. HAVENS.
Mr. CRITTENDEN. Mr. HAVENS is in the gallery sick. I move that he be excused.
The motion was not agreed to.
JOSEPH B. HAWLEY: No excuse offered.
CHARLES HAYS: No excuse offered.
GERRY W. HAZELTON: No excuse offered.
JOHN W. HAZELTON.
Mr. HAZELTON, of New Jersey. My excuse is that I did not start soon enough to be here at the assembling of the House.
Mr. STARKWEATHER. I move that the gentleman be excused.
The motion was agreed to.

WILLIAM S. HERNDON.

Mr. HANCOCK. My colleague, Mr. HERNDON, is absent by leave of the House.

SAMUEL F. HERSEY.

Mr. STORM. Mr. HERSEY has leave of absence.

E. ROCKWOOD HOAR: No excuse offered.

GEORGE F. HOAR.

Mr. PARKER, of New Hampshire. Mr. GEORGE F. HOAR is absent by leave of the House.

ASA HODGES: No excuse offered.

WILLIAM S. HOLMAN.

Mr. NIBLACK. My colleague, Mr. HOLMAN, is absent by leave of the House.

SAMUEL HOOPER: No excuse offered.

GEORGE G. HOSKINS: No excuse offered.

SHERMAN O. HOUGHTON.

Mr. PAGE. My colleague, Mr. HOUGHTON, is absent on account of sickness. He was not sufficiently well to be here. I move that he be excused.

The motion was agreed to.

JAY A. HUBBELL.

Mr. CONGER. My colleague, Mr. HUBBELL, is on a committee which has leave to sit during the sessions of the House.

Mr. LOWE. Is the committee in session now? Mr. HUBBELL is at the door.

Mr. BRADLEY. I think it is a mistake that Mr. HUBBELL is at the door. I venture the assertion that he is reviewing testimony, and I move that he be excused.

Mr. FRYE. He is at the door looking through the glass.

Mr. CONGER. He is on a committee which has leave to sit during the sessions of the House, and if that means anything, it means that he may be absent during the sessions of the House.

The question was taken on Mr. BRADLEY'S motion, and it was not agreed to.

EPPA HUNTON.

Mr. HARRIS, of Virginia. My colleague, Mr. HUNTON, is absent from the city from necessity, and I move that he be excused.

The motion was agreed to.

WILLIAM J. HYNES: No excuse offered.

JOHN A. KASSON: No excuse offered.

WILLIAM D. KELLEY.

Mr. O'NEILL. Judge KELLEY said to me just before he left the House this afternoon, that he was too unwell to come here this evening. I move that he be excused.

The motion was agreed to.

STEPHEN W. KELLOGG.

Mr. STARKWEATHER. My colleague, Mr. KELLOGG, has been called home by sickness in his family. I move that he be excused.

The motion was agreed to.

CHARLES W. KENDALL: No excuse offered.

JOHN W. KILLINGER: No excuse offered.

LUICUS Q. C. LAMAR.

Mr. COMINGO. It is well known that Mr. LAMAR'S health is such that he cannot attend night sessions. I move that he be excused.

The motion was agreed to.

CHARLES N. LAMISON.

Mr. BERRY. My colleague, Mr. LAMISON, is unwell, and I move that he be excused.

Mr. CLEMENTS. I know that to be a fact, for I rode up with him in the car.

The motion was not agreed to.

JOHN D. LAWSON: No excuse offered.

JAMES M. LEACH: No excuse offered.

BARBOUR LEWIS: No excuse offered.

JAMES R. LOFLAND: No excuse offered.

LLOYD LOWNDES, jr.: No excuse offered.

JOHN A. MAGEE: No excuse offered.

SAMUEL S. MARSHALL: No excuse offered.

JAMES S. MARTIN.

Mr. BLAND. Mr. MARTIN told me that he was unwell this evening. I move that he be excused.

The motion was agreed to.

HORACE MAYNARD: No excuse offered.

ALEXANDER S. MCDILL.

Mr. CANNON, of Illinois. I have just come from the room of Mr. MCDILL, of Wisconsin, and I know that he is sick. That is the reason why I was not here in time myself. I move that he be excused.

The motion was agreed to.

JAMES W. MCDILL: No excuse offered.

EBENEZER MCJUNKIN: No excuse offered.

GEORGE C. MCKEE: No excuse offered.

JOHN MCNULTA: No excuse offered.

DAVID B. MELLISH: No excuse offered.

ROGER Q. MILLS.

Mr. MCLEAN. My colleague, Mr. MILLS, was quite unwell yesterday and was complaining to-day. I am satisfied that he is too unwell to be here or he would be here. I move that he be excused.

The motion was agreed to.

ALEXANDER MITCHELL: No excuse offered.

WILLIAM S. MOORE: No excuse offered.

FRANK MOREY: No excuse offered.

WILLIAM R. MORRISON.

Mr. CLEMENTS. My colleague, Mr. MORRISON, is unavoidably absent, and I move that he be excused:

The motion was agreed to.

LEONARD MYERS: No excuse offered.

LAWRENCE T. NEAL.

Mr. JEWETT. Mr. NEAL is absent by leave of the House.

JAMES W. NESMITH: No excuse offered.

JASON NILES: No excuse offered.

DAVID A. NUNN: No excuse offered.

WILLIAM J. O'BRIEN: No excuse offered.

RICHARD C. PARSONS: No excuse offered.

CHARLES PELHAM: No excuse offered.

ELI PERRY: No excuse offered.

WILLIAM WALTER PHELPS: No excuse offered.

WILLIAM A. PHILLIPS.

Mr. LOWE. My colleague, Mr. PHILLIPS, is suffering from bronchitis, and that is the reason he is not here. I move that he be excused.

The motion was agreed to.

AUSTIN F. PIKE.

Mr. PIKE. I was here during the second call, but after my name had been passed on the roll.

Mr. PARKER, of New Hampshire. I move that the gentleman be excused.

The motion was agreed to.

JAMES H. PLATT, jr.: No excuse offered.

THOMAS C. PLATT: No excuse offered.

CLARKSON N. POTTER: No excuse offered.

HENRY O. PRATT: No excuse offered.

WILLIAM J. PURMAN: No excuse offered.

JOSEPH H. RAINEY.

Mr. CAIN. Mr. RAINEY is absent by leave of the House.

ALONZO J. RANSIER: No excuse offered.

JAMES T. RAPIER: No excuse offered.

WILLIAM B. READ: No excuse offered.

WILLIAM R. ROBERTS: No excuse offered.

JAMES C. ROBINSON: No excuse offered.

JAMES W. ROBINSON: No excuse offered.

JEREMIAH M. RUSK.

Mr. SAWYER. Mr. RUSK is absent by leave of the House.

MILTON SAYLER.

Mr. SAYLER, of Ohio. I was detained until late this afternoon by business of the House. It is my fortune to live at the Arlington. I took a very hasty dinner; I dispensed with soup and fish, and did not get any ice-cream or anything of that kind. In connection with the gentleman from Pennsylvania [Mr. CLYMER] I invested a dollar and a half in a carriage to come here. I got here during the second roll-call, but after my name had been passed. I did the best I could under the circumstances.

Mr. GARFIELD. I move that the gentleman be excused.

The motion was agreed to upon a division—ayes 64, noes not counted.

JOHN G. SCHUMAKER: No excuse offered.

GLENNI W. SCOFIELD.

Mr. ALBRIGHT. Mr. SCOFIELD is absent on account of sickness in his family. I move that he be excused.

The motion was agreed to.

HENRY J. SCUDDER.

Mr. HARRIS, of Massachusetts. Mr. SCUDDER is absent by leave of the House.

ISAAC W. SCUDDER.

Mr. FOSTER. Mr. SCUDDER, of New Jersey, made written application during the day for leave of absence. It is now upon the Speaker's desk. I move that he be excused.

The motion was agreed to.

JAMES B. SENER: No excuse offered.

CHRISTOPHER C. SHEATS: No excuse offered.

LIONEL A. SHELDON: No excuse offered.

ISAAC R. SHERWOOD: No excuse offered.

LAZARUS D. SHOEMAKER.

Mr. ALBRIGHT. Mr. SHOEMAKER is absent on account of sickness. I move that he be excused.

The motion was agreed to.

ANDREW SLOAN: No excuse offered.

JOSEPH H. SLOSS: No excuse offered.

WILLIAM B. SMALL.

Mr. PARKER, of New Hampshire. Mr. SMALL is sick at his room, and unable to be out to-night. I move that he be excused.

The motion was agreed to.

JAMES S. SMART.

Mr. MACDOUGALL. Mr. SMART is absent on leave.

A. HERR SMITH: No excuse offered.

H. BOARDMAN SMITH.

Mr. LAMPORT. Mr. SMITH, of New York, is absent on leave.

J. AMBLER SMITH: No excuse offered.

JOHN Q. SMITH.

Mr. BROMBERG. Mr. SMITH, of Ohio, is absent on account of sickness. I move that he be excused.

The motion was agreed to.

WILLIAM A. SMITH: No excuse offered.
OLIVER P. SNYDER: No excuse offered.
MILTON I. SOUTHARD.
Mr. JEWETT. Mr. SOUTHARD is wholly unfit to be out to-night on account of the condition of his health. I move that he be excused.
The motion was agreed to.
R. MILTON SPEER.
Mr. RANDALL. Before the doors were closed this evening I received a note from Mr. SPEER stating that he was too ill to leave his room to-night, and requesting if there was a call of the House I should make it known. He wrote in good faith; no one who knows that gentleman believes that he would not be here if he was able. I move that he be excused.
The motion was agreed to.
WILLIAM P. SPRAGUE: No excuse offered.
EDWIN O. STANARD.
ELISHA D. STANDIFORD.
Mr. MILLIKEN. Mr. STANDIFORD is absent by leave of the House.
ALEXANDER H. STEPHENS.
Mr. COOK. Mr. STEPHENS is absent by leave of the House.
CHARLES ST. JOHN.
Mr. ELLIS H. ROBERTS. Mr. ST. JOHN is absent by reason of a death in his family. I move that he be excused.
The motion was agreed to.
WILLIAM H. STONE.
Mr. BLAND. My colleague is absent I believe on account of sickness in his family. I move that he be excused.
The motion was agreed to.
WILLIAM H. H. STOWELL.
Mr. AVERILL. The gentleman from Virginia [Mr. STOWELL] is absent on account of severe illness. I move that he be excused.
The motion was agreed to.
HORACE B. STRAIT: No excuse offered.
JAMES D. STRAWBRIDGE: No excuse offered.
THOMAS SWANN: No excuse offered.
J. HALE SYPHER: No excuse offered.
ALEXANDER W. TAYLOR.
Mr. CESSNA. I move that my colleague [Mr. TAYLOR] be excused.
The motion was agreed to.
CHARLES R. THOMAS: No excuse offered.
JACOB M. THORNBURGH: No excuse offered.
LEMUEL TODD.
Mr. ALBRIGHT. Mr. TODD left the House this afternoon sick.
Mr. GARFIELD. I move that he be excused.
The motion was agreed to.
WASHINGTON TOWNSEND.
Mr. BRADLEY. Mr. TOWNSEND, who is the chairman of the Committee on the Public Lands, was detained in his committee-room this afternoon on some business relating to the work of that committee until a full hour after the adjournment of the House; and as he had to go to the upper end of the city for his dinner, I presume he has not had time to get back here. I move that he be excused.
The motion was agreed to.
LYMAN TREMAIN.
Mr. WILBER. Mr. TREMAIN has been sick a great deal this winter and frequently confined to his room. He is not able to be out at night. I move that he be excused.
The motion was agreed to.
ALFRED M. WADDELL.
Mr. ASHE. Mr. WADDELL has been suffering from severe sickness. I move that he be excused.
The motion was agreed to.
ALEXANDER S. WALLACE.
The SPEAKER *pro tempore*. The gentleman from South Carolina, Mr. WALLACE, has leave of absence.
JOSIAH T. WALLS: No excuse offered.
JASPER D. WARD.
Mr. FORT. My colleague, Mr. WARD, is in sight, and I move that he be excused.
Mr. HAWLEY, of Illinois. I hope my colleague will be excused on the ground of sickness. It is well known to gentlemen of the House that he is very delicate and unable to be out at night!
Mr. CLEMENTS. I understand that our colleague is unavoidably detained in the gallery on account of the doors being closed.
The motion of Mr. FORT was not agreed to.
MARCUS L. WARD.
Mr. HAZELTON, of New Jersey. I am sorry to say that the prevailing epidemic has seized one of the New Jersey members. My colleague, Mr. WARD, is absent on account of sickness. I move that he be excused.
The motion was agreed to.
ALEXANDER WHITE.
Mr. VANCE. I understand that Judge WHITE is sick. I move that he be excused.
The motion was agreed to.
JOHN O. WHITEHOUSE: No excuse offered.
RICHARD H. WHITELEY.
Mr. CONGER. I move that Mr. WHITELEY be excused on account of ill health.
The motion was agreed to.

ASA H. WILLIE: No excuse offered.
WILLIAM W. WILSHIRE: No excuse offered.
JEREMIAH M. WILSON.
Mr. TYNER. My colleague, Mr. WILSON, has been almost continuously absent from the House for several weeks past, attending to the business of a very important committee; and during the evenings he is engaged in looking up testimony. I move that he be excused.
The motion was agreed to.
SIMEON K. WOLFE: No excuse offered.
FERNANDO WOOD.
Mr. STORM. Mr. WOOD is absent by leave of the House.
STEWART L. WOODFORD: No excuse offered.
JOHN D. YOUNG: No excuse offered.
PIERCE M. B. YOUNG: No excuse offered.
Mr. GARFIELD. I move that the Sergeant-at-Arms be directed to bring in the absentees.
Mr. FIELD. I move that Mr. BUTLER, of Massachusetts, be excused on account of sickness.
Mr. GARFIELD. I move the previous question on my motion.
Mr. NEGLEY. I move that further proceedings under the call be dispensed with.
Mr. GARFIELD. Let the Sergeant-at-Arms bring in the members who are now outside and we shall have a quorum.
Mr. NEGLEY. We have had this farce long enough. If it is to be continued we had better adjourn.
Mr. RANDALL. It is due to the country that gentlemen should come here and attend to the public business.
Mr. NEGLEY. It is due also to the country——
Mr. GARFIELD. I object to debate and insist on my motion.
Mr. FIELD. I hope the Chair will entertain my motion that Mr. BUTLER, of Massachusetts, be excused.
Mr. GARFIELD. There is a motion pending.
Mr. HAWLEY, of Illinois. It is a well-known fact that General BUTLER is sick. He ought to be excused.
The question being taken on the motion of Mr. NEGLEY that further proceedings under the call be dispensed with, it was not agreed to; there being—ayes 26, noes 82.
Mr. GARFIELD. I insist on my motion.
Mr. FIELD. I hope my motion will be submitted.
Mr. PAGE. I insist that the motion of the gentleman from Michigan [Mr. FIELD] be entertained by the Chair.
Mr. GARFIELD. I yield for that motion.
The SPEAKER *pro tempore*. Although the roll-call has been completed, the Chair, if there be no objection, will entertain the motion of the gentleman from Michigan [Mr. FIELD] that the gentleman from Massachusetts [Mr. BUTLER] be excused.
The motion was agreed to.
Mr. GARFIELD. I now renew my motion that the Sergeant-at-Arms be directed to bring in the absentees.
Mr. HARRIS, of Massachusetts. I ask that my colleague, Mr. CROCKER, be excused.
Mr. GARFIELD. I cannot yield any further till my motion is acted on.
The motion was agreed to.
Mr. RANDALL. How near are we to a quorum?
Mr. GARFIELD. Let us have the absentees brought in and we can then find that out.
The Sergeant-at Arms appeared at the bar of the House having absentees in custody, but was not announced.
Mr. SHANKS. I rise to a point of order. We cannot tell those in custody from those who are not in custody.
The SPEAKER *pro tempore*. Those who are not in custody will please take their seats.
Mr. BECK. I move that all further proceedings under the call be dispensed with.
Mr. DURHAM. I wish to state, Mr. Speaker, that I am on two committees which have the right to sit during the sessions of the House, and as I have been engaged on the business of one of these committees, even if I am marked down as not present I am excused under the order of the House.
The SPEAKER *pro tempore*. The gentleman is excused of course.
Mr. GARFIELD. Is there a quorum present?
The SPEAKER *pro tempore*. The Chair is unable to state, but he is of the opinion there is a quorum present.
The committee divided; and there were—ayes 63, noes 52.
So all further proceedings under the call were dispensed with.
The doors were reopened.
Mr. GARFIELD. I now rise to move to go into the Committee of the Whole on the state of the Union, to proceed with the consideration of the Indian appropriation bill.
The motion was agreed to.

INDIAN APPROPRIATION BILL.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union (Mr. POLAND in the chair) on the bill (H. R. No. 2343) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1875, and for other purposes.
The CHAIRMAN. The pending amendment when the committee

rose was moved by the gentleman from Iowa, [Mr. LOUGHRIDGE,] in line 188, to insert "50;" so it will read as follows:

ARAPAHOES, CHEYENNES, APACHES, KIOWAS, COMANCHES, AND WICHITAS.

For subsistence of the Arapahoe, Cheyenne, Apache, Kiowa, Comanche, and Wichita Indians (and transportation of the same,) who have been collected upon the reservations set apart for their use and occupation, $250,000: *Provided*, That this appropriation shall be expended only on behalf of those Indians who go and remain upon said reservations and refrain from hostilities.

Mr. LOUGHRIDGE. That amendment was recommended by the Committee on Appropriations.

Mr. RANDALL. Is that an increase?

Mr. PARKER, of New Hampshire. It is an increase of $50,000.

Mr. GARFIELD. It is necessary, and is unanimously recommended by the Committee on Appropriations.

The committee divided; and there were—ayes 70, noes 46.

Mr. WARD, of Illinois. Is there a quorum voting?

The CHAIRMAN. There is not.

Mr. WARD, of Illinois. I demand tellers.

Tellers were ordered; and Mr. LOUGHRIDGE, and Mr. WARD of Illinois, were appointed.

The committee again divided; and the tellers reported—ayes 69, noes 30; no quorum voting.

The roll was then called, and the following members failed to answer to their names:

Messrs. Adams, Albert, Archer, Arthur, Barnum, Barry, Bass, Buckner, Bundy, Benjamin F. Butler, Roderick R. Butler, Cobb, Cox, Creamer, Crocker, Crooke, Darrall, Davis, Dawes, DeWitt, Duell, Eden, Eldredge, Elliott, Farwell, Glover, Gooch, Hagans, Robert S. Hale, Hamilton, Harmer, Hathorn, Joseph R. Hawley, Hays, Gerry W. Hazelton, Herndon, Hersey, E. Rockwood Hoar, George F. Hoar, Hodges, Holman, Hooper, Hoskins, Houghton, Hunton, Hynes, Kelley, Kellogg, Killinger, Lamar, Lamison, Leach, Lewis, Magee, Marshall, Maynard, Alexander S. McDill, McJunkin, McKee, McNulta, Mills, Mitchell, Moore, Morey, Morrison, Myers, Neal, Nesmith, Niles, Nunn, O'Brien, Orr, Orth, Packard, Parsons, Pelham, Perry, Phelps, Phillips, James H. Platt, jr., Thomas C. Platt, Potter, Purman, Rainey, Ransier, Rapier, William R. Roberts, James C. Robinson, Rusk, John G. Schumaker, Scofield, Henry J. Scudder, Isaac W. Scudder, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloan, Sloss, Small, Smart, H. Boardman Smith, J. Ambler Smith, John Q. Smith, William A. Smith, Snyder, Southard, Speer, Standiford, Stephens, St. John, Stone, Stowell, Strawbridge, Swann, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Todd, Townsend, Tremain, Waddell, Wallace, Walls, Marcus L. Ward, White, Whitehouse, Whiteley, Wilshire, Jeremiah M. Wilson, Wolfe, Wood, Woodford, John D. Young, and Pierce M. B. Young.

The committee rose; and Mr. BURCHARD having taken the chair as Speaker *pro tempore*, Mr. POLAND reported that the committee finding itself without a quorum had, under the rule, caused the roll to be called, and directed him to report the names of the absentees to the House to be entered upon the Journal.

The SPEAKER *pro tempore*. More than a quorum of members is present, and the committee will resume its session.

The committee then resumed its session, Mr. POLAND in the chair.

The question recurred on Mr. LOUGHRIDGE's amendment.

The committee again divided, and the tellers reported—ayes 61, noes 89; no quorum voting.

The roll was then called, and the following members failed to answer to their names:

Messrs. Adams, Albert, Archer, Arthur, Barnum, Barry, Bass, Buckner, Benjamin F. Butler, Roderick R. Butler, Freeman Clarke, Stephen A. Cobb, Cox, Creamer, Crocker, Crooke, Darrall, Davis, Dawes, DeWitt, Duell, Eden, Eldredge, Elliott, Farwell, Fort, Glover, Gooch, Hagans, Eugene Hale, Robert S. Hale, Hamilton, Harmer, Hathorn, Joseph R. Hawley, Hays, Gerry W. Hazelton, Herndon, Hersey, E. Rockwood Hoar, George F. Hoar, Hodges, Holman, Hooper, Hoskins, Houghton, Howe, Hunton, Hynes, Kelley, Kellogg, Killinger, Lamar, Lamison, Leach, Lewis, Magee, Marshall, Maynard, Alexander S. McDill, McJunkin, McKee, McNulta, Mills, Mitchell, Moore, Morey, Morrison, Myers, Neal, Nesmith, Niles, Nunn, O'Brien, Orth, Packard, Parsons, Pelham, Perry, Phelps, Phillips, James H. Platt, jr., Thomas C. Platt, Potter, Purman, Rainey, Ransier, Rapier, William R. Roberts, James C. Robinson, James W. Robinson, Rusk, John G. Schumaker, Scofield, Henry J. Scudder, Isaac W. Scudder, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloan, Sloss, Small, Smart, H. Boardman Smith, J. Ambler Smith, John Q. Smith, William A. Smith, Snyder, Southard, Speer, Standiford, Stephens, St. John, Stone, Stowell, Strawbridge, Swann, Sypher, Taylor, Charles R. Thomas, Todd, Townsend, Tremain, Waddell, Wallace, Walls, Marcus L. Ward, White, Whitehouse, Whiteley, Wilshire, Jeremiah M. Wilson, Wolfe, Wood, Woodford, Woodworth, and John D. Young.

The committee then rose; and Mr. BURCHARD having resumed the chair as Speaker *pro tempore*, Mr. POLAND reported that the Committee of the Whole on the state of the Union having had under consideration the Indian appropriation bill, upon a division found itself without a quorum; and thereupon he directed the roll to be called, and herewith reported the names of the absentees to the House to be entered on the Journal.

The SPEAKER *pro tempore*. The roll-call shows the presence of a quorum, one hundred and fifty-two members having answered to their names.

The Committee of the Whole resumed its session.

Mr. WHEELER. Mr. Chairman, it is very evident that no business will be transacted to-night. I move that the committee do now rise, with a view to moving in the House that the House do now adjourn.

Mr. PARKER, of Missouri. I hope the gentleman will not insist on that. Let us have an hour's work on the bill.

Several MEMBERS. No debate.

Mr. STORM. What does this kind of work amount to?

The question being taken on the motion that the committee rise, there were—ayes 82, noes 61.

So the motion was agreed to.

The committee accordingly rose; and Mr. BURCHARD having resumed the chair as Speaker *pro tempore*, Mr. POLAND reported that the Committee of the Whole on the state of the Union had had under consideration the Indian appropriation bill, and had come to no resolution thereon.

Mr. WHEELER. I move that the House do now adjourn.

Mr. PARKER, of Missouri. On that motion I call for the yeas and nays.

The yeas and nays were ordered.

The question being taken, there were—yeas 77, nays 75, not voting 138; as follows:

YEAS—Messrs. Atkins, Averill, Barber, Bass, Beck, Begole, Bell, Bland, Blount, Bradley, Bright, Bromberg, Brown, Buffinton, Cain, Cannon, Clayton, Clymer, Clinton L. Cobb, Comingo, Corwin, Crossland, Crounse, Danford, Dobbins, Durham, Freeman, Gunckel, Hancock, Benjamin W. Harris, Henry R. Harris, Harrison, Hendee, Hereford, Hurlbut, Jewett, Kasson, Knapp, Lamport, Lansing, Lawrence, Lofland, Lowndes, Luttrell, Lynch, Martin, McCrary, James W. McDill, Merriam, Milliken, Negley, Niblack, Page, Hosea W. Parker, Pierce, Pike, Poland, Pratt, Randall, Rice, Richmond, Sawyer, Milton Sayler, A. Herr Smith, George L. Smith, Storm, Tyner, Vance, Wells, Wheeler, Wilber, Charles W. Willard, George Willard, Charles G. Williams, William B. Williams, Willie, and Pierce M. B. Young—77.

NAYS—Messrs. Albright, Ashe, Banning, Barrere, Berry, Biery, Bowen, Bundy, Burleigh, Burrows, Caldwell, Cason, Cessna, Amos Clark, jr., John B. Clark, jr., Clements, Coburn, Conger, Cook, Crittenden, Crutchfield, Curtis, Donnan, Dunnell, Eames, Field, Fort, Foster, Frye, Giddings, Eugene Hale, John T. Harris, Hatcher, Havens, John B. Hawley, John W. Hazelton, Howe, Hubbell, Hunter, Hyde, Kendall, Lawson, Loughridge, Lowe, MacDougall, McLean, Mellish, Monroe, O'Neill, Packer, Isaac C. Parker, Pendleton, Ray, Read, Robbins, Ellis H. Roberts, James W. Robinson, Ross, Henry B. Sayler, Sener, Shanks, Sprague, Stanard, Starkweather, Strait, Christopher Y. Thomas, Thornburgh, Waldron, Jasper D. Ward, Whitehead, Whitthorne, John M. S. Williams, William Williams, Ephraim K. Wilson, and James Wilson—75.

NOT VOTING—Messrs. Adams, Albert, Archer, Arthur, Barnum, Barry, Buckner, Burchard, Benjamin F. Butler, Roderick R. Butler, Freeman Clarke, Stephen A. Cobb, Cotton, Cox, Creamer, Crocker, Crooke, Darrall, Davis, Dawes, DeWitt, Duell, Eden, Eldredge, Elliott, Farwell, Garfield, Glover, Gooch, Hagans, Robert S. Hale, Hamilton, Harmer, Hathorn, Joseph R. Hawley, Hays, Gerry W. Hazelton, Herndon, Hersey, E. Rockwood Hoar, George F. Hoar, Hodges, Holman, Hooper, Hoskins, Houghton, Hunton, Hynes, Kelley, Kellogg, Killinger, Lamar, Lamison, Leach, Lewis, Magee, Marshall, Maynard, Alexander S. McDill, McJunkin, McKee, McNulta, Mills, Mitchell, Moore, Morey, Morrison, Myers, Neal, Nesmith, Niles, Nunn, O'Brien, Orr, Orth, Packard, Parsons, Pelham, Perry, Phelps, Phillips, James H. Platt, jr., Thomas C. Platt, Potter, Purman, Rainey, Ransier, Rapier, William R. Roberts, James C. Robinson, Rusk, John G. Schumaker, Scofield, Henry J. Scudder, Isaac W. Scudder, Sessions, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloan, Sloss, Small, Smart, H. Boardman Smith, J. Ambler Smith, John Q. Smith, William A. Smith, Snyder, Southard, Speer, Standiford, Stephens, St. John, Stone, Stowell, Strawbridge, Swann, Sypher, Taylor, Charles R. Thomas, Todd, Townsend, Tremain, Waddell, Wallace, Walls, Marcus L. Ward, White, Whitehouse, Whiteley, Wilshire, Jeremiah M. Wilson, Wolfe, Wood, Woodford, Woodworth, and John D. Young—138.

So the motion was agreed to.

And accordingly (at ten o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. ALBERT: The petition of Julia Watkins, widow of Captain Thomas H. Watkins, for a pension, to the Committee on Invalid Pensions.

By Mr. BUTLER, of Tennessee: The petition of Thomas H. Reeves, captain, United States Army, retired, for relief, to the Committee on Military Affairs.

By Mr. COBURN: The petition of George W. Steele, late lieutenant-colonel One hundred and first Indiana Volunteers, for relief, to the Committee on Military Affairs.

Also, the petition of George W. Brown, late private Company K, One hundred and ninth United States Colored Troops, for relief, to the Committee on Military Affairs.

By Mr. ELKINS: The petition of Franklin Benedict, of Santa Fé, New Mexico, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Vincent St. Vrain, of Mora, New Mexico, administrator of C. St. Vrain, deceased, to be reimbursed for freight paid pursuant to orders from the Quartermaster's Department, to the Committee on War Claims.

By Mr. HARRISON: The petition of citizens of Lewis County, Tennessee, for a post-route from Henryville, Lawrence County, to Napier's Furnace, in Lewis County, Tennessee, to the Committee on the Post-Office and Post-Roads.

By Mr. SENER: The petition of Thomas H. Boggs and others, of the county of King George, Virginia, for compensation for the destruction of Fletcher's chapel by United States troops in 1863, to the Commiteee on War Claims.

By Mr. SPRAGUE: The petition of Wilson Ball, for a pension, to the Committee on Invalid Pensions.

By Mr. WOOD: The petition of Jerome A. Eisenlord, administrator of the estate of Dr. Alonzo F. Eisenlord, to be paid for services of said Alonzo F. Eisenlord as surgeon United States Volunteers, to the Committee on War Claims.

IN SENATE.

WEDNESDAY, *May* 6, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

SUMNER MEMORIAL ADDRESSES.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution from the House of Representatives:

Resolved by the House of Representatives, (the Senate concurring.) That there be printed three thousand copies for the use of the Senate and five thousand copies for the use of the House of Representatives of the addresses made in the Senate and in the House of Representatives upon the death of Hon. Charles Sumner, and that the Secretary of the Treasury have printed the portrait of Mr. Sumner to accompany the same.

The resolution was referred to the Committee on Printing.

REPORTS ON IMMIGRATION.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution from the House of Representatives:

Resolved by the House of Representatives, (the Senate concurring.) That three thousand copies of the letter of the Secretary of the Treasury of January 21, 1874, with the accompanying reports, concerning the immigration service and the better protection of immigrants to the United States, be printed for the use of the House.

The resolution was referred to the Committee on Printing.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. No. 3252) to remove the political disabilities of George N. Hollins, of Maryland;

A bill (H. R. No. 3253) to remove the legal and political disabilities of Richard T. Allison, of Maryland; and

A bill (H. R. No. 3254) to relieve the persons therein named of their legal and political disabilities.

The following bills were severally read twice by their titles, and referred to the Committee on Public Lands:

A bill (H. R. No. 203) to create two additional land districts in the State of Kansas; and

A bill (H. R. No. 3162) for the relief of settlers on railroad lands.

The following bills were severally read twice by their titles, and referred to the Committee on Indian Affairs:

A bill (H. R. No. 3258) to amend the acts of June 30, 1834, and February 13, 1862, to regulate trade and intercourse with the Indians; and

A bill (H. R. No. 3080) to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany reservations, and to confirm existing leases.

The bill (H. R. No. 3257) authorizing the Secretary of War to sell unserviceable ordnance stores, and for other purposes, was read twice by its title, and referred to the Committee on Military Affairs.

The joint resolution (H. R. No. 94) directing the commissioners of claims to send to Congress without delay the claims decided prior to April 1, 1874, was read twice by its title, and referred to the Committee on Claims.

CEMETERY AT SALT LAKE.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. No. 347) granting a portion of the United States military reservation at Salt Lake City for cemetery purposes.

The amendment of the House of Representatives was to strike out all after the enacting clause of the bill and insert the following:

That the Secretary of War be, and he is hereby, authorized to set apart a tract of land, not exceeding twenty acres in extent, in the United States military reservation of Camp Douglas, near Salt Lake City, in the Territory of Utah, to be used as a public cemetery, under such rules and regulations as he shall establish for the protection, care, and management of such cemetery. And he shall cause the same to be laid off and platted in convenient and suitable lots, which shall be forever devoted to the purpose of the burial of the dead. And he may set apart forever to each of the religious denominations organized in Salt Lake City which shall file with him proof of their organization a lot not to exceed one acre in size, and of convenient shape, which such denominations may inclose and ornament as they see fit, to be used for the purpose of burial; and two acres shall be reserved as a potter's field, or common burying-ground, which may be inclosed and ornamented by the authority of the said city.

Mr. EDMUNDS. I call the attention of the chairman of the Committee on Military Affairs to that bill. I do not know anything about it. If it is a new proposition, it ought to be referred and be considered by the committee.

Mr. SHERMAN. I think it had better be referred.

Mr. LOGAN. Very well; let it be referred.

Mr. SCOTT. The Senator from Wisconsin [Mr. HOWE] takes some interest in the matter, and perhaps it had better lie on the table for the present.

The PRESIDENT *pro tempore*. The Chair will withdraw the bill for the present.

Mr. LOGAN subsequently said: I have examined the substitute of the House for Senate bill No. 347, which was laid aside, and I see no objection to it. I hope that it will be concurred in.

The PRESIDENT *pro tempore*. The amendment will be again read.

The Chief Clerk read the amendment.

The amendment was concurred in.

ASSAY OFFICE IN MONTANA.

The bill (H. R. No. 3255) to establish an assay office at Helena, in the Territory of Montana, was read twice by its title.

Mr. MORRILL, of Vermont. That is a bill which has twice passed the Senate, and it is in precisely the same phraseology with a bill reported by the Committee on Finance. I see no object in having it referred. I ask that it be acted on now.

Mr. SHERMAN. I ask the Senator if he has compared it, so that he knows it is the same bill which we reported?

Mr. MORRILL, of Vermont. Precisely; word for word.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to establish an assay office at Helena, to be conducted under the provisions of the act entitled "An act revising and amending the laws relative to the mints, assay offices, and coinage of the United States," approved February 12, 1873; and for that purpose to cause to be constructed a suitable building, and to provide the same with the necessary fixtures and apparatus, at a cost not exceeding $50,000; which sum is appropriated.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PETITIONS AND MEMORIALS.

Mr. FENTON. I present the remonstrance of a large number of persons engaged in the transportation of swine by railroad from the Western to the Eastern States, representing those who are engaged in this transportation, residing in the cities of Buffalo, Rochester, Albany, and New York City, in the State of New York; Cleveland, Toledo, and other points in Ohio; and Erie, Pennsylvania, who pray that there shall be an exception made from House bill No. 2650 to the end that swine shall be exempt from the provisions of that bill in so far as not to make it imperative to unload and reload them unnecessarily while in transit, as is contemplated in the bill. This remonstrance is forwarded to me by Messrs. Metcalfe & Cushing, of Buffalo, New York, who are very well known to me. I ask that it be referred to the committee having the subject in charge.

The memorial was referred to the Committee on Commerce.

Mr. BUCKINGHAM presented a memorial of Choctaw delegates, remonstrating against the passage of Senate bill No. 680, for the relief of certain persons of African descent; which was referred to the Committee on Indian Affairs.

Mr. BOUTWELL presented a memorial of Byam, Carleton & Co., and other manufacturers of friction matches, protesting against the passage of the bill (S. No. 728) to define a gross of matches, to provide for uniform packages, and for other purposes; which was referred to the Committee on Commerce.

He also presented the memorial of John P. Squire & Co., of Boston, and others, largely engaged in the transportation of swine by railroad from the Western to the Eastern States, praying Congress to except some swine from the provisions of the bill now before the Senate (H. R. No. 2650) to amend the act entitled "An act to prevent cruelty to animals while in transit by railroad or other means of transportation within the United States," approved March 3, 1873, in so far as not to make it imperative to unload and reload them unnecessarily while in transit as contemplated with other classes of live stock referred to in that bill; which was referred to the Committee on Commerce.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. THURMAN, it was

Ordered, That the petition and papers of Major J. W. Nichols, paymaster, United States Army, be taken from the files and referred to the Committee on Military Affairs.

NOTICES OF BUSINESS.

Mr. RAMSEY. I desire to give notice that at some fitting time during next week I shall call up the bill (S. No. 651) to provide for the transmission of correspondence by telegraph, and ask the Senate to consider it.

Mr. MORRILL, of Vermont. I give notice that to-morrow morning, as soon as the morning business is finished, I will endeavor to call up the bill (S. No. 733) regulating gas-works. The report upon that bill was printed and received here the day before yesterday. I think the bill will not take much longer than the time necessary to read it in order to meet the approbation of the Senate. I hope Senators who take any interest in the matter will be prepared and will give their assent to taking up the bill to-morrow morning.

REPORTS OF COMMITTEES.

Mr. SHERMAN. I am directed by the Committee on Finance, to whom was referred the bill (H. R. No. 1572) to amend the several acts providing a national currency and to establish free banking, and for other purposes, to report it back with an amendment in the nature of a substitute.

Mr. FERRY, of Michigan. This, I understand from the chairman, to be a report from the majority of the committee. I desire to state so far as I am concerned that I do not wish it to go out as the unanimous report of the committee. There are provisions in the bill in which the committee are united. Free banking, for instance, which I have advocated, is incorporated and met my ready approval. There are other features, however, of the bill that do not meet the approval of the minority. I, as one of that minority, deem it my right and avail myself of the privilege, to state that much pertaining to the bill. I hope it may be so understood.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 2789) for the relief of John S. Dickson,

late captain of paroled prisoners, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 2699) for the relief of Robert Tillson & Co., of Quincy, Illinois, reported it without amendment.

He also, from the same committee, to whom was referred the petition of David Klein, praying compensation for the use of his patent by the United States for the construction of ponton bridges for crossing navigable streams, reported adversely thereon, and asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. No. 502) for the relief of Mrs. Martha Vaughn and Mrs. Louisa Jackman, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 2788) for the relief of H. P. Ingram and John K. Askins, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 1322) for the relief of George S. Gustin, late a private Company D, Seventy-fourth Regiment Illinois Volunteers, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 2697) to create an additional major of artillery and to promote Captain James M. Robertson, reported it without amendment.

Mr. MERRIMON, from the Committee on Claims, to whom was referred the petition of Peter Reitz and William S. Babcock, praying compensation for recapturing the steamers Prairie State and Prima Donna, reported adversely thereon, and asked to be discharged from its further consideration; which was agreed to.

Mr. KELLY, from the Committee on Military Affairs, to whom was referred the bill (S. No. 704) for the relief of the officers and men of the United States Army who were sufferers by the wreck of the bark Forrest, reported it with an amendment.

Mr. CLAYTON, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 622) for the relief of John N. Newman, late an acting first lieutenant of Company B, Ninth Tennessee Volunteer Cavalry, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 2092) for the relief of John W. Divine, late assistant surgeon of the Eleventh Regiment of Tennessee Cavalry, reported it without amendment.

Mr. SCOTT, from the Committee on Claims, to whom was referred the bill (H. R. No. 2205) for the relief of P. Hornbrook, reported it, without amendment.

Mr. HITCHCOCK, from the Committee on the District of Columbia to whom was referred the bill (S. No. 759) to amend the act entitled "An act to provide for the creation of corporations in the District of Columbia by general law," approved May 5, 1870, reported it without amendment.

Mr. MORRILL, of Maine, from the Committee on Naval Affairs, to whom was referred the bill (H. R. No. 2801) to place on the retired list of the Navy M. H. Plunkett, late second assistant engineer of the regular Navy, reported it without amendment.

CAPTAIN HURTT'S TRIAL.

Mr. LOGAN. The Committee on Military Affairs, to whom was referred the bill (H. R. No. 3085) to authorize the Secretary of War to furnish copies of certain papers called for by resolution of the House, have instructed me to report the same back without amendment. I ask the consent of the Senate for action at this time. It will take but a moment, and it is a matter of some importance.

By unanimous consent, the Senate, as in Committee of the Whole, porceeded to consider the bill. It authorizes the Secretary of War to employ such number of temporary clerks as may be necessary to speedily copy and furnish to the House the papers heretofore called for in the matter of the trial of Captain Hurtt, by resolution of March 10, 1874, and appropriates $250, or so much thereof as may be necessary, for the purpose of defraying the expenses thereof.

Mr. EDMUNDS. Will the Senator explain the bill?

Mr. LOGAN. I will give a very short explanation. Certain charges have been published in the newspapers in reference to a record in the War Department. The Secretary of War asks for temporary clerks sufficient to make a copy of it, that it may be sent to the House of Representatives, in answer to a resolution calling for it. He states that he has not the force to do it. The House passed this bill appropriating $250 for the purpose of making a copy of the record and furnishing it to Congress. That is all.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. GOLDTHWAITE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 781) for the relief of James M. Pugh; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. GILBERT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 782) to grant a site for the Peabody school in Saint Augustine, Florida; which was read twice by its title, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. JOHNSTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 783) for the relief of Mrs. Selina Barclay, widow of Robert Barclay, late of Portsmouth, Virginia; which was read twice by its title, and, with an accompanying petition, referred to the Committee on Claims.

AMENDMENT OF THE RULES.

Mr. BOREMAN. I move that the Senate proceed to the consideration of the bill (S. No. 44) to establish the Territory of Pembina, and to provide a temporary government therefor.

Mr. EDMUNDS. I have a resolution to offer.

The PRESIDENT *pro tempore*. Resolutions are now in order.

Mr. EDMUNDS submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That the eleventh rule of the Senate be amended by adding thereto the following words:

Nor shall debate be allowed upon any motion to dispose of a pending matter and proceed to consider another.

When the question is under consideration the debate thereon shall be germane to such question or to the subject to which it relates.

ORDER OF BUSINESS.

Mr. PRATT. I move that the Senate proceed to the consideration of the bill (H. R. No. 2190) to amend the act entitled "An act granting pensions to certain soldiers and sailors of the war of 1812 and the widows of deceased soldiers," approved February 14, 1871, and to restore to the pension-rolls those persons whose names were stricken therefrom in consequence of disloyalty.

The PRESIDENT *pro tempore*. The Senator from West Virginia has made a motion to take up another bill.

Mr. PRATT. I ask my friend from West Virginia to give way this morning. I gave notice on Monday last that I should report back this House bill, and on reporting it submit some remarks to the Senate explanatory of its merits. I tried to get the floor yesterday for that purpose, but other business consumed the entire morning hour. I should be glad to submit what few remarks I have to make explanatory of this measure, in which every member of the Senate is interested, this morning, if it will suit my friend from West Virginia to give way.

Mr. BOREMAN. It is a month and a half since I reported a bill for the establishment of the Territory of Pembina, with a written report, to which I wish to call the attention of members of the Senate. I think that by the reading of this report it will be made manifest that this is a meritorious bill.

The PRESIDENT *pro tempore*. The merits of the bill are not subject to debate on this motion, the Senator is aware.

Mr. BOREMAN. I think it will not take long to consider it. I should like to have it considered at an early day. These people are crying out for some organization by which they can transact their business. As the bill, however, to which the Senator from Indiana proposes to speak is one in regard to pensions, I cannot well interpose; but I give notice that as soon as the Senator from Indiana is through, if he does not consume the morning hour, I shall move to consider this bill.

Mr. PRATT. Mr. President——

Mr. HAMILTON, of Maryland. I submit to the Senator from Indiana whether it will not be well to wait until the expiration of the morning hour, and let us go on with the Calendar for a short time.

Mr. PRATT. Does the Senator from Maryland understand what is the bill that I propose to take up and address some remarks to this morning?

Mr. HAMILTON, of Maryland. No, sir.

Mr. PRATT. It is a bill amendatory of the law of March, 1871, giving pensions to the soldiers of the war of 1812. This is an important House bill.

Mr. HAMILTON, of Maryland. I did not know the subject on which the Senator desired to make some remarks; but I only wished to suggest to the Senator whether it would not suit him to wait until the expiration of the morning hour?

Mr. EDMUNDS. The regular order will be insisted on after the morning hour.

The PRESIDENT *pro tempore*. The Senator from Indiana moves to proceed to the consideration of the bill indicated by him.

Mr. SHERMAN. What is the bill?

Mr. PRATT. I will say to the Senator from Ohio I will not press action this morning, but I wish to address some remarks to the bill.

Mr. SHERMAN. I have no objection.

The motion was agreed to.

PENSIONS TO SOLDIERS OF WAR OF 1812.

The Senate, as in Committee of the Whole, accordingly proceeded to consider the bill (H. R. No. 2190) to amend the act entitled "An act granting pensions to certain soldiers and sailors of the war of 1812, and the widows of deceased soldiers," approved February 14, 1871, and to restore to the pension-rolls those persons whose names were stricken therefrom in consequence of disloyalty.

Mr. PRATT. I ask that the bill be read.

The Chief Clerk read the bill, as follows:

Be it enacted, &c., That the act granting pensions to the surviving soldiers of the war of 1812, approved February 14, 1871, be amended so as to read as follows: That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-rolls the names of the surviving officers and enlisted and drafted men, including militia and volunteers of the military and naval service of the United States, who served in the war with Great Britain of 1812 and were honorably discharged, and the surviving widows of such officers and enlisted and drafted men: *Provided*, That such widows shall have been married prior to the year 1850 to an officer or enlisted or drafted man who served as aforesaid in said war.

SEC. 2. That this act shall not apply to any person who is receiving a pension at the rate of eight dollars per month or more, nor to any person receiving a pension less than eight dollars per month, except for the difference between the pension now received and eight dollars per month. Pensions under this act shall be at the rate of eight dollars per month, except as herein provided, when a person is receiving a pension of less than eight dollars per month, and shall be paid to the persons entitled thereto from and after the passage of this act for and during their natural lives. *Provided*, That widows pensioned under this act shall, if they became widows after the 14th day of February, 1871, be entitled to a pension only from the day when they became widows.

SEC. 3. That before the name of any person shall be placed upon the pension-rolls under this act proof shall be made, under such rules and regulations as the Commissioner of Pensions, with the approval of the Secretary of the Interior, may prescribe, that the applicant is entitled to a pension under the provisions of this act; and any person who shall falsely take any oath required to be taken under the provisions of this act shall be guilty of perjury. And the Secretary of the Interior shall cause to be stricken from the rolls the name of any persons when it shall appear, by proof satisfactory to him, that such names were put upon such pension-rolls by or through false or fraudulent representations as to the right of such persons to a pension under the provisions of this act. The loss or lack of a certificate of discharge shall not deprive the applicant of the benefit of this act, but other proof of the service performed and of an honorable discharge, if satisfactory, shall be deemed sufficient; and when there is no record evidence of service, the applicant may establish the same by the testimony of two persons who served in the same company or regiment: *Provided*, That when any person has been granted a land warrant under any act of Congress, for and on account of service in the war of 1812, such allowance shall be *prima facie* evidence of his service and honorable discharge, so as to entitle him if alive, or his widow if he be dead, to a pension; but such evidence shall not be conclusive, and may be rebutted by evidence that such land warrant was improperly granted.

SEC. 4. That all applications for pensions under the act to which this is an amendment, heretofore or which may hereafter be made, shall be considered and decided as though made under this act; and all laws now in force in regard to the manner of paying pensions and in reference to the punishment of frauds shall be applicable to all claims under the provisions of this act.

SEC. 5. That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-rolls the names of all persons now surviving heretofore pensioned on account of service in the war of 1812 against Great Britian, and whose names were stricken from the rolls in pursuance of the act entitled "An act authorizing the Secretary of the Interior to strike from the pension-rolls the names of such persons as have taken up arms against the Government, or who have in any manner encouraged the rebels," approved February 4, 1862; and that the joint resolution entitled "Joint resolution prohibiting payment by any officer of the Government to any person not known to have been opposed to the rebellion and in favor of its suppression," approved March 2, 1867, be, and the same is hereby, so far modified as to authorize the payment of claimants under this act.

SEC. 6. That the surviving widow of any pensioner of the war of 1812, where the name of said pensioner was stricken from the pension-rolls in pursuance of the act entitled "An act authorizing the Secretary of the Interior to strike from the pension-rolls the names of such persons as have taken up arms against the Government, or who have in any manner encouraged the rebels," approved February 4, 1862, and where said pensioner died without his name being restored to the rolls, shall be entitled to the arrearages of pension due said pensioner at the time of his decease. In case there is no surviving widow, then such arrearages of pension shall, upon similar proof, go to the minor children of such pensioner.

Mr. PRATT. Mr. President, before proceeding to discuss the bill, I wish to occupy a few minutes in considering our pension system and its growth.

Pensions are the outgrowth of the calamities of war. I shall be understood, of course, as speaking of military pensions, and not of a class known as civil pensions, so common in Europe and which latterly have taken root in this country, in the provisions made for retired judges of the Federal courts.

A pension is an annual allowance of a sum of money to a person by government in consideration of past services, civil or military. This is its most general signification. But in this country the term is used to describe the allowance made for services of a mititary or naval character—the latter being known as *naval* pensions. They are bestowed by acts of Congress, first, upon such officers, soldiers, and sailors as have been disabled in the service of the country and in the line of duty by wounds, injuries, or disabilities incurrred, rendering them less capable to earn a livelihood by manual labor, and these are called *invalid* pensions. These allowances are graduated by two principles—the rank of the soldier and the extent of the disability. The maximum of the allowance is for a total disability, and for a partial one the rate is scaled to accord with the extent of the incapacity, running down as low as two dollars per month. Under the head of "invalid pensioners" are included those having what is known as specific permanent disabilities, comprehending those who have lost their hearing, or eyesight, or one or more limbs, where the bodily harm is not only permanent, but of that serious character as to render them almost wholly dependent for subsistence upon the justice and humane sentiments of the country.

The second class of pensions is known as "widows and orphans' pensions," and these are given, where the soldier falls in battle or dies of wounds or injuries received in the line of his duty, to his widow and minor children, and sometimes to his dependent parents, brothers, and sisters. This class is much larger numerically than the invalid pensioners, and a much larger sum of money is required annually to pay them.

Pensions, as the term is commonly used, do not necessarily depend upon previous contract, but are bestowed often from sentiments of gratitude and in recognition of the meritorious claims of those who in early life served their country and in old age are in indigent circumstances. Examples of this are found in our legislation in behalf of the soldiers of the revolutionary war and that of 1812 and their widows. These are more properly bounties or gratuities than pensions.

Our pension system dates back to the gloomy days of the Revolution, when the Colonies had recently combined together in resisting the encroachments of Parliament and the Crown. It originated in the resolutions of the Continental Congress of August 26, 1776, and April 23, 1782, the first one adopted in the next month after the Declaration of Independence. It has expanded wonderfully since that time in the liberality of its provisions and the philosophic distribution of its compensations. Then, as now, officers and soldiers of the Army, and officers, seamen, and marines of vessels of war, were included; but at first pensions were allowed for disabilities only incurred in the service, and no provision was made in the earlier laws for widows or other dependents in case of death in the service. Then the pension was limited to one-half the monthly pay, and applications were to be made to the legislative bodies of the several States where the applicants resided, which were to determine the rate, when the disability was not total.

By the resolution of 1782 the pension was restricted to five dollars per month.

Again, in 1790 it was affirmed that the pensions of officers should not exceed half-pay and those of privates five dollars per month.

In 1792 these pensions were conferred for life or during disability, and for the first time their payment was assumed by the United States; the States up to that time having paid them. The principle was then established, which has been continued ever since, that the right to a pension was not the subject of pledge, assignment, or transfer.

The act of 1795 established the principle that pensions should commence at the time of the completion of the testimony.

On April 10, 1806, Congress passed an act which consolidated and amended all previous pension laws, and restricted the highest pension to the half-pay of a lieutenant-colonel, and provided for an increase of those pensioned at lower rates to such sums as should be found just and proper by the testimony adduced. All previous pension laws were repealed.

This act provided for an invalid list. The evidence was to be taken before the district judge; the nature and extent of the disability were to be clearly pointed out, and how far it prevented the claimant from obtaining his subsistence. The judge transmitted a list of the claims, together with the evidence and a statement of the time it was closed, to the Secretary of War, and this officer forwarded a list of the cases and the evidence to Congress, with such remarks as he thought proper to enable this body to determine whether the claimants should be placed on the pension-roll. Both the pension and the increase were to commence on the day the claimant completed his testimony.

This law also authorized the transfer to the pension-roll of the United States of all persons who at that time remained on the pension-lists of any of the States, and who were placed there in consequence of disability occasioned by wounds received during the revolutionary war, whether they had served on the land or the sea in the forces of the United States or of any particular State; in the regular corps or in the militia or as volunteers.

It was not until the act of March 3, 1819, that Congress was relieved of the duty of examining the testimony, and power was conferred on the Secretary of War to adjudicate pension claims without making a report to Congress.

After 1806 no further pension legislation was had until the years 1812 and 1813, when the soldiers of the war then waging with Great Britain were put upon the footing of the soldiers of the Revolution.

The act of 1816 laid the foundation of the present system of classification. It increased the rates of pensions to full pay, as follows: First lieutenants to $17; second lieutenants to $15; third lieutenants to $14; ensigns to $13; non-commissioned officers, musicians, and privates to $8 per month, leaving the pensions of officers of higher rank as they were before, at half-pay.

I pass to the act of 1818, which inaugurates a new principle; which has, however, entirely dropped out of our later legislation. It provided for all who had served for nine months or more in the war of the Revolution, whether in the Army or Navy, and who should *become indigent*, a pension of $20 per month to a commissioned officer, and for a lower grade a pension of $8 per month, during life. This pension was enlarged to full pay to officers and soldiers of the Continental Line by the act of 1828.

I now come to the act of May 1, 1820, which continued the rule of 1818 and provided the machinery for carrying it out. Under this law every pensioner then on the list, and every one who should apply in the future to be placed on it, was required to make a schedule of his property, verified by his oath, showing what it consisted of and its value; and after the 20th day of May, in that year, the Secretary of War could strike from the list all persons who were not in such indigent circumstances as to require assistance from their country. The pensions thus bestowed by the acts of 1818 and 1820 were not given for disabilities, but as gratuities, to mark the nation's gratitude toward the soldiers of the Revolution.

In the year 1843 the Pension Bureau, as it now exists, was established and the office of Commissioner of Pensions was created, and he was invested with the double power of administering the pension laws and those which granted military bounty lands.

Having now traced the outlines of our invalid-pension system down to the war of the rebellion, I go back to the early days of the Republic, to glance rapidly at the other branch of that system; that which relates to the soldier's death from wounds or injuries received while in the service and in the line of his duty, and which determines the class of dependents on the soldier entitled to care from the State.

All men would readily agree that if the soldier left a widow and orphan children, these should be objects of solicitude and parental care to an enlightened and humane state; and so they ever have been in every modification of the laws relating to pensions. For nearly five years had the war of the Revolution raged before Congress took measures to relieve the widows and orphans which war, exposure, and hardship had been constantly multiplying. It was on August 24, 1780, that the first resolution was adopted on the subject, and this gave the half-pay pension for seven years to the widows of officers who had died or might thereafter die in the service, and to their orphans if no widow had survived, or she had died or remarried.

The act of January 11, 1812, provided for the widow and children of commissioned officers only, and the relief granted was limited to cases of death by reason of wounds in actual service. The pension allowed was half the monthly pay to which the deceased officer was entitled at the time of his death, and expired in five years. No provision as yet was made for the widow or children of the non-commissioned officer and private. Nor indeed does any provision beyond bounty land seem to have been made for widows and orphans of private soldiers until the act of April 16, 1816, was passed, which gave them, in lieu of the land and because of the husband's or father's death in battle or of wounds received while in service in the then recent war, half of the monthly pay he was receiving at the time of his death; and this, called a military pension, was to be paid for the term of five years. This seems to have been the very first provision made by law for pensioning widows and children of non-commissioned officers and privates. It was meager in amount and limited to a short term. It is proper to say, however, that Congress from time to time renewed the pensions as the terms were about expiring, and extended the beneficent provision to the widows and children of those who performed service in the Navy.

When the war with Mexico came, Congress hastened to extend to volunteers to be received into the service of the United States, who should be wounded or otherwise disabled in the service, the same benefits which had before been conferred on persons wounded in the service, and by the subsequent act of July 21, 1848, made ample provision for the widows and orphans of soldiers engaged in that war.

But it would be a tedious and, at this day, an unprofitable service to bring in review all the legislation on this subject. I have given but a meager outline. Nor would it be pertinent to review the pension legislation during the recent rebellion and since its termination, which, embracing nine different enactments, was consolidated in the act of March 3, 1873, and is familiar to the Senate and the country. What is more pertinent to the occasion is a brief allusion to the law of February 14, 1871, which directed the Secretary of the Interior to place on the pension-roll certain officers and soldiers who served in the war of 1812, but had been in no manner disabled in the service, and to whom what was given was in the nature of a gratuity, though called a pension. Its benefits were limited to those who had served sixty days in the military or naval service and had been honorably discharged, or who, not having served that term, had been personally named in any resolution of Congress for any specific service in the war, and excluded all such as had adhered during the rebellion to the cause of the enemies of the Government. It included also such widows of deceased officers and soldiers as had married prior to the treaty of peace which terminated the war, and who had not remarried. The pension given was a uniform one of eight dollars per month, but was forbidden when the soldier or widow was drawing one already at that rate.

Congress was slow to recognize the claims of the soldiers of that war, who based them upon no pretense of injury received or of promise made, but simply on their advanced age, their poverty, and the meritorious services rendered the country in their youth. The law was carefully worded and was intended to be a finality. Bounty land, one hundred and sixty acres to each, had already been given to all who had served fourteen days in the war and to their surviving widows.

But the law of 1871, while it gratified those who were recipients of its benefits, caused great dissatisfaction to those it did not reach, and ever since Congress has been importuned to reopen the subject and enlarge the scope of the law. The public sentiment has found expression in the bill which the House of Representatives has sent the Senate for its concurrence, and which I have this morning, as the organ of the Committee on Pensions, reported back without amendment for action in this body.

This bill amends the act of February 14, 1871, so as to give pensions at the rate of eight dollars per month to *all* the surviving officers and enlisted and drafted men who served in the war with Great Britain of 1812 and were honorably discharged, and to the surviving widows of such officers and men, provided that the widows were married to them before the year 1850.

It differs from the act which it amends in two particulars. By the original law the pension was allowed only to such as had served sixty days, or who not having served that length of time had been personally named in some resolution of Congress. It provided for such widows only as had been married prior to the treaty of peace which terminated the war.

There is still another particular in which the bill differs from the law of 1871. That excluded from pensions those who during the late rebellion adhered to the cause of the enemies of the Government, giving them aid and comfort, or who exercised the functions of any office in the confederate government.

This bill takes no account of the sentiments or action of the soldier during the rebellion and removes the barrier of sixty days and pensions all without respect to the period of service. This section will entitle all who take under it to pensions on the 14th of February, 1871. It places all now excluded upon an equal footing with those admitted under the old law. This is the substance of the first section.

The next section, in everything except the proviso commencing at line 10, simply re-enacts the old law. The proviso, it will be observed, relates to widows, and such widows as were not entitled under the original law, and enacts that where they have become such since February 14, 1871, their pensions shall commence from the date of widowhood. Where they were widows before that date, their pensions will date from the passage of the law of 1871.

There are two features in the third section deserving attention. The first is, that the loss or lack of a certificate of discharge shall not bar the applicant for a pension, but secondary proof of the service performed and of an honorable discharge, if satisfactory, shall be deemed sufficient. Where there is no record evidence of service, the fact of the service may be established by two witnesses who served in the same company or regiment. There is another rule of evidence laid down, and that is that when the soldier has received a land warrant for his services in the war of 1812, the allowance of the warrant shall be *prima facie* but not conclusive evidence of service and honorable discharge to the soldier in his application for pension, and to his widow in case of his death.

There is a very beneficial provision in the fourth section to which I call the attention of the Senate. A great many applications for pension under the law of 1871 have been rejected at the Pension Bureau for want of sufficient proof of service, or of service for sixty days. The collection of these proofs has been attended with labor and expense. This section requires that these applications shall be considered and decided as though made under the present act; and this of course gives the applicants the benefit of all the proof filed.

The next section will probably lead to debate. Congress passed an act on the 4th day of February, 1862, requiring the Secretary of the Interior to strike from the pension-rolls the names of such persons as had taken up arms against the Government or who had in any manner encouraged the rebels. And again on the 7th day of March, 1867, a joint resolution was passed prohibiting payment by any officer of the Government to any person not known to have been opposed to the rebellion and in favor of its suppression. A great many soldiers who had served in the war of 1812, and were drawing pensions at the beginning of the rebellion, were dropped from the rolls on the passage of this act in 1862. This bill restores such and none others. In other words, it removes the disabilities of the soldiers of that war, so as to put them upon equal footing with those who adhered to the Government. The effect of this restoration will be to put them upon the same footing as though they had never been dropped, and to take up their pensions from the time they were discontinued.

The next and last section extends this benefit to the widow of the soldier whose name was dropped from the rolls, and entitles her to the arrearages of pension due her husband at the time of his death. Should there be such a case as no surviving widow, but minor children of the pensioner, these arrears go to them.

I have thus given a faithful abstract of the bill. It has been reported to the Senate as it came from the House without a single amendment, though I shall take occasion to point out two objections urged by myself, and ask the Senate to modify the bill so as to meet them.

Before doing that, however, I ask the attention of the Senate to the reasons which governed the majority of the committee in agreeing to report this bill favorably in the precise form it came from the House of Representatives.

The war with Great Britain was declared June 18, 1812, and peace was made on the 17th day of February, 1815. It is therefore nearly sixty years since the war was concluded; it will be just sixty on the 17th day of next February. The youth of twenty then, is the old man of eighty now. The Commissioner of Pensions estimates the average age of the survivors to be eighty-one or about that. Every one can verify this opinion by his knowledge of such of these veterans as he happens to know. A great many letters come addressed to the committee from these old soldiers and they generally speak of their age as eighty and upward.

There is another fact not to be lost sight of, which is, that they are generally poor, at least if we may believe their own account. Most of them base their claim upon that fact, and the further one, that they are too old to earn their subsistence by labor. We may readily believe this to be true. Besides these grounds, based on their needs, they appeal to the gratitude of the nation, now populous, wealthy, and powerful, to mark their respect by a substantial token.

The law of 1871 has given rise to bitter complaint on the part of all not comprehended within its benefits. Especially does this complaint come from those who served thirty days and upward. They ask, Why allow those who served sixty days and not allow those who served thirty, forty, or fifty? Several cases have been before the committee where the service was fifty-seven, fifty-eight, and fifty-nine days. Shall a single day separate us, say they, into two classes;

the one to be honored by this mark of the nation's gratitude—an honorable pension—the other to be ignored? On what principle of justice or equity, they demand, do you exalt the one and pay no heed to the other?

Again they urge: Though we served less than sixty days, yet in point of merit, in point of actual hardship endured and valuable services rendered, we should be preferred to many whose service, though nominally sixty days, was far less hazardous than ours, and of less benefit to the country. They put the case in this way: We were out less than sixty days, true, but in that time we fought the battle of Plattsburgh, while our sixty-day comrades, now quietly enjoying a pension, never smelt gunpowder at all.

Again they urge: When Congress gave bounty land to the soldiers of the war of 1812, all men were included who served fourteen days, and why should the term of service be extended from fourteen to sixty days, to give the same soldiers a title to pension?

Again say they: The country did not strictly owe pensions to any of the survivors of the war of 1812 comprehended in the law of 1871. Those entitled to pensions by reasons of wounds or injuries had long since been pensioned, and the widows of those who fell in battle, or died in consequence of injuries or disabilities incurred, were already provided for under the general pension laws. It was a misnomer, therefore, they urge, to call that a pension which was given to soldiers never disabled in the service; it was an abuse of terms to call that a pension which was given to the widow, when her husband died a natural death, in no way hastened by his short service in the war.

It must be admitted, sir, there is much force in this objection, the point of which is this: pensions are given because of promises by the nation to the soldier. They are inducements to enlisting in the hazardous service of war. They were given to all such soldiers of the war of 1812 as they had been promised to. What the act of 1871 gave was not a pension, but a bounty. The land given to the same soldiers was called *bounty* land. Congress had never promised it to induce enlistments. Congress had never promised to take care, in their old age, of such soldiers as had passed through the war unhurt. "Now, then," say the slighted class—the men who served less than sixty days—"you owed no debt to those who served sixty days that you did not owe to those who served only thirty, and that debt was one of gratitude only, and you should not apportion the gratitude of the nation by any such narrow principle as that established by the existing law. It is not so much the mere length of time the citizen served his country, as the fact that he *did* serve it, that begets the gratitude. Now, since the bounty comes of gratitude, and is the form of its expression, it should not be circumscribed by a rule which wholly ignores a part of the Army equal in all points of merit to the favored class except in the mere fact that their term of service was less."

Mr. President, I have tried to present the argument. The majority of the committee thought it possessed so much force that it would be invidious to maintain any distinction founded on the mere length of service, now that the career of all is drawing so rapidly to a close. There is not a soldier left who has not passed the allotted term of three-score years and ten. Like the withered leaves of November they are rapidly falling, and in a few years more not one will be left of the men who contributed a second time to achieve our independence of Great Britain.

The war which terminated in the brilliant battle of New Orleans brought around a peace with that great power which, though at times seriously threatened, has continued unbroken for sixty years.

Speaking for myself, I greatly doubt the policy of pensioning those who served less than fourteen days. The law of 1855, which granted bounty land to all soldiers and sailors who had served in any of the wars since 1790, adopted that term of service. If there was a reason for just that number of days then, it exists with as much force now.

I doubt still more the policy which pensions all such surviving widows as were married before the year 1850. It has not been seriously claimed by anybody, that I am aware of, that the time of the marriage should be extended beyond the year 1825. That limit would include all who married soldiers during the ten years which succeeded the close of the war. Indeed, on principle, it is hard to understand why the bounty of the nation should be extended to any widows except those who became partners of the soldiers before or during the war. When the war ended, those who participated in it were emancipated from their enlistments and returned to their citizen duties in nowise disqualified to enter into the competitions of industry. Indeed, most of them had served but short periods; not sufficiently long to disturb their home occupations. What claim in reason, then, have their widows to be distinguished from other women who happen to survive their husbands? Of course I am speaking now of the widows of soldiers who were not disabled in the service from making a livelihood. As to those who were disabled, the country has long since indemnified both them and their widows. I repeat, what is given by this bill is a bounty, and a bounty only; and the point I make is that the women who married soldiers after their release from the army, and who had passed unscathed through the war, can advance no solid reason why the country should pension them any more than it should pension all other widows. But should Congress do this, ten years is a limit long enough to embrace all who should become beneficiaries as having married the soldier within that time. I hope, therefore, the bill will be amended in the Senate, so that if the law of 1871 is amended in respect to the widows at all, it will not be made to comprehend those who married later than 1825.

The Senate will be anxious to know how this change in the law will affect our pension-list.

Probably no nation has so large a pension-roll as ours. The country has paid to its soldiers and sailors $311,000,000 since the year 1791. There were 289,715 soldiers of all degrees of service in the war of the Revolution, and of these 57,623 were pensioned. Then followed the Indian wars of 1794 and 1811, the war with Great Britain, the Seminole and Black Hawk wars, the disturbances in the Cherokee and Creek countries in 1836–'37, the Florida war from 1836 to 1842, the war with Mexico, the New York frontier disturbances in 1838–'39, the Aroostook disturbances, and lastly the war of the rebellion; and pensions have been granted on account of all these wars. The total number of pensioners of all classes upon our rolls on the 30th day of June last was 238,411, and the sum paid to the pensioners that year was $26,259,284.43, but the actual cost to the country of the pension system for that year was $29,185,289.62. But of this sum nearly three millions was paid to pension agents and examining surgeons and for expenses of pension agencies and commutations for artificial limbs. It will hardly surprise any one that our roll should be so large when it is remembered that the number of soldiers engaged in the war of the rebellion was 2,688,523.

I gave a moment since the amount of pensions paid since 1791. Besides pensions, Congress has voted seventy million acres bounty lands to the soldiers in the different wars, not including the rebellion; a quantity three and one-half times greater than the area of Indiana, and nearly double that of the State of Illinois. Surely no country was ever more liberal to its soldiery.

In his report for 1872 the Commissioner of Pensions furnishes a statement of the number of soldiers, sailors, and marines who served in the war of 1812. The total number was 527,654. These were divided as follows:

Those who served twelve months or more	63,179
Number of militia serving six months or more	66,325
Number of militia serving three months or more	125,643
Number of militia serving one month or more	125,307
Number of militia serving less than one month	147,200
Total	527,654

It will be seen that more than one-third of the whole number called out served less than one month.

When the Commissioner made his report in November 1, 1872, one year and nine months after the act of February 14, 1871, had passed, giving pensions to the soldiers of the war of 1812, he reported that he had received claims under the law from 27,833 survivors and from 9,430 widows.

Of the survivors admitted to pensions up to November 1, 1872, there were 19,262, and of widows 4,198—in all 23,460; and 6,294 claims from survivors and widows had been rejected. One half of the rejections, namely, 3,129, proceeded from insufficient service, and of course all such rejections will be let in under the present bill.

When in November last the Commissioner submitted his annual report, there were then on the pension-rolls of—

Survivors of the war of 1812	18,266
Widows of	5,053
Total	23,319

In this report he furnishes tables of the "war of 1812 roll" for June 30, 1872, and June 30, 1873; and on the first roll the soldiers drawing pensions are put down at 17,100; the widows at 3,027; making a total of 20,127. On the roll for the year ending June 30, 1873, the survivors number 18,266; the widows 5,053; making a total of 23,319; showing an increase in the number of persons of 3,192.

Notwithstanding this addition of 3,192 of survivors and widows to the pension-roll during the last fiscal year, there had been losses by death of 2,036 soldiers and 222 widows.

Thus, sir, it will be seen that under the law of 1871, which admitted only such soldiers as had served sixty days and such widows only as had married before the conclusion of peace, we have on the pension-roll over twenty-three thousand, and the annual amount of pension-money to which they are entitled is about $2,250,000. Bearing in mind that probably one-half of the number that served in the Army served less than sixty days, I think it fair to infer that the number of survivors under the present bill will reach eleven thousand, which added to those now admitted as pensioners will make a total of nearly thirty thousand survivors, costing annually $3,000,000. If under the existing law there are over five thousand widows who were married before the treaty of peace, the Senate can form its own judgment as to the number who will be entitled to pensions if the limit of marriage is extended from 1815 to 1850—a period of thirty-five years—so as to include all widows who were married in that long period. I do not hazard any opinion of my own as to what the number will be. If they stood upon a similar footing of merit with those now pensioned, of course we should not stop to calculate the cost; but in my judgment they do not. I think it safe, however, to say that if it costs the country now $2,250,000 to carry into effect the law of 1871, it will require an appropriation of six millions to meet the demands of the present bill, exclusive of arrears. Of course this list will rapidly diminish. But I prefer submitting the estimates of the Pension Office to any expression of opinion of my own, and I send to the

Clerk's desk a letter from the Acting Commissioner and ask that it may be read.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., April 29, 1874.

SIR: In reply to your inquiries of this date I have the honor to answer as follows:

First. At what percentage per annum do the survivors of the war of 1812 on the roll die?

It appears from our records that during the year ending June 30, 1872, of 17,100 survivors on the roll, 604 deaths were reported, or 3.5 per cent. During the year ending 1873, of 18,266 on the roll, 2,036 deaths were reported, or 11.1 per cent.

Of the widows, out of 3,027 pensioned to June 30, 1872, 122 deaths were reported, or 4 per cent. In 1873, of 5,053 on the roll, 222 deaths, or 4.4 per cent., were reported.

It is necessary to add that this statement does not include all those of either class who died during those periods. Deaths are only reported to the office when allowances are claimed. We estimate the actual loss to the roll at about 10 per cent. per annum, though the names may remain upon the record until three years from the date of last payment, when they will be dropped by operation of law.

Second. How does the percentage of deaths increase as they get older?

From the foregoing it will appear that we are unable to give reliable information upon this point.

Third. If all the soldiers of that war (1812) should be pensioned, what would be the probable addition to the list?

Basing the estimate upon our experience under the act of February 14, 1871, I find that 51,555 soldiers of the war of 1812 would have been entitled at the date of its passage for one day's service. Deducting therefrom 25 per cent. for those since deceased, 12,889, and 16¼ per cent. as an allowance for those who, from various causes, will fail to apply, and those who will be unable to prove their claims, 6,445, and I conclude that 32,221 soldiers would be added to the list, an excess of 10,836 over the present roll.

Fourth. If widows who married before 1825 were admitted, how many would be added to the list?

Under date of January 15, 1873, I had the honor to inform you that in the opinion of this office 16,000 widows would become entitled by the extension of the limitation as to marriage down to 1825, the term of service remaining at sixty days. Proper deductions from those figures would be 10 per cent. for deaths, 1,600, and 20 per cent. for incomplete claims, 2,880, leaving 11,520 as the number who would probably become pensioners.

Fifth. If widows married before 1856 were admitted to the pension-list, to what extent would it increase the present roll?

Without claiming a great degree of accuracy for this statement, I place the number at 28,000, assuming that one day's service is intended. At date of 1825 these soldiers had reached an age when most men have formed their domestic relations, and marriages subsequent to that time were principally remarriages.

Sixth. Taking the House bill (2190) as it is, what would probably be the amount of appropriation necessary to meet the increase?

Survivors to be added, 10,386, at $96 per year	$1,040,256
Widows to be added, 28,000, at $96 per year	2,688,000
Removal of disloyalty bar, 464, at $96 per year	44,640
Total	3,772,896
To pay arrearages, three years	11,318,688
Grand total	15,091,584

Upon the assumption that the claims will be adjusted immediately upon the passage of the act, this amount of appropriation would become necessary. But in fact their settlement would occupy several years, and the arrearages, to a large amount, become payable from future annual appropriations. As $400 would be required to meet the payment of each new claim admitted during the first fiscal year, if 20,000 claims are adjusted during that period—and with a proper amount of force this can be done—an immediate appropriation of about $8,000,000 will be required.

Seventh. How many pensioners of the war of 1812 are now admitted?

Survivors	21,385
Widows	6,076
Total	27,461

Eighth. What, since you made your last report, is the probable number of deaths of survivors and widows? Applying this question to pensioners, I am unable, without occupying more time than you have allowed me, to give an answer. If made, as I state, under your first question, the number reported to the office would vary materially from the correct number.

In view of your request for an immediate answer, the statement has been very hastily prepared, but is believed to be approximately correct.

Very respectfully,

JOS. LOCKEY,
Acting Commissioner.

Hon. D. D. PRATT,
Chairman Committee on Pensions, United States Senate.

Mr. PRATT. Mr. President, in what I have said I do not want to be understood as grudging what is thus given to the soldiers and to their meritorious companions—the companions of their youth; far from it—but I do hesitate to give a bounty to those who married the soldier in his old age. This bill puts the widow who married the soldier at the age of fifty-five upon the same footing with her who wedded him in his youth and during the perils and privations of war. I can see an obvious justice in pensioning her who was left in sorrow and uncertainty while her husband was called out to face the enemy—left to look after the wants of her family during his absence—and her who married the soldier a quarter of a century after peace was restored.

There remains but one topic more upon which I wish to be indulged to say a few words, that provision in the bill which restores the soldiers dropped from the rolls. When the war of the rebellion occurred, forty-five years had passed since the treaty of peace with Great Britain. The soldier in the war of 1812 was sixty-five or seventy years old in 1862, when Congress ordered him to be dropped from the pension-roll. He was too old for active service, and his sympathies with the rebellion could do little good to the rebels, or harm to the country. Besides, he was a disabled and not a sound man. He would not have been in the receipt of a pension but for the fact that he was an invalid. That was the name of the roll upon which his name was inscribed. His pension was a debt acknowledged by the nation to be due him. It was a debt of the most sacred character, and therefore the last to be repudiated. It was the indemnity which the nation was paying for a lost limb or broken health. The law of 1862 took effect upon him though he was a helpless cripple or stretched upon a bed of suffering. Too often, I am afraid, it took from him the means of getting his daily bread. Nothing but the necessities of war could have justified such an act, and it should have ceased its operations the moment the rebellion was suppressed. I can well understand why patriotic men should have given their sanction to an act which arrested a flow of money into the insurgent States which might have been employed to aid and continue the rebellion. But Congress did not attempt to confiscate their pensions; it simply suspended their payment. Now, sir, it is nine years since the rebellion was at an end; we have condoned the officers and men who were engaged in it, and removed their civil and political disabilities; and yet we have failed to extend any measure of grace to these old soldiers who earned their humble pensions in fighting under the flag of the Union.

Let us hasten to render them this act of tardy justice. Let us cause their dim eyes to look once more with pride and love upon that flag as the symbol not only of the nation's unity and greatness, but of its justice and truth.

AMERICAN REGISTER TO SHIP SUFFOLK.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The morning hour having expired, the unfinished business of yesterday, being the civil-rights bill, is now before the Senate.

Mr. CONKLING. Mr. President, there is on the Calendar Senate bill No. 766, reported from the Committee on Commerce. The whole purpose of the bill is to permit a register to be issued to the steamship Suffolk, which has been purchased by the International Ocean Telegraph Company, and is designed for laying ocean cables, having been adapted to that use at Baltimore. As I suppose there will be no objection to it, I ask the Senate to take it up and put it on its passage.

The PRESIDING OFFICER. The Senator from New York asks unanimous consent to lay aside the pending order informally that the Senate may consider the bill indicated by him. Is there objection?

There being no objection, the bill (S. No. 766) to grant an American register to the steamship Suffolk and to change the name of said steamship to that of Professor Morse was read a second time, and considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXPORTATION OF DISTILLED SPIRITS.

Mr. SHERMAN. I appeal to the Senator from Vermont, and ask to be allowed to call up a bill, to which I think there will be no objection, in regard to the exportation of spirits in bond, which, if it is to have any remedial effect, should pass now. It is a House bill and has been carefully considered.

Mr. EDMUNDS. I have not charge of the regular order; the Senator from New Jersey [Mr. FRELINGHUYSEN] has.

Mr. SHERMAN. If the Senator from New Jersey will hear the bill read and then objects to it, I will not ask that it be taken up to-day. I am pressed by the Department to call it up. My friend from Iowa [Mr. WRIGHT] reported it, and I call it up in his absence.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 2081) to facilitate the exportation of distilled spirits, and amendatory of the acts in relation thereto.

The bill proposes to further amend section 55 of the act of July 20, 1868, as amended by the act of June 6, 1872, and by the act of March 3, 1873, by striking out the words "such bonds," where they first occur in the section, and inserting in lieu thereof the words "a transportation bond;" by inserting in the second proviso of the section, after the word "given" and before the word "for," the words "to the collector of the port," and after the words "bill of lading" and before the word "or," the words "or any other port without the jurisdiction of the United States;" by striking out of the section the word "twenty-five" before the word "cents," and inserting the word "ten" in lieu thereof; by inserting after the word "practicable" the words "on arrival of the spirits at the port of export, the exporter or owner at that port shall immediately notify the collector of the port of the fact, setting forth his intention to export the same, and the name of the vessel upon which the same are to be laden, and the port to which they are intended to be exported. He shall, after the quantity of spirits has been determined by the gauger and inspector, file with the collector of the port an export entry and an affidavit. He shall also give bond to the United States, with at least two sureties, satisfactory to the collector of customs, conditioned that the principal named in said bond will export the spirits as specified in said entry to the port designated in said entry, or to any other port without the jurisdiction of the United States;" by inserting, after the words "upon which the tax has been paid," the words "and upon the lading of such spirits, the collector of the port, after proper bonds for the exportation of the same have been completed by the exporter or owner at the port of shipment thereof, shall transmit to the collector of internal revenue of the district from which the said spirits were withdrawn for exportation, a clearance certificate and a detailed report of the gauger, which report shall show the capacity of each cask in wine gallons and the contents thereof in wine gallons, proof gallons, and taxable gallons. Upon the receipt of the certificate and report, and upon payment of tax on deficiency, if any, in excess of 2 per cent. of the number of gallons of spirits named in

the entry of withdrawal, the collector of internal revenue shall cancel the transportation bond; and, further, that the allowance of 2 per cent. for deficiency shall apply to all transportation bonds now outstanding made previous to the passage of the act, in accordance with the regulations under the act of July 20, 1868, as amended by the act of June 6, 1872."

The second section proposes to amend section 1 of the act of May 27, 1872, by inserting after the words "United States," in the first paragraph of said section, the words "or in transit in bond for export;" and after the word "warehouse," the third time it occurs, and before the word "bond," the words "or transportation."

The bill was reported from the Committee on Finance with amendments.

The first amendment of the committee was in lines 14, 15, and 16, of section 1, to strike out the words:

By striking out of said section the word "twenty-five" before the word "cents," and inserting the word "ten" in lieu thereof.

The amendment was agreed to.

The next amendment was in lines 42 and 43, after the words "if any," to strike out the words "in excess of 2 per cent. of the number of gallons of spirits named in the entry of withdrawal;" so as to read:

Upon the receipt of the certificate and report, and upon payment of tax on deficiency, if any, the collector of internal revenue shall cancel the transportation bond.

The amendment was agreed to.

The next amendment was to strike out the following words, commencing in line 45 of section 1:

And, further, that the allowance of 2 per cent. for deficiency shall apply to all transportation bonds now outstanding made previous to the passage of this act, in accordance with the regulations under the act of July 20, 1868, as amended by the act of June 6, 1872.

The amendment was agreed to.

The next amendment was to strike out the second section of the bill.

The amendment was agreed to.

Mr. CONKLING. The frame of this bill is such as to make it difficult to understand, even as well as we might from a simple reading understand such a measure in other form, and without suggesting that it is not right, I wish the Senator from Iowa would explain to us briefly the changes that it will make in the law.

Mr. WRIGHT. I will do so. I will state in advance that this bill has the entire approval of the Internal Revenue Commissioner, who was before the committee, and we have also his letter, which is on file.

The two matters that are affected by this bill in the law as it now stands are these: In the first place it has been found that where an export bond was given by a distiller in the West and the spirits were sent to New York, it frequently occurred that he would have three or four or half a dozen shipments there, and he was required to give new security for each shipment, and there was difficulty in his obtaining sureties upon these different shipments. We therefore propose to change the law so that when a new bond shall be given in New York for the shipment from New York to the port of exportation, the bond given in the West shall be canceled, so that the person who is shipping from the West, instead of being incumbered by a number of bonds as he ships spirits, after the bond has been given in New York, may cancel the first bond and give the same sureties in subsequent shipments. That is one provision proposed to be changed by the bill.

Next, under the law as it stands now, they are required to make shipments to a particular port abroad, and we propose by this bill to allow them to export to a particular port or to such other port as they may see proper; that is to say they are not confined to a particular port when they start from New York, but they may have the bond in the alternative. That is for liquors shipped abroad and upon which there is a drawback, as the Senator understands.

There were other provisions in the bill with reference to spirits shipped upon bonded cars that allowed the shippers, if there was a destruction of liquors in transit to New York, to recover back what had been paid. That provision we have struck out of the bill entirely. There is also a provision with reference to 2 per cent leakage, and we have struck that out of the bill entirely; so that it now stands, as I remember, upon the two provisions that I have explained.

The bill was reported to the Senate as amended, and the amendments were concurred in.

It was ordered that the amendments be engrossed, and the bill read a third time.

The bill was read the third time, and passed.

REGULATION OF GAS-WORKS.

Mr. MORRILL, of Vermont. I am informed that it will be more convenient perhaps to the Senate to take up to-day the gas bill, to which I referred in the morning hour, and act upon it now. I therefore move that all prior orders be postponed in order to take up Senate bill No. 733.

Mr. BOREMAN. I move that the Senate proceed to the consideration of executive business.

Mr. MORRILL, of Vermont. Not so early. We can get through with this bill in half an hour probably.

Mr. BOREMAN. I think not; but I have no objection to wait half an hour.

The PRESIDING OFFICER, (Mr. ANTHONY.) The Senator from West Virginia withdraws his motion; and the question is on the motion of the Senator from Vermont, [Mr. MORRILL.]

The motion was agreed to; and the bill (S. No. 733) regulating gas-works was read a second time, and considered as in Committee of the Whole.

The first section provides that from and after the 30th of June, 1874, the illuminating power of the gas furnished by any gas-light company, person, or persons, in the city of Washington, District of Columbia, shall be equal to sixteen candles by the Bunson photometer, using the English parliamentary standard argand burner, having fifteen holes and a seven-inch chimney, consuming five cubic feet of gas per hour, and such gas shall not contain more than twenty grains of sulphur in any form in one hundred cubic feet, nor more than five grains of ammonia in any form in one hundred cubic feet. When the illuminating gas supplied by any company, person, or persons in the city of Washington, District of Columbia, shall at any one time be of less illuminating power or of less purity than according to this standard, it shall be so reported by the inspector of gas and meters to the company, person, or persons supplying the same, who shall be subject to a penalty of $100, to be recovered before the proper tribunal and paid into the treasury of the city of Washington for each and every day during which such violation shall continue; but if it shall appear that such deviation from the standard could not have been prevented by ordinary care and prudence, but was occasioned by some unavoidable cause, the penalty shall not be enforced.

The second section provides that a suitable and impartial person, competent as a chemist, who is not a stockholder or employé in any gas-works, shall be appointed by the President of the United States, by and with the advice and consent of the Senate, to be designated and known as inspector of gas and meters, whose compensation shall be a salary of $2,000 per annum, and whose duties shall be to test and determine the illuminating power and purity of the gas furnished by any company, person, or persons in the District of Columbia; and to test, prove, and seal all meters that may be hereafter used by them. A suitable person, who shall be a gas-fitter by trade, is to be appointed by the President, on the recommendation of the inspector of gas and meters, as an assistant inspector, at a salary of $1,000 per annum, who shall assist in the duties specified under the direction of the inspector of gas and meters.

Section 3 requires that a laboratory shall be provided and fitted up by the Washington Gas-light Company, subject to the approval of the inspector, in the central part of the city of Washington, at a distance, as near as may be, of two thousand —— from any gas-works, and furnished with suitable apparatus for the transaction of the business of the inspector and assistant inspector, for which it is intended, and the laboratory shall be kept open on all business days between the hours of eight o'clock in the forenoon and five o'clock in the afternoon.

Section 4 permits the company, person, or persons furnishing the gas, if they see fit, to be on each occasion of the testing of the gas by the inspector or assistant inspector represented by some officer, but such officer shall not interfere in the testing.

The fifth section requires daily inspections, Sundays excepted, shall be made between the hours of five and eleven o'clock in the afternoon, and a record kept of each inspection, giving the illuminating power and purity, which shall be open to the public, and a copy of the daily inspection shall be furnished the following day to the company, person, or persons furnishing the gas, Saturday's inspection to be furnished on Monday, and a full report for the month to be furnished, upon request, to any daily papers printed in the city of Washington on the day of their publication, next after the 24th day of each month, to include each day's test from the date of previous publication, and giving the average illuminating power for the month.

Section 6 provides that all bills for gas furnished by any company, person, or persons shall state the average illuminating power for the month; and if the same shall fall below sixteen candles, as prescribed in the first section, the amount of the bill shall be reduced *pro rata*.

Section 7 requires that in testing meters the inspector or assistant inspector shall ascertain whether the meter is of proper construction, and requires only the pressure of a column of water indicated by the water-gauge, commonly used for such tests, of one-fourth of an inch high to work it, and whether it works regularly and correctly, and registers exactly the amount of gas passing through it, first, at the rate the meter is marked to supply; secondly, at one-third its rate; thirdly, at twice its rate. The standard foot shall be one cubic foot, containing 62.321 pounds, avoirdupois weight, of distilled water at the temperature of 62° Fahrenheit, and with a barometrical pressure of thirty inches; and meters registering within 2 per cent. either way of the exact number of such feet passing through them at the first-named rate, and within 3 per cent. at the second and third rates, and no others shall be deemed accurate and be stamped by the inspector. The inspector shall keep at the laboratory a correct record of all meters inspected by him, with their proof at the time of inspection, which record shall be open at all times to the public for any reasonable examination by any company, person, or persons having any interest therein.

It is provided by the eighth section that any gas-meters now in use

shall be proved and tested on the written request of the consumer of gas on whose premises it may be, and in his presence, if he requires, upon the payment in advance to the inspector or assistant inspector of fifty cents for each and every meter inspected, proved, and sealed; and if any such meter, on being tested, shall be found to register inaccurately to the injury of the consumer to an extent exceeding 2 per cent., the fee of fifty cents shall be returned to the person applying for the inspection and be paid to the inspector by the company, person, or persons supplying the gas; and every such meter shall be considered correct, and sealed accordingly, which shall register quantities varying from the true standard measure of gas of not more than 2 per cent., and a record shall be kept of the same and of all fees so collected. All meters hereafter used by any gas company, person, or persons shall be first inspected, proved, and sealed at the laboratory provided for by the act; and for such inspection, proving, and sealing the company, in the first instance, and thereafter the company, person, or persons applying to have the meter inspected, shall pay fifty cents for each meter, a record of which shall be kept and of the fees so collected; and all fees shall be applied to the payment of the expenses for maintaining and keeping in good order and repair the laboratory and apparatus.

Section 9 provides that each company, person, or persons manufacturing illuminating gas in the city of Washington, District of Columbia, shall, when required, in writing, by the inspector of gas and meters, bring to the laboratory any meter that may have been required to be inspected, proved, and sealed, and to return the same to its proper place after such inspection; and that it shall not be lawful for any other party or person to remove and return meters.

Section 10 provides that the inspector and assistant inspector of gas and meters shall each give bonds to the extent of double his annual salary, and shall each take an oath or affirmation, before some officer legally qualified to administer the same, that he will faithfully, diligently, and impartially discharge the duties of his office.

By the eleventh section the Washington Gas-light Company is authorized hereafter to charge and receive for coal-gas furnished to and paid for by the Government of the United States, at the rate of $2.50 per thousand cubic feet; and when furnished and paid for by other parties, or by the inhabitants of the city of Washington, at the rate of $2.75 per thousand cubic feet; but if the party or inhabitants so furnished shall pay monthly any bill within seven days after the same shall have been presented, the party shall be entitled to a discount upon the amount of such bill at the rate of twenty-five cents per thousand cubic feet. All laws authorizing any higher rates are repealed.

Section 12 requires the Washington Gas-light Company to furnish illuminating gas to the government of the District of Columbia within the distance of fifty yards from any of their mains, on the same terms as to the Government of the United States, and in case of the non-payment of any quarterly bills by the District beyond the period of ten days from the time of presentation, the company shall be entitled to demand and receive interest thereon from date until paid. The company shall light, extinguish, keep clean, and repair the Washington City street lamps at the uniform price of forty dollars for each lamp per annum, to burn two thousand hours per annum, with a six-foot burner on each lamp, subject to any regulation that may be prescribed by the city authorities as to the time of lighting and extinguishing the same, and any extra number of hours to be charged and paid for at the same rate; and the city of Washington is to furnish, when necessary, new lanterns to replace old ones, and to furnish and pay for the reasonable expense of erecting new lamp-posts to replace such as are old, damaged, and unfit for use.

Section 13 provides if any person or persons supplied with gas neglect or refuse to pay the amount due for the same, the company may stop the gas from entering the premises of such person or persons. In no case shall the officers, servants, or workmen of a company remove a meter from premises supplied by the company, unless by consent of the consumer, without first giving forty-eight hours' notice in writing by leaving the same at the premises of the consumer; and the removal shall take place only between the hours of eight o'clock in the forenoon and two o'clock in the afternoon.

Section 14 reserves to Congress at any time the right hereafter to alter, amend, or repeal the act.

Mr. MORRILL, of Vermont. If Senators have read the report of the Committee on Public Buildings and Grounds there is hardly any occasion for making any remarks upon the bill. As the company have hitherto existed, they have nearly always had the price of gas regulated by Congress. It has sometimes been at about the same rate, or once at $2.52 net instead of $2.50, the price proposed in this bill; it has sometimes been as high as four dollars per thousand feet. Upon a comparison with other cities where the price of coal is nearly the same as it is here, it is thought to be just and fair to the company that they should furnish the gas for $2.50 per thousand feet for the Government and the people alike.

I may say here that the Washington Gas-light Company is a very prosperous one. It was incorporated with a small capital, and gradually increased to half a million dollars. In 1866 it was doubled, or raised to a million dollars, and there was subsequently added a provision by which the capital was increased by $150,000 to $200,000 more; and yet the stockholders of the company have never contributed a dollar beyond the first original stock of half a million dollars, save a small percentage on this $150,000 additional, of which they do not seem to have had any need, as they have not called for it; and at the present time their surplus is $700,000, or over that; and they have been paying 10 per cent. dividends, not only on the amount of money actually invested, the half million dollars, but on twice that sum since 1866.

Besides this there has been a general complaint, and I believe made by members of Congress as much as by any other parties, that the quality of gas here was entirely uncertain and frequently very inferior. There has been no regular inspection of the gas for many years. There is no legal authority by which the quality of gas sold shall be measured. Therefore a system of inspection seems to be indispensable, almost as indispensable as the measure of a bushel of grain or a gallon of spirits. The committee have therefore reported this bill fixing the price of gas, and providing also the machinery for a proper inspection. I should add that the company do not object to the inspection proposed. I do not think that any one who has examined the subject will think that we have placed the price too low, and I trust there will be no attempt to place it at a lower figure, as we should be entirely just to the company. I ask now to be allowed to make some verbal amendments to the bill.

Mr. DAVIS. I should like to ask the Senator from Vermont how the price fixed in this bill compares with that of other cities?

Mr. MORRILL, of Vermont. If the Senator will read the report, he will see a statement of the prices of gas furnished throughout the whole country, and, as the committee have said in their report, they are almost universally extravagant prices. There is no kind of doubt but that gas can be furnished at a much less rate than is usually charged throughout the whole country, or certainly in all regions of the country not remote to the gas-coal fields.

The price of gas in Boston is $2.50; and during the war the company there paid the entire tax levied by Congress in addition, while this company here not only charged the consumers, the inhabitants of the city, with the tax, but actually charged the Government with the tax under a provision of the tax law which provided that wherever the price of gas was fixed by law the gas companies might charge the tax to the consumers in addition. The amount of gas consumed here and paid for by the Government is annually between eighty and ninety thousand dollars—sometimes over one hundred thousand dollars in a single year. The Senator will see by the report that at Pittsburgh the price of gas is $1.60; at Detroit I think it is $1.90, while in Florida at some places they charge ten dollars and in some other States five or six, and even eight dollars.

The committee I may say have also received many proposals upon the part of other parties to organize new companies with a guarantee to furnish gas even for two dollars a thousand cubic feet, and some of them even less than that, manufactured from petroleum. However, the committee have not thought it wise to embark in any experiments but to wait until these new processes shall have been tested in large cities, so that there shall be no chance for failure if they should be adopted here.

I now move to amend the bill in line 6 of section 1 by striking out the words "city of Washington," and in line 14 by striking out "city of Washington."

Mr. CONKLING. What is the effect of that?

Mr. MORRILL, of Vermont. Merely to have it apply to the District of Columbia so far as the quality of the gas furnished is concerned.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont.

The amendment was agreed to.

Mr. MORRILL, of Vermont. In line 21 of section 1 I move to strike out "city of Washington" and insert "District of Columbia;" so as to read, "to be recovered before the proper tribunal and paid into the treasury of the District of Columbia aforesaid," &c.

The amendment was agreed to.

Mr. MORRILL, of Vermont. In section 3, line 5, I move to fill the blank with "feet;" so as to read, "two thousand feet."

The amendment was agreed to.

Mr. MORRILL, of Vermont. At the end of section 3 I move to add the following proviso:

Provided, That the cost of fitting up said laboratory shall be paid for by each gas company in the District of Columbia in proportion to their sales of gas for the year 1873.

The amendment was agreed to.

Mr. MORRILL, of Vermont. I move to strike out in line 2 of section 9 the words "city of Washington."

The amendment was agreed to.

Mr. MORRILL, of Vermont. In line 6 of section 12 I move to strike out "quarterly" and insert "monthly;" so as to read, "monthly bills."

The amendment was agreed to.

Mr. MORRILL, of Vermont. On line 12 of the same section, after the word "thousand," I move to insert "two hundred;" so as to read:

And the said company shall light, extinguish, keep clean, and repair the Washington City street-lamps at the uniform price of forty dollars for each lamp per annum, to burn twenty-two hundred hours per annum, &c.

The amendment was agreed to.

Mr. MORRILL, of Vermont. I now move as an additional section the following:

SEC. —. That any person who, with intent to injure or defraud any gas com-

pany in the District of Columbia, shall make or cause to be made any pipe, tube, or other instrument or contrivance, or connect the same or cause it to be connected with any main service pipe or other pipe for conducting or supplying illuminating gas, in such manner as to connect with and be calculated to supply illuminating gas to any burner or orifice by which illuminating gas is consumed around or without passing through the meter provided for the measuring and registering of the quantity of gas there consumed, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by imprisonment not exceeding six months or by fine not exceeding $250.

The amendment was agreed to.

Mr. MORRILL, of Vermont. I move the following as an additional section:

SEC. —. That the price which may be charged for gas by the Washington Gas-light Company shall be uniform and the same to all consumers, and any reduction made in the price or cost to any person or persons except to officers of the company shall furnish a legal right on the part of any other person or persons to demand gas at the same cost or price.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. FRELINGHUYSEN. Mr. President, I should call up the civil-rights bill but that I am informed there are one or two Senators—at least one—who wish to speak and are not prepared to speak to-day. For that reason I do not call it up now. I will say further that the chairman of the Committee on the Judiciary wished me to give notice that he would to-morrow at one o'clock call up the Geneva award bill.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. E. BABCOCK, his Secretary, announced that the President had on this day approved and signed the following acts:

An act (S. No. 207) for the relief of C. E. Rogers;

An act (S. No. 259) to authorize the proper accounting officers of the Treasury to settle with Henry C. Carey; and

An act (S. No. 470) for the relief of James R. Young.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had concurred in the amendment of the Senate to the bill (H. R. No. 498) to settle the accounts of Captain A. B. Dyer.

The message also announced that the House had passed the bill (S. No. 149) for the relief of certain settlers on the Fort Randall military reservation.

The message further announced that the House had passed a concurrent resolution for the printing of five thousand copies of the memorial services which were held in the House of Representatives April 16, 1872, in commemoration and honor of the late Samuel F. B. Morse, for the use of the House of Representatives and the Senate; in which it requested the concurrence of the Senate.

The message likewise announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 2246) relating to circuit courts of the United States for the district of Alabama; and

A bill (H. R. No. 3073) to amend section 19 of the act approved August 18, 1866, entitled "An act to regulate the diplomatic and consular systems of the United States."

EXECUTIVE SESSION.

Mr. BOREMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three hours and thirty-three minutes spent in executive session the doors were reopened, and (at five o'clock and thirty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May* 6, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

APPROPRIATIONS FOR PUBLIC BUILDINGS.

Mr. GARFIELD, by unanimous consent, presented a letter from the Secretary of the Treasury, transmitting revised estimates of appropriations for public buildings for the fiscal year ending June 30, 1875; which were referred to the Committee on Appropriations, and ordered to be printed.

DAILY HOUR OF MEETING.

Mr. DAWES. When a motion was made on Monday last that hereafter the House should meet at eleven o'clock, I voted against it, because my own committee had so much to do that I did not feel as if it were possible for me to come here at eleven o'clock, but a very large majority, almost two-thirds of the House, voted in favor of meeting at eleven o'clock. The pressure of business upon Congress increasing every hour compels me, so far as I am personally concerned, to yield to the inconvenience that it would involve me in, and I now ask unanimous consent that, until otherwise ordered, the House shall meet at eleven o'clock a. m.

The SPEAKER. If there be no objection, it will be so ordered.

Mr. CROSSLAND. I would like to have the condition made that we are to have no more evening sessions.

Mr. GARFIELD. The question is between doing this and sitting until August.

Mr. DAWES. I think if we agree to meet at eleven o'clock, a majority of the House will be opposed to evening sessions.

Mr. PELHAM. I object, absolutely and unqualifiedly.

The SPEAKER. The Chair has given it as his opinion heretofore that when the House has met at eleven o'clock evening sessions have been dispensed with, because the House has found that it can do more work during the day sessions.

Mr. CROSSLAND. I make no objection to the proposition of the gentleman from Massachusetts.

Mr. PELHAM. I insist on my objection.

Mr. HAWLEY, of Illinois. I desire to say that I made the motion to change the hour of meeting on Monday last because my experience has satisfied me that if we meet at eleven o'clock we can accomplish much more business during the day than we can by meeting at twelve o'clock and then holding an evening session.

Mr. DAWES. I agree to that.

Mr. HAWLEY, of Illinois. I am satisfied that a large majority of the House were then and are now in favor of that motion; and I hope the gentleman from Alabama will withdraw his objection, and that the order will be made now. There was but one objection made to my motion last week, and that was by a gentleman from Pennsylvania.

The SPEAKER. The Chair thinks the general experience has been that the meeting of the House at eleven o'clock promotes business much more rapidly than an attempt to have evening sessions.

Mr. HAWLEY, of Illinois. The gentleman from Massachusetts [Mr. DAWES] has spoken of the business before committees. There is already more business reported by committees than can be disposed of at this session. Here is the general Calendar upon which there are perhaps sixty or seventy bills, and we have never taken up the general Calendar or passed a single bill upon it. There is no reason why the committees should meet every morning at ten or half-past ten o'clock for the purpose of reporting bills which can never be passed. There are bills of public importance that certainly ought to pass. The appropriation bills ought to pass speedily, and I have no doubt that there are important measures before the Committee on Ways and Means.

Mr. DAWES. The gentleman has alluded to the fact that there is as much business now before Congress as can be done this session. He will recollect that the Committee on Ways and Means has not been called for two months. It has been waiting for a call now for weeks, and the Speaker has indicated that it will probably be two weeks before it will be called. Now the Committee on Ways and Means has business before it of such a character that the country will not excuse us if it be not submitted to the House. I made this motion because I felt that having opposed it a day or two ago it became me to do something toward promoting the business of the House. The Committee on Ways and Means now meets, and has met all winter, every day at ten o'clock, and will be obliged to meet every day for several weeks to come. It has also held evening sessions until ten o'clock during a considerable part of this session.

Mr. PELHAM. I call for the regular order.

Mr. DAWES. If the gentleman objects to the motion, I give notice that I shall move toward the close of the session each day that the House take a recess until eleven o'clock the next day. A majority of the House can do that.

Mr. RANDALL. I hope the gentleman will be here at night sessions, then.

The SPEAKER. That brings the matter within the control of the majority.

Mr. HAWLEY, of Illinois. And I give notice that on Monday next I shall renew the motion to suspend the rules and adopt this resolution.

Mr. DAWES. In reply to the remark of the gentleman on my left, [Mr. RANDALL,] I have to say only that I have been in this Capitol on public business as many nights during this session of Congress as any other live man.

Mr. RANDALL. The gentleman seems to take my remarks very seriously. I only meant, in view of what took place here last night——

Mr. DAWES. The House, for some reason or other, has given me permission to be absent during its sessions on committee business, and I am not away from the House without the consent of the House itself.

Mr. PELHAM. I insist upon the regular order.

The SPEAKER. Objection is made to the proposition of the gentleman from Massachusetts [Mr. DAWES] that hereafter, and until otherwise ordered, the hour of daily meeting be eleven o'clock a. m. The gentleman gives notice that at the usual hour of adjournment on each day he will move that the House take a recess until eleven o'clock a. m. the next day, which will bring it within the power of

the majority of the House to meet at that hour on each day if they desire.

Mr. HAWLEY, of Illinois. And I give notice that on Monday next I will renew my motion to suspend the rules for the purpose of changing the hour of daily meeting to eleven o'clock.

The SPEAKER. As that cannot be done until Monday, the proposition of the gentleman from Massachusetts will apply in the mean time.

COURTS IN ALABAMA.

Mr. E. R. HOAR. I rise to make a privileged report. The Committee on Revision of the Laws, authorized to report upon the subject at any time, have directed me to report, with amendments, House bill No. 2246, relating to the circuit courts of the United States for the districts of Alabama. The bill was reported on a former occasion, but postponed on account of the absence of the gentleman from Alabama.

Mr. PELHAM. I reserve all points of order until the bill is read, or until my colleague [Mr. WHITE] shall be present.

The bill was read, as follows:

Be it enacted, &c., That there shall be, and is hereby, established a circuit court of the United States for the middle district of Alabama, as said district is now constituted by law, to be held in the city of Montgomery, and a like court for the northern district of Alabama, as said district is now constituted by law, to be held in the city of Huntsville.

SEC. 2. That said circuit courts shall have and exercise, within their respective districts, the same original powers and jurisdiction as are conferred by law upon the circuit court of the United States for the southern district of Alabama at Mobile, and shall have and exercise appellate and revisory jurisdiction over the decrees and judgments of the district courts of the United States for the said middle and northern districts, respectively, under the laws of the United States regulating the jurisdiction, powers, and practice of the circuit courts and the judges thereof, in cases removed into said courts by appeal or writ of error; and said courts, and the judges thereof, shall have the general superintendence and jurisdiction over all cases and questions arising in said district courts respectively under the act approved March 2, 1867, entitled "An act to establish a uniform system of bankruptcy throughout the United States," as is provided for in the second section of said act.

SEC. 3. That there shall be appointed for each of said circuit courts for said middle and northern districts by the circuit judge of the circuit a clerk, who shall take the oath and give the bond required by law of clerks of circuit courts, and who shall discharge all the duties and be entitled to all the fees and emoluments prescribed by law for clerks of circuit courts; and the United States marshals for said middle and northern districts shall, respectively, act as marshals for said circuit courts.

SEC. 4. That the clerks of said district courts for said middle and northern districts shall transfer to the clerks of the said circuit courts respectively all the original dockets, records, and files of papers in all common-law and equity causes which might have been brought and would have been originally cognizable in a circuit court, and which were either disposed of or pending in said district courts while the same were vested with circuit-court powers.

SEC. 5. That the circuit court of the United States, held at Mobile, Alabama, shall be designated and known as the circuit court of the United States for the southern district of Alabama; and its appellate and revisory power, upon appeal or writ of error, or by bill or petition or otherwise, under the second section of said act entitled "An act to establish a uniform system of bankruptcy throughout the United States," is hereby restricted to judgments and decrees rendered or causes and questions arising in the district court of the United States for said southern district; and that the fourth section of the act approved March 3, 1873, entitled "An act relating to the circuit and district courts of the United States for the middle and northern districts of Alabama," be, and the same is hereby, repealed.

SEC. 6. That terms of the circuit and district courts for the several districts of Alabama shall be held as follows: For the southern district, the terms of the circuit and district courts shall commence on the fourth Monday of December and the first Monday of June in each year; for the middle district, on the first Monday of May and the first Monday of November in each year; for the northern district, on the first Monday of April and the second Monday of October in each year.

SEC. 7. That the fifth section of the act approved February 22, 1838, entitled "An act to abolish the circuit court at Huntsville, in the State of Alabama, and for other purposes," and the act approved August 4, 1842, entitled "An act to regulate appeals and writs of error from the district court of the United States for the northern district of Alabama," be, and the same are hereby, repealed.

SEC. 8. That all laws and parts of laws inconsistent with the provisions of this act be, and the same are hereby, repealed.

The first amendment was in the second section, to insert after the words "the same original power and jurisdiction as are" the words "or may be;" so that it will read "powers and jurisdiction as are or may be conferred by law," &c.

The second amendment was to add to section three the following:

And the United States district attorney for said districts shall discharge the duties of district attorney in said circuit courts for said middle and northern districts.

Mr. FORT. I would inquire how many districts there are in Alabama?

Mr. E. R. HOAR. There are three. I will state to the House that, by a mistake in a bill passed at the last session of Congress, two of these districts are left without any circuit-court jurisdiction whatever. A man with a patent case or anything which is required to be brought in a circuit court cannot now have any suit in either of those two districts. This bill is to correct that error; it is satisfactory to the judge, and I understand to all the Representatives from Alabama. It does not affect anybody prejudicially, and would have been passed three weeks ago, except that one gentleman from Alabama who had not had an opportunity to examine it was unwell and was not in his seat. It was postponed, with leave to the committee to bring it in again at any time. It ought to be passed as speedily as possible.

Mr. FORT. I understand the gentleman to say that it does not create any new district, any new judge, or inaugurate any new expenses.

Mr. E. R. HOAR. It does not. The only thing it does is to give circuit-court jurisdiction in these two districts. It allows the present judge to appoint a clerk for each district where the court is held.

Mr. FORT. It occurs to me that the State of Alabama would hardly require three districts.

Mr. E. R. HOAR. There are three districts there now.

Mr. PELHAM. The gentleman from Massachusetts [Mr. E. R. HOAR] stated that this same bill was offered some time ago. I did not so understand it when the Clerk read it. If this is the same bill that was read here three weeks ago, I must object to it. I ask that it may be read again.

Mr. E. R. HOAR. I was not precisely correct in that statement. The bill before presented provided that the circuit court should be held for the two districts only in one of them.

Mr. PELHAM. Then this is not the bill that was offered before?

Mr. E. R. HOAR. Not the one that was read.

Mr. PELHAM. The gentleman stated, when the bill was offered before, that nobody could make any objection to it that he could understand. It seems now that objection has been made which he could understand, and therefore he has changed the bill.

Mr. ELDREDGE. It seems to me that this bill should come from the Committee on the Judiciary, or at all events should be examined by that committee.

Mr. FORT. I would inquire of the gentleman in charge of this bill whether he does not think the public business in the State of Alabama would be served by consolidating these three districts into two districts?

Mr. E. R. HOAR. I will answer by saying that it would seem to me, if it were an original question, that the State of Alabama had more districts in proportion to its population and business than many other States in the Union.

Mr. FORT. The State of Illinois has but two districts.

Mr. E. R. HOAR. The purpose of this bill is not to interfere with existing law except to provide for circuit-court jurisdiction where now there is none. So far as regards such jurisdiction those two districts are at present out of the Union. It seems to me that the question how many districts the State should have cannot properly arise on a bill of this kind. Any gentleman is of course at liberty to introduce a bill to reduce the number of districts in Alabama if he thinks that desirable; but while there are three districts the citizens in each ought to have the same rights of suing and being sued in the courts of the United States that citizens in other districts have. There is but one district judge and but one circuit judge. The marshal and other officers are to be the same.

Mr. FORT. It occurs to me that if the House refuses to pass this bill, it will be more likely that the committee will bring in a bill consolidating the districts, and making but two. Many States much larger than Alabama, much more populous and wealthy, have but two districts, and some but one.

Mr. PELHAM. There is only one judge. This is a matter of convenience to him. He drew the bill. He will receive the same salary.

Mr. FORT. But these districts all create expense for marshals, clerks, court-houses, &c. There must, of course, be some place to hold the court.

Mr. WHITE. I think I can explain this matter so that the gentleman can understand it. In Alabama there are two northern districts; for one the court is held at Montgomery, for the other at Huntsville. Heretofore the district court has had circuit-court jurisdiction. By an act of the last Congress such jurisdiction was taken from the district judge and, according to the design of the bill, was to be transferred to the circuit judge. But upon an examination of the act and a discussion of the point before the judge of the circuit court, it was determined by him that the terms of the act were not sufficient to transfer the jurisdiction which had heretofore been vested in the district judge.

Mr. FORT. Can the gentleman tell the House whether court-houses have been erected at the places he mentioned?

Mr. WHITE. This is simply a question of transferring the circuit-court jurisdiction, which was formerly vested in the district judge, to the circuit judge.

Mr. FORT. But my question is, have court-houses been erected where those courts are to be held?

Mr. PELHAM. We have no United States court building.

Mr. WHITE. The courts, I presume, will be held in the same buildings in which they have heretofore been held.

Mr. PELHAM. The United States court is held in the State court-house at Huntsville.

Mr. FORT. It appears that there are no United States court buildings there; and if there are not, we shall be called upon to erect them.

Mr. PELHAM. The gentleman does not understand this matter.

Mr. E. R. HOAR. I think the gentleman from Illinois [Mr. FORT] does not apprehend this question properly. There have been three districts in Alabama for a great many years; and the district judge has had circuit-court jurisdiction up to last year, when we took it away from him and intended to confer it on the circuit judge in accordance with the practice in nearly all other districts in the United States. But through a mistake in the bill the transfer of jurisdiction was not effectually made to the circuit judge, although it has been taken away from the district judge. If this bill passes courts will be held in just the same places as heretofore, with no more expense, with no more inconvenience to anybody than under the old system. The object of this bill is simply to place the circuit-court jurisdiction where it was

intended to be placed by the bill of the last Congress, which through an oversight did not accomplish the object. I move the previous question.

The previous question was seconded and the main question ordered, which was first upon agreeing to the amendments reported by the committee.

The amendments were agreed to.

The bill, as amended, was ordered to a third reading; and was accordingly read the third time, and passed.

Mr. E. R. HOAR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SETTLERS ON FORT RANDALL MILITARY RESERVATION.

Mr. HAWLEY, of Illinois. The Committee on Military Affairs, authorized to report at any time on this subject, have directed me to report back with a favorable recommendation the bill (S. No. 149) for the relief of certain settlers on the Fort Randall military reservation.

The bill was read.

The first section authorizes the Secretary of War to transfer to the custody of the Department of the Interior such portions of the military reservation of Fort Randall, in Dakota, as were actually occupied by settlers prior to the promulgation of the order of the President of June 14, 1860, setting apart the reservation for military purposes, and, further, such portions of the said reservation as were released from military occupation and control between the years 1867 and 1870, and were during that time settled upon in good faith, and in the belief that the lands were open to settlement.

The second section authorizes the Secretary of the Interior to confirm, in accordance with existing laws, the titles of such settlers upon the military reservation of Fort Randall as may be reported by the Secretary of War for that purpose, and to cause patents to be issued for such lands as the aforesaid settlers may be entitled to under existing laws and the provisions of the act.

The third section provides that the Secretary of the Treasury be, and he is hereby, authorized to pay to each of the aforesaid settlers the respective amounts that were appraised as the value of their respective improvements, by a military board of survey convened for that purpose, at Fort Randall, under instructions from the War Department, dated March 3, 1871; provided that in case any improvements or portion thereof shall have been restored or delivered to any settler after the appraisement of the same by the said military board of survey, such settler shall not be entitled to payment under this act for the improvements or portion thereof so restored or delivered to him.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. HAWLEY, of Illinois. I move to reconsider the vote by which the bill was passed, and also move that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

ABSENCE OF CONSULAR AGENTS.

Mr. BANNING, by unanimous consent, from the Committee on Foreign Affairs, reported back a bill (H. R. No. 3073) to amend section 19 of the act approved August 18, 1856, entitled "An act to regulate the diplomatic and consular systems of the United States," with the recommendation that it do pass.

The bill, which was read, provides that section 19 of the act approved August 18, 1856, entitled "An act to regulate the diplomatic and consular systems of the United States," is hereby amended to read as follows:

SEC. 19. That no such officer as is mentioned in the first, second, third, fourth, sixth, or seventh sections of this act shall, nor shall any consular agent, be absent from his post or the performance of his duties for a longer period than ten days at any one time, without the permission previously obtained of the President. And no compensation shall be allowed for the time of any such absence in any case except in cases of sickness; nor shall any diplomatic or consular officer correspond in regard to the public affairs of any foreign government with any private person, newspaper, or other periodical, or otherwise than with the proper officers of the United States; nor, without the consent of the Secretary of State, previously obtained, recommend any person at home or abroad for any employment of trust or profit under the government of the country in which he is located; nor ask or accept, for himself or any other person, any present, emolument, pecuniary favor, office, or title of any kind from any such government.

Mr. HALE, of New York. Does this come from the Committee on Foreign Affairs?

Mr. BANNING. It does.

Mr. HALE, of New York. I hope we will have some explanation of it.

Mr. BANNING. Mr. Speaker, under the law as it now is, no diplomatic or consular officer representing the United States Government can recommend any person at home or abroad for any employment of trust or profit under the government of the country in which he is located, nor ask nor accept for any person any pecuniary favor or office from such government.

This bill so amends the act of August 18, 1856, of the act to regulate the diplomatic and consular system of the United States as to enable diplomatic and consular officers, after first obtaining the consent of the Secretary of State, to make such recommendation.

The interest and welfare of United States citizens in the East, especially in Japan and China, will be advanced by this amendment. It will enable our representatives to foreign governments to protect such Americans as now hold positions and recommend others who are worthy and qualified.

Ministers of European powers, accredited to the government of Japan, are active in obtaining appointments under that government for citizens of their respective countries.

Our minister to Japan, Mr. Bingham, in speaking of this matter in a letter to the State Department, says:

I am constrained to add that one at least of the European ministers has, in person, urged the removal of American citizens now in the Japanese service for the avowed purpose of filling their places with the subjects of his own country, and this, too, in a very important department of this government.

In speaking of Americans in the service of the Japanese government Mr. Bingham says:

A number of respectable citizens of the United States have been for a considerable period of time in the service of the Japanese government and have acquitted themselves creditably in the discharge of their official duties.

The official positions of these Americans in the government of Japan are not only desirable because they will familiarize these Americans with Japanese customs and tend to Americanize the people of Japan, but because these Americans, through their official positions, will have better opportunities to encourage and strengthen our commercial intercourse with this country.

The bill is recommended unanimously by the Committee on Foreign Affairs.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BANNING moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CAPTAIN A. B. DYER.

Mr. YOUNG, of Georgia, by unanimous consent, from the Committee on Military Affairs, reported back the amendment of the Senate to the bill (H. R. No. 498) to settle the accounts of Captain A. B. Dyer, with the recommendation that it be concurred in.

The Clerk read the amendment of the Senate, as follows:

Strike out all after "cents" in line 5, down to the end of the bill, and insert in lieu thereof these words: "that being the amount charged against him on the books of the Treasury and transferred from the United States depository at Norfolk, Virginia, to the rebel authorities at Richmond, Virginia."

The amendment of the Senate was concurred in.

Mr. YOUNG, of Georgia, moved to reconsider the vote by which the amendment of the Senate was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MEETING AT ELEVEN O'CLOCK.

Mr. DAWES. I understand the gentleman from Alabama [Mr. PELHAM] will withdraw his objection to my motion that hereafter the daily meeting of the House shall be at eleven o'clock a. m. instead of twelve o'clock m.

Mr. RANDALL. I desire to add to that that we shall agree to sit until five or six o'clock if the House shall so desire it.

Mr. GARFIELD. That is a very good suggestion, but we cannot make any such provision now.

Mr. RANDALL. If the House will agree to sit from eleven to five o'clock in the evening, that is for six hours, the additional hour and a half which will be secured—for when we take a recess we generally take it at half-past four o'clock—will be, in my judgment, more than equivalent to an evening session, so far as the work which will be done is concerned. I think if the House will come to such a unanimous understanding, it will be the best thing we can do under the circumstances.

Mr. HAWLEY, of Illinois. Why did not the gentleman from Massachusetts [Mr. DAWES] see the importance of our meeting at eleven o'clock on Monday last when he opposed the motion which I made on that day that thereafter the hour of meeting should be eleven instead of twelve o'clock?

Mr. RANDALL. Sometimes we may desire to sit until six o'clock in the evening, and under my suggestion this will be in the control of the House. If we agree to sit from eleven until five o'clock we will gain an hour and a half, and that hour and a half is equivalent to an evening session.

The SPEAKER. The Chair has never known any necessity for an evening session when the House has met at eleven o'clock—never.

There was no objection, and it was ordered that hereafter the daily meeting of the House should be at eleven o'clock a. m.

Mr. DAWES. I move to reconsider the vote just taken; and also move to lay the motion to reconsider upon the table.

The latter motion was agreed to.

AFFAIRS IN SOUTH CAROLINA.

Mr. ELDREDGE. I ask unanimous consent to submit the minority report from the Committee on the Judiciary on affairs in South Carolina, and move that it be recommitted, and ordered to be printed.

The motion was agreed to.

Mr. ELDREDGE. I now ask that the report may be printed in the RECORD.

Mr. WARD, of Illinois. I object.

Subsequently Mr. WARD, of Illinois, withdrew his objection, on condition that the majority and minority reports should both be printed in the RECORD.

They are as follows:

MAJORITY REPORT.

The Committee on the Judiciary, to whom was referred the memorial of the taxpayers' convention of South Carolina, asking for relief against the alleged misgovernment in that State, respectfully report:

That a committee appointed by said convention, and also members of the central committee of the republican party of the State of South Carolina, appeared before the Judiciary Committee and presented fully and at length the allegations and arguments on the part of the memorialists on one side, and the answers and arguments on the part of the counter-memorialists on the other. The following statement presents in an abbreviated form the substantial grounds of complaint which were alleged on the part of the petitioners, and also the counter-allegations and answers to such complaint which were made on the part of the republican committee.

It is alleged by the memorialists that the debt of the State has increased from about five million dollars, the amount before the war, to more than sixteen million dollars; that the value of real and personal estate in the State having been reduced from the amount of five hundred millions to one hundred and sixty millions, the taxes have increased from an average annual amount of $400,000 to the sum of two millions and upward; that the property of the State is substantially held by about three hundred thousand of the white population, who have no real representation, for the reason that the political power of the State is controlled, and the taxes are assessed and levied, by a majority who do not pay taxes, and who are banded together by political prejudices, thereby depriving the minority of the people of any real representation.

It is also alleged that the expenses incurred by the State government are unnecessary; that numerous frauds have been perpetrated by those intrusted with political power; that large tracts of land have been forfeited for non-payment of taxes; and that there is danger that the property of the people of the State will be entirely confiscated unless relief can be obtained by the interposition of the Federal Government.

On the other hand, the counter-memorialists allege that while it is true that the property of the people of the State has been reduced as claimed, yet more than two hundred and fifty millions of such reduction was owing to the emancipation of the slaves, who constituted that amount of the valuation of property, and the residue was occasioned by the destruction and loss of property growing out of the war.

In explanation, in part, of the increased taxation upon the real estate, it is alleged that in the days of slavery taxes were levied by the large planters, who held supreme power in the State, upon trades, professions, and free colored persons, while the lands owned by the planters were only assessed at one-tenth of their value; that in 1860 there were about 301,000 free population, and about 402,000 slaves in the State, who were treated as chattels, while, now that they have become free, the cost of governing them has greatly increased and is justly chargeable to the State government; that in consequence of the organization of the State upon a free basis there is a much larger number of officers, with salaries to be paid, required to carry on the government, while the expenses of sustaining free schools, at which in 1857 the number of scholars attending was 19,356, while in 1873 the number was 85,753; and also the charges for the State lunatic asylum and penitentiary, and for the colored State orphan-house, served to add to the former expenses.

It was further urged that $700,000 of the increased expenses was incurred in carrying out the new system of purchasing homes for the freedmen, while $6,000,000 of the alleged $16,000,000 had been declared to be illegal, and the Legislature had refused to pay the same, on the ground that the bonds of the State for that amount had been fraudulently stolen by a State officer and hypothecated for about one-third of their nominal value.

It was further alleged that the actual debt and the amount of annual expenses had been greatly exaggerated by the petitioners, and that upon a proper accounting it would appear that the expenses during the six years that the present majority had been in power would not amount to one-half the sum alleged by the memorialists. To show that such expenses are not unreasonable, it was claimed that it would appear from the census of 1870 that the average annual expenses of taxation for State purposes in South Carolina for the last six years was only eight and one-half mills upon a dollar of property, which was considerably less than the rate in either of the States of Alabama, Arkansas, California, Delaware, Florida, Kansas, Louisiana, Nevada, and North Carolina. That it would also appear from the same census that in South Carolina the costs of the State government amounted in 1870 to $1.87 *per capita*, which was very considerably less than similar expenses in the States of California, Connecticut, Kansas, Louisiana, Maine, Maryland, Massachusetts, Nebraska, Nevada, New Hampshire, Rhode Island, and Virginia, while the average expenses *per capita* during the period of six years from July, 1868, to October, 1874, were less than in California, Connecticut, Louisiana, Nevada, Massachusetts, New Hampshire, and Virginia.

As to the forfeiture of lands for non-payment of taxes, it was admitted that in Beaufort County quite a number of farms had been forfeited, but it was claimed that these were lands that were uncultivated and of little value, and that the Legislature had passed a law giving time for their redemption.

While the counter-memorialists conceded that evils had existed in the administration of public affairs, they claimed that these were being corrected by the majority as rapidly as possible; that by an amendment of the State constitution it was now ordained that the debt of the State could not be increased except by the vote of two-thirds of the voters of the State, and that if left to themselves all valid causes of complaint would be removed, so far as it was possible for any human government to accomplish the result.

They further complained that the memorialists and those whom they represented had steadily refused to co-operate with those of the political majority, who were anxious to introduce reform and economy into the administration of the State government. They alleged that these persons had refused to co-operate in the measures taken for reconstructing the State; that they had insisted upon the doctrine that the reconstruction acts were revolutionary and void, and had steadily rejected all overtures looking to any co-operation with the freedmen, or any portion thereof, while, by the persistent efforts made to decry the credit of the State, and to cast reproach upon any government administered by the representatives of the freedmen, the mischief of the situation had been greatly increased. The petitioners, in reply to these averments, denied that they had refused to co-operate with any of the majority in securing the measures of reform that were desired, and averred that they had honestly and earnestly exhausted all measures that could procure for them relief from the burdens and wrongs of which they complained.

The foregoing outline exhibits with sufficient fullness and minuteness of detail the leading features of the case and counter-case presented by the respective parties to enable Congress to determine whether it is proper to ascertain, by means of a commission or otherwise, the exact condition of affairs in South Carolina, to which the memorialists refer, and also to form an intelligent judgment upon the question whether the Federal Government is clothed with the power and charged with the duty of affording relief by intervening for the purpose of correcting the evils which are alleged to exist. The committee cannot resist the conviction that the peculiar condition of the people of South Carolina is owing, in a great degree, to the extraordinary events that have occurred and the great changes which have been produced within the last few years, for which her present citizens or the majority thereof, are not properly responsible, and which are beyond the reach and control of Congress. The committee refer, in this connection, to the late civil war, and the organic changes in the Constitution of the United States, not for the purpose of reopening the wounds caused by that war, but because it is the duty of statesmen who are invoked to apply a remedy to existing alleged wrongs to ascertain the nature, extent, and origin of those wrongs.

The nation has recently passed through a devastating war, the effects of which have fallen with great severity upon the people of South Carolina. It will not be claimed that the majority of the people of that State, against whom, or their representatives, the present complaints are presented, are responsible, either for the war itself or for the great revolution which was effected by the war, or resulted directly or indirectly from it.

That war commenced upon the soil of South Carolina. It was at the city of Charleston that the first overt acts were committed, and the flames of civil war which burst forth in the attack upon Fort Sumter rapidly extended until the whole country was involved in the conflagration. A very large share of the responsibility for this war against the people and Government of the United States rests upon the statesmen and people of the State of South Carolina.

The result of the war thus commenced was the destruction of slavery and the loss to the slave-holders of that State of two hundred and fifty millions of property invested in slaves. Then came the thirteenth, fourteenth, and fifteenth amendments to the Constitution, whereby the emancipated slaves became clothed with all the attributes of citizenship and invested with the right of suffrage. The freedmen now constitute a majority of the people there, and political power has been transferred from their former masters to those who, while in a state of slavery, were denied all participation in the rights and privileges of American citizenship. While the war was raging the sympathies of the slave population were given to the Government, for after the emancipation proclamation was issued they realized fully that the question of their future freedom or slavery was involved in the conflict.

It might naturally be expected that such a tremendous and sanguinary struggle would leave behind it some traces of resentments, and that the race which had been for a long period of time enchained in the bonds of slavery, but was now invested with political power, might use that power to the injury and prejudice of their late masters. But, in the judgment of the committee, the African race has proved that it has not been influenced in its action by resentments or a spirit of revenge and hostility against the white population. No such allegation has been made on the part of the memorialists.

It would be equally natural to expect that in a State where the freedmen constitute a majority of the voting population they would select a considerable portion of their own people to represent them in the Legislature. Considering that such majority had been deprived of the advantages of education, that they were suddenly invested with the powers of government, and that their representatives had not been trained in the science of legislation, or made to feel the duties and responsibilities of their new position, it might be expected that their first experiments in the work of self-government would be less perfect than the work of their predecessors—the cultured and accomplished statesmen of South Carolina. But whatever evils may arise from placing political power in the hands of the freedmen, the responsibility therefor rests not with them, but with the people of the United States. They adopted the constitutional amendments, and they alone can change the Constitution. They fully considered this whole subject before they ratified these amendments. They resolved that slavery should be abolished, and that the ballot should be placed in the hands of every citizen, without regard to race, color, or previous condition of servitude. They were compelled to choose between this alternative and the disfranchisement of the freedmen, and they concluded that, according to the true principles of republican government, all citizens, learned or ignorant, black or white, should be clothed with the elective franchise. They resolved, also, that this change should be wrought not gradually, but immediately, trusting and believing that the mischiefs arising from it would be temporary only, while under the process of experience and education the race would continue to improve and advance in the knowledge and capacity for self-government.

In the judgment of the committee, the real grievances of the memorialists and those whom they represent relate to these changes in the Constitution. The colored voters of South Carolina are about ninety thousand, and the white voters about forty thousand. Can Congress consistently be required to institute proceedings to amend the Constitution again, so as to restore the old state of things? No one, surely, would venture to advise any such action, while we are yet in the initial stage of the experiments resulting from the recent changes. Taking the Constitution, then, as it is, can Congress take measures to remove the political power in South Carolina from the ninety thousand and confer it upon the forty thousand voters? If Congress should now intervene, what benefit would result, provided Congress had the power, unless the ballot should be taken away in the future from the present majority?

In the opinion of the committee, Congress has no constitutional power to grant the relief which is demanded by the petitioners. Although this objection was presented and fully discussed, the proposition was not controverted that Congress could not interfere in this case, unless the power to act was conferred by some express grant in the Constitution, or was necessary to carry into execution some power that was conferred.

It was claimed on the part of the memorialists that this authority might be found in section 4, article 4, of the Constitution, which is in these words, namely: "The United States shall guarantee to every State in this Union a republican form of government," &c. No specification, however, was presented showing wherein the form of government existing in South Carolina was not republican. If her form of government was republican when slavery existed, and only a minority of her people were allowed to choose her rulers, it would be difficult to comprehend why it is less republican now that freedom prevails, and all her people are permitted to choose them. Whether we adopt the interpretation which holds that the State satisfies the requirements of the Constitution when the form or frame-work of government is republican, or the other construction which requires the State to adopt a government that is republican in fact, wherein the essential element exists that the people shall choose their own rulers and representatives, in either case no contingency has arisen calling for the interference of the United States. The government of South Carolina was never less aristocratic nor more truly republican than it is now, when every male citizen of suitable age and residence has a voice in all her elections.

Nor are the committee able to discover the force of the claim made by the petitioners that they are suffering from the anti-republican and odious oppression of a system of taxation without representation. The grievance of which the people of the Colonies complained of Great Britain was that Parliament claimed and exercised the right to tax them in all cases whatsoever without their consent, although they had no representatives in the Parliament, and no right to participate in the election of members of that body. The people of South Carolina enjoy the fullest right of participating in the choice of their representatives, and the memorialists and those they represent have elected a fair proportionate number of representatives in both branches of the State Legislature. That they are not in sympathy with a majority of the representatives results not from any deprivation of those rights which pertain to a free people, but from the fact that a majority of the voters enjoying the same right with themselves prefer to elect those who represent their own principles and views.

It was also claimed that the present government of South Carolina was created by Congress, and that Congress had a right, therefore, to impose such conditions upon the government and people as would afford relief in the present instance. The State of South Carolina was not created by Congress, but, as was truly observed in behalf of the counter-memorialists, South Carolina existed as a State before Con-

gress was created, and she participated with her sisters in creating Congress. During the late war the rulers and government of South Carolina became demoralized, and attempted to cast off their allegiance to the Federal Government. Her people claimed to secede from the Union and to form part of a hostile and independent nation. Her officers refused to take the oath required by the Federal Constitution, and all the functions and machinery of the State as an integral part of the Union ceased to exist. When the rebellion was overthrown, it became the duty of Congress to reconstruct the State, to restore the ruptured relations between herself and the Federal Government, and to this end to employ the military authority of the nation to bring her back to the proper sphere. In the exercise of its constitutional prerogative, and during the transition period which elapsed while the process of restoring the normal relations which had been sundered by the war was going forward, Congress imposed certain terms and conditions upon the people of the State, which were intended to protect the nation against similar wrongs in future and to secure the return of her people to loyalty and duty.

But this work of reconstruction has been long since fully completed. The military power was long ago withdrawn from South Carolina. The people of that State fully accepted and ratified the conditions required by Congress. They have accepted the new constitution and government which superseded the old frame-work that had been destroyed by rebellion. South Carolina is now fully represented in the Senate and House of Representatives, and is in the complete possession of all the powers and functions of a free and independent State of the American Union. Congress has no more right to interfere to disturb the operations of her government or to invade the rights of her people than to interfere in the States of New York, Pennsylvania, or Illinois.

It was also claimed that Congress had the same right to intervene in the present case that it had to enact the laws against the Ku-Klux conspirators, the latter being intervention for the protection of the persons of the citizens of the Southern States, and the former for the protection of the property of such citizens exposed to confiscation by the exercise of the taxing power. The precedent is regarded by the committee as plainly distinguishable from the present case. The ground on which Congress assumed the right to enact the Ku-Klux law was that it was authorized by the fourteenth amendment of the Constitution, which declared that no State should deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws, and which conferred on Congress power to enforce by appropriate legislation the provisions of that amendment. The Ku-Klux law was entitled "An act to enforce the fourteenth amendment of the Constitution, and for other purposes." Its provisions purport to be aimed at combinations and conspiracies of lawless men, who were engaged in the wicked work of attacking, seizing, and murdering the newly created citizens of the United States and those who sympathized with them. Whether or not the provisions of the act exceeded the boundaries of constitutional power it is not material to consider. It is sufficient that the law was passed to meet a crying evil, against which the State authorities seemed to be powerless, and that evil was the lawless and criminal conduct of bandits, robbers, and murderers, acting not under color of law, but shamelessly violating all laws, and performing their deeds of violence and crime at midnight, while armed to the teeth and united together by horrid oaths and common interests.

There is no analogy between the two case. The acts of which the petitioners complain are lawful acts. They are acts committed by the Legislature of South Carolina, duly elected as the representatives of the people. The complaint is that the taxing power vested in the Legislature as part of the legislative power of the State has been abused. But surely this, if true, affords no ground for Federal interference. The Legislature of a sovereign State of the Union possesses plenary power to exercise the authority of taxation according to its own views of policy and justice, in all cases and under all circumstances, except where it may be restrained by the provisions of the State or Federal constitutions. The only remedy for an improper exercise of the taxing power by the legislative authority of a State lies in an appeal to the people of the State. If the majority of the people approve of and sanction the acts of their representatives, that ends the matter. The framers of the Constitution, representing the people of the States, never prepared nor intended to prepare any scheme whereby the Federal power should step in to protect the people of any State against themselves. They provided for good government, for peace and security; they guarded against foreign invasion and domestic violence; they erected safeguards against the establishment of a despotism, a king, an emperor, a monarchy, or any other anti-republican form of government; and as to the rest, they relied upon a majority of the people to conduct the affairs of the State governments in their own way, subject only to such restrictions as should be found in the fundamental laws of the State or nation.

On the argument before the committee it was claimed by one of the distinguished representatives of the memorialists that Congress should provide that the members of the senate should be selected from the property-holders of South Carolina, and thus secure a check against improvident and oppressive taxation. But what authority has Congress to dictate to South Carolina as to the qualifications of the members of the Legislature? According to the general practice of the people in the several States, no property qualification is required as a condition of enjoying the right of suffrage, or as a qualification for holding any office within the gift of the people. Waiving, however, the consideration of the wisdom or policy of the proposed qualification, it is quite apparent that if Congress can mold the State constitution in this respect, it can do so in every other, and every vestige of State rights and local government would be destroyed.

There exists a strong tendency to appeal to the Federal Government for relief in cases where that Government has no constitutional power, and where the only remedy lies with the people of the State. The present case affords an illustration of such tendency. It is true that during the late civil war the great war powers of the Government and its capacity to preserve itself from destruction were brought into bold relief. But with the return of peace, and the restoration of all the States to their proper relations, these powers have ceased to become operative. The great mass of powers relating to the internal administration of their local affairs belongs exclusively to the States. The fundamental canon of division of powers between the State and Federal Governments, it should be borne in mind constantly, still remains in the tenth amendment to the Constitution, without which the Constitution itself could not have been adopted, and which declares that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

The committee have not undertaken to determine, from the somewhat conflicting statements of the parties, whether the facts are as claimed by either side, or whether the allegations of both are not exaggerated or colored by their interests or feelings. It is enough that, in any view of these facts, no sufficient ground has been presented to warrant the interference of Congress. Entertaining this view, it does not seem to the committee that any commission should be appointed to make further investigations upon the matters presented. Such a commission would be attended with considerable expense; it would serve to keep alive the agitation of the subject, to encourage false hopes of ultimate intervention, and would sanction the right of Congress to interfere in matters belonging exclusively to the States.

Nor can the committee concur in the suggestion made by the petitioners, that if Congress has no power to act by way of legislation, it should appoint a commission, to the end that a moral influence may be exerted upon the majority of the people of South Carolina. A commission appointed for such a purpose would be wholly unauthorized by the Constitution. There would be no limits to the fields of inquiry presented in other States for the investigations of commissions intended only to produce a beneficial, moral influence.

The committee are fully sensible of the delicacy and importance of the matters presented for their consideration. They would not withhold any constitutional aid which can be extended to the lives, liberties, and property of any citizens, but they are unwilling to usurp unauthorized authority to accomplish such results.

Nor are they willing to believe that any admonitions from Congress are necessary to impress upon the people of South Carolina a proper sense of their duties and responsibilities. They appreciate the difficulties which have surrounded the people of that State. South Carolina is the field where for the first time in the history of our own country the capacity of the African race for self-government is to be tested. Every consideration of pride, of gratitude to those who have conferred upon them the inestimable boon of freedom, of a desire to prove to the world that they are worthy of the great privileges conferred upon them after the long night of slavery, will prompt them to do justice to all the citizens of the State, to remove, so far as it lies in their power, all just cause of grievance from any portion of their people. If, with such tremendous influences pointing out the path of duty, they shall fail, no moral influence that Congress or the party in power may exert will be effectual.

The committee have confidence in the final success of the great changes that have been wrought in favor of the African race in this country. From the intelligence and capacity exhibited by their Representatives in Congress, and by those who appeared before the committee, they feel assured that they can, if they will, establish their right to the confidence of the country. It is hoped that with the advantages afforded now of acquiring an education, and with the eagerness they display to avail themselves of its benefits, they will be found fully equal to the dignity and duties of their newly-acquired citizenship. It is believed that by the mutual co-operation of both races, by the interchange of kind and friendly intercourse, and by the employment of all those means which are found sufficient in other States, existing evils in the administration of the affairs of South Carolina may be remedied by the people themselves.

The committee recommend the adoption of the following resolution:

Resolved, That the prayer of the memorialists be denied, and the committee discharged from the further consideration of the subject.

MINORITY REPORT.

The undersigned, minority of the Judiciary Committee of the House of Representatives, to whom was referred by resolution of the House the memorial of "*the tax-payers and other citizens of the State of South Carolina*," respectfully report that, deeply and painfully impressed as they have been and are with the gravity and importance of the subject and the delicacy of the questions presented, after much and careful deliberation they are compelled to dissent from the report and conclusions of their associates on the committee. It is impossible for us to turn a deaf ear to the supplicating wail of three hundred thousand oppressed and despoiled citizens of that once prosperous and happy State, praying only that an inquiry be made into the extent and nature of their alleged wrongs. Nor can we find it in our hearts to tear open again the wounds caused by the war and reproach the memorialists with their conduct in the years that are past, or find in it any reason or justification for refusing the hearing which they request. Their fidelity and submission to the Constitution and laws of the Union are unquestioned now, and their plea is made in sufficiently respectful and humble terms.

The right of petition is the common and inalienable right of all and every citizen of the Republic, the high and the low, the rich and the poor, the white as well as the black, and of both the white and the black without regard to previous condition. Amnesty for the past has been fully granted to the one, and freedom in the future to the other; and both now stand as equals before the law.

The only questions properly and justly to be considered are: Do the petitioners present, *do they allege*, *a case* of sufficient gravity and importance; are the wrongs and grievances of which they complain of such a nature as to entitle them to congressional consideration; and has Congress the right, the constitutional power, to investigate their complaint?

And, first, what is the case? We shall not attempt to paint it, or to present it in all its details and extent. The plainest statement of some only of the multitude of facts, without passion or exaggeration, is all that will be attempted, and they, we cannot forbear to remark, must shock, if they do not alarm, every believer in the stability and perpetuity of representative government.

Their allegations are, in substance, as contained in the memorial and as made known to the committee in its presentation, that the entire population of the State consists of 415,814 negroes and persons of color, and 289,667 whites; that of all these only about 300,000 are tax-payers and all the remainder are non-tax payers, and a very large proportion non-property-owners; that the present taxable values or property of the State of all kinds on which taxes can be now levied amount in the aggregate to about the sum of $150,000,000 as against the taxable values of the State before the war of $500,000,000; that the annual levies of taxes now amount to the enormous sum of $2,500,000 levied upon the $150,000,000 as against a little over $400,000 levied upon the $500,000,000 before the war. This astounding exhibit is in no way met or modified by the suggestion of the majority that before the war slaves were estimated in making up the taxable values, or that *per capita* taxes and taxes upon trades and professions were levied. There stands the present levy of $2,500,000 upon the valuation of $150,000,000, whereas before the war only about $400,000 was levied upon the people and property of $500,000,000 in all the ways and forms suggested. Nor is this increase of the oppressive burden made to appear any the less by the comparison of it with the levies in other States, for the reason that the actual levies in South Carolina are scarcely a moiety of the moneys expended—the debt growing and increasing at an annual rate greater than the taxes assessed.

The memorialists further allege that during the last seven years, since the reconstruction of the State in obedience to the will and requirement of Congress, a majority of the members of the State Legislature have owned no property whatsoever, and the others so little that their official pay counterbalanced all their interests as property-holders; so that the result is that those owning the property of the State have no voice in the government, and those imposing the taxes no share in the burdens of taxation. Thus the government, as represented in the rulers, stands in open and unmistakable hostility to the property, as well as the property-holders of the State. The whole theory of republican government is violated, and instead of being a protection of life, liberty, and property, the government is arrayed against property, and is carried on for its destruction.

It is alleged that there is a combination and fraudulent confederation of the non-property holders and the office-holders or rulers in the government, openly avowed, to take away from the great body of the former and present land-owners the lands which they possess, by means of the oppressive use and abuse of the taxing power. It is thus, under the form and pretense of law, that the owners of the property of the State are alleged to be despoiled and robbed of their property, and their estates divided up and distributed among those who have no property, or forfeited to the State. To this end the salaries of the officials of the State have been increased, since the years 1865 and 1866, from $76,481.63 to $230,797.39 in 1872 and 1873. The cost of the public printing, done by the State officers and let by them *to themselves*, has grown from $17,446.66 in 1865 and 1866 to the almost fabulous sum of $331,945.66 per annum in 1872 and 1873. More is now paid in one year for the public printing than was paid before the war in *sixty years*. The legislative expenses during the same periods have increased from $51,337 per annum to $291,339.47, and the contingent fund from $6,092.29 to the prodigious amount of $298,668.38. In all these cases the moneys expended beyond the sum properly payable is so much taken from the owners of property and given to those who had none.

These schemes of public plunder and peculation are not confined to any one set of officials or to any one branch or department of the government of the State, but they all seem to vie with each other in systematic spoliation and robbery. Dishonesty

and corruption pervade and permeate the entire system, and characterize all who hold office, from the highest to the lowest. The grade of the office only graduates the sum to be stolen or robbed from the unfortunate tax-payer.

Loans have been contracted; State bonds issued and hypothecated; and the bonded debt increased in six years from $5,000,000 to $16,000,000, and probably even more than this. The public records are manipulated, and the books and accounts so kept that not even the officials themselves can form any idea of the actual amount for which the State is liable. Committees have been paid large sums for their favorable reports on private claims, and votes of the members of the Legislature are openly bought and sold for railroad and other corporate charters. State-bank bills funded by the State to discharge State liability have been reissued by the very persons whose duty it was to have seen them canceled.

It is avowed that the object of this system and policy is to force the land-owners to sell or abandon their lands or take them from them by excessive levies and taxation.

The comptroller-general, in his official report, states the astounding fact that for default in the payment of taxes for the year 1872 alone 268,523 acres of land were forfeited actually to the State. In the county of Beaufort alone, out of twenty-three hundred farms, seven hundred were forfeited to the State during the last year for taxes which the owners could not pay, and more will follow this year under the existing levy. Nor is the condition of the non-land-owner at all improved by this system; but so oppressive and crushing is it that the burden does not weigh down the land-owner alone, for while it deprives him of his lands, others, on account of the weight of the taxation, are unable to buy them, or to hold them if they could buy. Lands are therefore unavailable, either for sale or security in any form, and are rapidly being forfeited and virtually confiscated to the State without benefit to either the sum of the mass of the people or to the State. Wages have fallen, the cost of living increased, the rich are made too poor to hire, the poor made poorer and daily are becoming more incapable of purchasing lands and more hopeless of ever rising above the condition of mere laborers for food and clothing.

The history of the world shows no such monstrous rate of taxation and increase of public debt at the same time, upon the same valuation, as that of South Carolina. It would ruin and destroy any people on earth. It is beyond the power of human endurance. It is simply ridiculous to compare its taxation and pretend that it is not greater than in the States of Connecticut, New Hampshire, Rhode Island, Maine, Maryland, Massachusetts, and the other States mentioned by the majority of the committee. Revolution and war would burst forth in twenty-four hours in either of those States, oppressed with half the load of South Carolina.

The judicial department of the government offers no hope and affords no protection. The judges are under the same corrupt influence; they hold their offices subject to the will and caprice of the same combination, and are awed and controlled by the same corrupt power. The jurors are selected by three officials, of whom two are appointees of the governor, and thus the jury is packed and made up in many instances of negroes who can neither read nor write. It is impossible that justice can be had or wrongs redressed under such circumstances. It is mockery, *cruel mockery*, of a suffering people, weighed down and oppressed as these memorialists and their three hundred thousand constituents are, to commend them to such a source, to such a judiciary, for redress.

The executive department will do nothing for them. It is believed to be the very "*head-center*" of all the corruptions. It is in the confederation and conspiracy with all the others who gorge themselves upon public plunder and destroy the substance of the people. It is alleged and believed that the executive appointments are farmed out and bartered for money.

The governors themselves have been and are openly and publicly charged with the most nefarious and unblushing schemes of public fraud and robbery; railroads have been purchased by them with public funds for private gain; jobs for the purchase of arms and the purchase and sale of lands of the State are publicly charged upon them. A report of the "joint special committee," written, it is said, by the Hon. B. F. Whittemore, a prominent republican State senator in 1870 and 1871, and made to both houses of the Legislature, commenting on the purchase of arms for the organization of the militia, after stating some irregularities in the expenditure of $171,009.93 for the purpose, declares as follows, namely:

"The committee are forced to the acknowledgment, however unpleasant and humiliating it may be to such as are connected with the fact, that the moneys expended (as vouchers indicate the direction in which the funds were used) were not all paid out for such purpose. In the enrollment and organization of the militia, as well as in the armed force employed by the *governor*, there was a most ample and complete opportunity for ambitious political partisans and aspirants for re-election to arm and equip a force of personal friends and advocates and pay them 'when on service the same pay and allowances as are given to officers and soldiers of the same grade in the Army of the United States' not out of their own purse, but out of any moneys in the treasury not otherwise appropriated; the State to be reimbursed by a special tax upon any county into which the governor was compelled to send an armed force. * * * * * * *

"An enrolled, organized, and armed retinue of personal favorites or advocates were commissioned and placed upon his staff at the proper time, as well as ordered to form companies, battalions, regiments, and brigades throughout the State into what was called 'the national guard, *alias Scott's militia*.' This statement is made from undoubted evidence in the premises, and cannot be controverted. * * * The election in 1870 was carried in part by the means herein stated."

Again, further on, the same report says:

"Nor is this all. A more glaring robbery of the treasury for personal ambition and gain has been perpetrated. * * * The enormous sum of $202,602.66, not appearing anywhere upon the State treasurer's books and never intended for the public eye or ear, has been paid, in addition to the amount already aggregated, for the alteration of arms, which swells the account to $374,696.59.

"The committee are compelled to believe that *many of the State officials* have been privy to this last and chiefest expenditure, for no such amount could ever have been paid for the work done; and the charges themselves are the evidence of fraud, and the officials could not have sanctioned or winked at it unless in complicity with it."

Again we quote from the same report:

"*Nor has the executive been behind his powers*, if collateral testimony is sufficient, in his eagerness through confidential friends, old Army companions, or handy resident relatives, to sell tracts of land to the State, and receive the highest possible price for the same without reference to the real value."

And again the committee say:

"That great swindles have been perpetrated; that corrupt means have been used *and alliances formed*; that the money of the State and the bonds issued have not been disposed of as directed; that one of the land commissioners is not free from speculation, either on his own account or as an agent for other persons or corporations; that the excess of the public stock of the State, created for land-commission purposes, over the par value of the same, in the aggregate amount, has been expended; that the whole spirit, letter, and body of the laws authorizing the appointment of land commissioners—the issue of bonds, the purchase of land, the settlement of the same, the report of the commissioner, everything intended in the act to create a land commissioner and define his powers and duties—have been disregarded or wantonly perverted cannot be gainsaid. That the advisory board are responsible for all of this, the verdict of the homeless and landless, at least, will be recorded."

This committee also report the debt of the State at the time of making the report, including the fraudulent issue of bonds and bonds hypothecated, to have reached the enormous sum of $29,158,914.47. There is no pretense that any portion of the debt has since been paid or any of the bonds redeemed.

Mr. ELLIOTT, colored member of Congress from South Carolina, in a recent speech made at the capital of the State, commenting upon the condition of affairs in the State, spoke as follows:

"Will you permit this state of things to continue? It cannot be hidden that there is something rotten in Denmark. There must be no promised reformation, but practical reform. If there be any one in the way of that reform he should be at once removed out of the path, and now is the time to do it. The national republican party to-day was ready to cut aloof upon the slightest provocation from the corruption now existing in the South, and unless you do something, and that speedily, they will be compelled to cut off the rotten branches. He had warned them of this more than a year ago; this was no new thing. One thing he knew, that *instead of being better it appears to be growing worse*. The question of the tax-payers' convention is no sore-head movement. The people have a right to petition under the Constitution, and when it came it would come from his constituents, whether they voted for him or not, and he was bound to have it properly referred.

"That petition will be considered; and do not allow yourselves to be misled about it. The only way you can prove that you sympathize with an honest administration of affairs is for you to give notice to those who have maladministered affairs to quit; for you to bring forward a new set of men. It is your duty to vindicate yourselves, and prove to the world that you are in sympathy with those who want an honest government. He had no cause here to announce or champion the cause of any particular set. But it was his duty to point attention to errors that have nearly resulted in the bankruptcy of the State. It was time that the hands that had caused these errors were stayed. It does not mean the ascendency of one particular set of men over another, but it means order and good government. The opposite course would breed revolution and anarchy."

What is there, then, to justify the "confidence" of the majority of the committee, as expressed in their report, "*in the final success of the great changes that have been wrought in favor of the African race in this country!*" According to Mr. ELLIOTT, instead of being better, *it appears to be growing worse*. After seven years of fraud, dishonesty, and unparalleled corruption and maladministration, "*it appears to be growing worse*." It does indeed appear to be growing worse.

And if any further testimony were needed, it is to be found in the printed reply of the "*republican State central committee of the union republican party of South Carolina*" to the tax-payers' charge, "that members of the Legislature are accustomed to take bribes for favorable reports upon private claims against the State." This remarkable document, signed by twenty-four of the leading men of the State and presented to the Judiciary Committee by themselves, unblushingly admits the full charge, and seeks to justify it by alleging that it is done by *republicans and democrats alike*. This central committee say, "Whatever corruption may exist in the Legislature is to be attributed to the democrats as well as the republicans. They never hesitate to offer bribes when they have a private bill to pass."

Was there ever a more brazen admission of legislative infamy and corruption? Comment upon such a defense is unnecessary. The appeal of the memorialists is not a partisan appeal. It is an appeal of the people for protection from corrupt and oppressive rulers, who are wickedly and cruelly confiscating their estates and destroying their property.

In the face of all this, the majority of the Judiciary Committee, with sublime confidence and satisfaction, calmly tell the people of South Carolina and the whole country that—

"From the intelligence and capacity exhibited by their Representatives in Congress and by those who appeared before the committee, they feel assured that they can, if they will, establish their right to the confidence of the country."

We confess we feel no such blessed assurance, no such exalted faith and confidence. We see nothing to give hope of better things in the present rulers of that afflicted State. All the government there is there is absolutely vicious and corrupt. Who is so credulous as to believe that order will come of itself out of anarchy, honesty out of corruption, or good government be administered by thieves and robbers, who openly and publicly boast of their shameless iniquities and wrongs? It can only be expected, as Mr. ELLIOTT says it appears, that it should grow worse and worse.

All the testimony from every source goes to confirm the allegation of the memorialists that there is really no government worthy of the name in South Carolina. Hon. James S. Pike, late United States minister to the Hague, a northern man, a republican, who has traveled extensively in the State and been at great pains to thoroughly inform himself of its condition, has just published a book entitled the Prostrate State, in which he speaks as follows of it:

"The rule of South Carolina should not be dignified with the name of government. It is the installation of a huge system of brigandage. The men who have had it in control and who now have it in control are the picked villains of the community. They are the highwaymen of the State. They are professed legislative robbers. They are men who have studied and practiced the art of legalized theft. They are in no sense different from or better than the men who fill the prisons and penitentiaries of the world.

"They are, in fact, of precisely that class, only more daring and audacious. They pick your pocket by law. They rob the poor and the rich alike, *by law*. They confiscate your estates by law."

We have now thus far faithfully, and as briefly as we could, endeavored to present the case alleged by the memorialists upon which they ask Congress to intervene for the investigation into the condition and government of South Carolina. It will readily be perceived that, as a predicate for the conclusions of the minority of the committee, the allegations and charges of the memorialists are to be taken as true. The jurisdiction to make the investigation being denied, its consideration must be upon the strongest statement that can be made on their behalf. All presumptions of the truth are to be given to their statements. The majority in their report say they have not undertaken to determine whether the facts are as claimed by either side; that it is enough that in any view no sufficient ground has been presented to warrant the interference of Congress.

And here at this point commences the gravest, most delicate, and perhaps the most difficult duty the minority of the committee have to perform. We yield to none in our respect for the rights of the States and our veneration for local self-government. Our love of the States out of which the Union is formed is only equaled by our love for the Union itself. We have watched with painful anxiety the tendency of our Government toward centralization and the growing disposition of the Federal Government to interfere with or to trench upon the proper and constitutional jurisdiction and rights of the States. We believe the Union can only be preserved by the preservation and protection of the States in all their rights and powers, and that any improper interference will be as fatal to the Union as to the States. At the same time we know that "the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America." No subjects of greater importance or more essential to the happiness and well-being of a free people can possibly be imagined than those declared to be the primary objects of the Federal Constitution.

"To establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity" are certainly among the very highest objects of human governments, and it is for an invasion in a greater or less degree of every one of these essentials the memorialists and their constituents complain. We are aware of the doubts and difficulty in pointing out the precise clause in the Constitution author-

izing the intervention; but that protection in all these things is essential to good government no one denies.

It should never be lost sight of that for the condition of things now existing in South Carolina the Federal Government is primarily responsible. Blink it, look upon it as we may, horrible as the work of its hands may now appear, Congress set up and established the state of things that makes the Commonwealth of South Carolina the foul stigma it now is in our system.

We do not argue the right of interference on that ground at this time, but we submit that we subject our governmental theories to the contempt of the world and all intelligent men in that we were all-powerful to inaugurate and establish the pandemonium now existing there, and the very moment it is done are utterly powerless to interfere with it at all or save the property of the people from the spoilsman. Nor can we forbear the suggestion that if this appeal were on behalf of three hundred thousand negroes instead of three hundred thousand white southerners of our own race and blood, such are the sympathies of the majority, as heretofore exhibited, that they would find, by right or by wrong, some means of relief; the petitioners would not have been so coldly and flippantly turned away. It is indeed a matter of the greatest delicacy for the Federal Government to intervene to protect a part of the people of a State from the oppressions and misrule of the other; it is conceded that it ought not to be done for light and trivial causes. But it is not a light or trivial cause that three hundred thousand people—all the property-holders of a great State—are being stripped and despoiled by usurpation and fraud. That there ought to be some power in the Government authorized and adequate in such an emergency to save them all lovers of honesty and good government will admit. It is a fundamental defect in our system if there be not. And in view of the thoughtful wisdom and foresight of the authors of our Constitution are we prepared to render such judgment? Are we prepared to decide that our Constitution of government is so fatally and irreparably defective? It cannot be that a system ordained for the high and holy objects of protecting the lives, liberty, property, and happiness of the people is obliged to look upon the destruction of them all without the jurisdiction and power to save.

The memorialists have invoked the power and duty of the Government under the fourth section of the fourth article—

"The United States shall guarantee to every State in the Union a republican form of government."

Wise men, statesmen, in their sensitiveness in regard to the reserved rights of the States and their dread of centralization of power in the Federal Government, are disposed to hesitate at the suggestion of the right of intervention in any new case. It is no reason, however, that a power existing in the Constitution and not heretofore called into requisition should not be exercised when the occasion demands it. The condition of South Carolina is anomalous. It presents the first instance in the history of this country, if not of the world, when those who pay the taxes have no voice in their imposition, and those who impose them bear none of the burdens of taxation.

It is not the case stated by the majority of the committee, that "*the acts of which the petitioners complain are lawful acts.*" We would not contend that legitimate taxation, however burdensome, would be a cause for intervention. We do not deny that taxation for lawful purposes, even to the great burden and ruin of some of the people, is a sovereign right, which the State has "*plenary power to exercise.*" But the complaint of the memorialists is that the rulers of the people of South Carolina have usurped the power to tax the property-owners, not for legitimate purposes, not for the support of the government of the State, but for the purpose of impoverishing the tax-payers and enriching themselves; for the purpose of "*taxing the white man down to the level of the negro.*"

The usurpers, under pretense of the taxing power, are endeavoring to distribute the property of the owners among those who have none. And the question is presented whether this is not a usurpation by the rulers of the State against which the guarantee was intended to protect. Let it be understood that it is not a mere abuse of the taxing power of which they complain. It is an utter perversion of the power from all the legitimate objects and purposes of taxation. And can there be a republican form of government in a State where it is done? One of the main objects of government being the protection of the property of the citizen, and the citizen in the enjoyment of his property, is that a republican government in which it is not done?

To guarantee a republican form of government must mean more than the guarantee of a *mere form*—the outline, framework, constitution, and ordinary officials of a republic. If only this is meant in the guarantee, then it will be conceded that South Carolina does not require and cannot ask the exercise of the guarantee power. In the judgment of the undersigned it contemplates and should require a republican government in spirit and in fact, a government in which the life, liberty, and property of all the citizens have just and equal protection. Without these essentials the government, whatever its *form*, and however liberal and just the provisions of its constitution, is not a republican government within the meaning and proper interpretation of the guarantee clause.

But it is said that the officers who now rule the State were elected by and on the choice of the majority of the people, and that therefore whatever they may do, whatever usurpations or frauds they may commit, whatever ruin they may work upon the people, the United States can do nothing; it must sit with hands folded and let the devastation and spoliation go on.

In the language of the majority of the committee, "*if the majority of the people approve of and sanction the acts of their representatives, that ends the matter.*"

This was not the interpretation given to this guarantee power of the Constitution by Alexander Hamilton, who says of it:

"Without a guarantee the assistance to be derived from the Union in repelling those domestic dangers which may sometimes threaten the existence of the State constitutions must be renounced. Usurpation may rear its crest in each State and trample upon the liberties of the people, while the national Government could legally do nothing more than behold the encroachments with indignation and regret. * * * The inordinate pride of State importance has suggested to some minds an objection to the principle of a guarantee in the Federal Government as involving an officious interference in the domestic concerns of the members. A scruple of this kind would deprive us of one of the principal advantages to be expected from the Union, and can only flow from misapprehension of the nature of the provision itself. It could be no impediment to reforms of the State constitution by a majority of the people. In a legal and peaceable mode this right would remain undiminished. A guarantee by the national authority would be as much directed against the usurpation of rulers as against the ferments and outrages of faction and sedition in the community."

Also Mr. Hamilton, in number 51 of the Federalist, while defending the Constitution, to insure its adoption by the States, writes as follows:

"It is of great importance in a republic not only to guard society against the oppression of rulers, but to guard one part of society against the injustice of the other part. *Justice is the end of government;* it is the end of civil society; it ever has been and ever will be pursued until it be obtained, or until liberty be lost in the pursuit. In a society under the forms of which the stronger factions can readily unite and oppress the weaker, anarchy may as truly be said to reign as in a state of nature, when the weaker individual is not secured against the violence of the stronger."

Mr. Calhoun, in his letter to Hon. William Smith, on the subject of the Rhode Island controversy, discussing this guarantee clause, says:

"I come now to the last in the order in which I am considering them, but the first as they stand in the section, and the one immediately involved in the question under consideration—I mean the guarantee of a republican form of government to every State in the Union.

"I hold that, according to its true construction, *its object is the reverse of that of protection against domestic violence;* and that instead of being intended to protect the *governments* of the States it is intended to protect each State (I use the term as defined) [the people of the State] *against its government*, or, more strictly, against the ambition or usurpation of its rulers. That the objects of the Constitution to which the guarantees refer—and liberty more especially—may be endangered or destroyed by rulers, will not be denied. But, if admitted, it follows as a consequence, that it must be embraced in the guarantees, if not inconsistent with the language of the section. But, if embraced, it must be in the guarantee under consideration, as it is not in the other two. If it be added that, without this construction, the guarantees would utterly fail to protect the States against the attempts of ambition and usurpation on the part of rulers to change the forms of their governments and destroy their liberty—the danger above all others to which free and popular governments are most exposed—it would seem to follow irresistibly, under the rule I have laid down, that the construction I have placed upon the provisions as to the object of the guarantees is the true one. But if doubts should still remain, the fact that it fully explains why the provision requires the application of the State, in case the guarantee against domestic violence is omitted, would place it beyond controversy; for it would be a perfect absurdity to require that the party against which the guarantee is intended to protect should make an application to be protected against itself."

These are the views of some of the statesmen of the past upon this guarantee clause. Mr. Calhoun of all men was not likely to have given a strained construction of the Constitution in favor of the exercise of doubtful powers by the Federal Government. And he tells us plainly one of the objects of this guarantee is to protect the people of the state from the usurpations of their rulers. Mr. Pike, in the language before quoted, says:

"The rule of South Carolina should not be dignified with the name of government. It is the installation of a huge system of brigandage. The men who have had it in control, and who now have it in control, are the picked villains of the community. They are the highwaymen of the State. They are professional legislative robbers."

If the Chinese in sufficient numbers, after naturalization, should take possession of California, elect themselves to offices, and then under the forms of law, and under pretext of the taxing power, commence to divest the owners of the lands and divide them up among themselves, would California still be a State republican in form?

Her constitution is unchanged, the republican form, if that be it, still exists, but who will contend that it is any longer a republic? And is there for such a state of things no remedy? Would the Federal Government be justified in permitting the work of spoliation to proceed? Would there be any reasonable hope that the evil would be corrected by the robbers, or the wrong right itself? Would the United States answer the appeal of the suffering citizens by telling them to wait till their despoilers should learn and understand the spirit and genius of our system, till they should become educated and civilized so as to understand their duty as citizens of the Republic?

Cæsar, Cromwell, and Napoleon as first consul, maintained the republican form of government; but who will contend that Rome, Great Britain, or France were republics under their domination?

It should not be forgotten that this guarantee is an obligation on the part of the United States for the benefit of the States and the people of the States as well as the Union. It is the consideration of constitutional allegiance, and cannot be refused or neglected without forfeiture thereof.

To fail to exercise this important power by the United States in the proper case, however delicate the duty or however great the danger of improper interference, is to fail to perform one of its most solemn obligations. It cannot be neglected or postponed without the greatest wrong on its part and the greatest danger to our institutions. It is an ever-existing and binding obligation, and upon its prompt, timely, and wise exercise may depend the perpetuity and harmony of our system of States and Union.

And the undersigned here most respectfully suggest that if the memorialists have alleged a case of reasonable doubt only, of the duty and power of the United States to make the investigation asked, then it seems to us clearly the duty of Congress to *inquire further*. The case is one certainly to be further investigated. The condition of South Carolina is most deplorable. We have been accustomed to sympathize with and commiserate the down-trodden people of Poland and Ireland, but they are no worse off than the white people of South Carolina.

But if the power of Congress to intervene remedially on behalf of the aggrieved and wronged citizens of that suffering State be still denied or doubted under the guarantee clause and under any of the ordinary powers of legislation, then we insist the committee may be raised and the investigation made under the extraordinary powers of Congress to legislate. We refer to the constitutional power of Congress to initiate amendments to the Constitution itself.

Article 5 provides that—

"The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress."

This provision vests in Congress special power of a sovereign character, over and above its general legislation, which it may exercise of its own volition independent of the executive and every other department of the Government.

Congress possesses no more exalted and important power than that of initiating amendments to the Constitution. It does this by its own sovereign will, untrammeled and unrestrained by any other department or officer of the Government. It determines the necessity and propriety of the amendment to be proposed, and the time and manner in which it shall be done. The proposal is within its unlimited discretion. In taking this first step Congress acts as a legislative body, and does it by means of the ordinary forms and machinery of legislation. It may be moved in the ordinary way and referred to its committees for consideration and report. The power to propose amendments implies the duty to do so in the proper case. Congress is in duty bound to know the condition and situation of the country and when and what amendments ought to be proposed. A great wrong and grievance like those complained of in the memorial under consideration, threatening to rob three hundred thousand people of their property, brought to the attention of Congress, *cannot be passed over without consideration.*

Having the power to propose the amendment necessarily implies the means and the duty of informing itself of the evil, its extent, nature, and the remedy required. Having jurisdiction over the subject-matter, investigation may be made to enable Congress to determine whether the amendment is necessary, and what kind, and to what extent it shall go. If the power to investigate implies the power to act legislatively, much more does the power to legislate in a given matter, whether by the ordinary or the extraordinary powers of legislation, imply the power to investigate and consider before the act of legislation is done, and in order that it may meet the necessities of the case.

The actual state of affairs and the condition of South Carolina cannot be known and fully understood by Congress without an investigation by it. The fact alleged by the majority, that the allegations of the memorialists and the "counter-memorialists"

are conflicting and contradictory, presents of itself a strong reason for further inquiry. The truth or falsity of the charges ought to be established. None graver were ever made by any people than those against the rulers of South Carolina. We are not able to appreciate the distinction attempted to be drawn by the majority of the committee between the so-called Ku-Klux case and the case of the memorialists. Both cases rest upon the charge of lawless acts; and it can make no difference that one was against life and the other against property. It is the duty of government to protect property as well as life. The government that does not protect both is no better, no more republican, than if it protected neither. Both are objects of the same solicitude in our constitution; they are generally referred to in the same connection, and the provisions which apply to the one apply to the other also. No argument can be made for intervention in the interest and for the protection of life that will not apply with equal force to intervention for the protection of property.

In view of the whole case we cannot hesitate to recommend the appointment of a committee of both Houses of Congress with power and authority to go into the State of South Carolina and fully inquire and investigate into the condition of the State and the charges and complaints of the memorialists. To do less we feel we should violate or neglect a most solemn and imperative duty. The cry of that outraged, helpless, and suffering people has reached our hearts as well as our understanding. That once prosperous and beautiful State is on the verge of ruin. She is, indeed, already prostrate. A horde of thieves and robbers worse than any that ever infested any civilized community on earth have her by the throat and are fast sucking her life-blood. Three hundred thousand of her citizens, descendants of those who fought and won with our fathers the battles of American independence and liberty, are crying to Congress for redress—*for help*. They have suffered all that humanity can endure. They have exhausted every resource and are utterly helpless of themselves. To refuse their request is to drive them to despair and ruin.

WALLACE MOTT.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting the draught of a bill for the relief of Wallace Mott, second lieutenant Eighth United States Infantry; which was referred to the Committee on Military Affairs, and ordered to be printed.

B. J. DEROCHE.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting, in compliance with the act of May 29, 1872, the claim of B. J. Deroche for Indian depredations; which was referred to the Committee on Indian Affairs.

FRANCIS VALLE, JR.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting the private land claim of Francis Valle, jr.; which was referred to the Committee on Private Land Claims.

JOHN H. GREGG.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting, in compliance with the act of May 29, 1872, the claim of John H. Gregg for Indian depredations; which was referred to the Committee on Indian Affairs.

J. B. VALLE ET AL.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, in relation to the private land claim of J. Baptiste Valle and Francisco Valle, sr.; which was referred to the Committee on Private Land Claims.

L. H. DENNIN.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting, in compliance with the act of May 29, 1872, the claim of L. H. Dennin for Indian depredations; which was referred to the Committee on Indian Affairs.

WHITE EARTH INDIAN RESERVATION.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, submitting estimates of appropriations for subdivision of White Earth Indian reservation, in Minnesota; which was referred to the Committee on Appropriations, and ordered to be printed.

OSAGE INDIANS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, submitting estimates to pay to Osage Indians interest on net avails of lands sold under second article of the treaty of September 29, 1865; which was referred to the Committee on Appropriations, and ordered to be printed.

SUSAN M. RIVERS.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Interior, transmitting, in compliance with the act of May 29, 1872, the claim of Susan M. Rivers for Indian depredations; which was referred to the Committee on Indian Affairs.

MEDICAL AND SURGICAL HISTORY OF THE WAR.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to an appropriation required for the service of the fiscal year ending June 30, 1875, for completing the medical and surgical history of the war; which was referred to the Committee on Appropriations, and ordered to be printed.

SHAWNEE INDIANS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, submitting a draught of a bill relating to additional allotments of land for absentee Shawnee Indians, to be paid for by said Indians; which was referred to the Committee on Indian Affairs.

ORDINANCE STORES.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to the bill (H. R. No. 2724) for the relief of certain States and Territories on account of ordnance stores issued to them during the late civil war; which was referred to the Committee on Military Affairs, and ordered to be printed.

CLAIM OF T. W. M'INTOSH.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting, in compliance with the act of May 29, 1872, the claim of T. W. McIntosh for Indian depredations; which was referred to the Committee on Indian Affairs.

INDIAN SERVICE IN CALIFORNIA.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, in relation to an appropriation to meet outstanding indebtedness of the Indian service in California; which was referred to the Committee on Appropriations, and ordered to be printed.

ANDREW SAGENDORF.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting, in compliance with the act of May 29, 1872, the claim of Andrew Sagendorf for Indian depredations; which was referred to the Committee on Indian Affairs.

STOCKBRIDGE AND MUNSEE INDIANS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, in relation to an appropriation for the relief of the Stockbridge and Munsee tribe of Indians in Wisconsin; which was referred to the Committee on Appropriations, and ordered to be printed.

CAPTAIN SETH BONNEY.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to the bill (H. R. No. 1518) to restore Captain Seth Bonney to his former rank in the Army; which was referred to the Committee on Military Affairs.

BARRACKS AT ATLANTA, GEORGIA.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to the purchase of the ground the United States barracks at Atlanta, Georgia, are located on, or other ground at that place, for military purposes; which was referred to the Committee on Military Affairs, and ordered to be printed.

DR. DUNSCOMB.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to the non-receipt by Dr. Dunscomb of three months' pay sent him by mail; which was referred to the Committee on Claims.

FORT BRIDGER.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to the claims of settlers on the military reservation at Fort Bridger, Wyoming Territory; which was referred to the Committee on Military Affairs.

DUTIES ON FRUIT.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, in answer to a resolution of the House of April 24, 1874, in relation to the refunding of duties upon fruit; which was referred to the Committee on Ways and Means, and ordered to be printed.

BRIDGE ACROSS THE EASTERN BRANCH.

On motion of Mr. CHIPMAN, by unanimous consent, the Committee on the District of Columbia was discharged from the further consideration of the bill (H. R. No. 3082) to aid in the construction of a substantial bridge across the Eastern Branch of the Potomac at or near the present navy-yard bridge; and the same was referred to the Committee on Appropriations.

LEAVE OF ABSENCE.

Leave of absence was granted to Mr. SCUDDER, of New Jersey, for two days; to Mr. ELLIOTT for ten days; to Mr. WILBER for eight days from to-day, and to Mr. LOWNDES until Monday next.

WISCONSIN INDIANS.

Mr. RICHMOND, by unanimous consent, from the Committee on Indian Affairs, reported back, with an amendment, the bill (H. R. No. 2017) to provide for the removal of certain Indians from the State of Wisconsin; and the same was ordered to be printed and recommitted to the committee, not to be brought back by a motion to reconsider.

ORDER OF BUSINESS.

Mr. KELLEY. Before moving to go into Committee of the Whole on the state of the Union on the special order, I will say that I am desirous, if possible, of bringing the general debate on the centennial bill to a close at the earliest moment. I would ask the House to make an order that if it should not have closed by the usual time of adjournment there shall be an evening session for debate only on this subject, no other business to be done, in order to close the debate, if possible, this evening. In making this suggestion I have a single mental reservation, and that is, that if practicable the gentleman from Connecticut, [Mr. HAWLEY,] the chairman of the United States commission, may be heard to-morrow morning. Otherwise I would gladly move that debate should close with the evening session.

Mr. DAWES. I suggest to the gentleman from Pennsylvania that

he include in his order some method by which his bill can be got out of Committee of the Whole.

Mr. WILLARD, of Vermont. He cannot do that by unanimous consent.

Mr. DAWES. To-morrow we shall meet and go into Committee of the Whole, and then we shall be at sea again.

Mr. GARFIELD. We can make an order about that to-morrow morning.

Mr. KELLEY. Immediately after the remarks of the gentleman from Connecticut [Mr. HAWLEY] I intend to move that the committee rise for the purpose of closing the general debate and proceeding to the consideration of the bill or reporting it to the House.

Mr. HALE, of Maine. When does the gentleman propose to make that motion?

Mr. KELLEY. Immediately after the gentleman from Connecticut shall conclude his speech.

Mr. COBB, of Kansas. I have the floor in Committee of the Whole, and I propose to the gentleman that he take the vote on the bill to-day without any further debate.

Mr. HAWLEY, of Connecticut. I object to that decidedly.

Mr. KELLEY. Well, to-morrow I shall move to close debate. I now ask unanimous consent that we may have an evening session for debate only on the centennial bill, the House meeting in Committee of the Whole, and no other business to be transacted.

There was no objection, and the order was made.

Mr. KELLEY moved to reconsider the vote by which the order was made; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HAWLEY, of Illinois. Before the House goes into Committee of the Whole I ask unanimous consent that the remainder of the session of to-day and the session of this evening be set apart for debate only on the centennial bill. I desire to know if any other business will be done to-day?

The SPEAKER. The Chair cannot answer that question.

Mr. HAWLEY, of Illinois. I hope unanimous consent will be given that no other business shall be done to-day.

Mr. ELLIS H. ROBERTS. I object.

PERSONAL EXPLANATION.

Mr. HAMILTON. Before the House goes into Committee of the Whole, I desire to make the remark that when the House took a recess at five o'clock yesterday I was engaged on the Committee of Investigation of the Affairs of the District of Columbia, and was not apprised of the evening session and did not hear of it until after the adjournment last night.

CENTENNIAL CELEBRATION.

Mr. KELLEY. I now move that the rules be suspended and the House resolve itself into Committee of the Whole on the state of the Union on the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. HOSKINS in the chair,) and resumed the consideration of the bill (H. R. No. 2986) to appropriate $3,000,000 in aid of the centennial celebration and international exhibition of 1876.

Mr. COBB, of Kansas. Mr. Chairman, it is always an unpleasant as well as an ungracious task to oppose any scheme that comes before this House for the depletion of the Treasury. Every measure of that character that comes before us comes dressed in its Sunday best, in charge of and chaperoned, so to speak, by members for whom we have the profoundest respect. They come to us, they importune us, they beseech us, and labor with us. "Whatever you may do relative to the measures of our neighbors," say they, "be sure not to oppose this measure." It is a measure upon which they build their highest hopes, their tenderest and loftiest ambition, and, it may be, their highest hope of fame. Now, the real fact probably is that the measure of their neighbor, which they antagonize by that suggestion, has equal merit, equal desert before the country, public and private, with the measure which they solicit you to support. The support which is solicited is courted by a personal friend and associate; your duty may compel you to oppose the interest of your friend and associate. Hence I say it is an unpleasant and ungracious task to oppose these schemes upon the public funds in this House.

So this measure comes before us dressed, as I say, in its Sunday best, chaperoned and in charge of, backed and groomed, so to speak, by the distinguished gentleman from Pennsylvania, [Mr. KELLEY,] whose age, whose experience, eloquence, ability, and power entitle him to the respect which he enjoys, as wide as the continent. And he is not alone. He is supported by his colleague from the city of Philadelphia, [Mr. MYERS,] of whom it may be said as of Edward of Lancaster,

> A sweeter and a lovelier gentleman—
> Framed in the prodigality of nature,
> Young, valiant, wise, and, no doubt, right royal—
> The spacious world cannot again afford.

These, too, Mr. Chairman, are supplemented by the entire delegation from Pennsylvania, than whom no more excellent body of gentlemen from any State in the Union can be found upon the floor of this House; a body of gentlemen for whom we of the West entertain the highest and most profound respect for wide liberality on all matters of moment to us. But this is not all; the list of interested advocates of this measure upon this floor would be incomplete without the name of the illustrious gentleman from Connecticut, the president of the centennial board, [Mr. HAWLEY.] To say that these gentlemen constitute an array formidable in character in the support of any measure which they espouse brought before this House is to but feebly describe the force which they put into any movement which they undertake.

More than that, Mr. Chairman, every member of this House has observed the outside force about this Capitol, overhanging the corridors, swarming in the lobbies, present in the committee-rooms, in the niches and recesses of the building, everywhere pressing members to support this measure that proposes to deplete the Treasury to the extent of $3,000,000. Their presence was especially demonstrated in the crowded galleries that we witnessed in the House here yesterday, and by the demonstration of applause exhibited by them toward those gentlemen who spoke upon this floor in behalf of this bill. And, Mr. Chairman, permit me to say parenthetically, but distinctly and emphatically, that I trust such a demonstration will never be again witnessed in this House during this or any other debate. The people of the United States have a right to have their Representatives free from all appearance of approval or disapproval in the immediate presence of the legislative body. You and I, Mr. Chairman, ought never to hear the voice of the people in approbation or disapprobation of what we say or do here, except it comes from somewhere beyond the pale of this Capitol. Every soul of the toiling millions beyond have interests just as dear, just as precious, as those who occupy seats in the galleries by the courtesy of the House. Hence the necessity for the rule whose decorum was violated by the demonstrations of which I have spoken.

Mr. Chairman, it was not my fortune to be a member of Congress when this project of a centennial celebration at Philadelphia was first mooted in this Capitol. But what was said and done here at that time no man can be ignorant of who listened to the record as it was produced by the gentleman from Maine yesterday in his masterly speech and unfolded leaf by leaf to the gaze of mankind. When that speech shall be read, as it will be and as it ought to be in every household of the Republic, what a picture will be presented of the perfidy and folly of legislation if this bill should become a law! Henceforth Punic faith must give way to a more expressive term Legislative promises, "false as dicers' oaths," yield to the pledges of the American Congress. But, Mr. Chairman, at that time I belonged to a higher and more important body, the people, and I well know what they understood to be proposed by the centennial celebration. They understood that a patriotic body of men throughout the country, and especially at Philadelphia, designed, when the hundredth anniversary of American independence should come round in 1876, to celebrate the event in some grand and worthy way by a display of American progress in the arts, manufactures, sciences, and all the elements which go to make up our marvelous civilization. They understood, it is true, that this would cost money, but they also understood that the patriotic gentlemen who moved the affair would raise the funds either out of their own accumulated wealth or by voluntary co-operation on the part of others acting in conjunction with them. They did not expect to be taxed for the centennial celebration. Hence they sang pæans in praise of the movement. Hence the pulpit and the press bade it Godspeed. Hence the farmer and mechanic, the laborer and the professional man, all classes and conditions of our countrymen, hailed the inception of the centennial with joy.

The people understood by the act of Congress of March 3, 1871, just exactly what was claimed for it by its friends at the time, and no more—that it was passed in order to give the event a national character and prestige. How else could they view it, with these expressive words before them in the law?

> SEC. 7. That no compensation for services shall be paid to the commissioners or other officers provided by this act from the Treasury of the United States; and the United States shall not be liable for any expenses attending such exhibition, or by reason of the same.

To a plain, unsophisticated public there is no ambiguity in these words, no latent meaning not expressed in the good English in which they are written; only a lawyer, and I fear a "Philadelphia lawyer," can be in favor of such a monstrosity as this measure under discussion, or would attempt to explain away the force of its words.

Sir, it is idle to say this is not a pledge; that the people do not so understand it; and that it is not a crime to disregard it.

But, Mr. Chairman, the act of June, 1872, is just as bad in this respect for the advocates of this bill. And again I tell you, gentlemen, you have deceived the people if you propose now to foist this tax upon the country, and will be guilty of a double perfidy. Listen to the latest pledge:

> But nothing in this act shall be so construed as to create any liability of the United States, direct or indirect, for any debt or obligation incurred, nor for any claim, by the centennial international exhibition, or the corporation hereby created, for aid of pecuniary assistance from Congress or the Treasury of the United States in support or liquidation of any debts or obligations created by the corporation herein authorized.

Mr. Chairman, while the advocates of this bill are howling so lustily about the attitude in which the nation will be placed before the world if this exhibition should fail now, let me commend to their con-

sciences the far greater question of how the nation will stand in its own household when it has broken faith with those beneath its own flag and on its own soil. It may humble our national pride to fail in this matter now; it will dishonor us to purchase success at the cost of broken pledges to our own citizens. Better, far better, humbled pride—ay, abased in the very dust—than dishonor and shame at home.

If ill-timed and unfortunate steps have been taken in this matter, retrace them; they are unauthorized acts. If free invitations have been issued and letters have been sent which have misled foreign nations, I trust this nation has the grandeur to recall and explain. I take the President at his word when he says:

> Let us have a complete success in our centennial exposition, or suppress it in its infancy, acknowledging our inability to give it the international character to which our self-esteem aspires.

Mr. Chairman, suppress it. It is no humiliation of pride or self-esteem to me as an American citizen to acknowledge the inability of the American Republic to go on with this proposed international exposition with $2,200,000,000 of debt overhanging it, and to say that we are unable to expend $3,000,000, $10,000,000, $15,000,000, or $20,000,000, whatever it may be, in this exposition in Philadelphia in 1876.

Mr. Chairman, if the passage of this bill would not involve an act of questionable integrity, if it were a matter of perfect faith, the country is in no condition to-day to appropriate $3,000,000 for the avowed object of displaying itself to other nations.

On the 1st day of this month the absolute debt of the United States was $2,149,725,277.02. Besides this enormous sum there are other obligations which it has guaranteed, and which it will have to pay beyond all question, which amount, principal and interest, to $83,251,255.43.

Thus the actual indebtedness of the United States on the 1st day of May, 1874, was $2,232,976,532.45. This guaranteed debt, of course, is all to the Pacific Railroads. A major part of this debt bears interest at 6 per cent. in coin.

Now, Mr. Chairman, this debt was incurred to save the nation, but for that reason is no more sacred than if it had been created for a centennial exhibition or any other act of wisdom or folly. It is the debt of a great nation, and therefore to be paid as nominated in the bonds. When the gentleman from New York praises the Jews of Frankfort and Berlin for taking these bonds when they could buy them at sixty cents on the dollar, at a time when a million and a half of the bravest men were daily indorsing their solidity and validity with their bayonets, I confess I am slightly oblivious of the necessity for the encomium. But let that pass.

While the burden of this debt is great, it is not the only debt. We as a people are in debt to European capitalists; and what with the drain made to pay the interest on our obligations in Europe, public and private, we have no surplus left to expend in luxuries and scarcely enough to buy our necessaries. But we in the West are in a far worse plight than this. We are not only indebted to European capitalists for the money which constructed our railroads and bridges, but we are largely indebted to you of the East for the funds with which we purchased our farms. You own our county, township, and city bonds, ay, you own for the most part the bonds issued for the construction of our school-houses; so that it may almost be truthfully spoken that we of the West are merely occupants of the property of our wealthy eastern creditors. Gentlemen of the East, you had the money, the accumulated wealth of generations; we of the West had only God's heritage and brave earnest hearts with which to conquer the wilderness. You drove sharp bargains with us; you made us agree to pay high rates of interest, and we mean to live up to our promises. We are poor, but we have that which is above wealth—honor.

This is the condition in which the terrible panic of last autumn found us. In the twinkling of an eye values tumbled, industry was everywhere paralyzed, merchants bankrupted, workmen thrown out of employment, and a general derangement and stagnation of business ensued. To-day the aspect is but little better. We bought of you at inflated prices; the panic came, and we wanted to pay our debts. It was thought Congress could help the West by some generous legislation—and I beg the gentleman from Connecticut, [Mr. HAWLEY,] president of the centennial commission to heed me—which would enable us to tide over the quicksands of the times and pay our debts in money as good as that which we received from our creditors? Only this and nothing more was sought. The plighted faith of the nation no man of us would break. We saw money in New York held on call at 3 per cent. per annum when it could not be had in the West on the best of security for four times the price. We see this fact to-day.

I repeat that this fact, which I have stated as existing then, exists there to-day: money at 3 per cent. on call in New York, while it can be loaned at 13 or 15 per cent. in Saint Louis and Chicago and not to be had at that.

We passed a bill through Congress in the teeth of your most hostile protest that had in it but little relief beyond the fact that it would remove from New York some twenty-five millions of currency held there belonging to the country banks, and put it in circulation. It would not have helped us much, but our people thought it would; and perhaps it would, because it would have helped to restore confidence to a broken-hearted and dispirited people. But you fought us here bitterly. Not content with that, you beat us with the President and cast us back into the slough of despond from which this little bill had almost lifted us.

Gentlemen, were it in the best of faith, we are in no condition to undertake the burden of this additional tax. We cannot, from sheer lack of ability, pay any more public charge. I think I speak the truth when I say if you build your exposition hall and have an international show, and then furnish us passes over your railroads to come, that we cannot come without you pay our expenses too.

Do not mistake me. We are not ruined, not lost, not despairing. We know ourselves, and know that we shall emerge from the disasters of to-day and the sad ordeals through which we are passing better and wiser men. We still have strong hands and undaunted hearts; we have the garden spot of the earth for our abiding place; we have all the elements of future success, not least of which we account a determined spirit not to add another farthing to our public or private debts, and if the luxury of a centennial celebration can only be had at the cost of breaking this resolve, then away with it. We have the manhood to say we will have none of it. With our wives and little ones we will have a far happier centennial among our own beautiful valleys of the West at home on the Fourth of July, 1876, out of debt and unembarrassed, than all the splendor and pageantry of a world's fair could afford us if the roofs which sheltered these dear ones were owned in part by others.

Mr. Chairman, look at this picture. Forty-two million dollars of a deficit in the revenue in the fiscal year for which we appropriate anticipated and officially announced; the tea and coffee of the poor man proposed to be taxed higher; poor clerks in the Departments cut down in their wages, and Government subalterns everywhere preyed upon by the spirit of economy abroad in all our appropriations; our own salaries reduced so that they will hardly support us; niggardly legislation in all matters of Government necessity everywhere, and three millions at one stroke for the centennial. Great as may be the exhibition at Philadelphia in 1876, neither that nor any fair the world has ever seen, or will see, will equal the folly, stupidity, and crime which we shall exhibit in this Capitol by the passage of this bill. With such a showing pass the bill, and then this Congress should be—

> —— as our rarer monsters are,
> Painted upon a pole; and under writ,
> "Here may you see the tyrant."

Is there any gentleman in this House who will tell you that you can construct and build in Philadelphia a hall as cheaply as it can be done in Paris or Vienna, and of the same dimensions? Do the gentlemen who have this matter in charge propose to construct for this international celebration at Philadelphia by the American Republic a building that will be insignificant beside the one which was used for a similar purpose at Vienna or Paris? Is labor cheaper in this country than in Europe? Can materials be had here at a cheaper price for the construction of such an edifice? If I understand this matter correctly, every element of material, of labor, that will go into that building will necessarily be more costly than such material and labor for the exposition buildings at Paris or at Vienna. Let us see what was the cost of the building at Vienna for the exposition there. I send to the Clerk's desk to be read an extract from the report of Professor W. B. Black.

The Clerk read as follows:

> The total amount received from visitors from the beginning until the close, on the 2d of November, was 2,567,297.56 Vienna florins, equal, approximately, to $1,283,648.78. The other sources of revenue were the rents of space, the concessions for various purposes, and the sale of the buildings. These sources, it was estimated, would yield, respectively, 1,000,000 for space, 240,000 for concessions, and 4,000,000 for the buildings. This last sum appears to be far too high. The deficiency, probably, will not be less than 12,000,000 florins, or $6,000,000, which the government will meet.
>
> A later statement places the total outgo as, florins, 19,700,000, or $9,850,000 in United States currency. The income was in round numbers, say, $2,000,000, leaving a deficiency paid by the government appropriations of $7,850,000. But it is probable that the value of the buildings and improvements incident to the exhibition will figure in the final showing as fully equal to their cost.
>
> At Paris, in 1867, the receipts from visitors were 10,865,419 francs, equal to $2,432,709 in round numbers, and the expenses were about $4,596,763, leaving a deficiency, after adding the receipts from other sources, of 8,869,156 francs, or $1,773,831, which was covered by the appropriations made by the city and state respectively of 6,000,000 francs—a total of 12,000,000 francs, or about $2,400,000.

Mr. COBB, of Kansas. Mr. Chairman, it is unnecessary for me to dwell upon the cost of this proposed centennial or international exposition at Philadelphia. No man can count its cost. No man can approximate it. The debts that would arise from it would be like those debts of indefinite and unlimited amount which come up from the South on account of the ravages of the late war. In all human probability, for years after this centennial celebration, there will be a commission sitting here in Washington in judgment upon these accounts, as there is now a commission sitting upon claims arising out of the late war. I think my friend from Maine [Mr. HALE] was too limited in his expression yesterday when he said this undertaking would cost the Government $7,000,000. I do not think that amount will begin to cover the expenses that will arise to the Government if it once undertakes this costly project. He stated that the Vienna exposition was a failure although held on the continent of Europe in the midst of two hundred and fifty million people. Ours will be held in the midst of only forty million civilized people on the whole American continent; for we can expect nothing from Mexico. Any one who relies upon any pledge given that this will be the last time the Treasury will be sought to be forced for the purpose of maintaining and supporting this exposition will count without his host.

But, Mr. Chairman, let me briefly pay my respects to the eloquent gentleman from New York [Mr. TREMAIN] who last spoke upon this

bill. His fame is deservedly world-wide; but some think, among which number I find myself, that in practical matters of legislation he is not that success that he is in that other forum where he won the golden stars of his great profession which adorn him so happily. In this assembly one always meets some groveling personage whose characteristics are earthly and practical to a degree that is horrifying to a more refined and sensitive nature. The State of Massachusetts has several such officious members on the floor of this House, I grieve to say. Thus yesterday when my eloquent friend was in the very frenzy of his eloquence, away above the mountain-tops of human passion, that obtrusive gentleman from Massachusetts [Mr. E. R. HOAR] arose in his deliberate way from his seat and says, "Will my friend from New York permit me to ask him a question?" "Certainly," says our gifted friend, who is the embodiment of courtesy. I ask the Clerk to read the question and the reply.

The Clerk read as follows:

Mr. E. R. HOAR. Will my friend allow me to ask him a question? I wish to ask him where he proposes to get this money, consistently with the pledges of the United States, with the public debt increased $2,000,000 in the last year, and with no provision for a sinking fund; and whether he thinks it becoming in anybody to borrow money to celebrate his birthday?

Mr. TREMAIN. I presume if I was a member of the Committee on Ways and Means of this House I could find means enough to pay $3,000,000. In the name of my country, the richest country on the face of God's earth—a country that during our late war raised daily for months in succession $4,000,000 from its own resources—I trust I never shall be required to find out where $3,000,000 can be raised when we have two years to raise it in.

Mr. DAWES. I would like to ask my friend from New York [Mr. TREMAIN] if he recognizes borrowing as one of our resources.

Mr. TREMAIN. I am not to be drawn into a financial discussion. I am aware that the chairman of our Committee on Ways and Means [Mr. DAWES] knows all about that matter, and it is not necessary for me to enter upon that field.

Mr. COBB, of Kansas. Mr. Chairman, if this bill were anything in the form of animated nature, the gentleman from Massachusetts would be liable to a charge of cruelty to animals by sending such a shaft to its vitals as it was borne aloft in the fiery eloquence of my friend from New York. To say that the Ithuriel shot eviscerated and disemboweled the bill is to say simply what my friend confirmed and what his better sense knows.

Of course I felt somewhat in sympathy with the gentleman from New York as he threw around me, as he throws around all when he speaks, the charm of his eloquence, when that shot was fired by the practical, the materialistic, the obtrusive, and the offensive gentleman (in that instance only) from Massachusetts; and I rushed at once to grasp the first paper I could find to help my friend from New York in the emergency that was upon him. I seized upon the statement of the public debt of the United States; when, lo and behold, I discovered that this obtrusive citizen of Massachusetts had stocked the cards upon my good friend from New York. What was the very first line of that statement?

Increase of debt since June 30, 1873, $1,906,563.45.

Four million dollars a day! My friend from New York said we could borrow it. Now, there is a limit, I suppose, to the capacity of even this nation to borrow. In individual instances many of us have experienced that limit.

But, Mr. Chairman and gentlemen, let me apply what logicians style *argumentum ad hominem* to this case. Most of you are content with the seats you now hold, and desire to retain them at least another term. A tax of $3,000,000 upon the people of the United States, divided among two hundred and ninety-two congressional districts, will lay upon each district the sum of $10,272. How many of you, if the people of your district should take a sordid view of the matter as every-day people whom I represent will be likely to, will be proud of your vote in behalf of this measure in your next canvass? Is there not sufficient food for thought in these suggestive figures to make you pause ere you increase the burden of taxation in your congressional district to the extent of $10,272? When that day of reckoning comes, as come it always does to members of this House biennially, is not here a ghost which no raving of yours can suppress, no more than Banquo's perturbed spirit would avaunt and quit the sight of Macbeth at his bidding.

Pardon me, Mr. Chairman. I know this is a very sordid and human outlook, not in keeping with this subject of American glorification, that I am taking. I know—

> There is a fierce gray bird with a bending beak,
> An angry eye, and a startling shriek,
> That nurses her brood where the cliff-flowers grow,
> On the precipice's height, in perpetual snow,

and that this ornithological specimen ought not to be dethroned as the presiding genius of this debate. But, alas for humanity! My constituents, in the language of Holy Writ, are "of the earth earthy." They eat and drink, wear clothes, and pay taxes. They are materialists to a degree that would be painful and shocking to the eloquent gentleman from New York, [Mr. TREMAIN.] Why, sir, give me the feeling heart, and the eloquent tongue, and all the gifts and prestige of that distinguished gentleman, and plant me down among the toiling farmers, artisans, merchants, and professional men of Kansas—they would confound me with the terrible words, "$10,272 to each congressional district," notwithstanding I painted the plumage of our national bird in colors so dazzling as to eclipse the rainbow.

I commend to every gentleman in this House, to the gentlemen from New York and Indiana especially, the lesson of these figures—10,272—in advance. They are mathematical characters, and it is the office of mathematics to give advance lessons. The astronomer, by the aid of mathematics names a hundred years in advance the minute when heavenly events will occur, but he counts with no greater precision than you can by the aid of this talismanic sesame, "$10,272," which opens the doors of a sure future retirement—in the event we vote for this bill—to you and me.

Thus, Mr. Chairman, firmly believing, as I do, that the passage of this bill is a violation of the good faith of Congress toward the people, in express terms and by agreement, always from the inception of this centennial movement by the act of March 3, 1871, and thence through all subsequent laws upon the subject—firmly believing that the country is nowise able to honestly expend the money in such a luxury, and that my constituents almost to a man would condemn the prodigality of the act, I shall vote to keep the centennial project within the bounds marked out by its early projectors and late curators—the field of voluntary contribution—and never consent to a forced loan of the people's money or goods for its erection or support. In doing so I know I shall aid to confine the Government within its legitimate sphere, and help to suppress the bane of another costly subsidy—how costly none can foretell if we shall once launch the ship of state into its seething and unfathomable waters.

Mr. HARRISON. Mr. Chairman, the gentleman from Maine, [Mr. HALE,] whose efforts in the direction of securing the very strictest economy in the administration of the Government, including his very efficient services in reducing our salaries as members of Congress, deserves at least the thanks of all those not injuriously affected by his efforts, spent much time on yesterday in showing that Congress heretofore has avoided incurring any responsibility in relation to the national centennial in the way of an appropriation, or for the payment of any expenses, debts, or obligations incurred by the corporation chartered by Congress providing for a commission to take charge of the exposition, and in showing that certain gentlemen on this floor and in the Senate gave a pledge that no appropriation should be asked of Congress in the future in aid of this great enterprise.

Well, Mr. Chairman, I am inclined to admit all the gentleman has said as to this disavowal of responsibility by former Congresses, and as to the pledges made by the friends of the centennial at the inception and during the earlier history of the project. And I submit that all that has been said by the gentleman from Maine [Mr. HALE] amounts absolutely to nothing as affecting the question of an appropriation now for the first time submitted to Congress. Ought the measure on its merits to be passed? Is the country in a condition to justify the voting of $3,000,000 to secure the success of the centennial? Is not the Government of the United States, looking to what has been done by Congress and the Executive, looking to the event to be celebrated, and the character of the centennial, bound, in justice to the interests of the people, its traditions, and the future of the country, to pass the pending measure and make this national celebration and exposition a success?

These are the questions we are to determine.

The argument to show that the United States is committed to make the exposition a success as a great national exposition by communications from the State Department to our foreign ministers, by their action, and by the acceptance of the invitation by different powers, was so ably and conclusively presented by the gentleman from New York, [Mr. TREMAIN,] that I will devote no time to the discussion of that point.

I had the pleasure at an early day of the present session of presenting to the House the following joint resolution of the Legislature of the State of Tennessee, approved on the 8th day of March, 1873, concerning the proposed national centennial:

Be it resolved by the General Assembly of the State of Tennessee, That our Senators be instructed, and our Representatives requested, to propose, advocate, and sustain by their votes such an appropriation by Congress for said centennial exhibition as may be necessary to make said proposed celebration thoroughly national and international, and worthy alike of the Government and people of the United States: *Provided*, That said appropriation shall not be given in aid of any corporation for that purpose.

Resolved, That a copy of the foregoing joint resolution, duly certified, be forwarded to our Senators and Representatives in Congress with the least avoidable delay.

I felt at the time I presented this resolution, before sectional jealousy or opposition to the idea of incorporating the international feature into the centennial had been fully developed, that there would be a generous emulation among the representatives of the people of the United States to excel each other in their efforts to make the centennial equal to the great occasion and creditable to the great nation and the great people whose patriotism inspired it, and whose skill, energies, and resources were so well calculated to secure its success.

I felt proud that my own State, by the action of its Legislature, was committed to the policy of an appropriation by Congress of an amount sufficient to make the centennial, in the language of the resolution, "thoroughly national and international, and worthy alike of the Government and people of the United States." I was gratified also, because from the very first moment that I heard of the design of bringing the people of the United States together on the occasion of the centennial anniversary of American independence, and of bringing together on the soil of the great Republic people from every

country and clime on the earth, I felt the liveliest interest in the success of the great project. I looked forward to it as being in the interest of peace, progress, and development in our own country; as constituting an era that would mark the return of genuine kindly feeling among our own people, and in its character as an international gathering as being in the direction of promoting peace on earth and good will among the nations whose representatives would meet in the "City of Brotherly Love" and compete with us and with each other in an exhibition of their resources and the products of their skill and industry and their achievements in science and art.

I believed then, and I believe now, that with that generous aid and that co-operation on the part of our people which the centennial deserves, it will accomplish more for this country in the way of calling attention to our immense resources, developed and undeveloped, to our achievements in the great industries of the country, our progress in the arts and sciences, the excellencies and defects of our educational systems, and of utilizing and appropriating all that is excellent and superior in the useful inventions and discoveries of other nations, than could be accomplished by any other means that could possibly have been devised.

And more than all this, Mr. Chairman, I looked forward from the first to a national and international exposition at Philadelphia in 1876 as calculated to secure in the most efficient manner, after the unfortunate estrangement which has existed between our own people of different sections, that *real union* which is not only desirable but necessary to make us one people. I know, too, that this was the prevailing sentiment and feeling with many of the people of my own State, who had, as I think in an evil hour, to some extent forgotten their first love, forgotten the grand memories which cluster around the national ensign and the history of that grandest of all marches, the march of the people of this country from colonial dependence to the proud position they hold among the nations of the earth.

It may be insisted that the people who fought for four years to disrupt the Union, with a valor and determination worthy of a better cause, ought not to have deserted the flag of their country, and ought now to cherish national feelings and sentiments. While I never indulged for a moment in a feeling of sympathy with that most unjustifiable and disastrous movement which resulted in the bloodiest civil war that has occurred in modern times, I nevertheless cannot fail to realize the fact that a large majority who engaged in the struggle for the independence of the South were terribly in earnest; and though in the main they submit with becoming grace to the stern and inexorable logic of the situation, yet with many of them there is an absence of national feeling and national sentiment, of love for the flag whose bright folds they once looked on with pride and devotion, which lingers as one of the most unfortunate results of the bloody struggle.

Mr. Chairman, the great need of this country, I think *the greatest*, is the complete unification of our people. The efforts of the framers of the Constitution, which elicited the most intense thought, were directed toward harmonizing, under one comprehensive and just system of government, the conflicting interests which the jealousies of different sections, even then existing, suggested were difficult of settlement. The actual experiment under the system of government adopted and regulated by the Constitution has shown that the greatest danger to our institutions is that sectional jealousy and ill-feeling which come from a clash of interests. Nullification, or the attempted nullification, of the laws of the United States in 1832; the troubles in Kansas; and the terrible culmination of that sectional strife which slavery inspired, are illustrations of an irrepressible conflict between the sections which nothing less than a million of men in arms could adjust.

Slavery was destroyed, and with *its* utter destruction the main great cause of dangerous sectional difficulties was removed. Slavery perished, and the nation which its power had sought to destroy lived. In fact, the destruction of slavery exhibited the strength and vigor of the nation, and gave it new life and vigor even in the South. For the people of that section, scourged and impoverished as they have been, have had imparted to them a modicum of the hopefulness and promise which the new dispensation has inspired. Slavery was destroyed, the question of secession was settled, the integrity of the national Union was preserved, the reconstruction acts of Congress were enforced, and now every State in the Union is represented by its Senators and Representatives in Congress. The former slave is a citizen and a freeman; the system of labor in the South, broken up and deranged for a time, has, to a great extent, adjusted itself to meet the wants of a great producing section. The predictions of a class, who could see nothing in the future, under the changed condition of affairs in the South, but deterioration and decay, are met by the encouraging figures of the census of 1870.

But, Mr. Chairman, neither the success of the national arms nor the reconstruction acts, although the former brought the people of the South under the jurisdiction and power of the national Government and under the national flag and the latter brought them into practical relation to the Government, and thus restored the Union and those relations which they had sought to destroy and had disturbed, can secure that real union of feeling which is absolutely necessary to the prosperity of the country, nor bring the people back to their former devotion to the flag, or to feel a patriotic pride in the achievements of our Army and Navy in war, or those greater achievements of our people in time of peace. The people of every section of this great and rapidly growing country must be made to feel that it is *their* country, that the flag is *their* flag, that *they* have a part in the memories of the past and in the great future of this country; *they must become thoroughly nationalized in feeling* before we have a real, substantial, and permanent reunion.

Looking to the future, the people of the enterprising East and the progressive West are as much interested in this result being achieved as are the people of the other great section of the country. With our extensive and rapidly increasing railroad connections, bringing and destined to bring every portion of the country into close relation, the mutual dependence of each section upon every other is important and necessary to secure the prosperity of the whole country. Without complete unification, the extent of the country will, owing to the diversity of interests, endanger the success of our great experiment; *with* it, the variety of employments and the diversity and variety of productions will add to our common wealth, and secure a prosperity in which all sections have a common interest.

It has been frequently said, and I think there is much truth in the remark, that much of the prejudice entertained by the people of the North toward those of the South, and by the people of the South toward the people of the North, would be removed if they knew more of each other, and were more generally and frequently brought in contact with each other in social as well as in business and commercial relations. They see each other mainly in the columns of bitter partisan newspapers and in the speeches of politicians, who seek to keep alive and foment the bitterness of sectional animosities.

There never was a finer illustration of the beneficial effects of social relationships between persons from different sections of the country than we have witnessed in this House during this session of the Forty-third Congress. Differences—wide differences upon political questions; differences in habits and tastes and modes of thought, so far as these are produced by different surroundings of members coming from every portion of the country—do not seem to have disturbed the cordial and friendly feelings which have characterized the members in their association with each other.

Would not the centennial in 1876, sustained and made successful by a liberal support from the national Treasury, thus giving it a national stamp and relieving it of a local or sectional character, contribute very powerfully to heal the wounds and remove the bitterness which a fratricidal strife has left? Would it not inaugurate an era of good feeling among our people of *every* section? Would it not kindle again in the hearts of the people a fresh devotion to the country, a more intense, genuine patriotism? Would it not add to the appreciation of the blessings of civil and religious liberty which we enjoy, and fix more firmly in the hearts of the people that sentiment which makes millions rally round the flag of the country when the nation's life or its honor is imperiled?

If these results are likely to be accomplished need we debate the question as to whether these results will be worth $3,000,000? The amount, though large, sinks into insignificance in comparison with the value of such an achievement. The suggestion that Congress has no constitutional power to vote money to the centennial, with all deference to those who take this position, has, I think, nothing in it. It might be difficult to find a warrant in the Constitution for the vote we gave unanimously a few days since in aid of the sufferers by the flood in the delta of the Mississippi River. But no one will ever question the right to make this appropriation; and certainly no question will ever be made thereon before the only department of the Government which can declare the act unconstitutional. I submit, however, that the power to make the appropriation to the centennial is found in the preamble to the Constitution, wherein the people of the United States declared that they ordained and established the Constitution, among other things, to promote the general welfare, and in the eighth section of the first article of that instrument, in which, among other specially enumerated powers vested in Congress, the power to provide for the general welfare of the United States is found.

And as to the proposition that the appropriation should not be made because of our poverty or because of the heavy load of debt which hangs over us, I beg to say that all the arguments of gentlemen on this floor, who, affected by the economical epidemic which has swept away a portion of our salaries, and which under its inspiration would bring our public improvements to a dead lock, have failed to convince me of our extreme poverty. It was shown by an able writer (Mr. Parton) that the stone coal at the back-door of the city of Pittsburgh at two dollars per ton would pay the national debt twenty-seven times over. The resources of our widely extended country are simply incalculable. The wealth of my own State in coal, iron, copper, and marble, now hidden in the earth awaiting the magic touch of capital, enterprise, and labor to bring it forth as an accretion to the wealth of the country, would astonish the most hopeful and extravagant, and bring more than a realization of the wildest dreams as to the future wealth of Tennessee ever indulged in by any one of her people.

It is said we are too poor to make this appropriation, because our expenditures for a time have exceeded our receipts, and because we owe a heavy national debt. I cannot controvert and will not attempt to controvert what is shown by the figures in relation to this matter. But I submit that if the fact that we owe a heavy national debt, and that our expenditures for a time have exceeded our receipts, is to be taken as conclusive of our impoverished condition, we would stop short in the construction of necessary public improvements or in

making any appropriations except those actually required to carry on the operations of Government. If a proposition was introduced to erect a public building actually and urgently needed, actually and urgently required by the operations of the Government and the demands of a growing business and commerce in the locality where it was proposed to erect the Government building, could it be urged, would it be contended, that the entire national debt should be paid before the appropriation was made? Would a deficiency in the receipts and disbursements of the Treasury for a particular fiscal year justify us stopping the development of wealth and the march of the car of progress until there should be a surplus in the Treasury? I have heard much during this session of Congress as to the extreme poverty of the United States. I do not believe a word of it. No limit can be fixed upon the productive energies of the people of the United States. While they were conducting a war of gigantic proportions, requiring hundreds of millions and billions of dollars, they spanned the continent with a railroad connecting the Mississippi Valley with the Pacific Ocean.

The chairman of the Committee on Ways and Means on yesterday, while the gentleman from New York [Mr. TREMAIN] was speaking of the country having raised daily during the late war for months $4,000,000 from its resources, asked that gentleman if he recognized borrowing as one of our resources. I tell the gentleman that the enormous amount necessary to carry on the war was furnished by the people of the United States, and that the loan was based on the ability of this country to pay it, the confidence of the people in their own Government, and that this borrowing did exhibit the resources of the country as they have never yet been exhibited. Tennessee is largely interested in having her immensely rich resources developed. She is deeply interested in promoting the success of the centennial, if from no higher motive, in order that she may avail herself of so fine an opportunity of calling the attention of the country and the civilized world to her genial climate, her minerals, the products of her fields and forests, her manufactories, and the achievements of her industrious and skillful artisans. Every other State and Territory is interested in this enterprise in a greater or less degree.

European governments seem inclined to exhibit sympathy in the cause of labor and science. The United States ought for a stronger reason to be true to its principles and its devotion to the interests and elevation of labor and the promotion of universal progress. If we are satisfied that the centennial will secure the grand results at which I have barely had time to glance, ought we not to vote the measure now proposed?

Mr. Chairman, I conclude with a brief notice of the objection to the incorporation of the international feature in the proposed centennial anniversary, that there is something incompatible or inconsistent in having the great Republic, the champion of republicanism, invite the people throughout the world, hailing from monarchies and despotisms, to meet with us in the celebration of the anniversary of the birth of freedom in the New World and the organization of this Government of the people.

But this objection is based I think mainly on the assumption that the centennial is to be simply a Fourth of July celebration. If the design is carried out the exposition is to last for months, and while the people from all parts of the United States on the 4th of July, 1876, may appropriately, and will no doubt with full and grateful and patriotic hearts, celebrate the day which will have returned a hundred times with its stirring associations and memories, that celebration, on that particular day, will only be an episode in the history of the great gathering. Did any American, filled with devotion to the principles of the great free Republic of the United States, when he visited Vienna in 1873, object to the pageant on the occasion of the meeting of William of Germany with his kingly cousin of Austria, or take offense at the playing of the Austrian national hymn? He expected this when he went to Vienna, and, Mr. Chairman, he found himself as I did when I heard that national anthem, filled with patriotic emotion, because the sentiment of devotion to country is one that thrills even the heart of a foreigner who loves his own country and its institutions. And thousands who visit America in 1876, differing widely with us in governmental ethics, instead of being offended at what they may see or hear on the occasion of the national centennial, will catch that spirit which our national hymns and this national demonstration will most certainly inspire.

I feel that I have not presented to the House anything new or much in the way of argument to show that the measure now pending should be passed and the success of the centennial secured by our action, but I have at least presented the subject generally as I desired to present it, and have expressed the sentiments and feelings which animate me in supporting the measure.

Mr. SMITH, of Ohio. Mr. Chairman, this bill, if passed, will appropriate the sum of $3,000,000 to the world's fair at Philadelphia in 1876. That is the sum asked for in the bill. Whether that great amount will be all that will be asked for is, to say the least, problematical. A few weeks ago it was said that the smallest amount which would be required would be a million or two more than that. But a sort of green and yellow sickness seemed to come over this centennial show business, and, perhaps as a matter of policy, its sponsors on this floor and the patriotic lobby outside appear to have come to the conclusion that they had better moderate their demands on the Federal Treasury. So now they gently ask us for what appears to be regarded in their eyes as the pitiful little sum of $3,000,000.

Well, suppose we give it to them, what assurance will we have that that will be the end of the matter in the way of appropriations? Suppose after the money is expended, after the manner of other magnificent projectors, these gentlemen come back to us and tell us that the money is all gone, that it was found to be insufficient, that the show, instead of being an honor and a credit to the country, will be a miserable and disgraceful failure, and to save the country from the humiliation of having a wretched abortion, instead of a magnificent success, it will be necessary to appropriate a few millions more. I say suppose that, and then imagine the deep-toned pathos of the gentleman from Pennsylvania, [Mr. KELLEY,] and the soul-stirring appeals of the gentleman from Connecticut, [Mr. HAWLEY,] and can you suppose for one instant that Congress will fail to unlock the Treasury and permit the gentlemen in charge of the great and costly display of the nation's patriotism and vanity, from taking the other necessary millions?

Why, I understand that a year or two ago, when this great folly was first proposed, it was solemnly protested that Congress should never be called on for one dollar; and it was even allowed to be put in the first bill on the subject that the national Government should never have to pay one dollar. Such were the protestations then. Now it is "Give us this poor three millions, and we will never ask for a cent more." Such is always the way. But I trust it is not impertinent softly to suggest to the champions of this measure that they are making a huge draught on the credulity of this House. Our experience on this very question ought to warn us what we may expect. If in 1872 nothing was ever to be asked, and in 1874 three millions *are* asked, what is it probable will be demanded in 1876? No, sir; let us not deceive ourselves. You are about to enter on an expenditure which is much more likely to end with seven or ten millions than with three.

But, sir, $3,000,000 is no insignificant sum. During the war and since the war, members of Congress have been in the habit of passing acts appropriating such immense sums that we have come to regard a few millions, more or less, as a mere bagatelle. Our notions have grown to be very magnificent. But after all $1,000,000 is a great sum of money and represents a vast amount of toil, and when paid into the public Treasury a vast amount of deprivation and discomfort to chose who earn the money by hard work and save it by rigid economy. It is time, high time, that Congress was beginning to appretiate the fact that hereafter the Government must be run on a moderate and economical scale. If we do not understand and act in that spirit our successors will.

I trust, Mr. Chairman, that I appreciate as fully as any of the gentlemen who have spoken the significance of the great historical act which it is proposed to celebrate. The declaration of independence was a great event in human history, and I am pursuaded that as the years roll away that great act will be honored more and more. It was the beginning of a new and better era in human affairs. It established the rights and equality before the law, not only in this country, but I trust ultimately throughout the world, of all men I believe that equality of rights will not only be found consistent with, but conducive to better government and a better civilization. I permit no man to bestow a higher meed of praise on the statesmen of 1776 and their great work than I do.

So, likewise, I think I duly appreciate the mighty stride our country has made in the century which is about closing; in the creation of wealth, in the development of power, in art, science, and in literature. The result of the first century of the government of a great nation under the republican form is one to which we may well point with pride and exultation. We have proved by the success of a hundred years that law and order can be as perfectly maintained, that life and liberty and property can be made as secure under republican institutions as under any form of government ever instituted among men; that such a government may be strong for all the purposes of peace and all the necessities of war; that it may be loved at home and respected abroad; that under it religion, morals, education, culture in all its forms may expand and flourish. *That* is our great trophy. *That* is our grand achievement. Such a possibility had for two thousand years been a speculation; to-day it is a demonstration. Philosophers had reasoned upon it, philanthropists had hoped for it, poets had dreamed about it, skeptics had doubted it, despots had denied it. American statesmanship has established it, and American virtue and wisdom have maintained and vindicated it. *That* is worth celebrating. It should be celebrated in every city, in every hamlet, in every home, and in every heart. Painting, poetry, sculpture, music, eloquence, every form of expression of patriotic emotion, of thankfulness for the past and of hope for the future, will aid in the fitting and proper celebration of the great event and the triumph of the great idea.

But a show—a *world's show*—where we will bring our hogs and cattle, our mules and our asses, our goats and our dogs—I quote from the adopted schedules—our "hunting dogs," our "watch dogs," our "coach dogs," "and all other varieties of dogs," including, I suppose—

> Mongrel, puppy, whelp, and hound,
> And curs of low degree.

We are to bring to the mighty show our "turtles, terrapins, frogs, &c." And there are to be our "wild cats" and our "wolves from the Western States," picturesquely mingled with our fruits and vegetables, our manufactures of wood, and iron, and cloth, and the products

of our mines: and we are to ask all the world, at a cost of many millions, to come and gaze and wonder and admire. All this seems to me inappropriate, if not vulgar. The Fourth of July, 1876, ought to be a feast of gladness to all our people. If you will let them alone, and avoid the blighting effect of governmental interference, that it will be so kept cannot be doubted. In every city and village, in every valley, and on every hill where our people live throughout the length and breadth of the Republic, they will find fit and proper modes to express the feelings of their hearts. Such a commemoration will be spontaneous and sincere. It will cheer the hearts of the old with the consciousness of the fact that they have helped maintain the faith of the fathers. It will inspire the hearts of the young with the resolve that they in their turn, will transmit the Republic and its hopes untarnished to their children.

If the people of any city or town choose to show their patriotism by holding a fair, by all means let them do so. But I trust we will not after to-day hear of any men, of any city coming to Congress and asking unknown millions of the public treasure to aid in their display of patriotism, by getting up a huge meretricious display in imitation, and most probably weak imitation at that, of Louis Napoleon and of Francis Joseph.

Mr. Chairman, there are many objections to this scheme. This expenditure, if made, would be entirely extra-governmental. It has no possible connection with the legislative, executive, or judicial departments of the Government. It will in no way aid the Government in the proper discharge of any of its duties. Neither the Army nor the Navy, our foreign relations nor our Indian affairs, nor any other thing of which the Government has proper jurisdiction, or for the faithful administration of which it is justly responsible, can derive any benefit whatever from this great expenditure of public money.

I know it has grown to be a sort of fashion to sneer at any person who doubts the power or policy of the Government to do anything, or expend any sum, for purposes wholly foreign from the legitimate and strict duties properly pertaining to its functions. All that seems to be necessary, in the opinion of many men, is to find something which they suppose it is desirable, or to their personal interests to have done, and they forthwith begin to besiege the Federal Treasury for the necessary funds with which to do it. It may be as foreign to any of the proper duties of Government as the moon, but, on the plea that it would be a "good thing," and that the means to do it can be raised in no other way, siege is laid to the Treasury, batteries are planted, re-enforcements are sent for, regular approaches are made, the press is subsidized, the lobbies are invoked, and they always rush from Philadelphia or elsewhere. And it is wonderful what a disinterested and patriotic set of fellows these gentlemen are! How cheerfully they spend their time and money, without pay and without price! With what pleasing and persuasive eloquence they descant on the immeasurable and universal advantage that is to result to everybody from the adoption of the scheme proposed! It is absolutely bewildering to the comprehension of a country member to hear them talk. If Congress will only give them the keys of the Treasury to take out a few millions, more or less, the world is to suddenly become far richer, happier, and wiser. Sometimes it is said that social blandishments, gentle insinuations, flattery, delicious to the congressional heart, and, before the temperance movement, even wine and cigars, have aided in the good work.

It may be that on extraordinary occasions and in desperate emergencies even the wives of members of Congress are called into the service, and all the ten thousand appliances and inventions and contrivances known to expert managers are brought into requisition to get money out of the Treasury for no purpose under heaven beneficial to the Government in any of its departments, or useful to it in the discharge of any of its duties.

Such schemes are always to be distrusted and avoided as far as possible. Government is instituted to perform certain duties. Mainly those duties are strictly defined; they are generally clearly understood. For the purpose of discharging those duties taxes are levied and collected. And it is a violation of the spirit of the fundamental law, and of good faith toward the people, when those taxes are expended for purposes other than those for which they are specifically collected.

I do not undertake to say that this scheme is by any means the first one of this kind which has ever been before Congress; I do not undertake to say that many such schemes have not passed; but I do say, that in my knowledge of the history of the country I know of no expenditure of public money for purposes wholly extra-governmental ever proposed which approached this in the magnitude of the amount asked. A few thousands may have been given for such purposes here or there, but for this we are asked for millions, with at least a fair prospect of being asked for millions more.

Mr. Chairman, this expenditure would be bad in itself under any circumstances, very bad. But, sir, it is particularly bad as a precedent. In the years to come it would be quoted as a precedent, and an authority and an excuse for other expenditures wholly unjustifiable under any true conception of the nature or objects of government or of constitutional authorization. It would be made the fulcrum on which the lever would be placed to pry open the doors of the Treasury in the interest of schemes of public expenditure, if it be possible, even less meritorious than this.

Is not this a good time to call a halt on this sort of legislation? Within a few years we have passed through a great and destructive war. In that war the savings of the labor of half a generation perished. Our country North and South is filled with a maimed soldiery. Widows and orphan children, a legacy of our great civil strife, are to be found in every neighborhood. Every sentiment of gratitude to the dead, and of faithfulness to the living, demand, while these classes live and want, their wants should be supplied by a generous hand. Our public debt is more than $2,000,000,000. Two of our great cities have recently been almost destroyed by fire, and at this moment it is said, almost two hundred thousand of our fellow-citizens, living on the banks of the Mississippi, have been driven in poverty and wretchedness from their homes by the floods.

Our currency is largely depreciated, we are still unable to fulfill our solemn and often-repeated promises. We are still suffering from one of the greatest financial convulsions which ever swept over our land. Thousands and tens of thousands of our people are still out of employment, living on stinted fare or on charity. Our people are sorely oppressed with heavy taxes. Every breeze that comes to us brings a menacing growl of discontent. We are admonished by every consideration of justice, and by every consideration of mercy, to avoid all expenditures not absolutely necessary, to cut down every expenditure which can be cut down, and to take off every burden which can be taken off. Let us do this vigilantly, relentlessly, and it may be fairly hoped that when the sun rises from the Atlantic to greet the Republic on its great anniversary, he will shine on a happy, prosperous, thankful, jubilant people.

Mr. FRYE. Mr. Chairman, I have been listening to this debate for the last day and a half, and have been grouping in my mind whatever facts I found entirely beyond dispute, in the hope that by such grouping I might be able to determine my own action upon the measure before the committee. In the first place, it is a fact that this country on the 4th of July, 1876, will see its one hundredth birthday; and I gather from everything that has been said, including the speech just made, that there is nothing in all its history for the past hundred years, in its marvelous progress in arts and sciences and literature, in its growth in wealth and population, in its wonderful development in agriculture and manufactures, in its steadfast, faithful adherence to the great underlying principles of the Republic—I say there is nothing that should compel the American people in shame or in sorrow or humility to refuse to celebrate this birthday.

It is a fact, sir, that the Declaration of Independence was prepared, signed, and promulgated in the city of Philadelphia; and that settles beyond peradventure or cavil as to where this celebration shall be held, if anywhere. It is a fact that Congress in March, 1871, provided for a centennial celebration, and by the same act provided that it should be an international exhibition of arts, &c. It is also a fact that the President of the United States, in obedience to that law, sent forth his proclamation to the world, using language which I ask the Clerk to read.

The Clerk read as follows:

Now, therefore, be it known that I, Ulysses S. Grant, President of the United States, in conformity with the provisions of the act of Congress aforesaid, do hereby declare and proclaim that there will be held in the city of Philadelphia, in the State of Pennsylvania, an international exhibition of arts, manufactures, and products of the soil and mine, to be opened on the 19th day of April, 1876, and to be closed on the 19th of October, in the same year; and in the interest of peace, civilization, and domestic and international friendship and intercourse, I commend the celebration and exhibition to the people of the United States; and in behalf of this Government and people I cordially commend them to all nations who may be pleased to take part therein.

Mr. FRYE. It is a further fact that the Secretary of State, instructed by the same law, sent this proclamation of the President to all the diplomatic representatives of all the world, expressing the trust that they would make known its contents to their people and invite them to co-operate in the celebration. It is a fact, as I have gathered from this discussion, that thirteen or fourteen foreign countries who received that invitation to unite in the celebration have in terms accepted it.

My colleague from Maine [Mr. HALE] says there has been no invitations—there has been no acceptance of any invitation. In Heaven's name, gentlemen, you heard that declaration of the President read, you know what the Secretary of State has said, and you heard Bismarck's acceptance read in this House yesterday; and if that does not constitute invitation and acceptance, are there any words in the English language which can be used which shall make an invitation and acceptance?

It is a fact, sir, that the same law provided for, and the President appointed, a centennial commission, men of judgment, men of discretion, men in whom the whole country have confidence; and that in obedience to the law that commission reported from time to time progress to the President of the United States; that in February last they made their last report, which is before the House here to-day; and the President of the United States sent that report to this House, and accompanied it by a message, which I desire the Clerk to read on account of the crisp, cogent manner of putting the case.

The Clerk read as follows:

To the Senate and House of Representatives:

I have the honor herewith to submit the report of the centennial commissioners, and to add a word in the way of recommendation.

There have now been international expositions held by three of the great powers of Europe. It seems fitting that the one-hundredth anniversary of our independence should be marked by an event that will display to the world the growth and

progress of a nation devoted to freedom, and to the pursuit of fame, fortune, and honors by the lowest citizen as well as the highest. *A failure in this enterprise would be deplorable.* Success can be assured by arousing public opinion to the importance of the occasion. To secure this end, in my judgment, congressional legislation is necessary to make the exposition both national and international.

The benefits to be derived from a successful international exposition are manifold. It will necessarily be accompanied by expenses beyond the receipts from the exposition itself; but they will be compensated for many fold by the commingling of people from all sections of our own country; by bringing together the people of different nationalities; by bringing into juxtaposition, for ready examination, our own and foreign skill and progress in manufactures, agriculture, art, science, and civilization.

The selection of the site for the exposition seems to me appropriate, from the fact that one hundred years before the date fixed for the exposition the Declaration of Independence, which launched us into the galaxy of nations as an independent people, emanated from the same spot.

We have much in our varied climate, soil, mineral products, and skill of which advantage can be taken by other nationalities to their profit. In return they will bring to our shores works of their skill, and familiarize our people with them, to the mutual advantage of all parties.

Let us have a complete success in our centennial exposition, or suppress it in its infancy, acknowledging our inability to give it the international character to which our self-esteem aspires.

U. S. GRANT.

EXECUTIVE MANSION,
Washington, February 25, 1874.

Mr. FRYE. Mr. Chairman, the President says "a failure in this enterprise would be deplorable," and the commission in the performance of their duty have said to the House and the President of the United States, "Owing to great financial distress and panics we find it is impossible to raise the money as we expected, and unless there is congressional aid the enterprise will be a failure." And there is the position of it before this House to-day. Our Executive says that a failure in the enterprise would be deplorable, and our commission say if they have no congressional aid failure is an absolute certainty.

Now, sir, in view of this state of the question, what is it my duty as a representative of the people of the United States to do in these premises? Ah! sir, there is but one door open for me. I say a failure would be deplorable; not only that, it would be dishonorable. It would dishonor this great nation in the eyes of the whole world, and we should admit the dishonor was beyond our power to avert.

There may be one other reply, one other door open, intimated by the gentleman from Massachusetts [Mr. E. R. HOAR] in his inquiry to the gentleman from New York, [Mr. TREMAIN;] intimated by my colleague from Maine, [Mr. HALE,] from the Committee on Appropriations; intimated by the gentleman who last spoke, [Mr. SMITH, of Ohio;] and intimated, too, by the gentleman from Kansas, [Mr. COBB,] and that is, that this nation of ours is bankrupt. Bankrupt, is it? The New York Tribune, of last Saturday, contains the following:

The national revenue since the beginning of the calendar year has been several millions less than it was in the corresponding months of last year, yet the public debt has been reduced nearly one million more in the first four months of 1874 than it was in the same months of 1873. The figures are as follows:

Reduction of the public debt.

Months.	1874.	1873.
January	$1,845,211 76	$406,243 18
February	2,590,047 45	5,277,880 77
March	2,189,338 46	1,644,058 97
April	2,965,451 43	2,247,485 60
Net decrease	9,590,049 10	8,763,182 16

And our 5 per cent. bonds are quoted both in London and in New York at from 1 to 2 per cent. above par in gold, exclusive of accrued interest. What a commentary on bankruptcy! We are a bankrupt nation, they intimate; and where would the money come from, they ask? Why, gentlemen, do you fail to remember when you required $4,000,000 a day the money came from the people? Do you fail to remember, too, that the strong men who fought your battles came from the people—from the same place your money did—and that it was to sustain the country? If you go to the same people, to the same men, the men who labor day by day to support their families, and ask them where the money will come from to save the honor of our great Republic, they will tell you where it will come from—from their hard earnings, where it did before. Let the gentleman from Maine [Mr. HALE] go down into his own district, and let him ask the poorest fisherman there who plies his craft between old Sam Patch's and the eastward shore and ask him where the money will come from to save the faith of the nation, and he will tell him, "I will give to-day's catch, and if that is not enough I will throw my boat into the bargain."

Mr. HALE, of Maine. I think they would rather pay the national debt, from what I know of those fishermen.

Mr. FRYE. They would a little rather the Ways and Means Committee would provide some way by which the four or five million dollars of taxes due from rich corporations in this country, and which from the day they were assessed down to now they have kept in their pockets, should be collected to go toward the payment of the national debt.

But, sir, as I said, I see no escape for me but to support this bill, unless it is true that we are bankrupt. We have forty millions of people, with measureless sea-coast, with rivers and lakes and canals, with a net-work of railways, manufactures, agriculture, fertile prairies of the West; mines of iron, coal, copper, silver, and gold; commerce and ship-building just springing into new life and activity; with these and all the other boundless resources of a great nation, and yet we are told the nation is bankrupt and cannot pay $3,000,000 to save itself from disgrace in the eyes of the world. Can it be so? That kind of talk may commend itself to the Committee on Appropriations, but they will have hard work to convince the people that we are bankrupt when they pass appropriation bills to provide for paying a boy to brush our coats sixty dollars a month, a man to open the door eighteen hundred dollars for every five months' work, and a man to kick his heels against the marble floors below from sixteen to nineteen hundred dollars a year—hard work to convince the people that we are bankrupt when only a year ago they were appropriating millions of dollars for a public building in Chicago, whose Representatives here to-day will not vote for an appropriation of $3,000,000 to save the country from discredit; and millions in New York, and millions in Boston, and millions all over the country, only a year ago. If we are bankrupt to-day these two committees are wise, and they must by looking into the future have seen it then as well as now.

The door of bankruptcy then, sir, in my judgment, is not open to me to march through. I have to step back to the only door that is open. I see on the one hand disgrace to my country, and on the other hand I see my country clothed with new power and new glory among the nations of the earth, by celebrating this anniversary as it has been provided for.

Now, sir, I am aware that when a man talks about the country or the flag, gentlemen sitting around him say, "O, he has started the American eagle." When my eloquent friend from New York [Mr. TREMAIN] makes a rounded period and says a word for his country, the gentleman from Kansas [Mr. COBB] says, "O, he has let loose his eagle;" and other economical gentlemen in the house say, "O, see his flight." Now, sir, notwithstanding this, I have no hesitation in saying that to me my country is precious. The gentleman from Massachusetts [Mr. DAWES] laughs as if it was not; and I do not wonder at it, for he proposes to make it otherwise by voting against this bill. The country to me is precious, and it is a thousand times more precious than it was ten years ago. It went through the fire and is purified. It was sanctified in tears and in prayers. It has been baptized in blood. It was unjust and despotic; it is now just and paternal. It was divided and sectional; it is to-day united. The fraternal feelings manifested on this floor every day that we sit here prove it. The interchange of courtesies between the men who wore the Army blue and the men who wore the confederate gray prove it. The noble words of the gentleman from Mississippi, [Mr. LAMAR,] delivered in eulogy of Charles Sumner on the floor of this House, prove it. And under Almighty God I believe that this gathering of our countrymen together on the 4th of July, 1876, at Philadelphia, will cement that Union and make it more enduring than the eternal hills.

If this is sentimentalism let some of these gentlemen who have blood like the blood of the turnip call it so. I must be a sentimentalist. When I see the flag sometimes I feel my blood tingle from my feet to the crown of my head, and am not ashamed to be thought sentimental. When I heard of the defeat of our soldiers at Bull Run I wept, and was not ashamed of the tears because some cold-blooded man might charge me with being a sentimentalist. When Abraham Lincoln died I wept, and did not hide my face. When Lee surrendered I wept and laughed, and hurrahed, too, like a boy. And I did not hush my voice or hide my face for fear I should be called a sentimentalist with the eagle let loose.

I tell you, gentlemen of this House, if we all of us looked at the eagle and the honor and the credit of our country more than we look at the seats we occupy and ask ourselves whether or not we shall ever again occupy them, our country would stand at least as well as she stands to-day. Why, sir, the other day there was a bill before this House in which the gentlemen of the West felt the deepest interest. They urged its passage by every argument and every appeal, on behalf, as they said, of the necessities of the West. Now, sir, I love the West. I have always loved the West. There is an energy and a courage and a dash in the people of the West that always takes my fancy; and in this matter my sympathies were with them, but I did not vote with them. I talked against their bill. I endeavored to obtain the floor to speak against it here. Why? Because there was much inflation in the bill? By no manner of means. Because I believed that my country could not pay every dollar her printing-press prints? By no manner of means. But, sir, because I felt that the faith of the country had been plighted, and that a step away from that plighted faith involved dishonor to the country. And, sir, the people of my section and of many other portions of the country applauded the President of the United States because he vetoed that bill. And why? They said it saved the credit of the nation. And the same gentlemen who applauded that act, to-day, when he sends his message here and tells you that the failure of the enterprise will be deplorable, that it rests upon you to say whether or not it shall fail say, "Let it fail;" and I suppose would also say, besides, "Let the honor of the nation look out for itself, while we look out for our seats."

Now, sir, I propose, so far as I am concerned, to look out for the honor of the nation in all measures under any and all circumstances

whatsoever. Sir, what shall be said to Bismarck? What letter are you going to instruct your Secretary of State to send him in reply to the acceptance which was read yesterday by my colleague from Maine? Why I suppose that if the gentlemen opposed to this bill have their way they will instruct the Secretary of State to write to him in this manner: "My dear sir, the American people instruct me to say that they are delighted with the kind expressions used in your acceptance of the invitation which our President sent to you to join in our international exhibition, but"——

Mr. COBB, of Kansas. Will the gentleman allow me to ask him a question?

Mr. FRYE. Not until I get through with the letter that I am writing. "But, sir, I am also desired to say in behalf of the American people that some citizens of Pennsylvania, and of Philadelphia especially, cheated by false pretenses the intelligent American Congress into passing a law under which the President intelligently issued this proclamation. I am instructed further to say that our finances are in a deplorable condition, that we are called upon to pay $3,000,000 to entertain you as our guest, and that we cannot by any possibility do it, and if we could, I am instructed to say further (that instruction comes from my colleague from Maine) that the people of Pennsylvania, having cheated us by false pretenses once, will make a raid on us by and by, and that if we invite you here now and pay this $3,000,000, cheated by these wicked Pennsylvanians, we should be compelled to pay $9,000,000 more."

Mr. HALE, of Maine. That would be a pretty good letter.

Mr. FRYE. I have no doubt, according to the sentiments of the gentleman from Maine, it would be a dignified letter for one great nation to send to another.

Mr. DAWES. There is no eagle in it.

Mr. FRYE. No; there is no eagle in that letter at all, and if the gentleman from Massachusetts has his way we shall need no eagle again. But that reminds me that there would have to be another letter written which was suggested to me by the speech of my colleague. There was, according to him, only one power worth noticing that had been invited and had accepted, and that was Germany. What kind of a letter shall you write to those little fellows like the Netherlands? I suppose you will instruct your Secretary of State to write something like this: "Sir, the American Congress instruct me to say that while they admit you have had something of a history among the nations of the earth, yet you are to-day small and insignificant and hardly worthy of the notice of a great people like ours, and I am instructed to say to you that the invitation which you accepted of the President of the United States is hereby withdrawn." And so with the rest of the powers one after the other. And you expect the American people to allow you to clip the wings of their eagle in that way, do you? Now if the gentleman from Kansas desires to ask me a question I will hear it.

Mr. COBB, of Kansas. The gentleman has given us two or three letters. I would like him to tell me what sort of a letter he will write to the people relative to the acts of Congress of 1871 and 1872 which said that this exhibition never should be a charge against them. I would further like to know if he would embody in that letter the fact that you may break faith with the American people in any way, but you must keep it with foreign princes.

Mr. FRYE. I heard yesterday from my colleague—and I give him credit for being one of the ablest men on the floor of this House, and he is my personal friend and I listened to him with a great deal of interest; I am answering the gentleman's question—I heard a history of forty minutes in length about this enterprise, when it was born, what swaddling clothes were placed upon it, in what cradle it was rocked, who was the nurse, who the father and who the mother.

I say now to the gentleman from Kansas that not one single word of that whole history is applicable in any possible way to the question now before this Congress. Those were all secrets of the Chamber in which the babe was born, and not one word of that history ever went to the world. I am dealing with those facts which were by authority sent abroad to all the nations of the earth through their diplomatic representatives; what took place in our own silent Chamber cannot affect the position at all.

Mr. COBB, of Kansas. But are not the statutes of the United States a child full born and created, the creature of the people, whether the statements made here belong to them or not? I had supposed that the acts of the American Congress of every character were the people's.

Mr. FRYE. What are you doing? Are you asking me a question or making another speech? The gentleman from New York [Mr. TREMAIN] yesterday replied to this very question which has been asked me by the gentleman from Kansas to-day. The acts of Congress, sir, nowhere admit of the interpretation which the gentleman puts upon them. Under those bills there should be no liability imposed. Under those bills there has been no liability imposed. This is a measure brought before Congress alone by itself, and the honor of the people rests upon this measure now here before us and upon the public circumstances, those which have been proclaimed to the nations of the earth by the express authority of law.

Mr. Chairman, I did not when I commenced propose to talk half the time I have, and I have but a word or two more to say. If I should vote against this bill I should be untrue to myself and untrue to my constituents, I believe. But say gentlemen here: "Your constituents are opposed to this; my constituents are opposed to this." I tell you, gentlemen, your constituents under a mistake of facts, under misrepresentation, under misconception of circumstances, may for aught I know be opposed to it; but I do not believe they are. My people are patriotic, laborious, I admit; economical, I admit. But they know what the country cost; they know how precious a thing it is, and before they would allow the honor of their country to be tarnished, every patriotic man and woman throughout the district would give a day's work, ay, or a month's work, if you come to that. Do you suppose that they would refuse to pay the paltry sum of eight cents each, which this bill calls for, for the same holy purpose? I know they will not.

A distinguished member of this House, the Speaker of the House of Representatives, only one year ago to-morrow, in Philadelphia, in the speech which he made giving in his adhesion fully and completely to this international exhibition, giving his opinion that the Congress of the United States would contribute whatever might be necessary to make it a success, said of his own State what I will read:

> In my own State of Maine a very lively interest is manifested; and I am sure that at the proper time a liberal appropriation will be made, as will be the case with the other States.

I say with him that Maine will be alive to this matter, and that all the States in the Union will be alive to it. I dare go to my constituents voting for this measure, and I dare not go to them voting against it. But suppose they are to-day against it, then what? Am I bound to do what my constituents command me to do, nothing more, nothing less? Is that the place I occupy on this floor? Am I entitled to no manly independence whatever? When I come to the Congress of the United States am I compelled to drop manhood, and upon every vote, or every word, or every letter, send down to my constituents and feel of their pulse in order that I may know what they will say or think of it? Sir, they elected me their Representative in the Congress of the United States, and when they did that they clothed me with power not alone to represent them, but to be a representative of my whole country, from the North to the South, from the East to the West. And if they should demand of me with one voice to-day that which I believe was a discredit and a dishonor to my country, I would say to them, with all respect, "I will not do the wicked thing."

I honor my constituents. They are honest, patriotic, and intelligent, and ordinarily their expressed will would be my law. But must I cast every vote in fear and trembling, lest I cross their unexpressed will? Would they honor the coward who represented them?

I know my constituents well, almost every man personally. They know me, and I am willing to go to them on the record I make here to-day. If they hide their faces from me and say, "You have been an unfaithful servant," I must submit for the time and let the future set me right. But I think they will give me credit for honesty of purpose, they will give me credit for a warm heart and warm blood, and will believe that whatever I do is done conscientiously, from pure motives, and with an ardent love for our common country. Though they may believe I did wrong, they will forgive me and say, "Well done, good and faithful servant."

Mr. GUNCKEL. Mr. Chairman, I have several Fourth of July orations, but as I did not anticipate any use for them in Congress, I left them at home. I hope I shall, therefore, be pardoned if in the remarks I make on this bill I say nothing of "our great and glorious country" and "the Star Spangled Banner," nothing of the American eagle or *E pluribus unum*, but come at once to the plain, practical question, whether Congress should pass this bill and so appropriate $3,000,000 to the centennial exhibition enterprise. In the West we believe in the Fourth of July, and always celebrate it, but, in our homely phrase, "we foot our own bills." We never thought of getting the General Government to pay the expenses or of asking a subsidy for such a purpose, and must be excused if we think it a little strange that anybody else should ask a subsidy for a Fourth of July celebration.

The first question that would naturally arise is whether there be any warrant in the Constitution by which Congress may make an appropriation of $3,000,000 for this centennial exhibition. It is somewhat singular that of the two distinguished members of the Committee on the Judiciary, and of the four eminent lawyers who have spoken upon this question, no one has even alluded to this all-important question. They must have known, and full well, that there was a serious constitutional question involved; that it had been raised by some of the most distinguished lawyers in the United States in the discussion in the Senate a few weeks ago. Why, then, have they not been pleased to enlighten the House on this subject? I call upon those who shall follow me to point out the particular clause of the Constitution under which Congress is empowered to make this appropriation, and to present such argument to my good friends on the other side, who have been in the habit of regarding the Constitution as an instrument to be strictly construed, as shall warrant Congress to exercise this new and extraordinary power. I do not propose to argue the constitutional question at this time; I merely want to suggest that there is a grave constitutional question involved which cannot be ignored. I may be answered that the power has been already exercised by Congress, and recently by legislation for the relief of those suffering from the inundation of the Mississippi. In such extraordinary claims upon our sympathy and humanity no one may have cared to raise

the question; although it was raised in the Forty-second Congress, and relief to those suffering from the Boston fire refused on this very ground. But here it is raised, and the learned gentlemen on the other side must meet it, and meet it boldly and squarely.

But, sir, passing from that and coming to the question of expediency, to the question whether this Government is in a good condition to appropriate $3,000,000 for a mere celebration, a mere show, dignified though it may be by the high-sounding title of "international exhibition," I think the matter was well put yesterday by the gentleman from Massachusetts, [Mr. E. R. HOAR.] I must say that his question was the best question, and the answer of the gentleman from New York [Mr. TREMAIN] the poorest answer, that I ever heard in all my life. I beg to put them on record, to show that lawyers are often better at asking than answering questions:

Mr. E. R. HOAR. Will my friend allow me to ask him a question? I wish to ask him where he proposes to get this money, consistently with the pledges of the United States, with the public debt increased $2,000,000 in the last year, and with no provision for a sinking fund; and whether he thinks it becoming in anybody to borrow money to celebrate his birthday?

Mr. TREMAIN. I presume if I was a member of the Committee on Ways and Means of this House I could find means enough to pay $3,000,000. In the name of my country, the richest country on the face of God's earth—a country that during our late war raised daily for months in succession $4,000,000 from its own resources—I trust I never shall be required to find out where $3,000,000 can be raised when we have two years to raise it in.

Mr. BUTLER, of Tennessee. I raise the point of order that the gentleman from Ohio [Mr. GUNCKEL] should address the Chair—not turn from the Chair to address the House.

Mr. GUNCKEL. Well, that is a little unkind in my good friend, who is an old member and who makes a point upon a new member which he has never made upon an old one, although he knows I am simply following the example of my seniors.

Mr. BUTLER, of Tennessee. I made the point because I knew it was good, and I wanted to break the gentleman at the start.

Mr. GUNCKEL. I fear he will have a hard time to break me into speaking to the Chairman and not to the whole committee, when it is the committee and not the Chairman that I seek to convince.

Mr. DAWES. Why did not the gentleman from Tennessee correct an old member, who turned around and addressed the House for an hour?

Mr. BUTLER, of Tennessee. I was waiting for you, as you are always correcting everybody.

Mr. DAWES. If the gentleman would learn from me, he would learn a little manners.

Mr. BUTLER, of Tennessee. You never had any yourself.

The CHAIRMAN. The committee will come to order, and the gentleman from Ohio will proceed.

Mr. GUNCKEL. My good friend from Tennessee does me honor overmuch in wanting me to speak so I shall not be heard by the House, for it is an admission by a friend of this bill that I am stating facts that damage his cause. But I have a duty to perform, and so I cannot accommodate him.

Mr. BUTLER, of Tennessee. My good friend misunderstood me. I wanted to hear him.

Mr. GUNCKEL. Well, if my anxious friend will come here I shall be glad to have him hear me. It may do him good.

Mr. BUTLER, of Tennessee. If you address the Chair, I can hear you from my own seat.

Mr. GUNCKEL. Now, sir, the only answer that can be made to the question of the gentleman from Massachusetts [Mr. G. F. HOAR] is that we shall borrow the money or raise it by increased taxation. But do we want to do either? A great deal has been said about the good faith and honor of this nation. My distinguished friend from Connecticut, [Mr. HAWLEY,] in the discussion on the currency question a few weeks ago, had a great deal to say upon that subject, and especially in connection with the platforms of the republican and democratic parties. I beg right here to call his attention to one plank of the republican platform:

7. The annual revenue, after paying current expenditures, pensions, and the interest on the public debt, should furnish a moderate balance—

For what? For the centennial exhibition? For any show? For any celebration? No. But—

for the reduction of the public debt.

The democratic platform was substantially the same. Here, then, both parties pledged themselves that, after paying the necessary expenses of the Government—pensions, interest on the public debt, &c., being what we owe and need to carry on the Government—every cent of the revenues of the country should be applied to the reduction of the public debt. And yet these gentlemen who talk so eloquently of the honor and good faith of the nation would persuade us to violate these party pledges, and disregard the principles of honesty and honor thus sanctioned by the whole people of the country.

The eloquent gentleman from New York [Mr. TREMAIN] claims that honor and good faith require us to make this appropriation. With all deference to the learned gentleman, I cannot see it. I find nothing of that kind in the laws of Congress, nothing in the acts of the President, nothing in the whole history of the centennial. On the contrary, there was a distinct avowal upon this floor and in the Senate, by such distinguished gentlemen as the Senators from Pennsylvania, (and even the worthy Senator from my own State, Mr. SHERMAN,) that all that was asked was that the Government should give character to the exposition and give the people of Philadelphia the privilege of having the show (I use their own word) at their own expense. Both acts of Congress (and as they have been read I will not detain the House by reading them again) contain distinct limitations and conditions that the United States shall not be liable for any of the debts of the corporation or be called upon to pay one cent of the expenses of the exhibition.

Right here I ask to have read at the Clerk's desk an extract from a speech of Charles Sumner, delivered in the Senate a few weeks ago upon this very subject. As it is one of the last public utterances of that great and good man, it comes to us with peculiar force and solemnity.

The Clerk read as follows:

Senators speak of pledges, of conditions. Sir, there is but one real pledge in this bill; there is but one real condition. That pledge is, that the United States shall not be called to pay a dollar; the condition is that our Government is relieved of all responsibility on account of this undertaking; and that is the ruling condition, to which all else is subordinate. Let me read it:

"That no compensation for services shall be paid to the commissioners, or other officers provided by this act, from the Treasury of the United States; and the United States shall not be liable for any expenses attending such exhibition, or by reason of the same."

Now, Mr. President, could language be plainer, more explicit? The United States is never to pay a dollar. And now, sir, the vista opens; we are to begin with $3,000,000 down, and nobody knows how many millions afterward; and yet the fundamental condition was: "The United States shall not be liable for any expenses attending such exhibition, or by reason of the same." How, in the face of that condition, can Senators rise in this Chamber and speak of public faith as pledged to this measure? Sir, the public faith is the other way. You and I and all of us are bound to the people of the United States by that condition embodied in the bill, that not a dollar shall be paid. That condition commended the bill originally to the people, because they saw that under it a generous corporation would undertake a service for which the country would be grateful; and the people saw that their taxes would not be increased, that their pockets would not be entered. But now the proposition is to increase the taxes and to enter the pockets to carry out this bill.

Mr. GUNCKEL. Mr. Sumner seemed to think the good faith and honor of the United States did not require a single cent of expenditure from the General Government; that the obligation of honor and good faith was all on the other side; that the managers of this enterprise were bound in honor and good faith not to ask one cent from Congress; that the members of Congress were bound in honor and good faith to the people of the country that their money should not be taken for this purpose, and that it should in no case cause them to suffer increased taxation and increased burdens; and was he not right, exactly right?

I am reminded, in this connection, that there was made here yesterday a remarkable statement by the honorable gentleman from Indiana, [Mr. PACKARD,] which I desire to have read by the Clerk.

The Clerk read as follows from CONGRESSIONAL RECORD of May 6:

Mr. Chairman, the gentleman from Maine desires to know when this Congress became bound to assist this exhibition. It was bound the very day it passed the first enactment providing for an international exposition. I will say for myself that from the very day when the measure became a law I felt that Congress would be bound in a certain sense to carry out this work, and I said to some of my friends that Congress would have to pay a portion of the expenses, and that when the time came I should be willing for one to come forward and assist, so far as lay in my power, in providing for those expenses.

Mr. GUNCKEL. So it appears that away back in 1871 they knew very well that they would come and ask Congress to make this appropriation of money. The proposition then was very innocent in its form; they only wanted an incorporation so as to give the enterprise "character;" they wanted no money, and would pay all the expenses themselves. Then, after a while they wanted simply to have the financial managers incorporated, and a provision by which the Government should print their bonds so that they should not be counterfeited; and still no Government money asked, no Government liability proposed. So matters went along until the beginning of this session, when they were a little fearful that the invitation was not quite explicit enough. They simply wanted us to make the invitation a little more cordial and emphatic; that was all. So we have been carried along step by step, until now it appears by the frank declaration of my honest friend from Indiana that they knew all the time, even away back in 1871, that Congress was to be committed to the appropriation, and that, notwithstanding the statements made in Congress and the conditions of the several acts to the contrary, they would in their own good time come here and claim these millions of dollars, and insist that the honor and good faith of the nation was pledged thereto.

Mr. PACKARD. If the gentleman will allow me, I wish to say right here that what I have said in reference to that applied to myself only. I expressly stated I spoke for myself alone. I had no word with any gentleman who was one of the original promoters of this enterprise. I said that, in my own conviction in reference to what I expected in regard to this matter, I felt it would be my duty to vote for congressional aid, and I did not doubt the time would come when Congress would be called upon for such aid. I told the same thing to a few of my friends, not any gentleman from Pennsylvania being included. I mentioned the matter outside of Congress entirely, but not to any gentleman connected with this House. I felt then and believed fully they would have to come to Congress for aid to carry on this celebration, as they have come to Congress now. It is only what I felt myself would occur; and I resolved then, if it did occur, I would give it my sanction, my support, and my vote.

Mr. GUNCKEL. I honor the candor and frankness of my friend

from Indiana. He is a western man, and like western men frank and honest in his avowals. He admits that it was known and understood at the time that they could not raise the money themselves, and would have to come to Congress and ask for what they distinctly avowed they would not want and would not ask. And yet these gentlemen talk of "honor" and "good faith."

My friend comes from Indiana. I believe he is in favor of an inflation of the currency. I believe he is one of the gentlemen who told us during the discussion on the currency question that there was a general prostration of business in Indiana, the factories were stopped, the operatives thrown out of employment, and men, women, and children starving. Was this merely an inflation argument; or was it really true? I notice there was a meeting held at Indianapolis the other day, when fifteen hundred laboring men marched through the streets carrying banners, and upon them were such inscriptions as "Corruption among the upper ten—starvation among the millions;" "God help the poor—the Government protects the rich." If there was reason for such a demonstration and for such inscriptions; if there be really so many men out of employment and so many women and children starving in the wheat and corn-growing districts of Indiana, is this the way to relieve them? Will it help them to give three million dollars for the purpose of a grand international centennial exhibition, and thereby force the Committee on Ways and Means and Congress to put the tax back upon tea and coffee? When they ask for bread, you give them a stone; adding insult to injury.

But, Mr. Chairman, you will remember that in the beginning the friends of this enterprise assured us that all they wanted was an opportunity to go to the people of the country; that the people were patriotic, liberal, and unanimously in favor of a grand Fouth of July celebration; that there would be a million of people who would be glad to subscribe ten dollars each, and so they would have $10,000,000—all the money they wanted. Well, how have these predictions been verified? They have had a year or two in which to get these subscriptions. They admit in their official report to Congress that they have used all sorts of means, by circulars, through newspapers, through the various national banks, by different agencies—and we know pretty well how efficient they are in this business, as we have been ourselves receiving a good deal of matter of that sort for two weeks past—I say after all these efforts, after all their appeals for over a year, what have they done? The gentleman in eloquent words told us how enthusiastic the people of Maine, including the poor fishermen, were for this exposition and how willing to have a liberal appropriation therefor. Now, what, sir, has the good State of Maine, when it had an opportunity to show its faith by its works, done? What have the patriotic, liberal people, the warm-blooded, great-hearted people, of Maine given?

The gentleman from Pennsylvania [Mr. KELLEY] gave us a list of the subscriptions in each State, and the number of subscribers and the amount of money they were willing to give the centennial exhibition. I have carefully examined the list from the top to the bottom, but cannot even find the State of Maine in the list, and so am reluctantly forced to the conclusion that there was not even one man in the whole State who was willing to subscribe ten dollars to the centennial exhibition. The State of Indiana, which the gentleman [Mr. PACKARD] told us yesterday was one of the richest in the country, one of the richest in proportion to size and population in the world, subscribed thirty-two shares, at ten dollars each, making a grand total of $320. And the State of Connecticut, honored as it is with having the president of this centennial commission—its people thoroughly informed through that gentleman's newspaper of the purposes and objects of the exposition, and blessed with general prosperity, plenty of banks, and plenty of money—what has she done for this great, this patriotic purpose? I find the State of Connecticut subscribed six shares, at ten dollars each, making the magnificent sum of sixty dollars, toward this grand centennial celebration, which we have been been repeatedly told comes only once in a hundred years. And, as further evidence of the great popular impulse, I beg to put on record that there was taken in the State of Iowa one share, in Kansas one share, in Tennessee one share—thirty dollars in three States; while I am pained to say that the great, rich States of Vermont and New Hampshire did not contribute one single penny.

Now, Mr. Chairman—for I must address myself to the Chair occasionally or my friend from Tennessee will again call me to order—they went also to the Legislatures of the different States. They asked them for appropriations, and they were refused. They went to the people, and the people refused them. I have heard of a good many appeals from Congress to the people, but this is the first time I ever heard of an appeal from the people to Congress.

They come to us, and ask us to do what the Legislatures have refused to do. They come to us, and ask us to do for the people what the people have refused to do for themselves. My friend from Maine [Mr. FRYE] does not care for the people. He is bound to be right. Well, now, I have heard a good deal of that sort of congressional talk. I have heard expressed a great disregard of the press and of the clamor of the people. It seems to me that we occasionally forget why we are here and what we are.

Mr. MONROE. And who made us.

Mr. GUNCKEL. Yes; and who made us. We forget that we are here simply because the people cannot come themselves. They have become so numerous that they cannot assemble *en masse* and make their own laws, as did the people of the simple democracies of olden times. They are compelled of necessity to select representatives, who are simply their servants to do their will. I think that in the case of my good friend from Maine, if he can conscientiously carry out what his constituents want, he is in duty bound so to do; but if not, it is his duty to resign, go home, and make way for somebody who will represent the will of the people.

Surely, sir, there can be no question as to what the will of the people is on this question. Suppose they could by any possibility be all gathered together in these hard times, with money scarce, with men out of employment and women and children starving, how many millions would they be willing to be taxed to give to this Philadelphia show? Would it be one million? Would it be one dollar?

But the learned gentleman from Pennsylvania [Mr. KELLEY] says that all they ask is the pitiful sum of $3,000,000. Well, it may be a pitiful sum, but it would feed and clothe not only all the sufferers by the Mississippi inundation, but all the suffering in the whole country. It may be a pitiful sum, but it would be enough to finish the Washington monument and cheapen transportation by clearing out some of our western rivers. It may be a pitiful sum, but it would go far toward paying the debts still due the soldiers, to whom we owe the life of the nation, and answering their appeals for the increase of their pensions and the equalization of their bounties. Well, if pitiful in amount now it will not long remain so; the $3,000,000 will soon grow to $6,000,000, and that to $10,000,000. Upon this point I beg to quote again from Charles Sumner. In his speech you will find that he had made a careful calculation in regard to the whole matter. He found that the Vienna exposition cost from twelve to seventeen million dollars; and if you will examine the centennial report you will find these gentlemen are careful to say that labor is a great deal higher here, that material is higher, and that it will cost a great deal more here than in Austria, and the United States therefore ought to be much more liberal than they were across the ocean.

But to the quotation; and I beg you to remember they are among the last words of Charles Sumner:

> Sir, I content myself now with the language of Washington, when I say that the $3,000,000 will be but a "flea-bite" compared to what will be required if this swelling scheme is carried forward in the form announced, and in the propositions already presented to the Senate.
>
> Sir, I cannot err; there can be no mistake about that. We have before us the experience of the Old World in the exhibitions already held. We know the large expenditures. We have the recent experience of Austria; and although there is a discrepancy in the testimony with regard to the cost or the sum total of cost on that occasion, yet what we do know, even the statement made to-day by my friend the Senator from California, founded on a diplomatic dispatch from our minister at Vienna, is sufficient to warn us now. Why, sir, according to that dispatch the cost was 20,000,000 florins, gold, equal to $12,000,000 of our money. Now, does any one suppose that a structure equivalent in architectural character and in its equipment to that which recently excited the admiration of the visitor at Vienna can be reproduced in our country for the same sum it cost them at Vienna? Does any one suppose it can be done? Senators, look at it carefully and frankly. Will it not cost much more? Is there not a difference in labor between Philadelphia and Vienna which introduces at once an enormous discrepancy? If the exhibition at Vienna cost $12,000,000, will not the exhibition at Philadelphia, if organized on the same scale, cost $24,000,000? Will it cost a dollar less? Will the people of the United States, if once engaged in this considerable work, be content with an exhibition that shall fall short of that of Vienna? Will they not require that the art treasures assembled here shall find a temporary home in a palace that shall rival anything in Vienna? Will they be content with anything less? Should they be content with anything less? * * * Where, then, does that lead us in cost? Far, very far, beyond $3,000,000; far, very far, beyond $10,000,000; far beyond $15,000,000; I fear far beyond $20,000,000.

That, I verily believe, is the expenditure which may be anticipated. Why, then, do these gentlemen not come in a straightforward way and tell us what they want? In the light of what the gentleman from Indiana [Mr. PACKARD] told us, why did not they tell these things in 1871 or 1872, and so permit Congress to act knowingly and advisedly in the premises? Why did they not say in plain English that it was not incorporation, not character, not an act to prevent counterfeiting their bonds, that they wanted, but money, and that the money they wanted was ten or fifteen million dollars? Would not such an open, manly course have been more becoming in those who talk so eloquently of good faith and honor?

Mr. MCCORMICK. Will the gentleman allow me just at this time to hand him a letter that may give him some light on this subject—a letter from the centennial board of finance?

Mr. GUNCKEL. I do not want any documents from the gentleman just now. If he has any question to ask I will endeavor to answer it. I believe the gentleman has the floor after me, and I do not care that he shall inject his speech into mine.

Mr. MCCORMICK. I do not want to make a speech. But I hold in my hand a letter from the chairman of the centennial board of finance, assuring Congress that $3,000,000 is the total sum that will be asked at any time.

Mr. GUNCKEL. And the same gentlemen told us three years ago that they did not want anything, and they repeated that statement one year afterward. How then can we accept as very credible what they say now, that they only want three millions? They say if Congress will give them three millions, they can then go back to the people and get the rest from the people. Do you suppose that when they have once commenced getting money from Congress that they will ever go back to the people for the balance they want? They have not succeeded very well so far in their appeals to the people. They will hardly think of going to Maine again. They will not even be tempted to go to Connecticut. What will they do? Like all peo-

ple in a similar position, they will come back to Congress, because they well know that is the easiest mode of getting money ever yet invented in our Yankee nation.

Mr. McCORMICK. Will the gentleman allow me to ask him one question?

Mr. GUNCKEL. Certainly.

Mr. McCORMICK. Has any member of the centennial commission or of the board of finance ever asked Congress for a dollar before?

Mr. GUNCKEL. That is what I complain of, that they did not say in the beginning that they would want this money.

Mr. McCORMICK. Or that they pledged themselves that they would not come here for money?

Mr. GUNCKEL. Yes; they distinctly pledged themselves in 1870, in 1871, and 1872, as the distinguished gentleman from Maine [Mr. HALE] showed by the copious extracts which he submitted to the committee yesterday.

Mr. McCORMICK. The gentleman reads the law differently from what I do.

Mr. SMITH, of Ohio. They asked for four or five million dollars a few months ago.

Mr. GUNCKEL. My colleague, [Mr. SMITH,] who is a member of the committee, says that they asked for four or five millions a few months ago. I do not know why they should make the estimate any less now.

Mr. McCORMICK. I wish to ask the gentleman another question. I have been a member of the centennial commission from the beginning of its organization, and I never heard of its approaching Congress for money before. Nor have I ever heard any member of the commission express his feelings that Congress should not at some time be asked for assistance. Those promises were made by citizens of Pennsylvania, not by members of the commission. The commission was not organized at that time. The gentlemen who come to you now have never been before you in any capacity whatever to ask money.

Mr. GUNCKEL. If the gentleman will look at the law he will see that it contained an express prohibition; as Mr. Sumner said, it provided that they should never come to Congress for a cent. And the gentlemen who represented them on this floor and in the Senate declared that they never would. My complaint, which my friend does not seem to understand, is that in the beginning they did not claim what they are claiming now; that they did not honestly and frankly, as the gentleman from Indiana [Mr. PACKARD] did yesterday, say three years ago that they meant to ask Congress for pecuniary aid. We should then have had something to say as to organizing this exhibition. We should probably have wanted to organize it in a particular way; and the West, the great West, would have had something to say about the location of the exposition, and would perhaps have wanted it a little nearer to the center of population in this country. But they drew us on, step by step, till now they have got the machinery as they wanted it, and the location where they pleased. And now they will come here from year to year and ask more and more money from the Treasury of the United States.

Mr. McCORMICK. I hope the gentleman will admit that I come from far enough west.

Mr. GUNCKEL. Yes; my friend comes from Arizona, and Arizona is a Territory that does not pay much of the taxes of the country.

Mr. McCORMICK. We have taken our share of the centennial stock.

Mr. GUNCKEL. If I represented a people of that sort, may be I would be upon the same side; but I happen to represent a people who pay a large part of the taxes, and therefore I vote as I know they would have me vote, in opposition to this measure.

Mr. McCORMICK. I call the gentleman's attention to the number of shares of centennial stock taken by Arizona.

Mr. GUNCKEL. Very well, I will look on this list and see what Arizona has done.

Mr. McCORMICK. She has done her proportion.

Mr. GUNCKEL. I shall be sorry if she beats Connecticut and Maine, where the people are prosperous and have a superabundance of banks and money. Arizona has subscribed for one hundred and two shares. Well done for Arizona! That is just one hundred and two more than Maine, Vermont, and New Hampshire together, and about one hundred more than Connecticut and three or four times as much as the whole of New England.

But the gentleman from New York [Mr. TREMAIN] said yesterday that we were committed to this, and my friend from Maine [Mr. FRYE] has been very eloquent about that matter. I certainly give him credit for a speech of great ability and eloquence. These gentleman say that we are committed, that the President's proclamation and the letter of the Secretary of State bind us, in honor, to this international exhibition. How came the President to issue his proclamation? There was an express provision in the original act that the President should do nothing and the Secretary of State should do nothing until provision had been made for the erection of all these buildings; that is, until money was obtained with which to erect them. How, then, came the President to make this proclamation? Why, let us see. Let us take the language of the President himself, in his proclamation of July, 1873. Here it is: "And whereas his excellency the governor of the State of Pennsylvania did, on the 24th day of June, 1873, inform him that provision had been made for the erection of the buildings," &c. The governor of Pennsylvania assured the President that provision had been made. Now, when you talk about provision for the Army, or provision for the poor, or provision for the construction of buildings, you mean the money by which it may be done. The President was therefore officially informed by the governor of Pennsylvania that the money had been obtained for the erection of all these buildings. How did they get it? Why, there has been an appropriation of $500,000 by the city of Philadelphia and $1,000,000 by the State of Pennsylvania, and for these I will gladly give them full credit and high praise. But for what were these $1,500,000 appropriated? For the general purposes of this centennial association; to go into this same fund into which they want the money of the United States to go? O, no; it is a special fund, for a special purpose. What is that purpose? Why, to erect an art building, one building and one only, and that building not to be the property of the centennial commission, not to come into the common fund. O, no; but their million and a half is to be a preferred claim, secured by a first mortgage. If money is to be lost our money shall be lost, not theirs. Come success or come failure, their money is safe. That is the way in which we are committed; and it was upon that statement of the governor of Pennsylvania that this letter of the Secretary of State was sent to the different powers of Europe.

But my friend from Maine says we have given such an invitation that we cannot without a breach of etiquette take it back, and he grew very humorous in inditing a letter of withdrawal addressed to Bismarck. Well, sir, the accomplished gentleman undertook a work of supererogation. The Secretary of State, Mr. Fish, had anticipated him. It seems he was quite equal to the emergency. What gentlemen call his letter of invitation was in fact anything but an invitation. He did not invite foreign nations on the part of the United States; he simply commended to their favorable notice this Philadelphia exhibition. But, finding that his first letter had been misunderstood, finding that Bismarck had misunderstood him, he sent a second letter, which I have here, and which I ask the Clerk to read.

The Clerk read as follows:

It will be observed that the President in his proclamation has extended no "invitation" to foreign powers to participate in the exhibition. He was not authorized so to do, and while he desires to attract as much attention and interest as possible thereto, he carefully confines himself to "commending" the celebration of the centennial anniversary of American independence, and the exhibition which is to be held in connection therewith, to all nations who may be pleased to take part therein. It is presumed that you will not have failed to observe the guarded language of the President's proclamation, and the difference between it and that which would be used in extending an invitation to other powers.

Mr. GUNCKEL. Very well and very gracefully done; it puts us right with our own people, and puts us right with the people of the world.

But I have already taken up much more time than I intended. I will close simply by reference to what I conceive to be the will of the people. How many petitions have come in here from the people asking that this appropriation shall be made? Not a single petition, not a single memorial. In my own State, the State of Ohio—and I have taken some pains to ascertain the fact—not one single newspaper, city or country, daily or weekly, has, so far as I have ascertained, favored this appropriation. In so far as I have been able to consult my own constituents and the people of the State of Ohio, I have yet to find a single person that favored this appropriation. Speaking of the newspapers, perhaps I should make one single exception. I hold in my hand a newspaper of very great circulation, independent in politics. In its issue of Monday last there is a leading editorial that seems to be in favor of this centennial exhibition. Without pretending to adopt it, or sanction either its language or its statements, I will send it to the Clerk's desk to be read. If it seems to reflect upon the very honorable gentlemen connected with this exhibition, I disavow any such purpose. I have the highest respect for the distinguished gentleman who is at the head of this centennial commission, and each and every one of his associates.

Mr. HAWLEY, of Connecticut. Then I beg the gentleman to allow me to say a word.

Mr. GUNCKEL. Certainly.

Mr. HAWLEY, of Connecticut. I am not so thankful for the respect which the gentleman says he entertains for me if he is going to ask an outsider to read that which he would not say himself. If there be anything which is of an insulting nature or reflecting upon the motives and conduct of those associated with me, I beg the gentleman not to have it read here; if he will assume it himself I will not object.

Mr. GUNCKEL. The editor of the paper is, I believe, the intimate personal and political friend of the gentleman from Connecticut.

Mr. HAWLEY of Connecticut. I am on intimate terms with many editors.

Mr. GUNCKEL. The newspaper is the Cincinnati Commercial. Its editor and the gentleman from Connecticut are members, I hear, of the great newspaper syndicate that is going to control public opinion in this country, and organize a new hard-money party. I presume the gentleman read the article on yesterday.

Mr. HAWLEY, of Connecticut. I am not in the habit of looking to the Cincinnati Commercial so much as many Ohio men are.

Mr. GUNCKEL. I do not see why the honorable gentleman need be so sensitive. The editor is his friend, and the newspaper in favor of a centennial exhibition; so I do not and will not indorse it. I do not

think I need to adopt everything which I have read in argument. I may have an authority read; in so far as it may suit my purpose I may adopt it. So I do with this newspaper article. I send it up to be read for what it may be worth, and the gentleman may say what he likes in reply. With that I close my remarks.

The Clerk read as follows:

We beg leave to say that we are friendly to the idea of a great centennial celebration in Philadelphia, and that we hope some such idea will be practically carried out. We oppose the schemes of the men who are managing the project now before Congress. They should not ask money from our cash-box after certifying that they would not ask it. They should not take three millions out of an empty Treasury, to be screwed from people who cannot stand any more taxes. They should not pretend that this sum will be the full extent of their demand, or the half of it, or the quarter of it. They should not keep a gang of lobbyists at Washington, engineering in ways which are anything but virtuous, high-toned, or patriotic. * * * They should not resort to all sorts or any sorts of trickery to boost up a scheme which had its birth under suspicious circumstances, and which looks as though it would come to its death through the leprosy that has been transfused into its blood. We have spoken freely about these things. We have done so in the name of decency and in behalf of our national reputation, which must not be allowed to become the laughing-stock of the world. In doing so, we have not wronged Philadelphia, and have not—never for a moment—cried down the idea of a centennial celebration there. On the contrary, we hope to see a great and successful celebration there two years hence, though it is absurd to suppose that the national centennial will not be celebrated anywhere else than in Philadelphia. We trust, however, that it may be the proper kind of thing. It should be an American affair, and not an international one. The scheme of it should be practicable, and not fantastical. It should not be a thing which will cost ten, fifteen, or twenty million dollars. It should be sustained by the city in which it is to be held, and by stock subscriptions obtained from the American people, and not be a beggar at the Federal Treasury. It should not be run by jobbers, and should not keep a lobby. Its foundations should be laid in truth; its structure raised in wisdom, and it should be crowned with patriotism. It ought to be a work of beauty and utility, of honor and intelligence, and it ought to be something of which the people will be proud while it is in progress, and of which the country will not be ashamed after it is consummated. Let the Philadelphians throw over the foolish scheme which has been forced upon them, adopt a reasonable, sensible, and honest one, and they are sure to find that the whole country will give it enthusiastic support.

Mr. SHANKS. I want to speak of that myself. I do not know what paper that article is published in.

Mr. GUNCKEL. The Cincinnati Commercial.

Mr. SHANKS. Very well. The paper proposes that this exposition shall be a work of patriotism, and yet it goes on to say that the work ought to be done by the city of Philadelphia. Can you call that a work of patriotism, when you attempt to organize a national enterprise and charge the carrying it out upon a single city in the country? If you call that patriotism, I confess I do not understand the term.

I think this ought to be a work of patriotism, and for that reason I think it ought to be a national work. Nothing less than a national work will be a work of patriotism in connection with the celebration of the nation's birth. What I objected to in this whole proceeding was that it was not in the first place organized as a national matter outright. I was not satisfied that it should be proposed to raise by stock subscriptions money for the purpose of celebrating the birth of this great Republic; after we had been in existence one hundred years, to propose that the children of our illustrious sires should go about raising subscriptions from sewing women and laboring men for the purpose of carrying on a national celebration.

Why, sir, the men whom the people sent here to speak for the nation and the nation's honor now turn upon you and say that they are afraid to vote this and that because of the public sentiment created by papers that do not speak in the interest of the people in this matter, but speak only for the purpose of creating a prejudice which may enable them to sell their papers whenever and wherever they may find purchasers who desire to read the last exciting notices and the last wonderful accounts.

Sir, you cannot make this a national matter by going out among the people and gathering subscriptions. That is not the way to make this enterprise national; and short of nationality it is not worth a farthing. I hope that it may be blotted from the memory of man, unless it becomes national in its character—unless the nation takes hold of it and executes it as becomes forty millions of free people.

Why, sir, the proposition that Philadelphia shall carry out a national enterprise like this would, if consummated, forbid every man of soul and spirit from going to Philadelphia during the summer of 1876; for who would feel willing to go there and foist himself upon a private enterprise of the people of Philadelphia?

It is unworthy of the Congress of the nation to plead upon this floor conditions that were forced upon the people when they inaugurated this enterprise—to plead that it was promised the people of Pennsylvania would bear all the expense themselves. Why, sir, the little State of New Jersey—I speak of it only geographically when I say it is small—in view of the fact that the nation has forgotten to take hold of this matter in time, that State, out of its own means, has given $100,000 for this work. And I suppose there are gentlemen ready to go to Philadelphia and celebrate a national event upon money paid by the people of New Jersey. The State of Pennsylvania has furnished more than $3,000,000; and I suppose gentlemen here who have been struck with this economical fit will be very happy to go to Philadelphia and there celebrate a national birthday, and charge the account to the State of Pennsylvania, because the hall in which the Declaration of Independence was made happens to be in the State of Pennsylvania. Why, sir, there is another hall as famous as that; it happens to be in Massachusetts. We cannot hold two national celebrations on the one hundredth anniversary of our independence; consequently we must wait another hundred years before we can have a celebration in Faneuil Hall; and I promise, sir, that then I will not ask $3,000,000 from the national Treasury to pay the expense of the celebration. Other men, however, may do so; and I trust in God that if when that time comes this nation shall still be prospering, the people there will not forget themselves and the country so far as to ask a few of their neighbors to celebrate the anniversary of the nation at their own expense.

Sir, I hope this enterprise will fail, I pray to Heaven it may fail, if the nation is too small to speak out in behalf of its own nationality. As a celebration of Philadelphia, or Pennsylvania, or New Jersey, it ought not to prosper. I want it to die in its birth rather than that it shall be less than a national work. The statement that Indiana has subscribed only a few shares of stock is correct; I hope she will subscribe no more. The statement that other States and Territories have done little or nothing is correct; I hope they will do no more. The funds for this celebration ought to come out of the public Treasury. What would you think of inviting foreign nations to come here to celebrate our national birthday at the expense of Philadelphia? I have no desire to witness such a thing. I hope this Congress will either forbid once and for all that the Executive of the nation shall make any invitation, or hold any communication with foreign powers at all upon this question, and direct him to recall what he has done, or else will vote manfully and patriotically the money necessary to carry out this enterprise. I have said all I wish to say. I think this is a national work; I am not willing to make it less, if we are to have anything to do with it as a nation.

Mr. PHELPS. Mr. Chairman, unfortunately this bill calls upon us to shed, not tears, but money—not money which we can take from the surplus of an overflowing treasury: not money which we can gather with easy hand by a loan which our children must pay, but money which we must tax upon the business and upon the property of a people who are no longer rich or prosperous. And for what? Not to feed our poor, of whom we have many; not to strengthen our defenses; not to unlock our harbors; not to straighten our watercourses, but to imitate here on the soil of the New World a fashionable, gaudy, Old World pageant like those into which, under the name of exposition or fair all the principal sovereignties of Europe one after another have poured their full coffers and out of which they have taken nothing but disappointment and loss.

The people whom I represent bear burdens enough, and I am not the man to add this one to them. Yet I admit with my friend from Kansas [Mr. COBB] that it is not a pleasant task to oppose any scheme which is urged on the plea of patriotism. If there is any feeling of the American heart which can always be touched to the finest issue it is patriotism; and next to this is that love of eloquence which makes each one of us almost a Cicero. And yet here comes this centennial, which in surpassing richness offers a field both for patriotism and for eloquence. Sir, it is not simply unpleasant to oppose it; it is dangerous; for the member who stands up here and speaks against this centennial will be accused of a lack of patriotism and of a lack of eloquence; and who of us likes to be represented to his constituency as being neither patriotic nor eloquent, or, to use the words that I heard here the other day, of being "neither smart nor good?" Why, Mr. Chairman, what our constituencies want is a man who can shed tears on every proper occasion; a man who dare at any place give a piece of his mind to the "effete monarchies of the Old World." Shall we have a member who can not speak of Saratoga and Yorktown, New Orleans and Chippewa, Chapultepec and Mexico, Donelson and Vicksburgh; a man who cannot bound this land of freedom which is "laved by two oceans and a gulf;" a man who cannot rustle these battle-born and blood-stained greenbacks and boast they are the best currency at 10 per cent. discount which the world has ever seen; a dumb dog who dare not in the face of this House and the presence of his constituency, in Maine or elsewhere, take that flag which is over your head and carry it down the centuries with the same courage and at the same risk as Sergeant Bates? Such a man, with soul so dead and tongue so dumb, who cares not for the centennial, shall surely have the pleasure of reading the proceedings of the Forty-fourth Congress in the quiet of his own home. Yet it is only to vote $3,000,000—only "a paltry three millions!" Why, my friend [Mr. FRYE] says those fishermen on the coast of Maine are asking to give it. Why don't they? What are three millions? This is a great nation and owes two thousand millions! Borrow three more, and let us celebrate its birthday. That is the paltry sum we have just saved on our late appropriation bill. It took us but a month to do it, day sessions, night sessions, long speeches, short speeches; but we saved it, and out of the girls of the Treasury, out of the clerks of the Departments, out of the laborers of the Capitol! To save it we have sent want or a pinching economy into a thousand homes. Let us now, at a stroke, give it to a world's fair, and pity those who are so unpatriotic as to vote against it.

I oppose this bill in the interest of my constituency, but in the face of my Legislature. The Legislature of New Jersey requested me to vote for this bill. Ah, Mr. Chairman, that Legislature made a terrible mistake! Had they had the good fortune to send me to the Senate, they would have made me their representative and I would have obeyed their request; but now I stand here on the floor of this House as the Representative of the people; as such I accept with all respect the request of the Legislature, but I accept it only as an argument and not as a conclusion. I accept their requests as argu-

ments of the highest authority, but I obey them only when they indicate and represent the will of the people to whom I am responsible.

In this case the request of the New Jersey Legislature does not represent the will of my people. Why, Mr. Chairman, for me to vote to give $3,000,000 to this great festival (call it the world's fair, an international exhibition, or what you will) would be to taunt the unemployed of Paterson; nor should I dare to walk again their streets.

While I am speaking of Legislatures I want to know, and I ask, what Maine has done? She is willing to shed her tears; has she also shed her money? Let Maine stand aside. What State has done more than to utter those fine words which butter no parsnips? There are gentlemen here from Tennessee, there are gentlemen here from Virginia, and they will read to you, if they have not read before, the wonderful resolutions which their Legislatures have passed. But if New Jersey made a mistake, if she passed resolutions, too, she followed them up consistently with acts—with a money appropriation. What did Tennessee, what did Virginia do? They shed their beautiful words, like the rain of heaven or the tears of Maine, but they shed no money. With an eloquence which was unsurpassed except by that of my friend from Pennsylvania at the opening of this debate, they refused to vote their own money but urged their Representatives upon this floor to vote the money of the nation.

When I heard all these fine words and when I saw their impotent conclusion, there flashed upon me a kaleidoscope of views: the first gathering of the Pickwick club when it was unanimously voted that every member should have a spree whenever he wished, provided he paid his own bill; the smiling face of Mr. Skimpole, whose rhetoric was beautiful but the color of whose money was never seen; and the misfortunes of the eloquent but insolent philosopher who dived into the unfathomable and soared into the infinite, but who never paid cash.

I wish it to be remembered that while I am so unsentimental, so lacking in the elements of public virtue as to refuse to participate in this occasion, there is not a man, unless he comes from my own State, who can cast at me a stone. The State of New Jersey gave something besides words. She gave $100,000. The other States have either withheld their money and their words, or have given words and refused their money. Mr. Chairman, I think it is much better either to say nothing, or to do something.

I refuse to vote for the $3,000,000, first, because this Government in its present condition cannot give $3,000,000 to anything. If I thought this was a proper occasion, and the United States had $3,000,000 to give away, I would not give it. Why? Because $3,000,000 will not be sufficient. They will want ten millions. And again, I would not vote the appropriation of these $3,000,000, even if it were an appropriate object, and even if we had the three millions or ten millions to give, for this reason: I think my friend from Maine, [Mr. HALE]—he of the arguments and not he of the tears—convinced me yesterday that we of this House were entrapped—I say it candidly, for I listened to his argument—we were entrapped, I do not know whether intentionally or unintentionally, and it is not my business to look into the motives of any one—but we were entrapped into giving a quasi support to this exposition. And I am not the man to support any man or any association that endeavors to obtain a result by indirection. Let them come out boldly and ask what they want, tell us the truth, and sink or swim upon that issue. Nor shall I yield to the arguments of those who say "grant it; but because you have been deceived into going one mile, go twain." I think it is better morality and it is better policy if any of us find ourselves in the wrong path, whether we got there by mistake or otherwise, when we have made the discovery to resolutely pause and turn.

Mr. HAWLEY, of Connecticut. I would like the gentleman, while he is on that one point, after his deliberate repetition of the expression "entrapped"—I would like him to be so candid as to name the members of the United States centennial commission, of whom there are ninety-four, with the commission of U. S. Grant in their pockets, who had anything to do with laying the trap he has so courteously intimated has been laid.

Mr. PHELPS. I name no man.

Mr. HAWLEY, of Connecticut. You cannot do it.

Mr. PHELPS. I name no man in that association. I recognize only the acts of the association, of the corporation itself.

Mr. HAWLEY, of Connecticut. That is exactly what I demand the gentleman shall do.

Mr. PHELPS. The gentleman from Connecticut, who is a good lawyer, knows well enough that when we are dealing with a corporation or an association we do not meddle with the individual, but we take the act of the association, or the act of the corporation, as a corporate and associate act, and release the individual.

Mr. HAWLEY, of Connecticut. There is a sort of fairness about that. But let me ask the gentleman one question. As to this entrapping that he speaks of, these declarations or promises or opinions were all expressed long before any member of this commission held a commission, or before the corporation was organized. Now, how can he charge that upon the commission?

Mr. PHELPS. I will give a full absolution. I will acquit the eloquent chairman of the commission, and all his associates, from any guile in thought, in word, or in deed. But here is a dilemma. If not guileful they were very careless, or they were very ignorant men to assume a responsibility and enter an association without examining the acts which define its power, or tracing the history of the measure which they undertook to father. Now we find them representing the measure, and we are forced to hold them responsible for its past.

Mr. HAWLEY, of Connecticut. Then, Mr. Chairman, it was we of the commission who were entrapped.

Mr. PHELPS. That is my opinion. But I must decline to yield further, because my time is passing away. I stated, Mr. Chairman, that when we got into a wrong path, as I think we have now, it was better to resolutely turn than to go farther. I think this is a wrong path. And now for the merits of the question: I drop all questions of the pecuniary ability or of the pecuniary duty of the Government in this regard, and come to the consideration of these.

I say to my friend from Connecticut he is in a bad position and we are in a bad path, because this celebration should not be international. We ask the governments of the Old World to come here and join in our celebration of American independence—to celebrate what? Our glory and their humiliation; the triumph of the institutions of government which we cherish, the fall of the institutions which they uphold.

Can we expect that England will take a zealous interest in an anniversary which celebrates the loss of the brightest jewel that was in her crown? Can we expect that the Emperor William, already struggling with the independence of his own Parliament, will want to call the attention of his German Hampdens to this most conspicuous exposition of representative government? Can we expect McMahon, who, in the name of Brutus, is wielding the scepter of the Cæsars—can we expect him to call the attention of the French to the success of a government which is of the people, by the people, and for the people? It seems to me, Mr. Chairman, that to make of this an international exhibition, and to invite men who belong to European governments to come here and rejoice with us in this celebration, is absurd. It is to me the same as if a man urging his unwilling bachelor friend to marry should tell him if he only would, he would get a mother-in-law.

Mr. MELLISH. Will the gentleman allow me to ask him a question?

Mr. PHELPS. If it is pertinent to this point.

Mr. MELLISH. It is pertinent to this point.

Mr. PHELPS. Then go ahead.

Mr. MELLISH. I only want one minute. Will it not be a funny spectacle——

Mr. PHELPS. The gentleman has it written, and he can get leave to have it printed without taking my time, which is limited.

Mr. MELLISH. It will not take a minute; and I do not see any opportunity of getting the floor.

Mr. PHELPS. I have promised to conclude at twenty minutes before five o'clock, and I really cannot yield.

Mr. MELLISH. It is not against your argument. The gentleman is mistaken if he imagines that I am in favor of the appropriation. You said I might ask the question if it was on the point. It is directly to the point.

Mr. PHELPS. O! I did not know that the gentleman from New York was an ally. I cheerfully yield, and recognize the propriety of his interruption.

Mr. MELLISH. Will it not be a funny spectacle, after we have invited to the celebration of the great central American idea, of liberty and equal rights to all, the representatives of the crowned heads of Europe, who will be exponents of the great European idea of the divine right of kings and that the masses of mankind were created for the benefit of a few individuals, then to give them as a bill of fare the spread eagle, our "bird o' freedom," who soars higher, screams louder, sees farther, is the fiercest, strongest, the king indeed of all birds and wild fowl, in all his glory and in every variety of preparation? "Fee, fi, fo, fum," &c.

The critic or hypercritic may complain it is in questionable taste, but I will venture to carry the figure to the verge of the extreme absurd, and ask you to imagine for a moment an epilepsy of horror on the part of our favorite birds, ("done brown" on *toast*,) that by its suddenness shall unlock their sleep, the seals be taken off all pulses, and life and the frenzy of life, from erst lifeless forms on platters, tear into its wonted channels again; then could we in contemplation of this "vision too fearful of shuddering humanity on the brink of abysses," fail to recoil from affording an opportunity or possibility of the meeting of the "ineffable buzzards" of royalty and the screaming eagles of republicanism:

> Picture it, think of it, irresolute men;
> Support it, vote for it, if you can, then.

Mr. PHELPS. This conundrum, which has been so unexpectedly thrust upon me, involves considerations of such magnitude that, waiving a reply at the present moment, I take the privilege of the House and ask its consent to consider and print my reply.

It seems, too, a mistake to undertake to make this celebration a continued festival, looking for its success to that dazzling display of material wealth, luxury, and refinement which make the ordinary attractions of such an undertaking. For such pageantry, for such continued spectacular effects, our people have not the genius. We have already tried it and failed. In my opinion, our connection with every one in the past has been unfortunate, bringing us neither credit nor honor. Let us admit it.

The genius for holiday festival is not ours. It comes by tradition;

it comes under other than free institutions. The tastes and habits of subjects and the resources of kings are needed, and such are the demands of the occasion, that even with these natural resources the exposition is generally a failure.

Why, then, should we attempt to do that for which we have no genius, for which we have no capacity? Why should we attempt to walk along this path strewn with the ruins of a hundred failures?

Why, Mr. Chairman, the United States are not honorable for their wealth and luxury, for their purple and fine linen. The continental powers of Europe have more wealth, have more luxury; much more purple and fine linen with which to deck the long-drawn aisles of their expositions. Here we cannot compete with them. But we have something which they have not; we have superior intelligence and virtue and patriotism; we have a better climate and better soil and a more bounteous nature; and we owe this intelligence, we owe this patriotism, we owe this virtue, we owe all the development of these natural resources to that civil and religious liberty which the fathers of 1776 declared.

Let us celebrate the anniversary of our independence in some way which will be a success, which is in accordance with the genius of our people and of our institutions, of which we need not be ashamed. Let us gather each citizen, with his wife and children, in social bands; let us bring with us our scholars, our poets, our orators, our priests; let the poets tell the story of the past, let the orators announce the achievements of the present, and let the priests, in recognition of divine benevolence and divine omnipotence, prophesy and pray for the safety and glory of the future. This will be a celebration worthy of the nation, and of which no man need be ashamed.

And here I would stop, but I am perfectly well aware that this House, consisting of the Representatives of the people, will take no interest in this celebration which I have just sketched, because they are not of it. They look at it as the play of Hamlet, with Hamlet omitted. Then come on; open the doors, and let in a "collection of intelligent statesmen;" let us have that centennial session at Philadelphia of which we have already heard. Let it be in Independence Hall. Let us gather there, and there renew the recollections of these familiar scenes under that sacred roof.

We shall all be there. My friend from Michigan, [Mr. FIELD,] the gentleman of the elegant toilet, until to-day unrivaled in this House, shall stand near the door; the eloquent gentleman from Pennsylvania [Mr. KELLEY] shall roll the magnificent volume of his voice in the longest speech; the young man from Chicago [Mr. WARD] shall shake his gray locks, and there bore again the Sutro tunnel; my inquisitive friend on my left, the member from Printing-house Square [Mr. MELLISH] shall there obtain leave to print his last speech; my friend from Massachusetts, [Mr. BUTLER,] now unfortunately absent, the invariable friend of the poor man, shall be there with his untaxed tea, and shall exhibit the unpatented broidure on the satin slippers which hereafter every Essex plowman shall wear. And there, over and above all—and alas, he is absent to-day—my beloved friend from New York [Mr. COX] shall hover like a lonely cherub, distilling perpetual dew-drops of wit and fancy on an appreciative house.

And there, then, when the session shall draw to a close, if ever it shall draw to a close—and it would, for under the operation of the previous question we could close even that debate—when under the operation of the previous question, supported by a majority of the House, all this eloquence was ended, all the tears were shed; when those fishermen of Maine who had left their boats had made their offerings; when the greenbacks, battle-worn and blood-stained, had been nailed to the ceiling, then the Speaker, casting aside the microscope with which he was testing the parliamentary points of our acute brother from Massachusetts, [Mr. G. F. HOAR,] shall seize his golden gavel, and, enforcing silence, shall repeat not the old familiar cry of "Also," not the formal "Third reading of an engrossed bill," but summing it all up in the familiar phrase, "This bill has been read the third time; shall it pass?"—shall end the magnificent spectacle which I have endeavored to portray to this House, with the declaration "The bill is passed."

What bill?

A bill which will declare that from the 4th of July, 1876, gold and silver coin shall be the only legal tender in these United States of America.

And then, Mr. Chairman, on the motion to adjourn of any ambitious man who is willing to figure upon the record, this centennial session will disappear amid the plaudits of the assembled multitude—adjourned to the 4th of July, 1976.

The committee rose informally, and Mr. CESSNA took the chair as Speaker *pro tempore* to receive a

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. SYMPSON, one of their clerks, informed the House that the Senate had agreed to the amendment of the House of Representatives to the bill (S. No. 347) granting a portion of the United States military reservation at Salt Lake City for military purposes.

The message further announced that the Senate had passed without amendment bills of the House of the following titles:

The bill (H. R. No. 3255) to establish an assay office at Helena, in the Territory of Montana; and

The bill (H. R. No. 3085) to authorize the Secretary of War to furnish copies of certain papers called for by resolution of the House.

The message further announced that the Senate had passed with amendments, in which the concurrence of the House was requested, the bill (H. R. No. 2081) to facilitate the exportation of distilled spirits, and amendatory of the acts in relation thereto.

The message also announced that the Senate had passed a bill (S. No. 766) to grant an American register to the steamship Suffolk, and to change the name of said steamship to that of Professor Morse.

CENTENNIAL CELEBRATION.

The Committee of the Whole resumed its session.

Mr. MCCORMICK obtained the floor.

Mr. RANDALL. I ask the gentleman from Arizona [Mr. MCCORMICK] to yield to me for a moment.

Mr. MCCORMICK. I will do so.

Mr. RANDALL. A few moments since I was seized with a sudden impulse to say something, upon the conclusion of the editorial read by the Clerk, in which reflections were made upon gentlemen who feel sufficient interest in the matter to come to Washington to induce Congress by argument to make an appropriation of a sufficient sum to make this exposition a success. I fully appreciate the importance of a seat in this House. I deem it a great honor. I further appreciate the fact that there is in the Constitution of the United States a provision that says that no man here shall be questioned elsewhere for what he may state upon this floor; yet I think there should be a marked distinction in what ought to be said by members.

Now in this case these men referred to in the article which has been read in their public life stand above reproach. Those of them who occupied public station left it without a blemish, or any fault found by the people who intrusted them with public service. And furthermore, the assertion is not true that they come here to be paid their expenses out of the money of anybody else in this broad land. Every man who comes here does so at his own individual personal expense. I fear sometimes there is not lobby enough for this bill. Perhaps if it had been a steamship subsidy or a railroad land grant we should have had a mightier and more conclusive lobby than we have in connection with this bill. These men are actuated by but a single motive, that is, the impulse of patriotism.

Mr. MCCORMICK proceeded to address the committee; but before he had concluded

Mr. KELLEY said: If my friend from Arizona [Mr. MCCORMICK] would as lieve conclude his remarks this evening, after the recess, and will yield for that purpose, I will move that the committee now rise.

The CHAIRMAN. The gentleman has but fifteen minutes of his hour remaining.

Mr. KELLEY. It is now ten minutes after five, and there is to be a session to-night. If the gentleman will yield——

Mr. MCCORMICK. I will yield for that purpose.

Mr. KELLEY. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HOSKINS reported that, pursuant to the order of the House, the Committee of the Whole on the state of the Union had had under consideration the special order, being the bill (H. R. No. 2986) to appropriate $3,000,000 in aid of the centennial celebration and international exhibition of 1876, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 498) to settle the accounts of Captain A. B. Dyer;

An act (H. R. No. 826) for the relief of Elias C. Boudinot;

An act (H. R. No. 2191) in relation to the customs duties on imported fruits;

An act (H. R. No. 3085) to authorize the Secretary of War to furnish copies of certain papers called for by resolution of the House; and

An act (H. R. No. 3255) to establish an assay office at Helena, in the Territory of Montana.

ORDER OF BUSINESS.

Mr. KELLEY. I move that the House now take a recess.

Mr. HALE, of Maine. In order that the matter may be fully understood I would like the ruling of the Chair in reference to the transaction this evening of any business whatever.

The SPEAKER. The understanding is that no business of any kind shall be transacted.

Mr. HALE, of Maine. So that not even the course of this subject-matter can be fixed to-night?

The SPEAKER. Of course not.

Mr. HALE, of Maine. There can be nothing to debate?

The SPEAKER. Of course not. The understanding was that a session should be held this evening for debate in the House as in Committee of the Whole, and that a recess should be taken for this purpose.

EXPORTATION OF DISTILLED SPIRITS.

Mr. BURCHARD. I ask unanimous consent to have taken from the Speaker's table the bill to facilitate the exportation of distilled

spirits, in order that the amendments of the Senate may be non-concurred in and sent to a committee of conference.

Mr. RANDALL. I object.

The question being taken on the motion of Mr. KELLEY that the House take a recess, it was agreed to; and accordingly (at five o'clock and fifteen minutes p. m.) the House took a recess until half past seven o'clock p. m.

EVENING SESSION.

The House reassembled at half past seven o'clock p. m., Mr. O'NEILL taking the chair as Speaker *pro tempore*.

CENTENNIAL CELEBRATION.

Mr. HAWLEY, of Connecticut. I move that the House resolve itself into Committee of the Whole for the consideration of the centennial-celebration bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. HOSKINS in the chair,) and resumed the consideration of the bill (H. R. No. 2986) to appropriate $3,000,000 in aid of the centennial celebration and international exhibition of 1876.

[Mr. MCCORMICK resumed and concluded his remarks. [His speech in full will be found in the Appendix.]

Mr. WARD, of Illinois. Mr. Chairman, if I could become eloquent beyond any of the gentlemen who have addressed the House on this subject, if I could say better and more patriotic words than any they have said, I cannot expect any applause, or bouquets, or cheers as I sit down. I am unfortunately, by the force of my judgment and from a sense of duty, found on that side of this question not calculated to inspire the grateful applause, the kindly looks and laurels, that have been showered upon some of the champions of this bill. I am on the side of cold, solid, and as I sometimes feel rather unpleasant facts. I find myself, therefore, restrained and embarrassed in attempting to talk upon the question before us; and though I confess to that sort of desire which most men feel who address public assemblies, the desire to have an audience, yet as what I shall say will be of a plain, practical character and be said more in justice to my own position than with any expectation of affecting the course of others upon this bill, I am rather glad that I am speaking to only a few; for I cannot be accused of talking upon the subject for any present effect, even if I possess the faculty of producing effect by any speeches that I may make.

At the outset, however, I may say very quietly that I have listened to the speeches upon this subject with decided interest. I am glad to find that there are so many gentlemen who still love the memories that cluster around the birth of the Republic. I am glad to find so many men who desire by some act to consolidate and perpetuate and extend that feeling. I claim to belong to that class of men myself. Modestly I may be permitted to say that I yield to none in my love and devotion to the grand doctrines enunciated and put into practical effect in the Government of a people about one hundred years ago. I have learned all my life to respect and revere the principles, the doctrines, the form, the Government, the political philosophy which had their birth at that time. I come from a country which yields to none in its devotion to the grand ideas that have been so eloquently talked about here. I come from a people who are second to none in the sacrifices they have made to place the liberties, the birth of which took place nearly one hundred years ago, on a firm basis, where they shall live and grow to bless mankind as long I hope as the world stands. History records that the people whom I represent have never been backward in their response to any call that has been made upon them; they have done every duty in that regard and met every demand.

This discussion has developed the fact, as I have intimated, that there are a great many men on the floor of Congress, and certainly many elsewhere, who think it would be a glorious thing to have a grand celebration on the one hundredth anniversary of American independence. Well, to say that it would not be would be a sad kind of remark. It would be, I concede. I trust that every heart will beat lighter, that the blood of every man throughout the length and breadth of the land will course more freely, when the day arrives at the recollection that it is the hundredth anniversary of the birth of the nation which has protected and blessed us as a people. But, Mr. Chairman, while I concede all this, there are behind it and underlying it facts, outside of those presented here to-day, which make it impossible for me, however much I may desire to add to the glory of the day, to vote one dollar of money for any such purpose.

First, Mr. Chairman, (and I call attention to this point in all candor,) there is no constitutional power for any such action.

Mr. RANDALL. Will the gentleman permit me to ask him a question?

Mr. WARD, of Illinois. I would rather not. I presume I shall answer the gentleman's question without his asking it. I rather think I anticipate it, and I prefer to take my own course.

I assert, and in fact nobody has claimed the contrary, that there is no power in Congress under the Constitution to vote money for any such purpose.

The Constitution was never framed for the purpose of authorizing Congress to vote away the money of the people for any such purpose. What does it say?

The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States; to borrow money on the credit of the United States; to regulate commerce with foreign nations, and among the several States, and with the Indian tribes; to establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States; to coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures; to provide for the punishment of counterfeiting the securities and current coin of the United States; to establish post-offices and post-roads; to promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

And so on and so on. Nowhere is there any clause giving to Congress the power to vote away the money of the people for any sentiment, however grand that sentiment may be.

I stand then, in the first place, upon this proposition: Believing the instrument from which I have read controls my action in this respect, I hold there is no warrant for me to vote one dollar for any such purpose. Just as well and just as properly may Congress vote to pay for the fire-works which gentlemen are in the habit of burning in their own yards for the amusement of their children on the night of each recurring Fourth of July.

I know I am to be answered, and I anticipate my friend from Pennsylvania [Mr. RANDALL] will wish to ask me whether some such thing has not been done before. I say it is true; and I suppose I may be met in reference to the question of power just as a justice of the peace met it when it was proposed to institute before him proceedings for divorce, and one party came and objected there was no jurisdiction on the part of the court. "It is no use to talk to me about that," said the justice of the peace; "I know I have the power; I have done it time and again." I take it, on that kind of authority there is a precedent for voting away this money.

I admit, so far as I am familiar with the legislation of the country, there have been frequent occasions perhaps when Congress appropriated money as much open to the objection which I have made as this is, but that does not change the fact. I have not voted for any such appropriation that I remember of, and I will not vote for this one.

That, then, Mr. Chairman, if I had been in doubt in other respects, will be sufficient to determine my course in reference to this bill. But there are other considerations presented to-day, and I have heard them with somewhat of sorrow. I have felt that they have been unjustly uttered. I have heard eloquent gentlemen get up and talk about dishonoring the country by refusing to vote for this appropriation.

Now, I may say again modestly that I will yield to none in my desire to carry out the obligations of the country to the utmost; and I do not state that which is more than true when I say the people I have the honor to represent as dearly treasure the honor of this country as the constituents of any gentleman upon this floor. I repel, therefore, the idea of my doing that which would dishonor the nation by refusing to vote an appropriation to carry out the project of the gentlemen who have inaugurated this grand centennial scheme. No, Mr. Chairman; there is no such element of dishonor in it.

I know it is claimed by some that an effort has been made to entrap Congress into an appropriation of money, but it is denied by others. I neither admit nor deny it, but I state that I do not care.

I wish to discuss this on the merits of the bill presented to me as a member of Congress, without regard to what any man may have done. We have all heard what has been read to the House so repeatedly to-day, and I will not again have it read. I say for myself when it is argued, as it has been argued here, that notwithstanding it was said in the original law the Government should not be liable, which was not published, and the President of the United States issued a proclamation inviting other nations, which was published, by reason of these things we are committed to this scheme—I for one say it does not weigh with me. I do not believe we are committed to it. It stands before Congress as an original proposition on its merits alone, without regard to committals heretofore made. There has been no law making an appropriation, and nobody is committed or had a right to assume that any appropriation would be made until the Congress of the United States had made it. I say they had no right to assume any appropriation would be made for it, because there is no warrant in the Constitution for it. I do not care about that argument. I agree, as contended by some of the friends of the scheme, that there has been no committal. I do not care whether there has been a committal or not. This is a proposition which will cost $3,000,000 to carry out. That is all there is of it.

If I believed the Government of the United States had been committed solemnly by its acts, by competent authority, I should look upon it with more care. I should like to see no faith so plighted broken, but this is not one of those schemes anyhow where, if the Government were committed, it could not refuse to carry out without dishonor. There are many things which it is more honorable to back out of—"to go back on," as we say in the West—than to go through with.

And if the Government in a time when it had money, when the people were employed, when we enjoyed the blessings of abundance, when the blessings of plenty were spread all over the land—if acting upon a generous impulse it at that time, in view of the industries that were all alive, and of the abundance of prosperity throughout the land—if acting upon that impulse and under such circumstances it had committed itself to such a thing as this, now, in the changed condition of affairs, it would be less dishonorable to stop where we are than it would be to go on and spend the money.

So I take leave of that part of the argument and go on to consider some of the other arguments which have been adduced here. I cannot fail to remember, Mr. Chairman, the patriotic appeal made, especially by one of the gentlemen on the floor this day, which was so touching and moving—that made by my friend the distinguished Representative from Maine, [Mr. FRYE.] And I feel that it would be almost cruel, and perhaps it is, for me, in view of that appeal, to call attention to some cold facts which underlie this case. I had a namesake who once became immortal because of the wonderful things he used to say and the patriotic things he did; and you will remember that he once said how willing he was to enlist all his wife's relatives in the war, and sacrifice them if necessary on the battle-fields of the country. And I thought perhaps it might be the same with the sentiment of the gentleman from Maine, my weeping friend, who I wish were here to-night, because I love him and respect him. Taking up one of the books which are printed here I find that during the last year the district represented by the gentleman from Maine paid internal-revenue taxation to the amount of $27,868.33 into the national Treasury. I looked further, and I found that the district from which I come paid during the last year $6,798,288.11 into the national Treasury. When I compared these figures I felt that it was easier for him to be sentimental than it was for me. When I remember the burden of taxation under which my people labor; when I remember the great efforts they are making, day and night, for the purpose of accumulating these funds to pay them into the Treasury of the United States, if I had felt there had been warrant in the Constitution for making this appropriation I should hesitate before I agreed to add another dollar to the taxation of the already overburdened people whom it is my privilege to represent and who are among the most energetic and enterprising people on the earth, yielding to none in their devotion to their country and in their willingness to make sacrifices in every fair and reasonable way for the perpetuity of the liberties which we enjoy.

But I went further, and I found that during the whole period of the last eleven years, in which we have experienced in this country what the burden of taxation really meant, the second district of Maine paid the enormous sum of $3,030,012.94 into the national Treasury. I looked again, and I found that the district from which I came during the same period had paid $60,509,735.24 into the national Treasury. I then proceeded to look over the book to see who they were that were advocating the passage of this bill in this Congress, and I found that with few exceptions—and I say it with the utmost kindness, for I have feelings only of kindness toward the gentlemen who are advocating the bill—I found that those who were advocating the passage of this bill did not represent as a rule constituencies here upon this floor that contributed any large proportion of the taxes. As regards the city of New York and the great State of New York, I am advised that their Representatives are divided on the subject. It is not advocated by the West, from which so large a proportion of the revenues of the Government is drawn. My own State particularly contributed last year more than all of New England together, and yet we have not money enough hardly to get along with. I found that the districts of the country whose Representatives are advocating this jubilee are not districts which are loaded down as we are in the West with this great burden of taxation. The State of Ohio, the State of Illinois, and the other Western States—I think I can speak at least for my own State—feel to-day that every dollar of unnecessary taxation added to the load which they now carry is a thing which ought to be averted if it can be done.

I desire to commend these facts to my weeping and sentimental friend from Maine, and I ask him if I am not justified in saying that he can afford to be sympathetic and sentimental when he talks of expending $3,000,000 on the grand jubilee at Philadelphia, since his own people contribute so very small a percentage of what it is proposed shall be expended there?

But I dislike to leave this branch of the subject without referring further to the position of the people whom I represent. The people of the West are patriotic. They believe in the perpetuity of this Union. They have fought for it, and will fight for it again if need be; but they insist, and I think justly, that we shall not fritter away their moneys on behalf of a sentiment, however dear it may be to everybody in all the land.

These, Mr. Chairman, are some more of the reasons why I cannot vote for this bill. Then there are other considerations which have presented themselves to my mind. Since I have been here I have been impressed with the magnitude of the interests controlled by this Congress. As a new member I have desired, like the gentleman from New York, [Mr. TREMAIN,] to adopt that mode which should promote economy and cut off expenditures in every possible way, and add no new burden to those already borne by our people. What do I see? There are appeals which come up here and reach us in these halls which cannot be ignored. I have heard in this city within the past few days the appeal of the laboring men who have done this magnificent work in our capital here asking us to pay them the money they earned in paving these streets, and claiming, with how much right I will not undertake to say, that Congress is committed to the payment of them; at least it is stated by many of them that Congress is committed to foot the bills for the grand and magnificent work which has been done in this city. Sir, I have heard the cries of the workingmen here, who are knocking at the doors of this Hall and asking for the money to pay their wages long since earned in accomplishing this work.

I have heard in this Hall appeals made to me, which I could not and did not resist, to pay the teachers of this District; and it was claimed that the Government was committed to their payment also. The very gentleman from Maine who talked to-day so flippantly about dishonor, and told us about his sentiments, and how he shed tears on certain occasions, appealed to me to vote to pay the school-teachers of this District; and I voted with him.

Mr. DUNNELL. Will the gentleman allow me to ask him a question?

Mr. WARD, of Illinois. Yes, sir.

Mr. DUNNELL. Did not a procession of workingmen in the city of Chicago the other day walk to the common-council room and demand bread?

Mr. WARD, of Illinois. I will answer the gentleman. I shall come to my own community pretty soon. I do not know in what spirit the question is asked, and I do not care.

Sir, I say I have listened to these cries. The gentleman from Maine talks to us about national dishonor, and flippantly tells us that we are not bankrupt. Let him put his hand into the pockets of his own people and take out millions to put into the public Treasury; let them feel the burden of taxation as we have felt it. He talks about the fishermen on his coast giving their nets and their boats and their catches for this purpose. Sir, that is all fol-de-rol. Who will be at this celebration? The gentleman from New Jersey [Mr. PHELPS] described them. Sir, there will not be a single fisherman from the whole State of Maine there, nor a single fisherman from my home, for we have Maine fishermen there, and they desire to keep their boats and their nets and their catches, and are not disposed to contribute them in order to indulge gentlemen in worshiping a sentiment, however dear it may be to the American people.

Sir, I have heard these cries that have come up here, and I do not know but that I will vote to pay the laborers of Washington; I will vote to pay them every dollar before I will vote to pay one cent for any such pageant and show as that proposed to be gotten up at Philadelphia.

Sir, what else do we hear? Not long since the Father of Waters—the great Mississippi, which stretches from the far north to the gulf, and bordering which lie the richest lands of the earth, on which the cotton and the sugar of the country are raised, and must be raised throughout all time—overflowed its banks, and to-day what do we behold? The destroying floods are to-day raging and carrying death and destruction over a territory larger than the States of Connecticut, Rhode Island, and Vermont combined, sweeping away from the face of the earth every vestige of human improvement and every home, and driving out the poor dwellers there as wanderers, suffering and starving, into the wilderness along down that great river. These three million dollars which you propose to appropriate here for the purpose of building a memorial hall, and of having a grand time drinking wine and inviting the nobodies and the somebodies from abroad, and showing them your achievements in the arts and sciences—these three million dollars would help to wall up the waters of that great river and give to the centennial celebration a country redeemed from the flood, which would be a far greater blessing to mankind than any that you can confer by carrying out this affair at Philadelphia.

I call attention to that fact; and I am ready, for one, to say that if for the purpose of redeeming these lands from the waste of waters I must vote money, I will do it cheerfully. I would rather build as a monument to the one hundredth anniversary of American independence a dike that will forever turn back the destroying flood, than to build a monument down here at Philadelphia for the amusement and pleasure of the people who may congregate there.

Now I go further on. It is but a short time since that I had occasion to leave this city and go to my home. The road over which I traveled for nearly a thousand miles runs through the best and most populous portion of the country. It runs along a line of villages and towns where are found more manufactures and more wealth than can be found along the line of any other road I know of running from the sea-board to the center of the continent. During that trip I saw sights that made my heart sick. I saw gathered around the depots, as I passed through the manufacturing towns, the gaunt faces and forms of men who but a short time before had been employed in the now-closed factories. I could hear their cry come up for help. I could feel all through me the necessity of this Government doing something by which to reopen those industrial establishments of the land, and set those thousands upon thousands of unemployed laborers again at work, and give them that which would supply the wants of themselves and their families.

At last I reached my immediate home, to which the gentleman from Minnesota [Mr. DUNNELL] has referred; the city of which I speak with becoming modesty, and I trust with becoming pride. Gentlemen will pardon me for feeling a little sentiment; I will make no boast of it or of the tears which might flow in connection with the history of the place which I represent. I reached that city, and I wish that you all had seen it as I saw it, and then ask me if I can justify myself in voting a dollar for the centennial celebration or for any other celebration in the land. I found there industrial establishments closed; I found thousands of men unemployed. Hard winter was upon us. It is true that our granaries were full; we had a bountiful harvest; and we have been enabled, by doing what we could,

to carry most of them through the winter in some way without great actual suffering. But they now look into the dark future with an eye that sees no hope.

The gentleman asks me about the processions which were formed there. I will tell him, and I am glad of the opportunity to tell him, that the reports which have gone over the country with reference to that procession are, as a rule, unmitigated falsehoods. I am glad of an opportunity here in the Congress of the United States to say in behalf of that people that the stories which have been circulated with regard to their conduct are not true.

Mr. BURLEIGH. Will the gentleman permit me to ask him a question?

Mr. WARD, of Illinois. Certainly.

Mr. BURLEIGH. How about the closing of the mills and factories in the country?

Mr. WARD, of Illinois. I do not know to what the gentleman refers.

Mr. BURLEIGH. You said that when you went to the West you saw the factories closed.

Mr. WARD, of Illinois. Yes, I said so.

Mr. BURLEIGH. I did not know but that might be as much of a story as the other.

Mr. WARD, of Illinois. They are not all closed; I did not say they were. A percentage of them were shut up. I do not insist that they were all closed, but they are closing now. If gentlemen will read the dispatches that come over the wires from time to time, they will see that those factories continue to be closed from day to day. A large percentage of the employés of the factories which I saw on my way home are out of employment, as they are in my own city. And it was in reference to my own city that I was speaking when I was asked the question which I do not even now see the point of. I am thankful for an opportunity to dissipate the rumors which have been circulated in regard to my people. It is true a procession of men did form; I saw it, for I happened to be at home at the time during the holidays. A procession did form and marched down to the city headquarters. But they marched as orderly and quietly as gentlemen go from here to their homes. There was no demonstration, no riot, no threat of bloodshed, nothing of the kind; and the gentleman from Minnesota [Mr. DUNNELL] who asks the question is entirely misinformed if he understands that there was anything of that sort. Of course there was more or less noise, as there always is where there is a gathering of men; and there were some foolish demagogues there who harangued them and attempted to get them to do what should not be done. But the men had sense enough to behave themselves like men. They asked for work; they did not demand blood, as has been stated. They asked for work because the industrial establishments in which they had been engaged were closed.

Now, Mr. Chairman, can I after witnessing these things and knowing these facts, though feeling the deepest pride in the welfare of my country—can I vote $3,000,000 for the purpose of a celebration at Philadelphia during the year 1876?

Mr. Chairman, I believe I have said all I desire to say. I have stated that I had no feeling of unkindness toward anybody connected with this scheme. I have no doubt they are actuated by what they deem to be proper motives in all that they say, and that they do nothing but what they deem correct and proper to be done. But for my part, looking upon this picture, feeling as I feel, hearing as I hear through my constituents of the depression and want abroad in the land, it does not seem to me that even if we possessed the power it is now a proper time for us to vote one dollar unnecessarily from the revenues of this Government. No. Now what the people need, and that which, if you do it, (I did not say that I would do it,) would be a grander monument and one which would bless the people of all your cities and towns infinitely more than the building of twenty such institutions as will be this at Philadelphia, would be to appropriate this money toward the building of roads or the digging of canals, which shall take our surplus products and bring back your wares. We need such means of transportation. There is a demand in the country for means of transportation, cheaper, better, and more extensive than any we now have. There is a demand for employment; there is a demand for help all over the land. There is nowhere in all the country, so far as I have heard, any demand of the people that money shall be voted for the purpose of this celebration (anniversary, though it be, of our national birth and independence) at Philadelphia. Philadelphia! God bless her! I do not suppose that her Representatives will take unkindly any word that I may speak of her. Pennsylvania! God bless her, too! And bless the memories that cluster around the grand old "Quaker City." I for one pledge my faith, and the faith of all the men I represent, to stand by her and the grand principles to which she has ever been faithful and true in the government of this country. I will join you in the celebration of that anniversary; but I will not join you in the celebration at that place. My people will celebrate it at home; they will celebrate it on the prairies of the West. The people will celebrate it all over the country. Gentlemen here deceive themselves when they speak of that celebration at Philadelphia as being a national affair, if that implies that the nation is to be there. They are anticipating what will not turn out to be true in fact. Not one in ten of my constituents, not one in ten of all the constituents of gentlemen here from other States than those immediately adjacent, will witness the grand work that you will do there with the $3,000,000 proposed now to be appropriated. Not one in ten of the constituents of the gentleman from Maine, [Mr. FRYE,] who spoke so eloquently here to-day, will ever see the grand temple to be erected there. Not one in ten of the miners who make up the constituency of my friend from Arizona, [Mr. MCCORMICK,] not one in ten of all the people in all the land, will ever witness that anniversary at Philadelphia during the year of jubilee you propose to inaugurate there; yet you talk about it as if it were to be a benefit and a blessing to everybody.

I concede that these international exhibitions have been perhaps productive of good in times past. I do not know (I have heard the argument advanced here to-day, and there is something in it) whether this is the proper way anyhow for us to undertake the celebration of the anniversary of our birth as a nation; I doubt it. I will contribute, my State will contribute, my district will contribute toward an international exposition. A year ago we had an anniversary, (pardon me for referring to the fact, as it illustrates the energy of the people I have the honor to represent better than anything else can,) an anniversary that we remember distinctly, for we have all gone through the terrible ordeal. We desired a national exposition, and we had one. We went to work and in sixty days we raised nearly half a million dollars; we built upon the lake shore one of the finest buildings that to-day stands on the American continent. We had a jolly time there for a month; and we never thought of asking Congress or anybody else to contribute to it.

One word more and I am done. If in the course of this discussion I have said anything which would imply on my part any feeling of unkindness toward the men engaged in this enterprise, I have done that which I did not intend. I desire to enter my protest against what I deem to be a wrong to the people, a wrong to the national Treasury, a wrong to those who are toiling to-day to put into the Treasury the money which this bill proposes to take out and appropriate for this purpose.

Mr. MYERS obtained the floor and said: I yield for a moment to my friend from Arizona, [Mr. MCCORMICK.]

Mr. MCCORMICK. Mr. Chairman, no doubt my eloquent friend from Illinois [Mr. WARD] is sincere in all he has said; but, as a sequel to his remarks, I wish to read an extract from a newspaper published in his own city of Chicago—the Inter-Ocean, of May 2—but three or four days ago. In that paper I find a lengthy editorial in favor of the centennial celebration, from which I read the following:

> But it is estimated that it will require eight to ten million dollars to carry forward the celebration on the scale projected by the managers. Hence the finance board appeal to Congress for an appropriation, and to State and city governments for appropriations, and to citizens of all parts of the country to subscribe for stock.

And then comes this language, to which I call the gentleman's special attention:

> That this appeal will be liberally responded to there can be but little doubt. The centennial commends itself to the patriotism and the pride of every American citizen.

This certainly shows that the matter of a congressional appropriation is not altogether unpopular in Chicago. The editorial referred to is thus concluded:

> Not to celebrate the hundredth birthday of the nation is to forget how much liberty cost; to forget the heroes of 1776 and of 1864. Not to celebrate it grandly is to disregard our real importance among the nations of the world and to belittle the American name on the pages of history.

Mr. MYERS. Mr. Chairman, should I realize the wish of living until the time of the centennial exhibition I expect that one of the first men I shall meet there will be my eloquent friend from Chicago [Mr. WARD] who has but now so stoutly opposed an appropriation to make it a success, and with him will be thousands of his constituents. The way to combat this proposition is not to appeal to passion or prejudice. I cannot forget, Mr. Chairman, (and I hope it will not be considered unkind in me to refer to the fact,) that a brief two years ago the Congress of the United States removed the duties from articles intended for Chicago, then being rebuilt after her terrible conflagration, and instantly voted $4,000,000 for public buildings there in order to help her suffering people. I cannot forget that the purses of the citizens of Philadelphia were opened, as they were through the land, to assist those who were stricken by that calamity, nor after his fervid appeals for kindness to others as against the just request contained in this measure can I fail to remember in behalf of Philadelphia that the citizen soldiery, whose memory of her volunteer refreshment saloons is yet as fresh as ever, will not charge her people with omitting either to be just or generous.

Sir, if people have suffered by inundations I will be among the first to vote them money or supplies. I have not heard any such proposition coming from the gentleman from Chicago. But let me tell him that if men are out of employment (and many are so all over the land, I am sorry to say) the way to give them work is to foster our industries and stimulate new enterprises in order to supply the labor they want. If he thinks the laboring men of this country, the men who are its bone and sinew, who help to make its wealth, are opposed to this enterprise, he sadly mistakes those who, though not able to give the money which is needed, know what it is to care for the honor and glory of the country, and his appeal to their prejudices will be in vain.

Mr. Chairman, if I thought that the centennial celebration was to be a mere local Philadelphia affair, as the gentleman from Maine [Mr. HALE] would have us believe, I should be silent to-day.

The declaration of our independence was not any more for all the people of America than the nation's commemoration of its hundredth birthday will redound to the honor and glory of all its citizens.

Years mark the progress in the life of man; centuries have always been pointed to in illustrating the development of the great nations of the earth. The American Republic, which in its first hundred years has done more for mankind than was accomplished in all the ages which preceded it, cannot afford to let the celebration of this event pass without participation by the Government itself, and even so it has been ordained by law. The other anniversaries of the day have been fitly kept by expressions of joy, by orations, by illuminations and bonfires and friendly greetings; but for this great event it was properly adjudged that the people of the United States should exhibit the natural resources of the country and their developments, and its progress in those arts which benefit mankind in comparison with those of older nations, and that an exhibition of American and foreign arts, products, and manufactures should be held *under the auspices of the Government* in the city of Philadelphia. It is too late now to discuss whether we are to have such an exhibition. That was debated and adopted by Congress in 1871. It is too late to question its international feature. That is written all over the original law, and in the act of 1872, which created the board of finance to provide measures for carrying it out.

These measures have proved but a partial success, and the only question before us is one of governmental financial aid.

The gentleman from Maine, [Mr. HALE,] going back to the origin of the movement, says it was promised that such aid would never be asked. That is a mistake, for the first bill contemplated a half million from the Government. At that early day this was thought not to be requisite, and the advocates of the measure were content to have the superintending aid and auspices of the Government, under which alone an international exhibition could be a success. No such promise as he states was made by the Representatives from Philadelphia. I have my own remarks before me now, and there are no such words or intimation in them. But suppose that either here or in the Senate it had been stated that Philadelphia and Pennsylvania would bear the chief burden of the expense. That certainly was the expectation then, and never was promise more faithfully fulfilled.

Two million dollars from the citizens of Philadelphia; one million and a half from the city, one million from the State! It is a record to be proud of, and without a parallel.

Congress in 1872—understanding that no locality could be expected to pay the whole cost; recognizing the enterprise as a national one, in which, under the organic act, every State and Territory was represented, upon the nomination of its governor, by appointment of the President—passed a law, which I had the honor to report from the Committee on Foreign Affairs, creating the centennial board of finance, in order to secure the necessary subscriptions from every part of the Union. Three years in advance seemed too early to thousands who did not comprehend the magnitude of the work, and just as the plans were being perfected and the importance of early action began to be understood a financial panic swept over the country, taking away all hope of obtaining large subscriptions outside of the limits of Pennsylvania.

Not until then was Congress appealed to, and not until the Senate debate about the wording of our invitations to foreign powers could the people have dreamed that there was danger to the progress of this great undertaking. When that news reached Philadelphia there was an outpouring of her people such as had not occurred in years. Men are frequently moved by the excitement of politics or the question of personal gain. There was no such motive cause here. The poor had given their mite, the rich their thousands; all were represented. Thousands of stalwart men from the workshops, bearing banners, marched to a gathering, where the question was one of country, of national honor, and the celebration of an event which gave liberty to millions and proclaimed the dignity of labor to every people. Another million dollars came of that meeting.

Pardon me if I have thought this tribute to our good faith necessary; and now let us see whether a step backward may not violate the pledges of the law, and, to use the language of the gentleman from Maine, "smirch the national honor."

The pledge was unmistakable, understood by all, that this exhibition *should be held in* 1876 *and under the auspices of the Government* in order that the people of the whole country should participate in it; that the commission should report to Congress its plans of building, classification of articles, and proposed ceremonies of opening and dedication. The nation has a right, then, to prevent its abandonment, which, thank God, is not contemplated. But more than that, in the title of both bills the exhibition is called "international," and the provisions are for such a purpose; among others "the requisite custom-house regulations for the introduction into this country of the articles from foreign countries intended for exhibition," the proclamation of the President through the Department of State, and the requirement that the President shall notify the diplomatic representatives of all nations.

Will any sane man contend that this is not an invitation to foreign powers, and that having made the proclamation and given the notice, which in good faith has been accepted by thirteen nations, we can without disgrace withdraw this invitation and by implication annul the laws we have solemnly enacted?

Ah! but the gentleman says the first-class powers have not accepted. Is not Germany a first-class power? And are we to wait until all the nations of the earth have accepted? But for this higgling about the invitation England and France would have long since signified officially the intention they have to be represented. But we are committed by our own acts. The United States took part in the three great expositions at London, Paris, and Vienna. It would be an insult to hold such an exhibition and not invite the people there and in other lands to participate. From this there can be no escape.

Our centennial was a common theme with the skilled artisans and prominent men of Europe during the past exposition summer. Germany had resolved to hold one about the year 1876, but postponed it because of ours.

The disgrace of failure would be upon the Government, but the bitter disappointment would belong to the people of both hemispheres.

Is there to-day an American who wishes to wipe these laws from our statute-book and make our exhibition a failure? I do not believe it. In every valley and by every stream and hill-side of the land it is already the theme in the family circle. Americans from almost every fireside expect to be there with illustrations of their industry and of the country's development, in a common rejoicing such as history has never chronicled before. Is it not, then, worth while to make this appropriation of three millions even if it gave no hope of a moneyed return?

Think of it! That would have been but a dollar each for the people of the infant Colonies, and it is not eight cents apiece for every inhabitant now—Pennsylvania having also to bear her share.

It is said this may lead to further appropriations. Not at all. With the amount already guaranteed and the receipts of the exhibition, this will cover every expense, although it will not stop the subscriptions. The very provision which has been complained of secures the Government. It was wisely placed in these laws that the Government should not be liable for the expenses of the exhibition or the liquidation of the debts incurred in its creation.

This appropriation is a national gift for a national object, and as its payment—carefully guarded by the provisions of the bill—will run in installments through two years, the money will be raised as readily as the other millions appropriated for the purposes of the Government.

I claim, however, Mr. Chairman, that this expenditure will be returned to us tenfold. Our participation in the three great world's fairs was of incalculable benefit to us. The international features of each gave them their wonderful interest. And so here the great interest will center in the comparison of our own arts, products, and manufactures with those of the countries of the Old World, rendered not less attractive by a more intimate knowledge of their costumes and customs, and their development in literature, science, and art.

In the finer arts and fabrics, and in many practical results of science, we shall learn by the contact, and advance with more rapid strides. In mechanism and all that is of most use and comfort we shall bear the palm, as before, to the material welfare of the people, while the enticements of our freedom, our educational advancement, and cheap homesteads will by this means allure thousands of skilled laborers to seek our shores and aid in the development of our natural wealth.

I have said elsewhere, and cannot do better than repeat, that the knowledge we acquired of the Bessemer process of making steel at the French exposition was so valuable that Mr. Hewitt tells us the cost of our part in it did not weigh as a grain in the estimate.

The manufacture of beet-sugar in the workshops of France has almost reached perfection, and from the drawings in the Paris exposition reports, printed by Congress, several establishments were at once erected in California.

Another result was largely to introduce asphalt and bitumen pavements here; also, the sinking of shafts by the Belgian method, as in the sulphur locality of Louisiana. I mention these as a few illustrations of advantage to our own country; but these are nothing to the benefits resulting from the knowledge abroad of our wonderful advance in the useful arts. The demand for American machinery and for our fine tools and agricultural implements has increased immensely since these expositions. Almost every American article of machinery exhibited at Vienna was purchased at once, and many orders given for more. A preparation of starch sent by us to one of the earlier exhibitions produced a large demand for it, and not then so great as for an article of food we displayed at Paris prepared from corn, called maizena, which has had an immense sale abroad.

Take our native wines as an illustration. Their exhibition at Paris first brought those from California into celebrity. At Vienna the wines from Ohio, New York, Saint Louis, and California took seven premiums, and these were followed by large orders for them abroad.

The display of American leather at Vienna, for which we took six premiums, is resulting in an unprecedented export of it to England; and remember that at all these world's fairs our representation was as nothing in comparison with the opportunities we shall have in 1876.

Is it not strange that some of these carpers at our constitutional powers could find it "for the general welfare" to expend money and take part nationally in these foreign exhibitions as well as in expeditions for the interest of science and humanity, yet can see neither law nor reason for the grander one at home?

How can these illustrations of the industries, these results of inventive genius, these proofs from the field and the mine of our natural wealth and skilled labor, fail to bring material prosperity, employment to those who are out of work, and give a solid return to the revenues of the country? Not the least of these benefits will be a new impetus to commerce, which must carry between the nations the products thus purchased from each other.

Ships will not be built if there is little to carry. We cannot fill our coffers by mutual rejoicings over our greatness and shutting the door against the world. Twenty years ago Perry opened Japan to our commerce. Ten years ago our imports from that country amounted to $1,000,000 per year. Now they are ten millions a year, while our exports to them amount to millions; and let me say that China and Japan alone, these great empires of the East with which our trade is growing immense, will, at the centennial as a necessary result of the knowledge of our advancement which naught else can teach so well, more than repay to our people the whole cost of the exhibition. Five thousand Americans will in 1876 abstain from foreign travel and circulate in our own country enough money to pay for the entire expense. In 1861, at the London Crystal Palace, there were five hundred exhibitors from the United States alone, at Paris seven hundred, at Vienna nine hundred and seventy. Here we shall have thousands of exhibitors from other lands and thousands of others who will visit every portion of this country.

Whether as a question of honor or interest, I appeal to you as Representatives of a people whose hearts and judgments are in favor of this celebration not to let it be dwarfed by a mistaken economy. Fail it cannot and must not!

Let the peoples of the world learn the resources and civilization of that Republic which, of all governments in the annals of time, has given the greatest good to the greatest number, and learn fresh aspirations from our history. Let the men who lately were in the conflict of civil war come together in the bonds of a reunited country destined, we believe, to secure the blessings of liberty to the latest generations, and forgetting the trials and sufferings through which they have passed, seek only to recall the common memories and glories of the Revolution.

Mr. Chairman, upon the old bell in Independence Hall the strangely prophetic words were inscribed years before it rang them out to the world, "Proclaim liberty throughout all the land unto all the inhabitants thereof." They are from the twenty-fifth chapter, tenth verse of Leviticus, which reads also:

> And ye shall hallow the fiftieth year: * * * it shall be a jubilee unto you.

The fiftieth anniversary of our independence received no great national celebration. Perhaps it was well; for there was still an element of discord among us, now happily gone forever. Perhaps it was well; for on that day died John Adams and Thomas Jefferson, whose lives and deaths fitly illustrated the great event. But I appeal to you once more, Representatives of the American people, let our hundredth birthday be properly celebrated, not only to honor the glorious promise of our origin and the grandeur of our attainment, but to dignify us among the nations of the earth.

Mr. WHITE. Mr. Chairman, I rise on this occasion rather to express the deep interest which, as an American and as an Alabamian, I feel in the subject under consideration than to make any formal speech. As I was approaching the Capitol but a while since, passing along the streets, I heard the chiming of the bells, and as I got nearer I recognized that they were ringing "Hail Columbia." By an easy transition my thoughts swept over our country, and the reflection pressed upon my mind that over our vast territorial domain, in every city, in every town, and in every hamlet, there was or might be ringing forth the tones of the church-going bell, calling upon the people to exercise the highest privilege which any government can bestow, that of worshiping God each according to the dictates of his own conscience; and I feel that every American might well join in sympathy with the ringing of the chimes, and exultingly exclaim, "Hail Columbia, happy land."

And, sir, to whom do we owe this unprecedented, this exalted condition? To what is it traceable? To the event which we propose to commemorate and the men who proclaimed the Declaration of American Independence.

Looking at this subject from this point alone, I confess I have no hesitancy as to what my action shall be, and as to what I think ought to be the action of the American Congress, nor as to what action will alone secure the approbation of a great and magnanimous people.

Why, sir, we are told we should not pass this bill providing for the celebration of the one hundredth anniversary of the nation's birthday, as though it was some ordinary event. I put it to gentlemen, when was it in the history of the world any nation ever proposed to celebrate its one hundredth birthday? Look back along the pages of history and tell me where in its remotest search we can find any nation which had grown to consideration in wealth and power such as prompted it at the end of one hundred years to celebrate its centennial as a national jubilee. We propose to celebrate that anniversary of the United States of America as a day notable in our own life as a nation and an epoch in the history of man, by calling together the people from the thirty-seven States and the Territories of the Union, and by the convocation of all nations, for a common exhibition in all the useful arts of the inventions and improvements of a civilization unequaled in developed industries in the annals of the world.

Rome was one hundred and fifty years old when she entered upon her wars with the Samnites, the first manifestation of that spirit of aggression upon her neighbors which led her in the course of ages to be the conqueror and the mistress of the world. The Grecian states had passed through thirteen centuries of obscurity before they inaugurated the expedition in which Agamemnon, "king of men," led forth the Grecian heroes to avenge the wrongs of Menelaus. This event, the celebration of which is contemplated by the bill under consideration, is unexampled in the history of the world, and one which might well be the subject for the profoundest and, as I conceive, the most grateful reflection on the part of the entire American people.

But, Mr. Chairman, what is the character of the objections we hear made to this bill and this celebration? I could not but be impressed with it. I hear gentlemen here haggling over the dollars and cents which it will cost. Not a hundred years ago the men met in Independence Hall, in the city of Philadelphia, who bore within their true hearts and in their exalted spirits the fate of this nation and the destinies of the world. Did they talk about their not being able to pay? Did they derisively ask where the money was to come from to sustain their noble efforts for the deliverance of the American people from tyranny and oppression? Did they not know that they were incurring expense? Did any man in that assembly attempt to interpose a question like that which was put yesterday by the gentleman from Massachusetts [Mr. E. R. HOAR] to the gentleman from New York, [Mr. TREMAIN,] "Where is the money to come from?" Did any man in that assembly talk about gold, as we heard to-day from the gentleman from New Jersey, [Mr. PHELPS?] When I heard his remarks about the mode in which he thought the centennial would most honorably and successfully culminate, I was strongly reminded of another occasion in the history of this country, one familiar to you all. It was on the occasion of the delivery of the celebrated speech of Patrick Henry, when he described the exultant scenes which followed the successful termination of our protracted and often doubtful war of the Revolution, when he pictured a free people rejoicing over a country disenthralled and made independent, and when, in the midst of the firing of guns and the ringing of bells and the shouts of the rejoicing multitude, there was heard the hoarse voice of an Army contractor crying out "Beef!" "Beef!" "Beef!" Sir, I say to the gentleman from New Jersey [Mr. PHELPS] his cry to-day is the same cry. He comes here, and in the midst of the preparation for the great event of the anniversary of the independence of this country he cries out "Gold!" "Gold!" "Gold!" That, to his mind, is the one thing needful, which is to postpone all else, to constrain and prevent the American people from celebrating as a nation the anniversary of this the most significant event in its history, and one of the most important in the calendar of time.

I admire the earnestness and the ability with which the gentleman presses his financial schemes; but I submit that there are other things that are good and worthy the consideration of an American Congress, besides a "resumption of specie payments."

Now, sir, to recur for one moment to the scene to which I have called attention, and to those who were the actors in that grandest drama of human action. What would Hancock think of the question propounded yesterday by the distinguished gentleman from Massachusetts? What would Gerry and Jefferson and Carroll and Sherman and Franklin, and all that illustrious assembly that was gathered there—what would they think, could they know that we were questioning and canvassing whether we would celebrate the centennial of the day consecrated by them to liberty; whether the American people, the recipients of its inestimable blessings, shall celebrate it or decline to celebrate it, because it may involve the expenditure by the nation of a few million dollars?

The gentleman from the Chicago district [Mr. WARD] says that he and his constituents cannot bear this expenditure; and he made a remark which I think was scarcely consistent with his usual fairness, that he has observed that those constituencies which pay the least into the Treasury of the United States are the most fervid or the most eager in behalf of the passage of this bill. He proclaims rather vauntingly that Chicago pays a large proportion of the taxes of this Government. Now, how is it that Chicago pays that large proportion of the taxes? Under what auspices has she reached the point that she is able to do so? Fifty years ago Chicago could only boast of a few log huts; and if she will just exchange conditions as to wealth with us down in Alabama we will cheerfully pay her proportion of the taxation toward the celebration of this anniversary, and will throw in a few millions or so beside.

I wish now, Mr. Chairman, to say something on this subject as a southern man and an Alabamian. I will leave this discussion of dollars and cents to those who have preceded and to those who are to follow me in this debate. I will merely say further in regard to this, that when a nation, no matter what intellect may guide or genius preside over it, no matter what may be its success in the attainment of riches and dominion—when it forgets its honor, when it rejects those noble sentiments which alone inspire men and communities to great deeds, no matter how prosperous it may seem to be, there is within it rottenness, and it is on the road to decline and decay and death. The lessons of history everywhere recognize the fact that it is only in the heroic ages, or under the influence of sentiments which

spring from heroic ages, that nations have ever accomplished great things in the world.

But we at the South are peculiarly interested in this subject in a utilitarian point of view. Gentlemen, we do not know our own country. Any one who will mingle with the members on this floor will be struck with the fact of how little we know of each other in distant and remote sections of the United States. Members here from the Northwest and the North and from the far West, though they may have traveled through the South and are familiar with her general topographical outlines, and to some extent with her people and public men, yet know little comparatively of the South.

Let me tell you, gentlemen, what Englishmen say in regard to my own State; for they have been looking into the coal and iron resources of the South. There are in Alabama, says the London Advertiser, twenty-eight thousand million tons of coal; enough to supply the whole world for the next two thousand years. And, says a very intelligent writer, and I know to a very great extent of my own personal knowledge that his statement is true, there are iron ore and limestone in juxtaposition to it to work up all this coal in making iron. We have in Alabama a vein of iron ore which, commencing in the State of New York—being there about fifteen inches in width—is to be traced all along until you reach Tennessee, where it develops largely; then into Georgia; and in Alabama it spreads out until a man can ride a hundred miles over a bed of iron ore fifteen feet in thickness and forty feet in width, and his horse's hoof will never be off the iron ore. And we have within a few miles of it parallel lines of coal continuous and inexhaustible. We want the world and we want the people of the United States first to realize the fact that pig-iron can be made in Alabama at fifteen dollars a ton. I know this to be the truth, for I have it from iron-men who make iron there, and who inform me that in New York it brings a higher price (pig-iron I mean) than Pennsylvania iron.

We have there also a greater number of fine marbles than decorate this magnificent building. We have mountains of these. We have building stone that is not surpassed in the world. And I think if we could get you once to go to Alabama, if you could look upon our broad forests of pine as, in beautiful green, their lofty tops wave like the waters of the sea under the impulse of the gentle wind; if you could see our noble rivers, our mountains, and our valleys, which an English nobleman who traveled through Alabama since the war pronounced equal to Switzerland in their scenery; if we could have you go there and look at that land, remembering that over it all is our glorious climate, never exhausting with heat or freezing with cold, where a man can work out of doors all the year round without inconvenience, I think you would listen to our cry, you men of New England, you men of Pennsylvania, you men of the Northwest, to come to Alabama, to come with your capital and skilled labor, to enrich it and become rich yourselves—to that land where the wandering Indian tribes who had traversed more than one-half of this continent in search of a home, when they reached it and looked abroad on its beauties and loveliness, declared "Alabama"—"here let us rest." We have a State where may dwell comfortably and well, ay, prosperously and rich, ten million people, and we have only one million.

These, Mr. Chairman, are some of the reasons that influence my mind in a utilitarian point of view to favor this bill. Its purpose is a national one. I would not be willing to concede to the old Keystone State nor to the city of Brotherly Love the honor of alone commemorating this great event. All honor to the State of Pennsylvania and the city of Philadelphia for their generous contributions to this great object. They have proven themselves worthy of their illustrious founder and of Independence Hall.

But this work belongs to the nation, and the nation should do it. It is a nation's heritage, and a nation's obligation is upon us that we should do justice to the memory of the men of that day, to that glorious era, and to the still more glorious principles eternal in their influence upon the future of mankind, "that all men are born free and equal; that they are endowed by their Creator with certain inalienable rights; that among these, are life, liberty, and the pursuit of happiness." These principles, sir, had never before been flung from mortal lips to the winds. Their announcement marked an era in the cycles of humanity.

But, Mr. Chairman, I am detaining the committee longer than I had intended. Sir, I sympathize with the spirit of those noble men in Independence Hall on the 4th of July, 1776, who felt that life and liberty to themselves and to the American people were involved in the issue, and feel that on this subject the action of Congress should be in consonance with and responsive to the heroism which proclaimed that "sink or swim, live or die, survive or perish, we pledge our lives, our fortunes"—not $1,000,000 or $2,000,000, not this much or that much, but all—"our lives, our fortunes, and our sacred honor to this cause."

Upon the moral and patriotic influences of a celebration such as is contemplated by this bill I will not enlarge; but I think, sir, that he who has studied the history of man and the history of republics, and who looks around upon our country and its condition, may well have cause to reflect whether it is not good for us that we should gather again in old Independence Hall and around the altar there, and amid its consecrated associations renew again that patriotism which glowed in the hearts of the signers of the Declaration of Independence, that love of liberty which enthused the entire people and led our revolutionary fathers to final victory and independence, and to which we can directly trace all we are, all that we have been, and all that we hope to be as a free and a great people.

Mr. ALBRIGHT. Mr. Chairman, I have listened with great and intense interest to this debate, not because I happened to be a citizen and a Representative from Pennsylvania, but because I claim a broader and a wider nationality. I am a citizen of the United States, and feel interested in that which concerns the whole country.

Now I propose to call your attention, Mr. Chairman, to some of the features of this bill; for it is very evident that there is a misconception in the minds of members as to the nature of the bill and its provisions. I hear gentlemen talk as if this bill provided for an absolute and unconditional appropriation of $3,000,000 out of the Treasury without any safeguards and without any checks; and that when that money is obtained there would be no object to procure any more, or to use any effort for the purpose of securing money to make the centennial a success. Now this bill which I hold in my hand proposes to give $3,000,000, as follows:

Whenever it shall be certified to the Secretary of the Treasury by an officer of the United States Engineer Corps, to be detailed for the purpose as hereinafter provided, that the sum of $100,000 or more shall have been expended in the erection of buildings, preparation of the grounds, or other necessary expenditures for said celebration and exhibition, by the corporations created by the acts hereinbefore referred to.

You see, Mr. Chairman, that when the Government gives $100,000 the centennial board must provide $1,000,000, and that when the $3,000,000 shall have been drawn out of the United States Treasury the centennial board must provide $7,500,000; and they must expend that money under the supervision of an officer of the United States. I refer you also to the second section of this bill, and I ask the Clerk to read it, to show how guarded the expenditure of this money is to be.

The Clerk read as follows:

SEC. 2. That the President of the United States is hereby authorized to detail, from the Engineer Corps of the Army, a competent officer, whose duty it shall be to take an account of the expenditures for the preparation of the grounds, the erection of the buildings, and other necessary expenses for said celebration and exhibition, and at the close of each month to certify the same to the Secretary of the Treasury as hereinbefore provided. No part of the money herein appropriated shall be paid prior to the 1st day of July, 1874, and no more than $2,000,000 shall be paid during the fiscal year ending June 30, 1875, and the remainder of said $3,000,000 shall be paid during the fiscal year ending June 30, 1876.

Mr. ALBRIGHT. So you see, Mr. Chairman, that $2,000,000 of this money is to be expended during the fiscal year ending on the 30th of June, 1875, provided the centennial board expend $5,000,000, and then the other $1,000,000 is to be expended in the year 1876 upon the condition that $2,500,000 more shall be raised and expended by the centennial board. That, sir, answers the charges which have been made here that when you have appropriated $3,000,000 you will be asked to appropriate $5,000,000 or $10,000,000 more, and that there will be no end to the appropriations that will be asked of you for this purpose. The bill further provides that not one cent of the money which is to come out of the Treasury of the United States shall be used in the payment of salaries or expenses of officials, but that the money shall go directly and immediately into the centennial buildings. Now, then, I ask whether there could be greater guards and safer checks thrown around any organization than are thrown around this centennial commission?

Gentleman say, however, that when the United States appropriates $3,000,000 they will become corporators. Not at all. The State of Pennsylvania has appropriated $1,000,000, not as stock, but as a gift. The city of Philadelphia has appropriated $1,500,000, not to be invested in the stock of this concern, but as a gift; and it assumes no responsibility beyond that. There is no constitutional lawyer upon this floor who will undertake to say that because an appropriation is made by the State of Pennsylvania or by the city of Philadelphia, or by the United States, they become liable to pay beyond the amount of the appropriation. What they do is in the shape of a gift; there the responsibility ends.

Congressional legislation upon this subject makes this exhibition a national and an international exposition. It is provided that it shall be national, because it is desirable to commemorate the greatest event in American history, the birth of a nation born to freedom and equality. If there ever was a time in human history when for the sake of example any nation should celebrate an event like this, it is in the centennial year of 1876; because the American people to-day represent the freest and best nation that was ever known, a nation which represents the idea of a free government more completely and more absolutely than ever was before realized in history.

We have heard and read of Grecian commonwealths and of other free powers of the past. But they were not based upon the intelligence of the people as our Government is; upon the just and equal recognition of the rights of all the people. The civilized world is looking to America. All men who pant for freedom, who desire to drink at this fountain of universal liberty, look to America with anxious thoughts and palpitating hearts. They expect that other nations shall be inspired by the genius which guides this great nation and this great people in the car of progress. No doubt some of the nations of Europe have drawn from this country the inspirations which have moved them on toward a higher plane of civilization.

It is fitting, as has been admitted all around, if there is to be a centennial celebration, that Philadelphia is the right place for it. Why?

Because there the Declaration of Independence was first given to the world. There is where the fathers sat in council, and deliberated until they perfected our charter of human rights. It is there that took place those deliberations which resulted in the enjoyment of what we have to-day. There stands old Independence Hall; there is old Independence Square. Pennsylvania has kept that shrine of liberty, so that all people from all nations might go there and behold it and worship there. So many sacred, so many dear memories of the past are clustered around that place, that nobody can gainsay the propriety of selecting Philadelphia as the place for this centennial celebration.

But it is more than centennial; it is proposed to make it international. Why? So that the people of other nationalities, of other climates and countries, may come when we celebrate this great epoch in history and behold us as we are at home, not as we travel abroad, not as we spend our money upon the continent of Europe, but as we are in our workshops, as we are upon our farms, as we are in the cities, in the towns, in the country, as we are upon our ships, upon our lakes, in our forests, and upon our prairies.

By this invitation we challenge competition. We are not afraid of any competition with European powers so far as relates to our ability to produce and to make that which tends to the elevation and the improvement of mankind. The gentleman from Ohio [Mr. GUNCKEL] addressed himself this afternoon to the constitutionality of this question. He desired to have some one point out to him where there was power given in the Constitution to make an appropriation of this kind. He is not here now; if he were here I would relieve his mind upon that point. I would refer him to the first article of the eighth section of the Constitution, to that portion of it which says that "Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the nation."

Under this provision of the Constitution on three former occasions we have appropriated money to exhibit the wares and productions of American citizens at expositions in Europe—in London, in Paris, in Vienna. By virtue of this constitutional power we have organized exploring expeditions; have them going on now, those of Hayden and Raymond. By virtue of this constitutional power we purchase works of art, magnificent pictures, works of statuary, and things of that kind. It is too late to question the constitutionality of an appropriation for this purpose. Abler, wiser, better, more experienced constitutional lawyers than I profess to be, or than I think the gentleman from Ohio is, have determined and passed upon this question long ago.

It is a strange thing that gentlemen should discover the lack of constitutional power now only when it is proposed to expend some money for the purpose of making American industry appear well and to advantage at home. The Government did more than that on other occasions; it chartered vessels, and carried free of charge to Europe the objects of industry and manufacture for the expositions that were held abroad. And let me suggest to you, Mr. Chairman, that by those exhibitions our commerce has increased; we have been exporting machinery all over the world, because we advertised them there and people saw their merits. Illinois is indebted largely to the exhibition of the McCormick reaper at the exhibitions in London and in Paris. Our inventive genius has blessed the world everywhere, and we have been able largely to do so because of the opportunities the foreign exhibitions afforded us to exhibit the products of our skill and inventive genius, and which the munificence of our Government enabled us to show to the people on the other side of the Atlantic.

Time fails me to enumerate here to-night how the world has been blessed in consequence of the inventions and the exhibitions which have been made at these foreign expositions by American citizens. We have expended in the aggregate, I presume, $1,000,000 to send our fabrics to Europe; and now, when we are approaching this great event in our history, we are told that we are so poor, so abjectly poverty-stricken that we cannot afford to expend a dollar for the purpose of celebrating this event!

Gentlemen say nothing has been done to commit the United States to the enterprise. Sir, I do not pretend to parry words with men who say that in the proclamations of the President, in the letter of the Secretary of State, in the laws which are upon our statute-books, we have done nothing to commit ourselves in favor of a centennial, a national or an international exhibition. Sir, if I am capable of comprehending English words when they are put into sentences, then I say that we have by executive acts and legislative enactments committed ourselves in favor of this exhibition.

Sir, we have done more than has appeared by what other gentlemen have read. I do not propose to repeat the citations of those who have preceded me, but I wish to call attention to some facts that have not been cited. I ask the Clerk to read the President's order of January 23, 1874, appointing officials from the different Departments and an official letter from the Secretary of State, which shows how far we have gone in this matter by the acts of the Executive.

The Clerk read as follows:

Whereas it has been brought to the notice of the President of the United States that, in the international exhibition of arts, manufactures, and products of the soil and mine, to be held in the city of Philadelphia, in the year 1876, for the purpose of celebrating the one hundredth anniversary of the independence of the United States, it is desirable that, from the Executive Departments of the Government of the United States, in which there may be articles suitable for the purposes intended, there should appear such articles and materials as will, when presented in a collective exhibition, illustrate the functions and administrative faculties of the Government in time of peace, and its resources as a war power, and thereby serve to demonstrate the nature of our institutions and their adaptations to the wants of the people:

Now, for the purpose of securing a complete and harmonious arrangement of the articles and materials designed to be exhibited from the Executive Departments of the Government, it is ordered that a board, to be composed of one person to be named by the head of each of the Executive Departments which may have articles and materials to be exhibited, and also of one person to be named in behalf of the Smithsonian Institution, and one to be named in behalf of the Department of Agriculture, be charged with the preparation, arrangement, and safe-keeping of such articles and materials as the heads of the several Departments and the Commissioner of Agriculture and the Director of the Smithsonian Institution may respectively decide shall be embraced in the collection; that one of the persons thus named, to be designated by the President, shall be chairman of such board; and that the board appoint from their own number such other officers as they may think necessary; and that the said board, when organized, be authorized, under the direction of the President, to confer with the executive officers of the centennial exhibition in relation to such matters connected with the subject as may pertain to the respective Departments having articles and materials on exhibition; and that the names of the persons thus selected by the heads of the several Departments, the Commissioner of Agriculture, and the Director of the Smithsonian Institution shall be submitted to the President for designation.

By order of the President:

HAMILTON FISH,
Secretary of State.

WASHINGTON, *January* 23, 1874.

DEPARTMENT OF STATE,
Washington, March 25, 1874.

SIR: I have the honor to inform you that, in accordance with the order of the President of the 23d of January last, the following persons have been named by the heads of the several Departments, &c., mentioned in the order, having articles or materials to be exhibited at the centennial exhibition to be held in 1876, to compose the board directed to be created by the said order, namely:

By the Secretary of the Treasury—Hon. F. A. Sawyer.
By the Secretary of War—Colonel S. C. Lyford, United States Army.
By the Secretary of the Navy—Admiral T. A. Jenkins, United States Navy.
By the Secretary of the Interior—John Eaton, esq.
By the Postmaster-General—Dr. Charles F. McDonald.
By the Department of Agriculture—William Saunders, esq.
By the Smithsonian Institution—Professor S. F. Baird.

I have the honor further to inform you that the President has designated Colonel S. C. Lyford, United States Army, to be the chairman of such board.

I have the honor to be, sir, your obedient servant,

HAMILTON FISH.

Hon. WILLIAM W. BELKNAP,
Secretary of War.

Mr. ALBRIGHT. Now, it has been alleged that no States have taken part in this matter. I find, sir, that the State of Tennessee took action and requested her representatives to vote in favor of a bill such as this. The same remark applies to the State of North Carolina, the State of Virginia, and the State of Kentucky. All have taken direct action upon the subject, besides the State of New Jersey and some other States which, I understand, have been considering the question.

On the 7th of May, 1873, there was held in Philadelphia a meeting of the United States centennial commission, the proceedings of which I hold in my hand. I find that thirty-eight States and Territories were represented there and took action on this subject. Some few States were not represented. Maine, for instance, was not represented formally, but she was represented informally, and she spoke through one of her Representatives. An honored son of Pennsylvania, who has been adopted by the State of Maine, and who has warm and throbbing impulses for this enterprise—the man who has been thrice honored with the Speakership of this House—spoke on that occasion. I ask the Clerk to read the remarks of Hon. Mr. BLAINE, who gave his opinion as to what this Congress ought to do.

The Clerk read as follows:

Hon. JAMES G. BLAINE, Speaker of the House of Representatives of the United States, was introduced to the commission, and spoke as follows:

Mr. President and gentlemen: I must confess I am taken a little by surprise. I was about taking a seat in what we at Washington call the "lobby." An enterprise of this kind, however, is one which I am sure will require no "lobbying" at Washington. I have never doubted that the Congress of the United States, which had contributed $400,000 to the French exposition, *would at the proper time contribute millions to our own exposition.* I have no right to say that such a thing will be done, but I have no doubt that Congress will in this matter display a most liberal and comprehensive spirit. While I have no right to promise anything beyond my own vote, I feel that Congress will, at the proper time, give all the aid necessary, so as to make our exhibition transcend those of England, France, and Austria. In my own State of Maine a very lively interest is manifested, and I am sure that at the proper time a liberal appropriation will be made, as will be the case with all the other States. I have nothing further to say, other than, by my presence, I desire to express the great interest I have in the centennial exhibition.

Mr. ALBRIGHT. Mr. Chairman, this bill is objected to for the reason that it makes an appropriation of money and because it is said to be in conflict with former legislation. I have heard gentlemen speak of the pending measure as being perfidious, as being full of bad faith; as if there never had been any such thing as repealing old laws or changing those that may have been bad for better. Why, Mr. Chairman, is it perfidious because the people come here and ask this Congress to make an appropriation for the purpose of celebrating the anniversary of American independence? Is it possible that when men come and ask a comparatively small appropriation for such a purpose as this, they are to be told that it is an act of perfidy and that they are "raiders upon the Treasury?" Why, sir, Pennsylvania is arraigned here. The gentleman from Maine speaks of Pennsylvania and of those who interest themselves in this matter as being in

the lobbies, in the corridors, and everywhere else about this Capitol, besieging men. Sir, where is the man who has been besieged improperly on this subject? Has the gentleman from Maine? Has the gentleman from Kansas? Are they suspicious characters, whom the lobby would take hold of under the belief that they would do things improperly? See how Pennsylvania is arraigned here:

To-day she storms the doors of Congress, and forgetful of pledges that to an ordinary man involve in the highest degree human character, she clamors for $3,000,000, forgetting and treading into the dust her promises.

Is Pennsylvania here lobbying? Who are the men that are doing it? I happen to reside in the same town with one of the commissioners from Pennsylvania, Hon. Asa Packer. I defy anybody to name the time when that gentleman was here asking anybody to do anything in regard to this centennial.

One word in regard to the invitations. It has been said that invitations which have been sent out have not been accepted, and that the acceptances which have been received are by inferior powers. Let me suggest to gentlemen that one of the powers that has accepted the invitation is the Netherlands; and those who have read the history of the Netherlands as written by Motley and the biography of John of Barneveldt, know that the people of the Netherlands were the pioneers of civil liberty in the world; that during the reign of Queen Elizabeth the greatest battle for human rights that was ever fought was fought by the Netherlands, and they won through Prince William and Barneveldt against all odds and combinations.

We should welcome them upon our shores when we celebrate this great day.

Now, Mr. Chairman, I desire to submit to the House some remarks made on this subject of the centennial by others.

The Clerk read as follows:

Extract from report of Hon. Charles Francis Adams, jr., of Massachusetts, as commissioner from that State to the Vienna exhibition:

"There is good reason to believe that every condition exists necessary to make a decided success of the proposed Philadelphia centennial. The court pageant, which has played so brilliant and essential a part in its great European prototypes, will, it is true, necessarily be wanting. The mercantile element, however, which has proved the great mainspring of all recent expositions, will there be present in a more than ordinary degree. Throughout the civilized world America is known as a great market; as a market in which fabulous prices are paid, especially for those things which are rich or rare. Accordingly, all the greatest producers of the world, whether of objects of utility or of art, will wish to be represented. They will come with every conceivable product of human skill, and more especially with those a familiarity with which is in itself a liberal education, and the production of which offers well-nigh unlimited fields for American development."

Professor W. P. Blake, of Connecticut, said:

"The feeling abroad on the Continent toward the exhibition is particularly favorable. At Vienna there was ample evidence that foreigners would heartily join in it. Constant reference was made to it in the daily journals; and in the social meetings of the international jury, a body of men some six hundred in number, of all nations, pledges of reunion in 1876 'in America' were many and hearty. The scientific men and specialists look forward to the exhibition as likely to afford them a coveted opportunity to see the New World, and the manufacturers and merchants regard the exhibition as their opportunity to extend their trade in one of their best markets. Thousands will avail of the exceptionally low rates of fare and the increased facilities to visit the country, not for the exhibition only, but to journey to Niagara, Salt Lake, Yosemite, &c.

"It is not a mere Fourth of July affair, but a celebration of the centenary. It will not interfere with the speeches or bonfires for those who like them best. It proposes to be something more and better than a day's uproar. But it is a narrow view that would limit the exhibition to purely American productions and art, even if this were possible. Many of our arts, as we well know, are dependent for their existence upon foreign productions. To be just to ourselves, to principle, and to others, the exhibition should be *international* and *comparative*. If it is in any sense to commemorate or show the progress of the country during the century, it must be such. How otherwise are we to measure our progress? Are we not willing to place our productions alongside of foreign products? And are we unwilling to recognize progress made beyond our boundaries?"

Hon. Alexander G. Cattell, of New Jersey, used the following language:

"Let me impress upon you the fact that hundreds and hundreds on the other side of the water have said to me, 'This celebration of yours is not only in good taste, but it is just what is wanted to make the world acquainted with your resources, your institutions, and the character of your people.'"

Mr. ALBRIGHT. Mr. Chairman, in conclusion I will say this is a matter which we of Pennsylvania are not so wedded to as people might suppose, listening to speeches made here. We desire to celebrate the centennial because it is appropriate. We have shown we desire it by what we have done. Pennsylvania stands pledged to give $4,500,000 at this time toward this enterprise. You make this appropriation and there will be millions subscribed in Pennsylvania, because the people will know there is earnestness in this matter. The people of Pennsylvania who border on Ohio, New York, Delaware, New Jersey, and Maryland are taxed for this purpose, and cheerfully submit, because they believe that the proper celebration of the centennial will do more to unite the people of the States than any other thing you can devise. It will stimulate a generous national sentiment which will do much to perpetuate our free institutions. Refuse to give this appropriation and the people will believe that we are bankrupt, and Europe will certainly doubt our ability to resume specie payments.

Mr. O'NEILL. Mr. Chairman, I have gladly yielded to others my opportunity to speak earlier in this debate, because I was anxious other States should be heard before Pennsylvania spoke by her Representatives.

Mr. Chairman, the debate of an American Congress upon a subject of national or historical importance attracts the attention of the civilized world; the more so should the topic discussed directly interest the people of other countries. I have for several weeks anticipated aright the range of debate upon the passage of this bill, and I exceedingly regret that I find in it much, even when the bill becomes a law, that might make the sensitive, intelligent, and refined hesitate whether to accept the invitation, whether to bring to our international exposition the products of art, science, and manufactures to compete with such as may be furnished by our own citizens. These expositions being in the nature of business exhibitions of commodities, of course relieve to a great extent the apparent coldness of the invitation, and we shall doubtless have throngs of exhibitors and almost countless articles of foreign growth and manufacture brought to our country. But if Congress had acted promptly and shown a readiness to make our centennial a success, the world would have seen in 1876 such a display as had never been witnessed before at the oldest capital on similar occasions.

Centuries measure the growth and progress of nations. Events of great personal importance are marked by the same space of time. On the 22d of February, 1832, the one hundredth anniversary of the birth of George Washington was celebrated all over our land. At that time the country had just commenced its great career of progress. We were then entering upon systems of internal improvement, thought sufficient for the purposes of that distant day, which have given place long since to speedier means of communication. American industry was beginning to feel its manhood, and when the year 1876 comes, at the end of more than one generation of men, our land now traversed by endless miles of railroads, our cities, towns, and valleys alive with every variety of manufacturing, makes an American justly proud and anxious to bring the people of the Old World to our shores, to see the rapidity of human progress and civilization and advancement under a republican form of government.

The birth of Shakespeare has been commemorated by centennial celebrations wherever the English language is understood. The Carpenters' Company, of Philadelphia, in whose venerated building the Continental Congress first met, celebrates the one hundredth anniversary of that event September 5th of this year. Their patriotic resolutions inviting this Congress to assemble there on that occasion were presented some weeks ago by me. The descendants of the noble men who founded this society will be honored by your acceptance. The Methodist Episcopal Church a few years ago celebrated their centenary, and in every city, town, village, and hamlet, in valley and on hill-top, the praying millions of that Christian denomination gave thanks to God that the one hundredth year of their organization had come; and, while renewing their faith in His divine protection, offered up $5,000,000 to the cause Christ.

Suppose they could have met in one consecrated spot as the nation can in Philadelphia; how grand and sublime that Christian concourse would have been! Another event in the religious world was celebrated a year or two ago when the two branches of the Presbyterian Church, the old and new schools, came together in a permanent reunion after a separation of many years. I give this as an illustration of the result of the joyful joining of hands by these Christian people, who met just as the men of the North and the South will meet in 1876. These good Presbyterians not only crowded their churches and held devotional exercises, but as a bond of their renewed association signalized the event by subscribing throughout their whole denomination millions for the advancement of religion. If under one broad canopy or under the blue vault of heaven, on some sacred ground, such a single gathering could have been held as we now will hold in the city of the nation's birth, how memory would enjoy the scene for a lifetime!

This invitation is to be made at the end of the first century of our national existence. Under the shadow of Independence Hall, the world is asked to come, and if the genius of our institutions does not appear to such advantage as to dim the luster of the long ages of existence of other governments, then American skill, heroic energy, intelligent education, and the stimulant of freedom have been cherished for a century in vain. The 4th of July, 1776, with a population of three millions, the 4th of July, 1876, increased to forty-three millions. The city of Philadelphia, (and I name it not in any invidious comparison with other American cities, but because the great event is to be celebrated there,) at the time of the Declaration of Independence the largest city in North America, containing about five thousand buildings, to-day contains over one hundred and thirty thousand, adding for many years past annually as many as were inhabited at the time of the revolutionary struggle. So in the same ratio I presume the increase and growth of cities in every State.

Mr. Chairman, the citizens of Philadelphia do not disguise the fact that they have a pride in the success of the centennial. They rejoice that the act of March 3, 1871, designated it as the proper locality for the celebration, and the country to-day expects us to so act as to make the international exposition a success. Now more than three years after the passage of that law Congress is asked "to appropriate $3,000,000 in aid of the centennial celebration and international exhibition." The acts of the Forty-first Congress have become a part of the archives of our Government. They were passed by as patriotic, high-toned, and honorable gentlemen as to-day assemble in this Hall. Words spoken, opinions expressed, and votes given by the Representatives in that Congress were as well and as gravely considered as in this. The record stands and will stand forever, and the apparent inconsistency endeavored to be made an argument against the appropriation here proposed is at the most but an individual opinion, expressed, as

I believe, in all sincerity and with no desire to deceive. Those who were here then, who are now no longer members, were esteemed the same high-minded, patriotic men as their successors, and never intentionally betrayed their trust by word or deed.

Mr. Chairman, I cannot see how any gentleman can construe the provisions of any of the acts in reference to the centennial in any other way than as establishing an international exposition. Not a section scarcely of either of the principal acts but speaks of an exhibition where the world may exhibit; not a line, in my opinion, but tenders through the President of the United States an invitation to the people of foreign countries, soliciting their contributions in competition with those made by our own citizens. The acts themselves gave the invitations, and whatever construction may have been put upon them by any officials, they nevertheless were the invitations of the American people through their representatives in Congress to the people of every country where America is known and where diplomatic communication exists. You cannot take back these invitations. Wherever they have gone the courtesy of the Republic is involved, and the patriotism of the American representative abroad would be sorely tried should this Congress make it incumbent upon him to withdraw them.

What matters it whether the nation invited is great or small in population or territory? What matters it whether a long succession of kings or emperors sits upon a throne or that popular will has selected a ruler over a small and less demonstrative nationality? The inventive genius, the devotee of science, the searcher for information are not found in any special part of the earth's surface. The contribution from the most diminutive country of Europe or Asia may bear away the premium from the citizen of the greatest of the world's kingdoms. It is the man at last, and whether he dwells in the remotest corner of the earth a world's exhibition will fairly judge his skill, and in the international exposition of 1876 he will be made welcome to all the honors his achievement in art or science demands.

Mr. Chairman, I do not consider $3,000,000 a small sum of money. In the abstract it is a very large amount, but in comparison with the great results to come from the centennial it diminishes greatly. That amount is asked for by the commissioners. They have never intruded upon Congress. They have never harassed or importuned the members. They have been dignified, wise, and sincere of purpose, but in their associations with Representatives they have stated their case, and in no way endeavored to influence their judgment excepting by manly, patriotic argument; esteemed citizens, whose sole interest in the success of this international exposition is to sustain the honor of the country and to bring us in contact and fair competition with all who have already accepted and will still accept our invitation. I say by comparison with results $3,000,000 is not a large amount. Its expenditure by the Government will be in the interest of peace. It is not to be expended at one time, but through a period of two years; thus the amount, or a large portion of it, will remain in the Treasury to be paid out upon the report of a Government officer *pari passu* as money otherwise contributed is expended and as the buildings progress toward completion.

No one, Mr. Chairman, can deny that we have a burden of debt upon us, nor can any one desire to see its increase. Judging from the statement of the public debt for the month of April, we are decreasing the increase for the past few months; and in the coming months of the fiscal year the decrease will continue. Do gentlemen forget that during the four years of the war we expended $3,000,000 a day, or at that rate? Can we not now safely appropriate $3,000,000, to be used within the next two years, without making the Government bankrupt? I cannot believe the American people desire us to take one step backward in this the grandest of the peaceful projects of the country. As the time draws nearer for the opening of the exposition the enthusiasm will be intense, and I look upon the 4th day of July, 1876, in the city of Philadelphia, as the greatest national day ever known in the history of the world. Hundreds of thousands of people will crowd its streets, welcomed by its citizens. Gladness will reign, and let come who will, from abroad or from our own country, from any part of the earth, the citizens of that patriotic city will give a reception never to be forgotten. Our houses, our homes, will be open literally to all the world in ceaseless hospitality.

Why, Mr. Chairman, this $3,000,000, divided up between States and congressional districts, would be but a small amount, and so diminutive in pennies in the way of taxation over a period of about twenty-four months, to be levied upon the goods, chattels, and effects of each man, woman, and child in the country, that I will not calculate it. *De minimis non curatur.*

Mr. Chairman, much has been said about the apparent smallness of individual subscriptions in the different States. I am not at all surprised at that. The people—and they are intelligent and calculate cost and are economical—feel that the Government should contribute to this great international centennial exposition. They have a right to ask Congress to make this appropriation, and have a right to expect Congress to authorize it. I believe throughout the country the desire to see such a celebration is almost universal, and a year hence, should disaster come to this bill, they who bring it about will regret that they have placed an obstacle in the way of the success of the centennial jubilation of the birth of the Republic. Failure will bring chagrin and mortification upon the people, and rest assured their Representatives will feel the disappointment of their constituents much more than the enjoyment they now anticipate from defeating the bill.

Mr. Chairman, I must confess my heart is in this measure. I have had the success of this bill on my mind since the commencement of the session. As a Philadelphian, I cannot relieve myself of a local feeling. As a Pennsylvanian, my State pride encourages my hope of its success, and I am sure neither State nor city has stood back or failed in material aid. The city which I have the honor in part to represent never fails in its duty to its country or other communities. While cheerfully subscribing as it ought, and feeling honored in having the opportunity to do largely for this exposition, its citizens willingly find time to regard the sufferings of the southwestern portion of the country and mingle with their sympathy means to aid the distress. My colleagues and I will join hands with the gentleman from Maine [Mr. HALE] in voting more substantial help for the sufferers by the inundation should we be called upon.

Will this committee hesitate to act favorably on the bill? The same patriotic sentiment exists all through the land as exists in Pennsylvania. Even the State of Maine, one district of which is represented by my friend, [Mr. HALE,] all its members on this floor, save him, favor this appropriation, and I believe both the Senators. It is here we must judge of the feelings of the people on any given subject. It is not confined within State lines, and common country expects us to give liberally to the international exposition to be held in Fairmount Park, in Philadelphia, between the 19th days of April and October, 1876.

Mr. LOFLAND. Mr. Chairman, I concur entirely in the views of my eloquent friend from Pennsylvania, [Judge KELLEY,] so ably and forcibly advanced yesterday in his advocacy of this measure. I think it proper and becoming that the centennial of the nation should be observed in accordance with our power and greatness. No nation in the world's history ever progressed in the arts and sciences, population and power, as this. But a few years since, sir, and where you now sit and where this imposing structure stands, bearing the beautiful figure of Liberty aloft to the clouds, the rank thistle nodded to the breeze and the wild fox digged his hole unscared. The deep stillness of the primeval forest was broken by naught but the shrill scream of the panther, or the defiant yell of the still fiercer savage as he grappled in the death struggle with his enemy.

From a handful of devoted hearts who sought these shores for conscience sake we number to-day forty millions of freemen, with a land dotted with towns and cities, and capable of supporting and feeding the whole world. The nations gaze upon us with wonder, and our power and greatness are respected and acknowledged throughout the civilized world. No Aladdin's lamp or Arabian Nights ever presented a spectacle so grand or a history so wonderful as the growth of these United States. Though the nation is as yet in its infancy—not older than many of its citizens—it stands acknowledged among the foremost peoples of the earth in all that makes a nation great. The inventive genius of our citizens is second to none, and our energy and pluck are equal to our genius. Nothing has or can check our onward march. Though engaged in a gigantic war, such as the world never witnessed before, we girdled the continent with an iron band, and wedded the oceans on either shore. From a struggle which would have annihilated older nations, we emerged greater, stronger, more reliant than ever. He who lives to see the hundredth birthday of the nation will see a people greater and stronger still, only needing union and harmony and brotherhood to make us the arbiters of the world.

Now, Mr. Chairman, what can have a greater tendency to bring about so desirable a result than that our people should come together from every section of the country? Let the East and West, the North and South, mingle together, ignoring and forgetting the differences and strife which so lately distracted and divided us, and join in one common jubilee in commemoration of the achievements and glories of our common ancestry. And what more appropriate place than beneath the shadow of the old State-house, and within the sound of that historic bell which "proclaimed liberty throughout the land, and to all the inhabitants thereof"—there, where our fathers pledged their lives and honors for the maintenance of the great principles which to-day are acknowledged without dissent in every part of this broad land? What could be more grateful than to see a united people contending together to honor the memory of those grand spirits who founded a nation and bequeathed freedom to their children? There, upon the hundredth anniversary of the nation's existence, the children of this great Republic may emulate each other in the arts of peace, exhibiting for each other's information the improvements and inventions of the several sections, their pursuits and resources, and the various and diverse information, which tends to interest and unite a people, and which can only be learned by contact and intercourse.

By this, the wants and needs, and capacities of the various sections can be ascertained and understood, and the whole people, sinking all differences and jealousies, forget that they are from the East or the West, the North or the South, and remember and feel only that they are Americans; a title "honorable" and respected as that ever boasted by the Roman of old, when his city was mistress of the world. To achieve a result like this, should money be a consideration? What is the paltry sum of three or five million dollars, or even more, when weighed in the balance with the good results to be derived from a nation united in commemoration of a common inheritance? I contend, Mr.

Chairman, if the centennial celebration of the nation's birth was to have no international feature connected with it, that even then it would be right and proper that Congress should see that the occasion was observed in accordance with the dignity and grandeur of the nation.

I hold that Bunker Hill does not belong solely to Massachusetts, nor Princeton and Monmouth and Valley Forge and Brandywine to the States within whose borders they are, but their glories and memories belong equally to the Old Thirteen and the newer States carved out of the patrimony acquired by the struggle of which they are the glorious mementoes. Washington and his compatriots belonged to the nation, and it is becoming that their achievements should be commemorated—not by Pennsylvania or Virginia or New York alone, but by the whole nation, having one history, one coutnry, one destiny.

But, Mr. Chairman, I see great propriety in making the celebration international as well as national. We have extended trade and intercourse with all the nations of the earth. The comparison of industries and inventions, the peculiar products and necessities of different peoples, would be more marked and instructive when brought into juxtaposition with each other, and would offer a larger field for our people to display their skill and energy in inventing and supplying other peoples with whatever they need for their comfort or convenience. A jealous rivalry would spring up among the nations, not of arms or of martial glory, but a generous and laudable competition as to who should excel in the arts of peace, in developing whatever is required for the benefit and advancement of the human race.

No doubt our old friend and ally would take especial pleasure in witnessing the progress of a people she once helped, when help was needed, and the countrymen of La Fayette would gladly exhibit to the countrymen of Washington the products and manufactures of which they may well be proud; and Germany no doubt will contribute her part in the great exhibition, for so many of her citizens have emigrated from the *Vaterland* to build up homes in this great country that they form a large element of our population, and there must of necessity be a kindly feeling between the two nations. It has been said by some that it would be rather ungracious to invite Great Britain to participate in our anniversary, but I am not of those who think that a great and brave and enlightened people, such as the English people are, can entertain animosity for events so long past. We speak the same language, and are bound together by trade and intercourse, which neither can forego, and it is to the interest of both that that trade and intercourse should be increased. Besides, I am sure that the English people at heart are proud of us as a people and would be glad of an opportunity to compare her skill and ingenuity with that of ours and other nations of the world.

I do not feel bound, Mr. Chairman, by what are claimed to be promises in the inception of this undertaking. If when this matter was first mooted gentlemen supposed the object could be accomplished without cost to the General Government, and it has since been ascertained they were mistaken, I see no reason why this should be held up to the present Congress as an argument against making an appropriation for the purpose. Indeed I would object to any one State appropriating to itself the management and glory of the whole affair. As a Representative of one of the original Old Thirteen, I feel that my people have an interest in this patriotic movement as well as the great State of Pennsylvania, and I am willing that the younger States, those that have come into existence since the great event we propose to commemorate, shall have an equal share in the joy and glory of the occasion. I want to see Bunker Hill and Yorktown alike represented, and the children of Adams and Jefferson alike renew their fealty to the great principles of their fathers; and where so fitting a place as that in which those great principles were first enunciated to the world?

I think there are other things in this world quite as valuable as money; and I believe that no more judicious investment can be made by the nation, if it has the effect of uniting us more thoroughly. I hope and believe that the proposed celebration would be the commencement of a new era in our country's history—an era of good feeling, when the sections would forget their differences, and vie only with each other in endeavors to build up and strengthen our common country, making it one and indissoluble, and placing it on a foundation so firm as to last for all time. In achieving such a result the cost ought not to be considered.

Mr. MELLISH. If I were controlled in my vote entirely by the apparent direct interest of the city of New York, perhaps I should support the bill now under consideration; for doubtless New York will reap a large harvest through the attractions of a great international exhibition in a neighboring and relatively an inland city, which shall draw to our shores many people from many lands, generally with full purses, and possessed of a liberal disposition to lighten them. A large proportion of visitors to the centennial, not from foreign nations only but also from our own, will pass through and probably sojourn for some time in the metropolis of this continent. Its unexampled attractions will induce them to spend a good deal of time there, and as a natural sequence a good deal of money. For though Philadelphia will have her centennial—and the best wishes and co-operation of the city of New York will attend her in this patriotic and noble undertaking to provide a great industrial university where earth's invention will be stored, and where in peace once more the nations will meet—

> And science, art, and labor will outpour
> Their myriad horns of plenty at our feet—

New York will continue to be, as she always has been, the central point of attraction of this continent—the conceded paradise of accomplished travelers, persons of culture and elegant leisure, to say nothing of the flight hitherward of numberless restless persons who are always on the wing and pleasure-seekers in general. And all, of course, to the benefit, if not the glory, of my own dear city of New York.

But looking at the question through the impartial and unprejudiced vision of the general welfare of the country, and especially in its relations to a depleted Treasury, I am constrained to withhold my support to the appropriation.

It is believed that Mr. Sumner's zeal in opposition to the bill to appropriate $3,000,000 out of the public Treasury in aid of the centennial celebration overtasked his powers to such a degree as to have proved the immediate cause of his death. He brought all his wonderful industry and grasp of mind to the examination of the subject, and not long before his death remarked with much satisfaction and self-gratulation, and implied congratulation to the country, that he felt assured that his efforts had saved the nation $20,000,000.

The incongruity, the anomaly, of the crowned heads meeting with us *vis-à-vis* by their representatives in the celebration of an event which is peculiarly and solely American—being indeed a protest against the European theory of the divine right of kings, and their claim that the mass of mankind was created for the benefit of a few individuals, upon which their systems are built—might perhaps prove a theme too curious to here consider. At any rate I have not the time, nor do I know that I am at all called upon to enter upon such discussion. The dish of "spread eagle" has appeared prominently on the bill of fare; indeed we have had it so much and so often and so long, that it would not be strange if it began to pall upon the appetite. I am not ambitious to come into competition with the accomplished caterers of this favorite American dish.

In conclusion, from what attention I have been able to bestow on the question before the House, I have found it impossible to reach the conviction that I should be justified in voting for an appropriation of $3,000,000 at this time for the purpose proposed.

But when the great centennial, the Fourth of July, 1876, comes, to quote Emerson's wild-wood notes, as applicable to the day—

> When tenderly the haughty day
> Fills his blue urn with fire;
> One morn within the mighty heaven,
> And one in our desire.
>
> The cannon booms from town to town,
> Our pulses are not less;
> The joy-bells ring their gladness down,
> Which children's voices bless.
>
> The men are ripe of Saxon kind
> To build an equal State,
> To take the statute from the mind,
> And make of duty fate.
>
> And henceforth there shall be no chain,
> Save underneath the sea
> The wires shall murmur through the main
> Sweet songs of liberty.
>
> For He that buildeth high and wise,
> Nor pauseth in his plan,
> Will take the sun out of the sky,
> Ere freedom out of man.
>
> * * *
>
> God said, I am tired of kings,
> I suffer them no more;
> Up to my ear the morning brings
> The outrage of the poor.
>
> Think ye I made this ball
> A field of havoc and war,
> Where tyrants great and tyrants small
> Might harry the weak and poor?
>
> My angel, his name is Freedom,
> Choose him to be your king;
> He shall cut pathways east and west,
> And fend you with his wing.
>
> Lo! I uncover the land
> Which I hid of old time in the West,
> As the sculptor uncovers the statue
> When he has wrought his best;
>
> I show Columbia, of the rocks
> Which dip their foot in the seas,
> And soar to the air-borne flocks
> Of clouds, and the boreal fleece.
>
> I will divide my goods;
> Call in the wretch and the slave:
> None shall rule but the humble,
> And none but toil shall have.
>
> I will have never a noble,
> No lineage counted great;
> Fishers and choppers and plowmen
> Shall constitute a state.

And allow me to quote the Poet Laureate Tennyson's felicitous lines as applicable to the occasion:

And lo! the long laborious miles
Of palaces; lo! the giant aisles,
Rich in model and design;
Harvest-tool and husbandry,
Loom and wheel and engin'ry,
Secrets of the sullen mine,
Steel and gold, and corn and wine,
Fabric rough, or Fairy fine,
Sunny tokens of the Line,
Polar marvels, and a feast
Of wonder out of West and East,
And shapes and hues of art divine!
All of beauty, all of use,
That one fair planet can produce.
Brought from under every star,
Blown from over every main,
And mix't, as life is mixed with pain,
The works of peace with works of war.

* * *

Oh let the fair white-winged peacemaker fly
To happy heavens under all the sky,
And mix the seasons and the golden hours,
Till each man finds his own in all men's good,
And all men work in noble brotherhood,
Breaking their mailed fleets and armed towers,
And ruling by obeying nature's powers,
And gathering all the fruits of peace and crown'd with all her flowers.

Turn we now to consider the epochs of our Government, the rallying cries of these several periods, and their significance.

There has been in this country the era of Liberty with its War of the Revolution and watchword of "*Independence;*" the era of Nationality, with its adoption of the Constitution, and watchword of "*Equal Taxation;*" the era of Freedom on the Seas, with the watchword of "*Sailors' Rights;*" the era of Recovered Nationality, with its watchword of "*Emancipation.*" Liberty and equality are the words which may be called the exponents of the leading ideas of our system of republican government. Paraphrasing one of De Quincey's famous prose poems, let us in trance pass over land and sea, and imagine ourselves with Lincoln, among companions crowned with laurel. The darkness of gathering midnight, brooding over all the land, hide from us the mighty crowds that are weaving restlessly about us as a center. We hear them but we see them not. Tidings went out at midnight of a grandeur that measured itself against centuries; too full of pathos they were, too full of joy that acknowledged no fountain but God, to utter themselves by other language than by tears, by restless anthems, and by reverberations rising from every loyal heart throughout the land. These tidings we that sat upon the laureled car had it for our privilege to publish among all nations. And already, by signs audible through the darkness, by snortings and tramplings, our angry horses, that know no fear of fleshly weariness, upbraided us with delay. Wherefore *was* it that we delayed? We waited for a secret word that should bear witness to the hope of nations, as now accomplished forever. At midnight the secret word went forth; which word was *Emancipation!* The dreadful word, as it passed along the multitudinous wires that diverged from the Capitol in every direction, shone by its own light; before us it went; high above our Army leaders' heads it rode, and spread a golden light over the paths which we traversed. Every city, at the presence of the secret word, threw open its gates to receive it. The rivers were silent as it crossed. All the infinite forests, as it ran along their margins, shivered in homage to the secret word. And the darkness comprehended it. And everywhere, to the right hand and left of our course, loyal hearts, that had been dying or sickening, kindled anew in sympathy with the secret word that was flying past.

And in lowly hamlets in southern sunny climes were heard voices from dusky-faced men, women, and children that sang of deliverance; that wept no more tears, as once their fathers had wept, but only tears of joy; but at intervals that sang to the generations, saying—

Chant the deliverer's praise in every tongue;

And receiving answer—

Such as once in heaven and earth were sung.

And of their chanting was no end, nor shall be forevermore.

As the gentleman from New Jersey [Mr. PHELPS] this afternoon reserved the privilege of replying to my question, I beg another moment to state what want of time prevented my presenting in my interrogatory. I would not introduce such a comparison in regard to another, but I hope I may be permitted in regard to myself to say that I am in the rather uncomfortable situation of the fabled snake with two heads, and find myself now advancing and again retrograding. In short, my sympathies and heart are with the centennial, but my intellectual intuitions and my head are against a depletion of the Treasury to the amount of $3,000,000 for the purpose proposed by this bill. I wish to disclaim any jealousy or rivalry on the part of New York City as against the city known and named universally the "City of Brotherly Love." I have no doubt New York will be greatly benefited by the centennial. I have no doubt she will contribute liberally of her sympathy and her means to advance this grandly sublime, patriotic, and eminently praiseworthy conception, which, when realized in fact, will be a great factor among the opportunities for human enjoyment, will tend to the diffusion of useful knowledge, to the promotion of the useful arts and sciences, and in many ways will dispense widespread benefits, which it is easy to imagine, especially in their peaceful and elevating influences, will be in the interest of the people of all climes and countries in these and future times. And I sincerely believe that thousands of voices all over our broad land will be lifted up in favor of this great undertaking, and the contributions of money from private sources will be greater in the aggregate if the Government does not accede to the clamor of sturdy beggars who, like the daughter of the horse-leech, I am afraid may come again and again and cry "Give, give!" and then, like Oliver Twist, will return crying "More, more!"

I do not fear for the success of the exhibition. If no subsidy be given by the Government, and the enterprise is thrown entirely on the voluntary support of the people, they will respond with a liberality that will astonish and confound all prognostications of the croakers and weak-kneed and weak-backed supplicants for money from the Treasury. God and the people help those who help themselves. Let us go forward with full faith and courage on behalf of this excelsior enterprise.

Let us go forward under the inspiration and guidance of those springs of successful action—

Self-reverence, self-knowledge, self-control—

and we shall have an exhibition worthy the occasion which is to commemorate one of the grand events of the ages whose beacon-light through all time will tower over the wrecks of false systems of kingdoms and dynasties, dispensing everlasting blessings of light and hope to all generations in their onward and upward progress.

Mr. HAZELTON, of New Jersey. Mr. Chairman, I do not wish to detain the committee at this late hour of the night for the purpose of giving notice to this committee and the world that I am a candidate for a seat in the other end of the Capitol. Neither do I rise to criticise my own apparel or the apparel of any other member in this House. Nor do I claim the attention of the committee for the purpose of airing witicisms borrowed from Dickens. I merely wish to put myself right upon the record, and to say that I am in full accord with those who support the bill now before us. I am in favor of the proposed centennial celebration. I shall support with voice and vote the bill under consideration. In that regard I am in perfect harmony with the Legislature of my own State and with my own immediate constituents.

It is known to this House that during the last session of the Legislature of New Jersey a resolution was adopted recommending the holding of the centennial celebration in Philadelphia in 1876, and also requesting the members of Congress from that State to vote for a reasonable sum in order to carry out the object of the resolution, and to carry out the object of the centennial exposition. Every member representing my district in the Legislature of my State voted in favor of those resolutions. They not only said we should vote for a reasonable amount to carry out this object, but they also enacted a law subscribing for $100,000 of centennial stock. I know this is not very much, but it shows that the people of New Jersey are in full accord with this great undertaking. So far as the people of my own district are concerned, I feel that nine-tenths of them will support me in voting for the bill now before us. I know in that district we have not very large cities, but I think as a mass there is as much comfort, there is as much intelligence, there is as much solid wealth in that district as in almost any other district represented upon this floor. I have not the slightest doubt but they will be willing to bear their full share of the tax imposed upon the people to carry out this noble object.

Mr. Chairman, the gentleman from New Jersey [Mr. PHELPS] who has addressed the committee this afternoon does not feel inclined to obey the request of the Legislature of his State. He tells us if he were in the other end of the Capitol he would be willing to obey it. He tells us further that the people in his district are not in favor of this centennial exposition. He points to the poor people of Paterson, and he parades their poverty before the House and the country. He continually talks about the poor people of Paterson. I do not believe the people in Paterson, or in his district outside of that city, will thank him for parading before the House and the country that they are beggars, and that they are in the habit of sending to him for five dollars. He makes that declaration on the floor of the House, that they do send to him for that small sum of money.

Mr. Chairman, if there should be a man in my district who was in distress and I should consider it my duty to give him five dollars, I feel my constituents would spurn me if here on this floor and before the whole country I should proclaim that I had done that simple act of charity.

Mr. Chairman, it is a singular fact that gentlemen who have been born with silver spoons in their mouths are always parading their sympathies for the working people. I think that I am in sympathy with the working people of this country. Every gentleman who knows me knows that from my earliest youth I have been a workingman, and I think I know and feel as much for the workingmen of this country as any man upon this floor; and I believe heartily and earnestly that the great mass of the working people of this country are in favor of this great centennial celebration.

The question was asked yesterday, where will the money come from? Now, I think if the chairman of the Committee on Ways and Means, who seems to be so fearful that the country will be bankrupt and is bankrupt already, will report a tariff bill whereby barriers can

be built up between American-paid labor and the pauper labor of Europe, we will no longer be bankrupt, but the people of Paterson and every manufacturing town all over the country will have plenty to do, and we will again be a prosperous, thriving people.

We were told yesterday, Mr. Chairman, by the gentleman from Maine [Mr. HALE] that the nations of the Old World will not come and unite with us in this celebration. England, he says, remembers that the Colonies from which we spring were the brightest jewels in her crown. Look, sir, at the intercourse between this country and England. Look at the lines of steamships plying between our Atlantic sea-ports and Liverpool. Does this show that the English people are not willing to come and unite with us? Does it not show that where there is a chance to make money, there they will go?

And look at France and Germany and other European powers. The lines of steamships plying backward and forward between those countries and ours show that they too will come and unite with us in this great centennial celebration. The gentleman told us that they would not come because our institutions were not in accord with theirs. They do come now. Let us do our part in this matter and they will come over and help us.

As regards the benefits that will result from this centennial celebration I will not dwell upon them. They have already been made known to the House and the country by various gentlemen, especially by the eloquent gentleman from Pennsylvania who spoke yesterday, [Mr. KELLEY,] and the gentleman from Pennsylvania [Mr. ALBRIGHT] at my left who spoke to-night. And I may say, as my friend [Mr. ALBRIGHT] has just remarked to me, Paterson is a manufacturing city. Certainly she is; and she will exhibit her wares to good purpose.

Again, Mr. Chairman, they tell us that all similar exhibitions have failed; that in England, in France, and in Austria they have all failed financially. Why has this been the case? Simply because in England, in France, and in Austria the millions of the people, the toiling millions, are comparatively poor. The head of a family who only earns a shilling a day, and boards himself at that, cannot be expected to have any money to pay for the purpose of visiting any kind of exhibition, whether national or international. This is the case all over these countries. The poor, the toiling masses there, have not the money to enable them to attend or to give away for the purpose of supporting such exhibitions. Is that the case in this country? Thank God, no. Although we have been told here over and over again that we are bankrupt, yet in this country the people have money and they are in the habit of visiting the different sections of the country. Let us inaugurate the centennial, and from all over the country the workingmen, the masses of the people, will come in and give of their means for the purpose of paying the expenses of this grand centennial.

Mr. Chairman, I propose to detain the committee only a few moments longer. We have heard a great deal about this voting away of three millions of the people's money. Sir, when you look over the vast sums of money that have been voted away during the past year by this Congress to different States of the Union, it is surprising that this appropriation of three millions for one of the noblest enterprises that ever entered the mind of man should be so higgled over. Let us look at this matter for a few moments. During the last eight years, ending 30th June, 1873, New York has drawn from the national Treasury, for public buildings and river and harbor improvements alone, an aggregate of $15,688,222.22. In view of that fact, I do not think that New York ought to complain of voting her share, eight cents per man, for this great centennial celebration.

Let us go a little further. During the same time the District of Columbia has had about fifteen millions of the people's money, and yet there is a paper published here that has been belittling this great enterprise all through the past winter. I come next to Illinois, that great empire State. But let me state here that I begrudge not these appropriations. I love to see the whole country prosper, and I have no doubt that because the people of those States have received these large grants from the General Government they have advanced much faster in general progress than they otherwise would have done. What has the great State of Illinois, the Empire State of the West, received? The sum of $8,628,177.24. Two years ago, when the fire-fiend swept through the devoted city of Chicago, there was an appeal made to this House, and I feel proud that my vote was recorded in favor of the appropriatiop of $4,000,000 for the purpose of building up the public buildings in that city and giving employment to the poor laboring men who had been burned out of house and home; and yet, sir, the gentleman from Illinois [Mr. WARD] tells us that Illinois has paid so much in taxes. Well, sir, that shows that she has business; that shows that she has business whereby her people are employed, and she is enabled to pay it. She pays no more than her share *pro rata*. She does not pay an unequal tax.

Let us come now to the State of Massachusetts, from which comes the chairman of the Committee on Ways and Means, the gentleman who in his late speech here counsels economy. What has Massachusetts received within the last eight years? The sum of $6,171,177.65. The small State of Massachusetts—small in territory but in nothing else—has received that much, and we know she has absorbed a great deal of the currency we have been talking about so much lately.

Now comes Pennsylvania—the great State of Pennsylvania, an empire within herself, with next to the largest city on this continent, with a system of railways and canals unequaled by any other State, and with, to her honor be it said, the only line of American steamships plying between the Atlantic coast and European ports. New York, with all her wealth and commerce, has none but steamers built on foreign shores; but the great city of Philadelphia, in the State of Pennsylvania, has a line built at her own wharves in her own city, of steamers—and what has she received during that time? Let me tell you; she has received $3,574,564; only a little more than half what the small State of Massachusetts has received, and only a little more than half what the State of Illinois has received. And yet we are here to-day caviling whether for a great national enterprise this Congress shall vote $3,000,000 to be expended in the city of Philadelphia, in the State of Pennsylvania.

Mr. Chairman, I should not feel that I could go home to my constituents, I should not feel that I should be a true representative of my State and of my people, if I voted against this measure. It is merely an act of justice to Pennsylvania. After we have voted this sum she will not have had anything like her just proportion of the national funds. The State of Maine has received about $2,500,000; and I am glad to know that the majority of her Representatives here to-day are in favor of according justice to Pennsylvania by helping this great and noble enterprise, which will undoubtedly result in great honor and prosperity to our common country.

Mr. KELLEY. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. O'NEILL having taken the chair as Speaker *pro tempore*, Mr. HOSKINS reported that, pursuant to the order of the House, the Committee of the Whole on the state of the Union had had under consideration the special order, being the bill (H. R. No. 2986) to appropriate $3,000,000 in aid of the centennial celebration and international exhibition of 1876, and had come to no resolution thereon.

And then, on motion of Mr. KELLEY, (at ten o'clock and thirty-five minutes p. m.,) the House adjourned until to-morrow morning at eleven o'clock a. m.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BANNING: The memorial of 158 soldiers of Cincinnati, Ohio, in relation to modifications of the homestead laws, so that homesteads may be secured by soldiers, sailors, and marines by settling and improving the same within ten years from time of selection, to the Committee on the Public Lands.

By Mr. COBURN: The petition of William C. Margedant, late captain Tenth Ohio Volunteers, for arrears of pay, to the Committee on Military Affairs.

By Mr. LEACH: Papers relating to the destruction by fire of the court-house at Lexington, North Carolina, while occupied as officers' quarters and barracks by United States troops, to the Committee on Claims.

By Mr. LOWE: The petition of citizens of Kansas for a post-route from Burlington via Big Creek, Byron, Coloma, and Kalida, to Buffalo, in Kansas, to the Committee on the Post-Office and Post-Roads.

By Mr. PARKER, of New Hampshire: The petition of John Fritz, for extension of patent for rolling-mills, to the Committee on Patents.

By Mr. SAYLER, of Indiana: The petition of Torrey & Tilton, for extension of patent for door-spring, to the Committee on Patents.

By Mr. TREMAIN: The petition of E. M. Dennison, for compensation as crier of the supreme court of the District of Columbia from April, 1863, to December, 1865, to the Committee on Claims.

IN SENATE.

THURSDAY, *May* 7, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILLS REFERRED.

The bill (H. R. No. 3073) to amend section 19 of the act approved August 18, 1866, entitled "An act to regulate the diplomatic and consular systems of the United States," was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. No. 2246) relating to circuit courts of the United States for the district of Alabama was read twice by its title, and referred to the Committee on the Judiciary.

MORSE MEMORIAL ADDRESSES.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution of the House of Representatives:

Resolved by the House of Representatives, (the Senate concurring.) That there be printed five thousand copies of the memorial services which were held in the House of Representatives April 16, 1872, in commemoration and honor of the late Samuel F. B. Morse; thirty-five hundred of which shall be for the use of the House of Representatives, and fifteen hundred for the use of the Senate.

The resolution was referred to the Committee on Printing.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of War, recommending legislation by Congress authorizing the sale of the military reservation at Camp Cady, California; which was referred to the Committee on Military Affairs.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of George McCoy, late acting assistant surgeon United States Army, praying for a pension; which was referred to the Committee on Pensions.

He also presented forty petitions, numerously signed by citizens of different places in the State of Wisconsin, praying for an appropriation for the speedy improvement of the Fox and Wisconsin Rivers and the mouth of the Mississippi River; which were referred to the Committee on Commerce.

Mr. STOCKTON. I present the memorial of the executive committee of the board of commissioners of pilotage of the State of New Jersey, remonstrating against the passage of the bill (S. No. 675) to relieve ships and vessels from compulsory pilot fees in certain cases. I move its reference to the Committee on Commerce.

The motion was agreed to.

Mr. STOCKTON. As the remonstrance is very short, but a page or two, and on a matter of vital importance to the commerce of the country, I move that it be printed.

Mr. HAMLIN. I object.

The PRESIDENT *pro tempore*. Objection being made, the motion to print will be referred to the Committee on Printing, under the rules.

Mr. ANTHONY. I present a memorial of the journeymen printers of Washington, District of Columbia, remonstrating against the passage of Senate bill No. 689 to further regulate the Government Printing Office, and to reduce the wages of printers. The memorialists allege that the cost of living is much greater in Washington than in other cities, and that to fix the rate of mechanical labor in the city of Washington at the same price paid in New York, Philadelphia, or Baltimore, would be of great injury to the rights of labor.

I also present a memorial of the journeymen book-binders of Washington, to the same effect, and also a memorial of the journeymen pressmen, to the same effect. I move their reference to the Committee on Printing.

The motion was agreed to.

Mr. CONKLING presented the petition of Joseph H. Colton, of New York, praying Congress to constrain the government of Bolivia to make just and speedy reparation for the alleged repeated and ruinous wrongs which that government has inflicted on him; which was referred to the Committee on Foreign Relations.

Mr. INGALLS presented the petition of George Bagnall, of Atchison County, Kansas, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. FENTON. I present the memorial of the chiefs of the Onondaga Nation of Indians, residing on their reservation in Onondaga County, New York, who say that they have received a copy of the bill (S. No. 640) to provide a settlement with the Six Nations of New York Indians of questions growing out of unexecuted treaty stipulations, which relates to several nations or remnants of tribes of Indians in New York. They say they have convened councils of their chiefs and warriors, and have carefully considered the provisions of the bill, and have come to the unanimous conclusion to earnestly and respectfully remonstrate against its passage. I move the reference of the memorial to the Committee on Indian Affairs.

The motion was agreed to.

Mr. LOGAN presented a petition of citizens of Chicago, praying for an amendment to the bill now pending regulating the transportation of swine by railroad, so as not to make it imperative to unload and reload them unnecessarily while in transit; which was referred to the Select Committee on Transportation Routes to the Sea-board.

Mr. MORTON presented the petition of Thomas Sprinkle, of Oil Creek, Indiana, praying to be released from a bid on a mail contract; which was referred to the Committee on Post-Offices and Post-Roads.

EXPORTATION OF DISTILLED SPIRITS.

Mr. ANTHONY. I rise to make a motion which I am sure the Senator from Ohio and the Senator from Iowa will concur with me in, to reconsider the vote by which the bill (H. R. No. 2081) to facilitate the exportation of distilled spirits and amendatory of the acts in relation thereto was passed yesterday. I will state, if the Senate please, the reason for it, which is very brief and I think conclusive, or will let it lie over, as may be preferred.

The reason why I wish this bill reconsidered is because as it stands it cannot be comprehended by anybody. Instead of repealing the amended portions of the law and re-enacting them as they are proposed to be, the bill provides for amending the existing law "by inserting in the second proviso of the said section, after the word 'given' and before the word 'for' the, words 'to the collector of the port;' and after the words 'bill of lading,' and before the word 'or,' the words 'or any other port without the jurisdiction of the United States.'" And so it goes through, striking out in certain parts of a section certain words and putting in other parts of the section certain other words without giving the meaning or connection.

Now, Mr. President, I think this applies what we call modern improvements to the plan of the Roman emperor who had his edicts written in small characters and suspended from high pillars, for I think any man who is obliged to be governed by that law, and who is subject to penalties if he violates it, would rather climb up a lamp-post and read it than attempt to make it out from this bill.

I do not know anything about the bill, nor does anybody else except the gentleman who reported it, nor do the people know anything about it; but I propose that it shall be recommitted to the Committee on Finance, and that the parts which they propose to amend shall be repealed and then re-enacted as they desire to have them, so that whoever is governed by the law may read it and understand what he is obliged to do.

Mr. SHERMAN. The complaint made by the Senator from Rhode Island is simply a matter of form, and so far as it goes it is a proper criticism; but the bill passed yesterday was to amend the act relative to the exportation of spirits very slightly, affecting only two provisions of the law; and yet to do what the Senator from Rhode Island proposes would require the recital of two or three very long sections. At all events, the bill passed the House of Representatives in the form in which it came to us, and as now modified it is easily understood by anybody. It simply modifies the first proviso of a certain section of the present law. I suppose it would be better to recite the section in full, but it is scarcely worth while to make a point on a bill of this practical importance. The bill originated in the House of Representatives. If it originated in the Senate, I think the criticism would have been proper, and we should have put it in the form the Senator proposes.

All our recent internal-revenue laws, which must originate in the House of Representatives, have been framed in this way. We have objected to it ourselves and tried to correct it in many cases by reciting the section amended over again; but to do this would be a serious embarrassment and create delay in the present case. The bill itself is only intended to facilitate the exportation of spirits in bond by removing one or two restrictions that have been found in practice to be inconvenient. To carry out the idea of the Senator we should have to recite three long sections, because three sections are affected by the modifications contained in this bill. The bill having passed the House in this form and being now agreed to by the Senate, there being no objection to the substance of the matter, it is scarcely worth while for us to send it back to the House in a new draught.

Mr. ANTHONY. But has it not been amended in the Senate, so that it must go back to the House?

Mr. SHERMAN. Simply by striking out portions.

Mr. ANTHONY. The only objection to promulgating this bill as a law in a way in which it can be understood, the only objection to having the law so that the people can understand it, rather than having it so that nobody can understand it, is that the bill will have to go back to the House; but it must go back to the House anyhow. It does not take long to recite three sections in a bill.

Mr. SHERMAN. It is easy for any one to take this bill as passed by us, and having a copy of the old law in his hand, he can at once see more quickly under the bill as it now stands the changes made in the existing law than he could if we were to recite three long sections. He would have to compare the existing sections with the new ones, word by word, until he should find the difference between the two. I really think, therefore, that for directness of reference and quickness of perception of the changes made by the bill the present form is better, though I do not like it. At any rate, I think it is scarcely worth while to go through the form of changing the bill on a matter of taste rather than of substance.

Mr. HOWE. I do not quite comprehend the force of the criticism urged here by the Senator from Ohio. I do not see that it would be at all necessary to recite the three sections you want to amend in order to amend them. I do not see any difficulty in your writing right down there the law as you mean it shall be hereafter, and having it all in one section.

Mr. SHERMAN. The Senator from Rhode Island himself proposes to recommit the bill so that we shall recite the sections as they will stand when modified. That is the proposition. The amendments made relate to provisos in sections. We simply say the first proviso shall be so changed as to read so and so. There is no difficulty or doubt as to the meaning of the change and the purpose of the change.

Mr. HOWE. If any one interested in the law has the Statutes at Large in his possession, undoubtedly he can take this bill, and if he is good in mathematics, if he is equal, as the Senator from New York would say, to the labor of casting an eclipse, he could undoubtedly figure out from this bill and from the Statutes at Large what the law on this subject is to be after this bill becomes a law; but he would have to have that library and this law and that familiarity with mathematics in order to do it, whereas the committee which sends this bill here, without any reference to the previous sections at all, if they please can just write down the law as they mean it shall stand hereafter, and whoever has that law in his hand will know by what rule his conduct is to be guided.

Mr. WRIGHT. I wish to say a word on the motion made by the Senator from Rhode Island. There are provisions in some of the State constitutions that in amendments to a statute the statute itself shall be re-enacted in the form proposed. I have thought since I have been here that it were infinitely better that we amended our laws in the same way; but it is a practice uniform here, and I have not

known any exception to it, that we have amended statutes precisely as is proposed by this bill. This bill came from the House and was reported to the Senate, and was passed yesterday, and there was no objection at the time suggested to the bill by any one. Now it is proposed, when the bill has passed the Senate, and as I suppose gone to the House as thus amended, to reconsider the vote, not because there is any objection to the principle of the bill, but because of the form. I confess that I do not like the form; but ever since I have been here every amendment that has been made to an internal-revenue law, or any law affecting the revenue and almost everything else, has been precisely in the form this has been.

I insist that my friend, the Senator from Rhode Island, shall not make the rule operate on this particular bill now that it has passed and gone to the House of Representatives. But if he shall insist hereafter on this point when a bill shall come up in this form, I will stand by him as readily as any one and do what I can in my humble way to have a better rule inaugurated and carried out. I believe it ought to be done; but as this bill has already passed and there is no objection to the principle of the bill, and especially as I understand the Commissioner of Internal Revenue has these laws published in pamphlet form in a convenient size, and when they are thus published they are put in such form as that the amendments are incorporated and the whole section as it stands is seen together, I do not think the objection obtains as suggested here. I concede that in the Statutes at Large laws should be precisely as we pass them; but when the department make up the revenue laws and publish them in pamphlet form, I understand it is otherwise and the sections are brought together so as to show the effect of all changes. In this particular case I do not think the difficulty obtains that the Senator from Rhode Island suggests, or at least to the extent he suggests. I do not believe there will be so much trouble in understanding this statute as he thinks. I suggest, therefore, that the better way is to let this matter pass as it is, especially as it is a matter of vital importance that this law should be passed at as early a day as possible, for numberless enterprises connected with the exportation of liquors are now suffering for want of the amendment to the statute proposed by the bill we acted on yesterday.

Mr. CONKLING. Mr. President, the best time to correct a bad practice is the earliest time, and I am glad the Senator from Rhode Island has called attention to this practice. There are to be found in the legislation of Congress two features each of which is an anomaly in legislation. One is the use frequently made of a proviso. Of course the design of a proviso is to limit, restrain, or qualify. If you open the statute-book you find a minor provision perhaps, and another, and at the end a proviso more substantive, more affirmative, more operative than all the rest of the act. I have ventured before to call attention to this. I think it a vice in legislation.

The other feature to which I refer is that to which the Senator from Rhode Island has called attention. The wish of the Senate is to make certain changes in the internal-revenue laws. I ask my honorable friend from Iowa whether there is any difficulty or any inconvenience in writing down, as the Senator from Wisconsin suggested, just what we mean the law to be, adding "that all provisions inconsistent with the enactment are hereby repealed?" The Senator from Ohio speaks of reciting several sections. Surely, that is not necessary, I submit to the honorable Senator.

Mr. SHERMAN. To carry out the idea of the Senator from Rhode Island, it is.

Mr. CONKLING. It may be the Senator from Rhode Island used that expression. I did not observe it.

Mr. SHERMAN. The constitutions of several States of the Union, I think of Rhode Island, require that whenever a statute is changed in any particular by a subsequent law, the whole law as changed shall be recited.

Mr. CONKLING. I know that is the law in some of the States. It might be objectionable in practice here owing to the vast volume of legislation; but I submit with deference to the honorable Senator from Ohio and the honorable Senator from Iowa that there can be no difficulty in this case—and I have been looking at the bill—in affirming precisely what we say the law shall be, and then annulling conflicting provisions. Let us see in the first three or four lines of this bill what must be done by a lawyer who wants to cite in court this section:

That section 55 of the act of July 20, 1868, as amended by the act of June 6, 1872, and by the act of March 3, 1873—

There are three acts, to begin with, in different volumes, with which he must provide himself, and he must carry these into court. These three acts are to—

be further amended by striking out the words "such bonds" where they first occur in said section, and inserting in lieu thereof the words "a transportation bond;" by inserting in the second proviso of said section, after the word "given" and before the word "for," the words "to the collector of the port."

And so on; I will not follow it to the end. These sections are not numbered alike in all these acts. They are intended to be, but it will be found perplexing to trace the identity of numbers. I have had occasion recently to go over the several internal-revenue acts of Congress; and if there is anything next to hunting for a needle in a hay-stack, it is the task of tracing out, by identity the sections in their numbers or otherwise, the history of a special point of legislation in these acts. The Senator from Iowa referred to a compilation of these laws. I do not criticise it further than to say that after exhausting much time and more patience upon it I went back to the Statutes at Large, and worked many hours to trace through these succeeding acts a provision less hidden than this will be.

I think, Mr. President, that this is a good time to begin to correct this evil; I wish we could correct the other also. I wish when we have a bit of affirmative legislation it could be made a section, and not put in a proviso, and a proviso frequently following after something having little or nothing to do with it in logical or legislative sequence; and then I wish that, in place of legislating by relation, referring to an act as amended by another act and that as amended by another act, and then declaring that certain words be inserted, or inserted in lieu of words where they first or last occur, we might, in an instance which seems to me as feasible as this, state the law as we say it should be, and then repeal conflicting sections. With that done, see the ease with which this act can be cited. It will go into a volume of the statutes and into a compilation of the statutes. One book, one page, one section tells the whole story, and no man need search in all these other statutes. Why? Because he knows that whenever he finds anything conflicting with that it is repealed by the act then before him, and thus he is exempted from labor; whereas in the mode of legislation proposed, he must go back and ravel it out by stitches, and pick it out of all the crevices and detailed provisions of these acts, either one of which makes not a volume but a very considerable pamphlet of itself.

I shall vote for the motion of the Senator from Rhode Island, and I think he has made it in a case in which it is not only applicable but feasible.

Mr. ANTHONY. I was unfortunate in making myself understood if I was understood as proposing to refer this bill back to the Committee on Finance with any instructions. I did not so intend. I prefer to recommit it to the committee, and I indicated the purpose for which I wish it recommitted, leaving it to the committee to report in such a way as they may deem proper.

The practice of amending an act in the way proposed in this bill is of recent origin. I fancy it was never known when the Senator from Maine [Mr. HAMLIN] first came into this Chamber. I think it was not known when I first came into this Chamber. I think it has grown up within ten years. I remember once we amended the whole internal revenue and customs duties system in this way, by striking out from and after the word "whereas" the fourth time it occurs in the fourth section of a certain act certain words, and putting in some other words. No lawyer could understand it; nobody could understand it; and of course the Secretary of the Treasury and the Commissioner of Internal Revenue were compelled to prepare one act by taking the two acts of Congress and putting them together in the way in which they would read if they were one act. But every man who was bound by that law was subject to any mistakes which might have been made in this putting of the two acts together.

Mr. CONKLING. If the Senator will allow me, I beg to call his attention to the extraordinary theory and practice of passing an act on purpose to have an executive officer perform the function of legislation, to wit, amending it in form so as to make apparent to the eyesight the act as it was intended to be amended. As I hear him state it now, it strikes me as a fresh wonder that that mode should be deemed a proper mode of legislation.

Mr. SHERMAN. I desire to submit to the Senator from Rhode Island that, if he simply enter the motion to reconsider so as to keep the bill here, I will look again at the law and at the connection.

The PRESIDENT *pro tempore*. The Chair will inform the Senator that the bill has already been sent to the House of Representatives.

Mr. SHERMAN. Let it be recalled for the purpose of entering the motion to reconsider, and I will look at it and see whether it is practicable by a few words to make these changes, though I would prefer that the bill should be allowed to stand, because we have been pressed on account of the harsh operation of certain features of the existing law on the ordinary business of the country. If, however, the Senator desires now to make the point, he has a right to do it.

Mr. ANTHONY. The mode which the Senator suggests I prefer to recommitting the bill. I understand he will prepare the bill in such form as he thinks it ought to be and as I think it ought to be, and then have it reconsidered and that form substituted and sent to the House, instead of this, all of which can be done in two hours.

Mr. SHERMAN. All I desire is to let it lie on the table until we look at it.

Mr. ANTHONY. Very well.

Mr. SHERMAN. The Senator from Iowa [Mr. WRIGHT] thinks it can be done without reciting the sections as they will stand amended.

Mr. ANTHONY. I think the sections ought to be recited as they stand amended.

Mr. SHERMAN. There is the very point where the Senator differs from the Senator from New York and the Senator from Wisconsin. The criticism of the Senator from New York is that this is an act in the fourth degree from the original act, and that when you amend section 55 of the original act you should state that you amend it so as to read as follows, and then insert the amended section at length. Suppose that is done now; then hereafter when you want to amend that you would have to recite all the previous chain of acts which lead to the recital of this last act. This is a third amendment to section 55 of a certain act; and in order to trace the history, when we come

to amend it again it is proposed that we shall state that a certain act levying internal taxes, as amended by a certain act, as amended by a certain other act, and as finally amended by another act, shall be amended so as to read so and so, thus reciting all the laws on that subject. You will find, if we adopt the mode proposed by the Senator from Rhode Island, of reciting the section as it will stand amended, that it will lead to the complication which the Senator from New York points out.

Now, as the whole internal-revenue laws have been based on this, I confess, faulty system of amendment, to avoid in some cases prolixity in the law, I think it better to let this bill pass; it is not a striking case; and our attention having been called to the matter now, we will endeavor hereafter carefully to specify distinctly the amendments that are made. If, however, the Senator from Rhode Island desires to press his proposition now, it had better lie on the table, and I will see whether I can suit him.

Mr. ANTHONY. That suits me. Let it lie on the table.

Mr. CONKLING. But the bill should be recalled from the House, or it will be beyond our reach.

Mr. ANTHONY. The bill is recalled on entering the motion to reconsider. All I care about is that the law shall be promulgated so that the people who are bound to obey it can understand it. That I think an American citizen is entitled to.

Mr. WRIGHT. I want to ask the Senator from Rhode Island, inasmuch as there is no objection to the principle of this bill and as the Senator from Ohio has suggested that it is important that it should go into operation as soon as possible, that he do not apply the rule to this particular case. The Senator from Ohio and myself, and other members of the Finance Committee, have had our attention called to the importance of having this bill passed as soon as possible. I therefore ask the Senator from Rhode Island that he withdraw his motion as applied to this particular bill; and, our attention being called to the point, we concede the vice to which he refers. I have myself more than once called attention to it in committee and here. I know it is wrong; but I suggest that he let this bill stand passed as it is, and I shall be ready to stand by him in applying the rule hereafter.

Mr. CONKLING. There is one suggestion which I omitted to make, and my attention has been called to it by another Senator. The Senate may know that the House of Representatives has recently acted upon the revision of the laws so called. The work is before the Committee on the Revision of the Laws of this body, and will be reported soon. The Senate is also aware that the scheme and intention of that work is to present a truthful epitome, the substance plainly, of all the statute law as it now stands. It will occur to every Senator, in view of the coming revision, that we cannot commence too soon to change this cumbrous practice of legislation. The purpose of the revision being to condense and simplify the law as it now stands scattered in many sections, it seems to me that the legislation, the thread of which will be taken up where the revision leaves off, ought, and ought at once, to be made to conform to the plan of that work; and I hope the Senator from Iowa will take the suggestion of the Senator from Ohio and let the bill come back and look at it, and if the committee finds they can change the form, it will be the work of a short time.

Mr. WRIGHT. Allow me to suggest to the Senator from New York that there will be quite as little difficulty in this epitome of the statutes, as proposed, to incorporate this change as we propose it here.

Mr. CONKLING. My friend will pardon me for saying that no such thing is possible. I will say now, although it would be more timely in future, that if we are to adopt the report of the revision of the laws at all, it must be acted on in block. We cannot amend it, and carry it at the present session; and the idea of adding to it by bringing it down beyond December, 1873, is utterly futile, as every Senator will see if he reflects. All we can do with the revision of the laws is to complete that which has undergone the work of commissioners and more recently of a special commissioner employed under an act of Congress, the action of the other House, and of the committees of both Houses. There is no opportunity to carry this bill should it become a law in any form, or any act that has been passed at the present session of Congress, into the revision of the laws. All we can do is to make the continuation of legislation, from the time at which the revision stops, conform to and harmonious with the theory of the revision. This act in any event is not to be carried into it, and cannot be, nor can any other act passed at this session.

Mr. ANTHONY. Although my object is sufficiently accomplished in calling attention to this matter, yet it is manifest from the remarks of other Senators that if I withdraw the motion it will be renewed.

Mr. CONKLING. You had better recall the bill.

Mr. ANTHONY. Will not the bill be recalled on entering the motion to reconsider?

The PRESIDENT *pro tempore*. The Chair so understands. The motion will be entered and the bill recalled from the House of Representatives.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. HAMILTON, of Maryland, it was

Ordered, That the petition and papers in the case of the legal representatives of Richard Hall, of Maryland, praying compensation for losses sustained during the war with Great Britain, be taken from the files and referred to the Committee on Claims.

On motion of Mr. LOGAN, it was

Ordered, That the petition and papers in the case of Mrs. Catharine Barry be taken from the files and referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. OGLESBY, from the Committee on Pensions, to whom was referred the bill (H. R. No. 1832) granting a pension to Elizabeth Hackleman, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 659) for the relief of Niel Nielsson, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 1335) granting a pension to Guadaloupe Torres, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 2220) granting a pension to Andrew J. Baldwin, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 2118) for the relief of Elizabeth Clark, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 2716) granting a pension to Mrs. Mary C. Reno, reported adversely thereon; and the bill was postponed indefinitely.

Mr. SARGENT. I am instructed by the Committee on Appropriations, to whom was recommitted the bill (H. R. No. 3161) to enable the Secretary of War to carry out the act of April 23, 1874, entitled "An act to provide for the relief of the persons suffering from the overflow of the Mississippi River," to report it with an amendment; and I ask that it be now considered.

Mr. THURMAN. I suggest to the Senator to postpone that until the morning business is over.

Mr. SARGENT. Then I will call it up immediately after the morning business is through.

The PRESIDENT *pro tempore*. The Senator can withdraw the report and hold it until after the expiration of the morning business.

Mr. SARGENT. Very well; I withdraw it.

Mr. PATTERSON, from the Committee on Pensions, to whom was referred the bill (S. No. 615) to increase the pension of Mrs. Hannah W. Sumner, widow of Major-General Edwin V. Sumner, who died March 21, 1863, while in command of the Department of the West, reported it without amendment.

Mr. BUCKINGHAM, from the Committee on Commerce, to whom was referred the petition of Alexander Henderson, late consul at Londonderry, praying for remuneration for expenses incurred and special services rendered during his term of office, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

Mr. HITCHCOCK, from the Committee on Territories, to whom was referred the bill (H. R. No. 440) to amend the act entitled "An act transferring the control of certain territorial penitentiaries to the several Territories in which the same are located," approved January 24, 1873, reported it without amendment.

Mr. JOHNSTON, from the Committee on Revolutionary Claims, to whom was referred the bill (S. No. 598) to refund to the State of Georgia certain money expended by said State for the common defense in 1777, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

Mr. CRAGIN, from the Committee on Naval Affairs, to whom was referred the petition of William Wheeler Hubbell, praying for settlement of royalty for his explosive shell and fuse patents in the naval service, submitted a report, accompanied by a bill (S. No. 785) to settle for the inventions and patents of William Wheeler Hubbell.

The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. WASHBURN, from the Committee on Claims, to whom was referred the petition of Samuel S. Potter, praying for payment for use of his buildings as a hospital, submitted a report, accompanied by a bill (S. No. 786) for the relief of Samuel S. Potter.

The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. RAMSEY, from the Committee on Post-Offices and Post-Roads, to whom was referred the petition of William B. Bary, relative to the adoption of his patent combined letter-sheet and envelope by the postal service of the United States, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

Mr. INGALLS, from the Committee on Pensions, to whom was referred the bill (S. No. 692) to make uniform the pensions of widows of staff officers of the Navy, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 1673) granting a pension to Isaac Stevens, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 2214) granting a pension to Ann Humphreys, of Philadelphia, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 2353) granting a pension to Lucy Ann Cummings, reported adversely thereon; and the bill was postponed indefinitely.

Mr. PATTERSON subsequently said: This morning House bill No. 2353 was reported adversely from the Committee on Pensions, and postponed indefinitely. If there be no objection I ask that the indefinite postponement be reconsidered and the bill, with the adverse report of the committee, placed on the Calendar.

The PRESIDENT *pro tempore*. If there be no objection that order will be made.

Mr. CONKLING. I should like to ask the Senator whether another bill of which I spoke to him was reported also?

Mr. PATTERSON. No, sir.

Mr. CONKLING. I was going to ask that that also be placed on the Calendar.

Mr. HAMILTON, of Texas, from the Committee on Pensions, to whom was referred the bill (H. R. No. 240) granting a pension to John C. Farnam, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 2116) for the relief of Magdalena Docks, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 870) to place the name of Mary E. Murphy on the pension-roll, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 2794) granting a pension to Elizabeth Wolf, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of Sarah M. Smead, widow of the late Captain Raphael C. Smead, praying for an increase of pension, reported adversely thereon; and the committee was discharged from the further consideration of the petition.

Mr. THURMAN. I am instructed by the Committee on Private Land Claims, to whom was referred the bill (S. No. 610) to authorize the correction of the boundaries of certain lands in California, to report it back, with a recommendation that it be indefinitely postponed. I ask the Senator from California who introduced the bill whether he wants it to go on the Calendar or to be acted upon at once?

Mr. HAGER. I stated at the time I introduced the bill that I introduced it by the request of certain parties. I stated that I probably would not support its provisions myself. Perhaps, to give the parties an opportunity to be heard, it had better be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. THURMAN. I am also directed by the same committee, to whom was referred the bill (S. No. 611) for the relief of settlers on certain lands in the State of California, to make a similar report, and recommend the indefinite postponement of the bill.

Mr. HAGER. Let it go on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report.

SUMNER MEMORIAL ADDRESSES.

Mr. ANTHONY. The Committee on Printing, to whom was referred the resolution of the House of Representatives to print additional copies of the addresses delivered in the Senate and House of Representatives on the death of Charles Sumner, have instructed me to report it back without amendment, and recommend its passage. I ask for its present consideration.

By unanimous consent the Senate proceeded to consider the following resolution:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed three thousand copies for the use of the Senate and five thousand copies for the use of the House of Representatives of the addresses made in the Senate and in the House of Representatives upon the death of Hon. Charles Sumner, and that the Secretary of the Treasury have printed the portrait of Mr. Sumner to accompany the same.

The resolution was concurred in.

GOLD MINT BARS.

Mr. SHERMAN. I am directed by the Committee on Finance to report a bill; and I have a letter from the Secretary of the Treasury on the subject which I ask may be read, and the bill, if there be no objection, put on its passage. The bill has but a single object in view.

The bill (S. No. 784) authorizing the transfer of gold mint bars from the bullion fund of the assay office, New York, to the assistant treasurer at New York, was, by unanimous consent, read three times, and passed. It provides that the Secretary of the Treasury may from time to time transfer to the office of the assistant treasurer at New York, from the bullion fund of the assay office at New York, refined gold bars bearing the United States stamp of fineness, weight, and value, or bars from any melt of foreign gold coin or bullion of standard equal to or above that of the United States, and may apply the same to the redemption of coin certificates or in exchange for gold coin at not less than par, subject to such regulations as he may prescribe.

WOLF RIVER IMPROVEMENT.

Mr. BUCKINGHAM. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. No. 3028) giving the assent of Congress for the improvement of the Wolf River across the Menomonee Indian reservation in the State of Wisconsin, to report it back with the recommendation that it pass. I ask that the bill be put on its passage now.

By unanimous consent, the bill was considered as in Committee of the Whole. It gives the assent of Congress to the Weshena Improvement Company, a corporation organized under the laws of the State of Wisconsin, improving the Wolf River so as to run logs down that river across the Menomonee Indian reservation, in accordance with the laws of that State. Any damages which may be caused on account of such improvements shall be awarded as in all other cases under the laws of the State of Wisconsin, and the amount be paid to the Indian agent for the benefit of the Indians; and the Indians and all other persons shall be permitted to use the river for the purpose of running logs; and the charges for this privilege shall be regulated by the Legislature of the State of Wisconsin. All privileges under the act may be altered or revoked by Congress.

Mr. SARGENT. I suggest to the chairman of the Committee on Commerce that instead of having this money paid to the agent for the benefit of the Indians, it be paid into the Treasury for the benefit of the Indians. We may then appropriate it. We do not know how much it will be. It may be $1,000 or $100,000. If it is paid into the hands of the agent for the benefit of the Indians, the Indians may never know anything about it.

Mr. BUCKINGHAM. This is a House bill and the committee did not think it advisable to make the change suggested, although it was thought of. The Indian agents are responsible for funds that they receive.

Mr. SARGENT. For any funds they receive from the Government they are unquestionably liable; but this is to be received from outside parties, and I think it had better go into the Treasury for the benefit of the Indians. Then we can appropriate it for them.

Mr. BUCKINGHAM. I have no objection to the amendment.

Mr. SARGENT. I move to amend the bill by striking out in line 11 the words "Indian agent" and inserting "the Treasury of the United States."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

REFERENCE OF A DOCUMENT.

Mr. SHERMAN. On the 9th of April, 1874, the Secretary of the Treasury sent a letter, transmitting, in response to a resolution of the Senate, information in relation to receiving and disposing of revenue-stamps and public moneys, and the document was printed but was not referred. I move now that it be referred to the Committee on Finance.

The motion was agreed to.

COMMITTEE ON APPROPRIATIONS.

On motion of Mr. MORRILL, of Maine, it was

Ordered, That the Committee on Appropriations have leave to sit during the sessions of the Senate.

BILLS INTRODUCED.

Mr. DAVIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 787) to extend the jurisdiction of the Court of Claims; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. EDMUNDS subsequently said: I think the bill introduced by the Senator from West Virginia just now respecting the jurisdiction of the Court of Claims ought to go to the Committee on the Judiciary. That committee has always had jurisdiction of that subject, and has some bills before it now touching the same question.

Mr. DAVIS. I moved the reference of the bill to the Committee on Claims for the reason that that committee has already a bill of a similar nature before it and has somewhat considered the subject.

Mr. EDMUNDS. Very good.

Mr. DAVIS. I shall have no objection to its going to the Committee on the Judiciary for inspection afterward, if it is deemed necessary.

Mr. EDMUNDS. I will make no motion on the subject.

Mr. ALLISON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 788) amendatory of and supplemental to an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, and for other purposes; which was read twice by its title, referred to the Committee on Railroads, and ordered to be printed.

Mr. GORDON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 789) for the relief of Thomas G. Rawlings for the benefit of his northern creditors; which was read twice by its title, and referred to the Committee on Claims.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 790) for the relief of Mrs. Catharine Barry; which was read twice by its title, and referred to the Committee on Pensions.

Mr. RAMSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 791) for the relief of the settlers on the odd numbered sections within the limits of the Northern Pacific Railroad and the Territory of Dakota; which was read twice by its title, and referred to the Committee on Public Lands.

NAVAL PROMOTIONS.

Mr. THURMAN. I offer the following resolution and ask for its present consideration:

Resolved, That the Committee on Naval Affairs are hereby instructed to report

to the Senate whether under the existing laws a promotion to the rank of rear-admiral can be lawfully made without a previous examination of the officer promoted according to the provisions of the act of Congress on the subject of promotion, approved July 16, 1862.

I wish to say in reference to this resolution that there is a difference of opinion upon the question whether or not a candidate for promotion to the rank of rear-admiral must be examined by a board, as is required in the case of all promotions below that grade. There is some difference of opinion on that subject, and some hard feeling has arisen in respect to it; and it is for the purpose of having a report which shall settle the question that I offer the resolution.

Mr. SARGENT. I will state that that matter was investigated by the Committee on Naval Affairs pending a nomination that was before them. They went into the whole subject and also consulted the Secretary of the Navy upon it. It might be well, however, that that report should take a written form and be printed, going so far as it does toward settling the question.

Mr. THURMAN. That is what I desire.

The resolution was considered by unanimous consent, and agreed to.

REPORT OF COMMITTEE ON TRANSPORTATION ROUTES.

Mr. SHERMAN submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That five thousand extra copies of the report and appendix thereto of the Select Committee on Transportation Routes to the Sea-board be printed; and that one thousand copies of said report and appendix, together with the evidence taken, be printed, and that said copies be sent by the Public Printer to any person applying for the same, and who will send to him the cost of transportation of such document either by mail or express.

And be it resolved, That the Committee on Printing be instructed to report suitable measures for the distribution of public documents.

THE GENEVA AWARD.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of Senate bill No. 7, called the Geneva award bill.

Mr. SARGENT. Before that is done, I ask that I be allowed to make the report which I withdrew a few moments ago.

Mr. EDMUNDS. What is that?

Mr. SARGENT. A report from the Committee on Appropriations on the bill which was recommitted to the committee the day before yesterday, affording relief to the sufferers from the Mississippi overflow; and I should like to have it acted upon at once. I think it will not lead to any lengthy discussion. If anything is done, it ought to be done at once. I made the report during the morning hour, but on the suggestion of the Chair withdrew it until the expiration of the morning hour. I think it will not take more than ten or fifteen minutes to dispose of it.

Mr. EDMUNDS. Of course it is obvious that that report cannot be considered to-day if it leads to any discussion, because a single objection will carry it over. I do not object to the report being made.

Mr. SARGENT. I do not propose to discuss it myself for more than five minutes.

Mr. EDMUNDS. The bill to which I refer ought to be taken up and passed. I believe our honor is partly involved in it toward certain people of the United States. If it be taken up, I shall have no objection to allowing it to be laid aside informally to see how long the Senator's bill will take.

Mr. SARGENT. Very well; I will agree to that.

The PRESIDENT *pro tempore*. Is there objection?

Mr. THURMAN. I wish to say in regard to the bill in respect to the Geneva award, that of course I have no objection to its being taken up; but I must ask that it shall not be pressed to a vote to-day. I wish to submit some observations to the Senate upon it, and my papers are not here; they are at my house.

Mr. EDMUNDS. I gave you notice yesterday.

Mr. THURMAN. I did not receive it. I was out of the Senate if any such notice was given.

Mr. EDMUNDS. It is perfectly useless to take up this bill unless we are going to have a vote upon it. That was my object in moving to take it up. If the Senator is not ready, of course I cannot insist upon it to-day; but when it is taken up I shall ask that it be stuck to until it is disposed of.

Mr. THURMAN. Then I must ask the Senator to postpone his motion until to-morrow.

Mr. EDMUNDS. Very well. I give notice, then, that to-morrow at one o'clock I shall move to take up the bill.

EXPORTATION OF DISTILLED SPIRITS.

Mr. SARGENT. I now ask leave to report back from the Committee on Appropriations——

Mr. SHERMAN. If the Senator will allow me to interrupt him for a moment, I am informed that on the bill which upon the motion of the Senator from Rhode Island [Mr. ANTHONY] the Senate has ordered to be recalled from the House of Representatives, the House have ordered a committee of conference upon other points, and that may lead to the very result which he desires to accomplish. I suggest to him whether he had not better let the matter go to the committee of conference and let the bill remain as it is, in the possession of the House.

Mr. ANTHONY. That will accomplish my purpose precisely. The committee of conference can report the bill, I may say, as an intelligible bill.

Mr. SHERMAN. I am informed by a member of the Committee on Ways and Means that that is the action of the House, and they were at a loss to know what the Senate wished in regard to the bill.

Mr. ANTHONY. I have no objection to withdrawing my motion.

The PRESIDENT *pro tempore*. The motion to reconsider the vote on the passage of House bill No. 2081 is withdrawn.

RELIEF OF SUFFERERS FROM MISSISSIPPI-RIVER OVERFLOW.

Mr. SARGENT. I am directed by the Committee on Appropriations, to whom was recommitted the bill (H. R. No. 3161) to enable the Secretary of War to carry out the act of April 23, 1874, entitled "An act to provide for the relief of the persons suffering from the overflow of the Mississippi River," to report it back with an amendment, and I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Appropriations was to add, as an additional section, the following:

SEC. 2. That the Secretary of War is directed to issue temporarily supplies of food and disused Army clothing for support and to prevent starvation and extreme want to any and all classes of helpless or destitute persons who have been rendered so by reason of the recent overflow of the Mississippi River, and to make report to Congress of such issue of food and clothing and the condition and situation of such destitute people; and the sum of $100,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for such supplies of food or rations: *Provided*, That the authority hereby conferred upon the Secretary of War shall expire on the 1st day of September, 1874.

Mr. SARGENT. Mr. President, there are two changes in this amendment from the form in which it was presented the day before yesterday by the committee. In the first place we have struck out the words "the State of Mississippi," and made the appropriation more general. We have done this because we are satisfied by the examination of persons before the committee who are familiar with the country and the ravages produced by this immense inundation, and by the newspapers from that section which we have had before the committee and examined, and by representations made by local committees in the form of circulars appealing generally for help, that there is in the State of Louisiana, and to a much less extent in the States of Mississippi and Arkansas and a portion of Missouri, a wide-spread devastation caused by this unusual, exceptional overflow, and that there are thousands of persons—I do not overstate it—who have taken refuge from the high water in such shelter as they could find, on the tops of their houses, on the tree tops, &c., who need food and who need clothing; that their provisions have been swept away; that many lives have been lost; and that this is a great disaster which the nation alone is adequate to cope with.

We have also increased the appropriation from $60,000 to $100,000, and I regret to say that I fear we are giving but a drop in the bucket for the relief of the sufferers from this great calamity. There has been naturally one evil result of the delay in the Senate in acting upon this matter heretofore and the recommittal of the bill, and that is this: as it would naturally be supposed that Congress would have the highest information and the best judgment as to the extent of this calamity, it neglecting to act in view of that information, private persons would not be likely to be very generous in their contributions; and the effect of our delay, I fear, has been to stay to a certain extent the contributions which were being made by different cities and by different individuals for this object. It is due to the persons who are thus terribly situated and who need this relief that, if it is granted, it should be granted at once; and for that reason the committee have instructed me to ask the Senate to pass upon the bill at once, and that this relief be furnished.

I have before me, if any Senator desires further information on this matter, extracts from newspapers where the intelligence most concentrates and which are best informed, substantiating what I have said, and giving details of the most distressing description of the condition of these people who are being flooded. I find that it is not merely black people, but white people, who are suffering; that their industries are being destroyed; that their opportunities for work have been cut away; their stocks of provisions and clothing have been destroyed.

It seems to me this is one of those great calamities as to which we ought to do something. I think we ought to do much more than is proposed by this bill. I will not, however, take up the time of the Senate in further discussion, unless some Senator shall require more specific information than I have given in the remarks I have already made.

The PRESIDENT *pro tempore*. The question is on the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. SARGENT. The title of the bill should be amended by adding the words "and for other purposes."

The PRESIDENT *pro tempore*. That amendment will be made.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Attorney-General, communicating, in answer to Senate resolution of

April 30, 1874, a copy of the correspondence in the cases of James Barclay and T. M. Rouse against Lieutenant G. A. Goodale, United States Army, for false imprisonment; which was ordered to lie on the table.

He also laid before the Senate a report of the Attorney-General, transmitting, in compliance with a Senate resolution of January 21, 1874, information relative to the sale of Government property at Harper's Ferry; which was referred to the Committee on the Judiciary, and ordered to be printed.

THE CUSTOMS SERVICE.

Mr. FENTON. I move that the Senate proceed to the consideration of Senate bill No. 13.

Mr. EDMUNDS. Let the title of the bill be read for information.

Mr. FENTON. It is the bill relating to the customs service and the disposition of fines, penalties, and forfeitures.

The PRESIDENT *pro tempore*. The title of the bill will be read.

The CHIEF CLERK. A bill (S. No. 13) to regulate the service in the collection of customs at the various ports of entry in the United States, and the disposition of fines, penalties, and forfeitures incurred under the laws relating to customs, and for other purposes.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of this bill?

Mr. ANTHONY. Is it the intention of the Senator to speak upon the bill or to take it up for action?

Mr. FENTON. I desire to have the bill acted upon. I do not think it will lead to any debate. I am not desirous of speaking upon it.

Mr. ANTHONY. I have no objection to its consideration; but it occurred to me, as this seemed to be an off day, that we might give the poor Calendar a chance.

Mr. FENTON. This bill will take but very little time, I think. It relates to the machinery of the customs service.

The PRESIDENT *pro tempore*. There being no objection, the bill is before the Senate as in Committee of the Whole. It will be reported in full.

Mr. EDMUNDS. What committee reported the bill?

The PRESIDENT *pro tempore*. The Chair recollects that the Committee on Commerce were discharged from the consideration of the bill. It has not been reported by a committee.

Mr. EDMUNDS. It has not been considered by a committee then?

The PRESIDENT *pro tempore*. It has not been reported by a committee. It was referred to the Committee on Commerce, but that committee were discharged from its further consideration, on the motion of the Senator from New York, [Mr. FENTON.]

Mr. FENTON. I desire to say, however, for the information of the Senator from Vermont, that it is the identical bill formerly reported from the Committee on Finance, but which was subsequently referred to the Committee on Commerce, and from the consideration of which they were discharged a day or two ago.

Mr. BUCKINGHAM. I do not know what the custom of the Senate is on a question of this kind; but it strikes me as not being particularly proper for a Senator to ask that a committee be discharged from the consideration of a bill and then have that bill brought up for the consideration of the Senate. I think the bill should be reported from a committee.

Mr. FENTON. This bill has been reported from a committee. It was fully considered by the Committee on Finance a year and a half ago, reported from that committee unanimously, placed upon the Calendar, and made a special order; but the Committee on Commerce now a little over a year ago deemed that it should pass through their official hands, and finally it was referred to that committee. They failed to act upon it; upon my motion the day before yesterday they were discharged from its further consideration, and it was brought before the Senate. I know of no good reason now for its further consideration by any committee. I suppose the Senate will feel competent to pass upon it.

Mr. MORTON. Has the bill been taken up?

The PRESIDENT *pro tempore*. The bill is before the Senate.

Mr. FENTON. Let it be read.

Mr. BUCKINGHAM. It seems that this bill was considered by a committee of another Congress and not by any committee of this Congress. If the Senator is disposed to have the bill referred to the Committee on Finance, and that committee shall report the bill, I certainly will not object to its consideration.

The PRESIDENT *pro tempore*. There is no motion made to refer the bill. The bill will be read if no motion is made.

Mr. FENTON. I have no doubt that the Committee on Finance would authorize me or some other member of the committee to report it back at once; and if that course is more agreeable to the Senate, I will make no objection to it.

The PRESIDENT *pro tempore*. Let the bill be read.

The Chief Clerk proceeded to read the bill, but was interrupted by

Mr. BOREMAN. It occurs to me that that is a bill which ought to be reported upon by a committee. There is too much of detail in it for it to be considered here in the Senate without the report of a committee of the body. Whatever may have been done in former Congresses, I move that the bill be referred to the Committee on Commerce.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from West Virginia.

Mr. FENTON. The Senate have just discharged the Committee on Commerce from the further consideration of the bill. I was about to consult the chairman of the Committee on Finance with the view of adopting the suggestion of the Senator from Connecticut, if there was no objection on the part of members of the Finance Committee, to the end that the bill might be reported back again from that committee at an early day and put upon its passage. If the Senator from West Virginia will allow the Clerk to proceed with the reading of the bill until I have an opportunity to confer with the chairman of the Finance Committee, I have no doubt that disposition can be made of it. My only desire in the matter is to reach early action upon it.

Mr. CHANDLER. This bill was before the Committee on Commerce for some time, but the House of Representatives was investigating the same subject, and the committee decided to await the action of the House; and that was the cause of the delay. It is a very important measure, and it is a subject that will require a good deal of discussion and very close and rigid examination. I do not care what committee takes it in charge, whether it be the Committee on Finance or the Committee on Commerce, but it should be carefully examined and revised by some committee of the body.

Mr. BOREMAN. I am inclined to think that the Committee on Commerce was discharged from the care of this bill without much consideration by the Senate. I heard nothing of it myself. There was no discussion about it, I apprehend. It was one of those motions that are put without notice and acted on without much consideration. It seems to me that this bill contains many matters that cannot be passed upon in the Senate without a report and such information as can only be gathered by a committee and given to the body, fixing, as it does, the salaries of officers and many things of that sort. I think therefore it should be referred to a committee that we may have such information as they can give us on the subject.

The PRESIDENT *pro tempore*. The question is on the motion to refer the bill to the Committee on Commerce.

Mr. FENTON. That would be a very remarkable proceeding. This is certainly an unexpected movement on the part of the Senator from West Virginia. A few days ago I had occasion to give a history of this bill. At that time I stated that it was introduced some two years ago; and after full consideration it was finally, very little changed, reported from the Committee on Finance, and placed upon the Calendar. I have no doubt that the Committee on Finance was the proper committee to whom this subject should be referred. It was so regarded by the Senate in the beginning; but afterward it was thought best for some reason, by some members of the Committee on Commerce, for them to have charge of it; and on the 17th of December a year ago it was referred to that committee in the identical language of the bill now before the Senate. The committee failing to act upon it at that session, on he first day of the present session I again introduced the bill, and asked its reference to the Committee on Commerce. That committee were again silent; but the Senate Finance Committee had fully and thoroughly considered it, and it had received the approval of the then Secretary of the Treasury, the Senator from Massachusetts, [Mr. BOUTWELL;] so I asked that the bill at last be brought before the Senate for action. I consulted the chairman of the Committee on Commerce, and he said to me that he had no objection to the committee being discharged from its further consideration, and even went so far as to suggest that, if desirable, it be again referred to the Committee on Finance. I should have asked that reference in the beginning were it not that the Committee on Finance remains very little changed; and I have reason to know that every member of that committee (I think I speak advisedly) approves of this bill; but if it is desired, as I know it is by my honorable friend from Connecticut, that it should go to the Committee on Finance as a formal proceeding, and be reported back again from that committee, I shall not oppose the reference; but I do oppose its being again referred to the Committee on Commerce.

Mr. MORTON. I should like to hear the bill read.

Mr. FENTON. Let it be read through.

The PRESIDENT *pro tempore*. The question now before the Senate is, Will the Senate refer the bill to the Committee on Commerce?

Mr. BUCKINGHAM. I differ a little from the honorable Senator from New York. I do not think the Committee on Finance is the proper committee to whom this bill should be referred; but, as I stated, if it should be referred to that committee, and they should make a report in favor of its passage, I should not then object to its consideration. I think the Committee on Commerce is the committee to which all questions relating to customs should be referred. This bill has been before that committee for some time, as stated; but what are the facts? This very subject has been before the Committee on Ways and Means of the House of Representatives, and has been considered there; and that committee has heard testimony from men in favor o a measure similar to this, and also the testimony of men who were opposed to it; they have been investigating this subject with a great deal of thoroughness; and in view of that fact, believing that after such an investigation as they were making they would come to a wise and proper conclusion, the Committee on Commerce of this body did not think it worth while to take such action as was necessary to report the bill. That is the reason why it has not been presented to this body before.

Mr. FENTON. That reason may have prevailed for the last six weeks; but it could not have prevailed prior to that time, because

this subject has not been under investigation by the Committee on Ways and Means for a longer period. But further, the matter under investigation by that committee related mainly to the violations of the customs-revenue law, and the bill reported by them, if I may be allowed to refer to the action of the House of Representatives, principally concerns the repeal and modification of these laws. In other words, it does not relate to the machinery of the customs service, to which this bill is directed; and if the bill that is now reported to the House of Representatives should pass that body and this, it would still be necessary, and even more important, that a bill of this character should become a law. This bill in nowise conflicts with the action of the House of Representatives.

But passing from the merits of the proposition itself, which has been fully considered and is easily understood, I have no objection to the bill going to the Committee on Finance, and I have no doubt I shall have the unanimous consent of that committee to report it back in a few days. I ask my friend from West Virginia to modify his motion, and if he does not I will move to amend it, so that the bill may be referred to the Committee on Finance.

The PRESIDENT *pro tempore*. The motion is not amendable. The end can be reached by voting down the first motion, after which a motion to refer to another committee will be in order.

Mr. FENTON. Then I hope it will be voted down.

Mr. BOREMAN. I have no objection to modifying my motion as the Senator desires.

The PRESIDENT *pro tempore*. The Senator from West Virginia moves that this bill be referred to the Committee on Finance.

Mr. FENTON. That is my motion.

Mr. MORTON. According to my recollection, it is nearly two years ago since this matter was first brought before the Senate. I do not know what has been the history of the bill since that time; I do not know why the question has not been considered; but I do think that the evidence which has been taken during the present session of Congress and recent developments establish the fact that this question ought to be considered by this Congress before it adjourns; that there are evils in the law which ought to be remedied. If it is proper to have this bill go to a committee again, I have no objection; but it ought not to go to any committee to be kept for another two years. The bill ought to be brought back in some form so as to give the Senate a chance to pass upon it before the close of this session.

Mr. EDMUNDS. It is quite evident on a cursory perusal of this particular bill that it must go to some committee unless the Senate intend to destroy all the machinery that now exists for collecting the revenues of the United States. The bill starts out with undertaking to deal with all the various ports of entry of the United States in respect to the salaries of their officers. It proceeds to deal with about a dozen, I should think, leaving all the rest entirely unprovided for. It then makes a sweeping disposition of the subject of fines, penalties, and forfeitures, out of which all the smaller collection districts in the United States, covering the whole of your thousands and thousands of miles of sea-board and of border, are provided for, and leaving those officers practically to perform their duties for nothing, or the comparatively nominal salaries that the old law, if that be not repealed by this, would still give. So it is perfectly plain that the bill ought not to pass in its present condition.

It may be true, as the Senator from Indiana says, that there are evils in the existing law; but I think it will turn out that the evils to which the Senator refers, so far as they are real, (and that is not nearly so far as is supposed,) chiefly grow out of administration instead of out of law. Take this Sanborn business that is spoken of. That did not grow out of the laws of the United States relating to the customs.

Mr. MORTON. That is not relevant to this matter.

Mr. EDMUNDS. That grew out of certain very vicious and very special legislation of Congress, for which I think a fine ought to be imposed on everybody that voted for it, or against it either, for aught I know. Certainly it was a very hasty and careless piece of legislation. But when you examine the collection of the customs and the collection of the internal revenue under the general laws of the United States, I think you will find, if you look at the provisions of the law with the disposition to have a law which shall protect innocent importers and manufacturers from undue competition by those who do not pay the duties and the taxes that they ought to pay, that your law can scarcely be amended in the direction of greater liberality toward those who violate it. There is the difficulty; and when abuses grow up under these laws, they are the abuses that arise, as they do in every administration of law, out of the cupidity or dishonesty of some person who is employed to administer the law, and not out of the law itself. Provisions for grand and petit juries, for illustration, have existed almost from time immemorial in this country and in that most highly civilized country from which we derive our jurisprudence—I say the most highly civilized as it respects the protection of general equal rights and the fair and orderly administration of law—and yet everybody knows in his own county and in his own State that sometimes a grand jury is corrupt, and an innocent man is condemned to unjust prosecution; sometimes a petit jury is corrupt, and a just man is condemned to an unjust and unreasonable forfeiture of the loss of his property, and so on. In those cases of course nobody thinks of repealing the provision for grand juries; nobody thinks of overthrowing the right of trial by petit jury; but everybody ought to think of rectifying the *personnel* of that administration, be it State or national, which leads to any abuses of a good law.

I think it will be found on a careful investigation that whatever of evil there is under the present system of the collection of the taxes and imposts of the United States is most largely due to the fault of particular persons to whom the Government is obliged to intrust the performance of executive duties, who are actuated by the same passions that other people are; some of them turn out to be base ones; and those who undertake to exercise jurisdiction in enforcing a just law, and who have base and selfish motives, will of course so execute that law as to gratify their base and selfish interests. But it does not follow from that that your law ought to be repealed. It follows from that that your base officer ought to be removed and punished vigorously and promptly, and then you have no difficulty with the law. We must not shut our eyes to the fact that these laws have two objects in view: first, the collection of taxes, and in that, secondly, the protection of those innocent and just persons who manfully obey the law by paying in internal revenue and in external revenue all that the law requires them to pay, and make no effort to defraud the Government in any way, whether by commission or omission. Having regard to those interests, we must have a law which is sufficiently strong to be enforced against those who violate it.

Mr. MORTON. Conceding all that the Senator from Vermont says to be true, it does not disprove the necessity of the consideration of this question by Congress.

Mr. EDMUNDS. That is perfectly true, and I said so.

Mr. MORTON. If the evils of which we have heard so much do not belong to the law, but simply to the administration of it, that fact ought to be known. If they arise from the character of the law either in whole or in part, and the law should be amended, that fact ought to be known. The alleged facts in regard to the administration of the law are of such a character that Congress is hardly at liberty to let this thing pass another year or two years. I hope, if this bill is referred to any committee, that it will not be allowed to sleep, but that it will be reported back in some form for the consideration of the Senate.

Mr. BOREMAN. Mr. President, it might be inferred from what has been said by the Senator from Indiana that the purpose of my motion was to defeat action upon this subject. That is not my purpose. We have committees here for the purpose of considering matters of this sort; indeed everything that may be brought before the Senate for action. This bill, it is admitted, has not been considered by a committee during this Congress. Whatever may have been done heretofore is not to influence us at this time, I apprehend, on this question. Bills have been introduced here for ten, fifteen, and twenty years, and reported upon from time to time during every Congress, and yet when they are introduced anew they are again committed to a committee for consideration and report. Now, sir, I make this motion in good faith——

Mr. MORTON. I do not suspect the Senator of any purpose of the kind that he protests against. I am satisfied, so far as my friend is concerned, that if this bill were referred to a committee of which he was a member it would receive prompt consideration.

Mr. BOREMAN. This subject may need consideration; and I do not want to act upon a bill of this sort, of so much importance as this appears to be, without the report of some committee of this body. Therefore I made the motion, that we might have the report of the proper committee so that we might act advisedly.

Mr. FENTON. It is not necessary to refer the bill at all; still, out of deference to the suggestion, I have consented to have it referred to the Committee on Finance; and I can assure the Senator from West Virginia and other Senators that it will hardly be allowed to rest very long in that committee.

I will not prolong this debate, but remark that my friend from Vermont [Mr. EDMUNDS] has evidently misunderstood the scope and the precise objects of the bill. It does not deal specifically with all the collection districts in the United States, but only with the principal ports of entry. In the sixth section the other ports are grouped together, which is largely the case as the law now stands.

Now, Mr. President, to illustrate what I say, the ports of entry named in this bill specifically, and for which compensations for service are fixed, not including moiety shares, &c., are for the port of New York, $6,000; Boston, $6,000; Philadelphia, $6,000; Baltimore, $6,000; New Orleans, $6,000; and for salary at San Francisco also the sum of $6,000. The compensation at Cincinnati, Chicago, and Saint Louis is $2,500 for the collector of each port.

Beyond this the collection districts of the United States are regulated by special and general acts of Congress, after grouping the districts together, and with varying compensations for the collectors and other officers. As an illustration, in the district of Vermont the salary is $1,000; in the district of Minnesota the salary is also $1,000; and the maximum compensation is made up by commissions from disbursements, by storage charges, and by the moieties or the division from the fines, penalties, and forfeitures through any seizures that may be made at the respective ports of entry, so that the compensations vary in these several ports, reaching from Vermont on the east to the farthest port on Lake Superior in the west, along the northern frontier, say from $500 to nearly $7,000.

Mr. EDMUNDS. Will the Senator permit me to ask him to point out in this bill any part of it which provides for the compensation

hereafter of the collectors of any of the ports except those of New York, Baltimore, Boston, &c., mentioned in the fifth section?

Mr. FENTON. It will remain precisely as it is, unless the Secretary of the Treasury shall adjust the compensation as herein stated:

That the salaries of the officers of customs at the ports and districts not herein enumerated shall be fixed by the Secretary of the Treasury at rates commensurate with the duties and responsibilities devolving upon them respectively, in no case to exceed that now received by them from salaries, perquisites, moieties, and other sources whatever.

That is precisely the present law, except that the maximum compensation may be limited by the Secretary of the Treasury.

Mr. EDMUNDS. I am very much obliged to the Senator from New York—although perhaps it is not necessary now to discuss this question—for the light he has thrown upon the subject. It seems that I am right in saying that this does not fix by statute the compensation of any of these various officers, but in its opening section it provides for all the ports of the United States: "in the various ports in the United States the compensation of such officers shall hereafter be regulated and fixed as follows." Then it fixes the compensation at eight or ten ports, and then, as the Senator says—which I did not allude to, for I did not go over the whole bill—it turns all the rest of the United States into the hands of one man, the Secretary of the Treasury, whoever he may be, to fix the salaries at all the ports of the United States except the few specifically provided for. Now I beg to ask if the Senator himself on reflection thinks that is a wise power to repose in a Secretary of the Treasury? Why, sir, it gives the Secretary of the Treasury as a mere political machine a thousand times the power that any President, democratic or other, in the highest times ever before exercised in his life to control the operations of elections and to control officers. It gives him an army dependent upon his mere will, and not the law, in respect to the compensation they should have, as well as the tenure of their office as it may be now, though certainly the tenure of their office is not now in the control of the Secretary of the Treasury; he has no power over them; but the President may have under existing laws.

This bill as it stands, then, is to turn into the sole control of the Secretary of the Treasury, unadvised by any counsel, uncontrolled by the Executive of the United States, uncontrolled by Congress, the fixing of the salaries and compensation of all the customs officers of the United States except in six or eight of the principal ports.

Mr. FENTON. Allow me to say to the Senator that that is precisely the authority conferred on the Secretary of the Treasury now in respect to almost all the employés under the collectors of customs in the various ports of entry in the United States. It is in some measure the fact at all the different ports of the United States except those enumerated in the bill; and this provision of the bill that is now before the Senate is simply to restrain the Secretary of the Treasury from adjusting these compensations beyond the maximum amount as now received under these various enactments and through these various regulations.

Mr. MORTON. I will say to the Senator that the Commissioner of Internal Revenue now has substantially that power in regard to the salaries of collectors of internal revenue.

Mr. EDMUNDS. Both the Senator from New York and the Senator from Indiana are mistaken. It is not the law that the Secretary of the Treasury has the power to fix the compensation of the collecting officials of the United States.

Mr. FENTON. No; I say he has authority to fix it, not beyond a certain limit, as to the employés under the collectors at the various ports of the United States now.

Mr. EDMUNDS. Ah, Mr. President, that is a horse of a different color.

Mr. FENTON. Then I stated further that under the various acts of Congress, from 1799 down to 1841 and 1863 inclusive, the compensations of the collectors at the different ports of entry outside of those ports that are mentioned in the bill are subject to variations which are the result of commissions for the disbursement of money that are fixed in numerous instances and which are in some measure determined by the Secretary of the Treasury.

Mr. EDMUNDS. The Senator is vastly mistaken again.

Mr. FENTON. O, no! I am not.

Mr. EDMUNDS. Let me tell the Senator from New York, if he will pardon me, for I know he comes from a much larger port of entry than I do, that the acts of Congress in most of the instances, instead of being the other way, as the Senator says, fix the commissions that are allowed to public officers for the disbursement of moneys; and the Senator will find it so in the statutes. When you come to the compensation, that has already been disposed of; but the Senator was in error upon that subject. When you come to the power of the Secretary of the Treasury, as he says it now exists, over these sub-officials, (although I was speaking of the collectors themselves, over whom he has no power at all,) he has it not over sub-officials because all the appointments of the collectors of the various ports of the United States are made by the collectors under the law upon the approval of the Secretary of the Treasury; but when a man is once appointed he then becomes an officer of the law, and no mandate of the Secretary of the Treasury can remove him, any more than the Senate can remove a man after we have confirmed him and the President has given him his commission. The power of the Secretary of the Treasury ceases, and wisely it is provided that it shall cease if you intend to administer the Government upon the ideas of the civil-service reform to which my friend and myself are both committed. The power of the Secretary of the Treasury ceases the moment he has approved the nomination of a collector of any of his sub-officials; then he becomes the officer of the law with a compensation fixed by law and beyond the power of the Secretary of the Treasury to remove him or dispose of him. That I understand to be the state of the law. Now the Senator says that this great measure of reform which he is pressing upon us, but which I believe he consents may now be referred again to the Committee on Finance, is to turn over to the Secretary of the Treasury not only these sub-officials who I have shown are not now subject to the power of the Secretary of the Treasury, but nearly all the collectors of customs in the United States to have their salary, their commission now fixed by law upon disbursements, their moieties now fixed by law, everything which in substance and fact makes up their compensation, at the sole will and pleasure of the Secretary of the Treasury, except that he shall not make it greater than the sums they now receive. But the honorable Senator has intimated to us more than once, if I remember correctly, that the sums they now receive are extravagant, are enormous; and therefore you are only putting it into the hands of your Secretary of the Treasury still, if he pleases, to make the compensations of all these officers extravagant and enormous, only they are his slaves to have their compensations regulated and doled out according to their faithfulness to him, I suppose up to an enormous sum or down to a starving one. Mr. President, the law of the United States has never yet reposed any such trust in any official of its creation, and I hope it never will.

I make these remarks not with a view to oppose an inquiry into this subject, for I am for the largest inquiry into all subjects which relate to the welfare of the United States; but in what I have said I have endeavored to call the attention of the Senate to the fact that we had not better, on any hue and cry of the people who have violated the law or who are said to have violated the law, make haste to plunge out of a state of affairs which may need correction and amendment into one which is as much worse than the existing state of the laws as it is possible to imagine. I desire for one most earnestly that this whole subject shall be investigated to the bottom, and that we may have a statistical and carefully prepared report from the Committee on Finance as to what the extent of the abuses under existing laws is; how they arise, and how largely the clamor on this subject has arisen from people who have knowingly violated the law in fraud of the rights of their co-importers and their co-tax-payers, in fraud of the Treasury, and for their own selfish gain. Such persons, I take it, are not entitled to any large amount of sympathy if they only pay the penalties that the law imposes, and nobody can take more from them. If it turns out that, as the rule, and not as the exception as in the case of trials by jury, innocent men are wronged by the administration of the law, then, most certainly, it ought to be corrected; and nobody should make haste more rapidly than this body to correct it. I am for the investigation; and I only point out now, as it has been drawn into the discussion, what appear to me to be obvious defects in the scheme of the honorable Senator from New York.

Mr. FENTON. I will not continue the dissussion, Mr. President, but will simply remark that the ports at which these colossal sums are received are the ones that are specifically named in the bill.

Now as to the other point. The maximum amount received at any of the other ports which are aggregated together under this general provision of the bill is not quite $7,000; so that in no case can the Secretary of the Treasury go beyond that. Let us see how the compensations are made up at some of these ports of entry. Take the port of Chicago as an illustration. The maximum compensation of the collector of customs under existing law at Chicago is a salary of $1,000, with fees and commissions not to exceed in the aggregate $2,500 per annum; yet it turns out that at the port of Chicago the collector receives a sum largely beyond this. He has fees and commissions on the disbursements of money, &c., which go to swell this sum, but I think in some measure limited by the regulations of the Treasury Department.

So, take the surveyors acting as collectors at Saint Louis and Cincinnati. There are no collectors of customs at these two ports, but the surveyors of customs appointed under existing law perform the duties of collectors. They receive a salary of $350 per annum under the act of March 2, 1831, with fees and commissions not to exceed in all $3,000 per annum, by classing these surveyors with collectors, under the tenth section of the act of May 7, 1822. They are also entitled to storage, $2,000 per annum, under the act of March 3, 1841, third section, and the act of March 3, 1857, eighth section, and the act of July 18, 1866, fortieth section, making an annual compensation in all of $5,000.

So you see that at the various ports of entry which are classified under the general provision of the bill to which I have referred the sums are varying, and depend in many cases upon limitations on commissions or fees or otherwise, sums received for storage and commissions, and for other services, prescribed by the Secretary of the Treasury or by special acts of Congress, and varying from $500 up to almost $7,000. In many cases they exhibit an entire disparity between the services performed and the compensation received. It is for the purpose of equalizing this class of compensations, not to exceed in any case the maximum sum now authorized or received under existing laws and regulations, that the general provision is introduced in the bill. It was deemed the best way under all the circumstances of arriving at a general regulation in respect to these outlying ports of entry.

Mr. EDMUNDS. Will the Senator allow me to ask him if he means to say that the law fixes a compensation for the collector of customs at Chicago at one sum and that the actual sum paid to him is a greater one?

Mr. FENTON. The actual salary of the collector at the port of Chicago is $1,000 a year, and the sums that he receives beyond that arise from his commissions, from storage, from commissions on disbursements, and by a special act of Congress of 1841, allowing him $1,500 for additional services.

Mr. EDMUNDS. It seems, after all then, that what the honorable Senator from New York stated two or three minutes ago that the instance of Chicago was one where the officer was obtaining compensation in some form or other beyond what the law allowed is a mistake; that the law, if you put all the acts of Congress together, gives him what he receives. Therefore I take it we need not waste the time of the Senate in discussing that as being any abuse, unless the law itself may fix too great a compensation. The Secretary of the Treasury is not to blame for it, plainly; whereas in that very instance the Senator proposes to turn the collector of Chicago over to the Secretary of the Treasury to fix his compensation. If it be an abuse by being too great in point of law, now you say to the Secretary of the Treasury, "You may continue the abuse if you like. If you happen to be corrupt, if you happen to be a candidate for the Presidency, if you happen to be a strong partisan, then help your friends." That is not my idea of the civil-service reform. But I have already spent more time on this subject than I ought to have done perhaps.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The motion is to refer the bill to the Committee on Finance.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. No. 2081) to facilitate the exportation of distilled spirits and amendatory of the acts in relation thereto, asked for a committee of conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. H. C. BURCHARD of Illinois, Mr. J. A. KASSON of Iowa, and Mr. J. B. BECK of Kentucky, managers at the same on its part.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. No. 826) for the relief of Elias C. Boudinot;

A bill (H. R. No. 2191) in relation to customs duties on imported fruits;

A bill (H. R. No. 3085) to authorize the Secretary of War to furnish copies of certain papers called for by resolution of the House;

A bill (H. R. No. 498) to settle the accounts of Captain A. B. Dyer; and

A bill (H. R. No. 3255) to establish an assay office at Helena, in the Territory of Montana.

ORDER OF BUSINESS.

Mr. BOREMAN. I move to proceed to the consideration of Senate bill No. 44, to establish the Territory of Pembina, and to provide a temporary government therefor.

Mr. EDMUNDS. I wish to suggest, at the request of the Senator from Rhode Island, that we take up the Calendar of unobjected cases, so as to put through the poor little pension bills and all that class of cases. A want will be relieved, as in the Mississippi case, very largely by disposing of those bills upon the Calendar to which nobody has any objection and which are just in themselves and small in amount, and as to which poor people are waiting to have them disposed of. I ask, therefore, that we proceed to the Calendar of unobjected cases under what is known as the Anthony rule.

Mr. BOREMAN. This is the last bill that was called when we were upon the Calendar before, and some objection was then made to its consideration, and the suggestion made as it is now made that we proceed with the consideration of unobjected bills. I cannot see why a bill of this character should not be considered as well as those which appertain to individual interests. Here are eight or ten thousand people who are asking for a governmental organization. I do not mean to go into the merits of the bill now; but I think they have as much claim on the attention of the Senate as any single individual who may have a bill here.

I will say further that the Committee on Territories, while they have reported a few unimportant bills and have had them passed, have not claimed the consideration of the Senate for five minutes during this session. This bill has been reported for a month and a half, and I think it is one of those measures that should be considered. I do not think it will elicit much discussion. If I may be permitted to say so much, I will say that the provisions of the bill are those that are ordinarily incorporated in territorial bills; there is nothing extraordinary about it. I think the report made by the committee will satisfy the minds of Senators so that they can vote upon it. I shall not propose to discuss the merits of it unless there is some objection made to it upon some special ground. I therefore have made the motion that I have, and I hope that the Senate will proceed to the consideration of the bill.

Mr. EDMUNDS. I will only take a moment of the Senate's time. I think it obvious from the nature of the bill that the Senator proposes that it will lead to very considerable debate, not from me certainly, although I have a pretty decided opinion about it; but it ought to be considered by the Senate at large and in such a way that the attention of all Senators will be drawn to it. It proposes to establish, I believe, a territorial government out of what is now a part of the Territory of Dakota. That, of course, leads to all the questions of setting up a government there, the expense to the United States, the necessity for it, and ultimately of the admission of a State, the capacity of this colony to become a State from its situation and location and possibilities and probabilities—all of the questions which are among the gravest that we have in marking out these territorial divisions in the western country, which of course in the natural order of things will some time or other, if they do not die out, become States. Therefore I think that this is one of those cases where there would naturally be discussion and very considerable discussion; it might take to-day and to-morrow. I do not say it ought not to be considered; it ought, undoubtedly; but I do say in the interest of humanity and fairness to poor claimants who have not the power to lobby much for themselves, that where committees have examined their cases and reported and nobody objects to them, all being satisfied that they are right, we ought to give them the poor grace of getting their little pittances through. That is my only reason for opposing the taking up of this bill, which is certainly one worthy of consideration.

Mr. BOREMAN. I feel confident that when the Senator hears, if he has not read, the report made by the Committee on Territories, it will meet all the objections which he might urge to the establishment of this Territory. I do not propose to go into the merits of it, but it will be found, I think, entitled to more merit than any bill for the establishment of a territorial government which has been successful here for the last twenty years. I have had a map made of the country which shows everything about it. I have the statistics in regard to the population, the growth of towns, the railroads through it, and other matters, which can be laid before the Senate, and I think will be entirely satisfactory. I trust that the Senate will proceed to the consideration of the bill. I will only add that the bill was reported favorably by the same committee two years ago.

The PRESIDING OFFICER. The question is on the motion of the Senator from West Virginia.

The question being put, a division was called for.

Mr. HAMLIN. Can we not cut this knot by going into executive session? I make that motion.

Mr. CONKLING. If we go into executive session, that does not leave this motion unfinished business?

The PRESIDING OFFICER. It does not. The Senator from Maine moves that the Senate proceed to the consideration of executive business.

The question being put, a division was called for; which resulted—ayes 21, noes 14; no quorum voting.

Mr. MORTON. There is a quorum present.

The PRESIDING OFFICER. If Senators will vote the Chair is of opinion that a quorum is present. The Chair will put the question again.

The question being again put, the motion was agreed to—the ayes being 27, and the noes 12.

EXPORTATION OF DISTILLED SPIRITS.

The Senate proceeded to consider its amendments to the bill (H. R. No. 2081) to facilitate the exportation of distilled spirits, and amendatory of the acts in relation thereto, disagreed to by the House of Representatives.

On motion of Mr. WRIGHT, it was

Resolved, That the Senate insist on its amendments to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore.*

The PRESIDENT *pro tempore* appointed Messrs. WRIGHT, ANTHONY, and STOCKTON the conferees on the part of the Senate.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. After two hours and thirty-three minutes spent in executive session the doors were reopened, and (at four o'clock and forty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May* 7, 1874.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

EXPORTATION OF DISTILLED SPIRITS.

Mr. BURCHARD. On behalf of the Committee on Ways and Means, I ask unanimous consent that the bill (H. R. No. 2081) to facilitate the exportation of distilled spirits, and amendatory of the acts in rela-

tion thereto, which has been returned from the Senate with amendments, be taken from the Speaker's table and the amendments non-concurred in.

The Clerk read the amendments of the Senate, as follows:

In lines 14, 15, and 16, of section 1, strike out the words:

By striking out of said section the word "twenty-five" before the word "cents," and inserting the word "ten" in lieu thereof.

In lines 42 and 43, after the words "if any," strike out the words "in excess of 2 per cent. of the number of gallons of spirits named in the entry of withdrawal;" so as to read:

Upon the receipt of the certificate and report, and upon payment of tax on deficiency, if any, the collector of internal revenue shall cancel the transportation bond.

Strike out the following words, commencing in line 45 of section 1:

And, further, that the allowance of 2 per cent. for deficiency shall apply to all transportation bonds now outstanding made previous to the passage of this act, in accordance with the regulations under the act of July 20, 1868, as amended by the act of June 6, 1872.

Strike out the second section of the bill.

Mr. RANDALL. Let us hear the bill read.

The Clerk read the bill. It proposes to further amend section 55 of the act of July 20, 1868, as amended by the act of June 6, 1872, and by the act of March 3, 1873, by striking out the words "such bonds," where they first occur in the section, and inserting in lieu thereof the words "a transportation bond;" by inserting in the second proviso of the section, after the word "given" and before the word "for," the words "to the collector of the port," and after the words "bill of lading" and before the word "or," the words "or any other port without the jurisdiction of the United States;" by striking out of the section the word "twenty-five" before the word "cents," and inserting the word "ten" in lieu thereof; by inserting after the word "practicable" the words "on arrival of the spirits at the port of export, the exporter or owner at that port shall immediately notify the collector of the port of the fact, setting forth his intention to export the same, and the name of the vessel upon which the same are to be laden, and the port to which they are intended to be exported. He shall, after the quantity of spirits has been determined by the gauger and inspector, file with the collector of the port an export entry and an affidavit. He shall also give bond to the United States, with at least two sureties, satisfactory to the collector of customs, conditioned that the principal named in said bond will export the spirits as specified in said entry to the port designated in said entry, or to any other port without the jurisdiction of the United States;" by inserting, after the words "upon which the tax has been paid," the words "and upon the lading of such spirits, the collector of the port, after proper bonds for the exportation of the same have been completed by the exporter or owner at the port of shipment thereof, shall transmit to the collector of internal revenue of the district from which the said spirits were withdrawn for exportation, a clearance certificate and a detailed report of the gauger, which report shall show the capacity of each cask in wine gallons and the contents thereof in wine gallons, proof gallons, and taxable gallons. Upon the receipt of the certificate and report, and upon payment of tax on deficiency, if any, in excess of 2 per cent. of the number of gallons of spirits named in the entry of withdrawal, the collecter of internal revenue shall cancel the transportation bond; and, further, that the allowance of 2 per cent. for deficiency shall apply to all transportation bonds now outstanding made previous to the passage of the act, in accordance with the regulations under the act of July 20, 1868, as amended by the act of June 6, 1872."

The second section proposes to amend section 1 of the act of May 27, 1872, by inserting after the words "United States," in the first paragraph of said section, the words "or in transit in bond for export;" and after the word "warehouse," the third time it occurs, and before the word "bond" the words "or transportation."

Mr. RANDALL. I am willing to listen to an explanation of the effect of the bill and the amendments, if I may have the privilege subsequent to that explanation of objecting.

Mr. BURCHARD. Of objecting to what?

Mr. RANDALL. To taking up the bill. I am not willing that the bill should be sent to a conference committee of six men without our knowing anything about it.

Mr. BURCHARD. The House bill provides for the taking up of the exportation bond given at the point of shipment in the interior and substituting for it an exportation bond at the port of shipping. It also provides for a reduction of the export stamp upon the distilled spirits from twenty-five cents to ten cents. The Senate has agreed to the first provision. They have stricken out the provision which reduced the exportation stamp from twenty-five cents to ten cents. The House bill allowed a percentage in cases of difference upon the regauging of the spirits at the port of shipment. The Senate has stricken out that provision, and it is desirable that the subject should be sent to a committee of conference, where it may be further considered. There should be some allowance made, whether it be the amount provided for in the bill or not. Therefore I desire to move a non-concurrence in the amendments of the Senate and that a committee of conference be requested.

The whole matter will come before the House when the report of the committee of conference is made, and the gentlemen will have an opportunity to present their objections. If any action is taken it should be taken at once.

Mr. RANDALL. With this explanation I do not desire to insist upon my objection.

No further objection being made, the amendments were taken up and non-concurred in, a committee of conference was requested, and Mr. BURCHARD, Mr. KASSON, and Mr. BECK appointed as the conferees on the part of the House.

DES MOINES RIVER GRANT.

Mr. ORR. I ask unanimous consent of the House that the bill (H. R. No. 1142) to authorize the Secretary of the Interior to indemnify the holders of pre-emption and homestead certificates and certificates of entry and patents upon lands in Iowa within the so-called Des Moines River grant on account of failure of titles, and to procure the relinquishment of the permanent titles to the United States, be made a special order for consideration in the House after one o'clock on next Thursday.

The SPEAKER. To be confined to that day?

Mr. ORR. I would not like to confine it to that day, although I think it will not take much time to dispose of it.

Mr. WILLARD, of Vermont. I will not object if it is made a special order for consideration in Committee of the Whole.

Mr. ORR. Very well; I will modify my proposition in that respect.

Mr. HALE, of Maine. Reports from the Committee on Ways and Means and the Committee on Appropriations excepted.

Mr. ORR. I do not object to that.

The proposition, as modified, was then agreed to.

AMENDMENT TO THE RULES.

Mr. KASSON submitted the following; which was read, and referred to the Committee on Rules:

Resolved, That the one hundred and sixth rule of the House be amended by adding thereto the following:

But if it be reported to the House that upon such call of the roll a quorum has answered to their names, the House shall again go into Committee of the Whole and may proceed with the consideration of the pending bill in committee, although a quorum will not be found by tellers on subsequent votes during the same session of the committee.

MARY E. MELINE.

Mr. BANNING, by unanimous consent, introduced a bill (H. R. No. 3264) granting a pension to Mary E. Meline, widow of James F. Meline; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LAND-LOCKED OR RAIFORD WATER-ROUTE.

Mr. CONGER, by unanimous consent, reported back from the Committee on Commerce joint resolution (H. R. No. 82) authorizing and requiring the Secretary of War to have a survey made over what is known as the land-locked or Raiford water-route; and the same was referred to the Committee on Railways and Canals.

CENTENNIAL CELEBRATION.

Mr. KELLEY. I move that the rules be suspended and the House now resolve itself into Committee of the Whole on the centennial bill. Permit me, in pursuance of what was said yesterday, to say that it would be agreeable to me to move that in going into Committee of the Whole it be for the purpose of rising and reporting the bill to the House for action. I have heard several gentlemen around me express a desire to make brief speeches before debate shall be closed. I will therefore submit to the House this proposition: that we go into Committee of the Whole with the understanding that at two o'clock (that will give two hours and a half for debate) the committee shall rise and report the bill to the House, and that the main question shall then be considered as ordered thereon. That would give me the right to make the closing argument; but I am utterly unable physically to occupy the floor for the time to which I would be entitled, even without any effort at speaking. I shall ask, therefore, that the gentleman from Connecticut [Mr. HAWLEY] who is on the Centennial Committee, and who is chairman of the centennial commission, may occupy my time. And I also ask the House to accord to him as much time for the bill as was occupied against it by my friend from Maine, [Mr. HALE;] that is, not exceeding an hour and a half.

Mr. DAWES. Not to be farmed out by him to others.

Mr. KELLEY. No; only so much time as he may want to occupy himself, not to exceed one hour and a half.

Mr. HALE, of Maine. The proposition of the gentleman, as I understand it, if accepted, would give for debate two hours and a half, of which he asks that an hour and a half at the close may be given to the gentleman from Connecticut.

Mr. KELLEY. No, sir; but that when the bill shall be reported to the House the gentleman from Connecticut shall close the debate.

Mr. HALE, of Maine. That will give two hours and a half for general debate in which different members can participate, and then on the bill being nominally reported to the House, without any recommendation from the committee. I presume the gentleman does not want that.

Mr. KELLEY. With the understanding that the main question shall be ordered.

Mr. HALE, of Maine. So that it shall come up for a vote.

Mr. KELLEY. Yes, sir.

Mr. HALE, of Maine. For one, (I do not claim to speak for any one else than myself,) I do not see any objection to that proposition as a matter of fairness. The bill will come before the House for a

direct vote at once upon the subject-matter, where the yeas and nays can be called, as they undoubtedly will be.

Mr. GARFIELD. The bill in its present shape?

Mr. KELLEY. In its present shape.

Mr. GARFIELD. Let debate in Committee of the Whole be limited to ten or fifteen minute speeches.

Mr. HALE, of Maine. Let it be embodied in the proposition that the vote shall be taken at half-past three o'clock.

Mr. GARFIELD. Or as much sooner as the gentleman from Connecticut may get through.

Mr. KELLEY. The gentleman from Connecticut [Mr. HAWLEY] may get through earlier than half-past two. Mr. Speaker, I am asked to make a suggestion for the limitation of debate. I would gladly do it; but several of the gentlemen whose names are on the list of speakers are adverse to the position I take on this question, and I do not desire to restrict them. I would be glad, however, if consent should be given that no gentleman shall speak over thirty minutes, and that there shall be no extension of time under any circumstances.

Mr. GARFIELD. I venture to suggest fifteen minutes as the limit.

Mr. DAWES. Say twenty minutes.

Mr. GARFIELD. Well, twenty minutes. By this arrangement we shall accommodate many more gentlemen than by adhering to the hour rule.

Mr. KELLEY. If the House accepts the limitation of twenty minutes I shall be very glad.

Mr. BECK. I wish to object to the first part of the arrangement, which proposes that the gentleman from Connecticut be allowed one hour and a half. I object to any gentleman speaking over one hour.

Mr. RANDALL. The unfairness of that proposition is that the leading opponent of the bill, the gentleman from Maine, [Mr. HALE.] was allowed an hour and a half.

Mr. BECK. It never ought to have been granted.

Mr. GARFIELD. As there has been one extension on the other side, I hope the gentleman from Kentucky [Mr. BECK] will withdraw his objection.

Mr. KELLEY. In view of the fact that the time of the gentleman from Maine [Mr. HALE] was extended, I hope my friend from Kentucky will consent to this arrangement.

Mr. HALE, of Maine. As, through the courtesy of the House at the suggestion of gentlemen in favor of the bill, I was allowed to speak in opposition to it for an hour and a half, I hope the gentleman from Kentucky will not object to giving the gentleman from Connecticut the same time. I think that would be fair.

Mr. GARFIELD. And let the speeches in Committee of the Whole be limited to twenty minutes.

Mr. BECK. Well, I withdraw the objection now, and content myself with giving notice that I shall hereafter object to speeches of more than an hour.

The SPEAKER. The Chair hears no further objection to the arrangement allowing to the gentleman from Connecticut [Mr. HAWLEY] one hour and a half. The gentleman from Pennsylvania [Mr. KELLEY] asks unanimous consent that speeches in the Committee of the Whole on this bill shall be limited to twenty minutes.

Mr. HAWLEY, of Illinois. Does this arrangement fix definitely the time when the vote shall be taken?

The SPEAKER. It does. Unless the House by unanimous consent shall hereafter make another arrangement, the vote must be taken at half-past three o'clock to-day. The Chair hears no objection to the arrangement suggested by the gentleman from Pennsylvania, and the order is accordingly made. This order suggests to the Chair the remark that he hopes the limitation as to the time of speaking will not be extended in Committee of the Whole. The committee has in fact no authority whatever to grant such extensions of time; and the chairman of the committee has no right to entertain a motion to extend the time beyond what the House orders.

Mr. HALE, of Maine. I move to reconsider the vote by which the proposition was adopted; and move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. KELLEY. I now move that the rules be suspended and the House resolve itself into Committee of the Whole on the state of the Union on the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. HOSKINS in the chair,) and resumed the consideration of the bill (H. R. No. 2986) to appropriate $3,000,000 in aid of the centennial celebration and international exhibition of 1876.

The CHAIRMAN. The Chair takes occasion to remark that when any gentleman shall have spoken twenty minutes there can be absolutely no extension, such being the order of the House.

Mr. NIBLACK. Mr. Chairman, I have not sought the floor upon this occasion for the purpose of opposing the proposition that an exhibition shall be held at the city of Philadelphia in 1876, or to express the opinion that the people of the United States ought not in some suitable way to signalize the Declaration of Independence of this nation when the centennial year shall arrive. Nor do I desire to make any factious or unreasonable opposition to the bill which is now pending and under discussion. My purpose is rather to seek to avail myself of this occasion to enter my protest against the class of legislation to which this belongs, and to emphasize, so far as I am able to do, objections which I have heretofore entered against a species of legislation, of which this is only one instance, by which the Government is involuntarily involved in the meshes of implied and so-called moral obligations, even in the face and in the teeth of express stipulations of law to the contrary.

I voted for the bill which authorizes the proposed exhibition at Philadelphia. When it was proposed to strike out the city of Philadelphia and to put other cities in its place I voted uniformly in favor of allowing the exhibition or exposition (whatever you may term it) to be held at the city of Philadelphia, believing, in view of the fact that the Declaration of Independence was first promulgated in that city, that that was the appropriate place for such a celebration or such an exposition if any was to be held anywhere in the country. I am not actuated, therefore, by any feeling against the city of Philadelphia. On the contrary, all my predilections are in favor of the city of Philadelphia; and I was exceedingly gratified not only with the public spirit but with the patriotism which was displayed by that great city and by the State of Pennsylvania, of which it is the commercial metropolis, when they proposed at their own expense, or at least without any expense to the General Government, that they would hold an exposition of the kind proposed, and thus do what I regarded as an exceedingly appropriate thing to be done by the people of Pennsylvania with the voluntary assistance of citizens of all the other States and Territories.

But, Mr. Chairman, this is not the only time we have been taken by surprise by such a demand for money when none was promised. I beg, as preliminary to what I may say about the measure itself, to refer very briefly to what we did in regard to the Vienna exposition held last year, at which the United States were represented, and out of which so much shame, mortification, and regret resulted to the people of the United States.

When it was first proposed, Mr. Chairman, that we should send a commission to Vienna it was brought forward in the same modest way that the proposition for the centennial exhibition in this country was introduced by a Representative from the State of Pennsylvania. I ask the Clerk to read what was said by the gentleman from Massachusetts, Mr. Banks, then chairman of the Committee on Foreign Affairs, at the time he reported a joint resolution providing this country should be represented at Vienna.

The Clerk read as follows:

VIENNA INTERNATIONAL EXPOSITION.

Mr. BANKS also, from the same committee, reported back a bill (H. R. No. 2800) to authorize the President of the United States to appoint one or more commissioners to represent the Government of the United States at the international exposition of agriculture, industry, and fine arts, to be held at Vienna in 1873, with the recommendation that it do pass.

The bill, which was read, provides that the President of the United States be, and he thereby is, authorized, by and with the advice and consent of the Senate, to appoint one or more agents to represent the Government of the United States at the international exposition of agriculture, industry, and fine arts, to be held at Vienna in 1873, provided that such appointments shall not impose on this Government any liability for the expense which they may occasion.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RANDALL. Let me ask the gentleman from Indiana whether at a subsequent session of Congress we did not appropriate $200,000 to cover the expenses of the representation of the United States at the Vienna exposition?

Mr. NIBLACK. That is exactly what I am coming to; and I wish, so far as I am concerned, as one member of this House to set the seal of reprobation upon this kind of legislation by which we are first assured the Government will be charged nothing at all, and afterward an appropriation is brought forward upon the ground that we are under moral obligations to pay the money.

Mr. RANDALL. But that dismisses in great measure the constitutional objection.

Mr. NIBLACK. I do not propose to go into any discussion of the constitutional question now.

It was urged privately, Mr. Chairman, at that time, and I am not quite sure that it was not also urged in the debate in this House, or at the other end of the Capitol, that a great number of gentlemen were not only willing but anxious to go abroad at their own expense to represent the Government of the United States at Vienna because of the social position it would give them, and who would not therefore ask the Government to pay them anything in the way of salary or other compensation; that all it would be necessary to do would be only to procure the proper legislation to allow that to be done, to give them some official position. However, the very next year the gentleman from Massachusetts (Mr. Banks) reported to the House from the Committee on Foreign Affairs a bill to appropriate $100,000 for the expense of that commission. I ask the Clerk to read what the gentleman from Massachusetts at the next session of Congress reported, in the face of the bill reported by him the year before, and which was passed into law by both Houses with an additional $100,000 added.

The Clerk read as follows:

VIENNA INTERNATIONAL EXPOSITION.

Mr. BANKS also reported, from the Committee on Foreign Affairs, a joint resolution (H. R. No. 170) to enable the people of the United States to participate in the advantages of the international exposition to be held at Vienna in 1873; which was read a first and second time.

Mr. BANKS. I ask that this resolution be read at length. It contains an appropriation, and will go to the Committee of the Whole if objection should be made.

The joint resolution was read. It provides that in order to enable the people of the United States to participate in the advantages of the international exposition of the products of agriculture, manufactures, and fine arts, to be held at Vienna in 1873, there be appropriated, out of any money in the Treasury not otherwise appropriated, $100,000, or so much thereof as may be necessary for the purposes therein specified, which sum is to be expended under the direction of the Secretary of State. The second section provides that the governors of the several States be requested to invite the patriotic people of their respective States to assist in the proper representation of the handiwork of our artisans, and the prolific sources of material wealth with which our land is blessed, and to take such further measures as may be necessary to diffuse a knowledge of the proposed exhibition, and to secure to their respective States the advantages which it promises. The third section makes it the duty of the Secretary of State to transmit to Congress a detailed statement of the expenditures which may be incurred under the provisions of the act.

Mr. NIBLACK. I opposed that bill for the very same reasons I now oppose the present proposed appropriation to the centennial exposition, and if I remember correctly I was assisted and supported in that opposition heartily by the gentleman from Pennsylvania, [Mr. RANDALL.]

Mr. RANDALL. I am always for giving to my own country as against giving to foreign kingdoms.

Mr. NIBLACK. I think the gentleman was right then, and I have a strong impression he would be right now if he could divest himself of the home influences which unfortunately more or less control the most of us too frequently.

But, Mr. Chairman, I ask the Clerk to read what I have marked on page 254 of the same volume. The gentleman from Ohio, [Mr. GARFIELD,] who was then as now chairman of the Committee on Appropriations, felt called upon to enter his protest against this class of legislation, and expressed himself very vigorously and very ably in some remarks, a portion of which I now ask the Clerk to read.

The Clerk read as follows:

On the last day of the last session of Congress a resolution of about eight lines was passed authorizing the President to appoint one or more gentlemen to attend this Vienna exhibition, and now I read the last line, "provided that such appointment shall not impose upon this Government any liability for the expenses which they may incur." Now, anybody knows that a little bill of seven or eight lines, which permits the President to appoint one or more persons to attend this exposition in a sort of official or semi-official capacity, without pay and without expense to the Government—such a bill as that will encounter very little opposition in this House. That little bill having been passed, the President having appointed those who were willing to go abroad for the honor of it, one perhaps who would go any way, we are now called upon to say that we ought not to send people abroad at their own expense, that they ought not to be called upon to go abroad unless they are backed up with money enough to make the whole thing creditable to this country.

Now, that is right, and I am in favor of a reasonable appropriation. But I do insist that this House should not be taken by surprise in this method of legislation. This is not less than the third or fourth instance of this sort that has come to the Committee on Appropriations within the past few days. The measures got through without debate, because they appeared to authorize and did authorize no expenditures; but they finally involved us in a sort of moral obligation to make an appropriation.

Mr. NIBLACK. Notwithstanding the objections of the chairman of the Committee on Appropriations, supported as he was, I think, by the entire committee, certainly by a large majority of it, the bill passed and went to the Senate, and there it was amended by fixing the amount at $300,000. It was returned to the House with the amendment; and I believe by a committee of conference, or by some other conference between persons in charge of the bill, the amount of $200,000 was agreed upon in addition to facilities afforded in the way of transportation of goods by the Navy, amounting to $200,000 more.

I would not have regretted this expenditure so much if good results had followed it. But in view of the deplorable events which occurred at the city of Vienna last year, in the part which our country sustained there, we cannot any of us, I think, look back to it except with feelings of the deepest mortification. But the only object I have in referring to the proceedings in regard to the Vienna exposition is to demonstrate that the practice is springing up in this country of bringing forward schemes in this modest way, the parties pledging themselves not to charge the Government anything, asking only to be allowed to do something under the auspices of the General Government with the prestige of nationality about it, and then following it up some subsequent session with a proposition to throw a part if not the whole expense upon the Government, and insisting, as the gentleman from Pennsylvania [Mr. KELLEY] did the other day, that we are under a moral and almost a legal obligation to take upon ourselves the expenditures involved in this measure.

This objection of mine, sir, is general in its character and applies to all such schemes alike. I try to favor fair-dealing everywhere, and I want it especially in matters of legislation where all are interested alike. It seems now to be understood by shrewd gentlemen that if they can once get the national Government to authorize anything, no matter how expensive it may prove, no matter what pledges may have been given that nothing should be required of the General Government, it yet follows as a matter of course that the Government is pledged to pay all the bills. Therefore, as I said at the outset of my remarks, I have sought this occasion more particularly to protest against that bad method of legislation than to oppose this measure itself.

The bill authorizing the proposed celebration was introduced by one of the Representatives from Pennsylvania, no longer a member of this House, Mr. Morrell. I ask the Clerk to read an extract from his speech, from which it will appear that the original proposition was that nothing should be expended by the General Government beyond the traveling expenses of the commission. And afterward it was provided in the law itself that there should be no charge whatever against the General Government.

The Clerk read as follows:

Mr. MORRELL, of Pennsylvania. I am instructed by the Committee on Manufactures to report back to the House, and ask that it be considered at the present time, unless the House is willing to grant a postponement until a day fixed, the bill (H. R., No. 1478) to provide for celebrating the one hundredth anniversary of American independence, by holding an international exhibition of arts, manufactures, and products of the soil and mine, in the city of Philadelphia, and State of Pennsylvania, in the year 1876, with amendments in the nature of a substitute. I ask that the consideration of this bill be postponed until the fourth Thursday of January next, and that an order be made absolutely fixing its consideration for that day. * * * * * * *

If it were not necessary, in order to give to the celebration and exhibition an international as well as a national character, that Congress should sanction and inaugurate the project, the local authorities of Pennsylvania and Philadelphia would assume their sole direction. If Congress shall desire to take such action as is contemplated in the proposed legislation, I am authorized to say that Philadelphia and Pennsylvania will give the use of Fairmount Park, erect buildings, and make all necessary arrangements for the exhibition free of expense to the Government.

Mr. NIBLACK. I now ask the Clerk to read the passage marked on page 108, from the speech of the gentleman from Pennsylvania [Mr. MYERS] on that occasion.

The Clerk read as follows:

It is stipulated that these commissioners shall receive no compensation for their services; the Government is only to pay their actual expenses. These objections have no force whatever. All we ask is that the sanction and superintending aid of the Government shall be lent to a celebration the fitness of which no one will deny, an international exhibition which shall be regarded in the future as a great national event, and which would fail to mark the historic period it is designed to recall if placed in any other spot than where liberty was first proclaimed throughout the land and to all the inhabitants thereof.

Mr. NIBLACK. Mr. Chairman, I have other extracts I desired to have read to show how utterly mistaken gentlemen are when they assert that we are under any obligations, legal or moral, to meet the expenses of this centennial, but my time will not permit. I intended also to speak of the manifest impropriety of assuming the expenditure of any large sum of money at this time which the public service does not absolutely require; but that is not now permitted for the same reason.

[Here the hammer fell.]

Mr. CROCKER. Mr. Chairman, I have very grave doubts whether I will be able to occupy the floor long, and if not, I shall throw myself upon the courtesy and kindness of the House for leave to print what I would say. I have but just emerged from an attack of pneumonia and fever, and my voice is anything but what it ordinarily is; and a good many other gentlemen here will soon be in the same condition, if we continue pursuing the same course we have heretofore—sitting here in a room that has none of the air of heaven in it at all, except that which is pumped up in an artificial way from underneath.

Sir, before I come particularly to the points I propose to make, let me say that some few weeks ago I said something upon this matter of this exposition. It was said on the spur of the moment, but I said it with all the reluctance of a man borne down as I was, and as I believe every member of this House is, with a knowledge of the paucity of our means and of the want of everything that belongs to a nation so prosperous as we are—I said then that I should be willing, and I say now that I am willing and ready, to vote for a reasonable appropriation for this international exposition. I did it then, sir, under a pressure, and what was that pressure? I have witnessed the effect of these gatherings here, on a small scale, and I have witnessed the effect of them on a larger scale when abroad. I have seen in the mother-country, Mr. Chairman, the great gatherings of her people at turf meetings and at agricultural exhibitions and other occasions, and in 1871 I saw the gathering of the whole wealth of that wonderful island in the Crystal Palace in London. Sir, there was collected together there stock, manufactures, productions of every kind from England, Scotland, and Ireland—no; I beg pardon; from England, Scotland, and Wales. Ireland being little else than a stock-raising and agricultural country, which sells its products at cost, and buys principally its fabrics for use at 50 per cent. profit, had but little in its poverty to send to that exposition. Their meetings of the turf, their agricultural shows and other gatherings, not only make them a homogeneous people, but completely nationalize them. When I witnessed these spectacles, visiting them frequently and examining them in all their various departments, I realized the immense wealth of that little island, England and Wales, together not making quite fifty thousand square miles. During my visits to England I saw the effect and influence of these great national gatherings. To sum it up in a sentence in prose, as expressed in a song which I heard among the lowly—"Old England, with all your taxation, we love thee still; we love our noble Queen, the personification of dignity to her sex and honor to humanity." Such a people, such a nationality, can never be conquered, and the flag of the Cross of Saint George can never quail or lose its power. Sir, I could not but feel and say, "Would that we could have a national exposition and bring the people of this great continent, of this great Republic, from Maine to the Rio Grande, from the Atlantic to the Pacific, *once*, at least, together."

To return, this animus impelled me to a *reasonable* appropriation, and I say now, as I have said before, it is false economy to withhold it.

Nobody regrets our shortcomings more than I do. Sir, we put the knife in too deep during the last session in retrenching customs and internal revenues, so that we cannot even provide for a sinking fund, much less can we pay for anything of this kind. But, sir, if those

with whom I act upon this floor have courage enough, we will put on additional taxes sufficient to make ourselves right and not mortify the nation's pride by showing the white feather in relation to this matter of celebrating the one hundredth anniversary of our Government. We have meddled with State rights where there was no exigency; ay, sir, we have even interfered with individual rights, and undertaken to fix the hours of labor, as if I, a laboring man, am to be told how many hours I may work. Sir, I have always worked ten, twelve, or fourteen hours a day, and whatever God has given me has come by hard work; but here under the Government a man is only required to work eight hours a day, or if he works more than that his pay is increased in proportion. There is not a ship-builder in this country who cannot build ships cheaper than the Government. We have in consequence emasculated our navy-yards by making eight hours a day's work; and as the able chairman of the Committee on Ways and Means said, had better begin to sell them, as private yards do not work less than ten hours per day. And so with our printing office; the work done in that office cost us nearly two dollars last year where it ought to have cost one dollar.

Another source of our national poverty, so that we cannot do what the nation's pride demands, is *demoralization*. What customs we do collect are not half done. We give spies and informers half they can collect and worm out of some timid merchant, who, rather than lose all his books and, as he foolishly supposes, his character, *compounds;* while the internal revenue officers, some of them at least, sit in their easy chairs and let the harpies of greed and plunder do their sworn duties at the halves. No wonder, sir, that we are poor and cannot meet a national want; and until reforms are instituted (and I give to the Committee on Ways and Means credit for their efforts) we must be *poor indeed.*

And now, Mr. Chairman, I repeat what I have once said on the impulse of the moment, that the day itself committed every American heart, and that our friends coming from the other continent to this exposition and comparing what we have accomplished in one century against the ages of their existence, in leveling forests and building cities and railroads, their progress would seem small and diminutive to them as compared with ours under the influence of our free institutions.

But, Mr. Chairman, I do not advocate this exposition on account of those who may visit us from other countries of whatever class. They will all receive a warm welcome and every attention that is due to them. We never fail in this respect; but I advocate it and the appropriation on the ground of its beneficent influences upon ourselves, bringing our great family together from all parts of the country. How rapidly this will be accomplished by steam and the iron rail we all know. There we shall meet and compare views, wear off prejudices, contract friendships which will continue until we reach that narrow house which is the last of earth. Yet I am not indifferent or oblivious to other countries and peoples who will come here to examine into our internal policy, modes of thought, progress in science and education, the arts and mechanics. No, sir; I hereby acknowledge our debt to the German, Scandinavian, and other bloods, who have made some of our best citizens. God bless them! let such come over now and see their kindred. Nor am I anxious that they should ever go back again.

I look at this as an occasion when we shall not only come together and know ourselves, but know how much we depend upon each other; know what the East owes the South and West, and what, if anything, is due to us in return. Let us see the best specimens of production, the cotton, rice, sugar, &c., of the South. Ay, sir, and we will hail the production of any fabric they shall exhibit as a promise of future success in the same. We will also see the great West there, with all its cereals and manufactures, increasing every day in all the pride of Berkeley's prophecy, "Westward the star of empire takes its way," *sure* to come, when the East will be small, attenuated points in the galaxy of stars against their broad acres. I wish to see the people of this country gathered together on an occasion which will make one heart of us all—a great national throb and pulsation. I wish to see them gathered together at Philadelphia in old Independence Hall with its cracked bell. I want to go there, if my life is spared, as one John Hancock and one John Adams went a hundred years before. I said the other day, and I say now, that Massachusetts wants to be there, and I venture to promise that Massachusetts will be there. I wish to see our young and noble sister States of California, Nevada, and those States in prospect, Colorado and Utah, represented there with their untold and increasing agricultural products; it will be some satisfaction to gaze upon their specimens of gold and silver, so much wanted now and which we cannot obtain for anything we have, it being sent to the mint in England to be coined for nothing, (while here it costs one-fifth of 1 per cent.,) and somehow we never get it back again. I want to see these specimens, if for nothing else on earth than to gaze on something that looks like hard money.

[Here the hammer fell.]

The CHAIRMAN. The gentleman's time has expired.

Mr. CROCKER. That cannot be; I have twenty minutes, and I certainly have not spoken over ten minutes.

Mr. PARKER, of Missouri. I think the Chair has made a mistake of ten minutes.

The CHAIRMAN. The Chair is guided by the dial.

Mr. CROCKER. May I go on?

The CHAIRMAN. The gentleman has four minutes more.

Mr. CROCKER. Very well; I must take what the Chairman sees fit to give me, but I have spoken only ten minutes.

The CHAIRMAN. The gentleman has spoken a little over fifteen minutes.

Mr. CROCKER. Very well. A word on finance, as to what we shall give. I accept the bill as it stands, although I could wish a less sum might be sufficient. I am willing to be taxed for it twice my proportion rather than the tender pride of this noble country should be wounded. This is a *national* matter.

I leave the guarded message of our worthy President, the circulars of Mr. Secretary Fish, whether guarded or unguarded, and say here and now that, when a proud nation through her proper authority, the executive, says anything by way of commendation of an exposition, it cannot resort to dereliction or subterfuge; and this is the impelling motive of the vote I shall cast to-day.

And now a word about the president and treasurer of the centennial committee selected to disburse any moneys which Congress or any individual or corporation may put into their hands. They are an honor to the city of Philadelphia. Sir, allow me to say you will have no defalcations there; none of those robberies and stealings which have made our ears sting and tingle for the past few years. Every dollar will be vouched, and every cent too, passing through their hands. There are, thank God, some in our country that we can turn to yet as His "noblest work."

There has been a great deal said here about sentimentality. I have a word to say upon that subject. I remember when a boy that that noble galaxy of stars [pointing to the flag over the Speaker's chair] was thought something of. We did not call it sentimentality or anything of that kind when old Commodore Hull with the Constitution took the Guerriere, the Java, the Cyane, and the Levant; when the frigate United States took the Macedonian, the Wasp took the Frolic, and the Hornet the Penguin; when Commodore Perry won the victory on Lake Erie, and Commodore McDonough on Lake Champlain; when the noble Scott, at Lundy's Lane, said, "Boys, stand by your flag and your guns;" when all these things took place, *there* was the *flag* which they looked upon every day and every hour and every *minute.* I do not wonder that some people think it is a sentimentality, by our suicidal course, from the fact that all the foreign carrying trade now goes almost entirely to other nations, and the noble emblem of the Stars and Stripes is seldom seen on the Atlantic Ocean. I do not wonder they begin to think it is a myth. But *I* do not believe it—not I; nor did old Farragut think so when he nailed it to his mast. Nor did the poor wounded fellow whom I took care of after the battle of Antietam, with four shots through him, who had held the colors of the Massachusetts Thirteenth. In his dying hour he said, "Mr. CROCKER, let me see my mother, and let me take hold of that old flag which I rushed ahead with in my hands in order to keep my regiment from breaking before the brave confederates, for they fought as well as we; let me take hold of it once more, and then let me die." That a sentimentality? Pride of country a sentimentality? God forgive anybody that makes it anything like a *mere sentimentality.* I tell you it is *reality.*

Sir, I must now close, keeping in view the great national object of this exposition, fraternity, unity. If we would keep ourselves one people, one body-politic, we must know each other better. The stars upon our proud emblem will always shed an undivided, ay, an undiminished, luster if we are only true to each other. Let us stand by that emblem and by each other, scorning every doubt and all treason, protecting the rights of our humblest citizen, and with God Almighty as our protector and guardian we will pale in glory all and every other flag of time.

[Here the hammer fell.]

Several MEMBERS. "Go on."

Mr. CROCKER. Mr. Chairman, cannot I be allowed a few minutes more?

The CHAIRMAN. The Chair has no power to entertain a motion for an extension of time. The order of the House is peremptory on the Committee of the Whole.

Mr. SMALL. Mr. Chairman, I expect to give my vote against the bill now pending; and I desire to offer very briefly a few reasons for the vote which I shall give. I may as well say at the outset that there is very little temptation and very little encouragement to argue against "Glory hallelujah," especially when it is accompanied with "*E pluribus unum*" and "Yankee Doodle," and all these mounted upon the American eagle, which floats so high above the heads of all of us.

Nearly every gentleman who has spoken here in favor of the bill has based his argument upon the idea that the faith of the Government is plighted to this measure, and that no man can fail to vote for it without violating that plighted faith and subjecting the Government to dishonor and disgrace. If that is so, Mr. Chairman, the question is plain and simple; for where the plighted faith of the Government is given, or where the honor of the country is at stake, but one course is open to us.

These gentlemen base their argument of plighted faith upon two grounds. First, the action of Congress; and, second, the action of the Executive. The distinguished gentleman from New York [Mr. TREMAIN] went over the act of 1871 the other day, selecting from it various phrases to convince the committee that the Government had

committed itself to the action contemplated by the present bill by reason of certain phrases and clauses used in that act; such as that it was under the auspices of the Government; such as that the President should appoint the commissioners; such as that these commissioners should report to Congress. But, Mr. Chairman, all those words, all those clauses, all those sentences, are to be construed in view of the express provision in each of these statutes that the credit of the Government was not in any event to be pledged for a dollar of money for this enterprise.

But, Mr. Chairman, I hardly see how any gentleman who has examined the history of this enterprise can say that the Government has pledged itself by those two statutes to furnish money for this celebration. What is the history of this transaction? In December, 1870, Mr. Morrell, then a Representative from Pennsylvania, presented in this House a bill which as subsequently amended is the act of 1871. Upon what ground did he ask that this celebration should take place in Philadelphia? Was Pennsylvania the only State, was Philadelphia the only city, asking that the celebration might take place in its midst? No, sir; New York was here—here before Pennsylvania, before Philadelphia; and the great question with the House then was what city should have the honor of this celebration, not what city should be entitled to demand aid for this purpose from the Government. New York in ten minutes subscribed $5,000,000 for having the enterprise in that city; and Mr. Morrell conceded that there were all over the country great cities claiming the honor of this enterprise. He named a great many of them. He mentioned New York as the great metropolis of the country and the great mart of the trade of the world. He mentioned Boston, also, as the capital of New England, the seat of learning, the Athens of America. He mentioned Pittsburgh as the Sheffield of America. He mentioned Baltimore, the beautiful Monumental City. He mentioned Saint Louis as the capital of the great valley of the West. He mentioned Cincinnati as the Queen City of the West. He also mentioned, if I remember rightly, Chicago, which he said had risen as if by magic, rivaling by the rapidity of its growth the fabled story of the Arabian Nights' Entertainments. The great question was, what city should have the honor of this enterprise?

It has been said by gentleman on this floor that nobody pledged or nobody had the right to pledge to Congress that the city of Philadelphia or the State of Pennsylvania would pay the expenses of this enterprise. Allow me to refer gentlemen to the speech of Mr. Morrell, (I will not stop now to read it,) wherein he said that he was authorized, authorized by the city of Philadelphia and by the State of Pennsylvania, to pledge to Congress that if that bill passed they would pay the expenses. And the gentleman from Pennsylvania, [Mr. O'NEILL,] then as now a member of the House, said that the matter of expense was of no importance; that if the measure passed, the city of Philadelphia or her citizens would provide the necessary funds, as any other great city of the country would do.

But the great point made in favor of Philadelphia was that the historic memories clustering around that city pointed to it as the only proper spot on the face of the earth for holding this celebration; it was upon that ground, and that ground only, that the celebration there was authorized.

This bill as originally presented did not provide that the expenses of the celebration should be paid by the Government; but, as presented, it was plain and clear that the Government would be liable for the expenses of the commissioners. Mr. SARGENT, of California, then a Representative, proposed to change that; and the change was made, with the assent of Mr. Morrell, so as to provide that the Government should not be liable for any of the expenses of the commissioners. In that shape the bill went from this House to the Senate, everybody agreeing, everybody understanding, that Congress or the Government was not to be liable for any expenses whatever.

In the Senate the bill was so amended as to provide no credit of the Government by anybody should be pledged to this enterprise; and so the bill passed.

Now, Mr. Chairman, why did they have this clause in it: "Under the auspices of the Government," and that the President should appoint commissioners, and those commissioners should report to Congress? To give it a character as Senator CAMERON said; to give it a character, Representative Morrell said. To give it a national character, so it might draw here people from all the nations of the earth. That was the only purpose of it.

Notwithstanding this express provision of the bill, gentlemen say the President bound us to this enterprise by his own action. Does anybody suppose the President has gone beyond the letter of the law, especially when he himself disclaims the right to do so? I beg leave to have the proclamation of the President and the letter of the Secretary of State incorporated in my remarks; I will not stop to have them read now:

Whereas by the act of Congress approved March 3, 1871, providing for a national celebration of the one hundredth anniversary of the independence of the United States, by the holding of an international exhibition of arts, manufactures, and products of the soil and mine, in the city of Philadelphia, in the year 1876, it is provided as follows: "That whenever the President shall be informed by the governor of the State of Pennsylvania that provision has been made for the erection of suitable buildings for the purpose, and for the exclusive control by the commission herein provided for of the proposed exhibition, the President shall, through the Department of State, make proclamation of the same, setting forth the time at which the exhibition will open and the place at which it will be held; and he shall communicate to the diplomatic representatives of all nations copies of the same, together with such regulations as may be adopted by the commissioners, for publication in their respective countries;" and whereas his excellency the governor of the State of Pennsylvania did, on the 24th day of June, 1873, inform me that provision has been made for the erection of said buildings and for the exclusive control by the commission provided for in the said act of the proposed exhibition; and whereas the president of the United States centennial commission has officially informed me of the dates fixed for the opening and closing of the said exhibition, and the place at which it is to be held:

Now, therefore, be it known that I, Ulysses S. Grant, President of the United States, in conformity with the provisions of the act of Congress aforesaid, do hereby declare and proclaim, that there will be held at the city of Philadelphia, in the State of Pennsylvania, an international exhibition of arts, manufactures, and products of the soil and mine, to be opened on the 19th day of April, A. D. 1876, and to be closed on the 19th day of October, in the same year.

And in the interest of peace, civilization, and domestic and international friendship and intercourse, I commend the celebration and exhibition to the people of the United States; and, in behalf of this Government and people, I cordially commend them to all nations who may be pleased to take part therein.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this 3d day of July, 1873, and of the Independence of the United States the ninety-seventh.

[SEAL.] U. S. GRANT.

By the President:
HAMILTON FISH, *Secretary of State.*

DEPARTMENT OF STATE,
Washington, November 14, 1873.

SIR: I have to acknowledge the receipt of your letter of the 8th instant, in which you recall the attention of this Department to the suggestion contained in your letter of the 20th ultimo, that a general instruction might be addressed to the ministers of the United States abroad, and in countries where we have no diplomatic agents to the proper consular officers, directing them to urge upon the governments to which they are accredited the early appointment of commissioners or agents, if not already appointed, to enter into correspondence with the commission, and that information be sought through the same channels as to the approximate estimate of space in the industrial and fine-art departments of the exhibition which each government will probably require.

In reply I have to state that while the President feels a deep and sincere interest in the success of the exhibition, and Congress has given to it the sanction of its approval of its object and design, he has not been authorized by Congress to extend any invitation on behalf of the Government to foreign powers to participate in the exhibition. He was only authorized by the act of March 3, 1871, to issue a proclamation setting forth the time at which the exhibition will open and the place at which it will be held, and to communicate to the diplomatic representatives of all nations copies of the same, together with such regulations as may be adopted by the commissioners for publication in their respective countries. The President issued his proclamation on the 3d of July last, and copies of it and of the regulations referred to were communicated to the representatives of foreign powers accredited to this Government, with a note commending the exhibition to all nations who may be pleased to take part therein. Copies of these were also forwarded to the diplomatic representatives of this Government abroad.

Neither the act creating the commission, nor that incorporating the board of finance, authorizes any invitation in the name or on behalf of the Government to be extended to foreign powers, but only the announcement which was directed to be given, and has been given, to the representatives of those powers at this capital.

* * * * * * *

Should it be the desire of the commission to have another instruction prepared and forwarded to the diplomatic and consular officers of this Government, requesting them to use, unofficially, their good offices with a view to inducing foreign governments to participate in the exhibition, the Department will cause such instruction to be issued.

I take this opportunity to again assure the commission that both the President and this Department feel a lively interest in the success of the proposed celebration and exhibition to be held in commemoration of the anniversary of American independence and will extend all the aid to the commission which properly can be extended toward enlisting the sympathy and co-operation of foreign powers for the fulfillment of that object.

I am, sir, your obedient servant,

HAMILTON FISH.

A. T. GOSHORN, Esq., &c., *Philadelphia, Pa.*

Everybody agreed, Mr. Chairman, on the 22d of January last, everybody agreed on this floor then that the President had not committed anybody to this enterprise. When the bill was introduced and discussed here on the 22d of January last to give the President authority to "invite," the ground then was taken that he had disclaimed all right to bind anybody to furnish money for this fair by giving invitations to attend it. What was asked then? That he might have authority to invite the different governments of the world to come and join us in this transaction. He had not even done so. He had merely issued his proclamation of the time and place when and where this great show would be held, and nothing more than that. That was all he was authorized to do and all he has done.

I should like gentlemen from Pennsylvania to tell us on what authority the President issued that proclamation. He was not to do it until he was assured that Pennsylvania had made provision for the buildings which have not yet been erected. It must have been upon assurance given to the President of the United States that provision for these buildings had been made. Until that had been done, certainly he could not have issued that proclamation.

Up to the 22d of January nobody pretended that the President of the United States had committed us to this line of policy. Further than that, sir, it was expressly disavowed then upon this floor that any such measure could lead to any such expenditure of money on the part of the General Government. The gentleman from Pennsylvania [Mr. KELLEY] said when it was charged by the gentleman from Maine [Mr. HALE] that the bill was only an entering-wedge to open the Treasury so that the people of Pennsylvania and the citizens of Philadelphia and the centennial commissioners could put in their hands and take money out to pay the expense of this exhibition—I say the gentleman from Pennsylvania [Mr. KELLEY] then said that the bill would not lead to any expenditure of money on the part of the General Government to pay the expenses of the centennial commissioners, because we had paid the expenses of our own

commissioners to London and to Vienna, and so did every other nation, and that in like manner every State should bear the expense of its own commission appointed to superintend the exhibition of their own products. I say up to that time nobody claimed that any money would be wanted for this, so far as I know.

It is said, Mr. Chairman, foreign governments have accepted the invitation on the part of our Government. I hope they will all come. But the Federal Government is not bound to entertain them. The faith of the Government is not plighted for that purpose. Pennsylvania's plighted faith is given and the plighted faith of Philadelphia is given, and that is only where the plighted faith comes in. Further than that, upon what ground has this Government gone? Not a step. It is expressly agreed that it was to take no money from the Treasury of the United States. Every State understands it. I ask you, Mr. Chairman, and the gentlemen of the House is not the faith of the Government pledged expressly that no money shall be taken from the Treasury of the United States for this purpose? I should like to know how gentlemen are going back to their constituents when it was expressly agreed that no money should be taken from the Treasury and that nobody should pledge the faith of the Government to pay any money out of the Treasury—I should like to know how gentlemen are going back to their constituents after voting for this bill and explain their action.

Further than that, Mr. Chairman, in this time of financial distress when we have cut off almost all public enterprises, when we have discharged men from our navy-yards, and all our public works are stopped—I ask, with the Treasury running lower every day is it wise, is it just, is it honest to take money for this purpose from the Treasury of the people when that money is due to our creditors?

Let me say to you, Mr. Chairman, however much glory there may be in store for us—and I will grant, for the sake of the argument, that "eye hath not seen nor ear heard, nor hath it entered into the heart of man, to conceive the glories that shall be revealed" in this centennial celebration—let me say to you that, after all that has been done, something more will be required than mere words to help on the prosperity of the different sections of the country. If there is to be a draft on the Treasury, Mr. Chairman, let the North and the East reach out their hands to receive the hands of the South, now outstretched to them, and help them onward in their material interests by opening to unrestricted navigation that mighty river which constituted the great artery that kept alive and warm the spirit of the Union during the darkest hour of the rebellion. Let us unite on some judicious system of internal improvement and laws which shall promote alike the interests of all sections of the Republic. Let us develop our resources, until every water-fall shall be utilized, every mine operated, every fertile acre cultivated; until our commerce, whitening all the navigable waters of the globe, shall carry off the superabundant products of our soil and our mines and our manufactures to every nation, race, and tribe of men. Then we shall have no need to pray that we may know each other better in order that we may love each other more. We shall then be one homogeneous people, having a common interest, directed by a common policy, the greatest good to the whole people. And then will be realized what Providence has designed to be realized on this continent alone, the sublimest conception of the excellence of republican institutions and the brightest vision of the lovers of liberty in any part of the world.

[Here the hammer fell.]

Mr. CAIN. It is because the race to which I belong have been received into the nation as a part and parcel of it that I regard it as a duty which I owe to my constituency, and to those with whom I am more especially identified, at least to express my sentiments in relation to the great national celebration which is to take place in this country. Interested now as we never were before in all the interests of this country, brought into a happy relationship with those interests such as we never before enjoyed, it seems to me, sir, to be befitting that we should express our interest in whatever concerns all the citizens of this country.

We anticipate, sir, with pleasure the celebration of our national birthday. I will not detain the committee by speaking of the financial question connected with this subject. Gentlemen far more able than myself, who have grappled with the financial question, have discussed it *pro* and *con*, and therefore I deem it unnecessary that I should say anything on that branch of the subject. One or two other considerations, however, present themselves to my mind, and to these I shall invite the attention of the committee for a few moments.

Objections are made to the celebration on the ground that the nati a is too poor, that it will cost too much, and that we are not now prepared to give $3,000,000 to such an enterprise as this. Now, if it be urged that on the score of poverty we ought to desist from engaging in any noble enterprise, I would only point to the vast wealth of our nation, to its growth, to its constantly accumulating wealth. No nation on this globe, in my judgment, has made such rapid progress in developing its resources, in creating, so to speak, vast wealth as our nation has done. It is objected that in the present condition of the country we are not prepared to enter upon this enterprise. We are told that the Secretary of the Treasury has informed us that we are still increasing the national debt. That may be true; it is true; but is this a sufficient reason why we should decline to undertake so noble an enterprise as the celebration of the hundredth year of the nation's independence? Is it not, sir, an object of sufficient magnitude for the nation to make a sacrifice of a few million dollars? Are not the people of this country willing to make that sacrifice, and to tax themselves, so to speak, for the purpose of celebrating so great an event as the nation's hundredth birthday?

Let us ask ourselves, what influence will this great event of the centennial celebration have upon the prosperity of the nation? Admitting that it will cost $3,000,000, the question comes back, will the nation be advantaged in proportion to the expenditure which will be required to carry out the enterprise? If we can settle this question in the affirmative, it seems to me that we should not have much trouble in settling the other question, whether or not we ought to give $3,000,000 for this purpose.

The beneficial influences, Mr. Chairman, which I believe this centennial celebration would have on the nation far outstretch the comparatively paltry sum of $3,000,000. If we will bring together the people of this nation as they have never been brought together before; if we give a powerful impetus to progress in science, in art, in literature, in sculpture, in agriculture, and in commerce; and if by its means we bring here the gold of Europe and vast numbers of visitors from other nations; if by means of this celebration we quicken the energies of the people of our country throughout its whole length and breadth by bringing our citizens together to celebrate the nation's birthday—if we accomplish all this, it does appear to me that we shall lose nothing by appropriating a few million dollars to carry out the enterprise.

It has been said by gentlemen on this floor that the people are not ready for it. I do not know, Mr. Chairman, whether this assertion be true in regard to particular sections of the country. I have always, however, found the people ready to respond to any great enterprise for the promotion of their welfare and for their advancement which has been brought before them. This celebration, as I have said, will exert a most beneficent influence on the commerce of the country. Our vessels will be laden with the commerce of other nations. Gold will be brought to our land. The energies of our people will be quickened. Our mining interests, all the vast interests of our spreading country, will be brought out before the world as they never have been before. The laboring class of the country will feel an interest in this great enterprise.

But, Mr. Chairman, it has been remarked that very few, comparatively speaking, of our constituents will visit the centennial exhibition and see all these great developments of science and art. That may be true; but it is also a fact that whatever tends to national progress, whatever affects national character, affects the whole nation. Every man, woman, and child in this country will feel the influence of this great enterprise. More than that; it will have an influence in the future history of our nation. We are making history, Mr. Chairman; and every effort of the nation of this description tending to the advancement of human progress will be felt in the future by every citizen of the country. Then, too, sir, it will have a harmonizing influence on this nation. Hitherto we have had the North and the South, the East and the West; but by this gathering together of all sections national harmony and national unity shall be brought about. When from every hamlet of our land and from every kingdom beyond the sea shall have been gathered all the developments of science and art, when there shall be presented in this fine hall to be erected at Philadelphia the fruits of the genius of every nation and of every people, of every factory and every workshop, of every mechanic and every artisan, and when they shall be displayed in that vast area, each man will be able to see at one glance the greatness of his nation and the genius of the people to which he belongs. This gathering will have a happy and mollifying influence. Each man there will see that he is a part and parcel of this nation. And, sir, I particularly desire in behalf of the race to which I belong that we shall have a place in this great gathering of the nation. I hope to see there evidences of the development of the genius of my race. I hope to see there that which shall effectually repel the charge often made of a lack of genius on their part. Through long years of slavery they have waited patiently the coming of the happy era when they can feel that they are a part and parcel of this great nation. We have our cotton-fields, our rice-fields, our corn-fields, our iron mines, and our coal-fields. We have the work of our mechanics and artisans, and I desire for my race a place in this grand and noble structure. Let all races be represented there as evidence of the unity of the nations of mankind, and of that more happy and glorious era which is dawning upon this country.

Mr. Chairman, this assemblage at Philadelphia will have an influence in healing the wounds caused by the war. When men from every section gather there, look each other in the face, when they meet together on a common level and see the results of the genius and the arts of all of them, they will realize as never before our common brotherhood. Sir, I would heal every wound caused by the war; I would raise up that people with whom I am identified, and place them in the enjoyment of all the privileges and blessings which any citizens of this great nation enjoy. I opine that by the time of this centennial celebration we shall have passed the civil-rights bill, we shall have passed the general-amnesty bill; and the North and the South, the East and the West, can shake hands together under the dome of that great building, surrounded by all the developments of genius, of science, of art, of sculpture, of learning, and shall there stand united as never before—the men of all races on this continent. And then shall be brought to pass the realization of the sentiment that all men are equal and entitled to enjoy the same rights and immunities.

Mr. Chairman, I close with the thought that the celebration will give an impetus to the country such as has never before been realized in the history of mankind. I believe that whatever appropriation may be necessary to carry out this great work will be returned to us twofold. It may not come back into the Treasury; but it will come in the development of the industries, of the genius of the country. By this great celebration we shall realize how great we are and how wonderful has been our progress.

Mr. GARFIELD. Mr. Chairman, the discussion of this subject awakens sentiments which I honor, and abounds in appeals to the imagination which every man must feel the force of. It appeals to much that is high and worthy in American character, and awakens that spirit of patriotism to which no man on this floor ought to be insensible. It places the House in a situation in which men are apt to forget the stubborn facts that lie behind sentiment—facts that relate to the great forces which are now acting with peculiar force upon the prosperity and the necessities of the nation. It is an occasion when men are apt to give rein to sentiment and forget to apply that calm judgment which ought to be applied to the management of public affairs.

In the few moments allowed me I shall try to discuss the merits of the pending question, and I invoke the deliberate judgment of the House in determining what we ought to do with the pending measure.

The first question to be answered is this: Is the national faith pledged to the support of an international exposition at Philadelphia? If so, even though that pledge may have been hastily and unwisely given, yet, if the national faith is so pledged, I will vote not only for this appropriation but for as many more as may be needed to discharge our obligation to the uttermost, and to preserve the public faith inviolate. Let any man convince me that the faith and the honor of the nation are pledged, and it answers all questions and silences all criticism so far as I am concerned. In that case I shall insist that we impose at once a sufficient tax on the nation to meet that demand.

But, sir, I have carefully examined the acts of Congress and of the Executive in relation to this subject, and have listened to the arguments made in this House and in the Senate, and I have reached the conclusion that nothing has been done or promised by Congress or by any officer of the Government which pledges the public faith to appropriate any money out of the Treasury for the support of an international exposition in 1876. On the contrary, at every step Congress has plainly declared that it would not be so bound. Every act of legislation relating to this subject has been accompanied by a solemn declaration that the action of Congress in the premises shall not be so construed as to create any liability of the United States, directly or indirectly, for any obligation or expense incurred by the exhibition.

To this remark there is a single exception. Last year I brought into the House from the Committee on Appropriations a clause in an appropriation bill to appropriate $20,000 to pay for printing the certificates of stock for the centennial association, and I did so because there was a provision in one of the statutes relating to this commission that the United States should cause these certificates to be engraved and printed. The Committee on Appropriations recommended the payment of that amount because the national faith was pledged. But it will be remembered that the friends of the exhibition told us at that time that the printing of those certificates was the only thing in reference to which our faith was pledged. Now in the face of the declaration, the plain, unqualified declaration, that no expense whatever should be chargeable to the United States, the bill before us does in terms say that there shall be paid out of the national Treasury $3,000,000 toward the expenses of the exhibition, thereby nullifying all that we have done in the way of protecting the Government.

Before passing from this question of the public faith I desire to quote a few paragraphs from a speech of the late Senator Sumner, which was made on this subject in the Senate only a few days before his death. There have been but few men in the nation to whom the public faith and the glory and honor of the Republic were more sacred. The speech was made by the late Senator but eight weeks ago, and was published in the CONGRESSIONAL RECORD of March 7, 1874. I quote the following paragraphs:

> But, sir, another topic has been introduced into this debate, which figures largely, and on which the advocates of this proposition expend argument and eloquence. It is, that the public faith is pledged. Sir, I do not know that I should have said a word to-day—I think I should not—but for the manner in which this argument has been pressed; and I may add, also, the personal allusions from time to time to myself in this connection. I know something of the origin of this original bill. I know to what extent the public faith is pledged. I am a witness, and I take the stand. The bill came from the other House, where it was introduced by a friend of this measure, being, as I understood, supplied to him by one of the Philadelphia associates. It passed the other House, as many measures too frequently pass that House, and came to the Senate. I think I may say the moment it was understood the feeling was adverse. It was said—I am speaking now of conversations—that it was on its face an impracticable measure, involving the country, possibly, in considerable expense. Then it was that Senators against it, or not inclining to its support, said, "Very well; if you will accept the bill with the condition relieving the United States from all liability, there will be no objection. It is in the nature of an act of incorporation; and we give you these large powers, but with no responsibility on the part of the United States." Such was the understanding, and such was the condition expressly, positively, openly introduced into the bill.
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> Senators speak of pledges, of conditions. Sir, there is but one real pledge in this bill; there is but one real condition. That pledge is, that the United States shall not be called to pay a dollar; the condition is that our Government is relieved of all responsibility on account of this undertaking; and that is the ruling condition to which all else is subordinate. * * * * * * * *
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> Public faith, sir! Nothing is more beautiful, more sacred, sacrosanct, than the public faith, always to be preserved, and never to be invoked with levity; and permit me to say that when my friend invokes it on this occasion, it seems more like comedy than truth. Unquestionably the public faith is the other way. The public faith is solemnly pledged in this business to economy and to an absolute abnegation on the part of the United States.
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> Not content with this condition in one statute, the other statute, creating the financial board, repeats it:
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> "Nothing in this act shall be so construed as to create any liability of the United States, direct or indirect, for any debt or obligation incurred, nor for any claim, by the centennial international exhibition, or the corporation hereby created, for aid or pecuniary assistance from Congress or the Treasury of the United States, in support or liquidation of any debt or obligations created by the corporation herein authorized."

If there were not fifty members on this floor, who could give similar evidence, the testimony of this distinguished witness would be conclusive on the question of public faith.

But I admit that our duty is not decided by determining that the public faith is not pledged, for it may still be true that we ought to make this appropriation on its own merits. It is urged with great eloquence and earnestness that the object to be attained is one so great and so worthy and so related to the public good, that this appropriation ought to be made to insure the success of the plan which has been adopted in reference to the centennial. That brings me to the merits of the enterprise as it is now presented by the company that has the control of the proposed exhibition.

I have given this subject what study I could, and I have come to this conclusion for myself. The original purpose for which the centennial commission was created has been entirely departed from in the course of the last year, and a new scheme, not known to Congress when the company was chartered, not here discussed, not here contemplated, has now been brought forward, namely, an international exposition. I admit that in the title of the first act of incorporation by the use of the word "international" there was a hint of such a purpose; but in the body of the act and in the discussion upon it in this House it was understood that a national celebration was to be held.

Mr. KELLEY. Will the gentleman yield to me for one moment?

Mr. GARFIELD. I have but little time.

Mr. KELLEY. You will find that the bill provides for the admission of various articles, that it provides for the exhibition of our products in comparison with those of older nations; that there was this distinct recognition of the fact that it was to be international and competitive to all the world.

Mr. GARFIELD. The admission of articles from foreign countries into an exhibition does not constitute an international exhibition. Had such a purpose been contemplated the bill would have provided for negotiations with foreign governments to unite in getting up the exhibition.

For a fuller answer than I have time to make I will refer to the speech of the lamented Senator Sumner, delivered in the Senate February 27, in which will be found a careful examination of all the legislation on this subject from beginning to end. He points out where it was that the international feature was injected into this plan as an after-thought; that it was not intended by the founders. And it was that new feature which the great Senator denounced as unwise and indefensible. I quote a paragraph:

> But after a while the commemoration of American independence and the national birthday, which so filled the soul of the elder Adams, was not enough for our commissioners, and they undertook to supplement the national celebration by a world's fair. To my mind one of these is enough for any commission. The two together are too much. They are more than any commission ought to undertake. But this is a mild statement. The two are essentially separate and distinct in character, being inharmonious, inconsistent, and incongruous. The two do not go together naturally, and yet they are to be put together. They will be no better than twins bound together by an unnatural ligament, so as to be a constant burden to each other—of which those now on the table of the surgeons in Philadelphia are the unhappy prototype, each stunting and dwarfing the other. One is essentially national and domestic; the other international and cosmopolitan. One is for the American people; the other for all people. One is to exalt republican institutions and advance their predestined sway; the other is to court and win the monarchies of the Old World to appear at our great banquet, and to swell its pomp. * * *
>
> I may err; but to my mind it is plain that the proposed combination is a mistake which, if persisted in, must end in detriment to the anniversary and to the world's fair. If one gains the other must suffer.

I remember very well all the discussion of the two bills which this House passed creating the centennial commission. This was the spirit in which we passed them; having disclaimed any responsibility on the part of the United States beyond printing the certificates of stock, agreeing only to give it a national character and indorsement, we treated it rather as a great public celebration, empowered to manage its own business in its own way. In that view, and on that ground alone, it became a law.

A national exposition, a national exhibition, is clearly and plainly within the grasp of that corporation without our assistance. In such an exhibition as they might have, making it national, and leaving off its international features, they would have the sympathy and enthusiastic support of the people of the United States; but when they enlarge it to the proportions of an international exposition, (a thing which should never be attempted except by the General Government itself,) they must have a vast building to accommodate not one but thirty nations of the earth. From this new plan comes the necessity for great expenditures. For this they need as a first necessity five or six million dollars to erect suitable buildings and fixtures to accommodate an assemblage of nations. This is the feature that swells the figures of this plan to the enormous proportions they have now assumed.

In this connection I wish to remark that if it were now an open question, and if our Treasury were full, I would unhesitatingly say that of all the years in the century 1876 is the year when an international exposition should not be held in America. And I say this for three reasons. In the first place, it is too soon after the last international exposition. There have never been two international expositions within three years of each other. The last one was held six years after the preceding one, and it is generally acknowledged that it was held too soon. Six years of inventions, six years of national growth, do not bring out enough that is new to call the world together to see what has been done in the interval. If now we attempt to have an international exposition only three years after the failure at Vienna, we shall (whether Congress aids the enterprise or not) witness a disastrous, a most humiliating failure. This is my belief; and my pride as an American citizen cannot tolerate the thought that in that year, of all the years in the century, we shall make a conspicuous and mortifying failure, as I firmly believe we shall.

Then there is another reason. The expositions of Europe have been held in a country where twenty nations are within almost daily communication. Sweep a radius from any one of their expositions eight hundred miles away, and you include within the circumference two hundred and fifty millions of people. Sweep a similar radius around Philadelphia and you do not include more than thirty millions. When great and rich and densely populated countries make failures in their expositions, it is simply impossible that we can now call the nations of the world together across three thousand miles of ocean and in our sparsely populated country equal Vienna in the magnitude of exhibition. For this reason I believe the international feature of this enterprise is most unwise and unfortunate.

But there is another reason, a reason of patriotic sentiment, which to me outweighs all others. Of all the days in the century the Fourth of July, 1876, is the day for home use, for our own country, for the celebration of its own achievements as against all the world; the day on which we should review the record of the century and inquire what we have done—to walk about the bulwarks of our national temple, to tell its towers and review its progress; to rekindle the fires on our own altars. On that day I want no monarchs as guests to sit at our tables, unless they choose to come as spectators. It ought to be, and unless we prevent it it will be, a day when all over this land voluntary associations will commemorate the past hundred years; and in no place should there be so great and so solemn assembly as in the city of Philadelphia where the nation was spoken into being. We want then no foreign intrusion, but a national jubilee of our own.

I believe, Mr. Chairman, there is in the proposed plan an incongruity that gentlemen have not sufficiently appreciated. Let us invoke the spirit of patriotism that dwells and glows in our people to make the Fourth of July, 1876, a solemn day of recognition of the past, of study of the present, of forecasting the future; but not a day of vaunting ourselves before the nations of the earth, whose thrones we have done so much to shatter, whose institutions we have done so much to overthrow.

What was the great inspiring idea that gave birth to our Republic? Mr. Chairman, I never review that portion of our history without a feeling of awe when I reflect that our fathers came forward upon the stage of the world with two utterances that were not then recognized as true anywhere in the world except in the closet of students and dreamers. Rousseau in his Social Contract had discussed the rights of mankind. Locke a little earlier had reasoned of those rights. Even Fenelon in his wonderful book had put some of these truths into the mouth of Mentor when he instructed Telemachus. But no nation had ventured to enunciate, no republic had ventured to adopt, the two immortal doctrines which our fathers announced to the world on the 4th of July, 1776. They calmly declared that all men are created equal in rights; and that no government has any right to be, except by consent of the governed. Where did our fathers learn those two great oracles? They would not deign to debate them; they declared them to be self-evident truths, in support of which they would condescend to offer no argument. They set them forth as immortal, everlasting truths. On those two truths they built our Republic; and from them have sprung its greatness and glory. Now, what could be more fitting than that around all the hearth-stones in this Republic we should commemorate the birth of these ideas and the establishment of our nation? If other nations care to look on and wonder at the spectacle, let them do so; but let us not bring them here to be our guests while we glory over what we have achieved against them and their institutions.

One word more in another direction. The duties imposed upon me as chairman of the Committee on Appropriations require me to do many things which the imperative necessities of our financial situation demand, and but for which I should be glad to advocate a more liberal policy. At the beginning of this session we were confronted with the imperative necessity to tax or retrench; and in obedience to what I believe to be the almost unanimous voice of this House, the Committee on Appropriations have been cutting down expenditures wherever they could. Enterprises of the greatest national moment we have clipped to narrow compass to avoid the collapse of the Treasury. Fifteen million dollars were asked for to open our rivers and deepen our harbors. That amount has been sheared down to $4,500,000, because of the imperative necessities of the Treasury. We have gone over the civil list cutting down salaries and mustering out employés. In one bill which passed last week we have thus made a saving of more than $3,500,000. I feel sometimes that we have behaved meanly in reducing the number and pay of hard-worked employés of the Government. I have advocated these measures mainly on the ground of overmastering necessity.

But it is now proposed to take all the savings of that bill and fling them into this new enterprise, only to be certainly followed by seven, perhaps ten millions more before we are through.

Can gentlemen do this without violating all the pledges we have given by our votes thus far? Can gentlemen do this and look without shame at the great industrial enterprises of the nation which we have been compelled almost to cripple in order to get through the year without going to protest or levying new taxes? What man of the West can look upon the Mississippi River without feeling that we owe it to the future of the United States to enter upon a plan of expenditures that will amount perhaps to fifteen or twenty million dollars to make that river and its tributaries what they should be—the greatest inland water highway on the earth? I am in favor of such a work the moment the Treasury is in a condition to do it.

Will you now vote three millions, to be followed by more, to this enterprise, neglecting the vast commercial interests of the United States? What we give here must be taken from other objects of national importance. Weigh this appropriation, gentlemen, against other appropriations which we ought to make, and then determine, with all the facts before you, whether it is wise to embark upon this experiment when many of the best men of the country tell us the plan is a mistake which must end in failure. It is not too late to correct this grave error.

Let us take the advice of Senator Sumner, given in his last days upon the earth, when he said:

> There is something easier and more practical. It is to bring the Philadelphia enterprise at once into subordination to the original idea—to abandon the *ex post facto* substitute and make the commemoration national and republican.

In concluding his speech he said:

> Now, sir, allow me to say that I have three earnest desires in connection with our coming anniversary:
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> First. To secure a proper commemoration of that great day, truly worthy of this Republic, and characteristic, so that republican institutions shall thereby gain.
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> Secondly. To save the national character, which must suffer if the present scheme is pursued.
>
> And thirdly, to save the national Treasury.
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> For these reasons I trust that this bill, which is so justly revealed as an appropriation bill, should be referred to the committee having charge of such bills; and it should be referred without any further instructions than are abundantly found in the existing legislation of Congress and in the open declarations of the friends of this measure on other occasions, when they declared that the United States should be called upon for no contribution. Twice over has Congress given instructions on this very point—not merely the Senate, but both Houses of Congress, with the approval of the President; twice over in two different bills; once, twice. I hope that the present bill will be referred to the Committee on Appropriations, and that it will take its instructions from existing acts of Congress.

These, I believe, are the last words which that statesman uttered in the Senate. In them he pointed out the path by which the country and the centennial commission may escape from the embarrassment into which the new plan has led us. This, Mr. Chairman, is the path of honor, the path of duty; let us follow it.

In saying this I say no word against Philadelphia. I honor her for her past. I say no word against the men who desire the passage of this bill. I honor them for the sentiments which animate them, but I insist that the path of duty in this case is simply to restore this undertaking to its original purpose and make it national, so that all may gather around the family hearth-stone at Philadelphia. We will not then open the door of the Treasury to a scheme which if it ever progress at all ought to be wholly under the control of Congress, wholly under the control of the Government, and not in the hands of a corporation.

Mr. HAWLEY, of Connecticut. I wish to suggest one consideration, because it is necessary to the point the gentleman from Ohio is making. All of the $4,500,000 which have been pledged now has been in accordance with the charter, which begins by saying it shall be an international exhibiiton. If they make it, then, a national exhibition, they lose necessarily every dollar which has been already contributed.

Mr. GARFIELD. Let me tell my friend from Connecticut that the word "international," which he quotes, is in the title and not in the body of the act.

Mr. HAWLEY, of Connecticut. It is in the act also.

Mr. GARFIELD. The preamble alone of the first act contains the word "international."

Mr. KELLEY. The gentleman is mistaken; the body of the bill also contains it.

Mr. GARFIELD. Every man here who was in the House at the time knows that the bill was allowed to pass simply because the United States bound itself by no pledge whatever, and if we now undertake an international exposition it will be because we now inaugurate it; which I hope this House will not do.

Mr. HOOPER. Mr. Chairman, I do not propose to detain the House by any extended remarks on this question. I wish only to say that I believe the good people throughout the whole country will expect and will claim that Congress and the national Government shall unite with them in commemorating the approaching centennial anniversary of the nation. There seems to me to be no better way for the national Government to assist in that celebration than the

one proposed, inviting all our own people and the people of other nations to assemble at Philadelphia for that purpose on the 4th of July, 1876.

That day will be honored and celebrated in every State and city in the Union, and in none of them will the day be celebrated with more feeling and interest than in my own State and in the city of Boston. But the good people of Massachusetts will be glad to have the national Government take part in a great national celebration at Philadelphia, in which the people of every State will be interested; and they will rejoice to see the North and the South meeting together there in friendly relations, forgetting all past bitterness, and looking forward to a happy and united future.

I shall cheerfully vote for the appropriation recommended by the special committee; and I am quite sure if I voted otherwise I should be unfaithful to the Faneuil Hall district of Boston, which I have the honor to represent on this floor; and I am quite sure the good people of Massachusetts will approve of my voting in favor of the national celebration in Philadelphia.

I yield whatever time I have remaining to the gentleman from New Jersey, [Mr. SCUDDER.]

Mr. SCUDDER, of New Jersey,. The objections which have been made against the passage of this bill upon an analysis can be resolved into two points, namely: One is that the national Government should not at the present time interfere to make this appropriation for the reason that when this measure was first brought to the attention of Congress it was accompanied with pledges that the nation should not be involved in this exhibition as an international affair. Another objection is, that the Treasury is not in a condition to meet the emergency by so large an expenditure. It has also been suggested that the time would not be propitious—that other celebrations have been held so recently that the nations of the world would not be disposed to join here with us in this celebration.

Now, Mr. Chairman, so far as this Congress can be said to be barred in its action, I think there is no reasonable ground for opposition on that point. This Congress has not contracted not to make this appropriation. The parties who asked for it may have said that they would not ask an appropriation for a national exhibition. But this Congress is sovereign. It represents the nation at large. It is not bound by any contract, so far as this may be treated as a contract, and it is not in the nature of a contract. So far as the other objection is concerned, that we are not able to meet the emergency by reason of a want of money, the probability is that it will be found upon experiment that the exhibition will bring to us more money than we will expend. It will bring here largely of the wealth of the world. It will revive in our people a spirit of enterprise, of harmony, and of good-will. It will bring to our Treasury more money than we shall expend. Like the rills which flow from the mountain-sides into one common stream and swell the volume of its waters, the supplies of money from various sources will equal the appropriation from the Treasury. It is also an important matter in its moral influence upon the world.

But being a native Jerseyman, I feel constrained to vote for this measure on behalf of my own people. I feel not simply bound by the action of the Legislature of the State of New Jersey, but I know that it is the feeling of the people of that State that they shall be represented in that exhibition; and they will be proud not only to meet every citizen of this great country but every citizen of the world who may see proper to join us on that great occasion. The people of New Jersey feel deeply upon this subject, for their fields were the battle-ground of the Revolution. Turn back to the winter of 1777, when Washington crossed amid snow and ice the Delaware, when he retreated upon Trenton and fought the common enemy, when he retreated to Princeton and there turned the tide of the revolutionary war. The people with those traditions, the people beneath whose soil is buried many of the heroes of the revolutionary war, that people must naturally feel a deep interest in this exhibition.

The people of New Jersey also feel a deep interest in the exhibition for this reason: On the 3d of July, 1776, they framed their State constitution, and that constitution, framed a day before the great Declaration of Independence was signed, lasted until the year 1844, and under it we grew and prospered, a conservative State, a State that respected the laws, and administered them to the high and the low, to the rich and the poor alike.

Our people are interested in that anniversary for the reason that their delegates signed the great charter of American independence. Their representatives joined in forming the Constitution of these United States. And how vast has been the influence of that Constitution in this continent! It now embraces thirty-seven States and ten Territories; and within the bounds of these States and Territories how much have we to exhibit to the people of the world! How much have we to show them of our advancement in the arts, in science, in agriculture, in mechanical skill, and in everything that makes a great and distinguished people!

Those people from abroad, sir, will come here and see our system of common-school education, which has never been surpassed in the civilized world. That will be a part of this great exhibition; for these people will come not merely to see what is gathered together in Philadelphia, but they will come to see our extended country and its great and glorious institutions. They will see our colleges, where men are educated with as much ability, care, and discipline as in the best colleges of Europe. They will see our lunatic asylums, not surpassed by those of any country, where the wandering reason of man under the care, the genius, and the skill of the most eminent physicians is called back to its once deserted throne. They will observe the institutions for the blind, and will mark the working out of that modern miracle of education and art, where the blind under the skill of great teachers have been made almost to see. They will mark the institutions of the deaf and dumb, and under the skill of the masters of those institutions they will find that the deaf have been made to hear and the dumb to speak. And when they have examined our institutions they will return, having seen what liberty can do and what a free people can accomplish.

Yes, sir, and let them see our religious institutions, fostered by no connection with the Government. They will find in every hamlet and in every valley a spire raised to heaven marking the spot where men can meet and worship Almighty God according to the dictates of their own consciences. They will become acquainted with those great missionary establishments which have sent men to all parts of the world; men who have caused the Rose of Sharon to bloom in the desolations of Africa, and the Star of Bethlehem to shine amid the polar regions of semi-annual night. For that also will be a part of this great exhibition.

Yes, Mr. Chairman, my own State will be there. The mechanics of Paterson—those men who turn out a locomotive every working day in the year, and sometimes more—they will be there to show their locomotive engines, the products of their skill and their industry, unrivaled in beauty and unequaled in power. My friends of the city of Newark will be there—Newark represented all over the world by the products of her skilled artisans. Her artisans in gold and silver, in harness and wagons, in everything that beautifies, in everything that is useful, will be there. They have already had in their own State and city exhibitions which would be creditable in any part of the world. The people of Trenton with their porcelain wares will also be represented on that occasion. I say, then, our people will be there, and will be there with great pleasure.

Let us then invite Englishmen to come, that people from whom we have derived our laws and institutions. We will invite the Scotchman, subtile in reason, brave in the field, and who has achieved so much in the advancement of civilization. We will invite the chivalrous Irishman with his fire and poetic genius. We will invite the Frenchman, skilled in the arts and distinguished for valor. We will invite the Germans here, who have recently united and established an empire, and who in that particular have followed the union of these great States under one government. We will invite the old Hollanders—those men who sent Hendrick Hudson here in 1609, who landed at Communipaw in my own district just opposite the city of New York—to come, and we will show them the spot where that great navigator landed from the Half Moon, (the vessel in which he came over,) and we will point them to the new Amsterdam, with her glorious spires, with her proud palaces, with her vast warehouses, with her harbor filled with ships engaged in domestic and foreign commerce. We will point them to my own district, where now seven steamship lines engaged in European commerce make daily trips across the Atlantic. We will show them all that great line of railroad beginning on the banks of the Hudson River, passing along westward, crossing the Alleghanies as with the flight of a bird, descending the valley of the Mississippi, passing through the defiles of the Rocky Mountains to where the Golden Gate opens to the setting sun the pathway for the commerce of the eastern world.

Under such circumstances, Mr. Chairman, I think that we should lay aside all local feelings and all impressions of a narrow and mistaken economy and go for this bill. Let us not wait for a more propitious moment, for the time which is most desirable. The impulse is on us now. The spirit is upon our people now. They will engage in this festival, in this celebration, at all events. They will spend the money that is necessary. They will meet from the North and the South, from the East and the West. The time, then, seeming to have been selected above all others as most propitious, according to our own feeling, our own sentiments, let us vote this appropriation to make the celebration international.

Mr. DAWES. The gentleman from Ohio [Mr. JEWETT] desires to be heard, and I am willing that he shall precede me.

The CHAIRMAN. The Chair will state that there are thirty minutes yet remaining of the time allowed for debate, of which the gentleman from Ohio [Mr. JEWETT] is entitled to ten minutes, and the gentleman from Massachusetts [Mr. DAWES] to twenty minutes. The gentleman from Ohio will now proceed.

Mr. JEWETT. Mr. Chairman, I had not intended taking any part in this discussion. When the General Assembly of the State of Ohio provided for the appointment of commissioners to represent the State at the proposed exhibition, I took it for granted that the members of that body acted in accordance with the well-known wishes and feelings of the people, and that it remained for me, as one of the Representatives of the people of that State in this body, to simply give such vote upon this or any other measure in which the success of the enterprise was involved as would in my judgment be most conducive to its success and enable those having it in charge to make it profitable as well as creditable to the country. Conceiving this to be my plain duty, and being content with the simple discharge of that duty without consuming the valuable time of the House in discussion, I did not give

to any of the questions which have been so elaborately argued here a critical examination. The discussion of yesterday led me to doubt the propriety of the vote which I had proposed to give, and impressed me with the importance of examining more carefully into the relations of the Government to the proposed exhibition and the duties devolving upon me as one of the Representatives of the people in voting for or against the bill now under consideration.

I am in favor of preserving in the minds of the people a vivid recollection of the birth, the rise, and the progress of our Republic. I am in favor on all proper occasions of directing their attention to the perils of its infancy, and to the still greater perils which threatened it in its more mature years. But whether or not the time, the place, or the manner for the proposed celebration of the one hundredth anniversary of our independence is the proper time, the proper place, and best manner which could have been selected and adopted for the ends proposed, it occurs to me are questions which it is now too late to consider. These questions, in my opinion, have all been prejudged by Congress. The necessary legislation has been had. The Executive has discharged his duty under the law; the commissioners and other officers, to the extent required of them, have in good faith represented the Government, and in no respect gone beyond the letter and spirit of the law in the discharge of any of the duties devolving upon them. They have arrived at the point, however, when the aid of the Government is needed to enable them to proceed further in carrying out and putting into effect the provisions of the law. To extending this aid objection is now made. My distinguished colleague, [Mr. GARFIELD,] to whose judgment under ordinary circumstances I would cheerfully defer, in a speech just made, presents many cogent reasons why the bill should not pass. He, however, admits that if one word can be found in the laws of Congress, or in the proceedings of those designated by the law, by which we were in honor committed to the celebration, whatever the consequences might be, he would give his sanction to this bill or to any other needed to make the celebration a success.

Mr. Chairman, my inquiries, with a view to deciding upon my duty in the premises, commenced at this point. Is the question an original one? Am I at liberty to ignore the past, and to act as though no previous legislation had been had? Was there any committal on the part of Congress, not to our own people, but to other nations and the people of other nations, by which in honor we were bound, and which we could not honorably disregard? These were questions which presented themselves to my mind, and which could be answered only by consulting the laws and the proceedings of our officers and agents had in pursuance to law. I do not intend, Mr. Chairman, to enter upon an elaborate examination and discussion of these laws and proceedings, but will content myself with simply stating them in the order in which they transpired.

Previous to the convening of Congress on the first Monday of December, 1870, the subject-matter of our approaching centennial anniversary had claimed the attention and been the theme of discussion among the people. That something should be done in commemoration of it was conceded by all, but what that something should be was left for further and future consideration and decision. Shortly after the meeting of that Congress the propriety of commemorating in some national way the one-hundredth anniversary of our national independence became the subject-matter of congressional discussion. No doubt, Mr. Chairman, in that as in many other discussions in this Hall, extravagant language was used, and extravagant pledges and promises were made. It is said that one or more members from the State of Pennsylvania pledged that State to the entire expense of the exhibition, and gave assurances that Congress should never be called on for an appropriation in its behalf. I doubt not, sir, such pledges were made; and if the reputation and honor of those representatives or their constituents, or even the State of Pennsylvania, were alone involved, I might be persuaded to join with members in holding that State responsible for the pledge. But, Mr. Chairman, Congress acted upon no such theory. It had in view not only a national celebration, but in connection therewith an international exhibition, to which the people of all nations with whom we were in communication were to be invited, and to whom such invitations have been extended by the President, as required by law, and by many of them have been accepted.

The first act of Congress on the subject was passed March 3, 1871. That act was entitled "An act to provide for celebrating the one-hundredth anniversary of our national independence; and to celebrate it by holding an international exhibition of arts, manufactures, and the products of the soil and mine." The exhibition, then, was to be an international one; it was to be open to the people of all nations alike. After providing for the appointment of commissioners, reserving to the Government the supervision and absolute control of all their proceedings, it is by the last section of the law made the duty of the President, upon receiving the information therein provided for through the Department of State, to make proclamation of the same, giving information as to the time and place of holding the exhibition, and also making it his duty to communicate to the diplomatic representatives of all nations copies of such proclamation, together with such regulations as the commissioners might adopt, for publication in their respective countries.

The next act of Congress was on the 1st day of June, 1872, by which a corporation was created to have charge of the conducting and management of the exhibition. This corporation is a national one. It owes its being to the law of Congress, is subject to its control, and reports in conformity to its requirements. Shortly after the enactment of this law the President was informed by the governor of the State of Pennsylvania that provision had been made for suitable buildings for the purposes of the exhibition, and was also informed by the commissioners of the regulations which had been adopted by them for the conducting of the exhibition.

Among these regulations was a cordial invitation to every nation of the earth to be represented at the exhibition by its arts, industries, progress, and development.

The President, being thus informed, did, through the Department of State, make proclamation of the same, setting forth the time and place of holding the exhibition and communicating the regulations adopted by the commissioners, among which was the invitation to all nations.

The President not only made this proclamation, but, as it became the representative of a great people and a great nation, proud of its past and its present and full of hope for the future, he expressed the wish that all the nations would participate in the exhibition, that we might have a full comparison of the arts, industries, and products of the world.

Such, Mr. Chairman, is a brief statement of the legislation of Congress on this subject and of the proceedings of the proper officers and representatives of the Government in our behalf. How were they understood by the governments to whom the proclamation of the President, as required by law, was communicated? It was invariably regarded as a governmental invitation, in response to which, and returning thanks for which, it was spoken of as the invitation of the Government of the United States.

To make it an international exhibition, it was necessary to invite the people of other nations, through their respective governments, to participate therein. Their presence could not be otherwise expected. Congress declared that it should be international, and made it the duty of the President, the nation's representative, through the Department of State, to bring the subject to the attention of the diplomatic representatives of all nations, that their people might be advised of the time and place of holding the exhibition and of the regulations adopted for its management. Now, can there be any question as to the design of all this? Was it not intended by Congress to authorize an invitation?

In answering these questions, Mr. Chairman, my mind is in no doubt. An invitation was intended. An invitation has been tendered, and by many of the foreign governments accepted; but the commissioners have failed in securing from the various States the individual financial aid anticipated, and now report to this Congress, as they are required by law to report, their doings in the premises and the probability of the failure of the enterprise for the want of means. This report does not come from the State of Pennsylvania, nor from the members of Congress who assumed to indemnify the United States against any liability whatever. It is the report of commissioners appointed by authority of the law of Congress, the persons selected by the proper authorities of the Government to represent us in the management of this great enterprise. In behalf of the United States—not of the State of Pennsylvania nor of the people of the State of Pennsylvania, but of the people of all the States—they ask the intervention of Congress that the celebration and exhibition may not prove a failure. Our invitations have gone abroad; responses from many of the governments have been received accepting and thanking the Government of the United States for the invitation; but those who are opposed to the proposed appropriation now ask us to deny the authority upon which these invitations were given, and to communicate to the nations of the world an authoritative withdrawal of them. Mr. Chairman, where would we stand in such a contingency?

[Here the hammer fell.]

The CHAIRMAN. The gentleman from Massachusetts [Mr. DAWES] is entitled to the floor.

Mr. DAWES. If I could have as much time after two o'clock, as the gentleman from Ohio [Mr. JEWETT] may want to conclude his remarks, I would not object to yield.

The CHAIRMAN. It is not within the power of the Committee of the Whole, even by unanimous consent, to extend the time of any gentleman. Whatever time is given to the gentleman from Ohio [Mr. JEWETT] must be taken from the time of the gentleman from Massachusetts, [Mr. DAWES.]

Mr. DAWES. I regret exceedingly that that is so.

Mr. MYERS. I hope the gentleman from Ohio will be allowed to conclude his remarks, which are very interesting.

Mr. NIBLACK. If nobody objects, cannot the gentleman from Ohio go on?

The CHAIRMAN. The committee will bear in mind what the Speaker said before he left the chair; that under the rules there was no power in Committee of the Whole to extend the time of any member, even by unanimous consent.

Mr. DAWES. I hope the gentleman from Ohio will have leave to print the remainder of his remarks.

The CHAIRMAN. The Chair hears no objection to that.

Mr. JEWETT. I have not reduced any remarks to writing.

The committee rose informally, and Mr. WHEELER took the chair as Speaker *pro tempore*.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had concurred in the resolution of the House to print the addresses made in the Senate and in the House of Representatives upon the death of Hon. Charles Sumner.

The message further announced that the Senate requested the return from the House of Representatives of the bill (H. R. No. 2081) to facilitate the exportation of distilled spirits and amendatory of the acts in relation thereto, with the Senate amendments.

The message also announced that the Senate had passed, and requested the concurrence of the House in, a bill of the following title:

A bill (S. No. 733) regulating gas-works.

CENTENNIAL CELEBRATION.

The Committee of the Whole resumed its session.

Mr. DAWES. Perhaps, after insisting upon taking the floor, I could hardly say that I had promised myself when this debate commenced that I would not indulge in it at any stage of it. And I did not think in its progress that I should find it necessary to depart from that rule until the tone of those who have advocated this measure took expression in the remark of the gentleman from Maine [Mr. FRYE] yesterday, when he singled me out by name as an example and an illustration of those who in opposing this measure propose to render this country less precious than it otherwise would be. Sir, I am not in the habit of making professions of regard for this country or for its honor. Nor am I in the habit, unless some overt act justifies it, of permitting any gentleman ostentatiously to exhibit before this House his own exceeding love for his country, and wind up by saying that I, specified by name, propose, in differing from him upon this floor, to make the country less precious than it otherwise would be. However I may differ with others as to the means of attaining the result, I think, sir, that I have as tender a regard, as anxious a solicitude, for what may be the true honor of this country as any other man—almost as much as the gentleman from Maine. I am not impelled to take the floor at this moment from any desire, however, to put myself especially in the front to antagonize or compete with that sentimental statesmanship or that other kind of emotional patriotism of which the gentleman from Maine says he has made it his specialty. I have only felt as if it were my duty to invite him and those who soar with him in this debate to come down, if they will, to the stubborn facts—to descend to solid ground; for even the eagle, soaring as he does with his eye to the sun, is compelled sometimes to alight. If my friend will come down to the stubborn facts, I ask him to look at the balance-sheet. This is a proposition to take $3,000,000 from the Treasury of the United States. It is not there. Where is it to come from? I hold in my hand the last balance-sheet furnished us by the Government. We have but two months more to make up the final sheet for the year. Thus far the concluding lines are these:

Increase of the public debt since June, 1873, $1,906,563.65.

Up to the beginning of the eleventh month of the current year we have not as yet brought the two ends, expenditures and receipts, together. We have less than two months before we shall make the final balance. While within the last two or three months we have been gaining upon the indebtedness in which the country was involved by an excess of expenditures over receipts—a gain measured by which there is every prospect that we can when the end of the year comes round wipe out the remaining $2,000,000 of that indebtedness—yet there stands off against it the fact that not only did we thus bring the two ends together last year, but in addition thereto we paid $43,000,000 of the public debt, not one dollar of which have we as yet paid this year.

Whatever may be our flights, however ostentatiously we may declare that we are indifferent to what our constituents may say, I take the gentleman from Maine [Mr. FRYE] and the gentleman from New York, [Mr. TREMAIN,] more frank than any of their associates in the advocacy of this bill, at their word, because no other way is open to meet this expenditure than that which they say is the way—the same way, according to their own statement, by which in the midst of the war we raised three or four million dollars a day to carry on this Government. That is the way, according to these gentlemen, by which we are to raise these $3,000,000. What was that method? Either by taxation, or by borrowing, at a discount of from 40 to 100 per cent. in the standard of the world, money to be paid by posterity. Sir, let my friend from Maine [Mr. FRYE] remember that the tax-gatherer went down into his district, and that the east wind was not more searching between the bones and the marrow of every man than was the tax-gatherer in searching between the bones and the marrow of every industry in this land in order to raise the $4,000,000 a day in the manner in which the gentleman tells us our contribution to this centennial celebration is to be raised.

Mr. FRYE. Will the gentleman allow me to ask him a question right here?

Mr. DAWES. I cannot spare one moment for that indulgence. Sir, let the tax-gatherer take his eagle in one hand and this tax bill in the other; let him go down into Maine, and the intermingling tears and jubilant hallelujahs of my distinguished friend from that State will all be required to satisfy the people of his district that it is quite proper for us to go back to the methods of the war in order to supply the means of having a grand exhibition in Philadelphia.

At the commencement of this session the executive department of the United States sent to us two bills which I have here in my hand, calling upon us to increase taxation to the amount of about $40,000,000 in order to meet current expenses. Here is one of the identical bills now in committee that came to us asking us to meet this deficiency. Let me read a clause of this bill, and let me ask my friend from Maine or any other gentleman in this House whether if I offered such a measure to meet this exigency it would command a singe vote in this House.

Be it enacted, That upon teas of all kinds imported from and after the passage of this act there shall be levied, collected, and paid the duty of fifteen cents per pound; and upon coffee of all kinds imported from and after the pasage of this act there shall be levied, collected, and paid a duty of three cents per pound.

There is the identical paper sent to us at the beginning of this session by the executive department. We have sought about trying to obviate the necessity of imposing any such tax upon the "free breakfast table" of the thirty-two districts of New York, represented by my distinguished friend, [Mr. TREMAIN,] and the district in Maine represented by my other friend, [Mr. FRYE,] who say they do not care what their constituents think about this vote. My friend from New York has employed Uncle Toby's angel to blot out his vote; and my friend from Maine has taken the wings of the eagle and soared out of sight of his constituents and of any care they may have for him.

But, sir, the exigency has not passed away. Only last week the President of the United States in his veto message called our minds back to the subject of taxation, and told us that before we could have free banking, before we could redeem our promises, we must, as a preparatory measure, have this taxation. Yet, sir, my friend from Maine goes into spasms of indignation at the idea that our honor is to be tarnished because, he says, the President of the United States has invited foreign nations to come to this exhibition.

But rather than tarnish the honor of the nation he will borrow himself, and by his energy and that of these people in renewed taxation and renewed borrowing, to no matter what depth, in order to save us from that dishonor; while the President of the United States through his Secretary of State has told us this note, this proclamation which has so alarmed these gentlemen, has not the slightest invitation in it. Here is the statement of the Secretary of State, which for some unaccountable reasons I cannot find in this assorted document entitled "The National Centennial." It is somewhere among the archives of the State Department, but for some reason it is left out of this book. That letter of the Secretary of State puts to rest forever the claim that the President of the United States ever intended or ever did invite any nation, in any such sense, to participate in and manage, or have any control or voice in any international exhibition.

Now, sir, there is another pledge of this Government, made before this note was renewed—made, sir, long ago—which cannot be kept if you pass this bill. And I ask my friend from Maine, [Mr. FRYE,] who did me the honor to retire from his seat as soon as I commenced these remarks—I say I call his attention, and that of any other gentleman upon whom this idea of national honor has struck so deep—to the fact that there is another pledge of this Government—I call the attention of all—there are obligations, which cannot be kept if we pass this bill; that there is the solemn pledge of this Government, now unredeemed, to pay before the 1st day of July next into the sinking fund $29,100,000. Not a dollar has been paid and not a dollar can be paid. The pledge of the Government is before you that before you take a dollar out of the Treasury for this purpose $29,100,000 shall be put into the sinking fund.

These are the obligations of the Government: First is the interest on the national debt; secondly, the sinking fund; thirdly, the appropriations for such purpose as Congress may deem proper. I invite gentlemen who are so troubled about the national honor in regard to a note of invitation written upon a piece of paper to turn their attention to the fact that this pledge of the Government of the United States stands unredeemed, and cannot be redeemed if you take these $3,000,000 out of the Treasury, but stands broken before the nations of the earth.

Mr. HAWLEY, of Connecticut. Who is the chairman of the Committee on Finance?

Mr. DAWES. I am chairman of the Committee on Ways and Means.

Mr. HAWLEY, of Connecticut. Redeem, then, the honor of the nation.

Mr. DAWES. That does not make money.

Mr. HAWLEY, of Connecticut. Redeem the honor of our nation. Where is your tax bill?

Mr. DAWES. Yes, sir; where is your tax bill to meet the amount of $3,000,000 for this show? They are before Congress calling for a tax bill while in the next moment they call for $3,000,000; in one hand holding out the show, and in the other a tax bill. Go to the country with that issue.

Mr. HAWLEY, of Connecticut. I will.

The CHAIRMAN. Under the order of the House, at this hour the committee will rise.

Mr. FRYE. Before the gentleman leaves the floor, as he has stated that I retired from my seat when he commenced his remarks, I want him to see that I was here listening to every croak uttered by him: I did not lose a croak; and I heard only the same old song I have heard him sing ever since he has been upon this floor.

Mr. DAWES. If that is any honor to the gentleman he is welcome to it. I would not take a single feather out of his eagle.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HOSKINS reported that, pursuant to the order of the House, the Committee of the Whole on the state of the Union had had under consideration the special order, being the bill (H. R. No. 2986) to appropriate $3,000,000 in aid of the centennial celebration and international exhibition of 1876, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message was received from the Senate of the United States, by Mr. SYMPSON, one of its clerks, notifying the House that that body withdrew its request for the return of the bill (H. R. No. 2081) to facilitate the exportation of distilled spirits, and amendatory of all acts in relation thereto.

The message further announced that that body had passed a bill (S. No. 784) authorizing a transfer of gold mint bars from the bullion fund of the assay office in New York to the assistant treasurer at New York; in which the concurrence of the House was requested.

It further announced that the Senate had passed bills of the following titles, with amendments; in which the concurrence of the House was requested:

An act (H. R. No. 3028) granting the assent of Congress for the improvement of Wolf River, across the Menomonee Indian reservation, in the State of Wisconsin; and

An act (H. R. No. 3161) to enable the Secretary of War to carry out the act of April 23, 1874, entitled "An act to provide for the relief of the persons suffering from the overflow of the Mississippi River.

LEAVE TO PRINT.

Mr. NUNN, of Tennessee, by unanimous consent, was granted leave to print in the RECORD some remarks on the general condition of the country. (See Appendix.)

Mr. SLOSS of Alabama, and Mr. BARRERE of Illinois, were granted leave to print remarks on the centennial bill. (See Appendix.)

Mr. RANDALL. Mr. Speaker, having yielded the floor to others to speak upon this centennial bill, I am compelled now, as the debate is to be closed, to ask leave to print some remarks on the subject of the international exhibition to be held in Philadelphia in 1876. As I represent the district where is located Independence Hall, from which was made in 1776 the declaration of American independence, it is fitting this debate should not go out to the world without at least something said in behalf of my constituents. I ask leave to print my remarks. (See Appendix.)

There was no objection, and it was ordered accordingly.

Mr. KELLEY. I have been requested by two gentlemen, the gentleman from California, Mr LUTTRELL, and the gentleman from Florida, Mr. WALLS, to ask unanimous consent to have printed in the RECORD remarks they have prepared in support of this bill. (See Appendix.)

There was no objection.

Mr. CRITTENDEN. I desire to offer an amendment to the bill.

The SPEAKER. That would require unanimous consent.

Mr. KELLEY. I cannot consent to any amendment.

Mr. CRITTENDEN. I ask the consent of the House to have the amendment read.

Mr. KELLEY. In now taking the floor to close debate, I yield my time to my friend, the gentleman from Connecticut, [Mr. HAWLEY.]

The SPEAKER. The gentleman from Connecticut is allowed, under the arrangement which has been made, to so much of the hour and a half as he may choose to occupy.

Mr. CRITTENDEN. If the gentleman from Connecticut will give me the opportunity, I should like to have that amendment read.

Mr. HAWLEY, of Connecticut. Perhaps the gentleman may have that opportunity after I have got through. I am not allowed to yield the floor.

The SPEAKER. The gentleman from Connecticut will proceed.

CENTENNIAL CELEBRATION.

[Mr. HAWLEY, of Connecticut, addressed the House. His remarks will appear in the Appendix.]

Mr. RICE. I want but a minute, to say that I desire the entire success of the centennial exposition. I think it should be international, and should be celebrated in Philadelphia. I think the States through their governments should appropriate something to assist the celebration. I think the people of the entire country, through their representatives here, should make an appropriation recognizing and assisting in this American jubilee. I would gladly vote for an appropriation of $1,000,000, but not more.

The SPEAKER. The question is, Will the House now order this bill to be engrossed and read a third time?

Mr. HALE, of Maine. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. HAWLEY, of Connecticut. I ask the clerk to read a short letter from the president of the centennial board of finance, giving an assurance that there will be no necessity for a further application for funds. I omitted to read it.

The SPEAKER. It will be read if there is no objection.

No objection was made, and the Clerk read as follows:

OFFICE OF THE CENTENNIAL BOARD OF FINANCE,
Philadelphia, May 5, 1874.

DEAR SIR: The financial statements made by the centennial board of finance are based on calculations which will be rigidly adhered to; and you are at liberty to state, as authorized by the centennial board of finance, that $3,000,000 proposed as the contribution of the United States, is the only appropriation which will ever be asked for the purposes of the international exhibition of 1876 from the General Government.

JNO. WELSH,
President of the Centennial Board of Finance.

Hon. JOSEPH R. HAWLEY,
President of the United States Centennial Commission.

Mr. HALE, of Maine. If unanimous consent can be given, it may be as well to have the yeas and nays taken on the final passage of the bill.

Mr. SHANKS. I prefer to have the yeas and nays taken on this question.

The SPEAKER. The question is upon ordering the bill to be engrossed and read a third time.

The question was taken; and there were—yeas 92, nays 138, not voting 60; as follows:

YEAS—Messrs. Albert, Albright, Archer, Banning, Biery, Roderick R. Butler, Cain, Cason, Cessna, Amos Clark, jr., Freeman Clarke, Clymer, Clinton L. Cobb, Crocker, Crounse, Crutchfield, Curtis, Darrall, Dobbins, Eames, Frye, Hancock, Harmer, Harrison, Hathorn, Joseph R. Hawley, Hays, John W. Hazelton, Hodges, Hooper, Houghton, Howe, Hynes, Jewett, Kelley, Kendall, Lamar, Lampert, Lawson, Lewis, Lofland, Luttrell, Alexander S. McDill, McJunkin, McKee, Moore, Myers, Negley, O'Brien, O'Neill, Orth, Packard, Packer, Pelham, Pendleton, Perry, Pike, James H. Platt, jr., Purman, Randall, Ransier, Rapier, Richmond, Ross, Scofield, Henry J. Scudder, Isaac W. Scudder, Shanks, Sheats, Sheldon, Sloan, Sloss, A. Herr Smith, George L. Smith, Snyder, Speer, Storm, Stowell, Strawbridge, Swann, Taylor, Christopher Y. Thomas, Thornburgh, Todd, Townsend, Tremain, Waddell, Walls, White, John M. S. Williams, William Williams, and Wilshire—92.

NAYS—Messrs. Adams, Arthur, Ashe, Averill, Barber, Barrere, Bass, Beck, Bell, Berry, Bland, Blount, Bowen, Bromberg, Brown, Buffinton, Bundy, Burchard, Burleigh, Burrows, Caldwell, Cannon, John B. Clark, jr., Clements, Stephen A. Cobb, Coburn, Comingo, Conger, Cook, Corwin, Cotton, Crittenden, Crossland, Danford, Dawes, De Witt, Donnan, Dunnell, Durham, Eldredge, Farwell, Fort, Foster, Garfield, Giddings, Glover, Gooch, Gunckel, Eugene Hale, Robert S. Hale, Hamilton, Benjamin W. Harris, Henry R. Harris, John T. Harris, Hatcher, Havens, John B. Hawley, Gerry W. Hazelton, Hendee, Hereford, E. Rockwood Hoar, Hoskins, Hubbell, Hunter, Hurlbut, Hyde, Knapp, Lawrence, Loughridge, Lowe, Marshall, Martin, McCrary, James W. McDill, MacDougall, McLean, McNulta, Mellish, Merriam, Milliken, Mills, Monroe, Neal, Nesmith, Niblack, Niles, Nunn, Page, Hosea W. Parker, Isaac C. Parker, Parsons, Phelps, Phillips, Pierce, Thomas C. Platt, Poland, Pratt, Ray, Read, Rice, Robbins, William R. Roberts, James C. Robinson, James W. Robinson, Rusk, Henry B. Sayler, Milton Sayler, Sener, Sessions, Sherwood, Small, J. Ambler Smith, John Q. Smith, Southard, Sprague, Stanard, Starkweather, Stone, Strait, Sypher, Tyner, Vance, Waldron, Jasper D. Ward, Wells, Wheeler, Whiteley, Charles W. Willard, George Willard, Charles G. Williams, William B. Williams, Ephraim K. Wilson, James Wilson, Jeremiah M. Wilson, Wolfe, Woodworth, John D. Young, and Pierce M. B. Young—138.

NOT VOTING—Messrs. Atkins, Barnum, Barry, Begole, Bradley, Bright, Buckner, Benjamin F. Butler, Clayton, Cox, Creamer, Crooke, Davis, Duell, Eden, Elliott, Field, Freeman, Hagans, Herndon, Hersey, George F. Hoar, Holman, Hunton, Kasson, Kellogg, Killinger, Lamison, Lansing, Leach, Lowndes, Lynch, Magee, Maynard, Mitchell, Morey, Morrison, Orr, Potter, Rainey, Ellis H. Roberts, Sawyer, John G. Schumaker, Lazarus D. Shoemaker, Smart, H. Boardman Smith, William A. Smith, Standiford, Stephens, St. John, Charles R. Thomas, Wallace, Marcus L. Ward, Whitehead, Whitehouse, Whitthorne, Wilber, Willie, Wood, and Woodford—60.

So the bill was not ordered to be engrossed for a third reading.

During the roll-call the following announcements were made:

Mr. HAGANS. On this question I am paired with the gentleman from Pennsylvania, Mr. KILLINGER, who if present would vote "ay," while I should vote "no."

Mr. WHITEHEAD. I am paired on this question with the gentleman from Pennsylvania, Mr. MAGEE. If present he would vote in the affirmative, and I would vote in the negative.

Mr. LEACH. On this question I am paired with my colleague from North Carolina, Mr. SMITH. If here he would vote "ay," while I should vote "no."

Mr. BUCKNER. I am paired with the gentleman from Georgia, Mr. STEPHENS, who if present would vote in the affirmative, while I should vote in the negative.

Mr. MORRISON. On this question I am paired with the gentleman from Maine, Mr. HERSEY, who is absent on account of sickness. If he were present he would vote "ay," and I should vote "no."

Mr. DAVIS. I am paired with the gentleman from Maryland, Mr. LOWNDES. If present he would vote in the affirmative, and I should vote in the negative.

Mr. NIBLACK. My colleague, Mr. HOLMAN, is absent by leave of the House. If present he would vote "no."

Mr. LAMISON. I am paired with the gentleman from Massachusetts, Mr. G. F. HOAR. If present he would vote "ay," and I should vote "no."

Mr. WILSON, of Iowa. My colleague, Mr. KASSON, who is detained from the House on account of illness, would, if here, vote "no."

Mr. ELLIS H. ROBERTS. My colleague, Mr. ST. JOHN, is absent by reason of a death in his family, and I am paired with him. If he were he would vote "ay," and I should vote "no."

Mr. BEGOLE. I am paired on this question with the gentleman from Pennsylvania, Mr. SHOEMAKER, who if present would vote in the affirmative, and I should vote in the negative.

Mr. SAWYER. I am paired with the gentleman from Massachusetts, Mr. BUTLER. If present he would vote "ay," and I should vote "no."

Mr. ORR. On this question I am paired with the gentleman from North Carolina, Mr. THOMAS. If he were here he would vote "ay," and I should vote "no."

Mr. LYNCH. On this question I agreed to pair with the gentleman

from South Carolina, Mr. RAINEY; if he were present he would vote in the affirmative, and I should reluctantly vote in the negative.

Mr. RANDALL. I desire to announce that the gentleman from Tennessee, Mr. MAYNARD, is paired with the gentleman from Michigan, Mr. BRADLEY. Mr. MAYNARD, if present, would vote "ay," and Mr. BRADLEY would vote "no."

Mr. PARKER, of New Hampshire. I wish to announce that the gentleman from New York, Mr. COX, is absent on account of sickness.

The result of the vote was announced as above stated.

Mr. HALE, of Maine. I move to reconsider the vote just taken; and also move that the motion to reconsider be laid on the table.

Mr. BURLEIGH. I move to reconsider the vote just taken, for the purpose of recommitting the bill.

The SPEAKER. Should the House refuse to lay on the table the motion to reconsider, the question will of course recur upon that motion. On this question the Chair orders tellers; and appoints the gentleman from Maine, Mr. HALE, and his colleague, Mr. BURLEIGH.

Mr. HALE, of Maine. We may as well have the yeas and nays; it will come to that. I call for the yeas and nays.

Mr. MOREY. Have we not the right to tellers?

The SPEAKER. The demand for the yeas and nays supersedes the vote by tellers.

The yeas and nays were ordered.

The question was taken; and there were—yeas 117, nays 120, not voting 53; as follows:

YEAS—Messrs. Adams, Arthur, Ashe, Averill, Barber, Barrere, Bass, Beck, Bell, Berry, Bland, Blount, Bowen, Bromberg, Brown, Buffinton, Bundy, Burchard, Burrows, Caldwell, Cannon, John B. Clark, jr., Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crittenden, Crossland, Danford, Dawes, DeWitt, Donnan, Dunnell, Durham, Eden, Farwell, Fort, Foster, Freeman, Garfield, Giddings, Gooch, Gunckel, Eugene Hale, Robert S. Hale, Hamilton, Benjamin W. Harris, Henry R. Harris, John T. Harris, Hatcher, Havens, John B. Hawley, Gerry W. Hazelton, Hendee, Hereford, E. Rockwood Hoar, Hoskins, Hubbell, Hunter, Hurlbut, Hyde, Knapp, Lawrence, Loughridge, Lowe, Marshall, Martin, McCrary, James W. McDill, MacDougall, McLean, McNulta, Mellish, Merriam, Milliken, Monroe, Neal, Niblack, Niles, Nunn, Page, Hosea W. Parker, Phillips, Pierce, Thomas C. Platt, Poland, Pratt, Ray, Read, William R. Roberts, James C. Robinson, James W. Robinson, Henry B. Sayler, Milton Sayler, Sessions, Small, John Q. Smith, Southard, Sprague, Starkweather, Strait, Tyner, Waldron, Jasper D. Ward, Wheeler, Whiteley, Charles W. Willard, George Willard, Charles G. Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, Wolfe, Woodworth, and John D. Young—117.

NAYS—Messrs. Albert, Albright, Archer, Atkins, Begole, Biery, Bright, Buckner, Burleigh, Roderick R. Butler, Cain, Cason, Cessna, Amos Clark, jr., Freeman Clarke, Clymer, Clinton L. Cobb, Comingo, Cook, Crounse, Crutchfield, Curtis, Darrall, Davis, Dobbins, Eames, Field, Frye, Glover, Hagans, Hancock, Harmer, Harrison, Hathorn, Joseph R. Hawley, Hays, John W. Hazelton, Hodges, Hooper, Houghton, Howe, Hynes, Jewett, Kelley, Kendall, Lamar, Lamport, Lawson, Leach, Lewis, Lofland, Luttrell, Lynch, Alexander S. McDill, McJunkin, McKee, Mills, Moore, Morey, Myers, Negley, O'Brien, O'Neill, Orth, Packer, Isaac C. Parker, Parsons, Pelham, Pendleton, Perry, Pike, James H. Platt, jr., Purman, Randall, Ransier, Rapier, Rice, Richmond, Robbins, Ross, Rusk, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Shanks, Sheats, Sheldon, Sherwood, Sloan, Sloss, A. Herr Smith, George L. Smith, J. Ambler Smith, Snyder, Speer, Stanard, Stone, Storm, Stowell, Strawbridge, Swann, Sypher, Taylor, Christopher Y. Thomas, Thornburgh, Todd, Townsend, Tremain, Vance, Waddell, Walls, Wells, White, Whitehead, Whitthorne, John M. S. Williams, William Williams, Wilshire, and Ephraim K. Wilson—120.

NOT VOTING—Messrs. Banning, Barnum, Barry, Bradley, Benjamin F. Butler, Clayton, Cox, Creamer, Crocker, Crooke, Duell, Eldredge, Elliott, Herndon, Hersey, George F. Hoar, Holman, Hunton, Kasson, Kellogg, Killinger, Lamison, Lansing, Lowndes, Magee, Maynard, Mitchell, Morrison, Nesmith, Orr, Packard, Phelps, Potter, Rainey, Ellis H. Roberts, Sawyer, John G. Schumaker, Lazarus D. Shoemaker, Smart, H. Boardman Smith, William A. Smith, Standiford, Stephens, St. John, Charles R. Thomas, Wallace, Marcus L. Ward, Whitehouse, Wilber, Willie, Wood, Woodford, and Pierce M. B. Young—53.

So the House refused to lay the motion to reconsider upon the table.

During the vote,

Mr. COBB, of North Carolina, stated that his colleague, Mr. THOMAS, was paired with Mr. ORR, who would vote in the affirmative, while his colleague would vote in the negative.

Mr. LAMISON stated that he was paired with Mr. G. F. HOAR, who if present would vote in the negative, while he would vote in the affirmative.

Mr. ELLIS H. ROBERTS stated that he was paired with his colleague, Mr. ST. JOHN, who would vote in the negative, while he would vote in the affirmative.

Mr. WILLIAMS, of Michigan, stated that his colleague, Mr. BRADLEY, was paired with Mr. MAYNARD, who would vote in the negative, while his colleague would vote in the affirmative.

Mr. PACKARD. I desire to say that I was suddenly called out of the House on account of serious illness in my family and was unable to return in time to vote. If I had been here a minute sooner I should have voted against laying on the table the motion to reconsider.

The vote was then announced as above recorded.

The SPEAKER. The question now recurs on the motion to reconsider the vote by which the House refused to order the bill to be engrossed and read a third time.

Mr. HALE, of Maine. On that motion I demand the yeas and nays.

Mr. KELLEY. The reconsideration is only for the commitment of the bill.

Mr. PLATT, of Virginia. I hope the gentleman from Maine will not insist on demanding the yeas and nays on the reconsideration.

Mr. HALE, of Maine. The House voted down the measure itself, and the question is now to take all that back; therefore I ask for the yeas and nays.

Mr. BURLEIGH. What will be the result if that is carried in the affirmative?

The SPEAKER. If carried in the affirmative, the Chair will recognize the gentleman from Maine on his motion to recommit.

The yeas and nays were ordered.

Mr. PENDLETON. I move that the House do now adjourn.

The motion was disagreed to.

The question was taken on the motion to reconsider the vote by which the House refused to order the bill to be engrossed and read a third time; and there were—yeas 114, nays 112, not voting 64; as follows:

YEAS—Messrs. Albert, Albright, Archer, Atkins, Biery, Bright, Burleigh, Roderick R. Butler, Cain, Cason, Cessna, Amos Clark, jr., John B. Clark, jr., Clymer, Clinton L. Cobb, Comingo, Cook, Crittenden, Crounse, Crutchfield, Curtis, Darrall, Dobbins, Eames, Field, Frye, Glover, Hagans, Hancock, Harmer, Benjamin W. Harris, Harrison, Hathorn, Joseph R. Hawley, Hays, John W. Hazelton, Hodges, Hooper, Houghton, Howe, Hynes, Jewett, Kelley, Kendall, Lamar, Lamport, Lawson, Leach, Lewis, Lofland, Luttrell, Lynch, Alexander S. McDill, McJunkin, McKee, Mills, Moore, Morey, Myers, Negley, Nunn, O'Brien, O'Neill, Orth, Packer, Pelham, Pendleton, Perry, Pike, James H. Platt, jr., Purman, Randall, Ransier, Rapier, Rice, Richmond, Robbins, Ross, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Shanks, Sheats, Sheldon, Sherwood, Sloan, Sloss, A. Herr Smith, George L. Smith, J. Ambler Smith, Snyder, Speer, Stone, Storm, Stowell, Strawbridge, Swann, Taylor, Christopher Y. Thomas, Thornburgh, Todd, Townsend, Tremain, Vance, Waddell, Walls, Wells, White, Whitthorne, John M. S. Williams, William Wilshire, and Ephraim K. Wilson—114.

NAYS—Messrs. Adams, Arthur, Ashe, Averill, Barber, Barrere, Bass, Beck, Bell, Bland, Blount, Bowen, Bromberg, Brown, Buffinton, Bundy, Burchard, Burrows, Caldwell, Cannon, Clements, Stepen A. Cobb, Coburn, Conger, Corwin, Cotton, Crossland, Danford, Dawes, DeWitt, Donnan, Dunnell, Durham, Eden, Fort, Foster, Freeman, Garfield, Giddings, Gooch, Gunckel, Eugene Hale, Robert S. Hale, Hamilton, Henry R. Harris, John T. Harris, Hatcher, Havens, John B. Hawley, Gerry W. Hazelton, Hendee, Hereford, E. Rockwood Hoar, Hoskins, Hubbell, Hunter, Hunton, Hurlbut, Hyde, Knapp, Lawrence, Loughridge, Lowe, Marshall, Martin, McCrary, James W. McDill, MacDougall, McLean, McNulta, Mellish, Merriam, Milliken, Monroe, Morrison, Neal, Niblack, Niles, Page, Hosea W. Parker, Isaac C. Parker, Phelps, Phillips, Pierce, Thomas C. Platt, Poland, Pratt, Ray, William R. Roberts, James C. Robinson, James W. Robinson, Henry B. Sayler, Milton Sayler, Sessions, Small, John Q. Smith, Southard, Sprague, Stanard, Strait, Tyner, Waldron, Jasper D. Ward, Wheeler, Whiteley, Charles W. Willard, George Willard, Charles G. Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, Woodworth, and John D. Young—112.

NOT VOTING—Messrs. Banning, Barnum, Barry, Begole, Berry, Bradley, Buckner, Benjamin F. Butler, Freeman Clarke, Clayton, Cox, Creamer, Crocker, Crooke, Davis, Duell, Eldredge, Elliott, Farwell, Herndon, Hersey, George F. Hoar, Holman, Kasson, Kellogg, Killinger, Lamison, Lansing, Lowndes, Magee, Maynard, Mitchell, Nesmith, Orr, Packard, Parsons, Potter, Rainey, Read, Ellis H. Roberts, Rusk, Sawyer, John G. Schumaker, Lazarus D. Shoemaker, Smart, H. Boardman Smith, William A. Smith, Standiford, Starkweather, Stephens, St. John, Sypher, Charles R. Thomas, Wallace, Marcus L. Ward, Whitehead, Whitehouse, Wilber, Willie, Wolfe, Wood, Woodford, and Pierce M. B. Young—64.

So the motion to reconsider was agreed to.

During the roll-call the following announcements were made:

Mr. COBB, of North Carolina. I desire to state that Mr. ORR is paired with my colleague, Mr. THOMAS, of North Carolina. On this question Mr. ORR would vote "no," and Mr. THOMAS "ay."

Mr. LEACH. I was paired on this question with my colleague, Mr. SMITH, but not on this particular vote. I vote "ay."

Mr. WHITEHEAD. I am paired with Mr. MAGEE, of Pennsylvania. If he were here he would vote "ay," and I would vote "no."

Mr. PACKARD. I am paired with my colleague, Mr. WOLFE. If he were here he would vote "no," and I would vote "ay."

Mr. ELLIS H. ROBERTS. I am paired with my colleague, Mr. ST. JOHN. If he were here he would vote "ay," and I would vote "no."

Mr. RANDALL. Mr. MAYNARD is paired with Mr. BRADLEY. Mr. MAYNARD would vote "ay," and Mr. BRADLEY "no."

Mr. NUNN. I desire to change my vote. I am not in favor of the bill, but for the gratification of personal friends I vote "ay" on this particular question.

Mr. NEGLEY. There is a great deal of nobility in that utterance.

The result of the vote was then announced as above recorded.

Mr. BURLEIGH. I now move that the bill be recommitted to the Select Committee on the Centennial Celebration.

Mr. BECK. I move to amend that motion by substituting the Committee on Appropriations. There the bill ought to go. I call for the yeas and nays on my amendment.

The yeas and nays were not ordered, only 15 voting in the affirmative; and the amendment was not agreed to.

Mr. HALE, of Maine. Pending the motion to recommit, I move that the bill be laid upon the table.

Mr. WILLARD, of Vermont. And on that motion I call for the yeas and nays.

The yeas and nays were ordered.

Mr. MACDOUGALL. I move that the House do now adjourn.

The question being taken on the motion to adjourn, there were—ayes 105, noes 62.

Mr. PLATT, of Virginia, called for the yeas and nays.

On the question of ordering the yeas and nays there were ayes 14; not a sufficient number.

So the yeas and nays were refused, and the motion to adjourn was agreed to; and accordingly (at five o'clock and five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BUTLER, of Tennessee: The petition of Jacob H. Hybarger

of Greene County, Tennessee, for arrears of soldier's pay, to the Committee on Military Affairs.

Also, the petition of Mary L. Rodner and Caroline Keho, of Shelby County, Tennessee, to be reimbursed for damages to their property by United States troops, to the Committee on War Claims.

By Mr. CLYMER: The petition of the employés of Pine Iron Works, Pennsylvania, for the repeal of the second section of the act of June 6, 1872, which reduced by 10 per cent. the duties on certain commodities, to the Committee on Ways and Means.

By Mr. DARRALL: The petition of the heirs of J. B. V. Richard, to be paid for twenty-four bales of cotton, to the Committee on War Claims.

By Mr. FARWELL: The petition of Margaret Pattison, for a pension, to the Committee on Invalid Pensions.

By Mr. HALE, of New York: The memorial of journeymen printers of Washington, District of Columbia, protesting against the passage of the Senate bill to further regulate the Government Printing Office and to reduce the wages of printers, to the Committee on Printing.

Also, the memorial of journeymen pressmen of Washington, District of Columbia, of similar import, to the Committee on Printing.

By Mr. LAWRENCE: The petition of bankers and business men of Cincinnati, Pittsburgh, and other cities, for the passage of a law requiring the Secretary of the Treasury, in the manufacture of future Government issues, to conform to the plan recommended by the Joint Select Committee on Retrenchment, March 3, 1869, to the Committee on Banking and Currency.

By Mr. MYERS: The petition of John Pope, late private Company K, Eighty-eighth Pennsylvania Volunteers, for a pension, to the Committee on Invalid Pensions.

By Mr. SMITH, of Ohio: The petition of John W. Keys, that a pension be granted to Matthew B. Whitacre, to the Committee on Invalid Pensions.

By Mr. TREMAIN: The petition of John Englander, late of the Fifty-second New York Volunteers, for relief, to the Committee on War Claims.

By Mr. WILLIAMS, of Massachusetts: The petition of John P. Squire & Co. and others, of Boston, for the exception of swine from the provisions of the bill (H. R. No. 2650) to regulate the transportation of animals by railroad, to the Committee on Agriculture.

IN SENATE.

FRIDAY, *May* 8, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

On motion of Mr. SHERMAN, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

PETITIONS AND MEMORIALS.

Mr. WASHBURN presented a memorial of merchants, ship-owners, and ship-masters of Gloucester, Massachusetts, in favor of the present system of compulsory pilotage; which was referred to the Committee on Commerce.

Mr. HAMLIN presented the petition of the owners of the schooner Jennie Spear, registered at the port of New York, praying that the name of that vessel be changed to Santa Rosa; which was referred to the Committee on Commerce.

Mr. SARGENT presented a petition of citizens of California, claiming title to the ex-mission of San Buenaventura; which was referred to the Committee on Private Land Claims.

INTERNATIONAL ARBITRATION.

On motion of Mr. WASHBURN, the following resolutions, submitted by Mr. Sumner on the 1st of December, 1873, were taken from the table and referred to the Committee on Foreign Relations:

Whereas by international law and existing custom war is recognized as a form of trial for the determination of differences between nations; and whereas for generations good men have protested against the irrational character of this arbitrament, where force instead of justice prevails, and have anxiously sought for a substitute in the nature of a judicial tribunal, all of which was expressed by Franklin in his exclamation, "When will mankind be convinced that all wars are follies, very expensive and very mischievous, and agree to settle their differences by arbitration?" and whereas war, once prevailed in the determination of differences between individuals, between cities, between counties, and between provinces, being recognized in all these cases as the arbiter of justice, but at last yielded to a judicial tribunal, and now, in the progress of civilization, the time has come for the extension of this humane principle to nations, so that their differences may be taken from the arbitrament of war, and, in conformity with these examples, submitted to a judicial tribunal; and whereas arbitration has been formally recognized as a substitute for war in the determination of differences between nations, being especially recommended by the congress of Paris, where were assembled the representatives of England, France, Russia, Prussia, Austria, Sardinia, and Turkey, and afterward adopted by the United States in formal treaty with Great Britain for the determination of differences arising from depredations of British cruisers, and also from opposing claims with regard to the San Juan boundary; and whereas it becomes important to consider and settle the true character of this beneficent tribunal, thus commended and adopted, so that its authority and completeness as a substitute for war may not be impaired, but strengthened and upheld, to the end that civilization may be advanced and war be limited in its sphere: Therefore,

Resolved, That in the determination of international differences arbitration should become a substitute for war in reality as in name, and, therefore, co-extensive with war in jurisdiction, so that any question or grievance which might be the occasion of war or of misunderstanding between nations should be considered by this tribunal.

Resolved, That the United States, having at heart the cause of peace everywhere, and hoping to help its permanent establishment between nations, hereby recommend the adoption of arbitration as a just and practical method for the determination of international differences, to be maintained sincerely and in good faith, so that war may cease to be regarded as a proper form of trial between nations.

REPORTS OF COMMITTEES.

Mr. OGLESBY, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 729) to enable Indians to become citizens of the United States, reported it without amendment.

Mr. INGALLS, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 650) explanatory of the resolution entitled "A resolution for the relief of settlers upon the absentee Shawnee lands in Kansas," approved April 7, 1869, reported it without amendment and submitted a report thereon; which was ordered to be printed.

Mr. SCOTT, from the Committee on Claims, to whom was referred the petition of Commodore Edward Middleton, praying compensation for property taken by the United States troops in South Carolina during the late war, submitted an adverse report thereon; which was adopted, and ordered to be printed.

BILL RECOMMITTED.

On motion of Mr. PATTERSON, it was

Ordered, That the bill (H. R. No. 2353) granting a pension to Lucy Ann Cummings be recommitted to the Committee on Pensions.

BILLS INTRODUCED.

Mr. HARVEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 792) for the relief of John Fletcher, surviving partner of Fletcher & Powell; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HAMLIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 793) authorizing the Secretary of the Treasury to change the name of the schooner Jennie Spear to that of Santa Rosa; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CARPENTER (Mr. ANTHONY in the chair) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 794) to legalize the muster of Reuben M. Pratt as second lieutenant; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 795) for the relief of Augustin Olvara; which was read twice by its title, and referred to the Committee on Private Land Claims.

DISTRICT POLICE COURT.

Mr. CARPENTER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Judiciary be directed to inquire whether section 3 of an act to establish a police court for the District of Columbia, and for other purposes, approved June 17, 1870, in so far as it denies a trial by jury, be constitutional, and to report by bill or otherwise.

ADJOURNMENT TO MONDAY.

On motion of Mr. WRIGHT, it was

Ordered, That when the Senate adjourn to-day it be to meet on Monday next.

REMOVAL OF CHARGE OF MUTINY.

The PRESIDENT *pro tempore*. The bills on the Calendar will now be taken up in their order, if there be no further morning business.

The first bill on the Calendar was the bill (H. R. No. 345) to relieve certain persons therein named, late members of Company K, Fifty-eighth Regiment Illinois Volunteer Infantry, from the charge of mutiny; which was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM F. KERR.

The next bill on the Calendar was the bill (H. R. No. 1404) for the relief of William F. Kerr; which was considered as in Committee of the Whole. It provides for the payment to William F. Kerr, of Indiana, a private soldier in Company D, Third Regiment of Indiana Volunteer Cavalry, the sum of $131.50, in full for one horse and equipments owned and abandoned by him by order of the officer in command at Dinwiddie Court-House, Virginia, on the 25th of June, 1864, on a forced march, by which the horse and equipments were totally lost to the soldier.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

ALBERT VON STEINHOUSEN.

The next bill on the Calendar was the bill (S. No. 305) for the relief of Albert von Steinhousen, late major Sixty-eighth Regiment New York Volunteer Infantry; which was considered as in Committee of the Whole.

The proper accounting officers of the Treasury are directed by the bill to allow and pay to Albert von Steinhousen, late major of the Sixty-eighth Regiment of New York Volunteer Infantry, the full pay of his rank from the 22d of August, 1862, to the 8th of August, 1863, deducting therefrom all pay that he may have received for any portion of that period.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES C. LIVINGSTON.

The next bill on the Calendar was the bill (H. R. No. 725) for the relief of James C. Livingston, late a private in Company E, Third Regiment Iowa Volunteer Infantry; which was considered as in Committee of the Whole. It provides that James C. Livingston, late a private in Company E, Third Iowa Regiment of Volunteer Infantry, shall be entitled to an honorable discharge from the service of the United States, to date July 22, 1865, the date of the final muster of his regiment, and shall be entitled to his back-pay and bounty and shall be restored to all homestead and other rights, as fully and completely as though he had been honorably mustered out of the service with his regiment.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE YOUNT.

The next bill on the Calendar was the bill (H. R. No. 1776) for the relief of George Yount; which was considered as in Committee of the Whole. It is a direction to the Paymaster-General of the Army to pay to George Yount, late a second lieutenant of Company I, Third Missouri Volunteer Infantry, a sum equal to the pay and emoluments of a second lieutenant of infantry, from the 1st of September, 1863, to the 7th of March, 1864, deducting whatever pay he may have received for that period.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM A. SNODGRASS.

The next bill on the Calendar was the bill (H. R. No. 2094) for the relief of William A. Snodgrass, late lieutenant Company H, Thirty-ninth Regiment Ohio Veteran Volunteer Infantry; which was considered as in Committee of the Whole. It directs the Secretary of War to pay to William A. Snodgrass, late lieutenant Company H, Thirty-ninth Regiment Ohio Veteran Volunteer Infantry, his pay and allowances as second lieutenant from March 30, 1865, to July 9, 1865.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABSALOM BAIRD.

The next bill on the Calendar was the bill (S. No. 529) to authorize the appointment in the Inspector-General's Department of Major Absalom Baird as lieutenant-colonel and assistant inspector-general; which was considered as in Committee of the Whole.

The preamble recites that a vacancy of lieutenant-colonel in the Inspector-General's Department of the Army originated on the 13th of June, 1867, to which Major Absalom Baird was entitled to be promoted under the laws then in existence, but from which he was excluded by reason of another appointment in that department previously made; and that an act of Congress approved June 8, 1872, was passed with the intention of rectifying this wrong, but has failed to secure to Major Baird his just rights. The bill therefore authorizes the President to nominate and promote Absalom Baird to be lieutenant-colonel and assistant inspector-general, to date from June 13, 1867.

The Committee on Military Affairs reported the bill with an amendment to add thereto the following:

But no pay or allowance shall be made to him for any time prior to the passage of this act.

Mr. MORRILL, of Maine. Does that bill come from the Military Committee?

The PRESIDENT *pro tempore*. It does.

Mr. MORRILL, of Maine. I should like to inquire of the chairman of the committee whether the bill creates a new office.

Mr. LOGAN. That bill is entirely correct. In the promotions that were made, though Mr. Baird had rights under the law, for some reason or other he did not get the benefit of them, but the place was given to General Davis. We reported this bill in order to correct the promotions in the line of that staff department.

Mr. MORRILL, of Maine. Does this authorize him to succeed to a vacancy, or does it put him in a new office?

Mr. LOGAN. There is no vacancy now; he is already in that department, and the bill gives him the right he was entitled to at the time the promotion was made over him. That is all. It has been examined by the Secretary of War and others, and it is admitted that that was the fact.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

E. & J. KOCH.

The next bill on the Calendar was the bill (S. No. 552) to refund to E. & J. Koch certain customs duties; which was considered as in Committee of the Whole.

The Secretary of the Treasury is authorized by the bill to refund to Messrs. E. & J. Koch $2,916.65, gold, being the amount paid by them in the New Orleans customs district on an importation of machinery for the manufacture of beet-root sugar in the year 1873.

Mr. EDMUNDS. I should like to hear the report in that case read.

The Chief Clerk read the following report, submitted by Mr. FENTON on the 25th of March:

The Committee on Finance, to whom was referred the bill (S. No. 552) to refund to E. & J. Koch certain customs duties, beg leave to report:

That the papers in the case establish that Messrs. Koch, acting under the authority conferred under section 2 of joint resolution of March 2, 1867, imported, in the year 1873, certain machinery for the manufacture of beet-sugar. It seems, however, that the importers had in view also the application of the machinery to the manufacture of sugar from cane. Upon the presentation of the case to the Secretary of the Treasury for refund of duties, as provided under the joint resolution of 1867, to which reference has been made, it was not claimed that the machinery was imported *solely* for the manufacture of beet-sugar. So, in a technical sense, the refund proposed could not be allowed under the provisions of that act; but, in the judgment of the committee, the importation was in the spirit of the act, having like object, namely, the increase of production and the lessened cost of sugar, as well as being within the general policy of our legislation for the introduction of machinery to improve the processes of production and manufacture.

Supported by the following letter of the Secretary of the Treasury, appended as a part of this report, the committee reach the conclusion that the relief set forth ought to be granted, and therefore recommend the passage of the bill:

TREASURY DEPARTMENT,
Washington, D. C., March 10, 1874.

SIR: I am in receipt of a letter from the clerk of your committee inclosing Senate bill No. 552, with accompanying papers, for the refund to Messrs. E. & J. Koch of certain customs duties paid by them at the port of New Orleans, on machinery imported into that port for the manufacture of sugar, in the year 1873, and stating that the committee desire my opinion in relation to its passage, with any additional facts the Department may have concerning the matter.

In reply I have to state that a claim for the refund of these duties was presented to the Department by one of the parties interested in the month of October, 1873, under section 2 of the joint resolution of March 2, 1867, which provides that from and after the passage thereof, machinery for the manufacture of beet-sugar, and imported for that purpose solely, shall be exempt from duty.

It appeared upon investigation that the machinery in question was of the kind generally used for the manufacture of beet-root sugar, but that the special object in view in importing it into the United States was to make experiments in the manufacture of sugar from the sugar-cane, and therefore the Department was compelled to deny the application for refund, as the machinery was not imported solely for the purpose of manufacturing beet-root sugar.

It seems to me quite as desirable to develop the production of sugar from the cane as from the beet; and as it is claimed that the machinery in question is able to produce a much larger amount of sugar from the same quantity of cane than by the ordinary process, I think the spirit of the law before referred to would sanction the passage of the present bill.

I have the honor, therefore, to recommend it to the favorable consideration of the Committee on Finance. Returning the papers submitted,

I am, very respectfully,

WILLIAM A. RICHARDSON,
Secretary.

Hon. R. E. FENTON, *United States Senate.*

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SHOSHONE INDIANS IN WYOMING.

The next bill on the Calendar was the bill (S. No. 604) to confirm an agreement made with the Shoshone Indians (eastern band) for the purchase of the south part of their reservation in Wyoming Territory.

Mr. EDMUNDS. I think that had better go over.

The PRESIDENT *pro tempore*. The bill will be laid aside.

Mr. BOGY. I hope this bill will not be laid aside. It can be explained in less than half a minute. It is of very great importance to that Territory. The bill has passed through the Committee on Indian Affairs, and I hope it will be acted upon. There will be difficulties if this thing is not done at an early day.

The PRESIDENT *pro tempore*. If the Senator from Vermont does not withdraw his objection, the next bill will be reported.

LEMUEL D. EVANS.

The next bill on the Calendar was the bill (S. No. 625) for the relief of Lemuel D. Evans, late collector of internal revenue for the fourth district of Texas.

Mr. EDMUNDS. If there is a report in that case I should like to hear it read.

Mr. SCOTT. That is a case which is reported by a majority of the Committee on Claims. There was some dissent; and as the report is of some length, I think the bill had better go over.

The PRESIDENT *pro tempore*. The bill will be laid aside.

R. W. CLARKE.

The next bill on the Calendar was the bill (H. R. No. 2086) for the relief of R. W. Clarke, postmaster at Brattleborough, Vermont; which was considered as in Committee of the Whole. It directs the Auditor of the Treasury for the Post-Office Department to credit R. W. Clarke, postmaster at Brattleborough, Vermont, in his account as such postmaster, with $1,312.87, being the amount of postage-stamps and postal money-order funds stolen from the safe of that post-office by burglars, on the 24th of November, 1873, without fault or negligence on the part of the postmaster.

Mr. SARGENT. Is there a report in that case?

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. HAWLEY, of Illinois, in the House of Representatives, February 20, 1874:

The Committee on Claims, to whom was referred the bill (H. R. No. 495) for the relief of R. W. Clarke, postmaster at Brattleborough, Vermont, have had the same under consideration, and now make the following report:

It appears that the post-office at Brattleborough, which is kept in a brick building known as the Town-hall, was entered by burglars on the night of the 24th of November, 1873, the strong brick vault in which the stamps and funds of the post-office were securely locked was broken open by breaking the iron door thereof, and all of the valuables stolen. These facts are sustained by the affidavits of the postmaster and of his two clerks, and also of numerous citizens and business men of Brattleborough; also the fact that vigorous efforts were made by the postmaster to capture the robbers, without success. The good character and habitual vigilance of the postmaster and of his two clerks are sworn to by numerous citizens. The post-

master and the two clerks all testify under oath that there were in the vault at the time of the robbery, and carried away by the robbers, postage-stamps to the value of $1,037.26, and money-order funds to the amount of $275.61. The special agent of the Department, who visited the place and investigated the circumstances of the case, reports in a letter to this committee that the office was broken and robbed, as stated in the petition, evidently by professional burglars, and that the books of the office showed $275.61 in money-order funds then on hand. A letter from the Superintendent of the money-order office, dated February 10, 1874, also makes the same statement in reference to amount of money-order funds. A letter from the third Assistant Postmaster-General, dated February 11, 1874, estimates the amount of stamps and stamped envelopes on hand at the office in Brattleborough, November 24, 1873, at $1,794.99.

Your committee find that the loss occurred without any negligence on the part of the said postmaster or of his clerks, and that the amount of stamps and money-order funds, as stated in the petition, were stolen; and they therefore report back the bill, with the accompanying substitute therefor, and recommend that it be adopted.

Mr. SARGENT. Is that the report of the House committee or the Senate committee?

The PRESIDENT *pro tempore*. The House committee.

Mr. SARGENT. I should like to inquire whether the Senate committee themselves are fully satisfied with these conclusions. It is rather a dangerous practice to legislate to pay money alleged to be stolen in the hands of a public officer, whether on the highway as in the case in Texas, or from a safe as in this case in Vermont. I think we ought to have some explanation.

The bill was reported to the Senate without amendment.

Mr. SARGENT. Unless some explanation is made beside the House report, I shall object.

Mr. RAMSEY. This case was investigated very closely by the Committee on Post-Offices and Post-Roads of the Senate, and on a thorough examination they thought it a case in which the Senate would be justified in concurring with the House in relieving this postmaster. There are many Senators who imagine, doubtless, that there is a great deal of liberality on the part of this committee; and yet after all you have only acted upon about fifteen cases, and the aggregate does not amount to over $5,000. When you consider that there are nearly thirty-five thousand postmasters in the United States liable to lose their funds in one way or another, it is certainly a very moderate reimbursement.

Mr. SARGENT. Did the Senate committee hear any witnesses in this case, or simply take the House report?

Mr. RAMSEY. All the evidence that we usually examine into in such cases we had before us. We had communications of the Post-Office Department, communications from the special agent of the Department, &c.

Mr. MORRILL of Vermont. I have not particularly examined this case; but I know the party. The postmaster there is a very worthy man, who was a soldier in the war, a major, I believe. He and his subordinates are entirely trustworthy, so far as their character is concerned; and the claim rests upon the same principle with all similar bills that have been reported by the Post-Office Committee, a dozen of which at least have been passed by the Senate at this session.

Mr. HAMLIN. The Senator from Vermont in the last sentence which he uttered has expressed about what it was my purpose to say when I rose with him and he was awarded the floor. The evidence in this case shows that the office was robbed; shows that the safe was blown open; that the postmaster immediately gave notice to the Postmaster-General, and the Postmaster-General sent a special agent upon the ground to investigate into the matter, and he reported upon it; and upon that report, and upon the evidence of the loss approved and corroborated by the statement from the Post-Office Department here where there is a check, the committee reported the bill precisely in accordance with the rule which we have adopted of paying postmasters in cases where we believe they have been robbed, the postmasters in the mean time exercising due care, as we believe the postmaster did in this case.

Mr. SAULSBURY. The committee usually act upon the affidavits of parties and such proof as satisfies them that the parties have been guilty of no negligence. I suppose that to be true of this particular case, though I do not remember the deliberations of the committee on it, but I call attention to the fact that it is a very loose way of doing business to relieve public officers, whether postmasters or paymasters or any other class of officers, because it invites to carelessness and to injury to the public service. I believe that the cases reported from the Committee on Post-Offices and Post-Roads fall within the rule that has been acted upon in the Senate; but I ask whether it is not time that the Senate should consider whether that rule itself is a proper one, whether there ought not to be strict accountability required of every officer; because, when it comes to be understood that a public officer, whether a paymaster or postmaster or anybody else, who has suffered loss is to be relieved by coming to the Senate, it will invite, in my opinion, to carelessness on the part of public officers who have the care and custody of public money. Therefore I think it is time that we had revised this rule. It is time that we had taken into serious consideration whether we ought not to hold to strict accountability, and in no case relieve a party who, having charge and custody of public money, has suffered loss by robbery or burglary. It is his duty to take care of the money; his duty to see that no loss occurs. There may be individual hardships from applying a rigid, iron rule; but I apprehend that the public money would be better taken care of if we adopted some rule that would hold to the strictest responsibility every public officer who has the custody of public money.

Mr. MORRILL, of Vermont. I agree entirely with the Senator from Delaware. This claim is a small one; and if the Senate chooses to reverse its action upon all the cases it has acted on at this session, (and we remember of course that there have been more than a dozen cases of exactly the same import to this bill which have been passed,) be it so. I only know that in this case the parties are excellent officers, and they are wholly trustworthy; but if the Senate chooses, on this small claim of a few hundred dollars, to reverse its policy and take different action, I would as soon it should begin with Vermont as any other State. But I desire to say that if this policy is adopted on this bill, I shall hope that Senators will maintain the symmetry of their record hereafter.

Mr. BOGY. I hope this bill will go over. I do not think the time should be taken up in discussion.

The PRESIDENT *pro tempore*. The Chair thinks it is now too late to object.

Mr. FLANAGAN. Mr. President, I admire the vigilance of Senators; but the day has not arrived, nor will it arrive during the existence of this Government, when perfection will be reached, and for the next thousand years, I take it, whenever a meritorious case is presented the committee who act upon it, investigating it closely and finding to their satisfaction that relief should be had, it will be given, I care not what strictures may be enacted by law or otherwise. As a member of the committee from which this bill was reported, I can say that we regularly investigate all questions of this kind, and we endeavor to mete out justice to the parties liberally. Sometimes perhaps we go too far; sometimes we reject claims. We do that which we think is correct; and when we thus do, I am always ready to stand by the report. We converse in committee just as my friend, the Senator from Delaware who has come down now with the iron rule, would have us do; we canvass these matters there regularly. He thinks this system has gone far enough and should stop; but it never will stop. It is the nature of legislation. That is what we are here for, to mete out justice and to relieve applicants whenever their case is meritorious. I have no doubt about this being meritorious from the evidence before us. I supported it in committee, and I shall support it here.

Mr. ALCORN. I have not at any time supported a proposition like that under consideration, nor shall I. When a public officer undertakes the discharge of a duty like this, when he comes to take charge of public money, he does it for a certain consideration. A certain consideration is given to the public officer, and he undertakes the performance of certain duties and enters into a bond the conditions of which are that he is faithfully to perform the services required and account for the public moneys that may come into his hands. The courts have universally held that they will not render relief in any case like that now under consideration. If appeals like this are to be made to the Legislature, and the Congress of the United States is to continue to relieve parties who come here with proofs which are *ex parte* in their nature and character, what will be the result? Who outside is going to come forward and make proof if even he may suspect or know that there is fraud connected with the transaction? It is the business of no one; so that in truth and in fact the examinations are in their nature *ex parte*. Such legislation on the part of Congress exercises a pernicious influence on the legislation of the different States. The States look to Congress as a type of that justice which should be rendered in cases of this kind. Legislation of this sort will put to hazard the whole public revenues of this nation. Without any imputation upon the case at bar, I may say that combinations and conspiracies will be continually formed in this nation for the purpose of robbing the Government of its rightful treasure. If a public officer for a consideration comes forward and executes his bond for the discharge of his duties, I am in favor of holding him to the conditions of that bond strictly, and rendering him no relief save and except that relief which the courts of the country are ready to afford. Rather than that this legislation should go forward, I would say, amend the law and provide that the parties may go into court, and let the matter be there adjudicated by a court of equity; and if equity exists and the right demands, let the party be relieved. If we allow these cases to be disposed of here on *ex parte* examinations, does not every Senator know, however honest these applicants may be—and I would not impute to these parties any dishonesty—that combinations can be formed and the Government year after year robbed of its public treasure?

I shall vote against this bill, as I have voted against every bill of like character. I say to the public officer, Stand to your bond, and if you are afraid to meet the responsibilities which your bond imposes, then give way and let somebody else take the office that you propose to discharge.

The bill was ordered to a third reading, read the third time, and passed.

Mr. ALCORN. Mr. President, is it too late to call for the yeas and nays on the passage of the bill?

The PRESIDENT *pro tempore*. It is.

M'CLINTOCK YOUNG.

The next bill on the Calendar was the bill (H. R. No. 555) for the relief of McClintock Young, of the State of Maryland; which was

considered as in Committee of the Whole. It provides that the extension of the patent of McClintock Young, of Frederick, Maryland, for an improvement in harvesting-machines, dated June 28, 1873, and numbered 24598, and signed by the Commissioner of Patents on the 28th of June, 1873, shall have the same binding effect in law as though the extension was signed by the Commissioner of Patents and bore date the 27th day of June, 1873.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STEAMER BIENVILLE.

The next bill on the Calendar was the bill (H. R. No. 1201) authorizing the payment of prize-money to the officers and crew of the United States steamer Bienville; which was considered as in Committee of the Whole.

The Secretary of the Navy is authorized by the bill to direct the proper accounting officers of the Treasury to allow and pay to such persons as were the officers and composed the crew of the United States steamer Bienville, on the 5th day of August, 1864, a sum equal to that which the officers and crew of that steamer would have been entitled to receive as prize-money had the name of that steamer been inserted in the list of the vessels entitled to share in the captures made in the bay of Mobile on the 5th of August, 1864, the name of the vessel having been accidentally omitted from the list; the sum to be paid out of the naval-pension fund.

Mr. WRIGHT. Is there a report in that case?

The PRESIDENT *pro tempore*. There is not.

Mr. SARGENT. There is no report; but the facts are stated very distinctly in the bill. It was carefully examined by the Committee on Naval Affairs. We had before us the testimony of the officers, Farragut and others, and the opinion of the Navy Department. In our judgment this steamer was omitted originally simply by mistake, and we recommend that it be put on the footing of other vessels with which it shared in a hazardous undertaking.

Mr. WRIGHT. I called attention to the bill from the fact that I saw that the chairman of the committee who reported it was not present, and I did not know that any one was prepared to make an explanation.

Mr. SARGENT. I am on the committee.

Mr. WRIGHT. I understand the Senator from California makes the explanation for the committee.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

POWDER MAGAZINE AT NORFOLK.

The next bill on the Calendar was the bill (H. R. No. 83) to authorize the Secretary of the Navy to remove the powder-magazine from Fort Norfolk, Virginia; which was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

URIAH FORREST.

The bill (S. No. 629) for the relief of Osceola C. Green, administrator *de bonis non* and one of the heirs at law of Lieutenant-Colonel Uriah Forrest, was read the second time, and considered as in Committee of the Whole. It is a direction to the proper accounting officers of the Treasury to settle with Osceola C. Green, administrator *de bonis non* and one of the heirs at law of Lieutenant-Colonel Uriah Forrest, of the Maryland Line of the Army of the Revolution, for the half-pay for life due to Lieutenant-Colonel Forrest under the resolve of October 21, 1780, from the end of the revolutionary war to the time of his death, July 8, 1805.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NEZ PERCÉ RESERVATION IN IDAHO.

The next bill on the Calendar was the bill (S. No. 630) to authorize the purchase of six hundred and forty acres of land in the Territory of Idaho for the Nez Percé Indian reservation.

Mr. ROBERTSON. Is there any report with that bill?

The PRESIDENT *pro tempore*. There is no report accompanying the bill.

Mr. ROBERTSON. I object to its consideration.

The PRESIDENT *pro tempore*. The bill will be laid aside.

Mr. BOGY. That is a meritorious bill.

MARY J. BLOOD.

The next bill on the Calendar was the bill (H. R. No. 1948) granting a pension to Mary J. Blood; which was considered as in Committee of the Whole.

The Secretary of the Interior is directed by the bill to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary J. Blood, widow of Emory A. Blood, late private in Company D, Eleventh Regiment Massachusetts Volunteers, and to pay her a pension of eight dollars a month, commencing at the death of Emory A. Blood, on the 13th of November, 1868.

The Committee on Pensions reported the bill with an amendment to strike out the words "commencing at the death of said Emory A. Blood, on the 13th of November, 1868."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

It was ordered that the amendment be engrossed and the bill read a third time.

The bill was read the third time, and passed.

JULIET E. HALL.

The next bill on the Calendar was the bill (H. R. No. 1945) granting a pension to Juliet E. Hall, daughter of William Hall, late colonel of the Eleventh Regiment of Iowa Infantry; which was considered as in Committee of the Whole. It is a direction to the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Juliet E. Hall, daughter of William Hall, late a colonel of the Eleventh Regiment of Iowa Infantry, commencing November 11, 1869, the date of the remarriage of the widow.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD JARDINE.

The next bill on the Calendar was the bill (H. R. No. 2356) granting a pension to Edward Jardine, late colonel and brevet brigadier-general United States Volunteers; which was considered as in Committee of the Whole. It directs the Secretary of the Interior to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Edward Jardine, late brevet-brigadier United States Volunteers, at the rate of thirty dollars per month.

The Committee on Pensions reported the bill with an amendment which was to strike out the last clause of the bill, as follows:

And in the case of the death of the said Edward Jardine, the amount of pension allowed by this act shall be continued to his widow or minor children, under the provisions and limitations of the general pension laws.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

It was ordered that the amendment be engrossed and the bill read a third time.

The bill was read the third time, and passed.

THE YELLOWSTONE PARK.

The next bill on the Calendar was the bill (S. No. 581) amendatory of and supplementary to the act entitled "An act to set apart a certain tract of land lying near the headwaters of the Yellowstone River as a public park," approved March 1, 1872.

The bill proposes to amend the second section of the act of March 1, 1872, by striking out the words "ten years" and inserting the words "twenty years." It also empowers the Secretary of the Interior, in his discretion, to grant leases for toll-roads throughout the park wherever roads have not been constructed by the United States; and he is to prescribe and regulate the rates of toll to be charged on such roads.

Mr. ANTHONY. That is the same sort of bill that were committed yesterday. I think it had better be recommitted to the Committee on Public Lands, with instructions to report the bill complete.

The PRESIDENT *pro tempore*. The Senator from Rhode Island moves that the bill be recommitted to the committee, for the purpose of having it in a different form.

Mr. OGLESBY. What is the objection to the bill?

Mr. ANTHONY. The objection is that nobody can understand what it is unless he takes two acts together and pieces them—the same objection that existed to the bill which we discussed yesterday in regard to distilled spirits. I have no objection to the bill; but I think now, as we are about to have the laws revised and brought down to the beginning of this year, we ought to stop this kind of legislation—amending a law by saying that certain words in a previous act, which you have to turn to the statutes to find, shall be stricken out and certain other words put in. This bill should be reported in full; at least the amended part of it. I am sure the Senator from Illinois will agree with me in that. I have no objection to the bill itself.

Mr. OGLESBY. I have no objection particularly to correcting the bill so as to put it in the most convenient form, but I had not supposed that our committee was the one to undertake the subject of the revision of the laws. This amendment of the law of 1872 is proposed in the usual form, but I do not know that the Senate will approve the object of it. It is just as well to take the sense of the Senate on the bill now as at any time. There is no use in referring it back and having it reported again and then put on the Calendar. The Secretary of the Interior asked for an appropriation for the Yellowstone Park. The committee considered the subject and thought it was better to take some step in that direction now or else substantially abandon the park. The amount asked for was $100,000. We finally placed it at the figure of $25,000. It is necessary to fix the boundaries of the park. It has not been surveyed. Settlers are going in, or are anxious to go in, and the question of fixing the boundaries becomes important. Therefore the committee agreed with the recommendations of the Secretary of the Interior and superintendent of the park, that some steps should be taken to fix the boundaries, and then to permit private persons to construct roads leading to the objects of interest in the park at their own cost, but under the supervision of the Secretary of the Interior. Of this appropriation part is to be put

in trust in the hands of the superintendent, twelve or fifteen thousand dollars, to secure the establishment of the boundaries of the park, and the additional sum is to pay for the necessary watching and guarding there until the Congress of the United States shall decide whether it will take care of it and preserve it as a park or whether it will abandon it. So the committee thought it was better to bring the subject before the Senate. None of them have any special interest in it or any special desire about it. The superintendent in charge has the matter very much at heart. The Secretary of the Interior also considers the matter of public concern. To bring the question before Congress we presented the bill with the amount of the appropriation reduced from $100,000 to $25,000, to take the sense of the Senate on the subject. Now, if it is not the sense of the Senate to make an appropriation for this purpose at all, it might as well be determined now as to send the bill back merely for the purpose of reconstructing it in compliance with the expected revision of the statute laws of the nation. If the Senate would as soon express a decision upon it now as hereafter I would rather they should do so now.

Mr. SARGENT. Is an objection to the present consideration of the bill now in order?

The PRESIDENT *pro tempore*. It is.

Mr. SARGENT. I make objection.

Mr. ANTHONY. Will the Senator allow me to say, in reply to the Senator from Illinois, that I agree to all that he has said? I think there ought to be an appropriation to preserve this park, but I think it ought to be expressed in a bill which can be understood when it is promulgated. That is all. I am in favor of the bill as I understand it, but I do not want the bill to be made up out of two acts, so that you have to get the statute-book and turn to one volume to find one act and another volume to find the other, and then put the two together and write out the result, to know what it means.

Mr. SARGENT. I agree with the Senator from Rhode Island; I think his reasoning is excellent; and I also object to the policy of the bill. I do not think we ought to make an appropriation for this purpose.

The PRESIDENT *pro tempore*. Debate is out of order. The bill has been passed over under objection.

Mr. ANTHONY. Does the Senator object to having it recommitted?

Mr. SARGENT. No; I do not object to recommitting it.

Mr. CONKLING. Let it be recommitted.

Mr. SARGENT. I do not object to that if it can be done without debate.

The PRESIDENT *pro tempore*. Is there objection to recommitting?

Mr. OGLESBY. I want to state, if the Chair will indulge me, that there is but one little bill in this world on that subject, and that is not as long as the remarks of the Senator from Rhode Island. That is all the law there is on it, and that provided for leases of ten years. They cannot make them for that time, and this simply changes the term from ten to twenty years. It is one little law that we propose to amend, which any Senator could find in three or four weeks by diligent search.

Mr. ANTHONY. I do not think it is any recommendation of a bill that it is not as long as a Congressman's speech.

Mr. CONKLING. I ask permission to make one remark to my honorable friend from Illinois. The Committee on the Revision of the Laws is about to report to the Senate the laws as revised, constituting one volume. That volume will hereafter, unless it is a failure, serve the Senator and everybody else in the place of the seventeen volumes of statutes now existing. In that one volume there will be no such number of section and line as these bills refer to; and therefore, in addition to all that the Senator from Rhode Island has said, we are virtually setting a trap and hiding away these provisions where no man can find them, even if he is, as the Senator from Wisconsin [Mr. HOWE] said yesterday, a mathematician and with plenty of time to sit down and calculate where the amendment was probably intended to come in. The revision of the laws, if it is to warrant the large sum of money and of labor expended upon it, is to supersede the long shelf full of ponderous volumes in which the statutes are now published; and to refer to acts as they stand now, to sections as they are numbered now, and to lines as they occur in sections now, and to amendments, will be very much to legislate after the manner of that ancient tyrant who hung his laws so high that the people could not read them.

I know that my friend from Illinois is opposed to hanging laws or anything else very high, and therefore I hope that he will allow this bill to go back to the committee and let us persevere in this way with every bill for a short time, and then all our committees will fall into the usage of adapting legislation to our present need. I think it should always have been so; but my present suggestion is to remind the Senate that the necessity is now inexorable unless we are going to lose in advance a large part of the value of our revised statutes.

Mr. OGLESBY. I will not object to the recommitment.

The PRESIDENT *pro tempore*. Is there objection to recommitting this bill to the Committee on Public Lands? The Chair hears none, and the recommittal is ordered.

THE GENEVA AWARD.

Mr. EDMUNDS. I move to proceed to the consideration of Senate bill No. 7, being the Geneva award bill, of which I gave notice yesterday.

Mr. ANTHONY. If the Senator who has charge of this bill deems it his duty to proceed with it to-day I shall not make any opposition; but I would suggest to him, in view of the remarks he made yesterday—and no one could put them better—the desirableness of giving an hour to the Calendar and going on with unobjected cases, whereby we not only render justice to a great many parties, but save of the labor of committees which will be lost if we lose the present opportunity. Very soon we shall have the appropriation bills, and that will be the end of the Calendar. I think if we could have an hour, from now until two o'clock, and then go on with the Geneva bill, it would accomplish a great deal of good. I submit it, however, entirely to the pleasure of the Senator from Vermont. I shall not oppose his motion.

Mr. EDMUNDS. I certainly do not wish to interpose this bill or anything else against the will of the Senate; but if we owe anything to the people who are interested in this bill in the way of justice or generosity, we ought speedily to take the step which is to do that justice or generosity. We have now been sitting here for five months and done nothing in respect to a class of people in whom all branches of the Government agree that there is a meritorious right. That being the state of the case, and we being under some reproach for not having provided for them last year, although it was not the fault of the Senate, I do think it my duty to ask the Senate to pass this bill, and to pass it now in some form or other, so that we may be sure that if there is any delay or fault it will not be at our doors.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Vermont.

The motion was agreed to.

Mr. SHERMAN. I desire to give notice that as soon as this bill and the civil-rights bill, which I suppose are unfinished business, are disposed of, I shall move to take up House bill No. 1572, to amend the several acts providing a national currency and to establish free banking, and for other purposes.

The Senate, as in Committee of the Whole, proceed to consider the bill (S. No. 7) for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th of May, A. D. 1871, between the United States of America and the Queen of Great Britain.

The Chief Clerk read the bill.

Mr. THURMAN. Mr. President——

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) There are some amendments reported to the bill from the Committee on the Judiciary.

Mr. THURMAN. I suppose there will be no objection to them.

The PRESIDING OFFICER. They will be reported.

The first amendment of the committee was in section 6, line 2, to insert after the word "Columbia" the words "or his deputies;" so as to make the section read:

That the marshal of the United States for the District of Columbia, or his deputies, shall serve all process issued by said court, preserve order in the place of sitting, and execute the orders of the said court.

The amendment was agreed to.

The next amendment was in section 10, line 25, to insert the word "proper" before the word "courts," and after the word "Territory," in the twenty-sixth line, to insert the words "or District of Columbia;" so that the clause will read:

And shall be liable to indictment and trial in the district or circuit court of the United States for the district in which such perjury shall have been committed, or in the proper courts of the United States for the Territory or District of Columbia in which such perjury shall have been committed, and shall, upon conviction, suffer such punishment as is provided by the laws of the United States for that offense.

The amendment was agreed to.

The next amendment was in section 14, line 15, to strike out the proviso after the word "provided," in the following words:

Always, That no such payment shall be made until the Government of the United States shall have received from that of Great Britain the sum awarded to be paid by the latter to the former, in virtue of the decision and award made at Geneva, on the 14th day of September, 1872, by the tribunal of arbitration constituted by virtue of the first article of the said treaty: *And provided further*.

The amendment was agreed to.

The next amendment was in section 14, line 30, to strike out, after the word "Treasury," the words "in virtue of this act."

The amendment was agreed to.

Mr. EDMUNDS. The word "shall," in the twenty-ninth line of that section, should also be stricken out; so as to read: such "moneys as have been received into the Treasury."

The PRESIDING OFFICER. That amendment will be made if there be no objection.

The next amendment of the committee was to strike out of section 15, after the word "that," in the first line, the following words:

So soon as the money which has been awarded by the tribunal of arbitration organized under the first article of the treaty aforesaid, to be paid by Great Britain to the United States, shall have been paid, the same shall be paid into the Treasury of the United States, and, to the extent that it shall be necessary to pay the same as herein provided, shall be reserved as a special fund for the payment of said judgments and the reimbursement of expenses as is herein expressed.

And to insert in lieu thereof the following:

Upon the payment, from time to time, of the said respective judgments of said court, as before provided, the bonds of the United States mentioned in the act approved March 3, 1873, entitled "An act for the creation of a court for the adjudica-

tion and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th of May, A. D. 1871, between the United States of America and the Queen of Great Britain," shall be canceled and extinguished to the amount of such payments, and when all such payments shall have been made, any such bonds remaining shall be also canceled and extinguished.

The amendment was agreed to.

The PRESIDING OFFICER. The amendments reported by the Committee on the Judiciary have now been disposed of.

Mr. THURMAN. I move to strike out, in section 12, the clause beginning with the thirteenth line and ending with the word "loss," in line 22.

Mr. EDMUNDS. Will the Senator be kind enough to withdraw that for a moment? A mere verbal amendment, which has substance, too, is suggested by the Senator from California [Mr. HAGER] in another place, which he will propose.

Mr. THURMAN. Certainly; I withdraw my motion for the present.

Mr. HAGER. On page 6, section 11, line 13, after the word "be," I move to insert the words "verified by the oath of the claimant and;" so that the clause will read:

And all claims provable or to be allowed under this act shall be verified by the oath of the claimant and filed in said court within six months, &c.

Mr. EDMUNDS. There is no objection to that amendment. The committee understood that it was covered by another section; but it is better to have it perfectly understood.

The amendment was agreed to.

Mr. HAGER. In section 5 I perceive that a counsel is provided for, but I do not see any provision for his salary. Although provision is made in section 15 for the payment of judges and officers, no amount is fixed as the salary to be allowed for the counsel who may be appointed to appear in behalf of the United States before this board of commissioners. I presume there ought to be some allowance specified in section 5 as compensation for the services of the counsel who may be appointed. I will not undertake to specify that amount; I leave it to the chairman of the committee.

Mr. EDMUNDS. I will explain, as I was going to do, the general provisions of the bill before my friend from Ohio [Mr. THURMAN] moves his important amendment. I will state as to section 5 and the counsel that the committee were of opinion last year, and are yet, that the proper course in such a case to pursue is the one which has been always pursued in such cases, I believe; and that is, inasmuch as it is impossible to know the extent and value and necessity of the services of counsel, how long he would be required to be engaged, how difficult and delicate his duties might be, until they had been performed, that the statute ought not to fix the compensation, but it ought to be left to the Executive and the proper Department, as in other cases of that character, to provide a reasonable compensation for the services actually performed. That led the committee to provide in the usual way that the President, of course acting through the State Department, might employ such counsel as should be necessary, and pay him such money as Congress should choose to appropriate finally for that purpose, as we should have the final control over it. Therefore I do not think the committee would be willing to have the precise sum which should be paid to counsel fixed in this bill, and for the reason that I have stated, that it is impossible to fix a precise sum in advance. It ought to be the ordinary question of service and reward, which can only be determined after the event or at the time of it, and subject of course to the final power of Congress to refuse to appropriate any more than they think under the circumstances is just.

With the permission of my friend from Ohio, who gave way with his amendment, I will state for the information of Senators who have entered this body since the Senate considered this bill a year ago briefly what the substance of the bill is. It establishes a tribunal which is called a court, but is really a board of commissioners, composed of five members, to be selected by the President and approved by the Senate, to hear the class of claims which the United States according to this bill think it is incumbent upon their sense of justice, or generosity, or duty to provide for; and it requires these commissioners to proceed with dispatch to examine into the merit of each one of the claims that may be referred to it for injuries occasioned by the particular vessels in respect to which the tribunal of arbitration at Geneva made an award against the government of Great Britain and in favor of ours, which award has been paid.

Then, besides the ordinary machinery of carrying that out, when you come to the class of persons whom, according to this bill, it is the duty of the United States to provide for, the bill defines that class of persons to be those who were the proprietors of the particular vessels that were destroyed within this period of time and by these cruisers and their tenders, or of their cargoes, or seamen's or officers' wages or apparel, and all that sort of thing. It then excludes from claim before this commission the class of people who suffered from confederate cruisers and whose injuries the tribunal of arbitration concluded had not been occasioned by any alliance or assistance that the government of Great Britain had with or rendered to the confederate service and the confederate cause; and it also provides that the insurers of these vessels for which allowance may be made shall not stand in the place of the insured if they have paid him and taken the sum which he otherwise would have had, if they insured as they must have done, in order to be entitled to all, upon a war risk and received a war premium and profited on the whole out of that line of business.

Mr. HOWE. Why should they not?

Mr. EDMUNDS. I was going to tell you why. The Senator from Wisconsin, in the natural eagerness which he always has for a why asks me why? I answer as I answered perhaps the Senator himself a year ago, that this is the reason: The claim which we made upon Great Britain was based upon the well-known fact that the confederate cruisers in respect of which this claim was made bore the confederate flag, were officered by confederate officers, and carried on war against the United States in the public and belligerent sense, and that they were aided to carry on that war by having been either fitted out or supplied with munitions of war or enlargement of crew, &c., through the friendly assistance of the people of Great Britain, and therefore that we had the same right against Great Britain in respect to indemnity that we would have had against the confederate people if, after having conquered them, there was anything but our own people to levy an indemnity upon. So, as the case has been put in the correspondence between the United States and Great Britain in the first place, and in the presentation of the American case, the tribunal of arbitration took the place of the sword, and in respect to these particular vessels we obtained indemnity in substance to precisely the same extent that we would have obtained it in prosecuting a just war against Her Majesty's government and people and taking that amount of money from the exchequer of Great Britain.

Then the question would be, what right the citizens of the United States as such had to this money. Their property has been destroyed; their towns, if it had been a war upon land, have been laid waste; their citizens, if there had been an engagement, have lost their lives, have been forced to flee, and all that, giving us a just cause of indemnity against Her Majesty's government for an act of war upon us. Now, having obtained the indemnity, I suppose everybody understands in a case of that character that no particular citizen of the United States whose house happened to be swept away in the heat of an engagement, or whose fences were overthrown in an invasion, or whose store was occupied by the troops of the hostile forces and all its provisions and supplies and property taken for their uses, would have any claim upon the Government of the United States because we had got an indemnity.

The principles of public law, as the committee understand them, are that in every case of that character the injury to the citizen is one which is incident to war; one which necessarily flows from it, and in respect of which the government, which is bound, it is true, to defend him, is under no obligation to him. In other words, if the destruction of a citizen's property is really and truly a belligerent and warlike destruction by an enemy, and it is destroyed because the citizen is the citizen of a country against which the enemy is making war, t gives no ground of claim, either with an indemnity or without, against the treasury of the government whose citizen he is. Therefore it follows that this sum of money belongs to the nation, although it may have been calculated upon some estimate of the value of the vessels of the citizens, as it must be in every case if you are to take a just indemnity by war, whether in money or in territory. It is, of course, calculated upon an estimate of the value of the vessels, the loss of voyages, the destruction of furniture and of cargo, the loss of wages—everything, which I need not enumerate that enters into the amount of the national loss, inasmuch as a nation can only be injured, with a very rare exception, through the elementary fact, so to speak, that the property or the persons of its citizens are the object of the injury in the first instance. That is the injury to the nation; and, therefore, in estimating the amount of indemnity which is to be recovered, either by the coercion of the sword, as in the case of Prussia and France and many other cases that might be named, or the gentler coercion of arbitration, as in this case, the money which may be received in the one case or the other is the property of the nation, to be disposed of according to its own sense of what duty or generosity or charity or assistance, whatever you may call it, to any particular class of its citizens requires. Therefore if we find that a particular citizen has specially suffered in reference to this particular invasion, or in reference to this particular warfare of the Alabama, then we can say with a certain propriety, we in whole or in part will make this citizen good. If, however, we find that the citizen was engaged in the business of speculating upon the operations of that particular vessel, and taxing the whole property and commerce of the United States, by way of premiums, in order to make profit out of the fact that such a vessel and others of like character were afloat, and did in fact, although in the particular case it failed, make money and profit out of the whole extent of his operations, that citizen has got precisely what he contracted for. He has gathered from the whole commerce of the United States a fund based upon the fact of war and of the sailing of these cruisers, out of which he has agreed to indemnify the particular sufferers, and has done it.

Mr. HAMLIN. Let me ask a question there, as I want to be enlightened as we go along. Suppose I owned a vessel that was captured by one of these cruisers and comes within the rules laid down in this bill, and in sailing that vessel in my ordinary method of business I got pay for that vessel during the war, why should not that rule apply to me as well as to an insurance company?

Mr. EDMUNDS. I do not know. If the Senator could state a case

that might possibly arise of that character, perhaps I might give an opinion, though I might not be able to do so even upon that.

Mr. HAMLIN. I mean to state this principle: vessels were on the ocean in their ordinary mode of business and for the purposes of gain, just as it was the business of insurance companies to insure vessels. Now you apply a rule to the insurance offices that demands them to take an account-current and show that they lost in their business before you will indemnify them. Why, I ask, should not the same rule be applied to all the other parties that come within the provisions of this act, so that they must have an account-current stated showing that they lost before they shall be entitled to anything?

Mr. EDMUNDS. There would be practically a very obvious distinction I think. In regard to the private citizen who does not make an insurance but who in his whole business may have made money during the war, it might happen that in nine cases out of ten his vessels, that he was sailing in other seas or coastwise, were not exposed at all, and it would therefore be absolutely impossible to determine whether he had made money out of the state of war and out of vessels engaged in such commerce and exposed to such risks. It would be a sum which it would be impossible to solve, because you could not get the first step in the equation from which you are to start your argument. There would be the difficulty. Another answer is, that the case of the insurance company, and the case of the private sailor are entirely different in this respect: the insurance company has its business rested, as respects its war business, solely upon the state of war; it does business upon the state of war; it fixes its premiums upon the state of war; and it does nothing else so far as respects the question we are now discussing; and therefore you are able where betting of that kind, if you can call it that, was going on as to whether a vessel shall be lost by capture or destruction, or shall escape, to determine certainly whether the speculation, or the gambling, or the insurance, call it what you will, has been one which entitles the citizen to claim any injustice or generosity in respect to his affairs during the war from the government. But in respect to the private citizen, as to his freights, as to the use of his vessel, it is totally impossible to lay down a rule by which you can understand whether in respect to the risk of capture the man has made money or has not. You may show that his ship through the whole course of the war made money down to the time that it was sunk; that he made half a million dollars; you may show that then she was sunk and that he lost $250,000, and so there is a clear gain of $250,000, you may say; but to know whether he was making money out of the fact that he was speculating on the state of war in the use of his ship you would have to inquire into exactly what sort of commerce she was engaged in, where she was sailing, what sorts of freights she was carrying, whether she was sailing under the American flag or some other; what seas she was in; what was the degree of exposure. Hence it is perfectly impossible, logically, as it appears to me, to refer the gain or loss of the private ship-owner to the state of war; whereas in the case of the insurance company it only requires the addition of a column of figures on the one side of the ledger and on the other to know certainly whether gain or loss has happened from the state of war. That is a difference; and it appears to me to be one which it is impossible to overcome.

Mr. THURMAN. The Senator from Vermont, in answering the Senator from Maine, says that you cannot compute the private loss of the merchant, because some of his ships may have been engaged in the coastwise trade and not subjected to the hazards of war; and yet this bill would make every insurance company account for its war premiums on precisely those coastwise vessels.

Mr. EDMUNDS. The Senator from Ohio would have been more fair—and I have no doubt he intends to be perfectly fair—if he had stated the whole of my answer to the Senator from Maine or to the Senator from Wisconsin. He did not. He took one single element that I mentioned as one of the thousand elements that would enter into the consideration of risks as the whole of the case upon which the distinction rests between the instance of a private ship-owner and the instance of a corporation or a private person who makes taking war risks his exclusive business, as it respects this subject that we now have in hand. There is the difference. I only referred to the coastwise trade as showing one of the difficulties and appreciable elements which might enter into the question of whether the individual ship-owner had gained or lost on account of the state of war. That is the point. The insurance company gains or loses from the fact that it does or does not take war premiums, and does or does not get war funds enough, specifically received as such, to meet the war losses. Now we find that it has; it therefore has made money in a way that you cannot deny out of the very fact that the state of war existed, and the state of danger existed, which induced it to go into that business. Now, if you can say that a vessel is in the same situation; that a vessel is built solely because there is a war, and that it is built solely to run the risk of being seized and destroyed, and that the business of the citizen has a single reference to the fact that he is to make or lose money, if he can, out of getting as near to a confederate cruiser as possible and then getting away, you would have something like similarity; but of course, as it appears to me, the idea it totally inadmissible. The two things have no relation to each other at all in point of principle. The one man is engaged in general commerce, or any kind of commerce, for the purpose of ordinary gain, taking, with the risks of the seas, with the risks of fire, with the risks of the rocks, with the risk of the barratry of the captain, with all the risks that enter into any kind of business, the one risk also of the possibility of capture. He makes profits for three years against all those risks. Then his vessel is destroyed, and he still has $100,000 of profit. Now are you to say, as you do in the case of the insurance company, that he has made that $100,000 of profit because of the fact that his vessel was exposed to risk? I cannot see it.

Mr. HOWE. May I suggest a difficulty to the Senator?

Mr. EDMUNDS. Certainly. If the Senator from Wisconsin cannot, nobody can.

Mr. HOWE. I do not propose to enter into this debate, and I must get my instruction when somebody else is on the floor. I understand that this is money which the United States recovered, not as the next friend or the guardian of A, B, C, or D, who lost property; but it is a fund which the United States recovered for itself because a foreign government abused, misused the United States, made war upon the United States, and now pays this money as an indemnity to the United States, so that it is money in the Treasury belonging to the Treasury; and the question is of its disposition. The injury which Great Britain occasioned, it seems to me, did not fall on the owners of the particular bottoms which the Alabama and other cruisers sent to the bottom, but it fell on the whole mass of the people, who had to furnish the means for resisting this act of war. This money belongs to the whole mass of the people, if I understand the Senator's theory. Now, why should it be taken from the mass of the people, who all suffered by this act of war, to pay the particular individuals who can say that during the war particular pieces of property were destroyed?

Mr. EDMUNDS. There is a good deal of force in the argument (because it is an argument instead of an inquiry, although both perhaps) of the Senator from Wisconsin, undoubtedly. It is with considerable difficulty that you can say clearly that any citizen of the United States whose property was destroyed by confederate cruisers is more entitled than another citizen whose property was destroyed in some other way. But in respect to injuries upon the sea, the particular property of the citizen is the object of the warlike attack when it is made, differing from the invasion of an army, whose object is not, under modern warfare, to destroy private property because it is private property, or to take possession of it because it is private property. In the case of the destruction of a vessel at sea, which is not an armed vessel, the attack is leveled at the particular thing it then has in hand; and although the ultimate purpose no doubt is to injure the nation through the body and property of its citizens, yet you can separate as a fact and distinguish as a fact the results of an invasion of a country and the incidental destruction of private property in the operations of war, from the case of the destruction of a private ship on the high seas by a belligerent cruiser, where the sole object of the cruiser at that time and in that campaign is to do identically that thing, in order through the private person to inflict injury on the public in general. So it seems to me that there may be, and is, a greater equity in the claim of the private person whose ship has been thus destroyed, upon the assurance of the Government to make good to him, in whole or in part, for such a destruction, than there is in the ordinary case of the incidental destruction of property in an invasion upon land, where the object is either to conquer a country or to attack an army which is to be reached.

There I think is a just distinction in point of fact, one which I believe, in the case of indemnities that have been given to citizens or subjects of a country from special injuries growing out of war, has been more or less observed; and of course it is upon that ground, as far as that is a ground, that we provide for paying out any of this money at all. But when you go a step further and say that you will pay this money to a party standing upon what is called a technical right of substitution for the owner of property, but who in fact out of that property and other property of the same character made a a large profit based upon a speculation of the chances of that very destruction, and that was his sole business, then it is an entirely different thing, because in the case of the citizen himself he would have made his profits, greater or smaller, if the war had not existed, greater still it may be, while in the case of the insurance company it would have made no profits at all if the war had not existed. It would, of course, upon its peace policies, and it does now upon its peace policies, because issuing peace policies is not taking risks against warlike destruction. But when you come to the war policies, the insurance company makes nothing at all if there is not the state of war, because it can get no war premiums in time of peace. That is another distinction; but when we come back to the question of the Senator from Wisconsin, the only answer that I can give to it is the one that I have stated, that a fair distinction is drawn between maritime destructions and destructions upon land, the one being ordinarily and, as in these cases, specially intended as the destruction of private property which was outside of the territory of the United States and upon the highway of nations, and in the other case the incidental destruction of private property upon the land, where the object of the army of one kind or another was an entirely different one and the destruction was incidental. In the one case we have provided by the act of last year, as far as this body was concerned, for payment. In the other case, I believe every one agrees that we ought not to provide for payment; at least that was the conclusion of those who were here after the war; and the only dispute has been whether the cases of destruction upon land fell within the line of incidental warlike destructions, or whether they fell within the line of a public appropriation to the

use of the United States in some way which led to the destruction of the property.

Mr. SCOTT. At this point I ask the Senator to permit me to put a question, for I desire to understand the theory of this bill.

Mr. EDMUNDS. Certainly.

Mr. SCOTT. Do I understand that this bill goes upon the theory that a citizen of the United States, whose property has been destroyed and seized by an act which is recognized as a violation of the neutral duties of Great Britain, is to be considered as standing in the same position as the citizen of the United States upon land whose property has been destroyed by the act of a recognized enemy, one with whom we were at war?

Mr. EDMUNDS. No, sir; I have not said anything of the kind.

Mr. SCOTT. The question put by the Senator from Wisconsin and the line of argument used by the Senator from Vermont led me to doubt whether that distinction was recognized or not, and I simply put the inquiry for the purpose of ascertaining the fact.

Mr. EDMUNDS. I will state the view of the committee on the subject on which the Senator from Pennsylvania makes inquiry. If we had pursued Great Britain for an accidental destruction of the property of the United States, we being a neutral and she being a belligerent with some other power, then any destruction that she had committed against the property of American citizens would have been an illegal destruction. If her cruiser in that case had destroyed a vessel of a citizen of the United States it would have been an illegal destruction. If her cruiser had captured a vessel of the United States it would have been an illegal capture, which would not have changed the property of the owner at all and in respect to which he would have had a right, not by grace, against the government of Great Britain which he could enforce against her; of course according to such terms as she might please to give him as to methods, and which he could justly ask his government to enforce against her for the damage which he had sustained. But if Great Britain had been a belligerent against us and in the course of that belligerency had destroyed a vessel of an American citizen, then it would have been a lawful destruction and the citizen would have had no claim against Great Britain or the United States either. Now, what was this case? This case, we must not forget, was a destruction, not by a vessel of Great Britain, not as found by the arbitrators by a vessel of Great Britain acting under the British flag or manned by British crews, in the sense of their being national, but the destruction was by a vessel bearing the flag of an independent belligerent, because in the sense of belligerency the confederates were recognized by almost all the civilized countries of the world as independent—that is to say, they had exactly the same belligerent rights that they would have had in case they had achieved their independence; the laws of public war were applied to them everywhere, and we applied them ourselves at last, and the Supreme Court of the United States has decided that it was a war as respects these public questions that we are now discussing. Therefore the Alabama, being not in the sense of my friend from Pennsylvania a British ship engaged in belligerency against some other power and in violation of our neutral rights making an illegal capture and destruction of an American vessel, but a confederate vessel lawfully existing, in the sense of public warfare, upon the public seas of the world, was lawfully prosecuting warfare against American cruisers and American commerce—chiefly against commerce, I am sorry to say—but it was prosecuting war in the public sense, and it was a legitimate warfare in that sense. Then when the Alabama sunk a vessel the owner of that vessel had no claim upon the confederates; and though the confederate vessel had received an augmentation of its forces or had been fitted out by the assistance of subjects of Her Majesty the Queen of Great Britain, it was still a confederate cruiser; and therefore if the citizen of the United States had no claim against the confederate captain for an illegal destruction of his ship, certainly he could have had no claim against anybody who assisted that confederate captain in supplying his vessel with the means and munitions of warfare, for if the flag under which this rightful destruction took place was not amenable by the laws of public war to the consequences of an illegal destruction, then those people who supported that flag and supplied it and aided it by their friendship and alliance cannot be made more responsible than the party who destroyed it in chief.

And so it is laid down in the books on the laws of war, that if one nation, whether it pretends to be neutral or otherwise, departs from its neutrality and assists one of the belligerents for the purpose of giving aid to that side or allows its citizens to do so, it stands in the same attitude precisely in every public respect as the real and chief belligerent, and we may make just war upon such an ally or assistant or accessory, call it what you will, those who aid our enemy, without even a declaration of war, which some of the writers have thought to be necessary in the ordinary cases of proceeding to those extreme measures. So that, as the Senator will see by looking at the proceedings, the case, the treaty, and the award, the responsibility of Great Britain, as decided by the arbitrators, was not that her citizens had used any illegal violence toward any property of a citizen of the United States, but that her citizens had assisted a belligerent that had as good a right as any other nation in that sense to make war upon us, to enable her to do the destruction that she did, and so far as that could be traced Great Britain was held by the judgment of the tribunal, instead of being held by the weight of the sword, to respond to us as a nation. Hence the question which my friend from Pennsylvania suggests, in my opinion, does not arise.

Mr. THURMAN. Mr. President, I now move to strike out the words I have indicated, beginning at the first word on line 13 of section 12, and ending with the word "loss" on line 22.

The PRESIDING OFFICER, (Mr. CONKLING in the chair.) The Senator from Ohio moves an amendment, which will be read.

The CHIEF CLERK. The amendment is to strike out in section 12, commencing on line 13, the following words:

> And no claim shall be admissible or allowed by said court by or in behalf of any insurance company or insurer, either in its or his own right or as assignee, or otherwise, in the right of a person or party insured as aforesaid, unless such claimant shall show, to the satisfaction of said court, that during the late rebellion the sum of its or his losses, in respect to its or his war risks, exceeded the sum of its or his premiums or other gains upon or in respect to such war risks; and in case of any such allowance, the same shall not be greater than such excess of loss.

Mr. THURMAN. Mr. President, nothing but a sense of what I consider due to the plainest principles of law and justice and to the requisitions of the national honor, would make me say one word on this subject to-day, for I am in no condition of health to speak, and besides, if I were, I do not know that I could hope to have the attention of those whose votes will determine the fate of this amendment.

Here is a bill for the distribution of more than seventeen millions of money among different claimants, in which the Government is bound to do justice, to hear the cause and to understand the cause, so that its decision shall be according to the very right. And here is a bill that involves the national honor, for if this distribution shall not be what honor as well as justice requires, then this Government will be disgraced in the eyes of the civilized world. And yet, sir, more than half the seats of this Senate are vacant and will be vacant until the time for voting shall come upon the yeas and nays. Therefore there is very little encouragement for any man to speak upon this subject, and much less encouragement when it so happens that under somewhat similar circumstances a decision was formerly made by the Senate which he now asks the Senate to reverse.

Mr. MORTON. I understand the Senator from Ohio to say that he is not in a condition to speak, and if it meets the Senator's approbation I will move that the Senate proceed to the consideration of executive business.

Mr. THURMAN. I am frank to say that I would prefer to speak on Monday, when I may hope to be in a somewhat better condition of health than now; and for the purpose of having the sense of the Senate on the question, I will let the motion be made.

Mr. MORTON. I make the motion that the Senate proceed to the consideration of executive business.

Mr. EDMUNDS. I have no objection, if my friend from Ohio is not able to go on.

Mr. THURMAN. Although I came prepared, yet I do feel so unwell that I do not care to speak; but if any other Senator wishes to speak on the subject to-day, I will give way.

Mr. EDMUNDS. No; you ought to be heard next.

The PRESIDING OFFICER. The question is on the motion of the Senator from Indiana.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at two o'clock and seven minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May* 8, 1874.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

CHEAP TRANSPORTATION.

Mr. HAWLEY, of Illinois, by unanimous consent, presented a memorial of the Rock Island convention, held March 24, 1874, on cheap transportation; which was referred to the Committee on Railways and Canals, and ordered to be printed.

UNITED STATES COURTS IN NORTHERN DISTRICT OF NEW YORK.

Mr. DUELL. I ask unanimous consent to report back from the Committee on the Revision of the Laws, for present consideration, the bill (H. R. No. 3032) to change the times for holding the terms of the district and circuit courts of the United States for the northern district of New York.

The bill was read.

Mr. MACDOUGALL. I feel compelled under the circumstances to object to the consideration of the bill at present.

GAS-WORKS.

Mr. PLATT, of Virginia. I ask unanimous consent to move that the bill (S. No. 733) regulating gas-works be taken from the Speaker's table and referred to the Committee on Public Buildings and Grounds.

There was no objection, and the motion was agreed to.

Mr. PLATT, of Virginia, moved to reconsider the vote by which the bill was referred to the Committee on Public Buildings and

Grounds; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRIVATE BUSINESS.

Mr. RANDALL. I am instructed by the Committee on Rules to report an amendment to Rules 128 and 129.

The Clerk read as follows:

Amend Rules 128 and 129 by striking out the words "and Saturday" where these words are used in said rules, so as to read:

128. Friday in every week shall be set apart for the consideration of private bills and private business, in preference to any other, unless otherwise determined by a majority of the House.

129. On the first and fourth Friday of each month the calendar of private bills shall be called over, (the chairman of the Committee of the Whole House commencing the call where he left off the previous day,) and the bills to the passage of which no objection shall then be made shall be first considered and disposed of. But when a bill is again reached after having been once objected to, the committee shall consider and dispose of the same, unless it shall again be objected to by at least five members.

The SPEAKER. The effect of the amendment is simply to make Friday private-bill day alone, instead of Friday and Saturday both.

Mr. RANDALL. It is proper that I should state to the House what prompted the Committee on Rules, without dissent, to recommend at this time this change. It has been found that under the change of rule in other respects adopted at this session of Congress private bills are, and have been for some time past, seriously interfering with public bills and public business. The committee therefore deem it wise in the future to assign but a single day for private bills. Gentlemen will understand the importance of this change when I state the fact that one-fifth of the time of the House is occupied in the consideration of private bills, every one of which has its motive power in depleting the public Treasury. If there is any further explanation desired I am ready to give it.

Mr. HAWLEY, of Illinois. I can hardly see how the gentleman from Pennsylvania [Mr. RANDALL] can make the statement that one-fifth of the time of the House is taken up with the Private Calendar. It is very certain that the record will not bear him out in that statement. Now, if he means that one-fifth of the time is given by the rules, he may have stated the fact correctly.

Mr. RANDALL. That is what I intended to convey.

Mr. HAWLEY, of Illinois. But as a matter of fact, Mr. Speaker, we have had but one day, I think, for four or five weeks past, and we have not occupied both days but once this session. There was one week in which we occupied both Friday and Saturday; but as a rule we have not had on an average a private-bill day once in three weeks for this whole session. Now, if the Private Calendar had occupied the two days which the rules assign to it and if private business had been pressed in the face of the public business, it seems to me there might have been some reason for the introduction of this amendment to the rules, but as a matter of fact if this rule is adopted it will give but three days in each four weeks for private business, because the third Friday in each month is given to the District of Columbia, so that if every day that the rules assign as private-bill days are in fact so occupied, if this rule shall be adopted private business will only have three days in every four weeks.

Now, Mr. Speaker, the Private Calendar has certainly not been forced upon the House on any day this session, and there is no probability that it will be; but if this rule shall be adopted we cannot get a Saturday, we can get no day but Friday, and it seems to me that the change is utterly uncalled for. That is my view of the matter, and I hope the proposed amendment will not be adopted.

Mr. RANDALL. I desire to say one word more. We all know that under the rules Monday is almost a dead day in legislation. Fridays and Saturdays are devoted to private business, if those having it in charge choose to maintain its right to preference, so that in fact out of the five legislative days in a week private bills have two.

Now, the fact of the matter is that these private bills have during this Congress received more consideration from this House, at least, than during any session I have ever been here. There is another point, Mr. Speaker. If at any time those private bills granting pensions are behindhand, we always find this House by a nearly unanimous vote willing to give an evening session for their consideration, so that no pensioner shall at any time suffer either by the stringency of the rule or by its latitude.

Mr. POLAND. Mr. Speaker, I quite agree with the Committee on the Rules that one day in the week is enough to devote to private bills, but it occurs to me that if we have but one day it had better be Saturday than Friday.

Mr. HAWLEY, of Illinois. I think not. I desire to say one word upon that point. I am of the opinion that private-bill day should be a day on which the House will give attention to private bills; and hence if but one day is to be devoted to private bills, I prefer that it should be Friday rather than Saturday. I have endeavored upon each occasion when the House has gone into Committee of the Whole on the Private Calendar to have it on Friday rather than Saturday, for the reason that I desired to have a full attendance and to have members interested in the Calendar as much as they are in any other business. The consideration of private business ought not to be put on Saturday, when the House is tired and fatigued and members do not give that attention which ought to be given to private bills.

Mr. RANDALL. And in addition to that I will say that it is believed that, members of the House not taking great interest in private bills, attempts would be made to adjourn over from Friday to Monday, and then private bills would have no day.

Mr. COBURN. I desire to ask one question. I did not hear the proposed amendment read; and I would ask if the Committee on the Rules considered the point that Friday is the day assigned for the business of the District of Columbia?

Mr. RANDALL. That is only one day in the month.

Mr. COBURN. That would give only three Fridays in the month to private bills, instead of every Friday. The District of Columbia now has one-fourth of the Fridays in the month. If private business is to be confined to Fridays, then it ought to have every Friday and the rules ought to be so amended as to give the fourth Saturday in every month to the District of Columbia, instead of the third Friday. I think myself that we have devoted too much time in proportion to private bills, or rather that we have set apart for private business too much time. We have pushed it aside recently, but I think that at least one day in the week ought to be given for the consideration of private bills uninterrupted by other business.

Mr. HAWLEY, of Illinois. I desire to move to amend the rule so as to give Friday of each week to private business and to give the third Saturday in every month to the District of Columbia. If it is true that there is now too much time given to the Private Calendar, it must certainly be true that too much time is given to the District of Columbia when a whole day is given to it every three weeks. It certainly cannot be fair to give to the Committee on the District of Columbia that much time if you say that too much time is now given to the Private Calendar. I think a fair arrangement would be to give each Friday to the Private Calendar and the third Saturday of each month to the Committee on the District of Columbia. I would be content with that arrangement.

Mr. RANDALL. Upon further reflection I think the gentleman is correct, but I have no power to accept any change such as he suggests.

Mr. HAWLEY, of Illinois. Then withdraw your resolution.

Mr. RANDALL. No sir; but I will tell you what I will do.

The SPEAKER. The gentleman can permit that amendment to be offered.

Mr. RANDALL. I have no objection to that.

The SPEAKER. The Chair understands the object of the gentleman from Illinois [Mr. HAWLEY] to be to give to the Private Calendar the Saturday of the week in which the Committee on the District of Columbia has the Friday.

Mr. HAWLEY, of Illinois. No, sir; to give the Committee on the District of Columbia the third Saturday of each month, and let the Private Calendar have each Friday. My proposition is to change the rule so as to give the Committee on the District of Columbia every third Saturday of the month; that is, amend Rule 82 by striking out "Friday" and inserting "Saturday."

The SPEAKER. The gentleman will observe that for the first three or four months of a long session of Congress it is very rarely that a Saturday session is held for business. Therefore any assignment of Saturday for the business of any committee would not amount to a great deal. If the business of the Committee on the District of Columbia be assigned to Saturday, it would be simply saying that for the first three or four months of a long session of Congress there would be no legislation for the District of Columbia.

Mr. RANDALL. I would suggest that the resolution as reported from the Committee on Rules be passed, and then the gentleman can send to the Committee on Rules a proposition to confine the business of the Committee on the District of Columbia to the third Saturday of each month.

Mr. HAWLEY, of Illinois. No; I do not want to do that.

Mr. POLAND. It seems to me that the suggestion to make Saturday private-bill day instead of Friday is a very good one. I think that arrangement would insure the transaction of business on Saturday. I have noticed that we generally have a better attendance on private-bill day than on almost any other. And if Saturday be made private-bill day, I think it would prevent the adjournment over Saturday. I think it would be better to have some given day at the end of the week for private bills, than to have it in the middle of the week. In that way we would get rid of the difficulty suggested in regard to the Committee on the District of Columbia taking one of the Fridays in each month. Let them have one Friday in the month, and let all the Saturdays be devoted to the consideration of private bills. I think that would tend very much to the advancement of business, and would certainly tend to insure sessions on Saturdays.

Mr. MYERS. I do not think there is danger of adjournment over Saturday for the remainder of this session.

Mr. HAWLEY, of Illinois. I would inquire why the Committee on the District of Columbia cannot be put upon the same footing with other committees?

Mr. COBURN. I would suggest that the third Monday in each month be taken for the business of the District of Columbia. We can dispense with Monday better than we can with any other day of the week.

Mr. HAWLEY, of Illinois. I want to put that committee on the same footing with other committees.

Mr. COBURN. I move to recommit this report to the Committee on Rules with instructions to report an amendment to the rules so as to provide that the third Monday of each month, after two o'clock

p. m., shall be devoted to reports from the Committee on the District of Columbia.

Mr. RANDALL. As the reporter of the resolution from the Committee on Rules, I am willing to test the sense of the House on the proposition of the gentleman from Indiana, [Mr. COBURN.]

The SPEAKER. The proposition is that the rule relating to the Committee on the District of Columbia be amended so as to substitute Monday for Friday; that is, to give that committee the third Monday in each month after two o'clock instead of the third Friday. That would require unanimous consent, as no notice of the proposed change has been given. The proposition of the gentleman from Indiana [Mr. COBURN] to recommit would operate as a notice to the House, and when the subject is again reported from the Committee on Rules the House can act upon it.

Mr. RANDALL. I think there will be no objection to changing the rule as suggested in regard to the Committee on the District of Columbia.

Mr. HAWLEY, of Illinois. In that case each Friday would be given to private bills.

The SPEAKER. The rule would leave it so.

No objection being made, the rule in reference to the Committee on the District of Columbia was changed by substituting Monday for Friday.

The amendment of the rules relating to private bills, as reported from the Committee on the Rules, was then agreed to, giving Friday only of each week for the consideration of private bills.

Mr. RANDALL moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. CONGER. I would inquire how these changes in the rules affect business on Saturday?

The SPEAKER. They leave Saturday the same as Wednesday and Thursday, for general business, when sessions are held on that day.

FREEDMEN'S SAVINGS AND TRUST COMPANY.

Mr. DURHAM, by unanimous consent, reported from the Committee on Banking and Currency a bill (H. R. No. 3265) amending the charter of the Freedmen's Savings and Trust Company, and for other purposes; which was read a first and second time, ordered to be printed, and recommitted.

Mr. DURHAM. I ask unanimous consent that the committee be authorized to report this bill back at any time.

There being no objection, leave was granted.

CENTENNIAL CELEBRATION.

Mr. HALE, of Maine. I call for the regular order.

The SPEAKER. The regular order is the consideration of the bill (H. R. No. 2986) to appropriate $3,000,000 in aid of the centennial celebration and international exhibition of 1876. The pending motion is that of the gentleman from Maine, [Mr. HALE,] to lay the bill on the table.

Mr. HALE, of Maine. After the decisive vote yesterday upon this bill, I am free to say that I do not care further to prolong the matter by the motion I made last evening. I therefore withdraw it.

The SPEAKER. The motion to lay on the table being withdrawn, the question recurs on the motion of the gentleman from Maine, [Mr. BURLEIGH,] that the bill be recommitted to the Committee on the Centennial Celebration.

The motion was agreed to.

Mr. RANDALL moved to reconsider the vote by which the bill was recommitted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RELIEF OF SUFFERERS FROM OVERFLOW OF THE MISSISSIPPI.

Mr. HALE, of Maine. I ask the House to take from the Speaker's table for immediate action the amendments of the Senate to the bill (H. R. No. 3161) to enable the Secretary of War to carry out the act of April 23, 1874, entitled "An act to provide for the relief of the persons suffering from the overflow of the Mississippi River." I call up this bill, not for the purpose of moving that it be referred to the Committee on Appropriations, as was done in the Senate, but to move that the House concur in the Senate amendments; for this is a measure that appeals to humanity and demands immediate action. The Senate has amended the bill by adding to the appropriation of $90,000 the sum of $100,000, making in all $190,000. The Committee on Appropriations of this House has examined this subject, and is satisfied that here is a case of great and imperative pressure; and it asks the House to concur in these amendments immediately, so that this money so much needed by the sufferers will at once be ready for their relief. The committee hopes that the passage of this measure will be taken by the country as an encouragement to benevolent private effort in the same direction, and that the subscriptions which have been so freely and generously given will be continued. The amount appropriated by this amended bill is not large compared with the magnitude of the calamity that has fallen on that distressed region. The money is needed to-day. Although there are some things in the phraseology of the Senate amendments which, if this were an original proposition, might I think be improved, yet rather than delay this benefaction for a single day, I move that the House concur in the Senate amendments so that the bill may become a law as speedily as possible and that the sufferers may receive the needed relief at the earliest practicable moment.

Mr. COBURN. I wish to ask the gentleman a question. Does he not know that the President is now authorized by law to issue rations and clothing to those people, and that this bill has nothing to do whatever with supplying them with what they need? It is merely to fill the deficiency created by withdrawing food and clothing from the resources of the Government. It does not make a particle of difference whether this bill be passed to-day, to-morrow, or one month hence. It has nothing to do with furnishing the supplies, because the President has now general authority to issue the supplies, and has issued them. There can be no greater humbug in the world than to talk about making an appropriation to feed those people down in Louisiana and elsewhere, when an act of Congress giving full authority has been passed some days ago and signed by the President.

I shall insist that this proposition shall go to the proper committee—the Committee on Appropriations. I have in my hand a letter of a gentleman at Vicksburgh who says that the danger in this matter is that persons who now have employment may abandon it in order to depend upon the bounty of the Government. We ought to be cautious about this matter. The original bill reported from the Committee on Appropriations left it discretionary with the President to issue what amount of supplies he chose; and, I repeat, we cannot be too cautious in giving these large amounts for a purpose of this kind. Senator ALCORN (if I may refer to what took place in the Senate) cautioned that body against making extravagant appropriations.

Mr. HALE, of Maine. The answer to the gentleman from Indiana is this: Both Houses of Congress did pass a joint resolution authorizing the Secretary of War to furnish rations to these suffering people, but that resolution did not provide any means by which those rations might be furnished. We appropriate every year for the regular Army establishment whatever seems necessary for that object; but that regular appropriation does not provide for or anticipate such a case as this. The Secretary of War finds that in his regular supplies he has not the means for carrying into effect the express wish of Congress; and therefore, in order that our resolution may be something more than "sounding brass, or a tinkling cymbal," the Committee on Appropriations ask that Congress vote this money, so that the power conferred upon the Secretary of War may not be mere emptiness.

Now, as to the question of immediate need, let me tell the gentleman that this question has been looked into by the Committee on Appropriations on the part of the House as well as on the part of the Senate.

And what would be gained by the gentleman's point, instead of passing this immediately and making it a gracious benefaction, to delay and send it to the Committee on Appropriations, which at once is ready to report it back to the House? As it is not a regular appropriation bill, when reported it might be stopped on the floor by a single gentleman. The gentleman from Indiana himself might object that, not being a regular appropriation, the committee could not report it at any time under the rule, and it would have to lie with all the committee's work, which can only be reached on regular call. This is a case of immediate necessity.

Mr. WILLARD, of Vermont. Mr. Speaker, I wish to make a remark before this matter is disposed of. When the proposition for the relief of the suffering people of Louisiana first came before the House some six weeks ago, I objected to the consideration of the resolution and asked that it be sent to some committee, and it was referred to the Committee on Education and Labor, and by them reported adversely; and that ended it. When it came before the House again a few weeks later, I asked that it be considered by a committee, and it was referred to the Committee on Military Affairs. It was a resolution authorizing the President of the United States to issue rations, and it was reported by that committee favorably when I happened to be out of my seat. If I had been in my seat I do not know that I would have objected to the passage of the resolution. I would not have objected for this reason only, not because I think such appropriation of money is within the scope of any constitutional power given to Congress, but because, if at all, it is warranted as the unanimous sense of the people of the country. It is not a bill or resolution which ought to pass here if there is any serious objection to it. It is simply a charity; and the officers and managers of a bank might as well take the funds of that bank and distribute them in charity as for the representatives of the people to take the funds of the people out of the Treasury of the United States and distribute them in charity.

Cases of that kind have been not uncommon. It was done in the case of Chicago—not by any appropriations of money, but rations were issued by the military officers, Congress not then being in session. Practically it was then done. It has been done also in the case of providing a vessel to send provisions to a foreign country in case of famine. So it seems to be recognized as within the power of Congress, when a great and overshadowing calamity occurs which appeals to every man's humanity, to give instant relief by making some appropriation out of the Treasury, or by authorizing rations to be distributed by the military officers.

It is in that view, Mr. Speaker, I say I do not make objection to the passage of this bill, and would not if I had been in my seat have objected to the passage of the original resolution which practically

called for this appropriation of money. But it is an appropriation of money in a direction where this House ought to act with the utmost caution. It ought to act with the utmost caution also because, as has turned out in this case, there are some people in that section of the country who now seem to think that they can be supported by rations issued from the Government of the United States, and therefore they are under no particular need of providing for their own support; and thus our charity may in the end be productive of more evil than good.

Mr. HAWLEY, of Illinois. I desire to ask the gentleman from Maine a question, in order that the House may better understand what this proposition really is. If I understand the effect of the law passed at this session it provides for the issue of rations to these suffering people.

Mr. HALE, of Maine. If the gentleman from Illinois will permit me, I will have read the resolution which was passed by both Houses and which is now the existing law upon the statute-book.

Mr. HAWLEY, of Illinois. Let the law be read.

The Clerk read as follows:

That the President of the United States be, and he hereby is, authorized and empowered to direct the issue temporarily of supplies of food and disused Army clothing sufficient to prevent starvation and suffering and extreme want to any and all classes of destitute or helpless persons living on or near the Lower Mississippi River, who have been rendered so by reason of the present overflow of the Mississippi River.

Mr. HAWLEY, of Illinois. Now let me ask the gentleman from Maine a further question, whether the amount of clothing or rations which will be issued will not be regulated by the amount of money which Congress will appropriate for that purpose?

Mr. HALE, of Maine. Undoubtedly.

Mr. HAWLEY, of Illinois. That is to say, this simply reimburses to the War Department what may be issued in the way of rations and clothing?

Mr. HALE, of Maine. That is it exactly. If we do not appropriate and the suffering continues, and these rations are issued, then there will be a deficiency of course in the appropriation for the War Department. Undoubtedly the gentleman understands the true import of the pending bill. By Congress taking up and fixing the amount of appropriation, that amount would be taken by the executive branch of the Government as an indication of the amount to be expended, for the present at least.

In reply to the gentleman from Vermont, [Mr. WILLARD,] or rather in accordance with his suggestion, I will say that other powers, when great and overshadowing calamities have come upon them, as in this case, have spent money in sums that are mammoth in proportion to this sum. Great Britian will expend, I am told, $30,000,000 for the relief of the starving and dying people of India; and this is $190,000.

I yield for a few moments to my friend from Ohio, [Mr. MONROE.]

Mr. MONROE. The gentleman from Maine yields to me for a moment to explain the action of the Committee on Education and Labor in regard to a measure similar to this which was brought before the House earlier in the session. As the action of that committee has been alluded to, I desire to say a word in regard to it. Early in the session when a proposition was sent to us to afford relief to sufferers in the South, the suffering, as far as the committee could understand, seemed to be of that general and common character which exists all over the United States to a greater or less extent, and which was found very largely in all the cities of the North as well as in portions of the South. It was the opinion of the Committee on Education and Labor, at that time, that for the House to undertake to relieve general suffering, common suffering of this class, liable to occur any winter, would be almost equivalent to undertaking to relieve the whole pauperism of the United States out of the Federal Treasury. And it was for that reason that the committee unanimously reported adversely to the resolution which was referred to them at that time.

But, sir, the proposition which is now before the House seems to me to be of an entirely different character. The sufferings that these poor people are experiencing from the overflow in Louisiana and other States is of a wholly exceptional character. It is a thing which will not often occur. It does not happen in the ordinary course of events. It is a calamity of that kind which, so far as I know, every civilized nation, every nation aspiring to the name of Christian, has never hesitated for one moment to relieve; and hence it is that, notwithstanding the action of my committee formerly, I am satisfied that the committee would unanimously favor the proposition which is now before the House. I think we ought promptly, without a moment's delay, to appropriate every cent of this money and let it go where it will "do the most good."

Mr. HALE, of Maine. I call the previous question.

The previous question was seconded and the main question ordered, and under the operation thereof the amendment of the Senate was concurred in.

Mr. HALE, of Maine, moved to reconsider the vote by which the amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

IMPROVEMENT OF WOLF RIVER.

Mr. AVERILL. I ask unanimous consent to have the bill (H. R. No. 3028) giving the assent of Congress for the improvement of the Wolf River across the Menomonee Indian reservation, in the State of Wisconsin, taken from the Speaker's table for the purpose of moving concurrence in the amendments of the Senate.

There was no objection, and the bill was taken from the Speaker's table.

The amendments of the Senate were read, as follows:

In line 2 strike out "Weshena" and insert "Keshena."

In line 9 strike out "to the Indian agent" and insert "into the Treasury of the United States."

The amendments of the Senate were concurred in.

Mr. AVERILL moved to reconsider the vote by which the amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COMMITTEE ON THE POST-OFFICE AND POST-ROADS.

Mr. PACKER. I am instructed by the Committee on the Post-Office and Post-Roads to ask the permission of the House that that committee may sit during the sessions of the House for the purpose of making the investigation referred to it by the House.

There was no objection, and leave was granted.

SOUTHERN RAILROADS.

The SPEAKER. Pursuant to an order of the House made under a suspension of the rules, the House proceeds to consider the following bills reported by the Committee on the Judiciary: The bill (H. R. No. 1937) for the relief of the State of Tennessee, and the bill (H. R. No. 1938) to extend the provisions of the act approved March 3, 1871, entitled "An act to provide for the collection of debts due from southern railroads, and for other purposes." By order of the House these bills are entitled to be considered for one hour, and the gentleman from Maine [Mr. FRYE] is entitled to the floor thereon.

Mr. HAWLEY, of Illinois. The order was that both bills should be considered within one hour?

The SPEAKER. Both. The Clerk will proceed to read the bills.

The bill (H. R. No. 1937) for the relief of the State of Tennessee was read.

Mr. FRYE. The Committee on the Judiciary have instructed me to report a substitute for that bill, which I send to the desk to be read.

The substitute was read, as follows:

That the Secretary of War, by and with the advice of the Attorney-General of the United States, be, and he is hereby, authorized and directed to compromise, adjust, and settle all demands, legal and equitable, between the United States and the State of Tennessee in relation to railroads and railroad property and obligations growing out of the same, on such terms as may be equitable and just and best calculated to protect the interests of the United States. And in ascertaining the liability of the State for the property purchased by the Edgefield and Kentucky, and the Memphis, Clarksville and Louisville Railroad, he will charge only the actual market value of the property to the date of the purchase with legal interest; that value to be ascertained by proof or by agreement with the officers and agents of the State of Tennessee: *Provided only*, That said settlement shall be made and executed before the meeting of the next Legislature of Tennessee in session, or if not so made and executed, then that this act shall be approved by the said Legislature at its next meeting in session.

The SPEAKER. The question is, Will the House agree to the substitute?

Mr. LAWRENCE. I think we ought to have some explanation.

Mr. SPEER. Has the substitute been printed?

Mr. FRYE. It has not been printed, but it is almost identical with the bill reported in relation to southern railroads generally.

Mr. LAWRENCE. I think there ought to be some explanation of this substitute.

Mr. FRYE. There will be an explanation given of the whole bill. It is not necessary on the adoption of the substitute.

Mr. LAWRENCE. In what particular does the substitute differ from the original bill?

Mr. FRYE. In the original bill there was a very long "whereas," and two or three provisions were contained in it which are not contained here, which the Judiciary Committee did not consider of any special importance.

Mr. LAWRENCE. What were the limitations?

Mr. FRYE. There was a provision in the original bill that the Legislature of the State of Tennessee should ratify the action of Congress before the bill should become a law. We afterward discovered that the Legislature of the State of Tennessee had authorized the governor of the State to settle this claim himself, and that he desired to settle it this summer before the meeting of the Legislature, and there is a provision put in by which he may settle it.

Mr. SPEER. I desire to ask the gentleman whether the substitute provides for the payment of interest?

Mr. FRYE. It does.

Mr. SPEER. From what date?

Mr. FRYE. From the date the property was taken.

Mr. SPEER. I think that is an improvement on the printed bill. Then does the substitute provide for any report of the action of the Secretary of War and the Attorney-General being made?

Mr. FRYE. The Attorney-General and the Secretary of War are to settle it.

Mr. SPEER. Are they required to report their action to Congress or to the President?

Mr. FRYE. They are authorized to settle it.

Mr. SPEER. Should they not be required to make a report of their action?

Mr. FRYE. They can be compelled to report, of course, as they were before.

Mr. BRIGHT. Will the gentleman permit me to ask him a question while he has the floor?

Mr. FRYE. Certainly.

Mr. BRIGHT. I would ask if the bill offered as a substitute contemplates anything more than that it places the settlement between the State of Tennessee and the General Government on the same ground as that upon which similar settlements have been made between other States and the General Government?

Mr. FRYE. No, sir; it does not.

Mr. BRIGHT. It places them on the same ground?

Mr. FRYE. It places them in the same condition precisely that the Forty-first Congress placed certain other railroads.

Mr. WILLARD, of Vermont. How was this orginal price agreed upon or ascertained?

Mr. FRYE. All that will come up in the consideration of the bill itself, when the substitute shall have been adopted.

Mr. PARKER, of New Hampshire. Why should not these claims be setiled in the courts?

Mr. FRYE. That question also will come up in the bill. I would like to have the substitute adopted, and then further information can be obtained before the bill is put upon its passage.

The question was taken on the substitute; and it was agreed to.

The question recurred upon ordering the bill, as amended, to be engrossed and read a third time.

Mr. FRYE. Mr. Speaker, the report accompanying this bill is quite lengthy, and I think I can state the case so that the House can understand just what it is that the State of Tennessee desires. During the rebellion when Tennessee was in secession our Government seized all of the railroads in that State, taking possession of them as fast as our Army got to them. It took possession of all their rolling-stock and run the roads in the interest of the Government. The officers of the Government used up all of the rolling-stock; they destroyed a great deal of it; and at the close of the war, in 1865, the Government found itself possessed of all these railroads and of rolling-stock worth about $6,000,000 which they had put upon the road in renewal of that which they had destroyed, and they were operating the railroads at a cost of $1,000,000 a month. Their necessity for the roads had almost entirely ceased, and the President of the United States ordered General Thomas to deliver up these roads to the owners in the South, and to sell to them all the rolling-stock on those roads *pro rata*, and to take from them security for payment for that stock, Appraisers, United States officers, were appointed to make appraisal, and the owners were to take the property at that appraisal. It was said to them, You must take this property; at any rate if you do not take it we will take your road away from you and keep it away from you. No option whatever was given them. There was testimony given by General Meigs, which to me was absolutely conclusive, that the Government compelled them to take this railroad property at one-third, if not one-half more than its actual value.

Now, what is the result of that, supposing you make them pay? Why it is this: you confiscated all their railroad property when the State went into secession and you overran it. That was as much punishment as you meted out to anybody in the South, and more than you meted out to ninety-nine in one hundred. The stock in these railroad companies was owned by Union men and disunion men, by women South and women North; their bonds were owned largely at the North by loyal men. In that condition of things you confiscated the whole rolling-stock, worth six or seven million dollars; and then you turned around and sold it to them at your own valuation, a valuation which your own officers admit to be excessive by at least one-third, and compelled them to take it, thus confiscating one-half or one-third more.

Now, the Secretary of War, with the Attorney-General, was authorized to settle certain suits with southern railroads, commenced some three years ago, to collect this very class of securities. In connection with two or three distinguished lawyers, all on our side in the matter, they made an examination. They found that in the $2,800,000 there ought to be a reduction, by reason of the overvaluation, of $1,400,000; in other words, that you had compelled a sale of these railroads for just twice what the property was worth when you sold it, thus making that other confiscation of one-half.

Now, the State of Tennessee practically owned four of these railroads; it held a mortgage of them for a great deal more than they were worth. Therefore your officers would not take the securities of the stockholders of the corporation, but they said to the State of Tennessee that it must give us its bonds for the property. So the State of Tennessee, having already given millions to these railroads, gave its bonds to the United States for this additional sum. What Tennessee now desires is this, that you shall not ask it to pay any more for this rolling-stock than it was worth when it took it. That is all the State asks, and there is no difficulty at all in getting at that value, not the slightest. Is that asking any too much?

Mr. WILLARD, of Vermont. How are you going to get at that value?

Mr. FRYE. The Secretary of War, in his report of last year upon the settlements he had made in regard to other roads, reports that no difficulty was found, that the proof was ample, and that in his opinion the United States recovered all the property was worth.

Mr. WILLARD, of Vermont. Why not take the valuation at the time the property was sold?

Mr. FRYE. Because, as General Meigs says, and as he told them at the time, nobody believed that the bonds would ever be collected. It was a mere matter of form; just at the close of the war; just after the southern armies had been sent home by General Grant with orders to go about their business and that no punishment would follow.

Mr. WILLARD, of Vermont. Is there any report or statement made by the officers of the United States who had charge of these railroads at the end of the war in respect to the condition and value of the rolling-stock which had been put upon the roads by the United States; any report other than this appraisal upon which these bonds were given?

Mr. FRYE. There is a report of a commission, nearly as thick as this book which I hold in my hand, of an investigation which covers the whole of this question, made about two years ago.

I desire to go one step further. The State of Tennessee has a defense; first, that she was compelled by your officers to give these bonds and take this property; they were obtained from her by duress. To my mind it presents a very serious question whether or not you can collect these bonds. Again, the law of the State of Tennessee provides that the limit of interest shall be 6 per cent. and no more, and that any contract made in violation of that law shall be absolutely void; I am told that the constitution of the State of Tennessee so provides. Now, your officers took from the governor of Tennessee bonds bearing 7.3 per cent. interest. To be sure the Government of the United States would not be answerable on the ground of usury. But did not the governor of the State of Tennessee, in executing those bonds, exceed the authority which the Legislature had given him? Did the Legislature give him authority to make an illegal contract? To me it is clear that it did not.

Then when you go into court to collect the bonds and that defense is put in, I think it would present a very serious question indeed. And if that defense was put in and the court should rule that there was no authority on the part of the Government to do that, where would you be? You would have to go on the *quantum meruit* ground, and recover from the State of Tennessee the actual value of the property at the time it was taken, and that is just exactly what this bill provides. Has any gentleman any other question to ask in regard to this bill?

Mr. WILLARD, of Vermont. As far as I can judge from the remarks of the gentleman from Maine [Mr. FRYE] this seems to be an equitable settlement, although I confess I am unable to see in what respect it is any easier to ascertain to-day what was the value of that rolling-stock eight years ago than it was to ascertain it at that time. If the commission which was appointed by the United States Government eight years ago to ascertain the value of that property did ascertain it justly at that time, I should regard, and I think any court in the absence of proof of fraud would regard, that as the highest evidence to-day of the value of that property; certainly very much higher evidence than could be obtained now. I suppose much of that stock has been used up by this time, and the testimony now obtained must necessarily be parol testimony to show what was the condition of the property at that time. This report of the commission upon which the settlement was made seems to me to be as high evidence of the value of the property at that time as any other evidence that could now be obtained.

If this bill is to be treated as an acknowledgment on the part of Congress that we do not regard the appraisal of that commission as of any value whatever; in other words, if it is to be treated as an impeachment of that appraisal, so that the Secretary of War can throw it aside and pay no attention to it in this settlement, then it occurs to me that we are going a great way too far on this question. As to whether these bonds can be collected or not I am not prepared to say, for I have not examined that question. So far as that question enters into the matter, it is obvious enough to me that it must have been provided for at the time. I should be sorry, and I think the gentleman from Maine [Mr. FRYE] would be sorry, to accomplish the result that our legislation now should be regarded as an impeachment of the official finding of these officers of the United States.

Mr. FRYE. Allow me at this point to read a brief extract from the testimony of General Meigs, one of the officers who made this valuation:

> I did not expect we would get much if any money from them; and I supposed that Congress in its discretion, in order to aid in re-establishing trade and prosperity, might think fit to relieve them from this claim.

Mr. WILLARD, of Vermont. If this were a proposition directly and on its face to relieve the State of Tennessee from any obligation to pay these bonds, I am not prepared to say I would not vote for it. But if it is simply a proposition to reassess the damages, (if I may use that expression,) it occurs to me that it is practically an impeachment of that old finding.

Now, if Quartermaster-General Meigs was one of the officers who made the estimate in respect to the value of this property, he probably had better evidence upon which to base his judgment at that time than he would have to-day unless he went back to his old finding. In other words, as everybody must see, it would be almost impossible after the lapse of eight years, by any testimony other than such as was in existence in writing at the time, to prove what was the value

of this property at that time; and this bill, as I understand, proposes to make the settlement upon what was the actual value of the property at that time. It was the actual value of the property at that time that was sought to be ascertained by the officers of the United States. General Meigs, in the extract which the gentleman from Maine [Mr. FRYE] has just read, does not say he thinks the former estimate as to the value of the property was wrong, but that he never expected the United States to realize anything from these bonds, and so he did not consider it of much consequence whether the amount was large or small.

I repeat, I do not wish to antagonize this bill except so far as it would seem to be on its face an impeachment of that old finding; so that the Secretary of War and Attorney-General might say, "Congress has found that that was an extravagant and exaggerated estimate of the value of the property at that time, and so we will throw that all aside and rest simply upon such evidence as we can now collect in respect to that question."

If the State of Tennessee is not liable on these bonds by reason of some informality, or because the rate of interest stipulated for is larger than that which the statute of Tennessee prescribes as the legal rate, then the State of Tennessee does not need any measure of this sort.

Mr. FRYE. They do not want to be put in that position.

Mr. WILLARD, of Vermont. Had the committee any evidence before them, other than this statement of Quartermaster-General Meigs, to show how largely in excess of the actual value of the property that former estimate was?

Mr. FRYE. No; not in figures, only in general terms. The gentleman will remember that it was an *ex parte* proceeding entirely; the other side had nothing to do with it.

Mr. WILLARD, of Vermont. I understand that.

Mr. FRYE. A dozen of those roads refused to take this property at the appraisement. Then General Thomas said to them, "Under my orders you shall take it or we take possession of the road."

Now, as to the supposed impeachment of the old finding, I would say that on the 3d of March, 1871, when the Government had brought suits against three of these great railroads, and those suits were pending in the courts, Congress passed precisely the act which I have reported here; and the Secretary of War and the Attorney-General, together with Aaron F. Perry and Stanley Mathews, under that act of Congress made this appraisement which has been reported to the House and on which settlement was made.

Mr. WILLARD, of Vermont. I am not objecting to any readjustment of this matter or antagonizing the bill in that regard. I only desire that this debate may leave the question in such a shape that the measure shall not be regarded as a declaration on the part of Congress that that old finding was exorbitant or exaggerated. I wish the officers of the Government to take that finding into account as well as any other evidence that may be brought forward in arriving at the final adjustment. That is all I care for; and if such a proviso could be put into this bill, I should be glad. I am not prepared at this moment to suggest the appropriate language for such a provision.

Mr. FRYE. They are our own officers who are going to make this settlement; it is entirely in our hands. I now yield to the gentleman from Vermont, [Mr. POLAND.]

Mr. POLAND. Mr. Speaker, the Committee on the Judiciary were entirely unanimous in reporting this bill. The circumstances in relation to it were somewhat peculiar. The Government had taken possession of these roads and had used them for a considerable period of time during the war, for which use the owners of the roads thought they were entitled to some compensation; but the Judiciary Committee thought they were not. The Government had used up the rolling-stock that it found upon the roads; and it was claimed that this rolling-stock which the Government had used up should be an element in this settlement. We thought not. But it was very apparent to the committee that this property which we sold them, and for which we hold the bonds of the State of Tennessee, was taken by them at a greater price than its real value; and although I do not think there is in this case any such element of duress as comes within the legal definition of that term, so as to constitute any defense on their part, still it is true that they had very little choice about the matter; the thing was dictated by the officers of the Government entirely. Instead of this price being fixed by a mutual arbitration, by a board chosen mutually by the parties, the valuation was made by officers who were appointed or detailed to make the appraisement; and it is undoubtedly true that these officers considered it somewhat a matter of form; that the United States having taken these roads and used them for some years, having used up the rolling-stock that was upon them, the payment for that rolling-stock, as they supposed, would never be exacted. Therefore they regarded their functions as somewhat nominal, and they made their figures at rather round numbers.

There are some legal difficulties in the way. There is the question my friend from Maine suggests, whether the governor was authorized to give such a bond as he did. I did not think that of much account. I hardly supposed the State of Tennessee would come into court or before any tribunal to make a question of usury or power of the governor to make the bond, but still these legal difficulties in the way do exist, and it seemed to the Judiciary Committee that it was the fair and just and honest thing for us to do, saying that we will have a readjustment of the value of this property; that we will pay just what we honestly ought to pay and let that end the matter.

Mr. HURLBUT. I move to amend by striking out the following words: "or by agreement with the officers or agents of the State of Tennessee."

Mr. FRYE. I have no objection to allowing that amendment to come in.

The amendment was agreed to.

Mr. FRYE. I demand the previous question.

The previous question was seconded and the main question ordered, and under the operation thereof the bill, as amended, was ordered to be engrossed and read the third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. FRYE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DEBTS DUE FROM SOUTHERN RAILROADS.

The SPEAKER. Under the order of the House the Committee of the Whole on the state of the Union was discharged from the further consideration of the bill (H. R. No. 1938) to extend the provisions of the act approved March 3, 1871, entitled "An act to provide for the collection of debts due from southern railroads, and for other purposes," and it is now before the House for consideration. It is a bill reported from the Committee on the Judiciary by the gentleman from Maine, [Mr. FRYE.]

The bill was read, as follows:

Whereas the Secretary of War was directed and authorized by the act of Congress approved March 3, 1871, to compromise certain suits instituted by the United States against certain railroad corporations which purchased material from the Quartermaster's Department under the provisions of executive orders of August 8 and October 14, 1865; and whereas issues have been raised and are pending in the settlement of the accounts of other railroad corporations which made purchases under said orders and against which the Government has not commenced suit: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized, by and with the advice of the Attorney-General of the United States, to compromise, adjust, and settle the same upon such terms as may be equitable and just and best calculated to protect the interests of the United States.

The SPEAKER. The question is on ordering the bill to be engrossed and read a third time, and the gentleman from Maine is entitled to the floor.

Mr. SPEER. I wish to move an amendment to the bill.

Mr. FRYE. I do not think I can yield for the amendment of the gentleman from Pennsylvania.

Mr. RANDALL. Let the amendment be read.

Mr. SPEER. I regard this as a very important bill, involving a million or two of dollars.

Mr. FRYE. I will hear the amendment of the gentleman from Pennsylvania read.

The Clerk read as follows:

Add to the end of the bill the following proviso:

Provided, That the action of the Secretary of War shall not be binding on the United States until the same shall have been approved by Congress.

Mr. SPEER. Mr. Speaker, I desire to call the attention of the House to the vast power which this bill proposes to put into the hands of a single officer of the Government, the Secretary of War, who I admit, under the Constitution of the country, is one of the executive officers of the Government, and against whom personally and officially I have not a word to say. But the Secretary of War cannot be expected to give his personal attention to all matters of this kind. They are from the necessities of official business distributed largely to subordinates in his office, to mere clerks, gentlemen of no professional or legal knowledge or experience, and who make no pretension to any such legal knowledge or experience.

Mr. NEGLEY. I beg to differ from the gentleman. There is a great deal of ability in these subordinates.

Mr. SPEER. I do not say there is no ability among these subordinates. I believe they have ability, but they are not gentlemen of such professional or legal knowledge as would justify their being intrusted with the whole control of these important questions.

Mr. NEGLEY. There is marked ability among these clerks, as I know from my personal intercourse with them.

Mr. SPEER. I do not wish to say an unkind word against any of the officials of the War Department. This bill involves two or three million dollars to the Government. The questions involved properly belong to the courts; they are now pending in the courts. The bill takes them out of the courts and puts them into the hands of the Secretary of War, and he from necessity must commit them to his subordinate officers.

Now, is there anything wrong in my amendment? It simply provides, after the Secretary of War shall have gone on and settled and adjusted these claims amounting to millions of dollars, that nothing further shall be done or paid until his action shall have been transmitted to and approved by Congress.

What objection in the world can there be on the part of any honest railroad company or any honest man in a case of this kind to wait until the representatives of the people shall have passed upon the opinion of the Secretary of War? It is right; it is just and honest. And before the House commits to the Secretary of War the disposition of millions of dollars, as much as was asked for the centennial yesterday—before it commits that to the Secretary of War and the clerks in his office, I

think it should pause at least to consider my amendment. I do trust the gentleman from Maine will let it be considered as pending, and if he does not, I hope the House will refuse to sustain the demand for the previous question, so that I may have the right to offer this amendment and have the sense of the House upon it.

Mr. WILLARD, of Vermont. The gentleman from Maine allows me to offer an amendment to come in at the end of the bill. The language is the same as that used in the other bill just passed.

The Clerk read as follows:

Add to the end of the bill these words:

And, in so doing, he will charge and exact the actual value of the property at the date of purchase; that value to be ascertained by proof.

Mr. FRYE. Now, let me say one word here in reply to the gentleman from Pennsylvania, [Mr. SPEER.] The amount involved here, at interest at 7.3 per cent., from the date the property was taken or the bonds were given, is only about $2,800,000; so that if you get half of it, as you got in your other settlements authorized by the Congress of the United States, it will be a loss, if you please, of $1,400,000. But the gentleman must remember that the most of these roads are actually bankrupt; that one-half of the securities you take are worth but very little; and the best way to get anything, in the view of our committee, out of them was to make some kind of settlement.

Then the Secretary of War is not alone. The Attorney-General is coupled with him. And I have confidence that, being officers of the United States in the pay of the United States, they will at least do justice to the party that employs them.

Now, I confess that I have a great deal of sympathy for the roads. They were left in a terrible condition. They are in a terrible condition to-day. With these bills unsettled, they cannot borrow money, they cannot issue bonds. This state of things is working a terrible calamity to the routes of transportation that it touches all over the South. They have paid already to the Government of the United States on this forced sale over $5,000,000. In my judgment the United States has received to-day all that the property was worth which they sold to these roads.

I call for the previous question.

Mr. COBURN. Before the previous question is called I want to inquire of the gentleman from Maine what is to be gained by a compromise such as is proposed? Do these railroad companies propose to offer any additional security?

Mr. FRYE. They do.

Mr. COBURN. Do they propose anything better than the lien the Government has now upon the roads and the rolling-stock?

Mr. FRYE. They do.

Mr. COBURN. I would like to know what security they propose. We are asked now to put into the hands of the Secretary of War unlimited authority to compromise upon that property upon which we have the first mortgage and the first lien, and whatever there is good in it is ours. Why should we compromise? If these men owe us anything, let the mortgage be foreclosed and let the thing be settled according to the agreement and according to the law, as has been fairly and honorably understood all along. I see no necessity now for yielding any rights we have, or for putting one iota of authority into the hands of the Secretary of War. These men have had year after year to comply with their contract, and there is nothing in the circumstances going to show that the debt is not an honest and fair one and that the property was not worth a large amount more than they gave for it. I have understood so all along, and I see no earthly reason now why we should yield away any rights of property we have there and relinquish into the hands of an officer of the Government authority to compromise about a matter which should never be intrusted to any man.

I wish to say that if the bill passes the amendment of the gentleman from Pennsylvania [Mr. SPEER] ought beyond all question to go upon it. Congress is the tribunal which ought finally to adjust this matter. It has been a matter of legislation. It is a matter which the people should settle, and not one officer, however honest and capable he may be; and I make no reflection upon him in saying what I have said.

Mr. SPEER. Am I to understand that the gentleman from Maine refuses to yield to me to offer my amendment?

Mr. FRYE. I refuse to yield to the gentleman for the amendment.

Mr. SPEER. Then I hope the House will refuse to sustain the demand for the previous question.

Mr. FRYE. I yield for a moment to the gentleman from Tennessee, [Mr. BUTLER.]

Mr. BUTLER, of Tennessee. I am surprised that the gentleman from Indiana, [Mr. COBURN,] with his known liberality toward our people, should have spoken as he has done on this question. He is mistaken in every assertion he has made in reference to this proposition. The Government has not the first lien on this road or any roads of my State. The State has the first lien for the bonds they issued for the original construction of the road, and there are two or three other mortgages prior to this lien.

Another word in regard to the rolling-stock. From one-third to one-half of it was the identical stock that the Government of the United States captured from the confederate government when it seized our roads; and when this stock was purchased by the companies the understanding was that the Government would pay the State of Tennessee for the use of the roads after they were captured and used in the interest of the Government. That was the reason why the railroad companies took this property at the Government appraisement. The cars and engines were badly constructed; they were built for war purposes, and were not worth more than half of the value that was put upon them by the agents of the Government when they were turned over to the State. The agents of the Government, from the highest to the lowest, have so testified, as the gentleman will see if he will look to the report made during the last session of the Thirty-ninth Congress. The companies took this rolling-stock at the Government appraisement, believing that the Government would make a fair, just, and honorable settlement and pay for the use of their roads. That is why they agreed to pay this large price.

I trust the amendment of the gentleman from Pennsylvania [Mr. SPEER] will not prevail. The Legislature of our State meets next January and will sit but seventy-five days. It will then adjourn, and Congress will not meet until the next December, and it will be a year before they can get a report even if Congress should act promptly in the premises.

Mr. SPEER. Is the gentleman afraid that Congress will not approve of an honest settlement?

Mr. BUTLER, of Tennessee. Congress would approve of an honest settlement if the matter could ever be reached with the amount of business before it. The Secretary of War and the Attorney-General are to represent the Government. They understand this proposition. They have been in the Departments ever since the war. We only ask for our State what has been accorded to the other Southern States.

Mr. FRYE. I now move the previous question.

Mr. SPEER. I hope the House will not sustain the previous question.

Mr. HARRIS, of Virginia. I hope the gentleman will allow me to make one remark before he insists on the previous question.

Mr. FRYE. I cannot yield, for the time allowed for the consideration of this bill has nearly expired.

On seconding the previous question there were—ayes 92, noes 13; no quorum voting.

Tellers were ordered; and Mr. FRYE and Mr. SPEER were appointed.

The House divided; and the tellers reported ayes 125, noes not counted.

So the previous question was seconded.

The main question was then ordered; and under the operation thereof the amendment offered by Mr. WILLARD, of Vermont, was agreed to.

The bill, as amended, was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. SPEER. I call for the yeas and nays on the passage of the bill.

The yeas and nays were not ordered, only 3 members voting therefor.

The bill was then passed.

Mr. FRYE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HAWLEY, of Illinois. I call for the regular order.

The SPEAKER. The regular order being called for, the morning hour begins at twenty minutes before one o'clock, and reports from committees of a private nature are in order.

PEKIN ALCOHOL COMPANY.

Mr. BECK, from the Committee on Ways and Means, reported, as a substitute for House bill No. 1473, a bill (H. R. No. 3266) for the relief of the Pekin Alcohol Manufacturing Company; which was read a first and second time.

The bill was read. It authorizes and directs the Commissioner of Internal Revenue to enter satisfaction on the export bond for that portion of the distilled spirits of the Pekin Alcohol Manufacturing Company of the State of Illinois said to have been destroyed at Urbana, Ohio, while in transit for export to the port of Genoa, upon proof satisfactory to him and the Secretary of the Treasury of the destruction of said spirits without fraud, collusion, or negligence on the part of the owners thereof.

Mr. WILLARD, of Vermont. I believe that bill is subject to the point of order.

Mr. BECK. There is no appropriation in the bill.

The SPEAKER. The Chair thinks that the point of order would lie against the bill if the gentleman from Vermont insists upon it. It proposes to surrender a certain right of the United States which might be enforced at law for a valuable consideration. Does the gentleman from Vermont insist on his point of order?

Mr. WILLARD, of Vermont. I dislike to have invidious distinctions made in favor of bills which are liable to the point of order.

The SPEAKER. It is not a direct appropriation in any sense.

Mr. WILLARD, of Vermont. I withdraw the point of order.

Mr. BECK. This case, which is fully proved, was presented and prepared by the gentleman from Illinois [Mr. MCNULTA] from the following testimony:

First. By the petition, sworn to, and the affidavit of H. P. Westerman, president of the company, showing the regular shipment in bond, in accordance with law, of fifty barrels of alcohol from Pekin, Illinois, December 21, 1872, for export to Genoa, Italy, which was accidentally destroyed by fire while in transit on the railway of the Indianapolis, Bloomington and Western Railway and its connecting railroads, at Urbana, Ohio, on the 29th of December, 1872.

Second. By the certificate of J. Merriam, collector of the eighth district of Illinois, corroborating all the facts as to the shipment.

Third. By the affidavit of Charles M. Foster, station-agent at Pekin.

Fourth. By the bills of lading.

Fifth. By the affidavit of Hilton H. Leach, the cooper who put all the barrels in order when shipped.

Sixth. By the affidavits of J. H. Brown and L. S. Purcell, the agent and road-master of the Pittsburgh, Cincinnati and Saint Louis Railroad at Urbana, who witnessed the destruction of the alcohol, which prove that it was an accident.

On these facts the Commissioner of Internal Revenue says he sees no objection to the passage of the bill, which he caused to be prepared. We present it as prepared in the department, and lay the written statement of the Commissioner before the House. *We recommend that the bill do pass.*

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BECK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RICHARD HAWLEY & SONS.

Mr. WALDRON, from the Committee on Ways and Means, reported back, with an amendment, the bill (H. R. No. 2279) for the relief of Richard Hawley & Sons; which was referred to the Committee of the Whole on the Private Calendar, and the report accompanying the same ordered to be printed.

REPORTS FROM THE COMMITTEE ON CLAIMS.

Mr. HAWLEY, of Illinois, from the Committee on Claims, reported back the following; which were referred to the Committee on War Claims:

The bill (H. R. No. 2975) for the relief of Dr. William M. Page, of Richmond, Virginia;

The bill (H. R. No. 3230) for the relief of the heirs of James W. Eastwood, deceased;

The bill (H. R. No. 3232) for the relief of Elihu S. Marshall, of Nashville, Tennessee; and

The petition and papers in the case of Benjamin Gratz, of Lexington, Kentucky, for compensation for buildings and property destroyed by fire while occupied by the Quartermaster's Department.

Mr. HAWLEY, of Illinois, also, from the same committee, reported back the following; which were referred to the Committee on Indian Affairs:

The petition of George C. Johnson, of Piqua, Ohio, for relief on account of his claim against the Shawnee Indians; and

The claim of Henry Warren, for compensation on account of Indian depredations.

Mr. HAWLEY, of Illinois, also, from the same committee, reported back the following; which was referred to the Committee on Appropriations:

Letter from the Secretary of War, transmitting the memorial of Franklin Lee and Charles Dunbar for payment of $24,009.50 for blasting and removing rock from Ashtabula Harbor, Ohio.

Mr. LANSING, from the same committee, reported back the following; which were referred to the Committee on War Claims:

The petition of Lucy A. Barker, for compensation for damages to property occupied by the military at Louisville, Kentucky; and

The petition of Ann J. Eaton, for compensation for loss of crops and damage to land, taken possession of by the Secretary of War, on Long Island, Boston Harbor, Massachusetts.

Mr. NUNN, from the same committee, reported a bill (H. R. No. 3268) for the relief of J. N. Reed; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

IRASBURGH NATIONAL BANK, VERMONT.

Mr. HAWLEY, of Illinois. I ask unanimous consent to report from the Committee on Banking and Currency, for consideration at this time, a bill changing the name and location of Irasburgh National Bank of Orleans, county of Orleans, State of Vermont. I know that it is not in order under this call, but I think there will be no objection to it on the part of any one.

The SPEAKER. The bill will be read, after which objection to its present consideration will be in order.

The bill authorizes the Irasburgh National Bank of Orleans, now located in the town of Irasburgh, county of Orleans, State of Vermont, to change its location to the town of Barton, in the same county, whenever the stockholders representing three-fourths of the capital stock, at a meeting called for the purpose, shall determine to make such change, and directs the president and cashier to execute a certificate, under the corporate seal of the bank, setting forth such determination, to be recorded in the office of the Comptroller of the Currency; and thereupon such change of location shall take effect, and the operations of discount and deposit of said bank shall be carried on in the town of Barton, and such acceptance shall be made within one year after the passage of the act; all expenses incident to the proposed change, including engraving, to be borne and paid by said bank.

The second section provides that nothing in the act shall be so construed as in any manner to release the said bank from any liability or to vacate any action or proceeding at law in which the said bank may be a party in interest.

The third section provides that whenever the location of said bank shall have been changed, in accordance with the first section of the act, its name shall be changed to Barton National Bank, and all debts, demands, liabilities, rights, and powers belonging to the Irasburgh National Bank of Orleans shall devolve upon and inure to the Barton National Bank, and all actions pending for or against the Irasburgh National Bank may be prosecuted by or against the Barton National Bank in the same manner and with the same effect as if such change of location and name had not been made.

The fourth section provides that as soon as such change of location and name shall have been made, public notice shall be given by publication in a newspaper published in Barton for two weeks successively

Mr. BURCHARD. Why can there not be a general law covering all such cases?

Mr. RANDALL. If you had a general law there would be changes all over the country.

Mr. BURCHARD. This is the fourth case reported favorably this session.

The bill (H. R. No. 3267) was then read three times, and passed.

Mr. HAWLEY, of Connecticut, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORTS FROM COMMITTEE ON WAR CLAIMS.

Mr. MORRISON, from the Committee on War Claims, reported adversely the following bill:

A bill (H. R. No. 1914) for the relief of Augustus Sprague, late a private of Company B, Second Michigan Volunteers.

Mr. POLAND. I ask that that bill be referred to the Committee of the Whole on the Private Calendar.

Mr. SPEAKER. That will be done, and the adverse report will be printed.

Mr. MORRISON also, from the same committee, reported back the following bill; which was referred to the Committee on Invalid Pensions:

A bill (H. R. No. 1376) for the benefit of the widow and minor children of Dr. W. H. Kidd, late surgeon of the board of enrollment for the first congressional district of Kentucky.

Mr. COBB, of North Carolina, from the same committee, reported a bill (H. R. No. 3269) for the relief of A. S. H. Crenshaw, of Jackson County, Missouri; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

Mr. SMITH, of Pennsylvania. I am directed by the same committee to report adversely in the matter of Moses B. Bramhall, and to move that the application be laid on the table, and the accompanying report ordered to be printed.

Mr. COBB, of North Carolina. I object to the motion to lay on the table, and ask that the case go to the Private Calendar.

Mr. LAWRENCE. It cannot go to the Private Calendar; there is no bill. This is merely an adverse report.

The SPEAKER. Upon what is this report made? What was referred to the committee?

Mr. SMITH, of Pennsylvania. A bill.

The SPEAKER. The gentleman from North Carolina objects to laying it on the table, and asks that it go to the Committee of the Whole on the Private Calendar. The adverse report will be returned to the gentleman to be presented with the bill.

Mr. SMITH, of Pennsylvania, from the same committee, reported back adversely a bill (H. R. No. 1005) for the relief of David Huestis; which was laid on the table, and the accompanying report ordered to be printed.

Mr. HAZELTON, of Wisconsin, from the same committee, reported back, without amendment, the bill (S. No. 110) for the relief of the East Tennessee University; which was referred to the Committee of the Whole on the Private Calendar.

Mr. SCUDDER, of New Jersey, from the same committee, reported back adversely the bill (H. R. No. 113) for the relief John Zumstein; which was laid on the table, and the accompanying report ordered to be printed.

Mr. SMITH, of Pennsylvania, from the same committee, reported back adversely the memorial of William Shawfrey; which was laid on the table, and the accompanying report ordered to be printed.

FRENCH BROAD RIVER, NORTH CAROLINA.

Mr. WHEELER, from the Committee on Commerce, moved that the committee be discharged from the further consideration of the bill (H. R. No. 3114) to provide for opening the navigation of the French Broad River, in North Carolina, and moved that the same be referred to the Committee on Railways and Canals.

The motion was agreed to.

JOHN HORN, JR.

Mr. HOOPER, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 2398) granting a medal to John Horn, jr., for his heroic exploits in rescuing men, women, and children from drowning in the Detroit River.

The bill was read. It authorizes and directs the President of the United States to cause to be prepared and presented to John Horn, jr., of Detroit, Michigan, a gold medal, with appropriate devices and inscriptions, in recognition and in commemoration of his heroic and humane exploits in rescuing men, women, and children from drowning in the Detroit River.

The bill was ordered to be engrossed for a third reading; and being engrossed, was accordingly read the third time, and passed.

Mr. HOOPER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORTS FROM COMMITTEE ON MILITARY AFFAIRS.

Mr. COBURN, from the Committee on Military Affairs, reported a bill (H. R. No. 3270) to amend an Army officer's record; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. GUNCKEL, from the same committee, reported back adversely the petition of Charles O. Palmer, late a private of Company F, Twenty-fourth Massachusetts Volunteers, for remission of sentence, and asking for pay and allowances; which was laid on the table, and the accompanying report ordered to be printed.

Mr. YOUNG, of Georgia, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 3118) for the relief of Mary Conly, late widow of R. H. Murrell, late an officer in the Tenth Tennessee Cavalry; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

CAPTAIN WILLIAM MYERS.

Mr. YOUNG, of Georgia. The Committee on Military Affairs have directed me to report back, with a favorable recommendation, the bill (H. R. No. 3166) to correct the date of commission of certain officers of the Army. I ask that this bill be now put on its passage.

The bill was read. It recites in the preamble that there was a vacancy of major in the Quartermaster's Department on the 18th day of January, 1867, to which Captain William Myers, of the Quartermaster's Department, was entitled to be promoted under the laws then in existence, but from which he was excluded by reason of an appointment in said department erroneously made. The bill therefore authorizes the President to nominate and promote William Myers to be major and quartermaster, to date from the 18th of January, 1867, to take place on the Army Register next below Major J. G. Chandler. But no officer in that department is to be by this act reduced from his present rank, nor shall any additional pay or allowance be made to any officer by virtue of this act.

The bill was ordered to be engrossed for a third reading; and was accordingly read the third time.

Mr. GARFIELD. Does the last clause of this bill, providing against any increase of pay, include this officer?

Mr. YOUNG, of Georgia. Yes, sir.

Mr. GARFIELD. One further question. Is this bill reported in consequence of some mistake which the committee find to have been made?

Mr. YOUNG, of Georgia. I think myself, and I believe the committee also think, that this bill is rendered necessary in consequence of a mistake of the President of the United States in 1866 in appointing a certain number of officers over this officer, when they ought not to have been appointed over him. The design of the bill is to correct a mistake of the Executive in 1866.

Mr. GARFIELD. It is going very far back to correct the roster of the Army. I would like to hear a brief statement of the case.

Mr. YOUNG, of Georgia. Let the report of the committee be read.

Mr. GARFIELD. I would be glad to hear it.

The report was read. It states that when the act of July 20, 1866, to increase and fix the military peace establishment, was passed, Major William Myers held the commission of captain and assistant quartermaster in the Army. His name appeared on the Army Register below that of Major J. G. Chandler. Under the law Major Myers was entitled to promotion by seniority to the grade of major, and should have received the same relative rank in his corps as he had before the act was passed. He did not receive such promotion; but appointments were made by which, in violation of the rule governing in such cases, he was deprived of the promotion to which he was justly entitled; he was overslaughed by the promotion of his juniors in the same department. By section 9 of the act of July 5, 1838, it is provided that "promotions in said Quartermaster's Department shall take place as in regiments and corps;" that is, by seniority.

Mr. GARFIELD. I do not demand the further reading of the report.

Mr. THORNBURGH. Mr. Speaker——

Mr. YOUNG, of Georgia. I demand the previous question. After it is ordered I will yield to the gentleman.

Mr. THORNBURGH. I hope the demand for the previous question will be voted down.

Mr. COBURN. I would like to say a word upon this bill.

Mr. YOUNG, of Georgia. I will yield to the gentleman after the previous question is seconded.

The previous question was seconded and the main question ordered.

Mr. YOUNG, of Georgia. I yield for five minutes to the gentleman from Tennessee.

Mr. THORNBURGH. Mr. Speaker, the question involved in this bill is in my judgment an important one, for it not only affects the grade and rank of officers of the Quartermaster-General's staff, but affects the grade and rank of officers in other departments of the military service. Under the act of 1866 certain new offices were created in the Quartermaster-General's Department. Under that law, as it was then interpreted by the President of the United States, he filled those appointments by selection; the Senate, believing he had the right to do so, confirmed those appointments; and the officers then appointed and confirmed hold their positions in the Quartermaster-General's Department to-day. By this bill, however, Congress now declares, if the bill should pass, that those appointments were wrong, and should not have been made. It proposes to establish as the rule that original vacancies created by the law of Congress cannot be filled by selection, but must be filled by seniority. If a bill of this character is passed it should be a general bill, and not one applying to the Quartermaster General's Department alone. There are in that department now two colonels, three lieutenant-colonels, and two majors, who are entitled to a certain relative grade and rank upon the Army Register to-day, who will under this bill receive promotion sooner than they would if the law should stand as it is.

The whole question depends, Mr. Speaker, on the simple proposition whether the President of the United States is compelled in filling original vacancies created by law to fill them according to seniority of rank or by selection. From 1811 down to the present day the rule has been, so far as I have been able to discover, that original vacancies created by law shall be filled by selection. If this bill passes, it will of course reverse that rule and establish a different precedent in the future. I am opposed to the bill, and think it ought not to pass.

Mr. YOUNG, of Georgia. I now yield to the gentleman from Indiana, [Mr. COBURN,] chairman of the Committee on Military Affairs, for ten minutes.

Mr. COBURN. In my judgment, Mr. Speaker, this bill ought not to pass. It depends upon the construction of the thirteenth section of the act of 1866, being an act to increase and fix the military peace establishment of the United States. At that time the number of quartermasters was increased by law. Several original vacancies were created and appointments were made at that time of certain officers in the Quartermaster-General's Department of the same grade as Major Myers who now applies for promotion by act of Congress. He was then a captain. The simple question is whether or not the President had the right to fill an original vacancy by selection, or whether under this law of 1866 the President was bound to make the appointment according to seniority of rank, which is the regular rule of promotion in the Army. Ordinarily where there is a vacancy the President is bound to promote according to seniority. That is the invariable rule and has been, and nobody disputes or denies it, but here was a lot of original vacancies created, and the President had the clear right to fill those vacancies from such persons as he pleased; in other words, he was not bound to follow the rule of seniority. The law was expressly made for the benefit of meritorious volunteer officers, who are now to be stricken down by this bill.

It is argued that there is a peculiar phrase in this section 13 of the act of 1866 which justifies the construction which is now attempted to be put upon it, and I will call the attention of the House to that for a moment. I will not read the whole section, but will begin at the point indicated. After providing that there shall be a certain number of colonels, lieutenant-colonels, and majors, the section goes on to provide further that there shall be forty-four assistant quartermasters with the rank and emoluments of captains of cavalry, and the vacancies thereby created in the grade of assistant quartermaster shall be filled by selection among persons who have rendered meritorious service as assistant quartermasters of volunteers during two years of the war. Now this clause which authorized the President to appoint assistant quartermasters by selection from among persons who had rendered meritorious service as assistant quartermasters of volunteers is the language upon which the argument turns. Here the President being specially authorized to fill these vacancies of assistant quartermasters by selection from the volunteers, it seems but fair to infer that no other officers can be appointed under this section. The construction I give to this, and I believe it to be the fair one, is, that the object of this language is to authorize him to fill these vacancies by selection from volunteers, and compels him to take that class of officers to fill that grade from quartermasters of volunteers, and does not confer upon him the power to fill those offices by the rule of seniority. He already had the power to fill original vacancies by selection, had it as to every one of these original vacancies thus created, and it was not necessary to confer upon him that power. That was the rule of the Army, and had been from the beginning when these original vacancies were created, and the only effect and meaning of that clause is that the President of the United States was limited, was restrained, was confined to making these appointments from volunteer officers. That is all there is in that. Then, if there be nothing in this construction of this section, by reason of the argument that mention of some implied the exclusion of the others—if there be nothing in that, there can be no argument based on this section that will authorize the proposed action to-day.

Now, these men were appointed in 1866, and confirmed by the Sen-

ate; and there, at that very time, was the construction of the very body which passed the law, within two months or perhaps within a month of the time of the passage of the act—the very construction which we are now called upon to set aside. I believe, I have no earthly doubt, that it was the unanimous understanding of the Senate that the construction that was placed upon this law by the confirmation of these officers at that time was the true one. The rules of statutory construction are to the effect that the contemporaneous construction of a statute by those who have been engaged in enacting it is paramount to any other construction that can be made subsequently. It is peculiarly an authoritative one. And now, after almost ten years, we are called upon to set aside that construction which was made at that time, with a full understanding of the effect of of the law.

I want to say only a word about the effect of this. There is no question about the merit of the officer. The effect of this will be to unsettle the rank of quite a number of officers who are now superior in rank to this one. And this is not the last application that will be made to Congress in relation to this matter. If we begin this work there is no telling where it will end. To avoid applications of this kind, in the last session of the last Congress a bill was passed which it was supposed at that time would be satisfactory, and these men who had been as they claimed treated badly by the selection of the President made in 1866 were allowed to come up to the grade that they would have had had they been appointed at that time; but not to the rank, because it was the construction of the last Congress, as it had been of the Congress in 1866, that it was clearly within the power of the President to make the appointments, as they were made by selection, and it is clearly within the right and duty of the Senate to confirm the appointments; and the subject having rested for so many years, it was felt that now to disturb it would be dangerous. This bill is a blow at the volunteers that they do not deserve at our hands. Therefore I oppose this bill, and not from any objection to the officer himself, for he is considered to be a very deserving gentleman and held in very high esteem as an officer.

And let me just say in addition, that if we go into this business there ought to be a general bill and not special legislation in relation to this one officer. I now put in my solemn protest against this legislation as dangerous, as it will be troublesome. I believe it will result in involving us in many a controversey as to rank which never ought to come here, and will beget that dissatisfaction which the interference of Congress in these matters must inevitably produce.

Mr. YOUNG, of Georgia. I now yield five minutes to my colleague on the committee, the gentleman from Iowa, [Mr. DONNAN.]

Mr. DONNAN. I will say what I desire to say to the House in a very few moments. The law of 1866 provides that the Quartermaster's Department of the Army shall consist of one Quartermaster-General, with the rank of brigadier-general; six assistant quartermasters-general, with the rank of colonel; ten deputy quartermasters-general, with the rank of lieutenant-colonel; fifteen quartermasters, with the rank of major; and forty-four quartermasters, with the rank of captain. Then the law went on and provided that these assistant quartermasters—mark the distinction—should be selected from among the persons who had rendered meritorious services as assistant quartermasters of volunteers during two years of the war.

By the terms of the law it will be seen that only the assistant quartermasters were authorized to be selected from among the volunteers. The only way whereby it was claimed that promotions above this grade were justified was to hold that these were original vacancies, that is, for the officers above the rank of captain.

Now, let us see how that is. The law of 1851 provides that all promotions in the staff departments shall be made as in other corps of the Army. Suppose that Congress should enact that the present Army should be reduced by abolishing two first lieutenants in each regiment, the regimental quartermaster and the adjutant, thus making a reduction of eighty first lieutenants. Suppose the next Congress should re-establish those two grades, would any one imagine for a moment that that would be re-establishing the corps in the Army in such a way that the lieutenants might be selected from civil life to fill those offices rather than by a regular promotion by seniority in the Army? I do not believe there is a man in the House who would say so. Now, then, in fixing the military establishment in 1866, was the re-establishment of the Quartermaster's Department any such re-establishment as would make any offices in it original vacancies? Not at all, in my judgment.

I desire to say just one thing more. The regulations of 1857 and those of 1853 provide that the vacancies in a regimental corps with the rank of colonel shall be filled by promotion according to seniority, and all vacancies to the rank of colonel shall be filled by seniority, except in case of disability, &c. This is one of those cases. No one, I think, can successfully claim but that the Quartermaster's Department was an established corps, and that under the laws which I have just read promotion should take place in it in the same way as in other corps of the Army. Therefore it seems to me that it follows necessarily and absolutely that those up to the rank of colonel were entitled to promotion by seniority.

One word as to the statement of the chairman of the Committee on Military Affairs, that we attempted to patch up this matter in the last Congress. It is true that the last Congress recognized the right of these officers to promotion, and they undertook to fix it up by a compromise. The party now before Congress simply asks that he be placed in the position to which under the regulations he is absolutely entitled in my judgment. There is no getting behind that fact, and in justice, according to the law, we are compelled to give him what he asks.

Mr. YOUNG, of Georgia. I now yield five minutes to the gentleman from Pennsylvania, [Mr. ALBRIGHT.]

Mr. ALBRIGHT. There is one principle which has always governed the Army and which has done very much to maintain the spirit and the *morale* thereof, and that is that officers shall be promoted by seniority. The only law which ever interfered with that principle, as respects the staff and the corps of the Army, was the construction which was put upon the act of 1866 by some, and that only related to one class of men, namely, the assistant quartermasters-general, who held the rank of captain in the Army. They were to be appointed by selection. Those who held rank above that rank were to be promoted by virtue of their seniority. Now, by the unfortunate, and I believe improper, construction which was put upon this law, some officers were jumped or overslaughed, and great injustice has been done to such men as Major Myers. This law has received the construction of the constitutional advisers of the President. The Attorney-General has stated that the principle of filling vacancies by selections does not apply to such a case as the one before us. Therefore injustice was done Major Myers when he was not promoted according to seniority but was jumped by junior officers.

The Attorney-General says:

> When an act of Congress makes a new office, it is usual and proper to say that it is vacant until some one enters into the exercise of its functions. "All vacancies" is a very comprehensive form of expression, and must be rightfully construed to exclude a class of vacancies occurring in a particular way. Vacancies arise when persons holding offices die or resign, and they also arise when new offices are created and while there is nothing in the letter, there seems to be nothing in the spirit of the law to make any difference in the mode of filling both kinds of vacancies in the same way. This view is fortified by the language of the thirteenth section of the act in question, which says: "and all vacancies hereby created in the grade of assistant-quartermaster shall be filled by selection from among the persons who have rendered meritorious services as assistant-quartermasters of volunteers during two years of the war." The word "vacancies" is evidently used here to indicate as well offices coming into existence with the act as those vacated by promotion. Express provision is made that the "vacancies" in this grade shall be filled by selection from the volunteer forces instead of the regular Army; but the word also contains an implication that vacancies in higher grades to the rank of colonel are to be filled by promotion.
>
> I can find no grounds in the act of Congress or regulations of the Army touching this subject for holding that the word "all," in the regulations referred to, means "accidental;" and I am therefore of the opinion that the vacancies in the Quartermaster's Department above assistant-quartermaster to the rank of colonel, vacated by said act of July 28, 1866, are to be filled by promotion according to seniority, and not at the option of the President and Senate.

Now I wish to say, in reply to the gentleman from Indiana, [Mr. COBURN,] that precisely this same thing has been done heretofore. A law was passed for the benefit of General Davis, of the Inspector-General's Department, to put him into his proper rank and place in 1872, and the phraseology of that act has been adopted in the bill now before you for consideration. It simply contemplates to do what is right. It does not propose to displace anybody in the Army, or reduce anybody in the Army from the rank he now holds, but to give Major Myers the rank and grade to which he would have been entitled if promotions had been made according to seniority in the Quartermaster's Department after the passage of the act of 1866. The laws of 1851 and 1863, in regard to promotions in the Army, have never been repealed, but were expressly re-enacted by the act of 1866; and therefore the principle of promotion according to seniority was the law when Major Myers was jumped.

That is all I have to say on this subject. I do not believe it is a case that calls for any debate. It is the opinion of the Secretary of War that this thing ought to be done. I feel satisfied that if a test case upon a *quo warranto* were made under the act of 1866, Major Myers would be awarded the place in his rank which this bill seeks to give him.

Mr. YOUNG, of Georgia. I now yield five minutes to the gentleman from Virginia, [Mr. PLATT.]

Mr. PLATT, of Virginia. The bill before the House simply proposes to do justice long deferred to one of the most meritorious officers in the Army of the United States. I listened intently to the argument of the gentleman from Indiana, [Mr. COBURN,] the chairman of the Committee on Military Affairs, and as near as I can make out his only argument against the passage of this bill is that it will interfere with the vested rights of other officers in this department. Now, I do not believe that it does interfere with these vested rights; but I do not care if it does. If it is right, it ought to be done irrespective of that consideration. I do not believe in the policy of leaving a meritorious and good officer like Major Myers to suffer his vested wrongs simply because to right him might interfere with somebody else's vested rights. This is one of the instances which have frequently occurred both in the Army and in the Navy, where officers who have done their duty, and have never failed in its performance, and who occupy positions which entitle them to promotion, have been overslaughed and other officers put over their heads through influences brought to bear on the appointing power. I hope the House will not hesitate in doing justice to this officer, and that the bill reported by the Committee on Military Affairs will pass.

I yield the remainder of my time to my colleague, [Mr. HARRIS.]

Mr. HARRIS, of Virginia. I simply desire to say that I hope it

will be the pleasure of the House to pass this bill. It does injustice to nobody, and does justice to a very meritorious and worthy officer. It simply places him where the law ought to have placed him years ago but for an omission either intentional or unintentional, I know not which, on the part of the Executive then in power. I hope, therefore, as nobody will be displaced and nobody injured and it will not take one dollar out of the Treasury, that the bill will pass, and thus place this officer in the line of promotion where the laws of his country justly entitle him to be.

Mr. YOUNG, of Georgia. I yield now for a few minutes to the gentleman from Illinois, [Mr. FORT.]

Mr. FORT. Mr. Speaker, in the two minutes granted me by the gentleman from Georgia I can only say I hope this bill may pass. I have not a single word to utter in detraction of the gentlemen who have by executive favor been placed above Major Myers on the roll of rank in the Army. My business relations with General Myers during the late war were very intimate and extensive. It was my fortune to serve in the same corps, and to know something of what he did and what his reputation was. I wish to bear testimony here that, in my judgment, no more efficient, faithful, honest, able, indefatigable officer was ever mustered into the service of the United States. Millions of money passed through his hands; immense amounts of property were purchased and distributed by him; his business and labors were immense, and his efforts were herculean. And there are gentlemen here who were then on the other side of the late contest, and who may have felt the shock that was first put in motion by the efforts and labor of General Myers, and I am glad to see them supporting this bill. It shows to me that they are as generous as they were brave. General Myers is an officer who, in my judgment, did as much to fit out and supply the forces that moved with such majestic grandeur from the West through the South during the late rebellion as any other officer in the Army.

I care not whether other officers may have been properly promoted or not; but I insist that the name of no officer shall be placed on the roll of rank by executive favor above the name of William Myers. Others served as well, but none better, and he should have that place to which he is entitled. He should not lose his place on the roll. In my judgment there can be no officer who has greater merit, more right, more claim to promotion, than has General Myers. His place is now occupied by another. Justice has been delayed too long; he should now be replaced where he belongs. No executive favor ought ever to be permitted to displace him from that rank, and I am glad of the opportunity of assisting in reinstating him to the place he has by his services so dearly earned. I have nothing to say against those gentlemen who have been placed on the roll above him. But if in our power, I say it is our duty at once to place his name on the roll where it belongs. I speak from personal knowledge of General Myers. My information comes to me through no second person. I know the man I am talking about; and if President Johnson had known General Myers as well as I do he never would have placed the name of any other officer on the roll above the name of William Myers.

Mr. Speaker, I appeal to my friends here, and especially the members of my own State and of the West, to support this bill. I sincerely hope it will pass.

Mr. YOUNG, of Georgia. I now ask for a vote.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. YOUNG, of Georgia, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BILLS RECOMMITTED.

Mr. HUNTON. On behalf of the Committee on Military Affairs I ask to have recommitted to that committee two bills which are now in Committee of the Whole on the Private Calendar. One is a bill (H. R. No. 1253) for the relief of the heirs of George Fisher; and the other is a bill (H. R. No. 1002) for the relief of certain settlers upon the military reservation of Fort Bridger, Wyoming Territory.

No objection being made, the Committee of the Whole was discharged from the further consideration of the bills, and they were recommitted to the Committee on Military Affairs.

REPORTS FROM THE COMMITTEE ON MILITARY AFFAIRS.

Mr. NESMITH, from the Committee on Military Affairs, reported adversely upon the following; which were laid upon the table, and the reports accompanying the same ordered to be printed:

A bill (H. R. No. 1650) to remove disability from James W. Barnes, late private of Company I, Twentieth Ohio Volunteers;

The petition of Jackson Case, for muster and order for pay; and

The petition of Robert McMurray, for relief.

Mr. NESMITH, from the same committee, reported the following bills; which were read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 3271) for the relief of Stephen M. Hunnicutt; and

A bill (H. R. No. 3272) for the relief of John T. Burchell, of Knoxville, Tennessee, for services rendered in small-pox hospital.

REPRESENTATIVES OF MARY ROBBINS, DECEASED.

Mr. WILLIAMS, of Michigan, from the Committee on Military Affairs, reported back the following; which was referred to the Committee on Claims:

A bill (H. R. No. 2369) for the relief of the personal representatives of Mary Robbins, deceased, who was the widow of Brintnall Robbins, an officer of the Army of the Revolution.

REPORTS FROM THE COMMITTEE ON INVALID PENSIONS.

Mr. RUSK, from the Committee on Invalid Pensions, reported a bill (H. R. No. 3274) granting a pension to John S. Corlett; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

He also, from the same committee, reported the following bills; which were read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 3273) granting a pension to Rachael W. Phillips, widow of Gilbert Phillips; and

A bill (H. R. No. 3275) granting a pension to Eli Persons.

Mr. MARTIN, from the same committee, reported adversely on the following; and the same were laid upon the table, and the accompanying reports ordered to be printed:

A bill (H. R. No. 929) granting a pension to Elizabeth York;

A bill (H. R. No. 1367) granting a pension to Mary J. Raymond;

A bill (H. R. No. 2841) granting a pension to Caroline Treble; and

The petition of F. W. Nye, for a pension.

Mr. MARTIN, from the same committee, reported back favorably the following bills; which were referred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 1183) granting a pension to Mrs. Martha R. Robbins;

A bill (H. R. No. 1483) granting a pension to Emily Phillips, widow of Martin Phillips; and

A bill (H. R. No. 3276) granting a pension to Davenport Downs.

Mr. CRITTENDEN, from the same committee, reported adversely upon the following; which were laid upon the table, and the accompanying reports ordered to be printed:

A bill (H. R. No. 863) granting a pension to Eunice Christy;

A bill (H. R. No. 1107) granting a pension to Harrison Mitchell;

A bill (H. R. No. 2428) to grant a pension to Jonathan R. Spencer; and

The memorial of William Parsons.

Mr. CRITTENDEN, from the same committee, reported back the following bill:

A bill (H. R. No. 2925) granting a pension to Dorothea Irons, mother of Lieutenant Joseph F. Irons.

Mr. RUSK. I ask that this bill be considered in the House at this time.

The SPEAKER. The bill will be read; after which objections to its present consideration will be in order.

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Dorothea Irons, mother of Joseph F. Irons, first lieutenant of the First Regiment United States Artillery, and pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. THOMAS, of Virginia, from the same committee, reported the following bills; which were read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 3277) granting a pension to Robert D. Jones, late a private in Company B, Third Regiment Pennsylvania Reserves; and

A bill (H. R. No. 3278) granting a pension to Margaret Beeler.

Mr. THOMAS, of Virginia, from the same committee, reported back with amendments the bill (H. R. No. 78) granting a pension to Salem P. Rose, of North Adams, Massachusetts; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

LEGAL REPRESENTATIVES OF CHARLES JOHNSON.

Mr. BUFFINTON, from the Committee on Accounts, reported the following resolution; which was read, considered, and agreed to:

Resolved, That there be paid out of the contingent fund of the House to the legal representatives of Charles Johnson, late a messenger of the House of Representatives, a sum equal to the salary of a messenger for two months.

Mr. BUFFINTON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HAWLEY, of Illinois. I move that the House resolve itself into Committee of the Whole for the consideration of business on the Private Calendar.

Mr. LOUGHRIDGE. I desire to move that the House go into Committee of the Whole on the Indian appropriation bill.

Mr. GARFIELD. I ask the gentleman from Iowa [Mr. LOUGHRIDGE] who has charge of the Indian bill whether it would not be better, if an arrangement can now be made, that the whole of to-morrow, from the conclusion of the reading of the Journal, shall be given to the Indian appropriation bill?

Mr. HAWLEY, of Illinois. I hope there will be no objection to that.

The SPEAKER. If there be no objection, the order will be made that to-morrow, from the conclusion of the reading of the Journal, shall be devoted to the consideration of the Indian appropriation bill.

There was no objection; and the order was accordingly made.

Mr. BUTLER, of Tennessee. I ask unanimous consent to take up the bill (H. R. No. 2797) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of March 3, 1871.

Mr. HAWLEY, of Illinois. What reason is there for taking up that bill out of its order?

Mr. BUTLER, of Tennessee. I ask this on account of the distressed condition of the Southern States. This bill will relieve them to a great extent. It has the unanimous sanction of the committee.

Mr. HAWLEY, of Illinois. I think we had better reach that bill in its regular order.

Mr. LAWRENCE. I would be very glad to have the bill taken up now in advance of other bills, but there are some amendments to be made to it.

Mr. HAWLEY, of Illinois. As amendments are to be proposed, the bill will take time. I insist on my motion.

EVENING SESSION FOR DEBATE.

Mr. SHANKS. I ask that there be a session this evening for general debate, no business whatever to be transacted.

There being no objection, it was ordered accordingly.

PRIVATE CALENDAR.

The question being taken on the motion of Mr. HAWLEY, of Illinois, that the House resolve itself into the Committee of the Whole for the consideration of business on the Private Calendar, it was agreed to.

The House accordingly resolved itself into Committee of the Whole, (Mr. TYNER in the chair,) and proceeded to the consideration of business on the Private Calendar.

FOSTER A HIXSON.

The first bill on the Private Calendar was the bill (H. R. No. 1775) for the relief of Foster A. Hixson, late a paymaster in the United States Army.

The bill was read. It requires and directs the proper accounting officers of the Treasury Department to allow to Major Foster A. Hixson, late a paymaster in the United States Army, in the settlement of his accounts, a credit of $10,000, being the amount which was stolen from him at Charleston, South Carolina, on the 1st of March, 1867. But no part of this allowance is to be used to settle any other accounts of the paymaster; and it is to be in lieu of all allowances to him under existing laws.

Mr. WILLARD of Vermont. Let the report be read.

The Clerk read the report, which has been heretofore published.

Mr. HAWLEY, of Connecticut. I do not wish to oppose the passage of this bill. I know no special reason why Major Hixson ought not to be relieved of this charge against him. But in the report which has just been read reference is made to a man named Charles E. Hooks, who is said to have been a watchman at the hotel or boarding-house where Major Hixson was stopping when he lost his money. The report states that Hooks, the watchman, knew Major Hixson's coming there with the money, and of his depositing it and going out. It is further stated that Hooks left town that night at eleven o'clock; that he was afterward arrested and put on trial, but as the evidence was not sufficient to convict him he was discharged. I want to say just a word in justice to a man who lost an arm under my eye in battle, and whom I have known for twelve or fourteen years. Mr. Hooks no more took that money than I did. He has been ready to answer the charge from that day to this. He is in Government employ and in this city, and can be got in ten minutes. I wish simply to put on record with the report my protest against any insinuation by any detective or anybody else that my one-armed boy Hooks ever took one dollar of that money. That is all. He was a good soldier, and is as honest a man as walks the ground,

Mr. GARFIELD. The report evidently put the hooks in the wrong place.

Mr. STARKWEATHER. The gentleman from Pennsylvania [Mr. ALBRIGHT] might change his report in that respect. I know Mr. Hooks and have known him for years. I believe him to be an honest man and that he had no connection with this matter at all.

Mr. GARFIELD. Take your report off the hooks, and let the case go through.

Mr. ALBRIGHT. Mr. Chairman, it appeared in the statement made by the Paymaster-General when he submitted his report to the Committee on Military Affairs, and that committee in their report merely adopted the statement of the Paymaster-General. I desire the gentleman from Connecticut [Mr. HAWLEY] and the whole House to understand that it is not the object nor the intention of the Committee on Military Affairs to cast any unjust imputation upon the fair fame of this one-armed soldier. We do not make any reflection upon him at all, but merely copied what the Paymaster-General reported. I agree that that part of the report may be stricken out so far as it relates to Mr. Hooks.

When this case was up before the only question which at that time was deemed necessary to be considered was whether Major Hixson in the care of this money used such precaution as a man of ordinary prudence would use, and with the view of having that fact fully ascertained and established it was desired by some members of the House that Major Hixson should be brought here from his home in New York State to testify in that regard. I have a copy of his testimony in my hand at this time, which he delivered under oath, and I wish to call the attention of gentlemen to it. I ask the particular attention of those who may entertain some doubt as to the propriety of passing the bill.

In this testimony of Major Hixson, which he tells under oath, this question was asked him:

> Question. From the circumstances which surrounded you at the time, do you think you took proper care and custody of the money?
>
> Answer. I thought so; I felt so at the time. I did with it as I would have done with my own money, but, with the light of experience I have had, were it to be done over again I think I should run no risk of any kind, but should give the money my constant attention. But that was the practice.

Now, Mr. Chairman, we ought not to hold a Government official, and I believe it is not the rule in any branch of the Government service to hold an official to greater care and closer scrutiny than persons are held in other service as corporation officers, or than they would take of their own money.

It is very evident that Major Hixon lost his money. He was robbed. He swears he took all the care of that money he would have taken if it had been his own. The testimony is very clear that he is a man of high character; that he is an honest man, and in no respect defrauded the Government.

Paymaster-General Brice, as well as General Alvord, investigated this matter and satisfied themselves that this man ought not to be held accountable to the Government for that money. It is known that in many instances paymasters have been relieved by a law which is upon our statute-books whereby they are allowed a credit of $5,000 in the settlement of their accounts. This bill provides Major Hixson shall not have any excess of credit, and that the $5,000 he would have been entitled to shall be allowed to him in this appropriation, so that the appropriation for his relief would in the end amount only to $5,000.

This House during this session acted on two cases not any stronger than this one; the case of Major Underwood and the case of Colonel McClure, who came here for relief, having been short in their accounts, and they were relieved. Here is the evidence that this man, Major Hixson, was honest and faithful in the discharge of his duty, that he was as faithful and prudent in the care of this money as if it had been his own. The question now is whether the House will depart from the principle adopted in these other cases.

Now, I wish it to go upon record that I will be the last man in the world, the very last man upon the floor of this House, who would seek to do any injustice to a brave and gallant soldier, and if any injustice has been done to this one-armed soldier, Hooks, to whom the gentleman from Connecticut [Mr. HAWLEY] has referred, I wish to say, as far as I am concerned, I am sorry for it. I trust that no imputation will be cast upon his record as a soldier, and that so much of this report as reflects upon him shall be stricken out.

Mr. LAWRENCE. I hope the attention of the committee may be given to this bill, for it seems to me that it involves an important principle. It will be remembered that this is the second time the bill has been before the committee for consideration. If it shall pass, it will set a precedent, it seems to me, which will be extremely dangerous.

This is a bill to relieve a paymaster of $10,000 which he alleges was stolen from him, and the only testimony of the loss is the testimony of the officer who asks to be relieved. Now, sir, if we set the precedent that paymasters may come here and have relief from Congress upon their own sole testimony, I apprehend that, as I have said, we will be setting an extremely dangerous precedent, and one that I hope this House will not adopt.

It will be remembered that there is an act, the act of May 9, 1866, which gives the Court of Claims jurisdiction of cases of this kind. But this claimant, as was stated in the debate when his claim was before the committee some time since, declined to go to the Court of Claims, because he has no testimony of the loss except his own single, unsupported testimony.

Mr. ALBRIGHT. He could not be a witness there. According to existing statutes he could not testify before the Court of Claims.

Mr. LAWRENCE. Certainly not; and that is the very objection I am making to this claim. I am saying that to grant a claim which is to be sustained by the unsupported testimony of the claimant would lead to the most dangerous consequences. I hope this bill will not pass. I think it will be a great wrong.

Mr. MACDOUGALL. Is the gentleman not aware that the Secretary of War and the Paymaster-General have recommended this? I think they know and understand about this matter a great deal better than the gentleman from Ohio.

Mr. LAWRENCE. The Paymaster-General knows nothing more about this than the committee do.

Mr. MACDOUGALL. The committee know something about it.

Mr. LAWRENCE. And the Paymaster-General has no business to intrude his opinion on a question of this kind on Congress.

Mr. ALBRIGHT. Not even when asked for it?

Mr. LAWRENCE. No. He has no more business to give his opinion than any other gentleman in the United States. It is not part of his official duty. It is an intrusion; it is thrusting his opinion upon Congress unasked, and when it is no part of his duty to do so. I say this would be a most dangerous bill to pass.

Mr. LAMPORT. I wish to relieve my friend, Major Hixson, from an impression that has perhaps obtained through an objection made by the gentleman from Indiana, [Mr. HOLMAN.] That objection was made under an entire misapprehension. The gentleman from Indiana raised the objection, supposing that this bill had been in Congress before. I endeavored to correct him at the moment, but he was not satisfied and went to the committee-room. We explained the matter to him there, and he admitted that he knew nothing about the bill. Now, let there be no prejudice against the bill on that account.

I would not have occupied the time of the committee, only that I did not think any objection should obtain against Major Hixson because of the improper apprehension of the young man from Connecticut. It was not Major Hixson's doing. It was not at his suggestion. It was the work of the detectives. That therefore should not prejudice Major Hixson.

Mr. BARBER. Did he relieve him from the suspicion?

Mr. LAMPORT. He was imprisoned, and was then discharged because there was not sufficient proof against him.

I submit, Mr. Chairman, that under the circumstances the point made by the gentleman from Ohio [Mr. LAWRENCE] is not a good one, because it was impossible for Major Hixson to bring any persons to prove that they saw a man stealing this money. That could not have been expected, and it would have been hardly possible. Major Hixson presents himself before this committee as an honorable man, and I venture this remark, that there is not one member of the Committee on Military Affairs who was present at his examination who does not believe him to be an honest and honorable man. He has represented his district in the Legislature of New York honorably. He is a farmer, a quiet, peaceable man, against whom no man would dare to breathe suspicion in his neighborhood, where he is known. It is true that much depends upon his own testimony. This is necessarily so. I trust the committee will consider the circumstances under which he was placed, and the very favorable report by the Committee on Military Affairs after a full and close examination. I trust the House will accept the testimony and grant relief.

And now I desire to say one word more upon my own responsibility, for which, perhaps, Major Hixson would not thank me. Major Hixson is a man in moderate circumstances. Without this relief he is bankrupt for life probably. He is not a trading, speculating man, and I think it would be sheer injustice under the circumstances not to relieve him.

Mr. BARBER. Will the gentleman allow me to ask him one question. Does he consider it is indubitable evidence of honesty that a man has been a member of the New York Legislature?

Mr. LAMPORT. Perhaps not, that he has been a member of the New York Legislature; but if he had been a member of the Legislature of Wisconsin I would consider that was indubitable evidence.

The question was taken on laying aside the bill to be reported favorably to the House, and there were—ayes 81, noes 22; no quorum voting.

Tellers were ordered under the rule; and Mr. LAWRENCE and Mr. LAMPORT were appointed.

The committee again divided; and the tellers reported ayes 78, noes not counted.

So the motion was agreed to, and the bill was laid aside, to be reported favorably to the House.

MESSAGE FROM THE SENATE.

The committee rose informally; and, the Speaker having resumed the chair, a message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed bills of the following titles; in which he was directed to ask the concurrence of the House:

A bill (S. No. 305) for the relief of Albert von Steinhousen, late major Sixty-eighth Regiment New York Volunteer Infantry;

A bill (S. No. 529) to authorize an appointment in the Inspector-General's Department;

A bill (S. No. 552) to refund to E. & J. Koch certain customs duties; and

A bill (S. No. 629) for the relief of Osceola C. Green, administrator *de bonis non* and one of the heirs at law of Lieutenant Colonel Uriah Forrest.

The message further announced that the Senate had passed, without amendment, bills of the House of the following titles:

A bill (H. R. No. 83) to authorize the Secretary of the Navy to remove the powder magazine from Fort Norfolk, Norfolk, Virginia;

A bill (H. R. No. 345) to relieve certain persons therein named, late members of Company K, Fifty-eighth Regiment Illinois Volunteer Infantry, from the charge of mutiny;

A bill (H. R. No. 555) for the relief of McClintock Young, of the State of Maryland;

A bill (H. R. No. 725) for the relief of James C. Livingstone late a private in Company E, Third Regiment Iowa Volunteer Infantry;

A bill (H. R. No. 1201) authorizing the payment of prize-money to the officers and crew of the United States steamer Bienville;

A bill (H. R. No. 1404) for the relief of William F. Kerr;

A bill (H. R. No. 1776) for the relief of George Yount;

A bill (H. R. No. 1945) granting a pension to Juliet E. Hall, daughter of William Hall, late colonel of the Eleventh Regiment of Iowa Infantry;

A bill (H. R. No. 2086) for the relief of R. W. Clarke, postmaster at Brattleborough, Vermont; and

A bill (H. R. No. 2094) for the relief of William A. Snodgrass, late lieutenant Company H, Thirty-ninth Regiment Ohio Veteran Volunteer Infantry.

The message further announced that the Senate had passed bills of the House of the following titles, with amendments; in which he was directed to ask the concurrence of the House:

A bill (H. R. No. 1948) granting a pension to Mary J. Blood; and

A bill (H. R. No. 2356) granting a pension to Edward Jardine, late colonel and brevet brigadier-general United States Volunteers.

The message also announced that the Senate insisted on its amendments, disagreed to by the House, to the bill (H. R. No. 2081) to facilitate the exportation of distilled spirits, and amendatory of the acts in relation thereto; agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WRIGHT, Mr. ANTHONY, and Mr. STOCKTON conferees on the part of the Senate.

The Committee of the Whole on the Private Calendar then resumed its session.

JAMES L. JOHNSON.

The next bill upon the Private Calendar was the bill (H. R. No. 1924) for the relief of James L. Johnson, surviving partner of Beck & Johnson, authorizing payment for Indian depredations.

The bill was read. It authorizes and directs the Secretary of the Treasury to pay to James L. Johnson, the surviving partner of the firm of Preston Beck, jr., deceased, and James L. Johnson, merchants, of Santa Fé, New Mexico, the sum of $250, reported to Congress by the Court of Claims in report No. 290, Thirty-seventh Congress, second session, for the payment of the said sum of $250 by the United States to the said James L. Johnson, surviving partner of the firm of Beck & Johnson.

Mr. HAWLEY, of Illinois. I call for the reading of the report.

The Clerk read the report, as follows:

The claimant is the surviving partner of a firm composed of one Preston Beck, jr., deceased, and himself, doing business under the name of Beck & Johnson, at Santa Fé, New Mexico.

In 1867, as one of their wagon-trains was passing through the then Territory of Kansas, on its way to Santa Fé, it was approached by an armed band of Kiowa Indians, who, with threats of violence, took articles of clothing, &c., from the wagons and the men in charge. The latter, by taking their arms in their defense, intimidated the Indians. Articles of food, &c., were subsequently given them to prevent further depredations. After this, as the train was moving on, two of the mules in the train were shot and killed by one of the Indians.

Application for indemnity was presented to the Commissioner of Indian Affairs, in pursuance of the act of 1834. Indemnity not being thereby secured, the case was brought before the Court of Claims. Having been fully heard on the law and facts, and having fully and fairly tried, as appears from the report of the case, (No. 290, report of Court of Claims, second session, Thirty-seventh Congress,) the court found for the claimants, and found and estimated the damages at $250. This finding was made on the 9th of December, 1861.

In view of these facts, your committee return said bill, and recommend that it be amended by striking out all after the words "Beck & Johnson," in the thirteenth line, and that it, after being so amended, do pass.

Mr. HAWLEY, of Illinois. That is a very short report, and discloses very little as to what the facts of the case are. I do not know but that this may be a very meritorious case, as meritorious as any that can be presented for the payment of Indian depredations. The purpose for which I rise is to oppose the bill upon principle. I do not believe that the Government of the United States is liable for any of these losses. I do not remember when the last bill making compensation for losses in consequence of Indian depredations was presented to the House or passed. Certainly no bill of that character has been presented for action before at this session. The subject-matter has been referred to the Committee on Claims and the Committee on Indian Affairs of the House. I suppose it would not properly come before any other committee, and I suppose it may be said that either of those committees may properly have jurisdiction of the subject. There are a great many bills of this character pending before the Committee on Claims—perhaps fully as many, and I do not know but more, than are pending before the Committee on Indian Affairs. For myself I am opposed to Congress admitting the liability of the Government of the United States to pay any of these claims.

I do not think the Government is liable for this claim. If we now begin to pay this character of claims, it must be well known to any gentleman who has given any consideration to the subject that there will be no end to them. I presume, if we begin in this Congress the payment of these claims, there will be more than $30,000,000 of them presented. I presume the State of Texas alone could present six or eight million dollars of claims of this character.

This case is not especially distinguished from any other. It appears by the report simply that the person making this claim was traveling along in one of our Territories, and the Indians attacked him and captured a portion of his mules; that is all that is stated. It is assumed that because they were taken by the Indians therefore the Government is liable. Nothing is stated to show any caution or care

on the part of the person owning the mules; but the simple fact is stated that they were taken by the Indians, and therefore it is assumed that the Government of the United States is liable for them.

It further appears that this claim was presented to the Court of Claims, which found in 1861 that the amount of $250 was due. Now, the fact that this occurred many years ago, that the finding of the Court of Claims was made so long since, that Congress has never made any appropriation to pay it, is proof that, whatever the Court of Claims may have thought of it, Congress at least has not sanctioned the action of the court in that regard. Now, after the lapse of thirteen years, this party comes here and asks Congress to pay the amount found due by the Court of Claims. I know very well that years ago a great many of these claims were paid; I know it was a very common custom to pay them.

Mr. DUNNELL. Will the gentleman allow me to interrupt him a moment?

Mr. HAWLEY, of Illinois. Certainly.

Mr. DUNNELL. I understood the gentleman to say a moment since that the question was whether we should now begin to pay these claims.

Mr. HAWLEY, of Illinois. Certainly.

Mr. DUNNELL. Then how does the gentleman say that these claims were paid years ago?

Mr. HAWLEY, of Illinois. I said that years ago we paid them, but so far as my knowledge extends there has been quite a long interval of time since we have paid them. I think I can show the gentleman that for a number of years Congress has been tending in the direction that it would not pay any of these claims. I can point the gentleman to the law of 1872, in which a provision was inserted requiring that these claims should be reported to Congress for such action as it might see proper to take. Congress called a halt upon this subject of Indian depredations; it no longer left it in the power of the Secretary of the Interior to pay these claims, however old or new they might be or however meritorious they might be. The jurisdiction of this subject was taken away from the Secretary of the Interior and the Commissioner of Indian Affairs. The Secretary of the Interior was required to present all these claims to Congress.

In virtue of that law, at the present session the Secretary of the Interior has reported several hundred cases, some of which were referred to the Committee on Indian Affairs, and some to the Committee on Claims. Although that law was passed in 1872, no action has ever been taken by Congress to pay these claims. If they are to be now paid, I wish this House to bear in mind that there are many million dollars of them that ought to be paid. And there ought to be some tribunal that shall examine them and judge of their merits, if we acknowledge that upon principle we are liable for them. Congress ought not to undertake to select out a few of them, as we will be obliged to do if the House acts upon them, and ignore the thousands of other claims which are just as meritorious. If these claims are just and the Government of the United States ought to pay them, there should be some commission before which they should go, as in the case of the claims from the Southern States. In that case we have a southern claims commission, before which claims of a certain character may go for examination. There they are passed upon; they all stand alike; each one has the same opportunity and the same chance that any other has.

But here, if Congress acknowledges at all the liability of the Government in the matter, and none of the claims are to have relief except such as Congress may relieve, there will be but very little relief given in any event. I suppose it is not improper for me to say that the Committee on Claims of the Senate have reported, I believe unanimously, under the instructions of the Senate, that the United States is not liable for these claims; that it is liable neither to the States or Territories nor to private individuals for this class of claims. Therefore when I say that the tendency has been in the direction that Congress is not liable for these claims, I am borne out by the fact that the Senate committees having jurisdiction of this subject, under the instructions of the Senate, have reported to that body at the present session that there is no legal liability on the part of the Government.

Mr. McCORMICK. Will the gentleman permit me to ask him a question?

Mr. HAWLEY, of Illinois. Certainly.

Mr. McCORMICK. Does the gentleman understand that that report applies to claims for damages to the property of private citizens, or simply to claims for expenses of troops raised in the Territories for Indian warfare?

Mr. HAWLEY, of Illinois. I will read the first sentence or two of the report of the Senate committee:

> The proposition submitted by the resolution of the Senate is whether an obligation rests upon the Government of the United States to reimburse States and Territories and the citizens thereof for expenses and damages sustained by reason of incursions of hostile Indians.
>
> The committee are not able to perceive upon what grounds such obligation can be supposed to arise.

Mr. COMINGO. Does that report apply to the law as it now stands on our statute-books?

Mr. HAWLEY, of Illinois. I presume it does. I am stating (and I am glad the gentleman agrees with me) that the law as it now stands on the statute-book does not bind the United States for any of these losses. There is no law now in force by which the Government is liable for any of these damages.

Mr. COMINGO. No positive law.

Mr. HAWLEY, of Illinois. No law whatever. There is no law binding either the Government of the United States or any Department thereof to pay such losses.

We now have here two bills reported by the gentleman from Missouri from the Committee on Indian Affairs. He asks that while there is no law on the statute-book making the United States liable to pay such losses, these two cases shall be selected from among all the claims now in existence and shall be paid. I repeat that I am glad to find the gentleman from Missouri agreeing with me that there is no law binding the United States in these cases.

It may be said, perhaps truly, that Congress has not definitely settled the policy in reference to this subject. It has repealed such laws as were in force recognizing the liability of the United States to pay such claims. It has been provided that the Secretary of the Interior shall at each session of Congress send to us all the claims pending in his Department for Indian depredations. That law has been complied with. In pursuance of it these claims are now here, having been sent here by the Secretary of the Interior under the law of 1872 which was ingrafted upon an appropriation bill.

Now, Mr. Chairman, the question presented to the House is this: while it is conceded that there is no law now in force making the United States liable for these losses, shall we pass a law that shall bind the United States and oblige us to pay them?

Mr. COMINGO. I do not agree that there is no law fixing the liability of the United States. I say there is no statute law fixing that liability at this time.

Mr. HAWLEY, of Illinois. If there is no statute law, what law can there be?

Mr. COMINGO. I will show the gentleman as soon as I can have an opportunity.

Mr. HAWLEY, of Illinois. If the gentleman says there is no statute law binding this Government, I think he may as well be silent when I ask him what law does bind the Government in this way.

Mr. COMINGO. I will show the gentleman.

Mr. HAWLEY, of Illinois. I had supposed that unless we were bound either by the law or by the Constitution we were not obliged to do anything toward the payment of these claims. The gentleman may say that there is a higher law, an imperative moral obligation that requires us to pay for these depredations. But, Mr Chairman, I ask, in all candor——

Mr. COMINGO. There is no statute law that makes the Government liable for spoliations of this kind that are now committed; but there is a law making the United States responsible for this particular spoliation.

Mr. HAWLEY, of Illinois. I do not so understand it.

Mr. COMINGO. I will show the gentleman that I am right.

Mr. HAWLEY, of Illinois. I do not understand that there is any law in force at this time that makes the Government liable for any depredations that have been committed at any time. Upon principle I should like to know why the Government of the United States is responsible for losses of this character any more than for all the losses incurred by loyal citizens during the war. Why should Congress be called upon to pay for losses incurred by reason of Indian raids or depredations, any more than to pay for losses which were suffered by the people of Indiana and Pennsylvania during the late war? Whole counties, whole districts of country in those States were overrun by the enemy during the war; certainly it was so in Pennsylvania. In that way millions of dollars' worth of property was destroyed. The sufferers were loyal men, who had always adhered to the Government and were entitled to its protection. Certainly if any one should be allowed claims for losses of such character, these men ought to be reimbursed. Yet we have never paid such claims. I do not know that any gentleman in this House has ever acknowledged the liability of the Government for such losses. Now, if we are not to pay losses sustained by our loyal citizens in loyal States, I should like to know upon what principle we are to pay these Indian losses which, as I have said, will certainly amount to the neighborhood of twenty or thirty millions, and perhaps will exceed that sum.

I do not wish to occupy unnecessarily the time of the House. My mind is deliberately made up on this subject. I think we ought not to pay this class of claims. If Congress by passing any of these claims acknowledges the liability of the Government, where will the matter end and how shall we escape an acknowledgment of our liability to pay at least all claims equally meritorious? If Congress is in any way to acknowledge liability for these losses, there should be some method provided for considering all the claims upon an equal footing; there should be some tribunal by which evidence can be heard for and against claims, and by which they may be fairly and equitably adjusted.

Mr. COMINGO. Before making any remarks in support of this bill, I ask that Report No. 95 may be read, as the gentleman from Illinois complains that the report in this case is very meager. The cases are identical; they grew out of the same trespass or spoliation.

The Clerk read as follows:

> The claimant is administrator of the estate of Preston Beck, jr., deceased and as such he seeks to recover the sum of $6,565.65, on account of depredations committed by the Navajo Indians, about the 12th of September, 1849.

Claimant's intestate and one Robert J. Brent were partners, doing business at Santa Fé, New Mexico. Brent was killed by Indians in November, 1852. The property taken from said firm consisted of mules and horses. It was kept near the city of Santa Fé, in New Mexico, and was driven by said Indians into the Navajo country. No part of it was ever recovered. Application was made for indemnification by Beck & Brent to the superintendent of Indians affairs, as required by section 17, act 1834, 4 Statutes at Large, 731, but they failed to recover indemnity. Subsequent to this, claimant as administrator, &c., commenced an action in the Court of Claims, alleging the damages to be $8,710, and asking an allowance of interest.

The cause was ably defended by the Government solicitor, and after being fully heard and considered, the court found for the claimant the sum of $6,565, but refused to allow interest on the claim. In the opinion of your committee, the conclusion reached by the court is fully sustained by the law and the facts of the case.

All the proceedings in the cause, together with the testimony received by the court at the trial, and the briefs of the counsel, are fully reported in Reports of Court of Claims, second session Thirty-seventh Congress, volume 1, No. 282.

It is worthy of remark that there is a dissenting opinion in the case by one of the justices, Scarburgh; but it relates to but one point, and that one which had been decided adversely to the claimant. The whole court concurred in the opinion that the Government was legally liable and bound to pay the damages sustained; but a majority held, and your committee thinks correctly, that interest could not be allowed for the time that intervened between the act of spoliation and the decision of the cause. This was made early in March, 1861. In the dissenting opinion it is held that interest ought to be allowed and paid on the value of the property taken, from the time it was taken, &c. It is not necessary, however, to consider this question here, as it was settled by the decision of the court. Nor has your committee deemed it necessary to pass upon the question of interest that may have accrued since the cause was decided by the Court of Claims in the bill under consideration. The claimant seeks to recover only the sum found in his favor by the court, and does not ask that interest be added. Inasmuch, however, as claimant's counsel in his brief, submitted to the committee, asked and argued that interest should be allowed, it is deemed proper to state that the question was not considered.

Your committee herewith return said bill (H. R. No. 1338) and recommend that it be passed with the following amendments:

Strike out the words "and sixty-five cents" at the end of the seventh and beginning of the eighth line.

Second. Strike out all after the word "session" in the eleventh line.

Mr. COMINGO. Mr. Chairman, I wish to call the attention of the House to the law. The gentleman from Illinois [Mr. HAWLEY] when he said I conceded there is no law authorizing the payment of this claim entirely misapprehended my remarks if he so understood me. I say there is a positive law demanding the payment of the claim, and we cannot without disregarding the law of the land refuse to pay it. I will admit, so far as the statutes of the United States are now concerned, all those provisions by which citizens were to be indemnified for damages arising from trespasses of Indians have been repealed. Still I go further and insist notwithstanding there is no positive statute that will indemnify the citizen for the injuries he may sustain at the hands of these Indians, the liability of the United States exists. It is not necessary we should discuss this proposition now. I am ready to discuss it at the proper time and place, but it is a feature which does not present itself in this case at all.

I will remark, Mr. Chairman, inasmuch as the Indians are the wards of the Government, the wards of the people of the United States, inasmuch as we by positive law forbid our citizens who have had outrages committed upon them by these Indians to pursue the Indians and seek redress themselves by their own efforts, we thereby, I say, make ourselves morally and equitably liable for every offense these Indians may commit, and for the damages which may result from trespass upon citizens of the United States. But I will remark again I do not intend to discuss that question here. I plant myself on the law which must control in this case, the law which existed at the time this claim accrued, and I defy gentlemen to controvert my position unless they are disposed to refuse to pay the honest debts of the United States.

I will remark just here in passing that the idea seems to obtain that we are not responsible for the debts of the Government, because we are unable to pay them. There are various Indian claims—I have been considering one this morning—the payment of which has heretofore been refused because the amount was greater than it was thought the people were able to pay. We are refusing to pay thousands and millions of dollars simply on the plea we are unable to pay. It is as mean and infamous as the plea of infancy. If it is a just demand, if we are legally and equitably liable to pay this or any other claim against the Government of the United States, I say it comes with bad grace from us to say we will not pay because they are too numerous. The citizen cannot protect himself in that way, nor should the Government endeavor to protect itself, or the representatives of the Government endeavor to protect the Government from the payment of these claims on any such plea as that.

Mr. Chairman, in 1859, at the time this act of spoliation—I may call it such—was committed, there was a positive law making the Government of the United States responsible. As early as 1802, if I mistake not in regard to the date, and dates are not important, the Government of the United States recognized this responsibility to the citizen in cases of this sort. In 1834 another act was passed by which the Government recognized its liability and positively promised to pay the citizen for damages which might result by the trespass of these Indians. In 1859, if I mistake not, there was an act of Congress passed which repealed all the provisions of the act of 1834 fixing this liability upon the Government. But I ask gentlemen to bear in mind before this act was repealed this trespass was committed and this spoliation was made by these Indians with whom we were on terms of amity and with whom we had a treaty.

The question here arises, perhaps, whether that deprived the citizen of his remedy—whether that deprived the citizen of his remedy as against the Government of the United States. That question immediately arises, but for a joint resolution passed by Congress. I send it to the Clerk's desk that it may be read for the information of the House.

The Clerk read as follows:

A resolution explanatory of the eighth section of the act of Congress approved February 28, 1859.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the repeal of the eighth section of the act of Congress approved the 28th day of February, 1859, of so much of the act of Congress entitled "An act to regulate trade and intercourse with Indian tribes, and to preserve peace on the frontiers," approved June 30, 1834, as provides that the United States shall make indemnification out of the Treasury for property taken or destroyed in certain cases by Indians trespassing on white men, as described in said act, shall not be construed to destroy or impair any right to indemnity which existed at the date of said repeal.

Approved June 25, 1860.

Mr. COMINGO. Now, Mr. Chairman, I ask gentlemen to bear in mind, when they are talking about the non-liability of the United States, that the Congress of the United States itself recognized its liability to pay these very claims and all other claims of a similar character. Although by a positive enactment in 1859 the people of the United States, through their representatives, said that they would no longer pay this class of claims, or pay for damages that resulted from the violence of Indians, they saw the manifest injustice that that law would operate, so far at all events as claims existing at that time and whose existence dated back anterior to the passage of the repealing act were concerned, and passed that joint resolution. It will be borne in mind that it is shown by the reports which have been read at the Clerk's desk that this trespass was committed in 1859, before the act was repealed.

I do not conceive that it is necessary that I should undertake to show to the committee that that is a valid claim, as the gentleman from Illinois [Mr. HAWLEY] intimated I should have done in the report, or that I should undertake to show that the claimants have used due diligence to protect themselves properly, because a court of competent jurisdiction has passed on this whole question, as I have stated in the very brief report which has been read at the Clerk's desk. As stated in the report, this case was carefully considered by the Court of Claims; and it was deliberately determined by that court that the liability of the Government existed, that it could not be questioned; that all the facts existed that were necessary to make the Government responsible for the damages that resulted from this trespass.

Mr. GARFIELD. I desire to ask the gentleman a question for information. In the report it is stated that the Court of Claims passed a favorable verdict on this case in December, 1861. I desire to inquire why it is that the claim has slept so long, thirteen years having passed away since then?

Mr. COMINGO. I can explain that very easily. In the first place, the Government is a very bad paymaster. There are too many on this floor who are disposed to put off the day of paying a Government debt. That is one reason. And another reason may be, though I am not prepared to say positively that such is the case, that during the war this claim may have slumbered. But the lapse of time in this regard raises no suspicion against its justice.

Mr. GARFIELD. I desire to ask whether the claimant himself has made any effort at all to bring the matter to an adjustment?

Mr. PARKER, of New Hampshire. When did he first apply?

Mr. COMINGO. I will answer one question at a time. I will answer the gentleman from Ohio that the claim may have been, for aught I know, pending in this Congress before. I believe it has been before the Committee on Claims, though I am not fully informed as to that. I am prepared, however, to state that I have made an examination, and find that there is no adverse report so far as I have been able to ascertain the facts in regard to this case. There has not been an adverse report, though the case may have slumbered in the pigeonholes of the committee with others which have been put away there and never examined.

The gentleman from New Hampshire [Mr. PARKER] asks when the claim was first presented. I am not prepared to state. But I am prepared to say that it is now properly presented. It was introduced by the Delegate from New Mexico, and the parties are now here asking Congress to pay this claim; and I ask you is there any good reason why you shall not pay it?

The gentleman from New Hampshire [Mr. PARKER] says that they have in New Hampshire a statute of limitations. I do not know that we have any that will apply in this case, and I hope there is in this House too much respect for the character of the Government to apply it here.

Mr. PARKER, of New Hampshire. It seems very remarkable that this man should put off pressing this claim for thirteen years.

Mr. COMINGO. I would remark that, as a general rule, the Government I believe has hitherto refused to plead the statute of limitations.

Mr. SPEER. Did not the claimant himself die?

Mr. COMINGO. Yes; the claimant died subsequent to the time when the right of action accrued, and his administrator commenced prosecuting the case in the Court of Claims as soon as he could, and he recovered a judgment in his favor.

I will remark that, as is stated in the report, there was no division of opinion among the members of the court in regard to the liability

of the Government to pay this debt, for I can call it nothing else. The whole court concurred in the opinion that the Government was liable, and that all the facts existed and had been clearly established that were necessary to fix the liability on the Government. The only difference of opinion in the court was that one of the justices held that the Government ought to pay interest, and that there could be no complete act of reparation unless the Government would come up, as an honest man would do, and pay interest on the claim. That was the only difference that existed in the court. It was not divided upon any question that related to the merits of the case.

I do not wish to occupy too much time in this discussion; and inasmuch as I wish to let the committee see what has been done in this case, I propose to send to the Clerk's desk and ask to have read a part of the opinion of the court that passed on the case. I repeat that it was an undivided opinion with reference to the justice and validity of the claim, and only divided as to the measure of relief that ought to be granted. I wish I had time to take the record and bring before the committee all the facts that bear on the case. If there is anything that the claimant might have done that he did not do in order to secure this indemnity, I have been unable to see what it is. He came first before the Secretary of the Interior and then before the Court of Claims, and got a judgment there, as I have already stated. If anything might have been done which he has not done it would have been to have been more diligent, or for his representative to have been more diligent, in pressing the claim before the Congress of the United States.

Mr. GARFIELD. Will the gentleman allow me to ask him a question?

Mr. COMINGO. Certainly.

Mr. GARFIELD. I am anxious about this case in so far as it is possible that it may be a test case. I understand that this case was tried by the Court of Claims. I am anxious to know whether it was sent to them by a special act, or under some general law. Is the gentleman able to inform me?

Mr. COMINGO. I think it was sent there by the Secretary of the Interior at the request of the claimant. But let me say to the gentleman that this cannot be a test case, because it does not present the point that will necessarily arise in every case subsequent to the act of 1859 repealing the act of 1834.

Mr. GARFIELD. I understand that it cannot be a test case at all of our general obligation to remunerate persons for Indian depredations.

Mr. COMINGO. It cannot.

Mr. GARFIELD. But it may be a test case for all that class of cases, that under any law have gone to the Court of Claims, growing out of Indian troubles. I am informed by the chairman of the Committee on Claims that a large number of such cases may come to us through the Court of Claims; and our action in this case may be a precedent for all cases of the kind.

Mr. HAWLEY, of Illinois. I would ask the gentleman from Missouri if any Indian claim could possibly have come before the Court of Claims at any time unless it was specially referred there by law? The general law giving that court jurisdiction does not give it jurisdiction of Indian claims. It is very common for Congress to refer specific claims of all sorts to the Court of Claims for the court to pass upon.

Mr. COMINGO. I desire to ask the gentleman a question right there which may save some trouble. Does he deny the jurisdiction of the Court of Claims?

Mr. HAWLEY, of Illinois. I say that the Court of Claims has no jurisdiction unless some special act has been passed referring the claim to it, for the general law creating that court certainly does not give them jurisdiction in such cases.

Mr. COMINGO. The question of jurisdiction was raised in the court and determined.

Mr. HAWLEY, of Illinois. I can show you by the law organizing the court that it never had jurisdiction of this class of claims generally; it never had such jurisdiction unless the claim was specially referred to it.

Mr. LOWE. I think we may naturally presume that the court would not have taken jurisdiction unless they had it either under a general or special law.

Mr. HAWLEY, of Illinois. That was the point I was making, that they could not have jurisdiction unless the case had been specially referred to them.

Mr. LOWE. It must have been referred by some special act.

Mr. ELDREDGE. The gentleman from Missouri yields to me for a single remark. I must say that I am somewhat surprised at the several special pleas that are put in against this claim which the gentleman from Missouri is advocating. The first one seems to be that the United States has not been called upon to pay this claim as early as it ought to have been; in other words, that the United States has been indulged a little further than it ought to have been, and that the statute of limitations ought to be applied. I do not think there is any such statute. The statute of limitations is never allowed to run against the Government of the United States, and I hope the Government of the United States is too generous, too good, too upright a debtor to plead the statute of limitations in any case. It is an infamous plea to be put in in behalf of anybody, and I hope it will not be put in in behalf of the Government of the United States.

Another plea is put in which seems to me to be perfectly absurd, ridiculous, and beneath the dignity of the Government of the United States. We have established a Court of Claims. For what? To determine what the United States owes to its citizens. This Court of Claims, established by the United States, has determined and tried this case, with power of appeal on behalf of the United States to the highest tribunal of this country. Yet gentlemen come in here and tell us that a case tried in the Court of Claims and determined in favor of the claimant is to be rejected by the House, although the United States has taken no appeal. It is an absolute absurdity, and it seems to me that both of these pleas ought to be rejected. I am not prepared to say whether this claim is a just one or not, but I do say the defenses set up here in the House of Representatives are beneath the Government of the United States.

Mr. COMINGO. I did not expect when I presented this small claim that it would raise such a storm, or that the few remarks that I intended to make would be interlarded with so many or so long remarks by others. The question of jurisdiction was raised in this case by a court competent to determine its jurisdiction. I am not now prepared to state, nor do I deem it important, in what manner the court got jurisdiction, or in what manner this case was brought before the Court of Claims. But jurisdiction was exercised, and I believe exercised rightfully. In view of the fact that the case was before the court and that the court expressed their opinion of the law of the Government to pay this claim, we have reported it to the House. I ask the Clerk to read from the decisions of the Court of Claims the passages which I have marked.

The Clerk read as follows:

The petitioner is administrator *de bonis non* of Preston Beck, who was the surviving partner of Brent & Beck, merchants of Santa Fé, in the Territory of New Mexico. The petitioner claims indemnification by the United States for a herd of mules, &c., of which Brent & Beck were plundered by the Navajo Indians on the 12th of September, 1849, and the claim is made upon the statute of 30th June, 1834, as that is explained by the joint resolution of June 25, 1860.

The facts shown are, that about the 12th of September, 1849, a band or herd of mules, mares, &c., belonging to Brent & Beck, were pastured by them under the charge of herdsmen on the plains or mesa in the county of Santa Fé, and about twelve miles from the city of Santa Fé; that a body of Navajo Indians seized them and drove them off into the Navajo country; that on the 29th of November, 1851, Brent & Beck made application to the superintendent of Indian affairs, and filed with him their claim for indemnification for the animals stolen, and the proofs of their loss, under and according to the seventeenth section of the statute of 1834. The claim was not paid or allowed, and since it accrued no annuity has been granted to the Navajo Indians. The petitioner claims to be paid out of the Treasury of the United States the sum of $8,710, with interest thereon from one year after filing his proof.

* * * * * * *

Thus the Navajoes committed the depredation when their tribe was in amity with the United States, and passed from the Indian country into a Territory inhabited by citizens of the United States; and this brings the claim of the petitioner within the seventeenth section of the act of 1834.

That the mules and animals taken belonged to Brent & Beck is admitted in the brief of the solicitor, and we think is shown by the evidence, (pages 7, 8, 9.) As to the number of animals taken, Montalla says, (page 8:) "I think there was a hundred head." Duval, who had charge of the herd, says, (page 9:) "There were about eighty mules, sixteen mares, and a few horses, colts, and jackasses." He thus enumerates ninety-eight animals, and the phrase "a few horses and colts," taken, as it should be, at its least extent, adds three to the enumeration, making one hundred and one animals in all.

Then as to the average value of the animals, Duval and Estes state it at seventy-five dollars a head. J. S. Collins, a deponent for the petitioner, says the general range of prices for mules that year was about sixty to eighty dollars, and the petitioners, in the proof filed by them before the superintendent in support of their claim and which they produced here, stated the value of the animals to be sixty-five dollars per head, which we think the fair conclusion as to their value from the evidence; and one hundred and one animals at sixty-five dollars per head gives a total of $6,565.

The petitioner claims interest on the ground that the seventeenth section of the act of 1834 provides for the party injured "an eventual indemnification;" but by the express terms of the statute such eventual indemnification is to be "in respect to the property so taken, stolen, or destroyed." These words must have some meaning or they would not have been used; and if any effect is allowed them it must be restrictive, and the whole sentence does not of its own force indicate more than the value of the property taken, &c., or create an obligation on the part of the United States to pay interest for the default or delay of the Indians in satisfying, or of the officers of the Government in enforcing, the claims of parties injured.

On the whole case we are of opinion that the petitioner is entitled to relief in the sum of $6,565, for which a bill will be reported to Congress. * * *

Is the petitioner entitled to relief? Brent and Beck were citizens of the United States and partners in trade, and the property taken by the Navajoes was a part of their social effects, and the petitioner is the personal representative of Preston Beck, who survived his partner, Robert T. Brent, also deceased. My opinion is that he is entitled to the "indemnification" guaranteed by the seventeenth section of the act of 1834. This case comes clearly within the provision of that section, as adopted by the treaty of September 9, A. D. 1849. Navajo Indians, after the date of that treaty, passed from the Navajo country into the Territory of New Mexico, and there forcibly took the property of Brent & Beck, and Brent & Beck have complied with the seventeenth section of the act of 1834 in all respects.

But what is the "indemnification" guaranteed by the seventeenth section of the act of 1834? That section makes it the duty of the superintendent of Indian affairs, upon being furnished with the necessary documents and proofs, to make application, under the directions of the President, to the Navajoes for satisfaction; and, in respect to the property taken, guarantees to the parties injured "an eventual indemnification." We need not pause to inquire into the meaning of the word "satisfaction" in this statute. It were easy to show that, if used in such a connection in a treaty between nations, it would include both the value of the property taken and interest upon such value. But "indemnification" is the word with which we have to deal here. It means compensation for loss, reimbursement of a loss sustained. The reimbursement contemplated was not immediate, but eventual. It was guaranteed to the party injured, but to be paid to him after the United States had had a reasonable time to obtain satisfaction from the offending Indians. Not only was it an eventual, not an immediate indemnification, but it was an indemnification in respect to the property only, not in respect to any personal wrong or any loss which the party injured may have otherwise sustained. After the lapse of a reasonable time for the United States to obtain satisfaction, if no annuity is payable by them to the tribe or nation to which the offending Indians belong, the party injured be-

comes entitled to have the amount of his claim, that is the "eventual indemnification," paid from the Treasury of the United States. During all this time he is restrained from seeking or attempting to obtain private satisfaction or revenge. He is suffering from the loss of his property, but the law assures him eventual indemnification. Let it be supposed that in this case Brent & Beck, relying upon this assurance, had immediately after their loss supplied themselves with other stock of like value with that taken from them, and had borrowed the money necessary for that purpose, and that now, after the lapse of more than twelve years, the principal only should be paid them. The amount paid would do little more than reimburse to them simple interest on their debt, leaving the larger portion of the debt unsatisfied. Would this be eventual indemnification? The law said wait, and ultimately you shall be indemnified. They do wait, and are indemnified in part only. What would have been indemnification in respect to the property taken immediately after it was taker, falls far short of indemnification when paid after the expiration of more than twelve years. My opinion is that the words of this statute, according to their true intent and meaning, cannot be satisfied without giving to the claimant not only the value of the property taken at the time when it was taken, but also interest thereon. On this point I dissent from the opinion of the court. (See opinion of Scarburgh, J., in Letitia Humphreys *vs.* The United States.)

Mr. COMINGO. Mr. Chairman, I wish to say very little in addition to what I have already stated; but I desire to disabuse the minds of members of an impression which may have been created by a remark of the gentleman from Ohio, [Mr. LAWRENCE,] that this is to become a test case. I am sorry that we have not now before the House a case that can be treated as a test question for all trespasses that have been committed by Indians since the repeal of the law which has been referred to. Without discussing that question at this time, (for it is unnecessary to do so,) I will state my belief that such liability exists, and that it becomes our duty to protect citizens who suffer from depredations of Indians.

This claim, however, can only be made a test case so far as it may authorize or require the allowance of claims that are similarly situated. It grows out of a state of facts that existed prior to the repeal of the law referred to. I hope members will bear in mind that such is the fact. More than that, this case has been passed upon by a court of competent jurisdiction. After a careful examination of all the law bearing upon the question, and of all the facts, a court selected by the Government itself, and sworn to discharge its duty, (and that it has done so in this case must be apparent to any one who will examine the record,) has passed upon this question and declared that the Government is responsible for the payment of this claim.

The only plausible objection I have heard to the payment of the claim is that this claimant has not been in quite as much haste as he should have been. Had he pursued his claim with more avidity, I presume it would be stripped of some objections which now lie against it in the minds of members. But upon an examination of the facts as they appeared before the committee, and as they appear on the record, we considered that the liability of the Government was established. All these facts are to be overturned, if overturned at all, by the simple fact that the claimant has not been as diligent in his efforts to recover what is due him as he might have been. If this rule is to apply to claimants against the Government, how many claims are there for which the Government will be held responsible? How many are there that ought to be paid or will be paid? Very few, I presume, because the Government has power to put off claimants from time to time. After knocking at the door of the Treasury day after day and year after year, a claimant may go away in despair simply because those who represent the Government have seen fit to defer an act of justice to a private citizen.

When the proper time comes I hope I shall have an opportunity to be heard on this question of the liability of the Government to pay those claims which the gentleman from Illinois says he has put in his pigeonhole. Although they may amount to $20,000,000, or vastly more than that, I say they are just claims; and no man, I think, can satisfy his conscience by saying that he will not pay them because the amount is so great. I insist that these claims ought to be paid because they are meritorious.

Mr. LAWRENCE. Does this bill include interest?

Mr. COMINGO. It does not. The court itself refused to allow interest up to the time the judgment was rendered. Interest is not asked for in this bill; nor do I suppose the committee would have allowed it if it had been asked. We simply come and ask Congress to ratify the act of a court of its own appointment and ordination. If this be not done, I hope some better reason will be shown than any hitherto offered in opposition to this bill.

I yield to the gentleman from Indiana, [Mr. NIBLACK.]

Mr. NIBLACK. I desire only to say that Mr. Preston Beck, whose name appears in this proceeding, is an old friend of mine—a school-boy friend; and hence I have been induced to take some interest in this claim. I investigated it very closely four or five years ago, though I have not heard of it since. I have entire confidence in the justice of the claim, and in the correctness of the assertions made as to the losses sustained by these parties. I feel satisfied also as to the propriety of making the Government liable in such cases, especially as the Court of Claims has recognized this as a valid claim. I am acquainted, too, with some of the parties who are pressing this claim, and I take pleasure in saying that I regard it as an honest claim in every respect. I shall vote for it very cheerfully.

Mr. SHANKS. Mr. Chairman, I do not rise to antagonize this bill, and I wish to make entirely clear the reason why I do not oppose it, for I should oppose any bill that might be presented here to pay for damages committed by Indians since February 28, 1859. But as the damages in this case were committed prior to that time, and as by a joint resolution passed by Congress in 1860 claims for damages prior to February 28, 1859, were protected from the operation of the repealing statute, and inasmuch as the Court of Claims has passed upon this question in pursuance of the law previously in force, I think the bill ought to pass. But I cannot indorse the doctrine which has been declared by my colleague on the Committee on Indian Affairs, [Mr. COMINGO,] for whom I have the highest regard, both as to his legal talent and his integrity, the doctrine that the Government of the United States is liable for any depredations committed by Indians since February 28, 1859. I believe no such liability can exist until we shall have passed a statute expressly creating the obligation.

There have been some cases on that point here. Indeed I took part in having a statute passed for a woman who had been a prisoner, who had lost her property and been badly treated, but who did good service to the country while in the hands of the Indians by sending word to our troops. That was a particular case, however. When a particular case arises I am willing to consider it and pass judgment on it.

But, Mr. Chairman, so far as the statute law is concerned, the law of 1834 which held the Indian fund liable when the Indians had funds, was considered in 1872 to be wrong, for the reason that it held the fund of the Indian tribe liable for damages done only by a few Indians. So much, then, for the injustice done to the Indians themselves by the law which took for the act of a few persons the fund of a whole tribe of Indians. That, however, was repealed; and it is not claimed now that any Indian fund is liable for the depredations committed by Indians.

Mr. LAWRENCE. The original act which required the Government should make indemnification looked to indemnity from the Indians. Has not this claim been delayed so long that the Government can get indemnity from the Indians?

Mr. SHANKS. On that point I say the law anticipated the damages should be taken out of the Indian fund, but it provided in express terms if not paid out of the Indian fund, if there was no Indian fund for that purpose, the United States should be liable. That was the law until February 28, 1859. Then Congress absolutely abolished the liability of the United States for depredations by Indians. It was careful to preserve liability against the Indians. That was repealed by the law of 1872.

The gentleman from Ohio puts the question whether the United States is not released because it was not taken out of the Indian fund. No, for the reason that the law declared if there was not an Indian fund for that purpose the United States should be liable. Therefore the liability was fixed. The resolution of 1860 secured that liability and let it go in favor of this claim. The Court of Claims have determined the amount, and it is not necessary, therefore, to controvert that point.

But a word as to the question of liability now. From 1859 up to this time I do not believe—and I wish expressly to state—I do not believe there is a particle of liability for any damages done by Indians.

Mr. HAWLEY, of Illinois. Let me ask the gentleman one question right there. The gentleman from Indiana as well as the gentleman from Missouri has developed some facts which are not contained in the report. Do they now say there is no liability on the part of the Government to pay for any Indian depredations?

Mr. SHANKS. I think not.

Mr. HAWLEY, of Illinois. Then why pay these?

Mr. SHANKS. Not for any claim which accrued after the 28th of February, 1859.

Mr. HAWLEY, of Illinois. Is there for those arising before?

Mr. SHANKS. That may or may not be according to circumstances. It would be when the fact was shown that the depredations were committed by Indians with whom we were not at war at that time. If we were at war with them then, according to the statute we are not liable.

It is claimed because the Indians were not at war the nation is responsible. I do not understand that the guardian is responsible for any act of the ward done in violation of law, or that the parent is responsible for any act of the child done in violation of law. I do not understand it in that way, and especially when the statute expressly states that they are not liable.

Therefore, sir, from the 28th of February, 1859, up to this time, we are not liable for the depredations of Indians. And this is all I wish to say. I merely wish to put squarely upon the record my opinion that in reporting bills from the Committee on Indian Affairs I do not wish to be held responsible for any bill for damages which accrued since 1859, when the damages were committed by Indians.

Mr. LOWE. I desire, Mr. Chairman, to say a few words on this bill. The bill itself does not naturally and necessarily present the general question of the liability of the Government of the United States for depredations committed by the Indians. It stands on a basis of its own, having been supported by the judgment of the Court of Claims and coming before the statute which repealed the indemnity or guarantee act of 1834. But inasmuch as this bill or the measure which it embraces has been assailed on the other side of the general question of the liability of the Government for Indian depredations, I desire to say a few words upon the bill in that regard, for it may be that the idea and the belief promulgated by some members of this committee that under no circumstances is the Government liable for these depredations, would fail to induce votes against this measure which they would otherwise give for it.

Now, sir, this measure may be regarded in two aspects: First, as to the legal liability of the Government in respect to claims of this kind; and second, in respect to the proper policy of the Government in regard to such claims. It may be, Mr. Chairman, that there is no legal liability on the part of the Government of the United States to pay this or many other such claims; and yet it may be a proper measure of policy, it may be a proper exercise of legislative discretion, to grant indemnity and relief in cases of this kind. Sir, why is it that we have a private-bill day, week after week, for passing bills in aid of certain individuals or in aid of certain interests? Why was it that, by the bill immediately preceding this one on the Calendar, we voted $10,000 to a single individual? I heard no gentleman on this floor, I heard no member of this committee, undertake to allege that there was a legal liability on the part of the Government to pay those $10,000. I heard that bill urged as a question of policy, as a question of equity, as a question of natural justice; and if a policy is to be adopted by this committee, if the view is to be adopted by this House that no money is to be voted under any circumstances or for any parties or for any purposes, except for those parties and those purposes in respect to which a legitimate and absolute legal liability can be advanced, then we may dispense with very much of our ordinary and legitimate legislation.

Sir, in regard to this question, I have to say that if we now refuse to pay all classes of claims of this kind we are starting upon a new policy. My friend, the chairman of the Committee on Claims, has asked the question whether we are now to start upon a new policy of paying these claims arising from Indian depredations. I answer, Mr. Chairman, that if we stop the policy of paying these claims, we inaugurate a new policy instead of following that which has been the policy from the foundation of the Government.

The act of 1834, I believe, has been already read in the hearing of the committee. That act of 1834, which was but a repetition of the act of 1802, contained two or three salient provisions which established the policy of this Government and from which it seems to me we ought not now to depart. The policy adopted by those statutes was a practical division of the country into the Indian country and the general body of the country subject to its ordinary laws. It prohibited in fact the introduction, the transportation, or the traveling into the Indian country of the white citizens of the country. It prohibited Indians from going into the settled portions of the country. And for the purpose of protecting both the rights of the Indians and the rights of the white citizens, it provided that where any white citizens entered the Indian country, and committed spoliation or took the property of the Indians, the Indians should be indemnified out of the Treasury of the United States. It also provided that if any Indian, or a member of any Indian tribe, with whom the United States was at peace, went beyond the Indian country and committed any depredation upon the property of any white citizen, or if within the Indian country he took the property of any white citizen, indemnity should be made to the white citizen out of the annuities or property of the tribes if they had any, and if not they should be indemnified out of the Treasury of the United States.

That was the law of this land from 1802 down to 1849. Now, sir, I assert that that policy has been the policy of the Government from its foundation, and if we change now that policy it ought to be changed for some sufficient reason, and for some good purpose.

Mr. Chairman, I thought that this law of 1834 had been read at the desk; but I am informed that it has not. I now send it to the Clerk's desk and ask that the seventeenth section of the non-intercourse act may be read.

Mr. LAWRENCE. What is the date?

Mr. LOWE. Eighteen hundred and thirty-four. It is a transcript almost of the act of 1802.

The Clerk read as follows:

SEC. 17. *And be it further enacted*, That if any Indian or Indians belonging to any tribe in amity with the United States shall, within the Indian country, take or destroy the property of any person lawfully within such country, or shall pass from the Indian country into any State or Territory inhabited by citizens of the United States and there take, steal, or destroy any horse, horses, or other property belonging to any citizen or inhabitant of the United States, such citizen or inhabitant, his representative, attorney, or agent, may make application to the proper superintendent, agent, or sub-agent, who, upon being furnished with the necessary documents and proofs, shall, under the direction of the President, make application to the nation or tribe to which said Indian or Indians shall belong for satisfaction; and if such nation or tribe shall neglect or refuse to make satisfaction in a reasonable time, not exceeding twelve months, it shall be the duty of such superintendent, agent, or sub-agent, to make return of his doings to the Commissioner of Indian Affairs, that such further steps may be taken as shall be proper, in the opinion of the President, to obtain satisfaction for the injury; and in the mean time, in respect to the property so taken, stolen, or destroyed, the United States guarantees to the party so injured an eventual indemnification: *Provided*, That if such injured party, his representative, attorney, or agent, shall in any way violate any of the provisions of this act by seeking or attempting to obtain private satisfaction or revenge, he shall forfeit all claim upon the United States for such indemnification: *And provided also*, That unless such claim shall be presented within three years after the commission of the injury the same shall be barred. And if the nation or tribe to which such Indian may belong receive an annuity from the United States, such claim shall at the next payment of the annuity be deducted therefrom and paid to the party injured; and if no annuity is payable to such nation or tribe, then the amount of the claim shall be paid from the Treasury of the United States: *Provided*, That nothing herein contained shall prevent the legal apprehension and punishment of any Indians having so offended.

Mr. LOWE. Now, Mr. Chairman——

Mr. HAWLEY, of Illinois. Unless the gentleman desires to make further remarks upon the subject generally, I wish to say one word to him.

Mr. LOWE. I do desire it. It will be observed by the reading of that act that the statement which I made as to its contents is verified, and that the United States there guarantees to every white citizen whose property is taken under the circumstances there mentioned an indemnity out of the public Treasury of the United States. Other sections of that non-intercourse act, which are still in force, prohibit any citizen of the United States from entering the Indian country for the purpose of seeking any reclamation for property which may have been destroyed. Those sections of the act of 1834 are not repealed, and although a portion of that seventeenth section has been repealed, the indemnity which it guarantees has not been repealed to the extent which the gentleman from Indiana now claims. I ask the Clerk to read the eighth section of the act of 1859.

The Clerk read as follows:

SEC. 8. *Be it further enacted*, That so much of the act entitled "An act regulating trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," approved June 30, 1834, as provides that the United States shall make indemnification out of the Treasury for property taken or destroyed in certain cases by the Indians trespassing on white men, as described in the said act, be, and the same is hereby, repealed: *Provided, however*, That nothing herein contained shall be so construed as to impair or destroy the obligation of the Indians to make indemnification out of the annuities, as prescribed in said act.

Mr. LOWE. Mr. Chairman, while it is true that section 8 of the act of 1859 does withdraw the guarantee for payment of indemnification for these depredations out of the Treasury of the United States, what I have to say in that regard is that it does not necessarily and ought not practically to change the policy of the Government. I have to say further with respect to this section that the provision for the indemnification of citizens of the United States out of the annuities of the Indians, when they are treaty Indians and have funds, is preserved by the proviso to the section just read. I wish to call attention to that proviso again. It is as follows:

Provided, however, That nothing herein contained shall be so construed as to impair or destroy the obligation of the Indians to make indemnification out of the annuities, as prescribed in said act.

The act of 1834 is still in force in respect to the indemnification which was guaranteed out of the annuities of the Indians.

Now, let me call attention to one feature which is involved in this matter. Will the Government of the United States discriminate in respect to the indemnity due to these citizens between those depredations committed by annuity Indians and depredations committed by non-annuity Indians?

Can any one refer to any principle of public policy or of private right which would justify such a discrimination? From what source is it that these annuities are derived out of which the indemnity for depredations committed by the annuity Indians shall be paid? Is not every dollar of it derived from the Treasury of the United States? Is not every dollar of the annuities which we pay, and which by treaty we are bound to pay to the Indians, derived from the Treasury of the United States? Is it not, therefore, true that in the end this indemnification is paid out of the Treasury of the United States?

Now, sir, I desire to refer to the act of 1872, for the purpose of showing to this committee that Congress has not heretofore adopted the policy of refusing to pay for Indian depredations, and that if it is adopted to-day, it will be adopted for the first time. I ask the Clerk to read section 7 of the act of 1872.

The Clerk read as follows:

SEC. 7. That it shall be the duty of the Secretary of the Interior to prepare and cause to be published such rules and regulations as he may deem necessary or proper, prescribing the manner of presenting claims arising under existing laws or treaty stipulations for compensation for depredations committed by the Indians, and the degree and character of the evidence necessary to support such claims; he shall carefully investigate all such claims as may be presented, subject to the rules and regulations prepared by him, and report to Congress, at each session thereof, the nature, character, and amount of such claims, whether allowed by him or not, and the evidence upon which his action was based: *Provided*, That no payment on account of said claim shall be made without a specific appropriation therefor by Congress.

Mr. LOWE. Now, Mr. Chairman, so far from the statute law of the United States being against the payment of these claims, it is all the other way. For what purpose was that act of 1872 adopted? Was it for the purpose of showing that these claims shall not be paid? On the contrary, there is a direct mode provided in that act by which these claims shall be proven, by which they shall be established, by which the losses shall be ascertained, and the matter referred to Congress for the purpose of making an appropriation to pay and satisfy them.

Now, sir, I wish to refer very briefly to some of the objections which have been made here to this and kindred measures. In the first place, we are told that this claim like others is thirteen years old. I was pleased with the remarks of the gentleman from Indiana, [Mr. SHANKS,] and I hope with him that this Government will never adopt the policy of first badgering off just claims from year to year and then pleading the statute of limitation in their own defense. Sir, we all know with what difficulty every private claim is prosecuted either in this Congress or before the Departments.

Every one who has had anything to do with even the most just and proper claims that come before Congress or go before the Departments for allowance, must be aware that it seems to every claimant

that the effort of the Department and the effort of Congress is to find some way not to do it, rather than find out the justice of the case and to carry that justice into legislation. Lapse of time can never be pleaded against the Government, and I know of no reason why it should be pleaded in its favor.

It is said that if we allow this claim, many other claims of a similar character will come in and make large draughts on the Treasury. I never heard it pleaded in a court of justice, as a defense in an action of *assumpsit* or an action of trespass, that the defendant was unable to respond in damages to an execution that might be issued upon a judgment. And I suppose that the people of this country would scarcely regard it as a just ground upon which to refuse the payment of a just claim that it would take some money out of the Treasury.

We have spent $3,000,000,000 in behalf of justice and the integrity of the Government; and while we are meeting the expenses of the Government in every other regard upon principles of justice, I regret to hear it urged in this Hall that a just claim shall not be paid because it may take money from the Treasury. The interests involved in this particular case are not of minor importance. Although this particular bill involves the welfare and the rights of but a single individual, I say to gentlemen on this floor that we cannot afford to ignore the just rights of the citizens of this country.

It is said that there is no legal liability in this case. Sir, shall we find a great wrong existing in this country in respect to thousands of individuals for which no remedy shall be provided by law? Tell me where the remedy is to be found if this application is denied? No man can sue an Indian in a court of justice. Indians are not subject to the jurisdiction of our courts; they are not within their jurisdiction nor within their reach. They have no national organization to which you can appeal through the executive branch of your Government for that justice for which you would appeal to a foreign nation whose subjects had committed depredations upon our citizens. Therefore if you deny them this right, if you deny them this relief, if you deny them this indemnity, then you may have your citizens plundered as they will be and as they have been, day after day, year after year, without the semblance of relief, without the semblance of an opportunity to claim in any form that relief, that protection, for the guarantee and security of which all governments are organized. I hope this bill will pass.

Mr. THORNBURGH obtained the floor.

Mr. HAWLEY, of Illinois. I want to say a single word in explanation of what I have said.

Mr. THORNBURGH. I cannot yield at present. It is admitted, and I believe correctly, that this bill, let it take any course it may, will settle few if any questions of importance. We have already spent ten times the amount of this claim in discussing it. I move that the committee now rise and report this bill to the House.

Mr. WILLARD, of Vermont. Is that motion in order?

The CHAIRMAN. It cannot be submitted to a vote while any member desires to move an amendment.

Mr. HAWLEY, of Illinois. I desire to move an amendment to the bill.

Mr. AVERILL. I ask the gentleman to yield to me for a few words.

Mr. HAWLEY, of Illinois. I will do so.

Mr. AVERILL. I will detain the committee but a minute or two. My only excuse for occupying any of the time of the committee at this late hour and after so much discussion is the fact that the drift of debate has seemed to my mind to create a wrong impression.

When this bill was presented to the Committee on Indian Affairs by the gentleman from Missouri [Mr. COMINGO] it was regarded at first as simply an Indian claim. At that time it was not the purpose of the committee to take any action or to pass upon any bill which would in any manner be a test question upon the subject of Indian depredations. Of course when the bill was presented its merits would have to be first discussed and examined, and they were presented fully by the gentleman from Missouri. Those merits having been fully considered, the next question for the committee was to determine whether or not it was proper to present the case to the House. That they determined to do upon this ground: that this claim having been decided and adjudicated by the Court of Claims, the committee did not feel that they had a right to refuse to concur in the action of the Court of Claims.

There is a twofold reason why the committee felt it to be their duty to instruct the gentleman from Missouri [Mr. COMINGO] to report this bill favorably to the House. First, its merits, which were favorably presented; there was no question on that point at all. Second, the case had been fully and fairly considered and adjudicated by the Court of Claims, which held that it was right, just, and proper.

Mr. HAWLEY, of Illinois. Mr. Chairman, when I first objected to this bill I supposed it was a naked claim for Indian depredations, like thousands of other claims that come to Congress. Since the statement of the chairman of the Committee on Indian Affairs [Mr. AVERILL] I am satisfied that it was not regarded by the committee, and I believe it is not now regarded by the House, as the proper subject of a test question. Therefore I do not desire to make it such.

In answer, however, to the suggestion which has been made, that it is a small claim, I wish to say that in my judgment it is a matter of no consequence whether the amount is $250 or $250,000, when we know that there are millions of such claims behind it; and if it was properly a test case I should insist upon my objection, however clamorous any gentleman might be that the bill should be passed. I am sure every gentleman in this House will admit that the Indian question is a subject of importance, worthy to be discussed, and that it is a matter of importance whether we shall establish the precedent that the Government is liable for all claims of this class. But after the discussion which has taken place, and particularly after the statement of the chairman of the Committee on Indian Affairs that this is not regarded as a test case, but merely as one which the Court of Claims, having jurisdiction under the law, has declared to be well founded not only in fact but in law, I do not wish further to antagonize the bill, believing it does not present a test question.

Mr. SPEER. I wish to say but a word. Opposed as I am on principle to legislation of this class, I have listened with attention to this discussion; and I find that the question now presents itself in this form: the Court of Claims, having taken legal jurisdiction of this case, has rendered a judgment, but has no power to enforce its collection. This bill proposes merely an appropriation to pay the judgment of a court rendered upon a question of which it had competent legal jurisdiction. No lawyer, it seems to me, and no other fair-minded man, can satisfy his conscience in opposing such a bill.

Mr. SHANKS. I believe there is no opposition to this bill on its merits. This discussion, I presume, has grown out of the desire to argue this question of Indian claims. The Committee on Indian Affairs passed upon this proposition favorably because it was to pay for damages committed prior to February, 1859; and as to the liability in such cases there is, I believe, no division in the committee. I presume the case received the favorable action of the Court of Claims for the same reason. As a claim for damages committed prior to February, 1859, the court had a perfect right to pass upon it. Taking the case in this view, there is no antagonism in regard to it in the committee, and none, I presume, in the House. But if the claim had accrued since February, 1859, it would no doubt encounter antagonism. I move that the bill be laid aside, to be reported favorably to the House.

The motion was agreed to.

JAMES PRESTON BECK.

The next bill on the Private Calendar was the bill (H. R. No. 1925) for the relief of James Preston Beck, administrator of Preston Beck, jr., deceased, authorizing payment for Indian depredations.

The bill was read. It authorizes and directs the Secretary of the Treasury to pay to James Preston Beck, as administrator of Preston Beck, jr., deceased, out of any money in the Treasury not otherwise appropriated, the sum of $6,565, being the amount of bill No. 109, report No. 282, reported by the Court of Claims to the Thirty-seventh Congress, second session.

Mr. AVERILL. This is a bill of precisely the same character as the last, and involving the same principle.

Mr. HAWLEY, of Illinois. Has the case been passed upon by the Court of Claims?

Mr. AVERILL. It is, I repeat, in precisely the same position as the other case. It is not intended to commit the House in any way upon the general question as to the obligation of the Government to pay for Indian depredations. I move that the bill be laid aside, to be reported favorably to the House.

The motion was agreed to.

SILOMA DECK.

The next bill on the Private Calendar was the bill (H. R. No. 980) for the relief of Siloma Deck.

Mr. AVERILL. As a bill similar to this has already been passed by both Houses, I move that this bill be laid aside, to be reported to the House with a recommendation that it lie on the table.

The motion was agreed to.

SOUTHERN WAR CLAIMS.

Mr. LAWRENCE. I move that the bills on the Private Calendar be severally laid aside as reached until we come to the bill (H. R. No. 2797) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of March 3, 1871.

Several MEMBERS. O, no.

Mr. LAWRENCE. O, yes. It is exceedingly important that we should reach that bill.

The CHAIRMAN. It requires unanimous consent.

Several members objected.

RESTORATION OF ARMY OFFICERS.

The next bill on the Private Calendar was the bill (H. R. No. 1051) for the restoration to their several positions in the Army of Captain J. Horace McGuire, First Lieutenant Henry R. Gardner, Second Lieutenant William D. McGuire, and Second Lieutenant William C. Reddy, all late of the Tenth Regiment United States Colored Artillery, (Heavy,) and directing their honorable muster out of the service of the United States as of the date of the muster out of the said regiment.

Mr. MACDOUGALL. As a substitute for this bill I move what I send to the desk.

The Clerk read as follows:

A bill for the honorable discharge from their several positions in the Army of Captain J. Horace McGuire, First Lieutenant Henry R. Gardner, Second Lieutenant William D. McGuire, and Second Lieutenant William C. Reddy, all late of the Tenth Regiment United States Colored Artillery, (Heavy,) and directing their honorable muster out of the service of the United States as of the date of the muster out of the said regiment, as of the date of their dismissal.

Whereas the said Captain J. Horace McGuire, Tenth Regiment United States Colored Artillery, (Heavy,) was, on the 8th day of September, 1866, dismissed the service of the United States by virtue of General Order No. 4, headquarters Department of the Gulf, September 8, 1866, pursuant to the sentence of a general court-martial; and whereas the said First Lieutenant Henry R. Gardner, said Second Lieutenant William D. McGuire, and said Second Lieutenant William C. Reddy, of the same regiment, were, on the 13th day of September, 1866, severally dismissed the service of the United States by virtue of General Order No. 5, headquarters Department of the Gulf, September 13, 1866, pursuant to the sentence of a general court-martial, which said several general orders and sentences were approved by General Court-martial Order No. 210, War Department, Adjutant-General's Office, November 16, 1866; and whereas the said several sentences, although within the letter of the law and Articles of War, and founded upon proceedings regularly conducted, were, nevertheless, manifestly disproportionate to the offense charged, and therefore unjust, and have worked great and unnecessary injury to the reputations of the said J. Horace McGuire, Henry R. Gardner, William D. McGuire, and William C. Reddy: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be directed to cause the said Captain J. Horace McGuire, First Lieutenant Henry R. Gardner, Second Lieutenant William D. McGuire, and Second Lieutenant William C. Reddy to be honorably discharged from the several positions from which they were dismissed as aforesaid.

The substitute was agreed to; and the bill, as thus amended, was laid aside, to be favorably reported to the House.

FREDERICK F. BAURY.

The next bill on the Private Calendar was the bill (H. R. No. 1941) to provide for the appointment of Frederick F. Baury on the retired list of the Navy.

The bill was read.

Mr. RANDALL. I rise for the purpose of suggesting that we informally lay this bill aside for the present. The Committee on Naval Affairs is, I believe, every one of them absent to-day; and as that committee is divided on this case it seems proper we should pass it over for the present in order that it may be acted on when the members of the committee are in the House.

Mr. STARKWEATHER. I hope that will be passed over.

The CHAIRMAN. The Chair is informed that the members of the Committee on Naval Affairs are absent by leave of the House, and if there be no objection the bill will be passed over.

There was no objection, and it was ordered accordingly.

Mr. SPEER. I should like to ask the Chair what will be the effect of passing over this bill?

The CHAIRMAN. It will retain its place on the Calendar, and will come up as the first bill the next time the Private Calendar is taken up.

NANCY C. MARLETTE.

The next bill on the Private Calendar was the bill (H. R. No. 1952) granting a pension to Nancy C. Marlette.

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Nancy C. Marlette, widow of John C. Marlette, late of Company E, Sixty-sixth Regiment Indiana Volunteers, and pay her arrears of pension from the time of the death of her husband to the time of the commencement of her present pension.

The report of the committee was read, as follows:

John C. Marlette, the husband of Nancy Marlette, enlisted on the 31st of October, 1862, for three years, in Company E, Sixty-sixth Regiment Indiana Volunteers, and afterward, to wit, on the 8th day of January, 1863, he died in the hospital at Indianapolis. Within a short time after his death, Nancy Marlette, his widow, through her attorney, Arthur J. Simpson, made out and prepared all the necessary papers, with proof of enlistment; proof that her husband was sworn into the United States service; proof of her marriage to him; proof of the birth of their six children, with respective age of each, and the proof of his death, to secure a pension for herself and children, and forwarded the same to D. C. Donahoe, a claim agent at Washington City. Mr. Donahoe afterward concluded to leave Washington, and wrote that he had turned over his professional business to one Lockhart, who afterward wrote to Mr. Simpson that he had turned over all his business to one Mr. Crall. The application of Mrs. Marlette and all accompanying proofs were lost after they were mailed in Indiana by Mr. Simpson. It is not known or proven how, when, or where they were lost, whether in the mail, at some of the offices of the above-named agents, or at the Pension Office in this city. Nancy Marlette was not informed of their safe arrival at Washington City, and was not advised of their loss until the 8th of May, 1868. As soon as she ascertained their loss, she had duplicate papers made out and filed in the Pension Office at Washington City for a pension. A pension of eight dollars per month was allowed her from the 8th day of May, 1868, she receiving the certificate of pension on the 7th of September, 1868.

Nancy Marlette asks that a pension of eight dollars per month be granted her from the 8th day of January, 1863, the day of the death of her husband, to the 8th day of May, 1868, when she commenced receiving one under the duplicate papers which she filed in the Pension Office. The committee recommend its allowance for the following reasons:

First. From the fact that she and the children, the issue of the marriage, are now receiving pensions. It is admitted that she is the widow and they are the children of John C. Marlette; that he was a soldier in the United States service; and that he died while a soldier in the line of his duty, or from a disease contracted after he became a soldier.

Second. It is clearly proven by the affidavit of Arthur J. Simpson, subscribed and sworn to on the 3d day of January, 1870, before John S. Megerrity, clerk of the circuit court of Orange County, Indiana, that he made out the original application of Nancy Marlette for a pension in the summer of 1863, with all the necessary proofs, and forwarded them by mail to D. C. Donahoe, claim agent, at Washington City.

Third. It is clearly proven by the affidavit of said circuit clerk, subscribed and sworn to before A. J. Simpson, notary public within and for Orange County, Indiana, on the 8th day of January, 1870, that such application of Nancy Marlette for a pension was made out and subscribed to before him as such circuit clerk, by Nancy Marlette, some four or five years prior to his affidavit, which affidavits are hereto attached.

Fourth. It is no fault of Nancy Marlette that her pension did not commence on the 8th day of January, 1863; she did all a poor woman could do to secure that pittance offered by the Government. Her ignorance should not be held as an argument against the justice of her claim. It is undoubtedly true that she had done all that was within her power, and if by the carelessness of her agents and the indifference of her attorneys she was made to suffer, then the Government should not be a party now to take advantage of the inefficiency of such agents or attorneys; and we therefore recommend the passage of the accompanying bill.

The bill was laid aside, to be reported favorably to the House.

JOHN HENDERSON.

The next bill on the Private Calendar was the bill (H. R. No. 1955) for the relief of John Henderson, of New Orleans.

The bill, which was read, directs the Secretary of the Treasury to refund and pay to John Henderson, out of any money not otherwise appropriated, the sum of $5,000, in full satisfaction of the amount paid by said Henderson upon a bond for the release of one hundred barrels of spirits given by him as claimant under the order of the United States district court for the eastern district of Missouri, and upon which spirits the said Henderson in good faith had paid the taxes assessed by the United States officers.

Mr. WILLARD, of Vermont. I ask that the report in that case be read.

The report of the committee was read, as follows:

The petitioner, John Henderson, of New Orleans, in the latter part of July, A. D. 1868, at said city, through his broker, Thaddeus Waterman, purchased of J. R. Irwin one hundred barrels of whisky, then in a United States bonded warehouse in New Orleans, the same having been placed therein until the taxes thereon should be paid. Henderson paid said Irwin for said whisky the sum of $1,000, cash, subject to the tax due the United States, and immediately thereafter he paid the internal-revenue collector, S. A. Stockdale, for taxes due on said whisky, the sum of $2,384.50; and thereupon said collector released said whisky to Henderson, which was taken from bonded warehouse by Henderson, and, in the ordinary course of trade, he consigned the same to the city of Saint Louis for sale. It appears that Henderson was, and had been for a long time, a large dealer in wines and liquors, and has the reputation of being an honorable dealer, and has complied with the laws faithfully and without giving trouble to the revenue officers.

On the 1st day of September, 1868, after the whisky reached Saint Louis, the United States district attorney for the district of Missouri libeled and seized said whisky, on the ground that the same was manufactured at some place within the United States to said attorney unknown, and between the 1st day of September, 1866, and the date of said seizure, by some person and persons to said attorney also unknown, and were then and there goods and commodities on which a tax was then and there imposed by the provisions of law; and the same were removed from the place where distilled with intent to defraud the United States of such tax, the same being then and there unpaid, contrary to the form of the statutes of the said United States in such case made and provided. Henderson appeared in said suit, made claim to the whisky, and the same was delivered to him by order of the court, on his giving bond in the sum of $5,000. He also answered in the case, denying the allegations in the libel. The case was tried on an agreed statement of the facts, which contained an admission that the allegations herein recited were true; but also it was agreed that Henderson purchased the spirits in the bonded warehouse, paid the taxes thereon, and that he was an innocent and *bona fide* purchaser; and on this single issue the case was tried, and resulted in a judgment for the claimant, Henderson, in the district court of Missouri, which was affirmed by the circuit court held in the same district. The case was appealed to the Supreme Court of the United States by the Government, and the latter court reversed the judgments of both lower courts, and condemned the spirits. Judgment was rendered against Henderson and sureties on the bond of release, which judgment was paid by Henderson, and amounts to $5,000, exclusive of costs.

It is admitted by the Government that Henderson, at the time of purchase, and subsequently, had no knowledge of anything wrong about the spirits, and purchased the same in good faith and for its fair market value; and that the fact that Henderson was an innocent purchaser is also shown by the affidavit of himself and that of Waterman, his broker, who made the purchase for Henderson.

The Supreme Court, by a majority opinion, declared the law to be that any intent to commit a fraud against the revenue laws at once forfeited the spirits to the United States, and that an innocent and *bona fide* purchase could not acquire title thereto, although the purchase was made while the goods were in Government custody, and the dues demanded by the Government were paid by the purchaser.

If the law is as held by the Supreme Court, the taxes were paid by Henderson under a mistake of fact as to the owner of the spirits, a mistake which the Government led him into, and which the Government was laboring under at the time. The Government could not be entitled to the spirits and the tax thereon at the same time. Such could not have been the intention of Congress. It is the intent of the Government to encourage trade and commerce, and not to discourage. The rule of the Supreme Court would deter all men from dealing in spirits, for fear of being caught. The decision of the Supreme Court was made in 1872. For six years the law has been so uncertain and subtile that only a Supreme Court or a majority of it could, after much labor, determine what it was. Henderson purchased the spirits, expecting to pay the tax, which he did do, and it is fair that the Government should have the tax and Henderson the spirits. In lieu of the spirits the Government has $5,000, which should be refunded to Henderson, or if the spirits were the property of the Government the tax paid should be refunded to Henderson. It will be observed that in point of fact the spirits were never removed before the purchase by Henderson, except to a United States bonded warehouse, which was a measure to secure the tax; and as Henderson paid it, and received the spirits from the Government, it should be satisfied to retain that for which the law was made, and the $5,000 should be paid back to Henderson. The committee, therefore, recommend the passage of the accompanying bill.

Mr. WILLARD, of Vermont. It seems to me that the appropriation in this bill should be only the amount of taxes paid by Mr. Henderson. It is obvious that the amount of taxes paid on these spirits should be refunded to him. As I understand the case it is this: Mr. Henderson purchased in good faith one hundred barrels of whisky without knowing there was anything wrong in it. He purchased these one hundred barrels of whisky paying for them the sum of $1,000 in cash, subject to the tax due to the United States. The whisky was in a bonded warehouse in New Orleans. In order to get it out of that bonded warehouse he paid the Government tax of

$2,384.50 on it. Afterward, and after the whisky was shipped to Saint Louis, the United States district attorney for the district of Missouri libeled and seized the whisky upon the ground that it was manufactured at some place within the United States to him unknown and was removed with intent to defraud the Government of the tax due. The suit growing out of that libel was prosecuted to the end in the Supeme Court, and the Supreme Court held that the whisky was liable to condemnation. After the seizure Mr. Henderson gave his bond for $5,000, which was the estimated value of the whisky, and the whisky was delivered to him. And upon this final judgment was had upon this bond, and he paid the $5,000, being the penalty fixed in the bond.

Now, I do not see how the United States have been in fault in the matter in the least degree. They certainly were not to blame because this whisky was liable to be libeled and seized, being liable to be seized and condemned by reason of facts which attached to the whisky and not then known to the Government of the United States. The fact that Henderson lost the whisky is not the fault of the United States, and they should not indemnify him for the loss.

But it does seem to me reasonable under the circumstances that the Government should refund to him the tax they had collected on the whisky, and it seems to me that the bill should be made to cover the amount of the tax and not the value of the whisky.

Mr. BURCHARD. Has the gentleman noticed the fact that the alleged intention to defraud was held to consist in transferring the whisky from the point where it was manufactured to a bonded warehouse? In taking it from the distillery and putting it under the charge of a Government officer, in a Government warehouse, the allegation was that there was an intention to defraud the United States, it being there in the charge of the Government and the taxes unpaid. The purchaser, Mr. Henderson, bought the distilled spirits, paid the owner the value of it, and paid the Government the taxes that were liable to be paid on its being taken out of bond. It is in the possession of the Government——

Mr. WILLARD, of Vermont. Not when the fraud was committed.

Mr. BURCHARD. It was in the possession of the Government at the time the purchase was made. Was it the intention of the original owner to defraud the Government in putting it into the charge of the Government? We all know that the Supreme Court on that question were divided, and a majority of them decided that the whisky was forfeited to the United States; three of the judges, giving very able dissenting opinions, held it was not. We do not pass upon the question of law; the Committee on Ways and Means have accepted the decision of the majority of the Supreme Court on that question. But on the equities of the case, on all the facts as set forth in the report, it seemed to the committee just that the Government should take this tax, should accept that, and should not ask of this party the penalty of the bond. As to the tax having been subsequently paid the evidence is clear.

Mr. BECK. I ask the gentleman from Illinois [Mr. BURCHARD] to yield to me for two minutes.

Mr. BURCHARD. I yield to the gentleman.

Mr. BECK. I want to say a word about this matter, having had occasion to examine it in the committee. It seems to me that there is no sort of pretense why we should not pay back this money to Henderson. He bought the whisky in the bonded warehouse while it was in the custody of the United States, paid his money for it, paid the Government all the taxes that were due upon the whisky, and removed it to Saint Louis. After it was taken there a claim was set up that the man who originally owned the whisky had removed it to the distillery warehouse for the purpose of defrauding the Government, and certainly it would seem a very strange claim that whisky should be put into a distillery warehouse for the purpose of defrauding the Government. It is admitted that Henderson knew nothing about any fraud, but in good faith paid the taxes to the United States, and took it at the warehouse built by the Government, where it was under the care of officers of the Government. The counsel in making up the pleadings agreed as to all the facts, and among other things unfortunately agreed to the truth of the allegation that the whisky had been removed from the place where distilled to this warehouse with the intent to defraud the Government by some one. The case was tried in the district court, and there was a decision in favor of Henderson. It was carried to the circuit court, and was decided in favor of Henderson. It was carried to the Supreme Court of the United States, and there it was decided by a majority of the court that the admission that somebody at some time had done something with intent to defraud brought the case within the technical meaning of the law, and forfeiture followed because fraud existed somewhere. Judge Field delivered a dissenting opinion, which the Chief Justice and Justice Dillon concurred in, and, with all due respect to the majority of the court, I think his statement of the case is correct.

Justice Field said:

> We thus have this singular, and I venture to say unprecedented, fact in the history of judicial decisions in this country, that the property of a citizen honestly acquired, without suspicion or wrong in his vendor, is forfeited and taken from him because such vendor, at some period while owning the property, conceived the intent to defraud the Government of the tax thereon, although such intent was never developed in action, and for the execution of which no step was ever taken.
>
> The presumption is that the majority of the court are right in this decision, and that the minority are mistaken in their views of the law governing the case. It is therefore with diffidence that I venture to dissent from their judgment, a diffidence which is greatly augmented by the declaration of the majority that it is impossible to escape the conclusion which they have reached.

Then he goes on and shows that that decision—and I say it with proper respect for the court—is the most foolish decision that can be found in all their books. The opinion of the minority is overwhelming and conclusive. No act was done by anybody.

An intent to defraud was admitted in an agreed case somewhere, at some time, and that was held by a majority of the court to deprive this man of the right to the property which he had bought while it was under the control of the Government in a Government warehouse, and for which he had paid. And upon that judgment he was made to pay $5,000. I think the Congress of the United States ought unanimously to give it back to him, as it was wrongfully taken from him.

Mr. WILLARD, of Vermont. The gentleman from Kentucky has put this case just where I supposed it would have to be put to defend the report of the Committee on Ways and Means, and that is, on the ground that the decision of the Supreme Court was a wrong one. In other words, it is an attempt by congressional action to overrule the decision and finding of the Supreme Court. Now, I confess that that is to me a somewhat novel and startling proposition. Here is a case which has been through all the courts. The party has had all the hearing that he could have had from the lowest to the highest tribunal, and he was finally beaten by a judgment of the Supreme Court. The gentleman from Kentucky now says that the argument of the minority of the court has all the weight, and that the argument and the decision of the majority ought to go for nothing here; and inasmuch as this man has been beaten in the court by a judgment for which the gentleman has no respect, and which was founded upon reasons which are not conclusive to him, he is in favor of paying back to this man the $5,000.

Now, sir, if the decisions of the Supreme Court are to be brought in here in all these cases where the customs laws have been violated, or the revenue laws have been violated, and property seized under those laws has been confiscated—and they may as well be brought in one case as in another—and the parties are to have the right of appeal here and of having a review of the law and the facts, what is the use of having courts at all? What is the use of having tribunals to settle these questions at all? Why not abolish the district courts and the Supreme Court, and provide that every party who is supposed to be guilty of a violation of these laws in respect to internal revenue or customs may come before Congress and have his hearing? That is the substance and force of the argument made here by the gentleman from Kentucky in favor of this bill.

Now, sir, this party is not entitled in equity, is not entitled under any decision of the courts or under any practice of Congress that I know of, to have this money paid back to him or to have even the tax paid back to him. If the tax is paid back to him, it will be a matter of favor; and why should we go beyond that? I know that it is a pretty hard thing to say a word against the finding of a committee so important as is the Committee on Ways and Means in this House, and that their judgment will probably be conclusive in this matter. I do not suppose that anything I may say will prevent the House from passing this bill; but I do say that it seems to me to be a precedent entirely in the wrong direction for us, when a party has had a hearing in court and has paid under the judgment of the court $5,000, to pay the money back to him in the way of a review of the action of the court in his case.

Mr. BURCHARD. Mr. Chairman, the fact that this purchaser was a *bona fide* purchaser makes this case to my mind different from what it would be if he were the original party who had been guilty of the fraud. That would be a case where we should not grant relief from the penalty; but the proof in this case is clear; it was admitted in the pleadings and admitted in the court that he was an innocent purchaser of property under the control of the Government; and I think the equities are in his favor, and that he should recover not the tax merely but the property itself, which was sold to him while it was under the control of the Government and when he had every reason to believe that it could be legally sold.

I yield now to the gentleman from Ohio, [Mr. GARFIELD.]

Mr. GARFIELD. I am familiar with the facts in this very remarkable case. I was of counsel in this case for Mr. Henderson in his appeal to the Supreme Court, and I refer to it now only to show the injustice which the letter of the law sometimes inflicts upon a citizen. I may say that it appeared to be conceded on all hands, both by counsel and by the court, that the result worked a great hardship to Mr. Henderson. I may say, also, that the decree of the court was a surprise to counsel on both sides. I will briefly refer to the questions involved in the opinion of the court.

There was just this point on which the case turned. The case came up to the Supreme Court on an agreed statement of facts, and by the blundering of the attorneys in the court below that statement set forth that the spirits were removed to a bonded warehouse of the United States by the distiller with intent to defraud the revenue. Thus Henderson, the innocent purchaser, was left in the singular attitude of confessing that the distiller had removed this liquor to a place where it was lawful for him to place it, where it was his duty to remove it, where the statute required him to deposit it; and that he had done this lawful act *with intent to defraud the United States!* That statement as to the distiller's intention was so absurd on the face of it, that we never dreamed that anybody would regard it as anything more than surplusage or a mere blunder on the part of the lawyers

in the court below; and yet that admission, I have no doubt, was the point on which the decision turned.

And in the same agreed statement of facts it was also admitted that John Henderson was perfectly innocent either of any fraud upon the revenue or of any intention to defraud, or of any knowledge that anybody else had any intention to defraud. The alleged fraud upon the revenue was committed by the original distiller of the spirits long before John Henderson knew anything about them. When Henderson came to buy the spirits he found them in a United States bonded warehouse, where the law required them to be. He went there and paid the tax in full, and took from the revenue officer in charge a Government receipt that the tax had been paid in full. And only then, with the Government receipt in his hand for the full payment of all the dues upon the spirits, did he proceed to make the purchase.

He made the purchase and took the spirits to Saint Louis. After he had landed them there, and when he was about to consign them to the person to whom he was to sell them, an internal-revenue detective officer came along and said: "We find that away back of the time when you knew anything about these spirits the man who kept the distillery neglected to make certain entries in his book, such as under the law he ought to have made, touching the number of pounds and gallons of materials he day by day used in his distillery; and thereby he violated the language of the internal-revenue law, and the liquor he made during those days became forfeited, and the forfeiture worked upon the spirits, so that they became *eo instanti* the property of the United States, and therefore wherever afterward found the Government could take them.

To that it was responded that all the United States ever made these laws forwas to get the tax. The Government has had the tax in full, and has given a receipt for the tax in full. The tax is in the Treasury, paid regularly, and we have receipted for it. But the officer said, We have determined that the liquor is forfeited, and we will seize it. They did seize it, and went on and sold it, and paid over the proceeds into the Treasury of the United States; so that at the present moment the Government has not only the full amount of the tax, but all the proceeds of the liquor which was condemned, seized, and sold. The Government has the proceeds of the property and the tax besides. The Government has received the tax, and now it says there was an intent to defraud the Government of the tax, which it has already received.

Mr. E. R. HOAR. Does this bill propose to refund the amount of the tax merely?

Mr. GARFIELD. It proposes to refund the money which was received for the property which was seized and sold.

Mr. E. R. HOAR. Has the United States Government ever received it?

Mr. GARFIELD. The whole amount of the proceeds was paid over to the Government, which now has it.

Mr. SHELDON. There was a judgment rendered for $5,000, which was paid.

Mr. GARFIELD. I ask the Clerk to read a paragraph which I have marked, from the dissenting opinion of Judge Field, which dissenting opinion was concurred in by the Chief Justice. That will explain the nature of the equity of the case. If my friend from Vermont [Mr. WILLARD] will listen to it, he will see that we are not now revising the decision of the Supreme Court at all, but that the Court clearly intimated that whatever relief Henderson got must be obtained from Congress, not from the court. And he comes here as a court of last resort for his relief.

The Clerk read as follows:

This is a case of great hardship and manifest injustice. The claimant found the spirits in a bonded warehouse of the Government, in custody of the officers of the United States. He paid to them the tax due on the goods, and he paid to the owner their value. He had no suspicions that his vendor ever entertained any intention to defraud the Government of the tax levied on them, and if he ever had such suspicions he might well have supposed that his vendor had repented of his intentions when he delivered the property to the keeping of the officers of the United States. The Government through its officers took from the innocent purchaser the duties on the goods, thus saying to him that the goods then belonged to the distiller who placed them in the warehouse. The Government now declares through its officers that those goods all the time belonged to it by reason of the previous forfeiture, and that the honest claimant loses both the tax and the goods, or at least is left to the doubtful chances of obtaining the former by petition to the Government, and the latter by action against the vendor.

Mr. BURCHARD. I move that this bill be laid aside, to be reported favorably to the House.

Mr. STARKWEATHER. I desire to inquire if the Committee on Ways and Means are united on this report?

Mr. BURCHARD. It is a unanimous report from the committee.

Mr. KELLEY. Unquestionably so.

The CHAIRMAN. The gentleman from Illinois [Mr. BURCHARD] moves that the bill be laid aside, to be reported to the House.

Mr. WILLARD, of Vermont. Before that question is submitted to the committee, I move to amend the bill by striking out all after the word "appropriation," and inserting in lieu thereof the following:

The sum of $2,384.50, that being the amount paid by said Henderson on one hundred barrels of spirits afterward libeled and seized by the United States Government and condemned by the final decision of the Supreme Court.

I appreciate, of course, the desire of the gentleman from Ohio [Mr. GARFIELD] to have this case reheard here upon an appeal, as he says, to this highest court, and to have this money which has been forfeited to the Government returned. But still I cannot see that the gentleman has made it plain that we ought to pass this bill, unless we concede that this is a tribunal which can reverse and ought to reverse the decision of the Supreme Court. That is just the proposition presented here. This man Henderson has had his day in court; he has had every opportunity to be heard; able counsel have presented his case at all stages and in every aspect. He now takes an appeal from the finding of the highest judicial tribunal in the land to the Congress of the United States, in order to have paid back to him the money which he has forfeited in accordance with law.

Mr. GARFIELD. I by no means contended that this proceeding was a proposed reversal of the decision of the court. I maintained merely the propriety and justice of relieving this gentleman from the hardship of a case in which the equities of his position could not be presented.

Mr. WILLARD, of Vermont. I understood the gentleman to say that this was in the nature of an appeal to Congress as a higher tribunal.

Mr. GARFIELD, O, no.

Mr. WILLARD, of Vermont. This man has no equities in this case any more than any other man who gets beaten in a lawsuit. Congress may, if it chooses, hear every party who is convicted upon trial in the courts, or whose property is condemned when seized on legal process. It may allow all such parties to come here by appeal and say that the decision in their case is inequitable, that they have been deprived unjustly of rights of person or property.

The Committee on Ways and Means in this instance report a bill asking that the judgment of a court shall be practically reversed, and that the money paid into the Treasury of the United States in pursuance of that judgment shall be returned. Yet they do not propose to repeal the law under which that finding was made; they do not ask to set aside the general statute; they simply propose to reverse the decision of the court. That is the effect of this legislation. If this decision is in accordance with the statute, and the statute is wrong, why did not the gentleman bring in a bill to repeal or modify the statute?

Mr. GARFIELD. It has since been repealed.

Mr. WILLARD, of Vermont. I understood a gentleman of the committee to say that it had not been. Now, sir, I cannot see that this claim has any equities at all in its favor, unless it is the equitable right of this man to have refunded to him the tax which the Government has collected. If he has any equity, it goes merely to that extent.

Mr. BURCHARD. Suppose this were a transaction between private parties. Suppose that distilled spirits were in possession of a person claiming a lien upon them, and who allowed them to be sold to a third party, asserting, only his lien; would he not be equitably estopped from asserting his ownership afterward?

Mr. WILLARD, of Vermont. That is not this case at all. The Government is in no fault in this matter. From first to last it has never been shown that the officers of the Government had any knowledge of this fraud until after the spirits were taken out of the bonded warehouse upon speculation by this man Henderson. As a matter of favor to the manufacturers they are allowed to deposit their spirits in bonded warehouses; but if the Government is to be regarded as a guarantor that all the spirits deposited in bonded warehouses came there honestly, then I think it is time we should abolish bonded warehouses.

Mr. LAWRENCE. Would not Henderson have a distinct remedy by action against Irwin?

Mr. WILLARD, of Vermont. As the gentleman from Ohio [Mr. LAWRENCE] suggests, the liquor being sold by a person who had knowledge of, and, indeed, had perpetrated the fraud which tainted these spirits, the purchaser has his remedy against the seller. The familiar principle of law that the purchaser should beware applies in this case. The Government of the United States has no connection with this matter at all.

Mr. GARFIELD. It received the money twice over; that is all.

The question being taken on the amendment of Mr. WILLARD, of Vermont, it was not agreed to.

The bill was then laid aside, to be favorably reported to the House.

STEAMER CLARA DOLSEN.

The next bill on the Private Calendar was the bill (H. R. No. 2101) for the relief of the owners of the steamer Clara Dolsen.

Mr. COTTON. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. TYNER reported that the Committee of the Whole on the Private Calendar had directed him to report to the House sundry bills.

ENROLLED BILLS SIGNED.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 149) for the relief of certain settlers on the Fort Randall military reservation;

An act (S. No. 347) granting a portion of the United States military reservation at Salt Lake City for cemetery purposes;

An act (H. R. No. 3028) giving the assent of Congress for the im-

provement of the Wolf River, across the Menomonee Indian reservation, in the State of Wisconsin; and

An act (H. R. No. 3161) to enable the Secretary of War to carry out the act of April 23, 1874, entitled "An act to provide for the relief of the persons suffering from the overflow of the Mississippi River," and for other purposes.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. CURTIS for ten days from the 9th of May; to Mr. STORM for one week; to Mr. SLOSS for eight days; to Mr. HARRIS, of Massachusetts, for one week; to Mr. KELLEY indefinitely on account of sickness; to Mr. BANNING for ten days on account of sickness in his family, and to Mr. WARD, of Illinois, for one week.

LEAVE TO PRINT.

By unanimous consent, leave was granted Mr. COBURN to print some remarks on the centennial; and to Mr. HEREFORD to print some remarks on the subject of paying for colleges and churches and other similar property destroyed during the war. (See Appendix.)

BILLS PASSED.

Bills of the following titles, reported from the Committee of the Whole House on the Private Calendar favorably, were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. No. 1775) for the relief of Foster A. Hixson, late a paymaster in the United States Army;

A bill (H. R. No. 1924) for the relief of James L. Johnson, surviving partner of Beck & Johnson, authorizing payment for Indian depredations;

A bill (H. R. No. 1925) for the relief of James Preston Beck, administrator of Preston Beck, jr., deceased, authorizing payment for Indian depredations;

A bill (H. R. No. 1051) for the restoration to their several positions in the Army of Captain Horace McGuire, First Lieutenant Henry D. Gardner, Second Lieutenant William D. McGuire, and Second Lieutenant William C. Reddy;

A bill (H. R. No. 1952) granting a pension to Nancy C. Marlette; and

A bill (H. R. No. 1955) for the relief of John Henderson, of New Orleans.

Mr. GARFIELD. Mr. Speaker, I wish to call the attention of the House to the fact that I have abstained from voting on the bill for the relief of John Henderson, not that I was interested in it at all, but because I was counsel in the case when it was pending before the Supreme Court.

Mr. RANDALL. Did you not make a speech in favor of it in committee?

Mr. GARFIELD. Certainly I did; I merely stated the facts of the case for the information of the House.

SILOMA DECK.

The bill (H. R. No. 980) for the relief of Siloma Deck was laid on the table, agreeably to the report of the Committee of the Whole House on the Private Calendar, a similar bill having been passed already.

Mr. RANDALL moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. A session of the House has been ordered for this evening for debate only as in Committee of the Whole on the President's annual message, no business whatever to be transacted; and the gentleman from New York, Mr. MACDOUGALL, will occupy the chair as Speaker *pro tempore*.

And then, on motion of Mr. COTTON, (at five o'clock p. m.) the House took a recess until seven and a half o'clock p. m.

EVENING SESSION.

The House reassembled at half past seven o'clock p. m.

The SPEAKER *pro tempore*, (Mr. MACDOUGALL in the chair.) The House meets to-night as in Committee of the Whole for debate only on the President's annual message, no business whatever to be transacted.

CURRENCY.

Mr. COMINGO. Mr. Speaker, the veto of the Senate bill relating to the currency of the country has reopened the field for the discussion of that subject, and we have yet to settle the financial policy by which we are to be governed.

The provisions of that bill, as well as those of the bill that originated in the House, failed, in my opinion, to meet the wants of the people. Hence, the day previous to their passage in the House, I introduced the following, which I thought better suited to the exigencies of the times. I incorporate it as a part of my remarks on this occasion:

A bill providing for the retiring of the national-bank currency by the substitution of Treasury notes therefor, and for the issuing of convertible bonds, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act no national bank shall be organized under any act or acts of Congress authorizing their organization, nor shall the circulation of any national bank be hereafter in any manner increased.

SEC. 2. That on the 30th day of September, 1874, and on the last day of each and every month thereafter, until the whole of its circulation shall have been retired, each and every national bank shall, in the manner hereinafter provided, retire at least 5 per cent. of its circulation; and in the event that any of said banks shall refuse so to do, it is hereby made the duty of the Secretary of the Treasury of the United States to cause such bank or banks to be proceeded against, and the business thereof wound up as in cases of insolvency.

SEC. 3. That the Secretary of the Treasury be, and he is hereby, authorized and required to issue, on the faith and credit of the Government, $400,000,000 of Treasury notes, payable to bearer, which said notes shall be similar in form and appearance to the said legal-tender notes, and may be of denominations not less than five nor more than five thousand dollars. And said Treasury notes shall be receivable and shall be a legal tender at their face value, in payment for all debts, public and private, except duties on imports and interest on the public debt of the United States. And said notes, and also all legal-tender notes that have been issued or that may hereafter be issued, shall be a legal tender, and shall be receivable at their face value in payment of one-third of the duties on imports hereafter made.

SEC. 4. That the Treasury notes issued in pursuance of this act may be used in the purchase of United States bonds commonly called five-twenties, and may be given in exchange for national-bank paper that may be retired in pursuance of the provisions of this act, but only as in the next section provided.

SEC. 5. That when any national bank shall return 5 per cent. or more of its circulation, in pursuance of the provisions of this act, the Treasurer of the United States shall return to such bank, in exchange therefor, an equal amount of the Treasury notes issued in pursuance of the provisions of this act, or an equal amount of legal-tender notes, and, in addition, a sum equal to the difference, if any, between the face value of the Treasury or legal-tender notes and the market value of the bonds deposited by such bank with the Treasurer as security for the redemption of its circulation; and the Treasurer shall thereupon destroy, of the bonds deposited by such bank as aforesaid, an amount equal to the amount of its circulation returned; or the Treasurer may, at his option and with the advice and consent of the Secretary of the Treasury, return to such bank an amount of said bonds equal to the amount of its circulation returned in pursuance of this act.

SEC. 6. That the Treasurer shall keep accurate accounts with each of said national banks, showing the amount of its circulation returned, the amount and kind of notes returned in exchange therefor, the difference per cent., if any allowed, between the face value of the notes and the market value of the bonds; and, on the second Monday in each month, the currency and bonds so redeemed shall be destroyed by the Treasurer, in the presence of the Secretary and the Register of the Treasury and the Comptroller of the Currency, each of whom shall keep an accurate account of the numbers and amount of bonds and bank-notes destroyed, and the names of the banks that owned and held the same.

SEC. 7. That the Secretary of the Treasury is hereby authorized and directed to issue from time to time, on demand, in exchange at par for said Treasury and legal-tender notes of the United States, the bonds of the United States in denominations of fifty dollars or any multiple thereof; said bonds to be called United States convertible bonds, to bear interest at the rate of 3.65 per cent. per annum, the principal of which shall be payable on demand in said Treasury and legal-tender notes of the United States, and the interest in gold or silver coin: *Provided, however*, That interest shall not be paid on any of said bonds of less denominations than $100 for a period that is less than sixty days.

SEC. 8. That the Secretary of the Treasury is hereby authorized and directed to redeem said bonds on demand at the Treasury of the United States, at the offices of the assistant treasurers of the United States, and at such other convenient places within the United States as he may designate for that purpose, and under such regulations as the Secretary of the Treasury may prescribe; and whenever said bonds are presented and paid as aforesaid, the same shall be immediately canceled and stamped with the word "paid" on the face thereof, and the same shall be forwarded to the Treasurer of the United States. The Secretary of the Treasury shall monthly cause the bonds so paid to be destroyed in the presence of the Treasurer of the United States and the Register of the Treasury, of which destruction a record shall be made, showing the date, denomination, number, and date of payment of each bond, in a book to be provided for that purpose, and signed by the officers aforesaid.

SEC. 9. That the $50,000,000 of legal-tender United States notes authorized by existing laws to be issued in addition to the $400,000,000 contemplated for permanent circulation shall be prepared and held as a reserve for the redemption and payment of the Treasury notes authorized to be issued by section 3 and of the convertible bonds authorized to be issued by section 7 of this act.

SEC. 10. That the money received in exchange for convertible bonds shall only be used in the purchase of United States five-twenty bonds, and in keeping a reserve for the payment of the principal and interest of the convertible bonds when demanded; which reserve shall be an amount, in addition to the $50,000,000 mentioned in section 9 of this act, sufficient, in the opinion of the Secretary of the Treasury, to insure their prompt redemption. Whenever any portion of said $50,000,000 shall have been used in the redemption of Treasury notes or convertible bonds, the Secretary of the Treasury is hereby authorized and directed to sell to the highest bidder, for United States legal-tender notes, any of the bonds now authorized by law to be issued, for funding the public debt, to an amount sufficient to restore to the Treasury all of said fifty millions that shall have been used as aforesaid. Such sale of bonds shall be made on due notice by advertisement and on biddings made by sealed proposals.

SEC. 11. That whenever the Secretary of the Treasury may deem it advisable, he may use any coin in the Treasury not required for the payment of demands against the United States payable in coin, in redeeming any United States five-twenty bonds that have become payable at the pleasure of the Government; the market value of which said coin, as fixed by said Secretary, shall be substituted by Treasury notes issued by authority of this act, or by legal-tender notes received under authority of this act, which shall thereupon become subject to be used in the payment of all claims and demands against the United States.

SEC. 12. That each national bank may withdraw any part of its United States registered bonds deposited as security for the redemption of its circulation by paying into the proper department of the Treasury $900 of its circulation for each $1,000 of bonds so withdrawn, and may withdraw all of said registered bonds by paying a sum equal to its whole circulation in its own bank-notes and United States legal-tender notes, or wholly in either of them; and thereupon the United States shall be bound to redeem, on demand, the whole of such circulation of said bank which shall be outstanding. When such circulation is redeemed or paid into the Treasury as provided herein, it shall be destroyed in the manner now provided by law.

SEC. 13. That national banks that shall return their circulation in accordance with the provisions of this act, and receive Treasury notes in lieu thereof, shall be permitted to continue business under the authority heretofore granted them; and they shall be exempt from taxation by the Government of the United States, but shall at all times keep on hand of their deposits such proportion thereof as is required by section 31 of the act entitled "An act to provide a national currency, and so forth," approved June 3, 1864.

In connection with this bill I desire, Mr. Speaker, to present some general remarks relative to specie payment, banking, and currency.

The difficulties, Mr. Speaker, that environ the financial affairs of our country are becoming more apparent and complicated every day. No one can read what has been written and spoken on this subject

without perceiving the irreconcilable conflict that exists between the views that have been expressed, nor without a feeling of embarrassment, growing out of the inharmonious and incongruous theories that have been presented; nor, indeed, without a feeling of distrust as to the practicability and safety of his own schemes for relief, or those of any one among the many who have labored to instruct the public mind and influence legislation in this behalf. They are most highly favored, indeed, who can examine the subject by these lights, or by any other that have been or can be brought to bear upon it, without encountering the most perplexing difficulties, and realizing a feeling of distrust as to the wisdom or practicability of any of the plans that have been proposed.

No two of the thousands who have written and spoken on this subject exactly agree; while many of them differ so widely that a reconciliation of their conflicting views is impossible.

The causes of these differences are manifestly to be found in the diversity of interests to be affected and the manner in which they will be affected by any legislation that has been or that can be had upon the subject. Nothing can be done that will not displease somebody and call forth severe criticism, if not denunciation. Interest and not principle seems to control; and hence we find that the people differ among themselves and their representatives differ with each other. While these differences exist satisfactory results cannot be secured, but are simply impossible; and the grave and vitally important question, What policy is best calculated to relieve the financial distress of our country? remains to be solved, and the earnest and importunate demand of the indebted, overtaxed, and toiling classes for relief continues to be uttered and heard in vain.

Those who have devoted attention to the subject know and admit that ultimate and permanent relief can be secured in but one way; and that is by the exercise of persistent industry and rigid economy. This process, however, is necessarily a slow one, and it needs, and if possible must have, auxiliaries. If these cannot be furnished, it is manifest, Mr. Speaker, that we have witnessed but a prelude to the terrible financial ordeal through which we will have to pass.

Mr. Speaker, we ought not magnify this danger, nor will it do for us to ignore its existence. It may not be in our power to avert it; Indeed I fear it is not. This inability may be inherent, or it may be attributable to our lack of wisdom and the want of that spirit of patriotism which is indispensable when we undertake to legislate upon a subject that affects all sections, industries, and interests of the country. If this impending danger cannot be averted by reason of its nature and the unfortunate combination of circumstances by which it is attended, our responsibility ceases when we shall have faithfully put forth our efforts in that behalf; but if a selfish or sectional interest or any consideration other than the welfare of our whole country control our action, or so influence it as to prevent us from extending to the people the utmost and best possible relief, we cannot and ought not escape reproach.

In view of all the circumstances that perplex the consideration of this subject, the varied and conflicting interests involved, and the consequent diversity of opinions presented and arguments brought to bear in its discussion, I fear it is out of our power to accomplish much good by legislation; but that we should do something more than we have done, or even attempted in this behalf, cannot be doubted. What that is, is as difficult as it is important to determine.

If an early resumption of specie payment is the policy best adapted to the wants of the country, let it be adopted; if it is best to leave the currency in its present condition as to volume and character, let us so determine; and if an increase of the quantity, together with a change of its character in part, is wisest and best, as I verily believe, then let us adopt this method. One or the other of these plans we are compelled to accept.

The discussion has hitherto been chiefly confined to but two propositions, namely, specie payment or *contraction*, and *inflation;* and I believe no two members exactly agree as to the method by which either plan shall be carried out. Each seems to have some favorite scheme which he thinks the best that can be devised, and of course preferable to any other.

No one is, I believe, entirely satisfied with anything that has been done or proposed, though a majority of the members of each House seemed to think the provisions of the Senate bill were better than nothing, and perhaps the best that could be obtained.

I enter, Mr. Speaker, upon the discussion of this subject with much embarrassment, chiefly because of its magnitude and intricacy and partly by reason of the endless variety and conflict of views that have been expressed on this floor and at the other end of the Capitol, and by many of the ablest and most experienced financial minds in the land.

Furthermore, notwithstanding this question bears more directly and powerfully than any other upon the material interests of the whole people, its discussion does not seem to be listened to with that patient and candid attention the importance of the subject demands. Conclusions seem to have been reached by almost everybody both in and out of Congress, and ideas and arguments that are opposed to a fixed opinion are very apt to be ridiculed and pronounced absurd.

With reference to this subject there is, or at least there appears to be, an unwholesome degree of intolerance of the right of private judgment. Very many seem inclined, and a few determined,

To take the teachings of the schools,
And call them most unquestioned rules;
And flatly say that all are fools
Who doubt them.

In view of the grave difficulties we meet in our efforts to consider and settle the questions involved, it is not surprising that we are perplexed with doubts; nor does it appear strange, when we think of the extent to which great interests are to be affected, that there is an impatient attention to their discussion. This is probably attributable to our natural selfishness. Arguments in support of a policy that one believes would tend to increase or diminish his burdens, or that another may believe would increase or diminish his chances for reaping a golden harvest, touch the most sensitive chords in human nature, and accordingly give offense or gain approbation.

Mr. Speaker, the solution of the problem under consideration, by either a speedy return to specie payment or by an increase of the volume of the currency, will inevitably operate prejudicially to a greater or less extent to one or the other of the two classes into which the people are financially divided; that is, to the debtor or the creditor class. One of these classes must suffer more or less, and the other must be benefited, be our action what it may.

Which shall it be? There are, or at all events there should be, no favored classes in legislation; but we are in a dilemma from which we cannot escape without doing what I have indicated. Which, then, ought to be the favored class, and which shall it be? Shall we adopt that policy which will add to the burdens of the debtor and increase the wealth of the creditor class, or shall we, as far as lies in our power, endeavor to lift the burden from the former and impose it in a measure upon the latter? To these questions I have but one answer to give; and that is, let us, as far as is in our power, try to relieve the unfortunate debtor class, and afford them an opportunity to overcome the adverse fortune by which they have been overtaken; and at the same time do what we may and can to prevent unnecessary sacrifices by those who have been more highly favored and have escaped the horrors of financial embarrassment.

Let no one say, Mr. Speaker, that this is demagogism or the language of a demagogue. It is neither; but is an expression of a sincere conviction as to my duty, and as to the necessity that is imposed upon us and which we cannot escape. It may be said, indeed in effect has been said, that no such necessity exists. I would rejoice to know that it does not; but let us see. It is not my purpose, Mr. Speaker, to stop and inquire from whence it came nor to what cause it is attributable, any more than it would be to stop and inquire from whence came the water in which I might see a fellow-creature about to drown, or what the origin of a fire in which he might be about to perish. These inquiries might come with some propriety, or rather without much impropriety, after the danger had been averted; but they would grate harshly on the ear while it was impending and imminent.

But is it unavoidably necessary that one or the other of the classes mentioned shall suffer by reason of any adjustment it is in our power to make of our financial troubles? I answer yes; one or the other will certainly and inevitably suffer to a greater or less extent, be our financial policy what it may.

Should we increase the volume of the currency, its purchasing power, it is manifest, will be proportionately diminished, while its paying power will of course remain unchanged. The market values of real estate and all commodities of trade will be increased; and the debtor class will thereby be enabled to convert their lands and other property into this representation of money and use it in extinguishing their liabilities; and it follows that, inasmuch as the paying power of this currency is undiminished, and its purchasing power is diminished, to the extent of that diminution will be the losses of the creditor class; it being confined, however, to the excess of their bills receivable over bills payable. This consequence is inevitable in the event of inflation. On the other hand, should we return to a specie basis at present or at any time in the near future, we would bring about like results; that is loss and gain; loss to the debtor, and gain to the creditor class; the result being exactly the reverse of what it would be in the event of inflation. We would, of course, thereby increase the purchasing power of our currency, and impose at least a corresponding burden or loss on the debtor class; as by the latter policy we would diminish the market values of real estate and all commodities of trade. These propositions are self-evident, but I have nevertheless thought it not improper to repeat them in this connection.

If legislation on this subject must injure some of us and some of our fellow-citizens, as a class, on which shall the inevitable burden be thrown? My answer has already been given. My opinions as to the effect of resumption may be incorrect. I admit I may have arrived at the most unwarranted conclusions in the premises; but, believing I have not, I am constrained to adhere to them.

In view of all the facts, no effect of any given cause seems more probable to my mind than that an early return to specie payment would prove sadly disastrous to the best interests of a large majority of the people. Indeed, I am unable to perceive how it would be possible to supply their demand for money with the present amount of currency. This demand will not abate, but continue; and will increase with the increase of our population. But even if it should not, there is, without additional legislation modifying the laws regulating

the national banks and currency, a gloomy prospect before the debt-burdened masses; and it will become doubly so should we attempt an early return to specie payment.

In a certain sense, Mr. Speaker, all the people of the United States belong to what I denominated the debtor class. Each one of them is liable to pay, and does directly or indirectly pay, a part of the public debt; and to that extent he must be regarded as a debtor. This liability will attach to the citizens of the United States until their public debt shall be extinguished.

When and how that end will be accomplished is not a question to be discussed in this connection, nor is it one of easy solution. But it must be paid, and most of it with money or its equivalent; and it will be paid, unless it shall be repudiated, which would be a speedy and easy method of ridding ourselves of a great burden, but at the same time as disreputable as speedy, unless the duty of self-preservation shall force its adoption. And I will remark in this connection, Mr. Speaker, that I believe an early return, or rather an attempt at an early return to specie payment, (its accomplishment is impossible at the present time, or early future,) would almost compel the people to adopt it; and that they would in that event do so, regardless of consequences, is extremely probable.

In order to ascertain whether a speedy return to specie payment is possible I consider it proper, and not only proper but necessary, that we ascertain what amount we owe, to whom we owe it, when it will have to be paid, where the money is to come from with which to pay it, &c. Our debts are of two classes, public and private. The former consists of the national debt, State debts, and the debts of counties, cities, and towns; and the latter consists of debts due from citizens to one another and to banks and other corporations. Consequently this burden bears very unequally on the people, and must prove more oppressive to some than to others. In some of the States the local public debt of itself, saying nothing of national and private debts, is very great; so great, indeed, that the people are inclined to flee and many of them have fled from its presence.

But, Mr. Speaker, how much do we owe? When we once realize, if it is possible to comprehend, the magnitude of our indebtedness, we will, I verily believe, be more apt to ask ourselves whether it is possible to liquidate it in any manner, than to inquire whether it is expedient to do so with gold or its equivalent. Were I to assume that it is $10,000,000,000, I believe I would be within the range of probability. Let us ascertain as to this; for if it approximates this sum, all the arguments, it seems to me, in favor of specie payment are fully answered. As well might we expect to see the man who lies buried beneath the mountain avalanche rise up and bear away his burden, as to see the people patiently, or in any manner whatever, support or try to support the burden we would impose upon them by a resumption of specie payment.

The ascertained national debt on the 30th ultimo amounted to $2,149,725,277.02, after deducting coin, currency, and special deposits in the Treasury. Of this amount $1,724,035,750 bear interest in coin, and $14,678,000 in currency. More than two-thirds, or, to be exact, $1,214,234,500, bear interest at 6 per cent. per annum, payable semi-annually in gold, and $509,802,250 bear interest at 5 per cent., payable in the same manner.

To this amount we must add $64,623,512 on account of the principal, and $18,627,743.43, on account of the interest, due and unpaid on the bonds issued by the Government of the United States to the various Pacific Railway Companies. To this we may add at least $250,000,000 more on account of just but unsettled claims against the Government pending before Congress, the Departments, the Court of Claims, and the southern claims commission.

The estimated indebtedness of the several States, counties, cities, and towns of the United States, in 1870 was $868,676,758. It is entirely safe to assume that it now amounts to at least a billion.

To all this must be added the private indebtedness of the people one to another, and to the banks, brokers, savings associations, insurance companies, and other moneyed institutions. The last annual report of the Comptroller of the Currency shows that the aggregate of the loans and discounts of nineteen hundred and seventy-six national banks, on the 12th of September last, was $940,233,304.22. It further shows that the savings-banks organized and doing business in the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and the District of Columbia, held at the date of the last reports bills receivable, due on account of loans and discounts, amounting to the sum of $394,749,155. It further appears that the aggregate of the loans and discounts by the State banks and the savings-banks having capital stock, in the States of New Hampshire, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Michigan, Wisconsin, and Minnesota, was $119,332,341. We therefore have, in only nine of the States and the District of Columbia, an individual indebtedness of $514,081,496 to these various institutions.

We are left to conjecture as to the amount of indebtedness to similar institutions in the remaining twenty-eight States and the nine Territories: but it is entirely safe to assume that it is not less than $1,500,000,000, or something less than three times as great as it is in the nine States mentioned. We are also left to approximate the amount of private indebtedness existing between the forty millions of people who are so deeply interested in this subject, which has given them and their representatives so much trouble, and has occasioned so much anxiety and which will before they see the end of it, I fear, occasion them a great deal more than is now anticipated. Taking into consideration the facts that we as a people have during the last ten or twelve years been reckless and extravagant, reckless in our speculations and extravagant in our expenditures, I think we may safely assume our individual indebtedness is not less than $2,000,000,000.

To this fearful array of pecuniary liabilities must be added another item, that we may ascertain the grand total, and then consider, and if possible determine upon, our financial policy—I refer to the bonded and other indebtedness of the various railroad corporations of the United States. If it should be suggested that these are not the debts of the people, I reply that they are nevertheless debts, and will have to be paid either in currency or in coin, or their equivalent; and we must consider their existence, as well as that of the others mentioned, in determining upon the policy best adapted to the wants of the country.

We find from the best accessible statistics on this subject that the funded and other debts of these corporations amount to $1,511,578,944. Of this amount the New England States owe $101,597,046; the Middle States, $343,862,600; the Western States, $747,939,186; the Southern States, $230,230,112; and the Pacific States, $67,950,000.

The aggregate of all these liabilities, national, State, county, city, and so forth, is immensely great; and when we consider its magnitude, we feel, as I have before remarked, more like inquiring as to the possibility of paying it in any manner than like attempting to devise a method by which we may pay it in coin, either at the present or any future time.

In order, Mr. Speaker, that we may bring this subject more forcibly before our minds, let us recapitulate, and ascertain, and if possible comprehend, the grand total of our liabilities. It is not only wise for us to do so, but an imperative duty. I do not doubt that the total is greater than I make it, but we will assume that it is not.

Let us therefore ascertain the probable amount of the liabilities mentioned:

Our national debt proper is	$2,149,725,277 02
Bonds to railway companies	64,023,512 00
Interest on bonds	18,627,743 43
Unsettled liabilities, (estimated)	250,000,000 00
State and municipal	1,000,000,000 00
Loans, &c., by national banks	944,233,304 22
Loans, &c., by State banks, &c.	514,081,496 00
Loans, &c., by same in twenty-eight States, &c., (estimated)	1,500,000,000 00
Individuals to each other, &c., (estimated)	2,000,000,000 00
Funded, &c., of railroads	1,511,578,944 00
Making the fearful total of	9,952,870,027 67

This aggregate is almost incomprehensible. It exceeds $248 *per capita*, were it equally divided between, or rather did it bear equally on, all the people, which it does not, for the reasons already mentioned.

With this enormous debt hanging over the country and the accruing interest thereon, together with the necessarily large and increasing cost of administering the Government, it seems absurd to talk about resuming specie payment, or fixing the time for doing so. Nay, I go further and assert that it would be little less than criminal to attempt it. Not that any honest and sane man could object to paying the debt in that manner if we were able; but because of the inevitable ruin it would bring on those whom we should favor rather than oppress—those who are engaged in developing the mineral and agricultural resources of the country, or are employed in manufactures, or in some other of its productive industries.

It must be manifest, Mr. Speaker, to every candid mind that our existing debt will for generations hang like an incubus on the industries and energies of the people and consume the fruits of their labor despite all they can do, or ought to do, or attempt, unless, by reason of unwise and oppressive legislation, they shall be forced to ask and obtain relief by repudiation—a remedy I would most earnestly and sincerely deprecate under ordinary circumstances, but which under circumstances that are possible, if not probable, I would consider a righteous act. But, whether right or wrong, it will be sought and enforced, sooner or later, in the event of a conflict or discontent provoked by legislation that favors the creditor and oppresses the debtor class, or favors capital and oppresses labor—an event which nothing would have a greater tendency to precipitate than the resumption of specie payment while the masses are struggling against adversity in the form of the most oppressive taxation to support the Government and pay an unprecedented public debt, as well as an enormous debt of their own contracting.

I have said that we can do nothing in the way of legislation touching our finances that will not entail a loss on either the debtor or the creditor class. This I regard as a fact that cannot be successfully controverted. But I go further and state that in the event we do nothing whatever, but leave our financial affairs just as they are, and leave our national banking system just as it is, the debtor class will continue to suffer, and will grow poorer from year to year, and in the same proportion will grow that spirit of discontent which oppression and injustice always produce, and which is most dangerous to the peace, and in a word, to all the best interests of society.

This class, Mr. Speaker, I mean the debtor class, comprises in my opinion at least two-thirds of all the people in the United States. It embraces also, especially in the West and South, most of those whose

industries are productive and whose present pecuniary embarrassment is in a great measure attributable to the fact that they contracted debts expecting to discharge them, not with gold or its equivalent, but with currency, the value of which regulated prices at the time they were contracted. It embraces farmers, mechanics, miners, tradesmen, &c., who should not be permitted to suffer if it can be avoided; and especially should they not be caused to suffer by legislation that will necessarily and greatly diminish the value of their labor and its products, and in many thousands of instances render hopeless their efforts to emancipate themselves from debt.

If then, Mr. Speaker, two-thirds of the people belong to the debtor class, that is, those who are unable to pay their debts without selling the whole or part of their real or personal property, or both, it follows that any legislation that tends to diminish market values is detrimental to the interests of the majority and beneficial to the minority or creditor class. To what extent market values would be diminished by resumption no one can tell, but it is probable the reduction would exceed the apprehensions of the most timid.

The fine-spun and plausible theories and arguments of the redemptionists are not new. They have been presented and urged for more than a century; but it is insisted that they are not suited to the present financial condition and necessities of the people of the United States. Like many other abstract theories (and they certainly are abstract so far as we are now concerned) they are true, but are nevertheless impracticable.

Straight lines are the shortest distances between given points. It would be great economy of time and labor to travel these lines; yet we seldom do so. We do not go from New York to San Francisco, nor Liverpool, nor Havana by a straight line, for the simple reason that in addition to the impossibility of doing so it would be disastrous to attempt it. For the same reasons I do not favor resumption of specie payment, either at the present time nor at any time to be certainly indicated. They who think it possible and advisable to return to a specie basis must have their minds fatally wedded to mere theories or their judgments strangely perverted by self-interest. I will not say that any gentleman on this floor is influenced by corrupt motives in this behalf, for I do not believe such is the case; but as "a gift blindeth the mind," so does gold or glory, or the prospect of acquiring the one or achieving the other, often pervert our understandings and cause us to make mistakes. "Our virtues," says another, "often disappear when put in competition with our interests, as rivers lose themselves in the ocean."

Mr. Speaker, the financial distress that exists and has for some time existed throughout the length and breadth of the land cannot be relieved, but will most certainly be intensified, by a contraction of the volume of the currency. This, I believe, no one doubts; but it has been said, and often repeated, that we have as much currency as the people need; that those who think otherwise do not comprehend the occult science and axioms of political economy; that the expansionists seem to think money can be legislated into the pockets of the people; that the advocates of specie payment are the friends of the poor and laboring class, &c.; not one word of which is true, except that the "occult science and its axioms" are not comprehended; and if they were, the knowledge would be of little avail in our financial dilemma.

I do not believe the present volume of currency is as great as it should be, nor is all of it of the kind that should be furnished the people. I by no means favor reckless or extravagant inflation, but I believe that we need more currency, and that its character, in part, should be changed; or, in other words, that our national-bank currency should be retired as soon as possible, and its place supplied with United States Treasury notes. This I regard as all-important, whether the volume of the currency shall or shall not be increased. I have thought, and I still think, an increase is necessary, though I regard this as less important than any of the other propositions relating to our finances.

I assume that we need a greater *per capita* circulation than any of the nations of Europe. This necessity grows out of the vast extent of our territory, the sparseness of our population, the remoteness of our largest and most productive agricultural and mineral districts from our commercial centers, and the consequent delay in exchanges. Notwithstanding this necessity, we have to-day a smaller *per capita* circulation than any other people of like commercial importance. We have outstanding—

Old demand notes	$76, 777 50
Legal-tender notes	382, 000, 000 00
Fractional currency	47, 436, 620 74
National-bank currency	348, 350, 949 00
In all	777, 864, 347 24
Deduct on account of losses and reserves, say	170, 000, 000 00
Leaving in circulation	607, 864, 347 24

Which is not more than fifteen dollars *per capita*, and is probably less.

There may be those who will question the reasonableness of the sum deducted on account of losses and reserves; but when we recall the fact that a part of this currency has been in circulation for more than twelve years and a very large proportion for over ten years, and when we recall the further fact that several millions are known to have been destroyed in the Boston and Chicago fires, we can scarcely doubt that the estimate is below the correct amount.

England, it is claimed, has $23.60 *per capita*, North Germany $20.64, and France $34.72; while we, though needing more than either of them, have less, and are threatened with a reduction of this pittance. It may be said that these nations have much larger metallic reserves than we; but this does not determine nor in any manner affect the necessity under which we are placed in this behalf.

I have stated, Mr. Speaker, that our system of banking is pernicious, and that it should be materially changed or discontinued. With reference to this proposition there is scarcely room for doubt. It may be a most difficult work to accomplish, owing to the fast hold the national banks have taken upon our financial affairs, and the immense influence they can and do wield in the counsels of the nation; but it is nevertheless, as we shall see, an urgent and all-important necessity.

The system is so thoroughly understood, that I need not stop to explain it; but I beg attention to a few facts, showing its operation and effect, and in my opinion warranting the conclusion I have reached and expressed.

Under the law authorizing it, 2,123 of these institutions have been organized. Of these, 148 have been closed, leaving at the present time 1,975 in active operation. These had, on the 1st of October, 1873, an outstanding circulation of $348,350,949; and on the 12th day of September preceding, at which time there were 1,976 in operation, they had due them from the people, as shown by the Comptroller's report, $944,220,116.34 for loans and discounts—almost three times the amount of their outstanding circulation. At the same time they had in the hands of the Treasurer of the United States, as security for their circulation, registered bonds amounting to $392,852,100, on $235,017,150 of which they are entitled to and have received interest semi-annually in gold at 5 per cent. per annum, and on the residue $157,834,950 at 6 per cent. The simple interest that had been paid on these bonds (since the organization of the first national bank in 1863) amounted January 1, 1874, to $185,344,246.50. It was paid semi-annually, and if compounded semi-annually at 6 per cent. it would exceed $250,000,000.

It is true the banks have had to keep certain reserves on account of their circulation and deposits, but they have in most cases utilized, or so used them rather, as to make them yield interest. It is also true that they have been subjected to taxation, but there is no hardship in this; every citizen is subjected to the same burden. Moreover, within the time they were receiving their almost two hundred millions in semi-annual installments in gold, they only paid, and that in currency, taxes to the amount of $49,716,055.98.

We find, furthermore, that 1,912 of these banks during the six months ending March 1, 1873, made net earnings to the amount of $31,926,478 on their capital and surplus; and during the six months ending September 1, 1873, they show net earnings on same to the amount of $33,122,000. There were 1,955 of them in operation during the last-mentioned period. They had, during the former period, capital stock $480,518,683, and surplus, $114,257,288, making an aggregate of $594,775,971, on which they show net earnings of 5.37 per cent. within that period; and during the latter period they had capital stock $488,100,951, and surplus, $118,113,848, aggregating $606,214,799, on which they show net earnings of 5.46 per cent., or 10.83 per cent. per annum. (See Appendix.) The aggregated net earnings of all these banks for said year were $65,048,478, which is equal to 16.55 per cent. on their $392,852,100 in registered bonds in the Treasury. These extraordinary earnings, be it remembered, are net; that is, they are found after deducting officers' salaries, clerk-hire, attorneys' fees, revenue-stamps, and other expenses. Ought a financial system that is so expensive to the people be suffered to continue, especially when a cheaper one may be easily devised? Surely not.

Practically it is about as follows: A being indebted to sundry persons to a very large amount issues his bonds, bearing a fair rate of interest per annum, and puts them on the market. He then gets B to take say $392,852,100 worth at their face value, promising to pay the interest semi-annually and the principal in thirty years. At the time A receives the money and B the bonds, A also issues to B say $354,000,000 in bank-notes, on the face of each of which B promises to pay the amount thereon specified, and A in effect guarantees the payment of the entire amount. By the terms of the contract B is allowed to circulate these notes as money under certain unimportant limitations and restrictions, and to engage in a general banking business for an indefinite length of time not exceeding, we will suppose, thirty years. By this arrangement B practically gets the use of $746,852,100 by reason of what we may call a loan to A of but little over half that amount; for the latter pays a fair rate of interest on his bonds, and virtually borrows back from B at a still higher rate of interest nearly the whole of his capital, or the three hundred and fifty-four millions issued and delivered to him as before stated; or, in other words, B so manages as to get from A 16.55 per cent. per annum on all the money he loaned him, instead of 5 and 6 per cent., the rate specified on the face of the bonds.

We have seen that the loans and discounts of these banks in September last amounted to nearly $1,000,000,000, or at least that they were equal to two and two-fifths times the face value of the bonds deposited with the treasurer as security for the redemption

of the circulation. By adding the amount of loans and discounts to the bonds on which the banks are collecting interest from the Government we have the sum of $1,337,072,216 as their productive capital at the time mentioned. This being the fact, it is not surprising that their profits are as great as we have seen they are.

If the system is a good one, and conducive to the best interests of the people, it should of course be perpetuated, and if pernicious it cannot be too quickly abandoned.

Let us see, then, a little further as to its outworkings by supposing it shall be continued for thirty years without an increase of circulation or privileges, either as proposed in the bills that have been before the House or otherwise. We have already seen that the average profits in one year were 16.55 per cent. on the capital invested, or at all events on the face value of the bonds deposited; but lest this may be greater than is or will be ordinarily realized, we will assume 10 per cent. per annum, paid semi-annually, at the end of each six months, as a fair average, though it is well known that loans and discounts are seldom made on paper that has more than four months to mature, and that interest and discount are invariably collected in advance.

Let us ascertain what amount of interest will be realized in thirty years on the $354,000,000 of national-bank circulation allowed by the act of June 3, 1864, and the amendatory act of July 12, 1870, at the rate of 10 per cent. per annum, compounded semi-annually. The amount of interest earned by the $354,000,000 will express the weight of the burden the system will unnecessarily and unjustly impose on the people, should it be continued for the period mentioned, and proportionately so long as it shall be continued.

We find that the $354,000,000 of currency will yield, in interest, in thirty years, calculating interest at 10 per cent. and compounding it semi-annually, $6,608,861,400; each dollar yielding in that period a net profit of $17.6691. This profit will be realized independent of such gains as necessarily result from the loss and destruction of the currency, which would probably, in that length of time, exceed a hundred millions.

But, without resorting to any supposition as to this, we find net earnings by these banks, on what we may term an imaginary capital, that are more than three times as great as our ascertained national debt. Should any one insist that such profits would be impossible, I reply that they might be greater, inasmuch as the result of the past year's transactions shows that they have been more than 50 per cent. in excess of the supposed rate.

But to place the matter in its most favorable light, I will suppose the net earnings to be 8 per cent. per annum or 4 per cent. semi-annually, and ascertain to what extent this would lighten the burden. At this rate the $354,000,000 would yield in interest alone in thirty years the sum of $3,368,062,200, each dollar at that rate of interest yielding in that period a net profit of $9.5143. We thus find that the net earnings on the $354,000,000, at 8 per cent., are more than one and a half times greater than our national debt; and that without adding anything for profits resulting from the loss and destruction of the currency.

I am not unmindful of the fact that these earnings are made up in part from the interest collected on the bonds deposited with the Treasurer by these corporations. But permit me, Mr. Speaker, to call attention in this connection to the further fact, that the estimate is probably 5 per cent. below the actual ratio of net earnings on the $392,852,100 actually invested.

These facts, Mr. Speaker, are worthy our careful consideration; and if they are as stated, the conclusion is irresistible that the evils of our national banking system cannot be too speedily corrected.

Mr. Speaker, there are many grave objections that relate merely to the manner in which the law authorizing and regulating the national banks and currency is executed. These, however, are not fundamental, and hence need not be made the subject of remark at this time. They could be removed, but the objections to the system cannot be.

The question then arises, what shall be done, or rather what can be done, to better our condition in this respect in view of all the attending circumstances?

At the time the organization of national banks was authorized by Congress, it is possible a better system could not have been devised; but I most unhesitatingly say we should now very materially modify the system, or supply its place with another that will prove less oppressive to the country, and better calculated to improve its financial condition. One step in that direction will be taken, if we will provide for the withdrawal of the national-bank circulation, and at the same time for supplying its place with legal-tender Treasury notes. If this can be done we ought to do it; and if it cannot be done we ought to know it, and know it at once.

Can it be done? I can see no good reason why it may not be. If we can once be brought to a realization of the fact that the public good is paramount to all local or personal considerations we will not thereafter long delay suitable action. If, however, there is a factious opposition in the way, let us see and know from whence it comes, why it is interposed, what it is based upon, what it proposes to do, and what hope, if any, it encourages, and what promise it makes of relief from the growing injustice of this monstrous system.

It has, as I have before stated, a fast hold upon the people by reason of its nearly one thousand millions in loans and discounts; and influences and agencies are at work to perpetuate its existence. They may, indeed I fear they will, succeed; but like all other oppressions it will some day have an end, and it is our duty to indicate the time when that end shall come and the manner in which it shall be brought about. It should be done gradually, and in such manner as will subject those who are immediately concerned, either as stockholders or borrowers, to the least possible inconvenience and annoyance.

If we shall fix a time at which all these banks shall commence retiring their circulation, then the minimum amount which they shall retire per month, and at the same time provide a method for supplying in its stead and in the ratio of its withdrawal another and a better currency, we will render the country a signal service, and will do no injustice whatever to those who have invested their money in these institutions.

My views as to the time and manner in which these things may and ought to be done are indicated in the bill read at the Clerk's desk. Some of its provisions may not be necessary, and others may require modification, but I do not now perceive any very material changes I would make.

I will not at present discuss its provisions further than to merely allude to one or two of its prominent features, and state what would be their probable effect. In the first place it would increase the amount of our currency. The amount thereby authorized to be issued being four hundred millions in Treasury notes, the increase would be $46,000,000. In the next place it would ultimately, if I am not mistaken, result in the redemption of $392,852,100 of our 5 and 6 per cent. bonds. In the next place it would supply convertible bonds; whereby both the Government and its citizens would be immensely benefited. The former, at a moderate estimate, would save interest on its bonds alone at least $14,000,000 annually; and the latter would make at least $7,000,000, which now go into the hands of their bankers in the way of profits on deposits. There can be no kind of doubt that many millions, indeed hundreds of millions of dollars, that have hitherto been kept on deposit in the banks would be invested in the 3.65 per cent. bonds. Every one who might have even fifty dollars that he did not want to use would invest in a three sixty-five gold-bearing bond, knowing he could convert it into legal-tenders whenever he had occasion to do so. Hence hundreds of millions of dollars that have been carried by the banks as deposits, and which have enabled them to make such large profits, would seek this temporary but safe and exceedingly convenient mode of temporary investment.

The chief objection to the Senate bill that occurred to my mind was that it necessarily perpetuated the existence of the national banks, and to that extent placed, or would have placed, I should say, the country more effectually than before at the mercy of these corporations. It would have increased their circulation $46,000,000, and would have placed a proportionate amount of Government bonds in the hands of the Treasurer as security for that circulation; but at the same time it would have proportionately increased the evils which I believe and have endeavored to show are inseparably connected with the system, and would have fastened them on the country for years, and perhaps for generations to come.

The House bill now pending in the Senate is even more objectionable, inasmuch as it provides for, or rather contemplates, the organization of an indefinite number of banks; and, consequently, an indefinite increase of national-bank circulation. This feature alone is sufficient to warrant the rejection of the measure, though it passed the House by a very decided majority. Should it become a law, of which I have but little fear, I would expect to see results quite as disastrous in the end as I anticipate would follow the immediate resumption of specie payments.

Why, Mr. Speaker, should we increase the number and power of the national banks? I have not yet seen a substantial reason in support of the proposition to do so. And why should we perpetuate their existence with their present privileges beyond the time that may be reasonably required to supplant their circulation by the introduction of legal-tender Treasury notes? I can see no reason, unless it be that the interest, power, and influence of the nineteen hundred and seventy-five banks that stud our towns and cities, are felt and feared in our councils, to such an extent as to render impossible the accomplishment of the undertaking. Other and greater reasons may exist, but if so they are unknown to me.

It is proper, Mr. Speaker, for me to state in conclusion that I have no hostile nor even unkind feelings toward any one who is in any manner interested in or connected with these institutions. Many of my personal and valued friends are connected with them in various ways, and I am myself to a very small extent interested in one of them as a stockholder.

My objections to them, therefore, whether just or unjust, and my opposition, whether wise or unwise, result from a sincere conviction that the system is pernicious, and that the best interests of the country demand that it be modified or abandoned.

If this or that can and shall be done at the appropriate time and in the appropriate manner, and we can secure a convertible currency, as provided in the bill read at the beginning of these remarks, I anticipate the best of results and an earlier and more satisfactory return to a specie basis than is possible by any other plan that has been proposed.

APPENDIX.

Table of the dividends and earnings of the national banks, with their ratios to capital and to capital and surplus fund, for the six months from September 1, 1872, to March 1, 1873.

States, Territories, and cities.	Number of banks.	Capital stock.	Surplus.	Dividends.	Net earnings.	Ratios.		
						Dividends to capital.	Dividends to capital and surplus.	Earnings to capital and surplus.
						Per ct.	*Per ct.*	*Per ct.*
Maine	61	$9,125,000	$1,829,023	$500,755	$633,499	5.49	4.57	5.78
New Hampshire	42	5,035,000	907,787	238,092	319,477	4.73	4.01	5.38
Vermont	41	7,712,712	1,345,672	364,636	526,110	4.73	4.03	5.81
Massachusetts	162	39,872,000	11,764,647	2,183,000	2,963,256	5.48	4.23	5.74
Boston	47	48,300,000	11,412,845	2,386,000	2,923,847	4.94	4.00	4.90
Rhode Island	62	20,464,800	3,196,715	910,622	1,278,563	4.45	3.85	5.40
Connecticut	80	25,149,720	6,401,631	1,355,237	1,679,500	5.39	4.30	5.32
New York	227	35,989,691	7,840,725	1,830,703	2,250,707	5.09	4.18	5.14
New York City	50	71,285,000	21,182,849	3,397,350	2,944,983	4.77	3.67	4.27
Albany	7	2,650,000	1,250,000	143,000	222,297	5.40	3.67	5.70
New Jersey	60	13,440,350	3,443,742	718,002	912,915	5.34	4.25	5.41
Pennsylvania	157	27,125,240	6,670,671	1,360,783	1,781,134	5.02	4.03	5.27
Philadelphia	29	16,735,000	6,916,170	975,930	1,095,087	5.83	4.13	4.63
Pittsburgh	16	9,000,000	2,595,433	498,000	512,236	5.53	4.30	4.42
Delaware	11	1,528,185	403,127	78,084	94,740	5.11	4.04	4.91
Maryland	19	2,398,218	477,430	125,319	141,888	5.23	4.36	4.93
Baltimore	14	11,241,985	2,170,352	568,925	576,536	5.06	4.24	4.30
District of Columbia	1	252,000	26,000	10,080	16,145	4.00	3.63	5.81
Washington	3	1,200,000	327,000	60,000	94,050	5.00	3.93	6.16
Virginia	24	3,835,000	518,065	184,375	300,638	4.80	4.24	6.91
West Virginia	17	2,596,000	358,131	137,920	159,476	5.31	4.70	5.44
North Carolina	10	1,975,000	122,956	104,750	137,076	5.30	4.99	6.53
South Carolina	9	3,000,000	307,084	126,939	201,093	4.23	3.84	6.08
Georgia	11	2,625,000	390,429	139,500	200,329	5.31	4.63	6.64
Alabama	7	1,362,515	93,453	58,111	76,088	4.26	3.99	5.23
New Orleans	8	4,350,000	265,112	229,500	291,499	5.28	4.97	6.32
Texas	5	725,000	119,408	81,500	90,761	11.24	9.65	10.75
Arkansas	2	205,000	20,000	.....	9,775	.....	.....	4.34
Kentucky	28	5,726,000	503,869	281,425	362,296	4.91	4.52	5.82
Louisville	5	1,879,556	148,716	96,273	118,505	5.12	4.75	5.84
Tennessee	21	3,049,716	380,524	172,386	222,644	5.65	5.03	6.49
Ohio	148	19,148,830	3,962,297	1,094,245	1,371,670	5.71	4.73	5.94
Cincinnati	5	4,000,000	820,000	198,000	279,743	4.95	4.11	5.80
Cleveland	6	3,700,000	519,826	182,000	280,588	4.92	4.31	6.65
Indiana	85	16,177,800	4,039,460	1,049,592	943,268	6.49	5.19	4.67
Illinois	113	10,948,000	2,555,585	614,984	909,744	5.62	4.55	6.74
Chicago	19	8,750,000	2,355,000	360,000	926,714	4.11	3.24	8.35
Michigan	69	7,275,000	1,536,321	451,597	586,373	6.21	5.13	6.65
Detroit	3	1,750,000	625,000	102,500	148,448	5.86	4.32	6.25
Wisconsin	38	2,555,000	580,672	146,390	214,119	5.49	4.48	6.83
Milwaukee	4	750,000	235,983	44,500	62,334	5.93	4.51	6.32
Iowa	69	5,992,000	1,134,436	316,117	457,950	5.28	4.44	6.43
Minnesota	29	3,300,000	500,884	153,900	291,411	4.66	4.05	7.67
Missouri	28	2,585,000	394,470	154,118	256,581	5.96	5.17	8.61
Saint Louis	8	6,860,300	937,142	246,361	301,791	3.59	3.16	3.87
Kansas	24	1,643,065	179,595	110,971	154,753	6.75	6.09	8.49
Nebraska	9	750,000	125,100	51,399	93,372	6.85	5.87	10.67
Oregon	1	250,000	50,000	15,000	52,336	6.00	5.00	17.45
California	1	300,000	8,000	15,000	23,869	5.00	4.87	7.75
San Francisco	2	2,500,000	100,000	145,000	257,795	5.80	5.58	9.92
Colorado	6	575,000	91,500	26,000	96,468	4.52	3.90	14.47
Utah	2	250,000	84,596	.....	7,245	.....	.....	2.17
New Mexico	1	150,000	8,506	10,500	13,751	7.00	6.62	8.68
Wyoming	1	75,000	.....	.....	*4,717	.....	.....	.....
Idaho	1	100,000	13,300	15,000	19,048	15.00	13.24	16.81
Montana	4	300,000	30,000	11,778	44,587	3.93	3.57	13.51
Total	1,912	480,518,683	114,257,288	24,826,061	31,926,478	5.17	4.17	5.37

* Loss.

Table of the dividends and earnings of the national banks, with their ratios to capital and to capital and surplus fund, for the six months from March 1, 1873, to September 1, 1873.

States, Territories, and cities.	Number of banks.	Capital stock.	Surplus.	Dividends.	Net earnings.	Ratio.		
						Dividends to capital.	Dividends to capital and surplus.	Earnings to capital and surplus.
						Per ct.	*Per ct.*	*Per ct.*
Maine	61	$9,125,000	$1,878,819	$501,555	$625,589	5.50	4.56	5.69
New Hampshire	42	5,135,000	913,404	222,900	164,322	4.34	3.69	2.72
Vermont	40	7,762,712	1,460,569	408,136	490,166	5.26	4.43	5.31
Massachusetts	163	40,262,000	11,978,230	2,168,800	2,924,066	5.39	4.15	5.60
Boston	48	48,900,000	11,787,314	2,387,500	2,936,811	4.88	3.93	4.84
Rhode Island	62	20,504,800	3,535,399	922,322	1,277,475	4.50	3.84	5.31
Connecticut	80	25,325,320	6,750,150	1,330,475	1,685,307	5.25	4.15	5.25
New York	222	35,499,691	7,925,445	1,646,694	2,182,476	4.64	3.79	5.03
New York City	49	70,985,000	20,027,372	3,354,800	4,637,057	4.73	3.69	5.09
Albany	7	2,650,000	1,285,000	131,000	184,989	4.94	3.33	4.70
New Jersey	61	13,683,350	3,516,696	735,367	870,582	5.37	4.28	5.06
Pennsylvania	158	26,660,580	7,019,439	1,384,980	1,841,315	5.19	4.11	5.47
Philadelphia	29	16,935,000	7,064,979	983,250	1,127,495	5.81	4.09	4.70
Pittsburgh	16	9,000,000	2,950,741	503,000	658,449	5.59	4.21	5.51
Delaware	11	1,528,185	422,374	78,059	91,402	5.11	4.00	4.70
Maryland	19	2,398,218	499,877	120,369	163,773	5.02	4.15	5.65
Baltimore	14	11,241,985	2,327,168	562,593	679,048	5.00	4.15	5.00

Table of the dividends and earnings of the national banks, with their ratios to capital and to capital and surplus fund, &c.—Continued.

States, Territories, and cities.	Number of banks.	Capital Stock.	Surplus.	Dividends.	Net earnings.	Ratios.		
						Dividends to capital.	Dividends to capital and surplus.	Earnings to capital and surplus.
						Per ct.	*Per ct.*	*Per ct.*
District of Columbia	1	$252,000	$28,000	$10,080	$16,570	4.00	3.60	5.92
Washington	4	1,400,000	364,000	65,000	112,175	4.65	3.68	6.36
Virginia	24	4,035,000	573,258	163,875	295,242	4.06	3.56	6.41
West Virginia	17	2,566,000	357,014	138,210	150,739	5.39	4.73	5.16
North Carolina	10	1,975,000	148,933	108,000	142,160	5.47	5.08	6.69
South Carolina	12	3,146,000	338,547	151,500	195,832	4.81	4.35	5.62
Georgia	13	2,777,730	419,478	143,500	251,806	5.17	4.49	7.88
Alabama	9	1,529,300	115,655	75,965	141,695	4.97	4.62	8.61
New Orleans	9	4,850,000	297,199	162,750	218,285	3.36	3.16	4.24
Texas	6	775,000	184,531	30,000	107,106	3.87	3.13	11.16
Arkansas	2	205,000	21,375	6,875	6,553	3.35	3.04	2.89
Kentucky	30	5,976,000	581,782	281,375	376,525	4.71	4.29	5.74
Louisville	6	2,187,700	166,204	97,500	125,654	4.46	4.14	5.34
Tennessee	23	3,236,800	396,631	184,496	234,428	5.70	5.08	6.45
Ohio	154	19,911,000	4,230,521	1,115,353	1,371,667	5.60	4.62	5.68
Cincinnati	5	4,000,000	875,000	222,000	293,209	5.55	4.55	6.01
Cleveland	6	4,000,000	569,717	189,500	252,457	4.74	4.15	5.52
Indiana	90	17,247,000	4,187,512	897,563	1,259,586	5.20	4.19	5.88
Illinois	114	11,218,000	2,698,492	692,379	927,089	6.17	4.98	6.66
Chicago	20	8,950,000	2,807,500	455,000	935,832	5.08	3.87	7.96
Michigan	73	7,874,280	1,653,680	431,300	641,608	5.48	4.53	6.73
Detroit	3	1,900,000	670,000	105,000	175,028	5.53	4.09	6.81
Wisconsin	39	2,690,000	659,500	141,583	226,347	5.26	4.23	6.76
Milwaukee	4	750,000	267,261	44,500	75,619	5.93	4.37	7.43
Iowa	75	5,952,000	1,223,528	330,800	444,207	5.56	4.61	6.19
Minnesota	31	3,850,000	614,006	250,100	275,205	6.50	5.60	6.16
Missouri	29	2,635,000	459,841	154,750	277,040	5.87	5.00	8.95
Saint Louis	8	6,860,300	968,536	271,861	354,212	3.96	3.47	4.52
Kansas	25	1,755,000	255,511	86,832	161,119	4.95	4.32	8.01
Nebraska	9	850,000	159,700	83,082	85,512	9.77	8.23	8.47
Oregon	1	250,000	50,000	15,000	40,158	6.00	5.00	13.39
California	2	600,000	11,000	18,000	29,447	3.00	2.95	4.82
San Francisco	2	2,500,000	135,000	135,000	177,789	5.04	5.12	6.75
Colorado	6	575,000	155,500	16,000	81,401	2.78	2.19	11.14
Utah	3	500,000	45,998	75,000	58,505	15.00	13.74	10.72
New Mexico	2	300,000	13,376	19,500	24,370	6.50	6.22	7.78
Wyoming	1	75,000	.....	.....	*798	.....	.....	.....
Idaho	1	100,000	14,500	12,000	10,917	12.00	10.48	9.53
Dakota	1	50,000	1,000	.....	1,028	.....	.....	2.02
Montana	3	20,000	46,586	.....	28,954	.....	.....	11.74
Total	1,955	488,100,951	118,113,848	24,823,029	33,122,060	5.09	4.09	5.46

* Loss.

SETTLERS UPON PUBLIC LANDS WITHIN RAILROAD LIMITS.

Mr. LOWE. Mr. Speaker, at an early day in this session I introduced a bill for the protection of the rights of settlers upon the public lands within railroad limits, which is now pending and to which I desire to invite the attention of the House. I send the bill to the Clerk's desk and desire that its text be read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no pre-emption location, homestead entry, or other settlement, entry, or filing, in pursuance of any law of the United States, upon lands in Kansas within the limits of any grant of lands to any railroad company or to the State of Kansas for the use of any railroad company, which was made or which attached to such lands at any time before the actual withdrawal of such lands from market and sale was made, shall be deemed or held to be inoperative, illegal, or void, by reason of the same having been made or having attached after any alleged location of the route or line of the railroad to which such grant of land appertained; and all such locations, settlements, entries, and filings, which have been canceled by or under the direction of the Interior Department, or any officer thereof, or which are now held for cancellation, are hereby ratified and confirmed, except as to any cause other than that herein specified; and in the cases herein provided for, upon the proper proofs and payment being made, patents shall issue to the proper claimants as in other cases; and in all such cases, if the proper time for making such proofs and payment has elapsed, proofs and payment may be made at the proper local land office within one year from the passage of this act.

Mr. LOWE. As framed, the bill is confined to the State of Kansas, but at the proper time I shall move its amendment by striking out the words restricting it to that State, so as to make the operation of the bill general. The propriety and the necessity of this legislation arise from the following state of facts:

From September 20, 1850, when the first grant of land in aid of the construction of a railroad was made to the Illinois Central Railroad Company, to March 3, 1871, when the last grant of that character was made to the New Orleans, Baton Rouge and Vicksburgh Railroad Company, acts have been passed granting lands to aid in the construction of about one hundred railroads. During all this time the general laws of the country for the sale and disposal of the public domain have remained in force. Since 1841 all the surveyed public lands to which the Indian title had been extinguished have been open to entry and settlement under the pre-emption act of that year, and since 1862 they have likewise been open to homestead entry under the homestead law of that year. Naturally the operation of railroad grants frequently came in competition and not rarely in collision with the claims of purchasers and settlers under the pre-emption and homestead laws. The execution of these laws, both land grant and general acts, was committed to the same Executive Department of the Government, and that Department of necessity has been compelled to construe and apply the various acts with a view to their just and proper enforcement. It has been the uniform practice of the Government under existing legislation to withdraw from general settlement and disposal the lands granted to railroads as soon as such lands could be ascertained and identified. Up to a recent date the practice and usage of the Executive Department have been to respect and recognize as valid all claims and entries under the homestead and pre-emption laws which were properly initiated and made before the lands were withdrawn from market and to carry such claims into patent, although they fell within the limits of railroad grants. When this practice was observed but little difficulty and conflict occurred in reference to the rights of claimants under different laws. But within the last year or two a new line of decisions and of construction has been adopted and now prevails, by which thousands of settlers who have entered upon lands under the homestead and pre-emption laws, who made their locations in strict conformity to the rules and regulations of the Executive Department, and in conformity to the interpretation of the laws as administered and expounded by the officers charged with the duty of construing and executing them, are threatened with expulsion from their lands and homes, and with the further loss of all the improvements and values they have added thereto.

The present line of construction and ruling in the Interior Department is in brief this: that a railroad grant attaches to the granted lands at the time the line or route of the railroad is "definitely fixed," without regard to the time when the lands are withdrawn from market, and that the route is definitely fixed at the date of the survey in the field, when such survey is made in accordance with a previous resolution of the board of directors of a company; or, when a route is adopted by the board of directors subsequent to survey, the time of such adoption is regarded as the date at which the route becomes definitely fixed. The result and effect of this are, that all homesteads and pre-emption entries and filings made after what is now regarded as the definite location of the road, and before the withdrawal of the lands from market, are held to be inoperative and void, and all such entries, as fast as such facts are shown to the Department, are canceled, and the lands wrested from settlers and awarded to the railroad companies. That I may not by any possibility be supposed to be mistaken as to the change of ruling by the Department, or as to its present attitude upon this subject, I refer to official papers. I hold in my hand and send to the Clerk's desk to be read a copy of an

official letter of the Commissioner of the General Land Office to the Secretary of the Interior, transmitting an appeal of the Missouri, Kansas and Texas Railroad Company from the decision of the Commissioner refusing to cancel certain entries.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, April 14, 1873.

SIR: I have the honor to submit herewith papers on appeal from the decisions contained in my letters to the district land officers at Independence, Kansas, dated February 24 last, Topeka, February 27, and Salina, February 24 and 28, and March 3 last, refusing to cancel the following homestead entries upon the application of the attorney for the Missouri, Kansas and Texas Railroad Company, who claim the lands as inuring to the grant to said company, to wit. * * * [Here follow the entries at the Independence, Topeka, and Salina offices.] * * *

These entries are of a similar character to those referred to in your decisions of September 3 and December 19 last, in the cases of A. W. Nickell *et al.*, and Frank Hatke *vs.* The Saint Joseph and Denver City Railroad Company, having been made upon railroad lands after the definite location of the road, but before the date of withdrawal, in accordance with the rulings of the Department then in force; and as the grants are of the same character, it was in accordance with these decisions that I declined to cancel the entries. The further suggestion is made that the language of the fourth section of the act, requiring the Secretary, "as soon as said company shall file * * * maps of its line designating the route thereof, * * * to withdraw from the market the lands granted," presupposes the fact that such lands were intended to remain in market until such maps should be filed for the protection of the company, and if the withdrawal was made within a reasonable time after such filing the duty of the Secretary was performed under the law, and the company cannot take advantage of any laches of its own in failing to file such map immediately upon its definite location, and thereby securing to itself the full measure of its grant in place at that time and indemnity for such lands as had been then disposed of. After such definite location, and prior to the withdrawal, I do not understand the law to protect the company or to give any indemnity, as it was the business of the company, and not of the Department, to take the first steps, by filing, if necessary, a map of general route toward securing their grant unimpaired.

This view of the law is made necessary, in my judgment, in order to give effect to the provisions of the fourth section, under the rule requiring every portion of a statute to be enforced if its enforcement is possible without violation of what is clearly provided for in other parts of the same.

The first section simply defines the rights of indemnity under the grant generally made. The fourth section specifically sets forth the manner in which a withdrawal shall be made "to effect the purposes of the act, and subserve the public interest." The papers submitted are as follows: First, homestead paper marked A; second, extracts of letters containing my decisions, B; third, attorney's letters and arguments, C.

I am, sir, very respectfully,

WILLIS DRUMMOND,
Commissioner.

Hon. C. DELANO,
Secretary of the Interior.

Mr. LOWE. It thus appears that the Commissioner adhered to the former practice and declined to cancel the entries, the same having been made before the withdrawal of the land, although after what is now regarded as the date of the definite location.

I now send to the Clerk's desk a copy of the decision of the Secretary of the Interior, reversing this decision of the Commissioner and awarding the lands to the railroad company, in pursuance of what he acknowledges to be a new rule of practice and construction.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, July 17, 1873.

SIR: I have examined the questions presented by your letter of April 14, 1873, transmitting the appeal of the Missouri, Kansas and Texas Railroad Company from recent decisions of your office, refusing to cancel certain homestead entries of lands made within the limits of its grant subsequent to the definite location of the line of the road, but prior to the order of the Secretary withdrawing the lands from market.

Your claim in this case is based upon a conclusion of law, supposed to have been adopted by the acting Secretary in the recent cases of A. W. Nickell *et al.* and Frank Hatke *vs.* The Saint Jo and Denver Railroad Company. I learn from the Acting Secretary, who decided said cases, that he did it with the understanding that patents had actually been issued in each of them in accordance with the construction of law adopted by the Department and in force at the time the patents were issued. In point of fact, however, patents had not issued in such cases, or either of them, and the decisions of the Acting Secretary are capable of a construction never intended for them, and have led to some confusion between your office and the Department, resulting from the mistake of fact upon which they were founded.

It was intended to be held in said cases that inasmuch as patents had actually been executed in them in accordance with a construction of the act creating the railroad company which had been adopted by the Department and was in force at the time the patents were executed, they would be considered as *res adjudicata* and would not be disturbed, although the former rule of construction had been changed by the Department and a new and different one adopted, which new rule was in force at the time the cases were heard and decided.

I now hold, and you will adopt the rule for your future guidance in this case and all like it, that in all cases where patents have actually been executed in accordance with a construction of law adopted by the Department and in force at the time of the execution of the patents, the patents will not be canceled or set aside upon any subsequent controversy arising between the different claimants, but the parties will be left to their remedies in court and the cases will be treated as *res adjudicata*. But in all cases where the controversy arises before patent has been executed the rule of conclusion adopted by the Department and in force at the time of the hearing in all its stages and before any proper officer or officers will be applied and the case decided in accordance with it, although it may differ from the rule recognized by the Department at the time the respective proceedings were commenced.

In the case now under consideration the right of the railroad attached upon the definite location of its road, and before any of the filings of the contesting parties were made. These filings were made before the withdrawal of the lands, but under the construction now adopted by this Department the right of the railroad attached at the time of definite location, and not, as formerly held, at the time of withdrawal. No patents have been executed, and under the law, as I understand it, and the rule above stated, the right of the railroad is superior to that of other parties, and your decision should be reversed. I therefore reverse the same, and herewith return the papers transmitted with your letter of April 14, 1873.

Very respectfully,

C. DELANO, *Secretary.*

Hon. W. DRUMMOND,
Commissioner General Land Office.

Mr. LOWE. In verification of the correctness of my understanding and statement of what is now regarded by the Department as definitely fixing the location of the road, I cite the language of the Commissioner of the General Land Office in an official letter to myself upon this subject under date of January 20, 1874. He says:

It is held by the Department that where a survey is made in accordance with a resolution of a board of directors of a company authorizing the same, the dates of such survey in the field are to be taken as the definite location of the road. But when the line of route is subsequently adopted by the board of directors as their definite location, the date of such adoption governs.

From the application of these rules, it occurs that between the date at which the railroad grant is held to attach and the date of the withdrawal of the lands a period of more or less time intervenes, in some cases not considerable but in others many months, and in some cases over a year; and during this period the ordinary disposal of the lands to pre-emptors and homesteaders proceeds, and their claims are subsequently annulled in behalf of the railroad claimants. By way of illustration I refer to a few cases from the great mass that might be cited. The grant to the Missouri Pacific, Southern Branch, between Junction City and Council Grove (now Missouri, Kansas and Texas Railroad) is now held to attach from date of survey in the field, which was between September 5 and 21, 1866. The withdrawal was by order of March 19, 1867, giving an intervening period of six months from the supposed vesting of the grant to the withdrawal of the lands.

The grant to the Leavenworth, Lawrence and Galveston Railroad is held to attach from the date of the adoption by the board of directors of the line of the survey, which as to a portion of the road was November 15, 1866, and as to the remainder, October 15, 1867; as to the former the withdrawal was by order of April 30, 1867, and the latter January 21, 1868, showing an intervening period as to a portion of the line of five months, and as to the remainder of the line three months.

The grant to the Missouri River, Fort Scott, and Gulf road is held to attach from the date of the adoption of the survey by the board of directors, February 11, 1868. The lands were withdrawn by orders of June 12 and October 19, 1869, leaving as to the first withdrawal an intervening period of one year and four months, and as to the second withdrawal a period of one year and eight months.

The dates at which these grants are held to attach I derive from the last report of the Commissioner of the General Land Office, pages 300 and 301; the dates of withdrawal I have from the Commissioner of the General Land Office by letter to myself of January 30, 1874.

A sharp case of change of front as to the supposed vesting of railroad titles is furnished in the case of the Leavenworth, Lawrence and Galveston Railroad and the Union Pacific, Southern Branch.

Official instructions under date of October 21, 1869, to the register and receiver of public lands at Humboldt, Kansas, were issued by Hon. Joseph S. Wilson, Commissioner of the General Land Office, as to entries upon the Osage lands in Kansas. The seventh paragraph of those instructions is in these words:

Seventh. That according to the rulings of the department the right of the Lawrence, Leavenworth and Galveston, and the Union Pacific, Southern Branch, Railroads to the Osage lands attached at and from the date of the receipt at the district land office of our notice of withdrawal, namely, February 4, 1868, and such withdrawal is notice to settlers thereon of the railroad claim.

And yet, as seen by the Commissioner's report of 1873, it is now held that the grant to the Union Pacific, Southern Branch, (Missouri, Kansas and Texas Railroad,) attached October 15, 1867, and that of the Leavenworth, Lawrence, and Galveston, November 26, 1867, antedating the first decision as to one of the roads three months and the other four months, and thus invalidating and annulling, so far as an executive order could do so, the titles acquired during the intervening period.

The bill under consideration seeks only to restore that construction of existing laws and the practice under and application of the same which shall preserve to *bona fide* claimants under the homestead and pre-emption laws their right to the lands acquired by them from the Government before such lands were withdrawn from market and while they were held out and offered by the Government to entry, sale, and settlement under existing laws. It is not sought to affect any vested right; but this measure is advanced in the belief that a wrong and unfounded construction has been placed upon the land-grant acts, which is inflicting evils of such magnitude as call for this definitive and explanatory legislation.

The various land-grant acts contain substantially the same granting clause in form and effect, and for the purpose of comment and by way of illustration I cite the material parts of the granting clause in the grant in aid of the Leavenworth, Lawrence and Galveston Railroad and branches, which is as follows:

That there be, and is hereby, granted * * * every alternate section of land designated by odd numbers for ten sections in width on each side of said road and each of its branches. But in case it shall appear that the United States have, when the lines or routes of said roads and branches are definitely fixed, sold any section or any part thereof granted as aforesaid, or that the right of homestead or pre-emption settlement has attached to the same, * * * then it shall be the duty of the Secretary of the Interior to cause to be selected for the purposes aforesaid other lands equal to those thus appropriated, &c. (Statutes at Large, volume 12, page 772, section 1.)

It has always been held that such an act did not make a present operative grant, but that the grant was in the nature of a float to become located by subsequent events. From the nature of the case

they could not become operative and localized before the route of the road should be definitely fixed. The important question in these acts, therefore, is: What is the meaning and operation of the words "definitely fixed?" This is a matter of construction and interpretation, and in its construction regard must be had to other laws which provide for the disposal of the same lands and to the circumstances of the subject-matter under consideration. Any just interpretation of these words must be such as will lead to exact and like results in principle in all actual or probable cases. A construction which should embrace cases leading to absurd and inconsistent conclusions could not be a just interpretation. A construction which should necessarily lead to a conflict of titles and rights under different statutes could not be a just interpretation unless plainly required by the words of the act itself. It does not follow, that because the line of a road is "definitely fixed" in the mind of an engineer or in the minds of a board of directors that it is thereby "definitely fixed" within the meaning of the statute. The railroad claim is that the designation of a route by or under the authority of a board of directors makes the line "definitely fixed" within the statute, and that from the time of such designation the grant attaches.

The first objection to this is that the act does not say so, and the second is that it leads to absurd and vicious results. The law does not say that title shall vest when the route is fixed by a survey upon the earth, nor when fixed by resolution of the board of directors, and it is wholly gratuitous to assume that such is its meaning without regard to other considerations and the effect of such construction. A grant is made of land from the public domain in aid of a railroad, and a board of directors instructs an engineer to survey a line of road between two points a hundred miles apart and resolves that such shall be the permanent route of the road as so surveyed. Does such survey then "definitely fix" the line of the road within the meaning of the statute so that the grant attaches thereby? If so, then this state of facts occurs: The engineer starts his survey at the point A and proceeds toward B. Every length of chain he measures *eo instanti* appropriates so much land and no more, so that as he advances he appropriates in effect the lands by lengths of his chain. Suppose he stops at night with his last peg driven opposite the middle of a quarter-section of land and before he begins again a settler has settled upon or entered the quarter-section. Would it belong to the railroad or the settler? Again, if such a process does effectually appropriate the land to the railroad it does so without the possibility of a settler or any officer of the Government knowing that such is the case. The settler has been to the land office; he finds the land there on the Government plats vacant, open for settlement and entry; he proceeds to the land. Suppose as matter of fact he finds a survey going on in the neighborhood. He has no knowledge, no means of knowledge whether such survey is a preliminary survey, an experimental line, or a final, determinate survey; and if out of abundant caution he should inquire, no one would be bound to answer his inquiries or to tell him the facts; nor if he should be informed would the statement be binding upon anybody. Again, if he sees the line staked out upon the ground he has no means of knowing whether the survey is definite and established by previous order of a board of directors or whether the line and survey are still to undergo the supervision and order of a board of directors thereafter; nor has he any means of ascertaining the action of the board of directors. The settler is in Kansas, or Colorado, or Minnesota hunting an humble home under what he believes the invitation of a paternal Government, and the board of directors are in Kansas City, or Chicago, or Boston resolving away the public lands out of his reach in spite of pre-emption and homestead laws and in defiance of the fact that on that day and hour the Government, through its local land office by its authorized officers, is offering him a home upon the land. The board of directors sits in private, its proceedings are private, its records are private, no one has a right to inspect them; if the settler could possibly reach the office of the company no one is bound to give him any information. The resolution in effect supposed to appropriate the land may be made to-day and withheld from all the world for weeks and months. No law prescribes the time within which the action shall be communicated to the Government, and in point of fact several months ordinarily elapse before the Department is officially advised and the lands withdrawn from sale. Certainly such results as these were never intended by the legislation under review.

But suppose the survey is first made and the directors act upon and adopt it afterward. In this case equally with the other the settler has no means of knowing where the rights of the Government and his own rights end and those of the railroad begin. The line of road is probably a thousand miles from the directors, their proceedings and records are hid in their own offices, and no means exist of knowing their action until that action is made a matter of record in the Department of the Secretary of the Interior; and it is optional with the railroad company when they file there their plats and their corporate action. That the legislative power could ever have deemed a route of a road to be "definitely fixed" when such fixing was only a private purpose or fact in the minds of half a dozen unofficial individuals and a record of it made in no public office is little less than an absurdity. Nor will the claim that the survey and designation of the line upon the surface of the earth constitute notice to the world bear investigation. Although the line should be plainly marked and visible, the observer, as before indicated, has no means of knowing whether the line is experimental or permanent; no means of knowing whether it has been acted upon by the board of directors finally or not. But still further, there is nothing that defines how a route shall be designated upon the surface of the earth. No law, no rule of the Department, defines how the route of a railroad shall be designated upon the surface of the earth. If pegs are found driven into the ground the settler may or may not have reasonable means of believing they designate the route of a land-grant railroad. No law or regulation advises him that they are such. As matter of fact he would seldom see them if there, obscured as they are by grass or undergrowth, and never being of such a monumental character as naturally to attract attention. But again, if the order of a board of directors approving and establishing a surveyed line operates to consummate the grant and effect the appropriation of land, why would not the order of the board of directors fixing the line upon a certain route designated by section or meridian, or other fixed lines, without a survey equally establish and definitely fix the route? It is not claimed that the survey alone "definitely fixes" the route. It is the order of the board, under the theory claimed, that fixes the route. The survey only furnishes the data for the authoritative action of the corporations; but meridian or township lines are equally definite data. A direct line from A to B, or a line in such a direction for a given distance from A, would be equally definite and certain. The law does not say "definitely fixed by survey." Within the reason and necessary operation of the rule under consideration a board of railroad directors may sit in their office and "definitely fix," by resolution, the route of a road five hundred or a thousand miles distant without survey, without the pretense of notice to anybody or to the Government, and thereby appropriate lands and confiscate the entry and homes of the *bona fide* settlers and occupants.

It is obvious that an essential requisite to the taking effect of the grant is that the subject of it, the alternate sections of land, should be identified. But identified to whom, by whom, in what manner? No identification could be reasonable or complete that does not distinguish the granted lands from the body of the public domain. The grants are of alternate sections; the remaining or intermediate sections remain in the Government open to general sale, entry, and settlement. To give effect and operation to the grant the one must be distinguished from the other. The executive officers of the Government who are charged with the execution of the law and the sale and disposal of the public lands of which these granted alternate sections are a part must be able to distinguish the granted from the ungranted sections. Under the general laws for the settlement and sale of the public lands the Government offers them all for disposal to the general body of its adult citizens through its authorized officers and agents and at its own public land offices. It keeps at these offices records and plats which, upon the faith of the Government, show the lands which are and which are not thus offered by the Government to its citizens. Under these circumstances a private grant is made to private parties for private corporate purposes—a grant confessedly a float—and every consideration of reason and analogy and justice dictates that such float should be deemed to be localized only when its subject-matter is identified, distinguished, segregrated from the common body of which it is otherwise an inseparable portion.

The grant is of alternate sections, alternate to the line or route of the road. Doubtless, therefore, in the ordinary course of things the first step toward the "individualization" of the grant is a survey of the proposed route; the next natural step is the adoption or approval, by the proper corporate authority, of such proposed route by its own formal, corporate, recorded action. Can it reasonably be said that this is enough; that the grant which was before a float is now identified; that the action of a private board in the retiracy of its own chambers, wherever they choose to be, consummates the grant and withdraws the land from the natural operation of the general laws? If it be so; if the grant is then and thereby consummated; if the title to the granted alternate sections then vests in the company, it is vested forever. The granted land becomes the private, absolute property of the company, surrounded with all the shields and defenses with which legal adjudications and constitutional law protect and secure a private vested right. But so far the Government, the granting party, knows nothing of the act of the corporation. It goes on in the regular execution of the laws, disposing of these lands to settlers and purchasers. But if the theory is good it makes no difference to the railroad. They have got their title. As a private right it must be protected and ejectment will lie against every settler and purchaser subsequent to the private resolution of the board adopting its line. Nor is it material, under such a view and interpretation of the law of the case, that the company should ever communicate its action to the Secretary of the Interior or file a plat of its road in the General Land Office.

If the doctrine is good at all it is good for all the cases it may cover, and in all the circumstances that may attend it. The company may, if it choose, withhold its action and the knowledge of its route from the Government forever. Its title is vested; why should it trouble itself with the Government or with settlers on and purchasers of the public domain? In practice their maps and plat of route are in fact at some time filed in the Department of the Interior, but the doctrine under review does not require that for the protection of the grant, the vesting of the title; and if it be the case that the grant attaches upon the adoption of the route by the corporate authority, then there

is no escape from the logical result that the title is irrevocably vested in the company, and it is a matter of no concern whether their action is communicated to the Government the next day, the next year, or not at all. A doctrine that leads to such results as this must be fallacious. A line of construction that thus leads to a necessary confusion and uncertainty of all rights and titles under the homestead and pre-emption laws, that drives from their homes thousands of settlers who have located and entered their lands in pursuance of law and in conformity with the existing regulations, that leaves the administrative officers of the Government without knowing or the means of knowing the lands appropriated to railroads and severed from the public domain, can never be sustained in the forum of logic and conscience unless the plain and definite words of the law imperatively lead to that conclusion. Happily no such inexorable necessity exists.

The fallacy of the doctrine I have been considering consists in the gratuitous assumption that the line or route of road is "definitely located" or "definitely fixed" by the private *ex parte* action of the board of directors alone, whereas the implication of the acts themselves, the necessities of their feasible execution, their practical operation in connection with the concurrently existing homestead and pre-emption laws, their comparison with other current legislation, lead conclusively to the view that "definitely fixed" embraces not only the idea of an actual location by the company, but a communication and designation of that route to the proper officers of the Government and their acceptance and approval of the plats of such road. It must be definitely fixed to the cognizance of the Government, to the cognizance of the public. In the language of the law the route of the road is to be "definitely fixed," not only fixed but fixed "definitely," that is, fixed beyond the capacity of change; for as long as the capability of change exists, the fixing the location is not definite, is not at an end certainly. Attorney-General Cushing said of these acts, "definitely fixed implies fixed without capacity of change." Now, it will not be denied that a board of directors might resolve to-day that a certain line should be the permanent route of a road, but such action would not necessarily be final; they may reconsider it to-morrow, and establish a different route the next day or the next week or at any other time. Until the control of the subject passes from their hands they may continually change, modify, and alter their route. It is not beyond their control, not passed from their power over it, until their corporate action adopting a definite route, with a plat or other appropriate designation of the route, is filed with the proper Department of the Government and found by its appropriate officers to be in compliance with and in execution of the law under which the grant is claimed. Then, and not before, the line of the road may be justly said to be definitely fixed. A line is thereby established in view of both parties to the grant, a route is established beyond the capacity of change; and as incident thereto for the first time the alternate sections granted become certain, definite, known, and individualized.

The late Secretary of the Interior, Hon. Jacob Thompson, seems to have been of this opinion. In giving a decision upon one of these land-grant acts he says:

> When only a preliminary survey has been made, pursuant to which the State proposes to show on a map the localities in which the route will fall, it is evident that the map must connect the route with the lines of the public surveys, showing the specific sections of land through which the road will be built, and thereby the exact line upon the earth on which the route will fall; otherwise the location is not "definite," nor is it thereby indicated precisely where the limits of the grant in place will fall. Even then we cannot regard a location on a map as "definitely fixing" the route till it is concluded that no subsequent act of the State or of the United States shall change that route; and this cannot be assumed by the grantor or the grantee until both are committed by their proper officers or agents to a recognition of one and the same line of location. (1 Lester's Land Laws, 587.)

When, therefore, the lines of route have been clearly designated by the proper corporate authority of the railroad company and the plats of the same showing their relation to the public surveys, together with the proper evidence of the due action of the company in adopting such route, have been deposited in the Department of the Interior and are found to be in compliance with the law and are approved, then for the first time can the route be deemed to be "definitely fixed;" and immediately upon that being ascertained the lands are withdrawn from other disposition by the Secretary of the Interior and secured to the company.

But, Mr. Speaker, there is a still further and most important consideration which conduces strongly to the correctness of the construction for which I contend. We have the definite enactment of a law of Congress affirming the right of every settler upon the public lands, before withdrawal for railroad purposes, to enter the same under pre-emption laws. I refer to the act of March 27, 1854, which is as follows:

> That every settler on public lands which have been, or may be, withdrawn from market in consequence of proposed railroads, and who had settled thereon prior to such withdrawal, shall be entitled to pre-emption, at the ordinary minimum, to the land settled on and cultivated by them: *Provided*, They shall prove up their rights by such rules and regulations as may be prescribed by the Secretary of the Interior and pay for the same before the day that may be fixed by the President's proclamation for the restoration of said lands to market. (Statutes at Large, volume 10, page 269.)

This act, sir, is still in force. It was passed in the early days of railroad land-grant legislation; it is prospective in its operation; in view of and subject to its provisions every land-grant act, save half a dozen, has been enacted. It clearly contemplates that lands granted for railroad purposes should be withdrawn from market, and that until such withdrawal the lands should remain subject to disposal under other existing laws. It is a familiar rule of interpretation that acts upon the same subject-matter, acts in *pari materia*, are to be construed with reference to each other and with a view to the preservation of all rights and the protection of all interests mutually involved and affected by the same.

The legal doctrine upon this subject is thus stated by a standard commentator upon statutory construction:

> The rule that statutes in *pari materia* are to be consulted for the construction of each other holds good though some of the statutes may have expired or even been repealed, and whether they are referred to or not. "All acts which relate to the same subject," said Lord Mansfield, "notwithstanding some of them may be expired or are not referred to, must be taken to be one system and construed consistently. (Sedgwick on Statutory and Constitutional Law, page 250.)

The application of this principle plainly leads to the conclusions I have advocated and to the adoption of that construction and that line of policy sought to be reinaugurated by the passage of the present bill.

Mr. Speaker, the interests involved in this subject are of vast magnitude and of most vital concern. All along the thousands of miles of land-grant railroads in the Mississippi Valley and westward to the Pacific, thousands of brave citizens have pitched their tents and builded their homes. Invited by what they believed to be beneficient laws, and by what they regarded as a paternal government, they ventured their all upon its faith, and now find themselves on the eve of being driven forth penniless from home and hearth-stone, the victims either of improvident enactment or mistaken execution of the laws. Their cries are coming up to us for relief, for justice. After spending years in the cultivation of lands and establishing homes acquired under the homestead law, and the time arriving when they are entitled to patents, instead of a patent they get a notice that their entries are canceled in favor of some railroad, and their homes delivered over to its remorseless grasp. I hold in my hand the letter of one of these sufferers, which I desire to have read from the Clerk's desk.

The Clerk read as follows:

> LINN COUNTY, KANSAS, *December* 27, 1873.
>
> SIR: Eighteen homesteads were recently canceled (as he calls it) by the Secretary of the Interior, mostly in Linn County, some in Anderson County. He has been doing the same thing for a year or so, but more by detail. The men in most of these cases have made good homes by years of toil, and now they are given to the railroad company. I need not say that if there is not redress had the deepest wrong is done. There is a deep feeling all over the country about this matter. A meeting was held at Mound City, at which resolutions were passed calling upon the Kansas Senators and Representatives to get us relief from Congress, and particularly upon you as our Representative from this district. We are powerless under this blow. Will you help us? The Department has done this, then turned on us a cold shoulder. Will you take hold of our case, or will you also turn us a cold shoulder? We are looking to you with the greatest anxiety.
>
> With the deepest respect, I remain yours,
>
> GEORGE W. SMITH,
> *A Sufferer.*
>
> Hon. Judge LOWE.

Mr. LOWE. This, sir, is but a sample of hundreds of letters to members upon this floor invoking the shield of protective legislation. They come from those who have been faithful and good citizens in all the walks of life—from those who have upborne your flag in the hour of the country's trial. They come with a cause that appeals to the justice and to the good faith of the Government, to its honor and to its humanity.

If the relief sought by this bill is not furnished, if the demands of the railroads shall be acquiesced in and conceded, and these occupants under the homestead and pre-emption laws shall be driven from their lands by the strong arm of power, they will be found knocking at the doors of Congress for pecuniary indemnity, supported by a moral and legal equity which the justice of the country cannot afford to disregard. Having entered upon their lands upon the invitation of the Government, holding in their hands the evidence from Government officers of proper payment for the same and of their right to have their entries carried into patent, their claim to be made whole in some mode cannot be ignored; and to turn them away remediless is to shock every sentiment of natural justice and political morality. I hope this Congress will not fail to pass this bill, or some equivalent measure of justice and relief.

Mr. THOMAS, of Virginia. Mr. Speaker, there is no subject so important to the American people, and about which we now hear so much, as our financial embarrassment. I am not going to-night to attempt to examine the cause of our national indebtedness but to look at the cause of our individual indebtedness. We know that we have a large national debt; that our counties, townships, corporations, and States in their corporate capacities are also largely indebted. It is to the individual indebtedness of our citizens that I desire to address my remarks to-night, and how that has come about, and what is the remedy for it.

The remedy for the national indebtedness we all know; it is to pay the interest upon the debt, to create a sinking fund for the extinguishment of the national debt as the bonds become due from year to year. Why have individuals become indebted? In my judgment the answer to that question is involved in the simple statement of what has occurred in the past. Since the war our currency has been more or less depreciated in value all the time. The value and purchasing power of our money has been less than what it was before the war. Consequently the same amount of labor, as represented by the money

which is received as a compensation for it, does not represent the same amount of the comforts and luxuries of life as it did when currency was equal to specie in value. Not willing to curtail our luxuries, we have been constantly straining our credit so as to live up to our wants and the luxuries and comforts to which we were accustomed and which we enjoyed when the purchasing value of money was greatly more than it has been during the last ten years. As a people and individually we have fallen into debt.

Now, what is the remedy for this state of affairs? Is it in asking Congress to legislate upon the subject? Is it in agitating the question through the public press from one extremity of the nation to the other? Will that add one dollar to the pockets of a single individual in this Republic or enhance the value of his property one dollar? If we had passed every currency bill reported by the Committee on Banking and Currency in each House of the national Legislature, would we as a nation have been one dollar wealthier than we are now? I think the great mistake we are now making, and have been making since this Congress commenced, is that instead of directing the attention of our people to the true remedy for their indebtedness, we have taught them to look from themselves to the national Legislature as the source from which any remedy was to come. In my judgment in that we have made a sad mistake. By that mode we have broken down not only the theory of our Government, by looking to the national Congress as the source from which all comforts and blessings were to flow, but we have broken down the spirit of self-reliance and manly independence of our people, that determination to shoulder our debts and to work them out by honest industry that we ought to have inculcated upon our people.

When you now see a man in debt, instead of making up his mind like an honest man to curtail his expenses and to go to more active pursuits and industries, to economize in every conceivable mode his expenses and those of his family, to produce a greater amount of commodities to be exchanged for money, he is deluded by the idea that we are going to do something here by legislation to rectify the evils from which he is suffering. In my judgment in that is to be found an evil which is doing more damage to the country than all other causes combined.

If we had not agitated this question at all during this Congress, confidence would have been long since restored, money which seemed to be abundant twelve months ago, and which is still in the country, would have flowed into circulation, and would have extinguished debts just in proportion as confidence was restored. Suppose that we could become confident that money is settled and permanent in value, and not to be changed. I owe a debt to the gentleman from Pennsylvania, [Mr. KELLEY;] I pay it to him; he pays it over to a gentleman in his rear, and he to a third and a fourth, and it circulates in the community, and debts are extinguished, and nobody complains of financial pressure. But if I have it in my pocket and am waiting to see what Congress will do either to diminish or enhance its value, I will keep it there until Congress adjourns. If they have done anything or are likely to do anything to enhance the value of my money I would be very cautious about letting it go out. If I believe they would do something to depreciate its value I will wait to be sure of it before I part with it.

Should the time come when the people shall be satisfied that the value of money will not be changed, it will begin to circulate, and our people will soon find that relief is not to come from Congress, but from individual exertions, from economy, prudence, perseverance in honest pursuits, and the various developments of industry in civil life throughout this Republic.

I deprecate the idea of deluding our people with the hope that we can do something here to better their condition. What can we do? Can we by the most solemn act of legislation add one cent to the value of a dollar? Suppose we pass a bill by a unanimous vote, and it is sent to the President as soon as it is enrolled, and it is signed by him, can that add a dollar to the intrinsic value of the property of the Republic? What we want is a greater amount of productiveness in the Republic; what we want is more of commodities to exchange for money, and let the money stand at its fixed value; that in my judgment is what we want. Hard and difficult as the task may seem, uninviting as it may be to the people, that is the only true remedy, and to that must we come at last.

Sir, we are told on all hands that nothing should be done to pay the creditor more than the consideration he gave for his debt. I concede that is right, and I would not by any act of mine interfere to the extent of one cent with the amount of consideration he is to receive. Neither, on the other hand, would I by any legislation compel him to accept one cent less than the consideration he gave.

How, then, can we expect to legislate on the subject without disturbing more or less this great equilibrium which should be preserved inviolate between the rights of the debtors on the one hand and the rights of the creditors on the other?

Sir, we are told here, and I heard it from the distinguished gentleman on my left to-night, that the debtor community are largely in the majority. Admit that they are, what does that show? Does not that have some inkling of the fact that the majority should have the right to say what amount should be given in payment of honest debts? I care not if there were a thousand to one, that thousand has no right to say the creditor shall receive one single cent less in the payment of his debt than the honest consideration I gave for it. Number has nothing to do in disturbing the relations between the debtor and creditor. If millions were on one side and a single individual on the other, I would scorn to do one act that would enable that million to take a cent out of the pockets of an honest debtor by legislation.

Now, Mr. Speaker, when we have ceased to talk about expanding the currency or contracting the currency, when we let it alone, be like a ship driven ashore during a storm, it will then soon right itself again. Trade will regain its wonted channels. Industry will begin to revive. It will be then seen that instead of looking to Washington for relief it will be better to look to the strong arms and strong nerves of the people to give relief in this financial crisis which has come upon us.

Sir, how can we expand the currency without diminishing its value? I have heard it frequently asserted on this floor during the last six weeks that when the entire property of the nation backs the currency, and is pledged for the redemption of our bonds and the payment of our currency, we could not depreciate the value of the currency by increasing it. We have lost sight of this fact, that though the value of the national property may be a thousand times that of the amount of currency afloat, to get money to pay that currency implies taxation; and just in proportion as it becomes necessary to increase taxation to redeem the currency do you diminish the chances that the tax to that amount will be levied.

And now, sir, I come to the other proposition, that the depreciation will be found in proportion as you augment the volume of the currency. Do we not see it now in those States where they are hesitating to levy the taxation necessary to meet the interest on their State debts? Why is this? Because it is more than 1 per cent. of the value of their property? No, sir; it is because you cannot get a Legislature that has the moral nerve to march up to the mark and levy the tax, go to their homes, and be held responsible to their constituents. And just in proportion as that difficulty exists, just to the same extent will the currency be depreciated. That is the measure, of doubt as to the Legislature, State or national, having moral courage to come up and levy the taxes to redeem the debt when it matures. That is the difficulty in the way. It is not because the property of the nation is not vastly more than is necessary to redeem the debt, but because you may not have a Congress in this and in the other end of the Capitol that will have the moral courage to raise the tax to redeem the debt when it falls due.

You know, Mr. Speaker, how difficult a thing that is to accomplish. That is the measure of the responsibility we have to incur, and that is the secret of how it happens that our money will depreciate in value just in proportion as we augment its quantity. I say, then, away with the idea that increasing the volume of our currency will not diminish its value.

Now, sir, how can we get to the specie standard? So long as we have upward of two thousand millions of debt requiring a large drain of specie on our resources, how can we get the money to redeem the debt as it falls due? The chairman of the Committee on Ways and Means told us the other day that we would soon be in arrears; that there are some $29,000,000 now falling due and with no money on hand to meet it. Why, sir, is that? Because he along with the rest of us seems to have concluded that we could not afford to increase the taxes and go home and sustain ourselves before the people. When we are unwilling to levy taxes to raise twenty-nine or thirty million dollars more to meet our honest obligations, what do you suppose would be our condition if we swell the currency to a thousand millions, making it necessary that in due time we should bring the taxes up about double to redeem the national credit and keep up the national honor? are we likely to have a party here that will have moral strength and nerve to face the position, to impose taxation, to send out the collectors to gather it in, and expect to be sustained at home? No, sir; you cannot, in my humble judgment, and never will. And that is the rock upon which our finances are to split if we are ever wrecked in our financial operations in this country. That, Mr. Speaker, is the point to be guarded.

I know, sir, in speaking of these questions, when we see men around us hungering and anxious for measures which they suppose will relieve them from their financial distress, and we turn them away from us with the cold comfort we are now giving them, that it may depress and discourage them. But I hold it to be the true doctrine that when we speak to a man upon a question of grave importance like this it is the best course to deal with him candidly, honestly, and frankly. Let him know the truth, even if it is unpalatable to him; let him know it, and prepare to meet the emergency. That I hold to be the duty of the representatives of the American people; and that duty, sir, I intend as far as I can, by my voice and my vote, to discharge upon this floor. My people expect me to do it. I have been accustomed to deal honestly and frankly with them, teaching them to pay their debts as I endeavor to pay my own; and I will not teach them to expect that anything I can do here will pay their debts and legislate money in their pockets unless they are willing to give property or labor for it.

This much I have desired to say, Mr. Speaker, not that I expected to advance any new idea at all, but simply that I might give vent to some of the feelings I entertain on this subject as to what is the true remedy for all our financial disasters. When we have pursued this course, and when we shall have gone home and told our people these facts, they will see that we are dealing candidly with them. Then

they will see prosperity come again, and the disasters that have overtaken them during the last six months will bring with them a warning against future disasters, and will be a blessing to them in disguise. In the end they will see that it is well that their extravagance has brought distress upon them; that they have had their attention pointed to the real remedy for all their ills, and they will live more circumspectly, more prudently, and more economically in the future; they will guard against vain and reckless speculation, and learn to live within their own means and to husband their resources. Then we will have financial means, financial credit, and we will cease to hear of money being scarce. That is all I desire to say.

DEPARTMENT OF AGRICULTURE.

Mr. LAMPORT Mr. Speaker, I embrace this opportunity to express my approbation of the bill before the House, and give my reasons briefly for its approval; and lest I forget it I compliment my honorable friend from Iowa [Mr. WILSON] for his moral courage in introducing this bill, notwithstanding the antagonisms so palpably expressed by the action of the House against the Agricultural Department. I regard this bill a necessity to the life and perpetuity of this department. And I trust it will bring the question of life or death before the House to be disposed of on its merits, and either save the Agricultural Department with an honorable status, or wipe it out as unworthy of consideration by this Congress.

An act was passed and approved May 15, 1862, establishing at the seat of Government of the United States a Department of Agriculture, the general design and duties of which were to acquire and diffuse among the people of the United States useful information on subjects connected with agriculture in the general and comprehensive sense of the word, and to procure and propagate and distribute among the people new and valuable plants and seeds. This enactment was hailed by the farmers of the country as a new era in the advancement of agriculture, and received their hearty commendation. The question can now be propounded with propriety, was this enactment a wise one? And did the interest of this, the greatest and most important American industry, justify the measure with necessary expenditure? I answer, yes. And to enforce my judgment I beg permission of the House to go somewhat into detail.

The Commissioner of Agriculture, in his report for 1872, says:

> The minds of men all over the world are constantly employed in the search after human knowledge in all that concerns the fruitfulness of the earth, as well as the philosophical principles which govern its mysterious operations; and it is the province of this department to mark well the progress that is made and keep its constituents advised of its value and how they may avail themselves of advantages to be gained, with its immense and almost measureless extent of this country as a field of agricultural employment. We must not fail to watch, learn, and carefully examine whatever may promise to add to the sum of human happiness, which springs from the carefully cultivated earth.
>
> When we call to remembrance the large proportion of the world's inhabitants who depend upon agricultural pursuits for their support in life, it gives us encouragement to believe that the work we do reaches further and strikes deeper into the interest of mankind than comes within the scope of any other human effort. It behooves this Government to be foremost in teaching those lessons of progressive, practical, and scientific agriculture in accordance with the measure of the great opportunities which we possess to learn them as they occur.

You will observe, Mr. Speaker, that this department in its organization sought to impress on the public mind this axiom in political economy, that the smaller products of a diversified industry are far more than an equivalent for a single result of organized labor, however absorbing or important; hence the genius of this organization was to *diffuse* among the people of the United States useful information on subjects connected with agriculture "in the general and comprehensive sense of the word." And herein is the reason for the universal demand for the report of the department, which is more generally read and appreciated than any document printed by Congress.

But, sir, can I maintain my assumption that the agricultural industries of this country are, and of right ought to be, estimated the most important and greatest?

Do not understand me as underrating the other great and important industries of the country; but great and vitally important as they are, they are in great part dependent on agriculture.

But, sir, to the facts and figures. I find by the census of 1870 that the farmers of this country have in use as improved lands 188,921,099 acres, valued in cash at $9,262,803,861. These lands were cultivated by machinery at a cost of $336,878,429. The total amount of wages paid during the year, including board, was $310,286,285.

The total products of cereals, (consisting of wheat, Indian corn, oats, rye, buckwheat, and barley,) in all the States and Territories of the United States, amounted in the year—

	Bushels.
1840 to	615,535,077
1850 to	867,454,032
1860 to	1,238,138,947
1870 to	1,357,230,096

The aggregate cereal product of all the nations of Europe in 1868, with a total population of 296,128,293, was reported to the international statistical congress at the Hague, in 1869, to be 4,754,516,604 bushels, being 16 bushels to the head. The product in the United States in 1870, of 1,357,230,096 bushels, with a population of 38,558,371, was 35 bushels to the head.

I will endeavor to impress the House more perfectly by bringing to your notice the amount and value of a few of those products that may be termed staples, for time would fail me to go into detail. The farmers of this country produced, as per census of 1870, 287,745,626 bushels of wheat, 760,944,540 bushels of Indian corn, 3,011,996 bales of cotton, 100,102,387 pounds of wool, 514,092,683 pounds of butter, 53,492,153 pounds of cheese, orchard products valued at to $47,335,189, market-garden products $20,719,229. But I must content myself in passing over the vast number and amount of items that go to make up the value and importance of this great industry. The question very properly arises *how* do these products directly affect the *substantial* interests of the country?

I invite your attention for a moment, while I attempt to solve this problem.

The export of agricultural products for the year ending June 30, 1873, are as follows: 39,204,285 bushels wheat, value $51,452,204; 2,562,086 barrels wheat flour, value $19,381,664; 38,541,930 bushels Indian corn, value $23,794,694; corn meal, value $1,474,827; 482,410 bushels barley, value $323,187; rye and rye flour, value $515,676; oats 714,072 bushels, value 290,575; 2,609,254 bales cotton, value $227,243,069, to which should be added a considerable amount of manufactured cotton.

You will observe I have omitted a large amount of products for fear I should weary the House.

But I have approximated my object, and have given you the figures of the few staple productions for the year 1870, and some of the products exported during the year ending June 30, 1873. Again, sir, this great industry affects the substantial interests of the country by not only producing bread, meat, and clothing, but it furnishes the basis of transportation. The honorable gentleman from Iowa, [Mr. WILSON,] in his speech on interstate commerce, declares from his standpoint that "the want of proper facilities to transport four hundred million bushels of grain is the main object sought;" but in addition to that five hundred thousand tons of pork have been packed in this locality during the last year, and as many tons of live hogs are moved easterly each year, and nearly all the surplus beef and mutton, 510,025 head of cattle and 145,016 head of sheep having been shipped by rail from Chicago during the year ending June 30, 1873. Again, sir, the vast amount of agricultural products necessitates the employment and support of thousands of men termed dealers and middle-men. These products become the great commodities of commerce; in fact railroads, rivers, lakes, canals, and the ocean are dependencies on the productions of the farmer.

These statements, which are very meager, show something of the real and substantial acquisitions of the country. Commerce an trade, invaluable in themselves, are in fact ideal; exchange of commodities is not an acquisition in fact; money passing from one man's pocket to another's is not a real accumulation, but agricultural products are real, substantial accumulations. "Grain," says Adam Smith, "is the regulating commodity by which all commodities are fairly measured and determined." How impressive this principle of political economy as developed in the late panic. Panics are the financial epidemics that test the financial ability of men. They challenge confidence, and not unfrequently shake financial marts to their very center. During the late panic it was reported that in Wall street, New York, which is reputed to be the great financial *ménagerie*, where *bulls* and *bears* hold undisputed sway, not unfrequently the paper of the great railroad king, who is estimated to be worth from fifty to one hundred million dollars, was hawked about the streets with strong collaterals without negotiation. Trust companies, bankers, brokers, and money-shavers were in a perfect frenzy; a dark and portentous cloud seemed to lower over the whole country; a financial paralysis was the result. Then commenced that fearful process, *shrinkage*, and fortunes withered as new-mown grass before the noonday sun. It was said by my honorable colleague, [Mr. MERRIAM,] in his speech on banking and currency, that a millionaire of New Jersey "disclaiming forever his vast possessions, assumed the attitude of injured innocence exiled from his hard-earned many millions, stood before us a confessed pauper," a victim of the panic. What avail then were bank balances, bonds, stocks, promises to pay?

But, sir, there was a silver lining to that fearful cloud. The granges who hold the granaries of the world came to the rescue; they threw their granary-doors open; British gold came to us by the million. For what? For bread. The agricultural products of the country were then appreciated; the balance of trade began to turn in our favor. *Grain was indeed a reality;* confidence founded on real balances began to return; the panic was appeased, the country was saved—and by what? By agricultural products. And but for this reality our country might now be humiliated in bankruptcy. Sir, agriculturists ask no gratuity; but ought not the Congress of this great nation to manifest some considerations of respect and interest, and be willing to foster this great industry upon which the country depends so much? And yet, sir, when the representatives of the farmer ask the mere pittance of a *report* containing valuable information, stimulating industry and advising economy and frugality, gentlemen array themselves in all their powers of "*tutored*" eloquence, and lift their hands in holy horror at the awful prodigality of the friends of the farmer who propose to print and distribute two hundred and fifty thousand copies of the report on agriculture at the expense of the Government.

I was amused and interested by the remarks of the honorable gentleman from New Jersey, [Mr. PHELPS,] who caught this anti-agricultural spirit of enonomy and made this notable declaration as the prelude to his deliverance, which was uttered with tutored eloquence.

He says: "I believe that a privilege for the few is an injustice to the many." This was wondrous strange to me, a declaration that demands qualification; for in its literal application it contravenes the great principles of charity and Christian benevolence. The American Government recognizes no such contracted principle of faction, but, on the contrary, its very genius is to obtain that best of all evidence of a good government, the comfort, the happiness, the thrift of the masses, even at the *apparent* expense of the favored few, and the result of such action has been munificent, but not unjust.

But who did the gentleman mean by the few and who by the many? By the census of 1870 we have 5,863,707 farmers, planters, and agricultural laborers. I understand that farmers constitute three-fourths of the voters, and by far the largest number of the tax-payers of the country. I notice a statement in the Bulletin in which Iowa is reported to have 60.07 per cent. farmers; Kansas, 59 per cent.; Minnesota, 56.65 per cent.; Wisconsin, 54.53 per cent.; Nebraska, 52.73 per cent.; Missouri, 52.20 per cent.; Illinois, 50.32 per cent.; Michigan, 46.39 per cent.; New York, 25 per cent.; Pennsylvania, 24.03 per cent.; Connecticut, 22.56 per cent., and the manufacturing States generally less.

But, sir, I make great allowance for this masterly effort of the gentleman as touching this "ghost" that so haunts him—two hundred and fifty thousand copies of the Agricultural Report to be given to the farmers of the country! That would be a tax *per capita* of say five mills. Was it strange that this ghost would not down at his bidding? He said, "not twenty-five hundred, not five thousand, but two hundred and fifty thousand!" His mind was greatly exercised; shocking enough to wake up any millionaire of the country. Not only was he horrified, but he expressed his admiration of the "audacity" of the gentleman from Iowa who reported the resolution to print. Audacious wretch! And he calls up his "indefatigable friend" from Maine for his infidelity to economy. Surely *he* has not been delinquent. And more; he arraigns the "father of the House," because he "utterly refused to prophesy." But mark, he lifts the cloud from the brow of the "brave and eloquent" gentleman from New York, my distinguished colleague, [Mr. WOODFORD,] much to my delight. But now he apprehends the "inexplicable decision;" it was the grangers; and he serves up a delectable dish to the grangers of New Jersey. He says: "Who wants the franking privilege? I pause for reply. The grangers want it. I am not a granger; I do not want to give them what they want. I say it very boldly. I do not like granger principles."

Sir, that settles the question between the gentleman and the grangers of New Jersey, and I understand there are not a few in that State. But henceforth there will not be found a granger in that State so poor as to do him reverence.

But what are the principles of the grangers, that so nauseate and disgust the gentleman? It is due the grangers, that are so roughly handled, to inquire; therefore, I read from their platform, to wit:

> To develop a better and higher manhood and womanhood among ourselves; to enhance the comforts and attractions of our homes and strengthen our attachment to our pursuits; to foster mutual understanding and co-operation; to maintain inviolate our laws, and to emulate each other in labor; to diversify our crops, and crop no more than we can cultivate; to systematize our work and calculate intelligently on probabilities; to discountenance the credit system, the fashion system, and every other system tending to prodigality and bankruptcy.

What awful declarations! How they grate on the ear of the highly cultivated and sensitive mind!

Mr. Speaker, these are the avowed principles that brought the honorable gentleman to his feet to "boldly" express his disgust. But, sir, I differ with the gentleman, and with "untutored" eloquence shall approve, advocate, and sustain this platform as worthy of all commendation. I know nothing of the detail of this organization, but, coming from the farm and expecting to return to it, these declarations meet my hearty approval; and for their furtherance I ask this House to pass the bill under consideration, as conducive to the advancement and success of the greatest and most important industry in the country. I deprecate the necessity that justifies organizations whose province it is to foster special industries; but, sir, the necessity seems to have arisen when the farmers of this country are called upon to protect themselves.

There is manifestly a disposition in this Congress to *undervalue* the importance of agriculture. As I have said before, *forty-three* gentlemen of the House have put themselves on record in favor of a resolution, "without unnecessary delay to wind up, discontinue, and abolish the Department of Agriculture by the 1st day of July, 1875." This was frank, open, and manly; far more so, in my estimation, than to withold the printing and prevent the free distribution of reports, seeds, &c., which is the peculiar province of this department, and without which it becomes valueless. The genius of this Government permits no such stinted measure. Education, commerce, manufactures, railroads, mining, and internal improvements generally have received liberally of the Government. What has been the result? *These* aids "to the few have not proven an injustice to the many," but have resulted in developments and successes that make ours the noblest, the freest, and the best Government on earth, and if continued will yet crown us the almoners of the civilized world. Shall the agriculturist be ignored? I trust not. Let us have an Executive Department of Agriculture and Industry; bring into that Department all kindred interests—public lands, labor in its relation to education and capital, transportation of agricultural products, economic plants, preservation of timber, prevention of cruelty to animals, fish culture, and the many interests appropriately connected therewith. But, sir, I must hope against hope, unless there comes a change over not a few who now grace the Halls of Congress.

Sir, I think the farmers of this country have reason to complain. I have been not a little exercised in my mind on this subject. I charged the honorable gentleman from Indiana some days since with expressions of low estimate of the Agricultural Department by declaring an improvement to the building as unworthy and as a matter of "*mere fancy*." I will do him no injustice. He did favor agriculture. So does the honorable gentleman from Iowa, [Mr. KASSON,] and also the gentleman from New Jersey. *But it is to favor agriculture as it has been* rather than as it is and ought to be. It is in fact to honor us as worthy to labor and toil, and feed on hog and hominy. But when we assert that we are entitled to a place in the great army of progression; when we seek to make our homes cheerful and happy by the inspiration of the exquisite productions of nature, surrounding our homes with the beautiful flowers so refining and elevating, and desire to enable our wives and daughters to meet us, as we come from the field tired and toil-worn, with the beautiful smiles of heaven, the exquisite flowers to mingle with their smiles, the gentleman from Indiana cries out *mere fancy!* the gentleman from Iowa curls his lip and talks of morning-glories! and the gentleman from New Jersey goes into fits! And herein is the justice and burden of our complaints, it is the low estimate put upon our high vocation. Sir, if there is a man in the land entitled to the comforts, the pleasures, the luxuries of "*sweet home*," it is the farmer. If any ladies in the land are entitled to the enjoyment of the exquisite blandishments of home, it is the wives and daughters of the farmer. If there are young men in the land that the Government is more interested in than others, they are the sons of the farmers of America, born, reared, and employed in that vocation that points directly and constantly up to Him whose munificent benefactions lead them to a living faith in the fatherhood of God and the brotherhood of man. For surely "the laborer is worthy of his hire."

Sir, I have sometimes felt humiliated. An ex-member of Congress from Illinois [Mr. FARNSWORTH] openly stigmatized the Commissioner of Agriculture on this floor as a petty peculator, pilfering vegetables from the public gardens for his own table. The honorable gentleman from New York, [Mr. COX,] so noted for his pleasantry—and no one enjoys it more than I do—caricatured the whole fraternity of farmers and convulsed the House with laughter by holding up a woodcut of a choice breeding-sow from Maryland or Pennsylvania, when at the same time, probably, the gentleman's stomach was digesting a choice bit of bacon brought to market by some enterprising farmer. But so far as this gentleman is concerned I ought not to complain, for the farmers of the State of New York settled the account with the gentleman last November much to their gratification if not to his satisfaction. His effort proved to be what the gentleman would call a political "boomerang."

The last Congress refused to print the Agricultural Report, notwithstanding it was prepared at great cost and labor. The present Congress refuses to distribute the report, and therefore there is no propriety in printing. For some unknown reason to me, communications from members of Congress were published in the papers before the convening of the present session, charging that the printing and distributing of the Agricultural Report would be gross prodigality. I read nothing about the cost of the Medical and Surgical History of the War, and other valuable documents; and I do not make this mention because I am opposed to the printing and distribution of these valuable documents, for I am in favor of the Government printing and distributing reports and scientific works that cannot be so well obtained otherwise, and which may prove a public benefit.

But, sir, I must close my remarks. I only regret my inability to do justice to the farmers of the country in presenting the claims of agriculture, which need not shrink from comparison with any other industry in the country. The farmers as a class must be regarded as the great conservative political power of the nation; no communes, no mobocrats, no strikers, no corner-jobbers, or Black-Friday miscreants are to be found among the farmers. Sir, elevate the agriculturists of the country, and you contribute to the country's safety, to its patriotism, to its stability, to its honor. In conclusion, I quote a few words from the pen of an able writer, which I commend for consideration:

> The modest reserve and quiet independence of our rural population have heretofore barred the great interests of agriculture from its proper prominence in the country, while other interests more active and clamorous, with the advantage of association, abundant means, and concentrated effort, have often secured special protection at the expense of the farmer. Unfortunately this disinclination to self-seeking and lack of ambition for public station result so generally in the selection from towns and cities of national legislators from other vocations, some of whom have little knowledge of the peculiar wants of the farming class, and many others may have connections with other interests that may be brought into antagonism with those of agriculture. Farmers are learning their power, and are beginning to exercise it in self-protection if not for their own advantage.

[Mr. ROBBINS addressed the House. His remarks will appear in the Appendix.]

[Mr. MELLISH addressed the House. His remarks will appear in the Appendix.]

Mr. BUTLER, of Tennessee. Mr. Speaker, it is a pity to spoil that pretty speech of the gentleman from North Carolina, [Mr. ROBBINS.]

His district and mine adjoin, and the people are of the same character, only I do not think my people are so bad as his are, as he represents them here to-night. There was a time when we did not have any revenue laws of the sort that he speaks about; there was a time when we did not have these officers scattered through the country. There was a time when the people could make their brandy for the old women and the little drams and all that sort of thing, and love their country better. There was a time when it was not necessary to collect nearly $100,000,000, as will be collected this fiscal year upon whisky and tobacco, to pay the indebtedness of the country. The country was then free and easy, and the people were happy and prosperous and free; but for reasons satisfactory to our own people, they got up a little unpleasantness and created a debt that is still unpaid of $2,200,000,000, and our good people down South have now to pay the fiddler for that dance that they had for about four years.

Now, Mr. Speaker, because our people pay a little tax upon whisky and tobacco, it is no argument to me and no evidence to me that we are going to centralize our Government. Because these officers go into North Carolina and collect taxes from the people on their tobacco and whisky and brandy, that does not satisfy me, nor does it satisfy the intelligent people of the country, that the country is in danger of centralization any more than it ever was.

The gentleman tells you about the annoyances of the revenue laws and of the assessors and all that sort of thing. Well, to some extent there is something in that, but there are no assessors now; the law appointing assessors was repealed long since, and the collector assesses and collects too. It is a much cheaper system. The gentleman talks about store-keepers. Sir, there are no store-keepers in his district and not one in mine. I presume there is not a licensed distillery in his district that makes whisky.

Mr. ROBBINS. I hope the gentleman will allow me a moment?

Mr. BUTLER, of Tennessee. Certainly; with pleasure.

Mr. ROBBINS. I saw a dozen or two appointed not long since.

Mr. BUTLER, of Tennessee. Store-keepers?

Mr. ROBBINS. Yes; store-keepers.

Mr. BUTLER, of Tennessee. I presume the gentleman is mistaken.

Mr. ROBBINS. No; I am not.

Mr. BUTLER, of Tennessee. There are no store-keepers, unless there are licensed distilleries that make whisky. There are no store-keepers connected with brandy distilleries.

Mr. ROBBINS. Will the gentleman allow me a moment?

Mr. BUTLER, of Tennessee. Yes, sir.

Mr. ROBBINS. I hope the gentleman does not think that we in our district confine ourselves entirely to the manufacture of brandy. The best whisky in the world is made there.

Mr. BUTLER, of Tennessee. Yes, sir; the best whisky made is the corn whisky which is made in Carolina, and it is made without a license; that is the trouble. There are no store-keepers. The manufacturers do not take out a license; they try to violate the laws of the country instead of taking out a license.

So far as the tax upon tobacco is concerned, the gentleman's people do not pay it; neither do mine. It is paid by the people who use the tobacco. The people of your State, Mr. Speaker, the State of New York, who smoke fine cigars made of our fine tobacco, pay this tax. We charge the tax upon the tobacco, and the consumer pays it. So far as regards the liquor we drink ourselves we never tax that; we make that clear. As regards the distilled liquor we ship to other States to be sold, it is a luxury, and it ought to be taxed.

Mr. ROBBINS. Will the gentleman allow me one question?

Mr. BUTLER, of Tennessee. Certainly.

Mr. ROBBINS. Does not the gentleman suppose that the man who buys from the producer, knowing that he has to pay another price in the shape of an internal-revenue tax, pays less to the producer than if he were not required to pay another price?

Mr. BUTLER, of Tennessee. When the producer sells it he puts on the tax. As for tobacco, we sell it now for three times as much as we did before the war. One of the best businesses we have is raising tobacco. We get a great deal more for it than we did formerly. We ought not to complain of the tax. One hundred million dollars of tax has to be raised from something. If it is not raised from tobacco and whisky it must be raised by taxation on the lands of the southern country. Suppose that the mode of taxation originally contemplated by the Constitution were resorted to; suppose that taxation were apportioned among the States and paid *per capita*, what would become of the gentleman's State and mine, with our population and our amount of property? Is it not best that taxation should be imposed upon the luxuries of the country? Is it not best that the people of wealth living in other States who indulge in those luxuries should pay this taxation? It is a form of taxation which we certainly ought not to complain of.

The gentleman speaks about "giving in" the quantity of spirits manufactured. Why, sir, when one of the distillers of his district makes ten or twenty gallons of brandy there is nobody there to watch. The distiller puts it in the barrel and notifies the gauger to come around. Then he tells the gauger, "This is what I have made." He merely gives in the quantity, for there is no store-keeper there; nobody to watch him; and when that whisky is sold it brings a better price than it ever brought in the history of this country before the war, for in the gentleman's State whisky used to sell at twenty-five cents a gallon, plenty of it.

Mr. ROBBINS. I do not like to interrupt the gentleman, but——

Mr. BUTLER, of Tennessee. It is a pleasure for me to be interrupted by my friend.

Mr. ROBBINS. I tell the gentleman that so far from its being the fact that the distiller merely gives in the quantity to a gauger whom he sends for, there must be, in my district in every single instance a store-keeper to take charge of the spirits as it comes from the still; to see how much there is, and that it is all turned over to the gauger.

Mr. BUTLER, of Tennessee. On that point we differ. I venture to repeat (and I will ascertain to-morrow whether I am correct) that there is not a store-keeper in the gentleman's district. There is but one distillery, so far as I now recollect, in my district, and that is a licensed whisky distillery. Those who make brandy do not have any store-keeper; none is required.

Mr. Speaker, the spirit of opposition to the laws and the disposition to violate them is engendered to a large extent by just such speeches as that of my friend from North Carolina, telling the people that the law is wrong and oppressive, and ought to be repealed. When I go through my district I do not talk to the people in that way. I say to them that our people brought the war upon the country; they were not satisfied with the Government and tried to break it up. Thus a vast debt was incurred by the loyal people of the country in putting down the rebellion. The Army had to be fed and clothed; the pensioners must be provided for. The loyal people created this debt; and to pay it taxation is imposed, not on articles of prime necessity, but on such articles as tobacco and whisky, luxuries which (so far as my private opinion is concerned) I have always believed ought to be taxed out of existence.

It is the war that has created this necessity for taxation. Before the war we lived in a "free and easy" way. We drank our liquor, chewed our tobacco, and smoked our cigars, with no revenue officers to spy around and inform upon us. That continued so long as there was no attempt to break up the Government. But when we made an effort to destroy the Government the loyal people of the country had to raise and maintain an army to put down the rebellion, thus creating a debt which has to be paid. I do not complain, nor do the people I represent, about the imposition of a tax on those luxuries, whisky and tobacco.

Mr. ROBBINS. Will the gentleman allow me to interrupt him again?

Mr. BUTLER, of Tennessee. With pleasure.

Mr. ROBBINS. I wish to say this: I recognize the fact that we have a debt. I recognize the fact that debt rose out of the war. I admit it ought to be paid. I am in favor of redeeming the honor of the country by paying every cent of it. The only question is as to what means we shall take to pay it. I say let us levy import duties or something of that kind instead of this vexatious, this centralizing, this oppressive internal system of espionage and taxation that ramifies through all the private affairs of everybody all over the country. Let us raise the necessary amount to carry on the Government, to pay the interest on the public debt, and to pay a small amount of the principal, but let us postpone to the next generation the payment of the main portion of the principal of the public debt, when this country will have one hundred millions of people and be the richest country on the earth, and when we can pay the whole remaining portion of the public debt without the least trouble. All we need to do now is to pay the interest and enough of the principal every year to make the world know we mean to pay it. Let the next generation pay it. Let us not by levying taxes by the internal-revenue system still further oppress the already impoverished people of the South who have been ruined by the war, and oppress, too, the people of the North, well-nigh ruined by the victory they have won and by the sacrifices they had to make in money and property. Let us curtail our expenses, and let us raise revenue by a tariff and not by the present vexatious internal-revenue system.

Mr. BUTLER, of Tennessee. The difference between the gentleman and myself is this: He proposes to tax the people of his country on articles of prime necessity. He proposes to put a higher tariff on the goods they must wear and upon what they must eat and drink, and let whisky and brandy and tobacco go free from taxation; to tax them upon all articles of prime necessity, and to allow articles of luxury to go free. When the proposition is made in this House to raise the tariff, the gentleman's party in this House is in favor of free trade. When it is proposed here to keep the tax on the bonds of the bloated bondholders, so much talked about, the clamor comes from the gentleman's party that it is all a system of espionage and spying and all that sort of thing.

There is the difference between the gentleman and myself. I am for taking all sorts of tariff and internal-revenue taxation off articles of prime necessity which the impoverished people must have and which nature requires they must have. If we must have a tax, put it on whisky and tobacco and articles of luxury, so that all those who can afford to use such luxuries will be compelled to pay for them. This is the difference between us.

So far as paying the debt is concerned, I agree with my friend that perhaps there has been too much of it attempted to be paid at once. Let us just pay the interest and wait until the country grows greater and grander.

So far as the tax on brandy is concerned, notwithstanding it produces considerable revenue, as any gentleman will find who will look

at the figures, I agree with the gentleman that to a certain extent I should like to see the tax taken off brandy. The gentleman from North Carolina has well portrayed the manner in which it comes.

But still, Mr. Speaker, this great Government of ours, in its leniency to the people I represent, instead of confiscating the whole property of that people, instead of declaring the whole State outlaws and not entitled to anything like pardon or amnesty, deserves at our hands every consideration. This great Government has accorded to us everything and not even taxed us, as they set out during the war, by putting a tax on each State and compelling each State to raise a certain amount which would go upon the property and upon the heads of the people we represent. Sir, the Government has been good to us; and I say that those here who represent the people of the South upon this floor, instead of making war upon the Government, finding fault with the mode and manner of taxation, ought to rejoice that articles of prime necessity are not taxed in our borders, but that the luxuries we raise and sell to those abroad who are able to pay for them are taxed, and taxed alone.

Mr. VANCE. Mr. Speaker, I wish to say three or four words while I have the opportunity—and I did not expect to say a word to-night—in reference to the tax on leaf-tobacco. I take the ground raw materials ought not to be taxed, because they are the bases of the industrial interests of the country. My friend from Tennessee, [Mr. BUTLER,] for whom I have great love and respect, has intimated that the small farmers of the country do not pay the tax; that the manufacturers and consumers pay the tax.

Well, sir, in one sense that is correct. But I wish to say that the small farmer does pay a heavy tax in this way. Without the tax on leaf tobacco the price of tobacco in the country is from twenty to twenty-five cents a pound. The effect of the tax on leaf-tobacco has been to absolutely cut off that trade. The small farmer cannot sell to the consumer on account of the tax, and the trade therefore has been cut off. In consequence of the tax the producer, in selling to the manufacturer or to the wholesale dealer, gets five cents a pound; otherwise he would get twenty cents a pound. Therefore I say, and I hope my friend from Tennessee will take notice of the argument, that the small farmers pay a tax of fifteen cents a pound on the raw material. I say that we might just as well tax cotton; we might just as well tax corn that is made into whisky, or the apple that is made into brandy, as tax the raw material, tobacco, before it is manufactured. The argument is just the same in reference to all those articles, and I think it is a wrong policy.

I desire, also, to call the attention of my friend from Tennessee to this feature of the revenue laws, that they make no provision whereby the court has discretion. The law is rigid, it is stiff, it is unbending, in regard to the penalties and the fines. There is a man now in jail at Asheville, North Carolina, put there for six months by order of the court, for staying one night at a distillery and selling a quart of spirits to a man who came to the distillery. The court has decided there is no discretion.

Now, sir, I will join with my friend from Tennessee in saying that the public debt ought to be paid. It is sacred. But, sir, if we can find a way to pay the public debt without oppressing the people, I call upon him, and I call upon every gentleman in this House, to say if it is not proper that we should do it. And the people, sir, are oppressed. What would you think of a man having to walk a hundred miles for selling a pound and a half of tobacco in the leaf? That is what is done in my country.

Now, sir, while I agree with my friend from Tennessee in regard to paying the public debt, I think it is unwise to tax the raw materials of the country. I do not object so much to the tax on tobacco or to the tax on spirits; but I think if we could devise a plan whereby the people could come and give in their taxes as my friend has suggested it would be a good idea. The people would be better satisfied, and we would have peace and harmony throughout the land.

My friend from Tennessee is mistaken about there being no store-keepers. There are several in my country. I think there is one in Asheville. I have had several applications during the last month or two to have store-keepers appointed in different parts of the country.

I had not intended to say a word this evening, but I have felt it my duty to raise my voice in behalf of changes in these laws. I do hope that Congress will take hold of the subject and provide some remedy, so that a man shall not be put in jail and languish and be kept away from his home for such trifling offenses. Why, sir, the people are oppressed by these laws. That is known to everybody in the country. And I presume that my friend from Tennessee is not in favor of the system, although he wants to see our great debt paid. I hope there will be some other plan devised for accomplishing this object than that of taxing the industrial interests of the country.

Mr. BUTLER, of Tennessee. I desire to say just one word. So far as the law is concerned in regard to the court having no discretion, I agree with my friend from North Carolina that that law appears to be harsh and oppressive. The law formerly was different. The judges trying these cases had discretion. But Congress, for wise reasons perhaps, thought it was best not to grant it. I think that was wrong, and I am willing to go as far as my friend from North Carolina in obtaining a change of the law in that respect. I think all courts ought to have discretion.

So far as the tax on leaf tobacco is concerned, the Committee on Ways and Means have agreed to report a bill to authorize the sale of one hundred dollars' worth. We passed the same law in the last Congress, but the Senate would not concur. I introduced a bill this session to exempt one hundred dollars' worth, and I trust it will become a law. But while I am anxious for that to become the law, and while my friend from North Carolina is anxious to have various changes of the law, I think it is better for the people we represent that they should bear these ills than that they should fly to those they know not of. For if these taxes were taken off whisky and tobacco they must be imposed somewhere else; and if you were to say to my people that they must pay on other things in proportion to what is now paid on those articles, I do not know what would become of us.

Now, so far as violating the law is concerned, I hate to see any man punished for selling a quart of liquor or a pound and a half of tobacco. But I have always told my people not to have anything to do with distilling of any kind, and that if they raised tobacco, to comply with the law. I tell them the law says you can sell your tobacco to manufacturers, and there are manufacturers in the country. The Commissioner of Internal Revenue said to the Committee on Ways and Means that if you exclude leaf-tobacco from taxation you will destroy the whole internal-revenue system, and cause a deficit of $40,000,000 in the revenue from tobacco. I would like to see the recommendation of the Committee on Ways and Means become a law, and I trust it will become the law, and relieve the little producers of the country that the gentleman from North Carolina and myself represent. But if to take the tax off leaf-tobacco is to destroy the whole internal-revenue system and cause a deficit of $40,000,000, we had better tell our people to bear it. It was our people who brought it upon us, and we must "grin and bear it," to use a North Carolina phrase.

Mr. VANCE. I desire to call attention to one very important fact in connection with this matter. The manufacture of tobacco in Canada has greatly increased, because there is no tax there on the raw material or the leaf-tobacco. I will mention another fact, that the tax on leaf-tobacco does away with the growth of tobacco in a great many portions of the country. Men cannot make it for five cents a pound. I agree with my friend from Tennessee in hoping that this will be remedied.

Mr. BUTLER, of Tennessee. The reason why the manufacture of tobacco is increasing in Canada is, that they run the tobacco across the border without paying taxes, while our people are pretty honest and pay their taxes.

Mr. ROBBINS. I desire to ask the gentleman from Tennessee a question. The gentleman says that he always tells the people that these laws are good, and that he is conscientiously bound to tell them that all laws are good.

Mr. BUTLER, of Tennessee. O, no; I did not say that.

Mr. ROBBINS. I thought I understood the gentleman to intimate that it was rather disloyal to talk about bad laws.

Mr. BUTLER, of Tennessee. No, sir.

Mr. ROBBINS. I want to ask the gentleman whether he thinks this a good law. The law says that a man shall not sell tobacco, unless he sells it to a licensed dealer or manufacturer, or a man who buys it for export. That necessarily limits the purchase to a small number, and they—perhaps one hundred persons in North Carolina and Virginia—have power to control the price because they are the only men allowed by law to buy the article. I would ask the gentleman whether he tells the people of Tennessee that that is a good law, whether he feels bound in order to support the honor and dignity of the Government and to maintain loyal principles always to maintain that that is a good law?

Mr. BUTLER, of Tennessee. I have just said that I introduced a bill in the last Congress and in this to exempt $100 worth of tobacco in the hands of the producer from taxation. That proposition passed the House during the last Congress but failed in the Senate. The Committee on Ways and Means will recommend it this session. They agreed upon it at their last session or their last session but one. I think the law is defective. I think that the man who produces tobacco ought at least to have the right to sell $100 worth, or to trade or swap it for labor or for the productions of other farmers. I have always held that the law is oppressive in this regard; but the change has been opposed by the Commissioner of Internal Revenue, and the Senate has always defeated it. They have taken the ground that it would destroy the tax that is derived from tobacco if you should make leaf-tobacco free.

I did not say that the laws were good. I told my people to obey them, that they were the laws of the country, and that it was the duty of every good citizen to obey the laws until they were declared unconstitutional by the courts that had jurisdiction, or were repealed by the law-making power. I try to educate the people I represent to obey the laws.

Mr. ROBBINS. I tell the people also to obey the laws. When I talk to the people I say obey the laws while they are laws; but I am talking here now to the Representatives of the people, the law-makers, and I say here the law is not good; and because I say that, the gentleman from Tennessee [Mr. BUTLER] gets up and says that such a speech as mine is calculated to have a demoralizing influence. I hope I have sufficiently demoralized the law-makers to make them correct the evils which he cannot deny exist in the law.

Mr. WHITELEY asked and obtained permission to print remarks on the improvement of the Apalachicola, Flint, and Chattahoochee Rivers. (See Appendix.)

And then, on motion of Mr. RANDALL, (at ten o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BECK: The petition of the commissioners of the sinking fund of the city of Louisville, Kentucky, that certain taxes claimed to have been illegally collected from the city of Louisville by the United States Government be refunded, to the Committee on Ways and Means.

By Mr. BURCHARD: The remonstrance of C. R. Barber and others, of Polo, Illinois, against conferring upon the Commissioner of Patents authority to extend patents a second time, and against the expediency of renewing patents for agricultural machinery, to the Committee on Patents.

By Mr. CHIPMAN: The petition of citizens of the District of Columbia, for a new bridge at the navy-yard, to the Committee on the District of Columbia.

By Mr. DARRALL: The petition of John M. Smith, of New Iberia, Louisiana, to be paid for thirty-five bales of cotton taken by the United States forces in 1865, to the Committee on War Claims.

By Mr. FIELD: Resolutions adopted at a public meeting in Wyandotte, Michigan, in favor of an increase of currency, to the Committee on Banking and Currency.

By Mr. HAGANS: Papers relating to the claim of Samuel V. B. Strider, for compensation for the destruction of property by fire occasioned by a shell thrown by a United States battery, to the Committee on War Claims.

By Mr. HOUGHTON: The remonstrance of journeymen book-binders of Washington, District of Columbia, against the passage of the bill (S. No. 689) to further regulate the Government Printing Office, and to reduce the wages of book-binders, to the Committee on Printing.

By Mr. LUTTRELL: Papers relating to the claim of Frank L. Jackson and others, of Solano County, California, for relief, to the Committee on the Public Lands.

By Mr. MYERS: The memorial of the Wholesale Grocers' Association of Philadelphia, for such revision of the bankrupt law as will insure to creditors a larger and more equitable proportion of the gross amount realized in the settlement of the estates of bankrupts, to the Committee on the Judiciary.

Also, the petition of importers of reel or hand-made lace goods in Philadelphia, for the passage of the bill (H. R. No. 1071) reducing the duty on such goods to 20 per cent. *ad valorem*, to the Committee on Ways and Means.

By Mr. SHELDON: Papers relating to the claim of J. Madison Wells, of Louisiana, to the Committee on the Judiciary.

By Mr. SLOAN: The memorial of the Medical Association of Georgia, in relation to the Medical Department of the United States Army, to the Committee on Military Affairs.

Also, a memorial adopted at a military convention, composed of delegates from various parts of the State of Georgia, in relation to organizing, arming, and disciplining the militia of the States, to the Committee on the Judiciary.

Also, resolutions of the republican committee of the first congressional district of Georgia, in favor of the passage of the supplementary civil-rights bill, to the Committee on the Judiciary.

By Mr. VANCE: The petition of James O. Robertson, William Carpenter, and others, for a post-route from Valleytown, North Carolina, via Robbinsville, to Chilhowee, Tennessee, to the Committee on the Post-Office and Post-Roads.

By Mr.———: The petition of William H. Carman, late private Company E, Thirty-second Illinois Volunteers, for relief, to the Committee on Military Affairs.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May* 9, 1874.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

GENEVA AWARD.

Mr. STARKWEATHER asked and obtained unanimous consent to have reprinted for the use of the House the bill (H. R. No. 2987) to provide for the just and equitable distribution of the award made to the United States by the commissioners at Geneva under the treaty of Washington.

FOREIGN CONVICTS.

Mr. COX, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the President of the United States be respectfully requested to communicate to this House any correspondence between the State Department and other governments as to the landing of foreign convicts on our shores; and what legislation, if any, in his judgment is necessary to prevent such outrages.

RAILROADS.

Mr. HOUGHTON, by unanimous consent, from the Committee on the Pacific Railroad, reported a bill (H. R. No. 3279) amendatory of an act supplemental to an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; which was read a first and second time, ordered to be printed and recommitted, not to be brought back on a motion to reconsider.

He also, from the same committee, reported a bill (H. R. No. 3280) to incorporate the Salt Lake and Brigham Cañon Railroad Company; which was read a first and second time, ordered to be printed, and recommitted, not to be brought back on a motion to reconsider.

Mr. BRADLEY, from the Committee on Public Lands, reported a bill (H. R. No. 3281) to amend an act entitled "An act to amend an act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 2, 1864; which was read a first and second time, ordered to be printed, and recommitted, not to be brought back on a motion to reconsider.

Mr. WILLIAMS, of Michigan, by unanimous consent, introduced a bill (H. R. No. 3282) providing for the collection of moneys due the United States from the Pacific railroad companies; which was read a first and second time, ordered to be printed, and referred to the Committee on the Pacific Railroad, not to be brought back on a motion to reconsider.

COMPENSATION OF RAILROADS FOR CARRYING MAILS.

Mr. PLATT, of New York, by unanimous consent, reported from the Committee on the Post-Office and Post-Roads the following resolution; which was read, and under the law referred to the Committee on Printing:

Resolved, That one thousand copies of House Miscellaneous Document No. 263, being a communication from the Postmaster-General in relation to the question of compensation to railroads for the transportation of the mails, be printed for the use of the Post-Office Department, and one thousand for the use of the House.

TRANSFER OF GOLD MINT BARS.

Mr. HOOPER, of Massachusetts. I ask unanimous consent to have taken from the Speaker's table for reference the bill (S. No. 784) authorizing the transfer of gold mint bars from the bullion fund of the assay office, New York, to the assistant treasurer at New York.

No objection being made, the bill was ordered to be taken from the Speaker's table, read a first and second time, and referred to the Committee on Coinage, Weights, and Measures.

STEAMSHIP SUFFOLK.

Mr. WHEELER. I ask unanimous consent to have taken from the Speaker's table for reference the bill (S. No. 766) to grant an American register to the steamship Suffolk, and to change the name of said steamship to that of Professor Morse.

No objection being made, the bill was taken from the Speaker's table, read a first and second time, and referred to the Committee on Commerce.

PERSONAL EXPLANATION.

Mr. WILLARD, of Vermont. I desire to call the attention of the House to a matter which seems to me to be worthy of its consideration. In some remarks that I made on yesterday, during the debate which took place in Committee of the Whole, in reply to some remarks which had been made by the gentleman from Ohio, [Mr. GARFIELD]—I regret that he is not now in his seat—I alluded particularly to certain language which he had used. I find upon referring to the RECORD this morning that the language which he did use, and to which I replied, does not appear therein. I did not revise the report of my own remarks at all, and of course they appear in the RECORD as they were made. Now, it occurs to me that when any gentleman revises the report of the remarks which he makes in debate, especially when his remarks have called out a reply, the portion calling out the reply should not be omitted. It is not an agreeable thing for a gentleman, who in a discussion upon this floor replies to language that has been used in the course of debate, to find the next morning that the language to which he has replied has been left out of the RECORD, while his own remarks appear therein.

The SPEAKER. It should be done only by consent of the other party.

Mr. WILLARD, of Vermont. I merely desired to call attention to the subject.

INDIAN APPROPRIATION BILL.

The SPEAKER. By order of the House the session of to-day is for the consideration in Committee of the Whole of the Indian appropriation bill.

The House accordingly resolved itself into Committee of the Whole, (Mr. POLAND in the chair,) and resumed the consideration of the bill (H. R. No. 2343) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1875, and for other purposes.

The CHAIRMAN. The pending amendment is one offered by the gentleman from Iowa [Mr. LOUGHRIDGE] on behalf of the Committee on Appropriations, in line 189, page 9 of the printed bill, to increase the appropriation from $200,000 to $250,000, for subsistence of the Arapahoes, Cheyennes, &c. Tellers have been ordered upon the amendment; and the gentleman from Iowa, Mr. LOUGHRIDGE, and the gentleman from Pennsylvania, Mr. RANDALL, will act as such.

Mr. PARKER, of Missouri. I do not suppose anybody will insist upon a further count.

Mr. RANDALL. My colleague, [Mr. SPEER,] who opposed this amendment, is not now in his seat. I suspect he is detained by sickness.

Mr. BECK. Would any amendment to the amendment now be in order?

The CHAIRMAN. It would not be, as the committee are dividing upon this amendment. Is any further count insisted upon?

Mr. RANDALL. In the absence of my colleague, [Mr. SPEER,] I think I must insist upon a further count.

The committee again divided; and the tellers reported ayes 82, noes not counted.

So the amendment was agreed to.

Mr. BECK. I move to strike out this paragraph.

Mr. HANCOCK. I wish to move an amendment to the paragraph, which I believe takes precedence of the motion to strike out.

Mr. BECK. I yield to the gentleman.

Mr. HANCOCK. I move to amend the paragraph by adding the following:

And further provided, That no troops shall be kept stationed on the reservation on which said Indians are located; but the northern line of Texas shall be guarded so far as possible so as to prevent the Indians from roaming into that State, or the whites from intruding on the Indian reservations.

This amendment has been agreed upon by the Committee on Appropriations; and as an apology for offering it now, instead of incorporating it in the bill, I will say that the facts have been brought to the knowledge of the committee since the bill was made up. These facts, obtained from agents representing the Society of Friends who now have charge of these Indians, satisfied us that it is proper this regulation should be established with reference to these reservations. The amendment has the entire concurrence of the Committee on Appropriations, and substantially the concurrence of the Committee on Indian Affairs. I hope there will be no opposition to it.

Mr. SHANKS. I move to amend the amendment by inserting after the word "reservation" the words "except such numbers as may be necessary to keep order." I am in favor of the amendment of the gentleman from Texas, [Mr. HANCOCK;] but I think, if my amendment be adopted, it may secure that very settlement against being made a refuge for bad men.

Several MEMBERS. That is right.

Mr. HANCOCK. I have no objection to that amendment; I accept it as a modification of my amendment.

The amendment of Mr. HANCOCK, as modified, was agreed to.

Mr. BECK. I now move to strike out the whole paragraph; and I will state my reason for the motion. This paragraph proposes to provide "for subsistence of the Arapaho, Cheyenne, Apache, Kiowa, Comanche, and Wichita Indians, and transportation of the same." We have on page 7 made provision for the Apaches, Kiowas, and Comanches, under a treaty, and have limited the appropriation so that it "shall be expended only in behalf of those Indians who go and remain upon reservations and refrain from hostilities." Are not those the same Indians we are providing for in the pending paragraph?

Mr. HANCOCK. Only in part.

Mr. BECK. Very well. Then, again, under another of those treaties we made appropriation for the Cheyennes and Arapahoes. Are not these the remainder of the Indians embraced in this paragraph?

Mr. HANCOCK. Not all of them. In addition to the Indians the gentleman has named, there are the Wichitas and Caddoes. There are a number of associated bands on these reservations, and under the control of the same agency. They aggregate, as reported to us, about twelve thousand. This additional appropriation is recommended by all the parties who have charge of the matter as necessary to feed these Indians and keep them within the limits of the reservation, so that they may not have an excuse for going outside and committing depredations upon the property of the white settlers. We propose to compel them to remain on the reservation; and I am satisfied the amount here appropriated will not be more than sufficient (if sufficient) for their subsistence.

Mr. BECK. I want to call attention again, as I have done before, to the absurdity of these Indian treaties. Though I have moved to strike out this paragraph, I believe this is the proper system of providing for the Indians—to appropriate a sum (and I do not know that this sum is too large) to collect, feed, clothe, and attend to the Indians. But it will be observed that on page 7 we make provision under treaties for three of the same bands of Indians provided for here; and on page 10 we make provision under treaties for two others of the same bands. These treaty stipulations cannot be executed; it is not pretended that they can be. All the money that is spent for the benefit of the Indians will be spent under this general provision to feed, clothe, and collect them together. All the money spent under treaty stipulations as provided for on pages 7 and 10, being $67,000 on page 7 and $45,000 on page 10, is to be divided among Indian agents, so-called engineers, carpenters, school-teachers, doctors, and other retainers of the Government. The money appropriated in the pending paragraph will go into the hands of the President and be distributed by his order in such a way as will do the Indians some good; but the amounts appropriated on pages 7 and 10 under the form of carrying out treaty stipulations is the amount of stealing necessary to get the sum here appropriated distributed among the Indians.

Those Indian treaties are absurdities; and the best illustration of it is that while you are apparently carrying out both treaties you make a separate provision—the only one that will be available—to feed, clothe, and gather those people under the control of the President of the United States. Every dollar appropriated for the Indians ought to be expended in this way. The amount appropriated to carry out treaty stipulations ought to be striken out and added to this other sum, to be applied by the President for the benefit of the Indians, doing away with all the supernumeraries provided for in the treaties, not one of whom will ever do those Indians any service or the country any good.

That is what I wish to have done. I withdraw my motion to strike out this, because I think it is right.

Mr. ELDREDGE. I renew the amendment, and I do so, Mr. Chairman, for the purpose of making a few remarks. I am quite tired and sick of this eternal harangue against our treaty system with the Indians. Whenever an appropriation comes up it is the occasion for everybody—and I say it without any disrespect to my friend from Kentucky [Mr. BECK]—it is the occasion, I say, for everybody to come in and denounce the treaty system with the Indians. Now, if that system be wrong, it ought long ago to have been abrogated and in the proper way, by adopting an entirely new system with the Indians. When an appropriation bill comes up to carry out treaty stipulations, to assail it then accomplishes no good purpose. On the contrary, it is calculated, so far as it ever reaches the Indians, in my judgment, or those who negotiate their treaties, to demoralize them in all their conduct and dealings with the United States.

If there be any class of people an earth with whom the United States should be scrupulously honest and faithful it is in carrying out its stipulations with the Indians, and for the very reason that they are entirely helpless to enforce compliance with treaty stipulations. We deal with the Indians as we would not dare to deal with any power able to enforce upon us the execution of the obligations which we have voluntarily assumed. The infidelity, the dishonesty, the unwillingness of the Indians to comply with their stipulations, and the injury they are constantly inflicting on our people, grow out of the fact, in my judgment, as much as any thing else, that we are ourselves unfaithful to our treaty stipulations with the Indians. It is better for us to carry out our treaties, instead of constantly denying our obligations under them. Treaties with these Indians, who are unable to enforce the obligations under them, ought to be most sacred upon any Christian and civilized people.

Mr. SHANKS took the floor.

Mr. BECK. I hope the gentleman will yield to me to say a word in reply to what has been said by the gentleman from Wisconsin.

Mr. SHANKS, The gentleman can come in after I have finished, as I wish to say something in reply to what the gentleman from Kentucky himself has said.

I wish to say, Mr. Chairman, that the treaties with those Indians are things of the past. By an act of Congress passed some time ago, which the gentleman from Kentucky will recollect, we agreed to make no more treaties with the Indians; but in the same act we positively declared that the treaties theretofore made should not be in any respect violated or infringed upon. We have declared by law that we do not believe there should be any more treaties made, and we affirmed by the act by which we forbade the making of any more treaties the treaties which had been already made with Indian tribes. These treaties in fact simply amount to contracts sacredly entered into on the part of the United States with those Indians. They ought to be specially sacred against the Government of the United States, because the Government in making those treaties acted with its eyes open, intelligently, ably, keeping its own records, having all the books, having given all the directions by which the treaties were made, having had the treaties made upon its own terms, having got all the consideration it asked for, having obtained every thing which those treaties proposed to give to the United States in the way of lands and other concessions; and when our people are in possession of those lands, and when the Indians have yielded up all title to them I say, sir, after the United States has obtained every consideration under those treaties, it is bad faith, it is cruel, it is not only unjust but inhuman, now for our Government to turn round and strike down those people, who are utterly helpless to stand up against us. We ought not to go back on our contracts, and go back on the law by which we affirmed those contracts. We ought not now to repudiate our contracts after we have received all the considerations, and when the Indians themselves have not received what we promised them. We ought not to repudiate our contracts with the Indians because we are a powerful nation; and especially when we recollect the fact that our people are settled upon the very soil we acquired from these Indians by these very treaties and for which we have so poorly paid.

If we have made arrangements by which we agreed to hire this man or that man, we ought to carry out those arrangements; we have no right to repudiate them. It is our own fault that the agreement was made, for we had the entire control of making the treaties. It gives us no right to break faith with them. We all know, too, that the money which these Indians were to receive for the lands which they gave us has been taken away by fictitious claims for damages. Those Indian funds have been drawn upon to such extent that to-day these Indians are paupers. The money which we promise to pay them for their land by solemn treaty obligation has been paid away for ficti-

tious claims made by bad men who have crowded upon them and wronged them, until the Indians are paupers. We have received every consideration agreed to in these treaties on the part of the Indians, and now I say, instead of being in harmony with what ought to be the action of a Christian nation, it is heathenish for us to refuse to carry out the treaty stipulations on our part.

Mr. BECK. If the gentleman from Wisconsin will withdraw the motion I will renew it.

Mr. ELDREDGE. I withdraw the motion.

Mr. BECK. I renew the motion to strike out the paragraph. I wish to say that no matter how sick or how tired the gentleman from Wisconsin [Mr. ELDREDGE] may be of hearing this question raised, I claim the right as a Representative, believing that those so-called treaties are not treaties, to make my objections to them to the House, no matter who disagrees with me.

Mr. LOUGHRIDGE. I ask the gentleman whether these treaties were not ratified by the Senate, and whether under the law passed by Congress, having been ratified by the Senate, they should not be binding?

Mr. BECK. I will answer that. Those treaties of which I complain were not made under the treaty-making power, and never were claimed to be. If you turn to volume 15 of the Statutes at Large, page 17, you will see that all those treaties of 1867 and 1868, of which I complain, were made under an act of Congress. The President and the Senate did not claim the right to make treaties with those wild bands of Indians. But an act of Congress was passed authorizing commissioners to go and make certain treaties and allot certain reservations, and directing them to report their action to Congress. That report was never made to Congres; but treaties were made, whereby $60,000,000 will be taken from the Treasury to consummate them. The gentleman from Ohio, [Mr. LAWRENCE,] who has gone over this subject more carefully than I did, says the amount will be ninety millions. The House refused in the Fortieth Congress to ratify them because they were not treaties, because they were made with so-called bands which had no organizations except when on the war-path. In the Forty-first Congress the President was given $2,000,000 in an aggregate sum by Congress rather than that we should seem to agree to the expenditure of that money in that way. In the last Congress a law was passed whereby the Senate agreed with the House that no more treaties should be made, and at the same time that such treaties as were recognized by both Houses should be carried out.

I have never objected to an old treaty or to any treaty made prior to 1867. But I have objected to those that were not made under the treaty-making power, but under an act of Congress which the Senate never complied with. And both our Commissioner of Indian Affairs, General Walker, last year, and the present Commissioner this year, publicly announced in written reports to Congress that so-called treaties are the merest pretenses and ought not to be carried out. The present Commissioner, on page 4 of his report of this year, says:

> If the objection should be made that this is a violation of a treaty stipulation, the answer is that the Government is bound to consider the best interests of its wards. And if, in previous years, wrong methods have been adopted, or if the present condition and exigencies require a different method of dealing with the Indians in order to secure their improvement and greatest good, then both justice and humanity require that the change be made.

I agree with the Commissioner. I propose to give the Indians every dollar that it has been proposed to give them by these treaties, but I would put it in a form where they would get the most benefit from it, in accordance with the suggestion of the Commissioner; but I do not wish to have it wasted on a set of supernumeraries, who in the treaties are called engineers, farmers, blacksmiths, doctors, schoolmasters, and are sent among the Apaches, Kiowas, and Comanches, who, both your Commissioners state, are ranging over Texas every week in the year, and whose only boast is the number of scalps they can bring back or the number of cattle they can steal.

And then we are to be told that this is bad faith toward the Indians. I say, sir, it is the utmost good faith toward them. Put the money where the peaceable Indians may use it to the best advantage, and do not have thousands of it squandered under the pretense of carrying out treaties that are no treaties, paying it out to men to go among the Indians to rob and plunder them.

Mr. LAWRENCE. Congress by a subsequent act declared it would not ratify those treaties.

Mr. BECK. Yes; we kept up that struggle for three years. We gave to the President the power to divert the money from the purposes named in the treaties and apply it to other purposes which might be considered best.

[Here the hammer fell.]

Mr. LOUGHRIDGE. I believe that regularly at every session of Congress, whenever the Indian bill comes up, the gentleman from Kentucky [Mr. BECK] makes an assault on these treaties of 1868.

Mr. BECK. And I intend to continue to do it.

Mr. LOUGHRIDGE. I agree with the gentleman from Kentucky, that strictly and legally the Senate never had power to make treaties with these Indians. But they have made them and Congress has time and again ratified them. When the treaties of 1868 came up, the House refused to ratify them at the first session thereafter. Instead of appropriating in accordance with the treaties, the House passed a bill appropriating $2,000,000, and made no appropriation in compliance with the treaties. But, sir, at the next session of Congress this House made an appropriation in compliance with those treaties. Now, I ask the gentleman from Kentucky, after the treaties were made in compliance with an act of Congress, and when those treaties come before the House, having been thus made, and the House deliberately makes appropriations carrying out those treaties, is it not bound by that act? I ask him further this question: If at the second term and the third term and the fourth term they still make appropriations to carry out those treaties, are they not bound and estopped thereby? Now, I find in the second Congress, after these treaties were made, in the appropriation bill an appropriation for the "sixth of thirty installments" under this treaty, thus fully recognizing the treaties. Now, will you tell me that after thus fully recognizing a treaty by an act of Congress we are to stultify ourselves by saying that we have never agreed to it? If the gentleman will turn to volume 80 of the Globe he will find a discussion upon these very same treaties at the next session after Congress had refused to appropriate money to carry out these treaties, and had passed the two million dollar bill. The gentleman from Kentucky [Mr. BECK] was then opposing the appropriations under these treaties. The gentleman from Iowa [Mr. ALLISON] asked him this question:

> I wish to ask the gentleman from Kentucky one question. If we make this appropriation now, will it not operate as a precedent and oblige us to make similar appropriations annually for thirty years?

Now, here is the answer of the gentleman from Kentucky:

> Mr. BECK. It will.

I think, therefore, the gentleman is estopped from saying that these are not treaties.

Mr. BECK. I contended at that time that the treaties ought not to be carried out, and that if we made the appropriations it would be regarded as a precedent, and would be construed to have that effect, and at that very session of Congress, to prevent it having that effect; I introduced a resolution, which the House passed with only five dissenting votes, declaring that on all questions of treaties which required appropriations this House should not be bound to carry out those treaties, but should judge whether the appropriations were right and proper, and if under all the circumstances they regarded them as wrong and useless, then that Congress should not make the appropriation.

Mr. LOUGHRIDGE. I wish to ask the gentleman whether when he said that we would be estopped if we made the appropriations he was right or wrong?

Mr. BECK. I do not think I said that we would be estopped. I said that it would be taken as a precedent, and in order to show that we did not regard ourselves as bound by the treaties, I then introduced the resolution to which I have referred, and which will be found in McPherson's Manual and in the Globe.

Mr. LOUGHRIDGE. I agree with the gentleman that we were estopped by making those appropriations under the treaties for five years past, and we cannot turn round and say that we never agreed to them.

Mr. PARKER, of Missouri. I hold in my hand a copy of the resolution to which the gentleman from Kentucky has referred, offered by himself and adopted in this House on the 20th day of April, 1871.

That resolution is as follows:

> *Resolved*, That it being declared by the second section of the second article of the Constitution, "that the President shall have power, by and with the advice and consent of the Senate, to make treaties, provided that two-thirds of the Senators present concur," the House of Representatives do not claim any agency in making treaties; but that when a treaty stipulates regulations on any of the subjects submitted by the Constitution to the power of Congress, it must depend for its execution as to such stipulations on the law or laws to be passed by Congress, and it is the constitutional right and duty of the House of Representatives in all such cases to deliberate on the expediency or inexpediency of carrying such treaties into effect, and to determine and act thereon as in their judgment may be most conducive to the public good.

Now, there is no question but that that is a sound principle; but I hold, like my colleague on the committee from Iowa, [Mr. LOUGHRIDGE,] that Congress has already deliberated upon those treaties. It has already considered those treaties and by its appropriations under them has done nothing more than comply with the very sound doctrine laid down in the resolution of the gentleman from Kentucky.

Now, Mr. Chairman, the gentleman is mistaken in regard to the act of July 20, 1867, the act of Congress appointing the commissioners, who made a great portion of those treaties which were made in 1867 and 1868. He asserts that the law required that those commissioners should report their action to Congress. It does not require that; but the seventh section does require that "said commissioners report their doings under this act to the President of the United States, including any such treaties and all correspondence as well as evidence by them taken." These commissioners, consisting of four military officers and four citizens, after making the seven or eight great treaties, did report their action to the President of the United States, and both branches of Congress have deliberately considered those treaties and ratified them by making appropriations under the treaties. I believe that this nation cannot honorably and justly go back upon those treaties. Congress provided for the appointment of commissioners to make them; the commissioners did make them, and one branch of Congress, the Senate, has directly ratified them, and the other branch, the House of Representatives, has indirectly ratified them by deliberately considering them and appropriating large sums of money under them. I ask for a vote.

Mr. BECK. I withdraw the amendment.

Mr. GIDDINGS. I move to amend by inserting after the paragraph last read the following:

That the jurisdiction, management, and control of Fort Sill reservation, including the Comanches, Kiowas, Apaches, Sioux, Cheyennes, and other wild tribes of Indians inhabiting territory north and west of the State of Texas and in New Mexico, be, and the same are hereby, transferred from the jurisdiction of the Department of the Interior to the War Department. And it shall be the duty of the War Department to adopt such means as may be necessary to protect the lives and property of citizens of the United States.

Mr. PARKER, of Missouri. I raise the point of order that the amendment changes existing law in that it transfers from the Interior Department to the War Department the Indians named in it. I will reserve my point until the gentleman has made his remarks.

Mr. GARFIELD. I insist upon the point of order now.

The CHAIRMAN. The Chair will hear the gentleman from Texas [Mr. GIDDINGS] on the point of order, if he desires to be heard.

Mr. GIDDINGS. I do not desire to say anything on that point, because I am satisfied it is good. But I was in hopes that it would be waived until this matter could be discussed.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read the following:

ASSINABOINES.

For this amount, to be expended in such goods, provisions, and other articles as the President may, from time to time, determine, including transportation thereof, in instructing in agricultural and mechanical pursuits, in providing employés, educating children, procuring medicine and medical attendance, care for and support of the aged, sick, and infirm, for the helpless orphans of said Indians, and in any other respect to promote their comfort, civilization, and improvement, (including pay of one detective, $900; one cook, $480; and two laborers, at $600 each,) $30,000.

Mr. HARRIS, of Virginia. I move to amend by striking out the words "one detective, $900." If there is one class of persons more repugnant to our people than another it is the detective class. In the Internal Revenue Department and in the Post-Office Department they may be necessary; but to pay $900 for a detective in the Indian Department I think is entirely unnecessary.

Mr. PARKER, of Missouri. The Committee on Appropriations required the Department to enumerate the classes of employés, and the purposes for which the money was to be expended, as far as they could. It struck me, perhaps as it strikes the gentleman at first glance, that it was a little unusual to employ a detective in the Indian Department. But I have looked into the matter, and I find that for some years a detective has been employed, and he is necessary. There is a tendency on the part of bad white men to steal the cattle from the herds of these people. They violate the non-intercourse act by going on the reservations and selling whisky to the Indians. For over four years past they have been endeavoring to prostitute the Indians by every means possible. The Government, after using every other effort, employed men for the purpose of ferreting out the whisky-sellers and the men carrying on clandestine trade with the Indians. That is the purpose of this appropriation, and I think it is necessary.

Mr. MAGINNIS. I think I can explain in a word the necessity for this appropriation. These Assinaboines are stationed just south of the British-American line, and north of the Missouri River. It is the habit of these traders to land whisky on the Missouri River, run it across the reservation, and establish trading-posts on the north side of the line beyond our jurisdiction. In several cases we have almost had conflicts with the British authorities, and I believe complaints are now lodged in Washington against these men being allowed to take whisky across these reservations. I think it is necessary to have this detective to stop the transfer of this whisky.

Mr. HARRIS, of Virginia. I think the remarks of my friend from Missouri [Mr. PARKER] and of my friend on my right [Mr. MAGINNIS] show conclusively that this appropriation should be stricken out. It is not the province of the Government to assume police duties in regard to these Indians. If the Indians and others carry on trade against the local laws of the sections where they are, it is not the duty of the United States to appoint a police officer or a detective to prevent that trade. The argument shows clearly that this is no part of the duty of the Government. If it was in connection with the expenditure of the money which we are now appropriating, or for the protection of the Indians for whom we appropriate this money, it might be proper enough; but for simple police regulations, over which the Government has no jurisdiction, I think it is entirely out of place.

The amendment of Mr. HARRIS, of Virginia, was not agreed to.

The Clerk read the following:

CHEYENNES AND ARAPAHOES.

For seventh of thirty installments provided to be expended under tenth article treaty of October 28, 1867, $20,000.

Mr. BECK. I move to amend by striking out the paragraph just read, together with the succeeding paragraphs under the same head, and to insert in lieu thereof that which I send to the Clerk's desk.

The remaining clauses under the head were as follows:

For purchase of clothing, as per same article, $14,500.

For pay of physician and teacher, as per thirteenth article same treaty, $2,500.

For pay of carpenter, farmer, blacksmith, miller, and engineer, as per same article, $5,200.

For transportation of goods for the Cheyennes and Arapahoes, $5,000.

The clause proposed to be inserted in lieu was read, as follows:

For additional sum for subsistence of Cheyennes and Arapahoes who have been collected upon the reservations set apart for their use and occupation, $47,200.

Mr. BECK. I do not know that I will trouble the committee much more in regard to these treaties, except to say this: on page 6 of this bill we have appropriated $257,000 for the subsistence of the Arapahoes, Cheyennes, Apaches, Kiowas, and Comanches. Here the Cheyennes and Arapahoes appear again, and we are asked to give them for carpenters, blacksmiths, millers, and lots of other things equally useless, $47,200 more. I propose now to add $47,200 to the appropriation we have already passed, giving $250,000 for the subsistence of those Indians who have been collected on the reservation set apart for their use and occupation, instead of requiring this $47,200 to be wasted in the way in which it will be wasted if all these provisions are carried out.

I want to test the sense of the committee on this question. We have, as I said before, authorized the President by the act of last year to divert those sums as he might see fit. We have now appropriated $250,000 to gather the Indians on reservations. We have provided everywhere that unless they go on the reservations thay shall not have anything. If we did make treaties with them, all those treaties have been abrogated; for war abrogates all treaties. Both your commissioners say that with the exception of the little fragments that have come upon reservations, those tribes have been at war; and they call upon us to put them under the control of the military, because they cannot be otherwise suppressed. Those treaties, if they ever had the obligation of treaties, have been annulled by the act of the Indians themselves.

Now, we are willing to feed all Indians who will come upon reservations and behave themselves. Notwithstanding the wars they have been carrying on and the depredations they have been committing, we are willing to appropriate all the money that we proposed to give them even when they were at peace with us, provided they will come upon reservations and live peaceably. Instead of providing for these vast numbers of employés, I propose that we expend this $47,200, as we do the other, for the benefit of these people on the reservations, and the support of their stock. But when we have put these Kiowas, Comanches, Arapahoes, and all the different bands on reservations, we still, according to these treaty arrangements, supply them with "farmers," "engineers," "millers," "physicians," "teachers," &c. Six or seven of these fellows are provided for each band. In other words, we propose to waste the money of the people, which should be expended for the benefit of the Indians, by giving it to these men who never perform any service. I propose to test the sense of the committee upon the question of expending this $47,200 for the benefit of the Indians themselves, and not for the benefit of the hangers-on who go there to demoralize the Indians.

The question being taken on the amendment of Mr. BECK, there were on a division—ayes 30, noes 75; no quorum voting.

Mr. BECK. I propose to make this a test question. If the gentleman [Mr. LOUGHRIDGE] who has charge of this bill will allow a separate vote on this proposition in the House, I will not ask that a quorum shall be required now, nor will I test the question again in any other form. If the House votes down this proposition on a call of the yeas and nays, I shall not say another word.

Mr. LOUGHRIDGE. I prefer to have the question settled here.

The CHAIRMAN. A further count being demanded, the Chair orders tellers; and appoints the gentleman from Kentucky, Mr. BECK, and the gentleman from Iowa, Mr. LOUGHRIDGE.

Mr. BECK. I do not like to consume the time of the committee. I believe the amendment is lost. I withdraw the call for a further count.

The CHAIRMAN. No further count being called for, the amendment is rejected.

The Clerk read as follows:

For last of twenty installments, for six smiths and assistants, per second and fifth articles treaty of September 30, 1854, $5,040.

For last of twenty installments, for the support of six smith-shops, per second and fifth articles treaty of September 30, 1854, $1,320.

Mr. BECK. I move to amend by striking out these two paragraphs. I make this motion for the purpose of putting an inquiry to the gentleman who has the management of this bill. Here is a provision for "six blacksmiths and assistants," and a provision for the support of six blacksmith-shops—"smith-shops" as the bill calls them—I suppose they are blacksmith-shops. Then the next paragraph provides for a "seventh smith and assistant." Then in the next paragraph there is provision for a "smith and shop during the pleasure of the President." All these provisions are for the Chippewas of Lake Superior.

Mr. GARFIELD. The gentleman will observe that these provisions are the "last of twenty installments." This is the end of the matter. As we have kept faith for nineteen years, let us not break it when but one more payment is to be made.

Mr. BECK. I visited about a year ago the country where this band is located; and there is but one blacksmith on the reservation. If there is any gentleman here representing Northern Wisconsin, and who has visited that reservation, he knows that on the Apostles' Islands there is but one blacksmith-shop; yet here we have provision for seven smiths and seven shops.

Mr. GARFIELD. The gentleman will notice that the eighth section of this bill provides that the Secretary of the Interior may make such diversion of the funds appropriated in this bill as the justice of the case may seem to require. The gentleman will find that provision

on the seventy-ninth page. There are cases where the provisions of these treaties cannot be departed from without breaking the public faith; but this eighth section gives to the Secretary of the Interior a general authority to set apart for other purposes the annuities under existing treaties and laws wherever in his judgment such diversion will advance the interests of the Indians.

Mr. BECK. I am very glad to observe that provision; I had not seen it before.

Mr. GARFIELD. Of course where the Indians are willing that such diversion shall be made, and it can be done without breaking faith, the Secretary of the Interior will do so if thereby the welfare of the Indians is to be advanced. Of course he is not authorized to break treaties, but he is empowered to apply these moneys according to the wishes of the Indians, wherever it may be done without breaking faith. If it can be done in this case it will be done.

Mr. PARKER, of Missouri. For the information of the gentleman from Kentucky [Mr. BECK] I would remark that there may be here a surplus number of blacksmiths and blacksmith-shops.

It will be remembered by gentlemen that this Government has made a series of treaties with these Chippewas of Lake Superior. I think forty or fifty different treaties have been made with the Chippewas, and under these treaties they are entitled to these smiths or smith-shops, and the funds necessary for that purpose. I spent the whole recess looking up all of these Indian treaties, for I thought, with the gentleman from Kentucky, we had a little too much blacksmithing, and I found under these treaties they are entitled to all of these things, and we cannot get out of making the appropriation if we intend to comply with our treaty obligations.

Mr. BECK. I wish to give the Indians the amount they are entitled to, but I do not wish to provide for blacksmith-shops not necessary.

Mr. PARKER, of Missouri. I will tell the gentleman from Kentucky that they have been using the surplus fund for educational and other purposes.

Mr. BECK. I am glad to hear it. I withdraw my amendment.

The Clerk read as follows:

For support of smith and shop, during the pleasure of the President, as per seventh and twelfth articles treaty of April 7, 1866, $600.

Mr. BECK. It seems to me, Mr. Chairman, that can be stricken out at least.

Mr. LOUGHRIDGE. We have no right to do it, but it can be done by consent of the President of the United States.

Mr. BECK. I hope he will do it then.

The Clerk read as follows:

For interest on $675,168, at the rate of 5 per cent. per annum, to be expended under the direction of the Secretary of the Interior, under provisions of third article treaty of June 14, 1866, $33,758.40: *Provided*, That all annuities appropriated for in this act for the use of Creeks may be used for and paid to them in such manner as the Secretary of the Interior may deem most conducive to their good.

Mr. LOUGHRIDGE. I move to strike out the proviso.

The amendment was agreed to.

The Clerk read as follows:

For interest on $95,945.95, at 5 per cent. per annum, for educational and other beneficial purposes, per treaty of May 18, 1854, $4,797.29.

Mr. LOUGHRIDGE. I move to add after what has been read the following:

For settlement, support, and civilization of the Kickapoo Indians in the Indian Territory lately removed from Mexico, and such as may be removed hereafter, $15,000.

We brought these Indians from Mexico and placed them upon this Indian reservation, and of course must take care of them, and in order to take care of them this appropriation is necessary. It is recommended by the Committee on Appropriations.

The amendment was agreed to.

The Clerk read as follows:

For this amount, or so much thereof as may be necessary to complete the removal of the remaining Kickapoo and other American Indian tribes roving on the borders of Texas and Mexico, to reservations within the Indian Territory, not to exceed $65,000; and this sum to be made available for said purpose from and after the passage of this act: *Provided*, That no liability shall be incurred for said removal for any sum in excess of the amount herein appropriated.

Mr. LOUGHRIDGE. I move to insert at the end of the paragraph just read the following proviso:

Provided further, That the expense of removing said Indians shall not exceed sixty dollars for each Indian removed to the reservation, and no liabilities shall be incurred or payments made for a greater amount; but this proviso shall not be so construed as to prevent the payment of the salary of the commissioner appointed to remove them, and his legitimate and proper traveling and personal expenses.

Mr. HANCOCK. That should be in the plural and should provide for the legitimate and proper traveling and personal expenses of the commissioners.

Mr. LOUGHRIDGE. I agree to that modification of the amendment.

The amendment, as modified, was agreed to.

The Clerk read as follows, under the head of Klamath and Modoc Indians:

For ninth of twenty installments, to pay salary and subsistence of one physician one miller, and two school teachers, as per fifth article treaty of October 14, 1864, $3,600.

Mr. BECK. I should like to know whether all the Modocs have not been removed to the Indian reservation in the Indian Territory during last year, and whether there is any necessity for making this appropriation for Modocs in Oregon?

Mr. LOUGHRIDGE. Some of the Modocs have been removed to the reservation in the Indian Territory during last summer. There are, however, some fifty of them left upon the reservation in Oregon.

Mr. BECK. Can these provisions be complied with so far as the Modocs are concerned? Ought not the aggregate sum to be given for their removal and subsistence?

Mr. LOUGHRIDGE. The treaty provisions relate to the Klamath reservation. There are there now about fifty Modoc Indians and the others are Klamaths. These appropriations apply to that reservation. The Modocs who have been removed to the Indian Territory have nothing appropriated for them in this bill.

The Clerk read as follows:

Mixed Shoshones, Bannacks, and Sheepeaters:

For this amount, to be expended in such goods, provisions, and other articles as the President may from time to time determine, including transportation thereof, instructing in agricultural and mechanical pursuits, in providing employés, educating children, procuring medicine and medical attendance, care for and support of the aged, sick, and infirm, for the helpless orphans of said Indians, and in any other respect to promote their civilization, comfort, and improvement, $20,000.

Mr. SHANKS. I move to strike out all after the heading in the paragraph, and to insert in lieu thereof the following:

For this amount, to be expended under direction of the President in assisting these Indians to remove to and locate on the Fort Hall reservation in Idaho Territory, and to aid them in educational and agricultural pursuits on said reservation, $20,000.

The amendment was agreed to.

The Clerk read the following paragraph:

OMAHAS.

For seventh of fifteen installments of this amount, being third series, in money or otherwise, per fourth article treaty of March 16, 1854, $20,000.

For ninth of ten installments, for keeping in repair a grist and saw mill, and support of blacksmith-shop, per eighth article treaty of March 16, 1854, and third article treaty of March 6, 1865, $300.

For ninth of ten installments, for pay of one engineer, $1,200.

For ninth of ten installments, for pay of one miller, per same treaties, $900.

For ninth of ten installments, for pay of one farmer, per same treaties, $900.

For ninth of ten installments, for pay of blacksmith, per same treaties, $900.

For seventh of ten installments, for support of blacksmith-shop and supplying tools for the same, $300.

Mr. LOUGHRIDGE. I offer the following amendment:

Add to the end of the paragraph the following: "For one matron, $600."

The amendment was agreed to.

The Clerk read the following, under appropriation for "Pawnees:"

For pay of two farmers, two blacksmiths and two apprentices, one miller and apprentice, and two teachers, (and for one shoemaker and one carpenter, $1,680,) $5,780.

Mr. LOUHRIDGE. I move to amend the paragraph so that it will read:

For pay of two farmers, two blacksmiths and two apprentices, one miller and apprentice, two teachers, one shoemaker, and one carpenter, $7,500.

The amendment was agreed to.

The Clerk read the paragraph making an appropriation for the Pottawatomies.

Mr. HANCOCK. I offer the following amendment:

Add to the paragraph the following proviso:

Provided, That the Secretary of the Interior be, and he is hereby, instructed and required, in paying out the several foregoing annuities, to pay to the Prairie band of the said Pottawatomies that proportion of money which they are and were entitled to under the terms and stipulations of said several treaties and the settlement and agreement had and entered into by and between said Prairie band and the Citizen band of said Pottawatomies, entered into on the 18th day of July, 1873, and the accounts of said bands shall be so adjusted as to give effect to said agreement.

Mr. LOUGHRIDGE. I wish to inquire of the gentleman from Texas [Mr. HANCOCK] whether he has had any communication with the Department of the Interior in relation to this matter?

Mr. HANCOCK. I will state, Mr. Chairman, the reason why I offer this amendment. It is a matter that I was not conversant with, nor am I now conversant with it. But the representatives of the bands, the Prairie band especially, allege that injustice has been done, and is likely to be done, to the Prairie band by the distribution of the annuities they are entitled to.

As I get the facts they are about these: The Pottawatomies some years ago divided into what we term the Prairie band and the Citizen band, and under the terms of the treaty stipulation they had an agreement among themselves that there should be a census taken of the entire tribe. It was found that of the Citizen band there were fourteen hundred, and of the Prairie band seven hundred and eighty. It was agreed they should receive annuities *pro rata per capita*. In the payment the Citizen's band have received an amount corresponding to some fifteen hundred—nearly sixteen hundred—while the Prairie band has only received such amount as would correspond to some six hundred or six hundred and fifty. By an agreement entered into, referred to in the proviso I have offered, they agree among themselves to adjust this matter. I ask that for the information of the committee this agreement may be read.

The Clerk read as follows:

OFFICE OF INDIAN AFFAIRS, CENTRAL SUPERINTENDENCY,
Lawrence, Kansas, July 18, 1873.

Pending an investigation into the rights respectively of certain children of Citizen or Sectionizing Pottawatomies to allotments of lands and moneys under the treaty of 1861, between the United States and said nation of Indians, whereby it is claimed

that the rights of the Prairie band would be affected, and in lieu of said investigation, it is agreed by and between the respective parties in interest, to wit: the Citizen or Sectionizing Indians on the one part, and the Prairie Indians on the other part, to settle all matters of difference between us, arising under said treaty and subsequent or supplemental treaties, upon the following basis or ratio, to wit:

First. We accept and admit the original enrollment of the Pottawatomie Nation under said treaty of 1861, containing twenty-one hundred and eighty names, as correct.

Second. We admit that of the twenty-one hundred and eighty persons belonging to said nation the Sectionizers or Citizen Indians number fourteen hundred, and are entitled to fourteen hundred and twenty-one hundred and eightieths parts of all the assets of the nation, and no more.

Third. We admit and agree that of the twenty-one hundred and eighty persons so enrolled, the Prairie band number, and have numbered, seven hundred and eighty, and are entitled to seven hundred and eighty twenty-one hundred and eightieths parts of the entire assets of the nation, and no more.

Fourth. We agree that the entire assets of the nation, as they existed at the time of the original enrollment, under said treaty, are to be divided upon the foregoing basis.

Fifth. We agree that whatever amount of the common funds of the tribe has been drawn by the Sectionizers or Citizen Indians, since and at the time of the original enrollment under said treaty of 1861, in excess of the amount due them under said basis or ratio, (fourteen hundred and twenty-one hundred and eightieths,) shall be refunded to the Prairie band out of the Sectionizers' share of the funds now due, or to become due, to the tribe; applying their share of the school fund first, and the remainder to be paid out of any funds due said tribe, being that portion of the same accruing to the Sectionizers or Citizen Indians of the said tribe.

It is understood by this agreement that the balance claimed to be due to eighty-six children and others enrolled by late Agent Morris, and provided for by the appropriation bill of the last Congress, shall be paid as provided, and the Prairie band shall be reimbursed therefor out of the Sectionizing or Citizen Indians' share of the funds due the tribe from the Atchison, Topeka and Santa Fé Railroad Company, or to become due hereafter.

A. F. NAVARRE,
E. G. NADEAU,
GEO. L. YOUNG,
Business Committee of Pottawatomies.

PAM-NUK-NUK, his + mark.
SHAW-O-NESS-SEE, his + mark.
MAS-QUASS, (Speaker,) his + mark.
PEE-SHE-DWIN, his + mark.
KACK-KACK, (Brave,) his + mark.
SHAW-QUA-NAW,
MAW-NAW-WUCK,
WIS-KAW, (Young Man,)
NAM-ZWEE, (Young Man,)
SHEE-NOW-GEE-WIN, (Young Man,)
Head-men Prairie Band.

J. L. MERRITT,
J. E. CLARIDY,
JOHN ANDERSON,
B. H. BERTRAND,
D. F. EASTON,
Head-men Sectionizers.

Witnesses to mark or signature of Indians:

WM. NICHOLSON.
GEO. T. NICHOLSON.
CYRUS BEEDE.

The foregoing was fully explained and interpreted to the Indians before signing.

E. G. NADEAU,
United States Interpreter.

Mr. HANCOCK. The amendment in the nature of a proviso is simply to give effect to that agreement, which the Indians seem to have come to in a spirit of justice and fair dealing as between themselves. It is a matter in which the Government have no other interest than to see that justice is done. The Prairie band insist that they have not received such amount as by reason of their numbers under the treaty stipulations and agreements they were entitled to receive. This is conceded on the part of the Citizens' band. And it is simply to carry out that understanding and agreement, and to give to each what they are justly entitled to, that I propose this amendment.

Mr. LOUGHRIDGE. I would again ask the gentleman from Texas whether he has consulted the Interior Department in relation to this matter?

Mr. HANCOCK. I knew nothing about this matter until this morning. I have not consulted the Secretary of the Interior or the Commissioner of Indian Affairs, because I have had no opportunity to do so. It matters not, however, what may be the view of either one of those officers. If the facts are not as represented in that agreement, of course there is nothing obligatory on the Secretary. The proviso is based on the agreement being what it purports to be.

If there had been time I would have asked that this should be passed over until we of the sub-committee could have looked into it; but as the proviso can do no harm, and as it is hoped we can get through the bill to-day, I think it better to offer this amendment now.

Mr. LOUGHRIDGE. This matter has not been before the Committee on Appropriations or any committee of the House. We are in the habit of making these appropriations to carry out treaties, and then leaving it to the Secretary of the Interior to apportion the money among the tribe as justice and right may dictate. It seems to me that this is a very poor place to go into an examination as to the proper mode of dividing such appropriations among the Indians. I for one should dislike to undertake it. We have heard read an agreement between some of these Indians, but we do not know that it was not an agreement between a portion of the Indians only. I should dislike very much to act in a matter of this kind, which is brought before us without notice and without being submitted to the Department or to any committee of the House. I have great confidence in the gentleman from Texas, [Mr. HANCOCK,] but I think he ought not to insist on the amendment offered in this way without notice.

Mr. HANCOCK. The gentleman has had as much notice as I have. I have stated to the committee all the information I have on the subject. The purpose of the amendment is simply to carry out the agreement which has been read, and it does not propose to interfere in any way with the duty of the Commissioner. If it be the fact that the Indians have made this settlement, it is but sheer justice that it should be carried out and effect given to it. I do not know that there is any feeling adverse to it on the part of any one; but when they insist that their rights shall be respected in the appropriation of the money, I think they insist upon nothing but what they are entitled to.

Mr. LOUGHRIDGE. Will not the Secretary of the Interior carry out any agreement that may have been made between the Indians?

Mr. HANCOCK. I cannot answer that question; but this amendment is nothing more than declaratory of his duty. If he has not been carrying out the agreement among the Indians, he ought to do it.

Mr. AVERILL. Will the gentleman from Texas yield to me for a moment?

Mr. HANCOCK. Certainly.

Mr. AVERILL. I have but just come into the House from the committee-room, and I can only anticipate the subject which the gentleman is talking about from conversations I have heard upon the matter heretofore. I have but just finished reading a communication from the department on this very question. I will say, Mr. Chairman, that delegates from these Pottawatomies, the Prairie band, have on several occasions pressed their claim to individual members of the committee, and the committee have intended to take up the question and give it a full and fair consideration; but on account of not getting proper information from the Department, they have been totally unable to so consider it. This morning we received a communication from the department on the subject. The claim is that, by an arrangement made on different occasions, there was a division between what is termed the "Citizen band" and the Pottawatomies or "Prairie band." That, however, might have been explained by the gentleman from Texas before I came into the Hall.

Mr. HANCOCK. Yes; and I had the agreement read.

Mr. AVERILL. The "Citizen band" numbers sixteen hundred and ten.

Mr. HANCOCK. No; fourteen hundred and ten.

Mr. AVERILL. Fourteen hundred and ten according to the claim of the "Prairie band," and the "Prairie band" numbers seven hundred and eighty. As, however, the matter was adjudicated and decided by the commissioners and under the census last taken, there were but five hundred and seventy of the "Prairie band" and, if my memory serves me, sixteen hundred and ten of the "Citizen band." Now the Prairie Indians come in and allege that there was an error or fraudulent count, and they base their claim on that fact. As I said before, the committee have been unable to decide the question in any way, and have sought information from the Department. We this morning received a communication which I was just reading when I was informed that this question was being considered; and for the information of the committee, if the amendment is pressed by the gentleman from Texas, I will ask to have read a portion of that communication. But if the gentleman will withdraw the amendment and let the matter pass until it can be further considered, he will perhaps save time.

Mr. HANCOCK. I must decline to withdraw it.

Mr. AVERILL. Then I ask that it be passed by until it can be more judiciously considered by the committee.

Mr. HANCOCK. I would like, if there is time, that the whole paragraph shall be passed over for the present.

Mr. AVERILL. I am as desirous as the gentleman from Texas, or as any man can be, that justice should be done to all the Indians. That is the aim and effort of every member of the Committee on Indian Affairs; and I request that this matter be passed over for the present, that it may be more fully and fairly considered.

Mr. HANCOCK. I am willing that the paragraph shall be passed over for the present.

The CHAIRMAN. Does the gentleman from Texas withdraw the amendment and ask leave to offer it again hereafter?

Mr. HANCOCK. No; but I ask that by unanimous consent the paragraph be passed over.

There was no objection, and the paragraph was passed over informally.

Mr. LOUGHRIDGE. I desire to make a correction in the early part of the bill which will reduce the amount appropriated by the bill $1,000. It is in the clause in lines 49 and 50, on page 3, which provides for an Indian agent for the Sac and Fox Indians in Iowa, at a salary of $1,500. It will be recollected that that clause was amended when it was first under consideration before the committee so as to make the salary $1,500. I move to strike out $1,500, and to insert $500 in lieu thereof.

The amendment was agreed to.

The Clerk read the following:

QUAPAWS.

For education, during the pleasure of the President, per third article treaty of May 13, 1833, $1,600.

Mr. LOUGHRIDGE. I move to reduce the appropriation in the paragraph just read to $1,000.

The amendment was agreed to.

The Clerk read the following:

RIVER CROWS.

For this amount, to be expended for such goods, provisions, and other articles as the President from time to time may determine, including transportation thereof, in instructing in agricultural and mechanical pursuits, in providing employés, educating children, procuring medicine and medical attendance, care for and support of the aged, sick, and infirm, for the helpless orphans of said Indians, and in any other respect to promote their civilization, comfort, and improvement, (including pay of five laborers, at $600 each per annum,) $30,000.

Mr. LOUGHRIDGE. I move to strike out the words in parentheses, "including pay of five laborers, at $600 each."

The amendment was agreed to.

The Clerk read the following, under the head of "Sacs and Foxes of the Mississippi:"

For interest on $800,000, at 5 per cent. per second article treaty of October 11, 1842, $40,000.

Mr. LOUGHRIDGE. I move to add to the paragraph last read the following:

Of which sum $1,200 shall be paid for a physician for the agency.

The amendment was agreed to.

The Clerk read the following:

SHOSHONES, BANNACKS, AND OTHER BANDS OF INDIANS IN IDAHO AND SOUTHEASTERN OREGON.

For this amount, to be expended in such goods, provisions, or other articles as the President may from time to time determine, including transportation, in instructing in agricultural pursuits, in providing employés, educating children, procuring medicine and medical attendance, care for and support of the aged, sick, and infirm, for the helpless orphans of said Indians, and in any other respect to promote their civilization, comfort, and improvement, (including pay of physician, $1,500; miller, engineer, carpenter, and blacksmith, at $900 each per annum; and one mill-hand, at $600 per annum,) $20,000.

Mr. SHANKS. That portion of these Indians who are in Idaho are under three chiefs, Eagle Eye, Bannack John, and Winnamucca John, who roam over the country. I move as a substitute for the paragraph just read that which I send to the Clerk's desk.

The Clerk read as follows:

For this amount, to be expended by directions of the President in assisting the roving bands of Indians in Southern Idaho to move to and locate on the Fort Hall reservation in Idaho, and to assist them in educational and agricultural pursuits on said reservation, $10,000.

For this amount, to be expended by directions of the President in assisting the roving bands of Indians in Southeastern Oregon to move to and locate on some proper reservation in Oregon, and to assist them in agricultural pursuits thereon, $10,000.

Mr. SHANKS. This amendment adds nothing to the appropriation. It simply divides this fund into two portions, and requires these Indians to be located on reservations.

Mr. LOUGHRIDGE. I have a great deal of confidence in the gentleman from Indiana, [Mr. SHANKS,] and therefore I agree to his amendment.

The amendment was agreed to.

The Clerk read the following:

For this amount, to be expended in the purchase of beef, flour, bacon, and sugar, in proportionate quantities, for thirty thousand persons; and for subsistence of the Yankton Sioux, and for purposes of civilization, $1,200,000.

Mr. STEELE. I move to amend the paragraph just read by adding thereto the following:

Provided, That no portion of the appropriation hereby made for feeding or furnishing provisions to the tribes of the Sioux Indians, parties to the treaty of April 29, 1868, shall be used for that purpose until the said tribes shall agree to remain upon the reservation established by said treaty, and to relinquish all right to have any country outside the limits of said reservation regarded as unceded Indian territory, and the right to hunt outside the boundaries of said reservation.

The amendment I have proposed is to keep the Indians on the reservation established by the treaty of April 29, 1868. It is an amendment of vital importance to the people of Nebraska, Wyoming, and Montana. Under that treaty the Indians were given a reservation that extended from the Missouri River, on the east, to the eastern boundary of Wyoming, on the west, and from the northern boundary of Nebraska to the forty-sixth parallel of latitude, the extent of the reservation being about twenty-five million acres. It embraces an area equal to that of the entire State of Ohio, larger than either of the great States of Maine, South Carolina, Kentucky, or Indiana, and larger than the combined area of the States of New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, and Delaware. This domain, magnificent in its proportions, was the ground chosen by these Indians at that time for their own reservation—the chosen ground of the Sioux.

Not only was this great reservation set apart by that treaty, but the northwestern portion of the sovereign State of Nebraska was declared to be unceded Indian territory, upon which no white man should legally go, (and this without the consent of the State,) and the northeastern portion of the Territory of Wyoming was in like manner declared to be unceded Indian territory. And over this unceded territory the Indians were to be allowed to hunt, so that the reservation proper was but about one-half of the area of the almost boundless territorial empire which by the provisions of the treaty of 1868 was set aside for the Sioux, who number from twenty to twenty-five thousand.

All that we ask now is that these Indians shall be confined to this reservation; that they shall be kept out of the State of Nebraska and out of the Territory of Wyoming, and confined to this reservation.

We seek to do no injustice to these tribes of Indians; all that we seek is a measure of self-protection and self-preservation. It is no injustice to confine these Indians to this reservation, because by the treaty they entered into at that time they expressly stipulated and agreed that they would relinquish all right ever to permanently occupy any land outside of their reservation; but they reserved to themselves the right to hunt outside of the reservation. All the difficulty and all the trouble that arises between the white settlers and the Indians in that section of the country arises from this very privilege of allowing these Indians to go from their reservation under the pretense of hunting; because it is all the same to them whether it is a white man or a buffalo that they hunt when they are off their reservation.

I wish to call the attention of the committee to the recommendations of the Secretary of the Interior in reference to this very subject, in order to show that this amendment is in the right direction and carries out the views of every man who knows anything about this Indian problem, who knows that no progress will ever be made toward a settlement of this Indian question until these Indians are confined to their reservations and have an opportunity of being civilized, which they never will have as long as they hunt and roam over the country.

I call the attention of the committee to the report of the Secretary of the Interior made at this session. On page 6 he says:

The first steps toward the permanent settlement of Indians in fixed homes is the establishment and rigid enforcement of regulations to keep them all upon reservations. This can only be done, at present, upon some of the reservations by a display of a sufficient military force near the reservation to punish all violations of such requirements. It is believed that many Indians who are subsisted by the Government persist in making forays upon white settlements and upon neighboring tribes, and then retreat to the refuge of their reservations where they can secure their spoils, and be fed and recuperated for fresh outrages. It will be found to be a measure of mercy to all if such Indians can be punished as they deserve.

Again, on page 7 of the report, he says:

Attention is invited to the eleventh article of the treaty of 1868 with the Sioux Nation, granting them certain hunting privileges within the State of Nebraska, and without the bounds of their reservation. On account of the violation of the other provisions of that treaty by the Sioux, and the scarcity of game in the country referred to, the Government will, I think, be justified in abrogating that article, and I respectfully suggest such action.

This view of the case is also reiterated by the Commissioner of Indian Affairs on pages 6 and 8 of his report. In language which I will not detain the committee by reciting he calls attention to this same provision and advises that it shall be abolished.

But it may be said that this provision should not be put upon an appropriation bill for the reason that it is a violation of a treaty of the United States and breaks the plighted faith of the Government. But there is no such obstacle in the way of doing justice in this case.

By the bill under consideration the sum of $1,200,000 is appropriated for feeding the Sioux—almost one-fourth the entire amount appropriated by the bill—and yet not one dollar of this vast amount is appropriated by virtue of any treaty stipulation; it is entirely a gratuity on the part of the Government to the Indians. The obligations upon the United States to feed the Sioux, by the treaty of 1868, will have been fully performed on the 1st day of July, 1874, supplies of food having been furnished for four years as required by the treaty.

Should not the Indians concede something for so munificent an appropriation, and is it not the duty of the Government to demand such pledges for the future as will protect its citizens, remove a standing menace to the people of Wyoming and Nebraska, and an impediment in the way of their progress and prosperity?

By the terms of the treaty of 1868, clothing, &c., was to be supplied to the Sioux for thirty years, and food and provisions for four years. Already the Indians are claiming that supplies of food are to be furnished for thirty years, and I warn this House that if this appropriation is made, and the supplies furnished for the ensuing fiscal year, a grave and fatal, I might say a criminal, mistake will be made unless an understanding of the terms upon which the issues are made be first had. The consideration of $1,200,000 would be an equivalent for the surrender of the hunting privileges and the rights of unceded Indian territory; especially should it be so considered in view of the fact that a large appropriation will have to be made annually for a term of years for the same purpose.

By the eleventh article of the treaty of 1868 the Indians relinquished all right to occupy permanently the territory outside the reservation.

The Indians at the time of making that treaty would not relinquish their hunting rights, but there will be little difficulty in obtaining such concessions now, as I am informed by reliable authority that not to exceed two hundred to three hundred now annually leave their reservation to hunt; in addition is the reflection that the Sioux should be considerably christianized and civilized since 1868, as the Government will have expended by July 1, 1874, for that purpose, since making the Fort Laramie treaty of 1868, the modest sum of $7,967,500.

In addition to the great advantages of this measure to the State of Nebraska and the Territory of Wyoming, it would add new life and hope to the Territory of Montana, which is now virtually isolated from an eastern market. If Northeastern Wyoming were opened up to settlement and travel, it would give Montana an outlet to the eastern market, which would save its people six hundred miles of railroad travel, for Cheyenne, in Wyoming, is as near to Helena, Montana,

as is Corinne, six hundred miles further west, to which point freight and passengers are now compelled to go, and it would bring the trade of Montana six hundred miles nearer to Omaha, Saint Louis, Chicago, New York, and other eastern points. Truly here is a practical question of cheap transportation worthy of consideration. Cheyenne, being the junction of the Union Pacific and Kansas Pacific Railroads, would give the people of Montana railroad competition, while the wagon-route from Cheyenne to Helena is the same distance as from Corinne to Helena, but of such natural advantages as that freighting can be done for 20 per cent. less.

Who can measure the advantages to Montana if the fifty million pounds of freight shipped to that Territory from Saint Louis and over the Union Pacific Railroad for the years 1871, 1872, 1873 could have been shipped at such reduced cost as would be brought about by saving six hundred miles of railroad travel and 20 per cent. of wagon transportation?

Mr. Chairman, this subject is worthy of grave and careful consideration. It would be a measure of relief and security to Nebraska, Montana, and Wyoming, and would put them on the high road to development, progress, and prosperity. It would do no injustice to the Indians, for it would be a step toward their final civilization, and a step in that direction recommended by the Interior Department.

The people whom I have the honor to represent make no objection to the Government dealing kindly and generously with the Indian; but they do think that, while aid is given the Indian with such a liberal and lavish hand, some little thought should be given to the peace, welfare, and safety of the white settlers; and they pray this House to give the white citizens some assurance of peace and safety by the adoption of the proposed amendment.

Mr. LOUGHRIDGE. If we want to have war with the Sioux, which will cost us $10,000,000 at least, the coming summer, this is a good way to have it; I have no doubt of that. I wish simply to state that when this treaty with the Sioux was made they had the right to this hunting ground in Nebraska and north of the North Platte. That right still exists under the treaty, but the provision by which we stipulated to feed them, for which object we appropriate $1,250,000, has expired. We are not bound, I admit, to make the appropriation provided for in the bill.

The committee have thought on this question a great deal. I went to the Department and consulted with the Secretary of the Interior. The fact is that these Sioux Indians believe that the treaty entitles them to these supplies for thirty years. They are wild Indians; a great portion of them are as wild as deers. They have in their minds the impression that the treaty entitles them to the supplies for thirty years, and that if we insist otherwise we are guilty of fraud. We can if we choose say to the President that these supplies shall not be given them unless they agree to give up this hunting territory in Nebraska. Bishop Hare, of the Episcopal Church, who has been with those Indians during the last two years—as honorable a gentleman as any living, and who knows more about the Sioux Indians than any gentleman in this House, for he devotes his entire time and efforts to their benefit—came before our committee the other day, and said it was perfectly impossible to enforce a provision of this kind; that if we refuse to feed those Indians we must fight them. There is no doubt in my mind, there is no doubt in the mind of the Department, there is no doubt in the mind of the agent, there is no doubt in the mind of Bishop Hare, that if we refuse to feed these Indians we must fight them. General Ord says that if we undertake to fight them, at least $10,000,000 will be required. The question is simply whether we shall fight the Sioux or feed them.

I admit that we have the right to say to the Sioux, "Unless you leave Nebraska we will not feed you." We may if we choose say that, and then we can have a fight with them. I do not want any war with the Sioux, and I should not think the people of the borders would want any war with them.

Mr. STEELE. No, sir; I say to the gentleman from Iowa that if we did not know that this provision would be accepted by those Indians, we would not ask to have it adopted.

Mr. LOUGHRIDGE. I should not think that the people of Minnesota would want any war with the Sioux Indians. I should not think that Congress, looking at our exchequer only, would want any war.

We are not obliged by treaty to appropriate $1,250,000 provided in this bill for feeding the Sioux Indians. But all through this bill there are provisions not required by any treaty. We have been paying money to the Apaches and other tribes without any treaty. We propose now to appropriate this money for the Sioux (although there is no treaty obligation) in order to avoid war with them. We have placed them upon a reservation on which no white man could live; they can make nothing there; there is nothing for them to eat. We must feed them. We tell them that if they leave the reservation we will shoot them. We might as well put men in jail and tell them we will not feed them. The gentleman from Montana [Mr. STEELE] proposes to say to these Indians that unless they give up the hunting-ground that they now have under a treaty we will not feed them. Now, the Committee on Appropriations have agreed upon the following provisions:

That the President may withhold the said supplies from the said Indians, or any band of them, until they shall consent to remain north of the Niobrara River, and outside of Wyoming Territory, if he deems it expedient so to do.

This places the matter within the control of the President. If he sends his commissioners there and they can make a treaty to this effect with the Indians, all right. If the Indians can be convinced that they will not get any food unless they consent to this, they will do so.

Mr. STEELE. If the gentleman from Iowa [Mr. LOUGHRIDGE] will allow me, I will say that we have no objection to this provision being made for these Sioux. We want it made, of course; but we want these Indians confined upon their reservation.

Mr. LOUGHRIDGE. Suppose they say they will not go there.

Mr. STEELE. I am willing to modify my amendment so that it will put the matter entirely within the control of the President, by adding this proviso:

And provided further, That after an actual effort shall have been made——

Mr. LOUGHRIDGE. I resume the floor. I offer an amendment as a substitute which I send up to the Clerk's desk to be read. I move it with the recommendation of the Committee on Appropriations. It was drawn up by the Secretary of the Interior and will accomplish the purpose.

Mr. STEELE. I would like to know how I lost the floor.

The CHAIRMAN. By your time expiring.

Mr. STEELE. I did not understand the committee was under the five-minute rule to-day.

The CHAIRMAN. It is.

Mr. ELDREDGE. I rise to oppose the amendment.

Mr. STEELE. I have not yet concluded my remarks.

The CHAIRMAN. The gentleman from Iowa who is in charge of the bill from the Committee on Appropriations offers an amendment in the nature of a substitute, which the Clerk will read.

The Clerk read as follows:

Provided, The President may withhold the said supplies from said Indians or any band there until they shall consent to remain north of the Niobrara and outside of Wyoming, if he deem it expedient so to do.

Mr. ELDREDGE. Mr. Chairman, I am a little surprised at the position taken by the gentleman from Wyoming [Mr. STEELE] and the gentleman from Iowa, [Mr. LOUGHRIDGE.] I am inclined to think that amendment is opposed to some of the amendments recently made to the Constitution of the United States. I believe the thirteenth amendment—and the gentleman from Iowa knows something of that, as he was here at the time it was adopted—did away with slavery, and yet we find the gentleman here offering a provision that will make slaves of the Indians of this country as the negroes were slaves before the adoption of the thirteenth amendment to the Constitution of the United States.

Now, you carry out your treaty stipulations with the Indians on what condition? Upon the condition that they shall go into banishment or go upon some reservation in some locality and remain there; that they shall not have freedom of locomotion; that they shall not walk and move when they please and wherever they please, but shall confine themselves to some spot or particular place on the earth where they are just as much enslaved as though they were put into your jails and penitentiaries. This is the proposition which is now offered to the committee for adoption; and these gentlemen who have been such sticklers for the rights of the negro, who have been so anxious to strike the shackles from everybody, now propose again to make the experiment which our forefathers engaged in and failed.

When this country was first discovered and settled our fathers attempted to place shackles upon the Indians, but they did not succeed. You will not succeed any more in doing it to-day. The effort has been made and never was successful, and never will be successful, and I say never ought to be successful.

Deal fairly and justly with the Indians, fulfill your obligations with them, teach them by your example, by civilization, and justice, which is the great principle of civilization if there is anything in it worth having, and you will then be able to control them. Quit attempting to make Christian associations out of the Indians. The last thing you ought to attempt with them is to join them in Christian associations and confine them to some particular place on this continent and to keep them there. We have had enough of Christian associations, so far as attempting to christianize these savages into the same order and arrangement that you have in your own civilized society is concerned.

The farther you can keep the Indians from Christians, so far as my experience extends, the better they are. In their natural state they have been pretty tolerable good men. They set an example to Christian and civilized men. Since they have come into contact with Christian associations and been subject to the control of your ministers and your gospel-dispensers, they have grown worse and worse, and continue to grow worse and worse every day. It is conceded on all hands there has been nothing so injurious to them and driven them into such hostility to the white man as the attempt to control them by what you call Christian associations. Deal justly with them and then you will make honest men of the Indians. Set them an example, keep your treaty stipulations with them, keep them sacredly, keep them honestly, not because of their strength or power to enforce them, but because of their very weakness. There is no justice and no honor in a man keeping a stipulation with another in the presence of superior physical power; but the honest man, the just man, the honest nation and the just nation, will keep treaty stipulations more sacredly on account of the very weakness of those with whom they have been entered into.

Mr. LOUGHRIDGE. I should like to ask the gentleman from Wisconsin before he sits down to point out the portion of my amendment to which he objects.

Mr. ELDREDGE. Why, that portion which undertakes to make slaves of the Indians.

Mr. LOUGHRIDGE. What portion is that?

Mr. ELDREDGE. If you confine a man to any particular spot on this earth, and say he shall not go beyond that, you make a slave of him. What makes a man a freeman in contradistinction to a slave? It is the right to exercise the powers with which God has endowed him, be they great or small.

Mr. LOUGHRIDGE. Will the gentleman answer me a question? What portion of the substitute makes slaves of the Indians?

Mr. ELDREDGE. I have answered the gentleman's question. It is that portion which would confine them to any particular spot.

Mr. LOUGHRIDGE. What portion is that?

Mr. ELDREDGE. It is the whole spirit and effect of the amendment. You do not agree to carry out the treaty stipulations unless the Indian consents to be your slave, unless he consents to be confined to some spot, just as if he were to consent to go into your jail or penitentiary. On that condition you perform your treaty stipulations with him; if he will submit to your control, then you will carry out your agreement.

Mr. LOUGHRIDGE. That is not the effect of the substitute at all.

Mr. STEELE. The very reason which the gentleman from Wisconsin [Mr. ELDREDGE] gives why these men should be kept away from Christian associations, and away from contact with Christians, would lead him to vote for the amendment offered by me. And if the gentleman is in good faith when he does not believe that contact with Christians is good for these people, he ought to vote to keep them as far away from Christians as possible.

There is no question here of abrogating any treaty stipulation with the Indians by this provision. There is no treaty stipulation for the expenditure of this $1,200,000 that the gentleman from Wisconsin is so anxious that we should vote out of the Treasury, in order to keep a treaty stipulation that does not exist.

Mr. Chairman, I notice that the love and respect for the Indian, and the desire to have him roam about among citizens and among their homes and families, are on the part of gentlemen who have driven the Indian from the pale of their civilization and beyond their limits, and who care nothing for the safety of the people among whom they are now located. Every man who knows anything about this Indian question at all knows that it is not safe to allow these semi-civilized Indians to roam about, hunting and wandering and robbing. Now on this reservation, I am told by one of the best agents in the service of the Government, for the last two years not more than two or three hundred Indians have availed themselves of this stipulation and this treaty right to hunt outside of their limits. If that be the case, it cannot be very difficult to obtain the consent of the Indians to what would be an act of mercy to them and an act of justice and protection to the white citizens.

Mr. CROUNSE. I desire to offer an amendment to the substitute proposed by the gentleman from Iowa, [Mr. LOUGHRIDGE.] I wish to move to make the northern boundary line of Nebraska one of the limits instead of the Niobrara River.

I am not very tenacious about the limits. I apprehend that the Indians would recognize and understand the boundary limit as fixed by a river which is well known and runs near the boundary line of Nebraska. But I rise for the purpose of asserting a principle which I apprehend should be recognized by this committee and established by Congress. I find by volume 15 of the Statutes at Large that a treaty was entered into, by the Sioux Indians on the one side, and the United States represented by General Sherman and others on the other part, which denies to the people of Nebraska subsequent to the time they were admitted into this Union as one of the sovereign States—denies to the people of Nebraska or any other white men the right to roam over or trespass on one-quarter of the entire area of that State. Now, I apprehend that that power does not exist, and the gentlemen who represented the United States in that matter disclaim any right on the part of the United States to enter into any one of the States and set apart a portion solely for the Indians and deny to the white man the right to exercise any control or put his foot upon it.

Can any gentleman conceive that state of affairs as existing with reference to his own State? Members of this House would be shocked by the proposition or suggestion if it were applied to the great Empire State of New York, or if it were applied to Massachusetts. If for any purpose whatever, whether for the purpose of Indians roaming over it or any other, it were proposed to set apart one-half of the State of Massachusetts and deny to the people of Massachusetts the right to set foot upon it, I say such a proposition would be rejected at once.

Sir, although Nebraska is the youngest State and the last that has come into this Union and is represented by but one person here, I say that her rights as a sovereign State, as one of the members of this Union, are just as sacred and just as much to be protected and asserted as those of any other State, and this Congress cannot afford to ignore that principle upon the ground that Nebraska is yet in great part unsettled. I say Nebraska is taking rapid strides toward complete settlement. The settlements are running rapidly up in the direction of this forbidden ground. The settlers are going forward every day and white men are now trespassing there from very necessity, from the advance of civilization. The men from all parts of the world who are seeking homes in Nebraska are compelled to run up into this Territory, which white men are now forbidden to enter or occupy.

Sir, I deny in the strongest language I can command, and as emphatically as I may, the power of the United States by any treaty to assert the right here undertaken to be asserted. A bill upon this subject will be brought forward in proper time, I apprehend; but when we meet the matter here in this particular phase, it becomes Congress to adopt the proposition made to restrict the Indians to their reservations, or at least deny them the right to come into Nebraska. Such a right given to them is to the prejudice of the rights of the people of my State and of those who are settling in that State.

Now, sir, I do not desire to antagonize this bill or to oppose the policy which seems to be inaugurated. I apprehend that it becomes every man after a policy has been settled upon to unite heartily in carrying it out, to interpose no petty obstacles, and to assert nothing which is in contravention of the grand principle which seems to pervade this peace policy. I am satisfied with that policy, but underlying it is the great question of what shall be the status of the Indian, whether he is a citizen or not. When that question comes up it will be proper for me and others to express the opinions we entertain in regard to it, but at present while we are making treaties with the Indians, recognizing the Indians as a separate nationality, regarding them as wards and providing for them, let that provision be made with full reference to the principle I have indicated and let the responsibility be thrown upon those who have instituted the peace policy, and let us see whether it will culminate in the grand end that is sought to be accomplished.

Mr. ELDREDGE. I do not think that my friend from Nebraska has demonstrated the freedom of the United States under the amendment to the Constitution to which I referred. He has called the attention of the House to the fact that white men are prohibited in some instances from going upon the Indian territory, as I understand his remarks. I do not think that that shows that the object of the amendment of the gentleman from Iowa is not virtually to enslave the Indians. I do not believe myself, if it is admitted that this territory belongs to us as a people, that it is within the spirit and genius of our Constitution to prohibit white men from going upon any portion of the territory of the United States, even though it may be set apart for Indians. I do not believe that it improves the condition of the Indian. If you will let men go there in the spirit of humanity and civilization, without attempting to proselyte or to make a particular class of religionists of these Indians, if you will meet them like men, with honesty and integrity, the association of the white man with the Indian must of necessity elevate the latter.

But it is the frauds practiced on the Indian that have kept him down. It has been the dishonesty of the white man which he has attempted to imitate. It has been the cruelty and barbarity of the white man which the Indian has been endeavoring to revenge himself for upon the white man. It is no better statement of the case, that it is in violation of the spirit of the Constitution and of the thirteenth amendment to it that a white man is not permitted locomotion upon an Indian reservation than it is that an Indian is not a slave when he is confined to a particular locality. It may be wise enough to confine them there; I am not contending about that; but we either owe the Indians this money or we do not owe it. If we do not owe it under treaty stipulations, why make the appropriation and pay them this money? It will be said, I suppose, that you must do it because you have confined the Indian to a spot of God's earth where he cannot get a living. The chairman of the Committee on Appropriations says that a white man cannot live there. Why, then, practice this cruelty and inhumanity upon the Indian by confining him to a spot of the earth where a white man cannot get a living and then find fault with him and punish him because he goes forth from his reservation in search of something to eat? White men, and the very best of men, break through all restraints when driven by hunger. The wild savage cannot be expected to be kept on a reservation where there is no game, where there are no fish, and where there is no food. It is an absurdity to undertake to keep him there even by the promise of a paltry sum of money. Such things as these are what makes the savage what he is to-day. These are the things which compel the gentleman from Nebraska, [Mr. CROUNSE,] and others, to come here and to contend that the Indian shall be confined on these reservations where he cannot get a living.

It is said that my opposition to this amendment comes from the fact that the Indians have gone from my locality to that of the gentleman. Indians are with us yet; close by my own county are two towns occupied almost exclusively by Indians, who have in a great measure become civilized. They are not the worst people in this country, such is the advance they have made. They have mingled with the whites, and in many instances they have become very good citizens. We have one or two Indian reservations in Wisconsin. Far be it from me to urge a policy upon the Territories or upon any sister State which I would not be willing to submit to myself. I am influenced by no such motives. Treat the Indian as you would be treated yourself. If you put him where he cannot get a living you must not expect that you will be able to confine him there; for even if you and I were there, impelled by hunger, we would break over all restraints and get away where we could satisfy the wants of nature.

[Here the hammer fell.]

Mr. MAGINNIS. I ask the gentleman from Iowa [Mr. LOUGHRIDGE] to withdraw his amendment and I will renew it.

Mr. LOUGHRIDGE. I will do so if the gentleman will renew it.

Mr. MAGINNIS. I renew the amendment. Sir, it is one of the recollections of my boyhood seeing the Winnebagoes removed from the gentleman's [Mr. ELDREDGE] State to the reservations farther west. His people were then anxious enough to have them stopped from roaming about the country and as ardently in favor of confining them to reservations as the people of the Territories now are. It is strange that they should not know how to sympathize with us when we suffer under difficultles which so lately oppressed the people of Wisconsin, and from which they were then as anxious to be delivered as we now are. As to the peaceful and happy condition of these Indians before the whites came among them, I think the gentleman is mistaken, and no case to support my assertion could be stronger than the one under discussion, or could more plainly show that these Indians were no more peaceable and happy before the advent of the whites than they now are. In some respects their condition is better; nor do they owe all their woes to the intrusion of the whites. Turn to the delightful pages in which Irving recounts the adventures of Captain Bonneville, and you will find that the country which this amendment proposes to rescue from the roaming Sioux was at that time the scene of as fierce and bloody conflicts as any that have occurred ever since; that it was the dark and bloody ground—the battle-field of the interior of the continent. Among those who then contended for it were the Shoshones, Crows, and Blackfoot Indians. The Sioux—who now claim the right to roam over it and keep off both whites and friendly Indians—had never appeared there then. Though they now dominate over this country, and the United States has recognized their right to hunt over it, they are not legitimately entitled to claim a foot of it.

It was a great mistake on the part of the Government to allow them to lord it over these lands outside their reservation, to shut up the road from Cheyenne to Bozeman, in Montana, and virtually drive our people six hundred miles farther west to find an outlet to the markets of Saint Louis, Chicago, and New York.

That road should be reopened. The best interests of my Territory demand it. It will save us many hundred miles of unnecessary railroad travel; it will open the front door to Montana, and will open to settlement many of the finest valleys and a great deal of the most valuable land in the West.

The treaty by which that country was abandoned and the forts withdrawn expires in July; that is, so far as it relates to feeding these Indians. If you renew it, let it be specifically provided that this road shall be reopened; that the right of the Indians to hunt on this part of Wyoming outside of their reservation shall cease; and that a line of settlements may connect the Yellowstone Valley with the Union Pacific Railroad. Let us never consent to a renewal of the treaty by which our troops were withdrawn and this country abandoned to a tribe of Indians that never had any right to it, from which they had driven tribes to whom it rightfully belonged; a treaty by which we dismantled the forts that were not only a protection to white emigrants but to the friendly Indians to whom this Powder River country, these fertile valleys at the foot of the Big Horn Mountains, actually belonged. Why, sir, I think that the abandonment of that country, especially after the massacre of our soldiers, was a most shameful thing, and that in buying the peace of these savages we compromised the honor of our Government.

When I heard the eloquent gentleman from New York, [Mr. HALE,] the other day, describe the highest duty of government to be the protection of its citizens, and hold up to us the example of England in punishing all outrages upon her people, whether on the distant plateaus of Abyssinia or the jungles of the Ashantee coast, I could not help thinking of the contrast presented when our Government abandoned this country to the demands of Indians who had no right to it; abandoned the white prospecter and emigrant to his fate, and abandoned to the coyote and the Indian the graves of its massacred soldiers without even making a determined attempt to punish their murderers—soldiers who had achieved distinction in the rebellion, one a friend and comrade of my own. At the demand of these insolent Sioux our forts were abandoned, our flag hauled down, our officers and soldiers retreated amid the taunts of the Indians who followed to insult them. Sir, there is a striking contrast between the picture presented to this House of the British lion caring for her dependents and the manner in which Setting Bull was allowed to decorate his war bonnet with the tail-feathers of our retreating eagle.

If we are to spend $1,200,000 a year to feed these Indians—twenty-five millions in all—let us stipulate in the renewal of this contract that in consideration thereof they shall confine themselves to their reservation, and allow all land outside to be explored, occupied, and settled, and this important road to Montana reopened.

This reservation is amply large—large as the State of Ohio. It is traversed by the Black Hills, with hundreds of streams, and abounds in game and fish; thousands of buffalo roam over its grassy plains; and it is one of the very best Indian reservations on this continent. What Indians go off this reservation? Not the old men or the well-disposed. I know there are but three or four hundred who leave the reservation. These are the young braves; and while they do so on the excuse of hunting, it is always in war parties. Last summer you were shocked at hearing how the Pawnees were murdered by a war party from this reservation. Not only should this amendment be adopted in justice to the white men, but also in justice to the Indians. Gentlemen familiar with the country will tell you that these Indians have driven off the Shoshones, who have been compelled to go to the recesses of the Wind River Mountains; they have driven the Crows up to the settlements in Montana. It was but last year that a party of Crows went down to visit their old hunting-grounds, and the Sioux came upon them unexpectedly. The women and children fled to the protection of the settlements in Montana, and the warriors who tarried to cover their retreat were nearly all killed.

The Crow tribe lost the flower of its young men in this their old home, a country which some peace commissioner gave to these Sioux, though they never had any title to a foot of it. There is no peace in these valleys. No friendly Indians can venture there; and but yesterday the wires brought us the intelligence that an expedition of citizens of Montana, going on the public lands in pursuance of a law of this Government, which invites the exploration and settlement of such lands—trespassing on no Indian reservation, and assisted by friendly Indians—have been attacked by these hostile Sioux, their stock killed, and several of their number also, and now are obliged to return to the settlements of Montana. These Indians which attacked them never have treated with the Government. They have been always on the war-path and defy your power. They incite by example and emulation other Indians to hostility. The report of Mr. Brunot's treaty with the Crows shows that they endeavored to induce the Crows to join them against the whites, and offered a large number of horses, spoils taken from the whites and the Government, to the Crows as an incentive. It is time the Government should assert its power and confine these Indians to their reservation, and allow these fertile valleys to be opened to settlement, and these roads—these most important outlets of Montana—opened to the emigrant and the traveler. If force is necessary, it is the duty of the Government to use force, and enough of it to subdue these defiant savages, and give protection to the prospecter and the settler.

Mr. McCORMICK. What is the area of this reservation?

Mr. MAGINNIS. It is nearly as large as New England, and in the mountain portion quite as fertile; while the plains furnish good grazing.

Mr. LOUGHRIDGE. Does the gentleman say that this reservation is fertile?

Mr. MAGINNIS. I believe it is.

Mr. LOUGHRIDGE. Have you been upon it?

Mr. MAGINNIS. I have.

Mr. LOUGHRIDGE. How much have you been over it?

Mr. MAGINNIS. I have been over a portion of it, and I have read the reports of those who have been on it—Raynolds, Sully, Father De Smet, and others.

Mr. LOUGHRIDGE. I do not want to spoil the effect of your argument, but I would like to read what Bishop Hare says about the country.

Mr. MAGINNIS. I do not believe Bishop Hare was ever at the Black Hills, or within a hundred miles of them.

Mr. LOUGHRIDGE. He was all over the reservation.

Mr. MAGINNIS. That is a big country there.

Mr. LOUGHRIDGE. I ask the Clerk to read an extract from Bishop Hare's report.

The Clerk read as follows:

A great portion of the Sioux reservation is an utterly barren district. The arable land embraced within it will not be sufficient for the wants of half the population when they have given themselves to agriculture. Even where the soil is good a crop cannot be raised more than one year out of three on account of ravages of grasshoppers, hail-storms, and the extreme dryness of the climate. Their reservation is thus a discouraging place for beginners in agriculture. Some of those of the Sioux who are making efforts in farming (for example, some of the Santees) are anxious to move to the Indian Territory. If good land is at the disposal of the Government in that Territory the commission recommend that measures be taken for the gradual removal thither of all Sioux Indians who may be willing to emigrate. The Great Sioux reservation should be used as a place for taming the Sioux and training them for the occupation of the Indian Territory as their home.

Mr. MAGINNIS. I have heard just the same things said about Montana and the whole mountain country. Yet at our fairs to take the premium it requires one hundred bushels of wheat to the acre; and at Vienna our agricultural products took a premium not only over those of the great States of the Mississippi Valley but over those of the world.

[Here the hammer fell.]

The question being taken on the substitute of Mr. LOUGHRIDGE for the amendment of Mr. STEELE, it was agreed to.

The amendment, as amended, was adopted.

Mr. DUNNELL. I move to amend by striking out in line 1347 "$200,000," so as to make the appropriation for subsistence of the Yankton Sioux $1,000,000. I offer this amendment mainly for the purpose of calling attention to the difference between the Indian appropriation bill now before the committee and the corresponding bill of last year. Two years ago we appropriated $500,000 for the Teton Sioux; last year we appropriated $200,000 for the same band. This year those Sioux do not appear anywhere in the bill. They have dropped out. They were very prominent two years ago. At that time half a million dollars was appropriated for them. When the appropriation bill was up last year, some questions were asked which troubled the gentleman from California, Mr. SARGENT, who had the bill in charge, and quite a little excitement occurred in the Indian

Department. After various letters and communications, it was announced to the House that there were certain Teton Sioux. This year they have dropped out.

Now I wish to know whether these Teton Sioux were all christianized and made good fellows by that appropriation of $700,000 made last year and the year before, so that we have nothing to do for them this year? Or have they been slipped in under some other name? I would like to know what has become of the Teton Sioux.

Mr. AVERILL. If my colleague should go upon that reservation, especially the northern part of it, he would find what he calls the Teton Sioux. I have only to say that, so far as I know, the Teton Sioux, as they were called years ago, have merged into other tribes. They are now incorporated with the Santee Sioux, the Ogallallas, the Brulés, &c. Indeed, a part of the Sioux that were once in Minnesota have gone into that country. I cannot speak from positive knowledge, for I have never been among them; but I have been near enough to know that a part of them joined what was then called the Teton Sioux. These Teton Sioux have merged into other bands or nations, and now exist under other names.

Mr. DUNNELL. I accept my colleague's explanation, although it is not quite so lucid as his statements generally are. I do not understand exactly the boundaries of these Teton Sioux; and it is a little singular that these $700,000 so rapidly facilitated this merging process.

Mr. AVERILL. If the gentleman will look at the caption of these paragraphs he will see that they provide for Sioux of different tribes. It was not necessary to express the nomenclature of these tribes.

Mr. DUNNELL. The caption is what arrested my attention and caused me to ask some explanation of the matter.

Mr. LOUGHRIDGE. I would direct the gentleman's attention to the book of estimates. Under the clause "for the support and civilization of the Sioux" he will find the following:

NOTE.—The appropriations made for the year ending June 30, 1874, for the "Sioux on the Milk River reservation," $100,000, and for the Teton Sioux, $200,000, have been consolidated under the head "Sioux at Fort Peck agency," for the reason that both the Sioux of Milk River and the Teton Sioux have been located at that point.

Mr. DUNNELL. I am very glad to get this information.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. DUNNELL] has expired.

Mr. DUNNELL. I withdraw the amendment.

Mr. PARKER, of Missouri. I move to amend by inserting after "Yankton Sioux" in line 1346 the words "and Poncas."

The amendment was agreed to.

Mr. LOUGHRIDGE. I move to amend by adding to the paragraph the following:

For industrial school at Santee Sioux agency, $3,000.

The amendment was agreed to.

The Clerk read as follows:

For transportation, and the necessary expenses of delivering goods, to be purchased for the different bands of the Sioux Indians, under treaty of April 29, 1868, $75,000.

Mr. DUNNELL. I move to amend by reducing the appropriation made in this paragraph from $75,000 to $65,000.

Mr. PARKER, of Missouri. Let me call the gentleman's attention to one fact. The Committee on Appropriations had a controversy with the department on this item. The department claimed that it was possible to transport these goods to those Indians for less than $150,000. We thought it could be done for $75,000. We cut down the estimate one-half.

Mr. DUNNELL. I withdraw my amendment.

The Clerk read the paragraph making provision for the Sioux at the Fort Peck agency.

Mr. LOUGHRIDGE. I move to amend by striking out the following proviso at the end of this paragraph:

Provided, That the President may withhold the said supplies from said Indians, or any band of them, until they shall consent to remain north of the Niobrara River, if he shall deem it expedient to do so.

Mr. DUNNELL. I wish to call attention to a single point. In the appropriation act of last year I find that the appropriation of $1,314,000 for the Yankton Sioux was for twenty thousand Indians. In this bill the number is increased—thirty thousand. Now, I wish to know what has happened to account for the fact that this year the Yankton Sioux number ten thousand more than they did last year. Is that to be deemed inflation? I should like to have the chairman explain that.

I wish to make one general remark. It is believed, not by me alone, that these Sioux who two years ago for the first time in the history of this country and for the first time in the legislation of the country were known either in legislation or in the country—these Teton Sioux have now at the end of two years dropped out entirely. I desire some member of this committee shall tell us about the Sioux Nation. I am told by gentlemen, who are very intelligent, there are to-day of the entire nation not over twenty-five thousand persons; yet of this one class, the Yankton Sioux, we are appropriating for thirty thousand of them $1,200,000.

Mr. LOUGHRIDGE. We appropriate $40,000 for twenty thousand persons. Now, how much is that to each person?

Mr. DUNNELL. That is not the question. I wish to know how it happens in the appropriation last year in a particular class that class numbered twenty thousand and this year thirty thousand? I wish to help the committee out, and therefore ask whether some portion of the Teton Sioux may not have been crowded in the Yankton tribe? I wish to get some information on the subject.

Mr. LOUGHRIDGE. The gentleman from Minnesota asks a question but will not yield for an answer. Let me ask him, where does it appear there are twenty thousand Yankton Sioux?

Mr. DUNNELL. Here in the bill of last year, twenty thousand Sioux.

Mr. LOUGHRIDGE. But those are not Yankton Sioux.

Mr. DUNNELL. Yes; they are under the denomination of Yankton Sioux.

Mr. LOUGHRIDGE. All the Yankton Sioux got last year was $40,000. The gentleman has not read the bill.

Mr. DUNNELL. Yes; I have.

Mr. LOUGHRIDGE. Read it again.

Mr. DUNNELL. It is under the same heading under which we appropriate $1,200,000.

Mr. GARFIELD. The gentleman from Minnesota will allow me to say that the heading is "Sioux of different tribes, including Santee Sioux in the State of Nebraska, and the Poncas on the great Sioux reservation, and families of Santee Dakota Sioux, who have taken homesteads at or near Flandreau, in Dakota Territory." Under that heading comes the appropriation the gentleman refers to, and the Yankton Sioux are among them.

Mr. AVERILL. I wish also to say to my friend and colleague that the Yankton Sioux are on the east side of the Missouri River, while the other Sioux, under the heading of Sisseton and Wahpeton, and Santee Sioux, are on the other side of the river.

Mr. GARFIELD. The gentleman from Minnesota seems to be all wrong in his ethnology and geography.

The amendment was disagreed to.

The Clerk read as follows:

For annual amount, to be expended under the direction of the Secretary of the Interior, in supplying said Indians with beef, mutton, wheat, flour, beans, and potatoes, as per twelfth article of same treaty, $20,000.

Mr. PARKER, of Missouri. I move to strike that out, as the amount has been appropriated under the bill which came from the Indian Committee.

The amendment was agreed to.

The Clerk read as follows:

FOR COLONIZING AND SUPPORTING THE WICHITAS AND OTHER AFFILIATED BANDS.

For this amount, to be expended in such goods, provisions, and other articles as the President may from time to time determine, including transportation thereof, in instructing in agricultural and mechanical pursuits, in providing employés, educating children, procuring medicine and medical attendance, care for and support of the aged, sick, and infirm, for the helpless orphans of said Indians, and in any other respect to promote their civilization, comfort, and improvement, (including pay of blacksmith, plasterer, carpenter, sawyer, and head farmer, at $900 each per annum; and one matron, one mason, two teachers, at $600 each per annum; one engineer, $660; and cook, $600 per annum,) $50,000.

Mr. LOUGHRIDGE. I move in line 1509, before "blacksmith," to insert the words "physician, $1,200."

The amendment was agreed to.

Mr. LOUGHRIDGE. I move in line 1511, after the word "and," to insert the words "and two assistant farmers."

The amendment was agreed to.

Mr. LOUGHRIDGE. I move before the word "cook," in line 13, to insert "one seamstress."

The amendment was agreed to.

Mr. LOUGHRIDGE. I move in line 1514, after the word "dollars," to insert "each."

The amendment was agreed to.

The Clerk read as follows:

GENERAL INCIDENTAL EXPENSES OF THE INDIAN SERVICE.

Arizona:

For the general incidental expenses of the Indian service in the Territory of Arizona, presents of goods, agricultural implements, and other useful articles, and to assist them to locate in permanent abodes and sustain themselves by the pursuits of civilized life, to be expended under the direction of the Secretary of the Interior, $50,000.

Mr. McCORMICK. I move an amendment by adding the following:

Provided, That $3,000 of said sum is hereby set apart for the support of the school of the Pimas and Maricopas, and the same amount for the support of a school for the Papagoes.

Mr. Chairman, I will say to the gentleman in charge of this bill that heretofore the sum of $75,000 has been appropriated where in this bill only $50,000 is appropriated. The appropriation for this year is so much reduced that I am apprehensive these schools may have to be abolished if a sum be not set apart for them. My first idea was to set apart $5,000 for each, but I have put it at the lowest sum that will keep them going.

Mr. LOUGHRIDGE. I have no objection to the amendment.

Mr. McCORMICK. I will just say further in connection with this matter that those Indians are among the best Indians of the country. These schools are in a prosperous condition, and it would be a great mistake to do anything to injure them.

The amendment was agreed to.

The Clerk read as follows.

IDAHO TERRITORY.

For the general incidental expenses of the Indian service in Idaho Territory, presents of goods, agricultural implements, and other useful articles, and to assist them to locate in permanent abodes, and sustain themselves by the pursuits of civilized life, to be expended under the direction of the Secretary of the Interior, $10,000.

Mr. SHANKS. I offer the following amendment:

Strike out the paragraph which has just been read, and insert the following in lieu thereof:

For the general incidental expenses of the Indian service in Idaho Territory, to be expended subject to the approval of the Secretary of the Interior, for the best interest of the Indians in said Territory, to assist them to locate on reservations and sustain themselves by the pursuits of civilized life, and to promote friendly relations between the United States Government and the said Indians, $10,000.

Mr. LOUGHRIDGE. I have no objection to that amendment.

The amendment was agreed to.

Mr. LUTTRELL. I desire to offer an amendment to the paragraph appropriating for the general incidental expenses of the Indian service in California. I move to amend that paragraph by striking out "$40,000" and inserting "$50,000."

The paragraph was as follows:

CALIFORNIA.

For the general incidental expenses of the Indian service in California, pay of employés, presents of goods, agricultural implements, and other useful articles, and to assist them to locate in permanent abodes, and sustain themselves by the pursuits of civilized life, to be expended under the direction of the Secretary of the Interior, $40,000.

Mr. RUSK. We have passed that paragraph.

Mr. LUTTRELL. I was watching very closely, as I supposed, the reading by the Clerk, and I did not observe that that paragraph was read.

Mr. LOUGHRIDGE. Does the gentleman by his amendment propose to increase the amount?

Mr. LUTTRELL. Yes, sir.

Mr. LOUGHRIDGE. Then I must object.

Mr. LUTTRELL. I will withdraw that amendment and offer one prepared by the Commissioner of Indian Affairs, which I send to the desk to be read.

The Clerk read as follows:

After the word "dollars" in line 1612 insert:

Provided, That $10,000 of said sum, or so much thereof as may be necessary, to be available immediately, shall be used in the purchase of seeds, agricultural implements, &c., for the Maweemah, Scott Valley, Hamburgh, Ottittiewas, Shasta, Pitt River, Big Valley, and Upper Sacramento bands of Indians, residing in Siskiyou, Shasta, and Modoc Counties: *And provided further*, That a commission of three citizens of said counties shall be appointed by the Secretary of the Interior to select lands upon which to locate said Indians; and there shall also be appointed for said bands a superintendent of farming at a salary of not exceeding $1,500, and a teacher at a salary of not exceeding $1,000 per annum.

Mr. LUTTRELL. That amendment is prepared by the Commissioner of Indian Affairs; it does not propose any increase of the amount.

Mr. GARFIELD. I think that it changes the law, and I raise that question.

Mr. FORT. It creates two offices.

Mr. LUTTRELL. In the very last amendment that was adopted, there was a provision for two additional farmers.

The CHAIRMAN. What is the point of order made by the gentleman from Ohio, [Mr. GARFIELD.]

Mr. GARFIELD. It is that the amendment changes the law in regard to the mode of distributing and applying the appropriation.

The CHAIRMAN. The opinion of the Chair is that there is no fixed law on this subject. These regulations have always been made in the appropriation bill. The Chair overrules the point of order.

Mr. LUTTRELL. If the committee will indulge me I will explain my reasons for offering this amendment.

In 1852 a treaty was made by Colonel MCKEE, now present on this floor, on behalf of the United States, with these Indians, they ceding to the United States Government a large tract of land. They have never received a dollar for that land; not one dollar. The Government had it surveyed, and sold it to the citizens of the country. For the past twenty years those Indians have waited for their pay, and not a dollar have they received. They have acted in good faith. During seventeen years that I have resided in that immediate vicinity not one member of these tribes has ever been charged with a crime.

About 50 per cent. of those Indians—between seven and eight hundred of them—are half-breed or three-quarters white. All they desire in the world is that they be permitted to locate a tract of land upon the public domain, and that they be allowed to cultivate it, and that the Government shall provide a superintendent of farming and a teacher. That is all they ask.

The Legislature of California at its late session passed a resolution instructing the California delegation to urge this matter. Every citizen in that section of the country is in favor of this proposition. There is an abundance of public land for this purpose. All we have to do is simply to appoint a commissioner to locate this land for these Indians. Many of them are good farmers and good teamsters. But the trouble is that as soon as they settle upon a piece of land and improve it, the whites come on it and the Indians are crowded out. This has been the case for the last twenty years. Year after year they have been crowded back, until they have no place where to lay their heads.

Now, I ask in justice and humanity that the Government shall keep this treaty with these people. That is all we ask. We simply ask to divert $10,000 of the fund proposed to be appropriated for the purpose of locating these Indians on homes. They ask no further appropriation. They say that if we will give them homes on land which we have vacant, and to which there are no claims, and allow our commissioners, who will serve without pay, to locate those lands for them, they will make homes for themselves and their little ones. That is all they ask. I find in the Statutes at Large of 1869, on page 200, that fifteen annual appropriations have been made for the Shastas, and not one dollar has ever reached those Indians. I have resided it that country, in their immediate vicinity, for seventeen years, and not one dollar ever reached those people.

Mr. FORT. Who got the money?

Mr. LUTTRELL. Why, the agents who go out there to rob the Government and the Indians got it, and not a dollar of it ever reached the Indians. I know that to be the fact of my own knowledge, and can prove it by more than a hundred citizens. These Indians have acted in good faith toward the Government, and all they ask is that they may have homes in their native land, on which they can live and sustain themselves by agricultural pursuits.

I have here a letter from the Commissioner of Indian Affairs, which I ask the Clerk to read.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., April 30, 1874.

SIR: Referring to our conversation this morning relative to furnishing seeds and agricultural implements to certain bands of Siskiyou, Shasta, and Modoc Counties, California, and locating them upon lands in said counties, I have the honor to inclose herewith an amendment to the Indian appropriation bill as reported to the House, which, if inserted in the bill and passed, it is believed will meet the case. The amount embraced in said bill for the service in California should, of course, be increased; and the proposed amendment should be inserted after the word "dollars" in line 1612, page 67.

Very respectfully, your obedient servant,

EDW. P. SMITH,
Commissioner.

Hon. J. K. LUTTRELL,
House of Representatives, Washington.

Mr. LUTTRELL. Now, Mr. Chairman, this appropriation is recommended by the Commissioner of Indian Affairs. The Legislature of my State, as I have stated before, demands either an appropriation for this purpose, or a reservation. They ask that something shall be done for these Indians. It is but justice that they should have what we ask. They do not ask you to support them; they only ask for an appropriation to furnish them with agricultural implements and seeds, and to provide them with a farmer and a teacher. I hope no gentleman will oppose this proposition, because it is a fair one. All that we want for the Indians in my district is a farmer and teacher. We have public land; give us permission to locate it for these Indians, and we will trouble you no more with Indian wars, nor will we ask you for future appropriations.

Mr. PARKER, of Missouri. I shall have to oppose this proposition of the gentleman from California. In the first place, we have very largely cut down the estimate for incidental expenses of the Indian service in California, and it seems to me that if this grievance exists with the Indians of which the gentleman complains, and I have no doubt of it, he can reach what he desires through the Secretary of the Interior without this legislation.

The condition of the Indians that the gentleman has named is no worse than the condition of many other tribes in California. For instance, the department appointed a special commissioner last summer to go out there and look into the condition of the Mission Indians. He came back and reported to the department that the condition of that people was deplorable, and the department came before us and asked an appropriation of $100,000 to be expended for the benefit of the Mission Indians in California. I have no doubt that if we felt that our Treasury was in a condition to justify it it would be an act of justice on our part to make that appropriation. The condition of the Mission Indians is no worse than that of any other Indians in the State of California; but the Committee on Appropriations, after investigating the whole subject and taking into consideration the condition of all those Indians in California, has deemed it best and most proper to make this appropriation in lump, as it has been made for years.

Now, I think I could make a much stronger claim upon this floor, that all of this $40,000 should be set apart for the Mission Indians, than the one that the gentleman has made for his Indians; but we deemed it best not to parcel out the fund, but to appropriate a gross sum and leave it to the Secretary of the Interior to relieve the condition of the tribes as far as he could do it with $40,000. The department asked $75,000, but we thought they would have to get along this year with $40,000; and if the gentleman's proposition is adopted, of course it will involve an increase of this expenditure. If you take this much out of the $40,000 there will not be enough left to relieve the immediate necessities of the other Indians in California, whose necessities are just as pressing and urgent as those of the Indians the gentleman refers to. I therefore oppose this amendment.

The question was taken on Mr. LUTTRELL's amendment; and it was not agreed to.

Mr. LUTTRELL. I now move to amend the paragraph by striking out "$40,000," and inserting in lieu thereof "$60,000." I do so for the purpose of replying to the gentleman from Missouri. I believe that we should appropriate $60,000 for this purpose. The Mission Indians that the gentleman speaks of live in a warm and good climate. They have employment at the missions, and have had employment there for years; while the Indians in the northern part of the State that I refer to have ceded their lands to the United States and have

waited twenty-two years for payment therefor and have not yet received a dollar.

I ask you in the name of humanity, is the Government going to treat the Indians in this way? If so, I tell you they have stood it about as long as they possibly can. I ask the Clerk to read a letter from a gentleman who stands among the foremost in my State. The people are determined to go to war unless they can have justice. The gentleman himself would not stand half as much as they have stood.

The Clerk read as follows:

YREKA, *April* 16, 1874.

DEAR SIR: Permit me to call your attention to the Indian question.

The spring is now opening, seed-time is nearly past, and no provision made to enable these bands of Indians to provide for another winter. The pittance of $500 sent by the Commissioner, or rather ordered, has been expended to work as much good as possible, and I think has carried them nearly all through the winter without starving to death. To feed the number required, I have had to buy middlings when I could get it, as it is much cheaper and equally nourishing. The Indians are now anxious to put in a crop on their own account so that they will be independent another winter. To do this they require but little help outside of a place where they can be assured they will not be driven out by white men as soon as they get it fenced; a small amount of seed and plows and hoes, &c., without an army of white employés to consume all they make, is what they want, what in common humanity they ought to have.

They have just been over for a talk. Vicious white men that want another war in order to speculate out of the Government are talking to them about their wrongs, telling them if they had been hostile they would have been provided for long ago, and that the big chief expects me to talk them into peace, and cost him nothing, and after a little they will all starve out. This seems to have much weight with them. They say, "The Modocs, Klamaths, Rogue Rivers, &c., all have reservations because they fought white men; and we have always been friendly, made a treaty with McKee in 1852, sold most of our land and got no pay for it, but reserved the lower end of Scott's Valley, and the whites have taken that from us."

I reply to them the fate of Captain Jack. They say, "Yes; if we fight a few may get killed; a few may get hung, and the rest of them will have a home and food. If we don't fight we will all starve to death, as the cattle and hogs have eaten up all the Indian food out of the ground. The dams for mining on the rivers have driven off all of the fish, and white men shoot all the deer and keep them so wild we cannot get to them with bows and arrows, and they will not let us have powder and guns unless we prostitute our squaws to bad white men, and they will bring us guns, powder, and lead. This makes many of our women sick, and we have many half-breeds to care for, and it goes hard."

Well, there is so much truth in all this it is hard to talk around.

The reservation, all things considered, best adapted to their wants is Quartz Valley. Jones is making an opposition; but that does not amount to anything, as the land is unsurveyed, was reserved, and his improvements will not exceed six or eight thousand dollars at a fair valuation, and would be useful; besides, that arm of the valley might be left out of the reservation by the commissioners without damage. All the other improvements could be had at a reasonable rate, and all would be needed.

Now, if you establish a reservation do not provide for an army of employés. One superintendent, to keep off intruders and protect the Indians, and one school-teacher, with a requirement that school should be kept and reported to county superintendent, the same as our free schools are, is all that is wanted. Let the Indians do their own work, have their own produce, and not carry it into account with the Government at all. This is the only system that a reservation can honestly be conducted upon, as the Indians would then have a chance to look to their own rights.

A few days ago I was on the way to San Francisco, and found two young Indians claiming to be from Battle Mountain, back of Chico, among the Sacramento Indians. Learning that I was on the stage, they fled to the mountains. I made inquiry of their business and found they were trying to incite a war and get all the Indians to join, claiming they had made a mistake in not joining the Modocs, but if all joined now they could drive all the whites out of the country. They told the Indians they had been to New York and Washington, and all the whites east of the mountains were afraid of Indians, &c. They promised to be back next month, and wanted all the Indians to meet for a grand talk.

I think if the proposition to provide for these Indians is too long delayed they will all break out from sheer desperation and necessity, not because they are ill-disposed, although many white men are encouraging them in hopes of plunder and employment in case of a war.

Mr. LUTTRELL. These Indians simply ask that they may be permitted to go upon the public domain and take land that is claimed by no other human being, upon which to make their homes; and they ask a small appropriation for agricultural purposes. If you will not give us $10,000 for this purpose, then give us $5,000. All we want is to start these Indians on their own account. We want no more. I hope the gentleman will not object to that.

Mr. LOUGHRIDGE. A great deal the gentleman has said is true. I think these Indians have been very badly treated; not only the Mission Indians in the south, but the Indians of the north of which the gentleman spoke. They are roaming; have no right to a home; the Government has decided that they cannot pre-empt land. If they settle down on land and build their little shanties, some white man can come along and drive them off. They have no right to even have a home. It is all wrong, and an outrage upon civilization that the natives of the country should have no right to make a home on the public lands. It is a crying shame. A great deal the gentleman says is true. I think the Department ought to see to it that lands are set aside for these Indians from which they cannot be driven by the border men. I move to amend by adding the following to the pending paragraph:

That the Secretary of the Interior be authorized to set aside a reservation for the Indians roaming in Northern California, upon which they may establish their homes and retain the same.

Mr. SHANKS. The Land Office now permits Indians to enter land. If that is a safe way for them to get homes they can do so now.

Mr, LOUGHRIDGE. Can they homestead lands?

Mr. SHANKS. They can; the Nez Percé Indians have been doing so for some time past.

Mr. LOUGHRIDGE. I was informed by the Secretary of the Interior not a week ago that they could not.

Mr. SHANKS. They have been doing so, and now occupy homes on the public lands. I do not object to the amendment of the gentleman.

Mr. LUTTRELL. I will accept the amendment of the gentleman in lieu of my own, and ask that he modify it so as to provide $5,000 for these Indians for agricultural purposes.

Mr. LOUGHRIDGE. I have no objection to that.

The amendment, as modified, was then agreed to.

The Clerk read the following:

WASHINGTON TERRITORY.

For the general incidental expenses of the Indian service in Washington, Territory, including transportation of annuity goods and presents, (where no special provision is made therefor by treaties,) and for defraying the expenses of removal and subsistence of Indians and for pay of necessary employés, $25,000.

Mr. SHANKS. I move to add to the paragraph just read the following:

Three thousand dollars of which shall be for the support of schools on the Colville and Chehalis agencies.

The amendment was agreed to.

The Clerk read the following:

For this amount, or much so thereof as may be necessary, to defray the expenses of Indian delegations who may visit Washington on business connected with their respective tribes, $10,000.

Mr. LOUGHRIDGE. I move to amend by decreasing the appropriation to $5,000.

The amendment was agreed to.

Mr. LOUGHRIDGE. I move to further amend by adding to the paragraph the following:

Provided, That no money shall be paid from any other fund for expenses of Indian delegations visiting Washington except from the contingent fund of the Department.

The amendment was agreed to.

The Clerk read the following:

For this amount, or so much thereof as may be necessary, to provide, under the direction of the Secretary of the Interior, clothing, food, agricultural implements, and seeds, for the Modoc Indians that have been removed to and are now residing within the Indian Territory, $10,000.

Mr. LOUGHRIDGE. I move to amend by inserting before the word "clothing" the word "settlements."

The amendment was agreed to.

The Clerk read the following:

For the first of ten installments, to be paid, under direction of the President, to the Flathead Indians removed from the Bitter Root Valley to the Jocko reservation, in the Territory of Montana, &c.

Mr. LOUGHRIDGE. I move to strike out the word "first" and insert the word "second," before the words "of ten installments."

The amendment was agreed to.

The Clerk read the following:

Pay and expenses of three commissioners to make appraisements: For this amount, or so much thereof as may be necessary, for the purpose of defraying the expenses of a commisson provided for by section 2 of the act approved March 3, 1873, to make an examination of the country proposed for the location of the Round Valley reservation, and to make an appraisement of all improvements of white persons north of said boundary of the reservation, $5,000.

Mr. LOUGHRIDGE. I move to reduce the appropriation from $5,000 to $4,000.

The amendment was agreed to.

The Clerk read the following:

Pay and expenses of five Indian inspectors: For pay of five Indian inspectors, at $3,000 each, $15,000.

Mr. McCORMICK. I would like to inquire of the gentleman from Iowa [Mr. LOUGHRIDGE] whether it has been found that five inspectors are sufficient to visit these agencies twice a year as the law requires, and to attend to all the duties devolving upon inspectors by the law of last year.

Mr. LOUGHRIDGE. My own opinion is that five are enough.

Mr. McCORMICK. There was a debate on this subject last year, and some gentlemen were willing to admit that the number should be increased to seven or ten.

Mr. LOUGHRIDGE. My opinion is that this number is sufficient.

Mr. McCORMICK. To perform all the duties?

Mr. LOUGHRIDGE. That is my opinion.

The Clerk read the following:

For this amount, or so much thereof as may be necessary, to defray the necessary traveling expenses of five Indian inspectors provided for by section 6 of the act making appropriations for the current and contingent expenses of the Indian Department for the fiscal year 1874, $10,000.

Mr. LOUGHRIDGE. I move to amend by striking out "$10,000" and inserting "$7,500."

The amendment was agreed to.

Mr. LOWE. With the consent of the Committee on Appropriations, and under the direction of the Committee on Indian Affairs, I move to amend by inserting after line 1798 what I send to the Clerk.

The Clerk read as follows:

For this amount, to enable the Secretary of the Interior to pay to the children of the Delaware Indians, who became citizens of the United States under the provisions of the ninth article of the Delaware treaty of July 4, 1866, and the children of Betsy Zeigler, who died before completing her citizenship, under the provisions of said article, their proportionate share of the money and stocks held in trust by the United States for the Delaware tribe of Indians $54,514.23, of which $21,448.07 shall be deducted from the money credits of said tribe, and $33,066.16, to be taken equitably from their several kinds of stock, shall be transferred to the Secretary of the Treasury and become the property of the United States: *Provided*, That, if the Secretary of the Interior shall so determine, the whole amount hereby appropriated shall be taken from the money credits of the tribe; the Secretary of the Interior to designate the funds from which said amount shall be taken: *Provided*, That in the case of deceased persons the Secretary of the Interior shall make payment to their

legal representatives. And said Delaware children are hereby declared to be citizens of the United States, with all the rights, privileges, and immunities of such. And the Secretary of the Interior is hereby authorized and directed to cause patents to issue in fee-simple to said persons for the lands allotted to them; and in case of the decease of any of said persons, the said patents shall issue in the names of such deceased persons, including the said Betsy Zeigler; and the title to the lands designated in such patents shall inure to and become vested in the heirs, devisees, or assignees of said deceased patentees, as if the patent had issued to the deceased person during life; and the Secretary of the Interior shall cause patents to be issued in fee-simple in the names of Barbara Zeigler, Martha Zeigler, Samuel Ketchum, Chatham S. Tiblow, and Francis H. Grinter, who belonged to the families of the citizen class, and who died prior to the census of said Indians, made by the agent under the provisions of the treaty of July 4, 1866, for the lands allotted to them. And the lands designated in such patents shall inure to and become vested in the heirs, devisees, and assignees of said deceased patentees as if the patent had issued to the deceased person during life.

Mr. LOWE. This amendment was regularly introduced into the House as a bill, and was referred to the Committee on Appropriations, who reported it to the House with the request that it be considered by the Committee on Indian Affairs. The latter committee have considered it fully, and are unanimous in recommending its adoption. It will simply carry out the provisions of the Delaware treaty of 1866. It does not affect the Treasury of the United States, but provides for the distribution of the lands of that tribe to its own members in pursuance of the treaty of 1866.

The amendment was agreed to.

The Clerk read as follows:

SEC. 2. That the sum of $15,000, or so much thereof as may be necessary to pay the expenses of the commission of citizens serving without compensation, appointed by the President under the provisions of the fourth section of the act of April 10, 1869, is hereby appropriated; and said board of Indian commissioners is hereby continued, with all the powers and duties conferred and imposed by existing laws. These powers and duties shall not be construed as compelling said board, or any member thereof, to examine and pass upon the accounts and vouchers of the Indian Bureau, if said board shall not deem such examination necessary. And all such examinations and duties shall hereafter be performed in the city of Washington, except that when said board shall deem it necessary, for the more prompt examination of said vouchers, they may direct their executive committee to hold its sessions for such purpose in the cities of Philadelphia or New York. But nothing herein provided shall be construed to supersede or interfere with the duty heretofore imposed upon said board of commissioners to visit Indian agencies and inspect the vouchers, books, and papers thereof.

Mr. LOUGHRIDGE. I move to amend the section just read by striking out this clause:

These powers and duties shall not be construed as compelling said board, or any member thereof, to examine and pass upon the accounts and vouchers of the Indian Bureau, if said board shall not deem such examination necessary.

Mr. BECK. As an amendment to the amendment, I move to strike out the same words proposed to be stricken out by the gentleman from Iowa, [Mr. LOUGHRIDGE,] and to insert in lieu thereof the following:

Provided, That hereafter no payments shall be made by any officer of the United States to contractors for goods or supplies of any sort furnished to the Indians, or for the transportation thereof, or for any buildings or machinery erected or placed on their reservations under or by virtue of any contract entered into with the Interior Department, or any branch thereof, on the receipts or certificates of the Indian agents or superintendents of such supplies, goods, transportation, buildings, or machinery, beyond 50 per cent. of the amount due, until the accounts and vouchers shall have been submitted to the executive committee of the board of commissioners appointed by the President of the United States, and organized under the provisions of the fourth section of the act of April 10, 1869, and the third section of the act approved April 15, 1870, for examination, revisal, and approval; and it shall be the duty of said board of commissioners, without unnecessary delay, to forward said accounts and vouchers so submitted to them to the Secretary of the Interior, with the reasons for their approval or disapproval of the same, in whole or in part, attached thereto; and said Secretary shall have power to sustain, set aside, or modify the action of said board, and cause payment to be made or withheld as he may determine.

Mr. GARFIELD. I make a point of order against this amendment. It is plainly a change of the existing law in reference to the mode of keeping accounts and administering business in the Interior Department.

Mr. BECK. I do not think the point is well taken. My amendment simply embodies the law as passed in 1871. It was attempted to be evaded in May, 1872, by a proviso in these words:

But the examination of vouchers and accounts by the executive committee of said board shall not be a prerequisite of payment.

That is the only modification.

Mr. GARFIELD. Certainly; but that is the whole point. The proposition of the gentleman from Kentucky [Mr. BECK] amounts to this: Under the existing law the Secretary of the Interior has the power to go on and settle the accounts; the proviso of the gentleman would put the power of settling these accounts into the hands of an outside board without regard to the Secretary of the Interior. It provides that no payment shall be made until this outside board shall have audited and passed upon the account. It is a complete unhinging of our present method, under the law, of settling Indian accounts. There could be no more radical change of the law as affecting the administration of any Department.

Mr. BECK. Let me say but one word on this subject. While the Interior Department construed it to be its right to pay without submitting the accounts——

Mr. GARFIELD. One word more. The gentleman tried to get the rules suspended last Monday to make this proposition in order, and he failed.

Mr. BECK. I did; but this proposition was then accompanied with another provision, which put all payments in charge of the officers of the Army. But when I came to examine section 2, which the committee have incorporated in this bill, I found that it conferred new powers, not known to existing law, and that what I now offer was a proper amendment to it. It provides, for instance, that "all such examinations and duties shall hereafter be performed in the city of Washington." It provides also that "these powers and duties shall not be construed as compelling said board, or any member thereof, to examine and pass upon the accounts and vouchers of the Indian Bureau, if said board shall not deem such examination necessary;" undertaking in the very clause which it is now proposed to strike out to change an existing law. To this proposition my amendment is appropriate. Hence, believing this amendment to be admissible, I did not care to separate the two propositions, as was suggested on Monday when I made my motion.

Mr. GARFIELD. The section in the bill does not change the law at all; the gentleman's amendment does.

Mr. BECK. There is no existing law similar to that contained in the clause now proposed to be struck out; there is no existing law requiring these examinations to be made in Washington; there is no existing law providing for the inspection of books. All these provisions of the section are new, and to them my amendment is germane.

The CHAIRMAN. In the judgment of the Chair the amendment is clearly open to the objection made to it.

Mr. BECK. The Chair, then, I understand, rules it out of order?

The CHAIRMAN. That is the decision of the Chair.

Mr. BECK. Mr. Chairman, I rise to oppose the amendment of the gentleman from Iowa; I have the right at least to do that. I want to call the attention of the House and the country to what I expected would follow and what two years ago I insisted would follow, indeed what I showed then was the intention of striking out this provision requiring the Indian commissioners to revise these accounts of Indian agents. It was done then, and the effect has been to enable the retainers, agents, pet contractors, and other hangers-on of the Indian Bureau to rob the Treasury of the United States. Let me read what the commissioners themselves say on the subject:

SIR: The executive committee of the board respectfully present the following report:

From July 1, 1872, until March 1, 1873, no accounts were sent to us by the Indian Office for examination, it having been thought by that office that the act of May 29, 1872, relieved them of the necessity of submitting accounts to the board and relieved the board of the duty of acting on them. After the meeting of Congress the discussion upon the Indian appropriation bill showed that it was not the opinion of Congress that the board had been relieved from auditing these accounts.

Observe, they state positively that for nine months the Secretary did not send a single account to them for examination, although he reports that he did.

The Secretary of the Interior, in Executive Document No. 123, to this Congress, says:

It will be observed that by the act of May 29, 1872, the examination of accounts and vouchers by the board of commissioners was not to be longer deemed a *prerequisite of payment*. In view of the legislation in that behalf which had been previously enacted, and was still unrepealed, and the peculiarity of the language of the act of 1872, I deemed it best, for prudential reasons for the time being, to continue the practice of sending all accounts to the board for examination prior to the final action of the Department thereon.

It will be observed that the statements of the peace commissioners and the Secretary cannot both be true. The House may judge between them.

When Congress met in December, 1873, it became apparent that we intended to restore the power of the commissioners. They applied to the Secretary to ascertain their rights. He submitted the question to his Assistant Attorney-General, who on the 31st of January, 1873, decided they had the right to examine vouchers in a modified form, as the following extract from his opinion shows:

The act of May 29, 1872, also continued said commission "with the powers and duties heretofore provided by law," and contained the following proviso: "That any member of the board of Indian commissioners is hereby empowered to investigate all contracts, expenditures, and accounts in connection with the Indian service, and shall have access to all books and papers relating thereto in any Government office; but the examination of vouchers and accounts by the executive committee of said board shall not be a prerequisite of payment."

This proviso does not purport to repeal or dispense with any of the duties heretofore imposed upon the board or the executive committee; it leaves them in full force. It enlarges the power of the individual members, and gives to each the power of investigating any contract, expenditure, or account, and the right of access to all books and papers relating thereto in any Government office—a power which before its enactment could probably be exercised only by the board or the executive committee. It authorizes the payment of accounts before they have been examined by the executive committee. It does not dispense with such examination. It was doubtless thought that there might be cases where it would be entirely proper and perhaps necessary to make payment without the delay that would ensue if the examination were made.

I am of opinion that the duty of examination is still imposed upon the executive committee, and that it is not taken away by the act of May 29, 1872.

Very respectfully,

W. H. SMITH,
Assistant Attorney-General.

Hon. C. DELANO,
Secretary of the Interior.

The Chair has ruled my amendment out, notwithstanding the opinion of the Assistant Attorney-General, which I think shows it is germane; and the chairman of the Committee on Appropriations will not allow it to be considered, although the report of the peace commissioners shows frauds have been committed to the amount of nearly half a million dollars. Since they have commenced examining again, God only knows how much was lost by refusing to allow these men to examine the account for the time they were withheld altogether.

Here is a list of disallowed claims on pages 11 and 12 of this report, where they show that three men, one by the name of A. H. Wilder, another by the name of D. J. McCann, and still another by the name of G. M. Dodge, have had large and extravagant claims passed by the Indian Bureau which were in clear, known, palpable violation of law. The struggle is to perpetuate that power in the hands of the Indian Bureau, in the hands of thieving contractors and dishonest agents, to prevent the men the President has appointed for no other purpose than to look into those accounts, and from having the right to see them at all. The point of order is raised to keep out the only provision which puts any check upon fraud and dishonesty.

But I have not done yet. Here is more proof. The board of commissioners go on to say in their report that a large amount of the accounts they disapproved were for cattle delivered in advance of the contract time and in excess of the needs of the agency. Affidavits are here showing that some of the cattle lost probably got into the herds of the contractors from which they originally came. They received an amount in excess of what was called for by the contract or needed at the time. Receipt was given to the contractors for them, and a large number were turned, as they believed, into contractor's herds, no receipt being taken to protect the interest of the Government and no guarantee given that beeves of equal quality and number would be returned in their place. At one agency the agent reported the number of Indians at from fourteen to seventeen thousand, when it was known from good authority the number never exceeded eight thousand. Another agent reported nearly eleven thousand, when on the best information it never exceeded five thousand.

These are specimens of the frauds now being perpetrated by the repeal of the law passed unanimously by this House on the recommendation of the sub-committee: Mr. SARGENT, of California, Mr. LAWRENCE, of Ohio, and myself. I introduced it and no man dared to oppose it in view of these frauds we have developed. Now, it has been deliberately repealed and deliberately kept out of our statute-books for no other purpose that I can imagine than to keep men who are known to be honest from looking into the accounts and vouchers of agents and contractors and preventing a repetition of these frauds. You will see in this proof that these Indian agents took receipts for ten or twelve hundred cattle when the contractor never delivered more than eight hundred, and that they took receipts for delivery all at one time when the contract required that the delivery should take place during the entire year.

The favored contractors have been awarded contracts at nearly double what they were made at when advertised to the lowest bidder. And the frauds of that Indian ring are all perpetrated in consequence of a determined effort to suppress and render impossible all investigation by this board of Indian commissioners. They have appealed to Congress. They have appealed to the President to have this power. They have appealed to the Secretary of the Interior, and now a point of order is raised and sustained, and the republican side of the House refused to suspend the rules last Monday, and refuse now to give these commissioners any power to save the money of the people. I say that the republican party in this House is responsible before the country, and the country next fall will hold them responsible for refusing the only safeguard we have for the expenditure of the millions that are now stolen in the management of Indian affairs, and certified by your own commissioners to be wrongfully and fraudulently squandered under this system of Indian management.

Mr. GARFIELD. The republican party is always responsible for a great deal in the estimation of the gentleman from Kentucky just before an election and sometimes after. I admit that it ought to be responsible for much; but I shall not be diverted, to discuss the republican party or any other party, from the merits of the question now before the committee.

The proposition of the gentleman from Kentucky which he thinks I have done very wrong in objecting to on a point of order is this: that the head, not of a Bureau alone, but of a great Executive Department of this Government, shall be deposed officially, and a body of outside people, without salary, without bonds, without any sort of pecuniary or legal obligation resting upon them to hold them responsible to the Government, shall have the vouchers and accounts of one of the Departments of the Government sent following after them, wherever they may happen to be—at their several homes, at the watering-places, traveling on the cars, or anywhere else; and that these gentlemen at their leisure may look over these vouchers and accounts and write "approved" or "disapproved;" but that no person shall be paid for any service rendered in connection with the Indian Department until these five outside gentlemen shall have approved of the accounts. Now, that is the proposition. That is a proposition that would be, if enacted into a law, an insult to any Executive Department of any government in the world. No man would so disgrace himself as to consent to be a Secretary of the Interior for an hour after such a law had been passed. No proposition like this, I believe, was ever before submitted to this Congress or, as far as I know, any other Congress. It is equivalent to saying that not being able to trust, for instance, the Secretary of War, we shall appoint a committee of outside citizens and they shall control and determine every warrant for payment of any account connected with the War Department before a dollar shall be paid. Having no faith in the man who is put at the head of the Department, some five citizens shall be picked up who are honest enough to do that work. That is the meaning of the proposition of the gentleman from Kentucky, and he wants to arraign the republican party for not perpetrating a legislative insult upon the head of the Department in question. I do not hesitate to call that a monstrous proposition.

Now, we have created a board of Indian commissioners. We have empowered them to go through all our various Indian agencies and superintendencies with full power to inspect the books and accounts and contracts and all the transactions of these various Indian agencies. Why? Because we want to throw all the light possible of publicity and of a disinterested, unselfish supervision and inspection over all this Department. For that purpose this board of Indian commissioners was created. It was furthermore provided that the Secretary of the Interior might send his vouchers for them to inspect and examine, so that he might be doubly certain that everything was right. But he is still the head of the Department, and he is not compelled by law to send them his vouchers; he can pay when a case is presented to him without sending the vouchers. He is not pledged to wait for the action of this board before he pays. But he may invite them, if necessary, to throw that light upon the case which they would be qualified by reason of their knowledge and intellectual culture to do. For such purposes we want to keep them. But we do not propose that our public Departments shall go traveling to all the watering-places of the United States and to the private residences of citizens all over the country before a man shall be paid.

Mr. BECK. I move to strike out the last word.

When the gentleman from Ohio rises in his place and says that I want to put outside men in power to supervise the action of a great Department, men who are not authorized by law to do so, he misstates the facts. The Secretary of the Interior himself says in his communication to the President, in response to a resolution of the House of Representatives:

> The board of Indian commissioners were appointed by you under authority of an act of Congress approved April 10, 1869, (Statutes, volume 16, page 40.) The board was authorized by said act to "exercise joint control with the Secretary of the Interior over the disbursement of the appropriations made by this act, or any part thereof that the President may designate."

That is, Congress organized the board so as to have the same control as the Secretary himself in the disbursement of Indian appropriations.

Mr. GARFIELD. O, no; the act says "any part thereof that the President may designate."

Mr. BECK. But more than that. I quote further from the communication of the Secretary:

> By an act of Congress approved July 15, 1870, (Statutes, volume 16, page 360,) it was made "the duty of said commissioners to supervise all expenditures of money appropriated for the benefit of Indians in the United States, and to inspect all goods purchased for said Indians in connection with the Commissioner of Indian Affairs, whose duty it shall be to consult said commissioners in making purchases of such goods."

Are those outside men on whom two acts of Congress conferred this authority?

The law I had the honor to present and have passed reads thus, (see Statutes, volume 16, page 568:)

> That hereafter no payments shall be made by any officer of the United States to contractors for goods or supplies of any sort furnished to the Indians, or for the transportation thereof, or for any buildings or machinery erected or placed on their reservations under or by virtue of any contract entered into with the Interior Department, or any branch thereof, on the receipts or certificates of the Indian agents or superintendents of such supplies, goods, transportation, buildings, or machinery, beyond 50 per cent. of the amount due, until the accounts and vouchers shall have been submitted to the executive committee of the board of commissioners appointed by the President of the United States, and organized under the provisions of the fourth section of the act of April 10, 1869, and the third section of the act approved April 15, 1870, for examination, revisal, and approval; and it shall be the duty of said board of commissioners, without unnecessary delay, to forward said accounts and vouchers so submitted to them to the Secretary of the Interior, with the reasons for their approval or disapproval of the same, in whole or in part, attached thereto; and said Secretary shall have power to sustain, set aside, or modify the action of said board, and cause payment to be made or withheld as he may determine.

That covered the whole ground.

In May, 1872, the obnoxious proviso under which so many frauds have been perpetrated was passed; which provided—

> That any member of the board of Indian commissioners is hereby empowered to investigate all contracts, expenditures, and accounts in connection with the Indian service, and shall have access to all books and papers relating thereto in any Government office; but the examination of vouchers and accounts by the executive committee of said board shall not be a prerequisite of payment.

It is the last clause of that proviso that I am trying to repeal, and to which the committee adhere with so much pertinacity.

The act that I now seek to restore was passed in May, 1871; it was passed to prevent a flagrant evil, which former laws had left untouched, because at that time there was no way of stopping payments upon vouchers of Indian agents that came to the Bureau. The holders of these vouchers were paid whatever they asked, so they appeared regular on their face. Proof was made before a committee, of which I was a member, that a large number of the greatest frauds were perpetrated under that system. At some of the agencies where cattle were to be delivered, say two hundred or three hundred would be delivered, and then they would stampede them, and collect them again and redeliver them. We were told of one case where eight or nine hundred head had to be delivered, and as soon as they de-

livered one lot they would be driven back to the rear of the line, and so counted over again, and vouchers given for them, although twice counted and known to be so. One agent in Montana, as the gentleman from Montana [Mr. MAGINNIS] knows, was dismissed because he refused to give a fraudulent voucher for about $47,000, when the true voucher was only $7,000. It was to guard against these frauds that we passed that law, which the gentleman from Ohio did not then dare to oppose.

Mr. GARFIELD. "Did not dare;" that is good.

Mr. BECK. Yes; I say did not dare, and I say it with emphasis. Now, he says that I am opposing the Department. Sir, I am opposing the thieves inside of that Department. We passed that law in order to make it impossible for the vouchers of Indian agents to be paid, if fraudulent, so long as we had honest peace commissioners. It was made the duty of the peace commissioners to look into the vouchers at the agencies and examine them there, and when they came for payment to look at them again, and give their opinion as to them upon their knowledge, and upon information not accessible to the Secretary of the Interior. They were to give their reasons in writing for the conclusion they had arrived at, and then if the Secretary overruled them he did it on his own responsibility to Congress and the country. That is all the law did, and that is all I propose to do now. In 1872, in an evil hour, this House consented to strike out that authority of the peace commissioners to revise these vouchers and accounts, and from that time to this fraud and corruption have permeated the Indian Department, in the payment of accounts and vouchers and in contracts; the commissioners have certified to that, and it is sought to be perpetuated by gentlemen on the other side of the House by refusing even to let an amendment in the interest of honesty and fair dealing to be considered.

That is what I have said; and the facts I have presented are not met and cannot be met, for they are true. If your agents are going to be honest in their disbursements, what harm can it do to allow men appointed under an act of Congress and chosen by the President to look at the vouchers of the agents and advise the Secretary whether they are just or unjust? If you allow them to make purchases, if you allow them to control contracts, why should not you allow them to examine the vouchers of the Indian agents? That is the point where the Secretary of the Interior can get no information except from these commissioners, who have their agents everywhere, whose duty it is to know what the Indians get, and who can tell whether the vouchers are just or not. You have stricken out this right so that no man can be able to detect frauds, and refuse even to allow us the right to try and restore it.

[Here the hammer fell.]

Mr. BUTLER, of Tennessee. Mr. Chairman, it is not right that a statement like that made by the gentleman from Kentucky should go to the country without the facts in connection with it. It is unjust to one of the Departments of this Government; it is unjust to the peace commissioners, and it is unjust to this House and to the country.

The law was changed, and rightfully changed. It was changed in the interest of the Indians, not in the interest of the Department or in the interest of contractors, as the gentleman would know if he would examine the reports that accompanied this change of the law.

Now, so far as the peace commissioners are concerned, the men who are to examine these contracts, where do they live? One lives in the city of Boston, one in the city of Philadelphia, and one in the city of Saint Louis. These men, living in those cities, are expected to be at every delivering agency, and to pass upon the vouchers for the delivery of Indian annuities and Indian supplies. The law was in the way of the Indians, and we had illustrations of it every day. For instance, a contract was made to feed five thousand Indians at Cheyenne. Cattle were to be delivered at that point to feed five thousand Indians within a year. Before seven months of the time had elapsed from three hundred to seven hundred wild Indians had come among the others and eaten up all the rations contracted for for twelve months, and it was necessary either to have the Indians scatter and have war with them, or else to call together these peace commissioners from Boston, Philadelphia, and Saint Louis, and advertise for ninety days for beef for the balance of the fiscal year, or else for the Secretary of the Interior to make a contract without advertisement or without its being passed upon by these commissioners, and feed the Indians and keep them on their reservations.

Now, sir, so far as the law is concerned it never required that the peace commissioners should pass upon all accounts before they should be paid. The law as modified required that they should pass upon the accounts; but that without their passing upon them the Secretary of the Interior should pay 50 per cent., and it was left optional with him whether he paid any attention to the recommendation of the peace commissioners or not. In that regard the peace commission was as useless as a fifth wheel to a wagon.

Now, so far from there being any disposition to conceal frauds, I tell the gentleman from Kentucky [Mr. BECK] that the Committee on Indian Affairs are now investigating alleged frauds. If he has a single witness who will prove a single dollar of fraud, let him bring him before the committee and he shall be thoroughly examined. The peace commission speaks for itself. If the gentleman will wait he will see whether or not there have been any frauds in connection with Indian annuities, Indian goods, or transportation of supplies.

It is the same song that was sung here two years ago, that the country would hold the republican party responsible for frauds. They did hold them responsible, as they will again. Let us feed and protect these Indians, and prevent the wild Indians from going on the reservations. There is no fraud. It is in the interest of nobody that this is proposed. If the gentleman knows of any fraud let him bring it before the committee, for the committee is anxious to investigate this matter and asks for witnesses.

[Here the hammer fell.]

Mr. BECK. I withdraw the amendment.

Mr. LOUGHRIDGE. I renew the amendment. I am not one of those who stand here as a republican and say that the Indian Department is all pure and lovely. I do not desire to do that, nor do I do it. I know there are frauds in that department; that there have been and that there are now gross frauds. I shall do everything I can, and I have been doing everything I can in this bill, to endeavor to prevent frauds.

The gentleman from Kentucky [Mr. BECK] talks about thieving agents; all through this discussion he has talked about the thieving of the Indian Department. Did he ever know an era in the history of this country when it was not the same way? I can give him a large volume which he would find very interesting reading for a week, and which is full of the frauds of the Indian Department in the days of Martin Van Buren, when the Indians were under the control of the Army. That gentleman is in favor of the jurisdiction of the Army for the Indians. At that time the Indian Department was under the control of the Army and under democratic administration. If the gentleman will take that volume and read it he will find as much fraud there as he can ever find in any period since that time. I recommend it to him for Sunday reading.

Mr. BECK. I know there are frauds there in the Indian Department; no doubt about that. But I propose to put them under the Army because the records of this country will show that in the Engineer Corps——

Mr. LOUGHRIDGE. I have but five minutes; I cannot yield. The gentleman has talked of thieving agents. I say after a careful examination of this question that I do not believe there has been a time in the last forty years when agents for the Indians were as honest men as they are to-day. I believe the military men of this country will agree with me in that statement. I ask the Clerk to read an extract from the testimony of General Pope before the Committee on Military Affairs at this session of Congress, which I will put against the declaration of the gentleman.

The Clerk read as follows:

I will state that seven or eight years ago I was very much in favor of the transfer of the Indian Bureau to the control of the War Department, and I have in various official communications, by personal letters and in conversation with those having authority over the matter, urged that transfer to be made. Since that time, however, the larger part if not all of the dishonest agents and their followers who infested the frontier and had so infested it for fifty years—who by virtue of making treaties with the Indians had the disbursements of large sums of money and of great quantities of goods, and had thus rendered themselves and their followers more or less rich by plundering both the Indians and the Government, and whose theory of the true condition of things in the Indian country was that we should have a war one day and a treaty of peace the next—have been got rid of. While such a condition of things obtained on the plains I was in favor of having the Indian Bureau transferred to the War Department; but since the present policy has been in operation I have noticed a very decided improvement in the condition of things on the frontier, both as to peacefulness with the Indian tribes and as to honesty in the administration of the Indian Bureau.

Mr. LOUGHRIDGE. There is the indorsement of a gallant soldier who says that a few years ago he was in favor of transferring the Indians to the War Department, but that now, after a long residence among the Indians, he finds the agents are honest men; and for that reason he has changed his mind and is now in favor of the Indians remaining under civil control.

Mr. NIBLACK. I am a little curious to know, and that is my object in seeking the floor now more than anything else, for what purpose this peace commission is to be perpetuated, if not to supervise these accounts. I think the object was to supervise the accounts of the agents everywhere, and to endeavor to see that the Indians were so treated that——

Mr. LOUGHRIDGE. That proposition is not now before the committee; it has been ruled out of order.

Mr. NIBLACK. Then I will yield to the gentleman from Kentucky.

Mr. BECK. It has been stated that I was very much in favor of putting these Indians, and the payments and disbursements in connection with them, under the control of the War Department. I was, and am now; and I will tell you why. It is conceded, at least no man can deny it, that we are spending immense sums of money which never reach the Indians. The reports made some time ago show that to be the case. I am in favor of putting them under the War Department, because I have investigated the matter carefully; I went to the office of the Chief of Engineers and to the leading officers of the Army, and I had this assurance from them, which I believe to be true, and it is a highly creditable record, that from the foundation of the Government to the present time the Engineer Corps of the Army, though they have had large disbursements of hundreds of millions of dollars, have never swindled the Government out of one dollar. The accounts of the Engineer Corps to-day (and this is a fact worthy to be noted when our centennial comes) show that every dollar that has ever passed through their hands has been honestly accounted for under all administrations. I want this money designed for the In-

dians to be placed in the hands of men who make such a record as that; as a matter of course I do. Who does not?

In this connection I wish to refer to Executive Document No. 123, where charges of all kinds of frauds are made by the Indian commissioners; and even the Commissioner himself and the Assistant Attorney-General have to admit that contracts were made greatly in excess of fair market prices; that goods were delivered at times when the law did not require it, and in such a way as to throw all the burden and the expense upon the Government, instead of upon the contractor, where it should have been according to law and according to the contract. At this point I call attention to the letter of the Commissioner, showing the facts in regard to a large contract made with a man by the name of Wilder, involving the sum of about $80,000. Mr. Stuart protested against it. It was answered that an exigency had arisen; but Mr. Stuart replied that the treaty under which this purchase of stock was made was dated in 1867, and if the Indians and the public service had gotten along for so many years without this stock, he did not think the delay of the brief period necessary for advertising and receiving proposals would have been detrimental to the Indians or the Indian service. I do not think it would either.

Mr. PHILLIPS. I understand from the Indian Office that in the very case to which the gentleman refers this contract was sent to the clerk of the peace commission, and by him approved; it was then sent to a member of the peace commission in his own city, and by him also approved. What means this peace commissioner had of knowing whether it was correct or not I do not know; but he wrote "approved" upon the contract and sent it back.

Mr. BECK. I call attention to page 43 of this executive document, where the Commissioner, Mr. Edmund P. Smith, making no allusion to any fact of that sort, approves the account disallowed by Mr. Stuart with the eleven reasons of Mr. Stuart for disallowing it; every one of which reasons is, I think, valid. Many, many thousand dollars were expended in a contract with this man under the circumstances I have mentioned; and the only excuse that could be given was that an exigency had arisen. Mr. Stuart very well replied that the exigency arose, if at all, under the treaty of 1867, which had run for six years without either the Government or the Indians suffering.

The best way to get at the exact facts is to give the language of the peace commissioners as to the frauds, contracts, &c.

As to the frauds, they say on page 12 of their report:

> A large portion of the amount of accounts disapproved and recommended to be suspended in part was for cattle delivered in advance of contract time, and in excess of the current needs of the several agencies, which entailed upon the Government all the cost of herding and the risk of loss by stampeding, disease, &c.
>
> Affidavits in our possession go to show that some of the cattle lost probably got into the herds of the contractor from which they had originally come, and in one case, after receiving an amount in excess of the quantity called for by contract or needed at the time, and after the receipt had been given to the contractor for them, a large number were turned into the contractor's herds, no receipt being taken to protect the Government's interest, and no guarantee that a like number of beeves of equal weight would be delivered to the agent.
>
> This system of excessive receipts has also caused great extravagance in issue, and, as a result, at some agencies the stock of beef calculated to last all the year is represented as all having been used before the year was more than half gone. From investigation we are satisfied issues of beef, flour, &c., have been made in some cases to a number of Indians greatly in excess of that actually at the agencies. At one agency where the agent reported issue to Indians numbering from 14,000 to nearly 17,000, we learn from good authority that the number has never exceeded 8,000. At another, where the agent reported issue to nearly 11,000 Indians, the best information on the subject goes to show that the number never exceeded 5,000.

The amount and character of vouchers rejected and the reasons therefor are set forth on pages 10 and 11 of the report, and are as follows:

List of vouchers suspended by the board of Indian commissioners from March 1, 1873, to January 1, 1874, with their reasons therefor.

No.	Name.	Article.	Action.	Amount.	Date of action.	Reason.	Action of accounting officers, and remarks.
					1873.		
116	Durfee & Peck..	Transportation	Rejected....	$850 00	Mar. 24	Claim fraudulent.....	Has not been received at Second Auditor's Office.
147	Charles S. Jones.	Traveling expenses.	Suspension .	309 65	Mar. 25	Excessive charges for fares, meals, &c., $73.95 suspended.	The accounts of C. S. Jones remain unsettled.
148	....do	Cash account..	Suspension.	.....	.....	Vouchers for payment of services not rendered; suspended.	Do.
431	J. A. Viall.....	Cash account..	Suspension.	.....	.....	....do.....	J. A. Viall's accounts are not finally settled.
526	Daniel A. Steele.	Services, &c...	Suspension..	876 00	May 29	Excessive charges for services, and improper charge for repairs of private conveyance.	Allowed for $632.
612	A. R. Elder.....	Boat.....	Suspension..	212 73	June 12	Not satisfied that the claim was a just one..	Never received at Second Auditor's Office.
829	J. B. Thompson.	Cash account..	Suspension..	.....	.....	Articles of luxury charged to Government..	Agent Thompson's accounts not yet settled.
1078	G. M. Dodge....	Beef.....	Rejected	4,243 44	Sept. 27	Fraud being reported at Whetstone agency in delivery.	Action set aside by Secretary of the Interior.
1115	....do	Beef.....	Rejected	17,095 45	Sept. 27	....do.....	Do.
1125	B. P. McDonald.	Beef.....	Rejected	1,370 12	Aug. 13	Claim for depredation, subject to action of Congress.	Never received at Second Auditor's Office.
1153	G. M. Dodge....	Beef.....	Rejected	5,054 84	Aug. 9	....do.....	Do.
1164	War Department	Cartridges.....	Rejected	10 50	Aug. 23	Not a just claim against Indian Department.	Do.
1332	G. M. Dodge....	Flour	Rejected	24,581 25	Sept. 27	Fraud being reported at Whetstone agency in delivery.	Do.
1411	J. W. L. Slavens	Beef	Suspended ..	6,388 20	Sept. 27	Overdelivery, in violation of terms of contract, without authority.	Action set aside by Secretary of the Interior.
1412	J. Q. Shirley....	Horses.....	Suspended ..	700 00	Sept. 27	An unnecessary purchase	Do.
1431	A. H. Wilder...	Beef	Suspended ..	80,685 56	Oct. 20	Overdelivery, in violation of terms of contract, without authority.	Do.
1447	P. H. Kelly.....	Corn.....	Disapproved	4,025 00	Oct. 20	Illegal substitution of corn for contract flour.	Do.
1448	A. H. Wilder...	Coal.....	Declined to act.	2,500 00	Oct. 17	Purchase made on a contract not approved by the board.	Never received at Second Auditor's Office.
1459	P. H. Kelly.....	Corn.....	Rejected	18,880 00	Oct. 20	Illegal substitution of corn for contract flour.	Action set aside by Secretary of the Interior.
1470	A. H. Wilder...	Transportation	Rejected	3,836 01	Nov. 29	Contract not approved by board.....	Never received at Second Auditor's Office.
1492	G. M. Dodge....	Corn and oats.	Disapproved	2,193 44	Oct. 28	Fraud on the part of the agent at Whetstone being reported.	Do.
1493	....do	Transportation	Disapproved	150 00	Oct. 28	Exorbitant price; no authorized contract...	Do.
1503	J. E. Booge.....	Pork.....	Disapproved	33,854 37	Oct. 28	Illegal substitution of pork for contract bacon.	Action set aside by Secretary of the Interior.
1504	Nelson Story....	Flour	Suspended ..	3,385 50	Oct. 30	Overcharge $265.20; suspended.....	Not yet acted upon by Second Comptroller.
1518	P. H. Kelly.....	Corn.....	Disapproved	1,905 12	Oct. 28	Illegal substitution of corn for contract flour.	Action set aside by Secretary of the Interior.
1543	....do	Corn.....	Disapproved	6,037 46	Oct. 29	....do.....	Do.
1556	A. H. Wilder...	Beef	Suspended ..	66,860 93	Oct. 1	Overdelivery, in violation of term of contract, without authority.	Do.
1559	D. J. McCann...	Transportation	Disapproved	11,658 93	Oct. 28	Overcharge in distance and price; contract giving increased rate disapproved by the board.	Do.
1579	D. McCranor....	Flour	Suspended ..	1,435 50	Nov. 8	Overcharge $586.25; suspended.....	Allowed for $849.25.
1624	A. H. Wilder...	Stock, &c	Rejected	1,161 00	Nov. 24	Fraudulent voucher signed in blank.....	Never received at Second Auditor's Office.
1629	....do	Oxen, &c.....	Rejected	77,910 00	Nov. 24	Private contract, not approved by board; no exigency necessitating purchase without advertising.	Action set aside by Secretary of the Interior.
1636	G. M. Dodge....	Corn.....	Disapproved	7,551 79	Nov. 21	Illegal substitution of corn for contract flour.	Do.
1647	D. J. McCann...	Transportation	Disapproved	7,472 57	Nov. 14	Overcharge in distance and price; contract giving increased rate disapproved by the board.	Do.
1678	B. F. Beveridge.	Extra expenses of Indian delegations.	Rejected	1,338 65	Dec. 4	Grossly fraudulent charges	Has not been received at Second Auditor's Office.
1685	G. M. Dodge....	Beef.....	Disapproved	9,701 49	Dec. 3	Overdelivery, in violation of term of contract, without authority.	Action set aside by Secretary of the Interior.
1709	....do	Corn.....	Disapproved	4,430 38	Dec. 3	Illegal substitution of corn for contract flour.	
1741	....do	Beef.....	Disapproved	10,266 80	Dec. 11	Overdelivery, in violation of term of contract, without authority.	Action set aside by Secretary of the Interior.
1749	D. J. McCann...	Transportation	Disapproved	4,283 86	Dec. 18	Overcharge in distance and price; contract giving increased rate disapproved by the board.	Do.
1796	G. M. Dodge....	Corn.....	Disapproved	3,693 42	.....	Illegal substitution of corn for contract flour.	

The value of Mr. Stuart's objections will be seen by the following extracts from the letter of the Commissioner of Indian Affairs. I think they are conclusive against the contracts, and the Commissioner ought so to have regarded them instead of overruling them, but it shows what an exigency can be made to cover when desired:

Mr. Stuart's third objection is: "I do not think the intent of the law was to permit private contract or purchase in the open market of large sums, which in this case amounts to $77,900."

In reply, I respectfully suggest that the question of exigency is not to be decided by the amount of expenditure. If there was not an exigency to justify a purchase to this amount without advertising, then a smaller expenditure would have been alike unlawful.

The fourth objection is: "That an exigency of the public service that would permit of so large a purchase must be an unquestionable one."

To this I reply that I believe the exigency, as stated above, was unquestionable.

Mr. Stuart objects, fifthly: "The treaty under which I am informed this purchase of stock was made was that of 1867, and if the Indians and the public service have gotten along for so many years without this stock, I do not think the brief period necessary for advertising and receiving proposals would have been detrimental to the Indians or the Indian service." This objection has already been considered with the second. I will only add further, that to have consulted the board and advertised for proposals, and awarded the contract, according to office experience, would have taken at least two months, which would entirely have prevented the delivery of the cattle this season, as events have shown. The fact that the Indians have got along without the stock promised them by treaty, for six years, is no reason at all why they should not have them this year, according to the treaty, if it was practicable.

[Here the hammer fell.]

Mr. LOUGHRIDGE. I withdraw my amendment.

Mr. HAWLEY, of Connecticut. I renew the amendment. I have been anxious to make an inquiry of the Committee on Indian Affairs at some time, and I believe my inquiry is germane to the topic now under discussion. Of course we have all heard for years and years these charges of extravagance and fraud in the purchase and distribution of Indian supplies. I wish to inquire why such supplies cannot be purchased through the Army quartermasters and commissaries? I was glad to hear the compliment paid by the gentleman from Kentucky [Mr. BECK] to the Engineer Corps of the Army; it is deserved; but I think that as a rule (the exceptions are very rare) as much can be said in favor of the Army quartermasters and commissaries. Under their administration the food and clothing furnished by the Government to its soldiers have been the best obtainable.

Mr. STARKWEATHER. It was in proof before the committee that purchases of clothing which had been made for the Indians had been made at a bargain, so that the prices paid on the spot were 10 per cent. less than those at which the goods could have been purchased in New York. It was absolutely the best bargain that could possibly have been made.

Mr. AVERILL. And let me add that these very contracts were made by the very gentleman whom the gentleman from Kentucky has so highly applauded this afternoon.

Mr. HAWLEY, of Connecticut. I am not raising any question concerning any specific contracts; I am speaking of the general policy. It has not been the general policy to buy provisions for the Indians through the Army commissaries, and I think it would be best to make those purchases in that way. Under the existing system purchases may in some instances have been honestly made; but as a rule your supplies for Indians have not been purchased and delivered in as satisfactory a manner as has been the case with those for our soldiers. The Indian supplies have generally been inferior in quality, and at the same time much more expensive than if they had been purchased for the Army. The Army supplies have uniformly been purchased in the best markets under the best forms of advertising, under the inspection of honest and well-qualified men. If the same system were applied to the furnishing of supplies for the Indians, we might be assured that wholesome, honest food, of the quality and amount contracted for, would be bought and delivered to the last ounce to the Indians; and this as a general rule has never yet been done under the prevailing system.

Mr. SHANKS. We find frequently in the public press advertisements for the sale of worthless Army clothing; but we never see advertisements of sales of worthless clothing purchased for the Indians. The Army gets rid of its worthless purchases by selling them off at public sale; and in that way it relieves itself of any odium connected with the matter.

Mr. MERRIAM. Could we not in some way furnish these Indians with some of the surplus clothing of the War Department?

Mr. SHANKS. That would not do, for it is not best to clothe the Indians in the uniform of our soldiers, because it would make them feel they were soldiers and only add to the trouble.

Mr. NIBLACK. What is the pending amendment?

The CHAIRMAN. It is on the amendment of the gentleman from Iowa, [Mr. LOUGHRIDGE.]

Mr. NIBLACK. I move an amendment to the amendment by striking out the words "or any member thereof."

Mr. Chairman, I have not participated much in this debate, but I am quite sure there is no problem which ought to give us so much anxiety as connected with the administration of public affairs at the present time as this question of what we shall do with the Indians. It is one I have given serious attention to, although not as a specialty, for several years past. Four or five years ago, when I was a member of the Committee on Appropriations, the question was under consideration whether we ought not to transfer the Indians from the Interior to the War Department. Then I was opposed to it. I believe we could perfect the present Indian Bureau under the Interior Department someway or the other, and get rid of the scandal of frauds perpetrated upon the Government. I was strengthened in that hope by the declaration I heard from friends of the present President of the United States, who claimed as one of the results of his administration to be inaugurated in 1869 that he would introduce great reforms in the Department of Indian Affairs. We were told from his long residence upon the Pacific coast and upon our frontiers he possessed such knowledge as would enable him to bring about marked beneficent reforms in that branch of the public service. But, sir, the hopes that had been derived from that source have been disappointed. It seems he cannot give much attention to it. Whether he does or not, we have the same old story with constant accumulation to what we used to have in regard to frauds.

That is not all. The census shows and all our information shows that during the last decade the number of Indians has been constantly diminishing, and that the number of Indians actually in existence at this time is, as I am credibly informed, not two-thirds of the number which has been reported, and for which appropriation has been made. I am strengthened in that from information derived from official and other sources, and yet the amount we are expending on the Indians every year is increasing.

This peace commission from which we hoped so much also appears, by the statement of the gentleman from Ohio, [Mr. GARFIELD,] and from what appears to be the legislation recommended by the Committee on Appropriations, to have been a failure. Instead of extending it as an institution to be encouraged, we are seeking now, it would seem, to cripple it and circumscribe it preparatory, I suppose, to abolishing it altogether. As a last resort, then, in utter despair of our ability to deal with this Indian problem, I am prepared to-day to vote to transfer it to the War Department, believing perhaps that that would be the best solution of the whole difficulty.

Whatever you may say about the frauds in Indian matters under the organization of the War Department, it stands out, as the gentleman from Connecticut [Mr. HAWLEY] has well said, as a bold, incontrovertible fact, that no other department of the Government has so good a record in the expenditure of the public money as that of the officers of the Army of the United States. I am proud to say it.

Inasmuch, then, as everything else seems to be not only a failure, but an utter failure, I think we ought at once, before the adjournment, to make an effort to transfer Indian affairs to the War Department to see whether some improvement cannot take place. I am not only in favor of the proposition but earnestly in favor of it, and I hope it will be adopted.

Mr. PARKER, of Missouri. Mr. Chairman, I desire to say a word in reply. My friend from Connecticut [Mr. HAWLEY] thinks it would be better to have these amounts disbursed under the direction of the Army officers. The report of the peace commissioners made during last year, if the gentleman will take the pains to examine it, will show him that the supplies of like character purchased for the use of the Army by Army officers were purchased and delivered at the Indian agency at 20 per cent. higher than the price paid for them by the Indian Bureau officers in the same neighborhood. Sacks of flour were delivered to the Milk River Indian agency at $4.70 a sack under the Indian Bureau, and I venture to say that no flour of a like character was purchased and delivered upon the frontier by Army officers for anything like that amount of money, but, on the contrary, that they paid much higher for it. I find that this is a rule running through all the purchases of all these supplies. Since this commission has been in existence I find in examining the reports made by these men and the reports of Army officers that these supplies have been purchased and distributed to the outposts at a cost 20 per cent. on an average less than supplies of a like character for distribution to the military posts. Of course, all the classes of goods included in the Indian supplies are not used by the Army—such as calicoes. I have only examined such things as flour, sugar, coffee, and such other necessary articles as are purchased both for the Indians and the Army.

What I have said applies with equal force to the remarks of my friend from Indiana, [Mr. NIBLACK,] when he urged the turning over of the management of Indian affairs to the War Department. I believe that Army officers are honest. But I do not believe that because a man wears shoulder-straps he is on that account to be looked upon as any more honest than a citizen. It is a favorite practice with some men here to get up and assert that everybody else is dishonest who is in the service of the Government except Army officers. I have as much respect for Army officers as any man on this floor; but I do not consider they are any more honest than citizens are:

I live on what was once an Indian frontier, and I can point to men who were Indian agents at $1,500 a year when the Army controlled the business, and who are now rolling in wealth and luxury, obtained on that salary of $1,500 a year. When General Harney himself, a man above reproach, whose integrity is unquestioned and whose sagacity is of the highest order, managed Indian affairs on our western frontier, it is a fact that these thieving agents who were under the control of the War Department stole his flour from him and sold it back to him three successive times. That is the way it was managed then.

If gentlemen undertake to make a little cheap political capital out of this matter, I say let them rest upon the facts. I am willing to go to the country, and I am willing that my party should go to the country upon the management of this Indian business.

Mr. BECK. So am I.

Mr. GARFIELD. Let us have a vote.

Mr. NIBLACK. I withdraw my amendment to the amendment.

The question being taken on Mr. LOUGHRIDGE'S amendment, it was agreed to.

Mr. BECK. I shall ask a separate vote in the House on that question.

The Clerk read section 4 of the bill, as follows:

SEC. 4. That none of the moneys appropriated in this act shall be used to pay salaries except where it is expressly appropriated for such purpose; excepting the contingent fund and the incidental fund, and except in cases herein otherwise provided, not more than $6,000 shall be paid for the salaries of employés at any one agency in addition to the salary of the agent and interpreter, and not more at any agency than is absolutely necessary; and Indian agents shall be required to state, under oath, upon rendering their annual or quarterly accounts, that the number of employés claimed for were actually and *bona fide* employed at the agency and at the salary claimed; and that such agent does not, directly or indirectly, receive any part of the compensation claimed for any other employé or any pecuniary benefit therefrom.

Mr. LOUGHRIDGE. I offer the following amendment:

After the word "salaries," in line 2, insert these words: "or allowances of any kind to employés at agencies."

The amendment was agreed to.

The Clerk resumed the reading of the bill, and read section 6, as follows:

SEC. 6. That it shall be the duty of the Secretary of the Interior and the officers charged by law with the distribution of supplies to the Indians under the appropriations provided for in this act, to distribute them and pay them out to the Indians entitled to them, in such proper proportions as that the amount of appropriation shall not be expended before the end of the current year, so as to prevent deficiencies; and no expenditure shall be made or liability incurred on the part of the Government on account of the Indian service for the fiscal year ending June 30, 1875, (unless in compliance with existing law,) beyond the amount of money previously appropriated for said service during said year.

Mr. NIBLACK. I move to strike out the sixth section. I do this for the purpose of inquiring of the gentleman from Iowa, [Mr. LOUGHRIDGE,] who has charge of this bill and is responsible to the House and the country to a great extent for any information they may require in regard to it, what the object was in striking out, or desiring to have stricken out, a portion of a preceding section in regard to the powers of the peace commissioners. I wish to inquire of the gentleman whether we are to understand by this that the Committee on Appropriations, after that investigation of the subject of Indian affairs which of course they were compelled to make in preparing this bill, are not satisfied that the operations of the peace commission have been a success? The country expected much from that commission. The proposition in the first place to appoint it I know was hailed by the country with great satisfaction as looking not only to a peace policy, but to a policy of an honest distribution of the public funds and a more careful looking after the Indians in all their relations, moral and religious as well as physical, than had been the case in previous years.

I drew from the action of the committee the inference, and I think perhaps the House and certainly this side of the House, has drawn the same inference, that the object of some of the amendments offered by the Committee on Appropiations is to circumscribe in the first place the jurisdiction of the operations of this peace commission, looking perhaps to its early abolition. If they are not allowed to supervise accounts, if they are not allowed to exercise any real control in this business, what authority will they have? We pay them no salaries it is true; still we pay them their expenses. They are officers authorized and appointed by law, and they cost us really considerable money. They have to come here occasionally to Washington, and when here may there not with propriety be given them some supervision over these accounts preparatory to their final payment by the Treasury Department? But still, if they are to look into the operations of the Indian Bureau, or to be joint superintendents of the Indian Department, or whatever else you may term it, why not invest them with some responsibility?

Mr. GARFIELD. The gentleman will allow me to say that we take away no power from them. We only require in the section he refers to that, when they do supervise accounts, they shall do it either in this city or in Philadelphia or in New York, and not carry the accounts all over the country, so that we may not have the official papers of the Government scattered about at Saratoga and Newport and Chicago, and anywhere and everywhere.

Mr. NIBLACK. Then, if I understand the gentleman from Ohio, it still leaves them the same authority they had before?

Mr. GARFIELD. They are simply to come nearer to the center when they pass on these accounts, so as to prevent the necessity of having the vouchers sent all over the country.

Mr. NIBLACK. I confess that when the motion was made by the gentleman from Iowa an hour ago I received a different impression.

Mr. GARFIELD. In the remarks I made I was answering the gentleman from Kentucky, [Mr. BECK,] who wanted to give these commissioners supreme power over the head of the Interior Department.

Mr. BECK. That phrase is not warranted by anything I said.

Mr. NIBLACK. A word further in regard to what I said a few moments ago about transferring this Bureau to the War Department. I want it understood here that I do not claim for the officers of the Army, as men, greater honesty than I do for civilians; but the very nature of the service they have to perform and the fact that they hold their positions by life tenure, and are not allowed to profit by anything more than their salaries, and that they are under severe regulations, much more severe than we can apply to civilians, the motives operating upon them to engage in schemes of plunder are not as great as those which operate upon men who hold their offices only temporarily, and who hold them only because they believe they can make money out of them; at least that is the case as regards Indian agents and every one else who has anything to do with the disbursement of money to the Indians. I do not wish to be understood as magnifying the Army at the expense of civilians, but I say that the motives operating upon them to engage in frauds are not so great as those which operate on civilians; and I think the gentleman from Connecticut [Mr. HAWLEY] will concur with me in that view of the case.

Mr. LOUGHRIDGE. I desire to say but a word, because I am anxious that we may have a vote. I do not want gentlemen to understand me or to understand the Committee on Appropriation as attempting to cast any slur on the board of peace commissioners. I hold them in the highest esteem both as men and officers. They have done a great deal of good in the Indian service, and I trust as a citizen and as a member of the Committee on Appropriations that they will continue in their positions. They are honest men, men of the highest standing, who serve without pay. They have done a great deal of good, and have succeeded to a great extent in purifying the Indian Department.

Mr. NIBLACK. I withdraw the amendment.

Mr. BECK. I renew it, and I do it for the purpose of saying that the gentleman from Ohio [Mr. GARFIELD] was making an impression on the House by saying that he only opposed my desire to make these commissioners supreme over the department, which nothing that I have said warrants.

Mr. GARFIELD. I spoke of your amendment.

Mr. BECK. My amendment was simply the law as it stood for a year and a half; and the only provision of law was that these commissioners should have the right to examine the accounts, and should examine them without unnecessary delay, and give their reasons for approval or disapproval of the same, in whole or in part, and attach them to the vouchers; and (I quote the language of the law) "the said Secretary shall have power to sustain, set aside, or modify the action of said board, and cause payment to be made or withheld as he may determine." Was that making these commissioners supreme over the Secretary? Was that depriving him of any power? No; it was simply providing for advising him of facts that he cannot otherwise learn, and that these commissioners can learn, and do learn, by means of their being at the agencies themselves, or by their agents. It was merely an additional caution and safeguard. There is where all the frauds come in. But all these safeguards have been stricken out, and are persistently kept out. Why are they kept out if they are kept out for any proper purpose? The gentleman from Missouri [Mr. PARKER] said very truly that purchases made by these commissioners have been more economical than those made by any one else. That is true; wherever they are allowed to act economy and honesty prevail. It was because honesty prevailed while they examined these vouchers that the law was repealed, and it is to enable dishonesty to prevail that they are not allowed to examine them. Whatever the committee may intend, that will be the effect of it, and that is the intention of every contractor and every Indian agent who intends to steal. Sir, if this House means to keep up the peace commission at all, there is no propriety in depriving them of the right to perform a duty which they are both willing and anxious to perform.

You have gone still further and struck out this provision, which you yourselves proposed:

These powers and duties shall not be construed as compelling said board, or any member thereof, to examine and pass upon the accounts and vouchers of the Indian Bureau if said board shall not deem such examination necessary.

You had previously said that "the examination of vouchers and accounts by the executive committee of said board shall not be a prerequisite of payment." For fear the payments of these accounts would be crippled by the investigation provided by this clause you have stricken it out, so that the moment a voucher comes in, however fraudulent it may be, it is to be paid at once before the peace commissioners can have a chance to see it.

[Here the hammer fell.]

Mr. BECK. I withdraw my amendment.

The Clerk read the following:

SEC. 8. That the Secretary of the Interior be, and is hereby, authorized and empowered to set apart, of the annuities which may be payable to the respective Indian tribes in money under existing treaties and laws, such amounts as he may deem best for the welfare of said Indians, to be expended under his direction for civilizing and beneficial purposes, in teaching the arts of peace, and in establishing and maintaining schools among them: *Provided*, That the amount set apart from the funds of each tribe shall be expended for the benefit of said tribe; but this proviso shall not be so construed as to prevent the conjunction of the funds of neighboring tribes, if necessary, in the support of a school or schools which shall be common to said tribes; and, in case of vacancies in any Indian schools, the children of tribes that have no annuities shall be entitled to privileges in said schools: *And provided further*, That the sum of $24,480.86, being the unexpended balance of an appropriation of "$40,000 to carry on the work of aiding and instructing the Indians of the central superintendency in the arts of civi"zation with a view to their self-support," made by act of March 3, 1871, is hereby reappropriated, and may be expended for the purpose named.

Mr. LOUGHRIDGE. I move to amend by inserting after the first proviso the following:

Provided further, That the sum of $10,000 be appropriated for the support of schools in the central superintendency.

The amendment was agreed to.

Mr. PHILLIPS. I move to amend this section by adding to it that which I send to the Clerk's desk.

The Clerk read as follows:

And provided further, That no part of this act shall be so construed as to divert or interfere with the application of such funds as are already provided for by treaty stipulations with the organized tribes of the Indian Territory, or with any wild tribe, until its consent to such diversion has been previously obtained.

Mr. GARFIELD. I ask the gentleman to leave out the portion relating to wild Indians; with that modification there will be no objection to the amendment.

Mr. PHILLIPS. I modify my amendment as suggested.

The amendment, as modified, was agreed to.

Mr. LOUGHRIDGE. I move to add as an additional section that which I send to the Clerk's desk.

The Clerk read as follows:

No agent or employé of the United States Government, or of any of the Departments thereof, while in the service of the Government, shall have any interest, directly or indirectly, contingent or absolute, present or remote, in any contract made, or under negotiation, with the Government, or with the Indians, for the purchase or transportation or delivery of goods or supplies for the Indians, or for the removal of Indians; nor shall any such agent or employé collude with any person who may attempt to obtain any such contract for the purpose of enabling such person to obtain the same. The violation of any of the provisions of this section shall be a misdemeanor, and shall be punished by a fine of not less than $500 nor more than $5,000, and by removal from office; and in addition thereto the court shall in its discretion have the power to punish by imprisonment of not more than six months.

Mr. BECK. Does that embrace the officers of the Interior Department?

Mr. GARFIELD. It embraces the officers of all the Departments.

The amendment was agreed to.

Mr. BECK. I desire to apply to this appropriation bill a provision of law which has been applied to former appropriation bills, and to which I think there will be no objection. I send it to the Clerk's desk.

The Clerk read as follows:

Provided, That the several appropriations herein made for teachers, millers, blacksmiths, engineers, carpenters, physicians, and other persons, and for various articles provided for by treaty stipulations, may be diverted to other uses for the benefit of the various Indian tribes, within the discretion of the President, and with the consent of such tribes expressed in the usual manner, and that he cause a report to be made to Congress at its next session thereafter of his action under this provision.

Mr. LOUGHRIDGE. There is no objection to that.

The amendment was agreed to.

Mr. LOUGHRIDGE. I move the following as an additional section:

SEC. 10. That there is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $12,000 for the support and relief of the Otoe and Missouria tribes of Indians, this amount to be used under the direction of the Secretary of the Interior in rebuilding agency buildings in place of those recently destroyed by fire, and for the support of the destitute Indians of said tribes: *Provided*, That the money hereby appropriated shall be repaid to the Treasury of the United States from the proceeds of the sale of the lands of said Indians heretofore authorized by act of June 10, 1872, entitled "An act for the relief of certain tribes of Indians of the northern superintendency," which repayment the Secretary of the Interior shall cause to be made as soon as the money arising from such sale shall be available.

The amendment was agreed to.

Mr. BECK. I desire to move to strike out this eighth section.

Mr. LOUGHRIDGE. That has been passed and additional sections adopted.

The CHAIRMAN. The gentleman will have an opportunity to make his motion.

Mr. SHANKS. The right was reserved to move an amendment on page 2 of this bill to the clause relating to agencies in Washington Territory.

The clause referred to was as follows:

Three for the tribes in Washington Territory, namely, Neah Bay, Yakama, and S'Kokomish agencies.

Mr. SHANKS. I move to amend by striking out "three" and inserting "four;" and inserting after the word "Yakama" the word "Colville."

Mr. GARFIELD. There is no objection to that.

The amendment was agreed to.

Mr. LOUGHRIDGE. I move to amend by adding to the bill the following as a new section:

That the Secretary of the Interior cause to be prepared and delivered to the Public Printer by the 1st day of September, 1874, a tabular statement of the items paid out of the appropriations made for the Indian Department for the year ending June 30, 1874, each item being placed under the appropriation for which it was paid in such a manner as to show the disposition made of each appropriation and the amount unexpended of each; also, an itemized statement of the salaries and incidental expenses paid at each agency for the said year and the appropriations out of which paid and the number of Indians at each agency; and that the same be laid before Congress on the first day of the next session; and that the report of the Commissioner of Indian Affairs, with the reports of the agents, be printed and laid before Congress on the first day of the next session of Congress.

The amendment was agreed to.

Mr. BECK. I move to strike out the eighth section.

Mr. LOUGHRIDGE. I desire to say in regard to the section which the gentleman moves to strike out, that it was put in by the advice of the Secretary of the Interior, who thought he had good reasons for it; but upon further consideration the committee have concluded to consent to the amendment.

The CHAIRMAN. Will the gentleman from Kentucky restate his amendment?

Mr. BECK. It is to strike out the whole of the eighth section down to line 16, where the second proviso begins.

Mr. GARFIELD. The proviso which the gentleman has already moved ought to be retained.

Mr. BECK. That is what I propose; and also all the other provisos.

Mr. GARFIELD. If there is no objection I hope that will be done.

The CHAIRMAN. It is proposed to strike out the eighth section down to the second proviso, leaving that proviso and all the other provisos which have been adopted. If there be no objection this proposition will be agreed to.

There was no objection.

Mr. GARFIELD. I think the amendment of the gentleman from Kansas, [Mr. PHILLIPS,] which was adopted as a restriction on the eighth section ought now to go out, as that part of the section to which it applied has been struck out.

Mr. PHILLIPS. I have no objection to that.

The CHAIRMAN. If there be no objection that proviso will be regarded as rejected.

There was no objection.

Mr. HANCOCK. I move to amend by inserting after line 1053, on page 44, the following:

Provided, That the Secretary of the Interior be, and he is hereby, directed and required, in paying out the several foregoing annuities, to pay to the Prairie tribe of said Pottawatomies that proportion of money which they are and were entitled to under the terms and stipulations of said several treaties, and the settlement and agreement had and entered into by and between said Prairie band and the Citizen's band of said Pottawatomies, entered into on the 18th of July, 1872; and the accounts of said bands shall be so adjusted as to give effect to said agreement.

Mr. LOWE. I make a point of order on that amendment.

Mr. HANCOCK. I have here a letter from the Secretary of the Interior and also a copy of the agreement referred to in the amendment.

Mr. LOWE. I insist upon my point of order. This is a very important matter. There are several bands of Indians connected with that tribe; and I think a hasty piece of legislation like this, which has not received consideration by the committee, would be unwise.

The CHAIRMAN. The Chair overrules the point of order. In the opinion of the Chair the amendment involves a question of discretion, not a point of order.

Mr. HANCOCK. The agreement between the Indians has already been read, and unless desired by some member of the committee it is probably unnecessary to read it again; but I ask that the letter of the Secretary of the Interior may be read.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, D. C., May 9, 1874.

GENTLEMEN: I acknowledge the receipt of your letter dated February 26, 1874, in which reference is made to a report of the Commissioner of Indian Affairs relative to the number of the Prairie band of Pottawatomie Indians, and the basis on which a division of the funds belonging to said Prairie band and the Pottawatomie citizens should be made.

I have considered the matter, and am of opinion that the division made of the lands under the treaty of 1861 and the census thereafter taken, making the Citizen Indians fourteen hundred in number and the Prairie band seven hundred and eighty in number, was intended to be the basis upon which any future dealings with said Indians should rest. I am also of the opinion that the subsequent increase of said Citizen class to sixteen hundred and ten was unauthorized by the sixth article of the treaty of 1867, and that the appropriation should be made so as to give fourteen hundred twenty-one hundred and eightieths to the Citizen class and seven hundred and eighty twenty-one hundred and eightieths to the Prairie band. The terms of the agreement made July 18, 1873, between said parties seem to me to be reasonable and just.

Very respectfully,

B. R. COWEN,
Acting Secretary.

Messrs. A. F. NAVARRE *et al.*,
Delegates of the Prairie Band of Pottawatomie Indians.

Mr. HANCOCK. This subject was brought to the attention of a sub-committee of the Committee on Appropriations having charge of this Indian bill; at least it was brought to my attention, and I informed my associates of it this morning. The facts show that according to the treaty entered into in 1861 there was a division of these Indians into what were termed the Prairie band and the Citizen band; that there was also provision for taking a census, by which the money theretofore belonging to the whole tribe should be distributed. By that census it was ascertained that the Citizen band numbered fourteen hundred and the Prairie band seven hundred and eighty. By different reports coming in as to the Citizen band, commencing, if I recollect aright, in 1868 and extending to 1871, that band had increased to sixteen hundred and ten, and the annuities were paid upon the basis of that number, a corresponding deduction being made from the Prairie band, which was thus reduced to five hundred and seventy. The Indians got together and adjusted this matter by an agreement which has already been read, and which provides that the former basis as fixed by the census shall be restored, and that as the Citizen band has received more than they were entitled to, the Prairie band shall have an equal amount out of the funds remaining to their credit. A statement from the Commissioner of Indian Affairs

shows that there is about enough to equalize the amounts according to the original basis. The Secretary of the Interior, in the communication just read, is also in favor of returning to the basis of seven hundred and eighty for the Prairie band and fourteen hundred for the Citizen band. The amendment which I offer will accomplish that result and settle all difficulties that may exist. It seems to me but an act of justice. I can conceive no reason why there should be any hesitation or doubt about adopting it.

Mr. LOWE. I rise to oppose the amendment. It appears from the statement of the gentleman from Texas [Mr. HANCOCK] himself that this is a matter of considerable complication. It involves by his own statement the consideration of several articles of the treaty to which he refers, and the respective members of several separate bands of Indians belonging to this general tribe.

The letter which he reads from the Commissioner of Indian Affairs is entitled to all the respect which it purports to have on its face.

Mr. HANCOCK. It is from the Secretary of the Interior.

Mr. LOWE. I believe it was written by the Assistant Secretary. We apply to the Departments for facts in regard to many subjects of legislation, and their opinions are exceedingly involving ones, on which they are valuable when they are well informed on the matters and subjects in respect to which they speak. But the committees of this House are organized for the express purpose of considering these important subjects of legislation before they are passed upon. This measure, for anything I know, may be entirely correct. I do not know that it is not, but it involves such large interests and such a multiplicity of facts that it would be exceedingly unwise to adopt this legislation without further consideration. The several funds of the several bands of Pottawatomie Indians is a subject which is now being considered by the Committee on Indian Affairs, and probably embraces this same subject. Not being familiar with it I cannot say. It seems to me this ought to have careful consideration by some committee. It appears that it has not had full consideration by the Committee on Appropriations, and that it has not had the support of any committee. I do not think it ought to be adopted.

Mr. AVERILL. I move to strike out the last word. I hold in my hand, Mr. Chairman, a Senate bill on this subject, which I desire to send to the Clerk's desk in order that he may read the title of it.

The Clerk read as follows:

A bill (S. No. 221) to fund the sum due the Prairie band of Pottawatomie Indians, under the provisions of the treaty of February 27, 1867, and to transfer and fund any sum which may be found due from the Citizen band of Pottawatomies to the Prairie band, according to an agreement entered into between said bands July 18, 1873, and to use both principal and interest for the civilization of said Indians.

Mr. AVERILL. It will be observed by the committee that this subject has been considered in the Senate, and a bill on the subject has been passed by that body. That bill is now before our Committee on Indian Affairs. Pending its consideration we have sent for information from the Department, as I have stated before in the early part of the proceedings. That committee have not sufficiently considered the question to make any decision upon it. I feel as ignorant in reference to the facts involved as to what should be the recommendation of the committee to the House as I was then. I believe to adopt the amendment now pending would be hasty and improper legislation, and especially when it is attempted to put it upon an appropriation bill. The question is now before the Committee on Indian Affairs for consideration, and instead of taking any action on it here we ought to wait for the report from that committee. I hope the amendment will not be adopted.

Mr. HANCOCK. I do not like to insist upon anything which may seem to be wrong to any gentleman, but I cannot see where the evil is in the amendment which I have proposed. It provides simply for carrying out the terms of the treaty entered into with these Pottawatomie Indians, and is in accordance with the understanding of the Indians themselves, as well as with the recommendation of the Secretary of the Interior. It is agreed to, so far as I know, by the Indians themselves. I know no facts which can involve the slightest difficulty in determining what the particular rights of these claimants are. This, in my judgment, is the proper place and this the proper occasion, to determine the rights of the respective claimants. I fail to see any reason for delay or any further investigation. In my judgment there can be no objection to the amendment being adopted at once. If other gentlemen think differently, all I have to say is that I feel that I have done my duty in bringing the matter to the attention of the House as soon as the difficulty was known. I do not know what may be behind the contract or what may be the understanding of the Secretary of the Interior. From all the facts before me I believe that the amendment ought to be adopted as a fair determination of the whole question.

Mr. PHILLIPS. Mr. Chairman, these Pottawatomies live in my own district, and I wish to say that for some years the question has been pending between these several bands. Both have delegations here now, and the amendment proposes to settle the question in an appropriation bill which is now being discussed by these two delegations before the Committee on Indian Affairs. I hope it will not pass.

The committee divided; and there were—ayes 33, noes 69; no quorum voting.

Mr. HANCOCK. I insist on further count.

Mr. LOUGHRIDGE. I will agree to allow the amendment to be reported to the House.

Mr. HANCOCK. Under that understanding I do not ask for a further count.

Mr. LOUGHRIDGE. I move that the committee rise and report the bill to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. POLAND reported that the Committee of the Whole on the state of the Union had, according to the order, had under consideration a bill (H. R. No. 2343) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1875, and for other purposes, and had directed him to report the same back to the House with sundry amendments.

Mr. LOUGHRIDGE. I demand the previous question on the bill and amendments.

Mr. PHILLIPS. I move that the House do now adjourn.

The motion was disagreed to.

The previous question was seconded and the main question ordered.

Mr. HANCOCK. I ask for a separate vote on my amendment.

Mr. LOUGHRIDGE. I agreed to allow the gentleman's amendment to be voted on in the House.

The SPEAKER. The amendment will be read.

The Clerk read as follows:

After line 1053, on page 44, insert the following:

Provided. That the Secretary of the Interior be, and he is hereby, directed and required, in paying out the several foregoing annuities, to pay to the Prairie tribe of the said Pottawatomies that appropriation of money which they are and were entitled to under the terms and stipulations of said several treaties, and the statement and agreement had and entered into by and between said Prairie band and the Citizen band of said Pottawatomies, entered into on the 18th of July, 1873; and the accounts of said bands shall be so adjusted as to give effect to said agreement.

Mr. HANCOCK. I ask to have the agreement between these Indian bands again read.

Mr. LOUGHRIDGE. I object. That would be in the nature of debate.

The question being taken on the amendment, there were—ayes 37, noes 69.

The SPEAKER. A quorum has not voted. The Chair will order tellers, and appoints Mr. HANCOCK and Mr. LOUGHRIDGE.

Mr. LOUGHRIDGE. Pending the division, I move that the House do now adjourn.

PERSONAL EXPLANATION.

Mr. WILLARD, of Vermont. Before that motion is put, I desire to say, because of the remarks I made at the commencement of this day's session in reference to what then seemed to me an imperfect report of a debate which occurred yesterday, that in any suggestion I made at that time that the gentleman from Ohio [Mr. GARFIELD] had changed the reporter's notes of his remarks yesterday I was in error. He has shown me since the manuscript of his remarks as written out by the reporters, and they are the same in the part to which I called attention as they appeared in the RECORD. I only wish to say that the fault was in my defective hearing or the defective hearing of the reporters, and not the fault of the gentleman from Ohio. Perhaps I ought to say, in justice to the reporters, that in the confusion attending debates in committee it must be difficult for them to get always the precise language of the speaker.

DEFICIENCY APPROPRIATION BILL.

Mr. GARFIELD. I ask, for the sake of facilitating business next week, that the deficiency appropriation bill, which will come up early in the week, and to which the committee propose to make a few additions in the way of amendments, be reprinted with all the additions the committee have made to it, so that the reprint may be made before the bill comes up for action.

The SPEAKER. Does the gentleman propose that the additions shall be printed as part of the original text of the bill?

Mr. GARFIELD. Yes; the object is that they shall go in as part of the original text.

The SPEAKER. If there be no objection the order will be made.

There was no objection.

Mr. BECK. All points of order are reserved.

ENROLLED BILLS SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 83) to authorize the Secretary of the Navy to remove the powder-magazine from Fort Norfolk, Norfolk, Virginia;

An act (H. R. No. 1945) granting a pension to Juliet E. Hall, daughter of William Hall, late colonel of the Eleventh Regiment of Iowa Infantry;

An act (H. R. No. 2086) for the relief of R. W. Clarke, postmaster at Brattleborough, Vermont;

An act (H. R. No. 555) for the relief of McClintock Young, of the State of Maryland;

An act (H. R. No. 725) for the relief of James C. Livingston, late a private in Company E, Third Regiment Iowa Volunteer Infantry;

An act (H. R. No. 345) to relieve certain persons therein named, late members of Company K, Fifty-eighth Regiment Illinois Volunteer Infantry, from the charge of mutiny.

An act (H. R. No. 2094) for the relief of William A. Snodgrass, late lieutenant Company H, Thirty-ninth Regiment Ohio Veteran Volunteer Infantry;

An act (H. R. No. 1201) authorizing the payment of prize-money to the officers and crew of the United States steamer Bienville;

An act (H. R. No. 1404) for the relief of William F. Kerr; and

An act (H. R. No. 1776) for the relief of George Yount.

WAR PREMIUMS.

The SPEAKER laid before the House a letter from the Secretary of State, inclosing a list of claims for war premiums filed subsequent to May 15, 1872; which was referred to the Committee on the Judiciary, and ordered to be printed.

TELEGRAPH OFFICES IN THE CAPITOL.

The SPEAKER also laid before the House a letter from the architect of the Capitol, in answer to a resolution of the House of March 23, 1874, in relation to the telegraph offices in the corridors of the Capitol, and making certain recommendations in relation thereto; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JOHN W. HORTON.

Mr. PLATT, of New York, by unanimous consent, from the Committee on the Post-Office and Post-Roads, reported a joint resolution (H. R. No. 95) authorizing the Postmaster-General to perfect title to certain real estate obtained from John W. Horton, a defaulter in the Money-order Bureau; which was read a first and second time.

The joint resolution was read. In its preamble it recites that John W. Horton, a clerk in the money-order division of the post-office at New York, known and styled as superintendent of the money-order department of said post-office, did, on or about the 3d day of August, 1871, acknowledge himself to have embezzled and appropriated to his own use moneys of the United States, being money-order funds, amounting to $115,428.71, more or less, and that he has conveyed in trust certain properties to reimburse the United States therefor. The joint resolution therefore authorizes the Postmaster-General to perfect title to the said real estate.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PLATT, of New York, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The question being taken on the motion of Mr. LOUGHRIDGE that the House do now adjourn, it was agreed to.

Accordingly (at four o'clock and fifty minutes p. m.) the House adjourned.

IN SENATE.

MONDAY, *May* 11, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

On motion of Mr. SARGENT, and by unanimous consent, the reading of the Journal of the proceedings of Friday last was dispensed with.

PETITIONS AND MEMORIALS.

Mr. SARGENT. I hold in my hand a memorial, sent by telegraph, signed by about one hundred firms of San Francisco, embracing leading merchants and men of the largest views. They remonstrate against any act of Congress to forfeit the additional subsidy granted two years ago to enable the China Mail Line to perform semi-monthly service. They declare that the policy of the California Legislature in regard to the Pacific Mail Steamship subsidy is suicidal, the result of temporary infatuation; and say that if it is confirmed by Congress it will involve a loss of a large portion of the Oriental trade to American shipping and throw it into the hands of English subsidized lines. These gentlemen show with great earnestness that the refusal of Congress to continue its favors to the American line is almost tantamount to a surrender of the carrying trade to the English and the loss of a large portion of direct trade to San Francisco. Since the establishment of the China Mail Line the trade at San Francisco has increased from one thousand tons of tea in 1867 to over ten thousand tons in 1871, and other merchandise in proportion. To provide for a further increase pending the construction of the steamers required by law, the Pacific Mail Steamship Company employed outside vessels, when the English line, the Peninsular and Oriental Line via Suez, which is subsidized by the English government at over $2,000,000 per annum, dropped its rates of freight so low that the Pacific Mail Steamship Company, without the benefit of the additional subsidy, which has never yet been paid, could not compete, and our direct trade fell off to 7,800 tons. With the subsidy the trade could be held and increased.

I have no right to take up the morning hour by dwelling upon the advantages to American interests, especially to the western cities, by the maintenance of this line. I shall embrace the first opportunity that opens for debate to urge that Congress sustain this line, and I desire to say for myself that while having a high respect for the advice of the California Legislature, I do not feel myself bound under any circumstances to follow that advice, certainly not to recognize it as an instruction where I am convinced that it is injurious to the interests of the State or the interests of the General Government. I think myself, with the merchants of San Francisco, that the action of the Legislature in this matter, if acted on, will be detrimental to the interests of the State and General Government; that it is reversing a policy which has been pursued with beneficial results to both trade and revenue. As a bill has been reported from the Committee on Commerce repealing the provisions for additional subsidy, I move that this memorial be printed and lie on the table.

The motion was agreed to.

Mr. McCREERY presented the petition of John W. Williams, the petition of James L. Lampton, and the petition of Sampson Jones, citizens of Kentucky, praying compensation for property taken by the United States Government; which were referred to the Committee on Claims.

Mr. CONKLING. I present a memorial signed by a citizen of New York; one of Pennsylvania; one of Massachusetts; one of Maine, and one of Connecticut, being delegates of the workingmen of various States of the American Union, praying that the two Houses of Congress adjourn *sine die*. This memorial sets forth in respectful terms the reasons moving the memorialists; perhaps they are sufficiently comprised within the statement the rules permit me to make, by saying that the judgment of the memorialists is that the uncertainty, disquietude, and hazard which prevail in the business community touching financial and other legislation would be best and most effectually ended by an adjournment of the two Houses of Congress. I am somewhat in doubt to which committee this memorial should go; but I move its reference to the Committee on Finance.

The motion was agreed to.

Mr. CONKLING presented a memorial of the Purchace Quarterly Meeting of Friends held at Amewalk, 29th of Fourthmonth, 1874, praying the settlement of international differences by arbitration instead of war; which was referred to the Committee on Foreign Relations.

He also presented a petition of citizens of the State of New York interested as dealers in stock, praying for an amendment to House bill No. 2650, to except swine from the requirement of being unloaded from railroad trains for at least forty-eight hours while *in transitu;* which was referred to the Committee on Agriculture.

Mr. BUCKINGHAM presented the petition of Susan M. Mallett, widow of Abel W. Mallett, late private Company G, Seventeenth Connecticut Volunteers, praying for leave to employ and pay for services necessary in the prosecution of her claim for pension; which was referred to the Committee on Pensions.

Mr. SHERMAN presented a petition of citizens of Cleveland, Ohio, praying an amendment to House bill No. 2650, so as to except swine from being unloaded from railroad trains for at least forty-eight hours while *in transitu;* which was referred to the Committee on Agriculture.

He also presented the petition of Leopold and Solomon Levi, of Cincinnati, Ohio, as assignees of A. Schwab & Co., of Knoxville, Tennessee, and as trustees for their own and for the benefit of other loyal northern creditors of said firm, praying for compensation for 12,852 pounds of tobacco seized at Knoxville, Tennessee, by order of General A. E. Burnside, and issued to the troops of his command; which was referred to the Committee on Claims.

Mr. PRATT presented the petition of Ellen O'Connell, of Jamestown, New York, praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented the petition of Patrick Murphy and others, praying such an amendment of the pension laws as that all soldiers of the late war who have lost a leg above the knee may be placed on the pension-rolls as of the second class; which was referred to the Committee on Pensions.

Mr. RAMSEY presented the petition of the Northern Pacific Railroad Company, signed by its officers, praying the passage of a law amending the act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound, on the Pacific coast, by the northern route," approved July 2, 1864, so far as to guarantee the payment of interest on the bonds of said company; which was referred to the Committee on Railroads.

Mr. WADLEIGH presented a petition of citizens of Portsmouth, New Hampshire, praying for the enactment of such laws as will abolish the present system of compulsory pilotage; which was referred to the Committee on Commerce.

Mr. SPENCER presented a petition of members of the bar of the middle district of Alabama, calling attention to the anomalous condition of the middle and northern judicial districts of that State, wherein no United States court now has circuit court jurisdiction; which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. PRATT. I am directed by the Committee on Claims, to whom was referred the bill (H. R. No. 352) for the relief of Colonel E. McCarty, to report it with amendments. There is a House report accompanying it which the committee adopt.

Mr. WRIGHT. I am instructed by the Committee on Claims, to

whom was referred the bill (S. No. 416) for the relief of Belle E. Hammond, of Closter, Bergen County, New Jersey, to submit an adverse report thereon, and recommend its indefinite postponement. I ask that it may go on the Calendar at the request of the Senator from New Jersey, [Mr. FRELINGHUYSEN.]

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee, and the report will be printed.

Mr. WINDOM, from the Committee on Public Lands, to whom was referred the bill (H. R. No 3162) for the relief of settlers on railroad lands, reported it without amendment.

Mr. WADLEIGH, from the Committee on Public Lands, to whom was referred the bill (S. No. 214) for the relief of Robert Coles, reported it without amendment.

Mr. MERRIMON, from the Committee on Claims, to whom was referred the bill (H. R. No. 2348) for the relief of Rev. George Morrison, late of Kentucky, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 522) for the relief of Nathaniel P. Harben, of Georgia, reported it with an amendment.

Mr. SCOTT. I am directed by the Committee on Claims to report back the joint resolution (H. R. No. 94) directing the commissioners of claims to send to Congress without delay the claims decided prior to April 1, 1874, and recommend that it ought not to pass.

The PRESIDENT *pro tempore*. If there be no objection the resolution will be indefinitely postponed.

Mr. SPENCER. I ask that it go on the Calendar with the adverse report.

The PRESIDENT *pro tempore*. The resolution will go on the Calendar with the adverse report of the committee.

REPORTS ON IMMIGRATION.

Mr. ANTHONY. I am instructed by the Committee on Printing, to whom was referred a resolution of the House of Representatives to print three thousand copies of the letter of the Secretary of the Treasury in regard to the better protection of immigrants on ship-board for the use of the House, to report it back without amendment, and recommend its passage. The law allows each House to print extra copies of any document where the cost does not exceed $500, and if it exceeds that cost it must be done by a concurrent resolution. This was a House resolution ordering this document for the use of the House, but it was found upon examination that it cost a few dollars more than the sum limited; and it is a mere act of courtesy to pass it for the use of the House. I ask for its present consideration.

The resolution was considered and concurred in, as follows:

Resolved by the House of Representatives, (the Senate concurring,) That three thousand copies of the letter of the Secretary of the Treasury of January 21, 1874, with the accompanying reports, concerning the immigration service and the better protection of immigrants to the United States, be printed for the use of the House.

BILLS INTRODUCED.

Mr. RAMSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 796) amendatory of and supplementary to an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound, on the Pacific coast, by the northern route," approved July 2, 1864, and the acts and resolutions additional thereto and amendatory thereof; which was read twice by its title, referred to the Committee on Railroads, and ordered to be printed.

Mr. SHERMAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 797) to amend an act in relation to the survey of certain lands; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. SPENCER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 798) for the relief of settlers on the public lands in the States of Alabama, Arkansas, Louisiana, Mississippi, and Florida, under the homestead laws of the United States; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. FRELINGHUYSEN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 799) to amend the act passed March 2, 1867, entitled "An act for the removal of causes in certain cases from the State courts;" which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

BILLS RECOMMITTED.

Mr. WRIGHT. On the 4th of this month Senate bill No. 88, for the better organization of the district courts of the United States within the State of Louisiana, was reported from the Committee on the Judiciary with the recommendation that it be indefinitely postponed. At the request of the Senator from Louisiana, [Mr. WEST,] and with the concurrence of the members of the committee, I move that that bill be recommitted to the committee.

The motion was agreed to.

Mr. SCOTT. I move that Senate bill No. 657, for the relief of John J. Anderson, surviving copartner of Anderson & White, be recommitted to the Committee on Claims. There has been a favorable report made, but the committee desire it to be recommitted for the purpose of further examination.

Mr. McCREERY. I have only to say that unless the Senator's reasons are imperative, I hope the bill will take its place on the Calendar. It has been before the committee something like eleven years, and I think by this time they might have arrived at a conclusion, and probably have arrived at a correct conclusion already. I do not know exactly the ground on which the Senator makes the motion; but unless the reasons are very urgent I desire that the bill take its place on the Calendar.

Mr. SCOTT. I will state very briefly, and I think the Senator from Kentucky will be satisfied that it is no desire to delay the case that forms the ground for the recommittal. It is a claim for compensation for cotton. It happens that in a subsequent case coming before the committee evidence came out that other cotton was taken at the same time and from the same warehouse where that of Anderson & White was taken, and while the committee have found in favor of both claims, the evidence in the latter case gives rise to a question in the committee as to whether the amount allowed in the case of Anderson & White is not entirely erroneous. The motion is for the purpose of having the members of the committee to whom these cases were referred, as a sub-committee, compare the testimony in both, so that if there be an error it may be corrected. That is the only purpose of the re-reference, and I think it is entirely proper that the bill should be recommitted for that purpose.

Mr. McCREERY. May I ask the chairman of the committee a single question, whether the assessment of the officer does not prevail in the bill reported by the committee?

Mr. SCOTT. The assessment of the officer?

Mr. McCREERY. Yes, sir; the value of the cotton as reported by him.

Mr. SCOTT. There were several questions in the case; and I do not know to which officer the Senator refers. One officer was of the opinion that one of these parties ought to have nothing at all, because the Government had kept a portion of the cotton so long that what was left had risen in price sufficient to pay them for the whole of it. That assessment certainly was not adopted. It was a case involving a good deal of testimony as to the value of the cotton. That is the only question in the case of Anderson & White. The value of their cotton is reported at fifty-five cents a pound, while in the other case the cotton taken at the same time from the same warehouse is put at twenty-three cents a pound. It is to reconcile this difference that the recommittal of this bill is now asked.

The PRESIDENT *pro tempore*. The question is on the motion to recommit.

The motion was agreed to.

THE WASHINGTON MONUMENT.

Mr. MORRILL, of Vermont. I offer the following resolution:

Resolved, That the Committee on Public Buildings and Grounds be instructed to ascertain whether or not the materials of the present unfinished Washington monument would be sufficient for the erection of an arch, imposing as to size and artistic in form, to be called the Arch of Washington, the probable expense of such a change, and also to ascertain if the Washington National Monument Society will give their assent to any such arrangement, provided Congress should agree to the same.

It is obvious, I suppose, to all Senators that this monument, unfinished as it is, has long been a by-word and reproach to the country. There are various projects pending relative to its final completion, all involving a very large expenditure. It has occurred to me that there are ample materials for the building of a large and imposing arch that would be very much better as an ornament and far more beautiful as a whole than this monument would be even if it should ever be finished, and it could be done at comparatively a very small expense. Then a large number of the very beautiful blocks that are contained in the inside of the present structure, where they are completely hidden from view, might be brought where they would be seen and made not only useful but ornamental.

I merely ask for this information in order to contribute something to the solution of what appears to be a great difficulty as to what shall be done with the unfortunate monument. I understand that there are thirty acres of land attached to it, and if the society should consent to this arrangement we should recover the thirty acres of land, besides completing the monument in such form as would perhaps satisfy the country.

The resolution was considered by unanimous consent, and agreed to.

HOUR OF MEETING.

Mr. ANTHONY. I offer the following resolution, and ask for its present consideration:

Resolved, That hereafter the daily hour of the meeting of the Senate be eleven o'clock a. m.

Mr. BOREMAN. I object to the consideration of that resolution to-day.

The PRESIDENT *pro tempore*. The resolution will be laid over, under the rule.

Mr. BOREMAN subsequently said: After consideration, I think it proper to withdraw the objection I made to the resolution of the Senator from Rhode Island.

The PRESIDENT *pro tempore*. That resolution will be again read.

The resolution was read.

Mr. EDMUNDS. Let the words "until otherwise ordered" be added.

Mr. ANTHONY. I accept the amendment.

The PRESIDENT *pro tempore*. The resolution will be so modified.

The resolution, as modified, was agreed to.

BUSINESS OF COMMITTEE ON CLAIMS.

Mr. DAVIS. Some ten days ago the chairman of the Committee on Claims gave notice that he would ask that the bills reported from that committee be considered to-morrow. I desire to ask the Senate to permit me to submit a few remarks, as soon as the regular morning business shall be over to-morrow, on the subject of claims.

UPPER AND LOWER BANDS OF SIOUX.

The PRESIDENT *pro tempore*. The bills on the Calendar will be reported.

The first bill on the Calendar was the bill (S. No. 405) to authorize the Secretary of the Interior to discharge certain obligations of the United States to creditors of the Upper and Lower bands of Sioux Indians.

Mr. BUCKINGHAM. House bill No. 420, precisely like the Senate bill now under consideration, has passed the House; and I move that it be substituted for the Senate bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 420) to authorize the Secretary of the Interior to discharge certain obligations of the United States to the creditors of the Upper and Lower bands of Sioux Indians.

The Secretary of the Interior is by the bill empowered to discharge all obligations of the United States to the creditors of the Upper and Lower bands of Sioux Indians, arising under the treaty of June 19, 1858, between those bands and the United States, and from the diversion by the United States of the funds and assets of the Indians in their possession and control applicable to that purpose, but the amount allowed and paid on the indebtedness shall in no event exceed the sum of $70,000.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. Senate bill No. 205 will be indefinitely postponed.

POTTAWATOMIE INDIANS.

Mr. INGALLS. During my absence from the Senate in February last the bill (S. No. 218) to enable the Secretary of the Interior to make final settlement with the Pottawatomie Indians, of Michigan and Indiana, under treaty stipulations existing with them, was passed over because I was not present to give it my attention. In order that the matter may be disposed of I move that the Senate proceed to the consideration of that bill.

Mr. MORRILL, of Vermont. Let the bill be read for information.

The PRESIDENT *pro tempore*. The bill will be read for information, subject to objection.

The Chief Clerk read the bill.

Mr. HAMILTON, of Texas. I object to the consideration of the bill.

Mr. BUCKINGHAM. I hope the Senator will withdraw his objection, and let the bill be considered.

Mr. HAMILTON, of Texas. I am not ready to consider it. My impression is that the bill does not do justice to the Pottawatomie Indians. I have seen some of them since I have been here. They have heavy complaints to make. I do not know whether they are well founded or not; but it is a matter that ought to be looked into carefully, and if I understand this bill aright, it does not provide a sufficient fund to satisfy the just demands of those Indians against the Government. That is my belief, and therefore I prefer that the matter should go over.

Mr. BUCKINGHAM. Then I will suggest that it be called up again at an early day, by which time the Senator may have an opportunity to look into it.

Mr. RAMSEY. What bill is this?

Mr. BUCKINGHAM. The bill in regard to the Pottawatomies.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) Objection is made to the consideration of the bill, and it will be passed over.

FISK UNIVERSITY.

The next bill on the Calendar was the bill (S. No. 313) to confirm the purchase, by the executive department, of three acres of land, more or less, in the vicinity of Nashville, Tennessee known as the site of Fort Houston, and to donate and convey the same to the Fisk University for educational purposes.

Mr. BOUTWELL. When that bill was last up I recollect that the Senator from Vermont, who is not now in his seat, [Mr. EDMUNDS,] objected to it, and I should like to have it go over on his account.

Mr. SPRAGUE. Does the Senator object to its consideration?

Mr. BOUTWELL. I object on account of the circumstance that the Senator from Vermont who is not now in his seat, when present expressed a desire to discuss this bill.

Mr. SPRAGUE. I shall call it up when he is present.

The PRESIDING OFFICER. The bill will be laid aside informally.

CHARLES M'CARTY.

The next bill on the Calendar was the bill (H. R. No. 2095) granting a pension to Charles McCarty; which was considered as in Committee of the Whole.

The Secretary of the Interior is directed by the bill to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Charles McCarty, late an engineer on the Mississippi Railroad, and pay him a pension.

The Committee on Pensions reported an amendment to add the words "at eight dollars per month."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

It was ordered that the amendment be engrossed, and the bill read a third time.

The bill was read the third time, and passed.

STREET RAILWAY IN WASHINGTON.

The next bill on the Calendar was the bill (H. R. No. 2102) to incorporate the Capitol, North O Street and South Washington Railway Company.

Mr. FRELINGHUYSEN. I object to the consideration of the bill in consequence of the absence of the Senator from Vermont, [Mr. MORRILL.] I desire it to be laid aside informally.

The PRESIDENT *pro tempore*. The bill will be laid aside.

MINERAL LANDS.

The next bill on the Calendar was the bill (H. R. No 2543) in relation to mineral lands.

Mr. INGALLS. Let that go over informally so as not to lose its place on the Calendar.

The PRESIDENT *pro tempore*. It will be so ordered.

HOMESTEAD SETTLERS.

Mr. INGALLS. I object to the next bill also, the bill (S. No. 174) for the relief of certain settlers upon homestead and pre-emption lands.

The PRESIDENT *pro tempore*. The bill will be laid aside.

SALT WORKS IN KENTUCKY.

The next bill on the Calendar was the bill (S. No. 496) for the relief of those suffering from the destruction of the salt-works near Manchester, Kentucky, pursuant to the orders of Major-General Carlos Buell.

Mr. CONKLING. I do not believe that can pass without objection.

The PRESIDENT *pro tempore*. The bill will be laid aside.

THE TWO PER CENT. FUND.

The next bill on the Calendar was the bill (S. No. 637) to settle certain accounts between the United States and the States of Ohio, Indiana, and Illinois.

Mr. SARGENT. I object to the consideration of that bill.

The PRESIDENT *pro tempore*. The bill will be laid aside.

Mr. OGLESBY. The bill which is objected to has been "read and passed to a second reading," according to the Calendar. Is there any objection to reading it a second time now?

Mr. CONKLING. What is the motion about that bill?

Mr. OGLESBY. There was objection to its consideration.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. CONKLING. I object.

The PRESIDENT *pro tempore*. It will be laid aside.

Mr. OGLESBY. May I not understand the position of the bill? It was read once and appears on the Calendar as having passed to a second reading. I wish to ascertain now whether the bill can be read the second time.

The PRESIDENT *pro tempore*. The bill is on the Calendar in regular order, and is to be considered as in Committee of the Whole when taken up, and then reported to the Senate. In order to do that it must be read a second time; but objection is made to its present consideration, and it therefore goes over.

Mr. CONKLING. And I will say now in frankness to the Senator that whenever it is proposed to read it a second time, I have a point of order to submit, which point of order disputes the presence of the bill in the Senate, whether in Committee of the Whole or anywhere else, and I have no objection to making the point of order now if the Senator wishes me to do it.

The PRESIDENT *pro tempore*. The bill has not yet been read the second time.

Mr. OGLESBY. I should like to hear the point of order now.

Mr. CONKLING. I will make it if it be the pleasure of the Senator. I did not expect to make it at this time, and therefore I have not the record before me, and the Senate will pardon me for occupying a moment more than would be necessary otherwise.

As I understand the history of this bill, a petition was brought here by a person acting as agent, so called, of those concerned. That petition was handed, I think to the Senator from Indiana [Mr. PRATT] with a request, I am informed, that he should have it referred to a particular committee, one of the land committees of the Senate, the subject having previously been in charge of another committee. Although this does not concern the point of order, I mention it in justice to myself as one of my reasons for insisting on the point.

From the committee thus selected by the agent, who was managing this business beyond the walls of the Senate, a bill was reported by the Senator from Illinois, [Mr. OGLESBY.] It turned out afterward, as I understand the facts—and if I am wrong I of course shall be corrected—that five members of that committee, as I am told, united in a report adverse to this bill; and I inquire of the Senator from New

Hampshire, whom I see in his seat, whether I am or am not right in supposing that the report presented by him was signed by five members of the committee?

Mr. WADLEIGH. It was.

Mr. CONKLING. There is a report, then, adverse to this bill made upon this bill, and signed not only by a majority of the committee but by all the committee save two of its members, as I understand.

My point of order is that, although a committee has power to originate a bill never referred to it, although it has power to bring it into the Senate and cause it to be read a first and second time and so be on the way to its third reading, two members of a committee, in defiance of the adverse judgment of five other members of the committee, cannot originate and report a bill. And as supplemental to the point I venture to suggest to the Chair that I am not late in making this point of order, because a point of order is always in time if made as soon as the information reaches the Senate upon which the point of order rests. It was not known nor could it be known to any member of the Senate that five of this committee had reported adversely to this bill. It now is reached, and at the earliest moment, taking this time at the suggestion of my friend from Illinois, I submit, and I suggest to the Chair that I submit in season, this point of order.

Mr. SARGENT. I did not wish to interrupt my friend from New York, but I believe this is entirely out of order. I objected to the consideration of the bill, which objection I suppose embraces the point of order.

The PRESIDENT *pro tempore*. The Senator having objected to the present consideration of the bill, the bill must be laid aside. The Senator from New York then stated what would be a point of order when the bill was reached; he has given notice of a point of order.

Mr. CONKLING. And then the Senator from Illinois requested me to make the point of order now, which I did not for my own convenience but for his. I only want to address the point to the Chair so that it may take effect at the proper time.

Mr. OGLESBY. I am unwilling that——

The PRESIDENT *pro tempore*. Does the Senator rise to a point of order?

Mr. OGLESBY. Yes, sir.

The PRESIDENT *pro tempore*. The Senator will state his point of order.

Mr. OGLESBY. I state the point of order that the objection raised against the consideration of this bill in its proper place on the Calendar comes too late, as made by the Senator from New York.

The PRESIDENT *pro tempore*. The Senator from New York has not made a point of order. He has simply given notice that he will make it when the bill shall be taken up and has stated what the point of order will be. It is not made and is not before the Chair.

Mr. OGLESBY. I wish to make this remark——

The PRESIDENT *pro tempore*. Debate is out of order.

Mr. OGLESBY. I am not going to debate anything. I am only desiring to make an inquiry of the Chair. Can a Senator rise in his place on this floor upon a proposition to raise a question at some future time, and, in explanation of what his motion will be, state facts about a report that when a full examination shall be made he will not be able to sustain, and then, after the explanations are made and have gone into the RECORD, no opportunity be given for a counter-explanation?

The PRESIDENT *pro tempore*. If the Senator from Illinois desires to make a personal explanation he can ask leave to do so, and the Senate will undoubtedly give him leave.

Mr. CONKLING. There is no objection to that.

Mr. SHERMAN. I think it is right.

The PRESIDENT *pro tempore*. The Chair hears no objection.

Mr. OGLESBY. I think it not so important to myself as to the rights of the States concerned. Those States were represented by a State agent employed and authorized by each of them to represent their interests here in this matter. That State agent, Mr. I. N. Morris, of Illinois, comes here during this session of Congress and presents in the name of the three governors of Indiana, Ohio, and Illinois a memorial. One of the Senators from the State of Indiana presented in this body that memorial and supposed in presenting the memorial that he also presented a joint resolution. The memorial was referred to the Committee on Public Lands. When it came into the Committee on Public Lands the Senator from Indiana discovered that he had omitted to present the joint resolution with the memorial. The subject was then taken up in the Committee on Public Lands and a vote was taken in the committee upon reporting the measure. There was a majority of the committee who recommended that a bill be prepared and brought into the Senate providing for the payment of the claims of these three States. I was then instructed by the Committee on Public Lands to prepare a report and to bring that report before the Committee on Public Lands prior to final action. I did so prepare a report on the subject; I did bring it into the Committee on Public Lands; I did open it, and propose and insist upon reading the report to the committee. I was prepared, and I was anxious to read it. The committee said they did not care to take time to hear the report, that they were satisfied without that, and thereupon the chairman of the committee, the honorable Senator from Rhode Island, [Mr. SPRAGUE,] inquired of the Senator from Indiana [Mr. PRATT] if he voted in favor of reporting the bill with the report, and he answered that he did. He then inquired of the Senator from Minnesota, [Mr. WINDOM,] and he answered that he did. He then inquired of the Senator from Nebraska, [Mr. TIPTON,] and he replied that he did. He then inquired of the Senator from Oregon, [Mr. KELLY,] and that Senator replied that he did so vote. He then inquired of me and I replied that I did, and I thereupon took down the votes. No one of the members of the committee signed that report. I had prepared the report; and I authorized the gentleman who took it to the Public Printer to add our names to it, and the whole five names were put there under my direction as each one of the Senators on the committee had in response to the chairman of the committee said that he instructed me to report the bill from that committee with that report, and to recommend its passage.

These are the facts, and upon them I reported the bill; the report went to the Public Printer, came back into this body with our names signed to it, and it was alluded to and discussed here on an objection raised by the honorable Senator from New Jersey when all five of the members were in this body and knew that the majority report signed by five was here before them. It was perfectly well understood, and every Senator whose name was to that report must have known it was there by his own consent and direction. Subsequently, under the permission of the committee, the Senator from New Hampshire [Mr. WADLEIGH] prepared a minority report. The committee gave him full authority to do so. After the Senator from New Hampshire prepared his minority report, he submitted it individually to members to sign it, and five Senators signed that minority report, as the Senator from New York says. Five have signed that report; and I had explicit, open, and direct authority to put the five names I did to the first report. I did so, and I am responsible for it, and I know it was their report. Now if any Senator chooses to change his mind about it, that is good ground of course. If all the Senators who signed the majority report on consideration prefer to sign the minority report, I shall not object, and no one else will. There was no misunderstanding certainly when the report was brought in.

I did wish at some day to have a fair hearing of this measure. I was anxious, representing one of those States, that this subject might be fairly debated in this body, and if the States are not entitled to the money they claim, let it be decided against them and dismiss them from this Congress and from all Congresses. But if they are entitled to the money, it is proper and right that the matter should be settled during this session of Congress. I am not willing that the subject shall be ejected from congressional consideration by side motions or by any other than a direct vote. I believe the claim is just.

Mr. KELLY. I wish to make a personal explanation in regard to this matter.

The PRESIDENT *pro tempore*. Is there objection to the Senator from Oregon making a personal explanation? The Chair hears none.

Mr. KELLY. There is certainly a misapprehension on the part of the Senator from Illinois, who reported this bill, as to what took place in the committee. It was discussed for some time, and finally in the absence of the Senator from Nevada who is a member of the committee, [Mr. STEWART,] and the Senator from Massachusetts who is on the committee, [Mr. BOUTWELL,] a majority were in favor of this report. There were 4 to 3. I was in the committee, and the vote was 4 to 2, leaving myself out.

I made a statement to the purport that I had voted for the bill at the last session of Congress, but that I was not wholly satisfied with it; that I reserved the right to make a further investigation of the matter. I stated that in view of the fact that there was a majority then present in favor of reporting the bill. I made the statement, as I think the chairman and others of the committee will verify, that I had voted for the bill at the last session of Congress, but was not altogether satisfied with it; that I wished further investigation upon the subject, and that I had no objection to make to the reporting of the bill. That was what I said, that I made no objection to reporting the bill; but I did not wish myself to be committed by the report. That was my distinct statement. I suppose the Senator who reported the bill understood from what I said that I favored the bill, or from the fact that I had voted for it that I meant to vote for it in committee. That was not my statement. I did vote for the bill at the last session of Congress, but I suppose that one may change his opinion if he becomes satisfied that the vote he gave was an erroneous one; and that is what I said.

I did not authorize my name to be signed to the report. I would not have signed it had it been presented to me. I did sign the so-called minority report against the bill. This bill is properly on the Calendar, as I understand, because two members who have signed what may be called the minority report, or the report against the bill, were absent from the committee when it acted, and as I understand a quorum being present, the majority undoubtedly did authorize the bill to be reported.

Mr. OGLESBY. Will the Senator allow me to ask him a question?

Mr. KELLY. Certainly.

Mr. OGLESBY. Does not the Senator remember that I was authorized to prepare a report and to bring it to the committee before reporting the bill to the Senate?

Mr. KELLY. Undoubtedly.

Mr. OGLESBY. Did I not prepare a report and lay it before the committee?

Mr. KELLY. Certainly.

Mr. OGLESBY. Was not the bill, with the report, the chairman being in his seat, the Senator from Rhode Island, submitted to the consideration of the committee, to all those present in the committee-room?

Mr. KELLY. I do not know whether they were all present.

Mr. OGLESBY. Did I not open the report and offer to read it?

Mr. KELLY. Yes, sir.

Mr. OGLESBY. And do you not remember that then the chairman of the committee called each gentleman and asked him if he voted to report that bill and recommend its passage, with that report? I certainly remember that the chair called us one after another. The Senator from Oregon sat immediately on my left and answered "ay."

Mr. KELLY. The Senator is mistaken in that.

Mr. OGLESBY. How could I then have had this report ordered to be made by a majority?

Mr. KELLY. For the very reason that two who signed the other report were absent. The Senator from Massachusetts was absent and the Senator from Nevada was absent, and a majority of those present were in favor of reporting the bill.

Mr. OGLESBY. I do not wish to interrupt the Senator; but how could I have been instructed by the gentlemen named to make the report? I stated to a gentleman to put down in pencil-mark the names of those who voted for the bill. I took it down and have the minute in my desk. He gave me the names. Now, the Senator I believe does not think that he voted "ay" in response to the call of the chairman of the committee.

Mr. KELLY. I did not vote for it.

Mr. OGLESBY. The vote was to report the bill to the Senate and recommend its passage.

Mr. KELLY. I simply said that I made no objection to reporting the bill back, but that I did not consider myself committed by the report. There was already, as I have stated, a majority without me, to report the bill favorably in the absence of the Senator from Massachusetts and the Senator from Nevada. There was a majority present in favor of it, and a majority did direct it to be reported; but, as I stated, I did not commit myself to it. I wished further light on the subject and did not sign the report and did not authorize my name to be signed to it.

Mr. SPRAGUE. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator rise to a personal explanation?

Mr. SPRAGUE. A word on this subject. The Committee on Public Lands did authorize the Senator from Illinois to make the report, and the qualifying expression as to the vote that he gave was stated by the Senator from Oregon. At the same time the Senator from New Hampshire was authorized to make a minority report, and one of the committee stated at the same time that he should unite with the minority report when made. The appearance of the names of other members on the minority report is accounted for by their not being at that meeting of the committee. But that the Senator from Illinois was authorized by a majority of the committee to make the report, is clearly so.

Mr. CONKLING rose.

The PRESIDENT *pro tempore*. Does the Senator rise to a personal explanation?

Mr. CONKLING. I rise to ask unanimous consent to move to recommit this bill to the Committee on Public Lands, which I do neither in friendship nor hostility to the bill. Evidently there is a misunderstanding among the members of the committee, and the record here looks very strange. Here is a committee of seven, five members one way and five the other!

Several SENATORS. A committee of nine.

Mr. CONKLING. Nine. That makes it worse. Then there is a committee of nine, with five each way. [Laughter.] My honorable friend from Illinois says five authorized the bill to be reported, and here is a report before us signed by five saying that they are opposed to it. I must insist that there were five one way and five the other, although there were only nine men on the committee; and it is a little hard to see how it was done. But there is a misunderstanding about it, and I suggest that the true way is to recommit the bill and let such action be taken as will harmonize with itself upon the record. If the committee be in favor of the bill that will not retard it at all; on the contrary it will be better off than it is now, hung up on first reading with this point of order pending. Therefore if there be no objection I move to recommit the bill.

Mr. OGLESBY. I object.

Mr. SHERMAN. We all understand how it is. This occurs a hundred times.

Mr. MORTON. I hope the bill will not be recommitted.

Mr. SHERMAN. This thing has often occurred in the absence of members of a committee. A majority of a committee may be really against a bill, and yet a majority at the moment may concur in reporting it. The explanation made by the Senator from Oregon is very simple. The report was made and he reserved the right to object.

The PRESIDENT *pro tempore*. The Chair understands the Senator from Ohio to object to the motion being entertained.

Mr. SHERMAN. I do.

The PRESIDENT *pro tempore*. The motion is not in order. The bill has been objected to, and is not before the Senate.

Mr. KELLY. Can it not be taken up by vote of the Senate? I move that all prior orders be dispensed with and this bill be taken up.

The PRESIDENT *pro tempore*. The Senator from Oregon moves that the Senate proceed to the consideration of the bill indicated by him.

Mr. CONKLING. For the purpose of recommitting it?

The PRESIDENT *pro tempore*. Is there objection?

Mr. THURMAN. If it is taken up you cannot limit the purpose.

Mr. OGLESBY. We are willing to take up the bill for consideration.

Mr. MORRILL, of Vermont. I object to taking up the bill at the present time.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Oregon to take up the bill under consideration.

The motion was agreed to; and the bill (S. No. 637) to settle certain accounts between the United States and the States of Ohio, Indiana, and Illinois was read the second time.

Mr. KELLY. I now move to recommit the bill to the Committee on Public Lands.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills and joint resolution; in which the concurrence of the Senate was requested:

A bill (H. R. No. 1051) for the honorable discharge from their several positions in the Army of Captain J. Horace McGuire, First Lieutenant Henry R. Gardner, Second Lieutenant William D. McGuire, and Second Lieutenant William C. Reddy, all late of the Tenth Regiment United States Colored Artillery, (heavy,) and directing their honorable muster out of the service of the United States as of the date of their dismissal;

A bill (H. R. No. 1775) for the relief of Foster A. Hixson, late a paymaster in the United States Army;

A bill (H. R. No. 1924) for the relief of James L. Johnson, surviving partner of Beck & Johnson, authorizing payment for Indian depredations;

A bill (H. R. No. 1925) for the relief of James Preston Beck, administrator of Preston Beck, jr., deceased, authorizing payment for Indian depredations;

A bill (H. R. No. 1937) for the relief of the State of Tennessee;

A bill (H. R. No. 1938) to extend the provisions of the act approved March 3, 1871, entitled "An act to provide for the collection of debts due from southern railroads, and for other purposes;"

A bill (H. R. No. 1952) granting a pension to Nancy C. Marlette;

A bill (H. R. No. 1955) for the relief of John Henderson, of New Orleans;

A bill (H. R. No. 2398) granting a medal to John Horn, jr., for his heroic exploits in rescuing men, women, and children from drowning in Detroit River;

A bill (H. R. No. 3166) to correct the date of commission of certain officers of the Army;

A bill (H. R. No. 3266) for the relief of the Pekin Alcohol Manufacturing Company;

A bill (H. R. No. 3267) changing the name and location of Irasburgh National Bank of Orleans, county of Orleans, State of Vermont;

A bill (H. R. No. 2925) granting a pension to Dorothea Irons, mother of Lieutenant Joseph F. Irons;

A bill (H. R. No. 3327) to provide for the improvement of the Oosternaula River, in the State of Georgia; and

A joint resolution (H. R. No. 95) authorizing the Postmaster-General to perfect title to certain real estate obtained from John W. Norton, a defaulter to the postal Money-order Bureau.

The message also announced that the House had concurred in the amendments of the Senate to the following bills:

A bill (H. R. No. 3161) to enable the Secretary of War to carry out the act of April 23, 1874, entitled "An act to provide for the relief of the persons suffering from the overflow of the Mississippi River;" and

A bill (H. R. No. 3028) giving the assent of Congress for the improvement of the Wolf River across the Menomonee Indian reservation, in the State of Wisconsin.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 149) for the relief of certain settlers on the Fort Randall military reservation;

A bill (S. No. 347) granting a portion of the United States military reservation at Salt Lake City for cemetery purposes;

A bill (H. R. No. 3028) giving the assent of Congress for the improvement of the Wolf River across the Menomonee Indian reservation, in the State of Wisconsin;

A bill (H. R. No. 3161) to enable the Secretary of War to carry out the act of April 23, 1874, entitled "An act to provide for the relief of the persons suffering from the overflow of the Mississippi River," and for other purposes;

A bill (H. R. No. 83) to authorize the Secretary of the Navy to remove the powder-magazine from Fort Norfolk, Norfolk, Virginia;
A bill (H. R. No. 1945) granting a pension to Juliet E. Hall, daughter of William Hall, late colonel of the Eleventh Regiment of Iowa Infantry;
A bill (H. R. No. 2086) for the relief R. W. Clarke, postmaster at Brattleborough, Vermont;
A bill (H. R. No. 555) for the relief of McClintock Young, of the State of Maryland;
A bill (H. R. No. 725) for the relief of James C. Livingston, late a private in Company E, Third Regiment Iowa Volunteer Infantry;
A bill (H. R. No. 345) to relieve certain persons therein named, late members of Company K, Fifty-eighth Regiment Illinois Volunteer Infantry, from the charge of mutiny;
A bill (H. R. No. 2094) for the relief of William A. Snodgrass, late lieutenant Company H, Thirty-ninth Regiment Ohio Veteran Volunteer Infantry;
A bill (H. R. No. 1201) authorizing the payment of prize-money to the officers and crew of the United States steamer Bienville;
A bill (H. R. No. 1404) for the relief of William F. Kerr; and
A bill (H. R. No. 1776) for the relief of George Yount.

OCCUPYING CLAIMANTS ON PUBLIC LANDS.

The next bill on the Calendar was the bill (H. R. No. 2078) for the benefit of occupying claimants.

The bill was read.

The Committee on the Judiciary reported the bill with amendments, which were in line 6 after the word "entitled" to insert "in the Federal courts," and in line 10 to strike out the words "emanated from" and to insert "been granted by."

Mr. SARGENT. I should like to hear the bill read as it will stand if amended.

The Chief Clerk read as follows:

Be it enacted, &c., That when an occupant of land, having color of title, in good faith has made valuable improvements thereon, and is, in the proper action, found not to be the rightful owner thereof, such occupant shall be entitled in the Federal courts to all the rights and remedies, and upon instituting the proper proceedings such relief, as may be given or secured to him by the statutes of the State or Territory where the land lies, although the title of the plaintiff in the action may have been granted by the United States after said improvements were so made.

Mr. SARGENT. I have my doubts as to that bill.

Mr. STEWART. I doubt whether the bill ought to pass. It ought to be looked into.

The PRESIDENT *pro tempore*. Objection being made, the bill will be laid aside.

Mr. WRIGHT. I move that the Senate proceed to the consideration of the bill.

Mr. EDMUNDS. It is too late to do that this morning.

The PRESIDENT *pro tempore*. The morning hour having expired, the Senate resumes the consideration of the unfinished business, which is Senate bill No. 7, called the Geneva award bill, upon which the Senator from Ohio [Mr. THURMAN] is entitled to the floor.

Mr. WRIGHT. I wish to inquire whether my motion will be the pending motion in the morning hour to-morrow? I do not want the bill to lose its place.

The PRESIDENT *pro tempore*. There have been two bills passed over informally this morning, which will take precedence of this one.

Mr. SARGENT. I suggest to the Senator from Iowa that we can examine this bill by to-morrow. It may be that the bill is right.

Mr. WRIGHT. I desire to have it understood that it is not passed on the Calendar.

Mr. SARGENT. I will withdraw the objection, and will examine the bill by to-morrow morning.

THE GENEVA AWARD.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 7) for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th of May, A. D. 1871, between the United States of America and the Queen of Great Britain, the pending question being on the amendment of Mr. THURMAN, which was to strike out in section 12, commencing on line 13, the following words:

And no claim shall be admissible or allowed by said court by or in behalf of any insurance company or insurer, either in its or his own right or as assignee, or otherwise, in the right of a person or party insured as aforesaid, unless such claimant shall show, to the satisfaction of said court; that during the late rebellion the sum of its or his losses, in respect to its or his war risks, exceeded the sum of its or his premiums or other gains upon or in respect to such war risks; and in case of any such allowance, the same shall not be greater than such excess of loss.

Mr. EDMUNDS. Before the Senator from Ohio commences his remarks and while the Senate is full, I wish to give notice that on account of the lateness of the season and the large number of matters on the Calendar, I shall ask the Senate, (in which I hope the Senator from Ohio will concur,) to stay here to-day and finish this bill.

Mr. THURMAN. I suppose there are other Senators who wish to speak on the bill, and I cannot be a party to any arrangement which will deprive them of an opportunity to do so.

Mr. EDMUNDS. I desire to speak myself, but I wish to have the bill disposed of to-day.

Mr. THURMAN. Mr. President, the question immediately before the Senate is the amendment offered by me to strike out that clause in the twelfth section of this bill which prohibits the payment of anything to insurance companies, or to speak more briefly, to underwriters, beyond the amount that they may have lost in their general business as underwriters upon the risks taken by them for war premiums. The bill excludes the claim of these underwriters unless upon a balance-sheet of their whole business it appears that they have incurred loss, and then it indemnifies them no further than the loss that appears thus to have been incurred upon their whole business. It introduces an element in the calculation of loss never before heard of, I believe, in any legislative assembly or before any judicial tribunal. It requires a man to lose a perfectly valid claim if in the whole of his business—not simply that business out of which that particular claim arose, but all his other business—he has been so fortunate as to make money. It makes the justice of a man's claim depend not upon its validity under the law, not upon the principles of morality or equity as known to the civilized world, but upon his success as a business man. That is the bill of this committee.

Mr. BAYARD. May I ask my friend if it would not work also the other way? Suppose his losses exceeded his gains, would he be remunerated at all?

Mr. THURMAN. Then they will remunerate him in the one particular case, but they will not remunerate him for the whole amount of his losses.

That is the bill of this committee. I propose to strike out that provision which excludes the claims of the underwriters from consideration. I do not propose to enact that their claims shall be allowed. All I ask is that their claims may go before the court which it is the purpose of this bill to establish, or before such other judicial tribunal as may have the charge of adjudicating upon these claims, to stand or to fall according to their merits. That is all that I ask. I ask that these people may have the same right that all other people have in a case that is in its nature judicial, to have their claim heard and not to have it cut off by legislative decree instead of by judicial sentence.

Now, let us see what these claims are; and first in regard to the amount of them and by whom they are held; because it seems that some prejudice has grown up against insurance companies and their claims are regarded as the claims of extortioners. It has been said they received a premium for insuring, and if they paid the loss they paid nothing more than they were bound by their contract to do, and they ought to bear the loss. Those who say that, have but an imperfect idea of what the contract of insurance is; but of that I will speak presently. Others again have said that they were sharks, extortioners, who sought to obtain money out of a business in which they had already accumulated vast sums of money; as if the business of insurance was not a lawful business, as if it were not a meritorious business, as if it were not a business upon which the success of commerce to a great degree depends, as if it were not especially a business that is beneficial to the poor man who is unable to bear the loss and therefore cannot insure himself.

Now, let us see what these claims of the insurance companies are. The amount of the claims as ultimately revised was $4,002,872—I speak without interest, of course—and of these there are held by mutual insurance companies $2,634,243, and by stock companies $1,368,629. Of these stock companies ten of them in the city of Boston failed by reason of the Boston fire, holding claims to the amount of $666,691, every dollar of which, if these companies receive it under this award, will go to pay the losses of the sufferers by the Boston fire. I do not think these are a set of men who deserve to be very much denounced, or that the ultimate destiny of this money is one that the Congress of the United States ought to prevent by an arbitrary edict of law.

But again, sir, I have shown you that much the larger portion, two-thirds of the amounts due to insurance companies are due to mutual insurance companies. What are mutual insurance companies? Mutual insurance companies, the marine companies, are companies in which merchants and shippers take stock and agree in effect to mutually insure each other. That is what they do, and they are as much, in equity, in morals, in conscience, entitled to be paid for their losses as is the man who sailed his ship without any insurance at all and became his own insurer. They are not men speculating upon war premiums paid by other persons; they are men who pay the premiums as between themselves, and whatever profit is derived from the war premiums goes to themselves. They make no money off the necessities of other people. They speculate off no man's misfortunes. They simply mutually guarantee each other against loss; that is all they do; and if the stronger of them are able to pay, then the weaker are protected. Those are the kind of companies which hold two-thirds of these claims. I defy any man to give any good reason why ten merchants constituting a mutual insurance company should be compelled to present a balance-sheet of all their gains and losses, while ten merchants who each insures for himself, that is, take no insurance at all, are not required to make any such exhibit. It cannot be done. There is no difference in principle between the one case and the other.

But, Mr. President, here is another thing. It has been said, "If you pay to these insurance companies the money will not go to those who were shareholders in the insurance companies at the time the losses accrued, but will go to other persons who have no earthly

interest whatsoever in the money and never paid anything for it." That is a mistake. The most of these insurance companies are in the State of New York, and to meet that very case, with the assent of the insurance companies, upon their petition as I am informed, the General Assembly of New York has passed an act that the money if recovered by them shall be paid to those who were shareholders at the time the losses were paid.

Mr. EDMUNDS. Is that act constitutional, does the Senator think?

Mr. THURMAN. I think if the insurance companies have petitioned for that act, and assent to it, it is perfectly constitutional.

Mr. EDMUNDS. That is, if every shareholder has petitioned?

Mr. THURMAN. I think there is no trouble about that, and none need be anticipated upon that score.

These, then, are the men whose claims are presented for consideration. Now, let us see upon what foundation their claims rest. They rest upon the foundation of a law almost as old as commerce itself in modern times; a law that prevails in every civilized country of this globe where there is such a thing as underwriting known. It is the law which subrogates the underwriter to the rights of the assured upon an abandonment of the property lost and payment by the insurer.

How is it that this rule obtains? Why, sir, it obtains and is part of every contract of insurance. I said awhile ago that objection had been made that these insurance companies had received premiums for insuring, and therefore had been paid what they stipulated to receive; and that hence they were bound to pay the loss and had no right to ask any indemnity for it. That is not the true statement of the contract of insurance at all. The underwriter does not insure for the premium only. The law of the land is written in that contract as effectually as if it were written in express words; and that law of the land is that the insurer shall have not simply the premium, but also what the law calls the *spes recuperandi*, the hope of recovery of anything that can be recovered, either of the thing that was lost in *specie* or from any wrong-doer who has occasioned the loss. The contract of insurance, therefore, is just as if it were written "for so many dollars and for the right of reclamation of all of the insured thing that can be reclaimed in *specie* and of all damages that can be obtained from any wrong-doer causing the loss, I, the underwriter, agree to insure you against loss and damage." Those are the considerations, and they enter into every contract of insurance just as if they were written in it, and they are understood by the whole mercantile world. They are better understood in marine insurance policies than they are in fire insurance policies, although precisely the same law obtains in the case of the fire policy, as was decided by the Supreme Court of the United States only two years ago.

That is the contract, then. The merchant makes that contract with the insurance company, and he has no right whatsoever to break that contract; he has no right whatsoever to repudiate that contract; and to the honor of the American merchants I say that while there were thousands of these claims, there were very few men who dared, who had the effrontry, to claim that they should receive pay for their property under the Geneva award or from Great Britain when they had received pay from the insurance companies.

But, sir, is that the law that there is this subrogation, and that therefore it enters into every contract? For I need not tell a lawyer that the law of the land is part of every contract and need not be written in the contract. The law writes it there as fully as any scrivener could do. Is that the law? In the first place, I might say that it is hardly necessary to consider that question in the most of these cases, for in almost every one of them the insured made an assignment to the insurer, the underwriter, when he received his loss; so that here by plain contract of assignment these insurance companies hold all the rights that the original owners held. But, sir, they needed no such written assignment. The law itself is as good as any assignment could be; and that that is a fact I beg leave to refer to the very highest authority that can be read upon this subject. What said the Supreme Court of the United States in the case of Comegys *vs.* Vasse, (1 Peters, 193,) and in which the authorities upon the subject are considered? Vasse was an underwriter. The ship that he insured was illegally captured by the Spaniards. In the course of time Vasse become bankrupt and proceedings in bankruptcy under the act of 1800 or 1801 were prosecuted against him, and he made the assignment required by that law. In the course of time Spain paid an indemnity for the losses sustained by American citizens owing to illegal captures made by Spanish vessels, and among others paid on account of the ship that had been insured by Vasse the sum of $3,846.14. That money was paid by the Government to the assignees in bankruptcy of Vasse, Comegys and another. Afterward Vasse filed a bill against those assignees in bankruptcy and claimed the money himself. Mark it, he did not deny that the money went to the underwriter, but the point upon which he claimed it was that the claim was not in its nature assignable under the bankrupt law to the assignees and did not pass by his assignment in bankruptcy, and therefore remained to himself.

What did the court decide? The court decided that upon the abandonment of the vessel by the owner the whole right to that vessel, and not only the right to the vessel and whatever might be saved of her, but the right to any indemnity that might be obtained from Spain, passed instantly to Vasse, the underwriter. His right being established, then came the question whether or not that right which was thus vested in Vasse passed by his assignment in bankruptcy to his assignee, and the court held that it did. That is not material to this question; but the court held distinctly that it was a claim that was assignable; that the right to recover the *spes recuperandi* even against a foreign government, even though it could not be enforced by any proceeding in law, even though it could not be enforced except by our own Government by means of war or reprisals or negotiations, yet that *spes recuperandi* was an assignable thing, and did pass by the assignment made by Vasse to his assignees in bankruptcy. Upon that subject Judge Story delivered a most elaborate opinion; and after reviewing and quoting the authorities and showing that such is the law in England, he says:

> But it is decisive that the assignment by abandonment is competent not only to pass the property itself, or its proceeds, if restored, after an unjust capture, but also any compensation awarded by way of indemnity therefor. The case before Lord Hardwicke was the stronger, because the indemnity was awarded to the party by his own sovereign, and not by the sovereign of the captors. Mr. Marshall and Mr. Park manifestly contemplate the case as establishing the principle that any indemnity, however arising, is a trust for the underwriters, after they have paid the loss.

Judge Story proceeds to state the case of Gracie *vs.* The New York Insurance Company, (8 Johnson's Reports, 237,) and to approve of that; and in that case Chief Justice Kent said:

> One question was whether the jury were at liberty to deduct from the total loss the value of the *spes recuperandi*. The court held that they were not. Mr. Chief Justice Kent, in delivering the opinion of the court, said:
>
> "If France should, at any future period, agree to and actually make compensation for the capture and condemnation in question, the Government of the United States, to whom the compensation would, in the first instance, be payable, would become trustee for the party having the equitable title to the reimbursement; and this would clearly be the defendants, (the underwriters,) if they should pay the amount."

Could words be more appropriate to this case? I might say *mutatis mutandis*, and it might have been said before Great Britain paid this money in the very language that Kent used: "If Great Britain should, at any future period, agree to and actually make compensation for the capture and condemnation in question, the Government of the United States, to whom the compensation would, in the first instance, be payable, would become trustee for the party having the equitable title to the reimbursement; and this would clearly be the defendants, (the underwriters,) if they should pay the amount."

Again, the Supreme Court of the United States cite the case of Watson *vs.* The Insurance Company of North America, (1 Binney, 47,) and show that it proceeds upon the same principle:

> It admits—
>
> Says Judge Story—
>
> that the *spes recuperandi* passes by an abandonment to the underwriter; and the question there was, whether its value, when not abandoned, was to be deducted from the total loss.

But, sir, a case was referred to in this decision, Randall *vs.* Cochran, (1 Vesey, 98,) in the English court, in which Lord Hardwicke, the greatest chancellor that ever sat upon the wool-sack in England, decided, even in a case in which the indemnity was obtained by letters of marque and reprisal, where the British government obtained indemnity by main force, by reprisals, and the money came into the treasury, that it was money in trust for the sufferers, and that the sufferer in the particular case was the underwriter, who by subrogation was entitled to all the claims of the assured. That is a stronger case, the strongest case on record.

But, sir, I like the way in which it was put by Cowen in the case of Rogers *vs.* Hosack's Executors, (18 Wendell, 319,) the beginning of the case. In that case, in which the same doctrine was recognized and enforced, Judge Cowen, delivering the opinion of the court, said:

> All the authorities are that the assignment becomes absolute from the time of the abandonment. It was not too strongly put upon the argument. The deed of a man's farm could not operate more clearly to change the legal right. That an abandonment passes to the underwriters all the claim of the assured against a foreign government on account of illegal capture was held by the Supreme Court of the United States in respect to the late claims of our merchants upon Spain.

Citing Comegys *vs.* Vasse, 1 Peters. There you have the judicial decisions; there is not one to the contrary; and it is not only the law in this country, but it is the law elsewhere. As I showed to the Senate, it is the continental law. The doctrine came from the civil law, as my friend from Delaware [Mr. BAYARD] suggests. The doctrine is briefly stated in Gauthier on Subrogation, a work well known to lawyers as of the highest authority upon the civil law, in which it is said—I translate:

> The insurers who have paid the loss upon an abandonment, for example in the case of a capture of the ship, are equally subrogated to all the rights of the assured.

Dixon on Subrogation says:

> The right of subrogation exists in favor of an insurer who has been subjected to liability and made payment of a policy of insurance on the happening of the loss to all actions against the person by whose negligence or wrong the loss was caused.

So that it is the civil law as well as our own law that this is in effect a part of the contract between the insurer and the insured; that the insurer shall have not simply his premium, but also whatever can be recovered either of the property in specie or from any wrong-doer or other person who is bound to make indemnity. It may be that I am hardly excusable for taking up so much time to establish what is not denied by the majority of the Judiciary Committee. They do not deny, they are too good lawyers to deny, that this right of subrogation exists, and therefore they put this bill upon a different footing.

Before passing, however, to consider the ground urged by the chairman of the committee I ought to mention another thing. This right of subrogation was expressly admitted before the Geneva tribunal by Sir Roundell Palmer, the counsel for England, the attorney-general of England, and also by Chief Justice Cockburn, the English arbitrator. It was insisted upon on our side and admitted on the side of the British government.

But that is not all. We have, I am told, a striking instance of the application of this rule under the proceedings of the mixed commission which sat under this very same treaty, but held its sessions here in Washington for the adjudication of claims of British subjects upon the United States and of American citizens upon Great Britain growing out of other matters than those which were generically called the Alabama claims. By this mixed commission claims have been allowed to British insurance companies for insurance of French property, although there was nothing in the treaty agreeing to pay Frenchmen any loss. The treaty is simply to pay the loss of British subjects; and yet where a Frenchman had his property insured in a British insurance company, the loss taking place and the company paying it, it became the loss of the British subject and the claim has been allowed by the mixed commission. That is one of the strongest applications of the doctrine that could possibly be conceived; but it is no more than the law, it is no more than justice, it is no more than right.

Now, Mr. President, I proceed to notice the objection that is made to allowing these insurance companies any indemnity. It consists of this proposition, laid down by the chairman of the committee, that there was belligerency between the United States and the Confederate States; that these captures were made by vessels of the Confederate States; that they were therefore captures made by a belligerent, and being made by a belligerent they were, according to the law of war, legal captures, out of which no claim by any individual could possibly arise; and that as no claim against the captors, the confederates, could arise, *ergo* no claim could arise against Great Britain, because, says the chairman, Great Britain was an accessory before the fact.

These propositions of the chairman of the Judiciary Committee will by no manner of means bear an examination. In the first place, it is true that an individual does not acquire any cause of action, so to speak, in technical terms for the loss of his property taken by a recognized belligerent. If we were at war with Great Britain and Great Britain were to capture our ships on the high seas, of course that would give no right to the individual losers to prefer a claim against the British government. That is all very true; but that it is not exactly the case. In the case of a rebellion it is not clear law that if the rebellion does not succeed the captors who were rebels are not responsible.

Mr. EDMUNDS. Does the honorable Senator think that they are personally responsible?

Mr. THURMAN. My own impression is that they ought not to be considered responsible individually now; but I cannot say that that is the law.

Mr. EDMUNDS. Does the Senator think as matter of law that they are responsible?

Mr. THURMAN. I can say to the Senator that they have been held responsible by judgment after judgment of the courts.

Mr. EDMUNDS. In what case?

Mr. THURMAN. They have been held responsible in the courts of the United States, as well as in the courts of the State, in West Virginia.

Mr. EDMUNDS. What case in the United States courts?

Mr. THURMAN. In suits brought against members of the invading armies of the confederacy for taking property.

Mr. EDMUNDS. Will the Senator be kind enough to name the case?

Mr. THURMAN. I cannot name the case, but I know the fact. I know it from the counsel who were engaged in the case. I know it has been so held. It shocked me a little that it should be under such circumstances; but it has been so held, and if the Senator will endeavor to answer the argument upon the law, he will find it a pretty difficult thing to do. The doctrine is in case of an insurrection that if the insurrection succeed, whatever was done under the authority of the insurrectionary power is to be considered as if it had been done by the order of an existing recognized government; but if the insurrection fails, every individual is personally liable who is engaged in a trespass.

Mr. EDMUNDS. Suppose it to get larger than an insurrection and become civil war, what then?

Mr. THURMAN. I am not going to argue that question, because I should myself be horrified at the idea of holding the confederate armies and every man in them liable for the injuries committed by them, or holding individuals liable for the injuries committed by these cruisers. But when the Senator says that this case is like the case of a war between us and one of the recognized powers of the earth, he says what is not stated to be the law in the books.

Mr. EDMUNDS. It has been stated so by the Supreme Court of the United States.

Mr. THURMAN. I do not care how that may be. I am willing to let that branch of the argument go, because I do not wish to argue questions that it is not really necessary to argue. But here comes an error of the Senator for which he will find no support in the books, I venture to say, and that is that Great Britain occupied not the position of a neutral, but the position of an aider or abettor, an accessory before the fact, and that therefore, as there could be no claim against the principal, the Confederate States, there could be no claim against this accessory before the fact. I say that that is to import into this case a nomenclature of mere municipal civil law, a nomenclature that has no existence in the law of war or international law. An accessory before the fact, an aider or abettor, is a belligerent, if the government that is injured sees fit to treat it as such. It is within the power of the government to treat it as a belligerent if good cause is given, or to treat it as a neutral violating its neutral obligations. If the acts of Great Britain were such as gave us just cause of war, we had the option to declare war against her and treat her not as an accessory but as a principal in that war; or we had the right to treat her as a neutral violating her neutral obligations, and make our demands upon her accordingly. And now the question is, in what character did we treat her? Did we treat her as a belligerent, or did we treat her as a neutral? If we treated her as a belligerent, if belligerency between Great Britain and us existed, then every one knows the consequences; then every contract made between British and American citizens during the four years of war was absolutely void; every American citizen who made a contract with a British citizen was liable to punishment under our statutory law. But nobody pretends any such thing as that. During the whole time of that war our minister was at the court of Saint James, the British minister was in Washington, the ordinary intercourse between the governments and between the citizens of the governments went on precisely as if there had been no war; and from the inception of these claims down to the very last day of judgment upon them, our whole claim upon Great Britain was that she omitted to discharge the duties of a neutral; and it will not do now to come and say that Great Britain did not occupy the position of a neutral, but that she was a *quasi* belligerent, so that no individual claim of a citizen whatsoever could arise or accrue against her. Is there any mistake about this? Let me look a little into the history of these claims to show how they arose.

We had good reason indeed for wanting to maintain peace with Great Britain. We had good reason for not declaring war against her. Had we declared war against her she would have had France on her side and on the side of the Confederate States in twenty-four hours. We, instead of having to fight our southern brethern, would have had to fight them backed by two of the greatest powers of Europe, and perhaps by a third. But, sir, this state of peace that existed between us and Great Britain shielded us from that great danger, and not only shielded us from it but enabled us to draw from her tenfold the supplies of war that were drawn by the confederates, who could only obtain supplies or munitions by means of running our blockade. No, sir; for the best reasons in the world it was that our Government treated Great Britain as a friend and as a neutral; and if there is anything that sheds more glory than another, in my judgment, upon the administration of the President at that time, and especially of the Department of State, it was the infinite skill with which they avoided bringing this country into armed conflict with England and France. I do not think that the diplomacy of any country exhibits more skill than was exhibited by Mr. Lincoln and Mr. Seward in keeping this country at peace with the European powers during the late civil war.

But now, sir, let us see how we treated this matter——

Mr. CONKLING. Will it interrupt the Senator if I should say a word at this point?

Mr. THURMAN. No; I am speaking under so many disadvantages and feel so poorly that I shall be glad of a little rest.

Mr. CONKLING. I have listened with great pleasure to the statement made by the Senator from Ohio as to the relations between Great Britain and this country which preceded the treaty. I would like him to say something of the law upon this point: what difference does it make practically in the face of the treaty and in the face of the award, what the precise relations were before that?

Mr. THURMAN. The Senator is just anticipating me.

Mr. CONKLING. I beg pardon. The Senator from Vermont, referring to the Prize cases, has said that the Supreme Court spoke of the war as being a public war. Suppose that to be true in every sense, and suppose Great Britain, in place of being a negligent or blamable neutral, had been an ally of our enemy, not only an accessory before the fact but a principal in the second degree of those engaged in arms against the Government of the United States; and notwithstanding all that, a treaty was negotiated in which certain agreements were made, and that treaty was consummated by an arbitration, and by the judgment of the tribunal certain claims like those for enhanced war rates, &c., were excluded and certain other claims, among those the one the Senator speaks of, were included in the judgment. Now, even if it had been true, as I have supposed, that a war had existed to which war England was a party against us, we having made this treaty, the award having taken place, and we being parties abiding by it, I beg to know what difference it would make after all as to the rights of underwriters one way or the other? If we find by the treaty and by the award that indemnity has been recovered which upon the face of the papers would pass by right of subrogation, how is that right impaired or how is it affected by whatever may be said of the condition of things which went before and led to the adjudication at Geneva?

Mr. THURMAN. Mr. President, the Senator from New York has

said what I intended to say in the course of my remarks; but he has said it so much better than I should have done and he has relieved me so much that I am obliged to him for calling the attention of the Senate to that consideration. I shall, however, run a little over the history of these claims to show that from the beginning to the end they were regarded, first as claims of private citizens, and second as claims upon Great Britain as a neutral and founded upon the allegation that she had omitted to perform her neutral obligations. Now, sir, let us see what was the first claim that was made.

I ought to state in general that as these losses occurred, from time to time the losers reported them to the State Department, and in every case the State Department received them, filed them, acknowledged their receipt, undertook to present them to the British government, and did present them to the British government as the individual claims of American citizens who were injured by her breach of neutrality obligations. The first claim arose owing to a destruction of American ships by the Alabama, and it was reported to this Government by Mr. Harvey, our then minister at Lisbon.

Mr. EDMUNDS. Will the Senator be kind enough to tell me the document he is reading from?

Mr. THURMAN. United States Claims, volume 3, page 64, and volume 3, page 57.

Mr. EDMUNDS. I beg pardon; I thought the Senator was reading from a printed document before him.

Mr. THURMAN. Upon that Mr. Seward wrote to our minister at London in these words, transmitting the paper which had been received from Mr. Harvey:

The President desires that you lay copies, or the substance of them, before Earl Russell—

The British minister of foreign affairs—

in such manner as shall seem best calculated to effect two important objects: first, due redress for the national—

That is one thing—

and private injuries sustained; and, secondly, a prevention of such lawless and injurious proceedings hereafter.

There was the distinct claim made for the private loss, and the proofs of the private loss and of the claim made by the loser were furnished to the British government. Furthermore, on the 3d of November, 1862, the telegraph having announced the destruction of another half-dozen vessels on the seas by the Alabama, Mr. Seward again wrote to Mr. Adams, and said:

The legal proof in support of the claim for indemnity will be collected and transmitted to you as speedily as possible.

On the 19th of December, those papers having been furnished to the British government, Earl Russell, replying to Mr. Adams at length, says:

Her Majesty's government cannot, therefore, admit that they are under any obligations whatever to make compensation to the United States citizens on account of proceedings of that vessel.

Mr. EDMUNDS. Will the Senator tell me what document he is reading from?

Mr. THURMAN. Volume 3 of the United States Claims, page 92, an abstract. Does the Senator doubt the correctness of these quotations?

Mr. EDMUNDS. I do not doubt anything. What I wish to get at is, if the Senator does not object, what is the document he is reading from, in order that I may get the same compilation.

Mr. THURMAN. It is a collation made by Mr. Evarts. No doubt the Senator has it. I have compared these quotations with the original as far as seemed to be necessary, but I do not think it necessary to do so to verify Mr. Evarts's citations. I have the books here.

Mr. EDMUNDS. I am merely inquiring as a matter of convenience in order that I may have the pleasure of seeing what the Senator has. I have not been favored with one of those documents.

Mr. THURMAN. I think I can send for one for the Senator.

Mr. EDMUNDS. I seem to have been omitted in the distribution.

Mr. THURMAN. I am quite sure the Senator had one at the last session, and I think copies were laid on the table of every Senator. That is the way I picked it up.

Mr. EDMUNDS. Then I happen to have lost mine.

Mr. THURMAN. I have one which I will send to the Senator.

Mr. EDMUNDS. I am obliged to the Senator from Ohio.

Mr. THURMAN. I have had occasion to compare many of these citations, and I have never found them erroneous in a single instance; and the original volumes themselves are here at my desk. Now mark, "Her Majesty's government cannot, therefore, admit that they are under any obligations whatever to make compensation to the United States citizens" for claims. Why did not they consider themselves bound? Because they denied that they had been guilty of any negligence. They denied that they had violated any neutral obligation. They did not say "we will not pay the United States citizens because" (as the Senator from Vermont now says) "there could out of these occurrences grow up a claim of a private man upon Great Britain." It was reserved for the Senator from Vermont to make that discovery; and whenever a patent shall be granted for it he will be found to be the first inventor. That never was thought of until the Senator urged it upon the consideration of this bill a year ago. No, sir; it was upon the ground that Great Britain had not been guilty of the imputed negligence that Earl Russell said she would not admit her liability, not to the United States, but to United States citizens. But, sir, it does not end there. Let me turn the attention of the Senate to the first claim made by an insurance company. On the 31st of January, 1863, the following memorial was addressed to Mr Seward:

Your memorialists, representing the New York Mutual Insurance Company of the city of New York, respectfully submit to the Department of State of the United States the following facts, namely, that the said New York Mutual Insurance Company had certain policies of insurance upon the following vessels: Ship Brilliant, $9,245; ship Manchester, $7,500; and the said vessels, in the prosecution of their lawful voyage, were arrested on the high seas by a steamer called the Alabama, and by her boarded and burned, and the New York Mutual Insurance Company have paid the policies of insurance on the above-named vessels in consequence of said destruction; and your memorialists are of the opinion that the said steamer, having been built and fitted out and sailed from a port in Great Britain, and her crew being composed principally of the subjects of the government of Great Britain, she is to all intents and purposes a British vessel.

And your memorialists therefore claim from the government of Great Britain—

The memorialists claim from the government of Great Britain—

And your memorialists therefore claim from the government of Great Britain the repayment to them of the above amounts, with interest accruing thereon, and respectfully request the United States Government to make the necessary claim on their behalf.

JOHN H. EARL, *President.*
W. P. HANDSFORD,
Secretary.

And what did the Government of the United States do? The Government of the United States did make the necessary claim on behalf of these underwriters. Here is the letter in which that claim was sent to Mr. Adams for presentation:

DEPARTMENT OF STATE,
Washington, February 2, 1863.

SIR: Herewith I inclose, for presentation to the British government, a copy of a memorial just received at this Department from the New York Mutual Insurance Company of the city of New York, relative to losses sustained by it on account of the destruction of the ships Brilliant and Manchester on the high seas by the piratical steamer Alabama.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, &c.

On the 19th of February, 1863, Mr. Adams transmitted the above memorial to Earl Russell with the following note:

LEGATION OF THE UNITED STATES,
London, February 19, 1863.

MY LORD: At the request of my government, I have the honor to submit to your lordship's consideration a copy of a memorial addressed to the Secretary of State by an association of underwriters in New York.

Renewing assurances, &c.,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c.

And so it went on with each case. From that time forward—that was the first—down to the last filing of these claims, each one of them was taken by our Government to prosecute for the sufferer, and forwarded to our minister in London to be laid before the government of Great Britain as a claim made by American citizens for losses accruing out of her failure to perform her neutral obligations. Then what followed? The close of the war came and Great Britain still declined to acknowledge her liability, and thereupon Mr. Johnson, of Maryland, was sent as minister to England, and he negotiated with the British government a treaty known as the Johnson-Stanley treaty. It was expressly in so many words—I will not stop to read the first article of it which will verify what I am saying—a treaty for the indemnity of citizens of the United States by reason of these losses.

Mr. EDMUNDS. And does not the Senator also remember that upon that ground, among others, it was opposed by a distinguished Senator who has lately departed this life?

Mr. THURMAN. I had not forgotten what is referred to, and I will show to the Senate that it never was opposed upon any such ground at all, as his speech will show, which the Senate saw fit to have published. That treaty was made. It was for a mixed commission to adjudicate the claims of American citizens upon Great Britain and of British citizens upon the United States. It was not satisfactory, and the consequence was, a change of ministry having taken place, that the Johnson-Clarendon treaty was negotiated, and that treaty was precisely like the other in its scope. It was for a mixed commission to adjudicate the claims of American citizens upon Great Britain and of British subjects upon the Government of the United States. That treaty was rejected by the Senate.

Mr. EDMUNDS. That is the treaty to which I referred in connection with the remarks of the late Senator from Massachusetts.

Mr. THURMAN. The other never came before the Senate. Upon that we know that the Senator from Massachusetts made an elaborate speech, and we know that the Senate, without entirely approving all that was said in that speech, as its subsequent votes very clearly show, allowed the injunction of secrecy to be removed and that speech to be published. Now, says the Senator from Vermont, it was one of the objections made by the Senator from Massachusetts to the Johnson-Clarendon treaty that it thus provided for the adjudication of private claims. No, sir; there is not one word in that speech that even implies such an objection, much less asserts it. The Senator from Massachusetts did not object to the Johnson-Clarendon treaty because it provided for the adjudication of these private claims.

His objection was not that it provided for them, but that it did not provide for other things besides. It was not what it did provide for, but what it did not provide for, that constituted in his judgment the defect of that treaty.

What were the objections of the Senator from Massachusetts? First, he claimed that there was reparation due to our national honor, that the recognition by Great Britain of the belligerency of the Southern States was an unfriendly act, and that it required from Great Britain some reparation to the wounded national honor of the American Government and people. He argued that for Great Britain to recognize the belligerency of men in armed insurrection or rebellion against the Government of the United States was an injury to the United States that required atonement at least by apology, and hence we all very well know that it was owing to that position taken by him that ultimately there was inserted in the treaty of Washington that expression of regret on the part of Her Majesty which the Senator from Massachusetts himself afterward admitted to be a sufficient atonement, and which the Government of the United States agreed to receive as an atonement. It was "pretty thin" I thought, but it was satisfactory to those who made the claim for atonement and the country considered it sufficient. What next?

Mr. EDMUNDS. Shall I interrupt the Senator if I ask him whether he has had his attention called, as I have no doubt he has, speaking of Mr. Evarts's views, to the instructions given by the Government of the United States to those who managed the American case at Geneva?

Mr. THURMAN. O, I hope the Senator will not take me out of the line of what I am speaking on now.

Mr. EDMUNDS. I merely asked permission to call the Senator's attention to a fact.

Mr. THURMAN. If it was pertinent to what I am saying, I would not object; but I suppose I know exactly to what the Senator refers and I will try to show the Senator himself that it has not the slightest bearing on this question. I suppose he intends to read to me that Mr. Fish wrote to our people there, "We do not want you to have the Geneva tribunal decide the question whether the insurance companies are entitled." Is that it?

Mr. EDMUNDS. I leave the Senator to say. He declines to be interrupted.

Mr. THURMAN. If that is it, I have only to say that we did not desire them to decide any such thing. We wanted them to decide that for the losses which were covered by that insurance there should be payment by Great Britain, and then it would be easy for us to say who were the persons entitled to the indemnity. If by the law—as known all over the civilized world almost, I was going to say—the underwriters are subrogated to the rights of the insured, it was to be presumed that the Government of the United States would not trample that law under its feet, and it was not necessary for the Geneva tribunal to assert whether that was the law or not. All they had to do was to find what was the amount of the property destroyed. That is what the Senator was going to say.

Mr. EDMUNDS. That is all they had to do; and that is all they did do.

Mr. THURMAN. The Senator can see well enough that it was no part of the business of the Geneva tribunal to decide between A B and C D. They were to decide upon loss, and not between individuals; but that did not make it any the less a private claim or any the less a private loss.

But what more did the Senator from Massachusetts contend? He contended that the United States itself was entitled to large damages by reason of the prolongation of the war and various other matters, by reason of the transfer of commerce from American bottoms to British bottoms, and the like. Indeed the scope of his claims was so large that he himself shrank from any attempt to compute them. They constitute what afterward were called "the indirect claims." They were so enormous in their amount, that Great Britain refused to submit them to any tribunal whatever and we ourselves in effect abandoned them. By what hook or by what crook, by what devious ways, we came to the abandonment is in the recollection of us all; but we know that we did abandon them; we know that we jumped at the decision of the Geneva tribunal that they were not admissible; we seized it eagerly to get out of that strait.

Mr. EDMUNDS. Does the Senator mean to say that we seized that opportunity eagerly, or that he did?

Mr. THURMAN. I never thought there was but one ground to stand on, and the Senator knows that I asserted that.

Mr. EDMUNDS. I have not any right to know anything on the subject.

Mr. THURMAN. I had no jumping to do. The Government came up exactly to where I stood; not on account of any respect they had for me, but on account of the force that reason has even over minds that sometimes are not entirely disposed to follow its dictates.

Mr. EDMUNDS. The Government came down, the Senator means.

Mr. THURMAN. Well, Mr. President, that was the objection. I was endeavoring to show that the Johnson-Stanley treaty and the subsequent Johnson-Clarendon treaty both recognized these as claims of individual citizens or American companies upon the British government. What followed? That treaty was rejected, and all negotiation was at an end. What then did the President of the United States do in order to bring Great Britain once more to consider this subject? In his annual message in 1870 he distinctly proposed that Congress should pay these American citizens their losses, and thus, to use his own language, become the owners of these private claims, that it might prosecute them as claims of the United States belonging to the Government of the United States. That language will perhaps bear repetition. In his annual message of December 5, 1870, the President said:

> I regret to say that no conclusion has been reached for the adjustment of the claims against Great Britain, growing out of the course adopted by that government during the rebellion. The cabinet of London, so far as its views have been expressed does not appear to be willing to concede that Her Majesty's government was guilty of any negligence, or did or permitted any act during the war by which the United States has just cause of complaint. Our firm and unalterable convictions are directly the reverse. I therefore recommend to Congress to authorize the appointment of a commission to take proof of the amounts and the ownership of these several claims, on notice to the representative of Her Majesty at Washington, and that authority be given for the settlement of these claims by the United States, so that the Government shall have the ownership of the private claims as well as the responsible control of all the demands against Great Britain.
>
> It cannot be necessary to add that whenever Her Majesty's government shall entertain a desire for a full and friendly adjustment of these claims, the United States will enter upon their consideration, with an earnest desire for a conclusion consistent with the honor and dignity of both nations.

There the President not only recognized these as private claims against Great Britain, but recognized them as claims which the Government of the United States would do well to purchase, and thus become the owner of them, and assert them as national claims in connection with the other national claims which he thought the Government had a right to assert. That intimation to Great Britain was no doubt the cause of the treaty that was afterward negotiated at Washington. It brought about that treaty. And now let me call your attention to that treaty, for, as was well said by the Senator from New York, we need not go further than the treaty and the adjudication.

The Senator from Vermont argues, bear it in mind—the whole of his argument is based upon the proposition—that these were legal captures by the confederates, and that Great Britain was an ally of the confederates, and therefore, as there was no responsibility on the part of the confederate government there was no responsibility to individuals on the part of her ally, the British Government. That is directly the opposite of an assertion of responsibility on the part of Great Britain as a neutral nation. As I have said before—and I beg the Senate to remember it—we had the right either to treat Great Britain as hostile to us and make war with her, or to treat her as a neutral violating her neutral obligations. I have shown that we did treat her as a neutral up to the time of this treaty, and now I proceed to show that it was entirely on the foundation of her neutrality that this indemnity was obtained.

Mr. EDMUNDS. May I ask the Senator a question?

Mr. THURMAN. Yes, sir.

Mr. EDMUNDS. I wish he would tell the Senate, for my information, what a neutral is at the moment she is violating her neutral obligations—what her character is at that moment.

Mr. THURMAN. I am really so dull that I cannot comprehend such a question as that. If the Senator does not know what a neutral nation is, I certainly am not here to teach him.

Mr. EDMUNDS. Very good.

Mr. THURMAN. I would advise him to go back to his books if that is the dense state of his ignorance.

Mr. EDMUNDS. Very well. That is a very satisfactory answer to me; the best one that the Senator can make, no doubt.

Mr. THURMAN. The first article of the treaty recites:

> Whereas differences have arisen between the Government of the United States and the Government of Her Britannic Majesty, and still exist, growing out of the acts committed by the several vessels which have given rise to the claims generically known as the Alabama claims; and whereas Her Britannic Majesty has authorized her high commissioners and plenipotentiaries to express, in a friendly spirit, the regret felt by Her Majesty's government for the escape, under whatever circumstances, of the Alabama and other vessels from British ports, and for the depredations committed by those vessels.

That was the acknowledgment which satisfied us. Mark, it is not a regret that Great Britain was an ally of the confederates; it is not a regret that Great Britain was accessory before the fact to the war carried on against the United States by the confederate forces; it is not a regret that Great Britain was a belligerent; but it is a regret that these vessels escaped from the British ports. That is the regret, and that satisfied us all; we ratified the treaty; that saved our honor, atoned for our wounded feelings. Then comes the provision that this matter shall be submitted to arbitration; and now comes the sixth article of the treaty, an article upon which the award was made, an article that was devised in order to enable Great Britain to pay us money, an article that was devised in order that there might be a judgment against Great Britain and thereby settle these claims forever, and prevent war between the countries. Everybody must have felt that it was so. This is the article which contains the celebrated three rules. Great Britain denied that they were rules of international law. We did not assert that they were rules of international law, I believe; but if we did, Great Britain never acknowledged that they were rules of international law. If Great Britain had stood by what she claimed to be international law, she never would have admitted these rules at all, but would have insisted that by international law she was not responsible. Why, then, was it that Great Britain agreed to these rules and agreed that they should be retroactive? Because she knew that it behooved her to have this matter settled, and

settled before it was too late; and thereby she was willing to make a law *pro hac vice*—that is it; she was willing to make a law for this particular case and have the case adjudicated upon that law *pro hac vice*, in order that she might not be held to have violated international law, but that there might be certain rules adopted that would enable a tribunal to give judgment against her. That is the real truth of that whole businsss. What are these rules?

I am sorry to disturb the Senator from Pennsylvania; though I do not know that I ought to object to letting the Senate talk as much as it pleases. This is only a matter of four or five millions that belongs to some one or other American citizen.

Mr. CONKLING. More than four or five.

Mr. THURMAN. Yes; the whole amount is seventeen or eighteen millions. The Senate is bound to act upon it judicially, and render a just and true judgment in the case. Three-fourths of the Senators are away, and when the case comes to be decided they will come in here without having heard a word of the argument on either side, and some one will inquire, "How does this committee vote?" another, "How does Jones vote?" another, "How does Smith vote?" another, "How does Tom vote?" and so they will follow, some the committee, some Jones, some Smith, some Tom, and so on, and they will decide this question, and that will be the way in which justice will be administered by the Senate of the United States.

Mr. CAMERON. The Senator from Ohio had a right to reprimand. I ought not to have spoken so loud, but I was about going away and I was endeavoring to get a pair. Perhaps the Senator himself will pair off with me on the currency bill.

Mr. THURMAN. The Senator will have to tell me what currency bill it is. I have not read it. I have such high respect for the good sense of the Senator from Pennsylvania that I am quite sure he will agree with me before we get through on something or other.

Now, what is article 6 of this treaty?

In deciding the matters submitted to the arbitrators, they shall be governed by the following three rules, which are agreed upon by the high contracting parties as rules to be taken as applicable to the case, and by such principles of international law not inconsistent therewith—

That is, not inconsistent with these rules—

as the arbitrators shall determine to have been applicable to the case.

RULES.

A neutral government is bound—

What was the use of talking about what bound a neutral government if Great Britain was an ally of the confederacy and not neutral at all, as the Senator from Vermont would now have us to believe? What was the use of talking about the rules that govern neutral obligations?

RULES.

A neutral government is bound—

First, to use due diligence to prevent the fitting out, arming, or equipping within its jurisdiction, of any vessel which it has reasonable ground to believe is intended to cruise or to carry on war against a power with which it is at peace—

That is one of the rules that stuck Great Britain in damages, to use a familiar phrase. She was a power at peace with the United States, a neutral power, and therefore bound to use due diligence to prevent this fiting out, arming, and equipping of vessels within her jurisdiction intended to operate against us—

and also to use like diligence to prevent the departure from its jurisdiction of any vessel intended to cruise or carry on war as above, such vessel having been specially adapted, in whole or in part, within such jurisdiction, to warlike use.

Secondly, not to permit or suffer either belligerent to make use of its ports or waters as the base of naval operations against the other, or for the purpose of the renewal or augmentation of military supplies or arms, or the recruitment of men.

Thirdly, to exercise due diligence in its own ports and waters, and, as to all persons within its jurisdiction, to prevent any violation of the foregoing obligations and duties.

Those were the three rules. They are all rules that appertain, as the treaty declares, to a neutral nation, to a nation at peace with the United States. Then what took place? Thereupon the Geneva tribunal met. I hold in my hand the American case, the case which according to the terms of that treaty was to be submitted by our Government to the tribunal. What is the claim that is made in that American case? That Great Britain was an ally of the confederacy? That she was an accessory? No, sir; not one word of any such thing. There are in the first place sixteen pages taken up under the title, "The unfriendly course pursued by Great Britain toward the United States from the outbreak to the close of the insurrection." That is the preliminary matter; it is what if you look into the old law-books of England you will find styled "aggravating the case." Every lawyer knows how he will find in the old reports, in a criminal case especially, "and thereupon Her Majesty's solicitor addressed the jury and aggravated the case." [Laughter.] So here our solicitors began by aggravating the case. They began by showing that Great Britain had been unfriendly, as they alleged, toward the United States. But for what? Did they assert that as a distinct and substantive ground of claim upon her? Not one word of it. Did they claim damages for that? No, sir; but that introductory matter showing her unfriendliness to us was simply to give interpretation to the testimony they would afterward offer in respect to her negligence, to make it probable upon the facts afterward stated that she had connived at the escape of these vessels, or had omitted to do what as a neutral she was bound to do. That was all; because here were her acts which if they had taken place in a country whose government was warmly our friend might bear one interpretation, and if they took place in the jurisdiction of a government that was not friendly to us might well bear another interpretation; and it was therefore for the purpose of stating what may be called the surrounding circumstances, so that the tribunal could judge what weight to be given to the evidence which was afterward to be adduced, that these sixteen pages are taken up with showing that Great Britain was not friendly to us.

What then follow? Then follow one hundred and thirty-nine pages, under what title? "Wherein Great Britain failed to perform its duties as a neutral." That is the whole of it; that is the whole case. Here is the introduction put there for the reason I have stated, and then comes the statement, and the whole of it, from beginning to end, is a statement that she has not discharged the duties of a neutral. Not a word of this idea which the Senator from Vermont now asserts, that she was an ally of the confederacy, and that therefore, this being a case of belligerent capture, she was not liable. I might cite any quantity of documents to the same effect, but I need not do it. You well remember that after the case was put in, then the arguments were put in after a lapse of five months, and the whole of our argument was the same way, that Great Britain had failed to discharge her neutral obligations. And now I come to the judgment.

Mr. HOWE. Has the Senator before him the preliminary award which the arbitrators made that was so much spoken of at the time as to the "consequential damages?"

Mr. THURMAN. Yes, sir; I have here in these protocols every word of it. It might take me some time to turn to it.

Mr. HOWE. I do not wish to embarrass the course of the Senator's argument, but I have not looked at that since it occurred.

Mr. THURMAN. I have shown what the treaty was and that it rested solely upon the idea that Great Britain might have failed to discharge her neutral obligations. I have shown that that was what we alleged against her in the case that we filed with the tribunal. I have shown that those were the arguments that were made in our arguments which we filed there, and nothing else, and now I come to the judgment. I read from the Government translation. The tribunal decided in regard to each vessel by itself. After reciting that the treaty was made and that certain persons were appointed arbitrators, and that they organized and that the agents of the parties appeared, and stating the usual verification of their credentials, it then goes on to state the delivery of the case and counter-case and the arguments and the deliberation of the tribunal, and proceeds as follows:

The tribunal has arrived at the decision embodied in the present award.

Then comes the award.

Whereas, having regard to the sixth and seventh articles of the said treaty, the arbitrators are bound under the terms of the said sixth article, "in deciding the matters submitted to them, to be governed by the three rules therein specified—

These are the rules I have read as to the duties of a neutral—

and by such principles of international law, not inconsistent therewith, as the arbitrators shall determine to have been applicable to the case;" and whereas the "due diligence" referred to in the first and third of the said rules ought to be exercised by neutral governments in exact proportion to the risks to which either of the belligerents may be exposed, from a failure to fulfill the obligations of neutrality on their part; and whereas the circumstances out of which the facts constituting the subject-matter of the present controversy arose were of a nature to call for the exercise on the part of Her Britannic Majesty's government of all possible solicitude for the observance of the rights and the duties involved in the proclamation of neutrality issued by Her Majesty on the 13th day of May, 1861; and whereas the effects of a violation of neutrality committed by means of the construction, equipment, and armament of a vessel are not done away with by any commission which the government of the belligerent power, benefited by the violation of neutrality, may afterward have granted to that vessel; and the ultimate step, by which the offense is completed, cannot be admissible as a ground for the absolution of the offender, nor can the consummation of his fraud become the means of establishing his innocence—

It seems as if the tribunal had anticipated the argument of the Senator from Vermont, for this recital is a complete answer to it—

and whereas the privilege of exterritoriality accorded to vessels of war has been admitted into the law of nations, not as an absolute right, but solely as a proceeding founded on the principle of courtesy and mutual deference between different nations, and therefore can never be appealed to for the protection of acts done in violation of neutrality; and whereas the absence of a previous notice cannot be regarded as a failure in any consideration required by the law of nations, in those cases in which a vessel carries with it its own condemnation; and whereas, in order to impart to any supplies of coal a character inconsistent with the second rule—

That is, the rule of the treaty—

prohibiting the use of neutral ports or waters as a base of naval operations for a belligerent, it is necessary that the said supplies should be connected with special circumstances of time, or persons, or of place, which may combine to give them such character; and whereas with respect to the vessel called the Alabama it clearly results from all the facts relative to the construction of the ship at first designated by the number "290" in the port of Liverpool, and its equipment and armament in the vicinity of Terceira through the agency of the vessels called the Agrippina and the Bahama, dispatched from Great Britain to that end, that the British government failed to use due diligence in the performance of its neutral obligations; and especially that it omitted, notwithstanding the warnings and official representations made by the diplomatic agents of the United States during the construction of the said number "290," to take in due time any effective measures of prevention, and that those orders which it did give at last for the detention of the vessel were issued so late that their execution was not practicable; and whereas, after the escape of that vessel, the measures taken for its pursuit and arrest were so imperfect as to lead to no result, and therefore cannot be considered sufficient to release Great Britain from the responsibility already incurred; and whereas, in despite of the violations of the neutrality of Great Britain committed by the "290," this same vessel, later known as the confederate cruiser Alabama, was on several occasions freely admitted into the ports of colonies of Great Britain, instead of being proceeded against as it ought to have been in any and every port within British jurisdiction in which it might have been found; and whereas the government of Her Britannic Majesty cannot justify itself for a failure in due diligence on the plea of insufficiency of the legal means of action which it possessed—

You will remember that the British government set up that the municipal statutes of Great Britain were not sufficient. The arbitrators say that is your own fault.

Four of the arbitrators for the reasons above assigned, and the fifth for reasons separately assigned by him, are of opinion that Great Britain has in this case failed, by omission, to fulfill the duties prescribed in the first and the third of the rules established by the sixth article of the treaty of Washington.

Not for acts done as an ally, not for acts done as an accessory, not for positive acts at all, not for acts of commission, but simply for acts of omission they held her responsible; and yet the Senator from Vermont argues here as if our claims against Great Britain were not an indemnity awarded to us against her for violations of her duty as a neutral. After having obtained this money upon the ground that our citizens had rights of reclamation against her which we asserted and upon which the award was made, when we have got the money, and got it upon the foundation of these private rights, and upon nothing else under the heavens than these private rights, without one single public right entering into that award, the United States herself being compelled as a mere ship-owner to undertake to pay a few hundred thousand dollars for vessels that belonged to the Government that were seized by these cruisers, putting her on the footing simply of a ship-owner—after the award has thus been made, and on the private rights of these citizens, and this money has been paid, we are told by the Judiciary Committee that it is money that belongs to the United States to do with whatever it pleases to do! I am utterly unable to understand any such reasoning as that.

But is it true that the award was made in respect of these claims? There is nothing more clearly susceptible of proof in this world than that. There were different claims that were made we all know. The United States asserted in its case that Great Britain was answerable to us for various matters, which were afterward called the indirect claims. What were they? They were the increased cost of the war; that was one, and one of the greatest; second, the transfer of American commerce from American to British bottoms; third, the enhanced price of insurance, or what is now familiarly called war premiums. Those were the three principal items of the matters that were claimed as the indirect or consequential damages. We know that the arbitration came near failing because Great Britain would not assent to submit them at all. How was the difficulty got rid of?

But before referring to that I ought to speak of another thing. Pending that dead-lock what was done? Our minister at London, General Schenck, sent to us a proposition which he said if agreed to by the United States would remove the difficulty, and that was that we should abandon those claims in consideration of the establishment of a fourth rule of neutral obligation. I can speak of that now, because, although it was in executive session, the injunction of secrecy must have been removed, for I find it here in the published documents. What did we do? We amended that in the Senate, and proposed that in a certain form we would agree to it.

Mr. EDMUNDS. Is the Senator quite sure that the injunction of secrecy has been removed from the matter he is now discussing?

Mr. THURMAN. I am not; but it is here in these public documents, which were not printed in confidence.

Mr. EDMUNDS. But those documents were not printed by the Senate.

Mr. THURMAN. I speak of documents then that are published by the Government; and I will assume that something of that kind took place.

Mr. EDMUNDS. I do not make any objection, except for the regularity of procedure; but I do not remember of the injunction of secrecy on that topic having been removed.

Mr. THURMAN. I do not remember it either; but it must have been. I intended to have looked it up, but finding it here in a published volume of the State Department sent abroad to the whole country and sent to every foreign legation, I take it that it is so; it must have been removed.

Mr. EDMUNDS. Is there any statement in that document as to what the Senate did or did not do?

Mr. THURMAN. Yes, sir. The injunction of secrecy must have been removed. I do not remember that it was, but it must have been; otherwise it would not be here.

Well, sir, we were willing to get out of that dead-lock. The pretext for it was a fourth rule; but we could not agree upon the rule. We would not agree to the rule of Great Britain, and she would not agree to ours; and therefore the dead-lock continued. What then took place? These arbitrators *obiter loquens*, as I may say, said to the counsel, "Whether the treaty covers these claims or whether it does not cover them; whether we have any jurisdiction over them or whether we have not jurisdiction over them, we decide against them." What then? Then said the Secretary of State, writing to our minister in England and writing to our agent at Geneva, "We never expected any money from these claims; we only inserted them in order to have a decision of the principles that ought to govern neutral nations and the liability of neutral nations; and now that the tribunal has decided the legal question, we are perfectly satisfied, and you may consider them as laid aside;" and therefore Mr. Bancroft Davis, our agent, announced to the tribunal that the Government of the United States would no longer press those claims, but would accept the decision of the tribunal as determinative of each and every one of them; and from that time forward those claims were excluded from the consideration of the tribunal. It then proceeded to take up vessel by vessel and consider the question of the direct loss to American citizens occasioned by the depredations of those vessels, and also the loss to the United States growing out of the destruction of two or three revenue-cutters and one or two small vessels.

I have before me in a public document a list of the claims that were filed before that tribunal just exactly as they were filed before it. It contains every one of the vessels that were lost and who it is that claims in respect of that loss; and it contains every one of the claims now asserted by the insurance companies without an exception. What did the tribunal do? It so happened in a few cases comparatively that the owners also asserted claims for the loss. The tribunal said, "We cannot pay twice for the same vessel;" and therefore they estimated the value of the vessel or the value of the goods lost, and rejected the double claim that was thus asserted. That was perfectly right. It was so manifestly right that there was no contest about it, that these double claims ought to be eliminated. In fact, our counsel there apologized for the fact that there was any such thing as double claims, and said they had tried to eliminate them as far as they were able to do. The question was, what is the amount of the loss, and not the question of whether A B was to be paid or C D.

Now, what are these claims? Let me show the Senate, taking one of them as an instance, how they were presented to that tribunal. I have already shown you the case of the Brilliant, which was the first case of an insurance company filing a claim in the Department of State here to be laid before the British government. There were afterward other claims on account of that vessel, and here is the way they were laid before that tribunal:

Ship Brilliant, of New York: 839 21-95 tons burden. George Hagar, master. Owners: Joshua Atkins and Edwin Atkins, copartners, Brooklyn, together with George Hagar. Sailed from New York on the 13th of September, 1862, with a cargo of grain, flour, &c., bound to London, Great Britain. On the 3d of October, 1862, in latitude 40° north, longitude 50° 30′ west, was captured and burned by the Alabama.

Total claims filed, $125,212.83.

CLAIMS.

Owners:	
Loss of vessels	$75,000 00
Loss of freight, (£3,415 9s. 8d.)	16,531 03
	91,531 03
Atlantic Mutual Insurance Company, of New York:	
Insurers on freight—money for J. Atkins & Co	18,000 00
New York Mutual Insurance Company:	
Insurers on vessel	9,245 00
Union Mutual Insurance Company, Philadelphia:	
Insurers on cargo for Lehigh Zinc Company	1,975 00
George Hagar, (master:)	
Loss on personal property, chronometer, &c	1,250 00
B. E. Clark & Co, New York:	
Loss on cargo	3,211 80

Then comes the list of papers. That is the evidence which proves these various claims. That is a specimen of them. That is the way in which they were made up. The owner, if the insurance did not cover his loss, claimed for the balance of the value of the vessel; the insurance company claimed for the amount they had paid; the master claimed for his personal losses; the owner of the freight claimed for the value of the freight that was not insured; if it was insured, the underwriter claimed for it; and so it was to the end of the chapter in each one of these cases, and in every single instance it is shown who it was that preferred the claim.

Then, when we come to the end of this document, there is a summary of the amounts claimed. Here is the revised summary. There was claimed on account of destruction by the Alabama, giving the name of every vessel so destroyed, $7,050,293.76; by the Boston so much; by the Chickamauga so much; by the Florida so much; by the Clarence so much; by the Tacony so much; by the Georgia so much; by the Jeff. Davis so much; by the Nashville so much; by the Retribution so much; by the Sallie so much; by the Shenandoah so much; by the Sumter so much; by the Tallahassee so much; and then comes a recapitulation, making, $19,782,917.60; miscellaneous $479,033; increased insurance $5,146,219.71; making a total aggregate of $26,408,170.31. That was the claim. Thereupon an estimate was made by Mr. Staempfli, one of the arbitrators, at the request of the arbitration. Of course this claim for increased insurance or war premiums was thrown out at once, and he reduced the amount until it was brought down to fourteen million and something. The British made it between seven and eight million. Mr. Staempfli came to the conclusion that it ought to be about $12,000,000.

Mr. HOWE. Did you not say that Staempfli's estimate was $14,000,000?

Mr. THURMAN. No.

Mr. HOWE. Whose estimate was it that made it $14,000,000?

Mr. THURMAN. Ours after they had eliminated the items that were disallowed. That left our own estimate $14,000,000. We claimed $26,000,000, but they eliminated from that one item and another; for instance "increased insurance" at one fell swoop took away $6,000,000; and then our claim for $25,000,000, you recollect, included various vessels for which they did not allow us anything; so that they brought us down upon our own showing to fourteen million and something. The committee of the board of trade employed by the British gov-

ernment reduced it $7,300,000, and then afterward upon further proof being brought in increased it to $7,600,000. Mr. Staempfli estimated that it ought to be $12,000,000, and then proceeded to calculate what it would be at 7 per cent., 6 per cent., and 5 per cent. interest, and so on. Finally the tribunal arrived at the conclusion to award $15,500,000. It does not matter at all what was the rate of interest that entered into that. Sir Alexander Cockburn said they allowed interest at the rate of 6 per cent. If he is correct in that statement, then they must have settled upon the principal sum of $10,000,000 or thereabouts. It was asserted here I think, and said to be upon the authority of one of the arbitrators, though how he knew I do not know, that the rate of interest allowed was less than that, and that they must have taken the estimate of Staempfli, $12,000,000, and adopted a less rate of interest; but that does not matter one way or the other. Here is the fact that stares you right in the face, that every dollar that was awarded, except about $200,000 that the Government of the United States had a right to by reason of the destruction of some revenue cutters, and one or two other little vessels, was awarded in respect of these private claims, and of those private claims between $4,000,000 and $5,000,000 of them were owned by insurance companies—owned, to use the language of Judge Cowen, by as good a title as any man could own his farm conveyed to him by a proper deed; and now the question is whether, having obtained this money on the foundation of these private claims, and the law being that the claims upon which these $4,000,000 or $5,000,000 were obtained were the absolute property of these underwriters, just as much their property as the coat on your back is your property, the United States shall turn around and say: "We were not your agent; we were not a paternal Government taking care of its people; on the contrary, on the foundation of your right, on the foundation of your loss, on the foundation of your property, we have obtained by the highest tribunal that ever sat in the world an award against Great Britain which she has honestly paid; and now we will take the proceeds of that award and do with it what we please." Sir, for one, I never can agree to do any such thing.

As I said in the opening, I have no interest in this matter, nor have my constituents to the value of a single cent, except one constituent whose interests are adverse to these insurance companies; but, Mr. President, I have not assisted in an humble way to administer the law for now nearly forty years without having acquired some respect for its precepts and some regard for its observance, and I cannot see my own Government set an example of violation of law and utter disregard of its plainest principles, as in my humble judgment this bill does, without raising my voice to protest against it.

Mr. BAYARD. Mr. President, it would be entirely a work of supererogation to continue an argument upon the same line with the honorable Senator from Ohio. He has stated so exhaustively the law as applied to these insurance claims, that it would be but a work of feeble repetition for me to follow in his track on that subject. I can only say that I indorse very heartily the closing words of his speech. It does seem to me that there are two wrongs which would result from retaining in this bill the language which he has proposed to strike out. The first would be a wrong to the meritorious class of our own citizens, whose legal rights to this fund have been thoroughly demonstrated by the Senator from Ohio; the other wrong would be not to this small class of our people alone, not merely to the individual stockholders in these insurance companies under whose name a meritorious, lawful, favorite branch of legitimate business has been transacted, but to the whole American people, by proposing what I must consider a clear and flagrant breach of trust. This money came into the Treasury for a certain specified purpose. It was received by the officials of the United States and deposited in the public Treasury for certain uses only. We obtained it on the ground of certain claims, and we are not at liberty to deny now that those claims did exist, which we averred and which we made the basis of our recovery from the government of Great Britain.

After the confirmation of the treaty at Washington in 1871, the State Department called upon all of our citizens having claims known generically as the Alabama claims, to present them to the Department of State. They did present them, and they were in turn forwarded to our agents for presentation abroad to the arbitration at Geneva. Where was there an intimation from any officer of our Government that insurance claims were to be excluded? My friend from Ohio has handed me the form in which these claims were called for by the Government of the United States. It is as follows:

DEPARTMENT OF STATE,
Washington, September —, 1871.

SIR: I have to acknowledge the receipt of your letter of the — instant, and its inclosures.

In reply, I inclose a copy of the treaty concluded with Great Britain on the 8th of May last and general instructions as to the proof of claims prepared for the use of claimants in the absence of rules by the tribunal which may pass upon the claims.

In the absence of rules and in anticipation of the action of the tribunal, this Department can not assume to determine what claims it may or may not be proper to prefer under the first eleven articles of the treaty, nor to direct what form or extent of proof will be necessary to establish them, nor the effect of insurance upon the question of right to compensation. It will present to the tribunal at Geneva, to be taken into account in estimating the sum to be paid to the United States, all "claims growing out of the acts committed by the several vessels which have given rise to the claims generically known as the Alabama claims," which may be presented to the Department in time to enable it to do so. Persons desiring to lodge claims in the Department for that purpose are requested to do so without delay, in such form and sustained by such proofs as they may be advised or think proper to rest their claims upon, as the time for presenting the case of the United States expires on the 16th day of December next.

I am, sir, very respectfully, your obedient servant,

——— ———
Secretary.

Thus it will be seen that the State Department called upon all of our citizens who had claims known as Alabama claims to present them. They were presented. Why was it that in the face of the known demand insurance companies and those whom they represented were not notified not to present their claims, for such would not be presented to the arbitrators nor would they be considered allowable? Having called upon our citizens to present these claims, which we received ourselves without discrimination as to whether they came from individuals who had suffered the losses or whether they came from those subrogated claimants who had paid the losses of others whom they had insured, having taken them all in bulk and presented them without discrimination to the tribunal of arbitration, for us now to say "We have received this money in the Treasury on account of these claims for these claimants, but we will raise a question which shall exclude them," it seems to me would be so plain and so clear a breach of honorable duty that if it had been proposed by an individual, there is not a court of equity in the country that would not instantly have remedied it. Most frankly I say the honor of this country will not permit one dollar of this money to remain in the Treasury of the United States so long as there remains due, unpaid, any of these debts which we ourselves have made the basis of claim.

If this defense did exist, it was the duty of the Government to have discriminated against these claims at the time it called for their presentation. It accepted them; they were presented under the call; they were sent forward to the tribunal of arbitration under the inspection and auspices of the Government; the money was recovered by the Government to pay these claims, and we cannot honorably make any other disposition of this money than to execute the trust which is contained within the facts which I have stated. There cannot be any special pleading to relieve it. If there is a distinction drawn, depend upon it it is sophistical. There is a sound, simple, clear, honorable obligation upon the Government of the United States to use this money for, and only for, the purposes for which they claimed it, and for which it was paid. It would stain the hand of an honorable man to keep one dollar of that money if he had received it in his private capacity, and refuse to pay it to those who were the *cestui que trusts*, as are all the citizens whose claims were presented by the Government and allowed by the tribunal, or made the basis of their allowance against the government of Great Britain. Nothing that I have seen, nothing that I have heard, (and I have listened attentively, and I have read somewhat excursively on the subject,) affords the least loop-hole of escape from the results which I have simply stated. The Government of the United States paying all of these claims, including the insurance claims, will simply be executing the trust which it has proposed for itself through its own laws, through the treaty, and through its own officers.

Mr. President, the contract of insurance is certainly meritorious. It certainly is to be encouraged. As has been said here, and as was said a year ago by myself and by others, the system of insurance and underwriting, whereby the average of loss can be spread over a large body of capital instead of being concentrated upon a small portion of capital, is essential to every commercial country. It is a favorite contract with the law, favored by the civil law, favored by statute, favored by courts in its application to the principles of law. There is no doubt of the complete and thorough subrogation of the insurer to the rights of the assured.

Now, let me illustrate the perfect inequality, not to say the absurdity, of saying that you will not pay the loss by an assurer when you pay a similar loss to one who has assured himself. We will take the case, which is very frequent, of men engaged in commerce upon a large scale resolving to insure themselves. It is the constant custom with men whose operations are upon a sufficient scale to justify the creation of those averages upon which all doctrines of insurance are based. It may not be improper to mention that Mr. Astor, of New York, who owns dwelling-houses and other structures by hundreds, insures himself, and by the saving of the premiums of insurance has a fund that replaces his losses by the accidents of fire. So we know the same habit exists among those who are largely engaged in the commercial marine. They follow the same plan of self-assurance. Now, let us take a case. A merchant during the late war sends out eight adventures. He insures none. He thinks the war premium is too high, and that by saving it in those cases he will be the gainer in the long run. He makes eight successful voyages. He has paid no premium. His merchandise has been enhanced of course by the risk it has run, and he has grown rich by the result. On the ninth voyage his vessel is captured and destroyed by one of these confederate cruisers. Learning by experience, he insures for the tenth voyage, and that again is unfortunate, and the tenth adventure is destroyed by a cruiser. Now come the claims of the two. The merchant has one claim in his own right for the destruction of a ship and cargo. The insurer who has paid him the loss on the tenth adventure is subrogated to his rights for a ship and cargo, and both of these are presented under the auspices of the American Government duly and formally to the tribunal of arbitration at Geneva, and they allow both. Why should they not allow both? The loss in the ninth case

which I have stated was to an individual, the merchant; the loss in the tenth case was to another class of citizens who owned the capital stock of the insurance company that insured him and paid the loss when it occurred. Where is the merit of one claim beyond the other? Where is the impolicy of paying both claims or placing both upon an equality? Surely the discrimination is unreasonable; it is fine-drawn; it is unfair; and before any such discrimination can be made you must show that insurance in time of war is an immoral, impolitic contract under the laws of the country. Until that is done, the moral right, the legal right, the equitable right of the company and of the stockholders who form that company, whose capital is embarked in that company, to repayment for their loss, stands on grounds just as secure, just as recognizable in law or in equity as does the claim of the original claimant himself. No such distinction is known as will admit the one and exclude the other.

Why, then, is it raised in the present case? I have heard of nothing that justifies it; I have heard no suggestion that warrants it. I cannot, for my own part, imagine the objection to it. I have thought that perhaps, as profit was not intended to be made, it might not be inequitable to say that the war premium in each identical case of loss having been paid to the insurer should be deducted from his claim in the case of each individual loss; but not that his whole business in matters in no wise connected with this transaction, should be brought into court, and you should sit and balance his profit and his loss between himself and other parties where no question has ever been made and where no loss has ever occurred. Suppose the war premium to amount to 10 per cent., and upon an insurance of $10,000 the person who insures has paid $1,000 of premium; that the insurance company has received. The loss takes place. They pay him the full amount of the policy, $10,000. Now, if you pay the insurer $9,000, the other 90 per cent., he is made whole again; and I can understand that in our claim, by the very nature of our claims upon Great Britain before this arbitration, it was intended simply to reimburse our citizens, and not that they should make profit by the transaction. If, therefore, of the 100 per cent. of the loss 10 per cent. has been received by way of premium and 90 per cent. is then added by way of payment for the loss, the insurer is made whole; the insured has been made whole by the payment of the loss before. Therefore I should not object upon that doctrine of equal reimbursement for all of his outlay and the exclusion of gain in the transaction that in each identical case of a loss by these confederate cruisers the war premium in that case, which had already been received by the insurer, should be charged against him, and he should be allowed to receive the remaining per centum, 90 or 95 per cent. as the case might be, upon the whole amount. I can understand in that the ground of equity based upon the meaning and the purview of this treaty, which was simply reimbursement for loss, and not a gain upon the adventure in which the loss occurred.

But, Mr. President, this being so, I will never by my vote signify that there has been anything unlawful, unworthy, dishonorable, or impolitic in the contract of insurance by which these companies took risks upon the property of their fellow-citizens during the last war. Commerce was to be encouraged. Perhaps it was more necessary, and perhaps the contract of insurance became a more meritorious contract during the war than in times of peace. It was not every company that could embark in it. Supplies were more necessary for this Government then than ever before, and we all know the vast amounts of warlike supplies that were drawn from the kingdom of Great Britain by the United States during the war. Perhaps upon that very class of risks these war premiums were charged, and they were incurred for the benefit of American commerce and of the American people at a time when they most especially needed them; and I for one would be unwilling now by this afterthought to suggest the illegality or something that was wrong in a contract which on the contrary I consider is so much to be encouraged.

Then again as to the broader question of the honor of the country, I say distinctly that in my view not one dollar of this money can remain in the Federal Treasury after the dismissal of these claims. If by the frame of this bill it shall be so provided that any money that shall remain in the Treasury because we refuse to pay those claims upon which we obtained it, or if we divert it from those claims and pay others not included in those upon whose basis we obtained this money, I shall move an amendment that that money be paid back again to the kingdom of Great Britain. We cannot, as an honorable people, obtain money under false pretenses. We cannot retain money under false pretenses. We obtained this money to repay certain losses which we specified ourselves, and if we do not appropriate the money to those ends, we have no right to hold it for any other purpose, and we are bound in honor to return it. It was only paid for the losses which these proceedings and the finding of the arbitration set forth. If we do not apply it to them, we must return it to the nation that paid it. The honor of the American people will not permit profit from money paid in good faith and in honorable observance of treaty stipulations by a friendly power under an agreement of arbitration; and what a commentary it would be when we have all felt the sublimity of this appeal to reason, to justice, to law, and not to brute force, when almost for the first time in the history of the world methods of peace have been resorted to instead of war—what a commentary would it be that the high rules of honor which accompany acts of war should be forgotten when we come to the equally high methods of obtaining reparation through peaceful means! No, Mr. President, the honor of a nation should be as delicate as the honor of a single individual. A nation cannot transgress the rules of morality more than a man. It is equally amenable in the courts of conscience; and neither the multitude of its people nor the complexity of its laws can shake it from the obligations of that simple good faith required alike in the dealings of men and in the dealings of great peoples. This money is ours in trust and only in trust. We cannot profit by it. It was not given to stay in the Treasury of the United States; it must be applied to the purposes for which the arbitration designed it, or it must be returned to the power that paid it; and we cannot exclude this class of claimants in whose name we presented our demands and in whose name and for whose use this money was paid to us. If we had intended to exclude the insurance companies, it should have been done when we called on our citizens to present their claims to us. Had we meant to signify that they were not upon the same level of conscience, of right, and of equity as other classes of our citizens, we should have said so then. We did not say so, and we are estopped now from saying so. We cannot exclude them without injustice to them and without dishonor to our Government, and I am willing to do neither. But I hope the trust will be executed precisely as the treaty made it, as every one knew it was intended to be made; and believing that we are so bound, I shall vote most cheerfully for the amendment of the Senator from Ohio.

Mr. MORTON. Mr. President, I desire to ask the Senator from Vermont a question which has presented itself to my mind under the eleventh section of this bill. I do not know that my attention was called to it when the bill was before the Senate on a former occasion. I did not hear much of the discussion then; I followed the committee in my votes upon the bill, if this is the same bill.

Mr. EDMUNDS. The same bill exactly, with the mere changes of phraseology made necessary from the fact that the money is now in the Treasury, and when we passed the bill before it was not.

Mr. MORTON. The Senator from Vermont in his remarks on Friday, in which he laid down the general principles upon which this bill is predicated, took the ground, as I remember his speech—I have it here but have not had time to read it—that this award was the property of the United States; that it was not a special fund held in trust by the Government and to be administered by the Government for the benefit of the particular persons whose property was destroyed by those cruisers for which the government of Great Britain was responsible, that it is a general fund like any other sum of money belonging to the Government of the United States and to be administered by Congress in its discretion. Do I state the principle correctly?

Mr. EDMUNDS. Reasonably so.

Mr. MORTON. That is my recollection of the Senator's statement. If that is it, I wish to inquire of the Senator upon what principle the distribution of this fund is confined to a particular class of claimants? The section reads thus:

> SEC. 11. That it shall be the duty of said court to receive and examine all claims admissible under this act that may be presented to it, directly resulting from damage caused by the so-called insurgent cruisers Alabama, Florida, and their tenders, and also all claims admissible under this act directly resulting from damage caused by the so-called insurgent cruiser Shenandoah, after her departure from Melbourne on the 18th day of February, 1865.

The distribution is to be confined to this class of claimants here specified. Now, I will take the case of the Shenandoah for illustration. What equity have those persons whose property was destroyed by the Shenandoah after she left Melbourne over those persons whose property was destroyed by the same vessel before she went to Melbourne? She was equally a confederate cruiser before and after, but at Melbourne her force was augmented by the British government. It is so found. If those persons whose property was destroyed by her after that time have no special claim, if they have no special equity, and this fund is to be distributed on proper principles of equity, I ask why you distinguish against those persons whose property that ship destroyed before she went to Melbourne? They were equally losers. Some of them were insured and some of them were not. The loss fell upon them as heavily and disastrously as upon those whose property was destroyed by the vessel after her force was augmented in Australia.

If I have made myself intelligible to my friend, I have accomplished all the purpose I have in these remarks. Putting it upon the ground that the persons whose property was destroyed by the Alabama, or by the Shenandoah after she left Melbourne, have no special equity, that this fund is not held in trust for them, that they are not legal or equitable claimants in any sense of the word whose claims could be recognized by a court of law or equity sitting upon the case, but that the fund belongs to the Government as much as any other sum of money and is to be distributed equitably, then I inquire why it shall not be given to those whose property was destroyed before as well as after, taking the case of the Shenandoah for illustration; and there were other confederate cruisers with which the British government had no connection at all that destroyed much American property and the equitable claims of the owners of which in that point of view are as strong as any others.

Mr. EDMUNDS. Mr. President, I do not speak for the committee at this moment, because their particular views and reasons for having the bill as it stands might not rest precisely on the same grounds as mine do; but I wish to say, if my friend from Indiana will pardon me

for saying it now, that the point he has raised is not precisely the one which is at present logically before the Senate. The present and precise question is whether we shall pay to the war insurance companies the value of property which they insured against destruction, when under the particular circumstances of the case they entered into that kind of business, speculative and honest to be sure, with a view of taking the chance of gain or loss on that subject. That is a different question.

Now, the question put to me respects what finally ought to be done with any balance of this fund after applying it to these direct instances where upon moral grounds, speaking for myself alone, I think it ought to go; and perhaps, upon moral grounds, when that part of it is disposed of, there might be strong reason for saying, as the Senator suggests, that you might go further. I put the right of these people for whom we do provide upon what are really moral grounds; that is to say, we have recovered a certain sum of money just as we would have recovered it by the sword when our time came but for the treaty, only we should have got more—a certain sum of money in respect to injuries done to our citizens. The injuries were done under such circumstances as it appears to me did not give those citizens a right in point of law—and when I say law I mean public law, I mean municipal law, I mean equitable law, I mean all those guiding rules which govern the intercourse of a government with its citizens, of obligations upon one side and right upon the other—did not give them a right in law to ask any indemnity whatever. But when you look at the fact that their vessels were the special objects of pursuit by these cruisers; and that they were destroyed by these cruisers in consequence of the aid that the government of Great Britain had given to those cruisers—putting it, as I say, upon the moral ground of extending as far as the Government can out of this recovery its aid to those extreme cases of special injury in respect to which we have been enabled to recover something, I think it right that these gentlemen who were the ship-owners should be paid.

Now, whether or not we can take a step further and say if anything is left of this fund that those whose property was destroyed by the Shenandoah before the augmentation of her armament and of her men at Melbourne, and by the same vessel fitted out in the same way, although the tribunal held that Great Britain had not aided the confederacy in respect to her in such a way as to be amenable to punishment for it, is a question that certainly deserves very serious consideration. I have thought of it a great deal myself, and it has been pressed with great ingenuity and great candor and with great ability, I must say, by a gentleman who I believe is not a lawyer, a constituent of the Senator from Ohio. When that question arises we must meet it in the best way we can in order to do justice and to maintain the peace on which government is founded and is carried on, that the Government cannot be made responsible without ruin to itself to make good to its citizens in all cases injuries which they receive from the warlike destruction of their property, because that would ruin any government and we cannot get on in that way. It goes beyond what government is instituted to do. Government is instituted to protect its citizens to the extent of its reasonable ability. It is not an absolute guarantor against invasion; it is not an absolute guarantor against the destruction of the property of its citizens on the high seas. It only endeavors, to the extent that the machinery of government will permit it to do, to protect the rights and property of its citizens against public enemies and against private violence such as the government is authorized to put down; and there is no question of that. But every citizen enters into society understanding those terms and subject to those limitations. He takes the chance of being the exposed one whose property is destroyed. So it has been held, as I shall state by and by, because I do not wish to occupy the time of the Senate with a general reply now; but if Senators will suspend their judgment it will appear by and by that a determination has been made by the highest tribunal in this nation, in a case that illustrates this idea that I am now speaking of perfectly, where the particular ship of a citizen in the war was captured, not destroyed—and it would make it much stronger even for these insurance companies where there was absolute destruction, which is the end of the thing, for there cannot be any *spes recuperandi* when the thing is gone.

The citizen's ship was captured by the public enemy; it was condemned in a prize court of the other belligerent, and was then recaptured by the naval forces of the United States—the very identical vessel in exactly the condition in which she was captured by the enemy's cruisers, and brought back into the ports of the United States. The citizen set up his claim. He said, "That is my ship; you were bound to protect me against the public enemy; the public enemy captured her; now you have got her back, as it was your duty to do if you could, and I want her." The Supreme Court of the United States say unanimously, and upon principles that are perfectly settled in public law—Senators who differ with me will pardon me for speaking so confidently on the subject—"Your right, Mr. A, was gone; we did the best we could to preserve your property, but the enemy captured it, and carried it away, and retained that firm possession of it which the law speaks of for twenty-four hours or more, so that your property was gone, and when it was recaptured it was exactly as if it had been the ship of a citizen of the public enemy against whom we were making war, and you have no right to it at all." Now, if we are to proceed upon these well-recognized and well-known principles of public law as being the guide of duty between the Government and the citizen, then, if Senators will suspend their judgment until we finish this discussion, we shall find, I am sure, in all candor, that there is no difficulty in the first instance in disposing of this question of the insurance companies. Then we shall only be met with the moral difficulty that my friend from Indiana suggests of saying how far we ought to go and where we ought to stop in respect to extending that material aid on moral ground to the circumstances of each particular case where there has been an actual loss. That, I admit, is a troublesome and a delicate question. One Senator might say the line ought to be here, and another there; but upon that point I beg the Senate to reserve the discussion until we reach it.

Mr. BOUTWELL. Mr. President, as I am not able in this case to follow the committee, as I should naturally desire to do, and am inclined also to sustain the amendment proposed by the Senator from Ohio, I will state briefly the reasons which influence me.

I cannot discover that the proceedings at Geneva followed rules of equity, but that on the other hand the award was made in conformity to principles of law which, if not before existing and generally recognized, were, for the purposes of that arbitration, incorporated in the treaty and governed the arbitrators in the decision that was reached. Therefore, following that precedent, I think in the disposition of the money adjudged due to the United States, if we are to distribute it at all, if it be not the property of the United States as a Government to be held in the Treasury for the uses of the Government we should follow the rules and principles of law; and therefore I think we should submit to a judicial tribunal, from which upon every question arising there may be an appeal to the Supreme Court of the United States, every claim which may be presented to that tribunal.

Following that statement, it seems to me that we should provide for the legal adjudication of every claim arising from the depredations of those vessels for which Great Britain was adjudged to be responsible. It seems to me that we should adopt that course, for two reasons which are quite apparent.

In the first place, if we here by the exercise of a power which by many persons interested and by persons not interested will be deemed an arbitrary exercise of power, exclude claimants from a judicial tribunal, and thereby their claims shall not be paid, none of us will live long enough to see the time when those claimants will not be besieging the doors of this House and the other for compensation for what they believe to be money improperly if not unjustly withheld by the Government of the United States.

Therefore as a matter of public convenience, and in the interest of general peace, I think that the tribunal which passes upon these claims should pass upon the rights of all those persons who believe themselves to have been wronged or to have suffered losses by the depredations of those vessels for which Great Britain has been adjudged responsible.

Further, Mr. President, I cannot look upon the award made at Geneva as an award made to the Government of the United States as a government, the proceeds to be applied to general purposes. I look upon it as a fund in trust held by the Government of the United States to compensate those persons who suffered by the wrongs of Great Britain according to the judgment of the tribunal at Geneva. If it be otherwise, if it be a principle of national and international law that a government can avail itself of a condition of things like that which has been the subject of negotiation and arbitration, then a government may take advantage of its own wrong. Having the capacity and the power and the right to conduct all affairs with other countries, it would be an easy thing possibly for a government to so manage its foreign affairs as to create a condition of things like that through which we have passed, and, by availing itself of wrongs inflicted upon its own citizens, accumulate money in the treasury for general purposes, which certainly would be at variance with every principle of law and with every theory of ethics.

I do not accept, therefore, the statement made by the Senator from Vermont on Friday last that this money is in the Treasury of the United States as other money is there, to be paid out as a matter of duty or a matter of generosity—I think he used both those words and did not state exactly what his opinion was. Now I am clear if this money is in the Treasury and there is a duty incumbent upon us to pay it, that duty we cannot resist. If it is in the Treasury and no such duty rests upon the Government of the United States, then I seek in vain for the rule or the reason for the exercise of any generosity.

I did not rise for the purpose of entering into the debate at large—I have not prepared myself for it, and I am not in a condition to do it—but to state the view I have, that we should deal with this fund as a trust fund, to be applied to the payment of all those claims that have arisen in consequence of the depredations committed by those vessels for which Great Britain was made responsible; and if the amount received from Great Britain is insufficient, of course they will receive a *pro rata* dividend; and if it be in excess, the balance, no doubt, belongs to the Government of the United States.

Mr. EDMUNDS. How so, if it is a trust?

Mr. BOUTWELL. It is a trust; and we administer the trust in good faith and pay all the beneficiaries; and under the treaty and by the award, I suppose, what is left must remain in the Treasury of the United States. I do not know that it can be got out, unless some person has a legal claim to receive it.

The PRESIDING OFFICER, (Mr. BUCKINGHAM in the chair.) The question is on the amendment proposed by the Senator from Ohio.

Mr. MORRILL, of Vermont. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. FRELINGHUYSEN. I understand that this amendment now is to make distribution to the insurance companies. That is the effect of it. The amendment is to so modify the bill as to admit the insurance companies to participate in this fund. Not only that, it is to admit insurance companies that made money out of the war to be indemnified out of this national fund. To be indemnified for what? To be indemnified for what they paid the assured, notwithstanding after making that statement they were enabled to make large dividends out of the war. We are to take this national fund and to pay it to insurance companies that made money out of the war, while no one else who suffered by the war receives any compensation or indemnity.

Mr. SCHURZ. Will the Senator from New Jersey permit me to make a suggestion?

Mr. FRELINGHUYSEN. Yes, sir.

Mr. SCHURZ. He is aware probably that two-thirds of the claims made by insurance companies, the aggregate of which amount to about $4,000,000, are made by mutual insurance companies, and it is a notorious fact that the mutual insurance companies consist of owners of vessels throughout. Will the Senator be kind enough to tell me how these mutual insurance companies who bore their own losses made money out of the war or war premiums?

Mr. FRELINGHUYSEN. I understand that this bill does not exclude any insurance company that sustained a loss, and that answers the Senator. The bill as it stands does not exclude any insurance company that lost money by its war risks. If the mutual insurance company lost, they are not excluded from participating by this bill.

Mr. SCHURZ. Unless I trouble the Senator——

Mr. FRELINGHUYSEN. I did not rise to make a speech. I will give the Senator any information I have. I would rather the Senator presented his views when he has the floor himself, however.

Mr. SCHURZ. Very well.

Mr. FRELINGHUYSEN. I was going on to say that I do not see how any one can claim that this is not a national fund. Surely the man who lost by having his vessel destroyed, the owner of the vessel or the merchant, had no claim against Great Britain. No such person could make a claim, for two reasons. In the first place, we have a statute that says no one shall; and in the next place, if there was no statute, the loss was an act of war; and just as well might the owner of the vessel or the merchant sue the confederates as sue Great Britain; just as well might every person who suffered from the war sue the confederates. It was an act of war, and the sufferers have no remedy.

Mr. SCHURZ rose.

Mr. FRELINGHUYSEN. Cannot my friend keep quiet?

Mr. SCHURZ. I want to put a question. The Senator says he does not see how it can be questioned that this is a national fund. Will he be kind enough to tell me for what, in consideration of what, the Geneva tribunal awarded that sum to us?

Mr. FRELINGHUYSEN. My friend asks a question which involves, if I should answer it—which I do not intend to do—a speech of half an hour. I do not intend to go into that question any further than this: I understand that the award was made to satisfy this nation, and that the award in express terms says that the tribunal allows a sum in gross. I understand that the Secretary of State sent express directions to our counsel in presenting this claim that they should so present it that this Government would be under no possible obligation to insured or insurers in the distribution of the fund, but that they should exercise a broad discretion as to what they should do with this national fund; and under these circumstances, the Government having protested beforehand that they were not to be bound by any presentation of this case so that this fund should belong to any individuals, those individuals cannot come forward when the award has been made in gross and say that it is their individual property.

Mr. SCHURZ. Where has the Government protested? I do not know of any protest.

Mr. FRELINGHUYSEN. In Mr. Fish's letter.

Mr. SCHURZ. To whom?

Mr. FRELINGHUYSEN. Mr. Fish's letter to our counsel.

Mr. SCHURZ. Was that letter made public?

Mr. FRELINGHUYSEN. Certainly.

Mr. SCHURZ. Before the tribunal? Never. The tribunal was entirely ignorant of that.

Mr. FRELINGHUYSEN. It was not a letter addressed to the tribunal.

Mr. THURMAN. Will the Senator allow me to interrupt him a moment?

Mr. FRELINGHUYSEN. Certainly.

Mr. THURMAN. Does the Senator think that Mr. Fish's letter to our agent would have any effect whatever on the legal right or equitable right of the people who had suffered by the depredations of the confederate cruisers? Does he think that that absolves us from doing justice?

Mr. FRELINGHUYSEN. Well, Mr. President, the last question it is hardly necessary to answer. I suppose that if any Senator avows one side of this cause, he would hardly admit that he was claiming to have injustice done. The question of justice is one which is claimed by those who take the one or the other view of this subject.

Mr. THURMAN. If I do not interrupt the Senator, will he allow me to say a word right there?

Mr. FRELINGHUYSEN. Yes, sir.

Mr. THURMAN. It would have been impudent in the Geneva tribunal to have decided between citizens of the United States which of two citizens were entitled to the money. All that the tribunal had to do if it decided in favor of a gross award was to determine what was the value of the property destroyed. That does not absolve us from the obligations of law. I put it to the Senator if instead of a gross award they had sent this matter to assessors under the tenth article of the treaty, would they not have been bound to decide upon individual claims according to law?

Mr. FRELINGHUYSEN. Mr. President, I agree with the Senator from Ohio that it would have been impudent for the Geneva tribunal to have undertaken to settle claims of individuals, and they have not done it, and therefore individuals can base no claim against this Government on account of that award. I agree with the Senator from Ohio that if they did anything the Geneva tribunal could have referred it to another tribunal to settle individual claims; but they did not do it. They settled the sum in gross, and it is perfectly clear that the owners of the ships, the merchantmen, had no claim against Great Britain. They have an equity which they present here, and it is that equity which we in our discretion are administering. According to my discretion it is inequitable, it is unjust——

Mr. THURMAN. Will the Senator allow me?

Mr. FRELINGHUYSEN. Not just now, in the midst of a sentence. It is inequitable, it is unjust for us to take that money, the fruit of that award, and give it to those who made money instead of losing money out of the war. That is all I wish to say on this subject.

Mr. THURMAN. If that is all the Senator wants to say on the subject——

Mr. FRELINGHUYSEN. At the present time. I may say more at some other time.

Mr. THURMAN. Then he is bound in conscience to vote against this bill, for in the operation of this bill it will give money to men who made money out of the war. It will give money to the man whose ship made ten successful trips that three times paid all her cost and value, and that was lost on the eleventh trip. But the Senator misapprehended what I said about the Geneva tribunal. The Geneva tribunal had no right to decide between A B and C D, who should have compensation for the loss of the ship Brilliant, for instance. It could find, as an element of the amount which it would award against Great Britain, what was the value of the ship Brilliant, and it could then leave the question of who was entitled to that amount to be decided by a board of assessors under the tenth article of the treaty; or it could find an amount in gross and leave it to the justice, yes, sir, the justice and the honor of the United States of America to distribute that money according to law. If, instead of the amount being found in gross, the tribunal had simply said "Great Britain is responsible for the Alabama, for the Florida, for the Shenandoah after she left Melbourne, for the destruction caused by those three vessels, but as to the *quantum* of that destruction, as to who is entitled to indemnity on account of it, we refer the matter to the board of assessors provided for by the tenth article of the treaty," no man yet has denied that that board of assessors would have been a tribunal to decide between individuals, between A B, C D, and E F, and that each one of these underwriters would have had a right to present his claim before that tribunal for adjudication. No one has had the hardihood to deny that.

Mr. EDMUNDS. The Senator, I hope, has not forgotten the debate of last year in which that matter was referred to?

Mr. THURMAN. Well, if anybody has denied that, I never saw the man whose face was as hard as that—never yet. On the contrary, it is admitted by our own representatives at Geneva that in that case that tribunal must decide between individuals.

Mr. EDMUNDS. Where is the evidence of that?

Mr. THURMAN. It is in these documents, and I can show it to the Senator, and will if he wants it.

Mr. EDMUNDS. I should like to hear it read.

Mr. THURMAN. Well, it is here.

Mr. EDMUNDS. Will the Senator read it?

Mr. THURMAN. Not now.

Mr. EDMUNDS. Will the Senator refer to it?

Mr. THURMAN. I will find it and refer to it. It is admitted in the argument made by our representatives there in favor of an award in gross, that if the matter was sent to a board of assessors, they must decide between the individual claimants. But pray what were they to decide? They were to decide definitely; nothing was to be decided by the Congress of the United States; but that board of assessors would make a final award; they would make a final judgment to A and to B and to C. How could they make that final award without deciding upon the conflicting claims of individuals? And yet here it is pretended that when the tribunal at Geneva, instead of sending the matter to a board of assessors, trusted to the honor and justice of the American Government to decide wisely between its citizens according to law, they made the money the money of the United States to do with it what it pleased. That is precisely the fact. No, Mr. Presi-

dent, you may hide this matter as much as you please, the simple question here is whether might makes right. That is the whole question. We have the power to do with this money what we please. We may do with it what we please.

Mr. FRELINGHUYSEN. May I ask the Senator a question?

Mr. THURMAN. Certainly.

Mr. FRELINGHUYSEN. Had the owner of the ship, the merchantman, any claim against Great Britain?

Mr. THURMAN. Yes.

Mr. FRELINGHUYSEN. Then I understand the Senator to hold that in violation of the statute which says such citizens shall not make any claim, and although it was an act of war, they individually had a claim against Great Britain, and he must take that ground. He had to answer "yes," for his whole argument rests upon it. I say no. I say that the merchantman, the ship-owner, had no claim against Great Britain whatever, because his loss was by an act of war. It was an injury done to this nation, not to the individual; and that being so, if the merchant or ship-owner had no claim against Great Britain, then the merchant or the ship-owner has no vested interest in this fund. And if the merchant or the ship-owner has no vested interest in this fund, then there is nothing to which the insurer has a right to be subrogated.

Mr. THURMAN. Well, Mr. President, that is a very nice argument, indeed. The Senator says that the individual citizen of the United States had no claim against Great Britain because of a statute of the United States. Does that statute say that an individual citizen can have no claim against a foreign government? No, sir; it simply says you shall prosecute that claim through your own Government. It says a citizen of the United States shall not be making treaties with a foreign government. You will not allow a State of the Union to make a treaty with a foreign government, and *a fortiori* you will not allow a citizen of the United States to make a treaty with a foreign government; for every settlement of his claim would be a treaty. Do you deny his claim? Do you deny that he has a right against the foreign government? No, sir. If I am not mistaken, the Senator from New Jersey supported the French spoliation bill. What was that but a bill to pay for claims of American citizens upon France? Sir, that will not do at all. For reasons of public policy we provide that claims of our citizens shall be prosecuted by the Government. Every government does so. Does that make them national claims. Only because they are claims of the citizens or subjects of the government, and the government is bound to protect the interests of its citizens and its subjects. That is the only national interest there is in it. If a foreign government seize me when peaceably traveling through it and imprison me in one of its dungeons without cause, that is an injury to me individually and it is also an injury to the nation to which I belong, because the nation is bound to protect my rights.

Now, to say that because, forsooth, a citizen cannot prosecute his own claim, because he cannot bring an action against Great Britain for trespass or trespass on the case, and he cannot bring an action against his own government, this citizen whose property was destroyed and the destruction of which was caused by the omission to perform her obligations as a neutral which rested upon Great Britain has no claim, no claim that Great Britain was bound to respect, no claim that his own government was bound to respect, but that his own government might assert that claim and get money on that claim and put that money in its pocket or give that money to somebody else—all that is consistent with the laws and the ethics and the morality—well, I will not say of whom.

Mr. FRELINGHUYSEN. The Senator might as well have finished his sentence; it would not have done any hurt. Mr. President, I do not believe that this question can be carried by calling hard names or by a hard manner of one Senator toward another. I take it that we are all too old to be much affected by that kind of thing. If we are influenced by that manner and by denunciation and by being told that what we do is a violation of justice and honor and national integrity, we had better take our hats and go home as children unfit for this arena.

I understand the Senator to have undertaken to answer what I said. I said this, and he will see how he has, unintentionally of course, avoided answering my point. I said that this was not a claim of the individual, because there was a statute which prohibited a citizen from presenting or making a claim and because the loss which the ship-owner or the merchant suffered was a loss by an act of war. It was an inury done to the nation, and the nation was the one to be indemnified for that injury, and then the citizen could appeal to the equity or discretion or justice of his own nation for such indemnity as that nation thought he was entitled to. Therefore the claim of these ship-owners and merchants was not a claim against Great Britain. Being not a claim against Great Britain, they have no vested interest in this fund. Having no vested interest in this fund, there is nothing for the insurer to be subrogated to; and there is no answer to it. We are bound to do justice here; and if any one of these insurance companies has suffered by the war, I am in favor to the last dollar that there is of the fund of paying it out to them; but where there has been no loss, according to my judgment there is no claim to indemnity.

Mr. BAYARD. I should like merely to state one fact in reply to the Senator from New Jersey. He seems to consider that the insurance company should have no indemnity for its loss in the identical case, provided the average of its business during the war arising from war risks resulted in a profit; and that was the basis of reasoning upon which he sustained this feature in the twelfth section. Now, sir, the question of profit or loss during the war has nothing to do with the justice of the claim under this bill. The merchant who chooses to insure adds to the price of his commodity the premium of his insurance. It is enhanced so much to the consumer, and the merchant's gain is just as great. Suppose he insures himself, pays no premium to an insurance company but becomes his own insurer. He has gained during the war. He has gained in a dozen different adventures. He loses on the thirteenth. You have just as much right in equity and morals and law to call him into court and make him bring his books and show that his whole business during the war has not brought him profit as to say the same thing of an insurance company. In order to make this discrimination between the man who is subrogated to the rights of the insured or the man who has paid the loss in his individual capacity, you must first establish that the contract of insurance is against public policy and is to be punished. Whenever the people of this country can be satisfied that the contract of insurance is a contract against public policy, against public morals, and that we must deal with it in a punitive way, then you may find some justification for this attempted discrimination; but until you do find it, you will be obliged to say that in the case of two classes of your citizens equally meritorious in law and in morals you refuse to pay one and you do pay the other. Unless you can show that there is something in the two claims which renders the one open to punishment and subtraction and the other to payment in full, I think your argument will be found wanting in the mind of any sensible man not prejudiced.

Mr. THURMAN. Mr. President, the Senator from New Jersey thinks that the Government is under no obligation to its citizen because its citizen has no claim against any foreign government. Let us see what the Government of the United States thought of the claims of its citizens. Let us see what it did. Let us see what it undertook to do. I hold in my hand an official circular issued by the Department of State, dated Washington, October 28, 1865. It reads as follows:

OFFICIAL CIRCULAR.

The following official notice to claimants against foreign governments was published on the 25th ultimo by this Department:

DEPARTMENT OF STATE,
Washington, September 22, 1865.

Citizens of the United States having claims against foreign governments, not founded on contract, which may have originated since the 8th of February, 1853, will, without any delay which can be avoided, forward to this Department statements of the same, under oath, accompanied by the proper proof.

The following rules, which are substantially those which have been adopted by commissions organized under conventions between the United States and foreign governments for the adjustment of claims, are published for the information of citizens of the United States having claims against foreign governments, of the character indicated in the above notification; and they are advised to conform as nearly as possible to these rules in preparing and forwarding their papers to the Department of State.

Each claimant should file a memorial, setting forth minutely and particularly the facts and circumstances from which the right to prefer such claim is derived by the claimant; and it should be verified by his or her oath or affirmation.

The memorial and all the accompanying papers should be written upon foolscap paper, with a margin of at least one inch in width on each side of the page, as in this circular, so as to admit of their being bound in volumes for preservation and convenient reference; and the pages should succeed each other like those of a book, and be readable without inverting them.

When any of the papers mentioned in Rule 2 are known to have been already furnished to the Department by other claimants, it will be unnecessary to repeat them in a subsequent memorial. Nor is it necessary where several vessels have been captured by the same cruiser to repeat in each memorial the circumstances in respect to the equipment, arming, manning, flag, &c., of such cruiser, which are relied upon as the evidence of the responsibility of a foreign government for her tortious acts. A simple reference to and adoption of one memorial in which such facts have been fully stated will suffice.

It is proper that the interposition of this Government with the foreign government against which the claim is presented should be requested in express terms to avoid a possible objection to the jurisdiction of a future commission on the ground of the generality of the claim. Claims of citizens of the United States against this Government, growing out of the late insurrection, are under the cognizance of other Departments, of the Court of Claims, or are the subjects for an appeal to Congress.

Then it goes on to give the rules. Here was a public, official circular of the Department of State, calling upon citizens of the United States to prefer their claims, and notably and especially if I were to read the rules, still further calling upon all who had claims against Great Britain on account of the grievances we alleged against her to assert their claims. But the Government did not stop there. That was in 1865. In 1871 the Department of State replied to the various claims which had been referred to it in the letters inclosing those claims, in this form:

DEPARTMENT OF STATE,
Washington, September —, 1871.

SIR: I have to acknowledge the receipt of your letter of the —— instant, and its inclosures.

In reply, I inclose a copy of the treaty concluded with Great Britain on the 8th of May last—

This very treaty of Washington—

and general instructions as to the proof of claims prepared for the use of claimants in the absence of rules by the tribunal which may pass upon the claims.

In the absence of rules and in anticipation of the action of the tribunal, this Department cannot assume to determine what claims it may or may not be proper to prefer under the first eleven articles of the treaty, nor to direct what form or extent

of proof will be necessary to establish them, nor the effect of insurance upon the question of right of compensation. It will present to the tribunal at Geneva, to be taken into account in estimating the sum to be paid to the United States, all "claims growing out of the acts committed by the several vessels which have given rise to the claims generically known as the Alabama claims"—

Quoting the very language of the treaty—

"which may be presented to the Department in time to enable it to do so." Persons desiring to lodge claims in the Department for that purpose are requested to do so without delay, in such form and sustained by such proofs as they may be advised or think proper to rest their claims upon, as the time for presenting the case of the United States expires on the 16th day of December next.

I am, very respectfully, your obedient servant,

HAMILTON FISH,
Secretary.

Mr. EDMUNDS. Will the Senator be kind enough to read that clause again which speaks of the purpose of presentation with a view to an estimate?

Mr. THURMAN. It is:

It will present to the tribunal at Geneva, to be taken into account in estimating the sum to be paid to the United States, all "claims growing out of the acts committed by the several vessels which have given rise to the claims generically known as the Alabama claims."

And yet after this invitation to citizens of the United States to file with the Department their individual claims for compensation for losses incurred by them and the solemn pledge of the Government to lay those claims before the Geneva tribunal in order that it might award a sum in gross, or that finding the liability of Great Britain, the matter might go before a board of assessors under the tenth article of the treaty, the Senator from New Jersey says there were no individual claims at all, that no citizen of the United States had any claim at all!

Mr. CHANDLER. Mr. President, it is well known that both the government and people of Great Britain denied that they had any responsibility whatever either to the United States or to the citizens of the United States, in consequence of the acts of those cruisers. Great Britain was a little uneasy as to her status with regard to the action of neutrals in any future war in which she might engage, and Great Britain was exceedingly anxious to arbitrate and to settle this point as to the status of neutrals. While she denied absolutely all liability she said: "For the purpose of making this settlement we will pay a round sum to the Government of the United States," and that round sum lies in the Treasury to-day. Now, I take it, that it is there for us to do justice with. The first man who has a claim against our Government under this award is the ship-owner. If the ship-owner has suffered loss by the destruction of his property, we are bound, so far as this award goes, to make him whole. That we propose to do. But you go to the ship-owner and he says: "I have been paid that; the insurance company has paid me the whole of my loss with 10 per cent. profit both on ship and cargo;" and that is what insurance companies do; they insure not only for the value but for a profit. Has he any claim on the Government? No man would claim that he has any. He has been paid in full and an anticipated profit upon his venture. Then comes in the insurance company and says: "I want the money." What for? You charged during the whole war 10 per cent. war risk; that was the exact amount. You made enormous sums of money by this war risk over and above all your losses. "But, nevertheless, we now come and demand that we shall be reimbursed for what we have already been paid in war risks." Is there any justice, equity, or common sense in the proposition? I aver not.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The question is on the amendment of the Senator from Ohio, upon which the yeas and nays have been ordered.

Mr. SCHURZ. I move that the Senate do now adjourn.

Mr. EDMUNDS. O, no; do not let us adjourn.

The PRESIDING OFFICER. The Senator from Missouri moves that the Senate do now adjourn.

Mr. SCHURZ called for the yeas and nays; and they were ordered.

The PRESIDING OFFICER. The question is on the motion to adjourn.

Mr. SCHURZ. Before the yeas and nays are called I wish to make a proposition. I understand there are several Senators who wish to address the Senate upon this subject; and I propose, if it be agreeable to the Senator from Vermont who has the bill in charge, that we agree upon a certain hour when we shall take the vote to-morrow, and I propose that it be two o'clock if that is agreeable to the Senator, we adjourning now.

Mr. EDMUNDS. It is entirely agreeable to finish this bill to-night, and I think that in the state of the public business we ought to do it; but if the Senate is willing to come to an understanding that the general debate on this bill shall close to-morrow at one o'clock, and that the person having the bill in charge shall have an hour after that to make a general reply and then take the vote upon any amendments that may be proposed, and upon the bill without further debate, I shall not insist upon asking Senators to stay here to-night, if that is agreeable to the Senate.

Mr. SCHURZ. It would be entirely agreeable to me; and in order to come to a definite understanding, I propose that the debate commence after the morning business is disposed of to-morrow, even before the expiration of the morning hour, and then at one o'clock the Senator from Vermont will have one hour to reply to all that has been said, and the voting to commence at two o'clock.

Mr. DAVIS. The chairman of the Committee on Claims is not in his seat. He gave notice some ten days ago that to-morrow he would ask the Senate to consider bills reported from that committee. In conversation with him to-day he said he expected to insist upon to-morrow for that business, and I also have given notice that to-morrow morning directly after the regular morning business is done I shall desire to submit some remarks on the subject of claims.

Mr. SCHURZ. Let me suggest to the Senator that that can be done after we have disposed of this bill. If the voting commences at two o'clock we shall certainly be through by half-past two or three.

Mr. DAVIS. It would take more than one day, I should think, to dispose of the claims on the Calendar reported from the Committee on Claims. There are a number of them which have not been considered yet.

Mr. WRIGHT. In the absence of the chairman of the Committee on Claims, exceedingly anxious as I am to accommodate myself to the wish of the chairman of the Committee on the Judiciary in connection with this bill, I shall feel it my duty to object to any arrangement, inasmuch as there was unanimous consent given that we should take up reports from the Committee on Claims to-morrow, and inasmuch as the chairman is not here, I do not think I can consent to any such arrangement as that now proposed. I think it better that we should dispose of this bill to-night.

Mr. SCHURZ. Then I renew my motion to adjourn.

Mr. EDMUNDS. I hope we shall not adjourn.

The PRESIDING OFFICER. It is moved that the Senate adjourn, and upon this motion the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 13, nays 34; as follows:

YEAS—Messrs. Bayard, Bogy, Cooper, Fenton, Gordon, Hager, Kelly, McCreery, Saulsbury, Schurz, Stockton, Thurman, and Tipton—13.

NAYS—Messrs. Alcorn, Anthony, Boreman, Boutwell, Buckingham, Chandler, Conkling, Conover, Edmunds, Ferry of Michigan, Flanagan, Frelinghuysen, Gilbert, Hamlin, Harvey, Hitchcock, Ingalls, Logan, Merrimon, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Pratt, Ramsey, Robertson, Sargent, Scott, Sherman, Wadleigh, Washburn, West, Windom, and Wright—34.

ABSENT—Messrs. Allison, Brownlow, Cameron, Carpenter, Clayton, Cragin, Davis, Dennis, Dorsey, Ferry of Connecticut, Goldthwaite, Hamilton of Maryland, Hamilton of Texas, Howe, Johnston, Jones, Lewis, Norwood, Oglesby, Patterson, Pease, Ransom, Spencer, Sprague, Stevenson, and Stewart—26.

So the Senate refused to adjourn.

Mr. THURMAN. I am perfectly willing that we shall sit this bill out to-morrow, but I am not willing to fix a definite hour at which the vote shall be taken. This is a large subject. It was debated very briefly at the former session. It has been debated only to-day and a part of another day at this session. It is a question of deep interest to the citizens of the United States and affecting the national reputation for honor and integrity. I cannot agree that the vote shall be taken at a definite hour which will cut off discussion. I am willing to "sit it out" to-morrow, with a belief that the debate can be finished to-morrow, for I am as anxious as any one to speed the business of the session and let us adjourn at a reasonable time. I move now that the Senate proceed to the consideration of executive business.

Mr. SCHURZ. Will the Senator withdraw his motion for a moment?

Mr. THURMAN. Yes, sir.

Mr. SCHURZ. I do not know how much debate the Senator may anticipate on this bill yet; probably he knows better than I; but from what I have been told, all the debate there is likely to be may be compressed in the space of an hour and a half, exclusive of what the Senator from Vermont will claim for himself. I am also informed by the Senator from Pennsylvania, the chairman of the Committee on Claims, that he is ready to agree to the arrangement, and I will therefore renew the proposition to the Senate to have the voting commence at two o'clock to-morrow, with the understanding that at one o'clock the Senator from Vermont shall have the floor to make the closing speech, the discussion to commence immediately after the close of the morning business, which will probably give us an hour and a half.

Mr. THURMAN. I hardly think that proposition is right. The chairman of the Committee on the Judiciary did at a previous session very fully explain his views. He has explained them not so fully at this session. The subject has undergone no more consideration now than it did then. To agree to the proposition of the Senator from Missouri would be to cut off all other Senators from expressing their views on this subject. I would be perfectly willing to fix a later hour to-morrow if that is the sense of the Senate—say four o'clock—but I do not think we ought to agree that after one speech to-morrow, for that is what it comes to, from the chairman of the committee the vote shall be taken.

Mr. SCOTT. I have been informed that during my absence from the Chamber a proposition for unanimous consent to vote upon this bill to-morrow was objected to because of the special order made setting apart the day for the consideration of bills from the Committee on Claims; and if I am correct in my apprehension of the effect of the order, it would be displaced if this bill goes over as the unfinished business, so that the committee would not secure the benefit of the order until the disposition of this bill. While I am very desirous that all parties interested in bills which have been reported from the Committee on Claims should have the benefit of an early consid-

eration, I can hardly see that I would be advancing their interest by objecting to an arrangement of this character, because we should be in that event securing a portion of the day at least, while if this goes over as the unfinished business without an agreement for an hour fixed at which it is to be terminated we might not secure any consideration whatever to-morrow. I understand the Senator from Ohio, however, to object to that arrangement, so that my consent would then practically be of no benefit as representing the Committee on Claims. I should be willing, in the view which I take of it, to consent, so far as the special order is concerned, that this bill shall be disposed of to-morrow at two o'clock, the Committee on Claims taking the rest of the day.

Mr. THURMAN. Say four o'clock.

Mr. SCOTT. That is practically abandoning the day altogether. But if the Senate is willing, by unanimous consent, to assign the next day for the consideration of the bills reported by the Committee on Claims I shall not be averse to that. However, I understand the Senator from Ohio objects to fixing an hour to-morrow.

Mr. THURMAN. I am willing to fix four o'clock to-morrow and I certainly am willing to agree, and I think the Senate ought to agree, to assign the next day to the Committee on Claims. I do not want to cut off Senators who desire to speak on this subject to-morrow. That is all. Perhaps they may not speak and we may get to a vote earlier. I think we had better, by unanimous consent, agree to fix the next day for the Committee on Claims.

Mr. SCOTT. If the Senate by unanimous consent will assign Wednesday for the Committee on Claims I will not stand in the way of expediting business.

Mr. THURMAN. I hope that will be done.

Mr. SHERMAN. I feel it my duty to object to that arrangement. On Wednesday I shall submit to the Senate a proposition to take up the currency bill with a view to have prompt and decisive action upon it. I cannot consent to this arrangement unless the Senate should overrule me.

Mr. SCOTT. I am still willing to assent to the arrangement for to-morrow at two o'clock if unanimous consent can be obtained for that.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The Chair understood the Senator from Ohio to object to two o'clock.

Mr. SHERMAN. I objected to setting aside Wednesday for any exclusive purpose.

The PRESIDING OFFICER. The Chair referred to the other Senator from Ohio, who objected to an arrangement for voting to-morrow at two o'clock. The motion is that the Senate proceed to the consideration of executive business.

Mr. EDMUNDS. I hope not. Let us stick if we cannot make an arrangement.

The motion was not agreed to.

The PRESIDING OFFICER. The question recurs on the amendment offered by the Senator from Ohio, upon which the yeas and nays have been ordered.

Mr. BUCKINGHAM. I understand from what has been said that the losses which have been sustained are losses for which no individual who sustained them can make any claim upon Great Britain, that the losses were the result of an act of war, and that in consequence no merchant has a claim, but the Government has made claim and brought into its Treasury a certain amount in consequence of these losses. It appears to me that this fund is made up from individual losses; the award was based upon those losses; and when we undertake to distribute it, it appears to me we must distribute it in accordance with the claims that were made by each individual. It is proposed to divide it equitably; but it is said there are certain insurance companies which may or may not have made money during the war out of extra war risks or extra war premiums, and that they must stand on a different footing; and the proposition is that if any insurance company, after showing its books and presenting a balance-sheet shall show that it has lost money, then this bill proposes to make up the deficiency to that company. If that is right, why not go a little further, and if the insurance company by showing a balance-sheet shall show that it has made money, why not require that company to pay the balance into the Treasury of the United States? I see no difference. It seems to me when you require an insurance company or an individual to show his balance-sheet to show what he has made or what he has lost in consequence of these depredations by rebel cruisers, if you are to make a right distribution of the balance, if it is right to take it from the Treasury of the United States to pay for the loss, it is equally right to make a claim that all who made money shall return the profits to the Treasury.

The difficulty, it appears to me, arises from the fact that the proposition is to concentrate all the loss into one balance-sheet and determine the loss or the profit there. But that is not the way insurance is ever adjusted by an insurance company or by a merchant. Each and every loss is adjusted upon its own merits; and upon any other basis you cannot settle a loss; and I do not know whether you should undertake to settle one by the Congress of the United States by a distribution of this fund in any other way. It seems to me that when you undertake a different rule, you set aside mercantile usage and come short of doing justice; and it appears to me that you would come so far short of justice if you should pass the bill as it now stands, and it seems so much more equitable to amend it as proposed by the Senator from Ohio, that I shall vote for that amendment.

Mr. STOCKTON. Mr. President, I rise simply to say a word on the subject of the amendment offered by the Senator from Ohio. If this clause in reference to insurance companies is left in the bill, I cannot see why the same law should not be applied to all other claimants. The doctrine avowed by those who are in favor of retaining the clause is that this money is appropriated to meet losses and damages, and it is inequitable and unjust to give any portion of the fund to those who have made money out of the war. True, this is *res inter alios acta*. True, they do not confine the making of money to the adventure. Any one who has made money in the war has not suffered loss or damage by the war, and therefore he is to have no part of this. Now suppose some of these claimants who are not insurers, some of these gentlemen claiming in their own right, made money out of shoddy contracts during the war; suppose they made money by selling bad blankets to the soldiers; they come precisely within every reason given by gentlemen on the other side for excluding the payment to these insurers; that is, that in some other transaction, some other adventure, some other business even, for their doctrine covers even that, they have made money. That seems to me a strange argument.

We invited these claimants to come and put in their claims. We sent those claims under the treaty to this tribunal to be arbitrated upon. We have received an award, to be sure in gross, but a gross amount made up from an examination of the details of all claims of all kinds; and now we insist upon it that a considerable portion of those claimants are not entitled to the share they claimed because they were more fortunate than others and made money during the war. It is not only, as has been well said to-day, a violation of our duty to the claimants themselves, but it is undoubtedly a violation of our national faith; it is a violation of our duty to ourselves; it is a violation of our duty to the history of this country.

We do not wish to have another case such as the case of French spoliations brought up again. If we do not wish to be placed in the position of being charged with getting money from a foreign government as the agents of our own claimants and putting it in our Treasury and keeping it there, and refusing to give it to the honest claimants until finally they are told that their claim is old and stale, if we do not wish to repeat that unfortunate chapter in our history, I think it well that those who were admitted to be claimants in this case should not be prevented from having the sum which they are entitled to now under any such sophistical reasoning as that which we have heard from the other side. If there is any good reason whatever why they should not have their claims adjusted, gentlemen certainly have not given it. When under every principle of law and equity the insurer is subrogated to the rights of the party assured, in courts of equity as well as courts of law, it cannot be expected that in this great case, where the principles of equity should so especially be our guide, we can have all these arguments from analogy answered by the statement simply, "Why, they made money out of the war."

I insist upon it, Mr. President, that if these insurance companies have made money out of the war, so have many and many of the claimants made money in other ventures with the very ships that were afterward captured. They made money not only in the same business but in other businesses during the war, and the reasoning applies with equal force, and no line can be drawn to prevent it from applying equally to individuals as to those who make their claims under their contracts of insurance.

After the vote is taken upon the pending amendment I have an amendment to offer to cover the ground I have stated in the few remarks I have made.

Mr. CONKLING. Mr. President, when the Senate adjourns to-day does it meet to-morrow at eleven or twelve o'clock?

The PRESIDING OFFICER. At eleven o'clock.

Mr. CONKLING. I rather think some of the Senators who objected to an arrangement had forgotten that, and I will attempt to get an understanding by proposing that at three o'clock to-morrow we vote. If the Senator from Ohio farthest from me [Mr. THURMAN] were here, I think he would consider that substantially his own suggestion. He proposed four o'clock, and if we meet at eleven o'clock, it will give us substantially the time he suggested.

Mr. THURMAN entered the Chamber.

Mr. CONKLING. Mr. President, I was proposing in the absence of the Senator from Ohio, who has just come in, that we agree now to vote to-morrow at three o'clock, and I remind the Senator that we meet to-morrow at eleven.

Mr. THURMAN. I will agree to that.

Mr. CONKLING. That substantially comes to his original suggestion. I do not think the Senator from Vermont [Mr. EDMUNDS] has any objection to that.

Mr. EDMUNDS. I have no objection to three o'clock if it is satisfactory to the Senate. My only desire is to get forward with the business; and as we meet at eleven o'clock to-morrow, if I can have the floor at two o'clock to occupy an hour it will be satisfactory to me.

Mr. STEWART. I should like to inquire whether the Senator from Vermont, who has this bill in charge, has made his speech yet, or when he proposes to do it?

Mr. EDMUNDS. I have stated the grounds upon which in general the idea of the bill rests, and this understanding is that I shall have an hour at the end, beginning at two o'clock, an hour before the voting commences, to sum up for the committee.

Mr. STEWART. Will that be sufficient?

Mr. EDMUNDS. That will be time enough.

The PRESIDING OFFICER. The Senator from New York proposes that at two o'clock to-morrow the floor be given to the Senator from Vermont [Mr. EDMUNDS] to close the debate, and that at three o'clock the debate shall close and voting commence upon the amendments and the bill without further debate. Is that agreeable to the Senate?

Mr. SHERMAN. I desire to offer two or three amendments, to which I think the Senator from Vermont will assent.

Mr. EDMUNDS. The understanding is that any Senator may offer any amendment he chooses.

Mr. HAMLIN. Will there be no opportunity of speaking at all on amendments?

Mr. STEWART. Let us have the five-minute rule on amendments.

Mr. HAMLIN. Yes; let us have the five-minute rule on amendments. That is about my limit in speaking. I think I shall want to occupy five minutes.

Mr. EDMUNDS. I think that had better be left as it is, in these agreements, to a question of general consent. If any Senator offers an amendment and wishes to explain it, Senators never object to his doing so; but if we adopt the five-minute rule, we could run this thing till midnight to-morrow.

Mr. HAMLIN. We very often in our arrangements do have it expressly understood that each Senator who may offer an amendment shall have an opportunity of speaking five minutes upon it. I would myself be very unwilling to trespass upon any agreement that I had assented to. There would be no rule to prevent me from doing it; but there would be a sense of propriety which would bind me to the agreement, and I would not trespass upon it. I do not often trespass on the Senate beyond five minutes. I may want to do so for ten minutes on this bill, and I would prefer not to say what I have to say until I shall have had the sense of the Senate upon the pending motion, and I fear we shall not get that question until the time within which debate is restricted shall have expired.

Mr. EDMUNDS. I feel sure that if any fresh amendment be offered which presents a fresh question, as the Senator suggests he may offer one, nobody will object to the mover of that amendment occupying a few moments to explain it, and any member of the committee the same number of moments to reply to it if he wishes to do so; but if we are to have an understanding, in view of the pressure of business and the lateness of the season, I think the understanding had better be that debate shall terminate at three o'clock, except general consent be given for an explanation, which I have found in practice nobody has ever objected to.

Mr. THURMAN. I have said I would agree to the proposition to take the vote at three o'clock to-morrow, the chairman of the committee having the last hour to close the debate. I will agree to that yet and stand by what I have said, but I must say that it is not exactly the best mode to close a debate upon a question like this. It would be much better to agree to sit the bill out, and the reason of that is very obvious. If we agree to take the vote at three o'clock to-morrow we do not know how many Senators will be in attendance before the hour of three; and besides that, when the chairman of the committee rises to close the debate there is a natural indisposition to intrude on his time by interrupting him, and however he may start new theories or refer to facts perfectly explainable, it is only by his courtesy that we are allowed to explain a fact that he may state or documents that he may read, and which are perfectly explainable; and the vote may be taken by the Senate with the last speech made wholly and entirely unanswered; and that, too, in a case like this, where the opening of the debate was not as full, I think, as is usual. That being the case, it does seem to me that much the fairest way to arrive at perfect justice in this case would be to agree to sit the bill out to-morrow. Nevertheless, if it is the desire of the Senate to take the vote at three o'clock, I shall not object; but I do not think it is the best way to arrive at a correct conclusion.

The PRESIDING OFFICER. Is the proposed arrangement satisfactory to the Senate?

Mr. BAYARD. What is it?

The PRESIDING OFFICER. The Chair will state it. The proposed arrangement is that at two o'clock to-morrow the Senator from Vermont who has charge of the bill shall take the floor and occupy it for one hour, and at three o'clock the voting shall commence upon the amendments and the bill without further debate.

Mr. THURMAN. It is not intended that there shall be no debate on amendments that shall be thereafter offered, is it?

Mr. CONKLING. Certainly.

Mr. SHERMAN. Except a limited debate by general consent.

Mr. THURMAN. Of course there ought to be some debate on amendments that are offered, if it is only a five-minute debate.

The PRESIDING OFFICER. Is the proposition agreed to? ["Yes," "Yes."] The Chair hears no objection, and the proposition will be regarded as agreed to.

Mr. BUCKINGHAM. The Senator from Missouri suggested that discussion on the question should commence immediately after the morning business to-morrow. Is that the understanding of the Senate? I would rather it should not be. It seems to me we should have the morning hour for the Calendar; but if that is the understanding I will not object.

The PRESIDING OFFICER. That was suggested, but it was not stated in the proposition.

Mr. DAVIS. Mr. President, you will recollect that this morning I gave notice that to-morrow morning (supposing that to-morrow would be set apart for claims, as had been suggested) I should desire to submit some remarks in that connection. As the bill now pending will be before the Senate to-morrow, I shall ask on Wednesday morning to be allowed to address the Senate in pursuance of the notice I gave.

Mr. CONKLING. Then it is understood that the consideration of this bill will be resumed immediately on the completion of the morning business to-morrow?

Mr. SCOTT. Am I correct in stating that the unfinished business will displace the order made by unanimous consent for the consideration of claims to-morrow?

The PRESIDING OFFICER. The unfinished business takes precedence among the special orders, and will displace any special order.

Mr. SCOTT. Then I wish to give notice that as soon as this bill is disposed of I shall ask the very earliest moment for resuming the consideration of bills from the Committee on Claims.

The PRESIDING OFFICER. The Chair will lay before the Senate bills from the House of Representatives for reference.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Military Affairs.

A bill (H. R. No. 1051) for the honorable discharge from their several positions in the Army of Captain J. Horace McGuire, First Lieutenant Henry R. Gardner, Second Lieutenant William D. McGuire, and Second Lieutenant William C. Reddy, all late of the Tenth Regiment United States Colored Artillery, (heavy,) and directing their honorable muster out of the service of the United States as of the date of their dismissal; and

A bill (H. R. No. 1775) for the relief of Foster A. Hixon, late a paymaster in the United States Army.

The following bills were severally read twice by their titles, and referred to the Committee on Finance:

A bill (H. R. No. 1955) for the relief of John Henderson, of New Orleans;

A bill (H. R. No. 3266) for the relief of the Pekin Alcohol Manufacturing Company; and

A bill (H. R. No. 3267) changing the name and location of Irasburgh National Bank of Orleans, county of Orleans, State of Vermont.

The following bills were severally read twice by their titles, and referred to the Committee on Indian Affairs:

A bill (H. R. No. 1924) for the relief of James L. Johnson, surviving partner of Beck & Johnson, authorizing payment for Indian depredations; and

A bill (H. R. No. 1925) for the relief of James Preston Beck, administrator of Preston Beck, jr., deceased, authorizing payment for Indian depredations.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. No. 1952) granting a pension to Nancy C. Marlette; and

A bill (H. R. No. 2925) granting a pension to Dorothea Irons, mother of Lieutenant Joseph F. Irons.

The bill (H. R. No. 1938) to extend the provisions of the act approved March 3, 1871, entitled "An act to provide for the collection of debts due from southern railroads," was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. No. 3327) to provide for the improvement of the Oostenaula River, in the State of Georgia, was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. No. 2398) granting a medal to John Horn, jr., for his heroic exploits in rescuing men, women, and children from drowning in Detroit River, was read twice by its title, and referred to the Committee on Naval Affairs.

The joint resolution (H. R. No. 95) authorizing the Postmaster-General to perfect title to certain real estate obtained from John W. Norton, a defaulter to the postal Money-order Bureau, was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

The bill (H. R. No. 1937) for the relief of the State of Tennessee was read twice by its title.

The PRESIDING OFFICER. The bill will be referred to the Committee on the Judiciary.

Mr. COOPER. That bill should go to the Committee on Military Affairs. It arises out of military claims.

Mr. EDMUNDS. No, sir; it should go to the Committee on the Judiciary. The bill relates to a judicial controversy.

Mr. COOPER. It arises out of military claims.

Mr. CONKLING. If we adjourn, that can be examined by to-morrow morning and it will be no loss. The Chair can hold the bill until to-morrow morning.

The PRESIDING OFFICER. The bill will lie on the table without reference.

Mr. EDMUNDS. We had better dispose of the question one way or another.

Mr. COOPER. If the chairman of the Judiciary Committee wants it referred to his committee, I have no objection.

Mr. EDMUNDS. I do not want anything. I only wish to state to the Senator from Tennessee that this question has been now for two years before the Judiciary Committee as a law question between the United States and the State of Tennessee, growing out of legal liability that is said to exist on the part of the State, although there was a railroad at the bottom of it. Therefore I suggest, as the bill came from the Committee on the Judiciary in the House of Representatives, that it should be referred to the same committee of the Senate.

The PRESIDING OFFICER. Does the Senator from Tennessee object to that reference?

Mr. COOPER. Not at all.

The PRESIDING OFFICER. The bill will be referred to that committee.

The bill (H. R. No. 3166) to correct the date of commission of certain officers of the Army was read twice by its title.

The PRESIDING OFFICER. The bill will be referred to the Committee on Military Affairs.

Mr. BOGY. I hope that bill will be ordered to lie on the table. The same subject has been reported upon by our committee, and the object is to take up this bill when the Calendar is called and the Senate bill is reached and substitute it in place of the Senate bill.

The PRESIDING OFFICER. The bill will lie on the table.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. BOREMAN, it was

Ordered, That the petition and papers of Sarah A. Monroe be taken from the files and referred to the Committee on Military Affairs.

Mr. CONKLING. I move that the Senate do now adjourn.

The motion was agreed to; and (at five o'clock and five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *May* 11, 1874.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of Saturday last was read and approved.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the first business in order during the morning hour is the calling of the States and Territories for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back into the House by motions to reconsider. Under this call memorials and resolutions of States and territorial Legislatures may be presented for printing and reference. The morning hour now begins at eight minutes past eleven o'clock.

ADMINISTRATION OF JUSTICE.

Mr. POLAND introduced a bill (H. R. No. 3283) to amend an act entitled "An act to further the administration of justice," passed June 1, 1872; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

FREE BANKING, ETC.

Mr. BUTLER, of Massachusetts, introduced a bill (H. R. No. 3284) to provide for free banking and better security to depositors, hinder usury, give elasticity to the currency, preserve its value to the people, and to prevent financial panics by locking up currency; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

REMOVAL OF CAUSES FROM STATE COURTS.

Mr. SCUDDER, of New York, introduced a bill (H. R. No. 3285) to amend an act entitled "An act to amend an act entitled 'An act for the removal of causes in certain cases from State courts;'" which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PETER M. HALWICK.

Mr. DEWITT introduced a bill (H. R. No. 3286) for the relief of Peter M. Halwick; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ARBITRATION AND INTERNATIONAL CODE.

Mr. ELLIS H. ROBERTS introduced a joint resolution (H. R. No. 96) relating to arbitration and an international code; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

E. S. ZEVELY.

Mr. LOWNDES introduced a bill (H. R. No. 3287) for the relief of E. S. Zevely, of Bridgeport, Belmont County, Ohio; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DAVID R. MILLER.

Mr. LOWNDES also introduced a bill (H. R. No. 3288) for the relief of David R. Miller, of Washington County, Maryland; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE LONG.

Mr. LOWNDES also introduced a bill (H. R. No. 3289) for the relief of George Long, of Cumberland, Maryland; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ELLEN MARROW.

Mr. LOWNDES also introduced a bill (H. R. No. 3290) for the relief of Ellen Marrow, of Washington County, Maryland; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

W. F. MATHEWS.

Mr. LOWNDES also introduced a bill (H. R. No. 3291) for the relief of W. F. Mathews, late a captain in Company F, Thirteenth Regiment Maryland Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SARAH B. HOWE AND MARY CRANSTON.

Mr. PLATT, of Virginia, introduced a bill (H. R. No 3292) granting pensions to Mrs. Sarah B. Howe and Mrs. Mary Cranston; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DUTY ON PEASE.

Mr. PLATT, of Virginia, also introduced a bill (H. R. No. 3293) repealing so much of the act of June 6, 1872, as imposes a duty on pease imported for agricultural purposes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

THE NAVAL SERVICE.

Mr. PLATT, of Virginia, also introduced a bill (H. R. No. 3294) relating to the naval service; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

LICENSE LAW.

Mr. HARRIS, of Virginia, introduced a bill (H. R. No. 3295) to so modify the license law as not to require a new license upon the change of name of a firm by death or the addition of names; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

HIRAM B. RIDDLE.

Mr. VANCE introduced a bill (H. R. No. 3296) for the relief of Hiram B. Riddle, private in Company C, Second Regiment North Carolina Mounted Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HENRY SMITH AND OTHERS.

Mr. VANCE also introduced a bill (H. R. No. 3297) for the relief of Henry Smith, Charlotte Smith, and others, of the Eastern or North Carolina Cherokees; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

DIRECT TAXES.

Mr. SLOAN introduced a bill (H. R. No. 3298) to amend an act entitled "An act to provide for the redemption and sale of lands held by the United States under the several acts levying direct taxes, and for other purposes;" which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

COURT OF CLAIMS.

Mr. SLOAN also introduced a bill (H. R. No. 3299) to amend an act entitled "An act to amend an act to establish a court for the investigation of claims against the United States," approved February 24, 1855; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

COMMERCE BETWEEN THE STATES.

Mr. SHEATS introduced a bill (H. R. No. 3300) to promote commerce between the several States, and for other purposes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MILTON KENNEDY.

Mr. BUNDY introduced a bill (H. R. No. 3301) for the payment of $800 to Milton Kennedy, for night services of the steamboat Piketon; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM E. DOYLE.

Mr. ORTH introduced a joint resolution (H. R. No. 97) for the relief of William E. Doyle, of Indiana; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ME-SHIN-GO-ME-SIA.

Mr. TYNER introduced a bill (H. R. No. 3302) supplemental to an act entitled "An act to authorize the Secretary of the Interior to make a partition of a reservation to Me-shin-go-me-sia, a Miami Indian,"

approved June 1, 1872; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ADDITIONAL BOUNTY.

Mr. HOLMAN introduced a bill (H. R. No. 3303) to extend the time for filing claims for additional bounty under the act of July 28, 1866; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GENERAL WILLIAM THOMPSON.

Mr. HAWLEY, of Illinois, introduced a bill (H. R. No. 3304) for the relief of the legal representatives of Brigadier-General William Thompson; which was read a first and second time, referred to the Committtee on War Claims, and ordered to be printed.

PRESIDENTIAL TERM.

Mr. MORRISON introduced a joint resolution (H. R. No. 98) proposing an amendment to the Constitution of the United States to fix the term of the presidential office at six years, and to make the President ineligible for more than six years in any term of twelve years after the next presidential election; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MARY A. ALLEN.

Mr. FORT introduced a bill (H. R. No. 3305) to grant a pension to Mary A. Allen, widow of George B. Allen, late of Company G, of the Fourth Michigan Calvary; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC LANDS IN MISSOURI.

Mr. BLAND introduced a bill (H. R. No. 3306) granting to the State of Missouri all public lands therein situated for public school purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

JOHN B. TOY.

Mr. COTTON introduced a bill (H. R. No. 3307) granting a pension to John B. Toy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NEVADA COUNTY RAILROAD, CALIFORNIA.

Mr. PAGE introduced a bill (H. R. No. 3309) granting to the Nevada County Narrow-gauge Railroad Company the right of way through the public lands for a railroad; which was read a first and second time.

Mr. PAGE. I move that this bill be referred to the Committee on the Pacific Railroad.

Mr. CLYMER. That bill ought to go to the Committee on the Public Lands. We have all the bills of that kind.

The SPEAKER. Bills of this character ordinarily go to the Committee on the Public Lands.

Mr. PAGE. Very well; let it go to that committee.

The bill was accordingly referred to the Committee on the Public Lands, and ordered to be printed.

WAHSATCH AND JORDAN VALLEY RAILROAD.

Mr. HOUGHTON introduced a bill (H. R. No. 3308) granting to the Wahsatch and Jordan Valley Railroad Company the right of way through the public lands, for the construction of a railroad and telegraph; which was read a first and second time.

Mr. HOUGHTON. I move that this bill be referred to the Committee on the Pacific Railroad.

Mr. CLYMER. I move that it be referred to the Committee on the Public Lands.

Mr. HOUGHTON. This bill has already been considered and agreed to by the Committee on the Pacific Railroad under a previous reference.

Mr. CLYMER. All bills of that kind have heretofore gone to the Committee on the Public Lands.

The SPEAKER. The gentleman from California [Mr. HOUGHTON] states that this bill is already before the Committee on the Pacific Railroad. The salient feature of the bill is the right of way through the public lands, which naturally belongs to the Committee on the Public Lands. The mere organization of the company of course means but very little; the principal feature of the bill is the right of way through the public lands.

Mr. HOUGHTON. It is already before the Committee on the Pacific Railroad, and has been considered and agreed to by that committee.

The SPEAKER. It is for the House to determine to which committee this bill shall be referred. The gentleman from Pennsylvania [Mr. CLYMER] moves to amend the motion of the gentleman from California [Mr. HOUGHTON] so as to substitute the Committee on the Public Lands for the Committee on the Pacific Railroad. The question is upon the amendment.

The amendment was agreed to, and the motion, as amended, was adopted; and accordingly the bill was referred to the Committee on the Public Lands, and ordered to be printed.

SUSCOL TRACT, CALIFORNIA.

Mr. LUTTRELL introduced a bill (H. R. No. 3310) for the relief of the settlers on the Suscol tract of land in Solano County, California; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

JONATHAN WHITE.

Mr. DUNNELL introduced a bill (H. R. No. 3311) for the relief of Jonathan White; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

AUGUSTIN OLVARA.

Mr. AVERILL introduced a bill (H. R. No. 3312) for the relief of Augustin Olvara; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

PATENTS FOR LANDS IN OREGON.

Mr. NESMITH introduced a bill (H. R. No. 3313) to authorize the issuance of patents for lands granted to the State of Oregon in certain cases; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

GENERAL B. S. ROBERTS.

Mr. NESMITH also introduced a bill (H. R. No. 3314) to correct the order retiring Brevet Brigadier-General B. S. Roberts, and to retire him a colonel of cavalry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN FLETCHER.

Mr. PHILLIPS introduced a bill (H. R. No. 3315) for the relief of John Fletcher; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

SURVEY OF RIVERS IN WEST VIRGINIA.

Mr. HEREFORD introduced a bill (H. R. No. 3316) making appropriation for survey of certain rivers in the State of West Virginia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

HEIRS OF CERAN ST. VRAIN.

Mr. ELKINS introduced a bill (H. R. No. 3317) for the relief of the heirs of Ceran St. Vrain; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PAYMENT FOR INDIAN DEPREDATIONS.

Mr. ELKINS also introduced a bill (H. R. No. 3318) authorizing payment to certain citizens of New Mexico for Indian depredations; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

LAND DISTRICT IN WYOMING.

Mr. STEELE introduced a bill (H. R. No. 3319) to establish a new land district in the Territory of Wyoming; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ELECTION OF TERRITORIAL OFFICERS.

Mr. STEELE also introduced a bill (H. R. No. 3320) to enable the people of the Territories to elect their governors and all other territorial officers; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

GEORGE H. PLANT.

Mr. CHIPMAN introduced a bill (H. R. No. 3321) for the relief of George H. Plant, surety for Robert Clarke, formerly pension agent for the District of Columbia; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COMPROMISES IN INTERNAL-REVENUE CASES.

Mr. BECK introduced a bill (H. R. No. 3322) to authorize the Commissioner of Internal Revenue by summary proceedings to compromise cases arising under the internal-revenue laws in which penalties and forfeitures may have been incurred without fraudulent intent; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JOHN P. DAVIS.

Mr. SMALL introduced a bill (H. R. No. 3323) granting a pension to John P. Davis, sergeant Company H, Twelfth New Hampshire Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PACIFIC RAILROAD.

Mr. WELLS introduced a bill (H. R. No. 3324) making additions to the fifteenth section of the act approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862;" which was read a first and second time, referred to the Committee on the Pacific Railroad, and ordered to be printed.

DISTRICT COURT IN TEXAS.

Mr. McLEAN introduced a bill (H. R. No. 3325) providing for holding a term of the United States district court at Dallas, in the State of Texas; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The States and Territories having been called through for bills on leave and joint resolutions, they will now be called for resolutions. The call rests at the State of North Carolina.

ELECTION OF INTERNAL-REVENUE OFFICERS.

Mr. ROBBINS submitted the following resolution; which he moved be referred to the Committee on Ways and Means, and on that motion demanded the previous question:

Resolved, That it is the sense of the House of Representatives of the United States of America, that supervisors and collectors of internal revenue ought to be elected by the people of their respective districts.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was referred to the Committee on Ways and Means.

WESTERN JUDICIAL DISTRICT OF TEXAS.

Mr. ASHE introduced a bill (H. R. No. 3326) prescribing the times and places of holding courts in the western judicial district of Texas, on which he demanded the previous question.

The bill was read a first and second time.

The first section provides that the courts in the western judicial district, Texas, shall be held at Tyler, Waco, and Austin, as follows: At Tyler on the first Mondays in March and October, and may continue in session four weeks; at Waco the first Mondays in May and December, and continue in session four weeks; at Austin the first Mondays in January and June, and continue in session until the business may be disposed of.

The second section provides that all process issued against defendants residing in Milam, Robertson, Leon, Freestone, Livingston, Navarro, Falls, Hill, Bell, McLennan, Bosque, Erath, Comanche, Eastland, Palo Pinto, Parker, Hood, Johnson, Ellis, Cooke, Wise, Moulogue, and Jack be returned to Waco.

The third section provides that the action take effect from its passage.

Mr. MILLS. Is it in order to make some remarks on that bill?

The SPEAKER. It is not.

Mr. WILLARD, of Vermont. Has this been considered by any committee?

Mr. BUTLER, of Massachusetts. It has not.

Mr. MILLS. One of my colleagues is opposed to it.

The House divided; and there were—ayes 26, noes 54.

So the House refused to second the demand for the previous question.

The SPEAKER. The gentleman from Vermont [Mr. WILLARD] rises to debate the bill, and it goes over under the rules.

Mr. MILLS. Let it be referred to the Committee on the Judiciary.

The SPEAKER. The Chair cannot ask unanimous consent for anything during the morning hour on Monday. It may be referred after the morning hour by unanimous consent.

OOSTANAULA RIVER.

Mr. YOUNG, of Georgia, introduced a bill (H. R. No. 3327) to provide for the improvement of the Oostanaula River, in the State of Georgia, on which he demanded the previous question.

The bill was read a first and second time. It appropriates the sum of $10,000 for the improvement of the Oostanaula River, in the State of Georgia.

The House divided; and there were—ayes 37, noes 20; no quorum voting.

Mr. YOUNG, of Georgia, demanded tellers.

Tellers were ordered.

The SPEAKER appointed Mr. WILLARD, of Vermont, and Mr. YOUNG, of Georgia, as tellers.

The House again divided; and the tellers reported—ayes 94, noes 56.

So the previous question was seconded.

The main question was ordered to be put.

Mr. WILLARD, of Vermont. I demand the yeas and nays on ordering the bill to be engrossed and read a third time.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 135, nays 52, not voting 103; as follows:

YEAS—Messrs. Albert, Arthur, Ashe, Atkins, Beck, Bell, Berry, Bland, Blount, Bowen, Bradley, Bright, Brown, Buckner, Burchard, Burleigh, Burrows, Roderick R. Butler, Caldwell, Cannon, John B. Clark, jr., Clements, Clymer, Coburn, Conger, Cook, Cox, Crittenden, Crocker, Crossland, Crounse, Darrall, DeWitt, Donnan, Dunnell, Durham, Eames, Eldredge, Farwell, Fort, Freeman, Frye, Giddings, Glover, Gooch, Gunckel, Hagans, Robert S. Hale, Hancock, Henry R. Harris, John T. Harris, Harrison, Hatcher, Havens, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hereford, E. Rockwood Hoar, Hodges, Houghton, Howe, Kendall, Knapp, Lamar, Lamison, Lansing, Leach, Lowe, Lowndes, Luttrell, Alexander S. McDill, James W. McDill, MacDougall, McKee, McLean, McNulta, Milliken, Mills, Mitchell, Morrison, Negley, Nesmith, Niblack, Nunn, Page, Hosea W. Parker, Isaac C. Parker, Pelham, Pendleton, Phillips, Pierce, James H. Platt, jr., Thomas C. Platt, Pratt, Purman, Rainey, Ransier, Ray, Read, Richmond, Robbins, James C. Robinson, Rusk, Sener, Shanks, Sheats, Sheldon, Sherwood, Sloan, Small, Southard, Stanard, Starkweather, Swann, Christopher Y. Thomas, Townsend, Vance, Waddell, Waldron, Walls, Wells, White, Whitehead, Whiteley, George Willard, Charles G. Williams, William B. Williams, Willie, Wilshire, Ephraim K. Wilson, Wood, John D. Young, and Pierce M. B. Young—135.

NAYS—Messrs. Barber, Buffinton, Bundy, Cason, Cessna, Stephen A. Cobb, Corwin, Crooke, Duell, Field, Foster, Garfield, John B. Hawley, Hendee, Holman, Hooper, Hoskins, Hunter, Hurlbut, Hyde, Lawrence, Lawson, Loughridge, McCrary, Merriam, Monroe, Neal, O'Neill, Orth, Packard, Parsons, Potter, Rice, Ellis H. Roberts, James W. Robinson, Ross, Sawyer, Henry B. Sayler, Henry J. Scudder, A. Herr Smith, John Q. Smith, Speer, Sprague, Strait, Taylor, Todd, Tyner, Whitthorne, Charles W. Willard, James Wilson, Wolfe, and Woodworth—52.

NOT VOTING—Messrs. Adams, Albright, Archer, Averill, Banning, Barnum, Barrere, Barry, Bass, Begole, Biery, Bromberg, Benjamin F. Butler, Cain, Amos Clark, jr., Freeman Clarke, Clayton, Clinton L. Cobb, Comingo, Cotton, Creamer, Crutchfield, Curtis, Danford, Davis, Dawes, Dobbins, Eden, Elliott, Eugene Hale, Hamilton, Harmer, Benjamin W. Harris, Hathorn, Herndon, Hersey, George F. Hoar, Hubbell, Hunton, Hynes, Jewett, Kasson, Kelley, Kellogg, Killinger, Lamport, Lewis, Lofland, Lynch, Magee, Marshall, Martin, Maynard, McJunkin, Mellish, Moore, Morey, Myers, Niles, O'Brien, Orr, Packer, Perry, Phelps, Pike, Poland, Randall, Rapier, William R. Roberts, Milton Sayler, John G. Schumaker, Scofield, Isaac W. Scudder, Sessions, Lazarus D. Shoemaker, Sloss, Smart, George L. Smith, H. Boardman Smith, J. Ambler Smith, William A. Smith, Snyder, Standiford, Stephens, St. John, Stone, Storm, Stowell, Strawbridge, Sypher, Charles R. Thomas, Thornburgh, Tremain, Wallace, Jasper D. Ward, Marcus L. Ward, Wheeler, Whitehouse, Wilber, John M. S. Williams, William Williams, Jeremiah M. Wilson, and Woodford—103.

So the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. YOUNG, of Georgia, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The House resumes the consideration of the Indian appropriation bill, which comes over from Saturday with the previous question operating upon it. But before proceeding with that order the Chair will entertain motions for reference of bills by unanimous consent.

THOMAS F. YOUNG.

Mr. COX, by unanimous consent, introduced a bill (H. R. No. 3328) for the relief of Thomas F. Young, of New York, assignee of Byam K. Stevens; which was read a first and second time, referred to the Committee on War Claims and ordered to be printed.

MISSISSIPPI CONGRESSIONAL ELECTION.

Mr. LYNCH, by unanimous consent, introduced a bill (H. R. No. 3332) to fix the time for the election of Representatives in the Forty-fourth Congress from the State of Mississippi; which was read a first and second time, referred to the Committee on Elections, and ordered to be printed.

MARY F. MONCRIEFF.

Mr. ALBRIGHT, by unanimous consent, introduced a bill (H. R. No. 3329) granting a pension to Mary F. Moncrieff, widow of George F. Moncrieff, late quartermaster-sergeant Fifth United States Artillery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EXECUTION OF TRUSTS IN THE DISTRICT.

Mr. CHIPMAN, by unanimous consent, introduced a bill (H. R. No. 3330) in relation to the execution of trusts in the District of Columbia; which was read a first and second time, referrrd to the Committee on the Judiciary, and ordered to be printed.

SOUTH CAROLINA TAX-PAYERS' MEMORIAL.

Mr. POTTER. I submit the views of a minority of the Committee on the Judiciary, the gentleman from Illinois [Mr. WARD] and myself, in relation to the memorial of the tax-payers' convention of South Carolina, and ask that they be printed, and also that they be printed in the CONGRESSIONAL RECORD. The views of the majority and also of a minority of the committee have already been printed.

There was no objection, and it was so ordered.

The report is as follows:

Mr. POTTER, from the Committee on the Judiciary, submitted the following as the views of a minority:

The undersigned, from the Committee on the Judiciary, to whom was referred the memorial of the tax-payers' convention of South Carolina, asking for relief against the alleged misgovernment in that State, dissent from the report of the committee thereon, and join in the recommendation that a commission of investigation should be appointed, for the following reasons:

Whatever may be the condition of public affairs in South Carolina, we are not prepared to say that the Federal Government has now any authority to interfere with the government of any State where popular suffrage prevails, even if such government result in general plunder by taxation, under the form of law, of one class of the population by the other.

At the same time, the condition in South Carolina is doubtless most deplorable; a State in which one-third of the farms in one section were sold for taxes in a single year, in which in the principal city the taxation of the improved real estate equaled the whole revenue from it, and in which private bills are openly passed by the Legislature for bribes—none of which allegations before the committee do we understand to be controverted; although a republican government in form, is none the less a government not worthy to be preserved.

The Constitution of the United States provides for its own amendment. Its framers did not foresee the steamboat, the railway, and the telegraph, and the consequent physical changes in the country; but they did at least foresee that the States might in time become a great nation, and that the provisions of the Constitution, required by small, sparse, and poor communities, would then need to be changed to properly adapt the same principles of government to the growth and changes of the people.

If the condition of things in the South be owing to the late constitutional amendment forbidding any restriction in suffrage on account of race or color, it may be, we do not say that it will be, found that some further amendments looking to educational or other qualifications for Federal suffrage are necessary.

At any rate, distress and abuses prevail over so large an area and in such a degree throughout the South as seems to us to warrant the investigation recommended by the minority of the committee with a view of ascertaining whether there be any great and prevalent evil which can be cured by any legislation now or that may hereafter be properly brought within the power of Congress.

CLARKSON N. POTTER.
J. D. WARD.

FORT GRATIOT MILITARY RESERVATION.

Mr. CONGER. I ask unanimous consent to introduce for present consideration a bill authorizing the Secretary of War to grant a right of way across a corner of the Fort Gratiot military reservation to the city railroad company.

The bill was read.

Mr. SPEER. I must object to the present consideration of the bill.

Mr. CONGER. I have here the letter of the Secretary of War giving his consent to this bill, which cuts off but a little corner to make a curve where otherwise a turn-table would be laid around the military reservation. The road has already been laid and is within a quarter of a mile from the post. It only cuts off a little corner of fifteen feet.

Mr. SPEER. The bill had better go to a committee.

Mr. RANDALL. I understand that it is before the Military Committee now.

Mr. CONGER. I ask that the letter of the Secretary of War may be read.

Mr. RANDALL. I object.

Mr. CONGER. I move to suspend the rules and pass the bill.

The SPEAKER. That motion is not in order, because the House on Saturday ordered the previous question on the third reading and engrossment of the Indian appropriation bill, and that bill is now before the House as unfinished business.

Mr. CONGER. There ought to be some times when gentlemen should be allowed to ask action on bills such as I have submitted.

The SPEAKER. The Chair thinks there will be plenty of time for that purpose to-day.

ALIZARINE.

Mr. PIERCE, by unanimous consent, introduced a bill (H. R. No. 3331) to place alizarine on the free list; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

J. B. HERIMON.

Mr. ELDREDGE, by unanimous consent, introduced a bill (H. R. No. 3337) granting a pension to J. B. Herimon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INDIAN APPROPRIATION BILL.

The SPEAKER. The regular order is the consideration of the Indian appropriation bill, which comes over from Saturday as unfinished business. The question at the adjournment on Saturday was on the amendment offered by the gentleman from Texas, [Mr. HANCOCK,] on which the House was dividing.

The amendment was as follows:

Amend by inserting after line 1053, on page 44, the following:

Provided, That the Secretary of the Interior be, and he is hereby, directed and required, in paying out the several foregoing annuities, to pay to the Prairie tribe of said Pottawatomies that proportion of money which they are and were entitled to under the terms and stipulations of said several treaties and the settlement and agreement had and entered into by and between said Prairie band and the Citizens band of said Pottawatomies, entered into on the 18th of July, 1872; and the accounts of said bands shall be so adjusted as to give effect to said agreement.

Mr. LOUGHRIDGE. I am instructed by the Committee on Appropriations to say, that after examining that amendment they are willing that it should be adopted, if that can be done now by unanimous consent.

The SPEAKER. If no gentleman objects the amendment will be adopted.

Mr. GARFIELD. The committee do not call for a separate vote upon it.

The amendment was agreed to.

Mr. BECK. I desire to make a parliamentary inquiry. Is it in order at any time while this bill is pending, as the regular order, to move to suspend the rules and take up anything else?

The SPEAKER. It is not, because the previous question has been operating and is partially executed. This order takes precedence of all other business until disposed of.

Mr. BECK. I demand a separate vote on the amendment striking out a portion of section 2 of the bill.

Section 2 of the bill was as follows:

SEC. 2. That the sum of $15,000, or so much thereof as may be necessary to pay the expenses of the commission of citizens serving without compensation appointed by the President under the provisions of the fourth section of the act of April 10, 1869, is hereby appropriated; and said board of Indian commissioners is hereby continued, with all the powers and duties conferred and imposed by existing laws. These powers and duties shall not be construed as compelling said board, or any member thereof, to examine and pass upon the accounts and vouchers of the Indian Bureau, if said board shall not deem such examination necessary. And all such examinations and duties shall hereafter be performed in the city of Washington, except that when said board shall deem it necessary, for the more prompt examination of said vouchers, they may direct their executive committee to hold its sessions for such purpose in the cities of Philadelphia or New York. But nothing herein provided shall be construed to supersede or interfere with the duty heretofore imposed upon said board of commissioners to visit Indian agencies and inspect the vouchers, books, and papers thereof.

The amendment reported from the Committee of the Whole was to strike out the following words:

These powers and duties shall not be construed as compelling said board, or any member thereof, to examine and pass upon the accounts and vouchers of the Indian Bureau, if said board shall not deem such examination necessary.

The question was taken; and the amendment was agreed to, ayes 74, noes not counted.

The other amendments reported from the Committee of the Whole on the state of the Union were then agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. BECK. I call for the yeas and nays on the passage of the bill.

The yeas and nays were not ordered, only 19 members voting therefor.

The bill was then passed.

Mr. LOUGHRIDGE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

THREE PER CENT. LOAN CERTIFICATES.

The SPEAKER. The next business in order which comes over from Monday last is the consideration of the bill (H. R. No. 3164) to amend the act entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates and for an increase of national-bank notes," approved July 12, 1870, and to provide for a more equitable distribution of the national-bank currency. The Chair has this moment received a dispatch from the gentleman from Iowa, [Mr. KASSON,] who offered the bill, who telegraphs that he is in Philadelphia, too ill to return to-day; and he desires that the House will consent that the bill shall go over on the same conditions until Monday next.

There was no objection, and it was so ordered.

RIVER AND HARBOR BILL.

Mr. WHEELER. I desire to report back from the Committee on Appropriations the river and harbor bill, and I wish to say by way of explanation that there are several written amendments attached to the printed bill, for this reason: they provide for surveys which had been agreed upon by the Committee on Commerce, but had not been definitely defined. The Committee on Appropriations have made no change whatever in the bill, and if the House will indulge me for a moment I desire to make a statement in connection with it, and the public business generally.

Mr. O'NEILL. I wish to ask if it will be in order for me to say a few words in reply to what the gentleman from New York says. I understand he is going to follow his remarks by a motion to suspend the rules and pass the bill, which appropriates $4,500,000, without any discussion in the House.

Mr. RANDALL. And without the opportunity to offer amendments.

Mr. O'NEILL. Yes; and without the opportunity to offer amendments. I desire to have an opportunity to reply to the gentleman from New York, and unless I can have that opportunity I shall refuse to give unanimous consent for him to go on with his remarks.

Mr. WHEELER. I have no objection to the gentleman replying to what I may say. I ask permission to make a statement in relation to the bill.

Mr. HAZELTON, of Wisconsin. Let the gentleman from Pennsylvania be allowed the same time that the gentleman from New York occupies.

Mr. WHEELER. I am perfectly willing that the gentleman from Pennsylvania, or any other gentleman, shall have as much time as I occupy.

The SPEAKER. The Chair hears no objection to that arrangement.

Mr. WHEELER. I want for a moment to call the attention of the House to the condition of the public business. Congress has now been in session about six months.

Mr. BECK. Were all points of order reserved on the bill? If not, I desire to reserve them until I can here it read.

The SPEAKER. The bill has not yet been read, and points of order will be in time.

Mr. BECK. I desire to know what the pending motion is?

The SPEAKER. The gentleman from New York has not yet stated it.

Mr. BECK. Then I object to debate.

The SPEAKER. The gentleman from New York is asking consent to make a statement respecting the public business.

Mr. RANDALL. Let us hear his motion first, and then perhaps his remarks will be in order,

Mr. WHEELER. I will be perfectly frank. I desire to make an explanation that will occupy about two minutes in relation to the bill, and then I shall ask that it be read, and shall test the sense of the House upon a motion for passing it under a suspension of the rules.

Mr. RANDALL. Let us have the motion first, and then we will hear the explanation.

Mr. HOLMAN. I rise to a point of order. Was not unanimous consent given to the gentleman from New York to make a statement?

Mr. RANDALL. No, sir.

The SPEAKER. The Chair understood that no objection was interposed to allowing the gentleman from New York to occupy two minutes on condition that the gentleman from Pennsylvania should have the same time.

Mr. HOLMAN. The Chair so announced.

Mr. RANDALL. But there is nothing before the House.

The SPEAKER. Unanimous consent was given that the gentleman might make his statement.

Mr. WHEELER. What is the decision of the Chair?

The SPEAKER. The gentleman has liberty to make a statement.

Mr. WHEELER. I said that Congress had now been in session about six months, and during that time one only of the twelve regular appropriation bills has become a law, the fortification bill. The Army and Navy appropriation bills, upon amendments made by the Senate, are still pending between the two Houses. The legislative, executive, and judicial appropriation bill, upon which the House spent some three weeks, is now in the Senate, as yet without action by that body. The Indian appropriation bill we have finished this morning. There remain for our consideration yet seven of the regular appropriation bills, to wit: the Military Academy bill, the deficiency bill, the post-office bill, the consular and diplomatic bill, the pensions bills, the sundry civil bill, and the river and harbor bill. In the mean time we are in the sweltering heat of summer, so fraught with discomfort, debility, and sickness.

Mr. BECK. Would it not be in order to move to suspend the rules and put them all through at once?

Mr. WHEELER. I believe a motion to suspend the rules is not amendable. I thought that under the circumstances the House might take a short cut with the river and harbor bill. This bill has been most carefully prepared by the Committee on Commerce, and has been as carefully revised by the Committee on Appropriations. Last year a corresponding bill appropriated $6,102,900. This bill appropriates $4,500,000. In its preparation both of your committees have kept carefully in mind the economy which was initiated by the House in its resolution asking the Secretary of the Treasury to revise his estimates, and which has so far characterized the action of the House upon every appropriation bill which it has so far passed.

While the Committee on Commerce would gladly have given more to the improvement and development of the revenues of the commerce of the country, they have been controlled in all cases by the condition of the Treasury, recognizing its straitened circumstances. This bill makes provision for no single new work. We have not thought that the condition of the Treasury would warrant any new undertaking. Not in a single instance have the revised estimates of the Engineer-in-Chief been exceeded; we have kept below his estimates in the majority of cases.

Now, with this statement, and reminding the House that this bill as originally estimated for called for $15,000,000, that last year $6,000,000 was appropriated for this purpose, and that this year we propose to give but $4,500,000, which we have distributed as equitably as we know how to do, and asking the House to legislate in the spirit of economy which has so far governed it, I move that the bill be read, and the rules suspended, so that it be now passed.

Mr. O'NEILL. I will detain the House but a few moments. I do not recollect, in the course of some years' experience here, when a bill of this magnitude, proposing to appropriate so large a sum of money, was attempted to be hurried through in this way, excepting on one occasion. I recollect that occasion very well; it was toward the end of a session. I fear we are not even now within six weeks of the end of this session. That was within three or four days of the time of the final adjournment, and then the river and harbor bill was brought before the House and put through by what the gentleman calls a short cut. It was then absolutely necessary or the bill would have failed.

I stand here in favor of proper economy, desiring the Committee on Appropriations, of which I have the honor to be a member, to stand up in the same interest and not to act hastily, but to let the country see and examine this bill. Let it be thoroughly discussed so that we may know whether we are appropriating too much or too little for certain works in certain localities. I am not of the opinion that we will be doing justice to the country by hurrying through at this time a bill of this magnitude. I have always been in favor of proper appropriations for rivers and harbors, and will always vote for such sums as may be necessary for the improvement of the channels of trade and commerce, but I am opposed to this manner of proceeding. I want time for proper consideration and discussion.

The Committee on Appropriations have examined with great care every money bill that has been referred to them. I have no doubt the Committee on Commerce have examined this bill thoroughly. But neither the Committee on Commerce nor the Committee on Appropriations constitute the House of Representatives. Neither of those committees, nor both of them, can take the place of the people. We are here to represent the people and to guard their interests. I, for one, am anxious to have this bill considered line by line and paragraph by paragraph. It is all very nice for the convenience of some gentlemen to hurry through a bill of this kind in this way; but it is very unpleasant for those from localities that may not have been heard, or if heard before the Committee on Appropriations may want to move an amendment in the House, either to cut down or to increase an appropriation for some river or harbor. I am speaking for all localities and for the opportunity that should be given to each member, should he see fit to do so, to amend and discuss and not to be forced to vote in such suddenness for the many sections in this bill. Every one should be heard, and we should go into Committee of the Whole, where so many millions are involved as we find in this legislation now presented by the chairman of the Committee on Commerce.

From the beginning of the session until now I have stood by the Committee on Appropriations endeavoring, if I could in any way, to economize expenditures. I am utterly amazed to-day to find what is advised by that committee and the Committee on Commerce. We are certainly not within six weeks of the end of the session, and yet those committees come in here and press upon you, upon the plea of hurry, want of time, warm weather, perhaps an unhealthy season approaching, to pass this large money bill without consideration. I can say to these gentlemen that for one I never felt better in my life, and I hope to continue so during the warm weather. I never felt more able to consider the legislation of the country; and I am willing to sit here until we can consider it properly. But I cannot see this bill proceeded with without protesting against this action of the Committee on Appropriations, backed up by the Committee on Commerce. It is a new thing to urge so important a bill through in such haste. I hope the House will not sustain the motion to pass it by a suspension of the rules. Harm may come if that is done, but no harm can come if we digest the bill, carefully examine it, and vote upon it section by section and item by item, as has always been done, I believe, except in one instance.

We have heard a great deal of economy all the winter past from the chairman of the Committee on Appropriations, [Mr. GARFIELD,] and the chairman of the Committee on Commerce [Mr. WHEELER] has joined with him in that. But I say to-day it is no evidence of economy if this House is called upon in half an hour to pass a bill appropriating $4,500,000. I care not whether the estimates called for $13,000,000 or $15,000,000, or whether these committees have cut them down more than half. That is not the question. There is a principle involved here, whether the people shall be heard upon this floor, through their Representatives, as to the propriety of appropriating this much or less to any given points in the country. I hope the motion to suspend the rules will be voted down.

The SPEAKER. The bill will be read.

The Clerk read the bill.

The SPEAKER. The motion of the gentleman from New York [Mr. WHEELER] is that the rules be suspended and that the bill, as just read, be passed.

The motion was seconded.

Mr. RANDALL and Mr. BECK called for the yeas and nays on suspending the rules.

The question being taken on ordering the yeas and nays, there were ayes 32, noes not counted.

Mr. WHEELER called for tellers.

Tellers were ordered; and Mr. WHEELER and Mr. RANDALL were appointed.

The House divided; and the tellers reported ayes 42, noes not counted.

So the yeas and nays were ordered.

The question was taken; and there were—yeas 167, nays 58, not voting 65; as follows:

YEAS—Messrs. Adams, Albert, Arthur, Averill, Barber, Barrere, Bass, Bell, Bradley, Bromberg, Buckner, Buffinton, Bundy, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Cason, John B. Clark, jr., Freeman Clarke, Clements, Stephen A. Cobb, Conger, Corwin, Cotton, Crittenden, Crocker, Crooke, Crounse, Crutchfield, Darrall, Davis, Donnan, Duell, Eames, Eldredge, Farwell, Field, Fort, Foster, Freeman, Frye, Garfield, Gooch, Gunckel, Hagans, Eugene Hale, Robert S. Hale, Henry R. Harris, Harrison, Hatcher, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, Hereford, E. Rockwood Hoar, Hodges, Holman, Hooper, Hoskins, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kellogg, Kendall, Knapp, Lamport, Lansing, Lawrence, Lawson, Lowe, Lowndes, Luttrell, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McJunkin, McNulta, Merriam, Mitchell, Monroe, Morey, Negley, Niblack, Niles, O'Brien, Orr, Orth, Packard, Isaac C. Parker, Parsons, Pelham, Pendleton, Perry, Phelps, Phillips, Pierce, Pike, James H. Platt, jr., Thomas C. Platt, Poland, Potter, Pratt, Rainey, Ransier, Ray, Rice, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Milton Sayler, John G. Schumaker, Henry J. Scudder, Sener, Shanks, Sheats, Sheldon, Sherwood, Sloan, Small, A. Herr Smith, George L. Smith, J. Ambler Smith, John Q. Smith, Sprague, Stanard, Starkweather, Stone, Strait, Swann, Christopher Y. Thomas, Townsend, Waldron, Walls, Marcus L. Ward, Wells, Wheeler, White, Whitehead, Whiteley, Charles W. Willard, George Willard, Charles G. Williams, William Williams, William B. Williams, Willie, Ephraim K. Wilson, James Wilson, Jeremiah M. Wilson, Wolfe, Woodford, Woodworth, John D. Young, and Pierce M. B. Young—167.

NAYS—Messrs. Albright, Ashe, Atkins, Beck, Berry, Bland, Blount, Bowen, Bright, Brown, Caldwell, Cessna, Clymer, Clinton L. Cobb, Coburn, Cook, Cox, Crossland, DeWitt, Dunnell, Durham, Eden, Giddings, Glover, Hamilton, Hancock, John T. Harris, Houghton, Howe, Lamar, Lamison, Leach, Lynch, McKee, McLean, Milliken, Mills, Morrison, Neal, O'Neill, Packer, Page, Hosea W. Parker, Purman, Randall, Rapier, Read, Robbins, Isaac W. Scudder, Southard, Speer, Taylor, Thornburgh, Todd, Vance, Waddell, Whitthorne, and Wood—58.

NOT VOTING—Messrs. Archer, Banning, Barnum, Barry, Begole, Biery, Burchard, Amos Clark, jr., Clayton, Comingo, Creamer, Curtis, Danford, Dawes, Dobbins, Elliott, Harmer, Benjamin W. Harris, Hathorn, Herndon, Hersey, George F. Hoar, Hunton, Jewett, Kasson, Kelley, Killinger, Lewis, Lofland, Loughridge, Magee, Marshall, Martin, Maynard, Mellish, Moore, Myers, Nesmith, Nunn, William R. Roberts, James C. Robinson, Scofield, Sessions, Lazarus D. Shoemaker, Sloss, Smart, H. Boardman Smith, William A. Smith, Snyder, Standiford, Stephens, St. John, Storm, Stowell, Strawbridge, Sypher, Charles R. Thomas, Tremain, Tyner, Wallace, Jasper D. Ward, Whitehouse, Wilber, John M. S. Williams, and Wilshire—65.

So (two-thirds voting in favor thereof) the bill was passed.

CLERICAL FORCE OF GENERAL LAND OFFICE.

Mr. TOWNSEND. In pursuance of the notice which I gave on Monday last, I move to suspend the rules to enable me to report from

the Committee on Public Lands, and the House to pass at this time, the bill (H. R. No. 1060) to reorganize the clerical force of the General Land Office.

The bill was read, as follows:

Be it enacted, &c., That from and after the 1st day of July, 1874, the clerical force of the General Land Office shall be as follows: One chief clerk, at an annual salary of $2,600; nine clerks in charge of divisions, at an annual salary of $2,400 each; eleven clerks of class five, as assistants to such heads of divisions, at an annual salary of $2,000 each; ten clerks of class four, at an annual salary of $1,800 each; forty clerks of class three, at an annual salary of $1,600 each; forty clerks of class two, at an annual salary of $1,400 each; fifty clerks of class one, at an annual salary of $1,200 each. In addition to the foregoing there shall be appointed one chief messenger, at an annual salary of $1,000; five messengers at an annual salary of $840 each; eight laborers at an annual salary of $720 each; and two packers, at an annual salary of $840 each.

SEC. 2. That the offices of principal clerk of public lands, principal clerk of private land claims, and principal clerk of surveys be, and the same are hereby, abolished; and that sections 2, 3, and 8 of the act approved July 4, 1836, entitled "An act to reorganize the General Land Office," are hereby repealed.

SEC. 3. That during any temporary vacancy in the office of recorder of the General Land Office, or in case of the sickness or absence of the recorder, the duties of his office shall be performed by a clerk of the said Bureau, to be designated by the President of the United States.

SEC. 4. That from and after the 1st day of July, 1874, the recorder of the General Land Office shall receive a salary of $2,400 per annum.

Mr. WILLARD, of Vermont. I understand that this is the same bill which was reported on a former occasion, and which increases salaries in the Land Office to the extent of $30,000. It appears to me that such a bill ought not to pass without some consideration.

Mr. TOWNSEND. The business of the General Land Office has doubled within the last ten years, and——

Mr. BECK. I object to debate.

Mr. HOLMAN. As the bill proposes a large increase of salaries, I trust that some discussion will be had upon it.

Mr. BECK. I object to taking up and passing important bills in this way; the river and harbor bill, and all others.

The question being taken on seconding the motion to suspend the rules, there were—ayes 69, noes 79.

So the motion to suspend the rules was not seconded.

JUDICIAL PROCEEDINGS IN UTAH.

Mr. POLAND. I ask that the bill of the Judiciary Committee in regard to judicial proceedings in Utah may be considered in the House as in Committee of the Whole.

Mr. COX. I object.

Mr. POLAND. I move, then, to suspend the rules to make the order I have stated.

The question being on seconding the motion to suspend the rules,

The SPEAKER ordered tellers; and appointed Mr. POLAND and Mr. COX.

Mr. POLAND. I think there is some misapprehension in relation to my motion. Some gentlemen understand that I want to bring the bill up for consideration now; that is not so.

The SPEAKER. As the Chair understands, the proposition is that the bill when reported shall be considered in the House as in Committee of the Whole.

Mr. GARFIELD. Has the committee the right to report at any time?

The SPEAKER. It has.

Mr. COX. I make objection to the motion because I am informed there ought to be allowed at least ten days or two weeks for certain proceedings to reach here before the bill is taken up.

Mr. POLAND. I shall not be in a hurry about bringing the bill forward.

Mr. COX. If this motion be agreed to, the gentleman will have the power to bring it forward at any time.

Mr. POLAND. I shall not press the matter unduly.

The House divided on seconding the motion to suspend the rules; and there were—ayes 109, noes 40.

So the motion was seconded.

The question being then taken on the motion to suspend the rules, there were—ayes 91; noes 46.

Mr. POLAND. I call for tellers.

The SPEAKER. Tellers will be ordered. The gentleman from Vermont, Mr. POLAND, and the gentleman from Pennsylvania, Mr. SPEER, are appointed. The Chair will remark that he thinks the country is entitled to have one-half of the House vote on an important question. The difficulty has been this morning to get one-half the House to vote.

The House divided; and the tellers reported ayes 101, noes not counted.

So (two-thirds voting in favor thereof) the motion was agreed to; and the order was accordingly made.

TAXATION OF LANDS GRANTED TO RAILROADS.

Mr. CROUNSE. I move to suspend the rules for the purpose of passing the bill (H. R. No. 3281) to amend the act entitled "An act to amend an act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 2, 1864. I will say, while the title does not convey the purpose of the bill clearly, that it is to provide for the taxation of lands given in aid of the Union Pacific Railroad the same as other lands in Nebraska and other States and Territories.

The bill, which was read, provides that section 21 of the act to amend the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 2, 1864, be amended by adding thereto the following:

Provided, however, That the neglect of any such company or parties in interest to pay the costs of such survey, selecting, and conveying, as herein provided, and take the patents therefor, shall not prevent the legal title vesting in said company or party in interest, subject to the payment of such costs; and all lands so earned, and to which said company or party in interest shall be entitled, in accordance with the provisions of this act, or of the act of which this is amendatory, shall be subject to all legal taxes imposed under authority of any State or Territory in which such lands are located, from the time such company or party in interest shall have been or may be entitled to a conveyance thereof, the same as though no costs or fees had been imposed by the provisions of this section; and upon the sale of any of such lands for taxes so assessed which may be found delinquent, the purchaser thereof shall pay to the proper officer all costs due thereon as herein provided, and thereupon letters-patent shall issue to such company conveying said lands, subject to the legal rights and title of the tax-sale purchaser; and that it shall be the duty of the Commissioner of the General Land Office to prepare and deliver, without delay, patents for all lands applied for by any company, as aforesaid, where the same are clearly within the grant and free from conflicting claims, and all legal fees and charges have been paid by said company; that if any company shall fail to pay the proper costs or fees required by law, and to select for patent the lands pertaining to its grant within such period as to enable the local authorities to assess said lands, lists of the same shall be furnished to the governor of any State or Territory, upon application to the Commissioner of the General Land Office and payment of the cost of preparing the same; said lists to be duly certified by the Commissioner and approved by the Secretary of the Interior, under seal of their respective offices.

Mr. CROUNSE. I will say further, Mr. Speaker, that this bill comes unanimously reported from the Committee on the Public Lands.

Mr. BRADLEY. The Committee on the Public Lands instructed me unanimously to report this bill back with the recommendation that it do pass.

The SPEAKER. The question is, Will the House second the motion to suspend the rules.

Mr. HOLMAN. Let me ask a question, whether the effect of the passage of this bill may not be to confirm to these companies grants heretofore made and which may have been forfeited by failure to comply with the terms of the grant?

Mr. CROUNSE. The committee were solicitous to guard that point, and I think it is carefully guarded. It leaves the parties with their rights just as they are excepted, subjecting these lands to taxation.

Mr. HOLMAN. If the gentleman will allow me I will move an amendment. I move to add the following:

Provided, however, That nothing in this act shall be construed to relieve any railroad from the effect of any forfeiture heretofore suffered or incurred.

Mr. BRADLEY. I do not see any objection to that amendment.

Mr. CROUNSE. I am willing to modify my motion to suspend the rules, and include also the gentleman's amendment.

The motion to suspend the rules was seconded.

The rules were suspended; and the bill, with Mr. HOLMAN's amendment, was passed.

CIVIL WAR IN ARKANSAS.

Mr. NUNN, by unanimous consent, introduced a joint resolution (H. R. No. 99) for the suppression of civil war in the State of Arkansas; which was read a first and second time.

Mr. NUNN. I ask that the resolution be read.

The Clerk read as follows:

Whereas the civil authority of the State of Arkansas is annulled by the acts of persons claiming to be governor of that State and their adherents; and whereas it is the duty of the United States Government to protect each one of the States against domestic violence and civil war: Therefore,

Be it resolved, &c., That the President of the United States be authorized to appoint a provisional governor of the State of Arkansas, who shall forthwith proceed to assume the duties of governor of said State, and shall discharge such duties until the questions of fact and law can be decided by the proper judicial tribunal as to who is the legal governor of said State.

The joint resolution was referred to the Committee on the Judiciary, and ordered to be printed.

LAKE SUPERIOR AND PUGET SOUND RAILROAD.

Mr. AVERILL, by unanimous consent, introduced a bill (H. R. No. 3333) amendatory of and supplementary to an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound, on the Pacific Coast, by the northern route," approved July 2, 1864, and acts and resolutions additional thereto and amendatory thereof; which was read a first and second time and, with the memorial, referred to the Committee on the Pacific Railroad, and ordered to be printed.

"THE DYING INDIAN."

Mr. COX, by unanimous consent, submitted the following resolution; which was referred to the Committee on the Library, and ordered to be printed:

Resolved, That the Committee on the Library be requested to introduce a joint resolution requiring the removal of the statue known as "The Dying Indian" to the Statuary Hall of the House of Representatives; the change to be made under the direction of Preston Powers, sculptor, and at his request without expense.

INUNDATION IN ALABAMA.

Mr. WHITE, by unanimous consent, introduced a joint resolution (H. R. No. 100) authorizing the President of the United States to cause to be issued Army rations, forage, and disused Army clothing to the suffering people in danger of starvation in the inundated dis-

tricts of the Alabama, Tombigbee, and Tennessee Rivers, in the State of Alabama; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

Mr. WHITE. I ask unanimous consent that the Committee on Appropriations have leave to report at any time.

There being no objection, it was ordered accordingly.

COMMITTEE INVESTIGATION.

Mr. WILSON, of Iowa, by unanimous consent, submitted the following resolution; which was read, referred to the Committee on the Rules, and ordered to be printed.

Whereas the best interests of the country require that the standing committees of the House that are in such great measure responsible for legislation have the clearest light possible, the greatest facilities practicable, and the amplest authority over all matters referred to them; that the rapidly growing interests of the Government in all its departments may be admonished of the power to investigate without the notice consequent upon a debate in the House; and that committees may exercise the power in matters necessary to them, but not justifying the excitement resulting from an order to investigate: Therefore,

Resolved, That the Committee on the Rules be instructed to inquire into the expediency of so amending our standing rules that each standing committee of the House have the power to send for persons and papers without an order of the House.

SARAH E. PORTER.

Mr. FIELD, by unanimous consent, introduced a bill (H. R. No. 3334) granting a pension to Sarah E. Porter, of Detroit, Michigan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TAX ON INCOMES.

Mr. FORT. I move that the rules be suspended, and that the following resolution be adopted:

Resolved, That if it shall be found to be necessary to increase taxation for any purpose, such increase should commence by taxing persons and corporations upon their annual incomes, dividends, and salaries.

The question being taken on seconding the motion to suspend the rules, there were—ayes 53, noes 61; no quorum voting.

Tellers were ordered under the rule; and Mr. WOOD and Mr. FORT were appointed.

The House again divided; and the tellers reported—ayes 81, noes 70.

So the motion to suspend the rules was seconded.

The question recurred on suspending the rules and adopting the resolution.

Mr. FORT, and Mr. BUTLER of Massachusetts, called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 137, nays 64, not voting 89; as follows:

YEAS—Messrs. Albright, Ashe, Atkins, Bell, Berry, Bland, Blount, Bowen, Bradley, Bright, Brown, Buckner, Bundy, Burchard, Burrows, Roderick R. Butler, Caldwell, Cannon, Cason, John B. Clark, jr., Clements, Clymer, Clinton L. Cobb, Stephen A. Cobb, Comingo, Conger, Corwin, Crittenden, Crooke, Crossland, Crutchfield, Darrall, Donnan, Dunnell, Eden, Eldredge, Field, Fort, Foster, Freeman, Frye, Garfield, Giddings, Glover, Hagans, Eugene Hale, Hancock, Henry R. Harris, John T. Harris, Hatcher, Havens, John B. Hawley, Hays, Gerry W. Hazelton, Hendee, Hereford, Hodges, Holman, Hunter, Hurlbut, Hyde, Knapp, Lawrence, Leach, Loughridge, Lowe, Luttrell, McCrary, Alexander S. McDill, James W. McDill, McJunkin, McKee, McLean, McNulta, Merriam, Milliken, Mills, Monroe, Moore, Morrison, Neal, Nesmith, Niblack, Nunn, Orr, Orth, Packard, Page, Hosea W. Parker, Isaac C. Parker, Pelham, Perry, Phelps, Phillips, Pike, James H. Platt, jr., Pratt, Purman, Rapier, Ray, Read, Robbins, James W. Robinson, Rusk, Henry B. Sayler, Sener, Shanks, Sheats, Sheldon, Sherwood, Sloan, Small, George L. Smith, J. Ambler Smith, John Q. Smith, Southard, Sprague, Stanard, Stone, Strait, Christopher Y. Thomas, Thornburgh, Tyner, Vance, White, Whitehead, Whiteley, Whitthorne, Charles W. Willard, Charles G. Williams, William Williams, William B. Williams, Willie, James Wilson, Wolfe, John D. Young, and Pierce M. B. Young—137.

NAYS—Messrs. Albert, Arthur, Barber, Bass, Bromberg, Buffinton, Burleigh, Cessna, Freeman Clarke, Cook, Cotton, Cox, Davis, DeWitt, Duell, Eames, Farwell, Gooch, Gunckel, Robert S. Hale, Harrison, Joseph R. Hawley, John W. Hazelton, E. Rockwood Hoar, Hooper, Hoskins, Houghton, Kellogg, Lamport, Lansing, Lawson, Lowndes, Lynch, MacDougall, Mitchell, O'Brien, O'Neill, Packer, Parsons, Pendleton, Pierce, Thomas C. Platt, Poland, Potter, Rice, Richmond, Ellis H. Roberts, Sawyer, Scofield, Henry J. Scudder, Isaac W. Scudder, A. Herr Smith, Speer, Starkweather, Taylor, Townsend, Waldron, Walls, Marcus L. Ward, Wheeler, George Willard, Wood, and Woodworth—64.

NOT VOTING—Messrs. Adams, Archer, Averill, Banning, Barnum, Barrere, Barry, Beck, Begole, Biery, Benjamin F. Butler, Cain, Amos Clark, jr., Clayton, Coburn, Creamer, Crocker, Crounse, Curtis, Danford, Dawes, Dobbins, Durham, Elliott, Hamilton, Harmer, Benjamin W. Harris, Hathorn, Herndon, Hersey, George F. Hoar, Howe, Hubbell, Hunton, Hynes, Jewett, Kasson, Kelley, Kendall, Killinger, Lamar, Lamison, Lewis, Lofland, Magee, Marshall, Martin, Maynard, Mellish, Morey, Myers, Negley, Niles, Rainey, Randall, Ransier, William R. Roberts, James C. Robinson, Ross, Milton Sayler, John G. Schumaker, Sessions, Lazarus D. Shoemaker, Sloss, Smart, H. Boardman Smith, William A. Smith, Snyder, Standiford, Stephens, St. John, Storm, Stowell, Strawbridge, Swann, Sypher, Charles R. Thomas, Todd, Tremain, Waddell, Wallace, Jasper D. Ward, Wells, Whitehouse, Wilber, John M. S. Williams, Wilshire, Ephraim K. Wilson, Jeremiah M. Wilson, and Woodford—89.

So the rules were suspended, (two-thirds having voted in favor thereof,) and the resolution was adopted.

ORDER OF BUSINESS.

Mr. GARFIELD. I move that the House now resolve itself into Committee of the Whole.

The SPEAKER. The Chair has recognized the gentleman from Iowa [Mr. ORR] to move a suspension of the rules.

Mr. GARFIELD. Pending that, I move that the House do now adjourn.

The question being taken on the motion that the House adjourn, there were—ayes 94, noes 73.

Mr. ORR and Mr. RANDALL called for the yeas and nays.

The yeas and nays were ordered.

Mr. RANDALL. Let us see where the chairman of the Committee on Appropriations is. Why does he not go on with his deficiency bill?

Mr. GARFIELD. I have been trying to have an appropriation bill brought up all morning.

The SPEAKER. The Chair told the gentleman from Ohio [Mr. GARFIELD] that he was under promise to the gentlemen from Iowa [Mr. ORR] to recognize him for a motion to suspend the rules, and that the Chair would recognize the gentleman from Ohio next. If the gentleman from Ohio, when the Chair has intimated that he will recognize him immediately afterward, considers it a proper dispatch of the public business to move that the House shall adjourn, the Chair cannot agree with him. The Chair distinctly told the gentleman that he had promised the gentleman from Iowa that he would recognize him and that he would then recognize the gentleman from Ohio on the appropriation bill.

Mr. GARFIELD. I beg the Speaker's pardon. I was informed by the Chair that there were three gentlemen whom he would recognize to-day for motions to suspend the rules, after which I should be recognized.

The SPEAKER. In the judgment of the Chair the gentleman from Ohio had no justification for moving the adjournment unless the motion was made in good faith.

Mr. GARFIELD. It was made in good faith.

The SPEAKER. Very well; the yeas and nays have been ordered.

Mr. GARFIELD. I am quite willing to withdraw the motion.

Mr. POTTER. I object.

The SPEAKER. The gentleman has no right to object.

Mr. POTTER. I object to the Speaker stating that any gentleman in this House has no right to move an adjournment. I repeat that I object to the Speaker telling any gentleman in this House, and especially the chairman of an important committee, that it is not proper for him to move an adjournment. I entirely agree with the gentleman from Ohio in his action, and I do not consider there was any justification for the remark which the Speaker made to the gentleman from Ohio.

The SPEAKER. What remark does the gentleman speak of?

Mr. POTTER. That it was not proper conduct on the part of the gentleman from Ohio to move an adjournment.

The SPEAKER. Unless moved in good faith.

Mr. POTTER. I do not understand that there is any question of good faith. My objection is to the reflection by the Speaker on the conduct of a member of the House who moves to adjourn.

The SPEAKER. The Chair repeats the remark and stands by that remark, the gentleman from New York to the contrary notwithstanding.

Mr. GARFIELD. I desire to say in the hearing of the Chair that I do not permit any person in this House, not even the Chair, to question my good faith in my action here.

The SPEAKER. The Chair was not questioning the good faith of the gentleman from Ohio, nor does he permit his own good faith to be questioned by the gentleman from New York, [Mr. POTTER.]

Mr. POTTER. The gentleman from New York did not question the good faith of the Chair.

The SPEAKER. The gentleman assumed the right to criticise the conduct of the Chair.

Mr. POTTER. The gentleman from New York begs leave to ask the Chair by what authority the Chair assumes to say that a gentleman ought not to move to adjourn?

The SPEAKER. The gentleman from New York had no issue with the Chair, and the gentleman from Ohio was perfectly competent to settle the matter without the interposition of the gentleman from New York. The gentleman from New York thrust himself in in order to criticise the action of the Chair.

Mr. POTTER. The gentleman from New York objected to a remark made by the Speaker.

The SPEAKER. And the Chair repeats that remark.

Mr. POTTER. The Chair may repeat it, and the gentleman from New York objects to it. It is the province of every member of this House to move an adjournment according to his conscience and his sense of duty.

The SPEAKER. Did the Chair refuse to submit the motion or object to the gentleman making the motion?

Mr. POTTER. O! but the Speaker criticised the action of the gentleman from Ohio in making the motion when he submitted it. I have never before known a presiding officer in submitting a motion to adjourn criticise the circumstances under which it was made.

Mr. RANDALL. Now we will go ahead with the public business.

The SPEAKER. The Chair considers that he was vindicated in his remark and it was the judgment of the House that it was not a proper time to adjourn.

Mr. GARFIELD. I should say that the judgment of the House was just the other way.

Mr. POTTER. I thought a majority of the House voted in favor of adjourning.

The SPEAKER. The gentleman from Ohio withdrew the motion to adjourn. Does the gentleman from New York propose to renew it?

Mr. POTTER. No; the gentleman from New York did not make the motion; it was the gentleman from Ohio who made it.

Mr. GARFIELD. I have withdrawn it only in the hope that we may be able to go on with an appropriation bill.

The SPEAKER. The Chair desires to state that no one except the person in the chair knows the pressure of business on Mondays? The gentleman from Iowa [Mr. ORR] states that he represents the wishes of a whole cordon of Western States in this bill. If the Chair deliberately gives Monday to the regular transaction of the business of the Committee on Appropriations, there is no time for miscellaneous business, no time in which the sense of the House can be tested upon other business. It is in the discretion of the Chair to recognize members when they have important business to bring before the House. The gentleman from Ohio, the chairman of the Committee on Appropriations, came and asked the Chair if he could have the floor. The Chair stated that he was under obligations to give the floor to gentlemen for the purpose of moving matters which they could not get in on the regular call and could only have acted on in this way. That is a discretion which the rules vest in the Chair. The rules place that distinctly in the discretion of the Speaker.

Mr. GARFIELD. The Chair will not forget, I hope, to state that early in the day the Chair told the chairman of the Committee on Appropriations that there were three gentlemen to whom he had promised the floor, and that after he had given it to those gentlemen there would be nothing to come in the way of the appropriation bill.

The SPEAKER. As the gentleman from Ohio has gone thus far the Chair thinks that he should state candidly the reason why he asked the Chair to recognize him. It was not to promote the public business, but to excuse the gentleman's absence to-morrow.

Mr. GARFIELD. Not at all.

The SPEAKER. The Chair so understood.

Mr. GARFIELD. An appropriation bill is ready for to-morrow. It is arranged that the gentleman from Maryland [Mr. SWANN] shall bring forward the consular and diplomatic bill, of which he has charge, to-morrow. I desire to get through to-day the Military Academy bill, and the gentleman who has it in charge is absent, and has requested me to attend to it.

It does not make the slightest personal difference to me whether business goes on to-day or to-morrow. The gentleman from Maryland [Mr. SWANN] has charge of the consular and diplomatic bill, and has agreed to call it up to-morrow, whether I am here or not.

Mr. BECK. I renew the call for the yeas and nays, so that gentlemen may have time to recover their good humor.

The SPEAKER. The motion to adjourn has been withdrawn. There is no gentleman who can possibly be placed in so trying a position on Monday as is the occupant of the chair. Every gentleman who has a bill which he desires to have passed sees none of the other two hundred and ninety members, while the Chair has to see them all, and has in some way to so apportion the time for public business that each member and each section may have a hearing in the House.

Mr. GARFIELD. I desire to say a word.

Mr. RANDALL. I object to any further debate.

PRE-EMPTION AND HOMESTEAD ENTRIES.

The SPEAKER. The question is on the motion of the gentleman from Iowa [Mr. ORR] to suspend the rules and pass the bill (H. R. No. 3250) to confirm pre-emption and homestead entries of public lands within the limits of railroad grants in cases where such entries have been made under the regulations of the land department. The bill will be read.

The bill was read, as follows:

Be it enacted, &c., That all pre-emption and homestead entries of the public lands made in good faith upon tracts of land within the limits of any land grant prior to the time when notice of the withdrawal of the lands embraced in such grant was received at the local land office of the district in which such lands are situated, or after their restoration to market by order of the General Land Office, and where the pre-emption and homestead laws have been complied with and proper proofs thereof have been made by the parties holding such tracts or parcels, they shall be confirmed, and patents for the same shall issue to the parties entitled thereto.

SEC. 2. That when at the time of such withdrawal as aforesaid valid pre-emption or homestead claims existed upon any lands within the limits of any such grants which afterward were abandoned, and, under the decisions and rulings of the land department, were re-entered by pre-emption or homestead claimants who have complied with the laws governing pre-emption or homestead entries, or shall make the proper proof required under such laws, such entries shall be deemed valid, and patents shall issue therefor to the person entitled thereto.

SEC. 3. That all such pre-emption and homestead entries which may have been made by permission of the land department, or in pursuance of the rules and instructions thereof, within the limits of any land grant at a time subsequent to expiration of such grant, or when the grantee was in default in the performance of any of the conditions imposed by such grant, shall be deemed valid, and a compliance with the laws, and the making of the proofs required shall entitle the holder of such claim to a patent therefor.

Mr. KELLOGG. Is this reported from any committee?

Mr. ORR. It is recommended by the Committee on the Public Lands.

Mr. LOWE. I have the consent of the mover of this proposition to submit an amendment to the first section of the bill; to insert after the words "pre-emption and homstead entries" the words "or entries in compliance with any law of the United States."

Mr. ORR. I accept that, and include it in my motion.

The motion to suspend the rules was then seconded, and (two-thirds voting in favor thereof) the rules were suspended, and the bill was passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had concurred in the resolution of the House for printing three thousand copies of the letter of the Secretary of the Treasury of January 21, 1874, with accompanying reports, concerning the immigration service and the better protection of immigrants to the United States.

The message also announced that the Senate had passed, without amendment, the bill (H. R. No. 420) to authorize the Secretary of the Interior to discharge certain obligations of the United States to the creditors of the Upper and Lower bands of Sioux Indians.

The message further announced that the Senate had passed the bill (H. R. No. 2095) granting a pension to Charles McCarty, with an amendment; in which the concurrence of the House was requested.

MILITARY ACADEMY BILL.

Mr. GARFIELD. I now move that the rules be suspended and the House resolve itself into Committee of the Whole on the Military Academy appropriation bill. Pending that motion I move that all general debate be limited to five minutes.

Mr. BECK. Would it be in order to move to suspend the rules and pass the bill? That seems to be the style now.

Mr. GARFIELD. That is not what I want.

The motion to limit general debate was agreed to.

The motion to go into Committee of the Whole was agreed to.

The House accordingly resolved itself into Committee of the Whole, (Mr. NIBLACK in the chair,) and proceeded to the consideration of the bill (H. R. No. 2545) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1875.

The CHAIRMAN. All general debate upon this bill by order of the House is limited to five minutes.

Mr. GARFIELD. I ask that the formal reading of the bill be dispensed with, and that we proceed at once to consider the bill by paragraphs.

Mr. HOLMAN. As there is to be no general debate, I hope the bill may be read at length.

Mr. GARFIELD. Very well; let it be read.

The bill was then read.

Mr. GARFIELD. I greatly regret that the gentleman in charge of this bill, [Mr. MARSHALL,] who for three years has had charge of similar bills, is not now here. He is absent from the city, and will be gone ten days. He requested me to take charge of the bill in his place.

The story of this bill is very soon told; and if gentlemen will give me their attention for the five minutes allowed for general debate I will state what there is peculiar about it. The corresponding bill of last year appropriated $344,373.56. This bill appropriates $8,482.56 less than the bill of last year, and $46,000 less than the estimates for this year. We could have made a reduction even of the amount in this bill but for the fact that the number of pupils in the Military Academy has been increased by fifty, in consequence of the increase of the number of members of this House. There being one from each congressional district, there has been an increase to that extent. We have cut down the estimates by $46,000, believing that the incidental expenses, the amount to be paid for building a hospital, and for other matters connected with the general expenses there, could be somewhat reduced. A few of the items have been increased; but on the whole the aggregate is $8,500 less than the bill of last year.

Before general debate is closed I desire to take this occasion to say, in the hearing of the Committee of the Whole, what I tried to say here in the House, but to which objection was made. It is that in the remark I made, and in the motion to adjourn which I submitted, I had not the slightest intention to reflect upon the Speaker of the House. I am aware how the Speaker is pressed by members of the House who want to put measures through on Monday. But members are not aware how much I, as chairman of the Committee on Appropriations, am pressed on Monday to go into Committee of the Whole to proceed with the consideration of appropriation bills, instead of allowing the time of the House to be taken up by propositions which the House in general do not care much about. I suppose that not less than twenty-five members have upbraided me this morning for not moving to go into Committee of the Whole on this bill. I felt obliged, therefore, by some method to call the attention of the House to the question whether members desired to get on with the appropriation bills or not; and having attempted to make the motion I did, I followed it by a motion to adjourn in order that the sense of the House might be tested as to whether we would rather adjourn or get on with these bills. That was my whole motive. I had not the slightest unkind feeling with reference to the Speaker. He must know that I can have no personal disrespect for him.

Mr. RANDALL. How would an adjournment help on the appropriation bills?

Mr. GARFIELD. That was merely to test the question; that is all. If any gentlemen desire to ask any questions with regard to this bill I shall be glad to hear them. If not, I ask that the bill be read by paragraphs for amendment.

Mr. HOLMAN. I desire to ask from the gentleman from Ohio [Mr. GARFIELD] an explanation of the paragraph in lines 7, 8, and 9, with reference to "additional pay of officers."

Mr. GARFIELD. That is the same as in all our bills from year to

year. According to law a captain, for instance, when detailed for duty at West Point as an officer of the academy receives a fixed rate of pay in addition to his regular pay as an officer of the Army. For a lieutenant there is another rate of additional pay. Thus the grade of the officer determines the amount of additional pay to which he is entitled. It is always necessary, therefore, to include in this bill an appropriation for additional pay to cover that particular element of the pay of officers of the academy.

Mr. HOLMAN. Is it additional pay?

Mr. GARFIELD. The regular pay is appropriated for in the Army bill.

Mr. HOLMAN. Has the appropriation for this purpose ever been so much heretofore as $237,000?

Mr. GARFIELD. Last year the appropriation for this item—"additional pay of officers and for pay of instructors, professors, cadets, and musicians"—was $220,379.50. This year the amount is somewhat increased because there are fifty more cadets.

The Clerk proceeded to read the bill by paragraphs for amendment.

No amendment was offered.

The bill having been read through,

Mr. GARFIELD. I move that the bill be laid aside to be reported to the House.

The motion was agreed to.

DEFICIENCY APPROPRIATION BILL.

Mr. GARFIELD. I move that the Committee of the Whole now proceed to the consideration of the next bill on the Calendar, being the bill (H. R. No. 3030) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal years ending June 30, 1873 and 1874, and for other purposes.

The motion was agreed to.

Mr. GARFIELD. That members may fully understand this bill, I ask them to send for two documents—Executive Document No. 150, being the regular deficiency estimates, and Committee Report No. 476. The latter is the report made by the Committee on Appropriations upon this deficiency bill, in which we have thrown together all the vouchers referred to, except those found in the first report. In those two documents members will find the grounds on which the Committee on Appropriations proceeded in reporting this bill to the House.

While gentlemen are sending for these documents, I will make a brief explanation. The total deficiencies last year for the current and former years amounted to a little more than $11,000,000. I am glad to say that this bill is the smallest deficiency bill in amount that has been reported to the House since the war. We have delayed it to so late a period in the session in order to include in it all items of this description. I believe we have acted on every deficiency that has been presented to the committee, though I ought to add that for the War Department, for the Army proper, the deficiencies for this year, if there be any, have not come in. We include in the bill War Department deficiencies for last year; but whatever deficiencies may occur in the year now passing have not yet been sufficiently developed. The accounts have to be obtained from such distant points, and it takes so long for the War Department to know how the year is coming out, that it cannot as yet be stated whether there will be deficiencies in that Department for this year, or if so, to what extent.

The deficiencies reported in this bill amount to $3,341,175.52. Of these the deficiency for the Department of State is $50,072.92; for the Treasury Department, $588,422.52; and for the War Department, $611,490.50. Much the largest item of this deficiency is, however, in the Indian service. For the Interior Department the deficiency is $1,465,176.76, and most of this amount is made up of Indian deficiencies. Under the Post-Office Department the deficency is $201,604.06, growing mainly out of the increase in the railroad mail service during the last year, and the increase in the money-order system. Three hundred and seventy-five thousand four hundred and four dollars and forty-six cents comes under the head of the Attorney-General's Department, most of it being expenses of courts, or what is known as the judicial department. Thirty thousand six hundred and seventeen dollars and seventy-two cents of the deficiency relate to the House of Representatives, Capitol grounds, and Botanical Garden; and $18,386.58 is for the Reform school of the District of Columbia, growing out of the failure of Jay Cooke & Co., and the consequent loss of funds that were deposited with that firm.

I will yield for ten minutes to the gentleman from Arizona, [Mr. MCCORMICK,] who desires to make some remarks on the Indian deficiencies. I will then resume the floor and yield to any other gentleman who may desire it.

Mr. BECK. How does this bill get before the committee?

Mr. GARFIELD. By voting to take it up, as it is the next bill on the Calendar. I yield now to the gentleman from Arizona, [Mr. MCCORMICK.]

[Mr. MCCORMICK addressed the committee. His remarks will appear in the Appendix.]

Mr. GARFIELD. I yield ten minutes to the gentleman from Kentucky, [Mr. BECK,] and I shall then ask the committee to proceed to the consideration of the bill by paragraphs for amendment.

Mr. BECK. I do not propose to occupy the whole ten minutes allowed me. The events of to-day have made it perfectly apparent that there is going to be no serious opposition made in this House to anything that the dominant party may see fit to do in appropriating the money of the people. When a party can pass a river and harbor bill of $4,500,000, and can proclaim to the country that it is so perfect that there cannot be even an amendment suggested to a single paragraph of it, and when by a two-thirds majority the gag is put on this House, so that no member shall be allowed to say a word in regard to the appropriations contained in that bill, no matter how wrong he may know them to be, it is of little use to attempt opposition to anything the majority may choose to do. I assert that many of the appropriations of $5,000 and $10,000 to the creeks of Michigan, Wisconsin, and New England, instead of being spent for any beneficial purpose, are to be spent for the purpose of keeping employés there who are the pets of the men in power. Yet that bill has been crowded through this House, and the Representatives of the people have been denied the right even to call attention to the wrongs in it, or to move to strike out any of the appropriations which they know to be unjust and useless. And then on the heels of that we have another appropriation bill taken up, the Military Academy bill, and all debate upon it limited to five minutes. We have had that bill pushed through without any man having an opportunity to know anything about it. Next, following close on the heel of that—indeed before it is reported to the House—the deficiency bill is taken up, and that is to be crowded through, I suppose, in five minutes more. I have been expecting all day to hear a motion made to suspend the rules and pass all the appropriation bills—the post-office appropriation bill, the sundry civil appropriation bill, and all of them—under the gag law. We might as well do that at once if we are not to be allowed to criticise the action of the committee, nor to tell what we know as to the wasteful or extravagant items contained in the bills. This House has ceased to be a body of free representative men.

Only the other day, when the Indian appropriation bill was up, the Committee on Appropriations struck out and refused even to allow the House to consider all the safeguards for the rightful expenditure of the people's money, and insisted upon keeping repealed the only laws that allowed an examination of an Indian voucher so as to furnish proof that it was fraudulent. It is so arranged at last that the contractors, the agents, the thieves that surround that department, can run riot without any sort of restriction, and the great dominant party of this country say it is all right; they shall not be looked at nor their villainies exposed. The deficiency bill is a fitting sequel to the others. Three hundred and twenty-three million dollars have been appropriated already for the service of this fiscal year; a larger amount than ever was appropriated in one year during the last five years. One hundred and seventy-two million five hundred thousand dollars of that amount was for the ordinary expenditures outside of interest on the debt, the sinking fund, and every extraordinary or permanent expenditure. And now the Committee on Appropriations bring in a deficiency bill, one item of which, under the head of the Interior Department, is $1,465,000, most of it to go to the Indian Bureau, this same department in which all these robberies are going on which have been licensed by the Indian bill. I have already shown that the charges I make are certified officially; yet these wrongs are supported by the action of the dominant majority in this House in refusing to put checks upon the expenditures in that department, and by giving them all the money they want in the face of the exhibits which have been made, struggling now to give nearly $1,500,000 more without examination, explanation, or debate.

Sir, all the pretenses of economy in Indian affairs which were made last year when the Indian bill was up, appropriating $6,000,000, and which were made when the bill was presented this year appropriating about $5,000,000, have proven to be just what I and others said they were, utterly false. The amounts paid out for Indians, as shown by the Secretary himself for the last fiscal year, were $7,950,000, as will be seen by looking at page 4 of the last report of the Secretary of the Treasury, and the expenditures and estimates for the current fiscal year are given thus: $2,008,000 which had been spent before the 1st day of September, and $6,500,000 estimated as being necessary before the year closes, and here you have a deficiency of $1,465,000 asked for, most of which, they say, is to go to this same Indian Bureau. And yet men get up here and prate about honesty and economy, and remove restrictions on fraud, suspend rules, and pass bills involving millions without debate. I know debate does no good here, but it will be heard by the people from whose pockets the money is taken. Perhaps that is the reason it is so much dreaded.

I desire to say a word on another subject in this connection. I made an effort some time ago to prevent the Secretary from permitting money to be drawn out of the old balances of appropriations made for the year 1871 which by law were required to be covered into the Treasury two years after the fiscal year for which they were appropriated expired. I showed some months ago that in violation of the law he had drawn, or allowed to be drawn, up to the 1st of September last, over $1,000,000, and gentlemen laughed at me and seemed to think it was impossible. I succeeded in having a resolution passed, after all sorts of resistance, requiring him to give us the facts; and I hold his answer to it in my hand. It shows that out of that old fund, appropriated expressly for the service of the year 1871, limited by law to that year and which by the sixth section of the act of July 12, 1870, was required to be put into the Treasury, he had drawn on the 1st of April $4,282,000 out of that old fund and spent it all since this Congress met. This is the recapitulation:

Legislative	$1,376 35
Foreign intercourse	214,516 38
Treasury Department	124,945 69
War Department	1,740,918 48
Navy Department	541,984 77
Interior Department	103,451 00
Post-Office Department	1,510,986 33
Judiciary	44,749 23
	4,282,928 23

Where are you going to stop expenditures? At what point are you going to stop executive usurpation? If you are going to give $323,000,000, as you have done by the appropriations for the current year, and allow the Secretary to draw from balances which belong to the Treasury, as he certifies that he has done, $4,282,000, and follow this up with any amount asked for deficiencies, largely over $1,000,000 of which is for Indian service, it will be hard to make the country believe that the Indian department is being carried on for less than $6,000,000 annually, as the committee pretend it is. The report of the Secretary of the Treasury shows that it cost last year $7,900,000 and will cost this year $8,500,000. The Committee on Appropriations come in now and ask for $1,465,000 deficiency in the face of all these appropriations, and their bills are crowded through here, and Members are said to be taking time, delaying the adjournment of Congress, and interfering with the public business, who dare to rise and open their mouth to protest against these robberies, extravagances, and extortions.

Sir, I do not know that I shall rise any more to protest against these things. I have protested and done and said all that one man can do or say against them; you can now pass just what you please; but I hope and trust that very few of the men that stand by and indorse such appropriations will be here in the next Congress. The poverty of the country will, I hope, cause matters here to be investigated as they have never been before.

Mr. GARFIELD. I now ask that the bill be read by paragraphs for amendment.

The Clerk proceeded to read the bill by paragraphs for amendment, and read the following:

DEPARTMENT OF STATE.

Foreign intercourse:

For rent of court-house and jail, with grounds appurtenant, in Jeddo, Japan, being a deficiency for the fiscal year 1874, $5,000.

Mr. POTTER. I move to reduce this appropriation $1,000. I do this that I may say I have listened with great attention to what has been said by the gentleman from Kentucky. I certainly recognize the right and duty of every member of this House to fully criticise any appropriation bill which comes before the House for consideration. I happen, however, to be one of the persons who voted to suspend the rules this morning and pass the river and harbor bill, and I was one of those—if there be anybody else in the House in the same situation—who did so although they had no appropriation for their districts in the bill, all the appropriations for mine having been disallowed by the committee.

Now I desire to state to the House why it was that I took the exceptional action that I did take in regard to this bill.

I served, Mr. Chairman, during the Forty-first Congress on the Committee on Commerce, and was a member of the sub-committee on rivers and harbors during that Congress, and my experience taught me then that no body could act intelligently on the subject of rivers and harbors unless it acted on the whole subject. Since the amount to be appropriated in the aggregate is necessarily limited, it is important to consider what that amount is, and then distribute it among the works of the greatest general public utility. This duty a committee having the whole subject in charge would be competent to do; while on the other hand the whole House, being obliged to decide on each proposed increase of the bill separately and without reference to other applications, would be likely to decide erroneously. I always, therefore, insisted, while a member of that committee, that after a river and harbor bill was reported to the House, the House ought not to let in any amendments increasing the appropriations, for if they did they would be apt to make appropriations for places that did not deserve them, and besides would weigh down the bill until the aggregate sum appropriated was so swollen the bill might not pass at all. In the Fortieth and Forty-first Congresses there were indeed sessions when there was no river and harbor appropriation bill agreed upon at all. All that was done in those sessions was to appropriate a gross sum, and let the War Department dispose of it according to its discretion in the prosecution of existing works.

Mr. GARFIELD. Is not the gentleman confident that if that bill had been considered and debated in Committee of the Whole it would have grown at the rate of at least $1,000,000 a day?

Mr. POTTER. As the gentleman well suggests, I am satisfied that if the river and harbor appropriation bill had been once allowed to be considered and amended in the Committee of the Whole House it would have been loaded down with amendments increasing the appropriations. I do not think a case has been known in twenty years when the river and harbor appropriation bill, considered in a Committee of the Whole House, has not been greatly increased by amendments which were put upon it; amendments too often put on by what may be called the log-rolling process. Uniformly the result has been to pile on amendment after amendment, never reducing the amounts or items recommended, but by adding to them greatly increasing the appropriations. So well settled had the action of the Committee of the Whole House in that regard become that years ago the House passed a rule, applicable to the river and harbor appropriation bill alone, authorizing any member of the House to call for a separate vote in the House on any item of the bill, no matter what may have been the action in Committee of the Whole on that item. It had been found that the action of the Committee of the Whole upon the river and harbor appropriation bills so invariably resulted in log-rolling additions upon it that this exceptional rule for that bill was deemed necessary. I repeat, therefore, I voted as I did this morning because my experience and what I had learned of the experience of others have satisfied me that the consideration of this measure in the House or in Committee of the Whole would inevitably result in increasing and not decreasing the amount appropriated by the bill. I do not myself think the bill, as reported, was as small as it ought to have been. I agree now with my friend from Kentucky [Mr. BECK] in thinking that there were items in it that should not have been passed; still I thought it better to take that exceptional bill as it was reported as the least evil practicable, rather than run the risk of opening it by debate, believing that if the bill once got into Committee of the Whole for consideration the country would not get off even with what was recommended by the committee.

Mr. BECK. I rise to oppose the amendment. I do not want to impugn the motives of the gentleman from New York, [Mr. POTTER.] He had a right to vote as he pleased. I did criticise his action, since he admits that it was his action, in depriving me or any Representative on this floor who might desire to amend the river and harbor bill, or to show the wrongs that were in it, from having an opportunity to do so. I criticise the action of any gentleman, especially if he calls himself a member of the opposition, who will so vote as to deprive any member on this floor, by a suspension of the rules, under the gag putting through a bill in that way, of an opportunity to be heard, and to make his objections known.

Fortunately I am not one of those who have any complaint to make about that appropriation bill. There are no harbors in my district, there are no rivers there for which appropriations are asked. There never was a dollar of public money spent in the district which I represent from the foundation of this Government to the present time, and I hope there never will be. There never has been a human being that I know of from that district asking office during the seven years I have been here. Therefore I am asking for no favors. My district, as the record will show, has paid into the Treasury more revenue annually for the last six years than four States I can name.

But I insist that whenever we so legislate that a Representative cannot be heard, and when the party in power, in the face of all the appropriations they are making, can do what they please, can pass what they please, can put the gag upon us whenever they choose, then if the gentleman from New York thinks it right to gag me and his fellow-democrats who may have objections to such legislation, he has a right to do so and I have the right to protest against his act.

Mr. POTTER. One word and one only. My district is exactly like the district of the gentleman from Kentucky, [Mr. BECK.] Everything he says about his district I can say about mine. It never has had a dollar of the public money; it never has had anybody here in my time asking for office. Besides, sir, I do not desire to gag anybody. But in legislating upon matters of this kind one must legislate in what to him appears the best way to secure practical results. The gentleman from Kentucky and myself, I take it, want the same result: the least possible appropriations for rivers and harbors. Appropriations for works of general utility and those only——

Mr. GARFIELD. It was by unanimous consent that these remarks were made on both sides.

Mr. POTTER. I desire only to conclude the sentence, and I would have been through by this time had I not been interrupted. As I was saying, in this legislation we must act according to the best light we have; and I am very confident that in passing the bill as it did the House prevented the appropriation from being increased rather than from being reduced. I regret very much if my friend from Kentucky was thereby cut off from making any speech which would have had the effect of diminishing the appropriations in that bill, though I confess that I fear even he could not have done that; that the only result of debating the bill would have been to increase the aggregate amounts appropriated by it. I now withdraw my amendment.

Mr. RANDALL. One word. Although there were appropriations in the river and harbor bill to improve the river which runs along the side of my district, yet I felt bound to vote here against the suspension of the rules for the passage of that bill. According to my judgment that is not the way in which an intelligent representative body of men should act on behalf of an extended country.

Now, sir, when we examine the figures of that bill we find that of the $4,500,000 appropriated, $1,500,000 is given to rivers and harbors in three States in this Union—Wisconsin, Michigan, and New York. Whether it be the fact or not that none of this money goes into the particular district of the gentleman from New York, [Mr. POTTER,] it is certain that throughout that State, from its westernmost part to the shores of the Hudson, on the lakes and on the rivers, $500,000 is to be expended under that bill. This was the reason I voted in favor of a free discussion, so that gentlemen who had not the access that some seemed to have had to the Committee on Commerce and the

Committee on Appropriations could at least come into this House and propose on behalf of their constituencies amendments looking to the improvement of rivers and harbors in their respective districts. What we complain of is that we have not had an opportunity in reference to this bill to show the good faith existing between the Representative and those whom he represents. This was the main complaint I urged against the course adopted. I deprecated (although I had no opportunity to express myself except by my vote) that a bill involving appropriations approaching $5,000,000 should be passed under a motion to suspend the rules. I hope this example will never be followed in an intelligent Congress acting for the American people.

Mr. BROMBERG. I wish to ask the gentleman what he means when he speaks of members "having access to committees?"

Mr. RANDALL. I mean just what I say. Some members go around committee-rooms and obtain what they want; others do not.

The Clerk read as follows:

For amount due by the United States to the District of Columbia, for one-third of the entire cost of maintaining the fire department from January 31, 1873, to June 30, 1874, $34,291.66.

Mr. WILLARD, of Vermont. I wish to inquire whether the paragraph just read is to supply a deficiency in an appropriation heretofore made, or whether there has been no appropriation at all?

Mr. GARFIELD. There has been no appropriation at all heretofore. This expenditure is in pursuance of a new law which was passed last year after the appropriation bill was acted on. We simply comply with the law and make an appropriation in accordance with the terms of the statute.

Mr. COX. Does that law make it obligatory on the District of Columbia to raise its proportion of the expenditure for this purpose?

Mr. GARFIELD. Certainly.

The Clerk read as follows:

For furniture and carpets for the Treasury Department:
For carpets, desks, tables, chairs, shelving for file-room, boxes, repairs of furniture, cases, oil-cloth, matting, rugs, chair-covers and cushions, repairs and laying of carpets, and other miscellaneous items of a like character, $10,000.

Mr. RANDALL. I would like to have some explanation of this item. It is a character of expenditure for which I do not think there is justification. No Department should make expenditures for furniture, &c., unless the money has been previously appropriated. I do not believe it right for the Departments to run in debt for such expenses.

Mr. GARFIELD. Last year we cut down this appropriation to nearly one-third of the amount the Department asked for. This year the officers come to us and say that they have not expended money beyond the amount appropriated, but that the necessities of the Treasury Department and of the buildings under the Department require more of this kind of expenditure than we have provided for. They have asked us for $20,000. We give them $10,000. The committee were satisfied that there ought to be a larger supply of furniture. Furniture is constantly giving out, and although we do not propose to appropriate what was asked for last year, we allow $10,000, which brings the amount within about $10,000 of what was asked last year.

Mr. RANDALL. Then, as I understand, this covers expenditures of the current year.

Mr. GARFIELD. Certainly; but the year is not yet out.

Mr. RANDALL. Congress gives so much money to the Departments for furniture, carpeting, &c., that I think they should confine their expenditures to the amount appropriated.

Mr. GARFIELD. They can do so; but the gentleman will remember that we are constantly having new buildings in different parts of the country, and hence an increased amount of expenditure is necessary in the way of furniture. Even with this appropriation of $10,000 the aggregate will be $10,000 less than the Department had the year before.

Mr. RANDALL. The gentleman speaks of public buildings in different parts of the country; but the item to which I particularly refer, although it has not yet been read, appropriates $30,000 apparently for furniture and repairs of the Treasury Department alone.

Mr. GARFIELD. Where there are several thousand persons employed the mere breakage of furniture is a very large item.

The Clerk read as follows:

For furniture and repairs of same, carpets, and similar necessaries for public buildings under control of the Treasury Department, $30,000.

Mr. WILLARD, of Vermont. I desire to call the attention of the chairman of the Committee on Appropriations to this and the following item, the latter appropriating $40,000 for repairs and preservation of all public buildings under the control of the Treasury Department. I find that the only excuse given by the Secretary of the Treasury for these expenditures, especially the item next to be read, is that last year $200,000 was estimated for and only $50,000 was appropriated; and so far as regards the particular items now under consideration, no reason is given for the expenditure except a general statement that the appropriation heretofore made was insufficient. I wish to know whether the committee had before them any details as to where this expenditure was made, what was its character, or why there should have happened to be this expenditure in excess of the appropriation?

Mr. GARFIELD. As to these three items—the one last under consideration, this one, and the next one—we called before the committee the Supervising Architect of the Treasury, who was specially examined in regard to these items. As the gentleman from Vermont is aware, that officer has charge of all the buildings under the control of the Treasury Department. He satisfied the committee that we ought to give not all that is asked, but some part of it, in view of the fact that we cut down the Department last year in this respect lower than the ordinary figure, and that the natural wear and tear of furniture and carpets, the natural necessity of keeping them in order, had probably been underestimated. Therefore, instead of giving $50,000, we gave $30,000; and one item of the estimate we struck out entirely.

Mr. WILLARD, of Vermont. I wish to inquire whether the appropriation in the pending paragraph is for a deficiency occurring in appropriations for any public building in this District, or whether it refers to buildings in another part of the country?

Mr. GARFIELD. It is for all public buildings under the control of the Supervising Architect. He has charge of the Treasury building proper and of all public buildings here in the city of Washington; he has charge of all the custom-houses and all the post-offices, and also to provide the furniture and for the repair of them all. He has under his control—I forget the precise number as he gave it to the committee—over fifty public buildings, and when we come to distribute that amount over the United States among fifty public buildings, some of them being very large, like the building now being erected in the city of New York, like the post-office building in Boston, like the various court-house buildings throughout the United States, it will be seen that $100,000 would go only a little way in keeping up repairs and for supplies and furniture and carpets in so many public buildings.

Mr. WILLARD, of Vermont. It is true, as the gentleman from Ohio has said, that under the present management of our public buildings $100,000 does go but a little way. In all our attempts to retrench this is what comes of it. The only reason given in asking for this appropriation is that more was estimated for last year, but it was not given. Last year we cut down the estimates and flattered ourselves we had saved money to the Treasury. Now we are told while we did cut down the estimates we did not save anything by doing so, as the officer who had that appropriation in charge did not pay any attention to it, but spent the money just as though we had made the appropriation. We come here now and graciously, without any apparent objection, make an appropriation to cover the consequent deficiency! If that is what has come of all our efforts it certainly cannot be considered wise economy. If those officers cannot make any more careful estimates as to these ordinary expenses—they are not extraordinary in any case—if they cannot make any more careful estimates of the ordinary expenses of their Departments, and if the Committee on Appropriations do not more intelligently cut down estimates than appears in this case, I do not see how we can congratulate ourselves when we get through with a bill we save the tax-payers anything at all. We can only congratulate ourselves we have a smaller appropriation for the time being, and comfort ourselves with the consolation when the next year comes round and the exigencies of the canvass are over we are to have all these deficiencies made up in a deficiency appropriation bill, without anything to show in what particular the estimates for last year gave rise to the deficiency, except the general one—that for furniture and repair of public buildings under the charge of the architect of the Treasury Department, Mr. Mullett, there is a deficiency of $100,000.

If that is sufficient in the opinion of the Department and in the opinion of the House, go on, then, and make appropriations. I only suggest that we are not saving anything to the Treasury by the practice of any such economy.

Mr. COX. I move to strike out from line 243 to line 245 inclusive, as follows:

For furniture and repairs of same, carpets, and similar necessaries for public buildings under control of the Treasury Department, $30,000.

I do not see, Mr. Chairman, and I do not know where the authority is in the Treasury to pay out money not appropriated, or to contract indebtedness and then come in and ask us to pay it.

Mr. GARFIELD. They have not paid it out, and will not unless we appropriate it.

Mr RANDALL. Then we can save it by not appropriating it.

Mr. COX. It is for that purpose I move to strike it out. I never believed in these deficiency bills. They not only imply a political and moral, but a pecuniary deficiency. These deficiency bills ought always to be scrutinized, and we ought to have bills of particulars for each item.

We are told that there are new buildings going up where this furniture is to be put. Give us a detailed statement of the items. We are told that the Supervising Architect of the Treasury has to supply for these public buildings in the United States carpets, desks, tables, chairs, shelving for file-room, boxes, repairs of furniture, cases, oil-cloth, matting, rugs, chair-covers and cushions, repairs and laying of carpets, and other miscellaneous items of a like character. How does he buy them? What kind of contracts does he make? Is it done under advertisement or is it done to favorites? How do we know this money is honestly appropriated by the Supervising Architect of the Treasury or anybody else? We ought to have a detailed statement of all these items. Here is $30,000 in one, and $10,000 in another, and so on.

I wish to make no factious opposition to the bill; but there ought to be at the end of each one of the appropriation bills a proviso that the man who makes contracts for money in advance, and pays money not authorized, should go to the penitentiary, or at least should be debarred forever from holding civil office in this country. It has got to be the nuisance of our administration—these deficiency bills. I do not say the gentleman from Ohio has not properly razeed these bills. I know he has improved on the various years heretofore in cutting down from year to year, but every year, by cutting down, he confesses there was before too much appropriated.

I do not now complain especially of this item; but I do hope the House will, for once, by cutting off this $30,000, teach these people at the Treasury and other places not to be too forward in spending the people's money, at least in advance of appropriations.

Mr. PLATT, of Virginia. I rise to oppose the amendment of the gentleman from New York, [Mr. COX.] I do it for the purpose of giving the gentleman from New York and the members of the committee an answer to some questions propounded by that gentleman while he was on the floor. He asks how these deficiencies occur, how these carpets are purchased, and how this furniture was supplied, whether by contract or otherwise.

I wish to say in justice to the officers having this matter in charge that the carpets purchased by the Treasury Department of the United States for the public buildings under its supervision are purchased from A. T. Stewart, under a regulation by which it gets them at as low a wholesale price as any wholesale merchant in the United States can purchase them. I will state an incident to show how carefully the Treasury Department of the United States supervises this business, and how thoroughly it protects the interests of the Government in those purchases. We had occasion in the past year in fitting up the custom-house at Norfolk, Virginia, on which nothing had been done since some years before the war, to purchase new furniture for the building. Supposing there was some profit in furnishing it, a very reputable firm in Norfolk requested me to go to the Treasury Department to obtain for them if possible the privilege of furnishing the carpets for the building. I complied with their request, and was told by the officers of the Treasury Department that if these gentlemen would do the work as cheaply as anybody else they might have it. The Supervising Architect of the Treasury presented a statement of the prices the Department was paying, and said that if this firm could furnish carpets at these prices they might have the job. But they declined, saying that the Treasury Department was getting the carpets 5 per cent. cheaper from Stewart than they could purchase them themselves.

And so it is with the furniture. I would like any gentleman to examine the furniture in the Treasury Department and the prices paid for it, and compare them with the purchases of furniture made under the old system for the public buildings, when the job was given to some favorite selected by politicians on the ground where the furnishing was to be done. I would like them to do this and compare the old pine tables and miserable chairs furnished then at higher prices than are paid to-day for the very best quality of furniture. Gentlemen who will make such an investigation will come back from it thoroughly convinced that the system we now have in operation is carefully devised and carried out in the interests of economy.

Mr. RANDALL. I have no doubt that what the gentleman from Virginia states may be true, as to the purchases now being made at prices lower perhaps than heretofore. But I have nothing to do with that. I strike deeper and closer to the root of the evil. There are here three items of appropriation, involving an expenditure of $30,000, which are not in the nature of deficiencies, for I understand the chairman of the Committee on Appropriations to say distinctly that this money has not yet been expended. Nor did I understand him to say that any contract for the expenditure has been made.

Mr. GARFIELD. I said that that was true in regard to the main amount of it. But the gentleman from Pennsylvania will allow me to call his attention to the vast increase of the money-order business, which has required the Department to put up cases for assorting money orders in the office of the Sixth Auditor of the Treasury. They have had to spend on that alone, on the furniture for the enlarged force in that office, some five or six thousand dollars. The delivery system, also, at the post-office, under the new codified law, has required a considerable change in the post-offices throughout the whole country. Some of this they have had to do under the provisions of the new law, and some of the expenditures have actually been made and must be met.

Mr. RANDALL. Now I wish to attract the attention of the chairman of the committee to the fact that we have but fifty days of the current year to run, and the probability is that when this bill passes there will not be more than twenty days of it to run. There is really no excuse whatever for the insertion here of these amounts.

They should be in the regular appropriation bill, for the year which commences July 1, or else they should not be in any appropriation bill. These are not properly deficiencies. The money has not been expended, nor have contracts for the expenditure of some of the amounts been entered into. I hope the amendment of the gentleman from New York to strike out these items will prevail.

The CHAIRMAN. The question is on the motion of the gentleman from New York to strike out from the pending paragraph the following words:

For furniture and repairs of same, carpets, and similar necessaries for public buildings under control of the Treasury Department, $30,000.

The question being taken, there were—ayes 37, noes 48; no quorum voting.

Mr. GARFIELD. Pending the division on the question by tellers, I move that the committee rise. Some gentlemen have some matters to present to the House, for which some little time may be necessary, and I wish to say that I hope it will be agreeable to the Committee of the Whole to allow the consular and diplomatic bill to be taken up to-morrow and let this lie over for a day.

Mr. RANDALL. I would like to have some explanation, particularly in regard to the revival of certain appropriations provided for in the next paragraph of the bill, now remaining on the books of the Treasury Department and unavailable under the provisions of the fifth, sixth, and seventh sections of the act of July 12, 1870.

Mr. GARFIELD. I will explain that when the committee resumes the consideration of the bill. I now move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. NIBLACK reported that the Committee of the Whole on the state of the Union had had under consideration the state of the Union generally, and particularly the bill (H. R. No. 2545) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1875, and had directed him to report the same to the House without amendment. Also, that the committee had had under consideration the bill (H. R. No. 3030) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal years ending June 30, 1873 and 1874, and for other purposes, and had come to no resolution thereon.

MILITARY ACADEMY BILL.

Mr. GARFIELD. I move the previous question upon the Military Academy bill, which has been reported from the committee without amendment.

The previous question was seconded and the main question ordered, and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. GARFIELD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE OF ABSENCE.

Mr. GARFIELD. I ask leave of absence for to-morrow.

There was no objection, and the leave was granted.

CONGRESSIONAL ELECTION IN CALIFORNIA.

Mr. CESSNA. I ask unanimous consent to report from the Committee on the Judiciary the bill (H. R. No. 2846) repealing the act entitled "An act fixing the time for the election of Representatives from the State of California to the Forty-fourth Congress."

I ask leave to make a brief statement in connection with this bill, which is the unanimous report of the committee. At the last session of Congress an act was passed directing members of the Forty-fourth Congress from the State of California to be elected in the fall of 1874. There is no other election in California this year, and the Legislature of California has unanimously petitioned Congress asking that that law should be repealed, so that the election of members of the Forty-fourth Congress shall go over until the next general election, in August, 1875. I have here the memorial of the Legislature of California. It was unanimous, and none of the members from California in this House antagonize the bill. I hope there will be no objection to its passage.

Mr. RANDALL. What is the effect of the bill?

Mr. CESSNA. The ground on which the application of the Legislature of California is based is, that it will cost the State about $250,000 to hold this election at the time fixed at present, whereas if the law is repealed members of the Forty-fourth Congress will be elected at the general election next year, as is desired by everybody there.

Mr. RANDALL. Would not the passage of this bill make an exception in the case of California from the general law?

Mr. CESSNA. I beg the gentleman's pardon. The general law which passed Congress does not go into effect for the Forty-fourth Congress, but the Forty-fifth.

There being no objection, the report was received.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CESSNA moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PAYMENT OF CLAIMS.

Mr. LAWRENCE. I move that the rules be suspended, and that the bill (H. R. No. 2797) making appropriations for the payment of claims allowed by the commissioners of claims be made the special order for Friday next, taking precedence of other business.

Mr. RANDALL. That is wrong, because we have limited the time allowed for private bills.

The SPEAKER. The Chair would suggest to the gentleman from Ohio that he had better ask to have the bill recommitted to the Com-

mittee on War Claims, with leave to report at any time. He can then bring it before the House whenever the condition of business will permit.

Mr. LAWRENCE. I will adopt that suggestion.

The SPEAKER. The gentleman then asks that the bill be taken from the Private Calendar and recommitted to the Committee on War Claims, with leave to the committee to report the same for action in the House at any time.

Mr. SENER. On any private-bill day or on any day?

The SPEAKER. On any day when business will admit of its consideration. The bill had better be recommitted to the committee and then the chairman will have control of it and can bring it up at any time.

There was no objection, and the order was made.

COMMISSIONERS OF CLAIMS.

Mr. LAWRENCE. I also move that the Committee of the Whole be discharged from the further consideration of House bill No. 1565, relating to the commissioners of claims, and for other purposes, and that it be made a special order in the House for next Thursday evening, and from evening to evening thereafter until disposed of.

Mr. RANDALL. I hope not. If we meet here at eleven o'clock and sit until five o'clock, that is as much as human endurance should be called upon to bear.

Mr. LAWRENCE. The bill should be disposed of at an early day. It provides for the appointment of agents and the providing means to detect frauds in claims presented. It is necessary to protect the interests of the Government and to do justice to claimants.

The SPEAKER. Had not the gentleman better have an order made similar to the one adopted in reference to the other bill?

Mr. LAWRENCE. I will not object to that.

Mr. COBURN. What is the extent of the bill?

Mr. LAWRENCE. It will take some time to explain the bill. It authorizes the appointment of additional agents for commissioners of claims necessary to take proof, to detect frauds in the presentation of claims, and it contains a variety of other provisions. It has the unanimous approval of the Committee on War Claims, and I do not believe there will be any objection to any provision of the bill, except, perhaps, the provision extending the time for the presentation of claims.

Mr. RANDALL. Can we have the bill read?

The SPEAKER. It is quite a lengthy bill.

Mr. LAWRENCE. The bill does not appropriate any money. I move that the rules be so suspended that the Committee of the Whole shall be discharged from the further consideration of the bill, and that it be recommitted to the Committee on War Claims, with leave to report at any time.

The motion was seconded; and (two-thirds voting in favor thereof) the rules were suspended, and the order made.

PATENTS IN PRIVATE LAND CLAIMS.

Mr. DONNAN. I move to suspend the rules so as to discharge the Committee on the Judiciary from the further consideration of House bill No. 2950, to authorize the issue of patents to lands in cases of private lands. Before the bill is read I desire to say that this bill was passed unanimously by the Committee of the Whole. In the absence of the gentleman reporting it to the House, the gentleman from Massachusetts [Mr. G. F. HOAR] stated that it was an important bill, and in his opinion it should be referred to the Committee on the Judiciary; which was done. I understand that the Committee on the Judiciary will make no objection to the bill being passed now under a suspension of the rules.

Mr. HOLMAN. I do not see any reason why the Government should be at the expense of furnishing patents in private land claims.

Mr. DONNAN. This bill was agreed to unanimously by the Committee on Private Land Claims and the Committee of the Whole.

Mr. POLAND. The Committee on the Judiciary now have a bill before them, which I have been authorized to report whenever that committee shall be called, providing that these surveys, where a title has been established, shall be returned to the court, and that the survey shall be by a court instead of being sent here to the Land Office. I think that is much the preferable mode to that proposed by this bill. I am instructed by the Committee on the Judiciary to to report that bill whenever we have an opportunity to report.

Mr. DONNAN. I understand that the Committee on the Judiciary have no objection to the passage of this bill.

Mr. RANDALL. The two bills would come in conflict.

Mr. POLAND. The very object of the bill of the Committee on the Judiciary is that these surveys, where the title has been admitted and there is no question except in regard to the boundaries, shall go into the court at home.

Mr. DONNAN. Where the title has been confirmed to a party, he ought to have his boundaries separated and agreed upon by the authority of a Government agent.

Mr. POLAND. Of course there should be some way to determine the boundary; but we thought it altogether preferable for the survey to be returned into the court at home, to be established where the parties are, rather than to be sent off to a land office.

Mr. RANDALL. This controversy, it seems to me, establishes the fact that we ought not to suspend the rules and pass this bill without consideration.

Mr. DONNAN. If the gentleman from Vermont [Mr. POLAND] will say that the Committee on the Judiciary object to this bill I will withdraw my proposition. I was informed that they did not object.

Mr. POLAND. The Committee on the Judiciary have not examined this bill. I do not know that it has been before them at all.

Mr. DONNAN. It has been before them for three weeks.

Mr. POLAND. They certainly have not examined it; I do not think it has been referred to any member of the committee for examination. The Committee on the Judiciary have decided upon another bill, to the effect that these surveys should be returned into court and be determined where the parties live, where the witnesses are, where both parties can be heard. That is altogether a preferable mode to sending them off, a thousand miles perhaps, to a land office to be determined by some clerk.

Mr. DONNAN. Does the gentleman, as a member of the Committee on the Judiciary, object to this bill?

Mr. POLAND. I do.

Mr. DONNAN. Then I withdraw my proposition.

FORT GRATIOT MILITARY RESERVATION.

Mr. CONGER. I again ask unanimous consent to have passed the bill for which I asked consent this morning, authorizing the Secretary of War to grant the right of way across a corner of the Fort Gratiot military reservation to the city railroad company. After the bill is read I ask that a letter from the Secretary of War on this subject be also read.

The bill was read.

The letter of the Secretary of War was read, as follows:

WAR DEPARTMENT,
Washington City, May 4, 1874.

SIR: Referring to the application left by you, of the president (John P. Sanborn) and secretary (W. H. Vandenburgh) of the city railroad, of the city of Port Huron, for permission to lay the street-car track of said railroad around the northwest angle of the Fort Gratiot military reservation, in a curve having a radius of fifty-four feet, and for that purpose to encroach upon the said military reserve from the angle inward to the inner line of the track, (about fifteen feet,) I have the honor to inform you that this application has been carefully considered and no objection is found to granting to the company in question a right of way over the ground indicated, but that the Department has no authority to grant the right. Congress should pass a bill giving it.

Very respectfully, your obedient servant,

WM. W. BELKNAP,
Secretary of War.

Hon. O. D. CONGER,
House of Representatives.

There being no objection, the bill (H. R. No. 3335) was introduced, read three times, and passed.

Mr. CONGER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DIPLOMATIC REPRESENTATIVES OF THE UNITED STATES.

Mr. ELLIS H. ROBERTS. I submit the following resolution:

Resolved, That the rules be so suspended that it shall be in order in the consideration of the consular and diplomatic appropriation bill to change the title of representatives of the United States to Portugal, Switzerland, Greece, Belgium, the Netherlands, Denmark, Sweden, Norway, and Turkey to be envoys extraordinary and ministers plenipotentiary, without increase of pay.

Mr. HOLMAN. I hope this resolution will not be adopted, because it looks to an increase of salaries, if not in this Congress in the next.

Mr. ELLIS H. ROBERTS. There is a special provision that it shall not involve any increase of pay.

Mr. HOLMAN. Instead of increasing the rank of these officers, we might as well have consuls at those points instead of ministers.

The question being taken on seconding the motion to suspend the rules and agree to the resolution, there were—ayes 38, noes 49; no quorum voting.

Mr. ELLIS H. ROBERTS called for tellers.

Tellers were ordered; and Mr. ELLIS H. ROBERTS and Mr. HOLMAN were appointed.

Mr. ELLIS H. ROBERTS. Let me state that the proposition is simply to make this provision in order in Committee of the Whole, not to adopt it now.

The House divided; and the tellers reported ayes 36, noes not counted.

So the motion to suspend the rules was not seconded.

REDUCTION OF THE ARMY.

Mr. COBURN. I ask unanimous consent that the bill for the reduction of the Army may be made a special order in the House for next Saturday after the morning hour, to continue from day to day until concluded, to the exclusion of all other orders. This bill has been a special order for more than a month, but has been dragged behind appropriation bills. As it will make a very considerable reduction in the expenses of the Government, it certainly ought to be considered now in preference to appropriations.

The SPEAKER. Is there objection to the proposition of the gentleman from Indiana, [Mr. COBURN?]

Mr. HALE, of New York. I object.

Mr. COBURN. I move to suspend the rules to make the order.

Mr. BECK. Would that exclude prior orders of the Committee on Ways and Means?

The SPEAKER. Orders of a prior date would not be affected. The House gave the Committee on Ways and Means authority to report back at any time for consideration in the House the bill in relation to moieties.

Mr. COBURN. I do not expect, of course, to exclude that.

The SPEAKER. The Chair suggests to the gentleman from Indiana that probably the best position in which he could put his bill would be to recommit it to the Committee on Military Affairs with authority to report it back at any time.

Mr. COBURN. The bill has already been recommitted. I ask unanimous consent that the committee have the right to report at any time.

Mr. HALE, of New York. Under that order, will the bill always be subject to the control of the majority of the House?

The SPEAKER. It will be; and prior orders will not be affected. By consultation with the chairman of the committee the Speaker can indicate the time when the bill may be brought in with the least detriment to other business of the House. At this stage of the session that is the best position in which any bill can be put. If there be no objection the Committee on Military Affairs will be authorized to report back at any time the bill for the reduction of the Army.

There was no objection; and leave was accordingly granted.

RAILROAD THROUGH PUBLIC LANDS.

Mr. PURMAN, by unanimous consent, introduced a bill (H. R. No. 3336) granting the right of way through the public lands to construct and maintain a railroad; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

CHINA MAIL SERVICE.

Mr. PAGE, by unanimous consent, presented a memorial of the Chamber of Commerce of San Francisco, California, remonstrating against the cancellation of the contract of the Post-Office Department for the China mail service; which was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

STOCKTON AND COPPEROPOLIS RAILROAD.

Mr. BRADLEY. I ask unanimous consent to report from the Committee on the Public Lands and have passed the bill (H. R. No. 2019) to forfeit certain public lands granted to the Stockton and Copperopolis Railroad, in the State of California.

The bill was read. It provides that all lands which were granted by Congress in the year 1867 to the Stockton and Copperopolis Railroad, to aid in the construction of a railroad from the city of Stockton to the town of Copperopolis, in the State of California, and which have not been patented by the United States to said company under said grant, which has expired by limitation, are hereby declared forfeited to the United States, and these lands shall hereafter be disposed of as other public land of the United States.

There being no objection, the bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BRADLEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE TO PRINT.

Mr. McDILL, of Iowa, obtained leave to print remarks on the bill reported to-day by Mr. ORR in regard to pre-emptions.—(See Appendix.)

EXTENSION OF TIME FOR PENSION APPLICATIONS.

Mr. CRITTENDEN. By instruction of the Committee on Invalid Pensions I move to suspend the rules and pass the bill (H. R. No. 3338) to amend section 1 of an act entitled "An act to revise, consolidate, and amend the Army and Navy pension laws," approved March 3, 1873.

The bill was read. It provides that the first proviso in section 1 of the act named in the title be so amended as to permit State militiamen, whether in the regular volunteer service of the Government during the late rebellion or co-operating with the forces of the Government in suppressing such rebellion, until July 4, 1876, to prosecute their claims for a pension to a successful issue.

Mr. WILLARD, of Vermont. Has this bill been considered by any committee?

Mr. CRITTENDEN. Yes, sir; it is reported by the Committee on Invalid Pensions.

Mr. SPEER. How many persons not covered by the present law are embraced by this bill?

Mr. CRITTENDEN. The bill merely extends until July 4, 1876, the time allowed for the prosecution of these claims to a successful issue. Under the present law the time expires in July of the present year.

Mr. SPEER. Then the bill only extends the time as to persons entitled under existing law?

Mr. CRITTENDEN. Yes, sir; they are entitled to prosecute their claims under existing law; but the time is about to expire.

The motion to suspend the rules, being seconded, was agreed to; two-thirds voting in favor thereof.

So the bill was passed.

Mr. BECK. I move to reconsider all references made to-day, in order that they may not be brought back upon us without notice.

The SPEAKER. The rules prevent the bringing back of all bills referred on Monday. They are introduced not to be brought back on a motion to reconsider.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. HEREFORD, for ten days; to Mr. DAVIS, for two weeks from and after Monday next; to Mr. WHEELER, for fifteen days from the 12th instant; to Mr. BIERY, for five days; and to Mr. HOOPER, for one week.

LEAVE TO PRINT.

Mr. KENDALL, by unanimous consent, was granted leave to print in the RECORD some remarks on bill (H. R. No. 3281) to amend the act entitled "An act to amend an act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 2, 1864.—(See Appendix.)

DRAINING OF A MARSH, SHEBOYGAN, WISCONSIN.

Mr. TOWNSEND. I move to suspend the rules and pass a bill (H. R. No. 3339) relating to the disposition of certain lands to be reclaimed in sections 14, 23, and 26, in township 16 north, of range 20, in the county of Sheboygan, in the State of Wisconsin. It has been considered by the Committee on the Public Lands, and that committee has ordered me to report it favorably to the House.

The bill, which was read, provides that so much of the bed of the marsh or pond in sections 14, 23, and 26, in township 16 north, of range 20 east of the fourth principal meridian, in the county of Sheboygan, in the State of Wisconsin, as shall or may be reclaimed by draining the water from the same, shall be owned and held, so far as any rights or interests of the United States are concerned, by the owners of the lands abutting upon said marsh or pond and draining the same, to the center or thread thereof, and divided among the several owners adjoining and abutting said marsh or pond, according to the rule of law, upon payment by said adjoining owners into the Treasury of the United States of $1.25 per acre for the amount of lands that has been or may be so reclaimed.

Mr. TOWNSEND. It allows the owners of the adjoining property after the marsh has been drained to secure titles to the bed of the marsh on the payment of $1.25 per acre, and it will put $1,200 into the Treasury of the United States.

The rules were suspended (two-thirds voting in favor thereof) and the bill was passed.

STOCKTON AND COPPEROPOLIS RAILROAD.

Mr. WILLARD, of Vermont. A few moments ago House bill No. 2019, to forfeit certain public lands granted to the Stockton and Copperopolis Railroad Company in the State of California, was passed under a suspension of the rules. Would it be in order to move to reconsider the vote by which the bill was passed?

The SPEAKER. The motion to reconsider has been laid upon the table.

Mr. WILLARD, of Vermont. I did not hear any motion to reconsider made.

The SPEAKER. The motion to reconsider and lay upon the table is generally indicated by a nod upon the part of the member having the bill in charge.

Mr. BRADLEY. The bill was put through all the forms, and was of course reconsidered and laid upon the table.

Mr. WILLARD, of Vermont. That being the case, I beg to be allowed to state my reason for wanting to make the motion to reconsider. The bill declares that certain lands which have been heretofore granted to certain railroads shall be forfeited and shall be hereafter open to entry and settlement. Congress ought to be careful in making such an enactment, because it is apparent a mere legislative declaration that lands are forfeit cannot defeat any title the railroad may have acquired in that land, and it may turn out, if the lands are open to entry and settlement, years hence upon some decision of the court, the lands belong to the railroad company, and the persons who have entered upon them will come here and ask to be indemnified for the loss they have thus suffered by the lands being taken from them by the decision of the court and for which lands they have already paid their money into the Treasury of the United States.

Mr. BRADLEY. I will say it has been considered by the Committee on the Public Lands and recommended by that committee.

Mr. WILLARD, of Vermont. I have had my attention called to the fact that there is now a bill pending here appropriating over $400,000 to indemnify certain settlers for lands that had been held to be open for settlement by the Interior Department and had afterward been held by the Supreme Court to have been granted to the State of Iowa by prior act of Congress. Thus the title of the settlers had been defeated and Congress is called upon to indemnify them. We ought to be careful how we indulge in that species of legislation.

Mr. BRADLEY. As I have already stated, the bill has been acted on by the Committee on the Public Lands. They directed me to report it to the House, and I have done so and it was passed under a suspension of the rules. If, however, it should turn out to be true that any such result will follow as that suggested by the gentleman from Vermont, I will have no objection to the bills being reconsidered.

DUTY ON FOREIGN HOPS.

Mr. MACDOUGALL. I ask unanimous consent to have printed in the RECORD a petition with one name.

There was no objection.

The petition is as follows:

We, the undersigned, believing that the agriculturist as well as the manufacturer should be protected, respectfully petition Congress to levy a duty of fifteen cents per pound on all hops of foreign growth imported into this country.

F. LAKEY and others.

And then, on motion of Mr. HALE, of New York, the House (at twenty minutes to five o'clock p. m.) adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BASS: The petition of Metcalf & Cushing and others, of Buffalo, New York, for the exemption of swine from certain provisions of the law regulating the transportation of live stock, to the Committee on Agriculture.

By Mr. BURCHARD: Resolutions of the board of supervisors of Whiteside County, Illinois, in relation to unsurveyed swamp lands in said county, to the Committee on the Public Lands.

By Mr. BUTLER, of Massachusetts: The petition of N. D. A. Sawyer, for restoration to the United States Army, to the Committee on Military Affairs.

By Mr. CHIPMAN: The petition of Peter Campbell, for a pension, to the Committee on Invalid Pensions.

Also, a copy of resolutions adopted at a directors' meeting of the First National Bank of Washington, District of Columbia, assuming the responsibility of certain sureties on the official bond of Robert Clark, as pension agent in the city of Washington, District of Columbia, to the Committee on Invalid Pensions.

By Mr. COX: Petitions from bankers and business men of Boston, New York, Philadelphia, Chicago, Saint Louis, and other cities, for the passage of a law authorizing and requiring the Secretary of the Treasury, in the manufacture of future Government issues, to conform to the plan recommended by the Joint Select Committee on Retrenchment, March 3, 1869, to the Committee on Banking and Currency.

Also, the petition of Francis Boller, late second lieutenant Fifty-fourth New York Volunteers, for relief, to the Committee on Military Affairs.

Also, the petition of John Davis, late first lieutenant Fifty-fourth New York Volunteers, for relief, to the Committee on Military Affairs.

By Mr. DUELL: The memorial of the chiefs of the Onondaga Nation of Indians, residing on their reservation in the county of Onondaga, New York, protesting against the passage of the bill (S. No. 640) to provide a settlement with the Six Nations of New York Indians for unexecuted treaty stipulations, to the Committee on Indian Affairs.

By Mr. DURHAM: The petition of Obadiah P. Reams, of Adair County, Kentucky, for a pension, to the Committee on Invalid Pensions.

By Mr. ELDREDGE: The petition of G. V. Herriman, of Cleveland, Ohio, for a pension, to the Committee on Invalid Pensions.

By Mr. FORT: The petition of Mary A. Allen, widow of George B. Allen, late of Company G, Fourth Michigan Cavalry, for a pension, to the Committee on Invalid Pensions.

By Mr. FREEMAN: The petition of Alexander G. Murray, of Griffin, Spalding County, Georgia, for relief, to the Committee on War Claims.

By Mr. HAYS: The petition of citizens of Shelby County, Alabama, for the repeal of the second section of the act of June 6, 1872, which reduced by 10 per cent. the duties on certain manufactured goods, and in opposition to a duty on tea and coffee, and any increase in internal taxes, to the Committee on Ways and Means.

By Mr. LUTTRELL: The memorial of W. F. Babcock, president of the Chamber of Commerce, and others, of San Francisco, California, in relation to the Pacific Mail Steamship subsidy, to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Legislature of California, relative to Suscol ranch and relief of settlers thereon, to the Committee on the Public Lands.

Also, the memorial of John R. Price, in relation to the Suscol ranch, to the Committee on the Public Lands.

Also, a paper relating to the naval service of James M. Watson, to the Committee on Invalid Pensions.

By Mr. MOORE: The petition of citizens of Ohio and Brooke Counties, West Virginia, and of Washington County, Pennsylvania, for the extension of mail-route No. 3027 from Bethany, West Virginia, to West Alexander, Pennsylvania, to the Committee on the Post-Office and Post-Roads.

By Mr. NIBLACK: The petition of the widow and heirs at law of John C. Clarke, late of Vincennes, Indiana, for compensation for services of said Clarke in carrying the mails, to the Committee on Claims.

By Mr. PARSONS: The petition of C. J. Comstock & Burgess and others, pork-packers of Cleveland, Ohio, for the exemption of swine from certain provisions of law in regard to the transportation of live stock, to the Committee on Agriculture.

By Mr. PERRY: The petition of Bridge & Davis, and others, for the exemption of swine from certain provisions of the law regulating the transportation of live stock, to the Committee on Agriculture.

By Mr. SCHUMAKER, of New York: The petition of Weston & Gray, for drawback on certain exports, to the Committee on Ways and Means.

By Mr. SCUDDER, of New York: The memorial of the Purchace Quarterly Meeting of Friends, in favor of arbitration for the settlement of international difficulties, to the Committee on Foreign Affairs.

Also, the petition of James V. Murray, for compensation for use by the United States of his patent for improved port-hole closer, to the Committee on Naval Affairs.

By Mr. SLOAN: The petition of Bernard Rice, of Augusta, Georgia, for compensation for property destroyed by United States troops, to the Committee on War Claims.

By Mr. SMALL: The petition of John P. Davis, of Laconia, New Hampshire, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Ruth Ellen Greland, for a pension, to the Committee on Invalid Pensions.

Also, the petition of N. Coffin, for additional compensation for services in the arctic expedition, to the Committee on Claims.

By Mr. SPRAGUE: The petition of A. B. Battelle and George D. Evans, for payment of certain moneys due from the United States under contract to furnish beef to the Army, to the Committee on War Claims.

By Mr. THOMAS, of Virginia: The petition of Abram Staples, of Patrick Court-House, Virginia, for relief, to the Committee on War Claims.

By Mr. VANCE: The petition of Henry Smith and others, of the Eastern or North Carolina Cherokees, for relief, to the Committee on Indian Affairs.

Also, the petition of Hiram B. Riddle, late of Company C, Second North Carolina Veteran Infantry, for relief, to the Committee on Military Affairs.

By Mr. WALDRON: The petition of Mary A. Allen, widow of George B. Allen, late private Fourth Michigan Cavalry, for her husband's share of reward for capture of Jefferson Davis, to the Committee on War Claims.

By Mr. WILLIE: The petition of Lewis Parker, for relief, to the Committee on War Claims.

IN SENATE.

TUESDAY, *May* 12, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

On motion of Mr. CHANDLER, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

HOUSE BILL REFERRED.

The bill (H. R. No. 3166) to correct the date of commission of certain officers of the Army, received yesterday from the House of Representatives, was taken from the table, and, on motion of Mr. LOGAN, referred to the Committee on Military Affairs.

BISHOP & CO.

Mr. CHANDLER. I move that the Senate proceed to the consideration of the bill (S. No. 272) for the relief of Bishop & Co., bankers of Honolulu, Hawaiian Islands, which was passed over informally some days since at the request of the Senator from Ohio, [Mr. SHERMAN,] who told me yesterday that he was satisfied he was in the wrong, and asked that it might be taken up.

Mr. FRELINGHUYSEN. I wish to present a petition.

Mr. CHANDLER. The Secretary of State deems it very important that the bill should pass.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. DAVIS. I should like to have an explanation of it.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. LOGAN. I object until morning business is through.

Mr. CHANDLER. I will give way to that.

The PRESIDENT *pro tempore*. The Chair hears no objection to the present consideration of the bill, which will be laid aside informally to receive morning business.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of the Interior, transmitting, in pursuance of law, the report of the surveyor-general of New Mexico on the land grant to Gaspar Ortiz, being private land claim reported as No. 87, dated October 20, 1806, Santa Fé County, New Mexico; which was referred to the Committee on Private Land Claims.

PETITIONS AND MEMORIALS.

Mr. FRELINGHUYSEN. I am requested by the Universal Peace Union to present a petition, signed by about 900 citizens of the United States, setting forth that they respectfully petition Congress to take immediate measures to second the movement inaugurated by the

House of Commons of the Parliament of Great Britain and promulgated by the Queen for conferring with the various governments of the world on the subject of international arbitration, believing that the successful carrying out of this measure will tend to the security of life, liberty, and the pursuit of happiness, and a more perfect international union; will promote economy, commercial intercourse, universal justice, and the general welfare, and while it will be the most potent common defense, it will tend to insure national and international tranquillity, and establish "Peace an earth and good will to all mankind." I move the reference of the petition to the Committee on Foreign Relations.

The motion was agreed to.

Mr. WEST presented the petition of Susan Smith, praying compensation for the value of one horse taken by the United States Army in May, 1863; which was referred to the Committee on Claims.

Mr. MITCHELL presented a petition of citizens of Oregon, praying that a mail-route be established from Linkville, via Lost River Gap, Langell Valley, to Clear Lake in California, thence returning via Tule Lake and Lost River Ford to Linkville; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of citizens of Yamhill, Oregon, asking the passage of the bill amendatory of the act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon, approved May 4, 1870; which was referred to the Committee on Public Lands.

Mr. WRIGHT presented the petition of Colonel S. A. Moore, of Iowa, praying to be allowed an additional pension; which was referred to the Committee on Pensions.

He also presented the petition of William F. Winshall, of Jasper County, Iowa, praying to be granted an additional pension; which was referred to the Committee on Pensions.

Mr. BOGY presented the memorial of representatives of the Great and Little Osage tribes of Indians, remonstrating against the passage of the bill (H. R. No. 3088) providing for an extension of the time for the completion of entries of Osage Indian lands in Kansas; which was referred to the Committee on Indian Affairs.

Mr. LEWIS presented a petition of citizens of Pennsylvania, praying for the establishment of a military and marine hospital at Massanetta Springs, Rockingham County, Virginia; which was referred to the Committee on Naval Affairs.

Mr. SCHURZ presented a petition of 60 citizens of Wheaton, Illinois; a petition of 17 citizens of Dunreith, Indiana; a petition of 92 citizens of Holden and other towns of Illinois; a petition of 28 citizens of Spiceland, Illinois; and petitions of citizens of Portland, Michigan; Galveston, Texas; Fitzwilliam, New Hampshire; Mudlick, North Carolina; West Liberty, Iowa; North Truro, Massachusetts; and Muscatine, Illinois, praying the settlement of international differnces by arbitration instead of by war; which were referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. WRIGHT, from the Committee on Finance, to whom was referred the bill (S. No. 653) for the relief of E. Boyd Pendleton, late collector of internal revenue, fifth district of Virginia, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. SCOTT, from the Committee on Finance, reported an amendment to the bill (H. R. No. 1572) to amend the several acts providing a national currency, and to establish free banking, and for other purposes; which was ordered to be printed.

Mr. SCOTT, from the Committee on Railroads, to whom was referred the bill (S. No. 732) supplementary to an act entitled "An act to incorporate the Texas Pacific Railroad Company, and to aid in the construction of its road, and for other purposes," reported it with an amendment.

Mr. KELLY, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 1590) to provide for the better protection of the frontier settlements of Texas against Indian and Mexican depredations, reported it without amendment.

He also, from the same committee, to whom was referred the petition of M. B. C. True, late commissary-sergeant Company H, Second Iowa Cavalry, praying that a commission be issued to him as captain of Company F, First Mississippi Volunteers, and that he may be paid the difference between the salary of a commissary-sergeant and that of a captain of mounted infantry, reported adversely thereon; and the committee was discharged from the further consideration of the petition.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred a letter of the Secretary of War, transmitting a petition of officers of the Sixth Infantry asking that troops serving on the frontier be placed on a better footing with regard to leave of absence, reported a bill (S. No. 800) to amend an act entitled "An act to increase the pay of soldiers in the United States Army, and for other purposes," approved June 20, 1864; which was read, and passed to a second reading.

He also, from the same committee, to whom was referred the bill (H. R. No. 3001) for the relief of Peter J. Knapp, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 2207) for the relief of James M. True, late colonel of the Sixty-second Illinois Volunteer Infantry, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 94) for the relief of Isaac H. Allen, reported adversely thereon; and the bill was postponed indefinitely.

Mr. WADLEIGH, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 2091) for the relief of the heirs and next of kin of Colonel William Northedge, deceased, reported it without amendment.

He also, from the same committee, to whom was referred a letter of the Secretary of War, recommending the passage of a law investing general courts-martial with jurisdiction concurrent with that of the courts of the proper State or Territory in the trial of military persons charged with certain crimes alleged to have been committed therein, reported a bill (S. No. 801) in regard to crimes committed by military persons; which was read, and passed to a second reading.

He also, from the same committee, to whom was referred the petition of Robert McDonald and other soldiers of Company G, Forty-eighth Regiment Illinois Volunteers, praying for the removal of the charge of desertion against them, asked to be discharged from its further consideration, no legislation being necessary; which was agreed to.

IMPORTATION OF WORKS OF ART.

Mr. MORRILL, of Vermont. I am directed by the Committee on Finance, to whom was referred the bill (H. R. No. 2989) to authorize the trustees of the Massachusetts Museum of Fine Arts to import and retain for two years certain works of art free of duty, to report it back. I presume there can be no objection to the bill. We have a general law now that permits societies to import articles for their own use, and we also have a general law that permits societies to import articles provided they give bond for their re-exportation within six months. This is to allow a large collection of paintings of the Duke of Montpensier to be imported for exhibition for the term of two years. That is all there is in the bill. There can be no possible objection to it. I therefore ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the trustees of the Museum of Fine Arts, an institution established under the laws of the Commonwealth of Massachusetts for the promotion of the fine arts, to import free of duty a collection of pictures belonging to the Duke of Montpensier, and not intended for sale, under such regulations as the Secretary of the Treasury shall prescribe. A bond is to be given for the payment to the United States of such duties as are now imposed by law upon any and all of such pictures as shall not be re-exported within two years after such importation.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. MITCHELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 802) establishing certain mail-routes in the State of Oregon; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. SCOTT. I present the petition of William Wheeler Hubbell, praying for the passage of an act of incorporation of the Columbia Metallurgical Company, with a bill annexed to his petition. I present the petition and ask to have it, with the bill, referred to the Committee on Mines and Mining. I do not know the character of the bill.

By unanimous consent, leave was granted to introduce a bill (S. No. 803) to incorporate the Columbia Metallurgical Company, to develop and utilize gold, silver, and improved iron by a new patent process; which was read twice by its title, and, with the petition, referred to the Committee on Mines and Mining.

Mr. FENTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 804) equalizing pensions of certain officers; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

Mr. RANSOM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 805) to provide for the erection of a public building at Asheville, North Carolina; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

EQUESTRIAN STATUE OF GENERAL GREENE.

Mr. ANTHONY. Mr. President, I have a concurrent resolution which requires a few words of explanation. Several timely and appropriate resolutions which have been offered by my friend on my right, the chairman of the Committee on Public Buildings and Grounds, and the interest which the Senate has manifested in the embellishment of the Capitol grounds, have brought freshly to my mind a duty, long neglected, toward one of the most illustrious names in American history.

Mr. President, it is well on toward a hundred years since the Continental Congress decreed a statue to Nathanael Greene, whose sudden and premature death, in the fullness of his fame and in the early prime of his manhood, had impressed his countrymen with a sense of national bereavement to which Congress hastened to give expression. I say a statue. The words of the resolution are:

Resolved, That a monument be erected to the memory of Nathanael Greene, esq., at the seat of the Federal Government, with the following inscription: "Sacred to

the memory of Nathanael Greene, esq., a native of the State of Rhode Island, who died on the 19th of June, 1786, late major-general in the service of the United States, and commander of their Army in the southern department."

"The United States in Congress assembled, in honor of his patriotism, valor, and ability, have erected this monument."

Resolved, That the Board of Treasury take order for the execution of the foregoing resolution.

It is manifest that a statue, an equestrian statue, is so much the most suitable form of a monument, in such case, that it may be said to be the only suitable one. I presume that no other would be thought of.

Doubtless a main reason why this resolution of Congress was not promptly carried out was that the seat of the Federal Government had not been established.

This has long since been done, and Washington is fast assuming the proportions, adopting the conveniences, and putting on the adornments that befit the capital city of a Government of forty millions of people.

Architecture, the most useful of the fine arts, naturally led the way. The public buildings of Washington, completed and in process of construction, are among the finest in the world. The capitals of Europe offer nothing to surpass them; and Athens, in the age of her purest taste, would not have disdained the Corinthian beauty of yonder eastern front, or the Doric majesty of the Patent Office. Sculpture and painting follow in natural order. Already in the public squares and in the circles and spaces where the great avenues that bear the names of the States intersect the rectangular streets, the forms of heroes and statesmen rise like sentinels, overlooking the city and keeping perpetual watch, in marble and in bronze, over the Government which they had founded or defended.

This edifice in which we hold our deliberations is one of the most splendid structures that the hands of man have piled upon the solid earth. Its adornment has hardly begun. As the years roll on the statues of the mighty dead will not only crowd the hall dedicated to them, but will meet the eye in the corridors and passages and wherever there is appropriate space. The walls will be covered with pictures representing the great events in American history; and the sister arts will preserve the lineaments of the men who have made that history illustrious, and will thus hold them up, silent monitors, before the eyes of those who have succeeded to their responsibilities.

The grounds of the Capitol have just been enlarged, and measures have been taken for their proper embellishment. To this embellishment sculpture will largely contribute. There must be numerous statues at the entrances and in the grounds. Taking the long roll of those whose immortal memory will claim this distinction, and but a moderate number of whom can be accommodated, no one would omit the name of the Second General of the Revolution, even if the place had not been dedicated to him, first of all, by resolution of Congress. To keep in mind that pledge to preserve to him the place already assigned to him, and to designate its exact location is the purpose of the resolution.

The concurrent resolution was read and agreed to, as follows:

Whereas the Continental Congress resolved, on the 8th of August, 1786, that a monument be erected at the seat of the Federal Government bearing the inscription, "Sacred to the memory of Nathanael Greene, esq., a native of the State of Rhode Island, who died on the 19th of June, 1786, late major-general in the service of the United States and commander of their Army in the southern department. The United States, in Congress assembled, in honor of his patriotism, valor, and ability, have erected this monument:" Therefore,

Be it resolved by the Senate, (the House of Representatives concurring,) That the Committee on Public Buildings and Grounds be instructed to designate upon the Capitol grounds a site for an equestrian statue of Nathanael Greene, in conformity with the foregoing resolution.

BISHOP & CO.

Mr. CHANDLER. Now let us proceed with Senate bill No. 272.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 272) for the relief of Bishop & Co., bankers, of Honolulu, Hawaiian Islands.

Mr. DAVIS. I do not want to object to the bill, but I want to know what it means.

Mr. CHANDLER. I will explain the bill. Bishop & Co. were a banking house in Honolulu, and discounted a draft of our consul for the relief of distressed seamen. In 1872 a very large number of our vessels were wrecked on the Pacific Ocean, clear up to Behring's Straits, and the draft on the fund was larger than the amount appropriated. When this particular draft was presented at the Treasury Department the fund itself was exhausted, and that was the only reason it was not paid; and it went back protested to Honolulu through the Bank of California. The Secretary of State informs me that the honor of the Government is at stake for the payment of this small sum, which was advanced in good faith to protect the honor of this Government by this banking house in Honolulu.

Mr. DAVIS. I notice that the bill requires interest to be paid. That is very unusual for the Government.

Mr. CHANDLER. Certainly it provides for interest. Bankers as a general rule obtain interest when they loan money for two or three years.

Mr. DAVIS. But the Government does not often pay it.

Mr. CHANDLER. The Government does not often refuse to pay its obligations at maturity; but when the Government is in default, I ask the Senator whether he would not make good to the party who has suffered the actual loss on account of laches on the part of the Government? These bankers advanced the money to the Government. It was advanced to a consul to relieve our seamen who had been wrecked. These drafts are drawn all over the world where we have seamen, drawn every day upon our Treasury, and drawn in accordance with law; and yet because this fund was exhausted at the time they allowed it to go back protested.

Mr. DAVIS. When was it?

Mr. CHANDLER. In 1872, at a time when there was a vast number of wrecks on the Pacific Ocean.

Mr. DAVIS. Was the full amount paid by the banking house?

Mr. CHANDLER. None of it was paid. The draft was protested and went back to Honolulu. It was discounted for the bank in Honolulu by the Bank of California, and from there came on to the Government of the United States and was protested, and went back through the Bank of California to the bankers in Honolulu.

Mr. DAVIS. It is suggested by two Senators on this side that I should ask what shave there was. [Laughter.]

Mr. CHANDLER. That I do not know; I was not there.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SITE FOR A SCHOOL AT SAINT AUGUSTINE.

Mr. FRELINGHUYSEN. I ask the Senate to take up a little bill which will not take a minute; and I make the application at the instance of the Senator from Florida, [Mr. GILBERT,] who does not often trouble the Senate. It is merely to set aside a small lot of ground at Saint Augustine, Florida, for a public school. The bill has been reported favorably. It has been submitted to the Secretary of the Treasury, and I have his letter here approving of it.

Mr. EDMUNDS. If this bill takes any time I must insist on the understanding yesterday, and after this bill anyhow.

Mr. MORRILL, of Vermont. This will not take time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 782) to grant a site for the Peabody school in Saint Augustine, Florida.

By the bill the western part of the lot of land in Saint Augustine, Florida, lying at the corner of Tolamato and King streets, and now the property of the United States, that part having a south front upon King street of two hundred feet and a west end upon Tolamato street of one hundred and sixty-seven and three-tenths feet, a rear upon the north of two hundred feet, and an east end of one hundred and sixty-seven and three-tenths feet, is ceded, given, and granted to the board of trustees of the Peabody school of Saint Augustine, Florida, and to their successors; and the trustees are authorized to erect thereon such a building as in their judgment shall be for the best advantage of the school.

The amendments reported by the Committee on Public Buildings and Grounds were, in line 11, to strike out the words "trustees of the Peabody school," and insert "education of the State of Florida, for the use of a public free school in the city;" and also in line 13 to strike out the word "trustees" and insert "board of education of;" so as to read:

Granted to the board of education of the State of Florida for the use of a public free school in the city of Saint Augustine, Florida, and to their successors; and the said board of education are hereby fully authorized to erect thereon such a building as in their judgment shall be for the best advantage of the school.

Mr. EDMUNDS. I suggest to the chairman of the Committee on Public Buildings and Grounds that, as the United States are furnishing a foundation for this school, we ought to provide that no distinction of race or color should be made in any school that is to be kept there. This is a school to be in the center of a city, a public school; and if we are to contribute, as I am perfectly willing to do, property in aid of it, we ought to provide that discrimination founded upon race and color shall never be made in respect to the admission of pupils there.

Mr. MORRILL, of Vermont. I believe the fact is that there is no discrimination now made. The Senator from Florida can answer that. I think there is no discrimination now made in the school.

The PRESIDENT *pro tempore*. The question is on the amendments reported by the Committee on Public Buildings and Grounds.

The amendments were agreed to.

Mr. EDMUNDS. I move to add, that if at any time any discrimination shall be made in the admission of pupils to the school on the ground of race, color, or previous condition of servitude, then this grant shall determine, and the property shall revert to the United States.

The PRESIDENT *pro tempore*. The amendment will be reduced to writing, and reported from the desk.

The Chief Clerk read the amendment, as follows:

Provided, That if at any time in the admissions to the school hereby established there shall be any exclusion on account of race, color, or previous condition of servitude, the grant hereby made shall determine, and the property revert to the United States.

The PRESIDENT *pro tempore*. Is there objection to this amendment?

Mr. SPRAGUE. I object.

Mr. MORRILL, of Vermont. I understand that there is no discrimination made there; but this school is largely supported by private contributions of citizens of the place. I do not know what effect this proviso might have. I do not object to it if the Senator from Florida does not.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont, [Mr. EDMUNDS.]

Mr. ALCORN. I trust the amendment may be adopted. It is time now that we should begin to legislate here in the direction of breaking down these distinctions. In the Southern States we have forgotten these distinctions, and the legislation there bears the characteristic marks of no distinction on account of race, color, or previous condition. While I am here, I propose to make that order of things which is established so firmly in the Southern States extend its beneficent influences throughout the nation. Equal rights to-day prevail throughout the borders of the Southern States—I mean the States like Mississippi, where the republicans dominate. The theory is now sectional; I propose to make it national; and I come very cheerfully to the support of the amendment of the honorable Senator from Vermont. Let us have equal rights in all the schools, and let us have civil rights as the law of the land, and then we shall not hear any more of these distinctions on account of race or color. I support the amendment with great pleasure.

Mr. CONOVER. I ask to have the amendment read again. I think my colleague did not hear it. He introduced the bill.

The PRESIDENT *pro tempore*. The amendment will be read again.

The Chief Clerk read the amendment proposed by Mr. EDMUNDS.

Mr. STOCKTON. I trust——

Mr. SCHURZ. Will the Senator from New Jersey permit me a moment?

Mr. STOCKTON. Certainly.

Mr. SCHURZ. I see that there is going to be a long discussion on this subject which will reduce the time which we expected to have for the discussion of the bill which is the unfinished business for to-day to such an extent that it will in all probability prevent the full exchange of opinions, and, as the Senator from New York [Mr. CONKLING] suggests to me, this is in direct violation of the agreement that the Geneva award bill should be taken up immediately after the legitimate morning business had been disposed of. I shall therefore insist that we now proceed with the consideration of that bill. I should have insisted upon it before had I not expected that other gentlemen would take the floor and I preferred not to be in their way.

The PRESIDENT *pro tempore*. The Chair understands that the Senator has correctly stated the understanding of the Senate; but it was a mere understanding which it is not for the Chair to enforce, but for the Senate.

Mr. LOGAN. I object, then, to the further consideration of this bill at the present time.

Mr. SCHURZ. I shall take the floor if the understanding is to be adhered to.

The PRESIDENT *pro tempore*. The Senator from New Jersey has the floor on the pending bill unless he waives it.

Mr. STOCKTON. Mr. President——

The PRESIDENT *pro tempore*. The Chair cannot enforce the understandings of the Senate.

Mr. STOCKTON. I rose simply to make a remark on the bill that was before the Senate as it came from a committee of which I am a member as a simple bill to cede a little piece of ground that the United States does not want to a school in Florida. On that a gentleman in the Senate proposes to add a question which has been debated here very earnestly, a question which every Senator knows cannot be determined without a long debate. The object of my rising was simply to state that fact, and to suggest that the bill had better go over if the Senator from Vermont insists on his amendment. I yielded the floor to the Senator from Missouri supposing he had the same object in view. That is all I have to say. But if the matter is pressed, and the Senate chooses to consider the question, no Senator will suppose that, coming from the committee that reported this bill, I can sit silent and see such an amendment fastened on the bill without explaining it to the Senate. I think the proper course is the one suggested by the Senator from Missouri.

Mr. SCHURZ. I insist on the agreement which we arrived at yesterday that immediately after the close of the regular morning business the Geneva award bill should come up.

The PRESIDENT *pro tempore*. The Senator can make the motion to lay this bill on the table. It is before the Senate and must be disposed of in some way.

Mr. FRELINGHUYSEN. I called up the bill at the instance of the Senator from Florida. I have no idea that he wishes in any way to interfere with the understanding. If it is to lead to debate I will withdraw it.

Mr. SCHURZ. The Senator from New Jersey must have understood so from his colleague.

The PRESIDENT *pro tempore*. Is there objection to the pending bill being laid aside informally? The Chair hears none, and it is so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills; in which the concurrence of the Senate was requested:

A bill (H. R. No. 2019) to forfeit certain public lands granted to the Stockton and Copperopolis Railroad, in the State of California;

A bill (H. R. No. 2545) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1875;

A bill (H. R. No. 2846) repealing the act entitled "An act fixing the time for the election of Representatives from the State of California to the Forty-fourth Congress;"

A bill (H. R. No. 3281) to amend the act entitled "An act to amend an act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 2, 1864;

A bill (H. R. No. 3335) authorizing the Secretary of War to grant a right of way across a corner of the Fort Gratiot military reservation to the city railroad company, Port Huron, Michigan;

A bill (H. R. No. 3338) to amend section 1 of an act entitled "An act to revise, consolidate, and amend the Army and Navy pension laws," approved March 3, 1873;

A bill (H. R. No. 3339) relating to the disposition of certain lands to be reclaimed in sections 14, 23, and 26 in township 16 north, of range 20, in the county of Sheboygan, in the State of Wisconsin; and

A bill (H. R. No. 3250) to confirm pre-emption and homestead entries of public lands within the limits of railroad grants in cases where such entries have been made under the regulations of the Land Department.

THE GENEVA AWARD.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 7) for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th of May, A. D. 1871, between the United States of America and the Queen of Great Britain, the pending question being on the amendment of Mr. THURMAN, which was to strike out in section 12, commencing on line 13, the following words:

> And no claim shall be admissible or allowed by said court by or in behalf of any insurance company or insurer, either in its or his own right or as assignee, or otherwise, in the right of a person or party insured as aforesaid, unless such claimant shall show, to the satisfaction of said court, that during the late rebellion the sum of its or his losses, in respect to its or his war risks, exceeded the sum of its or his premiums or other gains upon or in respect to such war risks; and in case of any such allowance, the same shall not be greater than such excess of loss.

Mr. SCHURZ. Mr. President, the debate on the so-called Geneva award bill has so far mainly turned on the point whether the insurance companies, as such, should be entitled to any share of the money awarded to us by the Geneva tribunal and paid us by Great Britain.

It seems to me that the question before us is not exclusively a question between the Government of the United States and its citizens. It is a question resulting from a great international transaction, one of the most important of our times. The settlement of our differences with Great Britain by arbitration was a most solemn proceeding, which was hailed the world over as an epoch of progress, and is to stand as an example to mankind. That is the light in which we held it up ourselves.

The distribution of the money awarded to us by the tribunal of arbitration is to be the final consummation of that solemn proceeding, and it is therefore a matter of the highest interest not only to ourselves, but in a certain sense to all the parties concerned in that arbitration and to civilized mankind generally. Our dealings with the money paid to us should be marked not only with the utmost fairness to our own fellow-citizens, but by the strictest regard to our obligation in the spirit of the decision made by the international tribunal at Geneva. Only in this way can we secure the full fruit of the arbitration policy to mankind, maintain our national honor, and serve our true interests.

Now I desire the Senate to mark one important feature of this business. There is a certain relation between the treaty of Washington and the proceedings and decision of the Geneva tribunal, which in the performance of the last act closing up the whole transaction we ought never to lose sight of. It is of the highest importance. The treaty of Washington laid down certain rules governing the duties of neutrals, rules not until then generally recognized. The decision of the Geneva tribunal was the first authoritative construction of the meaning of those rules, and that decision defines what acts or omissions shall be specifically considered as establishing the liability of a neutral, violating those rules, for damages, and also what classes and items of losses incurred by a belligerent nation itself or suffered by the subjects of a belligerent government in consequence of the violation of those rules shall enter into the computation of and in the award for such damages. Thus these two things, the rules laid down in the treaty of Washington and the decision of the Geneva tribunal, together constitute the great precedent, the rule, or the law, as far as rule and law can be established by precedent, which may be expected to govern the settlement of future international differences of a similar kind.

Now the question for us to decide is this: shall we recognize the precedent as established by the treaty of Washington and by the Geneva decision combined by a strict adherence to the spirit of the latter? Is it our interest, is it our duty to do so?

First. Let me say a few words upon the question of interest.

The situation and the natural policy of the United States are such that we may expect to remain neutral in the great international conflicts of the world. The United States are emphatically the great neutral power of the earth, and the interests of the United States therefore

are emphatically the interests of a neutral power. Now, the treaty of Washington has enlarged, or more strictly defined, the duties of neutrals compared with formerly recognized rules. That is not to the advantage of neutrals. But the Geneva decision in construing those rules has restricted the specific liability of neutrals for non-fulfillment of neutral duties by act or omission to certain narrow and well-defined limits. And that is for the advantage of neutrals. It is therefore the manifest interest of the United States that those limitations be confirmed and sanctioned as clearly and strictly as possible, and in every way that we can confirm and sanction them. We should, having our interests as neutrals in view, by our own acts, especially by the disposition of the money awarded to us, testify that we consider those limitations strictly binding, that we know exactly and confirm what the indemnity was paid for, because our own acts will certainly be used as precedents in future cases in which we may be a party as neutrals and other powers may be parties as belligerents.

Now, the question arises, what are those limitations of the liability of neutrals in similar cases, as fixed by the decision of the Geneva tribunal, and for what was the award of money made to us? The representatives of the United States presented before that tribunal a long list of claims, partly of a national and partly of a private character. The national claims were composed of the following: First, claims for the prolongation of the war and the addition of a large sum to the cost of the war; second, claims for the losses incurred by the transfer of a large portion of the American commercial marine to the British flag; and, third, claims for the national expenditure in the pursuit of cruisers. These claims were thrown out by the arbitrators; in fact the United States themselves declared that they had submitted those claims only for the purpose of obtaining the opinion of the tribunal of arbitration upon them. The tribunal therefore decided that for such losses a neutral shall not be liable in a similar case.

But certain classes of private claims were also thrown out: First, claims for the enhanced payment of insurances, that is to say for the war premiums generally; secondly, for prospective earnings of vessels destroyed; and, thirdly, for gross freights. The tribunal therefore decided that for losses of a private nature belonging to these three classes a neutral shall not be liable in a similar case.

What claims then were decided by the tribunal to be valid as against a neutral for violation of the rules laid down in the treaty of Washington? They were the following: Those for the value of vessels captured or destroyed by cruisers circumstanced like the Alabama, the Shenandoah, and the Florida; those made for cargoes of vessels so captured and destroyed; those made for net freights, and for personal losses, and wages of officers and seamen within certain limitations. These were all of the nature of private losses, losses suffered by private individuals, with the exception of two or three transports chartered by the Government, which, however, fall also under the same head of "property destroyed." For these losses money was awarded to us, and for nothing else in the world. That is the record of the Geneva tribunal. Such losses, then, as decided by the Geneva tribunal, constitute in similar cases the liability, and the whole liability, of a neutral violating his duties under the three rules of neutral obligation laid down in the treaty of Washington.

Now, sir, I ask shall we recognize that decision with all its strict limitations, and sanction it as a precedent to rule in future in similar cases? I submit that it is our interest, our manifest interest as the great neutral power of the world, to do so. But we can do so only by adhering in the distribution of the money awarded to us distinctly in consideration of such private losses with the utmost strictness to the spirit of the Geneva decision, and above all things by guarding very carefully against the slipping in of any vague notion of national loss and national indemnity, as is claimed by a nation from its conquered enemy, in construing for ourselves the decision of the Geneva tribunal. If we permit the idea of national loss and a national indemnity in that sense to slip into our own construction of the Geneva decision, we shall establish a precedent for ourselves which, upsetting the limitations decided upon at Geneva, will become, nay is certain to become, very troublesome to us if we ever as a neutral become in future involved in a similar difficulty.

It is demanded of us by the committee that the insurance companies who by the United States were brought forward as legitimate claimants before the Geneva tribunal, and whose claims entered into the computation of losses upon which the award was made to us, shall be excluded from the distribution of the money so to us awarded and paid. It is claimed that the Government of the United States, having received the money awarded by the Geneva tribunal, may distribute that money as it pleases, without respect to the claims upon the computation of which the money was awarded, or that the Government may keep the money altogether in the Treasury as if it were a national indemnity obtained by war. Indeed the exclusion of the underwriters can scarce be defended upon any other theory. To make it clear, let me use this illustration There were before the Geneva tribunal double claims, so called, mostly arising in this way: An insurance company claimed for a vessel lost, and the original owner of the vessel claimed for the same vessel lost. The double claims were of course as such rejected, but the single claims were allowed. That is to say, the amount claimed for the value of the vessel was once, but not twice allowed in the computation of damages. Now we are asked to say that the original owners cannot claim for that vessel because they were compensated by the insurance company, which is true, and the insurance company cannot claim for that vessel because they were compensated by the war premiums which they received. But the vessel was lost; it entered into the computation on which the award was made; upon that award the money was paid to us. For the vessel so lost we received the money. What shall we do with that money? We are not to pay the owner, because he was paid by the insurance company. We are not to pay the insurance company, according to the theory of the committee, because that insurance company was paid by the war premiums. Whom are we to pay? Are we to keep the money in our own Treasury? That certainly is not what it was given for. But who are the losers, who are to be compensated, according to the theory of the committee? Those who paid the war premiums. And yet the Geneva tribunal expressly decided that for war premiums no damages could be claimed. Upon what theory in the world, then, can we throw out these claims? Upon no other, but that we received the indemnity as a national indemnity, just as we would have extorted from a conquered enemy, which we can dispose of just as we please; that the Government may keep or expend the money, not as a trust fund awarded to it upon a special ground and for a special purpose, but as national property obtained, not for private losses, but for a national grievance. That is the theory of the committee. You need only to look at the proceedings and at the decision of the Geneva tribunal to arrive at once at the conclusion that this upsets the whole theory of the Geneva decision itself, with all its limitations as to the principles on which the liability of neutrals in similar cases is defined and determined. We may not care about the legal rights of the insurance companies, but we ought to care about the position the Government of the United States takes in this transaction, and the important precedent it establishes by its construction of the Geneva decision, which is much more important than all the private interests involved in this case.

I insist, therefore, that it is the evident, the manifest, and the imperative interest of the United States, as a neutral power, strictly to regard in the distribution of the award the claims and the rights of the claimants upon the computation of which the award was made by the Geneva tribunal and the money was paid to us; and it is equally evident that it cannot be done if the claims of insurance companies or any other class of claims which were not excluded by the Geneva tribunal, but distinctly recognized in the basis of computation, are arbitrarily thrown out by ourselves upon the vague theory of a national indemnity in place of a fund received in trust for private claimants.

Mr. HOWE. I do not mean to say anything by way of controverting the argument of the Senator from Missouri; but I wish to suggest to him one difficulty that occurs to my mind in the way of our protecting ourselves as a neutral power against the future operation of the three celebrated rules, by any possible distribution we can make of the fund now in our hands; and that difficulty is this: It is true, as the Senator says, that the tribunal decided against what were called indirect claims and measured our damages under the three rules by the estimated value of the property destroyed by the cruisers, with some little additions for other circumstances. But, if I remember aright, the tribunal made that decision throwing out the indirect claims, when one of the parties to the arbitration was insisting that no such claim was before the arbitrators, had not been submitted, and that they never had agreed in the treaty to submit any such claims. Now if it should turn out that the treaty did not submit to the arbitrators what were called the indirect claims, will any future power that may call us to account under the three rules hereafter be precluded from saying, "I will not go into arbitration unless you do allow indirect claims to be considered by the tribunal?"

Mr. SCHURZ. I do not think that contingency will arise. If I remember correctly, and I think I do, the tribunal did not decide that the indirect claims had never been before it. It is true that the agents of the British government insisted that they were not before the tribunal, but the tribunal passed an opinion upon the indirect claims as if they had been before it, throwing them out as not being entitled to consideration under the rules laid down in the treaty of Washington.

Mr. HOWE. The difference being this: it was the decision of a tribunal without jurisdiction if these claims had not been submitted. They had jurisdiction of whatever claims were submitted under the treaty; but one party insisted that these claims were not submitted under the treaty. They decided, to be sure, that if they had been submitted, they could not be allowed. If they had been submitted, it would be the decision of a court having jurisdiction; if they were not submitted, it was the decision of a court without jurisdiction.

Mr. SCHURZ. I think I could satisfy the Senator from Wisconsin by reading the opinion of the tribunal on this head. It was this:

Count Sclopis then, on behalf of all the arbitrators, made the following statement:

"The application of the agent of Her Britannic Majesty's government being now before the arbitrators, the president of the tribunal (Count Sclopis) proposes to make the following communication on the part of the arbitrators to the parties interested:

"'The arbitrators wish it to be understoodthat in the observations which they are about to make they have in view solely the application of the agent of Her Britannic Majesty's government, which is now before them, for an adjournment, which might be prolonged till the month of February in next year; and the motives for that application, namely, the difference of opinion which exists between Her Britannic Majesty's government and the Government of the United States as to the

competency of the tribunal, under the treaty of Washington, to deal with the claims advanced in the case of the United States in respect of losses under the several heads of—1. "The losses in the transfer of the American commercial marine to the British flag;" 2. "The enhanced payments of insurance;" and, 3. "The prolongation of the war, and the addition of a large sum to the cost of the war and the suppression of the rebellion;" and the hope which Her Britannic Majesty's government does not abandon, that if sufficient time were given for that purpose, a solution of the difficulty which has thus arisen, by the negotiation of a supplementary convention between the two governments, might be found practicable.

"'The arbitrators do not propose to express or imply any opinion upon the point thus in difference between the two governments as to the interpretation or effect of the treaty; but it seems to them obvious that the substantial object of the adjournment must be to give the two governments an opportunity of determining whether the claims in question shall or shall not be submitted to the decision of the arbitrators, and that any difference between the two governments on this point may make the adjournment unproductive of any useful effect, and, after a delay of many months, during which both nations may be kept in a state of painful suspense, may end in a result which, it is to be presumed, both governments would equally deplore, that of making this arbitration wholly abortive. This being so, the arbitrators think it right to state that, after the most careful perusal of all that has been urged on the part of the Government of the United States in respect to these claims, they have arrived, individually and collectively, at the conclusion that these claims do not constitute, upon the principles of international law applicable to such cases, good foundation for an award of compensation or computation of damages between nations, and should, upon such principles, be wholly excluded from the consideration of the tribunal in making its award, even if there were no disagreement between the two governments as to the competency of the tribunal to decide thereon.'"

So it appears that not upon the difficulty which had arisen between Great Britain and the United States, but upon principles of international law, including the rules laid down in the treaty of Washington, they came to the conclusion to rule out these claims. But I think that even if the Senator from Wisconsin were right in his apprehension, it would not militate against my argument; it would still be our interest, when there is a limitation of the liability of neutrals, authoritatively and expressly defined, to accept it and to abstain from doing anything to invalidate it.

Having discussed the question of interest, I now approach the question of duty; and I affirm that to distribute the money awarded to us by the tribunal and paid to us by Great Britain among the legitimate claimants whose claims were presented before the tribunal and upon a computation of which the award was made without arbitrarily excluding any class of claims, is on our part a duty of good faith generally; it is a duty of the Government of the United States to its own citizens; it is a duty to the arbitrators; and it is a duty to England.

Why is it a duty of good faith on our part? Because the Government of the United States, after all national claims had been thrown out, still brought forward the private claims of its citizens, and among them the claims of the insurance companies, representing that it wanted payment for them, in order to indemnify them out of the gross sum thus awarded. That the Government of the United States made that distinct representation appears from the language of its own agent before the Geneva tribunal; and here I wish to call the attention of the Senate to some declarations of Mr. Davis, the agent of the United States Government, which so far have not been quoted, and which I consider of the utmost significance and importance. Mr. Davis in his report to Mr. Fish, page 4 of the pamphlet edition of the protocol, said:

A circular was issued under the immediate direction of the Secretary of State informing claimants that all claims growing out of the acts of cruisers would be presented to the tribunal, leaving that body to determine as to their merits.

Mr. Davis in his last statement to the arbitrators accompanying certain revised and amended tables of claims, which had been criticised by the British agent, said:

The United States make a claim for all the separate parts of a ship, whether the owner of some smaller part appears or not, because the United States will have to answer to all the owners in case the tribunal shall award a gross sum to the United States.

Thus speaks the agent of the United States before the Geneva tribunal:

Because the United States will have to answer to all the owners in case the tribunal shall award a gross sum to the United States. Not to allow such a claim would be manifest injustice. The object of the treaty is to indemnify the United States for all the losses suffered by their citizens, and not to impose a part of that indemnification upon the United States themselves.

What does that mean? It implies, as the agent of the United States declared before the Geneva tribunal, that the United States would have to make up for the deficiency to the claimants if the award made by the Geneva tribunal should not prove sufficient for the purpose.

Again, the British agent had complained that the agent of the United States had prosecuted certain claims for injury to sailors who had not themselves made any claims, and in replying to this Mr. Davis said to the tribunal, and I wish the Senate to mark these words:

But if the tribunal shall send these claims to the assessors, England will be held by the stipulations of the treaty to pay to the United States the amount fixed by the assessors without restriction either of affirmative or negative proofs. In such a case not sailors alone, but also owners, insurers, and others who have not yet presented their claims will have the right to do so before the assessors. Such is the clear meaning of the treaty.

Thus the agent of the United States before the Geneva tribunal solemnly asserted that, among other claimants, the insurers would have the right to appear before the assessors and that their claims could not be denied even if they had so far neglected to file them.

Now, the tribunal did award a gross sum, and in his letter to the Secretary of State, Mr. Davis, after relating that the neutral arbitrators and Mr. Adams were convinced of the policy of awarding a sum in gross, thus reports:

We therefore devoted our energies to securing such a sum as should be practically an indemnity to the sufferers. Whether we have or have not been successful can be determined only by the final division of the award.

Thus the agent of the United States repeatedly declared before the tribunal that the money to be awarded was wanted not for the United States to be distributed by the Government in its discretion, arbitrarily, but for the satisfaction of private claims, inclusive of those of insurers. To repudiate such a declaration by our mode of distribution would be an act of bad faith of which no government which has self-respect ought to render itself guilty.

Why is it a duty of the Government to its own citizens? The Government of the United States called upon its citizens to present their claims. They did so, beginning in 1863. The insurance claims were among the first presented. They were among the very claims that the President had proposed in his message the Government should acquire by purchase, thus exercising an indirect pressure upon the Government of Great Britain, which had some effect in bringing on a renewal of negotiations. Upon the ground of these claims we demanded indemnity from Great Britain. Had there been no private claims there would have been no indemnity, for all the national claims had been thrown out. Had there been no insurance claims, there would not have been so large an indemnity, for the insurance claims constituted a very important part of the list of claims upon which a computation for the award was made. Having received indemnity for the satisfaction of private claims, how can the Government now appropriate a single farthing of that money to itself or to any arbitrary use, as long as any legal private claim so preferred, so urged, so used in the computation upon which the award was made and for which the money was paid, remains unpaid? It cannot unless the Government repudiates its duty to its citizens.

Why is it a duty of the Government to the arbitrators? The Government of the United States presented these claims, and among them the insurance claims, before the arbitrators as true and valid claims, leading the arbitrators to believe that they were presented in perfect good faith. We maintained them against the adverse criticism of England, and our agent insisted that the gross sum to be awarded should be large, because otherwise the United States might be called upon to make up to the private claimants what the arbitrators failed to give. Now, how in the world can the Government throw out and refuse to pay a class of claims upon the justice of which the United States insisted before the arbitrators, and for the satisfaction of which the arbitrators thereupon awarded a gross sum? Certainly we cannot do so without an insult to the arbitrators themselves.

Lastly, I say it is our duty to England, and why is it so? There has been so strong a feeling against England on account of the losses suffered by the depredations of the confederate cruisers that those very vessels were often called "English pirates." England paid fifteen and a half millions, all that was awarded by the tribunal, to satisfy the amount of private damages suffered by the citizens of the United States in consequence of her negligence in fulfilling her duties as a neutral; and England has a right to expect that by the distribution of the money paid the private claimants shall be satisfied and their feelings of private injury removed. She might have insisted upon a board of assessors if she had desired to do so; and in that board of assessors she herself would have been represented and exercised an influence and made sure that every legitimate private claim would be paid. Now, mark you, it was at the desire of the United States that the award of a gross sum was made, to which England consented. Can we now in distributing that sum in gross, without having England represented here, as she would have been in a board of assessors, refuse to pay any private claimant that England would have been obliged to pay had the distribution been remitted to a board of assessors? Certainly we cannot if we want to be just to England. Our moral obligation to distribute this money among the private claimants, for the satisfaction of whose claims it was distinctly awarded by the tribunal and paid by Great Britain, is at least equal to the obligation of England to pay that gross sum when it was awarded by the Geneva tribunal.

These, sir, are the reasons which induce me to insist that the money paid to us by Great Britain should be used in satisfying the legal private claims for the satisfaction of which that money was awarded by the tribunal of arbitration and paid by Great Britain without any arbitrary distinction between the claims. I have not discussed whether the insurance companies or any owners of vessels who insured themselves have made or lost money during or in consequence of the war, simply because that has nothing at all to do with the merits of the case before us. I have shown that our obligation rests upon a basis quite different from that.

To distribute the indemnity among the claimants for whose satisfaction the money was awarded and paid to us, we are bound by every consideration of good faith, of national honor, of national interest, and of sound policy. We cannot refuse to do so; we cannot set up for ourselves rules and theories adverse to the representations advanced by our own agents at Geneva in support of the private claims upon which the award was made, and adverse to the theory upon which the arbitrators made their decision—we cannot do that I say without striking a fatal blow at the beneficent results of the

system of international arbitration so auspiciously inaugurated. Do you know what is going on at the present moment in England? The treaty of Washington and the arbitration is being bitterly assailed there on the ground that too much was yielded to the United States. Let it now be understood that the Government of the United States arbitrarily puts a construction upon the Geneva decision different from the obvious intention of the tribunal itself; that we presented and urged private claims upon one theory before the tribunal and then disposed of the money awarded in consideration thereof upon another theory, thus laying ourselves open to the suspicion of sharp practice, and we shall have furnished a most dangerous weapon to the enemies of this method of settling international difficulties. We may thus give the system of arbitration the finishing blow for a long time to come. And I would entreat Senators to consider well what they are doing in this case, for it is impossible to overestimate the importance of the question before us.

Mr. CONKLING. Mr. President, the agreement under which we now proceed leaves so little time for further debate, that I feel at liberty to take for myself only a brief space.

The measure before us deserves more attention than it seems likely to receive. It involves the disposition of $17,000,000, and the rights of all in this great sum—it may involve more money than $17,000,000. Should the fund be so distributed or applied that the future shall find fault with the work, yet other moneys may be needed when we are gone to fulfill the obligations on which we are about to pronounce. But our action affects much beside money. The affair has become noticeable and memorable throughout the world. It involves the dignity, the character, the discretion, and the reputation of the American people. The disposition of the award made at Geneva, is the closing act in a great transaction, in which the part borne by our Government thus far has redounded to the renown of the country, and to the advancement of reason and civilization. It will be lamentable if from inattention or error anything shall occur now or hereafter to mar one of the greatest achievements of diplomacy and peace.

The bill in all its parts, I have never believed as wise as amendment could make it. I do not believe it needful or wise to create a special court, of five judges and other officers, for the sole purpose of deciding questions touching this fund. A court to exist for eighteen months, with rules and practice to be invented by itself, and with no appeal to the regular judicial tribunals, seems to me not needed and not so convenient, so economical, or so satisfactory at last, as would be the action of the regular courts of the nation, with the right of review in the Supreme Court. In this respect I prefer a plan of the House of Representatives, but I will not dwell upon it.

Again, if Congress deems itself free to distribute or devote the money as it pleases, or as it deems just as a new and original question, I think the same rule proposed in respect of insurance companies, should be applied to other persons also. So, too, in the same view, it seems to me a doubtful distinction is made against owners of vessels and cargoes which fell a prey to corsairs other than those named in the judgment given at Geneva. If the judgment of the arbitrators does not bind us and govern the use to be made of the money, and we are to find equities for ourselves, it seems to me we should listen to the petition of him whose vessel was burned or sunk by the Shenandoah whether before or after her recruitment at Melbourne.

This brings me to the amendment of the Senator from Ohio. The bill excludes underwriters—excludes them by providing that none of them shall receive anything unless upon their gross transactions during the whole period of the rebellion, counting all profits and losses, they were losers.

The amendment is to strike out this exclusion, and to give them a day in court. The amendment does not require anything to be paid to underwriters, but only to remit them to the so-called court, with such rights as the treaty, the award, and the law give them.

Upon this amendment we must face the whole question of the nature of the fund, and the relations and duty of the Government in regard to it.

If the seventeen million, be the money of the United States as its own, to do with it what it pleases, there is an end of the question of claims. No underwriter, or vessel-owner, or sufferers, or citizen whatever has any claim, or right. There can be no claim—there is no right in any one to demand a penny. Petitions may come, but like the cry for aid from the deluged fields of Mississippi, they must be addressed to the discretion of Congress fettered by nothing but the Constitution.

If the money is only part of the money in the public Treasury, it may be used to build light-houses, or life-saving stations—it may appropriately be given to sufferers by war and by sea, all of whom are by no means included in the bill.

If, however, the money be in whole or in part a trust fund recovered or obtained by reason of losses suffered by citizens, it is subject to the rights of those on whose losses it rests.

Whatever the law would exact of a custodian having no shield of sovereignty to ward off the law, the United States is bound to do—and for a refusal to do it the Government and the nation must answer at the bar of the nations.

This has not been denied. The dispute is in regard to the nature and ownership of the fund. The bill affirms that the money is the money of the nation, subject absolutely to the will of Congress—thus of course denying that the Government is in any sense a trustee, and denying that any individual or class has a right to claim any part of it.

With this argument I cannot agree. It seems to me that however the case may be wanting in some of the technical features of a naked trust, the fund is a special one, acquired in satisfaction of certain claims, and that the owners of those claims are in right and in equity, as well as in law, the owners also of the money with which the claims were answered.

Our claims against Great Britain were, from the first, of two classes, national and individual—so they continued until the Geneva tribunal pronounced against one class almost wholly, and from thence onward the claims were for direct destruction of vessels and cargoes. The award made was for, if not in terms upon, these claims, and only a small proportion of the award was for anything but losses of American citizens inflicted by rebel cruisers—from this it follows in law and in reason that the fund in question in large part represents such claims. The recognition, even the rightful existence of such claims, is denied by the honorable Senator from New Jersey, and he grounds his denial on a statute, with which I begin as the first step to prove their right to be heard and to be satisfied. In 1799 Congress enacted the statute to which the Senator referred. I read it:

If any person, being a citizen of the United States, whether he be actually resident, or abiding within the United States, or in any foreign country, shall, without the permission or authority of the Government of the United States, directly or indirectly, commence, or carry on, any verbal or written correspondence or intercourse with any foreign government, or any officer or agent thereof, with an intent to influence the measures or conduct of any foreign government, or of any officer or agent thereof, in relation to any disputes or controversies with the United States, or defeat the measures of the Government of the United States; or if any person, being a citizen of or resident within the United States, and not duly authorized, shall counsel, advise, aid, or assist in any such correspondence, with intent, as aforesaid, he or they shall be deemed guilty of a high misdemeanor, and on conviction before any court of the United States having jurisdiction thereof, shall be punished by a fine not exceeding $5,000, and by imprisonment during a term not less than six months, nor exceeding three years.

In passing I call the attention of my friend to the fact that here is a case where a maximum and minimum punishment is found in a penal statute of the United States, although this fact relates to another matter as he will understand.

Provided always, That nothing in this act contained shall be construed to abridge the right of individual citizens of the United States to apply by themselves, or their lawful agents, to any foreign government, or the agents thereof, for the redress of any injuries in relation to person or property which such individuals may have sustained from such government, or any of its agents, citizens, or subjects.

Upon this statute I make two comments: First, it has nothing to do with such claims as we are now considering—nothing even in the body of the statute touches them; second, by the proviso is reserved, even supposing the act to cover the point to which it was cited, to every citizen the right by his own direct action to apply for to foreign states, and to pursue redress in respect of injuries to his interests, whether of property or otherwise. With or without such a statute, the Government of the United States, like other civilized governments, has ever accepted a doctrine which I think may be stated thus: That every citizen has the right of the intercession with foreign powers, at all times, and carried to all reasonable lengths, of the government to which he pays allegiance; and that by as much as it is the custom of governments to repress private transactions and negotiations by their citizens with foreign governments, by so much it is their duty and their habit to represent their citizens in respect of their claims upon other nationalities. As often as we hear of French spoliations, we hear confirmation of this rule. Analyze the complaint upon which the memorialists in respect of French spoliations rest their claims and the argument is, first, that the Government of the United States did not actually go to war, although it went to the verge of war to maintain their rights; and, second, that after exhausting the resources of diplomacy it gave up, and as they say virtually, canceled hopeless claims. The argument in such cases always proceeds on the idea that it is the bounden duty of a government to undertake, and having undertaken to faithfully pursue, the ends of justice whenever meritorious claims are presented by its citizens.

Mr. EDMUNDS. Shall I disturb my friend if I ask him a question?

Mr. CONKLING. Not at all.

Mr. EDMUNDS. I wish to ask the Senator from New York if in the case of the French spoliations, to which he refers, the treaty with France on the subject does not provide entirely for illegal spoliations, illegal seizures, and does not also provide that the United States will give indemnity to its citizens, taking a gross sum from France therefor? That is the claim of the French spoliations, as I understand it.

Mr. CONKLING. Mr. President, the French spoliation case is distinguishable from this in some respects, if not in those to which the Senator from Vermont alludes. It is distinguishable among other things in the fact that the Government never did in that instance receive a penny belonging to the holders of the claims. That is the great distinction. I refer to the French spoliations merely to show that its foundation in argument is the relation subsisting between the citizen and his Government and the always understood duty of the Government to promote and aid its citizen in obtaining his rights.

Coming to the history of the claims now in hand, let me traverse briefly that history in part. From the beginning, from the time when the American ear became accustomed to the phrase "Alabama

claims," the most certain, the most specific, the most tangible of them all were losses inflicted upon citizens whose vessels were burned on the high seas.

Look at the correspondence between Mr. Seward and Mr. Adams from the beginning, between Mr. Seward and Mr. Johnson, between these ministers and Lords Clarendon and Stanley; look at the two conventions, the Johnson-Stanley convention and the Johnson-Clarendon convention, and you see the record bristling with claims made on behalf of American citizens, individual sufferers, put always into the forefront of the controversy. Look at the President's message of the 5th of December, 1870, and you find a recommendation that Congress make provision for the purchase of these individual claims. "Settlement with individual claimants" was the expression, I think. To what end? "So that"—I now quote the language—"the Government shall have the ownership of the private claims, as well as the responsible control of all the demands against Great Britain." As a staff in our hands, as an instrument of national action, the President recommended that we should take to ourselves beside that we had already, beside that nebulous demand, which was found to dizzy arithmetic when put into figures, also that definite, tangible, specific, visible thing consisting of the total losses inflicted by pirates upon private owners, and which the nation could acquire as owner only by purchase from the original holders.

On the 8th of May, 1871, the treaty was concluded. It referred, in terms somewhat general, all claims, national and individual alike, to peaceful arbitration. It used words appropriate to the generality of the subject. The American case was made up. It made claims not only for individual losses, but for damages resulting from the prolongation of the war, caused by the transfer of the American commercial marine to Great Britain, consisting of the cost of maintaining a sea police, and suffered at large from enhanced rates of insurance. England objected; England refused to go to trial because she said she thought the treaty should not mean that; and in this Chamber it is an open secret now that a supplemental article, which lies before me, was adopted to smooth the way to the completion of the arbitration which was arrested for the moment on the threshold by the refusal of one party to proceed. Pending the refusal of Great Britain, the tribunal cut the knot by a preliminary decision against the so-called national claims of the United States. Referring to the national claims, the tribunal said:

> That after most careful perusal of all that has been urged on the part of the Government of the United States in respect of these claims, they have arrived, individually and collectively, at the conclusion that these claims did not constitute, upon principles of international law applicable to such cases, good foundation for an award of compensation or computation of damages between nations, and should, upon such principles, be wholly excluded from the consideration of the tribunal in making its award, even if there was no disagreement between the two governments as to the competency of the tribunal to decide thereon.

As part of the action resulting in this decision, the tribunal ruled against England the question of our right under the treaty to present our case as we chose, and also the question of the jurisdiction of the tribunal, and *pro hoc vice* at least assumed jurisdiction of the whole question, and pronounced judgment upon it as matter of public law. What did the agent of the United States say to the action of the arbitrators?

Mr. Davis presented this communication to the tribunal:

> The declaration made by the tribunal, individually and collectively, respecting the claims presented by the United States for the award of the tribunal for, first, "the losses in the transfer of the American commercial marine to the British flag;" second, "the enhanced payments of insurance;" and third, "the prolongation of the war and the addition of a large sum to the cost of the war and the suppression of the rebellion," is accepted by the President of the United States as determinative of their judgment upon the important question of public law involved.
>
> The agent of the United States is authorized to say that, consequently, the abovementioned claims will not be further insisted upon before the tribunal by the United States, and may be excluded from all consideration in any award that may be made.

After this, what was left as matter of difference, and subject to litigation and judgment? The record, I think, plainly shows. The insurance companies were there represented as claimants, with their schedules of losses; so were the vessel-owners; and the Government of the United States presented and vouched for their claims. When the examination of items of loss and damage was reached, prospective profits, unearned freights, and the like were excluded, not upon principles of public law, but upon principles of common law and rules of evidence applicable to ordinary trials in court. In short, it was held that prospective profits and unearned freights were remote, consequential, and contingent damages, within the rules settled by familiar cases, and that for them no recovery could be had. With national claims, and these remote and consequential private damages excluded, we find the record standing thus: Mr. Davis presented to the tribunal a paper, from which I read to show the very matter to which the litigation was then addressed.

> The claims presented by the United States are supported by sworn statements, presented by those who possess the necessary information, and they exhibit, in detail, the items which go to form the sum total, and the names of all who have made reclamation, whatever may be the sum which the tribunal may see fit to award. The claims on the part of private individuals thus computed, verified, and submitted, are supported by all the guarantees of their good faith and their validity, as well for their general amount as for the other facts concerning them which governments are in the habit of requiring in such cases from their own citizens.

I ask special attention to these words, found in the same paper:

> It thus appears that these computations show the entire extent of all private losses, which the results of the adjudication of this tribunal ought to enable the United States to make compensation for.

There is the fact in a nutshell. The United States contested before the tribunal the private claims of citizens, insisting upon money enough to make the claimants whole, item by item.

In this contest the United States won, and won $15,500,000, with a protestation on its lips that the money was to be devoted as "compensation" for "private losses." And yet we are asked to believe that the United States recovered in its own right, for itself, and that the money is its own as part of its treasure.

Let me recapitulate. The tribunal first shut out national damages so called—a small amount of claims belonging to the United States was allowed, but the decision was against the bulk of the claims presented by our Government *sui juris*, as distinguished from the claims of its citizens. The tribunals having shut out the national claims as matters for which no damages could be awarded, next pruned down private claims by cutting off consequential, remote, and contingent damages, which they said were excluded by the general principles of municipal law. Thenceforward, the counsel and agent of the United States treated the case as it was, and tried the issue as a question of damages inflicted on vessel-owners by three cruisers. When it was decided for what cruisers Great Britain was responsible, nothing remained to be established except the aggregate losses of individual American citizens, with a slight matter of loss besides which was sustained by our Government itself, and which fell within the rule of liability laid down. Upon this issue a gross sum was awarded. For what was it awarded? Let me read again from Mr. Davis, the agent of our Government. He is communicating now with his own Government. He says:

> The neutral arbitrators, and Mr. Adams, from the beginning of the proceedings, were convinced of the policy of awarding a sum in gross. For some weeks before the decision was given, I felt sure that the arbitrators would not consent to send the case to assessors until they should have exhausted all efforts to agree themselves upon the sum to be paid.

Now, observe—

> We, therefore, devoted our energies toward securing such a sum as should be practically an indemnity to the sufferers.

Here again the claims of "the sufferers" stand out in bold relief—and "the sufferers" were citizens upon whom losses had fallen, and they were nobody else.

The American counsel presented a verified list of individual losses to the tribunal, and then, as they informed their home Government, they devoted their energies to securing such a sum as would be practically an indemnity to those sufferers.

Mr. President, could we have recovered fifteen million dollars and a half without these individual claims? That is the question. Did we recover fifteen million dollars and a half without these individual claims, or for anything except these claims? Look at the revised and reduced table of losses made by one of the arbitrators himself, and you find that the list of losses by citizens, losses which came from destructions by the Alabama, Florida, or the Shenandoah after her recruitment at Melbourne, amounts according to the calculations of the arbitrator to $12,000,000. Then you find that interest was allowed at 6 per cent. for a period which substantially appears in the protocols, although not in the final judgment. Thus we have in substance the whole of the award explained, accounted for, supported, and covered by private claims—the total, item by item, made up the $12,000,000, leaving interest and other things to explain the difference between twelve million dollars and fifteen million and a half.

If these facts establish the title of the sufferers, in equity, to the money recovered, it is a trust fund—the Government is a trustee, and the law must govern and fix the execution of the trust.

If such be the case, we have nothing to do with underwriters except to leave them with all others to the law and the right.

As a lucid and vigorous statement of this doctrine, I read the words of Mr. Webster, uttered in 1835. He said:

> There is no more universal maxim of law and justice throughout the civilized and commercial world than that an underwriter who has paid any losses on a ship or merchandise to the owner is entitled to whatever may be received from the property. His right accrues by the very act of payment, and if the property or its proceeds be afterward recovered in whole or in part, or whether the recovery be from the sea, from the captors, or from the justice of foreign states, such recovery is for the benefit of the underwriter.

I think no case can be found to dispute or disparage that position.

Mr. EDMUNDS. Will the Senator be kind enough to inform me in what connection Mr. Webster said that?

Mr. CONKLING. He said it in a speech in the Senate of the United States.

Mr. EDMUNDS. In what connection?

Mr. CONKLING. I have only the extract before me, not the context showing the particular connection in which he said it.

Mr. FRELINGHUYSEN. I guess it was on the French spoliation bill.

Mr. EDMUNDS. It was on the French spoliation bill.

Mr. CONKLING. Then when my honorable friend asks me in what connection Mr. Webster said it, he wishes me merely to answer in respect of what bill he said it?

Mr. EDMUNDS. Yes.

Mr. CONKLING. The Senator says it was in respect of the French spoliation bill, and that is true. When he asked me in what connection it was said, I did not, it seems, apprehend the point of his question.

Mr. EDMUNDS. I was unfortunate in the language of my inquiry.

Mr. CONKLING. Mr. President, if it be true that this sum of money stands upon the claims of individuals, it cannot be denied that the law and the principles adopted by the tribunal must govern our action. In that view, I suppose no Senator would feel at liberty to refuse to allow all claimants of this trust-money (for trust-money then it must be) to seek before the appropriate tribunal their rights as the law gives them. But the bill, turning to the opposite idea, seems to me inconsistent with itself, and a contradictory attempt to do absolute original equity. The bill argues that private claims are to be ignored for all purposes explanatory of the recovery or ownership of the money; that the money is in the Treasury belonging absolutely to the United States, to be by Congress distributed and dispensed according to the judgment of Congress.

I should like to inquire, then, why a mutual insurance company should not be treated like a man who insured himself? If a group of merchants twelve in number, who by a mutual arrangement insured each other, are to receive nothing, unless taking their balance-sheet for the whole period of the rebellion they lost more than they made, why should a merchant who felt strong enough to be his own solitary insurer, whose vessel went and came in safety season after season, made untold profits, perhaps as was said yesterday paying for herself over and over again, when at last his vessel was lost, be paid her entire value, albeit the payment may make his profits 500 per cent. when they were already 400 upon his investment? Why is that, if we as a new and original question are to establish equities for ourselves? If bounty is to be bestowed, how can we thus pick and choose between its objects?

Such distinctions speak louder of favoritism and caprice than of equity and sound discretion.

Again, why is it that the fisherman or sailor from Maine whose vessel was overtaken and sunk by the Shenandoah a week or a day before she entered the harbor of Melbourne, is to be turned away? The bill turns him away. If we may judge, is he not meritorious? But the bill knows him not. Upon what does such an exclusion rest? If upon the award of the Geneva tribunal, the foundation is ample. If that be the explanation it takes the ground that the fund is a trust-fund, and belongs to those in whose behalf the Government recovered it; the man who suffered from the Shenandoah before her recruitment at Melbourne is not one of those for whom it was recovered, and there is an end of his case.

But when you dismiss the judgment at Geneva as a rule for our action, and say "this is money to be distributed by us in accordance with our appreciation of those who suffered, and who are most deserving," why do you pay in full the ship-owner who perhaps reaped golden harvests during the rebellion, and whose vessel at last went down before the guns of the Shenandoah after she was strengthened at Melbourne, and turn away the man whose vessel went down only a month before under the guns of the same corsair, and who, perhaps, if you inquire of his case, will turn out to be a loser always and never a gainer during the rebellion.

One ground or the other must be true; both cannot be true. If indeed we have an unbridled discretion, if we may parcel this money out as prize-money to seamen or bounties to soldiers, if we may give it to the widows, the orphans, or the cripples of the war, if we may give it to those who suffered whether on land or on sea, the schedule contained in the bill is too narrow to satisfy the judgment or the conscience of the American Senate. If, on the contrary, we be so hampered that we are bound to keep within the limits of the bill, then I insist that our obligation is plainly fixed by settled rules of law which we are bound to obey and which we have no right to change.

So, Mr. President, I shall vote for the amendment offered by the Senator from Ohio; and I shall vote also, should the amendment be offered, for a plan like that proposed by the House, allowing the regular judicial tribunals of the country to decide the questions touching this fund. I see no reason for creating a special court, with special machinery, for such a purpose; and I see objection to denying upon all the questions which may arise the right of appeal to the Supreme Court. Select some circuit court, name one if you please or leave the President to choose one; allow the parties to come in under familiar forms and established practice. But few cases will travel further than the court of first instance. Contests will classify themselves, and the classes will be few. A half-dozen questions may go to the Supreme Court, and all cases will abide the event. No multiplicity of litigation need be feared, I think. The plan proposed by the House strikes me as more simple, more economical, and more satisfactory at last than ours, and I would leave the whole matter to the courts to be decided for all upon the principles found applicable.

Mr. FRELINGHUYSEN. Mr. President, having voted in committee to report this bill, I propose in the course of a few minutes to state the reasons which induced me so to vote.

The claim of the United States against Great Britain was national. It was not for individual injury. Robust debaters can go to great lengths in putting forward propositions, but I do not think that any one with this treaty before him can deny that the claim made by the United States was in its character national. The treaty says: "The United States of America and Her Britannic Majesty being desirous to provide for an amicable settlement of all causes of difference between the countries." Again it says: "Whereas differences have arisen between the Government of the United States and the government of Her Britannic Majesty;" and again: "Now in order to remove and adjust all complaints and claims on the part of the United States."

These expressions clearly prove the claim to have been that of the nation.

It might be said that there was no treaty, or that there was no award; but with that language of the treaty before us, we cannot say that the claim was individual and not national. I have taken the pains to look at a number of treaties made by the United States from 1794 down to 1848, some ten in number, I think, in which the provision for claims are not those of the United States but those of citizens of the United States. So the language of this treaty was selected in contradistinction to the ten others which the United States had entered into with different nations, and which no doubt were referred to when this was drawn. And in this treaty where in the eleventh article it provides for what are known as the mixed commission, it distinctly speaks of the claims that were to be submitted as those of "corporations, individuals, and citizens." It cannot therefore be argued that the claims as presented to that tribunal at Geneva and the award made thereon and the fund resulting therefrom are individual and not national.

But, from the very nature of the claim of the ship-owner who lost his vessel, it cannot be individual or personal in its character. His loss was by an act of war. He had no claim against the confederacy, and still more remote would be any claim against Great Britain, the allies, or the abettors of the confederacy. If General Lee at Gettysburgh had burned down one's barn, the owner surely had no claim against the confederacy; and if Lee's army had been supplied with provisions by Canada, still less would he have had any claim against Canada. Therefore, from the very nature of the claim, as well as from the repeated declarations of the treaty, the claim made by the United States was national.

And here it seems to me is the point of this case. Far be it from me to deny that there was any liability for these acts on the part of Great Britain. The liability was great, and was to this government for having violated her treaties and the laws of neutrality. For what amount was she liable? How are you to get at the amount of the liability? Only by ascertaining what was the direct and not the indirect loss of national wealth. And how do you find what was the direct loss of national wealth? By finding the value of the vessels and cargoes the Alabama, the Florida, and the Shenandoah had destroyed. And how do you find the value of those cargoes and vessels? Simply by finding what the owner lost and what the insurance companies paid. The arbitrators resorted to that mode of estimating the loss of national wealth, and to that end the claims of the insurance companies came before that tribunal, and such claims being there produced of themselves create no right whatever in their behalf against the fund. Those claims were a mere measure of damages. Whether the insurance companies are to be paid rests upon other and further considerations than that they were presented before the tribunal, for we must remember the treaty and award both state that the claim and the fund were national and not individual or private; the sole purpose of allowing those losses, whether of ship-owner or of insurance company, before the tribunal, was to liquidate the amount of national loss.

I go further. If instead of finding a sum in gross the tribunal had referred it to a board of assessors and these claims had been laid before that board it would not, it could not, while the treaty existed, change the character of the claim or the character of the award from national to individual. Such a reference would only have been a more accurate and precise mode of estimating the amount of the national loss.

Mr. President, we have been told that the view taken by the committee on this bill is contrary to justice and national honor and illegal. Sir, I will not say that no case can be found in which an insurance company has been subrogated to a national fund; but I will say that I do not believe any such case can be produced. I have looked carefully at the cases that have been referred to. One case is the case of Comegys *vs.* Vasse, (1 Peters, 193.) In that case reclamation was made under the provision of the ninth article of the treaty of 1819 with Spain, which provided "for all claims of citizens of the United States upon Spain arising from the unlawful seizures at sea and in the ports or territories of Spain or the Spanish colonies." The treaty is found in the Treaties of United States, page 791. There the insured by the very terms of the treaty had a vested interest in the fund, and of course the insurance company could be subrogated to that vested right of the insured.

Mr. EDMUNDS. And the United States by the terms of the treaty agreed to make distribution.

Mr. FRELINGHUYSEN. Yes; that was the stipulation. The case of Gracie *vs.* The New York Insurance Company, (8 Johnson, 237,) is like it. There reclamation was under the treaty with France of 1831, and the language there was that France made it "in order to liberate itself completely from all reclamation preferred against it by citizens of the United States." (Treaties of United States, 190.) Here the citizen had a vested interest in the fund which was subject to subrogation. And again in the case of Campbell *vs.* Mulick, (2 Swanton's Reports, page 551,) reclamation was made under a treaty with Great Britain, "which relates to complaints by divers merchants and other citizens of the United States," found in the Treaties of United States, page

328. These cases all relate to individual claims, and of course the citizen had a vested right in the fund to which the insurance company could make claim.

Mr. CONKLING. Would it interrupt the Senator if I asked him a question there merely for information?

Mr. FRELINGHUYSEN. No, sir.

Mr. CONKLING. Then I wish my friend would explain to me what is the distinction in principle—I mean now as between the vessel-owner and the underwriter—between a case like this affirmed by the bill, where the obligation of the Government to pay private citizens is recognized, and the case where the treaty itself says that private citizens are to be paid. Let me transpose my question, as I am conscious that it is not very clear. The Senator cites us cases of treaties recognizing the duty of the Government to make over funds recovered to private citizens. I ask him a test of the rights of underwriters, what the distinction is between that case and the case as the committee or a majority of it make this of an obligation existing and affirmed in the bill to make over the money to private citizens? How does the one case any more than the other test the right between the vessel-owner and the underwriter who has paid a loss?

Mr. FRELINGHUYSEN. I probably shall answer the Senator's question as I proceed. I am now speaking of the right of the insurance company, and have endeavored to show that the fund we are administering was national, and that no one excepting the Government had any vested interest in it, and that consequently the insurance company cannot be subrogated; while in all the cases referred to the citizen had a vested interest by the very terms of both the treaty and the award. I confess I do not entirely understand the point made by the Senator from New York.

This case differs from all the cases cited, in that the claim here is a national one and so is the fund, and the counsel of the United States were instructed so to present it. In further illustration of the fact that the claims of insurance companies were used as a mere measure of damages, please observe that the tribunal at Geneva made no allowance whatever for war premiums which had been paid. It is said that there were $25,000,000 of extra premiums paid in consequence of this war.

Mr. SCHURZ. They were thrown out.

Mr. FRELINGHUYSEN. Of course they were thrown out. Why? Because they did not tend to measure the damages that this country had suffered; the payment of money from one citizen to another afforded no rule to measure the national loss; but when you come to the claim which the ship-owner made and also to prove the amount that the insurance company had paid, that was under the treaty the measure of the national damage.

Mr. President, one word more. In the distribution of this relief fund I submit that the money should only go to indemnify those who lost by the war. If the insurance companies lost by the war, let them be indemnified. This bill in express terms prohibits the merchant from making profit out of this award. It says, he shall only have indemnity. All the United States ever claimed was indemnity. Why should the insurance company have more than indemnity? And here we are met by the argument which has been so frequently repeated.

We are told that the merchant may have made ten voyages, nine of them profitable, and on the last voyage his vessel coming under the guns of some rebel cruiser was destroyed, and we are asked why he should be paid. The merchant, we are told, made a profit on his voyages, and if you will not pay the insurance company that made a profit, why pay the merchant who did the same thing? I state the argument fairly, and it is susceptible of an answer.

We are dealing with the results of the war, and not with commerce. The merchant made his profit out of commerce. It is true that the profits may have been larger in consequence of the war. So his profits would have been larger if having an importation of silk the stock of silks in market had been suddenly burned, but in that case the merchant would have made a profit not out of that misfortune, but by means of commerce; and so the profits of the merchants here are the profits of commerce. On the other hand, the profits realized by the insurance companies are the profits from the war alone. The bill provides for striking the balance of insurance companies' profits as to war risks only. You might as well go into an inquiry to find out what were the agricultural profits of a citizen who had sustained a loss, as to go into the question of what were his commercial profits. We are dealing with an award which is made to compensate for losses occasioned by war alone. In striking the balance we adhere to the war account. This bill properly provides that the insurance company shall receive no part of the award where it has, considering all its war risks, made a profit.

Mr. President, let us take another view of this matter. Now dispense with the consideration that the fund in question is national and not private. Suppose that the insurance company brings Great Britain with her consent into the Supreme Court of the United States; even then it will appear that the insurance company has no claim. Great Britain would put in three defenses against the claim. Great Britain would first say, "As a matter of fact it was not a part of the consideration of the insurance company's making the war policy that it should be subrogated to any such fund. You did not expect anything from the damaged vessel, much less did it expect anything from a fund to pay for the vessel in the event of its loss. The consideration of *spes recuperandi* did not enter into the contract." When an insurer insures a vessel in time of peace, there is a possibility that in the event of the vessel being stranded some gain *in rem* may accrue to the insurance company; but the very nature of these war policies was that if there was a loss at all it would be a total loss. The peril was a capture, a destruction, and there was in fact no hope of a future recovery in the transaction.

Great Britain would say in the second place, "We are not liable to the insurance company; if we have been guilty of any wrongful act, our liability is to the nation; if we did any wrong, it was a national wrong. The insured ship-owner had no claim against us, and there is nothing to which the insurance company can be subrogated." And Great Britain would in the third place ask, and most successfully, too, "Supposing we are liable, what is the amount of our liability; what amount is the insurance company entitled to recover?" The insurance company would answer, "We are entitled to recover for the injury we have sustained by reason of the violation of the neutrality laws by Great Britain." What is the injury the insurance company sustained? Fifty thousand dollars for a vessel destroyed by the Alabama; $50,000 for a vessel destroyed by the Florida; $50,000 for a vessel destroyed by the Shenandoah—$150,000. Great Britain still asks, "What is the amount of injury you have sustained?" It is not now when dealing with a private company a question of violation of national rights; it is not a question of law. The issue is simply one of pecuniary damage resulting from the violation by Great Britain of the public law. Referring to the ledger, it is shown that that insurance company, by reason of the violation of the neutrality laws by Great Britain, had increased and multiplied its premiums and had made a profit of half a million dollars. The court is now to determine whether that company did in any mere money sense sustain a loss by virtue of the violation of the neutrality laws. The decision must be that no loss was sustained, but on the contrary that a profit was made. This idea that we are to pay insurance companies who have made money out of the war, while we leave without any indemnity those who have lost everything, does not commend itself either to my feelings or to my judgment.

Mr. STOCKTON. Mr. President, I stated yesterday that I had an amendment to offer at the proper time, after the vote should be taken on the amendment of the Senator from Ohio. As that amendment refers directly to the position taken by my colleague yesterday and to-day, I should like to have it read now, and also the section where it comes in, and I propose to say a word or two explanatory of it. I send the amendment to the desk to be read.

The PRESIDING OFFICER, (Mr. MCCREERY in the chair.) The proposed amendment will be read for information, though it is not now in order.

The CHIEF CLERK. After line 12, section 12, it is proposed to insert:

> And no claim shall be allowed in behalf of any claimant unless said claimant shall show to the satisfaction of the said court that during the late rebellion the sum of his losses in business exceeded the sum of his gains during the said period.

Mr. STOCKTON. I should like to have the preceding part of the section read, so as to show the connection.

The CHIEF CLERK. If amended as proposed, the section will read:

> SEC. 12. That no claim shall be admissible or allowed by said court for any loss or damage for or in respect to which the party injured, his assignees or legal representatives, shall have received compensation or indemnity from any insurance company, insurer, or otherwise; but if such compensation or indemnity so received shall not have been equal to the loss or damage so actually suffered, allowance may be made for the difference. And in no case shall any claim be admitted or allowed for or in respect to unearned freights, gross freights, prospective profits, freights, gains, or advantages, or for wages of officers or seamen for a longer time than one year next after the breaking up of a voyage by the acts aforesaid. And no claim shall be allowed in behalf of any claimant unless said claimant shall show, to the satisfaction of the said court, that during the late rebellion the sum of his losses in business exceeded the sum of his gains during the said period.

Mr. STOCKTON. The gentlemen on the other side, and my colleague particularly, very much to my regret, have taken the position that none of this money—which some of us believe to be a trust fund in the hands of the Government of the United States to give to those persons who were claimants, and acknowledged to be such at the time of the Geneva award—should be allowed to go to a certain class of people, and those are insurers who through war premiums made profits during the war. My amendment simply says the same to other persons who made profits during the war. I see no reason why fish should be made of one set of claimants and flesh of the other. I see no crime in being an insurer. I know of no law of our country that made it a crime to run risks for the purpose of keeping our commerce on the high seas in time of peril; and until it is established that this was a criminal contract and transaction, you have no right in equity or in law to draw such an unnatural distinction. I simply ask that all other claimants be put on the same ground. If this is a national fund, as my colleague says, which I think it is not; if it is a fund acquired by war, which I humbly submit it is not; if it is a fund which you do not hold as trustee but hold to act with as you please, and in the exercise of your generosity you think fit to exclude from any share of it any person who may have had profit by the war, let it be so under the theory that has been adopted, but make not this theory inconsistent with itself by applying it only to insurers. I think the butcher, the baker, and the candlestick-maker should all stand on the same footing if they were claimants claiming in the

same right and without regard to other transactions not arising at all from or connected with the one which was before the Geneva tribunal.

My colleague says that this is a national fund. He is a member of the Judiciary Committee, which reported this bill, and gives to the Senate the reasons why he is in favor of the bill. He says the money is a national fund. Has it not been shown to the Senate to-day that the claims were divided originally, from the time the distinguished Senator from Massachusetts who has since left us made his celebrated speech on the subject, into private and public, individual and national claims, and so remained until the national claims were struck from the case before the tribunal when they declined to award any damages for them? The damages were awarded, it is shown from the acts of our agents, from the case presented, to the individual claimants, the aggregate of whose claims went to make up the amount which was given by the award.

There is one thing in which I think I myself have been led into error by listening to the use of terms yesterday by some other gentlemen. These insurance companies do not come here subrogated, although I used the term myself yesterday. There is no subrogation about it. There is no substitution about it. Did not the Senator from Missouri [Mr. SCHURZ] show from the record to-day that their claims were sent in as original claims, that the tribunal received the claims for the various ships, no matter to whom the money might finally go? Were not those losses due to those insurers when they succeeded to the rights of the insured long before the claims were presented, and when claims were to be presented they were invited by our Government to bring them forward and they made them in their own name? Unless when men are personally present doing an act themselves, somebody else is doing it for them, you cannot call it a substitution; it is a claim made in their own right. The claim was in them; the claim of the insured had been given up and renounced by operation of law or else by the force of the transaction when the insurance money was paid. Therefore the claim is not a national claim, and in that I think my colleague is wrong. It is not even a case of subrogation.

Now, his other proposition is what? That it is money which came from the war, money arising out of an act of war. Mr. President, there is not one thing connected with the whole treaty, hardly a line in it, hardly an argument was made about it at the time that was not dependent entirely upon the fact that it was simply a question of how far a neutral power was responsible for negligence. When these vessels were burned in mid-ocean, they were burned by confederate ships of war under the belligerency which had been acknowledged and acknowledged by us. When we caught some of the persons engaged in these transactions we did not treat them as pirates; we treated them as belligerents; we treated them all through the war as belligerents. We exchanged prisoners. We were obliged to do it. But vessels of our citizens were burned by them. There was no claim against the confederate government for that. If the claim were made against the confederate government, then my colleague would be right; the damage might be said to arise from an act of war; but it was the case of a neutral nation permitting these vessels to evade her laws, not using all due diligence to exercise toward a friendly power such protection as she should have done in the enforcement of her neutrality laws. It was for this that the money was paid. It was for this that the claim was made. And can gentlemen now be blind to the fact that these were private claims presented by the Government of the United States, as it was its duty to do, as is always done in such cases, and presented by this Government as the agents of the private claimants? They are not allowed by the statutes, very properly, to make treaties with foreign nations, and they are not allowed to go to foreign courts and bow themselves down and seek redress for themselves. They can seek redress in no way but one. It is like the case of an individual whose life is threatened or who has received damage to his person or in his servant or his wife or his child in a foreign country. He goes to his minister and to his Government here and says, "Put in my claim; I have been damaged; I have been insulted; I want you to make them pay smart-money;" and the Government threatens or even goes to war and recovers the amount of money that the individual has lost, or recovers money to heal him as far as possible for the injury done him. This is just in that position precisely. It is that relation which has existed since the foundation of governments. It was by virtue of that relation that our Government demanded of England to satisfy the just claims of our citizens, and it also put in its own claims for the prolongation of the war; claims which were remote and were held to be so; claims which were considered inadmissible for one cause and another; but these private claims of our citizens presented by us were acknowledged and treated as valid. The award was made founded upon them. Now this bill comes in containing the proposition which I desired to amend, on no other ground in the world than that some of these parties ought to be deprived of their claims for the reason that they may have made money out of their transactions during the war. Mr. President, I think consistency will require gentlemen who take that side of the case, as my colleague has done, to vote for this amendment of mine which I shall offer at the proper time after the vote is taken on the amendment of the Senator from Ohio.

Mr. BOUTWELL. I rise, sir, for the purpose of calling the attention of the honorable chairman of the Committee on the Judiciary to a practical difficulty which I think will be found to exist in that portion of the twelfth section which it is now proposed to strike out if the motion to amend in that particular be not adopted by the Senate. But before I state the difficulty which occurs to me in that particular, I desire to call the attention of the Senate to a few of the points made by the Senator from New Jersey, [Mr. FRELINGHUYSEN.]

He says, very truly, that these are national claims, but I think he omits to make a distinction in national claims which is not only pertinent but necessary to the proper consideration of the question before us. National claims are of two sorts. One class consists of those arising from injuries inflicted directly upon national property or upon the jurisdiction or power of the country, and which affect citizens generally through the injury done to the public, but do not affect particularly individual citizens to their injury so as to distinguish them from the mass of the people of the country. The other class of national claims consists of those which arise from injuries inflicted by another government upon citizens of the country who, upon general principles as well as by special statute, are barred from the presentation and enforcement of their claims as individuals, and can only be protected by the exercise of the sovereign power of the Government; and upon that power they have, upon general principles and under the Constitution, a right to rely.

Now, these claims with which we are dealing are of the latter class. They are national claims. But those claims which were made by the Government on its own account as injuries inflicted upon the public, as distinguished from injuries inflicted on individuals, were barred by the decision at Geneva; but those claims or portions of those claims which were presented as the claims of the Government of the United States arising from injuries growing out of the conduct of Great Britain and resting upon individual citizens were established; and for those claims an award was made; and the question before us is, what shall be done with the money which we have received?

We are referred to the treaty with Spain of 1819, by which under express stipulations injuries inflicted upon citizens were to be paid by the Government of the United States; and we are led to believe from the arguments submitted by the Senator from New Jersey that the obligation of the Government of the United States to pay those claims was derived from the nature of the treaty with Spain and had no foundation elsewhere; and the inference from all that is that the duty of the Government of the United States in reference to its own citizens, when it has collected from another government moneys awarded for injuries done to its citizens, is to be found in the nature of the treaty, and not resting either in natural right or public duty or the obligations imposed upon the Government by the Constitution of the country. To that I do not assent. There is a better and higher reason why the Government of the United States was bound to pay to the citizens the losses that were mentioned in the treaty of 1819 than the fact that we were under obligations by that treaty to pay those losses; and that obligation was to be found in the fact that we had received money or the equivalent of money for a specific purpose; it was in our hands as a trust; we were bound to perform that trust and to pay the beneficiaries the money which we had received on their account; and in that particular this case does not differ from that.

Mr. FRELINGHUYSEN. With my friend's permission I agree to all that he says. The claim of the underwriters is purely technical——

Mr. BOUTWELL. I will deal with that. I have but a few minutes.

Mr. FRELINGHUYSEN. I will not interrupt the Senator.

Mr. BOUTWELL. The Senator from New Jersey makes a distinction between the profits of commerce and the profit of insurance; and he tells us that the profits of insurance are to be included in any estimate that may be made of the losses by insurance companies, because they are profits derived from war, while in the case of the merchant they are profits derived from commerce. They are profits derived from commerce influenced by the condition of war. The profits derived by insurance are not different in any particular. They are profits of insurance business, augmented or diminished by the condition of war; and insurance is a distinct business as well as commerce, and if in the case of insurance you may enter into an analysis of their business, and compel them to exhibit a balance-sheet of the profits or the losses of insurance, so you may upon the same principle and with equal reason, and substantially the same justice, compel the merchant to exhibit his accounts, and show how the profits of commerce have been augmented or diminished by the condition of war.

But I now come to the subject which I had in my mind when I arose, and it is this: The language which by the amendment of the Senator from Ohio it is proposed to strike from the bill is this:

> And no claim shall be admissible or allowed by said court by or in behalf of any insurance company or insurer, either in its or his own right, or as assignee, or otherwise, in the right of a person or party insured as aforesaid, unless such claimant shall show, to the satisfaction of said court, that during the late rebellion the sum of its or his losses, in respect to its or his war risks, exceeded the sum of its or his premiums or other gains upon or in respect to such war risks; and in case of any such allowance, the same shall not be greater than such excess of loss.

Imagine a court, or an auditor, or a master attempting to state the account. Is the insurance company to place upon its debit side all the war premiums that it has received? I suppose so. On the other side what is to be placed in set-off? Losses growing out of depredations of the Alabama, and the Shenandoah after it left Melbourne,

and the other cruisers for which Great Britain was made responsible? Or is the account to be balanced by set-off on account of losses arising from depredations of the Georgia, or the Shenandoah before she entered Melbourne, or the eleven other cruisers for which claims were made and on account of which Great Britain was declared exempt from responsibility? If the latter, as the language of this bill implies and renders I think necessary, then you propose by this bill to allow insurance companies that have met losses by depredations committed by vessels for which Great Britain was not responsible to be paid for those losses, and if insurance companies are to be paid or to be allowed in settlement of their accounts for losses owing to the depredations of vessels for which Great Britain was not responsible, how then is the merchant who suffered in the same way to be excluded from making a valid claim on his account? And does not the Senate see that by adopting this proposition you open a door for all the vessels that were lost on the high seas by the depredations not only of those vessels for which Great Britain was held responsible, but for the Georgia, the Shenandoah before she entered Melbourne, and for eleven other cruisers for which Great Britain was declared to be not responsible.

In this connection I wish to say that I believe the position of the Senator from Vermont and the Senator from New Jersey to be faulty in this particular as a matter of morals, if not of logic and of law: that the depredations committed by the Alabama were in a proper sense an act of war by the rebels. There was an element entering into those depredations which did not exist in regard to the operations of the other vessels, and I think logically we may say with reference to the claim we made, with reference to the proceedings at Geneva, and with reference to the award made by the arbitrators at Geneva, that they have substantially said that except for the acts of Great Britain in violation of her obligations of neutrality these losses would not have occurred. They have said to Great Britain, "Because you re-enforced the Shenandoah at Melbourne, because you did not exercise due diligence in arresting the Alabama in your own ports, you have become responsible, not as a party to the war, but by giving aid contrary to your neutral obligations you have done a wrong, and these losses sustained by the citizens of the United States have arisen from your wrong-doing." It is in the nature of a tort, a trespass in morals, and I think in logic, on the part of Great Britain, rather than an act of war on the part of the rebels. Therefore these losses are distinguishable in that respect from the general operations of the rebels in the particular that the award could not have been found at Geneva except upon the theory that these losses would not have occurred but for the wrongful doing or neglect of duty by Great Britain.

Mr. CONKLING. As a moment remains before the Senator from Vermont proceeds, and no Senator claims the floor, I will occupy it for an instant in order to make plain, if I can, the point which the Senator from New Jersey [Mr. FRELINGHUYSEN] did not understand when I presented it to him. He distinguishes between this case and the authorities I cited in respect of underwriters, in this way: he says that the treaty of 1819 on its face implied an obligation by the Government to make the money over to individual citizens. I answer that by saying that the bill before us so reads and so interprets the treaty of Washington. What difference does it make whether it is found plainly set down in words in the treaty, or whether it is implied by the treaty and written in the interpretation and construction of the treaty as the bill affirms the treaty to be? The measure before us concedes and asserts the duty under the treaty of Washington to pay these sums to individual losers. How, then, I ask the Senator from New Jersey, can a distinction arise between that case and the case as it would be if the treaty said, not merely by intendment and implication, but in express words, that that duty rests upon us which we are now about to execute? I adopt what was said by the Senator from Massachusetts, that deeper down than the treaty, in the foundations of law and right, is found the obligation which rests upon us; but if the Senator from New Jersey will found it upon the treaty merely, then I say no distinction in ethics, in right, in morals, or in law exists between the case of a treaty in which it appears in so many words and the case of a treaty where it appears so plainly that we adopt the treaty as meaning that and proceed to execute it.

Mr. WADLEIGH. Mr. President, with the consent of the Senator from Vermont I will take a few minutes out of his time in order to state to the Senate the grounds upon which I propose to cast my vote against the amendment of the Senator from Ohio.

The United States has in its coffers the amount of $15,500,000 received from Great Britain on account of the conduct of Great Britain during the war. That sum is to be distributed by the United States. There comes up here demanding a part of that sum the owner of some vessel which was destroyed by confederate cruisers and on account of which the award was made. It is found upon examination that he has received from an insurance company the amount of his loss. This Government refuses to pay him, and justly and properly; and why? Because under a contract existing with an insurance company he has received compensation and has suffered no loss. There comes up here at the same time an insurance company asking payment from the United States on account of some one of these losses. Ought not the same rule to apply? If the insurance company under an existing contract with reference to war risks has fully received the entire amount of that loss, does it not stand on precisely the same ground as the individual owner of a vessel? I can see no difference. Why favor the one at the expense of the other? Why pay the insurance company twice when you refuse to pay the individual twice? I can see no reason for it. They stand upon precisely the same ground, and that ground is this: that under existing contracts with reference to that kind of risks, each of them has received entire compensation from other sources for the amount of the loss, so that they practically suffered no loss and can claim no compensation.

For that reason I propose to vote against the amendment of the Senator from Ohio, which allows insurance companies, after having received entire and full compensation for these losses from other sources under contracts with reference to these very risks, after having received in many instances much beyond that, to come in here and claim under a technical rule of law an advantage which we do not give to any individual sufferer.

Mr. President, I understand that under this treaty the Government proposes to indemnify those who suffered, to indemnify those who lost. Has an insurance company lost which, under contracts with other parties, has received full compensation for the loss? Not at all. They are not losers; they are not sufferers; they have no equitable claim at all. All the claim they have is under a technical rule of law, and this amendment seeks to bring this award within that technical rule of law, so that they can receive compensation twice for losses which have been suffered by other parties.

Mr. EDMUNDS. Mr. President, as the Senator from Ohio [Mr. THURMAN] said the other day, it is not very encouraging to discuss an important question to empty seats, with a view of convincing the people who should sit in them that the one side or the other is right; but inasmuch as all of us have had empty seats for our audience, and as I am afraid some prejudice may have arisen in the empty seats against the bill of the committee, I will occupy a little while in endeavoring to reply to the statements that have been made in favor of this amendment of the Senator from Ohio.

But, before I do that, I wish to reply to what the Senator from Massachusetts [Mr. BOUTWELL] has said last upon the subject of the inconsistency in respect of making an allowance to an insurance company if it has suffered a loss on its war risks as against making an allowance to other citizens who suffered from the depredations of vessels not included within the award of the Geneva tribunal. The Senator says that if we allow any insurance company to make a general balance of its premiums and its payments on all its war risks, we thereby pay it for the destruction of some vessels which were not embraced in the award of the tribunal at Geneva. In that the honorable Senator is mistaken. If he had been good enough in the progress of this debate to have read the bill through, he would have seen that the twelfth section, which is now under consideration, which is the negative section, which denies certain people who have already got enough out of this unfortunate business a chance of doubling their gains out of it, is a section of limitations; it is not a section which confers rights at all. The section that confers rights is the eleventh section, which provides:

> That it shall be the duty of said court to receive and examine all claims admissible under this act that may be presented to it, directly resulting from damage caused by the so-called insurgent cruisers Alabama, Florida, and their tenders, and also all claims admissible under this act directly resulting from damages caused by the so-called insurgent cruiser Shenandoah after her departure from Melbourne, &c.

Therefore when an insurance company is, by these two sections taken together, authorized to present a claim at all, it is under the eleventh section that it comes in, and its claim is for a loss directly resulting from some one of these three cruisers and within the time specified in the eleventh section. That is the loss that we allow; but we say that if, out of the whole transactions of the war, excluding all transactions of peace, excluding all commercial insurances, excluding all marine risks, but solely in a speculation entered into upon a state of war alone, and having no other element in it, the insurance company has made a profit, it shall not be entitled to receive indemnity, or whatever you may call it, for the destruction of any particular vessel by any one of these particular cruisers. The Senator from Massachusetts therefore is somewhat wide of the mark, if he will pardon me, when he says the committee have involved themselves and the Senate, if the Senate should stand by the committee in a contradiction upon this point. That is a mistake.

Now, Mr. President, if it will not be too tiresome to the Senate, I should be glad to take a calm review of this subject upon perfectly well-understood principles which nobody has yet disputed, and which the gentlemen upon the other side when they have not found it convenient to refer to them have passed by, because being skillful in history and skillful in law they knew that the history of this Government and of every other civilized government in such cases furnishes all the precedents exactly in opposition to the claim that they now make. The difficulty into which the sophisms of the arguments upon the other side would lead us arises out of the fact that they undertake to make this case in its nature, saying nothing about this treaty at the moment, like the instances that have occurred often in the history of the United States respecting the claims of our citizens upon foreign countries.

This, if Senators will not forget it, and it is the starting point of the whole consideration, is an instance in which this Government was a belligerent. She was at war with the confederates. I will not occupy your time in discussing whether it was an insurrection or what it was. There was a state of war existing. We were the warlike

power upon the one side and the confederated States, so called, were the warlike power upon the other. Therefore any destruction of the property of the United States, or the property of any of its citizens, was a destruction of the property of a people at war, and not the destruction of the property of a people at peace. If Senators can make out that there is no distinction in the laws of nations between destroying the property of a nation at war or the property of its citizens, and destroying the property of a neutral nation at peace in a war between some other countries, then they will have the advantage of the argument; but that is a proposition which they have not undertaken to assert. It is the cardinal and starting point of this investigation, which Senators have industriously ignored. I do not mean by that to impute that Senators industriously intend to mislead the Senate; but I say, having assumed a particular side of a controversy, of a difference of opinion, growing out of their relations to the claims of their constituents, as it may be, or one reason or another, which is perfectly honorable to Senators, they have found it convenient to their argument, (and nobody blames them for it,) to absolutely shut up their eyes, and to ask you to shut yours, to the thing which, when you set out upon this inquiry, it is of the first importance to determine; and that is, whether in public law and in public justice there is a distinction between the destruction of the property of a nation at war by its enemies and the destruction of the property of a nation at peace by another nation who is not pretending to make war upon it, but making war upon some other belligerent.

In the first case, where the property of the people of a nation at war is destroyed, it is what the writers on public law call (and all nations agree to it) a lawful destruction; that is to say, the captain of the vessel that sinks your ship in that case cannot be sued for it; the government of the captain of the vessel that sinks your ship in that case cannot be sued for it by any citizen of the United States. The nation making war upon you may have its courts of claims, may have its courts for alien claims, all its courts may be open to all people in the world to suits against that government for wrong; but suppose a citizen of the United States in such a case as that were to sue the government of a nation with which we were at war for the destruction of his property, what would be the result? Why, the courts would instantly determine, as the courts of all the world have determined and all public writers have decided, that there was no claim at all, for the reason that the act of the enemy against your citizen or subject was an act which it was his right and his duty to perform in order to defend his own cause and to defeat yours.

Now, when you turn to the other part of the subject and find the case of the citizen of a neutral nation against whom the belligerents are not at war, and whose property, through the accident of war or the mistake of some captain of a ship, has been captured and condemned, or has been destroyed, which is the same thing, what attitude is he in? Then, in the language of the writers upon public law, then, in the language of the Supreme Court of the United States, then, in the language of the courts of every civilized country, there is an illegal capture, there is an illegal destruction, and the property of the citizen whose ship has been captured or destroyed is not changed; it is his still. In the one case the destruction in the public sense is right, and gives a right of reclamation and of action in favor of no person at all under any circumstances. In the other case the destruction by public and by municipal law is illegal and wrong, and the capture or the destruction gives no right in the captor to the property, but still leaves in the owner of the property the same right that he had before, undisturbed by the illegal capture or the illegal destruction of the belligerent who was not pretending to make war upon him.

Mr. President, if I am right about that, then I think you will find that this case is of easy solution. And yet I repeat again that although these propositions were put forward at the last session and were put forward again at this session, the honorable Senator from Ohio [Mr. THURMAN] who has made the leading oration on this subject has abstained in a very large degree from undertaking to discuss before this body the distinction which I name, and if he had referred to authority he would have found, as I have stated, that the authority is precisely what I have indicated it to be. Now let me read from Vattel, and I am reading now of course not only upon the general principles between belligerents, where every citizen of each belligerent is at war against the other, and every part of the property of each citizen of each belligerent is subject to capture, and condemnation, and destruction by the other, and a lawful capture, condemnation, and destruction, but I am reading also in respect to the associates, the assistants, because that brings it directly to this case, of the belligerent who is making war upon you. Now let us see. Vattel is speaking of the enemy's allies. Perhaps Senators may think I am assuming too much to call Great Britain an ally in this case; but let us see what the definition of ally is:

> An engagement, which may draw us into a war, is of great moment; in it the very existence of the state is at stake. He who in an alliance promises a subsidy or a body of auxiliaries, sometimes imagines that he only risks a sum of money or a certain number of soldiers, whereas he often exposes himself to war, and all its calamities. The nation against whom he furnishes assistance will look upon him as her enemy; and should her arms prove successful, she will carry the war into his country. * * * It is true, indeed, that every associate of my enemy is himself my enemy.

Not as the honorable Senator from Ohio has stated when I asked him yesterday what was the position of Great Britain at the moment when through her assistance the Alabama was destroying one of our ships, whether she was then a neutral or not, and he turned me off by a most convenient, and in fact the only answer he had, and that was that I had better go to the books.

> It is true, indeed, that every associate of my enemy is himself my enemy.

Not my friend; not my neutral, innocent, loving neighbor, but "my enemy." That is to say, to put it again to the Senator from Ohio or to his argument, if a man who is upon trial, and who is presumed to be innocent until he is proved guilty, is found to have committed the crime named against him, I take it, at that time he ceases to be an innocent man. If he claims to be a man of virtue—my friendly neighbor—and I find him assisting my enemy in furnishing him powder to blow up my granary, I take it, at the moment he furnishes the powder to my enemy for that purpose, his virtue is gone for the time being, and that he cannot shelter himself on the doctrine that after all he is my friendly neighbor who is not doing anything to my injury, and is not entitled to be styled an associate, or an ally, or an accessory of my enemy in destroying my property. That is so obvious that I need not take time to discuss it. Vattel proceeds to say:

> It is of little consequence whether any one makes war on me directly, and in his own name, or under the auspices of another. Whatever rights war gives me against my principal enemy, the like it gives me against all his associates; for I derive those rights from the right to security, from the care of my own defense; and I am equally attacked by the one and the other party. But the question is to know whom I may lawfully account my enemy's associate, united against me in war.
>
> First, in that class I shall rank all those who are really united in a warlike association with my enemy.

That is a public alliance, not a secret one which is still meaner.

> In the second place, I account as associates of my enemy those who assist him in his war without being obliged to it by any treaty.

Mr. President, where does Great Britain stand, before we come to this treaty of Washington, in respect to furnishing assistance to the Confederate States of America in carrying on war against us in the case of the Alabama and the Florida and the Shenandoah? Why, sir, according to our continuous demand, according to the universal judgment of the world, according to the belief of every citizen I think of the United States North and South at that time, Great Britain was, as these arbitrators determined that she was, although she denied it and attempted to disprove it, giving assistance by her acts and neglects to the enemies of the United States, and it was because she gave that assistance and not because she made war upon us directly, but aided those who were making war upon us, that she was held under the laws of nations, not as a neutral, because there can be no conflict between the rights of a neutral and a belligerent, but as a neutral who ceased to be a neutral the moment she violated her obligations of neutrality and occupied the attitude of assisting our enemy to destroy our commerce upon the high seas. There is no such thing as being neutral and not neutral at the same moment. It is just as absurd to say so as it is to say that you may be right and you may be wrong at the same moment. Great Britain cannot assist any enemy of ours to make war upon us and at the same moment be in a state of peace with us. The ideas are totally opposite. She cannot be neutral and not neutral. She cannot be right and wrong at the same moment. She cannot be peaceful and warlike at the very time she is endeavoring either by her negligence or by her act, it makes no difference which, to carry on war against this country through the agency of a public enemy with whom war publicly exists.

Now, let us look a little further upon this point.

> While "the progress of civilization has slowly but constantly tended to soften the extreme severity of the operations of war by land," says Wheaton, it still remains unrelaxed in respect to maritime warfare, in which the private property of the enemy, taken at sea or afloat in port, is indiscriminately liable to capture and confiscation. This inequality in the operation of the laws of war by land and by sea has been justified by alleging the usage of considering private property, when captured in cities taken by storm, as booty; and the well known fact that contributions are levied upon Territories occupied by a hostile army in lieu of a general confiscation of the property belonging to the inhabitants; and that the object of wars by land being conquest, or the acquisition of territory to be exchanged as an equivalent for other territory lost, the regard of the victor for those who are to be his subjects naturally restrains him from the exercise of his extreme rights in this particular; whereas the object of maritime war is the destruction of the enemy's commerce and navigation, the sources and sinews of his naval power—which object can only be attained by the capture and confiscation of private property.

And here is cited by Halleck, from whom I read, all the authorities from the beginning down on the subject of a state of war and the liability of private property to destruction by the enemy, showing that there is no right of recovery, that there is no right of redress; because there is no wrong to be redressed, inasmuch as each nation in the state of war has a right to destroy the property of the citizens of the other nation at sea. Now, how does the "neutral," as he is called, stand in the same relation? I will read a little further on that point;

> Any act of positive hostility on the part of a neutral state toward one of the belligerents in a war is deemed a breach of neutrality, and makes such a state a party in the war. The rights and duties of neutrality are correlative, and the former cannot be claimed unless the latter are faithfully performed. If the neutral state fail to fulfill the obligations of neutrality, it cannot claim the privileges and exemptions incident to that condition. The rule is equally applicable to the citizens and subjects of a neutral state.

Which is this case?

> So long as they faithfully perform the duties of neutrality, they are entitled to the rights and immunities of that condition.

Now, mark, Mr. President:

But for every violation of neutral duties they are liable to the punishment of being treated in their persons or property as public enemies of the offended belligerent.

Then again, speaking of the neutral State assisting one of the belligerents, he says:

If the neutral state assist one of the belligerents; if it grant favors to one to the detriment of the others; if it neglect or refuse to maintain the inviolability of its territory—

As excluding the Shenandoah from Melbourne—

or if it fail to restrain its own citizens and subjects from overstepping the just bounds of neutrality, as defined and established by the law of nations, it violates its duties toward the belligerent who is injured by such act or neglect, and is justly chargeable—

With what? With peace? With friendship? With accident? With mistake?

No, Mr. President—

is justly chargeable with hostility.

And does any Senator misunderstand what "hostility" means? I take it not. As between nations, it is merely another definition for the same act that the word "war" is.

Such conduct furnishes good cause for complaint, and, if persisted in, may become just cause of war. Sir William Scott—

Meaning, I believe, in that country to which my honorable friend from Missouri so carefully looks to see what will be thought of our disposition of this money—

Sir William Scott very justly remarked that there are no conflicting rights between nations at peace; which remark may be applied with truth to every case of a violation of neutral duty.

Will the Senator from Ohio, the Senator from Missouri, and the Senator from New York remark in the language of Sir William Scott that "there are no conflicting rights between nations at peace?" But, sir, in this instance, upon history that is not disputed, and upon the judgment of the civilized world, consolidated in this tribunal at Geneva, it was declared that here was a conflict between Great Britain and the United States; and while Great Britain denied that she had been engaged in acts of hostility against the United States by allowing her citizens to aid our enemies, they found that her denial was untrue, and that through whatever pretense or pretext of friendship during the war, when we were unable to assert by force the defense of our own rights, the truth was that at that time she was engaged in assisting the enemies of the United States in carrying on war against our commerce. So I say it is undeniable that the attitude of Great Britain in respect to the things that she allowed to be done according to the statement of every writer upon public law was an attitude of hostility to us, an attitude which put her in exactly the category that the Confederate States of America stood in, not as a belligerent herself legally capturing, through her aid and assistance or directly, the property of our citizens, we being neutral, but as a person who espoused the cause of the enemy of the country upon the other side, and through her assistance to him, just as if she had done it directly as an act of war, destroyed the property and interfered with the commerce of the country.

What then is her attitude? Has any Senator said that in such a case there is any private right of a citizen to be redressed? Does not every Senator who has spoken know that in such a case there is no private right; and that in the case of an absolute capture instead of a destruction, where the property of a citizen has been taken and condemned, if it be recaptured by force by the arms or the vessels of the country to whom it belonged, it does not go back to the original citizen; it becomes the property of the State as a lawful capture? We have a little law in this country on this subject which gentlemen have industriously—and I do not use the term in any injurious sense by any means, for no man is bound to bring forward more than his side of an argument, especially if he is committed to it in advance—industriously ignored. Here is the act of Congress of the 3d of March, 1800, which merely enacts what the law of nations is as to what shall be the duty of the United States toward the citizens of the United States in respect to property of theirs which has been recaptured by a public enemy and recaptured by the forces of the United States. That act provides—I will only, because my time is short, read that part of it which relates to that precise point:

That when any vessel other than a vessel of war or privateer, or when any goods which shall hereafter be taken as prize by any vessel, acting under authority from the Government of the United States, shall appear to have before belonged to any person or persons, resident within or under the protection of the United States, and to have been taken by an enemy of the United States, or under authority, or pretense of authority, from any prince, government, or state, against which the United States have authorized, or shall authorize defense or reprisals, such vessel or goods not having been condemned as prize by competent authority before the recapture thereof, the same shall be restored to the former owner or owners thereof, he or they paying for and in lieu of salvage, if retaken by a public vessel of the United States, one-eighth part.

There you observe this when in providing for recaptures provides that if the recapture take place before there is a condemnation of the vessel captured of your own citizen in a prize court of the other country or of a neutral power, if the neutral will allow the prize to be taken there to be condemned, the citizen of the United States shall be entitled to have it back upon payment of one-eighth part to the United States for the trouble and expense incurred by the United States in recapturing; but if the vessel has been condemned by the judgment of a court of competent authority as prize of war, then the citizen of the United States has lost his *spes recuperandi* precisely as he does lose it in the case where there is a destruction of his property and there is nothing to be recovered. Now, to show you that I am right in this construction, and that we ourselves for seventy years and more have settled the very principle upon which this bill stands, I ask you to consider the decision of the Supreme Court of the United States in the case of the vessel Star decided in 1818.

Mr. THURMAN. In none of those cases was there a condemnation of the vessel.

Mr. EDMUNDS. Certainly not one of those vessels was condemned, because it is not very easy to condemn a vessel that has been destroyed on the high seas and gone to the bottom. If the Senator can show me any authority in any writer on public law which declares that a vessel that is destroyed stands in a better condition as respects the owner than a vessel condemned by a belligerent, I shall be glad to have him do it, and I will allow him to do it out of my time and now.

Mr. THURMAN. I did not hear what the Senator just said.

Mr. EDMUNDS. The Senator having said that these vessels were not condemned but were destroyed, I say that if he can point out to me any writer on public law who makes a distinction as it respects the rights of the original owner between a vessel destroyed by a belligerent and one condemned in a prize court, I will pause to hear him now.

Mr. THURMAN. I should not suppose really a question as to the return of a vessel in *specie* could ever arise if she was destroyed.

Mr. EDMUNDS. That is precisely what I say, and therefore if in a case when the question can arise and she is therefore capable of being restored the courts of the country declare that she ought not to be restored, and that the right of the citizen in her is gone completely, then, I take it, it follows *a multo fortiori* that if the vessel be destroyed and gone there can be no right remaining in the original proprietor. I hope the Senator sees the force of that. Mr. Justice Story, in delivering the opinion in the Star case, said:

This is the case of an American ship, captured by the enemy during the late war, and after condemnation and sale to an enemy merchant, recaptured by the American private-armed ship Surprise. And the question is, whether, under these circumstances, the ship is to be restored on salvage to the former American owner or condemned as good prize of war. If the case were to stand on the general salvage act of 1800, in the cases of recapture, (act of 3d March, 1800, chapter 14,) it is perfectly clear that the claimants are barred of all right; for that act expressly excepts from its operation all cases where the property has been condemed by competent authority. The same result would flow from the principles of the law of nations. It is admitted on all sides, by public jurists, that in cases of capture a firm possession changes the title to the property; and although there has been in former times much vexed discussion as to the time at which this change of property takes place, whether on the capture or on the *pernoctation*, or on the carrying *infra præsidia*, of the prize, it is universally allowed that at all events a sentence of condemnation completley extinguishes the title of the original proprietor, and transfers a rightful title to the captors or their sovereign. It would follow, of course, that property recaptured from an enemy after condemnation would, by the law of nations, be lawful prize of war, in whomsoever the antecedent title might have vested. (3 Wheaton, 85, 86.)

The laws of nations, I must assume, were known to these countries when they negotiated this treaty; and I must assume that they were known to that great and august tribunal who tried the question of the liability of Great Britain for acts in aiding the confederates in respect to those vessels against the commerce of the United States—acts, I repeat, of the vessels, which is the language of the treaty and which is the language of the tribunal; not acts against our citizens, for which they were preferring claims against Great Britain, as they could if the captures were illegal, but acts of these vessels. In the language of Count Sclopis in pronouncing the judgment of the tribunal upon what were called the indirect claims, certain things were not to go into the computation of claims between nations. That is the language which the Senator from Missouri [Mr. SCHURZ] read when the case was handed to him—not deciding, as he intimated, that the tribunal was to pass upon the claims of this citizen or that citizen or any body of citizens, but saying that these classes of indirect claims were not the subject of computation in controversies between nations. And yet out of this very proceeding of this tribunal honorable gentlemen endeavor to draw the idea that that tribunal found itself confined to a decision as between the United States and its own citizens as to whether an insurance company that had already grown rich out of this destruction and the cognate ones and the risks of the war, should be paid double or not.

Why, Mr. President, no nation has ever yet submitted to a tribunal a question between itself and its own citizens. Every nation, through sentiments of self-respect and independence, reserves to itself the right to determine the claims of its own citizens against itself, and never concedes to another nation or to any other tribunal the right to determine what its relations are to its own citizens or what its obligations are to its own citizens. If it is to recover from a foreign country for damage that is done to the property of its citizens, it recovers it because inasmuch as the property of its citizens is damaged so the nation suffers; and it recovers because the nation suffers, and not because the citizen suffers.

But let us go a little further. I have only spoken now of the state of the case which is presented to us here, that this property was admittedly destroyed as a belligerent act by vessels of the Confederate States of America, and that Great Britain was held responsible because in respect to these vessels, and in respect to this particular destruc-

tion, she, in the language of the publicists, was the ally, or the associate, or the assistant causing that destruction, which possibly the direct and immediate belligerent would not have been able to do if she had not received this friendly assistance from the nation which in that respect was her ally and associate. Now turn over to these instances of subrogation to which the honorable Senator from Ohio has so much referred, and what do you find? You find that in every instance the subrogation was allowed where the original capture was an illegal capture, one made in violation of the laws of war and made of the property of a neutral and not of the property of a belligerent. What is the reason? Then, as the books all say—I need not take time to read them, because nobody disputes it—the seizure in that case is an illegal seizure, and it does not change the property of the citizen in the goods or the vessels that may be seized, and therefore, the property not being changed, if it be carried into a belligerent port the owner has a right to go to the belligerent nation and say, as a matter of right and in his own right, "Give me back my vessel or give me the value of it; you have not captured this vessel under the laws of war; you have not captured it in a belligerent capacity; you have not assisted a belligerent to capture it; but through a mistaken interpretation of your officer as to what his duties were you have seized the vessel of a person who was not in any way engaged in the controversy." That seizure is illegal. The captain who makes the seizure or who carries in the prize is liable to an action, and his government is bound to protect the citizen thus wronged. As the Senator from New York has shown by the statute of 1799, the citizen of this country in that instance, if it had been such an instance, would have been entitled to sue Great Britain in her own courts as a citizen of the United States for the loss of the property which he had suffered by such a destruction. But unhappily the answer of the British courts in such a case as this would have been, "Why, Mr. American Citizen, this seizure by Captain Semmes, of the Alabama, was not an illegal seizure; it was a belligerent seizure; it was a seizure under the commission of a power in the world that we recognized and that you recognized as a power lawfully authorized to take prizes and to sink ships; and therefore you have no status in court at all." Then if you went further, and it were put upon the ground of an illegal assistance by citizens of Great Britain to the confederates, upon the ground which the Senators would like to have this case put on, and the ground upon which the counsel of Great Britain in the arbitration would have been glad to have it put—which was in their argument to be sure, but not in ours, and not in the decision—then you would have been met as we were met in the case of the Alexandra, where she was seized and prosecuted in the courts of Great Britain for an effort to violate her neutrality and to commit her to an assistance in a war against us, and would have found that the laws of Great Britain happily did not provide for such cases; that nobody in Great Britain was responsible for fitting out ships to aid the confederates; that the municipal laws of Great Britain did not hit the case; and your citizen would have gone home as empty as he came, and in perfect accordance with British law.

Where, then, does the citizen of the United States stand in this case? He stands as a man who is the citizen of a country engaged in a public warfare; he stands as a man whose ship in that public warfare has been sunk by the cannon of the enemy; and then when we look to the reclamation we find that that public enemy was assisted in that destruction by a nation which, according to the definition of the publicists and according to the decision of this tribunal, was not in respect to these vessels a neutral nation, but that in violation of the attitude of neutrality that she pretended to occupy she had become an ally and an assistant of the confederate forces who were making war upon us, and was therefore responsible to us as a nation for the consequences of the destruction that she aided the public enemies of the United States to commit; and in that case, as I have shown from the decisions of our own courts and from the principles that the publicists have always laid down, the citizen of the United States has no individual claim against anybody. But would it follow because he had not an individual claim that the Government of the United States could not prefer one against Great Britain? By no means. Suppose Great Britain had made direct war upon us, and at last, at the end of the war, we had conquered a peace by going across the northern border and taking that somewhat cold and inhospitable country called Canada as an indemnity; would it be said that the citizens of the United States whose territory had been invaded and whose property had been destroyed would have a claim upon this Government—I am now speaking of a legal claim of right, and that is the ground on which these insurance companies stand—to be indemnified out of the lands of Canada? By no means. Nobody ever pretended that; and yet this tribunal decided, as I say, that Great Britain, professing to keep a neutral attitude, and therefore, as she claimed, not being responsible because she had preserved her neutrality, was guilty of having assisted the war against us, and was therefore responsible for the consequences of that war against us as far as they could be followed. And why was she not held responsible for the other damages that we claimed? Not for the reason that they were injuries to the nation by any means, because the injuries to the citizen were injuries to the nation, but because you could not refer to her part in the war the acts of these other cruisers, because you could not refer to her part in the war the fact that the premiums on insurance had been raised upon war risks, for the reason that there would still, if she had not been the ally of the confederates, have been the chance that the confederate forces would have been enabled to bring a naval armament upon the sea and to make war upon our commerce. That was the difficulty. It was impossible for the arbitrators to separate the fact that in respect to three vessels Great Britain had committed herself to a state of war against us and the fact that in respect to all other vessels she had not, and to the possibilities that at any moment out of these thousands of miles of sea-board held by the confederates there might emerge vessels of war to make war upon our commerce; and therefore it was impossible to know to what extent insurance was based on the fact that Great Britain had engaged in warfare, just as it is in the case of these private ship-owners, to which so much allusion has been made as to the profits that they made out of the state of war. It is impossible to tell. There is the difficulty. You cannot assert of any individual ship-owner that he made a dollar because there was a war in which Great Britain participated. You cannot say of any vessel that because the Alabama sailed, the owner of that vessel made a profit. You can say that in the course of five years or three years in the war he made profit. Can you tell how much; or how much more or how much less profit he would have made if there had been a state of peace? You cannot tell. But when you turn to the premiums of the war insurance company, you know that if there had been peace it would not have made any profit at all, because it could not have insured against any war risks.

Therefore the distinction, as it appears to me, is perfectly obvious between the case of the insurer who rests himself upon the state of war alone, and the case of the merchant who makes his profit not because there is a war, but because he is engaged in a commerce out of which he would make profit if there were peace, and in respect to which it is impossible by any scales known to human understanding to put into the balance on one side or the other what he would have made or would have lost, as comparing a state of war to a state of peace.

But now, coming down, Mr. President, to the state in which this treaty was made, you will find, as I said a year ago, and as is not disputed or referred to now save in one instance, that in the dozen treaties which have been made between the United States and other powers for the indemnification of our citizens for wrongs committed against them in the very instances out of which these insurance cases grew, which are called the subrogation instances, the treaties themselves declare that the other government shall be responsible only for the illegal captures and seizures of the property of American citizens, America being a neutral and the other nation being at war and our property therefore having been illegally taken, and hence the title not changed, and our citizens therefore having a direct and lawful right to go directly to the government whose vessels had destroyed their commerce and demand recompense. They were not bound to do it through our intervention, as the statute of 1799 shows. They could appeal directly. It was a debt, in the language of the French treaty, which France owed to us for the spoliation of her vessels on our commerce, out of which the spoliation treaty grew and the spoliation claims grew, and it expressly declares that France is to be responsible only for the illegal seizures that her cruisers made of our property. Now, the Alabama, the Shenandoah, the Florida, made no illegal seizures. The seizures that they made were lawful ones. There remained, therefore, after condemnation, or after destruction, which is greater, no right in the individual citizen at all. The mass of the nation has suffered through the body of its members, just as the body of a man suffers if his hand is cut off or his eye is put out. That is the difference.

Then in the treaty with Spain precisely the same principle is asserted and in terms in the treaty, that the right of the citizens of the United States depends upon the fact that their property has been illegally seized under the authority of Spain; and so in the case of Denmark; and so in the case of Mexico; and so, to sum up, in every instance in which the rights of citizens of the United States have been put forward where we have occupied the attitude of a neutral and the power against which we put them forward has occupied the attitude of a belligerent. Here we occupied the attitude of belligerent and Great Britain pretended to occupy the attitude of a neutral, but has been found by this tribunal to have, as it respects these vessels, occupied the attitude of an ally of the belligerent, and she was responsible as the belligerent would have been for the destruction of this property.

That is the distinction, and one which as I say the honorable Senators on the other side have carefully and industriously steered clear of, because in the one instance the right upon which they seek to found the claim of these insurance companies to stand in the place of the assured does exist, and in the other it does not; and unhappily for their arguments the right exists where there is an illegal seizure or condemnation, which does not change the property, and it does not exist, as in this case, where the destruction was a public, belligerent one; and the party is held responsible for it solely because as it respected that property she had become the ally and the assistant of the belligerent power.

I have not time to go through all these treaties in detail; Senators will find every one to be as I have stated, that the distinction is between the claims of the government (made, it is true, and measured by the losses of its citizens, because there is no other way to measure a national injury, where the injury is inflicted on the body

of the inhabitants, except to take each instance and foot them up and see how many vessels of A have been destroyed, and how many of B, and how many of C, and what their cargoes were) and the claims of private citizens in private right made against the government of the other. In respect to the Alabama claims, this treaty of Washington starts out by declaring that there is a difference between the United States and the government of Great Britain. The old treaty for American claims against Great Britain herself, the treaty of 1794, starts out by declaring that it is to settle the claims of American citizens against the government of Her Majesty. The treaty with France starts out by declaring that it is the claims of American citizens against France that are to be determined. The Spanish treaty starts out by saying that it is the claims of American citizens against Spain that are to be atoned for and the distribution made to them. But when you come to the Alabama claim, you find that it is a claim made by the Government of the United States, growing out of the acts of Her Majesty's government or its neglect in respect to the vessels known as the Alabama and her associate cruisers, what are generically known as the Alabama claims.

Mr. THURMAN. Will the Senator allow me to interrupt him for a moment?

Mr. EDMUNDS. If it is not over a moment.

Mr. THURMAN. The distinction between those treaties and the treaty of Washington is this, that in all those treaties there were nothing but individual claims involved; but under the name of the "claims known generically as the Alabama claims" in the treaty of Washington there were other than individual claims.

Mr. EDMUNDS. Yes, Mr. President; but the Senator has again industriously omitted to touch the point that in one case it was the property of the citizen of a neutral power that had been illegally seized by a belligerent power; and in the other case it is the property of the citizen of the belligerent that has been destroyed by the ally or through the assistance of the ally of the other power at war. That is a point that that Senator cannot meet; and I venture to suggest, but in a whisper, that he is somewhat sensible of it himself.

Now let us go a little further.

In order to remove and adjust all complaints and claims on the part of the United States—

Not on the part of citizens of the United States, but "on the part of the United States, it is agreed to refer" the claims known as Alabama claims to this high tribunal. What then is to be done? If they determine in gross, they are to allow a gross sum. If they determine, as has been so well said by the Senator from New Jersey, that there shall be a minute inquiry in order to ascertain exactly how much injury has been done, then there shall be a board of assessors. Then what is to happen? Are the expenses of this board of assessors to be paid, as in the case of private claims by the citizens of one government upon another, out of the fund? By no means. "In the case of the assessors the expenses of the board are to be borne equally by the two governments." They are not to be paid by citizens, and why? Because citizens have no right to the fund that is recovered. Their rights begin, as the rights of all citizens in such cases do, upon the sentiments of justice or generosity or public policy that their government itself may be called upon to act upon in reference to the special injuries its citizens have received. Now go to the twelfth article of the very same treaty and see what it says:

The high contracting parties agree that all claims on the part of corporations, companies, or private individuals, citizens of the United States, upon the government of Her Britannic Majesty, arising out of acts committed against the persons or property of citizens of the United States during the period between the 13th of April, 1861, and the 9th of April, 1865, inclusive, * * * shall be referred to three commissioners.

Is there any mistake about that? Does anybody fail to see that in the first instance one kind of language is employed when speaking of those matters that are of public right and public injury, and when it comes to the claims of private citizens upon either side on the government of the other the same identical treaty says in terms, as all the old treaties do in respect to these illegal acts, that they are the claims of private citizens against the other government, and as such they are to be allowed and paid.

Can somebody tell me how it happens that if this first class of claims referred to were understood by the parties making this treaty to be the claims of citizens and in the right of citizens as such, language was not used that would say so? When you turn over to the claims that were understood to be private and for the benefit of the persons who make them or on whose behalf they are made, then the treaty uses clear and specific language to say so.

Mr. THURMAN. May I again have another moment?

Mr. EDMUNDS. Yes, sir.

Mr. THURMAN. Why then was the tenth article put in the treaty?

Mr. EDMUNDS. That has been twice already explained, and my friend shall have the benefit of a third explanation. The trouble is that he attends to somebody else while I am on that point, and so does not hear me. I will restate it. I say the tenth article was put into the treaty in order that instead of guessing at a gross sum, if the arbitrators should say this amount of injury is so uncertain that we cannot judge justly or estimate justly at large how much it amounts to, then there shall be a board of assessors, who shall go into the particulars and find out as the woodman finds out how many logs he has cut in the forest, tree by tree, acre by acre, instance by instance, and in that way make up the sum total that Her Majesty's government are to pay.

Mr. THURMAN. But the question is, would not that board of assessors have decided in favor of A and B and C?

Mr. EDMUNDS. That is the question. I say no; no more than they would have decided if they had been counters of a flock of sheep on an Ohio prairie, if there is one there, that every individual sheep had acquired a right against the Government because he was counted by some public man who was to lay taxes upon him. These assessors were merely the masters, who were to compute in detail the amount of the injuries if it turned out that the tribunal of arbitration found that any injuries had been committed, unless the tribunal should say "it is easier and we can get near enough at the whole amount of these injuries by allowing a sum in gross." That is all. One was a sum in arithmetic; the other was a general estimate upon the general character of the claims upon both sides and the general probability as to the aggregate of the losses. There was a difference.

Then when you come to the case of private claims under the twelfth article, as I say, they are, as in every other treaty where private rights are intended to be protected, enumerated as private rights *eo nomine*; and when they come to sum up the expenses of such a determination and inquiry, you find, as this treaty provides, that those who have the private rights upon either side shall pay the expenses of their being enforced by a deduction of 5 per cent. out of the sum awarded upon either side for them. You do nothing of that kind as to the Alabama claims; you do not name them as individual claims; but when in the same treaty and in the same document you come to those claims that are matters of private rights still existing in behalf of the citizen upon one side or the other, because the act of the Government as to him was not a belligerent act and he did not stand therefore in the attitude of a person whose property might justly be destroyed, in that case you speak for him, because he has a right; in the other case you speak for yourself, because yourself have been injured through the body of the persons of your citizens and their property.

My honorable friend from Wisconsin [Mr. CARPENTER] kindly reminds me of what I ought to have mentioned, if I may—it has been referred to in the debate—the fact that the Johnson-Clarendon treaty undertook to put the claims of our citizens as this twelfth article puts this class of claims of our citizens in this last treaty, and that was as the claims of citizens of the United States upon Great Britain. I have the treaty here before me. Although I believe it is a confidential document, it has been referred to; and I must take leave to violate the rules if others do. In that treaty it was provided, "Whereas claims have at various times since the exchange of ratifications," &c., "been made upon the government of Her Britannic Majesty on the part of citizens of the United States and upon the Government of the United States on the part of subjects of Great Britain," and therefore it proceeded to declare that we would have an inquiry and settlement about them. The Senate of the United States—I believe I do not disclose any secret in saying—rejected that treaty almost unanimously. Then when we come to this treaty we find that when we turn to this class of claims entirely different language is used, and it is put upon its true ground as a claim of the United States against the party who has assisted in making war upon her by destroying the property of her citizens. Then when you come to the next ground, it is the claim of the United States and of Great Britain reciprocally for the private claims of their respective citizens against the other, which are to be heard, tried, and determined as private claims and paid accordingly. There is the difference; and yet in the face of all this we find Senators strenuously arguing that, although all this loss has run down as to the insurance companies upon the body of the tax-payers and is a question for ourselves to determine, we shall double the profits of those who speculated upon the war by saying that they shall be paid out of this fund.

I see, sir, that my time is exhausted.

Mr. OGLESBY. Will the Senator from Vermont allow me to ask him one question?

Mr. EDMUNDS. I will, with the permission of the Senate, as my time is out.

Mr. OGLESBY. I should like to have one explanation before voting.

Mr. EDMUNDS. I will answer any question with the permission of the Senate.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Ohio, [Mr. THURMAN,] upon which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 32, nays 27; as follows:

YEAS—Messrs. Alcorn, Allison, Bayard, Bogy, Bontwell, Buckingham, Conkling, Conover, Cooper, Cragin, Davis, Dennis, Fenton, Goldthwaite, Gordon, Howe, Ingalls, Johnston, Jones, Merrimon, Morrill of Vermont, Norwood, Pease, Ransom, Robertson, Saulsbury, Schurz, Sherman, Stockton, Thurman, Tipton, and Washburn—32.

NAYS—Messrs. Anthony, Boreman, Carpenter, Chandler, Edmunds, Ferry of Michigan, Frelinghuysen, Gilbert, Hager, Hamilton of Texas, Harvey, Hitchcock, Kelly, McCreery, Mitchell, Morrill of Maine, Oglesby, Pratt, Ramsey, Sargent, Scott, Sprague, Stewart, Wadleigh, West, Windom, and Wright—27.

ABSENT—Messrs. Brownlow, Cameron, Clayton, Dorsey, Ferry of Connecticut, Flanagan, Hamilton of Maryland, Hamlin, Lewis, Logan, Morton, Patterson, Spencer, and Stevenson—14.

So the amendment was agreed to.

Mr. SHERMAN. I desire to offer two or three amendments, some

of which are formal and some I consider material. In section 11, line 13, I move to insert after the words "shall be" the words "stated and adjudged upon the basis of United States gold coin;" so as to read:

And all claims provable, or to be allowed under this act, shall be stated and adjudged upon the basis of United States gold coin, and be verified by oath, &c.

The only object of the amendment is to make that clear which is not now clear by the bill, whether or not these claims are to be based upon gold coin or upon currency. It is clearly for the interest of the United States that gold coin be the basis of all these claims; first, because they accrued on the high seas and sometimes at foreign ports, where the value of our currency was not known; and, second, because currency varied from 110 to 290 during the period when these claims accrued; and consequently, if we settle them on the varying basis of the value of currency then, and pay them in coin now, it would be manifestly uncertain and unjust. I offer this amendment to protect the United States and make the basis of stating the account and of adjudging the account and paying the account the coin of the United States of standard value.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Ohio, [Mr. SHERMAN.]

A division was called for.

Mr. SHERMAN. I hope the Senator from Vermont will state any objection he has to this amendment.

Mr. EDMUNDS. Debate is not in order. I am not entitled to make any objection to it.

Mr. SHERMAN. The Senator is.

Mr. EDMUNDS. I do not think this is like a United States bond that we are bound to pay in coin.

The question being put, the ayes were 7.

The PRESIDENT *pro tempore*. Is a further count insisted upon?

Mr. SHERMAN. I deem it my duty to take the five minutes allowed me to explain this matter. I regard this of vital importance.

Mr. EDMUNDS. I do not want to interrupt the Senator, but I merely wish to inquire whether five minutes were by the agreement to be allowed? I am not disposed, of course, to find any fault or to make any complaint.

The PRESIDENT *pro tempore*. The present occupant of the chair was not present yesterday at the time the agreement was made.

Mr. CONKLING. The RECORD will show. Let that be read. The Chair will find the agreement in the RECORD.

The PRESIDENT *pro tempore*. The Chair will read the agreement. This occurred yesterday:

The PRESIDING OFFICER. The Chair will state it.

The proposed arrangement is that at two o'clock to-morrow the Senator from Vermont who has charge of the bill shall take the floor and occupy it for one hour, and at three o'clock the voting shall commence upon the amendments and the bill without further debate.

Mr. THURMAN. It is not intended that there shall be no debate on amendments that shall be thereafter offered, is it?

Mr. CONKLING. Certainly.

Mr. SHERMAN. Except a limited debate by general consent.

Mr. THURMAN. Of course there ought to be some debate on amendments that are offered, if it is only a five-minute debate.

The PRESIDING OFFICER. Is the proposition agreed to? ["Yes!" "Yes!"] The Chair hears no objection, and the proposition will be regarded as agreed to.

It seems to be an agreement for five-minute debate on the amendments offered to-day.

Mr. SHERMAN. Now I will occupy but a moment or two to simply state the importance of this amendment. I view it simply as a financial point. Suppose a claim to have accrued when gold was at 270 for a ship worth $100,000 in currency—and I am informed some of these claims are made in that way—it would dwindle by the test of gold to $40,000. The claim may have accrued in a foreign port; it is manifestly proper that that claim should be stated in gold coin, the standard of all commercial transactions, the standard of all the commerce of foreign nations, the standard at every place where these claims could have accrued. Gold coin alone could be the standard at any place where the Shenandoah or Alabama could have made a capture; and consequently to allow these claims to be made upon a currency basis to be paid now in coin would be manifestly unjust and against the interest of the United States. I think that the fair reading of this bill as it now stands would require the claim to be made on the basis of gold coin. I have inquired of the Senator from Vermont, and he says it is uncertain or he cannot tell.

Mr. EDMUNDS. What does the Senator say?

Mr. SHERMAN. I spoke to the Senator about whether or not these claims would be based upon coin or currency, and the Senator, as I understood, said he did not know; that he understood many of them were based upon currency.

Mr. EDMUNDS. The Senator misunderstood me, or I misunderstood him.

Mr. SHERMAN. Are they based on currency or coin?

Mr. EDMUNDS. The claims are presented in currency to the State Department.

Mr. SHERMAN. I will then take the case of a vessel worth $100,000, sunk near a foreign port. It is worth $100,000 in currency, but really worth only $40,000 in gold. Shall we pay out of this fund $100,000 in gold for that which was worth only $40,000 in gold? Certainly not. That would be manifestly unjust not only to the United States but to the other claimants. It would create an inequality in regard to these claims. I say the standard of value should be the gold coin of the United States, or gold which is the standard of all commercial transactions. All these insurance contracts were based upon it. So important do I regard this that I will venture to divide the Senate and call for the yeas and nays in order to have an expression of the sense of the Senate upon it. Indeed when I showed it to the Senator from Vermont I understood that he would not object to it strongly.

The next amendment I shall offer provides for the payment of the awards in coin. The money is in the Treasury of the United States in coin, and therefore the whole transaction ought to be in coin.

Mr. STEWART. I have not been here during the debate; but I understand that we have now decided by a vote of the Senate to pay this money to the insurance companies, and we are not to pay any more money than we got from Great Britain. Then I think that the less complication we have about it the better, for the reason that the quicker we get rid of the money the better. I am thoroughly satisfied it is not going to the parties who have been injured, but is going to parties who do not deserve it, under the pretext that according to existing law it is theirs. We not having made a law for the fair distribution of it, it is going to parties who went into a speculation for the purpose of making money, and did make money in the speculation. With all the facts before them they went into the business of insurance and receiving war risks. We have gone to work to collect this money, and propose now to give them more, so as to make their speculation more successful. That having been done and the money going to them, I do not think it is worth while to set the accounting officers to investigate what particular premium gold was worth at the time. It is not going to parties who suffered; it is going to enrich those who made speculation out of the war. Let it go in that way; I am opposed to any amendment.

Mr. EDMUNDS. I can be excused, under the ruling of the Chair, I suppose, for speaking for a moment.

The PRESIDENT *pro tempore*. Under the ruling of the Chair the Senator is certainly entitled to five minutes.

Mr. EDMUNDS. I do not think it is wise for the Senate, if one of the minority may be permitted to express an opinion about this bill, for the United States, having received these claims on the basis of sums stated in the currency of the country at the time they accrued, and having been presented as it is said for the benefit of these people in the currency of the country, because the tribunal awarded the money in coin, which would make 10 or 15 per cent. addition to it, to be sure, which might cover interest, and when the United States is a trustee, (for that is the ground we go upon,) to undertake to wrong the beneficiary by shaving him down to an original gold basis when he bought everything at enormous prices and lost at enormous prices and when we have got the gold for him and 12 per cent. over. To now undertake to say that we will treat our beneficiary in that way would be grossly unjust on the principle the Senate has adopted, that we are the trustees of this fund and hold it for the benefit of those who are entitled to it. Now, to undertake to say they shall not have their claims allowed in the same way that the tribunal allowed them—that is footing them up and computing in the currency of the country and paying in gold, which is exactly the reverse of the proposition of the Senator from Ohio—I confess very much astonishes me. It is true the Senator from Ohio says the awards shall be paid in gold, but he says also that each account shall be stated in gold. If you state the account in gold, you cut down these claims one-half to begin with, taking the average of them during that time, for gold was nearly 200 almost all the time when these things occurred. You cut them down most enormously, and then this trustee that has been working for the interest of its beneficiaries is to pay them on the basis of that reduction. That is the proposition.

The PRESIDENT *pro tempore*. The Chair thinks he ought to call attention to the RECORD once more. On hastily reading it over the Chair on first taking it in hand was of opinion that the arrangement agreed to yesterday included five-minute debate on amendments; but in reading the whole, what precedes and what follows the part already read by the Chair, the Chair is clearly of opinion that that was not intended. The Chair will read:

Mr. THURMAN. It is not intended that there shall be no debate on amendments that shall be thereafter offered, is it?

Mr. CONKLING. Certainly.

That is "certainly it is so intended."

Mr. SHERMAN. Except a limited debate by general consent.

Mr. THURMAN. Of course there ought to be some debate on amendments that are offered, if it is only a five-minute debate.

Then the Presiding Officer said: "Is the proposition agreed to?"

Hastily reading it, the Chair was of opinion that that included the five-minute debate, but evidently it did not. It included the first proposition which the Chair had stated, and in stating that proposition no qualification was made by the Chair. So that as the record stands the Chair is of opinion that there is no debate on amendments except by unanimous consent.

Mr. SHERMAN. I wish to call the attention of the Chair to the fact that I gave notice at the time the proposition was pending, at some stage of it, that I should offer these identical amendments and desire an opportunity to explain them.

Mr. EDMUNDS. The Senator has explained them, so that it is all right so far.

Mr. SHERMAN. I have spoken on this amendment. I may wish to speak on the others also.

Mr. THURMAN. I hope there will be no objection to a discussion of this very important amendment. I am sure I want some light on it. I do not know exactly how to vote on it, and I want to be enlightened.

The PRESIDENT *pro tempore*. The Chair hears no objection to allowing debate on this subject, and will assume that the debate proceeds by unanimous consent unless some objection be made.

Mr. THURMAN. Obviously where an amendment is offered in good faith and is of importance, as this is, where it is not offered in any spirit of hostility or carping or merely for the purpose of allowing debate to take place, I think it is the best way to consider it. I do not think there is danger of any unnecessary consumption of time, and I should like to hear what is to be said on this subject that I may intelligently vote upon the amendment.

The PRESIDENT *pro tempore*. The question is on the amendment offered by the Senator from Ohio, [Mr. SHERMAN.]

Mr. THURMAN. If I understand the amendment of my colleague, it is that these claims are to be put in upon a gold basis. Now I want to know, if his amendment prevails, whether they are to be reduced to gold as gold stood in the market at the time the loss occurred?

Mr. SHERMAN. They are to be stated on the gold basis, their gold value at the time the loss occurred, and they are to be adjudged upon that value and paid with interest in gold now.

Mr. THURMAN. Then I submit to my colleague whether his amendment is specific enough?

Mr. SHERMAN. It is to be followed by another amendment which declares expressly that the award shall be paid in coin with 4 per cent. interest.

Mr. THURMAN. That is true; but will they not estimate their losses in currency and reduce that to gold at the present price of gold, which would make a world of difference? That would only reduce them about 12 per cent., whereas at the time the losses occurred gold was all the way from 200 to 280. It seems to me that if the purpose of my colleague is to make them estimate the losses in gold instead of in currency at the time the losses occurred, it ought to be specifically expressed.

Mr. SCOTT. I can see that this amendment is clearly open to the objection made by the Senator from Ohio who sits farthest from me, [Mr. THURMAN.] The language, as I have just read it at the desk, is that the claims shall be "stated and adjudged." That I think refers to the adjudication by the tribunal. It therefore ought to be "shall be stated and adjudged upon the basis of United States gold coin at the time of the loss of the vessel or property."

Mr. SHERMAN. I have no objection to that modification.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Ohio, [Mr. SHERMAN.]

Mr. SHERMAN. Let it be read as it now stands.

The CHIEF CLERK. The proposed amendment is to insert after the word "be" on the thirteenth line of the eleventh section the words "stated and adjudged upon the basis of United States gold coin at the time of the loss."

Mr. SHERMAN. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. ANTHONY. I think the decision of the Chair was perfectly correct in regard to debate; but I also think that an amendment of this importance ought by general consent to be placed before the Senate so that it can be understood. I confess that I do not feel ready to vote upon this, although if I have no more information than I have now, I shall go with the committee.

Mr. SHERMAN. I have not the slightest objection to stating more fully the ground of it; but I do not wish to violate the rule. I never like to ask for unanimous consent.

Mr. ANTHONY. The Senator does not violate the rule if he asks for general consent. Debate cannot proceed without general consent, as the Chair has very properly ruled, but on this amendment general consent will be given, no doubt.

Mr. SHERMAN. I will then ask general consent of the Senate to make a few remarks on this amendment.

The PRESIDENT *pro tempore*. The Senator from Ohio asks unanimous consent to make a few remarks on this amendment.

Mr. EDMUNDS. I do not object to that, but I think that he ought to ask that general leave be given to debate this proposition. To give general consent to one gentleman to speak and then depend upon a unanimous consent for other gentlemen, might be unfair. I have no objection to general consent being given that this subject may be debated.

Mr. SHERMAN. Very well.

The PRESIDENT *pro tempore*. Is there objection to opening this amendment to debate? The Chair hears none.

Mr. BOUTWELL. Five minutes discussion, or unlimited debate?

Mr. THURMAN. Do not limit it; it is too important.

The PRESIDENT *pro tempore*. Unlimited debate is what is proposed.

Mr. CONKLING. Unlimited debate upon what?

The PRESIDENT *pro tempore*. On this amendment.

Mr. CONKLING. On this amendment and no other?

The PRESIDENT *pro tempore*. The proposition is in relation to this amendment.

Mr. ANTHONY. I hope it will be five-minutes debate, because I presume every Senator can express what he desires in five minutes.

Mr. SHERMAN. I have no objection.

The PRESIDENT *pro tempore*. Is there objection, then, to opening this amendment to discussion in speeches five minutes in length? The Chair hears none.

Mr. SHERMAN. When I first carefully examined this bill yesterday I called the attention of the Senator from Vermont to what I regarded as some defects in the financial section. One of them was that the bill was entirely indefinite as to how these claims should be made up, whether upon the basis of gold or currency, and also as to whether the money should be paid in gold or in currency. The answer as given by the honorable Senator was not very satisfactory, and I then studied the bill carefully, and I assure Senators that the bill is now open to very serious and perhaps fatal objections that will create claims against the United States much larger than could possibly be presented under a bill properly framed.

The government of Great Britain have awarded to our private citizens $15,500,000. That is their money in gold; and the United States in my judgment is simply a trustee for these people. If the persons who lost vessels and sustained injuries by the action of the Alabama and other cruisers during the war can present their claims in currency in lawful money of the United States, the result is that in some cases their claims will be swollen to twice and a-half what is the just foundation of their demands. Remember that these losses all occurred on the ocean beyond our jurisdiction; not one of them within the jurisdiction of the United States; all beyond the reach of our legal-tender laws, in a region where gold alone was the standard of all values, and every vessel and every loss incurred in foreign waters was measured by the gold standard. There were times during our war when some of these vessels which were worth $40,000 in gold were worth $100,000 in currency. They were sunk in mid-ocean, in foreign waters, where their value was entirely based on the coin. Now, can it be possible that such a claimant shall come in here and demand $100,000 out of this money which is the property of a great number of claimants, and probably not sufficient to pay them all? Because at that time there happened to be a depreciated currency in this country, because our laws here among ourselves declared that money to be legal-tender, can such a person come here and now demand $100,000 in gold out of this fund as the property of any individual? The same lawful money now is worth nearly par in gold. But the measure of value of all this property thus lost was gold, and that was the basis upon which all commercial transactions rested. Therefore the account ought to be made out upon the gold value at the time, and the interest ought to be paid upon that gold value at the rate stipulated, from that time to this; and now the money ought to be paid in gold. We have secured it in gold. Why, sir, one of the honorable commissioners suggested to me a moment ago that in all human probability there is scarcely a doubt but that these claims were reduced, when they were allowed, to the gold standard; and yet under the operation of the bill the Senator from Vermont admits parties may present these claims in currency, although they may have been awarded and adjudicated upon and the $15,500,000 allowance may have been based upon gold value.

Mr. HOWE. Does it make the slightest difference in the world, as to the general result, whether these claimants are paid in currency or coin, if they all claim upon the same basis?

Mr. SHERMAN. There is the trouble. The losses occurred at different dates. Sometimes on the occasion of the early losses our greenbacks may not have been at a depreciation of more than 10 per cent., and two or three years after they may have been at a depreciation of 180 per cent., and therefore there is a gross inequality among the claimants. If, however, you pay them their losses as commercial losses, in gold, with interest from that time in gold now, you have equalized the matter among them. Otherwise you make a very great inequality. On the basis of this bill the claims presented against these fifteen and a half millions may amount to twenty or thirty millions, because if they are all made out on the currency basis the money will be totally inadequate; and the inequality of distribution would be manifest and would be severely felt by many of the claimants. I only speak of it to protect the United States and to protect the claimants in the division of this property. It seems to me the amendment is very clearly right, and I supposed when it was offered no one would object to it.

Mr. HOWE. I have not a word to say about this. I cannot see myself that the Treasury is in the slightest danger. We have got $15,500,000 in gold there; and that is the only fund, I take it, that this Government can pay out. They may pay their awards in currency, if they please, but they will pay just as much more currency than that as the gold is worth more or the currency is worth less than the gold. They will not leave the premium or the difference between the coin and the currency in the Treasury. If their awards are paid in currency, they will pay the currency value of fifteen and a half millions of gold.

Mr. SHERMAN. The present currency value.

Mr. HOWE. And that is the time they are going to pay it out.

Mr. SHERMAN. That has nothing to do with it. The question is whether the claims shall be stated at the time the losses occurred, in currency or gold, and whether the interest shall be on the currency value or the gold value.

Mr. HOWE. I have not the slightest objection to giving any direction about the way they shall state their claims; but it is the

award that is going to affect the Treasury and not the claims, and the tribunal when they make their award will have precisely the same currency in their mind.

Mr. BAYARD. Mr. President, it occurs to me that the point the Senator from Wisconsin did not see—and I know there are very few that he does not see—was that the award was made based upon the claim, the claim being made in United States currency at the time of the loss. If it were, say, $100,000 for the loss of a vessel, it might have been worth about $80,000 in gold, or $60,000, or $50,000, or $40,000, according to the date of the loss; and yet as gold is the unchanging standard of value, the loss was stated at so much in currency, but in fact it was a certain sum in gold, no matter when it occurred. But the arbitration took the claim stated in currency and made the basis of the award in gold. Therefore if we are to follow that judgment, that award, and execute this trust, we will give back to these people just what was stated for them; that would be the gold measure; and to avoid fluctuations and consequent inequality is the object, as I understand, of the amendment offered by the Senator from Ohio.

Mr. THURMAN. I am not entirely certain that I am right; but on reflection I am inclined to think that the amendment offered by my colleague ought to be adopted. Its object is to put these losses on a gold basis, and that was the object of the Geneva tribunal. It was alleged by the British counsel in their case that these losses were estimated in the currency of the United States, and it was claimed that they ought to be reduced to a gold standard, and they did proceed, therefore, to attempt to reduce them to a gold standard. I am not sure, but my impression is, that our counsel did not dispute the propriety of reducing them to a gold standard. Now, the object of the amendment of my colleague is to ascertain what was the loss by a gold standard at the time the loss occurred, and to allow that and 4 per cent. interest. That is a very material thing.

Let me illustrate it by the case of the Alert, the first vessel that was captured. She was captured in September, 1862, by the Alabama. The claims on her account amounted to $202,000, in round numbers to $200,000. That was in currency. I do not know exactly what was the price of gold at that time.

Mr. SCOTT. One hundred and fourteen.

Mr. THURMAN. Then that would not make much difference; but if you go along further to another case arising when gold had risen to 100 per cent. premium, and a vessel was lost, and she was put in at $200,000 when $100,000 in gold would have paid for her, if you allow her now to receive $200,000 less the present premium on gold, you would give her about $170,000 in currency. The present premium is 12 per cent., which would be $112,000. She would get $170,000 instead of $112,000, whereas $112,000 in gold with 4 per cent. interest would fully indemnify the parties. It seems to me you will swell these claims immoderately if you do not adopt the amendment of my colleague, and I think that will do exact justice; that is, if you pay the party the loss he sustained at a gold standard in gold at the time the loss occurred with 4 per cent. interest; and that is all he can ask.

Mr. HOWE. I am satisfied the amendment had better be adopted, not because it will change the result at all; but if there is any possibility that any court or any tribunal can find the present value of a piece of property at what was its currency value ten, twelve, or fifteen years ago, I think we had better guard against it by agreeing to this amendment; but I did not suppose such a thing was possible.

Mr. STEWART. I do not know that it is exactly pertinent to this question, but I should like to make an inquiry, if it is in order, of the chairman of the committee. A large amount of this money, $6,000,000 I understand, goes to insurance companies. I should like to know if under the bill foreign insurance companies also come in for their share.

Mr. THURMAN. No; they are prohibited by the bill expressly.

Mr. EDMUNDS. That depends upon what form the bill is finally to assume. If, as is the present disposition of the Senate in committee, this bill is to be put on the theory that the United States is merely a trustee, and, except to the extent of the two vessels that it lost itself which it had hired, stands as a trustee for the people whose claims it presented before the tribunal, then upon every principle that I know anything about affecting trusts, it is the duty of the trustee to pay out the whole of this fund to the persons for whom it was collected; and it is not for the trustee to say, "I have collected too much for you, sir, and I will pocket the difference myself." It is not for the trustee to say, "There was included in this mass of claims which I presented, one for you"—a citizen of Holland if you please, an Amsterdam insurance company. "I have got the money upon it, and now having got the money upon it I turn around and say to you, you shall not have it because you are not a citizen." That will not do, if we are a trustee, as it appears to me. So that I should suppose, in harmony with what the Senate in Committee of the Whole has now determined to do, if that shall be adhered to, we ought not to make any distinction as to foreign insurance companies, but let them take their chances under the general principles of law. If it turns out that their claims were allowed by this tribunal as a part of the general footing, as a part of that which made up the $12,000,000 which the tribunal finally allowed, then of course it is their money in the Treasury, as the Senator from Massachusetts and the Senator from Missouri have so forcibly remarked, which must be paid out to them, unless having got the money under pretense of recovering it for them we are to pocket it for ourselves because they are foreigners.

Mr. STEWART. I should like to call the attention of the chairman to the language of the bill, and see whether he regards that as an exclusion of foreign insurance companies:

> And no claim shall be admissible or allowed by said court arising in favor of any insurance company not lawfully existing at the time of the loss under the laws of some one of the United States.

I would inquire of him if by the laws of most of the States a foreign corporation does not have a lawful existence there, though it may not have been created there?

Mr. EDMUNDS. It does not have any existence there at all. A corporation only has an existence in the country where it is founded; it cannot be moved. It has a right to do business through agencies in other countries and subject itself to liabilities, it is true; but a corporation lawfully existing under the law of a given state is a corporation which that state by law has created or adopted.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Ohio, [Mr. SHERMAN.]

Mr. EDMUNDS. I shall be excused perhaps for saying a single word upon this topic of interest.

These claims were allowed by this tribunal just in the form they were presented, and each merchant and each insurer when he made up his claim made it up, as he had a perfectly legal and proper right to do, in the currency of his own country, and he estimated the value of his vessel and of his cargo in the currency of the country as it stood at the time, just as everybody else disposed of his property or put it into the tax-lists and so on. Therefore, if the tribunal acted upon these claims as individual claims made into a mass of $14,000,000 or $12,000,000, they allowed to that extent without diminution on account of difference in currency, because the British judge in his commentary upon Mr. Staempfli's estimate alludes to that very fact. He says:

> It is necessary, therefore, in the first place, to deduct from the United States claim the three amounts specified in paragraphs *a*, *b*, and *c*, respectively—
>
> Which are not the question of currency and gold—
>
> which will leave, as is shown by the annexed table, a properly reduced claim of $10,801,324, as against the British estimate of $7,465,764, if the difference between paper and gold currency be for the present purpose disregarded.

So, disregarding the difference between paper currency and gold, he proceeds to show that Mr. Staempfli's table is in error so and so, and so on. Then the result of it was that the tribunal considered the question of the award of a sum in gross, without saying anything more about the question of gold and currency at all; and after detailed deliberation they proceeded to allow $15,500,000 to be paid in gold by Great Britain. It appears from what has already been stated that $12,000,000 with a certain interest was the principal of the sum which the arbitrators allowed, and I believe that to be correct. They called it $12,000,000.

Mr. SHERMAN. In gold or paper?

Mr. EDMUNDS. They called it $12,000,000 of gold that they were to allow; but the amount we claimed, saying nothing about what kind of currency it was in, was made up in our currency of our currency values. It was more than $12,000,000; we made it fourteen or fifteen million dollars on our own reduced estimates. The British counsel only made it $10,000,000. The arbitrators in substance, to use a northern phrase, split the difference and called it $12,000,000, and then they added interest enough to make $15,500,000. So the arbitration allowed us, as principal, to say nothing about interest, $12,000,000 in gold to pay $12,000,000 of currency estimate. That is the fact about it, and thereby they did a liberal thing to the citizens of the United States, if they were the people they were working for.

Having allowed that, the Senator from Ohio now proposes that every man, no matter at what period his loss occurred, no matter how much his ship was worth then, or how much he paid for it in his own currency, and for which the arbitrators allowed that sum in currency in coin, which was an advantage, shall now only take in coin what it was then worth. The consequence will be, in my opinion, if you get at it, taking the dates of these respective claims as they were filed in the State Department, and the dates of the losses, that if you adopt the amendment of the Senator from Ohio, you will, as he says, aid the Treasury of the United States vastly; you will probably save three or four million dollars, but how? You will save it by shaving it out of your *cestui que trusts*, for whom the tribunal has already furnished gold enough to pay the whole.

Mr. CONKLING. Mr. President, it seems to me that the Senator from Ohio is right in his amendment, and I will try in a few words to assign my reason for thinking so.

Some time ago when gold measured by paper was very costly, claims were filed by American citizens against Great Britain. Those claims came eventually to be carried into an award, which award was in, and payable in, gold. Unless we ascribe error to the computation which resulted in the award, we must of course suppose that the measurement of value resorted to by the arbitrators was a coin measurement. Let us stop there and suppose that at that moment a rendition had been made to the *cestui que trust*, as the Senator from Vermont says, of this trust fund, what would have been done? Every man would have received in gold his share of that award. Meanwhile time has elapsed, and the beneficiaries have suffered delay. What recompense does the law make them for that delay? Interest, does

it not? Always interest, never anything else. Accordingly the bill provides, fixing a rate of interest, that interest shall be allowed for all this period. So far it is very plain sailing and easy to be understood.

But while interest has been running and delay occurring a large appreciation has taken place in the paper currency of the country, so that if the tribunal now to be authorized to distribute the fund measures by paper, what will be the result? Every beneficiary will have, first, the value to which he was originally entitled; second, he will have interest upon that value; third, he will have the enormous appreciation in the mean time of the paper currency, amounting at least in round numbers to 33⅓ or 50 per cent. That cannot be.

How does the Senator from Vermont answer this? He says if we measure by coin, there may be a residuum of the trust fund. As he said, if we do not pay foreign insurance companies, if it turns out that they were excluded, there will be a residuum of the trust fund. To that I say, "Sufficient unto the day is the evil thereof." Should it occur, it would be very common. Nothing is more common than that a trust fund consisting of many elements turns out in the end not exactly to coincide with the draughts upon it. If the draughts exceed the fund, the bill provides that the payment shall be made *pro rata*. If it turns out that although the American Government represented nobody but its own citizens, did not represent the citizens of France or Holland, by some blunder of the tribunal a claim or parcel of a claim due to a French subject, or a man in Amsterdam, in Holland, was carried into the amount, that will be one of those casualties, one of those occurrences by no means extraordinary, and what we shall do in the end with that money will be exactly the same question which would arise should a hundred dollars or a thousand dollars or a million dollars of the trust fund remain, a separate question to be decided when the time comes in the presence of the fact.

But certainly it does not answer the argument of the amendment now before us to say that it may result in saving two or three millions to the Treasury. So be it. It is enough for us to know that every man receives precisely what he would have received at the time. What was that? It was the measure in coin of the property he lost, with the interest added, and I see no reason why he should receive also the benefit of the great appreciation of currency.

Suppose it were the other way; suppose in place of calling in our currency and nourishing it, as we have done by legislative acts, more currency had been issued and there had been a depreciation so that it would require now four paper dollars to buy one coin dollar, would it be said that it would be just to pay to the losers in paper and let the great discrepancy which would there occur be involved? I submit not, and we must adhere to the coin standard in order to avoid error either way.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Ohio, [Mr. SHERMAN,] on which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 37, nays 21; as follows:

YEAS—Messrs. Alcorn, Bayard, Boutwell, Buckingham, Conkling, Cooper, Davis, Dennis, Fenton, Gilbert, Goldthwaite, Gordon, Hamilton of Texas, Hamlin, Howe, Johnston, Jones, Kelly, Logan, Merrimon, Norwood, Oglesby, Pease, Pratt, Ramsey, Ransom, Robertson, Sargent, Saulsbury, Schurz, Scott, Sherman, Stockton, Thurman, Tipton, Wadleigh, and Washburn—37.

NAYS—Messrs. Allison, Anthony, Bogy, Boreman, Carpenter, Chandler, Conover, Edmunds, Ferry of Michigan, Frelinghuysen, Hitchcock, Ingalls, McCreery, Mitchell, Morrill of Maine, Morrill of Vermont, Sprague, Stewart, West, Windom, and Wright—21.

ABSENT—Messrs. Brownlow, Cameron, Clayton, Cragin, Dorsey, Ferry of Connecticut, Flanagan, Hager, Hamilton of Maryland, Harvey, Lewis, Morton, Patterson, Spencer, and Stevenson—15.

So the amendment was agreed to.

Mr. SHERMAN. Now, in lieu of the words already stricken out at the beginning of section 15, I move to insert the following:

That the Secretary of the Treasury is hereby authorized and required to pay in coin the said respective judgments of said court out of any such money in the Treasury not otherwise appropriated; and for that purpose he is hereby authorized, when necessary, to issue and sell at public sale, after ten days' notice of the time and place of sale, at not less than par in gold, a sufficient amount of coupon or registered bonds of the United States, in such form as he may prescribe, of denominations of fifty dollars or some multiple of that sum, redeemable in coin of the present standard value at the pleasure of the United States after ten years from the date of their issue, and bearing interest, payable quarterly, in such coin, at the rate of 5 per cent. per annum.

I will simply state that this amendment does not increase the public debt, as is suggested to me, but it authorizes the cancellation, according to the bill, of the present bonds that have been issued and the substitution in their place of the bonds provided for by the act of 1870, and it furnishes the means to pay the award.

Mr. CHANDLER. I would suggest to the Senator from Ohio, instead of making a new class of bonds, why not specify some bonds that are already issued, that they may be of the same series and the same species and in the same form.

Mr. SHERMAN. That is precisely what I have done.

Mr. CHANDLER. No; you have provided for a new ten-year bond.

Mr. SHERMAN. This is precisely the bond prescribed in the act of 1870, what is called the new five, word for word, and it is put in for the purpose of avoiding the difficulty suggested. The present bond that has been issued is not a new class of bond. It is a 5 per cent. bond, but it is in the nature of a trust bond, and that is to be canceled when these bonds, which are new fives, are issued.

Mr. CHANDLER. Why not sell the bonds you have on hand? We want them thrown upon the market.

Mr. SHERMAN. Because they are not of the description of those now in the market. They are simply trust bonds issued for this particular case, and they are to be canceled.

Mr. EDMUNDS. The Senator from Ohio is greatly mistaken in saying that the bond in which this money is invested by the Government is a special trust bond. That is a mistake, unless the Treasury officials and the Secretary of State have violated the law. The law directed this money to be applied to the payment of the public debt and an equivalent amount placed in a five-twenty registered bond of the United States, one of the regular five-twenty registered series, and it has been so done, as I am informed. Therefore the United States is the holder of a bond or bonds of one of the existing classes, and which we may dispose of to meet these judgments, as the Senator provides, from time to time; but we have not got a new obligation of the United States of a different kind and form from that before authorized by law. It was just as if the money had been put with the American Trust Company, if you please, who were instructed to invest it in five-twenty bonds of the United States to hold; and therefore there is no need of this change in the bonds; but there is no objection to it that I know of. I do not care anything about it.

Mr. SHERMAN. I showed this amendment to the Senator. The only object is to authorize the sale of these bonds.

Mr. EDMUNDS. That I do not object to.

Mr. SHERMAN. The bill as prepared authorized the cancellation of these bonds, but provided no means of raising the money to pay the judgments. The condition of the Treasury may not be such as to enable us to pay out of the current revenue this debt, and this amendment provides that in such a case, if it is necessary to raise the money, these bonds may be sold. I am entirely indifferent whether the particular bonds now outstanding shall be sold or whether new bonds are sold.

Mr. EDMUNDS. So am I, Mr. President. I do not want to occupy a moment's time about that; but what I do object to in this amendment is the idea that we are going to sell bonds to raise money to pay this sum. We have got the money into the Treasury. It has been used to pay so much of the public debt, fifteen and a half millions in coin. The public debt has been that much reduced, and a similar amount has been placed, although it is merely a formal account, in a five-twenty bond, which is in charge of the Secretary of State.

The committee thought that out of the current income of the Government, if we were to pay in currency, as we thought we ought to pay in currency, these payments should be made, and as fast as made we should cancel the bonds held by the Secretary of State. What is the effect of that? That enables you to do what the world understands you have done already; that is, to have paid off fifteen and a half million of the public debt and reduced it so much, and to pay out of your current revenue, as you have now taken that step, these claims. The Senator from Ohio proposes that we shall increase the public debt in effect by selling bonds enough to pay this money, instead of paying it out of the money in the Treasury, on the ground that we may be short. If you are to pay in coin, perhaps that might be necessary, because if the imports should be very small and the amount of coin receipts therefore very small, it might be that all the coin we should obtain would be absolutely necessary to pay the interest on the public debt; and in that point of view it may be the Senator is right. If you are to pay in gold, it is very likely that you will be obliged to increase the debt of the United States by selling bonds and getting coin to meet this obligation. As the Senator has charge of the money branch of this subject, I certainly shall not object to anything he proposes.

Mr. SHERMAN. I find I was right. I thought I was before; but I now learn from the Secretary of the Treasury, who issued this 5 per cent. bond, that it was issued in the form of a single bond for $15,500,000, the largest bond probably ever issued in the United States—a 5 per cent. registered bond.

Mr. EDMUNDS. Is there any law against issuing a fifteen million dollar bond if you can get a purchaser for it?

Mr. SHERMAN. Not at all; but I say it is in such a form that it could not be sold by piece-meal or canceled by piece-meal as provided by the bill. Therefore there is a necessity for some new bond of a similar character to be issued and sold.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Ohio, [Mr. SHERMAN.]

The amendment was agreed to.

Mr. CONKLING. There is an amendment on the table which I propose to move, and I will state in a single word, before it is read, its object. The first ten sections of the bill before us consist of provisions for the establishment of a special court. I propose in the language of one of the House bills, that this matter shall be referred to the regular judicial courts of the country; and I therefore move to strike out the first ten sections of the bill and substitute for them the sections which lie upon the Secretary's table. The part stricken out relates entirely to the machinery of the court and nothing else.

The Chief Clerk read the amendment, which was to strike out the first ten sections of the bill, and to insert in lieu thereof the following:

That within sixty days after the passage of this act, the Attorney-General of the United States shall file in the circuit court of the United States, in a circuit to be

designated by the President, a bill in equity, in the nature of a bill of interpleader, which shall state, if any, what claim on said money paid upon said award is made by the Government of the United States for losses or damages, with a concise statement of the facts, grounds, and nature of such claims, respectively; and also that the United States holds the money paid by Great Britain in pursuance of said award, and the interest accruing thereon, subject to the just claim of all persons and corporations entitled thereto. All persons, companies, or corporations who have already filed claims in the State Department for losses or damages caused by either of said cruisers shall be named as defendants in said bill, and that they claim severally to be entitled to portions of the said money, but the particulars of their several claims need not be set forth. And notice of the commencement and pendency of such bill shall be given by publishing the substance thereof in one public newspaper in each State and Territory at least once a week for three months successively. And such notice shall state the day of filing such bill, and that every person, company, or corporation claiming to be entitled to any part of said fund, and desiring to appear and become a party thereto to assert such claim, is required to enter an appearance therein within six months from the filing of such bill. And all and every person, company, or corporation, whether named as a defendant in said bill or not, who shall not enter an appearance thereto within said six months, shall be forever barred of all right or claim in or to any part of said award: *Provided, however*, That the court may allow, within thirty days thereafter, any party to enter an appearance upon proper cause showing that such party was prevented therefrom by fraud, accident, or mistake.

SEC. —. That every person, company, or corporation who shall, within six months after the filing of said bill, appear and claim to be entitled to any part of said award, shall be admitted as a party defendant therein; and within two months after the expiration of said six months, every claimant to any part of said award who has duly appeared as a defendant in said cause shall file in said court a statement, under oath of the party or his duly authorized agent, giving concisely and clearly the facts and grounds of his claim, and the amount thereof, together with such exhibits as he may be advised, which statement and the exhibits shall be in print, and twenty copies thereof filed in said court: *Provided*, That those persons named as defendants and claimants in the bill may file such statement of their claims at any time after said bill is filed, and before the expiration of said six months, at their option.

SEC. —. That immediately after the filing of such statement of claim by any claimant, the court shall fix a reasonable time for such claimant to take and file his evidence in support thereof, and shall allow the Government reasonable time to take and file evidence in opposition thereto; and any claimant shall be allowed to file evidence in opposition to any claim made by the United States to any part of such fund; and all testimony shall be taken in the manner and according to the practice of the court in equity causes, subject to the provisions of the second section of this act.

SEC. —. That when the evidence is closed upon any claim, the court shall hear and determine the same in accordance with the provisions of this act; and in all its proceedings herein, the court shall be governed by the rules of practice of courts of equity of the United States so far as the same may be applicable.

SEC. —. That whenever more than $5,000 of any claim shall be disallowed by the court, the claimant, within thirty days but not afterward, may appeal to the Supreme Court of the United States; and whenever any claim exceeding $5,000 shall be allowed, the United States shall have the same right to appeal; and if any claim shall be allowed in favor of the United States exceeding $5,000, any claimant, or any number of claimants jointly, may appeal therefrom; and all appeals shall be taken according to the law and rules governing appeals in equity from the circuit to the Supreme Court, but only so much of the record of the circuit court contained in the bills, pleadings, and evidence as may pertain to the claim in the judgment appealed from shall be sent up. Upon the allowance of any such appeal, it shall pass immediately to the Supreme Court for hearing, without awaiting the decision of other claims, and such appeal shall not delay proceedings in the circuit court upon other claims filed in the cause: *Provided, however*, That the death of any defendant shall not work a discontinuance of any part of the proceedings, but the legal representative may appear and prosecute his claim within such time as the court may order.

SEC. —. That all appeals from the allowance or disallowance of such claims shall be entered at the term of the Supreme Court next after such appeal; and the Supreme Court shall give them precedence of other causes in said court, so far that they shall, if practicable, be heard at the term they are entered, and the decision of the Supreme Court shall be certified back to the court from which the appeal was taken.

SEC. —. That when the time shall have expired in which any claim can be filed in said court, the judge shall certify a list of all such claims, showing in detail the gross amounts thereof, to the Secretary of State, who shall cause a certified copy of such lists to be filed with the Secretary of the Treasury.

SEC. —. That whenever final judgment shall be rendered in the circuit or Supreme Court in favor of any claimant, a certified copy thereof shall be issued to the claimant, and a like copy be filed in the State Department.

Mr. EDMUNDS. I should be very sorry to see that amendment adopted. The committee very carefully considered on two occasions the propriety of sending this matter to a court with all its machinery, and the extreme danger of allowing these claims to be estimated and examined in detail by a master of a court; because everybody knows that no one judge in the United States could or even would himself examine these claims, whereas the committee thought that a commission composed of five men of eminence, whose duty it was directly, and who had nothing else to do, no other judicial duties to perform, could so do it as to be sure to do justice between the various parties and the United States. This proposition to turn this whole matter into a grand hodge-podge by a bill in equity in favor of the United States against everybody else to litigate for this fund in some uncertain circuit court, whose constitutional powers on such a question as between citizens of different States might be open to some question, and whose other duties would lead, as the committee thought, to almost infinite delay, was a thing which in their opinion ought not to be done. They considered that, as in all other cases under treaties, it was much safer to leave it to a commission whose duties were exclusive, whose character was high, whose numbers were sufficient that they might correct the mistakes of each other, and who would get to a determination at some time; and I believe there is no instance in respect to the action of commissioners under treaties where citizens have been allowed to prefer claims that the commissioners themselves have been justly suspected of not doing justice to all sides.

Then, speaking for a majority of the committee, I should certainly hope that whatever else may be done with this bill, we shall not send these claims to any one circuit court of the United States where the forms of law, the process and proceedings all take the shape of judicial affairs, and where only one judge, the circuit judge, could have any control over them, and where under him every matter of detail would be left to those who are called masters, and who in some of the courts are well known to be persons who, however good their intentions may be, are liable to make very great mistakes.

Mr. CONKLING. I need not tell the Senate that I have no feeling about this amendment. I have not even that pride in regard to it that one might have in respect of an amendment which he drew himself. I did not draw it. It was prepared in the House of Representatives, and perfected once by a committee there, and I believe it adequate to the purpose, should the Senate choose to send this matter to a regular court rather than to one specially created for the occasion. It has in my mind several merits, to two or three of which I will refer without arguing them.

In the first place, it utilizes an existing tribunal with regular rules of practice and full equipment. Thus it dispenses with the necessity of building up a special court with a special set of machinery for this purpose.

Again, it commits every man who is employed as counsel in these cases to a forum and to a mode of procedure to which he is accustomed and which he knows all about in advance.

Again, it saves not only the expense, with the various matters involved in that, of a special tribunal, but it saves a good deal which I do not care to refer to that is quite likely to attend or be supposed to attend one of these special commissions.

That brings me to what I deem more important than any consideration I have specified in its favor, namely: It allows every claimant, if his claim amounts to $5,000, to take the judgment upon every question of law of the highest judicial tribunal, in place of being estopped forever upon all questions of law as well as of fact by the judgment of five men who never saw each other as judges until they assemble here to be gathered together at $5,000 or $6,000, whichever the bill prescribes, for this single and exceptional service. I do not know what class of lawyers are to be resorted to, willing to lay down their business absolutely and abandon everything for a period not to exceed eighteen months, and give their whole time in the city of Washington to adjudicating these questions. I venture to say, however, that the President and the Senate will hardly be able to select five men whose final judgment upon a question of law will be quite as satisfactory as the judgment, in the first instance of a circuit court with a right of review upon every question of law, to every claimant whose interest amounts to $5,000 by the Supreme Court sitting *in banc*.

It seems to me that for these reasons, without referring to others, we may well avoid the expense and innovation of creating a special court and allow the President to select some circuit, of which there are several, not overburdened with business, where in one single suit upon an interpleader, everything can be heard, and every one who chooses may have the judgment of the highest tribunal upon every question of law.

I desire to take the sense of the Senate on the amendment, and I will venture to ask for the yeas and nays upon it, adding, as the Senator from Vermont referred to the committee, that I believe I shall commit no impropriety when I say that this question like some others has been one of a good deal of doubt in the committee, and the committee not only has not been unanimous in regard to it, but some of those who gave their assent to the form which the bill has taken were quite balanced in opinion upon this very point.

Mr. HAMLIN. I do not myself believe that it would be wise to adopt the amendment submitted by the Senator from New York; and I will state in a very few words the reasons why I think it would not be wise, and which will control my vote.

First, there is no circuit court that can discharge the duties that would devolve upon it if all these claims are sent to it, without a denial of justice to some other parties who may have business in that court.

Second, a court can be organized under this bill, as reported by the committee, amply competent to discharge all its duties.

Third, I think that court should by no means be composed entirely of lawyers. One great question to be determined will be the true and honest value of ships and vessels; and while there will be questions of law not very delicate perhaps to be considered, no questions that an ordinary lawyer in good standing I believe would not be able well and truly to determine; there will be questions of value upon which the judgment of a man who knows every timber in a vessel from the keelson to the top-block of a ship would be worth more than that of all the lawyers you could congregate in all the courts of Christendom.

Mr. HOWE. He will not see the ship.

Mr. HAMLIN. He will not see the ship, but he will know what constitutes a ship, and he will understand the evidence that will be given in relation to the value of a ship.

Again, if these claims go to a circuit court, what will be the result? To get at these various sums which are to be paid, the different cases will be referred to masters, and you will have a hundred of them. One master will adopt one rule of estimating damages and another another, and you will have just as many different rules to fix the compensation to be paid as you have got masters; whereas the court proposed by the bill, I think, as the Senator from Vermont says, will practically settle all these questions, and whatever may be the rule they adopt, it will be a uniform rule, and all will come within it, while by referring them to a hundred masters you will have a hundred different rules by which you will establish the award to be made. For these reasons I shall vote for the bill as it is.

Mr. EDMUNDS. I merely wish to trespass on the Senate by say-

ing one word in addition to what the Senator from Maine has said; and that is in the interest of these claimants themselves. If we are to provide for them, let us make justice to them as easy and as cheap as possible. If you have a commission, as the bill is framed, it is the duty of the State Department to turn over the papers and proofs to that commission. The honest ship-owner whose ship has been destroyed and who has filed his proofs there really need not be obliged to take any further step about it. There is his claim; there are his proofs. If you turn it over to a circuit court and make him a defendant in a lawsuit and oblige him to appear, put in his answer, come to his pleadings, and then be sent to a master to litigate the question, he had better throw up his claim to begin with; he never will get anything unless his claim is a very large one; while under the bill, with a tribunal constituted here where the papers are, to which the papers are to be turned over, the tribunal acting upon its own simple rules of providing justice for these men, in nine cases out of ten there would not be the slightest necessity for any counsel at all and the claimants would immediately get what they are entitled to.

Mr. HOWE. I saw this amendment and I read the provisions of the bill. I really myself thought the machinery proposed by the amendment for distributing this fund was the most convenient, the most economical, and the safest to the rights of the Government and to all parties having claims upon it. I cannot see any necessity for creating a special tribunal to dispose of a given fund, the exact amount of which is known. It is true that a great part of the business under the amendment proposed by the Senator from New York will be transacted, not before the court, but by masters. It is very true that those masters will not be in every instance men of as high character as perhaps you would select for the officers of this special tribunal; but it is not at all true, I think, as suggested by the Senator from Maine, that there will be as many rules of adjudication as there are masters engaged in the investigation of these claims, for this reason: whatever master is employed, he will have the claimants before him, and whatever may be his rule of adjudication, those who think he errs or who feel injured by it, whether it be a private claimant or the Government itself, will take exceptions to his report, and that will bring all these different decisions of the master before one tribunal, to wit, the circuit court; and if that court makes a ruling which is not satisfactory either to the Government or to the claimant, an appeal will lie from its adjudication in any given case to the Supreme Court; so that you will finally have a distribution of the award made with but very little reference to the Supreme Court, but made under rules which meet the sanction of the highest court in the land.

Mr. MORRILL, of Vermont. After much woe, grief, and trouble.

Mr. HOWE. Very little grief and very little trouble, as it seems to me. There is but very little trouble in taking an exception to an erroneous ruling, very little trouble in submitting that exception to the judgment of the circuit court, and very little trouble in taking an appeal, if need be, from the decision of the circuit court upon that exception to the Supreme Court, and getting the judgment of that court. After one or two adjudications of that kind, the principles upon which the whole fund is to be distributed would be known to the whole profession.

Mr. FRELINGHUYSEN. I do not wish to detain the Senate a minute. I simply wish to say that having given this subject considerable consideration, I think the advantages of adhering to the plan reported by the committee over that contemplated by the Senator from New York have been truly and correctly stated by the Senator from Maine. There is great advantage in having a summary proceeding in this matter, a great saving of expense to the people, and this fund cannot be more economically used than in spending a part of it to maintain that tribunal.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The question is on the amendment of the Senator from New York, [Mr. CONKLING,] upon which the yeas and nays have been asked for.

The question being taken by yeas and nays, resulted—yeas 23, nays 34; as follows:

YEAS—Messrs. Alcorn, Bogy, Boutwell, Conkling, Cooper, Dennis, Fenton, Gilbert, Goldthwaite, Hager, Hamilton of Texas, Howe, Johnston, Jones, Logan, Merrimon, Norwood, Pease, Ransom, Sargent, Scott, Sprague, and Stockton—23.

NAYS—Messrs. Allison, Anthony, Bayard, Boreman, Buckingham, Carpenter, Chandler, Clayton, Conover, Cragin, Davis, Edmunds, Ferry of Michigan, Frelinghuysen, Gordon, Hamlin, Hitchcock, Ingalls, Kelly, McCreery, Mitchell, Morrill of Maine, Morrill of Vermont, Oglesby, Pratt, Ramsey, Robertson, Saulsbury, Sherman, Stewart, Wadleigh, Washburn, West, and Wright—34.

ABSENT—Messrs. Brownlow, Cameron, Dorsey, Ferry of Connecticut, Flanagan, Hamilton of Maryland, Harvey, Lewis, Morton, Patterson, Schurz, Spencer, Stevenson, Thurman, Tipton, and Windom—16.

So the amendment was rejected.

Mr. SARGENT. In section 1, line 5, I move to strike out "five" and insert "three," so that there shall be three commissioners instead of five to constitute this tribunal.

The PRESIDING OFFICER. The question is on the amendment of the Senator from California.

The question being put, there were, on a division—ayes 22, noes 24.

Mr. SARGENT. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. EDMUNDS. My objection to three instead of five is the fact that here, with the interest, is $17,000,000 of money to be decided about and disposed of; the rights of probably five or six hundred persons, I do not know how many, but taking seamen and all, perhaps a thousand persons are to be heard and determined by this tribunal. Now, if you are to have celerity of final decision so as to have justice and right done speedily, it requires a very considerable number of persons of high attainment to do it and do it justly and well, without putting the claimants to the expense of employing counsel to know and to do that which the commissioners of the Government themselves should know and should do. Then a considerable number is always a guarantee against undue influence, fraud, or overreaching of any kind, to which a smaller number might in various ways be subjected.

I make this suggestion to the Senator from California and to his good sense. If it is to be a commission to distribute so large an amount of money and to determine the rights of such a vast number of claimants, it ought to be of sufficient number to devote themselves to it, and to have it done in season, and to have it done well. If you reduce the number to three, you reduce by almost one-half the working capacity of the court, and you reduce therefore by a very large degree also the ease and celerity with which citizens can have their claims determined and disposed of.

Mr. SARGENT. I admit that as this bill is framed it seems possible that there may be a very large number of these claims, more I think than there ought to be. I doubt if the claim of each sailor, which is referred to by the Senator from Vermont, should be taken as a separate claim to be pressed before the tribunal. I admit the number would swell to a thousand, perhaps to two thousand if the claim of every sailor is to be received separately and passed on by the tribunal as distinct from the vessel and distinct from the interest of the owners of the vessel to which he belonged. In that way the claims will be frittered away in mere spray and will amount to nothing. Many of the claims will result in nothing to the claimants under the expensive system provided for in this bill; but it seems to be implied in the remark of the Senator from Vermont that the number of these claims, including those of sailors, makes a requirement for a large commission. If this bill shall be so amended that there can be no question but that the claims of sailors may be ascertained and added to the claims of the vessels, and be distributed by the owners of the vessels or by those who would have paid them, under bonds given to the Treasury, in the same manner that they would have been required to pay them if there had been no interruption of the voyage—if that shall be made clear in the bill, then at least one-third of the work which is supposed by the Senator from Vermont to be put upon these commissioners will vanish. But aside from that I believe that three commissioners, even if they are to pass upon the individual claims of sailors and fishermen, will be sufficient to do this duty.

So far as the labor of consultation is concerned and the time occupied in consultation, it takes no more time for three men to consult than it does for five; in fact it can be done with more celerity and dispatch because there are fewer minds to be brought into accord. If two instead of three are a quorum for a court and two instead of three are to concur, that concurrence is more readily obtained than the concurrence of three out of five. There is nothing magical in the number of five for the attainment of honesty or just dealing with the parties whose rights are to be determined by this tribunal. If it is necessary to increase the number in order that we may have honesty in these matters we had better increase it to seven or to nine, and the more you increase it the more honesty you will get. I believe that three men may be as honest as five men, because it is not the honesty of individuals added together but the integrity of each individual which makes the sum of honesty, and you do not increase the amount of honesty by simply increasing the number of men. Therefore the argument on the ground of honesty entirely fails. If this is a question of honesty or stealing, if the court is to be influenced by bribes, then we are no more safe with five, and perhaps less so, than we should be with three.

I propose further along in the bill to offer an amendment which shall provide that where claims have been filed under the rules of the State Department, and are strictly in form according to their rules, and those claims have been recognized by the Geneva tribunal, they shall be admitted without the necessity of further proof. I do not think that claimants should be loaded down with the necessity of again proving claims which were distinctly proved before and which were distinctly admitted by the Geneva tribunal as just and an award made for their settlement. If that amendment be adopted, it certainly will lessen the labor of this commission so much that we can afford to save twelve or eighteen thousand dollars extra from the Treasury which would be absorbed by a larger court.

For these reasons I have asked that the court consist of three instead of five members.

Mr. BAYARD. Mr. President, is it not a plain argument as to the convenience and practical workings of this tribunal, that if you reduce the number of commissioners you increase the chances for a divided court. By having five commissioners you make three a quorum; and the chances are that illness, temporary disability, or the absence of one of the judges or of two of the judges will leave you still with a quorum for the transaction of business. It seems to me that as the tribunal is to be a temporary one, as its business is to be confined to a single transaction, the ascertainment of these amounts under the law, it would be unwise and false economy to cut down the number of judges from five to three. I say nothing about the wisdom that is said to proceed from the counsel of many; but I cer-

tainly believe that the chances of proper adjudication would be increased by the larger number. I think there is also something in what was said by the Senator from Vermont, that the chances of improper control from any source are decreased by increasing the number of those who are to decide. I thought it was almost received as an axiom in legislative bodies that where you bring the body down to a small number you do increase the opportunity for improper individual influences. I say nothing, however, upon that point, because I hope that in so great an occasion as this is and so important a one to our people, the class of men who will form this commission will be such as to command the confidence absolutely and unrestrictedly of the entire country. I think it would be unwise and false economy, leading to possible delays, if you limit the tribunal to three judges, one of whom may be sick or absent, and if so you have a quorum of two who may be divided.

Mr. MORRILL, of Vermont. In addition to the magnitude of the amount that is to be distributed, which justifies having a larger number on the commission, I have no doubt the purpose of the Senator from California, which I take to be economy, will be better served by having five than three. If we should have no more than three, I predict that the time allotted for the adjudication of these cases will have to be very much prolonged. Now, if there are five to take hold of the business, of course each one of them will have a certain portion of the business allotted to him; and taking the amount of documentary evidence that will be submitted, it will be no small labor for any one to make a synopsis of the evidence that is produced. Under these circumstances and under the circumstance alluded to by the Senator from Delaware, that there is a possibility of the disability of one in case there were to be only three and the two remaining should happen to be divided, all business would be hung up until the recovery of the third commissioner would enable them to have a majority to decide a case, I believe that it is absolute economy for us to have five.

The PRESIDING OFFICER. The question is on the amendment of the Senator from California, upon which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 22, nays 28; as follows:

YEAS—Messrs. Bogy, Clayton, Conkling, Davis, Dennis, Gilbert, Hager, Hamilton of Texas, Hitchcock, Howe, Johnston, Jones, Kelly, Logan, McCreery, Mitchell, Robertson, Sargent, Saulsbury, Scott, Stewart, and Washburn—22.

NAYS—Messrs. Alcorn, Anthony, Bayard, Boutwell, Buckingham, Carpenter, Chandler, Conover, Cooper, Edmunds, Ferry of Michigan, Frelinghuysen, Hamlin, Merrimon, Morrill of Vermont, Norwood, Oglesby, Pease, Pratt, Ramsey, Ransom, Schurz, Sherman, Sprague, Thurman, Wadleigh, West, and Wright—28.

ABSENT—Messrs. Allison, Boreman, Brownlow, Cameron, Cragin, Dorsey, Fenton, Ferry of Connecticut, Flanagan, Goldthwaite, Gordon, Hamilton of Maryland, Harvey, Ingalls, Lewis, Morrill of Maine, Morton, Patterson, Spencer, Stevenson, Stockton, Tipton, and Windom—23.

So the amendment was rejected.

Mr. SARGENT. I offer the following amendment, to be added as a proviso to section 9:

Provided, That all claims now on file in the State Department that shall on examination be found to be prepared and verified in accordance with the rules established and promulgated by that Department, after eliminating therefrom such items as were declared by the Geneva arbitrators as inadmissible, shall be deemed conclusive without further proof.

I do not think it is just to those parties to require them to prove their cases twice. The State Department laid down the rules which they were required to follow in proving their cases. They followed those rules, or I assume that some of them did, strictly, in accordance with the directions which were given. The cases went to the Geneva tribunal. Some of them were eliminated, thrown out, not provided for. I propose that these parties shall be saved the necessity of hiring lawyers and of waiting eighteen months upon this tribunal; that if they have proved up their claims strictly in accordance with the requirements of the Government heretofore, or proved them sufficiently to have them collected on their behalf from a foreign government, we now shall recognize them as proved, and relieve them from this great cost, and relieve this tribunal, which is made so large on account of the enormous amount of labor that is before it, of a portion of that labor.

Mr. THURMAN. The proposition is to decide upon the distribution of this money upon wholly *ex parte* testimony. It is not a question now between us and Great Britain. It is a question between these different claimants, and this is a proposition to decide as between them upon an *ex parte* presentation of the case. That will not do.

Furthermore, if the amendment be adopted this fund will fall very far short of paying the claimants, for these claims amounted to very much more, according to the estimates of the persons making the claims, than was allowed by the Geneva tribunal.

Mr. BUCKINGHAM. It is well known by some men that some claims have been presented which will not bear very thorough examination; and for that reason I hope this amendment will not be adopted.

The PRESIDING OFFICER. The question is on the amendment of the Senator from California.

The amendment was rejected.

Mr. STEWART. I believe the theory of this bill now is that we are trustees of this fund; and inasmuch as the fund is going to parties that acknowledge they have not sustained loss, but claim to be the rightful owners of the fund for whom the United States is trustee, I will try to offer an amendment to carry out the theory. It is a new section:

That all expenses incurred by the United States in negotiations and otherwise by which the money was obtained from Great Britain, and in the care and distribution of the same, shall be reimbursed before any private claims are paid.

I offer that as an independent section.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Nevada.

Mr. THURMAN. The bill distinctly provides what the United States shall retain. If the purpose of the Senator from Nevada is to kill the bill, let him avow it at once, and let him vote against it; but it is not to be killed in this way by attaching to it such a provision as this. Five per cent. is retained. Some of the expenses, perhaps a major part of the expenses incurred by the United States, was incurred in prosecuting claims of the United States which were rejected by the tribunal. There is no justice whatsoever in saying that we shall deduct from the claims all the expenses incurred by the Government before the Geneva tribunal.

Mr. STEWART. The theory of this case is that the United States has become a collector. For whom? For persons who organized for the purpose of making money out of the adversities of the country, out of a condition of war, and who realized large gains thereby. They organized insurance companies, or the insurance companies already organized provided themselves with means to charge war rates, out of which war rates they made many millions, while the rest of the country was suffering and being taxed. While the burdens were falling upon their fellow-citizens these individuals were speculating in war risks, which they had a right to do, and out of which they made money. Now is it fair to further tax the United States to collect claims from Great Britain to further increase their wealth and their enormous gains? If we are trustees we have a right to deduct from the fund the expense of administering the trust; and there is no lawyer who can deny it. It is charged here that we are trustees, and that these companies are subrogated to the rights of the insured. It is upon that theory that the bill now rests. We have been to immense expense in collecting this money. Whatever expense we have been put to collaterally or directly in all these negotiations ought to come out of this fund before it is given to corporations that have grown rich out of the accident of war. If there is anything in the theory, this amendment is certainly legitimate.

Mr. THURMAN. It does my democratic heart good to hear the Senator from Nevada preaching up a little of the old democratic doctrine against corporations. He is indignant at these soulless bodies. He forgets that the corporations that hold two-thirds of these claims are mutual insurance companies, and that he might just as well denounce a partnership; he might just as well denounce Grinnell, Minturn & Co. as to denounce these mutual insurance companies, who were not making profits out of the misfortunes of other men, who simply insured themselves; and they hold two-thirds of these insurance claims.

Mr. CHANDLER. Will the Senator permit me to ask him a question?

Mr. THURMAN. Yes, sir.

Mr. CHANDLER. Is not the Senator aware that mutual insurance companies, as well as all other insurance companies, charged 10 per cent. war risks?

Mr. THURMAN. But they charged themselves.

Mr. CHANDLER. Not at all. They divided their profits as others did among their stockholders, and the assured were stockholders to the extent of the money they paid for insurance. They charged the war risk and collected it and made money just as every other insurance company did out of the misfortunes of war.

Mr. THURMAN. How did they make money? They paid themselves; that is all. The men who made the money were the men who paid the money. That is the whole of that. They were merely a set of men agreeing to insure each other, not making profits out of the adversities of the country. I am not going to argue that over again. But what is the Senator to do with the eleven millions that do not go to insurance companies, that go to the poor sailors, that go to pay the seamen's wages, that go to pay the people whose property was destroyed and sunk or burnt—what is he going to do with them? Is he going to find out how much the Government expended in recovering some compensation for them?

Mr. STEWART. Mr. President, I am not afraid to do justice to a corporation or to an individual. It does not make any difference whether the parties were insurance companies, or individuals, or mutual insurance companies or any other kind of insurance companies. They charged war rates and made money out of that particular business, and they have no equity.

Mr. CONKLING. Did those who insured themselves make money?

Mr. STEWART. The money was made up out of the general public in the enhancement of everything that was consumed and the general rise of prices. They made money and lost nothing. I say, if the general public is to become a collector for them and is to give it to them and cannot distribute it on principles of equity because it must be distributed on principles of strict law, strict law is just as good for corporations as for individuals; and if the United States is trustee it has a right to charge for the administration of the trust. That is it.

Mr. SHERMAN. We reserve 5 per cent.

Mr. STEWART. It has cost more than 5 per cent. If it has cost the whole we have a right to take it. As to paying the poor sailor, I was willing the money should be distributed to those who had sustained real losses and stand by the Committee on the Judiciary because they reported in favor of real losses, and let the Government be the collector for those who had sustained real losses. On that theory I was willing to do it. But when it is put on the other ground, that we must pay because we are bound by law and are mere trustees, then carry out the theory and diminish to that extent the enormous gains of these insurance companies. I think they will get it pretty much all anyhow. I think the poor sailor will get very little. I think it is all pretty much in the hands of speculators and insurance companies now. If we are to collect it from Great Britain, let us charge for the administration of this trust the same as a private individual would charge, if we apply the doctrine of subrogation. There is no reason in it otherwise.

Has it come to this, that we have taxed the people of the United States, that we have gone through all these negotiations and at last find ourselves tied up by legal principles to such an extent that we are unable to distribute this money among the real losers, but we are so bound up by legal technicalities that we must give it to those who confessedly do not deserve it? If it has come to that, if that is the situation, then follow the real legal logic of the situation and require the expenses to be paid before you distribute the fund.

Mr. EDMUNDS. I do not wish to argue this particular amendment. I shall vote against it because I think the bill as reported from the committee is correct as it respects the amount of costs to be charged and taken out of the allowance from the fund. I merely wish to say one word, however, as the Senator from Ohio has opened the subject of mutual insurance companies again. I do not see that subject quite as he does, as perhaps may have been imagined before. He says they insured themselves. They entered into a special business, though so far as insurance goes it is a separate business, and anybody can come in. It is not a combination formed for taking care of each other, to which nobody else is admitted; but anybody can insure in a mutual company. The only effect is that he thereby becomes a stockholder, and whatever profits are made while the policy lasts he shares in. The moment his policy expires he is out, and the next man who comes in takes any profit that may have been made during that time. Therefore you cannot fix any particular moment at which you can say truly that an insurance company is, in the sense of a partnership, a mutual insurance company as to profits. But that is apart from the true question, and I should not have referred to it now but for the fact that the Senator from Ohio has done so again.

I merely rise now to say that I hope this amendment will not be adopted, and to express the hope that the Senate will hereafter stand by the understanding which we had, and that is to proceed and vote without any further debate unless under very special circumstances, and get the bill disposed of in some shape.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Nevada.

The amendment was agreed to; there being, on division—ayes 21, noes 20.

Mr. SARGENT. Mr. President——

Mr. FRELINGHUYSEN. Is it too late to call for the yeas and nays on the amendment of the Senator from Nevada?

Mr. EDMUNDS. We can reserve it and have a separate vote in the Senate.

Mr. SARGENT. I offer the following amendment, to be inserted after line 12 of section 12:

Provided, That 25 per cent. of the value of the whaling and fishing vessels allowed to the owners of such vessels, in lieu of catch, shall be added to the claims of such vessels, and also that the wages found to be due to the officers and seamen of all vessels in accordance with the award shall be added to the claim of each vessel, and the owner or owners thereof shall be required to file a satisfactory bond with the Secretary of the Treasury, before receiving any portion of the sum awarded for such vessel, that he or they will settle with and pay such officers and seamen in the same manner they would have been bound to settle with them if the voyages had been completed without interruption, the bond to provide for suit or suits by all or either of such officers and seamen in case of refusal or neglect to make such settlement when demanded.

I wish to say a word. Either this bill does provide such machinery that each individual sailor does not need to appear by a lawyer or counsel to push his claim upon this tribunal, or it does not. The amendment which I propose puts it beyond any dispute. It provides in the best way that I can devise—and if there is a better way I would like to have it suggested—a mode by which these matters may be treated in lump; that is, treated with the individual vessel and be distributed so as to safely reach the individual sailor. I do not wish this bill to pass in such shape that it will be a confiscation of these humble claims. It seems to me only just and fair that it should be provided that the sailors' claims should follow their vessel as they really did in the decision of the Geneva tribunal, and that they should go into the hands of the owners of those vessels, the employers, they giving a satisfactory bond to the Secretary of the Treasury that they will distribute the money in the same manner they would have distributed it if the voyage had not been interrupted, with the right of suit on this bond to any party aggrieved by a failure to distribute it.

If the bill provides all this let some gentleman show it to me; let the passage be pointed out. If it does not provide it, I ask Senators if it ought not to be provided for? If these humble individuals with a claim of a few dollars apiece, in no instance amounting to more than $100, are to be put to the expense of specially proving their claims before the commission, they will never get any money, and it will indefinitely prolong the labors of the commission. I propose the amendment in good faith, and think it will have a beneficial effect.

Mr. EDMUNDS. I will not take up time, because I have no right to do so. I do not doubt the Senator's good faith in this amendment. That is the only quality that I think the amendment has, if it has good faith. It turns the sailor over to the owner, who may be dead and gone or bankrupt, and takes in lieu of the money a bond from the owner. By and by the owner gets the money and the sailor does not get any. The sailor comes to the United States and says, "I was not a party to that agreement; pay me." We cannot do that. Then the amendment includes something which the arbitrators rejected about prospective catch. I do not think we ought to do that.

Mr. SARGENT. The Senator admits in effect that these sailors are to pursue each individual his claim before the tribunal. I thought he intimated it earlier in the debate on the first amendment which I offered. It now stands in the exact shape that each one of these sailors, unaccustomed to the law, is to be the victim of the worse landsharks than those we protected him against by the passage of the shipping commissioners' act. He is to be fleeced by a horde of lawyers. If that is to be the system on which this bill passes, I trust for one there will be another amendment offered to this bill and adopted by both Houses, providing that no member of Congress shall be allowed to practice before the tribunal.

Mr. EDMUNDS. That would be a good amendment.

Mr. SARGENT. The first part of the amendment, on the objection, which I have not now time to verify, of the Senator from Vermont, although my impression is the contrary, I will strike out; I mean that referring to the catch. Of course the Senator should be well posted on that matter; and when he states so positively as he does that it was rejected by the tribunal, though my impression was otherwise, I will conform to the objection and modify the amendment by striking out the first part of it which relates to the catch, although I think myself that the Senator is mistaken. With due deference to his great information on this matter, I will assent so far as to have that come out; but the other I say must work beneficially.

The objection which the Senator names certainly cannot be valid because the very owners of these vessels or their assignees, they or their representatives, are to come forward and press the claims of these vessels. I propose to connect the interest of the sailor with the interest of the vessel. Allow the sailor to avoid the necessity of employing lawyers to present his individual case, and a bond can be given which will bind the owners of the vessel, which will bind the money in the hands of these parties, and I am perfectly willing for the sake of the great benefit that will be conferred on the sailors, if it shall be found in some half-dozen cases or some two dozen cases that he has been defrauded by this arrangement, to say that because of the benefit we shall have conferred on all the rest we will pay those who have been defrauded out of the Treasury of the United States; and it will only amount to a very few hundred dollars to do it, and will save these poor men thousands on thousands of dollars, or the loss and entire abandonment of their claims.

If the Senator can show me that that which I point out is remedied; that there is any provision in this bill by which the hundreds of sailors who are not accustomed to forms of law are relieved from the necessity each one of putting his claim into the hands of a lawyer to prosecute before this tribunal, then I will admit that there is no necessity for my amendment. But the argument of the Senator asserts exactly to the contrary, and that being so, I insist that there is some necessity that these claims be attended to in this way.

Mr. EDMUNDS. But then I must insist on the understanding that we must go on with the voting without making so many speeches, although I listen with pleasure to my friend, and there is ingenuity in what he says; but he is mistaken about this bill. The bill provides that the board of commissioners are to take the evidence already on file and give it such weight as shall be just. If the case of the sailor is properly now on file, as it generally is, inasmuch as the nature of his claim is such that there cannot be any special dispute about values—you have the shipping articles which these gentlemen can get without any trouble, and you know who the sailor was, you know what ship he was on, you know where he went, and public history knows when the voyage was broken up. There is no trouble about turning the sailor over into the hands of the lawyers. His claim does not depend on principles which are disputable, and there is no danger of fraud. In the next place, if the sailor wants to do this, all he has to do, if he has confidence in the owner, is to get the owner to present his claim for him. There is no difficulty about it, but it must be left in the sailor's will. He now has a right against us which we have no right to throw off for anybody's bond. Now I do hope that we shall stand by the arrangement and go on with the voting.

Mr. THURMAN. I must claim the right to say one word on this proposition. I shall be very brief. In Mr. Staempfli's estimate these wages were put at $538,000. Probably that would quite cover them. We know that sailors are usually shipped for the voyage, and when the voyage is at an end they are discharged and go their way. If this proposition of the Senator from California shall be adopted, all the wages of the sailors on a ship will be paid to the owner of that

ship. The sailors will have gone here, there, and everywhere, and I venture to say that not one out of ten of them will ever get one cent. It is just putting so much money into the pockets of the owners. It is very true that if on the other hand they are to prosecute their claims before this court, many of them will fail to prosecute the claims, and the consequence will be that so much money will be left in the Treasury of the United States.

When you come to analyze this thing, the whole question is whether or not these sailors' wages shall go to the owners of the vessels or whether they shall remain in the Treasury of the United States to be paid out hereafter to any claimants that we may think justly entitled to the money, or to remain as money in the Treasury. Although I grant that the amendment is offered in perfect good faith and I see the force of what is said by the Senator from California, yet the practical effect of his amendment, if adopted, would be to give four or five hundred thousand dollars to the ship-owners, not one dollar in ten of which would ever reach a sailor's pocket.

Mr. SHERMAN. I should like to ask my colleague a question. I ask whether under the third section of this bill it would not be within the competency of that court to prescribe rules and regulations by which all claims growing out of a particular vessel could be brought before the court at once, or could it not act on the proof of the claims for seamen's wages already on file?

Mr. THURMAN. I think that in regard to sailors' claims the court will have the power of a court of equity, and will let them be proved before an auditor just as a court of equity does, without any formal proceeding.

Mr. SHERMAN. And may render judgment in favor of the sailor on the evidence already filed?

Mr. THURMAN. I think so.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from California.

The amendment was rejected.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 3006) authorizing the President to nominate Holmes Wickoff an assistant-surgeon in the Navy; and

A bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works for rivers and harbors, and for other purposes.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. E. BABCOCK, his secretary, announced that the President had, on the 7th instant, approved and signed the following acts:

An act (S. No. 539) granting a pension to Eugene Smith, of Company F, First Nebraska Veteran Volunteers; and

An act (S. No. 567) granting a pension to Mary E. Naylor, widow of Osborn Naylor, late a private in Company C, Second Kansas Volunteers.

The message also announced that the President had yesterday approved and signed the following acts:

An act (S. No. 350) providing for the payment of the bonds of the Louisville and Portland Canal Company; and

An act (S. No. 379) for the relief of Nathan Cole, late captain Twenty-third Regiment Veteran Reserve Corps.

AFFAIRS IN ARKANSAS.

Mr. CLAYTON. I ask consent to offer the following resolution at this time:

Whereas there is a condition of affairs in the State of Arkansas that may invoke Federal interference; and whereas Joseph Brooks and Elisha Baxter are each assuming to exercise the office of governor of the State, each having called on the President of the United States for aid to suppress domestic violence, and have called the Legislature of the State to meet in extra session, and have each surrounded himself with large armed forces; and whereas martial law has been proclaimed in several counties of the State, and all business has been suspended in Little Rock, the capital of the State, and the rights of person and property are jeopardized; and whereas in consideration of the foregoing it is the duty of the Government of the United States to be fully informed of the true situation of affairs in said State, and also as to whether or not the State has a government republican in form: Therefore,

Be it resolved, That a committee of three members of this body be appointed to forthwith proceed to the State of Arkansas with power to fully investigate into the cause of the disturbed condition of affairs therein, and also into the question as to who is the lawful governor of said State by reason of having been elected to said office by the legal voters thereof; and that said committee be authorized to send for persons and papers.

I move that the resolution be printed and laid on the table, to be called up hereafter.

The motion was agreed to.

Mr. CLAYTON. I ask consent to offer another resolution:

Resolved, That the President of the United States be requested to communicate to the Senate, if not incompatible with the public interest, all papers and correspondence relating to the troubles in the State of Arkansas that may be in his possession.

I ask for the present consideration of the resolution.

Mr. EDMUNDS. Let it go over until to-morrow.

Mr. CONKLING. Are not the papers already before the other House?

The PRESIDENT *pro tempore*. The resolution will lie over.

THE GENEVA AWARD.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 7) for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th of May, A. D. 1871, between the United States of America and the Queen of Great Britain.

Mr. MORRILL, of Maine. I propose to amend the bill in section 11 by inserting after the word "claims" in line 2 the words "including war premiums;" and also the same language after the word "claims" in line 5.

Mr. EDMUNDS. The effect of that is to bring in what are called the war premiums paid on war risks.

Mr. MORRILL, of Maine. On the amendment I propose to say a word. I think the idea the American people had in their mind when we were making claims against Great Britain for damages done to American interests upon the seas was for losses which had occurred by reason of her omission to do her duty as a neutral power to us or by her acts of commission; and those covered the entire loss. There was no particular specification; but all our commerce had suffered loss; all classes of our people were exposed to the depredations on commerce, and were supposed to be included equitably. There was no technical consideration of this question, as I understand. It was not whittled down to the fine point which my friend from Ohio argued so ably yesterday in favor of particular corporations; but it was broad in its general expectation, covering losses of all descriptions by these depredations; nor was it understood that it was confined to losses by the depredations of the Alabama particularly, although she was a representative ship. Everywhere where the cruisers sailed and committed depredations upon our commerce there was a sensation of loss, a feeling of loss, and a feeling of indignation against the British flag. And the American people had expectations that all the equitable considerations which could be presented, backed by the certainty of loss, would in some way be met. That naturally covers many classes. Undoubtedly claims that have been represented here so eloquently and so forciby and so prominently on the floor of the Senate were among these. There is no question as to this general idea. Without arguing the technical proposition whether the insurance companies were by principles of law subrogated to the rights of the insured in any particular case, the claim was broad enough to cover all these classes. I am speaking now of the general expectation that the Government would demand of Great Britain under some circumstances, before any just settlement was made, money, a material consideration which should be sufficient to indemnify our citizens for actual losses. Nobody now will doubt that that was the general expectation; and just in harmony with that general expectation, with what indignation did the Senate of the United States reject a treaty which was supposed to come short of that, which was supposed not to meet that general expectation.

No voice, I believe, is reported to have supported a treaty which was believed to have come short of that general expectation. And, sir, in the speech which has been alluded to, made by the Senator from Massachusetts now no more among us, will be found to have echoed and re-echoed that general expectation and that demand upon the British government as broad as I have stated the popular expectation to have been.

Now, Mr. President, let us see for a moment how are we meeting with this general expectation to-day. How does this bill meet such an expectation? Let us look. What class is prominent here in the Senate of the United States to-day? Whose power and whose influence is conspicuous, pre-eminent, quite supreme here to-day? The losers? Those who have been losers by the war? I wish it were so. The people who went out upon the high seas carrying your flag, those who were brave enough and bold enough and patriotic enough to defy the British lion and the pirates upon the high seas, and to save this flag of ours? Very little consideration is given to them in some respects. How many millions were paid to keep that flag afloat during this war? Nobody has taken interest enough in the question on this floor to speak of it. But brave, bold, patriotic men, who scorned to take down the American flag and transfer their shipping as they might have done, and as many cowardly men did to their own interest, to other flags, took the perils of the war, paid out millions upon millions, amounting to six or seven millions more or less—I do not think I overstate it when I say six millions at least—in order to keep that flag afloat—is there any place for those men in this bill? Not a dollar; nor has a word been spoken in their behalf. But how tenderly we care for the men who exacted or who took it! How tenderly we care for the men who sat in their counting-rooms and planning exactly the chances of money-making on the perils of that war figured up their 25 per cent. dividends annually—upon what? Upon the extraordinary exigency of public affairs! That is all very well; I am not complaining of it. They made well of it. But the question is now, sir, whether you will pay this money to men who made 25 per cent. upon that practice to the exclusion of other classes of men who lost as much as they made? That is the question.

Here is a pamphlet which I happened to find a few moments ago in my desk, in which this thing is stated in this way:

Insurance companies paid out $5,750,000.
Increased premiums to insurance companies, $10,000,000 in round numbers.

Was it ever supposed that we were pursuing Great Britain in the interest particularly and conspicuously of insurance companies? Was it ever believed that we were pursuing these claims for losses to American citizens under such circumstances that whenever we should procure an indemnity from Great Britain any man would be allowed to come in here and upon a legal technicality give it to those who had made eight or ten millions, more or less, out of this great exigency of the war, and deny equities to persons who had suffered under the circumstances to which I have adverted, under the patriotic purpose of carrying your flag, to their exclusion? I believe not, sir; and I believe when the American people come to understand that the Congress of the United States have undertaken to dispose of a fund of money that was given to the American nation in gross, a gross sum to be distributed by the American Government, as in equity they were bound to do it, to cover losses, and that it has been given to companies who made untold millions out of the exigencies of the country, it will be met with great disappointment, if not chagrin.

Therefore, Mr. President, I have moved this amendment, thinking it not impertinent to this bill and that it supplements this precise point which I call attention to. I should like to see whether the Senate of the United States will vote to give $7,000,000 to these companies who have already made that amount, and give the insured nothing for the losses which they paid in premiums to these companies to the amount of five or six millions more.

The PRESIDENT *pro tempore*. The Chair will remind the Senator that his five minutes have expired.

Mr. THURMAN. I may be permitted to say that I believe when the American people come to know that the Senate of the United States have regarded the law, obeyed the law, and refused to set in the face of the nation an example of utter trampling upon the law, the American people will be well satisfied. I am not afraid in this nation, which once boasted of being the most law-abiding nation in the world, that this Congress will be denounced because it has followed the behests of the law.

But what has all that to do with this amendment? What is it that the Senator from Maine proposes to do? That we shall provide for the payment of what are called the war premiums, the enhanced premiums of insurance. The Senator knows very well that by the express decision of the Geneva tribunal those claims were rejected, and being rejected our Government solemnly declared to that tribunal that it would press them no longer; and it did not press them, and not one dollar of this money was ever awarded in respect to any such enhanced price of insurance. And yet the Senator says that we should pay $6,000,000—that is the amount of it—for enhanced premiums of insurance after that claim has been rejected by the tribunal and absolutely withdrawn by our Government. And that he thinks we ought to do on the ground that these people carried the flag of the country in the face of the enemy; the merchant sitting at home, insuring his case, taking care that he did not sustain loss by taking insurance and charging the insurance in the price of his goods when he sold them to the customer, the customer and not the merchant being the real loser! The Senator thinks it is monstrous that we do not pay these claims. Mr. President, this thing will not do. Here I hold the solemn decision of that tribunal that these claims should not be considered, without which decision the award never would have been made, that arbitration would have been broken up *in limine*. I hold in this book under my thumb the withdrawal of our Government of any such claim; and yet the Senator says, and says it with vehemence too, that we are not doing justice if we do not pay these claims in respect to which not one dollar of this money was awarded.

Besides he aggravates the matter about these insurance companies. I do not know who made up that table about the profits of insurance companies, but I say here that that table is utterly wrong. There were no such profits; but whether there were or not, pray, if you are to go into the question of profits, as the Senator seems to think we ought to do, why should we not go into the question of the profits of the merchant and the profits of everybody else, for the Senator speaks of these corporations as rich corporations? I think my friend has been a judge. If so, he took an oath that he would administer justice to the rich and the poor alike, without respect to person. But according to this new doctrine of his, this body, which sits here in a *quasi* judicial capacity, is not to inquire what is the justice of the case, but what is the length of the party's purse. It will be bad for this country, Mr. President, when questions of right and of justice shall come to be decided by the consideration whether the plaintiff is a richer or a poorer man than the defendant in the cause.

Mr. STEWART. Mr. President, it seems to me that it is evading the question to come here and ask for a law whereby these insurance companies are to get this money by an act of Congress, for nobody pretends that they can get it without a law; and then to claim that we are governed by an existing law, when in order to let them have it at all it is necessary to have a law passed for them!

Mr. SHERMAN. It is necessary to exclude them in order to prevent them from having a remedy.

Mr. CONKLING. You take the law away from them by the original bill.

Mr. SHERMAN. While you give it to the rest of the world.

Mr. STEWART. But in the bill as it stands, you state what insurance companies shall not be paid, thereby implying that there are some to be paid.

Mr. THURMAN. Not at all. It only gives them a day in court.

Mr. STEWART. If it is not intended to give them anything, just say that they shall not have anything; take the report of the committee if that is the intention of the law. If they are not to recover by virtue of this law that we are about to pass, if it is not intended that they shall recover by it, we can fix that readily. So that is a mere question of words. The effect of your bill is to give it to them. If it is not so, say so. If that is not the intention, make the intention clear. I say they ought not to have it because they have sustained no loss; and it is not fair to give the money to them when there are others in the country who have lost by virtue of these same cruisers, and if they cannot be found now keep it in the Treasury until they can be found, or if they cannot be found let it go into the general fund. If there are so many sufferers that you cannot distribute it, let all the people have it by keeping it in the Treasury. But it is by virtue of a law that you propose to pass that these insurance companies can recover. They have no law now to recover; and if it is not equitable for them to have the money, if they are not entitled to it in equity, it is wrong to pass a law to give it to them. You are bound by no law to give it to them. There is no common law, no written law, that requires Congress to pass an inequitable statute to give them something that they are not now entitled to by law.

I say the whole question of doing equity is before Congress; and I say they cannot shirk that responsibility by saying they can follow certain analogies of courts, they can follow certain analogies of the common law, and give this money to persons who have already realized large gains. The duty of Congress is to make a law and make a proper law that will do justice. We are bound to do justice and to see that the persons who sustained loss receive the money, and not persons who have not sustained loss. It will be hard to make the common people believe that there is any technical rule of law which requires us to give this money to persons who have not lost, but have made large gains. If there is any such common law it is the duty of Congress to reverse it in this act, and say that hereafter it shall be distributed to those who sustained losses, and who are entitled to it, and not to those who made gains and are not entitled to it.

Mr. EDMUNDS. I now appeal to the Chair and to Senators to stand by any arrangement, if we have any, to come to a vote on these various questions without further debate. I do not know but that the arrangement has been lost sight of entirely.

Mr. ANTHONY. There was a distinct arrangement, one that was made at three o'clock to-day, and that was that debate might go on by unanimous consent, speaking being limited to five minutes, and the debate to stop at the objection of any Senator. That was the arrangement, and it is under that arrangement that the debate has been going on.

Mr. STOCKTON. There was an arrangement. That arrangement was, as the Senator from Vermont desired this bill to go through, that all debate was to cease at two o'clock to-day, except that he was then to have the floor and at three o'clock we should commence to vote. Some question afterward arose as to whether five minutes should be allowed on amendments. There appeared to be some little difference of opinion and no gentlemen seemed to be willing to make any particular point. But in violation of that even this debate has been continued, not on amendments, but the question which we were driven from the debate of at two o'clock has been revived in the Senate and argued, not for five minutes to twenty minutes at a time, not by consent, but because those gentlemen who were bound by the obligation and the rule did not feel that they had a right to say a word or to interfere at all.

I have to say, Mr. President, that a proposition was put through here, with my tongue silent a few minutes ago, that was as offensive to me as anything could have been which was offered in the Senate after the gentleman who offered it had made a speech of I do not know how long, but as long as he pleased, and running over the subject of the debate this morning, and who a second time has taken the floor and made another speech on it—I mean the Senator from Nevada, [Mr. STEWART.] Now I say that there must be some fair understanding about this matter. Here was a vote put through the Senate *sub silentio* that the Government of the United States, because we had claimed this morning that it was a trustee, may take the property of the *cestui que trust* to pay its expenses, after it had already reserved 5 per cent. to remain in the Treasury of the Government of the United States permanently and forever, to the disgrace of the very principle of trusteeship. And if the gentleman had reviewed his legal knowledge he would have known that the very first principle of trusteeship is that no trustee can benefit by the trust put in his hands. That is the foundation of the doctrine of trusteeship.

Mr. STEWART. Does the Senator deny that a trustee can charge his actual expenses?

Mr. STOCKTON. I do deny it on the basis of the common law. I do not mean to say that statutes, I do not mean to say that common law which may have grown up on statutes since, I do not mean to say with the consent of courts, the consent of parties, and the modern practice does not allow the men who have such fiduciary trust put in their hands to make some profit; but I do deny that that principle of trusteeship which is at the bottom of the whole of this thing allows a trustee to make one single cent by his trust.

Mr. STEWART. Does the Senator pretend to say that if a trustee by the common law should bring a suit for the protection of the fund he would have to pay out of his own pocket the expenses of that suit?

Mr. STOCKTON. I mean to say that no trustee can benefit one dollar by the trust reposed in his hands.

Mr. STEWART. Exactly, and my amendment does not go to any such thing. The proposition of the committee is 5 per cent., mine is the actual disbursements. I undertake to say it is precisely the common and the statute law in every State.

Mr. STOCKTON. I undertake to deny positively that any benefit whatever by the old common law on which trusteeships were founded could accrue in any event to the trustee. It was the most solemn and sacred thing on the earth that he should not benefit by it.

Mr. STEWART. I deny that the Government benefits by it.

Mr. STOCKTON. The Senator from Nevada has been on the floor several times and much more than five minutes, while I have not said one word. I simply now protest against the course this debate has taken. Gentlemen who bring in propositions at the last moment come here and support them and seem to care nothing about how much time they occupy, and these propositions are being put through while we are sitting here in silence indignant that such propositions should be introduced at this period of the debate.

But I say that there is no analogy to be drawn from the law of trustees and *cestui qui trusts*. I mean to say that away above that proposition, high above it, higher than the heavens are over the earth, is the duty we owe this day in acting on this matter toward our posterity, toward the world, toward all time, that we shall not do such a thing, after getting this money from England under the claim that it was for injuries done and losses incurred by the citizens of this country, as to try to keep in the Treasury of the United States a poor little 5 per cent. of it. I should think it would make any American blush with shame to have that record read in any other country. In any other parliamentary body than this, were such a proposition to be brought in at such a period in the debate and a vote taken on it by standing and sitting, and an announcement made that "one more gentleman has stood up," and then the debate to go on upon one side and we to sit here and hold our tongues! Mr. President, I want no more agreements in this body if that is the result of them. I will make no more agreements if that is to be the result. The agreement means that those gentlemen shall talk who please and talk as much as they choose, and that those who try to observe the rule shall see things put through which are abhorrent to every sense of righteousness and justice that they have!

Mr. STEWART. Mr. President——

The PRESIDING OFFICER, (Mr. FERRY, of Michigan.) The Chair will state, in answer to the Senator from New Jersey——

Mr. STEWART. I wish to make a word of explanation. I have been out of the Chamber——

The PRESIDING OFFICER. The Chair will remind the Senator from Nevada that he has spoken upon this amendment five minutes. The Chair will now observe to the Senator from New Jersey——

Mr. STEWART. I want to correct some mistakes the Senator from New Jersey has fallen into. I hope I shall have unanimous consent.

The PRESIDING OFFICER. The Chair will observe to the Senator from New Jersey that his attention was called to the understanding made subsequent to the time to which the Senator alluded, perhaps when the Senator was not in his seat. The Chair understood from the former occupant of the Chair that the understanding was that debate should proceed by common consent, and that as long as it did thus proceed each Senator should be entitled to five minutes. The Chair has endeavored to enforce that, and the Chair has not heard any objection to the debate during that time, and has endeavored to enforce the rule. The Chair now observes to the Senator from Nevada that he has occupied his full time on this amendment.

Mr. STEWART. I ask leave to suggest to the Senator from New Jersey——

The PRESIDING OFFICER. Is there objection to the Senator from Nevada proceeding?

Mr. STEWART. I will not make a speech, only to correct——

Mr. STOCKTON. There is no objection on my part.

The PRESIDING OFFICER. Is there objection?

Mr. PRATT. I object.

The PRESIDING OFFICER. The Senator from Indiana objects to the Senator from Nevada proceeding.

Mr. SARGENT. I object to all debate.

Mr. STEWART. So do I.

Mr. McCREERY. I move that the Senate do now adjourn.

The motion was not agreed to.

The PRESIDING OFFICER. The question recurs on the amendment proposed by the Senator from Maine, [Mr. MORRILL.]

Mr. MORRILL, of Maine. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. OGLESBY, (when his name was called.) I rise to ask whether during the roll-call I can inquire what is the amendment. I came in at the moment it was being submitted.

The PRESIDING OFFICER. The roll-call cannot be suspended. The Senator will have an opportunity of voting after the roll-call is through.

The roll-call being concluded, the result was announced—yeas 20, nays 28; as follows:

YEAS—Messrs. Anthony, Buckingham, Chandler, Clayton, Hager, Hamilton of Texas, Hitchcock, Logan, McCreery, Mitchell, Morrill of Maine, Pease, Pratt, Ramsey, Sargent, Sprague, Stewart, Wadleigh, West, and Windom—20.

NAYS—Messrs. Allison, Bayard, Bogy, Boutwell, Carpenter, Conkling, Conover, Cooper, Davis, Dennis, Edmunds, Fenton, Ferry of Michigan, Howe, Ingalls, Kelly, Merrimon, Morrill of Vermont, Oglesby, Robertson, Schurz, Scott, Sherman, Stockton, Thurman, Tipton, Washburn, and Wright—28.

ABSENT—Messrs. Alcorn, Boreman, Brownlow, Cameron, Cragin, Dorsey, Ferry of Connecticut, Flanagan, Frelinghuysen, Gilbert, Goldthwaite, Gordon, Hamilton of Maryland, Hamlin, Harvey, Johnston, Jones, Lewis, Morton, Norwood, Patterson, Ransom, Saulsbury, Spencer, and Stevenson—25.

So the amendment was rejected.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is, Will the Senate concur in the amendments made as in Committee of the Whole?

Mr. EDMUNDS. I wish to reserve the amendment proposed by the Senator from Ohio [Mr. THURMAN] striking out the limitation against insurance companies, and also the amendment proposed by the other Senator from Ohio [Mr. SHERMAN] respecting the gold computation, and the amendment offered by the Senator from Nevada [Mr. STEWART] about the expenses of the original tribunal.

The PRESIDING OFFICER. With these exceptions the question will be on concurring in the other amendments.

Mr. BAYARD. An amendment was offered by the Senator from Nevada and adopted in committee.

Mr. EDMUNDS. That is reserved.

Mr. BAYARD. Very well.

The amendments were concurred in.

The PRESIDING OFFICER. The Secretary will report the first reserved amendment.

The CHIEF CLERK. The first reserved amendment is in section 11 after the words "shall be" in line 13, to insert "stated and adjudged upon the basis of United States gold coin at the time of the loss."

The PRESIDING OFFICER. The question is on concurring in this amendment.

The amendment was concurred in—ayes 29, noes not counted.

The PRESIDING OFFICER. The next reserved amendment will be reported.

The CHIEF CLERK. The next reserved amendment is in section 12, to strike out the following clause, beginning in line 13:

And no claim shall be admissible or allowed by said court by or in behalf of any insurance company or insurer, either in its or his own right, or as assignee, or otherwise, in the right of a person or party insured as aforesaid, unless such claimant shall show to the satisfaction of said court that during the late rebellion the sum of its or his losses, in respect to its or his war risks, exceeded the sum of its or his premiums or other gains upon or in respect to such war risks; and in case of any such allowance, the same shall not be greater than any such excess of loss.

Mr. EDMUNDS. On that amendment I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. FRELINGHUYSEN. Do I understand this to be the amendment in reference to insurance companies?

Mr. EDMUNDS. This is the insurance amendment.

Mr. LOGAN. Is the vote on concurring in the amendment made in Committee of the Whole?

The PRESIDING OFFICER. On concurring in the amendment.

The Secretary proceeded to call the roll.

Mr. THURMAN. I am requested by the Senator from Wisconsin [Mr. CARPENTER] to state that he is paired on this question with the Senator from Delaware, [Mr. SAULSBURY.] The Senator from Wisconsin if here would vote "nay," and the Senator from Delaware would vote "yea."

The result was announced—yeas 21, nays 29; as follows:

YEAS—Messrs. Bayard, Bogy, Boutwell, Buckingham, Conkling, Cooper, Davis, Dennis, Fenton, Gordon, Howe, Ingalls, Merrimon, Morrill of Vermont, Ransom, Robertson, Schurz, Sherman, Stockton, Tipton, and Washburn—21.

NAYS—Messrs. Anthony, Chandler, Clayton, Conover, Edmunds, Ferry of Michigan, Frelinghuysen, Hager, Hamilton of Texas, Harvey, Hitchcock, Kelly, Logan, McCreery, Mitchell, Morrill of Maine, Oglesby, Pease, Pratt, Ramsey, Sargent, Scott, Sprague, Stewart, Thurman, Wadleigh, West, Windom, and Wright—29.

ABSENT—Messrs. Alcorn, Allison, Boreman, Brownlow, Cameron, Carpenter, Cragin, Dorsey, Ferry of Connecticut, Flanagan, Gilbert, Goldthwaite, Hamilton of Maryland, Hamlin, Johnston, Jones, Lewis, Morton, Norwood, Patterson, Saulsbury, Spencer, and Stevenson—23.

So the amendment was not concurred in.

Mr. EDMUNDS. I move to reconsider the vote which has just been taken, on which I shall of course vote "no;" but as the Senate has agreed to finish this bill to-day I propose to have this amendment finished now if it is possible.

The PRESIDENT *pro tempore*. The Senator from Vermont moves to reconsider the vote just taken.

Mr. THURMAN. How did the Senator vote?

Mr. CONKLING. He can make the motion; he voted with the majority.

Mr. THURMAN. I wish to say that I voted "nay" in order to move a reconsideration.

Mr. EDMUNDS. Let us have no debate now.

The PRESIDENT *pro tempore*. The question is, Will the Senate reconsider the vote by which they refused to concur in the amendment made as in Committee of the Whole?

Mr. THURMAN, (at six o'clock and eight minutes p. m.) I move that the Senate do now adjourn.

Mr. EDMUNDS. That is not according to the understanding.

Mr. CONKLING. No part of this procedure is according to the understanding.

The PRESIDENT *pro tempore*. The question is on the motion to adjourn.

Mr. THURMAN. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 9, nays 40; as follows:

YEAS—Messrs. Bayard, Bogy, Cooper, Davis, Dennis, Gordon, Ransom, Thurman, and Tipton—9.

NAYS—Messrs. Allison, Anthony, Boutwell, Buckingham, Chandler, Clayton, Conkling, Conover, Edmunds, Fenton, Ferry of Michigan, Frelinghuysen, Hager, Hamilton of Texas, Hamlin, Harvey, Hitchcock, Howe, Ingalls, Kelly, Logan, Merrimon, Mitchell, Morrill of Maine, Morrill of Vermont, Oglesby, Pease, Pratt, Ramsey, Robertson, Sargent, Scott, Sherman, Sprague, Stewart, Wadleigh, Washburn, West, Windom, and Wright—40.

ABSENT—Messrs. Alcorn, Boreman, Brownlow, Cameron, Carpenter, Cragin, Dorsey, Ferry of Connecticut, Flanagan, Gilbert, Goldthwaite, Hamilton of Maryland, Johnston, Jones, Lewis, McCreery, Morton, Norwood, Patterson, Saulsbury, Schurz, Spencer, Stevenson, and Stockton—24.

So the Senate refused to adjourn.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Vermont to reconsider the vote by which the amendment made in Committee of the Whole was disagreed to.

Mr. EDMUNDS. Which I hope will not be adopted.

Mr. THURMAN. I do not know whether any Senator——

Mr. EDMUNDS. I rise to a question of order.

The PRESIDENT *pro tempore*. The Senator from Vermont will state his point of order.

Mr. EDMUNDS. The point of order is that by the order of the Senate debate is not now in order.

Mr. THURMAN. There was no such order made.

Mr. CONKLING. And if it had been, it would not cover this.

The PRESIDENT *pro tempore*. The Chair understands that he has no power to sustain the point of order. The Chair understands the fact to be as the Senator from Vermont states, but it is an understanding among Senators, binding on their honor only, not to be enforced by the Chair.

Mr. THURMAN. Yes, sir; and it has been very much observed!

Mr. EDMUNDS. By the Senator from Ohio.

Mr. THURMAN. I am not going into a question about its observation by me. I am responsible not to the Senator from Vermont at all.

Here is the point in this bill about which the great contest has been made from the first to the last. This amendment was adopted in Committee of the Whole when there was a full Senate. Owing to the absence of certain Senators who voted for it in committee the amendment has not been agreed to in the Senate; and now the question is whether or not we are bound to sit here and with a recorded majority in favor of this amendment when the Senate was full, see the will and opinion and wish of that majority defeated by a Senate from which they are absent.

It may be said that it is no business of theirs to be absent. That may be so. I do not know what has caused their absence; but I do say it is entirely too sharp practice in the Senate of the United States to decide a question of this kind, of this magnitude, simply by taking advantage of the absence of Senators, who may have been called away for reasons that would be perfectly satisfactory not only to themselves but to the Senate. The Senate can do as it sees fit about this business; but it does not seem to me that it is consistent with the course the Senate has heretofore pursued to take advantage of the temporary absence of Senators to vote down that which was carried when the Senate was full.

Mr. CONKLING. Mr. President, sympathizing with the Senator from Ohio, I violate no understanding that I have by adding a word to what he has said. It was agreed yesterday that at three o'clock to-day voting should proceed without debate. First, by a modification of the understanding which was made tacitly at least, some debate was allowed, restricted however to five minutes. We went on, Senator after Senator, nobody calling attention to it, violating the understanding utterly, speaking repeatedly, and speaking very much more than the five allotted minutes. In consequence of that, we have reached the hour of a quarter after six o'clock, Now I ask does any Senator think that within the spirit of the understanding made yesterday, a quarter after six o'clock was to be reached before a vote was to be taken upon the final feature of the bill?

Again, the Senator from Vermont rises, as he has the right to do, being one of the majority, and makes a motion in hostility to the bill of the committee, which is, to reconsider a vote affirming that report. Why does he do it? Was there any understanding yesterday that to-morrow and next day, both of which days are given to the Senator from Ohio and every other Senator in the majority to move a reconsideration of the final vote and to move a reconsideration of this very vote—was it a part of the understanding, I say, that he should be deprived of that privilege to-morrow and next day? No, sir; but what is the effect of the motion made by the Senator from Vermont? When to-morrow comes a motion is made to reconsider the vote by which the bill passed. Does that do any good? No, sir, because when that shall be reconsidered, if it shall be, we are met on this vote by the fact that a motion to reconsider has once been made and voted down by the Senate and that exhausts the privilege held out by the parliamentary law.

Now, can it be said that it was intended yesterday, first, that instead of observing the agreement, a quarter after six o'clock should come and the agreement be still unexecuted owing to its violation, and that then the mover of the bill, the Senator having charge of it, or anybody else, should interpose a motion, the negation of which would close the door forever after against a motion to reconsider? I think not.

If there is enough left of the understanding, which I do not deny, still to be executed, I venture to suggest to my honorable friend from Vermont that he should withdraw his motion to reconsider; let us proceed to execute the understanding or the remnant of it, and then leave the Senator from Ohio, if he can, as he may upon every other bill upon which final action has been taken, to make his motion hereafter within the parliamentary period to reconsider; and if he can find a majority with him, to go back and reconsider this vote also. I put it to the Senator from Vermont whether that would not be the clear right of every Senator to-morrow and next day had the agreement been executed, without being violated at all? If so then it seems to me that his motion impairs the agreement. It seems to me that his motion brings in a new element which will justify every Senator in saying, "This goes too far; this is an attempt to extend the agreement to that to which nobody supposed it was to extend."

Mr. President, I would like to stand by the agreements which we make in the Senate. This is not the first time we have had bad fortune in doing it. I was compelled to sit here to-day and listen to a very eloquent speech from a Senator before me, [Mr. MORRILL, of Maine,] who told us about the vicissitudes of those who had carried the American flag, and carried it, as I understood him, very near the jaws and claws, not to speak of the tail, of the lion of England. He made a very pathetic and moving appeal, which nobody had a right to answer, although that appeal continued for a good many minutes and moved the Senate deeply.

Mr. MORRILL, of Maine. But the Senator from Ohio certainly did answer.

Mr. CONKLING. Well, the Senator from Ohio did put in a very pithy and eloquent five minutes; but if the Senator from Maine could only have seen himself as others saw him, could only have heard himself as others heard him, he would understand how totally inadequate were those five minutes or any conceivable five minutes to respond to an argument the rigid cast-iron logic of which, saying nothing about its declamation, swept the whole Senate off its chairs.

However, as I say, I would like to observe agreements; I would like to observe the tattered remnant of this agreement; but I do submit to Senators that in the Senate it is pretty industrious practice—I use that word because my friend from Vermont used it to-day—for the Senator having charge of a bill to make a motion in hostility to it, the only parliamentary effect of which must be to deprive other Senators of that privilege which they have usually after final action on a bill and which they would have in this case had the agreement been literally and religiously observed.

The PRESIDENT *pro tempore*. The Chair does not know that the Senator wishes to be reminded of the fact that his five minutes have expired.

Mr. CONKLING. I am always glad to be reminded by the Chair of many things, and I take my seat expressing my gratitude to him.

Mr. EDMUNDS. Inasmuch as I conceive that in point of honor my lips are sealed on this question in exercising a right that the rule gives me to make a motion, I will reserve until I can defend myself honorably any reply to what the honorable Senator from New York and the honorable Senator from Ohio have said. When I have an opportunity I will defend myself, to my own satisfaction at least.

Mr. TIPTON. I voted for an adjournment a short time ago, supposing that the understanding was that at three o'clock to-day we would commence with five-minute speeches on amendments and so continue until we closed the debate; but I did not understand that we were compelled to close the debate to-day, nor have I heard in anything that has been said to-day on the question that we obligated ourselves to finish it before we should take an adjournment. I understood that debating was debarred after three o'clock, and five-minute speeches were to be the rule until we did close the debate; and hence I voted to adjourn, thinking that we could adjourn and continue the debate to-morrow under the five-minute rule.

Mr. THURMAN. We never agreed to sit it out to-day.

Mr. TIPTON. I heard nothing of sitting it out to-day.

Mr. EDMUNDS. That is very extraordinary. However, I do not wish to spend one moment of the Senate's time.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Vermont to reconsider the vote by which the amendment made in Committee of the Whole was disagreed to.

Mr. THURMAN. I move that the Senate adjourn.

The PRESIDENT *pro tempore*. The question is on the motion to adjourn.

The motion was not agreed to.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Vermont, [Mr. EDMUNDS.]

Mr. CONKLING. As I see one or two Senators present who were absent when the vote was taken before, I ask for the yeas and nays on this motion, as I believe it will be the only opportunity we shall have to record ourselves upon it.

The yeas and nays were ordered.

Mr. FERRY, of Michigan. On this question I am paired with the Senator from Massachusetts, [Mr. WASHBURN.] If he were present he would vote "yea," and I should vote "nay."

The question being taken by yeas and nays, resulted—yeas 22, nays 27; as follows:

YEAS—Messrs. Allison, Bayard, Bogy, Boutwell, Buckingham, Conkling, Cooper,

Davis, Dennis, Fenton, Gordon, Howe, Ingalls, Jones, Merrimon, Morrill of Vermont, Ransom, Schurz, Sherman, Stockton, Thurman, and Tipton—22.

NAYS—Messrs. Anthony, Chandler, Clayton, Conover, Edmunds, Frelinghuysen, Hager, Hamilton of Texas, Harvey, Hitchcock, Kelly, Logan, McCreery, Mitchell, Morrill of Maine, Oglesby, Pease, Pratt, Ramsey, Sargent, Scott, Sprague, Stewart, Wadleigh, West, Windom, and Wright—27.

ABSENT—Messrs. Alcorn, Boreman, Brownlow, Cameron, Carpenter, Cragin, Dorsey, Ferry of Connecticut, Ferry of Michigan, Flanagan, Gilbert, Goldthwaite, Hamilton of Maryland, Hamlin, Johnston, Lewis, Morton, Norwood, Patterson, Robertson, Saulsbury, Spencer, Stevenson, and Washburn—24.

So the Senate refused to reconsider the vote by which the amendment was non-concurred in.

Mr. THURMAN. I move to lay the bill on the table.

Mr. EDMUNDS. I hope not.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Ohio.

Mr. THURMAN. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. FERRY, of Michigan. On this question I am paired with the Senator from Massachusetts, [Mr. WASHBURN.] He would doubtless vote "yea," and I should vote "nay."

Mr. McCREERY. On this question I am paired with the Senator from Nevada, [Mr. JONES.]

The question being taken by yeas and nays, resulted—yeas 13, nays 30; as follows:

YEAS—Messrs. Bayard, Bogy, Conkling, Davis, Dennis, Fenton, Gordon, Merrimon, Ransom, Schurz, Stockton, Thurman, and Tipton—13.

NAYS—Messrs. Allison, Anthony, Boutwell, Buckingham, Chandler, Clayton, Conover, Edmunds, Frelinghuysen, Hager, Hamilton of Texas, Hitchcock, Ingalls, Kelly, Logan, Mitchell, Morrill of Maine, Morrill of Vermont, Oglesby, Pease, Pratt, Ramsey, Sargent, Scott, Sprague, Stewart, Wadleigh, West, Windom, and Wright—30.

ABSENT—Messrs. Alcorn, Boreman, Brownlow, Cameron, Carpenter, Cooper, Cragin, Dorsey, Ferry of Connecticut, Ferry of Michigan, Flanagan, Gilbert, Goldthwaite, Hamilton of Maryland, Hamlin, Harvey, Howe, Johnston, Jones, Lewis, McCreery, Morton, Norwood, Patterson, Robertson, Saulsbury, Sherman, Spencer, Stevenson, and Washburn—30.

So the Senate refused to lay the bill on the table.

The PRESIDENT *pro tempore*. The next reserved amendment will be reported by the Secretary.

Mr. STEWART. I ask leave to withdraw that amendment now, as the insurance companies do not get the money.

The PRESIDENT *pro tempore*. Is there objection to withdrawing the amendment?

Mr. CONKLING. Do not let that be withdrawn.

Mr. EDMUNDS. We can vote on it instantly.

Mr. STEWART. Very well.

The PRESIDENT *pro tempore* The amendment will be reported.

The Chief Clerk read the amendment, which was to insert as an additional section the following:

That all expenses incurred by the United States in the negotiations or otherwise by which the money was obtained from Great Britain, and in the care and distribution of the same, shall be reimbursed before any private claims are paid.

The amendment was non-concurred in.

The PRESIDENT *pro tempore*. That completes the reserved amendments.

Mr. MORRILL, of Maine. I now renew my motion to amend made in Committee of the Whole, to insert after the word "claims" in section 11, line 2, the words "including war premiums," and also to insert the same words after the word "claims" in line 5 of the same section.

Mr. HAMLIN. I wish to state in a very few minutes the reasons which induce me to vote for the amendment of my colleague.

There have been two theories advanced here in this debate, and upon the one or the other we shall have to rely for our action. One theory has been that this award is national in its character; that while the losses have been of an individual character, the treatment of the subject has been national; and therefore here is a fund to be nationally divided and to be divided upon equitable principles. The other theory has been that a claim was prosecuted by the Government for certain purposes, for certain citizens and certain corporations, and that the Government is the simple trustee to distribute this fund according to the principles laid down by the Geneva tribunal. Those are the two theories. Now, I take this bill as it stands as embodying the final action of the Senate before we give a final vote upon its passage. I have not voted upon those propositions, and I did not vote upon them for a purpose. If my vote could have determined the question at any time, it would have been given; but I chose to wait until this hour, until I should see what was the final form the bill would assume before we should vote upon its passage. I now know it.

Now, sir, the bill has excluded one class of cases which were included by the tribunal at Geneva and upon which largely these awards were made up; and why has it excluded them? Because equitably they lost no money. If it is equitable to exclude one class of claimants because they lost no money, and we are to make the distribution of this fund upon equitable principles, then I hold it is equally just and equally right to include another class of cases if they are equitable, no matter whether they were considered or rejected by the tribunal at Geneva. That is my doctrine, and that covers this class of cases.

I go one step further, and I concur in what the Senator from New York who sits by me [Mr. CONKLING] said, that if you do distribute this money upon equitable and not legal rules, then the vessel that was destroyed the day before the Shenandoah went into Melbourne, and the vessel that was destroyed the day after she came out, are each equitably entitled to be paid for; the owners are each entitled to remuneration. Taking, then, the bill of the Senate as I find it, and finding it one making a distribution upon the equitable and not the legal principle, I shall vote for the amendment of my colleague.

Sir, those increased sums were paid in consequence of the war. They were paid because these British cruisers went out and committed depredations upon our vessels. They were as much the cause of it as they were in the case of the vessel that was destroyed by the Shenandoah the day after she left Melbourne. That is my idea.

Again you have excluded the insurance companies from the provisions of this bill; and at Geneva those companies were included; and why? Because the very men who paid the extra war premium remunerated the insurance companies. If you will not pay the money to the insurance companies, then I hold that equitably you should pay it to the men who did remunerate the insurance companies and in consequence of which the argument is that they are to be excluded.

[Here the hammer fell.]

Mr. STOCKTON. Mr. President, the amendment that I gave notice of yesterday and had read at the desk to-day became unnecessary when the amendment of the Senator from Ohio prevailed. That amendment having been stricken out in the Senate, I now renew the amendment which I offered this morning. I ask the Clerk to read it, and I ask for the yeas and nays upon it.

Mr. WEST. Is that in order?

The PRESIDENT *pro tempore*. That amendment will be in order after the pending amendment is disposed of.

Mr. THURMAN. I have an amendment to offer to the pending amendment.

Mr. EDMUNDS. What is the pending question?

The PRESIDENT *pro tempore*. The pending question is on the amendment offered by the Senator from Maine. The Senator from Ohio has the floor.

Mr. THURMAN. I move to add after the word "premium" in the amendment of the Senator from Maine these words:

And all claims for losses of vessels destroyed by the Shenandoah before her departure from Melbourne.

Mr. HAMLIN. I hope my colleague will accept that.

Mr. MORRILL, of Maine. I have no objection; I will accept it.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Maine as modified.

Mr. FRELINGHUYSEN. I simply wish to say a word on this subject. There is a class of claims in this bill that all agree ought to be paid. Now, do not let us burden the bill. Hereafter there will be a balance, and then provision can be made for the war premiums and the other claims.

Mr. THURMAN. Do I understand that the Senator from Maine has accepted my amendment?

The PRESIDENT *pro tempore*. He has.

Mr. THURMAN. Then I have a further amendment to offer. I move to add:

And for all losses by any confederate cruiser.

The PRESIDENT *pro tempore*. The proposed amendment will be reported.

The CHIEF CLERK. The amendment, as modified, is to make section 11 read:

That it shall be the duty of said court to receive and examine all claims, including war premiums, and all claims for losses of vessels destroyed by the Shenandoah before her departure from Melbourne, &c.

It is proposed to amend the amendment by adding:

And for all losses by any confederate cruiser.

Mr. BAYARD. Mr. President, I should be very sorry to see that amendment adopted or any part of it. It may not seem so to all; but certainly this is a very grave business, touching, as I consider, very deeply the reputation of this country. The objection was made by the honorable Senator from Ohio to the amendment offered by the Senator from Maine that it directly included a class of losses, to wit, the losses from increased insurance, which the arbitration had distinctly declined to entertain. For that reason his statement was entirely just, and it was almost exactly in the language of the arbitrators themselves. The same remark applies with the same force to the proposition just made in regard to extending it by this last clause.

I am very sorry, from the indication of the vote of the Senate, for the shape this bill is now taking; but certainly I shall not contribute to make it worse by voting for amendments, or offering them, directly in the teeth of the doctrines and the proper rule for the framing of this bill which have been referred to in the course of the debate. The bill after all will take the shape the will of the Senate desires, and I do not think that two wrongs ever can be made to constitute a right, or that one wrong can be lessened by adding others to it. For that reason I trust that no amendment not precisely in accordance with the frame-work of the treaty, of the action of the arbitrators under it, and of our duty to execute the trust in regard to these moneys created by the treaty and the award of the arbitrators, will be offered or maintained by a vote.

Mr. THURMAN. I feel the full force of what my friend from Delaware has said. I do not believe that the amendment of the Senator

from Maine, whether amended as I propose or not, should be adopted; but I cannot shut my eyes to what has been revealed to-day. Here are certain Senators, some of whom think one class of claims ought to be allowed and others think another class of claims ought to be allowed. Some think the war premiums ought to be allowed; others think that the claims for vessels destroyed by the Shenandoah before she entered Melbourne should be allowed; and others think that the claim for vessels destroyed by any and every confederate cruiser ought to be allowed. All these various Senators entertaining these different opinions have seemed to think it was necessary for them to combine against allowing payment to the insurance companies upon whose rights and property the money was awarded. Every one has seemed to think it was necessary to exclude them from consideration on the ground that they made money in the war, and give this money to one of the other classes whose claims were not admitted at all by the tribunal, and in respect of whom not one dollar was awarded. I want to see how far the Senate will go in this business. The Senator from Maine wants war premiums allowed, and he thought it was necessary not to advocate war premiums on their own merits, but to displace some other claims in order that he might get his war premiums paid. Another Senator thinks that the claims for vessels destroyed by the Shenandoah before she left Melbourne ought to be allowed, and he, too, in order to get a fund to pay them, must displace the claims upon which the award was made; and so to the end of the chapter.

Well, sir, I want to see how far these gentlemen will go. I want to see how far they will stand up for their claimants. The amendment is not my opinion of what is the law or the right of the case, but I want to give them a chance to record themselves upon this question.

Mr. MORRILL, of Maine. I desire to say one word about the amendment as it stands, as amended by the proposition of the Senator from Ohio, and I wish particularly to congratulate the Senator from Ohio upon his perception of the fact that there could be really in principle no difference between damages, from that point of view, to say the least of it, committed by the Shenandoah before she went in and after she came out of Melbourne. The matter of going in and coming out, so far as the debate was concerned, did not seem to constitute a very great difference. I never could see that it did. Therefore with great alacrity I accepted the amendment of the Senator from Ohio, and I think in principle it strengthens the equity of the whole proposition of the bill. I shall therefore vote for the amendment with great cheerfulness.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Ohio to the amendment of the Senator from Maine.

The amendment to the amendment was rejected—ayes 2, noes not counted.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the Senator from Maine as modified.

Mr. MORRILL, of Maine. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 9, nays 34; as follows:

YEAS—Messrs. Buckingham, Gilbert, Hager, Hamilton of Texas, Hamlin, Morrill of Maine, Sprague, West, and Windom—9.

NAYS—Messrs. Bayard, Bogy, Chandler, Conover, Cooper, Cragin, Davis, Dennis, Edmunds, Fenton, Frelinghuysen, Gordon, Harvey, Hitchcock, Howe, Ingalls, Kelly, Logan, Merrimon, Mitchell, Oglesby, Pease, Pratt, Ramsey, Robertson, Sargent, Schurz, Scott, Stewart, Stockton, Thurman, Tipton, Wadleigh, and Wright—34.

ABSENT—Messrs. Alcorn, Allison, Anthony, Boreman, Boutwell, Brownlow, Cameron, Carpenter, Clayton, Conkling, Dorsey, Ferry of Connecticut, Ferry of Michigan, Flanagan, Goldthwaite, Hamilton of Maryland, Johnston, Jones, Lewis, McCreery, Morrill of Vermont, Morton, Norwood, Patterson, Ransom, Saulsbury, Sherman, Spencer, Stevenson, and Washburn—30.

So the amendment was rejected.

Mr. HOWE. I am disposed to offer an amendment to section 12, which I will send to the Chair.

The PRESIDENT *pro tempore*. The Senator from New Jersey [Mr. STOCKTON] offered an amendment which was not then in order, and the Chair will recognize him if he desires to offer it now.

Mr. STOCKTON. If the Senator from Wisconsin will excuse me, I will take but a moment.

Mr. HOWE. Certainly.

Mr. STOCKTON. I simply desire to say that when I offered that amendment I explained the motive for it. It was offered with no other desire but to illustrate the argument on the other side. It was said that those who had made money by the war in any business, those who had made money by premiums in other ventures, particularly the insurance companies, ought not to receive any portion of this fund. In answer to that I offered the amendment for the purpose of making a few remarks upon it. I now ask that the amendment be read. I will not detain the Senate at this time of night by calling for the yeas and nays upon it, but I should like to have the question taken on it.

The Chief Clerk read the amendment, which was in section 12, after line 12, to insert the following words:

And no claim shall be allowed in behalf of any claimant unless said claimant shall show to the satisfaction of the said court that during the late rebellion the sum of his losses in business exceeded the sum of his gains during the same period.

The amendment was rejected.

Mr. HOWE. I move to amend the bill in section 12, line 22, by inserting after the word "loss" the following:

Provided, however, That mutual insurance companies shall be allowed to claim for all losses paid by them by reason of damages caused as provided in the preceding section of this act: *And provided further*, That the amount allowed to any mutual insurance company for losses so sustained shall be apportioned by the company among the members thereof at the time of the losses paid by them respectively in proportion to the interest then owned by each member thereof.

Mr. EDMUNDS. That is the same as paying the war premiums exactly.

Mr. HOWE. My understanding of the twelfth section as it stands is that it would require this court to settle with mutual insurance companies. The only stock I believe they have is the premiums they pay. The only dividend they ever get is the return of that portion of their premiums which are not lost, not spent; but to make it certain whether the Senate means to pay them or not I have offered this amendment.

The PRESIDENT *pro tempore*. The question is on the amendment offered by the Senator from Wisconsin.

Mr. THURMAN. Let us have the yeas and nays on that amendment.

The yeas and nays were not ordered, but five Senators rising to second the call.

The amendment was rejected.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. THURMAN and Mr. BAYARD called for the yeas and nays on the passage of the bill, and they were ordered.

Mr. FERRY, of Michigan. I am paired with the Senator from Massachusetts [Mr. WASHBURN] on all amendments to the bill, and yet I shall hold my pair good throughout the consideration of the bill. I suppose the Senator from Massachusetts, if he were here, would vote "nay," I should vote "yea."

Mr. HAMILTON, of Texas. I am paired with the Senator from Massachusetts, [Mr. BOUTWELL.] If he were present he would vote "nay, and I should vote "yea."

Mr. THURMAN. The Senator from Delaware [Mr. SAULSBURY] is paired with the Senator from Wisconsin, [Mr. CARPENTER.] The Senator from Delaware, if he were here, would vote "nay," and the Senator from Wisconsin would vote "yea."

Mr. TIPTON. I am paired with the Senator from Vermont, [Mr. MORRILL.]

Mr. DAVIS. I am requested by the Senator from Kentucky [Mr. STEVENSON] to state that he was called home on business that could not be put off.

The question being taken by yeas and nays, resulted—yeas 26, nays 17; as follows:

YEAS—Messrs. Anthony, Chandler, Conover, Edmunds, Frelinghuysen, Gilbert, Hager, Harvey, Hitchcock, Kelly, Logan, Mitchell, Morrill of Maine, Oglesby, Pease, Pratt, Ramsey, Robertson, Sargent, Scott, Sprague, Stewart, Wadleigh, West, Windom, and Wright—26.

NAYS—Messrs. Bayard, Bogy, Buckingham, Conkling, Cooper, Davis, Dennis, Fenton, Gordon, Hamlin, Howe, Ingalls, Merrimon, Ransom, Schurz, Stockton, and Thurman—17.

ABSENT—Messrs. Alcorn, Allison, Boreman, Boutwell, Brownlow, Cameron, Carpenter, Clayton, Cragin, Dorsey, Ferry of Connecticut, Ferry of Michigan, Flanagan, Goldthwaite, Hamilton of Maryland, Hamilton of Texas, Johnston, Jones, Lewis, McCreery, Morrill of Vermont, Morton, Norwood, Patterson, Saulsbury, Sherman, Spencer, Stevenson, Tipton, and Washburn—30.

So the bill was passed.

Mr. THURMAN. I ask leave to report a bill from the Committee on Private Land Claims.

Mr. EDMUNDS. I object; and I move that the Senate adjourn.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the Senate do now adjourn.

Mr. EDMUNDS. I felt a little hurt at the course pursued by my friend from Ohio; but I will withdraw the objection.

Mr. THURMAN. I will offer the report in the morning.

Mr. EDMUNDS. All right.

The PRESIDENT *pro tempore*. The motion of the Senator from Vermont to adjourn is still pending.

The motion was agreed to; and (at seven o'clock and ten minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May* 12, 1874.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

W. L. PARVIN AND H. A. GREENE.

On motion of Mr. EAMES, by unanimous consent, the bill (S. No. 589) for the relief of Washington L. Parvin and Henry A. Greene, late captains California Volunteers, was taken from the Speaker's table, read a first and second time, and referred to the Committee on Military Affairs.

BILLS REFERRED.

Mr. BECK. I ask the House to consent to allow the various bills on the Speaker's table to which no objection may be made to be referred to the appropriate committees.

The SPEAKER. If there be no objection that will be done.

There was no objection; and the following bills to which no objection was made were taken from the Speaker's table and referred to the appropriate committees, as follows:

The bill (S. No. 552) to refund to E. and J. Koch certain customs duties—Committee on Ways and Means;

The bill (H. R. No. 2095) granting a pension to Charles McCarty, with Senate amendment—Committee on Invalid Pensions;

The bill (H. R. No. 1227) granting a pension to Eliza A. Maxham, with Senate amendment—Committee on Invalid Pensions;

The bill (H. R No. 1948) granting a pension to Mary J. Blood, with Senate amendment—Committee on Invalid Pensions;

The bill (H. R. No 2356) to grant a pension to Edward Jardine, late colonel and brevet brigadier-general United States Volunteers, with Senate amendment—Committee on Invalid Pensions;

The bill (S. No. 420) to amend the act entitled "An act for the restoration to homestead entry and to market of certain lands in Michigan," approved June 10, 1872, and for other purposes—Committee on the Public Lands;

The bill (S. No. 588) approving the action taken by the Secretary of War under the act approved July 15, 1870—Committee on Military Affairs;

The bill (S. No. 320) fixing the number of paymasters in the Army of the United States—Committee on Military Affairs;

The bill (S. No. 457) to declare the true intent and meaning of a certain portion of the treaty with the Sioux Indians concluded April 29, 1868—Committee on Indian Affairs;

The bill (S. No. 503) for the relief of Susan R. Moore, the relative and legatee of Phœbe Sofield, a pensioner—Committee on Invalid Pensions;

The bill (S. No. 595) for the relief of Benjamin Cooley and James W. Boswell—to the Committee on Claims;

The bill (S. No. 596) for the relief of H. W. Read—to the Committee on Claims;

The bill (S. No. 597) for the relief of William A. Griffin—to the Committee on Claims;

The bill (S. No. 609) granting a pension to Margaret A. Hoffner—to the Committee on Invalid Pensions;

The bill (S. No. 613) granting a pension to Jefferson A. French—to the Committee on Invalid Pensions;

The bill (S. No. 614) to provide for the removal of the wreck of the ship Patrician near the entrance to the harbor of San Francisco, California—to the Committee on Commerce;

The bill (S. No. 441) enabling claimants to lands within the limits of the Territories of New Mexico, Colorado, and Arizona to institute proceedings to try the validity of their claims—Committee on Private Land Claims;

The bill (S. No. 305) for the relief of Albert von Stienhousen, late major Sixty-eighth Regiment New York Volunteer Infantry—Committee on Military Affairs; and

The bill (S. No. 620) for the relief of Osceola C. Green, administrator *de bonis non*, and one of the heirs at law of Lieutenant-Colonel Uriah Forrest—Committee on War Claims.

PRIVATE LAND CLAIMS IN MISSOURI.

Mr. BUCKNER. I ask consent to report back for present consideration, from the Committee on Private Land Claims, the bill (S. No. 32) obviating the necessity for issuing patents for certain private land claims in the State of Missouri, and for other purposes. I ask that this bill may be acted upon now. It is a matter only of local interest to our State.

The bill was read.

Mr. WILLARD, of Vermont. Is this bill reported from a committee?

The SPEAKER. It is reported from the Committee on Private Land Claims.

Mr. WILLARD, of Vermont. I must object to its present consideration.

Mr. HOLMAN. Some years ago it was thought proper to discontinue the office of recorder of land titles in Missouri, and an act was passed limiting the continuance of this office to one year. That seems to have been overlooked and we have continued to make the small appropriations for that office ever since. The effect of the last provision of the bill——

Mr. WILLARD, of Vermont. I objected some time ago to the present consideration of the bill.

The SPEAKER. Objection being made, the bill is not before the House.

THE FREEDMAN'S BANK.

The SPEAKER. The gentleman from Alabama [Mr. BROMBERG] calls up the motion to reconsider the vote whereby certain papers in relation to the Freedman's Bank were referred to the Committee on Banking and Currency with a view to having the same printed. Certain papers in relation to the Freedman's Bank were sent to the House and referred to that committee without an order to print. The gentleman from Alabama, at the suggestion of the Chair, afterward entered a motion to reconsider, and he now desires to call up that motion with a view to having the papers printed.

Mr. BROMBERG. I desire to be heard upon that motion.

Mr. BURCHARD. Would it be in order to raise the question of consideration?

The SPEAKER. It would.

Mr. BURCHARD. If the gentleman intends to occupy his hour, I wish to raise the question of consideration. If he only desires to make a brief explanation, I shall not object.

Mr. BROMBERG. This is a privileged motion, which I conceive does not depend on a single objection by any member.

The SPEAKER. The gentleman from Illinois [Mr. BURCHARD] proposes to raise the question of consideration, and that he has the right to do.

Mr. BROMBERG. Is not this a privileged motion?

The SPEAKER. But the House has a right to determine on any question, even a question of privilege, whether they shall now consider it.

Mr. BURCHARD. I have no objection to the gentleman from Alabama making an explanation if he does not wish to occupy an hour.

Mr. MERRIAM. I object to it at this time.

Mr. BROMBERG. I want to have read from the RECORD, to show the reasons why I made this motion——

Mr. MERRIAM. I object to it at this time.

Mr. BURCHARD. I feel bound in view of the condition of the public business to raise the question of consideration, if the gentleman wishes to occupy an hour at this time.

Mr. MERRIAM. I desire to say that the Committee on Banking and Currency have had this matter under consideration and have prepared a bill, and they have unanimously agreed this morning that when they bring in the bill they will ask for one hour's discussion, thirty minutes upon our side and thirty minutes upon the other side. The delay will only be for a short time, as yesterday we got permission to report the bill at any time.

Mr. HAWLEY, of Connecticut. The bill is not yet ready.

Mr. BROMBERG. I asked the gentleman yesterday distinctly whether time would be given me, and I was told that no condition of the sort would be made with me.

Mr. HAWLEY, of Illinois. I call for the regular order of business.

The SPEAKER. This would be the regular order, but the gentleman from Illinois [Mr. BURCHARD] raised the question of consideration and it is for the House to decide whether they will consider this matter now. The Chair was waiting to see if some arrangement could be made in reference to it.

Mr. BROMBERG. Does the gentleman from New York say that an opportunity will be allowed for debate upon the other side?

Mr. MERRIAM. Yes, sir.

Mr. BROMBERG. That is more than he would agree to yesterday, and with that understanding I will not press the motion now.

The SPEAKER. Then the understanding is that the gentleman from Alabama will have half an hour when the bill is introduced.

Mr. BROMBERG. Still, I think that the House ought to have this matter in print before it when the bill comes up, because the bill is one of the most monstrous bills that was ever proposed to this House.

Mr. HAWLEY, of Connecticut. I object to discussion upon the merits of the bill.

Mr. DURHAM. As I have charge of the bill I desire to say that I have no objection to allowing the opposition to it to have half an hour to discuss it; but I doubt the propriety of allowing the gentleman from Alabama to occupy the whole time.

Mr. BROMBERG. It is too late to recall that understanding.

Mr. DURHAM. I shall have charge of the bill, and if the gentleman proposes to speak for all of that side of the House which opposes the bill, he may do so; but I doubt the propriety of giving the whole time to him.

Mr. BROMBERG. As the introducer of the resolution in response to which these papers were sent, I think I have a right to be heard.

Mr. HOLMAN. I thought this matter was disposed of by an agreement that each side should be allowed thirty minutes for debate when the bill comes up.

The SPEAKER. Some fault was found in regard to the non-printing of the papers in this case.

Mr. BROMBERG. The House will remember that the papers were so indorsed that nobody on the floor, not even the Speaker, knew what they related to. They were only indorsed with a reference to the resolution by its date.

The SPEAKER. The papers came indorsed from the Bureau of Banking and Currency. The Chair did not notice anything unusual in regard to them, and they were referred to the Committee on Banking and Currency. Some comments were made afterward upon the fact that they were not ordered to be printed, and the Chair suggested to the gentleman from Alabama [Mr. BROMBERG] that the matter was still within the control of the House by a motion to reconsider, and it is now within the control of a majority of the House.

Mr. BROMBERG. The papers were so indorsed that neither the Speaker nor the Clerk could have comprehended what they referred to. The indorsement simply referred to the resolution of the 18th instant, and nobody knew what it meant. As soon as I found out what the papers were I entered a motion to reconsider the vote by which they were referred.

Mr. BURCHARD. If the arrangement proposed by the gentleman from Kentucky is satisfactory, I see no necessity for further discussion about this matter now.

Mr. BROMBERG. I do not accept his proposition at all. I understood that the House accorded me half an hour.

The SPEAKER. One hour is to be devoted to the discussion of the bill when it shall be reported, and half of that time will be given to the opposition and half of it to those who favor the bill. The Chair will recognize the gentleman from Alabama in opposition to the bill.

Mr. BROMBERG. But I understood that half an hour was to be accorded to me.

The SPEAKER. Well, that of course will give the gentleman half an hour, unless he chooses to yield any of his time to some one else.

Mr. BURCHARD. Then I move that the motion to reconsider be laid upon the table.

Mr. BROMBERG. No, sir; I have not yielded the floor for that purpose. I think the motion to reconsider had better be left pending, for the reason that the committee may not report the bill for some time.

The SPEAKER. The committee will report the bill to-morrow or the next day.

Mr. BROMBERG. With that understanding I have no objection to laying the motion to reconsider on the table.

The motion to reconsider was then laid upon the table.

RECONSIDERATION OF REFERENCES.

Mr. BECK. I move to reconsider the several votes by which bills from the Senate have been referred this morning, and to lay the motion to reconsider upon the table.

The latter motion was agreed to.

TRANSPORTATION OF MAILS ON RAILROADS.

Mr. DONNAN. I am instructed by the Committee on Printing to report the following resolution for action at this time:

Resolved, That one thousand copies of House Miscellaneous Document No. 263, being a communication from the Postmaster-General in relation to the question of compensation to the railroads for the transportation of the mails, be printed for the use of the Post-Office Department and one thousand for the use of the House.

I have no doubt members of the House have noticed a communication upon their desks entitled "Postal cars or no postal cars," a question to be settled by the action or inaction of Congress. The document referred to in this resolution is an answer to that communication, which claims that the compensation is wholly inadequate, and that unless it is largely increased, some three times, all postal cars will be withdrawn. This communication is an answer to that, and a thorough investigation into the whole subject. The Postmaster-General asks that one thousand copies be printed for the use of his Department.

The resolution was adopted.

PRIVATE LAND CLAIMS.

Mr. DEWITT, from the Committee on Private Land Claims, reported a bill (H. R. No. 3340) to amend and further extend the provisions of the act entitled "An act for the official adjustment of private land claims in the States of Florida, Louisiana, and Missouri, and for other purposes;" which was read a first and second time, ordered to be printed, and recommitted to the Committee on Private Land Claims, not to be brought back on a motion to reconsider.

DEBATE ON SUSPENSION OF THE RULES.

Mr. WILLARD, of Vermont, by unanimous consent, submitted the following resolution; which was read, ordered to be printed, and referred to the Committee on Rules:

Resolved, That the rules be amended as follows:

RULE —. When a motion to suspend the rules has been seconded, it shall be in order, before the final vote is taken, to debate the proposition to be voted upon for thirty minutes, one-half of such time to be given to debate in favor of, and one-half to debate in opposition to, such proposition.

EQUALIZING BOUNTIES.

Mr. GUNCKEL, by unanimous consent, reported from the Committee on Military Affairs a bill (H. R. No. 3341) to equalize bounties; which was read a first and second time, ordered to be printed, and referred to the Committee on Military Affairs, not to be brought back on a motion to reconsider.

DEPARTMENT OF MANUFACTURES AND MINING.

Mr. WOODWORTH, from the Committee on Manufactures, reported back, with a substitute, the bill (H. R. No. 1246) to establish at the seat of Government a Department of Manufactures and Mining, and for other purposes; which was ordered to be printed, recommitted to the Committee on Manufactures, not to be brought back on a motion to reconsider.

ARTIFICIAL LIMBS.

Mr. WOODWORTH also, by unanimous consent, introduced a bill (H. R. No. 3342) to amend section 1 of an act entitled "An act to provide for furnishing artificial limbs to disabled soldiers," approved June 17, 1870; which was read a first and second time, ordered to be printed, and referred to the Committee on Military Affairs, not to be brought back on a motion to reconsider.

SETTLERS ON RAILROAD LANDS.

Mr. MOREY, by unanimous consent, from the Committee on the Public Lands, reported a bill (H. R. No. 3343) for the relief of certain settlers on railroad lands; which was read a first and second time, ordered to be printed, and recommitted to the Committee on the Public Lands, not to be brought back on a motion to reconsider.

HOLMES WIKOFF.

Mr. SCOFIELD. I ask unanimous consent that the Committee of the Whole on the Private Calendar be discharged from the further consideration of House bill No. 3006, authorizing the President to nominate Holmes Wikoff an assistant surgeon in the Navy, and that the bill be considered in the House at this time.

The SPEAKER. Where is the bill?

Mr. SCOFIELD. The bill is now in Committee of the Whole on the Private Calendar.

The SPEAKER. It would have saved time had the gentleman given notice, so that the bill could have been looked up.

Mr. SCOFIELD. I learned just now that it is quite important to the individual that it should be passed now; it is of no account to the public.

The bill authorizes the President to nominate and, with the consent of the Senate, appoint Holmes Wikoff an assistant surgeon in the Navy, waiving his disqualification by age, and subject in all other respects to existing law and regulations.

No objection being made, the Committee of the Whole on the Private Calendar was discharged from the further consideration of the bill; and the same was read the third time, and passed.

Mr. SCOFIELD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ELECTION CONTEST—MAXWELL *vs.* CANNON.

Mr. HAZELTON, of Wisconsin. I now call up the contested-election case, from the Territory of Utah, of George R. Maxwell *vs.* George Q. Cannon. The Committee on Elections have reported two resolutions, to which two amendments have been proposed, one by myself and one by the gentleman from Tennessee, [Mr. HARRISON.] I desire to ask the previous question on the resolutions and amendments, and if it shall be sustained, I shall then ask the attention of the House for five or six minutes only to explain the resolution.

The resolutions reported from the committee were as follows:

Resolved, (1,) That George R. Maxwell was not elected, and is not entitled, to a seat in the House of Representatives of the Forty-third Congress as Delegate for the Territory of Utah.

Resolved, (2,) That George Q. Cannon was elected and returned as a Delegate for the Territory of Utah to a seat in the Forty-third Congress.

The amendment proposed by Mr. HAZELTON, of Wisconsin, was as follows:

Whereas George R. Maxwell has prosecuted a contest against the sitting member, George Q. Cannon, now occupying a seat in the Forty-third Congress as Delegate for the Territory of Utah, charging, among other things, that the said Cannon is disqualified from holding, and is unworthy of, a seat on the floor of this House, for the reason that he was at the date of his election, to wit, on the 5th day of August, 1872, and prior thereto had been and still is, openly living and cohabiting with four women as his wives under the pretended sanction of a system of polygamy, which system he notoriously indorses and upholds, against the statute of the United States approved July 1, 1862, which declares the same to be a felony, to the great scandal and disgrace of the people and the Government of the United States, and in abuse of the privilege of representation accorded to said Territory of Utah, and that he has taken and never renounced an oath which is inconsistent with his duties and allegiance to the said Government of the United States; and whereas the evidence in support of such charge has been brought to the official notice of the Committee on Elections: Therefore,

Resolved, That the Committee on Elections be, and is hereby, instructed and authorized to investigate said charge, and report the result to the House, and recommend such action on the part of the House as shall seem meet and proper in the premises.

Mr. SPEER. Is that the resolution which was printed and of which notice was given?

Mr. HAZELTON, of Wisconsin. I have modified the second resolution to correspond with the resolution as read by the Clerk.

The SPEAKER. The gentleman from Tennessee, [Mr. HARRISON,] a member of the committee, proposes in lieu of the second resolution what will be read by the Clerk.

The Clerk read as follows:

Resolved, That George Q. Cannon was duly elected and returned as Delegate from the Territory of Utah, and is entitled to his seat as a Delegate in the Forty-third Congress.

The SPEAKER. The Chair understood the point of the gentleman from Pennsylvania [Mr. SPEER] to be that the committee had instructed the gentleman from Wisconsin to call the previous question on the two resolutions.

Mr. SPEER. My point was that the gentleman from Wisconsin was directed by the committee to report the two resolutions for the action of the House; that he had no authority from the committee to offer any amendment or permit any to be offered.

The SPEAKER. That would not exclude the right to amend. It would still be within the discretion of the gentleman having the matter in charge, and ultimately within the discretion of the House, when the previous question should be called. The gentleman from Wisconsin now demands the previous question.

The previous question was seconded, and the main question was ordered.

Mr. HAZELTON, of Wisconsin. I yield ten minutes to the gentleman from Tennessee, [Mr. HARRISON.]

Mr. HARRISON. Mr. Speaker, the only reason why I felt bound to present a protest against the action taken by the majority of the committee was that while the whole matter as to the election, returns,

and qualifications of the Delegate from Utah was submitted to the committee, I was thoroughly convinced that the committee upon the question of qualifications could not go into anything except the constitutional qualifications.

I agree with the committee that the contestant was not elected and is not entitled to the seat. I agree with the committee that although there were some frauds and irregularities at some of the voting places in the Territory of Utah, yet the sitting Delegate was elected by an overwhelming majority. I agree with the committee in everything that they find in reference to this election, except that I am satisfied that when the committee found Mr. Cannon, the sitting Delegate, was duly elected and returned, and possessed all the qualifications fixed by the Constitution of the United States, it was their bounden duty, in pursuance of the long line of precedents which have governed in such cases, to report a resolution that he was entitled to the seat.

I have heard it suggested that it was unnecessary to report a resolution that he was entitled to the seat, because he had been admitted to it upon presenting his credentials to the House, and that the resolution of the committee to the effect that he was elected (he having been already seated) left him entitled to the seat. If I had believed that this was the view which the House would take of it, I should have been thoroughly satisfied with the resolution which stopped short of reporting that Mr. Cannon is entitled to the seat. But without making the slightest reflection upon the committee, for each member of which I entertain the very highest respect, I thought that the failure to take the course which had been uniformly taken when it was ascertained that a member or Delegate had been duly elected and was constitutionally qualified, the failure to declare that he was entitled to his seat was in the direction of establishing a precedent which I thought dangerous. Therefore it was that I brought to the notice of the House in the protest which I submitted the clear distinction between the right of the House to judge of the elections, returns, and qualifications of members under the Constitution, and the right of the House, under a separate and distinct provision of the Constitution, to expel a member by a two-thirds vote. I did not want this proceeding to take such a shape as would justify the expulsion by a majority vote, or would prevent a proceeding for expulsion from being taken regularly under that provision of the Constitution which looks to that special action and which provides that it shall be done by a two-thirds vote.

It is logical, it is in pursuance of precedent, it is right, that when a member or Delegate has been returned elected, and is qualified under the provisions of the Constitution of the United States, he should be declared entitled to his seat, whatever proceedings the House may afterward take looking to his expulsion. This distinction, which has been drawn in the Constitution, ought to be observed; and we ought not in any case to take a course which looks to breaking down the barrier which the Constitution itself has raised between a proceeding for the expulsion of a member and a proceeding to ascertain whether he is elected and qualified under the Constitution.

I have examined as closely as I could to ascertain whether there was any distinction in point of fact between a Delegate and a member of Congress in this regard. I find no precedent which comes clearly up to a decision of the question. But it is well settled that, the Constitution having fixed the qualifications of a member of Congress, it excludes the idea of any other prerequisite as a qualification for admission to a seat; and the analogies of the question bring the case of a Delegate within the same category. Therefore, when duly elected under the provisions of the law erecting the Territory, he is entitled to the seat on this floor, if he is qualified in accordance with the provisions of the Constitution. The people of Utah are entitled to be represented here; and although if a man presenting himself does not possess the qualifications prescribed in the Constitution the House may refuse to admit him, and although the House by instituting the proper proceeding has a clear right, by a two-thirds vote, to expel him, yet until that is done, I submit that this House, looking to the importance of the precedents established by its action, cannot stop short of declaring that the sitting Delegate is entitled to a seat on this floor.

Mr. HAZELTON, of Wisconsin. I now yield to my colleague on the committee, the gentleman from Pennsylvania, [Mr. SPEER.]

Mr. SPEER. Mr. Speaker, I did not know that this case was to be called up for consideration this morning, and am therefore not prepared to discuss it at any length. It is just as well, however, for the House can understand the question in a few minutes.

The contest of George R. Maxwell against George Q. Cannon, the sitting Delegate from the Territory of Utah, was referred to the Committee on Elections. It was considered by that committee. The gentleman from Wisconsin [Mr. HAZELTON] was directed by the committee to report to the House, first, that Mr. Maxwell was not elected, and, secondly, that Mr. Cannon was. There were some irregularities in the election in Utah, but beyond and above them all was the undisputed fact that the sitting Delegate, Mr. Cannon, was elected by about 18,000 majority. Deducting all the irregular votes claimed, casting out all the polls where irregularities were alleged to have been committed, still the fact remained patent to us all that Mr. Cannon had a majority of several thousand unquestioned and unchallenged votes. That being so, the duty of the Committee on Elections was as plain as the sun, and that was to report the contestant was not entitled to the seat because he had not been duly elected and the contestee was. That far the committee in discharge of its duty went. Its duty under the contest referred to it neither required nor authorized the committee to go further.

The gentleman from Wisconsin, on his own responsibility, having made under the direction of the Committee on Elections the report reciting that Mr. Maxwell was not elected and Mr Cannon was, now submits an amendment to the report of the committee, reciting what was alleged by Mr. Maxwell before the committee against the sitting Delegate and authorizing the appointment of a select committee by the House to investigate this scandal and recommend such action to the House as it may deem proper. He has modified the resolution this morning, and instead of referring to a select committee, now proposes to refer to the Committee on Elections.

The proposition of the gentleman from Wisconsin now is to send this case back to the Committee on Elections—not to determine who was elected, not to determine who received the most votes, because Mr. Cannon, all admit, has 18,000 majority, but to determine how many wives he has or may have had during his lifetime.

It seems to me, Mr. Speaker, it would be just as proper for the Committee on Elections to determine how many wives Mr. Maxwell has or may have had in his lifetime. It is not a subject for the consideration of the Election Committee. The number of wives a man may have or may not have is not, I believe, under the Constitution of the United States, one of the qualifications of a member of Congress. He is not required to be married to be entitled to a seat in this House; he is not compelled to be unmarried to be entitled to a seat here, and therefore, in all candor, I fail to see upon what theory this amendment should be adopted and this contest sent back to the Election Committee.

If Congress proposes to deal by legislation with the system of Mormonism in Utah, that is one thing. I am not here to defend it. I know little about it theoretically and nothing about it practically, and I submit to this House that it is trifling with the question, it is imposing upon the Committee on Elections a duty which they do not want and have not time properly to discharge, to require of them the investigation of these scandals which have filled the ear of the country for years and years. Certainly this is not the way to meet the Mormon question, and to dispose of the very difficult and grave constitutional questions involved in the Utah problem.

And further, what report could the Committee on Elections make that would determine this House in its action on the right of Mr. Cannon to a seat here? If he has been duly elected he is entitled to his seat, unless he has committed some crime or by some act of his life he proved himself unworthy of a seat here, and then he should be expelled under a different provision of the Constitution—not the provision relating to his election and return as a member, but to his fitness as a man to occupy a seat upon this floor. The House has the undoubted right to expel any member for sufficient cause, but that point rests upon a separate and distinct provision of the Constitution from that provision which refers to the House to pass upon the qualifications and election of its members, and requires a vote of two-thirds, and not as in the other case a simple majority. Where the alleged unfitness of the member or Delegate arises from acts or offenses committed by him entirely unconnected with his duty here, and having no relation whatever to his conduct as a member of or Delegate in this House, it seems to me at this time, without further examination, that his conviction by a competent court is the proper means of determining his guilt in the first instance, and is the proper way to lay a foundation for our action. In such a case no committee can try and convict; it can only hear and report the facts.

I submit it is unfair to the sitting Delegate, it is unfair to the Committee on Elections, it is unfitting the gravity of the question itself, to attempt under the pretense of an election contest to thrust before this House and the country a report upon the prevalent scandals in Utah.

If Mr. Maxwell is not elected—and he is not, and he knows he is not—why should this House take up further time with the investigation of this contest? Or why should it be sent back again to the committee, already overburdened with volumes of testimony in a large number of cases that will occupy them to the last hour of the session and perhaps run into the next?

Mr. HALE, of New York. Will the gentleman allow me to ask him a question?

Mr. SPEER. With pleasure.

Mr. HALE, of New York. I wish to inquire if the resolution now proposed purports to be in any form a matter of inquiry into a contested election; whether it is not simply an inquiry into certain charges made upon which the only action that the House can take is, if they deem that right, to expel the member or to impose such censure on him as they may see fit? And if that be so, then I beg to ask the gentleman if he thinks such charges are not a proper subject of investigation for the purpose of determining the question of expulsion?

Mr. SPEER. But such charges should not be referred to the Committee on Elections, because they do not relate to the election, qualifications, and return of the Delegate.

Mr. HALE, of New York. That is merely a matter of form.

Mr. SPEER. As I said before, if the House desires to enter upon an investigation of that kind, let a resolution for that purpose be of-

fered, and let the investigation go to the Committee on the Judiciary or a committee specially authorized for the purpose. Such a resolution I will not oppose; but if I properly understand the duties of the Election Committee, as defined by the standing rules of the House, they are to inquire into the election, qualifications, and returns of members of the House. The duties of the committee are defined by one of the standing rules of the House. Now, why should the House impose upon the Election Committee a distinct and separate duty wholly unconnected with their duties as fixed by the standing rules of the House, and with the discharge of which they are now overburdened? If this inquiry be a proper matter for the consideration of the House—and upon that I pass no judgment now—I say it should not be connected with this question of the right of this gentleman to his seat upon the election returns. It is a separate, distinct, and independent matter which should stand upon its own merits. His right to a declaration by this House of his election does not depend at all upon that.

If all that is alleged in this resolution were true, it cannot and should not be permitted to affect the judgment of this House upon the other question as to his due election and return. Whether or not he is a proper person to have been elected, and, if elected, a proper person to sit here, is a different question—a question I admit, with the gentleman from New York, [Mr. HALE,] that this House has the right to determine, and which under many circumstances it becomes its imperative duty to determine. I purposely avoid that discussion here and now as irrelevant and improper. I now simply and only claim that the Election Committee as well as the sitting Delegate is entitled to an expression of the House upon its action unembarrassed by the amendment of the gentleman from Wisconsin, which should not have been offered in connection with the report of the committee. I think he has done the committee injustice by his course. It strikes me as an attempt to connect with this election contest the Mormon question, and thus embarrass it and deny the sitting Delegate the right, which every gentleman on this floor has, of being declared elected when he has been duly elected. It is an attempt to go back and investigate the domestic, social, and private affairs of a lifetime on this election inquiry. You might as well instruct the Election Committee to inquire how many chickens a member of this House has stolen, or how many plates of oysters he has eaten and not paid for, or how many other peccadilloes or offenses greater or less he may have been guilty of. If such matters are to be referred to the Election Committee, and if it is to be a committee of inquisition into the social and private habits of every member, that they may be brought here before the country, it seems to me that more gentlemen than the gentleman from Utah may suffer from such an investigation. If the sitting Delegate from Utah is guilty of illegal or immoral practices, there is a legal way to ascertain his guilt; and when his guilt shall have been legally ascertained, I shall be as ready as the gentleman from Wisconsin to discharge my duty under my conscience and my oath. But I shall not express an opinion and then seek jurisdiction of the case.

The system of Mormonism is wholly foreign to the question now before the House; and I trust gentlemen, however they may vote on the amendment, will adopt the report of the committee, declaring what all the members of the committee admit to be true, that Mr. Cannon was duly elected and duly returned. And then if the House wishes to sail out on this broad sea of personal slander, instead of meeting fairly and thoroughly the Mormon question itself, let the gentleman whose heart warms toward such an inquisition institute it; and let the committee that can feast and fatten upon such things be appointed to investigate them.

Mr. MERRIAM. I would like to ask the gentleman from Pennsylvania one question before he sits down. If the moral sense of the people of this country decides that the retaining of a seat in this House by the Delegate from Utah is a scandal upon the intelligence, Christianity, and civilization of our day, and it should be decided to offer a resolution to expel him, would it not be better that the investigation should be made by the gentleman's committee, having already all the testimony before it, than that it should go to another committee, requiring all the testimony to be duplicated at a great expense?

Mr. SPEER. I do not think it would; because our committee, under the rules of the House, has certainly nothing to do with the investigation of such questions. If we are to be made a committee of general inquisition into the lives and habits of members of this House, it would be proper; but as we are already burdened with more work than can be disposed of to the end of the session, it seems to me eminently improper that such an investigation should be referred to us.

The Delegate from Utah comes here under the law which defines his qualifications and the manner of his election. If he is legally qualified, and has been duly elected, as the Committee on Elections believes and has unanimously reported, then the duty of that committee is ended. If it is proposed to change the law as to Utah, and provide more rigidly against Mormonism, let the gentleman from New York introduce his bill; but do not let him attempt to deal with a question so important by connecting it with the report of a committee which even he must concede is legally right. I carefully avoid expressing any opinion on the main question, but there is such a thing as doing a decent act in an indecent way.

Mr. MERRIAM. Is there any investigation before your committee so important to the welfare of the country as this is?

Mr. SPEER. The importance of the investigation here proposed is a matter dependent upon the views of the individual members of this House.

Mr. MERRIAM. It depends upon the testimony before you.

Mr. SPEER. There has been no testimony taken by the sitting Delegate for the purpose of meeting this charge.

We have questions before us relating to the right of members to their seats. Those are the questions which it is our duty to determine; those are the questions for the determination of which we have been appointed. I would prefer that gentlemen like the gentleman from New York, who seems to long for an investigation of this kind, should undertake it, and that the resolution of the gentleman from Wisconsin should be referred to a special committee composed of himself, the gentleman from New York, [Mr. MERRIAM,] and those who are equally anxious for such labor.

Mr. HAZELTON, of Wisconsin. I yield now for a few moments to the gentleman from Ohio, [Mr. ROBINSON.]

Mr. ROBINSON, of Ohio. Mr. Speaker, the qualifications of Representatives in Congress are fixed by the Constitution, and no act of this House or of Congress can modify or change them. There is nothing in the Constitution or in the acts of Congress that prescribes the qualifications of a Delegate from a Territory in this body; but as an act of Congress provides that the Constitution shall have effect in the Territories so far as it is applicable, and inasmuch as in the history of the past the qualifications of Delegates have been regarded the same as the qualifications of members of Congress, it may plausibly be held that the same qualifications should be required. But the committee made no decision upon that point. It will come up properly before the House when the guilt or innocence of this man shall be established upon the report of a proper committee. The committee has found that the sitting Delegate received a majority of the votes cast by the people of the Territory of Utah, and was therefore duly elected. That far the committee were unanimous. My friend from Tennessee [Mr. HARRISON] desired the committee to add to that a resolution declaring that the contestee is legally entitled to his seat. Now, I concede that it is the logical sequence of the finding of the committee that if he received a majority of the votes of the people of that Territory and was therefore duly elected, he would be entitled to a seat in Congress; but I disagree with the gentleman as to the propriety of so declaring, because in the contest before the committee and in the evidence which was before the committee the charge was made against this contestee that he is guilty of high crime; that he is living in a state of bigamy or polygamy in violation of a statute of the United States which declares that act to be a felony.

This being the case, I claim that it is not the duty of the House in one breath to declare him entitled to his seat and in another breath to declare that he is disqualified from holding the office to which he was elected. I shall therefore oppose the amendment offered by the gentleman from Tennessee and shall favor the resolutions of the committee, and then I shall follow that by voting to have this question investigated, and if the contestee shall be found guilty of the charge made against him, it will be for the House then to decide what action may be proper in the premises to secure the right of representation on the one hand and the honor and purity of this House on the other.

Mr. HAZELTON, of Wisconsin. I desire to detain the House only a very few moments in explaining the attitude of this case.

Mr. CROUNSE. I rise to make a parliamentary inquiry. I would like to inquire the state of the question before the House; what resolutions are up for consideration?

The SPEAKER. The resolutions of the committee are pending, and as amendments there are pending the resolution of the gentleman from Wisconsin [Mr. HAZELTON] and the resolution offered by the gentleman from Tennessee, [Mr. HARRISON.]

Mr. CROUNSE. I would ask furthermore whether the resolution offered by the gentleman from Wisconsin is germane and can be entertained as an amendment to the resolution reported from the committee?

The SPEAKER. The Chair thinks it is; but if not, it is too late to raise the point now, because the resolution has been entertained and spoken on. The Chair, however, thinks it would be germane.

Mr. HAZELTON, of Wisconsin. At the commencement of the present session, as will be remembered, the sitting Delegate from the Territory of Utah appeared at the bar of the House, and although a question was raised as to his right to a seat, and although it was proposed before he should be sworn in to send the case to the Committee on Elections for investigation, upon argument and consideration the House voted that he should be sworn in and should take his seat without any condition or limitation. This case came to the Committee on Elections in the general budget of cases under the common resolution referring them all to that committee for investigation. Evidence was submitted to the committee and the case was very thoroughly and ably argued on both sides. The committee found in the investigation a jurisdictional question in their way, and those who have examined the report prepared on the part of the committee, and presented to the House some days since, will understand the nature of that question. The Committee on Elections was organized at the outset under the provision of the Constitution which provides and declares that each House shall be the judge of the elections, returns, and qualifications of its members. The committee concluded that under the general resolution of

reference, under the order made by the House in this case, the only qualifications referred to the Committee on Elections were the constitutional qualifications, to wit, that the party should be twenty-five years of age; that he shall have been seven years a citizen of the country, and that he should be an actual inhabitant of the district which he claims to represent. Upon that view the Committee on Elections prepared a report, and the conclusion which seemed to be the logical result of the position taken by the committee is embodied in the two resolutions which followed the report and which have been read.

It was proposed in the committee that the resolution in regard to the contestant, Mr. Maxwell, ought to be adopted for the purpose of declaring to him and to others in like circumstances that a minority candidate may not be entitled to a seat under the decisions which have been adopted by this House and by the courts of this country. And so they resolve, as set forth in this first resolution, that he is not entitled to the seat. The second resolution agreed upon by the committee is as follows:

Resolved, (2,) That George Q. Cannon was elected and returned as a Delegate for the Territory of Utah to a seat in the Forty-third Congress.

Now, right here I desire to say a word as to the amendment proposed by my friend from Tennessee, [Mr. HARRISON,] to the effect that the House ought to go further, and affirm not only that the sitting Delegate was duly elected and returned, but that he is duly qualified and entitled to occupy the seat. My understanding of the law in regard to this question is this: that it is not necessary that the House should adopt any resolution as to the right of the sitting member to occupy the seat. In the absence of any resolution whatever he holds the seat simply by virtue of the fact that he has been sworn in and occupies it. In the Forty-first Congress the case of McGorty against Hooper was referred to the Committee on Elections. The committee investigated that case, and reported that Mr. McGorty, being the minority candidate, was not entitled to the seat; that Mr. Hooper, having been elected by a majority of the votes in that Territory, was duly qualified and entitled to the seat. The House, by a very large vote, adopted the first of those resolutions; it tabled the second. Yet the sitting Delegate continued to occupy his seat notwithstanding. Therefore, if the House should decline to pass the second resolution in this case, the sitting Delegate would remain in his seat by virtue of the fact that he has been sworn in and occupies the seat under his certificate and the oath he has taken.

It was the opinion of some members of the committee that to go further than this resolution goes, and affirm without any necessity therefor that the sitting Delegate is duly qualified, might embarrass the House and the committee in a further investigation of this case, if such an investigation should be ordered. It seems to me that no injustice will be done the sitting Delegate by voting down the amendment of the gentleman from Tennessee, [Mr. HARRISON,] while the committee and the House may be relieved from embarrassment if that course shall be adopted. But I do not deem it material one way or the other.

Mr. SCHUMAKER, of New York. I would inquire of the gentleman if a great deal of testimony has not already been taken on this point before the committee as to the fact that the sitting Delegate is a polygamist; and does he deny it?

Mr. HAZELTON, of Wisconsin. A very large volume of testimony has been taken upon notice under the law, and has been submitted to the committee.

Mr. SCHUMAKER, of New York. Is it necessary, then, to go over all this testimony again? I understand that a great deal of testimony has been offered upon that point.

Mr. HAZELTON, of Wisconsin. I do not understand that it will be necessary to take more testimony, although that is a question which may be addressed hereafter to the committee, if either party shall desire to submit additional testimony. But the testimony already taken is very full and explicit upon that subject.

My friend from Pennsylvania [Mr. SPEER] has attempted to criticise my conduct, either as a member of the committee or a member of the House, for presuming to offer the amendment to the second resolution which I have offered, and which I gave notice when the report was presented to the House that I would ask the House to pass upon when this case should be reached. It seemed to me that I could do no less. This testimony was submitted to the committee; it had been taken under the law; the case was fully argued before the committee; it was fully considered by the committee. While I agree that the jurisdiction of the committee was limited under the resolution by which the committee got jurisdiction of this case, yet it seemed to me that the facts which had been presented to our committee were proper to be considered by the House; that I owed it to the House to present the facts embodied in this amendment for its consideration, and that I should have been derelict had I done any less. I notified the committee when the report was agreed upon that I should either offer this resolution myself or procure some other member of the House to offer it. It will be remembered that when the report was presented to the House I gave notice that I should offer this amendment, and ask the vote of the House upon it when the case should be reached. Now, it does not seem to me pertinent to the question before the House to follow the gentleman from Pennsylvania into a discussion of the matter covered by this preamble and this resolution. It seems to me that we ought not to be diverted here and now to the discussion of that question.

I may add the expression of my surprise that my friend has felt called upon at this stage of the investigation to volunteer—it seems to me almost gratuitously and unnecessarily—a defense of the system of polygamy. I do not deem it necessary to enter upon that discussion now.

Mr. SPEER. Is the gentleman referring to me?

Mr. HAZELTON, of Wisconsin. I am.

Mr. SPEER. Does the gentleman refer to me as having volunteered a defense of the system of polygamy?

Mr. HAZELTON, of Wisconsin. I so understood the gentleman.

Mr. SPEER. I am not responsible for the gentleman's understanding; that is all.

Mr. HAZELTON, of Wisconsin. I understood the gentleman to allude to the matter embraced in the charge as a mere matter of scandal in one of the Territories on the frontier, as not of sufficient moment to challenge the attention of this House, as simply a matter to be whistled down the wind, to be overwhelmed with ridicule upon this floor; and he asked with some emphasis "Why drag this matter before the House and the country," as if it were a matter that had not yet been before the House and before the country, and before the civilized world; and as if it had not challenged the attention of men in high places and men in private life, men all over this country, of every party and of every denomination—as if it had not once before in our legislative history received the attention of this House.

Now, I say that I am not disposed at this time to enter upon that question. I simply say that the charge has been brought to the attention of the Committee on Elections, that the evidence has been presented in support of it; and I merely wish to take the judgment and order of the House as to whether this matter shall be dropped under this state of facts, whether the House will say it will not investigate this charge, or whether it will direct the Committee on Elections to proceed with the investigation and report the result to the House, recommending such action as in the judgment of the committee shall seem meet and proper. That is the only proposition contained in my amendment. I hope the House will adopt the amendment and order this investigation.

It is true the question might go to a select committee. It is true it might go to the Judiciary Committee. But there is no impropriety in its going to the Committee on Elections; and more than that, inasmuch as the testimony is before that committee and has been somewhat examined by the committee, it seems to me highly proper that it should take that course.

Mr. SPEER. Does the gentleman think that after the zeal he has manifested on this question he could act impartially as a judge upon it?

Mr. HAZELTON, of Wisconsin. I might retort very pertinently by putting the same inquiry to my friend from Pennsylvania.

Mr. SPEER. I do not want the question to go before our committee; the gentleman does. That is the difference.

Mr. HAZELTON, of Wisconsin. I did not desire at the outset that this matter should go to our committee at all.

Mr. SPEER. The gentleman is pleading that this case should be referred to himself, who has prejudged it.

Mr. HAZELTON, of Wisconsin. At the instance of other parties I modified my resolution so that the case should go to our committee. I am not seeking jurisdiction of this case as a member of the Committee on Elections or otherwise. I would be very glad indeed if the House should refer the case to a special committee. I would be very glad to be relieved of its jurisdiction. But if the House shall order the Committee on Elections to consider it, I am disposed to do so, precisely as I would consider any other case sent to our committee.

As I have before said, in what I have stated I am not undertaking to go into the merits and demerits of the system of polygamy. I am simply referring to the propriety of disposing of this question which has been raised and brought to the attention of the House, and with the House I leave the responsibility of making the determination.

Mr. POTTER. Will the gentleman from Wisconsin [Mr. HAZELTON] yield to me?

Mr. HAZELTON, of Wisconsin. For how long?

Mr. POTTER. For about five minutes.

Mr. HAZELTON, of Wisconsin. Yes, sir.

Mr. POTTER. Mr. Speaker, this question of the exclusion of Representatives from this House on account of moral qualifications is not new. It has been raised at various times since I have been a member of Congress. My own judgment is—and such has generally been the action of the House when called upon to consider the question—that the House has no right to add to the qualifications of Representatives prescribed by the Constitution of the United States for a member. I understand that in this case the gentleman in question is charged with having been guilty of violating a statute of the United States, of committing a criminal offense against the laws of the country having relation to the Territory of Utah, and that for this he is liable to be indicted, tried, and punished, and thereby to become disqualified from holding a seat in this House. I object, however, in this case, as I have objected in every case of the sort that has arisen since I have been a member of the House, to considering whether——

Mr. HAZELTON, of Wisconsin. Do I understand the gentleman

from New York [Mr. POTTER] to say that the House has never extended the jurisdiction of the Committee on Elections to consider anything but the constitutional qualifications of a person presenting himself as a member?

Mr. POTTER. O, no; I did not say that.

Mr. HAZELTON, of Wisconsin. I so understood the gentleman.

Mr. POTTER. I said I had never been aware of any case—certainly not in my own time—in which anybody possessing the constitutional qualifications was declared not to be entitled to a seat in this House because he failed to possess certain moral or other qualifications of that nature—because he had been guilty of crime.

Mr. HAZELTON, of Wisconsin. The gentleman will find he is mistaken, if he will look at the reports upon this subject.

Mr. POTTER. I may possibly be mistaken; but certainly the question was very much discussed in the case of Porter, who came here from Virginia in the Forty-first Congress, and who was declared to have been disloyal, to have been convicted of crime, to have gone about the street wearing a ball and chain upon his leg. Objection was raised that he ought not to be admitted to a seat here. The House considered the question, and it was then declared by a very large vote—gentlemen on this side of the House agreeing with those on the other side, the vote involving more than nine-tenths of the whole House and turning after debate on this very question—that the House had no power to add to the constitutional qualifications of men elected to Congress. I have always believed that when a man possesses the constitutional qualifications, his constituents have a right to send him here, and we a-e bound to receive him and treat him while in the House as our equal in the House.

A constituency of thieves may choose to send a man here who is a thief, but until he has been tried and convicted as such, I know of no constitutional power in the House to exclude him from the seat to which he is elected. I put that as the farthest supposable case. I never shall vote, therefore, to inquire into any matter of that description unless it be with a view of having the alleged criminal presented, indicted, tried, and convicted.

Mr. E. R. HOAR. Will my friend from New York allow me to ask him a question?

Mr. POTTER. Surely.

Mr. E. R. HOAR. The gentleman goes deeper than any one before in this discussion. It troubles my mind a good deal. I do not understand there is any constitutional provision for Delegates at all. Delegates come here only by the force of statutes. I wish to ask my friend whether it is claimed by statute one Congress of the United States can impose upon this House the presence of anybody, except its members who come here by constitutional right, against the will of the House; and if so, where that constitutional power is found which can make any man be received by this House as a Delegate on this floor they do not choose to have?

Mr. POTTER. I decline to answer the question of the gentleman from Massachusetts. It may well be that it has a great deal of force in it. But we have been discussing this case in reference to the generally received action of the Congress for many years in regard to the Delegates from the Territories. We have treated them in respect of qualifications as if they had been members. We have never disputed the right of former Congresses to give the Territories representation and their Delegates seats upon this floor. It may be now as suggested by the gentleman from Massachusetts, (and I am unwilling now to say absolutely that it is not so,) that we may exclude a man entirely from representing a Territory at all by our own volition and without reason exclude him from any seat in this Chamber just as we may repeal the law which creates the Territory and thereby shut it off from representation. That, however, would require the action of both Houses and the approval of the President. Both Houses and the President having given Utah representation here, the question raised by the resolution is whether this man having been duly elected is entitled or not entitled to occupy a seat on this floor.

This case, then, is in the line of the general precedents of the action of the House on such subjects. Men are sent here to represent their constituencies. Provided a man has the constitutional qualifications he should sit here as a Representative of his State. When his constituency have decided he is a proper Representative and he has the constitutional requirements, I do not think the House of Representatives has power, in the case of Representatives, to impose additional qualifications for representation, moral or otherwise. By parity of reason it ought not to impose any additional qualifications in regard to Delegates from the Territories. For that reason I shall oppose this motion to refer this inquiry to the Committee on Elections or, for that matter, to any other committee. I am unwilling to introduce into the government of a country so vast as ours, differing in its climates, productions, and occupations, divided into parties, divided into sections, with Representatives differing in opinion, in belief, and in judgment, and in politics, any precedent by which the House shall inquire into the question of belief; shall inquire into the question of the moral qualifications of a member to a seat upon this floor, provided always he is duly elected and possesses the qualifications for a Representative prescribed by the Constitution. It is exactly because I do agree entirely in sympathy with the gentleman from Wisconsin [Mr. HAZELTON] in regard to the condition of things in Utah, and do believe it is at variance with the spirit of our age, and do believe it is a condition of things which ought to be treated with seriousness, that I am unwilling to go into it in this manner. It is a question that should be considered by itself, not in connection with the right of a member to a seat because of some defect in his moral and individual though not in his constitutional qualifications. I believe the true rule would be to have the law prescribe whether——

Mr. HAWLEY, of Connecticut. Let me ask the gentleman from New York whether this makes any difference in this case? It is alleged not only that the sitting Delegate in this case committed a certain offense some time ago, but that he is now, to-day, living in open, confessed violation of a statute—a violation which he may confess to this House. Now, does that make any difference? The gentleman will also notice it is alleged he is practically bound by a treasonable oath, and to-day is confessedly and continuously bound. Does not that act of treason, *in continuando*, as the lawyers say, that confessed continuation of the offense, make a difference in the gentleman's doctrine?

Mr. POTTER. Why, Mr. Speaker, it is not a question of power I am discussing; because I do not now assert that as regards a Delegate this House has not power to do very much as it may please. Certainly Congress itself may repeal the law by which Territories are represented here at all. And perhaps even this House may have constitutional power to prescribe arbitrary qualifications for a Delegate from a Territory without which we will not let him sit here. But what I am contending for is this: that it is very dangerous for a Congress of men representing here so many various communities to introduce into it the question of imposing as a condition of representation any other qualifications than those prescribed for Representatives by the Constitution. I think if gentlemen have the qualifications which the Constitution prescribes for Representatives in Congress, it will be safer not to inquire either of Representatives or Delegates what may be their moral, social, or political standing, or whether they have or have not offended against the laws, but to leave all that to the judicial department of the Government, which is competent to try and convict every man guilty of offenses against the law.

Mr. SCHUMAKER, of New York. Does my colleague mean that a convicted felon would have any status here? I understood him to say that a constituency of thieves could send a thief. Does he say that a convicted felon has any status?

Mr. POTTER. My colleague, who has been a district attorney, knows of course that a convicted felon has no legal status; but until convicted could he not sit here?

Mr. SCHUMAKER, of New York. Of course.

Mr. POTTER. And I say, of course, too.

Mr. SCHUMAKER, of New York. Does my colleague argue that a constituency of thieves can send a thief here, and that a constituency of bigamists can send a bigamist here?

Mr. POTTER. If a man is a convicted bigamist he cannot sit here.

Mr. SCHUMAKER, of New York. We have here the case of a self-confessed bigamist.

Mr. POTTER. Yes; but that is not the case of a convicted bigamist. The legal difference no one knows better than my colleague.

Mr. HAZELTON, of Wisconsin. I desire to ask the gentleman from New York [Mr. POTTER] a question. If it be alleged against a member, and that allegation is supported by proof, that he has taken an oath which he has never renounced, and which is inconsistent with his duty to the Government of the United States, will the gentleman from New York say that under those circumstances it is not incumbent upon us to order an investigation as to the facts? For that is involved in this question.

Mr. POTTER. I never had much sympathy with any provision for test oaths. I believe they are almost invariably useless and unwise. If this man has been guilty of taking an oath by which he has contracted treasonable relations against the United States, he is liable to be indicted and punished for treason. But I am myself opposed as regards Delegates, assuming we have full discretion as to them, as I am as regards members elected to this Congress, to enter upon an investigation with regard to any man's right to a seat here provided he comes here with the constitutional qualifications—not because I do not feel the same reluctance as other gentlemen to have a man here who is wanting in moral or other personal qualifications, but because it seems to me that in a country so large as this, with so vast a population, having such a variety of population, production, and opinions, nothing is so dangerous as to introduce into the House of Representatives what the fathers intended to exclude from it—the power to discriminate between men as Representatives because of their religion, their habits, their character, or anything outside of their constitutional qualifications.

Mr. HAZELTON, of Wisconsin. I yield for a few minutes to my colleague, [Mr. ELDREDGE.]

Mr. ELDREDGE. The questions presented here will be seen at first sight to be questions of the utmost importance, as all questions are that relate to congressional representation. I do not propose now to discuss the question of this Delegate's qualification. I do not propose to discuss any of his alleged qualifications or disqualifications. But in dealing with them I want to suggest to the House that we are dealing with a very delicate matter. The right of representation is one upon which our institutions are br sed, and upon the full and free right of which our representative system and liberties depend.

I want to say a single word in answer to the gentleman from Massachusetts, who suggested a very interesting question. It was whether

one Congress could impose upon another Congress a person as a Delegate from a Territory whom we did not like or whom the existing Congress did not like? Now, I answer, undoubtedly they can. I have no hesitation in saying that when an act of Congress provides that a Delegate from a Territory may be elected and come here with the qualifications prescribed for members of Congress, when he comes here with those qualifications we are not at liberty to reject him because he is a Delegate any more than if a member of the House. This House, let it be remembered, is only one branch of Congress. The law was made by Congress, by the House of Representatives in conjunction with the Senate and the Executive of the Government. It is a law upon our statute-books to-day, and we are not at liberty to disregard that law. If it was a proposition to amend this law or to repeal it, it would be a very different question. But the law exists. Even the resolution of my colleague does not propose to repeal the existing law. And this House of Representatives is just as much bound by a law of Congress as the humblest citizen. We are therefore bound by that as an existing law. And when the question is presented here, as it is to-day, of the right of a Delegate from a Territory, who comes here under an act of Congress asking his seat in this House, and if he comes with the qualifications prescribed by an act of Congress, by the existing law of the land, he has a right to his seat as much as though he were a Representative coming here and claiming his seat under the constitutional qualifications. We have no power legally to refuse him.

Mr. HAZELTON, of Wisconsin. I now yield two minutes to the gentleman from Vermont, [Mr. POLAND.]

Mr. POLAND. I regret somewhat the position in which this question is presented. This Delegate from Utah came here with regular credentials, and if there be any such thing as credential qualifications of a Delegate, there is no question but what he possesses them. He was allowed to take his seat here upon those credentials, and now occupies it. I regret that this question has been presented in connection with his right to retain his seat. I think that this proceeding is in its nature, and I suppose it was so intended, preliminary to the question whether this House will expel him. I understand that in the testimony before the Committee on Elections there is abundant *prima facie* evidence that this man is living in open violation of an act of Congress, which declares that for that offense he may be sent to the penitentiary for five years. Is there any man here prepared to say that if that be true it is not a sufficient ground to expel him? A little more than a year ago this whole subject was very largely discussed in this House by a gentleman whom I see near me upon the one side and myself upon the other, and this House by an almost unanimous vote decided that they had jurisdiction over this subject, and they took jurisdiction so far as to pass a severe censure. There is no difference between censure and expulsion as far as the question of jurisdiction is concerned. If the House has jurisdiction to censure, it has jurisdiction to expel.

Mr. BUTLER, of Massachusetts. I think there is a very wide difference. Expulsion would prevent the constituency from having any Representative on this floor, while censure is only the opinion of the House upon the conduct of a Representative, and would neither prevent his voting, or acting, or doing anything else he chooses.

Mr. POLAND. As I have but two minutes, I cannot stop to reply much to what the gentleman has said, and it is no answer to what I said. So far as the question of jurisdiction goes there is no possible difference and none can be made between a sentence, whether it be of censure or expulsion. We have more evidence in this case than was ever presented on which to ground proceedings for expulsion. There is evidence that was taken under oath and reported by the committee, and it is *prima facie* evidence that this man has been guilty of a penitentiary offense, and if he had been duly tried for that offense, instead of being here he would have been in the penitentiary.

Now, I desire to know if that is not ground which it is proper for the House to notice, and if the fact be established to act upon it? It seems to me that this resolution is substantially a resolution looking in the end to the action of this House on the question whether this man should not be expelled from it if it be found that he has committed, and is continuing to commit, this offense against the law which Congress passed; and it seems to me that it ought to be adopted.

Mr. COBURN. I would ask the gentleman if the same principle as that upon which the resolution rests was not applied in cases after the war when men were charged with being disloyal? They had not been convicted of any crime, but had simply violated the law by rebellion, and were refused seats in Congress for that reason.

Mr. POLAND. In those cases the men who were charged with being disloyal were not allowed to take their seats until the question was settled. In the Fortieth Congress, and in the Forty-first and Forty-second, gentlemen against whom there were charges of disloyalty, and who came here with regular credentials, were not even allowed to take their seats.

Mr. ELDREDGE. I would ask the gentleman from Vermont if he is not a little ashamed of some things which were done during that period in reference to representation on this floor?

Mr. POLAND. It is unnecessary that I should now attempt to justify them.

Mr. SPEER. Was not the gentleman opposed to the action of the House in those cases at the time?

Mr. POLAND. It is unnecessary for me to say whether I was or was not.

Mr. HAZELTON, of Wisconsin. I now yield two minutes to the gentleman from Kentucky, [Mr. CROSSLAND.]

Mr. CROSSLAND. I desire to say a word or two about this matter. The question involved in the resolution of the gentleman from Wisconsin was not referred to the Committee on Elections. That committee has made a thorough investigation of all the matters referred to them by the House, and they have reported their unanimous conclusion in the first and second resolutions which were presented last week. I insist that the committee have not only complied with all the directions of the House, but they have exhausted all the powers conferred on them; and I insist that it is unfair to the committee, to the sitting Delegate, and to the House, that a third resolution should have been interposed by my colleague on the committee from Wisconsin. I insist that the committee was entitled to have the judgment of the House upon their report, and upon the conclusions they arrived at under the authority the House conferred, and in obedience to its directions. If the House should conclude that there are certain practices in Utah that affect the legality of the sitting Delegate's right to his seat, I should not antagonize a resolution proposing to investigate that question. But I do insist that the Committee on Elections ought not to be incumbered with any additional labor, but that if the question is to be investigated at all it ought to be sent to the Committee on the Judiciary, a committee composed, perhaps, of better lawyers than is the Committee on Elections, and who have more time to make an investigation than we have.

As has been said by my colleague from Pennsylvania, [Mr. SPEER,] we have already before us a large number of election cases. There are gentlemen who claim that they have been elected by the people, gentlemen outside who claim that they are entitled to seats by virtue of the votes of a majority of the electors in certain districts, which seats are now held by men who have no right to any voice in this House. I therefore suggest to my colleague from Wisconsin [Mr. HAZELTON] that he withdraw his third resolution, and allow the House to vote upon the first and second resolutions. He can then present his third resolution, referring this question to the Committee on the Judiciary, and let them determine whether or not the sitting member has been guilty of certain practices that affect his eligibility to hold a seat in this House. I ask him to permit the House to act upon and give expression to their affirmation of or disagreement to the report of the committee, because the committee have exhausted all the power which was conferred upon them.

Mr. HAZELTON, of Wisconsin. This whole question is in the control of the House, and I desire the House to do what shall seem best to it.

Mr. CROSSLAND. Let the House dispose first of the report of the committee, and then of the third resolution as an independent matter.

Mr. POTTER. I desire a moment to say, in answer to the authorities cited by the gentleman from Vermont, [Mr. POLAND,] that I do not understand the Credit Mobilier cases to have been decided upon the ground the gentleman says, but the very reverse. I was one of those who voted to censure as a substitute for expulsion, simply because I like others thought that Congress had no authority to expel a member for an offense committed before his election.

The SPEAKER. The Chair, in looking at the parliamentary attitude of these resolutions, sees no difficulty in presenting them so that no parliamentary advantage shall be gained or lost by any gentleman. The Chair will direct that the vote of the House shall be taken upon the resolution of the gentleman from Tennessee [Mr. HARRISON] in the nature of an amendment, and upon the resolution of the gentleman from Wisconsin [Mr. HAZELTON] afterward. The House can vote upon those resolutions, and then upon the resolutions reported from the committee; or the votes can be taken in the reverse order, whichever shall be preferable, voting first upon the resolution reported by the committee in regard to Mr. Maxwell, and then upon the resolution in regard to Mr. Cannon.

Mr. SPEER. I suggest that the House vote first upon the resolutions reported from the committee.

Mr. HAZELTON, of Wisconsin. There is no objection to that.

The SPEAKER. Then the first question will be upon the first resolution reported from the committee, which the Clerk will read.

The Clerk read the resolution, as follows:

Resolved, (1,) That George R. Maxwell was not elected, and is not entitled, to a seat in the House of Representatives of the Forty-third Congress as Delegate for the Territory of Utah.

The resolution was adopted.

The next resolution was read, as follows:

Resolved, (2,) That George Q. Cannon was elected and returned as a Delegate for the Territory of Utah to a seat in the Forty-third Congress.

The resolution was adopted.

The next question was upon the resolution moved by Mr. HARRISON, as follows:

Resolved, That George Q. Cannon was duly elected and returned as Delegate from the Territory of Utah, and is entitled to a seat as a Delegate in the Forty-third Congress.

Mr. HALE, of New York. Do I understand that that resolution is to be voted upon as an independent resolution? I supposed it was offered as a substitute for the second resolution of the committee

That second resolution having been adopted, this resolution seems to me to be entirely unnecessary.

The SPEAKER. It presents a proposition entirely different from the second resolution of the committee.

Mr. HALE, of New York. I thought that second resolution, which has been adopted, was that Mr. Cannon was duly elected and returned.

The SPEAKER. But this resolution says "and is entitled to a seat." There is just the same difference presented as there would have been if it was treated as an amendment.

Mr. RANDALL. There is a distinction without much difference.

The SPEAKER. The words "duly elected" are in this resolution, and the additional declaration that "he is entitled to a seat."

Mr. POLAND. Is it anything more——

The SPEAKER. It is not necessary to debate it; the House can dispose of it.

The question was taken upon the resolution of Mr. HARRISON; and upon a division there were—ayes 75, noes 60; no quorum voting.

Mr. MERRIAM called for the yeas and nays.

The yeas and nays were ordered, there being 33 in the affirmative; more than one-fifth of the last vote.

The question was taken; and there were—yeas 109, nays 76, not voting 105; as follows:

YEAS—Messrs. Adams, Arthur, Ashe, Atkins, Barber, Beck, Bell, Berry, Bland, Blount, Bowen, Bradley, Bright, Bromberg, Brown, Buckner, Buffinton, Benjamin F. Butler, Cain, Caldwell, Cannon, John B. Clark, jr., Freeman Clarke, Clymer, Stephen A. Cobb, Comingo, Cook, Cox, Crittenden, Crooke, Crossland, Crounse, Crutchfield, Darrall, DeWitt, Durham, Eden, Eldredge, Farwell, Foster, Freeman, Giddings, Glover, Gooch, Hancock, Henry R. Harris, Harrison, Hatcher, Holman, Hynes, Kasson, Kendall, Lamison, Leach, Lowndes, Magee, McCrary, James W. McDill, McJunkin, Milliken, Mills, Mitchell, Morey, Morrison, Neal, Nesmith, Niblack, Niles, O'Brien, Orth, Hosea W. Parker, Perry, Pierce, Pike, Potter, Rainey, Randall, Ransier, Rapier, Ray, Read, Rice, James C. Robinson, Milton Sayler, Scofield, Sener, Sherwood, A. Herr Smith, George L. Smith, J. Ambler Smith, William A. Smith, Southard, Speer, Stanard, Stone, Sypher, Christopher Y. Thomas, Vance, Waddell, Wells, White, Whitehead, Whiteley, Whitthorne, Charles W. Willard, Willie, Wilshire, Ephraim K. Wilson, and Wood—109.

NAYS—Messrs. Albert, Averill, Bundy, Burchard, Burleigh, Burrows, Cason, Amos Clark jr., Clements, Coburn, Conger, Donnan, Duell, Dunnell, Eames, Field, Frye, Gunckel, Hagans, Robert S. Hale, Harmer, Hathorn, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, Hendee, E. Rockwood Hoar, Houghton, Howe, Hunter, Hurlbut, Hyde, Kellogg, Luttrell, Lynch, MacDougall, McKee, Merriam, Monroe, Negley, Nunn, O'Neill, Orr, Packard, Packer, Page, Parsons, Pendleton, Thomas C. Platt, Purman, Richmond, Robbins, Ellis H. Roberts, James W. Robinson, Sawyer, Henry B. Sayler, John G. Schumaker, Henry J. Scudder, Isaac W. Scudder, Shanks, Small, John Q. Smith, Sprague, Starkweather, Strawbridge, Thornburgh, Todd, Townsend, Tyner, Waldron, Wallace, Marcus L. Ward, William Williams, James Wilson, and Woodford—76.

NOT VOTING—Messrs. Albright, Archer, Banning, Barnum, Barrere, Barry, Bass, Begole, Biery, Roderick R. Butler, Cessna, Clayton, Clinton L. Cobb, Corwin, Cotton, Creamer, Crocker, Curtis, Danford, Davis, Dawes, Dobbins, Elliott, Fort, Garfield, Eugene Hale, Hamilton, Benjamin W. Harris, John T. Harris, Havens, Hays, Hereford, Herndon, Hersey, George F. Hoar, Hodges, Hooper, Hoskins, Hubbell, Hunton, Jewett, Kelley, Killinger, Knapp, Lamar, Lamport, Lansing, Lawrence, Lawson, Lewis, Lofland, Loughridge, Lowe, Marshall, Martin, Maynard, Alexander S. McDill, McLean, McNulta, Mellish, Moore, Myers, Isaac C. Parker, Pelham, Phelps, Phillips, James H. Platt, jr., Poland, Pratt, William R. Roberts, Ross, Rusk, Sessions, Sheats, Sheldon, Lazarus D. Shoemaker, Sloan, Sloss, Smart, H. Boardman Smith, Snyder, Standiford, Stephens, St. John, Storm, Stowell, Strait, Swann, Taylor, Charles R. Thomas, Tremain, Walls, Jasper D. Ward, Wheeler, Whitehouse, Wilber, George Willard, Charles G. Williams, John M. S. Williams, William B. Williams, Jeremiah M. Wilson, Wolfe, Woodworth, John D. Young, and Pierce M. B. Young—105.

So the resolution of Mr. HARRISON was adopted.

During the roll-call, the following announcements were made:

Mr. WILLIE. My colleague, Mr. MCLEAN, is absent on business. If here he would vote "ay."

Mr. STRAIT. On this question I am paired with the gentleman from Virginia, Mr. PLATT, who if present would vote "ay," while I should vote "no."

The result of the vote was announced as above stated.

Mr. SPEER moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The question now recurs on the preamble and resolution offered by the gentleman from Wisconsin, [Mr. HAZELTON,] which will be read.

The Clerk read as follows:

Whereas George R. Maxwell has prosecuted a contest against the sitting member, George Q. Cannon, now occupying a seat in the Forty-third Congress as Delegate for the Territory of Utah, charging, among other things, that the said Cannon is disqualified from holding, and is unworthy of, a seat on the floor of this House, for the reason that he was at the date of his election, to wit, on the 5th day of August, 1872, and prior thereto had been and still is, openly living and cohabiting with four women as his wives under the pretended sanction of a system of polygamy, which system he notoriously indorses and upholds, against the statute of the United States approved July 1, 1862, which declares the same to be a felony, to the great scandal and disgrace of the people and the Government of the United States, and in abuse of the privilege of representation accorded to said Territory of Utah, and that he has taken and never renounced an oath which is inconsistent with his duties and allegiance to the said Government of the United States; and whereas the evidence in support of such charge has been brought to the official notice of the Committee on Elections: Therefore,

Resolved, That the Committee on Elections be, and is hereby, instructed and authorized to investigate said charge, and report the result to the House, and recommend such action on the part of the House as shall seem meet and proper in the premises.

Mr. HAZELTON, of Wisconsin. On this question I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. RANDALL. The preamble of this resolution makes certain allegations, in reference to which I would like to ask whether there is any proof of them?

The SPEAKER. That is in the nature of debate, and would require unanimous consent.

Mr. RANDALL. I would like to call for the reading of the evidence on this subject.

Mr. MERRIAM. I object to any debate.

Mr. SPEER. The truth of those allegations is denied by the sitting member.

The SPEAKER. These remarks are altogether in the nature of debate.

The question was taken; and there were—yeas 137, nays 51, not voting 102; as follows:

YEAS—Messrs. Albert, Albright, Ashe, Averill, Barry, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Cain, Cannon, Cason, Amos Clark, jr., Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crounse, Donnan, Dunnell, Durham, Eames, Field, Fort, Foster, Frye, Gooch, Gunckel, Hagans, Robert S. Hale, Harmer, Harrison, Hatcher, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, Hendee, E. Rockwood Hoar, Hoskins, Houghton, Hunter, Hurlbut, Hyde, Kasson, Kellogg, Lamport, Lansing, Lawrence, Loughridge, Lowndes, Luttrell, Lynch, McCrary, James W. McDill, MacDougall, McJunkin, McKee, McNulta, Merriam, Mitchell, Monroe, Moore, Morey, Neal, Negley, Niles, Nunn, Orr, Orth, Packard, Packer, Page, Hosea W. Parker, Isaac C. Parker, Parsons, Pelham, Pendleton, Perry, Pierce, Pike, Thomas C. Platt, Poland, Pratt, Purman, Rainey, Ransier, Rapier, Ray, Rice, Richmond, Robbins, Ellis H. Roberts, James W. Robinson, Rusk, Sawyer, Henry B. Sayler, John G. Schumaker, Scofield, Henry J. Scudder, Isaac W. Scudder, Shanks, Sherwood, Small, A. Herr Smith, John Q. Smith, William A. Smith, Sprague, Stanard, Starkweather, Stowell, Strait, Thornburgh, Todd, Townsend, Tremain, Tyner, Vance, Waldron, Wallace, Walls, Marcus L. Ward, Whitehead, Whitthorne, Charles W. Willard, George Willard, Charles G. Williams, William Williams, William B. Williams, James Wilson, and Woodworth—137.

NAYS—Messrs. Adams, Arthur, Atkins, Barber, Bell, Berry, Blount, Bowen, Bromberg, Brown, Buckner, Caldwell, John B. Clark, jr., Clymer, Comingo, Cook, Cox, Crittenden, Crooke, Crossland, Crutchfield, DeWitt, Eldredge, Freeman, Glover, Hancock, Henry R. Harris, Holman, Kendall, Lamison, Magee, Milliken, Mills, Morrison, Niblack, O'Brien, Potter, Read, Milton Sayler, Sheats, J. Ambler Smith, Speer, Swann, Christopher Y. Thomas, Waddell, Wells, White, Willie, Ephraim K. Wilson, Wolfe, and Wood—51.

NOT VOTING—Messrs. Archer, Banning, Barnum, Barrere, Bass, Beck, Begole, Biery, Bland, Bright, Benjamin F. Butler, Roderick R. Butler, Cessna, Freeman Clarke, Clayton, Clinton L. Cobb, Creamer, Crocker, Curtis, Danford, Darrall, Davis, Dawes, Dobbins, Duell, Eden, Elliott, Farwell, Garfield, Giddings, Eugene Hale, Hamilton, Benjamin W. Harris, John T. Harris, Hays, Hereford, Herndon, Hersey, George F. Hoar, Hodges, Hooper, Howe, Hubbell, Hunton, Hynes, Jewett, Kelley, Killinger, Knapp, Lamar, Lawson, Leach, Lewis, Lofland, Lowe, Marshall, Martin, Maynard, Alexander S. McDill, McLean, Mellish, Myers, Nesmith, O'Neill, Phelps, Phillips, James H. Platt, jr., Randall, William R. Roberts, James C. Robinson, Ross, Sener, Sessions, Sheldon, Lazarus D. Shoemaker, Sloan, Sloss, Smart, George L. Smith, H. Boardman Smith, Snyder, Southard, Standiford, Stephens, St. John, Stone, Storm, Strawbridge, Sypher, Taylor, Charles R. Thomas, Jasper D. Ward, Wheeler, Whitehouse, Whiteley, Wilber, John M. S. Williams, Wilshire, Jeremiah M. Wilson, Woodford, John D. Young, and Pierce M. B. Young—102.

So the resolution of Mr. HAZELTON, of Wisconsin, was adopted.

During the roll-call, the following announcements were made:

Mr. SCOFIELD. My colleague, Mr. ROSS, is absent on account of illness. If here he would vote "ay."

Mr. ROBINSON, of Ohio. My colleague, Mr. DANFORD, if present would vote "aye." He is detained from the House by sickness in his family.

Mr. SAYLER, of Indiana. The gentleman from Missouri, Mr. BLAND, is detained from the House by illness.

The result of the vote was announced as above stated.

Mr. HAZELTON, of Wisconsin, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was presented by Mr. BABCOCK, one of his secretaries, who also announced that the President had approved and signed bills of the following titles:

An act (H. R. No. 1935) for the relief of William J. Scott, late aide-de-camp on the staff of General Spears;

An act (H. R. No. 3093) to relieve David A. Telfair from political disability;

An act (H. R. No. 2206) to grant an American register to the bark Azor;

An act (H. R. No. 1364) to amend the act entitled "An act to regulate the carriage of passengers in steamships and other vessels," approved March 3, 1855;

An act (H. R. No. 1763) to permit Edward Savage, of Minnesota, to enter one quarter-section of the public lands, or any legal subdivision of the same;

An act (H. R. No. 259) for the relief of James W. Glover, postmaster at Oxford, in the State of New York;

An act (H. R. No. 497) granting a pension to William Haffords, of South Yarmouth, Massachusetts;

An act (H. R. No. 814) granting a pension to Olive S. Breed;

An act (H. R. No. 816) granting a pension to Jane La Font;

An act (H. R. No. 1230) granting a pension to Elizabeth W. Prindle, guardian of the minors of Joseph F. Doak, deceased;

An act (H. R. No. 1396) granting a pension to Thomas J. McIntire, of Rowan County, Kentucky;

An act (H. R. No. 1772) for the relief William N. Williams, late a second lieutenant of volunteers;

An act (H. R. No. 1933) to amend the thirty-first section of an act entitled "An act for enrolling and calling out the national militia, and for other purpose," approved March 3, 1863;

An act (H. R. No. 1951) granting a pension to Isaac M. Grant;

An act (H. R. No. 2096) granting a pension to James Roach;

An act (H. R. No. 1562) for the relief of Jacob Parmenter, reimbursing him for defending a suit brought against him for an official act;

An act (H. R. No. 2191) in relation to the customs duties on imported fruits;

An act (H. R. No. 3085) to authorize the Secretary of War to furnish copies of certain papers called for by resolution of the House;

An act (H. R. No. 498) to settle the accounts of Captain A. B. Dyer; and

An act (H. R. No. 1331) for the relief of Joab Spencer and James R. Mead, for supplies furnished the Kansas tribe of Indians.

PATENT-RIGHT ARTICLES.

Mr. SAYLER, of Indiana, by unanimous consent, introduced a bill (H. R. No. 3344) to regulate the manufacture, use, and sale of patent-right articles, and for other purposes; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

ORDER OF BUSINESS.

Mr. NEGLEY. I move that the House resolve itself into the Committee of the Whole, to proceed to the consideration of the bill (H. R. No. 1588) to amend an act entitled "An act to provide for the better security of life on board of vessels propelled in whole or in part by steam, and for other purposes."

Mr. SWANN. I rise to move that the House resolve itself into Committee of the Whole on the diplomatic and consular appropriation bill.

The SPEAKER. The bill which the gentleman from Pennsylvania [Mr. NEGLEY] moves to consider in Committee of the Whole was made a special order for Tuesday, February 24, to be considered in Committee of the Whole under the five-minute rule. The gentleman from Maryland [Mr. SWANN] moves that the House proceed in Committee of the Whole with the diplomatic and consular appropriation bill. Before going into Committee of the Whole the House must settle which bill it will take up.

Mr. SWANN. The diplomatic and consular appropriation bill has been awaiting the action of the House for some time. It is very important that it should be disposed of at an early day. The Committee on Appropriations are very desirous to get all the appropriation bills passed through the House as speedily as possible.

The SPEAKER. The bill of the gentleman from Pennsylvania [Mr. NEGLEY] is to-day the first bill on the Calendar as a special order; but it is competent for the House to set it aside by a majority vote, as it is competent to set aside any bill for the consideration of an appropriation bill. The question must be decided by a majority vote of the House.

Mr. SWANN. I would impress upon the House the great importance of getting through the appropriation bills. I hope my motion will prevail.

Mr. NEGLEY. I appeal to the courtesy of the House to adopt my motion. I have yielded to the convenience of other gentlemen for the last three months, and as I shall be called away next week by very pressing engagements, I sincerely hope the House will agree to my motion. I have shown every indulgence to other gentlemen.

Mr. SWANN. Mr. Speaker, I have the same claim on the courtesy of the House. I very seldom interfere with its business.

The SPEAKER. The gentleman from Maryland [Mr. SWANN] moves that the bill of the gentleman from Pennsylvania [Mr. NEGLEY] be laid aside in Committee of the Whole for the purpose of taking up the diplomatic and consular appropriation bill.

The question being taken, the Speaker declared that the ayes appeared to prevail.

Mr. CONGER. I desire to make one remark.

The SPEAKER. This is not a debatable question.

Mr. CONGER. I did not understand how the vote was determined.

The SPEAKER. The gentleman has a right, of course, to a division.

Mr. CONGER. As to this question of order of business, I wish to say that the bill for the security of life on steam-vessels has been prepared——

Mr. LOUGHRIDGE. I object to debate.

Mr. CONGER. I do not wish to debate the question; but this bill has been prepared with a great deal of labor——

The SPEAKER. The gentleman from Iowa [Mr. LOUGHRIDGE] objects to debate.

Mr. CONGER. I believe that the necessities of the business of the House have frequently been made the subject of remark on questions as to the priority of business.

The SPEAKER. The gentleman will observe that it would confuse the entire business of the House if the settlement, upon going into Committee of the Whole, as to which bill should have precedence were treated as a debatable question.

Mr. CONGER. I do not wish to debate the bill on its merits; but gentlemen here frequently speak on these questions as to the order of business.

The SPEAKER. But always by consent. The Chair would be glad to hear the gentleman, but the gentleman from Iowa objects.

Mr. NEGLEY. I ask a division upon the vote.

The SPEAKER. The Chair will state that while it is within the option of the House, when going into Committee of the Whole, at any time to prefer an appropriation bill to a prior special order by a majority vote, yet the bill of the gentleman from Pennsylvania would not thereby lose its place or precedence.

Mr. CONGER. I merely want to say that just at this season of the year, when vessels are being fitted out, it is a matter of very great importance if the House is to act on this bill at all that it should act on it immediately.

Mr. SWANN. No bills before the House are of more importance than the appropriation bills.

The SPEAKER. The gentleman from Maryland [Mr. SWANN] and the gentleman from Pennsylvania [Mr. NEGLEY] will act as tellers upon the motion of the gentleman from Maryland.

The House divided; and the tellers reported—ayes 74, noes 72.

Mr. NEGLEY. If the gentleman from Indiana and the House will agree to allow my bill to come in immediately after his, I will not consume further time on the question.

The SPEAKER. The gentleman from Pennsylvania proposes that his bill be taken up in Committee of the Whole immediately after the diplomatic and consular appropriation bill. Is there objection?

Mr. COBURN. I object. I want to get up the bill for the reduction of the Army.

The SPEAKER. That bill is not in Committee of the Whole.

Mr. COBURN. I am aware of that; but I presume the House would come out of Committee of the Whole immediately after disposing of the diplomatic and consular bill; and then we could take up in the House the bill for the reduction of the Army.

Mr. TYNER. If the bill of the gentleman from Pennsylvania is likely to take up any considerable time, I shall have to object to the proposition.

The SPEAKER. The bill of the gentleman from Pennsylvania is now the first bill in Committee of the Whole as a special order. The Chair will direct the reading of the rule on the subject, so that gentlemen may see the precise attitude of the question.

The Clerk read as follows:

And in Committee of the Whole House on the state of the Union, general appropriation bills, and, in time of war, bills for raising men and money, and bills concerning a treaty of peace, shall be preferred to all other bills, at the discretion of the committee; and when demanded by any member, the question (of consideration) shall first be put in regard to them.—Rule 114. [Existing special orders, however, (being made under a suspension of the rules,) take precedence of all other business.]

The SPEAKER. The bill of the gentleman from Pennsylvania is an existing special order in Committee of the Whole, having been made such under a suspension of the rules; therefore the Committee of the Whole would have no power to set it aside. But the House prior to going into committee can order that the bill be temporarily laid aside. That the House has decided to do by a majority of two votes, the vote as reported by the tellers being ayes 74, noes 72.

Mr. NEGLEY. Is there objection to the arrangement I proposed?

The SPEAKER. The Chair understands that the gentleman from Indiana, [Mr. COBURN,] chairman of the Committee on Military Affairs, and the gentleman from Indiana, [Mr. TYNER,] a member of the Committee on Appropriations, both object.

Mr. NEGLEY. Then I demand a further count.

Mr. COBURN. As the gentleman from Pennsylvania consents that his bill shall come after the diplomatic and consular bill, I withdraw my objection.

The SPEAKER. The Chair understands that the gentleman from Indiana, [Mr. TYNER,] who has charge of the post-office appropriation bill, objects.

Mr. TYNER. The Chair is right in that understanding.

Mr. NEGLEY. Then I insist on a further count.

Mr. TYNER. I trust I may be allowed a single word. The probability is that the appropriation bill, of which the gentleman from Maryland [Mr. SWANN] has charge, would take up a considerable part of the session of to-day. To-morrow the Committee on Appropriations desire to proceed with the deficiency appropriation bill, and immediately after that bill shall have been concluded the committee wish to take up the post-office appropriation bill. The committee deem it their duty to urge on the House the necessity of continuing the consideration of these bills one after another as rapidly as possible.

Mr. NEGLEY. I will insist on a further count, unless the House will kindly consent to an evening session for the consideration of this bill.

Several MEMBERS. O, no.

The SPEAKER. A further count must be by yeas and nays.

Mr. NEGLEY. Then I ask for the yeas and nays.

Mr. CONGER. I raise this point of order, that the question of consideration cannot be raised upon two bills at the same time. It has been raised upon the steamboat bill, in favor of the bill proposed by the gentleman from Maryland.

The SPEAKER. The gentleman from Indiana [Mr. TYNER] was not raising the question except conversationally as to what might be done hereafter. It cannot be raised for more than one bill at a time; but when raised for a particular bill it applies to that bill, no matter how long it may be in committee. In other words, if the House votes to-day to lay aside the bill of the gentleman from Pennsylvania in order to give a preference to the diplomatic and consular appropria-

tion bill, that laying aside will operate until that appropriation bill is disposed of.

Mr. CONGER. And then the committee could not take up any other bill prior to this one?

The SPEAKER. That could not be done in committee; but the committee could rise and the House could make the order.

Mr. NEGLEY. I ask to have the last count corrected by the tellers again taking their places. Several gentlemen have told me that they voted under a misapprehension.

The SPEAKER. That requires unanimous consent. Is there objection to allowing this question to be settled by a recount by the tellers.

Several members objected.

Mr. SENER. Then let us have the yeas and nays.

The SPEAKER. There is no other mode of settling it except by the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The Chair desires that gentlemen may distinctly understand the position of business; and if members will give attention he will explain it. The bill from the Committee on Commerce, of which the gentleman from Pennsylvania has charge, is now a special order of prior date to any appropriation bill remaining in Committee of the Whole. Therefore if the House goes into committee without any special designation of its business, that bill of necessity comes up first. But it is competent for a majority of the House to order that that bill be laid aside and that the next appropriation bill or any other appropriation bill named shall be taken up instead. It is now to be determined by a yea and nay vote whether the House will direct the bill to be laid aside for the purpose of taking up the consular and diplomatic appropriation bill.

Mr. STARKWEATHER. I think an arrangement can be made that will save time. I do not think the diplomatic appropriation bill will take more than two or three hours.

Mr. SPEER. The steamboat bill will not take that long.

Mr. STARKWEATHER. The deficiency bill will probably be concluded in another half-day.

Several members objected to debate.

The SPEAKER. Debate is objected to. The question must be taken.

The question was taken; and there were—yeas 62, nays 101, not voting 127; as follows:

YEAS—Messrs. Ashe, Atkins, Barber, Beck, Blount, Bowen, Buffinton, Burchard, Caldwell, Cannon, Cook, Corwin, Crounse, Donnan, Dunnell, Durham, Eden, Eldredge, Field, Foster, Freeman, Gooch, Robert S. Hale, Hancock, Hatcher, John B. Hawley, John W. Hazelton, E. Rockwood Hoar, Hoskins, Kasson, Loughridge, Lowndes, Merriam, Mills, Monroe, Morey, Neal, Niblack, O'Brien, Orth, Hosea W. Parker, Isaac C. Parker, Potter, Ray, Rice, Ellis H. Roberts, James W. Robinson, Henry B. Sayler, Sessions, Shanks, Sheats, John Q. Smith, Starkweather, Strait, Swann, Tyner, Waldron, Wallace, Charles W. Willard, George Willard, Ephraim K. Wilson, and Wood—62.

NAYS—Messrs. Albert, Albright, Arthur, Barry, Bell, Bright, Bromberg, Brown, Burleigh, Roderick R. Butler, Cason, Amos Clark, jr., Clymer, Stephen A. Cobb, Coburn, Conger, Cotton, Cox, Crittenden, Duell, Fort, Frye, Giddings, Glover, Gunckel, Hagans, Harmer, Henry R. Harris, Harrison, Hathorn, Joseph R. Hawley, Hays, Hendee, Holman, Hunter, Hyde, Kellogg, Kendall, Lamport, Lansing, Lawrence, Leach, Lynch, Magee, McCrary, James W. McDill, MacDougall, McKee, McLean, McNulta, Milliken, Mitchell, Morrison, Negley, Niles, Nunn, O'Neill, Orr, Packard, Packer, Page, Pelham, Pendleton, Thomas C. Platt, Rainey, Ransier, Rapier, Richmond, Robbins, James C. Robinson, Rusk, Milton Sayler, John G. Schumaker, Scofield, Isaac W. Scudder, Sener, Sherwood, Sloan, A. Herr Smith, William A. Smith, Southard, Speer, Sprague, Stanard, Strawbridge, Christopher Y. Thomas, Thornburgh, Townsend, Vance, Marcus L. Ward, White, Whitehead, Whiteley, Whitthorne, Charles G. Williams, William Williams, William B. Williams, Willie, James Wilson, Wolfe, and Woodworth—101.

NOT VOTING—Messrs. Adams, Archer, Averill, Banning, Barnum, Barrere, Bass, Begole, Berry, Biery, Bland, Bradley, Buckner, Bundy, Burrows, Benjamin F. Butler, Cain, Cessna, John B. Clark, jr., Freeman Clarke, Clayton, Clements, Clinton L. Cobb, Comingo, Creamer, Crocker, Crooke, Crossland, Crutchfield, Curtis, Danford, Darrall, Davis, Dawes, De Witt, Dobbins, Eames, Elliott, Farwell, Garfield, Eugene Hale, Hamilton, Benjamin W. Harris, John T. Harris, Havens, Gerry W. Hazelton, Hereford, Herndon, Hersey, George F. Hoar, Hodges, Hooper, Houghton, Howe, Hubbell, Hunton, Hurlbut, Hynes, Jewett, Kelley, Killinger, Knapp, Lamar, Lamison, Lawson, Lewis, Lofland, Lowe, Luttrell, Marshall, Martin, Maynard, Alexander S. McDill, McJunkin, Mellish, Moore, Myers, Nesmith, Parsons, Perry, Phelps, Phillips, Pierce, Pike, James H. Platt, jr., Poland, Pratt, Purman, Randall, Read, William R. Roberts, Ross, Sawyer, Henry J. Scudder, Sheldon, Lazarus D. Shoemaker, Sloss, Small, Smart, George L. Smith, H. Boardman Smith, J. Ambler Smith, Snyder, Standiford, Stephens, St. John, Stone, Storm, Stowell, Sypher, Taylor, Charles R. Thomas, Todd, Tremain, Waddell, Walls, Jasper D. Ward, Wells, Wheeler, Whitehouse, Wilber, John M. S. Williams, Wilshire, Jeremiah M. Wilson, Woodford, John D. Young, and Pierce M. B. Young—127.

So the motion of Mr. SWANN to lay aside in Committee of the Whole the bill (H. R. No. 1588) was not agreed to.

SECURITY OF LIFE ON STEAM-VESSELS.

Mr. NEGLEY. I renew the motion that the House resolve itself into Committee of the Whole.

The SPEAKER. The Chair will state that the House has already directed that the bill of the gentleman from Pennsylvania be considered in Committee of the Whole under the five-minute rule; so that no general debate whatever will be allowed. As soon as the House resolves itself into Committee of the Whole, the bill will be read for amendment.

The motion of Mr. NEGLEY was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. PARKER, of Missouri, in the chair,) and proceeded to consider the bill (H. R. No. 1588) to amend the act entitled "An act to provide for the better security of life on board of vessels propelled in whole or in part by steam, and for other purposes."

Mr. NEGLEY. I move that the first reading of the bill be dispensed with.

The CHAIRMAN. That order has already been made by the House. The bill will now be read by paragraphs for amendment.

The Clerk read as follows:

SEC. 10. That every steamer shall be provided with wire tiller-ropes, or iron rods or chains, for the purpose of steering and navigating the vessel, and shall employ wire bell-pulls for signaling the engineer from the pilot-house, together with tubes of proper size so arranged as to return the sound of the engine-bells to the pilot-house, or other arrangement to repeat back the signal: *Provided*, That on any such vessel, navigated by the mariners' compass, so much of such wire rope or chain may be dispensed with and disused as shall influence or disturb the working of such compass; and on all steamers the steering apparatus shall be so arranged, when operated by a steering wheel, that the top or upper side of the wheel shall be moved in the direction toward which the course of the steamer is to be changed.

Mr. NEGLEY. It has been found by examination this interferes with the steering apparatus of some vessels now in use. I therefore move the following amendment:

After the letter "a" in line 12 insert the word "vertical," so it will read, "a vertical steering-wheel" and after the word "wheel" insert "set athwart ship."

The amendment was agreed to.

Mr. CONGER. There is another amendment; after the word "wheel" insert "or if a horizontal wheel be used on the forward side of the wheel."

Mr. NEGLEY. I have already sent that amendment up.

The amendment was agreed to.

The Clerk read as follows:

SEC. 11. That upon the passage of this act the offices of all local inspectors who have not the qualifications prescribed in this act shall be deemed vacated, and that when any vacancy shall occur in any local board of inspectors now existing, or whenever local inspectors are to be appointed for a new district, the supervising inspector shall notify the collector or other chief officer of the customs for the district, and the judge of the district court of the United States for the district in which such appointment is to be made, who, together with the supervising inspector, shall meet together as a board of designators; and it shall be the duty of such board, or the major part thereof, one of which majority shall be the supervising inspector, when designating an inspector of hulls, to select a person of good character and suitable qualifications and attainments, to perform the services required of him by this act, who, from his practical knowledge of ship-building and navigation and the uses of steam in navigation, shall be fully competent to make a reliable estimate of the strength, seaworthiness, and other qualities of the hulls of steamers and their equipment deemed essential to safety of life in the navigation of such vessel, to be called the inspector of hulls; and when designating an inspector of boilers, to select a person of good character and suitable qualifications and attainments to perform the services required of him by this act, who, from his knowledge and experience of the duties of an engineer employed in navigating vessels by steam, and also in the construction and use of boilers, and machinery, and appurtenances therewith connected, shall be able to form a reliable opinion of the strength, form, workmanship, and suitableness of such boilers and machinery to be employed without hazard to life, from imperfection in the material, workmanship, or arrangement of any part of such apparatus for steaming, to be called the inspector of boilers; and these two persons, when approved by the Secretary of the Treasury, shall, from the date of designation, constitute a board of local inspectors, and shall be empowered and required to perform the duties herein specified, to wit:

First. Upon application in writing of the master or owner they shall, once in every year at least, carefully inspect the hull of each steamer within their respective districts, and shall satisfy themselves that every such vessel so submitted to their inspection is of a structure suitable for the service in which she is to be employed, has suitable accommodations for passengers, if the same be carried, and the crew, and is in a condition to warrant the belief that she may be used in navigation as a steamer, with safety to life, and that all the requirements of law in regard to fires, boats, pumps, hose, life-preservers, floats, anchors, and cables are faithfully complied with; and if they deem it expedient, they may direct the vessel to be put in motion, and may adopt any other suitable means to test her sufficiency and that of her equipment.

Secondly. They shall also inspect the boilers of all steamers before the same shall be used, and once at least in every year thereafter, subjecting them to the hydrostatic pressure prescribed by this act, and satisfy themselves by thorough examination that the boilers are well made, of good and suitable material; that the openings for the passage of water and steam respectively, and all pipes and tubes exposed to heat are of proper dimensions and free from obstruction; that the spaces between and around the flues are sufficient, and that the flues are circular in form, and the fire-line of the furnace is at least two inches below the prescribed minimum water-line of the boilers; and that the arrangement for delivering the feed-water is such that the boilers cannot be injured thereby; and that such boilers, and the machinery, and the appurtenances, may be safely employed in the service proposed in the written application without peril to life; and shall also satisfy themselves that the safety-valves are of suitable dimensions, sufficient in number, and well arranged; and that the weights of the safety-valves are properly adjusted, so as to relieve the boiler at the pressure prescribed by the inspectors' certificate; that there is a sufficient number of gauge-cocks properly inserted; and to indicate the pressure of steam, reliable and approved steam-gauges, one of which is to be placed in each fire-room and one in the engine-room, and which shall at all times be subject to the inspection of passengers; and reliable water-gauges, and a suitable steam-whistle; and that fusible metals are properly inserted, except on sea-going steamers, and steamers on the great lakes, so as to fuse by the heat of the furnace when the water in the boilers shall fall below its prescribed limits; and that adequate and certain provision is made for an ample supply of water to feed the boilers at all times, whether such vessel is in motion or not, so that in all boilers the water shall not be less than three inches above the top of the flues; and also that means of blowing out are provided so as to, so far as practicable, thoroughly remove the mud and sediment from all parts of the boilers when they are under pressure of steam: *Provided, however*, That no kind of instrument, machine, or equipment, for the better security of life, provided for by this act, shall be used on any vessel carrying passengers which shall be disapproved by the board of supervising inspectors.

Mr. BUTLER, of Massachusetts. I move in line 69 to strike out the word "the" before "safety-valves," and insert after "are" these words: "of the best kind and construction;" so it will read "and shall also satisfy themselves that safety-valves are of the best kind and construction and of suitable dimensions, sufficient in number, and well arranged."

Mr. NEGLEY. I have no objection to that amendment.

The amendment was agreed to.

Mr. GOOCH. I move in lines 72 and 73 to strike out these words: "adjusted so as to relieve the boiler at the pressure prescribed by the inspectors' certificate," and in lieu thereof to insert "adjusted so as to allow no greater pressure in the boilers than the amount prescribed by the inspectors' certificate."

Mr. Chairman, I offer the amendment for this reason: The language of the law of 1871 is changed in that particular and the language in this bill is not so good as that of the law of 1871. I understand that a boiler may be relieved by the action of the valve, but at the same time not relieved to so great an extent as to overcome the amount of steam which is being generated, and therefore though there should be a literal compliance with this statute there might be a tax upon the boiler beyond that which is contemplated by the law and beyond that which can be permitted if the law of 1871 is complied with.

Under these circumstances it seems to me very strange that phraseology should be changed, and I do not believe this committee will consent to the change unless the gentleman from Pennsylvania [Mr. NEGLEY] having charge of the bill can show the House some good reason why the language of the law of 1871 should be changed.

Mr. CONGER. I ask that the amendment be again read.

The amendment was again read.

Mr. NEGLEY. The Clerk I think has not read the lines as they are in the bill. The new bill reads "so as to allow no greater pressure in the boiler."

Mr. GOOCH. The language in the bill is: "adjusted so as to relieve the boiler at the pressure prescribed by the inspectors' certificate."

Mr. NEGLEY. I understand the objection of the gentleman from Massachusetts would be applicable if the committee had not in a previous section enlarged the openings in the valves to meet the very requirements the gentleman speaks of. His objection does not lie against the restriction of the phraseology here, as it would if we had not enlarged the valves and provided amply for the escape of steam.

Mr. GOOCH. I should like to ask the gentleman a question. Does he propose under this bill to allow no greater pressure in the boilers than the amount prescribed by the inspectors' certificate?

Mr. NEGLEY. We do not propose to allow any greater pressure.

Mr. GOOCH. Why not say, then, there shall be no greater pressure there?

Mr. BUTLER, of Massachusetts. Either it means the same thing or it does not; and if it does not mean the same thing, it should be made to mean it.

Mr. CONGER. As it reads "so as to relieve the pressure," it relates to the action of the valves. Now the valve has no power to allow or disallow. But these are to be adjusted so that they shall relieve the boiler at the pressure prescribed. But you cannot adjust a valve so that it shall allow only a certain pressure.

Mr. GOOCH. You can. It is said that one cause of the disaster to the Westfield was the fact that the rise of the valve was not sufficient to relieve the boiler. You must have your valve of such size and so adjusted as not to permit a greater pressure on the boiler than the amount allowed by the inspector's certificate. If my amendment, which retains the language of the present law, is adopted and properly enforced, we shall then get the protection which we seek by this legislation.

Mr. CONGER. Another part of the bill is intended to provide, and does provide, for the size of the valves, and meets the objection of the gentleman from Massachusetts. This refers only to the mode of adjustment. It provides that that adjustment shall be in such a manner that it will relieve the pressure. That is all the safety-valve is good for. It has no power to control the steam in any other way; but we have provided elsewhere that the valve shall be of a sufficient size; and here we provide that its adjustment shall be such that it will relieve the pressure.

Mr. GOOCH. Would it injure the bill at all if it had two safety clauses in it, instead of one?

Mr. CONGER. If the gentleman will examine the two lines preceding those which he proposes to amend, I think he will see that they meet his objection. It is provided that the inspectors—

Shall also satisfy themselves that the safty-valves are of suitable dimensions, sufficient in number, and well arranged; and that the weights of the safety-valves are properly adjusted, so as to relieve, &c.

I think myself that it is perhaps immaterial, but I prefer the words as they stand.

Mr. GOOCH. Then if it is immaterial, let us have the language of the old law.

Mr. CONGER. If it is immaterial, let us have the language which the committee after careful consideration thought was the better.

Mr. BUTLER, of Massachusetts. I take issue with my friend from Michigan [Mr. CONGER] in regard to the language of the amendment. I should do it with a great deal of reluctance and doubt were I not fortified by the fact that the language of the amendment is exactly the language of the old law in the bill which the gentleman himself reported to the House and got passed through, and the language of which, therefore, I know must be exactly appropriate and correct.

The objection of the gentleman now is that a safety-valve cannot be properly adjusted so as to allow no greater pressure than is prescribed. But in 1871 his bill contained these words:

That the weights of the safety-valves be properly adjusted, so as to allow no greater pressure on the boiler than the amount prescribed by the inspector's certificate.

That is just what I want now; not that it shall be so adjusted as to relieve the boiler, but that it shall not under any circumstances allow greater pressure on the boiler than prescribed by the certificate. In that case you could not blow up a boiler. The difference is this: It is proposed here that the safety-valves shall be so adjusted as to relieve the boiler; but it is imperative now on the steamboat owner under the present law to see that there cannot be a greater pressure, under any circumstances, than that prescribed by the inspector's certificate. But suppose I am wrong, yet if there is a doubt on the subject, is it not best to have the benefit of the doubt on the side of safety? I think that is the question.

Here the committee informally rose, and Mr. SWANN took the chair as Speaker *pro tempore* to receive a

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed without amendment the bill (H. R. No. 2989) to authorize the trustees of the Massachusetts Museum of Fine Arts to import and retain for two years certain works of art free of duty.

The message further announced that the Senate had passed a bill (S. No. 272) for the relief of Bishop & Co., bankers, of Honolulu, Hawaiian Islands, in which the concurrence of the House was requested.

The message further announced that the Senate had passed a resolution, in which the concurrence of the House was requested, instructing the Committees on Public Buildings and Grounds to designate upon the Capitol grounds a site for an equestrian statue of Nathaniel Greene, in conformity with the resolution of the Continental Congress of the 8th of August, 1786.

SECURITY OF LIFE, ETC., ON STEAMBOATS.

Mr. CONGER. I move to strike out the last word.

The gentleman from Massachusetts [Mr. BUTLER] pays me too high a tribute when he supposes that my efforts in connection with the old law must necessarily have been perfect. At that time, Mr. Chairman, I was a new member of this House. I had not then had the advantage of the knowledge and experience and observation of my friend from Massachusetts, which I have treasured upon all the practical questions so carefully, and which have assisted me to a better use of language, because we all come here to a better use of language after listening to the correct language of my friend from Massachusetts.

It is believed by the committee that the language used in this bill is the proper language to be used. They have corrected the errors of the old law, and I think properly; but it is not very material. I would rather encounter my friend from Massachusetts on some question which is of some earthly consequence, and which would properly draw forth his powers. I do not care whether the amendment is adopted or not.

Mr. BUTLER, of Massachusetts. Then let us have our way about it.

The question was taken on Mr. GOOCH's amendment, and it was agreed to.

The Clerk read the twentieth section, as follows:

SEC. 20. That whenever any board of local inspectors refuse to grant a license to any person applying for the same, or shall suspend or revoke the license of any captain, mate, engineer, or pilot, any person deeming himself wronged by such refusal, suspension, or revocation may, within thirty days thereof, on application to the supervising inspector of the district, have his case examined anew by such supervising inspector, and the local board shall furnish to the supervising inspector, in writing, the reasons for their doings in the premises; and such supervising inspector shall examine the case anew, and he shall have the same powers to summon witnesses and compel their attendance, and to administer oaths, that are conferred on the local inspectors by the terms of this act; and such witnesses and the marshal shall be paid in the same manner as hereinbefore provided for; and such supervising inspector may revoke, change, or modify the decision of such local board; and like proceedings may be had by any master or owner of any steam-vessel in relation to the inspection of such vessel, or her boilers or her machinery, by any such local board; and in case of repairs, and in any investigation or inspection where there shall be a disagreement between the local inspectors, the supervising inspector, when so requested, shall investigate and decide the case.

Mr. ALBRIGHT. I move to amend that section by striking out all after the word "machinery," in the nineteenth line, and inserting in lieu thereof the following:

Any person feeling himself aggrieved may within ten days after the decision of the supervising inspector apply to the supervising inspector-general for a review of the case. The appellant shall at the same time notify the supervising inspector, who shall thereupon transmit without delay to the supervising inspector-general a certified copy of all testimony and evidence before him in the case, setting forth the reasons for his action in the premises. The supervising inspector-general shall thereupon examine the testimony and proceedings in the case, and may revise, modify, confirm, or annul the action of the supervising inspector.

Mr. NEGLEY. I have no objection to that amendment.

The amendment was agreed to.

The Clerk read the twenty-third section, as follows:

SEC. 23. That in order to carry this act fully into execution the ten supervising inspectors now in office shall continue in commission; and whenever a vacancy occurs, from death, resignation, or removal, the President of the United States shall, with the advice and consent of the Senate, fill the vacancy by appointing a successor, who shall be selected for his knowledge, skill, and practical experience in the uses of steam for navigation, and who is a competent judge of the character and qualities of steam-vessels, and of all parts of the machinery employed in steaming. The said inspector-general and the supervising inspectors shall assemble together as a board, once in each year at least, and at such other times and places as the interests of the service may require, and the Secretary of the Treasury shall direct, for joint consultation, which meetings shall be open to all inter-

ested, and shall assign to each of the supervising inspectors, respectively, the limits of territory within which he shall perform his duties; and the said board shall establish all necessary rules and regulations required to carry out in the most effective and economical manner the provisions of this act for the safety of life; also rules and regulations for their own government and that of the several boards of local inspectors in the performance of their official duties: *Provided, however*, That the supervising inspector for the district embracing the Pacific coast shall not be under obligation to attend the meetings of the board unless the exigencies of the service require it; and when he does not attend such meetings, he shall make his communications thereto, in the way of a report, in such manner as the board shall prescribe. The supervising inspector-general now in office shall continue in commission, and whenever a vacancy shall occur from death, resignation, or removal, the President of the United States shall, by and with the advice and consent of the Senate, fill the vacancy by appointing a successor, who shall be selected with reference to his practical knowledge of steam navigation and his fitness and ability to systematize and carry into effect all the provisions of law relating to the steamboat-inspection service, whose duty it shall be, under the direction of the Secretary of the Treasury, to superintend the administration of the steamboat-inspection laws, preside at the meetings of the board of supervising inspectors, receive all reports of inspectors, and receive and examine all accounts of such officers, report fully at stated periods to the Secretary of the Treasury upon all matters pertaining to his official duties, and produce a correct and uniform administration of the inspection laws, rules, and regulations; and the said supervising inspector-general shall be paid for his services at the rate of $3,500 per annum, and all his reasonable traveling expenses, or milage at the rate of ten cents per mile, when on official duty.

Mr. ALBRIGHT. I move to amend that section by striking out all after the word "steaming," in line 10, down to and including the word "consultation," in line 15, as follows:

The said inspector-general and the supervising inspectors shall assemble together as a board once in each year at least, and at such other times and places as the interests of the service may require and the Secretary of the Treasury shall direct, for joint consultation.

And to insert in lieu thereof the following:

That the supervising inspector-general with the approval of the Secretary of the Treasury, may, in their discretion, require the supervising inspectors to assemble together as a board in the city of Washington at such times after the close of the fiscal year as they may designate, for consultation and report and for the consideration of such matters relating to the execution of this act as the supervising inspector-general with the approval of the Secretary of the Treasury may deem proper to lay before them.

I believe there is no objection to that amendment.

Mr. NEGLEY. I see no objection to it.

The amendment was agreed to.

Mr. POTTER. I move further to amend that section by striking out, in line 48, "$3,500," and inserting in lieu thereof "$6,000" for the salary of the inspector-general. I wish to say to the House that the inspector-general is not paid from the Treasury at all. He is paid from the fees received from licenses and other matters connected with this service, and the amount derived from these sources more than suffices to pay his salary and that of the other inspectors. These fees were arranged with the view of paying the salaries, but they amount to more than enough for the salary at the present rate. The inspector-general has to go to every part of the United States. He has had to give up his own business and reside here when not traveling. He must be a man of first-rate experience and qualifications. It seems to me, therefore, that he ought to have, and especially as there is a fund on hand out of which to pay him, a larger salary than that now provided by law, and I suggest that for a fit man the sum I propose is not too much. I am satisfied that a thoroughly competent man cannot be got for a less sum, and I trust there will be no objection to the amendment.

Mr. CONGER. It is true the commerce of the country and the navigation interest pay by fees the expenses and salaries of these officers. I think myself that their compensation ought to be sufficient to command the very highest talent and ability in this direction, but I think the sum named by the gentleman from New York is higher than I should be willing to vote for. If he will propose to make it $5,000 a year I will not object. That sum seems to have been the judgment of those most interested in the matter.

Mr. ALBRIGHT. I propose to offer that as an amendment.

Mr. CONGER. That seems to have been the judgment of the steamboat men, and I should have no objection to fixing the salary at $5,000.

Mr. NEGLEY. I will agree to the amendment if the gentleman will make the sum $5,000.

Mr. POTTER. I will not detain the committee by insisting on $6,000 if the gentleman from Pennsylvania will agree to $5,000. I happen to know about this officer, because he is a constituent of mine, and the only one of my constituents who holds a public office. He is an exceedingly competent man, and gave up a much more valuable business than this in order to accept the position, and when it was suggested to me to offer this amendment it gave me great pleasure to do it.

Mr. CONGER. I know that he is an excellent officer.

Mr. POTTER. I will modify my amendment so as to make the salary $5,000.

Mr. HOLMAN. I rise to oppose the amendment. I am very much surprised that the gentleman in charge of this bill [Mr. NEGLEY] should have consented to this amendment or acquiesced in it. Neither the sub-committee nor the Committee on Commerce have recommended any such change in this bill. The salary fixed by the bill now is ample, $3,500 a year and ten cents per mile for traveling expenses. In this instance, as in all others, this disposition to increase salaries beyond what is absolutely necessary to secure competent talent displays itself. I am surprised that the gentleman from Pennsylvania [Mr. NEGLEY] and the gentleman from Michigan [Mr. CONGER] should consent to allow advantage to be taken of a bill like this to increase a salary. In my judgment it is an unwarrantable and unreasonable thing. The salary of this officer should be no higher and no less because the commerce of the country provides the means to pay it.

You cannot secure proper talent simply by paying high salaries. Here as everywhere else is displayed the determination that Federal salaries shall be increased. It seems impossible to get a bill before Congress without an effort being made to get a higher grade of salaries than those we have been accustomed to pay heretofore. Here is an office connected with an important industrial pursuit of the country—with the commercial interests of the country. While every interest is suffering from heavy taxation, while every tax-payer in the country is feeling the weight of salaries already piled upon his shoulder, a proposition is made to increase this salary beyond what it has been before. The country does not require this to be done. Gentlemen of the same class of talent and ability and integrity will hold this office at a salary of $3,500 a year that would take it if you fix the salary at $5,000. Our experience has always demonstrated that an increase of salary neither secures increase of ability nor superior integrity of character. The very best places held in this country have always been held upon moderate salaries, such as correspond in some degree with the salaries paid in ordinary employments in our civil pursuits.

I object that this bill should be taken advantage of for the purpose of fixing a high salary, for the purpose of fixing this salary at $5,000, when a gentleman of equal capacity, of equal integrity, and equal experience can be secured at $3,500. Gentlemen must be aware that one of the crying evils of this period is the attempt everywhere to create an ungodly cupidity in public office and in public affairs; and that the country is demanding, not an increase of salaries, but a reduction of them. I would like to see gentlemen go before the country and talk about retrenchment and reform, after voting, whenever a bill came before this House in which a salary was involved, to increase it above what we have paid heretofore. We are paying $14,000,000 more now in the form of salaries than ought to be paid by the people of this country. We are paying $34,000,000 for salaries when $20,000,000 is a sum ample to meet all the salaries that should be paid by the people of this country.

Mr. CONGER. I move to amend by striking out the last word. Mr. Chairman, I have heard the gentleman from Indiana [Mr. HOLMAN] and the committee have heard him almost for the first time on this subject. The novelty of his argument has startled me. Why does the gentleman argue as he does, when he has heard the executive committee of steamboat-men, men representing the steamboat interests of this country from Maine to Georgia, from the Atlantic to the Pacific, urging before our committee an increase of this salary, a salary which they themselves pay in fees, urging this committee to increase the salary of the supervising inspector so that they might have the best talent in the country at the head of an office that supervises the entire navigation interests of the country? My friend has sat there in the Committee on Commerce for the last three years and heard the executive committee of the steamboat owners of this country urging upon the Committee on Commerce to increase this salary, telling us that they paid the fees and that they had a right to indicate what salary should be paid to the officer, in order that they might demand the best talent to fulfill its duties. Is it necessary in such a case as this that the old cry should be repeated here on this bill as on every other bill?

The very men who pay the taxes demand this increase, and the Committee on Commerce are willing to accede to their demand. They have the right, of all other men in the country, they who pay the taxes have the right to secure the selection of the proper person by fixing a salary which will secure proper services in this position.

The gentleman knows as well as I do that men have refused to accept this office, have refused to serve as inspector-general during the last three years because the salary was not sufficient; that good men have resigned the place and refused to continue to serve because they could not leave their other business for the salary given for this office. Now, when we have at length secured the services of as good a man as we ever had in that place, and have induced him to remain in the office in the expectation that his salary would be increased, what objection can there be to increasing it? It is not a question of reduction of salaries that are now too large or that are improper; it is a question of giving a sufficient salary to a man who, by the law which has just been read, is required to be above other men in qualifications for this office.

Mr. NEGLEY. I think the committee understand this subject, and I hope a vote will now be taken.

Mr. POTTER. I rise to oppose the amendment to the amendment. I recognize, as every other gentleman must who has served so long in the House, the fidelity of the gentleman from Indiana [Mr. HOLMAN] on the question of reducing salaries. I am myself a thorough State-rights democrat, but on the subject of salaries I have not the same feelings as the gentleman from Indiana [Mr. HOLMAN] has. My experience has taught me that in private life if you want good service you must, as a general rule, pay a fair price for it, and I frankly avow it where everybody may hear it that I have often voted to increase Federal salaries, for I believe that in order to get fit service you must make something like fit payment. In every branch

of life where ordinary private business is carried on it is found in order to get fit service men must pay fit prices. If you do not you have the alternative of unworthy men or men who will make up their pay out of their place by peculation and theft.

Mr. BUTLER, of Massachusetts. Sound price, sound goods.

Mr. POTTER. As the gentleman from Massachusetts says, sound price, sound goods; and the law which is true of goods is true of labor. If you want decent service you must pay a decent price for it. Therefore I have uniformly voted, since I have been in the House, whether salaries of judges or salaries of other employés, to give a fair day's payment for a fair day's service, but not more.

Now, what is the fact about this man? He was a steamboat proprietor in very large business and gave up a great work to come here. He will not stay for the price named here, and therefore the committee have been applied to by the steamboat-owners, who pay the money out of which his salary is to be paid—for it does not come out of the public Treasury at all—to increase the salary in order that a competent inspector-general, as he has proved himself, may be obtained, because it is alike to the interest of the public and to the interest of the men who run steamboats that the man in this important supervising position should be competent for his duties. So far from being good economy, in my judgment it will be the worst economy if we drive a competent man from this place and put in his place an inferior and subordinate man willing to work at less price.

Mr. HOLMAN. I move to amend by striking out "five" and inserting "three." Now, the gentleman from Michigan [Mr. CONGER] did not deem it necessary a few years ago that these salaries should be $5,000, and I do not know what has occurred in the last two or three years to justify this increase of salary. I would be glad to hear from the gentleman from Michigan how it has occurred.

Mr. CONGER. I will tell the gentleman. It is because it is found this salary will not command the service of such a man as should be appointed to the office. As the gentleman knows, there has been resignation after resignation and failure to get good officers. That is the reason why I think the salary should be increased.

Mr. HOLMAN. Does the gentleman anticipate the present incumbent will go out of office if we leave the salary as it is? I do not think the gentleman anticipates that.

Now, the gentleman referred to by the gentleman from New York [Mr. POTTER] holds the office now at the present salary. There is just where the evil and pernicious character of our legislation on the subject of salaries is to be found. Some gentleman happens to hold office who has friends here on this floor and at the other end of the Capitol and his salary is run up upon the ground of personal friendship, instead of adhering to the rule, a severe and rigid regard for the public concern. The other day the House was almost humiliated by the spectacle when we were told that we must increase a salary which had been paid to compentent officers during the whole war, or the present incumbent would go out of office. Are we to be told in a country of forty million people men cannot be found to hold this office at the price fixed?

Mr. CONGER. Men worthy of the place.

Mr. HOLMAN. The gentleman holding this office heretofore still holds it. He has not resigned. This man has been holding his office for some time. He performs the duties of his office very well. On the strength of this we are told his salary must be increased.

Now my friend from Michigan says some committee has been here asking this salary be increased. Who was that committee? The gentleman knows very well it was not a committee of men who pay the tax—not the men who pay these salaries. On the contrary, it is a committee of a chamber of commerce or some organization of that kind who are everlastingly in favor of increasing salaries. It is not a committee of pilots and engineers and men who for twelve or fifteen hundred dollars perform the most laborious and faithful services to commerce. They are not the men who ask that these salaries should be increased.

Mr. CONGER. I refer to the executive committee of the Steamboat Association, comprising all the steamboat owners in the United States.

Mr. HOLMAN. Yes, sir. They are not laboring men—not in a single solitary instance. I have seen all these gentlemen to whom my friend refers. I have heard them before the Committee on Commerce. They are not the laboring men who pay the taxes.

Talk, sir, of the laboring men insisting on high salaries! Why, sir, the cry is that the salaries should be reduced. While gentlemen here are laying the foundations for an increase of salary in every Department of the Government there is no petition here demanding that increase. Up to this hour I have never heard the voice of the laboring people of the country demanding an increase of salary. I have seen committees of gentlemen who are not engaged in laborious occupations, who do not pay the taxes—I have seen committees of such men here in the interest of increasing salaries. But no township meeting, no cross-road meeting, no township convention of any party in this country, or any other combination of the people of this country have ever asked Congress to increase these salaries. During the war, in time of great inflation, these positions were held by competent men, and now when we are coming down to a specie basis I protest against the salaries being increased.

[Here the hammer fell.]

The question being taken on Mr. POTTER's amendment, as modified, to strike out "$3,500" and insert "$5,000," there were—ayes 44, noes 22; no quorum voting.

Mr. HOLMAN. I shall not consent to any increase of a salary here without a quorum.

The CHAIRMAN. A quorum not having voted the Chair will order tellers, and appoints the gentleman from Pennsylvania, Mr. NEGLEY, and the gentleman from Indiana, Mr. HOLMAN.

The committee again divided; and the tellers reported—ayes 64, noes 63.

The CHAIRMAN. As a quorum has not voted the Chair directs the roll to be called, that the names of the absentees may be reported to the House.

The Clerk proceeded to call the roll, when the following-named gentlemen failed to answer to their names:

Messrs. Archer, Averill, Banning, Barnum, Barrere, Barry, Bass, Begole, Biery, Bland, Bundy, Cain, Cessna, John B. Clark, jr., Freeman Clarke, Clayton, Clinton L. Cobb, Cook, Cotton, Creamer, Crittenden, Crocker, Crooke, Crossland, Curtis, Danford, Darrall, Davis, Dawes, DeWitt, Dobbins, Duell, Eden, Elliott, Farwell, Freeman, Garfield, Hagans, Eugene Hale, Robert S. Hale, Hamilton, Benjamin W. Harris, John T. Harris, Havens, Hays, Gerry W. Hazelton, Hereford, Herndon, Hersey, George F. Hoar, Hodges, Hooper, Hoskins, Hubbell, Hunton, Jewett, Kelley, Killinger, Knapp, Lamison, Lansing, Lawson, Lewis, Lofland, Loughridge, Lowe, Luttrell, Marshall, Martin, Maynard, Alexander S. McDill, McJunkin, Mellish, Milliken, Mitchell, Myers, Nesmith, Niles, O'Brien, Orr, Page, Thomas C. Platt, Purman, William R. Roberts, James C. Robinson, Ross, John G. Schumaker, Sheldon, Lazarus D. Shoemaker, Sloss, Smart, George L. Smith, H. Boardman Smith, J. Ambler Smith, Sprague, Standiford, Starkweather, Stephens, St. John, Storm, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thornburgh, Waddell, Jasper D. Ward, Wheeler, Whitehouse, Whitley, Wilber, Charles G. Williams, John M. S. Williams, Wilshire, Jeremiah M. Wilson, Wolfe, Woodford, John D. Young, and Pierce M. B. Young—119.

The committee rose, and Mr. PARKER, of Missouri, reported that the Committee of the Whole having had under consideration the bill to amend the act providing for the better security of life on board of vessels propelled in whole or in part by steam, and on a division finding itself without a quorum, he had caused the roll to be called, and now reported the names of the absentees to the House.

The SPEAKER. The roll-call shows the presence of 171 members and the absence of 119. There being a quorum, the Committee of the Whole will resume its session.

The committee accordingly resumed its session.

The CHAIRMAN. The tellers will take their places, and the committee will vote on the question which was pending before the roll was called. The Clerk will report again the pending amendment.

The Clerk read as follows:

In section 23, line 48, strike out "$3,500" and insert "$5,000;" so that it will read: And the said supervising inspector-general shall be paid for his services at the rate of $5,000 per annum, &c.

The committee again divided; and the tellers reported—ayes 65, noes 82.

So the amendment was not agreed to.

The Clerk resumed the reading of the bill. When section 29 was reached,

Mr. NEGLEY said: This section embodies the rules adopted by the board of supervising inspectors in regard to vessels meeting and passing each other. They are the rules now in use, and are the code of rules of England and of the maritime powers of the world generally. I ask that the reading of that section be dispensed with.

There was no objection; and the reading of the section was dispensed with.

Mr. WOOD. I move that the committee do now rise. I think we are all tired.

The question being taken on the motion that the committee rise, it was not agreed to.

The Clerk read section 36, as follows:

SEC. 36. That iron or steel plates to be used in the construction of steamboat boilers shall be inspected, and may be tested in such manner as shall be prescribed by the board of supervising inspectors and approved by the Secretary of the Treasury, and no iron or steel plates shall be used in the construction of such boilers which have been found to be imperfect, rejected, or disapproved.

Mr. POTTER. I offer the following amendment:

In lines 2 and 3, strike out the words "may be tested" and insert the words "tested by the manufacturer and at his expense;" so that it will read: Shall be inspected and tested by the manufacturer and at his expense, in such manner as shall be provided by the board of supervising inspectors, &c.

The manufacturer has got all the machinery for testing at his works, and I think there can be no objection to this.

Mr. NEGLEY. There is no objection to it.

The amendment was agreed to.

The Clerk read as follows:

SEC. 41. That all steamers navigating the ocean, lakes, bays, inlets, sounds, rivers, harbors, or other navigable waters of the United States, when such waters are common highways of commerce, or open to general or competitive navigation, shall be subject to the provisions of this act with respect to inspection, construction, or equipment: *Provided*, That the same shall not apply to public vessels of the United States or of other countries.

Mr. NEGLEY. I move to amend that section by inserting after the word "vessels" where it occurs in the proviso the word "either;" so that it will read:

Provided, That the same shall not apply to public vessels either of the United States or of other countries.

The amendment was agreed to.

The Clerk read the forty-third section, as follows:

SEC. 43. That the provisions and limitations of the act entitled "An act to limit the liability of ship-owners, and for other purposes," approved March 3, 1851, are hereby extended and applied to all vessels required to be inspected by this act, and the owner or owners, charterer or charterers, officers and mariners thereof, and shall have the same force and effect as to such vessels, owner or owners, charterer or charterers, officers and mariners, respectively, as such provisions and limitations now have as to the ships or vessels, owner or owners, charterer or charterers, officers and mariners, respectively, to which or to whom the said act now applies; and such provisions and limitations are also extended and applied to all claims for loss of life or personal injury, both as against the owner or owners, charterer or charterers of the vessel, and the captain, mate, engineer, and pilot thereof.

Mr. GOOCH. I move to strike out that section; and I do it for the purpose of asking the attention of the committee to its peculiarity. I do not see so far any provision, excepting that which is contained in this section, for any redress in case of the loss of life or injury to person from the owner or charterer of one of these vesels. I would like to ask the gentleman who has the bill in charge if there is any, and if there is, I will ask him to point it out to me.

Mr. NEGLEY. This provision simply extends to the interior waters of the United States the law of 1851, which now applies to the ocean and the great lakes. It simply extends that provision to the interior waters, and I see no reason why that justice should not be accorded to that interest.

Mr. GOOCH. I understand the act of 1851 not to provide in terms any redress in case of loss of life or injury to the person.

Mr. CONGER. I wish to say to the gentleman that it includes more than that. All that part of the section following the word "applies," in line 12, is new, and was not part of the act of 1851.

Mr. POTTER. I understand that this section not only applies the act of 1851 to the interior waters, but goes further than that.

Mr. CONGER. I shall move to strike out that portion of the section to which I refer, and it is as follows:

And such provisions and limitations are also extended and applied to all claims for loss of life, or personal injury, both as against the owner or owners, charterer or charterers of the vessel, and the captain, mate, engineer, and pilot thereof.

Mr. GOOCH. Then what provision is there in this bill for redress for personal injuries?

Mr. CONGER. There is the usual liability at common law and by statute. I do not propose in this bill to make any limitations as to the liability for the loss of life.

Mr. GOOCH. Do you propose by this act to repeal the forty-third section of the act of 1871, or to leave it still in force? Do I understand your bill to repeal it or to leave it in force?

Mr. CONGER. The amendment to this section in the act of 1871, if I remember aright, was the addition which I propose now to strike out.

Mr. GOOCH. I will send to the Clerk's desk the statutes, and ask that the forty-third section of the act of 1871 may be read.

The Clerk read as follows:

And be it further enacted, That whenever damage is sustained by any passenger or his baggage from explosion, fire, collision, or other cause, the master and the owner of such vessel, or either of them, and the vessel, shall be liable to each and every person so injured to the full amount of damage, if it happen either by neglect or failure to comply with the provisions of law herein prescribed, or through known defect or imperfection of the steaming apparatus, or of the hull, and any person sustaining loss or injury through the carelessness, negligence, or willful misconduct of any captain, mate, engineer, or pilot, or his neglect or refusal to obey the provisions of law herein prescribed as to navigating such steamers, may sue such captain, mate, engineer, or pilot, and recover damages for any such injury caused as aforesaid by any such captain, mate, engineer, or pilot.

Mr. CONGER. I would say to the gentleman that that provision was in the former law, but even then I opposed its incorporation there. It limits the liability for injuries that may be received by an individual more than the common law does, or than the usual laws of the land do. I would extend the limitation of liability of the law of 1851 for damages to property to the vessel; I would extend that to the interior waters; but I would not provide, as the last part of this section does, to fix the limit of liability for loss of life from negligence. I think it is better with the law as it is now with regard to railroads. I believe it is a subject which in this particular bill we should not make any limitation in regard to. I repeat that I would extend the limitation of the law of 1851, the liability for loss of property or damage to vessels on the rivers the same as it is with vessels on the ocean and on lakes, but I would strike out the closing part of this section which I have read, for the reason that I do not believe that there should be a limitation of liability where life is concerned.

Mr. GOOCH. Do I understand the gentleman to claim that this bill does repeal the section which has been read?

Mr. CONGER. This section is a substitute for that, as I understand it. I will say, however, that the section of the act of 1871 does not meet my approval. I think it is a limitation against the security of life which ought not to have been put in that law. I opposed it then and I oppose it now, and I oppose that part of this section which makes a limitation of liability in cases of loss of life.

Mr. BROMBERG. Does the gentleman from Michigan move that as a substitute?

Mr. CONGER. I move to amend the amendment of the gentleman from Massachusetts [Mr. GOOCH] by striking out only the last portion of the section as I have indicated, leaving the liability clause of the law of 1851 to apply under this act. And I do so for this reason: the limitation clause of 1851 applies to vessels upon all the waters of the United States, except our inland rivers. It applies to ocean and coast navigation, within maritime jurisdiction of the ocean and the coast and the gulf, and by decision of our Supreme Court it applies to our inland lakes. I know of no reason why the same liability for the mere loss of property of the boat or cargo should not be extended to the Mississippi, Ohio, and other interior rivers.

Mr. NEGLEY. And thus make the law uniform.

Mr. CONGER. Yes; and thus make the law uniform in regard to the liability of the vessel, and especially as the courts have decided that the State laws in regard to such liability are unconstitutional; but I oppose here, as I did in the law before, a limitation of liability to any man, owner, engineer, captain, master, whoever he may be, for the loss of life occasioned by his negligence.

Mr. GOOCH. I merely asked the gentleman a question, and he has put in this amendment. I deem this a very important section in this bill; I think it is one of the most important. I think we should take care in our legislation now that we do not create confusion by the passage of this act. I must confess that I am a little surprised that this bill should be brought in here, undertaking to provide for the protection of persons or for the redress in the case of injury to persons for loss of life in the manner in which it does. If you should strike out the last provision of this section as the gentleman suggests an intention to move, then I do not understand that we know where we are; because you still have on your statute-book the forty-third section of the act of 1871. I suppose the committee intended to give us by this bill all the legislation necessary to cover this whole subject-matter.

Mr. NEGLEY. It was because it was in the law of 1871.

Mr. HOLMAN. That is not proposed to be re-enacted.

Mr. GOOCH. But, on the other hand, it is provided in this bill that the act of 1851 shall be extended and applied to all vessels herein described; and then it goes on to provide further that such provisions and limitations are also extended and applied to the claims for loss of life or personal injury. Now, if I read the act of 1851 aright, there is no provision in it for the loss of life or personal injury.

Mr. CONGER. Will the gentleman allow me to make one suggestion here?

Mr. GOOCH. Certainly.

Mr. CONGER. The limitation in the law of 1851 is a limitation of liability to the value of the vessel and the freight then pending, and it cannot exceed that. Now, if this last clause of the pending section should be adopted, then liability for loss of a life, or for the loss of ever so many lives, is limited to the value of the vessel and the freight then pending, which I oppose. That limitation should be in the discretion of the court. We should not limit the liability for the loss of one life or of a hundred lives to the value of the vessel and the freight then pending.

Mr. GOOCH. I only want to have this section put in the shape in which it ought to be. For that reason I suggest that this section be passed over for the present, so that it can be redraughted by the Committee on Commerce, and presented by them when the consideration of this bill shall be again resumed in Committee of the Whole in such shape as will meet their approval. It seems to me that it does not meet their approval now. I think that in order to come to a conclusion as to what this section should be, the committee will have to consider it in connection with the forty-third section of the act of 1871 as well as in connection with the act of 1851. And in order that the Committee on Commerce may have that opportunity, I move that the Committee of the Whole do now rise.

The motion was agreed to.

The committee accordingly rose; and, the Speaker having resumed the chair, Mr. PARKER, of Missouri, reported that, pursuant to the order of the House, the Committee of the Whole had had under consideration the Union generally, and particularly the bill (H. R. No. 1588) to amend the act entitled "An act to provide for the better security of life on board of vessels propelled in whole or in part by steam, and for other purposes," approved February 28, 1871, and had come to no resolution thereon.

TRANSPORTATION TO THE SEA-BOARD.

Mr. SENER, by unanimous consent, submitted the following resolution; which was read, and under the law referred to the Committee on Printing:

Resolved, That there be printed for the use of the House three thousand copies of the report and the appendix and evidence of the Select Committee of the Senate on Transportation to the Sea-board.

AFFAIRS IN ARKANSAS.

Mr. POLAND. I ask unanimous consent to offer for action at this time the preamble and resolution I send to the Clerk's desk.

The Clerk read as follows:

Whereas the contest for the office of governor in the State of Arkansas has evoked a condition of affairs in which the exercise of civil government is suppressed and ignored, and opposing armed bodies confront each other, holding absolute sway over the capital of the State; and whereas it is reported that armed forces from other States have invaded her borders; and whereas, owing to the turmoil and confusion attending the contest, it is difficult to ascertain the exact situation and status of the State government and the true necessities of the case: Therefore,

Be it resolved, That a committee of five be appointed by the Speaker, who shall have power to send for persons and papers or to go to Arkansas to inquire whether there is in that State a condition of things which calls upon the Government of the United States to exercise its warrant to guarantee to each State a republican form of government, or protect her from invasion or domestic violence, with power to report at any time.

Mr. BECK. I object to the adoption of that resolution at this time, but I do not object to its reference.

Mr. POTTER. I suggest that the resolution be referred to the Committee on the Judiciary. They have already before them the same subject under a previous resolution of the House.

Mr. COX. I object to referring any resolution to that committee. They never report. They never yet have reported in reference to Louisiana. Let the Executive take care of Arkansas.

Mr. BECK. Let it be referred.

Mr. HYNES. It is merely a resolution of inquiry, to ascertain what is the condition of affairs in the State of Arkansas.

Mr. POLAND. I do not object to the reference if the Committee on the Judiciary can have leave to report at any time. I make that request.

Mr. COX. I object to any such reference. That committee never does report anything.

Mr. POTTER. We never get a chance to report.

The SPEAKER. The gentleman from Vermont asks leave to report at any time, and the gentleman from New York objects to granting leave.

JOAB SPENSER AND JAMES R. MEAD.

The SPEAKER laid before the House the following message from the President of the United States:

The Clerk read as follows:

To the House of Representatives:

I return herewith without my signature House bill No. 1331 entitled "An act for the relief of Joab Spenser and James R. Mead for supplies furnished the Kansas tribe of Indians." I withheld my approval of said bill for reasons which satisfy me the claim should not be allowed for the entire amount stated in the bill, and which are set forth in the letter of the Secretary of the Interior of the 7th instant, a copy of which, with the accompanying papers, is herewith transmitted.

U. S. GRANT.

EXECUTIVE MANSION,
Washington, May 12, 1874.

Mr. HOLMAN. I ask that the letter accompanying the message of the President be read to the House.

The SPEAKER. It is very lengthy.

Mr. HOLMAN. Then I ask that the accompanying papers be printed.

The SPEAKER. The question is whether it belongs to the Committee on Indian Affairs or the Committee on Claims.

Mr. COBB, of Kansas. It is a bill reported I think by my colleague [Mr. LOWE] from the Committee on Indian Affairs.

The message and accompanying documents were referred to the Committee on Indian Affairs and ordered to be printed.

CIRCULATING NOTES.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, in answer to a resolution of the House of April 25, 1874, in relation to how much of the $54,000,000 in notes for circulation has been issued under the act of July 12, 1870; which, on motion of Mr. MERRIAM, was referred to the Committee on Banking and Currency, and ordered to be printed.

HEIRS OF WILLIAM MORRISON.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, in relation to the claim of the heirs of William Morrison for damage done to property by the firing of experimental guns; which was referred to the Committee on Claims, and ordered to be printed.

NAVY-YARDS ON THE MISSISSIPPI RIVER.

Mr. SHANKS. Mr. Speaker, I ask unanimous consent to present the proceedings of a mass meeting of the working people of the State of Indiana, held at Indianapolis, April 23, 1874, in relation to the establishment of navy-yards upon the Mississippi River; and I move that they be referred to the Committee on Naval Affairs, and ordered to be printed.

The motion was agreed to.

Mr. SHANKS. I ask, by unanimous consent, the proceedings be published in the RECORD. They are not long.

There was no objection.

The proceedings were as follows:

Whereas the report of the Naval Committee of the House of Representatives made to that body on the 2d instant, and its accompanying papers, show that the chief cause of distress to the working people, both mechanic and agricultural, is due to the loss of carrying trade in American ships on the ocean, and that carrying trade can only be reinstated by the means of building better ships than our competitors; that these means are in the establishment of iron ship-building works upon the Atlantic coast, and upon the Mississippi River, or one of its tributaries, and that "the creation of these yards will give to the United States—as similar creations have given to Great Britain—prosperity to its manufacturing and mechanic industries, the broadest and most economical means of cheap transportation for the productions of the farmer and planter, and secure constant employment to labor at remunerative wages." And that said committee present the proposals of the International Steamship Company to create these yards without subsidy or money aid from the Government, and upon condition that Congress shall create a trust into which the said company shall pay 5 per cent. annually upon the work done, to form a sinking fund which cannot be deviated from in the payment of interest upon its bonds, or their final liquidation; and whereas these yards will revive mechanic industry and employment along the coasts, and throughout the navigable interior waters, and afford relief to the producer and consumer by the reduction on freights upon the articles of life support: Therefore,

Resolved, That the thanks of the working people and the farmers are due to the members of the Naval Committee of Congress for procuring these measures, which open again the avenues to profitable returns for honest labor, and that their thanks are hereby given by the working people here assembled.

Resolved, That Congress is hereby earnestly urged to pass, at the earliest day, the said bill reported by the committee, to accept the proposals for and establish the said iron-ship and boat-building yards.

Resolved, That our fellow-workingmen throughout the country be, and they are hereby, invited to join in like action to this, that Congress may know the wishes of the working people, to secure that permanent employment which such yards cannot fail to create.

Resolved, That copies of this preamble and resolutions be sent to the President of the United States, and to the President of the Senate and the Speaker of the House of Representatives, with a request that the first be read to the Cabinet in council, and the others be read to the Senate and to the House of Representatives.

In accordance with the last resolution, I have the honor to forward the above copy, and to ask that the preamble and resolutions may be read in accordance with the expression given by the working people.

With great respect, I have the honor to be, your obedient servant,

J. J. H. WRIGHT,
President of the Meeting.

ENROLLED BILL.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (H. R. No. 420) to authorize the Secretary of the Interior to discharge certain obligations of the United States to the creditors of the Upper and Lower bands of Sioux Indians; when the Speaker signed the same.

And then, on motion of Mr. HOLMAN, (at ten minutes to five o'clock p. m.,) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. MAGEE: The petition of citizens of Cumberland County, Pennsylvania, for the repeal of the tax on notes put in circulation by banks doing business under State charters, to the Committee on Banking and Currency.

By Mr. PERRY: The petition of S. H. Ransom & Co., of Albany, New York, and others, for the substitution of specific for *ad valorem* duties on tin plates, to the Committee on Ways and Means.

By Mr. WOOD: Statement of John M. Bradley, of Arkansas, in relation to the election of Congressman at large from the State of Arkansas to the Forty-third Congress and the occupancy of the seat, to the Committee on Elections.

IN SENATE.

WEDNESDAY, *May* 13, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

On motion of Mr. TIPTON, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Public Lands:

A bill (H. R. No. 2019) to forfeit certain public lands granted to the Stockton and Copperopolis Railroad, in the State of California;

A bill (H. R. No. 3339) relating to the disposition of certain lands to be reclaimed in sections 14, 23, and 26, in township 16 north, of range 20, in the county of Sheboygan, in the State of Wisconsin; and

A bill (H. R. No. 3250) to confirm pre-emption and homestead entries of public lands within the limits of railroad grants in cases where such entries have been made under the regulations of the Land Department.

The following bills were severally read twice by their titles, and referred as indicated below:

The bill (H. R. No. 3006) authorizing the President to nominate Holmes Wickoff an assistant surgeon in the Navy—to the Committee on Naval Affairs;

The bill (H. R. No. 2545) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1875—to the Committee on Appropriations;

The bill (H. R. No. 3338) to amend section 1 of an act entitled "An act to revise, consolidate, and amend the Army and Navy pension laws," approved March 3, 1873—to the Committee on Pensions;

The bill (H. R. No. 3335) authorizing the Secretary of War to grant a right of way across a corner of the Fort Gratiot military reservation to the city railroad company, Port Huron, Michigan—to the Committee on Military Affairs; and

The bill (H. R. No. 3281) to amend the act entitled "An act to amend an act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 2, 1864—to the Committee on Railroads.

The bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works for rivers and harbors, and for other purposes, was read twice by its title.

Mr. CHANDLER. Let that bill be referred to the Committee on Commerce.

Mr. MORRILL, of Maine. That bill, according to custom, goes to the Committee on Commerce in both branches, and afterward in the House it goes to the Committee on Appropriations; and I desire it to

so go in this body this year. I desire it to go to the Committee on Appropriations after it has been to the Committee on Commerce, and I take this opportunity to say to the Senator from Michigan that I hope it will be convenient to that committee to consider it at as early a day as practical so that we may have it at their earliest convenience.

Mr. CHANDLER. That bill has ordinarily remained in the possession of the Committee on Commerce. As the Committee on Appropriations know nothing whatever about the subject, I rather think the Committee on Commerce is better adapted to consider it.

Mr. MORRILL, of Maine. So I expected the Senator would say; but then the Senate will see that there is an object in having under one exact supervision and understanding all our appropriations.

Mr. CHANDLER. I am perfectly willing it shall be considered under the direction of the Committee on Appropriations when it passes; but all the papers connected with the bill are in the Committee on Commerce, and as a matter of course none of them have gone to the Committee on Appropriations. I do not care to have the bill interfered with by the Committee on Appropriations after the Committee on Commerce has got through with it.

Mr. MORRILL, of Maine. When it comes back, I will make the motion I have indicated. I make no objection to the reference proposed now.

The bill was referred to the Committee on Commerce.

CALIFORNIA CONGRESSIONAL ELECTION.

The bill (H. R. No. 2846) repealing the act entitled "An act fixing the time for the election of Representatives from the State of California to the Forty-fourth Congress was read twice by its title.

Mr. SARGENT. There is but one line in the bill, and I ask that it be now considered.

Mr. DAVIS. Let it be read for information.

The Chief Clerk read the bill, which repeals the act fixing the time for the election of Representatives from the State of California to the Forty-fourth Congress, approved March 3, 1873.

The bill was considered as in Committee of the Whole.

Mr. EDMUNDS. What does that mean?

Mr. SARGENT. The Legislature of California memorializes for this bill, and the delegation of California in both Houses, without distinction of party, are for it. By a blunder in our State code last year the election of members of the next Congress was put at a period of over two years before the members take their seats, and it was necessary that Congress should intervene in order to prevent the operation of that law, or we should have had double sets of members in the next Congress. The act which this bill repeals was passed to meet that exigency. The remedy has been applied. The election, if it comes on this coming year, when we elect nobody else, will cost the State some $250,000. Next year we have the election of our governor and all the State officers; and our people desire that the election of Representatives to Congress take place at the same time. The Legislature memorializes for it, and the delegation in both Houses are for it.

Mr. EDMUNDS. The effect of that would be to have the election for Congressmen on a different day in California from the other States.

Mr. SARGENT. That is very true; but on account of this trouble our present Legislature have fixed our law hereafter so that the general law of Congress, which will take effect with the Forty-fifth Congress, goes into operation and our laws will be in harmony with it.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PETITIONS AND MEMORIALS.

Mr. FENTON. I present the memorial of Andrew John, who signs himself as delegate of the Seneca Nation of New York Indians, remonstrating against the passage of the bill (H. R. No. 3080) to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany reservations, and to confirm existing leases, which has been referred to the Committee on Indian Affairs. I am somewhat familiar with the subject to which reference is made, but I have not examined the provisions of the bill as it passed the House. Therefore I am not able to give any opinion in regard to the merits of this remonstrance or the bill itself.

I move that the memorial be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. GOLDTHWAITE presented the petition of James L. Pugh, of Alabama, praying for the removal of his political disabilities; which was referred to the Committee on the Judiciary.

Mr. BOUTWELL presented a memorial of merchants of Boston, remonstrating against any change in the present system of compulsory pilotage; which was referred to the Committee on Commerce.

He also presented the memorial of Henry L. Gurney, of Boston, on behalf of Boston pilots, remonstrating against the passage of any law changing the present system of compulsory pilotage; which was referred to the Committee on Commerce.

Mr. FRELINGHUYSEN presented a petition of the civil-rights committee of the State of New Jersey, praying the passage, at this session, of Senate bill No. 1, supplementary to the act entitled "An act to protect all citizens of the United States in their civil rights, and to furnish the means for their vindication," passed April 9, 1866; which was ordered to lie on the table.

MARTHA E. NORTHUP.

Mr. FENTON. As there is not much to engross the attention of the Senate at this moment, I ask that House bill No. 1122 be taken up and acted upon. I will state, in one word, that I believe there is no objection to this bill now. My friend from California [Mr. SARGENT] who is in his seat, and the Senator from Connecticut, [Mr. FERRY,] I understood to say that they withdrew all objection. It has been recommitted to the Committee on Pensions, and the report as amended again comes unanimously from that committee, and I ask that the bill may be now passed.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 1122) granting a pension to Mrs. Martha E. Northup, widow of First Lieutenant Edward B. Northup, late of the Seventeenth United States Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE MINT LAWS.

Mr. ALCORN. I ask unanimous consent to take up the bill (S. No. 777) to amend the fifteenth and sixteenth sections of the act entitled "An act revising and amending the laws relative to mints, assay offices, and coinage of the United States," approved February 12, 1873, with a view to its reference.

Mr. SCOTT. I will not object to this if it is simply for reference; but that there may be no misunderstanding, I desire to give notice that as yesterday was set aside for the consideration of bills from the Committee on Claims, I shall ask the Senate to give us the residue of the morning hour, after the regular morning business is through, for the purpose of proceeding with those bills.

Mr. ALCORN. I move that the bill I have mentioned, No. 777, be referred to the Committee on Finance.

The motion was agreed to.

Mr. SCOTT. It had escaped my recollection just now when I gave notice that I would object to all other bills and ask to have the bills of the Committee on Claims taken up that the Senator from West Virginia [Mr. DAVIS] gave notice that he would ask to be heard this morning after the expiration of the regular morning business on the subject of claims. I do not desire to interfere with the courtesy due to him or to deprive him of the opportunity to be heard, as he desires to speak this morning. I therefore withdraw the notice that I gave, and at the expiration of the morning hour or of his remarks, if I have the floor, I shall ask the Senate to proceed with the bills of the Committee on Claims for a limited time, or that another day be fixed for hearing them.

REPORTS OF COMMITTEES.

Mr. THURMAN, from the Committee on Private Land Claims, reported a bill (S. No. 806) to extend the time allowed in and by the act approved June 8, 1872, for the redemption of certain lands therein named, and for other purposes; which was read, and passed to a second reading.

Mr. INGALLS, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 778) to amend an act entitled "An act to provide homes for the Pottawatomies and absent Shawnee Indians in the Indian Territory," approved May 23, 1872, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. BUCKINGHAM, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 735) for the relief of D. G. and D. A. Sanford, of Texas, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. WEST, from the Committee on Railroads, to whom was referred the bill (S. No. 608) granting the right of way through the public lands to construct and maintain a railroad, reported it with an amendment.

Mr. GOLDTHWAITE, from the Committee on Claims, to whom was referred the bill (S. No. 142) for the relief of Nathaniel McKay, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

Mr. BOGY, from the Committee on Indian Affairs, to whom was referred the bill (H. R. No. 1924) for the relief of James L. Johnson, surviving partner of Beck & Johnson, authorizing payment for Indian depredations, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 1925) for the relief of James Preston Beck, administrator of Preston Beck, jr., authorizing payment for Indian depredations, reported it without amendment.

He also, from the Committee on Private Land Claims, to whom was referred the bill (S. No. 188) to authorize the issue of patents to lands in cases of private land claims, reported adversely thereon; and the bill was postponed indefinitely.

Mr. MERRIMON, from the Committee on Claims, to whom was referred the petition of Washington Crosland, praying payment for damages arising from the seizure and use of his property by the Government in the city of Saint Louis, submitted a report accompanied by a bill (S. No. 807) for the relief of Washington Crosland.

The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. DAVIS, from the Committee on Claims, to whom was referred the petition of William H. Dempsey, surviving partner of the firm of Dempsey & O'Toole, stationers, of Washington, District of Columbia,

asking to be compensated for damage incurred by the breaking of a contract between that firm and the Patent Office, in 1868, for furnishing bond-paper to the Patent Office, reported adversely thereon and asked to be discharged from its further consideration; which was agreed to.

Mr. SPRAGUE, from the Committee on Public Lands, to whom was referred the bill (H. R. No. 1760) to secure homesteads to actual settlers on the public domain, reported it with an amendment.

BILLS INTRODUCED.

Mr. CHANDLER (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 808) for the better protection of immigrants; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 809) to incorporate the Inland and Sea-board Coasting Company of the District of Columbia; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. SHERMAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 810) to regulate commerce among the several States and with foreign nations; which was read twice by its title, referred to the Select Committee on Transportation Routes to the Sea-board, and ordered to be printed.

Mr. BAYARD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 813) for the relief of George R. Dennis; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. HITCHCOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 811) for the relief of Jesse S. Fort; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

Mr. OGLESBY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 812) for the relief of Chickasaws and the adoption of the freedmen; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

CHEAP TRANSPORTATION.

Mr. WINDOM submitted the following resolution for consideration:

Whereas cheap and ample means for the interchange of commodities between the different sections of our country constitute essential conditions of national advancement and prosperity; and whereas the Select Committee on Transportation, after full investigation of the subject, report that in their judgment cheap transportation can only be obtained through competition, under governmental control and operating through cheaper means of transport than are now provided; that such cheaper means of transport can only be provided by the construction of double-track freight railways, or by the improvement and creation of water-routes; and that after a most careful consideration of the merits of various proposed improvements, taking into account the cost, practicability, and probable advantages of each, the committee *have come to the unanimous conclusion* that the following are the most feasible and advantageous channels of commerce to be created or improved by the national Government in case Congress shall act upon this subject, namely:

First. The Mississippi River;

Second. A continuous water-line of adequate capacity from the Mississippi River to the city of New York via the northern lakes;

Third. A route adequate to the wants of commerce through the central tier of States, from the Mississippi River via the Ohio and Kanawha Rivers, to a point in West Virginia, and thence by canal and slack-water or by a freight railway to tide-water;

Fourth. A route from the Mississippi River, via the Ohio and Tennessee Rivers to a point in Alabama or Tennessee, and thence by canal and slack-water, or by a freight railway to the ocean;

And whereas the said committee express the opinion that among other benefits and advantages the completion of the system of improvements suggested by them will effect a permanent reduction of 50 per cent. in the cost of transporting fourth-class freights from the valley of the Mississippi River to the sea-board and a similar reduction in return freights, thereby insuring remunerative prices to the farmer of the West, cheaper food to the manufacturer and laborer at the East and the cotton-planter of the South, enhancement by many hundreds of millions in the value of western and southern lands, and a large increase in the exportations of cotton and cereal products; and whereas the report of said select committee recommends that careful surveys and estimates be made upon such portions of said routes as may be necessary to determine accurately the cost of each and to enable Congress at its next session to enter upon the said system of improvements, if upon the completion of such surveys and estimates the same shall be deemed practicable and expedient: Therefore,

Resolved, That the Committee on Appropriations be, and hereby are, instructed to report amendments to the pending river and harbor bill, making appropriations for completing the surveys and estimates for each of the improvements recommended by said select committee upon the four routes indicated in said report.

Mr. WINDOM. I wish to state that when the finance bill and the civil-rights bill shall have been completed I will call up the resolution for action. I move now that it lie on the table and be printed.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 2343) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1875, and for other purposes, in which the concurrence of the Senate was requested.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. No. 420) to authorize the Secretary of the Interior to discharge certain obligations of the United States to the creditors of the Upper and Lower bands of Sioux Indians; and it was thereupon signed by the President *pro tempore*.

WEST VIRGINIA WAR CLAIMS.

Mr. DAVIS. If the regular morning business is through, I wish to be heard.

The PRESIDENT *pro tempore*. The Senator will proceed, if there be no objection.

Mr. DAVIS. Mr. President, the chairman of the Senate Committee on Claims gave notice that he would to-day ask the Senate to consider bills reported from that committee. I, also, gave notice that I would ask the Senate to allow me to submit some remarks to-day after the regular morning business was concluded. I shall be as brief as the subject will admit. I invite the attention of the Senate to the bill I introduced early in this session providing for the payment to the State and people of West Virginia of the sum of $500,000 to reimburse them in part for losses sustained by them during the late war. The bill has been read a second time, is now pending before the Committee on Claims, and is as follows:

A bill to reimburse the State of West Virginia for losses incurred by reason of the destruction of its bridges, court-houses, school-houses, churches, turnpike roads, and other public property by Federal troops during the late war.

Whereas the State of West Virginia suffered heavy losses during the late civil war in the destruction of bridges, court-houses, school-houses, churches, turnpike roads, and other public property; and whereas said State was loyal to the Government of the United States, and contributed its full share toward putting down the late rebellion; and whereas the greater portion of said property was destroyed by Federal troops acting under the orders of their superiors; and whereas said State, by reason of its heavy losses as aforesaid and of its being yet young in years and having to endure a heavy expense in the erection of its public buildings, is unable to contribute toward the rebuilding of said works: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized, and hereby directed, to pay to the State of West Virginia, upon the order of the governor of said State, out of any money in the Treasury not otherwise appropriated, the sum of $500,000, to be applied to the rebuilding of the bridges, court-houses, school-houses, churches, turnpike-roads, and other public property in said State destroyed by Federal troops by military orders during the late civil war.

My remarks, however, will apply to similar bills now upon the Calendar ready to be acted upon by the Senate.

SKETCH OF THE ORGANIZATION OF WEST VIRGINIA.

A large majority of the citizens of West Virginia were opposed to the ordinance of secession, and in favor of maintaining the supremacy of the Union and the Constitution, and signalized their devotion to the Government by setting up a reorganized government as soon as possible after the passage of the secession ordinance in Richmond, on the 19th day of April, 1861. A thrill of excitement shook the country from the Alleghanies to the Ohio River when the western delegates returned and announced the passage of the ordinance. Three days afterward, on the 22d, a mass meeting was called and held at Clarksburgh, where resolutions were adopted calling upon the people of Western Virginia to send delegates to a convention to be held at Wheeling on the 13th of May following, to determine upon such action as might be thought best.

The people responded to the call, and assembled in convention in Wheeling on the day appointed, and passed resolutions denouncing the ordinance of secession as an act of treason, and providing for a convention of all the counties of Virginia adhering to the national Government. This convention assembled in Wheeling on the 11th of June following, and proceeded to reorganize the lawful government of the State. This reorganized government was recognized by the people as the true government of the State, and Hon. F. H. Pierpoint was elected governor. This convention also issued a call for a new State constitutional convention, which body was elected on the 24th of October, 1861, and met in Wheeling on the 26th of November following.

The consent of the Legislature of reorganized Virginia was given to the formation of a new State on the 13th of May, 1862, and on the 31st of December following President Lincoln approved the act of Congress admitting West Virginia into the Union. The new State constitution, as amended, was adopted by the people on the 26th of March, 1863. A general election for the new State government was held on the 28th of May, and on the 20th of June, 1863, the State of West Virginia was inaugurated at Wheeling by Hon. Arthur I. Boreman, my present colleague on this floor, first governor of the new State, and the assembled Legislature. The validity of the new State was fully recognized by Congress admitting Senators and Representatives, and by the Supreme Court of the United States in the case of Virginia *vs.* West Virginia, for the possession of Jefferson and Berkeley Counties, which case was decided in favor of West Virginia.

SITUATION OF WEST VIRGINIA DURING THE WAR.

The people whose cause I advocate suffered much for the sake of the Republic. They are the men of the border, those men who during the rebellion were the living rampart of the States which adhered to the General Government. Some of them were soldiers of the United States Army, faithfully discharging their duty, while the Government, for whose preservation they fought, seized and used or destroyed their property.

West Virginia was one of the border States during the late war, and being so, had to bear the brunt of hard knocks and cruel blows from both of the then contending armies. She was the bulwark, the fortress, interposed between the loyal States of the North and the

opponents of the Government. Her hills and valleys resounded with the march of hostile armies during the whole war, and on numberless occasions were the scenes of hard-fought battles, and were drenched with the blood of the best and bravest of both armies.

All the moral influence which she, as a State, could exercise was thrown in the cause of the Government. Being one of the principal theaters of action, and the Gibraltar of safety for the Northern States, a large number of troops was necessarily kept in this State all the time. Thus it was necessary, as one of the consequences of war, to use her school-houses, churches, and other public buildings as winter quarters, &c., to shield the soldiery from the wintry blasts, or else as hospitals, to protect and care for the wounded. As fuel was needed, fences, timber, and other movable property were consumed. As food was needed, the resources of the country were used to supply the wants of the Army. As transportation was needed, horses, mules, and wagons were impressed and sacrificed for the common cause. When it became necessary to transport the heavy artillery and other munitions of war, as was frequently, nay daily, the case, our roads and pikes had to suffer.

It was a misfortune both to the people of the South and the people of the North that this war broke out; but it did break out, and it raged like a flame upon the prairie, destroying everything within its reach. It swept over our State like a deadly hurricane. It was our lot to have visited upon us all the evils, all the horrors of war; all the effusion of blood, the desolation of families, the rapine, the acts of violence, the conflagrations incident to war. The two armies surged backward and forward through our State like the ebbing and flowing of the tide, first advancing, then retreating. Life, liberty, property, all went down before the storm. Ties of kindred—social, domestic, and religious ties—were snapped asunder. Our cultivated fields were laid waste, our homes destroyed, our industrial pursuits interrupted—nay, almost abandoned. Many of our people were driven away from their homes; their cattle, horses, and other stock were taken, their houses burned, and everything they had on earth destroyed. They were left without means, without homes, without household furniture, suffering for the necessaries of life, and in some cases utterly destitute. This is but a faint picture of some of the horrors of war. Our neighbors, who dwelt in affluence and safety while we stood sentry over their treasures and loved ones, little knew the sufferings and privations we were called upon to undergo. I am not painting harrowing scenes in order to work upon the sympathies of Senators, but am stating plain truths, which the history of the late war will fully corroborate.

CLAIM UNEQUAL TO THE LOSSES.

The amount claimed in the bill is not at all equal to the losses actually sustained, but being a young State, and consequently modest, and taking into consideration the present financial condition of our Government, we do not demand as large an amount as we are legally and justly entitled to; but simply ask for the comparatively small sum named in the bill as some slight compensation for losses sustained by our people at the hands of the Union armies.

I will not weary the Senate, Mr. President, with any attempt to give the losses suffered by loyal citizens in our State, at the hands of the Federal troops, in detail. Every Senator knows how large was the demand of the Army for buildings as store-houses, for hospitals, and for winter quarters for officers and privates. Every one knows how forests were felled, and the timber and fences used for fuel, fortifications, and bridges. Every one knows how often, in the case of a retreat, it became necessary to destroy costly bridges, the property of the State, and public buildings, in which commissary stores and ammunition were stored, in order to prevent their falling into the hands of and becoming useful to the enemy. The sufferings of our State, in these particulars, are matters of history with which, doubtless, every Senator in this Chamber is conversant.

WHO OUGHT TO PAY THE LOSSES?

The question presented for determination is, who ought to bear the losses incurred by loyal men at the hands of the Government in the prosecution of the late war, the Government who took property, and used it for its own advantage, or the loyal State or party from whom the property was taken, and who received no benefit or compensation therefor, save the benefit, in common with all others, of protection? Most unquestionably the Government ought to bear the loss. The sacrifice of property by the loyal State or owner for the benefit of his Government should be compensated for by that Government by all means, and at the first opportunity. *The obligation to pay a faithful and a law-abiding citizen for property which the Government appropriates to its own use, and receives the benefit of, is an obligation as sacred in time of war as in time of peace;* and no matter with whom the war is waged, it is not waged with the parties from whom you take it.

War authorizes a government to possess itself of what belongs to the enemy, by confiscation, appropriation, or what you like, and without compensation; but it does not authorize a government to confiscate or appropriate the property of its loyal citizens without due compensation therefor. All law, whether in time of war or time of peace, among civilized nations at least, recognizes the principle that he who wantonly does an injury to a friend is bound to repair the damage, or to make adequate satisfaction if the damage be irreparable.

It is a principle—a sacred principle—incorporated in the great fundamental law of this country, that the Government or its properly constituted agents or authorities shall in no case take private property for public use without due compensation. The Government can never, with honor, deprive a citizen of property so long as the citizen is faithful to his obligations to the Government, without paying him compensation therefor. While the citizen is faithful, while he holds to his allegiance, while he discharges the obligation of citizenship, the theory of our Government is, and the principles of justice and right are, that the Government shall bring to bear all its powers to the end that citizens receive no detriment that shall not be redressed. This obligation is as lasting as the Government, and as sacred as the eternal principles of justice.

LAW BEARING ON THE SUBJECT.

Let us examine into the law on this question for a few moments, and see what the recognized authorities say on this subject. Vattel, in his Law of Nations, says:

Such damages are of two kinds, those done by the State itself, or the sovereign, and those done by the enemy. Of the first kind some are done deliberately, and by way of precaution, as when a field, a house, a garden, belonging to a private person, is taken for the purpose of erecting on the spot a town rampart, or any other piece of fortification, or when his standing corn or his store-houses are destroyed to prevent their being of use to the enemy. *Such damages are to be made good to the individual, who should bear only his quota of the loss.*

Vattel, it will be seen, divides the damages into two kinds, accidental and designed. It is not the purpose of this bill or our people to demand compensation for accidental damages, because in a state of war the party clothed with the right to make war has to march his troops through the country by the best route possible to accomplish his purpose, and the accidental damages resulting from such march are the necessary consequences of the war, and must be borne by the people without compensation therefor. But when we come to consider the second division, it is an entirely different matter. While it is acknowledged that if it is necessary to march through a growing crop of grain in order to secure a legitimate end and thereby impair its value, no compensation can be justly or legally claimed therefor; yet if, on the other hand, the troops are in camp, and under orders confiscate the corn for provender, or else cut it down in order to keep an enemy from approaching under its cover, it must be admitted that damages lie. So it may be set down as one of the acknowledged legal maxims of war, that whatever the Government takes from a loyal subject for the more efficient prosecution of a war, whether it be forage, timber for fortifications, houses removed or destroyed, or anything else, should be compensated for.

Says Grotius, (page 348, volume 3, Campbell's Grotius:)

The property of subjects is so far under the eminent control of the state that the state, or the sovereign who represents it, can use that property, or destroy it, or alienate it, *not only in cases of extreme necessity*, which sometimes allow individuals the liberty of infringing upon the property of others, but on all *occasions* where the public good is concerned, to which the original framers of society intended that private interest should give way. But when that is the case, it is to be observed the state is bound to repair the losses of individuals at the public expense, in aid of which the sufferers have contributed their due proportion. Nor will the state, though unable to repair the losses for the present, be finally released from the debt, but whenever she possesses the means of repairing the damages the dormant claim and obligation will be revived.

And again he says:

The king may in two ways deprive his subjects of their right, either by way of punishment or by virtue of his eminent power. But if he does so in the last way, it must be for some public advantage, and then the subject ought to receive, if possible, a just satisfaction for the loss he suffers out of the common stock.

Mr. William Whiting has also discussed this subject with direct reference to the liabilities of the United States, growing out of the late war. He asserts the same doctrine, namely:

If the private property of loyal citizens, inhabitants of loyal states, is appropriated by our military forces for the purpose of supplying our armies and to aid in prosecuting hostilities against a public enemy, the Government is bound to give a reasonable compensation therefor to the owner.

Again he says:

When individuals are called upon to give up what is their own for the advantage of the community, justice requires that they should be fairly compensated for it; otherwise public burdens would be shared unequally.

Again he says:

Public use does not require that the property taken shall be actually *used*. It may be *disused*, *removed*, or *destroyed*, and destruction of private property may be the best public use it can be put to. Suppose a bridge owned by a private corporation to be so located as to endanger our forts upon the banks of a river. To demolish that bridge for military purposes would be to appropriate it to public use.

This view of the case is fully sustained by the opinion of the Supreme Court of the United States in the case of Mitchell *vs.* Harmony, (13 Howard, page 134.) This case originated out of a transaction during our war with Mexico. Mitchell was an officer of the United States Army in that war, and destroyed the property of Harmony, in the Mexican province of Chihuahua, to prevent it from falling into the possession of the enemy, and suit was brought by Harmony to recover the value of that property. Chief Justice Taney, in delivering the opinion of the court, says:

And where the owner has done nothing to forfeit his rights, every public officer is bound to respect them, whether he finds the property in a foreign or hostile country, or in his own.

There are, without doubt, occasions in which private property may occasionally be taken possession of or destroyed to prevent it from falling into the hands of the public enemy, and also where a military officer charged with a particular duty may impress private property into the public service or take it for public use. Unquestionably in such cases the Government is bound to make full compensation to the owner.

The same principles are enunciated in the case of Grant *vs.* The United States, (reported in first Nott and Huntington's Court of Claims Reports.) Judge Wilmot, the author of the famous "Wilmot proviso," in pronouncing the opinion in this case, says:

It may safely be assumed as the settled and fundamental law of Christian and civilized states that governments are bound to make just indemnity to the citizen or subject whenever private property is taken for the public good, *convenience, or safety.*

This was a case in which Grant brought a claim against the Government for property destroyed in Arizona by the United States troops, in July, 1861, to prevent it from falling into the hands of the enemy.

In the syllabus of the case the following principles are laid down:

There is no discrimination to be made between property taken to be used and property taken to be destroyed.

It is no defense that the circumstances must have rendered the property valueless to the owner if the officer had not destroyed it. It is the imminence of danger that gives the state a right to destroy property; but the certainty of the danger does not relieve the state from liability for the property which it takes to destroy.

The doctrines of law set forth by the foregoing eminent writers and learned judges are so plain and to the point, that it is needless for me to do more than announce them without comment. The essence of the opinions and decisions seems to be contained in the plain proposition of law, that the Government is bound to compensate its loyal citizens for all property taken from them by the Government, or used or destroyed by the Government in the prosecution of the war, of which the Government received the benefit. This is what the bill contemplates. This is all we ask for.

DAMAGES INFLICTED BY THE CONFEDERATES.

We do not claim that the Government is under any obligations to indemnify us for damages sustained through the act or actions of its enemies, though even in this case there is abundant precedent to justify a claim of this kind; and in the particular case of West Virginia compensation ought really to be made her for damages inflicted by the enemies of the Government; for she by her adherence to the Government thereby threw herself into the very heart of the conflict and saved to the loyal States many times the amount claimed in this bill. But I will not discuss this proposition, as West Virginia waives all right of damages accruing to her by reason of injuries at the hands of the enemies of the Government, and simply asks that the Government, which she helped by means and men to keep intact, shall pay for the property it took and converted to its own use or destroyed.

ACCIDENTAL CONSEQUENCES OF WAR.

Nor do we claim that losses incurred by general measures, such as the blockade, the act of emancipation, the march of an army, the destruction of crops, &c., on a field of battle while in the midst of conflict, or any other accidental consequence of war, should be made good to loyal men who happened to incur them. These are the misfortunes of war, which cannot be helped and of which a true patriot does not complain. For the accidents of war, for the destruction which may be occasioned by the march of armies, by battles, by the capture of towns, by the resistance of an enemy when you are endeavoring to capture a town, no nation in the world could be called upon justly to pay. They are like destruction by fire, by the lightning, by a flood, &c., and are likened in the law to the acts of God. On whomsoever these damages fall, whether loyal or disloyal, the person who suffers the loss must submit to his misfortune. It would be the extreme of foolishness to contend otherwise.

THE RIGHTS OF LOYAL CITIZENS IN INSURRECTIONARY STATES.

I will not attempt, Mr. President, to argue the proposition so often asserted and so elaborately discussed in this Chamber as to the right of the Government to appropriate for war purposes, without compensation, the property of any and all residents of the States declared in insurrection, regardless of their sentiments toward the Government; for I do not think it enters into the case I am now presenting. Yet, while not arguing the proposition, and while admitting that when in the midst of a great civil struggle, such as we have passed through, it is not incumbent upon the Government, nor is it expected of it, to pause to inquire who were its friends and who its enemies. *I hold that a loyal citizen of Virginia, Louisiana, or any other insurrectionary State, was as much entitled to protection of life and property, and to be compensated for property taken or appropriated by the Government, as a citizen of New York, Massachusetts, or any other Northern State.*

In this connection I desire now to call the attention of Senators to a case reported upon at the second session of the Forty-second Congress by the Committee on Claims, of which I had the honor to be a member, and I desire especially to direct attention to the letter and indorsement of then General, but now President, Grant filed with the papers in the case. The case was as follows: James Cameron was the owner of a lot of ground, containing about forty acres, located in the suburbs of Chattanooga, Tennessee, on which was a dwelling used as a family residence. When the Union armies, under command of Major-General W. S. Rosecrans, entered that city, this property was taken possession of by them and used for army purposes. Fortifications were erected on the land, the timber on the land cut off and used for fuel, and the out-houses and fencing destroyed. The committee found that the claimants, Mr. and Mrs. Cameron, were loyal, and had been damaged to the amount of $10,000, and reported a bill for the payment of that amount, recommending its passage. The bill afterward passed the Senate. The letter and indorsement of General Grant were as follows:

[Letter.]

HEADQUARTERS ARMIES OF THE UNITED STATES,
City Point, Virginia, August 9, 1864.

MY DEAR MADAM: Your letter of the 8th of July was duly received, but not so promptly answered. I know yours to be a case where prompt payment should be made, and am willing to so indorse your claim. I believe your property at Chattanooga has been appraised by a board of officers. If so, send me the proceedings of the board, and I will make my indorsement and return them to you. If you have no such evidence of the claim inform me, and I will order a board to assess it, and will indorse the proceedings. This will be the first step toward a collection.

Yours, truly,

U. S. GRANT.

Mrs. CAMERON,

[Indorsement.]

HEADQUARTERS ARMIES OF THE UNITED STATES,
City Point, Virginia, October 25, 1864.

I know the property within described and the parties owning it well. Mr. Cameron and his wife have been unflinching friends of the Government from the beginning of our troubles to the present day. There are no more thoroughly loyal people anywhere in the North, and they are entitled to protection and pay for their property converted to Government use. What is now known as Fort Cameron, Chattanooga, was the private property of Mr. Cameron. From its elevated and commanding position, it had to be taken and fortified. By this means the entire property, with improvements, has been entirely destroyed for private use. I would recommend that the property be purchased, at a fair valuation, for Government use.

U. S. GRANT, *General.*

It will be noticed that in this case the property was located in a State known as one of the insurrectionary States, and that General Grant indorsed the claim as a just one and recommended its payment.

This fully commits the President to the payment to loyal persons for property taken or damaged by United States troops *in* insurrectionary States, and the act for the relief of the Kentucky University and many other similar acts, signed by the President, fully commit him to such payment to persons *in* States not in rebellion.

But the question of damages to loyal persons in insurrectionary States has nothing to do with the claim of West Virginia. The loyalty of our section of country was recognized and acknowledged by the General Government in the early part of the war, even while our State was a part of the State of Virginia.

I do not understand that the late war was waged against States, as States in their sovereign capacity, but against such of the inhabitants only as were in a state of insurrection, resisting the laws. It is a historical fact that all through the war a distinction was preserved in the legislation of Congress and the proclamations of the President between the loyal and disloyal inhabitants of the States and parts of States in rebellion.

LOYALTY OF WEST VIRGINIA RECOGNIZED BY THE GOVERNMENT DURING THE WAR.

As to our own section of country, I will cite extracts from some of the proclamations of President Lincoln in regard to the States in insurrection. In his proclamation of August 16, 1861, he says:

In pursuance of an act of Congress, approved July 13, 1861, I do hereby declare the inhabitants of the said States of Georgia, South Carolina, Virginia, North Carolina, Tennessee, Alabama, Louisiana, Texas, Arkansas, Mississippi, and Florida, except—

And here I ask the special attention of the Senate—

except the inhabitants of that part of the State of Virginia [the State of West Virginia was not formed until 1863] lying west of the Alleghany Mountains, and of such other parts of that State and the other States hereinbefore named as may maintain a loyal adhesion to the Union and the Constitution, or may be from time to time occupied and controlled by the forces of the United States engaged in the dispersion of the insurgents, are in a state of insurrection against the United States, &c.

President Lincoln also, in a proclamation dated July 1, 1862, in pursuance of an act of Congress passed June 7, 1862, in which it was made the duty of the President to declare, on or before the 1st day of July then next following, in what States and parts of States insurrection existed, expressly excepted the counties comprising West Virginia.

He also, in a proclamation issued April 20, 1863, revoking certain exceptions made in a former proclamation, expressly excepted the counties of Virginia designated as West Virginia.

So you will see that the President of the United States, in every proclamation of insurrection, was careful to make a distinction in favor of the State of West Virginia, and justly so.

PROMISES MADE TO OUR PEOPLE.

President Lincoln, in his proclamation of April 15, 1861, appealed to all loyal citizens, wherever situated, to lend their aid in maintaining the honor, integrity, and existence of the Union. He declared that in the effort to re-establish its supremacy the utmost care would be observed to avoid any devastation, any destruction of or interference with property, or any disturbance of peaceable citizens in any part of the country. This looked as if it was the intention of the Government to protect loyal persons in their property, no matter where located.

During the late war the Commander-in-Chief of our armies issued "instructions for the government of the armies of the United States in the field," from which I quote three sections:

34. As a general rule, the property belonging to churches, to hospitals, or other establishments of an exclusively charitable character, to establishments of education, or foundations for the promotion of knowledge, whether public schools, universities, academies of learning, or observatories, museums of the fine arts, or of a scientific character—such property is not to be considered public property in the sense of paragraph 31.

(This paragraph, (31,) recites what a victorious army may appropriate in time of war.)

37. The United States acknowledge and protect in hostile countries occupied by them religion and morality; strictly private property; the persons of the inhabitants, especially those of women; and the sacredness of domestic relations. Offenses to the contrary shall be rigorously punished.

38. Private property, unless forfeited by crimes or by offenses of the owner, can be seized only by way of military necessity, for the support or other benefit of the Army of the United States. If the owner has not fled, the commanding officer will cause receipts to be given, which may serve the spoliated owner to obtain indemnity.

These rules, it will be seen, are applicable to the country of an enemy; how much more so, then, to the country of a friendly subject? If an enemy is entitled to such consideration, why should not a loyal man expect to be protected in his rights?

General George B. McClellan, when he entered Western Virginia in May, 1861, at the beginning of the war, issued a proclamation and address "to the Union men of Western Virginia," dated May 26, 1861, from which I take some brief extracts to show the specific promises made by the Government to our people:

You have now shown, under the most adverse circumstances, that the great mass of the people of Western Virginia are true and loyal to that beneficent Government under which we and our fathers have lived so long. * * * I have ordered troops to cross the Ohio River. They come as your friends and brothers, as enemies only to the armed rebels who are preying upon you. Your homes, your families, and your property are safe under our protection.

Again, in a proclamation and address "to the inhabitants of Western Virginia," dated June 23, 1861, among other things he said:

The proclamation issued by me under date of May 26, 1861, (referring to the above proclamation,) will be strictly maintained. Your houses, families, property, and all your rights will be religiously respected. We are enemies to none but armed rebels and those voluntarily giving them aid.

He also issued an order to his soldiers dated Grafton, Virginia, June 25, 1861, in which he said:

Bear in mind that you are in the country of friends, not of enemies; that you are here to protect, not to destroy. * * * Remember that I have pledged my word to the people of Western Virginia that their rights in person and property shall be respected. I ask every one of you to make good this promise in its broadest sense. We come here to save, not to upturn.

The Government has committed itself in this matter, and it is a late day now to say, "Well, we thought it necessary and wise, in order to establish our supremacy, to assure those of you in the border and Southern States who remained loyal, especially those of you who acted as the breast-works, as it were, of the Northern States, that you should be protected in your liberties and property; but now that the war has been waged, and we have come out of the conflict victorious, we choose to ignore your sufferings, your loyalty, your services, your sacrifices; we choose to forget our manifold promises of protection and redress. It was all very well when the Union was in danger, when the fate of the nation was trembling in the balance; but now that the affair has been decided, what matter to us what you have suffered or sacrificed; what matter to us whether you gave your all to help save us? You can be of no further use to us; therefore we ignore and disclaim you. What matter to us that, for the sake of your devotion, you braved insolence, outrage, and persecution; what matter that you endured confiscation, conflagration, exile, and often death?" Is this the policy that will make this nation the shining light in the galaxy of nations that its founders intended it should be? I think not.

HOW THE LOYALISTS OF THE SOUTH SUFFERED.

The mission of war is to kill, capture, and destroy. It aims to inflict upon the enemy the greatest amount of mischief possible. To do this it sometimes becomes necessary to ruthlessly destroy the property of friend and foe alike, as in the memorable march of General Sheridan through the valley of the Shenandoah in 1864, and the march of General Sherman to the sea-coast.

As an apt illustration of the manner in which the loyal people of the border had to suffer, I will refer to the raid through the valley of the Shenandoah during the fall of 1864. General Sheridan, in his letter to General Grant, dated "Woodstock, Virginia, October 7, 1864," says:

On moving back to this point, the whole country, from the Blue Ridge to the North Mountain, has been made untenable for a rebel army. I have destroyed over two thousand barns filled with wheat and hay and farming implements; over seventy mills filled with flour and wheat; have driven in front of the Army over four thousand head of stock, and have killed and issued to the troops not less than three thousand sheep. This destruction embraces the Luray Valley and Little Fort Valley, as well as the main valley. A large number of horses have been obtained, a proper estimate of which I cannot now make.

The historian tells us that "whatever of grain and forage had escaped appropriation or destruction by one or another of the armies which had so frequently chased each other up and down this fertile and productive valley was now given to the torch. Some of it was the property of men who not only adhered to the Union but were fighting to uphold it."

JUSTICE OF THE CLAIM.

The losses of private property on the part of citizens faithful to the Government, and of which the Government has received the benefit, ought to be borne, as the expense of raising and supporting armies is borne, not by the few who are forced by the fortunes of war temporarily to sustain them, but by the whole people. Certainly no one will deny that it is the spirit and intent of the organic law of the land that the burdens of Government shall be borne alike by the whole people, and that its benefits shall be shared alike by all who bear it true allegiance.

I cannot see wherein the forcible taking of property from a loyal man in a border State, at a time when the necessities of the Army demanded it, differs from the peaceable taking of the property of a man in a Northern State, in so far as compensation is concerned. If the supplies had not been taken from the country through which the troops were passing they would have to have been purchased elsewhere, because an army cannot be maintained without means of transportation, food and shelter for the men, forage for the horses, &c. If *purchased*, most undoubtedly vouchers would have been given and payment made. If not purchased, if not on hand in the commissary or quartermaster department at the time needed, they would have to be procured from the surrounding country. The only difference, if any exists, is that in one case there is an express promise to pay, and in the other case the promise is implied in the taking. I take it our Government does not claim to be a freebooter, and the obligation to pay is as binding in honor and in law in one case as the other.

But the question may be asked, Where are your vouchers? Did not the United States officers give the loyal parties from whom they took this property something to show for it, some paper or voucher by which they could prove their claims when they came to receive payment? No; in most cases they did not. In the nature of the case the emergencies of the Army often forbade the delay of a formal requisition, while they equally necessitated an immediate supply of its wants. And frequently, when supplies had been formally taken, the sudden movement of the Army prevented the execution of proper vouchers. The needs of a large army in active movement brooked no delay. On a forced march the cavalry, for instance, could not afford to wait until fresh horses could be regularly bought or impressed, or proper receipts given. And property was often taken when there was no one present authorized to give a voucher.

The *value of such private property appropriated, used, or destroyed by the Government, and of which the whole country received the benefit, is as much a part of the public debt as if it were a five-twenty or seven-thirty bond of the United States, and the obligation is as binding, morally and legally, to pay it.* A proposition to repudiate the national debt would be scorned by this nation, and, in my opinion, the national honor would in the end suffer just as much, if the just war claims of loyal people are repudiated.

It is to be remembered, sir, that the citizens of our State contributed of their money, in the shape of taxes and otherwise, for the support of the Government in the prosecution of the war; they were subject to draft and to do military duty, as were the citizens of the Northern States, and in all respects occupied the same position toward the Government as did the citizens of New York or Massachusetts. Why, then, should they be discriminated against?

It is simply preposterous to say that there is any justice in refusing to pay a loyal man in the South for his property deliberately taken by the Government, where, under the same circumstances, we would pay a man living in the North, without raising the question of loyalty or disloyalty, for his property. For my part, I cannot subscribe to any such doctrine.

The Government, in its relations to the people, may be likened to a parent in his relation to a child. It is *as much the duty of the Government to see that the people who recognize its authority and give it their allegiance are protected in "life, liberty, and property,"* as it is the duty of a *parent to provide for and protect a dutiful child. No government can expect to maintain its sway in the hearts of the people unless it exercises a watchful and fostering care over them. And no government can expect its people to do justice toward it, unless it metes out equal and exact justice to its people.*

This is a just claim, a legal claim, a moral claim against the Government of the United States for property it has taken, and the obligation to pay this and similar claims is as strong and binding as the obligation to redeem the Government's promises to pay, or an individual's. It is no answer to the justice of the claim to say that the Government cannot afford to pay. The Government ought only to inquire if the claim be just and right, and if so, to allow it, and provide the means of payment; and if the means are not at hand now, let it be acknowledged now and paid when means are at hand.

PRECEDENTS.

As to precedents, they could be cited in abundance, and to sustain a much weaker claim than the one I am now presenting. As my remarks will be more protracted, I cite but a few.

It is a well-settled principle in law and justice that if a part of a cargo of a vessel is thrown overboard or destroyed, to save the balance, the entire cargo must pay the loss. Again, if during a fire in a city or town, a house or houses are blown up or in any way destroyed, believing this might save other property, by stopping the fire, the city or town must pay for the house or property destroyed, though it is certain the same property would have been burned if not destroyed.

Congress, in 1816, passed "an act to authorize the payment for property lost, captured, or destroyed by the enemy while in the military service of the United States, and for other purposes." (Statutes at Large, volume 3, page 261,) in which it was provided (section 5) "that where any property has been impressed or taken by public authority for the use or subsistence of the Army, during the late war, and the same shall have been destroyed, lost, or consumed, the owner

of such property shall be paid the value thereof, deducting therefrom the amount which had been paid or may be claimed for the use and risk for the same, while in the service aforesaid."

But the principle I am contending for was recognized long before the passage of this act. On the 13th day of April, 1792, an act was passed granting compensation to the trustees of the public grammar school and academy of Wilmington, Delaware, for the use and occupation of the said school, and damages done to the same by the troops of the United States during the revolutionary war. (Statutes, volume 6, page 8.)

An act was passed on the 16th of April, 1800, for the relief of Rhode Island College, for injuries done to and compensation for the occupation of the edifice of said college from the 10th of December, 1776, to the 10th of April, 1780, by the troops of the United States, and from the 20th of June, 1780, to the 27th of May, 1782, by the troops of France, co-operating in the defense of the United States; in the first instance as a barracks, in the second as a military hospital. (Statutes, volume 6, page 40.)

The relief granted in this act was recommended by Alexander Hamilton, then Secretary of the Treasury, who in his report thereon, dated January 31, 1795, said:

It is the opinion of the Secretary, as expressed on former occasions, that in this and all similar cases affecting the interests of literature, indemnification and compensation ought to be made. (Claims, page 198.)

March 1, 1815, an act was passed to compensate William H. Washington for the value of a house situated near the west end of the Potomac bridge, which was used as a depot for public stores, and was destroyed by order of a United States officer to prevent the stores falling into the hands of the British during the war of 1812. (Statutes, volume 6, page 151; Claims, page 445.)

April 26, 1816, an act was passed to audit and settle the claim of the supervisors of the county of Clinton, New York, for the destruction of the court-house of said county by order of a Federal officer. (Statutes, volume 6, pages 164, 165.)

April 7, 1830, an act was passed appropriating money to pay Hubert La Croix, of the (then) Territory of Michigan, for the destruction of his dwelling-house by the British and Indians while in the military occupation of the United States. (Statutes, volume 6, page 412.)

March 2, 1833, an act was passed to compensate the heirs of Thomas Frothingham, deceased, for certain buildings in Charlestown, Massachusetts, which were burned during the revolutionary war, by order of General Putnam. The baildings were burned to prevent their being used as a shelter by the British troops. (Statutes, volume 6, page 547.)

July 2, 1836, an act was passed to remunerate the heirs of Nathaniel Canada for the burning of a toll-house and bridge across the Niantic River, in Connecticut, in 1814, by the British, while they were occupied by the troops of the United States. (Statutes, volume 6, page 659.)

April 20, 1838, an act was passed appropriating $3,000 to Calvert County, Maryland, to indemnify her for the destruction of her court-house by the British in the war of 1812, while the same was in the occupancy of the United States. (Statutes, volume 6, page 711.)

In June, 1872, an act was passed allowing Joseph Segar $15,000, the balance due him after deducting what he had heretofore received for the use and occupation of his farm in Elizabeth County, Virginia, by the Army of the United States during the late rebellion. (Statutes, volume 17, page 670.)

In January, 1873, Congress passed a law authorizing the Secretary of the Treasury to pay the heirs of John Minor Botts the sum of $1,990.16, in full of balance for injuries done or committeed by the troops of the United States to the land of John Minor Botts, deceased, the timber, fences, and other fixtures thereon. Mr. Botts had been paid $14,870.63 June 1, 1865, by the Quartermaster's Department. (Statutes, volume 17, page 719.)

And so I might go on until I both wearied myself and exhausted the patience of the Senate. The cases resulting from the late war and acted on from time to time by this body and the House of Representatives are fresh enough, doubtless, in the mind of every Senator present, and it would be but an unnecessary waste of time for me to enumerate them. I believe these acts to have been right in principle and sanctioned by law, and commend Congress for their passage. While I believe our bill is strong enough in its own merits to insure its passage, yet I cite these precedents to show that I am contending for no new principle, but for an old established one, such a one as it has been the uniform practice of this Government to conform to from time immemorial. It will be noticed that most of the cases cited are similar to the class of cases for which compensation is claimed in the bill.

Let us glance for a moment at what has been done by some other nations toward compensating those who befriended them in their wars, and then I will have done with this branch of the subject.

During the war of the Revolution the tories, as they were commonly called, or the adherents of the British Crown, suffered at the hands of the Continental Army. Some were driven from their homes and their estates confiscated. The war terminated in favor of the Americans. The injured tories appealed to Parliament for compensation. The result of their appeal is thus told by Sabine, in his American Loyalists, (page 111:)

The amount of losses, according to the schedules rendered, was £8,026,045, of which the sum of £3,292,455 was allowed. From this sum the deductions which have been mentioned (made from claims exceeding £10,000) were about £180,000; leaving for distribution nearly $15,500,000. The loyalists then were well cared for. * * * Besides the allowance of fifteen and a half million dollars in money numbers received considerable annuities, half-pay as military officers, large grants of land, and shared with other subjects in the patronage of the Crown.

It will be noted that this relief was granted, not for property of which their own government had despoiled them, but for property which had been taken from them or destroyed by our troops and people.

Even France, although almost impoverished at the close of the Franco-Prussian war, made provision for such of her subjects as had been injured. We quote from a learned and distinguished jurist, a member of this body, Judge HOWE, who as the then chairman of the Committee on Claims of the Senate, in February, 1873, submitted an able and exhaustive report—one that in my opinion is unanswerable—reviewing the objections of President Grant to the act passed for the relief of J. Milton Best.

Judge HOWE in his report says:

In September, 1871, immediately upon the close of the Franco-German war, France, although defeated and subjected to the payment of a fine of 3,000,000,000 francs to her conquerors, did not ask to avoid the obligation of making compensation to her despoiled subjects. Accordingly the National Assembly provided not only for the payment of all private damages inflicted by the French authorities, but also provided for the repayment of all exactions made upon French subjects in the name of taxes by the German authorities. The same decree appropriated 100,000,000 francs, to be placed at once in the hands of the ministers of the interior and finance, to be apportioned between the most necessitous victims of the war, and appropriated a further sum of 6,000,000 francs, to be distributed by the same ministers among those who suffered the most in the operations attending the attack made by the French army to gain entrance into Paris.

AMOUNT OF THESE WAR CLAIMS.

Some say that the recognition of such a claim as this and similar claims will open the flood-gates of the Treasury, and that the nation will be bankrupted. When a war claim is presented, they put on their magnifying glasses, and conjure up similar claims to the amount of hundreds of millions of dollars. I do not think, from my observation and research into this matter, that the amount of these claims will be so enormously large. I think when we talk about thousands of millions and an infinite draft on the Treasury, we are talking at random. But even admitting the truth of the assertion, I still hold that the justice of my position is not affected by it. While I favor economy in all directions and in all matters pertaining to disbursements from the public Treasury; while *I favor an impartial and rigid examination into every claim, of whatever nature, presented against the Government, yet I am not one of those who contend that we are to refuse to do justice because it involves the expenditure of money.*

I believe, however, that $25,000,000 will cover, and more than cover, every legitimate claim, from all sources, for property taken or used by the Federal Army belonging to loyal citizens and appropriated for the use of the Army, or used or destroyed for the benefit of the Government, especially after the close scrutiny to which this class of claims is subjected. And I think, if I have the attention of the Senators, I can demonstrate that I have overstated the amount. I have prepared, in tabular form, a statement showing all claims now pending, and the amount of them, as well as the number of claims acted on and their amount. The figures are as follows:

	Number of claims presented.	Amount.	Number allowed.	Amount.	Number rejected.	Amount.	Number pending.	Amount.
Commissary-General	6,096	$3,312,757 68	1,406	$317,448 54	4,443	$2,682,644 18	247	$190,527 44
Quartermaster-General, (up to close of fiscal year)	31,126	21,319,180 02	6,257	2,741,961 67	13,522	9,048,044 57	11,347	7,822,829 55
Quartermaster-General, (since beginning of fiscal year)	1,000	700,000 00					1,000	700,000 00
Commissioners of claims, (southern claims commission)	22,298	60,258,150 44	5,254	1,794,580 55			17,044	50,033,764 12
Senate United States	104	3,500,000 00					104	3,500,000 00
House of Representatives	500	16,300,000 00					500	16,300,600 00
Yet to be presented		10,000,000 00						10,000,000 00
Totals	61,124	115,390,088 14	12,917	4,853,990 76	17,965	11,730,[illegible]32 75	30,242	88,547,121 11

The figures given in the above table are official, as far as the reports of the Commissary-General, Quartermaster-General, and southern claims commission are concerned, with the exception of the amount filed in the Quartermaster's Department since the beginning of the

fiscal year. The Quartermaster-General estimates the number of claims received since the beginning of the fiscal year at one thousand, but does not give the amount of them. I have estimated the amount by taking the claims heretofore presented in that department as the basis. The amount of claims pending in the Senate and House of Representatives have been prepared by the clerks of the Claims Committees, and have been estimated as well as they could be from the data at command, and I have no doubt are very nearly correct. I have also allowed $10,000,000 for claims yet to come in, and I think that is a full estimate, for it must be remembered that it is now some years since the acts were passed allowing these claims to be presented.

It will be seen by reference to totals in the report, that 30,882 cases have been acted upon, leaving about one-half (30,242) yet to be acted upon. The amount of the cases acted upon was $27,033,494.47, and of this amount $4,853,990.76 have been allowed; a little less than one-fifth. Of the $88,547,121.11 yet remaining to be acted upon, it is fair to remark: First, that of the 11,347 claims pending up to the close of the present fiscal year in the Quartermaster-General's Department, General Meigs says "about three-fourths of them have been suspended for want of additional evidence, (which, in the majority of cases, is tantamount to rejection,) which may or may not hereafter be furnished." This would reduce the amount remaining to be acted on in his office to $1,955,707.39. Second, of the claims pending in the House of Representatives, $5,000,000 are for property taken, occupied, and destroyed by the United States as a military necessity in the so-called Confederate States, and I am credibly informed that the major part of this amount is claimed by those who acted with the confederacy, one claim alone, of that character, being for $1,000,000. Also, $2,000,000 of those claims are for the use of railroads and damages to the same, which are not allowed by the laws now in force. This would reduce the amount of claims now pending in all quarters and yet to be presented, as estimated, to some $75,000,000.

And just here I would like to direct the attention of the Senate to a letter from the Secretary of the Treasury to Hon. JAMES G. BLAINE, Speaker of the House, dated February 18, 1874, (Executive Document No. 146,) from which it will be seen that—

The amount covered into the Treasury of the United States, from the sale of captured and abandoned property during the war, has been	$20,910,656 44
Of this there has been expended in payments to claimants and costs	6,500,227 27
Leaving in the Treasury	14,410,429 17

There has been allowed by the Court of Claims something over $1,000,000, which has not yet been paid, which comes out of this amount.

Now, taking the proportion of claims allowed to the amount claimed, and we have about one-fifth. Applying this same proportion to the amount yet pending—some $75,000,000—and we find we have some $15,000,000, which is but little more than the amount in the Treasury resulting from the sale of captured and abandoned property in the Southern States. But even allowing the whole amount of claims yet pending to be such as can properly be considered, and applying the proportion as before, we find we will probably have to pay but some $17,700,000 in round numbers, which is far below my estimate of $25,000,000, and to meet which there are nearly $14,000,000 now in the Treasury belonging to that fund. So, if there is any reliance to be placed in figures, and it is said "figures never lie," the fair inference is that $20,000,000 will more than pay every legitimate and proper claim of this nature against the Government, and surely this is not an amount sufficient to deter a government from doing what is just and right toward its people.

Most of the above claims can be considered under present laws by the southern claims commission, the Quartermaster-General and the Commissary-General. It is estimated that to the present time not more than ten millions has been claimed by loyal citizens or States for property taken or destroyed by United States troops or agents. Apply the rule and basis heretofore acted upon, three or four millions will pay all such claims.

Some say *the Government cannot afford it.* What an answer that to make to a man who has suffered and lost at the hands of the Government he was endeavoring to maintain and uphold! What an answer to make to a man who asks, not pay for the spoliations of the enemy; not compensation for losses incident to the war, but indemnification simply for what his own Government has appropriated or destroyed! Sir, no nation can afford to be unjust, least of all ours. This Government wants the respect and good will of its own citizens as well as a good credit abroad. The war is over; the effects of the war almost obliterated; industry has resumed its pursuits, and the whole country seems to be advancing to a high state of prosperity. Is it not time to look into these matters I have so feebly attempted to describe? We have waited long and patiently. Is it not time to give us our reward?

DUTY OF THE GOVERNMENT IN THE PREMISES.

The duty of this Government is to protect, and it owes protection where it exacts allegiance. The fundamental basis of all republican governments is the mutual compact between individuals and the people in a collective capacity, represented by the government.

While it is true that the citizen owes allegiance to the government of which he is the subject, the converse of the proposition is equally true, that the government owes protection to the subject. This common unity of interest, these mutual and reciprocal obligations, are what constitute and cement the Union of States. Break this strong chain that binds the governed and the governor together, and the name of government becomes a mockery, a nonentity. You might as well attempt to run an engine without a driving-wheel as to attempt to run a government without this reciprocity of interest. And, on the other hand, the driving-wheel without the "governor" would soon play sad havoc and destruction with the machinery of the engine. A government, without a people acknowledging their allegiance and claiming its protection, is nothing, and a people without a government to protect them and exact their allegiance amount to nothing. Each depends upon the other for existence and perpetuity.

As representing the moral sense of the nation, Congress is bound to do what is just, what is equitable, and what is becoming our Christian civilization. While we are the custodians of the national treasure, we are also the guardians of the national honor. While we are bound to protect the Treasury from the payment of illegal claims, we are bound to see that the honor and interests of the people do not suffer. When a great and magnanimous nation like this takes from one of its loyal citizens his property, and applies it to its own use and benefit, that citizen ought to be paid every cent of the value of the property so used.

Wherever the people in the Southern States preserved their fidelity to their Government, they were as free from the rebellion as a loyalist residing in any Northern State, and with much more merit, because the temptation and forces that operated so terribly upon them were so much greater.

Congress has passed several laws; notable among them is the act of July 27, 1868, relieving officers or agents of the Army from liability to owners of property taken, used, or destroyed during the late war. This transfers from the officers or agents to Government all liability to pay, &c., for property taken or destroyed by United States troops or agents.

When supplies for the Army, or munitions of war, or anything else wanted by the Government, were procured or appropriated in the Northern States, they were paid for. Nor was any account taken of the loyalty or disloyalty of the party from whom they were procured. I cannot see how any distinction, either in law or morals, so far as the obligation of payment is concerned, can be made between a purchase and an appropriation from the loyal owner without a direct purchase, where the Government received the benefit of the thing purchased or appropriated. This, in my opinion, would be a matter of much more serious contemplation if, by the passage of this act, we were establishing a precedent; but this is not the case. We have precedent after precedent, of a remarkable uniformity of decision, antedating to the earliest history of our own Government, and in older countries going back to the time whence "the memory of man runneth not to the contrary." I contend that by every principle of justice, by every principle of equity, by every principle of honor, by every principle of common honesty, we cannot escape the obligation to pay for property we have taken, used, or destroyed, belonging to a loyal citizen or State, and have received the benefit of its use in the support of the cause of the Union.

SPECIAL CLAIMS OF WEST VIRGINIA ON THE GOVERNMENT.

It seems to me, Mr. President, that a more equitable claim could not be presented to Congress. The State of West Virginia responded patriotically and manfully to the call of the President for troops. She sent to the field some of the best soldiers that were ever enrolled in any army. She complied with every requisition that was made upon her. The heroic deeds of her soldiery are written upon the annals of history, and of their exploits she may well feel justly proud. They were ever found where duty called them, and many of her brave sons lie buried where they fell in the discharge of their duty to their country. By reference to the records of the War Department it will be seen that West Virginia furnished troops to the Federal Government during the war to the number of 32,003—as large a number, in proportion to her able-bodied population, as any Northern State.

The loyal people of our State, under all their losses and troubles and sufferings, never murmured or complained, because they had faith in the proclamations of the President and the published addresses of the generals of the Union armies that they were considered the friends of the Government, and as such were entitled to protection and to remuneration for all property appropriated and used or injured or destroyed by the Government, of which the Government received the benefit.

West Virginia, although destined when her hills and valleys are densely populated and her dormant wealth, now lying undeveloped, shall be unearthed, to be one of the brightest stars in the crown of States, is yet in her infancy. She has had to incur a heavy expense in the erection of necessary public buildings, many of which have been destroyed by the Union armies. Being a comparatively new State she needs development. But although she is in this condition; although she has been subject to the ravages of both armies; although she has had to undergo toils, privations, and dangers innumerable, she does not come here as an object of charity. She comes, asking as a right that where the Government has received the benefit of the subsistence stores, the horses, the cattle, corn, and other articles of food, the houses, timber, &c., taken from loyal persons in her borders by its armies, and where they have used, injured, and destroyed our macadamized roads, churches, school-houses, bridges, court-houses,

and other public buildings for military purposes, they ought to pay a just compensation for the property so taken, used, destroyed, or injured. I feel that my position in this matter is true and impregnable, however unable I may be to do the case justice or to convince those of the Senators who may differ with me in the views I have expressed.

CLOSING REMARKS.

It was easy enough to be true to the Government where the storm and fury of battle did not rage, where your homes were undisturbed by the shock of arms, where it cost nothing to be loyal; but in our country, especially in the earlier days of the war, it required principle and moral and physical courage and love and devotion to the Union to oppose the rebellion. Do we not owe something to the persons who were faithful amid such fiery and terrible trials?

I say, Mr. President, and I feel that the country is not only able but will give its hearty sanction to the payment of claims of this class. All that will be *required of us is that we carefully scrutinize these claims and see that none but just claims are paid; and I am willing that the merits of this bill* shall be submitted to the *closest and most careful scrutiny.*

I wish it distinctly understood that our people are willing not only to bear their just and equitable proportion of the war debt, but any other expenditure necessary to maintain and keep inviolate a republican form of government. But we do not think it fair to bear more than our just proportion. We think the losses sustained by our loyal people during the war at the hands of the Federal Government should be equitably borne by all the States, and not left to fall upon us alone.

Why is it that during the entire period of the war, from the firing on Fort Sumter to the surrender at Appomattox Court-House, we were led to believe by the practice of the Federal Government, and by the proclamations of its President and generals, that we were considered friends of the Government, and that our constitutionally guaranteed rights of protection of our lives and property were sacred in the eyes of the Government? Ah! the Government was in need, and when in need it made bountiful promises. But now the war is over, now that the victory has been won, now that the perpetuity of the Union is more firmly established, if possible, than ever, now that our services, our money, our sacrifices are no longer needed, are we to be told that the promises made to us were but delusions—promises made to the ear to be broken to the hope? Are we to be told that we have no rights which this nation we helped to save is bound to respect? For the honor of its good name, I trust not.

We ask the passage of this bill by virtue of our loyalty, tested and proven under the most adverse and trying circumstances; by virtue of our sacrifices and sufferings on behalf of the Government; by virtue of our having borne our full share of the burdens of the Government during the whole war and since; by virtue of the pledges given us at the commencement of and during the war; by virtue of the Constitution and the law of the land; by virtue of the Articles of War; by virtue of the laws of war which prevailed among the civilized nations of the earth; by virtue of the brave men of our State who laid down their lives a willing sacrifice on the altar of their country; by virtue of the precedents established at the time of our national independence, and recognized up to the present day; by virtue of right and by virtue of justice.

And now, Mr. President, I owe an apology for the length of my remarks, which are more lengthy than I had intended to make them, but I found there was so much ground to cover, and the subject one in which the people I have the honor in part to represent are more interested than perhaps any other, I could not do my constituency, the merits of the bill, or myself, justice in less time. I feel that the bill has not only intrinsic merit, but is an eminently just one; and if I have failed to present its merits in a proper and convincing light, the default must be attributed to the imperfect manner in which I have laid the facts before you. I trust that Senators will give the subject of this bill, and similar bills, and the law bearing upon them, their careful and earnest attention, so that justice may be done to the people of the border and the South, and not let the few bear the burdens that belong to the many.

BUSINESS OF COMMITTEE ON CLAIMS.

Mr. SCOTT. Mr. President, unless the Senator from Ohio, [Mr. SHERMAN,] who has given notice of his intention to move the consideration of the finance bill, deems it his duty to insist upon the consideration of that bill to-day, I shall now ask the consent of the Senate to proceed to the consideration of bills reported from the Committee on Claims, yesterday having been assigned to that committee, and it having been displaced by the then unfinished business.

Mr. SHERMAN. I deem it my duty to move to take up House bill No. 1572, in regard to the currency. I will state to the Senator from Pennsylvania that I am in hopes this bill will not occupy more than to-day and to-morrow, and then I shall be very glad indeed to see his motion adopted, so as to expedite the business he has in charge. It was understood all around in the Senate that to-day, after the passage of the Geneva award bill, the finance bill should be taken up, and it seemed to be assented to by Senators on all sides. I gave notice that I should move to take it up, and Senators are here at some discomfort to carry out that understanding. I will therefore move, if it is now in order, to take up House bill No. 1572.

Mr. SCOTT. Before the Senator makes that motion, if he insists upon it, I ask that the Committee on Claims shall have the privilege and the right immediately after the disposition of the finance bill to proceed to the consideration of their bills, and that the day following the disposition of the finance bill be fixed for that purpose. I will make that motion.

Mr. CONKLING. What is the motion?

Mr. SCOTT. That immediately upon the disposition of the finance bill the Senate will proceed to give a day to the consideration of bills from the Committee on Claims.

The PRESIDING OFFICER, (Mr. WEST in the chair.) The Senator from Pennsylvania moves that at the conclusion of the finance bill, as indicated by the Senator from Ohio, the Senate proceed to the consideration of bills reported from the Committee on Claims.

Mr. EDMUNDS. Is that motion in order?

The PRESIDING OFFICER. The Chair is of opinion that under the objection of the Senator from Vermont the motion is not in order, but that the Senate would receive a notification to that effect from the Senator from Pennsylvania.

Mr. EDMUNDS. I do not make the point of order in opposition to the Senator having claims bills considered, but I make it from a long-time conviction that it is not just to the Senate, just to the claimants, or safe for the Government to separate the business of any one committee—and I include the Judiciary and the Library and every other committee, if there is any other, to which I belong in the number—from the General Calendar of the Senate. It leads to a very thin attendance always; whereas, on the other hand, if you take up the Calendar and take up the reports of all the committees in the order in which they are made, confining debate, if you like, to five minutes, you get just as much business done, and you get it done when all Senators are present, and when if any just criticism can be made or doubt suggested about the propriety of any legislation every Senator will be present to consider it. I beg the Senator from Pennsylvania to believe that it is not because I do not wish to expedite his bills, but upon the principle that I have named that I make the point that I do.

Mr. SCOTT. Of course, the motion not being in order at this time, I shall have to content myself with giving notice that at the conclusion of the finance bill I shall ask the Senate to proceed to the consideration of bills from the Committee on Claims.

WITHDRAWAL OF PAPERS.

On motion of Mr. HOWE, it was

Ordered, That Joanna W. Turner have leave to withdraw her petition and papers from the files of the Senate.

On motion of Mr. BAYARD, it was

Ordered, That Frances Ann McCauley have leave to withdraw her petition and papers from the files of the Senate.

ENGRAVING FOR PROFESSOR BAIRD'S REPORT.

Mr. ANTHONY. I offer the following concurrent resolution, and ask for its present consideration:

Resolved, (the House of Representatives concurring,) That Spencer F. Baird, United States commissioner of fish and fisheries, be authorized to have the engraving for his report executed under the direction of the Joint Committee on Public Printing.

Mr. SHERMAN. That may involve a pretty large expense.

Mr. CONKLING. How many copies are to be printed?

Mr. ANTHONY. The work has already been ordered to be printed. The engraving itself has been ordered, and the cost of it will be about $1,000. Professor Baird desires, and he has convinced the committee that he is quite right, to have it done by a peculiar process, which cannot be done under the law without this resolution.

The resolution was agreed to.

FREE BANKING—THE CURRENCY.

Mr. SHERMAN. I now submit my motion to take up House bill No. 1572.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 1572) to amend the several acts providing a national currency and to establish free banking, and for other purposes.

The Committee on Finance reported an amendment, to strike out all of the bill after the enacting clause, in the following words:

That section 31 of the act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved on the 3d day of June, in the year 1864, be so amended that the several associations therein provided for shall not hereafter be required to keep on hand any amount of money whatever by reason of the amount of their respective circulations; but the moneys required by said section to be kept at all times on hand shall be determined by the amount of deposits, in all respects as provided for in the said section.

SEC. 2. That section 21 of the said act, and the several amendments thereto, so far as they restrict the amount of notes for circulation under said act, be, and the same are hereby, repealed; and that section 1 of the act entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates, and for an increase of national-bank notes," approved July 12, 1870, be amended by repealing the second proviso in said section contained. And the act entitled "An act to amend an act entitled 'An act to provide a national currency secured by pledge of United States bonds, and to provide for the circulation and redemption thereof,'" approved on the 3d of March, 1865, be, and the same is hereby, repealed; and section 21 of the original act to which the act last aforesaid is an amendment be, and the same is hereby, re-enacted.

SEC. 3. That every association organized or to be organized, under the provisions of the said act, and of the several acts in amendment thereof, shall at all times keep and have on deposit in the Treasury of the United States, in lawful money of the United States, a sum equal to 5 per cent. of its circulation, to be held and used only for the redemption of such circulation; and when the cirulating notes of any such

association or associations shall be presented, assorted or unassorted, for redemption, in sums of $1,000 or any multiple thereof, to the Treasurer or to any assistant treasurer of the United States, the same shall be redeemed in United States notes. All notes so redeemed shall be charged by the Comptroller of the Currency to the respective associations issuing the same, and he shall notify them severally on the first day of each month, or oftener, at his discretion, of the amount of such redemptions; whereupon each association so notified shall forthwith deposit with the Treasurer of the United States a sum in United States notes equal to the amount of its circulating notes so redeemed. And when such redemptions have been so reimbursed, the circulating notes so redeemed, or if worn, mutilated, or defaced, new notes instead, shall be forwarded to the respective associations: *Provided*, That each of said associations shall reimburse to the Treasury the costs of redemption and of supplying new notes in place of those redeemed. And the associations hereafter organized shall also severally reimburse to the Treasury the costs of engraving and printing their circulating notes: *And provided further*, That the entire amount of United States notes outstanding and in circulation at any one time shall not exceed the sum of $400,000,000 now authorized by existing law.

SEC. 4. That any association organized under this act, or any of the acts of which this is an amendment, desiring to withdraw its circulating notes, in whole or in part, may, upon deposit of lawful money within the meaning of said acts, in sums of not less than $10,000, with the Treasurer of the United States, withdraw a proportionate amount of bonds deposited in pledge of such circulation; and he shall redeem, cancel, and destroy an amount of the circulating notes of such association equal to the amount issued upon such bonds.

SEC. 5. That sections 31 and 32 of the said act be amended by requiring that each of the said associations shall keep its lawful-money reserves within its own vaults at the place where its operations of discount and deposit are carried on. And all the provisions of the said sections requiring or permitting any of the said associations to keep any portion of its lawful-money reserves elsewhere than in its own vaults, or requiring or permitting the redemption of its circulating notes elsewhere than at its own counter, except as provided for in this act, are hereby repealed.

SEC. 6. That upon all circulating notes hereafter issued, or hereafter to be issued, whenever the same shall come into the Treasury, in payment or deposit for redemption or otherwise, there shall be printed, under such rules and regulations as the Secretary of the Treasury may prescribe, the charter numbers of the associations by which they are severally issued.

And in lieu thereof to insert the following:

That the act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 3, 1864, shall be hereafter known as "the national-bank act of 1864."

SEC. 2. That section 31 of "the national-bank act of 1864" be so amended that the several associations therein provided for shall not hereafter be required to keep on hand any amount of money whatever by reason of the amount of their respective circulations; but the moneys required by said section to be kept at all times on hand shall be determined by the amount of deposits, in all respects as provided for in the said section; and each national banking association, now organized or hereafter to be organized, shall keep and maintain, as a part of its reserve, one-fourth part of the coin received by it as interest on bonds of the United States deposited as security for circulating notes or Government deposits.

SEC. 3. That sections 31 and 32 of the said act be amended by requiring that each of the said associations shall, within ninety days after the passage of this act, keep its lawful-money reserves within its own vaults at the place where its operations of discount and deposit are carried on. And all the provisions of the said sections requiring or permitting any of the said associations to keep any portion of its lawful-money reserves elsewhere than in its own vaults, or requiring or permitting the redemption of its circulating notes elsewhere than at its own counter, except as provided for in this act, are hereby repealed.

SEC. 4. That section 22 of the said act, and the several amendments thereto, so far as they restrict the amount of notes for circulation under said acts, be, and the same are hereby, repealed; and the proviso in the first section of the act approved July 12, 1870, entitled "An act to provide for the redemption of the 3 per. cent temporary-loan certificates, and for an increase of national-bank notes," prohibiting to banks hereafter organized a circulation over $500,000; and the proviso in the third section of said act, limiting the circulation of banks authorized to issue notes redeemable in gold coin to $1,000,000; and section 6 of said act relating to the redistribution of twenty-five millions of circulating notes, be, and the same are hereby repealed; that every association hereafter organized shall be subject to, and be governed by, the rules, restrictions, and limitations, and possess the rights, privileges, and franchises, now or hereafter to be prescribed by law as to national banking associations, with the same power to amend, alter, and repeal provided by "the national-bank act of 1864."

SEC. 5. That every association organized, or to be organized, under the provisions of the said act, and of the several acts in amendment thereof, shall at all times keep and have on deposit in the Treasury of the United States, in lawful money of the United States, a sum equal to 5 per cent. of its circulation, to be held and used only for the redemption of such circulation; and when the circulating notes of any such association or associations shall be presented for redemption, in sums of $1,000 or any multiple thereof, to the Treasurer of the United States, the same shall be redeemed in United States notes. All notes so redeemed shall be charged by the Comptroller of the Currency to the respective associations issuing the same, and he shall notify them severally on the first day of each month, or oftener at his discretion, of the amount of such redemptions; whereupon each association so notified shall forthwith deposit with the Treasurer of the United States a sum in United States notes equal to the amount of its circulating notes so redeemed. And all notes of national banks worn, defaced, mutilated, or otherwise unfit for circulation, shall, when received by any assistant treasurer, or at any designated depository of the United States, be forwarded to the Treasurer of the United States for redemption as provided herein. And when such redemptions have been so reimbursed, the circulating notes so redeemed shall be forwarded to the respective associations by whom they were issued; but if such notes are worn, mutilated, defaced, or rendered otherwise unfit for use, they shall be forwarded to the Comptroller of the Currency and destroyed and replaced as now provided by law: *Provided*, That each of said associations shall reimburse to the Treasury the charges for transportation, and the costs for assorting such notes; and the associations hereafter organized shall also severally reimburse to the Treasury the cost of engraving such plates as shall be ordered by each association respectively; and the amount assessed upon each association shall be in proportion to the circulation redeemed, and be charged to the fund on deposit with the Treasurer.

SEC. 6. That any association organized under this act, or any of the acts of which this is an amendment, desiring to withdraw its circulating notes in whole or in part, may, upon the deposit of lawful money with the Treasurer of the United States in sums of not less than $9,000, take up the bonds which said association has on deposit with the Treasurer for the security of such circulating notes; which bonds shall be assigned to the bank in the manner specified in the nineteenth section of the national bank act of 1864; and the outstanding notes of said association, to an amount equal to the legal-tender notes deposited, shall be redeemed at the Treasury of the United States, and destroyed as now provided by law: *Provided*, That the amount of the bonds on deposit for circulation shall not be reduced below $30,000.

SEC. 7. That the Comptroller of the Currency shall, under such rules and regulations as the Secretary of the Treasury may prescribe, cause the charter numbers of the association to be printed upon all national-bank notes which may be hereafter issued by him.

SEC. 8. That the entire amount of United States notes outstanding and in circulation at any one time shall not exceed the sum of $382,000,000. And within thirty days after circulating notes to the amount of $1,000,000 shall, from time to time, be issued to national banking associations under this act, it shall be the duty of the Secretary of the Treasury to retire an amount of United States notes equal to 50 per cent. of the circulating notes so issued, which shall be in reduction of the maximum amount of $382,000,000 fixed by this section; and such reduction shall continue until the maximum amount of United States notes outstanding shall be $300,000,000. And for that purpose he is authorized to issue and sell at public sale, after ten days' notice of the time and place of sale, a sufficient amount of the bonds of the United States of the character and description prescribed in this act for United States notes to be then retired and canceled.

SEC. 9. That on and after the 1st day of January, 1877, any holder of United States notes to the amount of $1,000, or any multiple thereof, may present them for payment at the office of the Treasurer of the United States, or at the office of the assistant treasurer at the city of New York; and thereupon the Secretary of the Treasury shall, in exchange for said notes, deliver to such holder an equal amount of coupon or registered bonds of the United States in such form as he may prescribe, of denominations of fifty dollars, or some multiple of that sum, redeemable in coin of the present standard value, at the pleasure of the United States, after ten years from the date of their issue, and bearing interest, payable quarterly, in such coin, at the rate of 5 per cent. per annum. And the Secretary of the Treasury may reissue the United States notes so received, or, if they are canceled, may issue United States notes to the same amount, either to purchase or redeem the public debt at par in coin or to meet the current payments for the public service. And the said bonds, and the interest thereon, shall be exempt from the payment of all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority; and the said bonds shall have set forth and expressed upon their face the above-specified conditions, and shall, with their coupons, be made payable at the Treasury of the United States: *Provided, however*, That the Secretary of the Treasury, in lieu of such bonds, may redeem said notes in the gold coin of the United States.

SEC. 10. That nothing in this act shall be construed to authorize any increase of the principal of the public debt of the United States.

Mr. SHERMAN. It is not my purpose, Mr. President, to open any general financial debate on this bill. Every topic embraced in the bill was very fully discussed during the early part of the session, and I would deem it a violation of my public duty to detain the Senate long on this bill. I shall confine myself to a simple, brief statement of the terms of the bill, without any attempt to discuss the various propositions contained in it.

The central idea of this bill, or rather of the substitute reported by the Committee on Finance, is to make the business of banking free to all on the same terms and conditions and with the same limitations and restrictions embraced in the general popular phrase "free banking." If the business of banking was confined simply to contracts of loan and exchange, there could be no objection to free banking. The business would be simply the relation of debtor and creditor, resting entirely upon contract and confidence, and needing no franchise partnership or corporation except such as is authorized by law or would be freely granted by any State to promote any business or any enterprise. But the term "banking" in common parlance includes the power to issue circulating notes as money. This power is in no proper sense necessary to the business of banking. If I had my way I would grant it to no State corporation and to no individual, but confine it solely to the United States and use it merely to facilitate domestic exchanges, and only to an amount that at any time could be converted at the will of the holder into gold coin. Such, I believe, was the design of the framers of the Constitution, who, fresh from the disasters of paper money, desired to cut up and supposed they had cut up this evil by the roots. The prohibition to the States to issue bills of credit, fairly construed, prohibits all paper money issued by a State or by any corporation authorized by a State, while the power to borrow money by the United States implies that this power must be by a contract freely entered into by two consenting parties, payable alone in gold and silver coin.

If we were in a condition now to deal with this question solely upon principle, I would gladly join in prohibiting all paper money except such as may be issued by the United States for coin values and redeemable in coin only. But, sir, we must deal with this question as practical men. We know that during our whole history paper money has been issued by corporations, that the business of our people has been founded on it, that it has proven a convenient agency in developing our resources; and, whatever theory may prevail, that in practice some form of paper money has been and will be used in the United States either under the authority of the United States or of the States. We now have nearly two thousand banks authorized to issue $354,000,000 of paper money. Shall the restriction of the amount be now repealed and banking be made free to all? Section 4 of the substitute contains a repeal by name and description of every clause in the banking law which limits the amount of circulating notes. The first act of 1863 and that of 1864 limited the amount to $300,000,000. In 1870 that was extended to $354,000,000. This bill proposes to repeal the restriction upon the amount of bank circulation that may be issued provided the banks will comply with the terms of the banking law.

The first objection to free banking without coin redemption is that it is a novelty, an experiment, which though plausible will endanger that whole system. Other systems of free banking are based entirely upon coin redemption. There is no system of free banking in the world that I know of which is not redeemable in gold and silver coin. Consequently we meet the objection at the outset that if we now authorize free banking upon a currency basis without coin redemption, we are the only nation in the world that has done so to this time. Other systems of free banking are based upon coin redemption. For instance in New York, which was the first example of free banking, every note was redeemable at the counter of the bank

and also in the city of New York in gold and silver coin. The State of Ohio followed the example of New York and established a very excellent system of what was called free banking. The notes were redeemable in coin. I am not familiar with the principle that prevailed in New England under the Suffolk Bank system, whether the banks were by charters granted by the States or whether there was any limit as to the amount of circulation or not.

Mr. BUCKINGHAM. The latter part of the time they were limited.

Mr. SHERMAN. At all events, if they had a free-banking system in New England it was always on a coin basis, and wherever in New England there was free banking it was upon coin redemption. So in England, the Bank of England has practically the power to issue an unlimited amount of paper money; but after issuing a certain amount authorized by the charter of the Bank of England, every dollar of the Bank of England notes is based upon coin or bullion in the vaults of the bank, so that after all a Bank of England note is nothing but a certificate of coin or bullion on hand. I repeat again that while we now propose free banking, it is an experiment that has not been tried in other countries, but which we are willing to try upon the terms and conditions proposed by this bill.

Banks without coin redemption have always been carefully limited in amount. For instance in France, the Bank of France now has authority to issue paper money without the burden of coin redemption; but the amount is carefully limited to 3,200,000,000 francs. They have never gone up above twenty-nine hundred and odd millions, and are now reducing the amount; and the subject of restricting still more the limit of bank paper occupies the attention of the Legislative Assembly of France. So in the United States, we have authorized banking without coin redemption; but hitherto we have always done it upon a carefully limited basis. As I stated before, the first banking act carefully limited it to $300,000,000, and the act of 1870 to $354,000,000. These are the only examples I know of, in great commercial nations at least, of banking without coin redemption, and in these cases they have been carefully limited in the amount of circulation.

It has been urged very often that if we make the redemption of these notes secure by requiring absolute security in the hands of the Treasurer of the United States, this would dispense with coin redemption. That such a provision cannot be a substitute for redemption is shown by this simple fact, that to-day every bank in the United States has securities in the hands of the Treasurer of the United States worth one hundred and fifteen dollars in gold for ninety of notes; and yet the very notes thus secured are only worth eighty-nine cents in gold. The question of the security of the bank paper does not at all affect this question. It is a question as to whether it is payable or not, or whether a person who holds it can convert it into that which is superior in value, either coin or its equivalent. As a matter of course, if the bank paper could be converted at the will of the holder into the securities which are now held by the Government for its payment, that would make the notes at once worth par in gold. I say, therefore, that the objection to free banking which I have thus named is fatal, unless there is some provision either for coin redemption now or in the future at such time as the people will have reasonable confidence that that redemption will be observed.

The second objection to free banking is that the business of issuing paper money is a Government franchise; that the Government should have the profit of it. As I said a moment ago in opening my remarks in theory that is true, but in practice it is found entirely inconvenient. The power is to stamp paper money and practically to compel everybody in the United States to use it, because the power to refuse bank-paper money, although it is not a legal tender, is practically nugatory. Every individual must take it. It would seem that that ought to be a Government franchise, and that the Government alone should have the benefit of any profits that are made out of it; but in practice it is found that Government paper money cannot in all respects supply the place of bank-paper money, and I may very briefly point out the reasons and the difficulties in the way before I get through.

In the first place, here we have the fact that these national banks are in existence scattered all over the United States; that any attempt to withdraw bank-notes and substitute in their place greenbacks would disturb a business so enormous that the mere statement of the amount that would be affected by it would deter any prudent man from making the attempt. The nineteen hundred and seventy-six banks now organized have loaned to the people of the United States $944,220,000 in money. They have on hand to secure their circulation and their deposits $388,339,000 of bonds to be sold. If, therefore, the Government of the United States assumes, as it has the right to assume, the power to issue all the paper money in this country, one of two things must occur: either all the bonds now held as security for the circulation should be sold for money, thus depreciating the value of the bonds and deranging our financial affairs; or, what is still worse, the banks would be compelled to draw in from the people of the United States enough greenbacks to replace the notes they have outstanding, to collect all their bills receivable, and all the banks under their present organization would be compelled to retire from business. So that the practical effect of any attempt to change our system from the national banks to a paper money issued alone by the Government of the United States would be the withdrawal of loans to the amount of $944,000,000 and a sale of bonds to the amount of $388,000,000.

It is also sometimes complained that the Government of the United States loses money by the authority granted to the banks. Let us look at that for a moment in view of a few simple figures. The gains to the Government I will compute at the largest sum that has ever been claimed by any one. The circulation is now $354,000,000. There is now an actual currency reserve held under the law, and which is not very materially diminished, not merely a deposit reserve in the banks, but a currency reserve for this circulation of $92,500,000, making the amount of bank paper in addition to the greenbacks which by law they are compelled to hold and do now actually hold in the vaults of the banks $261,500,000. Now, if United States notes were at once to assume the place of all the bank-notes in the country to the amount of $261,500,000, the interest at the rate of 5 per cent. saved to the Government upon a coin basis would be $13,075,000. That is the highest amount that could be saved to the Government, without counting the fact that there is a depreciation now of the paper money, and consequently the interest would not be so high. Counting the interest on the whole at 5 per cent. in coin, the saving to the Government by withdrawing this circulation and substituting its own would be $13,075,000. But, on the other hand, look at the loss the Government would at once sustain. The taxes now imposed by the United States and by the State governments, all inuring to the benefit of the people of the United States, on the national banks are $18,000,000, increasing gradually with the increase of taxation in this country. If it may be supposed that one-half of this taxation is on the deposits of the banks and on the business of the banks which would be conducted under any circumstances, say $9,000,000, it would reduce the amount to $9,000,000, and this at once the Government of the United States and the people of the United States would lose because the bonds held by these banks are not taxable, and if the bank-notes are withdrawn, of course their bonds would not be taxed and there would be no circulation to be taxed. Under the present system we tax the circulation of national banks and we tax their capital in the form of bonds; and the amount of taxes thus levied upon property which, if the banking system were wiped out, would not be taxable *per se* in the absence of the national-bank system is probably about equal to 5 per cent. on all the circulation issued by the banks. The Comptroller of the Currency, who has gone into the calculation very carefully, thinks it is more, but I have taken the lowest figure any one has suggested.

Besides that, if the Government should assume this business of issuing notes, there would be the cost of maintaining resumption, because I take it that no man would propose that the Government should step in and issue United States notes unless it would also assume the burden of redeeming those notes in some form or other, either in the form of bonds or in the form of coin. The time has gone by, and I have not heard in all this long debate any Senator claim that he would be in favor of issuing greenbacks, actual promises to pay, and compelling the people to take them, without supplementing them and supporting them by some plan of redemption, either in some form of bond—and a three sixty-five interest bond is the lowest any one has named—or in actual coin.

There is another difficulty in regard to the substitution of United States notes for bank-notes. United States notes can only be paid out for Government dues. If a person has a claim against the United States and presents it to the Government, the Government may pay it in United States notes; but Government notes have not that quality of flexibility which is indispensable to a circulating medium, because Government can only pay out its notes in payment of dues against itself. The Government cannot loan money; it cannot promote private business; it cannot move the crops; it cannot do anything of that kind. No man is so wild in this country as to propose that the Government of the United States should become a banker to deal in negotiable bills, to make loans and discounts. It is simply contrary to the theory of our Government, and would embark the Government of the United States in a business for which it is ill-adapted. Indeed it is totally inadmissible to even think of such a thing. Therefore, on a system of United States notes alone without bank currency, you cannot have that quality of flexibility, the ebb and flow of loans and discounts which is necessary to transact business, the payments sometimes requiring more, sometimes less. That function of a currency cannot be supplied by Government notes. It must be supplied by bank paper or by private credit or private capital employed either by corporations or by individuals.

Then there is another thing. Under a system which would have only one kind of currency, and that a currency of United States notes, there is no possibility of a distribution of banking capital. We know the great value of the banking system is the fact that a bank is located in every considerable town of the United States and that that bank furnishes a center of capital where money can be borrowed, where money can be loaned, where money can be deposited, where drafts can be purchased, where exchanges can be conducted. On a system of United States notes alone it would be impossible to distribute the benefit of those notes so as to secure loans and to promote discounts and exchanges.

These are objections which have been stated over and over again, and I sum them up here all together to show that a system of currency depending alone upon United States notes, even if it had not other objections to it, would not be practicable in this country; and the experience of the country from the first organization of the Government to this time only bears it out. So, while in theory it

would seem to be best that all notes intended to circulate as money should have the stamp of the Government upon them and that the Government should derive profit from their circulation, yet I believe after all that the mixed system which we adopted under the pressure of war—a system of notes issued by the United States redeemable practically in coin as the basis of our paper money, and then other notes equally secure, equally valuable, issued by the United States but also issued by banks—furnishes the best system of paper money that has yet been devised in the history of man; and I think that is the judgment of most of the statesmen and financiers of Europe who have given attention to this matter. While the Government may properly issue its notes in the ordinary course of its business to meet its demands, to meet the exigencies of war, and now since the war is over to meet the ordinary arrangements of peace, provided they are maintained at coin, banks also, in some form or other, may issue paper money, and those banks may be wisely distributed over the whole country and their notes may be increased or diminished as the wants of the community may require; and that combination furnishes us as good a system of paper money as can be devised.

It is said sometimes, and this remark is very commonly made, that at all events banks would be organized, even if the Government issued all the notes, as banks of exchange or deposit. All I can say is that the right to issue circulating notes is a great inducement to the organization of banks of exchange and deposit. There is no agency of civil life, there is no agency or convenience of our day more useful for all business of every kind than convenient mediums of exchange and deposit called banks. They are indispensable in manufacturing communities; they are convenient in agricultural communities. Without them commerce cannot be conducted in any large transaction. Therefore banks are necessary, whether they are conducted by private individuals or corporations. How they shall be governed is another thing. The right in a bank to issue bank-notes and to redeem them promptly, so as to be able under the pressure of want, when there is a necessity to loan money, to increase its power to loan, to give it facilities to meet the ebb and flow of business, is eminently beneficial to every community; and therefore it is that there is a complaint in certain sections that they have not their share of banking facilities. They want banks for their convenience, not for the money made out of them, because it is shown clearly that very little money is made by the circulation of bank-notes, but because it is convenient and important in the transaction of all business—farming, planting, manufacturing, mining—to have convenient mediums of exchange by means of banks; and it is a great aid and inducement to organize banks and distribute them over the country, if the banks can add to their means the power to issue their notes to circulate as money.

I have compared these two systems, and there are one or two qualities in which the two are alike. There is no difference between a bank-note and a Government note in these respects. They are alike printed by the Government and guarded against counterfeiting; and that is an invaluable advantage. In 1863 when the national bank-note system was first proposed, I introduced in the Senate—it has so long gone by now that people have forgotten it—statistics on the amount of counterfeiting and counterfeit notes and the number of bank-bills that then existed. I showed that more than one-fifth of the currency was counterfeited or suspected of being counterfeited. I produced, I remember, a large book called a counterfeit detector, and the number of counterfeit notes that were described in that book was as multitudinous almost as the sands of the sea. The present system has undoubtedly supplemented and greatly improved the old. All the notes, whether issued by the United States or for the benefit of the banks, are printed by the Government. They are guarded against counterfeiting. In these two qualities both are precisely alike. There is no more danger of counterfeiting the bank-note than there is of the United States note. They both rest upon the public faith. The United States promises to pay its notes at the earliest day practicable in coin. The bank-note contains a similar promise to pay in United States notes; and in addition to that, being a private corporation, the bank secures that promise by Government bonds. So that both rest upon the public faith and neither can be violated without public dishonor.

Mr. BOUTWELL. Will the Senator allow me to make a statement which is in connection with the observations which he is now making?

Mr. SHERMAN. Certainly.

Mr. BOUTWELL. The United States notes since the new paper was introduced have never been counterfeited, that is the dollar notes and those larger than a dollar, so as to obtain any circulation whatever since 1869; but as matter of fact, although the law is the same concerning the counterfeiting of bank-notes, they are counterfeited and counterfeits are in circulation. That is due, I think, to the neglect of Congress in not providing for a new issue.

Mr. SHERMAN. And one of the great benefits of this bill is that it will provide for the rapid but gradual withdrawal of the present bank-notes and the substitution of new ones. There ought to be no difference between United States notes and bank-notes in any of the qualities I have mentioned, guarding against counterfeiting and security in every way, and there is the additional fact that these notes are of uniform value throughout the United States. United States notes or bank-notes travel everywhere, wherever the flag floats or our jurisdiction extends, without any doubt or question as to their solvency.

In these three particulars it does not make any difference to the people whether the currency is in the form of bank paper or in the form of United States notes. The question as to whether it is best to issue United States notes or bank-notes depends upon the convenience of the people, and the argument in favor of the bank-notes is, first, that the banks may be distributed throughout the country so as to do the ordinary daily business of the country; then they furnish a medium of taxation to support not only the national, but the State and local governments, and they are convenient agencies for the transaction of the ordinary business of the people, and United States notes cannot be made in any way as convenient agencies for that purpose. And yet, notwithstanding all this, I say in theory there is no reason in the world why the Government of the United States should not issue its notes, provided only that it will maintain them at par in coin, and if they make subsidiary to this power the power of banks freely to issue their notes upon terms and conditions equal and exact to all.

Now, Mr. President, this is the purpose of this bill, to make free banking subject to these conditions. If, on the other hand——

Mr. MERRIMON. May I ask the Senator a question?

Mr. SHERMAN. Certainly.

Mr. MERRIMON. I beg to ask the chairman of the Committee on Finance a question before he passes from this point in his speech. He has told the Senate that his bill, or rather the bill reported by the committee, provides free banking, and that it is free because there is no limit in terms upon the volume. It provides, however, for the reduction of the volume of greenbacks to $300,000,000. The question I desire to propound to him now is, if the volume of greenbacks stands at $300,000,000, what volume of bank currency will that authorize? And if he answers that question, then I ask him whether that does not amount to a limitation upon the privilege of banking?

Mr. SHERMAN. I will come to that point very soon. I wish to examine a few points here upon which we all agree before I reach those upon which there is controversy. I shall call the attention of the Senate to them.

I would say further, in connection with the point that I have already made, that if the United States notes are to continue irredeemable, as a matter of course there is no reason in the world why all the notes should not be issued by the United States rather than by the United States and banks. It is perfectly idle, perfectly farcical, to require the banks to file bonds to secure the redemption of their notes to the amount of one hundred and fifteen dollars for ninety dollars, and yet at the same time talk about redemption. As long as the United States notes are irredeemable the whole ought to be in that form.

But I wish to call the attention of the Senate to the important fact that when the national-bank system was started, it was declared by every person who voted for it and by every member who spoke in that debate, which continued for some three or four weeks here, that the national-bank notes were intended to replace the greenbacks at the close of the war; that under the provisions of the law as it then stood on the day the first banking act passed in 1863, the notes and the bonds were convertible one into the other and would stand always upon the same level, and as the bonds rose to par in gold the notes necessarily rose to par in gold; and then the very right that is conferred by this bill, not to take effect, however, until the 1st of January, 1877, was conferred upon the note-holder. But it was then supposed, when the first banking act was passed, that at the close of the war, as soon as our bonds would sell at par in gold, the United States notes would be par in gold, and then the burden of redemption would fall upon the banks. There is no argument in favor of the banking system unless the banks assume the burden of redemption. If they do not redeem the national banks should fall, and I never have and never will stand up before the people of the United States and insist upon giving to the banks the right to issue irredeemable paper when the whole theory and purpose and object of the national banking system was to relieve the United States at the close of the war from the necessity of maintaining actual coin redemption. The notes it was supposed would then be converted into bonds, and the national banks would then step in and maintain their notes at par in gold and subject to the most rigorous coin redemption; and the acts of 1863 and 1864 contained the most positive provisions requiring redemption in coin.

There is another objection to free banking, which I will mention very briefly, that without redemption every additional issue of notes inevitably depreciates the whole mass of notes. I take it, this is so clear an axiom that it is scarcely worth while to discuss it. In the absence of redemption every additional note added to the volume of paper currency will depreciate its purchasable power. That is a proposition so plain that it cannot be proven any more than you can prove that twice two make four, unless you take two blocks and put two more blocks to them and count four. That is the very nature of an axiom; you cannot prove it. Why is a bank-note depreciated? Not because it is not secure, not because the ultimate payment is not provided for. Why is a United States note depreciated? Not because anybody believes the United States will not pay it eventually in coin; but it is depreciated simply because there is too much of that paper to be maintained at par in gold. By the judgment of the world its market value is sunk below par in gold; and therefore that is the best

evidence in the world that there is too much of it to be maintained at par in gold, and every addition to the volume of it would necessarily sink it lower and lower. You cannot make the proposition plainer.

This, therefore, involves the question of public faith. If we provide for the issuing of more paper money to any extent without counteracting provisions looking to its redemption, we do violate that pledge of the public faith made by the act of March, 1869. That act provides that we will redeem the United States notes in coin "at the earliest practicable period." Any one who undertakes to prove that you fulfill that promise or pledge by depreciating the purchasable power of these notes by your own action, by act of Congress, without violating the public faith, it seems to me will have a very difficult task. It is not sufficient to say in reply to this that we intend always to keep that promise in view, we intend at some time to make it good. The promise itself implies that we will steadily pursue a policy that will gradually but surely advance us to the standard of coin. Therefore the issuing of more paper money without some provision for redemption inevitably depreciates it, and that just as inevitably violates, *pro tanto*, the public faith pledged by the United States.

Now, Mr. President, I have stated the objections to free banking as they are made not only by the popular voice, but as they have been made here and probably will be made again. I know that many Senators who now hear me, and who will probably vote with some hesitation for free banking, feel afraid of it. They are afraid that free banking may operate injuriously and disastrously; that the amount of paper money will be issued so rapidly as to affect the public credit and endanger it; and I admit it. I admit that there is that danger, and we have endeavored in this bill to guard against it.

But there are some advantages in free banking that I must not pass by, and one is that it repeals the monopoly of banking. If there is anything in the world that the people of the United States hate it is a monopoly; a right conferred upon one man and not upon another; a right conferred upon one corporation and not upon another; a right enjoyed by one community and not enjoyed by another. It is the Anglo-Saxon feeling of hatred to monopoly. The word "monopoly" is one of the most odious words in the language. Therefore the idea of free banking is not only popular, but it is just. The only reason why the monopoly was provided in the beginning was because we were afraid to embark in an unlimited amount of these paper issues without some restriction as to the amount, and we could not abolish that restriction as to amount until we had changed the character of these notes so as to make a uniform rule entirely safe to the people of the United States. It is a great advantage, I say, to our system of currency to abolish all monopolies, to put all people upon the same footing, so that there will be no further controversy about it.

Accompanied therefore by proper measures of redemption we may avoid the danger of depreciation, and it will enable us to reach specie payment at the earliest practicable period.

I know that here I am met with an objection to free banking—and I am speaking now of those who voted with me, and perhaps I might say I have seen it also in a document from another branch of the Government—that we might safely postpone free banking until we had actually reached coin resumption. In my judgment, that would not be wise; nor is it necessary. It is only necessary to show to the people of the United States, to convince every man who is engaged in the business of banking, that it is our determination to redeem these notes in coin, and, secondly, that we have the ability to redeem them, and then we can make banking free. When we declare, on the one hand, that all restrictions on banking are abolished, and at the same time that all banks are subject to certain conditions which will inevitably as fate redeem the promise of the United States to pay its own notes, and also throw upon the banks the obligation that rests upon them to redeem their notes in coin or its equivalent, I think free banking is perfectly safe; and when we show that we have the ability to maintain it, that we have the means on hand to maintain it, that every provision of our bill can be without doubt or danger and with certainty be carried out, and that it is within the power of the United States to redeem in the bonds proposed by this bill, we have relieved every objection that could be reasonably made to free banking now in advance of actual coin redemption. But, sir, free banking in advance of a disposition to redeem, a willingness to redeem, or an ability to redeem, is simply a delusive promise and a delusive hope; and therefore free banking should be accompanied by measures which will certainly bring us up to the standard of gold, according to the terms and stipulations contained in the bill.

Now, Mr. President, I wish very briefly (for I have already spoken longer than I intended) to call attention to the provisions for redemption contained in this bill; and without some such provisions I am free to say that I will not vote for free banking, nor for any enlargement of paper money. It is no use for us to discuss our fixed convictions on this point. My purpose in the preparation of this bill has been, and the Committee on Finance have been governed by the same idea, to go just as far as they dare go according to their conscientious conviction of public duty, to make this operation as easy as possible, and yet to secure redemption, to provide for free banking and redemption, always keeping in view the pledges of the public faith; and, for one, in these provisions I have gone only so far as was absolutely necessary in my opinion to show our ability to redeem and our willingness to redeem.

The first feature which looks to redemption is contained in section 5. If Senators will do me the kindness to look at these sections as I refer to them, it will save me the trouble of reading them. Section 5 provides that every banking association organized or to be organized shall deposit in the Treasury of the United States the sum of 5 per cent. of the amount of its circulation, and shall redeem all its notes presented there for redemption. This is a currency redemption, a redemption in greenbacks. I have not any idea that this section will operate very much for a while, except to bring in the mutilated, torn, defaced, and otherwise injured notes to be replaced by others. I cannot see in the present condition of affairs that there will be any motive for presenting these notes for redemption except the motive of securing clean, nice paper money instead of ragged, mutilated money, and that is a motive of a very proper character. Our bank paper money now has become so defaced and in some places so soiled and so injured that it is unfit to pass in circulation, and this measure will have a most beneficial effect in that way without too great a burden to the banks.

As a corresponding benefit to the banks, so as not to make the bill too oppressive, we have relieved them from the necessity of maintaining a reserve for circulation. There is no argument in favor of a reserve for circulation. The circulation is amply secured by bonds, and there is no necessity for maintaining a reserve of 15 per cent. for circulation when in fact no money is, has been, or will be presented for redemption. I doubt very much whether 1 per cent. of the notes of any bank since its organization has been presented to that bank for redemption. In lieu of the 15 per cent. reserve maintained for redemption, we require them to maintain this 5 per cent. in the Treasury of the United States to maintain actual and practical redemption and to secure the ebb and flow of this paper money.

In order to avoid all practical difficulties in the way, the Committee on Finance took the pains not only to inquire of bankers and business men throughout the country as to the effect of this section, but also to inquire of General Spinner, Treasurer of the United States, and Comptroller Knox their view of it, whether it would be difficult, expensive, or impracticable, and we have the hearty assurance of every one, bankers, citizens, and officers of the Government, that the section could not be oppressive to anybody. Indeed General Spinner estimated the cost of this process I think at only $60,000; but the very highest estimate that was put upon it by any one was one-fifth of 1 per cent. upon the amount of notes that were redeemed. If $100,000,000 should be presented for redemption within a year, and I should hope that much would be, because there is $100,000,000 of it that is unfit for circulation, it would at once be exchanged for the new notes, and they would be sent back to the banks and sent out among the people in the course of the year, and the whole cost according to the highest estimate, which was one-fifth of 1 per cent., would be $200,000 a year, and it is not probable that more than $100,000,000 could be presented in any one year. But whatever the cost may be, however, the bill provides that it shall be paid by the banks to be assessed in proportion to the amount redeemed. This would be practical redemption in greenbacks, and that is what we have never had heretofore.

The next clause which looks to some provision for redemption is contained in section 2, which has been somewhat modified by the committee since the bill was reported, and the Senator from Pennsylvania, [Mr. SCOTT,] who has it in charge, will offer that amendment. That is to require one-fourth of the amount of the gold paid to the banks to be retained as a reserve in the banks in lieu of so much currency. That has been already debated and passed and received the sanction of the Senate, and is also contained in substance in the House bill. Indeed nearly all the provisions I now refer to are provisions contained in the House bill. The Senator from Pennsylvania intends to offer an amendment which meets my approval, and perhaps will meet that of the Senate, for a way in which this gold may be utilized temporarily until final resumption is attained, which he will explain.

The third provision which looks to redemption is the eighth section, which I regard as the vital section of the bill providing for the redemption of these notes; and that is that section which requires that as $1,000,000 of circulating notes shall have been issued for thirty days among the people, half a million of United States notes shall be retired and canceled. So vital do I regard this provision of the bill that I certainly cannot vote for any enlargement of paper money without it. In order to make the basis of a fair and just compromise, if that word is not out of date and out of fashion, to show that while we were willing to extend to the people of the United States every facility in the amount of paper money without restriction, we adopted one-half as the basis of a compromise; and here, Senators, is the point upon which this bill is probably to fail or not. Why retire the greenbacks? The people are in love with the greenbacks, we are told. The reason is because they are depreciated below par in coin; and if you pass this bill without making any provision whatever to increase the value and purchasable power of the greenbacks, you actually depreciate their purchasable power by adding to the volume of paper money the amount that would be added by a system of free banking, and you violate the public faith, you violate the public honor, you turn your back upon the pledges of parties and the pledges of Congress. There is a fatal objection to commence with, but that is not all.

Every dollar of these notes retired necessarily adds value to the whole mass. It is the greenback that is not redeemed. It is not the bank

paper that is in the way. The bank paper never was in the way. If it were not for the greenbacks the banks could be compelled to pay their notes in coin to-day, or to-morrow, or at any time; and the material is on hand to pay them in their bonds in the Treasury. Therefore by retiring the greenbacks you necessarily add to the value of the mass of paper, because you retire that which is the cause of the depreciation. This is the principal provision of the bill that looks to the maintenance of these notes at or near par in gold. This operation goes on until the amount of United States notes is reduced to $300,000,000. So far as I am concerned I would very much like to see that restriction of $300,000,000 repealed, and let the process go on to the extent that bank-notes may be issued. But I take it, as a matter of practical belief based upon the opinion of many experienced men, that if the amount of greenbacks was reduced to three hundred millions, that amount could be maintained at par in gold. At all events the other provisions of the bill will undoubtedly in the course of two or three years maintain them in par at coin. This provision has already been discussed so often in the Senate that I do not propose to comment further on it now.

The fourth provision in this bill, looking toward redemption, is the provision in the ninth section, which has been debated here so often that I need not enlarge upon it. However, in order to avoid any sudden or violent change in value, in order to give time for the operation of this bill, the Committee on Finance have postponed the operation of that provision until the 1st of January, 1877. On that day we now promise to do precisely what we promised to do when the greenback was issued. We promise the holders of the greenbacks, if they want it and desire it, that they may then present them to the Treasury of the United States and receive a 5 per cent. bond. This section is somewhat changed in its phraseology since it was reported before, but it is in effect the same. It provides for an alternative redemption either in bonds or coin, the alternative being with the Treasury of the United States; and there is nothing new in it. All that it does is to restore that feature and privilege given to the greenback when it was first issued, a privilege and feature that were always maintained until the close of the war; never departed from until we chose by our legislation to advance the bond at the expense of the greenback and dissolve the marriage that had always existed between them until the close of the war. But this is a section familiar to the Senate, and it is not necessary for me to discuss it.

There is one provision, however, which I will take this opportunity to explain. It is said, "Why reissue these notes for current expenses; will not this necessarily increase the public debt?" I say not at all. The necessity of maintaining that provision grows out of this fact, that we now have a deficiency of currency revenue. Our currency revenue is only about $100,000,000; our gold revenue is nearly $200,000,000. The result is, that now we are compelled to sell our gold in order to get currency to pay the current expenses of the Government. If we were not compelled to sell the gold received by us from customs, we could use in redeeming bonds all the surplus gold, amounting to $60,000,000, or more than that perhaps, the interest on the public debt being $100,000,000 and the sinking fund $30,000,000. We might use our excess of gold directly for the payment of the 6 per cent. bonds of the United States at par, without discount, without commission, and without the use of agent or syndicate. All the surplus gold that comes into the Treasury might be used directly, surely, monthly, in the liquidation and payment of the 6 per cent. bonds of the United States, and to the extent that currency flows into the Treasury for the 5 per cent. bonds that currency might be used for the payment of the current expenses, instead of meeting them by the sale of gold, and to the extent that those notes are presented for redemption, to the full extent that anybody claims they will be presented for redemption, we can convert our 6 per cent. bonds into 5 per cent. bonds without costs, commissions, or exchange.

But this is only an incident to the general feature; and the reason why bonds instead of coin ought to be stipulated for is because we cannot now say that we can actually promise beyond all danger or doubt to pay coin at the time named. If Congress were willing to pass the requisite taxes we might maintain a system of actual coin redemption, although I think it would not be desirable to do it. I certainly would not vote for actual coin redemption at any fixed period. But instead of coin, we can promise to do what we have the power to do, give our bond.

It is said that we lose interest; that if a man gives up a note not bearing interest and takes our note or bond bearing interest, we thereby lose interest. Ought we not to do so? Why should the United States, or any bank, or anybody, have the power to force its note into circulation as money when it refuses to pay interest on it to those who desire interest on their money? There is no reason for it in the world. This also fixes a time after the next presidential election, so that I hope that will not mingle in this contest—the 1st of January, 1877, when we shall have reached practical coin redemption.

Mr. President, these are the general features of the bill, and in my judgment, with due deference to the opinions of the Senate, it ought to be taken as a whole. It is manifest that here are two provisions, one providing for an increase of paper money, the other providing for its increased value; one providing for more money, the other providing for better money. You cannot have more money without making provision to make that money better, unless you violate the public faith. Therefore I submit to the Senate in all candor and sincerity that they ought to take this bill as a whole, and not tear it to pieces and compel those who are friendly to the system of free banking to vote against it, because there is not accompanied with the provision for free banking such a system of redemption as will prevent the depreciation of the notes.

Mr. LOGAN. Before the Senator takes his seat I desire to ask him a question. I do not want to discuss this proposition. I have not heard his remarks as to the immediate effect of this bill on the country, as to whether it is contraction or expansion immediately.

Mr. SHERMAN. I always avoid as far as I can the use of phrases which deceive and mislead. The use of "contraction," and "expansion," and "inflation," and all those words, does not convey distinctly any meaning which ought to guide us in the consideration of a practical measure of legislation. But, to come nearer to the point, I will say to the Senator from Illinois that each section of this bill may have a different tendency; and if I were to answer him specifically I would say that the first section of the bill at once places in circulation all the reserves now held by the banks as a security for circulation. There is another section of the bill which, on the other hand, by withdrawing the reserves for deposits from the banks in New York and requiring them to be maintained in the vaults of the respective banks, would tend, in the first instance, to contract the currency; that is, it would transfer currency from where it is admitted to be superabundant to regions of the country where it is claimed to be insufficient. So I should have to go over, section by section, the whole bill.

Mr. LOGAN. I am only asking, as a whole, what the immediate effect of the bill will be.

Mr. SHERMAN. As a whole, undoubtedly the effect of this bill is to increase the volume of paper money, and it cannot be otherwise, because it has no effect to cancel a single dollar of the paper now outstanding except as twice as much more is issued. Therefore the immediate effect and the effect of the whole must necessarily be to expand the currency, but with such qualifications and with such provisions and with such pledges in the future as will prevent its depreciation.

Mr. LOGAN. I hope the Senator will not understand that I am disposed to catechise him or to make any particular criticism; I merely wish to understand the bill for myself. If I am incorrect, I shall be very glad to be corrected by the Senator; but I understand the second section of the bill to release all reserves on national-bank circulation. Is that the effect?

Mr. SHERMAN. Certainly.

Mr. LOGAN. That, then, I understand to be a release of that money and putting it into circulation which is now withheld from circulation, amounting to about $42,000,000 taking the three-fifths. Is there more than $42,000,000 as reserve now on the circulation which is not in circulation?

Mr. SHERMAN. I do not think the Senator could, and I certainly cannot, draw the distinction now between the reserve on circulation and that on deposits except by a computation.

Mr. LOGAN. A computation is what I am talking of.

Mr. SHERMAN. We know very well that the whole currency reserve now for circulation is about 19 per cent.—15 per cent. for the country banks and 25 per cent. for the city banks.

Mr. LOGAN. Twenty per cent., taking the average.

Mr. SHERMAN. Three-fifths of that may be held in the banks in the redemption cities, so that the actual currency reserve for circulation is about 10 per cent., as near as I can calculate.

Mr. LOGAN. It makes no difference about the percentage; but here is the point I want to get at. I will state it because we ought to understand what we are to vote for; and I know the Senator has no disposition not to give the information. Let us make the calculation on 20 per cent., the banks in the redemption cities being required by the banking law to have a reserve of 25 per cent., and the banks outside of the redemption cities being required by law to have 15 per cent.; but by the same law they are permitted to have three-fifths of this in circulation in the redemption cities. Taking the average at 20 per cent., there would be in round numbers over $70,000,000 reserve on circulation. Three-fifths of that $70,000,000 are already in circulation under the law. If you take two-fifths of that reserve on circulation which is in the banks locked up as we may say by the law, and what is it? It is $35,000,000 at the Senator's computation; call it that, though it is about $42,000,000. Put it at $35,000,000. That amount, then, will be released by this bill. But right following that is section 3, which requires that the reserve of three-fifths on deposits, instead of remaining in circulation, shall be withdrawn from circulation and locked up in the banks.

Mr. SHERMAN. The reserve on deposits the Senator now refers to.

Mr. LOGAN. Yes; the deposits in the national banks of the United States are reported by the Comptroller at about $940,000,000, I think.

Mr. SHERMAN. The entire aggregate is eight or nine hundred million dollars.

Mr. LOGAN. The deposits on which a reserve is required are certainly over $600,000,000; I will take the lowest figure. I know from computations and from examinations which I have made that that is the least figure, and I will take that figure, $600,000,000. You then by this third section lock up three-fifths of the reserve on $600,000,000 of deposits to-day locked up, while you let out two-fifths of the reserve on circulation. That lets out $35,000,000, and then you lock up the three-fifths of the reserve on $600,000,000. Put that

at 20 per cent. and it would be $120,000,000, and three-fifths of $120,000,000 you lock up, and you let out two-fifths of $70,000,000. That is the difference. By these two sections, comparing them, an immediate contraction of over $40,000,000 is effected. These two sections, the second and third, have that effect, and no man with the figures before him can compute it in any other way.

I make this suggestion not for the purpose of making opposition to the bill or of catechising the Senator, but to let the Senate understand the facts in connection with the bill.

Mr. SHERMAN. I have the tables before me.

Mr. LOGAN. I will take the Senator's statement for what I want, though I have the book. I want to know the effect of the measure.

Mr. SHERMAN. I am perfectly willing to answer the question. The amount of legal-tender reserve held on the 12th of September, when it was about what it is now, was $92,347,663, of which I think about $40,000,000 would be on circulation and the balance, $52,000,000, would be the reserve on deposits; and the release from circulation will be of the whole of that balance, but the banks will be required to maintain at home the whole of the reserve on deposits.

Mr. LOGAN. The whole of the three-fifths of the reserve on deposits, which three-fifths is now in circulation.

Mr. SHERMAN. Would the Senator like to see a bank conducted anywhere in this country with less than 19 per cent. of reserve, money on hand, of the amount of its deposits to meet them?

Mr. LOGAN. The question is not whether I would like to see that or not. I voted for that once. But the question that I asked was for the purpose of getting the immediate effect of this bill on the country. The point is not what I should like; but I want to understand what it will do. I say that according to the Senator's own answer these two sections, 2 and 3, do immediately contract the amount of reserve now in circulation on the deposits and on the circulation. There is no question about that. No man can look at it for a moment without seeing that that is the effect.

I am not disposed to make an argument or a speech during this discussion, and I do not intend to do so. I said all I wanted to say on the subject of currency long ago. I only want to get at the facts so that I may know how to vote understandingly. There is then in these two sections an immediate contraction. Any man can calculate the amount with his pencil. I say it amounts to about forty millions. It may be less; but I have figured on it, and that is the least I can make it.

Now I want to ask the Senator a question which I hope he will answer as frankly as he did the other, in reference to the 50 per cent. contraction of United States notes which are commonly called greenbacks. I want to get at how much contraction of greenbacks or United States notes will occur under that particular section which requires a contraction of 50 per cent. of greenbacks on the amount issued of national-bank circulation. Under the section that contracts the greenbacks 50 per cent., how much in excess of that in circulation would the country get under this bill if it were passed?

Mr. SHERMAN. That will depend entirely upon how many banks are organized.

Mr. LOGAN. Suppose we say fifty millions of national-bank circulation are issued under the bill.

Mr. SHERMAN. If fifty millions of national-bank circulation were issued, half of that would be twenty-five millions; but so far as the authority of this bill is concerned, there may be five hundred millions of bank-notes issued.

Mr. LOGAN. I understand that; but we are fixing an amount so as to get at the actual contraction.

Mr. SHERMAN. I think the Senator ought not to call me to my feet to answer so plain a question as that.

Mr. LOGAN. The Senator then says it would be twenty-five millions on the basis of the issue of $50,000,000 bank-notes. Now let me make a suggestion to the Senator that he may see whether he is not mistaken. I say under this section (and I put it to the Senator to answer whether I am correct or not) requiring with the issue of national-bank currency a contraction of 50 per cent. of greenbacks, with other provisions in connection with it, your fifty millions will not give you five millions of actual circulation. Let me see whether I am not correct. You issue fifty millions of national-bank circulation and you contract 50 per cent. of greenbacks on its issue. That is twenty-five millions contracted, is it not? Then you put away 25 per cent. of the $50,000,000, and lock it in the banks, because you close up the privilege allowed under the present law.

Mr. SHERMAN. They can issue the whole of the circulation without reserve.

Mr. LOGAN. I understand that, certainly; but there is this proposition in banking that every man understands: no national bank can run profitably without deposits equal to the circulation. The Senator laughs; he may be a banker and understand it better than I do; I do not know. My impression is, and I think my evidence is as good perhaps as that of anybody else, and I am sure you cannot call a banker to the stand who will deny the simple proposition, that there is not a bank in the United States that is running to-day and making money which has not a larger amount of deposits than it has of circulation.

Mr. FERRY, of Michigan. May I suggest to the Senator that I think it has been conceded on the part of those who are arguing in favor of the bill as it is now printed that circulation pays but 2 per cent. profit? I think the chairman of the committee has so said.

Mr. LOGAN. I was going on with this proposition now. We have a circulation of $354,000,000 of bank-notes. The lowest estimate of deposits is $600,000,000, or nearly double the circulation; hence a bank as it stands to-day has double the amount of deposits that it has of circulation, and I say here without any fear of contradiction by any man who understands banking that no bank can run profitably unless its deposits are equal to or more than its circulation. Taking that for granted, then you issue $50,000,000 circulation and withdraw $25,000,000 of United States notes. The banks then, under this bill, in order to comply with the law, on their deposits must withdraw what? They must withdraw from the circulation that is now out 25 per cent. more of the circulation in order to hold a reserve on their deposits. If the deposits equal the circulation, then you have 75 per cent. contraction of your circulation, have you not?

Mr. SCOTT. Will the Senator from Illinois permit me to ask him a question? Is he not falling into this mistake? As soon as $50,000,000 of national-bank notes are issued the $25,000,000 of legal tenders are retired. That leaves an excess of $25,000,000 of national-bank circulation as soon as the banks are organized. Now he assumes that that national-bank circulation is withdrawn in some manner or other when the deposits are made. But the bank is not required to keep any reserve until it gets deposits; and its own circulation put out is supposed to be added to the volume of the currency in the country, and can only get back in the form of deposits.

Mr. LOGAN. I understand that; but the Senator mistakes what I was driving at entirely. He says I am under the impression that the banks withdraw a portion of their circulation. I am under no such impression. I am under the impression that this bill requires them to put 25 per cent. of United States notes on their deposits in their vaults and lock them up, and not on their circulation. I say then that when the deposits grow, as deposits do grow, they must take 25 per cent. of United States notes and lock them up as reserve. Is not that true under this bill and under all the laws? As the deposits grow, there is a withdrawal of greenbacks to the amount of 25 per cent. from the time the first dollar is deposited. Hence from the time the first dollar is deposited in these banks, there is withdrawn 25 per cent. from circulation, not of your bank circulation but from the general circulation of greenbacks. Is not that true? Then if a bank's deposits equal its circulation, you have 75 per cent. of greenbacks withdrawn from circulation.

Then in your bill you provide further that 5 per cent. in excess of this must be deposited in the Treasury for redemption purposes. That makes 80 per cent.

Thus, on your issue of $50,000,000, bank-notes, you have an issue of $50,000,000, and you have 80 per cent. of the $50,000,000 in greenbacks withdrawn; so that you have 20 per cent. of the issue in circulation. That is all you have under this bill. Further, the Senator says with free banking you may go on *ad libitum*. True, you may go on to any extent; but until $82,000,000 of greenbacks are absorbed by the issuing of national-bank currency, you get but 20 per cent. addition, and probably less than that. If the deposits exceed the circulation, as they do in nearly every bank in the United States that is worth a copper, you will withdraw all or nearly all that is issued up to the time you issue $164,000,000 of national-bank notes under this bill. Nobody pretends that $164,000,000 of national-bank currency will be issued in any very great haste. Of the men on this floor who have been denounced bitterly on account of their desire for an increase of the currency, not one has ever said that national-banks would grow up like mushrooms. We know better. Every man knows better than that. It is a slow process, and will be. Then, up to the time that you get your $164,000,000 of bank currency issued under this bill, you are withdrawing, if the deposit amounts to anything, 80 per cent. of the United States circulation; I mean 80 per cent. of the amount you issue of national-bank notes; and you cannot figure it up in any other way. If you can, your mathematics are different from mine.

I put this question and give these figures for the purpose of showing, if I am correct, that this bill does a great deal more than it pretends to do. It is not a bill that gives an increase of circulation rapidly or even slowly to amount to anything. My purpose in rising was merely to call the attention of the Senate to the facts that exist in connection with it; and I say when this bill requires a withdrawal of 50 per cent. with all the machinery that there is connected with it, there is not a thing of value in the bill. One thing in it stands off against the other, and there is nothing in it except the mere name of free banking. I merely say this, not by way of making a speech, but by way of calling the attention of the chairman of the committee to the figuring I have done on the bill. If I am not correct, of course I shall be very happy to be corrected.

Mr. MERRIMON. Mr. President, the charm set out in this bill is the idea of free banking, so called. Before we go into a general discussion of the merits of the bill, I want to see whether in fact we have in it free banking in principle. The end of the bill is to reduce the volume of greenbacks to $300,000,000, and the purpose to be attained is an unlimited amount of circulation of bank currency predicated upon these $300,000,000 of greenbacks. The question I propounded to the honorable Senator from Ohio a while ago, and which he declined to answer, suggesting that he would do it again, though I

believe he did not, was this: If the volume of greenbacks is $300,000,000, what volume of bank circulation will that authorize?

Mr. SHERMAN. If the Senator asks me that question now, I will answer him. The present amount fixed by this bill is $382,000,000. If the amount is reduced to $300,000,000, there must be then $164,000,000 of national-bank notes above the present amount.

Mr. MERRIMON. How is that, when there is no clause in this bill which provides that you shall issue two for one, or three for one, or four for one, or five for one?

Mr. SHERMAN. There is no limit on the right to issue bank paper money, but there is a limitation on the reduction of greenbacks.

Mr. MERRIMON. So I understand.

Mr. SHERMAN. After $164,000,000 of bank-notes shall have been issued, if they are issued, then there is no further reduction of greenbacks, although I would go for a still further reduction.

Mr. MERRIMON. This bill provides for a contraction of the Treasury-note circulation until it is reduced to $300,000,000. It provides in terms that the circulation of bank currency may be unlimited. But how, I ask, can that be when the bank currency is convertible into greenback currency, and is always so convertible? There is no provision in this bill or in the existing law that a bank shall have the right to issue two dollars in currency for one of greenbacks; and according to the theory of this bill the banks may issue two for one, three for one, four for one, ten for one, twenty for one; but, I take it, that is not contemplated. What would be the state of the country if the banks were to multiply under the stimulus that would be given to enterprise and trade by this system of currency, similar to that which was given to enterprise and trade by the inflated state of the currency immediately after the war? What would be the condition of the country when such a state of things as that has intervened? You might have ten dollars of bank-notes out for one of greenbacks. It would be impossible in that case for the banks to redeem their currency, and they would have to go into liquidation, and when they went into liquidation and the bonds of the Government were sold to redeem the bank currency, I ask where would be the greenbacks with which to redeem them? I do not think the honorable Senator has answered my question, which was a very plain one, how great a volume of bank currency will $300,000,000 of greenbacks allow?

Mr. WRIGHT. I am not sure whether it is the wish of the Senator from Ohio that the bill should be taken up by sections, or whether the bill should be considered as before the Senate in Committee of the Whole and that we proceed to suggest such amendments as may occur to Senators.

Mr. SHERMAN. The bill is open for amendment now. But I desire to offer from the committee an amendment of a merely verbal character. On page 5, section 3, line 4, after the word "act," I move to insert the words "and thereafter;" so that it will read:

That sections 31 and 32 of the said act be amended by requiring that each of the said associations shall, within ninety days after the passage of this act and thereafter, keep its lawful-money reserves within its own vaults, &c.

Mr. WRIGHT. There will be no objection to that.

Mr. SHERMAN. It does not change the meaning at all, but is simply to carry out the idea of the section.

The amendment to the amendment was agreed to.

Mr. WRIGHT. I send an amendment to the desk.

Mr. SCOTT. Will the Senator from Iowa permit me first to offer an amendment reported from the committee?

Mr. WRIGHT. Let my amendment be read at the desk, and then as the amendment of the Senator from Pennsylvania is reported by the committee, I will give way to that.

The PRESIDING OFFICER, (Mr. THURMAN in the chair.) The amendment of the Senator from Iowa will be reported for information.

The Chief Clerk read the proposed amendment, which was in section 8, line 8, to strike out "50" and insert "25," so as to make the clause read:

It shall be the duty of the Secretary of the Treasury to retire an amount of United States notes equal to 25 per cent. of the circulating notes so issued, &c.

Mr. WRIGHT. Having given notice of that amendment, I now give way to the Senator from Pennsylvania to offer an amendment from the Committee on Finance.

Mr. SCOTT. I now ask to have the amendment which I reported from the committee read and disposed of.

The Chief Clerk read the amendment, which was to strike out all of section 2, after the word "section" in line 8; in the following words:

And each national banking association now organized or hereafter to be organized shall keep and maintain, as a part of its reserve, one-fourth part of the coin received by it as interest on bonds of the United States deposited as security for circulating notes or Government deposits.

And to insert in lieu thereof the following:

And each of said associations shall keep and maintain, as part of its lawful-money reserves, one-third of the coin received by it as interest on bonds of the United States deposited as security for circulating notes or Government deposits; unless such association shall elect to exchange such proportion of coin for bonds of the United States of the character herein provided for, which shall thereupon, until the 1st day of January, 1878, be delivered to them by the Secretary of the Treasury, marked upon their face as "Bonds authorized for reserve," and which may afterward be held by such association and considered as part of its reserves; 3 per cent. only of the interest upon which bonds shall be paid to such association, or to any holder thereof, and the remaining 2 per cent. shall be retained by the Secretary of the Treasury, and the whole amount of gold thus received shall be applied by him exclusively to the payment of the 6 per cent. five-twenty bonds of the United States.

Mr. SCOTT. I desire to say a very few words in explanation of this amendment. It will be noticed that the part of section 2 proposed to be stricken out requires each bank to keep as a part of its reserve one-fourth part of the coin received by it as interest on bonds of the United States deposited as security for circulating notes or Government deposits. This amendment changes the amount the banks are required to keep from one-fourth to one-third, and then provides that that one-third of gold thus required by them to be retained may be exchanged by the banks for the bonds which are by this act authorized to be issued, namely, ten-year 5 per cent. bonds, but provides that when those bonds are to be issued they are to be marked as "Bonds authorized for reserve," and that 3 per cent. only of that 5 per cent. shall be paid to the banks or to any holder of those bonds; the other 2 per cent. to be retained by the Government. It will thus be seen that if the bonds thus marked were to be parted with by the bank under any circumstances, the holder of the bonds could receive but 3 per cent. interest on those bonds.

The amendment further provides that the gold thus received from the banks shall be applied by the Secretary of the Treasury exclusively in the redemption or payment of the 6 per cent. five-twenty bonds of the Government.

The operation of this amendment in brief is this: The Government gets this amount of gold for a 3 per cent. bond, and at once applies it in the redemption of a 6 per cent. gold interest-bearing bond; so that while the banks are to a certain extent benefited by this amendment by permitting them to receive 3 per cent. interest on that much of their reserves, the Government is benefited to a larger extent. It is alleged on the one hand that the entire withdrawal of the reserves which the banks are now permitted to keep in the redemption cities is a hardship upon them. It is argued that the locking up of this much gold in their vaults, and which they would not use under any circumstances so long as they had other funds in which to pay their depositors, would be an additional hardship upon them. The amendment then would give to the banks the benefit of this 3 per cent. interest during the time they are permitted to receive it, while legal-tenders to the extent of that gold are released, as they would be by the bill as it stands to the extent of one-fourth, and the gold is thus utilized and also put in circulation.

Mr. President, I have submitted this amendment to the Comptroller of the Currency, and asked from him a calculation which will show its actual results. The calculation itself is much more complicated than the amendment. In order that every Senator before he shall vote upon the bill finally may have an opportunity of examining it in full, I present this calculation of the Comptroller as a part of my remarks:

MAY 1, 1874.

The United States bonds deposited by national banks with currency circulation are as follows:

Kind.	Amount.	Yearly interest.
Six per cent. bonds, (gold)	$146,343,350	$8,780,601
Five per cent. bonds, (gold)	244,522,950	12,226,147
Total		$21,006,748

At the end of one year (May 1, 1875) the banks will have accumulated one-third of this sum, or $7,002,249. Assuming that this sum will be exchanged for the bonds proposed by the amendment, the Treasury will have $7,002,249 of coin. for which it will have an equal amount of given bonds bearing interest at 5 per cent. per annum, which interest for the succeeding year (May 1, 1875, to May 1, 1876) will be distributed as follows: 3 per cent. paid to the banks, and 2 per cent. retained by the Government—equal to $210,067.47 paid to the banks, and $140,044.98 retained by the Government.

At the end of two years (May 1, 1876) the banks will have accumulated an additional amount of coin equal to one-third of the interest on their bonds, (or another $7,002,249,) and assuming that this amount will also be exchanged for the bonds, the Treasury will then have issued $14,004,498 of the bonds, the interest on which for the succeeding year (May 1, 1876, to May 1, 1877) will be distributed as follows: 3 per cent. paid to the banks, and 2 per cent. retained by the Government—equal to $420,194.04 paid to the banks, and $280,089.96 retained by the Government.

At the end of three years (May 1, 1877) the banks will have accumulated a further additional amount of $7,002,249, and assuming that the exchange for bonds will be continued, $21,006,747 of the bonds will then have been issued, the interest on which for the succeeding year (May 1, 1877, to May 1, 1878) will be distributed: 3 per cent. to the banks, $630,202.41, and 2 per cent. to be retained by the Government, $420,134.94.

At the end of four years (May 1, 1878) there will of course be another accumulation similar to those described above; but as the assumption is that redemption in specie would be effected by that time, the Government would gain no advantage by exchanging bonds for the last year's accumulation, for which reason the last year's accumulation is not taken into consideration. The effect of the amendment may be summarized as follows:

Coin to be exchanged for bonds, which amount would be at the disposal of the Government to be sold.

During the year ending May 1, 1875	$7,002,249
During the year ending May 1, 1876	7,002,249
During the year ending May 1, 1877	7,002,249
Total	21,006,748

Coin to be realized by retaining 2 per cent. interest on the bonds exchanged to be applied to payment of United States 6 per cent. bonds.

Year from May 1, 1875, to 1876	$140,044 98
Year from May 1, 1876, to 1877	280,089 96
Year from May 1, 1877, to 1878	420,134 94
Total	840,269 88

Coin paid to banks for 3 per cent. interest on bonds received by them.

Year from May 1, 1875, to 1876	$210,067 47
Year from May 1, 1876, to 1877	420,134 94
Year from May 1, 1877, to 1878	630,202 41
Total	1,260,404 82

RECAPITULATION.

Coin to be received by Government in exchange for bonds between May, 1874, and May, 1878, which may be sold at a premium	$21,006,748 00
Less amount of coin required to the bank's share of interest on the bonds	1,260,404 82
Net amount placed at the disposal of Government for sale	19,746,343 18
Coin to be realized from retaining 2 per cent. interest on bonds, and applied to the payment of United States 6 per cent. bonds	840,269 88

ADDENDUM.

In one year, May 1, 1875, the Government would have $7,002,249 received for the new bonds, applicable to the purchase of 6 per cent. bonds, and the interest on this amount would amount to $420,134.94 yearly.

In another year, May 1, 1876, the Government would have $14,004,498 received for the bonds; $140,044.98 for the 2 per cent. interest retained, and $420,134.94 for one year's interest saved on the 6 per cent. bonds previously purchased; in all, $14,564,677.92 applicable to another purchase of 6 per cent. bonds, on which the yearly interest would be $873,880.67.

In another year, May 1, 1877, the Government would have $21,006,748 received for the bonds; $280,089.96 for the 2 per cent. interest retained; two years' interest on the first purchase of 6 per cent. bonds, $840,269.88, and one year's interest on the second purchase of 6 per cent. bonds, $873,880.67; in all, $23,000,988.51 applicable to a third purchase of 6 per cent. bonds, on which the yearly interest would be $1,380,059.31.

During the next year—May 1, 1878—the Government would receive for the 2 per cent. interest retained $420,134.94; for three years' interest saved on the first purchase of 6 per cent. bonds, $1,260,403.82; for two years' interest on the second purchase of 6 per cent. bonds, $1,747,761.34; and for one year's interest on the third purchase of 6 per cent. bonds, $1,380,059.31. Assuming that the premium on gold during the period (May, 1874, to May, 1878) would average 8 per cent., the foregoing would give the following results:

Coin received for new bonds		$21,006,748 00
Coin received for 2 per cent. interest		840,269 88
Coin received for interest saved on purchases of 6 per cent. bonds		4,387,924 47
Total coin received		26,234,942 35
To which add for premium at 8 per cent		2,098,797 39
		28,333,739 74
And from this sum must be deducted the 3 per cent. interest to be paid to banks from May 1, 1875, to May 1, 1878	$1,260,404 82	
And 8 per cent. premium on same	100,832 38	
		1,361,237 20
Net amount realized at May 1, 1878		26,972,502 54
Leaving the Government then responsible for the payment of new bonds which would mature May 1, 1885	$21,006,748 00	
And interest on said bonds to be paid to banks for seven years at 3 per cent. per annum	4,411,417 08	
		25,418,165 08
Net gain to the Government for the whole operation		1,554,337 46

I believe I have now stated the substance of this amendment. For this gold thus retained by the national banks they would get a 3 per cent. bond, and with that gold the Government would redeem a 6 per cent. bond.

Mr. MORTON. Will the honorable Senator allow me to ask him a question?

Mr. SCOTT. Certainly.

Mr. MORTON. I confess I do not understand this amendment. I think I understand it as far as it goes; but it leaves some things unexplained. It provides that the banks shall reserve one-third of the gold interest they receive upon their bonds; that they shall keep that as a part of their reserve. They have the option, however, of selling that gold to the Government for a ten-year 5 per cent. bond. The Government reserves 2 per cent. out of the 5 per cent.; the other 3 per cent. is paid to the bank. What becomes of this 2 per cent. reserved? When does the bank get that, and how is the bank subsequently to use this bond?

Mr. SCOTT. The bank never gets the 2 per cent. It is expressly provided that the Government is to pay the bank but 3 per cent. and retain 2, and apply the whole 5 per cent. in the redemption of 6 per cent. bonds. The bond remains in the hands of the bank as a part of its reserve, and at its maturity the bank would receive the money upon it, or any other holder of it would receive the money upon it; but during the time it has to run neither the bank nor any other holder could receive more than 3 per cent. upon it.

Mr. MORTON. I submit to the Senator, who has studied this matter much more thoroughly than I have, that no bank could afford to do this, because it virtually requires the bank to part with its gold for a 3 per cent. bond. This is to be a 3 per cent. bond in the hands of the bank, and it is to be retained as a part of the reserve. If the bank is required to pay out its deposits or to redeem its circulation and thus to use its reserves, this 3 per cent. bond cannot be sold at par; it cannot be sold for more than sixty-five or seventy cents on the dollar. Therefore the bank must make that sacrifice if it has occasion to use its reserves, as it did have occasion last fall. Now, have we any right to ask the banks to make such a sacrifice as that? We can require the banks, as the other bill did, to retain a portion of their gold interest as a part of their reserve, to enable them to resume specie payments; that is to say, when the time comes to redeem their own bills in coin; but then they have the gold on hand dollar for dollar. Now, they are to have a bond on hand which in their hands or in the hands of any person to whom they sell it is a 3 per cent. bond and worth sixty-five or seventy cents on the dollar.

Mr. SCOTT. Mr. President, treating that as an inquiry put to me, as I understand the Senator, we are not requiring the banks to do this thing.

Mr. MORTON. I know that.

Mr. SCOTT. We are giving them the option of doing it, and I think so far from the national banks not being able to stand this operation, they will be very glad to avail themselves of it. If we do not give them this option, they must retain the gold in their vaults. If we do give them this option, it is for them to determine whether it will be to their advantage to take this bond and run the risk of being able to get dollar for dollar for it when they run short of other funds with which to meet their depositors. I think I can see that this amendment will operate to some extent to the benefit of the banks; it will not endanger the depositors; and it will inure to the benefit of the Government, because the banks will be very glad to exchange gold, which otherwise we require them to lock up and not use, for a bond upon which they will get 3 per cent.

Mr. MORRILL, of Vermont. May I ask the Senator from Pennsylvania if he does not think it is inevitable that after 1878, when these bonds are no longer to be issued, the banks would require their funds, and they would have to sell the bonds for whatever they could get in the market?

Mr. SCOTT. Mr. President, as I have already said, if the directors and officers of the banks of this country are to be intrusted with affecting its national interests at all, they may be safely trusted to take into their consideration the calculation which the Senator from Vermont proposes to me; and if it be true that by 1878 the legal-tender notes of the Government will be at par with gold, then I take it the credit of our Government will be good enough to assure the officers of these banks that they will not run any great risk in turning these 3 per cent. bonds into available funds to meet the claims of their depositors.

Mr. MORRILL, of Vermont. Does the Senator think that in 1878 a 3 per cent. bond of the United States will be worth par in gold?

Mr. SCOTT. I think this: that as the national banks will continue in operation after 1878, and as the law which requires them to keep a reserve will be still operative, they will be very glad to hold on to these 3 per cent. bonds as a part of their reserve, and there is not much probability that they will be called upon to part with them.

The PRESIDING OFFICER, (Mr. JOHNSTON in the chair.) The question is on the amendment offered by the Senator from Pennsylvania.

Mr. HOWE. Is that motion divisable?

The PRESIDING OFFICER. It is not.

Mr. HOWE. Can we not take the vote first on striking out?

The PRESIDING OFFICER. No, sir; a motion to strike out and insert is indivisable.

Mr. MORRILL, of Vermont. I am aware that this amendment is proposed in good faith for the profit of the Government and the convenience of the banks; but I think it is altogether too complicated to be embraced in this bill; and besides I think it is not near as valuable as it would be if instead of issuing bonds it authorized the old-fashioned 3 per cent. certificates to be paid by the Government on demand. If these bonds are issued they go on for seven years beyond 1878, and as we all hope ere that time that we shall have resumed specie payments, of course if the banks shall invest in these bonds for the three or four years that will transpire before 1878, they must take their risk about these bonds being of any sort of use to them whenever specie resumption shall take place, and they will be compelled to sell them in the market, if they are in want of coin, for the most they will bring; and I agree with the Senator from Indiana in thinking that they would not bring, if they were forced upon the market, more than sixty or seventy or seventy-five cents on the dollar; perhaps seventy-five cents, as the time is so short in which they are to be redeemed.

Mr. WRIGHT. I wish to call the attention of the Senator from Pennsylvania to what seems to me to be a conflict between his amendment and the second section of the bill. The first clause of the amendment provides that each bank shall keep as part of its reserves "one-third of the coin received by it as interest on bonds of the United States deposited as security for circulating notes or Government deposits." We propose to abolish reserves for circulating notes, as I understand.

Mr. SCOTT. But we do not propose to abolish the bonds which are deposited as security for their circulation.

Mr. WRIGHT. Then you provide that one-third of this coin, or bonds in its place, shall be kept in the banks as a reserve for the security of the circulating notes.

Mr. SCOTT. O, no; the Senator is confounding two distinct things. This is one-third of the interest received upon the bonds deposited as security for circulating notes.

Mr. WRIGHT. I see the distinction.

Now, I want to call the Senator's attention to another thing. Of course we understand not only that the reserve is to be kept as a security to the depositors, but also that it may be available. It is necessary that it should be available for the benefit of depositors. Now, by this amendment it occurs to me that you provide that the bank may at its option, instead of having one-third of this reserve in

gold, have what is in effect a 3 per cent. bond. Now, while in view of the guarantee of the Government that may be a security, it may occur that it would not be available at all to the depositors at the time they needed it; and I think it is quite as important that the reserves shall be available at any and all times when needed as that the security shall be perfect. This reserve being for the security of depositors, if there should be a run upon the banks as there was last fall, if they are required to hold greenbacks or gold as a reserve, then they can use that at once, because it is at once available, but they might not be able to turn these bonds into money; they might not be available, and therefore the reserve would be of little or no effect.

Mr. BUCKINGHAM. I think, as the Senator from Vermont has stated, that this is a very complicated proposition. If I understand it, it proposes to compel the banks to hold one-third of the coin which they receive as interest on their bonds, for the sake of having a reserve. That reserve is wanted for the security of the depositors. Supposing it to be in such a position that it will be a benefit to the depositors, the United States proposes to hire it at 3 per cent., to compel the banks to hold it as a reserve, and then induce them to loan it at 3 per cent., so that they shall not have any reserve. That is about the effect of the amendment, as I understand it.

Mr. SCOTT. A word in answer to the suggestions made. The Senator from Iowa thinks that this 3 per cent. bond would not be available as a reserve for the purpose of paying depositors. Many persons advocate the doctrine that it is no part of the business of the Government to take care of depositors at all; that that is a bargain between them and the banks; and that if they see proper to leave their money there it is not our duty to protect them. However, this bill does assume, or rather it continues the assumption heretofore made, that the Government will to some extent endeavor to secure depositors. We require a certain amount of reserves to be kept, the same amount heretofore required upon deposits, 15 per cent. in the country banks, and 25 per cent. in the redemption-city banks. That is a very small proportion of the deposits, and whenever a state of things occurs in which any bank is so far reduced as that it only has 15 per cent. to pay its depositors, no depositor will ever refuse to take a 3 per cent. interest-bearing bond and discharge the bank. It only happens that the reserve is necessary when there is a panic, and when all the resources of a bank have been drawn down to 15 per cent. of the whole deposits. I do not think any constituents of the Senator from Iowa will ever go away from a national bank leaving his deposit behind him if he can get a 3 per cent. interest-bearing bond to take in its place. I do not think there is any trouble on that score at all. It is only 15 per cent. remember that we are endeavoring to secure to the depositors, not the whole amount, and I can see no possible difficulty in this matter so far as the depositors are concerned.

Now, as to the objection of the Senator from Vermont that this is a complicated arrangement, I see no complication in the arrangement itself. It is the simple exchange of gold for the bond, and the application of the gold to the redemption of a bond of a higher rate of interest. What is the complication when the bond is in the vaults of the banks? You require them to keep it there; it is part of their reserve; they cannot keep it any place else. If they dispose of it they must replace it with an equivalent amount of gold or legal tenders. If anybody else gets it into his hands, he can only get 3 per cent. upon it.

Mr. MORRILL, of Vermont. The bank has a bond bearing 5 per cent. interest upon which it receives but 3. Is not that a little complicated?

Mr. SCOTT. It is marked upon its face, "Authorized for reserve," and the gentlemen who keep their tables before them, counting the rates at which bonds sell in the market, will never overlook the words in red ink on the bond, "Authorized for reserve." I do not think there is any complication about that.

Mr. MORRILL, of Vermont. There are several other points, but I do not desire to interrupt the Senator.

Mr. SCOTT. That brings me to the second objection the Senator made, that it would be better to issue a 3 per cent. temporary certificate instead of this bond. It was to obviate that very objection that I deemed it better, and it received the sanction of a majority of the committee, to provide that we would not authorize a new security to be issued. That would have been a complication by introducing into the money market and into our reports a new security, a 3 per cent. temporary certificate. It was deemed better, to preserve the series, to provide for the same kind of bonds, the same bonds that are authorized to be issued by the act of July 12, 1870, and by this act, and by stamping upon the face of the bond that which characterizes it as a reserve bond, to permit but 3 per cent. of that 5 to be paid to the person holding it.

Mr. ALLISON. May I call the attention of the Senator from Pennsylvania to the fact that in the loan act of 1870 we did provide for a gold certificate to an unlimited extent, bearing 2¼ per cent. interest?

Mr. SCOTT. For a gold certificate?

Mr. ALLISON. Yes, sir; for a gold deposit in the Treasury of the United States, bearing interest at 2¼ per cent. That certainly is my recollection of that law. I remember it was discussed very fully at the time.

Mr. SCOTT. But that is not authorizing it to be issued as one of the securities of the Government to go upon the money market.

Mr. ALLISON. It would be very easy, however, to provide that national banks might be allowed to keep their reserves in those certificates.

Mr. SCOTT. That only goes to the form of the certificate. That is a mere matter of convenience. I can see no difficulty whatever in using this form rather than either of the others which have been suggested, and I can see no advantage in either of them over that which is provided.

Mr. MORTON. I do not think there is any danger in the amendment offered by the Senator from Pennsylvania. I hardly think any bank would be willing to sell its gold for a 3 per cent. bond. If that amendment were adopted, it would present rather a curious anomaly in this bill. In one section we offer the banks a 3 per cent. bond at par in gold, and in another section we offer the people a five per cent. bond at par in greenbacks.

Mr. SCHURZ. Mr. President, I think there is another objection to the amendment offered by the Senator from Pennsylvania which goes to the bottom of the matter. It has already been hinted at by the Senator from Iowa. The provisions of our laws which make it obligatory upon banks to keep a certain sum of money as a reserve to secure their depositors mean something or they mean nothing. If these provisions mean anything they must mean that the sum of money so held in reserve to be paid out to the depositors in case of need should be in such a condition as to be paid out on demand to depositors, and to this end consist in the current money of the country, in which payments are usually made. Unless the reserve consists of that kind of money it will not answer its object. You might just as well authorize that the bank have a certain amount of real estate in reserve and when the depositors come and ask for the money due them the bank will offer them a lot of ground, which the depositors would be glad to take rather than get nothing at all. That is the argument we have heard here.

Mr. HOWE. The Government having made the banks poor, they will be glad to get that.

Mr. SCHURZ. Precisely. Now the same argument which applies to the bonds proposed by the Senator from Pennsylvania applies to the gold also. Gold is not current money of the United States at the present moment, and therefore gold ought not to form part of the reserve of a bank, because that reserve ought to consist of that kind of money which is ordinarily used in payments. I should therefore vote for an amendment striking out that whole portion of section 2 for which the Senator from Pennsylvania has offered a substitute.

Mr. MORRILL, of Vermont. Will the Senator from Missouri permit me to ask him a question?

Mr. SCHURZ. Certainly.

Mr. MORRILL, of Vermont. I desire to ask the Senator whether he does not recognize the fact that with the gold in the bank, it is always exchangeable for even more than its face value in current money?

Mr. SCHURZ. Certainly it is.

Mr. MORTON. I suggest to the Senator that the provision requires the bank to keep the gold. The gold of course could be converted by the bank in stress of weather; but under the section reported by the committee the bank is to keep the gold, no difference what may be the demand by the depositors.

Mr. CONKLING. But it releases a corresponding amount of greenbacks from the reserve.

Mr. SCHURZ. Precisely; it releases a corresponding amount of current money of the United States from reserve.

Mr. MORTON. But that does not diminish the necessity of being able to meet the demands of depositors.

Mr. SCHURZ. True, it does not diminish the necessity of being able to meet the demands of depositors; but what I was saying is this: You can undoubtedly exchange gold for more than its face in greenbacks, but you have got to sell the gold as you sell any other merchandise, for what it will bring.

Mr. CONKLING. Just as you would sell barrels of flour.

Mr. SCHURZ. Precisely. For this reason I affirm that gold, as long as we have not returned to specie payments, using gold as current money, has no business in the reserves of a bank, kept there for the purpose of securing the depositors; neither do I think that we shall get one single step nearer to specie payments by keeping this deposit of gold in the national banks of the United States. That is not the way to bring on specie payments. When we come to specie payments the national banks may take care of themselves, and I am sure the responsible concerns among them will be amply able to do so.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Pennsylvania.

Mr. SCOTT. I ask for the yeas and nays.

The yeas and nays were ordered.

The Chief Clerk proceeded to call the roll.

Mr. KELLY, (when his name was called.) Upon this question and upon all questions relating to the currency bill I am paired with the Senator from Georgia, [Mr. NORWOOD.] I do not know how he would vote on this particular amendment, and therefore I refrain from voting.

Mr. INGALLS, (having first voted in the affirmative.) Upon the general financial question I am paired with the Senator from New Jersey, [Mr. FRELINGHUYSEN.] I suppose on this amendment he would vote "nay," but I am not positive. With that understanding I withdraw the vote that I cast in favor of the proposition.

Mr. CONKLING. If the Senator will indulge me, I think I ought to say that the Senator from New Jersey who is absent committed in some sense his interest to me. The Senator from Kansas thinks the Senator from New Jersey would vote in the negative on this question. I am not prepared to say that; and of course the Senator from Kansas takes his own course about withdrawing his vote. I think it due to the Senator from New Jersey that I should say this, as in going away he asked me to see to it that his position be stated upon questions hereafter. I make no statement about it on this question, except that I am not authorized to say that he would vote in the negative on this proposition.

Mr. INGALLS. I made the statement I did upon the understanding that Mr. FRELINGHUYSEN would vote in the negative. If that is not the understanding, as he left his views with the Senator from New York, I should prefer to have my vote recorded. I desire to carry out the agreement that I had with the Senator from New Jersey in perfect good faith.

Mr. CONKLING. May I inquire of the Senator, is his understanding on this subject derived from the Senator from New Jersey himself?

Mr. INGALLS. In no sense whatever.

Mr. CONKLING. So I thought possibly; and therefore I wish to state that I am not authorized to say that the Senator from New Jersey would vote in the negative on this proposition.

Mr. INGALLS. In speaking with the Senator from New Jersey in relation to the affair, I mentioned the difficulty that might possibly arise from not understanding how he would vote, and he advised me that he would commit his sentiments to the Senator from New York.

The PRESIDING OFFICER. Does the Senator from Kansas desire to withdraw his vote?

Mr. INGALLS. No, sir. I desire to have my vote recorded.

The roll-call having been concluded, the result was announced—yeas 16, nays 37; as follows:

YEAS—Messrs. Alcorn, Anthony, Bayard, Chandler, Conkling, Davis, Ferry of Michigan, Flanagan, Gilbert, Hamilton of Maryland, Hamlin, Ingalls, Jones, Scott, Sherman, and Stockton—16.

NAYS—Messrs. Allison, Bogy, Boreman, Bontwell, Buckingham, Carpenter, Clayton, Cooper, Dennis, Fenton, Goldthwaite, Gordon, Hager, Hamilton of Texas, Harvey, Hitchcock, Howe, Johnston, Logan, McCreery, Merrimon, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Patterson, Pratt, Ramsey, Sargent, Schurz, Sprague, Tipton, Wadleigh, Washburn, West, Windom, and Wright—37.

ABSENT—Messrs. Brownlow, Cameron, Conover, Cragin, Dorsey, Edmunds, Ferry of Connecticut, Frelinghuysen, Kelly, Lewis, Mitchell, Norwood, Pease, Ransom, Robertson, Saulsbury, Spencer, Stevenson, Stewart, and Thurman—20.

So the amendment to the amendment was rejected.

Mr. WRIGHT. I now ask that the amendment I sent to the desk some time ago be taken up and acted upon.

The Chief Clerk read the amendment, which was in section 8, line 8, to strike out "50" and insert "25;" so as to make the clause read:

It shall be the duty of the Secretary of the Treasury to retire an amount of United States notes equal to 25 per cent. of the circulating notes so issued, &c.

Mr. WRIGHT. I wish to say just one word. I concur most heartily in the wish expressed by the Senator from Ohio this morning that all questions in connection with this bill may be disposed of as speedily as possible, and with as little debate as possible. We have been in session five months, and more than half the time has been taken up in debate on this currency question. I think we understand all these measures pretty well, and probably as well as we shall after the most elaborate debate. I have in connection with this some two or three other amendments that I propose to offer, and I shall content myself with submitting them with perhaps a single remark.

I am justified in saying, after the remarks of the Senator from Ohio this morning, that perhaps this amendment goes to the marrow of the bill. It is a question upon which we differ here as to the rate of retirement. I desire to say in advance that, if left to myself, I am opposed to the retirement of greenbacks. If left to my own convictions of what would be right to the people I represent, I should oppose this section entirely. There are those, however, who believe that there ought to be a retirement of dollar for dollar. Others think there ought to be a retirement of 70 per cent.; others think there ought to be a retirement of 50 per cent. Some there are who think we ought to come to specie payments at once. Others think we can safely provide for a return to specie payment at some time to be named in the future, 1878, 1879, or 1880. Others think that it is unwise and impolitic to provide any day for a return to specie payments.

In this contrariety of views, it must necessarily follow perhaps that each one shall surrender somewhat his views upon this vexed question, and as I had occasion to say here once before, using a very trite remark, I think the true philosophy of legislation, as of statesmanship, is, if you cannot get what you want in all particulars and accomplish all the ends you desire, then approach it as near as possible, because there must be some surrender of views if we expect to do anything on this question. Now I am unwilling to go home or that this session shall adjourn without the passage of some bill on this subject, and the sooner we pass it in my judgment the better.

As I have said, I am opposed to any retirement of greenbacks whatever, and if the proposition were presented to me whether I would have any retirement as provided in this bill, I should vote against any; but it is proposed by the committee, and this bill proposes, that there shall be a retirement of 50 per cent. Now, entertaining the opinion that there should be no retirement, I propose that there shall be a retirement of 25 per cent., and upon this to compromise. I think it is a fair ground upon which we can stand and upon which we can meet.

I do not understand the Senator from Ohio to say, certainly, that if this amendment shall be adopted he will regard it as fatal to the bill, according to his views of what we should do. I can say to him in all frankness that if it is adopted and 50 per cent. shall be retained, I shall regard it as fatal to the bill so far as I am concerned. After what has been said by the Senator from Illinois this morning with reference to the inevitable effect of this bill and the contraction it must necessarily produce, and as you increase your national-bank circulation the effect of it upon the greenback currency, I think it is but right to us that those opposed to us shall be willing to stand upon the 25 per cent.

Mr. President, I stand in favor of this proposition. I might say I stand opposed to all retirement of the greenbacks, for the reason that I do not at all concur in the views of the Senator from Ohio, when sometimes on the one side and sometimes on the other, as I conceive, he insists that it were better for the country that we have our currency uniform in national-bank circulation rather than in greenbacks; and his argument all the way through went upon the ground that the people insisted and expected and demanded that there should be some retirement of the greenbacks. I do not believe a word of it. I believe the people of this country are better satisfied with the greenback circulation than with any currency they ever had. I believe they are better satisfied with it than they possibly ever will be with the national-bank circulation. I believe they would prefer to let the greenbacks stand where they are rather than to replace them dollar for dollar with the national-bank circulation. But inasmuch as it is deemed needful and proper that we shall have some legislation on this subject, legislation that shall tend to relieve the people and give confidence to the business interests of the country, I am willing to meet gentlemen upon this ground and stand upon a 25 per cent. reduction. I therefore offer the proposition that instead of retiring 50 per cent. we shall retire 25 per cent.

Mr. CHANDLER. Mr. President, I cannot but admire the liberality of my honorable friend from Iowa. He states the case clearly and distinctly, so that every one can understand it. He says there are different opinions as to the policy to be pursued with our greenback circulation; some are in favor of retiring dollar for dollar. I am one of that number. Others are in favor of retiring 70 per cent., others 50 per cent., and others nothing. Now, the Senator in a spirit of great liberality says: "If you will give me 75 per cent. I will give you 25; if you will give up your hundred cents on the dollar I will give you a pistareen." Sir, while I appreciate the offer, I cannot accept it; and if this amendment is to pass, I take it for granted that it is intended to kill the bill. I should certainly vote against the bill the very moment this amendment should be adopted. I am willing to meet the gentlemen who are in favor of inflation upon the exact line of demarkation between where I stand and where they stand. I will vote for the bill as it is, retiring fifty cents in greenbacks for every dollar of national-bank currency issued. It makes banking absolutely free all over the United States. The banks have nothing to do with this retiracy. It is the Government that is to retire fifty cents on the dollar, or $500,000 of greenbacks for every $1,000,000 of national-bank currency issued. I do not suppose there is a Senator on this floor who expects the bill to become a law if it should be restricted to twenty-five cents on the dollar. The policy that has been announced in the veto message would show that it is extremely doubtful——

The PRESIDENT *pro tempore*. The Senator is out of order in alluding to the Executive or what course he may pursue on this subject.

Mr. CHANDLER. I simply alluded to his late message. I think I have a right to discuss a message of the President——

The PRESIDENT *pro tempore*. The Senator was not speaking of the message, but predicting that the same thing would follow on this bill if it should pass at 25 per cent. The Chair thinks that is out of order.

Mr. CHANDLER. Well, sir, perhaps Senators may have drawn that inference, and I may or may not. However, that is a mere question of taste. I trust that if this bill has any friends on this floor they will vote against the amendment. If there are any Senators on this floor who desire free banking, who desire that every State that is now deficient shall have an opportunity to take all the bank stock that it has the money to take, I hope they will vote against this amendment; for I assure my honorable from Iowa, should this amendment prevail, I shall then move to lay the bill on the table, and trust we shall spend no more time with it or upon it.

Mr. LOGAN. I wish to say one word in response to the insinuations of the Senator from Michigan and his statement that fairness was all he desired. Let us see how fair his proposition is. He says he is in favor of retiring one hundred cents on the dollar, in favor of retiring an equal amount of greenbacks to the issue of national-bank notes; but he is willing to agree upon fifty cents, because that is "a fair divide," as I understand him. Now let us see how fair it is, and how fair the Senator's proposition is. Under the present banking law as it exists there is a retirement of 15 per cent. of greenbacks in country banks as reserve on deposits and 25 per cent. in the redemption cities. The average is about 20 per cent. Under this bill you require the same thing, and yet require another retirement of 5 per cent. green-

backs on the circulation. That, with the 20 per cent. that would exist as an average on the deposits—and, as I said this morning, the deposits will always exceed the circulation—makes 25 per cent. Then this 50 per cent. of greenbacks makes 75 per cent. Then the 5 per cent. in this bill required to be put in the Treasury here for redemption makes 80 per cent. Thus you have a retirement of 80 per cent. instead of 50 in this bill. Under the proposition of the Senator from Iowa you have a retirement of 55 per cent.

Let us see if this is not so. Twenty-five per cent. he proposes to start with, and 5 per cent. is required to be kept in the Treasury, which makes 30 per cent. under this bill with his proposition. Then if the deposits equal the circulation, which they will more than do, as the evidence of all bankers shows, you have 25 per cent. more; and that is all to be locked up in the banks under this bill and none of it put in circulation. There you have 55 per cent., the least you can possibly have of retirement of greenbacks with the proposition of the Senator from Iowa. That goes 5 per cent. beyond the cleverness of the Senator who was willing to divide even. If you are willing to divide on 50 per cent., you have it in the propotion of the Senator from Iowa, with 5 per cent. more; and do you ask men here who are opposed to the retirement of greenbacks at all to agree that you shall retire 80 per cent. of them and then vote for this proposition? Such a proposal strikes me as being a good deal like the hunter's proposition to the Indian. They had been out hunting one day, and the Indian killed a turkey and the white man killed a buzzard. When they came to divide, the white man said to the Indian, "I will take the turkey, and you take the buzzard; or in other words, you take the buzzard and I take the turkey." [Laughter.] That is the fairness of the Senator from Michigan in this proposition; it is buzzard to us all the time and turkey to himself.

That is the bill just as it stands, and no man with pencil and paper can make it out any other way, and yet you contend that that is fairness, and you say you want to deal fairly with Senators! Every Senator has a right to deal for himself, and to guess and judge for himself; but when you talk about fairness, I say that with 50 per cent. of retirement of the United States notes in circulation, and with the reserves required in this bill to be locked up in the banks and none of them to be allowed to be out, and the 5 per cent. that is to be locked up for redemption, there will be no additional circulation that would amount to a cent under the bill; and no man would bank under the proposition either. As to what may happen to the bill hereafter, God knows; I have naught to say. That is none of my business. I do my own voting, and threats of that kind will have no terror so far as I am concerned. I want to vote for a bill that is right. I am willing to vote for this bill, and I am ready to do it, provided you reduce the retirement of greenbacks and make it a bill that I can vote for. But if you do not do it the responsibility is with you. You can pass the bill if you have the majority.

Mr. WRIGHT. I had thought that I should not say another word on this amendment; but in view of what has been said by the Senator from Michigan, I think it but due to myself that I should say a word.

I offered this amendment, as I shall offer others, in a spirit of fairness and with the greatest anxiety that we shall agree upon a bill. I believe that this is a fair proposition. I did not offer it as a one-sided proposition; but I believed in all sincerity it was a fair proposition. Now, let us see where we stand.

This Senate by a majority passed a bill in which there was no provision for retirement, passed a bill which provided that the maximum of greenbacks should be $400,000,000, passed a bill to increase the bank circulation also by $46,000,000; and that by a majority of this Senate. Now, a bill comes in fixing the maximum of greenback circulation at $382,000,000. That I do not propose to disturb. That is a concession. Now, a bill has been introduced also that provides for a retirement of greenbacks. That was not in the other bill. Instead of striking out that section, as it was struck out of the bill when it came before from the Senate Committee, I propose to meet half-way on that ground and take 25 per cent. as the reduction. After we have once passed a bill for $400,000,000 greenbacks and $46,000,000 increase of bank circulation, without any retirement, without any provision for a redemption bond, (with no disposition now on my part to fight the redemption bond, though I do not believe in it, if certain amendments be made to it, which I do not think will be objected to,) now, when we propose as a first proposition that, notwithstanding we have all this vantage ground and have once passed such a bill as I have stated, we surrender all these things and propose to meet on this ground, the Senator from Michigan says we ask everything and are willing to concede nothing. I say it has been shown here that on my proposition there is a half-way ground, while upon the proposition of the committee we surrender everything until greenbacks almost to the last dollar shall be taken out of circulation and bank-notes put in their place.

I regret to have taken up so much time. I do not want to discuss these questions, because I infinitely prefer a vote. I shall rejoice, as a member of the Senate and representing the people I do, if we can dispose of this bill to-day and get it out of the way. I believe we can do so if we go to work in good, earnest spirit, anxious to arrive at a proper and practical result.

Mr. HOWE. Mr. President, I feel impelled by every consideration of consistency to seize every fair opportunity to lift up my voice against this greenback circulation. I believe I never have omitted any fair opportunity of doing so since the war closed. I confess that I am one of the number who hunger and thirst for that day when there shall not be a promissory note of the Government afloat payable on demand and yet depreciated in the markets of the world. If there is anything in our times which I feel is an insufferable national disgrace, it is that in a time of profound peace, and when we have enjoyed a profound peace for a decade, we have millions upon millions of the national promises circulating right under our faces, which are discounted, dishonored, discredited at every pea-nut stand in the country.

Now I want to get rid of that state of things. I want to get rid of it without a contraction of what you call the circulation. I do not want to contract the circulation, because I do not think that would be fair to one portion of our people. I have thought there was just one way of doing that, and that was to provide for retiring these notes as bank-notes properly secured, to be converted into greenbacks or into coin at the option of the maker, took the place of the greenbacks. I do not think it would be right to retire a dollar of the national notes for every dollar of the bank-notes which go into circulation, because practically I think that would be contraction. I have thought according to my mathematics that you could afford to retire seventy cents of greenbacks for every dollar of bank-notes you put out. The proposition of the committee is to retire fifty cents. I have listened to the arithmetic of my honorable friend from Illinois; I cannot come to the conclusion that he arrives at, and on the whole I think he stands admitting that you have under this bill twenty cents more of paper in circulation for every dollar of bank-notes that are put out; that, in other words, out of every dollar of bank-notes which are added to the circulation under this bill there will be about eighty cents retired and reserved. That is expansion; but——

Mr. LOGAN. Will the Senator allow me right there to say a word in that connection?

Mr. HOWE. Certainly.

Mr. LOGAN. The 20 per cent. I spoke of was in reference to this bill. I say if you take it for granted that the deposits will only reach the circulation, it makes 80 per cent. contraction if deposits will not go beyond that. But the Senator will remember that in connection with that I suggested to the Senator from Ohio that the second and third taken together are a retirement or a contraction of about $40,000,000, and until you issue bank circulation so that the 20 per cent. will get up to that $40,000,000, you have no excess of circulation at all. If the Senator will figure out the results of the second and third sections he will see that this bill itself, taken as it is, is a contraction at the present time of about $40,000,000.

Mr. HOWE. I do not care to make an issue with the Senator on his mathematics. My conviction remains with me that this will be practically an expansion of your paper circulation even if fifty cents of the bank-note be withdrawn in greenbacks. But I am sure the Senator from Illinois makes too large a calculation on what is called a reserve to secure deposits. I believe there is such a provision in the existing law, and I believe this bill proposes to continue that provision.

Mr. LOGAN. But the difference is that three-fifths of the reserve on deposits now under the law is allowed to go into circulation. That bill takes three-fifths and requires it to be locked up in the banks.

Mr. SHERMAN. Only three-fourths of that; three-fifths can be so used now.

Mr. HOWE. We are getting so deep in vulgar fractions that in the few words I have to say I do not care to go into them. But my impression is that this provision of a reserve to secure deposits is rather a fiction than a fact. It never has been enforced, I think. My judgment is that it never will be enforced. My opinion very decidedly is that it never ought to be enforced. I am one of those alluded to, I think, by the Senator from Pennsylvania a short time ago, who think that it is no part of the business of the Government to look out for my security whenever I see fit to deposit a ten-dollar bill in a bank or elsewhere. I am willing the Government shall leave me to the guidance of my own judgment and discretion. Never having but a very small sum to deposit anywhere, I think I can be trusted so far. So that I do not count upon that portion of the reserve as affecting your circulation.

I shall agree to this proposition of retiring but fifty cents of the greenbacks. I think it is too small a retirement. That is my opinion about it. But it is better than none. If I can live to see that happy day when your dishonored notes begin to disappear, though they may go more slowly out of sight than my impatience would dictate, I shall begin to hope; but until that day arrives I shall not have any hope of a stable financial system.

Mr. MORRILL, of Vermont. Mr. President, I consented to have this bill reported from the Committee on Finance solely on the ground of having some bill before the Senate which was likely to command the support of a majority and become a law. In doing this there were various parts of the bill that I could not entirely bring my judgment and conscience to consent to; but it was not my purpose to make any opposition to the bill unless it should appear that there was a disposition to firmly adhere to the opinions expressed by the majority on the passage of the bill which has failed to become a law.

My friend from Iowa [Mr. WRIGHT] has striven, as he thinks

earnestly here to agree to something that he calls a compromise. Now, Mr. President, let me point out to him how much I have surrendered in order that this bill might come in here for consideration.

In the first place, I agree that free banking is in harmony with our institutions, that we ought to have it as soon as circumstances will permit; but I have never been of the opinion that we ought to have it until the time came when banks could redeem not only in legal-tender but in absolute coin. That much I have surrendered in the presentation of this bill which only provides for paper redemption.

Then again this bill fixes the amount of legal-tenders that may be lawfully outstanding at $382,000,000. I do not believe a word of that. I do not believe that there is a dollar beyond $356,000,000 that the Government has any right to have out. So I surrender on that point so far as this bill goes.

Then, again, the bill proposes that we are to retire only 50 per cent. of the amount of national-bank notes that are issued. I agree with the Senator from Michigan [Mr. CHANDLER] that we ought to retire dollar for dollar, and the lowest point that I have felt willing to compromise on that subject would have been 70 per cent. instead of 50; and as the Senator from Iowa has made his proposition now to reduce the sum from 50 down to 25 per cent., if that should fail, I shall feel myself almost authorized to offer an amendment proposing 70 per cent. instead of 50 or 25.

Again, there is another proposition in this bill. It proposes to stop retiring greenbacks when we reach the amount of $300,000,000, and to retire no more forever. What sense is there in that? Why not continue to retire them? If it is proper and right to retire them while we have four or five hundred million dollars of national-bank notes in circulation, why may it not be proper to retire them after we have issued $164,000,000 more of national-bank notes? I confess I cannot see why it should stop at that point.

Then, again, it is proposed to fund the United States notes in 1877. Why postpone the day to 1877? Why not take 1876? I am in favor of 1876; and if I yield to go on to 1877, it is by way of a compromise.

Then, Mr. President, there is another thing which I regard as perhaps the worst of all of the objectionable parts in this bill. There is a proposition here that after 1877 we may fund our greenbacks in bonds; but it is also provided immediately after that we may reissue them and authorize any holder of them to go and take bonds at par. How long can we keep up the price of bonds with such a provision as that? We may indeed elevate somewhat the value of greenbacks, but is it not perfectly apparent that we are to reduce the value of our bonds at the same time? If these greenbacks are to be funded into a United States bond, in my judgment they never should be again reissued.

Now, Mr. President, the Senator from Iowa thinks he has compromised a great deal in yielding up so much as he has done in this bill; but I desire to say to him and to the Senate that if his amendment now proposed shall be adopted I shall consider it fatal to the bill. I do not undertake to say that it will not become a law. I do not know how that may be; but so far as my vote will prevent, it will not become a law.

Mr. MORTON. Mr. President, I was willing for one to vote upon this bill without any discussion; but the Senator from Ohio—and I do not complain of it—thought proper to go into a somewhat extended statement in regard to the character of the bill and to restate some arguments in regard to the general subject which had been gone over before, I thought pretty fully.

For one I am opposed to any provision now for retirement of the greenbacks by converting them into a bond bearing interest at the rate of 5 per cent. or any other per cent. I do not believe that it is to the interest of this Government or of this people to convert any part of this non-interest-paying debt into an interest-paying debt. But I am not so tenacious in my opinions as to refuse to concede anything. I am willing for the sake of adjusting this troublesome question to yield some of my ground and accept provisions which do not meet the approval of my judgment.

That free banking is right in principle; that it is due to the country and to every part of the country, seems now to be generally conceded. There are but few on this floor who will deny the propriety and the justice of establishing free banking, and destroying what is known as the monopoly feature of our national banking system—a feature that has lost it many friends, and that, if continued, will make it odious and difficult for any party to carry. But it seems that, as the price of free banking, we are required to retire 50 per cent. in greenbacks of the amount of bank-notes that may be issued. What good is to be obtained by this retirement? But I will not go into the general discussion of that question. That has been before the Senate often, and for a long time.

The Senator from Illinois has stated correctly what would be the effect of this bill in its present form. Suppose, for example, $50,000,000 of bank-notes are issued under this bill; $25,000,000 of greenbacks will be retired. Then upon these $50,000,000 of bank-notes a reserve is to be established——

Mr. SCOTT and Mr. SHERMAN. The reserve on circulation is repealed.

Mr. MORTON. I was going to come to that; but I am nevertheless correct in my statement. A reserve is to be established in the country banks of 15 per cent., and in the city banks of 25 per cent.; not a reserve upon their circulation but a reserve upon their deposits, and it may be assumed as a matter of mathematical calculation that national banks cannot be established, or if established will not be maintained but will go into liquidation, unless the line of deposits shall be equal not merely to the circulation but to the amount of their capital stock, which is much over their circulation. So then there will be the full 15 per cent. in the country and 25 per cent. in the cities, and in some of the cities much more than 25 per cent. owing to their enormous deposits, to be taken out of the greenbacks in circulation and retired into the vaults of the banks and kept there until some time of general panic or convulsion, when they will be called out for the purpose of meeting the demands of depositors. We might say at least 20 per cent. on the average. Then out of the fifty millions of new bank-notes you retire twenty-five millions unconditionally of greenbacks, and then you retire at least 20 per cent. of fifty millions of greenbacks into the vaults of the banks to be held there as reserve, and, in addition to that, you take 5 per cent. of reserve on circulation and put that in the Treasury of the United States for the purpose of redeeming the bank-notes that may be there presented. That leaves but very little in the way of an increase of currency to be derived from the issue of fifty millions of national-bank notes.

But, Mr. President, that is not quite all of it. I must call the attention of the Senate to another consideration in connection with what is called the greenback reserve of $44,000,000. The theory of that reserve is that it is to be issued by the Secretary of the Treasury when it may be necessary, and afterward to be retired out of the surplus revenues of the Government into the Treasury, and to be held there again for another emergency. Under this theory the $26,000,000 that have been issued since the 1st of October last are to be retired out of the first surplus revenues, put back into the Treasury. The President in his late message very distinctly and very clearly enunciated this proposition, and I shall not violate the rule laid down by the Chair by reading an extract from his message:

> The amount in actual circulation was actually reduced to $356,000,000, at which point Congress passed the act of February 4, 1868, suspending the further reduction of the currency. The forty-four millions have ever been regarded as a reserve, to be used only in case of emergency, such as has occurred on several occasions, and must occur when, from any cause, revenues suddenly fall below expenditures; and such a reserve is necessary, because the fractional currency, amounting to fifty millions, is redeemable in legal-tender on call.

Therefore the President states the doctrine with which we are all familiar, and he states it very clearly; and to carry out that proposition enunciated by the President the Government would use the first surplus revenue that may come into the Treasury to retire the $26,000,000 and put them back in the Treasury for some subsequent occasion. There is another contraction of $26,000,000 in addition to the 50 per cent. contemplated by this section and in addition to the reserve required by the law under the additional bank-note circulation that may be issued; and the Government is committed to that policy. The Secretary of the Treasury, in his last annual report, asked Congress to take action upon the subject to remove the doubt hanging over the right of the Government to use the $44,000,000 reserve, and in his report used the following language:

> In order that there may be no misunderstanding as to the circumstances under which the amount between the minimum and the maximum may be issued, and, that it may not be issued for the purpose of inflating the paper currency of the country, I recommend that it be declared a reserve to be issued temporarily when the ordinary demands upon the Treasury shall require it, and in payment of such demands and for the redemption of fractional currency, the amount so issued to be returned to the reserve as soon as the condition of the Treasury shall warrant it, and that the purchase of bonds shall be forbidden so long as the outstanding United States notes shall exceed the minimum fixed by the act of February 4, 1868.

The Secretary of the Treasury here stated his view and his policy, and we presume that is his policy yet, for we have no reason to suppose that he has changed his mind upon that subject, and it will be his policy, should there be surplus revenue, to employ it in the retirement of the $26,000,000; and you have that contraction in addition and entirely independent of the other contraction provided for in this bill.

Mr. President, I do not know that this contraction is very imminent. I think not. I think the prospect of surplus revenue is not very good. I think the general condition of this country is bad, and I fear it is getting worse. I fear very much that the worst is not over, but that it is yet to come. Therefore I am not apprehensive of an immediate contraction from this cause; but still this is a source of contraction that this bill leaves open to the Secretary of the Treasury, and he is committed to it by the policy he has avowed and the policy that has been adopted in practice.

I will vote for the amendment offered by the Senator from Iowa, though I am not in favor of retiring greenbacks at all at this time, or providing for it, and I may be allowed to observe I do not believe it is the right way of approaching specie payments. The President in his late message, in his plain, direct manner, stated his view upon that subject. He said in this message:

> I am not a believer in any artificial method of making paper money equal to coin when the coin is not owned or held ready to redeem the promises to pay; for paper money is nothing more than promises to pay, and is valuable exactly in proportion to the amount of coin that it can be converted into.

The President of the United States does not believe in these artificial methods of bringing greenbacks up to par, evidently does not believe in the bond plan of conversion, but is in favor of the straight-

forward, easy to be understood plan of getting the gold to redeem the notes which the Government has promised at a practicable period to redeem in gold, and the President boldly meets the issue that the way to return to specie payments is to get the gold to do it with. You who believe that the Government can get the gold to do it, who are willing to reserve that which is in the Treasury and that which shall come into the Treasury, and are willing to lay taxes for the purpose of getting more gold, have there a direct and easy to be understood plan of returning to specie payments. The President does not believe in this roundabout way.

But, sir, I have said more than I intended to say on this question.

Mr. SHERMAN. I ask the indulgence of the Senate for a moment to reply to one or two points made by the Senator from Indiana [Mr. MORTON] and by the Senator from Illinois, [Mr. LOGAN,] and also by the Senator from Iowa, [Mr. WRIGHT.] The point that seems to press them most against this bill is the objection they make to the transfer of the reserve from the city of New York to the West and South. Each Senator has spoken as if this was objectionable.

Mr. MORTON. I said not a word about it.

Mr. SHERMAN. The Senator from Illinois said the effect of one clause of this bill which provides for removing the reserve on deposits from New York to the West and South would be to create contraction. The Senator from Iowa alluded to it. The Senator from Indiana also referred to the same matter. Now, if there is any objection to this proposition that has twice received the vote of the Senate and once received the vote of the House of Representatives, if there is really objection to the transfer of this reserve from the city of New York, where it is used simply for stock-gambling, to the West and South, I hope some Senator will move to strike out that clause.

Mr. LOGAN. Now, if the Senator will allow me, he certainly does not wish to place any person in a false position——

Mr. SHERMAN. Certainly not.

Mr. LOGAN. I said nothing about my views on that. I only took the two sections, and I said the effect was that much immediate contraction. To overcome that, the point of my argument was that the increase of circulation should be a so much greater percentage over the contraction of the greenbacks as to give a circulation over and above the contraction. I made no point at all on that provision. I only spoke of it in connection with the circulation and with the retirement of 50 per cent. of the greenbacks and the reserve, to show that the utmost effect of the bill would be to give 20 per cent. of circulation, and that probably the contraction between these two sections would exceed the additional circulation.

Mr. SHERMAN. The section which repeals the reserve on circulation passed the House of Representatives. It was intended for the benefit of banks, intended to relieve them from all reserves on circulation, and as a substitute for that 15 or 25 per cent. we require them to maintain 5 per cent. reserve in the Treasury of the United States; so that to this extent both the House bill and the Senate bill are an expansion or unlocking of the currency. But the Senator from Illinois says that the bill also contains another section which transfers the reserve on deposits from New York to the West and South. If the Senator is opposed to that transfer he can move to strike it out. If he thinks that works contraction, and he strikes at the bill in that direction, he can move to strike it out, and then I could give the reasons why we adopted that section which has already passed both Houses.

Under the present law three-fourths of three-fifths of the reserve on deposits may be loaned by bankers in New York to whoever will borrow it on call; and that is just the effect. I have not gone into a close computation, but I will take the Senator's own estimate. Suppose the currency reserve on deposits is $50,000,000, as he states, and I think it is about $50,000,000, or $55,000,000. Three-fifths of that amount may be put in New York, and three-fourths of that three-fifths may be loaned out in New York. How? It is loaned out by the banks of New York only to brokers. It is not made the basis of commercial loans at all. Not a single dollar of the reserves of the country banks held there is loaned for commercial purposes, or for investment in the West or South or anywhere else. It is loaned for speculative stock-broking operations; and business men of the highest character in New York who themselves are presidents of banks have advised against it. They say that while this reserve is piled up in New York, banks there will bid for it and will bid according to the rate of interest to induce the deposit of the reserve with them. Being a deposit on call, liable to be called for at any moment, the New York banks loan it on call themselves. I think this provision of the bill can be defended without regard to whether it inflates or contracts. But if there is objection to having the reserve transferred from New York, relieve the banks entirely from the reserve. If Senators think that really from 15 to 25 per cent. on deposits is too much of a reserve to be maintained by national banks to protect themselves against sudden demands, lower the reserve, and that makes an expansion. I am perfectly willing to leave the banks, with or without reserve, to take their chances. They will break as sure as fate if they do not maintain, in an ordinary state of affairs, from 10 to 25 per cent. in reserve, whether the law provides for it or not. If the reserve required is too large, reduce it, and that affects the question of inflation. But this provision which the Senator from Illinois himself proposed to the Senate is now ingeniously seized upon as an objection to this bill, because forsooth it will induce the transfer of the reserves from New York to the West and South. What good is it to the West and South to have their money, belonging to their own banks, sent to New York and loaned out to stock-brokers in New York? It may be of some service in the West after the banks are located to strengthen them at home, and if they ought not to have that amount of reserve now required by law, why not decrease it? Now to take two provisions together for the purpose of making an argument against this bill, especially when this particular clause has been passed by both Houses of Congress and was offered by the Senator from Illinois himself and assented to by members on both sides, seems to me to be late. If Senators desire to correct their opinion on that question, as they have the right to do; if they think the transfer ought not to be made, it is very easy for them to propose suitable amendments to the bill in that respect; but they do not propose them.

Now a word in regard to another point, and this is the chief point. The Senator from Indiana refers to the $44,000,000 reserve. There is nothing in this bill about a reserve at all. Yesterday the reserve was perhaps $3,000,000; to-day it may be $10,000,000. According to the last statement I saw the currency reserve is swollen to ten millions. Sometimes it must be ten millions. Whenever quarter-day comes for the payment of pensions, they must have on hand seven and a half millions to pay pensions. Sometimes this reserve must run up to ten or fifteen millions. The Secretary of the Treasury carefully studies when he must pay out money. There are times when he must have a large currency reserve. There are other periods of the year when he can run it down to three millions. I have known the currency reserve at one time to run down to two millions. In my judgment it is hardly ever safe to have a currency reserve in the Treasury of less than fifteen millions. It is better to have it. The Secretary of the Treasury would naturally have it, and on an average the reserve has been more than fifteen millions. On the 12th of September, just before the panic, the reserve was about twelve or fifteen millions; the precise amount I do now know, but it was over twelve millions certainly—fourteen millions my friend from New York suggests. To-day it is ten millions, and sometimes it goes down to three millions.

Mr. MORTON. I think the Senator is confounding the currency balance in the Treasury, which varies from time to time, with what is known as the reserve.

Mr. SHERMAN. On the contrary the Treasury Department treats it the same——

Mr. MORTON. I submit that the Treasury Department does not treat it in the same way. The Treasury Department used what was the currency balance in the Treasury, some $15,000,000, last September in the purchase of bonds, but so far as what was known as the reserve was concerned, no part of it down to that time was used in the purchase of bonds, but it was paid out in the current expenses of the Government.

Mr. SHERMAN. I understand it precisely as the Senator says. In other words the Secretary disabled himself from paying the current expenses of the Government with the money on hand by using that balance to bolster up operations in New York, and then necessarily drew upon the $44,000,000 reserve. But that has nothing to do with this bill. The very language of this section is the language of the House bill, the language proposed by the Senator from Iowa the other day, and there is not a word about the $44,000,000 reserve in it. This practically abolishes the idea of such a reserve; it fixes the maximum of United States notes at $382,000,000, and the Secretary of the Treasury will necessarily keep enough of that $382,000,000 to meet his current payments. So there is nothing in that.

Now in regard to the vitality of the clause which the pending amendment touches, I say that without the reduction of the greenbacks as bank-notes are issued, in some proportion, this bill is nothing at all but an inflation measure, a large increase of the paper money without limit, with no guide, no restraint except a provision that in January, 1877, thirty-two months ahead, we will redeem these notes, largely increased then, in bonds of the United States. Sir, I knew the division of sentiment here among Senators. I knew we were all grown-up men and disliked to change our opinions. I have gone to the extreme limit in this bill to meet the ideas of those who desire more paper money if only we could have better paper money. I am not sure but that I have gone too far; perhaps I have; but I am willing to go that far and other Senators are willing to join me. But now when we introduce a proposition here which provides for the continual daily increase of paper money without a single dollar of reduction—for not one dollar of notes can be canceled or redeemed until twice the amount is put in circulation—when we propose that as a compromise with all the other provisions of the bill practically agreed to except one that does not take effect for two years, (for all the other provisions of this bill have come to us from the House of Representatives, have been discussed and carried there,) we are met on this decisive vote which settles the fate of this bill, so far as I am concerned at least, with a proposition that unless you can issue $4,000,000 of paper money for the cancellation of $1,000,000 of paper money certain Senators will not vote for the bill. If that is so, the sooner it is ended the better, in my judgment.

I will not prolong debate. I hope the Senate will act upon this amendment as the vital issue involved in this bill. If a majority decide for it, then, as a matter of course, I will relieve myself from any further custody or care of the measure.

Mr. LOGAN. I do not know but what we are getting into a discussion, which it was proposed to avoid. Certainly, I am saying more than I ought; at least I know I am saying more than I intended when I first suggested the few remarks I have already made; but I do not see the necessity of Senators constantly attempting to place others in a false position. My friend from Ohio tries to impress the Senate with the idea that I was attacking a particular section of the bill, one which I had voted for heretofore, and that therefore I was inconsistent. I must say, and I should like to have his attention for a moment, that his argument was very adroit. I have always given him credit for being a very adroit man; and certainly if he draughted this bill he is entitled to great credit for adroitness. I merely asked the Senator at the outset, this morning, a few questions, that I might myself understand the bill and that others might understand it. I wanted to understand whether this bill gave an increase of currency or whether it contracted the currency at this time. That was the object I had in view, and I tried to get that information from the Senator. He failed, however, and has up to this time, to give any expression of that character to the Senate. I did not attack the third section. I only took the bill together as a whole, and said the bill as a whole did not give any increase of the currency, in my judgment, and I tried to demonstrate it. He is trying to satisfy the country that this is free banking, that any persons can establish banks and issue as much money as the country needs. I was trying to get at the fact whether this bill as it is now was not a deception; and the Senator need not try to put me in any position except the one that I desire to occupy myself. I contrasted these two sections. I have no special objection to the sections, but the objection is to the features of the bill clear through. If you put these two sections together and then put the following section so that the currency issued would at least be equal to what is contracted, it would certainly be much better in my mind; but when you follow them up with a section that makes the currency put in circulation less than the contraction, then I say, take it as a whole, it is not such a measure as the Senate expected to come from the Committee on Finance.

I said that the third section was a contraction in excess of the expansion of the second section. I say so now. I have no objection to that so far as it withdraws money from New York and Boston and Chicago and the large redemption cities and requires it to be kept in the local banks; but I do object to the sections that follow up with a contraction equal to that, so that there is no excess of circulation at all. That is the objection I make to the bill as a whole in that particular.

The bill that came from the House of Representatives came without any contraction of greenbacks at all, and it came without any bond redemption. It came a naked free-banking bill with these two sections in it, one a section of contraction and the other a section of expansion. That is the way the bill came from the House. It came here a measure of free banking, which would give all the currency needed so far as persons might desire to bank under it; but now our committee have added to those sections certain other sections; and what are they? One which contracts the greenbacks 25 per cent. over and above the House bill, and another one which redeems in bonds and attempts to give expansion three years from now.

My opinion of the bill as it stands with the 50 per cent. contraction of the greenbacks, and with the second and third sections, is that until we get to the reduction of the $82,000,000 of greenbacks, it does not give any expansion of the currency whatever. I do not believe the Senator from Ohio will stand up before the Senate and say it does, and I presume he draughted these sections himself. If I misunderstand the bill, I want to be corrected. I have tried to study it. I have tried to figure it out in my mind, and I cannot figure out in this bill any expansion of the currency over and above what I have stated here this morning, over and above 20 per cent. is met by the contraction in the third section of the bill and overbalanced down to the amount of $100,000,000. According to this bill you have to get $100,000,000 of national-bank currency issued to get $20,000,000 in circulation. That is all the circulation it gives you on $100,000,000 of issue. Then in the third section the contraction over and above the second section is more than $20,000,000. Hence this bill at first is a contraction instead of an expansion. That is what I said about it, and I presume the Senator will say so himself.

Mr. SHERMAN. I hope the Senator will not quote me, because I have already informed him that every day this bill is in operation, and with every change in the organization of a bank, the increase of the currency will be just two for one.

Mr. LOGAN. Just two for one of the issue; but will the Senator say that under this bill, with the second and third sections, there is not more money locked up in the vaults of the banks than will be issued in excess of the contraction, up to $50,000,000 or $100,000,000?

Mr. SHERMAN. I say that under the second section of the bill there will be a great deal of currency put in circulation that cannot now be put in circulation.

Mr. LOGAN. That is true.

Mr. SHERMAN. And under the third section of the bill to the extent that it transfers money, which is now loaned to brokers in New York, to the West, and South, it does tend to contract the currency; and if the Senator objects to it on that point, he can move to strike that out.

Mr. LOGAN. The Senator in his adroitness need not attempt to place me in any such position, for I do not intend to be placed there.

When you contract the currency to that extent and stand before the Senate and tell them that it is expansion, I say that your eighth and ninth sections do not expand the currency equal to the amount of the contraction. That is what I mean. I am not fighting the third section at all, and you cannot make that kind of an issue with me here. I am insisting that you have added in your eighth and ninth sections such sections as will not carry out the proposition you state here before the Senate and the country. That is what I mean to say and what I do say. Hence when you present the bill to the country, we ought to understand it and we ought to let them understand it. I do not object to a Senator being in favor of contraction; he has as much right to be in favor of that as I have to be in favor of expansion; but we ought to be fair enough to admit at least what our bill does propose, and not try to place one another in a false position for the purpose of deception upon the country.

We are told that this is free banking. Yes, it is free banking after you get to one hundred and sixty-four millions. You call it free banking now because everybody can establish a bank. Well, it is free banking in that sense; but it is not free banking in the sense that it increases the circulation of the currency.

As I said before, I opposed the section that had the bond redemption in it. In the Senate heretofore I voted to strike it out. I opposed the section that had a retirement of greenbacks in it heretofore, and voted to strike it out. I voted for four hundred millions of United States currency. Why? Because I believed under the law that there were four hundred millions of United States currency. I believed that the President and the Secretary of the Treasury at least had not violated the law in their attempt to issue the four hundred millions. I voted for the four hundred million bill as it was passed by the House almost by a unanimous vote, to legalize the act of the Secretary of the Treasury and of the President in issuing the twenty-six millions. I voted for the forty-six million increase of national-bank currency without any contraction except the reserve upon that. I voted for it conscientiously. That bill did not become a law; but now, because that did not become a law, I am not going to come into the Senate and say that I was wrong in that; at least not until my opinion has been changed, and my opinion has not been changed by any argument I have read on that subject; and my opinion has not been changed by the theory that we have got to come to specie payments by taxation. I am willing to come into the Senate and vote for a bill that I consider a reasonable bill. I am willing to vote for this bill with a small contraction of greenbacks, which is a step in the direction you speak of. You talk about specie payments. That is a step in that direction. I am willing to vote for that. I might be perhaps induced to vote for the other section with certain amendments to it; but let me say to the Senater from Ohio that when he talks about specie payments in 1877, or that if we do not have the gold we will then give a 5 per cent. bond, when he knows the bond will be that which will be used as the redemption, I say he has got to give something in this bill that is reasonable before the country if I am to vote for it—that will meet in some way and recompense for the redemption of greenbacks with a 5 per cent. gold-bearing bond, or a 4 per cent. or any other per cent. gold-bearing bond. I do not believe in the theory, nor do I believe in contraction; but I will vote for it if it is reduced as I suggested. I will vote as I did before.

When we had up the other bill I was voting my sentiments. I thought I was voting in accordance with the sentiments of those much higher in power. I thought I was voting in accordance with messages to the Congress of the United States. I find that I was not. Hence I am not going to be guided by anything of that sort now. I will vote for what I think is right, as I did before, without any reference to the result in the future. I do not believe you can maintain yourselves before the country with a reduction of 50 per cent. in greenbacks, and providing bonds then for the redemption of the balance. Therefore, unless this bill is amended in those two particulars in some way satisfactory, I shall certainly not vote for it. However, that may not prevent its passage.

Mr. SCOTT. Mr. President, sitting between the Senator from Ohio and the Senator from Illinois, I have been endeavoring to find, if I can, the difference which exists between them. I understand the Senator from Illinois to contend that under this bill as it stands, until the time that $164,000,000 of national-bank circulation is issued, there will be actual contraction.

Mr. LOGAN. No, sir; I did not say that.

Mr. SCOTT. Well, there will be no increase of currency, I understand the Senator to say.

Mr. LOGAN. I did not say that.

Mr. SCOTT. Does the Senator admit that up until $164,000,000 are issued there will be an increase of currency?

Mr. LOGAN. There will be an increase of national-bank currency issued; nobody questioned that. But the increase of the currency up to a certain amount—I have not figured out the exact amount—will be so small, as I stated—only 20 per cent.—that until you get a large issue of national-bank currency the contraction in the bill is in excess of that 20 per cent. That is what I said, and I took the data which the Senator from Ohio gave this morning, starting on that basis.

I may have loosely spoken of this amount, $164,000,000, because that is double the amount of the greenbacks to be retired; but my meaning is this: I do not believe you will get $164,000,000. I do not believe $164,000,000 of national-bank currency will be issued for years, or for some time at least; and hence that up to the time you will commence redeeming with your bonds probably there will not be sufficient national-bank currency issued over and above the contraction that will occur under the bill to make it any particular reason why this bill should pass. There is no perceptible increase up to that time.

Mr. SCOTT. Whether it made the impression on other Senators or not, it did upon my mind that the Senator from Illinois entertained the belief that until $164,000,000 of national-bank currency shall be issued under this bill there will be no actual increase over the contraction authorized by the bill.

Mr. LOGAN. If the Senator will allow me to restate that point again——

Mr. SCOTT. No; I understand it. I am stating that was the impression made on my mind. I wish now to get at the actual arithmetical result, if I can, upon the basis which I understood the Senator from Illinois to base it upon himself. Suppose $164,000,000 of national-bank currency to be issued; let it take one year, or eighteen months, or two years to issue that amount. The contraction that would follow the issue of that under the bill would be, first, 50 per cent. in legal-tenders, which would amount to $82,000,000; second, the average of reserves upon deposits, which I understood him to fix at 20 per cent. on the $164,000,000. Fixing that 20 per cent. on the $164,000,000 would make $32,000,000 more; then 5 per cent. of the $164,000,000 to be deposited with the United States Treasurer for the purpose of redemption would make a little over $8,000,000; so that the contraction under the 50 per cent. clause, under the reserves for deposit, and under the reserves for redemption with the United States Treasurer would amount to $122,000,000, which would leave, taken from the $164,000,000, a net increase of currency over all contraction of $42,000,000. So then if the Senator did entertain the idea or if he made the impression on any other Senator that until $164,000,000 should be issued there would be no increase, I think he was mistaken.

Mr. LOGAN. Now if the Senator will allow me, on the $164,000,000 issue, how much excess does he get?

Mr. SCOTT. Forty-two million dollars.

Mr. LOGAN. Now, if the Senator will take the second and third sections of the bill, and compare them together, he will find that he has got about even, because one expands and the other contracts, and the contraction is so much greater. I have not figured it out, but the gentleman will find that he has but a few dollars in excess.

Mr. SCOTT. It is the third section of the bill that I have been considering, for that is the one which withdraws the reserves from New York, and if that effects a decrease of the amount of paper money in circulation, then I am mistaken, because that is only taken home for a reserve on deposits.

Mr. LOGAN. But the difference is this: under the present law there is a certain portion of it allowed to be in circulation, but under this bill you withdraw it and lock it up. The withdrawal amounts to about $40,000,000, and under your bill, with your $164,000,000 issued, you have but $40,000,000 of actual circulation. So you have the thing about even when you have $164,000,000 issued. That is the way it stands; but if you put it at $100,000,000, (and I presume it will take two years at least before you get $100,000,000 of national-bank circulation under the bill,) what then will be the result? On $100,000,000, on your own calculation, you have $20,000,000 of circulation in excess of the withdrawal for the purpose of your deposits and for the purpose of starting the banks here. Is not that correct? Then if you take the second and third sections, what do you find? By the third section you withdraw and lock up nearly $40,000,000, or at least $35,000,000 more than you expand by the second section. Then you have $20,000,000 less of circulation than you had when you started. That is the case exactly, and that is the result.

Mr. ANTHONY. I will offer myself as a mediator between these two conflicting opinions, and if the Senator who has charge of the bill has no objection I move that the Senate proceed to the consideration of executive business. I will not do it against his wish.

Mr. SHERMAN. I hope it will be generally understood that to-morrow we shall close this bill. At least I will, so far as I am concerned, insist upon it.

Mr. HAMILTON, of Maryland. Make a suggestion that the debate stop at three o'clock.

Mr. SHERMAN. No; I think that would not be safe on this bill. I give notice that to-morrow, if sustained by a majority of the Senate, whatever phase the bill may assume, I shall insist on sitting the bill out.

E. BOYD PENDLETON.

Mr. BOREMAN. I ask to be allowed to make a motion to reconsider.

Mr. ANTHONY. Certainly; I yield for that.

Mr. BOREMAN. Yesterday there was an adverse report made by the Senator from Iowa, [Mr. WRIGHT,] from the Committee on Finance, on Senate bill No. 653, for the relief of E. Boyd Pendleton, late collector of internal revenue, fifth district of Virginia, and the bill was indefinitely postponed. I ask that the vote be reconsidered and that the bill go upon the Calendar.

The PRESIDENT *pro tempore*. Is there objection to the vote being reconsidered by which that bill was indefinitely postponed?

Mr. WRIGHT. I do not object.

Mr. SHERMAN. I think the bill ought to go on the Calendar.

The PRESIDENT *pro tempore*. The Chair hears no objection to the reconsideration of the indefinite postponement of the bill.

Mr. BOREMAN. Now let it go on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

SENATOR FROM ALABAMA.

Mr. SAULSBURY. I desire to give notice that on the 26th of this month I will call up the contested-election case of Alabama, the case of Mr. Sykes.

HOUSE BILL REFERRED.

The bill (H. R. No. 2343) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1875, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

EXECUTIVE SESSION.

Mr. ANTHONY. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened and (at four o'clock and twenty-six minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May* 13, 1874.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read.

THE FREEDMAN'S BANK.

Mr. BROMBERG. Before the Journal is approved I desire to have a correction made. I send to the Clerk's desk to be read the following from the report of the proceedings of yesterday as to certain papers in relation to the Freedman's Bank.

The Clerk read as follows:

The SPEAKER. Well, that of course will give the gentleman half an hour, unless he chooses to yield any of his time to some one else.

Mr. BURCHARD. Then I move that the motion to reconsider be laid upon the table.

Mr. BROMBERG. No, sir; I have not yielded the floor for that purpose. I think the motion to reconsider had better be left pending, for the reason that the committee may not report the bill for some time.

The SPEAKER. The committee will report the bill to-morrow or the next day.

Mr. BROMBERG. With that understanding I have no objection to laying the motion to reconsider on the table.

The motion to reconsider was then laid upon the table.

Mr. BROMBERG. The point I make is this: that the Journal shows that the laying the motion to reconsider on the table was absolute, whereas I made the motion conditionally.

The SPEAKER. There could be no conditional entry made on the Journal. There could be no other entry on the Journal than that which is on it. It is a mere question of good faith between the gentleman from Alabama [Mr. BROMBERG] and the Chair. The gentleman is in no danger of losing his right. If the bill should not be reported, then the Chair would recognize the gentleman on a motion to reconsider.

Mr. BROMBERG. That is all I require.

Mr. MERRIAM. We are very anxious to give the gentleman the opportunity he craves. He need not feel any anxiety.

The Journal was then approved.

GENEVA AWARD.

Mr. BUTLER, of Massachusetts. I ask that the Judiciary Committee may have leave to report at any time the Geneva award bill.

There was no objection, and it was so ordered.

Mr. BUTLER, of Massachusetts, moved to reconsider the vote by which the order was made; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ASSISTANT DISBURSING CLERK OF THE HOUSE.

Mr. HARMER, by unanimous consent, submitted the following resolution; which was read, considered, and referred to the Committee on Accounts:

Resolved, That the salary of the assistant disbursing clerk of the House be restored to the rate fixed by the act of March 3, 1873, and that the Committee on Appropriations provide for the payment of the same.

SECURITY OF LIFE ON STEAM-VESSELS.

Mr. NEGLEY. I move that the House resolve itself into the Committee of the Whole, to resume the consideration of the bill (H. R. No. 1588) to amend an act entitled "An act to provide for the better

security of life on board of vessels propelled in whole or in part by steam, and for other purposes."

The motion was agreed to.

HIRAM H. M'COLLEY.

The SPEAKER laid before the House a letter from the Secretary of War, in relation to the claim of Hiram H. McColley for the value of property from which he was ejected by military authorities at Camp McDermitt, Nevada; which was referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM A. RANKIN.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Interior, transmitting, in compliance with the act of May 29, 1872, the claim of William A. Rankin for Indian depredations; which was referred to the Committee on Indian Affairs.

JAMES M'DOUGALL ET AL.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Interior, transmitting the claims of James McDougall and others for Indian depredations; which was referred to the Committee on Indian Affairs.

PROBST & KIRCHNER.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Interior, transmitting, in compliance with the act of May 29, 1872, the claim of Probst & Kirchner for Indian depredations; which was referred to the Committee on Indian Affairs.

PETER PROVENCHERE.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, in relation to the private land claim of Peter Provenchere; which was referred to the Committee on Private Land Claims.

LIEUTENANT G. M. BAIRD.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Interior, transmitting, in compliance with the act of May 29, 1872, the claim of Lieutenant G. M. Baird for Indian depredations; which was referred to the Committee on Indian Affairs.

JACQUES CLAMORGAN.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Interior, transmitting a report on the private land claim of Jacques Clamorgan, in Missouri; which was referred to the Committee on Private Land Claims.

ZACHARY T. WALROND.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Interior, transmitting, in compliance with the act of May 29, 1872, the claim of Zachary T. Walrond for Indian depredations; which was referred to the Committee on Indian Affairs.

D. E. M'DONALD.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting, in compliance with the act of May 29, 1872, the claim of D. E. McDonald, for Indian depredations; which was referred to the Committee on Indian Affairs.

JAMES H. DENNIS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, in relation to the contracts of James H. Dennis, for improving the Tennessee River; which was referred to the Committee on Commerce.

CHAIN BRIDGE ABOVE GEORGETOWN.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting an estimate of appropriations required to complete the superstructure of the Chain Bridge above Georgetown; which was referred to the Committee on Appropriations.

FAILURE OF CROPS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a petition of certain citizens of Santa Fé, New Mexico, asking aid from the Government on account of the failure of their crops; which was referred to the Committee on Appropriations.

JOHN C. LEMON.

The SPEAKER also laid before the House a letter from the Secretary of War, inclosing a bill for the relief of John C. Lemon, late colonel Tenth New York Cavalry; which was referred to the Committee on Claims.

DR. F. BOUGHTER.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Interior, transmitting, in compliance with the act of May 29, 1872, the claim of Dr. F. Boughter, for Indian depredations; which was referred to the Committee on Indian Affairs.

ARMY MEDICAL MUSEUM.

The SPEAKER also laid before the House a letter from the Secretary of War, inclosing a letter from Dr. A. Y. P. Garnett, offering to sell to the Government a piece of property adjacent to the Army Medical Museum; which was referred to the Committee on Military Affairs.

INDIAN FUNDS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting the draught of a bill authorizing the Secretary of the Interior to make transfer of certain funds belonging to the Kaskaskia, Peoria, Weas, and Piankeshaw Indians, to the United States, to reimburse the United States for that amount hitherto advanced to said Indians; which was referred to the Committee on Appropriations.

LEECH LAKE INDIANS.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Interior, in relation to the necessity for a separate agency for the Leech Lake Indians; which was referred to the Committee on Indian Affairs.

PRIVATE LAND CLAIM.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting, in compliance with the act of July 22, 1854, the report of the surveyor-general of New Mexico on land grant, being private land claim No. 87; which was referred to the Committee on Private Land Claims.

INDIAN CLAIMS.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Interior, transmitting the claim of the absent Shawnees and other Indians for losses sustained during the rebellion; which was referred to the Committee on Indian Affairs.

PHILO SCHULTZE.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to the claim of Lieutenant Philo Schultze and others, officers and men of Company B, Fourteenth United States Infantry, for property destroyed on the Nashville and Chattanooga Railroad; which was referred to the Committee on Military Affairs.

MARY E. MELINE.

On motion of Mr. COBURN, by unanimous consent, the Committee on Military Affairs was discharged from the further consideration of the bill (H. R. No. 3264) granting a pension to Mary E. Meline, widow of James F. Meline; and the same was referred to the Committee on Invalid Pensions.

DAVID G. BURNET.

On motion of Mr. COBURN, by unanimous consent, the Committee on Military Affairs was discharged from the further consideration of the bill (H. R. No. 2620) for the relief of the legal representatives of David G. Burnet, late of the State of Texas; and the same was referred to the Committee on Claims.

ARMY REGULATIONS.

Mr. ALBRIGHT, by unanimous consent, from the Committee on Military Affairs, reported back the bill (H. R. No. 844) to authorize the promulgation of the general regulations for the government of the Army; and the same was recommitted to the Committee on Military Affairs, and, with the accompanying report, ordered to be printed.

RELIEF OF ARMY OFFICERS.

Mr. COBURN, by unanimous consent, from the Committee on Military Affairs, reported a joint resolution (H. R. No. 101) construing the joint resolution entitled "Joint resolution amendatory of the 'joint resolution for the relief of certain officers of the Army,' approved July 26, 1866," approved June 11, 1870; which was recommitted to the committee, and ordered to be printed.

RECONSIDERATION.

Mr. BURCHARD. Is it the understanding that all these matters which are recommitted are not to be brought back by motions to reconsider?

The SPEAKER. That is not the understanding unless it is distinctly so stated. Gentlemen must not find fault if a great deal of business comes up unexpectedly in this mode of proceeding. Great vigilance is required to prevent business from coming up in that way upon motions to reconsider.

Mr. BURCHARD. I move, then, to reconsider all the votes taken this morning by which measures have been referred or recommitted, and to lay the motion to reconsider on the table.

The latter motion was agreed to.

LAND DISTRICT IN COLORADO.

Mr. PHILLIPS, by unanimous consent, reported back from the Committee on the Public Lands, with amendments, the bill (H. R. No. 1507) to create an additional land district in the Territory of Colorado; which was ordered to be printed, and recommitted to the Committee on the Public Lands, not to be brought back on a motion to reconsider.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. GORHAM, their Secretary, informed the House that the Senate had passed without amendment bills of the House of the following titles:

A bill (H. R. No. 1122) granting a pension to Mrs. Martha E. Northup, widow of Edward B. Northup, late of the Seventeenth United States Infantry; and

A bill (H. R. No. 2846) repealing the act entitled "An act fixing the time for the election of Representatives from the State of California for the Forty-fourth Congress."

The message further announced that the Senate had passed, and requested the concurrence of the House in, a bill of the following title;

A bill (S. No. 7) for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th of May, A. D. 1871, between the United States of America and the Queen of Great Britain.

ORDER OF BUSINESS.

Mr. NEGLEY. I insist upon the regular order.

The SPEAKER. The regular order being demanded, the House now resolves itself into Committee of the Whole.

SECURITY OF LIFE ON STEAM-VESSELS.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. PARKER, of Missouri, in the chair,) and resumed the consideration of the bill (H. R. No. 1588) to amend the act entitled "An act to provide for the better security of life on board of vessels propelled in whole or in part by steam, and for other purposes."

The CHAIRMAN. The pending section of the bill is section 43. The question is upon the amendment of the gentleman from Michigan [Mr. CONGER] to strike out the latter portion of the section, as follows:

And such provisions and limitations are also extended and applied to all claims for loss of life or personal injury, both as against the owner or owners, charterer or charterers of the vessel, and the captain, mate, engineer, and pilot thereof.

Mr. BROMBERG. I object to this amendment for this reason: by striking out that portion of the section you attempt to punish the owner or charterer of a steamboat for loss of life for which he is not responsible. In the preceding section there is an express provision meeting the case of loss of life by punishing the party directly responsible. To add to that an additional penalty upon the owner is certainly to do it for the sake of punishing him. The owner cannot control the action of the officers of the vessel; and if he is to be held responsible at all wherever damages occur, it certainly ought to be in the same measure that will apply in any case, not in damages intended to be vindictive. If this provision is stricken out, owners of vessels will be compelled to obtain straw men to represent them. For instance, a man purchases a vessel and sells it again to a third party, taking a mortgage on the vessel; the third party being the owner in law, but the real owner of course being the man holding the mortgage. When any accident occurs a suit is entered, which is brought against the man of straw, and the real owner cannot be reached. Such a subterfuge of course would not be resorted to by an honorable man willingly, except as a measure of necessity. In many cases two or three persons own a vessel worth from $200,000 to $300,000. They might club together and form a corporation with a nominal capital below the real value of the vessel, and when sued they are reponsible only for the nominal capital.

Mr. ELDREDGE. In all such cases would not the remedy be by a proceeding *in rem* against the vessel, instead of a suit against the party?

Mr. BROMBERG. As the matter now stands, if the man is worth considerably more than the value of the vessel, his whole fortune may be swept away by suits for damages arising out of an accident to one vessel.

Mr. ELDREDGE. Why should not that be? It seems to me the gentleman has himself presented the very best argument why it should be. He puts it upon this ground: that men of straw are held out to the world as the owners, and they have no personal responsibility. It seems to me that he has given the best argument why the real owner should be held responsible not only for damages resulting from non-fulfillment of contract, but also for damages resulting from carelessness or negligence. Railroad companies are held responsible for the acts of their servants, and ought to be.

Mr. TOWNSEND. Does not the common law apply now?

Mr. BROMBERG. The common law does not apply to vessels on the high seas, but it attaches to vessels on the rivers, as I understand. That condition of things acts as a check. It is found advisable to limit the responsibility to a definite amount.

[Here the hammer fell.]

Mr. BROMBERG. I move to strike out the last word. I object to the amendment of the gentleman from Michigan——

The CHAIRMAN. The gentleman has no right to move another amendment and proceed to speak upon it until some one on the other side has been heard on the pending amendment.

Mr. CONGER. I did not hear all that the gentleman from Alabama [Mr. BROMBERG] said.

Mr. BROMBERG. I was just coming back to the point when I was interrupted by the Chair. If the gentleman will give me time I will state my point.

Mr. CONGER. I cannot give out of the five minutes, which is all I have.

Mr. BROMBERG. Then move to strike out the last word, and I can oppose that.

Mr. CONGER. I gave my views of this amendment yesterday and the reasons for it. But I wish to say in addition that the committee had ordered these words to be struck out.

Mr. NEGLEY. The majority of the committee agreed to that amendment, thereby influencing my judgment.

Mr. BROMBERG. I never agreed to it.

Mr. CONGER. According to the memorandum I have the majority of the committee agreed to it.

Mr. Chairman, by the act of 1851 liability for damage is limited to the value of the vessel and of the freight then pending. My objection to this clause is that I would not limit in any such way the liability of the owners or masters for loss of life by reason of negligence. I think it wrong that we should attempt this class of legislation. If we thus limit the liability it is not limited for the loss of one life only; it may be for ten; it may be for one hundred; it may be for an unlimited number. I think this is dangerous legislation. I opposed it in committee and I oppose it here. I trust the committee will strike out these last lines. I yield the remainder of my time to the gentleman from Wisconsin, [Mr. ELDREDGE.]

Mr. ELDREDGE. Mr. Chairman, in my suggestion to the gentleman from Alabama [Mr. BROMBERG] I said about all that I desired to say. I will only add that I believe it very dangerous to undertake to limit liability in case of loss of life. We have had a little too much experience recently in loss of life by carelessness in the management of vessels. It seems to me that we cannot impose too great obligations upon those who navigate the seas or the lakes or the rivers in order to induce them to take the greatest possible care of the lives of those intrusted to them. Only recently a vessel was known to have gone down, with several hundred passengers on board, through sheer carelessness. I think that those who are intrusted with the care of human life upon the seas should be held to the strictest accountability; and in my judgment every person owning an interest in a vessel should have such obligations put upon him as would require him for his own protection to employ the most careful and experienced men to perform every duty connected with navigation. I do not think we can possibly hold men to too strict an accountability in such cases.

[Here the hammer fell.]

Mr. GOOCH. I propose to move an amendment to insert a clause in lieu of this if it should be struck out.

Mr. NEGLEY. I rise merely to make an explanation, not to continue the debate. It is my intention to offer an argument in support of this section; but in deference to the views of the majority of my colleagues on the committee and also of gentlemen who represent steamboat interests here, I have assented to striking out that portion of the section as proposed in the amendment of the gentleman from Michigan, although I disagree with him as to the propriety of doing so. In order, however, to arrive at a speedy vote and reach final action as soon as possible on this bill, I have given assent to the amendment.

Mr. GOOCH. As the gentleman [Mr. NEGLEY] has charge of this bill I would like to ask him a question before he takes his seat. If this clause be struck out, how does it leave the matter of liability?

Mr. NEGLEY. It leaves it precisely as it is left under the law of 1851, as applicable to the ocean and the great lakes; the liability is restricted to the value of the vessel and the freight then pending. Under the civil law the liability of the owner *ex delicto* is limited to the value of the vessel and the freight pending. By the proposed amendment you do not secure practically any greater liability, for the simple reason that the ownership of these vessels is vested now in men who evade the responsibility of ownership. The owner sells his vessel and obtains a mortgage by which he practically controls the ownership. In addition to that, most of these vessels are owned by corporations; and the limitation of liability in the different States varies. There is no reason why the law on this subject in respect to vessels navigating our rivers should not be uniform with that applicable to the ocean and the lakes.

This section recognizes the principles and objects of the act of 1851, and applies its provisions to vessels navigating rivers and inland waters. It is intended to limit the liability of ship-owners in case of loss, damage, or forfeiture done, occasioned, or incurred without the privity or knowledge of the owner or owners.

The navigation of many of our western rivers is as dangerous and as subject to unavoidable accidents as is that of the ocean or great lakes, and the great importance to the people in the valley of the Mississippi River of this navigation warrants and demands that it be placed on the same footing as ocean and lake navigation. Without the fourth section of the act of 1851, the law is incomplete and partial in its operation. The act of 1851 has been passed upon by our highest courts and its meaning is well understood. Any change might, and no doubt would, be followed by very costly and tedious litigation.

That act, in accordance with provisions now finding place in the law of all, or nearly all, the nations of the maritime world, applies to vessels navigating the ocean and the great lakes. It should equally apply to such vessels as are beneath admiralty jurisdiction, and which navigate the rivers. It is only from the peculiar language of the concluding proviso of the act that the law does not now apply to such vessels employed in river navigation. Vessels required to be inspected by the steamboat law, and navigating the rivers of the country, are beneath admiralty jurisdiction.

Most of the vessels on the western rivers are owned by corporations under acts of incorporation which vary as to liability in different States, as follows:

Ohio, general law, double liability.

Kentucky, special law, single liability.
Indiana, general law, double liability.
Illinois, general law, single liability.
Missouri, general law, single liability.
Michigan, general law, double liability.

To escape this unjust discrimination and to escape malicious prosecution the owners of steamboats are obliged to resort to practices which would be frowned down in other kinds of business—in fact, the law as it now stands and is proposed by the gentleman from Massachusetts [Mr. GOOCH] and the gentleman from Indiana [Mr. HOLMAN] would be offering a premium for the evasion of the law. To enable the provisions of the section to be thoroughly understood, it is really necessary that the origin of this legislation should be shown.

By the civil law the owners of vessels were liable in matters *ex delicto* according to the amount of their interests in the ship. Its provisions were somewhat different, however, from the later law of maritime Europe. The principle that in matters *ex delicto* the liability of ship-owners should be only coextensive with their interest in the ship, became the law of maritime Europe, with but few exceptions. It was the law of Holland, Hamburg, and Sweden, and of almost if not the entire north of Europe. It was the law of France by special ordinance. It was largely, if not entirely, the law of communities bordering upon the Mediterranean. (Grotius, De Jure Belli et Pacis, section 2, chapter 11, section 13; Marine Ordinance, Louis XIV, title 4; 2 Peter's Admiralty Decisions, Appendix xvi; Cleirac Navigation des Rivières, article 15; Consulat de la Mer, chapter 34; The Rebecca Ware, 195–197; Jacobsen's Sea Laws, 328; Abbott on Shipping, 395; Pope *vs.* Nickerson, 3 Story, 465; Machlachlan on Mercantile Shipping, 107.) In these laws and ordinances is found the origin of the first express legislation on the subject, and that legislation has been said only to enact the provisions or principles of older maritime law. (2 Brown's Admiralty and Civil Law, 147, note.) The case of Boucher *vs.* Lawson was decided in 1733. It decided that ship-owners were liable for coin embezzled by the masters of ships. (Boucher *vs.* Lawson, Rep. Temp., Hardwicke, 85.)

Alarmed by such decision, the merchants of London, on petition to Parliament, in 1734, procured the passage of the act 1 George II, chapter 15. (Bacon's Abridgment, 594; Abbott on Shipping, 395.) This act provided that the ship-owner should not be liable for such embezzlement, and further provided that such owner should not be liable—

> For any act, matter, or thing, damage or forfeiture, done, occasioned, or incurred from and after the 24th day of June, 1734, by the master or mariners, or any of them, without the privity and knowledge of such owner or owners, further than the value of the ship or vessel with all their appurtenances and the full amount of the freight due, or to grow due, for and during the voyage wherein such embezzlement * * * or other malversation * * * shall be made, committed, or done. (Abbott on Shipping, 395; 9 English Statutes at Large, 365.)

The act therefore provided for entire exemption from liability in cases of embezzlement, and for a liability commensurate with the interest of the owner in the ship, for any other act, matter, or thing done, occasioned, or incurred, &c.

The case of Boucher *vs.* Lawson was followed by the case of Sutton *vs.* Mitchell, and that by the case, decided in 1785, of Forward *vs.* Pittard. (Sutton *vs.* Mitchell, 1 Term Reports, 18; Forward *vs.* Pittard, 1 Term Reports, 27.)

Lord Mansfield, in deciding this last case, says: "There are events for which the carrier is liable, *independent of his contract.*" That further responsibility is, "by the custom of the realm, that is, by the common law, by which a carrier is in the nature of an insurer." Upon familiar principles, he therefore decides a carrier, in a case of accidental fire, to be liable for the entire loss happening thereby to the owner of the goods in process of carriage.

This was the undoubted common-law rule at the time; and under the custom of the realm, the law of England being established to be thus different from that of continental Europe, these decisions were followed by the acts of 26 George III, chapter 86, in 1787; and this by 53 George III, chapter 159, in 1813.

The object of all these acts is stated in some of the acts themselves. It was stated in the preamble to the act of 7 George III that—

> It was of the greatest consequence and importance to the kingdom to promote the increase of the number of ships and vessels, and to prevent any discouragement to merchants and others from being interested and concerned therein.

The courts have recognized the whole object of this legislation to be "to encourage persons to become the owners of ships." (Gale *vs.* Laurie, 5 Barnewall and Cresswell, 156.)

These acts are the sources of the act of Congress of 1851. The phraseology of the English acts, in important particulars, is the same as that employed in our own.

The common-law rule in all its severity, unqualified by legislation, became the law of this country. The case of the Lexington was decided in 1848, (The N. J. S. M. Company *vs.* The Merchants' Bank, 6 Howard, 344,) and was followed by the act of 1851. Previous to this, and as early as 1818 and 1821, the Legislatures of the States of Massachusetts and Maine had enacted similar laws. (3 Kent's Commentaries, 217.)

Such acts are regarded as in harmony with and as carrying out the principles of the laws and ordinances of maritime Europe, to which reference has been made. (Stinson *vs.* Wyman, Ware, 172–176.)

By the act of Victoria (25 and 26 Victoria, 63,) the limitations of liability in such cases are extended fully to all cases involving loss of life or personal injury; and to property carried upon the ship, or upon any other ship. The whole object of such legislation professedly and necessarily was, by decrease of liability of those upon whom no personal fault could be charged, to promote that commerce which an enlightened policy would seek to foster. This was the express object of the act of 1851, to which reference has been made; and its leading idea was to place the commerce of this country upon the same footing as that of England, that competition between the two great maritime powers might not be unequal. (23 Congressional Globe, 717 and 719.)

The Supreme Court of the United States has decided that the provisions of this act extend to the great northwestern lakes. (Moore *vs.* A. T. Company, 24 Howard, 1.)

The leading provisions of the act, as to which questions have arisen, are contained in its third and fourth section. The third section provides substantially as follows:

> The liability of the owner or owners of any ship or vessel for any embezzlement, loss, or destruction by the master, officers, mariners, passengers, or any other person or persons, of any property, goods, or merchandise shipped or put on board of such ship or vessel; or for any loss, damage, or injury by collision; or for any act, matter, or thing, loss, damage, or forfeiture done, occasioned, or incurred, without the privity or knowledge of such owner or owners, shall in no case exceed the amount or value of the interest of such owner or owners, respectively, in such ship or vessel, and her freight then pending.

The fourth section provides:

> That if any embezzlement, loss, or destruction shall be suffered by the several freighters or owners of goods, wares, or merchandise, or any property whatever, on the same voyage, and the whole value of the ship or vessel, and her freight for the voyage, shall not be sufficient to make compensation to each of them, they shall receive compensation from the owner or owners of the ship or vessel in proportion to their respective losses, and the owner or owners of the ship or vessel, or any of them, may take the appropriate proceedings in any court for the purpose of apportioning the sum for which the owner or owners of the ship or vessel may be liable among the parties entitled thereto. And it shall be deemed a sufficient compliance with the requirements of this act on the part of such owner or owners if he or they shall transfer his or their interest in such vessel and freight for the benefit of such claimants to a trustee, to be appointed by any court of competent jurisdiction to act as such trustee for the person or persons who may prove to be legally entitled thereto, from and after which transfer all claims and proceedings against the owner or owners shall cease. (9 Statutes at Large, page 635.)

Under these sections three leading questions have arisen, and several difficulties have been found in the practical application of the law and its undoubted principles in actual litigation.

1. Question has arisen as to whether the provisions of the third section apply to cases of loss of life or personal injury.

2. At what moment of time should the value of the interest of the ship-owner be estimated? Should it be as it was before the happening of the event out of which the claimed liability arose? Or should it be at the moment after?

3. It was not seriously questioned until lately that the limitations of liability contained in the third section applied to claims for injuries to property, not of the ship-owner invoking the protection of the act, but of another ship, for instance, upon which the vessel of the ship-owner might come in collision or as to the other ship itself.

It has been held lately by Judge Woodruff, in the circuit court of the United States for the district of Connecticut, that the limitations of the section did not apply, except to claims for injuries to property carried on the vessel of the ship-owner.

In the practical application of the law, two leading difficulties have been judicially pronounced to exist:

1. It has been held by the court of last resort in Massachusetts that although a ship-owner might own but part of the ship, nevertheless in joint action brought against him and the other owners joint recovery could only be had; and that therefore, in cases to which the law unquestionably applied, he be made virtually responsible to the prosecuting party in the whole value of the vessel.

2. Where several actions have been prosecuted by one party, who has sustained loss by calamity in which others have also sustained loss, notwithstanding the provisions of the fourth section, it has been held, from its peculiar language and also from the rigid practice of the common-law courts, that it was impossible in such action to ascertain the proportionate amount which the party prosecuting should recover.

The prevailing idea of several decisions upon this subject has been that, as other parties had sustained such losses who were not before the court, it was not practical to take proof of the amount of the aggregate claims, and allow the prosecuting party only to recover his proportionate amount. The argument that the absent parties could not be strictly affected by the result, did not in these litigations prevail. It has, however, been virtually decided by Judge Woodruff, in the case to which allusion has been made, that this difficulty did not exist; and that certainly the flexible practice of the admiralty courts would adapt itself to the exigencies created by the act, and enable the party only to recover such amount as beneath the law he was entitled to. These are the questions, and these the difficulties, which this section mainly proposes to remedy.

Nor can it be said that such provision should not properly find its place in this act. The act, by extensive requisition, has created occasion for extended liability; and extending liability, as it does, certainly it should see that the principle which has prevailed throughout the commercial world so long should be extended to ship-owners, changed as their liability may be by this important act.

The first substantial provision of the act extends its application to all vessels required to be inspected beneath this act. The act already, by its own terms, applies to vessels employed in ocean navigation; and the Supreme Court, in the case of Moore *vs.* The A. T. Company, to which reference has been made, in its decision that the navigation of the great Western lakes was not inland, as that word is used in the concluding proviso of the act of 1851, have extended the operation of the law to those waters.

That proviso is a substantial quotation from the act of either 2 or 3 George. It contains the word "rivers;" that the act shall not apply to vessels employed in "rivers or inland navigation." The same reason that would extend the application of the law to the lakes would extend it also to the rivers upon which a kindred commerce is carried on. Such extension, therefore, by the vision of this section, is included within the principle of the very act itself.

The broad language of the third section would extend the application of the law to cases of loss of life and personal injury. In no reported case has it been decided whether or not the third section does apply to such cases. In one unreported case, thoroughly argued at *nisi prius*, it was held that it did so apply. The statute of Victoria, to which reference has been made, by express terms limits the liability of the ship-owner in such cases. The principle which led to the original enactment of the act of 1851 (that competition should be equal between the ship-owners of both countries) requires that the same broad limitation should be provided for by our own act. This, then, is nothing novel in principle or practice.

It will be observed that in the fourth section ship-owners can exempt themselves from liability by assignment to a trustee. Certainly such assignment cannot be made until after the happening of the event out of which the claims have arisen. The court of last resort in Massachusetts, nevertheless, has held, in a case where the ship was totally lost, that her value was to be computed as it was before the happening of the act out of which the claim in suit arose. The court followed the reasoning of English cases arising under the act of one of the Georges.

The English act, instead of providing for assignment to a trustee, provided for exemption from liability by deposit of the value of the vessel in court.

Under that statute the English court decided that the value was to be estimated as it was before the happening of the event out of which the causes of action arose.

Providing, as the fourth section does, for exemption from liability by assignment to a trustee, and bearing in mind the general principle of the act, that it is deemed of the *highest public policy that commerce should be fostered* by making the ship-owner only risk the value of his vessel, certainly it is again nothing novel that this act should provide exactly for the time at which the value of the vessel and her pending freight should be estimated.

The decision of Judge Woodruff, to which allusion has been made, that the limitation of liability did not apply to cases of injury to another ship or her cargo, it is claimed is in *conflict* with the principles of the act. The act was not one limiting the liability of the common carrier; it was an act providing, in substance, that where the personal fault of the ship-owner was not co-operative in producing the result, his liability, although the loss might proceed from the negligence of his servant, should be limited to the value of his ship or his interest in her and her pending freight.

Had it been the intent of the act simply to limit the liability of the ship-owner as a common carrier, it would have provided in so many words and need only have provided that ship-owners should not be deemed common carriers. But it did much more. It limited such liability as might arise to the ship-owner under the maxim *respondeat superia* to the value of his interest in the ship and freight. The liability of the common carrier to the owner of his own cargo is the severest known to the common law. It would be a strange provision of law which should limit liabilities where such was the obligation, as is the obligation undoubtedly of the ship-owner to the owner of his cargo, and yet should not limit that liability as to the owner of a cargo on another ship with which his own came in collision, as to which owner he stood under no personal obligation. The principle of the law was to foster commerce, and it is the introduction of no *novelty* to provide plainly that the limitation of liability shall extend as well to other ships and other cargoes, or to other property, as to property carried upon the ship of the ship-owner, to which the limitations of the act now unquestionably apply.

The third section evidently intends to provide that no part-owner of a ship shall be liable beyond the extent of his interest. The rigid forms of the common law and the rigid practice of the courts should not prevent the carrying out of the undoubted intent of the act itself. It is therefore provided in this act that these forms and this practice shall be modified to meet the provisions of the act.

In the case of the prosecution of separate action by one party suffering loss, there is no actual reason why the ship-owner should not be permitted to prove the aggregate of claims arising out of the transaction in question, and those in diminution of damages, limiting the recovery of the prosecuting party to the proportionate amount which he should recover under the act. The plaintiff could introduce proof with respect to any such question, and the determination of the case could in no way affect others not party to the suit.

In providing plainly that this may be done, the amendment is in accord with the substantial decision of Judge Woodruff in this particular, to which allusion has been made, and makes the practice plain, so that doubts hitherto entertained or difficulties decided to exist by other courts may be done away with.

It is repeated that all the provisions of this section have been already recognized by legislation, or are in remedy of difficulties found in the practical application of a statute which has been enforced with respect to most of the mercantile marine of the United States for some twenty years.

Mr. SAYLER, of Ohio. Mr. Chairman, is debate exhausted?

The CHAIRMAN. It is.

Mr. SAYLER, of Ohio. I only wish to say that the clause proposed to be struck out is a provision of the English statutes, and certainly ought to be a part of our own law.

The question being taken on the amendment of Mr. CONGER, it was adopted.

Mr. GOOCH. I move to amend by inserting in lieu of the words just struck out the following:

Provided, That nothing in this act shall be construed to impair the force and effect of the forty-third section of an act entitled "An act to provide for the better security of life on board of vessels propelled in whole or in part by steam, and for other purposes," approved February 28, 1871.

Mr. HOLMAN. I suggest to the gentleman from Massachusetts, [Mr. GOOCH,] inasmuch as the effect of this bill, if enacted, will be to repeal former acts on the same subject, his amendment should re-enact the forty-third section of the former law. It will thus correspond to what has been done all through the bill.

Mr. GOOCH. I would as soon have it in that form.

Mr. HOLMAN. The gentleman had the forty-third section of the law read yesterday. I ask him to accept that as a substitute for his proposition.

Mr. GOOCH. I would like to have it re-enacted in that form.

Mr. HOLMAN. Then I ask that the forty-third section of the act of 1871 may be read.

The Clerk read as follows:

And be it further enacted, That whenever damage is sustained by any passenger or his baggage from explosion, fire, collision, or other cause, the master and the owner of such vessel, or either of them, and the vessel, shall be liable to each and every person so injured to the full amount of damage, if it happen either by neglect or failure to comply with the provisions of law herein prescribed, or through known defect or imperfection of the steaming apparatus, or of the hull; and any person sustaining loss or injury through the carelessness, negligence, or willful misconduct of any captain, mate, engineer, or pilot, or his neglect or refusal to obey the provisions of law herein prescribed as to navigating such steamers, may sue such captain, mate, engineer, or pilot, and recover damages for any such injury caused as aforesaid by any such captain, mate, engineer, or pilot.

Mr. GOOCH. I accept that in place of my proposition. It accomplishes the same object, but in a different form. My proposition was that nothing in this act should impair the force and effect of that section, that it should be left operative. The proposition of the gentleman from Indiana is that as this act repeals the act of 1871, we shall re-enact the forty-third section and make it a part of this bill.

Mr. HOLMAN. Wherever it is intended to retain a section it is here re-enacted.

Mr. GOOCH. I accept his proposition so that we may vote on the re-enactment of the forty-third section of the act of 1871.

Now it seems to me, Mr. Chairman, that the forty-third section of this bill gives no redress whatever in case of injury to the person or loss of life, whether the words which have just been stricken out be retained or not. I am not able to read the forty-third section in connection with the act of 1851 so as to find in it any remedy whatever in the case of injury to the person, but in the act of 1871 I do find a very positive provision for the protection of life and person.

I am satisfied this committee will never strike that provision out of the law unless some other equally stringent provision is inserted to secure the object that section is designed and intended to secure. Therefore it was that I wished to know from the committee yesterday whether they intended to repeal the whole of the act of 1871. I now understand they do intend to repeal the whole of that act. If we do pass the bill in the form in which it stands without re-enacting the forty-third section of the act of 1871, it will contain no provision whatever for the protection of life or person on board of steam-vessels. I apprehend the committee will not place itself in the position of striking down the only statutory provision there is in the law for the protection of life and person.

Mr. CONGER. The gentleman desires to accomplish the same thing the committee does.

Mr. GOOCH. I have no doubt of it.

Mr. CONGER. We have no conflict of object. I call the gentleman's attention to the fact that the limitation of the law of 1851 is not in the law of 1871. We desire to extend that limitation and liability over western waters as over the ocean and the lakes. In order to do that we make section 43 as it is in this bill without quoting here the law of 1851. If the law of 1851 accomplishes the object the gentleman intends, that is all that can be asked. The law of 1851 has among other provisions the following:

SEC. 3. *And be it further enacted*, That the liability of the owner or owners of any ship or vessel, for any embezzlement, loss, or destruction, by the master, officers, mariners, passengers, or any other person or persons, of any property, goods, or merchandise, shipped or put on board of such ship or vessel, or for any loss, damage, or injury by collision, or for any act, matter, or thing, loss, damage, or forfeiture,

done, occasioned, or incurred, without the privity or knowledge of such owner or owners, shall in no case exceed the amount or value of the interest of such owner or owners, respectively, in such ship or vessel, and her freight then pending.

This limits the liability for the loss or damage of property. But I submit to the gentleman that he does not want to limit the liability for the loss of life to any value which we may fix in this bill. It should be left according to the law, as it is now. I think myself it is a bad law when we enact that the liability of railroads for loss of life shall be one thousand or five thousand dollars, and I certainly would not extend that to the liability of ship-owners.

Now we have re-enacted in the forty-third section all the provisions in regard to property, baggage, and cargo. We have made it a substitute for the section which the gentleman would re-enact. We think that is the better course, and it is in accordance at all events with the law all over the land except in regard to the western and southern rivers. It is a law as regards the great lakes, the ocean, and the Gulf, and there is no reason why it should not be extended over the rivers of the West and the South.

Mr. NEGLEY. I hope the committee will now come to a vote and vote the amendment down.

Mr. GOOCH. I move to strike out the last word.

I desire to ask the gentleman from Michigan [Mr. CONGER] if he considers that the section which he has read from the law of 1851 covers the same ground and creates the same liability as the forty-third section of the act of 1871? If he does, he and I do not understand it alike.

Mr. CONGER. The act of 1871, the gentleman will perceive, is an act punishing neglect. Now, common law punishes neglect without a limitation of liability.

Mr. NEGLEY. And other provisions of this bill do so, also.

Mr. CONGER. Yes; as the gentleman will see if he looks at another section.

Mr. SAYLER, of Ohio. If the gentleman from Massachusetts [Mr. GOOCH] will look at the sixth section of the act of 1851 he will find there is an exception of precisely the case he states. The act of 1851 is not repealed. It is only sought by this section, as I understand, to extend it to our western and southern rivers. Now, the sixth section of the act of 1851 is to this effect:

That nothing in the preceding sections shall be construed to take away or affect the remedy to which any party may be entitled against the master, officers, or mariners, for, or on account of, any embezzlement, injury, loss, or destruction of goods, wares, merchandise, or other property put on board any ship or vessel, or on account of any negligence, fraud, or other malversation of such master, officers, or mariners, respectively, nor shall anything herein contained lessen or take away any responsibility to which any master or mariner of any ship or vessel may now by law be liable, notwithstanding such master or mariner may be an owner or part owner of the ship or vessel.

Mr. GOOCH. Now let me ask the gentleman a question right here. Is there anything applying to the owner in the section which he has just read?

Mr. SAYLER, of Ohio. Certainly not; but, Mr. Chairman——

Mr. GOOCH. No; it is a careful exclusion of the liability of the owner. Now, sir, what I desire to secure is the liability of the owner and the charterer of the steamship. We all know when an accident happens on board a steamboat that it is very often the case that there is an entire destruction of the property, as well as of life and injury to the person of the passengers, and then, no matter how many passengers may lose their lives or escape in a maimed condition, there is in the section which the gentleman has read no provision which gives any redress. I desire that the law which we enact shall hold steamboat-owners and steamboat charterers liable to the fullest extent for injuries sustained on their boats in consequence of their carelessness, negligence, or non-compliance with law.

Mr. SAYLER, of Ohio. It seems to me that the gentleman from Massachusetts [Mr. GOOCH] is disposed to legislate backward, and to reinstate the liability of the common law. Now, the express purpose of the act of 1851 was to render the owner of a ship liable simply to the extent of his interest in the ship; or, in other words, it was the assertion of a principle that has obtained in the maritime law of every nation of Europe, and that has obtained in the legislation of England for the last sixty years, to this effect: that in all matters *ex delicto* the owners of vessels shall have a liability only co-extensive with their interest in the vessel. Now, sir, the purpose of that was to induce men to become owners of ships, and it was not until 1851 that the Congress of the United States ever took any action upon the subject. The Lexington case, decided in 6 Howard, led to the legislation of 1851. It became an absolute necessity that the Government of the United States should adopt the same liberal policy toward the owners of ships that the governments of all the maritime powers of Europe and Great Britain had extended toward the owners of their ships. And accordingly, in 1851, Congress enacted this law, which rendered an innocent owner responsible only to the extent of his interest in the ship, but which held the master of the ship responsible to any extent for all injuries that may be caused through his carelessness.

The provision I have mentioned was extended then to ocean steamers. It was subsequently decided by the United States Supreme Court that the law extended to vessels on the northern lakes, but the responsibility under the common law has from that day to this been suffered to rest on the owners of the steamers navigating our western and southern waters, and they have been so burdened with these common-law obligations that they have been almost driven from the commerce of the country.

Now, what we are here to-day asking is simply that the vessels on our western and southern waters may be placed on an equality with vessels on the ocean and on the lakes, and it was for the express purpose of limiting the liability of innocent owners that the act of 1851 was passed. England has had similar legislation. In an act passed in 7 George, in the preamble they say that it is of the greatest consequence and importance to the kingdom to promote an increase in the number of ships and vessels and to prevent any discouragement to merchants and others from being interested therein; and so liberal were they in England that in 25 Victoria, which I have before me, they extended the same provision to all cases of loss of life. There is no good reason why we should not adopt the same liberal policy toward the owners of our vessels, that they may compete with the commerce of Great Britain and other maritime nations of Europe; and there is especially no good reason why we should distinguish against the commerce of our western and southern rivers. I hope the House will stand by the provisions of the bill.

Mr. GOOCH. I withdraw the motion to strike out the last word, and move now to strike out the last three words. It is said that we are legislating backward. I think gentlemen are mistaken. All I ask is that the legislation now on the statute-book shall not be repealed.

Now, sir, what is the provision which we wish particularly to retain? It is as follows:

That whenever damage is sustained by any passenger or his baggage from explosion, fire, collision, or other cause, the master and the owner of such vessel, or either of them, and the vessel, shall be liable to each and every person so injured to the full amount of damage, if it happen either by neglect or failure to comply with the provisions of law herein prescribed, or through known defect or imperfection of the steaming apparatus or of the hull; and any person sustaining loss or injury through the carelessness, negligence, or willful misconduct of any captain, mate, engineer, or pilot, or his neglect or refusal to obey the provisions of law herein prescribed, &c.

Mr. CONGER. I would ask the gentleman if that is not the law of the land everywhere?

Mr. GOOCH. I am not willing, having inserted that provision in the law and it having stood as a statute for three years, that we shall now strike it out. If it be the law, as the gentleman says, it will do no harm to retain it. If it is not the law it should be the law, and I desire to put it so that no man can raise the question whether it is or is not the law. We should certainly provide in terms that the man who is guilty of failure or neglect to comply with the essential provisions of the law for the protection of life shall be liable to the party injured. That is all I ask, and that is what some members of the Committee on Commerce seem unwilling that we should have in a form so that no question can be raised in relation to it. I do not ask to go back. I only ask to retain the law as it is. We had before that the law of 1851; but when the law of 1871 was enacted it was deemed necessary that this provision should be inserted in it; and gentlemen cannot show that any injustice or any wrong has ever been done to anybody in consequence of this liability of the owners under the forty-third section of the act of 1871.

The gentleman says that the law is evaded. I say, sir, when you undertake to deal with this matter frame your law so as to prevent evasion. If this class of property is put into the hands of a third party, or fixed in such a way as to escape liability where liability should attach, then it is very proper that the committee framing a bill of this character make some stringent provision to cure that defect in the law.

[Here the hammer fell.]

Mr. STANARD. I am opposed to the amendment of the gentleman from Massachusetts, and I will state the reasons. If the stock in a steamboat or in a line of steamers was concentrated in the hands of one or two individuals, then I do not think that this amendment would be a bad one; but the fact is that many of the steamboats are owned jointly by numerous individuals.

A steamboat line of a dozen or more steamers is owned perhaps by one hundred individuals; many persons subscribe to the stock of a steamboat company not for the purpose of making money out of the stock, but for the purpose of offering facilities for commerce upon our western rivers, and sometimes where a steamer will cost $40,000 there are forty or fifty owners. Of these forty or fifty owners there may not be more than three or four steamboat-men. There may be many merchants who own $500 or $1,000 of stock. Those who own the smallest amount of stock may be very wealthy men. Those who are managing the line and own the most of the stock may be poor men. Now, in case of a disaster, in case of an explosion where there is an enormous loss of life, the company itself might not be responsible. The gentleman from Massachusetts [Mr. GOOCH] may own $500 or $1,000 of stock, and be worth millions besides. He may have subscribed his $1,000 of stock for the purpose not particularly to make money out of the enterprise, but to facilitate commerce. Yet under his amendment he would be liable, as I understand, for the entire amount of his private property.

Mr. GOOCH. No, sir.

Mr. STANARD. That is the way this matter is understood.

Mr. GOOCH. The owner is not liable, unless the injury or loss happens through his negligence or failure to comply with the provisions of law.

Mr. STANARD. That might be all true. But should the innocent stockholder be held entirely responsible if he embarks in this enterprise for the purpose of facilitating commerce, and knows nothing of steamboating? He might be a thousand miles away; there might be somebody in the employ of the company somewhere guilty of negligence. From what I have heard recently I suppose that in the western country there would be great objections to carrying out the provisions of this amendment. I understand further that we are desirous of being put upon an equal footing with commerce upon the high seas and commerce upon the lakes. And, as I understand, the forty-third section as it now stands will do nothing more than that.

Mr. NEGLEY. On an equal footing with the commerce of the world?

Mr. STANARD. On an equal footing with the commerce of the world. I hope this amendment will be voted down.

Mr. GOOCH. I withdraw the amendment to the amendment.

Mr. ELDREDGE. I renew it.

Mr. NEGLEY. I object to the withdrawal of the amendment to the amendment; I do not want to discuss this question all day.

Mr. ELDREDGE. I do not see anything to be gained by that objection. The amendment will be renewed after the vote is taken, and it will only take time.

Mr. NEGLEY. Very well; I withdraw the objection to oblige you.

Mr. ELDREDGE. If it were not too solemn a question I should be greatly amused at the argument of my friend from Missouri, [Mr. STANARD.] He has certainly stated here a proposition the most remarkable that I have heard in a long time, showing that steamboatmen are the most philanthropic men there are in the world. They enter into the business of managing steamboats from purely public motives—to advance public interests!

Mr. STANARD. We are moved by such motives out West.

Mr. ELDREDGE. They desire alone to facilitate commerce, not to make money. Although the gentleman states that proposition as broadly as that, I have never yet been able to find any such disinterested persons. There may be such in the steamboat business for aught I know, but if there are such benevolent characters engaged in that business, they should not be unwilling to stand responsible for the human life destroyed in their business. In my judgment that is the very reason why this amendment should be adopted. Those who own the property, those who own the stock, should see to it that proper employés are engaged in the business; that every man connected with the navigation of a steamboat should be not only a competent man, but he should be a diligent, careful, faithful man in the position in which he is placed. The men who take stock for the purpose of facilitating commerce, who are the real responsible parties, should be held to the strictest accountability, so that, in their disinterestedness, they shall employ honest, capable, faithful men, who will commit no wrong, who will make no mistake, who will feel the responsibility of human life in their hands in the management of their business.

There is no way to make steamboat-men, or railroad-men, or any other common carriers of property and persons careful, except to hold them responsible in property for the faithful performance of their duty. In my judgment there can be no proposition too stringent in that regard. I might say to the gentleman from Ohio, [Mr. SAYLER,] who says the object of doing away with the strict liability of the common law is to increase American shipping interests and to enable us to compete with foreign ship-owners, that that cannot apply to our internal commerce at all. There is no reason for making such a provision in this bill, for we certainly can compete with all foreigners in the navigation of our inland waters. There is no necessity for doing away with the ordinary liabilities imposed by the common law in the interests of our shipping, it seems to me. As suggested by a friend on my left, we have an entire monopoly of the internal commerce of the country.

Mr. SAYLER, of Ohio. Why should any further liability be imposed upon the navigation interests of our western waters than on our northern lakes?

Mr. ELDREDGE. I am satisfied with the liability imposed by the law of 1851.

Mr. SAYLER, of Ohio. That is all we ask.

Mr. ELDREDGE. I mean 1871; not 1851.

Mr. NEGLEY. Mr. Chairman, the whole object of the committee has been to make the law uniform; to extend the provisions of the act of 1851 over the western rivers and also to lay no greater burdens upon our commerce than is laid by other governments upon theirs. That is the whole question. I hope the committee will be sustained.

Mr. ELDREDGE. I withdraw my amendment to the amendment.

The question being taken on the amendment of Mr. GOOCH as modified by the acceptance of the amendment of Mr. HOLMAN, there were—ayes 24, noes 69; no quorum voting.

Tellers were ordered; and Mr. NEGLEY and Mr. HOLMAN were appointed.

The committee divided; and the tellers reported—ayes 39, noes 112.

So the amendment was not agreed to.

Mr. GOOCH. I withdraw my motion to strike out the section, and move to amend by inserting the following:

Provided, That nothing in this act shall impair any remedy which any person sustaining damage in person and property may have at common law.

Mr. SAYLER, of Ohio. Certainly the Committee of the Whole, in view of the action which it has already taken, will not adopt an amendment of this kind, which simply remits us to the common law of England as it existed a century ago. We enact that there shall be a limitation of liability in these cases which can only be done by statute law; and now it is proposed to provide that this limitation shall not interfere with any remedies which the parties might have at common law! Why, sir, the common law of England on this subject never prevailed among the maritime nations of Europe; it has not prevailed in England for nearly a century. It did prevail in this country till 1851; but it was found to be so great a hardship that it was almost impossible to induce men to become owners of vessels. The gentleman from Massachusetts [Mr. GOOCH] now proposes to sweep away the entire policy of our law on this subject by an amendment which is entirely inconsistent with the previous section; and which proposes to remit us to the common law of England, which has not been in force in this country for a quarter of a century nor in any other country for nearly an entire century.

Mr. ELDREDGE. I would like to ask the gentleman wherein the common law is too strict or holds these parties to too great an accountability? I understand that the growing feeling of the country has been in favor of making our statutes more and more stringent in the interest and for the safety of human life in the navigation of our waters.

Mr. SAYLER, of Ohio. I will answer the gentleman's question very cheerfully. The common law held every owner of a vessel responsible to the whole extent of his fortune for any matter *ex delicto*, whatever it was. Now, sir, the law, not the original civil law, but the law that prevailed in the southern countries of Europe and has prevailed almost since the beginning of commerce, was that in all matters *ex delicto* the liability of ship-owners should be coextensive with their interest in the vessel. This was the law of all the nations that traded around the Mediterranean; it was the law of all Southern Europe. The first statutes on this subject in England were enacted I think in the earlier part of the eighteenth century, and by them the common-law liability of ship-owners was modified. It was some time in the earlier part of this century—I do not remember the precise date—when the limitation that had obtained in Southern Europe prior to that time was adopted by Great Britain. Great Britain herself adopted a limitation of the principle of the common law on this subject, and since the beginning of this century her ship-owners have been held responsible only according to this rule. In 1851 the Congress of the United States did precisely the same thing, and limited the common-law liability; and I venture to say that if you reestablish the common-law liability with respect to the maritime interest of this country you will drive every ship-owner from the ocean, from the lakes, and from the rivers.

Mr. NEGLEY. And offer a premium upon frauds, with an inducement to evade the law.

Mr. ELDREDGE. Let us suppose a case based upon the statement of the gentleman from Ohio, [Mr. SAYLER.] Suppose that a company owning a vessel navigating the lakes is composed, if you please, of one hundred men, and that the captain himself is a stockholder in that company to the amount of $100, being made a stockholder perhaps by reason of some requirement of the act of incorporation under which the company is formed; suppose this captain is to be held liable only to the extent of his interest in the company; by reason of some fault on his part the vessel may go down with its precious cargo of hundreds of human lives, as was the case in one instance not very long ago near the city of Milwaukee; now, is the whole responsibility of that corporation to be the amount of $100 which the captain himself owns in the capital stock of the company? Would gentlemen put the limitation there?

Mr. NEGLEY. It is there under the act of 1851.

Mr. ELDREDGE. But I do not want it there; it ought not to be there.

Mr. NEGLEY. Then repeal the law of 1851.

Mr. ELDREDGE. It is an entire delusion to think that there can be any protection for human life under such circumstances, when the captain, who may commit the only overt act of wrong, who may have the only guilty knowledge that will create liability, is held responsible only to the amount of $100, or the amount of the capital stock which he owns in the company.

Mr. SAYLER, of Ohio. That is not a correct statement of the fact.

Mr. ELDREDGE. If the common law prevails and the man would be liable who owned the ship, why should he not when he is responsible for the lives of four hundred or a thousand people?

Mr. SAYLER, of Ohio. The common-law liability of the master is not removed by this.

Mr. GOOCH. I ask members to see exactly where the committee place this matter. In the first place the chairman of the committee moves to strike out the last clause of the forty-third section, because he desires to have the common law in force. He says the common law gives all the remedy needed in this case, and that it is better and more effective than is the forty-third section of the act of 1871. For that reason the forty-third section of act of 1871 is voted down. I then propose that the common law shall be operative, anything in this act to the contrary notwithstanding. We now find, then, the members of the committee springing to their feet and opposing any proposition which will make it certain that the common law shall be operative. Therefore we come to this. As against steamboat-owners we have no remedy by statute in case of injury to persons, because

we have repealed the statute of 1871. And the gentlemen in charge of the bill are not willing that there shall be a remedy at common law, or they would not object to a simple provision in the bill that the common-law remedy shall obtain.

Mr. CONGER. I rise to oppose the amendment. Either the gentleman from Massachusetts is very much mistaken in his object or I am mistaken in his object. What does he propose? We have adopted in this law a provision extending the provisions of the act of 1851 over the western waters as they are over the ocean and lakes. That is all; that is the limitation of liability under the common law. He proposes to add to that proviso there shall be a limitation as to the common law. That is, he proposes to pass this in the bill and then to repeal it in the same paragraph, which is, I submit, absurd.

Mr. GOOCH. I say to the gentleman just this——

Mr. CONGER. Not for a moment; wait until I finish. I say the proposition of the gentleman is absurd to make limitation of the common law in the first part of the section and repeal it in the last. Let him look at it and he will see that is what is done.

Now in regard to my argument for striking out the last clause of the present section. The words stricken out are as follows:

And such provisions and limitations are also extended and applied to all claims for loss of life, or personal injury, both as against the owner or owners, charterer or charterers, of the vessel, and the captain, mate, engineer, and pilot thereof.

Now, in the law of 1851 they are not extended to the loss of life or personal injury, but only to the loss of cargo.

Mr. GOOCH. I will say here, and that will save the gentleman making his argument, that I believe in the haste with which I drew up the amendment I inserted the word "property," but I propose to strike out the provision as to property and retain only the provision as to injury to person.

Mr. CONGER. That makes an entirely different proposition. Then the gentleman comes to my proposition. I wish to say what I said before so there will be no misunderstanding of my proposition. I asked to strike out and the committee have already struck out the limitation in the present section, (43,) which would extend the limitation or liability to loss of life or personal injury. That is what I desire to do. The common law of the land—and I differ from the gentleman who has preceded me—the common law of this land extends the liability for the loss of life or personal injury to whoever causes that loss of life.

Mr. ELDREDGE. Is not the gentleman mistaken? At common law no recovery could be had where death ensued. The common law does not extend to death. That has been brought about by our statute, and in all cases where recovery is had for actual loss of life by the widow or heirs or administrators, it has been by force of statute The common law made no such provision.

Mr. CONGER. The common law made no such provision. And the gentleman knows, as I know, that every action for personal injury, unless under some State statute, is brought under common law. Every action by representatives of the person whose life is lost is brought at common law.

Mr. ELDREDGE. No; it is brought under the statute.

Mr. CONGER. Wait a moment. The statute in some States does not provide for other persons, the representatives of the person whose life is lost bringing suit.

Mr. ELDREDGE. He could not bring it himself if he was dead.

Mr. CONGER. I am glad the gentleman mentioned that. The gentleman is always enlightening the House with some information which we might not otherwise find out.

Mr. ELDREDGE. I ask nothing for this. It is free.

Mr. CONGER. Now, I ask that there may be a limitation of liability for loss of property merely for the benefit of commerce; that ship-owners may not be men of straw, but that responsible men may assume the ownership of vessels and run them. But when you come to the question of limiting the liability of any man, ship-owner or master, or whoever he may be, for the loss of life or personal injury by any law, here or elsewhere, I should oppose it.

Mr. HOLMAN. Then the gentleman does not object to the amendment of the gentleman from Massachusetts [Mr. GOOCH] as it now stands?

Mr. CONGER. I do, unless he puts it in the words of the clause which has been stricken out. If he will say, "Provided that such provisions and limitations shall not apply to claims for loss of life or personal injury," I will not object to it; but I object to his amendment as it stands.

Mr. NEGLEY. Does the section as now amended not accomplish that object?

Mr. HOLMAN. I ask that the pending amendment as modified may be reported.

The Clerk read as follows:

Provided, That nothing in this act shall impair any remedy at common law for loss of life or injury to person.

The question being taken, there were—ayes 27, noes 53; no quorum voting.

The CHAIRMAN. Is further count insisted on?

Mr. HOLMAN. I insist on a count by tellers. I am in favor of protecting human life as against capital.

Mr. NEGLEY. The gentleman is seemingly always speaking in favor of some proposition that partakes of anything but statesmanship.

The CHAIRMAN. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Indiana, Mr. HOLMAN, and the gentleman from Pennsylvania, Mr. NEGLEY.

The committee again divided; and the tellers reported ayes 54, noes not counted.

So the amendment was not agreed to.

Mr. HOLMAN. I offer the following amendment:

Insert the following after "applies" in line 12, section 43:

Provided, That whenever damage is sustained by any passenger or his baggage from explosion, fire, collision, or other cause, the master, and the owner of such vessel, or either of them, and the vessel, shall be liable to each and every person so injured to the full amount of damage, if it happen either by neglect or failure to comply with the provisions of law herein prescribed, or through known defect or imperfection of the steaming apparatus, or of the hull; and any person sustaining loss or injury through the carelessness, negligence, or willful misconduct of any captain, mate, engineer, or pilot, or his neglect, or refusal to obey the provisions of law herein prescribed as to navigating such steamers, may sue such captain, mate, engineer, or pilot, and recover damages for any such injury caused as aforesaid by any such captain, mate, engineer, or pilot: *Provided, however*, That when such owner or a part-owner of any such vessel shall have no direct connection with the navigation of such vessel, he shall only be liable under this provision for such damages to the amount of the value of his interest in such vessel.

Mr. HOLMAN. I would hope that a subject of this magnitude would receive from the Committee of the Whole the attention which it deserves. The last amendment which was voted down and which proposed to secure liability for loss of life and personal injury against these common carriers was not objected to by the Committee on Commerce except as a mere matter of form, and yet, strangely enough, in the interest of the companies and against the rights of human life, the House refuses to retain the common-law principles which have been in force in this country from the foundation of our Government and which even Great Britain, in spite of all that has been said to the contrary, has never dreamed of repealing so far as human life is concerned.

I am aware that the House of Representatives is largely composed of gentleman representing commercial centers, commercial cities, where vast amounts of stock in vessels propelled by steam are held; and I am aware, sir, that for three years past the pressure on the Committee on Commerce has been in one direction. The masters of our steamships are not here, but capitalists owning this kind of stock have been here and they are here still. And while I am not surprised that gentlemen representing commercial centers should be found in the interests of capital and against human life, I am surprised at the profound indifference to the important question here presented, when it becomes a mere question of greed and gain upon the one hand and the value of human life upon the other.

Now, sir, the argument has been that if you adopt any provision on behalf of human life and do not adopt the whole provisions of the act of 1851, you prevent small investments in steamship capital. I have guarded against that in my amendment. I provide by my amendment that if the owner or the half-owner of the vessel is not actually engaged in navigating it, then he shall only be liable in the event of damage through negligence to the extent of the value of his interest in the vessel. I would like to see the gentleman who would deny the soundness of that proposition. Admitting all that the gentleman from Missouri representing the Saint Louis district [Mr. STANARD] has so well and ably said, can he object to this proposition even on his own argument? I propose to say by this amendment that the capitalist who invests his money in a steamboat, if he does not directly control it, shall only be liable to the extent of his interest in the vessel. Is not that right? If the master, the pilot, or the engineer by their negligence contribute to the loss and sacrifice of human life, are they to be held innocent? Everybody knows that the act of 1851 is not applicable to our rivers; no member representing a commercial community would agree that it should be; but it is very proper on the high seas, and by the decision of the Supreme Court it was extended to the northern lakes. It is proposed now, because we have a navigation interest that comes in conflict with British interests, that we shall adopt the same rule of liability that is adopted in Great Britain.

Sir, everybody knows that the legislation of Great Britain is always in the interest of capital, and that her legislators are profoundly indifferent to the interests of human life when the two come in conflict one with the other. Great Britain is a purely commercial power, and her wealth, her glory, and her greatness depend on commerce. I am not surprised at the domination exercised over her legislation by the commercial interests; but here the interest of human life appeals to Congress for reasonable safeguards.

Mr. SAYLER, of Ohio. Does not the gentleman know that Great Britain was the last nation in Europe to adopt this principle?

Mr. HOLMAN. I know that capital controls the British Parliament, and I hope that flesh and blood and brains will control the American House of Representatives.

[Here the hammer fell.]

Mr. STANARD. I rise to oppose the amendment of the gentleman from Indiana. It is a strange thing to me that this question should be fought over three times. This amendment was first brought up by the gentleman from Massachusetts, [Mr. GOOCH,] and then it was again offered and has twice been voted down, and now it is brought up for the third time by the gentleman from Indiana [Mr. HOLMAN] in a still more ambiguous and offensive way.

There is, Mr. Chairman, in the commercial world everywhere a re-

pulsion to double liability. Show me a State where the owners of stock are liable for more than the amount that they subscribe, whether it be in banking, manufacturing, or any other joint-stock company, and I will show you a State where capital will never go. Why should a man who subscribes his $1,000 to the capital stock of a steamboat be any more liable for double the amount than a man is who subscribes to the capital stock of a manufacturing company? The operatives of a manufacturing company are as liable to be killed by an explosion and property may be destroyed there just as much as on board a steamboat.

Mr. HOLMAN. My amendment simply provides that the owner of stock shall be liable to the amount of his subscription to that stock.

Mr. STANARD. The objection I have to the amendment is that it would be hard to determine where individual management begins under the gentleman's amendment. I may be a stockholder in a steamboat; I may have nothing especially to do with the hiring of men or the payment of their wages; but I may be on board of that boat when she comes into port after an accident, and I say it would be exceedingly difficult to tell where the innocent capitalist, whom the gentleman seems desirous to protect, should become liable. Hence I am opposed to the amendment. I am opposed here and at all times to double liability. While I am as much in favor as the gentleman from Indiana can be of protecting the interests of the masses, I say that the interests of the masses and of the capitalists go hand in hand in this country, and you cannot legislate against capital and proscribe it in this manner without damaging the very men that the gentleman claims to be the advocate of on this floor.

I hope, Mr. Chairman, that this amendment will be voted down. We have had the judgment of the House upon it twice already that it is wrong, and now we are called upon to vote upon it again. I want the men who put their steamers upon the Ohio, and the Mississippi, and the Missouri, or upon any of the tributaries of those streams, to stand in the same relation to those who ship with them and do business with them as the men who do business upon the high seas or upon the northern lakes; and I thank the gentleman from Michigan, [Mr. CONGER,] who is so largely interested and whose constituents are so largely interested in lake navigation, for the very generous part he is taking here in this discussion to allow us on the western waters a fair show and to place our commerce on the same footing as the commerce of the lakes.

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. HOLMAN. I move to strike out the last word.

Mr. NEGLEY. I move that the committee now rise in order to obtain from the House an order to close debate.

Mr. HOLMAN. Not yet, while I hold the floor. There are just as important interests represented here as your Pittsburgh interests.

Mr. NEGLEY. I am not representing Pittsburgh interests in this matter any more than the interests of the gentleman's own constituents, whom he seems to neglect in this important question.

Mr. HOLMAN. I want the Committee of the Whole to understand distinctly the nature of this proposition. You have incorporated into this bill for the first time the whole of the act of 1851, which we did not do in the last Congress. I now propose that we shall re-enact the present law just as it stands upon your statute-book, just as it was adopted only three years ago, as to personal liability, but going one step further, for the purpose of meeting the objection of the gentleman from Missouri, [Mr. STANARD,] and exempting investors in steamboat property from liability except to the extent of their interest in the vessel where they are not responsible for the management of the vessel. I am only asking the re-enactment of a law which has been upon your statute-book for years, and which the pending bill proposes to repeal. I propose to re-enact that in the interest of human life, except that investors in steamboat property shall be liable only to the extent of their interest when they are not directly concerned in the navigation and management of the vessel.

Now, would my friend say that the pilot, or captain, or engineer, being an owner, shall not be liable when human life is sacrificed? I hope that those who vote against this guarantee of human life, when they read of some awful disaster by which homes are made desolate in consequence of the carelessness or negligence of the managers of this species of property—I hope they will then bear in mind that they have contributed to produce that result by relieving owners from all responsibility whatever.

Mr. NEGLEY. The only time we hear the gentleman from Indiana [Mr. HOLMAN] speak in behalf of human life and of economy is when he is within hearing of the reporters of the RECORD. In no other instance in his life does he show such benevolence before the country, or raise his voice with such energy.

Now, what is this proposition? It is to re-enact the law of 1851, and extend it uniformly over the whole country and give to the commerce of the West the same privileges that are enjoyed by the commerce of the sea-board. And the gentleman from Indiana stands up here and says that this is in behalf of my constituents. Sir, it is no more in the interest of my constituents than of his, or every member on this floor.

The gentleman backs and fills on every question when it is proposed to make appropriations for harbors and rivers, and it benefits his constituents and perhaps gives him a little reputation; he is willing to violate every principle of economy when it conveys an advantage to himself. Now when we come to the consideration of a plain proposition, the law now upon the statute-book, in force since 1851, the law of maritime nations of the world, adopted after years of experience for the purpose of promoting the interests and development of commerce, the gentleman seeks to impose the burdens of the existing law upon the commerce of the West and the navigable waters of the interior. Is there any principle of justice in that? If so, will he tell us and the country where it is? Let us have a vote.

Mr. HOLMAN. Nobody has complained of injustice heretofore.

Mr. NEGLEY. I like common sense and consistency on the part of gentlemen. We are weary of this kind of opposition.

The question was taken upon the amendment of Mr. HOLMAN; and upon a division there were—ayes 26, noes 63; no quorum voting.

Tellers were ordered; and Mr. NEGLEY and Mr. HOLMAN were appointed.

The committee again divided; and the tellers reported that there were—ayes 56, noes 99.

So the amendment was not adopted.

Mr. NEGLEY. In regard to section 47, I wish to say that it simply enacts with one or two amendments the rules and regulations now prescribed by the nations of the world in regard to steam and sailing-vessels meeting and passing each other, with those now in force on our western rivers.

Mr. CONGER. I desire, on behalf of the Committee on Commerce, to move an amendment to the second paragraph relating to sailing-vessels.

The paragraph was as follows:

Whenever, as in the case of small vessels during bad weather, the green and red lights cannot be fixed, these lights shall be kept on deck, on their respective sides of the vessel, ready for instant exhibition; and shall, on the approach of or to other vessels, be exhibited on their respective sides in sufficient time to prevent collisions, in such manner as to make them most visible, and so that the green light shall not be seen on the port side nor the red light on the starboard side. To make the use of these portable lights more certain and easy, the lanterns containing them shall each be painted outside with the color of the light they respectively exhibit, and shall be provided with suitable screens.

Mr. CONGER. I move to strike out the words "in sufficient time to prevent collisions," and to insert after the words "most visible" the words "and continued to be so exhibited from the time of sighting such vessel until the two have passed each other;" so that it will read:

Whenever, as in the case of small vessels during bad weather, the green and red lights cannot be fixed, these lights shall be kept on deck, on their respective sides of the vessel, ready for instant exhibition; and shall, on the approach of or to other vessels, be exhibited on their respective sides in such manner as to make them most visible, and continued to be so exhibited from the time of sighting such vessel until the two have passed each other, and so that the green light shall not be seen on the port side nor the red light on the starboard side.

The amendment was agreed to.

Mr. CONGER. I desire to move an amendment to the clause relating to sailing pilot-vessels.

The clause was as follows:

Sailing pilot-vessels shall not carry the lights required for other sailing-vessels, but shall carry a white light at the mast-head, visible all around the horizon, and shall also exhibit a flare-up light every fifteen minutes.

Mr. CONGER. I move to amend by striking out the words "at the mast-head" and inserting the words "on the shrouds on each side of the mainmast, not less than ten feet above the main-deck."

The amendment was agreed to.

Mr. HALE, of Maine. I desire to move an amendment to the last paragraph under the head of "sailing-vessels."

The paragraph was as follows:

And every such sailing-vessel that shall be navigated without complying with the provisions of this section shall forfeit and pay a sum of not exceeding $500, one-half to go to the informer; and for which sum the vessel so navigated shall be liable, and may be seized and proceeded against, by way of libel, in any district court of the United States having jurisdiction of the offense.

Mr. HALE of Maine. I have received the impression from the gentleman in charge of this bill [Mr. NEGLEY] and from the gentleman from Michigan [Mr. CONGER] that this large portion of the bill we are now passing is simply a re-enactment of existing law. Does the gentleman mean to say that these provisions in relation to sailing-vessels are simply a re-enactment of the existing law?

Mr. NEGLEY. No, sir; not of the existing law, but of the existing rules and regulations, which have the effect of law by the authority vested in the board of supervising inspectors under the law of 1871.

Mr. HALE, of Maine. Excepting that on page 64, the whole thing is brought to a focus by a provision fixing a very heavy penalty, one-half of which is to go to the informer. When a bill similar to this was under discussion in the last Congress that provision was struck out. My objection to it is this: the bill itself is primarily in relation to steam-vessels; it was not intended to apply to all the small craft, sailing-vessels, that ply upon our coast and our rivers. This class of small vessels is very numerous; and when you make a provision as severe as this—that "every such sailing-vessel that shall be navigated without complying with the provisions of this section shall forfeit and pay the sum of $500, one-half to go to the informer, and for which sum the vessel so navigated shall be liable and may be seized and proceeded against by way of libel in any district court of the United States having jurisdiction of the offense"—you adopt with reference to these small sailing-vessels of ten, twenty, and forty tons a cruel enactment. You put upon them a harsh penalty for all sorts of provisions that are crystallized here in the law—a penalty which

would amount in some cases to half or more of the entire value of the poor little vessel. Now, I move to strike out this penalty; or if any penalty must be inserted let it be a small one; $100 is enough. And I appeal to the gentleman from Pennsylvania [Mr. NEGLEY] to strike out that obnoxious part of the provision which offers a bid to any man who shall find out some little schooner that does not carry a specified kind of light, and then make his complaint and get his $250. That is not proper legislation with respect to this hard-working, laborious, and exposed interest.

Mr. NEGLEY. I am delighted to hear the gentleman from Maine speak in behalf of commerce. I wish every gentleman on this floor would manifest the same spirit. But the committee were very desirous to meet the objections of such gentlemen as the gentleman from Massachusetts [Mr. GOOCH] and the gentleman from Indiana [Mr. HOLMAN] who have spoken here this morning with so much zeal. If, however, the gentleman from Maine will move to reduce the penalty to $100, I will not object to the amendment.

Mr. HALE, of Maine. I move then to strike out the word "five" and insert "one," so as to make the penalty $100. A gentleman suggests to me that fifty dollars would be a proper limit. I think myself it would be better.

Mr. CONGER. One hundred dollars is small enough.

Mr. NEGLEY. I understood the gentleman from Maine to propose $100.

Mr. HALE, of Maine. Very well; let it go at that sum.

Mr. NEGLEY and Mr. CONGER. No objection.

The amendment was agreed to.

Mr. HALE, of Maine. I move also to strike out in line 160 the the words "one-half to go to the informer."

Mr. NEGLEY. I make no objection.

Mr. CONGER. We do not object to that.

Mr. POTTER. I think that the policy by which some penalty is imposed upon a sailing-vessel is a wise one—not so much on account of the sailing-vessel as on account of the steamboat, so that the steamboat may see the sailing-vessel and not run into her. At present whenever a steamboat runs into a sailing-vessel it is always the steamboat that is in fault; so that it has been said to be an economical way of disposing of sailing-vessels is to have them run into.

Mr. HALE, of Maine. If any party is injured in this manner he can prosecute; but I do not want half the fine to go to the informer that men may be induced to watch around in order to catch small vessels in little infractions of the law.

Mr. POTTER. Does the gentleman's amendment apply to all the rest of the section or only the provision giving one-half the penalty to the informer?

Mr. HALE, of Maine. Only to the provision that one-half the penalty shall go to the informer.

Mr. POTTER. Then I do not particularly object.

Mr. FRYE. Would it not be better to make the fine fifty dollars, and let one-half go to the informer?

Mr. HALE, of Maine. I object to allowing one-half the penalty to go to the informer. Such a provision will only encourage men who really have no interest in the matter to watch for little infractions of the law.

Mr. FRYE. Some of these little vessels need watching.

Mr. HALE, of Maine. If any one is injured he will naturally complain; but I do not think it is in the interest of commerce or good morals that loafers about the wharves and the streams should be induced or invited to watch for these little infractions. If my colleague knew as much about the sea-coast and our commerce thereon as I do, he would know that if anybody is really injured he will apply to the courts, which are always open and in which a prosecution can be at once initiated.

Mr. FRYE. But that would not amount to anything to the man injured; he would not get any part of the penalty; it would simply be a matter of punishment. Would not a provision giving a portion of this penalty to some one have a tendency to compel vessels to keep the proper lights?

Mr. HALE, of Maine. I do not think they will need such a provision; and it would only encourage a class whom I know the gentleman does not want to encourage any more than I do.

Mr. FRYE. I do not love them, I admit.

Mr. POTTER. The gentleman from Maine, [Mr. FRYE,] as I understand, has no partiality for informers; but he does want to have the proper lights carried.

Mr. FRYE. Yes, sir.

Mr. POTTER. So do I.

Mr. HALE, of Maine. With the penalty provided in this section, and with the liability to a civil suit for damages, and with the courts open, I have no doubt that the results sought by my colleague [Mr. FRYE] and the gentleman from New York [Mr. POTTER] will be accomplished, while we shall avoid the encouragement of a class of men whom I think all of us shrink from encouraging. As the Committee on Commerce assents to the proposition, I hope there will be no objection to it.

The amendment was adopted.

The CHAIRMAN. The Clerk will read the next section.

Mr. HALE, of Maine. Before we leave this part of the bill I have another amendment to suggest, on page 65. It is there provided that every such vessel, steamer, or other water craft or raft that shall neglect to make fog-signals as herein provided shall forfeit and pay a sum not exceeding $300, one-half to go to the informer. Gentlemen who have examined it say it is the right amount, and I do not propose to interfere with it, although I think it is too large; but I move to strike out "one-half to go to the informer."

Mr. CONGER. The object of this clause is to provide that every vessel, raft, and every craft of any description navigating our waters in a fog shall give some signal of its whereabouts either by steam, by fog-horn, or in some other manner. Now nearly two-thirds of the injuries and loss of life which occur from collision occur in a fog, and occur through neglect of the simple means of giving the signal of alarm by steam or fog-horn.

It was the opinion of the committee this penalty is not too great. It is in the interest of life and property. In that respect, when vessels are concealed by fog and mist, we think if there is a case when the informer should be rewarded for watching closely in order that they may be punished for infraction of the law it should be here. I object to striking out the words indicated by the gentleman from Maine.

Mr. HALE, of Maine. Now, Mr. Chairman, I have not interfered with the running of this bill and did not propose to, because the committee have given it their faithful attention and I know how much that deserves at our hands. In order that the House may see what a Procrustean bed has been laid for the navigation interest here, I call the attention of gentlemen to this provision. Right above my amendment it is provided as follows:

> Sailing-vessels, or steamers not having steam on, when not under way, and anchored or aground, or moored in the channel or fair-way of commerce, shall sound the general alarm signal by the ship's bell at intervals of not more than one minute, and all steamers navigating in a fog or thick weather shall sound their steam-whistle at intervals of not more than one minute. And upon any other craft navigating the ocean, lakes, bays, or rivers, such as barges, rafts, flat-boats, wood-boats, and other like craft, they shall sound a fog-horn at intervals of not more than two minutes. And every such vessel, steamer, or other water craft or raft that shall neglect to make fog-signals as herein provided, shall forfeit and pay a sum not exceeding $300, one-half to go to the informer.

Only one hundred and twenty seconds of time is allowed as the interval in the sounding of this fog-signal in all these little water boats and small craft, and if five seconds is exceeded in sounding it, there is somebody watching on shore with his watch in hand, and sees one hundred and twenty-five seconds lapse between the signals. Forthwith that little water craft not worth $1,000 is liable to a fine of $300, of which the loafer on shore watching for the lapse of the seconds is entitled to one-half. It is strenuous, rigid, cruel legislation. I do not believe the gentlemen themselves when they see the practical effect of this will desire it. I hope the House will adopt the amendment I have moved.

Mr. CONGER rose.

The CHAIRMAN. Debate is exhausted on the pending amendment.

Mr. CONGER. I move to strike out the last word in order that I may reply to the gentleman from Maine.

The proposition of the gentleman from Maine is one which will strike the mind of every man who has ever traveled on our lakes and rivers and upon our sea-coast as inappropriate. No man here probably who has ever traveled upon our rivers and lakes and upon our sea-coast, and who has stood on deck when his own life and the life of his family were at stake, but will remember how anxious and watchful he was, as the vessel went through a fog-bank, lest they should run into another steamer or run against a raft or run against another vessel and be sunk. The law requires the most extreme caution on the part of these steamers, and the law requires the raft or vessel should sound every two minutes a fog-horn. I submit to every man who ever passed through a fog-bank if he did not watch earnestly and anxiously for every sound of alarm as the vessel was going through that invisible passage-way? It is the only place where we can require this to be done by these small craft and great rafts of logs into which steamers may run and be sunk at once. It is right to require it of any vessel which may collide and sink a steamer or vessel at once. Is it any hardship when a vessel is navigating an open road-way, when in the midst of a fog, that it should sound every two minutes an alarm of danger which would save the lives of the passengers and crew? I will not enlarge on it. The language in the bill, it seems to me, should strike every one as a desirable provision of law.

If there be any case in the world, although I do not know that there is, where informers should be encouraged, it is the case of their watching in the interest of the security of life violations of law. This is such a case.

Mr. HALE, of Maine. Admitting that, I ask the gentleman if he does not himself believe this to be a harsh measure of punishment for a little violation running over a few seconds, for this is to be done at intervals of two minutes? Is not a fine of $300 a severe penalty?

Mr. CONGER. Does the gentleman not know that these little violations of law have caused more loss of life on the rivers and lakes than all other causes put together, except violent storms?

Mr. HALE, of Maine. I do not know that.

Mr. CONGER. I know it; and the reports of insurance companies show that it is so.

The question being taken on the amendment of Mr. HALE, of Maine, it was agreed to.

The Clerk read section 51, as follows:

SEC. 51. That all vessels of the United States, and all vessels while navigating within the jurisdiction of the United States, shall be subject to the laws of the United States in respect to preventing collisions on the water, and to the rules and regulations made in pursuance thereof for that purpose. And every coastwise sea-going steam-vessel, subject to the navigation laws of the United States and to the rules and regulations aforesaid, shall, when under way, except on the high seas, be under the control and direction of a pilot licensed by the inspectors of steamboats. And no State or municipal government shall impose upon pilots of steam-vessels herein provided for any obligation to procure a State or other license in addition to that issued by the United States, nor any other regulation or regulations which will impede such pilots in the performance of their duties, as required by this act; nor shall any pilot charges be levied by any such authority upon any steamer piloted as herein provided; and in no case shall the fees charged for the pilotage of any steam-vessel exceed the customary or legally established rates in the State where the same is performed.

Mr. COX. I offer the amendment which I send to the desk.

Mr. CONGER. I insist that the committee shall have the right to offer their amendments first.

Mr. COX. I do not know that there is any special reason for that.

Mr. CONGER. The gentleman from Pennsylvania [Mr. NEGLEY] is on the floor to offer an amendment on behalf of the committee.

The CHAIRMAN. The Chair will recognize the gentleman from New York [Mr. COX] after the gentleman from Pennsylvania, [Mr. NEGLEY.]

Mr. NEGLEY. I am authorized by the committee to offer an amendment which restores the provision existing in the act of 1871.

Mr. MERRIAM. I desire to offer a substitute for that.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Pennsylvania.

The Clerk read as follows:

Add to the section the following:

Provided, however, That nothing in this act shall be construed to annul or affect any regulation established by the laws of any State requiring vessels entering or leaving a port in any such State, other than coastwise steam-vessels, to take a pilot duly licensed or authorized by the laws of such State, or of a State situate upon the waters of such State.

Mr. MERRIAM. I offer as a substitute what I send to the desk.

The Clerk read as follows:

Provided, however, That nothing in this act shall be construed to annul or affect any regulation established by the law of any State requiring vessels entering or leaving a port in any such State, other than coastwise steam-vessels, not sailing under register, to take a pilot duly licensed or authorized by the law of such State, or of a State situate upon the waters of such State.

Mr. MERRIAM. The only difference between my present amendment and the amendment which the committee has consented to accept now, and which they originally omitted from the bill, is, that it requires all registered steam-vessels to take the regular New York pilots. Coastwise or sailing vessels sailing under a license are not obliged to take a New York pilot, but when they receive a register, and receive that register for the purpose of going to foreign countries and bring back passengers, they should be obliged to take a pilot; for we conceive human lives to be as precious and liable to be as much in jeopardy, when they come in a registered vessel as if they come in a regular line of steamers plying between this country and Europe. There is a safety to life and property in these pilots boarding every registered vessel the same as they do others. The pilot system of New York is one of the best pilot systems in the world. I presume the committee will acknowledge that it has stood the test of trial for years and years. The New York pilots are among the hardiest and most noble men to be found in any profession. They are devoted to duty, and fearless in its performance; men who peril their lives in every storm, and who are thus obliged to peril their lives in observance of law when responding to every signal in every storm and board the first vessel which makes the signal, even if pestilence is aboard. They own property in boats and outfit amounting to the sum of $400,000, and when we do what will take away their rights under State laws we destroy their property by rendering it unprofitable to pursue the business, and we thus destroy protection to life and property which is always enough imperiled on the sea. Every man who goes abroad and every man who has any of his family going abroad is interested in maintaining the rights and interests of pilots. This interference seems to be one of those steps toward centralizing power in the Government which should be guarded against, and for which there is no apology.

A word as to how these pilots are selected. They are examined every year by the pilot commissioners, men who are not paid a salary. It is only necessary to mention the names of Robert Taylor, Blunt, and others, to show what is their character. Each of these pilots receives less than $2,000 a year as compensation for their perilous toil. The committee proposes to cut off a portion of what they now receive by allowing registered vessels to enter port unpiloted. It would only have the effect of demoralizing the whole profession, and I appeal to the House to stand by us when we are engaged in maintaining the interests of one of the most worthy classes of people in the world.

Mr. NEGLEY. The gentleman has had an opportunity, in connection with this subject, to speak a good word for the men in his district, and two for himself.

Mr. MERRIAM. This has nothing to do with my district. I live three hundred miles away from the ocean.

Mr. COX. It is my district, and what I was endeavoring to do my colleague has done.

Mr. NEGLEY. But to come seriously to the consideration of the amendment just offered. Two years ago, when the House considered a bill reported by the Committee on Commerce, substantially the same with this bill, a delegation representing the pilots of New York, Pennsylvania, New Jersey, and Massachusetts requested the committee to re-enact the provisions of existing law, of the law of 1871, so far as it relates to pilotage. The committee agreed to that, and the gentleman from New York himself offered an amendment similar to the one I have offered. The same delegation of pilots have called upon the Committee on Commerce during this session and have all of them assented to the continuance of the present law.

Mr. MERRIAM. Allow me to say that I have seen to-day the representative of the pilots of the city of New York, representing all the pilots there, and he is now within the Hall of the House, and he says that he insists on this provision being put in as I have offered it.

Mr. CONGER. Then I propose that we do not put it in.

Mr. NEGLEY. I am not responsible for what that gentleman may have stated to the gentleman from New York; but I make this declaration to the House, that the representative of the association of pilots who have visited this city in behalf of the association of New York has agreed that if we restored this provision they would be perfectly satisfied, as it will leave them all the rights and privileges they now enjoy under the law. I hope the House will sustain the committee.

Mr. COX. Mr. Chairman, so far as I understand the amendment of my colleague, [Mr. MERRIAM,] it rather restricts the pilots; it restricts the operation of the present law to registered vessels. Am I right? If that is the case it is not what is asked by the pilots of New York City. I happen to have had sent to me a proviso prepared by pilots and which is emphatically embodied in the amendment which the gentleman from Pennsylvania has offered.

Mr. MERRIAM. My colleague will remember that I offered the amendment last year which was embodied in this bill.

Mr. COX. I offered the same amendment two or three years ago.

Mr. MERRIAM. But it does not conform to the law of New York.

Mr. COX. I offered it and it was adopted, and I hope the law will stand as the gentleman from Pennsylvania proposes by his amendment. I wish to be instructed hereafter by these pilots if I am wrong in this position. Does my colleague's amendment in any way restrict the operation of the present law to a less number of vessels than is now provided for?

Mr. MERRIAM. My amendment puts back the law as it stands in New York, which I will read:

All masters of foreign vessels and vessels from a foreign port, and all vessels sailing under register, bound to or from the port of New York, by the way of Sandy Hook, shall take a licensed pilot; or, in case of refusal to take such pilot, shall himself, owners, or consignees, pay the said pilotage as if one had been employed; and such pilotage shall be paid to the pilot first speaking or offering his services as pilot to such vessel.

The amendment of the committee does away with that, and does not permit a pilot to board a registered vessel. The point is simply this; that when a vessel has been coasting up and down under a license our pilots would not board her. They are not obliged by law to board such vessels. But when a vessel with a United States register goes to a foreign port and brings back passengers, the law of New York compels such vessel to take our pilots, and we insist upon it that human life is protected by that provision.

Mr. NEGLEY. Will the gentleman state in his intelligent and fluent manner in what way that protects human life?

Mr. MERRIAM. It protects it in the same way that the taking of a pilot by any vessel does. The pilot is better acquainted with the port than the master of the vessel is, and when he brings a vessel in he brings it in in safety.

Mr. NEGLEY. So he does under the existing law. I ask that my amendment be again read.

The Clerk again read the amendment.

Mr. HALE, of Maine. I have an amendment which I desire to offer to whatever shall be adopted by the committee as the body of the law, affecting an interest that does know what it wants. I send it to the Clerk's desk to be read, and then I will say a few words in regard to it.

The Clerk read the proposed amendment, as follows:

Provided further, That no owner, agent, master, or consignee of any ship or vessel duly registered or enrolled and engaged in the coastwise trade shall by virtue of the laws of any State be compelled to take, employ, or pay a pilot not voluntarily employed on entering or departing from any port or harbor, entering, passing through, or leaving any channel, passage, or shoal within the waters of the United States, nor shall any such agent, consignee, or master of any ship or vessel so engaged, who shall employ a tug or tug-boat on any such waters of the United States, be compelled to pay pilotage or pilot's fees by virtue of the laws of any State.

The CHAIRMAN. Does the gentleman propose that as an amendment to the amendment offered by the gentleman from New York, [Mr. MERRIAM?]

Mr. HALE, of Maine. Whenever the House shall have voted and decided which of the two pending propositions it will adopt, I shall offer this as an amendment. I will withhold it until that time.

Now let me say that this amendment is for the purpose of exempting from the feature of compulsory pilotage all of the coasting trade of the United States. At present a portion of it is exempted; coastwise steamers are exempted under certain State regulations. Now, there is no fitness or fairness in a State exempting a portion of this coasting trade and laying its exactions upon the balance.

I have nothing to say against the pilots of New York, Boston, and elsewhere. I have had occasion heretofore to speak of them, and of their great services. But gentlemen cannot fail to see that while there is some force, perhaps great force, in this provision applying to the foreign trade, the coasting trade does not need it. The vessels that ply between one port and another, that enter New York harbor ten or twelve or more times a year, do not need these pilots. They know all the ins and outs of the harbors of New York and Boston and elsewhere as well as do the pilots. The State of New York has recognized that fact by exempting from its operations steam-going vessels, which are not obliged to take the pilots or pay for them. Why should a schooner or a brig from my district, with a load of lumber that is going into New York harbor, and which knows the way as well as I know my seat at the table—why should this schooner be obliged to take a pilot? Why should any of them in any case be required to do it? I do not know the exact terms of the law of New York. I do not know that it covers all of these cases. At any rate the provision I have indicated will forever settle the question and make it sure. If there is any disposition at any time on the part of the New York Legislature to extend its present regulations, this provision will forbid it. I do not know that in some of these cases it is included at all; the object of my amendment, however, is that the entire coasting trade shall be exempt.

Mr. MERRIAM. It is never exacted in the State of New York.

Mr. NEGLEY. The amendment of the gentleman from Maine [Mr. HALE] is not before the committee.

The CHAIRMAN. It is not. Debate upon the pending amendment and substitute is exhausted.

Mr. POTTER. I move to strike out the last word, in order to say to the gentleman from Maine [Mr. HALE] that I do not understand the law of the State of New York as he has indicated. All that he desires to accomplish can be accomplished by moving to strike out of the amendment offered by the gentleman from Pennsylvania [Mr. NEGLEY] the word "steam" before the word "vessels;" so as to make it "coastwise vessels." According to my recollection that would be the effect of the law at any rate.

In regard to the other branch of the question, the difference between the gentleman from New York [Mr. MERRIAM] and the gentleman from Pennsylvania, [Mr. NEGLEY,] the proposition of the one is *in totidem verbis* that of the other, except that the amendment of the gentleman from New York contains the words "not sailing under register." If he had moved to amend the amendment of the gentleman from Pennsylvania by inserting after the words "coastwise steam-vessels" the words "not sailing under register," that would have accomplished all which he seeks to accomplish by his amendment. What the gentleman from Pennsylvania seeks to accomplish is to exempt from the compulsory pilotage of New York coastwise steam-vessels. What my colleague [Mr. MERRIAM] seeks is to exempt only these coastwise steam-vessels that do not sail under register.

Mr. MERRIAM. Foreign vessels.

Mr. POTTER. Any vessels not sailing under register. The one seeks to make the coastwise steam-vessels free from this pilotage, the other only so far as the coastwise steam-vessels are not under register. Now, if I own a registered vessel, which is a vessel authorized to trade with a foreign port, and I choose to put her in the coastwise trade, why should I thereby be subjected to a charge for compulsory pilotage, which nobody else engaged in that service is subjected to? My colleague seeks to charge a vessel because of the character of the trade she is authorized to carry on, and not because of the character of the trade she does carry on. The amendment of the gentleman from Pennsylvania seeks to limit the charge to the trade which the vessel does carry on.

Mr. MERRIAM. Licensed vessels go along the coast, and registered vessels go abroad.

Mr. POTTER. My colleague need not seek to tell me about vessels, for I ought to be expected to know something about them. A registered vessel is one authorized to trade at foreign ports; an enrolled vessel is authorized to trade at home ports only. It constantly happens that vessels authorized to trade at foreign ports want at times to trade at home ports also. When so trading they should be upon the same footing as other vessels authorized to trade only at home ports and not be subjected to additional charge simply because a year before they were sent to Liverpool or were authorized to go to Amsterdam.

[Here the hammer fell.]

The amendment of Mr. MERRIAM to the amendment of Mr. NEGLEY was not agreed to.

The question was upon the amendment of Mr. NEGLEY.

Mr. HALE, of Maine. I move to add to the amendment the following:

Provided further, That no owner, agent, master, or consignee of any ship or vessel duly registered and enrolled and engaged in the coastwise trade shall by virtue of the laws of any State be compelled to take, employ, or pay a pilot, not voluntarily employed, on entering or departing from any port or harbor, or entering, passing, passing through, or leaving any channel, passage, or shoal within the waters of the United States; nor shall any such agent, consignee, or master of any such ship or vessel so engaged, who shall employ a tug or tow-boat in any such waters of the United States, be compelled to pay pilotage or pilot fees by virtue of the laws of any State.

Mr. COX. I object to that amendment.

Mr. HALE, of Maine. The gentleman in charge of the bill does not object to this amendment; and while it has been suggested by the gentleman from New York that the change of a single word, striking out "steam" in the amendment already offered, would answer the purpose, I do not think it would, because that simply refers to regulations of the State of New York, or of any other State, while my proposition is firmly and squarely declaratory of what shall be the law; so that no State shall seek to enforce compulsory pilotage upon the coasting trade by virtue of existing laws, nor shall change its laws so that this shall be done. There is an obvious fairness in extending the provision to all the coasting trade.

Mr. NEGLEY. My reason for not objecting to the amendment is because it embodies the existing law of the States of Massachusetts and New York, as I am informed by gentlemen connected with the pilot service. The gentleman from New York [Mr. COX] dissents, as I understand, from that statement. I think he is mistaken, however.

Mr. COX. I do not think that this amendment is *in hæc verba* the law of New York or Massachusetts. I would like to have time to examine that matter before we pass upon the question. It may give rise to litigation or other trouble. I think that the provision offered by the committee, which is agreed to generally by the pilots both of Massachusetts and New York, ought to remain without any condition. Otherwise litigation and difficulty may arise.

Mr. HALE, of Maine. Does the gentleman think that this compulsory pilotage ought to apply to the coastwise trade?

Mr. COX. I want these pilots to have the largest liberty to do their work under the State law.

Mr. HALE, of Maine. I ask the gentleman that particular question: Does he think that the system by which a pilot going far out can board a vessel and oblige it to take him and pay the bill should be applied to the trade along the coast of our own country?

Mr. COX. I think that the very same reasons which apply to a foreign vessel should apply to any vessel coming into port.

Mr. HALE, of Maine. Clearly not.

Mr. COX. The same rules for the safety of property and human life should apply. Why not? These vessels are all liable to the same accidents and subject to the same dangers.

Mr. HALE, of Maine. In the first place, these small vessels cannot afford to pay the pilotage charges. In the next place, those in charge of these vessels do not need a pilot; if they do they can call for one. Such a requirement would be a great burden on our coastwise trade. It appears to me there is really but one side to this question.

Mr. CONGER. I suppose that the object of inserting this provision, which I understand to be the law of the several States that have pilotage laws, is that should any of the States change their law on the subject the provision would remain permanent here. I believe that the amendment embodies the existing law of the States concerned; but they might change their laws, and by inserting the enactment here we shall have one uniform law, which I think desirable.

The question being taken on the amendment to the amendment, it was agreed to.

The amendment, as amended, was adopted.

Mr. POTTER. I move further to amend the section by adding the following, which I suppose should come in after the amendment of the gentleman from Pennsylvania and before that of the gentleman from Maine:

And provided further, That the master of any inward-bound vessel shall be at liberty to select any duly licensed pilot.

The CHAIRMAN. Is there any objection to this amendment?

Mr. CROOKE. I object to it. It strikes at the very root of the whole pilot system. The very object of the pilot system of New York is to have an organized body of men, each and every one of whom shall be competent to bring in any vessel that may enter that port. This amendment would destroy the whole pilot system from beginning to end. It is an imputation upon the whole body of pilots. There is not a man licensed to pilot into the port of New York who is not perfectly fitted to do his duty. If there is any man who is unfitted, it is the business of the board of pilots to turn him out. Standing here as a native New Yorker, I say that when a pilot risks his life to bring a vessel into port, no other pilot ought to be preferred to him. It is but seldom that I rise on this floor in the way of debate; but from my knowledge of the men composing the whole force of New York pilots I say that this amendment is an imputation upon them. I do not mean to say that it is intended as such; but from my knowledge of this class of men it strikes me as an amendment which ought not to receive countenance from this House.

Mr. POTTER obtained the floor.

Mr. GARFIELD. If the gentleman from New York [Mr. POTTER] will yield a moment, I wish to make a suggestion to the gentleman having charge of this bill. Three hours of to-day's session are now spent; and if the gentleman from Pennsylvania [Mr. NEGLEY] will move that the committee rise, and allow us to occupy the rest of the day on the consular and diplomatic appropriation bill, I believe that we can get through with it. But if we run on very much further with this bill, it will be impossible for us to do that to-day.

Mr. NEGLEY. I think that the pending section of this bill is the last that will provoke any debate. I am confident that we can get through the bill in a very short time.

Mr. POTTER. Mr. Chairman, I think that my sympathetic colleague [Mr. CROOKE] had better hear the other side of this question.

He will then see that not only does the amendment imply no imputation upon the body of pilots of New York, or for that matter of any other State, but that it is directly in the interest of the pilots. The laws of New York require the master of a ship to take a pilot licensed either by the laws of New York or New Jersey. Every vessel coming into port is beset by a number of pilots, offering to take it up. The effect of my amendment is to allow the master of an inward-bound vessel to take such one of the offering pilots as he may please. I may as well remark, by the law of New York if the master does not take in a pilot, if he should refuse to take the first with a view to taking a second and no second should offer, the ship would still be liable to pay pilotage.

The reason why the master should be allowed to select is this: Not because they are not all competent as pilots; not because they have not a knowledge of the channel and of the depth of the water; but because it is not every competent pilot who is able to handle every description of ship. The difficulty our ship-owners have, when these great ships of three or four or five thousand tons reach port, is that they may get men to act as pilots who may know the channel and all the soundings, but who may not have the moral (if I may use that term) capacity to measure on the instant distances and determine at a glance what to do to handle the vessel safely. It is an actual subsisting fact within my knowledge that there are certain owners of large vessels who have constantly and persistently within past years paid double pilotage in order to get a particular man to act as pilot, because they say these great ships cannot be handled by every pilot, when they get to the wharf, or when they get into a crowded place. No matter how much the pilot may know about the depth of the water and about the channel, the capacity to manage one of these large vessels in a windy day in a port crowded with shipping cannot be given by education. Therefore the ship-owner says, "I am ready to pay regular pilotage; I am ready to select and pay an inward-bound pilot and also pay outward pilotage"—the law requires the pilot who takes in a vessel to take it out if he chooses to do so—but the ship-owners desire to be allowed to select the pilot to bring in these large vessels, and I should like to know upon what principle of commerce they should not be allowed that privilege.

Mr. E. R. HOAR. Why should he not in such case pay double pilotage rather than leave such a loose opening to pass a pilot and not take him in his turn? It is adopting a principle of favoritism and selection which it seems to me would be fatal to all pilotage. I am assured by ship-owners you must have this system. The pilot who first offers is entitled to pilot the vessel. Otherwise no man can tell, who is out there exposing his life hour after hour, he may not be passed by for somebody else. They have the right to their turn. If there are peculiar cases in which this proposed plan would be preferred by owners of vessel, let them pay a reasonable compensation for it, but we should not strike a blow at the whole system of pilotage.

Mr. POTTER. That again comes right back to the fundamental question whether men are more competent to attend to their own business or the Government is more competent to attend to it for them. I have a profound conviction on all matters of this sort ship-owners are better able to take care of their own interests. The ship-owners of the State of New York do not want the pilot system abolished, but only to be allowed to make their own selection as to who shall handle their ships.

Mr. MERRIAM. All the underwriters of the city of New York are in favor of retaining the present system of pilots in their present integrity, and the gentleman who has offered this amendment did not know, perhaps, the whole breadth and scope of it. It demoralizes and destroys to a certain extent all our pilot laws. Whenever one vessel coming from a foreign country signals a pilot, or one pilot approaches to board, if he when approaching a steamer is to be turned away at the option of the captain, twenty pilots may be turned away in like manner, and other vessels needing pilots may be stranded on the shore for want of pilots. That is one of the main reasons why it will demoralize the whole system. I beg my colleague not to press any such amendment as that.

The amendment was disagreed to.

The Clerk read as follows:

SEC. 60. That before issuing any license to any steamer, the collector or other chief officer of the customs for the port or district shall demand and receive from the owner or owners thereof, as a compensation for the inspections and examinations made for the year, the following sums, in addition to the fees for issuing enrollments and licenses now allowed by law, according to the tonnage of the vessel, to wit: For each steam-vessel of one hundred tons or under, twenty-five dollars; and, in addition thereto, for each and every ton in excess of one hundred tons, five cents. And each captain, chief engineer, and first-class pilot, licensed as herein provided, shall pay, for every certificate granted by any inspector or inspectors, the sum of eight dollars, and for every renewal thereof, the sum of four dollars; and every chief mate, engineer, and pilot of an inferior grade shall pay, for every certificate so granted, the sum of five dollars, and for every renewal thereof, the sum of three dollars, which shall be paid over to the chief officer of the customs, in such manner and under such regulations as shall be prescribed by the Secretary of the Treasury.

Mr. POTTER. I move to add to that the following:

The Clerk read as follows:

At the expiration of the year for which any license to any officer may be granted or renewed, as hereinbefore provided, it shall be the duty of such officer, if he desire to continue in the service, to make application, either personally or in writing, to the local board by which the same was granted, or elsewhere, as may be directed by regulations made in pursuance of this act, for a renewal thereof, which application shall be accompanied by a certificate signed by the owner of the vessel to which such officer is attached or upon which he was last employed, stating that according to the best of his—such owner's—knowledge, information, and belief, the said officer is faithful, trustworthy, and competent in the discharge of his duty and temperate in his habits, and that there exists no reason, to the knowledge of such owner, why such license should not be renewed: *Provided, however*, That where it shall satisfactorily appear that the certificate herein required is withheld or refused by the owner or owners, without just cause, but not otherwise, the same may, in the discretion of the local board, be dispensed with.

Mr. POTTER. There is nothing in that, except that when he applies for a renewal of his license he shall apply at the expiration of the time for which he is licensed, and must bring a certificate of the owner who has employed him that he is a competent person, unless he can show that the owner, without good reason, refuses to give him that certificate. This is only in the interest of the efficiency of the service.

Mr. CONGER. I rather think that this is giving the owner of a steamboat too much control. Why should the owner of a steamboat prevent a man from getting his license by withholding such a certificate? The very object of such laws is to take from the owner that control. We want a board to grant licenses on entirely different considerations from what would influence an owner from withholding or granting such a certificate. I have seen no reason for such a provision as the gentleman from New York proposes, and I cannot see how it would add to the efficiency of the service to have it incorporated here. If the owner of a boat has any objection to a pilot or engineer being licensed, he may go before the board where the examination is to be held. He has that power now, and I think it is as much power as he ought to have. I would not have engineers or pilots subordinate officers on a boat, or under any obligation in the world to an owner. The object of this law is to make them free and independent of the owner in the exercise of their official duties on board a boat, above fear, above reproach from the owner. This will have a tendency to some extent to place these officers again under liability to objection on the part of an owner; and from fear of that objection they may be made tools of the owner during the time they are in his employment, lest he should withhold his certificate. I do not think this is in the direction of free, generous rivalry among the pilots, or in the direction of enabling them to stand upon their merits in applications for licenses.

Mr. POTTER. The gentleman from Michigan must have failed to observe that the amendment provides that where the owner fails to give a certificate the board may still, notwithstanding the absence of such certificate, grant the applicant his license. But surely it cannot but be in the direction of the security of life and property to have the owner, who has employed a man for years and who knows the most about him, to certify that in his opinion he is competent to receive a license and that his habits are good. This cannot have any effect in subjecting the employé to improper control on the part of the owner or of taking away power from the board in that regard.

Mr. CONGER. The amendment requires the applicant, if the certificate of the owner is withheld, to prove a negative—that it is withheld without just cause. But this law provides that the board of inspectors shall give these licenses only to men whom they find possessed of certain qualifications, of which temperance and skill and industry form a part, and they cannot license them without proof of this. It is not necessary that the applicant should have an affidavit or a certificate of any owner whatever. The board are obliged to find those qualifications in the man before they can license him.

Mr. POTTER. Only the gentleman wants them to find it by excluding the proof of all others the most convenient and the most likely to be correct.

The question being taken on Mr. POTTER's amendment, it was not agreed to.

The Clerk read section 66, as follows:

SEC. 66. That the salaries of all supervising inspectors, local inspectors, assistant inspectors, supervising inspector-general, and clerks, herein provided for, together with their traveling and other expenses when on official duty, and all instruments, books, blanks, stationery, furniture, and other things necessary to carry into effect the provisions of this act, shall be paid for, under the direction of the Secretary of the Treasury, out of the revenue received into the Treasury from the inspection of steam-vessels and the licensing of the officers of such vessels, as provided for by the terms of this act, and the same is hereby appropriated for the payment of such expenses, or so much thereof as may be required for such purposes.

Mr. GARFIELD. I offer as a substitute for that section what I send to the desk.

The Clerk read as follows:

Strike out section 66 and insert in lieu thereof as follows:

That all fees, penalties, and revenues arising under the provisions of this act and the act to which this is amendatory, shall be paid into the Treasury; and all disbursements of money for carrying into effect the provisions of this act and of the act to which this is amendatory shall be made only upon specific appropriations, for which the Secretary of the Treasury shall submit annual estimates.

Mr. GARFIELD. This is only to change the plan of payment. Instead of having permanent appropriations out of the Treasury, over which Congress has no control, this provides that all fees and penalties and dues collected under this bill shall be paid into the Treasury and all expenses paid out on regular estimates. This same amendment was put in the bill last year, and was assented to by the Committee on Commerce.

Mr. CONGER. I would have no objection to the amendment if the gentleman will provide that this shall be kept as a separate fund.

Mr. GARFIELD. I have no objection to saying that a separate

account shall be kept of this, but I do not want it to be treated as a separate fund.

Mr. POTTER. If the gentleman from Ohio and the gentleman from Michigan will listen to a substitute which I send to the desk, I think they will find that it meets the point.

The Clerk read as follows:

All fines collected for penalties enforced under the provisions of this act shall be paid into the Treasury in the same manner as provided for in the collecting of money for inspecting vessels, and shall belong to the fund out of which the salaries and other expenses connected with the steamboat service are defrayed.

Mr. GARFIELD. That would be an addition to my amendment. The trouble with it is that it makes a permanent appropriation, over which Congress has no control. I desire that we shall have annual estimates sent to us and make annual appropriations, so that Congress shall always have a review of the expenses of this whole establishment, and that if they are at any time too great they may be reduced.

Mr. CONGER. I would like that the provision proposed by the gentleman from New York [Mr. POTTER] should be added to the provision of the gentleman from Ohio, [Mr. GARFIELD,] if the gentleman from Ohio will so amend it as that it shall provide that this money shall be kept as a separate fund and reported annually to Congress.

Mr. NEGLEY. Reported annually in the report of the Secretary of the Treasury.

Mr. POTTER. It is suggested to myself and to the gentleman from Ohio [Mr. GARFIELD] that we shall incorporate our amendments in the proper language so as to cover the double idea, and that they shall then be offered as one amendment.

Mr. NEGLEY. I ask then that by unanimous consent we pass over this section informally, and return to it hereafter.

There was no objection, and the section was passed over informally.

The Clerk read as follows:

SEC. 67. That supervising and local inspectors of steamboats shall execute proper bonds, in such form and upon such conditions as the Secretary of the Treasury may prescribe and subject to his approval, conditioned for the faithful performance of the duties of their respective offices and the payment in the manner provided by law of all moneys that may be received by them.

Mr. MAYNARD. I move to amend that section by striking out the words "and upon such conditions." I think my friend from Michigan, [Mr. CONGER,] who has the reputation of having had some judicial experience, will see that having provided what the conditions of the bonds are, to wit, the faithful performance of the duties of their respective offices and the payment in the manner provided by law of all moneys that may be received by them," it would operate only to embarrass and defeat the object of the section if we provided that the bonds should be upon such conditions as the Secretary of the Treasury might prescribe. We fix the conditions in the act itself, and we should leave it to the Secretary of the Treasury to prescribe the form of the bonds and to approve the execution and security of the bonds.

Mr. NEGLEY. There is no objection to that amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 68. That the penalty for the violation of any provision of this act that is not otherwise specially provided for shall be a fine of not exceeding $500.

Mr. MAYNARD. I desire to offer a verbal amendment to that section. I move to strike out the words "that is" where they occur after the word "act," and also to strike out the word "of" near the close of the section; so that it will read:

That the penalty for the violation of any provision of this act not otherwise specially provided for shall be a fine not exceeding $500.

Mr. CONGER. There is no objection to that amendment; it is not very material.

The amendment was agreed to.

The Clerk read as follows:

SEC. 71. That the act entitled "An act to provide for the better security of the lives of passengers on board of vessels propelled in whole or in part by steam," approved July 7, 1838; also, "An act to modify the act entitled 'An act to provide for the better security of the lives of passengers on board of vessels propelled in whole or in part by steam,' approved July 7, 1838," approved March 3, 1843; also, "An act to amend an act entitled 'An act to provide for the better security of the lives of passengers on board of vessels propelled in whole or in part by steam,' and for other purposes," approved August 30, 1852; also, "An act for the prevention and punishment of frauds in relation to the names of vessels," approved May 5, 1864; also, "An act to create an additional supervising inspector of steamboats, and two local inspectors of steamboats for the collection district of Memphis, Tennessee, and two local inspectors for the collection district of Oregon, and for other purposes," approved June 8, 1864; also, "An act to provide two assistant local inspectors of steamboats in the city of New York, and two local inspectors at Galena, Illinois, and to re-establish the board of local inspectors at Wheeling, West Virginia; and also to amend the act approved June 8, 1864, entitled 'An act to create an additional supervising inspector of steamboats, and two local inspectors of steamboats for the collection district of Memphis, Tennessee, and two local inspectors for the collection district of Oregon, and for other purposes,'" approved March 3, 1865; also, "An act to further provide for the safety of the lives of passengers on board of vessels propelled in whole or in part by steam, to regulate the salaries of steamboat inspectors, and for other purposes," approved July 25, 1866, are all and severally hereby repealed; also, all other acts and parts of acts inconsistent with this act are, to that extent, hereby repealed.

Mr. NEGLEY. I move to amend that section by inserting after "1866," near the close of the section, the following:

And an act to provide for the better security of life on board of vessels propelled in whole or in part by steam, and for other purposes, approved February 28, 1871.

The amendment was agreed to.

The Clerk read as follows:

SEC. 73. That this act shall take effect from and after the passage of this act.

Mr. MAYNARD. I move to strike out that section. All laws go into effect on their passage.

Mr. NEGLEY. That is a perfectly proper amendment.

The amendment was agreed to.

Mr. GARFIELD. I have now prepared the amendment which I desire to offer as a substitute for section 66. It is as follows:

That all fees, fines, penalties, and revenues arising under the provisions of this act and the act of which this is amendatory shall be paid into the Treasury of the United States, and all disbursements of money for carrying into effect the provisions of this act and the act of which it is amendatory shall be made only from specific appropriations, for which the Secretary of the Treasury shall submit annual estimates, and the aggregate amount of receipts and expenditures under this act shall be annually reported to Congress by the Secretary of the Treasury.

The amendment was agreed to.

Mr. POTTER. I offer the following as an additional section to come in after section 71:

That all licensed officers on steamers carrying passengers shall wear such a uniform or designating badge as may be prescribed by the rules and regulations of the board of supervising inspectors and with the approval of the Secretary of the Treasury. In case of failure to comply with this section of the law such person shall forfeit and pay the sum of $100 for each offense.

Mr. COX. I object to that amendment. I think a penalty of five cents would be enough.

Mr. NEGLEY. I think there is no objection to that amendment.

Mr. COX. I object to uniforming persons; you might as well uniform the passengers.

Mr. POTTER. I want to say to the House, and to my colleague, that this amendment was suggested to me by the supervising inspector-general having charge of this service, and for the reason that on the Potomac River the steamer Wawaset was burned or met with some accident and there was great difficulty in finding the captain because he had no uniform on. It was supposed by the supervising inspector-general that confusion then resulted from the fact that there were no means of finding out who the captain was because he had no uniform or designating badge. Many persons undertook to control the passengers and no one could say which was the captain. It seems to me that the captain of a steamer ought to have some uniform or some badge so that people may know to whom to go in case of accident.

Mr. MAYNARD. I hope the amendment will prevail.

Mr. POTTER. It is obviously in the interest of human life, and is left discretionary with the board.

Mr. COX. I think that if the captain wore a uniform he would be so bothered in case of an accident that he could do nothing at all.

Mr. POTTER. It does not require him to wear a uniform, but to have a designating badge.

Mr. KASSON. I suggest that the amendment be modified so as to provide that the badge or uniform shall be worn only while on duty, and not compel the officer to wear it while on shore.

Mr. POTTER. I agree to that, and modify my amendment accordingly.

Mr. COX. I do not like to object very strenuously to this sort of legislation; but it seems to me that we are going into details too much. It is not likely that the Senate will pass this bill. Why should we load it down with matters in regard to clothing and uniform?

Mr. NEGLEY. There is no gentleman in the House who has more taste upon that subject than the gentleman from New York, [Mr. Cox.]

Mr. COX. This bill never will pass the Senate at all.

The amendment of Mr. POTTER was then agreed to.

Mr. NEGLEY. I move that the committee now rise and report the bill, with amendments, to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PARKER, of Missouri, reported that, pursuant to the order of the House, the Committee of the Whole had had under consideration the Union generally, and particularly the bill (H. R. No. 1588) to amend the act entitled "An act to provide for the better security of life on board of vessels propelled in whole or in part by steam, and for other purposes," approved February 28, 1871, and had directed him to report the same back with sundry amendments.

Mr. NEGLEY. I call the previous question on the bill and amendments.

The previous question was seconded, and the main question ordered; and under the operation thereof the amendments reported from the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. NEGLEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. NEGLEY. I move to amend the title, so that it will read: "An act to revise, amend, and consolidate the laws relating to the security of life on board of vessels propelled in whole or in part by steam, and for other purposes."

The amendment was agreed to; and the title as amended was then adopted.

Mr. NEGLEY moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GENEVA AWARD.

Mr. BUTLER, of Massachusetts. I ask unanimous consent that the bill of the Senate in relation to the Geneva award be taken from the Speaker's table, and referred to the Committee on the Judiciary.

No objection being made, the bill (S. No. 7) for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th of May, A. D. 1871, between the United States of America and the Queen of Great Britain, was taken from the Speaker's table, read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

DEFICIENCY APPROPRIATION BILL.

Mr. GARFIELD. I move that the rules be suspended and the House now resolve itself into Committee of the Whole on the deficiency appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. NIBLACK in the chair) and resumed the consideration of the bill (H. R. No. 3030) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal years ending June 30, 1873 and 1874, and for other purposes.

The CHAIRMAN. The pending question when the committee rose was upon the motion of the gentleman from New York, [Mr. COX,] to strike out the clause which the Clerk will read.

The Clerk read as follows:

For furniture and repairs of same, carpets, and similar necessaries for public buildings under control of the Treasury Department, $30,000.

Mr. HOLMAN. I move to reduce the amount to $20,000.

The CHAIRMAN. The committee voted upon this proposition by tellers, and found itself without a quorum. The vote must be again taken.

Mr. HOLMAN. If the committee rises for want of a quorum while dividing upon a proposition, the subject-matter again comes before the committee, upon its resuming its session, as if no division had taken place.

The CHAIRMAN. When the committee rose it was for want of a quorum, pending a vote upon this amendment. Nothing is now in order but to again take the vote.

Mr. HOLMAN. It is certainly in order to move an amendment.

The CHAIRMAN. The committee is dividing, and the vote must be proceeded with.

The question was again taken; and the amendment was not agreed to upon a division, ayes 28, noes not counted.

Mr. HOLMAN. I move to reduce the appropriation to $20,000. I wish to call the attention of the committee to the fact that for the year ending June 30, 1873, we appropriated for this purpose $150,000; and for the present fiscal year we appropriated the same sum. The standing appropriation for several years for this purpose has been $150,000. Yet when a deficiency comes in here for $30,000 no excuse whatever is given for it, except the excuse, if it can be called such, that the estimate for the present fiscal year was $200,000; that Congress appropriated only $150,000, and therefore we are asked to appropriate $30,000 more. We have already appropriated for these same purposes $10,000 in the preceding item of this very bill. It is now proposed to appropriate $30,000 more without any explanation. I ask the chairman of the Committee on Appropriations whether he proposes, without any explanation, to grant a deficiency appropriation of this kind? The item of $10,000 which we have already passed was explained and appeared to be proper. It was on account of the increased business growing out of the money-order system and of the change in the mode of collecting the internal revenue—the abolition of the office of assessor. We could thus account for the $10,000 of deficiency appropriated in the preceding item. But there is no explanation at all of the deficiency now under consideration except that Congress did not appropriate the amount estimated for the present fiscal year.

For one, I say to the chairman of the Committee on Appropriations that it is folly to talk here in this House about saving money by appropriation bills if this system be persevered in. The last appropriation bill was of magnificent proportions—the largest ever passed in Congress. The chairman of the Committee on Appropriations, in charge of the measure, thought that with the exception of the increase of salaries that bill accomplished something in the way of economy, although I could not see that he had any material reason for boasting. But now after the most liberal appropriations we have these deficiencies, amounting to over $3,000,000; and we are called upon to pass the pending item without one word of explanation; for I call the attention of the gentleman from Ohio again to the fact that his explanation of day before yesterday applied only to the preceding item of $10,000, with respect to which we all concede the explanation to have been sufficient. But what is the reason given for the appropriation now pending? Simply that it is in accordance with the estimates for the present fiscal year. For that reason only the amount heretofore appropriated must be increased, as though the estimates after all must be the basis of our appropriations. There is no use in talking about saving millions of dollars in our appropriation bills if at the very next session deficiencies come in and swell the amount to the original sum estimated for. We might just as well register the edicts of the Departments at once as to grant these deficiency appropriations without a word of explanation.

Mr. GARFIELD. The particular clause now under debate is for furniture and repairs of furniture in the public buildings. The word "furniture" includes as a general term the fixtures necessary to a building for carrying on the duties of the office. All the post-offices of the larger grade throughout the country have had a vast accession of work growing out of the money-order business which has been put upon them by Congress.

Mr. HOLMAN. That is the explanation of the deficiency appropriation of $10,000 already passed.

Mr. GARFIELD. I hold in my hand a letter on this subject which, with the accompanying documents, I shall have published as a part of my remarks. It was received from the Treasury Department this morning. I will read only the following passage:

Statement No. 1, "on account of furniture and repairs of furniture for public buildings," is for articles purchased or now required for the public buildings under the control of this office. In cases where purchases have been made an absolute necessity existed for the purchase of the articles in order to properly prosecute the business of the different offices for which they were furnished. The large increase in the money-order business of the Post-Office Department has necessitated the fitting up of rooms in the different post-offices for the transaction of the business pertaining to that branch of the service, which of course could not be anticipated in the regular estimates for the past year. In addition to the amount specified in the inclosed schedule—

There is here a schedule giving the names of all the cities in which the amounts are required—

there are now on file in this Department applications from the custodians and postmasters in several buildings throughout the country for fitting up their offices with new furniture or repairing the old furniture, which from their statements will admit of no delay; but in the present state of the finances of the country it was deemed advisable to defer the expenditures until the next fiscal year, although in many instances this delay will be detrimental to the public service.

The Book of Estimates for deficiencies asked for $50,000 under this head. The committee insisted that we would not give that amount if it was possible to get along with less, and proposed to cut it down to $30,000. Having a list of those demands which seemed most urgent, we gave enough to meet them, namely, $30,000 and no more. Now, it will be remembered that this is still $20,000 less than the amount appropriated for the last fiscal year. We limited the amount last year to $50,000, trying if possible to repress that class of expenditure. But it must be remembered that since that time there have been other new buildings. When I stated the other day that there were over fifty of these buildings, I had forgotten the exact number. There are one hundred and thirty-five public buildings under the charge of the Supervising Architect of the Treasury, and the appropriation for furniture is for the whole group of them. An appropriation of $50,000 for furniture and repairs of furniture in one hundred and thirty-five public buildings cannot be called a very extravagant amount, considering the wear and tear and the increase of furniture needed by increase of public business. The Committee on Appropriations believe that we have reported in this bill only a reasonable amount.

Mr. COX. I would like to know who it is that makes the requisitions of this furniture?

Mr. GARFIELD. The assistant superintendent of each of these buildings. Each public building has a custodian, who reports directly to the Treasury Department.

Mr. COX. Are all these buildings that the gentleman refers to new buildings?

Mr. GARFIELD. No, sir; not all.

Mr. COX. What becomes of the old furniture?

Mr. GARFIELD. If there is any furniture sold, the amount realized must be covered into the Treasury. There is a special law prohibiting the use of a single dollar resulting from the sale of old furniture.

Furniture is repaired as far as it can be. Where it can be it is repaired; but when so old to repair would be waste of money it is sold and the proceeds covered into the Treasury. Not a table or desk or chair in the Government's service but is accounted for.

Mr. COX. Who makes the contract every year for $100,000 worth of furniture?

Mr. GARFIELD. The chairman of the Committee on Public Buildings and Grounds [Mr. PLATT, of Virginia] made a statement on that subject. I am not familiar with the making of these contracts, but I have no reason to challenge the statement of the chairman of the Committee on Public Buildings and Grounds. All these expenditures must be approved by the heads of the Departments in charge here in Washington. They send up their estimates. They send up what they desire to expend and for what they propose; and before they make the expenditure the proposed outlay must be approved in Washington.

Mr. COX. Then there is no sort of clinch on this Supervising Architect, whatever the expenditures may be. Whether one hundred thousand or fifty thousand dollars, he makes the contracts and it seems there is no check upon him.

Mr. BURCHARD. Is the amount here any larger than before?

Mr. GARFIELD. It is about the same with the deficiency added. Several new buildings are going up, and we have to make provision for fixing up a part of the State Department, which will be done in September next.

Now, Mr. Chairman, I submit this letter with all its tables in order that it may be printed in the RECORD. It affords the amplest interest:

TREASURY DEPARTMENT,
Office of Supervising Architect, May 13, 1874.

SIR: In compliance with your request of the 12th instant, I have the honor to transmit herewith statement in detail showing the indebtedness incurred and requisite to be incurred before the close of the present fiscal year, on account of which appropriations are requested in the deficiency bill.

Statement No. 1, "on account of furniture and repairs of furniture for public buildings," is for articles purchased or now required for the public buildings under the control of this office. In cases where purchases have been made an absolute necessity existed for the purchase of the articles in order to properly prosecute the business of the different offices for which they were furnished. The large increase in the money-order business of the Post-Office Department has necessitated the fitting up of rooms in the different post-offices for the transaction of the business pertaining to that branch of the service, which of course could not be anticipated in the regular estimates for the past year.

In addition to the amounts specified in the inclosed schedule, there are now on file in this Department applications from the custodians and postmasters in several buildings throughout the country for fitting up their offices with new furniture, or repairing the old furniture, which, from their statements, will admit of no delay; but in the present state of the finances of the country it was deemed advisable to defer these expenditures until the next fiscal year, although in many instances this delay will be detrimental to the public service.

Statement No. 2 exhibits an indebtedness incurred on account of supplying the United States post-office and sub-Treasury at Boston, Massachusetts, and the United States branch mint at San Francisco, California, with vaults, and the other buildings specified therein. Proposals were invited for supplying these vaults for the buildings above specified in season to have the contracts entered into before the close of the fiscal year for which the appropriation was made, but owing to several unavoidable delays the contracts were not approved until after the close of the fiscal year, and as the accounting officers decided that under the fifth and sixth sections of the act of July 12, 1870, the contract must be fully entered into before the commencement of the fiscal year, in order that the balance on the books of the Treasury might be used in the payment of the same, the amount now on the books of the Treasury cannot be used for that purpose unless reappropriated.

In regard to the safes supplied for Buffalo, New York, Saint Louis, Missouri, Saint Paul, Minnesota, and Sandusky, Ohio, I have to say that, like those in the case of furniture, these articles were actually necessary for the proper care and protection of the funds intrusted to the different postmasters on account of the extension of the money-order system, and they were accordingly furnished to them.

Statement No. 3, on account of fuel, light, water, and miscellaneous items for public buildings under the control of the Treasury Department, exhibits the estimates of the custodians for the amounts required for the last three (3) months of the present fiscal year, to supply the buildings with fuel, light, water, and miscellaneous items.

In this connection I have to state that from the appropriations for the present fiscal year payments have been made for miscellaneous items which have heretofore been paid from the appropriation for "expenses of collecting the revenue from customs" and other sources; and by including these in the regular appropriation it is believed that a large saving has been made. As the collectors and custodians are limited in their expenditures to such articles as may be specifically authorized by the Department, and although the item appears to be a deficiency under the head of an appropriation, yet, in point of fact, it is not the case.

Under the head of miscellaneous items are classed all the articles required by the janitors to keep the building and furniture in proper order; of the services of engineers, firemen, &c., for the heating apparatus; for the purchase of all articles connected therewith, such as, for the janitor, brooms, brushes, sponges, towels, wheelbarrows, matches, and sundry other items; for the firemen, shovels, wheelbarrows, hose, &c., and such tools as are necessary to the care of the heating apparatus.

Very respectfully,

C. H. PARSONS,
Acting Supervising Architect.

Hon. JAMES A. GARFIELD,
Chairman Committee on Appropriations, House of Representatives.

No. 1.—*Statement of amount required on account of furniture, and repairs of furniture for public buildings for the fiscal year 1873-'74, for which a deficiency has been asked.*

Buffalo, New York, custom-house, chandeliers, window-shades, and carpets	$3,111 72
New York post-office, carpets	572 05
Portsmouth, New Hampshire, custom-house, carpets and furtiture	1,055 00
Galveston, Texas, post-office and court-house, furniture and carpets	5,758 53
Saint Louis, Missouri, custom-house, fitting up post-office	4,366 95
Pittsburgh, Pennsylvania, custom-house, fitting up post-office	3,226 09
Toledo, Ohio, custom-house, furniture, post-office and court-house	2,830 00
Philadelphia, Pennsylvania, court-house, furniture	1,026 00
Boston, Massachusetts, court-house, furniture for judges	617 00
New York custom-house, furniture and carpets	1,062 50
Baltimore, Maryland, appraisers' stores, furniture	700 00
San Francisco, California, custom-house, furniture for post-office	770 00
Wilmington, Delaware, custom-house, furniture for post-office, &c	5,500 00
Total	30,608 84

No. 2.—*Statement of amounts due on account of appropriation for vaults, safes, and locks for public buildings, under the Treasury Department, for which a deficiency has been asked.*

Boston, Massachusetts, vault, balance	$16,400 00
San Francisco, California, vault	57,420 00
Buffalo, New York, five safes	9,200 00
Saint Louis, Missouri, two safes	2,652 88
Saint Paul, Minnesota, two safes	444 56
Sandusky, Ohio, one safe	700 00
Total	86,817 44

No. 3.—*Estimate of amounts required during the remainder of the fiscal year 1873-'74, for fuel, light, water, and miscellaneous items for public buildings, for which a deficiency has been asked.*

Portland, Maine, custom-house, court-house, &c	$2,000 00
Pittsburgh, Pennsylvania, custom-house	2,449 25
Boston, Massachusetts, custom-house, court-house, &c	1,000 00
San Francisco, California, custom-house, court-house, &c	1,550 00
New York custom-house, court-house, &c	4,270 00
Saint Louis, Missouri, custom-house, marine hospital, &c	2,800 00
Cleveland, Ohio, custom-house, marine hospital, &c	3,000 00
New Orleans, Louisiana, custom-house and branch mint	$3,296 20
Baltimore, Maryland, custom-house and appraisers' stores	6,756 40
Des Moines, Iowa, court-house	600 00
Dubuque, Iowa, custom-house	500 00
Madison, Wisconsin, court-house	500 00
Philadelphia, Pennsylvania, court-house, &c	6,241 65
Springfield, Illinois, court-house	2,340 64
Saint Paul, Minnesota, custom-house	1,500 00
Indianapolis, Indiana, court-house, &c	983 42
New York post-office	7,263 00
Chicago, Illinois, marine hospital	5,126 19
Boise City, Idaho, assay office	426 25
Denver, Colorado, branch mint	653 90
Baltimore, Maryland, court-house	2,500 00
Cincinnati, Ohio, custom-house	3,000 00
Omaha, Nebraska, court-house	1,000 00
Boston, Massachusetts, post-office, &c., coal	3,000 00
	63,256 90

Mr. HOLMAN. I move an amendment to the amendment by striking out the last word, and I do so for the purpose of having read the notes as we find them in the estimates of deficiencies in appropriation. I wish to call attention especially to the reason given for this appropriation by the Treasury Department itself. Read first, Mr. Clerk, the note in reference to the $100,000 appropriation.

The Clerk read as follows:

NOTE.—This deficiency occurs as follows: The rapid growth of the money-order system made it necessary to construct a large number of file-cases and to supply extra tables, desks, and other furniture in the office of the Sixth Auditor of the Treasury, at an expense of about $5,750. When the law went into effect abolishing the offices of assessors of internal revenue, the files of their offices were sent to the Department, and, as a consequence, many additional file-cases were required for their accommodation, involving an expense of about $2,250. In order to meet the requirements of the increased business of the Department, it became necessary to rent additional buildings and fit them up with file-cases, carpets, furniture, &c., at an expense of about $2,000. These expenditures were not anticipated at the time the regular estimates for the year were made up.

Mr. HOLMAN. That explanation is satisfactory.

Mr. GARFIELD. That relates to the Sixth Auditor's Office here in Washington.

Mr. HOLMAN. It not only relates to the Sixth Auditor's Office but to the expenditures necessarily growing out of the abolition of the office of assessor.

Mr. GARFIELD. I beg the gentleman's pardon.

Mr. HOLMAN. But I say that is a good explanation. Now I ask the Clerk to read in reference to the $50,000 appropriation.

The Clerk read as follows:

Repairs and preservation of all public buildings under the control of the Treasury Department, being a deficiency for the fiscal year 1874, $50,000.

NOTE.—This amount is necessary to complete repairs already commenced and to make other repairs during the present fiscal year, which the condition of the public buildings renders necessary. The demands upon the appropriation during the year have been unusual and imperative, and the amount herein estimated should be appropriated as soon as possible.

Mr. HOLMAN. That is just the way. There is not a word of explanation. We appropriate $150,000 for the present year. They wish the whole amount estimated for and there is not one word of explanation except what in their judgment is necessary.

Mr. BURCHARD. I should be glad to follow the committee in this matter, but it seems to me they have not explained why the Committee on Appropriations have fixed the amount at $150,000. The committee of the last House and the House itself fixed the amount. If when Congress fixes the amount no attention is paid to it by officials, how are we to enforce our decisions in regard to what we deem a proper amount? It seems to me we must do so by adhering to the amount we have established as the amount which shall be expended, unless there is some explanation given of an unavoidable and unforeseen expenditure which will excuse the necessity for an additional appropriation. If the committee propose hereafter to recommend that we should appropriate $200,000, if they say there should be a larger amount the next fiscal year, then we may concede it has been in the past insufficient. But I understand now we have entered upon a period of economy. We propose now to limit expenditures. We propose to reduce them. The Committee on Appropriations in all their bills prided themselves on reducing expenditures. Here is a proper place where we can vote to cut down expenditures on these public buildings; and without some explanation I feel like reducing the amount if we do not strike it out entirely.

Mr. HOLMAN. I withdraw my amendment to the amendment.

Mr. KASSON. I renew the amendment for the purpose of saying a word or two.

I feel a difficulty in voting for an appropriation merely on the recommendation of the chief of a Department without an explanation of its necessity, and on the other hand in attempting by mere guesswork to arrive at a satisfactory sum. I greatly desire that the Committee on Appropriations should in that respect be as far as possible the interpreter between the Departments and the House, and supply the facts which the Departments fail to give us.

On the question now before the committee that interpretation is not to me satisfactory. I know that there is much of this expenditure for repairs and preservation of the public buildings, especially in the Post-Office Department, with which I am most familiar, which does not come out of this appropriation, as I understand it, being passed upon by the Post-Office Department itself. I cannot say positively what fund it is paid from. But this provides only for what is done under the control of the Treasury Department.

Now, it is a fact, and I think the chairman of the Committee on Appropriations will bear me out in so stating, that there has been in nearly every part of this country, and especially in the Treasury Department itself, a grossly extravagant expenditure in the furnishing of the public buildings. They get unnecessarily expensive carpets—almost uniformly the finest Brussels; they lay down those carpets on the floors of subordinate clerks; they introduce elaborately carved desks. And I venture the statement in the hearing of gentlemen who know more than I do in regard to public expenditures of this kind in other countries, that there is not a country in the world where there is so much extravagance in all the details of furnishing in the public Departments as there is in the public Departments of the United States. We ought, sir, here, as is done there, introduce into most of the rooms of our various Departments and public buildings plain, substantial furniture, and lay down substantial matting upon the floors, except in those offices which are occupied by the principal officers, and where a decent regard for public opinion requires a superior style of furniture. But if you will go into your court-houses, into your large post-offices, owned by the Government, into your custom-houses, into the rooms occupied by first-class clerks in the Departments here, and look at the furniture, I think gentlemen will agree with me that in one of two ways we must meet and cure this extravagance.

One method is to cut down the appropriations so that only the kind of furniture to which I have alluded can be procured. The other is to provide by law the general description, mode, and manner in which these public Departments shall be furnished. I, for one, will be very glad if the Committee on Appropriations will devise either one mode or the other, as I should much prefer to follow their suggestions rather than insist on any special mode myself. I have already once drawn a clause, and submitted it to the Committee on Appropriations to be appended to an appropriation bill which has now been passed, to accomplish this, but it was deemed best to waive it then. I have risen now for the purpose of again calling attention to the subject, and I shall feel obliged to vote for this reduction as the only mode remaining to us to reach the evil I have referred to.

Mr. COX. The gentleman from Ohio [Mr. GARFIELD] I think informed the committee that some of this expenditure would be for the new State Department.

Mr. GARFIELD. I did not say that. I said that, for example, we had still to furnish the new State Department. None of this appropriation is for that purpose.

Mr. COX. I want to call attention to this new State Department, as to which I had a resolution sent to the Committee on Public Buildings and Grounds. It has been criticised by the best architects in this country. It is under the care of a man who has much of this business under his control, and who is authorized almost without restriction to spend seven, or eight, or perhaps ten million dollars every year. There is hardly any restriction upon him.

I venture the assertion that if there were a good board of architects appointed they would in some way or other change the plan of that State Department; otherwise it will run on for years before completion. They had an appropriation in 1871 of $500,000; in 1872 they had an appropriation of $200,000; by the act of June 1, 1872, an appropriation of $200,000; by the act of March 3, 1873, $1,500,000; making $3,400,000; and the appropriations asked for this year are a million and a half, making nearly $5,000,000. The whole amount, including the appropriations asked for this year, is $4,900,000; and I ask when will that building be finished?

Will gentlemen please look at the report made by Mr. MORRILL, of Vermont in the Senate on that subject. In speaking of this building he referred to the general style of which this building is an example. I hope it may be finished this year and that the furniture may be put in it this year. But nobody can tell when it will be finished in view of the peculiar mode in which the granite is being dressed and the various alterations which will have to be made hereafter, and the shabby-genteel idea that seems to control the architect who has the superintendence of this building.

I hope that members will read what Senator MORRILL says in criticism of this mode of public building. He says:

> The present rage for Mansard roofs, broken by frequent grotesque protuberances elevated from the center and from every corner, creates the necessity for unnumbered gutters, which may always be warranted to need repairs; and a building thus fussily roofed furnishes an opportunity for a too ambitious architect to bestrew the elevations with all the finery of a rambling and eccentric fancy. The committee need not say that they do not refer to, or criticise the works of, any architects at present employed by the Government, whose distinguished merits they very willingly acknowledge, but they refer to the general tendency of the times to indulge in a lavish display of petty decorations. This modern taste may not be coarse, though unquestionably vulgar, and all American architects are compelled to supply to some extent what appears to be so highly appreciated. The result is, too often, buildings without grandeur but with a superabundance of minor beauties, soon destined, from the smoke and dust of cities, or the wear and tear of time, to be only a realization of what is best known by the term "shabby-genteel."

And in this report Senator MORRILL recommends that there shall be some better plan adopted. Sir, if we are ever to have this building finished let us not pursue the policy adopted in building this Capitol. You may remember that the estimated cost of the Capitol was $2,650,000, but before it was finished it cost $8,000,000, including the cupola, which cost $1,000,000. You cannot tell when you enter on a work of this kind, with a reckless sort of architect, what the expense will come to. I would not trust this man with the expenditure of any amount of money for this furniture. I want to see some responsibility in the expenditures. I would like to see the Comptrollers of the Treasury make the contracts and pay these bills before we foot them up at the rate of thousands of dollars a year. I think that the Committee on Public Buildings and Grounds, which has charge of my resolution, although the chairman denounced it as foolish, might do themselves credit by reporting something to the House which would enable us to revise this business, and save money thereby.

Mr. KASSON. I withdraw the amendment.

Mr. WILLARD, of Vermont. I renew the amendment. It is not so much the amount of money involved in this particular paragraph of the bill that is of consequence, as it is the question which is behind it, and that is the requirement which was placed upon this officer by the Government and his disregard of that requirement, and his coming here now and asking us to approve his disregard of that requirement. The reason given for this appropriation was not read at the Clerk's desk, and I will read it. It is the only reason given for this particular appropriation. It is as follows:

> The estimate submitted for the fiscal year ending June 30, 1874, (see page 146, printed estimate of 1873 and 1874,) was $200,000. One hundred and fifty thousand dollars has been appropriated; the remaining $50,000 herein estimated for is required to meet requisitions for indispensable articles, chargeable only to that appropriation.

Now, the fact is just this: They sent in here a year ago an estimate for this very work of $200,000. Congress considered that estimate, and looking the matter all over said that $150,000 was enough, and that they might have that amount, and must make their expenditures come within it. Now at the very next session of Congress this officer comes in and says: "I estimated for $200,000; you gave me only $150,000; now give me the other $50,000," and the committee come in and recommend that we shall give him $30,000 of that other $50,000. Why they did not give him the fifty, or forty, or thirty-five thousand dollars, or some other sum, I cannot imagine. No statement has been made here of the reason why this particular sum is allowed; and I presume the $30,000 is put in there in order to show that the committee are still determined to economize and cut under the estimates, whatever they may be.

Now, the question is just this: Here is evidently a class of expenditures in which there could have been economy. The estimate was $200,000 for carpets, furniture, &c. Congress appropriated $156,000, and there could undoubtedly have been that amount of economy in this class of expenditures if the officer had paid any sort of attention whatever to the congressional limitation; but instead of that he went on and made his expenditures just as though the House had appropriated the amount estimated for, $200,000.

Now, if when an officer does this Congress is going to say, "We do not think you did quite right, but here is the money you asked for," it is evident enough that we shall have this kind of deficiency continually. These officers will find that there is no responsibility and that Congress at any time is ready whenever another session comes around to make up in another appropriation bill what it cut off in the former bill in a fit of economy.

Now I say there is a question quite outside of the question whether we want to save this $50,000 or $20,000, and that is the question whether an officer of the Government is to be kept within the law, and whether when he violates the law persistently and exceeds the authority given to him and then comes here we will condone his offense and give him all the money he asks for.

Mr. BUTLER, of Massachusetts. How has he exceeded his authority?

Mr. WILLARD, of Vermont. Because we appropriated $150,000 for the whole fiscal year, and he says that this $50,000 is absolutely necessary for the remaining part of the year. I would like to inquire of the chairman of the Committee on Appropriations if he understands that any portion of this money has been expended?

Mr. GARFIELD. It has.

Mr. WILLARD, of Vermont. I should like to know how it has been expended. There was no appropriation made.

Mr. GARFIELD. I desire to say a word in response to the gentleman from Vermont, [Mr. WILLARD.] I wish some gentleman of this committee, or of this House, would tell us how we are to get along in running a great public machine like the Government of the United States in regard to repairs of public buildings and repairs of furniture, if we are to forbid every expenditure of money except it be appropriated expressly for the purpose.

Take the expenses included under the next clause particularly. The roof of a public building springs a leak; the rain pours down through the roof; there is no special appropriation for its repair. Congress has said, in its judgment, that there shall be only so many hundreds or thousands of dollars expended for that purpose. But the rain is pouring through the roof. Well, let it pour; let the building be destroyed. There must be no expense, because Congress has said that a specific sum shall be set apart for that purpose, and that it must not, in any instance, be exceeded.

Take the case of necessary repairs of furniture and fixtures. A desk or a chair breaks down; a book-case breaks down; something important and necessary in a custom-house. The appropriation for the repair of furniture has been exhausted. What will you do about it? A stove breaks down in the midst of winter and you cannot stay there

an hour in comfort unless the stove is fixed up. What will you do about it? There is no money left for the repair of furniture.

Now, for the one hundred and thirty-five great public buildings the repairs of stoves alone would require a considerable sum of money. There is force in what my friend from Iowa [Mr. KASSON] says about the style of carpet used. He introduced a proposition and suggested to the Committee on Appropriations to put it on an appropriation bill, providing that in most of our public buildings they should use matting instead of carpets. At first I thought well of that proposition; I made an investigation, as far as I could, as to the economy of putting down what we call "rope matting" in place of carpets. The inquiries which I made resulted in this: one good, thoroughly-made English Brussels carpet will outlast just about four rope-matting carpets, and one good English Brussels carpet will cost a little more than one-third less than four rope-matting carpets. And besides, instead of having four patched and botched pieces of carpeting, to be taken up every two or three years, we will have one elegant, firm, solid carpet, that will last six, seven, or eight years. That will probably be more economical than the other method. And they who have charge of this business insist that a good Brussels carpet is more economical than matting.

I do not know how other gentlemen find it; but in my experience I have found that in buying clothing, furniture, or anything else for yourself, you cannot do a more wasteful thing than to buy a poor article. I believe it is better to purchase a good article.

I do not believe in all the "curly-cues" the gentleman speaks of. I have no doubt there is more decoration and flummery about our public buildings and furniture than there ought to be. But I have yet to learn that shoddy articles anywhere are either economical or wise.

If gentlemen will tell me any way by which we can fix the exact expenditures which may be proper and necessary for a great public interest like this, I will be very glad to adopt it. In the bill making appropriations for the next fiscal year, instead of having but three items we have made thirteen separate items. We have appropriated so much for carpets, so much for furniture, and for each of various other items of expenditure so much. We have tried to itemize the appropriations so as to hold them more completely under control if possible. Hitherto we have merely appropriated a lump sum for furniture, carpets, repairs of furniture, and the like. I do not see any way but to give this sum of money. This is the judgment of the Committee on Appropriations, doing all they can to restrict the expenditures of the Army.

Mr. HOLMAN. My motion is to reduce the appropriation contained in the pending paragraph to $10,000.

Mr. KELLOGG. I want to inquire of the chairman of the Committee on Appropriations [Mr. GARFIELD] if this item of appropriation of $30,000 is not for buildings all over the country?

Mr. GARFIELD. Certainly; I have said that.

Mr. WILLARD, of Vermont. It is not for buildings at all, but for carpets and furniture.

Mr. KELLOGG. Of course; for carpets and furniture for buildings all over the country.

The question was taken upon the amendment moved by Mr. HOLMAN to reduce the appropriation in the pending paragraph to $10,000; and it was agreed to.

The Clerk read as follows:

That the unexpended balances of the appropriations for vaults, safes, and locks for public buildings, and for fuel, lights, water, and miscellaneous items for the same, now remaining on the books of the Treasury Department, and unavailable under the provisions of the fifth, sixth, and seventh sections of the act of July 12, 1870, are hereby made available from and after the passage of this act.

Mr. BECK. I move to strike out this paragraph for the purpose of ascertaining from the chairman of the Committee on Appropriations the precise nature and amount of these unexpended balances which it is proposed to make available.

Mr. GARFIELD. The largest sum embraced in this paragraph is for the branch mint at San Francisco. The contract was made during the year for which the appropriation was made for building fireproof vaults and putting in safes, but the work was so far delayed that no money was paid during that year. Thus the amount is rendered unavailable by the necessary delay in prosecuting the work. The total amount of all these sums is $83,000. I have submitted already a table which contains this item. About two-thirds of the amount is for the San Francisco mint; and the rest is for other public buildings where safes and vaults were ordered, and the contract made for the work but the expenditure not in fact made, so that the appropriation has lapsed under the law in consequence of the work not being done in time. We simply reappropriate the amount to cover the exact sums already due.

Mr. BECK. I will state my reason for moving to strike out this paragraph. These unexpended balances, about which so much has been said, run through a number of years, as shown by the Book of Estimates. Some of them are, I suppose, six or eight years old. Here is an item which, by reason of the general terms in which the appropriation is put, may be applied to San Francisco, or two, three, or a half-dozen other places. Why should not the appropriation be made specific so that we can tell precisely what we are voting? Under this provision as now presented any amount of money that may have been appropriated for these purposes, though the appropriation may have been years ago, can and probably will be taken out in ways of which Congress will know nothing. It would have been very easy to specify in this appropriation so much for San Francisco, so much for this place, so much for the other. We could then understand what we were doing, instead of taking out of the Treasury by one sweeping paragraph moneys that have heretofore been appropriated for these purposes and have not been used, and which may amount to millions. The committee themselves may not know what they are. Why not give the precise amounts according to the information in the possession of the committee, so that there may be a limit on this appropriation? It was shown by the report made by the Secretary of the Treasury the other day that since the beginning of the current fiscal year there have been drawn of unexpended balances for 1871, appropriations made specially for that year, $4,282,000, (more than $3,000,000 of which has been drawn since this Congress met,) although we had given by regular appropriation $323,000,000 for the service of the current fiscal year.

If we want to keep in the hands of Congress any control over the money in the Treasury, if we want to keep the Executive Departments from using just what they please, we shall specify in each case how much we intend to allow to be drawn from the Treasury and for what specific purpose. If this be not done, every dollar that has ever been appropriated can be drawn under this general vague system of allowing the Departments to use all they want. That is what I object to. Perhaps the items intended to be embraced in this paragraph are all right; but why not specify them? Why not put it beyond the power of the Department to so continue the provision as to enable it to draw out money that ought to remain in the Treasury?

The question being taken on the motion of Mr. BECK to strike out the paragraph, it was not agreed to; there being ayes 33, noes not counted.

The Clerk read as follows:

For continuing the introduction of shad into the rivers and lakes of the United States, to be expended under the direction of the United States commissioner of fish and fisheries, $15,000, which shall be available also for the ensuing fiscal year.

Mr. WILLARD, of Vermont. I move to strike out this item. I wish to inquire how this deficiency with respect to the shad fisheries has arisen?

Mr. HOLMAN. How much did we appropriate for this purpose last year?

Mr. WILLARD, of Vermont. Seventeen thousand dollars.

Mr. GARFIELD. Seventeen thousand five hundred dollars.

Mr. WILLARD, of Vermont. Do the shad cost more than was anticipated? Is that the reason of the deficiency?

Mr. GARFIELD. I will explain what this deficiency means. Under the appropriation heretofore made this work has been carried on until the appropriation was exhausted; no expenditure has been made beyond the appropriation; but because of the peculiar nature of these fish it is necessary that whatever appropriation we propose to grant should, in order to be efficient, be made before the heats of summer. If those in charge of this work shall be obliged to wait for the annual bill of next year, it will then be too late to begin the work they need to carry on now.

Mr. WILLARD, of Vermont. That being the case, I would like to know how the appropriation made last year has been used, if it could not be available in the heat of summer.

Mr. GARFIELD. The gentleman has not put a very difficult question. We got our bill through very early last year.

Mr. WILLARD, of Vermont. But the appropriations only took effect at the beginning of the current fiscal year.

Mr. GARFIELD. But the appropriation for this purpose was made available from the passage of the act, so that those in charge of this work could at once begin to use the money. That is my recollection. I know that such was the case in several instances.

Mr. LAWRENCE. Has provision been made for carrying on this work during the next fiscal year?

Mr. GARFIELD. We have not come to that yet; that provision will be in the miscellaneous bill. The committee have maturely deliberated on this subject. They called before them Professor Baird, who made a very interesting statement as to the work he was doing. He also addressed to the Speaker of the House (and it has been printed as Miscellaneous Document No. 235) a statement of his operations during the past year. There will also be found on pages 8 and 9 of the report of the Committee on Appropriations upon this bill a statement showing what the operations of this department have been.

It is entirely optional with the House to appropriate this amount or not. If they think it is for a worthy object, they ought to appropriate it. The committee believe it is for a worthy object. The money has not been expended or contracted for.

Mr. WILLARD, of Vermont. This is outside of the appropriation for the same purpose that may be in the regular appropriation bill.

Mr. GARFIELD. If the estimates are sent in to the committee, of course we will consider and act upon them.

I will say in addition, the United States commissioner on fish and fisheries has found to be true what he believed two years ago, that he could successfully plant shad in the waters of the Mississippi and northern lakes. It was not supposed they would thrive there. It was deemed they needed salt water or to be placed in streams where they could run down into salt water. In the northern lakes there was an abundance of that sort of microscopical shell-fish he found they

lived on when they did run down to salt water. He has found that shell-fish abounded in the northern lakes. He has successfully planted shad in the tributaries of the Mississippi and of the lakes, and he believes, and we have reason to think he is correct, if the work is carried on for a few years longer our rivers—those which flow into the lakes as well as those which flow into the Mississippi River—can be stocked with shad.

Gentlemen perhaps are not aware how large a share fish makes in the food of our people. The statistics of this city show for four months of last year five million pounds of fish of two kinds only were sold in the markets of Washington, a city of the tenth grade among the cities of the United States; so largely do fish go to supply the food of the American people. Our waters were teeming with fish once all over the country, but by the construction of dams and wiers and by use of nets many of the best rivers in the United States have been almost depopulated of food fishes. Now, under the operation of the United States commissioner of fish and fisheries, for which this appropriation is proposed to be made, and by the assistance of the laws of the States, these rivers are again being stocked. I believe it is a wise expenditure. I have nothing more to say.

Mr. COBURN. Why do you limit it to the planting of shad? Why not plant other food fishes?

Mr. GARFIELD. Mr. Baird, United States commissioner of fish and fisheries, wants to use the balance of the appropriation to carry out and finish his experiment in reference to shad only. He has shad on hand. He has used enough on other classes of fish. It is only on this he wishes to carry on his experiment through the summer.

Mr. COBURN. I am in favor of it, but I am in favor of having other fish planted besides shad.

Mr. WILLARD, of Vermont. The appropriation of 1872 for the introduction of shad and salmon, &c., was $15,000. Then there was an appropriation made in the miscellaneous bill of 1873 for the introduction of shad, &c., of $17,500 Then there was in the deficiency bill of last year another appropriation of $10,000 for the introduction of shad in the rivers and lakes of the United States, to be expended under the direction of the United States commissioner of fish and fisheries. All that needs to be said about this is that we have already appropriated $17,500, last year, for this work, and there is no deficiency at all. It is not pretended there is any deficiency. In fact there is none whatever. No money has been expended in the introduction of shad into our rivers and lakes beyond the money already appropriated. It is therefore an open question whether the House will make another appropriation of $15,000 in addition to the $17,500 for this year, and then be asked in a few days again, as the committee have the matter under advisement, to make the regular annual appropriation of $15,000 or more.

Now, there is no question about fish being a valuable article of food. This is a new and open question, however, as to the advisability of Congress going into the business of planting fish in the lakes and rivers of the country.

The gentleman from Ohio speaks of the large share which fish supply to the food of our people, and has given a statement of the amount sold in Washington. Of course there is a great waste of brain-power here which must be supplied, and fish is said to be an article of food which especially nourishes the brain. But to go into this expenditure now when there is no deficiency, and when in fact it is a new appropriation which does not belong to a deficiency bill, is a thing which I am unable to see unless it is on the theory we can go into any of these expenditures. This does not come under the head, as mentioned by the gentleman a moment ago, of buildings which must be repaired to save them, or desks and chairs which must be repaired or they will break down.

Mr. KASSON. May it not come under the head of commerce between the States?

Mr. WILLARD, of Vermont. I do not think commerce carries on shad planting, although shad help to carry on the commerce of the country. I withdraw my motion to strike out the last word and ask for a vote on the other amendment.

The question being taken on the motion of Mr. WILLARD, of Vermont, to strike out the paragraph, there were—ayes 37, noes 80; no quorum voting,

Mr. HOLMAN. I think there should be a full vote on a new appropriation like this.

The CHAIRMAN. A quorum not having voted the Chair orders tellers, and appoints the gentleman from Vermont, Mr. WILLARD, and the gentleman from Ohio, Mr. GARFIELD.

The committee again divided; and the tellers reported—ayes 52, noes 94.

So the motion to strike out the paragraph was not agreed to.

The Clerk resumed the reading of the bill, and read as follows:

To pay John Cooper, of the John Cooper Engine Manufacturing Company, for tools and work done on the Southwest Pass light-house in 1872, $514.29.

Mr. HOLMAN. I raise the point of order on this appropriation. The amount may be small, but it seems to me that this is not a proper matter to be introduced into an appropriation bill. It has been too much the custom for some years to put these private claims into appropriation bills. I believe this bill has more private claims in it than have been before the House in an appropriation bill for a number of years.

Mr. GARFIELD. Has the gentleman seen any private claim in this bill?

Mr. HOLMAN. Yes; there is this one on which I am raising the point of order.

Mr. GARFIELD. Is this the only one the gentleman has seen?

Mr. HOLMAN. I say that there are more in this bill, and a larger number than have been introduced into previous appropriation bills. I only make the point of order for the reason that this is a discrimination in favor of certain claims as against others.

The CHAIRMAN. This appropriation is for a continuation of work already authorized. The Chair overrules the point of order.

Mr. HOLMAN. It has been uniformly held that where money is required to go to an officer of the Government for work already done, it is a deficiency. But an appropriation cannot be legitimately made for a private claim in a regular appropriation bill. If this can be appropriated for here, appropriations might be put in for all the claims now pending before the Committee on Claims.

Mr. HALE, of Maine. Does the gentleman make any objection to this aside from his point of order? If he does I am prepared to answer him.

The CHAIRMAN. The Chair overrules the point of order.

Mr. HOLMAN. Then I move to strike out the paragraph to enable me to say a word or two. This ruling is contrary to the practice of the committee, but I know of what use it is to take an appeal, and therefore I do not appeal. But I find that this bill is in the direction of reviving an old practice of the Committee on Appropriations in selecting out a few favored claims against the Government and putting them in the appropriation bills. But inasmuch as the Chair has overruled the point of order, that is the end of it.

Mr. HALE, of Maine. I rise to oppose the amendment. I wish to say that the gentleman was never, in the many times he has been wrong on this floor, more thoroughly wrong than he is here. The Committee on Appropriations was never more scrupulous in rejecting all manner of private claims than it has been in this Congress. It refers here from week to week to the Committee on Claims, the Committee on War Claims, and other committees subject-matters which the House has sent to it, because those subject-matters embrace claims.

But where the committee finds, in regard to a public work that has been authorized by law, that the appropriations that have been made and expended are not sufficient to carry out the law and complete the work, then it has no hesitation—and the ruling of the Chair covers the point—in recommending the appropriation of the money to carry on the work of the Government. And this is a clear, clean, and undoubted case of this kind. As the Chair has ruled on that point that settles the question.

I only rose to contravene the statement of the gentleman from Indiana that the Committee on Appropriations loads this bill with private claims. He cannot find in the reports of the committee a single claim that justly and fairly comes under that designation. I defy him to do it.

The CHAIRMAN. Debate on the amendment is exhausted. Does the gentleman from Indiana desire a vote on his proposition?

Mr. HOLMAN. I do; but I wish to modify it, and move to amend by reducing the appropriation to one-half, to enable me to say this: The gentleman from Maine [Mr. HALE] has not gone through the pupilage that is usual in this House. He becomes a member of a leading committee at a very early moment. Had he passed through the pupilage of most of the members of this House who have reached the important committees and gained the experience acquired therein he would have been a little more courteous in his mode of speaking. The gentleman is imperious, as though a position on a leading committee gave a man a right on this floor to talk disparagingly of his peers. This, sir, is an effect of too rapid promotion. It is one of the results we often find flowing from that cause in this House and elsewhere. I say without a moment's hesitation, and I speak with some moderate degree of experience, that this is a private claim, the same as hundreds of other private claims which are now pending before the committees of this House, and which have been struck out of this class of bills time and time again. I withdraw the amendment.

The Clerk read the following, under the head of "War Department:"

Quartermaster's Department:

Regular supplies: For fuel for officers, enlisted men, guards, store-houses and offices, forage for the horses, mules, and oxen of the Quartermaster's Department at the several posts and stations, and with the Armies in the field, and for horses of the several regiments of cavalry and batteries of artillery, and such companies of infantry and scouts as may be mounted, and for the authorized number of officers' horses, including bedding for the animals, straw for soldiers' bedding, stationery, including blank books for the Quartermaster's Department, certificates of discharged soldiers, blank forms for the Pay and Quartermaster's Departments, and for the printing of division and department orders and reports, being for the service of the fiscal year 1873, $100,000.

Mr. WILLARD, of Vermont. I offer a formal amendment to strike out the last word for the purpose of asking the chairman of the Committee on Appropriations a question. Under this head of appropriations for the War Department there is in this bill $500,000 appropriated. Now, it seems to me due to the House that there should be some statement on the part of the Committee on Appropriations as to whether this is an ordinary deficiency that may occur any year, or whether it is an extraordinary deficiency.

Mr. GARFIELD. Mr. Chairman, this constantly recurring deficiency in the War Department gives the Committee on Appropriations perhaps the most difficult part of the work it has to do anywhere. We have struggled against these deficiences, and the only consolation I can give the House is that they are a great deal smaller this year than they were last.

There seems to have been, and I regret to say it, something amounting to recklessness in the disregard which the Quartermaster's Department seems to have paid to the limitations on the appropriations in regard to the expenses of the Army. I can understand generally that it is impossible for us to say just how many dollars are needed for some purposes. The pay of the Army is fixed by law, and if we have not appropriated enough money, there is of course a deficiency which we are bound in good faith to make up. The clothing of the Army is also fixed by law. The troops are entitled to a certain number of suits of clothing a year, and a certain number of blankets, and a certain amount of equipments, and a certain amount also of rations. We never can tell in advance just how many rations will be needed, nor how many suits of clothing or blankets, or what amount of hospital stores; nor can we tell what will be the cost of transportation in the movement of troops. One of the chief items of uncertainty is that for the movement of troops. Last year, for instance, the Modoc war broke out, and it was necessary to transport troops over a very large extent of country and at a great expense. Furthermore, it was believed that a raid was to be made upon the line of the Northern Pacific Railroad by the Sioux Indians, and it was necessary to bring troops even from as far off as Texas and send them there to meet the threatened difficulty. That increased very largely the expense for transportation.

I have now indicated the general reasons for a deficiency. I hold that it is a perfectly valid deficiency when an emergency of this sort arises which could not have been foreseen. Most of the deficiencies of this year are of that class.

The expense for barracks is the thing I find most fault with. We make an appropriation of so much for barracks and quarters, and almost uniformly there comes in a demand for a deficiency for barracks and quarters. There is a tendency throughout the Quartermaster's Department of the Army to build up barracks and quarters, and make them as elegant as possible, and to go beyond the estimates. We have placed in the Army appropriation bill for the next fiscal year a very stringent proviso regulating that particular feature in regard to the expenditures, forbidding on pain of punishment any expenditures for barracks and quarters beyond the amount appropriated by Congress. We have endeavored in respect to all those items which are fixed and definite to limit the Departments to the appropriations made, but you cannot make such a proviso in reference to the pay of the Army or to the transportation of the Army, nor, indeed, as to the supply of clothing, blankets, and hospital stores.

Mr. BUTLER, of Massachusetts. Do they not require temporary barracks where troops are moved?

Mr. GARFIELD. No; they usually use tents when they are on an expedition. I submit as a part of my remarks the letter of the Secretary of War in regard to these appropriations, in which he has expressed his great regret to Congress that the deficiency has run up as it has, and in which he submits also his letters of dissatisfaction and reproof to his subordinate officers for allowing some of these deficiencies to creep in that have crept in. I believe the Secretary of War is doing all he can to keep down his expenditures, and I know that the work now being done in his Department is in the direction of economy and retrenchment.

The letter referred to is as follows:

WAR DEPARTMENT, *March* 25, 1874.

The Secretary of War has the honor to transmit to the House of Representatives, for the information of the Committee on Appropriations, copy of letter of the Quartermaster-General dated the 24th ultimo, submitting a statement of the amount of deficiency in the appropriation for his Department for the fiscal year ending June 30, 1873; also, copy of letter of the Quartermaster-General dated the 11th instant, and accompanying papers, explaining said deficiency.

WM. W. BELKNAP,
Secretary of War.

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., February 24, 1874.

SIR: I have the honor to submit herewith a statement of the amount of deficiency in the appropriations for the Quartermaster's Department, required to liquidate the accounts which accrued during the fiscal year ending June 30, 1873, according to the data for such estimate now available.

It differs somewhat from the estimate prepared in this office in the month of September, 1873, and forwarded to the War Department on 5th September, 1873.

I am, very respectfully, your obedient servant,

M. C. MEIGS,
Quartermaster-General, U. S. A.

The honorable the SECRETARY OF WAR.

Statement showing amount of deficiency appropriation required to liquidate unsettled accounts for fiscal year ending June 30, 1873.

	Amount.	Deficiency required.
REGULAR SUPPLIES.		
Amount of accounts already presented and unsettled	$85,577 91	
Probable amount of accounts outstanding	85,659 04	
Total	171,236 95	

Statement showing amount of deficiency appropriation, &c.—Continued.

	Amount.	Deficiency required.
REGULAR SUPPLIES—Continued.		
Amount to credit of regular supplies appropriation in the Treasury	$71,236 95	
Amount of deficiency appropriation required for regular supplies		$100,000 00
INCIDENTAL EXPENSES.		
Amount of accounts already presented and unsettled	134,023 83	
Probable amount of accounts outstanding	65,912 85	
Total	199,936 68	
Amount of incidental expenses overdrawn	63 32	
Amount of deficiency required for incidental expenses		200,000 00
ARMY TRANSPORTATION.		
Amount of accounts already presented and unsettled	600,672 92	
Probable amount of accounts outstanding	80,000 00	
Total	680,672 92	
Amount to credit of Army transportation appropriation in the Treasury	3,761 11	
Amount of deficiency appropriation required for Army transportation	676,911 81	676,911 81
Deduct amount of Pacific Railroad accounts already presented	$451,497 42	
Deduct probable amount of Pacific Railroad accounts outstanding	50,414 39	
Total of Pacific Railroad accounts	501,911 81	
Total deficiency required, less amount of Pacific Railroad accounts		175,000 00
BARRACKS AND QUARTERS.		
Amount of accounts already presented and unsettled	28,201 89	
Probable amount of accounts outstanding	63,380 19	
Total	91,582 08	
Amount to credit of barracks and quarters appropriation in the Treasury	1,582 08	
Amount of deficiency appropriation required for barracks and quarters		90,000 00

RECAPITULATION.

Deficiency required for—	
Regular supplies	$100,000 00
Incidental expenses	200,000 00
Army transportation, (including Pacific Railroad accounts)	676,911 81
Army transportation, (excluding Pacific Railroad accounts)	175,000 00
Barracks and quarters	90,000 00
Total deficiency required, if the Pacific Railroad accounts are to be settled	1,066,911 81
Total deficiency required, if the Pacific Railroad accounts are not to be settled	565,000 00

QUARTERMASTER-GENERAL'S OFFICE, *February* 21, 1874.

[Indorsements on preceding letter.]

The Secretary of War views with great dissatisfaction the presentation of these deficiency estimates and directs their return to the Quartermaster-General, together with a copy of his circular orders of March 11, 1873, for report, if practicable, as to who is responsible for the expenditures which are made in violation of his orders and of the laws.

WM. W. BELKNAP,
Secretary of War.

FEBRUARY 27, 1874.

QUARTERMASTER-GENERAL'S OFFICE,
March 20, 1874.

Respectfully returned to the Secretary of War, in compliance with his directions of this date.

By order of the Quartermaster-General:

J. D. BINGHAM.

[See tabular statement at foot of next page.]

[Circular.]

WAR DEPARTMENT,
Washington City, March 11, 1873.

The Secretary of War has observed with much dissatisfaction the large amounts asked for deficiencies during the last session of Congress by several of the Bureaus of the War Department.

When Congress gives the annual appropriations for the Departments, it is the obvious intent of that body, expressly declared in the seventh section of the act of July 12, 1870, that no more money than that appropriated shall be spent, or that the Government shall be involved in any contract "for the future payment of money in excess of such appropriations." It is therefore a palpable violation of that law when any head of Bureau does involve the Government in the manner specified in that law. Every head of Bureau shall take care to so distribute and economize the appropriations intrusted to his charge that the Government shall not be so involved. The expenditures *must* be kept within the appropriations.

WM. W. BELKNAP,
Secretary of War.

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., March 11, 1874.

SIR: I have received and filed the estimate for deficiencies in the year ending 30th June, 1873, which was returned to this office with the expression of the dissat

isfaction of the Secretary of War at its presentation, accompanied also by a copy of his circular of 11th March, 1873, and with directions to the Quartermaster-General to report, if practicable, as to who is responsible for these expenditures, stated to have been made in violation of his orders and of the laws.

The estimates thus returned were intended to replace those forwarded to the honorable Secretary of War on the 5th of September, 1873, which have been transmitted to Congress by the Secretary of the Treasury, and which are printed in Executive Document No. 150, Forty-third Congress, first session. In the annual report of this office for 1873, it was stated that the deficiencies of the year were then estimated at $1,166,000. Since the estimate then submitted was prepared, several questions have been addressed to this office by members of committees of the House of Representatives in relation to the amount necessary to be appropriated for deficiencies. This office answered these questions as received, and, inasmuch as the receipt of fuller information in regard to outstanding liabilities of the different divisions and Departments somewhat modified the amounts stated in the estimate made in September last, and somewhat reduced the aggregate, I caused a revised estimate to be prepared and submitted to the Secretary of War. This estimate, the one returned and filed, modified the amounts as follows:

	Estimate of September 5, 1873.	Estimate of February 24, 1874.
Regular supplies	$206,000 00	$100,000 00
Incidental expenses	241,000 00	200,000 00
Army transportation	592,000 00	676,911 81
Barracks and quarters	127,000 00	90,000 00
Total	1,166,000 00	1,066,911 81

Reducing the total by the sum of $99,088.19.

As regards the responsibility for these expenditures which these estimates were intended to meet, I refer respectfully to a letter of the Quartermaster-General, addressed to the Secretary of War upon receiving the circular of the 11th March, 1873, and also to the remarks upon deficiencies in the annual report above referred to.

I inclose a statement of the action of the War Department in regard to reduction of civil employés paid by the Quartermaster's Department of the Army, and a statement of the amount of liabilities reported or estimated to have been incurred beyond the means available for their payment in each of the military geographical divisions. But I am far from thinking that it would be just to hold any particular officer or class of officers responsible for the excess of these liabilities over the amounts of appropriations. The purchases are made or the services are hired under general orders, or under authority or discretion inseparable from the position or the duties attached to official position, command, and responsibility.

The true cause of the excess is to be found in the fact that the appropriations granted were not sufficient to meet the legal and proper expenses of an army of thirty thousand men, posted as ours is to protect a very wide domain. They were not sufficient to meet the expenses of the movements of that Army and of its supplies, to pay for the supplies which the laws and the contract of service require the War Department, through the Quartermaster's Department, to procure, store, and transport, care for and issue to the men and officers, to pay for the legal wages of extra-duty men employed under legal authority, and those of civilians hired under the general authority of the Secretary of War, and the individual authority delegated to hundreds of officers, all within the limits of numbers fixed by the Secretary of War.

In my letter of 17th March, 1873, I pointed out the only possible remedy available, in my opinion, to execute the orders of the circular of 11th March, that "*the expenditures must be kept within the appropriations.*" This remedy was not to employ the highest number of men allowed by the laws fixing the limits of the military peace establishment, but to employ only so many soldiers as would constitute an Army which, with all its officers and contingencies, could be maintained in every branch of service with the appropriation granted by Congress for the support of the Army.

No reduction appears to have been made in the strength of the Army, and the appropriations were insufficient for its maintenance; and throughout the service purchases are found to have been made and services engaged and rendered for which this Department has no means to pay.

There has been no actual expenditure of money beyond any of the appropriations. This office has remitted to its officers only the moneys placed to its credit under the appropriation laws.

I am, very respectfully, your obedient servant,

M. C. MEIGS,
Quartermaster-General, Brevet Major-General, U. S. A.

The honorable SECRETARY OF WAR.

A brief account of the reduction of the number of employés of the Quartermaster's Department.

Respectfully submitted to the Quartermaster-General.

General Order No. 96, Adjutant-General's Office, November 11, 1867, prohibited the employment of civilians when soldiers could be detailed without manifest injury to the service.

By General Order No. 30, Adjutant-General's Office, April 6, 1869, the number of employés in the Quartermaster's Department was limited to four thousand.

According to the reports on file in this office early in May, 1870, the employes in the Quartermaster's Department numbered 3,086.

On the 12th May, 1870, the Secretary of War directed the number of employés to be reduced to 2,268.

On the 5th July, 1870, the Secretary of War decided that those employed on temporary work authorized by special appropriation, and national cemetery employés, were not to be affected by the order for reduction.

On the 18th July, 1872, the number of regular employés was 1,887, and the number of temporary employés was 192.

On the 14th February, 1873, the total number of employés, both regular and temporary, was 2,096. Of this number 56 were employed in the Quartermaster-General's Office.

In November, 1873, the total number of employés, both regular and temporary, including those in the Quartermaster-General's Office, but exclusive of those employed at the clothing depots and paid from the clothing appropriation, was 2,021.

J. D. BINGHAM,
Quartermaster, United States Army.

QUARTERMASTER-GENERAL'S OFFICE, *March 4*, 1874.

War on any scale is expensive; an army is a tolerably expensive machine. We must keep up an army, and it ought to be kept in good heart and in good discipline, and it ought to be well fed and clothed. The estimate of deficiencies in the War Department sent in to us amounted to over $1,000,000. We have cut them down in some cases sharply as a sort of rebuke to the officers in charge, who we think have acted recklessly in expenditures, and have put in only $500,000, all of which I believe is virtually and absolutely necessary.

Mr. MAYNARD. Will the gentleman explain why he calls these expenses "incidental expenses?" A deficiency bill is not to pay debts that have already been created, but to meet expenditures that are anticipated during the remainder of the fiscal year.

Mr. GARFIELD. Because they are classified in the regular Army appropriation bill under that head. The deficiencies have occurred under that head, in that class of things that come under that head in the regular appropriation bill.

Mr. MAYNARD. Is it understood that this appropriation is to cover these expenditures—"blacksmiths' forges, picket-ropes, &c.?"

Mr. GARFIELD. It is for the incidental expenses which are detailed upon a page and a half of the bill. They are thus grouped and have been for years in the regular appropriation bills. This is for all the deficiencies which have occurred in that class of accounts which are kept separately in the War Department as incidental expenses.

Statement of the amount of unsettled accounts pertaining to the fiscal year ending June 30, 1873, on file in the Treasury Department and in th Quartermaster-General's Office.

Where incurred.	Regular supplies.			Incidental expenses.			Barracks and quarters.			Army transportation.			Grand total.
	In Treasury.	In Quartermaster-General's Office.	Total.	In Treasury.	In Quartermaster-General's Office.	Total.	In Treasury.	In Quartermaster-General's Office.	Total.	In Treasury.	In Quartermaster-General's Office.	Total.	
Military Division of the Atlantic	$89 77	.....	$89 77	$8,252 31	.....	$8,252 31	$1,037 00	.....	$1,037 00	$3,995 47	$674 67	$4,670 14	$14,049 22
Military Division of the Pacific	27,135 94	.....	27,135 94	40,479 82	$611 95	41,091 77	1,150 00	$41 00	1,191 00	20,237 88	50,468 65	70,706 53	140,125 24
Military Division of the Missouri	26,488 95	.....	26,488 95	88,631 85	3,384 15	92,016 00	2,110 00	3,095 00	5,205 00	363,976 04	143,536 83	507,512 87	631,222 82
Military Division of the South	1,621 68	.....	1,621 68	8,697 71	.....	8,698 71	17,115 00	4,410 00	21,525 00	30,456 76	3,359 12	33,815 88	65,660 27
	55,336 34	.....	55,336 34	146,061 69	3,996 10	150,057 79	21,412 00	7,546 00	28,958 00	418,666 15	198,039 27	616,705 42	851,057 55
Amount of money available to meet above indebtedness.													
	82,173 74	159 96	82,333 70	15 51	72 17	87 68	*3,001 14	3,327 46	326 32	*5,322 17	16,191 81	10,869 64	93,617 34

* Overdrawn.

NOTE.—Transportation accounts received since statement of February 16, 1874, was prepared, namely:

Pacific Railroad accounts	$11,106 20
Miscellaneous railroad accounts	4,926 30
	16,032 50

The responsibility for the indebtedness on account of transportation (616,705.42) can only be ascertained by examining transportation orders and bills of lading. The sum of $452,468.77 is in Pacific Railroad accounts.

Mr. MAYNARD. Can the gentleman tell us how much of the amount appropriated for these purposes in the regular appropriation bill remains unexpended?

Mr. GARFIELD. I ought to have added that this is really for last year, not for this year at all. This is the ascertained deficit in the accounts for the last fiscal year. Thus far we have no deficit for this year, because the accounts have not been nearly enough closed to enable us to see what, if any, deficit there will be.

Mr. MAYNARD. Therefore, in fact, these are debts incurred without any authority of law at all, and we are expected to pay them.

Mr. WILLARD, of Vermont. This bill says that these appropriations are for the service of the Government for the fiscal year ending June 30, 1873.

Mr. GARFIELD. Certainly.

Mr. WILLARD, of Vermont. The explanation of the chairman is satisfactory. I only desired to know whether this was an extraordinary appropriation. If it is a proper deficiency it must be provided for. I withdraw my amendment.

The Clerk resumed the reading of the bill, and read the following:

For incidental expenses, consisting of postage and telegrams or dispatches received and sent on public business, extra pay to soldiers employed under the direction of the Quartermaster's Department in the erection of barracks, quarters, storehouses, and hospitals; in the construction of roads and other constant labor for periods not less than ten days, including those employed as clerks at division and department headquarters, and hospital stewards on clerical duty; expenses of expresses to and from the frontier posts and armies in the field; of escorts to paymasters and other disbursing officers, and to trains, where military escorts cannot be furnished; expenses of the interment of officers killed in action or who die when on duty in the field or at posts on the frontier or other places, when ordered by the Secretary of War, and of non-commissioned officers and soldiers; authorized office-furniture; hire of labor in the Quartermaster's Department, including the hire of interpreters, spies, and guides for the Army; compensation of clerks for officers of the Quartermaster's Department; compensation of forage and wagon-masters; for the apprehension, securing, and delivering of deserters, and the expenses incident to their pursuit; and for the following expenditures, required for the several regiments of cavalry, the batteries of light artillery, and such companies of infantry and scouts as may be mounted, namely: the purchase of traveling forges, blacksmiths' and shoeing tools, horse and mule shoes and nails, iron and steel for shoeing; hire of veterinary surgeons; medicine for horses and mules; picket-ropes; and for shoeing the horses of the corps named; also, generally, the proper and authorized expenses for the movement and operations of the Army not expressly assigned to any other department, being a deficiency for the fiscal year 1873, $200,000.

Mr. MAYNARD. I move to amend this paragraph by inserting near the close, after the words "fiscal year," the words "ending June 30." I call the attention of the chairman of the Committee on Appropriations [Mr. GARFIELD] to the fact that this appropriation is here made "for the fiscal year 1873."

Mr. GARFIELD. I have no objection to having the words inserted which the gentleman indicates in each place where they have been omitted. I do not suppose they are really necessary.

The CHAIRMAN. That will be done if no objection be made.

No objection was made; and it was so ordered.

Mr. MAYNARD. I will take this occasion to ask an explanation of the gentleman. Here is an appropriation of $200,000 for a deficiency which occurred prior to the 1st of July last. Now, to whom is this money going? Who will receive it? If this bill becomes a law and this sum of $200,000 is appropriated, does it go to persons who have rendered services to the United States, who have furnished materials, picket-ropes, blacksmiths' forges, &c., and have not yet been paid?

Mr. GARFIELD. Most of these persons supply on large contracts and are paid from time to time. As the year's accounts are settled, it is found that so much is due them on their contract not yet paid. The reason why they do not know now about the expenditure, whether there will be a deficiency or not, is that they cannot tell until they get in all their accounts from all the distant posts, from the quartermasters and commissaries of distant stations, and find out from them all that has been furnished. The vouchers must be presented and examined before it can be told whether there will be a deficiency or not.

Mr. MAYNARD. If I understand the explanation of the gentleman, it seems that so far as this is concerned there is no pretense that there has been knowingly any violation of the law.

Mr. GARFIELD. Not at all.

Mr. MAYNARD. I do not see, from the explanation which has been made, that the War Department has been culpable in the matter. In carrying on large Army operations, such as are required for the public service, there must be some discretion allowed. We establish by law what must be done, we prescribe the size of the Army, we direct the service it is to be put to, and we must trust to our Department to use the Army as best it can, and to pay the bills that they bring in. It seems to me it comes to that.

Mr. GARFIELD. I think it comes to that in all cases where rates and duties are fixed by law. As I have said, the law gives the soldier a certain amount of clothing, and it is the business of the Executive Department of the Government in charge of the Army to furnish the soldier with that clothing. If Congress has not appropriated enough the Department is still bound to clothe the soldier, and then it must call upon Congress to appropriate the necessary amount.

But my criticism was made in regard to cases like that of barracks and quarters, where they are not compelled to build very expensive buildings for barracks and quarters, and where they should keep within and not go beyond the limits of the appropriations. I do not think there is any reasonable excuse for exceeding the appropriation made for that purpose, unless in case of the burning of a building or of some injury to it. The amount of building to be done is a thing which they are not bound by any special contract with the soldier to extend beyond a certain limit. They should limit themselves to the appropriation. But it has been exceeded almost every year in the cases I have examined. In the other cases referred to I do not think anything is to be done except to pay the bills.

Mr. LAWRENCE. I move to strike out the words "compensation of clerks for officers of the Quartermaster's Department." I do that partly for the purpose of making an inquiry and partly to call the attention of the committee to the fact that this allows the Quartermaster's Department to employ an unlimited number of clerks.

Mr. GARFIELD. We have cured that in the legislative appropriation bill which we have passed.

Mr. LAWRENCE. The appropriation bill which we passed a year ago provides exactly for the appointment of all the clerks authorized in this department. I know no reason why that number should be added to. These clerks do not seem to be clerks in the department, but in this bill are designated as "clerks for officers of the Quartermaster's Department." That must mean clerks for whom no provision is made in the regular appropriation bill. Unless there be a necessity for this increase in the number of clerks, it seems to me this clause should be stricken out. Certainly we have no information which justifies us in believing that there is any necessity for such an increase. If an increase be really necessary, provision ought to be made which would limit the number. This whole provision appropriating $200,000 is so indefinite that any portion of it may be applied for one purpose or another in the discretion of the officers disbursing the money. It seems to me that the words which I have moved to strike out should not be left in the bill.

Mr. GARFIELD. The law as it now stands (for our bill has not become a law) authorizes the employment of clerks; and the only trouble about the law is that it is not limited. There is what is now known as the general service into which men may be enlisted, and from which they may be detailed as clerks either in Washington or at a quartermaster's depot or commissary depot anywhere. All the quartermasters of the large depots as well as the commissaries must have clerks to keep their books, and they are fully authorized by law to employ them; but the law is vague, indefinite, not limited as to amount; and all these expenditures have occurred under the law as it now stands. It will not do, therefore, to strike out these words as to the past.

Mr. LAWRENCE. The number of clerks is limited by the amount of the appropriation.

Mr. GARFIELD. O, no.

Mr. LAWRENCE. The amount of the appropriation heretofore made necessarily limits the number of clerks to be employed.

Mr. GARFIELD. That would be true if there were a special appropriation for clerks; but there has never been a separate appropriation for quartermasters and commissaries' clerks at the different posts. The expenditure for this purpose is only one of the items in what is known as the incidental expenses. It is enumerated here, as the gentleman will see, under the head of incidental expenses.

Almost all the quartermasters and commissaries' posts throughout the country have clerks regularly employed, who are civilians, not enlisted men. They are employed regularly under this head of incidental expenses. The number employed is not limited, and the amount paid to them is not limited, except by regulation. We must therefore let this stand as it has been under the old law; but when the bill lately passed by the House becomes a law, all this will be regulated.

Mr. LAWRENCE. It is high time that it should be regulated.

The CHAIRMAN. Does the gentleman from Ohio [Mr. LAWRENCE] insist on his motion?

Mr. LAWRENCE. No, sir. I withdraw it.

The Clerk read as follows:

For transportation of the Army, including the baggage of the troops, when moving either by land or water; of clothing and camp and garrison equipage, from the depots at Philadelphia and Jeffersonville to the several posts and Army depots, and from these depots to the troops in the field; of horse equipments and of subsistence stores from the places of purchase and from the places of delivery, under contract, to such places as the circumstances of the service may require them to be sent; of ordnance, ordnance stores, and small arms, from the founderies and armories to the arsenals, fortifications, frontier posts, and Army depots; freights, wharfage, tolls, and ferriages; the purchase and hire of horses, mules, oxen, and harness, and the purchase and repair of wagons, carts, and drays, and of ships and other sea-going vessels, and of boats required for the transportation of supplies and for garrison purposes; for drayage and cartage at the several posts; hire of teamsters; transportation of funds for the Pay and other disbursing Departments; the expense of sailing public transports on various rivers, the Gulf of Mexico, the Atlantic, and the Pacific; for procuring water at such posts as from their situation require that it be brought from a distance; and for clearing roads, and for removing obstructions from roads, harbors, and rivers, to the extent which may be required for the actual operations of troops in the field, being a deficiency for fiscal year 1873, not including Pacific Railroad accounts, $175,000.

Mr. HOLMAN. I wish to offer a proviso to this section, and I hope the committee will agree to it. Most of this money is to go to railroads west of the Mississippi River.

Mr. GARFIELD. Not any of it; I mean none to the Pacific roads.

Mr. HOLMAN. Not to the Pacific roads of course. But the object, I suppose, is to prevent any of this money going to any land-grant road. It is known that the Quartermaster's Department is now paying such companies for this transportation.

Mr. GARFIELD. We exclude the Pacific Railroad.

Mr. HOLMAN. But there are other roads which are not excluded.

Several MEMBERS. Let the amendment be read.

The Clerk read as follows:

Provided, That no part of the sum appropriated by any provision of this act shall be paid to any railroad company which has received a grant of land on the condition that its road should be a public highway for the transportation of the property and troops of the United States free from toll or other charge; but this provision shall not prevent such company from bringing suit against the United States for the value of such transportation in the Court of Claims, subject to the right of appeal of either party to the Supreme Court.

Mr. GARFIELD. I do not want to go into new legislation upon this subject, and I must raise a point of order on the amendment. I have no objection at all to a provision against payment to roads that are indebted to the United States; but I think that on this bill we ought not to go into legislation as to what the courts shall do. For that reason I make the point.

Mr. HOLMAN. I trust the point will not be insisted upon. This amendment is simply a limitation on this appropriation of money providing that it shall not be applied to a particular purpose.

The CHAIRMAN. The clause in regard to the right to bring suit in the Court of Claims is clearly new legislation.

Mr. HOLMAN. Then I withdraw that portion of the amendment, although I thought it but fair that these companies should be allowed to adopt the same method of proceeding which has been adopted heretofore.

Mr. GARFIELD. That provision may be right enough in itself, but I do not want any new legislation on this bill.

The amendment of Mr. HOLMAN, as modified, was adopted.

The Clerk read as follows:

Signal Office:

For expenses of the observation and report of storms by telegraph and signals, for the benefit of commerce and agriculture throughout the United States; for the manufacture, purchase, or repair of meteorological and other necessary instruments; for telegraphing reports; for expenses of storm-signals, announcing probable approach and force of storms; for instrument shelters; for hire, furniture, and expenses of offices, maintained for public use, in cities or ports receiving reports; for river reports; for maps and bulletins to be displayed in chambers of commerce and boards of trade rooms, and for distribution; for books and stationery; and for incidental expenses not otherwise provided for, being a deficiency for the fiscal year 1874, $45,000.

Mr. MAYNARD. I suggest to the chairman of the Committee on Appropriations to strike out in this paragraph the words "for the benefit of commerce and agriculture throughout the United States." That is merely a small "stump speech" inserted there; and even if proper anywhere it is put in the wrong place. As it now stands it would be understood as meaning that the first item was for this purpose and all the rest for something else.

Mr. GARFIELD. I have no objection to striking out the words "throughout the United States;" but the language "for the benefit of commerce and agriculture" is in accordance with the law of last year. The words "and agriculture," which were added in the House, are the cause of the deficiency. Previously these meteorological observations had been designed for the benefit of commerce alone; and the stations were confined to the sea-board and the lake coast. But the House last year amended the bill by inserting the words "and agriculture," so as to authorize the establishment of interior stations, and the extension of these observations to agricultural uses.

Mr. MAYNARD. The law designates what the object is; and to insert this language here looks (if the gentleman will pardon the remark) very much like a piece of small excuse. The law designates this office. It seems to me more dignified, more appropriate and becoming, to make the appropriation as specified by law and leave out this stump speech.

Mr. GARFIELD. I have no objection. It was put in by the House last year. The word "agriculture" will have to be left in.

Mr. MAYNARD. My point is that the law designates what the law is.

Mr. GARFIELD. My friend is a purist in style and I am willing to be taught by him.

Mr. MAYNARD. I will not reciprocate. I move to strike out the words "for the benefit of agriculture and commerce throughout the United States."

The amendment was agreed to.

The Clerk read as follows:

To pay Ben Pitman balance due him for transcribing phonographic notes of the testimony and proceedings of the court of inquiry into the operations of the army under the command of Major-General D. C. Buell, in Kentucky and Tennessee, during the winter and spring of 1862 and 1863, $990.50.

Mr. HOLMAN. I move that the committee rise.

Mr. GARFIELD. O, no; let us go on until we are stopped by some amendment.

Mr. HOLMAN. There will be a series of amendments offered to the next paragraph.

Mr. GARFIELD. I appeal to the gentleman from Indiana to let us go on and get through with the bill as far as we can.

Mr. HOLMAN. I withdraw my motion, but we cannot go much further. I do not make the point of order on the paragraph which has just been read, although it is open to the point of order.

The Clerk read as follows:

Interior Department—Indian Office:

For this amount, or so much thereof as may be necessary, for the subsistence and civilization of the Arickarees, Gros Ventres, and Mandans, to be expended in goods and provisions and other articles, as the President may determine, for agricultural and mechanical pursuits, and for the pay of employés, up to June 30, 1874, $25,000.

Mr. HOLMAN. This will require explanation. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and, the Speaker having resumed the chair, Mr. NIBLACK reported that the Committee of the Whole on the state of the Union had had under consideration the state of the Union generally, and particularly the bill (H. R. No. 3030) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal years ending June 30, 1873 and 1874, and for other purposes, and had come to no resolution thereon.

ENROLLED BILLS.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled the bill (H. R. No. 2989) to authorize the trustees of the Massachusetts Museum of Fine Arts to import and retain for two years certain works of art free of duty; when the Speaker signed the same.

GENEVA AWARD.

Mr. BUTLER, of Massachusetts, entered a motion to reconsider the vote by which the bill (S. No. 7) for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th of May, A. D. 1871, between the United States of America and the Queen of Great Britain was recommitted.

SAMUEL WATSON.

Mr. WHITTHORNE, by unanimous consent, was granted leave to have the following memorial printed in the RECORD:

A remedy for the tax-payers in South Carolina and other reconstructed States.

Your memorialist, a citizen of Tennessee, respectfully submits the following plan of a currency system for the relief of the reconstructed States and for the benefit of all:

The bank currency should be withdrawn, and the entire currency should be a national one, issued by the United States Government alone. The amount of the currency should be fixed by Congress as soon as practicable, and that amount should be what the business of the community would require when free from panics or other unnatural disturbances of business.

When the amount of the currency is once fixed it should not be increased or diminished unless by a vote of two-thirds of both Houses of Congress, and perhaps also by a vote of two-thirds of the next succeeding Congress; and if necessary let the Constitution be amended so as to make this restriction binding upon Congress.

This national currency should be redeemable by the Government at all times in gold and silver, and for this purpose the Government should be required to keep on hand a certain amount of specie. This amount, after the resumption of specie payment, would be comparatively small, probably not over $100,000,000, perhaps not over $50,000,000, for the confidence of the country under the system which your memorialist proposes would be almost as great in the paper currency of the nation as in its metallic currency. The principal and almost only demand for gold and silver would be to settle foreign balances in trade when against us.

The currency, to be issued in place of the bank currency and to meet any increase in currency above its present amount should be apportioned among the States according to their representation in the lower House of Congress, unless it might be thought expedient to give to some of the indebted States of the South a larger share than to others. Each State should deposit with the Federal Government its bonds bearing 5 per cent. interest for the amount of currency apportioned to it.

This currency apportioned to each State should not be paid over to it, but used by the Federal Government or some other agency in buying up its bonds now out, which should be canceled and returned to the States issuing them.

But the bonds of the Southern States who are deeply oppressed with debt and whose bonds are now almost worthless should not be bought up at par; but they should be bought up at some rate below par, and at a rate above their present and future value, which rate should be fixed by the national Government.

If States should be entitled to currency who are not indebted, their share of the currency in order to equalize the benefits to all, should be invested by the Federal Government in United States bonds, and the bonds or the proceeds of the same should be held sacred for the education of the children of such States.

The interest on the bonds of the States held by the national Government should not go into its Treasury, but be paid over to each State issuing them for the education of its children. In return for the benefits conferred upon the States, and as a condition of it, each State should be required to amend its constitution, so that it should never have the power hereafter of increasing its debt.

Your memorialist knows that it will be urged against the States having the benefit of this additional issuance of Government currency that it should be issued so as to reduce to that extent the bonded debt of the nation now bearing interest.

But are not the debts of the States as well as the debt of the nation owing by the people of the States? And is it not obvious, with the present condition of most of the States, that the people have a far deeper interest in paying the debts which they owe through their State government than they have in paying the debts which they owe through their national Government? And especially is this the case with the States of the South.

The plan above proposed being very novel in its features, and almost a complete revolution in our currency system, the first question that would suggest itself would be, is it practicable? Second, is it constitutional? Third, what are its advantages?

First. Is it practicable?

The following details of the mode of carrying out the plan of currency proposed demonstrate, as he believes, that it is practicable and easy of accomplishment. These details can without doubt be greatly improved upon by men of financial experience.

Let the Government issue United States currency to the amount now issued by the national banks, or that may be issued by them under the action of the present Congress. Let the Government deposit with each national bank as much of this United States currency as it may deem prudent, with instructions to each bank to return to the Government the same amount of bank currency of any of the national banks.

When this is done let another deposit be made with the same instructions, and so on until the entire amount of bank currency issued shall be exchanged for United States currency. The Government would then be the holder of the whole national-bank currency. This currency, for safety, should be canceled as it comes to the hands of the Government, and a record kept by it of the notes of each bank, with their numbers. The banks would be bound to redeem this currency. Instead of redeeming it with their United States bonds deposited with the Government, let them redeem it with State bonds.

Let each bank buy up State bonds at the price to be designated by the Government for the purchase of the bonds of each State, to the extent of the currency

issued by the banks, and whenever they buy, say, $10,000 of State bonds let them forward them to the Government and receive their United States bonds deposited with it to the amount paid for the State bonds, with 10 per cent. added to that amount.

The State bonds forwarded to the Government should be returned to the States and their 5 per cent. bonds deposited with the Government to the amount of the currency to be apportioned to them.

The exchange of currency as proposed would certainly be made without deranging in the slightest degree the business of the country, and the purchase of the State bonds by the banks and the exchange of them for their United States bonds would also be made without inconvenience and without interfering with the business of the country. It is true that it would take time, perhaps some years of time, to complete these operations, but what are a few years of time in the life of a nation, especially when there will be results of incalculable value to the entire nation?

Second. Is the proposed plan of currency and relief to the States constitutional?

What is the power now exercised by the Government over the currency? It has created corporations in almost every State in the Union, and authorized them to issue a currency, which currency is signed by their own officers, and countersigned by the Register and Treasurer of the United States. They require these corporations to secure this currency by a deposit with the Government of the bonds of the nation, and they allow these corporations to draw the interest on these bonds. Would it not be equally constitutional if the Government should require the national banks to deposit with it the bonds of the States, or any other bonds, as security for their issues? And would it not be equally constitutional if, instead of the currency being issued by the banks, and countersigned by the officers of the Government, it should be issued directly by the Government, and handed over to the banks? There cannot be a doubt that with such changes in our currency system it would still be constitutional.

Now if it is constitutional to create corporations and give to them the benefit of a currency to be issued by or to them, and secured by a pledge of bonds, State or national, is it not equally constitutional to give State corporations already in existence the benefit of a currency to be issued to them upon a pledge of bonds, State or national?

As to the constitutional power of the States to receive the interest on their bonds proposed to be deposited, if it be constitutional to allow banking corporations to receive for their own use and benefit the interest on their bonds deposited with the Government to secure their circulation, is it not equally constitutional to allow the States to receive for their own use and benefit the interest on their bonds deposited with the Government for the same purpose?

I think, therefore, that the constitutionality of the plan which I have proposed is, as a *system* of *currency*, beyond a doubt.

But let us look at it in another aspect, as a plan solely for depositing currency or money with the States for their relief. Is this constitutional? We have in the history of our Government a case, or rather action of the Government, precisely parallel; I mean in all points affecting its constitutionality. The United States many years since deposited with the States its surplus revenue then in its Treasury, subject to be called for at the pleasure of the Government. This was never regarded as unconstitutional. Why should it be regarded as unconstitutional now to deposit with or turn over to the States some millions of currency as proposed? It is true that the surplus revenue was subject to be called for at pleasure; so would the proceeds of the bonds which the States would deposit with the Government be subject to be called for at pleasure at any time after the bonds should become due. If the action of the Government depositing its surplus revenue with the States is constitutional, the action proposed of depositing its currency with the State or apportioning it to them, which is the same in effect, must be equally constitutional.

Third. What are the advantages in the proposed change of currency?

By making the currency exclusively a national one, Government alone would be bound to redeem it. The banks would no longer have a currency to redeem, and consequently in time of specie payment they would not be obliged to curtail their loans and oppress their debtors in order to protect their currency, but could loan their money as freely at such times any other money-lenders. They would also have a very salutary power over their depositors. During our recent panic our national banks were in the same condition as all banks would be that are merely banks of discount and deposit; for payment of specie being suspended, they had no currency to protect. And what did we witness? A combination of the banks in all our principal cities to prevent their currency being drained from them by their frightened depositors, thus enabling the banks to protect the business men of the community when they most needed their aid.

Fixing the amount of the currency and throwing restrictions around the power of changing it gives stability to the currency, and no feature or any system of currency is more important than this; for stability in currency gives stability to values and this prevents their fluctuation, which when very great or very sudden always ends in wide-spread ruin.

The system proposed not only would give stability to the volume of the currency, but would give stability to the system itself, for each one of the States and all its citizens would be deeply and directly interested in and benefited by the system, and we should witness but few efforts for a change and probably never a serious effort to re-establish our old State-bank system of currency.

But the important advantages of the system proposed are its relief to the reconstructed States, its benefits to the holders of their bonds, and its ample provision for the education of the children of all the States.

The amount of additional United States currency to be issued under this system would be about $400,000,000. This would buy largely upward of four hundred millions of State bonds; for many of the bonds would be bought at less than par.

The amount of bonds bought would be withdrawn from their present holders, canceled, and returned to the States. And the national Government would hold in their place $400,000,000 of the bonds of the State, the payment of which would probably never be called for. The interest on these bonds would be 5 per cent. This interest would be paid over, not to the present holders of the State bonds, not to the Government, but to the States for the education of their children.

The advantages of the plan proposed to the tax-payers of the South would be, that they would be relieved of a large amount of their indebtedness by their bonds being bought up for them below their par value; the holders of these bonds would be benefited by having a large amount of these bonds paid which are now almost worthless; the remainder held by them would be rapidly advanced in value, and their eventual payment secured.

All the States would be benefited by the virtual payment of $400,000,000 of their debts, and by the immediate reduction in interest 1 per cent. on that amount of their indebtedness.

But the children of the nation would perhaps have the richest share of the blessings flowing from the plan proposed. The interest upon the $400,000,000 of bonds deposited with the Government would be, at 5 per cent., $20,000,000. This munificent sum would be annually distributed among all the children of the States for their education. This would come to them not from taxation, but from the interest on bonds of the States, which interest now goes to their creditors, and coming from this source it would enable the States to reduce taxes levied and to be levied for schools $20,000,000 annually.

Contrast these results with the present operation of our currency. The entire interest upon the bonds deposited by the national banks now goes to the wealthy stockholders of those banks, and not to the children, rich or poor, of the nation. And for their education the parents of these children have to be taxed $20,000,000 annually.

S. WATSON.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. WILLIAMS, of Wisconsin, for ten days; to Mr. WALLS, for three days; to Mr. PLATT, of Virginia, for one week; to Mr. PLATT, of New York, for three days; and to Mr. SCUDDER, of New Jersey, for three weeks.

JOHN HAMILTON.

On motion of Mr. GUNCKEL, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of John Hamilton, who was an applicant for a pension to the Forty-first Congress.

And then, on motion of Mr. WILLARD, of Vermont, (at four o'clock and thirty-five minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BLOUNT: The petition of A. C. Davenport, to be compensated for services as deputy collector and abstract and debenture clerk at the custom-house, Savannah, Georgia, in 1854, during the prevalence of the cholera, to the Committee on Claims.

By Mr. BUTLER, of Tennessee: The petition of Mrs. S. T. Palmer, widow of Dr. R. H. Palmer, late surgeon Eighth Tennessee Cavalry, for a pension, to the Committee on Invalid Pensions.

By Mr. CLARK, of New Jersey: The petition of Carl Baum, for an amendment of the patent laws so that his invention for propelling boats and rafts on canals by steam, without disturbing the water, may be free to all, to the Committee on Patents.

By Mr. WILSON, of Maryland: the petition of Samuel Hambleton, Edward Lloyd, and others, for the erection of a light-house on Bloody Point Bar, the southernmost point of Kent Island, in Chesapeake Bay, to the Committee on Commerce.

IN SENATE.

THURSDAY, *May* 14, 1874.

The PRESIDENT *pro tempore*, (at eleven o'clock a. m.) The Senate will come to order. The Secretary will count the Senators present, and ascertain if there be a quorum present.

Mr. HAMLIN. Mr. President, I move that the Secretary be directed to call the roll, and then we shall ascertain who are present.

The PRESIDENT *pro tempore*. Let the roll be called.

The Secretary called the roll; and the following Senators answered to their names:

PRESENT—Messrs. Carpenter, Conover, Ferry of Michigan, Flanagan, Hamlin, Merrimon, Mitchell, Ramsey, Saulsbury, Scott, Wadleigh, Washburn, and Windom—13.

Mr. WINDOM. I desire to say that the Committee on Appropriations have leave to sit during the sessions of the Senate, which accounts for the absence of all the members of that committee, Messrs. MORRILL of Maine, SPRAGUE, WEST, SARGENT, ALLISON, STEVENSON, DAVIS, and DORSEY.

Mr. WADLEIGH. I desire to say in behalf of my colleague [Mr. CRAGIN] that his wife is sick, and he is necessarily detained on that account.

Mr. HAMLIN. I think there is another word of general explanation which ought to be made, that meeting at eleven o'clock as we do, probably a very large number of Senators are now in the building in their committee-rooms. If they had been apprised that we would not do business until a quorum was actually present, I have no doubt there are many Senators in the committee-rooms who would be present.

The PRESIDENT *pro tempore*. The roll-call shows but thirteen Senators present, not a quorum. The first rule provides:

> The Presiding Officer having taken the chair, and a quorum being present, the Journal of the preceding day shall be read, to the end that any mistake may be corrected that shall be made in the entries.

The attention of the Chair having been called to that subject by Senators yesterday, the Chair has taken the course he has this morning.

Mr. EDMUNDS. Which I entirely agree to; and I ask that my name be entered as present.

Mr. MORRILL, of Vermont. Mr. President, I am here.

Mr. CONKLING. Has an opportunity been afforded to Senators to answer this morning as to their presence?

The PRESIDENT *pro tempore*. The roll has once been called for that purpose.

Mr. CONKLING. I should like to have my name entered present.

Mr. EDMUNDS. I will put in an appearance, although I am very busy with an interesting newspaper at this moment. I will answer to my name.

Mr. BUCKINGHAM. I am present.

The PRESIDENT *pro tempore*. The Senator's name will be recorded.

Mr. COOPER. I am present.

Mr. BOUTWELL. I hope my answer will be taken. I am now here.

Mr. SPENCER. I am here.

Mr. CONKLING. I should like to say for the members of the Committee on Commerce that they were in session in their room and came down meaning to come in promptly at eleven o'clock.

Mr. MORRILL, of Vermont. I wish to say the Committee on Public Buildings and Grounds are examining witnesses, and the members are necessarily absent.

Mr. TIPTON. Yesterday morning I was one of four who were here at the opening of the session. Having been absent this morning, that balances the account. [Laughter.]

Mr. GORDON. I desire to say that I was in the room of the Committee on Commerce until this moment.

Mr. GILBERT. I wish my name entered as present.

Mr. CHANDLER. The Committee on Commerce have just adjourned, and all the members are now present, I believe, including myself.

Mr. SAULSBURY. If it is in order, I move that when the Senate adjourns to-day it adjourn to meet at twelve o'clock to-morrow.

The PRESIDENT *pro tempore*. No quorum being present, no motion can be received except to adjourn or send for absentees.

Mr. CHANDLER. I move that the Senate proceed to the consideration of executive business, and ask that the yeas and nays may be ordered on that motion.

The PRESIDENT *pro tempore*. No motion is in order except a motion to adjourn or to send for absentees.

Mr. CHANDLER. Then I move to adjourn, and ask for the yeas and nays on that motion.

Mr. EDMUNDS. It would be better to have a call of the Senate.

Mr. CHANDLER. I withdraw the motion to adjourn and move that there be a call of the Senate.

The PRESIDENT *pro tempore*. The Secretary will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. CONKLING, (when Mr. FRELINGHUYSEN'S name was called.) I wish to state that the Senator from New Jersey was compelled to leave the city temporarily upon an urgent errand.

The roll-call having been concluded, the following Senators had answered to their names:

PRESENT—Messrs. Anthony, Bayard, Bogy, Boreman, Boutwell, Buckingham, Carpenter, Chandler, Conkling, Conover, Davis, Dennis, Edmunds, Ferry of Michigan, Flanagan, Gilbert, Gordon, Hamilton of Texas, Hamlin, Ingalls, Kelly, Merrimon, Mitchell, Morrill of Maine, Oglesby, Patterson, Pratt, Ramsey, Sargent, Saulsbury, Schurz, Scott, Sherman, Spencer, Sprague, Tipton, Wadleigh, Washburn, Windom, and Wright—40.

The PRESIDENT *pro tempore*. Forty Senators have answered to their names. There being a quorum of Senators present, the Secretary will read the Journal of yesterday's proceedings.

The journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. HAMILTON, of Texas, presented the petition of Pottawatomie Indians, praying for payment of the award of the commissioners under the treaty of August 7, 1868; which was referred to the Committee on Indian Affairs.

Mr. PRATT presented the petition of Mary W. Jones, of Fairfax County, Virginia, widow of Commodore Thomas Ap C. Jones, praying that her pension may be increased from thirty to fifty dollars per month; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. RAMSEY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. No. 2345) for the relief of John Clinton, postmaster at Brownsville, Tennessee, reported it without amendment.

He also, from the same committee, to whom was referred a joint resolution (H. R. No. 95) authorizing the Postmaster-General to perfect title to certain real estate obtained from John W. Norton, a defaulter to the postal Money-order Bureau, reported it with an amendment.

Mr. RAMSEY. The Committee on Post-Offices and Post-Roads, who were by a resolution of the Senate "instructed to consider the expediency of providing a further convenience in correspondence known as the 'letter-writer,' with a one-cent stamp, being a new article of stationery adapted for a letter, circular, and newspaper wrapper," have instructed me to ask to be discharged from its further consideration, and I further ask that the communication from the Postmaster-General on this subject be printed.

The report was agreed to.

Mr. PRATT, from the Committee on Pensions, to whom was referred the petition of Ebenezer W. Brady, late chaplain of the One hundred and sixteenth Regiment Ohio Volunteers, praying to be allowed a pension, submitted a report accompanied by a bill (S. No. 814) granting a pension to Ebenezer W. Brady.

The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. PRATT also, from the same committee, to whom was referred the bill (S. No. 763) explaining the intent and meaning of the fourth section of an act entitled "An act in addition to certain acts granting bounty lands to certain officers and soldiers who have been engaged in the military service of the United States," reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the following petitions, reported adversely thereon, and asked to be discharged from their further consideration; which was agreed to:

The petition of Ben Alsop, of Owensborough, Kentucky, praying for a pension for services in the war of 1812 as a substitute for his father, Bob Alsop, of King George County, Virginia;

The petition of citizens of Wisconsin, praying that a pension be granted to Abner P. Phelps, for services rendered in the war of 1812;

The petition of citizens of the United States, praying that pensions may be allowed to all soldiers, or the heirs of such, who were mustered into the service during the war of 1812;

The petition of soldiers of the war of 1812, praying to be allowed pensions at the rate of eight dollars per month;

The petition of certain citizens of Vermont, soldiers of the war of 1812, and who served less than sixty days, praying an amendment of the act of February 14, 1871, so as to include all soldiers and widows who have received land warrants under the acts of 1853 and 1855 in its benefits;

The petition of Joshua Herrick, praying to be allowed a pension;

The petition of citizens of the United States, praying for the passage of a law granting pensions to soldiers of the war of 1812 who served less than sixty days;

The petition of Sarah Graffam Glover, of Maine, praying a pension as widow of Captain James Graffam, for services rendered by him in the war of 1812;

The petition of Catharine Middleton, widow of John D. Middleton, praying to be allowed a pension for services rendered by him in the war of 1812;

The petition of Randolph Mott, praying to be allowed a pension for services rendered in the defense of Fort McHenry in the war of 1812;

The petition of John Parrish, of Michigan, praying to be allowed a pension for services rendered the United States in the war of 1812;

The petition of Israel Ober, of Kansas, praying a pension for services rendered in the war of 1812;

The petition of James L. Delong, a soldier of the war of 1812, praying to be allowed a pension;

The petition of Mrs. Susan Leach, of Blair County, Pennsylvania, praying for a pension;

The petition of John D. Clark, praying a pension for services in the war of 1812;

The petition of Benjamin Blanchard, praying to be allowed a pension;

The petition of Catherine E. Small, widow of Colonel Jacob Small, of the Maryland militia in the war of 1812, praying for a pension;

The petition of George Townsend, for a pension for services rendered in 1812, he having served fifty-eight days, or within two days of the time required by the law;

The petition of Jonathan S. Taylor, praying to be allowed a pension;

The petition of Ruth Vaux, a citizen of Kansas, asking to be allowed a pension on account of the services of her husband, Thomas Hatton, in the war of 1812;

The petition of J. C. N. Robertson, a citizen of De Soto County, Mississippi, a soldier of the war of 1812, praying that his name may be placed upon the pension-roll and permitted to draw his pension from the passage of the act of 1871, allowing pensions to the surviving soldiers of the war of 1812;

The memorial of General Henry Raymond and Colonel Abraham Dally, of New York, asking Congress to so amend the pension laws as to allow a pension to all honorably discharged soldiers of the war of 1812, and to the widows of such soldiers, without regard to the time of marriage;

The petition of Jacob K. Marshall, praying to be allowed a pension; and

The memorial of Mary Durang, widow of Chares Durang, a soldier of the war of 1812, who states that the vicissitudes of the war procrastinated her marriage until the year 1816, and that she is excluded from a pension by the general law, and praying for the passage of a special act granting her a pension.

Mr. PRATT also, from the same committee, who were by a resolution of the Senate instructed to inquire into the expediency and the justice of placing all surviving soldiers of the war of 1812, who have been honorably discharged, upon the pension-roll, irrespective of the duration of their services, asked to be discharged from its further consideration; which was agreed to.

Mr. PRATT. The ground of these adverse reports, Mr. President, on these various petitions consists in the fact that a majority of the Committee on Pensions directed me, as its chairman, some days since to report back the House bill without amendment which provides a pension at the rate of eight dollars per month for all the surviving soldiers of the war of 1812 without any reference whatever to the period of their service. The bill also provides for the widows of all soldiers of the war of 1812 who were married previous to the year 1850. There is a further provision in the bill which I reported from the committee, that all those soldiers of the war of 1812 who were upon the pension-roll previous to the act of Congress passed in the year 1862, and who were dropped from the roll in consequence of their adhesion to the cause of the rebellion, shall be restored to the pension-roll, and draw their pension from the period of their suspension.

Mr. SHERMAN. Is that bill pending now?

Mr. PRATT. No, sir. I was stating simply the ground on which the committee directed me to report adversely to these various petitions, because this bill supersedes the necessity of acting on these individual cases, and I was stating the various provisions of the bill which the committee directed me to report. I believe there is still one other petition that I have not reported upon. It is the claim of Mrs. Janette Scott West, who prays for a pension on the ground of her being a widow of a soldier of the war of 1812. She is comprehended in the benefits of this general bill, and the committee therefore ask to be discharged from the consideration of that petition.

The report was agreed to.

Mr. SAULSBURY. I desire to ask the chairman of the Committee on Pensions if it is his intention to press to a vote at the present session the bill restoring pensioners who were dropped under the act of 1862? I make that inquiry because at the last session of Congress a bill came from the House similar in its provisions, and I made personal effort myself to get that bill acted upon toward the close of the session and failed. I desire to know if the chairman of the Committee on Pensions intends to press that bill at the present session, because I think it a very proper bill, and one that is demanded by the equity and justice of the case. I hope it will not be allowed to stay on the Calendar without being pressed to a vote at the present session.

Mr. PRATT. In response to the inquiry of the honorable Senator from Delaware, I will say that I reported the bill by the direction of the committee, although I disapproved of some of the features of the bill, and whenever it comes up I will take occasion to move certain amendments. It is my purpose, of course, whenever I can have the ear of the Senate, to call up the bill for consideration. It is proper for any one who feels an interest in the bill to move at any time that the bill be taken up; but as chairman of the committee I shall, whenever an opportunity occurs, call it up for consideration.

Mr. MERRIMON. I wish to ask the chairman of the Committee on Pensions a question. I desire to ask the Senator from Indiana what, if any, provision is made for the soldiers of the Mexican war in the bill to which he has referred?

Mr. PRATT. There is no provision whatever made for soldiers of the Mexican war. The bill relates exclusively to the soldiers of the war of 1812.

Mr. MERRIMON. Is there any bill reported in behalf of the soldiers of the Mexican war?

Mr. PRATT. There has not been at the present session.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the bill (S. No. 321) authorizing appointments and promotions in the Medical and Ordnance Departments of the Army of the United States, and for other purposes, reported it with an amendment.

Mr. BOUTWELL, from the Committee on Commerce, to whom was referred the bill (S. No. 675) to relieve ships and vessels from compulsory pilot fees in certain cases, reported it with an amendment.

Mr. INGALLS, from the Committee on Pensions, to whom was referred the petition of Herman Lamprecht, praying to be allowed a pension, reported adversely thereon, and asked to be discharged from its further consideration; which was agreed to.

Mr. SAULSBURY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. No. 2089) for the relief of Mrs. Louisa P. Molloy, reported it without amendment.

Mr. BOREMAN, from the Committee on Claims, to whom was referred the bill (H. R. No. 2800) for the relief of Benjamin Crawford, reported it without amendment, and submitted a report thereon, which was ordered to be printed.

Mr. GORDON, from the Committee on Commerce, to whom was referred the bill (H. R. No. 1206) for the relief of Charles J. Sands, of Brooklyn, New York, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 3073) to amend section 19 of the act approved August 18, 1856, entitled "An act to regulate the diplomatic and consular systems of the United States," reported adversely thereon, and the bill was postponed indefinitely.

Mr. BOGY, from the Committee on Private Land Claims, to whom was referred the bill (H. R. No. 294) for the relief of Joab Bagley, reported it without amendment.

Mr. MERRIMON, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. No. 407) for the relief of Enos J. Pennypacker, reported adversely thereon; and the bill was postponed indefinitely.

Mr. HAMILTON, of Texas, from the Committee on Pensions, to whom was referred the bill (S. No. 536) granting a pension to Livinia Ingraham, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Abraham Van Assum, late of Company B, Fifty-first New York Volunteers, praying Congress to pass a special act giving him a pension commensurate with the disability under which he is now suffering from wounds received at the battle of the Wilderness, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

Mr. PATTERSON, from the Committee on Pensions, to whom was referred the bill (H. R. No. 1791) granting a pension to Augustus L. Yaeger, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Mary P. Jarvis, of Geneva, Illinois, widow of the late Commodore Joseph R. Jarvis, praying to be allowed a pension, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of John Colahan, late of Company L, Third Pennsylvania Cavalry, praying to be allowed a pension and paid arrears of pension, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of David F. Taylor, of Stuart's Draft, Virginia, late of Company M, Ninth Indiana Cavalry Volunteers, praying to be granted a pension from June 30, 1865, to September 30, 1872, at the rate of five dollars per month, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of citizens of New Jersey, praying that a pension may be granted Rhoda Hart, on account of services rendered by her son, Lewis Hart, late corporal Company C, Thirteenth Connecticut Volunteers, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

FERRY-BOAT A. BURTON.

Mr. SPENCER. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. No. 3139) for the relief of the owners of the steam ferry-boat A. Burton, to report it favorably, and ask for its present consideration.

Mr. EDMUNDS. Why should that be taken out from the general law?

Mr. SPENCER. The Senator from Iowa has charge of the papers and will explain.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. EDMUNDS. Let it be considered as subject to objection after an explanation.

Mr. WRIGHT. I wish to say a word, and then if the bill is objected to I will not insist on it now. This ferry-boat has been constructed and is now lying at the wharf and cannot be used. It seems that the owners of the boat made a contract for its construction, and the contractors applied to a large iron establishment to furnish the boilers. There was a strike of the hands and they were unable to furnish them. Then the owners were compelled to go to works in Cincinnati and get the iron, they being ignorant of the fact that by the thirty-seventh section of the act of 1871 it was necessary that there should be this stamping upon it. The iron was furnished, and the boilers made, the boat constructed; and when the inspector came to inspect the work it was found that this stamping was not upon it, and he could not inspect. It was impossible that the Secretary of the Treasury could relieve the parties because of this provision in the statute, and therefore the matter was referred to Congress. The bill has passed the House and passed the committee here, and they are quite willing that there shall be an inspection to ascertain if this iron does answer in all respects the strength required by the statute, the only difference being that there is not the required stamp upon it. There is no loss to the revenue.

Mr. EDMUNDS. Then why not say to all men that if they do not know what the law is they may build without regard to it?

Mr. WRIGHT. For the reason that this is a case where the work has been already done, and the boat constructed and ready to work.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which directs the proper inspectors of steam-vessels in and for the Galena district to inspect the steam ferry-boat A. Burton, at Nauvoo, Illinois, and to grant certificate and license which shall enable the owners of the steamer to use the same as a ferry boat, notwithstanding the fact that the iron in the boiler on board the boat has no tensile strength stamped upon it, and notwithstanding no stamp at all is found upon the same, if upon due inspection and test the boiler is found to be of good material, properly constructed, and safe, and the vessel otherwise constructed and equipped according to law.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SHIPPING-COMMISSIONERS ACT.

Mr. BUCKINGHAM. I am instructed by the Committee on Commerce, to whom was referred the bill (H. R. No. 3160) in reference to the operations of the shipping-commissioners act, approved June 7, 1872, to report it back with an amendment, and ask for its present consideration. It is a short bill.

The PRESIDENT *pro tempore*. Is there objection?

Mr. BOREMAN. I do not object to the consideration of the bill, but I should like to have some explanation of it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill which declares that none of the provisions of an act entitled "An act to authorize the appointment of

shipping-commissioners by the several circuit courts of the United States, to superintend the shipping and discharge of seamen engaged in merchant-ships belonging to the United States, and for the further protection of seamen," shall apply to sail or steam-vessels engaged in the coastwise trade or in the lake-going trade, touching at foreign ports or otherwise, or in the trade between the United States and the British North American possessions, or in any case where the seamen are by custom or agreement entitled to participate in the profits or result of a cruise or voyage.

Mr. BUCKINGHAM. There is very little to be said about it. The shipping commissioners act requires the shipping commissioner to see that all men who are shipped on board any vessel shall sign certain shipping articles, and that is to be done before the shipping commissioner. Those articles require a statement of the voyage, the probable length of the voyage, and the position which the seaman shall occupy on board the vessel, the rate of wages, and many other things which go to make up a perfect contract between the seaman and the shipper. It also provides that the agreement between the seaman and master shall be signed in the presence of the commissioner and a certificate made to that effect, that when the vessel returns the seamen shall be paid in the presence of the shipping commissioner, and the shipping commissioner shall see that the agreement is properly carried out. It also provides penalties for taking men to sea without such an agreement, and obliges the captain to have a copy of the agreement posted up in a particular place so that the men on board the ship may see it.

The act provides that this bill shall apply to all vessels running even on short voyages, from Maine, for instance, to New Brunswick, where a vessel may be engaged only two or three days and sometimes only one day in going and returning; and it also applies in a certain sense to the coasting trade and requires a fee to be paid to the commissioner. It is thought to be onerous to the vessels which make short voyages; and this bill is to relieve men engaged in those short voyages and in domestic trade from these requirements of the existing law.

Mr. HAMLIN. The Senator from Connecticut has stated, I believe, the matter very fully; but still I wish to say to my friend from West Virginia that this is a trouble which we labor under in Maine particularly. Vessels sailing from Eastport across Saint Andrew's Bay, a distance of ten miles, are brought within the provisions of the law as it now stands, that being coastwise and not foreign trade. It never was designed to apply to those vessels; and this takes them out of it.

The amendment reported by the Committee on Commerce was in line 9 after the words "coastwise trade" to insert "except the coastwise trade between the Atlantic and Pacific coasts."

The amendment was agreed to.

The bill was reported to the Senate as amended; and the amendment was concurred in.

It was ordered that the amendment be engrossed and the bill read a third time.

The bill was read the third time, and passed.

CHANGE OF NAME OF A SCHOONER.

Mr. GORDON. The Committee on Commerce, to whom was referred the bill (S. No. 793) authorizing the Secretary of the Treasury to change the name of the schooner Jennie Spear to that of Santa Rosa, have instructed me to report it back without amendment.

Mr. HAMLIN. It will take but a single moment to pass that bill, and I ask that it be acted on at once.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 815) in regard to instruments in writing required to be stamped by previous acts of Congress; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. CONOVER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 816) to change the laws relating to district courts in Florida, and for other purposes; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 817) for the relief of the children of John A. Tardy, late major United States Engineer Corps; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HOWE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 818) to authorize the settlement of the claims of the several States for 5 per cent. of the value of Indian reservations; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

TRIAL OF F. A. DOCKRAY IN CUBA.

Mr. CONOVER. I offer the following resolution, and ask for its present consideration:

Resolved, That the President of the United States is hereby requested, if in his opinion compatible with the public interest, to lay before the Senate the correspondence between the Government and our consular agents in Cuba and the Spanish government in reference to the arrest, imprisonment, and trial of F. A. Dockray, a citizen of the United States, for alleged political offenses committed in Cuba.

Mr. CONKLING. I think that had better lie over.

The PRESIDENT *pro tempore*. The resolution will lie over under the rule.

Mr. CONKLING. I think it will be still better to have it go to the Committee on Foreign Relations.

Mr. CONOVER. I have no objection to having it lie over so that I can call it up at any time. I prefer not to have it referred to the committee.

The PRESIDENT *pro tempore*. The resolution will be laid over.

PHILIP S. WALES.

Mr. CRAGIN. I ask the Senate to proceed to the consideration of the bill (S. No. 745) for the relief of Philip S. Wales, medical inspector in the United States Navy.

Mr. EDMUNDS. I should like to hear that explained, to know whether it ought to be objected to or not.

Mr. CRAGIN. Surgeon Wales was detailed to establish a hospital during the engagement prior to the taking of New Orleans, and by mistake his name was not borne on the ship's roll. This prize-money is about to be distributed. The bill involves a small amount, four or five hundred dollars, for this officer; and it is agreed on all hands by the Department and those interested that he is entitled to a share equitably.

Mr. EDMUNDS. The prize-money has not as yet been distributed?

Mr. CRAGIN. It will be in the course of two or three weeks.

Mr. EDMUNDS. But he will not be paid out of the Treasury, but only out of the prize-money, like the others, if the bill passes now?

Mr. CRAGIN. Exactly.

Mr. EDMUNDS. Then I have no objection.

The bill was read a second time, and considered as in Committee of the Whole. It is a direction to the Secretary of the Navy to place on the prize-list of the United States steamship Hartford the name of Philip S. Wales, with the rank of surgeon in the Navy, as being entitled to receive his share of the proceeds of the prize-money awarded to the fleet under command of Admiral Farragut, to which fleet Surgeon Wales was attached during the operations resulting in the capture of New Orleans in the month of May, 1862.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PAPERS WITHDRAWN.

Mr. BAYARD. Yesterday I asked and obtained leave to withdraw from the files of the Senate the petition and papers of Mrs. Frances A. McCauley, stating at the same time in reply to a question of the Chair that I believed no adverse report had been submitted in the case. I have since ascertained that an adverse report was submitted in the case, and I therefore desire that the papers handed to me may be restored to the files of the Senate. My statement was made on misinformation from the person who applied for the withdrawal.

STREET RAILWAY IN WASHINGTON.

Mr. HITCHCOCK. There was a bill passed over on the last call of the Calendar on account of the absence of the Senator from Vermont which I ask may be taken up now. It is the bill (H. R. No. 2102) to incorporate the Capitol, North O Street and South Washington Railway Company.

The Chief Clerk read the bill.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. SHERMAN. I will not object if the bill can be passed without debate; but otherwise I must insist on proceeding with the regular order.

The PRESIDENT *pro tempore*. Is there objection to the bill?

Mr. MORRILL, of Vermont. I shall object to the bill unless it can be so modified as that this road shall not run on Massachusetts avenue. I was not here when the reading of the bill began and have not had time to examine it, but I perceive this road is to run a certain portion of the distance on Massachusetts avenue. I think it important to keep that avenue, the finest unquestionably in the city, free from these railroads.

Mr. HITCHCOCK. If the bill will come up regularly to-morrow morning, I am willing that it shall go over informally now.

The PRESIDENT *pro tempore*. Is there objection to the bill being laid over informally until to-morrow morning? The Chair hears none.

The morning hour having expired, the Senate resumes the consideration of the unfinished business of yesterday.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 733) relating to evidence in the courts of the District of Columbia; and

A bill (H. R. No. 3237) to authorize the First National Bank of Seneca to change its name.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. No. 2989) to authorize the trustees of the Massachusetts Museum of Fine Arts to import and retain for two years certain works of art free of duty; and it was thereupon signed by the President *pro tempore*.

FREE BANKING—THE CURRENCY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 1572) to amend the several acts providing a national currency and to establish free banking, and for other purposes, the pending question being on the amendment of Mr. WRIGHT to the amendment of the Committee on Finance, in section 8, line 8, to strike out "50" and insert "25;" so as to make the clause read:

It shall be the duty of the Secretary of the Treasury to retire an amount of United States notes equal to 25 per cent. of the circulating notes so issued, &c.

Mr. BAYARD. Mr. President, the bill reported from the Committee on Finance proposed the retirement of 50 per cent. of United States notes in proportion to 100 per cent. of bank currency, circulating notes, that might be issued under this law; in other words, that for every two dollars of national-bank notes issued one dollar of greenbacks should be retired, and this process should continue until the volume of United States notes had been reduced to $300,000,000.

In the first place, I may say that I should be assenting to what I believe to be a false fact should I agree that the present lawful volume of United States Treasury notes was more than $356,000,000. It is, I believe, a fact capable of establishment in any court of justice in this country, capable of ascertainment by any tribunal in this country should the question be submitted to it, by any jury of twelve honest, sensible men in the country, that by the laws of this country as at present existing the lawful volume of United States Treasury notes is $356,000,000, and no more. I do not care now to repeat what has been said before here by me and others on this subject excepting to say this: that in order to find supposed lawful warrant for saying that the proper volume of this currency is $382,000,000, the plainest meaning of English words has to be entirely overlooked and denied. A merchant, a banker, any citizen who transacts banking or mercantile business, would be very much surprised when his checks had been paid and canceled and a bank-hammer had been driven through them and they had been returned to his desk, to find that his agent or his clerk could reissue those notes and they could be called good cause of action against him in the hands of the holder; and yet that is just what was done with the notes of the United States Government. Under law the Secretary of the Treasury was authorized to retire and cancel them. He reported month by month, year after year, that those notes had been retired and canceled. There has not been a statement of the public debt of the United States published from 1866 to this day—I will not say to this day, but until the fall of 1872—which did not declare that the public non-interest-bearing debt of the United States had been lessened to the amount that Mr. McCulloch's cancellations stated. Mr. BOUTWELL published it, Mr. Richardson published it, Mr. McCulloch published it; and I wish here further to state, as some paper was brought into the Senate a little obscure in its book-keeping phrase, purporting to be an abstract from the Treasury books showing that Mr. McCulloch had issued and reissued at his will these notes which under the law he was directed to retire and cancel, that not believing it possible that such a power could have been intrusted to him—the power to make money plenty or scarce, the power to produce stringency at his will—not believing that such power could ever have been permitted to any man in this country, much less to a Secretary watched by so hostile and adverse a Congress as this was to him and the person under whose administration he was serving, I have asked from intelligent men in the Treasury Department whether there ever was a reissue of any of these United States notes by Secretary McCulloch during his term, and a reissue after they had been reported as having been retired and canceled, and the answer is that there never was. And I have seen it stated elsewhere, in a place to which I am not by our parliamentary rules permitted to refer, that Mr. McCulloch had during his administration undertaken to trifle at his own caprice and pleasure with the financial interests of this country by issuing and reissuing these notes at his will. Sir, I think I am authorized to say that such is not the truth; that when he said these $44,000,000 of Treasury notes were retired and canceled he gave the words their natural and only signification, that they were canceled, that they ceased to exist, that they were dead paper, and not money for use at all.

I know that in these latter days of straitened necessities for argument, all sorts of pretexts, all sorts of excuses, all sorts of so-called decisions of the Supreme Court of the United States, that never touched the subject, have been brought up to justify the emission of $26,000,000 by the present Secretary of the Treasury, and they have dubbed this $44,000,000 with a new name; they have called it a reserve, a name that never was applicable to it. It was no such thing as a reserve. It was no more a reserve than are my individually paid checks through which the bank-hammer has been driven, and which now lie as waste paper in my office, a reserve of mine. I might as well speak of these checks paid and canceled as a reserve, as for the Secretary of the Treasury or anybody else to talk of the $44,000,000 as a reserve. It was a misnomer invented for the purpose of misleading, and it does mislead the public mind; and the people of this country ought to know, and they ought to face the danger of the fact, that a Secretary of the Treasury, without distinct and clear warrant of the law, has undertaken to reissue notes which were retired and canceled under operation of law, and up to this day claims to play fast and loose with the business interests of every man engaged in commerce throughout the country by making money plenty or scarce at his pleasure. I confess that I have been amazed at the apathy with which the public have viewed this thing. I have here expressed my disgust, my abhorrence, for the continuation of a system of finance which has no actual value for its basis, the basis of which is credit, the basis of which is public confidence alone, without a particle of value originally. It would be as wise for a merchant to send his ship to sea without rudder or compass as for a nation to embark on finance without having actual value as a standard of the dealings of its citizens. I cannot but believe that when this question is sensibly and calmly submitted to the judgment of the American people, their self-interest, their simple common sense, will show them the great injury that has been inflicted upon them by abolishing a standard of value from the money of the people. They would understand the operation of the abolition of standards of weights and measures; if the shop-keeper was not called upon to give them the pound when they asked for a pound weight, if he was not called upon to give thirty-six inches of cloth when they paid for a yard, they would appreciate the danger of dealing with any man in the absence of a standard of weights and measures. When they come to think that here is the standard of all standards, the standard of value, that which is more important than the weight or measure, the liquid or linear measurement of anything, will they not understand that it is this necessary ingredient of honesty, of fair dealing, the ascertainment of debts, which has been abolished by the action of Congress, and which Congress still refuses in the face of this broad necessity to take one single, even short, step to return to?

Now, Mr. President, my objection to this bill as it stands, the reason why I cannot vote for the measure reported by the committee, is that it has, so far as this section is concerned, a tendency to expansion of the paper volume, a tendency in a direction that makes a return to specie payments more and more difficult. It is, in other words, a step in the wrong direction; and if we are not to take a step in the right direction, I want to take no step at all, but to stand still until the intelligence, the sober second thought of the American people, shall demand a restoration of a standard of value as the basis of public money.

Let us see the effect, because the principle which I object to is simply intensified by the amendment of the Senator from Iowa. The committee report that for every two dollars of national-bank currency issued, Treasury notes shall be retired to the amount of one dollar. Not satisfied with that, the Senator from Iowa desires that four dollars of national-bank currency shall be issued, and for them but one dollar of the Treasury notes shall be retired. Under the plan of the committee $164,000,000 would be added to the national-bank currency, and under that $82,000,000 of the greenbacks would be retired. We should then have $300,000,000 left of Federal Treasury notes, and we should have $518,000,000 of banking currency, making together $818,000,000 of paper money afloat. Under the proposition of the Senator from Iowa we should have $328,000,000 of banking paper currency added to the present volume and a diminution at the same time of $82,000,000 of greenbacks, so that we should have $300,000,000 of greenbacks in circulation at the end of this issue of $328,000,000 of the national-bank currency, or $682,000,000 of national-bank currency, making a total paper volume in this country of $982,000,000. This would be the plain arithmetical result of the proposition of the Senator from Iowa. The proposition of the committee would leave us at the time of the operation of this section with $818,000,000. The other proposes to have $982,000,000.

Mr. President, I presume that the theory of retirement *pro rata* of the United States Treasury notes is to reduce the volume of greenbacks to such a proportion that the Treasury may be enabled to resume specie payments. That I presume is the theory under which these greenbacks are to be retired. Now, suppose that while they are being retired this remarkable issue of bank currency goes on, and two or three years from this time the Treasury, having but $300,000,000 of paper money outstanding and having a sufficient accumulation of gold, should feel enabled to resume specie payments and proposes to resume specie payments, then what becomes of the national banks? The United States Treasury may be in a condition to resume specie payments; but where will the banks be when they are called upon for specie? Where will they be with their $682,000,000 of paper issues? It is very easy to say that we in legislating here should consider the United States Treasury alone, that we should consider the national credit alone; but, Mr. President, we cannot look at things in that way. We are bound to consider the entire business interests of this country in the laws we pass affecting its finances. This banking system has been created by act of Congress. To do it you have broken down the system of State banks completely. Under the forms of taxation you have compelled and coerced their stockholders to put their capital into national banking institutions; and you cannot in justice to those institutions, you cannot in justice to the business of the country, you cannot in justice to those citizens whose capital has been embarked in these national banks, undertake to frame a scheme by which the Government of the United States may return to specie payments without regarding the capacities of your own creatures, these banks, to do the same thing. I am not an admirer, I am not an advocate of the present system of national banks. I have declared here, and I now declare again, that I do not believe the creation of this banking system was fairly within the purview of the

constitutional powers of Congress. I believe the system of distributing currency had better be left to the people themselves, left to the States who are to create their own corporations to carry out the system of handling and distributing currency—known as banking. They know their own wants better than Congress can know them; and I do consider that in view of our experience of the past ten years, if you left the question to the capital of the country it would ask that it should be discharged from the power of the Secretary of the Treasury or of Congress and be remitted to the State charters under which banks conducted their business, regulated by the laws of self-interest and the laws of the States.

But nevertheless here it is; the banks exist; they exist by law; and I for one would do nothing which in any degree should show a disregard of the interest of the national-bank stockholder any more than the interest of any other citizen. I would let him know that I desired that system not to be continued. I would give an opportunity for capital to exert itself in other directions. I would strike out your tax on State-bank issues, and I would permit them to exercise free banking under the laws of the States, subject only to the laws of self-preservation and the great requirement of the Constitution of the United States, that nothing but gold and silver should be made a legal tender for payment of debts.

But under this plan of the committee, and still more under the suggestion of the Senator from Iowa, you may perhaps get your Federal Treasury in a condition possibly to resume specie payments by the reduction of those notes for which the Treasury is directly responsible; but when you have done that, you have made it by the action of this bill impossible for the banks to follow. You would create just as much distress and wretchedness; the bankruptcy would be just as wide-spread, whether it were through the national banks' failure to pay their notes or through the Treasury's failure to pay its notes. We can produce the distress in either way we please; and I therefore can favor no system which does not look at least, if it does not step, toward the restoration of a money of value as the basis for our public debt in all its shapes. And when I see this pretext—I do not use the word offensively—of returning to specie payment by diminishing the volume of United States Treasury notes to $300,000,000, putting them under control and approximating them to the specie-paying power of the Government in the course of a couple of years, accompanied by another measure that completely cuts the throat of that so far as the business of the country is concerned, I stand amazed. It is giving one dollar with the left hand, and then taking two away with the right. It is preparing to make that possible which almost all members of the body have expressed themselves as desiring, (I mean a return to specie payment,) and accompanying it by a measure that completely dashes all hopes of it. How can we undertake to say that specie payments shall be the law of this land with all this authorized currency of the national banks out and no means of redeeming it? Can we undertake to condemn them to bankruptcy? As I said, the ruin of our people, the distress of our merchants, can be accomplished just as much by the failure of the national banks as by the failure of the Treasury to pay specie; and therefore it is that not only do I not agree to the scheme of the committee to retire 50 per cent. of this money when you are issuing 100 per cent. of national-bank notes, but *a fortiori*, if there has been anything in the reasons I have given for opposing that, I must necessarily oppose the amendment of the Senator from Iowa. That simply intensifies every objection that I think there is to the section; and therefore it is that I trust the Senate will understand and the country will understand that so far as this section is concerned—I am not speaking of the bill in all its sections as the Senator from Illinois did yesterday; I do not wish to fatigue the Senate by my criticisms on it—I merely take this one feature by itself, and I submit to the Senate that it is a scheme of expansion; and not only a scheme of expansion, but it is one that is peculiarly risky, peculiarly fraught with danger to this very national-bank system. You are encouraging the banks to issue more paper when you are preparing yourselves to issue less; and if you do issue less and prepare yourselves to redeem that by giving gold for that which has no value at present, but is a mere matter of public credit, you are preventing them from pursuing the same path with yourselves. I hope that there can be no doubt that this amendment of the Senator from Iowa will not be agreed to.

Mr. WASHBURN. Mr. President, I desire to understand as well as I can from the committee some features connected with this bill in order that I may know how to govern my vote upon it. I confess that from the limited examination I have given to it there are some points in connection with it which I do not fully understand. I notice that the latter part of the second section proposes to require the banks to retain a portion of the gold that they receive as interest upon their bonds as a reserve. I wish to ask the chairman of the committee if he proposes to follow this bill with any other bill requiring the government to retain a portion of its gold also as a reserve for the time at which it proposes to resume specie payments?

Mr. SHERMAN. There is no such provision in this bill, nor is it worth while to make any such provision for the accumulation of coin in the Treasury until we have a surplus revenue, which, unfortunately, we have not now.

Mr. WASHBURN. I suppose the object of the committee in requiring the banks to retain a portion of their reserve in coin is in order that they may be better fitted to prepare to resume specie payments at the date mentioned in this bill. Most certainly, no matter what the banks may do in regard to their reserves, the Government must always be in a position to have coin in its possession in order to have confidence and strength for resumption. While I do not object to this particular feature so far as the banks are concerned, yet I cannot see that any great benefit is to be derived unless the Government is also prepared to take the same step in the same direction that is required of the banks.

Mr. President, listening to the discussion upon this bill I have been struck with the great differences of opinion which exist between different Senators from the same locality. Some believe in the greenback circulation and do not believe in the national-bank circulation at all. Some do not believe in the greenback circulation, but believe in the national banks, and would do away altogether with the greenback circulation. Now, sir, so far as I am concerned, I feel in the consideration of this subject that it is not a question upon which we are to look to the interests of the banks by any means. If I could be satisfied that the best interests of the country demand that national banks should be done away with, and that the circulation should be confined to the Government and to greenbacks alone, if I believed that the business of the country and its prosperity would be promoted by so doing, I would say, let your national banks be laid aside. Whatever we can do to promote the best interests of the country and to give it new impulse and stability and courage in the present hour I would be willing to do, and I have no doubt that the majority of this body would take the same step; but the great question for us to consider is, what is the best step to be taken to bring about this result?

But, sir, before I proceed to consider that subject, there are one or two other points in the bill which have troubled me somewhat, and to which I wish to call the attention of the committee. Perhaps they will be able to explain the bill so that I shall have no difficulty about it. I see upon the eighth page that they propose so far as the national banks are concerned that the circulation which has become worn and defaced shall be returned to the city of Washington, and here, without going to the national banks, the notes shall be placed in the hands of some agents of the Government who shall destroy them. It seems to me there is a most serious objection to this feature of the bill. No national bank ought to be willing to have its notes taken possession of and destroyed without passing through its own hands. If the note or the obligation of an individual has gone forth, he wishes to know when that note or obligation is canceled. Therefore, while I agree with the committee that these defaced and worn-out notes should be taken from the circulation and destroyed, it seems to me you should not require them to be destroyed without allowing the officers of the banks to inspect and count and pass upon them in the first instance. They should not be charged with the destruction of $10,000 of their own notes, not a dollar of which have they passed upon and personally know anything in reference to. Before these notes should be destroyed every bank should inspect them and be satisfied that they are their notes and not the notes of some other bank which are destroyed and charged to them.

I know it may be said that the Comptroller and the officers here in Washington will examine into this matter. So, sir, you might say that your neighbor would examine your paper; but if you are to be held responsible for that paper and it is to be charged to you you want to know in reference to it yourself.

I also notice upon the ninth page that the bill says "the amount of the bonds on deposit for circulation shall not be reduced below $30,000." The present law, as I understand it, is that no bank shall be organized with a less amount than $50,000. Whether the committee propose to change this feature of the existing law and allow a bank to be organized with $30,000 instead of $50,000, I do not know; but another portion of the bill states that the existing law shall remain in force as it now is. I ask the chairman of the committee whether he proposes by this section to change that provision, so that a bank may organize under this bill with a capital of $30,000, or what is meant by the change here of $30,000 instead of $50,000? If the chairman says that the committee do not intend to change that feature of the law, should not the $30,000 be changed to $50,000?

Mr. SHERMAN. Since my friend has called my attention to this matter I have carefully examined the bill, and I think under the provisions of the fourth section and the sixth section, taken together, the limitations and regulations and provisions as to the amount of bonds to be held by the Treasurer are not at all changed by the bill; and this proviso was put in for the purpose of excluding a conclusion which might be drawn from the general language of the sixth section. I think myself the proviso might just as well fix the minimum amount for a bank of circulation at $50,000. That is now the law. The reason why $30,000 was inserted is, that under the present law banks without circulation may be organized upon the deposit of bonds to the amount of $30,000. If the Senator thinks it would be better to raise that minimum to $50,000, I have no objection myself to having that amendment made. The purpose was simply to leave the law stand as it is in all respects in regard to the amount of bonds to be deposited and the amount of circulation to be issued on the bonds. No bank issuing circulating notes now can have less than $30,000 of circulation, nor can it have less than $50,000 of capital; and as this limitation of $30,000 relates to the amount of bonds on deposit and not to the amount of capital stock, it would seem proper to keep in the present limitation $30,000; that is, that the amount of bonds at all

times deposited shall never be less than $30,000. A bank may be organized with a capital of $50,000, and yet only have a deposit of $30,000 of bonds and a corresponding amount of circulating notes.

Mr. WASHBURN. I only wish to understand the meaning of the bill. I have no particular objection to it, but I could not understand what the object of the committee was in reference to that feature of the bill.

But, Mr. President, while I have called the attention of the committee to these particular features of the bill, they are not the greatest difficulties with which I have had to contend. I know it is said that the country is in a condition in which it is very desirable that we should do something on this subject, and I do not know but that this measure may be the best one that can be adopted for the satisfaction of all sections of the country. If I can be satisfied of that fact, I shall be most ready to second the measure; but I feel that while it may be desirable that something should be done, it is not desirable that we should take a step which may place us in a worse position than the position which we already occupy; and I say to the committee in all candor that if I can understand this bill at all I have most serious doubts in regard to the effect it would have upon the country. I do not wish to do anything here by which the business interests of the country will feel that they are in the dark in regard to the future. They have felt, so far as the standard of the currency of this country was concerned, so far as the value which regulated the currency was concerned, that the great difficulty was that it was liable to be changed by Congress at any hour, and the very fact that the standard was liable to be changed by Congress has created an uncertainty and a dread in every portion of the business community. The trouble with me about this bill is that if we pass it there will be a greater uncertainty hanging over those interests than possibly could hang over them as we are situated without any bill at the present hour.

The Senator from Illinois [Mr. LOGAN] yesterday asked the committee what would be the effect of this bill—would it be contraction or would it be expansion. Well did the committee say that they could not say what would be the effect of it. No man can tell what will be the effect. No business community can tell what will be the effect in the end. That the immediate effect will be contraction no one can doubt for a moment. There can be no question that when you take your 5 per cent. to place with the Treasurer you take some $17,000,000, which contracts your greenback currency to that amount in the first step. No one can deny that when you take your reserves from the commercial centers and place them in each individual bank, if the argument be true that these commercial centers are using these reserves at the present day for loans, the effect of taking these reserves will be to contract your currency to the extent that the banks in the commercial centers use those reserves to loan upon. So far as these two items are concerned then, to start with, there can be no question that the effect of the measure will be contraction.

But then the question arises, how many banks will organize under this bill? If you organize banks to the amount of a few millions of dollars, then you increase the currency by the organization of those new banks. But the point to which I wish to call the attention of the committee in reference to the bill is, what assurance have we that any bank will organize under this bill? Take your bankers in the country and tell me what inducement have they to organize a new bank under this bill? Why, says my friend from Ohio, we have given them the opportunity of free banking. I believe in free banking. When you have a specie basis, when you have a commercial center of redemption, when you have all your provisions made, let your banking be free, and let every State and every community have the same chance and the same opportunity. But if this bill passes and becomes a law a banker will examine it and say; "If I organize a bank under this bill I must go and purchase my bonds and pay 15 or 16 per cent. premium for those bonds, and I will get my $90,000 of circulation on the $100,000." In other words, he must pay $15,000 premium for $90,000 of circulation to start with.

Now, I ask the chairman of the Finance Committee as a bank man if he would advise any company, any corporation, under this circumstance, to organize a new bank? Would he not say as a business man that he could not advise such a step? He would rather advise to wait two years and a half, when instead of paying $16,000 premium for his $100,000 of five per cents he can get them at cost, and therefore he will not organize a bank when the whole interest on his $100,000 of bonds during the two and a half years is less than the premium. Would not he as a business man, would not you as a banker, say, "I will take my $100,000 which I have and my $16,000 which I have got to pay as premium, and I will invest it and take my 7 per cent. interest, and when the two and a half years roll around I can take that money with all its accumulation and subtract from it the $100,000 and have left some twenty-five or thirty thousand dollars, and with the $100,000 I will take my bonds and then I will commence to bank with it." Is it not natural? Can a business man do different from that if he looks to his own interest? If I am wrong, the committee will show me my error; if I am correct, then how under this bill will new banks be organized when they see what stares them in the face in that regard? It does not seem to me to be natural.

But again there is a worse difficulty than this which troubles me. I do not want to contract this currency at the present time. I do not want to do anything to throw an additional cloud over the business interests of the country at the present hour. I see banks organized all over the country. They look and see this bill. Why, says the bank with its circulation to-day of a million, my bonds are worth, if they are 5 per cents, 16 per cent. premium; if they are 6 per cents, they are worth 20 per cent. premium; why should not I sell those bonds? Why should not I surrender my circulation? Why should not I take my money and invest it at 7 per cent.? In two and a half years I can buy back those same bonds at par. As a business operation, would it not be for the interest of the bank to do it? Could they not do far better by surrendering their currency rather than by taking more?

My friends from the western part of the country want more circulation. I do not believe that there will be any difficulty in regard to that if this bill passes. I believe that many banks would wish to surrender their circulation for the reasons I have suggested.

But, Mr. President, I know there are difficulties. I know it is said that New England has too much circulation. I know it has been often assumed that my own State has more than its share. I am not here to say that that is not true. I ask no favors and no privileges for my own State that I am not willing should be granted to every other State in the Union in this regard; but let me say to Senators that we did not take hold of this national banking system readily and willingly. It was no mere anxiety and rush on the part of my State to go and seize more than her share of the banking capital of this country. We had our own State banking institutions, and we believed them to be as sound and as satisfactory as it was possible for banks to be. When this national system came into existence it was desired that all the old State institutions should surrender their State charters and organize under this new system. My State had received a revenue from her State circulation. For thirty-five years, taking it from 1830 to 1865, she had not only received all her revenue, but when the war broke out she had between eight and nine million dollars in the treasury over and above all the taxes that had been levied in the State during the thirty-five years; and when during the rebellion she taxed her citizens so that in the last year of the war the taxes of that State were $4,700,000, after taking out all those taxes the revenue which she had received from her State banks was enough to cancel it all except about $500,000. Therefore it was that the people of my State disliked to surrender these institutions and to enter into the national system, for they would be obliged annually to levy a severe tax upon themselves. "But" the governor of the State at that time, in a message to the Legislature—and a truer and more patriotic man or one more capable of taking into consideration the interests of the whole country never occupied that position than John A. Andrew—took the ground that "we must not narrow and circumscribe our vision simply to our own State. True, we must impose a State tax upon our people if we surrender our banks to the national Government, but the good of the people at large, the interests of the whole country, demand it; therefore let us give up our State banks and go into this national system." What then? Some of our State banks were fearful. They knew what they could do under the State system. Then Congress forced them and placed a tax of 10 per cent. upon them, driving every one of them into this system. It was an experiment. Every bank hesitated. They knew they were prosperous under the State system, but they were obliged to adopt the national system. Now they pay annually into the United States Treasury $1,100,000 of taxes, and our people are taxed annually about $2,000,000 to meet their revenues.

I mention this not to say that the State of Massachusetts ought to retain her present banking capital, but simply that the Senate may understand that we did not rush into this business. It was not because we wished to take the advantage of anybody, but it was simply because we were compelled to do so.

The Senator from Illinois says that at the present time no bank can make a profit unless its deposits are greater than its circulation. If that statement be true there is not a bank in Massachusetts, outside of its large cities, that can make any profit. You may look over this country and, with the exception of your great commercial centers and some of your large cities, you will find that the deposits of a great majority of banks outside of those points do not come up to their capital, but fall far below it. In many cases they are not one-half of it; in some cases not one-fourth part of it. But however that may be, the profit on circulation after paying all these taxes is so small that it is not a question to be contended about.

What I say is that if we have got more circulation than belongs to us you have a provision to take it from us. Take it from us, then, and carry it to the West or to the South. We have our currency, not for the State of Massachusetts or any other State, but it is a currency for the country at large; and valuable as was our State currency, and valuable as was the State currency of the State of New York and some other States, there is no State currency in my view that will compare with the national currency. The very fact of our placing the national stamp upon our bills makes them current in every section of the country, and in many other countries besides our own; and we have a confidence in it; we feel safer with the national stamp upon it than it is possible to feel in regard to any State issue whatever.

The Senator who just spoke [Mr. BAYARD] advocated the idea of our going back to our State systems. Sir, who knows what may be the laws which may regulate the issues of this State or that? Who knows what changes may take place, and how you may have a sur-

plus to-day and a scarcity to-morrow? But if you regulate it by the nation, and if you can have a fixed standard of value which is not subject to be changed by legislative action, it seems to me we have the best circulating medium there is in the world. It is not simply a question what shall be the profit of this State or that State, but what currency can we have regulated properly that will assist and aid the business interests in every section of the country in the best possible manner to transact their business; and if there is one currency that will bring about that result better than any other, that is the currency that we need. We have a restriction, we have a regulation over our national institutions which it is impossible to have over any other institutions. Gentlemen recollect that during the panic of last fall our strongest banks that were not controlled by the nation, that were not held under obligation to make reports of their condition, and were not confined within certain rules which had been established by the Government, those very banks in which we placed the most implicit confidence, almost every one of them, went down and failed us in our hour of need; and then we felt more than ever the importance of having institutions which we could understand, whose condition we could ascertain monthly if we desired it, and that the whole country might have confidence in, and that we might feel that they were not regulated as private banks.

Sir, so far as banks are concerned, as I said before, if they cease to be of benefit to the business interests of the country, if they cease to assist those business interests better and more cheaply to transact their business than they otherwise could do it, then I care very little about them. I know that as you regulate those institutions and as you plant them in different sections, you furnish facilities for the business interests of those sections scattered all over the country which it is impossible for them otherwise to have. I know there would be no trouble if you had no bank circulation so far as our great commercial centers are concerned; your bills and your currency naturally would concentrate in those great commercial centers. But if you had no banks scattered in the sparsely settled portions of the country you would find that whenever there was a scarcity of currency those sections of the country would not have any currency; the commercial centers when there was a scarcity would absorb it all. But when you have your banks of issue with a proper redemption system, they take their circulation and they carry it into all these localities and they furnish to the business facilities of those localities this currency, as it is impossible to do without them. Ah, but, says some one, should we not have local banking institutions? True; and how should we regulate them? They would take all the advantages of the business interests they saw fit in that community, and you could not check them; you would know nothing in reference to their standing, and if they failed the business interests there would suffer and you could not help it. They would charge just what they chose, and the business interests would have this tax placed upon them. We talk about our railroad facilities; we talk about cheapening transportation; but is it not just as important that you furnish the best possible currency and at the best possible rate to all the business interests of the country in order to lift from them the burdens that necessarily come upon them as it is to furnish transportation? And when your banks cease to do that, they cease, as it seems to me, to be of the value which we desired they should be, and it is of but little consequence whether they continue or not.

I did not intend when I rose to occupy more than a single moment, and I do not propose to continue this discussion. But, as I said before, whatever we do we cannot afford to do anything which shall leave any uncertainty in the minds of the business community. I believe that they feel that we are pledged to travel directly toward resumption, not necessarily hastily, not so as to bear down the business interests of the country, but that we have pledged ourselves that our aid shall be given in that direction; that we justified ourselves before the country and before the world in regard to our legal-tender act simply on the ground that it was a necessity, and that in order to save the life of the nation we had a right to avail ourselves of that necessity; but that as soon as peace was declared we would take the earliest practicable opportunity to return to our condition previous to that act. I know full well that when we passed the first act to redeem a certain portion of greenbacks monthly I voted for it, and the object was to carry out that pledge. We subsequently decided that we would stop that retirement and leave, as we said, the country to grow up to our currency; that we would not reduce it; but we did substantially say to the country that we would not go in the opposite direction, but would let the country go on and prosper, and that without interfering with the business interests of the people we would endeaver to resume at as early a day as was practicable.

Now I do not wish to take any step which shall look as if we were taking the backward ground and the downward track. I do not wish those who represent the South or the West to be placed in such a position that they will be obliged to say to their constituents "We can get no circulation." You have an act already to take $25,000,000. I say take it as fast as it is wanted, and use it, and have the same privileges and the same advantages that we have; and if the day shall come when we can resume without injury, so that we have a fixed standard of value which is not liable to be changed, so that the business interests of the country may feel confident that they know what is before them, and can make their plans accordingly, then I would open the door to free banking and let the institutions in every section of the country avail themselves of the opportunity.

My friend on my right yesterday asked what guarantee we should have that there would not be too much circulation under that state of things. With such a standard there will be no difficulty, for each bank would be obliged to take care of its circulation, and you would find that the banks in my State would surrender, so far as the great cities are concerned, most speedily a large portion of the circulation which they now hold, because they would not want to take the responsibility of redeeming that circulation.

One word more and I have done. I know there is a feeling that the stress and panic which came so suddenly upon us last fall were owing to the fact that we had not sufficient currency. It seems to me that that was not the great difficulty. We had plenty of currency, but we could not have the benefit of it. There was a want of confidence, and many of our best institutions locked it up, some a million, some eight hundred thousand, some five hundred thousand dollars, and so on, in order that they might be able to answer the demands of their customers. When you take into account the fact that during the last few years since the war we have expended some $600,000,000 in railroads, and when you take into account the fact also that we have been increasing our business operations and building roads all over the country, when you take into account the fact that in our chief city from seventy-five to one hundred million dollars of property was blotted out of existence in a single day, when you take into account the fact that in one of our western cities but a short time since a similar calamity occurred—with all these expenditures and this extension of business and these losses, is it to be wondered at that when the day came in the fall that some of our banks broke there was a want of confidence? Our strong men, who in former years had stretched out their arms most liberally to assist those in need, were so tied up by the failure of the corporations which I have referred to, that it was all that it was possible for them to do to take care of themselves.

I recollect very well that when the Union Pacific Railroad was completed the question came up immediately in regard to building the Southern and Northern Pacific roads. I voted against both those propositions, not because I did not believe in them. I believed that they should be constructed; but I said "we have spent so much money, and I am sorry to say many millions more than we ought to have spent on the Union Pacific, that the business interests of the country cannot afford to let us undertake to build these two great lines at the present time. We ought to wait at least ten years before we undertake another such enterprise." Gentlemen, look at it as you will, the amount of money that we have put into these great enterprises and into various other enterprises of a similar nature, has taken from our business interests so much, that we lack not so much currency or bank-bills as we do capital. We were poor, and the business men felt it as they never felt it before. Our railroad companies failed; contractors failed; and when they failed they brought disaster upon our great business corporations, and when they failed they brought calamity upon our merchants, our merchants upon our importers and our laboring men, and every rank and class of citizens, from the highest to the lowest, felt the effects of that terrible calamity. But it was not in my view owing to a want of currency. You might have issued another $100,000,000, and it would only have bridged it over for the moment. It was because we had launched out into these various corporations and works of construction to such an extent that we found we had not means to take care of the legitimate business interests which we were called upon in that hour to protect.

Mr. President, if I could feel that this bill would relieve us, if I could feel and be satisfied that the country would be better with it, I should be most happy to vote for it; but it seems to me that if currency is what you want, much as I regret to have it taken from our section so far as our banks are concerned—not that I care for the currency, for we have a surplus; it is redundant there—I feel that every business man in the country knows what it means. He does not know but that the volume is to be increased under this bill. He does not understand how to make his plans for the future. Therefore I think it would be an uncertain step which I most sadly fear this measure might bring upon us.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The question is on the amendment of the Senator from Iowa, [Mr. WRIGHT,] upon which the yeas and nays have been ordered.

Mr. ROBERTSON. I ask that the amendment be read.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. The amendment is in section 8, line 8, to strike out "50" and insert "25;" so as to read:

It shall be the duty of the Secretary of the Treasury to retire an amount of United States notes equal to 25 per cent. of the circulating notes so issued.

The Secretary proceeded to call the roll.

Mr. BUCKINGHAM, (when his name was called.) On this question I am paired with the Senator from Virginia, [Mr. LEWIS.] If he were here he would vote "yea," and I should vote "nay."

Mr. INGALLS, (when his name was called.) The pair with the Senator from New Jersey [Mr. FRELINGHUYSEN] which I announced yesterday still continues. If relieved from this obligation I would vote "yea." I do not know how he would vote.

Mr. KELLY, (when his name was called.) On this question I am paired with the Senator from Georgia, [Mr. NORWOOD.] If present he would vote for this amendment, and I should vote against it.

Mr. RANSOM, (when his name was called.) On this question I am paired with the Senator from New Jersey, [Mr. STOCKTON.] If present he would vote "nay," and I should vote "yea."

Mr. SPRAGUE, (when his name was called.) On this question I am paired with the Senator from Massachusetts, [Mr. BOUTWELL.] He, if here, would vote "nay," and I should vote "yea."

Mr. WADLEIGH, (when his name was called.) On this question I am paired with the Senator from Mississippi, [Mr. PEASE.] If present he would vote "yea," and I should vote "nay."

Mr. CONKLING. The Senator from New Jersey [Mr. FRELINGHUYSEN] is absent. He is paired with the Senator from Kansas [Mr. INGALLS] on this vote. If he were here he would vote "nay."

Mr. BUCKINGHAM. In behalf of my colleague, [Mr. FERRY,] who is absent, I would say that if he were here, on all questions which relate to expansion, he would vote against it. I understand that he is paired with the Senator from Tennessee, [Mr. BROWNLOW,] who would vote for expansion. I make this statement to show the position of my colleague.

The roll-call having been concluded, the result was announced—yeas 32, nays 24; as follows:

YEAS—Messrs. Alcorn, Allison, Bogy, Boreman, Cameron, Carpenter, Clayton, Conover, Dennis, Dorsey, Ferry of Michigan, Gilbert, Goldthwaite, Gordon, Harvey, Hitchcock, Johnston, Logan, McCreery, Merrimon, Mitchell, Morton, Oglesby, Patterson, Pratt, Ramsey, Robertson, Spencer, Tipton, West, Windom, and Wright—32.

NAYS—Messrs. Anthony, Bayard, Chandler, Conkling, Cooper, Davis, Edmunds, Fenton, Flanagan, Hager, Hamilton of Maryland, Hamilton of Texas, Hamlin, Howe, Morrill of Maine, Morrill of Vermont, Sargent, Saulsbury, Schurz, Scott, Sherman, Stewart, Thurman, and Washburn—24.

ABSENT—Messrs. Boutwell, Brownlow, Buckingham, Cragin, Ferry of Connecticut, Frelinghuysen, Ingalls, Jones, Kelly, Lewis, Norwood, Pease, Ransom, Sprague, Stevenson, Stockton, and Wadleigh—17.

So the amendment to the amendment was agreed to.

Mr. WRIGHT. I offer the following amendment in section 8, line 6, after the word "act" insert "in excess of the highest outstanding volume thereof at any time prior to such issue;" so as to read:

And within thirty days after circulating notes to the amount of $1,000,000 shall from time to time be issued to national banking associations under this act in excess of the highest outstanding volume thereof at any time prior to such issue, it shall be duty of the Secretary of the Treasury to retire an amount of United States notes equal to 25 per cent. of the circulating notes so issued, &c.

I trust there will be no objection to this amendment.

Mr. SHERMAN. I do not understand it.

Mr. WRIGHT. I will explain it. It may occur in issuing national-bank circulation from time to time after this act goes into effect, under the free-banking provision, that while in one month there may be an issue of three, four, five, eight, or ten millions, there may be also a retirement. There may be some months when bank circulation will be withdrawn and there be no increase. The object of this amendment is that in case there shall be a retirement, say in one month of $5,000,000, and then the next month there shall be an issue of $4,000,000, a retirement of greenbacks shall not occur on that $4,000,000 without reference to what may have been withdrawn by the banks, but that the retirement shall only take place as there is an actual increase of the volume of the bank circulation over and above the highest point reached heretofore. For instance, suppose the bank circulation shall run up to $400,000,000, and then because the banks want to retire their circulation they bring it down to $390,000,000, and afterward there shall be an increase of $4,000,000; I do not want a retirement of greenbacks on that $4,000,000 over and above the $390,000,000, and no retirement until you get up to $400,000,000 again. I supposed that was the intention of the section, and I want these words put so that there can be no mistake about it.

Mr. SHERMAN. I do not now understand the amendment, although I have been listening with attention to the Senator from Iowa; nor is it material, for I think as a matter of course the Senator ought to perfect the bill as he desires. I cannot now vote for it. I have no desire to interfere with the amendments he may offer. I ask that the amendment may again be read.

The PRESIDING OFFICER. The amendment will be read.

The Chief Clerk read the amendment to the amendment.

Mr. CHANDLER. Mr. President, I have not the slightest objection to this or any other amendment that may be moved to the bill; but I yesterday gave notice that after the adoption of this amendment, if it should be carried, I would move to lay the bill upon the table. I do not think it worth while to take any more time on this bill, as the time of the body is valuable. I therefore move that the bill and all amendments be laid upon the table.

Mr. FERRY, of Michigan. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Chief Clerk proceeded to call the roll.

Mr. CONKLING, (when Mr. FRELINGHUYSEN'S name was called.) Perhaps I ought to state again that the Senator from New Jersey, if here, would vote for this motion. He is paired on this and kindred motions with the Senator from Kansas.

Mr. INGALLS, (when his name was called.) The announcement of the Senator from New York renders it unnecessary for me to say that my pair continues with the Senator from New Jersey. If present I presume he would vote "yea," and I should vote "nay."

Mr. RANSOM, (when his name was called.) On this bill I am paired with the Senator from New Jersey, [Mr. STOCKTON,] but as I am assured that that Senator if here would vote "nay" on this motion and I vote "nay," I will record my vote.

Mr. SPRAGUE, (when his name was called.) On this question I presume I am paired with the Senator from Massachusetts, [Mr. BOUTWELL.]

The roll-call having been concluded, the result was announced—yeas 20, nays 36; as follows:

YEAS—Messrs. Anthony, Buckingham, Chandler, Conkling, Davis, Edmunds, Fenton, Flanagan, Hager, Hamilton of Maryland, Hamilton of Texas, Hamlin, Morrill of Maine, Morrill of Vermont, Sargent, Schurz, Scott, Sherman, Stewart, and Washburn—20.

NAYS—Messrs. Alcorn, Allison, Bayard, Bogy, Boreman, Cameron, Carpenter, Clayton, Conover, Cooper, Dennis, Dorsey, Ferry of Michigan, Gilbert, Goldthwaite, Gordon, Harvey, Howe, Johnston, Logan, McCreery, Merrimon, Mitchell, Morton, Oglesby, Patterson, Pratt, Ramsey, Ransom, Robertson, Saulsbury, Spencer, Tipton, West, Windom, and Wright—36.

ABSENT—Messrs. Boutwell, Brownlow, Cragin, Ferry of Connecticut, Frelinghuysen, Hitchcock, Ingalls, Jones, Kelly, Lewis, Norwood, Pease, Sprague, Stevenson, Stockton, Thurman, and Wadleigh—17.

So the motion was not agreed to.

Mr. MERRIMON. I desire to offer a substitute for the bill.

The PRESIDENT *pro tempore*. There is a pending amendment offered by the Senator from Iowa.

Mr. MERRIMON. There is but one amendment pending, I believe.

The PRESIDENT *pro tempore*. The question is on the amendment offered by the Senator from Iowa to the amendment of the Committee on Finance.

Mr. MORRILL, of Vermont. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. EDMUNDS. Let the amendment be read.

The CHIEF CLERK. The amendment is to insert after the word "act" in line 6 of section 8 the words "in excess of the highest outstanding volume thereof at any time prior to such issue."

Mr. SHERMAN. I should like to ask the Senator form Iowa whether the highest standard of notes ever issued was not $400,000,000; so that there would be no diminution of greenbacks at all until the bank circulation shall have reached $400,000,000? Is that it?

Mr. WRIGHT. I did not hear the Senator.

Mr. SHERMAN. The highest amount of issue was $400,000,000. Does this amendment prevent the diminution of greenbacks until the amount of bank-notes reaches $400,000,000?

Mr. WRIGHT. It does not touch the greenbacks at all.

Mr. SHERMAN. What is the effect?

Mr. WRIGHT. I will explain. The section now provides that there shall be a retirement of twenty-five cents of greenbacks for each dollar of national-bank circulation issued. It also provides that within thirty days after circulating notes to the amount of $1,000,000 shall from time to time be issued to national banking associations under this act, it shall be the duty of the Secretary of the Treasury to retire an amount of United States notes equal to 25 per cent. of this circulation. My proposition is that, instead of allowing a retirement for each million of national-bank circulation that may be issued without reference to what was the volume prior thereto, the Secretary shall not retire until we get up to what was the maximum volume before that of national-bank circulation.

As I attempted to explain and gave as an illustration, suppose the national-bank circulation at any time shall reach $400,000,000; you will have been retiring 25 per cent. on each million issued, thirty days thereafter. Now, suppose it should occur that ten millions of national-bank circulation issued should be withdrawn by the banks; they withdraw their circulation and lift their bonds, as they may do; then the bank circulation is reduced to $390,000,000. The next month suppose there shall be $4,000,000 of national-bank circulation issued, that would make $394,000,000. As the bill stands now, the Secretary of the Treasury would retire one million of the greenbacks. My proposition is that he shall not retire in such a case as that till we get to $400,000,000, and above that. That is to say, he cannot retire upon an increase of national-bank circulation until we get above what was the highest volume thereof at any time prior to that. If there be a retirement of twenty or thirty thousand dollars of national-bank circulation and then there shall happen to be an increase of one million, it cannot be asked that you shall retire $250,000 for that million, for thus it might occur that you would retire all the greenback circulation down to $300,000,000 and have no increase of national-bank circulation.

Mr. MORTON. The principle of this amendment, as I understand it, is this: that if there should be a new issue to new banks of $1,000,000 of national-bank notes and a retirement of national-bank notes by old banks to the amount of $200,000, leaving the increase of national-bank notes $800,000, the retirement of greenbacks shall only operate against the $800,000 and not against the million.

Mr. LOGAN. That is it.

Mr. WEST. It prevents duplicate retirement.

Mr. LOGAN. Exactly.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Iowa.

The Chief Clerk proceeded to call the roll.

Mr. INGALLS, (when his name was called.) On this question I should vote "yea" were I not paired with the Senator from New Jersey, [Mr. FRELINGHUYSEN.]

The roll-call having been concluded, the result was announced—yeas 30, nays 23; as follows:

YEAS—Messrs. Alcorn, Allison, Bogy, Boreman, Cameron, Carpenter, Clayton, Conover, Dennis, Dorsey, Ferry of Michigan, Goldthwaite, Gordon, Harvey, Hitchcock, Johnston, Logan, McCreery, Merrimon, Mitchell, Morton, Oglesby, Patterson, Pratt, Ramsey, Robertson, Spencer, Tipton, West, and Wright—30.

NAYS—Messrs. Anthony, Bayard, Buckingham, Chandler, Conkling, Cooper, Davis, Edmunds, Fenton, Flanagan, Hager, Hamilton of Maryland, Hamilton of Texas, Hamlin, Howe, Morrill of Vermont, Saulsbury, Schurz, Scott, Sherman, Stewart, Washburn, and Windom—23.

ABSENT—Messrs. Boutwell, Brownlow, Cragin, Ferry of Connecticut, Frelinghuysen, Gilbert, Ingalls, Jones, Kelly, Lewis, Morrill of Maine, Norwood, Pease, Ransom, Sargent, Sprague, Stevenson, Stockton, Thurman, and Wadleigh—30.

So the amendment to the amendment was agreed to.

Mr. WRIGHT. I offer the following amendment: In section 9, line 14, strike out "5" and insert "4½."

Mr. SHERMAN. I call for the yeas and nays on that amendment.

The yeas and nays were ordered.

Mr. CONKLING. Perhaps it is an idle work, but nevertheless I propose that the Secretary shall as usual report this amendment so that we may know what it means. It has been simply announced to be to strike out "5" and insert "4½." Nobody knows what that means, I take it.

The CHIEF CLERK. It is proposed in section 9, line 14, to strike out "5" and insert "4½," so as to read:

After ten years from the date of their issue and bearing interest payable quarterly in such coin at the rate of 4½ per cent. per annum.

The Chief Clerk proceeded to call the roll.

Mr. BUCKINGHAM, (when his name was called.) On this question I am paired with the Senator from Virginia, [Mr. LEWIS.] If he were here he would vote "yea" and I should vote "nay."

Mr. INGALLS, (when his name was called.) If not paired with the Senator from New Jersey upon this question, I should vote "yea."

The roll-call having been concluded, the result was announced—yeas 32, nays 15; as follows:

YEAS—Messrs. Alcorn, Allison, Bogy, Boreman, Carpenter, Clayton, Conover, Davis, Dennis, Dorsey, Ferry of Michigan, Goldthwaite, Gordon, Harvey, Hitchcock, Johnston, Logan, McCreery, Merrimon, Mitchell, Morton, Oglesby, Patterson, Pratt, Ramsey, Robertson, Spencer, Tipton, Washburn, West, Windom, and Wright—32.

NAYS—Messrs. Anthony, Conkling, Cooper, Edmunds, Fenton, Flanagan, Hager, Hamilton of Maryland, Hamilton of Texas, Hamlin, Howe, Schurz, Scott, Sherman, and Stewart—15.

ABSENT—Messrs. Bayard, Boutwell, Brownlow, Buckingham, Cameron, Chandler, Cragin, Ferry of Connecticut, Frelinghuysen, Gilbert, Ingalls, Jones, Kelly, Lewis, Morrill of Maine, Morrill of Vermont, Norwood, Pease, Ransom, Sargent, Saulsbury, Sprague, Stevenson, Stockton, Thurman, and Wadleigh—26.

So the amendment to the amendment was agreed to.

Mr. WRIGHT. I wish to offer another amendment. In section 9, line 12, I move to strike out "ten" and insert "fifteen," so that the clause will read:

And thereupon the Secretary of the Treasury shall, in exchange for said notes, deliver to such holder an equal amount of coupon or registered bonds of the United States in such form as he may prescribe, of denominations of fifty dollars, or some multiple of that sum, redeemable in coin of the present standard value, at the pleasure of the United States, after fifteen years from the date of their issue.

Mr. ANTHONY. I beg to make a suggestion in the interests of the expedition of business. We have all made our record on these various amendments which tend in one direction, and the majority in the Senate is very decided. I think it is hardly necessary to waste the time of the Senate in taking the yeas and nays on every amendment. A division will answer the purpose of ascertaining how close the vote is, and if it should be found to be very close we might take the yeas and nays; but there is no necessity for taking the yeas and nays for the purpose of enabling any Senator to make his record, which is fully made on both sides. I hope, therefore, we shall take this vote by a division, and that unless the vote be very close, we shall not be troubled with the yeas and nays.

Mr. WRIGHT. In this case I suppose there will be no objection to this amendment. I think the Senator from Ohio will not object to this amendment.

Mr. SHERMAN. I do not object to any amendment that the Senator chooses to put on the bill.

Mr. WRIGHT. Then I think we had better have the yeas and nays on this amendment.

Mr. SHERMAN. I do not call for the yeas and nays. I concur entirely with what has been said by the Senator from Rhode Island. It is utterly idle to call the yeas and nays. I have not called for them at all.

Mr. ANTHONY. When I first came into this body the yeas and nays were not called once a month, certainly not once a week, and now we call them upon every petty question. I think it is a great waste of the time of the Senate.

The PRESIDENT *pro tempore*. The Senator from Iowa demands the yeas and nays on this question.

The yeas and nays were ordered.

Mr. INGALLS. On account of my pair with the Senator from New Jersey [Mr. FRELINGHUYSEN] I am restrained from voting "yea" on this proposition.

The question being taken by yeas and nays, resulted—yeas 31, nays 16; as follows:

YEAS—Messrs. Alcorn, Allison, Bayard, Bogy, Boreman, Carpenter, Clayton, Conover, Dennis, Dorsey, Edmunds, Ferry of Michigan, Goldthwaite, Gordon, Harvey, Hitchcock, Johnston, Logan, McCreery, Merrimon, Mitchell, Morton, Oglesby, Patterson, Pratt, Ramsey, Ransom, Saulsbury, Spencer, Tipton, and Wright—31.

NAYS—Messrs. Anthony, Buckingham, Chandler, Conkling, Cooper, Davis, Flanagan, Hager, Hamilton of Maryland, Hamilton of Texas, Hamlin, Howe, Morrill of Vermont, Scott, Stewart, and Washburn—16.

ABSENT—Messrs. Boutwell, Brownlow, Cameron, Cragin, Fenton, Ferry of Connecticut, Frelinghuysen, Gilbert, Ingalls, Jones, Kelly, Lewis, Morrill of Maine, Norwood, Pease, Robertson, Sargent, Schurz, Sherman, Sprague, Stevenson, Stockton, Thurman, Wadleigh, West, and Windom—26.

So the amendment to the amendment was agreed to.

Mr. WRIGHT. In section 9, line 1, I move to strike out the word "January" and insert "July," and in line 2 to strike out "seven" and insert "eight;" so that the section will read:

That on and after the 1st day of July, 1878, any holder of United States notes to the amount of $1,000, or any multiple thereof, may present them for payment, &c.

Mr. BUCKINGHAM. Is an amendment to that amendment in order?

The PRESIDENT *pro tempore*. It is.

Mr. EDMUNDS. The amendment of the Senator from Iowa is an amendment in the second degree. We are acting on the committee's amendment, and this is an amendment to the committee's amendment. I do not see how you can have another amendment.

The PRESIDENT *pro tempore*. An amendment would be in order.

Mr. BUCKINGHAM. If this amendment should be adopted will it be in order to move to strike it out and insert another?

The PRESIDENT *pro tempore*. When the bill comes into the Senate, it would be. The question is on the amendment proposed by the Senator from Iowa, [Mr. WRIGHT.]

The amendment to the amendment was agreed to.

Mr. CONKLING. I now move an amendment, to strike out all after the enacting clause and insert what I send to the Chair.

The PRESIDENT *pro tempore*. The Chair understands the Senator to move an amendment to the pending amendment of the committee by striking out all after the word "that," the first word of the amendment. That amendment is in order, and it will be reported.

The Chief Clerk read as follows:

So much of the act entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates, and for an increase of national-bank notes," as provides that no circulation shall be withdrawn, under the provisions of section 6 of said act, until after the fifty-four millions granted in section 1 of said act shall have been taken up, is hereby repealed; and it shall be the duty of the Comptroller of the Currency, under the direction of the Secretary of the Treasury, to proceed forthwith to carry into execution the provisions of section 6 of said act, and, to enable him to do so, he is hereby authorized and required, from time to time, as needed for the execution of the said section, to make requisitions upon each of the national banks described in said section, organized in States having an excess of circulation, to withdraw and return so much of their circulation as by said act may be apportioned to be withdrawn from them, or, in lieu thereof, to deposit in the Treasury of the United States lawful money sufficient to redeem such circulation; and, upon the return of the circulation required, or the deposit of lawful money, as herein provided, a proportionate amount of the bonds held to secure the circulation of such association as shall make such return or deposit shall be surrendered to it.

SEC. 2. That upon the failure of the national banks upon which requisition for circulation shall be made, or of any of them, to return the amount required, or to deposit in the Treasury lawful money to redeem the circulation required, within thirty days, the Comptroller of the Currency shall at once sell, as provided in section 49 of the national-currency act, approved June 3, 1864, bonds held to secure the redemption of the circulation of the association or associations which shall so fail to an amount sufficient to redeem the circulation required of such association or associations, and with the proceeds, which shall be deposited in the Treasury of the United States, so much of the circulation of such association or associations shall be redeemed as will equal the amount required and not returned; and if there be any excess of proceeds over the amount required for such redemption, it shall be returned to the association or associations whose bonds shall have been sold. And it shall be the duty of the Treasurer, assistant treasurers, designated depositaries, and national-bank depositories of the United States, who shall be kept informed by the Comptroller of the Currency of such associations as shall fail to return circulation or to deposit lawful money as required, to assort and return to the Treasury for redemption the notes of such associations as they shall come into their hands until the amount required shall be redeemed.

SEC. 3. That from and after the passage of this act it shall be lawful for the Comptroller of the Currency to issue circulating notes in the manner and proportion now provided by law to associations organized or to be organized in those States and Territories having less than their proportion of circulation, under an apportionment made on the basis of population and of wealth, as shown by the returns of the census of 1870: *Provided*, That the whole amount of circulation issued to such banking associations, and withdrawn and redeemed from banking associations under the provisions of this act, shall not exceed $46,000,000, and that such circulation shall from time to time be withdrawn and redeemed only as it shall be necessary to supply banks in those States having less than their apportionment.

Mr. CONKLING. Mr. President, I have few words to say upon this amendment. It is offered in satisfaction of a complaint that inequality exists between States in respect of bank circulation. Lack of equality is a complaint always to be heeded. I forbear to dwell now upon the cause of the particular inequality in question. I say nothing of the fact that strenuous and hostile measures and efforts brought the banks of the States under the national system and caused them to accept circulation offered them for want of other takers. Suffice it to say that New York and some other States have more than their quota respectively of bank circulation.

My amendment will change this. Forty-six million was the increase of bank circulation provided by a measure devised by expansionists which lately won its way in vain through the Senate. The amendment adopts the same sum, and places it all at the disposal of deficient States as soon and as fast as they will take it. If the offer

be accepted, well; if it be refused, for one I shall seek the best thing then to be hoped for during this session of Congress. I mean no action whatever touching the finances, and no attempt at further legislation.

In the present mood and temper of Congress, if this tender of banking advantages be not accepted, the best thing left is an end of the session—a dispatch of needful legislation, the appropriation bills, the civil-rights bill, and but litle else, and then an early adjournment. We can thus take down the sword—the sword which has been hanging by a hair for five months over the head of every business man, while Congress has drifted upon a sea of talk. When the industries of the country are relieved from the suspense springing from the dread that Congress may do we know not what—when the incubus of uncertainty is lifted from enterprise and labor, the energy of the nation will in some measure retrieve and vindicate themselves. We can at least leave trade free to fight its own battle, we can take the hands of Congress off its throat. An adjournment will do this. If, however, accepting $46,000,000 as the need of deficient States in respect of bank circulation, the Senators representing the sections in which need is supposed to exist will unite with Senators representing the States from which it is to be taken, we can redress the only grievance which has even an apparent reality.

Therefore, although this amendment may deprive New York and other States of some bank circulation, without expressing any opinion now upon the justice or injustice of the complaint made or its good or bad faith, without attempting to forecast the result which alone can show whether a real need of bank currency exists, I will vote for the amendment, because it will present to the option of deficient States all that we have been told by their Senators they need or think they need.

Mr. BUCKINGHAM. Mr. President, I do not like the amendment proposed by the Senator from New York. It does not appear to me that it would be just and equitable toward the State of New York or toward any of those States which now have, as it is said, more than their proportion of bank circulation. But we are driven to this alternative: We are to accept this or something like it; we are to relinquish that which we think belongs to the States of the North and East; or we are to put upon our statute-book a banking act which increases the irredeemable currency, which makes no effort to redeem it and to make it better for three years, which opens the business interests of the country to all those fluctuations and changes which will follow an increase of irredeemable currency; and those in my judgment are evils much greater to business interests than the mere privation of a little or a good deal of bank currency. Of the two evils, I prefer that Northern and Eastern States shall relinquish so much of their circulation as is regarded as a surplus, rather than to adopt the other alternative of floating upon a sea which will carry us, in my judgment, toward ruin.

This proposition may be hard in one sense for the people whom I particularly represent, although I do not intend to represent merely the people of the State of Connecticut. I would rather represent, so far as in my power, the business interests of the country, and those business interests will be somewhat imperiled by this amendment; but to no such degree as they will be if instead of yielding or giving or offering a portion of our circulation to those who feel that they have not their fair proportion of circulation, we shall have an increase of irredeemable currency. I say we shall not be injured as much in the one case as in the other, and I prefer to take the least of the evils and to vote for the amendment proposed by the Senator from New York.

Mr. CONKLING. I ask for the yeas and nays upon this amendment, as it is a matter of importance enough to justify it.

The yeas and nays were ordered.

Mr. SHERMAN. The Senate already knows that it was with a good deal of reluctance and with much hesitation that I consented to share in the responsibility of the passage of the bill as it was reported from the Committee on Finance. It provided all the way through for an increase of paper money to a pretty large extent, depending, however, somewhat upon doubts whether or not under the present condition of the money market banks would be organized under the bill to a very large extent. I felt that while bonds were worth 115 in gold, and while the advantages to be derived from the circulation were not greater than they are, we probably could risk free banking upon the basis of this bill.

But since all the restrictions and all the limitations that looked toward redemption now or in the future have been stricken from the bill, as a matter of course I cannot support it, and I appeal to Senators now, as sober, sensible men, having in charge the interests of forty million people, whether it is worth while, with the diversity of opinion upon this bill, with the probability of its fate in the future, with the difference of opinion in regard to its effect upon the public credit, with the wide difference of opinion in regard to the main question at issue, whether any more paper money ought, under any circumstances, to be issued without coin redemption; whether it is wise for us to waste our time on the passage of a bill of this kind as it now stands—a bill to authorize free banking just so far as and to any extent to which any one is willing to buy bonds at their present market value, and issue paper money upon, without one single provision for coin redemption, and a provision only for currency redemption so far as mutilated and defaced notes are concerned, which nobody expects to go far, with no promise even of a conversion into a bond until four and a half years hence, in July, 1878, and then only in a bond which in the money market of the world for the last forty years would be under par in gold, a 4½ per cent. bond. What is the use of our wasting time for a day upon the discussion in detail of a bill like this?

But the Senator from New York now offers to us a proposition which was reported substantially from the Committee on Finance, except that that only provided for $25,000,000, with the assent of the Senator from Iowa [Mr. WRIGHT] and the assent of the Senator from Michigan, [Mr. FERRY,] to correct the long complained of inequality in the distribution of bank circulation. I have heard that subject on the stump so much and among the people in common conversation so often that I am tired and sick of it. It is a source of infinite complaint that the New England and Eastern States got the advantage in the distribution of the bank circulation; and although I know very well that they got it under the decision of the Comptroller, and got it under circumstances which entitle them to hold it unless the public interests are advanced by taking it from them, yet it has been so constant a source of local complaint that I think this is a proper occasion for us to accept on the part of the West and South the generous and manly tender now made us by the representatives of those States where this excess of circulation exists. We can now at least secure a redistribution of $46,000,000 of this excess of circulation, which is probably more than will be absorbed for two or three years. Why not accept it? It has been the cause of local complaint, not that the general circulation was not large enough, but that the local circulation was too small. In every part of the States of Illinois and Indiana and Ohio and Missouri the tables of the Comptroller of the Currency have been laid before the people showing how much deficiency there was in Nebraska and Kansas and Missouri. Here is an opportunity to have that inequality corrected. It is now offered, and offered by the representatives of the very States where this excess exists. Why not accept it? I shall vote for it with great pleasure, and I am very glad indeed to see that the representatives of those States having this excess of circulation are willing to allow it to be withdrawn from them and distributed to the West and South where they make great claim of hardship on account of this inequality.

Mr. THURMAN. Mr. President, I have endeavored all my life to be a practical man, and I propose to be so on this question. I do not suppose there is a man in this Senate who believes that this bill in its present shape can become a law. We hear a great deal of the wants of the South and West. I do not think there is a Senator here who believes that this bill will become a law and supply those wants. But now we have a proposition for the redistribution of the bank currency, and we have the support in that proposition of the States that have an excess of currency according to the principles of distribution now provided by law.

Now, sir, the question is simply this, and no sophistry can hide it: shall we take this advantage which is within our reach—not an advantage of one section over another, but the advantage of justice and equality—shall we realize this practical good, or shall we trample it under foot and pass a bill through this body that no human being believes will become a law? That is the question; and on that I cannot hesitate for one single moment.

Long ago I, in a humble way, called the attention of the Senate, and on the stump called the attention of my constituents, to the unequal distribution of the currency under the national banking law. I did not condemn those States which had obtained more than their share when other States refused to take it or declined to take it or were unable to take it; but I did say that the time had come in the exercise of that power which was reserved to us by the national banking law to redistribute the currency and the banking facilities of the country. Then, sir, I could not wholly succeed. It is true that we passed an act for the redistribution of some portion of that currency, which has become a dead letter owing to some defects that have prevented its execution; but now, free from difficulty, free from obstacle to its execution, here is a proposition that will give to the South and West $46,000,000 of currency; and the question is, will you take this practical and attainable measure, or will you vote it down and pass a measure which you know full well will never become the law of this land?

Mr. MORTON. I have but a single word to say in reply to the Senator from Ohio, the chairman of the Committee on Finance. He represented this bill in his speech a few minutes ago as a bill of abominations.

Mr. SHERMAN. O, no!

Mr. MORTON. I think that was the substance of the Senator's remarks. He said that without provision for the resumption of specie payments, with all guards and limitations stricken out, the bill is now a measure for the indefinite expansion of the currency. I beg leave to remind my friend from Ohio that the time has hardly elapsed for him to have forgotten so soon that this bill is his bill, that there is no principle involved in this bill now which was not in it when he reported it to the Senate and which he did not advocate yesterday in his speech. A majority of the Senate have changed the bill in two respects: in regard to the proportion of greenbacks to be retired, and in regard to the rate of interest upon the bond to be issued for it. These are the two material amendments. I believe one or two other amendments have been made not very important in their character,

and certainly not affecting the principles of the bill. The bill in its principles is just as it was reported by the chairman and a majority of the Finance Committee; and when the Senator denounces it as stripped of all limitations and stripped of all guards, as a bill without merit, he is but condemning his own handiwork. Did he expect that his bill would be accepted by the Senate without amendment, and that we should not be at liberty to exercise our discretion in regard to all the provisions of this bill while still retaining its essential principles? This, Mr. President, is all I have to say.

Mr. SHERMAN. I do not desire to reply to my friend from Indiana because he knows very well that he is doing injustice to me, and therefore I will not press my reply. I wish to state, however, that I assented to this bill and reported it, as the Senate know very well, with great doubt about the propriety of many features of it, especially as to free banking without some positive provision for redemption. But as to this bill now being the same bill reported from the Finance Committee, it is absurd to talk about its being so.

There were three provisions in the bill that looked to redemption, and those provisions had been reduced to their smallest possible *quantum* in order to allow us to report the bill and to vote for it. One provision required the redemption of our notes in the near future in something equal to coin. Now the Senate have substituted instead of gold coin a bond which in the money markets of the world would be worth to-day probably from eighty to ninety cents. In other words, the Senate have proclaimed an additional depreciation of the greenbacks, and now a 4½ per cent. bond cannot be sold in the money markets of the world at par in greenbacks; and therefore you propose four years hence to redeem the outstanding greenbacks in that which is not now to-day worth par in greenbacks. To call that a proposition looking toward specie redemption is simply an absurdity in terms.

Besides that, the object of the bill as reported was to appreciate the value of the greenback, so that the increase of bank-notes would be counteracted by the withdrawal of greenbacks, and the 50 per cent. reduction was only yielded as the last point of compromise, as the Senator from Michigan [Mr. CHANDLER] yesterday stated as the half-way point where friends who differed with each other could meet. When we had gone to that extreme by yielding to some extent the principle of inflation and providing for an increased amount of paper money on the retirement of half that amount of greenbacks, when we were thus providing constantly for an expansion and also in some degree for an improvement in the value of greenbacks, we are met by another proposition to take away one-half of what was to be secured in the way of redemption by this provision of the bill. In other words, $400,000,000 of paper money will be issued to $100,000,000 of paper money retired—an increase of $300,000,000 of paper money if the bill goes on to that extent, and so *pro rata* to any extent that it may go. Besides, the time for doing this has been postponed until July 1, 1878, a period I think beyond the reach of most of those who now hear me, beyond the time for which they can speak.

It seems to me with these great and radical alterations in the bill that the whole character of it is changed. It is no longer a bill providing for a redemption of the notes, but it is a bill providing for their permanent depreciation.

Mr. CONKLING. If the Senator will pardon me, to test whether it is a change or not, 25 per cent. having been stricken out, suppose you strike out the other 25 per cent.; would that be any change?

Mr. SHERMAN. Certainly. You now have a bill providing for their permanent depreciation. At the day you fix, no mortal man here can say to me that this 4½ per cent. bond which you promise to pay will be worth coin. You do not even promise four years ahead to redeem your notes in coin; and yet we are all here to-day under the highest pledge of honor to redeem these notes at the earliest practicable day in coin. Now we propose to redeem them four years hence in a bond which we know is not worth coin.

The qualified redemption in a 5 per cent. bond was at least an approximate approach to specie payments, because in the money markets of the world that bond is worth par in coin; and to-day when we make the tender it is worth coin. So when we said we would give the holders of these notes two years and six months hence a gold-bearing 5 per cent. bond worth to day 102 cents in gold, that was a promise of specie payments. But now you have changed all that; you do not reduce the volume of the greenbacks to any appreciable extent; you postpone the time of doing this; and then instead of offering coin or its equivalent you offer a whetstone, that which to-day is worth less than the paper that you promise to redeem with it. That is the way I look upon it. But as a matter of course I do not desire to call the Senator from Indiana to an account. I have heard him often, and I expect to hear him again in the future, and I have no doubt I shall hear all over the Western States this complaint against the East of their monopoly of paper money. Here it will be said Massachusetts has $90,000,000 when it ought only to have $40,000,000; New York has so much when it ought to have only so much. I call the attention of every Senator and of the country and of every man in the West and South to the fact that here is a tender of more than half of this surplus, immediately, now, to-day. If that tender is refused, let this complaint no more be made by the section from which I come.

Mr. ALLISON. Mr. President, I voted with the majority for the change of the rate of interest from 5 per cent. to 4½ per cent., and I confess that I cannot understand the Senator from Ohio, the chairman of the Finance Committee, when he says that by that vote we have permanently depreciated the greenback currency. I may be mistaken, but I voted with the belief that by the time named in this bill a 4½ per cent. bond will be equal to par in gold. I believe so now. Four years ago the chairman of the Finance Committee himself reported a bill by which he limited the amount of 4½ per cent. bonds to $300,000,000, and provided for a bond at 4 per cent. to the amount of a thousand millions.

Mr. SHERMAN. My friend will allow me to say that on the contrary the Senate Committee on Finance presented a bill providing for a 5 per cent. bond; and that amendment about a 4 and a 4½ per cent. bond was ingrafted on it in the House, and it has proved an utter and absolute failure; but we had to agree to it in order to get $500,000,000 of six per cents funded into five per cents. To secure that we had to provide for 4 and 4½ per cent. bonds, of which not a dollar has ever been issued.

Mr. ALLISON. I allude now to the substitute for that House bill reported by the Finance Committee of the Senate, in which they made provision for three classes of bonds and for funding greenbacks into a 4 per cent. bond; and I refer to the speech made by the Senator from Ohio on this floor on that subject. The bill of 1870 as reported by the Finance Committee provided for a funding of the greenbacks into a bond bearing interest at 4 per cent. and not 4½ per cent. It provided also for $300,000,000 of 4½ per cent. bonds, payable fifteen years after date at the pleasure of the Government. That is the provision now inserted in this bill, and the Senator from Ohio at that time, I believe, claimed that a 4½ per cent. bond payable in fifteen years would be very nearly equal to a 5 per cent. bond payable in ten years.

Mr. SHERMAN. I must correct my friend in a point of fact. I am quite sure that I never reported a proposition to fund the greenbacks into any bond less than 5 per cent. It has been suggested to me that after the passage of the bill by the House I may have reported the House bill back from the committee after they had amended it by striking out the 5 per cent. bond provision and inserting three classes of bonds. Undoubtedly I did report it back.

Mr. ALLISON. I remember very well that in the bill reported by the Finance Committee as a substitute for that House bill there was a provision by which the greenbacks were to be funded at 4 per cent. Now, four years afterward, when the credit of our Government is infinitely better than it was then, we are told that because we provide for the funding of greenbacks into a 4½ per cent. bond, we are in favor of their permanent depreciation. I do not agree to that. I cannot assent to that, especially in face of the fact that these 4½ per cent. bonds could now be sold, were it not for the fact that there are lying behind them about $175,000,000 of 5 per cent. bonds that are worth two per cent. premium in gold to-day. And yet the Senator from Ohio complains of us because we strike out a provision providing for the funding of United States notes two and a half years from now into a bond that is worth 2 per cent. premium in gold to-day, and not only for the funding of the greenbacks but providing for the permanent refunding of all the 6 per cent. debt of the United States, because that is what this ninth section is. It is not only a provision about the greenbacks, but it is a provision for refunding $1,200,000,000 of 6 per cent. bonds into a permanent 5 per cent. bond that is above par in gold to-day. I know very well and other Senators know very well that there is a scramble to-day for the balance of the 5 per cent. loan, at par in gold, among the moneyed men of the world. Yet it was proposed here in this bill, for the purpose of appreciating greenbacks, to fund them into a bond that is now worth a premium in gold and to refund $1,200,000,000 of 6 per cent. bonds into that same class of bonds. I cannot vote for such a bond, but I am willing to consent to the refunding of these $1,200,000,000 of 6 per cent. bonds into a 4½ per cent. bond, because that is I believe as low a bond as we can fund them in.

When the bill of 1870 was reported the 5 per cent. bonds were 4 per cent. below par. They have appreciated in gold since that bill was passed 6 per cent. Now, is it not fair to presume that a 4½ per cent. bond will appreciate to par by July, 1877?

I will say to the Senator from Ohio that I voted with him against extending the time to 1878. I would be quite willing to make it July 1, 1877; but I cannot consent to be put in the category of Senators voting to permanently depreciate the greenback currency, when I propose that it shall be funded into a bond bearing 4½ per cent. interest, which bond was agreed to by the chairman of the Finance Committee four years ago.

Mr. SHERMAN. I desire to say that, upon recalling the circumstances, I remember very well, as the debates will show, that in reporting the bill providing for the funding into 5, 4½, and 4 per cent. bonds, I stated that our conviction was that not one dollar would ever be funded into a 4 or a 4½ per cent. bond, but that the House had adopted those rates, and to secure the funding of $500,000,000 of sixes into five per cents, I reported the bill and asked the Senate to pass it.

Mr. ALLISON. Why is it that the four and a half per cents cannot be put upon the market? It is because the five per cents have not been exhausted. As a matter of course, you cannot sell a 4½ per cent. bond at par in gold while there is a 5 per cent. bond yet to be sold at that rate. The Secretary of the Treasury does not; but he could this day sell every single dollar remaining of the 5 per cent. loan at par in gold without

commissions. He does not do it; and I will say to the chairman of the Finance Committee that if this bill passes as reported, a 5 per cent. bond in gold never will go above par, because the greenbacks can of course be converted into that bond, and the 5 per cent. bonds would remain at par and we never could sell a bond bearing a lower rate of interest until we in turn got them out of the way, which would take perhaps twenty or thirty years longer.

Mr. SHERMAN. If the Secretary of the Treasury can sell $200,000,000 of 5 per cent. bonds now at par in gold and does not do it and redeem the 6 per cent. bonds, it is his fault, not mine. I doubt very much whether it can be done.

Mr. ALLISON. I say it is my belief.

Mr. SHERMAN. That is a question for the Secretary of the Treasury to settle. The law authorizes him whenever he can sell 5 per cent. bonds at par in gold to do so and call in 6 per cent. bonds.

Mr. ALLISON. Is it not perfectly plain that these bonds can be sold at par when they are now at a premium in gold?

Mr. SHERMAN. There I think the Senator misleads the Senate, and is perhaps misled himself. The fact is, that the 5 per cent. bonds now have interest accrued on them, and I imagine they are only a fraction above par in gold, when that is considered.

Mr. ALLISON. Between 1 and 2 per cent.

Mr. SHERMAN. If that is so, it is clearly the duty of the Secretary of the Treasury to sell those bonds at par in gold and redeem an equal amount of 6 per cent. bonds under the funding act.

Mr. ALLISON. No doubt of it.

Mr. SHERMAN. I do not think it can be done, because I cannot imagine that the Secretary would not have availed himself of that state of the money market to carry out the funding law. But the fact is, as was known at the time, that the 4 and 4½ per cent. bonds never have been sold, that they cannot be sold, that there is no prospect of their being sold; and there is no fact in our financial history or in the present condition of the money market at home, or the foreign money market as to the French or Prussian loans, that would justify the expectation that we could sell a 4½ per cent. bond at par in coin.

Mr. THURMAN. I wish to ask my friend from Iowa a question. When he speaks of a 5 per cent. being sold at 102, does he refer to the quotations in the market?

Mr. ALLISON. Undoubtedly.

Mr. THURMAN. Does not the Senator know that the 102 includes the accrued interest?

Mr. ALLISON. I think I know what it does include, and if the Senator from Ohio will look at the market reports, he will find that a 5 per cent. bond of the United States, with the interest payable quarterly, is worth about 115¼, so that it cannot include any quarter's interest in the premium. In other words, it is, without the interest, between 1 and 2 per cent. premium in gold this day in the money market at New York, or was a day or two ago. I want to call attention to the fact that this bill as reported proposed to refund the public debt of the United States two years and a half from now into such bonds, and because of the vote to reduce the interest we are stated to be in favor of a permanent depreciation of United States notes.

Mr. FERRY, of Michigan. I have the quotations of the 12th of this month, which show the new United States five per cents to be 115⅝ to 115½, while gold is 112 and a fraction.

Mr. SHERMAN. The question then would be at what time the interest on the new fives is payable.

Mr. ALLISON. They are at a premium necessarily.

Mr. SHERMAN. I am told that there is nearly a quarter's interest due to be deducted from that price. But whether that be so or not, I am very glad the Senator from Iowa has brought out the fact that the 5 per cent. bond is at par in gold. But remember that under the operation of the bill as reported from the Committee on Finance we are not bound to give a bond for the greenbacks. We may pay in coin. The bill as reported from the committee was coin redemption on the 1st of January, 1877. Now it is altered to bond redemption on the 1st of July, 1878.

Mr. MORTON. The coin redemption is left in.

Mr. FERRY, of Michigan. The option is left with the Secretary of the Treasury to pay coin instead of bonds. That provision remains as it was drawn by the committee. It leaves the option with the Secretary; in case there is coin in the vaults of the Treasury that the paper shall be redeemed in coin instead of bonds; it allows him to exercise his discretion in case he has the gold.

Mr. SHERMAN. But you provide a bond that is not at par in gold, and that you have no fact in our history to show can be maintained at par in gold.

Mr. FERRY, of Michigan. I have quoted from the New York market reports to show that the 5 per cent. now stands enough above par to verify the statement of the Senator from Iowa that a 4½ per cent. bond will be at par in coin by the time fixed.

Mr. SHERMAN. On the contrary, it is just one-ninth less. The difference between a bond running for a period of years is just the difference between 4½ and 5 per cent., which is 10 per cent. If a 5 per cent. bond is worth to-day 102 in gold, taking the statement as true, although there must be some mistake about it, I think, then these bonds are only worth 92.

Mr. ALLISON. I ask the Senator from Ohio if time is not an element in the value of a bond? Is not a fifteen-year bond at 4½ per cent. worth more than a ten-year bond at 4½ per cent?

Mr. SHERMAN. Yes.

Mr. ALLISON. Therefore time is an element. Now, if we fund our debt into 4½ per cent. bonds, it will be known to the holders of those bonds that we are not likely to change that rate until we pay them off; but if we fund this debt into a 5 per cent. bond, there will be a constant apprehension, as the chairman of the Committee on Finance knows perfectly well, in the holders of the bonds that when the ten years expire we shall again seek to refund the 5 per cent. into a bond bearing a lower rate of interest. Thus the five per cents will be always a shade less valuable in proportion than the 4½ per cent. bonds. I see the Senator from Connecticut [Mr. BUCKINGHAM] shakes his head. That is the argument made by the Finance Committee. I am only repeating it. It has been made over and over again on every funding bill that has been reported to the Senate.

Mr. EDMUNDS. Do you believe it yourself?

Mr. ALLISON. I do.

Mr. MERRIMON. I move to amend the proposition of the Senator from New York by striking out all after the word "that" and inserting what I send to the Chair.

The PRESIDENT *pro tempore*. The Senator from North Carolina moves to amend the amendment of the Senator from New York.

Mr. CONKLING and Mr. EDMUNDS. That is not in order.

The PRESIDENT *pro tempore*. That is in order.

Mr. CONKLING. Will the Chair be kind enough to state how?

The PRESIDENT *pro tempore*. The amendment to Rule 12 recently adopted reads as follows:

That Rule 12 be so amended that pending a motion to strike out and insert, the part to be stricken out as well as the part to be inserted shall each be regarded for the purpose of amendment as a question, and motions to amend the part to be stricken out shall have precedence.

The bill stands in this attitude as the Chair understands: The Committee on Finance reported a substitute for the bill, and that has been amended several times. The Senator from New York moves a substitute for the substitute of the committee as amended, which is an amendment to that amendment. The Senator from North Carolina then moved to amend that amendment, which is an amendment in the second degree upon the part proposed to be inserted.

Mr. CONKLING. If I understand the attitude of the question, neither does the rule nor the explanation of the Chair cover this case. If the Senator from North Carolina wants to amend the text of that which I seek to strike out, he is in order. If he seeks to amend the text (in the sense I mean of perfecting the text) of that which I offer, I will not at this moment say he is not in order. But I submit to the Chair that when the committee reported back the House bill and reported an entire substitute for that bill, and a motion is made to strike out the whole of it and amend by inserting other provisions in its place, the process of amendment, speaking of the whole bill, is for the time being exhausted. I wish again to qualify my remark by recognizing the rule which gives the Senator a right to perfect the text before it is stricken out, treating each version of the bill as a question, as the rule says. But that does not impair at all the judgment which I have, with deference to the Chair, that when a motion is made to strike out and insert what the Chair calls a substitute, it is not in order, after the third degree has been reached, to go on. And before taking my seat I suggest that if this be in order, when the Senator has made his motion some other Senator might move to strike out what he has offered and insert something else; and where is it to stop?

The PRESIDENT *pro tempore*. It must stop precisely where the rule stops it. The part to be stricken out, which is the original bill, is one thing; the part to be inserted is another thing. Now, each one of these things is by this rule declared to be a *question*, and each one may be amended in the first and second degree, the amendments offered to the text of the bill taking precedence. Now, the Senator from New York has moved one amendment to that matter which the committee recommend to be inserted. The Senator from North Carolina moves a second amendment, which is precisely what the rule allows. The principle which the Senator from New York is now contending for is precisely what the present occupant of the chair ruled some weeks since; but it gave so much dissatisfaction to some Senators that the rule was amended in that particular by the Senate.

Mr. MORTON. Mr. President——

Mr. EDMUNDS. Let us hear the amendment reported.

The CHIEF CLERK. It is proposed to strike out all after the word "that," in the first line of the pending amendment——

Mr. EDMUNDS. Which amendment?

The PRESIDENT *pro tempore*. The amendment offered by the Senator from New York. This is to strike out all after the first word and to insert what will be read.

The Chief Clerk read the words proposed by Mr. MERRIMON to be inserted, as follows:

That every banking association created under and in pursuance of an act entitled "An act to provide a national currency, secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 3, A. D. 1864, be, and the same is hereby, required on or before the 1st day of July, A. D. 1875, to retire from circulation its circulating notes, and surrender the same to be canceled and burned, as now provided by law for the cancellation of mutilated and worn-out circulating notes of such associations; and if such association shall fail so to retire its circulating notes, then it shall be the duty of the Comptroller of the Currency to retire and cancel the same as now provided by law for the redemption of such circulating notes of any such association failing to redeem its circulating notes in United States notes.

SEC. 2. That as fast as $100 of such circulating notes are retired as provided by this act, the Secretary of the Treasury shall issue a like amount of United States notes, similar in all respects to such last-named notes now in circulation, and the United States notes so to be issued shall be used either to purchase or redeem the public debt or to meet the current payment of the expenses of the public service.

SEC. 3. That all laws and clauses of laws imposing a tax on notes of State banks greater than the tax imposed on the circulating notes of national banking associations be, and the same, so far as they provide for such greater tax, are hereby repealed.

SEC. 4. That 50 per cent. of duties on imports may be paid in United States notes.

SEC. 5. That on and after the 1st day of January, 1877, any holder of United States notes to the amount of $1,000, or any multiple thereof, may present them for payment at the office of the Treasurer of the United States, or at the office of the assistant treasurer at the city of New York; and thereupon the Secretary of the Treasury shall, in exchange for said notes, deliver to such holder an equal amount of coupon or registered bonds of the United States in such form as he may prescribe, of denominations of fifty dollars, or some multiple of that sum, redeemable in coin of the present standard value at the pleasure of the United States, after ten years from the date of their issue, and bearing interest payable quarterly in such coin at the rate of 5 per cent. per annum. And the Secretary of the Treasury may reissue the United States notes so received, or, if they are canceled, may issue United States notes to the same amount, either to purchase or redeem the public debt at par in coin or to meet the current payments for the public service. And the said bonds, and the interest thereon, shall be exempt from the payment of all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority; and the said bonds shall have set forth and expressed upon their face the above-specified conditions, and shall, with their coupons, be made payable at the Treasury of the United States: *Provided, however*, That the Secretary of the Treasury, in lieu of such bonds, may redeem said notes in the gold coin of the United States.

SEC. 6. That the United States legal-tender notes shall be redeemable in gold and silver coin at the Treasury of the United States on and after the 1st day of January, 1878; and for the purpose of providing the necessary fund for that purpose the Secretary of the Treasury is authorized and required to reserve and set aside from the surplus revenues the sum of $25,000,000 per annum in gold and silver coin; and if the surplus revenue shall not be sufficient for that purpose, the Secretary of the Treasury is hereby authorized to sell any part of $100,000,000 of 5 per cent. twenty-year gold-bearing bonds, at not less than par, for the purpose of procuring coin at the rate of $25,000,000 per annum, the same to be applied as herein provided.

SEC. 7. That on and after the —— day of ——, A. D. 187—, the fractional notes of the United States, commonly called "fractional currency," shall be redeemed at the Treasury and the subtreasuries of the United States in silver coin; and such notes so redeemed shall be canceled and account of the same kept, and they shall not be reissued.

Mr. CONKLING. Wishing to conform to the ruling of the Chair, I beg to inquire whether I am right in understanding the Chair to say that amendments to the text of the bill were entitled to precedence?

The PRESIDENT *pro tempore*. Certainly; the rule expressly so declares.

Mr. CONKLING. Then I offer the amendment which I send to the table, and offer it as an amendment to the original text of the bill, to come in as I have marked it, after the word "that," following the enacting clause.

The PRESIDENT *pro tempore*. The Senator from New York proposes to amend the part of the bill moved to be stricken out by the Committee on Finance, which takes precedence over the amendments pending to perfect the portion intended to be substituted. The amendment will be read.

Mr. CONKLING. To relieve the Senate from hearing it read, I will state that it is exactly the amendment which I offered a few moments ago to the bill reported as a substitute by the Committee on Finance, there being a change of only one word; and that change I did not make to render it competent, because it is in order without any change. I offer it, my purpose being to obtain, if I can by a modest exercise of perseverance and patience, a square vote upon the proposal to take from the States in excess and give to the States in deficiency this currency in respect of which there has been so much clamor. Therefore, although the amendment is not repeated for substance, it is repeated for form, in order that under the ruling of the Chair the Senate may be brought to a square vote upon this proposition.

Mr. MORRILL, of Vermont. Mr. President, I rise to a question of order.

The PRESIDENT *pro tempore*. The Senator from Vermont will state the point of order.

Mr. MORRILL, of Vermont. It is that the proposition of the Senator from North Carolina [Mr. MERRIMON] is a revenue bill. It proposes to repeal the tax of 10 per cent. on the issues of State banks; it also proposes that one-half of the revenue from customs duties shall be paid in legal-tender notes, which would have the effect of reducing the tariff at the present time 6 per cent. or one-half of the amount collected through the premium on gold. I suppose it will not be contended on the part of any Senator that a proposition of this kind is not to all intents and purposes a revenue bill, which the Senate cannot originate.

The PRESIDENT *pro tempore*. The Chair overrules the point of order.

Mr. THURMAN. I agree with the Chair in overruling the point of order. I do not think it is a question of order at all. But it will be recollected that when the former bill was pending I offered an amendment providing that a certain portion of the customs duties could be paid in legal-tenders, and many Senators belonging to the majority on that bill declared themselves in favor of the proposition, but objected to it because they said the House of Representatives would object to that as a revenue measure, and that it would kill the bill in the House of Representatives if my proposition were adopted. So they voted against it, while they declared themselves to be in favor of the proposition in the abstract. They said that it ought not to originate in the Senate, because if it did it would kill the bill in the House. Well, sir, if that was good reasoning then it is good reasoning now.

Mr. EDMUNDS. I wish the Senator from New York would withdraw his amendment to the text. I want to move to amend the fifth section of the bill myself, but his amendment covers the whole ground.

Mr. CONKLING. If the Senator will indicate his amendment, I may withdraw mine for that purpose.

Mr. EDMUNDS. My proposition is to amend the original text of the bill in the fifth section by so changing it as to require the banks to keep only one-half of their lawful-money reserves in their own vaults, instead of the whole, as the fifth section prescribes.

Mr. CONKLING. I have no objection to that, and I withdraw my amendment for that purpose.

The PRESIDENT *pro tempore*. The Senator from New York withdraws his amendment to the text of the bill.

Mr. EDMUNDS. I move to insert after the word "keep," in the third line of the fifth section of the House bill the words "one-half of;" so as to read:

That each of the said associations shall keep one-half of its lawful-money reserves within its own vaults at the place where its operations of discount and deposit are carried on.

Mr. CONKLING. Now I renew my amendment.

Mr. EDMUNDS. No; let me have a vote on this.

The PRESIDENT *pro tempore*. The Senator from New York moves to amend the amendment of the Senator from Vermont.

Mr. EDMUNDS. Is that in order?

The PRESIDENT *pro tempore*. It is.

Mr. EDMUNDS. I give it up. [Laughter.]

The PRESIDENT *pro tempore*. The Chair will state that the surprise of the Senator from Vermont is very natural, as he was not here at the time the discussion on this question took place which resulted in an amendment of Rule 12 of the Senate. The Chair entertained precisely the view of amendments that has been claimed to-day by the Senator from New York and that is now claimed so earnestly by the Senator from Vermont, and the Chair so ruled; but some Senators were much disaffected with the ruling; and the Senator from Ohio [Mr. SHERMAN] asserted that the appropriation bills never could be carried through the Senate on any such principle, and that the law was the other way; and thereupon the Senate passed this amendment to the twelfth rule, which undoubtedly changes the rule entirely, and makes four amendments instead of two in order before the Senate; and the Chair has now ruled what the new rule requires.

Mr. EDMUNDS. I submit with all deference to the decision of the Chair, as I always do when I cannot help it.

The PRESIDENT *pro tempore*. The Senator can appeal from the ruling of the Chair.

Mr. EDMUNDS. No; I think under this amendment to the rules the ruling of the Chair as to the text of the bill is right. I do not see any help for it.

The PRESIDENT *pro tempore*. In that case the Chair would not advise an appeal. [Laughter.]

Mr. ALLISON. As I had some little controversy with my friend from Ohio across the way as to the relative value of the United States new fives, I have obtained the quotations of to-day. The new fives are 115⅝ with thirteen days' interest accrued. Gold is 112¼. So I think the premium will be found to be a little over 2 per cent.

Mr. SHERMAN. I am in hopes the Secretary of the Treasury, if he has not found that out before, will at once act upon that and fund promptly and rapidly the 6 per cent. bonds.

Mr. ALLISON. I have hoped so for some time, but he does not seem to act.

The PRESIDENT *pro tempore*. The question is on the amendment moved by the Senator from New York to the amendment proposed by the Senator from Vermont.

Mr. HOWE. I want to say a word about that amendment. I am in a most unfortunate predicament, and have been ever since this financial debate commenced. I seem to be outside of all healthy organizations. [Laughter.] That is embarrassing. I could get along with that, however, if it did not seem to me that everybody else was outside of all healthy organizations. I cannot vote for the amendment of the Senator from New York, and I presume there are a great many who cannot; and strange to say my reason for not voting for it is not what honest men would generally assume it to be, that it is a sort of robbery of one section of the country. I have got past all scruples of that sort. The time was when I had scruples about even larceny; but I have gotten over all that on these questions.

Mr. President, it is offered as a substitute for another proposition. I sympathize fully with the sentiment of the Senator from Ohio that it is a great reproach to our laws that this privilege of issuing notes and circulating them as money is now a monopoly. I agree that it is a reproach that a very large part of that privilege is enjoyed by one section of the country to the exclusion of other sections, and I know that it occasions a great deal of complaint. I know that this measure moved by the Senator from New York will remove that complaint for a while—will postpone it.

Mr. MORTON. Simply transfer it.

Mr. HOWE. Yes. It is very likely to create another complaint.

It may heal a sore in one part of the country; but, in spite of the magnanimity exhibited here by representatives from the East, I have no sufficient assurance that it will not leave a sore right there. But as a choice of means for removing this reproach aimed at by the Senator from New York I do not think this is so wise, then, as the bill as it now lies on your table. That does not withdraw any privileges, any franchise from anybody. It simply extends this privilege of banking to all portions of the country without restrictions. You say that that embarks us on a bottomless sea of inflation. In one sense it does; and in another it does not. There will be no restriction upon the privilege of banking corporations to issue notes; but it must be remembered that every one of them will have to give ample security for the redemption of its notes. In what? Not in coin, which I am sorry to say we cannot expect as long as you keep your paper afloat, which your law declares to be a legal tender for all debts; but they agree to give ample security that they will convert all these notes in just that kind of money now received in payment for all debts, and it must be remembered that under the operation of this bill every one of these legal-tender notes will be a little better than it is to-day. That is a great fact. You will have an increased paper circulation, convertible as your present paper circulation is, and also convertible into something worth more than anything into which you can convert your present circulation.

I am profoundly sorry that you do not consent to make that lawful money even better than it will be made under the operation of this bill. I regret extremely that you reduced the 50 per cent. to 25 per cent. Still if you reduce it 25 per cent. it will make it a little better. You have got to give a great deal, I know, to get rid of a little; but I have come to the conclusion that you had better pay the price. Feeling as I do that you never can have a healthy financial system until you get rid of this stuff which you call money, and which you make a legal tender and a substitute for real money; believing that the first step is to get rid of that, I have come to the conclusion to make almost any sacrifice to induce the banks to give it up, for I think they are the ones who stand in the way to-day. I am not sure but that I would consent to work for them by the day before long if they will not consent to give it up on any other terms. Therefore I think I would rather take the bill as it stands, providing only for a redemption of twenty-five cents in legal-tenders so often as one hundred cents of bank notes go out. That will begin to appreciate that kind of paper. I think no Senator will deny that. That is desirable. My honorable friend over the way [Mr. THURMAN] shakes his head vehemently.

Mr. THURMAN. My friend cannot consider me as a chief justice of the common pleas did Sir Bartholomew Shower, who being at bar and having shaken his head, the chief justice said, "the learned counsel might shake again, but the law is even so." The Senator cannot say that to me when he asserts that if we issue four paper dollars for one that we withdraw from circulation we are getting nearer to specie payments.

Mr. HOWE. I did not say any such thing as that we were getting nearer to specie payments by it. I said that for every dollar of legal-tenders you withdraw you appreciate the balance. Is there any doubt about that?

Mr. THURMAN. I say that if you issue four dollars in paper money for one dollar that you withdraw, you depreciate the whole mass of the paper money.

Mr. HOWE. That is quite doubtful, I think; but if I am mistaken in my mathematics, if I am mistaken in supposing that the less you have of these legal-tenders the better they are, the nearer they approximate to coin in value, I will give up reasoning on this subject. I do not know why you had better not add to this. When the proposition was to increase the amount there was not any difference between the Senator from Ohio and myself. We then both agreed that to add to the amount was to depreciate the value. I do not see why he and I should divide on the counter proposition, why he and I cannot agree on the counter proposition that to diminish the amount is to appreciate the value. So, therefore, I am obliged to part company with my honorable friend from New York; I shall feel lonely until I get back again; but I had better leave him now.

Mr. BOUTWELL. If I understood the statement of the Senator from Wisconsin, I beg leave to differ with him in one particular. I do not admit that the reduction of the volume of United States notes and at the same time an equal increase in the volume of bank-notes appreciates the currency of the country. Substantially the whole volume remaining the same, the price of gold—other things being equal—would remain the same. There can be no doubt about that. For all the purposes of business, the two classes of currency are substantially the same thing, and therefore I feared that this bill as it was reported from the committee was a bill for inflation; I am sure that it is now; and as I am opposed to every form of inflation as postponing the day when we can resume specie payments or bring up paper money to an equality with gold, I am opposed to every movement in that direction; and I am sure that every such movement is fraught with evils to which those that we now suffer are not to be compared, and we move in a direction from which ultimately we shall be obliged to retreat, and at an immense cost of revenues, of public prosperity, of individual and public wealth.

The real fact is that we have to-day and have had since 1862 more paper money than the country could carry and keep it at an equality with gold. That is demonstrated by the continuing fact of its depreciation, and that which has been the effect in times past, circumstances remaining the same though differing in degree, will continue to be the effect hereafter. Therefore, if we are in favor of measures direct and specific for the resumption of specie payment, there is but one measure that has any value in it, and that is to contract the volume of paper money. As is well known, I am in favor of holding the volume where it is; but I would much prefer to contract it than to expand it.

Now one word as to the proposition submitted by the Senator from New York. I do not accept as true that the North and the East are in any degree chargeable with wrong-doing from the circumstance that they have now more than their proportion, whether measured by population or by wealth, of the banking circulation of the country. They took it at a time when other sections of the country were either not prepared or not willing to undertake the business. But, after all, there is such an element of justice in the demand for equalizing the bank circulation of the country, and as it is an alternative measure against inflation, I am sure that all that section of the country, and especially the people whom it is my honor to represent, would much prefer (although it would be attended with some evils for the moment) a transfer of the surplus from time to time from the North and East to the South and West. For one, I am prepared to accept that as a measure which will furnish banking facilities for the South and West for the present—and by the present I mean, probably, from one to two years—and in the mean time, with a difference of condition growing out of the increasing prosperity of the country, we can then consider, or our successors can consider, whether that policy shall be further pursued or not. But a system of free banking without a specie basis is a system of inflation, a system of waste, and of ultimate ruin.

Mr. WRIGHT. Mr. President, before the vote is taken on the amendment of the Senator from New York, as I voted for it once, I desire to say a word——

The PRESIDENT *pro tempore*. The Chair asks the Senator to suspend for a moment that the Chair may explain the status of this question. In the first place, here is a bill. The committee reported a substitute; that is, reported to strike out all after the enacting clause of the bill and insert certain other matter. Now, by way of perfecting the part to be stricken out, the Senator from Vermont [Mr. EDMUNDS] moved to amend the fifth section. Thereupon the Senator from New York [Mr. CONKLING] offered an amendment which the Chair understood to be an amendment to the amendment of the Senator from Vermont, and ruled it to be in order. Since that ruling was made, however, the Chair has examined the amendment of the Senator from New York and finds that it is not an amendment to the amendment proposed by the Senator from Vermont, but an independent motion to strike out the whole bill, which motion is already pending on the recommendation of the committee, and is the principal question now before the body. Therefore the Chair is of opinion that for that reason the amendment of the Senator from New York is not in order, and that the motion made by the Senator from Vermont is the pending question.

Mr. CONKLING. Then, Mr. President, I must ask the Senator from Vermont to release me from the improvident acquiescence that I gave to his request to withdraw my amendment to enable him to offer his. I ask him now to withdraw his amendment, to the end that I may be put *in statu quo*.

Mr. EDMUNDS. I am induced to do that from the fact that if we were to wait half an hour longer I should begin to find that my own amendment was not in order, and we should have lost half an hour in discussing it. I will withdraw that, and if I have the power I will withdraw the bill itself in order to get a vote.

Mr. CONKLING. Then my amendment is in order, I think.

The PRESIDENT *pro tempore*. The Chair thinks not, and for this reason: The principal question now pending is whether this bill shall be stricken out and something else inserted in place of it. Now, this rule provides that in such case the bill itself and the matter proposed to be inserted shall each, for the purpose of amendment, be regarded as a *question;* but that the amendments offered for the purpose of perfecting the text shall have precedence over those offered to perfect the substitute. Now, any amendment which changes the language of the original text, leaving some part of the original text, is undoubtedly in order, because that is perfecting the text; but a motion to strike it out altogether is not in order, because that is the motion now pending on the report of the committee.

Mr. CONKLING. Then I change my amendment thus: I move to strike out the substitute reported by the committee, commencing with the beginning of the second section. The first section of that substitute, after the fashion of English legislation, gives a title to the national-bank act of 1864. I think that is convenient; and therefore I make no war upon that; but I move to strike out the residue of the matter reported by the committee to be inserted, commencing after that, and to insert the amendment which I have sent to the Chair.

The PRESIDENT *pro tempore*. To strike out all after the first section of the substitute?

Mr. CONKLING. Yes, sir.

The PRESIDENT *pro tempore*. That is out of order at present. Does the Chair understand the Senator from New York to modify the amendment which he offered before to the substitute?

Mr. CONKLING. I am trying to hear the Chair, but I am unable to do so.

The PRESIDENT *pro tempore*. The Chair inquires whether the Senator from New York now proposes to modify the amendment which he has already proposed, and which is pending to the substitute, by retaining part of it?

Mr. CONKLING. I have offered two amendments, both of which, if they were both in order, would be pending. The amendment which I offered first being an amendment to the report of the committee, I have not withdrawn, modified, or disturbed; nor do I wish to do so.

The PRESIDENT *pro tempore*. Then the limit of amendment in that line is exhausted.

Mr. CONKLING. As to what the committee has reported? The original text remains open to amendment, does it not?

The PRESIDENT *pro tempore*. Certainly.

Mr. CONKLING. Does it not remain open to a motion to strike it out?

The PRESIDENT *pro tempore*. The whole of it?

Mr. CONKLING. Yes, sir.

The PRESIDENT *pro tempore*. The Chair thinks not.

Mr. CONKLING. Then will the Chair inform me to what the amendment of the Senator from North Carolina is pending?

The PRESIDENT *pro tempore*. The Chair understands that the Senator from New York first moved an amendment to the substitute; that thereupon the Senator from North Carolina moved an amendment to the amendment of the Senator from New York. The Senator from New York then, not withdrawing his amendment to the substitute, offered another amendment to the text of the bill, which the Chair has ruled out of order. Now here is the bill; the committee recommend that it all be stricken out and certain matter inserted. The Senator from New York moved an amendment several minutes ago, which is still pending, to amend that substitute; and the Senator from North Carolina has made a subsequent motion which the Chair understands to be an amendment to the amendment offered by the Senator from New York.

Mr. CONKLING. Now is the amendment offered by the Senator from North Carolina amendable?

The PRESIDENT *pro tempore*. It is not. That is the second amendment to the question.

Mr. CONKLING. Is the bill in any of its phases open to amendment?

The PRESIDENT *pro tempore*. The bill may be amended in any way with a view to perfect it; but a motion to strike it out altogether is not in order, because that does not perfect the bill.

Mr. CONKLING. Then I offer the amendment which lies on the table of the Secretary as an addition to the bill; and I say to those who with me are striving to get a vote on this question if we can——

The PRESIDENT *pro tempore*. That motion is in order.

Mr. CONKLING. O, yes, sir; there are several ways by which I think under the ruling of the Chair we can get a vote, and I am going to try them all myself if I live and can find them out. Therefore I move now to add my amendment to the text of the bill, saying to those who like me want to appease the shrieks of locality and do away with this great injustice under which States are languishing, that if this amendment prevails, I will then move to strike out the text to which it is to be added, so that everybody will now under the ruling of the Chair have an opportunity to vote for the proposition *per se* with all its merits and all its imperfections on its head, just as if it had been in order, as I should have died believing it was but for what the Chair has told me, to offer it as a substitute, because after it prevails I shall move to strike out what goes before it and that will leave it standing; so that now my motion is to add it to the text of the bill.

The PRESIDENT *pro tempore*. The Chair thinks that motion is in order.

Mr. MERRIMON. What becomes of the substitute offered by the Senator from New York?

Mr. CONKLING. That is pending. That is another amendment.

Mr. MERRIMON. But it is the same proposition.

Mr. CONKLING. I am trying to use a double-barreled gun in firing at my mark. That amendment is still pending; and offering a separate amendment like that except that it differs in one word, I now address myself to the original text of the bill by way of addition.

Mr. MERRIMON. But is it competent for the Senator from New York to use a double-barreled gun? [Laughter.]

Mr. TIPTON. If it is parliamentary and admissible, I will claim the privilege of understanding that the proposition of the Senator from New York contemplates no addition of one single dollar to the present amount of currency; and therefore I shall vote against it.

Mr. WRIGHT. I was about to say when the point of order was raised that I understood then the question before the Senate to be on the substitute of the Senator from New York. It being decided that the substitute is not before the Senate, it is now before the Senate in the nature of an addition to the pending bill, with the avowed purpose on the part of the Senator from New York to move to strike out the rest of the bill and leave this as the only bill which is to be passed on this subject. I therefore trust that the friends of the bill as it stands now will understand the question precisely as it is, so that no one shall be deceived. It is a plain, straightforward proposition to add this to the bill, and then move to strike out all of the bill except the addition.

I have just this to say: I want a vote on the question at once. If it be true of the bill now before the Senate, and perfected as far as we have gone, as was said by the Senator from Ohio farthest from me, [Mr. THURMAN,] that no sensible man can ever expect that it will become a law, we have a statute on the book already which gives the very distribution that is contemplated by this addition. I trust, therefore, that no one will be deceived by this proposed amendment.

Mr. THURMAN. We have a statute for the redistribution of some portion of this currency, $25,000,000, I think. This amendment of the Senator from New York proposes $46,000,000. The statute for the redistribution of $25,000,000 has been found impossible of execution. This amendment of the Senator from New York removes all impossibilities or obstacles to its execution. There is the difference between the two.

But, Mr. President, I must address myself a little to the Chair on these rulings which have quite passed my comprehension, I must be allowed to say. The Senator from New York moved to strike out all the original text of this bill after the word "that," in the first section, and insert other matter in lieu of the matter stricken out, and the Chair rules that that is not in order because——

The PRESIDENT *pro tempore*. The Senator is mistaken, or the Chair is, as to the motion of the Senator from New York. The Chair understood it to be a motion simply to strike out the whole bill.

Mr. THURMAN. No, sir; the Senator from New York moved, as I understood, to strike out all after the word "that," and insert precisely the same proposition which he had offered before to the substitute of the committee.

The PRESIDENT *pro tempore*. The Chair did not so understand it.

Mr. THURMAN. I thought the Chair could not have so understood.

Mr. CONKLING. May I be allowed to inquire what was the understanding of the Chair?

The PRESIDENT *pro tempore*. The Chair has stated it five or six times; and cannot make it plainer by restating it.

Mr. CONKLING. I was not asking the Chair to restate his ruling. I understood the Chair to observe that he did not understand that the Senator from New York offered the same amendment and offered it as just stated by the Senator from Ohio. Upon that point I beg to inquire what I was understood to be attempting to do?

The PRESIDENT *pro tempore*. The Chair understands that the motion of the Senator from New York is to add the matter which he sends to the desk.

Mr. THURMAN. That is the subsequent motion.

Mr. CONKLING. That is the last version which was given it; but the Senator from Ohio was speaking of what I first offered, if the Chair will allow me; and he stated it precisely as I endeavored to state it, precisely as I should have stated it had I known how, precisely as I never doubted the Chair understood it until the Chair stated that he did not so understand. If I can find out what I have moved myself, that will be a triumph of art that we have not reached so far in these various rulings.

The PRESIDENT *pro tempore*. The Chair will state his understanding of it. He understands that in the first place the Senator from Vermont, [Mr. EDMUNDS,] after we left the substitute and came to the bill, moved to amend a certain section. The Senator from New York, as the Chair understood him, moved to strike out all of the bill. The Chair ruled that out of order because it was not an amendment to the amendment offered by the Senator from Vermont. Thereupon, as the Chair understood, the Senator from Vermont being appealed to, withdrew his amendment, and thereupon the Senator from New York moved to add the same matter to the text of the bill as an addition to it, which the Chair ruled to be in order.

Mr. THURMAN. The Chair has forgotten that before the Senator from New York moved to add this matter to the text of the bill, he moved to strike out all of the text of the bill after the first word "that," and to insert the matter which he had before moved to insert as a substitute for the report of the committee. That is the real fact of the case.

Let us take this matter chronologically; and I hope I am not trespassing, for we ought to get to the right rule on this subject. The first motion made by the Senator from New York was to strike out all of the substitute reported by the committee after the first word "That," and to insert the sections submitted by him. That was his first motion, as I understood him. The next motion made was by the Senator from North Carolina [Mr. MERRIMON] to amend the amendment offered by the Senator from New York. A question was made by the Senator from New York whether that amendment was in order. The Chair ruled that it was, and in my judgment very properly, because as I understand this rule the original text of the bill is one text, and the substitute reported by the committee is another text, and each may be amended in the second degree; but in putting the questions the question on amending the original text has precedence. That I understand to be the rule. Now, the Senator from North Carolina having moved his amendment the Senator from Vermont rose and asked the Senator from New York to withdraw his amendment in order to allow him to offer an amendment. The Senator from New York acceded to the request and withdrew his amendment, without any objection being made to his doing so. Therefore it was withdrawn. Thereupon the Senator from Vermont offered his amendment,

and then the Senator from New York offered his amendment, which he had before offered as an amendment to the amendment of the Senator from Vermont; that was precisely the way of it.

The PRESIDENT *pro tempore*. And the Chair ruled it out of order on the ground that it was not an amendment to the amendment, but was an independent proposition to strike out the whole bill.

Mr. THURMAN. I am stating exactly how it was offered. Then some debate went on. The Chair ruled that it was not an amendment to the amendment offered by the Senator from Vermont, and not being so it was not in order as an amendment to the amendment offered by the Senator from Vermont. Thereupon the Senator from New York moved to strike out all of the original text after the word "That," and insert the sections which he had before offered. That was his motion; and the Chair ruled, as I understood it, that that was not in order on the ground that that was not perfecting the original text. That struck me——

Mr. LOGAN. If the Senator will allow me right there, the ruling of the Chair was this: not that it was not perfecting the text, but because the motion was already pending before the Senate to strike out all after the enacting clause of the bill and insert what was reported by the committee.

Mr. THURMAN. Not at all, because the very rule allows you to perfect the text first and gives precedence to such a motion. Now, it appears that the Chair misunderstood the motion made by the Senator from New York, because certainly the Chair could never have intended to rule that striking out all of the original text after the word "That" and inserting other matter in lieu of it was not a lawful mode of perfecting the original text. How could the Chair decide that it was not reinstating the original text with the change of but a single word, striking out all after the word "That" and inserting the same matter with the change of a single word? Certainly it is not for the Chair to decide how much the change is or how little it is that is made. A motion to strike out all after the word "That" and insert the original text is a motion to perfect the original text. That I do not understand to be controverted. But as I understand now, the Chair did not apprehend that it was a motion to strike out all after the word "That" and insert, but that it was a motion to strike out the entire original bill, which would have been a wholly different motion. It seems to me, therefore, that the Chair must see that the motion made by the Senator from New York to strike all after the word "That" in the original text and insert his amendment was a perfectly proper motion.

The PRESIDENT *pro tempore*. If the Chair did see it he could not help it at present, because there is no point of order now raised; but the Chair does not see it. We started out with a bill and the proposition of the committee to strike out all of the bill and insert certain other matter. Now, what is the effect of such a motion as the Senator from Ohio says the Senator from New York made, to strike out all of the bill and insert something else? That is in substance merely moving to amend the substitute which is to be placed for the original bill on the recommendation of the committee. The committee had previously recommended that the original bill after the enacting clause should be stricken out; and the question before the Senate on that recommendation was, Shall the whole bill be stricken out and certain matter inserted? The motion of the Senator from New York, in effect, was to strike out the same thing and insert other matter than that which the committee recommended to be inserted; that is to say, his motion was to change, that is to amend, the matter to be inserted. The Senator from New York already had his motion pending to amend the substitute, and it is pending now, and the Senate will return to it whenever the amendments on the bill are finished.

Mr. EDMUNDS. As this discussion seems to be as valuable to the country as any that can be had on this subject, I should like to continue it a little on this question of order; and inasmuch as the rules allow a discussion of the general subject to bring up anything for debate, of course the discussion of a point of order is perfectly proper.

The PRESIDENT *pro tempore*. The Chair will simply say that there is no point of order pending.

Mr. EDMUNDS. No, sir; I am discussing the bill itself, and upon that, to illustrate the propriety of the bill, I propose to discuss the question of order, with the permission of the Chair, as that has been allowed hitherto on all manner of topics. I do not think it ought to be the law, but it is.

Now, Mr. President, I respectfully differ from the opinion of the Chair, and merely as matter of principle, because it is of no consequence here. It is impossible to avoid coming to a vote all around on each one of these propositions. No amount of ingenuity can escape that at last. But as a question of principle I wish to suggest to the Senate, where there is an amendment like the one I offered to the fifth section of the bill, for the Chair to hold as a matter of order that another amendment in lieu of that which goes to the whole bill, if you please, cannot be received because it is an entirely independent proposition, is a ruling which cannot be upheld.

The PRESIDENT *pro tempore*. Can two motions be made to amend the bill at the same time, one to amend the first section and one to amend the fourth section, and both be pending at once?

Mr. EDMUNDS. No, sir; I will say they cannot for the sake of the argument; but that does not happen to be the motion, and it does not, in my judgment, fall within the province of the Presiding Officer to decide what motions Senators shall make within the rules, and a motion to amend another motion by the rules is allowable. It may suit the judgment of the Chair as perfecting the bill, or it may not. It would depend in the opinion of the Chair upon what its merits were, using the term "perfection" in its proper sense. The Chair may think the motion of the Senator from New York to propose something else in place of what I propose as an amendment to my proposition is an advantage to the bill, or he may not. Now, if the Senate has reached a point, or any deliberative body has reached a point where it is within the province of the Chair to decide upon the orderly propriety of an amendment according to his notions of whether its effect would be advantageous or disadvantageous, then I must say we have reposed more power in the Presiding Officer than I should be willing to repose in any except the present one.

The PRESIDENT *pro tempore*. If the Senator will excuse the Chair for a moment, the Chair never entertained any such thought and said no word which justifies any suspicion that he did.

Mr. EDMUNDS. I express no suspicion; quite the reverse. I beg the President not to misunderstand me. I am not expressing any suspicion, because I have none. That is the last thing in my mind. I am speaking of the precise question which the Chair has taken the liberty, and very properly, to express his opinion upon to the Senate when no motion was pending on the subject; and that is, that I, having a motion pending to amend the fifth section of the bill, the Senator from New York had a perfect parliamentary right to move to amend that motion of mine; and that I believe the Chair agrees to. Then the question is, how shall he amend it? He says, "I will amend it by substituting in place of that a motion which goes not only to that section," to which my motion applies, "but to all the other sections except one word in them." Now, then, the Chair holds that it is within the province of the Presiding Officer to determine whether that is an amendment to my amendment or not. When you look at the Journal you will find that in form it is. Therefore it drives the Chair to determine as a question of substance, whether substantially the amendment in the second degree is one which relates precisely to the subject of the amendment in the first degree. That, I respectfully submit, is not within the province of the Chair to decide, because all the books on the subject, as all our experience, show that sometimes it is the object of an amendment to so distort the first amendment as to show that it will produce a result entirely different from that which the mover of the first amendment intended, to make it absurd if you please; but the Chair never can determine that an amendment is out of order because it is absurd. It might keep the Chair very busy indeed if it did that. That is not within the province of the Chair, and I am sure the Chair would agree with me on that subject.

That being the case, if the Senator from New York chooses to move "to amend the amendment proposed by the Senator from Vermont, by striking out the provision that he proposes to strike out, and else the text to which it relates, and to insert in lieu of it" something else which is entirely different, it is in order; because it is one of the objects of an amendment, whether made in good faith or in bad faith, for that does not touch the question, to change the proposition as it would stand if the amendment were not proposed. Amendments are not proposed to do the same thing that already stands in the bill; amendments are proposed to make changes.

Now, suppose I had moved to strike out section 5, or had moved to strike out all the sections but the first section, can it be doubted by anybody that the Senator from New York would have been entitled to move as an amendment to that amendment, instead of that to strike out the whole of the sections and insert something different, so as to make the proposition in his judgment more acceptable to the Senate and better for the public interest? That has never been questioned. Then are we to say as a matter of order that the question of the allowability of an amendment in the second degree depends upon the extent of the first amendment? That has not been the practice of the Senate; it has not been the practice of any legislative body; it is not within any rule.

The rule only says that you may move an amendment to an amendment already pending. Whether that amendment is broad or narrow is a question for the Senate to determine in voting it in or in voting it out. It is not a question of order for the Chair to determine, whether he will entertain it because it may change the proposition or may not. That I respectfully submit, I beg the Chair to believe me when I say with entire respect for the sincerity of the judgment of the Chair in pronouncing his opinion.

Mr. MORTON. I understand there is no point of order before the Senate.

The PRESIDENT *pro tempore*. The Chair understands not.

Mr. MORTON. Discussions of rules and points of order are always interesting, especially when there is no point of order pending, because they come then simply in the way of general instruction and edification. I think gentlemen who have paid great attention to points of order and spent much time in understanding them ought to have frequent opportunities of making a proper exhibition of the knowledge that has been acquired.

When this question comes up for a vote I shall desire to say a few words in reply to the Senator from Ohio, the chairman of the Committee on Finance.

Mr. EDMUNDS. Mr. President, I propose to discuss the main question now, with the gentle permission of the Senator from Indi-

ana, who kindly delivers a lecture to the Chair and to the Senator from Ohio and the Senator from New York and myself on the subject of points of order; and he certainly makes the very proper proposition that those gentlemen who understand points of order, or think they do, should have a frequent opportunity of airing them. That is perfectly true, because if it were not so the Senate would not here stand upon an equality. Gentlemen who from their extensive reading on subjects of finance and the high respect they are known to have for all writers on that subject, and the thorough acquaintance that they have with the philosophy of the social economies and of the wealth of nations, &c., are sometimes allowed, I believe, to express themselves quite frequently upon that topic; and when they do, not only the Senate but the wide world listens, not merely with satisfaction but with delight, to that kind of theory which declares that we are to send the books I believe to the dogs—I have forgotten the expression—and to take to the first impulses of nature.

Of course, Mr. President, that is perfectly right, and I do not blame the Senator from Indiana for taking frequent opportunity to express his views upon every phase of the philosophy of the Government as it respects finance; but he ought not to be envious of smaller people than himself who do not understand such subjects but only contribute the little knowledge they have upon mere points of order and the rules of the Senate. If I and the Senator from Ohio and the Senator from New York had studied the subject of the wealth of nations and the value of paper currency and its effects upon the progress of the world in history as much as the Senator from Indiana, we should be enabled undoubtedly to enlighten the world, as he has, and perhaps we should vote as he does; but as we do not pretend to any such thing, he ought to allow us the poor privilege of exercising our minds now and then upon these little rules of the Senate of which we have some faint conception.

The PRESIDENT *pro tempore*. The question is on the amendment offered by the Senator from New York, [Mr. CONKLING.]

Mr. CONKLING. May we have the yeas and nays on that?

The yeas and nays were ordered.

Mr. CRAGIN. Upon all questions in relation to this bill I am paired with the Senator from Virginia, [Mr. LEWIS.]

Mr. INGALLS. My pair with the Senator from New Jersey [Mr. FRELINGHUYSEN] prevents me from voting "nay" on this proposition.

Mr. WADLEIGH. Upon all questions relative to this bill I am for to-day paired with the Senator from Mississippi, [Mr. PEASE.] If he were present he would vote "nay," and I should vote "yea."

The question being taken by yeas and nays resulted—yeas 27, nays 29; as follows:

YEAS—Messrs. Anthony, Bayard, Bogy, Boutwell, Buckingham, Conkling, Cooper, Davis, Edmunds, Fenton, Flanagan, Gilbert, Hamilton of Maryland, Hamilton of Texas, Hamlin, Jones, Morrill of Maine, Morrill of Vermont, Sargent, Saulsbury, Schurz, Scott, Sherman, Stewart, Stockton, Thurman, and Washburn—27.

NAYS—Messrs. Alcorn, Allison, Boreman, Carpenter, Clayton, Dennis, Dorsey, Ferry of Michigan, Goldthwaite, Gordon, Harvey, Howe, Johnston, Logan, McCreery, Merrimon, Mitchell, Morton, Ogleaby, Patterson, Pratt, Ramsey, Ransom, Robertson, Spencer, Sprague, Tipton, Windom, and Wright—29.

ABSENT—Messrs. Brownlow, Cameron, Chandler, Conover, Cragin, Ferry of Connecticut, Frelinghuysen, Hager, Hitchcock, Ingalls, Kelly, Lewis, Norwood, Pease, Stevenson, Wadleigh, and West—17.

So the amendment of Mr. CONKLING was rejected.

Mr. WRIGHT. I offer an amendment to the substitute reported by the committee, which I send to the desk.

Mr. EDMUNDS. I suppose that is in order. Everything appears to be in order.

The PRESIDENT *pro tempore*. The Chair understands the status of the question now to be this: returning to the substitute, the Senator from New York [Mr. CONKLING] has the first amendment pending. To that the Senator from North Carolina [Mr. MERRIMON] has an amendment pending, which exhausts the amendments that can be pending at the same time in that line.

Mr. WRIGHT. Do I understand those are amendments to the original bill or to the substitute?

The PRESIDENT *pro tempore*. To the substitute.

Mr. WRIGHT. Then I give notice that I shall offer the amendment which I have sent to the desk.

Mr. EDMUNDS. Let it be reported for information. We shall all vote for it no doubt.

The PRESIDENT *pro tempore*. It will be read for information.

The Chief Clerk read the proposed amendment, which was in section 9, lines 15 and 16, to strike out the word "may" and insert the word "shall;" so as to make the clause read:

And the Secretary shall reissue the United States notes so received, or, if they are canceled, shall issue United States notes to the same amount, &c.

The PRESIDENT *pro tempore*. The question now is on the amendment of the Senator from North Carolina [Mr. MERRIMON] to the amendment of the Senator from New York [Mr. CONKLING] to the substitute of the committee.

Mr. MERRIMON. I have but a word or two to say in explanation of the amendment which I have offered.

Mr. EDMUNDS. I should like to hear that amendment reported again.

The PRESIDENT *pro tempore*. The amendment will be again reported.

The Chief Clerk again read the amendment of Mr. MERRIMON.

Mr. MERRIMON. Mr. President, I will say just now that it would have given me pleasure to vote for the proposition of the Senator from New York if I could not do any better in the interest of the section of the Union which I represent; but we have a fair prospect that we shall get something better than that, and therefore I voted against his proposition.

The scope of the amendment which I have offered and which is about to be voted upon, is to wipe out the whole national banking system, to retire the national-bank circulation and substitute for it United States Treasury notes, and to adopt such a policy as will tend to appreciate United States notes to the standard value of gold and silver and also to virtually give the States permission to organize State-bank systems if they see fit to do so, making either these Treasury notes, or any other security they may see fit, the basis of such banking systems as they may adopt.

In my judgment there are many very serious objections to the present national banking system, into which I do not propose to go at the present time. I will content myself by saying—I have had occasion to advert to it on former occasions in the Senate—that it is a vast monopoly, upheld at the expense of the American people; that it confers favor and pecuniary advantage on comparatively few; that such favored few realize vast profits that the people ought to realize and that ought to go in the interests of industry rather than in the interests of the capitalists of the country.

These national banks receive from the Government annually interest amounting to about $24,000,000 in round numbers. If the system should be struck down, as I propose, and United States notes substituted for the national currency, the Government would save, in the way of interest upon the public debt, $21,000,000 annually; and it seems to me it is as well to save that amount.

Under the present national banking system any person who owns $100,000 of national bonds may deposit them with the Treasurer of the United States, receive the interest annually upon that sum, 6 per cent. and in gold at that, and not only that, receive 90 per cent. in currency, for which he pays nothing at all or perhaps a slight tax. I see no reason why this advantage should be conferred upon any particular class of the American people and much less the capitalists of the country, to the prejudice of those who carry on the great industries of the country.

Then, sir, this national banking system is more or less under political influences, inasmuch as it is so closely allied with the Government. I am utterly opposed to allowing political parties to influence the monetary interests of the country. The business men of the country ought to determine the banking interests, what measure of currency is necessary, and the character of the currency. It seems to me all the Government ought to do is to grant charters to banking associations and restrain capital in that way, but that capital ought to be entirely free and independent of political influences, whether those influences come from one direction or from another or from one party or from another.

To this great end is the first section of the proposed amendment. It provides for retiring all the national currency that is now in circulation throughout the Union.

The second section provides for substituting United States Treasury notes for that national currency, and this end is to be accomplished, if the banks shall surrender their circulation, by the 1st day of July, 1875. If they will not do it, then the Comptroller of the Currency is to compel them to do it within as short a time as it is possible for him to do it after that; and as $100 of the national currency is retired, the Treasurer is required to issue a like amount of United States Treasury notes, so that the volume of circulation of the country is not thereby decreased.

The third section provides a repeal of all acts of Congress which impose a tax upon the circulation of State banks greater than the tax imposed upon the circulation of national banks.

The fourth section provides that 50 per cent. of the duties on imports may be paid in United States notes. The object of that is to appreciate the United States notes and to bring them up to the gold standard as soon as may be.

The fifth section is the ninth section of the substitute reported by the Committee on Finance for the pending bill. That is another measure in the interest of specie payments, or rather a measure with a view to appreciate greenbacks to gold.

The sixth section is for the like purpose. In order to return to specie payments we are obliged to prepare to that end, and therefore the sixth section provides for an accumulation of gold in the Treasury, $25,000,000 per annum. That gold is secured from the surplus revenues, if there shall be such, and if there is none, then the Secretary of the Treasury is directed to sell 5 per cent. bonds until that amount is accumulated in the Treasury for four years.

The seventh section provides for retiring the fractional currency in circulation.

It seems to me, Mr. President, if this measure should prevail and the currency of the country would be United States notes, there could be no complaint of monopoly; there could be no complaint of political influences; the vast sum of $21,000,000 would be saved annually; the people of the several States would be allowed to organize local banks and have a local currency for their own convenience, and to promote local industries without any let or hinderance on the part of the United States.

If the objection should be raised that this is too great a volume

of greenbacks and therefore they would be depreciated, it seems to me there is no force in that, for the Government is as good for $800,000,000 as it is for $400,000,000. Nobody doubts the solvency of the Government; nobody lacks faith in the Government. The only great end that need be looked to in case this substitute should go into operation is to appreciate the greenbacks to the standard of gold. These measures provided for that end I am sure would have a strong tendency in that direction. They might not have the desired effect, but if they should fall short of it Congress at some future period could go on and provide other means looking to the same end until the end should be attained.

There can be no doubt about the power of Congress to displace the national-bank system in the way and manner I have provided in this amendment, for it is provided in the sixty-fourth section of the act mentioned in the first section of the amendment in these words:

That Congress may at any time amend, alter, or repeal this act.

Mr. WRIGHT. I wish to say but one word before the vote is taken on the amendment. I concur entirely in many of the views expressed by the Senator from North Carolina, as I have often said, upon the general question as between greenbacks and national-bank paper; but I suggest to my good friend that at this time the bill is almost perfected as it stands, and this is perhaps not an opportune moment to present that question, especially in view of the many sections contained in the amendment. While I am in favor of the general principle, I shall feel constrained to vote against the amendment in view of the present condition of the bill, and I trust it will not carry.

Mr. MERRIMON. I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. THURMAN. I shall vote on this question without the slightest reference to the relative merits of greenbacks and national-bank notes. If this amendment be adopted there is an end of this bill. Everybody knows that. If this amendment be voted down and the amendment of the Senator from New York be adopted, then the South and the West will get such relief as is afforded by $46,000,000 more bank currency.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The question is on the amendment of the Senator from North Carolina [Mr. MERRIMON] to the amendment of the Senator from New York, [Mr. CONKLING.]

The Chief Clerk proceeded to call the roll.

Mr. WADLEIGH. I am paired with the Senator from Mississippi, [Mr. PEASE;] but believing that he would vote "nay" on this proposition, I shall also vote "nay."

Mr. HAMILTON, of Maryland. As an amendment to this bill, I will vote "yea."

The result was announced—yeas 8, nays 43; as follows:

YEAS—Messrs. Alcorn, Cooper, Dennis, Gordon, Hamilton of Maryland, McCreery, Merrimon, and Ransom—8.

NAYS—Messrs. Anthony, Bogy, Boreman, Boutwell, Buckingham, Cameron, Carpenter, Clayton, Conkling, Davis, Edmunds, Fenton, Ferry of Michigan, Flanagan, Gilbert, Goldthwaite, Hager, Hamilton of Texas, Hamlin, Harvey, Hitchcock, Johnston, Logan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Patterson, Pratt, Ramsey, Robertson, Sargent, Scott, Sherman, Sprague, Stockton, Thurman, Tipton, Wadleigh, Washburn, Windom, and Wright—43.

ABSENT—Messrs. Allison, Bayard, Brownlow, Chandler, Conover, Cragin, Dorsey, Ferry of Connecticut, Frelinghuysen, Howe, Ingalls, Jones, Kelly, Lewis, Norwood, Pease, Saulsbury, Schurz, Spencer, Stevenson, Stewart, and West—22.

So the amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment offered by the Senator from New York.

Mr. WRIGHT. I suppose the amendment I sent to the Chair is in order now.

The PRESIDING OFFICER. It is in order.

Mr. WRIGHT. Then I insist upon it.

Mr. EDMUNDS. Where does it come in?

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. The amendment is in section 9, lines 15 and 16, to strike out the word "may" where it occurs in both those lines and insert the word "shall;" so that the clause will read:

And the Secretary of the Treasury shall reissue the United States notes so received, or, if they are canceled, shall issue United States notes to the same amount, &c.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Iowa.

Mr. HOWE. Ought not the Senator to provide some penalties in case the Secretary does not reissue them, or does he intend to do that? [Laughter.]

Mr. WRIGHT. I propose this amendment at present. That is the only question pending. What will follow it is another question.

Mr. CONKLING. There is a very handy statute in that respect relative to continental money which the Senator could use. [Laughter.]

The amendment to the amendment was agreed to; there being on a division—ayes 25, noes 14.

Mr. MORRILL, of Vermont. I move to amend, in line 14 of section 9, by striking out beginning with word "and" and down to the word "service," in line 19. The words proposed to be stricken out are "and the Secretary of the Treasury shall reissue the United States notes so received, or, if they are canceled, shall issue United States notes to the same amount, either to purchase or redeem the public debt at par in coin or to meet the current payments for the public service."

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont to the amendment reported by the Committee on Finance.

The amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question now recurs on the amendment of the Senator from New York, [Mr. CONKLING,] to strike out all of the committee's amendment after the word "that" and insert other matter.

Mr. EDMUNDS. Let that be reported, so that we may know what it is exactly.

The Chief Clerk read the words proposed to be inserted, as follows:

That so much of the act entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates, and for an increase of national-bank notes" as provides that no circulation shall be withdrawn under the provisions of section 6 of said act until after the fifty-four millions granted in section 1 of said act shall have been taken up, is hereby repealed; and it shall be the duty of the Comptroller of the Currency, under the direction of the Secretary of the Treasury, to proceed forthwith to carry into execution the provisions of section 6 of said act; and to enable him to do so, he is hereby authorized and required, from time to time, as needed for the execution of the said section, to make requisitions upon each of the national banks described in said section, organized in States having an excess of circulation, to withdraw and return so much of their circulation as by said act may be apportioned to be withdrawn from them, or in lieu thereof to deposit in the Treasury of the United States lawful money sufficient to redeem such circulation, and upon the return of the circulation required or the deposit of lawful money, as herein provided, a proportionate amount of the bonds held to secure the circulation of such association as shall make such return or deposit shall be surrendered to it.

SEC. 2. That upon the failure of the national banks upon which requisition for circulation shall be made, or of any of them, to return the amount required, or to deposit in the Treasury lawful money to redeem the circulation required within thirty days, the Comptroller of the Currency shall at once sell, as provided in section 49 of the national currency act, approved June 3, 1864, bonds held to secure the redemption of the circulation of the association or associations which shall so fail, to an amount sufficient to redeem the circulation required of such association or associations, and with the proceeds, which shall be deposited in the Treasury of the United States, so much of the circulation of such association or associations shall be redeemed as will equal the amount required and not returned; and if there be any excess of proceeds over the amount required for such redemption, it shall be returned to the association or associations whose bonds shall have been sold. And it shall be the duty of the Treasurer, assistant treasurers, designated depositaries, and national-bank depositories of the United States, who shall be kept informed by the Comptroller of the Currency of such associations as shall fail to return circulation or to deposit lawful money as required, to assort and return to the Treasury for redemption the notes of such associations as they shall come into their hands until the amount required shall be redeemed.

SEC. 3. That from and after the passage of this act it shall be lawful for the Comptroller of the Currency to issue circulating notes in the manner and proportion now provided by law, to associations organized or to be organized in those States and Territories having less than their proportion of circulation, under an apportionment made on the basis of population and of wealth, as shown by the returns of the census of 1870: *Provided*, That the whole amount of circulation issued to such banking associations, and withdrawn and redeemed from banking associations under the provisions of this act, shall not exceed $46,000,000, and that such circulation shall from time to time be withdrawn and redeemed only as it shall be necessary to supply banks in those States having less than their apportionment.

Mr. SAULSBURY. Mr. President, I shall vote for the amendment of the Senator from New York, not because I believe it would give any special advantage to the people of the South or West. I do not believe that a redistribution of any portion of the banking capital of this country would do any particular section of the country good. Nevertheless as there has been complaint made that the South and the West have not their fair proportion of the banking facilities afforded by the country, I think it proper to remove that objection; and I will therefore, to gratify the South and West, vote for the amendment. I believe that that will not remedy the evils of our present financial system. I think the difficulty rests not in the distribution of the banking capital, but rests in the monetary system of the country itself. I believe that to-day our whole system ought to be revised, and that some other financial policy ought to be adopted which will give relief to the business interests of this country.

Sir, it was said by the honorable Senator from Massachusetts [Mr. WASHBURN] this morning that we had the best currency which had ever existed. I cannot subscribe to any such doctrine as that. What is our currency to-day? Greenbacks and national-bank notes and fractional currency, worth not exceeding eighty-eight cents in the dollar. There never was a period in the history of this country before the inception of this system when the currency of the country was at any such discount. There never was a period in the history of the United States under State banking institutions where the loss to the people was so great as it is to-day by the depreciation of the currency furnished by the Government.

We had under the State banking system sometimes institutions that became insolvent, and we had in certain States banks whose notes were at a discount; and yet I venture the assertion that there never was lost upon State-bank issues, upon the failure of State banks and upon the discount put upon their notes, the same amount that to-day is lost by the depreciation of the currency furnished by the Government. Why, sir, upon our $800,000,000 of greenbacks, bank-notes, and fractional currency, the depreciation amounts to at least $100,000,000. Point to any period in the history of this country when the depreciation upon State-bank issues ever amounted to half that sum.

Now we have a currency that no man can tell what its value will be to-morrow; we have a currency that no man can tell what its value will be one month or twelve months from the present time; and I therefore differ entirely with the honorable Senator from Massachusetts when he says that our currency to-day is the best the country has ever had. I believe emphatically that it is the worst currency we

have ever had. I admit that there is an advantage in having a currency that will circulate in every part of the country, but when that advantage is bought at so dear a price as a depreciation in amount of at least 12 per cent., I cannot subscribe to the view which he presents, that it is the most valuable currency that we have ever had. I, however, will vote for this amendment of the Senator from New York; and I take this occasion to say again that while you attempt to have a legal paper currency in this country, which is a departure from what was understood to be the legal tender contemplated by the Constitution; when you have, in other words, two standards of value, a paper standard which you make a legal tender, and a gold standard, you will necessarily exclude gold from the circulation. No country has ever yet maintained, or ever can maintain, two legal standards of value differing so widely as irredeemable paper and gold always do. It is utterly impossible. That which has intrinsic value itself will give way and become an article of merchandise, and the paper legal standard will be substituted in its place. That has been our experience, and it has been the experience in every country wherever the attempt has been made to have two legal standards differing in their intrinsic value. You never can maintain them both at the same relative value, because that which is the most valuable becomes an article of merchandise, and that which can be used in its place will be substituted. We ought at this session—and it is getting late in the session—if possible to adopt some measure that will give the country a better currency than we have; and until that is done the complaints which we hear to-day from the business portion of the country will exist. You will never have stability in values, you will never have stability in the business interests of the country, until you return back to the legal standard, until your legal standard is the most valuable standard that can be brought about.

Mr. HAMILTON, of Maryland. I desire to make an inquiry. Is this question on striking out the substitute?

The PRESIDENT *pro tempore*. It is.

Mr. HAMILTON, of Maryland. This supplants the whole bill. It is not an addition to the bill.

The PRESIDENT *pro tempore*. It supplants the substitute of the committee.

Mr. HAMILTON, of Maryland. I meant the substitute.

Mr. DAVIS. I regard this as a long step in the right direction; and coming as I do from a State south of the Potomac and which has less currency than it is entitled to under the existing law, I shall vote with pleasure for the amendment of the Senator from New York. I propose to show in a very few words how much and what relief this amendment will give the States south of the Potomac and west of the Ohio.

The State of Virginia, under this amendment of the Senator from New York, will get over $2,000,000 of currency; West Virginia nearly half a million; North Carolina, $2,200,000; South Carolina a little over a million; Georgia over $2,000,000; Texas, $1,700,000; Kentucky, $1,300,000; Tennessee, $2,600,000; Missouri, $4,400,000; Ohio, $1,900,000; Indiana, $995,000; Illinois, $3,862,000; Michigan, $1,400,000; Iowa, $2,100,000; Minnesota, $1,900,000. I give round numbers. It is a well known fact that the six New England States have in excess of what the law contemplates they should have $70,000,000. The five Middle States of New York, New Jersey, Pennsylvania, Delaware, and Maryland have about $9,000,000 excess. The fourteen Southern States, including the District of Columbia, have $51,000,000 less than they are entitled to under the act of 1870. Giving, as this amendment does, to all the States South and all the States West, without an exception, an additional amount of national-bank currency and some of them large amounts, particularly to Illinois, Ohio, Kentucky, and Missouri, who will be especially benefited by it, it appears to me that the Senators representing those States cannot vote against the proposition, particularly when it is evident that nothing better and nothing as good, in my opinion, can be had.

Mr. CONKLING. I have made a modification of my amendment at two places, for no purpose, however, except to render perfectly plain the meaning, or more strictly speaking the amount. The amendment that I have made is merely to carry into the first section the words "to the amount of $46,000,000," in place of referring as it did at first to the language of another act. Then I have inserted in the last section the words which are merely formal words, "so to be;" so that the amendment reads:

> That the whole amount of the circulation issued to such banking associations, and so to be withdrawn and redeemed, shall be $46,000,000.

It does not change the sense at all, but merely renders the sense unmistakable and apparent.

The PRESIDENT *pro tempore*. The amendment will be so modified if there be no objection.

Mr. MORTON. I desire to say a word in regard to the scope and effect of this amendment. This amendment is offered as a substitute for the bill, to take the place of the entire bill. It is a total abandonment of any increase of the currency. It is to take the place of any proposition looking to the enlargement of the currency to meet the wants and demands of the country. We know very well that if this sop was extended and should become a law, any effort after that time to procure an enlargement of the currency, an increase of it, would be ineffectual. It is intended for that purpose, that it shall be a complete settlement of the question as to the expansion or the increase of the currency. Whatever may be the growth of the country, the demands when business shall revive, there can be no enlargement of the currency. It is a fixed thing, it is a cast-iron amount. We are then to stand upon the policy avowed by the Senator from Massachusetts, [Mr. BOUTWELL,] of doing nothing, what has sometimes been called "masterly inactivity," but which I should characterize by other words; that this country is to stand still and undergo the squeezing process by the lapse of years till our currency is brought to par by mere contraction, comparative contraction. Comparative contraction is going on all the time as the population and the wealth of the country increase. We may have immediate contraction by reducing the volume of the currency, but we have comparative contraction, the same thing in effect precisely where the volume of the currency is held to a certain amount and the growth of the country goes on.

The Senator from Massachusetts this afternoon repeated a proposition that he stated once before, that the currency of the country was now superabundant; and he proved it by the fact which he asserted, that it was depreciated. His proposition is that when we get the currency of the country at the proper volume, exactly enough of it, then it will be at par without any provision for its redemption. The necessity of gold redemption is dispensed with by that theory. All we have got to do is to have the volume of currency just at the point where it is enough, and then it will be at par without any other provision. The Senator laid down that doctrine once before. I do not agree to it. I do not agree that you can bring your legal-tender currency to par by simple contraction, as long especially as that currency is in part depreciated by law and is not made a legal tender, and is not received in payment of certain obligations and certain forms of taxes.

Mr. President, we have heard much said about a return to specie payments, but we have not found anybody—no; I will not say that, because I believe some Senators heretofore have offered propositions—but there is no considerable number of Senators, I believe, who are willing to resort to the means necessary to acquire gold in order to redeem these notes. There is no considerable number who are willing to increase taxation for the purpose of acquiring gold to redeem these notes, no considerable number who are willing to hoard gold in the Treasury until it accumulates in sufficient quantities for that purpose. But we have had roundabout methods prescribed. Now we fall back upon the simple policy of doing nothing; that is, of letting the volume of the currency remain fixed while the population of the country goes on and the business of the country too, if it should be able to revive under the pressure that now prevails.

But, Mr. President, aside from these considerations, I believe that this proposed transfer of $46,000,000 of bank circulation is a delusion. It will never be realized. When I am told that the banks in the East will give this up willingly and cheerfully, I must be excused for expressing my utter incredulity. I know when this proposition was first brought forward two or three months ago the banks of Providence, Rhode Island, came forward with one accord, even when it was limited to $25,000,000, and protested earnestly and strongly against it; and I am sure that the banks in the East will regard it as a hardship, and they will regard it, too, in the light of a violation of what may be considered as vested rights.

Another thing they will do. They will throw all obstacles in the way of the organization of banks in the West and South when the currency is to be taken from them. They have powerful means of doing that. The banks of New York have it in their power to discourage and to throw great difficulties in the way of the organization of banks in the West and South. The Senator from Massachusetts told us himself how it was in regard to the negotiation of one hundred millions of 5 per cent. bonds abroad, that when it was understood that the gold was to be brought to this country on the negotiation of those bonds the banks of the Old World refused to give it their countenance and the bonds could not be negotiated; their influence was against it; it was fatal. But when it was understood that the five per cents were to be exchanged for the six per cents and no gold was to be withdrawn, then their influence was the other way.

Mr. President, I have no faith in any good coming to the West and South from the adoption of this proposition. I do not believe it will ever become the law; if it does, I do not believe it will ever be executed.

Mr. EDMUNDS. Mr. President, if what the Senator from Indiana says is correct, that no good will come to the West and South from the transfer of forty-six millions of banking facilities into those States that are deficient, then certainly there can have been no injustice at any time hitherto in the banking facilities and in the currency having been located in the States where they are.

Mr. MORTON. I did not say what the Senator puts in my mouth. I did not say no good would come from the transfer. I meant to say that the transfer will never be made.

Mr. EDMUNDS. Well, Mr. President, I suppose the RECORD to-morrow, if it is not corrected, will show what the Senator did say, and then we shall know whether he said what I understood him to say or not. The Senator now, at any rate—and he has a perfect right to do it, because I do not wish in the slightest degree to misunderstand the Senator or have any other person do it—takes the ground that good will come of this transfer if it can only be made. That is the side of the fence he is upon. If that is true, then this measure proposed by the Senator from New York will be of benefit to the people of the West and the South if it can be carried

out, for if carried out it will furnish them with forty-six millions of banking currency, banking facilities, the means of doing business, of making discounts, effecting exchanges, and all that sort of thing. That must be undeniable. Then the simple question on this amendment of the Senator from New York, so far as it is opposed by the Senator from Indiana, is: is this act, if it is passed, capable of being carried into effect? Is there power enough in the United States, in the administrative departments of its Government, to carry out a law of Congress which declares that certain circulation, which exists only by law of Congress and is placed in the various States only by a law of Congress, shall be changed to other States for purposes of equality? Upon that question the Senator from Indiana expresses his doubt; more than doubt, his belief, that it is practically impossible of execution. Why? The only reason he has given is that the influence of the banks will be against it.

Well, Mr. President, taxation is a disagreeable thing to the people, and you may say that the influence of tax-payers is against paying taxes; but did anybody ever hear of a government refraining from imposing taxation or failing to collect it on the ground that paying taxes is a disagreeable thing? Does the Senator mean to have this body and the country believe that the administrative department of the Government of the United States cannot carry a law changing the location of banks from one State to another and changing banking facilities from one State to another into execution, and that the banks will go into rebellion and resist by force the execution of this act? Of course the Senator cannot seriously mean any such thing. His only purpose must be, if he will pardon me for saying so, to stimulate his adherents if he has any, to stimulate his associates in opinion if he has any, in sticking to what I call the delusion of the bill as it now stands amended, in order to defeat this proposition which is made to the South and West in a spirit of generous honor and good feeling on the part of the Eastern States in order that every cause of complaint may be removed, be it a sound one or an unsound one, that every feeling which the South and West may have that they are not fairly treated in the present distribution of money may be removed, and that they may have, if they desire it, every dollar of their share and as fast as they can take it up. That is the proposition; and yet this proposition is attempted to be defeated by a Senator from a Western State that either has or has not—I am sure I do not know which—its proportion of circulation, upon the ground that although the law would be beneficial if carried into effect, although it would accomplish the purpose that the people of the South and West have at heart and relieve their necessities, yet you are to vote it down because there is not strength in the Government to deal with these various banks from whom the money is to be called in!

Mr. SHERMAN. Allow me to call my friend's attention to the last section, where he will see that the authority to organize new banks and get the additional currency takes effect at once and is not to wait until the withdrawal of circulation from the existing banks.

Mr. EDMUNDS. I was coming to that in a moment. I say, Mr. President, that it is obvious that the opposition of the Senator from Indiana to this proposition of the Senator from New York must have some profounder ground than that he fears there is not power enough in the Government of the United States through the medium of its Treasury and Executive Departments to change these banking facilities from one State to another.

Now I come to the second proposition which the bill is to contain if this amendment prevails; and that is that it does not depend upon the will or the wishes of the banks in the States having more than their proportion at all. It is not possible to deny to the people of North Carolina or Indiana any part of this $46,000,000 on the ground that it cannot be got out of the banks in the State of Vermont. The Government of the United States gives to those States their share of the $46,000,000 at once, and it does not wait until it can get it from the banks of Vermont, it does not wait until it can compel the banks of Rhode Island to withdraw their circulation and turn it into the Treasury; but it issues this circulation in advance to those who wish to establish banks in the Southern and Western States. They can begin to-morrow if the bill pass in this shape.

Then suppose that any bank in an Eastern State resists, what is the result? The very result that the Senator from Indiana is so much in love with, that you will have an inflation of the currency, or an expansion, or an increase, taking whatever term he likes, by just that amount. If you cannot get this money in you will have increased the total of the circulating medium in the country by $46,000,000; so that if the Senator from Indiana is right in his fears, then he will have accomplished, if he will go for this amendment, precisely what he wants. That is to say, he will have got an increase of $46,000,000 of the circulating medium of the country. But if he is wrong, as I feel sure that he is, and the eastern banks obey the command of the Government and retire their circulation, as they cannot avoid doing because their bonds are in possession of the United States and the United States can take in this money themselves and take the bonds for it, then you have the result of leaving the currency of the United States precisely where it has stood since 1868, a period of six years, during which period of six years I beg Senators to remember the prosperity of this country has been almost unexampled taking the whole period together; business has expanded; railways have been built; manufactures have increased; and commerce has spread itself more and more over the country; production has enlarged; wealth has increased; the people live better and have more money. The only cause of your panic last fall was not the fact that there was not money enough, because every man who had anything to sell except for a temporary period of two or three weeks was able to get the money for it in a moment and to get a high price, but that certain great houses who had overtraded and overextended their business out of all proportion to the capital they had collapsed, and that produced a feeling of insecurity and panic and distress everywhere, and you have exactly the hard times that you would have in France to-day or England to-morrow when exactly such an event occurs. It cannot therefore be said that the distress of last fall and winter was occasioned or enhanced in the slightest degree by the fact that the currency of the United States was six hundred and fifty or seven hundred millions instead of a thousand millions. That was not it. The causes that produced the distress are the causes that exist in society everywhere under all systems, and that will continue to exist forever. That is to say, there will be a period of prosperity and an increase of business until speculation and enterprise shall have overdeveloped themselves, and then there will come a collapse for the time being, and things will settle to their normal attitude and go on again.

Why, Mr. President, is there any wheat in the West to-day now left unbought because money cannot be furnished to buy it? Is there any farmer anywhere upon the prairies who cannot take his wheat to the nearest depot or the nearest landing and sell it for cash, and at a high price? Not one. Is there a pound of cotton or tobacco in the South that does not command a price in cash according to the demand for the commodity in foreign or home markets and without any difficulty upon the score that money is not to be had to make the exchange? No man can assert that. Therefore what the South and the West need, if they need anything, is what has been so well stated by some of the Senators, the facility of establishing centers of capital in their various places from which exchanges and loans and discounts and deposits may flow and be received for the convenience of the societies and communities in that region of the country. Very well, here it is; take it. What more can you ask?

Mr. President, if this bill as reported and amended by the Senate were to pass there would be no more money in the country. The men who are to go into free banking in order to get their currency must first have cash to buy bonds with; and if it is a distress for cash that makes this inflation necessary, how are you going to begin your inflation until you get your cash? Of course it cannot be done; but in the way now proposed by the Senator from New York, if there is any capital in the South and West to be invested, if there is any capital anywhere in the country that is willing to invest itself in banking enterprises in the South and the West, all that capital has to do is to come forward and transfer itself and its business from one part of the country to the other.

Now, if those parts of the country—and every part has an equal interest in it—that are supposed to have this excess propose to give it up to those who have a deficiency, should there be objection to that? Should it be said that that is a delusion, and that it is designed really as a fraud upon the South and the West, when it appears, as has been stated by the Senator from Ohio, in this very amendment that the fraud, if there were one intended, is incapable of perpetration; because the South and West get this transfer of currency by an immediate issue from the Treasury Department, without waiting for any of the banks to be called upon to surrender that which they have in excess. Therefore the Senator from Indiana will see I think (because he intends to be candid, I do not doubt) that the notion he suggests that this could not be carried into effect on account of the resistance of eastern and northern banks is one which will not bear the test of an examination.

Mr. President, the prosperity and welfare of this country is universal. There cannot be a prosperity of one part for any long time without the prosperity of the other. There cannot be a distress in one part of the country for a long time without its reacting upon the other, any more than you could have a stream or a lake where one part was to be full of floods and of water and the other part was to be arid and dry. The interest of the whole people in commerce and in the exchange of commodities is identical. The welfare of North Carolina is the welfare of Vermont. The welfare of Texas is the welfare of New York. The welfare of the Southeast and Northwest is the welfare of New England. Therefore let us look at this question in the light of something like a broad nationality, and do not let us suppose that either section is to profit at the expense of the other, because in the long run it cannot be done. There can be no advantage gained in this Republic of ours (and I am thankful to the Supreme Ruler of events for that fact) by any one part of the country over another, because its people is one people; its interests are one interest; its prosperity is one prosperity; and its adversity must be one, even as we saw in the times of sad civil war, the distress and wrong upon one side (if there was a wrong, I will say, because I do not wish to speak of what was right or wrong about that now) work a reactionary distress and wrong upon the other. Nothing can be done, where there is one homogeneous people as ours is, that shall injure one part to the gain of the other in the long run, or profit one part without the profit of the other.

Let us, then, endeavor to keep the money worth as much as it is now, because what the people want is good money, and if there be an inequality which Senators desire to redress, let us wipe out that inequality and give to the States that desire more banking facilities

the opportunity to have them, and then go on with the state of the currency and with the prosperity of the business of the country as we have gone on for six years without any difficulty on account of the fact that there was not money enough. The difficulty has been the one that will still cling to us and cling to us all, that we have not money that is good enough until we are able to redeem and do redeem the promises of this Government in the coin that we promised to pay them in.

I hope Senators from the South and West will reflect, before they vote against this proposition, that it is one which answers the demand they make for banking facilities; it is one which transfers capital, if it is possible to transfer capital, and that depends upon private ownership, to the places where it is needed, and which still keeps the steady hand of conservative influences in respect to the expansion of currency upon the volume that exists in the United States, and thus enable us to do as we have done in the six years past, prosper and grow wealthy out of a currency that has been stable and that has been steadily appreciating in value from that day to this. Shall we go forward in this appreciation and make the currency more and more valuable day by day by the growth and development of the prosperity of the country, or shall we make more currency and depreciate its value in order to afford what may be thought to be a temporary relief? That is the choice between these two propositions. Can there be any doubt which one ought to be chosen?

Mr. MERRIMON. I have already said that if I could not do any better I would take this proposition, imperfect as I believe it is; but I believe I can do better in the interest of that section of the country which I immediately represent.

Now, sir, if anything appears clearly, it is that there is not only a necessity, but a very strong popular desire, that there should be a moderate increase of the currency in this country under our present system of finance. It was made manifest last fall. It was so clear and impressed itself so thoroughly upon all minds that the Chief Magistrate of the United States, in communicating with Congress, felt called upon to call the subject to the attention of the two Houses; and I desire to read an extract from his message. He used these words:

> I submit for your consideration whether this difficulty might not be overcome by authorizing the Secretary of the Treasury to issue at any time, to national banks of issue, any amount of their own notes below a fixed percentage of their issue—say 40 per cent—upon the banks depositing with the Treasurer of the United States an amount of Government bonds equal to the amount of notes demanded; the banks to forfeit to the Government, say, 4 per cent. of the interest accruing on the bonds so pledged, during the time they remain with the Treasurer, as security for the increased circulation; the bonds so pledged to be redeemable by the banks at their pleasure, either in whole or in part, by returning their own bills for cancellation to an amount equal to the face of the bonds withdrawn.

He said further, speaking of the period since the close of the war:

> During the same period there has been a much larger comparative contraction of the currency. The population of the country has largely increased. More than twenty-five thousand miles of railroad have been built, requiring the active use of capital to operate them. Millions of acres of land have been opened, requiring capital to move the products. Manufactories have multiplied beyond all precedent in the same period of time, requiring capital weekly for the payment of wages and for the purchase of material; and probably the largest of all comparative contraction arises from the organizing of free labor in the South. Now, every laborer there receives his wages, and for want of savings-bank the greater part of such wages is carried in the pocket, or hoarded until required for use.

I read these extracts from the President's message to show what were the impressions at that time on the mind of the President, who above all other men ought to inform himself on such subjects. But did we not have that strong evidence of this great necessity, this great popular desire, this imperative demand, the long discussion of four months which has transpired in this Hall and in the other wing of the Capitol must certainly put it to rest in the mind of any disinterested person. If anything has been made to appear, if the truth could be made to appear, it has been made to appear clearly here that there is a demand for a moderate increase to say the least, if not for a very great increase; and I have been impressed with the idea that even if our currency were to reach the total amount fixed by the previous bill which we passed, we should not have enough to supply the wants of the country in an ordinary time.

Mr. EDMUNDS. I wish to ask the Senator a question for information. He says it has been made to appear here that there is a demand for more currency in the country. I wish to ask him how—what is the evidence that we have had here of that fact?

Mr. MERRIMON. I was just going on to remark upon that point, and I will do it now, I trust, to my honorable friend's satisfaction. I take it that the members of the Senate are pretty well informed about the wants of their constituents. We are, or ought to be, statesmen; we are in some measure politicians; and we are familiar with the immediate wants of the constituents we represent. After a discussion of four months, after hearing his side and our side of the question debated almost beyond a parallel, the whole monetary influence of the country being brought to bear in various ways, the Senate solemnly declared that there was a necessity for an increase.

Mr. SAULSBURY. I desire to ask the Senator a question, with his permission.

Mr. MERRIMON. Certainly.

Mr. SAULSBURY. I want to know if the approbation of the nation has not been manifestly in favor of the action by which that bill did not become a law?

Mr. MERRIMON. I do not think that is material to the purpose now. So far as the question of increase of the currency goes, I do not think the view of the veto message on that point is sustained by the people. I have no sort of doubt that an overwhelming majority of the American people desire an increase of the currency to-day. They demand it. We have evidence that they do demand it by the majorities that appear here on every vote that is taken on the pending measure.

But I was going on to show my honorable friend from Vermont what evidence I had that there was a popular demand for this increase. We have the evidence here before us. We had evidence when the bill which was vetoed passed this branch of Congress. We had stronger evidence in the other branch. That bill passed that House by an overwhelming majority. It did not afford scarcely a tithe of the relief demanded by that popular branch, which represents as thoroughly as it can be represented the popular voice. When you go into the business thoroughfares, when you look out in every direction, when you see the languishing condition of industry everywhere, no man who desires to arrive at a correct conclusion, it seems to me, can doubt that there is this popular demand.

Gentlemen talk about a better currency. Well, I have no doubt the people would rather have a better currency; but if they have got to have such a currency as we have, they want enough of that to answer their purposes. So I say, Mr. President, that what we want is some increase. It is not pretended that the pending amendment affords one dollar of increase, and in the language of the Senator from Indiana, used on a former occasion, I regard this proposition as a mere tub to the whale. It is a cheat; and if we of the South and West allow it to pass, we shall be, when our people in those sections are calling for bread, giving them a stone. There may be something in it, but I do not believe there is much, in view of the fact that I feel we can get more relief from the bill before us if we shall go on and conclude it as was contemplated by a majority at the outset. I shall vote for that bill against this proposition. If this was all I could get I would take even this little morsel, but I do not believe it is all I can get. I believe it is our duty to go on and give an increase. We do afford an increase of the currency, and we avoid the objection put forth by the President in his veto message, because the bill as it is about matured by the majority goes on to provide for free banking and at the same time provides a means of redemption. Therefore filling almost the requisite prescribed by the President as necessary in order that any proposition may meet his sanction, we have met, it seems to me, his views. We shall, if we pass this bill, in some measure meet the message, and also the popular demand of the nation on the other hand; and I trust every gentleman who desires an increase of the currency will vote against this amendment, and then will vote the measure through.

Mr. EDMUNDS. Mr. President, of course it is not my business to act the prophet as to what may become of this bill if the Senator from North Carolina represents what he considers to be the majority upon the subject. I do not know whether it will be vetoed or not; I do not care whether it will be vetoed or not. My business is simply to know whether it is right or not; and I suppose that is the business of the Senator from North Carolina, though he is the best judge of that. I will say, however, that reading the veto message which has been referred to, and reading this bill as it has been perfected by the Senator from Iowa against the views of the committee, it would not take the change of many words, and those merely in the title, to make this message apply to this bill with as much force as it did to the other. I may be mistaken; I only have the two papers before me, and in making a careful comparison of what this bill proposes and what this message says, they are as wide apart as the east is from the west and as right is from wrong.

Mr. MERRIMON. I beg to suggest to my honorable friend from Vermont, if he will allow me to do so, that in what I said I did not anticipate what the President would do; and it seems to me out of order that we should anticipate his action. He acts within his sphere, and we act within our sphere and without reference to his probable action at all.

Mr. EDMUNDS. It would have been better, if I may be permitted to say so, for the Senator from North Carolina to have said that a little while ago instead of saying what he did say that this measure——

Mr. MERRIMON. I was alluding to the President's message of December last, and I read from that. My honorable friend from Vermont has suggested by way of argument, certainly not in terms, what we may expect from the President of the United States if we should pass this measure in the shape the majority propose to pass it.

Mr. EDMUNDS. Not by any means. I beg to stand on my own footing in that respect. I only called the attention of the Senate to the fact, adverted to by the Senator from North Carolina and not by me except in reply, that this measure as adjusted now by the Senator from Iowa, and as it is to be further adjusted in the same direction by the majority, was so framed as to meet the views of the President of the United States. I do not quote his language, but I quote the substance of what he said. If I am wrong the Senator can correct me. I am not wrong, Mr. President.

Mr. MERRIMON. What I said was that this bill did not contravene the views of the President.

Mr. EDMUNDS. I think the Senator did not use the word "contravene," or any word equivalent to that. I am not caviling about terms with the honorable Senator from North Carolina; I am speaking about

substance. This measure has been urged by him upon the Senate of the United States as having one merit at least, if it had not any other, and that was that it would meet the views of the President of the United States. Then I say in reply, and solely in reply, that I have here the views of the President of the United States sent to Congress upon a bill, and when I take those views and take the bill and compare them, I repeat what I said before, they are as wide apart as the right in the message is from the wrong in this bill. That is my opinion; but of course nobody understands that I am speaking for any one but myself, and I am expressing an opinion upon documents that are before the Senate for its consideration. That is all. Therefore I do not wish to be told by the Senator from North Carolina, if he will excuse me, that I am arguing to induce any Senator to vote one way or the other upon this bill without any reference to ultimate possibilities. I believe it to be an entirely improper thing to do. I believe it is the business of the Senate to act upon its own responsibility and its own honest judgment and its own sense of responsibility to the people whom it represents in that long and sober judgment of theirs that was intended by the Constitution to outgrow and overcome temporary fluctuations and panics and disturbances and clamors, and to be the settled judgment of the people of the United States covering a period as long as a Senator's term is, and that is six years.

That brings me to the other branch of the subject discussed by the Senator from North Carolina.

Mr. MERRIMON. Will the Senator allow me to ask him a question?

Mr. EDMUNDS. With pleasure.

Mr. MERRIMON. Does he regard the voice of the Senate and the House as nothing as reflecting the popular will and demand and necessity?

Mr. EDMUNDS. I cannot say that I regard it as nothing. I regard it as entitled to great respect. There are a great many delusions in this world; and although they unhappily exist, we nevertheless respect the views and opinions of the people who entertain them. The honorable Senator—and I make the allusion not in the slightest degree as impugning him or his people—the honorable Senator and his people at one time labored under the impression that the two sections of this country would get on better together if they were separated. I thought otherwise; I think he thinks otherwise now. There are thousands of such instances. They illustrate the fact that although the opinion of Senators is entitled to respect, it does not prove that that opinion formed as following a clamor from a panic is an opinion that will live for six years. The difference of opinion about the separation of this country only lasted four years, or a little over. We all got over it in four years. Now the Constitution has given us six to get over this delusion, as I think it is. I may be deluded myself; I am not claiming any advantage in that respect over anybody——

Mr. MERRIMON. I believe I shall say nothing offensive to the honorable Senator when I remind him that an insane man always supposes that all the rest of the world is deranged, certainly the majority.

Mr. EDMUNDS. The Senator from North Carolina can judge for himself. I certainly do not wish to interfere with his right to judge of his own position. [Laughter.] It is his privilege to think so, and I respect him in it, although I should not be disposed to send him across the Eastern Branch for that reason by any means. [Laughter.]

Now let us return, after the joke is over, to the question of where is the public opinion. Public opinion ought to be consulted; but I repeat what I was going on to say when my friend interrupted me, that the public opinion which we are bound to consult, and the only public opinion which we have a right to consult, is that long and sober public opinion which covers a period of time wider than a temporary excitement, wider than the explosion of a Philadelphia banking house, wider than the clamor of a people in the winter time for more cash which they have not got the property to exchange for, but that sober, settled conviction which is the opinion of all good men, the *consensus bonorum*, which depends upon intelligence, upon cultivation, upon experience, upon observation of the progress of society for a period of years. There is no public opinion that is entitled to weigh for a moment that springs up in a month or in a day, because you have no means of testing whether it is the public opinion or whether it is a simulated shadow which has no foundation or substance in it. Therefore I should ask to be excused from voting for inflation of the currency if I believed that in December last, when the message of the President which has been read was sent to us, there was what the Senator would call a public opinion in favor of the inflation of the currency, because I should then have believed, as I believe now, that whatever of this so-called public opinion existed has almost entirely died off or been burned out and to ashes by the sober reflection of intelligent men in all parts of the country, by the memory and experience of men engaged in business and in finance, by something, it may be of the distribution of the debates of this body where the experience of every people and every nation has been brought forward who have undertaken to help themselves out of embarrassments by an increase of an irredeemable paper currency. I believe that the people of this country have some respect for that wisdom which is gained by experience, the opinion of some Senators to the contrary notwithstanding; and I believe, therefore, that in spite of whatever sneers we may have against information that has been obtained from history and human experience, the people of this country in the South and the West as well as in the East, when they come to reflect on this subject as they have done, when they come to have it studied out and laid before them as has been done, if they ever had been laboring under a temporary notion that an inflation of the currency benefited them, have in a very large degree changed their minds.

I have here a statement which I believe appeared in the Chicago Tribune a day or two ago, which may perhaps illustrate this topic of which I now speak:

CHICAGO, *May* 13, 1874.

The Tribune this morning publishes replies to the circular sent to the press of Illinois, Indiana, Michigan, Wisconsin, Minnesota, Iowa, Kansas, Missouri, and Nebraska, asking how each stood on the President's veto of the currency bill. A summary shows that of 933 papers answering the circular, 514 sustain the veto, 408 oppose it, and 11 are non-committal. Of those sustaining the veto, 295 are republican and 217 democratic; of those opposing the veto, 234 are republican and 174 democratic. Indiana, Missouri, and Kansas are the only States where a majority of the papers oppose the veto.

I do not know that this statement is true; but I believe from what I myself have seen of the newspapers of the various parts of the country that it is true. I know that I had occasion to read a southern newspaper not long since, published at Atlanta, the capital of Georgia—I think the leading democratic paper of the State; certainly one that had a very good appearance, and which spoke as if it was speaking *ex cathedrâ*—and that in its leading editorial on the subject of the bill then pending, which has since been vetoed, it pronounced any scheme of inflation as in violation of all human experience, and in violation of the soundest principles of the administration of the affairs of a people, and as sure to be followed by injury instead of benefit. I do not give the words, but the substance. I have the papers down stairs in my committee-room.

Mr. GORDON. Will the Senator allow me one word just there? I cannot be drawn into the debate I think, but I simply want to make a statement. As the Senator has spoken of the papers in my State, let me mention to him that the agricultural convention of Georgia, which I believe is the most intelligent body of men that we have assembled there at all, unanimously, without one single vote to the contrary, passed resolutions indorsing the action of the Senate, myself among them, upon the financial question.

Mr. EDMUNDS. I should have expected that, and I think that does not in the least degree diminish the force of what this leading newspaper of Georgia stated and of what may after all be the reflective public sentiment of that State. I believe it was in his own town that I read this newspaper, at Atlanta; but I know that the honorable Senator is so popular in that State that any convention that met there would indorse him and any measure that he had supported, or oppose any measure that he had opposed, just as in old times the democratic party used to indorse anything that Andrew Jackson did; and I confess that I respect the people of Georgia for it.

Mr. GORDON. The Senator will remember that some gentlemen voted with me on that question who generally act with him.

Mr. EDMUNDS. That may be; and I think if your papers were asked to indorse those gentlemen they would not do it now. [Laughter.]

Mr. MERRIMON. As my honorable friend is quoting the newspapers of the South, I beg leave to say that out of sixty-odd papers in my State, four-fifths have disapproved the veto message of the President; and of the republican newspapers, more than a majority have disapproved of it.

Mr. EDMUNDS. I do not question that the Senator from North Carolina is right in saying that the republican newspapers in the South disapprove of the veto, and as he disapproves of the republican newspapers he ought to be in favor of the veto. [Laughter.] I do not see any way of dodging that. [Laughter.]

Mr. MERRIMON. I will take care of that.

Mr. EDMUNDS. But to come back again, if we may, to the money question——

Mr. SARGENT. Will the Senator from Vermont allow me a moment.

Mr. EDMUNDS. Yes, sir.

Mr. SARGENT. I have taken some pains to look over the southern papers and I have extracts from a few, two that I should like to call the attention of the Senate to. The Daily Picayune, published in New Orleans, says, speaking of the veto of the former bill:

We rejoice that it has been killed, and we respect and applaud President Grant for giving it its *coup de grâce*. The people want no more irredeemable paper currency; there is more now in the country than they are able to get—than they can borrow or exchange products for. What they want is relief from too heavy burdens of taxation, and laws protecting labor and promoting production, confidence, and regularity of exchanges and values. These they can never secure by swelling the volume of paper currency. Inflation is the remedy of speculators and moneylenders.

The Mobile Register, which I hold in my hand, says:

We congratulate the southern democratic inflationists for the lesson in statesmanship that Ulysses Grant has been allowed to teach them.

I have here the Savannah (Georgia) Advertiser and Republican, which in an article headed "The Veto" says:

The Cabinet session held before the veto was promulgated is said to have been long and earnest, and the most important one held during their present administration. The message itself is before the country, and the country, our readers included, are at liberty to judge of its merits and of the causes which produced it

If it is a fair and honest step in the direction of the resumption of specie payment there is no cause for weeping.

Again, toward the close of the article, it says:

If the crop season is favorable, and there are no violent political or social changes before the business season opens, general confidence may be restored and the bankers may turn this money again into the legitimate channels of trade, and make the coming season the beginning of many prosperous ones. *In the mean time we may indulge the hope that as inflation is settled we may hail hard coin as a circulating medium again, after many years of absence.*

I have an extract, also, from the Memphis Avalanche, which says:

There was something more than sarcasm in Congressman COX's suggestion to make every greenback dollar a legal tender for three dollars, every two dollar greenback a legal tender for six dollars, and so on. It would but carry the logic of inflation to its legitimate conclusion. A piece of irredeemable paper known as a dollar may as well be declared three dollars as a third that sum.

I have noticed other leading papers in the South, democratic as well as republican papers, and I find this view is by no means exceptional.

Mr. EDMUNDS. Now I will go on, but not for a long time, because I do not wish to weary Senators, and we ought to pass this bill to-night in some way, I suppose.

The Senator from North Carolina says there is a pressing demand for this money—a cry for it. Now, ought we to yield to that cry, supposing it to exist? We ought, if it is a cry founded in reason; and we ought not, the Senator will agree, if it is not a cry founded in reason. We have no business to-day to pass a law giving the people $50,000,000 more of depreciated currency or any kind of currency unless the interest of the people demands it; and we are placed here for six years in order that our own judgment may stand, if it may be, against the will of the people of to-day, provided we feel satisfied that at the end of six years the people will say, "We bless you that you resisted our false and insane clamor for some relief which you were wise enough not to give us." That is my idea of the constitution of this Government.

But let us look at it practically. The people want more money we are told. I do not deny that each man wants more in his own pocket of what there is. Everybody does that; and it is right, if he can get it lawfully. That is not what the Senator means. He means that the States and communities need to have more money, not as an increase of wealth, because giving them this money does not increase their wealth any, as the Senator very well knows; they have to pay for this money; and if you issued $1,000,000,000 to-morrow, and the people were ready to take it, the next day the country would be no richer than it is to-day. If it would be, then all of us would go not only for $1,000,000,000 but for $10,000,000,000, because we would all be rich by a mere act of legislation. Of course nobody contends for that. What is it, then? It is that communities need a circulating medium to enable them to make use of the wealth that they do possess, in selling their products handily and getting cash for them, and using that as a medium to buy something else. That is it. Now will somebody point out to me any place in the United States for the last two months where any man had anything to sell that was the product of the earth—the agriculturist of Georgia, the agriculturist of North Carolina, the wheat-raiser and the wool-raiser of the Northwest, or the seller of pine lumber—where any man has had anything to sell that he has produced or bought, that he could not get a market price for it that averages well with the market price of similar commodities for the last six years? Is not wheat bearing a good price in the Northwest? Is not tobacco in good demand in the South? Is not cotton a product that sells for the going price of the Liverpool market, freight and insurance out, readily at every seaport in the South, and up every creek and every bayou, and for cash? No man can dispute it, I think.

Mr. MERRIMON. All over the South it is very difficult to get money. I could present much information on that point if it were necessary. But I would ask the Senator can he point to a single mercantile association or manufacturing company that has taken the trouble to approve the veto message of the President?

Mr. EDMUNDS. I do not understand the Senator.

Mr. MERRIMON. I ask if the Senator can point to a single instance in which any industrial association in the country has approved of the President's veto message, or any manufacturing establishment? Can he present any case in which the industries of the country have approved of that paper?

Mr. EDMUNDS. I can answer for the manufacturing establishments of Vermont and the industrial associations of Vermont, where we regard industry as much that which produces something from the soil and from the mine and the quarry as that which produces it from the loom or from the anvil; and speaking for all the industrial associations of Vermont, for him who cuts the forest or plows the land or raises the wheat or the corn, for him who works the mine or the quarry or turns the marble into the works of art or the iron into the bars or the nails, for him who turns the wool into cloth or the cotton into fabrics, I say every one of them approves the message of the President of the United States and regards him as having delivered the country a second time from that which threatened to curse it and destroy it.

Mr. MERRIMON. And that section has $70,000,000 in excess of its share of the bank circulation of the country.

Mr. EDMUNDS. And they tried before, as they offer now with entire willingness and gladness to give it to the Senator and to his associates just whenever and as fast as they want it.

Mr. MERRIMON. I beg to correct the honorable Senator. Not two months ago the banks in New England sent memorials here protesting expressly against this redistribution.

Mr. EDMUNDS. Very good. If the society in New England was organized upon the notion that the Senator seems to entertain of what makes up the body of society, for he apparently supposes that the bankers are New England, he may be right; but I beg leave to assure him that the bankers are not New England; the bankers are not Rhode Island, even in that small State where there are so many banks. It is the people of whom I am speaking, and not of any particular banker or corporation, who may have a natural and personal reluctance to give up the privilege of banking as much as he does now. I am not speaking of those persons.

Mr. MERRIMON. My recollection is that the honorable Senator himself opposed it on a former occasion.

Mr. EDMUNDS. I beg the Senator's pardon. I stated on a former occasion, as I would state now if there were any use in it, that when the bankers of New England and the Eastern States took this circulation, the inhabitants of the Southern States were unwilling to take it. They were somewhat more than unwilling to take it. They had a circulation of their own; they did not want this. To be sure, that circulation has rather fallen through; but I do not think it is to be imputed to New England, or the North, or the East, that they were committing any wrong upon the people of the Southern States when in 1863 and 1864 they took up this circulation, there being no application for it from any place south of Mason and Dixon's line that I know of. I do not think, looking West, that it is just or fair for western people or western Senators to impute any blame to New England or to the East for taking up this circulation when they did, to aid in carrying on the war, and when their State banks were driven out of existence to force them to take it, when they did not take it to the exclusion of any application from a western State. We only took it as the West and East were acting together then, as I hope they will always act together, and with the South, too, for the common benefit of the country, to carry on a great enterprise that we had on hand. They had not the money and capital in cash to take this currency and set up the banks with to the same extent that the East had. The consequence was that they did all they could and wanted to do at that time, and we did all we could and wanted to at that time; but the result is that the distribution is now unequal. The West and South now feel able and desirous to take some portion of this banking facility. Very well; we say in God's name, amen; take it; although we do not want you to take it in the sense that we admit that when we took it we were plundering you. We were not; we were aiding you; but now if times have changed and you are in a condition to take it, we say amen; take it; but do not as you take it impute to us any wrong against you for having taken it at the time we did.

Mr. MERRIMON. I do not want the honorable Senator to assign me and other gentlemen here a false position, which I am sure he does not do intentionally. We did not say that New England had plundered the South; we did not say they had plundered the West; we did not say they had plundered the Government. We said as a matter of fact that they had received an excess of circulation of over $70,000,000, and we cited the fact that they required such a vast amount of circulation as an evidence that an increased circulation was necessary in the West and South. We made no such imputation against New England as is now suggested.

Mr. EDMUNDS. The statement must have been made for some purpose. The statement was that we had got more than our share. Then if we say we give it up, there is nothing left to be said about it, is there? But, Mr. President, the Senator says that the point is that it shows that New England and the Eastern States require this vast amount of circulation, $70,000,000 more than their share, to do their business. Again the Senator is mistaken. The circulation which went to the eastern and northern banks immediately found its way to every corner of the country, and you can find now the greater proportion of the circulation of the North and East in the Southern States wherever any man has anything to sell, than you can in any part of the country East where he has not anything to sell. The moment the money is issued by the banks in loans it goes to those parts of the country where the business requires it. If there is cotton to be bought in the South, the money is paid for the cotton; if there is wheat to be bought in the West, the money is paid for the wheat; and then if the man who had the cotton or the wheat to sell does not owe somebody else, he keeps the money; if he does owe somebody else, he ought in honor, as he will, no doubt, pay that somebody else; and finally the man will get the money to whom it belongs. If he happen to reside in the city of New York, what in the name of Heaven is the Senator going to do about it by legislation? Can you do anything? Of course you cannot.

It will not do, then, to say that this $70,000,000 in excess which it is said we have is something which has been taken by the East because it was necessary for our purposes to do the business of New York, Pennsylvania, New England, and Ohio, if that has an excess, and I do not know whether it has or not. No such inference is to be drawn, and the Senator has no just right to deduce from it the argument that every part of the country requires $70,000,000 in the same proportion to its population because $70,000,000 went to New England and to New York. It was not taken upon the idea that the business of those

places required it in the sense of doing their business alone. Business is not bounded by State lines, business knows nothing about geography, it knows nothing about politics. The money goes where the commodities are that are wanted, and the commodities go where the money is to pay for them. So that all there is in anything of this question and of the change of circulation, or the increase of circulation, is merely an increase of circulation to inflate prices and without making anything a cent more valuable than it was before, or a change of circulation to induce the conveniences and comforts of banking in other sections of the country. If the West and South absolve us now and say, "We will not take that which we have claimed it is our right to have," I hope we shall never hear again any complaint of the fact that the banking currency of the country is located where there was the money to take it.

Mr. BOREMAN, (at five o'clock and forty-five minutes.) I move that the Senate adjourn.

Mr. HAMILTON, of Maryland. O, no; we can vote now.

Mr. SHERMAN. I said yesterday that I would call for the yeas and nays on this motion if it was made before the bill was disposed of. I have no longer any interest in this bill, and if the Senator from Iowa desires an adjournment, he will relieve me from all trouble about it and I shall make no objection.

Mr. WRIGHT. I said yesterday that I would second the request of the Senator from Ohio to sit the bill out this evening.

Mr. SHERMAN. Then I hope we shall do it.

Mr. BOGY. I hope we shall adjourn.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) It is moved that the Senate do now adjourn.

Mr. SHERMAN. I call for the yeas and nays.

Several SENATORS. No; call for a division.

Mr. SHERMAN. Well, I will call for a division.

The motion was not agreed to, there being on a division—ayes 16, noes 26.

Mr. MERRIMON. I ask leave to make a report.

Mr. HAMLIN. I object.

The PRESIDENT *pro tempore*. Objection is made and it cannot be received now. The question is on the amendment offered by the Senator from New York, [Mr. CONKLING,] upon which the yeas and nays have been ordered.

Mr. BOGY. Is that offered as a substitute, or by way of addition?

The PRESIDENT *pro tempore*. As a substitute for the committee's amendment.

Mr. BOGY. We voted upon the same thing awhile ago. Was it then as an addition to the bill?

Mr. CONKLING. That was as an addition.

The PRESIDENT *pro tempore*. The Secretary will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. THURMAN, (when Mr. BAYARD's name was called.) I am requested by the Senator from Delaware [Mr. BAYARD] to state that he is paired with the Senator from Georgia, [Mr. GORDON.] If the Senator from Delaware were here he would vote "yea," and the Senator from Georgia would vote "nay."

Mr. BOREMAN, (when his name was called.) I am paired with the Senator from Delaware, [Mr. SAULSBURY.] If he were present he would vote "yea," and I should vote "nay."

Mr. FENTON, (when his name was called.) Upon this vote I was paired with the Senator from Arkansas, [Mr. DORSEY,] but I have transferred that pair to the Senator from Nevada, [Mr. STEWART.] The Senator from Nevada would vote "yea" upon this proposition, and the Senator from Arkansas would vote "nay."

Mr. SHERMAN, (when Mr. FLANAGAN's name was called.) The Senator from Texas is paired, but I do not remember with whom.

Mr. GORDON, (when his name was called.) Upon this question I am paired with the Senator from Delaware, [Mr. BAYARD.] If he were here he would vote "yea," and I should vote "nay."

Mr. HAMILTON, of Maryland, (when Mr. HITCHCOCK's name was called.) The Senator from Nebraska is paired with the Senator from New Jersey, [Mr. STOCKTON.]

Mr. INGALLS, (when his name was called.) My pair with the Senator from New Jersey [Mr. FRELINGHUYSEN] prevents me from voting "nay" on this amendment.

Mr. LOGAN, (when the name of Mr. MORRILL, of Maine, was called.) The Senator from Maine is paired with the Senator from Louisiana, [Mr. WEST.]

Mr. RAMSEY. I ought to state that the Senator from Michigan [Mr. CHANDLER] is paired with the Senator from Florida, [Mr. CONOVER.]

The roll-call having been concluded, the result was announced—yeas 18, nays 27; as follows:

YEAS—Messrs. Anthony, Boutwell, Buckingham, Conkling, Cooper, Davis, Edmunds, Fenton, Hamilton of Maryland, Hamlin, Jones, Morrill of Vermont, Sargent, Schurz, Scott, Sherman, Thurman, and Washburn—18.

NAYS—Messrs. Alcorn, Allison, Bogy, Carpenter, Clayton, Dennis, Ferry of Michigan, Goldthwaite, Hager, Harvey, Howe, Johnston, Logan, Merrimon, Mitchell, Morton, Oglesby, Patterson, Pratt, Ramsey, Ransom, Robertson, Spencer, Sprague, Tipton, Windom, and Wright—27.

ABSENT—Messrs. Bayard, Boreman, Brownlow, Cameron, Chandler, Conover, Cragin, Dorsey, Ferry of Connecticut, Flanagan, Frelinghuysen, Gilbert, Gordon, Hamilton of Texas, Hitchcock, Ingalls, Kelly, Lewis, McCreery, Morrill of Maine, Norwood, Pease, Saulsbury, Stevenson, Stewart, Stockton, Wadleigh, and West—28.

So the amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the amendment reported by the Committee on Finance as amended.

Mr. BUCKINGHAM. I rise to offer an amendment; I will not make a speech upon it. In section 9, line 1, I move to strike out "July, 1878," and insert "July, 1874;" so as to read:

That on and after the 1st day of July, 1874, any holder of United States notes to the amount of $1,000, &c.

The amendment to the amendment was rejected.

Mr. BUCKINGHAM. I offer another amendment, to come in at the close of the ninth section:

Or if the holder of such bonds shall demand payment before the expiration of fifteen years from the date of their issue, the Secretary of the Treasury shall pay the principal of the bonds in United States notes and the accumulated interest in coin.

The amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question now recurs on the amendment of the committee as it has been amended, being a substitute for the House bill.

The amendment was agreed to.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. The question now is on concurring in the amendment made as in Committee of the Whole.

Mr. SCOTT. Before the question is taken on that, I wish to move, if it is in order, to strike out "25," in the eighth line of section 8, and insert "40;" so that the clause will read:

It shall be the duty of the Secretary of the Treasury to retire any amount of United States notes equal to 40 per cent. of the circulating notes so issued.

Mr. EDMUNDS. On that I ask for the yeas and nays. It is an important amendment.

The yeas and nays were ordered; and being taken, resulted—yeas 20, nays 24: as follows:

YEAS—Messrs. Anthony, Boutwell, Buckingham, Conkling, Cooper, Davis, Edmunds, Fenton, Hager, Hamilton of Maryland, Hamlin, Howe, Jones, Morrill of Vermont, Sargent, Scott, Sherman, Stewart, Thurman, and Washburn—20.

NAYS—Messrs. Alcorn, Bogy, Carpenter, Clayton, Dennis, Ferry of Michigan, Goldthwaite, Harvey, Johnston, Logan, McCreery, Merrimon, Mitchell, Morton, Oglesby, Patterson, Pratt, Ramsey, Ransom, Spencer, Sprague, Tipton, Windom, and Wright—24.

ABSENT—Messrs. Allison, Bayard, Boreman, Brownlow, Cameron, Chandler, Conover, Cragin, Dorsey, Ferry of Connecticut, Flanagan, Frelinghuysen, Gilbert, Gordon, Hamilton of Texas, Hitchcock, Ingalls, Kelly, Lewis, Morrill of Maine, Norwood, Pease, Robertson, Saulsbury, Schurz, Stevenson, Stockton, Wadleigh, and West—29.

So the amendment to the amendment was rejected.

The amendment made as in Committee of the Whole was concurred in.

It was ordered that the amendment be engrossed and the bill read a third time.

The bill was read the third time.

Mr. CONKLING. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

Mr. THURMAN. I was requested to state that on all these questions the Senator from Delaware [Mr. BAYARD] was paired with the Senator from Georgia, [Mr. GORDON.] The Senator from Delaware, had he been here, would have voted for the amendment of the Senator from Pennsylvania, [Mr. SCOTT,] and he would vote "nay" on the passage of the bill. The Senator from Georgia would vote the other way.

Mr. HAMILTON, of Texas. Upon this question the Senator from West Virginia [Mr. BOREMAN] is paired with the Senator from Delaware, [Mr. SAULSBURY.] The Senator from West Virginia would vote "yea" and Mr. SAULSBURY "nay."

Mr. FERRY, of Michigan. On this question my colleague [Mr. CHANDLER] is paired with the Senator from Florida, [Mr. CONOVER.]

Mr. CONKLING. The Senator from New Jersey [Mr. FRELINGHUYSEN] is absent and paired with the Senator from Kansas, [Mr. INGALLS.] If he were here he would vote against this bill.

Mr. INGALLS. The Senator from New York has relieved me of the necessity of stating how the Senator from New Jersey would vote if he were here. I should vote in favor of the bill if relieved from the pair.

Mr. HAMLIN. If my colleague [Mr. MORRILL, of Maine] were present he would vote "nay." He is paired with the Senator from Louisiana, [Mr. WEST,] who, if present, would vote "yea."

Mr. MORTON. I am paired with the Senator from Missouri, [Mr. SCHURZ.] If he were here he would vote "nay," and I should vote "yea."

Mr. HARVEY. The Senator from Mississippi [Mr. PEASE] is paired with the Senator from New Hampshire, [Mr. WADLEIGH.] Mr. PEASE, if present, would vote "yea," and Mr. WADLEIGH "nay."

Mr. BUCKINGHAM. I desire to state in behalf of my colleague [Mr. FERRY, of Connecticut] that if he were here he would vote against the bill; but he is, as I understand, paired with the Senator from Tennessee, [Mr. BROWNLOW.]

The question being taken by yeas and nays, resulted—yeas 25, nays 19; as follows:

YEAS—Messrs. Alcorn, Allison, Bogy, Carpenter, Clayton, Dennis, Ferry of Michigan, Goldthwaite, Harvey, Howe, Johnston, Logan, McCreery, Merrimon, Mitchell, Oglesby, Patterson, Pratt, Ramsey, Ransom, Spencer, Sprague, Tipton, Windom, and Wright—25.

NAYS—Messrs. Anthony, Boutwell, Buckingham, Conkling, Cooper, Davis, Ed-

munds, Fenton, Hager, Hamilton of Maryland, Hamlin, Jones, Morrill of Vermont, Sargent, Scott, Sherman, Stewart, Thurman, and Washburn—19.

ABSENT—Messrs. Bayard, Boreman, Brownlow, Cameron, Chandler, Conover, Dragin, Dorsey, Ferry of Connecticut, Flanagan, Frelinghuysen, Gilbert, Gordon, Hamilton of Texas, Hitchcock, Ingalls, Kelly, Lewis, Morrill of Maine, Morton, Norwood, Pease, Robertson, Saulsbury, Schurz, Stevenson, Stockton, Wadleigh, and West—29.

So the bill was passed.

HOUSE BILLS REFERRED.

The bill (H. R. No. 733) relating to evidence in the courts of the District of Columbia was read twice by its title and referred to the Committee on the Judiciary.

The bill (H. R. No. 3237) to authorize the First National Bank of Seneca to change its name was read twice by its title, and referred to the Committee on Finance.

ALEXANDER HENDERSON.

Mr. BUCKINGHAM. A few days since I made an adverse report from the Committee on Commerce upon the petition of Alexander Henderson, late consul at Londonderry, praying for remuneration for expenses incurred and special services rendered during his term of office, and the committee was discharged from its further consideration. Since then new papers have been presented which lead me to ask a reconsideration of that vote and that the papers be referred again to the Committee on Commerce.

The PRESIDENT *pro tempore*. If there be no objection the vote will be regarded as reconsidered. The Chair hears none.

Mr. BUCKINGHAM. I now move that the petition with the additional papers be again referred to the Committee on Commerce.

The motion was agreed to.

Mr. CONKLING. I move that the Senate adjourn.

The motion was agreed to; and (at six o'clock and ten minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May* 14, 1874.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

ARMY MEDICAL MUSEUM.

Mr. LOWNDES, by unanimous consent, introduced a bill (H. R. No. 3345) to provide for the purchase of a building adjacent to the Army Medical Museum, in the city of Washington, District of Columbia, for scientific purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CHANGE OF NAME OF NATIONAL BANK.

Mr. FARWELL, by unanimous consent, from the Committee on Banking and Currency, reported back with an amendment the bill (H. R. No. 3237) to authorize the First National Bank of Seneca to change its name.

The bill provides that the name of the "First National Bank of Seneca," in the city of Morris, in the county of Grundy, and State of Illinois, shall be changed to the "First National Bank of Morris."

Mr. FARWELL. In 1872 Congress authorized this bank to remove from Seneca to Morris, but by an oversight it neglected to give permission to change the name. The committee have directed me to report it back and ask its passage with an amendment.

The amendment of the committee was read, as follows:

Add to the first section these words:
And that all expenses incident to such change, including engraving, shall be borne and paid by said bank.

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. FARWELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FREEDMAN'S SAVINGS AND TRUST COMPANY.

Mr. DURHAM. I am instructed by the Committee on Banking and Currency, which is authorized to report the bill at any time, to report back with amendments the bill (H. R. No. 3265) amending the charter of the Freedman's Savings and Trust Company, and for other purposes.

The bill, in its first section, amends the act of Congress approved March 3, 1865, entitled "An act to in orporate the Freedman's Savings and Trust Company," so that hereafter it shall be the duty of the trustees and officers of said company to make loans, to the extent of one-half the deposits by them received, upon bonds or notes secured by mortgages or deeds of trust upon unincumbered real estate, situate in the vicinity of the agency or branch of said company from which such deposits are received, worth, upon cash appraisement, at least double the amount of said loans exclusive of buildings. The other half they shall invest in United States bonds, or keep on deposit in some national bank such sums as may be necessary to meet current payments.

The second section provides that it shall be the duty of said trustees and officers of said company to collect, as speedily as it may be done without prejudice to the interests of the depositors, all sums of money by them loaned upon real estate outside of the States from which received; and when collected, and as the same may be collected, they shall loan said funds as directed in the first section of the act.

The third section provides that when it shall appear that the interests of the depositors may require it, it shall be lawful for the trustees of the corporation, by and with the advice and consent of the Comptroller of the Currency, at any time to close any of the agencies or branches of the corporation, paying to the depositors of such agencies or branches a *pro rata* amount of the principal and interest which may be due them, and also a ratable proportion of any surplus which may have accumulated under the provisions of section 8 of the act. And whenever it may be deemed advisable, or when so ordered by Congress, the general business and affairs of the corporation shall, in like manner, be closed up by the trustees of the corporation under the direction of the Comptroller of the Currency.

The fourth section provides that said trustees and officers of said company shall not loan to any person or company at any one time more than $10,000 of the funds of said trust company.

The fifth section provides that every officer, clerk, or agent of the company who shall embezzle, abstract, or willfully misapply any of the money, funds, or credits of the company, or shall without authority of the trustees or proper officers of the company issue or put forth any pass-book, certificate of deposit, or other evidence of indebtedness, draw any order, bill of exchange, make any acceptance, assign any note, bond, draft, bill of exchange, mortgage, or confess any judgment or decree whereby said company may be charged with any liability or be deprived of any of its assets, or shall make any false entry in any book, report, or statement of the company, or willfully deceive any officer of the company, or any agent appointed to examine the affairs or condition of the company, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment for a period not exceeding five years; and the circuit court of the United States for the circuit wherein said misdemeanor shall have been committed shall have exclusive jurisdiction of said offenses.

The sixth section provides that hereafter the officers or agents of said trust company shall not pay interest on the deposits exceeding 5 per cent.

The seventh section provides that whenever it shall be deemed advisable by the trustees of said corporation to wind up its entire business, then they shall select three competent men, to be known and styled commissioners, whose duty shall be to take charge of all the property and effects of said Freedman's Savings and Trust Company, wind up the principal and subordinate branches, collect from the branches all the deposits they have on hand, and proceed to collect all sums due said company, and dispose of all the property owned by said company as speedily as the interest of the corporation requires, and to distribute the proceeds among the creditors *pro rata* according to their respective amounts; they shall make a *pro rata* dividend whenever they have funds enough to pay 20 per cent. of the claims of depositors. Said commissioners, before they proceed to act, shall execute a joint bond to the United States, with good sureties, in the penal sum of $100,000, conditioned for the faithful discharge of their duties as commissioners aforesaid, and shall take an oath to faithfully and honestly perform their duties as such, which bonds shall be executed in presence of the Secretary of the Treasury, be approved by him, and by him safely kept; and whenever said trustees shall file with the Secretary of the Treasury a certified copy of the order appointing said commissioners, and they shall have executed the bonds and taken the oath aforesaid, then said commissioners shall be invested with the legal title to all of said property of said company, and shall have full power and authority to sell the same and make deeds of conveyance to any and all of the real estate sold by them to the purchasers. Said commissioners may employ such agents as are necessary to assist them in winding up said company, and pay them a reasonable compensation for their services out of the funds of said company; and the said commissioners shall retain out of said funds a reasonable compensation for their trouble, to be fixed by the Secretary of the Treasury and the Comptroller of the Currency and not exceeding $4,000 each per annum. Said commissioners shall deposit all sums collected by them in the Treasury of the United States until they make a *pro rata* of the same.

The amendments reported by the committee were read, as follows:

In section 1, line 9, before the word "mortgages" insert the word "first."

In section 1, line 13, strike out the words "exclusive of buildings," and insert the following words: "and the borrower shall, at his own expense, keep said property insured in some good and solvent company to the amount of one-half of its cash value, for the benefit of the Freedman's Savings and Trust Company."

In section 3 strike out all in the thirteenth line after the word "corporation," and insert the words "as provided for in section 7 herein."

In section 7, line 36, strike out the word "four" and insert the word "three."

The SPEAKER. If there be no objection, these amendments will be considered as agreed to.

Mr. WILLARD, of Vermont. It occurs to me that there is possibly some objection to the amendment proposed in line 13 of the first section. I understand that the object of that amendment is to allow

these loans to be made to the amount of half the cash value of the property, including the buildings.

Mr. DURHAM. Yes, sir.

Mr. WILLARD, of Vermont. The provision, however, being made in that case, that insurance to one-half the value of the buildings be kept up, then why strike out the words "exclusive of buildings?"

Mr. DURHAM. In the original bill it was required that the value of the ground itself should be double the amount of the money loaned. We thought that a hard provision. Under the amendment the money loaned shall not be more than half the value of the property, including the buildings, and in addition the borrower shall keep an insurance on it to the extent of one-half of its value.

Mr. WILLARD, of Vermont. Yes, sir; but the bill, as printed, provides that the officers may make loans upon unincumbered real estate, situate in the vicinity of the agency or branch of said company from which such deposits are received, worth upon cash appraisement at least double the amount of said loans, exclusive of buildings.

Now, I understand the gentleman's amendment to be to strike out the words "exclusive of buildings."

Mr. DURHAM. Yes; we leave it on the property as it stands.

Mr. WILLARD, of Vermont. That is exactly it. Then the amendment accomplishes the purpose I supposed it did. These loans may be made to the extent of one-half of the value of the property, inclusive of buildings. And then, to make some guarantee that the bank shall have some safety for that portion of its loan that is secured by this building, there is a provision that the person owning the buildings shall keep them insured to the amount of half their value for the benefit of this loan. Now, it occurs to me that it will not be easy to compel a man to keep his buildings insured. Suppose he should not keep them insured and the buildings should be destroyed. Of course there would be no security for the amount of the loan to that extent. It might turn out that the buildings were the larger part of the value of this security, and the insurance not being kept up, as it might happen to be not kept up, the security would fail. And so it did occur to me on hearing that amendment read that it would be better to allow the bill to stand as it is, but I may be under a misapprehension.

Mr. MAYNARD. Allow me to suggest that the bank would pay the premium and keep the insurance up, charging it to the borrower.

Mr. WILLARD, of Vermont. I would like to have the Clerk read the amendment once more. There is no provision here that the bank may keep up the insurance at all.

The Clerk again read the amendment.

Mr. WILLARD, of Vermont. If the gentleman will modify the amendment, so as to say that the bank shall at the expense of the borrower keep the said property insured to the amount of half its value for its own benefit, then I shall have no objection.

Mr. DURHAM. I have no objection to that amendment.

Mr. MAYNARD. It would be better phraseology to say that the property shall be kept insured at the expense of the borrower.

Mr. WILLARD, of Vermont. By the bank.

Mr. MAYNARD. By anybody, the borrower or the bank.

Mr. WILLARD, of Vermont. The difficulty about that is that the borrower may have the property insured to-day, and the bank not knowing the date when the insurance expires may allow the insurance to run out, and the borrower may allow it to run out, and so it may happen that between them the security will be lost.

Mr. MAYNARD. Not if the bank officers discharge their duties properly.

Mr. WILLARD, of Vermont. It would be better to compel the bank to keep up the insurance.

Mr. PENDLETON. All the deeds of savings-banks provide that if the party does not keep the property insured the bank will do it.

Mr. MERRIAM. That is the rule, and you need nothing more.

Mr. PENDLETON. The bank itself knows when the insurance runs out.

The SPEAKER. The arrangement was that one hour should be devoted to the discussion of this bill. What time does the gentleman from Kentucky propose to occupy himself?

Mr. DURHAM. I propose to occupy ten minutes, and then give way to the gentleman from Alabama [Mr. BROMBERG] for his half hour, and then either to take the balance myself or give it to such gentlemen as I think proper.

Mr. WILLARD, of Vermont. Then this amendment can lie until the debate is concluded, and by that time we may be able to arrange it in a satisfactory form.

The SPEAKER. At the end of one hour the previous question will be considered as operating on the bill and amendments. The hour begins now at twenty-two minutes past eleven o'clock, and the gentleman from Kentucky is entitled to the floor.

Mr. DURHAM. Mr. Speaker, this Freedman's Savings and Trust Company was incorporated by an act of Congress in 1865. By a subsequent act its charter was amended in 1870. Under the original act the incorporators had a right to receive deposits from persons that had been formerly in slavery and had become freedmen, and to loan the money thus deposited, to invest it in bonds and stocks of various kinds, and to pay the depositors whenever they might call for the amount of their deposits. They were permitted also by the terms of the charter to pay as high as 7 per cent. interest on those deposits. The whole object and purpose seem to have been to encourage the freedmen in the Southern States to lay up their little savings from time to time, even if the amount was as small as one dollar. By an amendment passed in 1870 they were permitted to invest to the extent of one-half of the deposits in real estate of double the value of the amount of money loaned. Under that charter these trustees have gone on from time to time and established thirty-four different branches, scattered throughout the Southern States, with the exception of one branch in the city of New York and I believe a branch in Philadelphia.

When the last report was made to the Comptroller of the Currency, some time in April last, there was three million three hundred and thirty-odd thousand dollars' worth of property owned by these incorporators. After a pretty thorough examination of this matter, the Committee on Banking and Currency have come to the conclusion that there have been some irregularities in the management of this bank. They do not find, however, that there has been any fraud committed. The institution has been in honest hands, so far as we know and believe; but like a great many similar institutions—and I might illustrate by the case of the First National Bank of this city—the trustees of the institution have made some unprofitable investments, and according to the report of the examiner, Mr. Meigs, who has gone all over the country and made a thorough examination, the institution is not solvent to-day, according to the estimate which he has placed upon their property. I would state, in justice to the directors of this corporation and from the information I have received, together with my two colleagues on the sub-committee, Mr. FARWELL and Mr. MERRIAM, that the majority of the trustees say the company is solvent and have property enough to pay every dollar they owe, and that if protected by such legislation as is proposed in the bill now before the House they can in less than twelve months be enabled to meet all their liabilities and to pay every dollar to their depositors.

Mr. Speaker, there can be no doubt as to the good which this institution has accomplished. Whatever my political views may be, or those of the gentlemen upon the other side of this question, when I come into this Hall to legislate I want to legislate for the best interest of this class of persons as well as for those of my own race and color.

I undertake to say that he who devised these saving institutions for the colored men in the Southern States conferred a great blessing and a great good upon that race. It has taught them habits of economy; it has taught them to lay up their little pittance, as I said a moment ago, although it be but a dollar. And I am credibly informed by the managers of this institution that they have collected and distributed through these agencies over $58,000,000 since they were established. And I apprehend it is to-day in as good a condition perhaps as many national banks which are under the control of those who may be regarded as far better financiers than these agents are.

What are the facts in relation to the panic of last fall, in which the First National Bank of this city went down and national banks all over the country went down? This institution with its thirty-four branches scattered over the breadth and length of the land survived that crash, although during that time it paid out to depositors over $1,100,000.

It comes in here and asks the fostering care and protection of the Congress of the United States. What are these measures which the committee propose? They are to throw safeguards around the very points that those gentlemen have failed to guard in making their loans. I admit, and that will be the strength of the argument on the other side, that this institution has perhaps not been as skillfully managed as it might have been. The managers have made investments here outside of those authorized by law; I admit all that, and the committee admits it. I admit that in one instance they have taken what is called a chattel mortgage for $25,000, which they were not authorized to do by the charter, and which should have been upon unincumbered real estate. The object of this amendatory bill is to provide that they shall loan only upon unincumbered real estate of double the value of the amount of money loaned. Then in addition to that, according to an amendment proposed by the committee, the borrower must take out an insurance upon that property of one-half of its cash value, as an additional security for the loan.

I know it will be said upon the other side, and with some degree of truthfulness, that some of the investments made here in Washington will not now sell for enough to pay the amount of money loaned. I admit that, and I think that is the understanding and view of these trustees. Another amendment which we propose, and I think a very wise one, is this: Under the original charter the branches of this institution which were scattered throughout the Southern States sent their funds to Washington City, and the principal portion of the property upon which loans have been made is situated in Washington City. By the amendment which we propose, it is provided that wherever the money is deposited, whether in Baltimore, Louisville, Savannah, Memphis, or at any other point, the investment of that money shall be made in those respective localities. And so far as investments have been made of the deposits made in these various localities, which have been sent here, it is provided that the funds shall be collected and again invested in property in the respective localities. That seems to be wise; that has been in accordance with the bill introduced by my distinguished friend from Tennessee, [Mr. WHITTHORNE.]

Under the original charter and the amendatory acts, if it becomes necessary at any time to do so, there is no provision whereby this institution can be wound up. Under the national banking law the mode is very specific. The Comptroller of the Currency has the right to take charge of a national bank and put it in the hands of a receiver and wind it up, whenever it may be necessary. There is no such provision in either the original charter or the amendatory bills relating to the Freedman's Savings Institution. By the amendment proposed by the committee, whenever the trustees see proper, or whenever it becomes necessary for the institution and its various branches to be wound up, the mode and manner is provided, and we think a good manner. It is that the fifty trustees of this institution and its branches shall assemble here and select three competent men who shall be invested with a legal title to all its property, empowered to sell it, to dispose of it, and to distribute the proceeds among the various depositors. I think that when members of the House come to look over this entire bill they will see that it is susceptible of no unjust or unfavorable criticism.

In conclusion I desire to say that the committee were unanimous in instructing me to make this report. They are unanimous in their desire that Congress shall protect and encourage the freedmen in the Southern States to lay up and accumulate their hard earnings, rather than to squander them as they have been doing in times gone by. It may be said that there are plenty of national banks scattered all over the Southern States in which the freedmen can make their deposits. I answer that these individuals are proud of their own race; I use the word "proud" knowingly. They desire to encourage their own institutions. And I have no hesitation in saying that they will lay up and accumulate two dollars in one of these institution, conducted under the charge and control of their own men, as is now done, to where they would lay up one dollar in institutions that are conducted as the national banks are.

I have nothing further to say, unless it may become necessary to make some explanation. I will reserve to myself five minutes to close this debate, in which to respond to anything that may be said by my distinguished friend on the other side, [Mr. BROMBERG,] provided I think it necessary to say anything. I now yield to the gentleman from Alabama [Mr. BROMBERG] for half an hour.

[Mr. BROMBERG addressed the House. His remarks will appear in the Appendix.]

Mr. BROMBERG. I trust the House will allow me a few minutes more.

Mr. MERRIAM. We cannot yield, because we are only allowed fifteen minutes more and we need all of that time. The list of securities the gentleman has read we are assured by the officers of the bank are worth one hundred cents on the doliar and the interest on them is paid regularly.

Mr. DURHAM. I want the gentleman from Alabama to have the fullest opportunity for discussion if it be the pleasure of the House.

Mr. GARFIELD. I must object to any extension of the time allowed for debate upon this bill.

The SPEAKER. By unanimous consent the discussion on this bill was limited to one hour.

Mr. DURHAM. I know that; but I want it understood that I do not object to the gentleman from Alabama proceeding.

The SPEAKER. The gentleman from Ohio, the chairman of the Committee on Appropriations, [Mr. GARFIELD,] objects to any extension of time.

Mr. DURHAM. Then I yield to my colleague on the committee from New York [Mr. MERRIAM] for twelve minutes.

Mr. BROMBERG. I have a substitute for the bill which I should like to offer and to have pending.

Mr. MERRIAM. Mr. Speaker, the resolution of inquiry into the Freedman's Trust and Savings Bank, referred to the Committee on Banking and Currency, was presented to the House by the honorable gentleman from Alabama, [Mr. BROMBERG.] The House refused to *instruct* the committee to report, although the honorable gentleman would seem to imply that it did.

Your committee, having no *personal* interest to subserve, directed their attention, with much thought and labor, to the sole end of aiding the present trustees in protecting the small accumulated savings of more than sixty thousand colored citizens who for the first time in their history had been permitted to *own* what by the sweat of their brows they had earned, and through the establishment and operations of the Freedman's Saving Bank to deposit it and keep it in a place of safety and gradual interest increase.

The committee find that the Freedman's Bank has proven to have been a valuable aid in encouraging habits of thrift, industry, and economy among the new-born sons of freedom. That more than $50,000,000 have been gathered into this institution in small sums and there held in safety, until enough was accumulated to be withdrawn for investment in lands and homes, is evidence of its beneficent operations. We find that some $47,000,000 have gone out from the bank into permanent land investments, until all along the rivers and uplands of the South men and women in their own homes, bought and paid for by honest toil, are progressing in a wise freedom to a better womanhood and manhood, in an intelligent citizenship, and in the tilling of a soil now their own.

So beneficent has the institution been to the colored race that were the balance of three millions now on deposit all lost, the aggregate good accomplished would warrant our commendation of the humanity of those men who wisely organized the Freedman's Bank.

But the committee find ample justification in the condition of the affairs of the bank to warrant a belief that but a small portion, if any, of the deposits will be lost to the depositors, provided that the present trustees are permitted to exercise careful and prudent management in the future, undisturbed and unvexed by these attacks from parties interested in destroying the institution.

It is true the committee find that some unwise and injudicious investments were made under the direction of former trustees, men who were eminent in the financial circles of this District, and whose judgment was unwisely deferred to; men, I am free to say, who deserve the severest censure of us all, for there can be no sufficient apology for their action.

The committee are of opinion, however, that there will be small ultimate loss from said investments; but that they were not of a character such as should have been made for such a trust.

The examination into the affairs of the bank by order of the last Congress was made last January by a very competent bank examiner, Mr. Meigs, of New York, who reports that the assets of the institution will pay about ninety-three cents on a dollar; but your committee are of the opinion that his estimate of its securities is below their actual value, and below what may be by prudent management realized from them.

It has been painfully apparent to your committee that in the anxiety of the honorable gentleman from Alabama [Mr. BROMBERG] to throw distrust around and thus to destroy and break up the Freedman's Bank and all its branches, that he has not been actuated solely by that charity and humanity toward the poorer and humbler classes they are entitled to receive at the hands of men who have the power to influence their destiny and welfare. It is not in happy contrast with that Christian humanity which animated the founders of the institution, nor with those kind-hearted men and women who three-quarters of a century ago first inaugurated savings-banks for the welfare of the poor and industrious. The letters which I propose to have read by the Clerk will perhaps explain to the House and the country the animus of the honorable gentleman from Alabama, who has been instrumental in causing a run upon the bank and its branches, and which would have broken them up but for the wise action of Mr. Douglass in issuing a circular to depositors, telling them that their deposits were safe and that they would ultimately be paid in full.

It appears that one Woodward was appointed cashier of the Mobile branch of the Freedman's Bank in 1866, at a salary of $1,800 per annum, and so continued until he embezzled $3,375 in March last. It appears that said Woodward's bondsman is Hon. Mr. BROMBERG, who antagonizes this bill and who introduced this resolution. It also appears that said Woodward has desired that Mr. BROMBERG should be released from his bond—said Woodward threatening that if it was not done "he would make it hot for the Freedman's Bank." Said Woodward claims that he took this money from the vaults of the Mobile branch as a balance of salary he had earned. That the House may know how utterly unfounded are his claims I will state that the Freedmen's Bureau arranged with the Freedman's Bank to pay the colored soldiers their bounties and back pay, and in consideration of such services the Freedmen's Bureau was to pay the rent of the buildings occupied by the bank. The rent paid in Mobile by the Freedmen's Bureau was $3,375. The first embezzlement of Woodward was $3,000, in March last. The committee are informed that said Woodward then consulted an attorney, who advised him if he was to take any of it he had better take it all, which he did. The honorable gentleman from Alabama tells me that in one other case (in Norfolk) the cashier was paid by the Freedmen's Bureau fifty dollars per month for two years. This is true; but what were the facts? The services performed by the cashier at Norfolk in paying bounties and back pay exceeded that of Mobile, while his salary was only $1,200 per annum, while the Mobile cashier, the defaulter Woodward, received $1,800 per annum. Hence the trustees of the Freedman's Bank decided that it was right that the Norfolk cashier should receive the fifty dollars per month from the Freedmen's Bureau. No other cashier of any branch ever intimated that he expected a dollar beyond his regular salary, or received a single dollar from the Freedmen's Bureau; the rent paid was considered as a portion of the earnings of the bank. It is true that the cashiers received an official commission for performance of their duty from the Freedmen's Bureau, as it was a necessity in form of the law governing the Freedmen's Bureau.

It is well to consider also that this Woodward was cashier from 1866, and never until this embezzlement indicated that he had a claim for $1,000 or $3,000 or $3,375. Neither has any other cashier of any other branch made claim for any pay beyond salary.

I now ask the Clerk to read the letters which I send up, and first I ask him to read the letter of Mr. Stickney, the actuary of the bank.

The Clerk read as follows:

FREEDMAN'S SAVINGS AND TRUST COMPANY,
Washington, D. C., May 14, 1874.

DEAR SIR: In answer to your verbal inquiries as to the connection of Mr. BROMBERG with our cashier at Mobile, against whom we have entered suit for the embezzlement of funds, Mr. BROMBERG is on Mr. Woodward's bond, and has had notice that the suit has been commenced. Mr Woodward, when here, some four weeks after a conference with Mr. BROMBERG, I am credibly informed, stated that if we did not allow him to keep the amount, some $3,375, he would make it hot for us. After Mr. Meigs's report was published Mr. BROMBERG telegraphed Mr. Woodward

that the company would be in the hands of a receiver before the last of April. Mr. Woodward has, with the help of Mr. BROMBERG, done his utmost to get the depositors to withdraw their deposits, so far without success, as we have not had to take a single sixty-day notice.

I notice in looking over the list of loans as published by the Tribune, $35,000 to J. M. Latta, trustee, and Robert M. Douglass, each. This should be $3,500 each. Among loans classed as doubtful, I find the loan of $75,000 to Union Pacific Railroad Company—is good. We received $15,000 on account of the loan since Mr. Meigs made his report, and have the assurance that the whole will be paid at once. Three thousand dollars to W. J. PURMAN. The $10,000 bonds are worth at any moment $5,000, and will sell for that. Thirty-three thousand dollars to Young Men's Christian Association is secured by mortgage on the building, corner Ninth and D streets, and is worth at the lowest estimate $100,000. Twenty-eight thousand five hundred dollars to Washington Club is secured on their building on New York avenue, and is worth at least $40,000. Arrangements are nearly perfected to pay the whole amount within the next thirty days. Seventy-five thousand dollars to Howard University is secured on real estate worth at least twice the amount of loan if sold under the hammer. One hundred and forty-one thousand one hundred and sixty-four dollars on city or District collaterals is good; at any time before the panic the collateral would have sold for enough to pay the loan.

G. W. STICKNEY,
Actuary.

Hon. C. L. MERRIAM.

During the reading of the foregoing letter,

Mr. BROMBERG said: I desire to know if the gentleman from New York sends that up as a part of his speech, or what is it? I want to state right here that every statement made there is false from beginning to end. There is not a word of truth in it, and the man who says that tells a lie.

Mr. MERRIAM. I object to the interruption of the reading of the letter.

The Clerk then concluded the reading of the letter.

Mr. MERRIAM. I now ask the Clerk to read the letter which I send up from Hon. Frederick Douglass, president of the Freedman's Bank.

The Clerk read as follows:

PRINCIPAL OFFICE OF THE
FREEDMAN'S SAVINGS AND TRUST COMPANY,
Washington, D. C., May 13, 1874.

DEAR SIR: There may be nothing more than a virtuous concern for the welfare of our poor depositors in the persistent efforts of Mr. BROMBERG to bring the Freedman's Bank into discredit.

There is, however, one fact about Mr. BROMBERG which you ought to know. He is already the subject of legal proceedings, instituted by the Freedman's Bank at Mobile. He is on the bond of our late cashier at Mobile in the sum of $10,000; and the said cashier having unlawfully appropriated to himself $3,375 of money belonging to the bank, we have instituted proceedings for the recovery of the same.

I still think, if we can be relieved from these persistent efforts in Congress and elsewhere to destroy its credit, and our depositors will exercise reasonable patience, with good management, we can pay dollar for dollar.

Very respectfully, yours,

FRED'K DOUGLASS,
President.

Hon. C. L. MERRIAM.

Mr. BROMBERG. Who wrote that first document?

Mr. MERRIAM. It is written by the actuary of the institution, whose name is attached to it.

Mr. BROMBERG. I hope the House will give me an opportunity to brand that man as he ought to be.

Mr. MERRIAM. The committee having done its duty unbiased in this matter, we feel that we have the right to claim the confidence of the House. It is a most unpleasant duty for us to bring this matter before the House and the country, but we are standing here for sixty thousand uneducated, hard laboring colored men, and on our oath of duty in the Congress of the United States, which compels us to do this, no matter how unpleasant it may be.

The former trustees have resigned; a new board has been elected, at the head of which stands one whom we may call the apostle of the colored race in this country, Hon. Frederick Douglass, in whom justly concentrates the confidence of the entire colored race. Whatever he says to these colored men they believe. He says to them that if they will have patience he believes, as the committee believe, that they will receive their deposits in full. This bill is brought in to aid the trustees in protecting these people from loss, which will be sure to follow a panic among the depositors if they were once led to believe their money was in jeopardy, for the poor man is as sensitive for the safety of his money as the millionaire; and when panicky would sell their right in their bank of deposit at any price shyster speculators might offer.

[Here the hammer fell.]

Mr. DURHAM. How much time is left?

The SPEAKER. Five minutes.

Mr. DURHAM. I will yield to the chairman of the committee [Mr. MAYNARD] two or three minutes of that time.

Mr. MAYNARD. I will not take the whole of my friend's time. My attention was called to this institution prior to the introduction of the resolution of the gentleman from Alabama. A former colleague in this House, Mr. Arnell, who had interested himself in one of the branches of this institution in my own State, was in this city, and invited my attention to it. I gave it my personal, individual examination as best I could for some two months, off and on. In the first place I examined a report made by the bank examiner in the month of February of last year. There are four paragraphs in that report which perhaps embody the spirit of the whole of it. As they are short I will read them, and invite the attention of the House to them. After speaking of the improvements made by the bank in this city the report says:

The question of the improvement of their lands in Washington City seems to be clearly a violation of their charter, and is submitted without further comment.

Again, after speaking of loans, the report says:

Many of the loans are of a character that should not appear upon the records of a savings-bank, and will finally result in some loss to the institution, but the probable amount of such ultimate loss it is very difficult to determine at this time.

These two paragraphs embody the spirit of the censure which appears in this report. It then goes on to say:

The business of the institution has risen so rapidly from the most trifling deposits of one dollar to five dollars, gathered up by the executive officers from the hands of the freedmen all over the Southern States, at personal interviews during many tours throughout the South made for the purpose of calling their attention to the question of savings, to its present proportions of $4,000,000, that errors of judgment have occurred in investments which are not likely to be repeated, with the light of past experience to guide them in the future.

The executive officers are, in my opinion, men of the most undoubted integrity of character, devoted to the best interests of the institution, working for small compensation, and have educated themselves to the practical knowledge of the business of a savings-bank to a degree that promises a prosperous future for the institution.

I will say that these extracts in my judgment embody the entire spirit in which this institution has been carried on. Errors in a financial point of view, business errors, have occurred. In the first place they paid too much interest; 6 per cent. interest on deposits was more than they could pay, but which they did pay, imitating perhaps many other savings-banks. And that was the foundation of the other error which they fell into; the investments in improvements of real estate, which although valuable do not pay a fair profit on the money invested; and also the establishment of small branches at points that did not pay expenses.

In the report of the bank examiner, made at the present session of Congress, occurs the following:

The by-laws were so amended in June, 1873, as to read that "after January 1, 1874, such interest only shall be allowed to depositors in the future as shall be warranted by the profits of the institution," and notice given to the depositors.

If the depositors will exercise reasonable forbearance for six to twelve months under this regulation, it will give the institution time to recuperate from the misfortune of the past and add largely to the safety of the depositors.

I would suggest that all of the unprofitable branches be closed up as soon as possible in order to reduce expenses, and, in fact, measures are now in progress to this end.

In conclusion I beg to repeat the recommendations contained in my last report, and to ask the fostering care and forbearance of Congress for an institution that has done and may continue to do great good to the freedmen in inducing habits of industry and frugality in the care of their earnings.

These errors have occurred, but they were errors of judgment of men who were acting honestly, in good faith, and for the benefit of these people, who I have reason to assert have derived benefit from it, and thousands of them to-day have homes bought and paid for from these savings.

Mr. DURHAM. I yield the balance of my time, one minute, to the gentleman from Connecticut, [Mr. HAWLEY.]

Mr. HAWLEY, of Connecticut. I am not of course going to discuss in one minute all the facts of this case. This concern has handled nearly $60,000,000 of the money of poor men all over the country. It was unavoidable that errors should have been committed. They attempted to run too many branches. They would have been glad to lend these funds again in the localities where the depositors lived, but you know, and every man knows who has observed the condition of the South after the war, there could be no more dangerous investment for a savings-bank than to attempt to loan money upon what is called real estate there. The bank tried to accomodate those localities, but every wise financier would have told them how dangerous it was to lend money on such property. In case of a foreclosure the property would often be found insufficient; the rent would not pay interest on the loan. In accordance with what was thought to be the best policy more funds were accumulated here, and invested from the headquarters.

There were mistakes made, of course; but, mark you, the sagacious and careful bank examiner, Mr. Meigs, says of all the millions of dollars loaned and handled $106,000 of bad debts only remain on the books. The Committee on Banking and Currency, having in view the interests of sixty thousand poor people and the honor of the Government as well, have investigated through an able sub-committee the condition of this bank with the utmost care and integrity. It should not be in any manner a party question. Party prejudice should be left out of it altogether. I would be willing to leave the whole matter to the honorable Kentucky democrat, to the old lawyer and judge who presents this bill this morning, [Mr. DURHAM,] with whom were associated two experienced bankers and business men, [Messrs. FARWELL and MERRIAM.] They have investigated the affairs of the bank and recommended, with the approval of the whole Banking and Currency Committee, the passage of the bill now before us. I think it was unkind, cruel, and unjust in the gentleman from Alabama, [Mr. BROMBERG,] whether it be true or not as charged that he is bondsman for a defaulting cashier, to pursue this matter in a manner calculated to bring annoyance and loss upon the bank. I hope the House will sustain the committee and the bill, wisely supervise the bank, and guard the interest of the poor who are its depositors.

Mr. MAYNARD. The total amount of deposits from beginning to end amount to $58,000,000, and out of that vast sum the loss has been the comparatively insignificant amount already stated.

Mr. BROMBERG. I hope the House will afford me some oppor-

tunity to reply to specific charges against me personally. I think it is due to me.

The SPEAKER. What time does the gentleman want?

Mr. BROMBERG. Only five minutes.

The SPEAKER. If there be no objection the gentleman will be allowed five minutes.

Mr. FARWELL. I object.

Mr. BROMBERG. I hope the gentleman will not object. I only want three or four minutes.

Mr. FARWELL. I withdraw my objection.

Mr. BROMBERG. In the first place, Mr. Speaker, I will state it is not true that I have been notified of any suit. It is legally impossible they should sue me here. In the next place, every statement made in the document attributed to the actuary is false. It is false, no matter who made it. It is false from beginning to end; there is not one iota of truth in it. There is not the least foundation for it.

Mr. HAWLEY, of Connecticut. Are you not on that bond?

Mr. BROMBERG. Yes, sir.

Mr. HAWLEY, of Connecticut. That is one of the statements you say is false.

Mr. BROMBERG. The bond of the cashier appointed in 1866 was renewed in 1867. I left home in November, when there was nothing at all about any quarrel between him and the bank. I knew he had been long claiming for services as agent appointed directly by General Howard—holding a commission from General Howard as agent of the Bureau to pay bounties to colored soldiers. That was in May, 1869, two years after the date of that bond. General Howard allowed for these services compensation to the bank. The cashier at Norfolk, it seems, was paid for that, but in every other case the bank retained the amount which properly belonged to the cashier. When I left home, as the matter stood, Mr. Woodward was writing to the bank, wanting to know whether it was going to allow his claim as agent of the Bureau. That is all I know about it. I hold a letter of the attorney of Mr. Woodward, directed to me, and lest some one may think he is a democrat, and a man who should be struck at, I will say that he was the republican candidate for district attorney at the last election and was the republican candidate for State attorney for Mobile under the last republican administration. The letter will show that no single step was taken by Mr. Woodward but under legal advice; and you may make as much of the matter as you please. As regards the statement concerning the bond, that statement contains its own refutation.

Mr. MERRIAM. Is it not a fact that it was after the cashier embezzled the $3,000 that he asked the advice of the attorney?

Mr. BROMBERG. I simply ask the attention of the House to this letter. The House will judge as to the probability that I should attempt to save myself against a responsibility of $3,000 by pulling down the whole fabric of the institution, by compelling that bank to go into the hands of an examiner. As to the statement that I am seeking to avoid any suit, I will tell the gentleman from New York [Mr. MERRIAM] that my name or the name which I bear is probably better known in Wall street, New York, than his own.

Mr. MERRIAM. I do not know what that has to do with the case.

Mr. BROMBERG. I ask the Clerk to read the letter.

The Clerk read as follows:

MOBILE, *May* 4, 1874.

DEAR SIR: Mr. C. A. Woodward, late cashier of the branch at Mobile of the Freedman's Bank, desires me to write to you with reference to the matter in controversy between him and the bank. You being one of his bondsmen, it seems proper that I should, as his legal adviser, do so. He earned during the time he was cashier the sum of $3,375 as disbursing agent of the Freedmen's Bureau, a service entirely disconnected with his duty as cashier of the bank. He never agreed to perform this duty for the bank, nor was he under any legal obligation to do so. The bank in Washington collected this money from General Howard and never sent it to Woodward. The last-named gentleman, not being aware of his legal rights, sought to get the benefit of his services as disbursing agent of the Bureau credited to the branch at Mobile for the use of his depositors. In this he failed. The matter stood so until some three or four months ago, when he incidentally learned that the cashier at Norfolk had been paid by the Bureau for his services as disbursing agent. Upon this information he came to me for legal advice. After some weeks' investigation of the matter and the law bearing upon it, I advised him that he was entitled to the money.

Mr. BROMBERG. There is the point; he had legal advice.

The Clerk, (continuing:)

And under my advice he has acted ever since. He proposes to defend his action. I proposed to Sperry—

Mr. BROMBERG. Sperry is the agent.

The Clerk, (continuing:)

I proposed to Sperry to submit the question, for it is purely one of law, to Judge Moulton—

Mr. BROMBERG. That is the judge of the city court, and at present republican mayor of Mobile.

The Clerk, (continuing:)

Judge Elliot—

Mr. BROMBERG. That is the republican circuit-court judge.

The Clerk, (continuing:)

or to any other disinterested lawyers, and to abide by their decision without any lawsuit. This, so far, they have failed to agree to. In my judgment Woodward's right to the money is beyond question; nor has he in any manner waived his rights in the premises.

By the way, I see that the bank is in rather a bad condition, which it seems to me must be the result of either corrupt or incompetent management. If the money had been invested in United States bonds, as the charter required, there could have been no loss. But I see that some one had an amendment proposed by Congress (see 17 United States Statutes, page 119) authorizing loans upon real-estate security. I understand on the 16th of May, 1870, just ten days after the amendment above referred to, that the bank adopted a rule authorizing loans upon collateral security. I submit that the act of May 6, 1870, does not authorize the adoption of that rule. If you have not already done so, I would suggest that you call the attention of the committee to that rule and the want of authority for its adoption. It seems to me the whole trouble comes from that rule of the bank.

You need give yourself no uneasiness about any suit that may be brought on Mr. W.'s bond, for it will be defended.

Respectfully, yours, &c.,

W. W. D. TURNER.

Hon. F. G. BROMBERG, M. C.,
Washington, D. C.

Mr. BROMBERG. That is the only answer I have to make.

Mr. MERRIAM. All I have to say is that this is the testimony of a paid attorney.

The first amendment reported by the committee was read, as follows:

In line 9 of section 1, before the word "mortgages," insert the word "first;" so that the clause will read:

It shall be the duty of the trustees and officers of said company to make loans, to the extent of one-half the deposits by them received, upon bonds or notes secured by first mortgages or deeds of trust upon unincumbered real estate, &c.

The amendment was agreed to.

Mr. BROMBERG. I ask leave to offer an amendment.

Mr. DURHAM. Is not the previous question operating?

Mr. BROMBERG. Let the amendment be read.

Several members objected.

Mr. BROMBERG. Let it be printed.

Mr. MERRIAM and Mr. FARWELL objected.

The next amendment reported by the committee was read, as follows:

In line 13 of the first section, after the words "exclusive of buildings," insert the following:

And the borrower shall at his own expense keep said property insured in some good and solvent company to the amount of one-half its cash value for the benefit of the Freedmen's Savings and Trust Company.

Mr. WILLARD, of Vermont. I wish to offer an amendment to that amendment.

Mr. DURHAM. I will hear it.

Mr. WILLARD, of Vermont. It is a mere modification. I propose to insert after the word "expense" the words "or the bank shall at the expense of the borrower."

Mr. DURHAM. There is no objection to that; I accept that.

The SPEAKER. It will be incorporated with the amendment.

The second amendment of the committee, as modified, was agreed to.

Mr. TOWNSEND. The gentleman from Kentucky [Mr. DURHAM] yields to me to offer an amendment.

Mr. HOLMAN. I rise to a question of order. The previous question does not seem to be operating.

Mr. DURHAM. I thought the previous question was operating.

The SPEAKER. Of course the House would have the right to determine whether amendments should be offered or not. The Chair will put the question upon ordering the previous question.

Mr. BROMBERG. I hope my amendment will be read.

Mr. WILLARD, of Vermont. I have suggested to the gentleman having charge of this bill three or four verbal amendments, to which he makes no objection.

Mr. HOLMAN. I think the amendment of the gentleman from Alabama [Mr. BROMBERG] should be read.

The SPEAKER. The gentleman from Illinois [Mr. FARWELL] objected to the reading. Is there objection to the amendment of the gentleman from Pennsylvania, [Mr. TOWNSEND?]

Mr. HOLMAN. I object to any discrimination in this matter of offering amendments. I think all members ought to have equal rights in this respect.

Mr. MERRIAM. I object to any further amendments.

The question being taken on seconding the demand for the previous question, there were—ayes 81, noes 35; no quorum voting.

Tellers were ordered; and Mr. DURHAM and Mr. BROMBERG were appointed.

Mr. HOLMAN. I suppose that if these amendments are allowed to be read, no further objection will be made.

The SPEAKER. The objection was to reading them.

The House divided; and the tellers reported—ayes 102, noes 46.

So the previous question was seconded.

The main question was ordered.

The next amendment reported by the committee was read, as follows:

At the end of the third section strike out the words "under the direction of the Comptroller of the Currency," and insert "as provided for in section 7 herein."

The amendment was agreed to.

The last amendment reported by the committee was read, as follows:

In the seventh section strike out "4" and insert "3" in the thirty-sixth line; so that the clause will read as follows:

And the said commissioners shall retain out of said funds a reasonable compensation for their trouble, to be fixed by the Secretary of the Treasury and the Comptroller of the Currency, and not exceeding $3,000 each per annum.

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question being on the passage of the bill,

Mr. BROMBERG called for the yeas and nays.

On ordering the yeas and nays there were ayes 13, noes not counted.

Mr. BROMBERG called for tellers on ordering the yeas and nays.

Tellers were not ordered; and the yeas and nays were not ordered.

The bill was then passed.

Mr. DURHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. GARFIELD. I rise to move that the House resolve itself into Committee of the Whole on the deficiency bill; but I will yield to several gentlemen who wish to make requests for unanimous consent.

INDIAN HOME-GUARD REGIMENTS.

Mr. PHILLIPS, by unanimous consent, presented a petition for the relief of soldiers of the Indian home-guard regiments; which was referred to the Committee on Military Affairs, and ordered to be printed.

INTERNATIONAL LAND AND IMMIGRATION COMPANY.

Mr. SAYLER, of Ohio. The name of Colonel Nicholas L. Anderson, of Ohio, is found among the corporators mentioned in the bill to incorporate the International Land and Immigration Company. I have here a letter from Colonel Anderson, in which he states that his name has been thus used without his knowledge or consent. I ask, therefore, that it may be withdrawn.

The SPEAKER. The Chair hears no objection.

Mr. POTTER. Is that the same company as to which there have been previous complaints?

The SPEAKER. The same company.

DIRECT TAXES.

Mr. BECK, by unanimous consent, from the Committee on Ways and Means, reported a bill (H. R. No. 3345) to amend an act entitled "An act to provide for the redemption and sale of lands held by the United States under the several acts levying direct taxes, and for other purposes," approved June 8, 1872; which was read a first and second time, recommitted to the Committee on Ways and Means, and ordered to be printed.

ARMISTEAD BURWELL.

Mr. NILES, by unanimous consent, introduced a bill (H. R. No. 3347) for the relief of Armistead Burwell; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MONEY PAID TO LAND-GRANT RAILROADS.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, in answer to the resolution of the House of April 13, 1874, relative to sums of money paid to certain land-grant railroad companies for the transportation of troops and property of the United States.

Mr. HOLMAN. I move that the communication be laid on the table, and that it be printed.

The motion was agreed to.

FREEDMEN'S SAVINGS AND TRUST COMPANY.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a report of the examiners of the branches of the Freedmen's Savings and Trust Company at Mobile, Montgomery, and other places; which was referred to the Committee on Banking and Currency.

A. M. SALNAVE.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Interior, transmitting, in compliance with the act of May 29, 1872, the claim of A. M. Salnave and others for Indian depredations; which was referred to the Committee on Indian Affairs.

THEODORE COULSON.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Interior, transmitting, in compliance with the act of May 29, 1872, the claim of Theodore Coulson for Indian depredations; which was referred to the Committee on Indian Affairs.

LEAVE OF ABSENCE.

Mr. RICHMOND obtained leave of absence for ten days; Mr. MARTIN for a fortnight from Monday last, and Mr. WILLIAMS, of Wisconsin, for ten days.

CAPTAIN SETH BONEY.

On motion of Mr. ARMSTRONG, by unanimous consent, leave was given to withdraw from the files of the House the papers in the case of Captain Seth Boney.

EVIDENCE IN THE COURTS OF THE DISTRICT.

Mr. ELDREDGE. I ask unanimous consent to report back from the Committee on the Judiciary, with an amendment, the bill (H. R. No. 733) relating to evidence in the courts of the District of Columbia. This is a little bill which passed this House at the last session of Congress with reference to testimony in relation to wills, &c., in the District of Columbia. It comes from the Committee on the Judiciary, and is unanimously reported. There is some necessity to have it passed and I think there will be no objection to it.

The bill was read. It provides that all wills, testaments, and codicils concerning lands, tenements, or hereditaments in the District of Columbia which have heretofore been, or may hereafter be, duly admitted to probate in said District may be read in evidence in any suit therein concerning such lands, tenements, or hereditaments, from the record or from an exemplified copy of such probate, and without further proof of execution; provided that such record shall be only *prima facie* evidence of the execution of said wills, testaments, and codicils.

The amendment reported by the committee was as follows:

In line 10 after the word "record" insert the words "or exemplification;" so that it will read:

Provided, That such record or exemplification shall be only *prima facie* evidence of the execution of said wills, testaments, and codicils.

Mr. POTTER. This bill makes the law conform to what it generally is in the States.

Mr. ELDREDGE. It is the law in every State of the Union.

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ELDREDGE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DEFICIENCY APPROPRIATION BILL.

Mr. GARFIELD. I now insist on my motion that the rules be suspended and the House now resolve itself into Committee of the Whole on the deficiency appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, (Mr. NIBLACK in the chair,) and resumed the consideration of the bill (H. R. No. 3030) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal years ending June 30, 1873 and 1874, and for other purposes.

The CHAIRMAN. When the committee rose yesterday the following paragraph had been read and is open to amendment.

The Clerk read as follows:

INTERIOR DEPARTMENT.

Indian Office:

For this amount, or so much thereof as may be necessary, for the subsistence and civilization of the Arickarees, Gros Ventres, and Mandans, to be expended in goods and provisions and other articles, as the President may determine, for agricultural and mechanical pursuits, and for the pay of employés, up to June 30, 1874, $25,000.

Mr. HOLMAN. These deficiencies under the heading "Indian Office," are all of the same general character, and I move *pro forma* to strike out this paragraph for the purpose of asking an explanation not only of this but of the subsequent appropriations under the same head. Experience has demonstrated the fact that a very large portion of the money appropriated for the Indian service, which has one of the highest claims perhaps that exist anywhere on the justice of the nation, instead of going to their benefit is squandered. And when, after the very heavy appropriation made for the present fiscal year, a deficiency is now asked for, it is very natural that an inquiry should be made into the necessity of further appropriations for this service.

While it is necessary that we should make appropriations to the extent to which our treaties with the Indians require us to make them, still, after what we have seen in the management of the Indian fund, when a deficiency comes up, the apprehension is very natural that there has been a misapplication of the funds already appropriated. Every possible safeguard should be thrown around our appropriations for this purpose, for the belief is generally entertained that vast sums of money voted for the Indian service find their way into the pockets of dishonest men instead of going for the benefit of the Indians.

Mr. GARFIELD. I appreciate the propriety of the question which the gentleman from Indiana raises, and will make a very brief statement which I think will apply to nearly all these deficiencies for the Indian service. I preface it by this remark: that a wild Indian is no expense to the Government except when we fight him; a civilized Indian, who has come into the ways of civilized life, is no expense, but a benefit to the country. A savage on account of his wildness is out of the pale of the ordinary processes of civilization, and a cultivated, civilized man is an absolute help to the wealth of the nation. But in that middle way, between savagery and civilization, the Indian is an expensive person. It is while he is in the transition state, where he is quitting his old habits of savagery and beginning to learn something about the ways of civilization, that he comes to the point of utter helplessness, and it is precisely at that point that the Government has to come in and help him.

Now, in all our appropriation bills for a series of years—certainly for the last two or three years—there has been a clause like the one which I now read from the bill of last year, which was the same as the bill of the year before: "For this amount, to subsist and properly care for the Apache Indians in Arizona and New Mexico who have been or may be collected on reservations;" and then follows an appropriation of a certain amount. That clause, the gentleman will notice, runs through our Indian appropriation bills under the peace policy. It is the policy of the Government to get all these wild-roving Indians in upon reservations and bring them under civilizing influences. During the past year an extraordinarily large number of wild Indians have come on to the reservations, and especially on the two great northern and southern reservations. The largest accession of

that kind was among the Apaches, the Kiowas, and the Comanches. A very large number of wild Indians have been brought on to the reservations, and it requires a certain amount *per capita* to feed and take care of them. The number which it is necessary to provide for in this manner exceeds what we expected, and hence there is of course a deficiency, and to that extent it is a legitimate deficiency and one that we ought to be glad to have happen. We should always be glad to have the Indians abondon their predatory and wandering habits and come as far as possible under the influence of civilization.

I believe that the remark I have made in regard to the Apache and kindred Indians explains nine-tenths of all the deficiencies that come under the head of the Indian service in this bill. There are other special points that will be explained from time to time as explanation may be called for. The committee have gone very carefully and thoroughly over these items and have reduced the amount, and in doing this they have been indebted to the very able and valuable work of the sub-committee that had charge of the Indian appropriation bill for the preparation of this portion of the deficiency bill. I will yield what time I have remaining, if any, to my colleague on the committee from Missouri, [Mr. PARKER.]

Mr. HOLMAN. Before the gentleman from Missouri proceeds I desire to make a single inquiry. I find that a portion of the appropriation for these tribes is for the payment of employés. I take it for granted that expenses may become necessary in supplying goods to the Indians and in their transportation, but this contains a provision not only for the purchase of goods but for the pay of employés during the fiscal year. I do not see how any necessity can have arisen for an appropriation for that purpose, or for the employment of a larger number of persons by the Government than was in contemplation at the time the regular appropriation bill for the current year was passed. I would ask the gentleman how it happens that it is necessary to provide a deficiency for the pay of employés?

Mr. PARKER, of Missouri. My friend from Indiana required some explanation of this item in the deficiency bill, and I propose to give him briefly an explanation of why the committee deemed it necessary to appropriate this amount. The gentleman will remember that there are twenty-one hundred of these Indians. They are up in Montana and they are designated by the Army officers and peace commissioners and everybody else who knows them by the title of "good Indians;" that is to say, they are peacefully disposed and do not give the white settlers any trouble, and there is no reason in the world why anything should be withheld from them on that ground. Last year there was appropriated under the treaty of July 16, 1868, which has never been published, I believe, the amount of $35,000 for feeding, civilizing, and supporting generally these people. That was not quite enough, and in fact the Department believed that they could not run through this year with less than $50,000 more. The committee, after looking at all the facts and thoroughly investigating the amount that had been already expended and the number of persons necessary to be supported there, believe that the Department could get along with the amount proposed to be appropriated in this bill, $25,000, which is half the amount asked by the Department. We believe that by the proper expenditure of that amount of money they can get along until the close of the fiscal year.

I think that there are no Indians in that whole country that deserve as favorable consideration at the hands of this Congress as do these people. They are peaceably disposed, and they are making rapid strides toward civilization. The gentleman asks the question, why it is necessary to provide for the pay of employés. It is absolutely necessary, as has been demonstrated, if you would lead these people rapidly forward toward civilization, that there should be persons to instruct them in the things practiced by civilized people. There are but few persons employed there, and but a small amount of money is expended.

Mr. HOLMAN. Certainly; but these persons which are provided for and the appropriations which are made for them——

Mr. PARKER, of Missouri. The gentleman will remember that under the treaty of 1868 appropriations have been made in the lump. The probability here is that in making these expenditures during the present year the amount has run short; it may have been on the pay of these employés.

Mr. HOLMAN. Is there any definite estimate for the pay of additional salaries for persons to be employed in connection with these Indians?

Mr. PARKER, of Missouri. There is no definite salary provided for. This is for the regular salary, for the balance of salary that remains unpaid for the fiscal year. For example, they pay the man who has charge of the farm to teach these people the art of agriculture eight or nine hundred dollars a year. The gentleman will remember that that is not large pay when you take into consideration the fact that he must have his own family there and is practically living a great way from civilization.

Mr. HOLMAN. Would not that be provided for in the appropriation made for this year?

Mr. PARKER, of Missouri. The appropriation was made for last year in the lump. I will state to the gentleman that the estimate is made in this language:

For this amount, or so much thereof as may be necessary, to be expended in goods, provisions, and other articles, as the President may determine, for agricultural and manufacturing pursuits, and for the pay of employés up to June 30, 1874.

Mr. HOLMAN. I will withdraw my amendment; but I certainly will have to move to strike out the words "for pay of employés" unless there is some other explanation given.

Mr. GARFIELD. Allow me to say that in the appropriation bill of last year the very same language occurs precisely; and at the end of the clause the amount appropriated is fixed at $75,000. The gentleman will find that on page 440. We never have distributed the amount, so much for employés and so much for something else. We enumerate all the objects to which the money may be applied, and then appropriate an aggregate sum. The sum appropriated has fallen short; and in order to provide for the deficiency we simply repeat all the words used in the other bill, so that the money may be applied to whichever of these things a deficiency may occur in; we cannot tell which one it may be. It would not be safe to strike out any one, for it may fall in part on all of them.

Mr. HOLMAN. I withdraw the amendment.

The Clerk read the following:

For this amount, or so much thereof as may be necessary, to subsist and properly care for the Kansas Indians, including agricultural assistance, pay of employés, and the erection of a mill on their new reservation in the Indian Territory, said amount to be refunded to the United States from the proceeds of the sale of their lands in Kansas so soon as the same are available, $20,000.

Mr. BECK. I move to strike out the sum of "$50,000." When the regular appropriation bill was before us the item of $50,000 was added to the $200,000 that was given for the subsistence of these tribes, upon the assertion that it would be necessary to add that much to the amount originally appropriated, in order to subsist and feed and transport supplies to these tribes. At the same time, and in the same bill, we gave $67,000 in one item, under what you call treaties, (I am not going to speak about them any more,) and $47,000 to other tribes under treaties. You are here adding $50,000 more in the deficiency bill, after putting in $50,000 by an amendment to the original Indian appropriation bill. Why was not $100,000 more put in there instead of $50,000?

I understood the gentleman from Ohio [Mr. GARFIELD] just now to say that the reason why the deficiencies were called for was because these tribes were being gathered in so rapidly during this year. He instanced the Kiowas and Comanches as a portion of the tribes gathered in so rapidly. While he was talking I turned to the report of the Commissioner of Indian Affairs for this year to where he speaks of these tribes now provided for, the Kiowas, Comanches, and Cheyennes. He declares in his statement, on pages 6 and 7, that the tribes are marauding to such an extent that it will be necessary to turn them over to the military. So far from his giving any information that these tribes are being gathered in to an extent which makes this additional appropriation necessary, the report shows that whatever may be said of the Mandans, the Arickarees, and the other Indians the gentleman from Missouri [Mr. PARKER] talked about, (and they have been good Indians,) as to the Kiowas, Comanches, and Cheyennes, they are on the war-path to-day, and the Commissioner so states. And yet you propose to add $50,000 to the appropriation. You gave all that was required in the regular Indian appropriation bill, and now you propose to give $50,000. I would like to know first why it was not made $100,000 more in the original bill, if necessary; and second, why it is that the Commissioner makes this report of their condition in the face of what is said by the gentleman from Ohio.

Mr. LOUGHRIDGE. The gentleman from Kentucky [Mr. BECK] asks why this amendment was not put in the original appropriation bill. I was not here at the time and had nothing to do with making out the original bill, and know nothing about it. But what we did the other day was for the next fiscal year, and this is a deficiency for the present year.

Mr. BECK. That is true; I made a mistake in that regard. That was for the next fiscal year, and this is for this year. I withdraw the amendment.

Mr. LOUGHRIDGE. As the subject has been mentioned I will call attention to the following communication from the Secretary of the Interior upon the subject:

DEPARTMENT OF THE INTERIOR,
Washington, D. C., December 5, 1873.

SIR: I have the honor to transmit herewith a special estimate for appropriation of funds to subsist and properly care for the Kiowa and Comanche, Cheyenne and Arapahoe, and Wichita and other affiliated bands of Indians in the Indian Territory, during the fiscal year ending June 30, 1874. The amount required is $75,000.

I also transmit a copy of a letter, dated the 4th instant, from the Commissioner of Indian Affairs, and accompanying copy of a communication, dated the 10th October, 1873, from the superintendent of Indian affairs, southern superintendency, reporting the necessity for furnishing the Indians referred to with subsistence, for the purchase of which an appropriation is asked, and agreeably to the recommendation of the Commissioner, the estimate is respectfully submitted for the favorable consideration and action of Congress.

Very respectfully, your obedient servant,

C. DELANO,
Secretary.

The SPEAKER *of the House of Representatives.*

Estimate of appropriation required for subsisting certain tribes of Indians in the Indian Territory for the fiscal year ending June 30, 1874.

For this amount, or so much thereof as may be necessary to subsist and properly care for the Kiowa and Comanche, Cheyenne and Arapahoe, and Wichita and other affiliated bands of Indians in the Indian Territory, during the fiscal year ending June 30, 1874..... $75,000

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., December 4, 1873.

SIR: I have the honor to present herewith copies of a letter from Enoch Hoag, superintendent of Indian affairs, central superintendency, dated the 29th October last, by which it appears that to subsist and properly care for the Arapaho, Cheyenne, Apache, Kiowa, Comanche, and Wichita Indians in the Indian Territory, up to the end of the present fiscal year, additional means will have to be provided.

By the Indian appropriation act of February 14, 1873, (Statutes, volume 17, page 449,) the sum of $200,000 was set apart for the purchase of subsistence supplies for said Indians, including transportation of the same, of which amount there remains on the books of this office a balance of $47,892.92.

The superintendent estimates that 50 per cent. of the amount contracted for will be required, in addition, of bacon, coffee, and sugar, and 25 per cent. of flour, to last until 1st of May next, which, computed at present contract rates, would involve the sum of $34,169.65. Adding to this sum the amount of liabilities already contracted for beef and flour, and subject to payment hereafter, namely, $52,533, and the amount necessary to feed the Indians during the two remaining months of May and June next, say $26,382, the aggregate will be $113,084, from which, after deducting the balance of $47,892, reported on hand as above, will leave a deficiency of $65,192, on account of supplies to be provided, exclusive of the cost of transportation to the various agencies, which will probably not be less than $10,000.

Taking the above data as a basis for the calculation, I have caused to be prepared, and herewith submit, an estimate for the sum of $75,000, with request that if the same meets your approval it be laid before Congress for favorable consideration.

Very respectfully, your obedient servant,

H. R. CLUM,
Acting Commissioner.

The honorable SECRETARY OF THE INTERIOR.

OFFICE OF INDIAN AFFAIRS, CENTRAL SUPERINTENDENCY,
Lawrence, Kansas, Tenthmonth 29, 1873.

Hon. E. P. SMITH, *Commissioner:*

I call attention to the fact that the amount of supplies purchased for the Kiowas, Comanches, Apaches, affiliated Wichitas, Cheyennes, and Arapahoes, is very much *less* in quantity than the aggregate amount for the same Indians last year. It is also important to consider that many of these Indians have, until recently, obtained much of their subsistence on the plains, in consequence of which a surplus was left in their commissaries last year. But most of these Indians, last autumn, were required to locate and remain near their agency, and were largely deprived of procuring meat and robes; and the Cheyennes and Arapahoes will probably be subject to like restrictions.

It therefore is very important that sufficient subsistence be in the several commissaries, and the purchase and transportation of the same ought not to be deferred, as it will be impossible to move the supplies in the spring months in consequence of usual high water and absence of forage. It is estimated that 50 per cent. of the amount purchased will be required, in addition, of coffee, bacon, and sugar, and 25 per cent. of flour, provided the Indians referred to be required to remain near their respective agencies, as they should do. The subsistence solicited will be consumed on or near 1st of Fifthmonth, 1874.

Respectfully,

ENOCH HOAG,
Superintendent.

The Clerk read as follows:

For incidental expenses of the Indian service in Washington Territory, $4,836.34.

Mr. WILLARD, of Vermont. Before we pass from this series of appropriations for incidental expenses of the Indian service, I desire to have from the Committee on Appropriations some statement showing what these expenses include and what necessity there is for this appropriation. I understand the committee is prepared to make some explanation on this subject.

Mr. PARKER, of Missouri. All these items from line 504 to the close of the appropriations for deficiencies of the Indian Department are not deficiencies of the current year at all but are to pay outstanding indebtedness for and on account of the Indian service prior to June 30, 1873. Among these deficiencies which occurred previous to last year are several amounts for incidental expenses in the different Territories. These amounts aggregate $693,838.28. On account of the amount being so large, the committee received with a great deal of disfavor the proposition for this appropriation; and we desire to say candidly that if the Government could honorably have avoided meeting these deficiencies we should certainly have been compelled to report against them. We examined the accounts so far as it was possible for us to do so; and we find the deficiencies are for amounts that have actually been expended. People have furnished supplies under contracts with the department; and in many cases they have been deprived of their money (and this is especially the case with those who have furnished supplies for the Indians in Arizona and New Mexico) for over two years. It appeared before us upon the testimony of gentlemen who were entitled to full credit that many of these people who have furnished supplies have been compelled, in order to preserve their credit, to pay as high as 30 per cent. during a portion of the time on money which they have borrowed to meet their contracts. The department held that after contracts had been entered into, the contractors upon the demand of the Indian Department were required to fulfill the contracts, although there was no money to pay them; and many men have been absolutely ruined by the delay of the department in paying these demands. Of course the delay was occasioned by there being no money to meet the payments under the contracts. With this view of the facts presented to the committee it was impossible for us, in justice to our own citizens, to refuse to allow these amounts.

In order that the Committee on Appropriations may be justified in their action, we desire to say that the aggregate amount of Indian deficiencies for 1873 was $1,277,752.71; the amount of deficiencies for 1874 is $1,251,438.28, deducting from which $693,838.28, which is the amount of deficiencies for prior years, it leaves the amount of Indian deficiencies proper for the fiscal year ending June 30, 1874, $557,600—much less, we are gratified to say, than they have been for many years past.

There is another fact that we desire to mention in this connection. It is disagreeable for any Congress to make appropriations for deficiencies. Appropriations of this character have been on the decrease for two or three years past; and it is to be hoped that in a year or two at the furthest deficiencies coming from this department (after the admonition which we have given to it in the regular appropriation bill) will cease altogether. Deficiencies are disagreeable items for Congress to pass upon; and this department of the Government, as well as all others, should constantly put forth every effort to avoid creating any deficiency. The Departments should be required to come here and state in detail the amounts that they require to run the several branches of the Government; and upon such showing alone should appropriations be made. We are enabled to say that we hope this will be the rule in a very short time with reference to this department. It is one in which there must be some flexibility, because there are occasionally extraordinary emergencies which cannot be foreseen either by Congress or by the head of the department when the estimates are made. One such was the necessity of removing the Modocs from their former reservation to the Indian Territory. But it is to be presumed that the Indian question is so far settled that the department will not be called upon to ask for these deficiencies to any great extent in future.

I wish to repeat that these items from line 504 down to the end of these Indian deficiencies are to satisfy the actual demands of persons in the Territories of Montana, New Mexico, and Arizona who have already furnished supplies and have been for a long time deprived of their money. This Government cannot justly refuse to pay them.

The Clerk read as follows:

For the survey of the exterior boundaries of Indian reservations and subdivisions of the same, being for surveys in the Indian Territory embraced within the lands ceded by the Cherokee, Seminole, and Creek tribes of Indians, being a deficiency for the present and prior years, $45,000.

Mr. AVERILL. I move to amend the paragraph just read by adding:

For continuing the collection of statistics and historical data respecting the Indians of the United States, under the direction of the Secretary of the Interior, $3,500.

Mr. HOLMAN. I make the point of order that there is no law authorizing this appropriation.

Mr. AVERILL. I can only say that this service is performed by a gentleman who has been in the employ of the Government for a year, and the appropriation which I propose is to cover a deficiency. It is a matter connected with carrying on the department. Ever since I have been a member of the Committee on Indian Affairs and have been obliged to perform a part of the duty resting on that committee, there has been an obvious deficiency in obtaining information relative to Indian history. About a year ago the Secretary of the Interior designated a gentleman of know ability and character, and having large experience in this business, who has since been employed in this service. The results of his work have been very satisfactory; and it is only to be regretted that the labor is not completed. The Secretary of the Interior suggested to the Committee on Indian Affairs the propriety of the appropriation, and I hope there will be no objection to it; for no expenditure of such an amount can be made that will conduce more to the public interest or be of greater benefit to the Indians, as this work will become a guide, to a certain extent, in order to legislation upon Indian subjects.

Mr. HOLMAN. I make the additional point of order that this amendment is not only unauthorized by any law, but is not germane to the bill. It has no connection with deficiencies.

Mr. LOUGHRIDGE. I desire to make this further explanation: that this is not a new work, but one which has been in progress for several years, and for carrying on which Congress has, I understand, made several appropriations. Therefore it is not a new work, but attempting to carry forward what already has been appropriated for.

Mr. HOLMAN. I should like to see gentlemen show either of two things, either a law authorizing this appropriation of money or an appropriation for the same purpose during the last fiscal year. There may have been something of the sort a quarter of a century ago, and there may have been since then an appropriation for it, but certainly there is no law on the subject and no appropriation last year.

Mr. PARKER, of Missouri. Mr. Chairman, I desire to state why this was not put in the Indian appropriation bill. In the first place, the attention of the sub-committee was not called to it until after the bill had been made up and gone to the printer. It had not been printed but had been sent to the printer, and the committee did not care to recall it for that purpose alone. I will remark to my friend from Indiana if he had been on the Committee on Appropriations and gone through an extended investigation——

Mr. HOLMAN. I do not desire to discuss the merits of this question or the point of order. I am opposed to this appropriation bill taking money out of the Treasury without warrant and in defiance of our rules.

Mr. PARKER, of Missouri. I desire in justification of the chairman of the Committee on Indian Affairs and of the sub-committee of the Committee on Appropriations to make a statement.

Mr. HOLMAN. I have no objection to the statement being made, but I do not waive my point of order.

Mr. PARKER, of Missouri. I was about to remark that if my friend from Indiana had spent the time some of us have in looking over In-

dian treaties and the history of these Indian tribes he certainly would not object to this appropriation. The object is to complete a chronological history of these Indian tribes.

The CHAIRMAN. Is any body engaged on this work at the present time?

Mr. PARKER, of Missouri. Yes, sir; and he has been engaged on it for eighteen months. He has not only been engaged in this business but has been partly paid for it.

Mr. HOLMAN. I should like to see the law which ever authorized the appropriation of a dollar of money for this purpose.

Mr. PARKER, of Missouri. He has been paid out of the contingent fund.

Mr. HOLMAN. Yes, sir; it was an unlawful use of the contingent fund to pay out any portion of it for such an object. There is no law in favor of such an appropriation.

The CHAIRMAN. From statements made the Chair will have to rule the point of order not well taken and hold the amendment to be in order.

Mr. GARFIELD. Mr. Chairman, I will say in regard to this, although the Committee on Appropriations has not considered this amendment, at least not acted on it as a committee, the unanimous action of another committee having charge specially of Indian affairs was a strong reason to my mind why we should adopt this amendment.

Furthermore, sir, one of the troubles I have experienced, and I suppose every other gentleman here has experienced in studying the vexed Indian question and being intelligent about it at all, is to know something about these various Indian tribes. Who knows where the Mandans, Arickarees, and the Kickapoos came from, where each tribe is now, and what kind of a tribe it is, whether large or small? Who knows where these tribes all came from and where they now are, or where we can find any history anywhere which will give us a condensed historical account of them? In the annual reports you get of course an account of the present condition of these tribes, and sometimes scraps of history; but a collection of compact, well-digested historical statements, chronological statements about these various Indian tribes will be of immense importance to us in understanding this Indian question. There are tribes we are now appropriating for up in the Rocky Mountains which once lived in New York, afterward in Ohio, latterly in Michigan and just across the Mississippi, carrying traditions and a history of their own with them, which are now mixed as a small remnant with large tribes. A chronological history of these tribes would be of great value to us. No one can read the chapter of Bancroft's history of the aborigines and of the country in the older colonial days and look at the mass he there compiled with the greatest care and labor, showing the tribal distribution of the Indian nations one hundred and fifty or two hundred years ago, without feeling himself instructed as to the condition of Indian affairs then. If this would enable us to get such a mass now, if it would enable us to obtain it so we would have at one view a picture of what their condition is and a brief chronological history of these tribes, we would be able to know something more about them.

In this connection let me say we have treated the Indians as though they were a repetition of the same unit. We act as though an Indian is an Indian wherever you find him, failing to recognize there is a marked difference between them. The hill Indian, an Indian born with all his associations among the mountains, is scarcely able to subsist himself upon the plains. The Indian on the staked plains of the South hardly knows how to live in the timber lands or in the mountains. Yet we undertake to gather a whole miscellaneous group of tribes of Indians and put them upon one reservation, where if one tribe can live because the surroundings are what they have been accustomed to, the others are unable to thrive because they are surrounded by nothing they have been accustomed to. It is like taking a tropical plant and planting it in the snows of Maine, or taking a hardy plant of the North and planting it under the Equator.

Now, if we are to behave intelligently to these Indians, we ought to know something about the locality of their tribes and their history, and I believe this small appropriation will help us. I am in favor of it.

Mr. SHANKS. I think this appropriation will save thousands of dollars to the public Treasury. I have studied the Indian question somewhat and have found troubles and embarrassments at every step, just for the want of what is here provided for. I do not think that we can appropriate that much money for the Indian service more wisely for any other purpose. I have noticed appropriations for a part of a tribe, speaking of them as a tribe, when in fact they were governed by treaty provisions with other tribes. I believe, sir, that we have often, on account of misunderstanding and want of understanding the real condition of these Indians, appropriated thousands of dollars where we need only have appropriated hundreds. I hope this appropriation will be made.

Mr. KASSON. I wish to ask the chairman of the Committee on Indian Affairs if this gentleman has been already engaged in preparing this work, and who he is?

Mr. AVERILL. The gentleman is Dr. Thomas Foster, a resident of Minnesota, a gentleman whose ability is unquestionable.

Mr. KASSON. Is he connected with the Indian service?

Mr. AVERILL. He has been connected with the Indians and has been among them engaged on this work.

Mr. KASSON. Connected with the Indian Bureau?

Mr. AVERILL. Not at all. That is the only connection he has with the Indian service. His services have been exclusively in this line, and, as has already been properly remarked by the gentleman from Indiana, [Mr. SHANKS,] the work he has already done is of incalculable utility and will save thousands of dollars to the Government.

Mr. KASSON. I move to strike out the last word, for the purpose of saying a few words on this question. I did not understand from the gentleman from Minnesota whether this gentleman has been in the employment of the Indian Bureau otherwise than for this purpose.

Mr. AVERILL. Not at all. He was appointed exclusively for that purpose.

Mr. KASSON. And paid out of the contingent fund?

Mr. AVERILL. I do not know that he has been paid at all. The deficiency exists.

Mr. KASSON. Is then this $3,500 additional pay for what he has done for the remainder of the fiscal year, or is it pay for the whole work?

Mr. AVERILL. It is to pay for what he has already done. Part of it is for salary and part for traveling expenses in collecting this information.

Mr. KASSON. But it appears that he has already been paid to some extent out of the contingent fund. This conversational debate, however, has wandered altogether away from the point of order.

Mr. GARFIELD. The point of order has been decided.

The CHAIRMAN. Giving the amendment the benefit of the doubt, the Chair has overruled the point of order; and this debate has been upon its merits.

Mr. KASSON. Then I will say that it seems to me this work ought to be done through and by the Indian Bureau independently of a separate appropriation. The amendment is very large, if for a deficiency. If this gentleman, whose competency I have no reason to doubt, and the value of whose work I am as ready to appreciate as any other gentleman can be, has been doing the work under an appointment for which he is regularly paid, it is unusual, to say the least, to provide a large sum of money to cover the past, present, and future, with no more knowledge than we have of the amount of work done and the time required to do it. It seems to me that the very information sought for must be obtained from the files of the Indian Office, and in part from the reports already published, and must in its nature be to a large extent a compilation of the existing facts connected with the history of the Indians. And if a compilation, I think it should be done by some of the existing paid officers of the service already in the employment of the Government.

I agree with the gentleman from Minnesota that the work, if already done as it ought to be, will be a very valuable work. But it seems to me we should not make a large appropriation here in this indefinite manner for the past, present, and future, and put it in a deficiency bill. The deficiency should be only for the services of past years. We are about to pass another appropriation bill for the coming year, the sundry civil appropriation bill, in which this matter might more properly be presented.

Mr. AVERILL. What would be the difference, when it is shown that there is a necessity for an appropriation, if we shall pass it now?

Mr. KASSON. There is a difference, because we do not know now how long this gentleman has been at work, or how much he has done or how much he has been paid for it.

Mr. AVERILL. He has been to my knowledge exclusively engaged on this work and nothing else for a year.

Mr. KASSON. How long he should be paid in the future is also a matter of doubt. It seems to me we are not in possession of sufficient information on the subject.

Mr. HOLMAN. We have appropriated for this present fiscal year in the Indian bill $5,541,418 for this Indian service. We propose to appropriate by this bill $1,465,476 more. Therefore we propose to appropriate for the Indians for the present fiscal year the enormous sum of $7,006,894.

We have agents in connection with every one of the Indian tribes. We have reports from every one of them, I believe, to the Interior Department, giving a detailed account of the condition of the Indian tribes. We have had such reports for many years past. We have also a body of Christian people, as we are assured, all over the western frontier, inquiring into the condition of the Indians, and making very intelligent reports to the Government.

We are told now that out of the contingent fund appropriated for the Indian service money has been paid for the preparation of a history of these Indian tribes, and it is proposed, without any information as to how much money has been paid, or as to what salary is being paid to this person, or as to what work has been done, and what length of time he will be employed in the future, to make an appropriation of $3,500. I wish to ask the chairman of the Committee on Appropriations if he thinks he is serving the country wisely and well as chairman of that leading committee in allowing such a sum to be appropriated in an appropriation bill without any estimate whatever? I wish to ask the chairman of the Committee on Appropriations, who ought to stand between the public Treasury and those who are dis-

posed to plunder it, if he has any knowledge on this subject at all? Does he know how much has been paid to this man?

Mr. GARFIELD. I have already said that I have no knowledge as to this matter, and that it has not been before our committee.

Mr. HOLMAN. Then can the gentleman in his position give his sanction to an appropriation of money for this purpose for the first time without any knowledge at all except the indefinite information which we have received from the gentleman from Minnesota, [Mr. AVERILL,] that one of his constituents is engaged in this work?

Mr. GARFIELD. I have great confidence in the Committee on Indian Affairs and in the gentleman from Minnesota.

Mr. HOLMAN. Can the gentleman from Minnesota himself tell us how much has already been paid to Mr. Foster?

Mr. AVERILL. Let me say that this gentleman has never, to my knowledge, cast his vote in my favor, although he is a constituent of mine.

Mr. HOLMAN. The gentleman has not said how much has been paid to his constituent already.

Mr. AVERILL. I think last year the expense was something like $3,000; that is my impression.

Mr. HOLMAN. Then why does he want $3,500 for his salary for this year?

Mr. AVERILL. It is for contingent expenses, and the Secretary of the Interior thinks it is necessary.

Mr. HOLMAN. Will the gentleman show us the estimate of the Secretary of the Interior for this purpose?

Mr. AVERILL. There is a letter from the Secretary of the Interior.

Mr. HOLMAN. Has he estimated for this amount?

Mr. AVERILL. He has.

Mr. HOLMAN. Will the gentleman send up his recommendation to the Clerk to be read?

Mr. AVERILL. It is in the House.

Mr. HOLMAN. Let us have some one responsible for this appropriation. There seems to be an army of men who are determined in some form or other to be pensioned on the public Treasury. We already have annual reports made from the various tribes, and here is a new source of expenditure proposed to be inaugurated.

The CHAIRMAN. Debate is closed on the amendment.

Mr. KASSON. I withdraw my amendment in order to enable the gentleman from Vermont [Mr. WILLARD] to offer one.

Mr. WILLARD, of Vermont. I move to amend the amendment by adding thereto the following:

Provided, That the compensation of the person collecting such data shall not exceed $2,000 and his actual, individual, and necessary traveling expenses.

I will state briefly the object of that amendment. This is substantially creating a new office, one not now known to the law. This is undoubtedly a very valuable work; I make no question in regard to the importance of these statistics; but if we are establishing an office it is proper, it seems to me, to fix a limit to the salary of the officer. The work will be a somewhat expensive one at best. In addition to the salary, my amendment provides for actual and necessary traveling expenses. Whenever the report is made to Congress it will have to be printed, and so it will be attended with expense; and if it is prepared by a competent person it will probably be worth what it costs. Certainly the Interior Department—judging from the way in which their estimates have been made up hitherto—are somewhat in need of information in respect to the matters they have in charge, or they could send estimates here which would not result in a deficiency amounting to one-fifth or one-fourth of the sum appropriated. If we can get some information which will enable them more accurately to determine what it will cost to take care of the Indians, and to pay the expenses of the Indian service for the year, we shall have expended this money to some purpose; but it occurs to me that we ought to limit the salary, and hence I offer this amendment.

Mr. HOLMAN. I do not object to the amendment; on the contrary it seems to me to be right, but does not my friend know that this after all will be only a compilation from the reports made from year to year to the Interior Department?

Is not that all the history that can possibly be furnished of our Indian tribes? Is not this information all in the Interior Department now, as full and as complete as any one citizen can possibly get together, if not more so?

Mr. WILLARD, of Vermont. I have no doubt it will be more or less a compilation. I do not suppose this person is going to make a new history entirely. He will be obliged to collect his information from data already in existence, and bring it together. Whether that compilation will be valuable or not will depend very much upon the man employed, I agree. But it appears to me that it is possible to get information that will be valuable. If we are to have an appropriation it should be limited.

Mr. KASSON. I suggest to the gentleman to add to his amendment the words "to be paid out of the contingent fund," so as not to make a new appropriation.

Mr. WILLARD, of Vermont. I have no objection to that personally. But this is a deficiency bill, and I suppose the contingent fund has been exhausted, or we would not be asked to appropriate for a deficiency. This has been paid hitherto out of the contingent fund; but if that is exhausted there is nothing to be paid out.

Mr. AVERILL. I accept as a part of my amendment that which is moved by the gentleman from Vermont, [Mr. WILLARD.]

Mr. LOUGHRIDGE. I move to strike out the last word, for the purpose of having read two letters called for by the gentleman from Indiana, [Mr. HOLMAN.]

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, D. C., March 14, 1874.

SIR: I have the honor to transmit herewith a copy of a letter, dated the 13th instant, from the Commissioner of Indian Affairs, reporting that there are no funds at the disposal of his office that can be applied to the payment of the salary of a historiographer of the Indian Department, whose services are represented to be highly desirable and whose work, when completed, will prove of great value to the Government.

I concur in the recommendation of the Commissioner that legislation be had authorizing this Department to employ a suitable and competent person in the position herein indicated, and commend the subject to the favorable consideration of your committee, with the view to an appropriation by Congress of a sum sufficient for his compensation.

Very respectfully, your obedient servant,

C. DELANO,
Secretary.

Hon. JOHN T. AVERILL,
Chairman Committee Indian Affairs House of Representatives.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., March 13, 1874.

SIR: Referring to office report of February 17, 1873, relative to the appointment of a historiographer of this department, I have the honor to state that I am satisfied that the work contemplated to be performed by such an appointment is highly desirable, and when completed will be of great value to the Government.

In this connection I would state that Dr. Thomas Foster, of Minnesota, has been employed as "special agent" for several months past, and has collected much valuable information respecting Indian tribes, which he is at present reducing to proper form for reference and preservation. He is capable of continuing and completing the work in a satisfactory manner.

There are no funds at the disposal of this office applicable to the continuance of such service, and I therefore respectfully recommend that the necessary steps be taken to have the Department authorized by proper legislation to employ a suitable person for the purpose, and that a sufficient sum be appropriated for his compensation.

Very respectfully, your obedient servant,

EDWARD P. SMITH,
Commissioner.

The honorable SECRETARY OF THE INTERIOR.

Mr. HOLMAN. I now make the point of order upon the records which have been presented.

Mr. GARFIELD. It is too late now to make the point of order.

Mr. HOLMAN. No, sir; because the Chair was told that the regular appropriation for this purpose has been expended, and now we find that this office is now provided for for the first time. According to the letters just read we find that no money has yet been appropriated for this purpose. I make the point of order that this is providing for a new work.

The CHAIRMAN. The Chair thinks the question is involved in a great deal of doubt, but will give the benefit of this doubt to the amendment, and submit it to the Committee of the Whole on its merits.

The amendment as modified was read, as follows:

For continuing the collection of statistics and historical data respecting the Indians of the United States, under the direction of the Secretary of the Interior, $3,500: *Provided*, That the compensation of the person collecting such data shall not exceed $2,000 a year, and his actual individual and necessary traveling expenses.

The question was taken; and upon a division there were—ayes 33, noes 4; no quorum voting.

Mr. HOLMAN. I must insist upon a further count. This is creating a new office, or making a new salary—an increase of expenditure; and I insist upon a further count.

Tellers were ordered; and Mr. AVERILL and Mr. HOLMAN were appointed.

The committee again divided; and the tellers reported that there were—ayes 100, noes 49.

So the amendment was agreed to.

The committee rose informally, and the Speaker resumed the chair.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed without amendment a bill of the following title:

A bill (H. R. No. 3139) for the relief of the owners of the steam ferry-boat A. Burton.

The message further announced that the Senate had passed with an amendment, in which the concurrence of the House was requested, a bill of the following title:

A bill (H. R. No. 3160) in reference to the operations of the shipping-commissioners act approved June 7, 1872.

The message further announced that the Senate had passed and requested the concurrence of the House in the following:

A bill (S. No. 745) authorizing the Secretary of the Treasury to change the name of the schooner Jennie Speer to that of Santa Rosa;

A bill (S. No. 793) for the relief of Philip S. Wells, medical inspector of the United States Navy; and

A resolution authorizing Spencer F. Baird, United States commissioner of fish and fisheries, to have the engravings of his report executed under the direction of the Joint Committee on Public Printing.

DEFICIENCY APPROPRIATION BILL.

The Committee of the Whole resumed its session and the consideration of the deficiency appropriation bill.

The Clerk read the following:

To supply a deficiency in the appropriation for the payment of Navy pensions, $75,000.

Mr. GARFIELD. I call attention to the following, as showing the necessity for this appropriation:

DEPARTMENT OF THE INTERIOR,
Washington, D. C., April 23, 1874.

SIR: I have the honor to transmit herewith a copy of a communication dated the 20th instant, from the Acting Commissioner of Pensions, setting forth the necessity for a deficiency appropriation of $75,000, required for the payment of Navy pensions during the remainder of the current fiscal year.

It appears from the statement of the Acting Commissioner that this deficiency is mainly the result of recent legislation by Congress, whereby the pensions granted to widows of naval officers are increased on account of minor children, and of the adjudication of an unusual number of original Navy pension claims.

The Acting Commissioner represents the necessity for making the appropriation available on or before the 15th proximo, and I therefore have the honor to recommend the insertion in the pending deficiency bill of the following item, namely:

For the payment of Navy pensions to widows and others, $75,000, to be available upon the passage of this act.

I am, sir, very respectfully, your obedient servant,

C. DELANO,
Secretary.

Hon. JAMES G. BLAINE,
Speaker of the House of Representatives.

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., April 20, 1874.

SIR: I have the honor to submit the following statement showing the present condition of the appropriation for the payment of Navy pensions for the current fiscal year, and to request that you will ask for an additional appropriation sufficient to meet the deficiency:

The amount appropriated was		$480,000 00
Of this sum there had been disbursed to the 31st ultimo as follows:		
For Navy invalid pensions	$130,573 28	
For Navy widows and minors' pensions	282,544 98	
Total disbursements during the first three-quarters of fiscal year		413,118 26
Balance remaining for last quarter		66,881 74
Estimated amount required		137,705 75
Deficit, if expenditures of fourth quarter are equal to the average of the three preceding quarters		70,824 01

This amount will certainly be required, and to guard against the possibility of its being insufficient, the appropriation should be $75,000. This deficit, anticipated in my last annual report, (see page 5,) results principally from the unexpected demand upon the appropriation, to meet the increases allowed by the act of March 3, 1873, granting two dollars per month to minor children of officers.

An unusually large number of original invalid claims have also been presented and allowed, and many invalid pensions have been increased.

The additions to the Navy roll during the nine months between June 30, 1873, and March 30, 1874, were as follows:

Invalid—original claims allowed	107	Annual amount	$10,254 00
Invalid—increase claims allowed	85	Annual amount	4,760 50
Widows—original claims allowed	59	Annual amount	9,120 00
Widows—increase claims allowed	261	Annual amount	11,970 00
Total number claims allowed	512	Total amount	36,104 50

By this it will be seen that the pensions granted since the commencement of the fiscal year amount to $36,104.50 annually. Upon the first payment, from one to seven years' arrears are due, (the larger number of increases to minor children, commencing July 25, 1866;) consequently the demand upon the pension appropriation has been two or three times the annual amount of the pensions.

The present fund is so nearly exhausted, that the appropriation asked for should be available by the 15th proximo, else the payment of the Navy pensions will be interrupted.

Very respectfully, your obedient servant,

JAMES LOCKEY,
Acting Commissioner.

The honorable SECRETARY OF THE INTERIOR.

The Clerk read the following:

To pay John W. Wright for rent of building corner of G and Eighth streets for one year, $9,000

Mr. SHANKS. I move to strike out the paragraph just read, for the purpose of saying that this building was built by money obtained by this man by plundering the members, widows, and minor children of the first, second, and third regiments of Indian volunteers, principally Cherokees, and it is now proposed that the Government shall pay $9,000 a year rent for this building.

Mr. GARFIELD. I think it is going too far to say that because a man got his money so and so we will not pay the rent of his building which we occupy; it is going almost as far back as original sin. You might say that because when he was a boy he stole apples from his neighbor's orchard, or that his grandfather did something wrong, therefore we will not pay him what we owe him. I do not raise any question with the gentleman in regard to the statements made by him.

Mr. SHANKS. Those statements are true. The Government is renting a building from a man who plundered the Indian soldiers who served in the war, and the widows and orphans of those soldiers. The proofs of that plunder are in the Interior Department and Department of Justice to-day, and the Government is renting a building of a man who paid for building it by the plunder of those whom the Government were bound to protect.

In behalf of the Indians of the country, in behalf of justice, I call the attention of the committee to this matter. I hope that hereafter the Government will have more respect for itself than to rent a building from a man who is a plunderer by nature.

Mr. TYNER. I have no reply whatever to make to my colleague, [Mr. SHANKS,] except to say that the Interior Department rented this building from John W. Wright, and that the rent is due. If the Committee of the Whole believe that we should repudiate this claim against the Government upon the unsupported statement of a gentleman on this floor, they must arrive at that result by a process of reasoning which I cannot understand. My colleague does not pretend to deny that this building has been erected and is now standing in the city of Washington; that the Interior Department has rented it at a certain price, and that the rent is now due. It seems to me utterly ridiculous to urge against the payment of a claim of this kind any such reason as my colleague has presented.

Mr. NESMITH. I move *pro forma* to amend the amendment by striking out the last word. My friend from Indiana [Mr. SHANKS] objects, as I understand, to the payment of this claim for the singular reason that the claimant is a "plunderer by nature." Why, sir, I should like to know how much money would be paid out under this appropriation bill if every man of that class was excluded? As I understand, this is a legitimate claim for the use of a building. The gentleman from Indiana set up here the allegation that this man has perpetrated some wrong which ought to exclude him from obtaining pay for the use of this building. If such a plea in abatement is to be urged, if an allegation of that kind is to be set up as a reason why this man should not be paid the rent that is due to him, why should not every man who brings a claim here have his private character investigated?

The gentleman from Indiana says that this man is a public plunderer. There is, however, no evidence on that point before this body. I take it that we shall not undertake to decide a question of that kind on the mere statement of any individual. If this man is a public plunderer he ought to be indicted and punished in the courts. I understand that he has been indicted; but the charges, so far as they have been brought to trial, have failed. Personally I know nothing about this case; but I like to see all men treated with fairness. Even if this man had been convicted as a public plunderer I do not know that the fact would debar him from the right to payment for use of a building rented from him by the Government. I am speaking now upon a general principle of justice; not that I care or know anything about this claim. But I think it wrong to assail a man in the presence of the country, in the style of the gentleman from Indiana, without supporting the allegations by any proof.

Mr. SHANKS. There is on the files of this House evidence of what I have said, that this man did plunder the First, Second, and Third Regiments of Indian Volunteers. He wronged them to a degree absolutely enormous. He was appointed by the Secretary of the Interior as attorney to collect the bounties due to those three regiments, and he formed a combination by which he absolutely kept large portions of that money in his own hands and appropriated it to his own use. The proof that he has committed forgeries and procured others to commit forgeries in this matter, and has hired public officers in the Indian country to qualify men who appeared only by deputy of his own son and accomplices, have been presented by the gentleman from Ohio [Mr. GUNCKEL] now a member of this House and by the Indian Committee of the last House.

I have brought up this question, because I intend to put upon the record of this House the fact that a man who has thus committed these offenses is to-day the recipient of public money from the Treasury while indictments for his crimes have been standing against him. He has, I believe, been tried on sixteen out of about two hundred of those indictments, and perhaps there are four or five hundred more that ought to be brought against him. I call attention to this fact, because I desire that these Indians shall not be wronged without remedy and without protest. I want the country to know that here is a man drawing money from the public Treasury as rent for a building built with the money plundered from the Indians.

I might ask how this item happens to be a deficiency; for we appropriated last year, I believe, for the rent of this building, and we have done so I believe for two or three years. I objected once to the appropriation two or three years ago; but now we find the appropriation on this bill again. I am not, however, raising any question in that regard. I do not antagonize any of the work of the Committee on Appropriations; I think that they have done admirably and have saved money to the country very largely. But I did want to call attention to the fact that the Government is to-day paying rent for a building erected with money stolen from the poor Indian soldiers, their widows and orphans.

Mr. NESMITH. The proposition of my friend from Indiana seems to be that this man has robbed the Indians, and therefore we must rob him.

Mr. GARFIELD. There was no appropriation for this item last year; it was not in the estimates.

Mr. NESMITH. Even admitting all that has been alleged by the gentleman from Indiana, I do not see that it constitutes any reason why the Government should rob this man. I withdraw my *pro forma* amendment.

The question being taken on the amendment of Mr. SHANKS, it was not agreed to.

The Clerk read as follows:

For purchase of official postage-stamps and stamped envelopes to supply a deficiency of last quarter of the current fiscal year, $180,000.

Mr. TYNER. I move to amend by adding after the clause just read the following:

For advertising, $20,000.

If the Committee of the Whole desire any information about this amendment I can give it without any difficulty; but I do not suppose any is necessary.

The amendment was agreed to.

Mr. COBB, of Kansas. I move the following amendment, to come in after the amendment that has just been adopted:

For purchase of postage-stamps to be used in the transmission of the Agricultural Reports of the years 1872 and 1873 through the mails, $200,000, or so much thereof as may be necessary: *Provided*, That no part of said sum shall be drawn from the Treasury and applied as herein specified except upon the order of the Commissioner of Agriculture in pursuance of requests from Senators and Members of Congress, specifying particularly when and to whom such reports shall be sent: *And provided further*, No Senator or Member of Congress shall be entitled to so transmit more than a proportionate share of said reports.

Mr. GARFIELD. I make the point of order on that amendment that it is an appropriation not provided for by existing law.

Mr. COBB, of Kansas. I wish to give notice that I will endeavor to move that amendment to the post-office appropriation bill as soon as it comes up, and will ask for a vote of the House upon it.

Mr. MAYNARD. Does the Chair rule the amendment out of order?

The CHAIRMAN. The Chair decides that the point of order made upon the bill by the gentleman from Ohio is well taken.

Mr. CONGER. On what ground does the Chair rule that the amendment is not in order; is it that members do not want to send out the Agricultural Reports?

The CHAIRMAN. The Chair rules the amendment out of order upon the ground that there is no existing law providing for the appropriation, and it is therefore not in order, under the rule, to an appropriation bill.

The Clerk read as follows:

JUDICIAL.

For defraying the expenses of the Supreme Court and circuit and district courts of the United States, including the District of Columbia; and also for jurors and witnesses, and expenses of suits in which the United States are concerned; of prosecutions for offenses committed against the United States; for the safe-keeping of prisoners, and for defraying the expenses which may be incurred in the enforcement of the act approved February 28, 1871, entitled "An act to amend an act approved May 31, 1870, entitled 'An act to enforce the rights of citizens of the United States to vote in the several States of the Union, and for other purposes,'" or the act amendatory thereof or supplementary thereto, being a deficiency for the fiscal year 1872, $20,000; and for the same purpose, being deficiency for the fiscal year 1873, $350,000.

Mr. KASSON. I should like to have the gentleman from Ohio explain to us why so large a deficiency comes over from 1873 as $350,000.

Mr. GARFIELD. The accounts come in slowly, and it is impossible to tell until they have passed through the hands of the accounting officers of the Treasury how much really the amount will be. This appropriation is explained by the following letters of the Attorney-General and the Comptroller of the Currency:

DEPARTMENT OF JUSTICE, WASHINGTON, *April* 15, 1874.

SIR: I have the honor herewith to transmit copy of a letter from the First Comptroller of the Treasury, asking me to apply for additional appropriations for deficiencies for the years ending June 30, 1872, and June 30, 1873.

The Comptroller states that an appropriation of $350,000 is necessary for the year ending June 30, 1873, in place of the estimate of $310,000 for that year, heretofore submitted, on account of the presentation of claims arising during that year not heretofore known to him. He also states that an appropriation of $20,000 is necessary for the year ending June 30, 1872, in place of $10,000, heretofore submitted, on account of similar claims presented for that year.

I have, therefore, in compliance with the request of the Comptroller, to ask that the appropriations be made in accordance with the statements in the inclosed letter.

Very respectfully,

GEO. H. WILLIAMS,
Attorney-General.

Hon. JAMES A. GARFIELD,
Chairman Committee on Appropriations House of Representatives.

TREASURY DEPARTMENT, FIRST COMPTROLLER'S OFFICE,
Washington, April 13, 1874.

SIR: By letter from this office dated November 18, 1873, you were informed that to supply deficiencies in appropriations for expenses of courts of the United States there would be needed $310,000 for the fiscal year ending June 30, 1873, and $10,000 for the immediately preceding fiscal year. In making the estimate it was assumed that no more accounts would be rendered for 1872, and that for such as pertained to 1873 a sufficient margin had been allowed. But the presentation of claims against the United States, even when no question as to their payment is likely to be raised, is sometimes delayed for long periods of time.

Since the estimates were made, five months ago, many accounts have come in of which no previous notice had been given, and it is found that the sums above specified will prove insufficient.

There should be appropriated to supply deficiencies for expenses of courts $350,000 for the year ending June 30, 1873, and $20,000 for the year ending June 30, 1872, and I have the honor to request that you will please apply for these sums, in lieu of those heretofore requested. This increase of former estimates exceeds the amount of additional accounts received, but is not greater than may be needed to meet possible demands. If it prove more than sufficient for all just claims the surplus will of course be covered into the Treasury.

Very respectfully, your obedient servant,

R. W. TAYLER,
Comptroller.

Hon. GEORGE H. WILLIAMS,
Attorney-General.

The Clerk read as follows:

To pay the salary of the late judge of the eastern district of Wisconsin, retired under the fifth section of the act of April 10, 1869, from January 1, 1874, to June 30, 1874, $1,750.

Mr. GARFIELD. I move to add the following:

For payment of the telegraphic operator from April 1, 1874, to the end of the present current fiscal year, $417.

The amendment was agreed to.

The Clerk read as follows:

To supply a deficiency in the appropriation for clerks to committees of the House of Representatives during the present fiscal year, the sum of $2,000.

Mr. GARFIELD. I am instructed by the Committee on Appropriations to offer the following amendment. It is to pay the Official Reporters of debates of the House for the second year of this Congress. We have already made an appropriation paying them up to the 4th of March last. This is to pay them for the current year, beginning with the last 4th of March. I do not think there will be a single objection to it.

The Clerk read as follows:

To pay the five Official Reporters of the proceedings and debates of the House, said reporters to be paid monthly, during the second year of the Forty-third Congress, $25,185.

The amendment was agreed to.

Mr. KELLOGG. I offer the following amendment, which has been agreed to by the Committee on Appropriations unanimously. Add to the amendment just adopted the following:

For compensation for clerical service rendered to the Committee on Reform in the Civil Service from January 1, $600; and messenger to the Committee on War Claims, $250.

That has been agreed to by the committee unanimously.

The amendment was agreed to.

Mr. GARFIELD. I will explain to the House that in order to prepare the voluminous reports and letters sent to the Committee on Appropriations to accompany the general appropriation bills reported to the House, we found it necessary to employ some outside help to do the copying. I move to insert at the end of line 736 the following:

Of which the sum of seventy-five dollars shall be paid to A. F. Childs for services to the Committee on Appropriations.

It does not increase the appropriation at all. We found the House would be better served by having the service rendered as it has been done.

The amendment was agreed to.

The Clerk read the following:

Capitol grounds:

For improving Capitol grounds, and for sewers and street-lights for same, $20,000.

Mr. BUTLER, of Massachusetts. I move to insert the following:

Provided, So much of said sum as is necessary shall be expended by the Architect of the Capitol in forthwith removing from the Capitol grounds the engine building south of the Capitol.

Mr. HOLMAN. I rise to a question of order. To be a deficiency, the work for which the appropriation is made must have been already done. I make the point of order that this is not germane to the bill. This is either a deficiency bill or it is a fraud. Does the gentleman from Massachusetts [Mr. BUTLER] say that this is work for the present fiscal year?

Mr. BUTLER, of Massachusetts. The work ought to have been done during this fiscal year. There has been a law in existence these two years—for one at any rate—requiring the building to be removed, but nobody has had any funds to do it with; so that it becomes a deficiency.

Mr. HOLMAN. Very heavy appropriations have been made for the improvement of the Capitol grounds.

Mr. BUTLER, of Massachusetts. Undoubtedly. But these have all been expended, and that is the reason why there is no work now proceeding on the grounds.

Mr. HOLMAN. This, as I understand it, is to be expended in the future. It has not been expended already.

Mr. BUTLER, of Massachusetts. It is work which ought to be done during this fiscal year, ending June 30, 1874.

Mr. HOLMAN. I move to strike out the paragraph. That it is not a deficiency is very apparent.

Mr. BUTLER, of Massachusetts. Very well. Before the question is taken on striking out let the amendment go with the paragraph.

The question being taken on the amendment, it was agreed to.

Mr. HOLMAN. It is certainly useless to talk about limiting expenditures, if, whenever a Department finds it necessary to spend more money than we appropriate, we very good-naturedly appropriate the additional sum required in a deficiency bill. You have made handsome appropriations for the improvement of these Capitol grounds and the result has been one of the most barbarous things that ever disgraced a civilized people, the removal of the monuments around the Capitol. We have had, as the gentleman from New York [Mr. COX] said yesterday, a shabby-genteel idea substituted for the graceful ornaments with which our ancestors surrounded the Capitol. You have made ample appropriations and they have been spent in demolishing these monuments. I believe that if it had been known when the appropriations were made that all this was to take place there was not a gentleman here with any regard for taste who would have tolerated the changes that have been made. There is no pretense that

this is a deficiency, or that any emergency has sprung up requiring this money to be expended.

I submit to the chairman of the Committee on Appropriations whether it is to be the policy of this House that, without any excuse for it, without any extraordinary emergency having arisen during the fiscal year for which the appropriation is made, you are to make this appropriation for additional expenditures in defiance of the limitations you have imposed. If this is done, Congress becomes the mere servant of your subordinates, instead of the people, through Congress, being masters of the Treasury.

Mr. GARFIELD. I ask the Clerk to read the letter which I send to the desk in explanation of this. I congratulate the committee on the value to them of the result of having printed all the statements on which we proceed.

The Clerk read as follows:

ARCHITECT'S OFFICE, UNITED STATES CAPITOL,
Washington, D. C., March 18, 1874.

SIR: In the improvement of the Capitol grounds it is necessary to construct a sewer from New Jersey avenue and B street south, and one at Delaware avenue and B street north, to carry the water from these points. A new sewer must also be constructed from the Senate wing through the grounds, as the old sewer, built many years ago, on made ground, broke in two places last season, and is in constant danger of similar breakage.

I therefore respectfully suggest that an appropriation of $20,000 be asked for in the deficiency bill, to pay for the sewers named above, and for the gas-mains and lamp-posts put around the eastern park.

When the streets around this park were being paved, I had the lamp-posts and gas-main laid, in order to save expense and prevent the destruction of the roadway by having the same torn up when an appropriation should have been made for that work.

As the last appropriation was so worded that no money could be paid from it for any work east of the front of the Capitol, I thought I was justified in having the work in question done, to be paid for when an appropriation for that purpose was made.

Very respectfully, your obedient servant,

EDWARD CLARK,
Architect.

Hon. JAMES H. PLATT,
Chairman Committee on Public Buildings and Grounds,
House of Representatives.

Mr. GARFIELD. I will ask the Clerk to read the indorsement that was made on that letter.

The Clerk read as follows:

[Indorsement.]

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
HOUSE OF REPRESENTATIVES,
Washington, March 26, 1874.

Respectfully referred to Hon. J. A. GARFIELD, chairman Committee on Appropriations, House of Representatives. The Committee on Public Buildings and Grounds are satisfied after examination that the appropriation asked for should be made.

JAMES H. PLATT, JR.,
Chairman.

Mr. GARFIELD. I now ask for a vote.

The CHAIRMAN. The gentleman from Indiana has made a motion to strike out the paragraph as amended.

Mr. HOLMAN. I do not insist on the motion.

The Clerk resumed the reading of the bill, and read the following paragraph:

Reform School:

To reimburse the fund of the Reform School in the District of Columbia for work done and materials furnished in the erection of the buildings for the same, $18,386.58; and the Attorney-General is hereby directed to take such measures as shall be most effectual to enforce any right or claim which the United States have to this amount of money now involved in the bankruptcy of Henry D. Cooke, or of Jay Cooke & Co., the same having been in the hands of said Henry D. Cooke, as treasurer of said Reform School, at the time of his bankruptcy, and being then moneys belonging to the United States.

Mr. WILLARD, of Vermont. I wish to ask the gentleman from Ohio [Mr. GARFIELD] why the same provision as is made here for the protection of the interests of the United States because of the bankruptcy of Henry D. Cooke, or of Jay Cooke & Co., is not also made in connection with the paragraph relating to the Soldiers and Sailors' Orphans' Home, on page 26 of the bill.

Mr. GARFIELD. It was intended by the committee that that should be done. If the gentleman will draugh an amendment, making the same provision in regard to the Soldiers and Sailors' Orphans' Home, I will accept it.

Mr. WILLARD, of Vermont. Then I offer the following amendment.

After line 624 add the following:

And the Attorney-General is hereby directed to inquire into the necessity for, and to take any measure that may be most effectual to enforce any right or claim which the United States have to this money, or any part of the same, now involved in the bankruptcy of Henry D. Cooke, or of Jay Cooke & Co.

The amendment was agreed to.

Mr. CLARK, of Missouri. Understanding from various and, I believe, reliable sources that the fund appropriated for this Reform School in the District of Columbia by act of Congress of May 15, 1872, had been improperly withdrawn from the Treasury, and that there had been corruption in the disbursement of that fund, in order that we might find out who had squandered it and how it had been squandered, some weeks ago I introduced a resolution in this House, instructing the Committee on Public Expenditures in the Interior Department to investigate this matter and find out who had been guilty in the disbursement of this money, to find out where the money had gone, into whose hands it fell, and by what authority it went into the hands of a private banking house, whose suspension a short time afterward startled the country and produced a money panic such as was never before known in the country. We know that the public are suspicious of officials, and the reason is that men who have committed frauds on the public Treasury are not prosecuted and punished. I think, therefore, it would be well for this House to show the country that they intend to look into these frauds, and publish to the honest men of the country the names of those who perpetrate them on the public Treasury, as well as the officials who have permitted it. Some official was to blame when a private banking house was preferred to the Treasury of the United States as a depository. This money was withdrawn from the Treasury by H. D. Cooke, on a requisition of the Secretary of the Interior. What authority had the Secretary of the Interior for turning this money over to H. D. Cooke when he knew that he had only given a bond in the sum of $5,000 for the purpose of guarding the disbursement and paying out this large fund?

Now, I understand the facts in this case to be these: Henry D. Cooke drew from the Treasury of the United States from the 1st to the 3d day of August this large sum of money before this building for the Reform School had even been commenced. The Secretary of the Interior therefore must have known that he did not need the money for the purposes of this building. He knew that the building had not been commenced, and that therefore there was no necessity for the expenditure of a dollar. The Secretary of the Interior was, by the law making the appropriation for this purpose, the person chosen to select the site and pay for it, which he did on the 3d day of August, 1872. It is a remarkable fact in this connection that H. D. Cooke on the 1st day of August, 1872, drew from the Treasury, on the requisition of the Secretary of the Interior, $20,000 of this fund, and on the 3d day of August, $50,000, the same day that the Secretary of the Interior drew $30,000 to pay for the site; he was permitted to draw this money before there was any contract made for the building, and immediately after the Secretary had purchased the site. By reading the law you will see that the Secretary of the Interior was the most prominent official in this transaction. He was to guard the paying out of this liberal and charitable donation by Congress. He was the man to whom Congress looked to guard the fund, and see that it was taken out properly and was not lost. I will read the act. It is as follows:

SEC. 7. That the Secretary of the Interior be authorized to purchase a new site for said school, to be selected by himself and the board of trustees, on which buildings for the accommodation of three hundred boys shall be erected, under the supervision of the said Secretary, the board of trustees, and the architect of the Capitol; and for these purposes the sum of $100,000 is hereby appropriated: *Provided*, That before any part of this appropriation shall be drawn, plans and specifications of the building to be erected shall be made by the architect of the Capitol, and approved by the Secretary of the Interior; and the amount expended for the purchase of said site and the erection of said building shall not exceed the sum hereby appropriated.

How has the Secretary of the Interior discharged that trust?

[Here the hammer fell.]

Mr. GARFIELD. I do not know whether gentlemen desire to continue the debate on this clause. I was anxious to move to lay this bill aside, but if any further explanation is desired I shall be glad to make it, and will answer any questions that may be put to me.

Mr. HOLMAN. I desire to ask some questions.

Mr. GARFIELD. Then I will make a brief statement.

Mr. KASSON. Before the gentleman proceeds I desire to ask him whether in his judgment there is not some provision of law necessary to prevent the drawing from the Treasury of money appropriated until the work shall have actually been done or the service rendered. For example, we appropriated a certain amount for certain purposes in regard to this Reform School. That money was drawn in a lump and left lying in the hands of the treasurer hardly forty steps from the vaults of the United States Treasury. We have found before—I cannot now turn to the law, but it was passed during my former service here—that it was necessary to provide a clause which should keep in the vaults of the Treasury the money appropriated until it became positively due. My question is whether, in the opinion of the chairman of the committee, it is not expedient to provide in this bill a similar provision of law to keep the money in the Treasury until somebody has become entitled to it?

Mr. GARFIELD. The suggestion of the gentleman from Iowa is a very proper one, and the Committee on Appropriations will be glad if the Judiciary Committee or some other committee will prepare for some one of the annual appropriation bills—not the deficiency bill, which relates to the past, but some of the annual bills which provide for future expenditures on works of this sort—a measure like that which the gentleman suggests.

Now, by the law organizing the Reform School a board of trustees was created, and they were authorized to appoint one of their own number as treasurer. The law created that board before the new building was provided for, and in the early days of the organization it provided that the treasurer should give a bond to the amount of $5,000 only.

The law ought to have been changed when the new school building was put up, so as to increase the bond; but that was not done, and therefore the bond in this case covers but $5,000.

Furthermore, the law provided that the treasurer thus chosen from their own number by the board of trustees should be responsible for the use of the money; he was authorized to be the custodian of the

money. But it being a Government institution he is an officer of the United States, and therefore according to the law the moneys as drawn were drawn properly; that is, they were drawn legally. I do not think that hereafter moneys ought to be drawn in that way in any of these institutions. It would perhaps be difficult and troublesome if every small account to be paid had to be sent to the regular accounting officers of the Treasury before it was paid. For instance, a boy runs away from the Reform School, and some person is sent to Baltimore to catch him and bring him back; and the expense of that trip may be five dollars. Now, when he comes back that account cannot be paid until it is filed—for services, five dollars—and the account sent to the Treasury and passed by the regular accounting officers and adjusted, after a week or ten days or perhaps two weeks. That would be a very uncomfortable and uncertain way of doing business.

For that reason it has been the custom to draw the money out in lump. Mr. Cooke, the treasurer, drew out the money at the time they were putting up this building. On the 1st day of July last he had in his hands about $80,000 of this money. Between the 1st of July and the date of the failure of Jay Cooke & Co. he did not draw a dollar from the Treasury. The committee examined that matter in order to see whether there was any appearance of his having made a draft on the Treasury just previous to the time of his failure; for the suggestion arose that there was possibly a drawing out of funds preparatory to the breakdown. But so far as the committee were able to find, the evidence was all the other way; not a dollar was drawn by him after the 1st of July; and from the 1st of July to the date of the failure he paid out over $50,000 for the various expenditures of the school. In fact the regular expense fund, including salaries and other expenses, the building fund, and the other funds, were treated on his book as separate funds. But in his drafts upon the Treasury there was no distinction made; he drew the whole amount in the lump, and paid it out indifferently to one fund or another as the drafts were presented to him. The result was that one of these accounts he overpaid very considerably; and of course in doing so it left one of his other funds short.

In the book before us we have a certificate showing the exact state of the fund at the date of the failure. This fund amounted to $18,386.58 at the time of the failure. Of course as Mr. Cooke kept his accounts in the bank of Jay Cooke & Co., when it closed all the assets were put together. We believe the United States are preferred creditors, or rather we believe the Government has the right to assert that it was our money that was held there by a Government officer; that Henry D. Cooke was, in his capacity of treasurer, being the trustee of a Government institution, to that extent a United States officer. Therefore we believe the United States has the right to take out of the assets this $18,000 before a distribution is made to the creditors. That is the reason why we here provide that the Attorney-General shall proceed to collect out of the assets that amount as a fund of the United States.

But in the mean time the man who erected the building under contract according to law is a poor man, out of his money, and is paying a large amount for interest; for he has tried to pay his own hands and for his own material out of his own means, and is in great and suffering need for his payment. The committee heard him as well as the trustees of the institution. They are satisfied on the ground of equity and law that we are bound to make this amount good. And the committee accompany it with a provision that the Government shall retake its own whenever it can be done.

[Here the hammer fell.]

Mr. CLARK, of Missouri. I withdraw the amendment.

Mr. BECK. I renew it. I am not familiar with this matter, but it seems to me there has been an embezzlement, and that we are required to make an appropriation here to make it good without an investigation into the causes of it. Whatever may have been the organization of the Reform School, whatever may have been the rights of the treasurer of that Reform School under that organization, the act of May 15, 1872, makes the Secretary of the Interior the custodian of this money. Section 7 of that act reads as follows:

SEC. 7. That the Secretary of the Interior be authorized to purchase a new site for said school, to be selected by himself and the board of trustees, on which buildings for the accommodation of three hundred boys shall be erected, under the supervision of the said Secretary, the board of trustees, and the architect of the Capitol; and for these purposes the sum of $100,000 is hereby appropriated: *Provided*, That before any part of this appropriation shall be drawn, plans and specifications of the building to be erected shall be made by the architect of the Capitol, and approved by the Secretary of the Interior; and the amount expended for the purchase of said site and the erection of said building shall not exceed the sum hereby appropriated.

One hundred thousand dollars was put into the care of the Secretary of the Interior; and as the gentleman from Missouri [Mr. CLARK] said a few moments ago, it was drawn out of the Treasury on his requisition. Neither Henry D. Cooke nor anybody else besides the Secretary of the Interior could take that money out of the Treasury, whether as treasurer of the Reform School or in any other capacity. The Secretary of the Interior had to issue his requisition before that money could be drawn. What did he do with the money? Did he apply it to the purpose specified by the law? No; he put into the hands of Henry D. Cooke and into the banking-house of Jay Cooke & Co. $70,000 of that money. What does the law provide on this subject? The act of 1846 declares that—

If any disbursing officer of the United States shall deposit any public money intrusted to him in any place or in any manner except as authorized by law, or shall convert to his own use in any way whatever, or shall loan with or without interest, or, for any purpose not prescribed by law, shall withdraw from the treasurer or any assistant treasurer, or any authorized depositary, or for any purpose not prescribed by law shall transfer or apply any portion of public money intrusted to him, every such act shall be deemed and adjudged an embezzlement of the money so deposited, converted, loaned, withdrawn, transferred, or applied; and every such act is hereby declared a felony, and upon conviction thereof shall be punished by imprisonment with hard labor for a term not less than one year nor more than ten years, or by a fine of not more than the amount embezzled nor less than $1,000, or by both such fine and imprisonment, at the discretion of the court.

This money was withdrawn from the Treasury on the requisition of the Secretary of the Interior; it was placed in the hands of private bankers; it was given to a man who had no authority by law to receive it. It is gone, that is admitted. Now, I want to know whether the provision of law to which I have referred has not been violated, and if so, why the matter has not been looked into? I am told here on the floor that the surety on the bond, the governor of this District, has not even been sued for this money. Is not that the fact?

[Here the hammer fell.]

Mr. HOLMAN. I move to amend the paragraph by adding the following:

And to inquire into the embezzlement of the public moneys and ascertain who is responsible therefor, and institute such prosecution as public justice may require, and that he report his proceedings therein to Congress in his next annual report.

Mr. GARFIELD. I make a point of order on that amendment. To provide for an investigation as the amendment proposes is new legislation. I object to the amendment particularly on account of the use of the word "embezzlement," which I think a very offensive term.

Mr. HOLMAN. Is not the offense in question embezzlement?

Mr. GARFIELD. No, sir; it is not so according to any dictionary or legal sense of the word; and I am sorry that the gentleman from Indiana uses that word in such a connection.

Mr. BECK. I have read the law. What is the offense under that law if it is not embezzlement?

Mr. HOLMAN. Upon the point of order I wish to say that the amendment is clearly germane to the paragraph. I do not contend that the paragraph itself is germane to the bill.

The CHAIRMAN. The Chair will have to overrule the point of order, on the ground that the amendment seems to be germane to the paragraph.

Mr. GARFIELD. I suppose then the point should have been made against the paragraph.

Mr. HOLMAN. Certainly it might have been; but surely not against a germane amendment.

Mr. GARFIELD. I presume the Chair is correct in his ruling.

Mr. HOLMAN. Mr. Chairman, I would be very reluctant to use any term implying a criminal offense unless it could properly be used in this connection. I would not unnecessarily asperse the reputation of any person connected with public affairs, whether holding a public office or a private position, by employing an improper term in reference to his acts. But I seriously differ with the gentleman from Ohio [Mr. GARFIELD] when he states that this is not a case of embezzlement. I believe it would be embezzlement under the statute of his own State or of my State, neither of which is more specific or definite than the law of the United States applicable to this subject.

The gentleman is aware that this money is lost to the Treasury. I do not pretend to say who is responsible for the loss; but the statute against embezzlement was intended to protect the public funds from being appropriated to any private use. These funds were appropriated to private use; will the gentleman deny that? And is it not embezzlement to appropriate to private use public funds, which for many reasons ought to be regarded as sacred? Is not that embezzlement in law and according to all criminal codes?

From the history of this transaction, or from what has come to the knowledge of the House, I do not undertake to say who is responsible for the loss of this money; but clearly it has been withdrawn from the Treasury and applied to a different purpose from that for which it was appropriated, it has been applied to a private use; and when money is thus lost to the people is it not embezzlement? If not, what is it?

Mr. HALE, of Maine. I ask the gentleman from Indiana to consider whether it is by any means certain that there has been anything like an embezzlement. Let me put the case to the gentleman. On the bankruptcy of Jay Cooke & Co., involving Henry D. Cooke, who was the treasurer of the institution, all his funds were seized; and it was claimed by the assignee that he was entitled to take possession of this balance in the hands of the treasurer of the Reform School as well as all other funds. I have my doubts about that; and because there is doubt upon that question the provision has been inserted here that the Attorney-General shall take procedings to recover this money. I think the United States can follow this fund and recover it. If so, it will be received from the estate, and there is clearly no embezzlement.

Mr. HOLMAN. Suppose a banker and a township trustee or a county trustee, holding any official trust, any trust in connection with the discharge of official duties, should deposit the money of that trust with his general funds and use it the same as his general funds, would the gentleman from Maine say there was no embezzlement in that case?

Mr. HALE, of Maine. But suppose when he fails he has a balance on hand more than the amount of the public funds, and his assignees claim it?

Mr. HOLMAN. Let me put to my friend from Maine this question: If the fund is withdrawn by the party authorized to withdraw it, if the trust funds are withdrawn by the trustee; if, as in this case, these funds are withdrawn from the Treasury upon a certain condition, and when the funds are withdrawn the trustee shall not apply them to the purposes for which they have been withdrawn from the United States Treasury, and shall put them into his general funds and use them as a part of his general funds, does the gentleman from Maine mean to say that is not embezzlement? In my judgment it is embezzlement upon two grounds. In the first place, he ought not to have withdrawn it from the Treasury and from the safeguards of the Treasury. It was embezzlement under the law in withdrawing it from the Treasury itself, where it was safe. Secondly, it was embezzlement on his part in mingling it with his own funds and subjecting it to the perils of his own funds.

Mr. HALE, of Maine. That was entirely wrong. That was not the highest kind of care, to mingle trust funds with his general funds. But I fancy most men exercising public trust and drawing money from that source do not put it in a separate and distinct place. Very few men do that. I wish they did. I wish it had been done here. It does not, however, involve a question of embezzlement, provided at the time of his failure he had funds on hand, and, so far as he was concerned, was willing to turn them into the hands of the Government, but his assignees claimed them.

Mr. HOLMAN. Is not that embezzlement, under the act of Congress?

Mr. HALE, of Maine. I think not.

Mr. CLARK, of Missouri. Let me say to the gentleman from Maine, I understand the gentleman who put up this building for this Reform School went to Governor Cooke repeatedly for his money, but could not get it.

Mr. HOLMAN. If it suits the gentleman I am willing to use any other word than "embezzlement." I am willing to substitute the word "loss" for "embezzlement."

Mr. HALE, of Maine. That is much better.

Mr. HOLMAN. I wish to say here distinctly, as a Representative of the people, I am not going to discriminate against men in humble employment and in favor of those in high employment as to the manner in which they conduct their business and discharge their duties. The higher the employment the more imperative it is we should have purity, integrity, and good faith in the discharge of the public trusts. Whenever the American people are willing to tolerate frauds on the part of those high in position and only punish the humble citizen for a corresponding offense, then we have lost all our manhood as a people.

[Here the hammer fell.]

Mr. GARFIELD. I wish to say a word in regard to the amendment. In the remarks I first made, as well as in the remarks made by the gentleman from Maine, we pointed out what we regard as a loose method in any one of these offices of mingling two funds and of drawing the whole money in a lump. It ought, as far as possible, to be the rule in all the disbursements of the Government whenever a separate purpose is designated in an appropriation bill there ought to be a separate account kept and a separate fund constantly in mind in reference to each of the separate purposes. In most of these institutions to which we have paid money that has not been done, perhaps.

When they began to build this institution they found this trouble: On Saturday they desired to pay off their workmen, the common laboring men, working during the week on the building; and they gave them an order on the Treasury of the United States, or on the Secretary of the Interior, for the money, to go there with the order late on Saturday, perhaps to find the Department closed, or to go there early enough to find it open, and they had to go through all the circumlocution office of the accounting division of the Treasury before they could get payment for the week's work. It was an oppression and hardship. In many instances men who could not sign their names and who had to make their marks were exposed weekly to go through the Treasury Department in order to obtain their week's wages. It was therefore agreed on all hands, for the carrying on expeditiously of the work on the building, the money had better be drawn in a lump so as to be paid here at the bank under the direction of the treasurer. They were not without warrant of law for that. In the section read by the gentleman from Kentucky, [Mr. BECK,] and I believe he did not read the whole of it, where the money was appropriated for the erection of the building, there is to be found a provision that it was to be erected under the supervision of the said Secretary, that is, the Secretary of the Interior, a board of trustees, and the architect of the Capitol. The board of trustees were brought in as one of the legal powers to have the control and management and protection of any expenditure of this $100,000 appropriated in the act of May 11, 1872. That board of trustees voted and ordered the treasurer to make a draft on the Secretary of the Interior for the whole sum in a lump to the amount of $85,000, and he drew it as the treasurer under the orders of the board of trustees. He honored the drafts for money from week to week, and paid out from the day that amount was drawn and paid into his hands up to the day of his failure $50,000, paying and honoring all the drafts that came to him. He did not go and deposit it where it would be lost, but kept it in his own safe in the office where he transacted his business. That office happened to be the banking house of Jay Cooke & Co., and when the banking house of Jay Cooke & Co. failed, the safe in which this and other moneys was kept was taken charge of, of course, by the officers who took charge of this bank.

Mr. FORT. I desire to ask the chairman of the Committee on Appropriations whether he intends to state to the committee that the Reform-School building was erected by the trustees themselves and not by contractors? Does he intend to state that the payment of laborers engaged in the work on that building was made directly to them in any instance?

Mr. GARFIELD. I mean to say that in part it was. In the main there was a contract for the building. But while the building was being put up there were fences to be erected, drains to be constructed, walks to be made, various improvements to be made on the farm as well, and there were also the ordinary expenses of the boys who were there. Every week brought its bills. And according to the terms of the contract the trustees made payments from week to week to the contractor so as to enable him to pay his men, and so as to keep the pay abreast with the work. In this way there were payments to the contractor, and at the same time there were some payments to individual workmen about the farm. The gentleman from Illinois [Mr. FORT] looks incredulous, but these are the facts of the case.

Mr. MAYNARD. I desire to ask the gentleman whether this officer, as the treasurer of the Reform School, gave bonds for the moneys which might be in his hands?

Mr. GARFIELD. He gave bonds to the amount of $5,000. That was under the old law, before the building was ordered to be erected.

Mr. MAYNARD. I see great force in the remarks of the gentleman from Ohio that the treasurer should have moneys in his hands to meet certain emergencies; and that being a banker he might keep them in his bank. But I would ask the gentleman whether he does not think that the law should be changed so as to require an increased and more efficient bond—a bond for an amount commensurate with the sum of money the treasurer is likely to have in his hands?

Mr. GARFIELD. I have suggested that that should be done hereafter. But that was not put in the law.

Mr. HAWLEY, of Connecticut. When the firm of Jay Cooke & Co. suspended the money in the bank was partly that of their general business and partly the special Government funds in their hands. Now, if Mr. Cooke had suspended before being thrown into bankruptcy, and refused to give up any of that public money, what would have been the result?

Mr. GARFIELD. The property went over of course immediately into the hands of the receiver. It was not in his own custody a day after the failure.

Mr. HAWLEY, of Connecticut. I understand that it was for some time.

Mr. GARFIELD. Not at all; but we undertake to provide here that we shall insist that this is our money, and that effectual measures shall be taken to enforce the rights of the United States.

Mr. HAWLEY, of Connecticut. I understand that after the suspension the contractor applied for his money to the treasurer, and he retained it that it might go in with the general settlement.

Mr. MAYNARD. Let me make this further suggestion to the gentleman from Ohio, whether this fund shall not be considered in law, as held by this officer as a special and separate fund in his own possession, to be applied as such, and whether the court of bankruptcy if appealed to would not so adjudge?

Mr. GARFIELD. We direct the Attorney-General to demand this as money of the Government.

Mr. MAYNARD. If this was a specific fund that he should have withdrawn and appropriated for this particular purpose, his going into bankruptcy did not change its character.

Mr. GARFIELD. For the reasons I have stated it seems to me cruel, unjust, and in the highest degree unworthy of us to trample upon a man who has fallen in his fortunes by fastening on him the word embezzlement, or to demand an investigation as though some fraud had been committed. The Committee on Appropriations called Governor Cooke before them and called the board of trustees before them. The books of the treasurer were brought. The trustees themselves made a full exhibit. Mr. Cooke himself was examined and cross-examined in regard to his whole transactions in this trust from beginning to end. The committee made inquiries in regard to every particular, and I can speak for every member of that committee, without regard to party distinction, when I say that they were satisfied that what had been done had been done in a plain, straightforward, business manner, in accordance with the invariable custom of that institution from first to last, with the approval of the Secretary of the Interior, and the consent and approval of the accounting officers of the Treasury.

The mistake has been simply in the method of doing business, in uniting funds that ought not to have been united. That ought to be corrected in the future; but as regards the past, we claim that it is the plain duty of Congress to appropriate this money, and that we should take no part in the attempt to fling insinuations upon an unfortunate man who was greatly trusted, and fell in consequence of the great financial calamity which overspread the country.

Mr. SOUTHARD. I desire to make a suggestion. The question as I understand it is not whether Mr. Cooke failed or not, but whether a public officer, the Secretary of the Interior, drew the money contrary to the provisions of the law and deposited it in a private banking association. That is the question.

Mr. GARFIELD. The Secretary of the Interior did not deposit it in any private banking institution at all. He drew the money and delivered it over to the treasurer of the Reform School, who is a bonded officer authorized by law to receive the money and disburse it in accordance with the orders of the board of trustees. The Secretary of the Interior performed his duty merely when he drew a warrant on the Treasury payable to the order of the treasurer of the board of trustees. The deposit was made by the treasurer for his own convenience and in his own name.

Mr. SOUTHARD. The treasurer of the Reform School?

Mr. GARFIELD. Certainly.

Mr. SOUTHARD. But the Secretary of the Interior permitted him to draw in a gross sum the whole amount of money, when the work had not been done and there had not yet taken place the conditions on which the money should be paid.

Mr. GARFIELD. A contract had been made for the building and money was being paid out day by day and week by week. They commenced at first by presenting each individual draft or voucher to the Secretary of the Interior. It was found to be almost impossible to transact the business in that way, and after examining the law under which the appropriation was made, the Secretary of the Interior believed that he had the right to turn the money over to the treasurer of the Reform School.

Mr. SOUTHARD. Here was a work going on in the District of Columbia, where it was easy, as the work was done, to draw from time to time the amount of money needed to pay for it; but instead of that the money was drawn in a gross sum by an officer without any bond to cover it, and it was lost by the action of the officer to whose care it was intrusted.

Mr. GARFIELD. Perhaps my colleague ought to say that it was lost because Congress failed to provide for a bond sufficiently large to cover the sum appropriated. The old bond of $5,000 was large enough to cover the sums that would ordinarily go into the hands of the treasurer of the Reform School; but when Congress appropriated $100,000 for that institution it neglected to provide for an increase in the amount of the bond.

Mr. SOUTHARD. I suppose Congress understood that the law which the gentleman from Kentucky has read, prohibiting an officer from drawing money for any purpose not provided for, was a sufficient guarantee.

Mr. GARFIELD. I do not think that that law applies to this case. This case stands under a special statute in which the money was appropriated. I do not regard the general law to which the gentleman from Kentucky referred as applicable to it at all.

Mr. SOUTHARD. Allow me one further suggestion. This statute that the gentleman from Ohio refers to I understand empowers the Secretary of the Interior and the board of trustees simply to take charge of the erection and construction of this building. It does not empower them to draw the money before they have built it. They are to superintend the construction of the building. But it was not intended, as I understand the statute, to affect in any way the right or the duty of the Secretary of the Interior as to the manner of drawing the money from the Treasury.

The CHAIRMAN. Debate is closed on the amendment.

Mr. HOLMAN. I will modify my amendment by substituting the word "loss" for "embezzlement;" so that it will read as follows:

And to inquire into this loss of the public moneys and ascertain who is responsible therefor, and institute such prosecution as public justice may require, and that he report his proceedings therein to Congress in his next annual report.

The amendment was agreed to.

Mr. WILLARD, of Vermont. I offer the following as an additional section to the bill:

SEC. —. That it shall not be lawful for any Department of the Government to expend in any one fiscal year any sum in excess of the appropriations made by Congress for that fiscal year, or to involve the Government in any contract for future payments of money in excess of such appropriations; and any violation of the provisions of this section by any officer of the Government shall be deemed a misdemeanor, and be punished in the manner provided for the violation of section 3 of the act approved July 25, 1868, and entitled "An act making appropriations to supply deficiencies in appropriations for the service of the Government for the fiscal year ending June 30, 1868, and for other purposes."

Mr. BUTLER, of Massachusetts. Is not that amendment liable to the point of order?

Mr. WILLARD, of Vermont. On the 6th day of April last the gentleman from New York, [Mr. WHEELER,] a member of the Committee on Appropriations, offered the resolution which I send to the Clerk's desk and ask to have read; and it was adopted by the House.

The Clerk read as follows:

Resolved, Pending the bill making appropriations to supply deficiencies in the appropriation for the service of the Government for the fiscal years ending June 30, 1873 and 1874, and for other purposes, in the Committee of the Whole on the state of the Union, it shall be in order to offer for consideration an amendment providing that any violation of the provisions of section 7 of the act of July 12, 1870, by any officer of the Government, shall be deemed a misdemeanor and punishable in the manner provided for in section 3 of the act of July 25, 1868.

Mr. WILLARD, of Vermont. This amendment is the law as it now stands. A general statute provides that it shall be unlawful for any officer of the Government to make any contract or involve the Government in any expenditure of money beyond the appropriations for the fiscal year. The right which the gentleman from New York got by his motion was to add to that the penal part of another statute, which I ask the Clerk to read. It is section 3 of the law of July 5, 1868.

The Clerk read as follows:

That hereafter no contract shall be entered into for the erection, repair, or furnishing of any public building, or for any public improvement whatever which shall bind the Government to pay a larger sum of money than the amount in the Treasury appropriated for the specific purpose. And if any officer of the Government shall knowingly contract for the erection, repair, or furnishing of any public building, or for any public improvement which shall bind the Government to pay a larger amount than the specific sum appropriated for such purpose, such officer shall be deemed guilty of a misdemeanor, and upon conviction thereof by a court of competent jurisdiction, shall be punished by imprisonment not less than six months nor more than two years, and shall pay a fine of $2,000.

Mr. WILLARD, of Vermont. Now, the object of the amendment I have offered is simply to add the same penalty which is already in the statute against any contract for any public work in excess of the appropriation to the other provision of law which now stands against making any expenditure or authorizing any expenditure beyond the amount of the existing appropriation. Both of those provisions of law were put upon deficiency bills, and of course for the very purpose of preventing as far as possible the necessity of subsequent deficiency appropriation bills. It occurred to me when the gentleman from New York offered his amendment that if the law was to stand it was very proper that some penalty should attach to it; and the penalty here proposed is the same penalty which is attached to another provision of the statute against unauthorized expenditures of money.

Mr. GARFIELD. I will not oppose this amendment, but I must say I am afraid it will work badly in some portions of the financial machinery. But I am willing to let it go, and we will look at it afterward.

The CHAIRMAN. The Chair must overrule the point of order, because the amendment was made in order by a suspension of the rules.

The amendment was agreed to.

Mr. GARFIELD. I move that this bill be now laid aside, to be reported, with the amendments, to the House.

The motion was agreed to.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. GARFIELD. I move that the committee now proceed to the consideration of the consular and diplomatic appropriation bill.

The motion was agreed to.

Mr. GARFIELD. I ask unanimous consent that the first formal reading of the bill be dispensed with.

Mr. HOLMAN. I must object until after the general debate has been concluded, or until after the gentleman from Maryland [Mr. SWANN] has addressed the committee.

Mr. SWANN. I recommend that one hour be allowed for general debate. There are a number of gentlemen from the Committee on Foreign Affairs who desire to be heard upon a portion of this bill which has engaged the attention of that committee. I suggest, therefore, one hour for general debate, after which the discussion can proceed under the five-minute rule.

I am glad to say that the provisions of this bill do not differ materially, if at all, from the bill reported by me last year from the Committee on Appropriations. Its provisions in fact are substantially the same, with a few immaterial exceptions which I will proceed briefly to point out. There is no change in any of the officers which are enumerated in this bill, with the single exception of the consulate at Vienna. Last year this House raised the salary of that consulate to $5,000 a year, in view of the approaching international exhibition. By the action of the Committee on Appropriations that salary has been put back to $3,000 a year instead of $5,000 where it then stood.

The only point of variance of any importance will be found in the item for contingent expenses of foreign intercourse proper. In that item there is an increase of $31,000, which has been brought about by the action of the House at its last session increasing the amount to be paid for rent 20 per cent. With that single exception the bill proper will be found to be identical with the bill reported by me last year.

The Committee of the Whole will find that this bill makes provision for three commissions—the Spanish commission, the Mexican commission, and the British commission under the treaty of Washington. In relation to the Spanish commission, the arbitrators have been proceeding with great industry and vigor; a large amount of claims have been reported upon and considered, and up to this time there is a favorable report from the State Department, showing that thus far the United States have not had imposed upon them any extraordinary burden from this source. And the expectation is that, going on in the way they have heretofore done, the commission will wind up its labors with advantage to the Government when the final award shall have been arrived at.

In regard to the Mexican commission—suspended for a short time owing to political complications which intervened, but the commissioners are again actively engaged—the result so far has been largely in favor of this Government. On account of grave differences of opinion which arose in that commission, it became necessary to refer to arbitration some of the disputed questions touching a large class of these claims. I am happy to state that the gain to the United States has been very large.

The person named as arbitrator by the State Department to adjudicate and determine the points in controversy between the two governments was Sir Edward Thornton, the British minister accredited to this Government, and so far he has adjudicated claims amounting to upward of thirty millions, which have thus far been saved to the

United States by this commission and the distinguished arbitrator appointed by the Department under it. In regard to the British claims commission which has been at work since the ratification of the treaty, the same satisfactory results have been arrived at in disposing of a large number of claims referred to it, amounting in the aggregate to some $90,000,000 and upward. It has thus far adjudicated some $1,929,819, which is provided for in this bill. These are the commissions which have been sitting here in the city of Washington, and it will be seen that the claims adjudicated have amounted to a large sum, and have relieved this Government of a very heavy weight of responsibility in the settlement of claims which have been many of them of long standing, but which are now decided in favor of this Government.

These are points to which I thought it my duty to call the attention of this House, because it showed the vigilance with which this whole subject has been conducted by the State Department, and which has thrown a very large amount into the Treasury which had been held in abeyance heretofore, but is now finally disposed of.

I will state, Mr. Chairman, there is another point of very great importance which will engage the attention of this committee, and that is the part of this bill which has been in charge of my honorable friend who sits near me, [Mr. ORTH,] chairman of the Committee on Foreign Affairs, and that is the reorganization of the consular and diplomatic system.

This House is aware that the subject has frequently come up here in the course of discussion in reference to the position of those who occupy places under the consular system. A great deal of confusion has sprung from it, and it has been necessary and even urgent for some time past that the whole subject should be taken up and acted upon. Efforts have been made heretofore to change the location of some of these officers, but up to this time no progress has been made in any approved system of reorganization toward the final settlement of this important part of the bill. Some of these officers, sir, have been placed almost in juxtaposition by the changes which have taken place in the governments abroad. Some of these officers have been rendered useless. The pay of some has been too large and others too small. So a reorganization, in order to enable the State Department to operate with that freedom and that system necessary to the successful operations of that Department, has become imperative. These offices have been so mixed and got into such a position as to make it absolutely necessary that a reform should be made and that speedily.

I am happy, sir, to say this subject has been referred to the honorable chairman of the Committee on Foreign Affairs, and so far as I have been enabled to judge of the result of his labors and those who co-operated with him, I am prepared to state to the House it has been managed with great caution, prudence, and ability. It has received, too, the cordial sanction of the State Department. Although I shall find it necessary to offer an amendment to the amendment submitted by the chairman on Foreign Affairs, which will be under discussion in considering this bill, and which I propose to accept as an amendment to the consular and diplomatic bill, I am happy to say, sir, on free conference with the Department of State and examination into this question and the needs of the public service, there has been entire accord between the honorable chairman of the Committee on Foreign Affairs and the State Department on this subject. Further, sir, I am happy to be able to state the amendment I propose to offer to this bill, or rather to the amendment to be presented by the gentleman who sits near me, accords entirely with the view taken by the examination I have been able to give this bill, and when presented to the House will come here not only with the sanction of the committee which I have the honor in part to represent, but that of the honorable gentleman who stands here as chairman of the Committee on Foreign Affairs. It comes with the entire sanction and accord of both of these committees representing the public service in these Departments.

It is proper for me to state, Mr. Chairman, that this subject of the organization of the consular system has impressed itself upon me for years past as a thing proper to be done, a thing necessary to be done, a thing which has become almost imperative; and my judgment is, from a fair and impartial examination of this whole subject, it will be found to inure not only to the benefit of this Government but may be attended with the advantage of saving the public money hereafter. I think it will be a move in the right direction of economy, and I am prepared to give my friend here my cordial indorsement in support of the bill which will be presented by him, and which I will accept with the sanction of the Committee on Appropriations as a part of the bill I have reported to the House.

There is another item, Mr. Chairman, to which I would briefly allude, for I do not propose to detain the House by extended remarks upon this subject. It has reference to the claim which has been referred to the Committee on Foreign Affairs and which has been carefully examined by that committee, and which has been referred by it to a sub-committee. It will appear as a part of this bill reported to this House, and at the proper time I shall call upon the gentleman who has charge of that subject on behalf of the Committee on Foreign Affairs to explain it, as the subject was new to the Committee on Appropriations, and has been thoroughly examined by that gentleman, [Mr. E. R. HOAR.]

I will say, Mr. Chairman, in reference to the adjustment of all these important questions relating to the foreign relations of the Government, to the constant intercourse which is daily going on between the State Department and all its agents, both diplomatic and consular, that the action of the State Department seems to have been in the right direction. They have been at all times willing to lean on the side of economy in all the offices which belong to that particular Department and are under its supervision. I have found there every disposition to economize. Their labors are in the direction of economy, and I think that the amendment when it is presented in connection with this bill by the gentleman from Indiana who sits on my left [Mr. ORTH] will be found by this House to be a measure suggested in the interest of economy, while at the same time facilitating the public service and inuring greatly to the benefit of this Government.

There is another matter to which I beg leave briefly to refer. It is in reference to the northern boundary, in connection with which there is asked here an additional appropriation of $150,000. In order, sir, to put the committee in possession of full information in regard to this important matter, as a good deal has been said about the large increase of expense which it will be likely to entail upon this Government, I am happy to state here that so far as I have been able to give this subject my attention no material addition to this appropriation is likely to be required. This boundary survey has been going on most prosperously, although under great disadvantages, and when completed I am satisfied it will inure greatly to the benefit of this Government. Already, sir, by the decisions which have been arrived at this Government comes into possession of a strip of territory, running from the Lake of the Woods to the summit of the Rocky Mountains, one mile in breadth, forming the most magnificent boundary that this Government could have upon its northern borders. Up to this time the acquisitions which have been made under the surveys which have been going on, and which have been faithfully prosecuted, will amount to one mile wide of territory, extending along that northern boundary from the Lake of the Woods to the Rocky Mountains, including a tract of territory which covers perhaps some five or six hundred thousand acres of land. Looking at it from a material point of view, it might be estimated in fact to be worth to the United States nearly $1,000,000, to say nothing of the convenience of the boundary which it establishes there, removing any foreign government a mile from the territory claimed by the United States, while if the survey had been left in an unfinished condition this country might have been involved on account of that boundary in a war at any time.

There are strategic points along the line of this boundary which may inure to the benefit of Great Britain, or any other foreign nation that may be disposed to run railroads or to intrude upon our territory. And in that view, if this line comes to be established, I think there will be a large gain to this Government; and I look upon that acquisition, as far as obtained by the survey made up to this time, as worth substantially and materially more than $1,000,000 to the United States. I think that has been accomplished by the survey so far as it has proceeded.

Now, sir, I desire to have some documents read, in order to put the committee in possession of the facts in regard to this northern boundary. And I may say here that this boundary has been confounded with another boundary which has been appropriated for by Congress and which has been completed. This is the northern boundary, and not the northwestern boundary as is sometimes stated. The two have been confounded, causing error in the calculations in regard to the expense which has been incurred in running this line. I ask the clerk to read the letter I send to the desk from the Secretary of State in regard to this boundary line, and what has been done under it.

The Clerk read as follows:

DEPARTMENT OF STATE, WASHINGTON, *April* 23, 1874.

SIR: Referring to our conversation of yesterday, I have the honor to inclose—

1. A memorandum respecting the northern boundary of the United States, which will explain for what boundary line the appropriation is asked, and the reason for asking it.

2. The original estimate of General Humphreys for the work, estimating the expense of completing the work at $375,000.

3. A report from the commission showing what remains to be done, and that the field-work will probably be completed this year. The appropriations expended to this time have amounted to $175,000. The amount now asked for is $150,000. The field-work, therefore, will probably be completed within the original estimate.

I have the honor to be, sir, your obedient servant,

HAMILTON FISH.

Hon. THOMAS SWANN,
House of Representatives.

Mr. SWANN. I desire also to incorporate in my remarks the following very interesting history of this boundary line, for the information of the committee, made up from official sources:

[Inclosure 1.]

1. The forty-ninth parallel is supposed to have been agreed upon as the boundary between French and British possessions under the treaty of Utrecht, but there being no settlements in the country the line was not actually run on the surface of the land at that time.

2. The possessions of the United States, under the treaty of 1783, extended only as far west as the northwest corner of the Lake of the Woods. (Treaties of the United States, pages 309, 310.)

3. In 1803 the United States acquired Louisiana of France. This acquisition extended their northern boundary westward from the Lake of the Woods to the western limit of French Louisiana. (Treaties of the United States, page 275.)

4. In 1818 a treaty was made with Great Britain by which it was provided that the boundary between the two possessions should start from the northwest corner of the Lake of the Woods, run thence north or south (as the case might be) to the forty-ninth parallel, and thence by the forty-ninth parallel west to the summit of the

Rocky (called in the treaty Stony) Mountains. (Treaties of the United States, page 351.)

[This is the portion of the boundary to which the appropriation in question relates.]

5. In 1819 the United States acquired the title to Columbia. Under this title and the French title to Louisiana, and the discoveries and occupations of Columbia by citizens of the United States, we claimed the Pacific coast from California to the Russian possessions, *i. e.*, to 54° 40′, which had been established by treaty as the Russian southern boundary. Great Britain laid claim to the whole or part of this territory.

6. In 1818 a joint occupation of the disputed territory west of the Rocky Mountains had been agreed upon for ten years. This was extended in 1827, and was continued until 1846. (Treaties of the United States, pages 351 and 364.)

7. In 1846, by treaty, it was agreed that the disputed boundary should be run upon the forty-ninth parallel, from the summit of the Rocky Mountains, where the former agreed line terminated, to the middle of the channel separating the continent from Vancouver's Island, thence down the center of the channel to the Strait of Fuca, and thence by the Strait of Fuca to the ocean. (Treaties of the United States, page 375.)

8. In 1856 a joint commission was created for the purpose of marking the part of the boundary settled by the treaty of 1846 on the surface of the earth. (Section 11 United States Statutes at Large, page 42, for appropriations.) The work was completed so far as related to the land boundary settled by that treaty.

[The appropriations for doing this work run through a series of years.]

9. Not being able to agree upon so much of the boundary settled by the treaty of 1846 as was under or through water, the question was referred to the Emperor of Germany by the treaty of Washington, and it has been decided in favor of the United States. (Treaties of the United States, pages 426 and 427.)

10. But in 1870 it was supposed, from some observation made by an officer in the Army of the United States, that there was a misapprehension about the true position of the forty-ninth parallel at Pembina, on the Red River, a part of the line settled by the treaty of 1818. Settlements had begun to appear upon the Red River. A post was standing there which had been erected several years previously after observations made with somewhat imperfect instruments, by an officer of the United States Army, which post had been assumed by the officials of both governments to be the true boundary. New observations showed this to be incorrect. The War Department had buildings and a reservation at Pembina, on the frontier. There was a post of the Hudson Bay Company near it, within what was supposed to be British territory, occupied by British troops. Settlers were taking up lands on both sides of the line, and it became important to have the actual line of boundary defined and marked on the surface of the earth. It was therefore agreed informally that whenever the legislative departments of the two governments would sanction it by appropriations, a careful survey should be made, and the line between the Lake of the Woods and the summit of the Rocky Mountains should be marked out, as the line between the summit of the Rocky Mountains and the Georgian Gulf had already been marked out. (Foreign Relations, 1870, page 399.)

11. Estimates were therefore called for from the War Department, which were submitted to Congress with the message of the President. (Foreign Relations, 1870, page 406,) and the President recommended an appropriation for such a commission. (Foreign Relations, 1870, page 9.)

12. On the 19th of March, 1872, an act was passed authorizing the survey and marking of this part of the boundary line, (Laws of Forty-second Congress, second session, page 73, chapter 62,) which was communicated to the British minister at Washington. (Foreign Relations, 1872, page 173.)

13. The British Parliament has also made an appropriation for the same purpose, and a commission with a corresponding force has been appointed by the British government, and they have been at work one year, during which they have established the boundary at Pembina, have taken observations to ascertain the northwest corner of the Lake of the Woods, and have worked up on the line between Pembina and the Lake of the Country. They are now working up in the office the field-work of the last year, and are ready to go to work in the spring as soon as the state of the country will permit.

14. The point on the Red River near Pembina, which has heretofore been assumed to be on the forty-ninth parallel, is ascertained to be at some distance south of the real forty-ninth parallel. Settlements are being made rapidly in this region, and questions of jurisdiction and property are involved in the determination, which cannot result otherwise than in securing to the United States a strip of land of considerable value, extending the length of the boundary line between the two possessions.

15. It is respectfully submitted that, under these circumstances, it would not be to the interest of this Government, to say nothing of its not being courteous toward Great Britain, to discontinue the joint survey which Congress and the Government of the United States have authorized to be made, which has already been begun with assurance of advantages to this Government.

I also send to the Clerk's desk and ask to have read a letter of General Humphreys, of November 23, 1870, giving the details of his estimate, and I send with it a communication from Mr. Archibald Campbell, who is chief engineer of that survey, and a letter of Captain Twining, who has been employed as chief astronomer in running that survey, to Mr. Campbell. I ask that they be read for the information of the House.

The Clerk read as follows:

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., November 23, 1870.

SIR: In reply to the communication of the 7th instant, from the Department of State, asking for an estimate of the probable cost of surveying and marking the boundary between the United States and the British possessions, from the Lake of the Woods to the Rocky Mountains, I beg to reply that a properly organized commission, with two sets of astronomical and surveying parties to expedite the work, would require, from the estimate hereunto annexed, an expenditure of about $100,000 yearly while actually engaged upon field duties.

But it is not possible to state with certainty the length of time required to trace and mark the whole line, as the progress that would be made depends upon the nature of the country to be passed over.

The line is about eight hundred and sixty miles long. The season for working to advantage is short, and although the country is generally an open one, the number of astronomical stations to be occupied, upon which the rate of progress mainly rests, depends so much upon the distance of prominent points of elevation from each other, that they cannot be estimated.

From one month to six weeks would, no doubt, making due allowance for bad weather, be required to establish, astronomically, a point on the parallel to trace its connection with a preceding one and to move the party to the next. Should these points average fifty miles apart, there would be some seventeen stations, or, say, eight stations for each astronomical party, to occupy which would consume from eight to twelve months actual field duty for the completion of the line.

It is not probable that the parties can be kept in the field continuously for this length of time, but that the work would have to run through two seasons at least, if not longer.

The services of the officers and the greater part of their assistants would be required for another year on office-work to complete the records of the survey, so that the probable expense which would be incurred for completing the work might be set down at $325,000.

Officers of engineers have been frequently assigned to perform such duties as these, and if the demarkation of this boundary should be confided to them the estimate should be modified.

Very respectfully, your obedient servant,

A. A. HUMPHREYS,
Brigadier-General and Chief of Engineers.

Hon. W. W. BELKNAP,
Secretary of War.

Estimate of probable cost of a commission for surveying and marking the boundaries between the United States and the British possessions.

Organization:	Per year.
1 commissioner, $4,000	$4,000
1 secretary, $2,000	2,000
1 chief astronomer, $3,000	3,000
1 surgeon, $2,000	2,000
1 quartermaster and commissary, $2,000	2,000
Two astronomical parties:	
2 assistant astronomers, at $2,000	$4,000
4 sub-assistants, at $1,500	6,000
12 men—2 at $75, 10 at $45—$600 per month	7,200
2 cooks, at $50—$100 per month	1,200
8 teamsters, at $45—$360 per month	4,320
4 mess-men, at $45—$180 per month	2,160
50 pack-mules, or eight wagons and 36 mules.	
Two surveying parties:	
2 surveyors, $1,800	$3,600
2 assistant surveyors, at $1,200	2,400
20 men—4 at $75, 16 at 45—$1,020 per month	12,240
2 cooks, at $50—$100 per month	1,200
4 teamsters, at $45—$180 per month	2,160
4 mess-men, at $45—$180 per month	2,160
30 pack-mules, or 4 wagons and 20 mules.	

Seventy-one persons; 2,130 rations per month at 50 cents—$1,065 per month; 56 to 80 animals; forage cannot be correctly estimated.

Recapitulation:	For first year.
Pay of officers and assistants	$20,000
Pay of employés	32,640
Subsistence 71 persons, at 50 cent per day	12,000
Wagons, mules, and forage for transportation of parties in the field	9,500
Camp equipage, (25 tents, cooking utensils, axes, &c.)	3,000
Instruments, (depends upon the number on hand,) pay	3,000
Transportation of supplies from depots, (conjectural)	9,000
Traveling expenses of individuals, (conjectural)	2,000
Miscellaneous	2,000
	102,140

Mr. Campbell to Mr. Fish.

UNITED STATES NORTHERN BOUNDARY COMMISSION,
Annandale, Dutchess County, New York, November 22, 1873.

SIR: In compliance with the request contained in your letter of the 10th instant, I have the honor to transmit herewith the copy of a report from Major Twining, the chief astronomer, containing the information you desired me to communicate to the Department.

I have, &c.,

ARCHIBALD CAMPBELL.

[Inclosure.]

Captain Twining to Mr. Campbell.

SAINT PAUL, *November 16, 1863.*

SIR: I have received yours of the 11th instant, in which you request a statement of the "location of the beginning and termination of the boundary line survey during the season, and the more important points through which it passed."

The topographical parties are still in the field and will continue their work until the 1st of February next. Even after their return it will require some time to bring their notes into such shape as to make an accurate map of the survey. I therefore inclose a general map of the country passed over, and have marked upon it the points of the boundary which have been determined by astronomical observations. I have also noted those matters of interest which have occurred to me. The survey extended fifty miles beyond the limit shown, but the map is the only one available and nothing of special interest occurs on the part omitted.

Before stating the results of the present season's work, I will give a brief *résumé* of the operations of last year.

The "northern boundary," as at present designated, has its initial point at the "northwesternmost point of the Lake of the Woods," and thence follows a meridian south twenty-seven miles to the forty-ninth parallel of north latitude, and thence west along that parallel to the summit of the Rocky Mountains. In the autumn of 1872 the forty-ninth parallel was determined at Pembina, on the west bank of the Red River, and also on the east shore of the Lake of the Woods, by both English and American parties; and as the results agreed within a small limit of error, the mean of the observations was adopted. Observations were also made by the United States and English chief astronomers with the sextant, and afterward with the zenith telescope, for the latitude of the "nothwesternmost point" of the Lake of the Woods. The question in regard I have considered at length in a former report.

A sight-line, which represented, in the opinion of the United States and British chief astronomers, the true position of the north and south line, which was a part of the boundary, was cut through the woods; and finally the forty-ninth parallel of latitude was run from Pembina to the Lake of the Woods—the United States parties running thirty-three miles, and the British parties during the winter completing fifty-six miles, the remainder of the distance. The British astronomers also established in this distance two astronomical stations.

In this condition the work came under my charge as chief astronomer.

During the present season the line has been carried west from Pembina four hundred and eight and a half miles, leaving about three hundred and fifty miles yet to be completed. The longitude of the initial point is 97° 13′; that of the western end of the line 106° 18′ nearly.

Along the southern border of the province of Manitoba the line has been marked every mile by a picket and mound three feet high. These are regarded as temporary marks, to be replaced by iron monuments as soon as practicable. On the remainder of the boundary the engineers have erected stone or earthen monuments of large size, the greater number having a base of fifteen feet and a height of from five to six feet.

These larger monuments are supposed to be permanent, and are placed on conspicu-

ous points at average intervals of three miles. In the entire distance run during the summer twenty astronomical stations have been established.

A belt of topography has been carefully surveyed along the entire length of the parallel as far as the boundary was marked. The five miles north of the line was done by the British; that to the south by the American parties. As this topographical work is included to aid in the future recognition of the boundary, it has been executed with the utmost care and accuracy. The river lines have, in some cases, been carried far beyond the five-mile limit.

The parties returning from the field have made a quite accurate survey of their respective routes, and these, in connection with similar routes to be surveyed during the next season, will form a valuable addition to our present knowledge of what has hitherto been an unexplored region.

For the purpose of determining absolute altitudes, each astronomical party has kept a careful barometric record; from the series at each station good mean results will undoubtedly be obtained.

As regards its general course, the boundary line keeps to the north of the Pembina River forty-five miles. It there crosses an open plain as far as the Turtle Mountain, which at the point of crossing is thirty-four miles in width. This mountain, or rather plateau, is exceedingly rugged, densely timbered, and covered with lakes, the largest being about a mile in width.

From the Turtle Mountain west the country possesses few points of interest, it being an open rolling prairie. The only exception to the general level is the *coteau* of the Missouri, which is here forty-five miles in width, and very broken.

Beds of lignite crop out along the Mouse River between the 102d and 103d meridians of longitude. These exposures are all north of the forty-ninth parallel. This coal is of average quality, similar to the lignites of the Missouri River, and probably belonging to the same formation. These deposits could not be considered of any value except in a country entirely destitute of wood.

As regards the general quality of the soil along the boundary and its capacity for supporting a large population, there is room for great difference of opinion. The soil near the Pembina River is deep and rich, and its productiveness has been demonstrated beyond a doubt. The supply of wood is sufficient for many years, and the country is sufficiently well watered.

West of Turtle Mountain the soil is poor, and the average rain-fall is too small to make it at all probable that the land could be cultivated with any success. I have heard much speculation as to the gradual effect of the advance of the settlements from the east and the extension of the cultivated areas in increasing the amount of the rain-fall on the western plains. Such anticipations can be fulfilled, if ever, only after the lapse of many years, as the changes to be effected in the climate are too great to be compassed in any short period of time. The surveying parties now in the field are engaged on the topography of the country between the Red River and the Lake of the Woods, and are expected to complete the work by the 1st of February next. This work is done in winter, as the swamps and bottomless bogs prevent its being attempted in summer.

The fatigues and exposures incident to such a work, conducted in the dead of winter, and in that inhospitable climate, are undoubtedly great, but such arrangements have been made as will insure the least possible suffering. The work is under the immediate charge of Lieutenant F. V. Greene, United States Engineers.

As only three hundred and fifty miles of the boundary remain to be surveyed, the field-work can be completed during the next season.

I am, &c.,

W. I. TWINING,
Captain of Engineers.

ARCHIBALD CAMPBELL, Esq.,
Commissioner Northern Boundary Survey.

Mr. SWANN. Mr. Chairman, I deem it my duty to bear witness here to the great energy, diligence, and industry, with which these gentlemen have performed this difficult service assigned to them. They have been subjected to the alternations of heat and cold, they have been running this line through a most rugged country, a country where it is almost impossible without cutting their way to mark the line which it was necessary to run. They have been frequently driven from the field by the rigors of the climate and forced to take refuge until they could resume their work. I think they have discharged their duty with ability, and that they have accomplished results, so far as they have gone, which cannot fail to be a decided advantage to the United States in all the views which can be taken of it by this House.

But, sir, whatever view you may take of the importance of this survey, it will occur to every gentleman in this House that a great nation like this should not hesitate to run the line marking her boundaries, so as to secure that protection which all governments similarly situated absolutely require. This service could not have been performed more advantageously or satisfactorily, and I think that the results show that the officers have done good service to the country, and I am prepared to bear my unqualified testimony to the zeal and fidelity with which they have performed this trust.

Sir, it would not be advisable or right to have left this line to be marked hereafter. The House is aware that when the work was commenced there were collisions then imminent between Great Britain and the United States. They had their custom-houses situated very near to what we claimed to be our northern boundary, which had not then been defined. All those differences have now been disposed of. The British engineers have acquiesced in the decision upon that point so far as it has gone, and the marking of this line will prevent hereafter for all time to come any collisions between the citizens of the two countries. As I have already said, at the time the marking of this boundary line was commenced a collision between the two governments was imminent, and it was necessary something should be done in order to establish this line in the interest of peace and harmony between nations at peace, and whose interest required that they should continue so. I say this much on the subject of this boundary line, because I presume that there is no gentleman in this House who would desire to obstruct this work, for which we have already appropriated large sums of money to accomplish it, so as to prevent the occupation of our territory by citizens of Great Britain or other powers interested in commercial pursuits, or who may hereafter desire to establish railroads or other improvements within our limits.

Mr. HOLMAN. I desire to ask my friend from Maryland a question in this connection. From the commencement of this work in 1871 down to the present time, I believe there has been no disagreement between the two governments as to the running of the line. The government of Great Britain at once acceded to our proposition to run the line on the forty-ninth parallel. Now, as a matter of fact, is it not true that our Government has gone on in violation of law, employing a commissioner at an expense of $5,000 a year, when the work was required to be done by our own engineers? And has not Great Britain done exactly what our law directed should be done? Has not Great Britain simply directed a portion of her engineers to occupy the position that our Mr. Campbell occupies, with a salary of $5,000 a year, to run this line? Has not Great Britain simply employed her regular engineer force, while our Government has appointed a commissioner at a salary of $5,000 a year to run the line?

Mr. SWANN. I will say in reply to my friend from Indiana that I am in doubt whether the engineers were appointed from the Government service or not. Some two years ago, when a proposition was before the House in relation to the running of this line, the gentleman from Indiana did not seem to have the same appreciation of its importance that I had, and I then made an application to the War Department to ascertain whether there were any engineers unoccupied in that Department who could undertake this important labor. I made the inquiry to ascertain whether or not a sufficient force could be detailed to run this line, and I found that there were not enough engineers to undertake the service or begin to perform it.

Mr. HOLMAN. Did not Congress imperatively provide that engineers in the regular service should be employed?

Mr. SWANN. I understand that they were to do it in case they could be spared from other branches of the Government service; not otherwise. But it so happened that we were engaged in a great many public works, and it became necessary to employ other persons; we had not the engineers to detail for that purpose. I was informed at the War Department, when I made an application for information as to whether or not they could detail a force to run this line, that they had not the officers for that purpose. My friend from Indiana [Mr. HOLMAN] will recollect that in the discussion which took place on this subject before he did not seem, as I have before said, to have the appreciation which I thought was due to the importance of this great work. I think he suggested at the time a mode of running these surveys, that they could be run by this person and that person, unskilled in such duties, who could run this line as they would make an ordinary survey.

Mr. HOLMAN. By our engineers.

Mr. SWANN. By county engineers; by persons who were competent only to run an ordinary line of survey. But the gentleman must recollect that it required not only the skill of the ordinary engineers, who are no doubt connected with these surveys now, but astronomers and men of high skill and science, indispensable to have in performing so delicate a task. We could not afford to break down in the hands of incompetent or inexperienced persons.

Mr. HOLMAN. Certainly; but my friend knows that our engineers, educated at West Point either as astronomers or anything else, are very competent men.

Mr. SWANN. Well, we have them now; we have Major Twining, a most accomplished gentleman. He was the only man I believe who could be detailed for the purpose at the time.

Mr. HALE, of Maine. We do not propose to discharge any of these Army engineers at all.

Mr. SWANN. No. I tell the gentleman that when he looks at the importance of this work, of the establishment of this boundary, the most important work of the kind that has ever been undertaken, I think he ought to be satisfied. Besides that we have acquired territory there, which if sold at the rate at which land is sold in his district would far more than pay for the whole expense of this boundary line.

Mr. GARFIELD. The whole survey would not cost as much as this single piece of property.

Mr. SWANN. That is substantially true.

Mr. HOLMAN. It was merely running the forty-ninth parallel.

Mr. SWANN. Certainly.

Mr. HALE, of Maine. The trouble was nobody could find where the forty-ninth parallel was.

Mr. SWANN. And after you had run the line, if you had not had competent men for the purpose, it would have been upset by the British commissioners, who would have found some flaw in it.

Mr. HOLMAN. It was said that the first line run was very well marked. As the Delegate from Dakota told us, it was marked by well-defined p'les of champagne bottles from one end to the other. But in coming back and putting up the monuments they made mistakes.

Mr. SWANN. Well, they made a good boundary line. I should have no objection to it.

Mr. GARFIELD. Did the Delegate say that they made the line well enough when they had champagne enough.

Mr. HALE, of Maine. Champagne bottles make a good line to run away from.

Mr. SWANN. Great Britain has been at great expense to send her best men there, and the gentleman would have been very much mortified if we had sent men there whose labor had resulted in a mistake.

Mr. HOLMAN. I insist that our own officers shall be employed.

Mr. GARFIELD. I hope that the gentleman from Indiana will not longer interrupt the progress of public business by remarks of this sort.

Mr. SWANN. All the engineers at the disposal of the Engineer Department at the time this line was projected were employed. I think Major Twining is perhaps the only man who could have done the duty of astronomer in fixing this line.

Mr. HOLMAN. I know he is a very competent gentleman.

Mr. HALE, of Maine. And the pay is small.

Mr. GARFIELD. I want to ask the gentleman from Indiana if he is willing to let this bill pass without any further objection?

Mr. SWANN. I do not think the gentleman will antagonize us. I will not dwell longer on this subject. I have been very reluctant to detain the committee by this explanation of the bill. In reference to the amendment by my friend before me, [Mr. ORTH,] from the Committee on Foreign Relations, I desire to say that when it shall be presented I shall move an amendment with which I believe he cordially concurs.

Mr. ORTH. Striking out the second section.

Mr. SWANN. I will send it to the Clerk's desk that it may be read.

The Clerk read as follows:

Amendment to the amendment, to be offered by Mr. ORTH to the consular and diplomatic appropriation bill.

Strike out section 2 and insert in lieu thereof as follows:

SEC. —. That there shall be allowed for the hire of clerks, when actually expended therefor, as follows: To the consul-general of Havana and consul at Liverpool, each a sum not exceeding the rate of $3,000 for any one year; and to the consuls-general of London, Paris, and Shanghai, each a sum not exceeding the rate of $2,000 for any one year; to the consuls-general at Berlin, Vienna, Frankfort, and Montreal, and to the consuls at Hamburg, Leipsic, Lyons, Manchester, Beirut, Belfast, Birmingham, Bradford, Chemnitz, Sheffield, Sonneberg, Dresden, Havre, Marseilles, Fayal, Nuremberg, Leith, Naples, Stuttgart, and Tunstall, each a sum not exceeding $1,500 for any one year.

Strike out of section 3 the words "one thousand six hundred," and insert in lieu thereof the words "two thousand."

Mr. SWANN. I do not desire to detain the committee further. I have made the explanations I cared to make at this point. When the bill comes to be read for amendment, I deem it proper to give notice here that I shall have two or three amendments to offer in reference to the consular reorganization which is to be presented by my friend from Indiana, [Mr. ORTH.]

Mr. GARFIELD. I hope the gentleman from Indiana [Mr. HOLMAN] will now consent that the first reading of this bill be dispensed with.

Mr. HOLMAN. Very well.

Mr. GARFIELD. I move then that the committee rise. I believe there is one other gentleman who wishes to speak at some length.

The motion of Mr. GARFIELD was agreed to.

The committee accordingly rose; and Mr. BURCHARD having taken the chair as Speaker *pro tempore*, Mr. BURROWS reported that the Committee of the Whole on the state of the Union had had under consideration the Union generally, and particularly the bill (H. R. No. 3030) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal years ending June 30, 1873 and 1874, and for other purposes; and the bill (H. R. No. 3095) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1875, and for other purposes; and had directed him to report back the former with sundry amendments, and to report that on the latter the committee had come to no resolution.

DEFICIENCY APPROPRIATION BILL.

Mr. GARFIELD. I ask the previous question on the deficiency appropriation bill just reported with amendments from the Committee of the Whole. If no separate vote is asked on the amendments, I presume the bill can pass now.

The previous question was seconded and the main question ordered.

Mr. HOLMAN. I ask a separate vote on the amendment creating a new office for getting up some historical matters connected with the Indians.

The SPEAKER *pro tempore*. If there be no objection, the other amendments will be regarded as concurred in. The amendment referred to by the gentleman from Indiana [Mr. HOLMAN] will be read.

The Clerk read as follows:

Add after line 576 of the bill the following:

For continuing the collection of statistics and historical data respecting the Indians of the United States, under the direction of the Secretary of the Interior, $3,500: *Provided*, That the compensation of the person collecting such data shall not exceed $2,000 a year and his actual individual and necessary traveling expenses.

The question being taken on the amendment, there were—ayes 19, noes 25; no quorum voting.

The SPEAKER *pro tempore*. Is a further count insisted on?

Mr. HOLMAN. Yes, sir; I insist that new offices shall not be created or salaries increased without the vote of a quorum.

Tellers were ordered; and Mr. GARFIELD and Mr. HOLMAN were appointed.

The House divided; and the tellers reported—ayes 104, noes 44.

So the amendment was agreed to.

The bill, as amended, was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

The question being taken on the passage of the bill, there were on a division—ayes 113, noes 45.

So the bill was passed.

Mr. GARFIELD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REVISION OF LAWS RELATING TO THE DISTRICT.

Mr. POLAND. I desire the attention of the House for about two minutes. The revision of our statutes as passed by the House some six weeks ago did not contain any chapter in reference to the District of Columbia. The commissioners, for reasons which they thought satisfactory, omitted this subject in their revision. Both the House and the Senate Committee on the Revision agreed that there ought to be a revision of the acts of Congress relating to the District of Columbia. We have therefore procured to be made a revision of the general statutes relating to the District; but it was not completed in time to be acted upon with the general revision of the laws. It was prepared as a chapter of the revision, to be connected with it; but the committee on the part of the House have decided to make it a separate thing. The general revision will fill one volume—a large volume—and it will not do, we think, to add to its size. This revision of the laws in reference to the District of Columbia will therefore have to go into a second volume, along with the treaties and the laws relating to post-roads. Hence instead of making this a chapter of the general revision, we have made it a separate act, giving the sections a new numbering, and making it subject to the provisions of the repealing section of the general revision.

I have just received notice from the chairman of the Senate Committee on the Revision of the Laws that they are about to act upon the revision, and desire that we shall send this part of the revision to them, so that the whole matter may be taken up together. The committee of the House have carefully examined this revision, have inserted all their amendments, and have placed upon it the same provisions and saving clauses that were attached to the general revision; and as it will take three or four days to enroll this, even using a printed copy, I ask unanimous consent that this revision may be adopted now, and also that it may be enrolled upon a printed copy, as was done with the general revision.

Mr. MAYNARD. There have been two revisals or attempted revisals of the laws of this District since I have been in Congress—one in 1858, and the other about ten years ago. The second was under the general supervision of the present clerk of the supreme court of the District. Neither of those revisals was vitalized by the affirmative action of Congress; both therefore remained incomplete. Can the gentleman from Vermont tell us whether in this recent revision any use has been made of the work that was formerly done under the direction of Congress, or whether this that he now proposes to submit is a new work entirely?

Mr. POLAND. I am not aware there was any use made of the former revision; indeed, I have never seen it. In looking up this matter I found Congress did expend some $30,000 to have a revision made, which was by act of Congress submitted to a vote of the people of this District, and they refused to ratify it. That is the one to which the gentleman refers.

Mr. MAYNARD. That is one; that is the revision of 1857. Another one was of very recent date. I do not recollect there was any definite action taken in regard to it on the part of Congress.

Mr. POLAND. I have not traced the history of these things. Neither ever became operative or effective in any way. I am not aware that Mr. Durant, who did this work in the main, except as amended and altered in some respects by the committee, had access to any such revision.

Mr. MAYNARD. There is another point in reference to which I should like to ask the gentleman a question. It is known the laws of Maryland in force at the time of the organization of the District of Columbia were adopted in a body, and have remained in force I believe, except as they have been modified from time to time or repealed, until the present. Does this revision incorporate in it these Maryland laws?

Mr. POLAND. Not at all. It is a revision of the acts of Congress in reference to the District of Columbia and contains nothing but enactments of Congress, and those statutes only of a general nature.

Mr. MAYNARD. Would it not be well now as far as practicable, and I think it is practicable entirely, to revise those old Maryland statutes, and either repeal them altogether or modify them or re-enact them? I understand from a gentleman connected with the administration of law in the District of Columbia that they frequently present troublesome and perplexing questions, arising out of some new state of facts.

Mr. POLAND. I can state to the gentleman from Tennessee the District Legislature appointed some commissioners two years or more ago for the purpose of revising all the laws of the District of Columbia, not only acts of Congress, but the acts of their own Legislature and the old Maryland laws under which they live and to which the gentleman has referred. That revision has been made by commissioners in the District, and is now before the District Legislature for action. Acting under the law of Congress in reference to this revision, of course this revision in all its parts has been merely a revision of the acts of Congress, and nothing more. The same course has been pursued in reference to the laws of Congress relating to this District.

Mr. MAYNARD. I do not wish to be troublesome, but I will ask another question. I place implicit confidence in the committee. The

gentleman has stated that the treaties and the post-office laws and the laws relating to the District of Columbia will be arranged in a volume by themselves.

Mr. POLAND. That is what we propose.

Mr. MAYNARD. He proposes to incorporate the treaties and the laws relative to the post-offices and post-roads in the same volume with the laws relating to this District. That would make a bulky and cumbrous volume. The laws in relation to the District would be comparatively small and easy of use. It is a body of laws used practically much oftener than the general statutes of the country.

Mr. POLAND. What I said in regard to the volumes is of course not before the House. It was merely a suggestion of what was the idea of the Committee on the Revision of the Laws. We merely ask to have this passed. As to how it is to be published, of course is a matter for after consideration.

Mr. GARFIELD. I hope after the immense amount of labor expended on this bill by the Committee on the Revision of the Laws it will be adopted as suggested. Of course there is nothing in it increasing salaries.

Mr. LAWRENCE. There is no new law in it at all.

Mr. POLAND. I now report from the Committee on the Revision of the Laws an act (H. R. No. 3348) to revise and consolidate the statutes of the United States, general and permanent in their nature, relating to the District of Columbia, prior to the 1st December, 1873.

The bill was read a first and second time, and ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. POLAND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. POLAND. I now ask unanimous consent that the bill be engrossed by being printed, as in the other case.

There was no objection, and it was ordered accordingly.

WIDOWS AND ORPHANS OF OFFICERS.

Mr. ALBRIGHT, by unanimous consent, introduced a bill (H. R. No. 3349) for the protection of the widows and orphans and heirs at law of officers of the Army of the United States; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, Mr. COTTON was granted leave of absence for one day and Mr. WILSON, of Maryland, for one week.

And then, on motion of Mr. GARFIELD, (at four o'clock and forty-five minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. ALBERT: The petition of Rev. William J. Chiles, of Charles County, Maryland, to be compensated for provisions taken for the use of the United States Army, to the Committee on War Claims.

By Mr. ALBRIGHT: The petition of Margaret T. Duff, to have the name of her late husband, John W. Duff, who died in a rebel prison, entered on the rolls of Company B, Tenth Tennessee Cavalry, and his military record made up in accordance with the facts of the case, to enable her to obtain arrears of pay, bounty, and pension, to the Committee on Military Affairs.

By Mr. FARWELL: The petition of numerous western pork-dealers for the exemption of swine from certain provisions of the law regulating the transportation of live stock, to the Committee on Agriculture.

By Mr. FIELD: The petition of C. B. James & Co. and others, for the substitution of specific for *ad valorem* duties on tin plates, to the Committee on Ways and Means.

By Mr. FORT: The petition of Bela T. Clark, for a pension, to the Committee on Invalid Pensions.

By Mr. SMITH, of Virginia: The petition of Thomas Washington and others, for the establishment of a marine and military hospital at Massanetta, Rockingham County, Virginia, to the Committee on Military Affairs.

By Mr. WILLARD, of Michigan: The petition of Lorenzo D. Quackenbush and Hannah Quackenbush, of Hastings, Michigan, for a pension, to the Committee on Invalid Pensions.

IN SENATE.

FRIDAY, *May* 15, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The PRESIDENT *pro tempore*. The Senate will come to order, and the Secretary will count the Senators to ascertain if there be a quorum present.

After a count by the Secretary,

The PRESIDENT *pro tempore*. There are but twelve Senators present—less than a quorum.

Mr. SARGENT, (at eleven o'clock and five minutes a. m.) What is the question before the Senate?

The PRESIDENT *pro tempore*. There is no question and no quorum.

Mr. SARGENT. Has a division disclosed the lack of a quorum?

The PRESIDENT *pro tempore*. The Chair discovers that there is no quorum present.

Mr. SARGENT. I respectfully submit to the Chair that unless on a division it is ascertained there is no quorum present a quorum is presumed to be present.

The PRESIDENT *pro tempore*. The first rule of the Senate is as follows:

> The Presiding Officer having taken the chair, and *a quorum being present*, the Journal of the preceding day shall be read, &c.

Mr. SARGENT. I move a call of the Senate.

The PRESIDENT *pro tempore*. The roll will be called.

The Chief Clerk called the roll; and the following Senators answered to their names:

> PRESENT—Messrs. Alcorn, Bayard, Boreman, Buckingham, Cameron, Carpenter, Chandler, Conkling, Cooper, Davis, Dennis, Edmunds, Ferry of Michigan, Flanagan, Gilbert, Hager, Hamlin, Hitchcock, Ingalls, Johnston, Kelly, McCreery, Merrimon, Morrill of Maine, Morrill of Vermont, Oglesby, Pratt, Ramsey, Sargent, Saulsbury, Scott, Sherman, Spencer, Sprague, Stockton, Tipton, Wadleigh, Washburn, Windom, and Wright—40.

The PRESIDENT *pro tempore*. The roll-call shows 40 Senators to be present. That being a quorum of the Senate, the Secretary will read the Journal of yesterday's proceedings.

The Secretary proceeded to read the Journal of yesterday.

Mr. CAMERON. I move that the further reading of the Journal be dispensed with.

The PRESIDENT *pro tempore*. If there be no objection the further reading of the Journal will be dispensed with.

Mr. EDMUNDS. I wish to hear it read. There were a good many important matters decided yesterday that I wish to know how they appear on the Journal. I insist that it be read.

The PRESIDENT *pro tempore*. The Journal will be read.

The Secretary continued the reading of the Journal of yesterday's proceedings. Having proceeded for some time,

Mr. CAMERON. I move that the reading be dispensed with until the Senator from Vermont shall get done reading his book.

Mr. EDMUNDS. Let the reading go on.

The PRESIDENT *pro tempore*. The reading will proceed.

The Secretary resumed and concluded the reading of the Journal of yesterday.

ADJOURNMENT TO MONDAY.

Mr. CAMERON. I move that when the Senate adjourns to-day it adjourn to meet again on Monday at the usual hour.

The motion was agreed to.

Mr. SHERMAN. Let us understand that. Does it mean eleven o'clock?

Mr. CAMERON. Eleven o'clock.

The PRESIDENT *pro tempore*. Eleven o'clock is the usual hour of meeting now.

PETITIONS AND MEMORIALS.

Mr. ALCORN presented a memorial numerously signed by citizens of Coahoma County, Mississippi, praying the Government of the United States to take charge of the levees upon the Mississippi River, declaring that unless it be done the whole country of the Delta will be deserted; which was referred to the Select Committee on the Levees of the Mississippi River.

Mr. SPENCER. I present the memorial of H. M. Turner and numerous other citizens of Georgia, complaining of the unequal distribution of arms furnished by the Government of the United States to the State of Georgia. I ask that the memorial be read to the Senate, and then referred to the Committee on Military Affairs.

The PRESIDENT *pro tempore*. The Senator from Alabama asks unanimous consent that the memorial which he offers may be read. Is there objection? The Chair hears none, and it will be read.

The Chief Clerk read as follows:

To the Senate and House of Representatives of the Congress of the United States:

Your memorialists, citizens of the State of Georgia, respectfully show that the laws of Georgia relating to the organization of volunteer militia companies provide that such companies may be organized anywhere within the State; that when the requisite number of members has been enrolled, the governor shall be notified, and he "shall order an election for captain and subaltern officers, under such superintendence as he may prescribe," (see Code of Georgia of 1873, pages 182 and 183.) Previous to 1872 it was made the duty of the governor to supply arms and accouterments to the volunteer companies, whether uniformed or not, upon requisition, in such manner and upon such terms as he might direct, from the quota of arms distributed to the several States, under the laws of Congress, or from other arms belonging to the State, (see Irwin's Code of Georgia, section 1085.)

On the 24th day of August, 1872, a law was passed by the democratic Legislature of Georgia which provides: "That it shall be the duty of the governor to distribute such arms as he now has, or may hereafter receive, first to such companies as were organized and existing prior to the 1st day of January, 1861, as have already, or may within the next three months after the passage of this act reorganize; and, as to such companies, preference shall be given according to their original priority. That in all cases of companies organized since the 1st day of January, 1872, and notwithstanding those complying with all the rules and regulations prescribed by the governor in order to secure arms, it shall be within the power of the governor to furnish arms or not according to his discretion." (See Laws of Georgia, 1872, page 59.)

On the 22d day of February, 1873, the democratic Legislature of the State amended the act of August 24, 1872, as follows: "That from and after the passage of this act the governor of the State shall have power to make such distribution

of arms, as he now has, or may hereafter receive, among the military organizations now in existence, or to be hereafter formed, as, in his judgment, may be most conducive to the public interest." (See Laws of Georgia, 1873, page 70.)

Mr. SAULSBURY. Is it too late to object to the reading of that paper?

Mr. EDMUNDS. It is too late.

The PRESIDENT *pro tempore*. The Chair called for objections and none were made. The reading will proceed.

The Chief Clerk resumed and concluded the reading of the memorial, as follows:

The State of Georgia has received from the United States since the close of the late war, 1,180 breech-loading rifled muskets, 870 rifled muskets, 520 pistols, 500 cavalry sabers, 5 light 12-pounder bronze guns, and 50 non-commissioned officers' swords with accouterments, cartridges, &c., amounting in all to the value of $64,105.38. The governor has distributed them as follows: To 21 white companies 1,180 breech-loading rifled muskets; to 14 white companies 700 rifled muskets; to 10 white companies 410 pistols and 410 sabers, and to white companies 5 light 12-pounder bronze guns; to 3 colored companies but 150 rifled muskets. It will be seen that 45 white companies have been armed with muskets, pistols, and sabers, and that but 3 colored companies have been armed, that the breech-loading rifled muskets, pistols, and sabers were all distributed to white companies, and the colored companies put off with muzzle-loading muskets. The governor has refused to organize companies composed of colored men, as we believe because they are colored men, although it is made his duty by the laws of Georgia to organize all companies that have the required number of men enrolled. He has refused to distribute arms furnished to the State by the United States to companies composed of colored men as we believe because they are colored men, in violation of the act of Congress of March 3, 1873, which provides: "That in the organization and equipment of military companies and organizations with said arms, no discrimination shall be made on account of race, color, or former condition of servitude." Your memorialists assert that it was the purpose of the Legislature in passing the acts of August 24, 1872, and February 22, 1873, to so legislate that the governor could refuse to distribute arms to companies of colored men; and they further assert that the governor of Georgia has, in the organization and equipment of military companies with the arms distributed to the State by the United States, made a discrimination between said companies on account of race, color, and former condition of servitude.

He has refused to organize and equip companies composed of colored men who complied with the law in the same manner as companies composed of white men, who were organized and equipped by him.

The 12-pounder bronze guns, the pistols, sabers, and breech-loading rifled muskets which the United States furnished to the State were all distributed among companies composed of white men; and the very few arms which the three colored companies received were nothing but the muzzle-loading musket.

Your memorialists are alarmed at the refusal of Governor Smith to organize and equip companies composed of colored men. They are fully convinced that the democratic rulers of Georgia intend, so far as possible, to keep the colored people of the State in ignorance, by neglecting to establish schools for their education, and prevent them from organizing military companies, so that they will be weak, while cunningly devised plans are matured to absolutely control their labor. A secret society of planters, known as "Patrons of Husbandry," has been organized in this State. A member of the executive committee of the State organization recently stated, in Atlanta, that while there is nothing political in their organization, "there is no disguising one thing, though, and that is that the farmers are all going to vote together. They will, of course, vote *en masse* for that measure which is to their interest. In this way they will become a fearful power in politics, as in everything else." It is well known that the "farmers" alluded to are all white planters; that most of them were secessionists and now act with the democratic party; that but very few, if any, are laboring men, and that they employ colored men as laborers on their plantations. Mr. Benjamin H. Hill, a planter, and one of the ablest and most influential democratic politicians in the State, in a recent speech before a large assembly of the planters, said: "I would give the negro every right to which he is entitled under the laws, but he is entitled under no law to become the destroyer of his neighbor's property, nor to keep the white race of the South in poverty and bondage." "The first thing to be done is to secure home government for home affairs. This is our right and our necessity. We must get control of our own labor and regulate our own industry." "With State governments for State affairs, every other good will follow. Without these every evil is inevitable." In other words, unless the "white race of the South" can get control of their own labor and regulate their own industry, they will be kept in "poverty and bondage."

At a convention of white planters of Georgia, held in Athens a few weeks since, the democratic governor of the State, Hon. James M. Smith, said that the laws of the State should be so amended as to control labor. "We may," he said, "hold inviolate every law of the United States, and still so legislate upon our labor system as to retain our old plantation system, or in lieu of that establish a baronial one." Alluding to the "Patrons of Husbandry," he said:

"If they do no other good, their combination will produce a sense of their power, which will be felt in our State and national halls." We were informed by the democratic papers of the State that this speech was received by the planters "with repeated and uproarious applause." Your memoralists, therefore, feel warranted in saying that the refusal of Governor Smith to organize and arm companies composed of colored men is a part of the plan to control their labor.

Your memorialists respectfully call your attention to the following additional facts: All, or nearly all, of the white companies are composed of men who fought in the confederate army to destroy the Union. Many of the colored companies are composed of men who fought in the Union Army to sustain the Government. The white companies choose the confederate gray for their uniforms. The colored companies prefer the Union blue. On the 19th day of January last the white companies of Savannah celebrated the anniversary of the birth of General Robert E. Lee, (to which, however, we did not object,) and were reviewed by General Joseph E. Johnston. No national flag was displayed by the companies, twelve in all, although a confederate battle-flag, carried through the late war by the fifty-fourth Georgia regiment, was noticed as the "brigade" marched through the street, and it marked the post of honor, where General Johnston stood to review the "brigade." Recently three white companies in Atlanta met for parade, when the commander of the "battalion" requested the captain of one of the companies to send his colors—a national flag—from the line, saying the flag was objectionable to himself and the majority of the men in the companies, and they would not march in the column with it. When colored companies parade, they honor the national flag.

Your memorialists respectfully make known the grievances of which they complain, and pray that your honorable body will provide "for organizing, arming, and disciplining the militia" of Georgia, so that military companies composed of friends of the Union may enjoy the same privileges that its late opponents enjoy, and that "in the organization and equipment of military companies" "no discrimination shall be made between said companies on account of race, color, or former condition of servitude."

We certify that the above memorial was adopted at a military convention, composed of delegates from various parts of the State, held at Savannah on the 25th day of February, 1874.

H. M. TURNER,
President of Convention.

Attest: J. H. DEVEAUX,
Secretary.

The PRESIDENT *pro tempore*. To what committee shall this petition be referred?

Mr. SPENCER. I move that it be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. RAMSEY presented a resolution of the Legislature of Minnesota, in favor of the establishment of a mail-route from Willmar, in Kandiyohi County, to Vicksburgh, in Renville County, in that State; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a resolution of the Legislature of Minnesota, in favor of the establishment of a post-route from Faribault, in that State, to Winnebago County, in the State of Iowa; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a resolution of the Legislature of Minnesota, in favor of the establishment of a post-route in the counties of Sibley, McLeod, and Renville, in that State; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a resolution of the Legislature of Minnesota, in favor of the establishment of a post-route from Buffalo, in Wright County, to Dayton, in Hennapin County, in that State; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. RAMSEY. I present also a joint resolution of the Legislature of Minnesota, asking Congress to vacate the Fort Ripley reservation. For several years authority has existed in the Secretary of War, by law, to vacate this reservation, and perhaps the best course would be to refer the memorial to the Secretary of War; and I suggest that.

The PRESIDENT *pro tempore*. The Chair would suggest that the Senator can refer it to the Secretary of War. It would be an unusual thing for the Senate to do so.

Mr. RAMSEY. I find on looking further into it that the memorial suggests legislation. I move, therefore, that it be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. WINDOM presented a resolution of the Legislature of Minnesota, in favor of the erection of a custom-house at Du Luth, in that State; which was referred to the Committee on Public Buildings and Grounds.

He also presented a resolution of the Legislature of Minnesota, in favor of an appropriation for improving the navigation of the River and Lake Saint Croix; which was referred to the Committee on Commerce.

He also presented a resolution of the Legislature of Minnesota, in favor of a law to enable a certain class of settlers to purchase timber lands at the minimum price for farm purposes; which was referred to the Committee on Public Lands.

Mr. HITCHCOCK presented a memorial of citizens of Nebraska, remonstrating against the extension to Jonathan Haines of his patent for the Haines Harvester; which was referred to the Committee on Patents.

He also presented a petition of citizens of Seward County, Nebraska, praying the passage of a law permitting the manufacture, use, and sale of patent-right articles by others than the owners of patent rights on the payment of a reasonable royalty to such owners of patent rights; which was referred to the Committee on Patents.

Mr. DENNIS. I present a memorial of a convention of citizens of the States of Ohio, Pennsylvania, Maryland, and of the District of Columbia, praying that the Chief of Engineers of the United States Army be directed to cause further surveys and estimates to be made of the cost of connecting the Chesapeake and Ohio Canal with the Ohio River, and that the appropriation which he has estimated as required for that purpose may be made. As this is a matter of very great importance to those States as well as to the United States, I move that this memorial be printed, and referred to the Committee on Commerce, as the Select Committee on Transportation Routes to the Sea-board have already reported upon that subject.

The motion was agreed to.

Mr. DENNIS presented the petition of John H. Cooper, W. C. Fowler, and others, officers of the Maryland pilots, remonstrating against the passage of a law abolishing the present system of compulsory pilotage; which was ordered to lie on the table.

Mr. GORDON presented the petition of John F. Porteores, a citizen of Beaufort, South Carolina, praying compensation for the use of his property, occupied by United States troops during the late war as a hospital, and also the privilege of redeeming it by the payment of the taxes upon it, claimed to be due by the Government, and held by it on that account; which was referred to the Committee on Claims.

BILLS RECOMMITTED.

Mr. CHANDLER. I ask unanimous consent to reconsider the vote by which House bill No. 3073 was indefinitely postponed, and that it may be recommitted to the Committee on Commerce.

Mr. CONKLING. What is the bill?

Mr. CHANDLER. It is a bill (H. R. No. 3073) to amend section 19 of the act approved August 18, 1856, entitled "An act to regulate the diplomatic and consular systems of the United States." I have received further information from the State Department on the subject.

There being no objection, the vote by which the bill was postponed indefinitely was reconsidered, and the bill was recommitted to the Committee on Commerce.

Mr. SCOTT. Under instructions from the Committee on Claims, I move to recommit to that committee House joint resolution No. 94,

directing the commissioners of claims to send to Congress without delay the claims decided prior to April 1, 1874, which was reported adversely a few days since.

The motion was agreed to.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. CONOVER, it was

Ordered, That the petition and papers of J. Berrian be taken from the files and referred to the Committee on Claims.

On motion of Mr. GORDON, it was

Ordered, That the papers relating to the claim of Rebecca Frances Bailey be taken from the files and referred to the Committee on Revolutionary Claims.

REPORTS OF COMMITTEES.

Mr. SPRAGUE, from the Committee on Public Lands, to whom was referred the bill (H. R. No. 2187) authorizing and requiring the issuance of a patent for certain land in the county of Scott, in the State of Missouri, reported it with an amendment.

Mr. HAMLIN, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. No. 277) making appropriations for the payment of $792.46 due the late James L. Day, of Connecticut, for transporting the mails over post-route numbered 1051, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. MERRIMON, from the Committee on Claims, to whom was referred the petition of George W. Dawson, late collector of internal revenue, fifth district of Maryland, praying the enactment of a law reimbursing him for certain moneys captured from his deputy by the rebel forces, reported a bill (S. No. 819) for the relief of George W. Dawson, late collector; which was read, and passed to a second reading.

Mr. SHERMAN. I am directed by the Committee on Civil Service and Retrenchment, to whom was referred the joint resolution (H. R. No. 51) in reference to civil-service examinations, to report it back favorably, and if it is in order or proper for the Senate to do so, I move that it be amended so as to be converted into a bill. I am not sure whether that can be done.

Mr. EDMUNDS. We can amend it by turning it into a bill.

The PRESIDENT *pro tempore*. The Chair would say to the Senator that the practice has been when joint resolutions come from the House, not to change their form because it interrupts their method of keeping the records.

Mr. SHERMAN. With that exception, the committee report favorably.

Mr. EDMUNDS. That makes us violate the law.

Mr. SHERMAN. I should like to have that matter settled definitely, because it is very inconvenient to have important legislation of this kind put in the shape of a resolution and not indexed with the laws.

The PRESIDENT *pro tempore*. It is a question entirely for the committee. It can recommend that amendment as much as any other.

Mr. SHERMAN. Then I hope that amendment will be adopted, and the resolution take its place on the Calendar as a bill.

The PRESIDENT *pro tempore*. The committee recommend that the joint resolution be amended in that particular; and it will go on the Calendar with that report.

Mr. ANTHONY. The Committee on Printing, who were instructed by the Senate to inquire into the numbers and distribution of the public documents, bills, or reports printed by the Congressional Printer, and to report what changes, if any, are necessary, and also to report suitable measures for the distribution of public documents, have instructed me to submit a report in writing with the draught of a bill accompanying it.

This report has been prepared with a great deal of labor and care, and yet it is doubtless very imperfect. We have been obliged to consult the heads of Departments and Bureaus, and many other officers. The committee desire to have this report printed and hope that Senators will examine it and be ready when the bill is taken up to make any suggestion of amendment that may occur to them. We shall be happy to have these suggestions made to the committee, as I propose moving that the report be printed and recommitted to the committee, and I give notice that I shall call up the bill after it is reported in form, at the earliest time after Senators shall have had an opportunity to examine it.

The report was ordered to be printed and recommitted to the Committee on Printing.

Mr. ANTHONY. I move that fifty additional copies of the report be printed for the use of the committee.

The motion was agreed to.

Mr. OGLESBY. The Committee on Public Lands, to whom was recommitted the bill (S. No. 581) amendatory of and supplementary to the act entitled "An act to set apart a certain tract of land lying near the headwaters of the Yellowstone River as a public park," approved March 1, 1872, which was a bill reported originally from the Committee on Public Lands in place of one referred to them, have instructed me to report it back to the Senate with additional amendments. They have corrected the bill by amending the first section in the respect of adding the original section of the law which was amended by the first section of this bill. They have reproduced that section in full so as to remove from the minds of the Committee on the Revision of the Laws any confusion in revising the statutes hereafter. In that respect they suppose they have met the objections which were made against the bill as a matter of form. Some other amendments have been made, and I am instructed by the committee to report the bill back with these amendments and recommend its passage, no additional written report being made to that presented in the first instance.

Mr. CHANDLER, from the Committee on Commerce, to whom was referred the bill (H. R. No. 2898) for the relief of J. and W. R. Wing, of New Bedford, Massachusetts, reported it without amendment.

PERSONAL EXPLANATION—THE CURRENCY.

Mr. CHANDLER. Mr. President, I rise to a question of privilege. The other day I was called to order in the middle of a sentence; and as a question of privilege I rise now to complete that sentence where I was interrupted by the Chair.

The PRESIDENT *pro tempore*. The Senator from Michigan asks unanimous consent to make a personal explanation.

Mr. CHANDLER. No, I do not ask any consent. I rise to a question of privilege.

The PRESIDENT *pro tempore*. The Senator is out of order. No question is before the Senate.

Mr. CHANDLER. Then I will ask unanimous consent.

The PRESIDENT *pro tempore*. The Senator from Michigan asks unanimous consent to make a personal explanation. Is there objection? The Chair hears none.

Mr. CHANDLER. What I said was this:

The policy that has been announced in the veto message would show that it is extremely doubtful——

There the Chair said that I was out of order; I read from the RECORD:

The PRESIDENT *pro tempore*. The Senator is out of order in alluding to the Executive or what course he may pursue on this subject.

Mr. CHANDLER. I simply alluded to his late message. I think I have a right to discuss a message of the President——

The PRESIDENT *pro tempore*. The Senator was not speaking of the message, but predicting that the same thing would follow on this bill if it should pass at 25 per cent. The Chair thinks that is out of order.

Now I wish to call the Chair to order and assert that I was in order; for if I had been let alone I should have said this, and I intended to say this: The policy that has been announced in the veto message would show that it is extremely doubtful whether the President will sanction any inflation of an irredeemable currency.

The PRESIDENT *pro tempore*. That would have been out of order then, and is out of order now.

Mr. CHANDLER. Then the Senator from Michigan will take his seat. [Laughter.]

AMENDMENT OF THE RULES.

Mr. FERRY, of Michigan. I am instructed by a majority of the Committee on the Revision of the Rules to report back a resolution, submitted on the 6th instant by the Senator from Vermont [Mr. EDMUNDS] with an amendment.

The PRESIDENT *pro tempore*. It will be placed on the Calendar.

Mr. FERRY, of Michigan. I ask for its present consideration.

The resolution was read, as follows:

Resolved, That the eleventh rule of the Senate be amended by adding thereto the following words:

Nor shall such debate be allowed upon any motion to dispose of a pending matter and proceed to consider another. When a question is under consideration, the debate thereon shall be germane to such question or to the subject to which it relates.

The amendment of the committee was to amend the resolution and insert after the word "debate" the words "upon the question proposed to be considered."

Mr. CONKLING. I think that had better be printed that we may understand what we are to vote for.

The PRESIDENT *pro tempore*. The Senator from New York objects to the present consideration of the resolution. It will be laid over under the rules.

BILLS INTRODUCED.

Mr. WINDOM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 820) to establish a Bureau of Internal Commerce; which was read twice by its title, referred to the Select Committee on Transportation Routes to the Sea-board, and ordered to be printed.

Mr. WADLEIGH asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 821) for the relief of Peaslee & McClary, late carriers of mails, of Nashua, New Hampshire; which was read twice by its title, and referred to the Committee on Claims.

Mr. EDMUNDS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 822) to amend an act entitled "An act to promote the development of the mining resources of the United States;" which was read twice by its title, referred to the Committee on Mines and Mining, and ordered to be printed.

Mr. GORDON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 823) to remove the political disabilities of John Forsyth, of Alabama; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

FLAG OF CALIFORNIA SILK.

Mr. SARGENT submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of State be directed to inform the Senate what per-

son has the custody of the flag manufactured of California silk, heretofore presented to the Senate, and by the Senate directed to be placed at the disposal of the American commissioners to the Vienna international exhibition, to be returned to the Senate at the close of the exhibition; also to take such action as will secure, if possible, a return to the Senate of said flag.

SALE OF CHIPPEWA PINE TIMBER.

Mr. SCOTT submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and he is hereby, requested to communicate to the Senate, if not inconsistent with the public interest, any opinion given by the Attorney-General upon the legality of a sale of pine timber belonging to the Chippewa Indians to A. H. Wilder, of Minnesota.

MILITARY PRISON.

Mr. LOGAN. I ask the Senate to take up the bill (H. R. No. 2074) to amend an act entitled "An act to provide for the establishment of a military prison and for its government," approved March 3, 1873. It will not take a moment to explain it, and I am satisfied there will be no objection to it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which amends the act of March 3, 1873, so that all acts and things therein required to be done and performed at Rock Island, Illinois, shall be done and performed on the military reservation at Fort Leavenworth, Kansas; and the Government buildings now on the reservation at Fort Leavenworth are to be modified and used so far as practicable for the purposes of the prison.

Mr. LOGAN. The Senator from Ohio [Mr. SHERMAN] asks me about the bill. I will explain it. At the last session of Congress an act was passed authorizing a commission to establish a military prison, with rules and the regulations prescribed, and the military prison was in the law provided to be established at Rock Island, Illinois. Since then the commission have reported that, on account of other public buildings there for ordnance and other things, it would not be a proper location, and recommend that the prison be located at Fort Leavenworth where there are buildings that may be temporarily used for the purpose. The Secretary of War so recommends, and our committee have reported back this bill so as to transfer the location merely. That is all there is in it.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AFFAIRS IN ARKANSAS.

Mr. CLAYTON. I move to take up the resolution offered by myself a few days ago asking for certain correspondence in relation to Arkansas affairs.

Mr. EDMUNDS. Let it be read for information.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the President of the United States be requested to communicate to the Senate, if not incompatible with the public interest, all papers and correspondence relating to the troubles in the State of Arkansas that may be in his possession.

Mr. CLAYTON. I desire to say that while it is a fact that by resolution of the House of Representatives this correspondence has been asked for, the correspondence sent the House has been referred to the Judiciary Committee, and therefore is not to be had by this body.

Mr. SHERMAN. Is it not printed?

Mr. CLAYTON. Only a portion of it. What I desire is to get the entire correspondence up to this date for the information of the Senate. I presume there is no objection to it.

Mr. CONKLING. Does the Senator want the correspondence not laid before the House?

Mr. CLAYTON. I want all the correspondence; the correspondence heretofore sent to the House, and the entire correspondence up to this date for the information of the Senate.

Mr. HAMLIN. We have upon our desk the correspondence furnished to the House printed up to a certain time. What is the necessity of calling for that? We have it here printed. It seems to me the resolution should be changed so as to read "all correspondence not heretofore furnished," and that will give us all there is.

Mr. CLAYTON. There may have been some furnished in the last few days and referred directly to the Judiciary Committee of the House.

Mr. HAMLIN. Then that will come within the scope of the resolution.

Mr. CLAYTON. I should be willing to have it so amended as to call for all the correspondence not heretofore furnished to the House and printed.

Mr. HAMLIN. Put it in that way.

Mr. CLAYTON. What I want is to get all the correspondence.

Mr. HAMLIN. All since the date of that which was printed. We do not want that duplicated over again.

Mr. CLAYTON. Let the resolution be modified in the way I have suggested.

Mr. SHERMAN. Say "all correspondence not heretofore communicated to either House of Congress."

Mr. CLAYTON. That will answer my purpose.

The PRESIDENT *pro tempore*. The resolution will be so modified.

The resolution, as modified, was agreed to.

PRESIDIO RESERVATION.

Mr. HAGER. I ask the indulgence of the Senate to take up a little bill that will not occupy more than two minutes. It is the bill (S. No. 492) authorizing the city and county of San Francisco to use the Presidio reservation as a park and highway.

Mr. SCOTT. I inquire of the Senator from California whether that bill is likely to lead to any debate?

Mr. HAGER. I presume not. It has a favorable report from the committee, the Secretary of War, the Engineer Department, and the soldiers having charge of the Presidio.

Mr. SCOTT. My recollection is that that bill has heretofore been the subject of debate in the Senate. I think so.

Mr. HAGER. It has been so modified now that I think there will be no objection to it.

Mr. SCOTT. In pursuance of the notice which I gave, at the expiration of the morning hour I shall feel it my duty to move to take up the bills from the Committee on Claims. I do not wish to be precluded from doing so.

Mr. SARGENT. I suggest to the Senator from Pennsylvania that this bill may be disposed of by that time; but if it is then likely to lead to prolonged debate it can be postponed.

Mr. SCOTT. I have no objection to the bill being taken up during the residue of the morning hour, but I shall at twelve o'clock make my motion.

Mr. DAVIS. I suggest that the bill be taken up subject to objection.

The PRESIDENT *pro tempore*. The bill will be read subject to objection.

The Chief Clerk read the amendment reported by the Committee on Military Affairs, which was to strike out all after the enacting clause of the bill and to insert the following as a substitute:

That the use of the Presidio military reservation in the city and county of San Francisco, in the State of California, is hereby granted to the city and county of San Francisco, to be enjoyed solely for the purposes of a park and highway, upon the following express conditions: first, the fee to said reservation and the right of way through said park, for free communication with the forts, military establishments, and grounds, Presidio barracks, and public buildings of the United States, shall remain in and is reserved to the United States; secondly, that portion, not exceeding three hundred acres in extent, comprising the site of the fortifications at and about Fort Point; and that portion, not exceeding one hundred acres in extent, comprising the site of the Presidio barracks and the buildings of the United States erected thereon; and also such parts of said reservation as may be hereafter selected by the authorities of the United States for the erection of public buildings or works, and so much land appurtenant thereto as may be necessary or expedient for the use of the United States, are reserved and exempted from the provisions of this act; lastly, the United States military authorities may, in time of war or great public danger, or in case such reservation, or any part thereof, is claimed or occupied by any person other than the authorities of said city and county, or for purposes other than is in this act provided, take possession of the whole or any portion of said park for military purposes, or for the purpose of expelling such persons therefrom, without any liability therefor for damage to said city and county or any person whomsoever: *Provided*, That after twenty years from the passage of this act the Government may, upon sixty days' notice to said city and county, retake entire possession of said premises for any purpose whatsoever, without any liability for any damage therefor to said city and county or to any person whomsoever.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of this bill?

Mr. EDMUNDS. I wish to inquire, before I object, whereabouts this land lies?

Mr. HAGER. It lies within the limits of the city and county of San Francisco. The bill in the shape in which it is now before the Senate is unobjectionable, I believe, to all parties. It merely grants the use of the reservation, reserving the title in the Government.

Mr. EDMUNDS. How many acres are there in it?

Mr. HAGER. Altogether about thirteen hundred, I think.

Mr. EDMUNDS. It is the park that lies over toward the sea?

Mr. HAGER. On the promontory near the ocean.

Mr. EDMUNDS. I hope the Senator will not insist on taking up that bill to-day. It was under discussion some sessions ago, and I have some papers and a map about it which I should like to have time to examine.

Mr. HAGER. If the Senator will allow me, the reason why I urge it now is that we have two seasons, called the wet and the dry, and if anything is to be done in regard to placing this land in a condition to be used as a driving park, it should be done at once; otherwise, it will be postponed for a year. If the Senator will abide by the recommendation of the Military Committee, who have considered the bill, and advised with the Secretary of War and with the Engineer Department and with the general in command of the Presidio, all agreeing to the bill in the form in which it is now presented, he will not make the objection under the circumstances. No title to any land passes by the bill, as the Senator will observe on reading it.

Mr. EDMUNDS. I have as great respect for the Committee on Military Affairs as for any committee of this body, which is the very highest. We all know that every committee makes reports subject to the fair right of Senators to differ with them, if they see reason for it, I suppose. Now, my point is—and I only state it because I do not wish to have the bill come up this morning; I am not ready to consider it—that this land which it is proposed in effect to give to the city of San Francisco is worth two or three million dollars. If it is not needed for military purposes, it ought to be sold and the money ought to be turned into the Treasury of the United States, I think;

but I may be mistaken about that. Certainly it requires fair consideration and investigation. I did not know there was such a bill on the Calendar this year.

Mr. HAGER. I have been waiting for months to have it considered.

Mr. EDMUNDS. I hope the Senator will not insist on taking it up this morning, for I wish to have an opportunity to examine it and perhaps discuss it.

Mr. SCOTT. It is within the recollection of all of us that when this bill has been before the Senate heretofore it has been treated as in the nature of a donation of some thirteen hundred acres of land worth two or three million dollars, which will inevitably give rise to objection. I therefore deem it my duty to object, for the purpose of moving to proceed, as heretofore announced, to the consideration of bills reported from the Committee on Claims.

Mr. SARGENT. I ask the Senator to withdraw the objection for two minutes. I should like to occupy two minutes on this subject. That certainly is a reasonable request.

The PRESIDENT *pro tempore*. The motion made by the Senator from California to proceed to the consideration of the bill is in order. The Chair asked if there was objection to the motion, to save the trouble of putting the question to a vote, if no objection was made.

Mr. SCOTT. Then I will state as a reason why we ought not to proceed with it that it will interfere with what is virtually the order of the Senate for to-day. I do not wish to preclude the Senator from California [Mr. SARGENT] from stating anything he has to urge.

Mr. HAGER. I will ask the Senate to consent to let this bill be taken up on Tuesday next. The reason why I urge it is in consequence of the two seasons we have, the wet and the dry, as I said; and if anything is to be done at all, it must be done speedily. I am quite satisfied that Senators will not object to the bill in the form in which it is now presented. It is entirely different from the bills heretofore presented. There is no grant of title, as Senators will see on reading the bill. It merely grants the privilege of using the reservation as a driving park so long as the Government see fit to indulge the citizens of San Francisco in its use for that purpose. If the Government wish to sell it they can do so; but no one who understands it would advise its sale at this time. It is not valuable for any purpose of business or residence. It has no value at this time for any purpose of that kind. The Presidio barracks and fortifications are there, and the Government is about to build a hospital upon it, I understand; so that no one, I think, under the circumstances, would advise its sale. I do not wish to press the bill upon the Senate now if Senators are not acquainted with it; and I will therefore ask, if that be satisfactory, with the consent of the Senate, to have it considered on Tuesday next, in order that we may improve the reservation during the dry season if the bill should pass and become a law.

The PRESIDENT *pro tempore*. The Senator from California asks unanimous consent that this bill be considered on Tuesday next. Is there objection?

Mr. EDMUNDS. I cannot consent to its being made a special order by unanimous consent, because we may be crowded by the appropriation bills and other important bills that must be passed. I certainly hereafter shall interpose no opposition merely on the ground that I am not ready to consider the bill, whenever the Senator shall move to take it up after to-day. He need not delay on account of any want of preparation that I have.

The PRESIDENT *pro tempore*. The Senator from California may accomplish his purpose by giving notice of his intention to call the bill up.

Mr. HAGER. I give notice, then, that I shall call up the bill on Tuesday next.

The PRESIDENT *pro tempore*. The Senator from California withdraws his motion to proceed to the consideration of the bill at the present time, and gives notice that he will ask the Senate to consider it on Tuesday next.

LOUISA H. HASELL.

Mr. SCOTT. In accordance with previous notice, I now move to proceed to the consideration of Senate bill No. 91, that being the first bill from the Committee on Claims which I propose to call up, intending to follow it with other bills from the same committee.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 91) for the relief of Mrs. Louisa H. Hasell.

The bill appropriates $350, in full compensation for the use by the United States Army of the house and other buildings in Summerville, South Carolina, belonging to Mrs. Louisa H. Hasell, during the years 1865 and 1866, and in full satisfaction for any damage to the property arising from or incident to its occupation by the Army.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CAROLINE M. PURVIANCE AND FRANCIS WYETH.

Mr. SCOTT. I now move that the Senate proceed to the consideration of Senate bill No. 644.

The motion was agreed to; and the bill (S. No. 644) for the relief of Caroline M. Purviance and Francis Wyeth was read the second time, and considered as in Committee of the Whole.

The Secretary of the Treasury is directed by the bill to pay to Caroline M. Purviance and Francis Wyeth $4,500, the same to be in full satisfaction to them and all persons claiming under them for the use and occupation of and destruction to their property by the military authorities of the United States in Saint Joseph, Missouri, in the years 1861, 1862, 1863.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN T. WATSON.

Mr. SCOTT. I now move that the Senate proceed to the consideration of House bill No. 1271, for the relief of John T. Watson, of Cincinnati, Ohio.

Mr. COOPER. I ask the Senator from Pennsylvania why he skips the next bill in the order of business reported from the Committee on Claims?

Mr. SCOTT. What is that?

Mr. COOPER. Senate bill No. 647, "to pay James and Emma S. Cameron for property taken and used by the Army during the late war."

Mr. SCOTT. I will state to the Senator the reason why I do that. I have selected for consideration first such reports as I believe will not give rise to any objection or debate, intending to defer the consideration of those which I suppose will give rise to some debate to the last.

Mr. COOPER. Very well.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The question is on the motion of the Senator from Pennsylvania.

The motion was agreed to; and the bill (H. R. No. 1271) for the relief of John T. Watson, of Cincinnati, Ohio, was considered as in Committee of the Whole. It proposes to direct the Secretary of the Treasury to pay to John T. Watson $3,962, in full compensation for his expenditures and losses in rescuing United States officers and soldiers from the disaster of the steamboat Sultana, destroyed by fire on the night of April 26, 1865, on the Mississippi River.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BIGLER, YOUNG & CO.

Mr. SCOTT. I move that the Senate proceed to the consideration of Senate bill No. 228.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 228) for the relief of Bigler, Young & Co.

The bill authorizes the Secretary of the Treasury to settle the claim of Bigler, Young & Co., of Pennsylvania, for the erection of the lighthouse at Love Point, in the Chesapeake Bay, on principles of equity and justice; but the amount allowed them is not to exceed the sum of $1,694.55.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARTIN HOFF, CASPER DOERR, AND GEORGE GEBHART.

Mr. SCOTT. I now move that the Senate proceed to the consideration of House bill No. 2100.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 2100) for the relief of Martin Hoff, Casper Doerr, and George Gebhart, citizens of Saint Louis, Missouri.

The Secretary of the Treasury is directed by the bill to pay $2,618.62 to Martin Hoff and Casper Doerr, for work and labor performed and material furnished by them in curbing, guttering, and macadamizing, and cross-walks on Marine avenue, and paving alley in front of and adjoining United States marine hospital in the city of Saint Louis, Missouri; and the sum of $616.58 to George Gebhart for work performed and material furnished in paving sidewalks on Marine avenue, adjoining to and in front of the United States marine hospital in Saint Louis; in all, the sum of $3,235.20.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

S. D. HICKS.

Mr. SCOTT. I now move that the Senate proceed to the consideration of House bill No. 2332, for the relief of S. D. Hicks, administrator of R. M. Harvey.

Mr. JOHNSTON. I ask the Senator not to take up that bill now, for this reason——

Mr. SCOTT. If the Senator from Virginia desires that the bill shall be passed over I will not move its consideration.

Mr. JOHNSTON. Let it be passed over for the present.

W. A. SAYLOR.

Mr. SCOTT. Then I move that the Senate proceed to the consideration of House bill No. 2346.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 2346) for the relief of W. A. Saylor, of Bryan, Texas.

The bill proposes to direct the Secretary of the Treasury to refund $1,871.53 to W. A. Saylor, of Bryan, Texas, for taxes illegally collected on certain parcels of cotton during the years 1867 and 1868.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

P. HORNBROOK.

Mr. SCOTT. I move that the Senate proceed to the consideration of House bill No. 2205.

The motion was agreed to; and the bill (H. R. No. 2205) for the relief of P. Hornbrook was considered as in Committee of the Whole. It directs the accounting officers of the Treasury to allow, in the accounts of P. Hornbrook, surveyor of customs for the port of Evansville, Indiana, the sum of $872.35, being amount of payments made to John J. Hays for salary as store-keeper, from December 1, 1870, to December 11, 1871, and vouchers furnished therefor by Hornbrook, and disallowed in the settlement of his accounts for want of the oath of Hays.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL S. POTTER.

Mr. SCOTT. I move that the Senate proceed to the consideration of Senate bill No. 786.

The motion was agreed to; and the bill (S. No. 786) for the relief of Samuel S. Potter, was read the second time, and considered as in Committee of the Whole.

The Secretary of the Treasury is directed by the bill to pay to Samuel S. Potter $750, in full of all claims against the Government for expenses incurred by Potter by reason of the seizure of his seminary building by J. F. Head, medical director of the district of Kentucky, for hospital purposes.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SCHOONER ADA A. ANDREWS.

Mr. ANTHONY. With the assent of my friend from Pennsylvania, I wish to call his attention to the fact that he has just passed over a bill which, although it does not come from the Committee on Claims, is a step-child of that committee, having been first considered by that committee and then referred to the Committee on Naval Affairs, and by the Committee on Naval Affairs reported. Will he allow that to come up as part of his business? I think it has at least a semi-title to his care.

Mr. SCOTT. If it leads to no debate, and the Senator will protect me from its being a precedent for similar demands from any other quarter, I will not object.

Mr. ANTHONY. I think no one will object, and I will endeavor to protect the Senator. The bill to which I refer is Senate bill No. 688.

There being no objection, the bill (S. No. 688) referring the claim of the owners of the schooner Ada A. Andrews to the Court of Claims was read the second time, and considered as in Committee of the Whole. It refers the claim of the legal owner or owners of the schooner Ada A. Andrews, her cargo, freight, and personal effects, alleged to have been sunk by collision with the United States vessel of war Ticonderoga on or about the 1st day of May, 1871, to the Court of Claims to hear and determine the same to judgment, with right of appeal as in other cases; the suit to be brought within six months.

Mr. ROBERTSON. I ask if that bill has not been discussed in the morning hour once previously?

Mr. ANTHONY. No.

Mr. HAMLIN. The Senator from South Carolina has in mind another case.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GERMAN CHURCH AT MARTINSBURGH.

Mr. SCOTT. I move that the Senate proceed to the consideration of the bill (S. No. 709) for the relief of the German Evangelical church at Martinsburgh, West Virginia.

The motion was agreed to; and the bill was read the second time, and considered as in Committee of the Whole. The Secretary of the Treasury by the bill is directed to pay to the trustees of the German Evangelical church at Martinsburgh, West Virginia, $2,500 on account of the destruction of their church building and its furniture on the 17th of February, 1863, while the same was in the possession of a portion of the military forces of the United States, and through their carelessness.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE MORRISON.

Mr. SCOTT. I move that the Senate proceed to the consideration of House bill No. 2348.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 2348) for the relief of Rev. George Morrison, late of Kentucky. It provides for the payment to Rev. George Morrison, late of Kentucky, of $150 in full payment for one horse and equipments captured by the enemy during the late war while in the service of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

R. M. AND S. A. DOUGLAS.

Mr. SCOTT. I move that the Senate proceed to the consideration of Senate bill No. 669.

The motion was agreed to; and the bill (S. No. 669) referring the petition and papers in the case of Robert M. and Stephen A. Douglas, in so far as the same relates to cotton seized, (to the Court of Claims,) was read a second time and considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HIRAM W. LOVE.

Mr. SCOTT. I move that the Senate proceed to the consideration of Senate bill No. 398.

The motion was agreed to; and the bill (S. No. 398) for the relief of Hiram W. Love was read a second time and considered as in Committee of the Whole. It directs the payment to Hiram W. Love of $5,000, in full of all claim and demand against the United States for damages growing out of the destruction, by the military forces of the United States in 1864, of a crop of cotton growing on the following-described premises: All the tillable land contained in a tract bounded by a line drawn from the naval station at the mouth of White River to the Arkansas River cut-off; thence to the mouth of the cut-off at White River; thence down White River to the Mississippi; thence down the Mississippi River to the naval station, lying and being in the county of Desha, and State of Arkansas; said tract being more particularly known as the Old Field at the Cumbey monument; which premises were held and occupied by Love, under a lease from the United States, by William P. Mellen, supervising special agent of the Treasury Department, made in pursuance of instructions from the Secretary of the Treasury and orders of the Secretary of War in regard to the leasing of abandoned houses, tenements, and lands in States declared in insurrection; which lease is dated the 8th of March, 1864.

Mr. WRIGHT. I wish to call the attention of the Senators present to this bill. I propose an amendment to the bill to increase the amount allowed from $5,000 to $20,000. That is the amendment that I now offer to the bill—to strike out "5" and insert "20." That being the question before the Senate, I ask the indulgence of the body while I give for a very short time the reasons that influence me in making this motion.

It is not usual, so far as I am concerned, to differ from any amount that may be found by the Committee on Claims in favor of any claimant, and especially to think that the amount should be larger. But in this case I have such a firm conviction that the amount allowed this man is inadequate that I make this motion; and I think I can satisfy any member of the Senate that there should be a larger amount allowed. This may be regarded as a very small matter by us, but it is a matter of vital importance so far as this claimant is concerned.

Major Love went into the service of the United States, having left his business in my State in perfect health. After being in the service for some time his health failed him and he retired home. He then, under the rules of the Department and the legislation of Congress allowing him to go upon abandoned lands, went to this spot and obtained a lease from the Governmentand put in near one hundred acres of cotton. What I state will be verified by the report that was made by Mr. Willey, a member of the committee when this case was before the Senate heretofore, and I think will not be disputed by any member of the present committee. He went on this tract of land and put in about one hundred acres of cotton under this lease. That cotton was growing nicely and was almost to the point of being ready to pick. While it was in that condition, and when but a few days before he had been offered, as I remember, from thirty-five to forty thousand dollars for the cotton as it then stood, and he asking a few days to consider of it before he should give an answer to the proposition, he returned to his home (being in Memphis or Vicksburgh at the time the offer was made) to find that an officer of the United States Army, with a large force of Union soldiers, had come into that locality, and finding, as he says himself from his certificate, no proper or convenient place to locate his troops or to encamp, he went upon the field of cotton, put all his troops thereon, and the cotton was lost entirely to Major Love, so that, as I now remember, there was not saved to him more than one or two hundred dollars' worth.

There is no question about his contract of lease; there is no question about the destruction of the cotton. The testimony is that that cotton would have yielded over one bale to the acre, some of the witnesses putting it as high as two bales, it being an admirable quality of cotton for that region, and cotton was worth at that time an extraordinary price, as the testimony tends to show, over one dollar per pound. We all remember how very high cotton was at one time. Now he establishes that the expense of getting that cotton to its then condition was over $20,000. I insist that the true measure of damages to Major Love was what that cotton was worth to him at the time of its destruction, and not what it cost him to bring it to its then state. If he was allowed compensation under this rule—and no lawyer will certainly pretend that any other rule is justly or fairly applicable in such a case—then he would be entitled to a much larger amount than the sum actually expended in getting the cotton to its then condition; and if I went upon that rule of damages, I should make the sum, instead of $20,000, very much larger than that. But the committee having agreed upon $5,000, I propose $20,000, which I think is very much below what Mr. Love is entitled to in the way of compensation.

Now, Mr. President, I will ask the Secretary to read the report of Mr. Willey, made when this question was before the Senate heretofore, that the Senate may see exactly the report that was then made and the ground upon which action was then postponed. Before it is read, however, I wish to make this further remark: Senator Willey finds by that report that the cotton was worth a very large sum of money; but he concludes that the true measure of damages is what it cost the owner of the cotton to put it in and cultivate it up to that point. I do not think any one will claim in justice that that is the true rule of damages, for certainly I need not say that if this cotton had cost Major Love $50,000 and was only worth $25,000, no man would think of allowing him $50,000, what it cost, but what it was worth to him; and so the rule is equally true that if it cost him $20,000 and was worth $30,000, he should have the latter sum. In the case of the destruction of a house, if the house cost $5,000 and was worth $10,000, or if it cost $10,000 and was worth but $5,000, the rule of damages would be what was the property worth at the time of its destruction. But inasmuch as there was no testimony showing what it cost up to that time, and that being the rule of damages as he insists, he reports adversely to the claim at that time. Since then the proof has been supplied showing what it cost to put the cotton in the condition that it then was. Now, I ask that that report may be read that the Senate may see exactly the condition of this claim and upon what grounds it was that Mayor Love went there, the inducements that were held out to him by the Government, and the contract that he had.

Mr. BOREMAN. I suggest that the last report be read. It contains the report heretofore made by Mr. Willey and the report of the committee at this session, so that we shall get both by reading the report as made at this session.

Mr. WRIGHT. I have no objection. I expect the report to be read, most certainly. I asked for the reading of Mr. Willey's report at the present time, and then the other can be read.

Mr. BOREMAN. The last report contains Mr. Willey's.

Mr. WRIGHT. Then that is the same thing.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The report will be read.

The Chief Clerk read the following report submitted by Mr. BOREMAN on the 30th of January:

The Committee on Claims, to whom was referred the petition of Hiram W. Love, praying reparation for damages sustained by him in the destruction of his cotton crop by the United States Army during the war for the suppression of the rebellion, respectfully submit the following report:

It appears that the papers in this case were presented in the Senate at the first session of the Forty-first Congress, and were then referred to this committee, and, on the 9th of April, 1870, the committee made a written report thereon; which is as follows:

"On the 8th day of March, 1864, the petitioner made the following agreement with William P. Mellen, supervising special agent of the Treasury Department, to wit:

"'LEASE.

"'This agreement, made this 8th day of March, 1864, by and between the United States of America, by William P. Mellen, supervising special agent of the Treasury Department, in the first agency, and Hiram W. Love, of Iowa City, Johnson County, in the State of Iowa, witnesseth that, in pursuance of instructions from the Secretary of the Treasury of the United States, and of orders of the Secretary of War, concerning the leasing of abandoned houses, tenements, and lands in States declared in insurrection, the said agent, for and in behalf of the United States, agrees, upon the terms hereinafter contained, to lease to the said Hiram W. Love, from the date hereof to the 1st day of January, 1865, the following-described lands and premises, namely: lying and being in the county of Desha, and State of Arkansas, all the tillable land contained in a tract bounded by a line drawn from the naval station at the mouth of White River to the Arkansas River cut-off; thence to the mouth of the cut-off at White River; thence down White River to the Mississippi; thence down the Mississippi River to the naval station. Said tract is more particularly known as the Old Field at the Cumby monument, and said to contain fifty acres of land, more or less.

"'The said Hiram W. Love, having taken and filed the prescribed oath hereunto annexed, hereby agrees to pay to the said agent, as rent for the above-described lands and premises, one cent per pound on all cotton, and a proportionate sum upon all other products raised by him; which payment shall be made as provided for and in pursuance of the rules and regulations for leasing abandoned plantations and employing freedmen, hereunto annexed; and in all cases where freed labor is employed, the said Hiram W. Love further agrees to contribute or pay to the said agent the sum of one cent per pound on all cotton, and a proportionate sum upon all other products grown on said premises, for the purposes set forth in section 5 of said rules and regulations.

"'And the said Hiram W. Love further agrees that during the continuance of this lease he will keep employed one No. 1 man, or the equivalent thereto in men, women, or children, as classified in said rules, for each twelve acres of tillable land occupied by him under this lease, it being hereby agreed that said premises contain fifty acres, and require four No. 1 hands, or their equivalent in other grades.

"'And the said lessee further agrees to furnish to the persons employed suitable tenements, with separate quarters for families who may desire the same; and that to each family of four or more persons he will set apart, for their sole use and benefit, not less than one acre of ground suitable for garden purposes, and fuel sufficient for the use and comfort of each family, all of which shall be without charge to such persons or the Government.

"'Said lessee hereby further agrees that no freed person shall be employed on the said premises except under contract made with such person; and no contract for freed labor shall be valid without the sanction of the superintendent of the Freedmen's Home Farm, who shall in each case designate the proportion of each grade or sex to be employed.

"'Said lessee further agrees to pay to each freed person, so employed, according to the terms set out and established in section 10 of the said rules and regulations.

"'Said lessee further agrees to pay at least one-half the amount of the monthly wages during each and every month, said payment to be in cash, food, clothing, or other necessaries, at the option of the laborer; all food, clothing, or other articles so furnished to be of good quality, and not to be charged at more than 10 per cent. advance on wholesale invoice prices at Saint Louis, Chicago, Cincinnati, or Louisville.

"'It is further agreed that the parties to this contract shall be subject to the observance of the rules and regulations hereto subjoined.

[SEAL.] "'H. W. LOVE.
[SEAL.] "'WILLIAM P. MELLEN,
"'Per T. C. CALLICOTT,
"'*Assistant Special Agent Treasury Department.*'"

"By virtue of said agreement the petitioner entered upon said lands in the month of April, 1864, which, upon actual survey, were found to contain 88.28 acres; and also upon a smaller lot, containing from six to ten acres, situate about one-fourth of a mile from said larger tract. It appears that said petitioner did plant cotton in both of said parcels of land, and by his proper care and attention the cotton thereon promised a good and productive crop, and that said crop had so far matured as to be ready for picking, and the petitioner had made his arrangements for picking the same, when, on the 8th day of September, 1864, Brigadier-General Dennis, commanding some fifteen thousand United States troops, arrived with said forces at the mouth of White River, and, after examining the vicinity to select a proper place of encampment for said forces, issued the following order:

"'[Special Orders No. 19.]

"'HEADQUARTERS UNITED STATES FORCES,
"'*Mouth of White River, Arkansas, September* 8, 1864.

"'3. There being no ground in this vicinity suitable for an encampment, excepting this field of growing cotton, claimed as private property by Major Hiram W. Love, the troops of this command will at once disembark and go into camp on this aforesaid field, the same being necessary for military purposes.

"'By order of Brigadier-General E. S. Dennis:

"'WILLIAM E. KUHN,
"'*Acting Assistant Adjutant-General.*

"'I certify on honor that the foregoing is a true and correct copy of the original order, as appears upon records on file in this office.

"'WILLIAM E. KUHN,
"'*Acting Assistant Adjutant-General.*'"

"By virtue of said order the said forces were disembarked and encamped on the said larger field of cotton, notwithstanding the remonstrances of the petitioner through his authorized agents.

"The result was that the cotton on the said field of eighty-eight acres was principally destroyed. One of the witnesses, substantially sustained by many others, testifies that, 'immediately upon occupying said land, the troops went to work and pulled up the cotton-plants to clear the ground for camping purposes, and scattered it around in piles so as to be out of their way, and trampled upon and beat it down with wagons, horses, and artillery; that in a short time the whole crop of cotton growing on said parcel of land, containing about ninety acres, was wholly destroyed and rendered worthless and of no value, and was wholly lost to said Love, except in this, a small amount of cotton was picked from the scattering stocks and from the piles of stocks pulled up by the troops; but the amount thus obtained was very small and of little value; that, in truth and in fact, the entire crop of cotton growing on said parcel of land, containing about ninety acres, was substantially wholly and entirely destroyed, and rendered worthless and of no value; and that the said Love, by reason of the occupancy of said parcel of land by said troops of the United States, as above stated, was injured and damaged to the full value of the cotton crop growing thereon in its then condition.'

"The actual amount secured as 'picked from the scattering stocks and from the piles pulled up by the troops' was 3,896 pounds.

"The claimant has filed the affidavits of many witnesses, of evident intelligence and good moral character, in relation to the amount of cotton which the said 88 acres would have produced if he had been suffered to pick and bale it; several of whom were persons who had experience and skill in raising cotton.

"Their estimates are as follows:

"Eli Nellums, one and three-fourths bales of ginned cotton, of 500 pounds to the bale, per acre.

"Jacob Graham, the same.

"George W. Moorehead, an aggregate of 200 bales of 500 pounds each.

"John A. Hugus, one and a half to two bales per acre of 500 pounds.

"Marion W. Magill, the same.

"Thomas E. Dugan, from one and three-fourths to two bales of 500 pounds to the acre.

"The value of cotton at that time, according to the proof, was $1.75 per pound, delivered on the bank of the river.

"The highest estimate of cost for ginning and baling is $3 per bale; and at the price of $1.75 per pound, there would have been a profit on the bagging and rope necessary to bale the cotton.

"Thus stands the case on the proof before the committee. Estimating the crop of cotton on the said eighty-eight acres at one and three-fourths bales per acre, the aggregate to be 154 bales of 500 pounds each, making 77,000 pounds of cotton, which, valued at $1.75 per pound, would make the sum of $134,750

Deducting 3,896 pounds saved	$6,118	
And the ginning and baling	462	
		6,580
Would leave a balance of		128,170

Such is the result of the evidence in this case, looking to the value of claimant's cotton crop, if he had been allowed to pick, gin, and sell it. It is palpable that this result, based wholly on *ex parte* affidavits, is unreliable and extravagant. But a majority of the committee are of opinion that no relief should be granted to the claimant on this basis; that Congress should not undertake to ascertain and pay for the speculative advantages which he might have derived from his contract if he had not been interrupted in its execution; but that he should be indemnified for his actual expenses in preparing the ground and planting and cultivating the cotton, including a reasonable compensation for his own time and labor bestowed thereon.

"Waiving the question of the Government's liability for the net profits which the claimant would have realized if he had been permitted to pick, gin, and sell his cotton, the committee all agree that he should be indemnified for his actual expenses. The evidence shows that the claimant in good faith, under authority of law, rented the land aforesaid from the supervising agent of the Treasury, and planted the same with cotton, and cultivated it, according to the stipulations of the contract, until he was forcibly ejected from the premises by the military order aforesaid, and his crops destroyed by the troops of the United States encamped thereon by regular competent military authority. Certainly, th e claimant should be indemnified to the extent of his actual expenses incurred in the faithful execution of a contract with the Government, which the Government, by its own officers, forcibly prevented him from fully executing, and from which, if he had been permitted fully to enjoy the benefits of it, he would, beyond all question, have realized a large amount of net profits over and above his expenditures.

"But the claimant, proceeding upon the hypothesis that the measure of the Government's liability was the net profits which he would have made if he had not been ejected from the premises, and his crop destroyed as aforesaid, has furnished no evidence of his actual expenses in planting and cultivating his crop, upon which the committee could make any reliable estimate thereof.

"The committee, therefore, report back the papers to the Senate, and recommend that the claimant have leave to withdraw them, and to take evidence of said ex-

penses, if he sees proper to do so, with a view to a future application for relief in that behalf."

Your committee further state that they concur in the foregoing statement of the history and facts of claimant's case, except that they think that the estimate therein of the amount of cotton that would have been gathered from the eighty-eight acres of land is extravagant, and the price per pound therein fixed more than it would have sold for.

Your committee further state that, since the making of the foregoing report of April 9, 1870, the claimant has filed an account of his actual expenditures in this behalf, accompanied by his own affidavit and some additional evidence. In his said affidavit he says:

"That deponent's books, containing an account of the moneys expended by him in raising a crop of cotton in the year 1864, on certain lands leased by him from the Government of the United States, situated at the mouth of White River, in the State of Arkansas, (which crop of cotton was destroyed by the military forces of the United States in September, 1864, by camping thereon,) were destroyed by fire on a steamboat on the Mississippi River in the year 1865, so that he cannot make out a full and complete account of all moneys expended by him in the planting and cultivation of said crop of cotton, but that the following statement, made up from memoranda and receipts now in his possession and from memory, is as full and accurate an account of such expenditures and expenses in raising the said crop of cotton as he is now able to give; and that the same is true and correct according to the best of his knowledge and belief."

In the account accompanying said affidavit is set forth in detail the several items of expense incurred by claimant in clearing off the land; in providing materials and implements; in paying for labor; and generally in planting, cultivating, and raising the crop of cotton which was destroyed as above set forth. The items of expense charged in said account amount in the aggregate to the sum of $24,341.75. This transaction, it will be recollected, was in the year 1864, when three dollars in the currency of the times (United States notes) were worth a little more than one dollar in gold. These charges are no doubt made with reference to the paper currency of the time. Yet, notwithstanding the depreciated condition of the currency at that date, your committee look upon them as exorbitant; and while admitting that it is clearly shown from the amount of work done, materials furnished, &c., that claimant must have expended considerable sums of money in preparing for and cultivating his crop of cotton, the committee nevertheless think that a much less sum than that claimed will cover his actual expenses; and in this view they have made an estimate, imperfect it may be, of such actual expenses in this behalf, and have determined to recommend, and do recommend, that he be allowed the sum of $5,000, in full of all claim and demand against the United States on account of the matters set forth and complained of in complainant's petition; and to this end the committee report the accompanying bill, and recommend that the same do pass.

The PRESIDING OFFICER. (Mr. INGALLS in the chair.) The question is on the amendment of the Senator from Iowa, [Mr. WRIGHT.]

Mr. WRIGHT. Now that the report has been read, I think I am warranted in saying that every statement I made in reference to this case in substance is sustained by the finding of the committee. It is true they say in the closing up of their report that they think the estimate of the expenses incurred by this person in preparing this cotton is extravagant; but let it be ever so extravagant, I do not see how it is possible that they can find the sum of $5,000, and no more, to be due. It seems to me, if you take that basis, it must be very clear that $5,000 is a very inadequate compensation.

I insist upon it that if we look at this question as one of right as between the citizen and the Government, the true rule of damages is that this person should be compensated for what was his loss; in other words, what that property was worth at that time. I concede that it is proper to take into account in reaching such a conclusion the then condition of the cotton, the possible contingencies subsequent to that time, the possible injuries that it might have received from frost or otherwise; but you can reach a fair conclusion, as a jury would if they were estimating this question as between individuals. If an individual had destroyed this property under the same circumstances and this claimant had brought his action, the jury would be compelled under the instructions of the court to find what the property was then worth, just exactly as they would if there had been a destruction of a field of corn or a field of wheat, taking into consideration such contingencies as might possibly arise subsequently to destroy that property to the individual.

Mr. CONKLING. May I inquire of the Senator whether there is any equity in this case that would not exist if the claimant had been the owner of the land?

Mr. WRIGHT. As against him?

Mr. CONKLING. No. I think there is some the other way; but is there any equity in favor of the claimant which there would not be had he been the owner of the property in fee?

Mr. WRIGHT. I should say not. I do not know that there would be; but there is this fact, he was there under a contract with the Government; the Government had undertaken to protect him in his rights to that land; and whether there was an agreement expressed or not he should be protected, for of course the landlord was bound to protect him in that property; that is to say, the landlord could not be justified upon any ground whatever in himself going there and destroying that property. This man was thus in possession of this land and had this property, and it was destroyed by the order of one of the military officers of the Government, and entirely lost to him.

The testimony here shows the amount expended by this claimant, the amount of his losses. I know how exceedingly difficult it is to get the amount appropriated in a bill increased beyond what has been found by the committee; but this is such a glaring case of injustice to this man, that I feel justified in insisting on the sum that I have named. The effect of the action on the part of the Government was to strip him of everything he had. They took this property, which was to him his all, property for which he was offered a few days before, as I remember the testimony, about $35,000. Now I ask that he shall be allowed $20,000. Perhaps I might say I can scarcely hope, in view of the action of the Senate heretofore in following committees, to get this sum increased, and if it was an ordinary case I should not insist upon it; but I have such a firm conviction that this man is injured by this report and that he ought to have a larger sum, that I feel it my duty to insist upon the amendment.

Mr. HAMILTON, of Texas. I should like to ask the Senator from Iowa if he knows what it is worth to cultivate an acre of land in cotton—if he knows what it costs generally?

Mr. WRIGHT. I know nothing about it in the world; but I take the record as I find it here as to what were the expenses in connection with this particular piece of ground and this particular lot of cotton. That is what governs me, and that alone.

Mr. HAMILTON, of Texas. I noticed from the reading of the report that Mr. Love had leased about a hundred acres of land from the Government and cultivated it in cotton, and early in September, 1864—I think early in September—the military authorities took possession of the land for a camping ground and destroyed the crop of cotton. That I think entitles him to compensation for his losses; but how much were his losses? That is a thing for the Senate to inquire into; and my impression is that $5,000, as reported by the committee, will amply cover all his losses, unless he had a very large amount of stock on his plantation which was lost also, and I take it that was not lost.

Now, Mr. President, a crop of cotton is not made in the beginning of September; it is beginning to be made, but it may be almost destroyed by the worm between that and the frost. It may be cut off one-half, and very often is; or by floods, by successive rains, rainy, cloudy weather, &c., the cotton will rot. But at the very best, allowing that he made his whole crop, he had not gathered a pound of it, and it costs as much to gather a crop of cotton as it does to make it, and more too. The making, plowing, hoeing, and cultivating are not one-half the work in preparing a crop of cotton for the market.

Then, again, the Senator from Iowa assumes that this land would have made from one to two bales of cotton to the acre. Mr. President, I have lived in a cotton country all my life and noticed these things pretty closely, and I say there are very few plantations that will turn out a bale of cotton to the acre. Not one in a thousand, not one in ten thousand I undertake to say, if you go all over the United States, will make a bale of cotton to the acre. Generally it is considered a first-rate crop if you make half a bale to the acre. In the best Red River lands and Mississippi lands three-quarters of a bale to the acre is a fine crop.

Now, allowing that Mr. Love would have made seventy-five bales of cotton on his one hundred acres of land, he had not gathered a pound of it, and the gathering is one-half of the labor. That would reduce his crop to thirty-seven bales; and at forty cents a pound, which is all it was worth in sound funds at that time, it would have netted him after he had got it to market about $7,500, and that would have paid him very well for cultivating one hundred acres of land. Five thousand dollars, as the committee propose to pay him, is fifty dollars an acre for cultivating his one hundred acres of land, which I say is a first-rate price. It is a very large price. There are hundreds of planters in the South who will undertake to cultivate all the lands you give them at fifty dollars an acre and cultivate them in cotton, and turn the crop over when it is finished, and would be very glad to do that sort of work and do no more. I think myself the report of the committee ought to be supported.

Mr. BOREMAN. Mr. President, as to many of the facts in regard to this matter there is no dispute. The report is plain, and it seems to me it cannot be misunderstood in regard to the main facts.

It appears that in the spring of 1864, as has been stated, under the laws in regard to captured and abandoned property, the agent of the Government leased to this gentleman, Mr. Love, a tract of land at the mouth of White River, in Arkansas, which was supposed to contain about fifty acres, but upon survey it was shown to contain eighty-eight acres. In pursuance of that contract Mr. Love proceeded to clear off the ground and plant it in cotton. The crop was grown and about ready to be gathered, when on the 8th of September in that year General Dennis, with twenty thousand troops, landed from boats and occupied the premises and destroyed the cotton. It was a temporary occupancy. The general certifies, as has been read from the report, that there was no other ground in the vicinity suitable for an encampment, and therefore he occupied it. The crop was destroyed, as I remarked, and the evidence before the committee, which was all *ex parte*, is given in the report. Four, five, or probably half a dozen, witnesses testified that the ground would produce one and three-quarters bales of cotton to the acre, and they give an estimate of the value of that cotton, which they place at $1.75 per pound. The committee, even if they had seen fit to go into the question as to whether Mr. Love was to be paid for his cotton or not, came to the conclusion that this was a very extravagant price; that the amount of cotton per acre was more than is ordinarily produced; that it was an extraordinary crop if one and three-quarters bales to the acre were raised upon the land.

But, sir, in the view that the committee took of this question they determined that the Government was not bound to pay Mr. Love for the cotton destroyed; that it was one of those injuries which result from the condition of war, which are without remedy so far as the property destroyed is concerned; that, notwithstanding the lease on the part of the Government, he took that lease knowing the circumstances; that there was no guarantee in the lease of protection; and

the committee I apprehend did not conclude that there was even an implied guarantee of protection on the part of the Government, except such as is extended to all its citizens; that this was a mere permission, for which this gentleman agreed to pay the Government, as set forth in his contract, a very small return, which was to go to the support of the freedmen in the Government's care and protection over those unfortunate people at that time. The committee said the Government could not afford to pay for the value of this cotton; that its value if it had been gathered was estimated, but its value growing was not proven. There is no evidence in these papers to show what it would have cost to gather this crop. That is a defect in the testimony which of course the committee could not supply. There was no evidence in the case to show what the cotton was worth precisely as it was growing; and to have undertaken to pay this gentleman for a growing crop the amount that it might have been sold for in the event that it had been gathered, baled, and transported to market, was coming within the rule of what the committee state here to be speculative damages, prospective damages; what might or might not have been the damages sustained by this party.

The committee, upon a rule which they have adopted for their guidance in the determination of cases of this character, would not go into that question at all. They put that aside, and determined that the rule for the guidance of the committee, and by which the Government has usually been controlled, was the actual expenditure of the party and the outlay by him in money in the cultivation of his crop; that the Government cannot afford to pay a party for crops that he might have made if he had been allowed to proceed and complete his work. The Government cannot afford to pay persons what they might have made had they been allowed to perfect their engagements; but the Government will try to make its citizens whole for money which they have actually expended and which has been taken away from them by the action of the Government or its agents.

Mr. WRIGHT. Will the Senator from West Virginia allow me to ask a question right there?

Mr. BOREMAN. Yes, sir.

Mr. WRIGHT. Suppose the testimony in this case established beyond all question so that there was no room for doubt left upon it, and the Senator reached the conclusion without any hesitation, that this cotton cost this man $30,000 at the time it was destroyed, in the work that he had undertaken, but it was worth really only $10,000; what would be the rule of damages in his estimate?

Mr. BOREMAN. It is unnecessary to answer that question, I apprehend, in this case. The committee determined, as I have remarked, as their rule of action, not simply in this case, but it has controlled them in regard to all claims of this character which have come before them, to try and make claimants whole where the action of the Government or its agents has damaged or injured them. This being the view and the rule which the committee have adopted for their action, the next question was to ascertain what had been the expenditures of this gentleman in the cultivation of his cotton. When the case was first considered by the committee in 1870 there was no evidence on file to show how much money he had expended, and the report was adverse on that ground. Since that he has had time to file such testimony as he could get to show how much money he had actually expended in the planting and cultivation of this crop. The only testitimony which he has filed is his own affidavit, as referred to in the report, in which he states that his books and papers were destroyed on a steamboat, I believe by fire, and he makes out his account no doubt from memory. He has no witnesses by whom he can prove these expenditures, but he states upon his own oath and from his own memory as well as he can the amount he has expended. The account is not incorporated into the report. It is a long document. Here it is, [exhibiting a manuscript] as furnished by himself. His expenditures in the cultivation of eighty-eight acres of cotton he estimates, and indeed states upon oath, amount to the sum of $24,341.75. He gives the items. Now, sir, a rough estimate will show that according to his statement here, if we were to pay him his claim, it cost him over $200 per acre to plant and cultivate this crop of cotton. The committee have allowed him some sixty dollars per acre as the amount they estimated would be sufficient to repay him the amount he should have expended.

Mr. PRATT. Will my friend from West Virginia read some of the items in that account in which Mr. Love figures up $24,341 as his expenses in cultivating eighty-eight acres of cotton land?

Mr. BOREMAN. The first item is:

Clearing off and preparing for cultivation thirty-five acres of land, at an expense of $30 per acre	$1,050 00
Use of ten mules in cultivating crop, 8 months, at $26 per month	2,080 00
Transportation of mules from Memphis, at $10 per head	100 00
Transportation of rations and forage	400 00
Wages of one man, eight months, at $150 per month	1,200 00
Wages of one man, eight months, at $125 per month	1,000 00
Wages of one man, eight months, at $100 per month	800 00
My own time, twelve months, $300 per month	3,600 00

Mr. PRATT. I will not ask my friend to read any further. I only wanted a sample of the account.

Mr. BOREMAN. Mr. President, my sympathy for this gentleman under the circumstances is such that I am not here to oppose an increase of the amount fixed by the committee in their report, and yet I have felt it my duty to refer to the facts in order that the Senate might be advised of the facts upon which the committee made up their opinion, so that they may understand how it was that we arrived at this conclusion. It will be seen that the committee have taken this account and looked it over and come to an estimate, because the figures fixed by the committee of course are not those given by any witness nor by the party himself. In looking over the ground and examining the facts the committee came to the conclusion that $5,000, or sixty dollars an acre, would repay the claimant for all the moneys that he should have expended in the cultivation of this crop.

Upon this state of the case I have no argument to make. If the Senate see fit to increase the sum that is set forth in the report, and recommended by the committee to be allowed, I shall be content. As I have remarked, my sympathy for this gentleman under the circumstances is such that I am not here to make an argument even against the allowance of a larger sum of money to him. I think, however, that the sum named in the amendment proposed by the Senator from Iowa is more than should be allowed by this body. My own judgment is incorporated in the report, but I think the allowance of $20,000, as proposed by the amendment, would be entirely too great and exorbitant for the raising of this crop.

I will state further as a fact that as far as I was concerned I was not controlled entirely by the evidence in the case. The statements of this gentleman who came before us in regard to this matter were such as to excite my sympathy, and I inquired of members of the Senate and of members of the House who have been in the habit of cultivating cotton to see if we could not increase the sum that is fixed by the committee in their report, and I regret to say that from conversations with the gentlemen to whom I refer, and whose information I requested in regard to this matter, I was compelled to come to the conclusion ultimately that the committee were very nearly right. There are some of those gentlemen here, members of this body, who are planters, who have now the facts before them. Here is this claimant's account. They can look over it, and they can state to the Senate how reasonable it is; and I think their information and knowledge on this subject given to the Senate ought to have great weight in aiding us to come to a correct conclusion. But I wish to repeat that I shall be content if the Senate see fit to increase the amount that is set forth in the report.

Mr. SCOTT. Mr. President, the Senator from West Virginia [Mr. BOREMAN] made this report, and is more familiar with the details than I am. But there is a general view of this case which I deem it my duty to present to the Senate.

So far as this claimant is concerned, I am informed that he is a very deserving and worthy gentleman, and I regret that my sense of public duty compels me to oppose the amendment which is offered by the Senator from Iowa and to support the report of the committee, which I do upon grounds entirely of public policy in this case, and I may say that it is because it is a case of such exceeding hardship that I am enabled to vote for a report allowing damages in this case at all. It is the case of, I will not say a temporary occupation of private property by the United States troops, but certainly of a not very prolonged occupation. It was not a destruction upon a march. It was not pillage by private soldiers. It was a deliberate occupation by order of a commanding officer and the occupation of this particular property, because there was none other in the neighborhood adapted to the purpose of encamping his troops. We can hardly suppose that an officer of the United States Army fit to be intrusted with the command of men would order his troops to encamp in a growing field of cotton almost ready to be picked, and have it utterly destroyed, unless he were driven to it by such circumstances as left him no other resort.

He did this; and under what circumstances? It was not the property of an owner resident there, and who had been resident there for many years. Mr. Love was a citizen of Iowa, as we learn from the agreement into which he entered. He went from Iowa to the State of Arkansas, and took a lease of captured and abandoned property for the purpose of raising cotton. Eighty-eight acres were leased to him, and he promised to pay the Government one cent per pound upon the cotton raised upon that property. He presents a bill which shows that the cotton raised upon eighty-eight acres would have been worth to him $128,000. The statement itself I confess is not calculated to add to the equity of the claim, for it makes the product of that land worth about $1,500 per acre. Of course it is proper to say that it might be subject to the deduction suggested by the Senator from Texas, the cost of picking the cotton, which he says would be one-half; but even that would reduce it down to over $60,000, which would be his demand if he had made that deduction.

Now, the ground upon which the committee placed the report was that the Government did not stand in the relation of a lessor who would be bound by his implied covenant, if it were not expressed, for the quiet enjoyment of his lessee. Mr. Love went there knowing that he was going into a probable theater of war; and he took the risks of occupation by United States troops to some extent like any other owner, and even of loss or devastation by the enemy, in which event of course he would have been a sufferer without the right of compensation. The Government then being driven by stress of necessity to occupy his property, when his case comes before Congress, the committee looking at the hardship of the case takes it out of what perhaps would be the general rule, that it was one of the misfortunes of war caused by the march of the troops through that particular region

or their disembarkation from the river at that particular spot, and in consideration of the hardship have agreed to allow him $5,000.

Mr. President, that is the whole case. I do not think that the Senator from Iowa himself will say that if he had been a resident, if he had been the owner in fee-simple of the soil, and the troops of the United States in their march had traveled across his field and trodden down every particle of his growing cotton, he would have had a claim which legally he could have established against the Government of the United States. It would be one of the casualties of war which, however hard they may be to endure, usage has established that governments either cannot or will not pay it until some other rule shall be established. But he was there as the lessee of the Government; the Government did occupy his property; and he did lose the whole profits of his venture, and also all the money that he had expended in putting this cotton there.

What have the committee done? They have endeavored to ascertain not what the cotton would be worth if it had been gathered, not what his speculative profits would have been, but to ascertain how much money he actually spent in getting the crop there on the ground. He says his vouchers are lost; they have been burnt. A gentleman who examined the case technically but closely says he thinks $5,000 will compensate him for the property invested; and I think, while I may regret that we are not able to give him more, that this claimant should be well contented with getting the $5,000 which the committee have awarded him; and I trust that will be the sense of the Senate.

Mr. ALCORN. Mr. President, I am certainly not one of those who would oppose the payment by the Government of any proper compensation in cases of this character; but the case at bar bears upon its face such palpable evidences of fraud, that I do not feel justified in sitting in my seat and permitting this bill to pass.

I know something of cotton-raising. The Senator from Texas, when he estimates the crop of the Mississippi alluviums at less than a bale to the acre, does not I think do justice to the capacity of those lands for production. It is true that the alluviums of the Mississippi will produce a full bale of cotton to the acre when well cultivated. Very little of that sort of cultivation is had, however.

Mr. HAMILTON, of Texas. If the Senator will allow me, I should like to ask him what the annual report of the cotton crop of the South in the States of Mississippi and Louisiana shows?

Mr. ALCORN. Only about half a bale to the acre, taking the two; but that report embraces a large portion of very sterile lands, and the average is taken. In the alluviums of the Mississippi I say a bale of cotton to the acre can be very well produced. I do not think, however, the crops in that district average a bale to the acre, for the reason that there is a great loss in the gathering always. I do not suppose the average is up to a bale to the acre; but that that land will produce a bale and in some cases as much as two bales to the acre there is no question. But in this case, on the 8th of September, 1864, an encampment was made on land occupied by a party who had rented it from Callicott, an agent of the Government. That agent of the Government was there for the purpose of speculating; he was there to take charge of the abandoned lands; and the Government declared those lands abandoned from which the people had been driven. That agent does not bear a very favorable record in the history of the war, for I believe he was subsequently put in the penitentiary for his swindling and for his robbery, and served his time there on account of the infamous proceedings that he inaugurated while he was in the discharge of his duty as a representative of the Government. I had the honor to have an acquaintance with Mr. Callicott, and I also know something of the gentleman who makes this demand against the Government. Of him, however, I know nothing to his discredit. He looks like, and appears to be, a very good clever sort of man, but he does make out an account here against the Government that shows a fraud upon its face. The question is, will the Government pay this party for and on account of what may be conceived to be consequential damages. I apprehend that the Government will not commit itself to paying for consequential damages. If he is not to be paid consequential damages, then shall he have the damages that actually occurred at the time? There is no way of estimating those damages; and we fall back necessarily in arriving at something like the equity of this case on an estimate of the expenses to which this party would have been subjected in cultivating these eighty acres of ground.

Now, how many laborers will it take to cultivate eighty acres of ground? I undertake to say here that eight hands can cultivate eighty acres of ground, and cause that land, if industry is used, to produce the maximum of its capacity. Eight hands are all-sufficient. Eight hands, then, at twenty-five dollars a month for the whole year would give a result of $2,400. Five mules certainly would be sufficient. This man puts their use at twenty-six dollars each. That is low enough; it is too low.

Mr. BOREMAN. Twenty-six dollars a month.

Mr. ALCORN. A month! That is more than a mule is worth. I thought it was that for a year. I put down five mules at fifty dollars for the year. That is a large estimate. Forty dollars is the usual price for the use of a mule for a year, but I will put it at fifty dollars That is $250. He charges for one overseer $1,800 a year, and for another overseer $1,500 a year, and another overseer $100 a month —three overseers for eight darkies—and for himself as a supervisor and general controller of the concern. This was the most expensive eighty-eight acres of land that I have known to be cultivated in that district of country in which I live, and this region lies contiguous to that in which I live. I would give him one overseer for eight darkies, and I should say that would be a pretty high price. I would allow $1,250 for that overseer. I would give him then provisions for eight hands, and put them at twice as much as they are worth. That item I would put down at $400. I would give him then provisions for the five mules, and put them twice as much as they are worth, and would put that down at $250. Then I would give for contingencies four times the amount that it was necessary for him to expend, and put that down at $500. I put down then his expenses at the outside limit at $4,650, and that I will venture to say in the presence of his statement and meeting his statement, is more than he expended. There cannot be a doubt about it. This account of his is fabulous.

When he went upon this land he went there with the knowledge that that country was raided upon by the confederate troops periodically. He went there with the knowledge that the owner of that land had been driven from it by the presence of the Federal troops. He went there, I say, with this knowledge. Certainly all the facts that the case embraces were understood by him. He took the risks. He agreed to give to the Government one cent a pound for rent on the cotton.

Mr. BOREMAN. Two cents. There is one cent mentioned in two different places in the contract, and I think it amounts to two cents.

Mr. ALCORN. One cent a pound would be about five dollars an acre or say ten dollars an acre.

Mr. CONKLING. Five dollars a bale, it is said.

Mr. ALCORN. He estimated it at $1.75 I believe. The price to be paid to the Government shows very well that the land was not in very great demand. It shows upon its face that he took the risks, and that he went there to cultivate a precarious estate held in a precarious way. He went there upon a speculation. While I would not intimate or insinuate or have any one to understand that I am casting any reflection either upon this claimant or upon the officer who could find no other ground to camp on than this field, I venture to suggest that the tenant of this land at the time the troops encamped there did not shed very many tears over the disaster; he preferred to make his claim against the Government to going forward to gather the crop.

Mr. CONKLING. May I ask the Senator how does he find that this particular spot had been raided upon before? I do not doubt the fact, but I am not familiar with the papers.

Mr. ALCORN. I have not said that this particular spot had been raided upon.

Mr. CONKLING. I do not mean the particular eighty acres; but I mean the general locality. Does it appear from the papers before us that that was so; or does the Senator know it?

Mr. ALCORN. It was within the confederate lines, which made it liable to confederate raids.

Mr. CONKLING. That is enough for my purpose.

Mr. ALCORN. The Government had not then, as I understand, at any time declared that region within the confederate lines; or if it had, it was a mere formal declaration; there was no garrison of troops there, as I understand, but in all that country on the Mississippi troops of both sides were continually coming to the river from the interior. As I said, this cotton was pulled up on the 8th day of September, 1864. At that time the cotton was fully matured. The picking commences in that country from the 10th to the 25th of August; and by the 8th day of September, if this man's crop were likely to produce anything, he should have had a very considerable amount of it gathered; but it appears that he had gathered none. The cotton at that time in that latitude was matured; and by the pulling of it up the boles that were not open would not have been injured unless they had been trampled upon and trodden into the earth. It is frequently the case when cotton is pulled up at that season of the year, if pulled up with any degree of care, that a valuable crop may be gathered. If it is fully matured, the product is ripening and the opening has already begun.

Mr. PRATT. At this point I should be glad to ask the Senator from Mississippi a question. Major Love, the claimant in this case, laid his testimony before the committee; and in the affidavits he furnished he claims that he had the opportunity a short time before the Government troops encamped upon this ground of selling his crop ungathered, in the condition it was, for the sum of $35,000—the crop that was growing upon eighty-eight acres of ground. Now the question which I desire to ask the Senator from Mississippi is whether that was a reasonable price, whether a sane man, having in view his own interest, would make such an offer as that?

Mr. ALCORN. I would doubt the good sense of a man who would have made any such proposition. If he had made a proposition like that, I should have said that he had somebody else's money or that he did not know how to manage his own—one of those two things. During the war, many highly speculative men visited that country. I know nothing about the proposition, and am not prepared to say that it was not made; but certainly I would have said that the man who made such an offer was a very speculative sort of an individual. He had somebody else's money, or he did not know how to manage his own—one of the two. I think the report of the committee is very liberal. I think it is more than it should be. That is my judgment; and I do think the friends of this claim ought to be content to take what the committee have given and say no more about it.

Mr. ROBERTSON. If I know anything, Mr. President, I know

something about the cultivation of cotton. I followed that business for years. I think this account—and it seems to be sworn to by the gentleman who presents the bill—is simply outrageous. I can call it nothing else. It is a fraud and a swindle; and yet it seems to be sworn to. I notice in the items "use of ten mules in cultivating crop eight months at twenty-six dollars a month, $2,080." That is enough to buy ten mules; and this is only for the use of them! Again, "transportation of mules from Memphis at ten dollars a head;" and then "for transportation of plows, cultivators, and other implements, $205." The account is simply outrageous. If the Senate is imposed upon so as to pass this bill, you need not expect to object successfully to fraud in the future. I do not wish to cast any imputation upon the motives of the committee; but I simply say that they have been imposed upon, probably because there were no cotton-planters on the committee. I see in this account the claimant charges for three overseers to cultivate this cotton, one at a salary of $150 a month, one $125 a month, and the other $100 a month, and for his own services $300 a month!

Mr. BOREMAN. The Senator from South Carolina was probably not in when the report was read. He may not be aware of the fact that the committee allowed but $5,000, and not the $25,000 claimed in the account.

Mr. ROBERTSON. I was not in when the report was read; but a man who will swear to this account I do not think is entitled to anything. Two thousand dollars would buy ten mules, and good mules at that; and I know how many mules it will take to cultivate eighty-eight acres of land. Four mules will cultivate eighty-eight acres of land and cultivate it well. It is not necessary to have more than four mules. Instead of having three overseers, it would not be necessary to have any overseer, or certainly not more than one. Instead of having ten hands, eight hands would be amply sufficient to cultivate the land.

It seems that this cotton was destroyed in September. The best part of the cotton should have been open by that time. It does not appear that any of this cotton was gathered at all. The statement in this account is simply outrageous. I move that the bill be indefinitely postponed.

The PRESIDING OFFICER. (Mr. INGALLS in the chair.) The Senator from South Carolina moves the indefinite postponement of the bill.

Mr. CLAYTON. Mr. President, if we concede that this claimant should be paid for the actual expenses of putting in and cultivating this crop, acting upon that presumption I think the amount allowed by the committee is reasonable. It is about the same amount that my friend from Mississippi places it at, as being a fair estimate of what the expenses might be. It must be borne in mind that at that time it cost perhaps three or four times as much to carry on those operations as it does now. I myself have had considerable experience in the culture of cotton, and I think I know something about it. I do not think that, if we concede that we should pay the actual expenses incurred in the putting in and culture of this crop, the amount fixed by the committee is too great.

But the question arises, can we concede that? Did not this man take all the risks? His profits would have been very great probably if he had succeeded, because at that time cotton was very high. If he had succeeded, his profits would have been enormous in all probability. But did he not take all those risks when he went on to this precarious ground, this ground half-way between the two contending armies—one day occupied by the Federal forces and perhaps the next day likely to be occupied by the confederate forces? In my view of the case I have serious doubts as to whether the Government should pay at all for damages of this character; but if it should pay, then I think the amount fixed by the committee is perhaps not too great.

Mr. SAULSBURY. I do not know anything about the raising of cotton, and therefore on that point shall say nothing; but this is a claim presented by a gentleman from Iowa to the Government for damages resulting to a crop of cotton which he had planted in the State of Arkansas. The claim is not addressed to the Senate as a legal claim upon the Government as I understand, because notwithstanding he rented the property from the agent of the Government having legal custody of abandoned property, there was no covenant that he should have protection; and therefore the claim is addressed to the equitable consideration of the Senate. In that view of it, regarding it merely as an equitable claim, I concur with the suggestion of the Senator from Arkansas. I think it is very doubtful whether it has any equity when we take all the facts into consideration.

This was the property of some owner who had been driven from his plantation, who could not stay upon it, and therefore necessarily had abandoned it. Some agent of the Government took possession of that property, and this gentleman, with full knowledge of that fact, went from the State of Iowa down to that section of country and became a cultivator of that land.

The first question that arises in my mind is whether, as a proper, conscientious man, he could have entered on the property of another man in that way. Whether the Government claimed to have control of it as abandoned property or not, I ask whether he could enter upon my property and use my property for his benefit? Under any circumstances, whether it had been abandoned by the owner or not, had he any moral right, though the Government may have professed to give him the power, to enter on my farm and cultivate it for his own advantage without any reference to my interest whatever? This Mr. Love may have had no scruples on that point. For one I should think I would not be justified in entering and taking possession of the property of any man without his consent, without some reference to compensation to him for any damages to his property which I might occasion.

It is very evident that this Mr. Love went down South for the purpose of enriching himself; and it seems to me to be apparent that he went regardless of what injury he might do to the owner of that land. Then, having entered upon it as a mere speculation, though he may have leased it from some agent of the Government, I think with the Senator from Arkansas that he must abide by his contract. If it proved a profitable one, of course he pocketed the profits. If it proves a disadvantageous one and a loss to him, he ought to be left to abide by the loss. In that view of the case I cannot vote for this report of the committee even if I concede that the loss of Mr. Love had been the full amount reported by the committee. I cannot vote for it because I believe the loss properly falls on him and ought not to fall on this Government. Therefore, as a Senator on this floor, having to a certain extent the custody of the funds of the Government, I cannot consent to open the Treasury of the country to pay this gentleman for an enterprise which has not been a very profitable one to him.

Again, I believe it is a rule in equity that he who demands equity must come into court with clean hands. This bill shows upon its face that there is an attempt on the part of this Mr. Love in the presentation of this claim to obtain that from the Government to which he is not entitled either legally or equitably. He does not come into court, therefore, with clean hands himself; and applying the old maxim to him I should, if I were a chancellor sitting in his case, turn him out of court.

Upon both these grounds, first, that it was a mere speculation in which he embarked, and which proved to be a disadvantageous one to him; and second, that coming here addressing himself to the equitable consideration of the Senate he has not put himself in such a position as entitles his equitable claim to any consideration on the part of the Senate, I shall vote against the bill.

Mr. FLANAGAN. Mr. President, it seems that experience touching the culture of cotton is invoked upon the subject under discussion at this moment. I myself have been cultivating cotton every year for more than thirty years, and am engaged now in cultivating several plantations.

The question presented to the Senate now is one that has to me only one side. I can readily appreciate the views of distinguished Senators here in looking rigidly, vigilantly, to the interests of the Government. That is all proper enough, and properly in place always to a certain extent. But, sir, are we to be told that speculation is to be ignored? I am not in the habit of begging questions. Mr. Love may have gone there for speculation. I say that he had a right to do so; and if he was thus prompted to speculate, and to speculate honestly, keeping within the proper rules, surely it is commendable and not prejudicial to him.

Equity is invoked; its rules are spoken of. Well, I say fraud is not to be presumed; it must be proven. It may be proven by circumstances. Now have we the circumstances here to show that Mr. Love's hands are not clear and free from fraud? I think so. The testimony of witnesses that we have no right to say are anything but of the very first order, who are all presumed to be innocent until the contrary is proven, is clear; and that testimony is good, and it shows that there is no fraud appertaining to this claim.

My friends who have experience in the culture and production of cotton go on and itemize. It is not necessary for us to do so on this occasion. The testimony I think would authorize me fairly to arrive at the conclusion that Mr. Love had *bona fide* eighty acres of cotton matured at the moment the land was taken possession of by the Government. It does not matter what that cotton cost. It is unnecessary to itemize. We might go into the history of the war at that time, and it might be readily shown perhaps that bacon to subsist the hands to cultivate that cotton cost one dollar a pound and sugar perhaps one dollar a pound, and other articles at extravagant prices. We must recollect that there was an accompanying fact to that, that the cotton was proven to be worth $1.75 per pound. When we consider this, the great part of the difficulty about these items vanishes. The prices charged for mules and other items are said to be fabulous. Perhaps a lawyer may have gotten up this account, and he may have advised Mr. Love that it was better to put in all these items. The things were very high, no doubt; but the surroundings justified high prices at the time, and he has made out the account upon that high basis. But when you come down to the facts and nothing but the truth, eighty bales of cotton would have been produced, I take it from the testimony, under any circumstances. If it was worth $100 a bale, there is an item of $8,000.

Of the bounden duty on the part of this Government to remunerate this citizen, I think there can be no question. The United States through its agent rented this land to a man who cultivated it by the sweat of his brow. He furnished the means to do so. I am told that he took a risk in doing so. Most assuredly any cotton-planter when he plants the seed takes risks, the risks of drought, the risk of too much rain, the risk of worms, and everything pertaining to the uncertainty of a crop. A man must look at all these things as he walks through life in all the avenues of his transactions.

After the Government of the United States had possession of that

land, it does not matter who the poor suffering man was that was dispossessed. This man was not required to look to that owner, or to who the owner was, in any way, manner, or shape. Sufficient it was that he desired to make money, and there was the Government of the United States in possession of this property. What better title could he expect? What better could he desire? None under the sun. He agreed to pay *bona fide* to the Government so much for the use of that property. Thus there were mutual rights, and they were such as cannot be controverted in any court or elsewhere. He raised the cotton, and there is no doubt, from the proof, that it would have been worth $200 a bale. One dollar and seventy-five cents a pound for five hundred pounds would be more than that; but put it down to $100, and I would be willing to vote the bill very readily at $8,000. I should not like to go the $20,000, or the $15,000 additional amendment proposed by my distinguished friend from Iowa; but $8,000 would be a very reasonable estimate, seeing that there were eighty bales of cotton, and $100 a bale would be a low price at that time. I think he is entitled to that.

Mr. CONKLING. Mr. President, this shifty speculator from Iowa took a ticket in a lottery; he drew a blank; and in my opinion he is not entitled to one cent from Congress. He entered with a Treasury agent into a contingent agreement, based upon the principle, in substance, of the horse-doctor who gives his services upon the agreement of "no cure no pay." He undertook, in the event that he raised cotton, to pay one cent a pound upon the cotton for the rental of the land. He raised no cotton, and he paid no rent. Had he been fortunate in raising and securing the cotton which he committed to the earth in this exposed and hazardous place, he could never have been called upon for more rent than $400 had he cultivated the ground as a garden-spot, as a model plantation, and realized from it the utmost fruit that could experimentally have been realized from the alluvial ground of the river. Within all ordinary probabilities had he been successful, $200, which would be counting a half bale to the acre, would have been the limit which in any event the Government was to receive; and for that contingent rent, no part of which was ever rendered, this claimant took possession of eighty-eight acres of ground to devote it to the cultivation of cotton.

He comes here with an allegation that because a camp was made upon this field at a time when the Senator from Mississippi [Mr. ALCORN] tells us the cotton had ripened, was ready to be picked, and being suddenly snatched up and cast aside that the ground might be occupied for another purpose, was still in substance as marketable, as valuable as it would have been had that day been selected by the owner for the picking and the picking been caused by him—he comes here telling us that the sudden removal of the cotton from the ground at that time and under those circumstances inflicted upon him a loss of $128,000.

I concur with the Senator from Delaware, [Mr. SAULSBURY,] if it was that Senator who first said that he who asks equity should do equity, that he who appeals to the discretion and to the generosity—for I shall insist in a moment that it is to the generosity of Congress that this petition is addressed—of a power or a tribunal should be clean-handed as the first step, as the first title to be heard. If he comes with his hands soiled, if he comes as one seeking to overreach, to snatch from the Treasury a sum of money to which beyond all peradventure we are authorized upon these papers to say he was never entitled, he discredits himself, he discredits his claim, and in my opinion he gives up the day to which he is entitled in court, provided his case be as this case is, only an appeal to generosity and to discretion. Let me for a few moments examine the question and see whether I am right in the classification to which I assign this application.

The Government owes protection to every citizen. It owed none to this man which it did not owe to every other citizen in all our borders. It stood in the attitude in one sense of a landlord to the claimant being tenant; but the committee has told us, and without the information of the committee we should know it, that that relation gives rise to nothing which controls or governs us. As the committee has said that and it seems to be conceded, I will not pause to state the reasons, which are sufficiently obvious, to show that this citizen took no special right to be protected owing to the fact that he was one party to an agreement to which the Government was the other, touching the occupation of this land. He, therefore, is no better off than he would have been had he been the owner of this property. The honorable Senator from Pennsylvania [Mr. SCOTT] says, and very truly, that he is not quite so well off; but for my purpose now, I put him in the place of the owner of the property, of the fee, and concede the owner, to test the argument, to have been loyal, in the act of paying the allegiance he owed to the Government of the United States.

Then we are told that, by the order of a military officer, a force camped upon this ground. I would inquire of the Senator who drew our attention to that fact, whether a camp is ever made or a march takes place across a country, except by the order of a military commander? Does an army range and straggle as a man would gunning, here or there, over the country traversed? Not at all; but the track of an army, its march is in intendment of law and in fact, in militry fact, determined by the commander, the officer, in this case the very officer by whom this order was given. So when an army halts, it is done by order; and when it bivouacs or camps, it is done by order. Not that the commanding general indicates the precise spot where every tent-stake shall be driven; but the fact of encampment and the locality of the camp is fixed of course by the authority supreme and appropriate for that purpose. That is the officer in command. Senators around me who have done military service will know whether I am right in my statement, and correct me if I am wrong.

We have, then, in this case the familiar, habitual case of an army marching or an army encamping under the direction of the commander of that army or that force. Now, will some Senator distinguish this case from the multitude of cases in which a corps, or a brigade, or only a battalion tramped across a wheat-field, or a meadow, or a field upon which some cereal was growing? If this claimant stands in the place of the owner, and if a cotton crop be like any other crop, and a cotton-field be like any other field lying within the theater of war, where is the distinction between this man and the man whose fence-rails were taken to kindle a camp-fire, or the man whose grass was trodden down, or the man whose premises were occupied for any purpose whatever which suited the march or the convenience of a passing army?

Is it to be said that every owner within the theater of war whose growing trees were slaughtered to give gun-range, as the forest standing around Arlington was slaughtered in the green glories of summer—we all saw it; I saw it as the first fact in war, which made a deep impression upon me; all those stately trees lying prostrate in order that guns might speak without being interrupted by their branches or their trunks—is it to be said that upon half a continent, everywhere between Mason and Dixon's line and the Gulf, wherever trees were slaughtered to give gun-range, wherever fences were taken to build a camp-fire, wherever grass or barley or oats crops were trodden down under the hoof of war, the owner is to come and summon Congress to render from the Treasury the total of his account? I think, Mr. President, no Senator, I think no claim agent has traveled quite so far on this road toward the Treasury; and yet in principle that is this case with a remaining act bearing against the claimant, to which I now come.

He being in Iowa, not within the theater of war, not within the confederate lines, of his own motion, as matter of speculation, balancing chance against chance, as a brave bidder, if you please, in the auction of opportunities, chose to cast out his shoe over a possession in Arkansas. He went to White River; he went within the confederate lines; he went to a place, as I understand the Senator from Mississippi, where the war, like a cross-cut saw applied to a log, was crossing and recrossing; and there he sat himself down to cultivate a garden, to plant in the rich but troubled and exposed soil which he selected, a crop which if it flowered and ripened, with gold then at 285 and its return measured in currency, was to satisfy some of the dreams of avarice. But if before a blast of war it failed to ripen, or having ripened it failed to be picked, or having been picked it failed to be baled and sold and rendered to him, then this golden opportunity which he balanced against the chances and preferred notwithstanding the chances, was to be thrown away. Well, Mr. President, that is the principle upon which every man goes down to the sea in ships. That is the principle upon which every man speculates on the land or on the sea. If he succeeds, he survives, he flourishes; if he fails, his venture is gone, and sometimes he goes with it. That was this claimant. As I said in the beginning, he bought a ticket in a lottery, and in place of drawing a prize it drew a blank. It seems to me that the whole of this case is sufficiently disposed of by that statement; and when we take the information given us by the Senator from South Carolina, [Mr. ROBERTSON,] who undoubtedly is quite warranted in saying that he understands this business thoroughly, by the Senator from Mississippi, who has an equal personal understanding of it, and see that upon facts like these an attempt was made to obtain from the Treasury $128,000 as the speculative profits, unrealized, during a single season, from eighty-eight acres of land, which were under the very hoof of war when he entered upon them, it seems to me that it calls, and calls very loudly, upon the Senate to establish a precedent in this case and to take care to establish it, in the quaint language of the law, so that it will be example to all others in like cases offending. I think if this bill should be indefinitely postponed, it would be valuable as a notice served upon all concerned that among other things Congress has intelligence and integrity enough to wish to be fairly treated, and has integrity enough to resent at a proper time and in a proper way all attempts to impose upon us, and to attempt through us as trustees to receive inequitable, unjust sums of trust money from the public Treasury.

Now, Mr. President, I shall vote to postpone this bill indefinitely. I shall so vote as to deny not only speculative damages, but all right to restoration of the expenses embarked in this venture, and upon the ground that this man, like the child in the menagerie, paid his money and took his choice. In short he could invest his money and his time safely as an investment and realize upon them, or he could buy lottery tickets, or he could game with cards, with stocks, with speculation. He chose to enter into a very hazardous venture. Had he succeeded he would have been fortunate. He failed, and here he is; and in my judgment we have nothing to do with him, and we can do nothing in his favor except by proceeding upon a principle utterly ruinous if we are to adopt it in all these cases, and indefensible, as I insist, upon any doctrine of public or municipal law.

Mr. WRIGHT. Mr. President——

Mr. EDMUNDS. With the permission of the Senator from Iowa I wish to say that on Monday next the Senator from New Jersey, [Mr. FRELINGHUYSEN,] who has charge of the civil rights bill, will ask the Senate to proceed to its consideration and hold on to it until it is disposed of.

Mr. CLAYTON. I ask the Senator from Iowa to allow me to give notice at this time that I shall on Monday next ask the Senate to take up the resolution offered by myself on Tuesday last, in relation to the troubles and the condition of affairs in Arkansas. Of course I do not expect to antagonize any other measure; but I suppose it will not take a very considerable length of time to dispose of the resolution to which I refer.

Mr. WRIGHT. Mr. President, I do not propose to detain the Senate more than a very few moments, if I can have their attention to what I say.

The debate upon this subject has been a most extraordinary one. Some one has said that if the very best man on earth were a candidate for office, before the election was over it would be established that he was the greatest rogue. This gentleman came to the Congress of the United States making a claim. He certainly had a right to come here. Hundreds and thousands of others come here. He comes with the finding of the committee that there is no word of complaint against his integrity or his honesty; and yet Senators upon this floor say that his claim is a fraud upon its face. They say he was but a shifty speculator; that he bought a ticket in a lottery, and drew a blank, and absolutely talk to this Senate as if he was a dishonest man and a scoundrel because he engaged in this business; a business that the country invited him to engage in; that the laws of the land and the regulations of the Treasury Department invited him to engage in. Here were these lands that it was important to the country should be cultivated. We were then in a condition in which it was all-important that every pound of cotton possible should be raised and shipped abroad that we might have gold in return. Men were invited everywhere throughout the country to go and take possession of these lands and cultivate them and produce cotton. A contract was made by this claimant with an agent of the Government to take possession of these lands and a promise to give return; and yet he was a "shifty speculator;" he was a "fraud" and a scoundrel! The man comes with his claim to Congress, based upon an honest contract with an agent of the Government, and because he failed by reason of the act of the Government to produce anything, Senators say he drew a blank and therefore he must suffer the consequences!

Mr. President, let me put a case. Suppose this cotton had been picked and put in bales, and was there upon the wharf ready to be shipped, and by the command of the officers of the Government this cotton had been taken and sold, or had been taken and used for the purposes of the Army, as in other cases it was taken largely for bedding for the soldiers, my kind and good friend from New York would say he invested in a lottery and drew a blank, and therefore he shall have nothing! That is just what he would say in the case supposed; and yet every day in this body we are allowing just such claims. Those persons are not speculators; they are not scoundrels and knaves; but this man having put his all in this field, and having put his all there under a contract with the Government, having his cotton just ready to pick, there comes along an officer of the Government and takes possession of it, and it is all lost to him; and now because he asks compensation for this wrong he is said to be a dishonest man and a scoundrel.

The Senator from Mississippi said that he made this contract with Callicott, and Callicott was a great rascal. What of it? Does that make any difference? He had a contract with an authorized agent of the Government, and under that contract he went into possession.

It is said that this was a case where the Army destroyed this property as in the case of a march. Not so. It is precisely similar to a case that we passed this morning without question where the Army had taken possession of a house in West Virginia and destroyed it, and no one pretended to make any question as to the liability of the Government for that house.

It is said that Mr. Love made no return to the Government. Why? That return would have been made but for the act of the Government or its officer in destroying this property.

It is said also that this man has made an extraordinary claim. He came with his prayer to Congress asking compensation for the wrong done him. The testimony is that the property destroyed would have been worth so much if gathered and in the market. He does not ask any such sum as that; he asks such reasonable compensation as he is entitled to, and no more.

Why, Mr. President, we seem to forget the condition of things in that country at the time of this destruction. We seem to forget that it was necessary to take there the tools and the animals and whatever was necessary for the purpose of raising cotton in that country. It may be that his estimate is extraordinarily large, according to our ideas now, but we must not forget the condition of the country and the circumstances under which he went there for the purpose of raising this cotton.

Mr. President, I do not propose to continue this discussion. I have only this to say: If the Senate, after having allowed one claim after another in principle precisely like this, are prepared to say now that this man, going down there under the invitation of the Government, taking possession of this land under a contract, and losing as largely as he did, his all, is to be made an exception to all the cases we have heretofore decided, so be it. I have proposed that $20,000 shall be allowed for this claim. I am not in the habit of asking an allowance for a claim that I do not believe has justice, equity, and merit in it. I think I am as cautious and careful as any Senator on this floor in that respect, and as little disposed to ask an extraordinary allowance as any Senator here. I believe that $20,000 would be a fair allowance. If in that I shall be overruled and the Senate conclude that $5,000 is the proper sum, so be it. If they say that this man, coming here with this claim, with no word of complaint, according to the finding of the committee, in the least affecting his integrity or honesty as a man, he having invested his all in this enterprise, should receive but $5,000, so be it. If, after having established the number of precedents we have, the Senate say that this man shall be made an exception, then let it be so declared.

I desire to say one word in reference to what was said by the Senator from Delaware. He says this man was there in the possession of the property of another man, and the Senator cannot conceive how conscientiously he could occupy such land. I was utterly surprised that any one should make such a suggestion as that. These lands had been taken possession of by the Government because of the acts of those who owned them, taken possession of by the Government for its own use and benefit; and it was seeking to turn them to as much advantage as possible to the country in its then condition; and we are told this man was wanting in conscience and integrity and honesty because he occupied this land, not by his own mere act, but under a contract of the Government, a contract under a law passed, as was believed, in the best interests of the Government and for the purpose of yielding a revenue to the Government as far as possible, and at the same time increase this great product, cotton, and get in return from abroad gold, which we then so much needed.

Mr. TIPTON. I have only one remark to make on this subject. I have never known a claim to come before the Senate that I thought was so honest, so legitimate, so fair, as the claim for reasonable expenses in this case. If I rent land to a tenant and afterward take possession of his crop, preventing him from gathering it, I have to pay damages. In this case we rented a farm and then took possession of the crop, and we must pay reasonable damages. There is no question about it.

Mr. BOREMAN. I have but a word to say in addition to what I have already said on this subject. In what I said a short time since I was speaking in opposition to the motion of the Senator from Iowa to increase the amount to be allowed to this claimant, and not in support particularly of the report of the committee as it stood. But, sir, I have a word or two to say in support of the report made by the committee.

This gentleman came before the committee with evidence of a character above reproach. About that there was no question; the evidence was full and complete. He had served in the Army during the early part of the war until he became disabled on account of some affliction that had come upon him during his service. Possibly he had been in this very region of country where these lands are located, though I am not sure about that. However, he was compelled because of physical disability to leave the Army. He was invited by the laws and regulations of the Treasury Department under the laws to go into this business; and it is upon that point that I wish to say a word.

The Government thought during the war that it was good policy for this country, in view of all the circumstances surrounding us, to take charge of the captured and abandoned property, and among other kinds of property was real estate, and it sought also to have that property leased out and cultivated, and in this there was the purpose to take charge of the unfortunate class of persons in the South who had been freed, or were being freed by the action of the Government—to give them protection, to give them sustenance, and ultimately to bring them out of their difficulties and have them in a good and fair condition and prepare them for what was ultimately to be their destiny. Congress thought so much of this policy that they took care to pass a law on the subject, authorizing the Secretary of the Treasury to make regulations for the leasing out of this abandoned land which was thus taken possession of. They did not leave it simply to the Secretary to be guided by his own judgment in this business, but they provided in the statute that the lands should be leased under such regulations as should be prescribed. Let me read a portion of the statute. Referring to a former act which had been passed directing captured and abandoned property to be taken into possession and disposed of by the Secretary of the Treasury, the second section of the act of July 2, 1864, says:

> That, in addition to the captured and abandoned property to be received, collected, and disposed of, as provided in said act, the said agents shall take charge of and lease, for periods not exceeding twelve months, the abandoned lands, houses, and tenements within the districts therein named, and shall also provide, in such leases or otherwise, for the employment and general welfare of all persons within the lines of national military occupation within said insurrectionary States formerly held as slaves, who are or shall become free.

It was simply carrying out the policy of the Government during the prosecution of the war that this lease was taken by this claimant. He was not an adventurer, as he has been denounced; but in pursuance of the policy of the Government, and in assisting the Government to carry out that policy, he went down there and leased this land. He

took into his employment colored people who formerly had been slaves. They were to be provided for, and he agreed in this contract, which was signed by him and the agent of the Government, to pay a particular price per acre. He was to pay the Government one cent per pound on all cotton raised as rent for the property, and then he was to pay the Government another cent per pound to go into the fund for the support and education of that class of persons who had formerly been slaves. And here is the basis of the action of the committee, that in carrying out the policy of the Government this gentleman had gone down there at the invitation of the Government and had leased this property.

Mr. CONKLING. How at the invitation of the Government?

Mr. BOREMAN. The invitation was by an act of Congress passed for this purpose, and rules and regulations of the Treasury Department which are here before me.

Mr. CONKLING. You mean the captured and abandoned property act?

Mr. BOREMAN. Yes, sir.

Mr. CONKLING. A very general invitation!

Mr. BOREMAN. Yes, sir; it was a general invitation to all persons who would assist the Government in carrying out the policy which it had adopted. Under those circumstances the committee thought that while the Government did not guarantee protection to this gentleman, while he went down there, it is true, to take his chances in the fortunes of war, nevertheless, inasmuch as the Government had put him there, and he had agreed to pay the Government rent for this property, and he was assisting the Government to carry out its policy in regard to those who had been slaves, the Government ought to make him whole as to the amount of money he had expended if it could ascertain that sum, and the committee fixed that sum at $5,000, as here reported. It seems to me that it is reasonable and right that the Government should make him whole under such circumstances.

This, Mr. President, is about all I have to say in support of the report. The claimant and his friends thought that we had not given him enough, as has been made manifest to-day by the Senator from his State, who makes a motion to increase the sum to $20,000; but with all the lights we had, gathered from the testimony before us and from other gentlemen who had a knowledge of the cultivation of cotton, we fixed this sum. I think myself under the circumstances the committee were authorized to do so. I think it might be claimed at their hands that they should make this man whole and allow him the moneys he had actually expended.

Mr. PRATT. Mr. President, I believe all the members of the Committee on Claims who are present in the Senate Chamber to-day have expressed themselves upon the merits of this claim of Major Love except myself. I participated in the deliberations of the committee on this case; and it is proper before the vote is taken on the amendment of my friend from Iowa that I should briefly give the reasons why I oppose this amendment and shall sustain the report of the committee.

And here I wish to enter my protest against the doctrines which have been pressed upon the Senate to-day by the honorable Senator from New York. I do not subscribe to them. I do not expect ever to subscribe to them. But it is not necessary that I should discuss them to-day, because this case is peculiar and is not affected at all, in my judgment, by the principles which he advocates.

Major Love was a tenant of the Government of the United States. His right depends upon a contract that he entered into with the United States in which, for a certain rent reserved, the United States leased to him the land in controversy for the purpose of raising a crop of cotton. He was, therefore, lawfully upon this soil. He was there under a contract of the United States; and that contract bound the United States not to interfere with him in the prosecution of his rights under it; or if a military necessity required that they should take from him the land that had been leased to him for a year, they should fully indemnify him for the damages that he sustained.

Mr. CONKLING. Will the Senator receive a question at that point?

Mr. PRATT. Undoubtedly.

Mr. CONKLING. Were the rights of this claimant other or greater than they would have been had he been the owner of the eighty-eight acres?

Mr. PRATT. I think precisely the same.

Mr. CONKLING. Then, if I may be allowed further, why does the Senator introduce as a part of his argument the fact that there was a contract by which he occupied this land, which he says bound the Government not to interfere? If it be the case of an owner of this land, why not discuss it upon that principle and leave out the particular fact, if the Senator thinks it makes no distinction, that he happened to be a tenant holding by an agreement given by Treasury agents?

Mr. PRATT. I do not know but that I was too hasty in giving my assent to the proposition of the Senator from New York. I hold, however, that if he had been the owner of the land and was a loyal citizen and performed his duties as a citizen, obeyed his allegiance, paid his taxes, and the Government saw fit in the exercise of its supreme power to seize upon his farm and turn it into a desert, and destroy his growing crops, the Government should pay him for his loss.

Mr. CONKLING. My question takes this very man; it is unnecessary to describe him. I ask the Senator whether Mr. Love, this claimant, with all his merits, had he been the owner of this property, would have had any less or different rights in respect to it than he has now under the agreement?

Mr. PRATT. I do not think it is necessary to discuss that question at all. I am discussing the question as it presents itself to the Senate upon a contract which the United States had made with him, that so far as they were concerned they would hold hands off and allow him to plant and to reap his crop. That is the position of the Government of the United States in this controversy. They stipulate for rent. They do guarantee, although it is not expressed in the contract, that if it is necessary to destroy all the benefit of the contract to him, they will indemnify him for it.

I am not troubled, therefore, Mr. President, about the legal question in this case. The only trouble is as to the amount that should be awarded to Major Love; and here I think the claim of the Senator from Iowa [Mr. WRIGHT] is an extravagant one. It cannot be, in the face of the testimony we have had here from several representatives from the Southern States who are accustomed to cotton planting and know what it costs to put eighty-eight acres of land in cotton and to bring it forward to the period that this was when it was ready for picking—it cannot be possible, I say, that the cost of planting and tending such a crop can be two or three times in excess of the value of the land. Two or three times in excess, do I say? Four or five times in excess; because it is claimed by Major Love in this case that he should be paid at the rate of $250 an acre for his losses in not getting the benefit of his crop. The account which he presents here, and which my honorable friend from West Virginia has read in part to the Senate, figures up some $24,300 that he says he expended in the cultivation of eighty-eight acres of land. The claim, I think, is simply preposterous. If he even was at that extraordinary expense, Congress is under no obligation to reimburse him if those expenses were unreasonable. All that we are bound to award him is what it would reasonably cost to plant and cultivate this crop of cotton, and the testimony is abundant that $5,000 will indemnify him. For that reason I must oppose the amendment of my friend from Iowa.

Mr. SCOTT. If this case is likely to elicit much further debate and there are other Senators who are inclined to debate it, I shall feel inclined to ask that it be laid over. There are several other bills upon which I wish to secure action.

Mr. BOREMAN. Let us vote on it.

Mr. WRIGHT. I trust my friend from Pennsylvania will allow the vote to be taken. I think there is no disposition further to discuss the bill. Let us get it out of the way.

Mr. SCOTT. Then there are one or two words I desire to say upon it myself. Had it not been that the Senator who reported the bill and made the report in his closing remarks indicated what might have been construed into his assent to the amendment of the Senator from Iowa, I perhaps should not have said anything upon the bill; but I was constrained to oppose the amendment offered by the Senator from Iowa for the reason that I believed the bill, as reported by the committee, did allow as much as ought to be allowed.

Mr. BOREMAN. The Senator is certainly mistaken in stating that I gave my assent to the amendment.

Mr. SCOTT. I have said that I feared what the Senator said might be construed into an assent. He may not have intended that, but his remarks were such as to leave the impression that he would not be very much dissatisfied if the amendment was made; and I would have been dissatisfied if it had been.

Mr. BOREMAN. I do not agree to the amendment at all. I stated that I should not object if the Senate upon the facts should find it according to their judgment to allow Mr. Love something more than the committee had reported; but I never intended to say that I thought the Senate ought to agree to the amendment.

Mr. SCOTT. Having risen again, I only desire to say one or two things, and very briefly.

Something has been said in reference to the claimant himself. I think the only thing that the evidence has developed against him is the amount of claim which has been presented, for my information from other sources—from gentlemen who have known him elsewhere than in Iowa or in Arkansas—is that he is a gentleman of good character and of reputation. I have been addressed by one or two parties who know him, who reside in the western part of my own State, and bear high testimony to his character. How this claim may have been prepared, whether by the aid of counsel who advised him to put in enough to permit of a considerable discount, or how it may have been I do not know; but I am here as a member of the Committee on Claims to indorse what the Senator from New York has said; that is, to give fair notice to all claimants that I think that committee is composed of such material that there need be no expectation of securing any favor in that committee by leaving a margin for a discount. We will stamp, I think, upon any claimant the mark of our reprobation who seeks to impose upon the Government by putting in an exorbitant claim; and applicants had better be honest at once than to suffer the consequences of imputed or attempted dishonor. I say this much not with reference to this claim, but upon general principles. I have said that this claimant has been indorsed to me as an honest man, but his claim was put in certainly at a figure entirely above what it would bear.

Having said that much, let me come to the main question in the case. The discussion has assumed a character which might leave the impression that this was a case which might be classified within those

damages caused by the ravages of war by the march of an invading army or by a temporary encampment for a night or for a day. There is this distinction in this case, and it was this distinction which led me to consent to reporting it to the amount of $5,000: here was an expedition traveling by boat upon the White River. I read from the report, which says:

On the 8th day of September, 1864, Brigadier-General Dennis, commanding some fifteen thousand United States troops, arrived with said forces at the mouth of White River, and after examining the vicinity to select a proper place of encampment for said forces, issued the following order:

[Special Orders No. 19.]

HEADQUARTERS UNITED STATES FORCES,
Mouth of White River, Arkansas, September 8, 1864.

3. There being no ground in this vicinity suitable for an encampment, except ing this field of growing cotton, claimed as private property by Major Hiram W. Love, the troops of this command will at once disembark and go into camp on this aforesaid field, the same being necessary for military purposes.

By order of Brigadier-General E. S. Dennis:

WILLIAM E. KUHN,
Acting Assistant Adjutant-General.

I certify on honor that the foregoing is a true and correct copy of the original order, as appears upon records on file in this office.

WILLIAM E. KUHN,
Acting Assistant Adjutant-General.

It was claimed as private property. It was occupied by the command of an officer having charge of fifteen thousand troops, for the purposes of the Government. It was to that extent certainly an appropriation of the property at that time. Now, if it had been an appropriation of private property under ordinary circumstances, he might have claimed, and the committee might have allowed him, the whole value of his property; but the other circumstance which led the committee to take this case out of that rule was that he went into this probable theater of war, taking this property it is true under lease from the Government, and running the ordinary risks from the enemy or from other casualties of that character; and therefore the committee considered it proper only to reimburse him the money which he expended in pursuing the policy of the Government in undertaking to cultivate cotton. We may have gone too far in doing that. I am not here to become the advocate of any claim in any other form than that of presenting the merits of the case to the Senate for their decision; and having done that in this instance I leave the case for their decision.

I do not see enough in this case to make it a dangerous precedent if we allow this man the $5,000. I do think that even if his claim could properly be made out for $8,000, we shall be giving him enough when we pay him $5,000 upon a claim made out for $24,000; and therefore I trust that the Senator from Iowa may see his way clear to withdraw his amendment offered asking for $20,000, and take the amount reported by the committee, so that we may dispose of this bill and not let it stand in the way of other bills reported from the committee on which action ought to be had.

Mr. CONKLING. Mr. President, I have been taken somewhat to task or chided a little by the honorable Senator from Iowa whose constituent is the claimant here, and perhaps by the honorable Senator from Pennsylvania because of the way I alluded to him. I wish to say to the Senator from Iowa——

Mr. WRIGHT. Allow me just one word. The claimant in this case is not a constituent of mine, and has not been for years.

Mr. CONKLING. I exonerate the Senator from anything that he deems an imputation in that regard. I supposed he was the Senator's constituent; but I withdraw the statement. The honorable Senator from Iowa with a very emphatic manner and expression turned toward me when he said that I had spoken of Major Love as a shifty speculator, and he proceeded to interpret those words as conveying a charge that he was a fraud and I think he added a rascal. I beg to say to the Senate that I intended no such thing, nor did I say anything like it. "Shifty" is defined I believe to be "thrift; fertility in expedients;" and I deemed this citizen of Iowa fertile in expedients when under that general invitation to which my friend from West Virginia has called our attention, which resides in the statute-book and more especially in the act touching captured and abandoned property, he went down to Arkansas to make his fortune in this way. I thought that warranted my speaking of him as a thriving or a thrifty citizen, and one fertile in the means and ways of making money and promoting his fortune. I have not the pleasure of knowing Major Love, and I do not mean to make any imputation whatever upon him except so far as an imputation may be involved in discussing the account which he has presented and his case as it stands before us; and in that sense I mean my remarks to be wholly impersonal. No matter how the claimant may spell his name; no matter from what State he comes; no matter what may be his merits or demerits, the case is the same as it stands before us, and we have no business, let me say, to know Major Love for or against him. We are performing a *quasi* judicial office; we are supposed to be blinded to the extraneous circumstances of the case and to hold with unmoving and untrembling hand the scales of justice. So much for what I said about Major Love.

Mr. President, I venture to say there is not a lawyer in this body who will jeopard his reputation by asserting that the claimant in this case occupies any higher footing in law or equity than he would had he been the owner of these premises. I cite the honorable Senator from Iowa, I need no higher authority, to prove my proposition. He admitted and asserted it. I cite the honorable Senator from Pennsylvania, who deserves all the distinction he enjoys as a lawyer, confirming the same position. My honorable friend from Indiana speaking at first and speaking ingenuously admitted the proposition, although he seemed a little inclined—

To back, recoil, he knew not why,
E'en at the sound himself had made.

I assume, therefore, the law to be that Major Love is in no better condition than if he was the owner of this property; which position, passing from it, brings me to the real purpose—and that shall be only momentary—for which I rose, to record my dissent to the intimation (it was scarcely more than that) which fell just now from the honorable chairman of the Committee on Claims. He intimates that a distinction exists in respect of the owner of property lying in the theater of war, between its destruction by a march and its destruction by a pause or resting of troops in an encampment. That I deny. I deny it as a proposition of law; I deny it as a theory of ethics; and I say it finds no place in the reasoning which you find applied by courts and publicists in matters of equity. I will not discuss it at any length, but let me illustrate it for a moment.

What is the *gravamen* of the complaint here? The destruction of cotton, is it not? Does it make any difference then whether the troops rested upon this ground an hour or twenty-four hours in the process which destroyed the cotton? Does it make any difference in the case of a field of wheat, whether passing over it with army wagons and cannon, passing over it with cavalry and infantry, it is trampled into the earth, or whether the same force sits down upon it for a night or a day or a week, and destroys it? How does that make any difference? This is not an action for the rental of the property for the occupation of troops. If it were that, if the claimant were charging for the occupation of his land, and measuring it by the hour, it might be important to know whether that occupation by the troops continued for an hour, or a day, or a week. But when the gist of his complaint is that the cotton was destroyed, I return to my question, what difference does it make whether that destruction came from an all-night or all-day occupation, or only because troops swept over it and annihilated the crop?

Mr. SCOTT. Will the Senator at that point permit me to put a question to him?

Mr. CONKLING. Certainly.

Mr. SCOTT. There have been numerous cases in which both in the theater of war and in the non-rebellious States the Army occupied buildings for three weeks, four weeks, or a month, troops were put in them; they were occupied for hospitals; they were occupied for camps, ranging from two weeks up to six months or a year; and in many of those cases compensation has been made not only for rent as a rental for the premises occupied, but also for the injury to the property occupied during that time, for destruction. If those cases be sound, where does the Senator fix the limit between a night's occupation, two weeks' or a month's occupation, and such cases? Is there a limit of time? Or are we to be governed by the circumstance as to whether it is a deliberate appropriation in view of all the circumstances, or the act of the army traveling on to a definite point and when there is no time to pause as to whose property is traveled over?

Mr. CONKLING. The Senator said "non-rebellious States." Does he mean that?

Mr. SCOTT. I have said that there have been numerous instances.

Mr. CONKLING. In non-rebellious States?

Mr. SCOTT. In which such payment has been made in non-rebellious States.

Mr. CONKLING. Certainly.

Mr. SCOTT. And also in the rebellious States.

Mr. CONKLING. Mr. President, I draw the line where war draws it. I draw the line between the case of the occupation of a building in the city of Washington or in the city of Philadelphia for the convenience and shelter of men, although they may be soldiers, and the case of destruction in actual war; and when I do so draw the line I answer fully the question which the honorable Senator from Pennsylvania has put to me. I think the facts would have warranted him in putting a question more difficult to answer, which would be this: I have in mind a case of the occupation of a church, like that to which reference was made and in respect of which I propose to enter a motion to reconsider, for the purpose of having the bill conform to the facts, and not as I understand from the Senator Pennsylvania, if I may quote him, a bill much broader than the facts. The Senator might have asked me what is the distinction between occupying a building in a State which was involved in the insurrection and its injury by act of war, and that question I think would require a more careful and considerate answer, and yet I feel that that case is entirely distinguishable from this. Take the case of those who lay in the track of Sherman's army when it swept from the mountains to the sea—a desolated track twenty or forty miles in width. Are they to be paid? I do not think the Senator will say they should be paid; and yet that case presents the distinction as against the case of the occupation of a church in Virginia by soldiers as tenants or occupants for a considerable period of time, and the difference, I conceive, consists sufficiently, although not wholly, in this: There being a church or any other building, if you choose, (and for the present purpose, as that was before us this morning, take a church in Virginia,) not by beat-

ing it down with guns, not by passing over it in the advance of war, not in the actual belligerent process which I think is quite like an earthquake or a hail-storm in respect to the consequences which it visits upon its victims, but by an exceptional, intentionally peaceful act savoring of ordinary transactions, an agent to the Government takes possession or goes into the possession of a building, and that building is used, not for purposes of war, or for purposes of fighting, although involved of course in the general belligerent operations, but for the purposes of occupation, as it might be without war although it would not be, and there soldiers live, and the building comes to be marred, windows are broken out, the pews are removed in order that blankets or mattresses may be spread upon the floor; and, approaching a line which I admit to be somewhat shadowy, the Government says "although in strict matter of right compensation might not be recoverable, nevertheless this comes so near the case of hay or flour purchased from the Senator from Pennsylvania or any other citizen for the Army, it comes so near the case of supplies taken for the Army upon the understanding that compensation is to be made, that we will so classify it and dispose of it accordingly." Undoubtedly, the line is somewhat shadowy; undoubtedly our precedents are somewhat shadowy; undoubtedly the cases put by all the publicists are somewhat shadowy; but the general principle is, that as the tree falls so, it lies. If war rages in the country and it does not reach the State of New Jersey, the State of New Jersey is fortunate. If it does sweep over the State of New York, if it is the case of the patriot troubles of 1838 and citizens are shot and a house is burned on the northern frontier, that is the misfortune of the locality in which it happens to reside and of the people victimized by the accidents of war; and I humbly conceive it reflects no light whatever upon the case before us, and therefore I return to the point which I was about concluding.

I say that it makes no difference in principle or in equity whether Sherman with his army sweeps over fields and desolates them, or whether Sherman with his army stops for a night upon the same fields, and the same devastation follows.

Mr. PRATT. Will the Senator from New York allow me to ask a question at that point?

Mr. CONKLING. Certainly.

Mr. PRATT. Suppose that General Sherman has occasion instead of staying with his military forces for a single night in this cotton-field, to seize it permanently for the purpose of establishing a fort, and he holds it against the will of the owner; what does the Senator say as to the right of that owner to compensation under such circumstances?

Mr. CONKLING. I say first that extreme cases prove nothing, and hard cases make shipwreck of principle. I say that when the case of a fort comes before us or a permanent occupation, I shall be ready to deal with that case; but if my honorable friend puts it to me to test the question whether I have given any reflection to this point or not, I have no objection to entering with him upon that experimental inquiry. It is clearly distinguishable from this case, not first-cousin, as I conceive, to this case; and therefore I should dispose of it upon other principles.

Coming back to this case, I encounter the distinction whether Major Love does or does not stand in the attitude of the owner of the property across which war has swept. My friend from Pennsylvania reads from the report to show that certain troops, being conveyed by water in place of marching on the land, camped upon this property. Does he read to argue that because a transport carried the troops, in place of the cavalry riding their horses and the infantry using their legs to get to this point, a distinction arises? Does he read it to show that because a boat was employed to go along easier by river until a point was reached when the boat was no longer to be used, when that kind of transportation was to be dismissed and they take to the land, those above the point where they landed are more or less in condition to demand damages than they would be if the troops had come up or down the river, passing over its bank in place of passing over the thread of the stream? I take it not. For what does he read it then? To show that the officer directed that after examining the vicinity they should select a proper place for the encampment of his forces.

I do not suppose in practice when sundown arrives that an order to halt is given and that the officer of the day summons everybody before him and makes formal proclamation, "I hereby order that you are to camp and not to go on any further." Doubtless it is done in a more informal way. When sundown is reached, unless there is some occasion for a forced march, the expectation is that troops will halt, and very likely nothing occurs except the commanding officer says to an aid, "We have probably gone far enough for to-night; we had better stop." But no matter what the form may be, in law and in fact it is the order of the commanding general; and so is the course of the march the order of the commanding general. When troops traverse my wheat-field and trample it out, and I sue for the crop and the property destroyed, I am precisely upon the same footing whether the troops rested there overnight or whether they passed over it in an hour. That is common sense, and that is the law, as I maintain, and that consists with the equities of the case and with every discrimination which can be applied to it. If I am right in that, how does the case of Major Love differ from the case of everybody else over whose property the wheels and the destruction of war passed? I say not at all. I have listened to the honorable Senator from Pennsylvania, and I see no distinction. I say the case is that of an owner across whose property troops passed; and whether they remained an hour or a week is of no possible consequence until you come to the question of a rental for occupation. Then it is of the same consequence and no more that would exist in a case between my friend from Indiana and myself if I had used his horse, his farm, his house, or his carriage, and was to pay for it by time, when of course it would be important to know whether my use had been continued for an hour or had extended to a week or to a year. But when he comes to bring an action against me for laming his horse, for defacing his house, it is matter of consequence upon the question of right or the question of damage, whether it took me an hour to lame the horse or a day to injure the house, or whether I was more industrious and did it in a moment. That is my answer to that part of the proposition, and I think it a sufficient answer, and I say that unless we are going to establish a precedent going far beyond anything that I know of that we have done, we cannot act favorably upon this bill.

The Senator from Iowa said, if I understood him right, that this morning action had been taken—it must have been *sub silentio*, I think—upon another bill touching a church involving this principle. I understand that that bill is easily distinguishable from this, distinguishable by a broad distinction; and yet I learn that the language of the bill is not adapted to the particular case to which the bill applies, and therefore I shall ask the Senator from Pennsylvania to consent that the bill be reconsidered, and that it be changed so as to apply to the church and the instance upon which it is to operate. To that I presume there will be no objection. If I am right in the statement made to me by the chairman of the Committee on Claims as to the facts of that case, they have little or nothing to do with this, and the only similarity to be found is in a somewhat broad use of language on the face of the bill, which language I think, and I think the Senator from Pennsylvania will agree with me, ought to be changed and narrowed to mean precisely and nothing more than the case before us.

Mr. SCOTT. That I may not be misunderstood about that case of the occupation of a church in West Virginia, to compensate for which a bill passed this morning, I will say that the language of the bill, as it caught my ear when it was read at the desk, was for the destruction of the church, which would imply that the whole building had been destroyed. My recollection of the facts of the case is that the claim was for the occupation of a church at Martinsburgh, West Virginia, or in that neighborhood, and that it was for injury, the destruction of some of the pews perhaps, and some of the internal arrangements, and for the occupation, and not for the destruction of the whole building. That is my recollection of the case.

Mr. PRATT. My friend from Pennsylvania is mistaken.

Mr. SCOTT. There were several cases from West Virginia, and I may have confounded them.

Mr. PRATT. This was the case at Martinsburgh.

Mr. SCOTT. It was the church at Martinsburgh, West Virginia, which was occupied for a considerable time by the troops, perhaps most of the winter, and then accidentally burned by the carelessness of running a stove-pipe through the roof.

Mr. PRATT. That was the case.

Mr. CONKLING. Very well; so be it. There is an illustration of the distinction for which I contend, and I insist that the bill ought to be so changed as to show upon its face the facts as they are. You pass a bill to pay for the destruction of a church. He who looks at the statute hereafter searching for a precedent may say, "This church may have been battered down by cannon."

Mr. SCOTT. My recollection is that the language of the bill is that it was destroyed by the carelessness of the troops.

Mr. DAVIS. While in the occupation of the Federal forces.

Mr. CONKLING. Precisely. More and more light is shed upon it. Now it was destroyed by the carelessness of the occupant. These being in the first place established, the fact that it was occupied and occupied if I may so express it upon such peaceful terms and conditions that compensation for occupation is to be made, the custodian and tenant by means of his carelessness put himself in such a position that an action on the case would have lain against him to recover for negligence between individual and individual. Is that the case?

Mr. PRATT. My friend from New York will allow me to explain to him. The church belonged to a German congregation. It had been closed for some three months. The membership of the church was entirely loyal in all its parts. The pastor of the church was a chaplain in the Army. They were surrounded by a disloyal element. Many of the members of the church were in the Union Army and others in the Government employment. The church itself was fastened up, locked, the windows fastened, the shutters fastened. A detachment of troops, commanded by whom I forget, came along one night. It was raining and snowing, and they were wet to the skin; and they could find no other place in which to establish themselves during the night, except by entering this church, prying open the windows, then unfastening the door after an entrance had been effected. Then they kindled up a rousing fire, splitting up the seats as affording the most convenient kindling wood, and pulling off their coats and other garments they dried them by the fire. They moved the stove and put the stove-pipe up so that it ran through the cupola; and the consequence was that the wood-work became ignited and the church burned down, and there was a great scampering on the part

of the soldiers to get out. Those were the circumstances of the case.

Mr. CONKLING. The Senator omits one very important circumstance. This church I believe was not within the confederate lines.

Mr. PRATT. It was not.

Mr. CONKLING. That is a very important circumstance.

Mr. PRATT. The committee under the circumstances thought that the church organization ought to be paid the value of the church destroyed.

Mr. CONKLING. It seems that the committee in that case came to this conclusion, if I may paraphrase it a little, that a church or building in a locality adhering to the Government, on our side of the war, the public war, as the Supreme Court has called it, which then prevailed, as would have been the case in Pennsylvania if for example a building so situated was resorted to in stress of weather for shelter by agents representing the United States they being military men, and in the course of a use comparatively harmless, a somewhat hasty and careless experiment was made by shifting the spot through which the draught of a stove was to go, and the building was set on fire and burned down. That leaves the case in its legal elements as it would be had the same thing taken place in the State of Pennsylvania or in the State of Indiana. I think the Senator from Indiana will agree with me that in almost every particular concerning the law of the case it is distinguishable from this case. Here is an instance where the locality, the scene was not only within the theater of war, but within the confederate lines.

Mr. SCOTT. The Senator will permit me to suggest to him, not by way of argument but that he may consider it in passing, whether captured and abandoned property leased by the Government under the act of 1863, is to be considered within the confederate lines until after it has been recaptured by the enemy?

Mr. CONKLING. Most decidedly, as I understand the law. "Captured and abandoned property"—the very name suggests the locality of it; and whoever takes it, as other Senators have said, takes it with his eyes wide open; and therein I conceive, although I have not dwelt upon it, arises a broad diminution of equity between that case and the case of an owner. The man who goes to occupy upon a contingent agreement of this sort captured and abandoned property in the theater of war, goes with his eyes wide open and takes his chances; he is not like a man located under his own vine and fig-tree who is overtaken by war, but he voluntarily imports himself into the theater of war.

Returning to the illustration which he furnished me, the Senator from Indiana will agree with me, first, that there is a marked difference, as old as any record of the law on this subject, between the case of property within and property without the lines of an enemy.

Mr. PRATT. Will the Senator from New York pardon me for interrupting him at that point?

Mr. CONKLING. Yes, sir.

Mr. PRATT. Have we not broken down that distinction practically in our legislation in the year 1871, when Congress created a board of commissioners for the purpose of receiving and adjudicating upon all property in the nature of quartermaster or commissary stores which were either furnished to the Army or were taken and appropriated by the Army in the insurrectionary States and right upon the very theater of the rebellion? Has not Congress enacted that, provided the owners of the property so taken were loyal men, they shall be paid out of the Treasury of the United States?

Mr. CONKLING. For an answer, and as I think a full answer to his question, I refer the honorable Senator to the debate which accompanied the bill to which he calls our attention.

Mr. PRATT. The statute is before me.

Mr. CONKLING. I remember the statute, I might say in some sense better than I wish I did. It was my duty, as I thought, to predict at the time that Senators and others would say at last what the Senator from Indiana has now said; but on both sides of the Chamber it was stoutly, I might say, passionately, denied. Senators who were urging that bill denied vehemently that it ever could be quoted when it became a statute as a precedent for the purpose for which the Senator from Indiana cites it now. It was denied that any committal, however slight, would occur from adopting that measure. It was said that its whole function was to provide a mere mode of perpetuating testimony, of gathering while witnesses were still alive the actual facts of the case, so that when we were gone and the facts were covered by the dust of perhaps half a century, they would not be drawn from a moldered past and exaggerated and distorted and made to play a part which in their reality they could never play.

It was said again that the proceeding was merely *de bene esse*—that phrase was used and will be found in the debate—that it was to gather the testimony and leave always within the power of Congress as a new and original question upon which nobody was committed, to select here and there a case of hardship, a case which could be distinguished, a case which appealing to the generosity, the benevolence, or the undefined power of Congress, would successfully invoke friendly action. And so that measure was carried. So the debate will prove; and there will appear scattered through the whole proceeding many a *caveat* filed against this, many a notice given and admission made and assertion reiterated, that that statute would never warrant any man in Congress or out in arguing from it that the rules had been broken down; that the settled experience of all nations and the settled doctrine of all writers upon public law had been dismissed, and that we had set up for ourselves a scheme of charity which would bankrupt and beggar any nation.

Why, sir, after the war of 1812 a statute was passed to continue only temporarily, I think about sixteen months. It was repealed under the stress of the occasion before it had run half of its life, and I have from a man who with his own ears listened to it that President Monroe said that the claims allowed under that statute amounted to a sum of money greater than the cost of the war itself.

Mr. PRATT. Does the Senator refer to the act of 1816?

Mr. CONKLING. Yes, sir.

Mr. PRATT. Does the Senator say that act was repealed the next year?

Mr. CONKLING. I did not say the next year. I said it was repealed before it had run half its life.

Mr. PRATT. It was continued at the next Congress.

Mr. CONKLING. It was repealed.

Mr. PRATT. No, sir; it was continued.

Mr. CONKLING. If the Senator will look to it and if he finds that the act to which I refer—we may not at the moment have our minds upon the same act—if he finds that the act passed after the war of 1812 to take account of claims for damages was not repealed before it had run out—I do not say it may not have been temporarily renewed once; I was not speaking so minutely—but if he does not find that it was repealed, then I shall begin to distrust the little remnant of confidence that I have in my recollection.

Mr. PRATT. I have the act before me. It was enacted April 9, 1816, and the section to which the honorable Senator refers I presume is the third section, which reads:

> That any person who, in the late war aforesaid, has sustained damage by the loss, capture, or destruction, by an enemy, of any horse, mule, ox, wagon, cart, boat, sleigh, or harness, while such property was in the military service of the United States, either by impressment or contract, except in cases where the risk to which the property would be exposed was agreed to be incurred by the owner, if it shall appear that such loss, capture, or destruction was without any fault or negligence on the part of the owner; and any person who, during the time aforesaid, has sustained damage by the death of any such horse, mule, or ox, in consequence of failure on the part of the United States to furnish the same with sufficient forage while in the service aforesaid, shall be allowed and paid the value thereof.

And then the fifth section provides—

> That where any property has been impressed or taken by public authority for the use or subsistence of the Army during the late war, and the same shall have been destroyed, lost, or consumed, the owner of such property shall be paid the value thereof, deducting therefrom the amount which has been paid, or may be claimed, for the use and risk of the same while in the service aforesaid.

Then in the year 1817, instead of finding this act repealed, I find the following provision:

> An act to amend the act authorizing the payment for property lost, captured, or destroyed by the enemy, while in the military service of the United States, and for other purposes, passed the 9th of April, 1816.

Mr. CONKLING. The Senator thinks the act to which I referred never was repealed, if I understand him?

Mr. PRATT. I do not say that.

Mr. CONKLING. Then what is the point between the Senator and myself?

Mr. PRATT. I find that the following year the act was amended and continued. That is the point I make.

Mr. CONKLING. I have no doubt that the act from which the Senator has read was renewed and amended as he has read. I, however, take occasion to repeat my statement, and when I have an opportunity to refer to the statute I will consent that the Senator try me for my recollection or want of recollection. I say that the act to which I refer, under which an avalanche of claims came in after the war of 1812, was repealed and was put an end to before its own lifetime, which was limited, had expired. Of course I cannot at this moment do it, but when I can refer to the book, if I do not show the Senator that I am right, I will of course admit the fault of my recollection, and that upon a point upon which it seemed to me I had a right to be quite positive.

But I wish to relieve the Senate from hearing me. I had no idea when I rose of occupying any considerable time, and therefore I come back to my statement that I do not understand that we have thus far broken down the well-settled rule of public law, that sufferers in a public war are not to receive compensation from the Government; and I leave the Senator's question there.

Mr. President, my friend at my side [Mr. BOUTWELL] has been kind enough to furnish me with the evidence which I think will sufficiently maintain my own recollection upon which I relied in a statement a moment ago. The act of 1816 contains as section 9 these words:

> That any person who, in the time aforesaid, has sustained damage by the destruction of his or her house or building by the enemy, while the same was occupied as a military deposit under the authority of an officer or agent of the United States, shall be allowed and paid the amount of such damage: *Provided*, It shall appear that such occupation was the cause of its destruction.

Turning now to the act which followed it, in the next March, 1817, I find these words:

> That the ninth section of the act, entitled "An act authorizing the payment for property lost, captured, or destroyed by the enemy, while in the military service of the United States, and for other purposes," passed on the 9th of April, 1816, shall be construed to extend only to houses or other buildings, occupied by an order of an officer or agent of the United States as a place of deposit for military or naval stores or as barracks for the military forces of the United States; and that, in acting on

all claims arising under the aforesaid ninth section, as well on those whereon commissions are now returned and remain undecided as those on which commissions may be hereafter executed, it shall be the duty of the commissioner, appointed in virtue of the act aforesaid, carefully to examine and investigate the same, and to report the facts in such case to Congress as soon as may be, that such provision may be made for the relief of the respective claimants as shall be deemed just and proper.

So that the Senator from Indiana will see, first, that this latter act withdrew and struck down entirely the appropriation and the mandatory and positive feature of the preceding act and brought back the whole question to the mere discretion of Congress where it was before a statute had been passed at all.

The Senator will see, in the second place, that section 9, which opened the door and raised the flood-gates by which claimants might assault the Treasury, is narrowed by the act of 1817 to the doctrine of public law, and all buildings are excluded from consideration save only those occupied "as a place of deposit for military or naval stores, or as barracks."

Mr. PRATT. The Senator from New York will do me the justice to say that I did not quote that ninth section. I confined my quotations to the appropriation of personal property and payment for that.

Mr. CONKLING. In other words, the Senator confined his observation to the part of the act of which I was not speaking, and omitted entirely to include the only part of which I was speaking, namely, that which dealt with buildings and real property, there being now before us no other question.

I have said, Mr. President, much more than I intended, and I beg pardon of the Senate.

Mr. MORTON. Mr. President, I do not propose to discuss the question of amount; that has been examined by the committee. But I desire briefly to discuss the question as to the right to recover something, and it seems to me that that right is very clear indeed. I do not see how it can be disguised or obscured even.

Congress passed a law authorizing the Secretary of the Treasury to lease abandoned houses, lands, and tenements in States declared in insurrection, and the Secretary of the Treasury executed that authority through proper agents. This property was leased by the United States as landlord, and the person taking the lease became the tenant. It became then a simple contract of landlord and tenant, the United States acquiring the right to lease it because of the condition of war and the Secretary acting under an express law. The United States therefore was the landlord and Mr. Love was the tenant.

Now, what did the landlord insure against? It may be said he did not insure against confederate raids. I agree to that. He did not insure against the elements. I agree to that. But I say, the commonest principles of justice require us to say that the landlord did insure against his own deliberate appropriation of that property. It seems to me the doctrine would be monstrous if it were not so. The Government leases the land, encourages the tenant to expend his money in its cultivation, in the purchase of mules, in every way necessary to the cultivation of a crop; and then we are told that the Government making the lease may afterward deliberately appropriate that property and not pay for it. On what principles of equity or justice or law can such a proposition as that be based?

The Senator from New York says it makes no difference whether Mr. Love leased this property from the United States or was the owner of the land. I am not sure that it does; but if it does not make any difference, it is simply because as the owner of the land he would be entitled to pay for his property deliberately appropriated, as this was. The idea that the Government may lease land, encourage the tenant to expend his money, and then by its own act, not in the crash of battle, deprive him of his property without paying for it—it seems to me it is only necessary to state that proposition that it may be rejected.

Let us consider the question now on the supposition that Major Love was the owner of the land. That would weaken the equity somewhat, I confess; but does it weaken the law? Not according to the decision of the Senate, and I think of Congress, upon many occasions. What has been the principle recognized? That where the Government deliberately appropriated the property of a loyal man he was entitled to pay for it; but if it was destroyed in the crash of battle it was otherwise. That was the precise distinction made, if I remember correctly, in the Milton Best case. My colleague will remember how that was. There was a difference of opinion in the Senate on that question. It was my opinion that Best's property was destroyed in the crash of battle, for at the time the appropriation was made the enemy was advancing to occupy the property with his sharp-shooters who had occupied it before, and the property was destroyed in advance of the arrival of the sharp-shooters, when they were already in sight.

Mr. PRATT. My colleague will pardon me for correcting him on a matter of fact.

Mr. MORTON. I have only a general recollection of it.

Mr. PRATT. There are cases before the Senate now, emanating from Paducah, of buildings that were destroyed by order of Colonel Hicks who was in command of the fort. The testimony in the cases was somewhat different. In the case of Mr. West the evidence is that Forrest was on the retreat and that the front of his army was some twenty miles south of Paducah at the time that Colonel Hicks gave the order that the torch should be applied to the buildings that commanded the fort; but in the Milton Best case the testimony was that the attack had ceased the night before about six o'clock, but there was an apprehension on the part of Colonel Hicks that it would be renewed in the morning, and though there was no evidence I believe that the enemy actually appeared advancing upon Paducah in the morning, he had reasons to apprehend that they would renew the attack, and believing that he ordered the torch to be applied.

Mr. MORTON. Was not the attack renewed the next day?

Mr. PRATT. It was not.

Mr. MORTON. Well, it was under the apprehension that the property would be again occupied by the sharp-shooters, as I understand; and therefore it was my opinion when the case was under discussion, and that was I believe the opinion of the President in his veto message, that the property was so destroyed in the crash of battle as to deprive the owner of it of the right to recover. But that case is altogether different from a deliberate act of appropriation where the purpose is to establish a camp for a time, the taking of houses for barracks to be occupied through the winter or for a few weeks. There is a deliberate appropriation of property for which the loyal man has always been held entitled to recover.

In this case, according to the facts stated in this report, there was a deliberate appropriation of this property not in the crash of battle nor in military operations, but a deliberate appropriation, to use the language of the books as applicable to a case where the owner of property is entitled to recover. Here the Army is landed; an examination is made for a proper place for an encampment; it would seem that it was an encampment for a time, because the camp was improved; and the order issued by the commanding officer shows that it was intended to protect the right of the party. I will read that order:

[Special Orders No. 19.]

HEADQUARTERS UNITED STATES FORCES,
Mouth of White River, Arkansas, September 8, 1864.

3. There being no ground in this vicinity suitable for an encampment, excepting this field of growing cotton, claimed as private property by Major Hiram W. Love, the troops of this command will at once disembark and go into camp on this aforesaid field, the same being necessary for military purposes.

By order of Brigadier-General E. S. Dennis.

WM. E. KUHN,
Acting Assistant Adjutant-General.

That, I think, was in the usual form of certificates that were given intended to protect the right of loyal men whose property was deliberately appropriated. If it had been taken in the crash of battle or in the course of a march, of course that order would not have been given.

Mr. WRIGHT. Will the Senator from Indiana allow me to call his attention to the fact that this man Love had made these improvements by his own labor and under a contract with the Government?

Mr. MORTON. Yes, sir. We are told that this property was not in our lines. It was in our lines, or it could not have been leased. The law was intended to cover property that was abandoned which came within the Federal lines; and although it once had been within the confederate lines, that made no difference. As fast as we recovered a State, that State was as much within our lines as was the city of New York that was never occupied by a confederate force. That makes no kind of difference. The property was within our lines or it could not have been leased. The law was intended to cover property that was within our lines in leasing it, and when it was occupied by the Army, of course it was within our lines.

Mr. President, it has been said that the claim filed in this case was extravagant. That is very probable; but I deny the doctrine that has been advanced here that because it was extravagant the claimant forfeited his right to recover at all. Whether the affidavit was made out, as remarked by the Senator from Pennsylvania, under the instruction of a lawyer or not, whether the affidavit is true or false, if he had a legal right to recover, that was not forfeited by any improper statements in the affidavit. I beg leave to suggest in that connection that in all probability the cultivation of this plantation cost Major Love twice or three times as much as it would have cost a southern man who was familiar with the cultivation of cotton. I expect he had everything to take there; he found everything gone; he had to bring there his mules, his hands, those that he employed, his utensils; in all probability war had done there what it does in other places. He had to take those things there, and he had to pay much higher prices than now are ordinarily paid for similar animals, utensils, and labor. These things perhaps ought to be taken into consideration. But, as I said before, I am not concerned about the amount. It is simply a question of the right to recover something. Here is a case where the landlord deliberately appropriates the property of his own tenant, and we are told that tenant has no right to recover anything. I do not agree to that doctrine at all.

Mr. WRIGHT. Mr. President, I believe for the first time in my connection with the Committee on Claims I have been found differing with them as to the amount. I believe usually I have been under rather than above their estimate. I believed in this case, and still believe, that this party is entitled to more than the $5,000 they report. However, as I have often said here, I believe in reaching practical results rather than controverting over matters that are immaterial or where there is no probability of reaching the result I desire. For the purpose of getting the question before the Senate and having it decided, thinking it better this case were got out of the way, I withdraw my amendment and ask my friend from South Carolina to with-

draw his motion, and let us vote at once on the report of the committee.

The PRESIDING OFFICER, (Mr. OGLESBY in the chair.) The Senator from Iowa withdraws his amendment.

Mr. ROBERTSON. That I may not be misunderstood in cases like this, I wish to say that I am clearly in favor of paying loyal claimants a reasonable amount of compensation for their losses sustained during the war; but when an itemized bill like this, so exorbitant, presents itself, I am opposed to paying the claimants anything. I, however, withdraw my motion to indefinitely postpone to allow a vote to be taken on the bill.

The PRESIDING OFFICER. The Senator from South Carolina withdraws his motion to indefinitely postpone the bill.

Mr. SCOTT. I hope now we shall be permitted to vote on the bill. I shall ask that it may be laid aside if it gives rise to further debate, so that we may proceed with other cases. I do not wish to consume the afternoon with this case, for there are others to be considered which will be objected to.

The PRESIDING OFFICER. There is nothing before the Senate except the bill as reported from the committee.

Mr. SCOTT. Then I hope we shall have a vote on the bill.

Mr. CHANDLER. As I think the original allowance by the committee was extravagant, I should be glad to see the bill referred back to the committee for re-examination. I am informed that the amount of land cultivated was eighty-eight acres. Am I correct?

Mr. CONKLING. Yes.

Mr. CHANDLER. I find on examination that the committee has allowed this claimant $56.80 per acre for the cultivation of that land until September, if that was the date. I also find that the cost of cultivating cotton is just about one-third more than the cost of cultivating corn. The citizens of Indiana, Iowa, Illinois, and Michigan know about the cost of the cultivation of corn; and I venture to say that there is not a farmer or a granger or a man who cultivates the soil in Iowa, Illinois, Indiana, or Michigan who would not be delighted to get one-fourth less than is allowed after his crop has been gathered.

Now, it must be apparent to every man within the sound of my voice that the amount allowed by the committee is perfectly extravagant; and yet although it is thus extravagant, the Senator from Iowa offered an amendment which would have carried the allowance made to this man to $227.20 an acre for cultivating that cotton from the 1st of May to the 1st of September. I appeal to the Senator from Iowa—I am glad he has withdrawn his amendment, whether his constituents in Iowa, whether men in Michigan—would consider that a reasonable amount for the cultivation of three, five, or ten acres of ground. But the Senator has withdrawn his proposition; and, sir, I wish to refer the bill back for revision. I want to know the cost of cultivating eighty-eight acres of cotton in that locality, and I want the committee to re-examine their figures and to bring in a reasonable compensation and not an unreasonable compensation for the cultivation of those eighty-eight acres of cotton. I am told by my honorable friend from Texas, [Mr. HAMILTON,] who has been engaged his life-time in the cultivation of cotton, that it costs more than one-third more to cultivate cotton than it does to cultivate corn; and yet this crop was not made, this cotton was liable to the worm, to the frost, to the drought; it had to be picked. The allowance is absolutely extravagant and ought not to be made; and I therefore move that this report be recommitted to the Committee on Claims for re-examination.

The PRESIDING OFFICER. The Senator from Michigan moves that the bill be recommitted to the Committee on Claims.

Mr. CARPENTER. Mr. President, I shall vote against this bill, and I desire very briefly to state the ground upon which I shall do so.

The Senator from Indiana [Mr. MORTON] draws a distinction between property destroyed in what he calls the crash of battle and this case. I can see none whatever. What is the reason that the Government is not responsible for property destroyed in the crash of battle? It is that the Government is about its lawful business, and that this destruction of property is a necessary consequence of a lawful act on the part of the Government in defense of itself and in defense of its citizens. That is the reason, and the only reason, why the Government is not liable for property destroyed in battle.

Now, are not all the incidents of a campaign covered by the same principle as the battle-field? Are the fields that are injured by the march of troops to reach a battle-field to be compensated and only the battle-field have immunity from compensation? It is as necessary to have camps as battle-fields. You cannot have battle-fields without having previously had camps and marches and all the conveniences and incidents which enable an Army to reach the battle-field. Is not the Government as much engaged in its lawful business and within the scope of its necessary duty in marching troops and in halting them, if the contingencies of the war require a halt for one day or two or three? This was property occupied during a campaign, as I understand. I say that holding land a week or a month for a camp in the prosecution of a campaign falls within precisely the same principle as the battle-field. It is all a part of the same thing; it rests upon the same principle; and the one principle that covers both cases is that the damage necessarily results from the Government performing its necessary duty, the duty which it owes to that owner as much as to every other citizen of the Government and to its own existence.

The idea that we were to send out the Secretary of War, in 1862, 1863, and 1864, to desolate that country, and are to send the Secretary of the Treasury after him in 1873, 1874, and 1875 to rebuild it, is a doctrine which does not meet my approbation; it does not square in any sense with my view of the duty of the Government toward its citizens; and these bills in these special and exceptional cases for small amounts do not meet my approval. But I think (and here I differ totally with my honorable friend from Michigan) that the committee have done splendidly here. They have compromised a claim for $130,000 for $5,000. I cannot expect the committee to do better than that. If there is anything in the claim, there ought to be $5,000 in it. I would give $5,000 or nothing on a $130,000 claim. The Senator from New York suggests that it is just the salary of a Senator. Certainly this man ought to have a Senator's salary for a year. But I can see no principle upon which this Government can be held liable that will not apply to every field over which our Army marched, to every place that they were encamped, to every damage necessarily resulting from the legitimate and necessary operations of actual war; and the march and the camp are as much of that class as the battle-field itself.

For one I do not propose to vote to open the Treasury of the United States to these claims at all. I have never supported any one that came within any of the principles which ought to control and govern this case, and I never shall; and therefore I shall vote against this bill.

Mr. ALCORN. I do not wish, Mr. President, to be misunderstood in regard to the attitude I hold in relation to this bill. I claim that the Government owed protection to this citizen, but certainly the Government owed no greater protection to him, no more protection to him than it owed to a citizen of the Southern States who was loyal to the Government of the United States. Can it be held that the Government owed any greater or higher obligation to that citizen who went voluntarily into the Southern States, and cast his fortunes with the people inside the confederate lines, than it owed to that citizen who involuntarily had his abode inside the confederate lines, who was holding out his hands to the Government and asking protection all the while? Certainly the Government could owe him no greater protection; and now I ask the Committee on Claims whether they can point to a single precedent, whether they can show me a single case in which the Government of the United States has undertaken to make itself liable for the emblements upon any plantation in any of the Southern States belonging to and being owned by any citizen in the South? The Government never has assumed, as I understand, to pay for emblements, the grain, the cereals, the growth upon the ground that was destroyed in the act of war. I do not think it has ever been asked by any one here that they should be paid for even to loyal southern people; and I recognize the distinction; I admit the duty of the Government to its loyal citizens as contradistinguished from any obligations that belong to or were due to the people that were disloyal.

I hold this citizen, Major Love, when he was inside of the confederate lines, or when he cultivated this cotton plantation in the South, to be in precisely the attitude of a loyal citizen of the United States living in the State of Arkansas. His position was no better and no worse. I ask the committee whether they have in any case entertained a proposition for payment for the destruction of emblements on any plantation in the Southern States? The loyal people there have asked that their quartermaster stores consumed by the Army, provisions, corn, meat, mules, should be paid for; but up to this time the Government has not made compensation to the loyal men of the Southern States for even quartermaster stores, although the Government has recognized its obligation to do so. Certainly the loyal citizen is entitled to the protection of the Government, and if his property is destroyed by the Army he is entitled to compensation, but he is only entitled to protection or payment for that property which in its nature is tangible and the price and value of which can be fixed. The price and value of emblements cannot be fixed. It is dependent upon contingencies, as to whether the profits will be great or small, or whether they will be anything whatever.

I attacked this bill, and several of us here look with suspicion upon the bill, for the reason that we thought the charges enormous. Here was a party asking the Government to make compensation for losses sustained by him, and he charged for overseers' services on eighty-eight acres of land over $6,000 in money. But eight hands were necessary to the cultivation of the land, and to oversee those eight hands he charges $6,000 in money. It is an imputation upon the negroes of the South that it required $6,000 in overseers' wages to induce eight negroes to perform the work necessary to cultivate eighty-eight acres of land, and I defend to-day the colored men of the South against the imputation that this charge for overseers' wages brings upon him.

Mr. HAMLIN. It is now about four o'clock. We are not to meet to-morrow. There are other Senators I suppose who still want to participate in this debate. I think it will keep; I think on the whole we had better bottle it up and preserve it, and keep it as a specimen case; and for that reason and others I move that the Senate now proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. Before putting the question the Chair will dispose of business on his table.

Mr. HAMLIN. Very well.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter of the Attorney-General, transmitting a copy of a communication from the United States attorney for the district of West Virginia, in relation to the sale of Government property at Harper's Ferry, in that State; which was referred to the Committee on the Judiciary, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills; in which the concurrence of the Senate was requested:

A bill (H. R. No. 3265) amending the charter of the Freedman's Savings and Trust Company, and for other purposes;

A bill (H. R. No. 1588) to revise, amend, and consolidate the laws relating to the security of life on board vessels propelled in whole or in part by steam and for other purposes;

A bill (H. R. No. 3030) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal years ending June 30, 1873, and 1874, and for other purposes; and

A bill (H. R. No. 3350) for the relief of Norman Wiard.

ADDITIONAL REPORTS OF COMMITTEES.

Mr. MORRILL, of Maine. I ask leave to make a report at this time. The Committee on Appropriations, to whom was referred the bill (H. R. No. 2064) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes, have directed me to report it back with sundry amendments; and in this connection I give notice to the Senate that on Monday next I shall ask the Senate to proceed to the consideration of the bill.

Mr. SPRAGUE, from the Committee on Public Lands submitted, a report to accompany the bill (S. No. 654) to extend the time for the completion of a railroad from Saint Croix River or Lake, between townships 25 and 31, to the west end of Lake Superior and to Bayfield, in the State of Wisconsin, reported by him on the 1st instant with an amendment; which was ordered to be printed.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred as indicated below:

The bill (H. R. No. 1588) to revise, amend, and consolidate the laws relating to the security of life on board vessels propelled in whole or in part by steam, and for other purposes—to the Committee on Commerce.

The bill (H. R. No. 3030) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal years ending June 30, 1873, and 1874, and for other purposes—to the Committee on Appropriations.

The bill (H. R. No. 3265) amending the charter of the Freedman's Savings and Trust Company, and for other purposes—to the Committee on Finance.

The bill (H. R. No. 3350) for the relief of Norman Wiard was read twice by its title.

Mr. FENTON. That bill has been before the Committee on Military Affairs heretofore.

The PRESIDENT *pro tempore*. It will be referred to that committee.

Mr. MORRILL, of Vermont. That claim is so old a customer in both Houses, that it ought to go to the Committee on Claims.

Mr. FENTON. I stated the fact that it was before the Committee on Military Affairs at the last session of Congress.

The PRESIDENT *pro tempore*. If there be no objection the bill will be referred to the Committee on Claims.

Mr. FENTON. I have no choice in the matter. I understand the same subject is before the Committee on Military Affairs now. It is under consideration there, and so I think it is better to have the bill go to that committee, as they are investigating the question already. It was before them at the last session, and was reported upon by them.

Mr. MORRILL, of Vermont. It is a claim, and I think comes within the jurisdiction of the Claims Committee

Mr. FENTON. It relates entirely to a military matter.

Mr. EDMUNDS. But it is a claim for money.

Mr. FENTON. I only state the fact.

The PRESIDENT *pro tempore*. The bill will be considered as referred to the Committee on Claims unless a vote be demanded. It is so referred.

AMENDMENT TO AN APPROPRIATION BILL.

Mr. SARGENT submitted an amendment intended to be proposed by him to the bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works for rivers and harbors, and for other purposes; which was referred to the Committee on Commerce, and ordered to be printed.

EXECUTIVE SESSION.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Maine, [Mr. HAMLIN,] that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at four o'clock and eight minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May* 15, 1874.

The House met at eleven o'clock a. m. Prayer by Rev. Dr. A. MACLEAN of New York.

The Journal of yesterday was read and approved.

PAYMENT OF TREASURY CERTIFICATE.

Mr. PARKER, of Missouri. I am instructed by the Committee on Appropriations to report back with an amendment the bill (H. R. No. 3238) making an appropriation for the payment of Treasury certificate No. 496653, and move that it be referred to the Committee of the Whole on the Private Calendar and that the accompanying report be printed. The Committee on Appropriations were entirely satisfied as to the justice of this claim. Our committee did not think that we were exactly the committee to which it ought to have gone, but they have instructed me to report it to the House that it may be placed on the Private Calendar, and to call the attention of the chairman of the Committee on Claims to that fact.

The bill was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

PERSONAL EXPLANATIONS.

Mr. LOUGHRIDGE. I desire to be allowed five minutes for a personal explanation.

There was no objection.

Mr. LOUGHRIDGE. A few days ago I made a speech on Indian affairs, and in the course of that speech I made some remarks on the Sand Creek massacre in the Territory of Colorado. I have had a paper sent to me from Denver, Colorado—the Daily News—in which I find this statement referring to the remarks I then made:

This is about the worst lie in history, and Mr. LOUGHRIDGE should "blush" for giving currency to such a grossly perverted statement of facts. There was never a more justifiable occurrence than the battle of Sand Creek. The principal trouble with the Indian question is that there has never been enough of them.

Now, Mr. Speaker, I made no misstatement of facts in that speech. I endeavored to confine myself closely to a statement of facts as they appear in the history of the country. And to show that I was right I refer to a report, from which I read the following extract:

Wyncoop then ordered the Indians to move their villages nearer to the fort, and bring their women and children, which was done. In November this officer was removed, and Major Anthony, of the First Colorado Cavalry, ordered to take command of the fort. He, too, assured the Indians of safety. They numbered about five hundred men, women, and children. It was here, and under the pledge of protection, they were slaughtered by the Third Colorado and a battalion of the First Colorado Cavalry under command of Colonel Chivington. He marched from Denver to Fort Lyon, and about daylight in the morning of the 29th of November surrounded the Indian camp and commenced an indiscriminate slaughter. The particulars of this massacre are too well known to be repeated here, with all its heart-rending scenes. It is enough to say that it scarcely has its parallel in the records of Indian barbarity. Fleeing women, holding up their hands and praying for mercy, were brutally shot down; infants were killed and scalped in derision; men were tortured and mutilated in a manner that would put to shame the savage in genuity of interior Africa.

I have read, sir, from a report made and signed by N. G. Taylor, Commissioner of Indian Affairs; Senator J. B. Henderson, of Missouri; Lieutenant-General W. T. Sherman; Brevet Major-General William S. Harney, John B. Sanborn, Brevet Major-General Alfred H. Terry, S. F. Tappan, and Brevet Major-General C. C. Augur.

I have here, sir, also the report of the Senate committee sent out to examine into that affair. They examined about forty witnesses, some of whom were present at the massacre. I read from their report. Among those who signed it are Senator Doolittle, of Wisconsin, chairman of the committee, and the gentleman who now represents in this House the State of Oregon, [Mr. NESMITH.] The report says:

The indiscriminate slaughter of men, women, and children has frequently occurred in the history of Indian wars. But the fact which gives such terrible force to the condemnation of the wholesale massacre of Arapahoes and Cheyennes by the Colorado troops under Colonel Chivington, near Fort Lyon, was that those Indians were then encamped there under the direction of our own officers, and believed themselves to be under the protection of our flag. A full account of this bloody affair will be found also in the appendix. To the honor of the Government it may be said that a just atonement for this violation of its faith was sought to be made in the late treaty with these tribes.

I desire, also, to have incorporated in my remarks the report of Major Wyncoop, in command at that time of that department. It is as follows:

FORT LYON, COLORADO TERRITORY,
January 16, 1865.

From evidence of officers at this post, I understand that on the 28th day of November, 1864, Colonel J. M. Chivington, with the Third Regiment of Colorado Cavalry, (one hundred day men,) and a battalion of the First Colorado Cavalry arrived at this post, ordered a portion of the garrison to join him, under the command of Major Scott J. Anthony, against the remonstrances of the officers of the post, who stated circumstances of which he was well aware, attacked the camp of friendly Indians, the major portion of which were composed of women and children. The affidavits which became a portion of this report will show more particulars of that massacre; any one whom I have spoken to, whether officers or soldiers, agrees in the relation that the most fearful atrocities were committed that were ever heard of; women and children were killed and scalped, children shot at their mothers' breast, and all the bodies mutilated in the most horrible manner. Numerous eye-witnesses have described scenes to me, coming under the notice of Colonel Chivington, of the most disgusting and horrible character, the dead bodies of females profaned in such a manner that the recital is sickening; Colonel J. M. Chivington all the time inciting his troops to these diabolical outrages. Previous to the slaughter commencing he addressed his command, arousing in them, by his language, all their worst passions, urging them on to the work of committing all these diabolical outrages;

knowing himself all the circumstances of these Indians resting on the assurances of protection from the Government given them by myself and Major S. J. Anthony, he kept his command in entire ignorance of the same, and when it was suggested that such might be the case, he denied it positively, stating that they were still continuing their depredations and lay there threatening the fort. I beg leave to draw the attention of the colonel commanding to the fact, established by the inclosed affidavits, that two-thirds or more of that Indian village were women and children. I desire also to state that Colonel J. M. Chivington is not my superior officer, but is a citizen mustered out of the United States service, and also to the time this inhuman monster committed this unprecedented atrocity he was a citizen by reason of his term of service having expired, he having lost his regulation command some months previous. Colonel Chivington reports officially that between five and six hundred Indians were left dead upon the field. I have been informed by Captain Booth, district inspector, that he visited the field and counted but sixty-nine bodies, and by others who were present, but that few, if any, over that number were killed, and that two-thirds of them were women and children. I beg leave to further state, for the information of the colonel commanding, that I talked to every officer in Fort Lyon and many enlisted men, and that they unanimously agree that all the statements I have made in this report are correct. In conclusion allow me to say, that from the time I held the consultation with the Indian chiefs, on the head-waters of Smoky Hill up to the date of the massacre by Colonel Chivington, not one single depredation had been committed by the Cheyenne and Arapaho Indians; the settlers of the Arkansas Valley had returned to their camps and had been resting in perfect security, under assurances from myself that they would be in no danger for the present; by that means saving the country from what must inevitably become a famine were they to lose their crops; the lines of communication to the States were opened, and travel across the plains rendered perfectly safe through the Cheyenne and Arapaho country. Since this last horrible murder by Chivington the country presents a scene of desolation; all communication is cut off from the States, except by sending large bodies of troops, and already over a hundred whites have fallen as victims to the fearful vengance of these betrayed Indians. All this country is ruined; there can be no such thing as peace in the future, but by the total annihilation of all these Indians on the plains. I have most reliable information to the effect that the Cheyennes and Arapahoes have allied themselves with the Kiowas, Comanches, and Sioux, and are congregated to the number of —— thousand on the Smoky Hill. Let me also draw the attention of the colonel commanding to the fact stated by the affidavits, that John Smith, United States interpreter, a soldier, and citizen, were presented in the Indian camp, by permission of the commanding officer of this camp; another evidence to the fact of the same Indians being regarded as friendly Indians. Also, that Colonel Chivington states in his official report that he fought from nine hundred to one thousand Indians, and left from five to six hundred dead upon the field; the sworn evidence being that there were but five hundred souls in the village, two-thirds of them being women and children, and that there were but from sixty to seventy killed, the major portion of whom were women and children. It will take many more troops to give security to the travelers and settlers in this country and to make any kind of successful warfare against the Indians. I am at work placing Fort Lyon in a state of defense, having all, both citizens and soldiers, located here employed upon the works, and expect to have them soon completed, and of such a nature that a comparatively small garrison can hold the fort against any attack by Indians. Hoping that my report may receive the particular attention of the colonel commanding, I respectfully submit the same.

Your obedient servant

E. W. WYNKOOP,
Major, Commanding First Veteran Cavalry and Fort Lyon, Colorado Territory.

Lieutenant J. E. TAPPAN,
Acting Assistant Adjutant General, District of Upper Arkansas.

I submit also the following testimony:

ROBERT BENT sworn.

I am twenty-four years old; was born on the Arkansas River. I am pretty well acquainted with the Indians of the plains, having spent most of my life among them. I was employed as guide and interpreter at Fort Lyon by Major Anthony. Colonel Chivington ordered me to accompany him on his way to Sand Creek. The command consisted of from nine hundred to one thousand men, principally Colorado volunteers. We left Fort Lyon at eight o'clock in the evening and came on to the Indian camp at daylight the next morning. Colonel Chivington surrounded the village with his troops. When we came in sight of the camp I saw the American flag waving and heard Black Kettle tell the Indians to stand round the flag, and there they were huddled, men, women, and children. This was when we were within fifty yards of the Indians. I also saw a white flag raised. These flags were in so conspicuous a position that they must have been seen. When the troops fired the Indians ran; some of the men into their lodges, probably to get their arms. They had time to get away if they had wanted to. I remained on the field five hours, and when I left there were shots being fired up the creek. I think there were six hundred Indians in all. I think there were thirty-five braves and some old men, about sixty in all. All fought well. At the time the rest of the men were away from camp hunting. I visited the battle-ground one month afterward; saw the remains of a good many; counted sixty-nine, but a number had been eaten by the wolves and dogs. After the firing the warriors put the squaws and the children together and surrounded them to protect them. I saw five squaws under a bank for shelter. When the troops came up to them they ran out and showed their persons to let the soldiers know they were squaws, and begged for mercy, but the soldiers shot them all. I saw one squaw lying on the bank whose leg had been broken by a shell; a soldier came up to her with a drawn saber; she raised her arm to protect herself, when he struck, breaking her arm; she rolled over and raised her other arm, when he struck, breaking it, and then left her without killing her. There seemed to be an indiscriminate slaughter of men, women, and children. There were some thirty or forty squaws collected in a hole for protection. They sent out a little girl about six years old with a white flag on a stick. She had not proceeded but a few steps when she was shot and killed. All the squaws in that hole were afterward killed, and four or five bucks outside. The squaws offered no resistance. Every one I saw dead was scalped. I saw one squaw cut open, with an unborn child, as I thought, lying by her side. Captain Soule afterward told me that such was the fact. I heard Colonel Chivington say to the soldiers as they charged past him, "Remember our wives and children murdered on the Platte and Arkansas." He occupied a position where he could not have failed to have seen the American flag, which, I think, was a garrison flag six by twelve. He was within fifty yards when he planted his battery. I saw a little girl about five years of age, who had been hid in the sand. Two soldiers discovered her, drew their pistols and shot her, and then pulled her out of the sand by the arm. I saw quite a number of infants in arms killed with their mothers. There were trading in the village at the time John Smith, a soldier named Louderback, and a teamster of Yancey Colley's named Clark. They were trading goods said to belong to Dexter Colley and John Smith. The goods traded were similar to those they had been in the habit of trading before. I have heard the Indians charge Major Colley with trading their own goods to them.

Now, Mr. Speaker, I have noticed this newspaper article simply to repel the charge there made that I had given a false version of that unfortunate and disgraceful affair, the occurrence of which I have no doubt the large majority of the good people of Colorado deeply regret. I gave in my speech a true statement of facts, and I am fully sustained and more than sustained by the most incontestible evidence.

I made no charge against the people of Colorado. They are a high-minded, honorable, generous people, and I have too high an appreciation of them to believe for a moment that the statement of this editor, applauding and defending the butchery of women and children in cold blood, will meet their indorsement. But whether I am mistaken in that or not, I have vindicated the truth of history.

Mr. BROMBERG. I desire simply to correct some inaccuracies in the proceedings of yesterday with regard to some statements that I made. Speaking of the attorney (W. W. D. Turner) of Mr. Woodward, I said: "Lest some may think he is a democrat who would strike at the bank, I will say that he has been city attorney during a late republican administration, was candidate of the republican party at the last election for county solicitor, and is president of the republican central council of Mobile to-day."

Speaking of the suit said to have been begun, I said that the statement that, by forcing the bank into the hands of a receiver and immediate settlement, I was seeking to avoid a responsibility created by a bond carried with it its own refutation by its preposterousness.

And, further, that the name I bore was "probably as well known in Wall street, New York, as that of the gentleman, [Mr. MERRIAM,] to be good for whatever it is written against."

Answering the gentleman from Connecticut, [Mr. HAWLEY,] I stated that my denial did not include the fact of the bond.

I should have stated that Mr. Woodward resigned his Bureau agency in 1869, instead of being appointed in that year.

Mr. MERRIAM. I will simply say to the gentleman that I could see no occasion for referring to the value of my name in New York. My name has not been in Wall street for twelve years, and I do not see that it had any connection with this matter at all. If the gentleman's name were good for one hundred millions it would make no difference.

Mr. BROMBERG. All I desired was to make the corrections which I have stated.

REORGANIZATION OF THE GENERAL LAND OFFICE.

Mr. TOWNSEND. I give notice that on Monday next, after the morning hour, I shall ask a suspension of the rules, to take into consideration the bill (H. R. No. 1060) for the reorganization of the clerical force in the General Land Office, and I will state that there is connected therewith a report, Miscellaneous Document No. 251, to which I wish to call the attention of members of the House.

REPORT ON CUSTOMS TARIFFS, ETC.

Mr. DONNAN, from the Committee on Printing, reported the following concurrent resolution:

Resolved, (the Senate concurring,) That there be printed of the special report of Edward Young, chief of the Bureau of Statistics, on customs and tariff legislation of the United States, with the appendices including the tariff acts approved respectively May 1, 1872, and June 6, 1872, and a tabular statement of the rates of duties under said acts and other statutes now in force, five thousand copies; three thousand for the House of Representatives, one thousand for the Senate, and one thousand bound for the use of and distributien by the Treasury Department.

Mr. WILLARD, of Vermont. I would inquire, what is the necessity of printing this report when we are just having a revision of all the statutes to bring them together in one volume?

Mr. DONNAN. This is a most convenient compilation of the customs tariffs, running back and giving each separate act by itself. Every member of the House will want more copies than this resolution provides for.

Mr. WILLARD, of Vermont. I only desired to call attention to the fact that the Committee on the Revision of the Laws have brought into one volume all of the public statutes, and of course all of the laws on this subject. It is supposed that that bill will pass both Houses during this session, and then all the laws will be printed in one volume so that they will be accessible to every one.

Mr. BURCHARD. This report contains not only a compilation of the laws, but a history of tariff legislation.

The resolution was agreed to.

REPORT OF THE SMITHSONIAN INSTITUTION.

Mr. DONNAN also, from the same committee, reported back, with the recommendation that it be concurred in, the following concurrent resolution from the Senate:

Resolved, (the House of Representatives concurring,) That seventy-five hundred additional copies of the report of the Smithsonian Institution for the year 1873 be printed for the use of the institution: *Provided*, That the aggregate number of pages of said report shall not exceed four hundred and fifty, and that there be no illustrations except those furnished by the Smithsonian Institution.

Mr. HOLMAN. Does that resolution propose to give all the copies to the Smithsonian Institution?

Mr. DONNAN. I desire to say to the House that this resolution proposes five thousand less than the usual number of copies; but we make no provision for furnishing any copies to members of Congress. The whole number is for the Smithsonian Institution.

Mr. HOLMAN. It seems to me that there ought to be some copies for members of Congress. I think it would be fair, not to increase the number, but to divide it up so that a portion shall be distributed by Senators and members of the House.

Mr. DONNAN. This is a Senate resolution and it was believed

inasmuch as members of Congress have no means of distributing the documents that they could obtain such copies as they desired for their own use from the institution.

Mr. HOLMAN. I think it would be better to have a small number provided for members of Congress. Most of us are perfectly willing to send them to our constituents. I think one-third of the number should be furnished for the use of members of Congress. What is the number which the resolution proposes to have printed?

Mr. DONNAN. Seventy-five hundred for distribution by the Smithsonian Institution.

Mr. HOLMAN. Seventy-five hundred all together?

Mr. DONNAN. Yes; and the usual number was twelve thousand.

Mr. HOLMAN. Then I would move to amend the resolution so that three thousand copies shall be furnished to the Senate and House; two thousand for the House, and one thousand for the Senate, and that the remaining forty-five hundred shall be for the institution.

Mr. DONNAN. I have no objection to the House voting on that amendment.

Mr. E. R. HOAR. I did not understand whether the motion of the gentleman from Indiana was to add to the number.

Mr. HOLMAN. No; but to divide the number proposed so as to give a portion to the Senate and to the House.

Mr. E. R. HOAR. I desire to say that this number is only what the Smithsonian Institution desires for distribution according to its system among the libraries and colleges of the country, and for its exchanges. I do not think it would be proper or wise for the House to take away a part of the ordinary number furnished to this institution, for the purpose of distributing this document to favored constituents of members of the House. If members desires copies for distribution, I think they should add to and not diminish the regular supply to the institution. I move to amend the amendment so that the number proposed for the House and Senate shall be in addition to the number proposed by the resolution.

The amendment to the amendment was agreed to; and the amendment, as amended, was then agreed to.

The resolution, as amended, was concurred in.

Mr. DONNAN moved to reconsider the vote by which the resolution was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. CONGER. I call for the regular order of business.

The SPEAKER. This is the regular order; privileged reports from the Committee on Printing.

Mr. CONGER. I had supposed that the Committee on Printing were through with their reports.

PUBLICATION OF DEBATES.

Mr. DONNAN. I submit a further privileged report. The Committee on Printing have instructed me to report the accompanying Senate resolution and to recommend the following amendment, and, as so amended, submit the resolution for the consideration of the House.

The resolution was read, as follows:

Resolved by the Senate, (the House of Representatives concurring,) That it shall not be lawful for the Congressional Printer to publish in the CONGRESSIONAL RECORD any speech or portion of a speech not actually delivered in the Senate or House of Representatives.

The amendment was to add to the resolution the following:

Nor shall it be lawful for any member of either House of Congress to speak longer than one hour upon any subject under consideration, any agreement or consent to the contrary notwithstanding.

Mr. GARFIELD. I ask the gentleman from Iowa [Mr. DONNAN] to allow to be read that clause of the Constitution authorizing each House to make its own rules.

Mr. DONNAN. I desire to call the attention of the House to the fact that the Senators number only about one-fourth as many as the members of the House of Representatives. They have in that body no previous question, and consequently debate there is practically unlimited. It is claimed that this resolution is in the interest of economy, providing that nothing whatever shall be printed as having been delivered in either House unless actually so delivered. The House Committee on Printing think that if this resolution is in the interest of economy, we should go a step further and provide that members of either House of Congress, instead of getting the floor and having the privilege of talking two or three or four hours at a time, shall be compelled to so compact their arguments as to bring them within the limits of one hour, and by that means we will economize more than by the other means.

In regard to the suggestion of the gentleman from Ohio, [Mr. GARFIELD,] that the Constitution authorizes each House to make its own rules, that is true. But the Committee on Printing desire to place this resolution precisely on a par with the question of adopting resolutions providing for the printing of an extra number of documents. Undoubtedly each House of Congress has full authority to establish as a rule that they may suspend their rules and pass any resolution for the printing of extra documents or anything else. Yet ever since 1852, by an enactment of Congress, no resolution whatever for the printing of extra documents can be agreed to by unanimous consent or by a suspension of the rules, or can be considered even, until it has first been referred to the Committee on Printing. In the judgment of the committee this resolution stands precisely on a par with the other. If this shall become a law, so long as it shall remain unrepealed it will stand as a binding agreement upon the two Houses, and would be operative.

I propose to call the previous question, and then I will yield for debate if desired.

Mr. HALE, of New York. I ask the gentleman to yield to me for a few moments?

Mr. DONNAN. I will yield to my colleague on the committee [Mr. HALE, of New York] for five minutes.

Mr. HAWLEY, of Illinois. I ask for the reading of the rule under which the Committee on Printing are authorized to report.

Mr. CONGER. I raise the point of order that this is not a privileged report by the rules of the House.

Mr. DONNAN. The point of order comes too late; the resolution has been discussed at some length.

The SPEAKER. The gentleman from Michigan [Mr. CONGER] raises the point of order that this is not a privileged report. Upon what ground is it not privileged?

Mr. CONGER. Upon the ground that it does not relate to and is not a proper subject of printing.

The SPEAKER. It relates to the mode of printing the debates of Congress.

Mr. RANDALL. And it proposes an amendment to the rules of the Senate.

Mr. CONGER. It does not relate to the mode of printing, but it relates to the rules of the two Houses in regard to the time of debate.

The SPEAKER. The amendment may be open to the point of order. But the original resolution, as it comes from the Senate, proposes to instruct the Congressional Printer in regard to printing the debates, directing him to exclude therefrom all speeches or portions of speeches not actually delivered. The Chair thinks that it is a privileged report. The Chair supposes the gentleman from Iowa [Mr. DONNAN] does not desire to interfere with private bills, and may, by consent, allow this resolution to go over.

Mr. CONGER. Then I raise the point of order on the amendment that it is not germane to the resolution.

The SPEAKER. The point of order would not be well taken after allowing the gentleman from Iowa to discuss the resolution and amendment.

Mr. CONGER. The Chair will remember that I called for the regular order, and the Chair in advance stated that this was a privileged report.

The SPEAKER. The Chair thinks so still.

Mr. MAYNARD. I rise to a parliamentary inquiry. It is whether it would not be competent for the House, if a majority so desire, to adopt this proposed amendment to the amendment of the Senate, and then non-concur in the Senate amendment?

The SPEAKER. That is, to agree to the amendment of the committee, and then disagree to the resolution as amended?

Mr. MAYNARD. I misapprehended the attitude of it. I understood it came here as a Senate amendment to a House resolution.

The SPEAKER. The Senate propose there shall not be printed in the CONGRESSIONAL RECORD any speech or part of a speech not actually delivered in either House. The gentleman from Iowa, [Mr. DONNAN,] in behalf of the Printing Committee, proposes to amend by saying no speech in either House shall exceed one hour.

Mr. MAYNARD. Is not that proposition a Senate amendment to one from the House?

The SPEAKER. No; it is an original proposition which comes here from the Senate, and the Committee on Printing move to amend as I have indicated. The gentleman from Iowa is entitled to the floor.

Mr. DONNAN. I yield for five minutes to the gentleman from New York, [Mr. HALE,] my colleague on the Committee on Printing.

Mr. HAWLEY, of Illinois. I asked some time ago that the rule be read under which the committee have authority to make these reports.

Mr. CONGER. I wish to inquire if it be in order to move to lay this subject upon the table?

The SPEAKER. It would not while the gentleman from Iowa has the floor; it would otherwise.

Mr. CONGER. I understood the gentleman to demand the previous question.

The SPEAKER. No; the gentleman has yielded the floor to his colleague on the committee.

Mr. COX. I ask the gentleman from Iowa to yield to me.

Mr. DONNAN. I have yielded for five minutes to the gentleman from New York, my colleague on the Committee on Printing.

Mr. HAWLEY, of Illinois. I understood the gentleman from Michigan made the point of order as to whether this was a privileged report.

The SPEAKER. And the Chair overruled it.

Mr. HAWLEY, of Illinois. Does the Chair hold that it is in order to make this report to-day?

The SPEAKER. The gentleman must not confuse the amendment with the original resolution. The original resolution of the Senate proposes a certain regulation in regard to the printing of the debates of Congress. That is a privileged report of the Committee on Printing. Whether the amendment is germane thereto is another question.

The Chair must have ruled one way or the other if raised in season. The original resolution from the Senate is clearly a question of privilege within the privilege granted to the committee to report at any time.

Mr. HAWLEY, of Illinois. I wish to say why I feel anxious about it and desire to make an explanation——

Mr. HALE, of New York. I do not think the gentleman from Illinois has a right, while I have the floor, to explain the reasons for his action or to indulge in other debate.

Mr. HAWLEY, of Illinois. Does the gentleman say I have no right to make a point of order?

Mr. HALE, of New York. I did not understand him to say he is making a point of order, but an explanation.

Mr. HAWLEY, of Illinois. The Chair recognized me.

The SPEAKER. The Chair will hear the gentleman from Illinois on a point of order.

Mr. HAWLEY, of Illinois. I was doing nothing but making a point of order, and now the gentleman from New York says I have no right to make a point of order.

Mr. HALE, of New York. I have not heard the gentleman's point of order.

The SPEAKER. The Chair will hear the point of order.

Mr. HALE, of New York. I supposed I had the floor.

Mr. HAWLEY, of Illinois. Have I not the floor when I rise to a question of order?

Mr. HALE, of New York. If the gentleman rises to a point of order that must be settled first of course.

Mr. HAWLEY, of Illinois. I have the floor, Mr. Speaker.

The SPEAKER. For that purpose.

Mr. HAWLEY, of Illinois. Very well.

The SPEAKER. The gentleman from New York is entitled to the floor if no point be raised.

Mr. HALE, of New York. I beg to apologize to the gentleman from Illinois if he supposed I interfered with him. I did not understand him to raise the point of order, but to make a short speech.

I ask the attention of the House for a few minutes to explain precisely the condition of the question and the action of the Committee on Printing. This House received from the Senate a concurrent resolution providing that no speech should hereafter be printed in the CONGRESSIONAL RECORD except delivered on the floor of either House; in other words, doing away with the practice which prevailed in the House of granting leave to print. I may say, I think without impropriety, the Committee on Printing were unanimous in the report that this was such a limitation of the practice of this House as the House would not be disposed to countenance, and the majority of the committee were of the opinion the best way of dealing with it was the method they adopted of attaching the further proviso so as to equalize in some respects the practice between the two Houses, by providing no speech hereafter to be delivered shall exceed an hour in length. In pursuance of that this has been reported by the Committee on Printing.

If the House should pass the resolution, I trust it will be passed with this amendment, and with nothing else attached. I hope that the amendment will be adopted at any rate, and then the question of concurrence or non-concurrence in the resolution can be passed on. I say very frankly for one that after the adoption of the amendment I shall vote against the resolution.

Mr. DONNAN. I yield three minutes to the gentleman from New York, [Mr. COX,] and then I give notice that I shall call the previous question.

Mr. COX. Mr. Speaker, I never believed in the previous question or in the hour rule. I believe we should do more business without either. But it seems to me that under the ruling of our Speaker (and he always rules correctly) all this matter is within his charge. The other day when a member from Massachusetts [Mr. G. F. HOAR] made the point that it would be decorous to omit from our official reports such parenthetical expressions as "laughter," "sensation," "applause on the floor," or "applause in the galleries," the Speaker took command of the RECORD, and ruled that no such expression should appear in the reports. If he can do that, why may he not limit the printing of our debates in the same way. The French, the English, and most all other parliamentary bodies which debate, record everything that transpires in their legislative bodies in order that the people may know whether the members are or are not decorous. No Speaker or member decides it in advance. Therefore I think that the honored Speaker, the chairman of the Committee on Rules, might very well make another order at the instance of some other and more gifted gentleman from Massachusetts, (perhaps General BUTLER,) so that we may have correct reports of our most genial proceedings. I notice that the Speaker does not smile with reference to this matter.

The SPEAKER. The Chair will gladly do so if it will oblige the gentleman from New York.

Mr. COX. And as the Speaker does not smile there can be no record made (as now he smiles) on the subject. But I do think he was hasty in the order which he made. I hope he will retrace his steps, and give those innocent, simple-hearted members of Congress who try at times to enliven our records by something vivacious, a little chance to be heard by the people.

Mr. PARKER, of New Hampshire. Heard and known.

Mr. COX. Yes, sir; heard and known by the people. There is a class of members in this House who

> Wisely rest content with sober sense,
> Nor make to dangerous wit a vain pretense.

I am one of the hard, close, common-sense business members. I believe in speaking what is ordinarily called "gumption," for the reading of plain American people; but I do not want these "gay and festive" members from Massachusetts, like the gentleman [Mr. G. F. HOAR] who suggested this order, to be so reported as not to be known by the people for what they are. Therefore, sir, when the Senate sends us a resolution of this kind, let the Speaker make the order as he did in the other case, and open our records to the fullest debate and report.

The SPEAKER. The CONGRESSIONAL RECORD is instituted to contain the proceedings of Congress. The Chair thinks that applause on the floor, which is strictly forbidden in the rules, and applause in the galleries, which is so strictly forbidden that the Speaker is authorized to clear the galleries if it occurs, do not properly come within the category of "proceedings" of the House under the rules. Therefore the Chair has ordered that the RECORD shall conform to the rule. The Chair has not made the rule; he has simply ordered that the Official Reporters shall conform to it. If the gentleman from New York is aggrieved by it, or if his proceedings are in any way restricted, the Chair regrets it.

Mr. COX. Mr. Speaker, we know that the Chair sometimes indulges in a little irrelevant remark, which occasionally takes the character of debate, according to my colleague, [Mr. POTTER.] But if the Chair will read a rule drawn from the English Parliament, which is in Barclay's Digest, he will find that we are authorized here sometimes to make the most inordinate "noises," to resort to what otherwise might be regarded as the most disgraceful proceedings in order to stop debate.

The SPEAKER. Does the gentleman say that that can be done within the rules of the House?

Mr. COX. There is such a rule published in Barclay's Digest, though I cannot make the precise reference to it at this exciting moment.

The SPEAKER. If the gentleman will point it out, the Chair will be glad to have it read at the Clerk's desk.

Mr. COX. I shall be glad to look it up at my leisure.*

The SPEAKER. The Chair would be glad if the gentleman would stop right here and verify, if he can, his reference to the rule.

Mr. COX. I remember that it was quoted some years ago during the debate on the admission of Cabinet officers to the floor of the House. It is probably not in the rules proper, but in the first part of the Digest.

The SPEAKER. The Chair has not such familiarity with the rules as to be able to refer to the point suggested by the gentleman.

Mr. COX. The Chair can look over the index at his leisure and pleasure. The Chair knows very well that in the English Parliament it is the rule when the member on the floor is distasteful to the House to shuffle him down, to cough him down, or, as Tittlebat Titmouse did when he upset an administration, to crow him down; and that same rule is bound up somewhere in our Digest. I will find it at my leisure. I do not intend to be hurried now in my remarks.

The SPEAKER. Does the gentleman mean to say that it is a rule applicable to the proceedings of this House?

Mr. COX. In some degree I think it is. I sometimes wish the Chair to do as they do in the English Parliament, or in the Spanish Cortes, or in the Italian or French Assembly, where the Chair jingles a bell. If the Speaker should bring in the fire-bell on New Jersey avenue, within a short distance of the Capitol, it would hardly be heard in the proceedings of this House at times, but might be more effectual than the gentle gavel.

Mr. ELDREDGE. There is a good deal of ding-dong here, any way.

Mr. COX. And nobody makes such a terrible pull on the bell as the gentleman from Wisconsin, [Mr. ELDREDGE.]

Mr. ELDREDGE. The gentleman from New York is what I ring when I pull the cord.

Mr. COX. But I do think before we pass on this resolution we should allow our Speaker to take suitable action in respect to the matter I have indicated. If he does not do it, then, perhaps, we may undertake to pass on the Senate resolution.

The SPEAKER. The Chair has exercised no power whatever, except the power which the rules require him to exercise, which is to enforce the rules. And if the gentleman from New York, who is a member of the Committee on the Rules, will have one referred to the committee, and adopted by the House, that all the applause from the galleries, and all disorder on the floor, and all laughter by members, shall be duly recorded in the proceedings, of course it will be the duty of the Official Reporters so to do. But until the rule is changed the Chair will adhere to what is now the rule—that all the proceedings shall be recorded within the rules.

Mr. DONNAN. It will be very much in the interest of economy of public printing to have all such matters as applause and laughter

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*NOTE BY MR. COX.—Nevertheless, if a member finds that it is not the inclination of the House to hear him, and that by conversation *or any other noise* they endeavor to drown his voice, it is his most prudent way to submit to the pleasure of the House, and sit down; for it scarcely ever happens that they are guilty of this piece of ill-manners without sufficient reason, or inattentive to a member who says anything worth their hearing. (2 Hats., 77, 78; Barclay, page 79.)

stricken out from the speeches of the gentleman from New York. I demand the previous question.

Mr. CONGER. Pending the demand for the previous question, I move that the resolution be referred to the Committee on the Rules.

The SPEAKER. That motion is not in order pending the demand for the previous question.

Mr. CONGER. Then I move that the resolution be laid on the table.

The question being taken on the motion that the resolution be laid on the table, there were—ayes 105, noes 50.

Mr. DONNAN called for tellers.

On the question of ordering tellers there were ayes 17; not one-fifth of a quorum.

So tellers were refused; and the motion was agreed to.

Mr. CONGER moved to reconsider the vote by which the resolution was ordered to be laid on the table; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed with an amendment, in which the concurrence of the House was requested, the bill (H. R. No. 1572) to amend the several acts providing a national currency and to establish free banking, and for other purposes.

CURRENCY AND FREE BANKING.

Mr. MAYNARD. I ask unanimous consent that the bill just received from the Senate (H. R. No. 1572) to amend the several acts providing a national currency and to establish free banking, and for other purposes, be printed with the Senate amendment.

There was no objection, and it was so ordered.

PORTLAND, DALLES AND SALT LAKE RAILROAD.

Mr. BRADLEY, by unanimous consent, from the Committee on the Public Lands, reported back the resolutions of a public meeting of the citizens of Portland, Oregon, praying for the passage of the Portland, Dalles and Salt Lake Railroad bill, and also the petition of citizens of Northern Idaho, praying the passage of the said bill; and moved that the committee be discharged from the further consideration of the same, and that they be referred to the Committee on Railways and Canals.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. RANDALL. I call for the regular order.

The SPEAKER. The regular order being demanded, the morning hour begins at fifteen minutes before twelve o'clock, and reports of a private nature are in order from the Committee on Patents.

NORMAN WIARD.

Mr. CLEMENTS, from the Committee on Patents, reported a bill (H. R. No. 3350) for the relief of Norman Wiard; which was read a first and second time.

The bill authorizes Norman Wiard to renew his application to the Commissioner of Patents for letters-patent on his safety attachment for steam-boilers, and authorizes and empowers the Commissioner of Patents to re-examine said application and to grant letters-patent thereon if, in his judgment, the said invention of the said Norman Wiard is a new and useful art, machine, or manufacture, not used by others in this country, and not known or patented or described in any printed publication in this or any foreign country, before his invention or discovery thereof; provided, however, that the granting of said letters-patent shall not be held in any way to interfere with the rights of any person or corporation now using said invention to use and enjoy the same.

Mr. STARKWEATHER. If there be a report, I hope it will be read.

The report was read, as follows:

This is an application by Norman Wiard for leave to apply to the Commissioner of Patents for letters-patent on an invention of his, designated an "improved safety attachment for steam-boilers."

The petitioner states that he is the discover of an invention that will prevent explosions of steam-boilers by an attachment that prevents the steam from becoming superheated to such a degree as to bring about an explosion.

The petitioner also shows that he has spent a considerable sum of money in experimenting on and perfecting his invention.

It appears from the records of the Patent Office, as well as from the allegations of the petitioner, that he filed his application for letters-patent on his invention on the 20th day of January, A. D. 1870, which was passed for issue February 3, 1870. But through the neglect of his attorney, in whose hands Mr. Wiard had placed the whole matter while he was continuing his experiments, the case was permitted to lie over two years from the date of taking his last action previous to applying for the issuance of the letters, which was done in February, 1873, by Mr. Wiard himself, the last previous action having been in February, 1870.

On this account the Commissioner declined to issue the letters on the ground of abandonment. Mr. Wiard's only fault seems to consist in trusting the matter in the hands of his attorney, who let the matter lie till the Commissioner regarded the delay as working an abandonment; and his excuse for this is that his time and attention were engaged with his constant experiments, and he confided explicitly in his attorney. This invention has not passed into use at all.

The committee are of the opinion that the invention is a valuable one, but one of that peculiar class that requires the skill and knowledge of an expert to bring it into use; and that this will only be done by granting to the inventor letters-patent, so that he can proceed under their protection. They conceive, therefore, that the general welfare will be advanced by permitting the petitioner to renew his application for letters-patent in this case.

They therefore recommend the passage of the accompanying bill.

Mr. HALE, of New York. Will the gentleman from Illinois [Mr. CLEMENTS] yield to me to offer an amendment to the bill?

Mr. CLEMENTS. I will hear the amendment read.

Mr. HALE, of New York. I desire to offer the amendment which I send to the desk, to go in at the end of the bill.

The Clerk read as follows:

Nor to the right of the United States to make and use the same without any liability to make compensation therefor.

Mr. CLEMENTS. I do not admit that amendment. If any gentleman wishes any further explanation in regard to the bill, beyond what is contained in the report, I shall be happy to give it so far as in my power.

Mr. HALE, of New York. Will the gentleman yield to me for a few minutes?

Mr. CLEMENTS. Before yielding to the gentleman from New York, I will state the nature of this invention, so far as I am able to explain it. It is about this: Mr. Wiard has invented a system of pipes that act automatically, whereby when the water in the boiler becomes very much reduced in quantity, and the steam becomes heated to that degree that immediately precedes an explosion, the pressure of the steam forces a stream of cold water through the pipes, the pipes running through the steam. This cold water running through the pipes reduces the temperature of the steam and thereby prevents an explosion. If this be true, if this be the character of the invention, if it will accomplish that, it is certainly valuable. Mr. Wiard has never had a patent for this invention. He made application for one, and that application lay in the Department for two years, while his attorney gave him to understand he was prosecuting the application, and Mr. Wiard in the mean time was engaged in experimenting. When finally he went to get his patent, he found that the two years had elapsed. The law was, and is, that if an application be not prosecuted to final issue within two years, then the Commissioner is not at liberty to grant letters-patent. This bill simply proposes to allow Mr. Wiard, inasmuch as the two years elapsed through the negligence of his counsel, to make application to the Commissioner, and the Commissioner is to examine it as if it were an original application. It merely gives him the privilege of going before the Commissioner and submitting his claim to the inspection of that officer. I call the previous question on the passage of the bill.

Mr. HALE, of New York. I hope the gentleman will not insist on the previous question.

Mr. CLEMENTS. If the gentleman wishes to say anything upon the other side I will yield to him for five minutes.

Mr. HALE, of New York. I know nothing about the merits of this bill except what appears from the report. The report shows that Norman Wiard in 1870 instituted proceedings according to law to procure a patent for this invention, and that, as he alleges, by the negligence of his attorney, he failed to complete the proceedings within the time fixed by law and thus failed in obtaining his patent.

Now, while I know nothing about the merits of this bill I do happen to know something about the history of Mr. Norman Wiard, and I beg to say to the House that he is a gentleman who is not only an ingenious and meritorious inventor, but an experienced practitioner in the Patent Office, who did not in my opinion fail to complete his proceedings for a patent within the two years allowed by law, on account of any ignorance or mistake on his part. He is a man who has had repeated patents, who is familiar with the practice in the department, and the last man who was likely to let his rights pass by mere oversight in allowing the time to elapse within which he must procure his patent. And not only that, Mr. Norman Wiard has been a claimant against this Government for amounts perfectly fabulous in regard to patents claimed by him and used by the Government.

Mr. LAWRENCE. He is now.

Mr. HALE, of New York. He now has claims to an immense amount pending against the Government.

Mr. CRUTCHFIELD. What has that to do with this bill?

Mr. HALE, of New York. I will tell my distinguished friend from Tennessee precisely what it has to do with this bill before I get through if he will not be too impatient. Impatience is apt to be the fault of youth. It has this to do with the bill. Mr. Norman Wiard now asks us to relieve him from the effect of the negligence of his attorney and grant him this patent, which if it is valuable is especially valuable to the United States for its use in its steam navy. I insist that if we give him leave to prosecute his application for a patent and relieve him from the effect of his negligence it should at least be by saving the rights of the United States as I propose to save them in the amendment I have offered. That amendment is simply an addition to the proviso that if the patent be granted it shall not be operative as against the United States, nor lay the foundation for claims against the United States for the use of this invention.

Mr. KELLOGG. Will the gentleman yield to me for one moment?

Mr. HALE, of New York. No; the gentleman must excuse me; I do not yield.

Mr. KELLOGG. I will wait until the gentleman gets through.

Mr. HALE, of New York. I have but five minutes, and the gentleman ought not to interrupt me.

Mr. Speaker, just as certainly as Congress passes this bill as it comes from the committee and Mr. Wiard secures his patent, just so certainly shall we have a claim from Mr. Norman Wiard, not only

for tens of thousands but hundreds of thousands of dollars against the United States Government for the use of this patent. I oppose entirely the passage of the bill; but if it is to pass, I hope the House will insist upon attaching to it the amendment which I have offered, and I therefore trust the House will vote down the previous question so as to enable me to offer it.

Mr. EAMES. I desire to ask the gentleman one question. I would like to have the gentleman from New York state to the House the reason why the Government of the United States should not pay when it uses a valuable invention, as any American citizen has to do?

Mr. HALE, of New York. Well, if the Government of the United States, under its general laws, was obligated to make payment to a citizen they ought to do it; but if a citizen who by his own fault or negligence, (because the negligence of the attorney was his negligence,) comes here asking from the United States grace to enable him to take out a patent not in the line of the general law, then I do say that it is not the duty of the United States, or the duty of the members of this House, having in view the interests of the United States, to grant that privilege, that favor, without putting up the bars against a claim against the Government for the very favor which we are asked to grant.

Mr. PARKER, of New Hampshire. Will the gentleman yield to me for a question?

Mr. HALE, of New York. Certainly.

Mr. PARKER, of New Hampshire. The position of the gentleman from New York is simply this: that the Government of the United States cannot be just to its own citizens unless it is paid for it.

Mr. HALE, of New York. Is that the question the gentleman asked me to yield for? It does not sound like a question.

Mr. PARKER, of New Hampshire. That is your position.

Mr. HALE, of New York. That is not the fact. I am not opposing justice to any man. But I say it is not the duty of this House, nor is it just or right, to give away this privilege to such a claimant.

Mr. PARKER, of New Hampshire. He is simply asking for an act of justice, and you want the Government to be paid for it.

Mr. HALE, of New York. Not so.

Mr. CLEMENTS. I now yield two minutes to the gentleman from Connecticut. [Mr. KELLOGG.]

Mr. KELLOGG. I know nothing about this case, except what I have gathered from the report of the committee. I want to say right here, and that is the reason I wished to ask a question of the gentleman from New York, [Mr. HALE,] which he refused to allow, that if an outrageous principle was ever advocated on the floor of this House it is that the Government has the right to take the product of the labor, of the brain-work, of a citizen without paying for it, while other citizens are obliged to pay the inventor for the use of his invention. I say that it is one of the most outrageous proposition ever advocated here or elsewhere. I know the thing has been done. It was done all through the war, because the Government by its strong arm had the power to take the invention of a man and use it; it did it because it had the power, and it was a necessity that it should be done. And to-day there are several inventors who, to my knowledge, are suffering for the want of the money which the Government ought to pay them for their inventions used during the war by the Government, and pay for which is refused by the Government. Though the Government from its necessity was justifiable in using all inventions necessary to protect its existence then it is not justifiable in refusing just compensation for it now.

I will say further that, so far as this bill is concerned, I do not think it is good taste on the part of the gentleman from New York or any other member to lug in any other claim which this person has before the House to prejudice this or that claim. If the gentleman who claims to be the inventor in this case has any other claim pending here, then for God's sake let us take it up and dispose of it upon its merits when the bill comes up, and not seek to prejudice this claim or that by saying that he has other claims. I know nothing about this case. But I know that if any wrong has been done by the Government during the last ten years it is in the constant practice during the war of taking the brain-work, the inventions of its citizens, without paying for it, while its own citizens have to pay for the use of an invention during the existence of a patent for it.

Mr. CLEMENTS. I yield five minutes to the gentleman from Michigan, [Mr. CONGER,] the chairman of the committee.

Mr. CONGER. This bill authorizes Mr. Wiard to renew an application in the Patent Office for an invention which he alleges he has made for the protection of the public against boiler explosions. The House will remember that we have appropriated $100,000 to enable a commission to make experiments in reference to the causes of explosions of boilers, to make such experiments as will guard against explosions. This man claims to have made an invention which will accomplish that purpose. Whether he has done so or not I do not know, and the committee do not pretend to say. His invention has never been applied in actual practice. It is an intricate, curious piece of machinery, somewhat expensive to apply, and difficult in its application. It is for that reason that it has not been applied.

While this man has been making his experiments for his own interest, and if successful for the preservation of human life, his lawyer failed to prosecute his application before the department to a conclusion in time to enable Mr. Wiard to obtain his patent. The limitation of two years made by the late law ran against him and he failed to obtain his patent. The bill of the committee simply permits him to go before the Commissioner of Patents and make his application as originally, with an unfinished experimental machine. I think it is right he should be permitted to do so. If the object he seeks to attain can by any possibility be attained by his invention, not only will the whole world pay him for it, but they would be grateful to him for it.

Mr. HALE, of New York. Suppose the whole world can have the benefit of it without paying this royalty; they are under no obligation now to pay it.

Mr. CONGER. My friend has been in the employment of the Government for the last year or two; and he has been so accustomed to array himself upon the side of the Government against all claimants that he thinks it his duty to do so now.

Mr. HALE, of New York. I certainly do.

Mr. CONGER. His duty as a lawyer does not follow him here. It is his duty as a member of the House to make laws for the benefit of the whole people as well as for the United States Government. That is the duty which follows him here. But his duty as an attorney for the Government ceased when he took the oath as a member of this House. I know he has been the attorney of the Government in regard to claims concerning an entirely different matter. I do not know what they are, and I do not care. My duty as chairman of the Committee on Patents, and the duty of my committee, is to take up such matters as this House may send to us, and to report for the action of the House what commends itself to our judgment; and this is entirely independent of, and disconnected with, anything else between Mr. Wiard and this Government.

One point more: as members of this House, legislators for the rights of the people, secured to them by the Constitution, why do we need to be attorneys of the United States, and put in a saving clause for the Government in reference to an invention which if good at all is valuable as a life-saving contrivance not only to the whole people but to the Government and officers of the Government? I deny the correctness of such a principle. It has already given occasion to more litigation than anything else connected with patents. Such a proposition embodied in the law is an assertion that this Government will not grant to the citizen his constitutional rights, which are above all statutory law. That is all that can be made of it. Let the Government, if it grants a man the rights guaranteed to him by the Constitution in reference to a life-saving machine which is of great benefit to the employés of the Government as well as to other citizens, make its arrangements with the inventor and pay him as private citizens do.

The people of the United States, whatever may be their feelings about the exorbitant demands of patentees and monopolists with reference to inventions of a merely commercial or industrial nature, do not desire to lay their hands upon an invention which is designed for the saving of their lives and the lives of their families as they travel on the steam vessels and railroads of the country.

In conclusion let me say that in the behalf of the committee the necessity for this legislation may have arisen from laches on the part of Mr. Wiard's attorney, neglect of his agent, in consequence of the operation of a new law which had not been brought to the notice of the public by actual practice. The limitation of two years was made in 1871. Before that there was no limitation as to the time within which the application could be prosecuted. That law of 1871 was interposed about the time this application was made; and the notice of this inventor or other inventors was not specially called to that change in the law. Any man, unless he was a practicing lawyer and had occasion to look into the law, might reasonably have supposed that the old law was in force giving two, three, four, five, or six years in which to pursue the application.

Mr. HALE, of New York. Does the gentleman from Michigan mean to say that Mr. Wiard or his attorney was in ignorance of the existence of that law?

Mr. CONGER. The "gentleman from Michigan" means to say that never having seen Mr. Wiard, not knowing his qualities, characteristics, or peculiarities, never having either prosecuted or defended him, and knowing nothing about him personally, he takes his sworn statement and the proof before the committee, as in his humble opinion he should take it, as truth, to be acted on by him and the committee; and this proof shows the laches on the part of the attorney.

Mr. HALE, of New York. The gentleman carefully avoids answering my question, which he could answer very easily if he saw fit.

Mr. CONGER. Not "carefully avoids;" for the "gentleman from Michigan" very rarely avoids coming directly to the subject in hand.

Mr. HALE, of New York. I have asked the gentleman this question, on which the report of the committee is silent. He has made an argument tending to show that the laches of Mr. Wiard was caused by his ignorance of the existence of the law. The report does not state that; and I wish to ask the gentleman whether he means to make that statement.

Mr. CONGER. I answer by saying this: I will venture to say that the gentleman from New York himself, so learned and profound in his knowledge of the law, did not know till I told him that the law was altered in 1871.

Mr. HALE, of New York. Well; that is an answer to my question with a vengeance.

Mr. CONGER. And if the gentleman from New York, learned in

all law of all lands, did not know it, how could this poor, practical inventor know all this?

Mr. HALE, of New York. Does the gentleman mean to say that in the opinion of the committee Mr. Wiard did not know of the existence of the law? If so, why did they not say so in their report?

Mr. CONGER. I do not mean to say any such thing. I merely say that if my friend from New York did not know it, perhaps Mr. Wiard did not.

Mr. HALE, of New York. Ah! "perhaps;" that is what the gentleman means.

Mr. CONGER. But I mean to say that the proofs before the committee show that there was a neglect on the part of the attorney to press a claim that ought to have been pressed; and, further, I mean to say that a change having been made in the law, limiting the time within which the application could be prosecuted, Mr. Wiard or any other man not familiar with the laws might not have seen the importance of pressing it himself.

Mr. HALE, of New York. I hope the gentleman from Illinois [Mr. CLEMENTS] will give me a few minutes.

Mr. CLEMENTS. Very well.

Mr. HALE, of New York. It is a curious circumstance that no man ever rises here to defend the rights of the Government against a claimant for a patent or for money without being branded by somebody upon the floor as an attorney in the interest of the Government or as "acting in "bad taste," as the gentleman from Connecticut [Mr. KELLOGG] phrases it, or as being guilty of an impropriety in standing in his place here and attempting to vindicate legal principles with regard to the rights of the Government, which should apply alike to all cases. To the intimation of the delicate gentleman from Connecticut that I am guilty of "bad taste" in the position I take here, I reply that I am entirely willing to leave the question of "good taste" to this House, which will determine whether it is in better taste for me to attempt, as I ordinarily do, to defend the rights of the Government here, or for the gentleman from Connecticut, as he ordinarily does, to lend the influence of his voice and vote in favor of every monopoly and every claim which is proposed here.

I leave the gentleman to make that as he pleases.

Mr. KELLOGG. Will the gentleman from New York yield to me?

Mr. HALE, of New York. Of course I am willing to yield to the gentleman from Connecticut when I have concluded what I have to say.

Now, the gentleman from Michigan [Mr. CONGER] thinks it entirely inconsistent for a gentleman in this House to put himself in the position of defending the rights of the Government here, and imputes it to me as a fault, a crime almost, that I should stand here, and defend the Government against hasty action upon a proposition which will be the basis of unjust claims, with the slur I have been so long the attorney of the Government I have forgotten the position I bear as a member of the House. The imputation was unworthy of the gentleman. I am his peer on this floor in every respect—as to my duties as a member, my integrity as a member, my relations to the Government, my relations to my constituents, and my relations to the House.

Mr. CONGER. I wish to say to the gentleman that my language will not warrant any such construction.

Mr. KELLOGG. I wish to reply to the gentleman from New York.

Mr. CLEMENTS. I yield the floor to the gentleman from New York, [Mr. POTTER.]

Mr. CONGER. He asks me whether I was acting as a member of the House or——

Mr. HALE, of New York. I trust both of these gentlemen will have the right to attack me at once, one on the right and one on the left.

Mr. CONGER. It does not need two.

Mr. KELLOGG. Will the gentleman allow me——

Mr. HALE, of New York. I will yield to both of the gentlemen, one from Connecticut and one from Michigan.

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Connecticut?

Mr. CLEMENTS. Yes; I will yield to him for half a minute.

Mr. KELLOGG. If the gentleman who seems to take so much dudgeon at the remark I made will give me his attention for the half minute I will repeat exactly what I did say. I said it was not in good taste——

The SPEAKER. The gentleman's half a minute has expired.

Mr. KELLOGG. I said it was not in good taste to bring in another claim pending before this House in favor of this person to prejudice any other good claim in his favor pending here, and I repeat it to the gentleman; and when he recovers his temper I trust he will take it good-naturedly.

Mr. HALE, of New York. I hope the gentleman in his next book on "Taste" will insert that.

Mr. CLEMENTS. Mr. Speaker, I do not yield to anybody else than the gentleman from New York, [Mr. POTTER,] and I yield to him for five minutes.

Mr. POTTER. Mr. Speaker, my objection to this bill is different from that of my colleague. It goes not only to this bill, but generally to all bills of this class. Here comes an inventor, of the merits of whose invention I know and say nothing, and asks for a congressional monopoly, a special privilege, which the law does not give him. In the first place an inventor has no natural right to any such monopoly at all. The natural right of a man who invents a thing is to use it himself and to keep it to himself, or dispose of it or make it public upon such terms as he can agree for. Our Constitution does indeed authorize Congress to secure to inventors the exclusive right to their invention on such terms as it sees fit. Why? Not for the mere interest of the inventor alone, but for the interest of the people, and to promote, as the Constitution says, the progress of science and useful arts.

The monopolies thus given to inventors have been often in my judgment extended too far. The law now provides that any man who comes in within two years after he has made a discovery may have a patent for its exclusive use for seventeen years. Here is a man who did not come in within two years and who is considered by the law to have abandoned his discovery; and yet he wants his right of monopoly just as if he had applied for it in time, and gives as excuses for his laches that his attorney was negligent and that he forgot it. Congress, sir, is indeed a court, a high court, competent to pass upon and judge of such excuses; but unfortunately it is a court where men are almost always heard *ex parte*. That is the end of its judgments. This inventor insists that his delay in applying for his patent was the result of the negligence of his attorney. But, sir, all over the world in every court, principals are often held liable for the neglect of attorneys. But, beyond that, this inventor says, "Not only was my attorney negligent, but I myself forgot to apply in time." He was so busy in the Halls of Congress, so busy in the Departments, so busy with his gun claims, as my colleague [Mr. HALE] has suggested, or with perfecting this invention as the committee say, that he overlooked this important invention for the preservation of the lives of the people and economy of consumption of steam for more than two whole years; and now he wants to go before the Commissioner and satisfy him. Satisfy him of what? Not that he forgot; not satisfy him that his attorney was guilty of laches? O, no; but to satisfy him of the value of his invention; for by this bill Mr. Wiard is to have a patent for this invention provided only the Commissioner thinks it is a valuable and original one. I submit this is a pure, naked case of the grant of a special privilege and monopoly without any sufficient reason, and ought not to be granted. It is alike without reason and without excuse. I think much might be said against most of these cases of extension and exception to the general law. I believe the patent laws are now sufficiently onerous and against the interests of the people, and ought not to be made more so in particular cases.

I think, therefore, that when a man comes to get a patent for seventeen years for an invention so valuable as this is declared to be in the interest of human life——

Mr. PARKER, of New Hampshire. He only asks an extension for seven years.

Mr. POTTER. Well, an extension of seven years, if this bill is for extension. I understood it to be for an original patent. I say when a man comes to get a patent or an extension of a patent for an invention so valuable as this is declared to be in the interest of human life and consumption of fuel, I think he should have some better excuses than that his attorney forgot, or that he himself forgot, to make his application during the whole period of two years, when he was himself during that time in this Capitol engaged in other important matters, pressing claims against the Government, or at any rate not unfamiliar with the Patent Office and its regulations.

Mr. PARKER, or New Hampshire. I wish to ask the gentleman if he thinks this is more a monopoly than any other patent, and would he refuse all applications and stop granting all applications for patents on the ground that every patent is a monopoly?

Mr. POTTER. I answer the gentleman from Connecticut——

Mr. PARKER, of New Hampshire. New Hampshire.

Mr. POTTER. I beg the gentleman's pardon; these gentlemen from Connecticut have got so mixed up with this discussion, and have so much always to say in behalf of patents, that I made the mistake. They are monopolies which a man has two whole years to obtain by operation of law. The law has wisely provided that if a man does not obtain his monopoly within that time he shall not do it at all. In that respect I think that the law is right, and should not be set aside without better excuse than this case affords.

Mr. CLEMENTS. I wish to say a word or two in reply to the two gentlemen from New York who have just addressed the House, and I shall then call the previous question.

First, I will say to the gentleman from New York in front of me, [Mr. HALE,] who assumes not only the right but the duty of the Government to pirate the brains of every man in the country, that I do not consider that to be the law, to be justice, or to be equity. I do not conceive that the General Government has any more right to the use of an invention of a poor half-witted inventor—for inventors are often of that character—than the humblest citizen has. It has been the custom heretofore, or for some years back—it originated I believe during the war times, on account of the immense power of the Government—for the Government to claim the power, not the right, to take that which belongs to a humble individual and to use it as it saw fit. That time has passed. The time has now come when the Government should be considered as having no more right than anybody else to use the invention of the very humblest citizen.

Mr. HALE, of New York. I should like to know from the gentleman from Illinois when the Government claimed that power?

Mr. CLEMENTS. If the gentleman does not know that, he is un-

fortunate in his reading of the history of the last few years. If the gentleman will go as far back as 1860, he will not find a single valuable invention used by the United States without compensation being made for it.

Mr. HALE, of New York. The gentleman is utterly and entirely in error.

Mr. CLEMENTS. The gentleman comes here now and does what? He offers an amendment to this bill declaring a general principle. He says that as a general principle the General Government should have the right to use all these patents. If this be true, why is it the gentleman has not introduced a bill for that purpose and had it referred to our committee? The gentleman has never introduced any bill here allowing the General Government to use every patent of invention. Why? Because he knows that a bill of that character would strike the sense of this House and the judgment of the whole country as so unjust that it would not receive half a dozen votes anywhere. Therefore he waits his opportunity to tack it on to this individual bill, where it will strike a poor devil who has no friends here. He applies to this invention a principle which he dare not attempt to apply to all the inventions of the country.

I wish to say another thing to the gentleman. He tells us that these things are wrong. Why does the gentleman not come before our committee and make an examination into these things for himself?

Mr. HALE, of New York. Will the gentleman allow me to answer him?

Mr. CLEMENTS. Certainly.

Mr. HALE, of New York. I did not come before the gentleman's committee because I did not dream that his committee had such a bill before them, or if they had that there was any possibility of their reporting it.

Mr. CLEMENTS. Again I say that it is unfortunate that the gentleman is not better informed as to the proceedings of this House. If he made it his business to examine our records and to know what is done here, he would know these things are before the Committee on Patents; and if he felt it to be his duty to defend the rights of the Government, he would be looking out for these things and endeavor to do something in that direction.

But we are told by the other gentleman from New York, [Mr. POTTER]—the good-looking gentleman with the mutton-chop whiskers—that the committee has not heard both sides. The gentleman was never worse informed in his life. Had he been a member of the committee, he would have known that no committee ever heard so much on both sides of the question or was so bored with lawyers.

I will not occupy more of the time of the House. The Government has demanded of every patentee that he shall pay it a fee. It demands of this man that if it grants him a patent he shall pay the Government for that patent, and yet notwithstanding the fact that the Government puts its hand into the poor man's pocket and takes his money from him, the gentleman says that the Government should have the use of his patent for nothing.

Mr. COX. I desire to say a few words only. I have spoken to the House but once on these patent matters. In 1861 Congress passed a general patent law, which I think was the last bill signed by Mr. Buchanan before he went out of office.

Mr. E. R. HOAR. Does the gentleman say that he has only spoken in this House once?

Mr. COX. No sir.

Mr. E. R. HOAR. I was astonished at the statement.

Mr. COX. I said I had never spoken but once on a patent case. I have never lived in New England, where these patents are more or less obtained and inventions made. I want to call the attention of the honest, square men in this House—and this is a matter which concerns the grangers and I have a granger in my eye—to the fact that the law of 1861 to which I have referred extended all patents from fourteen to seventeen and a half years. I reported that bill on the last day of the session in March, 1861, and it was understood at that time by all parties in interest that with that general law there should be no more extensions granted at the Patent Office. If this House wants to act wisely and well, and will take the sensible advice of an experienced member, they will not undertake to make any laws in relation to patents except general laws. All special laws are more or less tainted, and I hope they will be voted down.

Mr. CLEMENTS. I have only to say that I am very glad that my young friend from New York who has just spoken [Mr. COX] and his colleague [Mr. POTTER] agree with the present Committee on Patents. We are opposed to special patent legislation, and we hold that there has been too great latitude in that direction in the past while these gentleman have been members of the House heretofore and we have not been. Like the gentleman from New York, I never was in New England myself, if that is anything to brag of; but I expect to go there before I die, and if not, perhaps, if I am good, I may go to Boston after I die. But I came from that portion of the country to which he refers where the grangers are, and I desire to say that the grangers have no disposition to do injustice by any man. They have the power and they are large enough and broad enough of heart and soul to desire that equal and exact justice should be done to every man from every portion of the country, and because I come from such a section I move the previous question on the bill.

Mr. HALE, of New York. I hope the House will vote down the previous question.

The question was put on seconding the previous question; and there were—ayes 87, noes 38; no quorum voting.

Tellers were ordered; and Mr. CLEMENTS, and Mr. HALE of New York, were appointed.

The House divided; and the tellers reported ayes 88, noes not counted.

So the previous question was seconded.

The main question was then ordered; and under the operation thereof the bill was ordered to be engrossed, and read a third time; and being engrossed, it was accordingly read the third time.

Mr. HALE, of New York. I call for the yeas and nays on the passage of the bill.

The yeas and nays were ordered—ayes 21, noes 79.

The question was taken; and there were—yeas 106, nays 99, not voting 85; as follows:

YEAS—Messrs. Albert, Archer, Barrere, Barry, Berry, Biery, Blount, Bromberg, Buckner, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Cason, Amos Clark, jr., Freeman Clarke, Clements, Stephen A. Cobb, Coburn, Comingo, Conger, Cook, Crooke, Crounse, Crutchfield, Darrall, Dobbins, Duell, Dunnell, Eames, Eden, Eldredge, Farwell, Field, Fort, Frye, Garfield, Hagans, Hancock, John T. Harris, Havens, Joseph R. Hawley, John W. Hazelton, Hendee, Hodges, Howe, Hunter, Kellogg, Kendall, Knapp, Lansing, Lofland, Lynch, Magee, Maynard, McCrary, Alexander S. McDill, MacDougall, McKee, Mills, Monroe, Morrison, Myers, Niles, O'Brien, Orr, Orth, Hosea W. Parker, Isaac C. Parker, Pendleton, Perry, Phelps, Pike, Pratt, Rainey, Rapier, Rice, James C. Robinson, Rusk, Sawyer, Henry B. Sayler, Sener, Sessions, Sloan, Small, Smart, George L. Smith, William A. Smith, Stanard, Starkweather, St. John, Stone, Strawbridge, Todd, Townsend, Tyner, Waddell, Waldron, Wallace, Walls, White, Whitehead, Charles W. Willard, and George Willard—106.

NAYS—Messrs. Albright, Arthur, Atkins, Barber, Bell, Bland, Bowen, Bright, Brown, Buffinton, Bundy, Burchard, Caldwell, John B. Clark, jr., Clymer, Corwin, Cox, Crittenden, Crossland, Danford, Dawes, DeWitt, Donnan, Durham, Foster, Giddings, Glover, Gunckel, Robert S. Hale, Harmer, Henry R. Harris, Harrison, Hatcher, Hathorn, John B. Hawley, Hays, E. Rockwood Hoar, Holman, Hoskins, Houghton, Hunton, Hurlbut, Hyde, Kasson, Lamport, Lawrence, Lawson, Lewis, Loughridge, Lowe, Luttrell, James W. McDill, McLean, McNulta, Merriam, Milliken, Mitchell, Moore, Neal, Nesmith, Niblack, O'Neill, Packard, Packer, Pelham, Pierce, Poland, Potter, Randall, Ray, Read, Ellis H. Roberts, Ross, Milton Sayler, Scofield, Henry J. Scudder, Isaac W. Scudder, Sheats, Sherwood, Lazarus D. Shoemaker, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Sprague, Strait, Taylor, Christopher Y. Thomas, Thornburgh, Vance, Wells, Whitthorne, William B. Williams, Willie, James Wilson, Wolfe, Woodworth, John D. Young, and Pierce M. B. Young—99.

NOT VOTING—Messrs. Adams, Ashe, Averill, Banning, Barnum, Bass, Beck, Begole, Bradley, Cessna, Clayton, Clinton L. Cobb, Cotton, Creamer, Crocker, Curtis, Davis, Elliott, Freeman, Gooch, Eugene Hale, Hamilton, Benjamin W. Harris, Gerry W. Hazelton, Hereford, Herndon, Hersey, George F. Hoar, Hooper, Hubbell, Hynes, Jewett, Kelley, Killinger, Lamar, Lamison, Leach, Lowndes, Marshall, Martin, McJunkin, Mellish, Morey, Negley, Nunn, Page, Parsons, Phillips, James H. Platt, jr., Thomas C. Platt, Purman, Ransier, Richmond, Robbins, William R. Roberts, James W. Robinson, John G. Schumaker, Shanks, Sheldon, Sloss, Snyder, Southard, Speer, Standiford, Stephens, Storm, Stowell, Swann, Sypher, Charles R. Thomas, Tremain, Jasper D. Ward, Marcus L. Ward, Wheeler, Whitehouse, Whiteley, Wilber, Charles G. Williams, John M. S. Williams, William Williams, Wilshire, Ephraim K. Wilson, Jeremiah M. Wilson, Wood, and Woodford—85.

So the bill was passed.

During the roll-call,

Mr. HUNTON said: I have been requested to state that Mr. LAMAR is detained from the House to-day by indisposition.

The result of the vote was then announced as above recorded.

Mr. CLEMENTS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HAWLEY, of Illinois. I move that the House resolve itself into Committee of the Whole on the Private Calendar.

Mr. LAWRENCE. I hope we shall proceed with the call of committees for reports. I have a number of reports which ought to be made.

Mr. HAWLEY, of Illinois. I insist on my motion.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the Private Calendar, (Mr. FORT in the chair.)

FREDERICK F. BAURY.

The first bill on the Private Calendar was House bill No. 1941, to provide for the appointment of Frederick F. Baury on the retired list of the Navy.

The bill authorizes the President to nominate and, by and with the advice and consent of the Senate, to appoint upon the retired list of the Navy, with the rank of lieutenant, Frederick F. Baury, late volunteer lieutenant on the active list of the Navy.

Mr. HOLMAN. I suggest that it would save time to have the report read in each case without being specially called for. I call for the reading of the report in this case.

The Clerk read the report, as follows:

The Committee on Naval Affairs, to whom was referred the petition of Frederick F. Baury, praying that he be commissioned a lieutenant in the Navy and placed on the retired list, in consequence of wounds received in the line of duty, have carefully considered the facts and circumstances of said petitioner's case, and find them as stated by him in his memorial.

They are these: The said Frederick F. Baury, at the age of seventeen, and in the month of August, in the year 1861, entered the Navy as a volunteer, and was appointed acting master's mate. He was on the frigate Congress when that ship was destroyed by the Merrimack, and opened the engagement on that occasion. He was most honorably mentioned by his commanding officer for good conduct and gallantry during the action, and promoted to acting master in consequence. He was then ordered to the South Atlantic squadron, and while attached to it cut out and captured by boats

the steamer Alliance, during an attempt by the latter to run the blockade of Savannah. He delivered the steamer and cargo to the United States marshal at Boston. Master Baury was then promoted to the rank of acting volunteer lieutenant, and ordered to the frigate Colorado, Commodore Thatcher, where he served in both attacks upon Fort Fisher, and in the latter of which, finally resulting in its capture, he was shot down while gallantly leading a detachment of sailors against the face of the fort. The gunshot wound received by Acting Lieutenant Baury was of peculiar or rare character. An Enfield rifle-ball struck him upon the side, near the hip, and passed through the body, emerging at the opposite hip. In its course it passed through the intestines, and by concussion so shattered the nerves that paralysis of the lower part of the body ensued, and although largely overcome, at periods asserts itself now, and is likely to become permanent. The wounds from time to time open, and he has been repeatedly in hospital. Prior to this disaster Mr. Baury was an efficient officer and accomplished navigator, highly commended by his commanding officers. He was in charge of the deck of the Canandaigua during a severe cyclone in the month of December, 1866, for eighty consecutive hours, and by this terrible exposure increased the calamitous effects of his wound. Selected for admission to the regular rank of lieutenant in the Navy in the early part of 1867, and at a time when he was undergoing severe surgical treatment at the Brooklyn hospital, he resolutely journeyed to Hartford to undergo examination. He reached that city worn out in bodily strength, and in a nervous, anxious, and almost irresponsible mental condition, and was urged by his friends to abandon or defer the attempted examination. He resisted entreaties, and in this wretched and helpless state presented himself and was rejected. We believe but for his wounds, and their fearful consequences, he would have easily passed and secured the rank of lieutenant. He was honorably discharged February 8, 1869.

The passage of the accompanying act is recommended.

Mr. ARCHER. Before this bill is acted upon, I think it my duty to call the attention of the Committee of the Whole to the bill itself. If it were only to affect an individual who is to be placed upon the retired list, perhaps I should say nothing, having been in the minority of the committee that reported the bill. But I think it my duty, however unpleasant that duty may be, when a precedent is about being established which may lead to trouble in the future, to call the attention of the committee to that fact. That this officer was a meritorious officer I do not deny. That he has claims upon the Government I do not deny. But those claims are being met, as are the claims of many others of our wounded naval and military heroes, by a pension from the Government. In this case it is proposed to take one of the volunteer officers of the Navy, and place him upon the retired list as a lieutenant. If that is done, in addition to the pension he now receives, he would draw from the Government every year $1,800 as long as he lives.

But two cases of this kind have been provided for by legislation since the war, all the rest having been rejected. My impression is that those two cases passed more from inadvertence than from any particular claim or merit they had over other naval officers who had been wounded. This officer just now I think has no particular claim to ask of us additional pay. He is a civil employé of the Government, in the custom-house at New York or Baltimore, drawing in addition to his pension some twelve or fifteen hundred dollars a year as such employé. If this proposed additional pay is ever to be given him, I think it will be ample time for the House to pass an act in his favor when he shall have ceased to be a civil employé of the Government.

The majority of the committee of which I am a member report this bill. I believe sympathy was one of the principal causes which led them to make this report. My sympathies are that way also. But when we start this thing there is no telling where the end may be. Immediately after it was announced in the papers that this bill had passed the Naval Committee we had numerous other applications of like cases.

When the widow of a meritorious officer, with three or four children to support, is given only fifty dollars a month for the support of herself and children, I think it is hardly fair for us to single out an officer who, I believe, has but himself to support, and give him his pension and $1,800 a year besides, while the widow draws but $600. I have thought it my duty, however unpleasant it was, to call the attention of the Committee of the Whole to this subject before the precedent shall be established. Whatever the members of the House may in their judgment think well to do, of course will be cheerfully acquiesced in by me.

Mr. ALBRIGHT. Is this officer in service now?

Mr. ARCHER. He is not in the naval service; but he is in the civil service of the Government, being in one of the custom-houses of the United States, and drawing not less than $1,200, and I think $1,500, a year. He is besides on the pension-rolls.

Mr. MACDOUGALL. This officer was formerly in the custom-house at New York, but had to leave on account of his health.

Mr. ARCHER. He was in the custom-house when the application was made to the committee; whether he is now or not I do not know.

Mr. MACDOUGALL. He came to me with a letter of introduction as one who had been in the custom-house. I supposed he was not in the custom-house then.

Mr. ARCHER. He was detailed to duty in the custom-house at Baltimore; that is the way I came to know of it.

Mr. SCOFIELD. I do not know that I wish to antagonize this bill, for two reasons; one is that the committee of which I am a member has by a majority agreed to report it; the other is that it is in favor of an officer whom I suppose to be quite a meritorious one. But the Committee of the Whole I think ought to know exactly what they are doing.

The retired list of the Navy is designed for the benefit of those officers who have given their whole lives to the service of their country; forty-five years of service being the length of time required. When they have become sixty-two years of age, have served the country forty-five years in that dangerous capacity, they are allowed to go upon the retired list, and receive, under the name of pay, but really as a pension, three-fourths of the amount received while in active service. A lieutenant of the Navy receives $2,400 a year as sea pay; of course three-fourths of that amount is $1,800.

It is proposed by this bill to take a gentleman now in civil life, who never has been in the regular Navy, and legislate him into the regular Navy, and then legislate him upon the retired list. He is now a young man. It is proposed that we shall legislate him now from civil life, where he has been for some eight or ten years, upon the retired list of the Navy, which is designed for men who have served their country in perilous positions for forty-five years, and have become sixty-two years of age. It is proposed that we shall legislate him upon this retired list, so that he shall receive all his life, without rendering any further service whatever to the country, $1,800 a year. And this will be in addition to the pension which he now draws, and of which I suppose he is a meritorious subject. I suppose from what I have heard that he richly deserves that pension, and perhaps more too. But he will get this $1,800 in addition to what he receives as a pension.

Mr. HALE, of New York. Is not the gentleman in error? Would not the pension cease under the law if this man should receive pay on account of being upon the retired list?

Mr. SCOFIELD. There is no law, so far as I know, which would stop his pension; but if there is such a law, then this man's pay on the retired list would be in lieu of the pension, although the special act which we are now asked to pass makes no such provision.

Now, Mr. Chairman, about two or three years ago, we did pass a law placing upon the retired list of the Navy a man who had happened to be in the volunteer service for a short time; and the publicity which that act obtained through the papers has brought to us applications from a large number of persons asking legislation of similar character for their benefit. I believe that since this bill was reported by a bare majority, the committee has decided to refuse all other applicants. Looking over the ground a little further, they have come to see the effect of what they have done; and no other bill of this character will be presented from that committee at this session. But the passage of this bill will make a precedent on the part of the House.

Now, if there is anything that all the people crave it is equality. I find that the soldiers who come here and ask us to equalize their bounties complain of the inequality. They say that some who were in the service for years received no bounty, while others serving for less time obtained considerable bounty. It is the inequality of which they all complain. We on the Naval Committee hear this complaint all the time. Somebody comes forward and says that he rendered as much service as some other man, but he has not been made equal to him in pay or in position or in honor. We hear that complaint all the time. When the clerks and others come to us to have their pay raised, they say that their pay ought to be equal to that of somebody else. Inequality is the great wrong of which they complain.

Now it is proposed, Mr. Chairman, to take a single man who happened to serve in the volunteer navy and legislate him upon the retired list, where he will for all his life get $1,800 a year without rendering any service whatever. Now, why should one man who happened to be in the volunteer service be put upon that list, and not all the wounded volunteer naval officers? If one is placed upon that list all should be; and if the officers of the Navy are to be thus treated why not the officers of the Army? The service of the latter was more perilous. In my own district, upon the lake, where it was optional with volunteers to take service either in the Army or the Navy, they always chose the Navy as offering the safest and the easiest berth. Now if you take a poor, wounded naval officer and put him upon the retired list, giving him $1,800, with no service to render for the money, why not take the volunteer officers of the Army and put them upon the retired list of the Army?

What we want is that our brave soldiers and sailors who were so unfortunate as to be wounded in the service shall be treated all alike. If you put wounded soldiers and sailors upon the retired list on equal terms, then you will be treating them alike; not otherwise.

Mr. HAWLEY, of Illinois. I ask unanimous consent that speeches on this bill be limited to ten minutes.

Mr. HALE, of New York. I object.

Mr. GOOCH. I ask the attention of the committee for a few moments to the facts in this case as they appeared before the Naval Committee and are stated in the report.

This young man, seventeen years old at the breaking out of the rebellion, applied for service in the Navy, was appointed acting-master's mate, and assigned to duty on board the Congress. He was on the vessel when she went down, and for his gallantry on that occasion was promoted, mere boy in age as he was, to acting master. He was then ordered to the South Atlantic blockading squadron, and among other very meritorious acts of service led a party which cut out and captured the steamer Alliance, while lying in the Savannah River ready to run the blockade. This vessel he carried to Boston and delivered to the United States marshal. For this gallant service he was promoted to acting volunteer lieutenant.

He served in both engagements against Fort Fisher under Admiral Thatcher; and in the last was shot through the body and wounded

in the fearful manner described in the report while leading a party of sailors to the attack. His subsequent suffering and service after his partial recovery and condition at the time of his appearance before the examining board for admission into the regular Navy are briefly stated in the report. The only reason that he was not then transferred to the regular Navy was the fact that he was at the time of his examination so enfeebled in mind as well as body that he failed to pass his examination in navigation.

That this was the cause of his failure fully appears by the letter of Admiral Thatcher on file in this case, in which he states that he was a competent navigator, and had so proved himself in the service, and that his failure must have resulted from his physical condition at the time of examination. Baury's friends knew that he was not in a condition to undergo the examination at that time and tried to dissuade him; but he felt that he should recover more rapidly if he could be relieved of all anxiety as to his future position, and so made the attempt, and failed for the reason I have stated.

The question which this committee is now called upon to decide is this: Shall this young man be relieved from the consequence of his failure to pass this examination and placed upon the retired list, or shall his failure for the reason I have stated—for there is no question as to the facts in the case—forever deprive him of the position he had so nobly earned and which the law intended he should have? It will be remembered that at the close of the late war both the Army and the Navy were substantially reorganized, and while full justice was done to the officers of the regular Army and Navy, the merits of the volunteer officers were also recognized.

In the reorganization the question was not so much whether the officer had been educated at the military or naval school, as it was what he had done during the war. He was to stand or fall by the record he had made for himself in actual service. The country demanded that the volunteer officer who had rendered brillant and meritorious service should, if he desired it, be incorporated into the regular Army and Navy on a just equality with Army and Navy officers. And the demand was not merely that the volunteer officer who had escaped serious disability should be transferred to the active list, but it was also that the disabled and crippled volunteer who had rendered meritorious service should be placed upon the retired list on an exact equality with the regular. Now let us suppose for a moment that a meritorious officer who had been educated at the naval school had lost his status in the Navy because he had failed to pass an examination required by law at a time when he was suffering from physical disability received in the line of his duty and of such a character as to temporarily affect the mind as well as the body, should we hesitate for a moment to relieve him of the consequence of the failure? Should we not be called upon by all the honorable men of the Navy to grant relief in such a case?

Shall we not grant the same measure of relief to this volunteer officer?

I do not ask you to legislate a man into the retired list because he has been a brave man and seriously wounded. But I ask you to relieve a brave and badly disabled volunteer officer of the consequence of a failure to pass an examination which he would have sustained without question had he not at that moment been disabled temporarily in mind as well as body by the fearful injury he had received. I ask you to place him where the law intended he should go. If he had not taken part in the last attack on Fort Fisher, or had not exposed himself to almost certain death by leading a detachment of sailors against its face he would have been made a lieutenant on the active list of the Navy with increase of rank and pay before him. Shall this act deprive him of his place on the retired list?

It is said that there is danger that we may overload the retired list and break it down. Not by putting upon it men who have earned their place there as this young man has. I do not believe there is a man on the list with stronger right to be there than this young man. He at the time when young men of his age were asking to enter the Naval Academy asked for active service, knowing his services were needed. How he bore himself in the service his record shows.

If this young man is refused a place on the retired list, I think it will appear to the public that this committee thinks a volunteer officer should have no place there, no matter how brilliant his service. He must be content with a pension, and leave the retired list for the regular officers only. I believe, sir, that it is a simple act of justice to this young man to pass this bill, and that the placing him upon the retired list will strengthen it, instead of tending to break it down.

Mr. PARKER, of Missouri. The only question I desire to ask the gentleman is, what was the rank of this man when he was disabled?

Mr. GOOCH. He went into the Navy as acting master's mate. For his service on board the Congress he was promoted; and he was promoted from time to time for services until he was made volunteer lieutenant at the time when he was finally shot down at Fort Fisher. And he now asks to go into the same position into which the law contemplated he should go, and into which he would have gone if he had not exposed himself as he did by leading an attacking party against Fort Fisher. For no one who knows the man and who knows the history of the case will question for a moment that if that young man had not led the attacking party on Fort Fisher when shot through the body, he would to-day have been on the active list of the Navy and one of its brightest ornaments.

Mr. MAYNARD. I have not heard the report read; I wish to ask whether this officer is not now receiving a pension?

Mr. GOOCH. I do not know whether he is now receiving a pension or not. I believe he does draw a small pension.

Mr. ARCHER. He draws a pension.

Mr. ALBRIGHT. I do not know that I desire to say very much on this subject, except to warn the committee that if you pass this bill you establish a precedent and probably open the doors for putting upon the retired list of the Army all the volunteer officers who are bearing upon their bodies the marks and scars of battle. Now, you have a retired list of the Army composed of about three hundred officers who were in the regular service. But there are thousands and thousands of war-scarred and weather-beaten men who served in the volunteer army, who are deprived of limbs and who are mere shadows walking upon the earth; and they are as much entitled to recognition of this kind as is this man.

I would be very sorry to question, or to doubt for a moment, that this man was a most brave, heroic, and daring officer in the service which he rendered at Fort Fisher. I have read the report, and it speaks highly of the sacrificing valor of this man. But you may search the records over of the War Department, and you will find there men who are just as meritorious, who were just as brave, as this man; and if you open the doors of the Navy so as to permit volunteer officers to be placed on the retired list, with what degree of justice will you close them to the volunteer officers of the Army?

Sir, this becomes a serious question to-day—not as to whether you will recognize the services of one man, but whether you will establish a principle by which you must recognize the men of another branch of the service who are similarly situated.

Mr. BUTLER, of Massachusetts. We will deal with that when it comes up.

Mr. ALBRIGHT. But I do not believe in doing this thing by piecemeal. If you are in favor of a principle, say so; and say that the men who were in the naval service of the country and who were in the Army, and who received wounds and are disabled to-day, shall be put on the retired list, and then do away with the pensions of such as are put on the retired list.

The idea of pensions was in some degree to compensate men for services in the Army and Navy when they become disabled. You are paying pensions to disabled men who served in the Navy and in the volunteer service of the Army. I understand the chairman of the Committee on Naval Affairs to say that if you pass this bill this man will not only get $1,800 as pay on the retired list but that he will get a pension besides. He is able to do duty, and I understand is at present an inspector in the New York custom-house.

Mr. GOOCH. The gentleman, I am sure, does not wish to create a false impression.

Mr. ALBRIGHT. By no means.

Mr. GOOCH. I do not understand that if he goes on the retired list his pension continues.

Mr. ALBRIGHT. There is no law, as I understand, to prohibit its being paid; there is no law which will prevent his receiving a pension if placed on the retired list.

Mr. GOOCH. I say distinctly that you cannot find a case on record where a man has a pension who is on the retired list. The one supersedes the other.

Mr. ALBRIGHT. I am not filled with precedents on this subject. I only desire to say that I have the authority of the chairman of the Committeee on Naval Affairs for what I state.

Mr. MACDOUGALL. Then the chairman of the Committee on Naval Affairs is wrong.

Mr. ALBRIGHT. He may be wrong; but the principle I am contending for is right.

Mr. GOOCH. If you want a provision in the bill that this man shall not receive a pension after he is placed on the retired list, put it in the bill.

Mr. ALBRIGHT. I shall oppose the bill, not because I am wanting in sympathy for this man, but because I think that at this time we are not in a condition to afford this kind of expense or to establish a principle such as this will introduce into the administration of the affairs of the country.

Mr. HOLMAN. For the purpose of disposing of this bill in Committee of the Whole, and instead of moving to strike out the enacting clause, I offer the following resolution:

Resolved, That the pending bill be reported to the House with the recommendation that the bill be referred by the House to the Committee on Invalid Pensions, with instructions to inquire whether the pension of Frederick F. Baury should be increased.

I wish to say but a word. It is clear that this is only a proposition to increase a pension. I do not think there is anything more discreditable than for us to do anything by indirection in this House that may be done directly. Our legislation is for the benefit of the entire country. We scarcely knew the effect of this bill until we were informed by the chairman of the Committee on Naval Affairs [Mr. SCOFIELD] and his colleague on the committee from Maryland, [Mr. ARCHER.] We are now informed that the effect of the bill is to increase the pension of this gentleman, who is in the civil service, to the rate of $1,800 a year. I submit that the proper mode of accomplishing that object is to refer this bill to the Committee on Invalid Pensions.

Mr. HALE, of New York. The resolution introduced by the gentleman from Indiana strikes me as the most proper method of disposing of the bill now before the committee, and I trust it may be

adopted by the committee. I only wish to say that while fully appreciating the peculiar merits of the gentleman for whose benefit this bill is proposed, it cannot but be apparent to the House that the bill constitutes a most dangerous precedent in regard to the future of the retired lists of the Army and of the Navy. I wish to call the attention of the committee to the fact that those retired lists in both arms of the service were never intended merely as a substitute for pensions. They were never intended as places to which men should be assigned as a reward for meritorious services or as compensation merely for injuries sustained. The origin and inception of these retired lists was in bills to promote respectively the efficiency of the Army and the Navy, and to transfer to those lists officers in those respective branches of the service who by age, disability, through wounds or injuries received in the service, or otherwise had become incompetent to perform active duty. It was desirable that such officers should not be in the way of promotion and the filling of their places by persons qualified. The turning them out upon pensions merely was felt to be hard, and these retired lists were created mainly with a view of promoting the efficiency of the Army and Navy, and not as places for pensioners merely as such. I sincerely hope that the resolution of the gentleman from Indiana will be adopted.

Mr. SCUDDER, of New York. Mr. Chairman, this bill was committed to me to make a report in the case. I was unfortunately absent when the bill came up this morning, and hence I am ignorant of the statements or arguments made by my colleagues on the committee, but I may assume that they proceeded upon a principle similar to that maintained by my colleague from New York, [Mr. HALE,] that the passage of this bill will incumber the retired list of the Navy. Now, this case may be distinguished entirely from ordinary cases of retired officers. In 1866 appropriate legislation was had providing that officers of the Navy might for gallantry, ability, and distinguished services be selected by certain allotted officers of the Navy for examination from the volunteer service for entry into the regular service, and in pursuance of the provisions of that bill, and in furtherance of the honorable intent of Congress in its passage, this young man, then suffering severely from wounds of an extraordinary character, was selected as one of the candidates for examination. The time for this examination was limited. Mr. Baury's friends remonstrated with him, as the report shows, against attending this examination. He had prior to this been a competent and efficient officer, as a letter from Admiral Thatcher, which is among the papers and which I ask the Clerk to read, will show.

The CHAIRMAN. The Chair is informed by the Clerk that that letter is not among the papers.

Mr. SCUDDER, of New York. Then I will state—and I can be corrected by my colleagues if I state aught erroneously—that that letter not only commended Mr. Baury, but assured the Committee on Naval Affairs that in the matter of navigation he was a competent and efficient officer. When he appeared before the board of examiners, against the remonstrances and expostulations of his friends, he failed in the single item of navigation. He was sick, weary, wounded, and almost in a condition that might be regarded as mentally aberrant, and he failed upon the one point. If he had not failed in that one point, because of his misfortune and the effects of wounds received in battle, he would have been admitted to the regular service, and if so admitted would on the continuation of his malady or incompetence or physicial disability have to-day been on the retired list.

This bill comes before the Committee of the Whole, not in the light of a bill for a pension, not in the light of a bill for relief from anything except the misfortune resulting from a wound, which misfortune alone prevented him from now occupying the position this bill seeks to give him. So far as his having a pension is concerned, I maintain that the Federal statute provides that he shall be deprived of that pension the moment this bill shall become a law.

I further assert that he is not an inspector in the custom-house at New York, or in any other custom-house. A clerical position was given him in the appraisers' department at the instance of generous friends, some of the duties of which he is at times able to perform, and at other times he must pay some one else to perform them. Of course that position will be vacated, and of course that salary will fall, the moment this bill shall become a law.

My friend from Pennsylvania [Mr. SCOFIELD] has likened this case to other cases. There is no other such case, or there has been none brought to the knowledge of the medical profession. He is wounded in a manner which prevents any proper attention or comfort from any eleemosynary institution. There is no poor-house in the land, no hospital in the country, that can afford to maintain this young man at times, when his disability shows itself in full force. The character of that disability is not one which can be stated in this presence. Medical men understand it; my colleagues on the committee understand it.

I assert that my colleague on the committee, my friend from Maryland, [Mr. ARCHER,] will himself join with me in the expression of the conviction that, assuming the medical reports to be correct, this young man is verging upon a paralysis that will force him sooner or later to drag a half-dead body through the waste of a ruined life, a life ruined in the cause of his country.

Gentlemen talk about this establishing a precedent. Why, sir, the last Congress established the precedent. Two volunteer officers of the Navy, not then serving in the Navy, were by legislation here put upon the retired list. You have already established the precedent; two of them in the cases of Moffat and Chester.

Mr. ARCHER. The only two cases were, I think, those of Kean and Chester. There was another man whose name was put on a bill, but before the passage of the bill he died.

Mr. SCUDDER, of New York. He was put on, but before the passage of the act he died, the gentleman says. I trust that my colleagues did not kill him by their opposition. I trust the Committee of the Whole will make due discrimination between this case and an ordinary case of retiring an officer. The House the other day took an officer from the retired list and put him on the active list; therefore there is a vacancy which can be well filled in this way.

I trust the committee will take the proper legal view of this case. My colleague from New York [Mr. HALE] certainly would not claim that an accident at the moment of the performance of a duty, that disqualified him from the performance of that duty, would render a person disqualified to receive this relief. And if no sentiment of generosity is to come in, let me say that the record of this young man is as fine as any that can be presented. I trust the Committee of the Whole will act favorably on this bill.

Mr. SCOFIELD. I can explain the case to which the gentleman from New York [Mr. SCUDDER] has referred, the unfortunate precedent that was made two or three years ago. I was absent by order of the House, attending an investigation in the South for some time. While I was absent the case of Chester came before the House; I think that was the name. It was referred to a member of the Committee on Naval Affairs, whose sympathies, like the sympathies of my friend from New York, [Mr. SCUDDER,] were excited in behalf of the man. I believe that he, as he informed me afterward, went around to members of the committee on the floor of the House and got their consent to report a bill, without considering very much the question of precedent, or fairly understanding the principle involved in it. With a kind heart and an earnest desire to relieve humanity, he got the House to pass the bill, without perhaps understanding very much about it.

The bill then went over to the Senate, and there the name of some one else was put in the bill, and so amended the bill was returned to this House. In the mean time I had returned, and had explained to my friend on the committee the principle involved in the bill, as I understood it. After awhile, and before the House acted upon the amendment of the Senate, the man whose name was put on by the Senate died and the Senate receded from their amendment. The bill then became a law, thus establishing an unfortunate precedent. Like the man who is represented by my friend from New York, [Mr. SCUDDER,] that man had a place in the city of Philadelphia. His case was urged upon the floor here by some Representative who was his friend, just as this man's case is advocated by my fair and honest friend from New York. That unfortunate precedent has been urged upon us this winter. I concede the merits of this man; I concede all that the gentleman has said in his favor, and which has been urged so eloquently to enhance the effect of a bad precedent which we set last winter. That is the only precedent. The gentleman knows, as a member of the committee, that at least some half-dozen other cases have come before our committee and they have all been referred to my friend from New York, [Mr. SCUDDER,] who has not yet found time to report upon them. I suppose he is waiting to see how this pioneer case succeeds.

Now, although I know the precedent will be a bad one, that the principle involved in this bill will work injustice to all the other volunteer Navy and Army officers who are not upon the retired list, yet having served upon the same committee with my friend from New York, I have come to value his judgment and fairness so much, that I am unwilling to differ with him even upon a case where I know his judgment must necessarily be warped by his sympathy and favoritism for a constituent and a feeling for the great hardship that constituent is suffering.

Mr. GOOCH. I wish to add but a single statement. I desire the House to understand in a word why this young man is not to-day on the retired list. He had performed all the conditions of the law required to put him there with the single exception of passing an examination. If he had passed that examination he would have been on the retired list under the law, which provided the men who had rendered such distinguished service during the war should upon passing the necessary examination be placed on the retired list. He submitted himself for examination, but in consequence, as has been demonstrated, of the wound from which he was suffering he did not pass.

Mr. POTTER. As I wish to get at the merits of this case, will the gentleman allow me to put to him a question or two?

Mr. GOOCH. Certainly.

Mr. POTTER. As I understand, this is the case of a person in the naval service who was wounded while gallantly performing his duty; he was entitled to be examined for admission to the regular Navy; he offered himself for examination; but in consequence of being at the time in an unfit physical condition was rejected. It is now certified, as I understand by those who are competent to determine the point, that he was entirely able to pass the examination had he been in health?

Mr. GOOCH. Yes, sir.

Mr. POTTER. He asks therefore to be put in the same position in which he would have been had he been able physically to pass the examination, which in consequence of the wounds he had received he was prevented from passing?

Mr. GOOCH. That is the case precisely.

Mr. ARCHER. What certificate have we to prove that?

Mr. GOOCH. We have the certificate of Admiral Thatcher, who says that this man was the navigating officer on board his ship, and was a very competent and successful one before he was shot down.

Mr. POTTER. Will the gentleman allow one further question?

Mr. GOOCH. Certainly.

Mr. POTTER. As to the precedent which would be established by favorable action upon this case, what would the precedent be beyond that of admitting to the regular Navy persons who fail to pass an examination under similar circumstances?

Mr. GOOCH. The only precedent that would be established is this: that where a man had complied with every condition required by the law for admission to the retired list and had only failed when the final test was applied in consequence of having been shot through the body while in the service of the Government, he should notwithstanding this failure be admitted to that list. This is the precedent which would be established.

Mr. POTTER. As I understand, the only object of the examination is to ascertain competency.

Mr. GOOCH. Yes, sir.

Mr. POTTER. And that fully appears in the case by the evidence on record?

Mr. GOOCH. Yes, sir; that is satisfactorily shown by the evidence.

Mr. LAWRENCE. Is there any evidence that this man is now competent?

Mr. GOOCH. There is no doubt that he is now competent. But no duty will be required of him while on the retired list.

The CHAIRMAN. The first question is upon the resolution offered by the gentleman from Indiana, [Mr. HOLMAN,] which will be read.

The Clerk read as follows:

Resolved, That the pending bill be reported to the House, with the recommendation that the bill be referred by the House to the Committee on Invalid Pensions, with instructions to inquire whether the pension of Frederick F. Baury should be increased.

The question being taken, there were—ayes 71, noes 29; no quorum voting.

Tellers were ordered; and Mr. GOOCH and Mr. HOLMAN were appointed.

The Committee divided; and the tellers reported—ayes 75, noes 41.

So the resolution was adopted.

STEAMER CLARA DOLSEN.

The next bill on the Private Calendar was the bill (H. R. No. 2101) for the relief of the owners of the steamer Clara Dolsen.

The bill, which was read, directs the Secretary of the Treasury to pay to the owners of the steamer Clara Dolsen, out of any money in the Treasury not otherwise appropriated, the sum of $66,150, in full of all claims for the use of said vessel by the Navy Department, and for all claims for damages to said vessel and furniture while in the service of the Government.

Mr. HURLBUT. I call for the reading of the report in this case.

The Clerk read the report, as follows:

The Committee on Appropriations, to whom was referred the letter of the Secretary of the Navy of the 7th of January, 1873, together with the petition of the claimants, asking an appropriation for the payment of the amount reported to be due to the owners of the steamer Clara Dolsen, have had the same under consideration, and adopt the following report made at the last Congress:

The letter of the Secretary is as follows:

NAVY DEPARTMENT,
Washington, January 7, 1873.

SIR: The sum of $91,200 is stated by the solicitor, on examination, as the balance due the owners of the steamer Clara Dolsen for the use of that vessel by the Government.

This claim, as reported by the solicitor, seems to be just and the amount due, but there is no appropriation at the command of the Department from which it can properly be paid at this time.

I, therefore, at the request of the parties in interest, refer the claim to you, with the request that a proper appropriation be made to enable the Department to pay it. The grounds upon which it rests are stated in the reports of Admiral Porter and of the solicitor, herewith transmitted.

Very respectfully, your obedient servant,

GEO. M. ROBESON,
Secretary of the Navy.

Hon. JAMES A. GARFIELD,
Chairman of the Committee on Appropriations,
House of Representatives.

The Clara Dolsen, a steamer belonging to loyal citizens residing in the North, was, without the knowledge or consent of the owners and during their absence, in September, 1861, seized by the confederate forces at Memphis, on the Mississippi River, and was for a time held and used by said confederate forces. Afterward the agents of the owners thereof managed to get possession of the steamer, and while in their possession she was seized by the United States naval forces on the 5th day of July, 1862, and libeled in the district court of the United States for the southern district of Illinois, on the ground that "said steamer had been used by the knowledge and consent of the owner in aiding the present rebellion, contrary to the act of August 6, 1861."

Edward Walsh, William T. Dunning, and Samuel S. Edwards claimed the vessel as owners, and prayed that the vessel be delivered to them upon their giving such bond as the court might order, and filed their answer on September 2, 1862, denying that the vessel had been used with their knowledge or consent to aid the rebellion. The court ordered the vessel to be delivered to said owners upon their entering into bond for the appraised value of the vessel, conditioned to abide by and pay the money awarded by the final decree of the court.

The marshal returned to this order, that the appraisers having appraised the vessel at $45,000, the claimants, on the 19th day of December, 1862, tendered an approved bond as required by the court, but that he could not deliver the vessel, because the officers of the United States Navy were using the said steamer as a receiving-ship, and declined to surrender her. The court finally dismissed this libel, because the vessel was not in possession of the court, and ordered the marshal to restore the vessel to her owners.

After the dismissal of this libel an agreed case was submitted to the court upon a libel for the violation by said vessel of the non-intercourse act, which is as follows:

EXHIBIT F.

In the United States district court, southern district of Illinois.

UNITED STATES OF AMERICA *vs.* STEAMER CLARA DOLSEN.

Agreed statement of facts.

It is agreed by and between the claimants and the district attorney, on behalf of the libelant, that the Clara Dolsen was impressed into the service of the rebel military authorities at Memphis in the month of September, 1861; that while she was in such service she made several trips to Fort Pillow and one trip to Columbus, Kentucky. That when she made those trips she was in the charge of the confederate military authorities, and used to transport munitions of war and supplies for the rebel troops at those points, and made one voluntary trip, transporting goods, wares, and merchandise from New Orleans to Columbus, Kentucky, and back to New Orleans, in January, 1862. That Columbus, although situated in the State of Kentucky, was at the time the Clara Dolsen made those trips, and for a long time before and after that, in the actual military occupation of the rebel forces, and that all that portion of country in the immediate vicinity of Columbus, and all that portion of Kentucky bordering on the Mississippi River below Columbus and down to the line of the State of Tennessee, was under the civil and military control of the rebel forces, and continued so to be for a long time thereafter, as it had been for a long time before, the Clara Dolsen made the trips above referred to. The claimants, Edward Walsh and William T. Dunning, reside in the city of Saint Louis, and Samuel S. Edwards resides in the State of New Jersey, and, as the district attorney is informed, are loyal citizens of the United States.

J. H. RANKIN,
For Respondents and Claimants.
L. WELDON,
For United States.

On this the court decreed the confiscation of the vessel. The owners filed an application for the remission of the forfeiture, and the judge indorsed it, as follows:

The United States *vs.* The Steamer Clara Dolsen, her engines, tackle, furniture, &c.

The Clara Dolsen was condemned because of a voluntary trip made between New Orleans and Columbus, as stated in the agreed case, (Exhibit F.) In my opinion the Secretary of the Treasury may safely remit the forfeiture thus incurred, on the ground that the trip was made without the consent or connivance of the owners, the case showing that they were residents of a loyal portion of the United States, and it failing to show that they were guilty of any disloyal acts or practices.

S. H. TREAT, *District Judge.*

The forfeiture was remitted by the Secretary of the Treasury, by virtue of the authority conferred on him by law.

The Secretary of the Navy gave the following order:

NAVY DEPARTMENT, *March* 4, 1864.

SIR: The proceedings in prize in the case of the Clara Dolsen being terminated by a dismissal of the libel on the motion of the district attorney, and a consequent final decree of restitution from which there is now no appeal, and in the proceedings for forfeiture under the statutes, the court having ordered the marshal to deliver the vessel to her owners on their bond, you will deliver the Clara Dolsen, after taking out of her all Government property, to the marshal to be disposed of according to the order of the court.

If, after the delivery of the vessel to the owners, you consider it important to retain her in the naval service, you are authorized to do so, and to make the necessary arrangements with them as to compensation in full of all claims on account of the boat, informing the Department of your action in the case.

I am, respectfully, your obedient servant,

GIDEON WELLES,
Secretary of the Navy.

Rear-Admiral D. D. PORTER,
Commanding Mississippi Squadron, Cairo, Illinois.

In obedience to this order the steamer was delivered to the owners, but as the naval officers in command at Cairo could not dispense with the use of the vessel at the time, she was retained by agreement for two months longer at a compensation to be paid therefor of $150 per day. For this last term of two months payment has been made by the Department amounting to $9,450.

The vessel was actually in the service of the Government from the 5th day of July, 1862, until the 5th day of May, 1864, as appears by the official certificate of Lieutenant John Scott, commanding receiving-ship at Cairo, Illinois, dated May 6, 1864. The owners presented their claim for this period, amounting to the sum of $100,650, and also for the sum of $45,000 damages to the vessel while in the service—the cabin having been torn to pieces to make a small-pox hospital of the vessel, and all the furniture lost or destroyed. But the claimants abandoned the claim for damages, it being conceded that the Navy Department could not adjust a claim for damages, but only for the loss of the vessel. Accompanying the claim were full proofs of the value of the use of the vessel, the damages done upon her, and of the absolute loyalty of the owners.

Your committee are of the opinion that the Secretary of the Treasury was fully justified in remitting the forfeiture. We will not here discuss the validity of the decree, but it is manifest that the judge was satisfied that the forfeiture should be remitted; and, in the opinion of your committee, it is at least questionable whether the decree was authorized by the law and facts of the case.

But as the judgment of your committee is not based on the validity or invalidity of said decree, we will not enter upon a discussion of its merits. It is clearly proven that the use of the vessel was worth at that time at least $150 per day, and the Navy Department has allowed at that rate for the full time that she was in the possession and in the service of the Navy Department, that is, $100,650 deducting the $9,450 heretofore paid. Your committee, however, do not feel satisfied of the justice or equity of the claim against the Government for the use of the vessel from the date of her seizure on the 5th day of May, 1862, to the 18th day of December, 1862, when, the claimants having given satisfactory bond as required by the court, the vessel was by the court returned to them. From that time the claimants were unquestionably entitled to the possession and use of their vessel, and that entirely independent of the course or result of subsequent litigation in regard to her.

From the said 18th day of December, 1862, to the 4th of March, 1864, when the Secretary of the Navy issued his peremptory order for the return of the vessel to the owners, and she was actually returned, is four hundred and forty-one days, and at $150 per day would amount to $66,150, which your committee find should be paid, and report herewith a bill to that effect, and recommend its passage.

Mr. HALE, of New York. I move to amend this bill by striking out $66,150 and inserting $22,050, making the compensation fifty dollars instead $150 a day.

Mr. HANCOCK. I ask that the opinion of the Solicitor of the Navy, which I send to the Clerk's desk, may be read.

The Clerk read as follows:

NAVY DEPARTMENT, OFFICE OF THE SOLICITOR AND NAVAL JUDGE-ADVOCATE-GENERAL,
Washington City, June 24, 1871.

SIR: I respectfully submit the following report upon the claim of the owners of the steamer Clara Dolsen.

The following facts appear from the papers submitted to me:

In the summer of 1862 this steamer was seized, and was afterward condemned, under a mistake of facts.

The Secretary of the Treasury, not as matter of "clemency," but of right and justice, ordered her discharge from both seizure and condemnation; and she was accordingly ordered by the United States district court for the southern district of Illinois to be given up to her owners. That order was disregarded by the naval authorities which had her in use as hospital and receiving ship.

The President of the United States ordered her to be given up to her owners, whose loyalty of character and conduct the papers submitted fully proved. But she was detained in the service some two months after Secretary Welles's order of release, on an agreement with (then) Rear-Admiral Porter to pay $150 a day for that detention. This rate may be regarded as moderate and reasonable. It is in evidence that the Clara Dolsen was in naval use from July 5, 1862, to May 5, 1864, inclusive, in all six hundred and seventy-one days. At $150 per day the amount due would be $100,650.

There is no legal reason why this should not be paid. In my judgment it should be paid whenever the Department has funds that can be thus applied.

Mr. Evans, of counsel in the case, agrees that no claim shall be made for furniture or any other matter.

I advise that payment (when in funds) be made upon the owner's receipt and release under seal duly executed of all claims and demands against the Government.

Respectfully, your obedient servant,

JOHN A. BOLLES,
Solicitor of the Navy.

Hon. GEORGE M. ROBESON, *Secretary of the Navy.*

JULY 22, 1871.

Upon careful re-examination of this case I find no reason to change the foregoing report.

J. A. B.

Mr. HANCOCK. I have but a few remarks to add to the report which has been read, which is the unanimous report of the Committee on Appropriations, and is identical in substance and almost in language with the report of the same committee made upon the subject during the last Congress. The report is based upon the facts stated with reference to the length of time the vessel was in the employ of the Government of the United States after the parties had given bond. The Secretary of the Navy recommended that an appropriation be made to pay the owners of the vessel for the whole time she was in the service of the Government, but the majority of the committee, and finally the whole committee, agreed that probably the ends of justice would be reached by allowing the parties compensation for the length of time during which the vessel was in the employ of the Government after the claimants had the legal right to her possession, having given bond. We thus track out the period, from the 5th of July, I believe, to the 18th of December, when the owners gave bond, but were not permitted to take possession of the vessel, because the public service required her use by the Government.

The amount allowed is $150 a day. By the testimony of the Secretary of the Navy, of Admiral Porter, and of others, it appears that a peremptory order to deliver the vessel was given on the 4th of March I believe; but the Government being then unable to dispense with her services, it was agreed to pay her $150 a day from that time until she should be delivered; and the authorities actually paid her for that length of time. Direction was also given to Admiral Porter to pay for the time preceding March 4, 1864, which order, he states, did not come to his attention, or if it did, passed out of his mind and was never attended to. If that direction had been brought to his attention, he would at that time have paid the amount estimated for by the Secretary of the Navy, being $91,200.

Some objection arises probably upon the hypothesis that the amount of compensation seems disproportionate to the value of the vessel. I am unable to give any reliable opinion on a case of this character. I know the estimate officers place on property where they take a bond for its forthcoming is by no means to be relied on. I think I may venture to assert neither the appraiser nor the marshal ever saw the vessel, but by some agreement which has grown up in our courts, it was agreed that a $45,000 bond would be sufficient to entitle the parties to repossess themselves of the vessel. All parties have by this time become satisfied of the unquestioned loyalty of these claimants.

I can state this much from the testimony before the committee. It appears from persons of such character and position in life as captains on steam-vessels, as agents, as underwriters, men of large experience in steamboating, these are the facts in the case. The Clara Dolsen was a first-class passenger steamer, built at Cincinnati in the winter of 1860 and 1861; she had only been in use, if I recollect aright, from January, 1861, had made only a few trips. She was thoroughly equipped and provided with everything pertaining to a first-class steamer running on that great river. She was shown to have been in perfect order at the time she fell into the hands of the United States officers. It appears further that after she had been returned to the possession of her owners the same witnesses having made a view of the vessel, having made a critical examination, estimated that it would require from thirty-five to forty-five thousand dollars to refit the vessel. The bulkhead had been knocked out so as to make the upper portion of the vessel one grand saloon. She was used as a receiving vessel. All these damages, however, are waived by these claimants, and they ask simply they may be compensated for the use of the vessel.

These same witnesses further stated that a vessel of this character during the whole time the Clara Dolsen was in possession of the Government of United States was making and receiving from one hundred and fifty to two hundred dollars a day, and she was reasonably worth at least $150 a day.

I confess I felt, as one of the committee, we were not doing full justice to these parties when these statements were made by persons who swore that they were disinterested, and were proved to have that position in connection with this character of business, when we cut off five months of the time the vessel was used without compensation at all.

These, Mr. Chairman, are the facts upon which the report is based; and the estimate made by the marshal of $45,000 as the value of the vessel did not have any influence upon the minds of these witnesses, nor did it have upon the mind of anybody else. We all knew enough about vessels to know that this Clara Dolsen steamboat must have cost more than $45,000, but as to how much it costs to build a first-class steamer to run upon the Mississippi River (and this one was said to be comparatively new when she went into the hands of the Government) I have no idea. These are the only arguments I have to offer, and I thank the gentleman from New York [Mr. HALE] for having yielded to me.

Mr. HALE, of New York. Mr. Chairman, I have introduced an amendment reducing the amount named in this bill to one-third of the amount reported by the committee, and I beg to say that is not a mere random-shot, but is based upon sound arguments which will be submitted to the committee.

Preliminarily, I wish to call the attention of the committee to the fact that it is perfectly plain this is a case where there is no legal claim against the Government of the United States. If the Court of Claims were open to the prosecution of such a claim, it is plain upon legal principles these claimants could not recover. The vessel was libeled and condemned in 1861 for violation of the non-intercourse acts, on an agreed statement of facts on which the court found the vessel was forfeited to the United States by voluntary service in the cause of the rebellion. That decree of the court for the southern district of Illinois was never appealed from and never reversed, but on representation to the Secretary of the Treasury, not impeaching the soundness of the judgment but showing it to be a hard case in which relief was equitable, the Secretary being authorized by law, remitted the forfeiture and ordered the surrender of the vessel to her owners. The surrender by the Secretary of the Treasury, it will be borne in mind, was not based on any unsoundness or incorrectness in the judgment of the district court, but merely on the matter of hardship to the owners, who were alleged to be personally without fault.

The district court having found the vessel had voluntarily entered the rebellion, which imported voluntary assent by the party authorized to give it on behalf of the owner, I say there is no legal claim. The surrender was an act of grace, and the claim as it stands here is based on equity alone in favor of these same owners who were deprived of the use of the vessel without their fault. I am not disposed to say that proposition may be without foundation. I am not disposed to say Congress cannot in its discretion, in the absence of a legal claim, make equitable award to those parties.

Now I come to the question of the amount of the award, and here I beg to say any person who has had any knowledge of the ordinary range of war claims as they are made against the General Government cannot be ignorant the rule is immense exaggeration, and the exception is a claim anywhere in the neighborhood of what is justly due.

This vessel was appraised by the regular officers of the United States, of the district court, at $45,000 as her full value. She was in the employ of the Government four hundred and forty-one days, and the owner put in the modest claim against the Government for that use of $100,650 for ordinary use and wages, and the additional sum of $45,000 damages; making $145,650 for the use for a little over a year of a vessel worth $45,000 and injuries committed to her.

Now, the gentleman from Texas [Mr. HANCOCK] says that this appraisal of $45,000 was undoubtedly low; but he gives us no evidence that may have been before his committee to show it to be incorrect. *Prima facie* I think we are certainly entitled to take it as the fair value of the vessel. She was appraised at that, and a bond was given on that appraisal for her surrender by the district court. It was accepted by both parties. But even suppose that we consider that amount small, and that we double it; make it $90,000. Then I submit that $66,150 for the use for less than fifteen months of such a vessel is an extravagant and enormous price. The computation which I have made is at fifty dollars per day, or $22,050 for the time she was used, which would be at the rate of $18,250 per year. I submit that $18,250 per year is a liberal allowance for the vessel if she were worth $90,000 instead of $45,000. It certainly would be a very large valuation for a vessel worth $45,000, as this appears to be.

But we are told that this rate was fixed by the agreement of the United States because after she was ordered to be surrendered by the Secretary of the Navy she was detained for two months, and then by agreement between the owners and the Government officers during that time $150 per day was paid. There, Mr. Chairman, we come to what is the fallacy of this case, and the fallacy which has run through many claims against the Government; and that is, that where the Government, under peculiar stress of circumstances, under great necessity, employs a vessel for a short time for a limited service, perhaps

a special service, a service that may be injurious or dangerous to the vessel, and fixes a certain rate of compensation for that short time, the argument is made that for all other time in which she may have been in the service of the Government the same rate is to be allowed. Now, $150 a day would be $54,000 per year—$9,000 more than her entire appraised value. I submit that there is no reason for saying that because the Government paid $150 per day for this vessel under circumstances of which we are not fully advised, for two months in 1864, that is to be taken as the fair valuation of the vessel for fifteen months preceding that.

I have therefore offered my amendment to reduce this amount to fifty dollars a day, substituting the sum of $22,050 instead of the sum reported by the committee. And I believe most sincerely that that will be a liberal and ample allowance for that vessel, if the United States should pay anything for it.

Mr. HURLBUT. I propose to move that the bill and the amendment be referred to the Commmittee on War Claims. I cannot for a moment see how this claim ever came before the Committee on Appropriations. It so happens that I know something about this steamer, the Clara Dolsen, about her charter, and her use by the United States, and it is right that the House should understand, as succinctly as I can put the proposition, what the liability of the vessel and the owners was, how much has been released, whether the owners have any legal rights here, and if they have any equitable right how it is to be enforced.

The Clara Dolsen was seized after having been engaged for something more than a year in the confederate service. It was in proof, and is admitted in the agreed case, that the persons in charge of the boat, the captain and officers, who were the agents of the owners, consented to render voluntary service to the confederacy by a trip in 1861 from New Orleans to Columbus, then in possession of the confederates, and from Columbus back. Now, if the owners are liable, as they are at law, for the action of the captain and others whom they put in charge of the vessel, the judgment of confiscation rendered upon an agreed case by the district court of the southern district of the State of Illinois, and which appears upon page 2 of this report, was properly, justly, and equitably rendered. The vessel was confiscated for the wrongful act of the agents of her owners.

Mr. BARBER. They are bound by it.

Mr. HURLBUT. Of course they are bound by it. But the owners, who are gentlemen of the highest respectability, living in Saint Louis, and who claim that they never personally authorized these things, appealed to the discretion which is given to the Secretary of the Treasury, and the Secretary of the Treasury upon the presentation of the case to him remitted that judgment of forfeiture and confiscation.

Now, during all the time that she was under that sentence she was rightly in the custody of the United States; and the owners have no right to complain. And for all the time after the remission of the forfeiture was made known she had been paid for by voluntary arrangement.

I have seen the steamer a good many times. She lay for some time at Cairo, in the employ of the Navy Department as a receiving-vessel, and part of the time as a hospital ship. I suppose she was worth somewhere in the neighborhood of forty-five or sixty thousand dollars. I have not inspected her and cannot tell.

But I know, and so do you, Mr. Chairman, that in all cases where claims come up for services rendered to the United States by vessels the claims are based and the evidence is given invariably, not upon the theory of what would be the fair earnings of the vessel upon her cost, but upon the probable amount that could be made by the most successful business in which she could be put. That is the basis on which it always stands. The allowance of $150 per day for the use of this vessel, lying as she did there at Cairo lawfully in the custody of the United States, is an outrageous allowance, either upon the cost of the vessel or the service that was rendered. I am satisfied from the report of the committee that there is no legal liability on the part of the United States to pay one dollar, and that the only ground on which these claimants can ask anything of the United States is that they, the innocent, loyal owners at Saint Louis, had been brought by the wrongful acts of their agents, their own trusted and selected agents, within reach of the power of confiscation by the board of admiralty, which passed on the entire question. I am satisfied that the case ought to be better considered, and I move that the bill be reported to the House with the recommendation that the whole matter, with all the papers, be referred to the Committee on War Claims.

Mr. LAWRENCE. Mr. Chairman, I do not know that I am sufficiently acquainted with the facts in this case to determine exactly what ought to be done. But I do know one thing, that this claim properly belongs to the Committee on War Claims, and I do not know of any principle by which it can properly be considered by the Committee on Appropriations. Now I do protest for one against this practice, which has sometimes been adopted, of sliding around the proper committee and sending a claim of this character to a committee that has no proper jurisdiction over it. We have had some experiences in past Congresses in matters of this sort. Two or three years ago a bill was before the Committee on Claims and was rejected by that committee. It was afterward referred to another committee, and somehow or other got through Congress; and one of the parties, then a member of Congress, who had some agency in getting the claim through—as we know as a matter of public history; and if it were not for that I would not refer to it—was afterward indicted in the courts of this District and found guilty of practicing a fraud upon the Government in connection with another claim. There is now before the committee of which I have the honor to be chairman an allegation made against the same gentleman of fraud before Congress in connection with the claim to which I have referred. I do not say it is true or just, but we should avoid any ground even of complaint. Now I know there is nothing of that kind here. But I protest that this practice of sending claims to committees to which they do not properly belong is one "more honored in the breach than in the observance."

Now, the first thing which strikes me as peculiar about this claim is that the committee proposes to allow a sum for the services of this boat for some four hundred days more than the entire value of the boat. This vessel was appraised at $45,000, and it is now proposed to allow for its use for a little over four hundred days some $65,000. We have already paid $9,000. Now, if the Government had seized this boat, and absolutely appropriated it to the use of the Government and made it the property of the Government, what would have been the rule of damages? Why, the value of the boat; that would have been the measure of damages.

Mr. POTTER. Who got the boat?

Mr. LAWRENCE. My friend puts the inquiry, "Who got the boat?" These claimants who now ask of the Government more compensation for fifteen months' service of this boat than the entire boat was worth. I say that if the Government had taken this boat, and made it the property of the Government, the rule of damages would have been $45,000. The claimants now ask $66,000, and this report proposes to allow it, after the claimants have had the boat surrendered to them.

But, Mr. Chairman, this boat was confiscated by a decree of a court of competent jurisdiction. It was therefore after the decree rightfully in the possession of the Government. This claim is urged upon the ground that that judgment of the court was remitted by the Secretary of the Treasury in pursuance of an act of Congress. Undoubtedly the Secretary of the Treasury had the power to remit that judgment. But the military authorities also had a power; the moment the sentence of condemnation was remitted, the military that moment had the power to seize this boat, and if they did so, and if this boat was engaged or had been engaged in giving aid to the rebellion, the Government had a right through its military officers to seize it, and the Government would not be liable to make any compensation for the act of its military officers. The Secretary of the Treasury was not the only judge who had a right to exercise a discretionary power in this matter. The military officers were also clothed with power to seize this boat, and they chose to exercise that power, and because they did so the Government is now asked to make compensation for its use during the time the military authorities in the exercise of their power deemed it proper to retain possession. As a question of law, of international law, as a question to be determined by the laws of war, if this boat, which the judgment of the court determined had been engaged in giving aid to the so-called confederate government, had been contributing its services through the agents appointed by the owners in aid of the rebellion, the owners could claim nothing from the Government, and the Government was under no obligation to make compensation. But if there should be any compensation made, in my judgment it ought to be made by referring this claim to some proper officer of the Government who could take testimony and ascertain what compensation ought to be made. As has been very well said, we know as a general rule that in cases of this description the demands made upon the Government for compensation are largely in excess of the amounts which ought to be allowed.

Sir, it is impracticable. I think it is unwise for Congress to settle the amount that ought to be allowed upon mere *ex parte* testimony submitted by the claimant to a committee, without power to send for persons or papers or to swear a single witness to ascertain any material fact in relation to the claim. For all these reasons, it seems to me that this claim ought to go to the Committee on War Claims. Then if anything ought to be paid to these claimants it can be determined after a proper examination of the case.

Mr. GARFIELD. It is due to the Committee of the Whole and to all concerned that a few words should be said in reply to some things that have fallen in the debate upon this bill. In the first place the question is asked how this claim came before the Committee on Appropriations. It came before that committee in the same manner in which at least seven or eight hundred things come before us every year, in a plain executive letter from the Secretary of the Navy, asking for an appropriation to enable the Department to pay what is due for services which have been rendered, just as we appropriate in a thousand instances. The letter is quoted in the first page of the report in this case; it is addressed to the chairman of the committee.

SIR: The sum of $91,200 is stated by the solicitor on examination as the balance due the owners of the steamboat Clara Dolsen for the use of that vessel by the Government.

Then the letter proceeds to state that the report or statement of the account is made up on examination of the report of Admiral Porter, and asks for an appropriation of money to pay that amount.

Mr. WILLARD, of Vermont. The Secretary of the Navy says he sends this to your committee at the request of the parties, not on his own motion.

Mr. GARFIELD. O, he does. As is always done in the Committee on Appropriations, the docket is frequently gone over and all the letters referred to sub-committees. I recollect now that when this was reached the question arose whether it was proper to put it in any bill then before us. And a letter was sent to the Secretary of the Navy making inquiries in regard to it. I do not remember what those inquiries were; I have not that letter by me. But in the record accompanying this case I find a letter from the Secretary of the Navy addressed to me, under date of June 24, 1873, last year:

SIR: To meet the formal objection which you raised, I suggest that a sufficient amount for the purpose therein named may be added to the naval appropriation bill.

Very respectfully, your obedient servant,

GEO. M. ROBESON.

That letter and all the papers before the committee were referred to a sub-committee, Judge MARSHALL, who made a very careful examination of the case, but did not conclude it in time to put this on the regular appropriation bill. When he came to make his report to the whole committee, we said that in our judgement the amount was excessive; that the ground on which it was based did not warrant the whole amount proposed; that it was in its nature, we thought, rather a claim than an adjudicated account which we were willing to stand by. We therefore declined to add it to any regular appropriation bill. It was so late in the session that it would be doing a gross injustice to let it sleep until another session of Congress. The committee therefore ordered an elaborate statement of their opinion to be made by Judge MARSHALL; the report was made, and it was presented to the House at the last session of Congress, but no action was had. That was the way the Committee on Appropriations obtained jurisdiction in this case.

Mr. LAWRENCE. That was before the Committee on War Claims was authorized.

Mr. GARFIELD. Certainly it was. At the opening of this session this case was regularly referred to the Committee on Appropriations, not by any member of that committee, but I suppose by the reintroduction of the memorial.

Mr. LAWRENCE. I hope my friend does not suppose I am censuring anybody.

Mr. GARFIELD. I suppose not. The same question came up again this session; did this belong upon an appropriation bill? I do not know that it would be considered an unparliamentary proceeding to put whatever amount ought to be paid upon a regular appropriation bill to pay one of the regular dues of a Department of the Government. Suppose the Navy Department should find it necessary to hire a merchant vessel to transport supplies, and should employ it for that purpose, and should pay for it as they have a perfect right to do out of the ordinary fund for such expenses. Suppose that before the full amount was paid the appropriation should run out and the Department should ask for a sufficient deficiency to pay the remainder of the bill. Ought that to be considered a claim? Not at all. That would come in as a regular deficiency appropriation. If this appropriation had been asked for immediately upon the employment of the vessel, I should say it would naturally come in the same category, except that there did arise a question about the length of time that should be reckoned in this case.

Mr. POTTER. Will the gentleman allow me to ask him a question right here?

Mr. GARFIELD. Certainly.

Mr. POTTER. Suppose that at the time this letter was written to the Committee on Appropriations the Secretary of the Navy had had a fund over which he had control. Does the gentleman understand that he would have been authorized to pay out of that fund this sum of money?

Mr. GARFIELD. I do. The report of the Secretary of the Navy was simply that the fund out of which he had paid for the employment of vessels during the whole war had run out. He therefore applied for an appropriation to make it good.

Mr. POTTER. He therefore wanted a fund provided to pay for this vessel.

Mr. LAWRENCE. The military took possession of the vessel.

Mr. WILLARD, of Vermont. Under what law could the Secretary of the Navy have made this allowance?

Mr. GARFIELD. Under the general authority to make expenditures necessary to carry on the war.

So much as to the method by which this bill has come from the Committee on Appropriations. But, before leaving that subject, I wish to say that as to all claims in the nature of unadjudicated claims, it has been the uniform practice of the committee during the three years I have been connected with it to report them back and have them referred to the proper committee. I think with my colleague [Mr. LAWRENCE] that this claim ought to have gone in the first instance to the Committee on War Claims; but the Committee on Appropriations had obtained jurisdiction of it, probably before there was any Committee on War Claims; and when the claim was revived, it was naturally referred to the committee that had had charge of it. We felt that it came to us as a sort of legacy from another Congress when the Committee on War Claims did not exist. We simply directed a re-examination of the case, putting it in the hands of a new member of the committee who had never examined it and had not even been a member of the committee in the last Congress. We asked him to go over the whole ground and make his own report, which he did.

Mr. HALE, of New York. But the gentleman will bear in mind that before the Committee on War Claims existed the Committee on Claims had just as complete jurisdiction over this case as the Committee on War Claims would have now. Therefore it seems to me that the proper course for the Committee on Appropriations in the last Congress was to report back the case and have it referred to the Committee on Claims, where it properly belonged, as it is not a matter of appropriation but clearly a claim.

Mr. GARFIELD. Personally the Committee on Appropriations would be glad to be relieved of everything outside of their regular bills; but as this matter was referred to us, and as it was really an unsettled question, until we had gone over the whole case, whether we ought not to include it in one of our regular bills, we felt that it would be doing injustice to the parties concerned to let the matter sleep after the regular bills had been reported; therefore we laid the case before the House for its consideration. So much for the mere method by which the case came to the House from the Committee on Appropriations.

I now wish to call attention to some points that have been touched upon by gentlemen who have discussed the merits of the bill. The jurisdiction is here. This bill has been considered by a committee of the House to whom it was regularly referred. It has been reported, and is on the Private Calendar, and the House is to-day sitting as a court on the merits of the bill. To refer it now and thus delay it, is neither just nor in my judgment necessary for the good order and the proper execution of the business of the House. If the amount named in the bill is too large let it be reduced; if the reasoning of the committee is wrong, reject the bill. I have no other care than that the House shall simply meet the merits of the case.

Now a word as to the merits. In all the arguments of gentlemen against the bill they have omitted one fact in regard to what they call the libeling and confiscation of the vessel. In the first place the vessel was seized by the rebel authorities without the connivance or consent of the owners and put into the rebel service. Afterward she was recaptured, or rather she got back into the lines of the United States service; and it appeared that one trip was made, one load was carried each way, after the compulsion of the rebel authorities was taken off. For that act of voluntary carrying——

Mr. POTTER. Will the gentleman allow me to ask how this vessel got back into our service?

Mr. GARFIELD. She was recaptured.

Mr. LOWE. O, no; the report does not say so.

Mr. WILLARD, of Vermont. The report says she was seized.

Mr. LOWE. The report says she got back into the hands of the owners.

Mr. WILLARD, of Vermont. She was seized by the United States authorities.

Mr. GARFIELD. On that state of facts a proceeding was had; and on a mere statement of the case the judge decided that technically under the law she was subject to confiscation; and a decree of confiscation was pronounced. But what did the same judge say? Here I ask the Clerk to read what I believe has not yet been read either by the Clerk or by any gentleman who has discussed this question; I refer to a clause at the foot of the second page of the report—the indorsement that the judge himself made and his recommendation in view of the equities of the case.

The Clerk read as follows:

The United States *vs.* The Steamer Clara Dolsen, her engines, tackle, furniture, &c.

The Clara Dolsen was condemned because of a voluntary trip made between New Orleans and Columbus, as stated in the agreed case, (Exhibit F.) In my opinion the Secretary of the Treasury may safely remit the forfeiture thus incurred, on the ground that the trip was made without the consent or connivance of the owners, the case showing that they were residents of a loyal portion of the United States, and it failing to show that they were guilty of any disloyal acts or practices.

S. H. TREAT,
District Judge.

Mr. MAYNARD. Supposing this vessel to have belonged, as the report states, to loyal owners; to have been seized by the confederate authorities and afterward taken by our own forces; where, in the opinion of the gentleman, does the title to the property belong after the vessel returned to our possession? Does the right of postliminy attach to the vessel?

Mr. POTTER. It does unless she was condemned for having gone to the other side.

Mr. MAYNARD. I propound this question because it is a very important one in its results. A great deal of property belonging to loyal owners—not vessels, but personal property of other descriptions—was appropriated in the same way and was afterward reseized. Upon the answer to the question which I put turns very largely, it seems to me, the right of owners of such property to compensation.

Mr. GARFIELD. The testimony in this case was not submitted in print, as perhaps it might have been; but it was examined by the committee that had charge of the case—the Committee on Appropriations.

Now, I call the attention of the committee to the indorsement on the part of Judge Treat. He himself declares that the owners of the vessel were in no way responsible, that they had no knowledge whatever of any employment of the vessel voluntarily in the service of the rebel government, and on that basis he recommended to the Sec-

retary of the Treasury to remit the decree of confiscation. Then follows a letter from the Secretary of the Treasury remitting the decree. What does that amount to? It amounts to legal delivery, legal transfer of the property back again to the owners themselves. It amounts to the declaration it was their property. In other words, the decree of confiscation was annulled under the provisions of the law, and the property thus used in fact during the time of its employment by the Government of the United States was the property of the loyal owners of this vessel.

Mr. HALE, of New York. Let me call the attention of the gentleman from Ohio to the fact he does not exactly state, the facts upon which Judge Treat rendered his decree. If he will look a little more closely at the statement of facts upon which the judge made his recommendation he will see where the defect of his statement is. The judge distinctly stated, in rendering his judgment, she was first impressed into the service of the rebel government and after having been under that impressment for some time she afterward made one voluntary trip in the service of the rebel government. Now, the gentleman from Ohio does not mean to imply Judge Treat rendered his judgment on that statement of facts, that there had been voluntary service to the rebel government on the part of this vessel, and almost in the same breath stated there had been no such service.

Mr. GARFIELD. The judge ruled that the last trip was made without the consent and connivance of the owners of the vessel.

Mr. HALE, of New York. Right there is the distinction. The parties themselves conceded it was a voluntary trip, which of course means a trip with the assent of the parties who had the right to act on the part of the owners. Judge Treat himself said the owners themselves had no knowledge of it, but the party authorized to act for them, which was doubtless the master of the vessel, did give his assent.

Mr. GARFIELD. That is where my friend's "doubtless" comes in. He is so correct a logician that he uses the word as he ought to use it, and when he uses the word "doubtless" it means that he supposes it was so. But the fact is that those who ran the vessel during the voluntary trips were not the agents or employés of the owners at all.

Mr. HALE, of New York. Then the vessel could never have been held, and under that condition of fact the decree of confiscation would not have been rendered.

Mr. BURLEIGH. You say that this is a court and we are to settle this bill as a court. Now, sir, what is there in this bill to guide us in making a settlement? You have not given the size nor the age nor the value of the vessel. You fix the price to be paid at a rate forced upon the United States, because they had the vessel in use and could not give her up within two months. It appears, however, by the report the Government gave her up as soon as it could. Notwithstanding, you have charged at the rate of $150 a day for the whole time the Government had possession of the vessel.

Mr. GARFIELD. I come now to the point of the question of the gentleman from Maine. If it be clear, and it seems to me it is clear, the time during which this vessel was employed by the Government of the United States was the time in which it was using the property of private citizens and for which the legal officers of the Treasury and of the Navy Department conceived themselves and understood themselves to be under obligation to pay, then the whole questions turns upon how much pay and for how much time? The time is plainly fixed and limited simply by two facts, the date when the Government began the use of her and the date when the Government ceased to use her. There can be no doubt here. Those are dates plainly and unmistakably fixed. The number of days is four hundred and forty-one. How much ought we to pay for the use of a vessel in time of war for four hundred and forty-one days? There are several ways of measuring it. In the first place appraisement of the vessel has been named. The appraisement was made at a time when she was used as a hospital-ship, when she had suffered much damage.

Mr. HALE, of New York. No, sir.

Mr. GARFIELD. Yes, sir; her condemnation came long after her use by the rebel authorities.

Mr. HALE, of New York. The appraisement was on the 19th of December, 1862. The four hundred and forty-one days for which she is charged began on the 18th of December, 1862, and ended on the 4th of March, 1864.

Mr. GARFIELD. That does not meet the point I make. She had been used by the rebel authorities before. The appraisal was made before repairs were made, and without any degree of accuracy the cost was put down at $45,000.

Mr. HALE, of New York. That was the time the Government held on to it.

Mr. GARFIELD. Another item throwing light upon the appraisal was the amount the Government proposed to pay for her after she was ordered to be delivered up. They employed her for two months, and offered to pay $150 a day for her use and kept her beyond the time they agreed to employ her. It is fair to presume that was regarded by the Government as a fair valuation of the services of that vessel, for they kept her beyond the time by their own voluntary motion.

Mr. HALE, of New York. This was after the four hundred and forty-one days. It was not until she was kept longer than the four hundred and forty-one days that for the last two months they paid for her under stress of circumstances. The four hundred and forty-one days were before that.

Mr. GARFIELD. When she was less valuable as a vessel than she could have been before.

Now, the suggestion has been made by several gentlemen here that it is an enormous thing to pay $66,000 for the use of a vessel for four hundred and forty-one days that was appraised at less than that sum; and the question naturally arises how long should a vessel be required to be used to pay for her own price. Let gentlemen try that method of reasoning, and go here to a livery stable and hire a saddle-horse by the month, and I ask how long will it take you to pay the value of the horse in livery hire? Hire a horse for two years, and you will have paid for him at least once and a half over. Now, instead of a horse take a vessel on war business, with war risks, liable to be blown up at any time, liable to suffer anything that may happen by the casualties of war, to be used as a hospital, especially to be infected as a fever hospital, or to be used in any other way—are we now at this distance of time quite competent to say that $150 a day is a large or exaggerated sum?

Mr. LAWRENCE. Does the gentleman know that there are no war risks on vessels used by the Government, because when the Government takes them it pays for them if they are lost in its service?

Mr. GARFIELD. I am not talking of insurance. The testimony submitted to the Department of the Navy, and a large portion of which I hold in my hand, shows that $150 a day was the smallest figure, the smallest estimate made by experts, as the gentleman who has special charge of this bill informs me. The Secretary of the Navy took the smallest estimate as the sum to allow. The Committee on Appropriations were unwilling to allow the payment for the whole time, believing we ought not to allow it, except after the date when regular action by a Department of the Government had been had; and limiting the time, we made the amount $66,000 instead of the $90,000 or $100,000 asked for by the Secretary of the Navy.

Now, if this is too much cut it down. If the claim is not good kill the bill. The Committee on Appropriations know nothing about it except from the facts as submitted. And I have made these remarks because I do not consent that claims shall be whipped round from committee to committee, or that by any intimation it shall be claimed that the Committee on Appropriations has improperly passed this claim.

I ought to say for myself that I have not given this matter that personal attention which would make me so familiar with it as I ought to be in discussing it. I remember, however, that the general course of the history of the case was very carefully stated to the committee by Judge MARSHALL as a sub-committee in the last Congress, and by the gentleman from Texas [Mr. HANCOCK] in this Congress, and the committee were unanimously of the opinion that the claim was founded on justice.

Mr. POTTER. This case seems to me to involve questions of a good deal of importance. I am not without doubts about it, but on the whole am inclined to think that there is some merit in this claim. I shall endeavor to state to the committee as clearly as I can my reasons for thinking so, and at the same time I am open to receive further light on the subject.

In the first place the case was, I think, a proper one to be dealt with by the Committee on Appropriations. It came here on a letter from the proper Department, asking an appropriation of money for a liquidated debt which that Department decided to be due. Under those circumstances it was obviously proper for that committee to take cognizance of it, and the Speaker in the ordinary course of refering executive communications could not have done otherwise than have referred the communication to that committee.

The gentleman from Ohio, [Mr. LAWRENCE,] the chairman of the Committee on War Claims, has stated that this property having been captured by the military forces of the country, the title was thereby lost to the original owner. And the gentleman from Mississippi, [Mr. MCKEE,] who was a provost marshal, and therefore, I assume, learned in that branch of law, tells me that when in war the military seizes personal property of the enemy and holds possession of it for twenty-four hours the title is thereby divested. I assume for this case that that is so.

Mr. LAWRENCE. Halleck says "firm possession."

Mr. POTTER. I suppose twenty-four hours would be firm possession.

Mr. LAWRENCE. Yes; very firm possession. Firm possession by the military authorities passes the title to the captors. That is the general rule of military law. It does not apply to vessels seized on the ocean, and the rule has been changed by statute as to some other property.

Mr. POTTER. Then I will assume that that is so. But I do not myself see that that fact need control us one way or the other in our action on this bill, and for this reason: The confederates took possession of this vessel. They may thereby have divested the title of these owners. But by and by the owners got possession from the confederates. The vessel got in some way recaptured by, or back into the possession of, the owners, and she was in possession of the owners on a fixed day, the 5th of July, 1862. On that day they had retaken and then had full possession of their original property, and on that day the United States took the vessel from them by its naval forces and had her libeled in the courts. On what ground? Not that the confederates had once had firm possession of her, and thereby divested the loyal owners' title, but that she had been voluntarily

employed in the service of the rebellion. She was condemned and declared forfeited on that proceeding. But the Secretary of the Treasury, under the authority which the law gave him, remitted the forfeiture.

She was thus, so far as those proceedings were concerned, as much the property of her owners after that remission as on the 5th day of July, 1862, when they were in full possession, a possession which would have continued but for the Government seizure and libel; which after the remission of the Secretary should not, it seems to me, prevent her owners recovering compensation for her use thereafter, as if she had never been seized by our Government. I repeat, this vessel was on the day named in this report, the 5th of July, 1862, in the possession of her owners at Saint Louis. They would have remained entitled to hold her but for the judgment of this court, and the judgment of the court was remitted. Now, since the Government, when it wanted to use the vessel, took her from the owners and used her, it seems to me it ought to pay for that use of her, and pay whatever is right.

But here comes the difficulty of this case. The gentleman from Ohio suggests with great force that a vessel appraised at $45,000 cannot reasonably be worth $66,000 for a little more than a year's use. I am not at all competent to judge of the value of this boat's service; but that seems reasonable. One gentleman from Saint Louis who sits near me tells me that he knew this vessel, and that $45,000 was a very low appraisement of her; that she was worth much more than that. We all know that these appraisements are generally made pretty low. So that really on this subject it is difficult for us to decide intelligently. I venture to suggest, however, that the Government ought in no event to be required to pay more for the use of this vessel than her full value when the Government took her.

But, Mr. Chairman, what I rose especially for was again to call the attention of the House to the danger and difficulty of dealing with these private claims in the way the House is compelled to do. We are unavoidably obliged to deal with them on *ex parte* evidence. There is never but one side heard before Congress, and we have finally to guess at the proper amount to be allowed in the dark. There never was any tribunal in the world worse contrived to do justice to the Government and to do justice to claimants than Congress is, and I do hope that before long Congress will be willing to relegate to some court the consideration and examination of private claims, so that the two parties, the Government on the one hand and the claimant on the other, can be heard in open court, can present witnesses and have them examined and cross-examined, and can have justice meted out according to the decision of an independent tribunal. In no other great and civilized nation is there, so far as I am aware, anything like the difficulty in having claims against the government properly, promptly, and justly determined that there is in these United States. The other great governments of the world furnish some means or tribunals for the prompt and fair determination of claims. The preposterous doctrine that the king cannot be sued, that he can be guilty of no wrong, and that every claim made upon him must be made by petition addressed to his discretion and sense of right is adhered to at this late day in practice in these United States of America more strictly than almost anywhere else. And yet this Government of all others on the face of the earth is the one that ought to have been the first to put this old-time notion upon one side.

Mr. HALE, of New York. While I fully agree with my colleague as to the desirability of sending all claims, where possible, to a court, let me suggest to him that this is precisely the case that could not be sent to a court. It is a case where there is no legal liability on the part of the Government, and the only question is one of equity and good conscience.

Mr. POTTER. Why should not a citizen have a right to go into court and claim as against the Government damages for the taking of his property and the use of it, just as he would have as against a private citizen who took it and used it?

Mr. HALE, of New York. In this case the possession by the Government was lawful under a decree of condemnation that never was overruled, although there was a remittal of the forfeiture.

Mr. POTTER. That may have been a technical bar to any recovery. But I am speaking of what should be allowed if that technical bar be not insisted on. The right way to dispose of this case would, I think, be to refer it to the Court of Claims, and have that court determine what is a reasonable sum to be paid to the owners for the use of this vessel. There all concerned can have testimony taken and an open trial, and that would be the fair way to dispose of the case.

Mr. KELLOGG. Before the gentleman takes his seat I desire to make one suggestion. So long as this Government takes the ground that it cannot be sued, does not the gentleman think Congress ought to pay an honest debt whenever it finds that one exists?

Mr. POTTER. I do; but I say it would be for the interest of the Government and of citizens that the Government should establish some court in which it could be sued like any other citizen.

Mr. KELLOGG. I agree with the gentleman fully. I say that so long as we take the ground that the Government cannot be sued, it is the duty of Congress to pay an honest debt that it finds to be due.

Mr. POTTER. Of course. The very first object of Government is to maintain justice, and until we establish an independent tribunal to hear and determine claims we must perforce dispose of them here as we best may, blindly and blunderingly though it be. The difficulty is always in finding what is really due.

Mr. STANARD. I will occupy the attention of the House but for a moment. I am not a member of the committee that reported this bill, neither have I been asked to say anything upon the subject by those who are more especially interested as the owners of this boat. But I happen to know the owners of this craft and I happen to be familiar with the vessel.

I observe that there has been some question raised here in this discussion as to the value of the boat and as to her size, &c. I will state for the information of the House, and that justice may be done to those who are interested, that the Clara Dolsen is one of the largest of the Lower Mississippi River steamboats, and that she is a boat that it would probably cost $150,000 to build. I do not remember how old she was when she was put into the service of the Government; but I think that she was not an old boat, and that she was such a boat as the Government required, and that she performed the service which they had for such a craft to perform. I know that during the war the owners of small steamboats that were put into the service of the Government got from $100 to $150 a day for them.

I know that steamers were in very great demand during the war on the Mississippi, and especially upon the Lower Mississippi. I know that they were used for the transportation of troops up and down the river, and for hospitals for the soldiers. They were the only means which the Government had for transporting soldiers up and down the river, and they furnished the only facilities that, in many portions of the South and upon the southern waters, could be furnished for hospitals in which our sick and maimed soldiers could be taken care of. I know the owners of the Clara Dolsen; I know that in our community they had the reputation of being reliable, first-class men. I believe this was a valuable boat, one that would cost at least $150,000 to build. If she was in the service of the Government the number of days this report states, (and I have no right to question it,) knowing the value that was placed during the time on the daily services of steamers, I believe $150 a day, or $66,150, which this committee report in favor of, is not an unreasonable charge for this service.

Mr. McKEE. A very few words on this case. There is one fact that appears to have been overlooked in this report. It is alleged that this steamer was in charge of the confederates, in their care and custody for a while. It nowhere clearly appears how she came into the hands of our Navy. It appears that she got there somehow. I think that ought to be explained. If it was a capture, then she belonged to the Government of the United States, and we have no business to pay for her services.

Mr. HALE, of New York. The report says:

> The Clara Dolsen, a steamer belonging to loyal citizens residing in the North, was, without the knowledge or consent of the owners, and during their absence, in September, 1861, seized by the confederate forces at Memphis, on the Mississippi River, and was, for a time, held and used by said confederate forces. Afterwards the agents of the owners thereof managed to get possession of the steamer, and while in their possession she was seized by the United States naval forces on the 5th day of July, 1862, and libeled in the district court of the United States for the southern district of Illinois, on the ground that "said steamer had been used by the knowledge and consent of the owner in aiding the present rebellion, contrary to the act of August 6, 1861."

Mr. McKEE. Perhaps if you look through the record of the case you will find this to be the fact. They say in their testimony that the confederates took her and ran her up one of the rivers in Arkansas. Then the managers took her down and our Navy came along and captured her. That is none the less a capture. A citizen could not himself have recaptured his own property in the navigable waters of a hostile power. This steamboat was there under the control of the confederates, and the owners could not regain possession. Any confederate officer might with impunity have run up the confederate flag over her at any time. The taking her by the managers was no legal capture. The first legal capture was the capture by the United States fleet. She was then liable to be libeled.

But setting that fact aside, the question is, have these owners any right to come here, having forfeited their property as is shown by the decree of the court, and having lost it by capture by the confederates—have they the right now to come here and demand, as they once did, $91,000 for pay for the use of this steamer?

I take the ground that the owners of this steamboat did well to get her back at all; that is what I believe about it. I am not in favor even of the amendment to pay them $22,000; I would not pay them a cent. They have done well enough to get their steamer back, after she had been twice forfeited, and to receive $10,000 for her services.

On the question of $150 a day, I happen to know of my own personal knowledge, as the chairman [Mr. FORT] does and many others here do, that this boat lay at anchor in the harbor of Cairo without even a vessel rubbing against her. She was in the safest place in which you could put a vessel—anchored out in the harber, not subject to strain or wear from use. She lay at anchor there for four hundred days, safely guarded, properly cared for, and insured by the Government. Now these owners, having forfeited the vessel once, ask that we shall pay them $66,000 for the use of her. I think the House is ready to vote that we shall not pay a cent for her.

Mr. BUTLER, of Massachusetts. O, yes; I would pay a cent.

The CHAIRMAN. The question is upon the amendment of the

gentleman from New York [Mr. HALE] to strike out "$66,150" and insert "$22,050."

Mr. HALE, of New York. Is not the first question upon the amendment of the gentleman from Illinois [Mr. HAWLEY] that the bill and amendment be reported to the House with a recommendation that they be referred to the Committee on War Claims?

The CHAIRMAN. There is no such motion in writing on the desk.

The question was then taken upon the amendment of Mr. HALE, of New York; and it was agreed to upon a division—ayes 94, noes not counted.

Mr. POTTER. I move to further amend the bill by substituting for it a provision that the owners of this vessel be authorized to refer their claim to the Court of Claims.

Mr. GARFIELD. The only trouble is that the Court of Claims would probably give the whole $90,000.

Mr. POTTER. I ask that my amendment be read.

The amendment was read, as follows:

That the owners of the steamer Clara Dolsen be authorized to bring their action in the Court of Claims against the United States for the use and service of the steamer Clara Dolsen during the time she was used by the Government subsequent to July 5, 1862, and to recover such sum for the use of the said vessel during that time as would be reasonable, not exceeding, however, in the aggregate her value on said 5th day of July, 1862.

Mr. WILLARD, of Vermont. I cannot see any necessity for adopting that amendment. In the first place, it recognizes that there is a claim on the part of the owners of this vessel against the United States Government. I suppose that if they are to receive anything, it is not as a matter of right but because Congress as a matter of grace and favor sees fit to grant it to them. Therefore I do not see why the case should be referred to a court with instructions to find (for that is the effect of this amendment) an amount of damages for the detention of the vessel by the United States. Such a provision would be a declaration to the court that there is a right of recovery, and that the court should consider the question of damages. The court can have no evidence as to the amount of damage beyond what has been presented here at these two sessions of Congress. It will have precisely the same evidence. We have now discussed this question for about an hour and a half or two hours. All the facts and all the arguments bearing upon the case have been presented; and the House has voted that $22,000 is as much as ought to be given in this case. It occurs to me that if we are prepared to give this amount we may as well settle the case here, and that at any rate we should not send it to a court with instructions.

Mr. MAYNARD. I hope this amendment will not prevail. After all the discussion we have had, we are just as competent to decide the case now as any court in Christendom.

Mr. POTTER. I certainly have no interest in the matter except to relieve myself of responsibility as a member.

The amendment was not agreed to.

The question being taken on reporting the bill as amended to the House with a recommendation that it pass, there were—ayes 62, noes 31; no quorum voting.

Tellers were ordered; and Mr. HANCOCK and Mr. SHEATS were appointed.

The committee divided; and the tellers reported ayes 89, noes not counted.

So the bill, as amended, was ordered to be laid aside, to be reported favorably to the House.

WILLIAM C. BRASHEAR.

The next bill on the Private Calendar was the bill (H. R. No. 2198) for the relief of the heirs at law of William C. Brashear, an officer of the Texas navy.

The bill was read. It authorizes and directs the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to the heirs at law of William C. Brashear the amount of leave pay per annum, from the date of the annexation of the republic of Texas to the date of the demise of Brashear, it being the rate and pay to which he, Brashear, would have been entitled as an officer of the Texas navy under the twelfth section of the act entitled "An act making appropriations for the naval service for the year ending June 30, 1858," approved March 3, 1857, in the event he had lived to the passage of said act.

Mr. WHITTHORNE. Let the report be read.

The Clerk read the report, as follows:

The Committee on Naval Affairs, to whom was referred the bill (H. R. No. 559) for the relief of the heirs at law of William C. Brashear, with accompanying papers, report:

That it appears that the late William C. Brashear was an officer of the navy of the republic of Texas, at the date of the annexation of said republic to the Union. That he departed this life about the 31st of October, 1849; and that at the date of annexation the republic of Texas was indebted to said officer. It further appears to the committee that among other public property transferred to the United States Government, by virtue of annexation, was the naval armament and *materiel* of the navy of said republic; and that the officers of said navy claimed rank and position in the Navy of the United States as well as pay due them for past services from the republic of Texas. This claim upon the part of said officers was continuously pressed upon the Government of the United States, until the passage of a provision in the general appropriation bill for the Navy, approved March 3, 1857, for their benefit. The language of the twelfth section of the general naval appropriation bill of 1857, referred to, is as follows:

"That the surviving officers of the navy of the republic of Texas, who were duly commissioned as such at the time of annexation, shall be entitled to the pay of officers of the like grades when waiting orders in the Navy of the United States for five years from the time of said annexation; and a sum sufficient to make the payment is hereby appropriated out of any money in the Treasury not otherwise appriated: *Provided*, That the acceptance of the provisions of this act by any of said officers shall be a full relinquishment and revocation of all claim on his part to further compensation on this behalf from the United States Government and to any position in the Navy of the United States."

Now, the passage of this law was a recognition of the justice of the demand and claim of the officers of the Texas navy by the United States; but, as it will be seen, it only applied to the "surviving officers." The accounting officers of the Treasury held that this meant only those who were "surviving" at date of passage of the act. It would seem that a liberal and just construction would have made it apply to those surviving at the time of annexation, and who by virtue of annexation were deprived of their calling and profession; a continuance in which they had insisted was in the spirit of the negotiations which led to annexation.

However this may be, it has occurred to a majority of the committee that inasmuch as Mr. Brashear was an officer of said navy at time of annexation, and did not depart this life until October, 1849, during which time he was prosecuting his claim against the United States, it is within the spirit and meaning of said act of 1857 that the said Brashear should be entitled up to the date of his demise to rate of pay such as other officers received under said act.

The mother of the said Brashear twice obtained reports upon her petition for this pay from committees of the House; the first, made in 1859, was favorable; the second, in 1860, was adverse, but adverse upon the ground that there was not sufficient evidence to support it. Since then the mother of said Brashear has departed this life. His heirs at law now petition for payment of said demand. Believing it to be just and meritorious, the committee report favorably, and recommend the passage of the accompanying bill, being in lieu of original bill, (H. R. No. 559.)

Mr. WHITTHORNE. I move that the bill be laid aside, to be reported favorably to the House.

The motion was agreed to.

WILLIAM B. THOMAS.

The next bill on the Private Calendar was the bill (H. R. No. 2202) for the relief of William B. Thomas, late collector of customs at the port of Philadelphia.

The bill, which was read, authorizes the Secretary of the Treasury to pay William B. Thomas, late collector of customs for the port of Philadelphia, the sum of $62,968.28, that being the amount paid by him into the Treasury of the United States on account of an abstraction of funds from the custom-house at Philadelphia by G. Milton Allen, while said Collector Thomas was engaged in the military service, aiding in the suppression of the late rebellion, under leave of absence from the Secretary of the Treasury, and which abstraction was not owing to any fault or negligence of said collector.

Mr. ELLIS H. ROBERTS. I am directed by the Committee on Ways and Means to move to amend this bill by inserting after the word "authorized" the words "and directed," so that the first part of the bill will provide "that the Secretary of the Treasury be, and he is hereby, authorized and directed," &c.

Mr. WILLARD, of Vermont. Inasmuch as the report in this case has not been read, I hope the gentleman will state briefly the facts.

Mr. ELLIS H. ROBERTS. The report, which is No. 190, is of some length; I will state the essential facts. Mr. Thomas was appointed collector of customs at the port of Philadelphia, and entering upon his duties on the 1st of May, 1861, continued to serve as collector until the 31st of August, 1866. His compensation, including all the emoluments for that period of a little more than five years, was $27,607.74. On several occasions during that period he left his office by permission of the Secretary of the Treasury for the purpose of raising troops and serving the country in the field. On the last occasion when Lee was threatening the invasion of Pennsylvania, Mr. Thomas tendered his resignation to the Secretary of the Treasury in order that he might enter the military service. The Secretary declined to accept his resignation, but gave him leave of absence to enter the military service, and directed him to designate a special deputy to perform his duties in his absence. He did so. During his absence his cashier abstracted from his office the sum for which this bill proposes to reimburse him. The fact of this abstraction is not only clearly proved, but Allen being arrested and imprisoned, confessed the embezzlement and surrendered all his property, which was sold and the proceeds turned into the Treasury, Mr. Thomas making up from his own pocket the amount of the deficiency, which he did at the urgent demand of the Treasury Department, because he could get relief only from Congress.

This is as clear a case as was ever presented of a faithful officer being legally charged with a sum of money lost in his office, while his own fidelity and integrity have never been questioned, and while all the authorities agree that no care of his could have prevented the embezzlement.

I hold in my hand evidence showing that the pay which he received while in the military service was turned over by him for patriotic purposes in the city of Philadelphia. The cashier who was guilty of the embezzlement was, as I have stated, arrested and imprisoned, and after confessing his offense was held to bail by the local authorities. He then escaped and is now a fugitive.

Mr. LAWRENCE. Are the committee unanimous?

Mr. ELLIS H. ROBERTS. It is a unanimous report from the Committee on Ways and Means. I hold in my hand petitions from Philadelphia representing the chief officers of twenty-four banks, the United States officials, the officials of the State government, the officials of the city government, the daily press of the city, and the commercial associations of Philadelphia, all testifying to the justice of the claim and to the high character of Mr. Thomas. I ask the bill be laid aside, to be reported favorably to the House.

Mr. LAWRENCE. I rise, Mr. Chairman, for the purpose of calling

attention to the fact that this bill comes from the Committee on Ways and Means. Now I do not doubt the ability of that committee——

Mr. ELLIS H. ROBERTS. As to that point, this bill was referred to the Committee on Ways and Means after discussion in the House. It was referred in accordance with the uniform precedent that it was the duty of the Committee on Ways and Means to consider claims with reference to customs officers. It is in the exact line of precedent. I ought to add, in reply to the gentleman from Ohio, that the attention of the House was called to this bill when it was so referred.

Mr. RANDALL. It followed the Hillhouse case.

Mr. LAWRENCE. I will, Mr. Chairman, more for the purpose of protesting against the practice of referring bills for payment of private claims to committees which have no proper jurisdiction over them than anything else. I think it is high time that practice should cease, and I for one shall reiterate my protest against it on all proper occasions.

Mr. ELLIS H. ROBERTS. This is not the case of a private claim which ought to be referred to the committee specially charged with the consideration of such claims, but of a claim which was referred to the committee whose special duty under the rules of the House it is to examine into such matters.

Mr. LAWRENCE. I am not complaining of the committee or of any gentleman who voted in favor of referring this case to the Committee on Ways and Means. I am complaining of the practice. I expect the bill will pass. I do not propose to interfere with it at all. It only follows the practice of the House, long since established, to indemnify officers who lost money without their fault. I must say, however, I think it is time we should determine we will pay no more claims of this kind.

It is well understood by every lawyer in the House that at common law, if an officer is intrusted with the custody of money and it is stolen from him, he and his bondsmen are not relieved from liability by proof the money has been stolen. The reason why that is the rule of the common law is that otherwise it would induce custodians of public moneys to conspire with persons to rob them or to conspire with their subordinates to rob them. That is the reason of the rule. We had a notable instance of it in Ohio. A county treasurer permitted himself to be robbed. He was gagged, and the work was so successfully done that it came very nearly costing him his life, for he did not happen to be relieved as soon as he expected. He was, however, finally released and in time to save his life. The court decided, he being county treasurer, that he and his bail had to pay the money although it was proved to the satisfaction of the court that he had been robbed. The Legislature of Ohio passed a law to relieve him and his bail from liability. It was afterward discovered his robbery was a conspiracy brought about by himself, and he was indicted and, if I am not mistaken, convicted and sent to the penitentiary for embezzlement.

Now, Mr. Chairman, that case illustrates the wisdom of the rule of common law, and it is extremely unsafe for Congress to depart from or disregard any principle of the common law; for there is more wisdom in that law than in anything else. It is based upon principle and reason. Congress has, however, adopted a different practice and I do not seek to resist it, but I think it is time to change it.

Mr. RANDALL. I wish to say to the gentleman from Ohio there was no objection to the bill going to any proper committee of the House. The bill itself is clearly right and ought to pass. It followed in its reference simply the Hillhouse case, which took the direction of the Committee on Ways and Means. I think it properly belonged to that committee. It follows the case also of Thomas, of Maryland, which was passed in the previous Congress.

Mr. HAWLEY, of Illinois. There are a great many cases pending where principal officers seek to be relieved because of some embezzlement on the part of their deputies or subordinates. There are a great many such cases pending, but how many I cannot say. In my judgment the principle which ought to be established by Congress is that in all such cases the principal officer who is required by law to give security to the Government should be held to the strictest accountability not only for the performance of his own duties, but for the faithful performance of duty by his deputies, because in that case the principal officer, whether he be collector or assessor, or whatever he may be, should be held to a strict accountability, and should be required to take from his deputy a sufficient bond to secure him and the Government against any loss. Now, what I desire to know is whether in cases of this character, in cases of collectors of customs, they are required to take security from an officer of this kind—the officer who in this case was guilty of fault or embezzlement?

Mr. ELLIS H. ROBERTS. The officer who was guilty of the embezzlement was not required to give bonds. At the time he was arrested all the property in his hands was taken and applied in the payment of this claim, and that is deducted from the amount allowed. But he was not required to give bonds.

Mr. HAWLEY, of Illinois. That is the point, and the only point, in regard to which I desired to make inquiry, because I think the House should never depart from that principle. Now, if it is true that this deputy or inferior officer is not directly responsible to the collector, and the collector is not required to take bonds from him, I can easily see that the principal officer ought not to suffer from the fault or embezzlement of the inferior officer. But if it were the duty of the collector to take security from the inferior officer, then he ought not to be relieved, because he ought in every case to take that security which would secure himself and the Government.

Mr. MYERS. It was not his duty in this case.

Mr. HAWLEY, of Illinois. So I understand.

Mr. MYERS. And Colonel Thomas would not be here if this had not aided to impoverish him.

Mr. HOLMAN. I wish to ask a question of the gentleman from New York, [Mr. ELLIS H. ROBERTS.] The policy of relieving officers from liability has mainly grown up since 1864. Prior to that time it was not the policy of Congress to release public officers from that class of liabilities. I wish to ask the gentleman from New York whether the collector in this case left the office under the control of the clerk who committed the embezzlement, without requiring any security from him?

Mr. RANDALL. The office was left under the deputy collector.

Mr. ELLIS H. ROBERTS. Yes; the office was left under the deputy collector. The collector, who is legally responsible, was absent by leave. And as I have stated to the gentleman from Illinois, the inferior officer was not required to give bonds.

Mr. HOLMAN. The deputy collector gave a bond?

Mr. ELLIS H. ROBERTS. Yes; but the cashier who was guilty of the embezzlement, and of whom I speak now, gave no bonds.

Mr. HOLMAN. He gave no bonds, and is not required to give bonds by the law?

Mr. ELLIS H. ROBERTS. No, sir.

Mr. HOLMAN. This cashier was appointed by the collector.

Mr. ELLIS H. ROBERTS. He was appointed as all such officers are—by the Treasury.

Mr. HOLMAN. And not by the collector. Am I to understand that that is the state of the law?

Mr. POLAND. I think the gentleman from New York [Mr. ELLIS H. ROBERTS] is entirely mistaken in saying that this man was appointed by the Treasury. I understand that these collectors appoint all their own subordinates. That is, they nominate them, they select them.

Mr. ELLIS H. ROBERTS. But the appointment is made by the Treasury.

Mr. POLAND. That is merely formal.

Mr. HOLMAN. The gentleman from New York, as representing the Committee on Ways and Means, had this legislation under his eye. I ask him whether it is now the law that a cashier or collector having access to the public funds and having the custody of them is required to give no bonds?

Mr. ELLIS H. ROBERTS. I understand that to be so.

Mr. HOLMAN. And the gentleman from New York thinks that the public funds are properly secured when a man giving no bonds has access to them and control over them?

Mr. ELLIS H. ROBERTS. That is a general question of law, which at another time I will be glad to consider in company with the gentleman from Indiana, [Mr. HOLMAN.] As to precedents, Mr. Chairman, I hold in my hand a number of precedents running back all the way to 1857, where this principle of relieving principal officers has been acted upon by Congress.

Mr. HOLMAN. I think there is scarcely any precedent prior to 1864, which is the date of the leading case on this subject.

Mr. BUTLER, of Massachusetts. Eighteen hundred and fifty-seven is before 1864.

Mr. HOLMAN. The Denver case in 1864 is the leading case of this kind; and since then it has become more and more the principle, year after year, to relieve the principal officer of his liabilities, until now a large portion of the Private Calendar is composed of this class of private bills.

Mr. LAWRENCE. This was a case where a collector could have taken a bond, good at common law at all events, from his cashier. Now, is there any precedent of an officer being relieved from the act of a subordinate, from whom he might have taken a good common-law bond?

Mr. BUTLER, of Massachusetts. He cannot take a good common-law bond.

Mr. LAWRENCE. Yes, sir; he can.

Mr. ELLIS H. ROBERTS. The common law does not require an officer to give a bond. It does not call for a bond at all.

Mr. LAWRENCE. It may not require it, but you may take a bond good at common law.

Mr. CLEMENTS. I call for a vote.

The question was taken on the amendment offered by Mr. ELLIS H. ROBERTS to insert after the word "authorized," the words "and directed;" and it was agreed to.

The bill was then laid aside, to be reported to the House favorably.

JOSEPH MONTANARI.

The next bill on the Private Calendar was the bill (S. No. 311) for the relief of Joseph Montanari, and for other purposes.

The bill was read. The first section authorizes and directs the Secretary of State to audit and allow the claim of Joseph Montanari for services as vice-consul of the United States at Port Mahon, together with loss by exchange; and that the Secretary of the Treasury be authorized and directed to pay to the said Joseph Montanari the amount so audited and allowed.

The second section provides that section 21 of the act entitled "An act to regulate the diplomatic and consular systems of the United States," approved August 18, 1856, shall not be construed so as to prevent compensation being allowed and paid out of appropriations for the consular and diplomatic service of the United States to vice-consuls-general, vice-consuls, or vice-commercial agents, who are not or may not be citizens of the United States.

The third section provides that the act shall take effect immediately.

Mr. HALE, of New York. I rise to a question of order, and it is this: Although in its first section this bill is a private bill, in its second section it is a public bill, and it is not therefore capable of being considered in Committee of the Whole on the Private Calendar.

The CHAIRMAN. The Chair will state that this bill has been referred to the committee by the House, and it would not be proper for the Committee of the Whole to refuse to consider it under the circumstances.

Mr. HALE, of New York. I move, then, to strike out the second section. I do not believe in this mode of legislating on public matters in private bills.

Mr. WILLARD, of Vermont. I move to strike out the second section.

Mr. HOLMAN. The second section is manifestly not proper here. It does not belong to this bill, and I move to strike it out.

Mr. HAWLEY, of Illinois. I believe that only three gentlemen have moved to strike out the second section.

Mr. CLEMENTS. I second the motion.

Mr. HAWLEY, of Illinois. Three gentleman have already moved to strike it out, and the gentleman from Indiana, [Mr. ORTH,] the chairman of the Committee on Foreign Affairs, intended to make that motion, and I had agreed that it should be made. This bill, as it will be seen, in its first section is a private bill for the payment to the claimant of a very small sum of money. The second section is of a general character, and is intended to relieve the difficulty complained of by the Secretary of State, and which has prevented the payment to this party of the small sum due him. I understand from the chairman of the Committee on Foreign Affairs that that committee is considering this very subject and has prepared another bill in relation to it. I hope, therefore, that the motion to strike out the second section will prevail.

Mr. ORTH. I hope the motion to strike out the second section will prevail for the reason that it ingrafts a public law on a private bill.

I will state furthermore that the Committee on Foreign Affairs have an amendment now pending to the consular and diplomatic appropriation bill which provides for what is contemplated by this second section. I hope, therefore, that the motion to strike out will prevail.

Mr. MAYNARD. The second section of this bill is manifestly right, and I think we are just in a condition to pass it, with all due deference to any different opinion that may be entertained. It seems to me eminently wise and proper that you should pay vice-consuls and commercial agents, whether they are citizens of the United States or not, because we know that many of those officers are not and cannot be citizens. The provision is here in the bill, and why should we not pass it?

Mr. ORTH. The amendment to which I have referred, prepared by the Committee on Foreign Affairs, is also in a position where it can be passed, and it doubtless will be passed when the House shall resume the consideration of the consular and diplomatic appropriation bill. I understand that there is no objection to it.

But this is a bill which in its first section provides for the payment of a private claim, as the title of the bill indicates, and the second section provides a remedy in the shape of a public law. The Committee on Foreign Affairs has already reported a provision on this subject to the House, and it is for that reason that I hope the motion to strike out this section will prevail.

Mr. GARFIELD. If it is in order to move to strike out the second section, I hope that motion will prevail.

The CHAIRMAN. That motion is in order and is now pending.

The question was taken on the motion to strike out the second section of the bill; and it was agreed to.

Mr. HOLMAN. The bill now provides merely for the payment of a private claim, and I ask that the report in the case be read.

The Clerk read the report, as follows:

The Committee on Claims, to whom was referred the bill (S. No. 311) for the relief of Joseph Montanari, and for other purposes, have considered the same, and now present the following report:

Joseph Montanari was appointed by the proper authority, under the diplomatic and consular act of 1856, a vice-consul at Port Mahon, Minorca, and continued to discharge the duties of that office for the period of two months, holding the commission of the State Department, as appears by two letters from that Department, dated December 29, 1873, and January 14, 1874, and a letter from the consul at Port Mahon, addressed to the Department, August 9, 1873. Vice-consuls are appointed to discharge the duties of the consul during the temporary absence or suspension of that officer, and from the nature of the case they are for the most part necessarily residents and citizens of the places where they are acting, since a citizen of this country could not be expected to maintain himself at a foreign place for the greater part of a year, for the sake of the pay of a vice-consul for a small part of a year. It has therefore been commonly practiced under the act above referred to, as appears from the said letters of the State Department, to employ and pay as such vice-consuls citizens of foreign countries. More recently, however, the Treasury Department has construed the twenty-first section of said act to prohibit such payment to any not citizens of the United States. Hence the necessity for the relief proposed in this bill. The Department of State certifies in said letters that Mr. Montanari was properly appointed and did perform the duties alleged, and is properly entitled to the compensation claimed and proposed in this bill to be appropriated; but that he cannot be paid under the existing law as interpreted by the Treasury Department.

The second section of said bill provides for the payment hereafter of vice-consuls properly appointed and acting as such, and who may not be citizens of the United States, and seems to your committee, for reasons hereinbefore set forth, to be necessary to the efficiency of the consular service; and they therefore report back the bill and recommend that it do pass.

The bill was then laid aside, to be reported favorably to the House.

BECK & WIRTH.

The next bill on the Private Calendar was the bill (H. R. No. 2211) for the relief of Beck & Wirth.

The bill directs the Secretary of the Treasury to pay Beck & Wirth, dealers in tobacco, of Chicago, Illinois, the sum of $5,773, out of any money not otherwise appropriated, to reimburse them for money paid on manufactured tobacco under the act of Congress of July 20, 1868, they being entitled to have the money refunded to them under the act of Congress of April 10, 1869, but are unable to produce the technical proof, as required by the Revenue Department, on account of the destruction of the United States collector's, assessor's, and their own books by the great fire of October 9, 1871, at Chicago, Illinois.

Mr. HOLMAN. I hope a letter from the Commissioner of Internal Revenue, which the gentleman from Minnesota [Mr. DUNNELL] has in his possession, will be read.

Mr. WILLARD, of Vermont. I call for the reading of the report.

The report was as follows:

The Committee on Claims, to whom was referred the petition of Beck & Wirth, of Chicago, for relief, have had the same under consideration, and respectfully report:

The claimants, Beck & Wirth, of the city of Chicago, county of Cook, and State of Illinois, allege that they are and have been for the last sixteen years wholesale dealers in tobacco, cigars, and snuff; that by an act of Congress of July 20, 1868, they were compelled to render an inventory on the 1st day of February, 1869, to the United States assessor of their district, of all tobacco, cigars, and snuff in their possession; and that, after the 15th day of February, 1869, they were compelled to pay the taxes over again on all smoking and fine-cut chewing tobacco and snuff then in their possession, on all cigars after the 1st of April, 1869, and on all other manufactured tobacco after the 1st day of July, 1869. The claimants did pay during the year 1869, to the United States collector, the sum of $8,730.80 upon the tobacco on hand; that, by an act of Congress April 10, 1869, they were entitled to have their money refunded, provided they were able to prove that the manufacturer had paid the taxes on said tobacco.

During the year 1871 the claimants did procure the affidavits, collector's and assessor's certificates, as required by the Revenue Department, to the amount of $8,408.84. The great fire of October 9, 1871, destroyed all the papers in relation to this claim, part of which were in the claimants' safe, and the balance in the United States assessor's office awaiting the signature of the assessor.

As to the credibility of the witnesses, the certificates of the collector and assessor are furnished. As to the assessment and payment of taxes on tobacco purchased in the first district of Illinois, the claimants are unable to present the papers in the shape required by the department, because all the lists and books for the year 1868 of the collector's and assessor's office were destroyed by the fire of October 9, 1871. On tobacco purchased of Joel H. Harris, of Quincy, Illinois, the department did allow the claimants $2,635.84 under date of August 17, 1872, because they were able to furnish the United States collector's certificate of the payment of taxes. For the balance of the claim they are unable to furnish said certificate, on account of the fire, and they substitute therefor the following sworn statements and certificates:

Affidavit of August Beck, of the firm of Beck & Wirth, that they complied with the law and instructions of the act of July 20, 1868; and that the firm of Beck & Wirth paid to the proper officers of the United States the sum of $8,408.84 on goods which they had purchased of manufacturers.

Affidavit of Franz Zanders, that he bought of the United States collector stamps to the amount of $8,408.84 and affixed the stamps to the goods before they were sold.

Affidavit of R. C. Feldkamp, and M. R. M. Wallace, judge of the Cook County court and formerly United States assessor, that all the papers necessary for refunding taxes to the amount of $8,408.84 were made out in the proper form and in possession of the claimants, but destroyed by the great fire of October 9, 1871. Also the affidavit of Ernst Wesner, corroborating the above facts.

Affidavit of Jacob Metzler, that the firm of Beck & Wirth did purchase during the year 1868 tobacco of two manufacturers in the first district of Illinois, for which firms he was agent, and that the manufacturers did pay the United States tax on the tobacco sold.

Certificate of the United States assessor as to the credibility of the foregoing witnesses.

Certificate of C. L. Root, deputy collector, certifying that the firm of Beck & Wirth did pay to the United States Government the sum of $8,730.80 on tax paid on tobacco, also corroborating the statement of R. C. Feldkamp that the papers as set forth were left by him in the United States assessor's office and destroyed by fire on the 9th day of October, 1871, he being at that time chief clerk of the assessor's office.

Certificate of I. D. Webster, formerly United States assessor, that all the books and papers of the assessor's office for the year 1868 were destroyed by fire October 9, 1871.

Certificate of H. A. Plimpton, deputy United States collector, and formerly assistant United States assessor, certifying that the firm of Beck & Wirth did comply with the requirements of the act of July 20, 1868.

Certificate of Herman Raster, United States collector during the year 1871, certifying that all the books and papers of the United States collector's office for the year 1868 were destroyed by fire on the 9th of October, 1871; that he has personal recollection of the facts and statements upon which the claim of Beck & Wirth was based; and that he considers their claim just and equitable.

Certificate of Edmund Jussen, United States collector during the year 1869, certifying that the firm of Beck & Wirth did pay, during the year 1869, taxes on tobacco on which taxes had been paid; and that he is personally acquainted with both partners composing said firm of Beck & Wirth, and that he always found said firm to be honest and reliable in all its transactions and statements.

Your committee are of the opinion that the claimants are entitled to relief, and recommend the passage of the bill herewith submitted for the payment of the sum of $5,773.

Mr. HOLMAN. I now call for the reading of the letter of the Commissioner of Internal Revenue on this subject.

The Clerk read as follows:

TREASURY DEPARTMENT,
OFFICE OF COMMISSIONER OF INTERNAL REVENUE,
Washington, April 6, 1874.

SIR: I have the honor to inform you that Messrs. Beck & Wirth, of Chicago, Illinois, filed in this office a claim for refunding $6,916.62, the amount of stamps alleged to have been purchased by them and affixed to tobacco inventoried by them as required by the act of July 20, 1868, as being in their possession on the 1st day of February, 1869, which tobacco it was claimed had already been assessed and had paid the taxes imposed thereon. This claim was allowed to the amount of $2,635.84 and the balance rejected for the reason that the proper certificates of the officers fully identifying the tobacco as the same on which the taxes had been paid could not be supplied. If these certificates could have been furnished the claim would have been allowed in full. This claim differs entirely from the claims of Messrs. Judd and Berry and McFall, of Saint Louis, Missouri, for whose relief a bill was passed by Congress but vetoed by the President. In the Missouri cases the taxes were imposed on auction sales and assessed on the tobacco cried off, by the State inspectors. The claimants contended that they were the State inspectors of tobacco, and authorized to offer the tobacco at public sale and cry it off, without, however, any power to make a sale. If the price suited, they alleged, the commission merchants who had charge of the tobacco sold the same to the parties to whom it was cried off and paid the taxes thereon. The act of July 13, 1866, imposed a tax on all sales at auction except "sales by or for judicial or executive officers making auction sales by virtue of a judgment or decree of any court, or public sales made by guardians, executors, or administrators." The Missouri State inspectors not coming within the exception, and being authorized by law to offer tobacco at public auction, it was held by this office that they were liable to the tax on auction sales of the tobacco cried off by them, and their claims were therefore rejected by the Commissioner of Internal Revenue. In the case of Messrs. Beck & Wirth, the act of April 10, 1869, makes provision for the return of taxes on tobacco, &c., which had been stamped under the act of July 20, 1868, and had previously paid taxes. There was no provision of law for the return of the taxes in the Missouri cases, admitting the commission merchants and State inspectors both paid taxes on the same sales. Messrs. Beck & Wirth's claim could not be allowed in full for want of proper proof of identification as required by this office.

Very respectfully,

J. M. DOUGLASS,
Commissioner.

Hon. M. H. DUNNELL,
House of Representatives, Washington, D. C.

Mr. MAYNARD. This is a case that illustrates very forcibly the propriety of sending claims of a certain class, not to the Committee on Claims, but to the committee that has general charge of the subject-matter out of which the claims arise. This claim involves a certain amount of technical knowledge which no one is likely to have unless compelled to obtain it. It belongs to a class of cases growing out of the amendment of 1868 to the internal-revenue laws, changing the tax upon tobacco, and also changing the mode of imposing the tax to the imposition of stamps, instead of the mode that had previously obtained.

That amendatory act provided that all tobacco, except plug tobacco for chewing, after six months from the passage of the act, should be treated as if manufactured subsequent to the passage of the act, and liable to stamp tax, giving the term of six months in which to dispose of the stock which was on hand when the law went into force, and allowing twelve months for disposing of the stock of plug tobacco. The department was slow in issuing the stamps, and did not issue them until November, if I remember aright. The act of 1869 extended the time for six months, in order to meet the hardships arising from no fault on the part of the manufacturers, but because the department was slow in getting up the stamps to be used.

There is an immense number of cases of this kind that have been before the Committee on Ways and Means for Congress after Congress. After looking into the several cases the committee have found that it was impossible to afford relief without embarrassing the Treasury by an immense number of claims and opening a door which of necessity must admit a great number of claims entirely unfounded and improper. And year after year that committee has declined to grant relief in these cases.

I do not wish to be understood as casting any reflection upon this particular case. What I wish to say is that in my judgment, if practicable, we should have some general legislation which would cover all this class of claims growing out of the act of 1868, and we should interpose no special legislation which will either entail a great deal of embarrassment upon the Treasury or will place Congress in the attitude of showing favoritism in respect to particular claims.

There is certainly a great deal of equity in this class of claims, appealing very strongly to the Committee of the Whole and to the House. From the report in this case it would seem to be a very meritorious one. In what I have said I do not wish to be understood as casting any reflection upon this particular case; I am speaking generally of this entire class of cases.

Mr. HALE, of New York. If I understand the statement of the facts of this case and the law of the case as set forth in the letter of the Commissioner of Internal Revenue which has been read, this is a case fully provided for by law; a case where, upon the claimant making proof of prior payment of the tax, the Commissioner of Internal Revenue is authorized by law to afford relief. It seems that these claimants went before the Commissioner and presented proof which he judged to be good as to part of their claim and bad as to the remainder. They now come here and ask Congress to pay the amount the Commissioner rejected.

Mr. DUNNELL. I prepared the report in this case, and am very anxious to say a word or two upon it. I did not suppose it required any remarks. I do not think the gentleman from New York [Mr. HALE] understands the case.

Mr. HALE, of New York. If the gentleman will allow me to finish my remarks he will see whether I understand it or not. The letter of the Commissioner states that Beck & Wirth applied to him praying for a return of taxes to the amount of $6,900; that on the proof they submitted he remitted two thousand and odd dollars.

Mr. DUNNELL. Let me ask right here why he did not remit all.

Mr. HALE, of New York. Let me say——

Mr. DUNNELL. Simply because——

Mr. HALE, of New York. I insist upon my right to the floor. The gentleman from Minnesota [Mr. DUNNELL] is quite too impatient.

Now, I say here is a case in which, according to this statement, the full remedy exists before the Commissioner of Internal Revenue, and I want to know why it is that after the Commissioner, with full power to act, rejects a claim as insufficient upon the evidence, Congress is expected to make that claim good upon the same defective evidence.

Mr. DUNNELL. I will reply in a single sentence. These parties put in their claim for $8,730. They had the proper vouchers to cover only $2,635.84, and this much was allowed. For the balance they had not the proper vouchers, and the Commissioner therefore could not pay the amount. The evidence shows that the vouchers for the amount now claimed were burned in the great fire at Chicago. Congress is now asked merely to allow this amount, which the Commissioner of Internal Revenue could not allow because the vouchers could not be produced.

Mr. HALE, of New York. If the vouchers were once in existence and were destroyed by the fire at Chicago, it is just as competent for the Commissioner of Internal Revenue under the law to take proof of their loss and allow this payment as it is for Congress.

Mr. DUNNELL. These parties presented that very proof before the Commissioner, who decided that he could not take it; that they must necessarily come to Congress. They are here; and there has been no hesitancy on the part of the committee in recommending the allowance of the claim.

Mr. BURCHARD. I desire to say one word in order that the House may fully understand this case. The act of April 10, 1869, applies to tobacco manufactured after the passage of the act of July 20, 1868. The report of the committee does not state whether this tobacco was manufactured after that period or not; but that fact makes no difference so far as my action on this bill is concerned. There are claimants before the Committee on Ways and Means for the refunding of tax upon tobacco which was on hand prior to the passage of the law of 1868, and which was not disposed of at the time the limitation of the act of 1869 took effect, and which was thus by the operation of the law required to pay a double tax. In such cases the Commissioner has no power to refund either the original or the subsequent tax.

The Committee on Ways and Means have attempted to frame a general bill to cover all these cases, and to allow the Commissioner to refund the lesser tax, deeming it right that the citizen should not be required to pay a second tax when the proof is clear that he has already paid one tax upon the identical tobacco. I presume (although I am not informed as to the fact) that this case would come within that provision, and that therefore there is a necessity for legislation in the matter; but even if it be not such a case, if it is a case where the tobacco was manufactured subsequently to the passage of the law, so that the Commissioner under the law, upon sufficient proofs, would now be authorized to refund the tax, still the bill ought to pass, because in this case the proofs have been destroyed by fire.

The bill was laid aside, to be reported favorably to the House.

MARGARET E. WEST.

The next bill on the Private Calendar was the bill (H. R. No. 62) for the relief of Margaret E. West.

The bill was read. It authorizes the Secretary of the Treasury to pay to Margaret E. West, widow of Brigadier-General Robert M. West, late captain in the Seventh United States Cavalry, the sum of —— dollars, out of any money in the Treasury not otherwise appropriated; said General West having died out of the service of the United States, of disease contracted in the service of the United States during the late rebellion.

Mr. RUSK. I am directed by the Committee on Invalid Pensions to move a substitute for the bill, which I ask the Clerk to read.

The Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret E. West, widow of Brigadier-General Robert M. West, late captain in the Seventh United States Cavalry, and pay her a pension from and after the passage of this act.

The amendment was agreed to.

The bill, as amended, was laid aside, to be reported favorably to the House.

EDGAR L. SPENCER.

The next bill on the Private Calendar was the bill (H. R. No. 256) for the relief of Edgar L. Spencer.

The bill, which was read, authorizes and directs the Commissioner of Pensions to pay, or cause to be paid, to Edgar L. Spencer, late of the One hundred and seventy-ninth Regiment New York Volunteers, in accordance with the existing pension laws, the arrears of his pension, from the 10th day of December, 1864, to the 1st day of February, 1873, the date from which his present pension was allowed, the same to be paid at the rate at which he is now receiving pension; this act to take effect immediately.

Mr. SMALL. That bill should be amended. As it reads it authorizes and directs the Commissioner of Pensions to pay, &c. I think it should be so amended as to authorize the Secretary of the Interior.

Mr. HALE, of New York. I ask that the report be read. This is for arrears of pension, and I should like to know upon what ground the claim is based.

Mr. SMALL. I ask whether it is not necessary to amend the bill in the particular to which I have referred? I move the amendment.

The amendment was agreed to.

Mr. RUSK. The arrears in this case should be paid, because the fault was not that of the pensioner but of the Government officer.

Mr. HOLMAN. It always is.

Mr. RUSK. Not at all. The claim was filed within five years, with all the evidence. It was the fault of the Government and not the fault of the pensioner that the claim was not acted upon. Therefore we cannot plead the statute of limitation against this pensioner, because of our own fault.

Mr. HOLMAN. I ask that the report be read.

Mr. SMALL. Mr. Chairman, with the permission of the committee, I will briefly state what are the facts of this case. I submitted the bill and report in this case from the Committee on Invalid Pensions. On the 14th of February, 1864, this man enlisted in New York. On the next day, while in the line of duty on his way to the rendezvous at Fort Porter, he received an injury in his foot by which he lost a portion of it. He was retained in the service until December following, when he was discharged disgracefully, having neither pay nor allowance made to him, on the ground that it was supposed he had fraudulently enlisted, and had received the injury to his foot before his enlistment. The records of the War Department were in that way until January, 1873. He had received neither pay nor allowance. In January, 1873, the War Department corrected their record, and gave him an honorable discharge. In February, 1873, he was granted a pension commencing from that date. Now, Mr. Chairman, what he asks is that he may be allowed a pension commencing from the time when he was discharged in December, 1864, the Government having discharged him in disgrace and allowed him neither pay nor allowance, and only amending their record in 1873, so that he could obtain no pension up to that time.

Mr. HOLMAN. The precedent proposed to be established is an important one. All those who went out to defend the honor of the United States should be as far as possible placed upon the same level. Here an exception seems to be made to the general rule in reference to granting arrears of pension. I ask that the report be read in this case; and inasmuch as it is now late and the bills already laid aside to be reported have to be acted on to-night, I submit it is time the committee rose.

Mr. COX. I move that the committee rise.

The committee divided; and there were—ayes 36, noes 49.

So the committee refused to rise.

Mr. HOLMAN. I now ask for the reading of the report.

The Clerk read as follows:

That, on the 14th of February, 1864, said Spencer was mustered into the One hundred and seventy-ninth Regiment New York Volunteers, at Buffalo, New York, and on the next day, while proceeding to the rendezvous at Fort Porter, and while in the line of his duty, he received an injury to his left foot, causing a loss of a portion of the foot; but he was kept in the service until December 10, 1864, when he was discharged without pay or allowance, upon the assumption that he was injured before he enlisted; and his record remained unchanged until January 3, 1873, when, upon proof that the injury was received after enlistment, a full and honorable discharge was given him, entitling him to full pay and allowances, which have been paid him; and subsequently, upon his application a pension of five dollars a month was granted him, commencing February 1, 1873.

His application could not be filed earlier on account of the error in the record, nor until the error was corrected. The letter of the Assistant Adjutant-General, informing him of the correction of the record, is dated January 6, 1873, and states as follows: "I have to inform you that the records of this office have been corrected so as to show that George L. Spencer, One hundred and seventy-ninth New York Volunteers, was discharged December 10, 1864, on surgeon's certificate of disability, because of injuries received while in the performance of his duty as a soldier. He is entitled to pay and allowances from date of enlistment to date of discharge. Application for settlement of his accounts should now be made to the Second Auditor of the Treasury."

The delay in obtaining the pension was by the fault of the Government in making a false record, which also kept him out of his pay and allowances for more than six years. He now asks for a pension from the date of his discharge December 10, 1864, to February 1, 1873, when the pension was granted him; and the committee are of the opinion that the decision of the House was not intended to cure a case like this, where the delay in applying for a pension was caused by the fault of the Government.

Wherefore the committee report back said bill, recommending that the title be amended by striking out the words "for the relief of" and inserting in their stead the words "granting a pension to," and that the bill so amended do pass.

Mr. HOLMAN. This is a very unusual case. It seems this soldier was never in the service at all, but was wounded going to the place of rendezvous. It seems his foot was injured before he reached the rendezvous. He was never able to render service as a soldier. I am in favor of the most liberal policy, but I do object to this system of favoritism. All these men who have periled their lives in our service ought to stand on the same footing. If we pension one let us pension the others. I say that the Committee on Pensions has no right and that Congress has no right to discriminate as a matter of justice among these men.

There are many soldiers who served you faithfully for three years and went out of your service and who have received no pension, on account of delays by your pension office in not granting pensions within the five years limited by law. There is no good reason why this should be made an exceptional case. If it had been the case of a soldier who had served you on all your battle-fields, that perhaps might have made this case an exception. But that is not this case. I am not going to object to the passage of this particular bill. At the same time I do object to this system of favoritism. I insist that the Committee on Pensions should provide by general law, applying to all the soldiers alike, in reference to the right of pension.

Mr. BUTLER, of Massachusetts. I understand the gentleman's objection to be that this man, having but one foot, is not on a wa.. footing.

The bill was laid aside to be reported favorably to the House.

Mr. HOLMAN. We have been in session now for five and a half hours. I move that the committee rise.

Mr. LAWRENCE. Let us dispose of another bill. The next is a pension bill.

Mr. HOLMAN. I insist on my motion.

The question being taken on the motion that the committee rise, there were ayes 31, noes not counted.

So the motion was not agreed to.

MRS. EMILY L. SLAUGHTER.

The next business on the Private Calendar was the bill (H. R. No. 2354) granting a pension to Mrs. Emily L. Slaughter.

Mr. O'BRIEN. I ask that the bill be put at the foot of the Private Calendar.

There was no objection and it was so ordered.

THE WYOMING AND TA KIANG.

The next business on the Private Calendar was the bill (H. R. No. 782) for the relief of the officers and crew of the United States ship Wyoming and the Ta Kiang.

Mr. MYERS. I ask that the report in this case may be read.

Mr. HAWLEY, of Illinois. I move that the committee rise.

Mr. HOLMAN. This bill will occupy a great deal of time.

Mr. STARKWEATHER. I hope the committee will not agree to rise.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MYERS] has the floor. Does he yield for the motion that the committee rise?

Mr. MYERS. If after the reading of the first paragraph of the report there is any objection, I will consent to its going over.

The CHAIRMAN. Does the gentleman yield for a motion that the committee rise?

Mr. MYERS. I am still holding the floor. I ask to have the report read as part of my remarks.

Mr. HOLMAN. I rise to a question of order. If the gentleman is on the floor for the purpose of making remarks, he is entitled to it. If he is not on the floor for that purpose, I make the motion that the committee rise.

Mr. MYERS. I promise that if after the reading of the first paragraph of the report there is any objection to the bill I will myself move that the committee rise.

Mr. HOLMAN. It is an unusual practice to read the report before the bill is read.

Mr. STARKWEATHER. I hope that the gentleman from Indiana, [Mr. HOLMAN,] having got through some of his claims, will not object to others.

Mr. HOLMAN. I have not a claim before Congress.

Mr. STARKWEATHER. The gentleman from Indiana has occupied the floor half the time to-day; now let us do business.

Mr. BUTLER, of Massachusetts. I suggest that by unanimous consent this bill stand to be taken up first in Committee of the Whole next Friday.

Mr. HAWLEY, of Illinois. As the title of the bill has been read, it will necessarily have the first position.

Mr. GARFIELD. The bill has not been read.

Mr. MYERS. I withdraw the call for the reading of the report, and move that the committee rise.

The question being taken, there were ayes 88, noes not counted.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. FORT reported that the Committee of the Whole had had under consideration the Private Calendar, and had directed him to report sundry bills with the recommendation that they do pass, some with amendments and some without amendments.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed without amendment House bills of the following titles:

An act (H. R. No. 1271) for the relief of John T. Watson, of Cincinnati, Ohio;

An act (H. R. No. 2074) to amend an act entitled "An act to provide for the establishment of a military prison and for its government," approved March 3, 1873;

An act (H. R. No. 2100) for the relief of Martin Hoff, Casper Doerr, and George Gebhart, citizens of Saint Louis, Missouri;

An act (H. R. No. 2205) for the relief of P. Hornbrook;

An act (H. R. No. 2346) for the relief of W. A. Saylor, of Bryan, Texas; and

An act (H. R. No. 2348) for the relief of Rev. George Morrison, late of Kentucky.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

An act (S. No. 91) for the relief of Mrs. Louisa H. Hasell;

An act (S. No. 228) for the relief of Bigler, Young & Co.; and

An act (S. No. 644) for the relief of Caroline M. Purviance and Francis Wyeth.

An act (S. No. 688) referring the petition and papers in the case of Robert M. and Stephen A. Douglas, in so far as the same relates to cotton seized, to the Court of Claims;

An act (S. No. 688) referring the claim of the owners of the schooner Ada A. Andrews to the Court of Claims;

An act (S. No. 709) for the relief of the trustees of the German Evangelical Church at Martinsburgh, West Virginia; and

An act (S. No. 786) for the relief of Samuel S. Potter.

FREDERICK F. BAURY.

The first bill reported by the Committee of the Whole on the Private Calendar was the bill (H. R. No. 1941) to provide for the appointment of Frederick F. Baury on the retired list of the Navy. The recommendation of the committee was that the bill be referred to the Committee on Invalid Pensions, with certain instructions.

The recommendation of the committee was concurred in.

Mr. GARFIELD moved to reconsider the vote by which the bill was referred to the Committee on Invalid Pensions with instructions; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

STEAMER CLARA DOLSEN.

The next bill reported from the Committee of the Whole on the Private Calendar was the bill (H. R. No. 2101) for the relief of the owners of the steamer Clara Dolsen, with an amendment.

The amendment was read, as follows:

Strike out "$66,150" and insert "$25,050."

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. GARFIELD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HEIRS AT LAW OF WILLIAM C. BRASHEAR.

The next bill reported from the Committee of the Whole on the Private Calendar, was the bill (H. R. No. 2198) for the relief of the heirs at law of William C. Brashear, an officer of the Texas navy, with the recommendation that it do pass.

Mr. BURLEIGH. I move that the bill be laid on the table.

Mr. BUTLER, of Massachusetts. O, no; by no means.

The motion that the bill be laid on the table was not agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WHITTHORNE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM B. THOMAS.

The next bill reported from the Committee of the Whole on the Private Calendar was the bill (H. R. No. 2202) for the relief of William B. Thomas, late collector of customs at the port of Philadelphia, with an amendment.

The amendment was read, as follows:

In line 4, after the word "authorized," insert the words "and directed."

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. ELLIS H. ROBERTS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOSEPH MONTANARI.

The next bill reported from the Committee of the Whole on the Private Calendar was the bill (S. No. 311) for the relief of Joseph Montanari, and for other purposes, with an amendment.

The amendment was to strike out section 2 of the bill.

The amendment was agreed to.

The bill was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. HAWLEY, of Illinois, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HAWLEY, of Illinois. The second section having been stricken out, it is necessary to amend the title of the bill. I move to amend the title by striking out the words "and for other purposes."

The motion was agreed to.

BECK & WIRTH.

The next bill reported favorably from the Committee of the Whole on the Private Calendar was the bill (S. No. 2211) for the relief of Beck & Wirth.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MARGARET E. WEST.

The next bill reported from the Committee of the Whole on the Private Calendar was the bill (H. R. No. 62) for the relief of Margaret E. West; which was reported with a substitute.

The substitute was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

EDGAR L. SPENCER.

The bill (H. R. No. 256) for the relief of Edgar L. Spencer was reported from the Committee of the Whole on the Private Calendar with an amendment to the title.

The amendment to the title was to strike out the words "for the relief of," and to insert in lieu thereof the words "granting a pension to."

Mr. HOLMAN. I think that amendment is wrong, and that the title was right as it originally stood.

The bill was read.

The SPEAKER. The amendment is evidently wrong.

The amendment was not agreed to.

Mr. MAYNARD. I move to amend the bill by striking out the provision that the bill shall take effect immediately after its passage. All bills do that.

Mr. GARFIELD. That is surplusage and ought to be stricken out.

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 1122) granting a pension to Mrs. Martha E. Northup, widow of First Lieutenant Edward B. Northup, late of the Seventeenth United States Infantry;

An act (H. R. No. 2846) repealing the act entitled "An act fixing the time for the election of Representatives from the State of California to the Forty-fourth Congress; and

An act (H. R. No. 3139) for the relief of the owners of the steam ferry-boat A. Burton.

LEAVE OF ABSENCE.

Leave of absence was granted to Mr. ROBBINS for four days; to Mr. BELL for to-morrow; to Mr. STRAWBRIDGE for four days, on account of a death in his family; to Mr. HOWE for one week, and to Mr. MCJUNKIN, for ten days from to-morrow.

RIGHTS OF HUDSON BAY COMPANY.

Mr. CLYMER, by unanimous consent, introduced a bill (H. R. No. 3351) to ascertain the possessory rights of the Hudson's Bay Company and other British subjects within the limits which were the subject of the award of His Majesty the Emperor of Germany, under the treaty of Washington of May 8, 1871, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

L. A. CHAMBERLAIN.

Mr. GOOCH, by unanimous consent, introduced a joint resolution (H. R. No. 102) for the relief of L. A. Chamberlain; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. BUTLER, of Tennessee, by unanimous consent, the Committee on Commerce was discharged from the further consideration of the papers in the case of James H. Dennis for the improvement of the Tennessee River; and the same were referred to the Committee on Claims.

And then, on motion of Mr. GARFIELD, (at four o'clock and fifty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BECK: The petition of William Cornwall, of Louisville, Kentucky, (with draught of a bill,) praying Congress, in the exercise of its power to regulate commerce between the States, to adjust the weights and measures in sales of merchandise, &c., to the Committee on Commerce.

By Mr. BUTLER, of Massachusetts: The petition of Jabez Delano, that he have the benefit of the evidence on the records of the Interior Department relative to Ephraim Delano, for whom he served as a substitute in the war of 1812, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. CHIPMAN: The petition of lamp-lighters of Washington, District of Columbia, that the Senate gas-bill be so amended as to leave the appointment of lamp-lighters as at present provided, to the Committee on Public Buildings and Grounds.

By Mr. HARMER: The petition of importers, dealers, and workers in tin plates, that the duties on the same be changed from *ad valorem* to specific, to the Committee on Ways and Means.

By Mr. O'BRIEN: The petition of Mary Lane, of Baltimore, Maryland, to be placed on the pension-roll as widow of Jeremiah Lane, late of Company H, Twenty-sixth New York Volunteers, to the Committee on Invalid Pensions.

By Mr. ORR: The memorial of the Monona County bar, Iowa, in favor of a change of the law relating to the jurisdiction of the United States courts, to the Committee on the Judiciary.

Also, the memorial of citizens of Monona and Ida Counties, Iowa, in relation to lands claimed by railroad companies, to the Committee on the Pubic Lands.

By Mr. SAYLER, of Indiana: Six hundred and thirteen petitions from citizens of thirty-two States and Territories of the United States, containing upward of 15,000 signatures, for the passage of a law authorizing the manufacture of patent-right articles by others than owners of patent rights upon payment of a reasonable royalty thereon, to the Committee on Patents.

By Mr. SWANN: The petition of McClelland & Logan, of Baltimore, Maryland, and others, for the exemption of swine from certain provisions of the law regulating the transportation of live stock, to the Committee on Agriculture.

By Mr. WHITTHORNE: The petition of George Lipscomb and others, soldiers in the Mexican and Seminole wars, that the soldiers of said wars be granted pensions, to the Committee on Invalid Pensions.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May* 16, 1874.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. SWANN and Mr. ELLIS H. ROBERTS rose.

The SPEAKER. The gentleman from Maryland, [Mr. SWANN,] representing the Committee on Appropriations, and the gentleman from New York, [Mr. ELLIS H. ROBERTS,] representing the Committee on Ways and Means, both claim the floor.

Mr. ELLIS H. ROBERTS. I desire to proceed with the bill in relation to moieties. I desire to say that the Committee on Ways and Means heretofore have deemed that they were performing their duty by not occupying the time of the House. The time has come when they think the public interests require that they should ask for a portion of the time of this House for a few hours to consider a bill of great public importance. If the Committee on Appropriations should give us this day it cannot possibly interfere with the public business, because the appropriation bills are so far advanced that the committee having them in charge at the other end of the Capitol have already more work than will occupy them for a fortnight, whereas the committee to whom the moiety bill would go is without any business from the House.

I think it is only fair to the public interest, only fair as between the committees of the House, that at least a portion of this day should be conceded to the matter of great public interest with which I am charged. I trust, therefore, the Committee on Appropriations will not antagonize this subject.

Mr. SWANN. I should be very happy to meet the views of the gentleman over the way——

Mr. HOLMAN. What is the bill?

Mr. ELLIS H. ROBERTS. I am asked what the bill is. It is a bill to amend the customs-revenue laws and abolishing moieties.

ADDITIONAL BOUNTIES.

Mr. HOLMAN. I ask unanimous consent to have considered by the House at this time a bill reported by the Committee on War Claims, which is so manifestly just that I think there will be no objection to it. It is House bill No. 3303, to extend the time for filing claims for additional bounty under the act of July 28, 1866.

The SPEAKER. The bill will be read.

The bill provides that the time for filing claims for additional bounty under the act of July 28, 1866, and which expired by limitation on the 30th day of January, 1874, shall be revived and extended until the 30th day of January, 1875; and that all claims for such bounty filed in the proper Department after the 30th day of January, 1874, and before the passage of this act, shall be deemed to have been filed in due time, and shall be considered and decided without refiling.

Mr. HOLMAN. The Committee on War Claims to which this subject was referred are unanimously of the opinion that the time for filing claims for additional bounty ought to be extended for one year. I trust there will be no objection.

No objection being made, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HOLMAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INDIAN LANDS IN KANSAS.

Mr. LOWE. I ask unanimous consent to report from the Committee on Indian Affairs, for consideration at this time, a bill to further provide for the sale of certain Indian lands in Kansas.

The first section of the bill provides that those persons who, by the provisions of the second section of the act entitled "An act to abolish the tribal relations of the Miami Indians, and for other purposes," approved March 3, 1873, are entitled to purchase for cash the lands occupied by them at the appraised value thereof, shall be permitted to make payment for said lands at the land office at Topeka, Kansas, under such regulations as may be prescribed by the Secretary of the Interior, in three equal annual installments; the first installment to be payable on or after the 30th day of October, 1874, and the remaining two installments annually thereafter, with interest at the rate of 6 per cent. per annum from the 30th day of October, 1874.

The second section provides that those persons who, by the provisions of the act entitled "An act to provide for the sale of certain New York Indians lands in Kansas," approved February 19, 1873, are entitled to enter and purchase for cash the lands in said act set forth, shall be permitted to make payment for the same at the land office at Independence, Kansas, under such regulations as the Secretary of the Interior may prescribe, in two equal installments; the first installment to be paid on or before the 30th day of September, 1875, and the remaining installment within one year thereafter, with interest at the rate of 6 per cent. per annum from the 30th day of September, 1875.

Mr. LOWE. This is the unanimous report of the Committee on Indian Affairs.

Mr. WILLARD, of Vermont. I reserve my right to object until an explanation is made.

Mr. LOWE. This bill is unanimously reported by the Committee on Indian Affairs and is approved by the Commissioner of Indian Affairs. It creates no new rights of purchase, but simply extends the time already authorized for a year as to a part, and for two years as to the other part, requiring interest to be paid on the deferred payments, so that there will be no loss to the Indian fund. It creates no new rights of sale or purchase, and simply extends the time for purchasers to make their payments.

Mr. WILLARD, of Vermont. It is only a question in regard to the payment.

Mr. LOWE. That is all.

Mr. HAWLEY, of Illinois. Has this extension been before granted?

Mr. LOWE. It has not.

Mr. KASSON. Who are the purchasers?

Mr. LOWE. The actual settlers on the land, who have been authorized to purchase the land at an appraisement already made. It simply divides the payments into one and two years, instead of requiring them to be made all in one payment.

Mr. HAWLEY, of Illinois. What special reason is there for this extension of time?

Mr. LOWE. Because these settlers are obliged to pay five or six dollars an acre for the land, and the hard times render it impossible for them to make the payments as now required.

Mr. HAWLEY, of Illinois. Is that the only question involved in the bill?

Mr. LOWE. That is all.

Mr. KASSON. Are there any large bodies of this land held by persons not living on the land?

Mr. LOWE. Not any; it is all held by those who are living on the land.

Mr. PARKER, of Missouri. What effect will this bill have upon the liability of the Government to pay interest to the Indians prior to the sale of this land?

Mr. LOWE. I am not aware that it has any effect in that respect. This bill requires interest to be paid on the deferred payments, so that there will be no loss to the fund.

Mr. PARKER, of Missouri. Interest to be paid by the settlers?

Mr. LOWE. Yes, sir.

Mr. COBB, of Kansas. It is a matter between the settlers and the Indians directly, with which the Government has no concern.

Mr. LOWE. That is all.

Mr. KASSON. There is only one additional point that occurs to me. The bill speaks of those who are "entitled to purchase," apparently contemplating future purchasers, instead of those who have purchased.

Mr. LOWE. O, no; it applies simply to those who are already entitled to purchase by the law of 1873. It has no prospective action.

Mr. HOLMAN. I wish to limit this bill to actual settlers.

Mr. LOWE. That is exactly the effect of the bill now.

Mr. HOLMAN. I desire to move to add to the bill the following:

Provided, however, That this act shall only apply to actual settlers on the land so purchased.

Mr. LOWE. I have not a particle of objection to that provision; but it is all covered by the law now in force.

Mr. HOLMAN. But it is not covered by this bill.

Mr. LOWE. Very well; I accept the amendment.

Mr. HALE, of New York. I wish to ask the gentleman from Kansas a question. I see that the gentleman from Indiana, [Mr. SHANKS,] whose constituency is supposed to include the Indian tribes, is not present. Has he seen this bill and approved it?

Mr. LOWE. O, yes; the gentleman from Indiana, [Mr. SHANKS,] a member of the Indian Committee, approves the bill.

There being no objection, the bill (H. R. No. 3352) was ordered to be engrossed for a third reading; and was accordingly read the third time, and passed.

Mr. LOWE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN HENDERSON.

On motion of Mr. RANDALL, by unanimous consent, the Committee on the Post-Office and Post-Roads was discharged from the further consideration of the bill (H. R. No. 3208) for the relief of John Henderson; and the same was referred to the Committee on Claims.

FORT SAINT PHILIP CANAL.

Mr. McCRARY, by unanimous consent, introduced a bill (H. R. No. 3353) to provide for the construction of the Fort Saint Philip Canal, in the State of Louisiana, and its maintenance as a national public highway; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

LAND ENTRIES UNDER HOMESTEAD LAWS.

Mr. TOWNSEND. On behalf of the Committee on Public Lands, I ask unanimous consent to report for immediate passage the bill (H. R. No. 367) to legalize entries of public lands under the homestead laws in certain cases.

The bill was read. It provides that in all cases of entries of public lands made prior to the 1st day of July, 1870, under the act entitled "An act to secure homesteads to actual settlers on the public domain," approved May 20, 1862, where the affidavit required by section 2 of said act was made before the clerk of the county of the residence of the person making the entry, without having first made the settlement and improvement required by the provisions of section 3 of the act entitled "An act amendatory of the homestead law, and for other purposes," approved March 21, 1864, said affidavits be legalized and confirmed, so as to have the same force and validity as if the provisions of said last-named act had been strictly complied with.

The second section provides that this act shall take effect from and after its passage.

Mr. HAWLEY, of Illinois. I move to amend by striking out the last section as surplusage.

The SPEAKER. The Chair hears no objection to the amendment, which will be regarded as agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. TOWNSEND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WESTERN DISTRICT OF ARKANSAS.

Mr. SENER. I am directed by the Committee on Expenditures in the Department of Justice, which for some time past has been investigating the expenses, disbursements, and general management of the western judicial district of Arkansas, to ask leave that the testimony, statements, and exhibits which have been taken may be printed and recommitted.

There being no objection, it was ordered accordingly.

BOZEMAN LAND DISTRICT, MONTANA.

Mr. MOREY. I ask unanimous consent to report from the Committee on Public Lands, for consideration now, the bill (H. R. No. 2642) to create the Bozeman land district, in the Territory of Montana.

The bill was partly read, when

Mr. BECK called for the regular order.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from New York, [Mr. ELLIS H. ROBERTS,] from the Committee on Ways and Means, proposes to call up the bill abolishing moieties, and the gentleman from Maryland, [Mr. SWANN,] from the Committee on Appropriations, desires the House to go into Committee of the Whole on the diplomatic and consular appropriation bill.

Mr. SWANN. Mr. Speaker, the diplomatic and consular appropriation bill is now pending as unfinished business in the Committee of the Whole; the Committee on Appropriations are very anxious to have it disposed of; and, on behalf of that committee, I do not feel authorized to assent to the proposition of the gentleman from New York.

The SPEAKER. The majority of the House must settle the question.

Mr. BECK. The Appropriation Committee of the Senate have now four or five appropriation bills, while the Finance Committee of that body has received nothing from us. We ought to be sending them something, so that they may be at work.

Mr. DAWES. I wish to appeal to the gentleman from Maryland [Mr. SWANN] to consider the suggestion of the gentleman from Kentucky, [Mr. BECK,] and allow this important bill touching the revenue of the country to be considered. It is necessary that it should go to the other branch as early as possible. Now, if they have three or four appropriation bills undisposed of, will it not facilitate business if the gentleman from Maryland will yield in order that we may send over one of our bills?

Mr. SWANN. I will say to my friend from Massachusetts we are exceedingly anxious to dispose of these appropriation bills. The Senate have several of the appropriation bills before them, but have not yet acted on one of them.

Mr. ORTH. I hope the motion of the gentleman from Maryland will be agreed to.

The SPEAKER. The question will be taken first on the motion to go into the Committee of the Whole to resume the consideration of the diplomatic and consular appropriation bill.

The House divided; and there were—ayes 52, noes 54; no quorum voting.

The SPEAKER appointed Mr. ELLIS H. ROBERTS and Mr. SWANN as tellers.

The House divided; and the tellers reported—ayes 60, noes 49; no quorum voting.

Mr. DAWES demanded the yeas and nays.

The yeas and nays were ordered.

Mr. HOLMAN. What is the condition of these two motions?

The SPEAKER. There are two privileged reports from two privileged committees. The Ways and Means desire the attention of the House to the moiety bill, and the Appropriations to the diplomatic and consular bill. It is for the majority of the House to decide. If the House goes into committee on the diplomatic and consular bill, of course that settles the question. If the House refuses to go into committee, it will then proceed with the consideration of the moiety bill.

Mr. RANDALL. I hope the Chair will state that we cannot adjourn finally until we dispose of the appropriation bills.

Mr. SENER. I object to debate.

Mr. GARFIELD. I hope we will save time by not having the yeas and nays called.

The question was taken; and it was decided in the affirmative—yeas 94, nays 74, not voting 122; as follows:

YEAS—Messrs. Archer, Atkins, Averill, Barber, Barrere, Bowen, Bradley, Bright, Buffinton, Burrows, Cain, Cessna, Clements, Stephen A. Cobb, Cook, Corwin, Cotton, Cox, Crounse, Danford, Darrall, Donnan, Duell, Durham, Eden, Eldredge, Farwell, Field, Fort, Freeman, Frye, Garfield, Gooch, Gunckel, Hagans, Eugene Hale, Harrison, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, Hendee, E. Rockwood Hoar, Hubbell, Hunton, Knapp, Lamport, Lofland, Loughridge, Lowndes, Maynard, James W. McDill, McKee, McLean, Moore, Nesmith, Orr, Orth, Hosea W. Parker, Isaac C. Parker, Pelham, Pendleton, Rainey, Rapier, Ray, Read, Rice, James C. Robinson, Sawyer, Isaac W. Scudder, Sheats, Lazarus D. Shoemaker, Small, A. Herr Smith, H. Boardman Smith, John Q. Smith, Stanard, Stone, Swann, Chrisopher Y. Thomas, Todd, Wallace, Wells, White, Whitehouse, Whiteley, Charles W. Willard, George Willard, William B. Williams, Willie, Wilshire, and James Wilson—94.

NAYS—Messrs. Adams, Arthur, Ashe, Bass, Beck, Biery, Bromberg, Brown, Buckner, Caldwell, Cason, Crossland, Dawes, Dunnell, Eames, Foster, Glover, Robert S. Hale, Henry R. Harris, Hatcher, Hodges, Holman, Hoskins, Hunter, Hurlbut, Hyde, Jewett, Kasson, Kendall, Lansing, Lawrence, Lawson, Lowe, Luttrell, Magee, McCrary, MacDougall, Merriam, Milliken, Mills, Monroe, Morrison, Niblack, Niles, O'Brien, Packard, Packer, Parsons, Perry, Pierce, Poland, Randall, Ellis H. Roberts, James W. Robinson, Henry B. Sayler, John G. Schumaker, Henry J. Scudder, Sener, Shanks, Smart, William A. Smith, Sprague, Strait, Townsend, Tremain, Vance, Waddell, Waldron, Whitehead, Jeremiah M. Wilson, Wood, Woodworth, John D. Young, and Pierce M. B. Young—74.

NOT VOTING—Messrs. Albert, Albright, Banning, Barnum, Barry, Begole, Bell, Berry, Bland, Blount, Bundy, Burchard, Burleigh, Benjamin F. Butler, Roderick R. Butler, Cannon, Amos Clark, jr., John B. Clark, jr., Freeman Clarke, Clayton, Clymer, Clinton L. Cobb, Coburn, Comingo, Conger, Creamer, Crittenden, Crocker, Crooke, Crutchfield, Curtis, Davis, DeWitt, Dobbins, Elliott, Giddings, Hamilton, Hancock, Harmer, Benjamin W. Harris, John T. Harris, John W. Hazelton, Hereford, Herndon, Hersey, George F. Hoar, Hooper, Houghton, Howe, Hynes, Kelley, Kellogg, Killinger, Lamar, Lamison, Leach, Lewis, Lynch, Marshall, Martin, Alexander S. McDill, McJunkin, McNulta, Mellish, Mitchell, Morey, Myers, Neal, Negley, Nunn, O'Neill, Page, Phelps, Phillips, Pike, James H. Platt, jr., Thomas C. Platt, Potter, Pratt, Purman, Ransier, Richmond, Robbins, William R. Roberts, Ross, Rusk, Milton Sayler, Scofield, Sessions, Sheldon, Sherwood, Sloan, Sloss, George L. Smith, J. Ambler Smith, Snyder, Southard, Speer, Standiford, Starkweather, Stephens, St. John, Storm, Stowell, Strawbridge, Sypher, Taylor, Charles R. Thomas, Thornburgh, Tyner, Walls, Jasper D. Ward, Marcus L. Ward, Wheeler, Whitthorne, Wilber, Charles G. Williams, John M. S. Williams, William Williams, Ephraim K. Wilson, Wolfe, and Woodford—122.

So the motion was agreed to.

During the vote,

Mr. ORTH stated that the gentleman from Ohio, Mr. SHERWOOD, was detained from the House on account of illness.

Mr. BECK stated he had seen Mr. LAMAR this morning, when he said he was sick and probably would not be able to come to the House, and as he has not answered he is no doubt absent on account of illness.

The reading of the names, by unanimous consent, was dispensed with.

The vote was then announced as above recorded.

LEAVE OF ABSENCE.

By unanimous consent, Mr. CONGER was granted leave of absence for two days from to-day.

LIMITATION OF DEBATE.

Mr. GARFIELD. Before going into Committee of the Whole on the state of the Union I move that general debate be limited to one hour, save that when the chairman of the Committee on Foreign Affairs [Mr. ORTH] moves his amendment for the reorganization of the consular service, he may have half an hour.

Mr. NIBLACK. I rise to a question of order. The House has agreed to resolve itself into the Committee of the Whole on the state of the Union, and I make the point of order that it is too late now to move a limitation of the general debate. That should have been done preliminary to going into committee.

The SPEAKER. The gentleman from Ohio asks, by unanimous consent general debate shall be limited as he has suggested.

Mr. GARFIELD. I would have submitted it before, but the yeas and nays were called and I could not make it then.

Mr. NIBLACK. I merely make the point as a matter of practice.

The SPEAKER. The Chair hears no objection, and it will be so ordered.

MOIETIES.

Mr. ELLIS H. ROBERTS. I ask unanimous consent be now given that the moiety bill be taken up, to the exclusion of all other business, on Tuesday next after the reading of the Journal.

Mr. GARFIELD. I hope that will be granted.

There was no objection, and it was ordered accordingly.

The SPEAKER. Tuesday morning next, after the reading of the Journal, it will be the duty of the Chair to recognize the gentleman from New York, [Mr. ELLIS H. ROBERTS,] and all that can interfere with his bill will be the House voting to go into the Committee of the Whole on an appropriation bill.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole, (Mr. BURROWS in the chair,) and resumed the consideration of the bill (H. R. No. 3095) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1875, and for other purposes.

The CHAIRMAN. By order of the House general debate on the bill is limited to one hour.

[Mr. COX addressed the House. His remarks will appear in the Appendix.]

Mr. GARFIELD. I understand that the first reading of the bill has been dispensed with.

Mr. HOLMAN. The gentleman is mistaken. When the gentleman from Ohio formerly asked that the first reading of the bill be dispensed with, I said wait until the general debate is through.

Mr. GARFIELD. I ask unanimous consent that the first reading be dispensed with.

Mr. HOLMAN. I shall not now object, although it has been usual up to this time to have these bills read the first time.

The Clerk proceeded to read the bill by paragraphs for amendment, and read the following:

For ministers resident at Portugal, Switzerland, Greece, Belgium, Netherlands, Denmark, Sweden and Norway, Turkey, Ecuador, Colombia, Bolivia, Venezuela, Hawaiian Islands, and the Argentine Republic, at $7,500, each, $105,000.

Mr. SCHUMAKER, of New York. I move to strike out the last word for the purpose of saying a few words.

I feel called upon as a duty which I owe to a constituent of mine and a well-known citizen of New York, to state the manner in which he has been treated for the last fifteen years by the republic of Bolivia. Joseph H. Colton, a resident of the city of Brooklyn and a neighbor and a life-long friend of mine, was employed by the republic of Bolivia in 1858, through its officers, to publish the grand map of the republic of Bolivia. They agreed to give him $25,000 in gold. We were then on the best of diplomatic relations with Bolivia. The agents of that government had the power of their government to make the contract. They made the contract with Mr. Colton; and from that day until this, although we have been on the best of terms with Bolivia, although we have annually sent our ministers there and received hers here, not one cent except the sum of $2,000 has been paid to Mr. Colton.

Mr. SWANN. I wish to ask the gentleman whether complaint has been made to our authorities at the State Department?

Mr. SCHUMAKER, of New York. Complaint has been made to our authorities at the State Department ever since 1859 annually; it has been made through our ministers in Bolivia and ever since 1859 annually they have received promises; and have been told by the government of Bolivia that there should be paid to Colton the amount he claimed. The indebtedness which is now admitted to be due to Mr. Colton is even placed in their Blue-Books. Interest has been added from time to time by the government of Bolivia until it amounts to about $41,500 in gold. The Secretary of State, however, says that he has no authority in this matter to do more than has been done, and unless some other remedy is adopted by this Government the amount will never be paid. The Secretary of State says he has annually repeated that request, that he has annually received a promise to pay, and that he has been constantly put off from time to time with no payment.

Mr. WILLARD, of Vermont. May I ask the gentleman a question?

Mr. SCHUMAKER, of New York. Certainly.

Mr. WILLARD, of Vermont. Is this anything more than a contract on the part of the government of Bolivia to pay this gentleman a certain amount?

Mr. SCHUMAKER, of New York. I will state a further fact, and then the gentleman can draw his conclusions himself. I am not positive whether it is or is not. The contract was directed to be made by two gentlemen, an engineer and a high officer of the Bolivian government. They came to New York and made it. John Cotton Smith, of Connecticut, at that time was our representative there. He pressed the Bolivian government for payment. They agreed to pay the amount and have agreed from year to year ever since to do so. On the 1st of February, 1872, after the Bolivian government had promised and repromised it passed a decree, which I will ask the Clerk to read. It is an extract from the Blue-Book of Bolivia.

But before the decree is read, I will state that the loan there asked for—$10,000,000—was obtained in London. The Bolivian government placed itself in this position, that they not only made this contract but made a decree for it. They pledged in connection with it their religious faith to pay, as is shown in this decree. After they received the money, $10,000,000, from London, they left something ov $2,000,000 in the Bank of England. But still in the face of this decree and the fact of getting the money they still refuse to pay this amount.

I ask the Clerk to read the decree of the Bolivian government.

The Clerk read as follows:

[Translation.]

MINISTRY OF FINANCE AND INDUSTRY,
La Paz, Bolivia, February 1, 1872.

In view of the contract made in New York, on the 21st, of September, 1858, between Joseph H. Colton, of the one part, and Juan Ondarza and Juan Mariano Mujia, of the other part, for the engraving and publishing of ten thousand maps of Bolivia, for the sum of $25,000 in gold; in view also of the decree of March 8, 1858, authorizing the making of the said contract; also the laws of August 12, 1861, and October 27, 1864, which order payment of the sum due the claimant; also the financial law of the republic for the year 1865, which recognizes the debt, including interest, at the rate of six per cent. per annum, and difference of exchange, in the sum total, at that time, of $38,000: It is hereby acknowledged and declared, that the claim now made by Joseph H. Colton, through his attorney, Hinton Rowan Helper, is just, and *entitled to preference in payment*: In virtue whereof the government of Bolivia, desiring to maintain the national credit, recognizes as now due the claimant, by way of principal, interest, and difference in exchange, the full sum of $51,985 in Bolivian currency, or, as otherwise expressible, the sum of $41,588.54 in gold, *to be paid religiously out of the first funds that are obtained from the loan authorized by the Congress of* 1871.

Take notice of this, and pass it to the Director General of Accounts, for the registry of the sum of $41,588.54 in gold to be paid to Joseph H. Colton.

Sign-manual of His Excellency,
PRESIDENT MORALES.

By order of His Excellency,
GARCIA,
Secretary of the Treasury.

Certificate of Minister Markbreit.

LEGATION OF THE UNITED STATES,
La Paz, Bolivia, February 6, 1872.

I, the undersigned, United States minister resident in Bolivia, do hereby certify that the foregoing is a true and correct copy of the original decree; which said original decree is deposited in this legation.

In testimony whereof I have hereunto set my hand and affixed the seal of this legation.

[SEAL.]

L. MARKBREIT,
United States Minister Resident.

NOTE.—Although this loan for $10,000,000 was raised in London in June and July, 1872, only four months after the date of the decree, yet Bolivia has not paid one cent.

[Here the hammer fell.]

Mr. SCHUMAKER, of New York. I hope the committee will grant me a few moments longer.

Mr. WILLARD, of Vermont. I suppose there is no objection to the gentleman adding a word or two and finishing his remarks.

No objection was made.

Mr. SCHUMAKER, of New York. I would say that I do not propose any particular remedy. I leave that to the good sense of the committee. But here is a poor man, seventy-three years old, who sent no agent to Bolivia to get this work, but the agent of that country came to his place of business in the city of New York, where he has been a map publisher for the last half-century. He has through his publishing house given a great deal of intelligence and cheap intelligence to the country; he has printed maps for all nations. This old man has waited ever since 1858 for the government of Bolivia, which is in good diplomatic relations with this Government, to pay him the money which he is entitled to, and I ask gentlemen of the Committee on Foreign Affairs in their wisdom to adopt some remedy by which before he dies he can receive what is justly due him from the government of Bolivia.

Mr. ORTH. If the gentleman desires an answer now to his question I will give it to him in half a minute.

Mr. SCHUMAKER, of New York. Certainly; I have no objection.

Mr. ORTH. In the early part of the session I received a letter from the attorney of Mr. Colton, requesting that the Committee on Foreign Affairs should take no action on his claim until after the month of May, and it is in obedience to that request that no action has been taken by that committee.

Mr. SCHUMAKER, of New York. I am obliged to the gentleman from Indiana for the information; but would say that now is the

middle of May, and the only time I know of when I can represent the claims of this old man to this House. My communication has been with Mr. Colton direct, and he is very anxious that this House and the country shall know all the facts. He has employed an attorney who has visited Bolivia, and he finds that the maps which he sold to the Bolivian government for $2.50 apiece have been resold by that government for ten or twelve dollars apiece in gold, and that three or four hundred of the maps were sold to the government of the Argentine Confederation for as much as twenty dollars apiece in gold. The Bolivian government have made a large profit by reselling these maps.

Mr. SWANN. I would inquire if the gentleman gets his facts from the claimant himself?

Mr. SCHUMAKER, of New York. The facts I state are taken from the Blue Book of Bolivia. I have them here in printed form, given to me by Mr. Colton. He has the affidavit of the man who originally made the contract and the official communications of the Bolivian government to our Government printed here, which if I had time I would read. If the gentleman from Maryland [Mr. SWANN] had listened carefully to the reading of the decree of the Bolivian government he would have seen that it recites everything which I have stated. I have here a letter from the secretary of the Bolivian government to Mr. Colton and also a letter from the president of the Bolivian government to Mr. Helper, Mr. Colton's agent, which I ask the Clerk to read.

The Clerk read as follows:

Secretary Terraza to Mr. Colton.

[Translation.]

DEPARTMENT OF GOVERNMENT AND FOREIGN AFFAIRS,
La Paz, Bolivia, April 3, 1873.

SIR: This department has received your communication of the 15th of February last, and inclosed in it a copy of the one you addressed, under date of the 14th of June, last year, to Mr. Leopold Markbreit, then United States minister to the government of this republic.

Having brought the contents of both to the notice of the president of the republic, he charges me to say, in reply, that very soon the debt you claim, for the publication of the map of Bolivia, shall be satisfactorily and completely determined; since, with a view of bringing to an end the involuntary delay which this business has caused to the grave detriment of the interests of the state, the government will obtain from Congress, to meet during the latter part of the present month, the necessary authority for a payment to be made with the funds actually in hand arising from the 17 per cent. which has been deducted from the loan of £10,000* destined for the railroad of the Madeira and Mamoré.

Respectfully,

MELCHOR TERRAZA.

JOSEPH H. COLTON, Esq.

President Frias to Mr. Helper.

[Translation.]

LA PAZ, BOLIVIA, *April* 17, 1873.

MY DEAR SIR: In reply to your letter of February 15, I have the honor to assure you of the earnest desire of the Bolivian government to satisfy the recognized debt in favor of Mr. Colton, in virtue of which I dare announce to you that payment will certainly commence to be made during the present year, 1873.

In case there should not be at La Paz any direct representative of the creditor, the matter might be placed in the hands of the legation of the United States.

With this motive, I offer to you my sentiments of gratitude for your amiable congratulation upon my official investiture.

Your affectionate and sincere servant,

TOMAS FRIAS.

HINTON ROWAN HELPER, Esq.

Mr. SCHUMAKER, of New York. I will say to the committee that here was bad faith on the part of the Bolivian government. These letters were written nearly a year after they had promised to pay the money and after they had obtained their loan in England of $10,000,000; $2,000,000 of which remained in the Bank of England. I will say further that the resident physician to the head of the Bolivian government told the agent of Mr. Colton that by agreeing to give $15,000 of the money to some parties in Bolivia he could obtain the whole of it in full. That is all I have to say.

Mr. SWANN. I was not aware of the existence of any such claim against the government of Bolivia. I do not know what approaches here have been made to the State Department, or what has been their decision in reference to it. The suggestion of my friend, the chairman of the Committee on Foreign Affairs, [Mr. ORTH,] gives us the first information of the existence of such a claim. I should judge from the statement of my friend from New York that this claim has never been properly examined and reported to this Government. It does not come here sanctioned by any authority whatever. I should consider it very extraordinary if the State Department should take up a claim without being satisfied that it was brought before this Government in a proper shape, in a shape that would justify its being entertained and acted upon by the State Department. I am satisfied that if there is merit in this claim, if it has been brought before the authorized agents of this Government in that quarter, it will receive the attention and consideration to which it is fairly and justly entitled. But for the State Department to undertake to settle a claim which has not been adjudicated and confirmed in such a manner as to justify action upon the subject, I think would be going beyond the limits of their authority.

We do not stand here as agents of the Bolivian government. It is not our purpose, nor is it our right or duty, to interfere in contests which may have sprung up there between private individuals and that government. We are not running the Bolivian government; we are endeavoring to take care of our own. And to act in connection with a foreign nation in reference to this matter would be transcending the authority which has been delegated to the State Department, and might lead us into errors and difficulties which we should avoid. I therefore say that this is not a question between the Government of the United States and the government of Bolivia until the claim has been so matured as to make it necessary for the Secretary of State to communicate with the Committee on Appropriations or other committee authorized to act upon the subject, which will examine into the claim; and if it be a just one I am satisfied it will receive all that attention to which it is fairly and justly entitled.

Mr. SCHUMAKER, of New York. Without saying anything in reply to the gentleman——

The CHAIRMAN. Debate is exhausted upon the amendment.

Mr. SCHUMAKER, of New York. I withdraw the amendment.

Mr. WILLARD, of Vermont. I renew it. I do not understand that the gentleman from New York [Mr. SCHUMAKER] moved this amendment with the intention of having action on it, but for the purpose of enabling him to submit a statement to the committee. To that extent it seems to me the remarks which he has made call for some suggestions in reply.

I understand that this claim of Mr. Colton upon the government of Bolivia grows out of a private contract between Mr. Colton and that government. He is a voluntary creditor of the government of Bolivia. The contract does not take on any international aspect whatever; it does not call for any investigation by this Government, except so far as the Government may be disposed to exercise its friendly offices in order to help Mr. Colton to recover his money. Foreign individuals are all the time becoming voluntary creditors of this Government by purchasing our bonds, and of every State by purchasing their bonds, and of every railroad corporation in the same way. But the governments of those foreign individuals would not undertake to collect those bonds of the corporations or of the States or of the Government of the United States, because that is a matter of private contract and one in which the Government is not called upon to interfere, and in which the creditor takes the risk himself.

I have no doubt whatever that the State Department or the President himself would do anything within the limits of friendly intervention in this matter, on the suggestion of Mr. Colton, to endeavor to persuade the government of Bolivia to fulfill its contract. But it does not occur to me that this is a matter in which the Government, in good faith or in any other way, is called upon to do more than to use its friendly offices to help this creditor to get his money again. I withdraw the amendment.

The Clerk resumed the reading of the bill, and read the following:

For minister resident at Uruguay, also accredited to Paraguay, $10,000.

Mr. POTTER. I move to strike out the clause just read. I do this because I believe this to be as absolute an abuse as any now authorized by law at all. Five minutes is not very long in which to explain to the Committee of the Whole the particulars of this proposition. But while I endeavor to do so I beg the attention of those gentlemen on the majority side of the House who are anxious to reform abuses. Uruguay is a little country lying at the mouth of the La Plata River, in South America. It has one and only one port of any consequence—Montevideo. To-day no government, so far as I have learned, upon the face of the earth, except some of the other South American governments, sends any minister resident to it. Uruguay sends no minister to us, and we sent none there until after the 3d of March, 1869, when Congress passed a law directing our minister to the Argentine Confederation, on the other side of the La Plata River, to be also accredited as minister to Uruguay.

There was prior to that time another South American state, known as Paraguay, which lies up one branch of this same La Plata River a distance of about fifteen hundred miles from Montevideo. It had previously accredited to it a United States minister. But a war broke out between Brazil and the Argentine Confederation and Paraguay, and their minister was withdrawn. In the year 1870, to make a place for somebody I presume—for no other reason outside of the lunatic asylum can be assigned for the action of the Government in that respect—Congress established a mission to Uruguay with a minister resident accredited also to Paraguay, fifteen hundred miles distant, and gave him a greater salary than we gave to any other minister in South America, with one exception. It was as if a representative had been sent by some foreign government accredited to Washington and Georgetown, and Georgetown had subsequently been detached from Washington and attached to Kansas, and the representative authorized to reside in Georgetown.

I find in looking at this abuse, to which I have before called attention, that our minister was enabled but once in the past three years to reach Paraguay. I cannot find in the Government reports that there has even been any correspondence with the minister accredited to Uruguay and Paraguay in these three years, except one dispatch in 1871 and five letters, mainly short, from him in 1872. If gentlemen will turn to the diplomatic correspondence with the message for 1871 they will find nothing from him, and in that for 1872 they will find an account given by Mr. Stevens of his journey to Paraguay in a United States vessel in 1871, after an order to deliver a communication from the President, which, by the way, he was not able to do,

*This is a mistake. The gross amount of the loan, successfully raised in London in the summer of 1872, was $10,000,000. H. R. H.

but which he forwarded and followed up by this journey, upon which trip a great ball was given him, which he reports. That seems to be the only occasion in four years that the Government representative was ever in that important country at all. Finally, if gentlemen will turn to the correspondence for the year 1873 they will find a communication with regard to Paraguay and its political relations, but it is not from the minister accredited to Uruguay and Paraguay, but from the minister of the Argentine Confederation, which lies in between Uruguay and Paraguay, and the minister to which is therefore perfectly competent to attend to the business of both those countries.

My attention was first called to this abuse by a member of the dominant party who had himself been a minister in South America, and who told me that $100 a year would pay for all possible service that it was now competent for anybody accredited to either of those countries, I mean Uruguay and Paraguay, to render.

And the House will observe that not only is Uruguay (for the other country has ceased to exist practically and politically) the most insignificant country in population and political importance to which we send any representative, a country below the notice of most of the other nations in the world so far as regards sending to it diplomatic representatives; but it is one to which we never sent any diplomatic representative until the year 1869, when it was found convenient to make this office, to add this sinecure to the other one of Paraguay, to make an excuse for a salary larger than usual, for we at first paid this minister a larger salary than we pay to our ministers to the great countries of Bolivia, Peru, Chili, the Argentine Confederation, or a number of others with which we have a large amount of business, and we still pay, as gentlemen will see by this bill, as large a salary as we pay to any minister to South America, except only to the Empire of Brazil. I do not know who is the gentleman accredited to Uruguay now. I find no correspondence from him.

Mr. KELLOGG. Is there any minister acting?

Mr. POTTER. I understand there is.

Mr. KELLOGG. None appears in the Blue-Book.

Mr. POTTER. If the gentleman will look over the list of diplomatic representatives as furnished us by the State Department, he will find the name, although I do not recollect it at this moment.

Mr. KELLOGG. I find the Congressional Directory gives the name of John C. Caldwell as the minister.

Mr. POTTER. At any rate, whoever is the minister now, there is absolutely nothing for him to do, and it is an unfit place for a mission. Yet we send a minister there and give him a larger salary than is given to our ministers to other countries with which it is more important to have relations.

I know very well that this appropriation is according to existing law; but I want to remind the House of the fact that we have never, at least since I have been in Congress, corrected any of these abuses in regard to the diplomatic service unless we first struck at them in an appropriation bill. We have already passed a paragraph of this bill providing for one minister to five small states in Central America. Four years ago each of those countries had a minister; but we consolidated them by a blow struck at them in an appropriation bill. Therefore I propose to strike out the appropriation for this office in this bill, firmly convinced that in no other way can this abuse be certainly and effectually corrected.

Mr. SWANN. I rise to say a single word in reply to the remarks of the honorable gentleman [Mr. POTTER] who has just spoken. That gentleman is aware that at the last session of Congress a number of these South American republics were consolidated at the instance of another Representative from New York. I was not satisfied at the time that it was prudent for this Government to act in that way without a reorganization of the whole diplomatic system. I am in doubt now whether we have acted wisely in the abatement of any of those ministers to the countries referred to.

In reference to Uruguay I am not prepared to say that it is a very important point; but, sir, Uruguay carries with it Paraguay, which I do consider a very important point in our diplomatic relations. That government is now in a state of transition. It has been approached by foreign governments who have tried to mold it according to their own views and to crush out the republican principle which has heretofore been recognized there.

Mr. POTTER. Will the gentleman kindly tell me whether he knows or can venture to say that the minister who is accredited to Paraguay has ever been there except in the single instance to which I have referred?

Mr. SWANN. I am bound to believe that the State Department has discharged its duties, and that he has been there.

Mr. POTTER. The State Department may have discharged its duties, but he could not get there.

Mr. SWANN. I say it is a matter of the highest importance that we should keep up an active supervision over all these republics that have heretofore looked to the United States for guidance and direction; and I consider Paraguay as in that category. By kind treatment on the part of this Government, by such a recognition as that country has a right to expect at our hands, we may mold that government in such a shape as will favor American interests and may build up an important point in our relations hereafter. Therefore, sir, I opposed the proposition to consolidate those South American republics; and I believe now that it was injudicious. I think, sir, it is worth all the expenses to have our agents there upon the ground in order that American interests may be watched and that the machinations of foreign governments may be counteracted by that sort of vigilance which can only be exerted by those who go there imbued with the spirit of republican institutions and have the interests of this country at heart, as against the interests of those who are endeavoring to mold those governments in the interest of other institutions. Such a policy must inure largely to the benefit of the United States and the furtherance of American institutions in that locality.

The CHAIRMAN. Debate is exhausted on the pending amendment.

Mr. WOOD. I move an amendment to the amendment by striking out the last word.

Mr. Chairman, I differ somewhat with my colleague as to the importance of this mission. It will be perceived the proposition of the bill is to provide for a minister at Uruguay also accredited to Paraguay. I will state so far as Paraguay is concerned all diplomatic relations with it are almost cut off. Uruguay is situated at the mouth of the river, and is an independent republic. It has one of the most important sea-ports in South America so far as trade with the United States goes. The port of Montevideo is next to Rio Janeiro and Buenos Ayres in its trade and commerce, especially in hides imported into New York. It is one of the principal ports with which we have trade in South America. Certainly for the protection of our commercial interests and in view of the continual warfare existing between the Argentine Confederation, Brazil, Paraguay, and Uruguay we should be represented at Uruguay, and as I understand this appropriation it is to pay the salary of the minister resident at Uruguay who is also to be accredited to Paraguay.

Now, sir, Paraguay is one of the most mysterious, one of the most interesting, and in all its resources one of the richest of all the South American states. We have reason to believe, so far as we have been able to obtain knowledge of that country, it possesses many things which would be of great value and interest to the people of the United States, and we should provide for maintaining commercial intercourse with it. Until very recently it has been involved in very serious difficulties, attempting to resist even the great empire of Brazil. It became involved in all kinds of internal dissensions and rebellion. Brazil has utterly subdued and subjugated it. Indeed it may now be said to exist no longer as an independent nation. Therefore, so far as Paraguay is concerned, I concede nothing is to be gained, but I submit, Mr. Chairman, whether we should not always maintain such position that we can avail ourselves of any opportune moment to reopen and maintain our trade with that country. England has been for a century striving to obtain sole possession of this trade.

The only object I would have in voting to continue this appropriation would be that we might have at Uruguay, in the vicinity of these states, a representative of our Government who at all times would be ready not only to protect the honor of the Government, but to protect our commercial interests and prevent any foreign government, in competition with ours, from procuring or seizing for itself the entire trade of South America. To protect ourselves from exclusion from this trade and from participation in this commerce which will be of great advantage to this country, it is necessary we should have a representative there. Therefore it is I take exception to my colleague's amendment, and hope the appropriation will be voted as it is in the bill.

Mr. ORTH. I trust the amendment offered by the gentleman from New York [Mr. POTTER] will not prevail, and that we will not at this time make any change in this mission to South America. It ought to be the policy of this Government to keep up the most friendly relations with every portion of the people of this continent. The trade of Mexico, Central America, and South America of right belongs to us; yet we have but little of it.

Now, as the gentleman from New York [Mr. WOOD] who has just taken his seat has well said, Paraguay is almost a blank so far as population is concerned. She has recently passed through a more terrible ordeal than has been suffered by almost any other nation in history. Under the tyranny of Lopez, Paraguay has almost ceased to exist as a people. It has in fact ceased almost to exist as a nation. Its population was reduced during recent devastating wars from over eight hundred thousand to less than one hundred thousand, and that too in a space of only five years. But peace has once more blessed that country. Nature has favored it as perhaps it has favored no other nation on the face of the American continent. The people are again rebuilding their shattered fortunes. They are upon that immense river which must open its commerce eventually to the world, and we ought to be there with our representative. As that nation rises up from the ashes we ought to be there to greet her with friendly recognition.

This is a small expense, when taken in connection with the vast results which must follow the keeping up of our intercourse with that portion of the American continent. If economy is to be the order of the day in these diplomatic missions it will be much better we should put the pruning-knife into other missions far away, where we keep up great expense without corresponding benefit to the Government. Here is a mission almost in our own waters. Here is a commerce which we ought to control, and which we will control if wise legislation prevails here. I hope, Mr. Chairman, there will be no change in the appropriation heretofore made in regard to this mission on the La Plata.

Mr. POTTER. Now, Mr. Chairman, let me say a word in reply.

First, as regards the policy of dealing liberally with South America, I am willing to concede that for this debate as largely as anybody may insist upon it. But I nevertheless ask the chairman of the Committee on Foreign Affairs, the gentleman from Indiana, [Mr. ORTH,] to tell me what sort of policy it is in dealing with South America to send to the most insignificant state there a representative with the largest salary, and who in fact it would seem does not go there, or at any rate need not go, for any use he can be there.

Mr. ORTH. Will the gentleman allow me to answer his question?

Mr. POTTER. Certainly.

Mr. ORTH. I think it is very wrong policy indeed. This was done when I was not here. I took no part in the process of consolidating the mission to the Central American governments into one mission. I think that was a mistake which the House should rectify.

Mr. POTTER. I agree that this Uruguay-Paraguay mission was not a job such as I would expect the gentleman from Indiana would have had anything to do with.

It is said that this state of Paraguay is so situated that it is important for the protection of our interests and the control of our commerce that we should have a representative there. Why, sir, nobody really goes there as our representative. I challenge the chairman of the Committee on Foreign Affairs or any gentleman on this floor to say that anybody has ever been there as our representative since the mission to Uruguay with Paraguay attached was established, except once, in July, 1871, when our minister went up in a ship of war to Asuncion. I believe that was the only time the American representative has been within the bounds of Paraguay since the great war which desolated that country.

Now, as regards Uruguay it is said that it has the port of Montevideo, a place having an important trade in hides. Why, sir, the whole consular fees there for the year ending June 30, 1873, amounted to $2,300.69. It is down in the amendment of the Committee on Foreign Affairs for a consulate of the fifth class. That is an important place! It is a great deal less important than Buenos Ayres, in the Argentine Confederation, to which Uruguay ought to be attached, and to which, when the mission was first established, it was attached. But when Paraguay got practically wiped out as an independent state, so that nobody could well go there, then, in order to make a convenient resting-place for some gentleman, Uruguay was detached from the Argentine Confederation, with which really it ought to go, and then mythical Paraguay and $10,000 a year added. It was like detatching Brooklyn from New York. One city is across the river from the other and both have exactly the same kind of trade.

We have a consul at Montevideo, but we are I think the only nation on the face of the earth outside of the South American states that maintains a foreign minister at Uruguay—a miserable little country that has but two or three hundred thousand people in it. It had but twenty-nine American vessels clear for it in the year ending June 30, 1873, and has no American trade requiring a minister resident. We are, I repeat—and I ask to be corrected in this if I am wrong—the only nation that maintains a minister there, and it sends none to our Government, and never has; and yet we pay to the ministers whom we have sent to this little insignificant country a larger salary than we pay to other ministers accredited to other South American countries having millions of population.

Now, if that is not an abuse I would like to know what makes an abuse. If that mission is not a sinecure I would like to know what makes a sinecure. The whole diplomatic correspondence of this Government with that state in a year could be written in a day. Only two of the letters received from the minister about Uruguay in 1872 were ever acknowledged by the State Department, as will be seen by pages 707 to 710 of Executive Document No. 1, part 1, third session Forty-second Congress. Yet this was the year of this minister's largest service, and for which we are now asked to appropriate $10,000 a year.

[Here the hammer fell.]

The CHAIRMAN. The question is on the amendment of the gentleman from New York [Mr. POTTER] to strike out the following paragraph:

For minister resident at Uruguay, also accredited to Paraguay, $10,000.

The question being taken, there were ayes 39, noes not counted.

So the amendment was not agreed to.

The Clerk read the following paragraph:

For salaries of secretaries to legations at London, Paris, Berlin, and Saint Petersburg, at $2,625 each, $10,500.

Mr. SWANN. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add to the paragraph just read the following:

And the Secretary of State is authorized to allow and pay to the secretary of legation, and to the second secretary of legation and to the messenger of the legation in Paris, from the moneys collected at the legation for the transmission of consular invoices, an amount not to exceed in the aggregate $600 in any one year, to be divided and distributed as the Secretary of State may direct: *Provided*, That the surplus receipts are sufficient for that purpose.

Mr. SWANN. In explanation of that amendment I submit the following letter from the Secretary of State:

DEPARTMENT OF STATE,
Washington May 8, 1874.

SIR: For some years past the legation at Paris has been virtually a dispatch agency, where correspondence from other legations and from consulates has been collected and forwarded in pouches to Havre and thence to the United States; and where similar matter from the Department destined for other legations and for consulates has been received and distributed.

This establishment has grown into an important point of distribution. The labor has become considerable—enough to probably occupy the entire time of one person during business hours. The work has been cheerfully done by the secretaries of legation and the messengers of the legation in addition to their regular duties, although detaining them beyond the ordinary business hours.

The expenses of sending the pouches to and from Havre and Cherbourg and the other miscellaneous expenses have been more than met by a postage charge on consular invoices equivalent to the ordinary postage rate, and the surplus money received from the charge has been covered into the Treasury by this Department. The arrangement has proved to be a convenient one for the Government as well as an economical one; but it hardly seems right to impose the labor upon the secretaries and messenger without some compensation, as it cannot be said to come within the range of their duties, however widely construed. It is desirable to have them continue to perform them, and I understand they are willing to do so, on receiving the compensation which would otherwise be paid to a dispatch agent. I recommend for the consideration of the committee an amendment to the consular and diplomatic bill, authorizing such an arrangement to be made, provided the receipts warrant it, and I present herewith for their consideration the form of such a proposed amendment, which it is believed would effect the desired object.

I have the honor to be, sir, your obedient servant,

HAMILTON FISH.

Hon. GODLOVE S. ORTH,
Chairman of the Committee on Foreign Affairs, House of Representatives.

The amendment was agreed to.

The Clerk read the following paragraph:

For the private amanuensis to Robert C. Schenck, minister to Great Britain, $2,500.

Mr. GARFIELD. I find that the language of that section does not quite correspond with the law. I therefore offer an amendment in that respect without changing the amount.

The Clerk read as follows:

Strike out the paragraph and insert in lieu thereof as follows:

To enable Robert C. Schenck, minister to Great Britain, to employ an amanuensis according to joint resolution approved January 11, 1871, $2,500.

Mr. GARFIELD. That follows the exact language of the law.

The amendment was agreed to.

The Clerk read the following:

For consuls-general, consuls, vice-consuls, commercial agents, and thirteen consular clerks, $364,500.

Mr. SWANN. At this point of the bill I propose to yield to my honorable friend, the chairman of the Committee on Foreign Affairs, who has charge of the bill for the reorganization of the consular service. I am happy to state, in regard to the labors of that gentleman and those connected with him, that the amendment which he presents here has received the sanction of the Committee on Appropriations, and I presume of the Committee on Foreign Affairs.

Mr. ORTH. I am instructed by the Committee on Foreign Affairs to move to amend the bill by striking out from line 63 to line 101, and inserting in lieu thereof what I will send to the Clerk's desk.

Before the amendment is read I desire to say to the committee that it is substantially what is known as the consular bill reported some two months ago from the Committee on Foreign Affairs, and as will be seen when it is read, it contains an almost entire revision of our consular system. It has been well known by those whose attention has been called to the matter that some revision of that system has been needed for the last ten or fifteen years. Our consular system, if indeed it may be called a system, has been so far merely patchwork. A consulate was created at one session of Congress and a salary fixed for it, and at another session another consulate was created at some point and a different salary fixed there, and thus it has continued from year to year without any attempt at equalization or at reducing it to anything like a system. In some instances where a consulate was created at a particular point some fifteen or twenty years ago, it was of rather insignificant importance; but the current of events has changed that and made that consulate of considerable importance, and yet there has been no change in the compensation. The reverse of the proposition is likewise true. Consulates that were of importance at the time of their establishment have since, owing to many causes which I need not enumerate, deteriorated in importance, and yet the salaries remain the same.

I might name an illustration of this in the well-known consulate at Havre, established many years ago, and at one time regarded as one of the most important consulates, the salary of which was fixed at $6,000 a year. Since then and for a series of years its importance has gradually diminished, so that now the committee recommend that instead of a salary of $6,000 there shall be a salary of $3,000 only. I name that one consulate as an illustration of the general principle.

Then take the consulate of Bradford, in England, which is an inland manufacturing town. A consulate was established there a number of years ago at a small compensation. The business of that consulate has grown rapidly, and the amount of fees collected there and paid into the Treasury has increased to such an extent as to make that a consulate of almost the first rank. The committee has recommended in this amendment a very considerable increase in the salary at that point.

I might give another illustration: The consulate at Barmen, in Germany, was established, I think, only four or five years ago. Prior to that time there was merely a commercial agency there of very little importance and attached to the consulate at Aix-la-Chapelle. It was erected into a separate consulate, and now the child has out-

grown its father. It is of greater importance now than the consulate at Aix-la-Chapelle from which it was taken.

But I will not give any further illustrations; they will be found in the amendment. I wish to state to the committee that the first object of the Committee on Foreign Affairs was to equalize the compensation of our various consuls, and the first consideration that influenced us was in such equalization not to increase the aggregate amount of expense to the General Government. While we took from one consulate and added to another consulate, the average and aggregate expense, so far as the Government of the United States is concerned, has not been increased. On the contrary, I find by a statement which I hold in my hand, carefully prepared by the clerk of our committee, that there has been an actual decrease to the amount of eighteen thousand and fifty-nine dollars and some cents.

While I state this, Mr. Chairman, it is due to myself to say that I believe a different course should have been adopted; that we ought to pay to every one of our representatives abroad, if we keep them there, a higher compensation than is provided for in this amendment. But we acted in deference to the known sentiment of this House, in deference to the known sentiment of the country at large, that this is an era of retrenchment and reform, and hence the committee have not felt themselves at liberty in this adjustment of salaries, in this rearrangement and equalization among the different consulates, to make any considerable increase. Keeping that in view, we went through the entire list of consulates, and the result is a decrease of consular salaries to the amount of over $18,000.

I wish to state to the committee that the consular service of the United States is not a burden to the Government. It is the only service under our Government that results in bringing a surplus into the Treasury.

The amount of consular fees collected and returned during the last fiscal year was $646,594. Let me repeat, so that the members of the committee may comprehend it, the amount received by the different consulates and accounted for in the Treasury of the United States was $646,594. The entire amount of expenses under the proposed amendment which I have just offered will be $392,580, leaving a surplus, after paying all expenses, of about $250,000.

We have changed the form of the law upon this subject, by abolishing what is known as the schedule form and adopting the classified form. Now, if any gentleman desires to ask me any question while I am proceeding, I will very cheerfully answer it.

Some of the considerations which governed the committee in their action I will briefly allude to. The first, to which I have already alluded, was not to increase the actual expenses of the consular service. The second consideration was to base the amount of compensation to some extent upon the amount of fees received at the consulate. I wish the committee to bear in mind that we have consuls that are purely commercial agents, who exercise purely commercial functions. We have others who exercise quasi diplomatic functions; and still another class which are stationed in what are known as the non-Christian countries of the world and who exercise judicial functions.

These several views have been taken into consideration by the committee in adjusting these various salaries. For instance, to a consul exercising judicial functions we have allowed a salary commensurate with the importance of the duties which he is called upon to perform, without reference at all to the amount of consular fees received from him and paid into the Treasury of the United States. I will give an instance: The consuls in the Barbary states of Tripoli, Tunis, and Tangiers have paid into the Treasury of the United States the following sums respectively: from Tripoli we have received the insignificant sum of one dollar during the last fiscal year; and yet we propose to pay to our consul there the sum of $3,000 a year. That is because he is called upon to exercise not only judicial but quasi diplomatic functions. At Tunis, where the amount of consular fees is but $17, we pay the sum of $3,000 to the consul. At Tangiers, where the amount of consular fees is but $20, we pay a similar salary of $3,000. So take the three Barbary states, with consular fees amounting to $38, we pay salaries amounting to $9,000. That may seem to be an extraordinary amount, but it is important that to fill those positions you have men of high character and of ability to discharge the important functions devolving upon them from time to time.

For instance take the consul at Belfast, where the fees are about $11,000. We pay him a salary of $2,000 because his duties there are simply of a commercial character. In the third place we take into consideration somewhat the commercial or shipping importance of the consulate. As for instance at Bremen, where the amount of fees are not so large as in some of the inland German towns, but where the duties of the consulate are more complicated and more important, in consequence of its being a large shipping port where the consul has charge of American sailors, of distressed seamen, and of difficulties growing out of the relation of master and seaman. These matters come constantly before him, and he has to adjudicate upon them. Hence we propose to pay him a salary not based upon the amount of fees received by him, but with reference to the importance of the duties which he is called upon to discharge.

Another consideration has influenced the committee, which we have applied to a few consulates embraced in this amendment; that is, a consideration with reference to the expense of living. That consideration has entered into probably half a dozen only of the consulates mentioned in this bill. Another consideration was in regard to the unhealthfulness of the locality, which applies to probably three or four of the consulates.

This amendment provides for the establishment of consuls-general. First, at Cairo, the officer there is designated, and has always been upon our books, as an agent and consul-general. He exercises such diplomatic functions as he is permitted by the Khedive of Egypt to exercise, Egypt itself being a sort of quasi sovereignty, somewhat dependent on Turkey. We cannot have an independent minister there because it is not an independent sovereignty. We do the next best thing—send there a political agent and consul-general. Going there in that capacity, he is charged with the exercise of diplomatic functions.

The next class are consuls-general. We provide for them at London, Paris, Havana, Rio de Janerio, Calcutta, Shanghai, Kanagawa, Montreal, Berlin, Vienna, Frankfort, Constantinople, Saint Petersburg, Rome, and Mexico. These have all been heretofore provided for, except at Berlin, Vienna, Frankfort, Rome, and Mexico. At those places the consular officer heretofore has been a consul simply, and not a consul-general. We have deemed it more in accordance with the duties of the consular service that at the capital of every important nation there should be a consul-general who should have supervision of the action and accounts of the different consuls in that nation. Hence we have added those I have mentioned to the list.

The consuls, then, enumerated in this amendment, with the exception of the consul at Liverpool, are classified into seven different classes. The consul at Liverpool receives a higher compensation than the consul at any other point named in the seven classes, and hence we leave him outside of any class. His compensation, which has heretofore been $7,500, is fixed by this amendment at $6,000, a reduction of $1,500.

Bearing in mind the general principles to which I have already alluded as forming ingredients in the fixing of these salaries, we have placed in the first class two consulates, that at Hong-Kong and that at Honolulu; the one judicial, the other somewhat diplomatic. The amount allowed to these consulates is $4,000 each, which in the case of Hong-Kong would be justified by the amount of fees, which are about $12,000 a year. At Honolulu the fees amount to less than $5,000 a year; but that is an important shipping point—a place where our sailors stop and where there is a very considerable commercial business which has to receive the constant attention of our consul.

Class 2 is composed of our consulates in China, all of which we place at $3,500, because they are important, not as commercial but as judicial consulates. Each one of those consuls, as members of the House well know, holds court to protect the rights of American citizens and to settle all matters of dispute between them; in other words, these consuls carry with them to that far-off country the laws, customs, and usages of our own country and apply them to the adjudication of the rights of our citizens resident there.

One exception to this class is the consul at Callao, which is fixed at $3,500 on account of its commercial importance as well as in reference to the amount of fees received.

But I will not detain the committee by going through these various consulates. The remaining classes, 3, 4, 5, 6, and 7, are arranged with reference almost exclusively to the amount of fees received and paid over to the Treasury of the United States. For instance, in class 4 we place all those consuls whose fees exceed $10,000 per annum; in class 5, consuls whose fees are over $5,000 and under $10,000; in class 6, consuls whose fees exceed $2,000 and are under $5,000; and in class 7 consuls whose fees are $2,000 or less.

I suggest, Mr. Chairman, that the amendment which I now send to the desk be read by clauses, so that as we proceed amendments may be offered to any special part.

Mr. GARFIELD. One word before this amendment is read. The chairman of the Committee on Foreign Affairs [Mr. ORTH] came in and sat with the Committee on Appropriations one morning when we were examing this bill. The Secretary of State was also there; and there were some questions of difference between the judgment of the Committee on Foreign Affairs and that of the Secretary of State in regard to the proposed amendment. I understand that now those differences have been adjusted. The total result, as I have figured it out, (and my figures so far as I have gone concur with those of the chairman of the Committee on Foreign Affairs,) is a small reduction in the appropriation for these consuls. This answers every question relating to expenditure. The only remaining question, therefore, relates wholly to the wisdom of the readjustment. It is enough for me to say that the change in the condition of a consulate during a course of years by a change in its commercial standing, its falling off or increasing in importance, makes it wise and necessary that there should be from time to time a reorganization and readjustment of the relative grades of consulates. This reorganization now proposed has, I believe, been made by the Committee on Foreign Affairs wisely and well. I hope that the amendment as offered may be concurred in without controversy or debate.

Mr. HOLMAN. I understand from the statement of my colleague [Mr. ORTH] and also that of the gentleman from Ohio [Mr. GARFIELD] that the effect of this amendment is not to increase the aggregate expenditure in connection with our consulates.

Mr. GARFIELD. On the contrary, it will result in a decrease of about $18,000 annually.

Mr. HOLMAN. I observe that in some cases the salary proposed to

be allowed by this amendment exceeds the present compensation by fees.

Mr. GARFIELD. In those cases the fees reach a very small amount, though I cannot tell how much each of these consuls who are paid by fees receives. But the compensation under this system is so small that it does not pay a person to go there and take the position; but usually some merchant residing in the place performs the duty and takes the fees. But we shall not be called upon to change the figures of the appropriations standing in our bill—at least not to increase them in any way. Possibly they might be cut down about $10,000, though I do not know that that would be wise under the circumstances.

Mr. HOLMAN. The arrangement made of these consulates in this amendment is certainly an improvement on the old system; and if it is not to result in increased expenditure, of course there can be no objection to it.

Mr. ORTH. In answer to my colleague, [Mr. HOLMAN,] I will state that this amendment does not comprehend what are called the feed consulates—those whose compensation depends upon the amount of fees collected; it applies only to those that are known as salaried consulates.

Mr. HOLMAN. I notice in the amendment a number of instances where the present salary is fixed at the amount of the fees.

Mr. GARFIELD. One instance of that is at the bottom of the fourth page.

Mr. HOLMAN. And at Copenhagen also the salary is at present $332, being the amount of fees received; but this bill fixes a salary of $1,500.

Mr. ORTH. I will state, in answer to the suggestion of my colleague, that we propose to abolish the consulate at Elsinore, and transfer it to Copenhagen; and of course we increase the compensation, that of the consulate at Elsinore having heretofore been only $300 to $400 per annum, the amount of the fees.

Mr. HOLMAN. I have no doubt my colleague has examined the subject thoroughly, and the only possible objection which may be had to this measure would be the possibility that it may lay the foundation for further increase of expenditures. My colleague will observe that during the last two years we have increased our foreign intercourse to the extent of $277,000, but this measure seems to be in the interest of economy.

Mr. ORTH. I am aware of that, but my colleague is also aware we are a growing people, and all the expenses of the Government have necessarily increased. As we grow our foreign intercourse must increase. We expect not only to go where civilization is but to go where civilization is not.

Mr. KASSON. The income has also increased.

Mr. ORTH. Yes, sir; the income has also increased.

Mr. HOLMAN. When my colleague stated that the consular system was a paying system he did not intend of course to embrace all of our foreign intercourse.

Mr. ORTH. I used the words "consular system."

The CHAIRMAN. By order of the House general debate on the pending amendment is exhausted.

Mr. HOLMAN. This amendment has been examined by every member of the committee, and hardly needs to be read.

Mr. ORTH. Let the amendment of the Committee on Foreign Affairs be read.

The Clerk read as follows:

Strike out from line 63 to line 101, inclusive, and insert the following:

That schedules B and C in section 3 of the act entitled "An act to regulate the diplomatic and consular systems of the United States," approved August 18, 1856, shall, from and after the 1st day of July next, read as follows:

SCHEDULE B.

Proposed salary.	Present salary.		Fees received for year ending June 30, 1873.
		The agent and consul-general at Cairo shall be entitled to compensation for his services at the	
$4,000 00	$3,500 00	rate of $4,000 per annum.	$89 00
		The consuls-general at—	
6,000 00	7,500 00	London,	51,444 03
6,000 00	5,000 00	Paris,	52,416 00
6,000 00	6,000 00	Havana, and	23,815 97
6,000 00	6,000 00	Rio Janeiro	6,750 80
		shall each be entitled to compensation for their services at the rate of $6,000 per annum.	
		The consuls-general at—	
5,000 00	5,000 00	Calcutta and	5,553 72
5,000 00	4,000 00	Shanghai	10,807 35
		shall each be entitled to compensation for their services at the rate of $5,000 per annum.	
		The consul-general at Melbourne shall be entitled to compensation for his services at the rate of	
4,500 00	4,000 00	$4,500 per annum.	2,414 77
		The consuls-general at—	
4,000 00	3,000 00	Kanagawa,	5,684 59
4,000 00	4,000 00	Montreal, and	5,901 87
4,000 00	4,006 40	Berlin	9,295 50
		shall each be entitled to compensation for their services at the rate of $4,000 per annum.	
		The consuls-general at—	

SCHEDULE B—Continued.

Proposed salary.	Present salary.		Fees received for year ending June 30, 1873.
$3,000 00	$5,000 00	Vienna,	$5,304 50
3,000 00	3,000 00	Frankfort, and	3,980 50
3,000 00	3,000 00	Constantinople	339 75
		shall each be entitled to compensation for their services at the rate of $3,000 per annum.	
		The consuls-general at—	
2,000 00	2,000 00	Saint Petersburg,	460 50
2,000 00	1,500 00	Rome, and	375 50
2,000 00	1,000 00	Mexico	320 50
		shall each be entitled to compensation for their services at the rate of $2,000 per annum.	
6,000 00	7,500 00	The consul at Liverpool shall be entitled to compensation for his services at the rate of $6,000 per annum.	34,210 50
		The following consulates shall be divided into seven classes, to be known, respectively, as classes one, two, three, four, five, six, and seven, and the consuls at such consulates shall each be entitled to compensation for their services per annum at the rates respectively specified herein, to wit:	
		Class one, $4,000.	
		Class two, $3,500.	
		Class three, $3,000.	
		Class four, $2,500.	
		Class five, $2,000.	
		Class six, $1,500.	
		Class seven, $1,000.	
		CLASS I.	
		GREAT BRITAIN.	
4,000 00	3,500 00	Hong-Kong.	*9,195 14
		HAWAIIAN ISLANDS.	
4,000 00	4,000 00	Honolulu.	4,484 42
		CLASS II.	
		CHINA.	
3,500 00	3,500 00	Fowchow.	1,330 71
3,500 00	3,000 00	Hankow.	1,348 56
3,500 00	4,000 00	Canton.	1,353 37
3,500 00	3,000 00	Amoy.	2,584 14
3,500 00	3,000 00	Chin-Kiang.	3,147 15
3,500 00	3,500 00	Tien-Tsin.	776 13
3,500 00	Fees.	Ningpo.	773 61
3,500 00	3,500 00	Swatow.	667 50
		PERU.	
3,500 00	3,500 00	Callao.	3,592 42
		CLASS III.	
		GREAT BRITAIN.	
3,000 00	3,000 00	Manchester.	29,206 52
3,000 00	3,000 00	Glasgow.	11,803 39
3,000 00	2,668 60	Bradford.	*14,951 00
		FRENCH DOMINIONS.	
3,000 00	6,000 00	Havre.	5,839 30
		SPANISH DOMINIONS.	
3,000 00	3,500 00	Matanzas.	4,991 86
		BARBARY STATES.	
3,000 00	3,000 00	Tripoli.	1 00
3,000 00	3,000 00	Tunis.	17 00
3,000 00	3,000 00	Tangiers.	20 00
		JAPAN.	
3,000 00	3,000 00	Nagasaki.	731 51
3,000 00	3,000 00	Osako and Hiogo.	2,398 84
		MEXICO.	
3,000 00	3,500 00	Vera Cruz.	1,712 67
		SIAM.	
3,000 00	3,000 00	Bangkok.	144 75
		UNITED STATES OF COLOMBIA.	
3,000 00	3,500 00	Panama.	3,105 59
3,000 00	2,500 00	Colon, (Aspinwall.)	3,920 29
		ARGENTINE REPUBLIC.	
3,000 00	2,500 00	Buenos Ayres.	4,267 20
		CHILI.	
3,000 00	3,000 00	Valparaiso.	2,483 40
		CLASS IV.	
		GREAT BRITAIN.	
2,500 00	2,500 00	Birmingham.	11,480 00
2,500 00	4,650 00	Sheffield.	9,462 75
2,500 00	2,000 00	Belfast.	10,713 73
2,500 00	2,500 00	Singapore.	1,201 22
2,500 00	2,900 00	Tunstall.	7,610 02
		FRENCH DOMINIONS.	
2,500 00	2,000 00	Marseilles.	3,802 33
2,500 00	3,000 00	Lyons.	9,730 53
2,500 00	3,000 00	Bordeaux.	6,561 44

*For three quarters.

SCHEDULE B—Continued.

Proposed salary.	Present salary.		Fees received for year ending June 30, 1873.
		SPANISH DOMINIONS.	
$2,500 00	$3,500 00	Trinidad de Cuba.	$579 23
2,500 00	2,500 00	Santiago de Cuba.	863 25
		BELGIUM.	
2,500 00	2,500 00	Antwerp.	2,816 18
2,500 00	3,549 96	Brussels.	4,182 50
		DANISH DOMINIONS.	
2,500 00	4,000 00	Saint Thomas.	2,364 59
		GERMANY.	
2,500 00	2,844 25	Hamburg.	9,998 35
2,500 00	3,000 00	Bremen.	3,400 50
2,500 00	3,950 00	Dresden.	5,245 73
		JAPAN.	
2,000 00	2,502 00	Hakodadi.	378 35
		CLASS V.	
		GREAT BRITAIN.	
2,000 00	3,000 00	Leeds.	†1,162 49
2,000 00	2,000 00	Southampton.	489 50
2,000 00	2,030 75	Dundee.	7,572 28
2,000 00	3,358 22	Leith.	3,502 63
2,000 00	2,000 00	Cork.	1,158 86
2,000 00	2,257 62	Dublin.	2,257 62
2,000 00	2,000 00	Clifton.	5,063 00
2,000 00	3,000 00	Toronto.	4,210 00
2,000 00	2,844 70	Hamilton.	4,366 00
2,000 00	2,720 00	Coaticook.	6,381 75
2,000 00	2,000 00	Halifax.	3,803 01
2,000 00	3,722 72	Saint John's, New Brunswick.	5,956 46
2,000 00	2,000 00	Kingston, Jamaica.	1,927 77
2,000 00	2,000 00	Nassau, New Providence.	1,292 23
2,000 00	2,000 00	Turk's Islands.	487 11
2,000 00	2,852 02	Cardiff.	2,852 02
2,000 00	2,000 00	Demerara.	2,513 09
2,000 00	2,500 00	Port Louis, (Mauritius.)	360 58
		RUSSIA.	
2,000 00	2,000 00	Odessa.	78 00
2,000 00	1,000 00	Amoor River.	‡10 30
		SPANISH DOMINIONS.	
2,000 00	3,000 00	San Juan, (Porto Rico.)	706 31
		PORTUGAL.	
2,000 00	1,500 00	Lisbon.	540 93
		DOMINION OF THE NETHERLANDS.	
2,000 00	2,000 00	Rotterdam.	1,860 42
		GERMANY.	
2,000 00	3,740 00	Sonneberg.	6,404 75
2,000 00	3,849 50	Nuremberg.	6,452 22
2,000 00	3,000 00	Barmen.	6,734 00
2,000 00	2,000 00	Chemnitz.	†4,154 50
2,000 00	3,000 00	Leipsic.	7,777 75
2,000 00	2,500 00	Aix-la-Chapelle.	*2,187 50
		AUSTRIA-HUNGARY.	
2,000 00	2,000 00	Trieste.	1,416 37
2,000 00	2,100 00	Prague.	†2,083 00
		SWITZERLAND.	
2,000 00	3,000 00	Basle.	3,309 50
2,000 00	3,000 00	Zurich.	3,352 50
		TURKISH DOMINIONS.	
2,000 00	2,000 00	Smyrna.	1,444 55
2,000 00	2,000 00	Beirut.	143 02
		MADAGASCAR.	
2,000 00	2,000 00	Tamatave.	32 86
		MEXICO.	
2,000 00	2,000 00	Acapulco.	1,132 27
2,000 00	3,000 00	Matamoras.	826 00
		BRAZIL.	
2,000 00	2,000 00	Pernambuco.	1,458 21
		URUGUAY.	
2,000 00	1,000 00	Montevideo.§	2,300 64
		CLASS VI.	
		GREAT BRITAIN.	
1,500 00	1,200 26	Bristol.	1,200 26
1,500 00	1,500 00	New Castle.	1,721 00
1,500 00	1,000 00	Auckland.	634 66
1,500 00	1,500 00	Gibraltar.	831 06
1,500 00	1,500 00	Malta.	138 88
1,500 00	1,000 00	Cape Town.	485 17
1,500 00	1,500 00	Saint Helena.	728 87
1,500 00	2,500 06	Goderich, (Canada West.)	761 77
1,500 00	2,500 00	Kingston, (Canada.)	1,227 00

* For three quarters. † For two quarters. ‡ For one quarters.
§ Estimated.

SCHEDULE B—Continued.

Proposed salary.	Present salary.		Fees received for year ending June 30, 1873.
$1,500 00	$2,500 00	Prescott.	$1,313 00
1,500 00	1,905 75	Port Sarnia.	1,468 00
1,500 00	1,524 50	Windsor, (Canada West.)	2,617 25
1,500 00	1,500 00	Quebec.	1,027 34
1,500 00	1,572 50	Saint John's, (Canada East.)	2,841 50
1,500 00	1,500 00	Picton.	427 78
1,500 00	1,500 00	Charlottetown, (Prince Edward Island.)	898 91
1,500 00	1,500 00	Winnipeg.	534 10
1,500 00	1,587 28	Barbadoes.	1,587 28
1,500 00	.....	Bermuda.	.....
1,500 00	1,000 00	Port Stanley†.	96 55
1,500 00	1,500 00	Mahe, (Seychelles.)	143 93
1,500 00	1,500 00	Fort Erie.	2,382 50
		FRENCH DOMINIONS.	
1,500 00	1,500 00	Nantes.	323 82
1,500 00	1,500 00	Nice.	482 00
1,500 00	1,656 59	La Rochelle.	349 50
1,500 00	1,500 99	Algiers.	52 50
1,500 00	.....	Maritinique.	1,214 47
		SPANISH DOMINIONS.	
1,500 00	1,500 00	Cadiz.	1,542 67
1,500 00	1,500 00	Malaga.	1,860 59
1,500 00	1,500 00	Barcelona.	288 76
1,500 00	1,500 00	Port Mahon.‖	3 50
1,500 00	1,500 00	Valencia.‖	2 00
		PORTUGUESE DOMINIONS.	
1,500 00	750 00	Fayal, (Azores.)	464 54
1,500 00	1,500 00	Oporto.	193 00
1,500 00	1,500 00	Funchal.	154 68
		BELGIUM.	
1,500 00	1,468 50	Verviers and Liege.	1,468 50
		DOMINIONS OF THE NETHERLANDS.	
1,500 00	1,000 00	Amsterdam.	1,182 71
		DANISH DOMINIONS.	
1,500 00	1,500 00	Santa Cruz.	113 90
1,500 00	332 00	Copenhagen.	332 00
		GERMANY.	
1,500 00	.....	Mannheim.	.....
1,500 00	1,500 00	Munich.	1,277 50
1,500 00	2,000 00	Stuttgart.	3,012 75
		SWITZERLAND.	
1,500 00	1,500 00	Geneva.	1,541 90
		ITALY.	
1,500 00	1,500 00	Genoa.	1,564 91
1,500 00	1,500 00	Leghorn.	1,922 94
1,500 00	2,252 50	Florence.	2,252 50
1,500 00	1,500 00	Palermo.	1,753 20
1,500 00	1,500 00	Messina.	2,556 01
1,500 00	1,500 00	Naples.	1,458 31
		TURKISH DOMINIONS.	
1,500 00	1,500 00	Jerusalem.	44 00
1,500 00	2,000 00	Port Said.	29 50
		MEXICO.	
1,500 00	1,500 00	Tampico.	578 61
		VENEZUELA.	
1,500 00	1,500 00	Laguayra.	441 75
		BRAZIL.	
1,500 00	1,000 00	Bahia.	705 44
		SAN DOMINGO.	
1,500 00	1,500 00	San Domingo.	554 38

SCHEDULE C.

		CLASS VII.	
		GREAT BRITAIN.	
$1,000 00	$1,000 00	Ceylon.	$632 96
1,000 00	1,000 00	Gaspé Basin.¶	.....
1,000 00	1,000 00	Windsor, (Nova Scotia.)	573 76
		GERMANY.	
1,000 00	1,000 00	Stettin.	304 44
		HAYTI.	
1,000 00	1,000 00	Cape Haytien.	624 94
		UNITED STATES OF COLOMBIA.	
1,000 00	500 00	Sabanilla.	1,534 81
		ECUADOR.	
1,000 00	750 00	Guayaquil.	415 90
		NETHERLANDS.	
1,000 00	1,000 00	Batavia.	923 29

† For two quarters. ‖ Returns incomplete. ¶ No returns.

SCHEDULE C—Continued.

Proposed salary.	Present salary.		Fees received for year ending June 30, 1873.
		BRAZIL.	
$1,000 00	$1,000 00	Maranham.	$173 46
1,000 00	1,000 00	Para.	1,810 56
1,000 00	1,000 00	Rio Grande de Sul.	367 32
		HONDURAS.	
1,000 00	1,000 00	Omoa and Truxillo.¶	.....
		TURKISH DOMINIONS.	
1,000 00	1,000 00	Cyprus.‖	.....
1,000 00	Fees.	Bucharest.‖	.....
		MEXICO.	
1,000 00	1,000 00	Guaymas.	833 20
		MUSCAT.	
1,000 00	1,000 00	Zanzibar.	207 14
		PORTUGUESE DOMINIONS.	
1,000 00	750 00	Santiago, (Cape Verde Islands.)	131 92
		SOCIETY ISLANDS.	
1,000 00	1,000 00	Tahiti.	653 10
		CHILI.	
1,000 00	1,000 00	Talcahuano.	366 66
		FRIENDLY AND NAVIGATOR'S ISLANDS.	
1,000 00	1,000 00	Apia.	141 05
		FRENCH DOMINIONS.	
1,000 00	1,000 00	Gaboon.	3 00
		PORTUGUESE DOMINIONS.	
1,000 00	1,000 00	Saint Paul de Loando.¶	.....
		FEJEE ISLANDS.	
1,000 00	1,000 00	Ovalau.	.....
		ITALY.	
1,000 00	750 00	Venice.	425 34
1,000 00	.....	Milan.	311 00

‖ Returns incomplete. ¶ No returns.

SEC. 2. That there shall be allowed annually for the hire of clerks, when actually expended therefor, inclusive of consular clerks, as follows:

To the consuls-general at London, Paris, Havana, and Shanghai, each, the sum of $2,000.

To the consul at Liverpool, $3,000.

To the consuls at Manchester, Birmingham, Bradford, and Sheffield, $1,000 each.

To the consuls at Sonneberg, Chemnitz, Belfast, Montreal, Hamburg, Leipsic, Lyons, Dresden, Havre, Marseilles, Nuremberg, Bordeaux, and Leith, $750 each.

SEC. 3. That the President shall be, and is hereby, authorized to appoint interpreters to the consulates at Shanghai, Tien-Tsin, Fowchow, and Kanagawa, and to allow them salaries not to exceed, in either case, the rate of $1,600 a year; and to appoint interpreters to the consulates at Hankow, Amoy, Canton, and Hong-Kong, and to allow them salaries not to exceed, in either case, the rate of $750 a year; and also to allow, at his discretion, a sum not exceeding the rate of $500 for any one year to any one consulate in China or Japan, respectively, not herein named, for expenses of interpretation; and that section 6 of the act entitled "An act to regulate the diplomatic and consular systems of the United States," approved August 18, 1856, is hereby repealed.

SEC. 4. That the Secretary of State shall, as soon as practicable, establish and determine the maximum amount of time actually necessary to make the transit between each diplomatic and consular post and the city of Washington and *vice versa*, and shall make the same public. He may also from time to time revise his decision in this respect; but in each case the decision is to be in like manner made public. And the allowance for time actually and necessarily occupied by each diplomatic and consular officer who may be entitled to such allowance shall in no case exceed that for the time thus established and determined, with the addition of the time usually occupied by the shortest and most direct mode of conveyance from Washington to the place of residence in the United States of such officer.

SEC. 5. That from and after the 1st day of July next, the annual salary of consular clerks who shall have remained continuously in service as such for the period of five years and upward shall be $1,500.

SEC. 6. That the following proviso shall be added to section 21 of the act aforesaid:

"*Provided*, That any vice-consul who may be temporarily acting as consul during the absence of such consul may receive compensation, notwithstanding that he is not a citizen of the United States."

Mr. DUNNELL. The salary of the consul at the city of Mexico has been increased from $1,000 to $2,000, and he has been made consul-general, while the salary of the consul at Vera Cruz has been reduced from $3,500 to $3,000, and it remains in the list of consulates. I move that "Vera Cruz" be inserted between "Vienna" and "Frankfort;" that is between the thirty-seventh and thirty-eighth lines.

Now, Mr. Chairman, let me make a single statement. I cannot for a moment conceive any reason why the consul at the city of Mexico, really the most insignificant consulate and the most unimportant in the republic of Mexico, where there is no commerce, should be placed ahead of the consulate at Vera Cruz. There is no commerce at the city of Mexico. It has been regarded for many years at least as almost wholly useless to have a consulate there. There is no commerce to be looked after, no sailors to be cared for. Indeed there are very few interests to be looked after by the consulate in the city of Mexico, while the consulate at Vera Cruz is a very important one. We have now a line of steamers between New York and Vera Cruz, and also a line of steamers between New Orleans and Vera Cruz. The commerce at that point is very large. I therefore insist the consul-general to the republic of Mexico should be at Vera Cruz rather than at the city of Mexico. All the mails to that republic from the United States have to pass through the consulate at Vera Cruz. All the dispatches of the Government are first delivered to the consul at Vera Cruz. He has the entire delivery of the mails from the State Department for the entire republic of Mexico. He has more business than all the other officers of this kind in the republic. The salary hitherto of the consul at Vera Cruz has been $3,500 and it ought not to be cut down, and the salary of the consul at Mexico ought not to be increased.

The consul at Vera Cruz is subject to many additional expenses. He is compelled to leave the consulate during a portion of the year, and is also at a heavy expense to keep the office in running order, while the consul at the city of Mexico can remain there the entire year. I have had some experience, having been for one year in the office of the consul at Vera Cruz, and I know very well that it is an important consulate to this Government, while the consulate at the city of Mexico is wholly unimportant.

Mr. WILLARD, of Vermont. The Constitution gives the power to the President to appoint consuls, and of course consuls-general, and it would be rather an extraordinary thing if Congress should assume to determine contrary to the advice of the President, or of the State Department which is the same thing, where a consul-general shall be located, where his post shall be. The present consul-general in Mexico is at the capital, at Mexico.

Mr. DUNNELL. I do not understand that there is a consul-general there.

Mr. WILLARD, of Vermont. There is. The present consul-general is at the capital, and is so put down as consul-general at Mexico.

Mr. DUNNELL. The gentleman will not insist that it is important that the consul-general should be at the capital?

Mr. WILLARD, of Vermont. If the gentleman had paid attention to the remark I made a moment ago, he would have seen that I put it on a different ground from that. The appointing power has the right of determining where a consul-general shall be located. The consul-general has a certain duty to perform, quite independent of the mere certifying of invoices and other consular duties. He has the supervision of certain consuls within certain limits, and his duties may be entirely separate from the proper duties of a consul, the supervising of invoices and attending to shipping.

At Mexico, the fees of course indicate what the duties of consul simply as such would be. For this duty this salary would be perhaps much larger than there is any need of. But the Department of State, so far as I understand—and they sent the bill, which was the basis of the action of the committee, to the committee for consideration of the reconstruction of the consulates—prefers to retain the officer at Mexico as consul-general. It occurred to the committee that there ought to be no officer of importance of consul-general having less than $2,000 a year salary, and his salary was fixed quite independent of the amount of fees attached to the office or the amount of business transacted by a consul, if that was the grade of the office. We fixed the salary at $2,000 because we determined that if it was important to have a consul-general at all he ought to be paid a salary of at least that amount. So much for retaining the consul-general at Mexico and fixing his salary at $2,000.

Now as to Vera Cruz. The salary there is reduced to $3,000. It has been $3,500. The amount of fees received at Vera Cruz, $1,712.67, being the amount received for the year ending June 30, 1873, is not of course necessarily an indication of the entire amount of business; because it is a seaport, and so there is business in connection with shipping and in connection with seamen who may come to that port, independent of the business that is represented by fees. Still, on the basis which the committee adopted in grading these salaries, we could not see how we could keep the salary at Vera Cruz above $3,000; for the reasons which compelled us to fix other salaries as we have fixed them here would compel us to put it as low as $3,000. At places where the amount of fees received is very much larger, the salaries are fixed here at $3,000. At Manchester, with fees of $29,206, the salary is only $3,000; at Bradford, the same, with fees for three-quarters, of $14,951. In fact only small portion of the consuls provided for in this bill have a salary of $3,000. If the reasons which were satisfactory to the Committee on Foreign Affairs are deemed sufficient this salary should remain as it is, and it seems to me that the salary fixed for the consul at Vera Cruz is large enough.

Mr. ORTH. I renew the amendment *pro forma*.

The gentleman from Minnesota [Mr. DUNNELL] is doubtless aware that almost the entire foreign commerce of Mexico is in the hands of other nations than our own. To-day the Germans have almost entire control of the commerce of the city of Mexico and of the interior towns of Mexico. I recollect a remark that was made to me several years ago by our then minister, General Rosecrans, that the very hams he had for his breakfast were Westphalian hams instead of hams which should be sent from the Mississippi Valley.

How is it that other nations acquire this commerce and retain it? It is because they use the means for that purpose. And, as I remarked a few minutes ago, it is not always in the line of economy to reduce salaries or reduce offices. If by retaining this consul-general at the city of Mexico at the insignificant salary of $2,000 a year, you introduce American trade and commerce, you will get back more than quintuple, yes, a hundred-fold, the amount of salary you pay to that man. Why, sir, should we not take there our agricultural implements, our

mining tools? Why should we not take there almost everything that the Mexicans are compelled to import? It is because we have suffered other nations far off beyond the ocean to monopolize the field that naturally belongs to us.

I hope the members of the committee will bear this in mind as we progress with this bill—that these consulates are not mere barnacles, that they are not mere sinecures, and that the object of this reorganization of the consular service is that this Government shall throw its hands out, Briareus-like, everywhere, and that wherever we can give support to commerce that will bring benefit to the nation and its individual citizens we shall do so.

Let me refer the gentleman from Minnesota, for an illustration and verification of this remark and to show him how the Germans, for instance, have acquired such a foothold on Mexico, to the Almanach de Gotha, and he will find that the German Empire has a minister resident at the city of Mexico and has consuls at Campeachy, Colonia, Durango, Guadalaxara, Lunga, Matamoras, Mazatlan, and Puebla. Almost every civilized nation has its representatives at all the principal points in Mexico. That is the reason that the commerce of Mexico which naturally belongs to us, as her nearest neighbor and her sister republic, goes from us and into other hands. I hope that this country will soon realize the necessity of endeavoring to secure commerce, which will enrich us more than any other pursuit.

While upon the floor, I desire to say a word for the benefit of the gentleman from New York [Mr. POTTER] in relation to Uruguay. He stated that we were the only nation that had any diplomatic or consular representative at Montevideo.

Mr. POTTER. O, no; I did not say consul. Every nation has consular representatives there. I said minister. We have a consul there as well as a minister.

Mr. ORTH. Quite a number of nations are represented by ministers and chargé d'affaires.

Mr. POTTER. I see that Germany has appointed a minister there, but he has been appointed since the publication of the book which I consulted.

Mr. DUNNELL. I wish to make a further remark in reply to the gentleman from Indiana. The gentleman has well said that the Germans very largely control commercial matters in the republic of Mexico and we ought to have the business of that republic. I am happy to say to the chairman of the Committee on Foreign Affairs that to-day we have double the amount of business with Mexico that we had twelve years ago. I tell him that engines manufactured in the United States are now running on the newly constructed railroad between Vera Cruz and the city of Mexico, and that American engineers constructed that road. We are now bringing to this country large quantities of coffee and other products of Mexico, and our agricultural implements are going into that country very largely. The new line of steamers between New York and Vera Cruz has a business largely increasing from year to year.

A word with regard to these German consuls to whom the gentleman has referred. They are merely commercial agents, such as we have; but they are allowed to trade. We do not allow our consuls to enter into any business excepting that of their consulates. We pay our consul at Vera Cruz $3,000 a year, and he is not allowed to transact any business at all outside of the duties of his consulate. He has to account for all his fees, and has merely $3,000 a year. When the proper time comes I shall move to transfer Mexico and Vera Cruz from class three to class two, so as to make the salaries attached to those consulates $3,500 instead of $3,000 a year. There are six or seven consuls in the city of Vera Cruz, one from Hanover and from the other states of the German Confederation, and they all do business; they are the traders and chief merchants of the city.

Mr. ORTH. I withdraw my amendment.

Mr. DUNNELL. I now move to amend the amendment proposed by the Committee on Foreign Affairs by inserting after the word "Swatow" in line 83 the words "Mexico, Vera Cruz;" and then I shall propose to strike them out where they occur in class three. The effect of the amendment is to transfer those consuls from class three to class two, and I hope there will be no objection to it. I know it is right, and ought to be done.

Mr. WILLARD, of Vermont. I object to the amendment because no good reason is given for the change. It is true that the salary of these consuls heretofore was $3,500, but the amount of fees received at Vera Cruz last year was only $1,712.67. If the principles on which the amendment of the Committee on Foreign Affairs was framed are to prevail at all, this change should not be made.

Mr. DUNNELL. I insist on the amendment.

The amendment was not agreed to.

Mr. HOSKINS. I would like to make an inquiry of the gentleman having charge of this amendment, in regard to the consul at Toronto. I see by the bill that the salary at present is $3,000, and the committee propose to reduce it to $2,000. I would inquire what reason there is for reducing the compensation of this officer $1,000 a year?

Mr. WILLARD, of Vermont. He receives not only his salary as consul, but emoluments as consular agent. This bill does not interfere with those emoluments or really reduce his compensation.

Mr. HOSKINS. Then I understand that it does not really change the salary?

Mr. WILLARD, of Vermont. It does not change it at all.

The Clerk read the following:

Germany:
Sonneberg, Nuremberg, Barmen, Chemnitz, Leipsic, Aix-la-Chapelle.

Mr. HAZELTON, of Wisconsin. I desire to inquire whether the consuls at Sonneberg, Nuremberg, Barmen, and other places embraced in the list just read, will have their compensation reduced from what they now receive to $2,000.

Mr. ORTH. Select any particular one, and we can answer better.

Mr. HAZELTON, of Wisconsin. Take Nuremberg, for instance. Is the compensation in that case to be reduced, and if so how much?

Mr. WILLARD, of Vermont. The compensation, salary, and emoluments received by the consul at Nuremberg for the year 1873 were about $4,000. How much of that was under the head of emoluments, it is not easy to say. I think we have in fact reduced his compensation about $500.

Mr. HAZELTON, of Wisconsin. That is all?

Mr. WILLARD, of Vermont. I think that is all. There is a consular agency under the charge of this consul, and the amount the consul may receive from the agency always depends upon the agreement between them.

Mr. HAZELTON, of Wisconsin. That is the only change made?

Mr. WILLARD, of Vermont. That is all.

Mr. HAZELTON, of Wisconsin. So that his entire compensation is not actually reduced to $2,000?

Mr. WILLARD, of Vermont. Not at all.

Mr. ORTH. I will state furthermore, for I suppose the gentleman from Wisconsin [Mr. HAZELTON] desires full information——

Mr. HAZELTON, of Wisconsin. I do.

Mr. ORTH. To the consulate at Nuremberg is attached the consular agency at Bamberg. The fees received at Bamberg, under the law, were last year $1,099.50, of which the consul at Nuremberg and the consular agent at Bamberg are entitled to receive $1,000, which they can divide as they please. The presumption is that they would divide it equally, which would give the consul at Nuremberg $500 in addition to allowances for rent, &c.; so that altogether he will receive about $4,000.

The Clerk resumed and concluded the reading of the first section.

Mr. STOWELL. I desire to move to increase the salary of the consul to Belfast from $2,500 to $3,000. I have the consent of the chairman of the Committee on Foreign Affairs [Mr. ORTH] to offer the amendment.

Mr. GARFIELD. I shall have to object to going back.

Mr. STOWELL. I would like to make a statement.

Mr. RUSK. The amendment of the committee proposes an increase.

Mr. STOWELL. I am informed by the consul at that place that the value of the exports from the 1st of January, 1874, to March 15, 1874, was £476,445, being an increase over last year, for the corresponding period, of £75,000; or, in our currency, about $375,000 for two and a half months. I think the salary here proposed is inadequate to a position of that importance.

Mr. WILLARD, of Vermont. It is proper to state, in reply to the remarks of the gentleman from Virginia, [Mr. STOWELL,] what he is probably not aware of in regard to the compensation of the consul at this place. We have increased his regular salary $500 on account of the fees received and accounted for by him. In addition to that we give him a clerk at $750, which he has not hitherto had. In fact he gets $3,250 against $2,000 hitherto. I do not think the gentleman ought to complain of his compensation.

Mr. STOWELL. I was informed that the pay of the clerk was $500.

Mr. WILLARD, of Vermont. No; it is $750.

Mr. STOWELL. I will withdraw my amendment.

The Clerk read the second section of the amendment, as follows:

SEC. 2. That there shall be allowed annually for the hire of clerks, when actually expended therefor, inclusive of consular clerks, as follows:

To the consuls-general at London, Paris, Havana, and Shanghai, each, the sum of $2,000.

To the consul at Liverpool, $3,000.

To the consuls at Manchester, Birmingham, Bradford, and Sheffield, $1,000 each.

To the consuls at Sonneberg, Chemnitz, Belfast, Hamburg, Leipsic, Lyons, Dresden, Havre, Marseilles, Nuremberg, Bordeaux, and Leith, $750 each.

Mr. SWANN. I move to substitute for this section that which I send to the Clerk's desk.

The Clerk read as follows:

SEC. —. That there shall be allowed for the hire of clerks, when actually expended therefor, as follows: To the consul-general of Havana and consul at Liverpool, each a sum not exceeding the rate of $3,000 for any one year; and to the consuls-general of London, Paris, and Shanghai, each a sum not exceeding the rate of $2,000 for any one year; to the consuls-general at Berlin, Vienna, Frankfort, and Montreal, and to the consuls at Hamburg, Leipsic, Lyons, Manchester, Beirut, Belfast, Birmingham, Bradford, Chemnitz, Sheffield, Sonneberg, Dresden, Havre, Marseilles, Fayal, Nuremberg, Leith, Naples, Stuttgart, and Tunstall, each a sum not exceeding $1,500 for any one year.

Mr. SWANN. I desire to say, with reference to this amendment, that I took occasion to examine into this matter particularly in connection with the officers of the State Department. I thought that some of the estimates of my friend, the chairman of the Committee on Foreign Affairs, [Mr. ORTH,] were too low; that the Government would not be able to carry on these consulates unless there was some slight increase in the compensation. The result of that interview with the State Department was to bring the gentleman from Indiana

[Mr. ORTH] into communication with the State Department, in order that this whole matter might be discussed and they might agree upon what would seem to be proper and necessary in reference to these various offices.

The Committee of the Whole will observe that my amendment relates to the assistance to be afforded to the consuls at the different points named. I am authorized to state that, as a result of that conference, the honorable gentleman from Indiana, [Mr. ORTH,] the chairman of the Committee on Foreign Affairs, agreed to accept the suggestions submitted by the Department of State upon a careful examination of this whole subject and to appropriate the moneys absolutely required to enable the Government to carry on the consular system.

I will say further that upon an examination of the various items and amounts demanded by the Secretary of State as absolutely necessary to enable him to run the consular system, it appeared necessary that some small advance should be made in order to place him in possession of the necessary funds to increase these salaries to the small extent indicated in that amendment.

I concur entirely with the gentleman [Mr. ORTH] representing the Committee on Foreign Affairs in his recommendation in reference to the reorganization of the consular system. His propositions seem to be in the right direction; and all that I now ask is that a sufficient amount in reference to these offices named in that amendment may be placed in the hands of the Secretary of State, to enable him to sustain this Government in carrying out the reorganization which has thus been proposed to the House.

The Secretary of State, so far as I am informed, is desirous of carrying out the amendment recommended by the Committee on Foreign Affairs; he desires only that he may be placed in possession of the funds which will be absolutely required to enable him to perform this duty, and he has asked for no more than will be necessary for that purpose. If you do not allow him what he has demanded as indispensable for running the Department, it may give rise to confusion, and may perhaps be attended with consequences which this House would be glad to avoid.

Mr. WILLARD, of Vermont. I have unfortunately not heard all that has been said by the gentleman from Maryland, [Mr. SWANN,] but I understand the purport of his amendment to be this: In the amendment offered by the Committee on Foreign Affairs it is provided that "there shall be allowed annually for the hire of clerks when actually expended therefor, inclusive of consular clerks," the amounts specified. Now, the amendment offered by the gentleman from Maryland strikes out the words "inclusive of consular clerks," and as I shall show presently changes the character of this section. It also adds three or four consulates to the list of those for which clerks are provided. In addition to that, it increases the salary of the clerks at several of these places.

I think that the amount of the increase involved in this amendment would be some ten or fifteen thousand dollars. It would undoubtedly be as much as $10,000. If this measure is necessary, of course it ought to be adopted. The fact that it will cost $10,000 is no reason for not doing the thing, provided it is something that ought to be done.

Mr. SWANN. The reason that I have given for this amendment is that the Secretary of State, who has examined all these consulates, and is well acquainted with the expenses of running them and the difficulty of procuring help in various quarters, has from all his knowledge, obtained by constant intercourse with these parties, been brought to the conclusion that the service cannot be run under the amendment as reported.

Mr. WILLARD, of Vermont. I understand that the Secretary of State recommends the amendment which is offered by the gentleman from Maryland.

Mr. SWANN. It has also been considered by the chairman of the Committee on Foreign Affairs, who, I am happy to say, concurs in it.

Mr. WILLARD, of Vermont. Let me call attention to the operation of the amendment with reference to a single consulate. Take, for illustration, the consul-general at Havana. By this bill we allow at Havana $2,000 for clerk hire. This is the same amount that was paid for the same purpose in 1873; but, in that year, two of the thirteen consular clerks were detailed for service there.

Now, the committee should understand that in one bill we provide for two classes of consular clerks. In the first place, there are thirteen consular clerks who are appointed and who receive an annual salary; they are under the direction of the Secretary of State; he sends them to whatever consulate he thinks is in need of them. One of these clerks is now at Rome; some are at Shanghai, two are at Havana. They are distributed wherever throughout the consular service the State Department deems them necessary.

Now this bill makes appropriation, it will be observed, for these clerks, inclusive of consular clerk hire. For instance, we appropriate $2,000 for clerk hire at Havana. Now, if the Secretary of State sees fit to send two of these thirteen consular clerks to Havana, then this appropriation will be used to pay those clerks; but if he pleases he can send his consular clerks to places not provided for in this bill at all, and then the appropriation in the bill will be used for the purpose of paying consular clerks employed at these places. For instance, suppose the Secretary of State should choose not to send any of these thirteen consular clerks to Havana. There have been two there during the past year; but if he should choose hereafter to withdraw those clerks and send them to some place not provided for in the bill, the consequence would be that the consul-general at Havana would have $2,000 with which to supply their place.

Now the committee having provided for hire of clerks at London, Paris, Havana, Shanghai, Liverpool, Manchester, Birmingham, Bradford, Sheffield, Sonneberg, Chemnitz, Belfast, Montreal, Hamburg, Leipsic, Lyons, Dresden, Havre, Marseilles, Nuremberg, Bordeaux, and Leith, there are thirteen places besides which may have these consular clerks assigned to them; and with these the consular service, we think, will be sufficiently taken care of.

Besides, Mr. Chairman, my own judgment is that the Secretary of State has made this recommendation without, perhaps, considering that the committee in allowing these salaries has taken into account this matter of clerks in connection with the salaries, and in some cases have raised the salaries where hitherto the consuls have had consular clerks, and have arranged it so that with the clerks provided in this bill the pay of the consulates will be more than it has been hitherto.

It may be possible that all these clerks are required, but it should be borne in mind that every one of these clerks for which we provide in this bill is additional to those appropriated for hitherto. Besides appropriating, as we have done in this bill, enough for clerk hire for each one of these places, we leave the thirteen consular clerks to be sent to other places which are not provided for. And so the whole appropriation in this bill for clerks is in addition to the service which has been had hitherto.

Now, Mr. Chairman, although we put it at $1,000, every one knows in some of these places more clerk labor can be got for that price than can be performed by any one of these consular clerks. In some of these places for $700 or even less a clerk can be procured. I trust the committee will take cognizance of the fact I have already stated, that the entire appropriation provided for in this bill is in addition to what has hitherto been provided.

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. HOLMAN. I move to strike out the last word. I wish to call the attention of the chairman of the Committee on Foreign Affairs and the gentleman from Vermont to this fact: Not only is the proposition of the gentleman from Maryland a large increase, but there is an actual increase of appropriation for clerical service to the amount of $15,750 by the amendment proposed by the Committee on Foreign Affairs over and above the provision of the pending law and the general appropriation made heretofore.

We have appropriated in this bill for contingent expenses of foreign intercourse proper and of all missions abroad $100,000. We have also appropriated for contingent expenses of foreign intercourse proper and of all the missions abroad, such as stationery, book-cases, arms of the United States, seals, presses, and flags, rent, freight, postage, and other necessary miscellaneous matters, including loss by exchange, $131,850.

This $231,850 of contingent expenses involves an increase of appropriation over and above what is provided for in this amendment. The amendments are an increase of appropriation. I submit therefore to the gentleman from Vermont whether this second section is proper at all, whether the appropriation heretofore made is not sufficient.

Mr. WILLARD, of Vermont. Let me call the gentleman's attention to one thing as an illustration. We have taken into account these consular clerks in fixing the salary. The salary of the consul at Liverpool, as the gentleman will notice, is reduced from $7,500 to $6,000 by this bill. The fees received for the year ending June, 1873, amounted to $9,000. We reduced the salary to $6,000 and gave him $3,000 for clerk hire. In fact we pay no more for Liverpool, including clerk hire, than before.

Mr. HOLMAN. But heretofore the consul at Liverpool received large fees.

Mr. WILLARD, of Vermont. No more than before.

Mr. HOLMAN. The salary was $7,500.

Mr. WILLARD, of Vermont. But there was a consular clerk assigned to Liverpool.

Mr. HOLMAN. What was the salary?

Mr. WILLARD, of Vermont. One thousand dollars.

Mr. HOLMAN. Now, Mr. Chairman, the effect of the pending amendment is on the whole a further enlargement of the contingent fund. Out of the contingent fund of course expenses of this kind will be paid. I wish to call attention to the fact that while the pending bill increases the contingent fund and is in harmony, except so far as it increases the appropriation, with previous consular and diplomatic appropriation bills, that fund is still further increased by the amendment to the extent of $15,750 for clerical hire. I object to this creation of a new class of employés at a large increase of expenditure. Instead of the amendment of the gentleman from Maryland being adopted the whole proposition in my judgment should be stricken out. All gentlemen are aware, who have studied this subject, that these foreign positions are mere sinecures. Some of them have duties connected with our foreign commerce which are important, but generally they are in fact mere sinecures. They have attached to them salaries which are handsome, and I see no good reason why any further increase of expenditure in that regard should be permitted.

Mr. ORTH. Mr. Chairman, I am disposed to favor the amendment offered by the gentleman from Maryland, [Mr. SWANN.] It is true

in the amendment I have the honor to present here, representing the Committee on Foreign Affairs, we provided for a limited amount of clerical hire. I am satisfied it is too limited; and while the amendment of the gentleman from Maryland nominally increases the consular expenses, I wish the members of the committee to bear in mind actually it does not. For instance, consuls heretofore compensated by fees received, and not by any fixed salary, have always been allowed in the adjustment of their accounts at the Treasury Department a reasonable compensation for clerical hire. By the amendment the committee has now adopted we provide for the transfer from the feed list to the salaried list of quite a number of consuls. A salaried consul receives no allowance for clerical hire unless authorized by statute, whereas a feed consul is, as I have already stated, entitled to clerical hire, to be paid out of fees received according to the allowance made by the Treasury Department on recommendation made by the State Department.

While I cannot just now specify in the pending amendment offered by the gentleman from Maryland what particular consulates have been thus changed from fees to salaries, I am satisfied there are five or six of them that have been thus changed; and being thus changed, they are not entitled to clerk hire unless you give it to them. But as far as the Treasury itself is concerned and the amount of money going into the Treasury is concerned, we make no change by the adoption of this amendment. I wish to state on behalf of this consular service that we can afford to be liberal with a service that pays to the Government $250,000 every year over all expenses; an amount which is increasing every year. In favoring the adoption of this amendment I differ from several members of my own committee, but I believe if it is not adopted the State Department will find itself subjected to great inconvenience.

Mr. GARFIELD. There is no Department of this Government carried on with more economy than the State Department. Its force everywhere in all its branches is kept at low figures in a state of efficiency. Even in the Department here they work an hour more than in any other Department. And I have always found it safe to trust the Secretary of State with an estimate which we have not ourselves the means of looking into.

The Secretary of State asks that this amendment shall be adopted. The chairman of the Committee on Foreign Affairs is satisfied that the Secretary is right, and I hope the amendment offered by my colleague on the committee will be adopted.

Mr. KASSON. I move to strike out the last word.

I wish to say that I think that feature of the committee's bill which uses the words "inclusive of consular clerks," ought to be retained in the amendment of the gentleman from Maryland.

I understand it to be affirmed alike by the chairman of the Committee on Appropriations and by the gentleman from Maryland, who has charge of this bill, that the Secretary of State declares to the House through the committee that this amendment in regard to clerks ought to be adopted. Now, sir, with me this is a very strong recommendation, and sufficient reason that this committee, with the information which it derives from standing committees of the House, should adopt this amendment.

The gentleman from Ohio has anticipated in part what I intended to say—that at the head of the State Department is a gentleman not only of perfect honesty and integrity, but of a high sense of honor in respect to the obligations he owes to Congress and the public. When a gentleman who, in addition to the possession of those qualities, is peculiarly devoted to the business of his Department, to the hard solid work of his office as that gentleman is, tells us that one branch of the service with which he is well acquainted needs four or five additional clerks, I myself, with all the rigid views of economy which I entertain, am not disposed to say him nay.

I have done my share of grumbling, Mr. Chairman, against what I considered extravagant expenditures in other Departments of the Government, and now, when a question comes up in relation to a Department against which we cannot charge one single piece of extravagance, I wish, for my part, to do honor to that Department and its chief, and to say with the utmost sincerity that in my judgment its administration is perfectly honest and perfectly honorable. And I think that is a reason why we should act with a just discrimination in respect to the recommendations which that Secretary sends here. He tells us that they need additional clerks, at small salaries. I know in the case of many of these consulates, where you send raw consuls from this country, in too many instances there is a special need of a clerk acquainted with the language, with the local customs, and with the laws applicable to consular duties. And when a Secretary of State, in whose honor and integrity this House confides, informs us that the public service requires five or six additional appointments, let him have them.

Mr. HOLMAN. I rise to oppose the amendment. I do not understand this eulogy on the economical management of the State Department when the fact is before the committee that the entire appropriations made for the maintenance of our foreign intercourse in 1871, when the increase of expenditures began, was $1,041,347, on which there is an increase in the amount appropriated in this bill of $277,128. And this cannot be accounted for by any considerations drawn from the depreciation of our currency, for our consular and diplomatic officers are paid in gold.

Mr. ORTH. The gentleman says that these officers are paid in gold. I would ask him, do they not also make their expenditures in gold?

Mr. HOLMAN. That has nothing to do with it. I was attempting to show that this increase could not be accounted for, because of the depreciation in our paper, or anything of that kind, because these gentlemen are paid in gold. I merely wished to draw the attention of the committee to the fact that the expenses of our foreign intercourse have been increasing at the rate of $100,000 a year, and that this has taken place in a Department which in regard to the amount of its service is absolutely stationary. There can be no reason, no public reason, why the expenditures of that Department should be growing at the rate of $100,000 a year in gold. Yet gentlemen talk about its economy, the economy of a Department of the Government which remains stationary in its service, and which without any apparent reason increases its expenditure at that rate. To say that under that state of circumstances the Department is administered with economy, is a proposition, it seems to me, which is not accordant with the state of the facts.

The truth of the matter is that the young gentlemen who fill the clerkships at the consulates abroad are young men who go abroad for pleasure. These places are made for them. You can name, perhaps, a dozen places where our consuls and commercial agents need competent clerks, but as a general thing these places are known to be mere sinecures.

Mr. KASSON. I hope the gentleman will allow me a moment. I know he does not desire to misrepresent the facts, but I may safely say that nine-tenths of these clerks are persons employed in the countries where the consulates are situated, because of their knowledge of the language and acquaintance with the business and modes of keeping foreign accounts. I do not believe that one-tenth of these consular clerks have been employed from this country, and I speak from personal knowledge of a great many of them.

Mr. HOLMAN. It is true that frequently clerks are employed abroad, but most of us know young men who have gone abroad to see foreign countries and learn the institutions of foreign countries who are thus employed.

I wish to say further that when we entered upon this debate we were gladdened by the statement of the chairman of the Committee on Appropriations that this amendment proposed by my colleague [Mr. ORTH] reduced the actual expenses of the consular system about $10,000; and now, before the words of the gentleman from Ohio have died away upon the air in this Hall, a proposition is brought forward to increase the appropriation more than $10,000, and he sanctions it. Why boast of an economy which the gentleman intended in the very next breath to overturn?

Mr. KASSON. I will now move to amend the amendment of the gentleman from Maryland by striking out $1,500 and inserting $1,000. That will approximate this rate to the bill of the committee. The highest rate in the bill is $1,000.

The CHAIRMAN. The Chair is informed that that section is not yet reached. The pending question is upon the amendment of the gentleman from Maryland, [Mr. SWANN.]

Mr. WILLARD, of Vermont. Allow me to make a statement. I only desire that the committee shall vote intelligently on this proposition, and if they are satisfied that the increase is proper I have nothing to say. But the pay of the clerks provided for by this amendment will amount to $36,000 a year, while the pay of the clerks provided for in the bill of the committee will amount to only $13,750; in other words, it is an increase of $23,000. If it is a proper increase I have nothing to say, but I only desire that the committee shall understand it.

Mr. HOLMAN. I move to amend the amendment by striking out "$3,000" and inserting "2,000."

The question was taken on the amendment; and, on a division, there were—ayes 10, noes 30.

Mr. HOLMAN. I shall have to insist on a quorum on a proposition unnecessarily increasing salaries.

The CHAIRMAN. Then the Chair will have to order tellers.

Mr. HOLMAN. I will not insist upon it, with the understanding that there shall be a vote upon all these propositions in the House.

Mr. GARFIELD. Of course there will have to be a vote on them in the House if the gentleman demands it.

Mr. HOLMAN. The trouble is that the gentleman from Maryland has purposely apparently—and my colleague, I am unhappy to say, seems to be co-operating with him in this increase—so confused this arrangement as to make it difficult to apply an amendment properly; but, with the understanding that a vote will be taken in the House on this amendment, I withdraw my amendment to it.

The amendment offered by Mr. SWANN was then agreed to.

The Clerk read the third section of the amendment proposed by the Committee on Foreign Affairs, as follows:

SEC. 3. That the President shall be, and is hereby, authorized to appoint interpreters to the consulates at Shanghai, Tien-Tsin, Fowchow, and Kanagawa, and to allow them salaries not to exceed in either case the rate of $1,000 a year; and to appoint interpreters to the consulates at Hankow, Amoy, Canton, and Hong-Kong, and to allow them salaries not to exceed in either case the rate of $750 a year; and also to allow, at his discretion, a sum not exceeding the rate of $500 for any one year to any one consulate in China or Japan, respectively, not herein named, for expenses of interpretation; and that section 6 of the act entitled "An act to regulate the diplomatic and consular systems of the United States," approved August 18, 1856, is hereby repealed.

Mr. SWANN. I move to amend that section by striking out "$1,600," and inserting in lieu thereof "$20,000."

Mr. ORTH. I desire to state the reason given by the State Department for this amendment. The Committee on Foreign Affairs in draughting this amendment placed the amount to be paid to the interpreters to the consuls at Shanghai, Tien-Tsin, Fowchow, and Kanagawa at $1,600 a year. That is not a sufficient salary to secure to our consuls and ministers there their own interpreters. The result is that we are compelled to employ interpreters attached to the French, British, and German legations, and as a matter of course are dependent upon those interpreters for a correct interpretation of the information we desire from those governments. By increasing the amount to $2,000 we will be enabled to employ our own interpreters and keep them exclusively in our own employ. The committee will see at a glance the importance of having interpreters who have no connection with legations who have interests hostile to our own in those nations. That was the reason given by the State Department, and I think it a very good one, for this amendment.

The amendment was agreed to.

Mr. RICE. I move to amend this section by adding the following:

Provided, That all consular salaries of $3,000 a year and under as fixed in this schedule shall beinc reased 20 per cent.

I suppose it is a fearful thing for any one to propose such an amendment in this time of economy. But I believe it is a simple act of justice on the part of this Government in paying those whom it employs to perform these duties abroad. Any gentleman who knows what a consul has to do and how he has to live, and what this Government pays him for his services, will agree with me that he ought to receive 20 per cent. in addition to what he now gets, let him get it from whence he may. I believe that this Government should pay the men it employs for the services they render. Although I know that through ambition and mistaken ideas many men have a great desire to go abroad, and that if every consular salary was fixed at fifty dollars per annum, you would be burdened with applications for those positions; yet I hold that the United States has no right to accept the services of a faithful officer and give him but one-third what it costs him to live where he performs his duties. And that is the case now. You give a man $1,200 or $1,500 or $2,000 a year, and then boast in this House of the large amount of fees which he receives and turns into the Treasury. Do not let us talk this afternoon any more of economy, but let us vote for this amendment. It is a righteous thing for us to do, to give a man who serves you abroad what it costs him to buy his bread.

The amendment of Mr. RICE was not agreed to.

The Clerk read section 4 of the amendment, as follows:

SEC. 4. That the Secretary of State shall, as soon as practicable, establish and determine the maximum amount of time actually necessary to make the transit between each diplomatic and consular post and the city of Washington and *vice versa*, and shall make the same public. He may also from time to time revise his decision in this respect; but in each case the decision is to be in like manner made public. And the allowance for time actually and necessarily occupied by each diplomatic and consular officer who may be entitled to such allowance shall in no case exceed that for the time thus established and determined, with the addition of the time usually occupied by the shortest and most direct mode of conveyance from Washington to the place of residence in the United States of such officer.

Mr. ORTH. I desire to say in support of this section, which I have no doubt the Committee of the Whole will adopt, and I make this statement for the benefit of my colleague [Mr. HOLMAN]——

Mr. HOLMAN. This is so manifestly proper that no person will object to it.

Mr. ORTH. The amount saved by this section will not be less than from $25,000 to $50,000 a year.

No amendment being offered,

The Clerk read section 5, as follows:

SEC. 5. That from and after the 1st day of July next, the annual salary of consular clerks who shall have remained continuously in service as such for the period of five years and upward shall be $1,500.

Mr. MONROE. I wish to move an amendment to this section, and I would like to test the sense of the committee with regard to it. I move to add to the section the following:

And the number of consular clerks shall hereafter be fifteen.

That would add two to the number as the law now stands.

Mr. WILLARD, of Vermont. I make a point of order on the amendment.

Mr. MONROE. I understand it to be quite in harmony with the whole object of the amendment proposed by the Committee on Foreign Affairs.

Mr. WILLARD, of Vermont. It provides for an addition to the number of consular clerks now provided for by law, and is a change of existing law.

Mr. MONROE. Is not the whole amendment of the committee a change of existing law?

Mr. WILLARD, of Vermont. The amendment of the committee was made in order by a suspension of the rules.

Mr. MONROE. Yes; but as the whole proposition is a change of existing law, my proposition is germane and in order.

Mr. WILLARD, of Vermont. The amendment which we propose does not affect the number of consular clerks at all. It relates to the question of salaries, while the amendment of the gentleman from Ohio [Mr. MONROE] relates to the number of consular clerks. Our amendment was made in order by a suspension of the rules on a Monday. It does not follow that the amendment to the amendment would also be in order.

The CHAIRMAN. The Chair overrules the point of order.

Mr. MONROE. Allow me to state the reason for my amendment. We now have thirteen consular clerks. If gentlemen will look at the places where they are stationed, they will see that they are nearly all placed in Europe. I have sometimes spoken to those connected with the State Department about placing one or two consular clerks in South America, and the reply has always been that the whole number is required in Europe, that there were at least thirteen important points outside of South America where it was desirable to station young men that they might grow up in a knowledge of our consular service and be taught the kinds of business peculiar to the ports where they are stationed.

If gentlemen will look at the list they will see that the whole South American continent is without a consular clerk. There are a large number of independent states there with which our Government for many reasons is in strong sympathy. Most important business is carried on at several of their ports. The business of the city of New York with the single port of Rio alone amounts to many millions of dollars every year. There is a kind of commerce carried on with that port, as my distinguished friend from Maryland [Mr. SWANN] will be able to tell you, quite distinct in itself, different from that which we have with European ports. It has always seemed to me of great importance that we should have at least one or two young men placed in the principal ports of South America where they could acquire a knowledge of the commerce of this country with those ports, and be able to conduct business there when they shall enter fully into the consular service. I do not see why South America should thus be cut off from all of these consular clerks. That has never seemed to me to be right. I find no fault with the State Department; but I have no question myself, from my own knowledge of the very important commerce of our country with Rio and other ports of South America, that we ought to send out there one or two young men. This is my reason for proposing the amendment adding to the number of these consular clerks. The additional expense will be very small.

Mr. KASSON. Unless the Secretary of State recommends this, I shall be obliged to vote against the amendment.

The amendment was not agreed to.

Mr. ORTH. I move to amend section 5 by striking out $1,500 and inserting $1,250 as the salary of these consular clerks who "shall have remained continuously in service for the period of five years and upward." I will give my reasons for offering the amendment. The State Department is continually availing itself of the information and experience of these consular clerks by promoting them from that position to be consuls. So long as we provide that they shall have $1,500 salary, there may be no inducement for a consular clerk to seek advancement to the office of consul; but by making the clerical salary $1,250 there will be an inducement for the clerk to advance to the position of consul at a salary of $1,500 a year. I hope the amendment will be adopted.

The amendment was agreed to.

The Clerk read as follows:

SEC. 6. That the following proviso shall be added to section 21 of the act aforesaid:

Provided, That any vice-consul who may be temporarily acting as consul during the absence of such consul may receive compensation, notwithstanding that he is not a citizen of the United States.

Mr. KASSON. What is the meaning of the phrase "section 21 of the act aforesaid?"

Mr. WILLARD, of Vermont. This bill when originally drawn was in the form of an amendment to the act of 1866. The phraseology to which the gentleman from Iowa [Mr. KASSON] has referred should be changed.

Mr. GARFIELD. I suggest that the Committee on Foreign Affairs be authorized to make a different reference, and meanwhile the Clerk can go on with the reading.

The CHAIRMAN. If there be no objection that course will be adopted.

The Clerk read the second amendment, as follows:

In lines 102 and 103 strike out "Amoor River," "Ovalau," and "Sabanilla."

The amendment was agreed to.

The Clerk read the third amendment, as follows:

In lines 105 and 106 strike out "San Domingo."

The amendment was agreed to.

The Clerk read the fourth amendment, as follows:

After line 108 insert the following:

"For repaying to the government of Brazil money erroneously claimed by and paid to the United States, $57,500, or so much thereof as may be necessary.

Mr. HOLMAN. I desire some explanation of this appropriation.

Mr. SWANN. This subject has been considered by the gentleman from Massachusetts, [Mr. E. R. HOAR,] a member of the Committee on Foreign Affairs, and he will make an explanation.

Mr. E. R. HOAR. I might premise by observing that the less said about this the better. But I will state the object of the appropriation. In 1842 a Peruvian vessel, the Caroline, somewhat leaking, put into a port at Brazil. There being no Peruvian consul there, the captain applied to the local authorities for the appointment of a commis-

sion of survey, which decided that the vessel was incapable of repair, and ordered a sale. It was sold, and thus the vessel was lost. Undoubtedly the report as to the condition of the vessel was untrue, and the procuring of a sale was an act of barratry. The vessel was insured in New York and Philadelphia; and the insurance was paid by the companies, who at a subsequent period brought suit in the courts of Brazil against the master (who remained in that country) to have the decree of condemnation set aside as having been fraudulently obtained. Judgment was recovered against him, and the decree for condemnation and sale was set aside; but the vessel was gone, and whether anything was ever collected from the master does not appear.

A Mr. Wells, who had once been consul of the United States at the port of Saint Catherines, in Brazil, and who had been dismissed for improper practices, obtained in some manner the ownership of that claim against anybody that it might lie against. At any rate, he preferred a claim as the assignee of the rights of the insurance companies against the Brazilian government, claiming that it was responsible because, as he alleged, the judge of the court acted in collusion with those upon whose fradulent representations the vessel was sold. Mr. Wells presented his claim to our Government, and according to the ordinary practice when an American citizen makes a claim against a foreign government our minister was instructed to present the claim to the Brazilian government. It was presented I think for the first time in 1855 or 1857. The Brazilian government denied all responsibility whatever. The negotiation remained pending for some time; the claim was not very strongly urged by our Government, which did not seem to be much impressed with its merits. It was still pending when Mr. Webb was appointed our minister. He took charge of this along with other claims. His original impression, as appears in his correspondence, was against it; and during the war Mr. Seward, not wishing to have any conflict with any foreign government, instructed Mr. Webb not to press it at all upon the Brazilian government.

Subsequently, however, in the year 1867, Mr. Webb became suddenly quite interested in the claim and began to press it very actively, and taking opportunity when the Brazilian government was engaged in war, when they were in a state of great distress, he announced to the government, just as the steamer was about to leave for Europe, that he would cease his diplomatic relations, ask for his passports and send to Europe information that such were the relations of Brazil with the United States, unless that claim was paid. The Brazilian government protesting they were not liable, under these circumstances paid the money over to Mr. Webb, £14,252 sterling. Our Government, the Brazilian minister making remonstrance here, undertook to re-examine the matter; and it was submitted to the Attorney-General for an opinion, and the Attorney-General gave the opinion, which I have here in the published volume of Opinions of Attorneys-General, that there was no pretense for holding the Brazilian government responsible, even if the facts were true; that this Government had steadily refused to acknowledge itself liable to citizens of foreign nations for any misconduct of its officers, except where they were officers taking property under the authority of and for the Government; that when a foreigner came into this country and had the same access to the courts as our own citizens the Government neither, to its own citizens nor to foreigners, guaranteed the honesty, the ability, or the right judgment of its subordinate officials.

This precisely corresponds to an opinion given by Mr. Cushing to Mr. Marcy at a former period, where he discusses and elaborates the doctrine at length. I read from the head note to that opinion of Mr. Cushing:

> In its internal organization, each government has public officers, administrative, judicial, or ministerial, which officers are the agents of the community for the conduct of its public or common affairs, and of many private affairs, and are individually responsible to their country, and in many cases to individuals, for acts of political or official misbehaviour; but the government itself is not responsible to private individuals for injuries sustained by reason of the acts of such officers in the private business with which they may be officially concerned, though as public agents yet for individual benefit only. It is responsible only for such injury to individuals as may occur by acts of such officers performed in the proper behoof and business of the government.
>
> Thus, governments hold themselves responsible to individuals for injuries done to the latter by public officers in the collection of the revenue or other administrative acts of governmental relation but not for the errors of opinion, or corruption even, of administrative, judicial, or ministerial officers when such officers are administering their public authority in the interest of individuals as distinguished from the government.

The CHAIRMAN. The gentleman's time has expired.

Mr. WILLARD, of Vermont. I rise to oppose the amendment, and yield my time to the gentleman from Massachusetts, [Mr. E. R. HOAR.]

Mr. E. R. HOAR. Thereupon the President of the United States through the Secretary of State informed the Brazilian government that this money should be repaid to them; and the purpose of this appropriation is to enable the Government to make that repayment. That is all the story I think it best to spread upon the record, if the House will so allow it.

Mr. HOLMAN. I should be glad to know from the gentleman from Massachusetts whether the Government of the United States in any signal manner rebuked our minister for his conduct to the Brazilian government.

Mr. E. R. HOAR. The minister in question is now in a foreign country. He has no property accessible in this country. He has been called upon repeatedly for explanation.

Mr. ELDREDGE. Has the money been paid over to the parties claiming to own the vessel?

Mr. E. R. HOAR. It has not.

Mr. ELDREDGE. Where is it?

Mr. WILLARD, of Vermont. How much was remitted to our Government?

Mr. E. R. HOAR. That is what I wish not to state. This appropriation has been approved by the entire Committee on Appropriations and the entire Committee on Foreign Affairs. In regard to the conduct of our minister, I do not think it especially to the credit of the country to state it unless my friend insists on it.

Mr. ELDREDGE. I do not think we can be injured any more than by keeping this minister in office.

Mr. E. R. HOAR. The minister is General Webb, who has been out of office a great while.

Mr. HOLMAN. Still it would be desirable to know whether the money has been paid over to the Government or to the insurance companies.

Mr. E. R. HOAR. We do not know that all of it has been paid to anybody.

Mr. ELDREDGE. This is a Government by the people and for the people, and I think the people's Representatives ought to let the people know what has been done.

Mr. E. R. HOAR. To make the story complete, Mr. Chairman, if insisted on, although I am sorry it is, I will proceed. I think it would be better for us in a matter of this kind to leave it where the committees thought it well to leave it. At the time this money was received £14,252 sterling was paid. In the dispatch of the minister informing the State Department of this payment he said he had collected the claim. He had stated previously there was a negotiation by the man who owned the claim, to sell it to some Brazilian for the sum of £5,000 sterling, but it had not been sold. When he wrote to the State Department he stated he had collected the money and remitted a draft for £5,000 sterling. The State Department did not understand and had no idea that that £5,000 was not the whole amount paid. They notified him immediately that the money would not be paid over to the parties, under the protest of the Brazilian minister, until an investigation had been had.

That investigation and what ensued about it took up a long time, until at last, when the opinion of the Attorney-General was received, the President directed the Brazilian government to be informed that the money should be repaid; that the £5,000 sterling had been invested in United States securities, which, with the interest, would be repaid. The Brazilian minister then said he understood that his government had paid a good deal more than £5,000. The Secretary of State replied he was not aware of it, but supposed that was the sum received, and wished for evidence upon that point. Thereupon the Brazilian minister brought the papers forwarded to him by his government, by which it appeared that £14,250 had been paid. Some little delay occurred to have this verified, when they brought our minister's receipt to the Brazilian government on behalf of his Government for £14,250 sterling. That made explanations very desirable, and our minister was written to to make them. He returned only indignant and very voluminous letters, speaking about expenses in procuring the assistance of Brazilian officials to get the claim passed, which was not a species of disbursement that this Government had ever sanctioned or authorized, or that would be becoming a government in prosecuting a claim—to corrupt Brazilians to betray the interest of their own country in order to collect the claim of one of our citizens. And there his explanation ended. He gave no particulars. He would not state to whom it was paid or how it was paid, or anything on that subject whatever; and all claims upon him failed to elicit anything of the kind.

The attempt was then made to find out from the Brazilian government what became of the money; and it was found that it was paid by the Brazilian government in three drafts upon London, copies of which I have in the somewhat voluminous papers before me. One of those drafts was transmitted simply with the indorsement of our minister directly to the United States for £5,000 sterling, and that was the sum received. Another draft for £3,352 contained several indorsements in Brazil, by which it appeared to have been discounted there, and probably the proceeds were retained and expended there. There was nothing to show to whom paid, because the whole draft was paid together finally in London. But banks in Brazil had advanced the money, so that it was there for distribution. The other draft for £5,900 was paid into the private account in London of our minister to Brazil. As to what became of that £5,900, there is no trace to be found and there is nothing known.

Such is the mortifying position of this matter. This Government has found that, in a period of extremity, its minister had obtained from the Brazilian government a payment, which is found, on examination, to have been exacted in violation of the rule which this Government itself had claimed in regard to other governments, and which the legal advisers of the Government have given their opinion is applicable to this case. And thereupon the Executive has promised the government of Brazil that the money, with interest, shall be returned. Five thousand pounds, with interest, is on hand for the purpose, and this amendment asks an appropriation to repay the remainder. It is clearly, as it would seem, required by national good faith and national honor; and we must settle with our own ministers and officers, such as we have, at our leisure the best way we can.

Mr. POTTER. This morning I moved to strike out an appropriation for a minister provided for under this bill to two countries in

South America, our entire commercial relations with which were confined to one port, for which the chairman of the Committee on Foreign Affairs in his amendment to this bill has provided a consulate of the fifth class only. I said then that it was not worth while to pay a salary, with one exception as large as that paid to any minister in South America, to the smallest country there with which we had diplomatic relations and where the minister there accredited during the last few years had, so far as I could learn, nothing to do most of the time. The chairman of the Committee on Foreign Affairs defended the appropriation. The fact that the country was small, that there was no necessity for a minister going there, and that he drew one of the largest salaries of any minister accredited to South America, did not seem to afford to his mind any reason for not continuing that mission and the appropriation for it made heretofore. Perhaps the gentleman was right, but not for a reason about which he will agree with me.

I believe myself these foreign missions are generally useless, and a mere waste of money. The amendment that has just been discussed indicates that this one was; for I infer from the statement made by the gentleman from Massachusetts that it would be alike to the pecuniary interest and the credit of this country if in this case our minister had staid away from South America, had drawn his salary and staid at home.

Mr. SCHUMAKER, of New York. Will the gentleman answer me whether a minister sent to a foreign government can leave his station without consent of the Secretary of State?

Mr. POTTER. I do not know whether he can or cannot.

Mr. SCHUMAKER, of New York. I say he cannot.

The amendment was agreed to.

The Clerk read the following paragraph:

Survey of boundary between the United States and British possessions: For expenses of the commission appointed under act approved March 19, 1872, for the purpose of surveying and marking the boundary between the territory of the United States and the possessions of Great Britain from the Lake of the Woods to the summit of the Rocky Mountains, to be available immediately on the passage of this act, $150,000.

Mr. HOLMAN. I move to reduce the amount to $102,000. I do so for the purpose of drawing the attention of the committee to the legislation on this subject.

The original estimate, which I hold in my hand, required an appropriation of $102,000 a year, anticipating an entire expenditure of $325,000 for the running of this line on the part of our Government. The gentleman from Maryland [Mr. SWANN] the day before yesterday had read to the committee a statement from the Secretary of State in which it is said that the original estimate for the expense of running this line on the forty-ninth parallel from Lake of the Woods to the Rocky Mountains was $375,000. The Secretary of State is incorrect in that, for I hold the estimate, as I have said, in my hand.

Now, when this proposition came before the House two years ago we determined that this work should be performed by our own engineers. The estimates made were for the employment of all the persons necessary to make the survey, engineers, astronomers, &c. We struck out the part of the bill that contemplated the employment of those persons, and required that the work should be done by our engineers. I ask the Clerk to read that bill so that the House may be informed what were its provisions. I can see very well that this is one of the elephants we have on our hands that is not likely to be got rid of very cheaply. Last year the Secretary of State asked $150,000, but the House struck that out and appropriated $50,000 to complete the work. It was taken for granted that the work of running a line eight hundred miles in length with the aid of astronomers and engineers could be done in a single season.

The Clerk read as follows:

That $50,000, or so much thereof as may be required, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to carry into effect the objects of said joint commission.

Mr. HOLMAN. That is the last section of the bill. I ask the Clerk now to read the first section requiring the work to be done by our own engineers.

The Clerk read as follows:

That the President of the United States, by and with the advice and consent of the Senate, be, and he is hereby, authorized to co-operate with the government of Great Britain in the appointment of a joint commission in accordance with the plans and estimates of Brigadier-General A. A. Humphreys, Chief of Engineers, submitted November 23, 1870, for determining the boundary line between the United States and the British possessions, between the Lake of the Woods and the Rocky Mountains: *Provided, however*, That engineers in the regular service of the United States shall be employed exclusively as engineers in the performance of the duties contemplated by this act without any additional salaries; and the Secretary of War is hereby directed to make the necessary detail of engineers for that purpose.

Mr. HOLMAN. The committee will observe that we required that the work should be done exclusively by our own engineers. Instead of that a commissioner has been appointed at a salary of $4,000 a year. We appropriated at that time $50,000, and the last year we appropriated $125,000 more; and now for this year we are asked to appropriate $150,000 more. Now, $350,000 is more than the whole sum asked for the work when it was to be done by persons whose salaries were estimated for by General Humphreys, and not by our own engineers.

Now, sir, I hold that this appropriation is unwarrantable, and that the work should have been done in half the time. We are making it far more expensive to us than the British government is making it. Their engineers only are employed, and their chief engineer or astronomer is also the commissioner, while we are detailing only one or two engineers, including Captain Twining, and paying large salaries to other persons in defiance of the law, which required that the work should be done by our own engineers without additional salaries.

[Here the hammer fell.]

Mr. GARFIELD. Let us have a vote.

The question was taken on Mr. HOLMAN'S amendment; and there were—ayes 14, noes 40; no quorum voting.

Mr. HOLMAN. I shall have to insist on a quorum. I wish to ask the chairman of the Committee on Appropriations this question: If $50,000 were sufficient for the year before last, and $125,000 for last year, are we to be told that $150,000 must be appropriated for this year?

Mr. GARFIELD. I supposed that the gentleman from Indiana had been entirely silenced in his objection to this portion of the bill in the debate that we had the other day, which was so full and exhaustive, and by the documents published in the speech of my distinguished colleague in the committee [Mr. SWANN] who explained the whole matter. The survey of this line has been completed for eight hundred miles, and the balance of the work can be done this season, provided a sufficient sum to make a complete survey is here appropriated and is made payable now on the passage of this bill rather than in July, when they would have to start out late in the season and return during the frost and go on again with the work in the late spring next year. To require them to do this would be simply a waste of money.

To appropriate enough to do the whole work and finish it now and let the amount be available from the passage of this act, would be more economical by far than to drizzle it along from year to year. The letter of the Secretary of State shows that the sum here asked for, with all that has been heretofore appropriated, will be less than the original estimate by General Humphreys.

Mr. HOLMAN. Does not the gentleman know that that statement is not correct? I have in my hand the estimate made and sent to the House a few years ago.

Mr. GARFIELD. I leave that quarrel to be settled between the gentleman and the Secretary of State.

Mr. HOLMAN. The estimate was for $100,000 a year.

Mr. GARFIELD. For how many years?

Mr. HOLMAN. For three years.

Mr. GARFIELD. How much will that make?

Mr. HOLMAN. He put the aggregate sum at $300,000.

Mr. GARFIELD. How much have we already appropriated?

Mr. HOLMAN. We appropriated the first year $50,000, the next year $125,000, and now it is proposed to appropriate $150,000.

Mr. GARFIELD. Very well.

Mr. HOLMAN. That is for the field-work alone.

Mr. GARFIELD. The gentleman himself does not claim that we have exceeded the original estimate.

Mr. HOLMAN. Does not the appropriation now asked for make it fully up to the limit? We refused to appropriate $100,000 the first year and put it at $50,000, because we required our own engineers to do the work.

Mr. GARFIELD. Because the House of Representatives, in order to avoid the perpetual scolding of the gentleman from Indiana on this question, consented to make a little appropriation that could be used only until the frost came, and which only began to be used after the commencement of the fiscal year, when they must quit before the year really closed because the appropriation would run out. If it should happen that that bad economy made it impossible to get get along with the original estimate, I think the fault is here. The estimates of the engineer in charge of the work and the recommendation of the Secretary of State are that $150,000 given now, to be made available on the passage of this act, will complete the survey. The Committee on Appropriations think it wiser to do that. The gentleman from Indiana proposes to cut it down $50,000. You can do that, but you will run the whole survey over into another year.

Mr. HOLMAN. Did not the $125,000 appropriated last year last through the season?

Mr. GARFIELD. On the contrary, we are told that if we had given more they could have gone on with the work.

Mr. HOLMAN. I desire to say——

Mr. GARFIELD. I move that the gentleman have leave to reprint all that he has heretofore said on this subject.

Mr. HOLMAN. I wish to make the prediction that next year we will have estimates for a further appropriation for this work, and that the gentleman from Ohio, [Mr. GARFIELD,] with his usual consistency, will be found sustaining it on this floor.

Mr. GARFIELD. That may be; I cannot say it will not be.

Mr. HOLMAN. I will withdraw my amendment.

The Clerk resumed and concluded the reading of the bill.

ORDER OF BUSINESS.

Mr. GARFIELD. I move that this bill be now laid aside, to be reported with the amendments to the House, in order that the Committee of the Whole may proceed to the consideration of the Post-Office appropriation bill.

Mr. RANDALL. I object to that. Let us pass this bill and be done with it.

Mr. GARFIELD. We can do that when the committee rises.

Mr. TYNER. Let us see if the Committee of the Whole is not disposed to work another hour.

Mr. RANDALL. I shall be compelled to call for the reading of the bill in full.

Mr. TYNER. I hope not.

The motion of Mr. GARFIELD was then agreed to.

POST-OFFICE APPROPRIATION BILL.

The Committee of the Whole then proceeded to the consideration of the bill (H. R. No. 3094) making appropriations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes.

Mr. TYNER. I ask unanimous consent that the first formal reading of this bill be dispensed with.

Mr. HOLMAN. I object; let the bill be read.

The Clerk commenced the reading of the bill; but before concluding,

Mr. HOLMAN said: It is now getting late, and I hope the committee will consent to rise.

Mr. GARFIELD. If the gentleman will withdraw his objection to dispensing with the first reading of the bill.

Mr. HOLMAN. With the understanding that two hours will be allowed for general debate.

Mr. GARFIELD. That is a matter to be determined in the House.

Mr. TYNER. For myself, I do not wish to occupy a single moment in general debate.

Mr. HOLMAN. There are others who do.

Mr. MERRIAM. It is raining so hard outside that we could not go home if we did adjourn now.

Mr. HOLMAN. Let the reading of the bill go on.

The Clerk then resumed and concluded the reading of the bill, and then proceeded to read the bill by paragraphs for amendment. The following was read:

For pay of route-agents, $929,035.

Mr. HOLMAN. The reading of this bill by paragraphs for amendment after the length of time the House has been in session to-day I think is rather an unusual proceeding. Several gentlemen desire to be heard upon this bill, and I hope there will be no objection to the Committee of the Whole now rising.

Mr. TYNER. My colleague has perhaps failed to notice the fact that the first reading of the bill has been finished, the second reading has been commenced, and two or three clauses have been read.

Mr. RANDALL. I move that the committee rise.

Mr. TYNER. I hope not; we can get through with this bill to-night.

Mr. GARFIELD. It would crown the labors of the week if we could get this bill through this evening.

The question being taken on the motion of Mr. RANDALL, there were—ayes 32, noes 38; no quorum voting.

Mr. HOLMAN. I call for tellers.

Mr. TYNER. If my colleague [Mr. HOLMAN] calls for tellers, the committee may as well rise.

Mr. HOLMAN. Several gentlemen who desire to discuss this bill are not now present, as they did not suppose it would come up for consideration this afternoon.

Mr. TYNER. If my colleague will waive the demand for tellers I will renew the motion that the committee rise.

Mr. HOLMAN. Very well.

Mr. TYNER. I move that the committee rise.

The motion was agreed to.

The House accordingly rose; and the Speaker having resumed the chair, Mr. BURROWS reported that the Committee of the Whole on the state of the Union had had under consideration the Union generally, and particularly the bill (H. R. No. 3094) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1875, and for other purposes, and the bill (H. R. No. 3094) making appropriations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes; that the committee had come to no resolution on the latter, and had directed the former to be reported back with sundry amendments.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. GARFIELD. I call the previous question on the consular and diplomatic appropriation bill just reported from the Committee of the Whole.

Mr. HOLMAN. I ask a separate vote on the amendment of the gentleman from Maryland [Mr. SWANN] increasing certain salaries.

Mr. KASSON. I wish to raise a point of order. As I understand, the amendment of the gentleman from Maryland referred to by the gentleman from Indiana [Mr. HOLMAN] was an amendment to another amendment which was offered to the bill by the gentleman from Indiana, [Mr. ORTH.] I raise the question whether the House can go back of the latter amendment as now reported.

The SPEAKER. The Chair knows nothing of what took place in Committee of the Whole; but a separate vote cannot be had except on an amendment reported to the House.

Mr. GARFIELD. The amendment of the gentleman from Indiana [Mr. ORTH] was amended in two or three places before it was adopted; but it was finally adopted in lieu of a large portion of our bill which was struck out.

The SPEAKER. Those amendments which the Committee of the Whole may have adopted in the process of perfecting an amendment neither the House nor the Chair knows anything about.

Mr. GARFIELD. I suppose there is but one amendment reported, and that now lies before the Speaker.

The SPEAKER. The question can only be taken in the House upon the amendments as reported from the Committee of the Whole.

Mr. HOLMAN. Do I understand the Chair to say that we cannot call for a division of a proposition which comes before the House in the form of an amendment?

The SPEAKER. The Chair holds in his hand the amendment to which the gentleman refers; it is an amendment proposed by the chairman of the Committee on Foreign Affairs. Now, if it happened in Committee of the Whole that this amendment was in various respects amended before being finally adopted, the House knows nothing of that matter. The question is, Will the House agree to this amendment as reported from the Committee of the Whole?

Mr. HOLMAN. Does the Chair hold that this whole amendment is to be regarded as presenting but one question?

The SPEAKER. That depends altogether upon whether it was moved as one.

Mr. GARFIELD. It was moved as four amendments.

The SPEAKER. The gentleman from Indiana will of course see the absolute impossibility of the House taking up the various votes by which that amendment may have been perfected. When it comes to the House the question is on agreeing to the amendment. There may have been a hundred votes in Committee of the Whole in the process of perfecting it; but the House does not take cognizance of them.

Mr. GARFIELD. The gentleman from Indiana will see that the first amendment extends to the sixth section.

Mr. HOLMAN. But still the clerks, I suppose, will inform the Chair that in fact the proposition down to the end of the classification of consuls was submitted as one amendment?

The SPEAKER. The Chair understands that the first amendment submitted by the Committee on Foreign Affairs through its chairman [Mr. ORTH] embraced from page 1 to page 15 of the printed document down to the words "not a citizen of the United States."

Mr. ORTH. That was one amendment.

The SPEAKER. Now the process (whatever it may have been) of perfecting that amendment in Committee of the Whole is not reported to the House.

Mr. ORTH. Let me state to the House my recollection of how this was done. The gentleman from Maryland moved to strike out the second section of the amendment of the Committee on Foreign Affairs and to insert a substitute. The gentleman from Indiana [Mr. HOLMAN] moved to amend the second section. Then the Committee of the Whole adopted the amendment of the gentleman from Maryland, striking out the entire second section, and of course the amendment offered by my colleague fell.

The SPEAKER. Whatever may have been the matter of detail, the rule as it has been stated by the Chair is absolute, and any different rule would lead to inextricable confusion. The process by which an amendment in Committee of the Whole is perfected is not reported to the House; if it were, the whole advantage of going into Committee of the Whole would be lost.

Mr. HOLMAN. I desire to ask my colleague [Mr. ORTH] whether he did not submit the first section of this bill as an amendment, moving to strike out a certain portion of the pending bill and insert his proposition instead?

Mr. ORTH. O, no.

The SPEAKER. The gentleman from Indiana demands a separate vote on the first amendment reported by the Committee of the Whole on the state of the Union.

Mr. HOLMAN. The proposition by the Chair of course does not embrace the proposition I wish especially to put to the House. My desire is to demand a separate vote on the second section of the substitute.

The SPEAKER. The gentleman will observe the way the rule works in that regard. If that motion should be submitted and the yeas and nays should be asked, there would be no advantage in going into Committee of the Whole, as the yeas and nays could be called in the House on every separate motion. If the House is like-minded with the gentleman from Indiana and desires a separate vote on that, it can be reached by refusing to second the demand for the previous question, and then the bill will be open to amendment and that second section may be stricken out. It still leaves it as the rules always do, under complete control of a majority of the House. If the gentleman desires a test, he can have it on seconding the demand for the previous question. The previous question was seconded *pro forma*, and if the gentleman desires a test with the view of submitting a separate vote, the Chair will again put the question on seconding the demand for the previous question.

Mr. WILLARD, of Vermont. We should have a separate vote on striking out the second section. I do not think the Committee of the Whole were fully apprised of what was the effect of their action.

Mr. HOLMAN. I do demand a test vote on seconding the demand for the previous question.

The SPEAKER. The Chair appointed Mr. SWANN and Mr. HOLMAN as tellers.

The House divided; and the tellers reported—ayes 95, noes 18, no quorum voting.

Mr. HOLMAN. The House seems so determined to increase these salaries, that I will abandon any further opposition and do not ask for a further count.

So the previous question was seconded and the main question ordered.

The amendments of the Committee of the Whole were concurred in.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SWANN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The later motion was agreed to.

ENROLLED BILLS.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 1271) for the relief of John T. Watson, of Cincinnati, Ohio;

An act (H. R. No. 2074) to amend an act entitled "An act to provide for the establishment of a military prison and for its government," approved March 3, 1873;

An act (H. R. No. 2100) for the relief of Martin Hoff, Casper Doerr, and George Gebhart, citizens of Saint Louis, Missouri;

An act (H. R. No. 2205) for the relief of P. Hornbrook;

An act (H. R. No. 2348) for the relief of Rev. George Morrison, late of Kentucky; and

An act (H. R. No. 2346) for the relief of W. A. Sayler, of Bryan, Texas.

MOIETIES.

Mr. ELLIS H. ROBERTS. I now call up for consideration the bill (H. R. No. 3171) to amend the customs-revenue laws and to repeal moieties. The Committee on Ways and Means desire to make two or three amendments to the bill which do not change its character, and I ask that the bill be reprinted with the amendments embodied in it.

Mr. GARFIELD. I suggest to the gentleman from New York that the bill be printed as it is proposed to be amended.

Mr. RANDALL. That was improperly done the other day on an appropriation bill.

Mr. GARFIELD. The expense of reprinting an important bill like this is as nothing.

Mr. ELLIS H. ROBERTS. I am willing to have them so printed. Otherwise the committee recommend these amendments be printed in the RECORD if there be no objection.

Mr. RANDALL. The best way is to move to recommit the bill with the amendments, and have it ordered to be reprinted.

The SPEAKER. The gentleman only proposes to submit the amendments to be offered when before the House.

Mr. RANDALL. How are you going to have them printed in the bill as a part of it?

The SPEAKER. The gentleman does not ask that.

Mr. RANDALL. The gentleman from Ohio did.

Mr. GARFIELD. I asked the bill be reprinted as was done in the case of one of the appropriation bills.

Mr. RANDALL. That was an unusual motion which the gentleman made. I never heard it made before.

Mr. POLAND. Ordering these amendments to be printed in the RECORD will be of no service, for no one can tell what connection they have with the bill.

The SPEAKER. The bill is before the House and the gentleman from New York asks that the amendments be printed.

The amendments were ordered to be printed.

Mr. SAYLER, of Ohio. I move the House adjourn.

Mr. ELLIS H. ROBERTS. I have not yielded the floor. I yield to the gentleman from Vermont.

FREE BANKING.

Mr. WILLARD, of Vermont. I move, by unanimous consent, that the bill (H. R. No. 1512) to amend the several acts providing for a national currency and to establish free banking, and for other purposes, as returned from the Senate, be reprinted.

The motion was agreed to.

INSANE CONVICTS.

The SPEAKER. The gentleman from New York [Mr. ELLIS H. ROBERTS] is on the floor. He will state to whom he yields, if to any.

Mr. ELLIS H. ROBERTS. I yield to my colleague, [Mr. TREMAIN.]

Mr. TREMAIN. By direction of the Committee on the Judiciary, I ask consent of the House to report, and have put upon its passage, a bill to provide for the care and custody of persons convicted in the courts of the United States who have or may become insane while in prison. There is now no law concerning this class of insane convicts. The bill is very brief, and I ask that it may now be put upon its passage.

Mr. COBURN. I object.

Mr. ELLIS H. ROBERTS. I move that the House adjourn.

The motion was agreed to.

And accordingly (at four o'clock and thirty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. LUTTRELL: A communication from the board of State harbor commissioners of California, in relation to remodeling the plan of the harbor of San Francisco, to the Committee on Military Affairs.

By Mr. MYERS: The petition of Alfred H. Love and 1,000 other citizens of Pennsylvania and other States, that immediate measures be taken by Congress to second the movement inaugurated by the Parliament of Great Britain and promulgated by the Queen for conferring with the various governments of the world on the subject of international arbitration, to the Committee on Foreign Affairs.

By Mr. SENER: The petition of the Shiloh Baptist church, of Fredericksburgh, Virginia, to be compensated for damages inflicted on their church building by United States troops in 1862, to the Committee on War Claims.

By Mr. TODD: The petition of C. M. Fickes, John Gilbert, and 46 other citizens of Shippensburgh, Pennsylvania, for the repeal of the 10 per cent. tax on circulating notes issued by banks chartered under State laws, to the Committee on Banking and Currency.

IN SENATE.

MONDAY, *May* 18, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

On motion of Mr. INGALLS, and by unanimous consent, the reading of the Journal of the proceedings of Friday last was dispensed with.

CORRECTION—THE CURRENCY BILL.

Mr. BOREMAN. I wish to make a correction in what appears in the RECORD of Friday last containing the proceedings of Thursday. While the vote was pending upon the passage of the currency bill, it appears that the Senator from Texas [Mr. HAMILTON] made this statement:

> Upon this question the Senator from West Virginia [Mr. BOREMAN] is paired with the Senator from Delaware, [Mr. SAULSBURY.] The Senator from West Virginia would vote "yea," and Mr. SAULSBURY "nay."

That is a mistake. The Senator from Delaware and myself were paired upon the vote on the amendment of the Senator from New York, [Mr. CONKLING.] He would have voted for that amendment and I should have voted against it. That was the extent of our pair. I should not have voted for the passage of the bill; on the contrary, I should have voted against it; and at the time I made the arrangement with my friend from Delaware, I made the statement to him that I thought I could not vote for the bill. I merely wished to correct this mistake which appears on the face of the RECORD.

Mr. SAULSBURY. I desire to say that the Senator is perfectly correct. He was simply paired with me on the amendment of the Senator from New York, [Mr. CONKLING.] On the currency bill itself the Senator from West Virginia stated to me that he would vote as I did, against it. The announcement of our pair was made by the Senator from Texas, who did not understand the case precisely.

PETITIONS AND MEMORIALS.

Mr. PRATT presented a memorial of merchants and manufacturers of Evansville, Indiana, remonstrating against the abolishment of the office of appraiser at that port; which was referred to the Committee on Finance.

Mr. BUCKINGHAM presented the petition of William Gardner, John Davids, and 42 others, of the Mohoconuck, now Stockbridge tribe of Indians, praying Congress to adopt such measures as will protect them in their rights under certain treaties, remunerate them for damages incurred by them, and secure to them what is justly their own; which was referred to the Committee on Indian Affairs.

Mr. LOGAN presented a petition, numerously signed by citizens of Chicago, Illinois, praying the passage of a law directing the Secretary of the Treasury to have all Government issues, notes, bonds, &c., printed at one establishment so as to prevent the counterfeiting of the same; which was referred to the Committee on Appropriations.

Mr. THURMAN presented the petition of William Glenn & Sons and others, citizens of Cincinnati, Ohio, and the petition of R. M. Bishop & Co. and others, citizens of Cincinnati, Ohio, praying the passage of a law defining a gross of matches and to provide for uniform packages; which were referred to the Committee on Commerce.

Mr. SARGENT. I have in my hand a letter from the Director of the Mint on free coinage, a subject which is now pending before the Senate upon a bill which is on the Calendar. I move that it be printed and lie on the table.

The motion was agreed to.

Mr. SHERMAN presented the petition of a committee of the Baltimore branch of the Freedman's Savings and Trust Company, praying an amendment to the charter of the company so as to allow that branch a board of trustees with authority to control the investment of its deposits; which was referred to the Committee on Finance.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. THURMAN, it was

Ordered, That the memorial of the officers of the Masonic Lodge of Georgetown, South Carolina, be taken from the files and referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. WRIGHT, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 1939) for the relief of the sureties of James L. Collins, deceased, reported it without amendment.

Mr. HAMLIN, from the Committee on Mines and Mining, to whom was referred the bill (S. No. 822) to amend an act entitled "An act to promote the development of the mining resources of the United States," reported it without amendment.

Mr. BUCKINGHAM, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 742) for the relief of Henry A. Webster, V. B. McCollum, and A. Colby, of Washington Territory, pre-emptors on the Makah Indian reservation, reported it without amendment.

Mr. WADLEIGH, from the Committee on Public Lands, to whom was referred the bill (S. No. 445) to authorize the equitable settlements of the accounts of Enos Lowe, late receiver of public moneys at Council Bluffs, Iowa, reported it with an amendment.

BILLS INTRODUCED.

Mr. FRELINGHUYSEN (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 824) to encourage and promote telegraphic communication between America and Asia; which was read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. BOGY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 825) to amend an act entitled "An act to confirm to the Great and Little Osage Indians a reservation in the Indian Territory," approved June 5, 1872; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. HITCHCOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 826) to reduce the area of the military reservation of Fort Sanders, and providing for the survey of said reservation as reduced; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. ALCORN asked, and by unanimons consent obtained, leave to introduce a bill (S. No. 827) to provide for the appointment of a commission of engineers to investigate and report a permanent plan for the reclamation of the alluvial basin of the Mississippi River subject to inundation; which was read twice by its title, and referred to the Select Committee on the Levees of the Mississippi River.

BILL RECOMMITTED.

Mr. WRIGHT. On the 12th instant there was reported from the Committee on Finance a bill (S. No. 653) for the relief of E. Boyd Pendleton, late collector of internal revenue fifth district of Virginia, and its indefinite postponement was recommended; and on the next day that motion was reconsidered and the bill went on the Calendar. I now move that that bill be recommitted to the Committee on Finance.

The motion was agreed to.

ADJOURNMENT SINE DIE.

Mr. EDMUNDS. I offer the following resolution, and ask that it lie on the table for the present:

Resolved by the Senate, (the House of Representatives concurring,) That the President of the Senate and the Speaker of the House of Representatives be, and they are hereby, directed to adjourn their respective Houses without day on the 22d day of June, A. D. 1874, at twelve o'clock noon.

The resolution was ordered to lie on the table.

CIVIL-SERVICE RULES.

Mr. SPENCER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President be requested to transmit to the Senate the answer in full received by the civil service commission in reply to their circular addressed to the various heads of Departments and Bureaus requesting a report as to the operation and effect of the civil-service rules in their several Departments and offices.

FALLS OF SAINT ANTHONY.

Mr. RAMSEY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, directed to communicate to the Senate any information he may have acquired since his last annual report, in regard to the preservation of the Falls of Saint Anthony and the navigation above the same, together with such suggestions relative thereto as he may deem proper.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON; its Clerk, announced that the House had passed the following bills, in which the concurrence of the Senate was requested:

A bill (H. R. No. 62) for the relief of Margaret E. West;

A bill (H. R. No. 256) for the relief of Edgar L. Spencer, the owner of the steamer Clara Dolsen;

A bill (H. R. No. 2198) for the relief of the heirs at law of William C. Brashear, an officer of the Texas navy;

A bill (H. R. No. 2202) for the relief of William B. Thomas, late collector of customs at the port of Philadelphia;

A bill (H. R. No. 2211) for the relief of Beck & Wirth;

A bill (H. R. No. 3303) to extend the time for filing claims for additional bounty under the act of July 28, 1866;

A bill (H. R. No. 3352) to further provide for the sale of certain lands in Kansas;

A bill (H. R. No. 3349) to revise and consolidate the statutes of the United States, general and permanent in their nature, relating to the District of Columbia, in force on the 1st day of December, in the year of our Lord, 1873; and

A bill (H. R. No. 3354) to legalize entries of public lands under the homestead laws in certain cases.

The message also announced that the House had passed the bill (S. No. 311) for the relief of Joseph Montanari, and for other purposes, with amendments, in which the concurrence of the Senate was requested.

The message further announced that the House had passed a concurrent resolution for printing five thousand copies of the report of Edward Young, chief of the Bureau of Statistics, on customs and tariff legislation of the United States; in which the concurrence of the Senate was requested.

The message also announced that the House had passed a concurrent resolution for printing seventy-five hundred additional copies of the report of the Smithsonian Institution for 1873; in which the concurrence of the Senate was requested.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. No. 1122) granting a pension to Mrs. Martha E. Northup, widow of First Lieutenant Edward B. Northup, late of the Seventeenth United States Infantry;

A bill (H. R. No. 2846) repealing the act entitled "An act fixing the time for the election of Representatives from the State of California to the Forty-fourth Congress;"

A bill (H. R. No. 3139) for the relief of the owners of the steam ferryboat A. Burton;

A bill (H. R. No. 1271) for the relief of John T. Watson, of Cincinnati, Ohio;

A bill (H. R. No. 2074) to amend an act entitled "An act to provide for the establishment of a military prison and for its government," approved March 3, 1873;

A bill (H. R. No. 2100) for the relief of Martin Hoff, Casper Doerr, and George Gebhart, citizens of Saint Louis, Missouri;

A bill (H. R. No. 2205) for the relief of P. Hornbrook;

A bill (H. R. No. 2348) for the relief of Rev. George Morrison, late of Kentucky; and

A bill (H. R. No. 2346) for the relief of W. A. Saylor, of Bryan, Texas.

BOUNTY-LAND WARRANTS.

Mr. PRATT. I move that the Senate proceed to the consideration of the bill (S. No. 763) explaining the intent and meaning of the fourth section of the act entitled "An act in addition to certain acts granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States," approved March 3, 1855, and reported from the Committee on Public Lands with an amendment.

The PRESIDENT *pro tempore*. The bill will be read for information.

The bill was read. It provides that the rights and privileges of soldiers, their widows and heirs at law, to any certificate or warrant referred to in said section 4, that may issue or that has heretofore been issued, under the provisions of that act, or of any other act, shall be governed by the provisions of section 4 of the act entitled "An act granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States," approved September 28, 1850, so far as to prevent the sale of any such certificate or warrant, or the land obtained thereby, on account of any debt or claim incurred by such officer or soldier prior to the issuing of the patent.

An amendment was reported by the Committee on Public Lands, in line 11, after the word "sale," to insert the words "on execution, or by virtue of any judicial order."

The PRESIDENT *pro tempore*. Is there objection to the consideration of the bill?

Mr. CONKLING. I make no objection; but I wish to make two remarks to my friend from Indiana. In the first place, I do not understand, and I apprehend the Senate will not understand without a word of explanation from him, what the object of this bill is; but in the second place, and more particularly, here is another instance of referring to an act so and so and amending it. I beg to remind the Senate again that in a few days, when we act, as I hope we shall act, on the revision of the laws, a large part of all this identity is to be obliterated. I suggest to the Senator whether he would not rather say affirmatively what he means this bill to do than to refer to lines

and acts and pages in statute-books which very soon will be practically obsolete.

Mr. PRATT. This bill may possibly be obnoxious to the objection urged by the Senator from New Jersey; but there is pressing necessity for its passage. The act of September 28, 1850, in the fourth section provided as follows in relation to these bounty-land warrants: "nor shall such certificate or warrant, or the land obtained thereby, be in anywise affected by, or charged with, or subject to, the payment of any debt or claim incurred by such officer or soldier prior to the issuing of the patent." This section was omitted in the act of March 3, 1855, and the consequence has been that in several of the States the lands granted to soldiers under the act of 1855 as bounties have been subjected by the order of the courts to the payment of the debts incurred prior to the issuing of the patent. The object of this bill is simply to carry into the act of 1855 the provision which I have quoted from the act of 1850. I have a letter here from the Commissioner of the General Land Office which I will send to the Clerk's desk and request that it be read, which explains the necessity of this bill.

The PRESIDENT *pro tempore*. The letter will be read if there be no objection.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., May 14, 1874.

SIR: I have the honor to acknowledge the receipt of your letter of yesterday, inclosing Senate bill No. 763, explaining the intent and meaning of the fourth section of the act entitled "An act in addition to certain acts granting bounty lands to certain officers and soldiers who have been engaged in the military service of the United States," approved March 3, 1855, requesting my opinion as to the necessity of such an amendment. You also inquire whether we know if in any of the States courts have held under the act of 1855 that soldiers' bounty-land warrants are subject to be sold for the debt of such soldiers, &c.

In reply I have to state that it has come to the knowledge of this office in numerous cases that State courts have ordered the sale of soldiers' warrants for the payment of debts previously incurred, and frequently are made assets of the estates of such soldiers; but under what law such order was made this office is not advised; perhaps under the respective State laws; but in no such case has this office approved of such sale.

Nevertheless, as in the act of 1855, such prohibitions are not clearly expressed, I am of the opinion that it would be more clearly understood by all concerned if the bill you inclose be amended as suggested in your letter, by inserting in the eleventh line, after the word "sale," the words "on execution or by virtue of any judicial order."

The bill inclosed by you is herewith returned.

Very respectfully, your obedient servant,

W. W. CURTIS,
Acting Commissioner.

Hon. D. D. PRATT,
United States Senate, Washington, D. C.

Mr. PRATT. The bill as amended is in the language of the Commissioner of the General Land Office, and if it shall become a law will protect these bounty-land warrants from being subjected to sale for the purpose of the payment of the debts of the soldier. I do not suppose that any objection will be urged by any gentleman to the passage of this bill unless it be the technical one urged by my friend from New York, and really I do not see that that is very important in the case of a small bill like this.

Mr. CONKLING. The Senator from Indiana is right in his conjecture that I have no objection to the object of the bill or to the bill itself in substance; but I submit to him that this is a very simple and very glaring case of the need of changing our form of legislating. I beg the Senate to observe that the whole purpose of the Senator from Indiana is to provide that bounty-land warrants and certificates issued to soldiers shall be exempt from levy and sale on execution. That is the whole of it. Why not say so? How does the bill say so? It starts off with a title, which title occupies five lines, being "A bill explaining the intent and meaning of the fourth section of the act entitled 'An act in addition to certain acts granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States,' approved March 3, 1855." Now what does the bill say? Does it say that these warrants and certificates shall be exempt from levy and sale on execution? Yes, sir; it says it but not in those words, but says it covered up by a reference to two statutes neither of which will be found by its title or found where it is referred to here, as soon as we shall have acted on the revision of the laws. Let me see if I am right in that:

That the rights and privileges of soldiers, their widows and heirs at law, to any certificate or warrant referred to in said section 4—

That refers back to the title of the bill—

that may issue or that has heretofore been issued, under the provisions of said act, or of any other act, shall be governed by the provisions of section 4 of the act entitled "An act granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States," approved September 28, 1850, so far as to prevent the sale on execution or by virtue of any judicial order of any such certificate or warrant, or the land obtained thereby, on account of any debt or claim incurred by such officer or soldier prior to the issuing of the patent.

Boil that down; and what is it in plain English? It is that hereafter all such certificates and warrants, and the land held thereunder shall be exempt from levy and sale on execution for any debt incurred prior to the issue of such certificate; and that is the whole thing, and there it speaks for itself. Every lawyer can read it and every layman can read it. It can be put in one-quarter of the words employed here, and be entitled "An act exempting certificates and warrants from sale," and there is the whole story in a nut-shell. I am not going to struggle with my friend. He just heard the Clerk of the House of Representatives read the title of an act to consolidate the statutes of the District of Columbia. The committee of this body having charge of that subject have been waiting for that bill, which was the little complement needed to make up the entirety of the revision of the statutes. The committee hope to report it very soon, and they hope for the favorable action of the Senate at once, and then my honorable friend will have upon the statute-book, if in the mean time this act shall be passed, a statute referring to volumes which hereafter will be disused unless our revision is to be a failure, and superseded by the volume of revision in which volume a man may look—I will not say in vain, for of course he will be able to find it, but will look under great difficulties to find the meaning of an act which contains three times as many words as are neccessary to state flat-footed and distinctly what it means; namely, that these warrants and certificates and the land acquired under them are hereafter to be exempt from levy and sale on execution.

The PRESIDENT *pro tempore*. And the act itself which is referred to will be repealed.

Mr. CONKLING. And the Chair reminds me of a most important thing, which I ought to have stated, that the act referred to will itself be repealed because it is a necessary part, as the Senate will see, of the scheme of revision to re-enact all these laws as they shall stand condensed and collected together, and to repeal all existing statutes.

Now I hope that my friend from Indiana, if he has no objection, of his own accord will consent to take this bill back and rewrite it. He says it is a small bill. It will be much less labor than is involved in most of these instances, and let him set the rest of us the example of making our legislation as we shall be obliged to make it hereafter unless we intend all the time to row against the current of the revision of the statutes. Of course, it is of no more consequence to me than it is to others. The Senate will act as it deems proper.

Mr. PRATT. There is wisdom in the suggestion of the Senator from New York; but it must be remembered that we had a resolution presented this morning to provide for an adjournment on the 22d of June, and if this bill is to be sent back to the Committee on Public Lands, which meets at half-past ten o'clock when the Senate meets at eleven, it amounts practically to a defeat of the bill; because, in the multitudinous mass of matters coming before that committee, it is scarcely to be hoped that the bill will receive another consideration, and if it should be amended in accordance with the suggestion of the Senator from New York and reported back, it would have to be acted upon by the Senate and then sent to the House. I hope the bill will pass in its present form.

Mr. CONKLING. I was in the act of drawing an amendment which I thought the Senator would accept, and I think I might say I could prepare in five minutes a substitute for this bill avoiding the criticism. The Senator could do it in much less time. In order to test the sense of the Senate, I move to recommit the bill to the Committee on Public Lands for the purpose I have indicated.

Mr. PRATT. If the Senator will withdraw his motion and let the bill pass over until to-morrow morning, I will prepare an amendment in accordance with his suggestion.

Mr. CONKLING. I will do that, of course.

The PRESIDENT *pro tempore*. The motion to take up the bill is withdrawn.

COMPULSORY PILOTAGE.

Mr. HAMLIN. I ask the Senate to take up the bill (S. No. 675) to relieve ships and vessels from compulsory pilot fees in certain cases. I think it will occupy very little time.

By unanimous consent, the bill was considered as in Committee of the Whole.

The Committee on Commerce proposed to amend the first section of the bill by striking out in line 4 the words "duly registered or enrolled" and inserting "when trading between district and district, or between different places in the same district, or carrying on the fishery;" so as to read:

That no owner, agent, master, or consignee of any ship or vessel, when trading between district and district, or between different places in the same district, or carrying on the fishery, shall, by virtue of the laws of any State, be compelled to take, employ, or pay a pilot not voluntarily employed on entering or departing from any port or harbor, or entering, passing through, or leaving any channel, passage, or strait within the waters of the United States.

Mr. HAMLIN. It will be observed that the second section of the bill is stricken out by the report of the committee. This bill as originally introduced by myself provided in the first section for the abolition of all compulsory pilot fees whatever. The second section provided that the owner, master, or agent of a vessel should not be compelled to pay compulsory fees when his vessel was taken into or out of port by a tug-boat. That section was added upon the idea that the tow-boat might charge an additional sum equivalent to pilotage. The committee, however, after considering it, believed the terms of the first section broad enough to cover the whole matter and have recommended the striking out of the second section, to which I do not object. They further recommend in the first section to strike out the words "duly registered or enrolled" and insert "when trading between district and district, or between different places in the same district, or carrying on the fishery." The adoption of that amendment will make the bill effective only upon what is popularly known as the coasting trade and coasting-vessels, with one slight addition, that if a vessel under regis-

ter should enter a port other than that at which she was registered, she could take homeward coast freight and thus go from port to port, from the place where she entered, to her home port as a coasting-vessel. It is practically, therefore, abolishing compulsory pilotage upon the coasting trade.

I have myself no doubt whatever that the provisions of the first section are precisely what the best interests of commerce, the best interests of underwriters, and the best interests of all the world demand. I have given much time to an investigation of this subject, and am prepared to discuss it at length. The Committee on Commerce, however, having unanimously reported the bill in its present form, I presume it will receive the favorable consideration of the Senate; and being more desirous of securing the passage of the bill than of consuming the time of the Senate in speaking, I forbear.

Inasmuch as this report has come back to us with the unanimous approval of the Senate Committee on Commerce, I do not propose to vary their amendment or to change it except by inserting the word "collection" before "district" in the fifth line. I think that becomes necessary. What "district" is referred to? Is it a congressional district, is it a light-house district, or is it a district of some other kind? I have not turned my eye to that statute for some time, but I think if Senators will turn back to the navigation law of 1789, they will find there is incorporated in that law a provision for what are called "the great districts" and then comes a subdivision of those. If there be nothing in relation to the suggestion as to congressional districts or light-house districts, a question may arise as the language now stands whether its application would be only between what are called the great districts and the small districts.

The Senator from New York [Mr. CONKLING] tells me that that precise phraseology occurs in twenty different statutes. I know it; but if the Senator will look at those statutes he will see that in each of them there is a collection district referred to, and therefore you do not want the distinctive character of the district named because it is in the text of each of those bills and is not in the text of this. It can do no harm to make this clear; it will meet with no objection, I am very sure; and I therefore move to amend the amendment by inserting the word "collection" before the word "district" in the fifth line.

Mr. BOUTWELL. I cannot believe that that amendment is necessary. I think it is a superfluous proposition. In the statute of 1793, from which the language used in the amendment of the committee is borrowed exactly as found in the sixth section, previous to it the phrase "collection district" is not used as far as I can find. I think I see an objection to the Senator's proposition. As it stands now "between district and district," the language would apply to what are called the great districts as well as the collection districts. For instance, we have a great district, as it is called, extending from the eastern coast of Maine to Florida, which is district No. 1. We have a district extending from the western coast of Florida to the Sabine River—it never has been changed since the act admitting Texas—which is district No. 2; and when Florida was acquired that was made into a district called district No. 3. I think that leaving the language reported by the committee will save the Department from the necessity of considering whether it is a great district or a collection district; and inasmuch as the subject-matter of the bill is trade on the coast, it cannot refer to any other districts than those districts which are framed for the purpose of facilitating the administration of the navigation and revenue laws. I hope, therefore, the Senator from Maine will withdraw his amendment. I think it is superfluous.

Mr. HAMLIN. I must frankly admit that I think the text of this bill defines the use of the word "district" satisfactorily; but subsequently to the report of this bill I received so many letters from merchants and ship-owners who are frightened, rather than myself, suggesting that the word "collection" ought to precede the word "district," that I made the motion. However, taking the whole text, I am willing to trust it, and will withdraw the amendment to the amendment.

The PRESIDENT *pro tempore*. The amendment to the amendment is withdrawn.

Mr. CONKLING. Mr. President, if an illustration were needed of the fact that the Senator from Maine never puts his hand to the plow and turns back, the bill before us would be a complete illustration of that fact. The Senator, convinced profoundly that the interests of navigators and especially the interests of his constituents require a change in the pilot laws, has been so persistent and has been so argumentative and so able in his mode of presenting the subject to the committee and insisting upon it and pressing it forward at all times, that, in part as I think because the committee was not able to resist him, this bill has been reported.

I do not rise to make any attack upon it or to consume any time in objecting to it. I wish, however, to say that as it was introduced originally, speaking now of the port of New York, its effect would have been to cut up altogether the existing system of pilotage. Upon consideration, the committee changed it so far as not to make it applicable to foreign vessels or sea-going vessels, and to confine it to the particular field of operation which the Senator from Maine has been so strenuous in insisting upon. As it stands now, it does interfere with the pilotage known as Hell Gate pilotage as contradistinguished from Sandy Hook pilotage, and it permits vessels plying in the coasting trade without taking a pilot to run in and out of those local waters. I say for myself that in the presence of the very urgent effort which has been made I consented to this, in the hope that it was right, and knowing that it was much less radical than the original measure. I take it, it will be the pleasure of the Senate to adopt it; and I shall consider it, if I may be forgiven for saying so, about as much a personal triumph of my honorable friend from Maine as it is an act of legislation in the interest of commerce in the abstract.

Mr. FRELINGHUYSEN. May I ask the Senator from New York a question?

Mr. CONKLING. Yes, sir.

Mr. FRELINGHUYSEN. After the enactment of this bill, will coasting vessels be required to have pilots?

Mr. CONKLING. No, sir. The very purpose of it is to release coasting vessels from the necessity of taking a pilot, and if my friend will pardon me for one moment, it will of course occur to him that the reason and excuse for that is the supposition that men engaged in the coasting trade run in and out of the harbors so often, that they are able without the exposure of life or property to manage their vessels substantially as well as the trained pilots would do.

Mr. EDMUNDS. How can trained pilots get their subsistence if the range of their business is to be diminished in this way? Will not that drive them out of the business?

Mr. CONKLING. That is a very natural question; and the answer to it is that the bill still leaves compulsory pilotage applicable to foreign vessels and sea-going vessels. Exempting coasting vessels, it applies to but few vessels running into the port of New York, except those going through Long Island Sound and Hell Gate or the East River; and it is thought that, in spite of the effect to which the Senator from Vermont alludes, it is warrantable in the way that I have explained.

Mr. FRELINGHUYSEN. I should like to ask the Senator from New York what is the exact meaning of the phrase "trading between district and district?"

Mr. CONKLING. As has been explained by the Senator from Maine in advocating the amendment, vessels running from one collection district to another collection district as distinguished from vessels running from Aspinwall to New York, or from Cuba to New York, or from the other hemisphere to New York.

Mr. FRELINGHUYSEN. I confess that I hope this bill will not become a law. I think there are two serious objections to it, one of which was suggested by the Senator from Vermont. How will you keep up and support a system of pilotage if you take from the pilots all the receipts and income which they now derive from the coasting trade of the country? It cannot be kept up, and the consequence will be that while you are dispensing with pilotage as to coasting-vessels, you will dispense with pilotage as to foreign and sea-going vessels. Besides that, I do not believe it to be a fact that these vessels engaged in the coasting trade are so manned and officered that they are competent safely to bring their vessels into harbor at all times. These pilots in New York and in New Jersey are practiced, experienced men, men of great energy, great skill and courage, and they ought to be protected so that they may be maintained for the welfare not only of the coasting vessels, but of all sea-going vessels.

Mr. CHANDLER. Mr. President, I hope this bill will become a law. There are to-day forty-two pilots for Hell Gate. Hell Gate was formerly a dangerous passage; but the Government has expended some millions of dollars improving Hell Gate, and now they compel every vessel passing through Hell Gate, whether it uses a pilot or not, to pay half-pilotage to support these forty-two men. If they had three or four pilots for Hell Gate, it is possible that occasionally a very deep ship might want to engage a pilot; but certainly two or three would be sufficient; and yet they levy a forced contribution upon the commerce passing through Hell Gate, upon which this Government has expended millions of dollars, to support forty-two men, of over $250,000.

These coasting-vessels are regular traders and their commanders are better pilots than any pilots that go through Hell Gate. It is the same on all our coasting routes. A ship makes a trip once a week, or perhaps once a fortnight, and the captains of these ships have been in this traffic from their youth up, and there is no more reason why those captains should be compelled to pay half-pilotage than there is why they should be compelled to put a nineteenth man on their ship when eighteen are enough.

But, sir, compulsory pilotage still holds upon all our foreign commerce. Any ship touching at a foreign port is compelled to pay pilotage whether she takes a pilot or not. If New Jersey has more pilots than the legitimate business of pilotage will support, tell them to go to sailing-coasters or some other business where they can earn a legitimate living.

Mr. HAMLIN. I desire to say a word or two in relation to this matter, and but a word or two. First, I wish to state to the Senate, what is the fact, that there is no compulsory pilotage upon the coasting-vessels to-day coming in by the way of Sandy Hook, and there has not been. New York has repealed her laws enforcing compulsory pilotage on all coasting-vessels that come in by the way of Sandy Hook. This bill then will have the effect only to abolish what is called half-pilotage by the way of Hell Gate; that is all there is of it.

Now does my friend from New Jersey know, and does the Senator from Vermont know, that of the skilled pilots who go down to help the vessels through Hell Gate not one in twenty touches a vessel?

The vessels do not want them; they do not need them. And do the Senators know that these pilots go down there in yawl-boats and nothing else? I think I am accurate in saying that that whole board of pilots have got but a single pilot-boat. I am so informed by the pilots of New York. A pilot by the way of Hell Gate communicated that fact to me.

Mr. EDMUNDS. You mean one pilot-boat for that district?

Mr. HAMLIN. One pilot-boat goes out to meet and pilot vessels.

Mr. EDMUNDS. Out to sea?

Mr. HAMLIN. I mean just what I say, that the Hell Gate pilot board has got but one pilot-boat.

Mr. EDMUNDS. That may be.

Mr. HAMLIN. The rest of them all perform the arduous and hazardous task of going down that channel in a yawl-boat, notifying the master of a vessel that he, the pilot, wants his half-pilotage, and the master pays it, and then goes along about his business. That is Hell Gate pilotage. This bill abolishes that, and puts it on the same footing with the Sandy Hook pilotage.

Mr. FRELINGHUYSEN. May I ask my friend if the sole object of this bill is to relieve coasting vessels from the compulsory pilotage at Hell Gate?

Mr. HAMLIN. That is all.

Mr. FRELINGHUYSEN. Why does not the bill just say that? I have no objection to that part of it.

Mr. HAMLIN. The object of the bill is to relieve the coastwise commerce from compulsory pilotage wherever and whenever it is imposed in that way. I think it may have one or two applications elsewhere; but that is the main point to be reached, and the law should, I think, be uniform.

Now, sir, one word in relation to compulsory pilotage. I did not mean to be drawn into saying anything about it, because it is not in the bill; but I do mean to say this: that if the bill had been reported precisely as it was introduced by myself I believe I could satisfy this Senate that compulsory pilotage is unnecessary. How are you going to support your trained pilots without compelling another branch of your navigating interest to contribute to their compensation when they do not want their services? My answer is plain and simple. I am the last man in the world who would destroy or any way in the world impair an efficient system of pilotage. If you have forty pilots to-day who pick up $800,000 of compulsory pilotage for vessels passing Hell Gate and render no equivalent therefor—and that I believe is about the amount—and distribute that money among that board, you would, if you had no compulsory pilotage, only support that number of pilots which would be requisite to perform all the services that were required. You might diminish somewhat the service in practice; you would not diminish it in efficiency at all. That is my idea in relation to it.

But that question is not involved in this bill. This bill now proposes to put the passage by way of Hell Gate, so far as it applies to New York, upon precisely the same footing that New York herself has put the passage by the way of Sandy Hook.

Mr. EDMUNDS. How does it apply with respect to other ports of the United States?

Mr. HAMLIN. In the same way to all of them.

Mr. EDMUNDS. It makes it uniform?

Mr. HAMLIN. It makes it uniform. I think there may be one point in Massachusetts where it may affect pilotage, and it may affect one point in the South. I recollect of but three points affected by it, but they are situated precisely like Hell Gate, where pilots are not required, where they are not needed, and where the pilotage is only a tax upon the commerce and the navigation of the country, not called for by any interest in the world or any persons save those who take the money and put it in their pockets without rendering any service.

I did suppose that this bill, coming from the committee unanimously reported, would have received the unanimous approval of the Senate.

I want to say one word more. I see my friend from Pennsylvania [Mr. SCOTT] has risen to address the Chair, or addressed the Chair about the time I rose. I wish to say that the pilots or the persons representing the pilots, themselves from Philadelphia, (and the chairman will correct me if I am wrong,) stated that they did not object to the bill in this form if it only abolished compulsory pilotage upon coasting vessels, and applying to the passage to Philadelphia.

Mr. CHANDLER. And the same is true of Baltimore.

Mr. SCOTT. I rose to make an inquiry for the purpose of information that I wished from my friend from Maine, and not with reference to the interests of Philadelphia especially. From what has been stated I can see the propriety of relieving vessels trading from point to point at no great distance from each other from the compulsory pilotage fees; but under the language of this bill I wish to make an inquiry. I find the language to be:

That no owner, agent, master, or consignee of any ship or vessel—

Which would include passenger as well as coastwise trading-vessels—

when trading between district and district, or between different places in the same district, or carrying on the fishery, shall, &c.

The inquiry I wish to make is, would not this exempt the passenger-steamships which ply between New York and New Orleans; or, if there be steamers running now from New York to San Francisco, each of those being a separate collection district in the United States, would not the language of this bill exempt such vessels from pilotage?

Mr. HAMLIN. Yes, sir; and those vessels are now compelled to carry a pilot by the laws of the United States.

Mr. SAULSBURY. Mr. President, I have great doubt about the propriety of the passage of this bill. I think there is a great deal of force in what was said by the Senator from New Jersey, that its tendency may be to destroy pilotage to a very considerable extent. It is utterly impossible for men to engage in any avocation unless they can derive from that avocation sufficient for their maintenance and support; and if you abolish the pilotage or the half-pilotage on coasting trading-vessels I very much question whether there will be sufficient compensation arising out of the business to justify men in engaging in it; and thus it may have a tendency to jeopardize property and jeopardize human life.

I dissent entirely from the view which has been expressed that the masters of vessels engaged in the coasting trade are as familiar with the different localities to which they are bound as pilots who are located at the particular places. I know of a very recent case in my own State. The last time I was in Delaware a gentleman who has a number of vessels engaged in the coasting trade told me that he had just lost a very valuable vessel on the coast of Florida simply because the captain of the vessel refused to take on board a pilot; and the consequence was the total wreck of his vessel. The owner would have been glad to pay for and secure the services of a pilot on board his vessel. So if you relieve and exempt masters and owners of vessels from this half-pilotage, the captain will run the risk very frequently, and frequently the loss of the vessel will ensue and human life become endangered.

I therefore very much question the propriety of the passage of this bill. The States have passed laws in reference to pilotage, and I do not see why they are not just as competent to enact suitable and proper laws in reference to this subject as the Congress of the United States. I received a few days ago a letter from a gentleman largely engaged in the coastwise business, the owner of large interests in a number of vessels engaged in the coasting trade, in which he said that while very frequently they could enter a port without the services of a pilot, yet he was not satisfied in his own mind as a vessel-owner but that it was for the general interest of the vessel-owners that the law as it exists to-day should be continued in force. I therefore have very grave doubts as to whether legislation of this kind will prove an advantage to vessel-owners, and I am fearful that in the end it will prove very considerably disastrous to human life as well as to property.

Mr. CHANDLER. I wish to state that a large proportion of the vessels going through Hell Gate take a tug. There will be five or six ships in tow of a tug, with an experienced pilot on board that tug; and yet a pilot in one of those little skiffs will come up and demand and collect pilotage from every one of those ships that have paid the tug with an experienced pilot to take them through. Here are some forty-two men who receive over $4,000 a year each for pilotage, when three men are all that are wanted, and more too.

Mr. FRELINGHUYSEN. I rise to make an inquiry of the Senator from Maine in reference to the law which he referred to requiring steam-vessels carrying passengers to have a pilot on board. I understand that to be the law.

Mr. HAMLIN. Yes, sir.

Mr. FRELINGHUYSEN. I understand this bill will repeal that.

Mr. HAMLIN. O, no.

Mr. FRELINGHUYSEN. It provides—

That no owner, agent, master, or consignee of any ship or vessel, when trading between district and district, or between all places in the same district, or carrying on the fishery, shall, by virtue of any law of any State, be compelled, &c.

There is the distinction which I had not noticed.

Mr. President, I should like to look at this bill further, and as the morning hour has expired, I will move that the Senate now proceed to the consideration of Senate bill No. 1, the civil-rights bill.

The PRESIDENT *pro tempore*. The morning hour having expired, the Senate resumes the consideration of the unfinished business of Friday last.

Mr. HAMLIN. I ask the Senate to let us dispose of this bill. We can get through with it in a very few minutes, I think.

Mr. MORRILL, of Maine. I gave notice on Friday last that I should ask the Senate to-day to proceed to the consideration of the legislative, executive, and judicial appropriation bill. I do not know whether my friend from New Jersey was in the Senate at that time. I hoped that at this period of the session, under all the circumstances surrounding this bill and the business of the Senate, the Senator from New Jersey would take notice of that fact, and allow me to go on with that bill without antagonizing the measure to which he refers at the present time. When this appropriation bill passes from the Senate or at any rate during the progress of the appropriation bills, before they are all reported to the Senate, there will be ample opportunity for the consideration of the bill to which the Senator refers.

Mr. FRELINGHUSEN. I do not desire to antagonize any measure against the appropriation bills; in fact, I am perfectly aware of the general understanding, by which I feel bound, that the appropriation bills should to a certain extent have precedence and priority; but I appeal to the Senator from Maine, inasmuch as the civil-rights bill has been partly considered, and as action must be taken upon it and

will be taken upon it before we adjourn, to permit us to proceed and dispose of that measure which has been so long pending. I think it can be disposed of in a day or two, and then the course will be clear for all the appropriation bills. If this measure is to be called up one day and then interrupted by an appropriation bill, it will delay the proceeding, and there will be a great waste of time; whereas if the Senator will permit us now to take up the civil-rights bill we can probably dispose of it in a little while.

HOUSE BILLS REFERRED.

The PRESIDENT *pro tempore*. Before putting the question on the pending motion, the Chair, to expedite business, will present the House bills on his table for the purpose of reference.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. No. 62) for the relief of Margaret E. West; and

A bill (H. R. No. 256) for the relief of Edgar L. Spencer:

The following bills were severally read twice by their titles, and referred as indicated below:

A bill (H. R. No. 3354) to legalize entries of public lands under the homestead laws in certain cases—to the Committee on Public Lands.

The bill (H. R. No. 3303) to extend the time for filing claims for additional bounty under the act of July 28, 1866—to the Committee on Military Affairs.

The bill (H. R. No. 2198) for the relief of the heirs at law of William C. Brashear, an officer of the Texas navy—to the Committee on Naval Affairs.

The bill (H. R. No. 2211) for the relief of Beck & Wirth—to the Committee on Finance.

The bill (H. R. No. 3352) to further provide for the sale of certain lands in Kansas—to the Committee on Indian Affairs.

The bill (H. R. No. 2101) for the relief of the owners of the steamer Clara Dolsen—to the Committee on Naval Affairs.

The bill (H. R. No. 3349) to revise and consolidate the statutes of the United States, general and permanent in their nature, relating to the District of Columbia, prior to the 1st December, 1873—to the Committee on the Revision of the Laws of the United States.

The bill (H. R. No. 2202) for the relief of William B. Thomas, late collector of customs at the port of Philadelphia—to the Committee on Finance.

REPORT ON CUSTOMS AND TARIFF LEGISLATION.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution from the House of Representatives; which was referred to the Committee on Printing:

Resolved, (*the Senate concurring*,) That there be printed of the special report of Edward Young, chief of the Bureau of Statistics, on customs and tariff legislation of the United States, with the appendices, including the tariff acts approved respectively May 1, 1872, and June 6, 1872, and a tabular statement of the rates of duties under said acts and other statutes now in force, five thousand copies; three thousand for the House of Representatives, one thousand for the Senate, and one thousand bound for the use of and distribution by the Treasury Department.

JOSEPH MONTANARI.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. No. 311) for the relief of Joseph Montanari, and for other purposes; which were to strike out the second section of the bill, to change the numbers of sections to correspond, and to amend the title by striking out the words "and for other purposes."

Mr. BUCKINGHAM. I move that the Senate disagree to the amendments of the House of Representatives and ask for a committee of conference.

Mr. EDMUNDS. I should like to hear the section proposed to be stricken out read.

The PRESIDENT *pro tempore*. The section will be read.

The Chief Clerk read as follows:

SEC. 2. That section 21 of the act entitled "An act to regulate the diplomatic and consular systems of the United States," approved August 18, 1856, shall not be construed so as to prevent compensation being allowed and paid out of appropriations for the consular and diplomatic service of the United States to vice-consuls-general, vice-consuls, or vice-commercial agents, who are not or may not be citizens of the United States.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Connecticut.

The motion was agreed to; and the President *pro tempore* was, by unanimous consent, authorized to appoint the conferees.

REPORT OF THE SMITHSONIAN INSTITUTION.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the following resolution of the Senate:

Resolved, (*the House of Representatives concurring*,) That seventy-five hundred additional copies of the report of the Smithsonian Institution for the year 1873 be printed for the use of the institution: *Provided*, That the aggregate number of pages of said report shall not exceed four hundred and fifty, and that there be no illustrations except those furnished by the Smithsonian Institution.

The amendment of the House of Representatives was to strike out all after the word "that" where it first occurs, and insert in lieu thereof the following:

Ten thousand five hundred copies of the report of the Smithsonian Institution for the year 1873 be printed, two thousand copies of which shall be for the use of the House of Representatives, one thousand for the use of the Senate, and seven-five hundred for the use of the institution: *Provided*, That the aggregate number of pages of said report shall not exceed four hundred and fifty, and that there shall be no illustrations except those furnished by the Smithsonian Institution.

The House amendment was referred to the Committee on Printing.

ORDER OF BUSINESS.

Mr. EDMUNDS. What is the pending question?

The PRESIDENT *pro tempore*. The unfinished business is the bill (S. No. 398) for the relief of Hiram W. Love; and the motion is to postpone it.

Mr. BOREMAN. I give notice that at the earliest practicable moment I shall call up and ask the Senate to consider the bill (S. No. 44) to establish the Territory of Pembina, and to provide a temporary government therefor.

The PRESIDENT *pro tempore*. The bill (S. No. 398) for the relief of Hiram W. Love, being the unfinished business before the Senate, the Senator from New Jersey moves the postponement of the same, and that the Senate proceed to the consideration of the bill (S. No. 1) supplementary to an act entitled "An act to protect all citizens of the United States in their civil rights, and to furnish the means for their vindication," passed April 9, 1866. Is there objection?

Mr. SCOTT. The pending motion upon the bill for the relief of Hiram W. Love was a motion to recommit to the Committee on Claims. I understand the Senator from Iowa, [Mr. WRIGHT,] who to some extent has charge of the bill, expresses his desire that it should be recommitted, or at least gives his consent to its recommittal. I shall not object to that, although I prefer that it should be disposed of.

The PRESIDENT *pro tempore*. It is moved that the bill (S. No. 398) for the relief of Hiram W. Love be recommitted to the Committee on Claims. The Chair will entertain that motion unless objection be made.

The motion to recommit was agreed to.

Mr. MORRILL, of Maine. If it is in order, I now move to proceed to the consideration of the bill (H. R. No. 2064) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes.

Mr. FRELINGHUYSEN. As I said to the Senator from Maine, I do not feel at liberty under the general understanding which was had, being bound by it, to antagonize the civil-rights bill against the appropriation bills. I was in hopes that the Senator from Maine might see it consistent with the public interest to suffer this civil-rights bill to be disposed of now; but if he does not, I must content myself with giving notice, that immediately on the determination of this appropriation bill, I shall call up that bill and bring it to a final vote certainly immediately if I can, but at the furthest on the second sitting of the Senate after it shall be taken up.

Mr. MORRILL, of Maine. I have no doubt, or else I should yield to my honorable friend, that it will facilitate the public business to allow the Committee on Appropriations to proceed with its business when it is in order, as there will necessarily occur time between the various appropriation bills for the consideration of other questions.

The PRESIDENT *pro tempore*. The Chair hears no objection to the motion of the Senator from Maine, and the appropriation bill indicated by him will be read.

THE APPROPRIATION BILLS.

Mr. MORRILL, of Maine. Before we proceed with the consideration of the bill, I ask unanimous consent of the Senate to consider the following resolution:

Resolved, That during the present session it shall be in order at any time to move a recess; and pending an appropriation bill to move to confine debate on amendments thereto to five minutes by any Senator on the pending motion; and such motions shall be decided without debate; and no amendment to any such bill making legislative provisions other than such as directly relate to the appropriations contained in the bill shall be received; and no special order shall be made during this session.

Mr. SHERMAN. I am in favor of the resolution except as to the post-office appropriation bill. I desire, for a reason that I will state more fully when the question comes up to except that bill from its operation. I think there will be reasons appealing to the sense of the Senate for action on that bill which would be excluded by this resolution. I would except the appropriation bill for the Post-Office Department from the operation of this rule. There is some legislation which will be moved to that bill.

The PRESIDENT *pro tempore*. When that bill is reached the Senator can move to suspend this rule.

Mr. SHERMAN. Perhaps it would be better to except the post-office appropriation bill expressly.

The PRESIDENT *pro tempore*. The Senator from Ohio moves to amend the resolution by excepting the post-office appropriation bill.

Mr. WEST. I inquire of the Chair whether that resolution is not almost in terms and words the same resolution under which the appropriation bills and the concluding business of the session have been conducted for the two preceding sessions?

Mr. EDMUNDS. Word for word.

The PRESIDENT *pro tempore*. The Chair so understands.

Mr. WEST. Is not there an addition that there shall be no special order?

Mr. EDMUNDS. It is word for word the old rule.

Mr. SHERMAN. But I wish to except the post-office appropriation bill.

The PRESIDENT *pro tempore*. The Senator from Ohio moves to

amend the resolution by excepting the post-office appropriation bill. The amendment will be reduced to writing, and reported.

The CHIEF CLERK. The amendment is to add to the resolution the following:

Provided, That this order shall not extend to the post-office appropriation bill.

The PRESIDENT *pro tempore*. The Chair hears no objection to the present consideration of the resolution; and the question is on the amendment of the Senator from Ohio.

The amendment was agreed to.

The resolution, as amended, was agreed to.

INDIAN APPROPRIATION BILL.

Mr. PRATT. I wish to give notice that when the Indian appropriation bill comes up I will move the amendment which I now send to the Chair. I move that it may be printed and referred to the Committee on Appropriations.

The motion was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. E. BABCOCK, his Secretary, announced that the President had, on the 16th instant, approved and signed the act (S. No. 347) granting a portion of the United States military reservation at Salt Lake City for cemetery purposes; and that he had this day approved and signed the act (S. No. 149) for the relief of certain settlers on the Fort Randall military reservation.

THE DIPLOMATIC SERVICE.

Mr. CHANDLER. I ask unanimous consent to make a report from the Committee on Commerce and that it be considered now. It will not take more than half a minute. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. No. 3073) to amend section 19 of the act approved August 18, 1856, entitled "An act to regulate the diplomatic and consular systems of the United States," to report it back without amendment, and I ask for its present consideration.

By unanimous consent, the bill was considered as in Committee of the Whole. It proposes to amend section 19 of the act approved August 18, 1856, so as to read as follows:

SEC. 19. That no such officer as is mentioned in the first, second, third, fourth, sixth, or seventh sections of this act shall, nor shall any consular agent, be absent from his post or the performance of his duties for a longer period than ten days at any one time, without the permission previously obtained of the President. And no compensation shall be allowed for the time of any such absence in any case except in cases of sickness; nor shall any diplomatic or consular officer correspond in regard to the public affairs of any foreign government with any private person, newspaper, or other periodical, or otherwise than with the proper officers of the United States; nor, without the consent of the Secretary of State previously obtained, recommend any person at home or abroad for any employment of trust or profit under the government of the country in which he is located; nor ask or accept, for himself or any other person, any present, emolument, pecuniary favor, office, or title of any kind from any such government.

Mr. CONKLING. I beg to remind my friend from Michigan that the revision of the statutes will repeal that very act referred to and with it this act may fall to the ground. Therefore I suggest to him in place of saying "section 19 of such an act be amended so and so," to change the phraseology and make the law as he means it to be. Otherwise, when we come, as I think we shall within a week, to adopt the revised statutes, there will be no such act as this bill refers to.

Mr. MORRILL, of Maine. I should like to inquire, if it is proper, what is the question before the Senate?

The PRESIDENT *pro tempore*. The business before the Senate is the legislative and executive appropriation bill; but the Senator from Michigan asked unanimous consent to consider this bill which he reported.

Mr. CHANDLER. It will not take thirty seconds.

Mr. MORRILL, of Maine. My honorable friend has such a seductive way of doing things that it is difficult to interfere.

The PRESIDENT *pro tempore*. Does the Senator from Maine object to the consideration of the bill reported by the Senator from Michigan?

Mr. MORRILL, of Maine. If it takes any time I must object.

Mr. CONKLING. It had better be laid aside informally until we can fix it.

Mr. MORRILL, of Maine. Very well; let us go on with the appropriation bill. I call for the regular order.

Mr. CONKLING subsequently said: A few moments ago, at my suggestion, a bill was laid aside informally with consent that it might be taken up when a change had been made in it. I now ask the Senate to resume the consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3073) to amend section 19 of the act approved August 18, 1856, entitled "An act to regulate the diplomatic and consular systems of the United States."

Mr. CONKLING. This is the bill reported by the Senator from Michigan. At his suggestion I have taken the section which it is the purpose of the bill to amend and in place of referring to it have specifically carried into the bill the officers to which it relates. I will hand the Secretary the change made, explaining it to him.

The Chief Clerk read the amendment of Mr. CONKLING, which was to make the bill read as follows:

That no embassador, envoy extraordinary, minister plenipotentiary or minister resident, commissioner to any foreign country, chargé d'affaires, secretary of legation, assistant secretary of legation, interpreter to any legation in any foreign country, consular-general, consul, commercial agent, consular pupils, or consular agent shall be absent from his post or the performance of his duties for a longer period than ten days at any one time, without the permission previously obtained of the President. And no compensation shall be allowed for the time of any such absence in any case except in cases of sickness; nor shall any diplomatic or consular officer correspond in regard to the public affairs of any foreign government with any private person, newspaper, or other periodical, or otherwise than with the proper officers of the United States; nor, without the consent of the Secretary of State previously obtained, recommend any person at home or abroad for any employment of trust or profit under the government of the country in which he is located; nor ask or accept, for himself or any other person, any present, emolument, pecuniary favor, office, or title of any kind from any such government.

The amendment was agreed to.

The bill was reported to the Senate, as amended, and the amendment was concurred in.

It was ordered that the amendment be engrossed and the bill read a third time. The bill was read the third time, and passed.

The title was amended so as to read: "A bill relating to embassadors, consuls, and other officers."

CONSULAR AND DIPLOMATIC BILL.

A message from the House of Representatives, by Mr. CLINTON LLOYD, its Chief Clerk, announced that the House had passed a bill (H. R. No. 3095) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1875, and for other purposes; in which it requested the concurrence of the Senate.

The bill was read twice by its title, and referred to the Committee on Appropriations.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 2064) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes.

The PRESIDENT *pro tempore*. The bill will be read.

Mr. MORRILL, of Maine. Before the bill is read I would say a few words in a general way as to its contents for the information of the Senate, though I know very little attention is generally paid to an appropriation bill. As this is the most important of all the general appropriation bills, it may facilitate its progress perhaps if I say a word or two.

This, as the Senate is aware, is the bill which provides for the bulk of the civil service of the country. It makes appropriations for the legislative, executive, and judicial departments of the Government in all their civil relations. This, I am happy to say, is very severely such a bill. There is little or no extrinsic matter in it. It is in harmony with the general policy of economy that has been practiced in regard to the service for the last three or four years.

The appropriation made last year for the service embraced in this bill for the current fiscal year was $23,753,623. This bill as it came from the House of Representatives appropriated $20,441,010, and as amended by the Senate committee $20,922,638, being in the latter case a decrease in these three branches of the public service of $2,830,995. The bill which you have now to consider as reported by your committee appropriates $20,922,638, which exceeds the House bill by $481,618. In other words, the Committee on Appropriations of the Senate propose to increase the amount of the appropriation $481,618. The items which constitute this increase are chiefly a provision in the bill for the postages of the several Departments. The House bill appropriated in part for postages for the Departments and in part not. We have supplied that deficiency, and to the amount of $258,500. That is the principal item of excess. The other amendments to the bill relate to the several Bureaus, chiefly in the Treasury Department, and somewhat also in the War Department, but confined exclusively to the Quartermaster's Department. Those are the main particulars in which this bill is amended by the committee.

Thus at a glance the Senate will perceive that it is strictly an appropriation bill; and so far as members of the Senate have heretofore or at any time made themselves acquainted with the public service embraced in these three departments of the Government they will find this bill familiar. There is less in it of an extraneous character than I have ever known in a similar bill at any former period. I am not aware of anything that can challenge to any great extent controversy upon any branch of the public service.

The House of Representatives have in some instances, and the committee have acquiesced, proposed to fix by law salaries which in former years were left to the discretion of the Department. In other words, it has been common for many years to appropriate specifically for clerks at certain salaries and then to give in several of the Bureaus to some of the heads of Departments a sum of money for additional compensation. It has been thought wiser and more consistent with the interests of the public service that these salaries should be fixed definitely, so that Congress may know precisely what is paid, and to that extent it is new. Otherwise than that, the bill very generally and very strictly conforms to the service as established by law.

I will take up no more time, Mr. President. I think the usage has been, and it has been found to be consistent with the dispatch of business, that the amendments proposed by the Committee on Appropriations should be acted upon as the reading of the bill progresses.

The PRESIDING OFFICER, (Mr. EDMUNDS in the chair.) The Senator from Maine asks unanimous consent that the amendments reported by the Committee on Appropriations be acted upon as the

reading of the bill progresses. The Chair hears no objection, and it will be so ordered. The Secretary will proceed with the reading of the bill.

The Chief Clerk proceeded to read the bill.

The first amendment reported by the Committee on Appropriations was in the appropriation "for compensation of the officers, clerks, messengers, and others receiving an annual salary in the service of the Senate," in line 25, after the word "each," to insert:

Five clerks at $2,100.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, in line 28, to strike out "two messengers, at $1,296 each; one page, at $720;" and in lieu thereof to insert, "assistant keeper of the stationery, at $1,800."

Mr. MORRILL, of Maine. There is a clerical error in the amendment as printed. Instead of striking out "two messengers," there should be provision for one at that place. This is a reduction of the force in the Secretary's office. It was intended to be a reduction of one messenger and one page; but it is two messengers instead, as printed. I move to strike out "two messengers" and insert "one messenger" in line 28, and strike out "each."

The PRESIDING OFFICER. The amendment will be so amended if there be no objection.

Mr. SHERMAN. I should like to ask the Senator why he adds in line 25 five clerks to the force in the Secretary's office.

Mr. MORRILL, of Maine. There is no addition. That goes on the principle I have just stated. It has been the habit and practice of the Senate to appropriate for temporary clerks ten or fifteen thousand dollars, and the Secretary usually employs six clerks under that appropriation. Now, instead of appropriating for temporary clerks in that way, we have appropriated directly for five clerks. The House of Representatives made no appropriation for temporary clerks, so that it appears in the bill to be an addition of five clerks; but it is really one clerk less than has been employed in the Secretary's office, and at a lower rate of salary than has heretofore been paid. These five clerks are in lieu of the sum of money heretofore appropriated for temporary clerks. It is the same thing precisely except that it is restrictive, and these clerks are put at a lower salary than has been paid heretofore, so as to make a distinction between first-class and second-class clerks there, and to appropriate specifically for them.

Mr. SHERMAN. This bill appropriates for twenty clerks in our Secretary's office. For a small body like this that appears rather large.

Mr. MORRILL, of Maine. Not so many.

Mr. SHERMAN. Altogether I count twenty clerks here provided for. It can hardly be that it is necessary to have a permanent addition of five clerks. These temporary clerks no doubt were allowed under some pressure during the war and have been continued from time to time, but now they are to be made permanent.

I wish to call attention, without knowing the full facts of the case, to the necessity of the number of clerks that we find here provided for the Senate. There is an appropriation for chief clerk, for principal clerk, for principal executive clerk, minute and Journal clerk, financial clerk, a librarian, and seven clerks in the office of the Secretary of the Senate, and now five clerks in addition, all with a high compensation. As a matter of course, I do not wish to interfere with the bill, but there is a general complaint that the expenses of the Senate are pretty large and the number of the employés unnecessarily great. I think we ought to curtail the service as much as possible.

Mr. MORRILL, of Maine. The remarks of my honorable friend are calculated to lead to a misapprehension that there are five additional clerks here provided for. The fact is that there is one clerk less than the ordinary force in the office. The committee find that service here; it has been appropriated for during many years. It is not the business of the Committee on Appropriations to ascertain precisely what the service ought to be. That belongs to another committee of the Senate. So far as clerks are concerned the appropriation is far less than it was last year; and so far as the other service of the Secretary's office is concerned we have cut it down one messenger, one laborer, and one page.

The PRESIDING OFFICER. The question is on the amendment as amended.

The amendment, as amended, was agreed to.

Mr. MORRILL, of Maine. The clause should read: "One messenger, at $1,296; assistant keeper of the stationery, $1,800;" so as to strike out simply "one page, at $720."

The PRESIDING OFFICER. The amendment will be modified if there be no objection. The Chair hears none.

The next amendment was on page 3, lines 42 and 43, to increase the appropriation for compensation of the superintendent of the document-room of the Senate from $1,800 to $2,160.

The amendment was agreed to.

The next amendment was on page 3, after line 43, to strike out:

Two assistants in document-room, at $1,440 each.

And in lieu thereof to insert:

First assistant in the document-room, $2,160; second assistant in the document-room, $1,440.

Mr. SCOTT. I rise to make an inquiry of the chairman of the Committee on Appropriations. It has naturally struck us all that the great diminution in the distribution of documents and the printing of public documents would reduce the expenses of the document-room; and if we are disappointed in that, I suppose the chairman of the committee can inform us why it is that the salary of the superintendent himself is increased, and the salary of his first assistant also, giving him a salary equal to that given to the superintendent himself. If the labor is diminished, in other words, the inquiry naturally suggests itself why the salaries are increased.

Mr. MORRILL, of Maine. The salary of the superintendent is not increased. It has been for years exactly what the committee propose here. The amendment is to appropriate precisely what the salary is by law. That was probably overlooked by the House of Representatives when they reduced the appropriation to $1,800. The salary of the assistant superintendent of the document-room is increased from $1,800 to $2,100, and that is an increase to make it correspond with the salary of the assistant superintendent on the House side.

Mr. SCOTT. It is perhaps proper that I should say that my inquiry, which assumed that the labor of these officers was diminished, was based upon a mistake. I suppose this clause referred to the folding-room from which the documents are distributed, but I am informed that it relates to the document-room in the upper portion of the building, instead of the room below; so that my inquiry was prompted by a mistake of my own, which I take pleasure in correcting.

Mr. MORRILL, of Maine. That is the fact.

The amendment was agreed to.

Mr. FRELINGHUYSEN. I desire to give notice of an amendment to the pending bill that it may be referred to the Committee on Appropriations. The amendment comes from the Committee on Foreign Relations. It is to increase the number of clerks in the State Department. It makes an increase in salaries of about $13,000, while at the same time it provides for an increase of the income of that Department by way of passports, which it is estimated will amount to about $45,000—an increase of income greater than the increase of expenditure. I move that the amendment be referred to the Committee on Appropriations.

The PRESIDING OFFICER. The amendment will be received and referred to the Committee on Appropriations.

The next amendment of the Committee on Appropriations was in line 63, after the word "dollars," to strike out the words:

One laborer in stationery-room, $864.

The amendment was agreed to.

The next amendment was in lines 70, 71, and 72, to increase the aggregate appropriation "for compensation of the officers, clerks, messengers, and others receiving an annual salary in the service of the Senate from $124,680.80 to $133,884.80."

Mr. WEST. I call the attention of the chairman to the fact that the alteration made in line 28 makes it necessary to change that total amount. It should read $135,130.80, to correspond with the change made in line 28.

Mr. MORRILL, of Maine. I think it is correct as it is.

Mr. WEST. You have only stricken out one messenger at a salary of $1,296; consequently you must add that amount to the aggregate.

Mr. MORRILL, of Maine. We have stricken out something above that which comes in there also.

Mr. WEST. Very well; let it go.

Mr. MORRILL, of Maine. I think it is right.

Mr. SHERMAN. The aggregate does not govern it any way.

Mr. MORRILL, of Maine. I will look at it afterward.

The amendment was agreed to.

The next amendment was, after line 72, to insert the following clause:

To pay Kate Dodson, employed under the Sergeant-at-Arms, for attending the ladies' retiring-room of the Senate, $720 per annum.

The amendment was agreed to.

The next amendment was, in lines 88 and 89, to reduce the aggregate appropriation for eighteen pages of the Senate at the rate of $2.50 per day while actually employed from $6,700 to $4,050.

The amendment was agreed to.

The Chief Clerk read the next clause of the bill, as follows:

For hire of horses and mail-wagons for carrying the mails, and for one saddle-horse for messenger, $5,475.

Mr. WEST. I desire there, with the sanction of the chairman of the committee, to move to insert after the word "mails," in line 91, the words "for horses and wagons," not changing the total amount of $5,475. As the bill reads now, the transportation appropriated for here would be confined to the office of the Sergeant-at-Arms, cutting off the Secretary of the Senate entirely. The object of the amendment is to give the Secretary of the Senate transportation at such amount as the Committee on Contingent Expenses may allow out of this same appropriation.

The PRESIDING OFFICER. Does the Chair understand the Senator from Louisiana to make that motion?

Mr. WEST. Yes, sir; merely to insert after the word "mails," in line 91, the words "for horses and wagons."

The PRESIDING OFFICER. The Senator from Louisiana asks unanimous consent at this time to move the amendment indicated to the bill. Is there objection, it not being in order at this time except by unanimous consent? The Chair hears no objection to the present consideration of the amendment.

Mr. SHERMAN. I have no objection to its present consideration, but it does seem to me that there ought to be no provision made here except for carrying the mails. If the Secretary of the Senate needs a wagon to carry his documents down to the printing office, there is no objection to that; but I do not want to let in by possibility any abuse of the contingent fund of the Senate or the House, so that the money can be used for anything except for transporting matter—not men, but matter—to the printing office or carrying the mails. I am afraid that this amendment may lead possibly to the continuance of an abuse, which has been cut off by the House of Representatives in all Departments of the Government. There is no necessity for the Secretary of the Senate having a wagon to carry himself or anybody else, any more than for ourselves. If we use a wagon, we have to hire it and pay for it; and I do not think it is necessary for the officers of the Senate or the officers of the Government to have these conveniences of transportation. The House, I understand, throughout this bill and throughout all the appropriation bills, have cut off these facilities of transportation of men and persons, and have confined the appropriations to the transportation of property; and I hope the Senate will adhere to the action of the House in that respect.

Mr. SARGENT. If the Senator will examine the bill he will find that the House has not done what he supposes, and in fact could not do it. The principal debate there arose over the allowance of transportation for the Attorney-General. In that debate it was shown that he had to attend a number of courts, that law books had to be carried backward and forward, and that the Solicitor-General and the Attorney-General himself were constantly in attendance on the courts, and sometimes two or three courts on the same day; and on that showing, which certainly was reasonable, and further that the amount appropriated was very much less than would be required for the occasional hire of carriages for the purpose, the House restored the item, and the same item is left in the bill for every other Department of the Government; that is, for necessary transportation, limited as it is by the amount appropriated, and extremely limited. The allowance for horses and wagons is still continued, and it must be continued unless we expect that the work of the Government will not be done. The Secretary of the Senate is required by our rules to carry and is continually carrying bills to the executive department. Is he to walk, or is he to hire some carriage which may be out on the stand, and pay as much for a single trip of that kind as it would cost to make twenty trips under the present system? Further, he is in continual correspondence with the Government Printing Office, carrying out the orders of the Senate and the orders of Congress for the delivery of manuscripts of bills and documents to be printed. Of course they are sent back by the Public Printer. Then again he is required to bring money down from the Treasury. I should like to have the attention of the Senator from Ohio, if he still insists on his objection.

Mr. SHERMAN. I understand there is a provision in the bill which covers the point that I wanted to make. I do not like to call attention to any of these matters.

Mr. SARGENT. Of course if the objection is withdrawn I do not wish to argue the point; but I was going to remark further that the Secretary of the Senate is compelled to draw money from the Treasury of the United States to pay expenses, the salaries of Senators and officers, to send to the Government Printing Office the manuscripts that we intrust to his charge for printing, and to carry bills to the President of the United States to be signed, and sometimes the work is extremely onerous. To require him to do all this on foot, or to say that he shall hire chance conveyances, is, in the one case, to require him to do that which he could not do, which it would not be decent to require him to do, and is, in the other case, to adopt a system much more expensive than the present one. That is the reason why this allowance is made and has been made for years, and it cannot be dispensed with.

Mr. SHERMAN. If the section on page 72 covers the officers of Congress as well as Government officers, I am perfectly willing to let this amendment be made. What I want is to prevent the abuse of contingent funds. No one objects, certainly I would not object, to the hire of carriages or the ownership of carriages when necessary to conduct the public business; but I hope we shall never again have any debate in regard to the use of public carriages for private purposes. It is one of those subjects which I do not wish to discuss or allude to. However, if the Secretary of the Senate is a civil officer of the Government—I am not sure that he is——

Mr. SARGENT. There is no question about that.

Mr. SHERMAN. Members of Congress are not civil officers of the Government.

Mr. SARGENT. The Secretary of the Senate is not a member of Congress. He is an officer of a branch of the Government, just as much as an officer under the Executive is. There is no doubt about that. We have judicial officers, executive officers, and legislative officers. I do not think a Senator is an officer of the Government; but the Secretary of the Senate unquestionably is an officer of the Government just as much as the Secretary of the Treasury is. The Senator will notice that the committee do not propose to modify section 2. We let that stand in its full force, although I have an impression that it will be found to bite pretty hard in some directions.

Mr. SHERMAN. I do not believe that officers of Congress are officers of the Government. The term "civil officers of the Government" was originally applied to executive officers.

Mr. SARGENT. I do not think there is any doubt about it; but if there is in the Senator's mind, it can be obviated when we reach section 2 by adding the words "or officers of Congress."

Mr. SHERMAN. I shall have no objection to the present amendment if the Senator will move that amendment when we come to that section.

Mr. SARGENT. I shall have no objection to such an amendment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Louisiana, [Mr. WEST.]

The amendment was agreed to.

The Chief Clerk resumed the reading of the bill. The next amendment reported by the Committee on Appropriations was in line 100, in the appropriations for the Capitol Police to increase the appropriation "for one captain" from $1,800 to $2,088.

Mr. WRIGHT. In this connection there are several amendments reported by the Committee on Appropriations touching the Capitol police, and I wish to call the attention of the chairman of the committee to a matter which perhaps I ought to know without making the inquiry. I see that the bill as it came from the House provided that the captain of the Capitol police should have $1,800 and it is proposed by this amendment to increase it to $2,088. Am I correct in supposing that that amount, $2,088, is the amount provided by law, and which has been appropriated heretofore?

Mr. MORRILL, of Maine. Yes, sir.

Mr. WRIGHT. So that there is no increase?

Mr. MORRILL, of Maine. No, sir; and the same remark is true in regard to all the amendments in this clause.

Mr. WRIGHT. Then the House proposed to cut these officers down, and the Committee on Appropriations leave them to stand where they were before?

Mr. MORRILL, of Maine. Yes, sir; the committee have reported in harmony with the law as it stands, not by appropriations merely, but by an act of Congress.

Mr. WRIGHT. So that this is no increase beyond the existing law, but the House proposed to cut down these salaries and the committee leave them as they stand now by existing law?

Mr. MORRILL, of Maine. That is the way of it.

The amendment was agreed to.

The next amendment was in line 102, to increase the appropriation for three lieutenants of the Capitol police from $1,600 each to $1,800 each.

The amendment was agreed to.

The next amendment was in line 103, to increase the appropriation for twenty-seven privates of the Capitol police from $1,200 each to $1,584 each, and to increase the aggregate from $32,412 to $42,768.

The amendment was agreed to.

The next amendment was in line 107, to increase the total appropriation for the Capitol police and watchmen from $47,000 to $58,256.

The amendment was agreed to.

The next amendment was in line 113, after the word "duty," to strike out "from" and insert "for."

The amendment was agreed to.

The next amendment was in line 127, in the appropriations "for compensation of the officers, clerks, messengers, and others receiving an annual salary in the service of the House of Representatives," in the clause making provision for the salaries of the Chief Clerk and Journal clerk of the House to strike out the words "while such positions are held by the present incumbents and no longer," and to reduce the item from $3,600 to $3,000 each.

The amendment was agreed to.

The next amendment was in line 130 to reduce the appropriation for salaries of "two reading clerks, assistant Journal clerk, and tally clerk" of the House from $3,000 each to $2,592 each.

The amendment was agreed to.

The next amendment was in line 184, after "session," to strike out the words "estimated at five months," and to reduce the appropriation for salaries of twelve messengers of the House during the session at the rate of $1,440 each per annum from $7,260 to $4,356.

The amendment was agreed to.

The next amendment was in lines 192 and 193, to reduce the aggregate of the appropriation for compensation of the officers, clerks, messengers, and others receiving an annual salary in the service of the House of Representatives from $98,316 to $92,580.

The amendment was agreed to.

The next amendment was in the proviso to the clause making appropriations for the office of the Congressional Printer, to strike out in lines 227 to 231 the words:

Be, and the same hereby is, repealed; that the title of said officer shall hereafter be "Public Printer," and he shall be deemed an officer of the United States; and whenever a vacancy in said office shall hereafter occur, the same.

And in lieu thereof to insert:

Shall cease and determine and become of no effect, from and after the date of the first vacancy occurring in said office; that the title of said officer shall thereafter be Public Printer, and he shall be deemed an officer of the United States, and said office.

So as to make the proviso read:

Provided, That so much of the act entitled "An act providing for the election of a Congressional Printer," approved February 22, 1867, as provides for the election of such officer by the Senate, and provides that such officer shall be deemed an officer of the Senate, shall cease and determine and become of no effect from and after the date of the first vacancy occurring in said office; that the title of said officer

shall thereafter be Public Printer, and he shall be deemed an officer of the United States, and said office shall be filled by appointment by the President by and with the advice and consent of the Senate.

The amendment was agreed to.

The next amendment was in line 305, in the items of appropriation for public buildings and grounds, to strike out "five" before "watchmen" and insert "four;" and to reduce the appropriation for four watchmen in reservation No. 2, (being the Smithsonian grounds,) from $3,600 to $2,880.

The amendment was agreed to.

The next amendment was in line 368, in the appropriations for the Department of State, before the words "official postage-stamps" to strike out "furnishing" and insert "purchase of;" and after "postage-stamps" to strike out the words "to an amount not exceeding $50,000 face value, one" and insert "fifty;" so as to read:

For purchase of official postage-stamps, $50,000.

The amendment was agreed to.

The next amendment was in line 376, in the appropriations for the Treasury Department, to increase the appropriation for "chief clerk and *ex officio* superintendent of the Treasury building" from $2,500 to $3,000.

The amendment was agreed to.

The next amendment was in line 377, to strike out "five clerks" and insert "eight chiefs of divisions."

Mr. BOUTWELL. I move to amend the amendment proposed by the committee by substituting "ten" for "eight," and I hope the committee will agree to that proposition.

Mr. MORRILL, of Maine. I think the Senator will find that his purpose is accomplished in the latter part of the bill, under the head of "Loans." There are two there, which make the "ten" that he supposes to be necessary.

Mr. BOUTWELL. As I understand, there are two then omitted, the chief of the division of records and files, and the chief of the mails division, for which only $1,800 compensation would be allowed under this bill.

Mr. MORRILL, of Maine. I am not certain that that is not so.

Mr. BOUTWELL. There are twelve divisions in the office of the Secretary of the Treasury, and I understand this bill makes provision for ten only.

Mr. MORRILL, of Maine. That is so. It makes provision for ten as it stands, undoubtedly.

Mr. BOUTWELL. Previous to 1869 there were twenty-three of these divisions, and each one, as far as the salary was concerned, was as expensive as the present organization.

Mr. MORRILL, of Maine. That is my information about that.

Mr. BOUTWELL. I think we ought to allow full pay to the twelve, who all stand in the same relation to the Department. There is a difference of duties, but under the organization there is no difference of responsibility or of position. I hope the committee will agree to the proposition I have moved.

The PRESIDING OFFICER, (Mr. WRIGHT in the chair.) The question is on the amendment of the Senator from Massachusetts to the amendment.

Mr. MORRILL, of Maine. The Senator can move that at a later period perhaps as we go on. If the Senator would allow the amendments of the committee first to be acted upon, it would be better.

Mr. BOUTWELL. But when the amendments reported by the committee are acted on, I understand it will not be in order until we come into the Senate to substitute "ten" for "eight" in this clause.

Mr. MORRILL, of Maine. That is true; but the Senator will have an opportunity in the Senate.

Mr. BOUTWELL. But if it is to be done, it might as well be done now, I think.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Massachusetts to the amendment.

Mr. DAVIS. My understanding is, that the House provided for five chiefs of divisions in the office of the Secretary of the Treasury; and the Senate Committee on Appropriations increased the number from five to eight, so as to provide for what they believed to be the wants of the Department after examination. I should think it would be very unwise to increase the number. The committee have already increased it three over the provision of the House.

Mr. BOUTWELL. I think the Senator from West Virginia will agree that the officer who has charge of the mails receivable and those that are sent as well, and who last year received in the mails for the time under his own custody, mutilated notes, seven-thirty bonds, bonds for exchange of various kinds, amounting to $109,000,000, for which at the moment there was no responsibility except the integrity of the person opening the letters, should receive a salary of more than $1,800; and he is one of the officers of whom I speak, and the other has charge of the records and files of the Department. I hope there will be no objection to my amendment.

Mr. SARGENT. I rise to a point of order on the amendment. It increases the appropriation; and no notice has been given of it, as is required by the rules.

The PRESIDENT *pro tempore*. The Chair supposes that to be a good point of order.

Mr. BOUTWELL. I did not understand the point of order.

The PRESIDENT *pro tempore*. The point of order is that the amendment increases the appropriation, that no notice of it has been given, and that it has not been referred to the Committee on Appropriations.

Mr. BOUTWELL. Then I give notice now.

The PRESIDENT *pro tempore*. The Senator can submit the amendment and have it referred to the committee, and then it will be in order to offer it hereafter.

Mr. BOUTWELL. Then I submit the amendment to be referred to the committee, and I will offer it to-morrow. I hope the Senator from California will withdraw the point of order. If this proposition cannot be met on its merits, it had better go on.

Mr. SARGENT. I have strong doubt about the propriety of the amendment. We went very far in raising the number of these officers to eight. We nearly doubled the amount allowed by the House of Representatives, and went as far as we ought to go.

Mr. BOUTWELL. I should like to ask the Senator from California how it can be justified that a messenger around the doors of this Senate, or a clerk who merely reads, and who goes away when the session of Congress has ended, receives $2,100 or $2,500 a year, and in some instances $3,600, and yet an officer upon whom the responsibility rests for the time being during the year of the custody of $109,000,000 of public securities and money is to be turned off on a salary of $1,800?

Mr. SARGENT. If that is a question for me, I will state that I have no further responsibility in the matter than the Senator himself. When he submits an amendment to cut down the salaries to which he alludes I will act on the proposition; but this is a question of increase, and I am objecting to increase. If $3,000 or $2,000 is not sufficient to remunerate a man who has the responsibility of $109,000,000, what will be necessary? Shall it be $5,000 or $10,000 or $50,000? I do not know there is any particular amount which compensates a man. The service probably can be performed for the amount provided for by law and now provided for by this bill. If it cannot be, it may be an argument in favor of raising the amount. The committee thought that the sum here appropriated was sufficient.

The PRESIDENT *pro tempore*. The Chair sustains the point of order, and of course debate on an amendment ruled out is out of order. The question is on the amendment of the Committee on Appropriations, in line 377, to strike out "five clerks" and insert "eight chiefs of divisions."

The amendment was agreed to.

The next amendment was in line 379, after the word "marine," to insert "and life-saving stations;" and after the word "navigation," in line 380, to insert the words "of internal revenue, of sub-treasury, of stationery, printing, and blanks."

The amendment was agreed to.

The next amendment was in line 381, page 17, to strike out "$2,500" and insert "$3,000" as the appropriation for the salary of each head of division in the office of the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was in line 382, to strike out "five principal clerks" and insert "eight principal clerks of divisions."

The amendment was agreed to.

The next amendment was in line 384, to increase the appropriation "for two disbursing clerks" of the Treasury Department from $2,200 to $2,800 each.

The amendment was agreed to.

The next amendment was in lines 404 and 405 to increase the total appropriation for the Secretary's office of the Treasury Department from $323,100 to $342,300.

The amendment was agreed to.

The next amendment was in the clause appropriating for the office of the Commissioner of Internal Revenue, in line 528 to strike out "thirty" and insert "thirty-four" before "clerks of class four;" in the same line to strike out the words "forty-three" and insert "forty-eight" before "clerks of class three;" in line 529 to strike out "forty-two" and insert "fifty-two" before "clerks of class two;" in line 530 to strike out "fifteen" and insert "twenty" before "clerks of class one;" in line 531 to strike out "five" and insert "seven" as the number of messengers; in line 532 to strike out "two" and insert "three" as the number of assistant messengers; in the same line to strike out "twelve" and insert "fifteen" as the number of laborers; and in lines 533 and 534 to increase the total amount of the appropriation from $308,380 to $351,140.

The amendment was agreed to.

The next amendment was in lines 538 and 539, to increase the appropriation for salaries and expenses of collectors of internal revenue from $1,990,542 to $2,190,542.

The amendment was agreed to.

The next amendment was in line 543, to reduce the appropriation "for salaries, expenses, and fees of supervisors, store-keepers, agents, surveyors, gaugers, and miscellaneous expenses" from $2,600,000 to $2,400,000.

The amendment was agreed to.

Mr. SHERMAN. The Senator from Maine authorizes me to move now to strike out this clause at the close of the item just read: "And hereafter no gauger shall receive a greater compensation than five dollars a day," in lines 544 and 545. I will say that the Committee on Appropriations referred this matter to the Committee on Finance, who examined it very carefully and consulted also with the officers of the Internal Revenue Department, and we are entirely satisfied, unanimously so, that the present law is carefully guarded and very

carefully worded, and that it would not be improved by this provision.

The PRESIDENT *pro tempore*. The Senator from Ohio moves to strike out lines 544 and 545.

Mr. MORRILL, of Maine. It is due to the Senate that I should say that on that subject the Committee on Appropriations felt an embarrassment, because the clause undertook to fix the compensation of a class of officers of which they had no knowledge to justify them in having a judgment upon the subject; and they therefore referred the whole question to the Committee on Finance, who are presumed to be familiar with the matter, as the law came from that committee. We left it to them, as we must necessarily, this being a proposed change in the public service, the business of our Committee on Appropriations being to appropriate for the service as they find it. We referred the matter to the Committee on Finance, and feel somewhat bound by their advice in regard to it; and therefore I make no opposition to this amendment.

The PRESIDENT *pro tempore*. The Chair will receive the amendment of the Senator from Ohio.

The amendment was agreed to.

The Chief Clerk continued the reading of the bill. The next amendment reported by the Committee on Appropriations was under the heading "Treasury miscellaneous," to increase the appropriation for the purchase of official postage-stamps from $5,000 to $200,000, in lines 567 and 568.

The amendment was agreed to.

The next amendment was under the same heading, in line 580, to increase from $13,100 to $19,100 the appropriation "for rent of buildings."

The amendment was agreed to.

The next amendment was in the items for the office of the assistant treasurer at New York to strike out in lines 635 and 636 the words "two clerks, at $1,500 each," and to reduce the total appropriation in line 646 from $150,980 to $147,980.

The amendment was agreed to.

The next amendment was in the items for the office of the assistant treasurer at San Francisco to insert in lines 673 and 674 the words "for stamp clerk, $2,400;" in lines 675 and 676 to strike out "four watchmen, $4,000," and insert "three night watchmen, at $1,500 each; for one day watchman, $960," and to increase the total appropriation in lines 678 and 679 from $21,300 to $22,760.

The amendment was agreed to.

Mr. FRELINGHUYSEN. I desire to give notice of an amendment from the Committee on Agriculture which I ask may be printed and referred to the Committee on Appropriations.

It was so ordered.

Mr. CHANDLER and Mr. MORRILL, of Vermont, submitted amendments intended to be proposed to the bill; which were referred to the Committee on Appropriations, and ordered to be printed.

The Chief Clerk resumed the reading of the bill. The next amendment of the Committee on Appropriations was in the items for the office of the assistant treasurer at New Orleans, lines 715 and 716, to insert "three night watchmen, at $720 each," and in lines 716 and 717 to increase the total of the appropriation from $14,340 to $16,500.

The amendment was agreed to.

The next amendment was to insert after line 808 the following clause:

For compensation to special agents to examine the books, accounts, and money on hand at the several sub-treasuries and depositories, including national banks acting as depositories under the act of the 6th of August, 1846, $6,000.

The amendment was agreed to.

The next amendment was in the clause "to reopen the branch mint at New Orleans to be conducted hereafter as a mint," &c., in lines 889 and 890 to insert "superintendent, $3,500," and after the word "assayer" in line 890, to strike out "and melter and refiner" and insert "who shall perform the duties of melter;" and in line 892 to strike out "each," and in the same line to strike out "three workmen, $3,000," and insert "five workmen, $5,000," and to increase the total appropriation from $15,000 to $18,000 in line 896.

The amendment was agreed to.

The next amendment was in the items of appropriation for the assay office at New York, in line 900 to strike out "chief clerks, $2,400," and insert "chief clerk and principal calculator, $3,000; weighing clerk, $3,000; paying clerk, $2,200; bar clerk, $2,000;" and to increase the total appropriation in line 907 from $36,100 to $43,900.

The amendment was agreed to.

The next amendment was in lines 910 and 911 to increase the appropriation "for miscellaneous items and repairs" at the New York assay office from $20,000 to $45,000.

The amendment was agreed to.

The next amendment was to strike out the following clause, beginning at line 920:

Assay office at Charlotte, North Carolina:
For assayer in charge, $1,800; melter, $1,500; clerk, $1,000; wages of workmen, $600; contingent expenses, $1,500; in all, $6,400.

Mr. RANSOM. I hope that amendment will be reserved for the present.

The PRESIDENT *pro tempore*. The amendment will be regarded as agreed to if there be no objection, and reserved for consideration in the Senate at the request of the Senator from North Carolina. The reading of the bill will proceed.

The Chief Clerk continued the reading of the bill. The next amendment of the Committee on Appropriations was in the appropriation for the office of the Quartermaster-General, in lines 1071 and 1072, to increase the number of clerks of class two provided for from twenty-four to thirty; of clerks of class one, from forty to fifty-five; in lines 1073 and 1074, to insert "one female messenger at thirty dollars per month;" in line 1076, to increase the appropriation for the salary of one engineer from $800 to $1,200, and in lines 1081, 1082, and 1083 to increase the aggregate amount appropriated from $171,520 to $198,480.

The amendment was agreed to.

Mr. MORRILL, of Vermont. I desire to call the attention of the Committee on Appropriations to line 1171. I am informed that that clause will now discharge ten enlisted men in the Ordnance Department, and that the department really need three; that that number at least is indispensable. I would therefore ask the chairman of the committee to accept an amendment, after the word "the" before "engineer" to insert "Ordnance and;" so as to read:

Except in the Signal Office and the Ordnance and Engineer Corps.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The Chair will receive the amendment of the Senator from Vermont, if there be no objection.

The amendment was agreed to.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was in line 1183, to increase the appropriation "for one engineer in charge of heating the War Department building" from $1,200 to $1,400.

The amendment was agreed to.

The next amendment was in line 1392, in the clause appropriating for contingent expenses of the Pension Office to increase the item "for actual expenses of clerks detailed to investigate suspected attempts at fraud as provided by law" from $30,000 to $45,000; and in line 1400, to increase the total appropriation for contingent expenses from $73,800 to $88,800.

The amendment was agreed to.

Mr. MORRILL, of Maine. I desire to make a verbal amendment in line 1440, by striking out the word "act" and inserting "paragraph;" so as to read:

And no money appropriated by this paragraph shall be expended for advertising in newspapers published in the city of Washington other than the Patent Office Official Gazette.

The PRESIDING OFFICER. That amendment will be considered as agreed to if no objection be made. It is agreed to.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was in the appropriations for clerks, &c., of the Post-Office Department, in lines 1546 and 1547 to insert "chief of division of postal stamps, $2,500," and in line 1578 to increase the total appropriation from $439,952 to $442,452.

The amendment was agreed to.

The next amendment was in the appropriation for "contingent expenses of the Post-Office Department," in line 1582 to reduce the item of "gas" from $6,500 to $4,500; and in line 1590 to reduce the total from $46,900 to $44,900.

The amendment was agreed to.

The next amendment was in line 1744, in the appropriations for the office of the Solicitor of the Treasury, to strike out "two" and insert "three" as the number of clerks of class two, and to change the total from $25,600 to $27,060.

The amendment was agreed to.

The next amendment was in line 1748 to strike out "three" and insert "four," and in line 1749 to strike out "twelve" and insert "fourteen;" so as to make the clause read:

For rent of the portion (four floors) of the building occupied by the Department of Justice, $14,000.

The amendment was agreed to.

The next amendment was in line 1752, to increase the appropriation for official postage-stamps for the Department of Justice from $500 to $15,000.

The amendment was agreed to.

The Chief Clerk read section 2, as follows:

SEC. 2. That every clerk of the circuit or district court of the United States, United States marshal, or United States district attorney, shall reside permanently in the district where his official duties are to be performed and shall give his personal attention thereto; and in case any such officer shall remove from his district or shall fail to give personal attention to the duties of his office, except in case of sickness, such office shall be deemed vacant.

Mr. CONKLING. I move to add at the end of section 2 these words:

Provided, That in the southern district of New York said officers may reside within twenty miles of said district.

I have consulted with the honorable chairman of the Committee on Appropriations, and he has no objection to the amendment, the object of which is sufficiently apparent. It is not easy for the marshal of the southern district of New York or the clerk or district attorney always, from their salaries, to live in the city of New York. One resides across a ferry in one direction, and another in another, that not interfering at all with the discharge of their duties. The amend-

ment does not impair the scope of this provision, as it is intended to make this exception.

The amendment was agreed to.

The Chief Clerk read section 3, as follows:

SEC. 3. That no civil officer of the Government shall hereafter receive any compensation or perquisites, directly or indirectly, from the Treasury or property of the United States beyond his salary or compensation allowed by law, or shall make any private use of such property, or of the services or labor of any person in the employment or service of the United States which service or labor is paid for by the United States: *Provided*, That this shall not be construed to deprive any officer of the United States of such fees as are or may be expressly provided by law in addition to the salary or compensation of such officer, or of the use of such property as may be expressly by law appropriated to the use of such officer.

Mr. CONKLING. If I can have the attention of the chairman of the Committee on Appropriations, I should like to make an inquiry about this section:

That no civil officer of the Government shall hereafter receive any compensation or perquisites, directly or indirectly, from the Treasury or property of the United States beyond his salary or compensation allowed by law—

I make no inquiry about that—

or shall make any private use of such property, or of the services or labor of any person in the employment or service of the United States, which service or labor is paid for by the United States.

If the clerk of the Committee on Appropriations writes a letter for the chairman of that committee to a member of his family or to some other friend or acquaintance, would that act be improper or criminal within this language? The use of property might give rise to another question. But first I ask the attention of the chairman to that language, to know whether it goes so far that if any Senator borrows the fingers of the clerk of the committee to help him dispatch a matter of business, this section would lay hold upon him and deal with him?

Mr. DAVIS. I ask the Senator if the provision does not cover that ground?

Mr. CONKLING. I do not see how. It reads:

Provided, That this shall not be construed to deprive any officer of the United States of such fees as are or may be expressly provided by law in addition to the salary or compensation of such officer, or of the use of such property as may be expressly by law appropriated to the use of such officer.

It seems to me, that does not touch the question.

Mr. FRELINGHUYSEN. Is a Senator a civil officer? I believe it has been decided that he is not.

Mr. CONKLING. I believe it was decided in Blount's case that a Senator was not an officer under the United States, and therefore was not impeachable; but I should think the words "no civil officer of the Government" were broader. Of him it is provided that he shall not "receive any compensation or perquisites," and so on, or make any private use "of the services or labor of any person in the employment or service of the United States." I doubt whether that distinction is broad enough to stand upon. The general purpose of this section I make no objection to; on the contrary, I agree to it; but I do not think we ought to employ words which will turn it into derision or which will have an effect that nobody intends.

Mr. MORRILL, of Maine. The committee found this section in the bill as it came from the House of Representatives. It appropriates nothing; it is legislation, not directly with reference to the bill itself, but in reference to the public service as well outside. It is a pretty stringent provision undoubtedly, and the meaning and scope of it are not exactly apparent, in my judgment, and the committee so felt. It is a little difficult to specify precisely what it does mean or what the effect of it would be. It may be that it is liable to the criticism suggested by the Senator from New York. I cannot say that it is not. I think, however, that it is rather in harmony with the sentiment in regard to public men, that they ought to go under checkrein and bridle. It attracted the attention of the committee somewhat; but we did not regard it as so serious a matter on the whole as to render it necessary to interpose an objection by the committee. As it was not a matter of appropriation, but regulating the service provided for in the bill, the committee felt that it was proper enough to leave it to the Senate for its own consideration without any action on their part.

Mr. FRELINGHUYSEN. I do not know whether there is any express law for it, but it occurs to me that the Commissioner of Agriculture does now live, and has for years, having a very small salary, lived in the Agricultural Department building, and has a general supervision of the interests of that department, which not living there he could not have, and it would be a great injury to the Government if he was not there to look after the property. Whether there is any law authorizing him to occupy that building I do not know.

Mr. CONKLING. Then that is the case of an officer who lives on the department and not on his salary. [Laughter.]

Mr. President, enthusiasm in legislation is quite likely to be a dangerous thing, and this provision I think may be justly described as enthusiastic. It has been inserted in the bill in deference to an outcry against usages and habits which I found in Washington when first I came to Washington, now about fourteen years ago. Those usages were then so inveterate that they were the growth of a custom to which the memory of man even then did not run to the contrary. Having now reached, as we are told, an exceptionally depraved, and debased era, having come to a time when, if we are to believe much testimony that we hear, all men and especially public men, are more lax, disorderly, profligate, inattentive, than they ever were before, we have also reached a time when the same things which were customary, notorious, universal, and unchallenged, excite so much indignation that the country is hardly large enough to hold the noise.

As part of this criticism it has been seen that officials ride in vehicles, some of them, which they do not own or pay for themselves, each one as his predecessor, and his predecessor, and a generation of predecessors, going back as far as our annals go, did ride. For the purpose of meeting that and other such abuses, to which we are now all so broadly awake, this language has been used, and as it stands I think its fair interpretation would be a denunciation of the act of the clerk of a committee or any clerk employed by the Secretary of the Senate or about the Capitol who should for five or thirty minutes perform the office of amanuensis to a Senator or to anybody else. That pushes it, I submit, to an extreme. It enacts an absurdity, and must go very far to turn into derision and make a caricature of a section which, properly regarded, would be very wholesome and proper.

I do not know, Mr. President, I am free to say, why an official who happens to be the head of a Department or a Cabinet minister should be furnished with a carriage to ride to the Capitol or to the Department, or to carry books and papers, any more than I should be furnished with the same convenience for the same purpose. We all have papers to carry and books to carry and errands to do, and we all know that scattered as the Departments are, wide apart and all of them distant from the Capitol, except as to those Senators who are able to keep a carriage of their own, (and there are such, I believe,) it is very difficult for members of this body to get about upon their feet or in horse-cars so as to do the work which they are compelled to do, even the duties which their oath prescribes—not speaking of the countless things which are put upon us because we are Senators; and I know no reason, I admit, why an executive officer any more than we, should be furnished with means of locomotion with which to do his business, or save his breath, or his shoe-leather, or his private purse in respect to car-fare or carriage-hire. But we all know that the custom as it prevails is immemorial. However, as I say, we are now all wide awake in respect to it; everything is to be reformed; and we shall be out of fashion unless we have spasms of propriety all around in reference to things which only ten years ago were unchallenged and uncriticised by any human being. Now, I agree to that. I want to conform to the fashion. The only thing that I disagree to is the idea that when we find ourselves thus virtuous, we should at the same time accept the idea that we are more wanting in virtue and propriety than any other generation of men who ever appeared upon the stage. That part of it I do object to; I do not believe a word of it. I suggest that this section should be changed so as to mean what it is designed to mean, and not to include also that the excess of which will lead to its being stricken out altogether hereafter and provoke more ridicule than commendation.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) Does the Senator from New York offer an amendment?

Mr. CONKLING. I do not like to interfere with the Senator having the bill in charge. I will offer an amendment if it be his wish.

Mr. CARPENTER. The language of this section is:

That no civil officer of the Government shall hereafter receive any compensation or perquisites, directly or indirectly, from the Treasury or property of the United States beyond his salary or compensation allowed by law, or shall make any private use of such property—

That is, property belonging to the United States—

or of the services or labor of any person in the employment or service of the United States which service or labor is paid for by the United States.

Now, I think there is a distinction between an officer of the Government and an officer under the Government. The Constitution in article 1, section 6, clause 2, provides:

And no person holding any office under the United States, shall be a member of either House during his continuance in office.

The same clause also provides that—

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time.

Again, article 2, section 1, clause 2, provides:

But no Senator or Representative, or person holding an office of trust or profit under the United States, &c.

And I think that is a distinction which obtains both in the Constitution and laws.

Again, article 14, section 3:

No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, &c.

Therefore, while a Senator, in my opinion, is not an officer under the United States—and this clause of the Constitution draws that precise distinction—a Senator or Representative shall not accept an office under the Constitution; his office is not, in the phraseology of the Constitution and laws, an office "under the United States," but he is an "officer of the United States." Now then, this section, as I understand it, goes so far that if the clerk of a committee should after the adjournment of the committee be requested by the chairman to write at his dictation a note to his wife saying when Congress would

adjourn and when he would be home, that would be a violation of this statute. I think it would be a violation of this statute for any Senator to come here on Saturday when the Senate is not in session and sit in his chair to write a private letter about his own business. That would be a private use of property which he is authorized to use officially.

I move, Mr. President, not for the particular reasons specified alone, but because it has no sort of relation or reference to appropriations, to strike out the third section of the bill.

Mr. WRIGHT. I suggest to the Senator from Wisconsin that inasmuch as the same point has been made heretofore, and inasmuch as we are now considering the amendments reported by the Committee on Appropriations, it would be better to go through with those amendments, and then we can take up this question or such amendments as may be suggested to the section outside of it.

Mr. CARPENTER. Very well; I withdraw the motion.

The PRESIDING OFFICER. The amendment is withdrawn. The Secretary will proceed with the reading of the bill.

The Chief Clerk continued the reading of the bill.

The next amendment of the Committee on Appropriations was in section 4, line 7, after the word "loan" to insert "except the second section of the act approved July 14, 1870, entitled 'An act to authorize the refunding of the national debt;'" so that the section will read:

That the act entitled "An act limiting the appropriations of certain moneys for the preparation, issue, and reissue of certain securities of the United States, and for other purposes," approved May 23, 1872, and all other acts and parts of acts making permanent appropriations for the expenses of the national loan, except the second section of the act approved July 14, 1870, entitled "An act to authorize the refunding of the national debt," are hereby repealed, this repeal to take place on the 1st day of July next.

The amendment was agreed to.

The next amendment was in section 4, line 18, in the appropriations to defray the expenses of the national loan for clerical and other employés in the office of the Secretary of the Treasury, to strike out "one clerk of loans and one clerk of currency, at $2,500 each," and insert "two chiefs of divisions, namely, of loans and currency, at $3,000 each; and in line 30 to increase the total amount of the appropriation from $133,933.50 to $134,933.50.

The amendment was agreed to.

The next amendment was in section 4, line 32, in the clause providing for the "office of Treasurer," to increase the number of clerks of class four from "seventeen" to "twenty-eight;" in line 33 to reduce the number of clerks of class three from "six" to "four;" in line 34 to increase the number of counters and copyists from "one hundred" to "one hundred and forty-five;" in line 36, to increase the number of messengers from "four" to "six," and of assistant messengers from "twenty" to "twenty-six;" and in lines 38 and 39 to increase the total of the appropriation from $165,760 to $228,860.

The amendment was agreed to.

The next amendment was in section 5, line 1, to strike out the words "passage of this act, and on;" in line 2, after the word "July" to insert "1874, and;" and after the word "year," in line 3, to strike out "hereafter," and insert "thereafter;" so that the section will read:

That from and after the 1st day of July, 1874, and of each year thereafter, the Secretary of the Treasury shall cause all unexpended balances of appropriations which shall have remained upon the books of the Treasury for two fiscal years to be carried to the surplus fund and covered into the Treasury.

Mr. SARGENT. I remind the chairman that "1874" there should be "1875."

Mr. EDMUNDS and others. No; no.

The amendment was agreed to.

The next amendment was in section 5, line 7, after the words "provided, that" to strike out the following words:

This provision shall not apply to river and harbor appropriations, or light-house appropriations, or public buildings, the appropriations for which shall only lapse according to the provisions of existing laws.

And in lieu thereof to insert:

The Secretary of the Treasury shall, at the beginning of each session, report to Congress any balances of appropriations for specific objects affected by this section that may need to be reappropriated.

The PRESIDENT *pro tempore*. If there be no objection this amendment will be regarded as agreed to.

Mr. SAULSBURY. I desire to offer an amendment to that.

The PRESIDENT *pro tempore*. Does the Senator object to the amendment of the committee?

Mr. SAULSBURY. I desire to except from the operation of that amendment the appropriations for public buildings.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. Will the Senator withdraw that motion for the present, and allow the Chair to understand whether the last amendment of the committee is agreed to or not? Is there objection to the amendment?

Mr. SAULSBURY. I will not object at present.

The PRESIDENT *pro tempore*. Then the amendment is agreed to. That completes the amendments reported by the Committee on Appropriations.

Mr. MORRILL, of Maine. I submit two amendments which I may want to offer to-morrow, so as to come within the rule, and ask that they be referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. They will be so referred.

Mr. HAMLIN. I appeal to my friend from Vermont to allow me to ask the Senate to take up and dispose of the pilotage bill.

Mr. SARGENT. Before this bill passes from the consideration of the Senate I wish to make a verbal amendment in behalf of the Committee on Appropriations. It will take but a moment. On page 49, lines 1182, 1183, 1184, 1185, and 1886, should be struck out where they occur and inserted after line 1188. As they stand now, the appropriations refer to the wrong buildings.

The PRESIDENT *pro tempore*. That amendment will be made if there be no objection.

Mr. EDMUNDS. I now yield to my friend from Maine, [Mr. HAMLIN.]

Mr. HAMLIN. I have conferred with the Senator from New Jersey, [Mr. FRELINGHUYSEN,] and I think he is satisfied with the pilotage bill. I do not think it will take any further time, and I therefore ask the Senate to take it up and dispose of it. The appropriation bill can be laid aside informally.

Mr. FERRY, of Michigan. I have an amendment to offer to the pending appropriation bill, which I ask to have referred to the Committee on Appropriations and printed.

Mr. SAULSBURY. I desire to give notice of an amendment to the proviso to the fifth section of the bill, to exempt from it appropriations for public buildings.

Mr. SCOTT. I wish to offer an amendment to the river and harbor appropriation bill, for the purpose of having it printed and referred to the Committee on Commerce.

Mr. INGALLS. I have an amendment to offer to the pending appropriation bill, which I ask to have referred to the Committee on Appropriations.

Mr. MORRILL, of Maine. There is no necessity for printing those amendments.

Mr. INGALLS. I withdraw the request for printing.

The PRESIDENT *pro tempore*. They will not be printed, but referred at once to the Committee on Appropriations.

COMPULSORY PILOTAGE.

Mr. EDMUNDS. If there is to be no debate on the pilotage bill, so that we can finish it immediately, I will withdraw my motion for an executive session; otherwise I shall not.

The PRESIDENT *pro tempore*. If there be no objection, the bill will be considered as before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 675) to relieve ships and vessels from compulsory pilot fees in certain cases, the pending question being on the first amendment reported by the Committee on Commerce, in section 1, line 4, to strike out the words "duly registered or enrolled," and to insert "when trading between district and district or between different places in the same district, or carrying on the fishery."

The amendment was agreed to.

The next amendment of the committee was to strike out the second section of the bill, in the following words:

SEC. 2. That no owner, agent, consignee, or master of any ships or vessel, duly enrolled or registered, who shall employ a tug or tow-boat on entering or departing from any port or harbor, or entering, passing through, or leaving any channel, passage, or strait, within the waters of the United States, shall be compelled to pay pilotage or pilot fees by virtue of the laws of any State.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened, and (at three o'clock and ten minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *May* 18, 1874.

The House met at eleven o'clock a. m. Prayer by Professor JULIUS H. SEELYE, D. D., of Massachusetts.

The Journal of Saturday last was read and approved.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the first business in order is the call of the States and Territories, beginning with the State of Maine, for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back on motions to reconsider. Under this call memorials and resolutions of State and territorial Legislatures may be presented for reference and printing. The morning hour begins at eight minutes after eleven o'clock.

MERCHANDISE RECOVERED FROM SHIPWRECK.

Mr. SCUDDER, of New York, introduced a bill (H. R. No. 3355) to amend an act entitled "An act to permit the entry of merchandise

recovered from shipwreck in certain cases free from duty," passed March 3, 1843; which was read a first and second time.

Mr. HOLMAN. I ask that the bill be read at length.

The bill was read at length, and was referred to the Committee on Ways and Means, and ordered to be printed.

WILLIAM J. HEALY.

Mr. SCUDDER, of New York, also introduced a bill (H. R. No. 3356) for the settlement of the accounts of the late William J. Healy, a past assistant paymaster in the United States Navy; which was read a first and second time.

Mr. WILLARD, of Vermont. Let the bill be read at length.

The bill was read at length, and was referred to the Committee on Claims, and ordered to be printed.

SOLDIERS AND SAILORS' HOMESTEADS.

Mr. WARD, of New Jersey, introduced a bill (H. R. No. 3357) to amend the acts relating to soldiers and sailors' homesteads; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

WILLIAM R. KERR,

Mr. MOORE introduced a bill (H. R. No. 3358) granting a pension to William R. Kerr, late of the One hundred and fortieth Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELECTION OF REPRESENTATIVES FROM PENNSYLVANIA.

Mr. CESSNA introduced a bill (H. R. No. 3359) fixing the time for the election of Representatives from the State of Pennsylvania to the Forty-fourth Congress; which was read a first and second time.

Mr. RANDALL. I ask that the bill be read at length.

The bill was read at length.

Mr. RANDALL. Mr. Speaker, would it be in order to ask that the Judiciary Committee have leave to report this bill at any time?

The SPEAKER. It would not in the morning hour on Monday. The Chair will recognize the gentleman for that purpose on the expiration of the morning hour.

The bill was referred to the Committee on the Judiciary, and ordered to be printed.

WILLIAM M'DONALD.

Mr. LOWNDES introduced a bill (H. R. No. 3360) for the relief of William McDonald, of Cumberland, Maryland; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

THORNTON GONER.

Mr. LOWNDES also introduced a bill (H. R. No. 3361) for the relief of Thornton Goner, a citizen of West Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. SARAH B. FOREST.

Mr. SMITH, of Virginia, introduced a bill (H. R. No. 3362) for the relief of Mrs. Sarah B. Forest, widow of Lieutenant Dulaney A. Forest, late of the United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

NORTH ALABAMA SCOUTS.

Mr. SHEATS introduced a bill (H. R. No. 3363) for the relief of two companies of scouts or guides commanded by Captains Baxter Gilbreath and James M. Hawkins, of North Alabama; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RACHEL TURRENTINE, ET AL.

Mr. SHEATS introduced a bill (H. R. No. 3364) for the relief of Rachel Turrentine, Charity W. Turrentine, Sarah R. Brogden, Lucinda H. Huckabee, Mary Gibson, Martha Morris, Sallie A. Morris, Thomas Wallace, Elizabeth Warneck, and Jack Wilhite; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CHRISTIAN MORNHINSEG.

Mr. DARRALL introduced a bill (H. R. No. 3365) for the relief of Christian Mornhinseg; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

IMPROVEMENT OF MOUTH OF MISSISSIPPI.

Mr. SYPHER introduced a bill (H. R. No. 3366) for the improvement of the mouth of the Mississippi River; which was read a first and second time.

Mr. WILLARD, of Vermont. I ask that the bill be read at length.

The bill was read at length, and was referred to the Committee on Commerce, and ordered to be printed.

THOMAS J. HUTCHISON.

Mr. BECK introduced a bill (H. R. No. 3367) granting a pension to Thomas J. Hutchison, late second lieutenant of Thirty-second Regiment Kentucky Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JURISDICTION OF COURT OF CLAIMS.

Mr. READ introduced a bill (H. R. No. 3368) to amend an act entitled "An act to restrict the jurisdiction of the Court of Claims, and to provide for the payment of certain claims for quartermaster stores and subsistence supplies furnished to the Army of the United States;" which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM D. O'BRION.

Mr. BUTLER, of Tennessee, introduced a bill (H. R. No. 3369) for the relief of William D. O'Brion, of Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ESTATE OF JOHN G. BYNUM.

Mr. BUTLER, of Tennessee, also introduced a bill (H. R. No. 3370) for the relief of the estate of John G. Bynum, of Tennessee; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JOHN W. AND GORDON B. BINGHAM.

Mr. NIBLACK introduced a bill (H. R. No. 3371) for the relief of John W. and Gordon B. Bingham; which was read a first and second time.

Mr. NIBLACK. I move that that bill be referred to the Committee on Ways and Means.

Mr. WILLARD, of Vermont. It is a bill for the relief of these parties; why should it not go to the Committee on Claims?

Mr. NIBLACK. The bill involves the question of the remission of taxes and a construction of law, and it belongs, I think, to the Committee on Ways and Means. I have no objection, however, to its reference to the Committee on Claims.

The bill was referred to the Committee on Claims, and ordered to be printed.

Mr. NIBLACK also introduced a bill (H. R. No. 3372) for the relief of John W. and Gordon B. Bingham; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LOUISA BODGLEY.

Mr. MORRISON introduced a bill (H. R. No. 3373) for the relief of Louisa Bodgley, of Saint Clair County, Illinois, daughter of James Reid, deceased, a pensioner of the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

BERNARD SAILER.

Mr. BARRERE introduced a bill (H. R. No. 3374) granting a pension to Bernard Sailer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARGARET M. LAMB.

Mr. HAWLEY, of Illinois, introduced a bill (H. R. No. 3375) granting a pension to Margaret M. Lamb, of Annawan, Illinois; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

THOMAS W. MITCHELL.

Mr. MILLS introduced a bill (H. R. No. 3376) to amend the patent issued to Thomas W. Mitchell, for the solution of arsenic in water as a cotton-worm destroyer; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

TEXAS AND RED RIVER BRIDGE COMPANY.

Mr. WILLIE introduced a bill (H. R. No. 3377) to incorporate the Texas and Red River Bridge Company; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LEWIS PARKER.

Mr. WILLIE, also introduced a bill (H. R. No. 3378) for the relief of Lewis Parker, of Galveston, Texas; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

NAVIGATION OF THE MISSISSIPPI RIVER.

Mr. RUSK introduced a bill (H. R. No. 3379) for the further security of navigation on the Mississippi River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

BRIDGE ACROSS THE MISSISSIPPI RIVER.

Mr. SAWYER introduced a bill (H. R. No. 3380) to authorize the construction of a bridge across the Mississippi River at or near the city of La Crosse, in the State of Wisconsin; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

TEXAS PACIFIC RAILROAD COMPANY.

Mr. HOUGHTON introduced a bill (H. R. No. 3381) supplementary to the act entitled "An act to incorporate the Texas and Pacific Railroad Company and to aid in the construction of that road, and for other purposes;" which was read a first and second time, referred to the Committee on the Pacific Railroad, and ordered to be printed.

HARBOR OF SAN DIEGO.

Mr. HOUGHTON also introduced a bill (H. R. No. 3382) providing for the protection and preservation of the harbor of San Diego, Cali-

fornia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

TELEGRAPHIC COMMUNICATION BETWEEN AMERICA AND ASIA.

Mr. HOUGHTON also introduced a bill (H. R. No. 3383) to encourage and promote telegraphic communication between America and Asia; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

AMERICAN PRINTING HOUSE FOR THE BLIND.

Mr. DUNNELL introduced a bill (H. R. No. 3384) to aid the American Printing House and Society for the Blind; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

MINORITY REPRESENTATION IN STOCK COMPANIES.

Mr. DUNNELL also introduced a bill (H. R. No. 3385) to provide for minority representation in the boards of directors of stock companies; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MISSION LANDS IN OREGON, ETC.

Mr. NESMITH introduced a bill (H. R. No. 3386) providing for the adjudication and issue of patents in mission-land cases in the State of Oregon and the Territories of Washington, Idaho, and Montana; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

JOAB SPENCER AND JAMES R. MEAD.

Mr. LOWE introduced a bill (H. R. No. 3387) for the relief of Joab Spencer and James R. Mead for supplies furnished to Kansas tribes of Indians; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

COLUMBIAN INSTITUTION FOR THE BLIND.

Mr. CHIPMAN presented a concurrent resolution of the Legislative Assembly of the District of Columbia in relation to the Columbian Institution for the Blind; which was referred to the Committee on the District of Columbia, and ordered to be printed.

He also introduced a bill (H. R. No. 3388) to aid the Columbian Institution for the Blind in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

WASHINGTON MARKET COMPANY.

Mr. CHIPMAN also introduced a bill (H. R. No. 3389) explanatory of an act entitled "An act to incorporate the Washington Market Company," approved May 20, 1870; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

MORNING HOUR OF MONDAY.

Mr. RANDALL. I offer the following resolution for reference to the Committee on the Rules:

Resolved, That the Committee on the Rules be required to inquire into the expediency of so amending House Rule No. 130 as to dispense with the call of States for resolutions during the first hour of Mondays.

It is very evident from the proceedings this morning on this side, and by what I have seen on the other side, that it is in the power of either side of this House to prevent the other from having any resolution offered under the call of States for resolutions. I therefore propose that the Committee on the Rules inquire into the propriety of so amending the rules as to dispense with that call, and thus save thirty or forty minutes of the morning hour every Monday.

The resolution was referred to the Committee on the Rules.

ORDER OF BUSINESS.

The SPEAKER. The morning hour having expired, the Chair will now entertain propositions to introduce bills for reference only from gentlemen who were not in their seats when their States were called. They will be introduced by unanimous consent, and referred under the same conditions as under the regular call.

PROMOTIONS IN MEDICAL AND OTHER DEPARTMENTS.

Mr. BUTLER, of Massachusetts, introduced a bill (H. R. No. 3390) authorizing appointments and promotions in the Medical, Ordnance, and Subsistence Departments of the United States Army, and for other purposes; which was read a first and second time, and referred to the Committee on Military Affairs.

JOHN AMMAHE.

Mr. BUTLER, of Massachusetts, introduced a bill (H. R. No. 3391) directing the Second Auditor to settle and pay the bounty acounts of John Ammahaie or Ammahe; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BENJAMIN TREFETHER.

Mr. BUTLER, of Massachusetts, also introduced a bill (H. R. No. 3392) granting a pension to Benjamin Trefether; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GENEVA AWARD.

Mr. BUTLER, of Massachusetts, by unanimous consent, reported from the Committee on the Judiciary a bill (S. No. 7) for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under the award made by the tribunal of arbitration, constituted by virtue of the first article of the treaty of Washington, May 8, 1871, between the United States of America and the Queen of Great Britain; which was recommitted to the Committee on the Judiciary, andordered to be printed.

DE FOREST W. CARPENTER.

Mr. HENDEE introduced a bill (H. R. No. 3393) for the relief of De Forest W. Carpenter, postmaster at Bickford, Vermont; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CLARISSA ADAMS.

Mr. G. F. HOAR introduced a bill (H. R. No. 3394) for the relief of Clarissa Adams; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TAX ON ECCLESIASTICAL PROPERTY.

Mr. G. F. HOAR, by unanimous consent, submitted the following petition; which was ordered to be printed, referred to the Committee on the District of Columbia, and printed in the RECORD:

To the honorable Senate and House of Representatives in Congress assembled:

We, the undersigned, citizens and residents of the United States, would hereby respectfully petition your honorable bodies to repeal the first section of the act approved June 17, 1870, entitled "An act exempting from taxes certain property in the District of Columbia," &c., and providing that "all churches and school-houses, and all buildings, grounds, and property appurtenant thereto and used in connection therewith, in the District of Columbia, shall be exempt from any and all taxes and assessments, national, municipal, or county." We ask this for the following reasons:

1. This part of said act we understand to be at variance with the spirit, if not the letter, of the first amendment of the Constitution of the United States, which provides that "Congress shall make no law respecting an establishment of religion." Since the exemption from taxation of churches, parsonages, ecclesiastical houses, and sectarian schools in the District of Columbia is precisely equivalent, in effect, to a direct appropriation by Congress for their support, we conceive this measure to violate what all the expounders of the Constitution declare to have been its manifest intent and design, namely, to sever all religious organizations from any connection with or dependence upon the civil government, except for equal and impartial protection. This part of said act, therefore, we consider to be unconstitutional.

2. This part of said act we conceive to be also contrary to equity and justice, inasmuch as its effect is to increase our relative proportion of the national taxes, to the end of relieving altogether from taxation certain churches and church properties in the District of Columbia. We consider it, therefore, to be unjust.

3. All history shows that the effect of exempting churches from taxation is to accumulate property in the hands of ecclesiastical bodies to a very dangerous extent, and at last to compel resort to confiscation as the only means of escaping the great evils thus generated. The examples of England, of Italy, and of Mexico, of Spain, Austria, and France, are sufficient warnings against adopting a policy which is hostile to American ideas and American institutions. That the non-taxation of church property is tending to the same results here as elsewhere is evident from the fact that, while the number of church members in the United States was not doubled between 1850 and 1870, the value of church property during the same period was quadrupled, advancing from $87,328,801 to $354,483,581. At the same rate its value in 1890 will be over $1,418,000,000; and such rapid accumulation of wealth in ecclesiastical hands is most perilous to civil and religious liberty. This part of said act therefore we consider to be unsafe.

For the reasons, consequently, that this part of said act is unconstitutional, unjust, and unsafe, we respectfully ask that it be forthwith repealed.

DISBURSEMENTS OF PUBLIC MONEY, ETC.

Mr. THORNBURGH introduced a bill (H. R. No. 3395) to amend an act entitled "An act to regulate and secure the safe-keeping of public moneys intrusted to disbursing officers of the United States," approved June 14, 1866, and an act entitled "An act to facilitate the settlement of the accounts of the Treasurer of the United States and to secure certain moneys to the people of the United States to whom they are due and who are entitled to receive the same, and for other purposes," approved May 2, 1866; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM B. M'CAMY.

Mr. LOUGHRIDGE introduced a bill (H. R. No. 3396) granting a pension to William B. McCamy, late a private of Company I, Fifth Regiment Tennessee Volunteers, in the Mexican war; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THEODORE PILLOND.

Mr. LOUGHRIDGE also introduced a bill (H. R. No. 3397) granting a pension to Theodore Pillond, late a private of Second Iowa Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

OCEAN TELEGRAPH.

Mr. STARKWEATHER introduced a bill (H. R. No. 3398) to secure anti-monopoly ocean-cable communication between Europe, America, and Asia by W. Cornell Jewett and his associates; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

LANDS AT VINCENNES, INDIANA.

Mr. NIBLACK introduced a bill (H. R. No. 3399) authorizing the sale of certain lands at Vincennes, Indiana; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

MRS. JULIA A. NUTT.

Mr. LYNCH introduced a bill (H. R. No. 3400) referring the claims of Mrs. Julia A. Nutt, executrix of the late Haller Nutt, deceased, to the

Court of Claims; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN GOWERS.

Mr. MACDOUGALL introduced a bill (H. R. No. 3401) for the relief of John Gowers, late a private in Company C, One hundred and eleventh Regiment New York Volunteer Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN M. ALLEN.

Mr. SMART introduced a bill (H. R. No. 3402) granting a pension to John M. Allen, Company G, One hundred and seventy-sixth New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CATHARINE ELBERTH.

Mr. DONNAN introduced a bill (H. R. No. 3403) granting arrears of pension to Catharine Elberth, widow of Jacob Elberth, late of Company F, Ninety-sixth Regiment Illinois Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

OSAGE INDIAN RESERVATION.

Mr. PHILLIPS introduced a bill (H. R. No. 3404) to amend an act entitled "An act to confirm to the Great and Little Osage Indians a reservation in the Indian Territory;" which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

AMERICAN-BUILT OCEAN STEAMSHIPS.

Mr. MYERS introduced a bill (H. R. No. 3405) authorizing the establishment of ocean mail-steamship service in American-built iron steamships between the United States and England; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

IMPROVEMENT OF MOUTH OF MISSISSIPPI RIVER.

Mr. HURLBUT, by unanimous consent, from the Committee on Railways and Canals, reported back with a substitute the bill (H. R. No. 2342) for the improvement of the mouth of the Mississippi River; which was ordered to be printed, and recommitted.

NATIONAL-BANK CURRENCY.

The SPEAKER. There comes over from last Monday, under a motion of the gentleman from Iowa [Mr. KASSON] for suspension of the rules, a bill to amend an act entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates and for an increase of national-bank notes," approved July 12, 1870, and to provide for a more equal distribution of the national banking currency.

Mr. KASSON. I rise for the purpose of asking consent of the House that that bill may stand over on the same conditions for another week, with the view of avoiding any apparent antagonism with the action of the Committee on Banking and Currency on another bill upon the same subject.

Mr. DUNNELL. I object.

Mr. KASSON. I wish to state——

The SPEAKER. The gentleman from Iowa [Mr. KASSON] can withdraw the bill and present it again.

Mr. KASSON. I prefer not to do that. The gentleman from Minnesota [Mr. DUNNELL] says that if I will say two weeks he will not object.

Mr. RANDALL. I object to a postponement for two weeks.

Mr. MAYNARD. Perhaps it may facilitate the settlement of this question to state that I am instructed by the Committee on Banking and Currency to ask that the currency bill now on the Speaker's table with Senate amendments be referred to our committee, with leave to report at any time. I make that request now, and I am authorized to say that if such action be had, the committee will consider the bill diligently and report it promptly.

Mr. KASSON. I hope that will be done, and then I will ask that my bill stand over for one week.

Mr. BUTLER, of Massachusetts. I want to have it understood, if this order is made, that the bill shall be considered as in Committee of the Whole, subject to amendment.

The SPEAKER. The bill as it now stands by previous order of the House can be considered in the House.

Mr. BUTLER, of Massachusetts. As in Committee of the Whole?

The SPEAKER. Not as in Committee of the Whole, but as it was before. It is now on the Speaker's table. It is a House bill which the House by suspension of the rules gave the right to have considered in the House. It was considered in the House. It returns now with a Senate amendment. That does not divest it of the previous privilege it had, and it may therefore still be considered in the House.

Mr. BUTLER, of Massachusetts. I am content, but let it be open to amendment.

Mr. MAYNARD. I am not authorized by the committee, having no instructions to that effect, but I can only state my own individual feeling, which is now the same that I have announced on different occasions since I brought this subject before the House, and that is that a measure which reflects the opinion of the House shall have fair opportunity to be presented.

Mr. BUTLER, of Massachusetts. I have no objection.

Mr. STARKWEATHER. I object unless it is to be open to amendment.

The SPEAKER. It will be open to amendment if a majority of the House desire to amend it. It will be wholly in the control of a majority of the House.

Mr. BUTLER, of Massachusetts. But only by voting down the previous question.

The SPEAKER. The House did that four or five times before.

Mr. BUTLER, of Massachusetts. We do not want to go through that again.

Mr. RANDALL. That is the only way.

The SPEAKER. Is there objection to allowing the bill to be referred to the Committee on Banking and Currency with the right to report at any time?

Mr. HALE, of Maine. I object.

Mr. KASSON. I now ask the question be again put on my motion. The gentleman from Minnesota [Mr. DUNNELL] objected before under misapprehension.

The SPEAKER. Is there objection to postponing the bill of the gentleman from Iowa [Mr. KASSON] which comes over from last Monday to stand in the same position on Monday next after the morning hour as it is in now?

There was no objection, and it was ordered accordingly

SUFFERERS BY INUNDATION IN ALABAMA.

Mr. HAYS. I move a suspension of the rules for the purpose of passing joint resolution (H. R. No. 103) authorizing the President of the United States to issue Army rations and clothing to the destitute people of the Tombigbee, Warrior, and Alabama Rivers.

The resolution, which was read, authorizes the President in his discretion to direct the issue of Army rations and clothing of patterns not now used by the Army to the starving and destitute people of the Tombigbee, Warrior, and Alabama Rivers who have been rendered destitute by the inundation of their homes in the valleys of said rivers.

Mr. HAYS. I ask that the petition be read which accompanies it.

The Clerk read as follows:

Whereas the late floods have made fearful havoc along the banks of the Tombigbee and Warrior Rivers; and whereas thousands of acres of the most productive lands in the South are even yet under water, hundreds of families driven from their homes, an army of laborers without present or prospective means of support; and whereas more fearful consequences may be feared if they are not provided against in time, and as "Man cannot live by bread alone" is a true saying, it is just and true that physically he cannot live without bread; and whereas the destitution among our poor people cannot be attributed to them as a fault, or as the result of laziness, misconduct, or any other thing personal to them, and their condition being truly pitiable and in many instances appalling: Therefore,

Be it resolved, That we hereby ask the special attention of our Senators and Representatives in Congress to these citizens of the fourth congressional district of Alabama and to their condition, and we beseech them for God and the country's sake, and in behalf of our common humanity, to try to secure some relief for them.

Resolved, (2.) That as our people here are impoverished and disheartened and have not the ability if they have the will to help one another in the distresses that have overtaken us, we ask the Government to help us and ourselves. These poor people cannot starve, and we beseech that they be relieved otherwise than at the sacrifice of the peace of the communities in which they live.

Resolved, (3.) That a copy of these resolutions be furnished to Hon. CHARLES HAYS, member of Congress from this district, with the request that he call the attention of Congress to the facts as herein set forth; and that he request the co-operation of the Alabama delegation in assisting him to procure the aid herein most respectfully asked for.

JEFFERSON McKASSON,
Chairman.
JOHN W. DEVEEN,
Secretary.

Mr. WILLARD, of Vermont. Is it in order to amend by including the sufferers by the recent flood in Massachusetts?

Mr. E. R. HOAR. I object.

Mr. HOLMAN. Had there better not be some limitation to the resolution?

Mr. HAYS. It is entirely left to the discretion of the President of the United States.

The question recurred on seconding the motion to suspend the rules.

The SPEAKER appointed Mr. WILLARD, of Vermont, and Mr. HAYS tellers.

The House divided; and there were—ayes 88, noes 40.

So the motion to suspend the rules was seconded.

Mr. WILLARD, of Vermont, demanded the yeas and nays on the motion to suspend the rules.

Mr. SENER. Will it be in order to state to the gentleman from Alabama that the embarrassment with some gentlemen about voting for the resolution arises from the fact that there is no fixed sum appropriated by the resolution?

The SPEAKER. Nothing is in order except by unanimous consent.

The question was then taken; and decided in the affirmative—yeas 141, nays 68, not voting 81; as follows:

YEAS—Messrs. Adams, Albright, Archer, Arthur, Atkins, Averill, Barrere, Biery, Bland, Blount, Bradley, Bright, Bromberg, Bundy, Roderick R. Butler, Cain, Caldwell, Cannon, Cason, Cessna, Clements, Stephen A. Cobb, Coburn, Comingo, Corwin, Cotton, Crittenden, Crounse, Crutchfield, Darrall, Dawes, Donnan, Dunnell, Eames, Farwell, Field, Foster, Freeman, Glover, Gooch, Gunckel, Hagans, Eugene Hale, Hancock, Benjamin W. Harris, Henry R. Harris, Harrison, Hatcher, Havens, Joseph R. Hawley, Hays, Gerry W. Hazelton, Hodges, Hoskins, Houghton, Hubbell, Hunter, Hynes, Kellogg, Kendall, Knapp, Lamport, Lawrence, Lofland, Lowndes, Luttrell, Lynch, Magee, Maynard, McCrary, Alexander S. McDill,

James W. McDill, MacDougall, McKee, McNulta, Mills, Monroe, Moore, Morey, Myers, Negley, Niblack, Nunn, O'Brien, O'Neill, Orr, Orth, Packard, Isaac C. Parker, Parsons, Pelham, Pendleton, Phillips, Thomas C. Platt, Purman, Rainey, Randall, Ransier, Rapier, Ray, Ross, Sawyer, John G. Schumaker, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Shanks, Sheats, Lazarus D. Shoemaker, Sloan, Sloss, Small, Smart, George L. Smith, H. Boardman Smith, J. Ambler Smith, Snyder, Stanard, Starkweather, St. John, Stowell, Strait, Sypher, Thornburgh, Townsend, Vance, Waddell, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wells, Whiteley, George Willard, William Williams, William B. Williams, Wilshire, James Wilson, Woodworth, and Pierce M. B. Young—141.

NAYS—Messrs. Albert, Ashe, Barber, Beck, Bell, Bowen, Brown, Buckner, Buffinton, Burchard, Burrows, Benjamin F. Butler, Amos Clark, jr., John B. Clark, jr., Clymer, Cook, Cox, Crossland, Danford, Duell, Durham, Eden, Eldredge, Fort, Garfield, Giddings, John B. Hawley, Hendee, Herndon, E. Rockwood Hoar, George F. Hoar, Holman, Hunton, Hurlbut, Hyde, Kasson, Lawson, Lowe, McLean, Merriam, Milliken, Morrison, Neal, Packer, Hosea W. Parker, Phelps, Pierce, Poland, Read, Rice, Ellis H. Roberts, James C. Robinson, Henry B. Sayler, Milton Sayler, A. Herr Smith, John Q. Smith, Southard, Sprague, Stone, Christopher Y. Thomas, Todd, Tyner, Waldron, Whitehead, Whitthorne, Charles W. Willard, Willie, and Wood—68.

NOT VOTING—Messrs. Banning, Barnum, Barry, Bass, Begole, Berry, Burleigh, Freeman Clarke, Clayton, Clinton L. Cobb, Conger, Creamer, Crocker, Crooke, Curtis, Davis, DeWitt, Dobbins, Elliott, Frye, Robert S. Hale, Hamilton, Harmer, John T. Harris, Hathorn, John W. Hazelton, Hereford, Hersey, Hooper, Howe, Jewett, Kelley, Killinger, Lamar, Lamison, Lansing, Leach, Lewis, Loughridge, Marshall, Martin, McJunkin, Mellish, Mitchell, Nesmith, Niles, Page, Perry, Pike, James H. Platt, jr., Potter, Pratt, Richmond, Robbins, William R. Roberts, James W. Robinson, Rusk, Sessions, Sheldon, Sherwood, William A. Smith, Speer, Standiford, Stephens, Storm, Strawbridge, Swann, Taylor, Charles R. Thomas, Tremain, Wheeler, White, Whitehouse, Wilber, Charles G. Williams, John M. S. Williams, Ephraim K. Wilson, Jeremiah M. Wilson, Wolfe, Woodford, and John D. Young—81.

So the rules were suspended, (two-thirds having voted in favor thereof,) and the joint resolution was passed.

During the roll-call,

Mr. THOMAS, of Virginia, said: I am requested to state that Mr. SPEER, of Pennsylvania, is kept away from the House by sickness. He has been detained about a week by sickness, and is unable as yet to come to the House.

The result of the vote was then announced as above recorded.

INDIANA PRESS DELEGATION.

Mr. COBURN. There is now present in the Capitol a delegation of the association of the editors of Indiana. I ask unanimous consent that the delegation be allowed the privilege of the floor for the space of half an hour during the session of the House to-day.

Mr. RANDALL. Make it the whole day.

Mr. NIBLACK. I hope there will be no objection to the request of my colleague.

There was no objection, and it was so ordered.

CLERICAL FORCE OF GENERAL LAND OFFICE.

Mr. TOWNSEND. In accordance with the notice which I gave on Friday last, I now move that the rules be suspended and that the House proceed to consider the bill (H. R. No. 1060) to reorganize the clerical force of the General Land Office.

The SPEAKER. The Chair would suggest to the gentleman from Pennsylvania that at two o'clock to-day the House must proceed to the consideration of business of the District of Columbia.

Mr. TOWNSEND. There is nearly an hour remaining, and I hope this bill may be disposed of before two o'clock.

NATIONAL CURRENCY AND FREE BANKING.

Mr. MAYNARD. I renew my request that the bill (H. R. No. 1572) to amend the several acts providing a national currency and to establish free banking, and for other purposes, with an amendment by the Senate, be taken from the Speaker's table and referred to the Committee on Banking and Currency, and that the committee have have leave to report back the bill at any time.

There was no objection, and it was so ordered.

POSTAGE ON AGRICULTURAL REPORT.

Mr. TOWNSEND. I yield to the gentleman from Massachusetts, [Mr. E. R. HOAR,] who desires to offer a resolution.

Mr. E. R. HOAR. I offer the following resolution:

That it shall be in order to move as an amendment to the bill making appropriations for the Post-Office Department as follows:

That the postage to be charged on each copy of the annual report of the Department of Agriculture shall not exceed ten cents.

Mr. WILLARD, of Vermont. I object.

Mr. E. R. HOAR. I move that the rules be suspended and the resolution adopted.

The SPEAKER. The Chair will recognize the gentleman from Massachusetts [Mr. E. R. HOAR] after the motion of the gentleman from Pennsylvania [Mr. TOWNSEND] is disposed of.

Mr. TOWNSEND. I waive my right long enough to allow the gentleman from Massachusetts to obtain the sense of the House on his resolution.

Mr. WILLARD, of Vermont. I ask that the resolution be again read.

The resolution was again read.

Mr. GARFIELD. I ask the gentleman from Massachusetts why he should confine his resolution to this one report?

Mr. WILLARD, of Vermont. I desire to make a parliamentary inquiry. If this should be made in order in Committee of the Whole, would it not also then in Committee of the Whole be in order to move that this report should be sent free?

The SPEAKER. Of course it would. Any germane amendment would necessarily be in order if this is made in order.

Mr. WILLARD, of Vermont. I call for a division.

The SPEAKER. The Chair will direct the question on seconding the motion for the suspension of the rules to be taken by tellers, and appoints the gentleman from Indiana, Mr. TYNER, and the gentleman from Massachusetts, Mr. E. R. HOAR.

The House divided; and the tellers reported—ayes 107, noes 40.

So the motion to suspend the rules was seconded.

The SPEAKER. The question recurs on suspending the rules and adopting the resolution.

Mr. WILLARD, of Vermont. On that question I call for the yeas and nays.

The question being taken on ordering the yeas and nays, there were—ayes 22, noes 84.

So (the affirmative being more than one-fifth of the whole vote) the yeas and nays were ordered.

Mr. MYERS. I desire to make a parliamentary inquiry. If this amendment should be made in order, would it be in order to amend it?

Several members called for the regular order.

The question was taken; and there were—yeas 154, noes 46, not voting 90; as follows:

YEAS—Messrs. Adams, Albert, Albright, Archer, Arthur, Ashe, Atkins, Barrere, Beck, Bell, Biery, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buffinton, Bundy, Burchard, Roderick R. Butler, Cain, Caldwell, Cannon, Cason, John B. Clark, jr., Clements, Clymer, Stephen A. Cobb, Coburn, Comingo, Cook, Corwin, Cotton, Crittenden, Crutchfield, Donnan, Duell, Dunnell, Durham, Eames, Eldredge, Field, Fort, Foster, Freeman, Giddings, Glover, Gooch, Gunckel, Hagans, Robert S. Hale, Benjamin W. Harris, Henry R. Harris, Harrison, Hatcher, Havens, Joseph R. Hawley, Hays, Gerry W. Hazelton, Hendee, Herndon, E. Rockwood Hoar, George F. Hoar, Hodges, Holman, Hoskins, Hunter, Hunton, Hyde, Hynes, Kasson, Kellogg, Kendall, Knapp, Lamport, Lawrence, Lofland, Loughridge, Lowndes, Magee, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McLean, McNulta, Merriam, Mills, Mitchell, Monroe, Moore, Morey, Myers, Neal, Negley, Nunn, O'Brien, Orr, Packer, Isaac C. Parker, Parsons, Pelham, Pendleton, Perry, Phillips, Pierce, Thomas C. Platt, Poland, Purman, Randall, Rapier, Ray, Read, Ross, Rusk, Sawyer, Isaac W. Scudder, Sener, Sessions, Shanks, Sheats, Lazarus D. Shoemaker, Sloss, A. Herr Smith, George L. Smith, H. Boardman Smith, J. Ambler Smith, Southard, Stanard, Stowell, Strait, Swann, Christopher Y. Thomas, Thornburgh, Todd, Townsend, Tremain, Vance, Waddell, Wallace, Whitehead, Whiteley, Whitthorne, William Williams, William B. Williams, Willie, James Wilson, Wolfe, Wood, Woodworth, John D. Young, and Pierce M. B. Young—154.

NAYS—Messrs. Barber, Barry, Bradley, Burrows, Cessna, Amos Clark, jr., Crossland, Crounse, Danford, Dawes, Frye, Garfield, Eugene Hale, Hancock, John B. Hawley, Houghton, Hubbell, Hurlbut, Lawson, Lynch, Milliken, Niles, O'Neill, Orth, Packard, Hosea W. Parker, Rainey, Rice, Ellis H. Roberts, James C. Robinson, Henry B. Sayler, Milton Sayler, Scofield, Small, Smart, John Q. Smith, Sprague, Starkweather, St. John, Stone, Tyner, Waldron, Jasper D. Ward, Marcus L. Ward, Charles W. Willard, and George Willard—46.

NOT VOTING—Messrs. Averill, Banning, Barnum, Bass, Begole, Berry, Buckner, Burleigh, Benjamin F. Butler, Freeman Clarke, Clayton, Clinton L. Cobb, Conger, Cox, Creamer, Crocker, Crooke, Curtis, Darrall, Davis, DeWitt, Dobbins, Eden, Elliott, Farwell, Hamilton, Harmer, John T. Harris, Hathorn, John W. Hazelton, Hereford, Hersey, Hooper, Howe, Jewett, Kelley, Killinger, Lamar, Lamison, Lansing, Leach, Lewis, Lowe, Luttrell, Marshall, Martin, Maynard, McJunkin, Mellish, Morrison, Nesmith, Niblack, Page, Phelps, Pike, James H. Platt, jr., Potter, Pratt, Ransier, Richmond, Robbins, William R. Roberts, James W. Robinson, John G. Schumaker, Henry J. Scudder, Sheldon, Sherwood, Sloan, William A. Smith, Snyder, Speer, Standiford, Stephens, Storm, Strawbridge, Sypher, Taylor, Charles R. Thomas, Walls, Wells, Wheeler, White, Whitehouse, Wilber, Charles G. Williams, John M. S. Williams, Wilshire, Ephraim K. Wilson, Jeremiah M. Wilson, and Woodford—90.

So (two-thirds voting in favor thereof) the rules were suspended and the resolution was agreed to.

ADMISSION OF NEW MEXICO.

On motion of Mr. FORT, by unanimous consent, it was ordered that the report of the Committee on the Territories on the subject of the admission of New Mexico be reprinted.

CLERICAL FORCE IN THE LAND OFFICE.

Mr. TOWNSEND. I move that the rules be suspended for the purpose of considering the bill (H. R. No. 1060) to reorganize the clerical force of the General Land Office.

Mr. COTTON. Is this a motion to suspend the rules and pass the bill or to bring it before the House for consideration?

The SPEAKER. To bring it before the House for consideration.

Mr. HOLMAN. I trust the House will be informed how much time is to be allowed for the consideration of the bill.

Mr. TOWNSEND. If my motion be sustained I am willing that there shall be any amount of discussion that the House may be willing to allow.

Mr. HOLMAN. The business of the District of Columbia comes up at two o'clock, and the gentleman will have to call the previous question on the bill.

Mr. McKEE. I desire to submit an amendment to the bill.

The SPEAKER. The bill is not before the House. The motion is to suspend the rules and bring it before the House for consideration.

Mr. McKEE. I hope the gentleman from Pennsylvania will allow my amendment to be read for information.

Mr. PARSONS. I object.

Mr. BUTLER, of Massachusetts. Will not the bill have to go to the Committee of the Whole for consideration, as it involves an appropriation?

The SPEAKER. The bill contains provision for new officers, and involves expenditures of money; but if the House suspends the rules, the rule requiring it to be referred to the Committee of the Whole will be waived.

The question was put on seconding the motion to suspend the rules; and on a division, there were—ayes 28, noes 50; no quorum voting.

Tellers were ordered; and Mr. DAWES and Mr. TOWNSEND were appointed.

The House divided; and the tellers reported—ayes 71, noes 75.

So the motion to suspend the rules was not seconded.

PAYMENT OF MAIL CONTRACTORS.

Mr. SENER. I move that the rules be suspended and the following resolution adopted:

Resolved, That it shall be in order when the bill making appropriations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes, now pending in Committee of the Whole, is being considered therein, to move as an amendment thereto, to come in as an amendment to the second section, the following:

For pay of claims of mail contractors in the late insurrectionary States to themselves, their heirs, or legal representatives for carrying the mails in said States prior to May 31, 1861, such claims for said service as have been certified according to law by the contract office of the Post-Office Department, and which may now be audited and allowed by the Sixth Auditor of the Treasury as due and unpaid, the sum of $329,564.19: *Provided*, That each claimant of sums so due and unpaid upon contracts as aforesaid be required before receiving payment of his or her claim to make oath that no part of said claim has been paid by the so-called confederate government: *And provided further*, That no oath of loyalty during the rebellion as a condition of payment shall be required of said claimants.

Mr. BUTLER, of Massachusetts. I would suggest to the gentleman that instead of the 31st of May the date shall be the 14th of April.

Mr. SENER. I will modify the resolution in that way.

Mr. TYNER. I hope the House will vote down the motion.

The question was taken on seconding the motion to suspend the rules; and on a division there were—ayes 45, noes 65; no quorum voting.

Tellers were ordered, and Mr. SENER and Mr. TYNER were appointed.

The House divided; and the tellers reported—ayes 80, noes 70.

So the motion was seconded.

The question recurred upon the motion to suspend the rules and adopt the resolution.

Mr. SENER. I call for the yeas and nays on that motion.

The yeas and nays were ordered.

The question was taken; and there were—yeas 100, nays 93, not voting 97; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Barry, Beck, Bell, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Benjamin F. Butler, Caldwell, Cessna, John B. Clark, jr., Clymer, Comingo, Cook, Cox, Crittenden, Crossland, Crounse, Crutchfield, Duell, Durham, Eldredge, Freeman, Giddings, Glover, Hagans, Hancock, Henry R. Harris, Harrison, Hatcher, Havens, Joseph R. Hawley, Herndon, Hodges, Houghton, Hunton, Hynes, Kendall, Knapp, Leach, Luttrell, Lynch, Magee, Alexander S. McDill, McKee, McLean, McNulta, Milliken, Mills, Mitchell, Morrison, Neal, Negley, Nesmith, Niblack, Niles, Nunn, O'Brien, Hosea W. Parker, Pelham, Perry, Purman, Rainey, Randall, Ransier, Read, Sener, Sheats, Sloan, Sloss, J. Ambler Smith, Snyder, Stanard, Swann, Christopher Y. Thomas, Thornburgh, Tremain, Vance, Wallace, Walls, Wells, Whitehead, Whitehouse, Whiteley, Whitthorne, William Williams, Willie, Wilshire, Wolfe, Wood, John D. Young, and Pierce M. B. Young—100.

NAYS—Messrs. Albert, Albright, Barber, Barrere, Biery, Bradley, Buffinton, Bundy, Burchard, Burrows, Cannon, Cason, Amos Clark, jr., Stephen A. Cobb, Coburn, Corwin, Danford, Dawes, Donnan, Dunnell, Eames, Farwell, Fort, Foster, Frye, Garfield, Gooch, Gunckel, Benjamin W. Harris, John B. Hawley, Gerry W. Hazelton, Hendee, E. Rockwood Hoar, George F. Hoar, Holman, Hoskins, Hubbell, Hunter, Hurlbut, Hyde, Kasson, Lamport, Lawrence, Lawson, Lofland, Loughridge, Lowe, Lowndes, MacDougall, Merriam, Monroe, Moore, O'Neill, Orr, Orth, Packard, Packer, Isaac C. Parker, Phillips, Pierce, Thomas C. Platt, Poland, Ray, Rice, Ellis H. Roberts, Ross, Rusk, Sawyer, Henry B. Sayler, Milton Sayler, Scofield, Henry J. Scudder, Sessions, Lazarus D. Shoemaker, Small, Smart, H. Boardman Smith, John Q. Smith, Southard, Sprague, Starkweather, St. John, Stone, Strait, Todd, Tyner, Jasper D. Ward, Marcus L. Ward, Charles W. Willard, George Willard, William B. Williams, James Wilson, and Woodworth—93.

NOT VOTING—Messrs. Averill, Banning, Barnum, Bass, Begole, Berry, Burleigh, Roderick R. Butler, Cain, Freeman Clarke, Clayton, Clements, Clinton L. Cobb, Conger, Cotton, Creamer, Crocker, Crooke, Curtis, Darrall, Davis, DeWitt, Dobbins, Eden, Elliott, Field, Eugene Hale, Robert S. Hale, Hamilton, Harmer, John T. Harris, Hathorn, Hays, John W. Hazelton, Hereford, Hersey, Hooper, Howe, Jewett, Kelley, Kellogg, Killinger, Lamar, Lamison, Lansing, Lewis, Marshall, Martin, Maynard, McCrary, James W. McDill, McJunkin, Mellish, Morey, Myers, Page, Parsons, Pendleton, Phelps, Pike, James H. Platt, jr., Potter, Pratt, Rapier, Richmond, Robbins, William R. Roberts, James C. Robinson, James W. Robinson, John G. Schumaker, Isaac W. Scudder, Shanks, Sheldon, Sherwood, A. Herr Smith, George L. Smith, William A. Smith, Speer, Standiford, Stephens, Storm, Stowell, Strawbridge, Sypher, Taylor, Charles R. Thomas, Townsend, Waddell, Waldron, Wheeler, White, Wilber, Charles G. Williams, John M. S. Williams, Ephraim K. Wilson, Jeremiah M. Wilson, and Woodford—97.

So (two-thirds not voting in favor thereof) the rules were not suspended.

During the roll-call the following announcements were made:

Mr. HAZELTON, of Wisconsin. I desire to state that my colleague, Mr. WILLIAMS, is absent by leave of the House on account of sickness in his family; if here he would vote "no."

Mr. BURROWS. I desire to state that my colleague, Mr. BEGOLE, is absent; if here he would vote "no."

ORDER OF BUSINESS.

The SPEAKER. The hour of two o'clock having arrived, this being the third Monday of the month, by a rule of the House lately adopted, the Committee on the District of Columbia is entitled to the floor.

Mr. COTTON. Several gentlemen have asked me to yield for propositions which would give rise to no debate.

JOSEPH WHEELER.

Mr. SLOSS, by unanimous consent, introduced a bill (H. R. No. 3406) to relieve Joseph Wheeler, of Lawrence County, in the State of Alabama, from all legal and political disabilities; which was read three times and passed, two-thirds voting in favor thereof.

ARBITRATION.

Mr. SMITH, of New York, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on Foreign Affairs, with leave to report at any time:

Resolved, That the President is requested by this House to provide in future treaties between the Government of the United States and foreign powers, whenever practicable, that war shall not be declared by either of the contracting powers against the other until an effort shall have been first made to settle the alleged cause of offense by impartial arbitration.

SCHOONER JACOB FAITHFUL.

Mr. NEGLEY, by unanimous consent, introduced a bill (H. R. No. 3407) to change the name of the schooner Jacob Faithful to the Eyvoe; which was read three times, and passed.

ORDER OF BUSINESS.

Mr. RANDALL. I ask unanimous consent that the Committee on the Judiciary have leave to report at any time upon the bill referred to-day to them, fixing the time for the congressional election in Pennsylvania for the Forty-fourth Congress.

No objection being made, it was so ordered.

Mr. BUTLER, of Massachusetts. I ask unanimous consent that the Committee on the Judiciary may have Saturday next, after one hour from the reading of the Journal, to make reports. We have a large number of bills relating to courts and other matters before us, and it is very necessary that we should have an opportunity to report upon them.

Mr. ELDREDGE. I hope the gentleman will fix on some other day than Saturday. I have some reports to make, but I cannot be here Saturday morning.

Mr. BUTLER, of Massachusetts. We will be antagonized by special orders on any other day.

Mr. ELDREDGE. Take some day next week.

Mr. BUTLER, of Massachusetts. I will say Tuesday of next week.

Mr. DAWES. I do not want to antagonize the Committee on the Judiciary, but they have already had three days, one extra.

Mr. POLAND. O, no.

Mr. DAWES. They have had two days, and leave to report at any time on several subjects. What I desired to say was this: I will not oppose this proposition, but I must ask privilege for the Committee on Ways and Means to report some day on matters not privileged; say Tuesday of next week.

Mr. BUTLER, of Massachusetts. That committee is next in call, is it not?

Mr. DAWES. I know we are, and we have been for three weeks.

Mr. BUTLER, of Massachusetts. Why not bring in your reports, then?

Mr. DAWES. Because the business of the House has been such that I could not force a morning hour.

The SPEAKER. It is very difficult at this period of the session, with the number of reports authorized to be made at any time and the privileged reports, to force a morning hour.

Mr. DAWES. I have been trying to force a morning hour for the Committee on Ways and Means for three weeks. I would like to have Tuesday of next week for our committee.

Mr. RANDALL. If your committee is next to be called, why not take to-morrow?

Mr. DAWES. Unfinished business will come up then, immediately after the reading of the Journal.

Mr. BUTLER, of Massachusetts. I ask next Saturday for the Committee on the Judiciary.

Mr. ELDREDGE. I must object.

Mr. BUTLER, of Massachusetts. Then I will say Friday.

Mr. ELDREDGE. Let next Tuesday be fixed for the Committee on the Judiciary. I think we should have a day as early as that.

The SPEAKER. Say Tuesday of next week for the Committee on Ways and Means, and Wednesday of next week for the Committee on the Judiciary.

Mr. ELDREDGE. Very well; I will agree to that.

No objection being made, it was so ordered.

Mr. COBURN. I ask unanimous consent that Saturday next, one hour after the reading of the Journal, be set apart for reports from the Committee on Military Affairs. We have had no opportunity to report for some time, and have a great deal of business before us.

No objection being made, it was so ordered.

L. L. LOMAX.

Mr. HUNTON. I ask unanimous consent to introduce for consideration at this time a bill to remove the disabilities of L. L. Lomax, of Virginia.

Mr. MAYNARD. What is the use of peddling out amnesty in this way? We passed a general amnesty bill and sent it over to the Senate; and I trust it will be acted upon. It seems to me invidious to take up individual cases in this way. I have no doubt this is as meritorious a case as any.

Mr. HUNTON. I hope the gentleman will not object.

Mr. MAYNARD. I do not like to object to this bill. I introduced the original bill and favor it. Gentlemen around me make suggestions

privately which I am not at liberty to mention publicly so as to go upon the record why this bill should pass. I will not object to it.

No objection being made, the bill (H. R. No. 3408) was introduced, read three times, and passed; two-thirds voting in favor thereof.

STAMPING OF UNSTAMPED DOCUMENTS.

Mr. WHITELEY. I ask unanimous consent to put on its passage at this time a bill to provide for the stamping of unstamped instruments, documents, and papers.

The bill was read.

Mr. G. F. HOAR. I hope the gentleman from Georgia [Mr. WHITELEY] will modify his motion so that the bill may come before the House for consideration.

The SPEAKER. That can be done only by unanimous consent.

Mr. WHITELEY. Would it be in order to move to suspend the rules and pass the bill?

The SPEAKER. It would not.

Several members called for the regular order.

The SPEAKER. The regular order being called for, the House proceeds to the consideration of reports from the Committee on the District of Columbia.

BRIDGE OVER ANACOSTIA RIVER.

Mr. ELDREDGE. I am instructed by the Committee on the District of Columbia to report a bill (H. R. No. 3409) to authorize and provide for the construction of a substantial iron and masonry bridge and of a causeway across the Anacostia or Eastern Branch of the Potomac at or near the site of the present navy-yard bridge. I suppose this bill will be subject to the objection that it makes an appropriation. If the House desires to send it to the Committee of the Whole, of course it will go there. But I ask for the reading of the report as well as the bill.

The bill was read. It directs the Secretary of War to cause to be constructed across the Anacostia River, at or near the present navy-yard bridge, an iron bridge and causeway; and it appropriates $146,000 for this purpose; but the Secretary of War is not to expend any money for the building of this bridge unless he shall first satisfy himself that the same can be built for the sum appropriated in the bill.

Mr. ELDREDGE. I ask for the reading of the report.

Mr. WILLARD, of Vermont. I suppose that this bill is subject to a point of order.

Mr. ELDREDGE. I suppose the point of order will lie, if the gentleman insists on it. But I would like to have the report read.

Mr. HOLMAN. The reading of the report will not waive the point of order.

The SPEAKER. Of course not.

The Clerk read the report. It states that the committee have had under consideration the memorial of certain citizens of the United States respecting the necessity for rebuilding the Government bridge near the navy-yard across the Anacostia River, as reported by the committee at some length in a report of the present session. The committee report that they have not changed their opinion as to the necessity for Congress making a sufficient appropriation to rebuild said bridge. But in view of the expression of the House on a former occasion that the sum heretofore recommended was too great, the committee have caused a careful survey and estimate to be made for a less expensive bridge than then recommended; and they now recommend to the House the passage of the accompanying bill, which provides for an appropriation sufficient for the erection of a substantial iron structure supported by stone piers resting upon piles to be constructed substantially in accordance with the plan dated April 18, 1874, and explanatory letter now before the committee. According to the plan and report, the details and items of expense as estimated by John A. Partridge, civil engineer, will be as follows:

Bridge superstructure of wrought iron as per plan attached; seven spans, each one hundred and twenty-five feet long, having clear roadway twenty-four feet wide, and with footway on each side; flooring of oak plank; the bridge to be sixty feet above mean low tide at channel.

Piers and abutments of stone masonry upon foundations of piles and timber; foundations to be protected by loose rubble-stone placed in and around the piles; timber to be placed one foot below low water.

Causeway of earth-work having gravel roadway thirty feet wide between curbstones with brick sidewalks and paved gutters; the slopes of causeway to be faced with stone walls resting upon rubble foundations, to be extended four hundred and seventy-five feet beyond the end of present causeway.

Estimated cost of bridge and causeway.

Iron bridge superstructure, 875 linear feet, $74 a foot	$64,750
Stone masonry in piers and abutments, including foundations	30,196
New causeway, including slope walls	36,100
Old causeway reconstructed	5,850
Washington approach, foot of Eleventh street	1,950
Contingent expenses—superintending, engineering, &c	6,848
Total cost	145,694

This plan is the result of careful examination and estimates by a competent civil engineer, and accompanying the report is the offer by a responsible bridge-builder to construct it for the sum named in the bill, to wit, $146,000.

The ownership of the present bridge being in the United States its importance to the Government as the channel of supply for its Insane Institution and its forts, and the present dangerous condition of the old decayed structure, as well as the general advantage to the people at large, impel the committee to urge strongly some favorable action at the present session of Congress.

Mr. ELDREDGE. If any gentleman makes the point of order, of course this will have to go to the Committee of the Whole on the state of the Union. I hope, however, gentlemen are prepared to consider the bill now. It is a most important matter. This bridge is in a dangerous condition. I should for one, knowing what I do in regard to it, feel reluctant to take the responsibility of this bridge falling, and the destruction of human life which might follow as a consequence. I hope gentlemen will consider it now. If gentlemen do make the point of order, I ask that the report be printed so we may have it before the House.

The SPEAKER. The effect of the Committee on the District of Columbia having Monday instead of Friday suggests some intimations in regard to the present rule which may be important. The regular time for receiving reports from the Committee on the District of Columbia, although on Monday, yet the Chair would hold a motion to suspend the rules would not apply to such reports, but the committee would have to take its opportunity to move to suspend the rules on some other Monday, as any other committee.

Mr. WILLARD, of Vermont. Could they not have the opportunity to suspend the rules by a two-thirds vote?

The SPEAKER. This day being fixed for the reception of regular reports from the Committee on the District of Columbia, the Chair would hold that under the rule the committee could not take advantage of reporting on Monday to move to suspend the rules.

Mr. RANDALL. It was not contemplated when the rule was changed that the committee should have the power to move to suspend the rules while making their regular reports on Monday.

The SPEAKER. As the gentleman from Pennsylvania states, that was not in contemplation when the change was made.

Mr. ELDREDGE. The report presents the case to the House and the responsibility is on them. I of course know the point of order sends the report to the Committee of the Whole on the state of the Union. The House, however, must be judge of the propriety of doing that.

Mr. NEGLEY. I suggest to the gentleman from Wisconsin to move to refer the bill to the Committee on Commerce. That committee has had control of the construction of bridges over navigable streams.

Mr. ELDREDGE. The gentleman from Pennsylvania well knows that to refer it to the Committee on Commerce would be simply to defeat the bill.

Mr. HOLMAN. I insist on the point of order.

The SPEAKER. The point of order being made, the bill goes to the Committee of the Whole on the state of the Union.

Mr. ELDREDGE. I ask that the bill and report be printed.

The motion was agreed to.

The SPEAKER. The same rule applies which applied heretofore where a bill is reported from the Committee on the District of Columbia, and the point of order being made it is referred to the Committee of the Whole on the state of the Union. If the House goes into committee on that day it will be the first bill in order, so that it gives the Committee on the District of Columbia the opportunity, if they choose, to consider it on that day.

GEORGE F. RIDER.

Mr. RICE. I am instructed by the Committee on the District of Columbia to report back a bill (H. R. No. 2606) for the relief of George F. Rider, and to move that it be referred with the accompanying papers to the Committee on Claims.

The motion was agreed to.

COLUMBIA RAILWAY COMPANY.

Mr. RICE, from the same committee, reported back a bill (H. R. No. 3154) amendatory of the act to incorporate the Columbia Railway Company of the District of Columbia, approved May 24, 1871, with the recommendation that it do pass with an amendment.

The bill was read. The first section provides that the act to incorporate the Columbia Railway Company of the District of Columbia, approved May 24, 1871, be, and the same is thereby, amended so as to extend the rights under said charter giving the said company the right and power to lay down a single or double track railway, with the necessary switches and turnouts, on, through, and along the following avenues, streets, and highways in the city and county of Washington, in the District of Columbia, subject to all the provisions and regulations of the original charter and amendments thereto, commencing at the eastern terminus of Maryland avenue, now the eastern terminus of said company; thence along Maryland avenue westwardly to its intersection with North B street; thence along North B street to its intersection with North Capitol street; thence along North Capitol street northwardly to its intersection with H street north, with the right to run public carriages thereon drawn by horse-power.

The second section provides that should a majority of the stockholders so elect at any time within three years after the completion of said extension of said railway as is hereinbefore provided, the said

company shall have the right to extend said road, either with a single or double track, with the necessary switches and turnouts, along the line of North Capitol street from its intersection with H street north to its intersection with Lincoln avenue, in the county of Washington; thence along Lincoln avenue to its intersection with the county road leading to the Old Soldiers' Home, thence along said county road to the gate at said Old Soldiers' Home, receiving therefor a rate of fare not exceeding five cents a passenger for any distance on said extension of said road; the carriages on the extension of said road or roads to be propelled either by horse-power or any accepted improved noiseless propelling power that may meet the approval of the authorities of the District of Columbia.

The third section provides that section 9 of the original act to incorporate the Columbia Railway Company be, and the same is hereby, amended so that the capital stock of said company shall not be less than $100,000 nor more than $800,000.

The fourth section provides that said Columbia Railway Company shall have the right of running on and over the tracks of any other company (with their carriages) that may have tracks laid on any of the avenues, streets, or highways along the route hereby granted, provided said Columbia Railway Company pay to any company (that may have their tracks laid down and being used by them) a reasonable portion of the cost of laying down and keeping said track so used by said Columbia Railway Company in good order and repair.

The fifth section provides that all acts and parts of acts heretofore passed which are inconsistent with any of the provisions of the act be, and the same are, for the purposes of the act, hereby repealed so far as the same are inconsistent therewith.

Mr. RICE. I am instructed by the committee to move the following amendment to that bill.

The Clerk read as follows:

Add at the end of section 5:

Provided, This act may be altered, amended, or repealed by the Congress of the United States.

The amendment was adopted.

Mr. WILLARD, of Vermont. I notice this bill provides for the repealing of all acts which may conflict with this act. Now what will be the effect of that repealing clause? Why should there be any such provision included at all? If there be no necessity for such a provision in the bill it ought not to be there. It may repeal the charter and privileges of some other railroad. I hope the gentleman from Illinois will state the necessity for any such clause in the bill.

Unless the gentleman can give some reason why that last section should be in the bill, I move to strike it out with the exception of the proviso just adopted.

Mr. RICE. I have no objection to that whatever.

The amendment of Mr. WILLARD, of Vermont, to strike out the last section, with the exception of the proviso, was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RICE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DEFECTIVE TITLES IN THE DISTRICT.

Mr. LOFLAND, from the Committee on the District of Columbia, reported as a substitute for House bill No. 2511 a bill (H. R. No. 3410) to cure defective titles in the District of Columbia; which was read a first and second time.

The bill was read. It provides that the title to all real property lying and situate in the District of Columbia which has vested in the United States by escheat *per defectum sanguinis*, in cases of persons heretofore held in slavery, be, and the same is thereby, vested in the children of such persons and in the descendants of such children, if deceased; and such children are thereby capacitated to inherit one from the other or others, in the same manner and to the same extent as if born in lawful wedlock.

The bill in its second section provides that whenever conveyances have been made by any person or persons having defective blood as aforesaid, the party or parties purchasing under such conveyances, their heirs and assigns, shall have the same title under the law as the grantors in such conveyance, would have had or could have acquired under the act.

Mr. HOLMAN. I hope there will be some explanation of the bill.

Mr. LOFLAND. Mr. Speaker, I will say in explanation of this bill that the common-law doctrine prevails in the District that whenever a party died intestate seized of real estate, leaving no heirs, the estate of such person escheated to the United States. Now, under the law, slaves were not allowed to contract marriage, and consequently their children being born out of wedlock had no inheritable blood, and though free themselves could not inherit from each other. The United States never availed itself of this law, and the property acquired by former slaves remains in the main in the possession of their children, though the legal title is in the Government. But if some person, having no title whatever, was to get into possession, an action of ejectment would not lie on the part of the children of such slaves, because the title being in the Government it would only be necessary for the defendant in such action to plead this fact to defeat the recovery of the claimant, as the claimant would necessarily be compelled to recover on the strength of his own title. This bill is intended to cure this defect. I move the previous question on the engrossment and third reading of the bill.

Mr. HOLMAN. I ask that the bill may be again read.

The bill was again read.

Mr. WILLARD, of Vermont. I do not know how much attention the committee may have given to this bill. But it occurs to me that this is a bill very important both in the amount of property that may possibly be affected by it and also in the principle which the bill seeks to establish. And it occurs to me that the bill ought to have the consideration of the Judiciary Committee. I do not desire to antagonize the bill, so far as its future operation is concerned, so far as it provides that the persons of defective blood spoken of here may convey property hereafter, or that their descendants may inherit property. But this is retroactive in its operation, and there is no statement here to show what property may be affected by it, what titles may be disturbed by it, or in what way this is going to operate. Without meaning to antagonize the bill directly, it occurs to me that it should have the consideration of the Judiciary Committee. Unless therefore there is some immediate necessity that the bill should pass—and that I cannot see—I would move that it be referred to the Committee on the Judiciary.

Mr. CHIPMAN. Will the gentleman from Vermont allow a letter in relation to the necessity for the bill to be read?

Mr. ARCHER. I ask the gentleman from Delaware if the bill is open to amendment? I think there ought to be some provision in it that it should not affect cases now pending.

Mr. SCHUMAKER, of New York. Where does this bill come from?

The SPEAKER. It is reported by the Committee on the District of Columbia.

Mr. SCHUMAKER, of New York. I think it is certainly very extraordinary that a bill of this nature should come from the Committee on the District of Columbia. Such a bill as this should come from the Committee on the Judiciary, and I think there can be no question about the propriety of its being referred to that committee.

The SPEAKER. That motion would be in order if the House should refuse to second the demand for the previous question.

Mr. HOLMAN. I hope that the gentleman from Delaware will consent that the bill shall be referred to the Committee on the Judiciary.

Mr. G. F. HOAR. I understood the Delegate from the District to ask for the reading of a letter. Let that letter be read.

Mr. CHIPMAN. I presume there is no necessity for the immediate passage of the bill, and there can be no objection to the Judiciary Committee examining the question; but I ask that a letter, on which the bill is based, sent here by an attorney at law, be read, that it may go into the RECORD along with the argument of the gentleman who reported the bill.

The Clerk read as follows:

WASHINGTON, D. C., *March* 7, 1874.

DEAR SIR: I inclose herewith a draught of bill I spoke to you about two weeks ago. The bill necessarily assumes the concession of two legal propositions, to wit: First, that if a person dies seized of lands in the District of Columbia intestate and without leaving heirs, the land escheats to the United States; second, that slaves cannot contract a valid marriage, and hence that children of slave parents, even if free themselves, cannot inherit from each other, not having inheritable blood. These two propositions cannot well be controverted. For the first see Greenleaf's Cruise, (volume 3, page 198, *in notis* and cases there cited:) Hall *vs.* Gittings, (2 Howard, 112,) and Sewell *vs.* Lee, (9 Massachusetts.) For the second, see opinion of Daniel Dulaney in 1 Harris & McHenry, (appendix, page 559.)

The United States has merely the legal title to such property, and does not enjoy the possession which is controlled by the children of the persons heretofore slaves, or by the freedmen themselves. However, if any of them should be constrained to sue for the recovery of the possession, the defendant in ejectment can thwart the suit by showing title not in himself but in the United States, and then defeat the recovery. This, as you see, is very unjust. The colored people should have a remedy, and this act gives it to them.

Hoping that you will introduce this bill, I am, truly yours,

GEO. F. APPLEBY.

Hon. N. P. CHIPMAN.

The SPEAKER. The gentleman who has charge of the bill intimates that he has no objection to its being referred to the Committee on the Judiciary.

Mr. ARCHER. I ask to have the following amendment referred with it:

Add to the bill the following:

But nothing herein contained shall be considered to apply to any case now pending in any court of law or equity in said District.

The bill, with the amendment, was referred to the Committee on the Judiciary.

FOUNDRY METHODIST EPISCOPAL CHURCH.

Mr. HENDEE, from the Committee on the District of Columbia, reported back, with the recommendation that it do pass, the bill (H. R. No. 2738) for the relief of the Foundry Methodist Episcopal church, of Washington City.

The bill authorizes the trustees of the Foundry Methodist Episcopal church, of Washington, District of Columbia, to sell, for the benefit of said church, the following-described real estate, situate in said city, to wit, the east half of lot numbered 9, in square numbered 158.

Mr. HOLMAN. What has the Government to do with this matter?

Mr. HENDEE. This association was created by the Government and was authorized to acquire and hold real estate, but was not

authorized to sell it. They have sold this lot for the purpose of obtaining money to pay their debts, but the purchaser is not inclined to take the title without this act.

Mr. PELHAM. I would suggest, in addition to what the gentleman has said, that when the church was to be built some parties gave money and some subscribed property for the purpose of being sold, and this bill merely enables the intention of the men who subscribed real estate to be carried out.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HENDEE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORPHAN ASYLUMS IN GEORGETOWN AND WASHINGTON.

Mr. PELHAM, from the Committee on the District of Columbia, reported a bill (H. R. No. 3411) to amend an act entitled "An act to incorporate the trustees of the Female Orphan Asylum in Georgetown, and the Washington City Orphan Asylum in the District of Columbia," approved May 24, 1824; which was read a first and second time.

The bill was read.

It provides that section 3 of the act to incorporate the trustees of the Female Orphan Asylum of Georgetown and the Washington City Orphan Asylum in the District of Columbia, approved May 24, 1828, be so amended as to authorize the said corporations or either of them to increase the annual income on the property acquired or to be acquired by either of said corporations, to a sum not exceeding $25,000 per annum.

Mr. PELHAM. I desire to state for the information of the House that these orphan asylums were chartered in 1828 by an act of Congress. At that time there were very few inhabitants in Washington, and it was deemed that an income of $3,000 per annum would be sufficient to take care of all the orphan children of the District and afford them shelter and temporary homes. But the city has increased to a great extent and the number of orphan children has increased in proportion to the population of the city, so that now an income of $3,000 a year is insufficient to carry out the object of these institutions. The bill simply repeals the third section of the act chartering these institutions, which restricts them to an income of $3,000 a year. They only ask to be allowed to increase their incomes to $25,000 a year.

Mr. CHIPMAN. I would add that some bequests have been made to these asylums which cannot be accepted on account of the limitation in the original law.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PELHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

THE LONG BRIDGE.

Mr. COTTON. There have been referred to the Committee on the District of Columbia a number of petitions in relation to what is known as the Long Bridge and the draw in that bridge, and I am instructed by the committee to report a bill on the subject.

The bill (H. R. No. 3412) in relation to the bridge across the Potomac River used by the Baltimore and Potomac Railroad Company, was read a first and second time.

Mr. NEGLEY. I shall object to the consideration of this bill as coming from the Committee on the District of Columbia.

The bill was read. It requires the Baltimore and Potomac Railroad Company to remove obstructions from the channel and draw through the railroad bridge used by the said company across the Potomac River from Washington City to the State of Virginia, and to cause the channel through the said draw to be unobstructed to navigation for a width of at least sixty-six feet, and provides that in default of the said company complying with this requirement within three months after the passage of the bill, the right of the company to use the bridge shall be forfeited.

The second section requires the company to open the draw in said bridge day and night whenever called upon to do so by any steamer, sailing, or other craft, making the request for the same by signal or otherwise.

Mr. NEGLEY. I object to the consideration of this bill, because it did not properly belong to the Committee on the District of Columbia. This bridge is not wholly in the District, because the river is the boundary of the District.

The SPEAKER. The gentleman from Pennsylvania objects to the consideration of the bill.

Mr. NEGLEY. I move that it be referred to the Committee on Commerce.

The SPEAKER. The question of consideration must first be settled.

Mr. COTTON. Is that question debatable?

The SPEAKER. It is not.

Mr. COTTON. Within no limits?

The SPEAKER. It is not debatable at all.

Mr. DAWES. Was not this bill referred to the Committee on the District of Columbia?

Mr. COTTON. I ask unanimous consent to make a brief statement to the House.

Mr. NEGLEY. I have no objection, of course, to the gentleman making a statement.

Mr. COTTON. This bill relates to a bridge over which the Committee on the District of Columbia has always exercised jurisdiction, and it also relates to the Baltimore and Potomac Railroad which now occupies this bridge under a bill reported from the same committee. There have been referred to this committee petitions from Boston and many other northern cities, as well as from the boards of trade of Georgetown and other cities, and from many owners of vessels that navigate the Potomac River. After our committee had considered this matter for some two months, the gentleman from Illinois [Mr. RICE] prepared a bill to be introduced into this House to be printed and recommitted. When he introduced that bill the gentleman from Pennsylvania, [Mr. NEGLEY,] who now makes objection, asked to have it referred to the Committee on Commerce. That was on the 17th of March last. The gentleman from Illinois [Mr. RICE] at that time objected to that reference. The gentleman from Pennsylvania said that if the bill could then be referred to his committee he would have it back before the House in time for action on the day set apart for the Committee on the District of Columbia, which was the Friday following. We wish to have some law passed on this subject, and therefore we now report this bill. I ask the Clerk to read the discussion which took place on the day the bill was introduced by the gentleman from Illinois [Mr. RICE] upon the question of referring it to the Committee on Commerce, to show what was then promised to be done in regard to it.

The Clerk read as follows:

NAVIGATION OF THE POTOMAC RIVER.

Mr. RICE, by unanimous consent, introduced a bill (H. R. No. 2543) to secure unobstructed navigation on the Potomac River; which was read a first and second time.

Mr. RICE. I move that the bill be referred to the Committee on the District of Columbia, and be ordered to be printed.

Mr. NEGLEY. The bill should be referred to the Committee on Commerce. It relates to the navigation of one of our rivers.

Mr. STARKWEATHER. Allow me to say to the gentleman from Pennsylvania [Mr. NEGLEY] that this bill refers to the obstruction to navigation by the Potomac bridge. Counsel and parties have been heard very fully on this subject before the Committee on the District of Columbia, and as the question has received a great deal of consideration from that committee, I hope that this bill will be referred to them.

Mr. NEGLEY. It is not my purpose at all to antagonize the bill; but I desire to reserve to the Committee on Commerce its rights in regard to the question of bridges upon the navigable streams of the United States.

Mr. RICE. This subject has been very fully considered by the Committee on the District of Columbia, and a report upon it has been prepared. It is the object of the committee to bring the bill before the House on Friday next and ask its passage, as the time has now arrived when the passage of such a measure is necessary, as every one must see who is acquainted with the subject.

Mr. NEGLEY. No legislation has been passed by this House for a number of years which has imposed so much hardship upon navigation interests as the construction of bridges across navigable streams. It has imposed on the sub-committee of the Committee on Commerce a labor few gentlemen in the House are aware of. I beg of gentlemen (and I make the request in no querulous mood) to allow the Committee on Commerce to offer their bills with such amendments as experience and the recommendation of the Engineer Department may propose.

Mr. STARKWEATHER. Allow me to say that the whole matter of obstruction in the Potomac River has been fully heard before the Committee on the District of Columbia. That committee has had eminent engineers before them. They have had witnesses and counsel before them. They have had a sub-committee appointed to consider the question in every point of view. That committee has been examining it for a month. It seems to me, therefore, that committee, with the report of engineers before them, having heard witnesses and counsel, having considered it, and being now ready to report, should have the consideration of the bill introduced by the gentleman from Illinois.

Mr. NEGLEY. Let the gentleman agree to the proposition I suggested, that this bill shall be referred now to the Committee on Commerce, and I will agree they shall consider it in time to act on it and make such disposition as their judgment may determine.

Mr. RICE. Then I understand there is no objection to the bill being referred to the Committee on Commerce.

The bill was referred to the Committee on Commerce, and ordered to be printed.

Mr. COTTON. We had jurisdiction of this matter, because these petitions had been referred to our committee. We now report this bill on the subject. On the 17th of March last, just two months ago to-day, the gentleman from Pennsylvania [Mr. NEGLEY] promised that if that bill was referred to the Committee on Commerce, they would have it back in time for us to act on it on the next District day, which was two days thereafter.

The question was upon considering the bill at the present time; and being taken, it was agreed to.

The question was upon ordering the bill to be engrossed and read a third time.

Mr. NEGLEY. I desire to say to the gentleman from Iowa [Mr. COTTON] that I am authorized to state that the officers of the Baltimore and Potomac Railroad Company are now making preparations for such changes as they are required by law to make and which the interests of commerce demand. The House will act upon this proposition in a very hasty manner if they force upon this company the execution of this law without a proper statement to the House as to its conditions and effect. I think there should be no haste in the passage of such a bill.

Mr. COTTON. There is no trouble about the bill at all.

Mr. NEGLEY. The railroad company intends to make all alterations which are required to protect the interests of commerce.

Mr. COTTON. I will explain this bill. The first law in regard to

a bridge over the Potomac at this point was passed July 14, 1832. It provided for the purchase by the United States of the old bridge at that time over the river, and appropriated a sum of money to construct a new bridge. It provided that the draw in the bridge should be sixty-six feet wide. Then, on the 13th of March, 1833, a further appropriation was made; and on the 30th of June, 1834, an act was passed reducing the appropriation and providing that the draw at the southern channel of the river (that is the draw to which the pending bill relates) should not be less than sixty-six feet wide, and the draw of the northern channel thirty-five feet wide. That was when the bridge was a Government bridge. On the 21st of June, 1870, Congress enacted the following:

That the Baltimore and Potomac Railroad Company be, and they are hereby, authorized and empowered to extend their lateral branch, authorized by the act to which this is a supplement, and by former supplements to said acts, by the way of Maryland avenue, conforming to its grade, to the viaduct over the Potomac River, at the city of Washington, known as the Long Bridge, and to extend their tracks over said bridge, and connect with any railroads constructed, or that may hereafter be constructed, in the State of Virginia. To effect these purposes the said Baltimore and Potomac Railroad Company are hereby authorized and empowered to take possession of, hold, change, and use the said bridge, and the draws connected therewith, in perpetuity free of cost: *Provided*, That the said Baltimore and Potomac Railroad Company will maintain in good condition the said bridge for railway and ordinary travel; and the bridge shall at all times be and remain a free bridge for public use for ordinary travel: *And provided further*, That the said Baltimore and Potomac Railroad Company shall erect and maintain the draw-bridges, so as not to impede the free navigation of the Potomac River, in efficient working condition at all times; and that until such time as the needful changes are made to accomodate railroad and other traffic, as contemplated by this supplement, it shall be the duty of the said Baltimore and Potomac Railroad Company to repair without delay all damages to the present bridge, and maintain it without cost to the United States: *Provided*, [That] said railroad company shall give other railroad companies the right to pass over said bridge upon such reasonable terms as may be agreed upon, or Congress prescribe.

SEC. 2. *And be it further enacted*, That if the said Baltimore and Potomac Railroad Company shall at any time neglect to keep said bridge in good repair, and free for public use for ordinary travel, the Government of the United States may enter into possession of the said bridge; and Congress reserves the right to alter or amend this law.

Under that provision Congress might no doubt require an enlargement of the draw; but we are informed that the draw is now obstructed by some piles; and this bill proposes to remove them. I ask that a letter from General Babcock in regard to the opening of this draw in the manner we recommend may be read.

The Clerk read as follows:

OFFICE OF PUBLIC BUILDINGS AND GROUNDS,
Washington, D. C., February 27, 1874.

GENTLEMEN: I have the honor to acknowledge the receipt of your communication of the 30th ultimo, relative to the draw of Long Bridge, and in reply to report as follows, namely:

1. The present draw of Long Bridge affords a water-way sixty-two feet wide in the clear. The law (see Statutes, volume 4, section 2, page 582, and section 2, page 727,) requires the draw to be not less than sixty-six feet wide.

2. By removing the fender (a line of piles driven along the south side of draw channel) a clear channel sixty-six feet in width, as required by law, can be secured.

3. To the best of my information the vessel requiring the widest channel-way is the Lady of the Lake, which measures from outside of wheel-houses fifty-eight feet. The other vessels passing through, propellers and sailing, have a width of beam varying from thirty-three feet to the smallest sized vessels.

I am, gentlemen, very respectfully, your obedient servant,

O. E. BABCOCK,
Colonel of Engineers, United States Army.

The COMMITTEE ON THE DISTRICT OF COLUMBIA,
House of Representatives.

Mr. COTTON. This bill proposes to remove those piles and open the draw sixty-six feet; and it is further provided that the bridge shall be opened during the night on signals from vessels as well as during the day-time.

Mr. MYERS. Not long ago I presented memorials from owners and masters of coasting-vessels interested in the navigation of the Potomac River, (among others the Vessel-Owners and Captains' Association of Philadelphia, the latter alone representing over $12,000,000 of capital,) stating the great risk and peril to vessels passing through this draw-bridge at the Virginia channel of the Long Bridge over the Potomac, and asking that Congress require said draw and bridge to be altered to accommodate the increasing trade; the water-way of the draw to be enlarged to the full legal width and the draw to be opened at any hour upon reasonable signal from vessels. This bill, which comes up unexpectedly to me, may be all right, but I wish to know whether these memorials have been considered and whether the bill embodies that which is so much desired by the petitioners in the interest of navigation and commerce.

Mr. COTTON. Some of the memorials ask for a draw of one hundred feet, which would necessitate the reconstruction of the bridge. The committee have gone only so far as to report a bill to remove the obstruction to the old channel and to provide that the draw shall be open by night as well as by day.

Mr. MYERS. Will that remove the ground of the complaints heretofore made?

Mr. COTTON. I believe the commissioners are satisfied with this measure; at least it is some improvement.

Mr. MYERS. A step in the right direction?

Mr. COTTON. Yes, sir; and it involves no trouble to the company. It does not affect the structure of the bridge, but provides for removing the piles which now, as General Babcock says, obstruct the channel.

Mr. MYERS. I am afraid the bill does not go far enough; but, as I understand the gentleman, it is all we can get at present.

Mr. COTTON. I call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. COTTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. COTTON. There are no further reports from the Committee on the District of Columbia.

STAMPING OF UNSTAMPED DOCUMENTS.

Mr. WHITELEY. The gentleman from Massachusetts [Mr. G. F. HOAR] withdraws his objection to the bill which I asked to have passed a short time ago, to provide for the stamping of unstamped instruments, documents, or papers.

The SPEAKER. The bill will be again read.

The bill was read. It provides that all instruments, documents, and papers heretofore made, signed, or issued, and subject to a stamp duty or tax under any law heretofore existing and remaining unstamped, may be stamped by any person having an interest therein, or, where the original is lost, a copy thereof, at any time prior to the 1st of January, 1866. And said instruments, documents, and papers, and any record thereof, shall be as valid to all intents and purposes as if stamped when made, signed, or issued; but no right acquired in good faith before the stamping of such instrument, document, or paper, or copy thereof, shall in any manner be affected by such stamping as aforesaid.

Mr. HOLMAN. It is quite manifest that this is a very proper measure; but I would suggest the propriety of inserting 1878 instead of 1876.

The SPEAKER. If there be no objection that modification will be made, and the bill as thus modified will be passed.

There was no objection; and the bill (H. R. No. 3413) was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WHITELEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DISTURBANCES IN ARKANSAS.

Mr. POLAND. I move to suspend the rules and adopt the following resolution:

Resolved, That a select committee of five members be appointed by the Speaker who shall be charged with the duty of inquiring into the disturbed condition of governmental affairs in the State of Arkansas, and to ascertain whether said State has a government republican in form, the officers of which are duly elected, and as now organized under the Constitution ought to be recognized by the Government of the United States; and for this purpose said committee may proceed to said State, send for persons and papers, employ a stenographer, and have leave to report at any time by bill or otherwise.

The question being taken on seconding the motion to suspend the rules, there were—ayes 64, noes 48; no quorum voting.

Tellers were ordered; and Mr. POLAND and Mr. RANDALL were appointed.

The House divided; and the tellers reported—ayes 86, noes 64.

So the motion to suspend the rules was seconded.

The question recurring on the motion to suspend the rules,

Mr. RANDALL called for tellers.

Mr. WILLARD, of Vermont. We may as well have the yeas and nays at once. I call for them.

The yeas and nays were ordered.

Mr. NIBLACK. Will the gentleman from Vermont consent to include South Carolina in his resolution?

The SPEAKER. That can only be done by unanimous consent.

Mr. NIBLACK. It needs it quite as much as Arkansas.

Mr. RANDALL. It would not hurt to have Louisiana in.

The question was taken; and decided in the negative—yeas 93, nays 105, not voting 92; as follows:

YEAS—Messrs. Albert, Averill, Barber, Barrere, Barry, Bradley, Bromberg, Bundy, Benjamin F. Butler, Roderick R. Butler, Cain, Cason, Cessna, Amos Clark, jr., Clements, Stephen A. Cobb, Coburn, Cotton, Crounse, Crutchfield, Dobbins, Donnan, Dunnell, Farwell, Fort, Foster, Freeman, Gooch, Gunckel, Benjamin W. Harris, Harrison, Havens, John B. Hawley, Hays, Gerry W. Hazelton, Hodges, Hoskins, Houghton, Hubbell, Hunter, Hurlbut, Hynes, Kasson, Lamport, Lawrence, Lawson, Loughridge, Maynard, Alexander S. McDill, McNulta, Moore, Morey, Myers, Negley, Orr, Orth, Packard, Packer, Isaac C. Parker, Pendleton, Poland, Rainey, Rapier, Ray, Ross, Sawyer, Henry J. Scudder, Isaac W. Scudder, Sener, Shanks, Sheats, Sheldon, Sloan, A. Herr Smith, George L. Smith, H. Boardman Smith, Snyder, Sprague, Stanard, Starkweather, St. John, Stowell, Sypher, Todd, Tremain, Tyner, Waldron, Wallace, Walls, Jasper D. Ward, Whiteley, Wilber, and Jeremiah M. Wilson—93.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Bass, Beck, Bell, Blount, Bowen, Bright, Brown, Buffinton, Burchard, Burrows, Caldwell, Cannon, John B. Clark, jr., Clymer, Comingo, Cook, Corwin, Crittenden, Crossland, Danford, Dawes, Durham, Eden, Eldredge, Giddings, Glover, Eugene Hale, Robert S. Hale, Hamilton, Hancock, Henry R. Harris, Hatcher, Joseph R. Hawley, Hendee, Herndon, E. Rockwood Hoar, Holman, Hunton, Hyde, Kellogg, Kendall, Lansing, Leach, Lofland, Lowe, Lowndes, Magee, McCrary, James W. McDill, MacDougall, McLean, Merriam, Milliken, Mills, Mitchell, Monroe, Morrison, Niblack, O'Brien, Hosea W. Parker, Parsons, Perry, Pierce, Thomas C. Platt, Pratt, Randall, Rice, Ellis H. Roberts, James C. Robinson, Rusk, Henry B. Sayler, Scofield, Sessions, Sloss, J. Ambler Smith, John Q. Smith, Southard, Stone, Strait, Swann, Christopher Y. Thomas, Thornburgh, Vance, Waddell, Marcus L. Ward, Wells, Whitehead, Whitehouse,

Whitthorne, Charles W. Willard, George Willard, William Williams, William B. Williams, Willie, Wilshire, James Wilson, Wood, Woodworth, John D. Young, and Pierce M. B. Young—105.

NOT VOTING—Messrs. Albright, Banning, Barnum, Begole, Berry, Biery, Bland, Buckner, Burleigh, Freeman Clarke, Clayton, Clinton L. Cobb, Conger, Cox, Creamer, Crocker, Crooke, Curtis, Darrall, Davis, DeWitt, Duell, Eames, Elliott, Field, Frye, Garfield, Hagans, Harmer, John T. Harris, Hathorn, John W. Hazelton, Hereford, Hersey, George F. Hoar, Hooper, Howe, Jewett, Kelley, Killinger, Knapp, Lamar, Lamison, Lewis, Luttrell, Lynch, Marshall, Martin, McJunkin, McKee, Mellish, Neal, Nesmith, Niles, Nunn, O'Neill, Page, Pelham, Phelps, Phillips, Pike, James H. Platt, jr., Potter, Purman, Ransier, Read, Richmond, Robbins, William R. Roberts, James W. Robinson, Milton Sayler, John G. Schumaker, Sherwood, Lazarus D. Shoemaker, Small, Smart, William A. Smith, Speer, Standiford, Stephens, Storm, Strawbridge, Taylor, Charles R. Thomas, Townsend, Wheeler, White, Charles G. Williams, John M. S. Williams, Ephraim K. Wilson, Wolfe, and Woodford—92.

So (two-thirds not having voted in favor thereof) the rules were not suspended.

During the vote,

Mr. VANCE said: I am requested to state to the House by Mr. WHITE, of Alabama, that he is absent on account of sickness.

The vote was then announced as above recorded.

DISTRICT OF COLUMBIA INVESTIGATION.

Mr. WILSON, of Indiana. I ask unanimous consent of the House that the joint committee to investigate into the affairs of the District of Columbia be allowed to report at any time for consideration in the House.

There was no objection, and it was ordered accordingly.

EVENING SESSION FOR DEBATE.

Mr. NIBLACK. I am requested by several gentlemen who wish to speak to move that to-morrow evening a session be held for debate only, no business whatever to be transacted.

There was no objection, and it was ordered accordingly.

BUDD'S INLET AND PUGET SOUND.

Mr. HOSKINS. I ask unanimous consent to have put on its passage at this time the bill (S. No. 253) to authorize the county commissioners of Thurston County, Washington Territory, to issue bonds for the purpose of constructing a railroad from Budd's Inlet to Puget Sound, to intersect the Northern Pacific Railroad at or near Tinino.

Mr. PARSONS. I object.

SOLDIERS' BOUNTIES.

Mr. WARD, of New Jersey. I move to suspend the rules for the purpose of passing a bill granting bounties to the heirs of soldiers who enlisted in the service of the United States during the war for the suppression of the rebellion for a less period than one year, and who were killed or who have died by reason of such service.

The bill, which was read, provides that the heirs of any soldier who was killed or died while in the military service of the United States, in the line of duty during the war for the suppression of the rebellion whose period of enlistment was for less than one year, or who shall have since died by reason of wounds received or disease contracted while in such service, shall be entitled to receive the same bounty as if said soldier had enlisted for three years, provided the heirs so entitled shall be such only as are named and in the order named and upon the same conditions mentioned in the first section of the act of July 11, 1862; and provided further that nothing in the act shall authorize the payment on account of any soldier who has received bounties from the Government of the United States.

Mr. HOLMAN. I trust the gentleman from New Jersey will use the words "for one year or for a less period," otherwise it will cut out quite a number.

Mr. COBURN. This whole subject has been before the Committee on Military Affairs. They have a bill ready to report covering these and all other possible cases, and have leave to report on next Saturday. It would be an act of injustice therefore to that committee, having thoroughly considered the matter, to attempt to pass this bill in this shape at this time.

Mr. WARD, of New Jersey. The gentleman is mistaken in reference to this being the same bill.

Mr. COBURN. It is not the same bill, but the bill of the committee covers this subject as well as all other cases of the kind.

Mr. HAWLEY, of Illinois. The very fact that this is not like the bill which the committee is to report is the reason why it ought not to pass.

Mr. MYERS. The motion is only that the bill be brought before the House for consideration.

Mr. HAWLEY, of Illinois. The Committee on Military Affairs have considered this subject carefully, and a day has been set apart for the consideration of the bill they are prepared to report. This is certainly a matter of too much importance to be passed in this way under a suspension of the rules.

Mr. MYERS. The gentleman makes a mistake. As I understand the motion of the gentleman from New Jersey, it is not for the passage of the bill under a suspension of the rules, but to bring it before the House for consideration.

The question being taken on seconding the motion to suspend the rules, there were—ayes 41, noes 81; no quorum voting.

Mr. WARD, of New Jersey. I ask for further count.

The SPEAKER A quorum not having voted, the Chair will order tellers; and appoints the gentleman from New Jersey, Mr. WARD, and the gentleman from Indiana, Mr. COBURN.

The House again divided; and the tellers reported ayes 50, noes not counted.

So the motion to suspend the rules was not seconded.

REPORTS OF POST-OFFICE COMMITTEE.

Mr. CANNON, of Illinois. I now renew my request that one hour be assigned to the Committee on the Post-Office and Post-Roads on Saturday week after the reading of the Journal.

The SPEAKER. The Chair is reminded that on Saturday week the House will probably not be in session, as it is the 30th of May, decoration day.

Mr. CANNON, of Illinois. Then I will say Friday, the 29th.

The SPEAKER. That will be objection day.

Mr. CANNON, of Illinois. Then I ask that Saturday, the 6th of June, be assigned to the committee.

Mr. WILLARD, of Vermont. I shall not object to that arrangement being made, provided it is accompanied with the condition that the committee shall not report a bill reviving the franking privilege in whole or in part.

Mr. BUTLER, of Massachusetts. I desire to make a parliamentary inquiry. Cannot a bill to repeal the law abolishing the franking privilege be moved as an amendment to the amendment to the post-office appropriation bill made in order by the resolution adopted this morning?

The SPEAKER. The Chair thinks it can.

Mr. BUTLER, of Massachusetts. Then we are all right.

Mr. MYERS. That is the reason I voted for it.

The SPEAKER. Is there objection to the arrangement proposed by the gentleman from Illinois.

Mr. HALE, of New York. I object if there is to be any limitation.

Mr. WARD, of Illinois. I object absolutely.

Mr. CANNON, of Illinois. Then I move to suspend the rules.

The SPEAKER. The question is on seconding the motion so to suspend the rules that Saturday, the 6th of June, one hour after the reading of the Journal, shall be assigned to reports from the Committee on the Post-Office and Post Roads.

The question being taken, there were—ayes 103, noes 43.

So the motion was seconded, and (two-thirds having voted in favor thereof) the rules were suspended and the order was made.

RECONSIDERATION.

Mr. BUTLER, of Massachusetts. I move that all votes by which the several orders for the assignment of business have been made to-day be reconsidered, and I also move to lay on the table the motion to reconsider.

The latter motion was agreed to.

POSTAGE ON PRINTED MATTER.

Mr. CANNON, of Illinois, from the Committee on the Post-Office and Post-Roads, reported a bill (H. R. No. 3414) to provide for the prepayment of postage on printed matter, and for other purposes; which was read a first and second time, recommitted to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

RAILROAD FROM BUDD'S INLET TO TENINO.

Mr. HOSKINS. I move to suspend the rules and pass the bill (S. No. 253) to authorize the county commissioners of Thurston County, in Washington Territory, to issue bonds for the purpose of constructing a railroad from Budd's Inlet, Puget Sound, to intersect the Northern Pacific Railroad at or near Tenino.

The bill provides that the county commissioners of Thurston County, in Washington Territory, be, and they are thereby, authorized and empowered to contract with any legally authorized corporation or individuals, to construct and equip a railroad from Budd's Inlet, Puget Sound, to connect with the Northern Pacific Railroad at or near Tenino, all in the said county of Thurston, and to issue bonds of Thurston County in aid thereof, which bonds shall bear interest not exceeding 10 per cent. per annum, and the principal thereof shall not exceed in amount 10 per cent. of the value of the taxable property of said county of Thurston as legally assessed for territorial taxation, and shall not in any event exceed in the aggregate $200,000, notwithstanding this sum may be less than 7 per cent. of such taxable valuation; and any such bonds issued in excess of said 7 per cent. of the territorial taxable valuation of the property of said county, or in excess of $200,000 in the aggregate in any event, shall be absolutely void; and all persons interested are required to take notice thereof. And the said commissioners are thereby authorized and empowered to designate the time and manner of payment of the principal and interest of said bonds, and also to determine the class and gauge of said railroad; provided that no bonds shall issue until the full and final completion of said railroad; and provided further that said county of Thurston shall not contract with any person, firm, or corporation to construct said railroad until such person, firm, or company shall enter into a good and sufficient bond, in the penal sum of $200,000, to be secured by first mortgage on said railroad, conditioned that they will operate said road with passenger and freight trains for a period of twenty-five years; and provided further that when the said county commissioners shall have agreed upon the terms for the construction of said railroad with any individual, firm, or corporation, they shall call a special election at such time as they may designate, by causing three notices of such election, which said notices shall embrace the terms of the proposed contract, to be posted for twenty days in each

election-precinct of said county of Thurston, at which the said proposed contract shall be submitted to the legal voters of said county; and if two-thirds of the said votes cast at the said election shall be in favor of the said contract, and such two-thirds shall be equal in number to a majority of the votes cast in said county at the then next preceding election for Delegate in the Congress of the United States, then the said county commissioners shall complete the said contract and issue the bonds provided for by the act, and not otherwise. Such election shall be held at the same places, in the same manner, and the returns thereof made by and filed with the same officers as is required in case of election for county officers under the laws of said Territory.

The question being taken on the motion to suspend the rules, there were—ayes 92, noes 28; no quorum voting.

Mr. HALE, of New York. I ask for a further count.

The SPEAKER. The Chair appoints as tellers the gentleman from New York, Mr. HALE, and his colleague, Mr. HOSKINS.

The House again divided; and the tellers reported—ayes 113, noes 34.

So the motion was seconded.

The SPEAKER. The question is, will the House suspend the rules and pass the bill?

Mr. HALE, of New York. On that question I call for the yeas and nays.

Mr. HOLMAN. I hope we will have the yeas and nays.

The question being taken on ordering the yeas and nays, there were—ayes 22, noes 102; the affirmative not being one-fifth of the whole vote.

Mr. HOLMAN. I ask for tellers on the yeas and nays.

On the question of ordering tellers there were ayes 20; not one-fifth of a quorum.

So tellers were refused, the yeas and nays were refused, the rules were suspended, (two-thirds voting in favor thereof) and the bill was passed.

Mr. SMITH, of Ohio. I move that the House adjourn.

The SPEAKER. The gentleman from New York [Mr. TREMAIN] has been recognized to submit a motion to suspend the rules.

Mr. HALE, of New York. I rise to make a parliamentary inquiry. Would it be in order to move to take a recess for ten minutes to enable the democratic party to congratulate the Delegate from Washington Territory on the passage of the bill?

The SPEAKER. The House seems to be taking a recess without a motion.

Mr. RANDALL. I move that the House adjourn.

The SPEAKER. The House will come to order before any motion is submitted.

Mr. RANDALL. I made the motion so that their hilarity might continue.

INSANE CONVICTS.

Mr. TREMAIN. I move to suspend the rules and pass bill to provide for the care and custody of persons convicted in the courts of the United States who have or may become insane while imprisoned.

Mr. WADDELL. I move that the House do now adjourn.

The question was taken; and on a division there were—ayes 54, noes 76.

So the motion was not agreed to.

The bill was then read. The first section authorizes and directs the Secretary of the Interior, upon the application of the Attorney-General, to transfer to the Insane Asylum, in the District of Columbia, all persons who have been or shall be convicted of any offense in any court of the United States, and imprisoned in any State prison or penitentiary of any State or Territory, and who, during the term of their imprisonment, have or shall become and be insane, in case satisfactory arrangements for their care and custody shall not be made by said Attorney-General under other provisions of the act.

The second section provides that in all cases where any person convicted in a court of the United States shall, while imprisoned under such conviction in any State prison or penitentiary, become and be insane, the Attorney-General shall have power in his discretion to contract with any State insane or lunatic asylum, within the State in which such convict is imprisoned, for his care and custody while remaining so insane; and in all cases where such convicts shall have heretofore been, or shall hereafter be, transferred to a State asylum for insane convicts, in accordance with the laws of such State, it authorizes and directs the Attorney-General to compensate the said asylum, or the proper authorities controlling the same, for the care and custody of such insane convicts, until their removal or discharge, in such amounts as he shall deem just and reasonable.

Mr. MAYNARD. I think this is a bill which ought not to pass. We have a national insane asylum which we ought to make use of in cases of this sort. This bill contemplates the employment of State asylums for our prisoners who become insane.

Mr. RANDALL. Who determines the fact of insanity in such cases?

Mr. TREMAIN. It is determined according to the existing law where the party who becomes insane is in prison; if it be in the District of Columbia, then by the laws of the District; if in a State, then by the laws of that State.

Mr. YOUNG, of Georgia. I object to debate.

Mr. G. F. HOAR. I hope the gentleman will allow this matter to be explained. I want to ask the gentleman from New York [Mr. TREMAIN] if he thinks that we can impose upon the State courts the duty of determining this question of insanity of persons convicted under United States laws? I understand that in many of the States if a prisoner becomes insane after conviction the judge of the State court passes on the question.

Mr. TREMAIN. When the United States law adopts the State machinery it has been held that it is entirely valid. Of course, if the State court should refuse to pass upon this question, different legislation might be necessary. The necessity for the passage of this bill arises from the fact that there are quite a number of convicts under United States laws in the State prison at Auburn who have become insane, and it is necessary that some provision should be made for their custody and care. This bill was prepared by the Attorney-General.

Mr. G. F. HOAR. It seems to me that the bill ought to provide that the United States judge of the circuit or district court should have authority to determine the question of insanity.

Mr. TREMAIN. It is much more simple to adopt the State machinery. It might be difficult to get a United States judge to pass upon the question. If the State officers should refuse to do it, then there might be a necessity for further legislation on the subject.

Mr. POLAND. It is hardly to be supposed that State officers would refuse to act in a matter of this sort.

Mr. TREMAIN. Hardly; it is a matter of humanity and charity.

The motion to suspend the rules was seconded.

The question was then taken upon suspending the rules; and (two-thirds voting in favor thereof) the rules were suspended and the bill (H. R. No. 3415) was passed.

Mr. RANDALL. I move that the House do now adjourn.

Mr. HOLMAN. I hope before the gentleman makes that motion he will allow me to offer a resolution calling for some information from a Department.

POST-OFFICE APPROPRIATION BILL.

Mr. TYNER. I move that the House resolve itself into Committee of the Whole on the state of the Union, for the consideration of the post-office appropriation bill, and pending that motion I move that all general debate thereon be limited to half a minute.

Mr. RANDALL. I insist on the motion to adjourn.

The question was put; and on a division there were—ayes 64, noes 61.

Mr. TYNER. I call for tellers.

Tellers were ordered; and Mr. TYNER and Mr. RANDALL were appointed.

The House divided; and the tellers reported—ayes 82, noes 58.

So the motion was agreed to; and accordingly (at four o'clock and twenty-two minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. ALBRIGHT: The petition of the District Medical Society for the County of Middlesex, New Jersey, for the passage of the bill (H. R. No. 862) giving increased rank to medical officers of the regular Army, to the Committee on Military Affairs.

By Mr. BARRERE: A paper relating to the claim of Bernard Sailer, for a pension, to the Committee on Invalid Pensions.

By Mr. BASS: The petition of 1,500 printers and publishers for a specific duty of thirty cents per pound upon all imported printed matter in addition to the present *ad valorem* duty, to the Committee on Ways and Means.

By Mr. BUTLER, of Massachusetts: The petition of Belva A. Lockwood, that no woman, otherwise qualified, shall be barred from practice before any United States court on account of sex or coverture, to the Committee on the Judiciary.

Also, the petition of John Ammahaie, for relief, to the Committee on Military Affairs.

Also, the petition of Robert Tarr and others, for payment for clothing lost while prisoners of war, to the Committee on Naval Affairs.

Also, the petition of Elizabeth Williams, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Elizabeth M. Ditoe, for a pension, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. BUTLER, of Tennessee: Papers relating to the claim of the estate of John G. Bynum, deceased, to the Committee on the Judiciary.

By Mr. CHIPMAN: The petition of George M. Oyster and 127 others, butchers, hucksters, and market-dealers of Washington, District of Columbia, for suspension of sale of stalls and stands in the Center Market and passage of an explanatory act to protect them from the oppression of the Washington Market Company, to the Committee on the District of Columbia.

Also, the remonstrance of E. E. White and others, of Washington, District of Columbia, against the passage of the bill (H. R. No. 3441) relating to deeds of trust, to the Committee on the Judiciary.

Also, the petition of Charles H. Wiltberger, to be reimbursed for property taken for the use of the United States Army, to the Committee on War Claims.

By Mr. CLARK, of Missouri: The petition of citizens of Carroll County, Missouri, for the passage of a law to authorize the manufacture of patent-right articles by others than patent-right owners upon payment of a reasonable royalty thereon, to the Committee on Patents.

By Mr. DONNAN: The petition of Catharine Elberth, widow of Jacob Elberth, late of Company F, Ninety-sixth Illinois Volunteers, for arrears of pension, to the Committee on Invalid Pensions.

By Mr. GIDDINGS: The memorial of Mingo, John Chickasaw, John Scott, John Walker, and Bill Blount, only chiefs of the Coo-shetta, Alabama, and Muscogee Indians and representatives of their tribes, protesting against their removal from Texas to the Indian Territory, to the Committee on Indian Affairs.

By Mr. G. F. HOAR: The petition of many citizens of the United States, for the repeal of the first section of the act of June 17, 1870, exempting from taxation ecclesiastical property in the District of Columbia, to the Committee on the District of Columbia.

Also, the petition of Wyatt Smith and others, of Lynchburgh, Virginia, for the passage of the supplementary civil-rights bill, to the Committee on the Judiciary.

Also, the petition of Clarissa Adams, for a pension, to the Committee on Invalid Pensions.

By Mr. HURLBUT: The petition of W. F. Nelson, late hospital chaplain, for relief, to the Committee on Military Affairs.

By Mr. LAMPORT: The petition of Charles Parshall, of Ontario County, New York, for a pension, to the Committee on Invalid Pensions.

By Mr. LOWE: The petition of citizens of Kansas, for a post-route from Rockford to Summit, Kansas, to the Committee on the Post-Office and Post-Roads.

By Mr. LOWNDES: The petition of Eliza Civille, for a pension, to the Committee on Invalid Pensions.

By Mr. LUTTRELL: The remonstrance of citizens of Round Valley, California, against the bill relating to the Round Valley reservation and the report of Commissioners SHANKS and Cowan, to the Committee on Indian Affairs.

Also, the petition of J. F. Greeley and 150 others, of Truckee, California, for a post-route from Truckee to Downieville, to the Committee on the Post-Office and Post-Roads.

Also, papers for the establishment of certain post-routes in California, to the Committee on the Post-Office and Post-Roads.

By Mr. ORTH: The petition of the Women's Temperance League, of Lafayette, Indiana, for the passage of a law requiring all officers of the United States to take an oath to abstain from the use of intoxicating liquors as a beverage during their term of office, to the Committee on the Judiciary.

By Mr. PARSONS: Several petitions from citizens of Cleveland, Ohio, for the exemption of swine from the operation of the law regulating the transportationof live stock, to the Committee on Agriculture.

By Mr. SHEATS: The petition for relief of Rachael Turrentine, Charity W. Turrentine, and others, who nursed the soldiers of Colonel Streight's command wounded in engagement with the rebel General Forrest, to the Committee on Claims.

Also, the petition of the men belonging to the two companies of scouts or guides of North Alabama, commanded by Captains Gilbreath and Hawkins, for compensation for services in the late war, to the Committee on Military Affairs.

By Mr. ST. JOHN: The petition of Henry Theysohn, late corporal Company H, Fifty-sixth New York Veteran Volunteers, for pension to date from disability, to the Committee on Invalid Pensions.

By Mr. SWANN: The petition of Betsey Weisenfeld, widow and executrix of the late Moses Weisenfeld, for relief, to the Committee on Claims.

By Mr. TOWNSEND: The petition of Job H. Jackson and others, that immediate measures be taken by Congress to second the movement inaugurated by the Parliament of Great Britain in relation to international arbitration, to the Committee on Foreign Affairs.

By Mr. VANCE: The petition of R. H. Cannon, H. G. Woodfin, and sixty others, citizens of Jackson County, North Carolina, for aid in building the Western North Carolina Railroad from Old Fort, North Carolina, to Ducktown, Tennessee, to the Committee on Railways and Canals.

Also, the petition of Susan Dayton Anderson, administratrix, for the payment of the half-pay due Joseph Wheeton, deceased, of the revolutionary Army, under the act of October, 1780, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. WALLS: The petition of colored citizens of Florida, for the passage of the supplementary civil-rights bill, to the Committee on the Judicary.

By Mr. ——: The petition of Nathaniel Tarr, of Boston, Massachusetts, to be reimbursed for losses occasioned by unlawful seizure of his property during the late war, to the Committee on War Claims.

IN SENATE.

TUESDAY, *May* 19, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

JOSEPH MONTANARI.

The PRESIDENT *pro tempore* appointed as conferees on the part of the Senate upon the disagreeing votes of the two Houses on the bill (S. No. 311) for the relief of Joseph Montanari, and for other purposes, Mr. BUCKINGHAM, Mr. BOUTWELL, and Mr. DAVIS.

COMMITTEE ON COMMERCE.

On motion of Mr. CHANDLER, it was

Ordered, That the Committee on Commerce have leave to sit during the sessions of the Senate.

ADJOURNMENT SINE DIE.

Mr. EDMUNDS. I wish to give notice that when the call for resolutions is completed I shall ask the Senate to take up the resolution I offered yesterday respecting the final adjournment, for the purpose of disposing of it.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of the republican committee of the first congressional district of Georgia, praying for the passage of the civil-rights bill; which was ordered to lie on the table.

Mr. SCOTT presented the petition of Job H. Jackson, Thomas Gawthrop, R. B. Ewing, and others, praying Congress to aid in the movement for a conference of the various governments of the world on the subject of international arbitration as a substitute for war; which was referred to the Committee on Foreign Relations.

He also presented the petition of George Hubbell, praying compensation for a stock of goods at Charleston, West Virginia, destroyed during the war by order of military authorities of the United States; which was referred to the Committee on Claims.

Mr. CONKLING presented the petition of Dr. A. Tinsley, of West Virginia, representing that he was a surgeon in the confederate service and cared for the sick of the Union Army, and praying compensation therefor; which was referred to the Committee on Claims.

Mr. BUCKINGHAM. I present, by request, the printed memorial of Allen B. Wilson, praying the extension of his patents Nos. 346 and 314 relating to sewing-machines. I move that it be referred to the Committee on Patents.

The motion was agreed to.

Mr. PRATT presented the memorial of Nathan Branstetter, guardian of Louisa White, praying that she may be granted a pension on account of the services of her brother, Jesse J. White, late of Company F, One hundred and twenty-fifth Illinois Volunteer Infantry; which was referred to the Committee on Pensions.

Mr. CAMERON presented the memorial of Margaret A. Pierson and others, heirs of George Veile, praying to be indemnified for spoliations committed by the French prior to the year 1801; which was ordered to lie on the table.

Mr. BOGY presented the petition of T. H. Porter and others, of Saint Louis, Missouri, praying the passage of a law directing the Secretary of the Treasury to have all Government issues, notes, bonds, &c., manufactured by different establishments so as to prevent counterfeiting of the same; which was referred to the Committee on Appropriations.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. BOREMAN, it was

Ordered, That the petition and papers of James Cummings be taken from the files and referred to the Committee on Claims.

AMENDMENT TO AN APPROPRIATION BILL.

Mr. TIPTON submitted an amendment intended to be proposed by him to the bill (H. R. No. 3030) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal years ending June 30, 1873, and 1874, and for other purposes; which was referred to the Committee on Indian Affairs, and ordered to be printed.

REPORTS OF COMMITTEES.

Mr. HAMLIN, from the Committee on Foreign Relations, to whom were referred the bill (S. No. 303) for the relief of Elisha E. Rice, and the petition of Elisha E. Rice, late commercial agent of the United States at Hakodadi, Japan, praying payment for property at Yokahama sold to the United States Government in 1871, asked to be discharged from the further consideration of the subject; which was agreed to, and leave was granted to the petitioner to withdraw his petition and papers that he may submit the same to the Department of State.

Mr. KELLY, from the Committee on Military Affairs, to whom was referred the petition of Berthold Hahn, of Illinois, praying compensation for wounds received and property destroyed at the battle of Milliken's Bend, reported adversely thereon, and asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. No. 244) for the relief of Charles W. Berry, late private of the Thirty-sixth Regiment of Wisconsin Volunteers, asked to be discharged from its further consideration, the Senate having already acted upon a House bill of the same character; which was agreed to, and the bill was postponed indefinitely.

Mr. CLAYTON, from the Committee on Military Affairs, to whom was referred the petition of sundry citizens of Michigan, late officers of the Fifth Michigan Cavalry, claiming payment of a balance due them for services rendered in the late war, reported adversely thereon, there being no evidence before the committee to sustain the allegation, and asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. No. 1931) to authorize the sale of the military reservation of